UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *103d* CONGRESS
SECOND SESSION

VOLUME 140—PART 12

JULY 14, 1994 TO JULY 26, 1994
(PAGES 16511 TO 18064)

GENERAL SERVICES ADMINISTRATION
11/27/98
LAW
LIBRARY
CENTRAL OF

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1994

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 103d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, July 14, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Breathe into us, O gracious God, the breath of life, that spirit of faith and hope and love that overcomes our doubts and gives the assurance of all good things. Lift us, O God, from any self-righteousness or arrogance, so we see more clearly the steps we should take and the paths we should follow. May Your good word that comes new every morning forgive us, bless us, lead us, heal us, and follow us all the days of our lives. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana [Mr. VISCLOSKY] come forward and lead the House in the Pledge of Allegiance.

Mr. VISCLOSKY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2182. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 2206. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes;

S. 2207. An act to revise, streamline, and reform the acquisition laws of the Federal Government, and for other purposes;

S. 2209. An act to authorize appropriations for fiscal year 1995 for military construction, and for other purposes;

S. 2210. An act to authorize appropriations for fiscal year 1995 for defense activities of the Department of Energy, and for other purposes; and

S. 2211. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy; to prescribe personnel strengths for such fiscal year for the Armed Forces; to revise and streamline the acquisition laws of the Federal Government; and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 15 requests per side for 1-minute statements.

AN "A" FOR DEMOCRATS IN CONGRESS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the midsession economic review is in and I am happy to say that the economic plan put forward by President Clinton and passed by the Democrats in Congress got an "A."

Unemployment for the month of June is at 6 percent—down more than a full percentage point from last year. Now, 6,398 private sector jobs are being created every day. In the first 17 months of the Clinton administration, 3.8 million jobs have been created, compared to only 2.4 million jobs during the entire previous 4 years.

The deficit is down and continuing to fall. The deficit is projected at 2.5 percent of gross domestic product in 1997, down from 4.9 percent in 1992. And, for the first time since Harry Truman was in the White House, the deficit will be cut 3 years in a row.

Government spending has been cut, and the Government work force will be reduced by over 200,000 jobs.

Mr. Speaker, under the Democratic policy the people are clearly better off today because of the economic plan. We must now build on that success and pass real health care reform that providers universal coverage and controls costs.

HEALTH CARE REFORM

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, national columnist Robert Samuelson had this to say about the drive to reform health care in Congress:

> The best thing Congress could do now on health care is to start over next year. The most important social legislation in a quarter century should not be approved as a last-minute, poorly-understood patchwork. From the start the debate has suffered from Clinton's wild promises that they could achieve universal coverage with very little extra cost. This has produced five inconsistent congressional bills that all, in one way or another, fantasize a health care future that will never happen.

I have been one who believes and continues to believe that we need fundamental reform in health care. We need fundamental reform that leaves health care, one-seventh of the economy, in the private sector for delivery.

I am one who believes that we could do this in Congress. However, if it is the Democrats' position to politically insist, and their political insistence keeps us from curing the ills of the health care system without killing the patient, the Democrat partisanship that kept a bipartisan solution from reaching the floor. I think we should have fundamental reforms. If President Clinton is going to insist on his way or the highway, then Mr. Samuelson may be right. Nothing will be done. I hope that is not the case. We need fundamental reform for a private care system that stays in the private sector.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MORE ON HEALTH CARE REFORM

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.

Mrs. CLAYTON. Mr. Speaker, as we move forward on health care reform, I want to remind my colleagues to be particularly sensitive to the special needs of improving the health care in underserved communities, both in rural and inner cities.

The main problems that need to be addressed in order to improve rural health care are: The shortage and underpayment of primary care providers; the need for capital to upgrade rural facilities; and the problems faced by serving fragile, at-risk patients, especially the elderly.

The director of the North Carolina Office of Rural Health, and my dear friend, Mr. James D. Bernstein, recommends that to work toward solving these problems we must first develop programs that will ensure that rural health care practices offer a package of incentives and a positive practice environment to attract the providers they need.

Also, we need to provide both long-term and short-term work force strategies, such as scholarships and loan repayment as well as long-term financial and reimbursement incentives. We must ensure that our rural health care facilities receive the funding they need for physical upgrades and guarantee rural citizens that their health care will not be second class.

Any health care reform that does not address the needs of rural America will not serve or benefit those hard-working families that made our country great.

POSSIBLE INVASION OF HAITI

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, President Clinton is considering a military invasion of Haiti. That would be a mistake and the answer to that idea should be just plain no. There is no doubt that the current dictatorship of Haiti is a brutal dictatorship, but there are brutal dictatorships all around the world. Are we supposed to invade every one of them? The answer is clearly no. We cannot be the world's policeman in every instance.

American lives should be put in harm's way only if there is a clear national interest in doing so and that is not the case with Haiti. Apparently, the reason for this invasion would be to restore to power the person who held power briefly before. When he did, his regime committed human rights abuses similar to the current dictatorship. If we restore him to power by military force and he does it again, does that make the United States an accomplice to these human rights abuses?

If we want to keep him in power and try to prevent the abuses, how many years will our troops have to stay there and how many American lives will be lost.

Bill Clinton's foreign policy has been a continual series of embarrassments and disasters for the United States. This administration's foreign policy is like a foreign policy conducted by Abbott and Costello. We do not need to make another mistake by invading Haiti.

SUCCESS OF THE DEMOCRATS' ECONOMIC PLAN

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, 1 year ago, the Democrats in this House fought for an economic plan to reverse the economic decay and decline that had plagued our Nation for 4 years—by cutting Federal spending, slashing the Federal deficit, and giving tax breaks to working people.

The Republican Party, for all their talk of fiscal responsibility, refused to lift a finger to help us. They called our plan a job killer—even though it has created more than 6,000 private sector jobs every single day.

They said it was a one-way ticket to a recession—a subject the Republicans know a thing or two about, since they plunged our Nation into recession during the Bush years.

But now the verdict is in. We have more than twice the economic growth of the Bush years. New jobs are being created all over the country—more in 18 months than during the entire Bush administration. More new businesses are being incorporated than ever before in our history.

There is a story behind those statistics. When you walk through my own town of St. Louis, you see Help Wanted signs in shop windows. There is so much new construction taking place, they have issued a nationwide call for construction workers, because there are not enough to meet the demand.

We still have a long way to go—more jobs to create, more businesses and families to help.

But as we move toward this November's elections, the American people have to ask themselves a serious question:

Can we really trust a party that played politics when we were trying to make serious economic policy?

If the Republicans still think the Democratic economic plan is a job killer, then let us face it: the jobs they are talking about must be their own.

□ 1010

TIME TO DO SOMETHING ABOUT AN OVERSIZED GOVERNMENT

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the majority leader just outlined for us the plan for the largest tax increase in American history. We all wonder why Americans had to work until July 10, Sunday of this past week, to pay for government, because that was the cost of government day. The average American had to work until July 10 to pay for all of the cost of government at every level. Fifty-three percent of the Nation's income is going to pay for government, and yet President Clinton and the majority leader and other liberal Democrats wanted to impose government-run health care.

Mr. Speaker, part of that plan requires an employer mandate, which is nothing more than a payroll tax. If that plan goes into effect, next year the cost of government day will not be on July 10, it will be on August 15, August 15. Americans will have to work all year until then to pay for the cost of government.

Mr. Speaker, we all know government is too big and spends too much. It is time to do something about it.

THE SUCCESSFUL DEFICIT REDUCTION ACT

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last year critics of the 1993 Deficit Reduction Act disparaged the plan, claiming it would increase the deficit and ruin the middle class. Nevertheless, ever since its passage, we have heard nothing but good news as the deficit shrinks and the economy grows.

Today, there is more good news for supporters of the package. Coupled with the strengthening economy, the Deficit Reduction Act has become even more of a success than anticipated.

For the first time in two decades the deficit has decreased 2 years in a row. As a percentage of the gross domestic product the deficit is down to 2.4 percent, half its previous level.

Projections indicate a deficit for 1994 $85 billion less than previously hoped for. However, we can do better. Our job is only half done. Passing a health care reform act will hammer the lid down on the deficit and ensure the economy's growth and the middle class' stability.

DEMOCRAT HEALTH CARE PLANS DESTRUCTIVE TO SMALL BUSINESS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, Americans know this country is in trouble, and it is interesting to hear all of these great confessions of success from the other side today. It is interesting that the President's standing and the Democrats standing continues to drop in the polls as people get more and more worried about the future of this country. I must say, the country does not seem to share this euphoria about the success of the President's economic plan.

Today, Mr. Speaker, the National Federation of Independent Businesses issued a bulletin: "How many employers provide health insurance?" It says, that a Federal law, such as that proposed by President Clinton and Congressional Democrats, requiring all employers to provide coverage to all employees, including part-timers, will have a significant, destructive impact on all small firms.

Elsewhere in this bulletin it observes that less than half—40-45 percent—the employers provide health insurance of any kind to any portion of their employment force. Therefore, the reality, as the NFIB observes, is that the Democrats' health care plans, including the President's plan, will be highly destructive to small businesses because it will raise their costs of doing business. Businesses will have to cut costs in response, and this response will include job cuts. So the very jobs the Democrats claim President Clinton has created with his economic plan will be wiped out by his health care plan—a plan which analysts project could cost up to 1 million jobs.

Mr. Speaker, we need to reform health insurance to make it more affordable, but we do not need any more taxes laid on the backs of business or the American people. They are suffocating from taxes and regulation as it is.

THE CIA'S PINOCCHIO SYNDROME

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the CIA said Frank Olson committed suicide 40 years ago. The Frank Olson family said the CIA murdered their father. Now documents prove that Frank Olson was an unknowing participant in a secret LSD experiment at the CIA. All we know is he turned erratic. The CIA said he jumped out a window, committed suicide, but they never found any glass fragments, and the hotel night manager said Frank Olson did not commit suicide 40 years ago. Whom do we believe now, Mr. Speaker?

The CIA said we did not mine the harbors in Nicaragua, we did not publish a death threat manual, we had nothing to do with the Chilean coup, we knew nothing about Panama 103. Who do we believe, Mr. Speaker? I say the CIA, if there is any truth, is suffering from a Pinocchio syndrome, and their nose now stretches from Langley to Casablanca, all the way to Disney World, to the Congress of the United States.

Mr. Speaker, I want to know. I want to know what happened to Frank Olson. I am asking for a congressional investigation. Is the CIA responsible for that death? It is time we find out about that agency.

HAITI: A WAYWARD POLICY OR A POLICY IN SEARCH OF A WAY?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, lately I have picked up the morning paper wondering if I would not be reading about a United States invasion of Haiti. Such an expedition would of course be understandable. Who could blame us with all the international embarrassment this dreaded Caribbean super power has brought us.

Naturally, Mr. Speaker, I am being sarcastic. What American could possibly enjoy watching their country take a fourth policy flip-flop in no less than 2 years.

And for those colleagues of mine who disagree, I would point out that our record, as a House, is very clear. In fact one might even argue that it is transparent, maintaining the status quo at the expense of our Armed Forces, our international reputation, and our principles.

We need a policy, such as Mr. GOSS' Haitian Safe Haven Program, that is based on conviction of beliefs, rather than the latest poll.

Mr. Speaker, I ask you to join me in urging the administration and my colleagues in calling on the administration for a sound Haitian policy. This is fair to the people of both Haiti and the United States. Poorly thought out positions are not.

BULLDAWG STATEMENT ON HEALTH

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, I rise today in support of the hard-working, taxpaying, middle class.

I rise in support of strong health care reform.

The "Just-Say-No Club" tells 37 million Americans who have no health insurance, and the millions more who are dangerously underinsured that we need to "slow down" on health care reform. They tell us that our current health care system works just fine—there is no need "fix something that isn't broken." Well, the gridlock gang is at it again.

Their leaders tell the American people that they are for bipartisan reform, though its on their terms. Then they instruct their Members to vote against any idea put forth by a Democrat. There is a great deal of partisan politics holding up health care reform, but it ain't the Democrats.

It is time for the American people to remind those right-wing, ever publicly uttering baloney, "Just-Say-No Club" who they work for.

I rise today to tell the hard-working American taxpayers that we are fighting for you—not the monied special interests.

URGING MEMBERS TO COSPONSOR THE MEDICAL MALPRACTICE FAIRNESS ACT OF 1994

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, I wonder if anyone at the White House has noticed that none of the health care reform bills reported out of committee in the House has any meaningful medical malpractice reform.

I wonder if the First Lady and the President noticed that their 1,300 page blueprint for Government-run health care had a huge omission in it—no meaningful medical malpractice reform.

Is it not interesting, Mr. Speaker, that the White House claims that special interests are holding health care reform hostage? On the contrary, I contend that it is the White House and the Democrat leadership being held hostage by special interests. These special interests would lose out if serious medical malpractice reform is enacted.

Serious medical malpractice reform would save consumers billions of dollars each year, in particular it would reduce the cost of the typical hospital stay by an estimated $500 or more, reduce the rate of defensive medicine, and reduce the cost of liability insurance.

The Medical Malpractice Fairness Act of 1994, which I will soon introduce will bring about these savings. Many provisions in this bill have the strong support of former Vice President Dan Quayle, a vigorous advocate for serious tort and medical malpractice reform.

I strongly urge my colleagues to help free the White House and Democrat leadership from the vice-like grip of the special interests by becoming original cosponsors of the Medical Malpractice Fairness Act of 1994 and ultimately passing this desperately needed legislation.

□ 1020

ECONOMY STILL GROWING

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, there is good news on the economic front. Unemployment is down, Federal spending is down, the deficit is down, and the economy, well, it is still growing.

New deficit estimates show that the President's economic programs are a remarkable success, reducing the deficit 2 years in a row for the first time in two decades. And, the projected deficit for fiscal year 1994 is now $220 billion, $85 billion less than was projected prior to the President's economic plan, and even $15 billion lower than was projected this February. Mid-year projections show that the 1995 deficit is expected to decline $167 billion, some $135 billion less than projected.

The President's economic policies are moving America forward and putting people back to work. Nearly 6,398 private sector jobs a day are being created, more new jobs have been created in the last year than in all of the previous 4 years.

Yet and still, we hear all of the talk from the naysayers on the other side of the aisle who say that this President is headed in the wrong direction, and that our economy is on the wrong track. I say, tell that to the 6,398 people who find new jobs in the private sector each day. Tell that to all of the people who have come off unemployment and found work in the last year.

Oh, no, our economy is headed in the right direction all right, it is headed up. It is still growing.

Let us hear it for the Democratic administration.

COST OF GOVERNMENT DAY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to mark Cost of Government Day as July 10, 1994. This is the first day of the year that the average American worker has earned enough gross income to pay off his or her share of the cost of Government including taxes, borrowing, regulations, and mandates. Although we celebrated our national independence on July 4, Americans could not celebrate their independence from Government until July 10.

A constituent of mine, Mr. Bobby Resh of Hagerstown, MD, is the owner of Richardson's Restaurant and has told me over and over again how burdensome regulations have stifled the growth of his small business. Specifically, the Family and Medical Leave Act, although it is well intentioned legislation, has impeded him from expanding his company and caused him to keep his number of employees under 50.

In addition, the threat of employer mandates being included in health care reform had also caused him great concern. He fears that he will not be able to afford this added cost to his business. In fact, the group Americans for Tax Reform Foundation estimates that passage of a Government-run health care system will push Cost of Government Day to August 10.

The Federal Government is too big and it spends, taxes, and regulates too much. The American people are sick and tired of spending over half of the year working for the Government and I think the November election will underscore this fact.

WELFARE REFORM CAPS

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, Wisconsin has prided itself on our efforts to reform our welfare system because we accept the goal of making it so that people would always be better off by working than not working. We are proud that another Wisconsinite, Secretary Donna Shalala, is leading the effort for the administration.

President Clinton has put forward a very solid road map that we can build on. He has set forward the goals of making work pay, the goals of curbing teen pregnancy, to try and put an emphasis on prevention and having teenagers live with their parents rather than in their own apartments; to collect child support to ease the burden on taxpayers so that they do not have to raise other peoples' children; to put time limits on the system so that we can turn a welfare check into a paycheck.

Mr. Speaker, I applaud our chairman of the Committee on Ways and Means, the gentleman from Florida [Mr. GIBBONS]. He has indicated he is going to try and move this bill forward and I say let us move it forward, pass it, work together and get it done.

REQUEST DENIED FOR FEDERAL GOVERNMENT HANDBOOK CAPS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, the gentlewoman asked a few moments ago what the American people want from this President. I think the answer is simple. We want competence.

Mr. Speaker, the concern I have this morning is that the Clinton administration is once again stonewalling. In this case one of my constituents has been unable to attain a simple personnel handbook used to train and orient new schedule C or political employees from the U.S. Office of Personnel Management.

My constituent requested the material to review as a part of his academic graduate studies. He has contacted the personnel offices in all 50 States with very positive responses and had hoped to include the Federal Government's handbook.

After several months, several letters, several phone calls and several requests for the handbook, he was told to file a Freedom of Information Act request with OPM's general counsel. After learning that OPM could not comply with the 20-day time period required by law. He was told he could file a court suit against the Federal Government to get he handbook.

Two months after he filed the FOIA, he received an OPM final determination for his request, a denial, get this, for a draft handbook.

Mr. Speaker, why will not the Clinton administration share their personnel handbook which is to train and orient new political appointees? I wonder what is in that book that makes them stonewall on this one?

GOOD NEWS ON DEFICIT REDUCTION

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, this week the House of Representatives passed the 13th of 13 appropriations bills, on budget and on time, and the Office of Management and Budget released its midsession review on the economy. This review contains good news for those who care about deficit reduction and about the health of this economy. The 5-year budget plan passed last year will produce $692 billion in deficit reduction, and it achieves $135 billion in deficit reduction in 1995 alone. As a percentage of the gross domestic product, the 1995 deficit will be 2.4 percent. That is less than half of the 4.9 percent of 1992, and it is the lowest level of any year since before Ronald Reagan's budget-busting Presidency.

The 218 Members who voted for last year's budget deserve credit for getting past the posturing on deficit reduction and making responsible budgeting a reality again. The economy continues to respond well, showing once again how far off base the prophets of doom and gloom have been. Unemployment is down, and we have created 3.5 million private sector jobs since January of last year. That is twice as many as were created in the previous 4 years combined.

Mr. Speaker, those 13 appropriations bills contain some good news, too, showing the importance of not only spending less but also spending what we do spend in a more intelligent and targeted fashion that pays off for this economy in the future.

We have come a long way, Mr. Speaker, but we have a great deal more to do, particularly in the area of health care reform. Health care costs still threaten to undo the progress we have made on the deficit. In the coming weeks, we have got to pass a reform bill that covers all Americans and gets those costs under control.

INTRODUCING COST OF GOVERNMENT DAY 1994 RESOLUTION

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, while July 4th was Independence Day—the day we celebrated our liberation from Great Britain—it was not until July 10 that Americans were liberated from their own Government. July 10th marked the second annual Cost of Government Day, the day when Americans earned enough income to pay off their share of the combined costs of taxes, Government spending, and regulation.

According to Americans for Tax Reform, Federal regulatory costs are estimated—conservatively—at $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it does not show up on any sales or paycheck receipts.

Our economy cannot bear the burden indefinitely. However, President Clinton wants to impose a health care reform plan on us that would push Cost of Government Day back 31 days—the single greatest jump in the cost of Government in our Nation's history.

As chairman of COGD, today I am introducing a resolution establishing July 10, 1994, as "Cost of Government Day." Additionally, at 11 a.m. today I will hold a press conference to discuss Cost of Government Day, and in particular the burden of regulation on the restaurant industry. I invite my colleagues to join me.

The Government is much too big and much too burdensome. If Americans are to succeed in today's highly competitive economy, we must break the chokehold of regulations around the neck of every budding entrepreneur and let them breathe—and therefore compete—freely.

INTRODUCTION OF SENSE OF CONGRESS RESOLUTION CONCERNING RURAL HEALTH CARE

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, this morning we have heard much on health care, and let me remind my colleagues that our Nation's citizens in rural communities must receive the same quality health care as their counterparts in the cities. Twenty-seven percent of our Nation's population reside in rural communities and nearly one-third lack adequate primary care. Recruitment and retention of primary care providers in rural areas are vital to true health care reform.

Rural hospitals are experiencing financial shortfalls and many are going broke. In addition, rural communities have a disproportionate share of transportation dependent individuals, yet do not receive their fair share of Federal transit revenues.

I have introduced a sense-of-the-Congress resolution, House Concurrent Resolution 69, which states that rural health care concerns should be addressed in any Federal health care legislation. Mr. Speaker, I urge my colleagues to cosponsor this legislation and provide rural residents with the adequate health care access and services they need and deserve. End the injustice to rural America and cosponsor House Concurrent Resolution 69.

PROTECT THE AMERICAN FAMILY

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, this week, Americans are celebrating their freedom.

By July 10, the men and women of this country had earned enough for the year to pay their State, local and Federal taxes and the costs of Government regulations.

That leaves a little less than half of the year for most families to earn enough money to pay for their homes, food, automobiles, maybe a family vacation if they are lucky, and possibly some savings for their kids' college education.

Is there any question why our society has so many problems when it now takes most families two incomes to make the equivalent after-tax income of a family with one income in the 1950's?

Mr. Speaker, if we really want to solve America's problems, we have to enlist the help of America's families.

And, the only way to enlist their help, is by freeing them from many of the burdens that the Government has put on them.

A great jurist once said, "the power to tax is the power to destroy."

If we want to protect the American family, we must cease destroying it by taxing it to death.

THE CLINTON ECONOMIC PLAN IS WORKING

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker and Members of the House, 1½ years ago, President Clinton stood before this House and said that we had some tough decisions as a Nation to make. The most difficult one was to get a handle on the deficit that was soaring out of control, and it has soared out of control for the past 12 years.

He asked the Congress of the United States to join him in an effort to reduce the deficit by over $500 billion over the next 5 years. We made the decision to support his economic plan. Unfortunately, the Republicans would not join in that effort.

But that plan is now in place, and we are starting to see the results, and they far exceed what anybody had anticipated, with lower inflation and greater job growth, with the fact that the deficit reduction now may almost approach $700 billion in that same 5 years.

We have taken the deficit premium out of the interest rates. People once again can afford mortgages. The affordability of houses is greater for the American family now than at any time in 20 years. Businesses have been able to refinance their debt, to pay off debt and to start reinvesting in job-creation investments within our communities. We start to see the homebuilding industry again come alive as people start to look for new homes. As people have been able to refinance their homes and to pay off debt, we see that again consumer confidence is at an all-time high.

The fact is that the Clinton economic plan is working, and it is working for America. America's families and America's businesses are reaping the benefits of the decisions that were made in this Congress to support the President's economic plan. We have to stick with that plan. We have to encourage it, and we have to get the country to understand the difficulties of those reductions, but the benefits that they have given to the country.

MORALE IN OUR MILITARY AT AN ALL-TIME LOW

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, on Thanksgiving, I took two of my grandchildren to the roof of the Capitol. They helped me fly 196 flags for the 30 men killed in action in Somalia and the 166 who were wounded.

This July 4, just a few days ago, I went back to the Capitol and flew flags for the families of Michael Durant's helicopter crew and the two senior sergeants who went to their rescue, sacrificed their lives, and won the Medal of Honor for their heroic action.

There was a Medal of Honor ceremony at the White House on May 23 for these two deceased heroes. Both of their fathers considered not shaking the President's hand. One of them actually did refuse to shake his hand. After a long discussion, this father told the President that he was not qualified to lead a military operation, that he did not feel he had the experience to be Commander-in-Chief, and that he, as a father, was personally offended that Mr. Clinton flew Mr. Aideed, the warlord killer of his son, down to Kenya using Marine guards and an Army airplane.

Mr. Clinton said, "We are not in the business of assassinating world leaders." Aideed, a world leader? And the father asked, "But it is all right for my son and 18 other Rangers and Special Ops guys to die?"

Then the father told the President he had nothing more to say to him.

The New York Times knew that story and spiked it. USA Today spiked it. CNN spiked it. And I intend to find out why.

I spoke to this father just a few days before I flew a flag for his son. And, yesterday I spoke to a naval officer who felt humiliated that he was asked to carry hors d'oeuvres and finger sandwiches at the White House during a partisan, political reception.

This is about the 11th incident directed against the military topped off this last break by Mr. Clinton sending condolences and referring to a Communist dictator Kim Il-song, as a great leader, who upon his death the world cheered, the world of liberty that is.

Mr. Speaker, the morale in the military is at an all-time low, and I will later do a 5-minute special order and document the specific reasons why.

WHAT THE AMERICAN PEOPLE EXPECT OF CONGRESS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, former heavyweight boxing champion Joe Lewis used to say to his opponents, "They can run, but they can't hide."

My Republican friends today have taken to the well to argue about the good old days of Republican leadership, the good old days of Reagan and Bush. Well, I happened to be in Congress during those so-called good old days: runaway deficits which our kids will continue to pay off for decades to come, broken promises time and again about the so-called new economic order, gridlock here on the floor of the House of Representatives so nothing could be done, excuses after excuses and pious speeches about balanced budgets and fiscal responsibility. Those were the so-called good old days of Reagan and Bush.

The American people remember what happened during Bush's Presidency. We had the slowest economic growth in 50 years in this country, the slowest job creation since World War II.

So last year President Clinton had the guts to stand up and say, "We are going to do something about the deficit, and I will take the heat if necessary. I need Members of Congress to stand behind me to get the deficits created by Reagan and Bush under control."

The President could not get one Republican vote to support that effort. But the American people now know that those Members who stood behind the President and voted for that plan are people who can take credit for an economy that is starting to turn around.

Think about yourself and your neighbors who have been able to refinance your home mortgage and save literally hundreds of dollars a month; 5½ million American families have been able to do it. Think about the fact that in my home State of Illinois we have the lowest unemployment this month that we have had in 15 years.

Sure, there is a lot more to be done, but working together on a bipartisan basis to solve our economic problems, standing behind the President to really address these serious economic challenges is what the American people expect of Congress.

STOP! DON'T SHOOT!

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, Stop. Don't shoot.

That is the message Republicans are sending to President Clinton regarding the employer mandate on small businesses.

The President's employer mandate is a gun aimed at the heart of many struggling small companies in America. And despite the President's assurances, the mandate will not even achieve the goal of universal coverage.

Some experts now refer to triggers as a possible solution to the employer mandate problem. But a trigger is a mandate at a later time. Instead of shooting small businesses today, the trigger would shoot small businesses some time in the future.

Mr. Speaker, the employer mandate is a bad idea. It means an 8 percent payroll tax for each employee. It will kill at least a million jobs. And it will hurt economic expansion.

I urge the President to discard his employer mandate and work with the Republicans towards a common sense approach to health care reform. Don't shoot our small businesses, with or without our finger on the trigger.

SUPPORT HEALTH CARE COVERAGE FOR ALL AMERICANS

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, some say we can compromise on the basic goal of universal health care coverage, that covering most Americans is good enough.

But who are the millions of American men, women, and children who would be left out? The people who will be left out are middle-class Americans. They are hard-working people with modest incomes who are unable to afford the full cost of covering themselves and their families. They are working Americans who do not have health care coverage through their employers and who do not qualify for subsides.

Well-off Americans will always be able to afford health care. The poorest in our society will continue to be covered. But it is middle-class Americans who will lose if we pass health care reform that only tinkers around the edges. It is time to support health care coverage for all Americans.

□ 1040

CONGRESS LOVES TO SPEND

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, Members and colleagues, I had not planned to address the House today, but I stood here in fascination watching Democrat after Democrat come to the well displaying charts that suggest the lowest spending pattern in 15 years in this country. A colleague from the Committee on Appropriations came to brag from the fact that we are doing so much to reduce the deficit.

Well, friends, we ought to remember the American public is not fooled easily and the American taxpayer knows a lot better. The reality is that there have been some reductions in spending. They have all been in our defense systems. Every other program in Government is spending more money this year than they were last year. The entitlement programs have expanded. Let us not kid anybody. People know the impact Government is having upon their lives. Somebody who comes and suggests that the Congress, one way or another, should take credit has really got to be kidding. I did not rise to praise or condemn this President or past Presidents. It is the Congress that is to blame. The Congress loves spending. Our committees expand their programs. They have yet to see a program they just do not love. So every year they add to the deficit by expanding Congress-led spending. It is time that Congress led the change to reduce the deficit.

DISCRETIONARY SPENDING IS WAY DOWN

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I did not know my colleague on the Committee on Appropriations was going to precede me. My colleague surely knows, surely knows that discretionary spending is plummeting. Here is the chart: 1953, 18.3 percent of gross domestic product spent on discretionary spending. That is down to 8.2 percent in 1994.

Gridlock has ended and action has begun; that is the difference.

The economy is growing. The economy is creating jobs. The economy is growing at a faster rate than it did under Ronald Reagan and certainly under George Bush, which had the lowest level of economic growth and job creation in the past half-century.

Ladies and gentlemen of this House, you and I both know that as a result of actions taken in this Congress we are creating 6,000 jobs per day in America. When I pointed out just a second ago about the economic growth, yes, let's talk facts. Here are the facts, not the rhetoric that we have heard, but the facts that exist, and why consumer confidence is up, why business confidence is up, why interest rates are remaining down and job growth is over 3.7 million new jobs, 90 percent in the private sector just over the last 18 months.

Economic growth of 1.5 percent under the previous administration in the 4 years; 3.2 percent, higher than Reagan, higher than Carter, higher than Ford, higher than Nixon. Not until you go back to Johnson and Kennedy do you get the same kind of economic growth.

Let us keep on track, create jobs, and make life better for all our citizens.

DEFENSE SPENDING IS NOT DISCRETIONARY SPENDING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would just like to say to the last speaker that he has, in his charts, defense spending. He is calling defense spending discretionary spending. So the question is, if you do away with all defense spending, of course discretionary spending will come down. Republicans do not believe defense is discretionary. We believe it is important that we have defense. And so does the Constitution.

WHOSE AGENDA IS IT ANYWAY?

Mr. Speaker, no mandates, no abortion coverage, no price controls, and no restrictions on the right to choose their own doctor. This is what the American people want. Yet, the administration remains steadfast in its efforts to push through a bill which has all these features.

The crime bill is bottled up in conference. We must pass a tough crime bill which will ensure that more prisons are built, that repeat violent offenders are locked up for life, and that the death penalty is given as a sentence if the crime committed warrants it.

Let's listen to our constituency and have both of these tremendously important pieces of legislation reflect the will of the American people.

I believe we can pass a health bill which has no mandates and no new taxes but provide increased access and affordability.

We can deliver a tough crime bill which is balanced and fair.

Mr. Speaker, I do not know about the rest of the country but I know the people in the Sixth District want Congress to listen to them.

TRIBUTE TO LT. COMDR. NANCY S. FITZGERALD

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to recognize a truly outstanding naval officer, Lt. Comdr. Nancy S. Fitzgerald, U.S. Navy, who is completing a distinguished tour of duty as a liaison officer at the department of the Navy's Office of Legislative Affairs. It is a privilege for me to recognize several of her many outstanding achievements.

Originally from Plantation, FL, Lieutenant Commander Fitzgerald received her undergraduate degree from the U.S. Naval Academy, Class of 1983. Following her commissioning as an ensign, she reported to flight school in Pensacola, FL. In January 1985, then Ensign Fitzgerald achieved a significant milestone by earning her wings signifying her qualification as a naval aviator.

Lieutenant Commander Fitzgerald's first tour of duty following flight school was flying EC–130Q aircraft supporting TACAMO missions in the Pacific. She qualified as an aircraft commander in the EC–130Q and logged over 1,500 hours on TACAMO missions. These flights were a crucial component in maintaining the submarine leg of the Nation's nuclear triad. In addition to her flying duties, Lieutenant Commander Fitzgerald also served as public affairs officer and manpower officer for her squadron. She was instrumental in the transition from the EC–130Q aircraft to the E–6A as the squadron special projects officer.

In July 1988, Lieutenant Commander Fitzgerald reported to the Naval Training Support Unit in Waco, TX, as a flight instructor for the E–6A aircraft. In this role, she was responsible for training and qualifying numerous pilots in the E–6A to continue the vital TACAMO missions. Following this tour, Lieutenant Commander Fitzgerald was selected to return to her alma mater as a company commander at the U.S. Naval Academy. In May of this year, the plebes she first guided in 1990 graduated and were commissioned ensigns and second lieutenants in the U.S. Navy and Marine Corps.

Due to her outstanding performance at the Naval Academy, Lieutenant Commander Fitzgerald was hand picked to report to the Navy Legislative Affairs Office. During her tenure Lieutenant Commander Fitzgerald's trademarks have been her tireless efforts and cordial professionalism in resolving congressional inquiries. She is now going back to provide direct support to our naval forces in a crucial position on the staff of the Commander in Chief Atlantic Fleet.

A naval officer of Lieutenant Commander Fitzgerald's integrity, commitment and talent is rare. While her expertise will be genuinely missed, it gives me great pleasure to recognize her before my colleagues and wish her "Fair Winds and Following Seas."

ENTITLEMENT EXPENDITURES EXPLODING THROUGH THE CEILING

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. I thank the Speaker.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding to me.

I just think a couple of points probably need to be made, based upon the Democratic leadership effort to try to defend the President's economic program.

They suggest, for example, that discretionary spending is going down. What they fail to point out is the fact that they have converted a lot of discretionary spending over the years into welfare entitlement spending. Food stamps used to be discretionary spending; they have made that now into an entitlement program. So naturally they can show discretionary spending going down but entitlement expenditures are exploding through the ceiling.

So the charts are a little bit misleading.

Second, they are bragging about the fact that they have brought down the deficit numbers. The fact is that the deficit numbers that they are bragging about are higher than the highest point of the Reagan administration. That is not exactly success, in this gentleman's book. I thank the gentleman for yielding.

MAKING NEEDED FINANCIAL MANAGEMENT CHANGES IN DOD

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Mr. Speaker, the Federal Government is big, complex, and inefficient. We find this in all departments and agencies. But since I am involved with defense through my chairmanship of the Readiness Subcommittee on Armed Services, I want to take a moment to express appreciation to Secretary of Defense William Perry and DOD Comptroller John Hamre for their commitment to improving financial management. Our subcommittee has been hammering at this for years. The lack of computer standardization and modernization, poor record keeping, and financial mismanagement in the Department of Defense can no longer be tolerated. In this time of funding shortfalls for our military, it is imperative that every dollar is properly accounted for. I look forward to working with Secretary Perry and Comptroller Hamre in making needed financial management changes in DOD.

□ 1050

CONGRESS SHOULD DEBATE AND DECIDE IF HAITI IS TO BE INVADED

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I just returned from a meeting at which we in attendance were advised authoritatively that, at least as of yesterday afternoon, the administration would not pledge to seek prior approval from the Congress with regard to an invasion of Haiti and that, likely, no such prior approval would be requested.

Now, regardless of one's view on invasion of Haiti, and I myself am opposed to it very forcefully, and just looking back to history shows that that would be a futile act, at least the American people deserve, because it is their daughters and sons who will be put in harm's way in the event an invasion takes place, the American people are entitled to have all of this issue and all of its nuances debated here on the floor of the House.

I happen to agree with yesterday's New York Times editorial entitled "No Good Reason To Invade Haiti." But once again, regardless of one's views on the issue of invasion, I do hope that the administration will, in fact, seek approval from this Congress for the purpose of putting United States troops in harm's way in an invasion of Haiti.

CALIFORNIA DESERT PROTECTION ACT OF 1994

The SPEAKER pro tempore (Mr. VISCLOSKY). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 518.

□ 1053

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 518) to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, with Mr. PETERSON of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 13, 1994, the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] had been disposed of, and title VII was open to amendment at any point.

Are further amendments to title VII?

AMENDMENT OFFERED BY MR. THOMAS OF WYOMING

Mr. THOMAS of Wyoming. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. THOMAS of Wyoming: Add the following:
>
> SEC. 801. Within one year of acquiring any non-Federal land or interest therein for any purpose of this Act, the Secretary shall dispose of all right, title, and interest in and to a quantity of Federal lands equal in value to the non-Federal land or interest acquired, as determined by the Secretary. The Secretary shall not dispose of any wilderness areas, wilderness study areas or lands owned by the National Park Service for the purposes of this section.

Mr. THOMAS of Wyoming. Mr. Chairman, I am presenting this amendment in behalf of the gentleman from Texas [Mr. DELAY] who had it prepared and, I think, presented it at previous times. I also have had a bill that would do exactly the same thing. It is quite a simple proposition actually. It says, if we are to acquire additional Federal lands, that we ought to dispose of nonessential Federal lands in equal value, and it seems to me to make a great deal of sense.

In the case of the California wilderness, Mr. Chairman, it has application. There is in the bill a field of, perhaps, $100 to $300 million that would be needed for the acquisition of land; a substantial amount of land would be acquired, mostly inholdings within the proposed acquisitions by the Federal Government. Some 700,000 acres of private land and private holdings would need to be acquired to accomplish the mission of the park as now set forth in the wilderness area.

Actually, Mr. Chairman, 28 percent of the property, real property, in this country belongs to the Federal Government; in the case of California, some 44 percent belongs to the Federal Government. Certainly in the West, in my home State of Wyoming, some 40 percent. These, of course, are not all lands such as Yosemite or Yellowstone National Park. These are lands that are, for the most part, managed by the Bureau of Land Management. They are lands that are residual lands that were left after the homesteading was taken up, and, as a matter of fact, the early organic act of the Bureau of Land Management said specifically that the bureau was to manage them pending disposal. It was never the notion that these lands were to be held. They have no particular unique characteristics such as wilderness, such as parks, which are not involved in this tradeoff.

So, Mr. Chairman, the hope here of this amendment is that, when lands need to be acquired to accomplish the goals of this particular, that lands of equal value that are not set aside or withdrawn could be disposed of, and that, No. 1, it would have something to do with the cost. It would reduce the cost, which I think is quite necessary in that we do have $7 to $9 billion of unfulfilled needs in the parks and in the Federal lands that we have now. I think it is also a concept that is acceptable. These lands are not there for any particular purpose, and there is no arguable reason why the Federal Government should maintain them.

So this amendment would simply say that when private lands need to be acquired to accomplish the goals of this particular bill, Mr. Chairman, that Federal lands of equal amount would be disposed of, and I appreciate this opportunity to explain the amendment.

Mr. MILLER of California. Mr. Chairman, I wonder if we might get a unanimous-consent agreement to limit the time of debate on this amendment to 15 minutes which would give us each 7½ minutes after the author of the amendment has spoken.

The CHAIRMAN. Does the gentleman's unanimous-consent request to limit the time for debate on this amendment include the amendment and all amendments thereto?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HANSEN. Mr. Chairman, reserving the right to object, we have no objection to the gentleman's proposal. But may I ask, who would control the time on this?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, the time would be equally divided, 7½ minutes to be controlled by myself and 7½ minutes to be controlled by the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I will draw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MILLER] for 7½ minutes.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wyoming [Mr. THOMAS] because I think it is a bad amendment, and it is for this reason:

We should not be making decisions on the disposal of the acquisition of land unevenly balanced out. What this amendment says is that for equal amount, an equal amount of land that we would acquire, we would dispose of that land somewhere else, and I assume that that has to be done in the same timeframe. What that means is that, when we are ready to acquire land, we would have to wait until disposal of land somewhere else takes place.

Also this does not limit this to the State of California. This means, if we were to go out and acquire 100,000 acres in the State of California, we could require that this amendment would require the disposal of land, of maybe a hundred thousand acres in Wyoming, or 25,000 acres in Wyoming, 25,000 acres in Oregon, without regard to the interest of those individuals in that area. We are already hearing from numerous communities that do not want this land back because they cannot police the land, they cannot take care of the land, but, if we acquired a hundred thousand acres in the Mojave, we could dump a hundred thousand acres onto other communities in other States and other areas without regard to those communities because we deem it important to be there. The fact is also that this has nothing to do with the acquisition powers, priorities or the power. This is an amendment that was rejected overwhelmingly last year by a vote of 379 to 49 because it simply does not make sense on its face.

Mr. Chairman, we just completed some hearings in the West where people were concerned about what would happen if we started to pull out of these lands. Who would patrol them? Communities do not have the police force. They do not have the health and sanitation facilities. They are not able to cope with these lands, and all of a sudden they would be within their county jurisdiction and in the State jurisdictions. Who would they be ceded to in that kind of authority? To say that we are going to cede these lands because we have a high priority acquisition in the Everglades, or anywhere else, or in the east Mojave, or Yosemite, or any of these other areas, is simply a mindless approach to the disposal of Federal land. That does not mean that we should hold onto all Federal land. That does not mean that we should not reconsider the classifications of Federal lands and whether or not decisions that were made 5 years ago, 10 years ago and 100 years ago we ought to be living with today. But we ought not to say that the acquisition of lands, perhaps to save it from some detrimental use, that that should force the disposal of lands somewhere else, because the two acts are not equivalent acts, and I think that is why the House overwhelmingly rejected this amendment the last time out, and I find it interesting that this disposal could take place anywhere else, and yesterday amendments were offered to reject these kinds of actions only to California.

I also do not know if this means, if we acquire land by acquisition, as opposed to an outright, willing seller/willing buyer purchase.

□ 1100

So the amendment is poorly drawn. It is ambiguous. But, more importantly, it has nothing to do with the real world of trying to acquire and dispose of lands. Both of those are very controversial acts, and what this is an effort to try to keep the acquiring portion from taking place because some other community or some other part of the country will raise an objection to getting land dumped onto them, with the cost of that acquisition, and thwart efforts to try to acquire lands for the protection of the Mojave and other Federal assets.

Mr. LEHMAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. LEHMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point this out. Maybe some Member on the other side could clarify this, but as I read the amendment, if someone were to offer property for park purposes to the Government as a gift, in order to accept that gift, we would then be required to surrender Federal landholdings somewhere else. So it would in effect inhibit that kind of transaction from taking place. It certainly should not apply in circumstances like that, but that is the manner in which the amendment is drawn at the present time.

Mr. MILLER of California. Mr. Chairman, the gentleman makes a very good point, because it is a simple acquisition of land. It is not acquisition by purchase. It is acquisition by apparently gift or exchange. So if somebody has a time problem and they want to get rid of a property in an estate or they want to make a gift before they die, or what have you, we could lose the access to those assets because we do not have the ability to trade out a like value in a like piece of property. It would be a terrible mistake and a squandering of the opportunities this Government has to protect some of the most vital natural resources in the country.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this is interesting. It is interesting that there is a basic concept here—and the gentleman from California defends this idea—that the Federal Government is the only one that should own and control land, the only one that has the ability to manage. It is just very interesting to me that the Federal Government has the only people we can imagine who can manage these kinds of BLM lands. It is amazing to me.

The other point is that it does not matter how it is acquired, if you believe that maybe there ought to be some limit to the amount of Federal ownership. Now, of course, if one's notion is that the Federal Government ought to own everything, then that makes it quite different. But regardless of how it is acquired, if you believe in the concept that there is a limit to how much the Federal Government ought to own, then this does make sense. If you do not, then, of course, it does not make sense.

Mr. Chairman, let me yield 3 minutes to my friend the ranking Republican member, the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague's yielding time to me.

Mr. Chairman, as a Member who represents both Inyo and San Bernardino counties in California, let me say that Inyo has in excess of 95 percent federally-owned land, and, much of the land in San Bernardino County, well over 80 percent, is federally owned land.

So it strikes me as rather strange to have territory that involves just in my desert area alone enough territory to put 4 Eastern States in. Yet, as the chairman of the committee suggests, there is not very much land we can afford to get rid of.

It was not so long ago that the Federal Government had signs out by the roadside asking people to come and take sections in 40-acre parcels of land. They recognized that they cannot manage these millions of acres they are controlling.

The arguments of Chairman MILLER and, I presume, of the author of this odious measure, the gentleman from California [Mr. LEHMAN], would suggest that this amendment would result in the selling of cherished national treasures like the Shenandoah National Park in Virginia, the Rocky Mountain National Park in Colorado, or even the Great Smoky National Park in Tennessee.

This amendment is designed in a fashion to be very careful about that. It does involve land that would be wilderness land or wilderness study areas or parkland. That would not be covered by this amendment. Instead, it suggests to the Secretary that somewhere within that huge inventory of millions and millions of acres we ought to be getting rid of as much property as we are arbitrarily taking in.

There is a philosophy around here reflected in our committee and, I am afraid, reflected by this Secretary that more is better, the more land the Federal Government controls and owns, the better. We are suggesting that perhaps it would be simply a good idea, as people are about the process of trying to expand the Federal largesse, that there ought to be a trading of equally valued lands so we can get it back on the property tax rolls, so we can support government in a way that makes sense instead of continuing to build a national deficit.

This amendment is a very sensible, very logical amendment, and it is about time the Congress took back some authority and gave some direction to that Federal bureaucracy that wants nothing but more and more and more from our American property owners and taxpayers.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MCCANDLESS].

Mr. McCANDLESS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, my colleague touched very briefly on what I consider to be a critical element of this ownership aspect of government.

In Riverside County, approximately 65 percent of the total land mass is owned by the Federal Government or by some other government on a level at which they do not pay taxes.

Now, in California the State and local governments—and we know about the Federal Government—are having all kinds of problems meeting their debts and meeting their obligations to the people. Now we are saying, "All right, let's continue to increase the stock of Federal land at the expense of State and local governments," the prime source of their revenue being related to land values and land taxes in the form of property that is improved or not improved.

I have a lot of problems with this, I must say, the fact that we continue to absorb property and continue to absorb these obligations.

Another point that I would like to make is that these properties are a direct financial drain upon the Federal Government in that, in Riverside county and other counties where there is a large percentage of National Forests, or other Federal lands, the Federal Government compensates the local county for the loss of tax revenue on that land. Now, if we continue to add to this land, we continue to reduce what it is that people in these jurisdictional areas can receive in the way of property tax, and we increase what the Federal Government then pays these localities for what these Federal lands are worth.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am one of the fortunate Members from California whose district is not owned by the Federal Government. I, like the chairman of the Committee on Natural Resources, have a district that is very low in Federal ownership. But we are at the point right now where over half of California is owned by one government agency or another, and I strongly support this concept that if the Federal Government is going to take over more land, they should have to divest themselves of land to make up for it, for a number of reasons, the main reason being that I think the Federal Government owns too much land already.

Constitutionally, the Federal Government is limited as to what land it can own, and when other States were brought into the Union after the original Thirteen, they were guaranteed the same rights that the original Thirteen States had. One of those rights was that the Federal Government would divest itself of its large land ownership. Somehow that was forgotten when we got west of the Mississippi because most of the land west of the Mississippi is land that the Federal Government owns.

Mr. Chairman, I think it would be a very important and a very good idea to force the Federal Government to give up as much as it is buying so that we can maintain private property in this country.

Mr. THOMAS of Wyoming. Mr. Chairman, may I inquire, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wyoming [Mr. THOMAS] has 1 minute remaining, and he has the right to close debate.

□ 1110

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Let me just say, this is not about whether or not we believe the Federal Government should own more lands or less lands. This is once again whether we want to impose on the Federal Government the kinds of restrictions we would never impose on the private sector.

We have all heard from our constituents, "Why don't you run the government like a business?"

Let me tell Members, no real estate firm worth its salt, no family worth their salt would say, if we acquire a duplex, we have to get rid of something else here. They would say, let us figure out how we can get the best deal for ourselves.

In this case how do we get the best deal for the taxpayers? We have to be able to dispose of land on an orderly basis. We ought to be disposing of land. We ought to be able to acquire land on an orderly basis and to try to get the best deal. If people know that we have to get rid of this, the price goes down. The advantages that we seek, the exchanges that we can bring about, it changes the entire marketplace.

None of my colleagues would suggest this for their local government, for their State government, for the private sector. But somehow they do not care what happens to the Federal Treasury.

When we have got to get rid of Federal assets, we have to put them in a forced sale because people know that time is running out on this end of the bargain or somebody wants to give us land so we have got to get rid of this, what does the buyer say, "Come to me; lower your price; maybe I will take it off your hands."

We would never do that in the private sector. That is how we create deficits. We keep operating in a fashion where we buy high and sell low. We keep operating in a fashion where we force onto the market assets that we do not need to get rid of.

We just went through this with the S&L's. We have gone through this time and again with the management of these properties.

We owe it to the taxpayers to try to get the best deal at any given time and not have forced upon us the disposal of or the management of assets beyond what the marketplace will dictate and what the needs of the various parties dictate.

This is an artificial move to get rid of land without regard to the taxpayer, because we cannot take advantage of any situation that comes up anywhere in the country unless we can immediately get rid of the same amount of land.

This also suggests that the Department should never get rid of any land until it does have an acquisition. So they cannot independently go out and dispose of that land base because it does not make sense anymore. They better hold on to it until sometime when they can work it to their advantage.

We have to reject this amendment as we rejected it last year. We rejected it overwhelmingly in the last Congress because it simply makes no sense for the Treasury. It makes no sense for land management. It makes sense for the Department and for the acquisition of valuable natural assets in this country.

I hope that we would reject the amendment.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself such time as I may consume.

I just have to say, the gentleman makes an eloquent statement. I do not disagree with him. The only fact is that it does not work.

We have gone on all these years and not disposed of anything. We can talk all we want to about it. The fact is that we keep acquiring more.

Mr. Chairman, I yield the balance of my time to the gentleman from Utah [Mr. HANSEN].

The CHAIRMAN. The gentleman from Utah [Mr. HANSEN] is recognized for 45 seconds.

Mr. HANSEN. Mr. Chairman, this Nation was founded upon the idea that there is a whole big nation here and nobody owns any ground. The thirteen Colonies came along and others came along and started saying, this is ours, and they decided it is up to the States. And before long did we find any Federal ground in Massachusetts? Did we find any Federal ground to speak of in New York or any of these Eastern States? Nothing to speak of, infinitesimal amounts in these States.

Yet as we went West all kinds of Federal ground was there. We did not have any people out there so little by little we can ask ourselves this question, where did the Federal ground go that was back here? It all seems to be in the West; 28 percent of America is owned by the Federal Government.

We know how Oklahoma got theirs. They have somebody shoot off a gun and the man that had the fastest horse got the best land.

Now, all we are saying is, instead of buying more ground out there and more regulation and more problem, we are asking that it be limited. I think the gentleman from Wyoming came up with an excellent amendment.

Mr. Chairman, I thank the gentleman for yielding time to me, and I ask support of this amendment.

Mr. VENTO. Mr. Chairman, I rise in opposition to this amendment.

The amendment is neither necessary nor desirable. It would require the United States to dispose of lands equal in value to any lands or interests acquired for any purpose of the California Desert Protection Act.

The amendment does not specify that disposals would be of lands in California, so evidently they could be of any Interior Department lands in any State.

The amendment is not workable. It says that "within one year of acquiring any * * * lands or interests * * * the Secretary shall dispose" of any equal value of lands. What happens if that cannot be done within that timeframe? Does that mean that a disposal must be completed, or merely a contract for a disposal has been concluded?

The amendment would prohibit disposals of wilderness or wilderness study lands, or lands owned by the National Park Service. Of course, the National Park Service does not own lands—they manage some of the lands owned by the American people, that are Federal property—but I assume that the meaning is that there are to be no disposals of lands that are managed by the National Park Service.

However, the amendment does not protect other categories of Federal lands. So, presumably, the amendment would require disposals of lands from the National Wildlife Refuges or BLM-managed public lands, or possibly national forest lands as well.

And, the amendment does not require that these disposals be by sale—so, ready strictly, the amendment might require that Federal lands be given away in order to satisfy the disposal requirement—even if in fact tax dollars had been spent to acquire the lands.

So, this is a very badly thought-out and very unwise amendment.

It is unnecessary. If the amendment is supposed to be a solution, it is a solution in search of a problem.

The amendment seems to reflect a concern that the Federal Government in recent years has been acquiring more and more land.

In 1992, the subcommittee looked into the question of whether there had been a significant increase in Federal land ownership. We found that in fact the extent of Federal land holdings has not been increasing—it has been going down.

We reviewed the information on Federal land ownership that is regularly compiled and reported by the Bureau of Land Management. The BLM's reports show that in fiscal 1979 the National Government owned about 32.48 percent of the land in the United States, but by fiscal 1989—the most recent data available—the total had decreased to about 29.15 percent.

The data for individual States are similar: They show that over the decade—Alaska went from over 89 percent Federal ownership to about 68 percent; Nevada went from over 86 percent Federal ownership to about 82 percent; Idaho went from over 63 percent Federal ownership to about 62 percent; Oregon went from over 52 percent Federal ownership to about 48 percent; Colorado went from over 35 percent Federal ownership to about 34 percent; and, Montana went from over 29 percent Federal ownership to about 28 percent.

It is true that there were some increases in other States, including California—but obviously that is not the concern of the author of the amendment, since the amendment would not require disposals of lands in California or any other particular State. Obviously, the gentleman's concern is a national concern—and, nationally, there has been no net increase in Federal land holdings.

So, Mr. Chairman, this amendment is unworkable, unwise, and unnecessary. It should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. THOMAS].

The amendment was rejected.

The CHAIRMAN. Are there other amendments to title VII?

AMENDMENT OFFERED BY MR. LEHMAN

Mr. LEHMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEHMAN:

Page 69, after line 23, add the following:

TITLE VIII—PROTECTION OF BODIE BOWL

SEC. 801. SHORT TITLE.

This title may be cited as the "Bodie Protection Act of 1994".

SEC. 802. FINDINGS.

The Congress finds that—

(1) the historic Bodie gold mining district in the State of California is the site of the largest and best preserved authentic ghost town in the Western United States.

(2) the Bodie Bowl area contains important natural, historical, and aesthetic resources;

(3) Bodie was designated a National Historical Landmark in 1961 and a California State Historic Park in 1962, is listed on the National Register of Historic Places, and is included in the Federal Historic American Buildings Survey;

(4) nearly 200,000 persons visit Bodie each year, providing the local economy with important annual tourism revenues;

(5) the town of Bodie is threatened by proposals to explore and extract minerals; mining in the Bodie Bowl area may have adverse physical and aesthetic impacts on Bodie's historical integrity, cultural values, and ghosttown character as well as on its recreational values and the area's flora and fauna;

(6) the California State Legislature, on September 4, 1990, requested the President and the Congress to direct the Secretary of the Interior to protect the ghosttown character, ambience, historic building, and scenic attributes of the town of Bodie and nearby areas;

(7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie Bowl area, to withdraw the Federal lands within the area from all forms of mineral entry and patent;

(8) the National Park Service listed Bodie as priority one endangered National Historic Landmark in its fiscal year 1990 and 1991 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and recommended protection of the Bodie area; and

(9) it is necessary and appropriate to provide that all Federal lands within the Bodie Bowl area are not subject to location, entry, and patent under the mining laws of the United States, subject to valid existing rights, and to direct the Secretary to consult with the Governor of the State of California before approving any mining activity plan within the Bodie Bowl.

SEC. 803. DEFINITIONS.

For purposes of this title:

(1) The term "Bodie Bowl" means the Federal lands and interests in lands within the area generally depicted on the map referred to in section 804(a).

(2) The term "mineral activities" means any activity involving mineral prospecting, exploration, extraction, wiling, beneficiation, processing, and reclamation.

(3) The term "Secretary" means the Secretary of the Interior.

SEC. 804. APPLICABILITY OF MINERAL MINING, LEASING AND DISPOSAL LAWS.

(a) RESTRICTION.—Subject to valid existing rights, after the date of enactment of this title Federal lands and interests in lands within the area generally depicted on the map entitled "Bodie Bowl" and dated June 12, 1992, shall not be—

(1) open to the entry or location of mining and mill site claims under the general mining laws of the United States;

(2) subject to any lease under the Mineral Leasing Act (30 U.S.C. 181 and following) or the Geothermal Steam Act of 1970 (30 U.S.C. 100 and following), for lands within the Bodie Bowl; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Materials Act of 1947 (30 U.S.C. 601 and following).

Such map shall be on file and available for public inspection in the Office of the Secretary, and appropriate offices of the Bureau of Land Management and the National Park Service. As soon as practicable after the date of enactment of this title the Secretary shall publish a legal description of the Bodie Bowl area in the Federal Register.

(b) VALID EXISTING RIGHTS.—As used in this subsection, the term "valid existing rights" in reference to the general mining laws means that a mining claim located on lands within the Bodie Bowl was properly located and maintained under the general mining laws prior to the date of enactment of this title, was supported by a discovery of a valuable mineral deposit within the meaning of the general mining laws on the date of enactment of this title, and that such claim continues to be valid.

(c) VALIDITY REVIEW.—The Secretary shall undertake an expedited program to determine the validity of all unpatented mining claims located within the Bodie Bowl. The expedited program shall include an examination of all unpatented mining claims, including those for which a patent application has not been filed. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void, except that the Secretary shall not challenge the validity of any claim located within the Bodie Bowl for the failure to do assessment work for any period after the date of enactment of this title. The Secretary shall make a determination within respect to the validity of each claim referred to under this subsection within 2 years after the date of enactment of this title.

(d) LIMITATION ON PATENT ISSUANCE.—

(1) MINING CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mining claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before such date; and

(ii) all requirements established under section 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, 37) for placer claims were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mining claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

(2) MILL SITE CLAIMS.—(A) After January 11, 1993, no patent shall be issued by the United States for any mill site claim located under the general mining laws within the Bodie Bowl unless the Secretary determines that, for the claim concerned—

(i) a patent application was filed with the Secretary on or before January 11, 1993; and

(ii) all requirements applicable to such patent application were fully complied with by that date.

(B) If the Secretary makes the determinations referred to in subparagraph (A) for any mill site claim, the holder of the claim shall be entitled to the issuance of a patent in the same manner and degree to which such claim holder would have been entitled to prior to the enactment of this title, unless and until such determinations are withdrawn or invalidated by the Secretary or by a court of the United States.

SEC. 805. MINERAL ACTIVITIES.

(a) IN GENERAL.—Notwithstanding the last sentence of section 302(b) of the Federal Land Policy and Management Act of 1976, and in accordance with this title and other applicable law, the Secretary shall require that mineral activities be conducted in the Bodie Bowl so as to—

(1) avoid adverse effects on the historic, cultural, recreational and natural resource values of the Bodie Bowl; and

(2) minimize other adverse impacts to the environment.

(b) RESTORATION OF EFFECTS OF MINING EXPLORATION.—As soon as possible after the date of enactment of this title, visible evidence or other effects of mining exploration activity within the Bodie Bowl conducted on or after September 1, 1988, shall be reclaimed by the operator in accordance with regulations prescribed pursuant to subsection (d).

(c) ANNUAL EXPENDITURES; FILING.—The requirements for annual expenditures on unpatented mining claims imposed by Revised Statute 2324 (30 U.S.C. 28) shall not apply to any such claim located within the Bodie Bowl. In lieu of filing the affidavit of assessment work referred to under section 314(a)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the holder of any unpatented mining or mill site claim located within the Bodie Bowl shall only be required to file the notice of intention to hold the mining claim referred to in such section 314(a)(1).

(d) REGULATIONS.—The Secretary shall promulgate rules to implement this section, in consultation with the Governor of the State of California, within 180 days after the date of enactment of this title. Such rules shall be no less stringent than the rules promulgated pursuant to the Act of September 28, 1976 entitled "An Act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System, and for other purposes" (Public Law 94-429; 16 U.S.C. 1901-1912).

SEC. 806. STUDY.

Beginning as soon as possible after the date of enactment of this title, the Secretary of the Interior shall review possible actions to preserve the scenic character, historical integrity, cultural and recreational values, flora and fauna, and ghost town characteristics of lands and structures within the Bodie Bowl. No later than 3 years after the date of such enactment, the Secretary shall submit to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report that discusses the results of such review and makes recommendations as to which steps (including but not limited to acquisition of lands or valid mining claims) should be undertaken in order to achieve these objectives.

Mr. LEHMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEHMAN. Mr. Chairman, I rise to offer an amendment to H.R. 518 that would protect the integrity of a very important landmark in the Bodie State Park and the surrounding Federal lands.

This amendment is identical to H.R. 240, the Bodie Protection Act, as the bill passed the House. This bill has passed the House BLM twice under suspension of the House rules and is supported by the State of California, and major environmental and historic preservation organizations, among others. Bodie, a former gold mine district and preserved authentic ghosttown was designated a national historic landmark in 1961 and a California State Historic Park in 1962. The National Park Service listed Bodie as a priority No. 1 endangered national historic landmark in its fiscal year 1990 report to Congress entitled "Threatened and Damaged National Historic Landmarks" and every year since then, and recommended protection of the Bodie area.

The 19th century Bodie mining district is located east of the Sierra Nevada Mountains in Yosemite National Park, CA. Today over 200,000 tourists visit Bodie every year to see the 100-plus buildings still standing in the West's oldest mining town. At Bodie, visitors can see firsthand how people lived in the mining camps that cropped up throughout California in the aftermath of the discovery of gold at Sutters Mill in 1848; a discovery that gave rise to the world famous California gold rush. While Bodie stands as testament to the mining days of old—and despite its status as a national landmark and State park—the area is in jeopardy from the threat of modern-day mining activities. In order to extract and process the gold and silver believed to be in the area surrounding Bodie, large-scale mining techniques, such as strip mining, heap-leach piles, cyanide spraying and waste ponds, most likely would be required.

The 450-acre Bodie State Historic Park is closed to mining. However, the area adjacent to the State park and under BLM jurisdiction is open to mining and as such poses a threat to the historic district. In recognition of this danger, the BLM has recently designated the Bodie Bowl as an area of critical environmental concern and—consistent with this legislation—is recommending that the area be closed to mining. H.R. 240 would provide some additional protections to Bodie in order to preserve its historic and visual integrity. The pending amendment would put the nearly 6,000 acres of public land within the Bodie Bowl off-limits to mining under the general mining laws.

Mining on valid claims would be allowed to proceed under rules designed to protect the area's important historic and cultural resources. In addition, mining claims could not be patented in the Bodie Bowl except where rights had been vested by January 11, 1993.

Finally, the amendment would require the Secretary of the Interior to review possible actions to preserve the cultural and natural values of the Bodie Bowl and report back to Congress within 3 years.

Mr. Chairman, I urge immediate passage of this very valuable amendment.

The CHAIRMAN. Is there further debate on this amendment?

If not, the question is on the amendment offered by the gentleman from California [Mr. LEHMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUZIN: At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised for their highest and best use without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

MODIFICATION OF AMENDMENT OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to make a technical correction to the amendment that was printed in the RECORD for section 703. The language of this modified amendment deletes the language "for their highest and best use," and it is designed to clear up confusion regarding the meaning of highest and best use versus their market value in determining the value of private property.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. TAUZIN: Strike out "for their highest and best use".

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The text of the amendment, as modified, offered by Mr. TAUZIN is as follows:

At the end of the bill, add the following new section:

"SECTION 703. LAND APPRAISAL.

Lands and interests in lands acquired pursuant to this act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)"

Mr. TAUZIN. Mr. Chairman, the amendment we offer involves the question of the appraisal of property that is purchased pursuant to this act from private property owners to enlarge the land area protected under the act.

Under the law of this country, when the government acquires property from private landowners for a public purpose, be it a road, a bridge, a hospital, a wilderness preserve or a park, the landowner is entitled to compensation under the fifth amendment of the Constitution.

I want to quote the fifth amendment precisely for my colleagues. The fifth amendment, in its last concluding statement, says, "Nor shall private property be taken for public purposes without just compensation."

It does not say simply "without some form of compensation" or "a little compensation" or "somewhat compensation." It says, "just compensation."

The question that is before the House with this amendment is what is just or fair compensation when private property is taken for public purposes, in this case for wilderness protection.

The problem that this amendment addresses is a problem that many Americans face across this country when the government places a restriction on the use of property prior to acquiring it.

Here is the situation. In this case, the government comes along and says that "Your property is now subject to a critical habitat restriction."

□ 1120

"We have decided that in order to protect some plant, bug, bird, or mammal that may be threatened or endangered, that you can no longer use your property the way you used to use it or the way you might propose to use it. We are going to restrict the use of your property. In some cases you may not be able to use it at all, because it is now an important critical habitat of some threatened or endangered species of plant or animal."

Here is the problem. The government says a week later, "I will tell you what we are going to do. We are going to buy your property now, but we are not going to pay you the value of your property before we restricted your use. We want to pay you the value of your property after we have destroyed your ability to use the property."

Let me give some real number kinds of examples. You might have bought property at $20,000 an acre, intending to build a home on it, intending to use it as farm land, intending to sell the timber on it as forest, only to find out the next week that the government has declared your property a critical habitat. In Texas this week, for example, the Fish and Wildlife Service announced a 20.5-million-acre critical habitat proposal for something called the golden throated warbler. Twenty-three counties of Texas would be affected by this immense declaration of critical habitat.

When that habitat declaration is made, if it goes through, as many such habitat declarations have already gone through in areas with the spotted owl, for example, the value of your land tumbles. Who wants to buy a piece of property you cannot see? Who will take the property from you and pay you that $20,000 you spent for your property? Obviously, no one in the marketplace would do that, so the government has literally taken away the value of your property when it declared it a critical habitat.

Two weeks later then the government comes along and says, "No problem, we are going to pay you just compensation under the Constitution." You say, "What am I going to get?" They say, "We are not going to pay you $20,000, we are going to pay you $500 instead, because that is all it is worth now."

The government will have taken your property from you and then refused to pay you the fair market value of the property before the government use restriction hits your property. Is that a real case scenario, Mr. Speaker? I promise that it is.

In my home State of Louisiana, on the West Bank of New Orleans in the parish known as Jefferson Parish, we are trying to build a hurricane protection levee to protect that enormous population from the storms and ravages of hurricanes when they hit the Gulf Coast. To build the hurricane protection levee, we had to get a Corps of Engineers permit.

The Corps said, "You cannot build it out on the wetlands, you have to build it on the high ground in Jefferson Parish." That high ground had been valued at $20,000 an acre.

When the levee board went to acquire it from the landowners, they said. "We do not have to pay you $20,000 an acre. All we have to pay you is $500 an acre."

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 5 additional minutes.)

Mr. TAUZIN. They said, "All we have to pay you is what it is worth now, because the government has condemned it as wetland property. All we have to pay you is $500 an acre."

The landowners are in court today. The original court decision, and it is on appeal, said, "No, you cannot do that, government. The Constitution says you cannot take property from people without paying them just, fair compensation, and fair compensation is what the land was worth before you devalued it, before you came along with your new regulations, your new restrictions on use."

Mr. Chairman, that is all this amendment does. This amendment guarantees that for property owners who will lose their property to the government by virtue of an eminent domain taking, that they will get their fair, just compensation. They will not get paid what the property is now worth because the government has devalued it with a critical habitat declaration. They are going to get a fair appraisal of the property based on market value without regard to that designation.

Mr. Chairman, if we do not do that, we will literally be allowing the government to take people's property from them without fair or just compensation as required in the fifth amendment.

The courts of our land have been looking at this question. They have been looking hard at it.

In the Florida Rock decision issued in March of this year, the Court of Appeals here in Washington, DC, the court looked squarely at that issue. It said very succinctly, very clearly, that the landowner who is affected by a regulatory decision like a wetland or endangered species declaration must be paid the difference in value from the market value prior to that decision to what it is worth today, after that decision.

Mr. Speaker, in effect, when the government devalued the property in a wetlands declaration, in that case it owed the landowner the difference in value before and after that declaration. That is what the courts are saying.

In addition to that, the Supreme Court looked at the case of private property rights in a decision rendered just a couple weeks ago entitled "Dolan versus City of Tigert," a case arising out of the Northwest. In that case a city government tried to force a landowner to give up part of that property, in that case for a bike path and a green area, in return for the right to get a building permit.

The court in that case said something very profound. It said that the fifth amendment protection of private property and the requirement to pay just or fair compensation for it when the government takes it is as sacred in this country as are the protections of free speech, the free practice of religion, freedoms of the press, freedoms to assemble in this country, the freedom to be protected in due process from unlawful search and seizures.

In fact, Mr. Chairman, it said it is as sacred as any provision in the Bill of Rights, and that the government in the city of Tigert could not compel that land owner to give up its property just to get a building permit.

In effect, our Supreme Court is increasingly recognizing what all of us believe to be the law in this land, which is that private property is pretty sacred to our economic institution, to the institution of our government and our society in America. It is what separates us from the systems that have fallen apart in Eastern Europe, the communist systems of communal ownership.

If we are to protect the rights of citizens under the fifth amendment to fair and just compensation, this amendment is necessary. It is critical. If people's property will not be appraised fairly and justly before the government devalues it with its regulation, we will be allowing the government to take private property without fair or just compensation. That is what this is all about.

If Members believe, as I do, and as the courts are increasingly saying, that the right to own private property is pretty doggone sacred in America, and that the government cannot take it from you without paying for it one way or the other, then you must support this amendment. It simply says that in the appraisal of private property, when it is taken by the government, the government must pay the fair compensation, the market value before the government devalued your property with a regulatory process called critical habitat or wetlands designation.

If Members believe in that, as I do, then I urge them to support this amendment.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has again expired.

(By unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the gentleman's amendment, as I understand, though, upsets the Park Service and other land management agencies. He is obviously addressing this only to the Government in an instance where we may have occasion to purchase land, is that correct, in those terms, or to sell it?

Mr. TAUZIN. Mr. Speaker, I am sorry, I do not understand the gentleman's question.

Mr. VENTO. If the gentleman will continue to yield, Mr. Chairman, this amendment is directed to and of course affects, it is directed only to the Government agencies or entities that would be purchasing or selling land, is that correct?

Mr. TAUZIN. That is correct.

Mr. VENTO. That is all this is directed to. If the gentleman will yield further, the point is that the gentleman says the Park Service and others are directed to pay fair market value, and what the gentleman's amendment does is to define what constitutes fair market value.

In other words, normally this is not something that is written in statute. There are many facets to fair market value. This is, of course, contained in an interpretation of the law with regard to the fifth amendment of the Constitution.

Mr. TAUZIN. The gentleman is not defining fair market value. In fact, by unanimous consent I have amended the amendment so it did not refer to highest and best use or any characterizations of market value.

Reclaiming my time, the gentleman's amendment merely says that in the appraisal of property, you cannot deduct it, you cannot lower the value, because of the critical habitat designation under the Endangered Species Act.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. TAUZIN] has expired.

(At the request of Mr. VENTO and by unanimous consent, Mr. TAUZIN was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, what the gentleman merely does is to begin to interject actions on the floor here in the legislative body in the law as to what constitutes fair market value. While he says he is not doing that, he is qualifying it and saying you cannot consider this fact and you can consider another.

Would it not also be true and possible under this particular procedure, then, to begin to put things into the law that would devalue the land? In a sense, just as the gentleman says you cannot consider this factor, but you can consider this factor, you are down a slippery slope here with the gentleman's proposed policy.

□ 1130

Mr. TAUZIN. Reclaiming my time, I am on no slippery slope. If there is a slippery slope in America, it is the slippery slope on which the Government comes along, devalues your property, then tries to acquire it at the lower value. The bottom line is that Government ought not to be doing that to private citizens. If the Government is going to devalue property before we purchase it, we are not being paid fair compensation.

Mr. Chairman, all we are doing in this amendment is saying that when the Government buys property, it ought to pay the fair market value before the Government devalues it for regulatory taking.

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think the gentleman from Louisiana did a super job in explaining this extremely important amendment. He talked about the fifth amendment which talks about the right that people will be justly compensated if their ground is taken.

Many of us in this body have come out of the State legislature and many of us have served in city councils. Having spent 12 years on the city council of my little hometown of Farmington, UT, from time to time as we expanded our water system, roads, or whatever it may be, we had to practice eminent domain.

What is eminent domain? When we have to take over some property, we had to establish the value of that private property, and then we would go about a legal procedure. Out of that, the city ended up paying for that ground. We paid what was the fair market value of that property.

In the State legislature, as Speaker of the House, I saw where our department of transportation had to do it, where the natural resources had to do it, and that is sacrosanct in America and has been around since the Constitution was written. Then in 1973 came along the Endangered Species Act, and we may talk about the Wetlands Act. I do not know if we will have time to do that.

Mr. Chairman, we find people all over America that somebody says, "This particular species is endangered." Did they then go to the person who may have owned the ground since the 1800's? No, they did not go to him and say, "We're going to pay you for this." They said, "If you move this animal, if you hurt this animal, you are going to find yourself in jail, you're going to find yourself with a big penalty."

Is this fair? We have seen houses burned down because of a rat. We have seen problems come about because of a fly. We may ruin the whole Colorado River drainage because of four fish that 30 years ago we called trash fish, and we tried to kill those trash fish and we tried to kill them with rotenone, and now we are going to maybe ruin the whole Colorado River compact because of this Endangered Species Act.

We look through this and we say, "Is this fair and equitable to individuals in America?" The resounding answer is "no."

Mr. Chairman, I could stand up here for 2 hours and give names to Members of citizens of the United States of America who have lost their land and had it devalued, people who have been there, fourth and fifth generation ranchers and owners and developers who wanted to do something with their ground.

Down in Cedar City, UT, the Secretary of Interior, Mr. Babbitt, came in and made this statement. He said: "We are going to value the property with the species on it." These people owned that property long before the 1973 Endangered Species Act. It is totally unfair to these folks to say, "Great, now, you're not going to get the value of your ground." This may be the inheritance for your entire family, but instead of being worth $20,000 an acre in that growing area of Washington County, St. George, which has more retirees go to it than anyplace in the West, they are now going to get $200, $300 an acre for it. It is totally unfair to those people.

In Washington County, we have a group of people who have tried their best to come up with a habitat conservation plan to protect the desert tortoise. We have had all sides together on the thing. After 4 years of working on this, after millions of dollars and thousands of man-hours, the Department of Interior wants to give them 25 percent of the value of their land.

Why should people have to put up with this? I think if I have ever seen an amendment in the last little while on this floor that makes eminent good sense, it is the amendment of the gentleman from Louisiana. I am happy to join with him on that particular amendment and would urge that Members of the body vote in support of this amendment.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end in 40 minutes, with the time to be divided equally.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. HANSEN. Mr. Chairman, reserving the right to object, I would object to that request. We have a number of Members who want to speak on this particular amendment and who feel very strongly about it.

Would the gentleman agree to a request for an hour on each side? Is that too much for him?

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, I would not agree to an hour on each side, no. I thank the gentleman, and I withdraw my request.

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the desert bill is symbolic of problems we are having in California. This magnificent State which at one time had a great deal of Federal ownership because it was a U.S. territory before it became a State is now occupied by 32 million people. The issues that are driving California are essentially the management of that population, where it is growing, and how it is going to utilize the resources upon which it lives.

Mr. Chairman, California has got a definite supply of water, a definite supply of air, and as we impact on those, we begin thinking about how we are going to manage the open spaces. That is what this desert act is all about.

What we are flirting with in this amendment is government manipulation of property values. It is a very, very dangerous precedent. Property values are not an exact science. In fact, if we see what really drives up property, it is property that is near open space, it is property that has views, it is property where there is clear air and clean water. In fact, it may be driven up because we have declared the habitat surrounding it as habitat for endangered species. If we begin manipulating these prices, we are going to put serious detriment into land use values, not only in California but in the entire United States.

Mr. Chairman, I served in local government as well as the distinguished gentleman who spoke before me. I served in the State government, have been involved in coastal zone management planning in California, a very regulated process, probably more regulated than any area in the United States. What has come out of that is higher property values. Why? Because the resources are being managed very meticulously and it increases property values.

Mr. Chairman, this amendment, I think, slaps a big burden on trying to determine what indeed those values are and in many cases may drive down from the willing seller the value.

There is a question raised about eminent domain. I do not know of any property that has ever been taken in the United States for habitat protection by eminent domain. Those who have familiarity with it know that eminent domain is usually used in highway procedures where they are trying to drive a road through some property. There is also a liability in using eminent domain because if the government backs out of the agreed upon price, there are treble damages and government oftentimes has to pay more than anyone ever expected for land if they do enter eminent domain.

I would like to point out that a lot of the land in California, people are talking about Federal ownership. Seventeen percent of the State is owned by the Bureau of Land Management. The BLM land is land that nobody wanted in California, and today many people, it cannot be given to them. There is no water, no roads, no access, no good soil. It cannot be mined, it cannot be grazed, it cannot be farmed, it cannot be used. Yet we say, "OK, the Federal Government owns too much land." In fact, they ought to look at what we own.

Lastly, I would like to say that this amendment, I think, is probably well intentioned by those who think we are going to protect property values, but indeed I think we are going to destroy the ability to determine what is real fair market value in California and in other States by adopting this amendment. It is a dangerous precedent. I urge a no vote on the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield on that point?

Mr. FARR of California. I yield to the gentleman form Minnesota.

Mr. VENTO. Mr. Chairman, as I perceive the correspondence dealing with the process of land appraisal, the point is made from the code of professional ethics adopted by the Appraisal Institute, one of the leaders is the appraisal industry, prohibits accepting an assignment based on ignoring things like endangered species. Ethical rule 3-3 states, "It is unethical to accept or perform an appraisal assignment if the assignment is contingent upon reporting a predetermined analysis or opinion."

The fact is that the OMB and the various agencies involved have the uniform rules with regard to 18 Federal land management agencies that function. They have adopted these guidelines. They are forced to pay a fair market value for whatever they purchase. This issue that there is some conspiracy theory, that somehow the Federal Government specifically is the root of all evil and that they somehow are designing in passing these laws and this legislation, whether it be clean air, the Endangered Species Act or wetlands delineation with the idea of somehow taking away from the citizens of this Nation something for less than fair value I think is frankly a very flawed logic.

I can understand that people may be very suspicious, but this gets beyond suspicion and into a conspiracy theory, as I said and should not be the basis for our vote or policy decision today.

□ 1140

I think such conjecture and allegations are not helpful to the debate. The law and the Federal policy is required payment of fair market value. If this Congress can in some way qualify or limit what the Government can look at or consider, they can also exclude other factors that would result in less than fair market value going to people for their property.

So I would just suggest we avoid this pitfall—this slippery slope—and oppose this amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the gentleman's amendment.

Mr. Chairman and Members, I am just fascinated by this debate and the discussion by my colleagues who come largely from the urban center about what they think about our desert territory. My colleague, the gentleman from California [Mr. FARR], who is a dear friend from the urban center of northern California, says there are no roads, no water, powerlines and aqueducts; nobody would buy this stuff in the first place.

To suggest that is to say he has never really visited my desert. You know, Palm Springs is not the only part of the desert, I say to the gentleman from California [Mr. FARR]. The lack of understanding about this issue is really unbelievable.

The east Mojave is filled with fantastic values. There are thousands of miles of roadway. There are endless channels of aqueducts and utility corridors. Those elements are factors that would never be considered to be part of a park, yet, they want to take millions of acres, and say every one justifies park consideration.

In the east Mojave there is a fantastic mix of potential value that would be limited by this committee and, indeed, by this debate. It is incredible that people do not understand the values that exist there today and are to be found there tomorrow.

Just in the last couple of years a spot in the eastern Mojave Desert would be just inside this proposed park by less than 8 miles, one of our prospectors discovered a new mine. It just happened to be a minor item. Who worries about marble in the United States? It is a major deposit of marble that is of quality higher than the best marble to come out of Italy. I have no idea what its future value is. But it is tremendous.

It would not have been available for even access if this bill had passed 8 years ago when the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] would have had it.

It is very important to know the thrust of the gentleman's amendment specifically. To put values on land that involve an endangered species, designated or to be designated, could have a tremendous negative effect upon landowners, property owners in this country.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding.

I think we need to really focus on exactly what this amendment and this debate is really all about.

The gentleman came up previously, the gentleman from California [Mr. FARR], and talked about manipulating value. It is the Government in this case that manipulates value against the landowner.

When the Government comes in and says, "You cannot use your property anymore because we decided it is critical habitat, and then tomorrow we are going to buy it from you but only at the lower value," who is manipulating value? The Government has. The Government has literally taken your private property without paying you for it.

That is forbidden in the Constitution. We ought to forbid it in this act. That is what the amendment is all about.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague's contribution as well as his amendment.

The point he makes is emphasized by the following point: It was not very long ago that the gentleman from California [Mr. MCCANDLESS] and I shared territory in Riverside County. I will never forget the issue of the fringe-toed lizard coming to my attention.

Suddenly a newly designated endangered species was impacting territory in and around that area that is Palm Springs, CA. Over time it became very apparent if the Department had its way they would take most of the open land left north of Palm Springs and put it in some kind of preserve.

What eventually had to be done, because there was a designation of the fringe-toed lizard as an endangered species, we actually had to create a preserve; several hundred acres of otherwise extremely valuable property owned by private citizens would have been somehow essentially taken over in terms of its relative value by this Department. That is precisely what the gentleman is trying to get to, that the Government should not be able to manipulate the value of people's property long held or otherwise because they decide to designate "X" endangered.

In my territory, another minor extension, I think expansion, of the original intention of Congress is as it relates to endangered species, the wooly star. I am sure that maybe even the gentleman from Minnesota [Mr. VENTO] has not heard of the wooly star. But it is a cactus-like plant, an ugly little devil, I must say, but for about 3 weekends a year it develops a very small little purple flower, and it grows in watersheds, sandy territory.

Now, frankly, that partially describes much of my desert. Right now it is located in the watershed near the Santa Ana that is very, very valuable property. It is the production point of sand and gravel that leads to building houses and roads, less expensively.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 3 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, if one were to broaden that definition, pretty soon there would be no sand and gravel for building houses and roads for southern Californians.

The kangaroo rat: Now, I do have a lot of empathy for endangered species, but the kangaroo rat is not on my list, and it is about to drive low-cost housing opportunities out of the Inland Empire in southern California. Young people already, including my kids, are having difficulty buying homes because of what Government is doing.

My colleague from Louisiana is essentially saying we should not have the Government, by these mechanisms, manipulating the value of property.

Mr. MCCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from California.

Mr. MCCANDLESS. Mr. Chairman, I must express some concern about the logic I heard from the other side of the aisle relative to the appraisal process.

Having spent some time on the Committee on Banking, Finance and Urban Affairs, and going through the savings and loan debacle, assessments and how appraisals and everything are arrived at became a very important part of the legislation coming out of the dark ages there and bringing these things to light.

One of the things that we must understand is that the value of that land is based upon what that land has to offer in the way of development or esthetic value, or whatever else may be involved that the owner and the buyer wish to trade. If there is a "slippery slope" or however else you may wish to define it, that is a part of the actual land in question. The designation of this land for purposes of the Endangered Species Act totally ignores, totally ignores what is the value of the land, and places a cloud over that value that is not representative of what the land actually represents to its owner.

Now, my experience in this has been rather extensive.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman from Louisiana.

Mr. HAYES. Mr. Chairman, I was formerly commissioner of financial institutions for the State of Louisiana, although I do not serve on the Committee on Banking, Finance and Urban Affairs.

My question to you is: If there is a $200,000 mortgage on a piece of property, and it is subsequent to that determination by a financial institution that it was a fair property value to use for that mortgage, and subsequently there occurs a listing under the Endangered Species Act; subsequently to that there is a purchase offered by the United States for $20,000. Is the gentleman simply saying that both the individual who will lose 180 and possibly the board of directors of the financial institution have liability to revalue all of their collateral assets in that institution which were given under one criterion and devalued under another?

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. HAYES. To make it a simple question: What happens to prior mortgaged land?

Mr. MCCANDLESS. If the gentleman will yield further, I believe the statement the gentleman made eloquently outlines a framework of the real problem here of a third party, an intangible aspect of the activities around this issue.

Mr. HAYES. If the gentleman will yield further, what is the legal responsibility of the members of a board of directors of a financial institution under title IV of the United States Code if they know for a fact land is worth less than they are holding it on their books even though the devaluation would bust the bank? What is their legal obligation with criminal penalties if they do not act?

Mr. MCCANDLESS. We are kind of involved here in the desert. If I may, I believe the obvious response is that many of the criminal actions addressed through the Resolution Trust Corporation and other Federal agencies involved in the savings and loan debacle have reflected the very things that you are talking about here, improper evaluation of property and what goes on as a result of that.

Mr. HAYES. I thank the gentleman.

Mr. LEWIS of California. Mr. Chairman, with the balance of my time, if I might, I mentioned earlier a gentleman who had found a deposit of marble in my district.

□ 1150

Mr. Chairman, my staff has brought to my attention something I did not realize. The Government has already driven Rick Domingo, a native American, out of business. He went to the Bureau of Land Management to attempt to lay the foundation for the creation of this mine, putting in the investment and the like, and because BLM was unsure of the future, they said, "Hey, you had better go talk to your congressman." Well, then they could not get any security as to the future potential use of this property because of the debate in the House. His investors got shaky and Rick Domingo has gone belly up as a result of it. This is an illustration of the problem of excessive Government, wanting too much of our lives. Indeed, in this case even wanting to place a value on our property by their own arbitrary formula.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I yield to the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, my reason for getting up was to talk a little bit about this fringe-toed lizard and what kind of impact that had on the community that I represent and actually live in.

It is a 14,000-acre preserve now I believe, paid for by the Federal Government, paid for by local government, paid for by county government, paid for by the building industry and those who represent it in a consortium of involvement and a payment over a period of time.

It is important to note that for a length of time, which we are still recovering from, that the adjacent properties and the assessments on those adjacent properties to pay for this have substantially reduced the value of that property, whether it be for farming, whether it be for development, or for whatever other purpose.

We briefly mentioned the kangeroo rat. The kangeroo rat has demoralized the county of Riverside, and has reduced values of property far less than what anybody would conceive of if a fire came through or a flood came through and reduced its overall worth or value to an assessment or an evaluation.

The Endangered Species Act has been the most dynamic force in reducing property value below whatever it should be, according to a fair market and other factors, because it is not developable. If the county of Riverside were to say you can put 1 house on every 10 acres and that is the zoning of the property, if the K-rat was eventually found on that property then you could not put the 1 house on that 10 acres, because the county of Riverside would not issue that permit because you would be in violation of the Endangered Species Act.

I had a constituent who wanted to add one bedroom to his house because he had another child. He could not add that one bedroom to the house on the 5 acres that he owns because of the Endangered Species Act.

This is the problem that we are talking about. My colleague, Mr. TAUZIN, his amendment addresses that.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has again expired.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. VENTO. Mr. Chairman, reserving the right to object, is there some agreement that we could gain on time in terms of the extension that are going on? I would suggest that there has been some over 25 minutes of debate on one side by the proponents of the amendment and 5 minutes by the opponents of the amendment. Is there some agreement we could get, even on an unequal basis, so that we could conclude this is a timely manner, say 35 minutes, for instance for Mr. HANSEN and 25 minutes by Mr. MILLER.

Mr. VENTO. I reserved the right to object, and I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would suggest that this is by far the most significant amendment remaining on the bill before us today. It involves people's property. I am very hesitant to lightly restrain the time. But I would certainly yield to the gentleman who is the author of the amendment.

Mr. VENTO. Renewing my reservation, under my reservation: The issue is that I am suggesting an additional hour on top of the half-hour, spending an hour and half on this; is there any suggestion on the part of the gentleman?

Mr. LEWIS of California. I do have a suggestion. I suggest to the chairman that there are other amendments that I may very well choose not to take up today. It is very conceivable.

Mr. VENTO. Mr. Chairman, under my reservation, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, we understand the gentleman has a whole series of amendments and that he can continue to drag out this bill. That is certainly his right under the rule that I sought that allows him to do that. The question is whether or not we can have a reasonable time limit on debate here so that we can move on either to the consideration—the gentleman's rights continue no matter what we do here—protecting the rights of all Members who are here on the floor, if we had 40 minutes, Members would have 5 minutes to spend on the amendment.

Mr. VENTO. I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding.

Mr. Chairman, I must say that I would take the leave of the author of this amendment in connection with a specific amendment. But indeed we would not have the number of amendments on the floor that we have today if the committee had originally been halfway responsive or even consulted with Members who are elected to represent the desert.

Mr. VENTO. Reclaiming my time, Mr. Chairman, the issue is here. I seek a reasonable time to consider the amendment before us in terms of this issue, which has been debated repeatedly here on the floor. The issue here is tangential, at best.

Under my reservation——

Mr. LEWIS of California. Mr. Chairman,——

Mr. VENTO. Mr. Chairman, I continue my reservation of objections.

The CHAIRMAN. There is one unanimous consent request on the floor.

Mr. VENTO. And I reserved my right to object under it. I am yielding to the gentleman from Louisiana.

Mr. MCCANDLESS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MCCANDLESS. Mr. Chairman, my colleague asked for an additional 2 minutes, which the gentleman in question took exception to under the unanimous-consent request.

Mr. VENTO. I reserved my right to object. Under my reservation, I yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, let me point out that we have not had long debates on this issue. This is the first time we have ever had a chance to bring this issue of property rights and compensation before this body. And to suggest that we have had a lot of time to debate it is wrong. Many Members are just now getting the messages in their offices right now who will want to come to the floor and debate it. I would be very, very careful about limiting time on this debate with Members just now being alerted to this very serious question.

I think we ought to see who is coming to debate it first, and let us have a good debate.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. VENTO. Under my reservation, I yield to the gentleman from Louisiana.

Mr. HAYES. I thank the gentleman for yielding.

Mr. TAUZIN sponsored the amendment. The gentleman mentioned two lawsuits earlier today. One was Florida Rock, and the other was Dolan. Have not both of those been going on for over 20 years and are not, in fact, one of the original plaintiffs now deceased?

Mr. VENTO. I cannot give the answer.

Mr. Chairman, I yield to the gentleman from Louisiana to respond to the gentleman from Louisiana.

Mr. HAYES. We are speaking of time here. We will have nothing but dead plaintiffs left while we have wasted time in not enacting legislation to give people their rights.

Mr. VENTO. Mr. Chairman, reclaiming my time, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding.

I just want to correct the record here.

The fact is that this amendment and all other amendments could have been offered in committee, and they were not offered in committee. So they have chosen to offer this amendment for the first time in this forum to continue the debate.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman briefly.

Mr. TAUZIN. I point out that this Member does not serve on Mr. MILLER's committee. I would love to have served on this committee. I do not serve on this committee.

Mr. Chairman, this committee is the Committee of the Whole House. This is my chance to get this amendment to the floor and get it debated, and I would like to have a full debate on it.

Mr. MILLER of California. Mr. Chairman, the point is that the gentleman from California [Mr. LEWIS] suggested somehow this is the only place you could consider this amendment because in fact the committee did not allow that. The bill was considered, and any member of the committee could have offered any amendment. The members of the committee on the other side and on our side chose not to offer this amendment. The gentleman is perfectly right.

Mr. VENTO. Mr. Chairman, I withdraw my reservation of objection and let the gentleman [Mr. LEWIS] have his 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California [Mr. LEWIS]?

There was no objection.

Mr. LEWIS of California. I thank the chairman for being so kind with his time. I must comment to the chairman's remarks: It happens to be unfortunate that not one Member who is elected to represent the desert, out of the five, serves on the committee. They were not consulted at all by the committee. And were dealt with in an arbitrary manner by the committee, in this Member's judgment.

Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. MCCANDLESS], a Representative of the desert.

Mr. MCCANDLESS. I thank the gentleman for yielding.

Mr. Chairman, I would like to make one other point regarding evaluation of property. In a recent wildfire in my district, 39 homes were burned down to the ground. Prior to that wildfire, one of the owners of one of these homes asked for a permit to build a tractor shed. That permit was requested and re-requested, but refused by the county because it said, "Your property is on the Endangered Species List." That house and 38 others burned down because the Endangered Species Act did not permit the disking of the property which they owned, around their dwellings and other structures. And as a result, the wildfire came directly through, burning the grass up to and including the house.

□ 1200

My point here is that the Endangered Species Act, whether applied to improved or unimproved land, has been a substantial detriment to the value of the property in question, and so I take exception with those who say that the Endangered Species Act has no impact or should not have any impact upon the assessments of property as it relates to purchase by a Federal agency.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, let me mention that I started these remarks by discussing the fact that one of my constituents, Rick Domingo, has essentially been put out of business by government. I know that not too many of my colleagues may care about that native American who now is essentially out of work and has lost the potential value of his claim. I had hoped that the House would at least care about the 70 employees he was planning to hire from Baker, CA.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

Mr. Chairman, there has been a lot of discussion already in terms of the Endangered Species Act. The truth of the matter is, and, of course, this amendment affects the fundamental process of arriving at a fair market value; but the issue here is of whether or not we are going to begin to legislate different qualifications in terms of what fair market value is for at least some of the land management agencies in the context of this bill.

We are talking about, in this case, the BLM management of land, and the Park Service management of land principally. As I said, there are 18 different and acquiring agencies in the Federal Government which, under the uniform standards, would prohibit such practices as being inappropriate and would result in something less than what fair market value is, and proponents suggest that we are not affecting such standards. We, in a whole host of both national and State laws and zoning laws, have as impact on what the value of land is whether it is zoned for commercial development, residential development, other types of limitations and extensions that the State or national government may place on it, whether it has harmful deposits of toxic materials on it, whether it has other types of value associated with the land in terms of naturally occurring minerals, some obviously semiprecious or high value like gold. All of these factors enter into the fair market value.

Congress has, Mr. Chairman, when attempting to interfere with that, has been put down on the basis of what the constitution provides in the fifth amendment, which is a good protection, and most recently my colleagues quoted cases, the Rock case, the Dolan court case, in which local governments, national governments, the Federal Government, may have taken action or attempted to disallow certain factors or impose certain conditions which reduce the fair market value.

The proponents are intent upon legislating, in this instance and if the Congress can do so and passes laws that limit value and that say, "You can't look at a specific factor or factors; you have to be blind with regard to endangered species," I would suggest one could be blind with regard to certain mineral values on land. One has to disallow that particular value which would, indeed, bring us down a policy path where we would take away this particular function from the courts, form the professional appraisals, and take it upon ourselves to qualify property value judgments.

Now, Mr. Chairman, we pass a whole host of laws if we disagree with the Endangered Species Act, or for that matter, with the toxic waste deposits that are on land or other factors. We can change those laws with regard to that. I do not think in a sense that we should, but, Mr. Chairman, nevertheless we can, and there are some problems that would then be resolved.

One constituent explained that stated it well regulation, zoning land classification is really the hand of the State, local, and national government on the landscape of this Nation. That really is what the power and responsibility of government is, regards land use shaping such uses and limits some take about unfunded mandates. I say, "If you're going to begin to define the context of what is and isn't considered a reduction in property value, you're going to really paralyze both State/local governments, the national land management agencies, in their ability to do fulfill their role, and I mean that job runs the gamut of the 18 land management agencies we have at the Federal level and every State and local government in the country. This would be the granddaddy of all unfunded mandates that one could imagine. It's a way to paralyze the government."

I would say that it is, I think, out of sight to consider the fact that the government somehow has an intention to impose certain conditions on land and private property so that it could take away property from individuals in this instance without payment of a fair value. This amendment, while perhaps well intended in pointing out a problem, is really inappropriate for the National Government to, in fact, not pay fair market value for any land it purchases.

There are problems in these areas because, as we talked about, the fringe toed lizard, and the kangaroo rat, and the woolly cactus that occur in these lands, that simply shows that the likelihood of entire ecosystem in stress; that is, a serious problem, and we are losing those rare species, hopefully we would find solutions to get ahead of the curve, as Secretary Babbitt has articulated in directing the Department of the Interior with regard to the host of fauna and flora that are under stress in the desert and other critical habitats in this Nation, and that we would not take this particular one-sided approach to action or move in the direction we have before us today.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Utah.

Mr. HANSEN. Mr. Chairman, I think on the discussion when we are talking about the Federal Government, and then we are comparing it to the local governments, I think respectfully there is a difference. In local government we have a board of adjustment. In local government we have an appeal process. In this all we have is the courts, and we can go to the court, I am sure, but it would seem to me that it is not really the kind of comparison we would want to look at because in a local government and on the State basis we have boards of adjustment, people one can go to.

The gentleman talks about Secretary Babbitt. In my home State——

Mr. VENTO. Reclaiming my time, Mr. Chairman, I do not think it has to do with whether we have a court.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, I am going to yield to the gentleman from California [Mr. MILLER] in one moment, but my point would be that we are not talking about whether there is an appeal process, whether it is through a court or formal board. We are talking about what the rules are that govern or the values are that govern the value of the land; in essence, what is going to be paid or what is going to be compensated by adjusting that, and what is being suggested. Irregardless of whether there is an endangered species on the land that has an impact in how it can be used; that is the case when we talk about water rights on land. That is the case when we talk about whether there is an air pollution problem or whether there are certain types of mineral deposits on land. We are dealing with the fundamental value that is there, sometimes defined and regulated by reasonable law and Government actions.

There is no difference between two plots of land at a local level except that they zone one for commercial and one for residential, and that is what we are dealing with. We are dealing with changing or structuring in Congress, such value in this amendment not depending on the marketplace, but structuring those.

Now it is true that sometimes laws locally, nationally, federally, statewide, have an impact in terms of what the value of land is. I yield that particular point. But the fact is that you are proposing that Congress mix into such issue—we are not changing the fundamental law. We are saying, "Disregard what the value is and pay that notwithstanding the Endangered Species Act in this instance, and you can do that with any one of the rules or any one of the laws that I just spoke to in the same vein.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I just want to say, as my colleagues know, the strong suggestion is somehow this is going to relieve the endangered species problems on lands, and the fact is it is not. The fact is what the Government would do in this case, I guess if this was the land, the gentleman was going to force the Government to pay a higher price in spite of the reality on the land. The Government will come along, and they will make a determination, as they make today, about habitat, about land, that there is an endangered species problem. If, in fact, there is one, they will have to support that and go on about their business. And guess what? That landowner will have that land at that market rate, and they can then deal with anybody in the private sector they want, and the Government can just stand back and watch that because the fact is there will then be 404 permits, there will be clean water requirements, there will be endangered species, and that is fine.

Now the question is whether or not we then want to, because basically what we are doing here is we are prohibiting the Government, we are prohibiting the Government from going in and acquiring that land if, in fact, they have made an endangered species determination because what we are saying to the Government is they must pay a higher value for that land than the land is really worth out in the market.

□ 1210

So they can let that landowner sit out in the market and determine what it is worth with these requirements, because let me say that if you are a developer, if you are a homeowner, or you are a rancher, and you want to buy that land, you are going to ask, "Is there a species problem?"

They may say, "Yes, this an endangered species habitat, and there is a wetlands problem here." So you are going to say, "Well, I am going to have to pay you a little less because I would have to get a permit. I would have to go through these processes, and I have to wait to see if that gets cleared up."

But you do not want to reserve that right to the Government. So the fact is that what this amendment dictates is that the Government goes ahead and makes its finding and they know that that land is going to be treated in accordance with the Clean Water Act, and so forth.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 3 additional minutes.)

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. Mr. Chairman, I continue to yield to the gentleman [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, the point is that the Government really does not then have to deal with these lands because they will treat these lands as they can under the existing laws.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. No; I cannot yield. The gentleman has the time, and I have asked him to yield to me. I have not completed my statement, and the gentleman has spoken several times on the amendment already.

Mr. Chairman, the point is this: that the Government does not have to assume the burden because it already has, under existing laws that are not subject to this legislation, the ability to go out and to define whether or not various lands have habitat and species problems and whether various lands have wetlands problems, if it already comes to that, and that will continue. The only thing we have done here is we have taken the Government out of the market as to whether or not they choose to acquire those lands, and in this case most of the lands are not going to be a threat to the Federal reservations. We would like to acquire them for management purposes. A number of people may be there who would like to leave these lands to the Government because they want the Government to acquire them. But what you are simply saying is that if you are going to force this on the Government, a land manager cannot say, "I am going to pay an artificially high price for these lands," because I think in fact we are working to an end which most of us would suggest we do not want. But that is fine because that classification of endangered species problem will be out there and the free market can deal with it, and you will find in fact the free market would treat this as would the Government but for the amendment, because we would be considering whether or not this is in fact a fair market value.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, I appreciate the gentleman's yielding.

The issue here that started this spark was that the Endangered Species Act does not have an impact upon the appraisal of the property based upon the outline that the gentleman read with respect to professional assessments of property.

Mr. VENTO. Mr. Chairman, if the gentleman will let me reclaim my time, I would be happy to share the statement with the gentleman. I read a portion of it.

I did not imply nor did I mean to imply, nor does the statement, I believe, imply that the Endangered Species Act has no impact. I believe we all know that it does, just as other types of laws have an impact, whether they be toxic waste laws or other types of laws, have an impact.

Mr. McCANDLESS. Mr. Chairman, will the gentleman yield further for just one more point?

Mr. VENTO. Yes; I yield to the gentleman from California.

Mr. McCANDLESS. Mr. Chairman, if an area is designated by the Fish and Wildlife Service as an endangered species study area or if it is determined that this area is in the Endangered Species Act requirement, no county in the State of California and, I would assume, other States can issue a building permit for any type of structure, be it commercial, residential, or the improvement of an existing structure, since that cloud has been emplaced upon the property. That is my point. That dramatically reduces the value of the property.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has again expired.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. TAYLOR of North Carolina. Mr. Chairman, reserving the right to object, this would be based upon the fact that my watch keeps up with everybody else's watch.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, let me inquire, has the gentleman from California concluded his statement?

Mr. McCANDLESS. Yes, I have, Mr. Chairman.

Mr. VENTO. Mr. Chairman, let me suggest that I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, let me just say that what we have heard on that point is just not so. The fact is that people have endangered species on tracts of land and they engage in mitigation plans with Fish and Wildlife or with the corps, or whatever the agency is. Because they are both involved in this. We have some of the most valuable golf courses in America that are built across endangered species habitats because mitigation plans were put forth and the species continued to strive and the value is there, and the people still built the course and they are commercially successful. Let us not pretend that that is the end-all. In fact, that has enhanced the value of lands around them.

So this amendment should really read either way. The point is that in fact the setting aside of habitat and the setting aside of wetlands also accrues to the value, and if we are honest about this amendment, we should also say that we should not be able to account any value that was added by governmental action, such as a county road down the front, a freeway down the front of it, a national park along the side of it, or a water project that brought water to the property.

Why is it that the Government always has to take the losers and they never let us share in the values that are increased because of governmental action?

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. VENTO. Mr. Chairman, I think that points up one of the problems. I am almost out of time, and I do not want to continue to extend my time because other Members may want to speak.

But the point is, very simply, that if we are looking at something in a community or a city having some special species or plants, or other amenities on it, that can be a desirable feature. In fact, the park designations themselves have had the characteristics of increasing the value of lands around the parks. People want to live by national parks and by local and State parks.

The point is this, Mr. Chairman, I would conclude by saying that if there is a demonstration that there is collusion between the Government designation of an endangered species and then coming back and purchasing the land cheaply, I think obviously in any court they would take action to rectify that situation. That is the Doland case where the local government was determined to overstep its lawful authority.

Mr. LEHMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say to my colleagues that what we have here is essentially an issue of the process around here. The gentleman from Louisiana [Mr. TAUZIN] and others have tried for sometime to get Endangered Species Act questions on the floor of the House. He has a bill, and the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Massachusetts [Mr. STUDDS] has another bill. The issues are well understood by Members of the House, but we have had really no opportunity here on the floor to debate these issues or discuss the important parts of it, and I think what we are seeing here today is a real frustration over the ability to get the significant issues in full debate before the House and find out where the votes are as far as amending this act is concerned.

It would certainly be preferable at this point to debate an issue like this in the context of the entire Endangered Species Act, with those problems before us, so the House could act, but since we do not have that opportunity, I think the gentleman from Louisiana [Mr. TAUZIN] is going the only thing he can do here, and that is to try to use this opportunity to bring at least one issue connected with this before the House. This is not a perfect proposal by any means that the gentleman from Louisiana [Mr. TAUZIN] has, because it only affects the Federal acquisition of these lands, and certainly in the private sector between two parties the discount necessitated by the Endangered Species Act application would have to be factored in. But at least here he has made an attempt to deal with this issue.

I would point out that the real tragedy here is that the individual whose land is impacted by the decision, whether that decision is right or wrong, under the existing process has no opportunity for public input into that process that affects his or her land, has no guarantee and in fact has no right to bring the economic issues that are at the core here to the table under the existing act. As to the very issues we are talking about, that person who owns the property has absolutely no possibility to get to the table in the discussion either in the decision to list the species or in the subsequent discussion of the mitigation.

Finally and most egregious, if there is a decision to list, there is no right to go to court on the part of the property who opposes and challenges that decision. Only if there is a failure to list is there a right to go to court. The only instance here in which someone can exercise their right to go to court is under a takings process that could cost hundreds of thousands of dollars and a lot of time, and most people are not in a position to do that.

So my sympathies here lie with what the gentleman from Louisiana [Mr. TAUZIN] is attempting to do. I would hope that a strong vote on this today would send a clear message that we ought to be dealing with this entire issue here on the floor of the House and find out where the votes are. Certainly there is a need for some change.

But in this instance I think there is real injury here to a party that has no opportunity to defend themselves unless they have enough money to go to court and take the appeals process up on a taking.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. LEHMAN. I yield to my friend, the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I want to thank my friend for his excellent statement, because that is what is at stake here. What is at stake here is not private manipulation of values or taking advantage of the Government.

□ 1220

What is at stake here is the Government taking advantage of small property owners who can not afford to spend 10 years in the court of claims or the court of appeals, all the way to the Supreme Court, to prove that the Government took their property by devaluating first before they acquired it in an eminent domain situation, where the party did not have a chance to complain and address the issues in advance.

The gentleman is so correct. If we do not adopt this amendment, what we are left with is a situation where the Government can take advantage of small property owners who cannot afford to go to court and fight the Government, the Justice Department, to get justice in America. This amendment says to every small property owner, when your land is taken, you are not going to get some artificial value. You are going to get the real value before the Government took an action to devalue your property, and then tried to acquired it. It is so essential that we establish that in law for small property owners.

Mr. LEHMAN. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. I think we have the basic question of fairness. I wish we could deal with it in the larger context. I would suggest to Members listening, until we are given that opportunity here on the floor, we are going to continue to see this type of frustration, and maybe a clear vote here will send the right signal.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support for the Tauzin amendment. I think my colleague has laid out a strong case for this amendment by detailing the Florida Rock case. There is another reason for supporting this amendment, and this debate shows the direction we are moving in. It talks about fundamental fairness for the American people.

It is unfair for anyone, especially a government green shirt, to come on to a person's land and declare that individual's land invaluable because of the government regulations that are placed upon it.

You know, we used to prosecute people in this country for devaluing land and running those types of scams, and then trying to come on and buy it at the lower prices. I believe HUD has regulations against that even today as we speak. And here is the Federal Government doing much the same thing.

The people of this country become wary of what the government does in the name of environmental protection. It is precisely because of this type of maneuvering that the public is concerned. If the government is going to pass strong environmental laws, it should pay the price.

Now, we have before us a bill cosponsored by the gentleman from Louisiana [Mr. TAUZIN] and myself, which lies at the desk under a discharge petition, that would allow us to debate this. It would allow us to have a debate on the whole question of takings and how the public is to be compensated.

You know, one of the Members previously mentioned that because of the pressures of population gains, that there is going to be more and more need for the Federal Government to be taking properties, there is going to be more and more pressure for government management and control.

It is precisely because of that that we need to adhere to the protections of the Constitution more strongly than we do today. The fourth and fifth Amendments are going to become more and more important to protect the people of this country.

The Constitution and the Bill of Rights was passed not to protect us from foreign power, but to protect us from just this type of onerous hand of government. And that is why we as, 435 Members of Congress, ought to be the champions of constitutional rights for the people of this country, not thinking up ways to undercut it, not thinking of ways we can get a cheaper dollar for the government, not thinking of ways we can abuse those rights, but be the champions.

If we are going to err, let us err on the side of the people, not on the side of the bureaucrats.

Now, I served on the board of transportation and in the State legislature as the gentleman from Utah did, and I know there are times when condemnation needs to be used. We tried to find alternative ways.

When I first came to this Congress, we took up a bill in the subcommittee that I sat upon to take a farm that had been in a family's hands for hundreds of years, to provide a view shed for a corpse. Under condemnation of this government, we did that. Now, I do not consider that in an area of highest and public health and safety, which we ordinarily try to use condemnation for.

We know that in many types of legislation, we have reform systems, such as in our State, where the court got its fees from deciding cases. So, naturally, it had to find a lot of people guilty in order to get the funds to operate the court. We abolished that system years ago. Yet we are talking about the same system here.

The government, by pulling from its case a regulation that will devalue your property, can buy that property for a fraction of its value had it not applied those regulations. So it has an incentive to always find a regulation to devalue in order to deprive that person of his fair market value and enable the government to buy it at a lower price.

This kind of chicanery should not be in any system that we have, and it is why we should pass the gentleman's amendment.

Mr. ORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment. I share the concerns of the subcommittee chairman that we not attempt to dictate in statutory language a specific fair market value. I also understand and share the concern of the chairman of the full committee that an amendment ought not to be just one way.

In fact, I do not believe this amendment is just one way. If we read the exact wording, it says lands and interests and lands acquired pursuant to this act shall be appraised without regard to the presence of.

It has nothing to do with just ignoring it if it devalues the land, but not ignoring it if it increases the value of the land. So it really does go both ways. I do not think the amendment is at fault in the language of the amendment.

I believe that one of the very strongest principles in this country protected by our Constitution is the right of ownership of private property. That has been defended in the courts. In fact, recently, a few years ago, in the Lucas case, as this body is well aware, the Supreme Court ruled that when the Government, whether it be Federal or local, when the Government acts through something such as a zoning ordinance, which the subcommittee chairman mentioned may lower the value of land, that that in fact is a taking, even though it is not a condemnation, even though it is not taking all of the rights of ownership of the property; that the very restriction of use through zoning or such ordinances can in fact be a taking which is compensable, which the Government must compensate.

Now, I believe that. In my opinion, the enlisting of endangered species or critical habitat is a similar taking, which must be compensated. I believe, in my opinion, that is in fact a taking.

I would encourage the Supreme Court that when that case appears before it, to find that similarly, under Lucas, to be a taking. I would encourage those people who have the money to pursue this to the Supreme Court to in fact do so, so that we can get a ruling under the court.

I would encourage this body to take up the Private Property Rights Act, so that we can deal with this in substance beyond just the Desert Protection Act, beyond just the Endangered Species Act, so we can deal with this issue of Federal Government action which lowers the value of property being a taking.

I believe it is. It must be under the Constitution, and it should be compensable. But until someone takes that to the Supreme Court, or until this body acts to pass the Private Property Rights Act, we should adopt this amendment so that specifically we are saying that the government cannot benefit by or that we cannot take away the person's property value.

The argument has been made very clearly by both the committee chairman and the subcommittee chairman that the listing of an endangered species or a critical habitat may very well, and often does, lower the value. Yet that is not being compensated.

So what this does is seek in this particular bill to say we are going to compensate them because we are not going to appraise considering the listing of that species. We will appraise it without consideration of the listing of the species.

So I think it is a very good amendment, and would urge adoption of it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the gentleman raised the Lucas case. I have not read all the details. But the suggestion that if you have a zoning limitation and you reduce the value of the land regarding a zoning the gentleman, Mr. ORTON, suggests that in that practice today for local governments, for State governments, in essence, is compensable and that they are or should be paying compensation.

Mr. Chairman, one of the critical elements I think missing in the discussion here is a black and white argument sort of being portrayed today, the issue of reasonableness. That is exactly the case of the Dolan legal case. So what we are entering into, of course, is not a question of whether it is a reasonableness in terms of use here with regard to this amendment and this very narrow use, but, obviously, we are arguing on a broader ban. But the proponents of the amendment are avoiding the issue of reasonableness, which is at the heart or core of what the courts actually decide, and we are putting in place and substituting our judgment by saying if it is an Endangered Species Act, you cannot consider it as to reducing that value the Federal Government pays for such property.

□ 1230

Indeed, while I suggest and I think the chairman suggests that the Endangered Species Act could reduce the value of land because of limitations that are inherent in the use of it, it also may enhance it. I may want to have the Houston toad in my backyard. To me that may have something of value and I think to other individuals as well.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(By unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

Mr. ORTON. Mr. Chairman, in response to the comments of the subcommittee chairman, indeed the Lucus case is a fairly narrow issue. But the concept that was identified in the Lucas case is that in order to be a compensable taking, you do not need to take the entire rights in the property, that a restriction such as a zoning restriction can in fact be compensable under the Constitution, under the takings clause. I think that is the point that I am raising.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, I think the question is one of reasonableness. Of course, it is not the operative function of our local governments, every time they have a reclassification, whether it increases or limits the use of the land, to either collect money on the increase or to pay money back on the decrease. In fact, that is a common activity, in fact, a major function of local and State government.

Mr. ORTON. Mr. Chairman, I appreciate the comment.

The point we are making is, I think, one in fact of reasonableness. The Supreme Court has said that the action, something less than taking the entire rights of the property, is in fact compensable under the Constitution. I am saying that we ought to take that case to the Supreme Court to determine if this is compensable. I believe it is, in my opinion. Until that is done, I think it is very reasonable to say that when listing an endangered species or critical habitat which then clearly is a lowering value, it is reasonable for us to state that we are not going to reduce that property value through appraisal.

Mr. TAUZIN. Mr. Chairman will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, first of all, let me thank the gentleman for his fine statement in support of the amendment, particularly the argument that if every landowner has to go all the way to the Supreme Court to find out if the Government has taken his property, what awful mess we are in. How small landowners will be denied justice in America.

I hope Members appreciate the strength of that argument. The gentleman is correct. The court, in the Florida Rock Decision, said that zoning cases must in fact be judged on their reasonableness, but were there is shared benefit and burden, there is no taking. But if the burdens fall on the small class of landowners and the benefits fall to the public at large, under Florida Rock that is a taking.

That is what we are talking about here. We are talking about endangered species designation so that the public at large gets the benefit of environmental protection but a single small landowner has to lose the value of his property.

What we are saying in this amendment is, when the Government makes that kind of a decision, it ought not take advantage of that landowner by paying him the smaller degraded value. It ought to pay him the market value before the Government made the decision for the public good.

I also want to thank the gentleman for his support and point out that yesterday or the day before I stood up in support of eminent domain to say the Government does have a right to buy property for wilderness protection. What we are saying today is, when it does it for wilderness protection, it pays real market value, not an artificial value determined after the Government regulates it to death.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has again expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. ORTON was allowed to proceed for 3 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want the attention of the gentleman from Louisiana, because I do not think there is any disagreement that if, indeed, the Federal Government were to be classifying something as an endangered species or putting some other type of limitation on land through its regulatory role and laws that we pass lawfully doing this, that in essence that they ought to be doing so with the intent of actually devaluing or reducing the value of the cost. In fact, the entire impetus of the Federal Government and the 18 land managers we have is to pay fair market value.

I think, as a matter of fact, I would say that very often that results in a higher cost, could result in a higher cost to be paid. We cannot pay less nor more than fair market value. So if there is a demonstration that there was actually an intention on the part of the Park Service, the Forest Service, any land management agencies to reduce the value and to take advantage of a citizen, I think that we would all be in the forefront seeking payment. I do not think there is any demonstration or intention to do that. There is no design to use the law to achieve such objective, as I said earlier there is no conspiracy.

I find such suggestion not helpful in terms of this sensitive policy issue.

Mr. ORTON. Mr. Chairman, reclaiming my time, I do not know of anyone saying that that is the basis of this amendment, that there is some bad action on the part of the Park Service in doing so.

I would simply suggest that I agree with many of the goals of the Endangered Species Act. We do not want to eliminate species from Earth. But we ought to recognize that if it is important enough for this country and this country's laws to protect that species, it is important enough for us to belly up to the bar and pay for it.

Why should one landowner have to bear the brunt of protecting that species? If it is important enough for us to do it, let us pay for it. If we have to raise taxes to pay for it, raise taxes to pay for it. But we should not be imposing these requirements on individual landowners. That is the whole point of this argument.

By devaluing the property and then appraising it and purchasing it at lower value, we are placing the burden of protecting that species on one landowner and not on the public at large. If it is important enough for the public at large to do it, then pay for it.

I would urge the committee to adopt this resolution.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to say, hallelujah.

Mr. THOMAS of California. Mr. Chairman, I move to strike the requisite number of words.

Thank goodness we have finally gotten to the heart of the debate in terms of this particular amendment—private property rights. I think it is ironic and it shows the gulf of the perceptions between two sides in terms of the dialogue that just occurred.

First of all, we are talking about the Endangered Species Act, an act which expired 2 years ago but which is being kept on life support because, frankly, if the Endangered Species Act were here on this floor, a similar debate would be taking place. And I believe a number of Members, especially the chairmen of both the committee and the subcommittee, would be hard-pressed to defend the Endangered Species Act as it is currently written. Why? Because there is no economic impact statement required in the Endangered Species Act. What is society doing when it requires an individual not to be able to use their land for legitimate purposes because there are endangered species on it? That land is taken. How much does that cost the individual? The value of the land and its uses.

The Tauzin-Hansen amendment goes to the heart of it, because it in fact shows what the economic expense would be. And that is, if you have a piece of private property and an endangered species is found on it, it is worth zero. The Tauzin-Hansen amendment is absolutely correct in requiring the Government to value the land on the basis of its market value without considering the Endangered Species Act. The difference between that property, its market value without considering the endangered species, and the zero worth of that land if you considered the Endangered Species Act, is the economic impact of the Endangered Species Act. So let us get honest here.

The reason the opponents of this amendment are scared to death of this amendment is because it truly shows the cost of the Endangered Species Act. The Endangered Species Act does not require a determination of the economic impact of a decision under the act, but the Tauzin-Hansen amendment would require the Government to own up on the actual societal cost of the Endangered Species Act.

I love the chairman's example of the golf course or his example of living next to the park and how valuable that makes the property and how we are not only living with mitigation today, but how mitigation helps people enhance the value of their land.

Let me tell my colleagues what is going on in my district. In my district we do not deal with golf courses for mitigation.

What do we deal with in my district? I represent an area which historically has the Tulare Lake. That was a lake formed by the Kern River, which ran down the Kern Canyon every year, one of the major white water rivers in the United States.

☐ 1240

That land would be flooded, and then when the sun came out, as it does in the Central Valley, the lake would shrink, sometimes almost drying up. The next season it would flood again. Then it would contract, and it would flood and contract in God's design.

Man came and built a dam, and the flow of that river was stopped or regulated by the dam. I have property owners who are attempting to release water on old Tulare Lake land to allow it to percolate back into the underground as it did historically, and the Government has said, "You cannot run water on that land." Why? Because there are endangered species on that land.

Wait a minute, wait a minute, before man ever came and built a dam, these endangered species were living where the lake had contracted, and then, guess what, when the water rose, what did the endangered species do? Ask where is Government to protect us? No. What did they do? They went to higher ground. Believe it or not, the kangaroo rat knows that when its hole is flooded and it ought to go to higher ground.

However, if somebody today tries to release water on what used to be the Tulare Lake basin and there is an endangered species there, they are fined by the Government. They are not allowed to use the land for what was its historic purpose.

Let me give another example, which is not a golf course. The United States has decided to build a Federal prison. We were building it on the west side of Kern County. Some of the land not used for the Elk Hill's Oil Preserve was appropriate land that is federally owned. We went to take a look at it for purposes of building a Federal prison. We could not build it there. Why? Because there are all kinds of endangered species there.

Interestingly enough, the count of endangered species on military reservations, on other Government property don't exist for purposes of a species count. If we have a Government reservation that is absolutely loaded with endangered species, but somebody has 10 acres just the other side of the Federal boundary, the person on the other side of the Federal boundary has to pay mitigation regardless of how many endangered species are on the Government side.

Now we try to build a Federal prison. We cannot do it because we have endangered species on the land. Where can we build a Federal prison? Thank goodness, Chevron Corp. had a 300 acre plot of land that they plowed religiously, did not plant anything there, but plowed it religiously, spring and fall, so that there would be no endangered species on it, and we were able to work a very reasonable deal for the taxpayer to acquire private property to build a Federal prison because we could not build it on Federal property. There was no determination of the actual cost to society on that decision because of the Endangered Species Act.

The CHAIRMAN. The time of the gentleman from California [Mr. THOMAS] has expired.

(By unanimous consent, Mr. THOMAS of California was allowed to proceed for 3 additional minutes.)

Mr. THOMAS of California. Mr. Chairman, let met give one more example which is not a golf course, in terms of how wonderful this mitigation operation works. We have a gentleman who is an immigrant. He purchased some land. He wanted to engage in farming. The land was sold for farming purposes.

He went into hock to get a tractor to be able to pursue the American dream of the yeoman farmer in tilling the soil to produce the crop for market. As he tilled that soil, 42 Federal agents descended upon him. This gentleman, and it is very difficult for him to speak English, he tried to understand what was happening to him.

The Federal agents fanned out across the property, picked up pieces of fur, because he was disking the property for purposes of planting it, and he was arrested. Not only was he arrested, but his tractor was confiscated, just like the drug lords get their houses and their boats confiscated, because the Feds said it was a murder weapon.

The fellow who owned the tractor had the tractor held by the Feds. He could not get the money for it. This poor fellow is now subject to all kinds of fines and imprisonment because he tried to till the soil. He might have been able to pay hundreds of thousands of dollars to the Government to be able to till the soil, he might have been able to do it. This is not mitigation, it is blackmail.

What really bothers me the most is these folks talking about the fact that, gee, why will we not let Government do this, because then your property next to it will be more valuable. No, it will not. If you have that piece of property next to a park and there are endangered species on it, unless this amendment passes, your property is worth zero. Worse than it being worth zero, it is worth zero and you cannot do anything with it.

That ultimately is the biggest problem with this bill and with the Endangered Species Act without the Tauzin-Hansen amendment. It is the small landholder who is carrying 100 percent on their backs, the society's desire to protect endangered species. If society thinks it is important, society ought to pay for it.

What is the cost? What is the economic cost of paying for it? We do not know, because the Endangered Species Act does not require an economic impact statement. If the Tauzin amendment is passed, you will have it, what is the market value of the land versus zero, and the difference between the market value and zero is the economic impact of the Government's decision.

Mr. Chairman, all we are asking for in the Tauzin-Hansen amendment is for Government to own up to the societal cost of the Endangered Species Act; that if Government wants it, they ought to pay the market value for it.

If the Government believes preserving endangered species on the property is higher than the private use of the private person, then Government ought to pay for it. If we are honest, society ought to say that preserving endangered species is more important than the economic value that the land brings in use, society ought to pay the market value for it, because society says that preserving species is more important than the private use of the land.

However, I have a hunch that once society finds out exactly how much it costs, they are going to say no way. Pass the Tauzin-Hansen amendment.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my friend, the gentleman from California [Mr. THOMAS], who just gave a great analysis of what has happened in the extreme, and I think I read the same case that he is referring to. I believe it was rats that the farmer was accused of murdering, and the tractor and disk were in fact confiscated.

Let me just say, as a Member who was doing some other things today and thought I had a few other places I had to be, I saw a piece of this debate on C-Span and I thought it was important to come down and participate in it, because I think this is a very important debate for this House to take up.

One of the most precious rights we have in this country is property rights. We have had a number of speakers who have alluded to it and talked about it. That is what Americans fought for, that is what people lined up by the thousands in land rushes in the last century to be able to get a piece of land that they could call their own, that they could build a home on, that they could farm. Property rights are a key to our society. They are a key to our prosperity. They are a key to our freedom.

Against that backdrop of a very important right, we have the necessary evil of condemnation. The problem with what we are doing in applying condemnation to property rights, in this case, and I want to speak strongly in favor of the Tauzin-Hansen amendment, is we are taking a necessary evil, that is, condemnation, and we are compounding it.

We are taking an agency in the Federal Government that has the power to devalue private property, and that means take a guy who is a plumber or a carpenter or another middle-class worker, who has put his weekly paycheck every year for the last 10 or 15 years at 8 or 9 or 10 percent interest to buy a piece of land at $50,000, and he finds that Government has taken away the value of his property, lowered it down to $20,000. In this case, in this particular bill, that same Government that devalued his land will now profit from that devaluation. That is bad policy, Mr. Chairman.

Mr. Chairman, we are a House that puts checks and balances in place to keep one part of the Government from getting too much control over people's lives. That is bad policy.

Mr. Chairman, obviously property owners who are going to be affected by this desert protection bill come from all walks of life. There are people that have little bitty homesteads out there where they put what is known as jackrabbit houses on them. Those are houses that working people in Southern California put up with $5 and $10 and $15 saved each week to be able to have a piece of property. They could not afford a piece of property, maybe, in urban San Bernardino or Los Angeles or San Diego County, so they go out to the desert and they own a piece of property out there.

Now the Government comes along and finds an endangered rat, in the case of California, and puts limitations on the use of that property, if they have not already built a house on it or built a structure on it, and now the same Government is going to profit from the devaluation it put in place. That is bad, and it is happening not just in California, but it is happening in farmland across the country.

It is happening everywhere where young Americans are going out and trying to save a few bucks every week and buy a piece of land, and find that their piece of land cannot be built on, it cannot be disked up. The only right that we are leaving our private property owners is the right to pay taxes. That is the last right that Government reserves to them.

I want to thank the author of this amendment, the gentleman from Louisiana [Mr. TAUZIN], and the gentleman from Utah [Mr. HANSEN], who also cosponsored this amendment, for their insight and for their advocacy for working people in this country who want to be able to use their property.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, let me go through some of the things, and why most of us are opposed to this bill. If we take a look at the whole agenda, we call some of the environmentalists Nazi environmentalists, and let me say why.

There are some that are very, very good, working for the good, working with business, working with the military. However, the agenda of some of these groups is total no growth.

□ 1250

We had an amendment on this floor to where these environmentalists could come on to property without permission and check out things. That is private property rights.

In San Diego, there are areas in which we cannot build. We own our own land but we cannot build on it.

We purchase it, we have bought it, whether our home is on it or we have bought it for the future, but we cannot build in many cases because of the endangered species.

We had a fire in San Diego, a bad fire. Every summer the grass grows up and some of the people wanted to cut down weeds and grass in front of their homes. Because of the Endangered Species Act, they could not cut the grass. It was on national television. One guy said, "The heck with you. I'm going to cut it down." He did. He is the only guy with his house left that did not burn. The rest of them that did not because of the rule lost their homes. This is how degrading and this is how demeaning that this whole environmental movement has become in some directions.

There are some groups that are trying to work and not to extremes.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 3 additional minutes.)

Mr. HUNTER. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, you were in the Hanoi Hilton and you spent some time as a POW. There you had no rights.

This is what is happening to American citizens. The Government is taking over their rights and using endangered species, parks and recreation, and so on, and that is not right, Mr. Chairman. I think you would agree with it. Would you want somebody to come into your home and be able to check it out, devalue it and say, "We are going to take your land. By the way, we are not going to give you fair market price, we are going to devalue it," something that you have invested in for your future. That is wrong, Mr. Chairman.

I have some other things that I will speak on my own time, but I know the gentleman from California wanted to yield to another gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, let me just say that north of my district, in Riverside, CA, we have what is known as a rat fund. A rat fund is the money that is put aside, I think there is something like $100 million in it now, and it comes from every young couple that wants to buy a piece of land and build a house. The rat fund is metered out to about $1,500 per lot. That means a young working couple who comes up and wants to buy a piece of land, they are going to pay interest on $1,500 for the next 30 years to support the rats.

Mr. Chairman, that may play well with those people that are so-called purists with respect to the Endangered Species Act, but what it has done in most of Southern California is it has made it so that 82 percent of our citizens do not have the economic wherewithal to buy the average home. One other driver of that price, of course, is the $5,000-increase in lumber per home that comes about as a result of protecting the spotted owl and closing off large areas of lumber supply.

Mr. Chairman, there is an encroachment on basic rights, basic centerpieces of the American dream, like home ownership, that is created by the acts that we have passed, including the Endangered Species Act, that are environmentally oriented. We have not inserted enough balance into these particular acts, and the Tauzin-Hansen amendment is one that inserts some balance. It says that the same Government that cuts your property in half cannot profit from that reduction. That is an important policy for us to pass and it is right for us in the House of Representatives to pass that policy.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding. I can give one of the best examples. A fellow named Bowles in Texas who was in court for 10 years because he bought a subdivision lot in Missouri County, TX. His neighbors had houses on their lots. He was told in 1984 he could not build on that lot because of a Government decision.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(On request of Mr. TAUZIN and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. TAUZIN. Mr. Chairman, if the gentleman will continue to yield, in 1984 he applied for a permit to build his house. The Government said, "No. We have decided that land is now wetland. We are going to protect it under environmental laws."

Mr. Bowles went to court. It took him 10 years. The Government argued that they ought to pay him only $4,500, which was the value of the lot after they said he could not use it. He argued in the court of claims, through the appeals court, back to the court of claims 10 years that the Government owed him the real value of his lot.

The court finally awarded him $55,000, the value of his real lot and punished the Government with interest, compounded daily since 1984. And the court pleaded with the Congress to make some law in this area, not to make every citizen spend 10 years in court to get justice. That is what this amendment is all about.

Mr. Chairman, we believe in the Endangered Species Act. We simply think when it devalues property that the Government ought not take advantage of that devaluation. When it purchases property, it ought to pay the real value before it devalues the property.

Mr. HUNTER. I thank the gentleman.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise in support of the Tauzin amendment.

Mr. MILLER of California. Mr. Chairman, I would like to inquire as to whether or not there is an ability to get a time limit. I think we have been on this amendment about 1½ hours.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto end in 40 minutes.

Mr. HAYES. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MILLER of California. Mr. Chairman, may I inquire of the manager of the amendment, is there any interest in arriving at a time limit?

Mr. TAUZIN. Mr. Chairman, the problem is, as I pointed out earlier, Members are just coming to the floor now. Members want to debate this who are not members of the committee. Members of the committee have a preferential right to debate. If we put a time limit on, all we are going to do is to hear a debate by the members of the gentleman's committee and not the other Members of the House. I would only urge the gentleman to allow a few other Members of the House at large to speak first and then perhaps we can talk about a time limit.

Mr. MILLER of California. The gentleman would be allowed under any consideration to manage the time and to give it to whomever he would like.

Mr. TAUZIN. I suggest the gentleman heard an objection by a Member of this House who does not serve on the committee the gentleman chairs. My concern is that they have a chance to speak too, and if we can assure them of a chance to speak, then perhaps we can reach an agreement. I see a lot more Members coming to the floor as this debate begins to catch their attention.

I would only urge, perhaps, that we go a little longer and see whether Members are getting a fair shot at debating.

The CHAIRMAN. An objection has been heard.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we certainly heard a number of horror stories here and that raises some concern. Let me relate a story on the other side of the issue. It involves both zoning by Government and the mining law.

In my district, some speculators from the State of Washington filed a claim in the Oregon Dunes National Recreation Area which predated the actual enactment of that as a recreation area. They followed this claim through after 20 years or so of litigation for sand as a scarce raw material given the judgment of one now-dead Forest Service geologist that it was rare sand as opposed to common sand. They got the land for a few thousand dollars from the Federal Government. They have got a couple of problems. The State of Oregon has zoned it as natural resource land, which does not allow any consumptive use such as mining, so they have got a zoning problem there. Beyond that, they got it for a few thousand dollars from the Federal Government. The value of the land is recreational. Now they want the Federal Government to pay them tens of millions of dollars to buy back that which they bought for a few thousand dollars which certainly questions whether they ever really had any intent of mining this scarce sand resource.

What is being proposed here as the gentleman who preceded me, a couple before me in the well, he talked about the highest and best use under the Tauzin amendment. The highest and best use in this case would overturn the State zoning in this situation and would give these speculators tens of millions of dollars for a piece of Federal land in a recreation area for which they paid a few thousand because of a sand claim.

Beyond that, let us think. Let the American people think. What would we like our neighbor to do?

I come from a State where every acre of the State is zoned, but we are ready to grow and it is zoned fairly and people get just compensation when they are deprived of any beneficial use. That is required under the Federal Constitution. The issue is, what is highest and best use? Under this gentleman's proposal, highest and best use, I own a few acres of land, I think that my land—even though it is on the edge of a residential neighborhood, on the edge of the city—would make a really dandy low-level nuclear waste site.

The Government by edict has told me I cannot have a low-level nuclear waste site in the city of Springfield. I have been deprived of hundreds of millions of dollars of value for my acres of land because of edict by the Government and under this sort of legislation I would demand compensation.

□ 1300

We are taking this to the point of overturning all States' rights, all capabilities of States to zone, when you go to this highest and best use, and you take it to its absurd lengths.

Let us get this debate back in context. The debate here really is, and there are a few well-intentioned people coming before us who truly have a concern here, and they have some horror stories to relate, and those should certainly be looked at, we have got to question the actions of the courts or the State legislatures in some of those areas, and that should be looked at.

But in this context with this debate without any prior consideration by committees, what we see is an attempt to derail a park which will benefit the future of the greatest State, the largest populated State in this country, and other people in the West who want to see some of these desert lands preserved for future generations. That is what is going on here. It is an attempt to derail the bill with an amendment many find objectionable.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, obviously I know the intentions of the sponsor of the amendment with regards to the Endangered Species Act. One of the suggestions that came up in the debate was that you had to go all the way to the Supreme Court in order to deal with the modification of what is fair market value or just compensation, in other words, if there is a taking, and the reason for that is of course, that is the law of the land. That is where these decisions emanate from. You cannot change that in a lower court. An appeal process cannot change that. You have to go to the Supreme Court, because that is where the decisions are made. That is the law of the land.

We do not look to the statutes necessarily to define what is fair market value, so what you have and what is being suggested here in a modest way obviously, in a very narrow way, but obviously an expansive debate because of the dynamics of this issue, what is being suggested here is that we begin to rewrite those rules in this House floor and in this body and write them into law. But there is not general consensus on that, and obviously no one here, I do not think, would argue any of the laws we have passed, whether it is wetlands, whether it is clean water, whether it is the Endangered Species Act, or a host of other legislation dealing with toxic waste and so forth, that these laws are perfect, that they are not flawed. Indeed, they are and need to be modified. We do not want to enshrine certain values and certain conditions into what fair market value is, a decision that has emanated from the Supreme Court under the fifth amendment of the Constitution.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to spend just a minute, and I am going to yield to my friend, the gentleman from Louisiana [Mr. HAYES].

But let me tell you about some rights that have been violated in the past. We have gone through these.

Sludge in Colorado: I hunt, and I have been through those mountains, and it is terrible the pollution that mining companies have left in Colorado. It is terrible. Yes, you here me right, I say to the gentleman from Minnesota [Mr. VENTO]. That is a right, and it was violated

The Great Lakes and the pollution it went through that was a violation of rights, people's rights to enjoy the environment, and I agree with you on those things. It probably took some pretty strong-willed people to make sure over businesses interests and the rest of it to clean up those lakes.

There are property rights that were taken away, and even the military by putting in single-lined fuel tanks, it is costing us millions of dollars now to reclaim our Earth and so on. Those are legitimate things and things that I want, and I know the gentleman from Minnesota [Mr. VENTO] and the gentleman from California [Mr. MILLER] want to do the same thing.

This amendment, to me, goes to the middle of the road in taking care of people's rights that if I own a home or property and the Government says, "I want to take it," that is fine, under our existing laws, but where I draw the line and think it is wrong, and it is a Nazi tactic to come in and take it without giving me that compensation that that valuable land is worth, and the Government comes in and says, "I want to devalue that land, and then I want to pay you for it." That is where, to me, it is wrong.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I only have a little bit of time, and if they will give me extra time at the end, because I promised the gentleman from Louisiana I would give him time.

Mr. VENTO. We are under the 5-minute rule.

Mr. CUNNINGHAM. If you will not object when I ask for additional time, I will be happy.

That is the heart of this whole crunch, I think, is that the people that want to concrete the earth, the people that want to cause the sludge problems in the mining, and I agree with you, there are a lot of violations in our country, and I think we can work.

But to give someone compensation, to keep someone from their property rights without access to a road, to keep somebody from hunting on land that we have hunted since the stone age time, those are the things that come to the heart of the agenda of the groups that are proposing this bill to stop property rights.

Now, there are some good things in the bill, and the gentleman from California [Mr. MILLER] and I have talked about that, and so has the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Louisiana.

Mr. TAUZIN. I take the time to correct the record.

I will not let anyone stand in the well of the House and say that my intentions are to thwart the movement of this bill. That is not true.

Our intention is to get this issue debated and voted on, and we have been trying to get it debated and voted on for many, many, many months. This is the first time we have had that chance.

Second, our intention is not to damage or hurt or do anything to the Endangered Species Act. Nothing we say here changes the rules or the protection. We simply say that when the rules of the Endangered Species Act operate to devalue a person's property and then the Government comes in to buy it, they ought to pay the value first, not last, pay the real value, not the phony value created by the regulations.

Let me, if you will, read what the court said in the case of Bowles versus the United States, in answer to my friend's argument, and we will get him some time, in answer to my friend's argument that everybody ought to go to court to get an answer to this question. This is the court speaking:

> The case presents in sharp relief the difficulty that current takings law forces upon both the Federal Government and the private citizen. The Government here had little guidance from the law as to whether its action was a taking in advance of a long and expensive course of litigation. The citizen likewise and little more precedential guidance than faith in the justice of his cause to sustain a long and costly suit in several courts. There must be a better way to balance legitimate public goals with fundamental individual rights.

We passed the civil rights law in this body to guarantee that every child, white, black, Hispanic, no matter what, had a chance to go to school in America, to sit wherever they wanted on a bus, to eat at a lunch counter, and we passed the civil rights law even though we had a constitutional protection. We did not say to every child in America, "You have got to go to court to find out whether you can go to school." We did not say to every person in America, "You have got to go to the Supreme Court to find out if you can eat lunch with the rest of us." We did not say in this Congress, "We are not going to vote on the civil rights law. We are going to leave it up to the courts to decide what our individual liberties are."

We are talking about the most important property-right vote we are going to face probably in this Congress.

Do we respect property rights enough to say the Government cannot take your property without paying for it? That is what this amendment is about. We ought to pass a law. The courts are begging us to pass a law, not to leave it to every poor citizen to have to go to court to find out what his rights are.

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

Mr. CUNNINGHAM. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes, and I will not ask for any additional time, and I will yield to my friend.

Mr. MILLER of California. Mr. Chairman, reserving the right to object, I am very reluctant to object. We know the leadership has additional legislation that they would like to bring to the floor, and I reluctantly object.

There are other Members who have not spoken, and maybe they will yield time.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I understand. I am just trying to get time for the gentleman from Louisiana [Mr. HAYES].

Mr. MILLER of California. If we can get a time limit, Members could use the time however they want.

The CHAIRMAN. Objection is heard.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

What existing law has provided, and would continue to provide under this bill, is that when land is taken for a public purpose, Government must pay the owner at full market value.

This amendment would take us away from that principle. It would say the owner should be paid at market value as adjusted to reflect an estimate of what the market value would be if conditions were different than they are.

This would take us down a potentially dangerous road. Fair market value under existing conditions is something that is clear and well understood. Fair market value as adjusted for this or for that takes us into very speculative areas, very subject to dispute and litigation and delay.

For example, what if the property value is higher because of something Government has done, such as build a road nearby, or create a popular park. Should landowners' be paid less than fair market value because Government has raised the value higher than it would have been without Government action?

Furthermore, this amendment would require compensation that in many instances would create an unjustified windfall. In a case where someone buys land at low prices because ESA or any other law depresses that value, they could under this amendment turn around and sell it to the Government at a much higher price than they paid for it, reaping a large windfall at the expense of the taxpayers. That's not fair to the taxpayers.

These are the kinds of problems you get into once you depart from the longstanding principle of compensating landowners at fair market value.

I would urge my colleague not to send us down this slippery slope. I urge a "no" vote on the amendment.

☐ 1310

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to my colleague in the neighboring district, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding.

Mr. Chairman, I hope everybody listened to the gentleman's very cogent and accurate statement. I think most of us are watching with interest the confirmation proceedings, going on in the other body, of Judge Breyer, who is the President's nominee for the Supreme Court vacancy.

Judge Breyer was asked the day before yesterday what his interpretation of the fifth amendment's clause is which provides for compensation when the Government takes your property. Judge Breyer answered in the accurate historical way that the founders intended, which has been the law for 230 years and which now our friends on the other side are attempting to overturn. He said that this clause of the fifth amendment that says that the Government must pay for property that it confiscates or condemns is not an absolute right like freedom of speech or freedom of the press. Of course it is not; otherwise you would bankrupt Government. Second, Government would not be able to protect where we live.

You and I, the gentleman from California [Mr. MINETA], are on the San Francisco Bay, one of America's treasures. Before Government wisely intervened and limited the development and destruction of the San Francisco Bay more than one-third of it had been filled.

The CHAIRMAN. The time of the gentleman from California [Mr. MINETA] has expired.

Mr. MINETA. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MILLER of California. Mr. Chairman, I must reluctantly object. I hate to do it to my colleagues, but I have objected when Members on the other side of the aisle have asked for additional time, and I must be fair.

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to talk in support of this amendment and to talk a little bit about the debate that has been going on here this morning.

The statement that just came from my colleague, the gentleman from California, about the Supreme Court nominee's interpretation of the fifth amendment is very interesting. I did not see anywhere in the Constitution where they rank which rights were important and which ones took precedence.

I happen to believe that the fifth amendment and the protection of private property is just as important as the first amendment in the protection of free speech. There is no difference between the importance of either one.

We have heard a lot of interesting debate this morning and this afternoon on this topic. I heard one of my California colleagues speak earlier about the California Coastal Commission and how sometimes their actions cause the value of property to increase. Well, that is true. Sometimes their actions do cause the value of those that they decide can build, it causes their property values to increase dramatically. But those who are not so fortunate, who end up in the area that cannot build, their property values immediately go to zero. Those are some of the tough decisions that local government is forced to make. That is some of the tough decisions I had to make as a city councilman before I came here, with respect to land use decisions.

What this amendment is attempting to do is not to overturn land use decisions, the State's rights or the individual's rights. What this amendment is attempting to do is to rein in the regulatory body that we have created called the Federal Government, because what is currently happening in this country today is the Federal Government is designating land critical habitat and then going out and buying it, then deciding that they are going out to buy it.

We have heard a lot about conspiracies. One of my colleagues made the comment that he did not believe that there was anything going on between the Government making a decision of what they were going to buy and then going to find an endangered species to fit it. Well, I happen to believe that that is going on, that they are making a calculated decision in finding endangered species that fit the areas in which they decide that they want to buy. In my home State of California you cannot find 1 square foot of that entire State that is not suitable habitat or habitat for an endangered species which is listed or is on the list of candidates. That is happening today.

The reason that we need this amendment, the reason that we need this amendment to pass, is because there are a number of property owners within the desert whose property is being devalued by the Federal Government and then the Federal Government is going to step in and purchase it at a reduced price. I believe they are doing it on purpose in this instance, and I believe that they have done this throughout this country. It is an incredible situation that needs to be rectified. This is our ability to step in and try to make a difference. This is our ability.

You know, the first day of session of the House of Representatives, we stand up and raise our hands and swear to uphold the Constitution of the United States. That is the inherent right of every one of us to make decisions based on what we feel the Constitution of the United States means. We have a responsibility as Members of this House to uphold the Constitution of the United States, which means protecting the fifth amendment as well as the first amendment and protecting peoples' private property rights .

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. POMBO. Mr. Chairman, I am happy to yield to the gentleman from Louisiana.

Mr. TAUZIN. I thank the gentleman for yielding.

Mr. Chairman, one of the previous speakers, our good friend, the gentleman from California [Mr. EDWARDS], pointed out a statement by Judge Breyer, who is attempting to become a member of the Supreme Court, regarding the fifth amendment.

Let me read to you what a majority opinion of the Supreme Court just said a couple of weeks ago on that very point regarding the sanctity of the fifth amendment protection:

> We see no reason why the takings clause of the fifth amendment, as much a part of the Bill of Rights as the first amendment or the fourth amendment, should be relegated to the status of a poor relation in these comparable circumstances.

In short, the Supreme Court said the fifth amendment is as important as free speech, free practice of religion, press, assembly, and due process.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

It is entirely inappropriate and arbitrary to isolate and remove a single factor—presence of endangered or threatened species—in appraising a property's value.

What about the Government investment and subsidies that greatly increase the value of private property? I will give examples of these givings:

Federally funded highways and bridges that provide easy access to otherwise inaccessible areas; tax benefits for farmers farming lands zoned exclusively for farm use; federally backed flood insurance that protects people who build in shoreline areas; federally acquired parks that provide an economic benefit for adjacent landowners; huge western water projects which provide low-cost water to irrigate otherwise unfarmable land.

The list of the givings goes on and on. But no property owner has ever paid compensation to the Federal Government for those taxpayer-funded Government investments that really amount to nothing less than private windfalls.

□ 1320

Let us be consistent.

If the American taxpayers are going to be asked to pick up the full tab for the protection of endangered species on private lands, than let the American taxpayer be compensated for the taxpayer-funded investments that increase private property values. Our Federal Treasury, our Federal deficit, and our taxpaying constituents nationwide can afford nothing less.

Mr. PACKARD. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, has the gentlewoman thought of who pays for those public services, the bridges, the roads, that increase values? Those are taxpayers, and, when they do not increase the property values, there are ways of taxing that increase so in fact it is not the Government which is providing these services, it is the taxpayers.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the point is that in fact, yes, there is $8 billion of unpaid cost to the Central Valley project, that it goes to the direct benefit of farmers in the Central Valley, and, when the Federal Government has to come along and buy that land, they want to sell us that land counting all of the value delivered there by the Federal Government. That is the point, and so there is no accounting system, and these properties that we are worried about under this act, they have country roads punched through, they have State highways punched through, they have Federal park lands and BLM roads, and without those the values of those lands are greatly diminished, but the gentleman does not say, "Isolate that." He does not say, "Isolate that," when we are considering that, that we do not have to count the value. The landowner comes in and says this is an inaccessible piece of land, but the gentleman says, "Yeah, but it's a county road, it's a BLM road, it's got fire suppression policy on it."

That is the point the gentlewoman is making. The gentleman only wants the Government to take the losers. He does not want the Government to recoup its costs, to recoup the benefits that it has bestowed upon these lands by governmental actions. He only wants the Government here to pay an artificially inflated price for the land.

I think the gentlewoman from Oregon [Ms. FURSE] makes exactly the point. There is billions and billions of dollars that go into these lands throughout the country, throughout the country by virtue of Federal action, by virtue of Federal action. We clean up the sewage. We build the highways. Yet nobody here is suggesting that the Government should have the ability to recoup those lands.

Mr. PACKARD. But if the gentlewoman would continue to yield—

Ms. FURSE. Reclaiming my time, Mr. Chairman, what we have to do is we have to balance takings with givings. That is the point. We have got to be consistent in the way we value Federal action.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all I want to congratulate the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Utah [Mr. HANSEN]. Certainly they have been in the vanguard of the property rights amendment in this House.

I would encourage my colleagues to read two things before they come to the floor to vote on this particular amendment, Mr. Chairman. First of all, I would ask that they read the 34 words of this simple amendment. I say, "Just read 34 words before you come to the floor."

Those 34 words are these:

> Lands and interests in lands acquired pursuant to this act shall be appraised without regard to the presence of a species listed as threatened or endangered pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)

Mr. Chairman, that is all this amendment says, 34 words.

Then I would ask my colleagues to read 12 words, just 12 words, in the fifth amendment to our Constitution, and those 12 words are these: "nor shall private property be taken for public use without just compensation."

What we are really arguing about today, Mr. Chairman, is what is just compensation. It is not just compensation if the Federal Government makes a decision and in essence takes a person's property, denies that private property owner of their use of that property by declaring an endangered species.

Now, if people think that will not happen, that argument was made in the Florida Rock case where the Government came forward and said because a property was going to be designated or would fall under the wetlands designation, "You had to account the value based on the private landowner not being able to use that particular private property."

So, Mr. Chairman, there is a reason for this amendment, a sincere and real reason for this particular amendment.

Now, if my colleagues wonder why some of our colleagues oppose this amendment, something that is so simple on its face, particularly after they read the amendment, and then they read those 12 words in the Constitution, the answer is we have some colleagues in this House who put the Endangered Species Act, the Clean Water Act, wetlands, other Federal agency decisions, about the Constitution, and they are afraid of the ramifications, that the Government has to pay the real value of property that is denied to the private landowner.

Now for those who might think that there are no more horror stories, just this week in Texas we found out that the U.S. Fish and Wildlife Service is prepared to designate 33 Texas counties as critical habitat for the endangered golden cheek warbler. That is 20.5 million acres in the central and southwest regions of our State. That would be three times as big as the protected home of the Northwest northern spotted owl.

But I think it is really compelling to look at what was said by the biologist in this particular instance, Mrs. Carol Beardmore. She said the regulations would have little effect on private landowners. She said for the private landowner it is more just a means of education, telling them that habitat within this area is essential or considered important for the recovery of the species. She went on to say that is major effect would be to require all Federal agencies within that 33-county area, the 20 million acres, to consult with the Wildlife Service on activity that might harm the species of that habitat. It is that naive thinking; that is, that type of taking, that we are attempting to address today with what is a simple amendment.

I will close with this, Mr. Chairman. The Tauzin-Hansen amendment is essential. It is egregious to think that the true value of property, that compensation would not be paid. Without looking at the real value there is no just compensation, and I am going to close with this sincere admonition to my colleagues. I say:

> Woe to the colleague who votes against this amendment because they're saying to each property owner and their district that the government can take their private property without paying just compensation.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the most extraordinary thing that has occurred today is a fundamental positioning on those who will vote for and against this amendment. Despite the individual instances in which specific references were made, it really boils down to what one believes is government and what one believes is people.

Over two centuries ago, Mr. Chairman, in the first year, the first Congress, Mr. Madison carried to New York the papers for Mr. Jefferson which included 12, that became finally 10, amendments. The question to be decided here today is whether Government derives its power from people or whether Government somehow is above and elevated beyond people. I suggest to my colleagues that the message of that First Congress, those who knew people who had fought and died to make the country free and to whom the name "America" was not new was that the individual people granted to Government its powers.

Now contrast that to young Wayne Dominque in my district who is told by Government and an agency that he cannot on his own land put crawfish, and water, and rice together because he violated an obscure 20-year-old permit process under a Clean Water Act intended to do an entirely different thing, or those under an Endangered Species Act who find a survey made by Fish and Wildlife in order to reduce the value of their property because they wanted it for 20 years, and now they found a way.

□ 1330

I hearken back to Mr. Wayne Dominque, who realizes that if, instead of crawfish and rice in the back of that yard, he was growing marijuana and selling crack, the Government would have had a giving for him. They would have given him a free lawyer; they would have given me an exhaustive remedy in the process; they would have given him a free library if he went to jail; they would have given him years of appeals. But instead, he has no rights, no remedy, and he is told he has one thing he can do—go to the courts, seek the fifth amendment, and pay what is an average of $250,000 per American.

In other words, the message that government gave him was that his country stands for rich people, and "If you have the money, then we'll give you some rights. If you don't then we won't, and we will simply knuckle and muscle you under." That combination of arrogance and ignorance has led to the floor debate here today.

So those with a vengeance have seen the individual disasters and indeed onerous consequences of mindless bureaucracy without any humanity or thought whatsoever, watching foreclosure and losses, watching financial institutions not knowing how to value a dime of property, or watching those who want the legislative authority to "pull the bill under endangered species with a national biological survey and instead do it only through an appropriation bill with no legislative authority."

What we are saying today is the consequence of when a minority of the whole is a majority of one party and they tried to force a minority interest down our throats with a vote, and within a few minutes we are going to have one.

I wish those who believe so much in freedom of democracy and representative government would notice the outcome of that vote and have a few more votes. That is what the people want, and that is what Government does not want. They can decide now what they represent, either the people or an entity which no one can any longer be willing to embrace.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, I rise in support of the Tauzin amendment.

Mr. GILCHREST. Mr. Chairman, I yield to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I rise in strong support of the Tauzin-Hansen amendment.

Land devalued because of meddling Government action and enforcement of extreme environmental laws is being extorted from hard-working taxpaying citizens by the Federal Government.

In my district I can give you several recent examples of Government violating the rights of private property owners: 121 acres of most beautiful property in Dana Point valued at over $1.5 million an acre is being taken from a property owner because of the discovery of 39 pocket mice, an animal on the endangered species list. Years of planning for the use of this land had to be abandoned. The owner even offered to set aside four acres of his land just for the mice, about $150,000 per mouse, but the Government said that wasn't enough and wanted more.

In another instance, a property owner was on the verge of selling his property in escrow for several million dollars, then the city declared it wetland. He was then offered $1 an acre for this useless wetland. This is a travesty.

The city of Carlsbad, in its quest to relieve congestion of a local highway, was thwarted in its plan to enlarge and improve the highway when a gnatcatcher was seen darting in front of a car. Construction was halted immediately.

My colleague from California, Mr. BILL THOMAS, just illustrated the plight of the poor farmer who ran over the kangaroo rat with his tractor. The laws protecting this rat resulted in lost homes to fire when homeowners were prohibited from cutting the brush near their homes.

These examples illustrate the assault on private property rights. You can't sell it, you can't build on it, but you must continue to pay taxes on it—and that is confiscation. If the Government is going to confiscate your land, they must reimburse you the fair market value for that land. I encourage my colleagues to support the Tauzin-Hansen amendment.

Mr. GILCHREST. Mr. Chairman, I would like to start by saying this is the people's house, this is where we debate, and this is where we reflect the Nation's wishes, and I want to make the comment that I know a number of people who want this Government to create laws and regulations that will in fact preserve the quality of life for ourselves and for future generations. In my judgment, that means a vote against this particular amendment.

I also want to make this comment: The gentleman from Texas [Mr. FIELDS] read Mr. TAUZIN's amendment, and I will not read it again, but basically it says that "Species listed as threatened or endangered" cannot be considered as far as the value of the property is concerned when the Government is going to compensate.

Does that mean that if the endangered species actually increase the value of that land, then the Government cannot take the increased value into consideration?

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I will yield after I have finished.

Mr. Chairman, I think that has to be taken into consideration. A basic law of real estate is that property is like owning a bundle of sticks. Property can be used for a variety of things. The emphasis is on the entire bundle, not just on one stick.

A number of Members have referred to the Florida Rock case. In the Florida Rock case, there was an individual who bought a piece of property for $1,900 an acre. He could have sold that for $4,000 an acre, which is what I think is a considerable profit, but he wanted to sell it for $10,000 an acre to put a rubble field there right over a wetland. And we understand the value and function of the wetland. The court did rule in his favor, but that is still circulating in the Federal courts. I think $4,000 is a considerable amount of profit that he could have made.

There are two more points as far as Supreme Court decisions are concerned dealing with the takings law. No. 1, there is no absolute right of use, and the Supreme Court has said: "No one has an absolute right to use his property in a manner that may harm the public health or welfare, or damage the interests of neighboring landowners or the community as a whole."

No. 2, reasonable return or use: "Property owners have a right to a reasonable return or use of their land, but the U.S. Constitution does not guarantee that the most profitable use will be allowed."

Mr. Chairman, I want to bring in another dimension to this debate, which is something for people to consider. In 1790 the entire population of the United States was 4 million people. In 1890 the population was 76 million. In 1990 the population was 250 million people. What will it be in the year 2090?

The quality of our existence depends upon our ability to manage our growth. We talk a great deal about the wise and frugal use of our resources. We debate here very often and very passionately about the Federal deficit and why we have to use the taxpayers' money wisely. Land use and our resources, including the full range of species, should be managed to preserve the quality of life for us today and for future generations.

Mr. Chairman, I ask the Members to please take these things into consideration. I respect my colleague, the gentleman from Louisiana [Mr. TAUZIN], but I urge a "no" vote on his amendment, and I yield now to my colleague, the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding.

The agreement we have is that the gentleman is yielding and I might close on the amendment and then we might go to a vote.

Let me first thank all the Members for what I think is an excellent debate on the point.

The issue before us is not whether we believe in the Endangered Species Act, whether we like it or dislike it. I happen to believe in it. I think we could reform it to make it better.

The issue is the most important one we are going to face on property rights in this session of Congress, and that is whether or not people will be compensated fully and fairly for the value of their property when it is taken under eminent domain for this park, and that is the eminent domain that I supported just a few days ago. The right of the Government to take the property for purposes of the park is in the bill. What we are now saying is that the right of the owners of the private property to be fully compensated should also be in the bill.

Let me make it clear. Current law does not let that owner get enhanced value because of the Endangered Species Act. Our amendment does not do that. Our amendment simply says the owner should be fully compensated without regard to the devalued property because of the application of the Endangered Species Act.

Mr. Chairman, I think the agreement was that I would close on the amendment, and so I urge a "yes" vote on the amendment, the most important property rights amendment in this session of Congress.

Mr. MILLER of California. Mr. Chairman, I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, the amendment offered by Mr. TAUZIN is another in a line of recent attempts to bankrupt the Federal Treasury and reinterpret the fifth amendment. I resent the suggestion that Government regulation is a primary force in diminishing the value of either public or private property. This country is more than a collection of individuals. We are a community and all of us must make some sacrifices to make this work.

Without the input of Federal funds and regulations, we would not have the agricultural fields that we now have throughout southern California. By providing water to the desert the Government has indeed manipulated the value of land in southern California and it has increased it substantially with input of funds that were collected from citizens through this country.

The courts will and should continue to mediate any disputes that arise if a landowner feels that he or she has been treated unfairly. This amendment has no place in this desert bill or in any other bill offered in the House.

This bill does not keep private landowners from utilizing their land. This bill will increase the present and long-term value of this land for individuals and for the citizens of this Nation.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Louisiana [Mr. TAUZIN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 148, not voting 10, as follows:

[Roll No. 325]

AYES—281

Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fazio
Fields (TX)
Fish
Flake
Fowler
Franks (CT)
Frost
Gallegly
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Kleczka
Klein
Klink
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murphy
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (OR)
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—148

Abercrombie
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Byrne
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Coppersmith
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gibbons
Gilchrest
Gonzalez
Goss
Greenwood
Gutierrez
Hamburg
Hastings
Hinchey
Hoagland
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Klug
Kopetski
Lantos
Levin
Lewis (GA)
Lowey
Maloney
Mann
Manton
Markey
Matsui
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Morella
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Pickle
Porter
Rangel
Reynolds
Richardson
Ros-Lehtinen

Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Saxton
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (NJ)
Snowe
Stark
Stokes
Studds
Synar
Thompson
Torres
Torricelli
Towns
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Weldon
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—10

Bishop
Carr
Conyers
Gallo
McCurdy
Obey
Romero-Barcelo (PR)
Slattery
Smith (TX)
Washington

□ 1357

The Clerk announced the following pair:

On this vote:

Mr. Smith of Texas for, with Mr. Conyers against.

Messrs. DE LUGO, JEFFERSON, and DURBIN changed their vote from "aye" to "no."

Mr. INSLEE, Mr. FISH, and Mrs. ROUKEMA changed their vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of H.R. 518, the California Desert Protection Act. Chairman MILLER and Representative LEHMAN are to be commended for their hard work in bringing this important legislation to the floor. I urge my colleagues to support this landmark conservation effort.

The California Desert is one of our most precious natural resources. The 25 million acres which comprise the desert are home to the world's largest Joshua-tree forest, more than 90 mountain ranges, and over 2,000 species of plant and animal life, many of them threatened or endangered. The desert also serves as a sanctuary for the almost 20 million residents of southern California seeking refuge from expanding cities and growing pollution.

The desert's proximity to one of the world's largest urban areas is, however, a mixed blessing. Low annual rainfall and highly variable temperatures make the desert extremely fragile and the damage done by encroaching developers and irresponsible campers almost impossible to repair.

For this reason, it is critical that legislation like H.R. 518 be enacted into law. The almost 9 million acres set aside by the bill as protected areas represent a crucial step in the preservation of a national treasure. For the first time, new mining and mineral leasing claims would be prohibited, as would increased levels of livestock grazing. The new Mojave National Park, as well as the expanded Joshua Tree and Death Valley National Parks, will provide us with the unique opportunity to safeguard a priceless and irreplaceable asset.

I urge my colleagues to join me in this effort to give the California desert the protection it needs and deserves.

Vote "yes" on H.R. 518.

Mr. PACKARD. Mr. Chairman, I rise in opposition to H.R. 518, the so-called Desert Protection Act. This bill is an ill-conceived piece of legislation threatening National Park Service operations throughout the country.

H.R. 518 epitomizes the Federal Government's inclination for bigger bureaucracy by creating three new national parks in a system which is having trouble sustaining its current operations. The National Park Service's own estimates show shortfalls of up to $9 billion. The 367 existing units of the National Park System already struggle with deteriorated facilities for visitors, poor roads, and personnel shortages.

So where is the money going to come from to create these three brand new parks with total acreage exceeding two Yellowstones? The answer—funds will be siphoned away from the park in your area. Secretary Babbitt has stated over and over that no new money will be provided for the new parks. Instead, these new parks will be absorbed into the National Park Service's already overburdened budget.

Furthermore, I ask my colleagues to consider the parks in their area. How much farther down on the list will it fall for construction and maintenance projects when the Park Service is saddled with the burden of sustaining three new parks.

As a Member serving on the Appropriations Subcommittee charged with funding the National Park Service, I am acutely aware of the current fiscal crisis facing the National Park Service. During the fiscal year 1994 appropriations hearings, officials lamented the fact that there already exists a backlog of $2.1 billion in National Park Service construction—projects, already approved, still awaiting funds to get started.

The new parks created in H.R. 518 will only draw scarce funds away from the maintenance of parks in your area. What good are national parks if they cannot be maintained at a level which makes them accessible.

Mr. Chairman, I hope my colleagues will keep in mind that the consequences of the California Desert Protection Act are not limited to California's borders. They will reach into every national park in the country. Vote to defeat the California Desert Protection Act.

□ 1400

Mr. MILLER of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. PETERSON of Florida, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 518) to designate certain lands in the California desert as wilderness, to establish the Death Valley and Joshua Tree National Parks and the Mojave National Monument, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 4600, EXPEDITED RESCISSIONS ACT OF 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 467 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 467

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consider ation of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 seconds to the gentleman from Glens Falls, NY [Mr. SOLOMON], pending which I yield myself such time as I may consume. All time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 467 provides for the consideration of H.R. 4600, the Expedited Rescissions Act of 1994. The resolution allows up to 1 hour of general debate, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

The resolution provides that after general debate the bill will be considered as read, and makes in order only those amendments printed in House Report 103-565 accompanying the resolution, to be considered in the order and manner specified in that report.

The amendments in the report are: First, a technical amendment offered by Representative SPRATT or DERRICK or a designee, debatable for 10 minutes equally divided and controlled by a proponent and an opponent; second, an amendment in the nature of a substitute offered by Representative STENHOLM or a designee, debatable for 30 minutes, equally divided and controlled by a proponent and an opponent; and third, an amendment offered by Representative SOLOMON or his designee as a substitute for the Stenholm amendment, also debatable for 30 minutes equally divided and controlled by a proponent and an opponent.

The amendments are not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole, and all points of order against the amendments are waived.

Finally, the resolution provides for one motion to recommit, with or without instructions.

Mr. Speaker, shortly after taking office President Clinton outlined his plan to restore the American dream for us and our children.

The President's economic and deficit-reduction plan called for drastic change from the status quo. The President rejected the policies and practices of the past which quadrupled our debt in 12 years and left many Americans believing their Government doesn't work.

Today, nearly 17 months after the President offered his economic plan, and 11 months after its enactment by Congress, things have changed dramatically for the better. Our economy is strong. Employment is up. Unemployment is down. Confidence is up. Wages are up. Industrial production is up. Housing starts are up. Inflation remains low.

Mr. Speaker, most relevant to the measure I being to the House today, the Federal budget deficit is down—way down. The entitlement cuts, revenue increases and 5-year freeze on discretionary spending enacted last year have slashed a deficit that topped $290 billion in fiscal 1992 down to a projected $200 billion or less this year, according to private economists and the Congressional Budget Office.

For the first time since the administration of Harry Truman, America is on the verge of enjoying 3 consecutive years of declining budget deficits. That is no mean feat, and it comes thanks to the tough medicine administered to the budget by the President and the Democrats in this Congress.

Although the deficit is falling and indications are that it will continue to fall in coming years, Americans clearly want us to take additional deficit-reduction action. This is why we are here today.

The legislation made in order by this rule would give the President one of the key deficit-reduction tools he sought last year, and which I believe we desperately need: A modified line-item veto.

Mr. Speaker, wasteful spending sometimes occurs because individual items escape scrutiny by being submerged in large appropriations bills.

Under current procedures a President cannot strike out individual items in appropriations bills. He must sign or veto the whole bill, whatever the consequences. H.R. 4600 would give the President an option he does not now have.

Under H.R. 4600, within 3 days of signing an appropriations bill the President could send the House a message and bill proposing to rescind, or cancel, individual spending items in that bill.

The President's proposal would be referred to the Appropriations Committee. That committee would have to report it to the floor without amendment within 7 days. The House would have to vote, up or down, on the President's bill within 10 days, and during this time the funds could not be spent. If the bill passed the House, it would go to the Senate for expedited consideration there, and if passed by the Senate, on to the President for his signature.

To avoid the chance a President might use this process not to reduce the deficit, but instead to promote his own pet projects, H.R. 4600 would allow the House Appropriations Committee to report to the House, simultaneously with the President's bill, an alternative. To qualify for expedited consideration, the committee's bill must propose to cancel spending from the same appropriations act the President drew his rescissions from, and it must propose to cancel an amount of spending equal to or exceeding the President's total.

If the committee reported an alternative, the House would first vote on the President's bill; if adopted by majority vote, the President's bill would go to the Senate for expedited consideration and the alternative would not be in order. If the House rejected the President's bill and passed the alternative, that bill would go to the Senate instead.

The Senate Appropriations Committee could also report an alternative bill. But it would not be in order to consider anything but the President's bill until the Senate first voted on and rejected the President's bill. The President is thus guaranteed a vote on his proposal.

If both Houses ultimately passed an alternative bill, then those funds would be canceled. Thus, under H.R. 4600, if either the President's bill or an alternative bill passed both Houses, spending will be cut and the American taxpayer would be the winner.

Mr. Speaker, H.R. 4600 is identical to a bill the House passed last year, H.R. 1578. That bill reposes in the two Senate committees to which it was referred over a year ago. We hope that the House passing another such bill will encourage friendly Senators to overcome powerful opposition in that body and pass this important deficit-reduction measure promptly.

Mr. Speaker, the President supports H.R. 4600. he believes with a modified line-item veto millions and maybe even billions of dollars might be saved. These are dollars which taxpayers sent to Washington to finance essential government activities, not to be squandered on low-priority projects which may lack broad support.

Quite simply, H.R. 4600 will create accountability. No longer will a President be able to sign an appropriations act containing wasteful items and claim he was powerless to block them.

No longer will Congress be able to force upon the President the dilemma of vetoing an entire act and shutting down the Government, or signing the whole thing, pork and all.

If Congress wants to indulge in pork-barrel spending, then a majority of either House need only stand up and be counted. If the President does not want to sign pork into law, then he has the responsibility to send it back. It is that simple. I believe it will work and it deserves our strong support.

The rule also deserves our strong support. In addition to a technical amendment by Representative SPRATT or myself, the rule makes in order a substitute for the bill by Representative STENHOLM and a substitute for the Stenholm amendment by Representative SOLOMON. The rule protects the minority's prerogative to offer a motion to recommit with instructions. I urge all Members to support the rule and the bill.

□ 1410

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are often told around here that there is too little time to do this or that; or that we must have restrictive rules because the session is drawing to a close.

But today we are being told something quite different, even though there are less than 40 legislative days left in this session. We are being told that we have enough time to consider a bill that is identical to one we passed just last year and that is still pending over in the other body.

And the reason we are doing this, according to the Rules Committee majority report, is that we want to impress on the Senate how important we think this issue, and action on it, is.

The average taxpayer might think it would have been cheaper and less time-consuming to have the Speaker send a strongly worded letter to the Senate majority leader asking them to take up and pass our first bill. But then, that would be too easy; it makes too much common sense.

Mr. Speaker, the real reason we are here again today on the same bill is that the majority leader announced a couple of weeks ago that the House will consider a variety of budget process reforms as an alternative to the A to Z real spending cut plan. That's how it was announced.

Instead of A to Z real spending cuts, we are going to have C-Y-A process reforms. We will give you this transparent fig leaf to hide behind and hope nobody notices you are not really cutting spending.

Mr. Speaker, I can understand the reluctance of the Democratic leadership to enter into an open amendment process to cut spending and instead agree to almost anything else to keep Members off of the A to Z Discharge Petition No. 16, although I am a supporter of A to Z. But I don't understand the need to recycle old bills that are still pending in the other body.

However, we have decided to make the most out of this baffling situation by giving Members a chance to vote on two things they and the American people really want.

And believe me, my constituents in upstate New York and your constituents across this great Nation are not clamoring out there for something called expedited rescissions.

What the people really want is to give the President line-item veto authority to cut wasteful spending—something candidate Clinton said he was for during the 1992 campaign. It's something that 43 Governors already have. And it's something many of you pledged to support back in your last campaign. Now's your chance.

This rule will give Members an opportunity to vote on a real line-item veto in the Solomon-Castle-Cooper-Quinn-Blute substitute that will ultimately require a two-thirds vote to override the President's spending cuts and his repeal of special interest tax breaks.

The other thing the American people really want is for this Congress to reform itself—to change it's way of doing things, make the laws it passes applicable to itself, and become a more representative, responsive and open body.

Unfortunately, that's something this rule does not now provide for. But we will give you a chance to change that by voting down the previous question and supporting an amendment to the rule making in order the joint committee's congressional reform bill under an open amendment process.

That bill has been stalled up in the Rules Committee for 5 months now with only hearings and no action. The time has come to act.

Our colleague, Mr. DREIER, has an amendment that will allow you to consider that bill as a further amendment to the expedited rescission bill, and to offer amendments to it. So vote "no" on the previous question if you want real reform of this Congress.

In conclusion, Mr. Speaker, we can still reform this Congress by voting down the previous question and making in order a bipartisan reform bill under an open rule. And we can still turn this sow's ear into a pork-buster by voting for the true line item veto embodied in the Solomon amendment.

Mr. Speaker, I include for the edification of Members the following documents:

MOTION AND ROLLCALL VOTES IN THE RULES COMMITTEE ON MARKUP OF H.R. 4600, EXPEDITED RESCISSIONS ACT, THURSDAY, JUNE 23, 1994

1. Dreier Motion to Table and Substitute—Motion to table H.R. 4600 and consider and report instead H.R. 3801, the Legislative Reorganization Act of 1994. Motion ruled not in order by Chair.

2. Drier Motion to Table Bill—Motion to table H.R. 4600. Rejected: 3-5. Yeas: Solomon, Quillen and Dreier. Nays: Moakley, Derrick, Frost, Gordon and Slaughter. Not Voting: Beilenson, Bonior, Hall, Wheat and Goss.

3. Solomon Substitute—Motion to substitute text of H.R. 493 as introduced by Rep. Michel, a legislative line-item veto for appropriations and targeted tax benefit. Rejected: 3-5 Yeas: Solomon, Quillen and Dreier. Nays: Moakley, Derrick, Frost, Gordon and Slaughter, Not Voting: Beilenson, Bonior, Hall, Wheat and Goss.

4. Derrick Motion to Report—Motion to favorably report the bill to the House with the recommendation that it pass. Adopted: 5-3. yeas: Moakley, Derrick, Frost, Gordon and Slaughter. Nays: Solomon, Quillen and Dreier. Not Voting: Beilenson, Bonior, Hall, Wheat, and Goss.

VOTES IN THE COMMITTEE ON RULES TO MOTIONS ON THE RULE FOR H.R. 4600, "THE EXPEDITED RESCISSIONS ACT OF 1994" TUESDAY, JUNE 28, 1994

1. Hamilton or Dreier Amendment to Bill—Motion to make in order an amendment to be offered by Rep. Hamilton or Mr. Dreier, or their designees, that would be made in order at the end of the bill, consisting of three new titles which are the text of H.R. 3801, the "Legislative Reorganization Act of 1994." The amendment would be considered as base text for the purpose of further amendment under the five-minute rules, i.e., under an open amendment process. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Bonior, and Gordon. Not Voting: Frost, Hall, Wheat and Slaughter.

2. Michel Amendment to Base Bill—Motion to make in order an amendment by Rep. Michel, or a designee, to the base bill, providing for presidential authority to repeal targeted tax provisions subject to the same approval process as H.R. 4600. The amendment would not subject to amendment but debatable for 30-minutes equally divided between the proponent and an opponent, and waiving all points of order. Rejected: 4-5. Yeas: Solomon, Quillen, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Bonior, and Gordon. Not Voting: Frost, Hall, Wheat and Slaughter.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti-Redlining in Ins	N/A		

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield 1 minute to the gentlewoman from Indiana [Ms. LONG].

Ms. LONG. Mr. Speaker, I rise in support of the rule and in strong support of the Stenholm Penny-Kasich substitute to the bill.

Last year, the House approved enhanced recission authority for the President. Unfortunately, that legislation never went further. The Stenholm-Penny—Kasich substitute, made in order under this rule, is a bipartisan compromise that streamlines the process, allows the President to designate recission savings for deficit reduction, and makes the President and the Congress more accountable regarding questionable spending items and tax provisions.

This Congress has shown itself to be committed to reducing the deficit. Tough choices were made to bring the Federal deficit down to the $220 billion projected for this fiscal year. It is not enough, however. If we are serious about reducing spending and eventually balancing the budget the Stenholm, Penny, Kasich approach is the strongest and most reasonable vehicle for cutting waste out of our annual appropriations process.

I urge my colleagues to support the substitute when it comes up for a vote.

□ 1420

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Claremont, CA [Mr. DREIER] a member of our Committee on rules, but also the vice chairman of the congressional reform committee that you and I had the privilege of serving on with him.

Mr. DREIER. Mr. Speaker, I thank my friend, the ranking member of the Committee on rules, the gentleman from Glens Falls, NY, for yielding me this time.

I would like to say what a great addition he was to the Joint Committee on the Organization of Congress.

Mr. Speaker, with this rule, the House leadership is attempting to bring to the floor a regurgitated, enhanced rescission bill that already passed the House last year and has virtually no chance of being considered by the other body.

If our colleagues are serious about enacting an enhanced rescission package, one that can be passed by both Chambers and signed by the President, it must be done as part of a broader reform package. This is why I am going to urge, as my friend, the gentleman from Glens Falls, NY, has said, our colleagues to vote "no" on the previous question. If the previous question is defeated, I intend to offer an amendment to the rule that would provide for the consideration of a further amendment at the end of H.R. 4600 relating to the issue of congressional reform.

With a very few legislative days remaining in this session of the 103d Congress, defeating the previous question provides one of the best opportunities to bring about real congressional reforms this year to the budget process as well as reforms to an antiquated committee system, legislative procedures, administration of the House, and legislative branch personnel.

In contrast, separating budget reform from the broader congressional reform package is a tactic designed to kill an enhanced rescission bill, and it substantially diminishes the prospect for any meaningful congressional reform this year.

Mr. Speaker, there is no reason to delay the issue of congressional reform. The Joint Committee on the Organization of Congress held 36 hearings and 4 days of markup last year. The Committee on Rules has completed its hearings, and the Committee on House Administration has also held several hearings.

As my good friend and counterpart, the gentleman from Indiana [Mr. HAMILTON], said in a June 30 letter to the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], "This is a meaningful package that will allow Members to claim credibly they have taken serious steps to enhance the effectiveness and institutional integrity of Congress."

We cannot make that same claim, Mr. Speaker, about H.R. 4600, the enhanced rescission bill.

I urge my colleagues to move the process of congressional reform along. Join the gentleman from Indiana [Mr. HAMILTON] and me by attempting to defeat the previous question so that we can keep the process of reform, which the American people and I believe a majority of this Congress wants to have, going.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in strong support of House Resolution 467, the rule before us today which allows for the consideration of H.R. 4600, the Expedited Rescissions Act.

Let me extend high praise to the Rules Committee and our leadership for the rule that has been reported on this bill. Although I am a Member who occasionally must rise in opposition to rules which I feel do not allow a proper airing of major issues relevant to a bill, I also want to be quick to express my appreciation for rules which meet a fairness test. This rule does.

Let me also commend JOHN SPRATT and BUTLER DERRICK for introducing H.R. 4600 so that we can once again focus attention on this issue. I supported this legislation when it was passed by the House last year, and continue to believe that it will make a significant step forward in the accountability of the budget process.

That notwithstanding, I believe there are several areas in which this legislation can be improved. It was in this spirit that TIM PENNY, JOHN KASICH, and I developed the expedited rescissions title to H.R. 4434, the Common Cents Budget Reform Act. Our amendment is similar to H.R. 4600, but includes several differences which will substantially strengthen the legislation. I will elaborate on those differences later in this debate, but at this point I would like to focus specifically on the rule.

There are a number of Members who believe that we should grant the President line item veto authority, that is to say, the ability to eliminate spending items with the support of one-third plus one of either the House or the Senate. That opinion will be ably represented today by my colleagues on the other side of the aisle, Minority Leader MICHEL and Representative SOLOMON.

While I disagree with that approach, I believe it is perfectly reasonable for any Member to think otherwise and I feel this body should express its will on the proper approach to take on this issue. That is also why I went to the Rules Committee asking that the Michel-Solomon amendment be made in order.

Furthermore, that is why I did not object to the structure of this current rule, even though the structure means that if Michel-Solomon passes, the language of my amendment will not even be voted on. Members should not come to the floor expecting to be able to vote for every amendment offered in order that the last one might prevail. This is not a king-of-the-hill rule. It is not a closed rule. It is more like a single elimination rule which, if biased in any way, is biased toward the initial amendment, the Michel-Solomon amendment. I did not object to this bias; in fact I argued for it with Rules Committee members. And I say right now to my colleague, the gentleman from New York, "if your amendment passes, I will support it on final passage," because it definitely strengthens the will of the House regarding this particular issue.

Again, I commend the Rules Committee for bringing to us today this rule. I urge my colleagues to support this rule and, later in the day, I hope they will support the Stenholm-Penny-Kasich amendment as being the most serious approach which can muster majority support.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Bellevue, WA [Ms. DUNN], another valuable Member of this House, a freshman Member, and a member of the congressional reform task force that you and I served on, and who has been so valuable in trying to bring about reforms in this House.

Ms. DUNN. Mr. Speaker, I rise to urge my colleagues to do the right thing: Defeat the previous question so that we can bring real congressional reform to the House floor without any more of the dilatory tactics that have been deployed thus far.

This rule represents a clear effort to approach reform in a piecemeal manner, rather than consider a comprehensive package. As most Members are aware, the esteemed House chairman of the Joint Committee on the Organization of Congress, Mr. HAMILTON of Indiana, has called for rejection of the piecemeal approach so that the House may consider a comprehensive package of reforms.

And make no mistake, this rule today is the first step toward piecemeal and minimalist reforms. The Expedited Recission Act to which this rule applies was only one of the hundreds of reforms considered by the Joint Committee. So, regardless of any rationalizations, Mr. Speaker, it is clear that this effort today splinters the reform effort.

Is watered down reform what the taxpayers desire? No. In 1992, exasperated taxpayers sent a clear signal for institutional reform. The Congress responded with formation of the Joint Committee on the Organization of Congress. Then voters sent a huge new class of freshmen to Congress to institute wide-ranging reforms. The Joint Committee, on which I was privileged to be the only freshman, built a hearing record of unprecedented proportions.

Now, the fix is in. Slow down, water down, limit the reforms.

Mr. Speaker, taxpayers want bold reform. This vote today is our chance to give it to them.

Let us defeat the previous question; let us consider a reform package under an open rule; let us do the right thing.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. ALLARD], another valuable Member of this House who has served on the joint committee to reform the House with you and me.

□ 1430

Mr. ALLARD. I thank the gentleman from New York for yielding this time to me.

Mr. Speaker, I rise to urge my colleagues to vote "no" on the previous question because we need to have real reform come before the House. This rescission bill passed the House last year, then the Senate defeated a similar rescission bill. I believe its fate will be the same again.

The Senate insists on true reform, why should we settle for anything less in this body?

If the Members of this House are ready to discuss serious reform, they need to reject weak efforts such as this and focus on substantial issues. I believe that the best place for us to begin our journey toward actual reform is exactly where the Senate has, with the recommendations of the Joint Committee on the Reorganization of Congress, as specified in H.R. 3801.

Not only does this include budgetary reform but also committee structure, congressional compliance, proxy voting, and administrative reforms. Why should the House waste time on minor, shallow changes when there is a comprehensive reform package ready now?

We know Members from both parties are in favor of it; our colleagues in the other Chamber want it, and our constituents demand it. It is time for the rhetoric to stop and for the Congress to act.

Again I urge vote "no" on the previous question so that we can have a chance to consider real congressional reform and, hopefully, with an open rule.

Mr. DERRICK. Mr. Speaker, I have just one Member left to speak at this time.

Mr. Speaker, I reserve the right to close.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I will just recall to the membership what happened in January 1993 when this 103d Congress convened. At that time over 100 new Members, who now have reached, I think, 112 or 113——

Mr. DREIER. If the gentleman would yield, it is 117.

Mr. SOLOMON. There are 117 new Members to this House. Almost every one of these Members on both sides of the aisle, both Democrats and Republicans, came here having been elected on a platform to try to fix what is wrong with this House. Gridlock and other problems have reduced the House to the lowest level of respect, according to the polls, at any time in the history of the United States.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the vice chairman of the joint committee which was formed after a meeting in the office of the Speaker. Both the Republican and the Democratic leadership set up a committee that would bring about true reform in this House.

I yield to the vice chairman of that committee, the gentleman from California [Mr. DREIER].

Mr. DREIER. I thank the gentleman for yielding.

I would like to follow on in a statement the gentleman made in his opening remarks; that here we are dealing with an issue that this House has already voted on, the issue of the rescission. Once again we are facing that issue and it is a priority item, very important for us to proceed with. Yet we are too busy to deal with the issue of congressional reform. That is what we continue to hear from this leadership. My friend said that in his opening remarks. It seems to me to be a real tragedy that as we go through a question we have already resolved, that now we are doing this. My friend is absolutely right; the Joint Committee on the Reorganization of Congress was established in the wake of the post office and the House bank and restaurant problems that we have had here, and it was virtually unanimous—that is, the establishment of this committee—and during calendar year 1993 this committee put together the largest compilation of information on this institution, both the House and the Senate, that has ever been gleaned. And what a tragedy that as we look at all the work that was done we are talking about breaking it into bits without really moving forward with congressional reform as was promised last year. Unfortunately, we were in a position where they have said that, "Yes, we want to do it," but they only want to look at the issue of congressional compliance.

This issue of budget reform is a very important aspect of congressional reform, entitlement review; all of these items are encompassed in H.R. 3801, legislation which has been reported out.

We have had hearing after hearing in our subcommittee on rules of the House, and we have had hearings in the Administration Committee. It is a real tragedy that the American people and, I believe, a majority of the membership of this institution who want to see congressional reform proceed, are being blocked by these attempts by the leadership to do that.

You know, when you look at the work that my friend, Mr. SPRATT, and Mr. SWIFT and Mr. SOLOMON and so many of the rest of us put into it in calendar year 1993, 243 witnesses came before our committee, 37 hearings. It was the first bicameral, bipartisan effort in nearly half a century. Not since the Monroney-LaFollette reform came forward in 1947 have we seen the kind of effort that we have seen with this Joint Committee on the Reorganization of Congress. It is a travesty that it is being treated in the way that it has. That is the reason that I am insisting on defeat of the previous question so that we can make in order H.R. 3801. I am not a strong proponent of H.R. 3801; I think there are many modifications that should be made in it. I suspect that several of my friends on both sides of the aisle would support some modification of H.R. 3801. But let us give this House a chance to hear this legislation and this is our chance to do it. That is why we have got to vote "no" on the previous question.

I thank my friend for yielding.

Mr. SOLOMON. If the gentleman will stay in the well for just a minute, I will say he is absolutely right. Our joint committee did meet; we marked up that reform bill. It was not to your satisfaction or to mine, but at least it was a start.

Now we are being informed that not only will we not have a chance to vote on that bill, but it is going to be broken up into pieces and brought to this floor under closed rules so that Members from each individual district will not have a chance to work their will.

Many things really need to be done, such as reducing the number of committees and subcommittees that would automatically reduce by one-third the staff it takes now to man all of those committees. Abolish joint referrals. We have now in the House of Representatives 3 different committes dealing with the health care issue and no less than 10 subcommittees involved with it.

That is why we cannot have a decent health care reform around here. We need to reform joint referrals. We need to ban proxy voting. We need to limit the terms of chairmen and even have term limitations for Members who serve on some committees perhaps. We need to apply the same laws to Congress that we foist on the American people.

Mr. DREIER. Mr. Speaker, will the gentleman continue to yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding further.

Let me just say to my friend that he has reminded me of the fact that I and my colleague from Cape Girardeau, MO [Mr. EMERSON], were the only two who voted to move this process forward. The gentleman from New York [Mr. SOLOMON] very wisely voted against it, and the other Republicans on the committee voted against it, not believing that we would see real congressional reform.

Yet, I being the eternal optimist, always looking for that silver lining in the dark cloud, and the pony when they provide me with a pile of manure, believed that we would be able to bring forward this reform package. Tragically, as we sit here, the issue of reform has been swept aside. I should underscore the fact that the gentleman from Indiana, LEE HAMILTON, joins me in his grave concern over the direction we have taken. There are no fewer than two letters that he has sent to the chairman of our Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], where he stated how strongly he feels about the need to keep this reform package together so that all those items that my friend from Glens Falls has mentioned, those items such as committee structure reform, proxy voting, congressional compliance, budget reform, can be held together as they were intended to be held together as it was reported out of the joint committee.

Mr. SOLOMON. I certainly hope the gentleman is going to be successful in defeating the previous question. Every responsible Member ought to vote against the previous question so that the gentleman will have that opportunity to bring that open rule to the floor.

Mr. Speaker, let me at this time yield 3 minutes to the gentleman from Sanibel, FL [Mr. GOSS] another member of the Committee on Rules who has just returned to the floor.

Mr. GOSS. I thank the gentleman for yielding this time to me.

Mr. Speaker, everyone knows our budget process is broken. Yet our budget reform effort is like a scratched old

33 LP record skipping on the same line over and over again. Today we are discussing a bill that is virtually identical to one we passed earlier this Congress. H.R. 4600 would make the same slight improvements to the procedure for considering Presidential rescissions that we made by passing H.R. 1578 last year. That bill was dead on arrival in the other body, and there is no sign that this newly dressed up repeat version will do any better. Americans should know that debate and passage of this bill—which in itself will do nothing—is part of a majority leadership buy-off to prevent the A-to-Z spending cut proposal from coming to the floor. We are now providing cover for Democrats who want to say to their constituents in this election year that they took action to solve the budget crisis, but don't actually want to make real cuts. Put another way: We are trading words for action. The rule itself has good and bad points. On the plus side, we will have a chance to vote on two strengthening amendments—without the usual king-of-the-hill routine. The Solomon-Michel amendment is a true line-item veto. It would give the President permanent authority to propose rescissions to spending and tax benefits, and would require a two-thirds majority to override those cuts. The Kasich/Penny/Stenholm proposal, while not a panacea on its own, would expand the President's powers to target spending and tax-benefits. It would also permanently extend expedited rescission authority. Unfortunately, once again the Rules Committee has denied Mr. MICHEL an opportunity to offer a free-standing amendment to allow the President to target new tax-breaks. And it is somewhat ironic that in the so-called Year of Reform, the Rules Committee majority has refused to make in order an amendment encompassing the recommendations of the Joint Committee on the Organization of Congress. I fully support the efforts of my friend, Mr. DREIER, in seeking to defeat the previous question on this rule so we may bring this bill back with some real reform attached.

☐ 1440

Mr. Speaker, reform is not about issuing press releases and staging floor votes for the C-Span cameras. Reform is about changing the way we operate so we can regain the trust of the American people which now hovers somewhere in the teen digit area when it comes to the U.S. Congress. We can do better.

We are not talking here today about enhanced rescissions; we are not talking about line item veto. We are talking about expedited rescission, expedited. What, in fact, that means is we are going to move a little faster so we still cannot make the right decision. Instead of taking 3 days not to be able to make the decision, we are now going to take 5 or 10 days.

Mr. Speaker, that is not the kind of improvement the American people are looking for.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman from South Carolina [Mr. DERRICK] for yielding this time to me, and I rise in support of the rule and the bill.

I, first of all, would note that the rule does provide opportunities, as the gentleman from Florida [Mr. GOSS] just said, to vote for strengthening amendments, as Members would choose, including, as he has characterized, a vote on the true line-item veto, and I intend to vote for those strengthening amendments. That opportunity is provided to us by the Committee on Rules in this rule, and I thank them for it, and we do have the opportunity today to vote as we choose on the strongest possible version of this bill.

The troubling aspect of this debate today is, as the other gentlemen have pointed out, that we are doing again today something very similar to what we have done before, a year ago, a bill which we approved in this House, not as strong as I would have liked or as I voted for a year ago, but that we sent to the Senate, and they did nothing.

So what then is the purpose of us being here today?

Well, I think the purpose of us being here today is to underscore, to reemphasize, that the House of Representatives, a majority of its Members, understands the importance of changing the rules with respect to spending, of giving the opportunity within the budget process to focus in in greater detail on the line items and that we are going to send another version over to the Senate. We are going to ask them again to ask on this issue.

The fact of the matter is, on the merits of changing the rules with respect to spending, the government has changed since our Founding Fathers first framed the division of powers. I believe truly that, if they had seen the complexity of the budget process, if they understood the detail with which these line items must be gone over, that they would have no objection to finding a process by which the Executive and the legislature could work closer together to get at individual line items.

The fact is that we need a process to review individual items of spending in the glare of the spotlight, in that light of day, and for the President to say again to the Congress, "Look at that one again. I want you to stand up, and I want you to decide whether or not, indeed, you want this measure to be an appropriate use of the taxpayers' dollars."

I think we should support this rule and this bill.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman from Ohio for yielding, and I would simply like to say that my friend has, in fact on several occasions, testified before the Joint Committee on the Organization of Congress, and I know he has been part of an effort on the other side of the aisle to pursue this issue of reform.

Now, he wisely says that it is important for us to underscore for the other body how important it is to address, rather than ignore, this issue of enhanced rescission. We have seen by their pattern that they have chosen to ignore this legislation that a year ago was reported out of here. But they are interested in the process of reform, and it seems to me that the only way for us to adequately move forward with this enhanced rescission bill that could get a response from the other body would be for us to do it under the rubric of H.R. 3801, a reform package.

Mr. FINGERHUT. Reclaiming my time, Mr. Speaker, the gentleman from California [Mr. DREIER] knows I am supportive of many aspects of congressional reform, but today what we need to do is focus in on the line item veto. Let us send that message to the other body. Let us get them to at least act on this.

Mr. DREIER. We might be able to do that——

The SPEAKER pro tempore (Mr. SWIFT). The time of the gentleman from Ohio [Mr. FINGERHUT] has expired.

Mr. DERRICK. Mr. Speaker, I have one speaker remaining, and I reserve the right to close.

Mr. SOLOMON. Then, Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, it is déjà vu all over again. We are debating a measure today that has already been discussed at great length last year, and we are doing it for a very familiar reason.

We are debating this bill so the Democratic leadership can once again prevent any real reform of the process they have controlled for 50 years.

We heard a lot about change in the 1992 elections, but we have seen precious little of it around this place. Time and again when reform proposals have been presented—proposals overwhelmingly supported by the American people—the Democratic leadership has found a way to shoot them down.

It is my opinion that we need to make some fundamental changes in the way we do business. You cannot keep doing the same things and expect different results.

We need to find ways to make real cuts in Federal spending. We need to pass term limits. We need to pass a balanced budget amendment. And we need to give the President line-item veto authority.

It is that line-item veto power we ought to be vòting on today, Mr. Speaker, but thanks to the Democrat leadership, we will be voting on a fake.

The line-item veto is an integral part of any true reform effort and vital if we are ever going to end the kind of pork barrel spending that has so long dominated things around here.

Forty-three Governors have the line-item veto power. Opponents say it won't work, it will not cut much; but it does work and it does bring responsibility to the legislative process. It works fine in Wyoming, and it would put some needed integrity into the process in Washington.

Mr. Speaker, we shouldn't be fooled by what is going on here today. The Democratic leadership will do anything they can to avoid having to make real spending cuts and to avoid making any real changes to the way they've run Congress for so long.

Just as the A-to-Z spending cut proposal is picking up steam, the leadership decides to have this exercise today so Members who don't sign the discharge petition can run home and claim they've voted for a line-item veto instead. The two shouldn't be tied together—they are separate issues—and the American people won't be fooled.

I am disappointed we are taking this route, Mr. Speaker. We saw the same tactics used to pass the President's tax increase. We were told we would have a chance to vote for more spending cuts, then the leadership defeated Penny-Kasich.

We saw the same tactics used when we debated the balanced budget amendment. The leadership offered a phony amendment which gave political cover to those who had promised to support a balanced budget amendment then refused to do so.

And today we will have a leadership proposal used to defeat true line-item veto. I encourage my colleagues to vote for real line-item veto. Vote for the Solomon/Michel substitute. If that should fail, vote for Stenholm. But no one who truly supports line-item veto should vote for H.R. 4600.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Cape Girardeau, MO [Mr. EMERSON], another member of the Joint Committee on Reform of the Congress, a gentleman who has been here for many years as a page, now as a Congressman.

Mr. EMERSON. Mr. Speaker, I rise to join my joint committee colleagues in urging the House to defeat the previous question and make in order the joint committee's bill.

It is ironic that the majority leadership in this Congress appears to be in favor of about just every kind of reform for the American people except for reform for the Congress itself. They want to radically reform health care, tell everybody else how to operate, insurance companies, doctors, patients, how to choose their care. They want to fundamentally restructure education, dictating to the States how they are going to spend their dollars, how to structure their curriculum and how to teach their students.

□ 1450

Of course, they want to overhaul wetlands policy, instructing private property owners what they can and cannot do with their land, designating acres and acres of land as off limits and forcing businesses to cease their business activities.

It seems that the majority wants to reform every aspect of everybody else's lives and livelihood. The only thing we refuse to reform here is the Congress itself.

The joint committee was created to develop comprehensive congressional reform, and it did that. The committee went out of existence at the end of last year. Its report, 6 Democrats and 2 Republicans of the 12-person House contingent of that committee voted to report a measure to the House, which has been languishing since last November.

Now the leadership plans to split up that legislative package, which would effectively kill any reform that would actually impact the Congress.

If reform is good for the rest of the country, it should be equally as good for Congress. I urge all of our colleagues to send a message that congressional reform is essential, and that the House can do unto itself what it does to other.

At the point we voted earlier to abolish select committees in this House, there was a grand coalition of what we referred to as, and everybody knows what I am talking about, the old bulls and the freshmen Members, the young reformers of both parties. This was all done in the name of congressional reform.

We had too many committees, so we abolished the select committees. All right, well and good.

Why do we not move on with the rest of the forum? We do need to reform ourselves in so many areas. A blueprint is there, imperfect though it may be. But let us vote to defeat the previous question here, so at least the issue can come up, and we can debate it, discuss it, and vote upon it.

Mr. SOLOMON. Mr. Speaker, I yield the balance of our time to the very illustrious gentleman from Claremont, CA [Mr. DREIER].

Mr. DREIER. Mr. Speaker, my friend from Cape Girardeau, and a very hard working member of our Joint Committee on the Organization of Congress, said it very accurately when he raised the issue of health care reform, wetlands reform, education reform. I should say that he forgot to mention welfare reform. I mean, virtually every area of our economy has attempted to be reformed by this Congress, and yet we are sweeping the issue of congressional reform aside.

After all, if you look at the 1992 election, there are now 117 new Members of this House, most of whom ran on the issue of reform of the Congress, because it was desperately needed. And here we are, charging, just weeks away from the 1994 election, and what is happening? Well, not a lot of people out there are talking about congressional reform anymore, because they are busy talking about health care reform and Haiti and North Korea and welfare reform and a large number of other items.

But, quite frankly, congressional reform was the mandate that sent many of these new members here. And I believe that the American people and a majority of the Members of this Congress want us to deal with reform of this institution. It has not been done in nearly half a century, and it seems to me that this is our opportunity to do it.

We have a chance. On this enhanced rescission bill, what I plan to do, if we can defeat the previous question, is insert at the end H.R. 3801, which is the bill that was reported out of the Joint Committee on the Organization of Congress just before Thanksgiving of last year. It gives us a chance to face the issue of congressional reform the way we should be doing it, straightforward. Not breaking it up into bits, which is nothing but a divided and conquer strategy.

Now, I know there are many people here who thrive on the status quo. But, quite frankly, we need to become more accountable, more deliberative. And I believe that the full House has the right and the responsibility to look at our reform package.

I urge a no vote on the previous question, so that we can make in order the issue of congressional reform.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say I commend the gentleman who has just spoken, and the gentleman from Indiana [Mr. HAMILTON], for their work. But I would have to say that even if the motion for the previous question were to fail, it is my opinion that the gentleman could not do what he proposes to do, that is, offer an amendment to the rule to enable him to offer H.R. 3801 as an amendment to this bill.

Be that as it may, I find it rather disappointing that we once again take something serious like this reform measure, which is very good, and there are many parts of it that I agree with, and trivialize it. Moreover, to stand here and once again lambast this House of Representatives is disappointing. No one said it was perfect. Our Founding Fathers did not say they were giving us a perfect——

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. DERRICK. I will not.

Mr. DERRICK. Mr. Speaker, I did not yield to the gentleman.

The SPEAKER pro tempore (Mr. SWIFT). The gentleman from South Carolina has the time.

Mr. DERRICK. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The gentleman from South Carolina has the time and is recognized.

Mr. DERRICK. I go back to what I said, that the gentleman who spoke before lambasted this body.

I think Members of both parties are guilty of it. I think the other party may be a little more guilty, but not enough to argue about, of taking every opportunity they get to denigrate the institutions of this government, especially the House of Representatives.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. No; I will not.

The SPEAKER pro tempore. The gentleman from South Carolina has the time.

Mr. DERRICK. Mr. Speaker, what worries me is that if Members continue to denigrate our institutions, they could weaken them to the point where someone could come along who might not have the same great appreciation for democracy that our Founding Fathers had, and we could one day lose this great form of government of ours.

Ours is not a perfect form of government. Our Founding Fathers never said it was. But it works. This House works. This Congress works. It is the most representative body in the world. It serves our Nation and our people well. And I believe many who stand up and denigrate it believe continuously should have more respect for it than they have.

Mr. Speaker, as I pointed out earlier, the Federal budget deficit is down, way down. For the first time since the Truman administration, the United States will experience, thanks entirely to the President and the Democrats in the Congress, 3 years of declining Federal budget deficits.

But we cannot rest. We must continue battling the deficit until victory is won. The legislative line item veto is not the only solution to our problems, but it is part of the solution. We owe it to our citizens to send to the Senate a message that we must give this line item veto a try, for the sake of future generations, if not for our own.

Now Mr. Speaker, what the gentleman from California [Mr. DREIER] is proposing, is defeating the previous question so he can amend the resolution to make in order an amendment consisting of the text of H.R. 3801, the Legislation Reorganization Act.

□ 1500

This is not permissible under House precedents. Such an amendment would not be germane to the resolution and would surely be ruled out of order.

The gentleman well knows it is not in order to amend an order-of-business resolution to accomplish indirectly that which he cannot achieve directly. So let no Member of this House be fooled. Voting against the previous question in hopes of adding H.R. 3801 to the rescission bill simply will not work.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. SWIFT). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 5(b) of rule XV, the Chair announces that he will reduce to not less than 5 minutes the time within which a rollcall vote, if ordered, may be taken on the adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 240, nays 185, not voting 9, as follows:

[Roll No. 326]

YEAS—240

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—185

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent

Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—9

Bishop
Carr
Gallo
McCurdy
Obey
Quillen
Slattery
Towns
Zeliff

□ 1520

The Clerk announced the following pair:

On this vote:

Mr. McCurdy for, with Mr. Quillen against.

Mr. GLICKMAN changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST TO MODIFY AMENDMENT NUMBERED 1 PRINTED IN HOUSE REPORT 103-565 TO H.R. 4600, EXPEDITED RESCISSIONS ACT OF 1994

Mr. SPRATT. Mr. Speaker, I ask unanimous consent to modify the amendment numbered 1 and printed in House Report 103-565. The modification is reduced to writing and available at the desk.

The SPEAKER pro tempore. The Clerk will report the modified amendment.

The Clerk read as follows:

Substitute Offered by Mr. SPRATT of South Carolina for Amendment Number 1 Printed in House Report 103-565: Page 10, line 17, insert ", unless the House has passed the text of the President's bill transmitted with that special message and the Senate passes an amendment in the nature of a substitute reported by its Committee on Appropriations" before the period.

Page 11, line 21, insert "and by striking '1012 and 1013' and inserting '1012, 1013, and 1014'" before the semicolon.

Page 12, line 1, strike "(2)" and insert "(1)".

Page 13, line 7, insert "or One Hundred Fourth" before "Congress".

Page 13, line 9, insert "or One Hundred Fifth" after "One Hundred Fourth".

Page 13, line 15, strike "One Hundred Third" and insert "previous".

Page 14, strike lines 7 through 11 and on line 12, strike "5" and insert "4".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. CLINGER. Mr. Speaker, reserving the right to object, I reserve the right to object to direct some questions to the author of the unanimous-consent request, specifically to inquire whether the bill pending before the committee this afternoon is identical to the bill which passed the House.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Speaker, Members are confused about what is taking place. Is it not true that the rule on this bill has just passed and there is no vote pending and probably will not be for the next hour?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SOLOMON. I thank the Chair.

Mr. CLINGER. Mr. Speaker, I have reserved the right to object to inquire of the proponent of the unanimous-consent request if the bill, that is, H.R. 4600 pending before the committee is identical to that which already passed the House, or which was considered and passed by the House last year. I would inquire of the proponent if that is correct.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, the bill that is being offered as the base bill is the bill that passed the House, I believe, on April 29, 1993.

Mr. CLINGER. Mr. Speaker, further reserving the right to object, I would like to then ask the gentleman from South Carolina if he had an opportunity to have this consent request considered when the Committee on Government Operations marked up this bill or if the Committee on Government Operations did consider this bill.

Mr. SPRATT. The committee itself did not report this bill. The gentleman is correct, it did not.

Mr. CLINGER. Further reserving the right to object, I would inquire if this amendment that is proposed now as a unanimous consent request was propounded at the time the gentleman appeared before the Committee on Rules or did he present this before the Committee on Rules.

Mr. SPRATT. Part of it was, part of it was not. The upper part of the amendment which would have the bill amend page 10, line 17 was propounded and is made in order and will be offered as an amendment immediately after the bill itself is called in the Committee of the Whole. The balance of the amendment would in effect change the bill in one simple respect.

This bill in order to conform to the bill that the House passed in April 1993 is identical in all respects, but that means that it applies only to the 103d Congress. At that time, a lot of the 103d Congress was yet to be conducted. We would like to amend this bill by this amendment and by this language so that it would apply to the 103d Congress and the 104th Congress as well.

Mr. CLINGER. Mr. Speaker, given the fact that the committee of jurisdiction, that is, the Committee on Government Operations waived its jurisdiction over this bill, this bill has never been considered by the Committee on Government Operations, which is the committee of jurisdiction, and, therefore, this matter was not really given an opportunity to be discussed, debated or amended through the committee process. Because of that fact and the fact that the gentleman could have offered this request at various stages of this proceeding, I must object.

The SPEAKER pro tempore. Objection is heard.

EXPEDITED RESCISSIONS ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 467 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4600.

□ 1529

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, with Mr. DE LA GARZA in the chair.

□ 1530

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina [Mr. DERRICK] will be recognized for 15 minutes; the gentleman from New York [Mr. SOLOMON] will be recognized for 15 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes; and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, today, the House considers H.R. 4600, legislation to provide expedited rescission authority for the President, a matter under the jurisdiction of the Committee on Government Operations.

The Government Operations Legislation Subcommittee has held numerous and wideranging hearings on budget reform issues. The committee has heard the testimony of the administration, the leadership and rank and file Members of both parties in Congress, as well as experts at the Congressional Budget Office, the General Accounting Office, and academia. Earlier, we received the testimony of our former colleague, Leon Panetta, who repeated President Clinton's call for the adoption of expedited rescission authority.

The Committee on Government Operations has worked diligently with the administration and committed Members of Congress to strengthen our budget process. I would particularly like to thank Congressman JOHN SPRATT, one of the Government Operations Subcommittee chairmen, for his work on these issues. Congressman SPRATT deserves great credit for his strong and continuing contribution in helping to forge consensus where, previously, there has been gridlock.

All of us are committed to eliminating wasteful and unproductive spending. The Committee on Government Operations has vigorously exercised its oversight function, holding a series of hearings to address fraud, waste, and other abuses throughout the Federal Government. Through these hearings, we have identified Government waste, ranging from massive contract overruns on the *Seawolf* submarine and C–17 airlifter contracts, to outright theft of Government funds at the United States Embassy in Mexico City.

Historically, one tool to cut wasteful Federal spending has been rescission authority. Since the adoption of the Impoundment Control Act of 1974, Congress has rescinded approximately $90 billion in unnecessary budget authority, nearly 25 percent more than proposed by the President.

As attractive and successful as rescission authority has been, I want to clarify its limitations. Rescission authority is not a panacea or cure all for the Federal deficit. During our Government Operations hearing, the GAO testified that total enacted rescissions since 1974 have never exceeded 23 percent of any single year's deficit. However, to reduce the current deficit by 23 percent would require rescinding more than $50 billion, the equivalent of rescinding the entire 1995 budget for the Departments of Education, Energy and Commerce. Clearly, rescission authority cannot solve the deficit problem on its own.

I am troubled by the potential for abuse and many of the concerns you have heard or will hear today reflect congressional concern fueled by administrative abuses of the 1970's. In fact, Congress adopted the Impoundment Control Act to address the misuse of an administration's impoundment authority to unilaterally and indefinitely cancel spending for selected programs. Consequently, this expedited rescission authority carefully provides for a trial run and the authority expires following the 103d Congress.

The legislation before the House is a good effort to create an additional deficit reduction tool for the President. The legislation provides the President with a certainty of a vote on the President's rescission proposals, guaranteeing an accelerated, expedited process through Congress. The bill would permit the President to submit rescissions to Congress within 3 days of signing an appropriations bill and Congress must vote on these rescissions within 10 legislative days.

If the Appropriations Committee believes they can draft a better rescission package, they are free to report an alternative rescission proposal as well, provided it rescinds an equal or greater amount of money. If the President's rescissions are defeated, this alternative proposal is automatically brought before the House for a vote. This alternative makes sure Congress is not just debating whether to cut spending, but also, of equal importance, where to cut spending.

Additionally, nothing prohibits or impedes Congress from reporting additional rescissions under our constitutional power of the purse. This bill won't impede our authority to reconsider programs and rescind spending that fails to match with Federal priorities.

President Clinton's budget moves the country forward, addressing both the budget deficit and our national investment deficit, reinvesting in critical spending priorities such as education and health. Earlier this week, our former colleague Leon Panetta announced the budget deficit is lower than previously forecast—President Clinton has reduced the budget deficit he inherited by $85 billion for this year and $135 billion for the next fiscal year, keeping his promise to cut the budget deficit in half when measured as a percentage of our Nation's economy.

While this administration has been aggressive, the President would benefit from additional, stronger deficit reduction tools to rein in unnecessary Federal spending. Consequently, I support H.R. 4600 and urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield myself 4 minutes.

I am delighted today to bring to the floor H.R. 4600, the Expedited Rescissions Act of 1994.

The legislation before us is a key aspect of the President's program: a modified line-item vote.

As did his predecessors, upon taking office President Clinton asked Congress to give him the ability to sort wasteful items out of appropriations bills and send those items back to Congress for separate votes. Last year the House passed an identical bill, H.R. 1578, to give him such power. That bill went over to the Senate, which has not acted as of today. The time has come to give this power to the President. Frankly, our hope is that if we pass another bill the Senators will get the message.

The legislation before the House is actually very simple. After the President signs an appropriations act he may, within 3 days, send the House a special message proposing to cancel spending items in the bill which he might oppose.

Within 2 days of receipt of the President's message, either the majority or minority leader would introduce the President's bill. If neither leader introduced it, then on the third day any Member could do so.

The bill would be referred to the Committee on Appropriations, which would have 7 legislative days to report it out.

The committee could not propose changes to the President's bill, but it could report an alternative bill if it chose. An alternative bill would have to rescind at least as much as the President's bill, and draw its rescissions from the same appropriations act as the President.

The President's package would come to a vote in the House within 10 days of its introduction, and would not be subject to amendment. The House would have to vote, up or down, on the President's package as he submitted it.

If approved by a majority, the bill would go to the Senate which would consider it under similar, expedited procedures and constraints. If the legislation passed the Senate by majority vote, it would go to the President, who would presumably sign it into law since it was his proposal. Appropriations would be canceled and the deficit would fall.

If the House rejected the President's bill and instead passed the alternative bill, that bill would go to the Senate. The Senate Appropriations Committee could report the alternative bill with or without change, but for any alternative to be in order in the Senate, the Senate would first have to reject the President's bill. If both Houses ultimately passed an alternative to the President, then that bill would go to the President. If he signed it, those appropriations would be canceled and the deficit reduced. Either way, American taxpayers would be the big winners.

Mr. Chairman, H.R. 4600 would set up an historic experiment with a modified line-item veto. After the experiment, Congress would review the results and decide whether to extend the experiment or make it permanent with or without change.

If H.R. 4600 were the law, no longer could a President sign an appropriations act including wasteful line items, like grants to renovate Lawrence Welk's birthplace, or money to build schools for North Africans in France, and claim he was powerless to block them.

No longer could Congress force upon the President the dilemma of vetoing an entire appropriations act and shutting down the Government, or signing the whole thing, pork and all. Accountability is what we need, and accountability is what this bill will provide. This bill will strengthen accountability in the appropriations process without transferring vast power from Congress to the Presidency, and without advantaging the President's fiscal priorities over those of Congress.

I urge all Members to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Expedited Rescissions Act of 1994 is identical to H.R. 1578, which passed this House last year. I opposed it at that time, and I oppose it today, because it is not a true line-item veto.

Mr. Chairman, anyone who thinks they can support this and get away with claiming they have voted for a line-item-veto bill had better have another thought coming.

The gentleman from Texas [Mr. Stenholm], who helped originate this expedited-rescission approach, made it quite clear again in the Committee on Rules this year, just the other day, that this bill and his substitute for it are not a real line-item veto he said he is opposed to the real thing because he thinks it give the President too much power.

□ 1540

Now, Mr. Chairman, I respect that point of view though I do not agree with it. I also respect the gentleman from Texas [Mr. STENHOLM], the gentleman from Minnesota [Mr. PENNY], and the gentleman from Ohio [Mr. KASICH], who are up front and honest about what this is and what this is not—and they have been. So we do not have any argument there.

H.R. 4600 provides that for the remainder of the 103d Congress the President would have some additional authority to cancel spending in appropriation bills, subject to the approval of both houses. It basically differs from the current rescission approach by accelerating the time frame for considering rescissions and forcing votes in both Houses on the President's proposals.

Well, what is wrong with this, you might ask? The answer is that H.R. 4600 suffers from many of the same problems as the current rescission process does, which does not work. First, a simple majority of either house could block the President's spending cuts and force the money to be spent simply by voting them down. So we are talking about the same majority that passed these pork-barrel projects in the first place being able to stop the President from terminating them. It's just the same old log-rolling methods they have used all along. Second, the bill, if enacted, would be subject to the rule-making authority of the House and the Senate. That means that the rules could be changed at any time to provide for other procedures. So we really are doing nothing.

The Committee on Rules is going to do what it does every week waive the rules.

For instance, nothing in this bill would prevent the Committee on Rules from suspending the whole expedited process on a particular presidential rescission package, just as they have done before, and then schedule the appropriations alternative in its place.

Third, there is no penalty in H.R. 4600 for not acting. After the 20-legislative-day review period, the money will be released and spent if neither house has acted. That is the interpretation by our parliamentarian on last year's identical bill.

So, nothing has changed. The fact is, Mr. Chairman, that while the intentions in H.R. 4600 are good to expedite things and force votes on the President's cuts, there are no guarantees, especially for as long as this process is subject to the whims of the Democrat leadership and the Committee on Rules where I serve.

The Stenholm substitute, on the other hand—and I give credit to the gentleman from Texas [Mr. STENHOLM] because his approach is meaningful—the Stenholm substitute is a stronger expedited rescission approach in many respects. Instead of applying to this 103rd Congress only, he does give the President permanent rescission authority. And that is good. His substitute completely replaces the current rescission process. And that is good. He extends the process to targeted tax benefits. And that is good. He allows the President to designate rescissions for deficit reduction. So there are all positive things.

In short, it does correct—that is, the Stenholm substitute does correct—some of the criticisms leveled in last year's bill. I commend the gentleman from Texas [Mr. STENHOLM], for making these improvements, but his approach is still subject to being circumvented by a special rule, which means his approach ultimately has no teeth. There still is no penalty if the Congress does not act. The money will be released after the review period.

So, here again we have no deficit reduction. Moreover, the Stenholm substitute contains one new provision which actually weakens its purpose. It allows for separate amendments on individual rescissions or tax break repeals if supported by 50 House Members or 15 Senators. Only 15 Senators. That means the package can be picked apart in both bodies in different ways, forcing a conference that is unlikely to resolve the differences before the 20 legislative days are up.

What it all boils down to, Mr. Chairman, is that there is no real substitute for a true legislative line-item veto that is subject to congressional disapproval rather than approval. All Members know that. We need to make it difficult to override the President by requiring the ultimate two-thirds' super majority to force the money to be spent. That is a true line-item veto. That is the only way we can begin to get a handle on some of this wasteful pork-barrel spending that is contributing to the sea of red ink engulfing us.

Mr. Chairman, I would urge my colleagues to send the strongest possible message today that we want something more than just an expedited rescissions process. Tell the President, tell the Senate, tell the American people that we are ready to lay down the line, we are ready to do what we go home and brag about, vote for a line-item veto. Vote for the Solomon amendment when it comes up, and then you will be doing the right thing for the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in support of this legislation. There is no doubt about it that if we were to eliminate every ounce of pork-barrel spending in the Federal budget, it would go only a limited way toward eliminating the Federal budget deficit. We all understand that.

I think we all understand that and give a lot of credit to the Committee on Appropriations, the budget leaders in the House, on both sides, for the progress we have made in the past year in reducing the annual Federal deficit by 40 percent in the past 15 months by cutting the share of the deficit relative to the economy in half to the lowest point it has been since 1979. That is all to the good.

Nevertheless, there remain two reasons to pursue a line item rescission legislation. The rule we have here permits debate on the traditional line-item veto on two versions of the line-item rescission.

That is, one, where we can save a dime, obviously we need to save a dime. Second, we need to restore greater public confidence in the budget process to make sure that we do not in fact have items or expenditures that could not stand on their own merits.

And that is the key target for line-item rescission.

I do not support the traditional line-item veto, the two-thirds' vote requirement. Used as it is in the States around the country, it is not used to save money; more often than not it is used simply to enforce the executive's legislative agenda. President Bush saying, "Support more foreign aid, or I will eliminate all the housing in your district," President Clinton presumably saying, "Support my health care plan, or I will eliminate all the water projects or whatever in your district." That is extortion, that is coercion, that is not the democratic process.

But everybody who supports a nickel's worth of expenditure in this body ought to be in a position to stand up and say, "Yes, I support that expenditure." There ought to be accountability, there ought to be a recorded rollcall vote on controversial spending items, and that is what the enhanced line item rescission legislation does in fact. So we restore public confidence to the process. In so doing, we also save some dollars, which contributes in a small way toward further progress on the Federal budget deficit reduction. That is what the public is demanding. They are demanding accountability within the context of our democratic—small "d"—process in the capital. This finally gives us an opportunity to send that kind of legislation to the other body and to again make that kind of progress. So I think that we need to pass in this body today—my preference is the Stenholm version—but in any event, one of the versions of line-item rescission.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH] one of the hardest-working Members of this body, who represents the district in which is located the Green Bay Packers.

Mr. ROTH. I thank my friend from New York for yielding.

Mr. Chairman, I am very much in favor of the Michel-Solomon substitute amendment for this reason: 75 percent of the Americans support of the line-item veto in every poll that has been taken. In the mid-1980's, the last time we did a study on the line-item veto, the study showed that we could save as much as $12 billion a year if the President had the line-item veto. When the people in America talk about change, this is the type of change they are talking about, giving the President the line-item veto.

I do not mean to be polemical in this debate on the floor here today, but I think it is important we take a look at the paper trail of some of the history of this legislation.

On November 19, 1992, long before Bill Clinton was sworn in, a number of people sent a letter to Bill Clinton, and it said, basically:

> We members of Congress are writing to offer our assistance on a matter on which we mutually agree, the need to give the President the line-item veto.
>
> We strongly support giving the President the line-item veto power which 43 Governors currently hold. This tool can eliminate billions of dollars of wasteful spending tucked away in appropriations bills and can help balance the budget. Giving the President the line-item veto will help bring fiscal responsibility to the federal budget.
>
> This is an issue of good fiscal policy and protecting the taxpayers. We support giving the line-item veto to both Republican and Democratic presidents, because we put fiscal responsibility above partisan politics.
>
> We urge you to make passage of the line-item veto part of your agenda for the first 100 days of your administration. We will work with you for Congressional passage of the line-item veto. Signed by a large number of congressmen, mostly from our side of the aisle.

□ 1550

I think it is important for us, when we are having this debate, to go back and see that we, whether it is a Democrat President or a Republican President, want the President to have the line-item veto because with the line-item veto the President can do effectively what 43 governors are now doing, and we have to give the President this power so that we can bring about the change the American people are demanding.

Mr. DERRICK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in opposition to the base bill, and the various substitutes, in my judgment, to varying degrees, and, if one should pass, and I expect the base will, which has passed before, and it will pass again. It clearly is preferable to have this experiment done on a limited time basis.

But what we have before us today are proposals that do not relate to spending. They relate to transfer of powers from the legislative branch to the executive, and I would argue, and it cannot be argued in a 30-second sound bite, that, if anything, that would increase spending rather than decrease spending because the reality is that, whether the President was Ronald Reagan, or whether the President was George Bush, or whether the President is Bill Clinton, in all three cases they wanted more discretionary spending than what the Congress has approved. In all three cases the Congress has modified their requests. They have changed them. But they have lowered them for all three administrations.

What do these proposals do in varying fashion? They increase the power of the Executive to subtly use their power to achieve their own agenda. It would have meant, I expect under Reagan and Bush, more difficult-to-moderate requests for such programs as star wars, or to modify aid to Nicaragua when that was a hot battle, or in the current administration I expect they would use that additional leverage for the President's investment program, much of which I agree with but which, I think, should be subject to the normal course of discussion, and deliberation, and compromise within the legislative branch.

The new power might be occasionally used, and so someone could say occasionally it saved some money, but the power would be unused most times. But maybe this is a persuasive tool to get some Members of this Congress to vote with the President, on their agenda, which in all three cases has involved more discretionary spending than what the Congress has approved.

The other thing which concerns me as we deal with this proposal is the degree that we seem to have lack of self-respect for ourselves as elected Members. We structure programs in a variety of ways. We structure some as formula programs where we appropriate so much money, and it flows by formula to the States or to other units of governments. Sometimes those formulas are done well, sometimes poorly, and impacted by the politics and the geography of this institution and the President. However I find that administrations, whether they be Republican or Democrat, like to have programs where the money is spent at the discretion of the executive branch, and many times that makes sense. Occasionally we designate it in Congress. But administrations like to have programs with flexibility so they can announce where the money is flowing.

Who are those programs run by? People appointed by the President, confirmed by the Senate, often our former colleagues. We have had three that served as Cabinet members in this current administration. Virtually half of the Bush Cabinet was former House Members. We somehow have this perception that when they were in the House, elected by their constituencies, they lacked judgment individually and collectively. But when they were nominated by the President, confirmed by the Senate, suddenly they become saintly and wise.

Well all of these people that have been appointed I think have been good Members from both parties, but their judgment, their wisdom, really did not change. They had different and newer responsibilities, answerable to the President rather than their constituents in dealing with the collective judgment of the Congress. But they did not become different. We do not make perfect judgments here, but neither does the Executive.

So, Mr. Chairman, I would ask the Members to vote no on these proposals for a variety of reasons, but most fundamentally it will cost money, not save money.

Mr. SOLOMON. Mr. Chairman, I would say to the gentleman from Minnesota [Mr. SABO] maybe we need a President like GERRY SOLOMON that will offer a balanced budget, get a vote on it, and then go down in defeat, but nevertheless we tried.

Mr. Chairman, I yield 1 minute to the gentleman from Roanoke, VA [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, the American people overwhelmingly want to give the President of the United States a real line-item veto. They have good reason to do so. They expect our Government to be run in a businesslike fashion, but what chief executive of any business in this country could operate when presented with expenditures sometimes in the hundreds of billions of dollars in these appropriations packages, and they have to take the entire package or leave the entire package?

I am not going to agree with every line-item veto that President Clinton will impose, but I do think that he should have the same power that 43 State Governors have, and I think it is important that we have this mechanism to break up the way this Congress does business. It will be a lot less likely that we will have pork-barrel legislation, that we will have log rolling, if we do not know which Member's package is going to be vetoed by the President. I think it is a lot less likely we are going to vote for these enormous packages if we have a situation where the President has an opportunity to veto and we do not know whose particular item he is going to pick out to veto.

So, I would urge the Members to vote for the Michel-Solomon amendment. It is the only amendment that is a real line-item veto.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, again this year, I rise in strong support of the line-item veto, a tool to discipline the Federal budget.

Last April, the House also considered three different proposals for a line-item veto, adopting one. Unfortunately, the other body has failed to act. I hope today's vote will help stir its members to adopt this powerful budget-cutting tool.

By allowing the President to strike individual spending and tax expenditure items, the line-item veto can cut wasteful pork barrel projects or special interest tax breaks. It will illuminate our budget priorities, helping us to select from those programs that are merely good, those that are good enough.

Today, we will debate the various forms of line-item veto, and others will speak to their merits and demerits. Whichever alternative carries today, however, I think a majority will agree that we need the line-item veto.

Even the base bill, which I hope we will strengthen and which I will vote to strengthen, will shine the spotlight of publicity on irresponsible Federal spending; as Louis Brandeis once said, "Sunlight is the best of disinfectants." By helping to expose and eliminate wasteful spending or tax benefits, any line-item veto represents a great improvement over what we have now.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN], and, Mr. Chairman, the previous speaker voted for the true line-item veto the last time, and we appreciate his support this time, but this gentleman came here in 1989, and he has been a leader on line-item veto ever since he succeeded his father.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Michel-Solomon substitute, and I thank the gentleman from New York for yielding and for his outstanding leadership on this very important issue.

The last time we dealt with this issue, the Wall Street Journal ran a lead editorial entitled "Voodoo Line Item Veto," describing basically the committee bill we have today.

The American people, Mr. Chairman, do not want voodoo; they do not want a watered-down version. They want real reform, they want a real line item veto, and that is what the Michel-Solomon substitute is.

The American people, Mr. Chairman, are angry. They are angry because government at all levels is taking almost half of the average person's income in taxes of all types. But they are especially angry because they feel that so much of their hard-earned tax money is being wasted. They do not feel they are getting their money's worth, and, unfortunately, too often they are right. They want us to stop the hemorrhaging. They wanted us to balance the budget and start paying off some of our horrendous national debt. They do not want us to mortgage the future of our children. They want us to do more than just pay lip service to bringing spending under control.

Mr. Chairman, in this week's Christian Science Monitor, former Senator Paul Tsongas, and Jonathan Karl, a reporter for the New York Post, said this.

> If you think sending a chunk of your hard-earned income to the Internal Revenue Service was tough this year, imagine the responses of future taxpayers who will face average lifetime tax rates of an incredible 82 percent.
>
> Confronted with the burdens of a monstrous national debt, an aging population, and runaway Federal entitlement programs, tomorrow's Americans will be turned into a generation of indentured servants. They won't stand for it. Without action today, we are likely to see generational political wars by the end of the decade.

Those are the words of a former Democratic Senator, Paul Tsongas, and this reporter from the New York Post, Jonathan Karl. The people of this country are demanding action. They want real reform. They want what the Governors of 43 States have. Every poll, every single survey, shows 75 to 80 percent of the people want us to pass a line item veto.

Mr. Chairman I urge support for the Michel-Solomon substitute.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The gentleman from Texas [Mr. STENHOLM] is recognized for 2½ minutes.

Mr. STENHOLM. Mr. Chairman, I am pleased to come to the floor today to debate proposals to strengthen the ability of Presidents to identify and eliminate low-priority budget items. The Members of the House will have the opportunity to consider three different proposals on this issue, including a substitute which I will be offering along with TIM PENNY and JOHN KASICH. This substitute strikes a balance which grants the President the authority to force votes on individual tax and spending items without disrupting the constitutional balance of power.

Expedited rescission legislation embodies an idea which many Members, both Democrats and Republicans, have fought hard for. Dan Quayle first introduced expedited recession legislation in 1985. Tom Carper and DICK ARMEY did yeomen's work in pushing this legislation. On the Democratic side, TIM JOHNSON, DAN GLICKMAN, TIM PENNY, and L.F. PAYNE have spent the past several years as particularly effective advocates of this legislation. Numerous Republicans, including Lynn Martin, Bill Frenzel, GERALD SOLOMON, HARRIS FAWELL, and others have made meaningful contributions to expedited rescission legislation as it has developed. Thanks to the efforts of these and other members, the House overwhelming passed expedited rescission legislation in the 102d Congress. Last April, JOHN SPRATT and BUTLER DERRICK worked diligently to help pass legislation virtually identical to the base bill before us today.

We need to bring greater accountability to the appropriations process so that individual appropriations may be considered on their individual merits. The current rescission process does not make the President or Congress accountable. Congress can ignore the President's rescissions, and the President can blame Congress for ignoring his rescissions. I believe that it is appropriate to strengthen the President's ability to force votes on individual budgetary items.

The current discharge process for forcing a floor vote on the President's rescissions is cumbersome and has never been used. The President is required to spend the money if Congress has not enacted the rescissions within 45 days. In other words, Congress can reject the spending cuts proposed by the President through inaction.

According to data compiled by the General Accounting Office, Congress has approved barely one-third of the individual rescissions submitted by Presidents of both parties since 1974. Congress has ignored $48 billion in rescissions submitted by Presidents under the existing process without any vote at all on the merits of the rescissions.

My colleagues on the Appropriations Committee correctly point out that Congress has passed more than $60 billion in rescissions of its own since 1974, but I do not believe that the fact that Congress has approved more spending cuts than the President has submitted is a justification for not voting on the President's rescission proposals. The public is fed up with the finger-pointing in which each side argues that the problem is really the other side's fault. Constituents do not consider doing better than the other side to be a substitute for actually dealing with a problem. When we are faced with deficits in the $200 billion range, we cannot afford to ignore any proposals to cut spending.

Forcing votes on individual items in tax and spending bills will have a very real cleansing effect on the legislative process and will take a step toward reducing the public cynicism about the political process. I urge my colleagues to strengthen the rescission process by voting for the Stenholm-Penny-Kasich amendment.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, CA [Mr. CUNNINGHAM], a very distinguished member of the Committee on Armed Services, but one who contributes on many issues on this floor.

Mr. CUNNINGHAM. Mr. Chairman, the President and the line-item veto. There is not a bill that would go through this House that if any of us were President, that we would not veto some of those items in those bills. Every single bill. And I have heard colleagues on both sides of the aisle say, "I would really like to support this bill, but it has got a bunch of pork in it," or it has got this or that.

I think the President needs that same responsibility, and I agree to do that.

I have heard that, yes, we are elected as Members of this House, and we work either for or with, however you want to define it, the President. But the President does not always agree with the basics of this House or the other body as well.

By having a line-item veto, it would be difficult at times for the President to make those hard decisions. Why? Because he is responsible to the American public for each of those items that he vetoes. He may not want that responsibility, but the American people want it. And I know if it was president, which will never come, but I would want that power.

Fact: The majority is not going to do anything that takes away power from the majority. The line-item veto, the discharge petition, a balanced budget amendment, are ways to take that power away from this House. And that is why they are fighting this line-item veto, a true line-item veto, so much.

A good case in point: We thank the gentleman from Oklahoma [Mr. INHOFE] for filing a discharge petition. It is driving the majority nuts. Why? Because the Committee on Rules, made up of nine Members from the majority of four Members from the minority, controls every single piece of legislation that comes to this floor; not only controls what legislation, if any, but they control the content with restrictive controls on it to determine its outcome. A discharge petition changes all of that, and they do not like that.

A line-item veto would do the same thing.

Mr. DERRICK. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, the President needs desperately the authority that is contained in the bills that we are taking up today. When he is presented with an appropriation bill with billions of dollars of spending and thousands of discrete items, a President is left virtually powerless and almost without any options when it comes time for a veto. Hopefully we will pass a meaningful and strong bill today. We need to send the message to the Senate that this is a bill that must be taken up this session.

Mr. SOLOMON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say to the body that I know we are all sincere in what we are trying to do here. But the truth of the matter is, there is only going to be one vote on this floor which is going to deal with a true line item veto, and that is the Solomon substitute.

□ 1610

Mr. Chairman, we can talk about which President did this and which President did not do that. The American people do not really care about all that. The American people do care about this $4.5 trillion debt that is ruining our country. It is turning us for the first time into a debtor nation.

We come up with a new budget gimmick every year. Some Members brag, well, the deficit is only $165 billion this year, or it was only $190 billion last year. We reduced it by this tremendous amount, so they say.

The truth of the matter is, we have not done anything. I am not trying to be critical of this body or to disparage it in any way. The truth of the matter is, we just do not deal with the deficit. I do not think we are going to until we put legislation in place that is going to allow us to deal with it. That means true line item veto. President Clinton has said he wanted it. President Bush and President Reagan and President Carter all wanted the line item veto and they all deserved it, just like the 43 Governors of this great country of ours who have it. They have never abused it, not in any case that I have ever heard of. Even Governor Cuomo in my State has never abused it.

That is why we ought to pass it at the Federal level. We ought to put it on the books and then we can hold the President or this Congress responsible. As it stands now, we just do on and on and on. The debt goes up and up and up, and nothing is ever done about it.

Mr. Chairman, when the votes do take place, the first vote is going to be on the true line item veto in the Solomon amendment. Please vote "yes" on that. If that passes, the gentleman from Texas [Mr. STENHOLM] has said he would not even pursue his amendment. That means that the final bill would then have a true line-item veto.

Vote "yes" on the Solomon amendment in about 45 minutes when it comes up for a vote.

Mr. Chairman, I yield back the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield myself the balance of my time.

The modified line-item veto is a good idea. I am going to support it. I supported it last time.

But, let us not try to fool ourselves or the American people. Over the years people in public office have sought many, many gimmicks to avoid having to make the hard decisions themselves. I have heard a number of members refer to the fact that 43 Governors have some form of line-item veto.

They should go one step further and tell Members that very, very seldom, do Governors use it to cut spending. They use it more than anything else to get their pet projects through and ultimately to increase spending.

I agree, it is unfair to ask a President either to veto or sign a multi-billion dollar appropriations bill and not have an opportunity to line-out some of the items in there. I am going to vote for a way to let them do this. But let us not think that the Presidents, whether it be President Reagan, or President Solomon, or President Bush, or President Clinton, are going to use this to cut the deficit. It is just not going to happen.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I rise in support of the expedited recission bill, H.R. 4600. This bill passed the House last year by a vote of 258 to 157 and comes to the floor today as the first in a series of budget process reforms that the House will be taking up.

Let me review briefly the mechanics of this bill, because I think it is important to emphasize them, particularly when they are called voodoo by some of the opponents.

After the President signs an appropriation bill under this particular procedure allowed by H.R. 4600, the President would have 3 days to send Congress a message proposing to rescind any budget authority that is included in the bill. Before the close of the second legislative day, after the President's message has been received, the majority leader and the minority leader would have to introduce by request this bill. If they fail to do that, any Member on the third day could do so. Once the President's recission bill was introduced, it would then be automatically referred to the Committee on Appropriations and they would have 7 days on which to act upon it and report it out without substantive revision.

The House would then have to vote on the President's package within 10 days of the date it was introduced in the House of Representatives. It would then be sent to the Senate, and they would consider the package under the same series of expedited procedures, acting within 10 days.

Pending the resolution of this bill, as long as it is still in play, the money proposed for recission by the President could not be obligated by either House or could not be obligated until one of the Houses had defeated the bill and taken the issue out of play.

This is a carefully, very, very precisely crafted bill. And yet we hear today that it could all be undone, all of these procedures where there are guarantees at every turn could be undone and what we could do today could be undone tomorrow just by adopting a rule. That may be a parliamentary possibility. I do not even want to debate it because it is too farfetched. I do not think it would even come to pass as a political possibility.

First of all, the leadership of this House would have to go to the Committee on Rules and, having set up this institutional procedure, this structure, proffered this series of steps to the President for rescinding spending, would have to retract it, would have to pull the rug out from under the President of the United States and say, "What we offered you in the form of legislation and put in statute last year we are undoing by this rule today."

I do not think the leadership is likely to do that. Even if the leadership tried and even if the Committee on Rules went along, the Members of this House would have to pass such an extraordinary rule, and I do not think it would be passed here in the House of Representatives for several reasons.

One is the very basic nature of this bill. The purpose of this bill is to shine a spotlight, to concentrate attention, to focus upon specific elements of bills that sometimes frequently get lost in the fray as they are pushed through this place, to bring them back here in the well of the House with the public looking, the media looking, with the President concentrating his focus upon them to make Members stand up and be accounted for on specific items. I do not think in that context many Members would want to vote against a rule because everybody would immediately translate that to the general public.

They would know that a rule like that that undercut this procedure was a rule for pork-barrel spending, for unwarranted, wasteful spending I do not think we would be able to muster a majority to do it, even if it were proposed.

There is another reason on this bill, because there is a good reason to believe, good reason to construe this language to mean that as long as the President's proposal for rescission is still pending and has not been acted upon, voted upon in this House, as long as it is still pending and still in play then the rescission is still effective. It suspends the obligational authority of the executive branch.

I do not think it is likely to happen for all those reasons. I think this is a good law and, when it goes on the books, it will be an effective procedure that will assure accountability and will give a way to guarantee the President the authority to sort through and cull out unwarranted, wasteful, parochial spending and send it back to us and make us be accountable for it.

Let me tell Members something that is likely to happen if by some unlikely means the statutory line-item veto were to pass. It will be challenged in court because it is of doubtful constitutional validity. I guarantee Members, it will be suspended and joined until the courts have upheld it. We could go 2 to 3 years and get what I think is an inevitable decision of the Supreme Court, which is that it is unconstitutional. Then what will we have. Two years with no line-item rescission authority and an opportunity to start all over again. That is why the effective, efficacious thing to do is to pass this bill, if we can pass it again, send it to the Senate, tell them we are serious, underscore it, emphasize it and adopt it as part of this year's budget reform.

Mr. Chairman, I rise in support of the expedited rescission bill, H.R. 4600. This bill passed the House last year by a vote of 258 to 157. It comes to the floor today as the first in a series of budget process reforms that the House will consider. Next week, the House is to vote on H.R. 4604, the entitlement review bill. And before we adjourn in August, the House is to devote another day to consideration of other entitlement reforms and budget process reforms.

The President, of course, can propose today that any item or part of an appropriation bill be rescinded. He has that authority under section 1012 of the Budget Act of 1974, but he has no assurance that Congress will act on what he proposes. H.R. 4600 gives the President that assurance. It requires Congress, on an expedited basis, to vote on the President's proposal. It also gives the Appropriations Committee the right to offer an alternative rescission package, which the House can consider if the President's package is voted down.

This bill makes it easier to cull out spending projects that are opposed by the President and by majorities in the House and Senate. Under this bill, the only way budget authority can be rescinded is if the President proposed the rescission and majorities in both the House and Senate approve the President's request. If the President opposes a particular project and majorities in both Houses agree with him, the spending should be eliminated. Congress has been subject to public ridicule when individual Members add projects to spending bills which few Members know of and few would support. H.R. 4600 gives us the chance to kill those programs.

Before discussing details of the bill, I would like to take up two concerns that have been raised about this bill. First, some question why we need to bring up a bill that the House has already passed. There are several good reasons:

First, passage of this bill will be an impetus to the other body to do the same. If we pass this bill again, we can underscore its importance to us, and send the other body a blunt message: the House wants to reform the budget process and we want to act this year.

Second, H.R. 4600 is a baseline bill. By bringing it up, we open the opportunity to consider alternatives. We will take up, for example, the Stenholm-Penny-Kasich substitute, which was not before the House in the last debate. Stenholm-Penny-Kasich would allow the President to rescind targeted tax benefits as well as appropriated items. This substitute would also allow 50 Members the right to break out individual items in a rescission proposal and have separate votes on separate items. In addition, the substitute would make expedited rescission permanent law. H.R. 4600 expires at the end of the 103d Congress, because it is offered as a trial procedure. I will ask unanimous consent to amend it and extend it to the 104th Congress.

We will also be giving the House another opportunity to consider the Solomon substitute, which grants the President a traditional type of veto, but by statute rather than by constitutional amendment. It begs, of course, the important question of whether we can grant such a veto without amending the Constitution. I believe that we cannot.

Let me review briefly the mechanics of H.R. 4600. After the President signs an appropriations bill into law, under this bill, he will have 3 days to send Congress a message proposing to rescind any budget authority included in that bill. Before the close of the second legislative day after receiving the President's message, the majority or minority leader of the House shall introduce the draft bill. If neither decides to introduce the package, then on the third legislative day, any Member may introduce it. Once the President's rescission bill is introduced in the House, it is sent to the House Appropriations Committee which has 7 days to report the bill without substantive revision. The House must vote on the President's package within 10 days of the date the proposal is introduced in the House. The package is then sent to the Senate which will consider the package under the same expedited procedure. The money proposed for rescission cannot be obligated until either the House or Senate defeats the bill.

To deal with concerns that appropriators raised last year, the bill gives the Appropriations Committee the power to report an alternative rescission bill. But any alternative rescission bill reported by the Appropriations Committee could only be considered by the House immediately after voting on the President's unamended proposal. Basically, what this bill does is to guarantee the President a fast track for a clear up-or-down vote on his own proposal.

Because this bill is straightforward, it is clearly constitutional, and CRS has written a memorandum passing judgment on it, which concludes that it complies with the Constitution. Nevertheless, for any who may have doubts, we have language in the bill borrowed from Gramm-Rudman-Hollings which provides for an expedited judicial review of the constitutionality of the bill.

Mr. Chairman, I make no extravagant claims for this bill, but I do believe that it adds an important step to the budget process. I believe that it will add also to public accountability. And I believe that if it is passed, it will become a significant restraint on spending. I urge the House to support H.R. 4600.

Mr. Chairman, I reserve the balance of my time.

☐ 1620

Mr. CLINGER. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I rise in opposition to H.R. 4600. Let me begin by explaining what H.R. 4600 is not.

H.R. 4600 is not the A-to-Z spending cut proposal. It never has been and it never will be. Nor is H.R. 4600 adequate political cover for Members who vote "yea" on this bill to then turn their backs on the A-to-Z proposal. The American people are not fools and will surely recognize this effort as a pale imitation of real deficit reduction. Members cannot prove their man or womanhood on deficit reduction by voting in favor of this bill, which is going nowhere, and rejecting the A-to-Z spending cut plan, which could result in significantly less Federal spending.

Finally, H.R. 4600 is not a serious effort to reform the Federal budget process and reduce the deficit. On April 29, 1993, we all stood on this floor debating H.R. 1578, also introduced by my honorable friend, JOHN SPRATT, and also called the Expedited Rescission Act. In fact, H.R. 1578 was the same exact bill as the one before the House today. It was approved by a vote of 258 to 157, yet it has gone nowhere for the same exact reason that H.R. 4600 will go nowhere if it is approved today. Namely, it was not meant to go anywhere. Our colleagues in the other body have had well over a year to act on enhanced rescission authority. Yet, they have turned a deaf ear.

What H.R. 4600 is, is disappointing. The bill is called expedited rescission because like many things in Washington, it asks those of us who are concerned about reducing the deficit to simply hurry up and wait. So, I rise today, along with many of my colleagues, in opposition to the Expedited Rescissions Act of 1994 and I do so for the same reasons I opposed the Expedited Rescissions Act of 1993 and perhaps may be obliged to oppose the Expedited Rescissions Act of 1995 and 1996.

I oppose this measure with great reluctance, however, because in the past, and indeed in the present, I have admired and supported budget process proposals from the gentleman from South Carolina. But in this case, there are a lot of very significant things at stake here and I am not willing to jeopardize those for the sake of political cover. We risk, with the vote we cast today, losing an opportunity to get a real tool to do something about a deficit which is still eating us alive.

As I did last year, I am opposing this bill for two major reasons. One is based on procedural grounds and the other is based on the fundamental weaknesses associated with the bill.

First, I oppose this proposal due to the expedited means by which it was brought to the floor. Unfortunately, the Government Operations Committee has all too frequently waived its jurisdiction over budget process issues, as we did in this instance. Although we have held hearings on budget reform proposals, the Government Operations Committee time and time again refuses to mark up budget reform legislation. That practice, coupled with efforts to restrict the ability of Republican Members to offer amendments on the House floor, is a slap in the face of minority rights.

Because H.R. 1600 is identical to the bill we passed through this body a year ago, it has identical flaws. I have already mentioned that this bill is simply designed to give Members on the other side of the aisle political cover to argue that they voted to speed up the rescission process and appear through smoke and mirrors as though they are supporting the line-item veto. That contention is simply not true. If this bill had been considered in the committee of appropriate jurisdiction, Government Operations, I am confident that it would have been improved to provide the President with a true line-item veto.

Mr. Chairman, I am including in the record a copy of a letter sent to Chairman CONYERS, and signed by each Republican on the Government Operations Committee, protesting the waiver of our committee's jurisdiction on this bill. This letter supports my belief that had we had the opportunity to amend this bill in committee, the House would pass today a strong anti-deficit measure.

Second, I oppose this bill because by making the President, the House and the Senate all approve rescission legislation before any cuts are made, this bill gives Congress dictatorial power to block attempts to reduce porkbarrel, special-interest spending. If my colleagues on the other side of the aisle trust the President, elected from their own political party, they would truly trust him with unfettered authority to cut wasteful spending. If Congress wants some of the useless spending items included in nearly every appropriation bill, let them come here to the floor and defend them individually.

Finally, as compared to a true line-item veto, this bill gives the President weak authority to make rescissions. Under this proposal, the President's rescissions will not take effect until Congress takes affirmative action to approve them. In effect, this allows Congress to veto the President's rescissions by doing nothing at all.

It was President Clinton who stated during the Presidential campaign that he wanted a true line-item veto. Let us end gridlock and give him what he wants! Vote "no" on H.R. 4600.

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, DC, June 22, 1994.

Hon. JOHN CONYERS,
Chairman, Committee on Government Operations, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our strong objection to your recent waiver of Government Operations Committee jurisdiction over H.R. 4600 and H.R. 4604, the expedited rescissions and entitlement spending reform proposals now pending in the House. Although these matters are central to Government Operations' budget process authority and could, if responsibly crafted, offer much-needed opportunities for federal deficit reduction, for the second time in two years our Members have been denied the opportunity to act on both expedited rescissions and entitlement review.

Last April, Government Operations discharged without consideration H.R. 1578, Congressman Spratt's rescission bill. That legislation, which is identical to H.R. 4600, has since been languishing before the Senate Budget and Governmental Affairs Committees with no action scheduled. Similarly, the Spratt entitlement review proposal contained in H.R. 4604 is identical to language discharged from Government Operations and self-executed into the 1993 House Reconciliation bill. That language was later dropped in conference. Clearly, the Senate has recognized the flaws in both proposals, and yet this committee continues to deny our Members the chance to improve them.

Your latest decision to discharge is particularly disturbing in light of your earlier commitment to ensure Government Operations Committee consideration of H.R. 3801's budget process reforms, which include the very entitlement reforms just waived. The members of this committee were promised the chance to work their will in strengthening the federal budget process and improving federal deficit control. That commitment has now gone by the wayside. We urge you to restore your promise by reasserting this committee's jurisdiction and protecting our members' right to consideration of true budget process reform. As we have repeatedly noted, for Government Operations to maintain its jurisdiction, it must exert its jurisdiction. Now is the time to do so.

Sincerely,

Rob Portman, Stephen Horn, Deborah Pryce, Craig Thomas, Steve Schiff, J. Dennis Hastert, Jon Kyl, Dick Zimmer, William F. Clinger, Al McCandless, Christopher Cox, William Zeliff, Frank Lucas, John Mica, Christopher Shays, John McHugh.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. Mr. Chairman, I rise today in support of the Expedited Rescissions Act and the Stenholm substitute.

Mr. Chairman, I voted for H.R. 1578 last year, but unfortunately the Senate has not acted on it. Nevertheless, the time has come for Congress to make the hard choices needed to substantially reduce the deficit. Because the deficit problem is so compelling, we must give the President additional powers to cut spending and we must make Congress accountable to these cuts.

For far too long, Congress has been able to avoid making the difficult decisions regarding spending cuts that the President has proposed by hiding behind current law which does not require a vote on rescissions. This bill will ensure that Congress makes these decisions. Most importantly, it will also give the President the power to cut wasteful and unnecessary items out of appropriations bills to cut the pork out of the budget.

Congress should be forced to go on the record and register its views on the President's proposed cuts. We have already gone a long way toward real deficit reduction and fiscal sanity. We have made progress, but we can and must do more. This bill will provide the tools to make a giant leap forward.

I have urged that we have an early vote on the lock box bill so that rescission cuts will go to deficit reduction and I understand that we will soon have that opportunity. In the meantime, we can give the President that option now by supporting the Stenholm substitute which includes such a provision. These two measures are critical to achieving further deficit reduction and I will continue to fight hard to have them become law.

My friends, it is time to pay the piper. I urge my colleagues to support the Expedited Rescissions Act and require real congressional accountability. Let us show the American people that we can and will make the tough choices in the deficit reduction process.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from California [Mr. MCCANDLESS], the ranking member on the Subcommittee on Legislation and National Security of the Committee on Government Operations, and a very active member of that committee.

Mr. MCCANDLESS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, for the second time this Congress, I rise in strong opposition to this bill, and I urge my colleagues to finally, once and for all, do what is right. I urge you to vote against both H.R. 4600 and the Stenholm-Penny-Kasich substitute, and to vote instead for a chance at real deficit reduction. Join me in support of the Michel-Solomon amendment to give our President a true line-item veto.

Mr. Chairman, H.R. 4600, the Spratt expedited rescission bill, is fatally flawed.

H.R. 4600, applies only to this year's appropriations bills. It has no effect on next year's appropriations or on those of any subsequent year.

The legislation permits any rescission to be unilaterally killed by a simple majority of either House of Congress.

It permits the Rules Committee to waive any or every provision in the bill and thereby prevent consideration of any rescission package at all.

And finally, as if that were not enough, this exact same bill has been languishing in the Senate for over a year, and has no chance whatsoever of ever becoming law.

Given the enormity of its defects, I doubt any Member can be fooled by how little cover this transparent fig leaf of reform really provides.

Similar problems exist in the Stenholm-Penny-Kasich substitute. Although their proposal extends beyond this Congress and provides the President with rescission authority over targeted tax preferences, the Stenholm substitute still permits either House to unilaterally kill any rescission, and it still allows the Rules Committee to waive any and all provisions of the bill. Neither Members nor taxpayers looking for true deficit reduction will be succored by this weak plan.

Of the three proposals pending before the House, only the Michel-Solomon approach ensures real reform and accountability by both Congress and the President. The Michel-Solomon amendment forces Members to vote on rescission proposals and guarantees that rescissions will take effect unless a majority of both Houses vote to override them. In addition, Michel-Solomon will permit the President to take aim at the special tax benefits afforded a few privileged corporations and special friends.

Under Michel-Solomon, the President will no longer be able to blame Congress for forcing him to choose between wasteful spending or shutting down the Government. The President will be able to make reasonable rescission recommendations which must be voted on by both Houses of Congress. Congress, in turn, will be required to vote on questionable spending items which are buried in massive appropriations bills. In addition, we will be able to cancel unfair tax breaks for targeted special interests.

The Michel/Solomon amendment will allow both the President and Congress to more effectively do their jobs, and the American people will undoubtedly benefit.

Mr. Chairman, the U.S. Government is currently $4.6 trillion in debt. If left unchanged, that debt will mount to more than $7 trillion in just another 10 years, and on it goes. Clearly, we must change the way we do business, and that change must be real and substantive. The Michel-Solomon amendment provides that type of change and offers a honest opportunity for deficit reduction. I, for one, would hate to go home having voted for less. I urge my colleagues to do the right thing and support the Michel-Solomon plan.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in support of this legislation and the Stenholm-Penny-Kasich substitute. I do so because I believe the line item veto is a proven and effective procedure to curtail wasteful spending. It is not a gimmick. Rather, it is a serious means to restore fiscal responsibility to the spending process, and is employed by virtually all States, including my State of California.

Currently, Mr. Chairman, House procedures allow two main vehicles for pork: Tax bills and appropriations. Once inserted into an omnibus tax bill, inappropriate tax breaks, and subsidies are impossible to remove without defeating the bill.

Second, even when the House votes to terminate a wasteful project from an appropriation bill, the intended savings may be respent by appropriators on other pet projects.

□ 1630

The Stenholm-Penny-Kasich substitute amendment not only provides for a Presidential line-item veto of appropriations, it also remedies the procedures that shelter pork-barrel projects. This legislation would allow the President to single out both special tax benefits and wasteful projects in appropriations bills. Most importantly, it will establish a separate account in each rescission bill for deficit reduction. This will enable the President to set aside saving from any rescission to preserve spending cuts. As an original cosponsor of the Deficit Reduction Trust Fund and the Deficit Reduction Lock Box, I know this concept can work.

This year's deficit is expected to be about $220 billion—an improvement over prior years with better news to come. But to assure the trend continue downward we need to give the President this effect tool to cut fat from appropriations bills and to reduce the national deficit. I urge my colleagues to help restore fiscal responsibility to Congress by passing this measure and the Stenholm substitute.

Mr. CLINGER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. COX], a very valuable member of the committee.

Mr. COX. Mr. Chairman, I rise in support of the line-item veto. The line-item veto unfortunately is not before us today. Instead, H.R. 4600 is best described as pointing a garden hose at a forest fire. It is not a bad bill. It moves us a tiny step in the right direction. But we have a much better opportunity in the form of the Michel-Solomon substitute which is closest among our alternatives to the real line-item veto.

Mr. Chairman, there are opponents to the line-item veto certainly in the House. We have debated before the constitutional reasons that people have to oppose a line-item veto. These consist largely in concerns about shifting power from the legislature to the executive. Those arguments have been heard by the American people and the verdict is in. The American people in large numbers want a real line-item veto. That is why this President campaigned for one.

Mr. Chairman, certainly no one can suspect partisan politics in this since I as a Republican want to give Democratic President Bill Clinton a line-item veto. That is why we should vote in favor of the Michel-Solomon substitute.

Mr. Chairman, our deficit spending crisis has been building now for over 20 years. It threatens now to overwhelm our entire economy. H.R. 4600, the bill before us just now, would cause only the most marginal change in the budget act. It would not in any way enhance the President's weak existing power. It would only affect the timing of its use. A line-item veto should encourage budget savings by letting a President cut spending unless both Houses of Congress vote him down. This bill would perpetuate the current bias in favor of spending. It would let either House kill a spending cut simply by failing to vote on it. Worse yet, it is temporary. It applies only for this Congress. We are about to adjourn in 3 months. Worst of all, it does not even let the President channel any savings to deficit reduction, so the Congress is free to spend the found money on something else. This bill forces the President to propose rescissions within 3 days of receiving one of our mammoth appropriations bills. That is unworkable. A real line-item veto, like the Michel-Solomon substitute, would let the President exercise his rescission authority at any time during the fiscal year.

Finally, this bill, H.R. 4600, could be waived at any time by this House. Of course we have seen how over half of the budget measures considered in this House during the last Congress came to us under a rule that waived the Budget Act in its entirety. The Michel-Solomon substitute will not permit that.

Mr. Chairman, it is now too late for toothless tinkering. Before sundown today, our Government will lose $1 billion. We will lose over $1 billion every day that our Government is open for business this year. We will spend according to President Clinton's budget $1.5 trillion, that is $1,500 billion in the next year. In the next 3 years, we will go to $1.6 trillion, $1.7 trillion, and finally in 1998 $1.8 trillion in spending.

Mr. Chairman, our children's jobs are literally vanishing before our eyes, pawned by all of this deficit spending so that Congress and the President can stave off real reform for a few more years. Now we are being offered a bit of camouflage, so-called expedited rescission this week, so-called entitlement caps next week, a legislative costume party where congressional spendthrifts can play Scrooge for a day.

Mr. Chairman, this is an unworthy response to a profound crisis. The American people have told us in no uncertain terms that they demand real change, a real line-item veto, the Michel-Solomon substitute.

Mr. Chairman, I should say a word about the Stenholm-Penny-Kasich amendment. It, too, is worthy of consideration, but the best alternative is the Michel-Solomon substitute.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I think the debate has left the impression that somehow Congress has not fulfilled its responsibilities on recission of line items appropriations. Historically I think we have done far better than most people realize.

Mr. Chairman, I would like to read into the RECORD the summary of material that I will place in the RECORD about just what has happened in the last 20 years since the modern Budget Act was enacted.

We have had the Presidents who served during that period ask us 1,084 times to rescind spending. That spending reduction requested of us would total just under $73 billion. We have agreed to about $23 billion of the Presidents' requests, but more important we have gone beyond the Presidents' requests and reduced additionally appropriations by almost $70 billion more during that 20-year period.

In other words, Congress has actually rescinded almost $20 billion more than we have been asked for by the Presidents who served between 1974 and the present time. In other words, Congress has exceeded the requests by $20 billion while not agreeing exactly with the priorities of the administrations that have served during this period.

Mr. Chairman, I think it would also be important to point out that the Congress has in 43 of the last 49 years appropriated less money than we were requested to by the various Presidents who served during that period. In fact, we have given the President, in a generic sense, $73 billion less than requested in the last decade; $73 billion less than we were asked to spend in the budgets submitted to us by the two Presidents who served during the last decade.

Mr. Chairman, if we are somehow derelict in our duty to cut spending in the appropriations process in the line items that come to us in the President's budget, I am at a loss to know what more we could have done. We have set an example.

Mr. Chairman, I include the document referred to in my remarks, as follows:

SUMMARY OF PROPOSED AND ENACTED RESCISSIONS, FISCAL YEARS 1974–94

Fiscal year	Rescissions proposed by President	Dollar amount proposed by President for rescission	Proposals accepted by Congress	Dollar amount of proposals enacted by Congress	Rescissions initiated by Congress	Dollar amount of rescissions initiated by Congress	Total rescissions enacted	Total dollar amount of budget authority rescinded
1994	65	$3,172,180,000	45	$1,293,478,546	81	$2,374,416,284	126	$3,667,894,830
1993	7	356,000,000	4	206,250,000	74	2,205,336,643	78	2,411,586,643
1992	128	7,879,473,690	26	2,067,546,000	131	22,526,953,054	157	24,594,499,054
1991	30	4,859,251,000	8	286,419,000	26	1,420,467,000	[1]34	1,706,886,000
1990	11	554,258,000	0	0	71	2,304,986,000	71	2,304,986,000
1989	6	143,100,000	1	2,053,000	11	325,913,000	12	327,966,000
1988	0	0	0	0	61	3,888,663,000	61	3,888,663,000
1987	73	5,835,800,000	2	36,000,000	52	12,359,390,675	54	12,395,390,675
1986	83	10,126,900,000	4	143,210,000	7	5,409,410,000	11	5,552,620,000
1985	245	1,856,087,000	98	173,699,000	12	5,458,621,000	110	5,632,320,000
1984	9	636,400,000	3	55,375,000	7	2,188,689,000	10	2,244,064,000
1983	21	1,569,000,000	0	0	11	310,605,000	11	310,605,000
1982	32	7,907,400,000	5	4,365,486,000	5	48,432,000	10	4,413,918,000
1981	133	15,361,900,000	[2]101	10,880,935,550	43	3,736,490,600	144	14,617,426,150
1980	59	1,618,100,000	34	777,696,446	33	3,238,206,100	67	4,015,902,546
1979	11	908,700,000	9	723,609,000	1	47,500,000	10	771,109,000
1978	12	1,290,100,000	5	518,655,000	4	67,164,000	9	585,819,000
1977	20	1,926,930,000	9	813,690,000	3	172,722,943	12	986,412,934
1976	50	3,582,000,000	7	148,331,000	0	0	7	148,331,000
1975	87	2,722,000,000	38	386,295,370	1	4,999,704	39	391,295,074
1974	2	495,635,000	0	0	3	1,400,412,000	3	1,400,412,000

SUMMARY OF PROPOSED AND ENACTED RESCISSIONS, FISCAL YEARS 1974–94—Continued

Fiscal year	Rescissions proposed by President	Dollar amount proposed by President for rescission	Proposals accepted by Congress	Dollar amount of proposals enacted by Congress	Rescissions initiated by Congress	Dollar amount of rescissions initiated by Congress	Total rescissions enacted	Total dollar amount of budget authority rescinded
Total: 1974–1994	1,084	72,801,214,690	399	22,878,728,912	637	69,489,378,003	1,036	[3] 92,368,106,915

[1] The Military Construction Appropriations Act of 1991 approved certain rescissions proposed by the President in 1990 41 days after the funds were released for obligation under the impoundment Control Act Presidential rescission proposals R90–4, R90–5, and R90.

[2] Thirty-three rescissions proposed by President Carter and totalling over $1.1 billion are not included in this table These rescission proposals were converted to deferrals by President Reagan in his Fifth Special Message for Fiscal Year 1981 dated February 13.

[3] The total estimate of budget authority rescinded is understated. This table does not include rescissions which eliminate an indefinite amount of budget authority.

But the truly troublesome facet of the Stenholm proposal is that the President does not have to identify objectionable areas of spending or taxation in the time frame he signs a bill. He can hold those issues back until he needs the vote or votes of the members in question. Perhaps he expects problems on the passage of next year's budget. Perhaps there will be a war powers issue. No President with the political sense to hold the office would send one of these recisions up until the affected member or members crossed the line. What we are doing to our forefathers carefully crafted notion of checks and balances is to hand the branch of Government whose authority has grown most rapidly in recent times, a permanent form of political blackmail to insure our submission. The difference between having a 3-day period in which a recission would receive expedited procedure and an indefinite period might well prove to be the difference between having a President and a king. George Washington helped our Nation avoid a monarchy. Let us not impose one over 200 years later.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LUCAS], the newest member of the Committee on Government Operations.

Mr. LUCAS. Mr. Chairman, I thank my ranking Member, Mr. CLINGER, for yielding me this time.

Mr. Chairman, I am happy the House today will have opportunity to pass a true line item veto, a desperately needed reform to get our fiscal house in order. Republicans in Congress have been fighting for the line-item veto for over a decade. We agree with candidate Bill Clinton who, during the 1992 presidential campaign, endorsed the line-item veto to eliminate pork-barrel projects and cut Government waste.

Unfortunately, H.R. 4600 will not give the President what he claims he wants. H.R. 4600 is but a subterfuge, a sad imposter of the true line-item veto. A genuine item veto allows the President to cancel wasteful spending items unless both houses of Congress override the veto by a two-thirds vote. This bill, however, would allow a bare majority of either house of Congress to block any rescission. Even worse, this bill would only apply to this year's appropriations bills, all of which the House has already passed. In short, Mr. Speaker, H.R. 4600 is business as usual, and business as usual is what got us into this budgetary mess in the first place.

In fact, H.R. 4600 is so weak that we must ask why we are even bothering to consider it now. On April 29, 1993, the House passed another measure identical to this one. Why pass the same bill twice? Will that in any way improve its chances of becoming law? Of course not. It seems the only reason for debating this issue again is to give political cover to those Democrats who will be forced by their liberal leadership into withdrawing support for the "A to Z" spending cuts plan, the only opportunity for cutting spending we will have this year. As a proud new member of the Government Operations Committee, I note that all these problems with H.R. 4600 could have been remedied in committee had our chairman not inexplicability waived jurisdiction over this bill.

Despite the weaknesses of H.R. 4600, we will yet have opportunity to enact a true line-item veto. The Michel-Solomon substitute amendment will grant the President permanent authority to veto items in appropriations bills and targeted tax benefits in revenue bills. It requires both the President and Congress to act within 20 days, and provides for a vote on the entire package of rescissions. Most importantly, it requires a two-thirds majority of both houses to override the veto or rescission. While the Stenholm substitute may be an acceptable improvement over H.R. 4600, the Michel-Solomon substitute is preferable because it will genuinely reform the rescission process in order to protect the American taxpayer from wasteful spending.

During my tenure as an Oklahoma State legislator, I witnessed firsthand how the line-item veto helped to restrain excessive spending. Here in Congress, the line-item veto will be an effective check on Congress's unfettered power of the purse, and a good way to counter the pressure special interests place on Congress to hike spending higher and higher. In the name of meaningful budget reform to protect generations of American taxpayers, I urge my colleagues to support the Michel-Solomon amendment.

☐ 1640

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Solomon-Michel substitute to the expedited rescissions act.

Let there be no mistake about the series of votes we will have today. The Solomon-Michel substitute is the only true line-item veto proposal before us. If you campaigned for the line-item veto you vote for the Solomon-Michel substitute. Accept no substitutes. The Solomon-Michel proposal is the real thing, because it gives the President the authority to not spend money for a project unless Congress passes a bill disapproving the rescission, thus requiring Congress to act to stop the rescission. Then the President could veto the disapproval, and Congress could only force the expenditure of the line item by a two-thirds vote overriding the veto.

The other proposal before us, the Spratt proposal, is not a line-item veto bill. And it is only a temporary provision at best and, of course, it has all of those provisions that allows the Committee on Rules to waive and dismiss the rules.

Our Committee on Rules has sometimes been described as a committee that has a plethora of waivers and then once in a while will enforce the rule.

If we are going to blame the President for not controlling spending, and we like to do that, but we know Congress is in control, then let us at least give him coequal power to do something about it. Give him the real line-item veto.

I urge my colleagues to support the Solomon-Michel substitute, the real thing, the real line-item veto.

Should this substitute fail, I then will support the Stenholm-Penny-Kasich substitute, because it is a vast improvement over the enhanced rescission power we presently have.

Mr. CLINGER. Mr. Chairman, I yield myself 1 minute, the remainder of my time.

Mr. Chairman, in closing, I would just urge a vote for the Michel-Solomon substitute, because as has been indicated here, it is the only true line-item veto.

We are engaged here in, I think, an exercise of futility if we were to pass 4600. It has not been dealt with by the other body in an entire year. I think we need to go on record here today as supporting a true line-item veto.

We may not achieve the goal in this Congress, but we certainly can send a signal that this is what this body supports, not smoke and mirrors, but true deficit reduction which would be represented by a plus vote, an aye vote, for the Michel-Solomon substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. ZELIFF. Mr. Chairman, due to the funeral service of a close, personal friend of mine, Mike Tinios, I was unable to vote on the amendments and final passage of H.R. 4600, Expedited Rescissions Act of 1994. Had I been present, I would have voted to oppose the Spratt-Derrick amendment and supported both the Stenholm-Penny-Kasich amendment and the Michel-Solomon amendment.

Budget process reform is important. Reducing the deficit is vital. If we are ever going to make any progress to cut spending and begin to dig ourselves out from under the staggering debt that we have accumulated over years—a debt which costs the taxpayer over $212 billion a year in interest alone—we must take spending cut action now. That is why ROB ANDREWS and I launched the A-to-Z spending cuts plan, to start a process that will result in real spending cuts, real deficit reduction. We cannot continue spending taxpayer dollars with reckless abandon and, in the process, saddle our children and grandchildren with greater and greater debt.

Make no mistake, Mr. Chairman, the so-called expedited rescissions bill is a transparent political move aimed at derailing the A-to-Z train. 204 members have already signed our discharge petition. It has been no secret that the leadership is terrified at the prospect of returning the power of the purse to the rank and file members of the House. Rather than continuing the status quo, where a few powerful committee chairman dictate our funding priorities, A to Z opens the process to all Members of Congress.

A to Z provides a 56-hour session devoted exclusively to cutting the budget. Everything is on the table, entitlements, discretionary programs, everything. Any Member may offer an amendment to cut spending—no restrictive rules. Programs that stand on their merits will be funded; those that don't will be cut. It's just that simple.

The American people mistakenly believe that Congress follows this process already. We do not, and this must change. The Spratt version of the Expedited Rescissions Act does not give us the reforms that are so desperately needed to cut spending and balance the budget. We need real spending cuts an real deficit reduction now, not the weak process changes called for in H.R. 4600.

For the sake of future generations, we must do better. I hope the House leadership will listen to the people and let the A-to-Z plan move forward. We should support the Stenholm and Solomon budget process reforms. They improve the process, but they don't provide spending cuts now. We need both real budget process reform and we need real A-to-Z spending cuts now.

If the Stenholm or Solomon amendments pass, I would support final passage of H.R. 4600. If both of these amendment fail, then I would vote to oppose final passage.

Finally, Mr. Chairman, had I been present, I would have voted to oppose the rule of H.R. 3937, the Export Administration Act.

Mr. FRANKS of Connecticut. Mr. Chairman, this exact same rescissions bill was considered by the House last year. Here it is again for our consideration. How many more times will the fiscally irresponsible majority in Congress pretend to be fiscally responsible before the public catches on?

The bill that the Democrats have brought up today is not a real line-item veto. It is deceptive to say that it is. A Presidential veto requires Congress to get a two-thirds majority to overrule it. This bill only requires a majority vote. In addition, this bill does not even provide an actual veto. A veto majority overrules a presidential decision. In this bill a majority vote is needed, not to reject the President's request to delete spending, but to approve it. Anything less keeps that wasteful spending in the bill for the rest of the year.

I will support two amendments to this bill to make it more meaningful. The bipartisan Kasich substitute would allow the President the option to put savings from a rescission into an account dedicated for deficit reduction. It would also force Congress to defeat a Presidential veto in order to keep spending in a bill.

My first choice for passage would be the Michel substitute, which would give the President a line-item veto as powerful as the one held by Governors of 43 States. For those Americans, such as those in Connecticut, who are not represented by a Governor with a line-item veto, let me explain this substitute. It would allow the President to reject spending projects unless Congress overruled the rescission with a two-thirds majority vote. This is a true line-item veto. As a sponsor of a constitutional amendment giving the President a line-item veto, I would be very pleased to see the Michel amendment become law.

Mr. LAZIO. Mr. Chairman, like many of us who were elected to the 103d Congress, I was sent to Washington with a mandate for change. For the past 19 months my highest priorities have been reducing the Federal debt and the deficit. Several times in those 19 months I have been faced with challenges to carry out this mandate. Today is another such occasion.

Today, while I voted for the Expedited Rescission Act of 1994, I have to say this Congress could do better for the American people. This bill is a step in the right direction. The existing rescission process is a joke, and makes it harder to cut wasteful spending instead of easier. We have significantly strengthened the process by adopting the Penny-Kasich-Stenholm amendment, for which I voted. However, we could have improved it even more by adopting the Michel-Solomon amendment, which I also supported. Congress needs to deal with the debt and deficit right now. We need to go further and adopt a line-item veto. I will continue to work for opportunities to make the line-item veto a reality.

The Expedited Rescission Act of 1994 should not be considered a replacement for the line-item veto or the A-to-Z spending cuts package. As a cosponsor of the A to Z proposal, and a signer of the discharge petition. I urge the leadership on the other side of the aisle to move A-to-Z to the floor. We must not sit back and point to our minor successes, but must directly deal with America's problems. Our work is just beginning. Let's also enact a line-item veto and the A-to-Z proposal.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 4600, the Expedited Rescissions Act of 1994.

At the outset it is significant to note that H.R. 4600 is identical to a bill which just last year passed the House with strong support, yet received no further legislative action. In this regard, it is incumbent upon us to pass this measure in order to once again drive home the importance of achieving real budget process reform.

We are all well aware of the current practice in Congress of bundling the thousands of Federal spending programs we oversee into the 13 appropriations bills. While this process helps to assure that Federal funds are distributed equitably, it is clear that this process has been abused. By passing H.R. 4600 we have the opportunity to prevent further abuse.

All too often we hear reports of errant projects slipped into appropriations bills thereby circumventing the required scrutiny of the authorization process. In other instances, our fiscal needs simply change over the course of the year and we find there is room to reduce substantially, or totally eliminate funding which has been included in appropriations bills.

H.R. 4600 recognizes these possibilities and provides a mechanism to effectuate such spending reductions while still maintaining the constitutionally mandated balance of power between the Congress and the President with respect to the appropriation of funds.

Pursuant to H.R. 4600, the Congressional Budget and Impoundment Control Act of 1974 would be amended to provide for a fast-track process for considering and voting on Presidential proposals embodied in a bill to rescind budget authority provided for in an appropriations measure. The bill also provides for a procedure for the Congress to consider an alternative rescissions package drafted by the House or Senate Appropriations Committees.

Specifically the bill will give the President the authority to pick out of appropriations bills which he signs those items which he feels are wasteful or which should not have been included in the bill in the first place. If the President submits his rescission proposal within 3 days after signing an appropriations bill, a legislative process is automatically triggered whereby a House floor vote on the President's rescissions package must take place within 10 legislative days of introduction.

If the President's rescissions proposal is rejected by the House, a vote on an alternative rescissions bill reported by the House Appropriations Committee must be taken by the close of business on the 11th day following introduction of the President's rescission package. If the House does not pass either the President's rescissions package or the Appropriation Committee's alternative measure, the Senate would not act.

However, if the House passes either the President's rescission proposal or the Appropriations Committee's alternative bill, the Senate would have the opportunity to vote on the President's package. As in the House, if the Senate rejects the President's proposal, the Senate may consider an alternative rescissions package reported by the Senate Appropriations Committee. The Senate would only have 10 legislative days within which to consider the President's proposal and the Appropriations Committee's alternative.

In this regard, H.R. 4600 is similar to the line-item veto authority which many of my colleagues have advocated. However the major difference is that this measure will maintain Congress' constitutional prerogative to appropriate funds without unduly shifting power to the executive branch.

I strongly support the expedited rescissions process. However, it would be a myopic view of the deficit problem we currently face to assume that merely passing H.R. 4600 will resolve this comprehensive fiscal dilemma.

Rather, the expedited rescissions process is a good step in the right direction toward restoring real discipline to the Budget Process. In addition to this initiative, we must continue to carefully scrutinize appropriations bills in order to identify spending programs which we don't need or can't afford. Moreover, we must follow up on that scrutiny by continuing to make the tough choices to cut programs, regardless of their popularity or political appeal.

H.R. 4600 will not only help us tighten the reins on Government spending, but also it will restore a sense of accountability to the appropriations process, and I would urge my colleagues to join me in support of this legislation.

Mr. KYL. Mr. Chairman, I rise in support of the Michel-Solomon substitute, which comes closest to a true line-item veto for the President. I will also support the Stenholm-Penny-Kasich substitute as the next best alternative to the base bill, H.R. 4600.

If the House is serious about a line-item veto bill, it will approve one of the two alternatives, preferably Michel-Solomon, because H.R. 4600 will just not do the job. H.R. 4600 is identical to the weak substitute for a line-item veto that the House passed early last year, and which is still pending in the Senate without action.

If H.R. 4600 passes in its current form, it's nothing more than cover for those Members of the House who won't cosign the discharge petition to ensure action on the A-to-Z spending cut proposal. The National Taxpayers Union—the respected, nonpartisan organization dedicated to protecting taxpayers' interests, first and foremost—has even urged a no vote on the base bill, recognizing it's a fraud.

It won't give the President real line-item veto authority. It won't even ensure that Congress will actually vote on the budget rescissions that the President might propose. The proposed new rescissions process in H.R. 4600 can be set aside, waived or suspended by a special rule of the House. It won't even apply beyond the 3½ months left in the 103d Congress.

Michel-Solomon, by contrast, would provide permanent authority for the President to propose rescissions in spending bills and targeted tax benefits in revenue bills. And unlike the current process whereby Congress can kill the President's proposed spending cuts by doing nothing at all, Michel-Solomon would ensure that the cuts proposed by the President would become effective unless Congress actually votes to reject them.

Mr. Chairman, a vote for H.R. 4600 in its current form is a vote for the status quo, something to make the people back home think the House is supporting budget reform when it's really not. Well I have news for those of our colleagues looking for cover: The American people aren't going to be fooled. They know the real thing when they see it.

I urge a "yes" vote on Stenholm-Penny-Kasich amendment, and another "yes" on the Michel-Solomon substitute. Anything less is nothing at all.

Mr. PORTER. Mr. Chairman, the national debt and the yearly deficits which enlarge it are our Nation's most serious problems. They are nothing less than cancers devouring the economic core of this Nation. Every dollar added to the debt makes us that much more dependent on foreign lenders and condemns another one of our children to a life of diminished economic opportunity. The American people deserve better than what this Congress and the Clinton administration have given them in terms of deficit reduction.

Mr. Chairman, with the economy in recovery, we have a unique opportunity to make further spending cuts to better address our fiscal problems. Unfortunately, the President and the Democratic leadership of this House don't want to do that. They don't want to reduce this bloated Federal Government further and stem the tide of red ink flowing from Washington. Last year, they pulled out all the stops to defeat the Penny-Kasich amendment which would have cut Federal spending by just 1 percent over 5 years and lowered the deficit by $90 billion. Earlier this year, they fought a proposed balanced budget amendment to the Constitution. Today, they have brought this modest rescission improvement proposal to the floor not because they care about eliminating wasteful Federal spending, but instead as part of an effort to undermine support for the A-to-Z spending cuts plan, a plan which I support. Had the leadership run this House with a modicum of openness and fairness, A to Z would never have come to life.

Mr. Chairman, the House last year debated and passed legislation identical to H.R. 4600. I supported passage of that legislation which today finds itself languishing in the Senate as the clock ticks down the final weeks of this 103d Congress. H.R. 4600 is an improvement over the current rescission process, but debating and passing it when we have effectively already done so is a questionable exercise. If the leadership really cared about eliminating waste in Government, if it was truly concerned about reducing the deficit, if it really wanted to strengthen America's economy, it wouldn't have fought Penny-Kasich, wouldn't have opposed the balanced budget amendment, and wouldn't try to undercut the A-to-Z plan by bringing up the same modest rescission bill twice. We can do better, Mr. Chairman. We have to if this Nation wants any kind of prosperity in its future.

Mrs. LLOYD. Mr. Chairman, the news on the economy is good. Job creation, economic growth, consumer confidence are all up. Inflation is holding steady. The deficit is going down, and in fact, more so than originally predicted with passage of last year's reconciliation act. All of these are indeed excellent signs, but Congress should not be content to rest on our laurels. If we want to continue these positive trends, we must find ways to cut spending and reduce the deficit even further.

Toward that end, I rise in strong support of H.R. 4600, major budget reform legislation that will increase congressional accountability in the spending process.

While much of the country's attention has been focused on the health care debate, the calls and letters continue to flow into my office regarding the need to cut spending and reduce the deficit. I could not agree with them more. But we must not only cut spending, we need to institute reforms in the budget process itself.

H.R. 4600, the expedited rescission bill is exemplary of the budget process reforms required for responsible spending. Forcing Congress to vote on rescissions submitted by the President puts every Member on record in support of or opposed to spending on a variety of programs. And the new process demands timely action—the rescission bill must be voted on within 10 days of its receipt in Congress.

I believe H.R. 4600 could be made even stronger if we adopt the Stenholm substitute. Expedited rescission procedures should be made a permanent part of the budget process. I also believe the President should have the authority to reject targeted tax benefits. And Congress should have the right to vote on an individual rescission contained within the package. All of the improvements are contained in the Stenholm substitute.

Mr. Chairman, passage of H.R. 4600 is one step in many that we must take to increase our accountability and credibility with the voters. I urge its unanimous adoption.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 4600 is as follows:

H.R. 4600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expedited Rescissions Act of 1994".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) In General.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"Sec. 1013. (a) Proposed Rescission of Budget Authority.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) Transmittal of Special Message.—

"(1) Not later than 3 calendar days after the date of enactment of an appropriation Act, the President may transmit to Congress one special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill that, if enacted, would only rescind that budget authority. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representaitves shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B)(i) The bill shall be referred to the Committee on Appropriations of the House of Representatives. The committee shall report the bill without substantive revision, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(ii) The Committee on Appropriations may report to the House, within the 7-legislative day period described in clause (i), an alternative bill which—

"(I) contains only rescissions to the same appropriation Act as the bill for which it is an alternative; and

"(II) which rescinds an aggregate amount of budget authority equal to or greater than the aggregate amount of budget authority rescinded in the bill for which it is an alternative.

"(C) A vote on final passage of the bill referred to in subparagraph (B)(i) shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(D) Upon rejection of the bill described in subparagraph (B)(i) on final passage, a motion in the House to proceed to consideration of the alternative bill reported from the Committee on Appropriations under subparagraph (B)(ii) shall be highly privileged and not debatable.

"(E) A vote on final passage of the bill referred to in subparagraph (B)(ii) shall be taken in the House of Representatives on or before the close of the 11th legislative day of that House after the date of the introduction of the bill in that House for which it is an alternative. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1) (C) or (E) shall be referred to its Committee on Appropriations. The committee shall report the bill either without substantive revision or with an amendment in the nature of a substitute, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill transmitted to the Senate shall be taken on or before the close of the 10th legislative day of the Senate after the date on which the bill is transmitted.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all amendments thereto and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS GENERALLY PROHIBITED.—(1) Except as provided by paragraph (2), no amendment to a bill considered under this section or to a substitute amendment referred to in paragraph (2) shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(2)(A) It shall be in order in the Senate to consider an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) that complies with subparagraph (B).

"(B) It shall only be in order in the Senate to consider any amendment described in subparagraph (A) if—

"(i) the amendment contains only rescissions to the same appropriation Act as the bill that it is amending contained; and

"(ii) the aggregate amount of budget authority rescinded equals or exceeds the aggregate amount of budget authority rescinded in the bill that it is amending;

unless that amendment consists solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(C) It shall not be in order in the Senate to consider a bill or an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) unless the Senate has voted upon and rejected an amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the earlier of—

"(1) the day after the date upon which the House of Representatives defeats the text of the bill transmitted with that special message rescinding the amount proposed to be rescinded and (if reported by the Committee on Appropriations) the alternative bill; or

"(2) the day after the date upon which the Senate rejects a bill or amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'legislative day' means, with respect to either House of Congress, any calendar day during which that House is in session.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

SEC. 3. APPLICATION.

(a) IN GENERAL.—Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall apply to amounts of budget authority provided by appropriation Acts (as defined in subsection (f) of such section) that are enacted during the One Hundred Third Congress.

(b) SPECIAL TRANSITION RULE.—Within 3 calendar days after the beginning of the One Hundred Fourth Congress, the President may retransmit a special message, in the manner provided in section 1013(b) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2), proposing to rescind only those amounts of budget authority that were contained in any special message to the One Hundred Third Congress which that Congress failed to consider because of its sine die adjournment before the close of the time period set forth in such section 1013 for consideration of those proposed rescissions. A draft bill shall accompany that special message that, if enacted, would only rescind that budget authority. Before the close of the second legislative day of the House of Representatives after the date of receipt of that special message, the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill. The House of Representatives and the Senate shall proceed to consider that bill in the manner provided in such section 1013.

SEC. 4. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate 2 years after the date of enactment of this Act.

SEC. 5. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of section 1013 (as added by section 2) violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

The CHAIRMAN. No amendment shall be in order except the amendments printed in House Report 103-565, which may be offered only in the order printed and by the Member designated in the report, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. DERRICK

Mr. DERRICK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DERRICK: Page 10, line 17, insert ", unless the House has passed the text of the President's bill transmitted with that special message and the Senate passes an amendment in the nature of a substitute reported by its Committee on Appropriations" before the period.

Page 11, line 21, insert "and by striking '1012 and 1013' and inserting '1012, 1013, and 1014'" before the semicolon.

Page 12, line 1, strike "(2)" and insert "(1)".

Page 14, strike lines 7 through 11 and on line 12, strike "5" and insert "4".

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, I yield myself 90 seconds.

Mr. Chairman, this technical amendment would make three clarifications and corrections to the bill. First, the amendment would clarify that the funds proposed to be rescinded remain unavailable for obligation so long as approval legislation remains viable. Under the bill as reported, funds would be released after Senate rejection of the President's rescission bill even if the Senate instead passed an alternative measure.

Second, the amendment corrects two simple drafting errors in the conforming amendments subsection.

Finally, the amendment deletes section 4 of the bill, which conflicts with subsection 3(a), to clarify that the new procedure applies only to budget authority enacted during the 103d Congress.

Mr. Chairman, I know of no objection to this amendment.

Mr. SOLOMON. Mr. Chairman, I would not seek time in opposition, but I would ask if the gentleman will yield to me for a question.

Mr. DERRICK. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the technical amendment we are about to vote on is the amendment that is printed in the RECORD and has not been changed in any way? Is that correct?

Mr. DERRICK. That is correct.

Mr. SOLOMON. Mr. Chairman, we certainly have no objection. We would support that amendment.

Mr. DERRICK. Mr. Chairman, I yield 3½ minutes, the balance of my time, to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, we will hear many speeches during the course of this afternoon about the determination of Members of Congress to cut spending and to reduce the budget deficit. In order that this be kept in perspective, I think we should recall that many of the Democrats who spoke, and all of the Republicans who will speak, voted against President Clinton's effort to reduce the deficit with his budget deficit reduction plan of last year. That plan has resulted in the greatest reduction in the Federal deficit that we have seen at any time since the tenure of President Truman. It is anticipated that we will cut almost $700 billion from that deficit.

It must strike many people listening as curious that we find ourselves wrapped in this conversation and dialog about budget deficit reduction, and yet when it came down to an actual vote to reduce the deficit, so many of the Members who stand here proclaiming their personal allegiance to deficit reduction were nowhere to be found.

But let me give you another example closer to home. June 17, almost a month ago, I brought to this floor an appropriation bill, the gentleman can probably recall, for the agencies of the Department of Agriculture, Food and Drug Administration, and several related agencies. This bill reflected what we will see for years to come, because of the Clinton deficit reduction plan, a dramatic cut in spending.

Let me tell you specifically what I am saying: Of the $13 billion in discretionary spending in that bill in last year's appropriation, our subcommittee was forced to cut 10 percent, $1.3 billion. Anyone running a business or managing an agency of Government can tell you that a cut in an appropriation of 10 percent in 1 year is a tough cut. It goes way beyond any cosmetic cut. It is a cut that is part of real deficit reduction.

What I found curious, as a Democrat, when I brought this bill to the floor, was a Member of the Republican side circulated a letter saying these cuts were too deep, that Members on his side of the aisle should vote against my appropriation because we cut too much from programs that he favored, in fact, programs I favored too.

But it is part of the harsh reality of real deficit reduction that we have to face these things. If we are going to reduce the deficit, we must reduce spending.

When that bill was called for final passage, 127 Members of this House of Representatives voted against my bill which cut 10 percent in discretionary spending, cut $1.3 billion from last year's bill, and if you take a look at the 127 Members of the House who voted against my bill, a real budget, guess what, 120 of these are people who have walked up here and ceremoniously signed the A to Z petition saying they want to really cut spending. They would not cut it when I called my bill.

One hundred twenty-two of them are balanced-budget amendment sponsors, people who wear the bumper stickers and make the speeches at home about balancing budgets and come here to the floor and refuse to vote for a appropriation bill that really cuts spending.

One hundred fifteen of them voted for the Kasich budget plan which would have cut even more for agriculture, and yet the Kasich plan was a theory.

□ 1650

The bill I called up was a fact. But what I am saying to the Members of the House and all those who are listening is that the real test of cutting a budget is whether you will vote for an appropriation bill that cuts spending. When it came to the time for that test, a lot of the people making the greatest speeches today failed.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). Does any Member rise in opposition to the amendment?

Mr. SOLOMON. Mr. Chairman, I would rise in opposition, reserving the right to change my mind.

Mr. Chairman, I yield to a member of the Committee on Agriculture, the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Chairman, I think it is important that everyone understand exactly the misrepresentation which just occurred about the vote on the agriculture appropriation bill.

Mr. Chairman, I cannot help it if the 602(b) allocation that Mr. DURBIN was able to get for his agriculture appropriation was less than he wanted. Everybody knows it was not reflective of the budget agreement per se, No. 1. No. 2, the reason we all voted and led the fight against the agriculture appropriation, as he well knows, is because it cut funding for production agriculture at the very same time it increased funding for the social programs. That was the fight. There was no money in there for crop insurance, he knows that; there was an 18-percent drop in the Commodity Credit Corporation farm support program.

Now, what the fight about the agriculture appropriation bill was the allocation of the money as it occurred. Many of us are happy to take the bottom-line cuts, but if we are going to take the bottom-line cuts, we are not going to increase food stamps, WIC, all those programs, while we cut agriculture, which is the whole purpose of the agriculture appropriation bill.

Mr. SOLOMON. Mr. Chairman, reclaiming my time, I will take some exception to what the gentleman has said. He has been critical of Members who have taken to the well and supported either the Stenholm approach or the Solomon approach. All of those Members have the highest ratings by the National Taxpayers Union year in and year out. That is how people tell whether we are a big spender or not.

When it comes to deficit reduction and the President's plan, yes, those of us who voted against it did so because it was the biggest tax increase in the history of this entire Congress. It took $120 million out of the pockets of the Social Security recipients in my district alone. So, yes, I offered a balanced budget amendment; Mr. PENNY and a lot of others voted for that balanced budget. It was not an amendment, it was a true balanced budget scored by the Congressional Budget Office. That is what we ought to be supporting on this floor. That is real deficit reduction.

Mr. Chairman, I yield to my friend on the Committee on Appropriations, the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. I thank the gentleman for yielding to me.

Mr. Chairman, I concur with the gentleman's remarks and rise in support of the Solomon amendment, which will be considered shortly.

Mr. Chairman, for weeks we have been anticipating this day, a day which the Democratic leadership would have preferred to avoid. Why? Because their hand has been forced to respond to the drive to 218—the all important milestone in the discharge petition process.

We have watched the Democratic leadership pursue a torturous path in an attempt to derail the A-to-Z spending cut plan because—simply put—it knocks holes in their ability to control the agenda and the purse strings of the Federal Government. And just look at where it has gotten us today.

Even more astounding is what the Democratic leadership has proposed as a substitute to A to Z to provide cover for those who have not signed the discharge petition. H.R. 4600, offered up as the tough budget lion, is nothing but a sacrificial lamb. H.R. 4600 is nothing more than recycled budget process reform. It is a sham and the American public has seen through this ploy.

Instead of a bill that would allow for 56 hours of debate on specific spending cuts that would be directed toward deficit reduction, we have H.R. 4600. Recall that H.R. 4600 came before the House a year ago. It was touted to be a tough new approach to the budget process. It would enhance the current rescission authority. Yet even then it did not enhance. And its toughness could not measure up against a true-line item veto. It is recycled. It is a sham.

Unlike a real line-item veto, which will be offered as a substitute amendment later in the debate, and allows the president to cancel wasteful spending items, subject to override by two-thirds of both Houses, H.R. 4600 requires that a majority of both Houses approve any veto of appropriations items. In other words, a majority of either House can block the President's proposed spending cuts by doing nothing. And there are no penalties or disincentives for inaction. The only change to last year's bill is a stepped-up timetable for consideration. There is no question, the Solomon substitute is the real line-item veto which I will throw my support behind today.

Fortunately, there is still another option available to us today to show the America people we won't be fooled by the H.R. 4600 tactic. The Stenholm-Penny-Kasich amendment has been crafted to strengthen the recycled H.R. 4600.

The objectives of this amendment are the same as the A-to-Z spending cut plan—to provide opportunities for Congress to vote on spending cuts.

The Stenholm-Penny-Kasich amendment provides the President the authority to designate some portion of the savings from a rescission or repealing targeted tax benefits to a deficit reduction account. It would expand rescission authority to targeted tax benefits as well as appropriations. The President could use expedited rescission authority any time—not just during a narrow window of opportunity. And the amendment makes it permanent not just during the 103d Congress.

Let us not let the opportunity to support tough budget reform slip away again. Support the Stenholm-Penny-Kasich amendment to

H.R. 4600. And support the Solomon substitute which would provide real line-item veto authority.

It will not solve all our fiscal problems, but it will help—if the improvements are real—and these are.

Mr. SOLOMON. Mr. Chairman, I respectfully yield back the balance of my time and indicate that I have changed my mind. I am going to support the technical amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina [Mr. DERRICK].

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2, printed in House Report 103–565.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM: Strike all after the enacting clause and insert the following:

SECTION 1. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS AND TARGETED TAX BENEFITS.

(a) IN GENERAL.—Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 683) is amended to read as follows:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1012. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY OR REPEAL OF TARGETED TAX BENEFITS.—The President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act or repeal of any targeted tax benefit provided in any revenue Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) The President may transmit to Congress a special message proposing to rescind amounts of budget authority or to repeal any targeted tax benefit and include with that special message a draft bill that, if enacted, would only rescind that budget authority or repeal that targeted tax benefit. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates or the targeted tax benefit proposed to be repealed, as the case may be. It shall include a Deficit Reduction Account. The President may place in the Deficit Reduction Account an amount not to exceed the total rescissions in that bill. A targeted tax benefit may only be proposed to be repealed under this section during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be repealed.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the following—

"(A) the amount of budget authority which he proposes to be rescinded;

"(B) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget authority should be rescinded;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed rescission; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed rescission and the decision to effect the proposed rescission, and to the maximum extent practicable, the estimated effect of the proposed rescission upon the objects, purposes, and programs for which the budget authority is provided.

Each special message shall specify, with respect to the proposed repeal of targeted tax benefits, the information required by subparagraphs (C), (D), and (E), as it relates to the proposed repeal.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) The bill shall be referred to the Committee on Appropriations or the Committee on Ways and Means of the House of Representatives, as applicable. The committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If that committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C)(i) During consideration under this paragraph, any Member of the House of Representatives may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 49 other Members.

"(ii) It shall not be in order for a Member of the House of Representatives to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(D) A vote on final passage of the bill shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1)(D) shall be referred to its Committee on Appropriations or Committee on Finance, as applicable. That committee shall report the bill without substantive revision and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B)(i) During consideration under this paragraph, any Member of the Senate may move to strike any proposed rescission or rescissions of budget authority or any proposed repeal of a targeted tax benefit, as applicable, if supported by 14 other Members.

"(ii) It shall not be in order for a Member of the House or Senate to move to strike any proposed rescission under clause (i) unless the amendment reduces the appropriate Deficit Reduction Account (pursuant to section 314) if the program, project, or account to which the proposed rescission applies was identified in the Deficit Reduction Account in the special message under subsection (b).

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (C)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—(1) Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House rejects the bill transmitted with that special message.

"(2) Any targeted tax benefit proposed to be repealed under this section as set forth in a special message transmitted to Congress under subsection (b) shall be deemed repealed unless, during the period described in that subsection, either House rejects the bill transmitted with that special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations;

"(2) the term 'legislative day' means, with respect to either House of Congress, any day of session; and

"(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012 and 1017".

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of the Congressional Budget Act of 1974 (2 U.S.C. 682(5)) is amended by repealing paragraphs (3) and (5) and by redesignating paragraph (4) as paragraph (3).

(2) Section 1014 of such Act (2 U.S.C. 685) is amended—

(A) in subsection (b)(1), by striking "or the reservation"; and

(B) in subsection (e)(1), by striking "or a reservation" and by striking "or each such reservation".

(3) Section 1015(a) of such Act (2 U.S.C. 686) is amended by striking "is to establish a reserve or", by striking "the establishment of such a reserve or", and by striking "reserve or" each other place it appears.

(4) Section 1017 of such Act (2 U.S.C. 687) is amended—

(A) in subsection (a), by striking "rescission bill introduced with respect to a special message or";

(B) in subsection (b)(1), by striking "rescission bill or", by striking "bill or" the second place it appears, by striking "rescission bill with respect to the same special message or", and by striking ", and the case may be,";

(C) in subsection (b)(2), by striking "bill or" each place it appears;

(D) in subsection (c), by striking "rescission" each place it appears and by striking "bill or" each place it appears;

(E) in subsection (d)(1), by striking "rescission bill or" and by striking ", and all amendments thereto (in the case of a rescission bill)";

(F) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by amending the second sentence to read as follows: "Debate on any debatable motion or appeal in connection with an impoundment resolution shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the resolution, except that in the event that the manager of the resolution is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee.";

(iii) by striking the third sentence; and

(iv) in the fourth sentence, by striking "rescission bill or" and by striking "amendment, debatable motion," and by inserting "debatable motion";

(G) in paragraph (d)(3), by striking the second and third sentences; and

(H) by striking paragraphs (4), (5), (6), and (7) of paragraph (d).

(d) CLERICAL AMENDMENTS.—The item relating to section 1012 in the table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 1012. Expedited consideration of certain proposed rescissions and targeted tax benefits.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. DERRICK. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. DERRICK] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I am very pleased to come to the floor with TIM PENNY and JOHN KASICH to offer this substitute amendment to H.R. 4600, the Expedited Rescissions Act of 1994.

Our amendment would allow the President to propose to cut or eliminate individual spending items in appropriations bills throughout the year. The President could place some or all of the savings from proposed rescissions in a deficit reduction account. In addition, the President would be able to propose to repeal targeted tax breaks which benefit a particular taxpayer or class of taxpayers within 10 days of signing a tax bill.

Within 10 legislative days after the President sends a rescission package to Congress, a vote shall be taken on the rescission bill. The bill may not be amended on the floor, except that 50 House Members can request a vote on a motion to strike an individual rescission from the package. If a majority of Members voted in favor of the individual item, it would be struck from the bill. If approved by a simple majority of the House, the bill would be sent to the Senate for consideration under the same expedited procedure.

Any appropriations or tax item that was submitted by the President would be in effect suspended until Congress acts on the President's package. If Congress avoids a vote, the funds would continue to be withheld from obligation or the tax provision would continue to be deemed to be repealed. Unlike current law, Congress could not force the President to spend the money by ignoring the rescissions. If a simple majority in either the House or Senate defeats a rescission proposal, the funds for programs covered by the proposal would be released for obligation in accordance with the previously enacted appropriation, or the tax provision would take effect. If a bill rescinding spending or repealing tax benefits is approved by the House and Senate, it would be sent to the President for his signature.

While I believe that the base bill introduced by JOHN SPRATT is a clear improvement over current law, and I commend my friend from South Carolina for the leadership he has shown on this issue, I believe there are several areas in which this legislation can be improved. It is in this spirit the three of us are offering our substitute. Our amendment would improve the base text in several ways:

First, the President would have the option of earmarking savings from proposed rescissions to deficit reduction in anticipation of lockbox legislation which this body will consider later this year. Under the base bill, the savings from rescissions automatically would be available to be spent on other programs;

Second, the President would be able to single out narrowly drawn provisions in tax bills which are added to tax bills at the behest of large corporations or wealthy taxpayers. Congress would have to vote on these rifle shot tax provisions on their merits.

Third, the President would be able to submit a rescission package for expedited consideration at any point in the year. The base bill would restrict the President to submitting rescissions during a limited window after signing an appropriations bill.

Fourth, the new expedited rescission authority would be established permanently instead of being limited to the few remaining months of the 103d Congress as the base bill would do.

Fifth, if 50 members of the House or 15 members of the Senate request a separate vote on an individual item, they would have the opportunity to convince a majority of the House to strike that item project from the package before the vote on the overall package. Under the base bill, Members could be placed in a position of being compelled to oppose the entire package because of one item included in the package even though they supported virtually all rescissions in the package.

Sixth, our substitute would not lay out a cumbersome new procedure for consideration of an Appropriations Committee alternative as the base bill does. Contrary to some suggestions, our substitute does not prevent Congress from considering an alternative rescission package.

Mr. Chairman, this amendment will give Congress and the President an additional tool for fiscal responsibility and improve accountability in taxing and spending legislation without disrupting the constitutional balance of power. I urge the House to vote for the Stenholm-Penny-Kasich expedited rescission substitute.

Mr. Chairman, I offer a series of questions and answers with respect to our amendment:

QUESTIONS AND ANSWERS STENHOLM-PENNY-KASICH SUBSTITUTE TO H.R. 4600

How does the substitute differ from legislation which was passed by the House last year?

The Stenholm-Penny-Kasich substitute makes several changes to the legislation passed by the House last year to respond to concerns raised by many members and significantly strengthen the legislation. The President would be able to single out newly enacted targeted tax benefits as well as appropriated items for individual votes. Unlike the legislation passed last year, which required the President to submit rescissions within a three-day window after signing an appropriations bill, the President would be able to submit a rescission package for expedited consideration at any point in the year. The President would have the option of earmarking savings from proposed rescissions to deficit reduction in anticipation of lockbox legislation, which no other expedited rescission or line-item veto proposal would permit. The new expedited rescission authority would be established permanently instead of being sunsetted after two years. Members would have the ability to obtain separate votes on individual items in a rescission package that have significant support. The substitute explicitly prevents the President's rescissions from being considered under a special rule which would waive the requirements of the section. Finally, the prerogative of the Appropriations Committee to move their own rescission bill would be preserved without creating a cumbersome new procedure.

How is the procedure under the Stenholm-Penny-Kasich expedited rescission legislation different from the existing procedure for considering Presidential rescissions under Title X of the Budget Control and Impoundment Act?

Under Title X of the Budget Control and Impoundment Act, the President may propose to rescind all or part of any item at any time during the fiscal year. If Congress does not take action on the proposed rescission within 45 days of continuous session, the funds must be released for obligation. Congress routinely ignores Presidential rescissions. The discharge procedure for forcing a floor vote on Presidential rescissions is cumbersome and has never been used. Most Presidential rescission messages have died without a floor vote.

Congress has approved just 34.5% of the individual rescissions proposed by the President since 1974 (350 of 1012 rescissions submitted), representing slightly more than 30% of the dollar volume of proposed rescissions. Nearly a third of the Presidential rescissions approved came in 1981. Excluding 1981, Congress has approved less than 20% of the dollar volume in Presidential rescissions. Although Congress has initiated $65 billion in rescissions on its own, it has ignored nearly $48 billion in Presidential rescissions submitted under Title X of the Budget Control and Impoundment Act without any vote at all on the merits of the rescissions.

In 1992, the threat that there would be an attempt to utilize the Title X discharge procedure to force votes on 128 rescissions submitted by President Bush provided the impetus for the Appropriations Committee to report a bill rescinding more than $8 billion. However, this was an exception. Most rescission messages are ignored. The Stenholm-Penny-Kasich substitute would change that and force Congress to react to Presidential messages and vote on them, increasing the likelihood that unnecessary spending would be eliminated.

Could Congress thwart the provisions of the Stenholm-Penny-Kasich expedited rescission legislation by reporting a rule that waives the requirements of this proposal?

No. The substitute specifically states that "It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this section . . . under a special rule." Furthermore, OMB could continue to withhold the funds from obligation until the President's plan was voted on as required by this legislation regardless of any attempts by Congress to waive its internal rules. If Congress used its Constitutional authority to set its own rules to avoid a vote on the President's rescissions, it would give the President the ability to indefinitely impound the funds.

How does expedited rescission legislation ensure that a Presidential rescission is voted on by Congress?

Expedited rescission legislation establishes several procedural requirements ensuring that Congress cannot simply ignore a rescission message. A rescission bill would be introduced by request by either the Majority or Minority Leader. If the Appropriations Committee does not report out the rescission bill as required within ten days, the bill is automatically discharged from the committee and placed on the appropriate calendar. Once the bill is either reported by or discharged from the Appropriations Committee, any individual member may make a highly privileged motion to proceed to consideration of the bill. Although a motion to adjourn would take precedence, the House could not prevent a vote on a rescission message by adjourning because only legislative days are counted toward the ten day clock. By providing for a highly privileged motion to proceed to consideration and limiting debate and preventing amendments to a rescission bill. This proposal ensures that there will be a vote on a rescission bill so long as one member is willing to stand up on the House floor and make a motion to proceed.

The substitute includes language to discourage the House from avoiding a vote on the President's package, by making the release of funds by OMB contingent on Congress voting on and defeating the President's package.

Under current law, OMB withholds funds from apportionment until Congress acts on a rescission message. Funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them or to release them for obligation. The substitute provides that the funds must be released for obligation upon defeat of the President's rescission bill in either House. This is different from the requirement in Section 1012 of the Impoundment Control Act of 1974, which states "Any motion of budget authority proposed to be rescinded . . . shall be made available for obligation, unless, within the prescribed 45 day period, the Congress has completed action on a rescission bill rescinding all or part of the amount proposed to be rescinded." By specifically providing that the funds would be released upon defeat of the President's package and not providing for any other circumstances in which OMB must release the funds, the language of the Stenholm-Penny-Kasich substitute clearly provides that OMB will be required to release the funds only when Congress votes on and rejects the rescission bill.

Similarly, the amendment provides that any tax benefits proposed to be repealed be "deemed to have been repealed unless . . . either House rejects the bill transmitted with that special message.

How would the motion to strike individual items from a package of rescissions work?

A member would be able to make a motion to strike an individual item in the rescission bill if 49 members support the motion. This procedure would be similar to existing procedures to call for recorded votes or the procedure for discharging rescission bills under Title X of the Impoundment Control Act in which the members supporting the motion would stand and be counted. If the requisite number of members supported a motion to strike, the motion would be debated under the five minute rule and the House would vote on the motion. If the motion was supported by a majority of members, the item would be struck from the bill. The House would vote on final passage of the rescission bill after disposing of any motion to strike.

If 50 members feel strongly about an individual item to coordinate the actions necessary to obtain a motion to strike, they deserve to have the opportunity to make their case to the full House. They would still have to convince a majority of the House that their project was justified.

Wouldn't the motion to strike deprive the President of a vote on his rescissions?

No. Congress would vote on the merits of each rescission either as part of the overall package or on a motion to strike. While there might not be one vote on the entire package if a motion to strike succeeded, Congress would have voted on the merits of individual rescissions when it voted on the motions to strike items from the package.

The motion to strike increases the chance of passing rescissions submitted by the President by providing a safety valve to take "killer" items out of a rescission package to avoid the entire package from being defeated because of one item with strong support. If there is a strong core of support within Congress for an individual item, there would be a high likelihood that the supporters of that item could form an alliance to defeat the entire bill. Although the President would presumably make political judgements to avoid including items that would sink the entire package, the administration will not always be aware of all traps that may lie with an individual spending program or tax provision. This safety valve would prevent a political miscalculation from sinking the entire bill.

What types of tax provisions would be subject to the new rescission process?

The provision for expedited consideration of proposal to repeal tax items would be restricted to targeted tax benefits. "Targeted tax benefits" are defined as provisions in a tax bill which provide benefits to a particular taxpayer or limited class of taxpayer. The rescission authority would apply to narrowly drawn tax items, the so-called "tax pork", which are slipped into tax bills to benefit special interests. It will not apply to tax provisions based on general demographic conditions or marital status, such as the earned income tax credit or the personal exemption.

Wouldn't the ability to repeal tax items create uncertainty in the tax code?

No. The substitute provides for swift consideration of proposals to repeal tax provisions so that taxpayers would know the final disposition of any tax provision within a reasonable period of time following the passage of a tax bill. The President must submit a proposal to repeal a tax provision within ten business days after signing a tax bill. Both Houses of Congress would be required to act within twenty legislative days.

Could the President propose to rewrite tax provisions?

No. The President would only be able to propose legislative language necessary to repeal individual tax provisions for expedited consideration. Legislation submitted by the President to rewrite a tax provision would not be subject to the expedited procedures of this amendment.

Doesn't this legislation constitute an unconstitutional legislative veto?

No. This legislation was carefully crafted to comply with the Constitutional requirements established by the courts by I.N.S. v. Chada 462, U.S. 919 (1983), the case that declared legislative veto provisions unconstitutional. Legislative vetoes allow one or both Houses of Congress (or a Congressional committee) to stop executive actions by passing a resolution that is not presented to the President. The Chada court held that legislative vetoes are unconstitutional because they allow Congress to exercise legislative power without complying with Constitutional requirements for bicameral passage of legislation and presentment of legislation to the President for signature or veto. For example, allowing the House (or Congress as a whole) to block a Presidential rescission by passing a motion of disapproval without sending the bill to the President for signature or veto would violate the Chada test. This substitute meets the Chada tests of bicameralism and presentment by requiring that both chambers of Congress pass a motion enacting the rescission and send it to the President for signature or veto, before the funds are rescinded. The substitute does not provide for legislative review of a preceding executive action, but expedited consideration of an executive proposal. Thus, it represents a so-called "report and wait" provision that the court approved in Sibbach v. Wilson and Co., 312 U.S. 1 (1941) and reaffirmed in Chada.

If a majority of Congress has voted for items as part of an appropriations or tax bill, wouldn't the same majority vote to preserve the items when they were rescinded?

Just as President's often sign appropriations bill (or other bills for that matter) that includes individual items that he does not support, Congress often passes appropriations bills without passing judgement on individual items. Expedited rescission legislation would force the President and Congress to examine spending items on their individual merit and not as part of an overall package. Many items included in omnibus appropriations bill would not be able to receive majority support in Congress if they were forced to stand on their own individual merits. Members who voted for an appropriations or tax bill may be willing to vote to eliminate individual items that had been in the omnibus bill.

Isn't requiring an additional vote on items that have already been approved by Congress a waste of time?

As was stated above, the fact that an item was included in an omnibus appropriations or tax bill does not necessary imply that a majority of Congress supported that individual item. For example, when Congress passed the Agricultural Appropriations Bill in 1990, the majority of the members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in an omnibus appropriation bill is not an unreasonable response to realities of the legislative process.

Doesn't providing the President expedited rescission authority alter the balance of power between Congress and the President?

No. The approach of expedited rescission legislation strikes a balance between protecting Congress' control of the purse and providing the accountability in the appropriations process. Unlike line-item veto legislation, this substitute would preserve the Constitutional power of Congressional majorities to control spending decisions. Expedited rescission authority increases the accountability of both sides, but does not give the President undue leverage in the appropriations process because funding for a program will continue if a majority of either House disagree with him.

Since the rescission process would only apply to the relatively small amount of spending in discretionary programs and a limited number of small tax breaks, isn't this just a political gimmick that won't have a significant impact on the deficit?

The authors of this proposal have never claimed that this proposal would balance the budget or even make a substantial dent in the budget deficit. However, it will be a useful tool in helping the President and Congress identify and eliminate as much as $10 billion in wasteful or low-priority spending each year. Many of the special interest tax provisions that would be subject to expedited rescission have a considerable cost. It will help ensure that the federal government spends its scarce resources in the most effective way possible and does not divert resources to low-priority programs. Perhaps most importantly, by increasing the accountability of the budget process, it will help restore some credibility to the federal government's handling of taxpayer money with the public. This credibility is necessary if Congress and the President are to gain public support for the tough choices of cutting benefits or raising taxes necessary to balance the budget.

Would this proposal apply to entitlement programs funded through the appropriations process such as unemployment insurance and food stamps?

No. Although other versions of expedited rescission legislation would have allowed a President to propose to rescind spending for entitlement programs funded through the regular appropriations bills (as is the case with unemployment insurance and other income support programs), this was changed to clarify that the expedited rescission process does not apply to any entitlement programs.

Doesn't expedited rescission violate the legislative prerogative by requiring action under a specific timetable and preventing amendments to a rescission bill?

The expedited procedure for consideration of rescission messages in this substitute is similar to fast track procedures for trade agreements or for base closure reports, which have worked relatively well. In fact, the scope of the legislation that would be subject to expedited consideration is much more confined under this procedure than in either trade agreements or base closings.

Wouldn't allowing the President to submit rescissions throughout the year give the President undue ability to dictate the legislative calendar?

The substitute preserves the flexibility of Congressional leaders to develop the legislative schedule while ensuring that the President's package is voted on in a timely fashion. It provides that the time allowed for consideration of the bill before a vote is required be counted in legislative days instead of calendar days, ensuring that the House will be in session for ten days after receiving the message before a vote is required. The House could vote on the package at any point within the ten legislative days for consideration.

Could the President propose to lower the spending level of an item, or would he have to eliminate the entire item?

The President could propose to rescind the budget authority for all or part of any program in an appropriations bill. Consequently the President could, if he so chose, submit a rescission that simply lowered the budget authority for a certain program without eliminating it entirely. In comparison, most line-item veto proposals require the President to propose to eliminate an entire line item in an appropriations bill.

Would this proposal allow the President to strike legislative language from appropriations bills?

No. It specifically allows a President to rescind only budget authority provided in an appropriations act and requires that the draft bill submitted by the President have only the effect of canceling budget authority. Legislative language, including limitation riders, would not be subject to this procedure.

Could the President propose to increase budget authority for a program?

No. The substitute specifically provides that the President may propose to eliminate or reduce budget authority provided in an appropriations bill. It does not allow the President to propose an increase in budget authority.

What happens if the President submits a rescission message after Congress recesses for the year?

The House has ten legislative days to consider the rescission message. Since the time allowed for consideration of the rescission message only counts days that Congress is in session, Congress would not be required to vote on a rescission message until after it returns from recess. However, the funds would not be released for apportionment for proposed rescissions until Congress votes on and defeats a Presidential rescission bill. Congressional leaders would have to decide whether to reconvene Congress to consider the rescission message or to leave the message pending while Congress is in recess. Congress could delay adjourning sine die until the time period in which the President could submit a rescission has expired so that it can reconvene to consider a rescission message if it is submitted after Congress completes all other business. If the funds included in a rescission message are considered by Congress to be important, Congress would have to return to session to vote on the message. If a rescission message is submitted after the first session of the 103rd Congress has adjourned for the year, or if Congress adjourns before the period for consideration of a rescission message expires, the rescission message would remain pending at the beginning of the second session of the 103rd Congress. The House would still be required to vote on the rescission message by the tenth legislative day after the rescission package was submitted.

AMENDMENT OFFERED BY MR. SOLOMON AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. SOLOMON. Mr. Chairman, pursuant to the rule, I offer an amendment as a substitute for the amendment in the nature of a substitute offered by Mr. STENHOLM.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute.

The text of the amendment offered by Mr. SOLOMON to the amendment in the nature of a substitute offered by Mr. STENHOLM is as follows:

Amendment offered by Mr. SOLOMON as a substitute for the amendment in the nature of a substitute offered by Mr. STENHOLM: In lieu of the matter proposed to be inserted by the amendment in the nature of a substitute by Mr. STENHOLM, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Enhanced Rescission/Receipts Act of 1994".

SEC. 2. LEGISLATIVE LINE-ITEM VETO RESCISSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority or veto any targeted tax benefit within any revenue bill which is subject to the terms of this Act if the President—

(1) determines that—

(A) such recession or veto would help reduce the Federal budget deficit;

(B) such rescission or veto will not impair any essential Government functions; and

(C) such rescission or veto will not harm the national interest; and

(2) notifies the Congress of such rescission or veto by a special message not later than twenty calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriation act or a joint resolution making continuing appropriations providing such budget authority or a revenue bill containing a targeted tax benefit. The President shall submit a separate rescission message for each appropriation bill and for each revenue bill under this paragraph.

SEC. 3. RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a)(1) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission/receipts disapproval bill making available all of the amount rescinded is enacted into law.

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of twenty calendar days of session during which Congress must complete action on the rescission/receipts disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission/receipts disapproval bill; and

(3) if the President vetoes the rescission/receipts disapproval bill during the period provided in paragraph (2), an additional five calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission or veto, as the case may be, shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which—

(A) only disapproves a rescission of budget authority, in whole, rescinded, or

(B) only disapproves a veto of any provision of law that would decrease receipts,

in a special message transmitted by the President under this Act.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a differential treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act or vetoes any provision of law as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded or the provision vetoed;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority or veto any provision pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission or veto; and

(5) all factions, circumstances, and considerations relating to or bearing upon the rescission or veto and the decision to effect the rescission or veto, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—Any rescission/receipts disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) CONSIDERATION IN THE SENATE.—

(1) Any rescission/receipts disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission/receipts disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to one hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed one, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission/receipts disapproval bill that relates to any matter other than the rescission of budget authority or veto of the provision of law transmitted by the President under this Act.

(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission/receipts disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

The CHAIRMAN pro tempore. The gentleman from New York will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. SOLOMON. Mr. Chairman, I understand the gentleman from South Carolina [Mr. DERRICK], was recognized in opposition to the Stenholm amendment. Who is recognized in opposition to my amendment offered as a substitute for the amendment?

The CHAIRMAN pro tempore. The Chair is about to inquire.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Solomon amendment and Mr. DERRICK is willing to rise in opposition to the Solomon amendment. We will divide the time or we will share it.

☐ 1700

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] has time in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM]. He may also be assigned the time in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. DERRICK. Mr. Chairman, I rise in opposition to the Solomon amendment as well.

The CHAIRMAN. The gentleman from South Carolina rises in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Everybody is so hesitant to rise in opposition to my amendment. That is nice.

The CHAIRMAN. Therefore, the gentleman from New York [Mr. SOLOMON] has 15 minutes in support of his amendment. The gentleman from South Carolina [Mr. DERRICK] has 15 minutes in opposition to the amendment offered by the gentleman from New York [Mr. SOLOMON]. In addition, the gentleman from South Carolina [Mr. DERRICK] still has the time in opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM], and Mr. STENHOLM has 11 minutes remaining to him in support of his amendment.

Mr. SOLOMON. Would the gentleman from South Carolina reserve his time and allow me to make an opening statement in the time that he has remaining in opposition to both of our amendments?

Mr. DERRICK. Yes, Mr. Chairman, that is fine.

The CHAIRMAN. Does the gentleman from South Carolina yield time to the gentleman from New York?

Mr. SOLOMON. No, Mr. Chairman. He reserves his time.

Mr. DERRICK. Mr. Chairman, I reserve my time. Let the gentleman from New York [Mr. SOLOMON] proceed.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] reserves his time. Therefore, the gentleman from New York [Mr. SOLOMON] on his own time will be recognized for whatever time he designates within 15 minutes.

Mr. SOLOMON. I appreciate having this all straightened out, Mr. Chairman.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer the Solomon substitute for the Stenholm amendment made in order pursuant to the rule.

Mr. Chairman, the amendment I have offered is quite simple and yet fundamentally different from either H.R. 4600 or the Stenholm substitute. This is the real line-item veto. What it says is that a President's cancellation of a spending item or a special interest tax break will take effect unless it is disapproved by a majority of both Houses of Congress within 20 days.

Since the President would likely veto a disapproval bill, it would then require two-thirds of both Houses, under the Constitution, to override the President's veto and force the money to be spent or the tax break to take effect.

Mr. Chairman, that's the kind of line-item veto most Governors have. It is what President Clinton said he wanted during the 1992 campaign, though he has since bought off on these watered-down expedited rescission bills.

We all know that it is not enough to require that both Houses of Congress approve the President's proposed cuts in wasteful spending, since it is the same majority that log-rolled those pork-barrel projects down to the White House in the first place.

If the President's proposals are meritorious, we should be willing to say that they will stick unless a supermajority of Congress is willing to override him.

Mr. Chairman, public support for the real line-item veto has always been over 60 percent. The people understand this issue. They've seen it work in their own States. They've seen how we sometimes lard these spending bills with special projects that don't have merit but are purely political pork.

Mr. Chairman, I don't think anyone has suggested that the line-item veto is the total answer to our deficit problem. But it would certainly contribute to reducing that deficit.

In the first place, we would be more careful about putting things in appropriations bills that we know don't belong there. We wouldn't want to be embarrassed by having the President single them out for a line-item veto.

In the second place, even when we do slip them in, we know that the chances are very slim they will survive this tough process that will require that they repass by a two-thirds vote of both Houses.

As Members have testified of their own State experiences, this is not a power the Executive abuses. It is used frugally and wisely and selectively. But it is a useful fiscal tool in discouraging and restraining wasteful spending to begin with, and in extracting it if need be.

Mr. Chairman, before I close, I want to pay tribute to our Republican leader, BOB MICHEL, whose bill, H.R. 493, this substitute is based on. It was he who extended this veto concept and expedited process into the area of special interest tax breaks, and I think that is a very valuable contribution.

And let me hasten to add this is a bipartisan substitute. It got the votes of 33 Democrats last year and I hope it will get even more today.

I am especially grateful to the leadership of JIM COOPER, JIMMY HAYES, GARY CONDIT, and BILLY TAUZIN for sponsoring this amendment.

On our side we again have the strong leadership on the line-item veto from three outstanding freshmen: MIKE CASTLE, PETER BLUTE, and JACK QUINN.

I strongly urge my colleagues to vote for this only true line-item veto we will have before us this year. Let's start to do things right around here and give the President special authority in partnership with the Congress to curb wasteful spending. Vote "yes" on the Solomon line-item veto substitute.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, as the gentleman knows, he and I often vote together, and we believe in doing something about the deficit. But I am on the other side of this issue. I am surprised that the gentleman feels that we can turn the Government over to the bureaucracy of the OMB instead of letting the Congress do this. And, as the gentleman knows, we have had, through the years we have had, rescissions, but the Committee on Appropriations has not seen fit to bring it. What we are trying to do with the enhanced rescission is to make sure it comes.

Mr. SOLOMON. Mr. Chairman, let me reclaim my time because I have deep respect for my great friend who is retiring. I am going to miss him dearly. He is wrong on this issue, I say respectfully.

Mr. Chairman, I reserve the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield myself 5 minutes.

Mr. SOLOMON. Mr. Chairman, would the gentleman from South Carolina [Mr. DERRICK] be good enough to yield a little time to the gentleman from Florida [Mr. HUTTO]?

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, getting back to what I was saying a while ago, I believe that, if we had the line item veto that is being talked about, we would have constant conflict between the executive and legislative branches. I think that we ought to rule in this House and this Congress, and, if we have enhanced rescission where the Committee on Appropriations has to bring these rescissions here, we can vote on it, simple majority, and take care of it.

So, I just want to say to the gentleman that I hope we do not turn our government over to the bureaucracy.

Mr. DERRICK. Mr. Chairman, the Solomon amendment does not improve the bill, and Members ought to reject it for one simple reason: the amendment would enable a one-third-plus-one minority in either House to join with a President to dictate the fiscal priorities of this country.

Under this amendment, a President could within 20 days of signing a revenue or tax bill, propose rescissions of budget authority or the repeal of targeted tax benefits, and they would take effect permanently unless Congress voted to disapprove them within a specified time. Since a President would veto any bill to disapprove his proposals, for Congress' priorities to prevail would require a two-thirds vote in both Houses. Conversely, for the President to prevail, he need convince only one-third plus one of either House to sustain his veto.

Mr. Chairman, the principle which underlies our democratic system of government is majority rule. I do not believe it wise for Congress to create a rescission process in which a President, with the support of only 34 Senators or 146 Representatives, could dictate fiscal or tax policy, on a line-by-line basis, to majorities in both the House and Senate. We should not tilt the balance of the power of the purse so dramatically in the President's favor, no matter who he is or what political party he belongs to.

What reason have we to believe the President's fiscal priorities are inherently better than ours? What reason have we to believe the Executive branch institutionally favors less spending than Congress? None. In fact, there is considerable evidence to the contrary.

Since 1945 Congress has appropriated billions less than the various Presidents have requested. Moreover, since 1974 Congress has actually rescinded more spending than the Presidents have proposed to rescind.

According to the General Accounting Office, from 1974 through last September 20, Presidents have proposed to rescind $69.6 billion in spending, an impressive sum. But during that time Congress has actually rescinded $88.7 billion in spending. In other words, Mr. Chairman, Congress has since 1974 rescinded 27 percent more spending than Presidents have proposed to rescind. That is not widely understood, or something for which Congress receives the credit it deserves.

Mr. Chairman, the goal of the underlying bill, and indeed this whole exercise, is to add accountability for spending decisions to the appropriations process. The goal is not merely to advance and promote the President's brand of spending over Congress' brand of spending, which is what the Solomon amendment would do.

We are dealing with the fundamental relationship between the two political branches. We must not give any President even more power than he already has to shove his priorities down Congress' throat. We have no idea what his priorities might be; we know only they will probably be different. If the President can convince a majority of each House to reject the items he has identified as wasteful and proposed to repeal, then he ought to prevail. But he ought not prevail with only minority support. If he lacks majority support for his position, then he can still use his regular veto; nothing in the bill affects that.

Mr. Chairman, the bill is designed to give the President the responsibility to ferret out arguably wasteful items in appropriations acts and force Congress to approve them again if it wishes. I believe the bill will achieve the desired effect without disrupting the balance of power so carefully created by our Founding Fathers.

The Solomon amendment, on the other hand, would enable the President and a minority in one House to dictate his priorities to majorities in both Houses. In my opinion, the Solomon amendment would also make getting the bill through the Senate tougher, if not impossible. I urge all Members to reject the Solomon amendment, and I reserve the balance of my time.

□ 1710

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, last year I joined the gentleman from Minnesota [Mr. MINGE] and 11 other freshmen Democrats in introducing an enhanced revision provision which is very similar to the amendment being offered by the gentleman from Texas [Mr. STENHOLM] this year. I am pleased that he has improved on the base text of the amendment to the bill that is being offered today by incorporating many of those suggestions that we had last year.

Now, I have listened with interest to the argument that we should not pass either of these provisions because we must guard the prerogative of the legislative branch of government over the budgetary process. And I understand that. For after all, we have done a great job, right by ourselves. Our debt is only $4.6 trillion. Maybe we just need a little more time. For after all, it has only been 25 years since we were able to balance the budget. And maybe we should not put anymore power into the hands of someone who would use that power to leverage votes on other legislative issues, for such a concept is obviously an abuse that is foreign to this body.

Well, I am willing to take the chance. I think our debt is too big. I think 25 years of trying is too long. I am willing to put the President, any President, in the caldron with us, to try to make it better.

Now, if the real concern about this proposal is the loss of legislative prerogative, then I, and I am sure many others, would suggest that let us limit it to only those occasions when the budget is out of balance. That might put some incentive on us to do a better job as well.

In conclusion, I am one of those freshmen Democrats who last year supported the Solomon proposal, and intend to do so today. And, if it fails, I intend to vote for the Stenholm amendment. I would urge others to do the same.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 30, 1993.

To: Hon. Charles Stenholm. Attention: Ed Lorenzen.

From: American Law Division.

Subject: Application of rescission authority to tax expenditures.

This memorandum provides, at your request, quick analysis of whether the same constitutional principles that govern application of rescission authority to appropriated funds apply as well to rescission of "tax expenditures." We understand as well that the requested context for analysis is H.R. 1013, a bill entitled "Expedited Consideration of Proposed Rescissions Act of 1993." It is proposed that language be added to that bill adding "tax expenditures" as a category within which the President may trigger expedited congressional consideration of proposed rescission legislation.

Some background may be helpful. The same constitutional principles govern application of rescission authority to "appropriations" and to "tax expenditures." These governing principles are set out in previously prepared memoranda enclosed for your review: "Constitutionality of Granting President Enhanced Budget Rescission Authority," June 27, 1989; and "Adequacy of Standards in Bill Granting President Enhanced Budget Rescission Authority," July 21, 1989, both by Johnny H. Killian, Senior Specialist in American Constitutional Law, CRS. The basic issue raised by actual conferral of rescission authority on the President involves delegation of legislative authority, and whether there are adequate standards set forth in the law so that it can be determined whether the executive has complied with the legislative will. In 1989 the Supreme Court held in *Skinner* v. *Mid-America Pipeline Co.*, 490 U.S. 212, 223, that the same principles govern delegation of taxing authority that govern delegation of Congress' other authority.

[T]he delegation of discretionary authority under Congress' taxing power is subject to no constitutional scrutiny greater than that we have applied to other nondelegation challenges. Congress may wisely choose to be more circumspect in delegating authority under the Taxing Clause than under other of its enumerated powers, but this is not a heightened degree of prudence required by the Constitution.

We note, however, that no constitutional delegation issues are posed by H.R. 1013 or the proposed amendment. Instead, the bill merely provides for expedited congressional consideration of presidential proposals that Congress enact legislation authorizing rescission of "any budget authority provided in an appropriations Act." No authority to effectuate a rescission, to exercise a line-item veto, or otherwise to nullify statutory enactments would be conferred on the President by the bill. Inclusion of "tax expenditures" along with budget authority as a category about which the President may propose legislation that will receive expedited consideration does nothing to change this basic fact that the bill contains no delegation of rescission or taxing authority.

With or without a delegation of authority, the principal constitutional distinction between the categories of budget authority and tax expenditures is the requirement of Art. I, §7, cl. 1 that all bills for raising revenue shall originate in the House of Representatives. A bill providing for "tax expenditures" (currently defined in 2 U.S.C. §622(3) as "revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction . . . or which provide a special credit, a preferential rate of tax, or a deferral of tax liability") might also include measures for raising revenues, and a bill providing for repeal of tax expenditures could be considered to be a bill for raising revenues.

A further point. The President has the power conferred by Art. II, §3 of the Constitution to "recommend to [Congress'] consideration such measures as he shall judge necessary and expedient," and Congress of course cannot prevent the President from proposing consideration of legislation, including legislation that would rescind budget authority or repeal tax expenditures. In conferring authority to propose rescissions that will be subject to expedited consideration by the Congress, the bill also restricts the President's authority to make a second such request and does not explicitly tie that restriction to operation of the expedited procedures. The bill would add a new section 1013 to the Congressional Budget and Impoundment Control Act of 1974, and subsection (a) would provide in part that "[f]unds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012." A reasonable implication of "proposed . . . under this section or section 1012" is that a proposal may be submitted independently of the cited authority, and that the only restriction is that the expedited procedures authorized by the new section or in connection with existing section 1012 would not be operative. Thus, while the language can and should be interpreted to avoid any constitutional issue that would be created by interference with the President's authority under the Constitution to make recommendations to Congress, a more direct statement tying the restriction to operation of the expedited procedures could eliminate any basis for question.

GEORGE COSTELLO,
Legislative Attorney, American Law Division.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from York, SC [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Edgefield for yielding.

Mr. Chairman, for those who support a statutory line item veto, Judge Robert Bork, who is an imminent conservative and a Republican, I believe, has written a recent Law Journal article, and it bears citation. He says:

> In particular, the solution of the line-item veto appears dubious, at best. A solution nobody thought of for 200 years has the burden of persuasion in constitutional matters. And the case for the line-item veto seems less than completely persuasive. That is not to say the idea of line-item vetoes should be dismissed out of hand. It is only to say that it is highly unlikely that the courts would be inclined to find such a power in the Constitution as written and ratified. It would probably require a constitutional amendment.

So the first argument you meet, if you want to propose a statutory line-item veto, is that why has no Congress, why has no President, for over 200 years, noticed that the Constitution claimed this? Those who claim that they can find the authority in the Constitution have to answer this question. They have to answer the question why George Washington, who presided over the Constitutional Convention, did not notice it himself, did not know it himself. He said about the Constitution,

> From the nature of the Constitution, I must approve all parts of a bill, or reject it in toto.

William Howard Taft, another reputable President, Republican, he was both President and Chief Justice, said:

> The President has no power to veto parts of the bill and to allow the rest to become law. He must accept it or reject it.

But where Judge Bork and General Washington, President Washington, and Chief Justice Taft have refused to tread, those who want a line-item veto have rushed in. Essentially what they say is maybe the Constitution does not give this power to the President, but maybe we can confer upon him even this broad power. Maybe we can give it to him even though it is not in the Constitution. Maybe we can amend the Constitution by statute.

The gentleman from New York [Mr. SOLOMON] does not use the term, but as I read his bill, it appears to me the device he is using is delegation. He is suggesting that we can delegate to the President the power to veto items in the bill in lieu of vetoing the entire bill itself.

That is a giant step. We are changing the Constitution by statute, and we are giving the President some broad powers, as everybody here would acknowledge. Powers as broad as the budget we pass every year. Thirteen appropriations bills, with billions of dollars of appropriated money in it, year in and year out, a power so broad, so unique, so unusual, that it has to beg the question, is it constitutional to delegate power so broadly.

Fifty years ago the Supreme Court said sweeping delegations of legislative power are unconstitutional. For a long time that was bedrock constitutional law. It has been eroded by lots of delegations we have given to the executive branch, but it is still on the book.

A lot of water has flowed over the dam at the Supreme Court since that was said, but 7 years ago, in a case dealing with the budget authority of the Congress, the Synar case, challenging the authority of Gramm-Rudman-Hollings, Judge Scalia said the ultimate judgment regarding the Constitutionality of a delegation must not be made on the basis of the scope of the power alone, but on the basis of its scope, plus the specificity of the standards that govern its exercise.

So the broader the scope, the more specific the standards must be, the more precise and rational they may be.

There is no question here that the scope of delegation is immense. It is huge. So the guidelines have to be fairly precise. So let us ask ourselves then what guidelines, what conditions, do we impose, would the gentleman from New York [Mr. SOLOMON], impose upon the President when he chooses to use this power that he would give the President.

First of all, his bill says that the rescission must reduce the deficit or must reduce the debt or limit discretionary spending. That is tautological. Any sort of cut is going to reduce the deficit or reduce spending. So this is not a standard at all.

□ 1720

That is not a standard because any kind of cut will result in a deficit reduction or a reduction in discretionary spending. Then he says, the rescission must not impair essential governmental functions or harm the national interest. We all know those standards are so broad that they are literally empty, totally subjective. And the President can fill them out any way he chooses to. So this is not, consequently, a delegation. It is an abdication. It is an abdication of power to the President and an abdication, in my opinion, of our duty to uphold and defend the Constitution.

If we want to add a line-item veto to the President's powers, this broad, enormous grant of authority, then there is a way to do it, a right way to do it: Amend the Constitution. Let us not pass a bill that will not pass constitutional muster.

Mr. SOLOMON. Mr. Chairman, I wish I had time to tell the gentleman why the American law division does not agree with him. Ours is constitutional.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. MICHEL], who Members on both sides of the aisle agree is one of the most respected Members ever to serve in this body. We are going to miss you, BOB.

Mr. MICHEL. Mr. Chairman, I rise today in strong support of the amendment before us to H.R. 4600, cosponsored by the gentleman from New York and myself, the only legislative line item veto proposal that will be voted on today.

Masters of redundancy that we are, we are being asked to vote on the base proposal which is identical to legislation that was debated on April 28 and 29 last year and has received no action in the other body. This exercise in congressional deja vu comes down to one question: Do we really want a true legislative line-item veto. If we do, we must support the proposal offered by the gentleman from New York [Mr. SOLOMON] and myself.

Our substitute calls for two-thirds of those Houses to override the President's decision to rescind wasteful and unnecessary spending. H.R. 4600, on the other hand, only speeds up the process that is already in current law. Furthermore, it limits this additional rescission procedure to the 103d Congress. What a farce.

Supporters of H.R. 4600 argue that their approach provides an ironclad up or down vote on the Presidential rescissions sent to Congress under this procedure. That sounds very inspiring. I am really deeply moved, but let us face it, folks. We all know that a special rule can be adopted by the House to preempt that rescission procedure. And if such a rule can be adopted, it will be adopted.

Let me also mention that H.R. 4600 does not contain my proposal that allows the President to veto special interest tax breaks in large revenue measures. But remember, the House overwhelmingly approved my provision to deal with that problem by a vote of 257 to 157 during our first debate on the issue, by 100 votes. At that time, due to procedural maneuvering, I was allowed to offer my tax amendment only to the Republican substitute line-item veto and not to the base bill.

This year both the Solomon-Michel and Stenholm amendments have incorporated this tax proposal.

In conclusion, let me just remind Members that Mark Twain once said, "Always do right. This will gratify some people and astonish the rest."

So let us gratify the people and astonish ourselves by doing the right thing by voting for the Solomon-Michel substitute. It allows the President to rescind unnecessary and wasteful spending and to veto targeted tax benefits that benefit only a particular taxpayer or limited class of taxpayers. The rescissions and vetoes stand unless overridden by two-thirds majority in each House.

This is a substantial and useful tool to control spending. Many Governors have it in one form or another today.

Let us give this same tool to the President. It will be a step in restoring the confidence of the people in this institution.

Mr. DERRICK. Mr. Chairman, I yield myself 4 minutes.

The committee ought to reject the Stenholm-Penny-Kasich amendment, for several reasons. First, it is simply too broad in terms of timing. The amendment would allow a President potentially to set our agenda by letting him propose rescissions subject to expedited consideration at any time, not just within 3 days after signing an appropriations act.

Mr. Chairman, do we really want to give a President the power to force us to set aside other legislation to consider and vote on his rescission proposals, on a timetable selected by him? Under the Stenholm amendment it would be possible for a President to inundate us with rescissions so as to force us to vote on rescissions, day after day. As long as he did not re-use a rescission, he could literally submit one a day all year long.

By comparison, the committee bill requires a President to decide, within 3 days of signing an appropriations bill, what items in each bill he wanted to rescind, and submit those items to Congress as a package for an up-or-down vote.

This is certainly more akin to a true line-item veto than the Stenholm amendment, under which a President could tie up the appropriations committees and the House and Senate to his heart's content.

Second, and just as disturbing, by allowing the President to propose rescissions for expedited consideration at any time, Congress would give the President a very powerful weapon to use against individual Members to extort votes for more spending, or other concessions, that might not well serve the public interest.

For example, the President could threaten to rescind key spending projects in a Member's district, meritorious or not, unless the member voted for the President's favorite project or program.

A President could say to a Member "I'll send up a bill to rescind your new $20 million courthouse unless you vote for my $20 billion space station."

We heard testimony in my subcommittee in the last Congress that Governors can use a line-item veto power not only to reduce spending, but also to increase spending when it suits them. Clearly the Stenholm amendment offers that potential much more so than the committee bill.

Third, unlike the committee bill, the Stenholm amendment contains no expedited procedures for the consideration of a congressional alternative to the President's rescissions. These procedures were devised last year to ensure that giving a President a modified line-item veto will not just give him another tool with which to promote his brand of spending over ours.

Of course, the Rules Committee could always report a rule to provide for the separate consideration of an alternative rescission bill. But under the committee bill the alternative could be considered along with the President's bill in an efficient, orderly process. Under the Stenholm amendment, it could not.

Finally, the Stenholm amendment would make the new procedure permanent. Even if the Stenholm amendment did not have these other flaws, it ought to be temporary rather than permanent. The committee bill is temporary to force Congress to review the experiment and decide, consciously, if it wants it to endure. The same principles that make a sunset provision on a new or existing Federal program attractive and desirable certainly apply here, and for the same reasons.

Mr. Chairman, I urge all Members to oppose the Stenholm amendment and support the committee bill. The committee bill will give the President the tools he needs to sift out low-priority spending without giving him the power to dictate our agenda or to pressure Members to vote for other initiatives. It does the greatest amount of good for the least amount of harm, and it deserves our support.

□ 1730

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Wilmington, DE [Mr. CASTLE], an outstanding example of a Governor who did not abuse the line-item veto.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me, and for his balanced energy on this issue, and on the issue in the Committee on Rules as well.

Mr. Chairman, I have never been involved in anything quite like this in my history of involvement in government. I do not know if it is unique here. It is pretty rare, at least, that we are considering the same legislation that we have passed which has not been considered by the Senate.

If I have to pick one thing we have done in this body in the last 2 years that I would say we should do again, it is this particular bill with these particular amendments, because I do not think there is anything that could help balance our budget faster, and I do not think there is anything on which I would like to see more votes than on this. I basically, as a matter of fact, am going to be able to vote yes on budget items right down the line here, probably, maybe for the first time I have been here.

The original H.R. 4600 of the gentleman from South Carolina [Mr. SPRATT] is watered down, but I think, nonetheless, can be supported. The document of the gentleman from Texas

[Mr. STENHOLM] is remarkably improved in the enhanced expedited rescissions, but it is true that the Solomon-Michel amendment is the one that I think we should support, the true line-item veto.

Mr. Chairman, budgeting at the Federal Government level is extraordinarily complex. We authorize, we appropriate, we use base lines, we use budget caps. We have an entitlement commission. it is very hard to figure out everything that we are doing. It is as complex as anybody has ever dealt with.

The simplicity of the line-item veto I think is clear to every American who has ever paid any attention to budgets. It is so simple that the President will take a pen and draw a line through it and initial it and return it to this body. When this body has to override it, then it goes back to the President again for a vote, and then it would take a two-thirds vote, so essentially the burden would be upon this body to do this.

This has worked. It has worked throughout the United States of America, and I think that it can work here. Unfortunately, Mr. Chairman, the Stenholm amendment and the Spratt resolution, the original bills, would allow the House to operate and the Senate to operate with doing very little. The line-item veto would force us to step forward.

Forty-three Governors have a line-item veto. I have never heard a complaint from any State about that line-item veto. In fact, more and more States keep adopting it. I would encourage all of us to adopt the line-item veto, to vote for that if we vote for nothing else today.

Mr. SOLOMON. Mr. Chairman, there are six cosponsors of this amendment, and we have heard from one, the former Governor of Delaware.

I yield 2 minutes to another, the gentleman from Hamburg, NY, [Mr. JACK QUINN] who is very out front with his support of this amendment.

Mr. QUINN. Mr. Chairman, I thank the gentleman from New York for yielding time to me.

Mr. Chairman, I rise in strong support today for the Michel-Solomon substitute amendment—the real line-item veto.

One year ago, this House considered H.R. 1578 the same expedited rescission bill. One year ago, I joined with my colleagues, Mr. BLUTE and Mr. CASTLE, to try and give President Clinton what he asked for in his campaign: the real line-item veto. On April 29, 1992, Bill Clinton said "I strongly support the line-item veto because I believe we need to get Federal spending under control."

What he got last year, Mr. Chairman, was a watered down substitute. Today the Michel-Solomon amendment is very similar to the amendment we offered a year ago—but with improvements. It is the real thing, Mr. Chairman.

Eighty percent of the people in this country want a line item veto. Forty three of our Nation's Governors have it—and the President should have it too. This is not a political issue—it is a budget issue, and, it is and, should be, a bipartisan issue.

I stand here today with my colleagues as a freshman from the minority party. We joined together to give the President, who is from the majority party, this much needed fiscal reform. It does not matter if you have a "D," "R," or an "I" next to your name. If you support fiscal responsibility and real reform of Congress you should vote for the line item veto.

I understand that the House is trying to send a message to the Senate on the importance of this legislation. I would like to remind all the members of the message the American people sent to both bodies of Congress in the Fall of 1992.

The message was change. We may have heard the cries for reform—but have we listened?

The choice we have before us today is clear. A line-item veto that represents real reform. Or, this Congress can once again pass a toothless reform bill that cheats the American people who desperately want reform.

I urge my colleagues to choose the real thing. Choose the line-item veto and support the Michel-Solomon amendment. Let us get wasteful Federal spending under control, let us help the President, and let us make Congress balance its checkbook.

Mr. SOLOMON. Mr. Chairman, I yield 2 minutes to the gentleman from Shrewsbury, MA [Mr. BLUTE], one of the six cosponsors of this amendment.

Mr. BLUTE. Mr. Chairman, I thank my friend and colleague, the gentleman from New York, for yielding time to me.

Mr. Chairman, today we revisit an issue that should have been decided long ago, giving the President of the United States a true line-item veto authority.

Mr. Chairman, as I stand here today it seems like deja vu, in that we had almost the exact same debate last year. But I welcome this opportunity to again debate—and hopefully this time, pass—the true line-item veto.

The Solomon/Michel substitute is the proposal that we will vote on here today which will have the most impact on out-of-control Federal spending—because, unlike the other amendments, it gives the President the ability to maintain cuts without the approval of Congress. This is the key element to the success of the line-item veto, because it is unlikely that Congress will vote to override unless the President proposes a truly egregious cut. Mr. Chairman, this may put some Members of Congress in an uncomfortable position, but frankly, Congress deserves to be in that position, because it has put America under a mountain of debt and shown no significant signs of dealing with the huge yearly deficits that are slowly but surely weakening our economy.

We all know that the need for permanent reform is clear. In 1960 our total Federal budget comprised 18 percent of our gross national product. By 1990 that percentage had risen to 23 percent. This trend is truly ominous, especially in light of our $4.6 trillion debt, and the true line-item veto is one way to help reverse this trend.

If anyone has doubts about the efficacy of a line-item veto let me just cite a few facts. In the 10 States that have an item-reduction veto, which allows the reduction of a line item and not strictly the elimination, Governors were able to cut the rate of spending by 2.7 percent every 2 years. Also, spending in those 10 States was found to be 14 percent lower than in the States that do not have any line item authority.

Mr. Chairman, I urge my colleagues to support the Solomon-Michel amendment, the true line-item veto.

Mr. STENHOLM. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise in strong support of the Stenholm-Penny-Kasich amendment to the Expedited Rescissions Act of 1994.

First, I would like to commend the House leadership for bringing this important legislation to the floor of the House. I have supported expedited rescission since coming to Congress. In fact, a very similar proposal is included in title V of my "Comprehensive Budget Process Reform Act," which I introduced in the 102d Congress and at the beginning of the 103d Congress.

There has been a great deal of publicity recently about the A-to-Z proposal. The goal of A-to-Z is to open up the budget process, to allow unlimited opportunities to offer spending cut amendments. With respect to discretionary spending, I would like to commend the House leadership for recently allowing an open rule on spending cut amendments for the last 11 appropriations bills. This far exceeded the thrust of the A-to-Z petition, which was limited to cutting fiscal 1994 spending.

I believe that not only should each Member of Congress have and opportunity to propose spending cuts, but the President should also have such an opportunity to propose reductions in spending. The Expedited Rescissions Act which we are voting on today would be a significant step forward in this regard. Quite simply, it would force the House and Senate to vote on Presidential requests to rescind specific items of spending.

I also commend my colleagues, Representatives STENHOLM, PENNY, and KASICH, for offering their amendment. This is a bipartisan effort to improve and perfect the bill before us. Let me explain these improvements.

First, this amendment would make the expedited rescission procedure permanent. Expedited rescission is a much needed change, and should not be limited to the current Congress, as H.R. 4600 does.

Second, the Stenholm-Penny-Kasich amendment allows Presidential rescission messages to be sent at any time during the year, rather than only allowing them immediately after the signing of appropriations bills. This ensures that the administration will be able to make a more careful evaluation of spending that has been approved by Congress, prior to any proposals to rescind.

Third, the amendment makes a number of more technical changes. For example, the amendment allows 50 House Members or 15 Senators to request a vote to strike an individual rescission from the President's proposed rescission package.

Finally, the amendment extends the special rescission procedures to allow Presidential proposals to repeal targeted tax benefits in revenue bills. This is a very important change, allowing consideration of special interest provisions inserted in large revenue bills. I would even suggest that we also include contracting authority within the enhanced rescission authority to be given the President under this bill. If the President had authority to request rescission of appropriations, tax expenditures, and contracting authority, he would have the mechanism to request reduction of all types of Government spending.

In conclusion, I believe these changes are important modifications to the bill on the floor. I urge this body to approve the Stenholm/Penny/Kasich amendment.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] has 2 minutes remaining.

Mr. SOLOMON. Mr. Chairman, I guess we are being charged for a minute of time that my good friend, the gentleman from Florida [Mr. HUTTO] had used.

Mr. DERRICK. Mr. Chairman, I would be delighted to yield an additional minute to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. If the gentleman is so good as to do that, I yield the remainder of our time, my 2 minutes plus the 1 minute given by the gentleman from South Carolina [Mr. DERRICK], to one of the most distinguished Members of the House, the gentleman from Shelbyville, TN [Mr. COOPER], who is a strong supporter and cosponsor of the true line-item veto, to sum up for our side.

The CHAIRMAN. The gentleman from Tennessee [Mr. COOPER] is recognized for 3 minutes.

□ 1740

Mr. COOPER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, today the House of Representatives has for the second time in this Congress the opportunity to consider fundamental and far-reaching budget reform, the real line-item veto. The Michel-Solomon amendment should be passed by this House. This is not and should not be a partisan issue. It is ironic that many of my colleagues on the Republican side of the aisle who often criticize our President today want to give him more power. It is also ironic that many of my friends on the Democratic side who praise our President are keeping his hands tied. As has been noted, 43 Governors have this power. It works. It works well. Our President needs this power.

When Governor Clinton campaigned for office, he asked for this power. One quotation has already been read from his remarks, but in his book "Putting People First," on page 25, which is widely circulated around the Nation, it said, "Line-item veto. To eliminate pork-barrel projects and to cut Government waste, we will ask Congress to give the President the line-item veto."

Mr. Chairman, that book did not say expedited rescission, it did not say modified line-item veto. It said line-item veto. Candidate Clinton was right. Presidents do need this power. Presidents get the blame. Presidents need the power to do something about it.

Mr. Chairman, having served under three Presidents, Presidents Reagan, Bush, and Clinton, I have felt that all three Presidents needed and deserved this power. I am for the real line-item veto because the President with the aid of only one-third plus one in the House can uphold the cut. That is maximum cutting power. That is a very sharp blade when it comes to cutting.

Under the Stenholm-Penny-Kasich expedited-rescission approach, the President would need a simple majority, a half plus one of either House, to uphold a cut. That is still new cutting power, but it is a much duller blade. We have had decades of bias in this country in favor of pork-barrel spending. I think it is high time that the bias should be against pork-barrel spending. The sad fact is that it is so easy to load up a bill with pork. It is relatively easy to get majority support, but it is hard to load it up so high that it can get supermajority support. Our President needs the power to root out pork, he needs the power to stop logrolling. Forty-three Governors know that it works, including former Governor Clinton.

The mere threat of a line-item veto can keep pork out of a bill. The GAO has estimated that as much as $12 billion could be saved annually using this device. There is no estimate so far as I know as to what the expedited rescission would do. My guess is it would be less, far less in cutting power.

The House should pass the real line-item veto tonight and force the Senate to act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON] as a substitute for the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DERRICK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 218, not voting 16, as follows:

[Roll No. 327]

AYES—205

Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zimmer

NOES—218

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Barlow
Becerra
Beilenson
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Chapman

Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Berman
Bishop
Carr
Faleomavaega (AS)
Fields (TX)
Ford (MI)
Gallo
Hefner
McCurdy
Obey
Quillen
Slattery
Thomas (WY)
Underwood (GU)
Washington
Zeliff

☐ 1803

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The Chair would like to advise Members of the further proceedings.

The pending business is the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM]. The gentleman from Texas has 9 minutes remaining, and the opposition, controlled by the gentleman from South Carolina [Mr. DERRICK], has 14 minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Stenholm-Penny-Kasich substitute to the expedited Rescission Act. While I prefer the Solomon-Michel substitute, the Stenholm-Penny-Kasich proposal is an improvement over current law and is a better proposal than the Spratt bill, in my view.

The sponsors of this amendment have been leaders in this House on the important issue of budget reform.

Mr. Chairman, the Stenholm proposal contains a number of improvements over the Spratt bill. First, the Stenholm proposal grants permanent authority for the President to submit rescissions to Congress. The authority under the Spratt bill would vanish in just a few months.

Second, the Stenholm bill allows the President to devote the savings to deficit reduction and prevents Congress from reallocating the funding.

Third, the Stenholm bill allows for votes on individual rescissions rather than bundling all of the rescissions into one all-or-nothing vote on the entire package of rescissions.

Fourth, the Stenholm bill allows the President to submit rescissions any time after an appropriation bill is enacted rather than limiting the President's timeframe to 3 days.

I hope the people will join with me and vote for the Stenholm amendment.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

☐ 1810

Mrs. KENNELLY. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from Texas [Mr. STENHOLM], the Stenholm substitute. The notion of expending rescission authority on targeted tax benefits is misguided, to say the least, in my opinion. While the opponents of this amendment talk about giving the President the ability to strike favors for individual taxpayers, the impact of this amendment—the opponents of this bill talk about this substitute as having the ability to give the President the power to strike individual tax favors to people across these United States. As a member, a 10-year member, of the Committee on Ways and Means, I have not seen too many of those individual amendments in the last 2 to 3 years, and I have to tell the Members and be very clear with the Members that this amendment is actually far broader than is being proposed.

What is a targeted tax benefit? I say to my colleagues, "Well, when you think about it, a targeted tax benefit is virtually every provision in the code with the exception of tax rates. Every other provision in the Internal Revenue Code which does not apply to all taxpayers across the board is a targeted tax benefit. Therefore, any change to the tax code can be construed as being a targeted tax credit and would be subject to rescission under the substitute."

For example, Mr. Chairman, would my colleagues say that in the home mortgage interest deduction, a deduction very important to the people of these United States and, in fact, very important to the homeowners of the people of the United States, is a targeted tax benefit because it does not benefit all Americans? Let us remember many people are renters, and they would not be eligible.

Would my colleagues say that the earned income tax credit that some of us are very proud of that passed in the last budget resolution is a targeted tax benefit? After all, only the working poor, those of moderate income, qualify.

Are these provisions abusive? I certainly do not think so, and I do not think many of the Members of this body think so. This provision is nothing more than flatly an abrogation of congressional authority to the executive branch.

As I serve here in this body and am so proud to serve here, we have some very difficult days, but what I always hand on to, what I always can believe in, is that we are the body of the people, and the Constitution made us the body of the people. Our forefathers said we are the ones who will represent the people of these United States. And this substitute takes away power from the body of the people and gives it to the executive branch.

I know this provision only applies to tax bills sent to the President, but that does not mitigate the delegation of authority to the executive branch. I believe the only thing that will be achieved by the passage of this amendment is increased taxpayers' cynicism, and that is something we certainly do not need any more of.

When we make a mistake, and there has been occasion when the Committee on Ways and Means has made a mistake in drafting a provision, people expect us to fix it, and when we find a program that is not working or a program that encourages fraud, people expect us to fix it, and we have an obligation to correct the code under the Constitution of the United States. This provision will make these kinds of changes much more difficult.

When the Committee on Ways and Means contemplates tax policy changes, we establish an effective date. That is so all taxpayers will notice and will not be caught in the middle of a transaction. We still are a capitalist government that does rely on business transactions. To the extent these dates can be deleted or rescinded as a result of this provision, we are going to see an amazing increase in litigation as taxpayers argue about whether transactions are governed by old and new law.

Mr. Chairman, I can understand that because of the lateness of the day Members do not understand the importance of this. I only hope they look at it and vote "no" on this substitute.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], a most able and capable advocate of the last amendment.

Mr. SOLOMON. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. STENHOLM]. And I want to thank the 205 Members of the House, including 32 good Democrats, who supported the Solomon amendment a few minutes ago. I want to thank the gentleman from Texas [Mr. STENHOLM] because he promised a fair fight. It was a fair fight. My side lost by a swing vote of only 6 votes. Next year we are going to win it. But this year the only major differences between us is this:

I require a two-thirds vote in Congress. That is true line-item veto. The Stenholm substitute requires a majority vote to override the President. That is the real difference. Either way it is going to result in some deficit reduction because the savings, if any, will go to deficit reduction, not new spending.

Mr. Chairman, that is why I am going to support the amendment offered by the gentleman from Texas [Mr. STENHOLM], and I hope everybody else here does.

Mr. DERRICK. Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. PENNY], an original cosponsor and author of this amendment.

Mr. PENNY. Mr. Chairman, I strongly urge support for the Stenholm-Penny-Kasich substitute. This substitute represents several improvements over the Spratt bill.

First of all, Mr. Chairman, our proposal applies to both appropriations and targeted tax benefits while the Spratt bill is restricted only to appropriations. In addition, the President and Congress under our approach would be able to designate the savings from the rescinded funds to deficit reduction. Third, our proposal allows expedited rescission to occur at any time instead of just the 3-day window after an appropriations bill is passed. Finally, our proposal permanently strengthens the rescission process instead of extending it only through the end of this legislative session, as is the case with the Spratt proposal. It is also important to stress that, unlike the amendment offered by the gentleman from New York [Mr. SOLOMON] which was just rejected by the Congress, we do not require a situation in which the President would be successful unless there is a two-thirds override within the Congress. We allow the President's proposed rescissions to be accepted or rejected by a majority vote.

The bottom line, however, is that we require a vote within a relatively limited timeframe. We require that the President's rescission package, having been sent to committee, would be then brought back to the House floor and voted up or down in a limited timeframe.

There are reasons for strengthening the rescission process. Expedited rescission authority would certainly provide the President and the Congress with a stronger tool to reduce the budget deficit. According to a 1992 GAO report, Mr. Chairman, another $70 billion could have been rescinded between 1984 and 1989 if Congress had approved all of the rescissions submitted by the President. Under current law Congress can kill a rescission by simply refusing to bring it to a vote. The magnitude of the deficit crisis should compel us to at least consider every option for cuts that is presented to us by the President.

Under the Stenholm-Penny-Kasich plan, Mr. Chairman, we guarantee that that vote will occur. In addition, expedited rescission authority has greater potential for significant deficit reduction if it is expanded to also include targeted benefits. One of the biggest criticisms of the current expedited rescission process is that it does not include these tax expenditures. Under the Stenholm-Penny-Kasich plan tax items would be included.

Fundamentally we need common sense budget reform at the national level. It is absurd to the American public that in Congress baselines do not represent a freeze on spending. Baselines allow for continuing increases in spending levels. It is nonsense to the American public that in Congress cuts are not cuts. We kill a program, but the money stays in the budget to be spent somewhere else.

□ 1820

It is nonsense to the American public that in Congress cuts are not cuts. We kill a program, but the money stays in the program to be spent somewhere else. It is nonsense to the American public that emergencies are not emergencies. Every time we pass a bill to deal with a natural disaster for one portion or another, we lard it up with pork-barrel spending, and that does not make sense to the American public.

We want to take the budgeting nonsense out of the way we do work in Washington. We want cuts to be cuts. We want the process to make sense. We want to give the President the authority to succeed when he suggests rescissions to the Congress. We want to end the spending bias and put the bias in favor of reducing the deficit.

Under current law, dating from the creation of the Budget Act in 1974, Presidential rescissions automatically expire unless approved by Congress. Like the Spratt bill, our amendment establishes an expedited rescission process whereby the Congress must vote on rescissions submitted by the President. However, we propose a number of changes to the Spratt bill to strengthen this new enhanced rescission process.

First, our amendment grants the President the option of earmarking savings from proposed rescissions to deficit reduction rather than new spending. Second, the President would be able to single out newly enacted targeted tax benefits as well as appropriated items. Third, the amendment allows the President to submit a rescission package for expedited consideration at any point in the year. Fourth, unlike the Spratt bill which establishes enhanced rescission authority for just the remainder of the 103d Congress, the Stenholm-Penny-Kasich amendment permanently extends this new rescission authority. Finally, our amendment provides for separate votes on individual items in a rescission package.

In part, what we attempt to accomplish with this amendment is to alter the prospending bias that exists today in the Congress. According to the General Accounting Office [GAO], just one in three individual rescissions, representing only 30 percent of the total dollar volume of all rescissions, submitted by Presidents since the creation of the Budget Act in 1974 has been enacted. If Presidential rescission messages must be voted on rather than ignored, more wasteful spending will be identified and ultimately extracted from the Federal budget.

The amendment we offer today is a well crafted and modest attempt to inject accountability into the budget process while making the current Presidential rescission authority meaningful. The changes our amendment makes to the underlying bill strengthen and enhance the objective of the author, Mr. SPRATT, and I urge a strong and overwhelmingly vote in support of the amendment.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I would like to follow up on what the gentlewoman from Connecticut [Mrs. KENNELLY] had to say. Just to give you an example, it is very, very difficult for me to believe how the people's House, a body of legislators constitued against the king, this is the commons against the king, and you want to side with the royalists. We have fought since the Magna Carta, from the time of the Magna Carta, to increase the power of the people, and we sit here in 1994 and say we are going to give it back to the royalists? We are going to give it back to the king?

In the last Congress we balanced the request by the executive branch to extend the research development tax credit for major corporations with the provision for low-income-housing tax credit. If you pass this, you allow the royalists to take care of the corporations and take the benefit away from the poor. This is a matter of the commons versus the king. It is a matter of the people of the United States, the people we represent, against the new royalists. Defeat this amendment.

Mr. STENHOLM. Mr. Chairman, I yield the balance of our time, 4 minutes, to the gentleman from Ohio [Mr. KASICH], another original cosponsor and hard worker on this approach.

Mr. KASICH. Mr. Chairman, I want to thank the gentleman from Texas for yielding, and say that this, we think is the start of good things to come with the gentleman from Texas [Mr. STENHOLM] and the gentleman from Minnesota [Mr. PENNY] in a true bipartisan effort, to bring some dramatic change to the way things are done in this country.

Initially, I want to direct my comments to my Republican colleagues who have been very frustrated with the fact that for the past 2 years we have been voting on enhanced rescission bills that we have felt have been toothless.

In fact, last year we made a number of arguments that we said represented a toothless bill on this House floor. They were essentially four in nature.

One was we said that the expedited rescission authority, in other words, the nearly line-item veto, will only last for 6 months. We permanently extend the authority in this provision.

We said it only applies to appropriation bills, unlike the Solomon-Michel bill. We have now included the tax benefits that we read about the next day after the Committee on Ways and Means brings a foot high bill to this floor that has a lot of sweeteners for people to vote for.

We said there was no guarantee that the savings would go to deficit reduction. Under this bill, the President can designate the savings for deficit reduction.

Finally, it has such a limited window for cuts. Under this bill, the expedited rescission, or the essential line-item veto, can be used at any time.

This, ladies and gentleman of the House, represents the most significant movement on trying to control the deficit through the use of the line-item veto that we have voted on and have a chance to pass in this House since I have been a Member of this House. This is precisely what the American people have been calling for, and under this provision, If the President wants to slice the pork out of a bill, he sends that bill up here to the House of Representatives and we must vote. And if at least 50 plus 1 Member say we agree with you, it is pork, we zero out that program. And if in fact these provisions had been made into law starting all the way back in 1984, between 1984 and 1989, we could have cut $70 billion worth of programs that the Presidents of both parties have felt do not make sense.

I would suggest to those people who have fought long and hard for the line-item veto, a constitutional line-item veto, we should still push for it. We should still work for it. But this comes as close as any bill that has been voted on this floor that has an excellent chance of passing, that gives us something right along the lines of the line-item veto, that will permit the President to make cuts in programs, within categories of programs, to send those targeted cuts to this House floor, and we then must vote. And if 50 plus 1 Member agrees, we get rid of the pork.

The gentleman from Minnesota [Mr. PENNY] referred to the pork that is put in these emergency appropriation bills. If we can find that pork, if the President agrees, if he sends it up here, we will vote on it. Under current law, we do not vote. The way in which they let the pork flow through is we just never have a vote. This will force a vote. It will bring real change.

Finally, as you can see, in absence of this kind of legislation, only 31 percent of the rescission requests, only 31 percent of the cuts that the Executive has made since 1984, have been enacted. Sixty-nine percent of them have never been acted upon. And if this House of Representatives was forced to vote on the President's reductions in spending, if in fact we only needed 50 percent plus 1 Member, we would be in a position of having the opportunity to pass 69 percent more in cuts.

I urge the Members to send the message across this country that we want a line-item veto, that we want to control spending, and that STENHOLM, PENNY, and KASICH are on the right track. Let us give a giant vote and send a message to the other body that we want some fiscal responsibility in this country.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. The gentleman's comments would lead you to believe that we were derelict in our responsibilities. In fact, we did not rescind every dime requested of us by the President, but we actually rescinded more than we were asked to, by $20 billion, since the Budget Act of 1974 was enacted.

The gentleman would have us believe that the only way we could accommodate the need to rescind spending or use the euphemism we use for line-item veto, is to accommodate the executive branch. The point is, we went beyond the executive branch. We rescinded more money by some $20 billion during that time frame.

This is not a question of whether we save money. It is a question of whether the Congress reasserts its priorities under the Constitution.

The bottom line is the public has been served. We have rescinded some $92 billion. We were asked to rescind $72 billion.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding.

Let me follow up on what the gentleman from Ohio [Mr. KASICH] just said by saying first of all, there are parts of this amendment that I support, I like, and I think they are improvements upon the base bill that I sponsored. But there is one particular part that I particularly disagree with, and it cuts against the grain of the gentleman's argument.

The gentleman says with this bill, with this amendment, we are going to be able to do a great deal more on the rescission requests sent up here by the President.

One of the things this bill opens up is the opportunity for us to unpack the package that the President sends down here. Because whereas in our bill, the base bill, you would have to vote on the President's request as he sends it, in your bill, on the petition of 15 Members, you can break out individual items. That means Members from large States and powerful members of powerful committees will be able to pick pieces out of this and ensure the President does not get a full all-up vote on the proposal or package he sends up here, and I think that is a weakness in this proposal.

Mr. DERRICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a great deal of respect for the gentleman from Texas [Mr. STENHOLM].

We all want to cut the budget, at least we think we do, and the American people certainly want it cut.

☐ 1830

I have heard mentioned all afternoon that 43 Governors have some form of line-item veto. My Governor of South Carolina is one of them. Very seldom does a Governor of one of these States use a line-item veto to reduce spending. Most of the time they use it for their own pet projects.

When Presidents complain that their vetoes are not strong enough, they forget that 93 percent of all Presidential vetoes in history have been sustained. So neither one of these arguments holds water; we are not going to see some miraculous cutting of the deficit if we pass the Stenholm amendment or the bill.

There is only one way we are going to do what the gentleman from Texas [Mr. STENHOLM] ultimately wants to do and what we all want to do. We either spend less or take in more. That is how to balance a budget. There are no quick fixes. This will not be a quick fix.

Mr. Chairman, the Stenholm amendment has serious flaws. The committee bill is a better product, for the reasons I stated earlier. I ask the Members to vote against the Stenholm amendment and support the committee bill.

The CHAIRMAN. All time has expired. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 298, noes 121, not voting 20, as follows:

[Roll No. 328]

AYES—298

Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Browder
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fingerhut
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lucas
Machtley
Maloney
Mann
Manzullo
Margolies-Mezvinsky
Martinez
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (NC)
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thornton
Thurman
Torkildsen
Torricelli
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—121

Abercrombie
Ackerman
Applegate
Becerra
Beilenson
Bevill
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
de Lugo (VI)
DeLauro
Dellums
Derrick
Dingell
Dixon
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gonzalez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Hoyer
Jefferson
Johnson, E. B.
Kanjorski
Kennelly
Klink
Kopetski
Lewis (GA)
Lipinski
Lowey
Manton
Markey
Matsui
McCloskey
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal (MA)
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Pickle
Rahall
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sarpalius
Sawyer
Scott
Serrano
Smith (IA)
Stark
Stokes
Studds
Swift
Synar
Tejeda
Thompson
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Whitten
Woolsey
Yates

NOT VOTING—20

Berman
Burton
Calvert
Carr
Faleomavaega (AS)
Fields (TX)
Fish
Ford (MI)
Gallo
Hefner
McCurdy
Murtha
Obey
Quillen
Slattery
Thomas (WY)
Underwood (GU)
Washington
Wheat
Zeliff

□ 1851

Messrs. BREWSTER, RANGEL, and HINCHEY, and Mrs. LOWEY changed their vote from "aye" to "no."

Ms. SLAUGHTER and Messrs. DICKS, PETERSON of Florida, RICHARDSON, and COX changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. DE LA GARZA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4600) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, pursuant to House Resolution 467, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GIBBONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 342, noes 69, not voting 23, as follows:

[Roll No. 329]

AYES—342

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fingerhut
Flake
Foglietta
Frank (MA)
Franks (CT)
Franks (NJ)
Frost

Furse
Gallegly
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Montgomery
Moorhead
Morella
Murphy
Myers
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOES—69

Abercrombie
Applegate
Becerra
Beilenson
Bevill
Borski
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Dellums
Dixon
Edwards (CA)
Engel
Evans
Filner
Gephardt
Gibbons
Gonzalez
Hamburg
Hastings
Hilliard
Jefferson
Kanjorski
Kennelly
Klink
Kopetski
Lewis (GA)
Matsui
McDermott
McKinney
Meek
Menendez
Mfume
Mink
Mollohan
Moran
Nadler
Oberstar
Owens
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Smith (IA)
Stark
Swift
Synar
Torres
Towns
Traficant
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Woolsey
Yates

NOT VOTING—23

Berman
Blackwell
Bonior
Burton
Calvert
Cardin
Carr
Fields (TX)
Fish
Ford (MI)
Ford (TN)
Fowler
Gallo
Hefner
McCurdy
Murtha
Obey
Quillen
Slattery
Thomas (WY)
Washington
Wheat
Zeliff

☐ 1911

Mrs. KENNELLY, Mr. RUSH, and Mr. DIXON changed their vote from "aye" to "no."

Mr. OLVER changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. FOWLER. Mr. Speaker, on rollcall No. 329, I was unable to vote due to family obligations back home. Had I been present, I would have voted "yes" on final passage on H.R. 4600.

PERSONAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, I was unavoidably detained during votes on H.R. 4600 on July 14, 1994. Had I been here, I would have voted in favor of the Solomon amendment (Roll No. 327); in favor of the Stenholm amendment (Roll No. 328); and in favor of final passage of H.R. 4600 (Roll No. 329).

PERSONAL EXPLANATION

Mr. THOMAS of Wyoming. Mr. Speaker, on Thursday, July 14, I was en route to Wyoming to attend a hearing on the administration's rangeland reform initiative and I was unable to make several votes that afternoon. Had I been present, I would have vóted "aye" on rollcall No. 327, the only true line-item veto—the Solomon substitute. After that failed, I would have voted "aye" on rollcall No. 328, the Stenholm substitute. Upon the passage of Stenholm, I would have voted "aye" on rollcall No. 329, final passage.

GENERAL LEAVE

Mr. SPRATT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 467 and H.R. 4600, the bill just considered and passed.

The SPEAKER pro tempore (Mr. SWIFT). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO HAVE UNTIL MIDNIGHT FRIDAY, JULY 15, 1994, TO FILE REPORT TO ACCOMPANY H.R. 3838, THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs have until midnight on Friday, July 15, 1994, to file a report to accompany H.R. 3838, the Housing and Community Development Act of 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 474 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 474

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3937) entitled the "Export Administration Act of 1994". The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed ninety minutes, with fifteen minutes equally divided and controlled by the chairman and ranking member of the Committee on Foreign Affairs, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Committee on on Ways and Means, and fifteen minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4663. That amendment in the nature of a substitute shall be considered by title rather than by section, and each title shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment directly or indirectly changing section 111(c)(2)(B)(iii), 111(d)(4)(F), 111(e)(3), or 226(b)(8) of the amendment in the nature of a substitute made in order as original text shall be in order. No amendment affecting the subject of timber shall be in order. It shall be in order to consider the amendments printed in the report of the Committee on Rules accompanying this resolution only in the order printed. Each amendment printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. If more than one of the amendments printed in the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. Except as provided in section 2 of this resolution, no other amendment (other than a further amendment in the nature of a substitute) may directly or indirectly change a portion of the amendment in the nature of a substitute made in order as original text addressed by an amendment printed in the report. Except as provided in section 3, no other amendment to the amendment in the nature of a substitute made in order as original text shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the commencement of consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment finally adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. It shall be in order immediately after the disposition of the amendments printed in the report of the Committee on Rules accompanying this resolution to consider additional amendments directly or indirectly changing a portion of the amendment in the nature of a substitute made in order as original text addressed by an amendment printed in the report of the Committee on Rules, if offered by a Member designated jointly by the chairman and ranking minority member of the Committee on Foreign Affairs and the chairman and ranking minority member of the Committee on Armed Services. All points of order against such additional amendments are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Foreign Affairs or a designee to offer amendments en bloc consisting of amendments otherwise in order to the amendment in the nature of a substitute made in order as original text or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for ten minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. All points of order against such amendments en bloc are waived. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendment en bloc.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, export control laws are designed to keep potentially dangerous technologies out of the hands of nations that threaten the entire international community.

H.R. 3937 takes a major step forward in export control policy by shifting our focus from an outdated cold war framework to the new threat posed by the proliferation of weapons of mass destruction.

This is an important issue and an important bill and I urge my colleagues to support it.

Mr. Speaker, House Resolution 474 is a modified open rule for consideration of H.R. 3937, the Export Administration Act of 1994.

The rule provides a total of 90 minutes of general debate to be divided between the six committees with jurisdiction over the bill.

The rule makes in order the text of H.R. 4663 as an original bill for the purpose of amendment. This compromise text represents an agreement between the various committees of jurisdiction.

Under the rule, this compromise bill would be open to amendment at any point, with two exceptions:

First, the rule does not allow amendments on the sections of the bill reported by the Ways and Means Committee—these provisions deal with sanctions.

Second, the rule prohibits amendments affecting the subject of timber.

The Rules Committee felt it best to leave undisturbed the timber provisions reported by the Foreign Affairs Committee, and consequently, consciously chose the very broad language of this prohibition.

The use of the word affecting reflects a judgment that the rule should foreclose not only amendments making explicit references to timber per se, but also amendments that have effects on timber different from those proposed in the original—text substitute that was derived from the product of committee deliberations.

The rule also requires that all amendments be printed in the CONGRESSIONAL RECORD prior to consideration of the bill.

The rule establishes an orderly procedure for consideration of the matters in dispute between the Foreign Affairs Committee and the Armed Services Committee. The rule provides for the consideration of the Dellums and Hamilton amendments under a king-of-the-hill procedure.

If the matters in disagreement are resolved, the rule allows the bipartisan leadership of the two committees to offer an en bloc amendment consisting of the compromise text.

Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, this is a fair rule, and I urge my colleagues to support it.

☐ 1920

Mr. SOLOMON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Bellevue, WA [Ms. DUNN].

Ms. DUNN. Mr. Speaker, I rise in support of the bill for the Export Administration Act and ask my colleagues on both sides of the aisle to support this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say that the gentleman from Tennessee has done a good job in explaining one of the most complicated rules to come before the House in a long time.

I hope that Members will not oppose this rule, because it represents the best that could be done under the difficult circumstances that surround the bill.

Mr. Speaker, the Export Administration Act has always presented difficulties on the floor of the House because it is an extraordinarily important statute which happens also to be highly technical in nature and something that does not lend itself to superficial analysis or debate.

The Export Administration Act sets forth the policies, procedures, and institutional oversight concerning the export of so-called dual-use items—civilian products, commodities, or technologies that have potential for military applications.

In controlling the export of such dual-use items, an appropriate balance must be struck between the absolute imperative of protecting the security of the country and the legitimate needs of the U.S. community to remain competitive in international markets.

It might be said that this rule has to strike a balance, too.

And without repeating everything that was said by the gentleman from Tennessee, I would like to comment on at least one of its most important aspects.

Members are aware that the Committees on Foreign Affairs and Armed

Services have taken sharply divergent positions on the question of which Federal department should have primary responsibility for handling the export licensing review process—indeed, this is one of the most important issues affecting the entire bill.

The rule now before us seeks to settle this controversy by means of a king-of-the-hill procedure.

First, the House will have a 60-minute debate and a vote on a package of en bloc amendments to be presented by the Committee on Armed Services.

Then, the House will have a 60-minute debate and a vote on a package of amendments to be presented by the Committee on Foreign Affairs.

Mr. Speaker, the important thing is this: Every Member will have the chance to cast a clean-cut vote—up or down—on the Armed Services proposals that make the Defense Department a co-equal partner with the Commerce Department in handling the export licensing review process.

If the Armed Services amendment passes and the Foreign Affairs amendment does not, the bill will be substantially improved.

Indeed, I believe that the uncertainties of the times and the complexity of modern technology argue for greater participation by the Defense Department, not less.

But if the House chooses to pass both the Armed Services and the Foreign Affairs amendments, the net effect will be to move the bill at least some distance away from its present position that favors the Commerce Department so decisively.

In any event, the rule provides us with a means of sorting out these questions—and for that reason I can forgo my usual opposition to king-of-the-hill procedures.

Mr. Speaker, it must also be pointed out that the rule provides the Committees on Armed Services and Foreign Affairs with the right to offer a compromise amendment on export licensing if they can somehow work out their differences.

In addition, I believe it is worth noting that the rule does not—repeat, does not—impose any time limit on the consideration of amendments under the 5-minute rule.

So long as amendments are germane and have been printed in the CONGRESSIONAL RECORD prior to consideration of the bill, there is no time limit placed on their consideration under the regular 5-minute rule.

Mr. Speaker, I would like to spend the rest of my time addressing the specific concerns I have concerning the bill this rule makes in order.

H.R. 3937, as reported by the Committee on Foreign Affairs, represents a fundamental shift in the way America will seek to control the export of dual-use items.

The single most important element in this bill is the establishment of a statutory relationship or integration between U.S. policies on the export of dual-use items and the policies maintained by the multilateral export control regimes of which the United States is a member.

In other words, from here on out, our Government will be relying almost exclusively on a multilateral approach for the establishment and enforcement of export control policies.

This causes me great concern, Mr. Speaker, especially when I observe the performance of an administration that seems to view multilateral organizations as a substitute for U.S. leadership—instead of places where America must lead.

Many of the provisions in this bill will have to be subject to further multilateral negotiations before they can be implemented, and they will have to be reinforced constantly and consistently in order to be effective thereafter.

Is the Clinton administration up to this kind of challenge? Frankly, I doubt it.

One need only look at the floundering attempts to establish a new consultative organization among the major Western industrial democracies to see that a multilateral approach to export controls, as envisioned in this bill, is the equivalent of hanging out a fire sale sign.

Then there is the whole issue I mentioned earlier: The question of which Federal department should be the lead agency in this new process.

This bill would give the Commerce Department almost exclusive control, and that really alarms me.

During the 1980's, I found the Export Licensing Office at Commerce to be a shoestring operation more suited for a Charles Dickens story than for keeping up with the analytical demands imposed by modern technology and the multitude of dangerous places to which such technology can be diverted.

Does the Commerce Department have the qualified personnel, the data base, the technical infrastructure and, most importantly, the commitment to undertake these new responsibilities? Frankly, I doubt that too.

In short, Mr. Speaker, I seriously question whether our Government presently has either the political will or the administrative know-how to make good on the multilateral approach to export controls that this bill sets up.

Our country has already fought one war against a dictatorship that managed to arm itself with military aid and dual-use technology from Western sources.

And unless Members think the United States can afford to conduct another operation Desert Storm any time soon, they had better take another look at this bill.

Mr. Speaker, I have grave reservations about much that is contained in this bill.

But debate in the House must go forward. I hope Members will not oppose this rule, which was put together in a very painstaking process in order to be fair to all committees involved.

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS TO H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994—JULY 12, 1994

1. Highest vote wins on King-Of-The-Hill—(Vote: Defeated 4-5). Yeas—Solomon, Quillen, Dreier, Goss. Nays—Moakley, Derrick, Beilenson, Bonior, Gordon. Not voting: Frost, Hall, Wheat, Slaughter.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A		
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti-Redlining in Ins	N/A		

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO Mr. Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for yielding a generous amount of time.

This is an extraordinarily important issue which I will bring before the House to the people of the Pacific Northwest and indeed to the people of America, goes to the future of our forest resources and the future of the lumber and sawmill industry in the Northwest. I had intended to offer a totally germane amendment to the Export Administration Act pertaining to the export of raw logs, finding there was a critical short supply of raw logs in the Pacific Northwest and at that point directing the Secretary of Commerce, as the law provides, to restrict such export.

This, as the gentleman said, is a very complicated rule. It is the most unusual and discriminatory rule I have seen in my years in the House. It is, as the gentleman from Indiana [Mr. HAMILTON] requested, nearly an open rule with the exception of the complicated amendments for DOD. It is an open rule with one exception. This rule says that no amendment relating to the subject of timber shall be in order. That is quite unusual, to say the best. The intent of that rule and the intent of that gag order is to keep me and some other interested Members from offering an amendment to stop exporting our logs overseas while we close mills in this country.

Mr. Speaker, in the Pacific Northwest we have 434 sawmills, and we are the timber breadbasket of the world. We are the timber breadbasket of the world. Strangely enough, in Japan, where they do not harvest a single tree, 16,000 sawmills are operating, and they are operating principally with logs exported from the Pacific Northwest. The price of lumber, as we heard earlier, has gone up dramatically. We need to deal with the situation.

The Japanese allow our logs in without restriction, without barrier, without tariff, but our more efficient sawmills are not allowed by tariff and nontariff barriers to bring their lumber and sawmill products, their processed products, their manufactured products, products that are employing working Americans into their country. My colleagues will hear later how there is a great effort to get our lumber products into Japan. We are sending less lumber products into Japan today than we did in 1989.

Are we going to keep acting like a colony? Are we going to keep giving them the logs, or are we going to stand up for the industrial interests and working people of this country?

This is a rare moment. This is a moment where labor and environmental groups stand together. They both wish to see this amendment voted upon.

I do not know what the concern is, why after I submitted testimony to the Committee on Rules, no one testified against the open rule, no one testified against my proposed amendment, but strangely enough these words appear in this rule: No amendment regarding timber. Why is it that some powerful interests in this House are afraid of having a vote on this issue. I ask,

Don't they think they can win this issue? Don't they think they can make the argument that timber isn't in short supply in the Pacific Northwest? Don't they think they can make the argument that the Japanese are great trading partners and we should keep giving them our logs and keep letting them discriminate against our finished products?

Of course not. It is absurd. They would be laughed out of here. People would want to stand up, for once, for America and for our resources.

I would like to insert into the RECORD a letter from a mill owner in my district who previously opposed restrictions on these log exports and now exports them and is operating only today with logs purchased off export docks in Washington State because the Japanese are in a recession, and their market is down, and, as soon as their market goes back up, his mill will close along with dozens of other mills in the Pacific Northwest.

I would urge my colleagues to oppose this rule. I particularly urge my Republican colleagues who normally oppose restrictive rules to be consistent and oppose this rule. This is a gag order. One subject and one subject only will not come before this House, an important subject, whether or not the United States will be an industrial nation and will stand up to the unfair trade practices of Japan and whether or not we will husband these resources and put Americans to work.

This is not an issue of small wood lot owners. It is an interest of the largest log exporting corporation in America. Those small wood lot owners would come out whole if we kept these logs, and the price of stumpage will never come down again. We are headed toward an indefinite shortage of logs. There will be no harvest on Federal lands for the indefinite future. They will make money beyond their wildest dreams of a few years ago. So, this is not going to disadvantage small wood lot owners, but it will disadvantage some very powerful log exporting interests, and it will disadvantage the Japanese and their restrictive barriers against our finished wood products.

MAY 9, 1994.

Congressman PETER DEFAZIO,
Longworth House Office Building,
Washington, DC.

DEAR PETER: As I have told you several times in the past, I am philosophically opposed to the limitation of log exports. I also felt that the type of logs being exported were not the kind we could use and I also thought that the exporting companies would not sell their logs to us but would withhold them from the market.

I was wrong on all counts. We have been existing almost entirely on export quality logs purchased from the exporters since last July when the export market crashed. We would have been all through by now if this hadn't happened. The size and quality of logs has been similar to what we had been buying on Government sales and the price we paid has allowed us to operate at a profit.

We realize that this is a short term phenomena and when ever the Japanese decide to return to the market it will be all over.

I have read your proposed legislation and I agree it is something that is sorely needed to tide us over until some sense can be returned to the Federal timber sale program. I still think that the ultimate solution lies in a sensible sale of Public timber on a sustained yield basis.

In the interim, you have my full support on your proposed bill.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], our minority whip.

☐ 1930

Mr. GINGRICH. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I just want to report to the House it is my understanding, checking with our wise colleagues on our side on the Committee on Rules, that on all of the basic, substantive matters in which, for example, the Committee on Armed Services asked for a very broad range of amendments to be made in order, they were made in order.

I just wanted to say to my colleague from Oregon [Mr. KOPETSKI], that if at any time we had ever had his help in voting against any of the gag rules and restrictive rules which we had opposed, I would be sympathetic. In this case I suggest to you this is a good educational experience for you. You might in the future join us in voting for open rules, but I would urge all of my colleagues to vote "yes" tonight.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Speaker, I would like to commend the gentleman from Georgia for his very artful statement.

I just want to stand up here and tell you a little bit about log exports in the Pacific Northwest. I want to make sure that all my colleagues know a couple major facts:

This Congress has passed restrictions so that all Federal logs off of our Federal lands stay at home. And a few years ago, under the leadership of the gentleman from Washington [Mr. SWIFT] and the members of the Washington-Oregon delegation, we passed a second law that said all of our State logs stay at home.

We basically said that all public logs off of public lands will stay home and be available to the industries of the Northwest. We drew the line there because we felt that the private property owners, the small wood lot owners of the Northwest who own this property and have one chance every 50 years or so to harvest it, had a right to sell it where they could make the most money. I mean, this is a basic private property right.

I think we as a Congress should not get into the middle of this. We have got a whole short supply legislation. It is already on the books. It is very carefully drawn, so that when the Secretary of Commerce gets a petition, he holds a hearing, he hears all the evidence.

What the gentleman from Oregon [Mr. DEFAZIO] is doing is prejudging the entire matter. He is saying that there is not to be any weighing of the evidence, there is not to be any hearings, there is not to be any administrative hearing, to determine whether in fact there is a requirement for this to be imposed. He just imposes it.

That is why the entire Northwest delegation, I believe, opposes what the gentleman is attempting to do here today.

I think the rule is a good rule. I think the rule should be supported by the House. The gentleman from Connecticut [Mr. GEJDENSON] was the one who felt very strongly that he did not want this issue to entangle his bill. We have got to get this Export Administration Act legislation through the Congress. There are some very important legislative provisions in the bill.

So I want to say again to my colleagues, we have restricted all public logs. We have kept those at home. We have made a judgment that private logs, the private landowner, ought to be able to export those logs, if that is where the best market is.

I think, frankly, what the gentleman from Oregon [Mr. DEFAZIO] does almost violates GATT, because in a sense, what it does is subsidize some of the mills in his area. What he wants to do, frankly, to get it right down on the table, is take logs from Washington State and move them down to Oregon. If I were in his shoes, I would probably be doing the same thing. But we would just like to keep our logs where they are and let our little wood lot owners and some of our major companies export them, if that is what they want. I hope that they keep a lot of those logs at home.

In fact, when you look at the facts, when they cut down an area, about 50 percent of it is exported, and 50 percent of it goes to these little mills that the gentleman from Oregon [Mr. DEFAZIO] says he wants to help.

So they are benefited by the fact that a Weyerhauser is exporting. Because when they export, they also provide logs to the local mills, because only 50 percent of it is exported. The other 50 percent stays at home.

So I would urge the House to stay with the Northwest delegation and support the Committee on Rules, and protect private property rights again. This will be the test vote on whether you are for private property or not in this session of Congress.

Thank you very much.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. GILMAN] the ranking member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to rise in support of H.R. 3937, the rule, and I want to join my colleague and friend from New York [Mr. SOLOMON] in supporting H. Res. 474, providing 90 minutes of debate and a preprinting requirement of H.R. 3937, the Export Administration Act of 1994.

Mr. Speaker, this rule provides time for a discussion of EAA issues by all committees with a jurisdictional interest in this legislation including Foreign Affairs, Armed Services, Judiciary, Public Works and Transportation, Ways and Means, and Intelligence.

It also makes in order two omnibus amendments from the Armed Services Committee and the Foreign Affairs Committee on the interagency process in controlling exports. As such, it provides both our committees with ample time to present their alternative approaches to reforming the present antiquated export control system.

The bill we bring before you today enjoys bipartisan support and represents a good faith effort on the part of the many members of our committee to compromise their differences between proponents of license liberalization and advocates of greater national security controls.

Some of the provisions in the bill reported out of the Foreign Affairs Committee have prompted our colleagues on the Armed Services Committee to propose an omnibus amendment that would greatly expand the role of the Secretary of Defense in the licensing and listmaking process, in some instances at the expense of State Department and other agencies.

In an effort to bridge our differences with this committee over the role of the Departments of Defense and Energy in the export licensing process, I have actively participated in a process leading to a Foreign Affairs Committee substitute which narrows the key differences between our two committees.

I stand ready to continue these efforts with my colleagues on both committees with the goal of ensuring a compromise effort that overhauls and streamlines our licensing system without compromising our national security or foreign policy interests.

I urge my colleagues to support the rule for this important legislation.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, this is, as the gentleman from Oregon [Mr. DEFAZIO] says, this is an issue that really should be roundly debated and should be voted on by this House.

Now, we allow the Japanese to buy our raw products, to buy our logs, to buy our wood chips, when the Japanese totally deny us access to their markets. It is absolutely crazy for us to continue to do this.

It is environmentally unsound for us to continue to do this. In my district, the Japanese are buying an immense amount of hardwood chips, which brings immense pressure on the forests. And, unlike what the gentleman from Washington [Mr. DICKS] said, the forests in Texas, the public lands, are not protected from exports. Hardwood off the public lands, off the four National Forests in my district, are currently being exported to Japan, and Japan does not allow us to bid on one ton of paper, one package of plywood, or one board foot to lumber. That is extremely important.

I would further like to say, and I think it is the real crux of the matter, the major timber companies of the Northwest closed their mills, they blamed the spotted owl, and then they sent their logs to Japan. It is an unspeakably stupid situation that Americans have placed themselves in.

Mr. DICKS. Mr. Speaker will the gentleman yield?

Mr. WILSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I would just correct the record. I mean, most of our major companies have not shut down. There have been some small independent companies that have shut down, and that is a big pain and very difficult thing for me to accept. That is why we have kept the public logs at home off of our State lands to try and help them out.

Mr. WILSON. Mr. Speaker, reclaiming my time, that is only in the west. That is not in Texas. I have been unable to get that provision added. But my district is full of small independent mills that have come there because of shortage of timber from your district, or from the Northwest.

I would also like to say that the gentleman from Washington has represented this as being an issue on which the Northwest delegation is totally united. I would point out that certainly the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Montana [Mr. WILLIAMS] would represent the Northwest as well, and certainly they are not together on this.

But the important thing is that we blame the spotted owl, we blame environmental concerns, for the shortage of timber, for the shortage of jobs. And at the same time we do that, we are exporting an enormous amount of raw timber to Japan, who will not give us access to their markets. Therefore, I oppose this rule.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

□ 1940

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

As the gentleman from Texas just said, there is far from unanimity among northwestern Members of Congress. I am in opposition to this rule and its exclusion of a discussion regarding logging exports. Quite frankly, I was surprised to see that out of all the commodities that are affected by this legislation, only timber was selected out for the gag order. I certainly have to ask why that gag was put forward and I hope my inquiry will produce a plausible explanation.

Could it be that the managers of the ultimate legislation are not aware of the constant controversy that surrounds timber harvest in the Pacific Northwest? Could it be that there is someone out there or even more importantly in here that does not know that large timber corporations are squeezing out independent mill operators and doing it through exports and underbidding for sales of Federal timber? Have some folks not heard that the Japanese are hoarding our raw logs in their harbors at the same time that they are trying to reform America's timber management policies?

Could it be that some of our colleagues do not know that more than twice as many jobs are created in the manufacturing and processing of wood products compared to the number of jobs associated with the export of American logs?

Perhaps some Members of the House do not understand that the injustice and the tragedy of the northwest timber crisis does not fall just on the land and the despoiling of the land, but in the small towns and small mills that suffer now as a result of earlier administration policies which ratcheted up timber harvesting at levels which simply cannot be sustained and which were in violation of United States law.

It seems to me that the only winner on the silencing of the very real interests facing my State and the West is the large timber corporate interests that want us to set conservation policy on the needs of their bottom line.

And so I call, as does the gentleman from Oregon [Mr. DEFAZIO], for at least the opportunity to present the case that the majority of our constituents urge us to make.

If my colleagues are unaware of the timber problems out West, the floor of the House is an excellent place to get that information. I urge my colleagues to reject this rule and remove the gag on our concerns about the continued exporting of American raw logs to the countries of the eastern rim.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I rise in strong opposition to this unfair rule and urge my colleagues to vote it down. This rule makes every amendment in order except the one offered by the gentleman from Oregon [Mr. DEFAZIO], dealing with timber exports. We can and should defeat it and tell the Committee on Rules to come back with a truly open rule. It seems to me that if we want to do an open rule, let us do an open rule. If we want to do a closed rule, let us do a closed rule. But let us not do a rule which is wide open with the exception of one issue which is of great importance to one section of our country and to millions of our citizens.

Mr. DEFAZIO's amendment is an eminently sensible one. It will allow us to deal with the antieconomic and antienvironmental practice of exporting our timber as raw logs, rather than creating jobs by processing them here at home. This amendment protects both workers and the environment. And I should tell my New England colleagues that the problem it deals with is not just in the Pacific Northwest—it is a growing problem for us in the northeast as well.

More and more logs, especially of valuable hardwoods, are being exported from New England to Europe, Japan, and to Third World countries. Timber industry workers in Vermont have told us how logs are being shipped across the border to Canada, and then returning to us as processed wood products—undercutting their jobs. It is time to stop this. It is time for us to stand up to the big timber companies and tell them to stop exporting American forests and American jobs.

I urge the Members of this body to support fair trade, to support environmental protection, and to support American workers. Vote "no" on this rule.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I, too, am very disturbed that the DeFazio amendment was not allowed to be made in order under this rule. We had an opportunity to address the concerns of the economy in California and elsewhere in the country by reducing the price of timber or lumber to the home building industry and to others and to address the question of workers in the northwest and to realize what this country has done in trying to settle the northwest dispute and bringing the settlement of that onto Federal lands which would reduce the cut and, therefore, we were hoping that some of the private companies would assist us in putting that timber onto the market so that those mills could stay open in Oregon and Washington. And we could realize the benefits elsewhere in the country in lower lumber prices.

This is good for the home builders. It is good for the real estate industry. It is good for the carpenters. It is good for the laborers and people who work in that field. It is good for the people who are trying to find jobs in small mills, and it is very good for the American economy.

But unfortunately, it was not allowed in. We should vote against this rule for that reason. As has already been pointed out here, this is the only commodity, the only subject matter of this entire bill where we can offer no amendment, no discussion of this, because of the nature of this closed rule. It ought to be voted against. The minority leader ought to vote with me because I have supported open rules all the time. I have been on the floor under an open rule longer than any member in history.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

We have had a very interesting discussion here about open rules. It sounds like we will have more support for open rules from the other side, which is terrific. The subject of this, however, really goes beyond just the timber discussion.

I think to get back to what this rule is about and the complexity of the subject here, we have got a major confrontation between national security and free enterprise. They came into conflict. We have six committees of jurisdiction and we have three executive agencies out there. We have the Department of Defense squaring off against Commerce and the State Department refereeing. This is a very complicated subject. This debate has gone on a long time. It is going to go on a lot longer.

I think that the Committee on Rules has crafted as good a rule as was possible. I am not sure of all of the ins and outs of the timber problem. I am sorry for the concern. Now Members know how we feel quite often over here.

I do urge my colleagues on our side of the aisle, because of the overriding concerns on national security and the need to get rid of unnecessary entanglements to profitable enterprise, to support this rule so we can get on with general debate and the amendments.

Mr. Speaker, I yield back the balance of my time.

Mr. GORDON. Mr. Speaker, in conclusion, let me just say this is a bipartisan modified open rule with broad support.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER (Mr. HASTINGS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DEFAZIO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 188, nays 157, not voting 89, as follows:

[Roll No. 330]

YEAS—188

Abercrombie
Ackerman
Andrews (NJ)
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Barrett (NE)
Bartlett
Bateman
Becerra
Beilenson
Bereuter
Bevill
Bilirakis
Bishop
Bonior
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Canady
Cantwell
Chapman
Clement
Collins (GA)
Combest
Cooper
Coppersmith
Cramer
Crapo
Darden
de la Garza
DeLay
Dellums
Derrick
Dicks
Dixon
Dunn
Edwards (CA)
Engel
Eshoo
Fawell
Fazio
Fields (LA)
Fingerhut
Flake
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Gordon
Goss
Grams
Hamilton
Harman
Hastert
Hefley
Hoagland
Hobson
Hochbrueckner
Hoyer
Hunter
Hutto
Inglis
Inslee
Istook
Jacobs
Johnson (CT)
Johnson, E. B.
Johnston
Kasich
Kildee
Kingston
Klein
Kolbe
Kopetski
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Leach
Lehman
Linder
Livingston
Long
Lowey
Lucas
Machtley
Mann
Manton
Manzullo
Markey
Matsui
Mazzoli
McDade
McDermott
McHugh
McNulty
Meehan
Mfume
Michel
Miller (FL)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Myers
Neal (MA)
Neal (NC)
Nussle
Ortiz
Packard
Pallone
Pastor
Paxon
Peterson (FL)
Pickett
Pickle
Portman
Price (NC)
Pryce (OH)
Quinn
Reed
Regula
Reynolds
Roberts
Rogers
Rohrabacher
Rose
Roth
Rowland
Roybal-Allard
Royce
Sarpalius
Sawyer
Saxton
Schaefer
Schroeder
Schumer
Sensenbrenner
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Spence
Spratt
Stearns
Stokes
Sundquist
Swift
Talent
Tanner
Tejeda
Thornton
Towns
Traficant
Unsoeld
Velazquez
Visclosky
Watt
Weldon
Whitten
Wolf
Wyden
Wynn
Young (AK)
Zimmer

NAYS—157

Allard
Andrews (ME)
Archer
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bilbray
Blackwell
Bliley
Blute
Boehner
Bonilla
Borski
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Camp
Castle

Clayton
Coble
Coleman
Collins (IL)
Condit
Cox
Coyne
Crane
Deal
DeFazio
DeLauro
Deutsch
Diaz-Balart
Dingell
Doolittle
Dornan
Dreier
Duncan
Durbin
Ehlers
Emerson
English
Evans
Ewing
Farr
Filner
Franks (NJ)
Furse
Gekas
Gilchrest
Gonzalez
Goodling
Grandy
Gunderson
Hall (TX)
Hamburg
Hancock
Hansen
Hastings
Hayes
Herger
Hinchey
Hoekstra
Hoke
Holden
Horn
Huffington
Hughes
Hyde
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kennedy
Kennelly
Kim
King
Klink
Knollenberg
Kreidler
Lazio
Levin
Levy
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Maloney
Margolies-Mezvinsky
McCandless
McCloskey
McHale
McInnis
McKeon
McKinney
Meek
Menendez
Miller (CA)
Minge
Mink
Moorhead
Nadler
Oberstar
Olver
Orton
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (MN)
Pombo
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Ravenel
Richardson
Roemer
Ros-Lehtinen
Roukema
Rush
Sanders
Santorum
Schenk
Scott
Shays
Shepherd
Snowe
Strickland
Stump
Stupak
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thurman
Torkildsen
Torres
Torricelli
Tucker
Upton
Vento
Vucanovich
Walker
Waters
Wheat
Williams
Wise
Woolsey
Yates

NOT VOTING—89

Andrews (TX)
Applegate
Baker (LA)
Barton
Bentley
Berman
Boehlert
Burton
Calvert
Cardin
Carr
Clay
Clinger
Clyburn
Collins (MI)
Conyers
Costello
Cunningham
Danner
Dickey
Dooley
Edwards (TX)
Everett
Fields (TX)
Fish
Foglietta
Ford (MI)
Fowler
Gallegly
Gallo
Geren
Green
Greenwood
Gutierrez
Hall (OH)
Hefner
Hilliard
Houghton
Hutchinson
Inhofe
Jefferson
Johnson (GA)
Kleczka
Klug
Kyl
Lancaster
Lewis (FL)
Lipinski
Lloyd
Martinez
McCollum
McCrery
McCurdy
McMillan
Meyers
Mica
Moran
Murphy
Murtha
Obey
Owens
Oxley
Parker
Petri
Quillen
Ridge
Rostenkowski
Sabo
Sangmeister
Schiff
Sharp
Slattery
Smith (MI)
Smith (OR)
Solomon
Stark
Stenholm
Studds
Synar
Thomas (WY)
Thompson
Valentine
Volkmer
Walsh
Washington
Waxman
Wilson
Young (FL)
Zeliff

□ 2008

The Clerk announced the following pair:

On this vote.

Mr. Houghton for, with Mr. Calvert against.

Messrs. RICHARDSON, ORTON, MCHALE, and HUGHES, Mrs. KENNELLY, Ms. PELOSI, and Mr. POMEROY changed their vote from "yea" to "nay."

Mr. ISTOOK changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FOWLER. Mr. Speaker, on rollcall vote No. 330, I was unable to vote due to family obligations back home. Had I been present, I would have voted "no" on the Rule for H.R. 3937.

PERMISSION FOR MEMBERS TO SUBMIT ADDITIONAL AMENDMENTS TO H.R. 3937, EXPORT ADMINISTRATION ACT OF 1994

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that, notwithstanding any commencement of the consideration of H.R. 3937, Members may be permitted through the close of legislative business today to submit amendments for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII, and that each amendment so printed be considered to meet the preprinting requirement of House Resolution 474.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute that I might inquire of the distinguished majority leader the program for the balance of this week and for next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there will be no additional votes today. There will be no votes tomorrow.

On Monday, the House will meet at noon. There will not be business.

□ 2010

On Tuesday and the balance of the week, the House will meet at 10:30 a.m. on Tuesday for morning hour. We will meet on five suspension bills which I believe the gentleman has in front of him; also, a motion to go to conference on the National Competitiveness Act; and the Intelligence Authorization for Fiscal Year 1995.

On Wednesday, July 20, and the balance of the week, the House will meet at 10 a.m. Wednesday, Thursday and Friday. We will be taking up the Export Administration Act, Anti-Redlining in Insurance Disclosure Act, Budget Control Act of 1994, California Desert Protection Act, Housing and Community Development Act, and the Environmental Technologies Act of 1994.

Members should expect votes on Tuesday at about 1 or 2 o'clock and on Friday up until 3 o'clock.

Mr. MICHEL. There is nothing in the program relative to the Oxford Debate. Is that still going forward on Wednesday?

Mr. GEPHARDT. It is my understanding that we will be finishing in time for the Oxford Debate on Wednesday night.

Mr. MICHEL. And would the gentleman volunteer any information on when we might be sending the Campaign Reform bill to conference?

Mr. GEPHARDT. We are hoping that that will happen imminently, maybe even next week.

Mr. MICHEL. Let me also inquire, there have been these stories that, well, if we slipped in our schedule, et cetera, et cetera, the August recess would be delayed. I think the gentleman and I have over a period of time talked about how pretty sacrosanct that is, particularly with families and their schedules and for vacations with their family.

I would just want to make the observation that if we have got a big workload to fulfill, I have no objection to our meeting late at night and, yes, meeting on, you know, Mondays or Fridays, if that is required in order to honor that commitment that we, I think, have made pretty much to all of our Members that on such and such a date we would be out of here for the regular summer recess that most members like to hold with their families.

Would the gentleman want to respond or make a comment on that at all?

Mr. GEPHARDT. Obviously everyone wants to make plans for that break, and we will do everything in our power to get that to happen. As the gentleman knows, we have major legislation coming before us in these 4 or 5 weeks, the health bill, the crime conference, the campaign reform conference, the lobby reform conference, and we hope to finish all of that business.

We are working very hard. I know Members on the other side of the aisle are working very hard on committees and in conferences to get these done. We are going to do everything we can to get them done before that break occurs.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from California.

Mr. DREIER. I thank the distinguished minority leader for yielding.

I simply would like to ask what we can expect on H.R. 3801, the congressional reform package which was debated here earlier today which we have been told would be considered on the House floor before adjournment of the first session of the 103d Congress, then in early spring, early summer, and here we are into July. There are many Members who have been asking me to pursue this issue of congressional reform.

I know the gentleman from Indiana [Mr. HAMILTON] joins me in expressing concern about some of the reports we have gotten about the prospective breaking up of the package into bits rather than having an overall reform package.

Mr. GEPHARDT. If the gentleman will yield further, we are very concerned and interested in that set of legislation.

I cannot tell the gentleman exactly when it will come, but it will come hopefully in this period. Exactly how it will come up has not been fully discussed, considered and decided. But I understand the gentleman's view. I have heard him in other forums, and I know that he feels strongly, and others feel strongly. We are going to do our best to get that legislation out.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished whip on our side, the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I thank the leader for yielding to me.

I want to ask my good friend, the gentleman from Missouri, clearly in about 3 or 4 weeks we are going to take up one of the most important, if not the most important, domestic legislation of this decade. I would hope you could reassure the House on two items. One is we would expect to have a reasonable length of time, and as you know a letter has been sent to you and the Speaker, asking for 10 legislative days to look at any health bill, but certainly some significant length of time for outside experts, for Members, for the country to know what is in the bill; and, secondly, we could agree well in advance on a rule which would ensure that if there was a bipartisan alternative that had broad-based support and that offered a different approach to solving the health problem, that would clearly be made in order in a fair way, and that we would have some sequence of votes that would allow Members to work their will on the floor.

I wonder if you could comment both on the notion of a long enough period of printing a fixed bill, again on both sides, and we recognize that everyone should have their plans on the table for a length of time to be reviewed, and then, second, some assurance on a rule which would genuinely place in order both a bipartisan alternative as well as the Clinton administration's bill.

Mr. GEPHARDT. I understand the comment.

We have received the letter, and my thought is that we will try to have an early meeting with the leadership on the other side to discuss a reasonable procedure.

Obviously some things cannot be finally decided now because we do not know which bills will be coming up. But we can begin to discuss that. I think it is an important moment for the House and an important moment for the country to have this considered in a way that people feel it is fair and all of the issues can be clearly debated and discussed in an informative way.

Mr. GINGRICH. I thank the leader.

Mr. MICHEL. I have two time questions.

On the Oxford Debate, what would be the time for that next Wednesday?

Mr. GEPHARDT. If the gentleman will yield, we obviously try to do this at a reasonable time. We will consult with the minority on what that time would be.

Mr. MICHEL. And the gentleman, in response to an earlier question, said he thought the campaign reform bill going to conference would be imminent. Would the gentleman define imminent?

Mr. GEPHARDT. If the gentleman will yield further, it could be sometime next week or the week after that. That is what we are aiming for.

Mr. MICHEL. We will use that definition for imminent in all things from here on.

I thank the distinguished gentleman.

HOUR OF MEETING ON MONDAY, JULY 18, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

EXPORT ADMINISTRATION ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3937.

□ 2018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3937) entitled the "Export Administration Act of 1994," with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Indiana [Mr. HAMILTON] and the gentleman from New York [Mr. GILMAN] will each be recognized for 7½ minutes; the gentleman from California [Mr. DELLUMS] and the gentleman from South Carolina [Mr. SPENCE] will each be recognized for 7½ minutes; the gentleman from Texas [Mr. BROOKS] and the gentleman from New York [Mr. FISH] will each be recognized for 7½ minutes; the gentleman from California [Mr. MINETA] and the gentleman from Pennsylvania [Mr. SHUSTER] will each be recognized for 7½ minutes; the gentleman from Florida [Mr. GIBBONS] and the gentleman from New York [Mr. HOUGHTON] will each be recognized for 7½ minutes; and the gentleman form Oklahoma [Mr. MCCURDY] and the gentleman from Texas [Mr. COMBEST] will each be recognized for 7½ minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to rise in support of H.R. 3937, the Omnibus Export Administration Act of 1994, a bill that lays a new statutory foundation for our dual-use export control system. I request unanimous consent to revise and extend my remarks.

At the outset, I would like to compliment my colleague, Mr. ROTH, the ranking member of the Economic Policy, Trade and Environment Subcommittee, one of the leading architects of this bill, and the author of the first comprehensive export control reform bill introduced last year, the Commercial Export Administration Act of 1993.

The bill before us today is largely a reflection of his leadership in the complex area of export control policy.

The chairman of the subcommittee, Mr. GEJDENSON, and the distinguished chairman of the full Foreign Affairs Committee, Mr. HAMILTON, deserve no less credit for their key roles in shaping this legislation, moving it to the floor today and working with this Member in incorporating amendments to strengthen this bill.

At each successive stage of the legislative process, this bill has undergone extensive revisions and improvements to ensure that the bill's overhaul of the licensing process does not inadvertently jeopardize our national security.

As reported out of Foreign Affairs Committee on May 18 and as modified by the House Ways and Means and Intelligence Committees, the bill strikes a balance between our national security interests and our competitiveness objectives.

As technological advances have made existing unilateral controls and policies less effective, this bill encourages the upgrading and strengthening of existing multilateral control regimes to control the proliferation threats of the 1990's.

With the end of the cold war, it is time to reform our export control system to ensure that it not only meets the needs of our exporters, but also provides our policymakers with a sound framework on which to base an antiproliferation policy.

We also need to readjust our controls in light of the diminishing threats from the former Soviet bloc militaries and the emerging proliferation and terrorist threats in other areas of the world.

H.R. 3937 has two critical objectives. First, it shifts the focus of U.S. dual use export controls from cold war military threats to proliferation threats. It would strengthen the major nonproliferation export control regimes which play a critical role in containing the spread of the weapons of mass destruction.

Second, it adapts the export control system to today's more competitive international economy by ensuring that the system can expeditiously process export license applications.

In effect, we are putting up very high fences for any dual use commodities and technologies going to rogue regimes, such as Libya, North Korea, Iran, and Iraq. For other countries of concern, including China and Russia, there are safeguards against the export of goods or items that could be used in the production of weapons of mass destruction.

However, according to a recently released report of the General Accounting Office, the United States does not have an effective postshipment verification program in place to verify the proper use of nuclear-related items.

A Foreign Affairs Committee staff investigation has revealed similar problems for the monitoring of exports of missile-related goods to China.

I intend to offer an amendment to this bill that would further tighten our ability to monitor the use of these goods and items, especially in countries that are unable or unwilling to control the proliferation of these weapons.

The adoption of an effective end use reporting and monitoring system is a key element in the battle against proliferation.

Under the provisions of this bill, the President will be able to impose unilateral export controls that he determines are essential to U.S. national security and foreign policy interests.

It toughens U.S. antiterrorism policy by prohibiting any dual-use technology exports to terrorist countries; it prohibits the export of any item that an exporter knows would materially contribute to the development of a weapon of mass destruction in a country outside the nonproliferation regimes; it toughens our nonproliferation sanctions against countries that use chemical or biological weapons or missiles and against persons that export items in support of a weapon of mass destruction or missile program.

In its consideration of this legislation on May 18, the committee agreed to accept a package of amendments, which I offered, that protect our security interests in our unilateral control policies and strengthen the multilateral control regimes.

The amendments specifically: First, broadened the focus of controls to include terrorist threats to the United States or its allies; second, directed the United States to pursue efforts with its economic partners to establish a policy denying licenses for exports of goods that would directly contribute to acts of terrorism against them; third, required the Secretary of Commerce to evaluate the extent to which regime members have adopted uniform license and no-undercut policies; and fourth, mandated the assignment of an export control officer in key countries, such as China, to monitor the end use of all dual-use items.

Other amendments to the bill clarified the conditions under which a license free export regime could be created, established a workable procedure for Congress to review the proposed termination of unilateral export controls, and provided a set of benchmarks for the administration's policy of encouraging the Arab League to end the secondary Arab boycott.

Since the markup of this legislation, the House Intelligence Committee has unanimously voted to delete language requiring the decontrol of software with encryption capabilities and to substitute language in its place requiring a study of the impact of U.S. encryption export controls and the competitiveness of the U.S. computer software industry.

The incorporation of this study provision in the bill, in my view, satisfactorily resolves this issue by ensuring that the administration will maintain its ability to combat international terrorism, drug trafficking and other threats to our foreign policy interests.

A key remaining issue on this bill is the proper role of the Secretary of Defense in the licensing and the list-making process. In this regard, I would urge my colleagues to support the Foreign Affairs Committee's amendment, which takes into account the provisions in the proposed amendment of the Armed Services Committee.

It gives a key role to the President in drawing up a list of unilateral export controls and establishing a shared consultative role for five agencies, including the Defense Department, in the overall licensing process.

I would also draw the attention of my colleagues to an urgent multilateral export control problem that has not received sufficient attention inside this administration.

Deposit months of on-again and off-again negotiation, the administration appears no closer to reaching a clearly defined and enforceable agreement setting up a successor regime to CoCom. This multilateral Coordinating Committee controlled strategic exports to the former Soviet Union and other Communist States until March of this year.

Thus far, the administration appears to have made little headway in obtaining multiple, and often conflicting, goals in including conventional arms transfers in the new regime as well as the full participation of Russia and other former Communist countries.

While I do not intend to offer any amendments related to CoCom, I do want to stress the urgent need to recreate a successor regime where all members will have the same obligations concerning the export of weapons and major weapons systems to rogue regimes targeted in the bill, including Libya, Iran, Iraq, and North Korea.

Promises and half-hearted commitments will not take the place of sustained high-level diplomatic efforts needed to re-create a proliferation-oriented successor to CoCom.

The administration's failure to build on the CoCom Cooperation Forum, established under President Bush, together with its overly ambitious plans of including conventional arms transfers in the new CoCom, have prolonged the negotiations and led to confusion among our allies about our strategic objectives.

Notwithstanding my concerns about the administration's handling of negotiations with our allies regarding export controls, I believe this bill takes an important step in the right direction. Accordingly I urge its adoption.

□ 2020

Mr. Chairman, I yield back the balance of my time.

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the House today begins consideration of H.R. 3937, the Omnibus Export Administration Act of 1994. This legislation fundamentally reforms the Export Administration Act, the statutory basis for export controls on commercial goods and technology that also have potential military application.

The last time Congress looked at export controls in any serious way was in 1985. The world has changed dramatically since then, and this bill reforms our export controls to meet those changing conditions.

Let me make it clear that this bill covers the export of technology, not the export of weapons. Arms exports are controlled under the Arms Export Control Act.

H.R. 3937 is important legislation. The present export control system was built to fight the cold war. The system of export licenses now in place was meant to keep sensitive technology from falling into the hands of our enemies, primarily the Soviet Union.

But the cold war is over and the Soviet Union is no more. Those to whom we denied exports of sensitive technology are no longer our enemies. They are now our markets.

The world, of course, is still a dangerous place. But new threats and new dangers have replaced the evil empire. Our concerns are no longer the military prowess of the Soviet. Our fear now is that weapons of mass destruction—or the means to produce or deliver them—will fall into the wrong hands in many corners of the globe.

H.R. 3937 addresses these new threats.

This bill also takes into account another major change from the cold war era. If you are an exporter, it's a competitive world out there. In the cold war, the United States and its allies dominated world markets and controlled key technologies. If we decided not to sell sensitive technology to certain countries, those countries didn't get the technology.

If we decide not to sell technology today, or if we are too slow processing the export license, we lose the sale—and the jobs.

This bill has one very important goal: to ensure that the United States doesn't pursue a go-it-alone export control strategy that hurts American exports and American workers without any benefit to our national security.

Let me outline briefly the key provisions of H.R. 3937.

First, it strengthens the multilateral export control regimes so that the United States doesn't go it alone in controlling the spread of weapons of mass destruction.

It creates incentives for countries to join the multilateral export control regimes and comply with their rules.

It links our own nonproliferation efforts more closely with the multilateral regimes, and requires the president to negotiate with our allies to improve the multilateral regimes and the export control systems of member countries.

Second, this bill shifts the focus of export controls to the new threats to our national security: proliferation.

It strengthens our ability to keep sensitive technology out of the wrong hands. It prohibits the export of any dual-use technology to terrorist countries. No item on international export control lists may be exported to Iran, Iraq, Syria, or North Korea. It also prohibits the export of any item if the exporter knows it could be used to develop weapons of mass destruction, and if it is going to a country that has not signed on to one of the control regimes. Those are tough provisions.

H.R. 3937 also toughens sanctions against countries that use chemical or biological weapons or missiles, and against anyone that exports items that will be used in nuclear, chemical, or biological weapons or missile programs.

In addition, it gives the President the authority to impose unilateral controls when they are needed to protect U.S. national security and foreign policy.

Third, while this bill is tough on proliferation, it also meets the concerns of U.S. exporters. Poorly conceived export controls often hit the wrong target. This bill streamlines the cumbersome export licensing bureaucracy and sets tight licensing deadlines. It scales back unilateral export controls that don't benefit U.S. national security.

Opponents of this legislation will tell you this bill goes too far in loosening our export controls. The only thing I can say is, they haven't read our bill. When it comes to the real security threats we face—the spread of weapons of mass destruction—this bill is tougher than existing law.

H.R. 3937 effectively balances U.S. security and economic interests. It gives the United States a badly needed new export control system, one that responds to new security threats while allowing U.S. exporters to respond to new economic opportunities.

H.R. 3937 protects U.S. national security. It improves our ability to control the spread of weapons of mass destruction.

It is not in our interest—and it does not serve U.S. national security—to keep in place an outdated, cumbersome export control system. Outdated export controls hurt U.S. exports and U.S. workers while doing nothing to benefit our security.

I urge my colleagues to support H.R. 3937.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of H.R. 3937, the Export Administration Act of 1994. This measure affords us a historic opportunity to adjust the U.S. export control regime to reflect the new geopolitical realities of the post-cold-war era.

I applaud the combined efforts of the administration and the Committees on Foreign Affairs, Armed Services, and others to craft a bill that tailors export controls on U.S.-made productions to address legitimate threats to our national security. Rather than clinging to the lingering mindset of the cold war, we should recognize the dramatically different world in which we will live in the coming century and how our national policies must be adjusted to keep us strong.

Exports of the products of American ingenuity have become increasingly critical to our Nation's economic well-being, and therefore to our national security. In this new era, whose outlines we can only dimly perceive today, military power will not be enough to guarantee our security. We must also free our economic capacities from the hindrances that were once necessary to protect our freedom but have become relics of a bygone era.

While elements of our Government attempt to hang onto their former roles in the cold war, the economic pace necessary to compete in the world market has quickened. Especially in high technology industries like electronics, computers, and telecommunications, product cycles have moved from decades to years and even months. International and interdependent webs of designers, strategists, and manufacturers have made delays at the border untenable. Today, our standard of living depends on developing, attracting, and keeping industries in the United States that can shift gears rapidly and deploy their resources freely. In short, the economic world in which the Nation must now operate no longer allows for an export control regime left over from the cold war.

Our commercial sector, and its foreign customers, must be able to rely on export controls that are streamlined, can be applied consistently and predictably, and limit access to American products only to the extent necessary to actually accomplish legitimate national security objectives. Countries formerly closed to American industry now represent some of the most promising markets for our products, particularly those high technology industries like telecommunications that can help build sorely needed economic infrastructure.

While the bill makes great strides toward much-needed reforms, I am disappointed that some proposed changes were not accomplished. For example, language included in the bill reported by the Foreign Affairs Committee to put some commercial communications satellites under the Export Administration Act was dropped because of objections from another committee. Communications satellites represent a classic example of how export controls are sometimes used in a way that sacrifices significant U.S. economic interests without any improvement in our national security.

U.S. companies lead the world in the highly competitive communications satellite market. But we are slowly giving away this industry, which we created, to our foreign competitors by hamstringing our companies with export controls. Foreign buyers of United States satellites sometimes want to launch them into orbit on foreign launch vehicles, such as the Chinese Long March. When U.S. satellites contain certain electronic components or propulsion devices, they fall under munitions controls administered by the State Department. Even though such satellites have already been exported and launched under United States Government-approved technology transfer safeguards without any possibility of these components being removed or examined by the Chinese, the cold war bureaucracy refuses to allow these satellites to be treated as dual-use civilian products, rather than as munitions.

Despite the best efforts of the Foreign Affairs Committee and Congresswoman HARMAN, this unfortunate state of affairs will persist. Such satellites can still be exported once a State Department license is issued. However, foreign satellite builders use this situation as a means of convincing potential customers of U.S. satellite makers that they shouldn't buy U.S. satellites by arguing that they could become hostage to a protracted, national security-oriented State Department regulatory process. I hope that Congress and the administration will work together to find a solution that ensures a quick, routine, and predictable approval process for the export of all U.S.-made satellites, with the application of already-proven technology transfer safeguards where necessary.

On an important related issue, I also want to recognize the legitimate concern of our emerging commercial launch industry and the adverse impact that nonmarket launch providers could have in the absence of launch trade agreements with quantity restraints and pricing standards. I would strongly oppose any statutory linkage between exports of U.S.-made satellites and these agreements. However, it may be prudent to address the need for strict enforcement of commercial launch trade agreements as part of any overall reform of our export control regime.

Mr. Chairman, I urge the passage of the bill.

Mr. HAMILTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. FROST) having assumed the chair, Mr. SERRANO, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3937) entitled the Export Administration Act of 1994, had come to no resolution thereon.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE, SENATE AMENDMENTS TO THE BILL, H.R. 4539, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1995

Mr. RANGEL. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a privileged resolution (H. Res. 479) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 479

Resolved, That Senate amendment No. 104 to the bill H.R. 4539 making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendments thereto be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. FROST). In the opinion of the Chair, the resolution constitutes a question of privileges of the House. The gentleman from New York [Mr. RANGEL] is recognized for 1 hour.

Without objection, the Chair will not divide the time.

There was no objection.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 479 is a simple resolution returning to the Senate the bill H.R. 4539, because it contravenes the constitutional requirement that revenue measures originate in the House of Representatives. H.R. 4539 contains a provision, added on the Senate floor, that would prohibit the Treasury from using appropriations to enforce the Internal Revenue Code requirement for the use of undyed diesel fuel in recreational motorboats.

This provision clearly constitutes a revenue measure in the constitutional sense, because it would have an immediate effect on revenues. Prohibiting the Treasury from enforcing the Internal Revenue Code's diesel fuel requirements would directly affect the amount of tax collected. In fact, the Joint Committee on Taxation has estimated that the provision would result in a loss of $41 million in Federal receipts over the fiscal year period of 1994 through 1999.

Therefore, I am asking that the House insist on its constitutional prerogatives. While the House, by adopting this resolution, will preserve its prerogative to originate revenue matters, I want to make it clear to all Members that our action does not constitute a rejection of the Senate bill on its merits. Our action today is merely procedural in nature. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and the Senate to add its amendments and seek a conference.

There are numerous precedents for taking the action I am requesting. For example, on October 21, 1988, the House passed House Resolution 604, returning to the Senate H.R. 1315, which would have imposed mandatory fees to finance a Federal uranium reclamation fund. On that same date, the House passed House Resolution 603, returning to the Senate S. 2097, which contained similar mandatory fees for a uranium reclamation fund. On June 15, 1989, the House passed House Resolution 177 returning to the Senate S. 774, which would have conferred tax-exempt status to two newly created corporations that otherwise would have been taxable entities. On October 22, 1991, the House passed House Resolution 251, returning to the Senate S. 1241, which would have made various changes to tax laws and would have had an immediate impact on revenues anticipated by the Internal Revenue Service.

□ 2030

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I rise in support of the privileged resolution offered by my colleague on the Ways and Means Committee, Mr. RANGEL.

As the ranking Republican member on the Select Revenue Subcommittee which he chairs, I want to underscore the gentleman's comment that the procedure we are following does not constitute a rejection of the amendment on its merits.

The resolution does not address the substance of the Senate amendment at all. It simply tells the other body that we must insist on respecting the constitutional requirement that this and all other revenue measures originate in the House of Representatives.

The resolution is truly procedural in nature—but it is an important procedure that protects the rights and responsibilities of the House of Representatives.

There are several House-generated revenue measures currently pending in the Senate which may provide more appropriate vehicles for consideration of the substance of this amendment.

Adoption of this privileged resolution to return the amendment to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

Mr. Speaker, I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], the chairman of the Subcommittee on Treasury-Postal Service-General Government that provided us with this fine piece of legislation that has been worked on by both Republicans and Democrats and that makes it abundantly clear that the objection to the provisions added by the Senate in no way depreciates the value and the merits of the good legislation that the subcommittee and the full committee reported.

Mr. HOYER. Mr. Speaker, I thank the gentleman from New York for yielding this time to me, and I want to thank him for his comments as it relates to the substance of the legislation to which this procedure refers. I want to also say that we agree in our subcommittee on the issue raised by the representatives of the Committee on Ways and Means. We concur with their opinion that the provision added in the other body was inappropriately added and should not have been added. In fact, of course, as the gentleman knows, the chairman of the subcommittee in the other body objected to the addition of this legislation. I made it clear to the members of the committee that the Subcommittee on Treasury-Postal Service-General Government would not have accepted this in conference, but I certainly understand that the privileges of the House have been raised under the Constitution of the United States and certainly have no objection to the actions being taken at this time.

Mr. RANGEL. Mr. Speaker, I thank the distinguished gentleman from

Maryland [Mr. HOYER] and I would want to point out that the gentlemen has been very cooperative, as have all the members of the committee on this issue, and the only thing that we want to do is to protect the constitution of the House by sending a message to the Senate that they accept the constitutional methods of having their will, as it relates to legislation, and not to continue to attempt to legislate in violation of the House prerogatives.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CYNICISM DEPENDS ON WHOSE OX IS GORED

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. LIVINGSTON. Mr. Speaker, Vice President AL GORE complains of cynicism.

Why should we not be cynical?

We have a President—elected on a moral platform, decrying the decade of greed;

His first acts are to promote open abortion and homosexuality in America;

He is mired in a morass of ethical litigation known as Whitewater;

He is pursued by numerous complaints about his personal conduct—many related directly to his performance as a public official;

He and his wife make the centerpiece of his presidency the health care issue, driving down the prices of securities in pharmaceutical and health insurance companies; and simultaneously engage in the selling short of many of those same securities;

As Governor of Arkansas, he provided favorable treatment to such firms as Tysons Foods, while officials closely connected with that company are enabling his wife to strike it rich in an impossible shot with cattle futures;

While extolling his virtuous performance as Governor on a meager $35,000 salary, his friends and assistants are systematically hustling companies who do business with Arkansas—including Tyson Foods—to help pay off some $400,000 in loans he wangled from a small bank under his indirect control;

Korea looms as a world-class threat with potential for nuclear holocaust, he wants to invade Haiti.

And AL GORE complains about cynicism?

[From the Washington Post, July 14, 1994]

GORE SEES CYNICISM ENDANGERING REFORM

(By Stephen Barr)

Vice President Gore appealed to federal employees yesterday to overcome "a deep and pervasive cynicism" that he portrayed as a barrier to his efforts to reshape the government.

In a speech at the Federal Quality Institute awards luncheon, Gore said that cynicism—"the public's willingness to believe the worst"—has increased because of the nation's speedy and unsettling transformation from an industrial-based economy to an Information Age economy, because the news media feed "voraciously on the failures of government" and because politicians often fail to deliver on their promises.

The public's cynicism, the vice president said, "has fallen heavily on the largest institution in America—the federal government—and it has worn heavily on federal employees for much of the past two decades."

But Gore told the Washington Hilton ballroom audience that the winners of the president's quality awards this year showed that "no leader can lead as a cynic." The award winners, he said, "are not in some ivory tower. They are in the real world, making a difference in the lives of hundreds of thousands of people."

Saying he wanted "our government to address head-on the public's distrust of us," Gore reminded federal employees that the administration was challenging "agencies to provide services to their customers equal to the best in business," to cut red tape, tolerate risk and encourage innovation.

"As you can imagine, cynics need not apply. Leaders must move from control to trust if they want organizations that are the best in business," Gore said.

The vice president then handed out awards to four organizations—all from the Defense Department—that he said had created "learning organizations." Gore paid a special tribute to the Naval Air Systems Command in Arlington, which improved internal operations significantly while in the midst of a downsizing that cut 9,000 people in four years.

Later in the day, Gore went to the Office of Personnel Management, where he praised Director James B. King and his staff for a series of "reinventing government" accomplishments, including the elimination of the 10,000-page Federal Personnel Manual.

"What is the principal enemy of change?" Gore asked the OPM employees. "Very simple. Cynicism—a belief on the part of those who deep down would like to see change that we who are in the federal government are basically not serious about it and not good enough or well-motivated enough to really bring it about," Gore said.

The cynics think the administration's initiative "will sputter out and there will be some sound and fury signifying nothing," Gore added.

He urged the employees to "find your own personal strategy for resisting and defeating the temptation to surrender to that kind of cynicism."

[From the Washington Post, July 14, 1994]

CLINTON PERSONAL LOANS PARTLY REPAID BY DONORS

(By Susan Schmidt and Charles R. Babcock)

President Clinton took out about $400,000 in personal loans from one small Arkansas bank when he was governor of Arkansas, the banker, a former Clinton aide, said yesterday. The money was used for his political campaigns and to promote a state education initiative, and at least part of the debt was repaid with donations from corporations.

W. Maurice Smith, Clinton's top gubernatorial aide until 1985, said in an interview yesterday that Clinton took out between a half-dozen and a dozen unsecured loans between 1983 and 1988 from his Bank of Cherry Valley.

He estimated that about $300,000 of the money lent to Clinton went to campaigns, though Clinton's gubernatorial campaign records show only one $50,000 personal loan to the candidate during those years.

It was previously known that Clinton had raised private money to fund advertising for several legislative programs, but not all the donors were identified publicly. It was not known that some of the money was used to repay Clinton's personal loans.

The White House was unable yesterday to fully explain the loans, first reported by the Associated Press.

Betsey Wright, a former Clinton aide who oversaw the raising and spending of the funds, said in an interview last night from the White House that she turned over her records to Robert B. Fiske, the special counsel investigating Clinton's finances in the Whitewater land deal.

Fiske is investigating whether taxpayer-insured funds from Madison Guaranty Savings & Loan were diverted to pay off the $50,000 campaign loan from Cherry Valley in 1984. Madison was owned by James B. McDougal, the Clintons' business partner in the Whitewater land venture, which itself had borrowed from Smith's bank.

Wright said her records were incomplete so she couldn't elaborate on how much of the Cherry Valley loans were used to promote legislative initiatives and how much were used for the governor's reelection campaigns. Though Clinton borrowed the money from the bank in his name personally, she said, he never saw the money and "not one penny ever went for the Clintons' personal use."

Wright, who is a Washington lobbyist, said she will not release copies of the documents showing the identity of the donors who paid off the loans or how the money was spent. "They are in my custody and I will not release them until Mr. Fiske has completed his task," she said.

"Clinton went out and raised money from the business community to put ads on the media. It was a well-known part of his efforts to move the state forward," said White House aide John Podesta. Two lists of contributors who donated a total of $120,000 to Clinton legislative initiatives in 1988 and 1989 were released publicly at the time.

Smith said he knew of only one legislative initiative funded by his bank. It lent Clinton $100,000 in 1983 to push for education reform in a special session of the legislature. Arkansas corporations, including Tyson Foods, Worthen Bank, Wal-Mart Stores Inc. and TCBY made contributions to an education reform fund that paid off Clinton's loan, Smith said.

"It was my idea," Smith said of the first loan. "We needed the money right quick to promote this education program. I knew I could get my board to okay it."

Smith said the money was in no way a personal or political slush fund for Clinton. "I guarantee if he'd had one I'd have known about it."

Smith said his bank also made a series of loans for Clinton campaigns, none for more than $100,000. He said all were repaid.

Smith, who also served as Clinton's finance chairman, said he does not believe any of the donations that went toward repaying the campaign loans exceeded the $1,500 campaign limit. Some of the donations to promote Clinton's legislative agenda were higher, including one for $25,000 from a TCBY executive.

Smith remains close to the Clintons. He said he traveled to Washington in March and spent the night at the White House.

The Cherry Valley bank charged market interest rates on Clinton's loans, Smith said. The Clintons didn't take any deductions for interest payments on loans at Smith's bank during that period, their tax records show.

Borrowing the money personally and having someone else repay the loans "raises serious questions of taxable income for the Clintons unless they have proof that all the money was for the good of the state and none for themselves personally," said a former high-ranking IRS official. Wright said state law covering political loans, including those for promoting legislation, permitted Clinton to use donations to pay them off.

Scott Trotter, executive director of Common Cause of Arkansas, said Wright's records should be made public.

William Bowen, former head of First Commercial Bank and a former Clinton chief of staff, said he remembers contributing to Clinton's efforts to improve public education in Arkansas but was unaware the money was paying off a loan.

He said the "mechanics" of the fund did not concern him.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IDAHO'S FORESTS: ACT NOW OR RISK CONFLAGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LaRocco] is recognized for 5 minutes.

Mr. LaROCCO. Mr. Speaker, having just returned from Idaho following the July 4 break, I rise to convey to my colleagues a sense of urgency about the declining health of national forests in my State and throughout the West.

An aerial inspection of the Boise, Payette and Clearwater National Forests revealed a disaster waiting to happen. I personally viewed overly-dense stands of trees, well outside their historical range of variability, extremely high fuel loads where mortality has outstripped decomposition, and forests riddled with dead and dying trees.

The statistics are startling and telling. On the Payette's timber land, average mortality is 407 board feet per acre, while growth is only 248 board feet. Mortality figures on the Boise are even worse. Between 1988 and 1993, the forest lost more than 400,000 trees on more than 1 million acres of affected forest.

The Intermountain Research Station has found that from the late 1500's to the late 1800's, stand densities in the Boise basin ranged from 6 to 28 drought- and fire-resistant Ponderosa pine per acre. In 1993, stand densities have reached 533 trees per acre, most of which are drought-intolerant Douglas-firs and 60 percent of which are dead.

If these forests begin burning, they risk making the 1992 "Foothills Fire" which burned 260,000 acres on the Boise National Forest, look like a bonfire. The only thing between Idaho's forests and disaster is a lightening strike.

With the build up of fuel loads, the size of fires has greatly increased in recent years. For example, between the years 1955 and 1985 the average number of acres burned by forest fires on the 2.5 million acre Boise National Forest was 3,000 acres per year. In the 5 years from 1986 to 1992, the annual average has shot up to 56,000 acres, due to the overly dense stands, and drought conditions.

In light of this critical situation, and the recent devastating wildfire in Colorado, I am here to encourage the administration and Congress in the strongest possible terms to address Idaho's serious forest health problems immediately.

Mr. Speaker, the tragic fire in Colorado, where 14 brave souls sacrificed their lives to protect our natural resources, is a warning to us all this year. The warning in 1992 was the Foothills Fire on the Boise National Forest. To ignore the condition of our Nation's forests amounts to silvicultural malpractice.

Last June, at my request, the Assistant Secretary of Natural Resources and Environment for the Department of Agriculture, Jim Lyons, toured Idaho's Federal forests and found them to be a "tinderbox waiting to explode." And following the disastrous fire in Colorado, the New York Times quoted Assistant Secretary Lyons as stating, "We need to do prescribed burning, more salvage, more harvesting of dead and dying timber, which is brought about by disease and insects."

In a recent letter to Assistant Secretary Lyons, I recommended forest health pilot projects for Idaho's failing forests. Overstocked stands could be thinned using methods which would be light on the land and which would bring stand densities to within their historical range of variability. In doing so, stands could be created which are more resistant to fires, similar to those which developed naturally before years of fire suppression and outmoded logging practices led to large-scale forest type conversions.

Mr. Speaker, I am satisfied the scientific evidence justifies such a project. In addition to the science, the Forest Service is developing a solid portfolio of forest health projects where stands have been thinned by removing smaller diameter and diseased trees. The accumulation of dead material has been reduced, producing a healthy overstory and a more fireproof stand.

For example, in a place called Tiger Creek, shortly before the 1992 Foothills Fire, the woods were first thinned of underbrush and then lightly burned by the Forest Service. At the height of its intensity, the Foothills Fire raced through the treetops until it reached the Tiger Creek site, where it subsided—and the thinned woods survived intact.

The administration has indicated it possesses much of the authority needed to implement measures included in my bill, H.R. 229, the National Forest Health Act of 1993, and I have strongly urged them to do so without delay.

My bill would authorize the Secretaries of Agriculture and the Interior to carry out forest health improvement programs, in consultation with State and Federal fish, wildlife, and cooperative forestry experts, to reduce further damaged to forest resources and promote management of sustained, diverse, and healthy forest ecosystems.

Mr. Speaker, I believe this is clearly an issue of pay now or pay later. As my colleagues know, each year a great amount of Federal funding is needed to combat wildfires, and most of the time this type of default management is accomplished under dangerous situations where firefighters lives are put at risk and resource values are lost or greatly reduced.

In the 1992 Foothills Fire, suppression costs and emergency rehabilitation for the 140,000 acres of Boise National Forest land burned was $24 million, or roughly $170 per acre. The cost of precommercial thinning of the Tiger Creek area, which the fire skirted, was only $125 per acre. And the commercial thinning in the area returned $30 to $1,500 per acre to the Forest Service, dependent on the timber market.

I would much rather have the Forest Service use Federal dollars for sound pro-active management of our national forests, like in the Tiger Creek area, to reduce the risk of catastrophic wildfires.

At last November's workshop on Assessing Forest Ecosystem Health in the Inland West, the scientists concluded, "the costs and risks of inaction are greater than the costs and risk of remedial action." Mr. Speaker, I could not agree more.

I believe the forest health situation in the West warrants the immediate attention of both Congress and the administration, and I urge my colleagues to join me in the coming months to assure that happens.

□ 2040

COST OF CLINTON HAITI POLICY

The SPEAKER pro tempore (Mr. Frost). Under a previous order of the House, the gentleman from Florida [Mr. Goss] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, today I received, with many other Members, a very good briefing by the U.S. Coast Guard. The new commandant, Admiral Kramek, came up and explained to Members of Congress just what a good job our U.S. Coast Guard is doing with the Haiti situation.

I have great admiration for the Coast Guard. They are working extremely hard. They are putting in 80- to 100-hour weeks under very difficult situations. They work on overloaded cutters, picking people out of the water, shuttling them back and forth, and really carrying out a very difficult mission. My hat is off to the U.S. Coast Guard for the excellent work they are doing and to the commandant for the fine briefing he gave us.

Unfortunately, there is a cost to the Clinton administration's policy in Haiti. While the Coast Guard is concentrating its assets to deal with the refugee problem and the security problems in the area of the Windward Passage off Haiti, they have had to pull resources from other areas. There are only so many cutters. There are only so many resources.

It turns out, of course, that we are therefore letting some of the Coast Guard missions go unattended, primarily in the areas of drug interdiction and fisheries enforcement. Those are matters of great concern, of course, to our commercial fishermen. I think the need for drug interdiction and beating the drug problem in our country is a matter for every American. We are all concerned about it.

I was very concerned myself to learn that the Coast Guard has virtually stripped its drug interdiction capabilities in the Gulf of Mexico in order to take care of the Haitian refugee problem. That is not welcome news, and I am sure as soon as the drug lords and traffickers find out, they will consider that sort of a welcome mat. I presume they know that by now.

The other part of the bad news in the briefing, of course, is the cost, climbing past the tens of millions of dollars already. I don't know what the drain is on our other services from the other aspects of our Haiti policy, but when costs for one service alone is into the tens of millions of dollars, we know the extra costs for this ill-advised policy are going to be gigantic.

We also learned one of the cruise ships we are renting down in Jamaica, at a great rate for the taxpayers, is not being utilized, because an appropriate agreement hasn't been worked out with the Jamaican Government on how to screen people through the process there. We apparently are not using the cruise ship, but, of course, we are paying for it.

My suggestion to the administration this evening might be why not move the cruise ship to Port-au-Prince and let the people seeking to escape from Haiti just go by land to board the cruise ship. That way we get some return for our money anyway.

We also are told the hospital ship down in Kingston, Jamaica, providing a processing center for Haitians who are plucked out of the water, will be moved to Guantanamo, because the overcrowding situation is now so bad there. They are involved, I understand, in double bunking, and they have got sanitation and water problems that are very severe.

The good news was maybe the flow of refugees is slowing a little bit. Maybe there are not quite so many refugees. And the interesting news is, when many of the refugees who turn out not to be political refugees, but to be economic refugees, are given the choice of going to a safe haven somewhere in the Caribbean or going back to Haiti, interestingly enough, thousands are opting to go back to Haiti.

Now, does that belie a little bit some of the statements that we are being given by the administration about the repression by the Cedras military junta in Haiti?

It seems to me people would not be willingly going back into harm's way if there are choices of safe haven elsewhere in the Caribbean.

I wonder if perhaps we have not finally gotten some belated recognition that this repression, much which has been caused by our policy, is a quality of life matter; it is an economic matter, perhaps some of the human rights violations have been somewhat exaggerated. That is not to say there have not been some horrible brutalities created by both sides in Haiti.

The administration in fact has been a lot less than candid about what is going on in Haiti, and that is understandable, because it is very hard to explain what is going on there. It is very hard to explain their policy. It is harder to defend their policy, especially when we see the pictures, the pictures of misery caused by our embargo there: the pictures of people drowned and in overturned boats; of people trying to flee the economic mess with the incentive to come out and maybe get some kind of passage to the United States, if they can just get that leaky boat out to a Coast Guard cutter.

The Clinton administration is overlooking the very good possibility of dealing with Haiti's moderates who don't want us to invade, and don't want the embargo. These are elected members of the Haitian parliament. They are members of the Chamber of Deputies. They want our help at rapprochement. They want help building peace among the warring factions in Haiti. And they want our help to bring relief to the dismal quality of life that we have helped make in Haiti.

I think that that is a very productive course we ought to pursue. It sure beats sending the Marines to Haiti. We have had a proposal by Senator DOLE for fact finding. We have resolution by our colleague, CHRIS SMITH, that we should swap interparliamentary visits and reopen negotiations. We have the safe haven proposals in Haiti, using the Ile de la Gonave or some other Haitian island for the type of relief people are asking for and trying to find.

How much better are those proposals than sending the Marines, to do what? Defeat the Haitian army? Remove Cedras? If you remove Cedras, then what? I think the message is clear. We gain nothing but trouble by invasion; we gain a lot if we pursue a course of negotiation. I urge the President not to invade Haiti.

□ 2050

BOSNIAN UPDATE

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from Indiana [Mr. MCCLOSKEY] is recognized for 5 minutes.

Mr. MCCLOSKEY. Mr. Speaker, I have just returned from Bosnia where I traveled with the United States Ambassador and the Bosnian Vice President to some of the towns that have suffered most in this war. Right now is a critical time as to hopes for peace in the Bosnian conflict.

The beleaguered Bosnian Government has just announced its approval of the 51-to-49 percent partition plan to carve up this sovereign country between the Bosnian-Croatian alliance and Serb irredentist thugs.

President Izetbegovic said that he did not want to sign the document, but that other alternatives were worse. These worse alternatives include ongoing war, with the British and French pulling out of the U.N. peacekeeping operation. This would be without Western military support for Bosnia or a lifting of the arms embargo.

President Izetbegovic and Prime Minister Haris Silajdzic are insistent that the borders of a sovereign Bosnia remain intact.

To this end, and for the peace and security of the Bosnian people, it is obvious that peacekeeping troops will need to be placed not only where populations intersect, but also on the borders between Bosnia and Serbia and Montenegro.

Most Bosnian Serb statements indicate opposition to returning ill-gotten lands. And the irredentist Bosnian Serbs seem adamantly opposed to a sovereign Bosnia.

Despite the urging of President Slobodan Milosevic—a war criminal posturing as a peacemaker—the Bosnian Serb parliament may very well refuse the plan this Monday.

If and when they do refuse the plan, should there be any question but that the arms embargo crippling Bosnia's self-defense be lifted with significant aerial support committed from the West to avert an ongoing, one-sided bloodbath?

Think of the splendid basic logic of the British mandate to the warring parties. Britain tells all parties to agree to the plan, or it will pull out with no lifting of the arms embargo or other increased support for the Bosnians. Why should the Bosnian Serbs disagree with a British green light to gear up their killing machine?

If the Serbs do not sign on, the feckless West would only become more craven by doing a Pontius Pilate hand wash and then getting out.

It continues to startle me that the West has approached blithe acceptance of the right of the Bosnian Serbs to rain down shells on an innocent population—as the Serbs rape, maim and loot as well. For the United Nations to tell the people of Goradze that the siege was not all that bad is an abomination.

And while brutal ethnic cleansing—and we may say the word genocide—continues in the Serb-held areas such as Banja Luka and Prijedor—we blithely expedite the parties to the signing table. Let us hope for peace but this particular peace will be with Serb gains and even rewards from the West.

What can we expect from the tender mercies of the Serbs in Kosovo where daily life for millions of Albanians is a dismal existence in prison-like conditions? What can we expect in the Sandjak region in Serbia and Montenegro where all the democratic Muslim leadership has been jailed? What can we predict for little isolated Macedonia? When will exiled Croatians be permitted to return to their UNPROFOR Serb controlled communities in the Krajina?

Having just returned from Mostar, Vitez, and Sarajevo, I reluctantly report the Bosinan-Croatian alliance, a singular achievement of the Clinton administration, is in peril.

When I was Mostar several months ago immediately after the Horrible Croatian siege of Muslim east Mostar, its people had just emerged stunned, ravaged and maimed after months of shelling and various atrocities.

That breakdown of the previous Bosnian-Croatian alliance can be significantly attributed to the West's dismal stupidity in allowing Serb invasion and land grabs in no way detracts from the guilt of various Croats in and out of Bosnia for perpetrating that siege, the concentration camps, the atrocities, and ethnic cleansing.

But in April, the poor people of east Mostar were drinking untreated, chemically contaminated water from the Neretva River. They in essence has no electricity, and their medical treatment—what little they had, despite the efforts of a few valiant doctors—bordered on medieval.

This last week when I visited Mostar again, things had not gotten much better. In those 3 months since April, the E.C. Administrator Hans Koschnik still had not arrived. He did show up last Sunday to meet with leaders in both communities.

Other than the regular U.N. food aid and a few basic humanitarian supplies, progress in Mostar has been at a near standstill.

Given the fact that forced expulsions of Muslims by gangsters in west Mostar still are going on with little or no law enforcement followup from west Mostar Croatian authorities makes this all the more tragic.

Five Moslem families in east Mostar told me they were forcibly expelled from their homes in the last month. Some were beaten. Some were witness to murder.

But still it goes on with no investigatory followup to speak of. The victims and the east Mostar authorities told me that they have abounding evidence against these particular criminals. This cannot go on.

President Zubak of the Bosnian-Croatian alliance and General Roso, Bosnian Croatian Defense Organization Commander, and perhaps most importantly, Croatian Defense Minister Susak told me that these crimes in Mostar would stop. If they do not, the Bosnian-Croatian alliance will be short-lived indeed.

Another internal threat to the Bosnian-Croatian alliance and all our hopes for peace emerged last weekend when elections of the Bosnian branch of the Croatian Democratic Union Party resulted in the elevation of two Croatian leaders quite unacceptable to Muslims in the region.

One of the men is said by the Muslims and others quite knowledgeable to be a war criminal, the other is reputed to be a radical Croatian ultra-nationalist.

Without more enlightened leadership from Zagreb and a firmer grasp of the situation on the ground by the United States, our hopes for peace will be dashed with ongoing war beyond belief and reason.

E.U. Administrator Koschnik said he will be operating by July 24 in Mostar. Some 80 million deutsche marks are said to be headed to Mostar and the immediate area. Every bit of that will be needed, and more.

Similarly, the people of Vitez—Croats and Muslims—and Bosnians in other areas need help now. The United States must be more active and visible around Mostar and elsewhere immediately if it is to save the alliance that we fostered between Croatians and Muslims.

Many Americans, including some of our highest officials, do not realize the almost transcendent effect of American participation and visibility in the midst of this continuing tragedy.

EMPLOYER MANDATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, this morning, the Small Business Committee spoke for the first time on the issue of employer mandates.

At the markup of the Small Business Administration reauthorization bill, I offered an amendment expressing the sense of Congress that employer mandates would be destructive to small business and that employer mandates should not be included in any health care reform legislation.

Unfortunately, this amendment was narrowly defeated by a vote of 21 to 24, with all Republicans and only 3 Democrats voting to eliminate these job-killing employer mandates in national health care reform.

I am deeply disturbed that the Small Business Committee voted to support employer mandates, especially when all of the evidence demonstrates that mandates will be extremely destructive to small businesses.

A recent study by the CONSAD corporation, for example, predicted that nearly a million jobs could be lost due to employer mandates, with almost half—470,000 to be exact—coming from small businesses. Even more disturbingly, most of those losses will come at the expense of lower income women, minorities and families. Another study predicts that employer mandates would cost small businesses an extra $29 billion a year.

But we don't have to rely on academic studies to understand the economic carnage that would be caused by employer mandates—all we have to do is listen to the small business owners we are supposed to be representing.

Several months ago I held a health care town hall meeting for small business owners and employees in my district. At that meeting, which was attended by about 100 business people, small business owner after small business owner told me that employer mandates, as proposed by the President, would pose a serious threat to the survival of their businesses.

One owner, who runs several restaurants in my district, testified that "If the Clinton plan were enacted as it stands now, my problems as a small business owner would go away because we simply would not survive. We would have to close * * *" If that small restaurant chain closes, hundreds of employees will lose their jobs. Most small businesses across this country are operating on razor thin margins as it is and they simply can not afford the additional burden of health insurance, not at a time when they are finding it difficult just to keep their doors open. To put it simply, too many of these small companies would be forced to close their doors. That is the tragic end result of employer mandates—the loss of precious American jobs.

But it is not just small business owners in my district who are worried about employer mandates. Over the last 2 months, the White House has sponsored seven different small business conferences, attended by the owners and employees of small businesses, in seven different States. In 6 out of 7 of those State conferences, held in Delaware, New Hampshire, Wyoming, Wisconsin, Montana, and Idaho, small business owners voted unanimously to reject employer mandates.

The overwhelming opposition of the small business community to employer mandates is easy to understand: Most small businesses simply cannot afford to pay for their employees' health insurance and still stay in business. The fact is that you cannot increase the payroll costs of small businesses by 3.5 to 7.9 percent and expect to continue to provide jobs and fuel economic growth.

My point is simple: Employer mandates are a bad idea and millions of the owners and employees of small businesses are frightened.

However, the Small Business Committee, by voting to support employer mandates, chose to ignore the views of the small businesses it is supposed to represent. It seems that many members on the Committee are more interested in "toeing the party line" than in doing what is right for America's small businesses.

I want to assure the small business owners of this country, that I will not be discouraged by this temporary defeat and will continue to fight to defeat this job-killing proposal.

I am submitting the record from today's Small Business Committee vote into the RECORD.

> Small Business Committee voted 19–24 on Kim amendment to Title I of the Small Business Administration Reauthorization which would prohibit the use of funds by the Small Business Administration to promote employer mandates in health care reform legislation:
>
> Ayes: Meyers, Combest, Baker, Hefley, Machtley, Ramstad, Sam Johnson, Zeliff, Collins (GA), McInnis, Huffington, Talent, Knollenberg, Dickey, Kim, Manzullo, Torkildsen, Portman, and Sarpalius
>
> Noes: LaFalce, Smith (IA), Skelton, Mazzoli, Wyden, Sisisky, Bilbray, Mfume, Flake, Poshard, Clayton, Meehan, Danner, Strickland, Velazquez, Fields, Margolies-Mezvinsky, Tucker, Klink, Roybal-Allard, Hilliard, Lancaster, and Andrews
>
> Not voting: Conyers, Waters, Thompson
>
> Small Business Committee voted 21–24 on Kim amendment to Title VII of the Small Business Administration Reauthorization which would express the Sense of Congress that employer mandates would be destructive to small businesses and that employer mandates should not be included in any health care reform legislation:
>
> Ayes: Meyers, Combest, Baker, Hefley, Machtley, Ramstad, Sam Johnson, Zeliff, Collins (GA), McInnis, Huffington, Talent, Knollenberg, Dickey, Kim, Manzullo, Torkildsen, Portman, Skelton, Sarpalius, and Lancaster
>
> Noes: LaFalce, Smith (IA), Mazzoli, Wyden, Sisisky, Bilbray, Mfume, Flake, Poshard, Clayton, Conyers, Meehan, Danner, Strickland, Velázquez, Fields, Margolies-Mezvinsky, Tucker, Klink, Roybal-Allard, Hilliard, Andrews, Waters, and Thompson

□ 2100

REASONS FOR POOR MORALE IN THE U.S. MILITARY

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, last June 30 I sent a letter to the Secretary of Defense asking him to please, as the senior administration official, convey to Mr. Clinton some thoughts on why the morale is so bad in the U.S. military. This morning during a 1-minute I said that I would list 11 or 12 things, and when my staff reminded me of this letter, and it is now only 14-days-old, I decided I would simply read the letter, let it speak for itself, and hope that this Nation will understand why this is not a President that can put men, and now women, into combat in Haiti when there are no vital U.S. interests at stake.

I wrote, and I will choose to make my own letter public, which it has not been for 2 weeks, to the Honorable William J. Perry, Secretary of Defense:

> Dear Mr. Secretary:
>
> As an elected Representative who has the utmost admiration for the uniformed men and women of our great Nation, I am personally outraged at the continued demeaning treatment of members of the military by the President and his administration.
>
> The latest incident involved the use of 'cream of the crop' military officers as servants and tray carriers at a partisan White House political function.

It was for the DNC, Mr. Speaker,

> Unfortunately, such insults by the Commander in Chief or his White House staff are not isolated incidents. Recall these others:

Mr. Speaker, I spoke to one of the four officers who were used in this intolerable manner at the White House last month, and he confirmed everything that has been in the press, Mr. Speaker, including that he felt humiliated, and some of the fine Democrats at that event said that they felt embarrassed and humiliated for the officers.

Here in my letter to Perry are some other events that I recalled:

"The verbal abuse of a general officer," a three-star officer, now four-star, and commander of one of our combat commands, "and combat veteran of Vietnam," where he was badly wounded, "and Desert Storm," where he led the key division, the Point of the Spear, the 24th Infantry Mech, the insult to this officer "by a junior White House staffer with no public apology or disciplinary action."

Two, "ordering, for the first time in memory, military personnel to show up at the White House in work clothing," and in this case it was desert camouflage fatigues, "for a phony press event and a ludicrous short march down the White House south lawn to announce the completion of George Bush's Somalia humanitarian effort."

That was May 5 of 1993. Of course, we stayed through the killing of 19 Rangers and Special Forces men on October 3rd and 4th and the 6th.

Three, "using members of the ultra-sharp, ceremonial U.S. Army 'Old Guard'," as they are called, at Fort Myers "as delivery boys to carry defense conversion documents to Members of Congress," including to this Member's office.

Four, "the use of D-day 50th Anniversary ceremonies as a political platform to" attempt to raise the President's low poll ratings, and it failed, he dropped three points, "including 'staged' photo opportunities at the Anzio/Sicily" Nattuno Cemetery "and on the hallowed sand of the Normandy Beaches, when these ceremonies should have focused totally on the senior veterans who died or survived" in that incredible day in history.

The thing that I found most offensive was the pulling at the sleeves of three incredible Army heroes, now with 50 years added to their young years when they performed heroic deeds on the beach, including Colonel, then young Captain, Joe Dawson, who was asked to introduce the President. He was pulled by some of these little pre-pubescent workers of Mr. Clinton's away from the President so he could pretend to reflect in prayer, and there on the horizon was the U.S. *San Jacinto*, an Aegis cruiser, ironically named after the carrier, *San Jacinto*, that George Bush was flying combat missions off 50 years ago as we speak, building up to his almost loss of life and loss of both of his crewmen on September 2nd of this year, the 50th anniversary of young Lieutenant JG George Bush's incident.

"Young White House staffers with zero military experience pilfering towels," 68 of them, "bathrobes," 16 of them, "from the aircraft carrier USS *George Washington*," at the beginning of that D-day morning's ceremonies, "and then attempting to blame the press."

"The use of presidential military helicopters," the white-top H-3s, "which included members of the White House Marine honor guard, by the White House staff for a golf trip."

Mr. Speaker, I will submit for the RECORD the two pages that follow in my letter, and do a 1-hour special order on this next week, for which I will be asking unanimous consent.

The portion of the letter referred to is as follows:

> The use of senior uniformed military officials as background props at a staged event at Ft. McNair to announce a new version of a Clinton policy aimed at lifting the 50 year ban against homosexuals in the military. (If the President had prevailed in his early 1993 attempts, our services would be riddled with practicing homosexuals and bisexuals and proliferation of military chapters of G.L.O.B.E. Check with HUD, the Department of Agriculture, DOT/FAA, et al.)
>
> What makes this pattern of behavior especially contemptible is the continued hardship placed on those in the military as a result of official White House policy. Increased

defense reductions including personnel cuts, increased tempo of operations including the constant discussion of using our troops in Haiti and Bosnia, and the cancellation of well deserved but modest benefits, including scheduled pay raises, are all illustrative of this administration's official policy toward the military.

Sort of makes you wonder if the President still "loathes" the military as he wrote on December 3, 1969, to a heroic Bataan Death March survivor.

Dr. Perry, as the Secretary of Defense and senior civilian military official within the current administration, I believe it is your duty, on behalf of all the men and women around the world serving under you, to convince the president to immediately take steps to improve relations with members of our armed forces. Besides common courtesy and respect for uniformed members of the military by all White House officials, I also suggest the following action to improve the already badly damaged morale of members of the armed forces and their families:

Immediately restore and increase annual pay raises for all members of the U.S. armed forces. (A New York Times front page article last week documented again that military pay has fallen way behind the private sector.)

Immediately announce full and complete implementation of Congressional language upholding the ban against homosexuals and bisexuals in military service.

Immediately and fully restore the cost of living adjustments (COLAs) for all military retirees.

Immediately declare that U.S. personnel will not serve under foreign or U.N. command unless a ratified treaty exists, as with NATO.

Immediately begin full development of friendly fire systems designed to prevent fratricide in future combat operations.

Such modest initiatives on the part of the president would provide tremendous dividends in terms of improved moral and combat readiness within the ranks of our uniformed personnel. At the very least, our brave men and women deserve the common respect due to any soldier, sailor, airman, or marine who volunteers to sacrifice his or her life in defense of our nation. That means, quite simply, that they would die for you and me, Mr. Secretary.

Best regards,

ROBERT K. DORNAN.

P.S. In case you're wondering, Bill, whether the father of one of our sacrificed in Somalia heroic medal of honor winners refused to shake the Commander in Chief's hand, I've confirmed first hand—it is true.

Mr. Speaker, this December 3, 1969, letter by the then 23-year-old Clinton explains much about his attitude toward our military forces.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.

I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.

Interlocked with the war is the draft issue, which I did not begin to consider separately until 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war not simply to "participation in war in any form."

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.

The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.

Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.

The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true we are all finished anyway.)

When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.

But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.

At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me a soon as possible.

I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.

And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.

Forgive the length of this letter: There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.

Merry Christmas.

Sincerely,

BILL CLINTON.

THE IMPORTANCE OF MEDICARE C

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, the gentleman from Washington [Mr. McDERMOTT] is recognized for 60 minutes as the majority leader's designee.

Mr. McDERMOTT. Mr. Speaker, as part of my effort to talk to my colleagues each week about how health care reform issues affect the American people personally, I would like to talk tonight about a part of the new proposal in the health care reform debate.

It is found in the Ways and Means Committee bill for health care reform. that proposal is to create Medicare part C to provide insurance to the nonsenior population the way Medicare provides insurance for senior citizens.

Medicare C is a voluntary program. It will provide insurance to people who cannot afford to purchase their own and it would enable individuals and small business to buy insurance at a price they can afford.

It is simple, it is affordable and it is easy to access. Health insurance through Medicare C is purchased through a payroll deduction. Anyone who does not have insurance is automatically enrolled.

If you prefer to have private insurance, you don't have to be enrolled in Medicare C. It is purely voluntary. But more importantly, enrolling in Medicare C guarantees you free choice of provider. It enables Americans to have a nonprofit, national nonmanaged care health insurance option.

But there is a problem with the way Medicare C is structured in the Ways and Means bill. It is not open to everyone. Only people who are unemployed or employees of small businesses can enroll in Medicare C.

Everyone else is required to enroll in insurance company plans.

Well, Mr. Speaker, I don't think we should lock people into insurance company health plans which increasingly means insurance company interference in patient treatment decisions, even in fee for service plans.

I want to talk to my colleagues tonight about the American people's relationships with their doctors, and about who should make medical treatment decisions.

Because a Medicare C open to anyone who wants to join may be more important to you and your health care and your relationship with your doctor than you would ever imagine.

What Americans are experiencing now in the health care marketplace is a new trend called "managed care."

This change is happening today as the "market" is left to its own devices to solve the health care cost crisis.

And that means that insurance companies interfere more and more aggressively in the treatment decisions of doctors. And they do this not to protect the patients quality of care, but to protect the profit margins for their stockholders. This is happening not only in HMO's. All patients are experiencing the reality that it is their insurance company, not their doctor, who determines whether or not they get admitted to a hospital. It is their insurance company who decides if a child can stay in the hospital overnight after a bad reaction to surgery. It is their insurance company who is deciding that women should be discharged from the hospital on the same day as childbirth or that newborns should be sent home before their first feeding.

These decisions are not being made by the physicians or nurses or other practitioners who actually care for the patient and bear the responsibility for their well-being.

They are being made by company employees who have never seen the patient and are sitting at a 1-800 number just to approve or disapprove care. The American people know in their hearts, in their guts, and in their minds that something is terribly wrong with this arrangement. They know that this cost-control approach by the insurance companies ultimately will ruin the quality of American health care. And I want to be clear. It is not the Government that is doing this. It is the free market approach to health care that is giving the insurance companies unprecedented control over the doctor-patient relationship.

If health care reform fails, this trend is simply going to get worse. There will simply be no restraint on insurance companies' ability to control the medical care you receive.

Without health care reform, insurance companies will completely consolidate their control over the delivery system. Mr. Speaker, I oppose that trend.

One of the most ominous recent developments was the recent announcement that Travelers Insurance Co. and Metropolitan Life agreed to merge their health care operations to create a more efficient managed care entity.

Where are the patients and providers in this merger?

Insurance companies have discovered that the real money in insurance is not processing claims but in denying claims and controlling access to care. They have created a private health insurance trap.

But Medicare C is your escape from that trap. Medicare C is your protection against managed care.

I am a physician as well as a Congressman. I practiced medicine for 25 years. To me, just as the family is the building block of civilization, so is the physician-patient relationship the building block of good medical care.

When the American College of Surgeons endorsed a single-payer approach to health care reform—a system where Americans pay a public premium in the form of a payroll tax and the Government provides health insurance to all Americans the way it does in Medicare for senior citizens—the College of Surgeons stated that physicians could not continue to tolerate the amount of interference by insurance companies in treatment decisions.

Dr. Murray, the chairman of the board of the college, specifically noted that free choice of provider was preserved in Medicare and that clinical interference was not a problem in Medicare.

Patients and physicians in Medicare are much more in control of treatment decisions.

Americans are entitled to have a choice about how they receive their medical care. A nonprofit, nonmanaged care option for insurance that is guaranteed by the Government protects that choice as nothing else will.

But there is another reason to open Medicare C to anyone who wants to join. It will work to keep the insurance companies honest.

Medicare currently administers its entire program for 2.1 percent of its budget. U.S. Health, one of the Nation's largest managed care companies, administers its plan with 28 percent of its budget.

In other words, Medicare pays 98 cents on the premium dollar for actual health care delivered to people, while U.S. Health spends only 72 cents on the premium dollar on actual health care.

Now which system is going to give you more care? The one that pays 98 cents on the dollar or the one that pays 72 cents on the dollar? We all know the answer, and the answer is that Medicare is giving Americans more bang for their buck.

If the insurance companies have to compete with Medicare—if Americans can vote with their feet—then insurance companies might have to bring down their administrative expenses and provide more medical care instead.

So why isn't Medicare open to everyone? Why are most Americans being denied that choice?

Because insurance companies do not want to compete with the advantages of medicare. Insurance companies are working nonstop on Capitol Hill to keep Americans from having that choice. Insurance companies are afraid that people will like Medicare more.

Well, the purpose of health reform is not to protect the insurance companies. The purpose of health reform is to make health care and health insurance better for ordinary people.

Mr. Speaker, the American people should demand that Medicare C be open to everyone who wants to join, that they have the right to choose what's best for them,

That their health insurance choices and health care choices not be dictated by special interests in Washington.

Americans need Medicare C to be open to those who choose it. Medicare

C will help protect their health care futures. Mr. Speaker, I hope they get it.

☐ 2120

THIRD ANNUAL REGULATORY RELAY—THE BURDEN OF REGULATION ON THE RESTAURANT INDUSTRY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994 and June 10, 1994, the gentleman from Texas [Mr. DELAY] is recognized for 30 minutes as the designee of the minority leader.

Mr. DELAY. Mr. Speaker, today I come to the well of the House as chairman of the Republican Task Force on Competitiveness to run the second lap of the Third Annual Regulatory Relay, whose focus for several weeks has been the burden of regulation on the restaurant industry.

Working with the National Restaurant Association, this morning I held a press conference on this topic. Several of my colleagues joined me to tell of regulatory horror stories in their districts, and restaurateurs, including a constituent of mine, told their tales of dealing with the monstrous Federal regulatory bureaucracy. I was very pleased to see that so many are brave enough to join the task force in this race against the perpetual winner of the regulatory marathon—the Federal Government.

Many people do not realize that eating and drinking places are the Nation's largest retail employer, accounting for 3 out of every 10 retail workers. Most of these are small businesses. And while small businesses are the job-creating engine of our economy, they are also extremely vulnerable to the costs of regulation. As a result, almost any increase in Federal regulation has a severe impact on the ability of a restaurateur to succeed.

It is particularly timely to discuss this topic because we recently reached a very important date on the calendar. Sunday, July 10, marked the second annual Cost of Government Day, the day when Americans earned enough income to pay off their share of the combined costs of taxes, Government spending, and regulation. As chairman of COGD on behalf of Americans for Tax Reform, I recently introduced a resolution establishing July 10 as Cost of Government Day.

Federal regulatory costs are estimated—conservatively—to be about $600 billion annually. This translates into $2,500 for every man, woman, and child in America. Much of this cost is so hidden that it doesn't show up on any sales or paycheck receipts. However, the Federal Register tells the story clearly, as President Clinton's first year saw the most regulatory activity since President Carter's last. The page total for 1993 was 69,688 pages, the third highest total of all time.

A not-surprising increase in the number of regulatory bureaucrats corresponds with this proliferation of regulations. While from 1985 to 1992, regulatory staffing increased by over 20 percent, to almost 125,000 employees, under President Clinton, the largest number of Federal bureaucrats ever—128,615 people—was called for to run his Federal regulatory apparatus. It is truly outrageous that while July 4th was Independence Day—the day we celebrated our liberation from Great Britain—it was not until July 10 that Americans were liberated from their own Government.

Our economy cannot bear the burden indefinitely. This is especially true for industries like the restaurant industry, as nearly three-fourths of eating and drinking establishments have annual sales of less than $500,000, and average profit margins run between 3 and 4 percent of gross sales. This thin operating margin makes restaurants highly sensitive to regulations which increase the cost of doing business. And according to this list compiled by the National Restaurant Association, restaurants are by no means suffering from a dirth of Federal regulations. Entitled "Regulations and Restaurants from A to Z," this sample list includes nearly 60 rules and regulations imposed upon the industry by the Federal Government. Of course, this does not include the multitude of State, local, and county regulations that restaurateurs must comply with.

While many of these are well-intended, a lack of cost/benefit analysis—and sometimes simply common sense—in their application often results in ridiculous and even tragic situations. For example:

In Houston, Texas, air quality control authorities ordered that "large" employers (more than 100 employees) must take active steps to encourage carpooling and use of mass transit. They initially ruled that restaurants, open 7 days a week with more than 100 part-time employees, must also comply regardless of the fact that their operating time (and thus employee commute times) did not match the rush hour periods which were slated for control.

A multiunit restaurant operation based in the Washington, DC. area received an OSHA fine of $1,500 because an employee did not use the available cut-resistant gloves while chopping fresh vegetables. In a separate action, the new FDA Model Food Sanitation Code prohibits the use of such gloves when in contact with cooked or ready-to-eat foods. The National Restaurant Association has formally asked OSHA and FDA to clarify which rule take precedence.

Under the OSHA Hazard Communication Standard, employers are obligated to make available safety information about hazardous chemicals using material safety data sheets [MSDS] supplied by chemical manufacturers. MSDS' cover diet soda (because it contains saccharin, a possible animal carcinogen); liquid hand soap (it's an eye irritant, so the MSDS advises one to wear safety goggles when using the product and, if spilled, to remove contaminated clothing and flush skin with running water for 15 minutes); and liquid dish soap like Joy dishwashing liquid (another irritant, but it is also listed as a potential fire hazard because it contains alcohol as an emulsifier).

A small New England bar and grill was cited by OSHA for $3,000 in fines due to a violation of the Hazard Communication Standard. The principal violation was the transference of window cleaner from its original gallon jug to a 10-ounce spray bottle which was not labeled as to content and warning despite the fact that employees stated they were familiar with the contents of the bottle and the cautions for its use.

A restaurant in Pittsburgh was the subject of an OSHA investigation after an employee assisted a patron with a nosebleed. A disgruntled employee lodged a complaint, and OSHA investigated possible violations of the bloodborne pathogens standard. No fine was levied, but OSHA advised the operators to establish a written plan for future compliance. The operators did so, including a contract with a waste-hauling company to provide special "red bags" for medical waste for future incidents.

In Sedona, AZ, a restaurant operator made a technical paperwork error when changing the corporate ownership of his restaurant. In retaliation, the local health department demanded that he close his doors while the new permit was being processed. When he refused, they conducted harassment inspections, citing trivial temperature violations of one or two degrees, including at least one case in which a scoop of potato salad on a plate waiting for the entree to be plated was cited in violation. The case was resolved through an arrangement whereby the operator was ordered to teach local classes in food sanitation to other operators.

As you can see, the regulatory apparatus has reached the level of the absurd going on all over the country. I would now like to take a walk through a little bit of history to demonstrate the incredible growth in the number of rules and regulations the restaurant industry has had to deal with in just the last 10 years.

In 1970, other than local fire, health, and building codes, a typical restaurateur had to deal with about 20 pages worth of Federal law contained in the Fair Labor Standards Act of 1938.

1994 presents a very different picture. Just over the last 10 years a large number of laws have been passed affecting the restaurant industry. In 1985 an extension of health benefits was mandated by the Omnibus Budget Reconciliation Act. In 1987, the Immigration Reform and Control Act required employers to fill out I-9 forms for all new employees, and the Budget Reconciliation Act required restaurateurs to pay FICA taxes on all employee tips. Employers of 100 or more were mandated in 1988 to give 60 days' advance notice of closings, and in 1989 the Fair Labor Standards Act Amendments raised the minimum wage. In 1990, the Americans with Disabilities Act was passed, and restaurants were forced to meet new Federal criteria on menu labeling in 1991 with the Nutrition Labeling and Education Act. In 1993 the Family and Medical Leave Act was passed, requiring employees of 50 or more to provide 12 weeks of unpaid job-protected family or medical leave to employees.

The National Restaurant Association, along with the Texas Restaurant Association, is kind enough to have compiled a book entitled "The Legal Problem Solver for Foodservice Operators" to help anyone who might be contemplating opening a restaurant. Unfortunately, a typical restaurateur in Texas has to pore through 27 chapters of Federal and State rules, regulations, and paperwork that must be complied with to open and run a restaurant. The topics of these chapters range from how to report tips to the IRS, to how to value meals when it comes to overtime work; from Department of Labor rules on uniforms, to drug policy requirements; from OSHA's bloodborne pathogen standards, to Equal Employment Opportunity Commission guidelines on height and weight. With such a regulatory maze to have to wind through, it is a wonder that anyone is able to open a restaurant at all, much less stay in business.

Perhaps even scarier are the pieces of proposed legislation affecting restaurants which the Clinton administration and/or this Democrat Congress want signed into law. They include a ban on smoking in public, a prohibition on replacing a striking worker, a massively expensive OSHA reform bill, and of course the infamous Clinton health care plan. This plan would push Cost of Government Day back 31 days—the single greatest jump in the cost of Government in our Nation's history.

CONCLUSION

The message of the Regulatory Relay is this: The system for drafting, evaluating, approving, and promulgating rules must be overhauled. The lack of an effective regulatory review process to weigh costs and benefits is wreaking havoc on our economy, resulting in lost jobs, lost productivity, lost competitiveness, and lower standard of living. We must establish a system of cost/benefit analysis, pass the Paperwork Reduction Act, strengthen the Regulatory Flexibility Act, and provide protections for whistleblowers whose firms are being abused by overzealous regulators.

If Americans are to succeed in today's highly competitive economy, we must break the chokehold of regulations around the neck of every budding entrepreneur and allow them to compete freely. I look forward to continuing the fight to bring some sense back into the regulatory process.

Mr. Speaker, I am including at this point in the RECORD the document I referred to earlier, "Regulations and Restaurants From A to Z," as follows:

REGULATIONS AND RESTAURANTS FROM A TO Z

MATTERS RELATED TO RUNNING A RESTAURANT INVOLVING SOME ASPECT OF FEDERAL REGULATION

Accessibility to disabled customers (DOJ).

Advance payment of Earned Income Credit (IRS).

Age discrimination (EEOC).

Alcohol excise taxes (IRS).

Annual occupation tax for alcohol-sellers (BATF).

Bloodborne pathogen program for employees who give first-aid (OSHA).

Citizenship-status discrimination (DOJ).

Commuting plans for employers in high-pollution areas (EPA, beginning late 1994).

Continued health benefits for former employees (IRS).

Copyright law and restaurant music (DOJ).

EEO–1 Form (EEOC).

Egg-refrigeration standards (USDA, proposed for 1994).

Exempt managers (DOL).

Federal income taxes (IRS).

Federal income-tax withholding for employees (IRS).

FICA payroll taxes (IRS).

FICA payroll taxes on tips (IRS).

FUTA payroll taxes (IRS).

Grease-trap waste disposal (EPA).

Hazard Communication Standard (OHSA).

Health claims and restaurant foods (FDA).

Health benefit plans and the Americans with Disabilities Act (EEOC).

I–9 form (Employment Eligibility Verification Forms (INS).

Immigration Reform and Control Act of 1986 (INS).

Independent contractors, reporting of payments to IRS).

Job application forms, permissible questions (EEOC).

Magnetic media reporting of Forms W–2, 8027 (IRS, SSA).

Material Safety Data Sheets (OSHA).

Meal credit (DOL).

Minimum wage (DOL).

National origin discrimination (EEOC).

Notice to employees of eligibility for Earned Income Credit (IRS).

Nutrient–content claims and restaurant foods (FDA).

Overtime pay rules (DOL).

Payroll tax deposits (IRS).

Polygraph ban (DOL).

Poster: Equal employment opportunity (EEOC).

Poster: Polygraph (DOL).

Poster: Minimum wage (DOL).

Poster: Family and medical leave (DOL).

Poster: OSHA (OSHA).

Race discrimination (EEOC).

Reasonable accommodation for workers with disabilities (EEOC).

Refrigeration equipment and CFC phrase-out (EPA, phaseout by 1996).

Religious discrimination (EEOC).

Restaurant closing, 60 days advance notice (DOL).

Sex discrimination (EEOC).

Teen labor: Hours restrictions for workers under 16 (DOL).

Teen labor: Occupational restrictions for workers under 18 (DOL).

Tip credit (DOL).

Tip reporting and IRS Form 8027 (IRS).

Tip allocation (IRS).

Tip-income audits (IRS).

Tip pools (DOL).

Uniforms: Deposits, costs, maintenance (DOL).

Veterans' employment rights (DOL).

W–2 Forms (Wage and Tax Statement (IRS, SSA).

W–4 Forms (Employee's Withholding Allowance Certificate) (IRS).

Workplace phones, hearing-aid compatibility (FCC).

□ 2130

Mr. Speaker, I would be happy to yield to the distinguished gentleman from Michigan, who has worked so long and hard on regulatory reform in this House, as well as many other reforms that ought to be brought to this House.

Mr. HOEKSTRA. I thank the gentleman for yielding.

Mr. Speaker, I am not going to talk specifically about restaurants, but the gentleman mentioned the Clean Air Act and also some of the things he thought needed to be overhauled. I also want to reference a story today in the Washington Post, the national weekly edition, "Why American Hate Congress." I found perhaps one of the most interesting quotes in there: "A survey found large gaps in public knowledge of what this Congress has done, but discovered that those who know more," and that is the American people who know more about what we have done, "actually think less of the legislators' performance." I think I have a wonderful example here. I have good news and bad news on paperwork reduction and on Government regulation. Which would the gentleman like first?

Mr. DELAY. Give me the bad news first.

Mr. HOEKSTRA. The bad news is that under the Clean Air Act and the rules and regulations that are being promulgated, we will have to meet those rules and regulations.

Mr. DELAY. Then what is the good news?

Mr. HOEKSTRA. The good news is that the EPA is going to save hundreds of thousands of dollars because they are not going to publish them in the Federal Register.

Mr. DELAY Wait a minute, I do not understand. We are going to have just hundreds of regulations, as I understand, coming out to implement the Clean Air Act?

Mr. HOEKSTRA. Correct.

Mr. DELAY. They are not going to publish them so Americans will not be able to read them?

Mr. HOEKSTRA. This is correct. The Washington Times, Tuesday, July 12, Let me tell you why this is so important to my district. Part of my district—we are on the Lake Michigan shoreline, Chicago is about 100 miles to the southwest and Milwaukee is 90 miles directly west of my district. A lot of pollution, it is amazing the EPA has not recognized this fact yet, but air moves. I do not know if the gentleman knows that.

Mr. DELAY. Well, you need about a $10-million study to study how air moves.

Mr. HOEKSTRA. That is right We have commissioned a number of studies. What those studies have shown, the first study we did is we found out that the air above part of my district, what it is doing, it is moving. So, obviously, we now have to meet the Clean Air Act requirements, some of the things the gentleman was talking about. We are not to the carpooling state yet, but we might be.

We thought we were fairly environmentally conscious in west Michigan. We have large rural areas. We wondered why is it that we do not meet the clean air standards. We found out that surprisingly enough air moves and somewhere between 70 and 90 percent of our pollution come from areas to our west. So we are getting windborne pollution.

So, beginning January 1, 1995, the citizens in my district are going to have to start paying $24 every other year for auto emissions testing.

□ 2140

And for us, full well knowing, that even if all of the constituents in these three counties locked their cars in their garage, and did, and put them away, and started riding their bicycles, like I like to do, we would not be able to meet the clean air standards; so, I found it amazing when I went to the Washington Times this week and started reading "Clean Air Rules Published Only in Summary by EPA."

The 1990 Clean Air Act has spawned so many proposed regulations that the Environmental Protection Agency has decided to publish only summaries in an effort to save money.

I ask, "Isn't it amazing that we think that the American people and American businesses, they have all of the money to implement regulations when we here in Washington do not have enough money to publish them?"

It goes on. "There's just an enormous number of new rules that would have cost the agency hundreds of thousands of dollars to publish in the Federal Register," EPA spokesman Lou Kester said.

Later on it goes on:

> At least one reader of the Federal Register has written EPA Administrator Carol M. Browner to protest the omission.
>
> "This situation sets a dangerous precedent to which I object," wrote John D'Aloia Jr., a consultant to Prindle-Hinds Environmental Inc. of Albuquerque, N.M., which advises banks, insurance companies and other businesses of pending federal rules.
>
> "The purpose of the Federal Register is to provide citizens with a single source of government action. By forcing interested parties to take additional action to obtain copies of proposed rules, EPA is making it more difficult, and costly, for citizens to participate in the regulatory process."

So, first, we start off with bad legislation. Second, we now make it more difficult for those people that are affected by bad legislation to try and implement bad legislation.

Just think, Mr. Speaker, I came from the private sector, and just think of what, and I am just trying to imagine, what my customers would be telling me if we introduced a new product that was fairly complex, and we said, "By the way, if you would like to understand how to use this product, or what types of problems it might solve, or what the technical specifications are, you know you have to pay extra for that. It's going to cost you an extra—if the product costs $10,000, if you really want to find out how the product works, send us another check, and we'll send you one for a thousand dollars, then we will send you, the technical specifications and the operating instructions." I think that company would be out of business very, very quickly.

I find this an interesting thing. It just builds off of what the gentleman is saying about the cost of regulation. The cost of regulation is immense even when we are passing well-intentioned, well-founded legislation that would have a very good impact. What we are finding is too many bills that are based on faulty premises. We are requiring the American people, the American public, to then implement bad legislation, and now we are making it more difficult for them to find out what they are actually supposed to do.

Why do people hate congress? They see what we are doing.

Just one more comment:

I went to the chairman of the Committee on Energy and Commerce when I came here, and I said, "This doesn't make sense."

The comment was, "I understand. I understand that there are problems with the legislation. I can't open up the legislation because what we may end up with will be worse than what we have."

That may work great for the 49 other States. It may work great for the other 84 counties in the State of Michigan that are not impacted by this.

Try explaining that to the three counties and the people in those counties that have to pay. Explain that to the businesses that now have to compete under those regulations. It does not wash.

When we have bad regulations and laws, it is our responsibility to fix them. We are not willing to recognize the problem.

I thank the gentleman from Texas [Mr. DELAY] for having yielded to me.

Mr. DELAY. I think the gentleman from Michigan has just exhibited his talent in this regard and his diligence in finding that in the case of the first article, a very obscure article, understanding the impact that that article was trying to portray, and then the second article as an example of this outrageous, out of control Federal Government that now, as the gentleman so rightly puts it, that now has gone even a step further, that has given coverup a bad name.

Now for the first time, and I have been here 10 years, and this is the first time that I know of that I have ever even heard of it, that an agency refuses to publish the regulation that it is going to impose upon every American in this country so that, and I do not know the reason; it obviously is not to save money.

This present administration and its agencies are running amok, actually promulgating rules and regulations that they have no authority legally to promulgate, and this may be a way that they are trying to cover up what they are doing, particularly in a piece of legislation as complicated as the Clean Air Act. Of any piece of legislation, that one and its regulations should be published.

I yield to the gentleman from Oklahoma [Mr. ISTOOK], my cochairman of the Task Force on Competitiveness.

Mr. ISTOOK. Mr. Speaker, as the gentleman knows, it seems to me like a lot of people have got to be very confused listening to this explanation because it is normal for a Member of Congress, at least if they are back in their districts, to talk to people and say, "Well, we in Congress have done great things, but then there are these bureaucrats over here that have done the bad things," and maybe it is kind of scapegoatism, but we have people that are supposed to be carrying out the instructions they were given from Congress, and the Members of Congress, when something goes bad, they say, "Well, it's the bureaucrats' fault because of the regulations that came through."

But I think what the gentleman is trying to say is that really it traces back to the Members of Congress that gave the instructions in the first place, that, even if one paid extra money, and they got the instruction manual that Congress sent to these people, they would find that it still does not make sense, and why is it that the public is hit with this constantly? One would think that these Members that say it is the bureaucrats' fault voted against the bills that gave away all this authority and gave this power to the bureaucrats to do these silly things like tell all the people, "You have got an air pollution problem. It's your fault even though you had nothing to do with it."

Why is it that these Members, if we look at the Members' record, we find they did not vote against them, they voted for those bills, and nobody ever seems to look back at that record? Why is that? I am a freshman; what would I know?

Mr. DELAY. The gentleman, I think, knows the answer, but I would like to attempt to answer it in that it has been my experience in the 10 years that I have been here that this House, controlled by the Democrat leadership, passes bills with no intention of being specific, as specific, as to enumerate the kinds of regulations and rules that the bill is intended to promulgate on the American people. The bills are always general in nature so that Members of Congress can vote for the Clean Air Act, go home and say, "I'm for clean air," and not be—first of all make sure it is not implemented for 2, 3 or 4 years down the road so they can get two or three elections in their pockets, and then, when it starts hitting, and the bureaucrats and the agencies start writing the rules and regulations for these poorly written bills that are general in nature, are not specific enough so that people, the American people, can understand what the Members are doing to them, then they start blaming the bureaucrats when in fact this House ought to be the oversight agency, the oversight body, for these rules and regulations.

In fact, the gentleman from North Carolina [Mr. TAYLOR] has an excellent bill that cannot seem to find its way to the floor because it is being stifled by the chairman of the committee it was referred to that says that when agencies promulgate these rules, before they go into effect they have to be sent back to the Congress for approval, for a vote, so that Members of the House have to approve these rules and regulations promulgated by the agencies. I think that would slow down a lot of this mess.

□ 2150

Mr. ISTOOK. If the gentleman would yield further. It reminds me of something that was said by a favorite son of Oklahoma, Will Rogers. Because you are saying that Congress puts out something, they say, "Oh, this sounds like a great idea, but don't bother us with the details, we'll let somebody else work out the details." Of course, they get it all wrong.

Will Rogers, back when the German U-boats were threatening all the shipping around the time of World War I, and so forth, and they were sinking merchant vessels right and left, Will Rogers said, "Well, I've got a great idea. All we have to do is boil the oceans. And when the oceans start boiling, the U-boats will have to come up and they'll pop up to the top, and then we can see if we can shoot them and sink them."

THE HOLLOWING OUT OF AMERICA'S ARMED SERVICES

The SPEAKER pro tempore (Mr. FROST). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Missouri [Mr. TALENT] is recognized for 30 minutes as the designee of the minority leader.

Mr. TALENT. Mr. Speaker, I am happy to yield to the gentleman from Oklahoma to finish his story.

THIRD ANNUAL REGULATORY DELAY—THE BURDEN OF REGULATION ON THE RESTAURANT INDUSTRY

Mr. ISTOOK. We were caught in the middle of the Will Rogers' story.

"If we could stop the German U-boats, boil the oceans, the U-boats will pop to the top and you can shoot them." People said, "I guess that sounds like an okay idea but how do you boil the oceans?"

Will Rogers said, "I'm just an idea man. I'm not a detail man."

I think that is what we see so often in Congress. We are supposed to be permitted to be idea people and not detail people and no matter how impractical things may be, we are not supposed to be judged on the basis of that. We have sure seen examples from you gentleman of improper regulations and it traces right back here to the halls of Congress.

Mr. TALENT. Mr. Speaker, I rise today on the House floor to address again a subject I have addressed on no fewer than 3 occasions, that is, the hollowing out of America's armed services. In fact, in the middle of last year I formed an ad hoc committee on the hollowing out of the armed forces with the gentleman from Arizona [Mr. KYL], the gentleman from Pennsylvania [Mr. WELDON] and the gentleman from New York, [Mr. MCHUGH]. Since then we have done special orders on the general issue of the hollowing out of the forces, on the collapse of modernization programs in the United States Army, and on the terrible situation we have with the shortage of ammunition all throughout the services. My remarks tonight are on the subject of military pay and specifically on what happens when military pay lags behind civilian pay and also behind inflation.

Mr. Speaker, what would you expect to happen under those kinds of circumstances? Well, you would expect that it would become more difficult to recruit high quality people to serve in the armed services and more difficult to retain the high quality people who are already serving there. My points tonight are threefold. First, history shows that in fact that does happen, in fact it did happen in the 1970's, when military pay lagged way behind inflation and when in fact we had great difficulty retaining the high quality people we had in the services and recruiting others.

The second point is that military pay is again falling behind inflation, to approximately the same degree it did in the 1970's.

The third point I want to make tonight is that the force is again hollowing out in the sense that we are losing quality people from the services and are finding it more and more difficult to recruit the kind of people we need to staff a high tech and modern American military.

I begin, Mr. Speaker, with a history lesson and I go back to the years 1973 through 1979. These were the years in which the United States was governed by the Ford and then the Carter administrations. The chart to my left, Mr. Speaker, shows the gap between military pay and inflation that occurred during those years. Specifically the point of the chart is to show whether and to what extent increases in military pay kept up with inflation during those years. Taking 1975 as a base year, you can see very easily that between that year, 1975 and approximately 1980, at the end of the Carter administration, military pay lagged 15 percent behind inflation. In other words, if you had served in the American armed services in 1975 and had stayed in the services through the end of that decade, you would have suffered in real terms a 15 percent cut in the compensation that you received.

Did this hurt the quality of the personnel and the quality of the force during that period of time? There is no question, Mr. Speaker, that it did. This is documented, it is accepted by everybody. I will use 3 indices tonight to measure the quality of the personnel during that time and then compare it to what happened in the 1980's and what is happening now. The first index I will use is the percentage of recruits during those years who had high school diplomas. I will also use the tests that the military gives to new recruits which are designed to show what is colloquially called the trainability of those recruits. In other words, how easy is it to train recruits to perform in military occupations? And I will also use reenlistment rates. What happened to those 3 indices of the quality of the forces from 1975 through approximately 1980?

Let us look first at the percentage of recruits who had high school diplomas. In 1976, 91 percent of the recruits in the American military had a high school diploma. That number is too low. It would be considered a serious problem if it existed today. That is where we were at in 1976.

By 1980 the percentage of recruits who had a high school diploma had fallen to 82 percent. This means that 1 out of 5 of the new recruits in the American military, a high-tech, modern military on which the stability of the international order depends, 1 out of 5 of our recruits did not have a high school diploma. How trainable were those troops? The military gives tests to new recruits to determine how difficult it is to train them for military occupations. After they give those tests, they place the recruits into four different categories. Category 4 is very low trainability. People in category 4 are very difficult to train for any kind of a sophisticated occupation. In 1976, none of the recruits were placed in category 4. So zero percent of the recruits were considered to be very low trainability recruits. By 1980, 10 percent of the recruits were in category 4. One out of every 10 recruits in the American military in 1980 was considered very low trainability

What about reenlistment rates? First-term reenlistment rates during this period of time held pretty steady but at a very low rate, about 40 percent. As for second term reenlistments, in 1976 70 percent of the personnel who had an opportunity to sign up for a second term did. By 1980 that figure had fallen to 61 percent.

The quality of the force in those days got so bad, Mr. Speaker, that by 1981, early 1981, the U.S.S. *Canisteo* went to the Brooklyn Naval Yard to be overhauled, was refitted and was then supposed to set sail again. The captain of that vessel refused to take it to the high seas, because he refused to certify that there were an adequate number of skilled sailors so that that ship could go on its mission. His decision was reviewed by higher level authorities in the Navy and was upheld. He acted rightly in that decision. It was the only time in the history of the U.S. Navy when a naval vessel has been unable to take to the high seas because it did not have an adequate number of skilled sailors on board. That was the result of the 15 percent real cut in military pay that had occurred to the U.S. Navy and the other services from the years 1975 to roughly the year 1980.

What happened after that? When President Reagan took office, his first step was a very large pay increase, approximately 14.3 percent. That was not an accident. That was what was necessary to move the services back to where they were in terms of purchasing power in 1975. In other words, he made up this gap which had existed in the military services from 1975 through 1980 and brought them back to where they would have been had their pay raises in the meantime kept up with inflation. It was not just the Reagan administration that did this. That pay raise was approved by an enormous bipartisan majority, 417 to 1 in this House alone, and that pay level was pretty much maintained through the end of the Reagan years to approximately 1988 and 1989. There were other measures as well taken during this period of time to maintain morale and maintain the quality of the troops.

Did those measures have an effect? The answer is that unquestionably, indisputably they did.

Let us return again to the 3 indices that we used before. The first is the percentage of recruits having high school diplomas. The House will recall, Mr. Speaker, I said a moment ago that in 1980 only 82 percent of the new recruits had a high school diploma. By 1983, virtually 100 percent of the new recruits had a high school diploma.

The next index. The trainability of the new recruits, what did their test scores show?

□ 2200

In 1980, you will recall, Mr. Speaker, 10 percent of the recruits were in category 4. They were considered of very low trainability. By 1986, that 10 percent had been reduced to zero. There were no new recruits that were considered to be of very low trainability. In fact, 51 percent of the recruits by 1986 were classified in the top two categories. They were classified as highly trainable.

Let us examine reenlistment rates. I spoke before about second term reenlistment rates. In 1980, they were 61 percent. In 1989, they were 79 percent. Moreover, first term reenlistments had gone substantially up during the eighties from 40 to 60 percent.

It was that force, Mr. Speaker, that fought Desert Storm in 1991—the force that was rebuilt in the 1980's by a joint effort from the Reagan administration and Congress. The foundation of that rebuilding, the first step that was taken, was making up for the pay gap that had been created in the late 1970's and that had resulted in the decline in the quality of the American military. People are the foundation of any modern force.

What has happened since President Reagan left office? It is the same tale that we saw in the Ford-Carter years. First, some initial slippage under President Bush. There was a pay gap of about 3 to 4 percent during the Bush years.

Now we see in the Clinton era, in the budgets that have been passed and the budgets projected under the President's 5-year plan, a decline similar to that which occurred in the Carter years.

Mr. Speaker, unless this Congress acts or the administration changes its budget projections, military pay will be cut in real terms by 10 to 12 percent by the end of this decade, from where it was at the beginning of the decade. The impact of these pay cuts is already evident.

Let us go back to those three indices. In 1989, 100 percent of the recruits in the American military had high school diplomas. In the first 6 months of 1994, only 94 percent of the recruits had high school diplomas. We are already moving down in terms of the quality of the new recruits.

What about trainability of those recruits? You will recall, Mr. Speaker, in 1989 zero percent of the new recruits in the American military were in category 4 regarding trainability. That is to say, none of the new recruits were rated very low in terms of their ability to be trained. By 1993, 4 percent of the recruits were in category 4. That means 1 out of 25 of the new people currently recruited in the military are very difficult to train for military occupations. This at a time when the technologies that the military must use are growing ever more sophisticated.

In addition, Mr. Speaker, in 1989, 51 percent of the new recruits were in the top two levels of trainability, were considered to be highly trainable. That number slipped by 1993 to 38 percent.

As far as reenlistment rates are concerned, the evidence is more mixed. The first term reenlistments are down. Second term reenlistments are holding. It is probably unfair to use this index now, because we have been experiencing such a substantial downsizing. It is very difficult to tell whether those who are failing to reenlist are doing so because they don't want to reenlist, or because they want to reenlist but there is no more space for them because of this very substantial downsizing.

What can we say in summing up this chart, Mr. Speaker? In the late 1970's, military pay was reduced in real terms by 15 percent. As a result of that, the quality of recruits and the retention rates dropped and seriously affected the quality of our armed forces.

If the Clinton budgets go as projected, military pay will drop 10 to 12 percent by 1998. In other words, we have begun a trend which is very substantially the same as what occurred in the Carter years. The trend is already having a negative impact on the quality of personnel. That impact is as certain as the turning of the Earth to continue and to deepen, unless the Congress does something to increase military pay so that it keeps pace with inflation in the coming years.

The trend is made worse by another factor which is causing the quality of the force to hollow out, and I want to discuss that very briefly, and that is the increasing length of deployments abroad in the American military.

This is substantially the result of the downsizing at the same time as we have increased what is called OPTEMPO. The American military is obviously undergoing a very substantial downsizing. It has ever since 1986. The trend has accelerated ever since 1989. Yet our commitments abroad have not reduced.

The number of our soldiers and sailors has gone down, but their commitments and the need to commit them abroad has not gone down. When you have fewer people and have more for them to do abroad, it means those left must be away from their home base or their home port longer, and that is what is happening, especially in the

Navy and in the Air Force. Those are the two services I am going to discuss briefly tonight.

The Navy has a rule regarding PERSTEMPO, which is the amount of time each year in which sailors are away from their home port. The Navy's rule is that it cannot keep sailors on board ship on extended tours longer than 50 percent of the time.

If I have heard one admiral and one undersecretary speak to this in the last 18 months in my service on the Committee on Armed Services, I have heard 100. They say you cannot keep sailors away from the "home port" and their families, in peacetime, more than six months out of the year. If you do, they will leave the Navy.

You can do it in war, because the sailors will sacrifice almost anything for America's vital interests, but they are not going to stay in the Navy if you make them do it in peacetime. Who can blame them? They do not sign on to be away from their families and homes more than half the time.

Where are we with PERSTEMPO? Is the Navy meeting that minimum 50 percent rule? Mr. Speaker, in the years 1991 through 1995, 89 Naval units, that is ships, squadrons, 89 Naval units, have been unable to meet the 50 percent requirement. Even worse, the sailors on aircraft carrier battle groups have been away from their families during this 5-year period on average 56 percent of the time. Even where we are now, and the downsizing is not completed, we are not meeting the minimum requirements for PERSTEMPO that all the Navy senior officers and civilian officers agree we must meet.

So we are paying these men and women less, and asking them to stay away from their homes longer. And the simple fact of the matter, as we experienced in the 1970's, is they will not stay in the Navy if we continue to ask them to do that. It is unfair to ask them to do that, and if the trend continues many high quality people will get out of the service.

Mr. Speaker, the trend in the Air Force is even worse. The Air Force has been cut in total personnel by 25 percent since 1988, from 537,000 to 432,000. At the same time, the number of people engaged in contingencies abroad has quadrupled. The OPTEMPO of the Air Force has not gone down since Desert Storm. It has gone up. We have called on the Air Force and are calling on it in Iran, Iraq, Somalia, and Bosnia. We probably will be demanding service of the Air Force in Haiti. And this is at the same time as we are downsizing the troops and pulling people back to the continental United States.

When you have fewer people and more duties away from home, Mr. Speaker, what happens? The troops that you have remaining must stay away from home longer. That is what is happening in the Air Force.

The situation is getting so bad that for the first time the Air Force is beginning to measure the length of the average TDY, or temporary deployment abroad.

In fiscal year 1994, the Air Force had 432,000 personnel, 17,242 people occupied in contingencies during that fiscal year, and the average deployment abroad was 108 days. Men and women do not sign into the United States Air Force to stay 108 days away from home during peacetime.

The problem is not limited to troops stationed in the United States. It is happening, Mr. Speaker, even to personnel who are stationed abroad.

Let me recite some anecdotal evidence. For all air crews stationed in Europe, the average deployment time away from home in support of a contingency is 108 days. Since 1993, the average temporary deployment for AWACS crews has been 167 days. That means that these crews have been away from home for 46 percent of the year.

Over the same period, the average temporary deployment for F–15 crews is 97.9 days, or 27 percent of the year. At Ramstein Air Force Base in Germany, the largest Air Force Base outside the continental United States, home to a major F–16 wing, the average deployment away from home in support of a contingency is 131 days. At Spangdahlm Air Force Base in Germany, the average duty time away from home is 110 days, or 30 percent of the year.

Recently the Marines have experienced a classic example of this problem with extended deployments abroad. It is the kind of thing that destroys morale in the service.

□ 2210

It is what happened to the 24th Marine Expeditionary Unit. The 24th MEU had been stationed in a support role or had been at sea in a support role in Somalia and in Bosnia. They were at sea for 6 months. They came home very recently.

The typical procedure would be they would have a 10-day period completely off, when in essence they could take a vacation. And then they would have an extended period of time working at home port and living with their families. Halfway through the first 10 days home they were redeployed and reassigned to ship and sent out to Haiti. So they had been gone for 6 months. They came home for 5 days. Their families expected that they would have a vacation of an additional 5 days, and then be home for months at a time. And they were put back on board ship and sent to Haiti because we do not have enough people to cover the contingencies that we have abroad.

That incident is going to ricochet, is ricocheting through the Marine Corps. What it says to the Marine Corps is that the administration and the Congress do not care about them, do not care about their families, do not care about their expectations. To do that to those people at the same time we are reducing their pay is criminal, Mr. Speaker.

I have been in the Congress on the House Committee on Armed Services for 18 months. I have sat through a number of hearings in which senior officers have testified about the trends toward a hollow force: trends in pay, modernization, maintenance depots. These officers have expressed their concern over these trends. Publicly they are discreet; privately they are more explicit. But it is clear in either venue that they believe the force is on the ragged edge of readiness and will hollow if we continue underfunding the military.

I have also talked, during that period of time, to a number of senior Members on both sides of the aisle who have expressed the same kinds of concerns to me. These Members are tremendously frustrated, Mr. Speaker, because many of them served in Congress in the 1970's. For them, and for those senior officers who served in the armed services in the 1970's, the situation today is like revisiting a nightmare.

Yet this body, as an institution, as a whole, continues as if it were in a daze, failing to confront, failing even to debate these kinds of issues and to examine the danger towards which we are headed.

Mr. Speaker, this is not an academic debate or a political game. Sooner or later America's military is going back into battle.

If it goes back hollow, if it goes back without quality people, if it goes back without high-maintenance units, if it goes back without adequate ammo, if it goes back without modern weapons, if it goes back without spare parts, if it goes back without adequate training, if it goes back hollow, a lot of people we send someplace around the world are not going to return.

And it will not be because it was necessary for them to die. It will be because Congress did not live up to its responsibility to adequately prepare America's military for battle.

A lot of families are going to lose husbands and fathers and brothers and sons, and it is not going to be their fault, Mr. Speaker. It is not going to be the fault of their comrades or their commanding officers. The fault is going to lay at the door of the institution which is assigned the constitutional responsibility of maintaining the armies and navies of the United States. That is the Congress of the United States.

To hollow out the military, to make a mistake of that size once in a generation is a tragedy. To make it twice is unforgivable.

Mr. Speaker, it is not the politicians who pay the price of a hollow force. It is the men and women of America's armed services who go into battle and do not return.

CONGRESSIONAL REFORM

The SPEAKER pro tempore (Mr. FROST). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 30 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time out to talk about an issue which was addressed here on the floor earlier today and, quite frankly, it will be addressed by me and several other Members in a bipartisan way until it is resolved. That is the issue of congressional reform.

In August 1992, in a clear bipartisan effort, both Democrats and Republicans joined together to establish for the first time in nearly half a century what has become known as the Joint Committee on the Organization of Congress.

The committee was established in a bipartisan way because of the fact that we in this House were in the midst of a number of scandals. Frankly, as we look at those items, which led to the establishment of the Joint Committee on the Organization of Congress, the House Restaurant, House Bank and the Post Office scandals, many of the problems continue to loom.

They led to the establishment of the committee, and I believe that we have, unfortunately, ignored not only those but many of the other institutional issues which desperately need to be addressed as we move towards the 21st Century.

In the early years of this country, when the Census was taken, following the Census, that 10-year period of time, the committee structure for the Congress was modified. Unfortunately, if we look at the reforms that took place in the 1940's, under what is known as the Monroney-La Follette Committee, we have seen virtually no reform of the committee system.

That is nearly half a century, and we have not, as we have observed tremendous changes throughout the world, changed this institution.

Earlier today one of my colleagues on the Joint Committee on the Organization of Congress, the gentleman from Cape Girardeau, Missouri [Mr. EMERSON] talked about the fact that we in the Congress have spent a great deal of time talking about reform of the health care system, reform of the welfare system, reform of wetland policy, reform of the educational structure, reform of virtually every area. And yet, while there has been a great deal of talk, there has been no action here in the Congress.

Now, this committee was put into place to serve for 1 year and 1 year only. I was very enthused about the prospect of serving on a committee in Congress which would actually go out of existence because it is a real rarity around here. Once a committee is established, it is like moving heaven and Earth to try and bring that committee, even if it has completed its work, to a close. So when I was asked to serve on this committee that would go into effect on January 1, 1993, and out of existence on December 31, 1993, I thought, wow, what a terrific opportunity to buckle down, work hard and spend every moment that I possibly could outside of my work on the Committee on Rules and other items that I had, focusing on reform of this institution.

It was a wonderful experience. We worked in a bipartisan way. The great thing about this committee was that there were an equal number of Republicans and an equal number of Democrats, an equal number of House Members, an equal number of Members from the Senate.

With that 28-member committee, we were presented with this chance to come forward and be bold and do the kinds of things that the American people and, I sincerely believe, a majority of the Members of this body want us to do. We had, on our side of the aisle, my colleagues, Mr. SOLOMON, Mr. WALKER, Ms. DUNN, Mr. ALLARD. We had people who spent a great deal of time focusing on this issue of congressional reform, along with Mr. EMERSON who I mentioned earlier. They very sincerely wanted to do it.

On the other side of the aisle, many of the Members, I believe, sincerely recognize the need to bring about institutional reform and they want to do something. Some of the items that we wanted to address in that committee and, in fact, did address in a positive way were issues like congressional compliance.

Now, it is not what I believe should be the case. It is, frankly, rather weak. But it is a step in the direction of congressional compliance.

□ 2220

There are other things that I think were, unfortunately, not addressed in the Joint Committee, but based on conversations that I had with Members on the other side of the aisle, they wanted us to address those things right here on the House floor, allowing the House to work its will on issues like proxy voting.

For anyone who has followed the debate, and my colleagues know, Mr. Speaker, that proxy voting is a system where Members are allowed to have their votes cast while they are not in the room. Unfortunately, as we look at that pattern which has gone on, we often see committee chairmen and others cast the votes for many Members who are not present at all, do not know about the debate on an issue, when a vote is being taken, and Members who are in the room, in the minority, who are there working, listening, participating in the markup of legislation, are overruled by proxies in a virtually empty room.

We believe, Mr. Chairman, that since the American people have to show up for work, that Members of Congress should have to show up to their committees if their votes are going to be cast, and in our Committee on Rules, as you know, Mr. Speaker, where you and I sit, we have no proxy voting. Sometimes we have to wait to get a quorum into the room so that we can cast the votes that we do, but I think that it works out rather well. If I am not upstairs on the floor just above here, on the third floor, my vote is not cast.

We have that same provision in the Committee on Appropriations, which I believe is the largest committee in the House. We have that in the Committee on Veterans Affairs and in the Committee on Standards of Official Conduct, but on the other committees, unfortunately, proxy voting is allowed, and we have often seen real abuse of that.

I think that the American people recognize that their Members of Congress should be on the job, should be in the committees working, rather than allowing their votes to be cast by someone, and they have no idea how that vote is being cast.

Another thing that I believe needs to be addressed is the issue of committee structure reform. Mr. Speaker, there are 266 committees and subcommittees for the House and Senate. That is for 535 of us who serve here.

I often joke, Mr. Speaker, that if I am walking down the hallway and happen to see a Democrat whose name I do not quite remember, I just say, "How are you doing, Mr. Chairman," because chances are he or she chairs some committee or subcommittee. The proliferation has been very great, and I believe needs to be addressed.

Mr. Speaker, we also have jurisdictional overlap and a desire by Members to serve on so many committees that that is used often as an excuse for proxy voting, because if they have markups in three or four committees taking place at the exact same moment, how can they possibly be in all of those committees at the same time?

Obviously, it is impossible, so I believe that the responsible thing for us to do would be to reduce the number of committees and subcommittees so that we could do what I believe is really the major charge of our Joint Committee, and that is, enhance the degree of accountability and our ability as Members of Congress to deliberate on these public policy questions which we face.

Mr. Speaker, when I mentioned jurisdictional overlaps, my friend, the gentleman from Glens Falls, New York [Mr. SOLOMON], in our debate earlier today, when we were attempting to defeat the previous question and move congressional reform forward, referred to the fact that on the health care issue alone, we have had three committees and about 10 subcommittees involved in the issue of health care reform.

There are a wide range of issues which, with referrals to many committees, create a great many problems. Those problems, Mr. Speaker, tragically hurt the American people in their attempt to get responsible legislation moved from the Congress of the United States. As they do that, Mr. Speaker, on a regular basis, as we see that obliterated, people, unfortunately, are not getting the kind of representation which they deserve.

As we look at one of the other items which has been discussed, it is congressional compliance. Virtually everyone here knows, Democrat and Republican alike, that if we go out to a town hall meeting, if we talk to any audience, virtually any audience, there is one way to guarantee that we are going to get a standing ovation. How is that? We say, "The Congress of the United States of America should not exempt itself from the laws which we impose on the American people."

Yes, everyone stands up and cheers and believes that that is the case. Democrats and Republicans alike have found from their public meetings that that is the issue, which is a real hot button with the American people.

What is it that has happened? What has happened is, there is an attempt by the leadership to simply bring up the issue of congressional compliance, passing what tragically is a very weak plan that emerged in our legislation. As I said earlier, the issue of congressional compliance calls for the establishment of basically a committee that is going to a compliance office, we call it, which is going to make recommendations back to us on what regulations we might consider imposing on ourselves. They want to be able to call that congressional compliance.

Obviously, that is riddled with loopholes and creates a situation which allows Congress to continue to exempt itself from the laws which we impose on the American people. One of the things that is very controversial, I know, is this issue of the Occupational Safety and Health Act. A number of my colleagues, some in the other body, have raised real concerns about the cost that would be imposed on the United States Congress if we had to actually comply with OSHA here.

As we look at that, the very simple and basic response is, ah ha, maybe we should realize the cost which we are forcing American businesses to shoulder to comply with these onerous and duplicative regulations which are imposed. It seems to me that we have a real responsibility to strike a balance on that.

The leadership, knowing that people out there are concerned about congressional compliance, want to pass this very weak package of congressional compliance and all that congressional reform. Unfortunately, Mr. Speaker, I think they may get their way, because I have heard of some meetings which have taken place over the past several days in which the leadership wants to maintain the status quo when it comes to issues like proxy voting, budget process reform, looking at the line item veto, looking at the committee structure reform, and they want to maintain the status quo, but they know that something needs to be done in the name of congressional reform, so they will pass that one hot button, congressional compliance.

That would be an outrage, and I believe a major attack on the gentleman from Indiana [Mr. HAMILTON], who served as the chairman of the committee from the House side, and my colleagues in the other body, DAVE BOREN and PETE DOMENICI, who are our counterparts in the Senate working on this issue. It really would be basically saying that calendar year 1993 went for naught because of the fact that we have ignored the findings of this effort, which put together the largest compilation of information ever gleaned in the history of the Congress.

We have 243 witnesses, 37 hearings. We heard from people in the private sector, we heard from academicians, we heard from former Members of Congress. I find it rather interesting that some in the Majority leadership have argued that there is really not a great deal of interest for congressional reform here in the House. We had scores and scores of Democrats and Republicans come before our committee and talk about the necessity to bring about real congressional reform.

It seems to me, Mr. Speaker, that as we look at that challenge, it is one which we cannot ignore. It is my hope, and I have been working very closely with my colleague, the gentleman from Indiana [Mr. HAMILTON], who shares my concern about the fact that attempts are being made to break up this legislation, H.R. 3801, and deal with it in a piecemeal way and call that congressional reform, he is concerned about it.

Mr. Speaker, I very much appreciate the fact that we work together in a bipartisan way. Earlier today when I was speaking on the rule, trying to defeat the previous question so that we could make our reform package in order, one of my colleagues on the other side of the aisle was saying that I was attacking the institution, demeaning the institution. It seems to me that as we look at that, we should recognize that this truly is the greatest deliberative body known to man.

□ 2230

We all know that Winston Churchill described democracy as the worst form of government of all except for all of the rest. And we know that there are problems. We know that the approval rating of this place is extraordinarily low.

What I want to do in bringing about congressional reform is not to trash this institution. It is to improve it, to improve it so that the American people can once again have respect.

I know that there is always going to be a degree of cynicism as they look at the institution. We all know that Will Rogers, whose statue is outside the door there, regularly poked fun at the institution, you know, one criminal class is the Congress and all of these great stories. And it is fun to poke fun at the institution itself. But we need to recognize that it is the greatest deliberative body known to man, and we should be doing the kinds of responsible things that the American people want us to do to make our Representatives and Senators more accountable to the American people.

So often around here when tough issues want to be swept under the carpet they use our Rules Committee to deny consideration of amendments. One of the amendments that I offered in our Joint Committee on the Organization of Congress was a requirement that we have a three-fifth vote if we are going to waive the rules, which for those who regularly follow the proceedings here now happens day in and day out. I say pass the rules of the House by a majority vote, change the rules of the House by a majority vote, but when we are going to come from our Rules Committee down here to the House floor to waive the Budget Act, to waive the 3-day layover provision which gives 3 days for Members to consider legislation before it is voted on, if we are going to waive those kinds of rules, let us have a supermajority and say that this is so important that we have to get a three-fifths vote to waive the rules, because tragically what we regularly see is violations of the standing rules of the House. In fact, during several of our hearings I said that the greatest reform of the United States Congress would be to see us simply comply with the existing rules of the House. That would be a great reform for us, because unfortunately we regularly waive the rules by simple majority vote. It seems to me that that is a real violation of this issue of accountability.

The reason for that is that tough questions are left upstairs, so the full membership does not have to vote on them, because we deny the opportunity for Members to offer their different proposals here on the House floor. So it seems to me, Mr. Speaker, we have an obligation to increase the accountability. Members should be accountable for votes that they cast.

I always say to my constituents and other groups when I speak, "Don't listen to what a Member of Congress says, look at how he or she votes. That is really the key." But, unfortunately, because people have started to look at the voting record, we often have very tough votes that are never faced right here on the floor of Congress. They are left upstairs in the Rules Committee where we deny in the Rules Committee the opportunity for those ideas to even be heard.

The issue of budget reform is something that also has been a real concern to a wide range of Members and I believe the American people. We have looked at this question of baseline budgeting and baseline budgeting basically creates a situation where the inflation rate that is built in actually can be called what is an increase to comply with inflation, they can call that a cut, because they begin the next year based on that rate of inflation. I happen to think that we should have zero-based budgeting as everyone else does out there. We start from where we left off the year before rather than starting at a rate that is at the level of inflation. I mean, a 3-percent or 4-percent increase to comply with the rate of inflation is considered a cut, and that I believe is a real mistake and should not be utilized. That is just one of the proposals for budget process reform.

We dealt today here with this issue of the line-item veto. I think that is a very important item, to provide the opportunity to deal with the profligate spending that is emanating from this institution on a regular basis. Unfortunately, we have not gotten the other body to deal with an enhanced rescission proposal, and yet they have looked at the question of reform, and we had included the reform package, which had the enhanced rescission process in it, and I frankly am more sanguine at the prospect for action on enhanced rescission over in the other body. So it is going to be a tough battle. I hope that my colleagues will join with us and urge the majority leadership to keep the congressional reform package together.

Why is it that we put this committee together, all of these Republicans, Democrats, Senators, House Members to look at this issue and then come back with nothing more than a cosmetic modification of the congressional compliance issue? It seems to me that that is a great attack on the major mandate of the election of 1992 which was to bring about reform of the Congress. One of the things that my predecessor who served as a cochairman briefly before he chose to retire, Bill Gradison, said, was that with what were now 117 new Members of Congress who ran, most of whom ran on this issue of congressional reform, that unfortunately they really do not want to go back to their voters without having voted for congressional reform. So unfortunately a number of them who want to be able to have a vote on congressional reform have now joined with the status quo forces around here and indicated that they would be just as happy with this very mild, weak congressional compliance package. And they will go home and say yes, I voted for congressional reform, when it has been anything but that.

I think Members have a responsibility, because most all of those new Members, because the television cameras were on regularly, came to the Joint Committee on the Organization of Congress and testified about the need for the elimination of proxy voting and congressional compliance and committee structure reform and budget process reform, all of these different items on a regular basis, and yet now a number of them have said, "Oh yeah, well, I think we should probably break that up because we cannot put a consensus together here to deal with the full issue of congressional reform."

Mr. Speaker, I believe very sincerely that if we were to hold together the whole package and bring it to the House floor, allowing for a generous rule which would take each of the major categories that we addressed and have votes up or down on those, that we would pass meaningful congressional reform. I believe that we could get the majority of this institution to vote in favor of the kind of reform that they campaigned on when they ran in 1992 and that the American people truly want them to pass.

We do not have much time left, and as I said earlier today, it was rather ironic that we dealt with the enhanced rescission measure again after we did it last year, and yet people say, "Well, we've got a schedule which is too busy to deal with the whole issue of congressional reform." There have been many people who have put a great deal of time and effort into it. Let us not cast it aside. Let us insist that the leadership keep H.R. 3801, our reform package intact and have an up or down vote.

NATIONWIDE INITIATIVE AND REFERENDUM ON REFORMING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 30 minutes.

Mr. HOEKSTRA. Mr. Speaker, tonight I intend to update my colleagues on the work that has been going on on some proposals and a process that I started 18 months ago, the process of initiative and referendum on a nationwide basis. The things that have been going on around the country are much more exciting than the things that we have been doing here in Washington. We have had communications with citizens in over 40 States who are now working to help influence this institution on the initiatives and the bills that we have been working on.

□ 2240

Here is what people around the country are saying about our efforts to get this body to move and to start working and implementing real reforms that will reconnect the American people with the agenda that we are setting here in Washington. "Those of us that are working on initiative and referendum were putting into words many of the issues that I feel strongly about," is what somebody in Indiana writes. "The views and the perspectives that you are taking are very refreshing. I support referendum. All Americans should have a voice in government" is what somebody from West Virginia writes. "Thanks for trying to get national referendum, even if it is unpopular in Washington" is what somebody else in Indiana writes. "It is just what we need" is what someone writes from Minnesota.

Here is what the national poll numbers say: The Washington Post, April 20, 1994, says 64 percent of those interviewed favor conducting national referendums on major issues and want the Government or want Congress to give a referendum approved by the majority the same weight as legislation passed by Congress.

In addition, 66 percent favor submitting tax increases that pass Congress to a vote of the people in the next general election. A tax hike would become law only if a majority of voters approved it. This comes from the Americans Talk Issues Foundation. It is apparent that the issue of reconnecting Congress, the agenda here in Washington, with the American people through some form of an initiative and referendum process is something that the American people strongly support, and I believe that they strongly support it because I think that they believe it will not only make us more responsive to their agenda but will overall improve the effectiveness of our Government and will move us to a point where today over 61 percent of the American people believe that Congress is not doing a good job, that we can get back to a situation where the majority of people have a high agree of faith and confidence in what is going on here in Washington.

I can also tell my colleagues that organizations—organizations that are organizing at the grassroots level—have taken this on as a primary agenda item for their members because they really think it can make a difference. The National Tax Limitation Committee, they are doing nationwide mass mailings. They are coordinating State-based referendum groups to help us and to force us to change the way that we do business here in Washington. Citizens Against Government Waste, the topic has been featured in a national newsletter. It is featured on their Taxpayers' Action Network. It is featured at their regional conferences.

Specifically what Citizens Against Government Waste has been talking about, they have been talking about the proposal here in Washington that I have introduced to allow a nationwide advisory referendum on term limits, the balanced budget amendment, and the line-item veto in the November elections of 1994 so that the American people can let their feelings on these issues be known to this Congress. They believe that term limits will change politics. People will have a direct link with Washington, and they believe, Citizens Against Government Waste believe that this advisory referendum process will give Americans the opportunity that they should have, which is an opportunity to have a voice on what the agenda is here in Washington.

The Heritage Foundation in their policy review have published an article that talks about breaking the congressional lock grip, the case for a national referendum; it talks about the problem. What is the problem? The problem is that there is a crisis of confidence in National Government, one that threatens to permanently cripple our republican democracy. That is the problem.

We have a serious trust deficit between the American people and this institution in Washington. Perhaps the best way to restore confidence in the political process is to rebuild the connection between national elections and national issues. We need a new constitutional device that lets voters help set the Nation's agenda. I propose, through a process of indirect initiatives and elections, voters should be allowed to instruct Congress about Government priorities and goals.

We are not talking in this article about pure democracy, but we are talking about, again, an opportunity for the citizens of this country to help set the agenda in Washington. It is something, a change, that we do not take lightly.

James Madison believed a republican form of government would refine and enlarge the public views by passing them through the medium of a chosen body of citizens whose wisdom may best discern the true interests of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary and partial considerations.

Madison is usually considered one of the more level-headed of the Founders, and his critique of direct democracy is sound and broadly admired. His optimism, however, and think about the words used there. Think about how often the American people are describing this body in using these terms: the deliberative body, about the wisdom, the patriotism, the love of justice of elected representatives now seems naive and anachronistic.

The brakes against mob rule written by and into the Constitution should not be lightly dismissed. There are, on the other hand, a number of constitutional changes that promote the democratic impulse. These include a wide sufferage, short election terms for House Members, so what we are saying here is the process of becoming a more open government is not inconsistent with what the Founding Fathers envisioned and where they thought this country might move to.

But what are some of the other criticisms of this initiative and referendum? What are some of the problems that many of you have, or have expressed to me, about why letting the voters into the process just will not work? Criticisms that I hear, the first criticism is direct lawmaking by the people may undermine the legitimacy of elected government by taking power away from elected representatives. But I believe that in many cases we are already losing this legitimacy because we are not responding to the agenda that the American people have set for us.

Another argument against initiatives is that they encourage legislative inertia, that the legislative will wait for the public to act on controversial matters to avoid blame. I believe many people in America today would describe that situation as exactly what is happening in Congress today. We are not dealing with the tough issues.

What do other critics say? They say that initiatives are potentially the tools of special-interest groups. I think many people in the country today would say that the way this Congress works today is the result, or the decisions we make or that we have become a creature of special-interest groups.

Let us open up the process and let the American people into the process.

Some other critics contend that a national initiative destroys federalism and its important protections for States and regions. We are already destroying federalism by the actions we are taking here with Federal mandates, the shrinking power of the 10th amendment, the supermajority requirements; and legislative review of proposals limit the possibilities.

But the thing, the process, is we are already implementing and mandating to the States.

And, finally, critics of the initiative process say that proponents have undue faith in the masses and a lack of respect for the elected elites. I will have to say that that is absolutely true.

Admittedly, I have a lot more confidence in the masses, in the American people's ability to understand the issues and the pressures that are facing this country; I believe that they could provide a powerful insight into the types of decisions and the direction that we should be setting for this country.

The initiative and referendum process: What are some of the many benefits other than helping set the right agenda? It will help stimulate the voters. Turnouts for elections in this country are dismal, and in a Presidential election we get excited when 55 percent of the voters decide to participate in the election. In a nonpresidential election year, the turnout may go down to 40 percent.

We need a process that is going to get voters back involved in the election process.

□ 2250

I think initiative and referendum will help stimulate voters to become more active in the process. And what else might initiative and referendum do? They will end, I believe, business as usual. After being here for 18 months, if there is anything more important for this Congress, we need to end business as usual.

As with any major reform, national indirect initiatives and referendum will disrupt comfortable relationships and break up cozy alliances. It may well mean the end of business as usual in Washington, DC. But business as usual is not what this Nation needs or what the voters want.

Indirect initiative process will help restore the Democratic nature of our Republican institution before growing public frustration brings even greater alienation or a stampede to more radical measures of change.

I think the Heritage Foundation has done us a great service. I will send this out in a "Dear Colleague," this article about breaking the congressional lock grip, the case for a national referendum. What else is going on at the grass roots? There is an intellectual argument for changing the process. But also, United We Stand, United We Stand America started a national petition drive so voters in every congressional district can let you know how they feel about the opportunity to vote on term limits, to vote on a balanced Federal budget and vote on a true presidential line item veto. They are gathering signatures around the country right now which they are going to be sending to you to encourage you to sign a discharge petition which will bring this bill to the floor and allow us to vote to change the process and then allow the American people to vote on those issues this fall.

Let us talk specifically about the different kinds of ways that I have seen that we can use initiative and referendum here in Washington and around the country.

I talked about House Resolution 3835, which would allow a national advisory referendum on term limits. We now have House Resolution 409, which seeks to discharge that bill that was filed by Congressman JIM INHOFE. The rule would allow us to add to that bill an advisory referendum on a balanced budget and a line item veto.

So that is one way that we can use initiative and referendum, that we can use it to get an advisory in a nonbinding format, the opinion of the American people on some critical issues that we want their input on. It is more than a poll, it is a debate on these issues before the vote takes place.

Think of our role in an advisory referendum, as Members of Congress, to understand the issues, to then debate, to inform and educate the American people about the positives, the negatives of these advisory referenda, worthy educators, worthy informers.

The American people then would have the opportunity to express their opinion to us at the polls in November. The advisory referendum, this is again published by the American Political Report, the advisory referendum, you take what is happening with term limits and imagine what we are doing, moving the issue from Washington. We think we are moving it to the American people, but really where has the issue on term limits gone? Moreover, the advisory referendum, if implemented, would effectively preempt a court decision and keep the debate political rather than judicial.

Why do we say that? Because term limits with, all the States that have passed term limits for Congressmen, they are now being challenged in the courts. The issue of term limits is not now a political decision. We are giving away our responsibility for taking the lead and deciding that issue, and the decision is going to be made by the courts. That is wrong. Congress should take the responsibility for dealing with these issues.

We should not turn it over to the courts.

More recently, in the Committee on Education and Labor we came up with another place where an advisory, in this case it would be a binding referendum, would work. Think about this: We are going through the Committee on Education and Labor and debating a National Health Security Act. One of the amendments that comes up says we should exempt Hawaii. I am a freshman, and I am not sure exactly what is going on, but it is a little surprising to me we have a National Health Security Act and we are starting to go exempting people specifically, not by a set of criteria but by name. So surprisingly we exempt Hawaii from the national health care plan. So now we do not have a national health care plan, we have a continental health care plan.

So we take the next logical step in committee, which I think is a logical step, and say rather than exempting just Hawaii, let us take and identify the criteria as to why we believe Hawaii should be exempted and let us make that a generic set of criteria and say that whatever State meets this set of criteria, like Hawaii does, will be exempted had from the national health care plan.

Surprisingly enough, well, maybe not surprisingly, that amendment is defeated.

Then when you really start taking a look at the essence and you recognize that the 50 States, the county governments, the local governments have been the ones that have been doing all the experimentation on health care, how to solve our health care crisis. So maybe not trying for everyone—not for everyone to try to meet the criteria for Hawaii, which they cannot do anyway, but it is maybe a plan that works for Hawaii, is legitimate, but perhaps the plan that works for Michigan is legitimate for Michigan's needs and that the plan for Florida is appropriate for Florida's requirements and that for Arizona is appropriate for Arizona's.

So what right does the centralized Washington Government have for dictating a plan that now is going to be imposed on 49 States? Perhaps we should allow the States the right to opt into the system. So we propose—and remember what was done is done after Hawaii was exempted—we proposed an amendment that said no State shall be considered to be a participating State for purposes of this act unless a majority of voters in the State, by State referendum, approve the State becoming a participating State.

Now, that is the legalese, What does it mean in plain English? In plain English it means that Washington will not be imposing on the State of Michigan a national health care plan. We in Washington can develop a framework for a health care plan, but then the people in the State of Michigan would have the opportunity through a statewide referendum, analyzing the plan that we have come up with here in Washington, that is, the generic plan that is going to work for all 49 continental States, and compare it to what we have. If they want to opt into the Federal system, they can have that and they can have their statewide referendum and we can become part of the plan. If the majority of the people in Michigan like what we have, think that we are making progress in addressing the problems that we in health care, are confident that the solution that we have developed in Michigan is more appropriate for our circumstances than what was developed in Washington as a generic national model, we stay with the Michigan system.

If that is what the people is Florida decide, they stay with the Florida system. But we are empowering, at that point, the people in the States to study an issue, which I am not even sure the Federal Government has a right in doing, determining where in the Constitution does it say the Federal Government will take over health care. What this now says is that the people in the States will have the right to determine whether they want to be a part of the national health care system. Those are some of the areas that we have been experimenting with, that we have been moving on, that we are trying to find a way to get initiative and referendum into the process so that we can connect Washington with the American people.

We are also beginning to write legislation in one additional area. I believe this maybe perhaps the most promising area of all of the different items that we are working on in National Initiative and Referendum.

□ 2300

And what this says is that, if Congress passes a tax increase, and it passes it without a super majority, and we are thinking right now about defining that super majority as a 60-percent vote, if Congress passes a tax increase without a super majority vote, without a 60-percent majority of the House and without a 60-percent majority of the Senate, that before that tax increase is implemented; that is, before the American people, before our constituents, have to start sending more money to Washington, they will have the right to either approve or disapprove that tax increase.

Like I said, that is a proposal that we are now currently working on. We think it starts to fill out and round out the packages of where an initiative and referendum might be most appropriate, and, like I said, I believe that it, perhaps, has the greatest potential of all of these suggestions to actually become a piece of legislation that can come to the floor of this House to be voted on.

I would like to say that I am optimistic that, through the efforts of United We Stand, through the efforts of Citizens Against Government Waste and other groups, that we will have the opportunity to vote on the floor of this House about whether we want the American people to have the right to vote on term limits, and the balanced budget amendment, and the line item veto this November. But I am not at all that optimistic that we are going to be able to do that. I would like to say that with a national health care plan, that when it comes to the floor of this House that we will have the opportunity to vote on an amendment that says, "No State will be a participating State until the voters approve that through a national referendum." We may have a shot at doing that, and I say to my colleagues, "I hope you support the effort to let that be a part of the national health care debate."

But I really think that this third item now provides an opportunity for all of us to work together, for all of us to start a process that reconnects us to the American people by allowing them the opportunity to vote on any future tax increase that we here decide to impose on them, and, when we cannot do it with a super majority, when there is not a strong consensus to increase taxes, to increase spending in this House, that the American people will have the final say, initiative and referendum, strong support at the grassroots level. I think over a period of time it will generate strong support here in Washington. The grassroots effort is going to continue putting pressure on all of us because we are not dealing with an agenda that the American people want us to deal with.

I believe in the coming months, and I believe in the next Congress, we are going to have a deal with this issue. Get ready. Start getting ready to debate the intellectual arguments. Start considering how best to implement this process. The American people want it. It will help. It will help restore confidence in this institution because we will be reconnected to the American people in a way that is genuine and will have a genuine impact on the way that we do business here in Washington.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ZELIFF (at the request of Mr. MICHEL) after 3 p.m. today on account of attending a funeral.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today after 5 p.m. on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCO, for 5 minutes, today.

Mr. MCCLOSKEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. YOUNG of Florida.

Mr. WELDON.

Mr. SMITH of New Jersey in two instances.

Mr. BURTON of Indiana in three instances.

Mr. OXLEY.

Mr. FRANKS of New Jersey.

Mr. YOUNG of Alaska in two instances.

Mr. BEREUTER.

Mr. PACKARD in two instances.

Mr. SHAW.

Mr. TAYLOR of North Carolina.

Ms. SNOWE.

Mrs. MORELLA.

Mr. GILLMOR.

(The following Members (at the request of Mr. MCDERMOTT) and to include extraneous matter:)

Mr. REED in two instances.

Mr. DURBIN.

Mr. STARK.

Mr. ACKERMAN.

Mr. PETE GEREN of Texas.

Mr. RUSH.

Ms. SHEPHERD.

Mr. MARKEY.

Mr. WILLIAMS.

Mr. VISCLOSKY.

Mr. HOYER.

Mr. TOWNS.

Mr. STOKES.

Mr. TAUZIN.

Mr. FRANK of Massachusetts.

Mr. MATSUI.

Mr. BARLOW.

Mr. KANJORSKI.

Mr. EDWARDS of Texas.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On July 13, 1994:

H.R. 3567. An act to amend the John F. Kennedy Center Act to transfer operating responsibilities to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 4454. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Monday, July 18, 1994, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3511. A letter from the Acting Assistant Secretary for Manpower and Reserve Affairs, Department of the Army, transmitting the Department's report entitled, "Involuntary Reductions of Civilian Positions," pursuant to section 371 of the National Defense Authorization Act of 1993; to the Committee on Armed Services.

3512. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act of 10–282, "Miner Building Conveyance Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3513. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–271, "Single-Room-Occupancy Rental Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3514. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–270, "Evidence of Intrafamily Offenses in Child Custody Cases Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–283, "Alcoholic Beverage Control Act and Rules Reform Amendment Act of 1994 Temporary Technical Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3516. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–272, "Jury Fee Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3517. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–281, "Metrobus Commercial Advertising Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3518. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–275, "Police Truancy Enforcement Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3519. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–274, "Primary Caretaker Insurance Coverage for Minors Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3520. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–273, "Imminently Dangerous Premises Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3521. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the status of children in Head Start Programs, pursuant to Public Law 101–501, Sec. 119 (104 Stat. 1234); to the Committee on Education and Labor.

3522. A letter from the Secretary of Education, transmitting final regulations—administration of grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations; definitions that apply to Department regulations, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3523. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3524. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3525. A letter from the Secretary, Federal Trade Commission, transmitting the report to Congress for 1992 pursuant to the Federal Cigarette Labeling and Advertising Act, pursuant to 15 U.S.C. 1337(b); to the Committee on Energy and Commerce.

3526. A letter from the Secretary of Health and Human Services, transmitting the report of the Interagency Task Force on the Prevention of Lead Poisoning, pursuant to 42 U.S.C. 247b-3 et seq.; to the Committee on Energy and Commerce.

3527. A letter from the Chief Staff Counsel, U.S. Court of Appeals, District of Columbia Circuit, transmitting one opinion of the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on Energy and Commerce.

3528. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 94-31, authorizing the furnishing of assistance from the Emergency Refugee and Migration Assistance Fund for unexpected urgent needs of Haitian migrants, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

3529. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by Eileen A. Malloy, of Connecticut, to be Ambassador to the Kyrgyz Republic, also by Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Bolivia, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3530. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the western Gulf of Mexico, sale 150, scheduled to be held in August 1994, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 1426. A bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; with an amendment (Rept. 103-600). Referred to the Committee of the Whole House on the State of the Union.

Mr. GIBBONS: Committee on Ways and Means. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with an amendment (Rept. 103-601 Pt. 1). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. H.R. 4604. A bill to establish direct spending targets, and for other purposes (Rept. 103-602 Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 810. A bill for the relief of Elizabeth M. Hill (Rept. 103-603). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2194. A bill for the relief of Merrill Lannen (Rept. 103-604). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 2793. A bill for the relief of Kris Murty (Rept. 103-605). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. LAFALCE: Committee on Small Business. H.R. 4263. A bill to promote the participation of small business enterprises, including minority small businesses, in Federal procurement and Government Contracts, and for other purposes, with an amendment; referred to the Committee on Government Operations for a period ending not later than August 5, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(j), rule X (Rept. 103-606, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Ohio (for himself and Mr. STUDDS):

H.R. 4755. A bill to provide for demonstration projects for worksite health promotion programs; to the Committee on Energy and Commerce.

By Mr. BROWN of Ohio:

H.R. 4756. A bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to take into account the health of a primary caregiver in determining whether an item of durable medical equipment is considered medically necessary and appropriate under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. RICHARDSON, Mr. INSLEE, Mr. DICKS, and Ms. DUNN):

H.R. 4757. A bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Natural Resources.

By Mr. FRANKS of New Jersey (for himself, Mr. PALLONE, and Mr. FLAKE):

H.R. 4758. A bill to strengthen and improve the Natural Gas Pipeline Safety Act of 1968, and for other purposes; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

By Mr. SAWYER:

H.R. 4759. A bill to establish within the Department of Energy a national Albert Einstein Distinguished Educator Fellowship Program for outstanding elementary and secondary mathematics and science teachers; to the Committee on Science, Space, and Technology.

By Mr. STUDDS (for himself and Mr. MANTON) (both by request):

H.R. 4760. A bill to implement the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the Conference on the Food and Agriculture Organization of the United Nations on November 24, 1993; to the Committee on Merchant Marine and Fisheries.

By Mr. TEJEDA:

H.R. 4761. A bill to amend title 38, United States Code, to authorize educational assistance for alternative teacher certification programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H.R. 4762. A bill to amend title 39, United States Code, to require the Postal Service to accept a change-of-address order from a commercial mail receiving agency and to forward mail to the new address; to the Committee on Post Office and Civil Service.

By Mr. CONYERS:

H.R. 4763. A bill to amend chapter 44 of title 18, United States Code, to increase certain firearm license application fees and require the immediate suspension of the license of a firearm licensee upon conviction of a violation of that chapter, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANKS of Connecticut:

H.R. 4764. A bill to provide for the payment of aid to families with dependent children through the use of debit cards; to the Committee on Ways and Means.

By Mr. HORN (for himself, Mr. BEILENSON, Mr. CANADY, Mr. CONDIT, Mr. GALLEGLY, Mr. PETE GEREN of Texas, Mr. KYL, Mr. THOMAS of California, Mrs. THURMAN, and Ms. WOOLSEY):

H.R. 4765. A bill to provide for the negotiation of bilateral prisoner transfer treaties with foreign countries and to provide for the training in the United States of border management personnel from foreign countries; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. KANJORSKI (for himself, Mr. RIDGE, Mr. TRAFICANT, and Mr. HINCHEY):

H.R. 4766. A bill to enhance the availability of credit to businesses in order to foster economic growth and stabilization and to create new employment opportunities in communities facing economic distress, and for other purposes; to Committee on Banking, Finance and Urban Affairs.

By Mr. MATSUI (for himself, Mr. MILLER of California, Mr. BECERRA, Mrs. CLAYTON, Mr. CLYBURN, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KOPETSKI, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. MINETA, Ms. NORTON, Mr. RAHALL, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. VELAZQUEZ, and Mr. WAXMAN):

H.R. 4767. A bill to reform the welfare system; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, Banking, Finance and Urban Affairs, Foreign Affairs, Veterans' Affairs, and Agriculture.

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. HUTCHINSON):

H.R. 4768. A bill to amend title 38, United States Code, to make changes in veterans' education programs, and for other purposes; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Ms. SNOWE:

H.R. 4769. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. TAUZIN:

H.R. 4770. A bill to require the Director of the U.S. Fish and Wildlife Service to conduct a study to determine the lands and waters comprising the LaBranche Wetlands in St. Charles Parish, LA, and to acquire those lands and waters for inclusion in the Bayou Sauvage Urban National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. TOWNS (for himself, Mr. CONYERS, Mr. MORAN, Mr. BARRETT of Wisconsin, and Mr. PAYNE of New Jersey):

H.R. 4771. A bill to strengthen the partnership between the Federal Government and State, local, and tribal governments, to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities, to better assess both costs and benefits of Federal legislation and regulations on State, local, and tribal governments, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. TRAFICANT (for himself, Mr. LANCASTER, and Mrs. CLAYTON):

H.R. 4772. A bill to designate the Federal building and U.S. courthouse located at 215 South Evans Street in Greenville, NC, as the "Walter B. Jones Federal Building and United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. WALKER:

H.R. 4773. A bill to eliminate the exemption for the payment by Amtrak of certain costs relating to pedestrian bridges over Amtrak rights-of-way; to the Committee on Energy and Commerce.

By Ms. KAPTUR:

H.J. Res. 388. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II; to the Committee on Foreign Affairs.

By Mr. KENNEDY (for himself, Mr. ANDREWS of New Jersey, Mr. BACCHUS of Florida, Mr. BATEMAN, Mr. BILBRAY, Mr. BARRETT of Wisconsin, Mr. BILIRAKIS, Ms. BROWN of Florida, Mrs. BYRNE, Mr. CLAY, Mrs. CLAYTON, Mrs. COLLINS of Illinois, Mr. COOPER, Mr. CRAMER, Mr. DEFAZIO, Mr. DE LUGO, Mr. DINGELL, Mr. EMERSON, Mr. ENGEL, Mr. EVANS, Mr. FILNER, Mr. FINGERHUT, Mr. FISH, Mr. FLAKE, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GONZALEZ, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. HUTTO, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Mrs. KENNELLY, Mr. KLECZKA, Mr. KLEIN, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCCLOSKEY, Mr. MCDERMOTT, Mr. MCHALE, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MINETA, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MURTHA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. ORTON, Mr. PARKER, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUILLEN, Mr. QUINN, Mr. RANGEL, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROEMER, Mr. ROSE, Mr. SAXTON, Mr. SANDERS, Mr. SCOTT, Mr. SERRANO, Mr. STOKES, Mrs. THURMAN, Mr. TOWNS, Ms. VELAZQUEZ, Mr. VENTO, Mr. WALSH, Ms. WATERS, and Mr. WYNN):

H.J. Res. 389. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Alaska:

H. Con. Res. 266. Concurrent resolution expressing the sense of the Congress concerning the need to preserve the traditional lifeways in certain Alaska Native villages; to the Committee on Natural Resources.

By Mr. BROWN of Ohio:

H. Res. 478. Resolution to recognize Mennonite Mutual Aid; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. RANGEL:

H. Res. 479. Resolution returning to the Senate the Senate amendments to the bill H.R. 4539; considered and agreed to.

By Mr. DELAY (for himself, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BOEHNER, Mr. DOOLITTLE, Ms. DUNN, Mr. EWING, Mr. HEFLEY, Mr. HUTCHINSON, Mr. KINGSTON, Mr. LUCAS, Mr. ROHRABACHER, and Mr. SOLOMON):

H. Res. 480. Resolution establishing July 10, 1994, as "Cost of Government Day"; to the Committee on Post Office and Civil Service.

By Mr. DOOLITTLE (for himself, Mr. SMITH of New Jersey, Mr. MCINNIS, Mr. BARRETT of Nebraska, Mr. SMITH of Oregon, Mr. SAXTON, Mr. WOLF, Mr. SUNDQUIST, Mr. SOLOMON, Mr. CRAPO, Mr. BILIRAKIS, Mr. DUNCAN, Mr. HEFLEY, Mr. LIVINGSTON, Mr. STUMP, Mr. ROHRABACHER, Mr. CRANE, Mr. BALLENGER, Mr. STEARNS, Mr. LINDER, Mr. BACHUS of Alabama, Mr. EWING, Mr. BLUTE, Mr. GOODLATTE, Mr. BATEMAN, Mr. BUYER, Mr. GRAMS, Mr. MILLER of Florida, Mr. INGLIS of South Carolina, Mr. DELAY, Mr. KIM, Mr. BLILEY, and Mr. MCKEON):

H. Res. 481. Resolution expressing the sense of the House regarding the case of United States versus Knox; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR:

H.R. 4774. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Gibraltar*; to the Committee on Merchant Marine and Fisheries.

By Mr. UNDERWOOD:

H.R. 4775. A bill for the relief of Vincente Babauta Jesus and Rita Rios Jesus; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. BROWN of Ohio.

H.R. 35: Mrs. SCHROEDER.

H.R. 84: Mr. CRAMER.

H.R. 127: Mr. HEFNER, Mr. TRAFICANT, Mr. DICKS, Mr. LANCASTER, Mr. GUNDERSON, Ms. LAMBERT, Mr. INHOFE, Mr. BARRETT of Nebraska, and Mr. KILDEE.

H.R. 146: Mr. KIM and Mr. INHOFE.

H.R. 157: Mr. HOLDEN.

H.R. 417: Mr. CONDIT, Mr. HOLDEN, Mr. STEARNS, Mr. DICKS, Mr. FRANKS of New Jersey, Mr. HUNTER, Mr. TALENT, Mr. SARPALIUS, Mrs. BYRNE, Mr. STUMP, Mr. ZIMMER, Mr. MCKEON, and Mr. TRAFICANT.

H.R. 930: Mr. OLVER.

H.R. 1127: Mr. KINGSTON.

H.R. 1128: Mr. KINGSTON.

H.R. 1277: Mr. FIELDS of Texas.

H.R. 1289: Mr. TORRES and Mr. KLUG.

H.R. 1293: Mr. GLICKMAN.

H.R. 1330: Mr. LUCAS, Mr. MCCURDY, and Mr. HOKE.

H.R. 1737: Mr. GILMAN.

H.R. 1767: Mr. HUGHES and Mr. WELDON.

H.R. 1823: Mr. NEAL of North Carolina.

H.R. 1843: Mr. YOUNG of Florida.

H.R. 1928: Mr. DORNAN and Mr. ARMEY.

H.R. 2424: Mrs. MORELLA.

H.R. 2513: Mrs. BYRNE.

H.R. 2741: Ms. VELAZQUEZ.

H.R. 2866: Mr. NEAL of North Carolina and Mr. STRICKLAND.

H.R. 2919: Mr. WYNN.

H.R. 2929: Mr. GOODLING.

H.R. 2959: Mr. GREENWOOD and Mr. KOLBE.

H.R. 2967: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2995: Mr. HALL of Ohio.

H.R. 3224: Mr. FROST, Mr. HANSEN, Mr. KIM, Mr. KYL, Mr. LEWIS of California, Mr. LIPINSKI, Mr. MCINNIS, and Mr. SCHIFF.

H.R. 3251: Mr. BALLENGER, Mr. EWING, Mr. MORAN, Mrs. VUCANOVICH, Mr. PETE GEREN of Texas, Mr. KYL, and Mr. SCHIFF.

H.R. 3288: Mr. CRANE.

H.R. 3440: Mr. FROST, Mr. HANSEN, Mr. KYL, Mr. LIPINSKI, Mr. MCINNIS, Mr. SCHIFF, and Mr. STUMP.

H.R. 3458: Mr. ROHRABACHER and Mr. BARRETT of Wisconsin.

H.R. 3491: Mrs. MEYERS of Kansas.

H.R. 3523: Mr. PACKARD, Mr. CANADY, and Mr. LEVY.

H.R. 3546: Mr. ROGERS, Mr. SCOTT, and Mr. DEAL.

H.R. 3658: Mr. MINETA and Mr. ROYCE.

H.R. 3820: Ms. VELÁZQUEZ.

H.R. 3830: Ms. FURSE and Mr. HOAGLAND.

H.R. 3875: Mr. KOLBE, Mr. HUFFINGTON, Mr. BILIRAKIS, Mr. HASTINGS, and Mr. VOLKMER.

H.R. 3926: Mr. ENGEL.

H.R. 3932: Mr. KREIDLER.

H.R. 3971: Mr. FIELDS of Texas and Mr. SUNDQUIST.

H.R. 3973: Mr. VALENTINE and Mr. MACHTLEY.

H.R. 4000: Mr. PAXON, Ms. MOLINARI, Mr. BAKER of Louisiana, and Mr. PORTMAN.

H.R. 4040: Mrs. KENNELLY, Mr. REYNOLDS, and Mrs. CLAYTON.

H.R. 4050: Mr. NEAL of North Carolina.

H.R. 4138: Mr. WATT and Mr. VALENTINE.

H.R. 4142: Mr. GEJDENSON, Mr. DINGELL, Mr. LIPINSKI, Mr. FROST, Mr. MCKEON, Mr. SANGMEISTER, Mr. HUGHES, Mr. CARDIN, Mr. MACHTLEY, Mr. CALVERT, Mr. BROWN of California, Mr. KYL, and Mr. LEVY.

H.R. 4163: Mr. ZELIFF and Mr. FALEOMAVAEGA.

H.R. 4251: Mr. NEAL of North Carolina.

H.R. 4257: Mr. SMITH of New Jersey.

H.R. 4303: Mr. KOPETSKI, Ms. DUNN, Mr. MANN, Mr. SISISKY, and Mr. MCDERMOTT.

H.R. 4315: Mr. WASHINGTON.

H.R. 4371: Mr. FRANK of Massachusetts and Mr. UPTON.

H.R. 4475: Mrs. LLOYD.

H.R. 4481: Mr. BEILENSON.

H.R. 4527: Mr. CALVERT, Mr. WILSON, and Mr. LEVY.

H.R. 4528: Mr. MORAN.

H.R. 4570: Mr. FILNER, Mr. OLVER, Mr. DELLUMS, Mr. ANDREWS of Maine, Mr. MURTHA, Mr. JOHNSTON of Florida, Mr. FROST, Mr. ABERCROMBIE, and Mr. YATES.

H.R. 4589: Mr. KLINK.

H.R. 4592: Mr. DORNAN, Mr. MANZULLO, and Mr. YOUNG of Alaska.

H.R. 4643: Mr. EDWARDS of Texas.

H.R. 4657: Mr. ANDREWS of New Jersey and Mr. POMBO.

H.R. 4699: Mr. UNDERWOOD, Mr. WASHINGTON, Mr. SYNAR, and Mr. RICHARDSON.

H.J. Res. 160: Mr. DORNAN.

H.J. Res. 199: Mr. STUDDS, Ms. SHEPHERD, Mr. PALLONE, Mr. HOEKSTRA, Mr. FILNER, Mr. VISCLOSKY, and Ms. VELAZQUEZ.

H.J. Res. 210: Mr. DICKEY.

H.J. Res. 268: Mr. WISE, Mr. DEUTSCH, Mr. YATES, Mr. MCCLOSKEY, Mr. LANCASTER, Mr. KLEIN, Mr. FOGLIETTA, and Mr. GIBBONS.

H.J. Res. 297: Ms. LOWEY, Ms. MOLINARI, and Mr. PAXON.

H.J. Res. 337: Mr. KLECZKA, Mr. WHITTEN, Mr. SAWYER, Mr. FROST, Mr. DELLUMS, Mr. SPENCE, Mr. BROWN of California, Mr. MAZZOLI, Mr. DUNCAN, Mr. CARR, Mrs. BENTLEY, Mr. MOLLOHAN, Mr. MCCLOSKEY, Mr. SMITH of Oregon, Mr. BAESLER, Mr. MARTINEZ, Mr. WELDON, Mr. BUNNING, Mr. BILIRAKIS, Mr. SWETT, Mr. PICKLE, Mr. CALVERT, Mr. MCCOLLUM, Mr. LIVINGSTON, Mr. CAMP, Mr. KASICH, Mr. SMITH of Texas, and Mr. WOLF.

H.J. Res. 358: Mr. RAVENEL.

H.J. Res. 383: Mr. BORSKI and Mr. HUGHES.

H.J. Res. 385: Mr. COOPER.

H. Con. Res. 20: Mr. MINETA.

H. Con. Res. 69: Mr. WHEAT, MR. CLYBURN, Mr. LEHMAN, and Mr. KLUG.

H. Con. Res. 91: Mr. STRICKLAND.

H. Con. Res. 148: Mr. STOKES.

H. Con. Res. 168: Mr. ROYCE and Mr. KYL.

H. Con. Res. 173: Mr. STUPAK, Mr. SYNAR, Mr. HALL of Texas, Ms. WOOLSEY, Mr. ANDREWS of Maine, Mr. STENHOLM, and Mr. COPPERSMITH.

H. Con. Res. 228: Mr. ENGEL.

H. Con. Res. 235: Mr. FISH, Mr. JOHNSON of South Dakota, and Mr. KREIDLER.

H. Con. Res. 255: Mrs. JOHNSON of Connecticut, Mr. MOLLOHAN, and Mr. CLAY.

PETITIONS, ETC.

Under clause 1 of rule XXII,

106. The SPEAKER presented a petition of the Washington State Association of Counties, Olympia, WA, relative to the "Passenger Vessel Development Act;" which was referred to the Committee on Merchant Marine and Fisheries.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 24, July 12, 1994, by Ms. SNOWE on the House Resolution 459, was signed by the following Member: Olympia J. Snowe.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. RAMSTAD on House Resolution 247: David L. Levy and Newt Gingrich.

Petition 17 by Mr. SHAW on House Resolution 386: Henry Bonilla and Jerry Lewis.

Petition 19 by Mr. EWING on House Resolution 415: Joe Skeen, Roscoe G. Bartlett, Harris W. Fawell, and David L. Levy.

Petition 22 by Mr. INHOFE on House resolution 409: Jim Ramstad.

Petition 23 by Mr. TAUZIN on the bill H.R. 3875: Ernest J. Istook, Jr., Spencer Bachus, Bob Goodlatte, Bob Inglis, Rod Grams, Y. Tim Hutchinson, 3rd, and Solomon P. Ortiz.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. DEFAZIO:

—Add the following at the end of section 107:

(l) The President shall prohibit the export of a commodity to any nation when—

(1) such commodity is typically used as a raw material for manufacturing purposes;

(2) the nation's demand for such commodity is contributing to domestic supply shortages of such commodity for domestic manufacturing purpose; and

(3) the National Trade Estimate Report on Foreign Trade Barriers, prepared by the U.S. Trade Representative, finds that such nation maintains significant tariff or non-tariff barriers that impede the import of items manufactured in the U.S. using such commodity.

—Add the following at the end of section 107:

(l) COMMODITIES USED AS RAW MATERIALS FOR MANUFACTURING PURPOSES.—

(1) MONITORING.—The Secretary shall monitor—

(A) exports of, and contracts to export, commodities typically used as raw materials for manufacturing purposes, and

(B) domestic supplies of such commodities, for the purpose of determining whether a critical shortage of such commodities exists in any State or region.

(2) EXPORT RESTRICTIONS.—If the Secretary finds that a critical shortage of any such commodity exists in any State or region, then the Secretary shall impose restrictions on the export of such commodities sufficient to ensure that there is an adequate supply of such commodities to meet domestic manufacturing needs in that State or region. The Secretary may remove such restrictions upon reporting to Congress, under paragraph (3)(A), that such restrictions are no longer required under this subsection.

(3) REPORTS TO CONGRESS.—(A) The Secretary shall submit to Congress, not later than 30 days after the end of each calendar quarter, a report on the results of the monitoring conducted under paragraph (1), the Secretary's determination of whether a critical shortage of any commodities typically used as raw materials for manufacturing purposes for domestic manufacturing purposes exists in any State or region, and any export restrictions imposed or to be imposed as a result of such determination.

(B) Each report under subparagraph (A) shall—

(i) specify the quantity of exports, by port, of commodities typically used as raw materials for manufacturing purposes during the period covered by the report;

(ii) estimate, as of the date of the report, the domestic supplies, by State, of such commodities;

(iii) determine whether such supplies of such commodities were sufficient to meet the needs of domestic manufacturers;

(iv) include a formal finding as to whether a critical shortage of such commodities for domestic manufacturing purposes exists in any State or region; and

(vi) if such a shortage or shortages exist, specify the export restrictions imposed or to be imposed to satisfy domestic needs.

(4) PRESIDENTIAL AUTHORITY.—The President is authorized, after suitable notice and a public comment period of not less than 90 days, to suspend any export restrictions imposed under paragraph (2) if a ruling is issued under the formal dispute resolution procedures of the General Agreement on Tariffs and Trade finding that such restrictions violate Article XI prohibitions on export restrictions and are not allowable under the exception to Article XI.

By Mr. SISISKY:

(PURSUANT TO THE RULE, PAGE AND THE LINE NUMBERS ARE TO H.R. 4663)

—Page 8, lines 1 and 2, and page 21, line 20, strike "pose a threat to the national security" and insert "prove detrimental to the national security".

—Page 9, line 10, page 60, lines 7 and 8, and page 66, lines 16 and 17, strike "essential to" and insert "necessary to further significantly".

—Page 11, line 22, strike "30 days" and insert "50 days".

—Page 118, line 14, strike "30 days" and insert "50 days".

—Page 120, line 13, strike "10 days" and insert "30 days", and line 16, strike "10-day period" and insert "30-day period".

—Page 121, line 11, strike "30 days" and insert "50 days".

—Page 23, line 7, strike "which includes export" and all that follows through "end users" on line 10.

—Page 23, insert the following after line 2 and redesignate the succeeding paragraphs accordingly:

(2) PROCEDURE FOR INCLUDING ITEMS ON THE SECURITY CONTROL LIST.—The Secretaries of Defense and Energy and the heads of other appropriate departments and agencies shall identify commodities and technology for inclusion on the security control list. Those items which the Secretary and the Secretary of Defense concur shall be subject to export controls under this section shall comprise the security control list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the inclusion of such items on the security control list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the security control list.

—Page 24, strike lines 16 through 19.

—Page 28, line 1, strike "EXCEPTION.—" and insert "EXCEPTIONS.—(A)"; page 28, line 8, strike "(A)" and inset "(i)"; page 28, line 15, strike "(B)" and insert "(ii)"; and add the following after line 24:

(B) If the Secretary of Defense determines that the absence of a requirement of licenses for any exports described in paragraph (2) would prove detrimental to the national security of the United States the Secretary of Defense may request that a license be required for such export. If the Secretary refuses to require the license, the Secretary shall report to the Committees on Armed Services of the House of Representatives and the Senate, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives on the reasons for refusing to require a license.

—Page 36, line 15, and page 38, line 14, strike the comma and insert "with the concurrence of the Secretary of Defense, and"

—Page 36, lines 19 and 20, strike ", or will be available in fact within 2 years in the future,".

—Page 37, line 1 strike "or would be ineffective" and insert "ineffective".

—Page 38, lines 19 and 20, ", or will be available in fact within 2 years in the future,".

—Page 38, lines 24, "or would be ineffective" and insert "ineffective".

—Page 39, line 18, strike "or will be".

—Page 37, line 17, insert "and the Committee on Armed Service" after "Urban Affairs"; and page 37, line 18, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 39, line 7, insert "and the Committee on Armed Service" after "Urban Affairs"; and page 39, line 8, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 41, line 21, strike "In" and all that follows through page 42, line 4.

—Page 43, beginning on line 23, strike "The Secretary's determination of foreign availability shall not require the concurrence or approval of any such department or agency.".

—Page 44, insert the following after line 10:

(D) ROLE OF SECRETARY OF DEFENSE.—All determinations of the Secretary under this subsection of whether foreign availability exists shall be made with the concurrence of the Secretary of Defense.

—Page 45, line 11, insert ", with the concurrence of the Secretaries of Defense and Energy," after "retary".

—Page 46, line 22, insert ", with the concurrence of the Secretaries of Defense and Energy," after "The Secretary".

—Page 47, line 2, strike "The" and all that follows through line 5.

—Page 50, line 22 and 23, strike "after consultation with appropriate departments or agencies," and insert "with the concurrence of the Secretaries of Defense and Energy,".

—Page 58, line 16, insert

"(A) IN GENERAL.—" before "The authority", indent the text 2 ems to the right, and add at the end the following:

(B) NATIONAL SECURITY ITEMS.—The Secretaries of Defense and Energy and the heads of other appropriate departments and agencies shall identify commodities and technology, the export of which would prove detrimental to the national security of the United States, for control under this section. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the control of such items under this section. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the control of such items under this section.

—Page 60, strike lines 11 through 15 and redesignate succeeding subparagraphs accordingly.

—Page 60, strike lines 11 through 15 and redesignate succeeding subparagraphs accordingly.

—Page 62, line 24, strike "(F)" and insert "(E)".

—Page 66, strike lines 19 through 23 and redesignate succeeding clauses accordingly.

—Page 67, line 6, strike "(E)" and insert "(D)".

—Page 82, insert the following after line 2:

(l) TREATMENT OF CERTAIN SENSITIVE ITEMS.—

(1) FINDINGS.—The Congress makes the following findings:

(A) The United States continues to play a leadership role in controlling the export of sensitive dual use items and munitions items to dangerous countries.

(B) The importance of maintaining this leadership and securing the adherence of friendly nations to export restrictions similar to those of the United States was demonstrated by the large number of dual use and munitions items Iraq was able to secure from Western exporters prior to Desert Storm.

(C) Besides Iraq, the United States has voiced its concern about Libya, North Korea, Syria, Cuba, and Iran acquiring dual use and munitions items from Western sources, republics of the former Soviet Union, and the Peoples' Republic of China.

(D) Since Desert Storm, the United States has learned that a substantial number of sensitive items Iraq received from Western nations were not sent directly, but were reexported from third-party destinations.

(E) The threat of third-party reexports of sensitive exports could be aggravated by proposals to send dual use items to friendly nations "license-free" or under "substitute" licensing schemes that would be less restrictive than individual validated licensing, which requires prior United States consent for any reexport.

(F) Eliminating or reducing individual validated licensing requirements on sensitive dual use and munitions exports to friendly countries increased the risk that such items will be reexported to rogue countries, including Iran, Iraq, Syria, Libya, Cuba, and North Korea.

(2) POLICY STATEMENT.—It shall be the policy of the United States to maintain its international leadership in restricting the export of sensitive dual use items and of munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea by—

(A) maintaining existing unilateral controls whenever necessary to keep sensitive United States dual use items and munitions from being exported to these countries;

(B) encouraging all other countries producing such items to restrict the export of these items in a similar manner;

(C) working with the republics of the former Soviet Union and of the members of COCOM to create a successor COCOM that would prohibit the export of the most sensitive dual use items and munitions to rogue countries such as Iran, Iraq, Syria, Libya, Cuba, and North Korea; and

(D) not reducing existing levels of controls on the export of sensitive dual use items and munitions through the creation of license-free zones and substitute licensing schemes.

(3) LICENSING REQUIREMENT.—

(A) LIST OF SENSITIVE ITEMS.—Notwithstanding any other provision of this title, the President, in consultation with the Secretary and the Secretaries of State, Defense, and Energy and the Director of the Arms Control and Disarmament Agency, shall compile a list of the most sensitive dual use and munitions items the export of which to the countries set forth in subparagraph (C) the President believes the United States should restrict. This list shall indicate whether the item is being controlled unilaterally or with other countries and shall be published in the Federal Register not later than 60 days after the date of the enactment of this Act.

(B) INDIVIDUAL VALIDATED LICENSE REQUIREMENT.—The President shall instruct the Secretary to require an individual validated license for the export to any destination of any item on the list compiled under subparagraph (A).

(C) LIST OF COUNTRIES.—The countries referred to in subparagraph (A) are Iran, Iraq, Syria, Libya, Cuba, and North Korea.

—Page 116, insert the following after line 3 and redesignate the succeeding paragraphs accordingly:

(2) ROLE OF SECRETARIES OF DEFENSE AND ENERGY.—(A) Notwithstanding any other provision of this section, the Secretaries of Defense and Energy are authorized to review any license application for any proposed export of commodities or technology that is controlled under section 105(a)(1) or controlled for national security purposes under section 106. Whenever—

(i) the Secretary of Defense or the Secretary of Energy determines that the export of such commodities or technology will directly and significantly enable a country or end user to acquire the capability to develop, produce, stockpile, use, or deliver weapons of mass destruction, or

(ii) the Secretary of Defense determines that the export of such commodities or technology will directly and significantly contribute to the military capability of a country so as to prove detrimental to the national security of the United States or its allies,

the Secretary of Defense or the Secretary of Energy (as the case may be) may recommend to the President that such export be disapproved.

(B)(i) Notwithstanding any other provision of this section, the Secretary of Defense and the Secretary of Energy shall determine, in consultation with the Secretary, and confirm in writing the types and categories of transactions which should be reviewed by the Secretary of Defense or the Secretary of Energy in order to make a determination referred to in subparagraph (A). Whenever a license for export or other authority within such type or category is received by the Secretary, the Secretary shall notify the Secretary of Defense or the Secretary of Energy (as the case may be) of such request, and the Secretary may not issue any license or other authority pursuant to such request until the Secretary is notified by the Secretary of Defense or Energy under subclause (II) or (III) or notified by the President under clause (ii). The Secretary of Defense or the Secretary of

Energy (as the case may be) shall carefully consider any notification submitted by the Secretary pursuant to this paragraph and, not later than 30 days after notification of the request, shall—

(I) make a recommendation to the President referred to in subparagraph (A);

(II) notify the Secretary that he or she would recommend approval subject to specified conditions; or

(III) recommend to the Secretary that the export of the commodities or technology be approved.

(ii) Whenever the Secretary of Defense or the Secretary of Energy makes a recommendation to the President under subparagraph (A), the Secretary shall also submit his or her recommendation to the President on the request to export if the Secretary differs with the Secretary of Defense or the Secretary of Energy. The President shall notify the Secretary of his decision on the matter before the end of the 50-day period set forth in subsection (c). If the President notifies the Secretary, after receiving a recommendation from the Secretary of Defense or the Secretary of Energy, that the President disapproves such export, no license or other authority may be issued for the export to such country of the commodities or technology involved.

(iii) If the Secretary of Defense or the Secretary of Energy fails to make a recommendation or notification under this paragraph within the 30-day period specified in clause (i), the Secretary shall approve or deny the request for a license or other authority to export without such recommendation or notification.

—Page 123, insert the following after line 14 and redesignate succeeding subsections accordingly:

(e) Time Limit Extension.—If required for national security reasons, the President may increase the time periods set forth in subsections (a), (c), and (d) to not more than 2 times the number of days in each time period, for not more than 4 percent of the export license applications filed with the Secretary during any calendar year.

—Page 173, line 23, strike "109(h)(1)" and insert "109(i)(1)".

—Page 211, line 4, strike "109(g)" and insert "109(h)".

—Page 125, line 12, insert "and the Committee on Armed Services" after "Foreign Affairs".

—Page 125, line 14, insert "and the Committee on Armed Services" after "Urban Affairs".

—Page 125, line 15, insert "for validated licenses under section 105 or 106" after "plications".

—Page 125, line 16, strike "and which required" and all that follows through "applicant" on line 20.

—Page 126, strike lines 12 through 25.

—Page 133, lines 21 through 24, strike "in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies,".

—Page 134, insert the following after line 15 and redesignate succeeding subparagraphs accordingly:

(B) Role of Other Departments and Agencies.—The Secretary of Defense and the heads of other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in subparagraph (A). Those items which the Secretary and the Secretary of Defense concur shall be included on the list shall comprise the list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral, notify the Secretary of his determination with respect to the inclusion of such items on the list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the list.

—Page 134, line 23, strike "(B)" and insert "(C)".

—Page 135, lines 14 through 17, strike ", in consultation with the Secretary of State, the Secretary of Defense, and the heads of other appropriate departments and agencies".

—Page 135, insert the following after line 24 and redesignate succeeding subparagraphs accordingly:

(B) Role of Other Departments and Agencies.—The Secretary of Defense and the heads of other appropriate departments and agencies shall identify goods and technology for inclusion on the list referred to in subparagraph (A). Those items which the Secretary and the Secretary of Defense concur shall be included on the list shall comprise the list. If the Secretary and the Secretary of Defense are unable to concur on such items, as determined by the Secretary, the Secretary of Defense may, within 20 days after receiving notification of the Secretary's determination, refer the matter to the President for resolution. The Secretary of Defense shall notify the Secretary of any such referral. The President shall, not later than 20 days after such referral notify the Secretary of his determination with respect to the inclusion of such items on the list. Failure of the Secretary of Defense to notify the President or the Secretary, or failure of the President to notify the Secretary, in accordance with this paragraph, shall be deemed by the Secretary to constitute concurrence in the implementation of the actions proposed by the Secretary regarding the inclusion of such items on the list.

—Page 136, lines 14 and 19, strike "(B)" and insert "(C)".

—Page 137, lines 16 through 18, strike "in consultation with the Secretary of Defense, and the heads of other appropriate departments and agencies," and insert "with the concurrence of the Secretary of Defense,".

—Page 138, line 24, strike "in consultation" and all that follows through "agencies," on page 139, line 1, and insert 'with the concurrence of the Secretary of Defense,".

—Page 227, insert the following after line 18;

(b) Control of Arms Exports and Imports.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by striking subsection (a)(1) and inserting the following:

"(a)(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The Secretary of State, with the concurrence of the Secretary of Defense, is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section. The Secretary of State is also authorized to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List."

—Page 227, line 19, strike "(b)" and insert "(c)".

—Page 229, line 6, strike "(c)" and insert "(d)".

—Page 230, line 15, strike "(d)" and insert "(e)"

—Page 230, strike lines 20 through 24; and page 222, strike line 12 and all that follows through page 227, line 18, and insert the following:

(a) Commodity Jurisdiction.—

(1) Coordination of Controls.—The authority granted under this title and under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be exercised in such a manner as to achieve effective coordination between the licensing systems under this title and such section 38 and to share information regarding the trustworthiness of parties.

(2) Elimination of Overlapping Controls.—No item may be included on both the control index and the United States Munitions List after the effective date of this title.

(3) Commodity Jurisdiction Dispute Resolution.—Under such procedures as the President shall establish, disputes regarding conflicting claims of jurisdiction between the control index and the United States Munitions List shall be resolved in a timely fashion by the Department of State, in consultation with other departments and agencies. Consultations shall be carried out through committees chaired by representatives of the Department of State at the level of Assistant Secretary or Under Secretary. The procedures of the committees shall allow the Department of State or other departments or agencies to initiate the resolution of disputes, including in response to requests made to the Departments of State and Commerce. Consultation procedures within the committees shall provide for inter-agency meetings to permit the free exchange of views regarding jurisdictional issues. Disputes that cannot be resolved may be referred to the President by the Secretary of State, the Secretary of Defense, or the Secretary of Commerce.

—Page 231, strike lines 1 through 7 and insert the following:

(f) Civil Aircraft Equipment.—Notwithstanding any other provision of law, any civil aircraft product that is standard equipment certified by the Federal Aviation Administration and is an integral part of such aircraft shall be subject to export controls exclusively under this title.

—Page 236, strike line 8 and all that follows through page 237, line 25.

By Mr. STARK:

—Page 297, add the following after line 6:

TITLE III—RELATIONS WITH NORTH KOREA

SEC. 301. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) Before the death of Kim Il Sung, United States officials indicated publicly that the United States, as part of an overall agreement to limit nuclear activities in North Korea, would be willing to help arrange financing for the construction of light water reactors in North Korea, help broker the possible transfer to North Korea of technology associated with such reactors, and provide technical assistance with respect to such reactors.

(2) Independent nuclear nonproliferation experts have noted that light water reactors

can be used to produce significant quantities of nuclear weapons usable plutonium and that United States assistance to North Korea in constructing such reactors would afford North Korea a possible cover for a variety of dangerous nuclear activities.

(3) Providing assistance to North Korea for such light water reactors would undermine current efforts by the United States to persuade other countries not to sell to Iran or Iraq technology to build similar reactors.

(4) North Korea under Kim Il Sung agreed, in the North-South Korean Denuclearization Agreement of 1991, to open its nuclear facilities to South Korean nuclear inspectors and not to reprocess reactor fuel.

(5) United States officials became concerned in the spring of 1994 that the North Korean Government under Kim Il Sung might violate this agreement by reprocessing materials from one of North Korea's reactors.

(6) The new leadership in North Korea may be even more unreliable and pose more of a threat than that of Kim Il Sung.

(7) The new leadership in North Korea has yet to agree to resume direct talks between North and South Korea, which would reveal more about the character of the new leadership in North Korea and its intentions toward South Korea and with respect to Korean unification.

(8) Any agreement reached between the United States and North Korea to limit nuclear activities in North Korea will only be as good as the character and intent of the new leadership in North Korea.

SEC. 302. SENSE OF CONGRESS.

It is the sense of the Congress that the United States Government should not offer or discuss giving any form of assistance to the Government of North Korea to develop or construct new nuclear reactors, including light water reactors.

H.R. 4299

By Mr. GILMAN:

—At the end of the bill insert:

TITLE IX—INTERDICTION OF AERIAL DRUG TRAFFICKING

Section 901. Policy of the United States.

It is the policy of the United States to provide intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. In providing such assistance, the United States seeks to facilitate efforts by foreign governments to identify, track, intercept, and capture on the ground aircraft suspected of engaging in illegal drug trafficking, and to identify the airfields from which such aircraft operate. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

Sec. 902. Authorization.

The President is authorized to provide intelligence assistance to foreign governments under such terms and conditions as he may determine in order to carry out the policy stated in section 901. Activities directed by the President pursuant to this title shall not give rise to any civil or criminal action against the United States or any of its officers, agents, or employers.

Sec. 903. Sense of Congress.

The Congress urges the President to review in light of this title all interpretations within the Executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

By Mr. SKAGGS:

—At the end of title VII (page 39, after line 4), insert the following:

SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICATION.

Not later than 7 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report (in a classified and unclassified form) which identifies the following:

(1) The cost of classifying documents and keeping information classified by each agency within the intelligence community.

(2) The number of personnel within each such agency assigned to classifying documents and keeping information classified.

(3) A plan to reduce expenditures for classifying information and for keeping information classified, which shall include specific expenditure reduction goals for fiscal year 1995 for each such agency.

SENATE—*Thursday, July 14, 1994*

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5,6.

Sovereign Lord, perfect in wisdom, who knowest all things, cover the Senate with Your grace and love. When the press and the media have finished their tasks, when the talk shows have exhausted their discussions, when the citizens have written all their letters, when the lobbyists have done their work, the 100 men and women who comprise this body are left with the decisions—decisions which encompass the needs of individual constituents; cities, counties, and States; multitudes of organizations; and critical issues of international importance. In the words of a former President, "The buck stops here."

Gracious God, help the Senators and their staffs understand that You are interested in the microscopic, as well as the cosmic. Help them seek Your counsel, Your direction, and lead them in the way that will mean the greatest good for the greatest number in every circumstance. Let the light of Your truth shine upon the Senate.

In the name of the Light of the World we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

(Legislative day of Monday, July 11, 1994)

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The time until 9:30 a.m. shall be under the control of the Senator from New Mexico [Mr. DOMENICI] and the Senator from Maryland [Ms. MIKULSKI], or their designees.

The Senator from Colorado [Mr. CAMPBELL] is recognized for up to 10 minutes.

The Senator from New Jersey [Mr. BRADLEY] is recognized for up to 20 minutes.

Mr. COATS addressed the Chair.

Mr. DOMENICI. I yield 2 minutes to the Senator from Indiana of my time.

The ACTING PRESIDENT pro tempore. The Senator from Indiana is recognized.

COMMENDATION OF SENATOR DOMENICI

Mr. COATS. Mr. President, I thank the Senator from New Mexico for yielding time.

First of all, I want to commend him for the subject that he is about to talk about. I think it is one of the most important issues that this Nation and the Senate can deal with, and that is bringing the component of character education to our young people and to our education system.

I commend him for doing that.

Mr. DOMENICI. I thank the Senator.

THE COST OF HEALTH CARE

Mr. COATS. Mr. President, I want to also discuss something that I know the Senator from New Mexico is vitally interested in because we have been talking about it over a number of days, weeks, and months.

The Wall Street Journal this morning reports that the latest figures are in on health care cost increases over the past 12 months. Studies show that health care costs have increased at the lowest rate in the past year in the last 20 years, 2.5 percent.

Milliman & Robertson, a consulting actuarial firm from Pennsylvania, has indicated that health costs for the 12 months ending last March rose just 2.5 percent, the lowest level since it began tracking health care costs 20 years ago.

"The findings are bolstered," the article says, "by several large employers who say they are winning significant reductions in premiums from some health plans as they negotiate rates for 1995." For instance, the Xerox Corp., which offers 204 separate plans to its employees—a cafeteria-style proposal from which they pick and choose, similar to what is offered in the Dole and Nickles proposal—they indicate a sharp drop in health care cost growth rates and a restructuring of the system.

> There's incredible competition out there in most markets, said Helen Darling, manager of health care strategy and programs at Xerox.
>
> Employer demands for quality improvement and cost reductions have, among other things, helped prompt a consolidation and reorganization of the health care system.

They go on to say that GTE has seen its cost increases practically become flat.

> And the Medica health plan in Minnesota reduced its family rates for Minnesota government employees for 1995 by 25 percent.

* * *

The whole underlying premise of the Clinton health care plan is that costs are rising at double-digit rates, and we cannot get control of them. And the only way we can get control is to reorganize the entire system. But there is a revolution underway in health care, and that revolution is driving down costs as employers are looking for ways of putting pressure on health care providers to cut costs, to come up with innovative plans.

So let us not proceed on false assumptions; let us not proceed on the assumption that unless we massively reorganize the health care system, we cannot get control of costs.

The Dole plan builds on what is happening out in the marketplace and adds to that the kind of reforms that do not interfere with this reorganization. I know the Senator from New Mexico is directly involved in all of this. This is good news for health consumers in America, and this should guide our discussions as we begin to undertake the health care issue.

I thank the Senator for yielding me the time.

I ask unanimous consent that this article in today's Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

MEDICAL COSTS ARE INCREASING AT A LOW RATE

(By Ron Winslow)

Medical costs in the U.S. are rising at the lowest rate in two decades, new reports indicate, another sign that the health care industry is managing to bring expenses under control.

Milliman & Robertson Inc., a consultant and actuarial firm based in Radnor, Pa., said health costs for the 12 months ending last March rose just 2.5 percent, the lowest level in the 20 years it has tracked such expenditures.

ABR Information Services Inc., Clearwater, Fla., said group health-insurance premiums it tracks in administering certain benefits for 12,000 employers have been essentially flat since the beginning of the year and have risen less than 3.5 percent since January 1993.

The findings are bolstered by several large employers that say they are winning significant reductions in premiums from some health plans as they negotiate rates for 1995.

But some benefits consultants predict that health costs at most companies will still be above the general annual inflation rate, currently about 3 percent. "We're seeing increases for next year of about 6 percent to 10 percent," said Robert Eicher, principal at Foster Higgins, a benefits consultant in New York.

Moreover, whether market forces or other factors are chiefly responsible for the moderation in health costs is a matter of fierce debate, as is whether the trend will last. "It's a matter of some speculation as to what happens next," said Richard Ostuw, a principal in the Cleveland office of benefits consultant Towers Perrin and the firm's chief actuary.

A recent Towers Perrin report said growth in employer health-care costs this year was about 6 percent, well below the 20-year average. Mr. Ostuw believes that fear of cost pressures from health-care reform legislation is a major reason for the trend. If Washington fails to act on health reform and "that fear is removed," he argued, "it will result in an uptick in health-care inflation."

In Minneapolis, Steven Wetzel, executive director of the Business Health Care Action Group, a coalition of major employers, said a lower cost trend is sustainable only if health plans truly reduce use of health-care services. "Premiums alone don't tell the whole story," he said. If plans are bidding aggressively to win market share, but fail, for instance, to reduce excess hospital capacity, costs will inevitably rise again, he maintained.

Peter Reilly, an actuary at Milliman & Robertson, maintained that increased market penetration of health maintenance organizations and other similar market forces have done little to stem the tide of health costs. An economic model he and his colleague John Cookson developed shows that a decline in real national income during the recession in the early 1990s is the major driver in moderating health costs. They maintain that there is a three-to-four-year lag between changes in income levels and similar changes in health-care spending. If that's the case, Mr. Reilly says a renewed dose of health-care inflation looms, since incomes have improved since the recession.

Many employers maintain that the growing power of purchasers is driving both a sharp drop in health-cost growth rates and a restructuring of the system. "There's incredible competition out there in most markets," said Helen Darling, manager of health-care strategy and programs at Xerox Corp., Stamford, Conn., which offers a total of 204 health plans to its employees in the U.S.

Employer demands for quality improvement and cost reductions have, among other things, helped prompt a consolidation and reorganization of the health-care system. But so much excess capacity remains, she said, that continued consolidation holds the possibility "that the rate of increase in health costs will stay low if not absolutely flat for several years."

In any event, Xerox itself is reaping the benefits of its purchasing power in markets across the U.S. Ms. Darling said recent negotiations will mean an average increase in HMO premiums for Xerox of 1.2 percent in 1995 over current rates. In many individual cases, in Florida and Washington, D.C., for instance, premiums will drop more than 10 percent.

Elsewhere, GTE Corp., expects 1995 rates for its managed health-care plans to increase 2 percent after a 3.5-percent rise this year, said Dwight McNeil, manager of healthcare information. And the Medica health plan in Minnesota reduced its family rates for Minnesota government employees for 1995 by 25 percent after a competitive bidding process.

Mr. DOMENICI. Mr. President, I yield myself 7 minutes, and I ask the Chair to call it to my attention when I have spoken for 7 minutes.

Might I say to the Senator from Indiana that he also could have said there are two things driving health care reform: One is clearly cost containment; the other is the need for reform. But I believe that the principal motivator for the last 12 to 15 years has not been the need for changes in the delivery system, but rather cost containment. If you cannot get one without the other, obviously, you have to set about to reform the system. But if you are getting substantial cost containment—and we have been certain of that for a while. We are hearing, anecdotally, from hundreds of companies that it is working, but this may be one of the most significant proofs that it is already going on to a substantial degree, which I believe should alter substantially that which we seek to do, because we should not have to build on a premise that it is motivated so much by cost containment that we need things like cost controls and things like the Senator from Indiana mentioned.

CHARACTER BUILDING IN THE UNITED STATES

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator MIKULSKI of the State of Maryland. Between us, we are going to utilize the next 35 minutes and share with a number of our colleagues that time to talk about what we consider to be one of the most important issues and one of the most important ideas that has come to the Senate floor.

Essentially, we believe—when I say "we," I now speak for 58 Senators who have joined in a resolution here—and, in particular, the 8 Senators, 4 from each side of the aisle, including this Senator, who have joined in introducing a resolution.

The resolution indicated that we were concerned about the lack of character development in this country, and we indicated in our resolution that a country without character, both as a nation and the individuals within it, if they do not have character, then a country will ultimately fall.

We are of the opinion that many Americans are anxious today because they are very concerned that while we are teaching our children, while their minds are being developed, clearly, we should consider such very basic characteristics like relationships with people and what one must do to live a decent life, such as the six character elements that were put together by a coalition that calls itself Character Counts.

Indeed, after discussions with lots of Americans from all aspects of life, they came up with these six elements that ought to be followed and taught; that the adults in our country ought to get behind a movement to bring them back into our daily lives and to encourage at the grassroots level the reinstilling in America of these simple characteristics that we believe count and without which America will not succeed: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Frankly, we are bound by a marvelous Constitution that tells us we should not teach religion in our schools and that is up to somebody else, but not the use of public properties and public money. But I believe nobody can stand up and say that our Constitution is violated if we try to instill in our people and in our young people some basic things like trustworthiness, respect, responsibility, fairness, caring, and citizenship.

The resolution that Senator MIKULSKI and others, whose names I will put in the RECORD soon, joined me in preparing, said to our President: Issue a proclamation that there will be 1 week in this country—October 16 through October 22—when our National Government says to all of those who are concerned about this that we join you, and we want to encourage across the land a groundswell of activities directed at these kinds of basic character building activities, ideas, and ideals.

Frankly, I might just give an anecdote about this to my friend from Maryland. In the city of Albuquerque, my hometown, I was joined by the mayor of our city, Mayor Martin Chavez, and a large, diverse task force from our city, in declaring that the city will be known as "Albuquerque: A Character Counts Community." As part of that, the entire community will begin to incorporate in its daily lives these six principles of character. There is already one school that is experimenting with using them in the classroom with great success. And as part of this effort, the school system is going to encourage more schools to use them. A task force has been set up, and I am going to name the people soon and thank them. They are going to go about raising some money to begin to develop, citywide, these six pillars of character.

At one of the meetings, where our task force was sitting in a room—the preliminary task force—we were talking about this, and the local president of the AFL–CIO, who had been invited, sat and listened. We were about to wrap up the meeting, and I called him by his first name and said, "What do you think?" He looked around a bit and he said, "You are right on."

Listen to what he said: "You are right on, Senator. I cannot understand why people cannot tell the truth anymore." It is a most interesting observation. He said that people lie when there is no reason to lie, and then you spend all this time undoing it.

Well, it seems to me that what is happening in our country is that nobody is talking about these kinds of pillars of character that we have to have built back into our lives.

I do not want to argue on the floor nor do I indicate that we know it all. But I do not believe we ought to spend a lot of time saying are there more than these six? Of course. Are there 20? Maybe. Are there three that are better than these six? Maybe.

But, essentially, Mr. President, we believe we are on the right track. We believe that we have the responsibility to encourage grassroots participation in our Nation at every level, including our public schools and our private schools of ways and means to inculcate into our children, along with the three R's these six elements. In fact, I think it is time to say the three R's are not enough. Somehow or another, while we want parents to do this, it is obvious in this country they need help, and there are children who are not going to get any of this anywhere unless we as a society decide to help them.

Mr. President, in the Senate we have had a number of offices that have worked very hard with us to put this resolution together, and to help us get as far as we have.

I want to thank the Senators and some of the staff that did that right now.

Senator NUNN, who was one of the original cosponsors, Senator DODD, Senator DANFORTH, Senator COCHRAN, Senator MIKULSKI, Senator LIEBERMAN, and Senator BENNETT. That is what I was referring to early on as the eight who helped me start this.

The staff members of these Senators contributed significantly to this effort, especially Matthew Sikes from Senator NUNN's office; Suzanne Day from Senator DODD's office; George Leventhal from Senator MIKULSKI's office; Doris Dixon from Senator COCHRAN's office; Felicia Brown from Senator DANFORTH's office; Elizabeth Drye from Senator LIEBERMAN's office; Corine Larson from Senator BENNETT's office; and Brian Jones and Kay Davies of my staff.

Mr. President, I want to close with a couple of quotes. The two cochairpersons and sponsors for the Character Counts Coalition and approach is Barbara Jordan, thought to be more on the liberal side philosophically, and Tom Selleck, the actor, who is more on the conservative side. Tom Selleck was on David Brinkley and he said "People do not audition to be role models. It just happens. Everyone in the public eye, whether they like it or not, has to step up and realize what they say does count."

One other quote that I believe we should all pay attention to: In 1991 there was a National Commission on Children chaired by JAY ROCKEFELLER. I read to you one serious paragraph in it.

> The acquisition of values and moral framework for decisionmaking is the central aspect of human development. * * * Children may not always do as we say but they almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character and citizenship is both a parental and a community responsibility. * * * it is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

Mr. President, I am pleased to join with a bipartisan group of my colleagues to discuss Senate Joint Resolution 178, which sets aside the week of October 16–22, 1994, as National Character Counts Week. This resolution was cosponsored by 58 Senators—30 Republicans and 28 Democrats—and it passed the Senate several weeks ago. There are approximately 125 cosponsors of the identical resolution in the House, and it appears this measure again has overwhelming bipartisan support.

I believe this resolution is particularly unique. For the first time, on a bipartisan basis, we are able to stand beside and join with parents, educators, community and business leaders, and youth organizations in support of character development, education, and training. As important, we have been able to agree that there are, at a minimum, six fundamental core elements that constitute good character.

For far too long, I believe we have avoided or overlooked the issue of good character. Due to the controversial nature of defining what constitutes good character, most of us have exercised great caution relative to the appropriate role of the public sector in what is often considered a personal, private issue.

One of the most comprehensive and far-reaching reports to examine the omission of character development was detailed in the 1991 final report of the National Commission on Children. This Commission, chaired by our distinguished colleague from West Virginia, Senator ROCKEFELLER, devoted an entire chapter of its report to the necessity of positive role models for America's children, including the teaching of solid ethical standards. I considered chapter 12, "Creating a Moral Climate for Children," one of the most articulate summaries of the issue of good character. It states that:

> The acquisition of values and a moral framework for decisionmaking is a central aspect of human development. * * * Children may not always do as we say, but they will almost always do as we do. Creating a moral climate that teaches children the values of human dignity, character, and citizenship is both a parental and a community responsibility. * * * It is up to parents, leaders in the public and private sectors, and communities to work together to ensure that children receive strong and consistent messages about the moral principles they value.

After reading this report and delivering a statement on the floor about chapter 12, I was determined that there had to be a way we could lend our support to a national effort on behalf of character education; that there was an appropriate role for those of us in the public sector. This opportunity came about last fall when I learned about the efforts of the Character Counts Coalition. This coalition includes among its 45-plus member organizations such diverse groups as Big Brothers/Big Sisters of America, Boys and Girls Clubs of America, American Association of School Administrators, United Way of America, Youth Volunteer Corps of America, the National Urban League, AARP, and the American Red Cross. As diverse as its membership is its Council of Advisors and Advocates, among whom are Dr. William Bennett, Marian Wright Edelman, Barbara Jordan, and Rabbi David Woznica.

The Character Counts Coalition supports six elements of good character, as developed by a group of eminent scholars, educators, youth organizations and others in a document commonly referred to as the Aspen Declaration. These six elements of good character are: trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship.

I became convinced that, at a minimum, these six core elements were character traits that could be supported by a majority of my colleagues. If over 30 million Americans could support these precepts, why couldn't we? My prediction proved accurate. Within a short period of time, Senators NUNN, DODD, DANFORTH, MIKULSKI, COCHRAN, LIEBERMAN, and BENNETT joined me in starting an informal group known as the Senate Character Counts Group, and our first group effort, joined by Senators CONRAD and DORGAN, was the introduction of Senate Joint Resolution 178, declaring the week of October 16–22, 1994, as National Character Counts Week.

Shortly after introduction of our resolution, a bipartisan group in the House formed its House Character Counts Group, composed of Representatives, HALL, WOLF, HAMILTON, HYDE, MOAKLEY, EMERSON, HUGHES, and NICK SMITH, and introduced an identical resolution, House Joint Resolution 366, for a National Character Counts Week. Congressman HALL, an ardent and committed supporter of character education, quoted Theodore Roosevelt in his introductory remarks: "To educate a man in mind and not in character is to educate a menace to society." This quotation probably best sums up why Members of Congress believe the time has come to trumpet what countless millions of Americans are already demanding—that good character is a central and integral component of the total person.

The congressional effort to elevate good character in our public dialog is not some public relations gimmick or recent conversion to moral principles. We are simply joining with the many character education organizations, parents, school adminstrators and teachers, youth organizations, and other caring Americans who believe, like Theodore Roosevelt, that character is an essential ingredient in our educational endeavors.

I believe this grassroots national effort is personified by the recent actions in my home State of New Mexico. I have commented in the past about the excellent program of the Bel Air Elementary School in Albuquerque, NM, and the resolution passed by the Albuquerque Public Schools to promote character education in all of the Albuquerque schools. However, one of the most exciting initiatives is the recent community-wide endeavor declaring "Albuquerque—A Character Counts Community."

Several weeks ago, Albuquerque Mayor Martin Chavez and I announced an exciting new community endeavor to apply the six elements of good character as a community-wide objective. Numerous leaders from community organizations worked together to structure this new initiative: The Albuquerque Public Schools Board, Albuquerque Teachers Federation, Greater Albuquerque Chamber of Commerce, Albuquerque Economic Forum, AFL–CIO, Mexican American National Association of Women, numerous Albuquerque public schools, Bel Air Elementary School, Albuquerque Junior League, United Way, Albuquerque Police Activities League, and the Hispanic Chamber of Commerce. The mayor and his staff, and the individuals representing the above-named organizations, gave enormous amounts of time and personal energies to developing this community-wide collaborative effort.

As a result of the public and private sector and city officials working together, a Character Counts Task Force was formed, the Greater Albuquerque Chamber of Commerce graciously agreed to provide the staffing support on a temporary basis until a permanent Character Counts structure can be developed, and the Albuquerque Community Foundation offered its assistance as a temporary fiscal agent for the effort.

I want to thank personally and pay tribute to our Albuquerque citizens who will serve on the Albuquerque Character Counts Task Force: Chairman William G. "Bing" Grady; Vice Chairman Don Whatley, president of the Albuquerque Teachers Federation; Dr. Peter Horoshak, superintendent, Albuquerque Public Schools; Leonard DeLayo, Albuquerque School Board member; Margaret Chavez; Toni Martorelli, city of Albuquerque Community Services Division; Buz Doyle, Greater Albuquerque Chamber of Commerce; Bob Stamm, Albuquerque Economic Forum; Dana Kouri, Albuquerque Police Activities League; Ray Ruiz, Building and Construction Trades Council; Margaret Anderson, New Mexico Association for Non-Public Schools; and Dennis Romero, assistant principal, and Mary Jane Aguilar, Bel Air Elementary School. Mayor Chavez and I will serve as honorary co-chairmen of this task force.

The Albuquerque effort represents an entire community standing up with pride and saying it promotes activities and personal deportment that include the six core elements of good character. It is a collaborative approach which reaffirms that the people of Albuquerque believe treating one another with respect is a good thing; that being trustworthy, responsible, fair, and caring are positive goals. Basically, Albuquerque believes that adopting these principles can contribute significantly to the quality of life of all the people of the community.

As stated so well by Don Whatley, vice chairman of the task force and president of the Albuquerque Teachers Federation:

> I am proud to be able to contribute to the effort to reinstill the core values highlighted by the Character Counts Coalition in our community. Educators have traditionally accepted the responsibility of transferring our knowledge base from one generation to the next. It is equally important to transfer commonly held cultural and civic values as well. To teach facts, figures and other academics without teaching commonly held ethical values to our children would be a tragedy. The whole community must join with our schools to encourage excellence of the mind and excellence in the character of our youth.

I applaud the individual and collective efforts of the citizens of Albuquerque; this is a model program that has extraordinary potential for improving the day-to-day lives of all its citizens. It is certainly worth trying, and it is certainly worth the effort. I look forward to working with these dedicated citizens to help make this initiative truly effective.

I would like to close today by thanking those Senators who have joined with me to pass Senate Joint Resolution 178. Particularly, I want to thank personally those from the Senate Character Counts Group, each of whom contributed time and energies to this effort: Senators NUNN, DODD, DANFORTH, COCHRAN, MIKULSKI, LIEBERMAN, and BENNETT. In addition, I want to thank the staff members of each of these Senators, all of whom contributed significantly to this effort: Matthew Sikes, Senator NUNN; Suzanne Day, Senator DODD; George Leventhal, Senator MIKULSKI; Doris Dixon, Senator COCHRAN; Felicia Brown, Senator DANFORTH; Elizabeth Dry, Senator LIEBERMAN; Corine Larson, Senator BENNETT; and Brian Jones and Kay Davies of my staff.

Earlier in my statement I mentioned that I believed this resolution was unique. I believe it bears summarizing again: Senators from both sides of the aisle, with different political philosophies, representing States across this great land, could join together in supporting six fundamental core elements of good character. As stated well by Tom Selleck, national spokesperson for the Character Counts Coalition, on ABC's "This Week With David Brinkley:"

> People do not audition to be a role model. It just happens. Everyone in the public eye, whether they like it or not, has to step up and realize what they say and do counts.

Finally, we in Congress can stand up and publicly join the millions of Americans who are already engaged in character education efforts—from parents, to teachers, to city officials, Governors, and service organizations. At first glance, this may not seem like a special event or anywhere close to a unique experience. But, I can assure you, Mr. President, that it is, indeed, a very exceptional accomplishment. I am proud of what we have achieved thus far, and I am pleased to be a part of this effort.

Now I yield to my good friend, Senator MIKULSKI.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Maryland.

Ms. MIKULSKI. Good morning. Mr. President.

I thank the Senator from New Mexico for yielding on this discussion we will have today on character and why character counts. I thank the Senator from New Mexico for being the organizer of the Character Counts Coalition here in the U.S. Senate.

We are men and women, Democrats and Republicans, from all geographic parts of the United States of America, and we are united with one voice today to talk about why character counts and why we need to instill these pillars of character in our public schools, our nonprofit organizations, and throughout the United States of America and every cultural method of communication.

We are 6 years from the year 2000. A new century is coming. A new millennium is about to be born. We in America need to ask ourselves, what will the United States of America be in the 21st century? Will we be a superpower? Yes. We will be a superpower because of our economic structure. We will be a superpower because of our military might. We will be a superpower because of our democratic framework. But we will also be a superpower because the people of the United States have been powered by a set of values that talks about how they can be part of a larger culture and yet actualize their own individual identity.

But we as a nation have to say what do we want to be and what will carry us forth.

Will it be science and technology? The answer is yes. Will it be our great American entrepreneurial spirit? The answer is, you bet. Will those enable us to cope with change? Absolutely.

But what will be the continuity between centuries that sustains us in terms of the ideals of the United States of America? I believe it is our values. And I believe it is these core values that are expressed in the pillars of character, trustworthiness, fairness, justice and caring, civic virtue and citizenship. These are the aspects of continuity that will help us not only cope with change but to embrace change and lead us into the 21st century.

For some time I have been concerned that in the United States of America we have gone from being a progressive society to being a permissive society, that you are rewarded instead of having character, you are rewarded if you are a character. I have been concerned that we call celebrities heroes. There has been much in the media lately calling people heroes.

I will tell you what a hero is. It is a man or woman who makes significant personal sacrifice, maybe even risking their lives for a greater good with no personal gain. We have them in this great body. Their names are BOB DOLE, BOB KERREY, DANNY INOUYE, who were decorated for their service and bear the permanent scars of war.

Right now this minute there are foster mothers throughout the United States of America caring for children who are abused, caring for children who have AIDS. Those people are heroes. They were willing to make personal sacrifices with no personal gain for a greater good. And why? Because they are inner-directed people based on their values. The values about trustworthiness, fairness, justice, caring, civic virtue, a call to duty, a call to responsibility and understanding that for every right there is a responsibility, for every opportunity there is an obligation, and that we do not talk about entitlements; we talk about enlightenment. That is what we need to be able to do. And we need to keep advocating a society based on virtue and value and not a society where every aspect of our cultural communication rewards and exploits violence and vulgarity. This is not what the United States is about, and this is not what built the United States of America. What built the United States of America was virtue and value, not violence and vulgarity.

People have known this through the years. And de Tocqueville when he came to study this new emerging country in the 19th century did his famous study on democracy and he said, what is it about it that is great? It is rugged individualism, their willingness to go to new frontiers, their willingness to always go out to explore, progress and change. But he said there is something special. It is what it is that are the ties that bind and he called them the habits of the heart, neighbor caring for neighbor, personal responsibility, personal respect for yourself and respect for others, and also social responsibility, the desire to be part of a neighborhood, a community, and to truly be a citizen of the United States of America.

That is what this coalition wants to do. It wants to reinforce those values that have sustained America through good times and bad, through war and through peace. And that is why I am advocating the Character Coalition and the inculcation of these values once again through our public schools and our nonprofits.

For too long I believe we have emphasized the goals of competition, exploitation, and aggression.

I believe we need to concentrate on community building and building individual capacity among our young people so they can be part of a larger community.

When my great-grandmother came to this country, she did not come in search of guarantees, but in search of opportunities. She was eager to become an American citizen. She did not want to melt, but she did want to be American. She did not believe America was a melting pot. She believed America was part of a great mosaic. She believed you could keep your cultural heritage and, at the same time, be a part of this great mosaic called the United States of America. She strove for that.

But what were the ties that bound us? It was a legal framework under the Constitution of the United States, and you took a test to pass to be a citizen of the United States. But there were other values that were the ties that bound us beyond a legal framework.

You cannot have a multicultural society unless you have the ties that bind.

I celebrate diversity. I believe in the mosaic. I believe in opening opportunities for people of all backgrounds. At the same time, though, we need to have the ties that bind, the links that keep us together, and maybe even the lifeline that saves us. And that is what these pillars of character are.

My mother and father were people of modest education. They gave us the best education that they could, both in our Catholic schools and with the values in our homes. Those values were taught in the home in my generation. And now we find that in many places they are only taught in the home, if you are lucky enough to have a home at all.

We need to be sure that we strengthen the American family and extend that to a larger community, the community that my sisters and brothers-in-law had. My nieces and nephews are growing up in a different world than we did in the old ethnic community in Baltimore.

But we need those values because of what is happening. The values in the home when I was growing up were reinforced in the school. They were part of the values of our particular faith preference. Now we find, however, that the values taught in the home are like a sanctuary, because the larger culture gives other messages that I do not believe represent what is the best in the United States of America.

We cannot have a society based on tabloid ethics and at the same time everybody doing their own thing without understanding the consequences to others.

So I am happy to lend my voice and my efforts for a cause that I believe transcends party and geographic lines.

But is that not great? That is what values are—to recognize those values. Because I believe a climate of change will be a source of continuity, which will build these core values, and I am happy to be part of it.

I am particularly pleased that we are now able to advocate this; that in my own hometown of Baltimore the superintendent of public schools, Dr. Amprey, is making sure that character counts; that in many of our schools and higher education facilities they are looking at how to have institutes to be able to advocate that.

During the week of October 20–23 that we call Character Counts Week, there will be a gathering in Chevy Chase, MD, at the 4-H Club Headquarters. There will be there 300 delegates from around the country of young men and women between the ages of 12 and 18. There will be entrepreneurs and athletes, people involved in public service. We are going to have workshops on character development, leadership training, ethical decisionmaking, and we are going to help them learn not only that character counts but how to be able to do that.

In the past, Maryland has been dedicated to character education. Over a decade ago, Blair Lee, a former Governor, had a values commission. Our Maryland attorney general encouraged values to be taught in the schools. We are now again moving on innovative character education programs.

Because it is not only the laws in the books that help govern us as a society, it is the laws you carry in your heart that govern your day-to-day behavior, and the way you react with one another, the way you react with your neighbors, and the way you react with the larger community.

So I believe the pillars of character count, and I am happy to be part of this coalition.

Mr. President, I yield the floor and eagerly looked forward to hearing other colleagues speak on this issue.

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator NUNN.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I know the Senator from Mississippi has been on the floor. I do not want to barge in in front of him here.

Mr. COCHRAN. Please go ahead.

Mr. NUNN. I thank the Senator.

Mr. President, I want to thank my colleagues from New Mexico, Maryland, and also from Mississippi for being on the floor this morning and talking about what I think is the most important underlying fundamental challenge that is facing our Nation.

I am delighted that I am able to be here, not because I am speaking this morning but because I have been able to hear the Senator from New Mexico and the Senator from Maryland, I think, lay out very clearly why we are here and why the Nation has to begin turning its attention individually and collectively to this challenge.

Mr. President, I also want to add that I am pleased to be a coauthor with the Senator from New Mexico on this resolution. I think he is to be commended for getting this resolution passed and for putting a spotlight here, to the extent that we are able to do so, on the question of character, on the question of values.

I also want to say that his dedication to this concept is more than a floor speech on the Senate floor. It really goes to the way he conducts his duties in this body every day, and I think he displays that. I also would say the same thing for the Senator from Maryland. I think she displays that every day. And I would add that also to the Senator from Mississippi. So I think that is important.

I am hopeful this legislation will help in some small way to assist the grassroots effort that is already underway. We are not originating this effort. It is not originating here on the floor of the Senate. This is not something where we pass it and expect the national character to change. But I do believe that this may be a small way of helping the grassroots effort that is already underway.

The Character Counts Coalition, led by Tom Selleck, Barbara Jordan, and Michael Josephson, and others, is helping focus our Nation's attention on our most pressing problems—the erosion of our national values and our national character.

This legislation, which designates the National Character Counts Week, is but a small first step in beginning the difficult work that has to be done through millions and millions of individual actions in rebuilding the traditional virtues that have anchored and sustained our democracy.

The sponsors of this legislation hope to register our concern and our commitment to help focus the Nation's attention on the very real relationship of character and values to many serious problems which face our Nation today and, most importantly, to direct attention to the day-to-day grassroots efforts of the Character Counts Coalition to make the goals of the coalition a reality.

As a nation we are plagued by a web of interwoven social problems, including family breakdown, including drug abuse, including teenage pregnancy, and including the spread of violence in our communities. A common thread among these problems is a growing confusion in our society of what is truly important.

I particularly enjoyed the remarks of the Senator from Maryland, which I think were right on point when she discussed the question of who are our heroes and who are our heroines. Who are these people that we call heroes today? They are not the same kind of characters that we had when I was growing up. If I had had the same heroes that our young people are growing up seeing and, in effect, trying to model their lives after, my whole life would have been different.

I think we have to ask ourselves: Who is it we admire in this society and why? Because, in my view, without getting into individual cases, I do not think we are making a good choice in terms of who we are holding up for our young people to emulate.

If lives are to be turned around, we must send a message emphatically that character does count. The solution to our social problems will come down to individual responsibility, people taking responsibility for their own actions, for helping their neighbors and particularly for helping children, children who need help and need guidance every day in facing up to the challenges that they have to meet in their daily lives, totally different kinds of challenges than most of us grew up trying to meet and overcome.

Over its history, our Nation has been blessed. We have a large and vibrant economy which has sustained a high standard of living and provided opportunity for our children and for our citizens. We have the military strength to protect ourselves from foreign enemies, and we have shown the capacity to do great good for our own people and to spread that good and generosity throughout the world. Our continued prosperity, however, depends on maintaining the foundation which leads to such achievements and that foundation is strong individual character and strong individual values. As our values and our national character erode, so, too, does our culture. In the long run our values determine our strength as a Nation. Without traditional virtues and values our democratic institutions, which must rely on responsibility and self control as well as laws, wither.

I applaud the efforts of the Character Counts Coalition and their efforts to promote the six core elements of character: trustworthiness, responsibility, respect for ourselves and for others, fairness, caring, and citizenship. These are ancient virtues and responsibilities that have been taught and reinforced for ages. These are the virtues that are essential if we are to preserve the fundamental rights guaranteed by our Constitution.

The consequences of not taking action on this crucial issue are well illustrated by a profound question asked by our distinguished colleague, Senator MOYNIHAN. He posed the question: Will we be the first species on Earth that forgets how to raise its young? That is the question. Character does count. I am proud to be a small part of this Character Counts movement.

I urge my colleagues to join in this effort.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I first of all want to thank very sincerely the distinguished Senator from New Mexico for his leadership in bringing together a group of Senators, Republicans and Democrats, to sponsor the resolution which was recently adopted by the Senate, setting aside a week in October to observe National Character Counts Week.

There is no question that there is a very serious threat to our American dream of freedom, prosperity and opportunity today in our society. This threat extends also to our domestic tranquility —to be safe and secure in our homes and in our communities. Today in America, a crime of violence occurs every 22 seconds. Each year, 25 percent of all homes are victimized by crime. The chances of being the victim of a violent crime in America today are greater than being involved in an automobile accident. In too many places, students are bringing weapons to school.

In March of this year, this resolution was introduced—at first sponsored by just four Republican Senators and four Democratic Senators. Now others have joined and the Senate has adopted this resolution. It seeks to emphasize the importance of good character in our society and to involve churches, schools, national organizations, and local groups in a nationwide grassroots effort to promote the elements that are the core of good character: trustworthiness, respect, responsibility, fairness, caring, and citizenship. This National Character Counts Week, which will be the week of October 16 this year, I hope will give us all an opportunity to think of ways we can become more personally involved and encourage others to do the same, to try to help ensure that students in our schools and that family members and others learn about the importance of these individual traits in our free and open society.

I can recall the first speech that the Senator from New Mexico made on this subject on the floor of the Senate. He included an article describing an elementary school in Albuquerque, NM, where the teachers had begun a program of discussion in the classrooms of each of these central pillars of character and setting aside one month for the observation and discussion of each of these character traits.

I recall that one example for bringing this information to the classroom was to put signs all around the school and the classrooms that just had the word on it. For example, "caring" was displayed throughout the school for the time that that was the subject of the discussion. And students were encouraged to talk about what caring meant to them, why it was important to care about each other, to care about what they were doing in school, to care about the school itself, to care about the community. Why was that important, for individual members of the class to care about what they were doing?

And what the teachers observed as they continued this program was that good character traits are contagious in the classroom, and not only among students but among the teachers as well.

We cannot solve all the problems of our society by just designating this one week, but I think it can bring to the attention of the American public how important we think these core values of character are, to be learned by students in our society today, to be observed by all of us in the best way we can—to help weave a stronger fabric of our society of individual traits that mean we respect each other more, we appreciate what we have, we appreciate our country, we want to take care of it, we want to promote fairness, we want to help ensure that there is true fairness and justice for all in our society.

I am very proud to be a part of this effort and I encourage all Senators to look at ways that we can all become more actively involved in this national crusade.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President I yield the remainder of the time to the distinguished Senator from Connecticut, Senator DODD. I believe on our side we have one additional Senator. He can use 5 minutes on his own time, as I understand that is the way the order is.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from New Mexico for yielding me some time. Let me begin by commending him and the other Senators involved in the Character Counts initiative. I join in the chorus of praise for my colleague from New Mexico and the others who have embraced this idea and have decided to use this privileged forum to educate and to discuss the issue.

We are, of course, talking about our children's education and how we can use it to contribute to their character development. But on a deeper level I believe the whole subject is really about democracy and about the lifeblood that flows through its veins. For the entire premise of our system of government—the people's ability to govern themselves—hinges on the good education and the good character of her citizenry. Without those critical ingredients, in my view, this entire enterprise is doomed to failure.

As Thomas Jefferson wrote in 1816,

> If a Nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.

As Jefferson warned, we cannot expect to move ahead in ignorance. We cannot be ignorant of the knowledge of the world, nor can we be ignorant of the common values that should bind us together as a Nation.

The Character Counts initiative calls on us as a people to embrace both of these goals and to expand our definition of education. It calls on us to recognize that education must be more than the transmission of facts. It must be more than the relay of concepts. It must be more than the molding of the intellect.

Education must also be about character. Education must help teach young people what they need to know to be full participants in our society. Strengthening the mind is not enough. We must also nurture the character.

We are not talking about imposing any individual's or group's world view or morality on the schoolchildren of America. I invite my colleagues with concerns about this proposal to look very closely at what we mean when we say character education.

Mr. President, we are talking about honesty, courage, respect, responsibility, fairness, caring, citizenship, and loyalty. Those are the principles we are promoting. These are not revolutionary concepts, Mr. President. These words are not controversial. They transcend individual religions and philosophies, and they are almost universally accepted.

I might point out that a recent Phi Delta Kappa/Gallup Poll asked adults in our country whether certain principles should be taught in our schools. Let me tell you the results of that survey: 97 percent of the surveyed adults in this society supported teaching honesty in our schools; 93 percent supported teaching democracy; 93 percent supported teaching acceptance of people of different races and ethnic backgrounds; 91 percent supported teaching caring for friends and family members; 91 percent supported teaching moral courage, and the list goes on.

So, Mr. President, we are not talking about something that is completely radical and different.

While these principles have widespread support among the American people, the idea of teaching them in schools has been attacked from both the left and the right. I understand the fears expressed by both sides. But let me quickly add, I think those concerns are totally unfounded.

To the conservative elements of our society who are critical of this concept, I say that certainly schools will never and should never replace family. Parents and grandparents, churches and synagogues should and always will be the primary influence on children's values and systems of belief. To promote character education is not to challenge that influence but, in truth, to complement it.

To my liberal friends who are concerned about this initiative, I say there is no plot here, no hidden agenda. Rather than suffocate the splendid diversity of America, we strengthen it by imbuing our young people with values—such as mutual respect, honesty, and caring—that make that diversity possible.

Character education may be a controversial idea in this town, but let me tell you something; it is anything but controversial outside of this town. I invite my colleagues to do what I have done: Go and ask your own constituents about character education. Ask them if schools should teach students about the importance of fairness, about the value of responsibility. Ask them whether or not they think the merit of good citizenship should be taught.

I predict that if you do this, your constituents will answer yes without exception, as mine have. They will answer yes because they know that developing good character in our young people will make a real difference in the lives of individuals and the lives of communities and the life of a nation.

Character education is, obviously, not the magical answer to all of our problems. If every school in America taught character education tomorrow, we would not end teen pregnancy, although we might reduce it. We would not stop street violence, but we might curb it. We would not eliminate child abuse, but I think we might lessen it. Character education would not end any of these plagues, but it could make a difference. Character education is not a complete solution, but it should be part of one.

The Labor Committee began to address this issue earlier this summer when it adopted a character education amendment that I offered to the elementary and secondary education bill.

I commend again my friend and colleague from New Mexico for all his work in this area. I have enjoyed working with him on it. I look forward to working with him in the future. I invite my colleagues to join in this effort to develop the character of young Americans and to shore up the foundation of American democracy.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to commend my friend and leader in this effort, Senator DOMENICI, from New Mexico, for what he has done with respect to the Character Counts activities.

I will not repeat the comments that have been made by those who have gone before me because I believe they have covered the issue, but I do want to make one observation with respect to the resolution regarding National Character Counts Week. I think it is very important that national leaders talk about these issues.

One of the things that has happened in the last two or three decades has been that we have developed such a sensitivity for the possibility of offending people that we have taken a number of issues out of national dialog. The motive behind that is perhaps admirable, but the effect has been to sanitize the national dialog to such an extent that no one has the courage to talk about anything anymore.

We get our schools together and we talk about the mechanics, if you will, of sex education. We have examples of teachers holding up cucumbers and placing condoms of them, but somehow we cannot have a discussion, let alone any kind of curriculum, in regard to the question of responsibility when it comes to one's sexual behavior. That somehow implies a discussion of religion; that somehow violates the separation of church and state. So we pass around cucumbers instead, and then wonder why our young people get the silent message that responsibility does not matter.

So without getting into any of the details of what should or should not be taught or how far we should go or what kinds of curriculum we should have, I want to commend the Senator from New Mexico for getting us, as national leaders, to simply start talking about character.

Inevitably in a free society, when the leaders start talking about such things as trustworthiness and respect, responsibility on the part of our young people, talking about such concepts as justice and fairness, talking about caring and civic virtue and citizenship, it is inevitable that the citizenry will begin to start talking about these things. Dialog must occur not only at home, but in schools, both elementary and secondary, in business, and in Government. Individuals will then come up with the answers. We will not.

We cannot legislate from the Senate nor from Washington nor can the President dictate what the Nation should do about these areas. However, we can start a national dialog about the common values on which this country was founded and trust the good common sense of the American people to do the right thing in every one of these areas to make them relevant again today.

As the Senate Character Counts coalition raises this issue today and in the future, we will be the leaven of the lump, if I might use the Biblical phrase, that will start the rediscovery and discussion of our common values, and expand this emphasis throughout society as a whole.

So I am delighted to be part of the effort, to be one of the original cosponsors of the Character Counts resolution. And I join with the rest of my colleagues in paying tribute to the Senator from New Mexico for his leadership.

Mr. DANFORTH. Mr. President, I would like to commend the efforts of my colleagues in the Senate for the enthusiasm they have shown with respect to promoting the concept of character development and education. President Theodore Roosevelt once said, "to educate a man in mind and not in morals is to educate a menace to society." We need only look to the current deterioration of morality and ethics that permeates our society to see the truth in these words.

There has been a growing movement in the country to restore the teaching of values to the standard curriculum. These efforts have largely been initiated at the local level, the communities working cooperatively with schools to promote character education and development. The momentum fueling this movement stems from the frightening realization that many of our youth have grown up in a moral vacuum. Children killing children without remorse is only the most visible sign of the death of values in much of our society. The transmission of values is an important step in regaining this lost generation and reversing the moral crisis facing the Nation generally and our young people in particular.

I would like to particularly recognize the efforts of my good friend, Sanford McDonnell, chairman of the board of directors of the Character Education Partnership. The partnership, established in March 1992, is dedicated to promoting the development of moral character and civic virtue among young people. The partnership represents a network of individuals and organizations committed to facilitating the implementation of effective K-12 character education programs which will produce a generation of responsible and compassionate individuals.

While the efforts of the partnership extend throughout the country, Sandy has worked tirelessly in St. Louis to implement character education throughout the metropolitan area school districts. His personal efforts in the establishment of PREP—personal responsibility education process—is indicative of his commitment to instilling values and ethics in young people. PREP is a collaborative effort of corporations, foundations, community groups, individuals, and 23 public school districts representing over 183,000 students. As a consequence of PREP's endeavors, many youngsters have the opportunity to learn about respect, civic virtue, and personal responsibility. PREP recognizes that schools and communities must work together, forming a partnership, to address problems such as drug abuse, youth violence, and teen pregnancy. Sanford McDonnell's efforts in this regard have been exemplary and he has generously given of his time and himself.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask for 2 minutes, and then we will be finished with our dialog.

I want to make two comments. First, this effort that we are involved in to elevate good character is not some public relations gimmick or some recent conversion to moral principles. We are simply joining with many character education organizations—parents, schools, administrators and teachers and, yes, Mr. President, a huge, huge part of the American population—who are desperately worried about what is happening in our society as they see these pillars of character disappear, as they see little or no effort to build them up and use them and inculcate them so we can all have a better life.

Last, there are cynics around who would instantly challenge this group of Senators who spoke today. They might say, Mr. President, how can you do that when Government is in such disrepute? I am not a cynic; none of the Senators participating is a cynic. We are saying as long as we are in office, we choose the positive; we choose to try and try again and, in this case, we think we have a very, very good effort. We ought to promote it in spite of cynics who will say it will not work; it is not your business; let somebody else do it. I firmly believe it is our business and we should participate.

I yield the floor.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 2283 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRADLEY. Mr. President, I ask unanimous consent that I may proceed for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACE RELATIONS AND AMERICANS FROM ASIA

Mr. BRADLEY. In the past 3 years, I have given a number of speeches about race relations in America. They focused primarily on a black-and-white portrait of America. Today I wish to broaden that view and talk about Americans whose ancestors come from Asia. I wish to do it in a way that is forthright, historical, personal, and in a way that challenges all of us to think about the incredible potential of America's increasing diversity.

A young Chinese-American girl during the late 1960's was discussing the civil rights movement in a schoolyard with two of her friends. One was black, and the other was white. As the conversation became more animated, the African-American girl turned to the Chinese-American girl and said, "You gotta decide, are you black or white?"

For too many Americans whose ancestors come from Asia, this story rings familiar. Asian-Pacific-Americans live in a country where minority means black and bilingual means Spanish-English. Some Americans do not even register that Asian-Pacific-Americans are even a thread in our national fabric, and many more only see them through stereotypes and caricatures, ranging from the gifted math and science students and the so-called model minority myth, to exotic geisha girls, Bruce Lee and kung fu and waiters serving moo shu pork in the local Chinese restaurants. Stereotypes, both positive and negative, about Asian-Americans abound, but they hardly eliminate the complexity of their cultures or their social contributions to America.

Asian-Americans have a rich history in the United States. In the 1850's, the blood and sweat of 10,000 Chinese immigrants built the transcontinental railroad. Japanese-Americans in the early 1900's were a dominant force in California agriculture, producing up to 90 percent of some crops while controlling only a tiny fraction of the State's fertile farmland. More recently, from ice skater Kristi Yamaguchi to playwright David Hwang, Asian-Pacific-Americans have been achieving success in politics, business, academia, sports, and the arts. And since I have been in the Senate, four of my colleagues have been Asian-Pacific-Americans—and Senator DANIEL INOUYE of Hawaii has become one of the most respected Senators of the last 50 years.

Mr. President, like most Americans, I have felt the impulse to consider nonwhites as fundamentally different from me. Only contact and interaction has taught me the stupidity and foolishness of those views. With African-Americans, that contact began in childhood and matured in the reading of American history and deepened in professional basketball when I lived with African-Americans day in and day out on the road in America. With Asian-Americans, that journey began with the fascination for that which was different from what I had known growing up in a small Midwestern town. It matured and deepened in college when I roomed with a second-generation Japanese-American who was born in a stable at the Santa Anita Racetrack on his way to a World War II internment camp in Poston, AZ.

My roommate had a way about him that invited openness and manifested genuine interest in other human beings. He was a sensitive friend. Both of us had served as student leaders, grown up with deeply religious mothers, and shared a love of sports and history. The only real difference was that he was Japanese and I was Scotch-Irish, which ultimately was no difference at all. The more we talked, the more I realized what we held in common and the more familiar I became with his hopes, not for his race but for himself as an individual.

Then I would see how other people reacted to my roommate by consistently denying his individuality. I saw the hurt look on his face every time someone called him "Odd Job" after the Asian character in a James Bond movie of the time and the anger he showed when the dean of students asked him to speak to the board of trustees about the experience of a foreign student at Princeton. In search of his own identity, he knew he was American, but either from ignorance or prejudice, many white Americans seemed to deny him that birthright.

My roommate rarely talked about the camps, but partly out of catharsis and partly as a service, in 1971 he wrote a book called "American in Disguise." It told of how he spent his first few years in an internment camp and how he lived his entire life having to deal with racism in America.

It was a sad, honest, angry, insightful, and accurate book. During the summer of 1971 he did a book tour. I accompanied him one evening to a call-in show at a TV station in St. Louis, MO. I was not prepared for the hostility that followed.

Caller No. 1: "If Mr. Moto"—not his name—"if Mr. Moto does not like America, tell him to go back to Japan."

Caller No. 2: "I don't know why you're complaining; you've done well in America."

Caller No. 3: "I lost my husband at Pearl Harbor. You can't trust these Japanese. How do we know what you say about these camps is true? I don't trust you."

Caller No. 4: "Tell the Japs they're lucky we didn't drop another atomic bomb on them."

Caller after caller spewed out irrational hatred toward the Japanese. None apparently registered that my roommate was American, not Japanese. Their failure to appreciate history was an extraordinary denial of historical record. If the truth teller did not look American—that is, Caucasian—it seemed he was not believed. It would not be the last time that I observed such reactions, and always it would be painful.

Even today in 1994 whites and blacks see different looking eyes and go blind to individuality, blurting out such comments as, "Why don't you go back where you came from?" "We are out of jobs because of you." "Hey, China doll."

In 1991, I heard a story of a Japanese-American Girl Scout troop that was selling cookies outside a suburban grocery store in California. One passer-by who refused to buy any of the cookies said, when he refused to buy, "I only buy from American girls."

To understand such an insensitive comment requires a knowledge of the history of Asians in America. The 19th century image of America as a melting pot did not include immigrants from Asia. The torch-bearing arm of the Statue of Liberty was raised toward Europe and the Atlantic. A similar welcome was not extended westward across the Pacific.

In the beginning, Asian-Americans have been ostracized by white Americans. When California became a State in 1850, its constitution made it legal for cities to expel and segregate Chinese. It also restricted employment of Chinese workers and denied Chinese the right to vote. Oregon and California did not ratify the 15th amendment to the Constitution until the mid-20th century because their politicians reasoned that to support giving the vote to African-Americans would necessitate enfranchising Chinese-Americans.

As a source of cheap and hardworking labor, Chinese by the 1870's became a favorite target of white labor unions that pushed for their ouster from the State. Congress responded by passing the Chinese Exclusion Act of 1882 making Chinese "aliens ineligible for citizenship," stripping them of all legal rights, and prohibiting nearly all immigration of Chinese to the United States. As Chinese immigration declined after 1882, the United States looked to Japan for cheap labor to work in the orchards and fields on the west coast and Hawaii.

Japanese success in agriculture led to the second anti-Asian backlash. In 1913, the California State legislature passed the alien land law aimed at the Japanese, prohibiting aliens—to use that name—from buying land or leasing it for more than 3 years.

Pressure from California officials led to the gentleman's agreement of 1908 with Japan in which both nations agreed to decrease Japanese immigration to the United States. In 1924, the Asian Exclusion Act passed by this Congress barred all Japanese and other Asian immigration from permanent residence.

Other laws denied the Japanese citizenship, barred them from certain jobs, and kept them from marrying whites. These attitudes culminated in 1942 when war hysteria compounded historic racism and led to one of the sharpest blows to constitutional rights in the history of this country, the internment without evidence of disloyalty of 120,000 Japanese-Americans. In addition, Japanese-Americans were asked specifically to forswear allegiance to the Emperor of Japan.

Gene Oishi has written that asking second generation Japanese-Americans to take a loyalty oath was "comparable to asking Joe DiMaggio, the son of Italian immigrants, to forswear allegiance to Mussolini."

Asian Indians were also included in America's anti-Asian xenophobia. Pursuant to the naturalization law of 1790, which said only whites could become citizens, the Supreme Court in 1923 stripped a Sikh from California of his citizenship on the basis that Hindus were not "free white men."

Mr. President, I know that these historical facts are painful for anyone who believes that pluralism is America's strength. But to ignore them would deny us a chance to get this behind us. Only coming to terms with them will free us.

Since the Immigration Act of 1965 eliminated national origin quotas, we have seen a new era of Asian immigration. Asians are the fastest growing minority group in this country. In the 1980's over 3 million Asians immigrated to America, doubling the Asian-American population. In my State of New Jersey, the Asian-American population grew 162 percent in the 1980's.

Such waves of immigration make it more important than ever for us to see that we are no longer a society of just two races, and to understand that diversity is the basic component of what it means to be an American. In the coming years, contributions to American society by Americans of Asian and Pacific descent will become increasingly important. These recent immigrants from Asia differ significantly from their predecessors. Most now come as intact families with the intention of settling here permanently, and about a third are professionals.

Moreover, post-1965 Asian immigrants have originated from more Asian countries. While immigrants from India, Korea, and China come to the United States in search of economic opportunities, others from Vietnam, Cambodia, and Laos, have fled unstable political conditions in their home countries. The vast difference in experience and perspective between a Hmong refugee from Laos who arrived with no understanding of the concept of written language, and an established fourth-generation Japanese-American whose families have been in the United States longer than many European groups, is the range of diversity in Asian America.

Despite this diversity, Chinese, Japanese, Vietnamese, Filipino, Indian, Korean, and Cambodian-Americans, along with the Americans from the islands of Polynesia, find themselves continually being lumped together and defined as one unified group. To force the over 60 different Asian groups under one label is the height of ignorance and racial stereotyping, and makes about as much sense as calling a Scot a Euro-American.

One of the most prevalent stereotypes that ignores the diversity of the Asian-Pacific-Americans is the model minority myth which says that Americans of Asian descent are the healthy minority, the smart minority, the self-sufficient minority, the hardworking but silent minority. In many respects, statistics back up the model minority myth. Asian-Americans have the lowest divorce rate of any racial group, the lowest teenage pregnancy rate, the highest median family income, and the lowest rate of unemployment. Moreover, the number of Asian-owned businesses has increased nearly 1,000 percent from 1972 to 1987.

But a report released last month also revealed that southeast Asians have the highest rate of welfare dependency of any racial or ethnic group. More than 30 percent of all southeast Asian households are on welfare, and among some groups, like Cambodians and Laotians in California, the percentage on welfare skyrockets to 77 percent.

Moreover, although the median family income for Asian-Americans is on a par with that of whites, the figure can be misleading. Asian-Americans live disproportionately in areas where the cost of living is above the national average, and high family income is also related to relatively larger families.

Being classified a "problem-free minority" can also create tensions with other minority groups. "Why can you not be more like the Asian-Americans?" blacks and Latinos are told? As a result, Asian-Americans have become targets of anger, creating a backlash in relationships with other groups of Americans. The greater the success of Asian-Americans, the more some whites and some blacks resent them. When economic times are tough, the seemingly positive attributes of the "model minority" suddenly get turned against Asian-Americans, and the hardworking, resourceful, and dedicated, suddenly become ruthless, diabolical, fanatical.

Today, the most blatantly discriminatory laws have been dismantled, but prejudice against Asian-Americans remains and phobic attitudes persist. For example, the taboo against interracial marriage dies slowly. It is cloaked with superstition, tribalism, and often just plain racism. How race should be prohibitive when two people fall in love has always been a mystery to me. Irrational attachment to race purity is found in all cultures, including some Asian societies, but in America it fused with bizarre theories about white supremacy to produce an explosive mix of emotion and law.

Today, many Asian-Americans experience more subtle forms of intolerance. Height requirements, such as those used by some police and fire departments, bar Asian-Pacific-Americans from many jobs. Many prestigious colleges have been accused of imposing new admission standards in order to limit the number of Asian-American students. Glass ceilings in corporations block too much Asian-American talent from fulfilling the potential of its abilities.

Asian-Americans often become, also, a convenient scapegoat. Take Japan-bashing, for example. With the recent failure of United States-Japan trade talks, it could reappear. The U.S. economy is experiencing monumental transformation—the end of the cold war, the influx of millions of new people into the world marketplace, the emergence of the knowledge revolution, and the continued buildup of our national debt. Americans are understandably feeling vulnerable.

At the same time, Japan has erected barriers to its markets. Japan owes it to its consumers and to the world to open its markets. We must be clear and firm in our policy toward the Japanese Government. But making Japan our scapegoat is not the answer. Inflammatory rhetoric helps no one. The Japan-bashing phenomenon becomes more and more disturbing with each politician's slip of the tongue and each Honda-bashing party that the media covers. What these critics of Japan must realize, given the disproportionate role of race in American society, is that anger toward Japan risks turning into hostility toward our fellow citizens. Increasingly, the brunt of anti-Japan sentiment falls not only on Japanese-Americans, but because many non-Asians fail to make a distinction among Asian-American nationalities, it falls on Asian-Pacific-Americans as a whole. For example, the first highly publicized instance of brutal anti-Asian violence was the 1982 murder of Vincent Chin. Chin, a 27-year-old Chinese-American, was bludgeoned to death in Detroit by two unemployed auto workers who blamed layoffs in the auto industry on the Japanese.

Even with the increasing presence of Asian-Americans in such places as San Francisco, New York, Seattle, and New Jersey, Asian-Americans are constantly questioned about their Americanness. Because they look different from Caucasians such as German-Americans, Irish-Americans, or Italian-Americans, they are often asked, "well, where are you from?" Or they are told, "gee, you speak English very well." They are continually viewed as foreigners. Maybe that is why they are often left out of discussions about race relations in America. They, like my roommate many years ago, are not even seen as Americans by a white majority or a black minority.

In its most frightening form, these attitudes result in racist violence. In 1987, a Cambodian-American teenager in Lowell, MA, was drowned by a youth shouting racial slurs. Also in 1987, a group of youths attacked and killed Navroze Mody, an Indian-American man; the youths were affiliated with a group called Dotbusters, referring to the red dot many Indian women wear on their foreheads. In 1989, a Chinese-American named Ming Hai "Jim" Loo was beaten to death in Raleigh, NC, by a number of white men who blamed him for the Vietnam war. In October 1992, a Chinese-American man was beaten on a bus in San Francisco by five African-American teenagers, who yelled, "Chink," and "get the Chinaman."

Mr. President, I have recently spoken out about the violence that is plaguing our country—not just in our cities, but also in suburban malls, on college campuses, and between husband and wife. While all violence must be condemned, a new wave of hate violence is particularly disturbing.

According to a 1992 report by the U.S. Civil Rights Commission, although Asians made up 4 percent of the population of Philadelphia in 1988, they were the victims of 20 percent of the city's hate crimes. In 1993, there was 335 reported anti-Asian incidents, including 30 homicides, or nearly one incident every day in this country.

But Asian-Pacific-Americans are beginning to fight back. In 1988, Japanese-Americans won a long and hard-fought battle to regain their dignity and a rightful place as American citizens with the passage of the Civil Liberties Act. This legislation gave a national apology and monetary compensation to the surviving Japanese-Americans who were unjustly taken from their homes on the West Coast and interned in camps solely on the basis of their ancestry. Such an acknowledgment is true progress.

More recently, Bruce Yamashita challenged one of the oldest institutions in this country—the U.S. military. In 1989, Yamashita, a third generation Japanese-American from Hawaii, fresh out of Georgetown University with graduate degrees in law and international relations, enrolled in the Marine Corps Officer Candidate School. Yamashita's idealistic aspirations of serving his country were shattered when he was subjected to onslaughts of racial barbs and verbal abuse from his sergeants at OSC: "You speak English? We do not want your kind around here. Go back to your own country." Other superiors insisted on speaking to him in broken Japanese, often calling him by the names of Japanese products, such as "Kawasaki Yamaha Yamashita." One sergeant ordered him to change into a dirty uniform before his final company review board, knowing that it would jeopardize his evaluation. After 9 weeks of OCS training and 2 days before graduation, Yamashita was kicked out for unsatisfactory leadership.

Charging racial harassment and discrimination Yamashita challenged his dismissal. After two Marine Corps reviews and an offer of commission that he found unsatisfactory, Yamashita appealed to President Clinton last fall for a full resolution of his case. In December 1993, Navy Secretary John Dalton overruled the Marines and authorized that Yamashita be commissioned as a captain. Five years after his ordeal began, at a March ceremony in the House of Representatives, Yamashita was commissioned as a captain in the standby reserves. No longer silent, Yamashita won his battle—another step of progress.

Forcing people to fight for the right to be treated as human beings is a colossal waste of energy and talent. By the year 2000, only 57 percent of the people entering the work force in America will be native-born whites. It is their children whose economic future will increasingly depend on the talents of nonwhites. The considerable talents of Asian-Americans will help all of us advance if we allow them not only a place at the table of performance, but also a place at the table of acceptance. To stigmatize, to stereotype, and to abuse Asian-Americans is to deny ourselves the possibility of our best future.

Americans also need to see how our diversity is a peculiarly American strength, available to virtually no other nation. I was at a conference in Europe recently and the Europeans kept referring to Americans, Mexicans, Canadians, Brazilians, and Venezuelans as "New Worlders." "You New Worlders," they said. I asked them, "What do you mean by that?" They said: "In Europe, increasingly, nationality is defined as ethnicity. In the New World it isn't." To which I say thank God.

American nationality is not ethnic; it is creedal. We ask our citizens to subscribe to a set of principles etched in the Declaration of Independence and the Constitution, not to produce their pedigrees. No country is so open, and this is a source of tremendous strength. These rights, such as life, liberty, and the pursuit of happiness, do not accrue only to a certain race or ethnicity, but to a qualified person of any race who steps forward and says, "I'm American."

Our growing Asian-Pacific-American population is one of the keys to our future success in the international marketplace. The Pacific Rim offers us unlimited opportunities for American export markets, not to mention potential partners in tackling the global problems of human rights, the environment, technology, and population control.

In Asia, our immigrants can be our guide to the cultural rhythms of the fastest growing area in the world economy. Given competitive price and quality, that knowledge can give American goods the edge in Asia. If American companies can draw on the world for our talent, our pool will be much larger than it would be if we, like the Japanese, confined our talent search to a few universities and one racial strain.

Our diversity can mean more jobs and more prosperity for all Americans if we can seize the moment. But to realize that promise, we have to see people. We have to see human beings, not the color of their skin or the shape of their eyes. We have to see human beings for what they are as individuals and as Americans.

To encourage contributions to our Nation's future from Americans of Asian descent requires a commitment from each of us to get beyond the stereotypes, to move past simplistic discussions of race relations which only recognize black and white, to realize the depth and diversity of the many different people we call Asian-Pacific-Americans, to reach out to the Asian-American physicist in New Mexico, garment worker in San Francisco, doctor in New Jersey, restaurant owner in Chicago, and teacher in Los Angeles, to recognize that the surnames Nguyen, Patel, and Chang are just as American as Kennedy, Johnson, and Bush, to speak out against anti-Asian talk and violence where we hear or see it, to realize that contact brings understanding, and like my roommate in college, prejudice withers in an air of friendship. And when that happens, Americans from Asia will be a living, contributing, and integrated part of American life. And we will, in every way, be a richer society because of it.

THE DEATH OF JACQUELINE KENNEDY ONASSIS

Mr. MOYNIHAN. Mr. President, Jacqueline Onassis touched the lives of millions through her remarkable conduct as First Lady, her courage during a shattering national tragedy, and her ability to then raise two beloved children and succeed brilliantly in a career in publishing.

Yet there is even more to be added to the Senate's account of her achievements—her many contributions to the life of America's two greatest cities—New York and Washington, DC. Characteristically, she never sought recognition for these efforts, but they were significant ones and ought to be recorded for history.

In New York City, which was her home and which she loved, Mrs. Onassis was for the last two decades a member of the Municipal Art Society, the 102-year-old organization dedicated to historic preservation and the furtherance of civic art in New York.

As Senator KENNEDY observed in his eulogy, she was much involved in the society's efforts to preserve Grand Central Terminal. Senators may recall the news photographs of her outside Grand Central with the architect Philip Johnson and others in 1975. She led the fight to stop an awful proposal to erect a 53-story office tower atop the magnificent 1913 Beaux Arts Terminal, and ultimately prevailed when in 1978 the U.S. Supreme Court upheld the New York City landmarks law that protected the station.

She also applied her considerable energies and talents to the revitalization of Times Square; to efforts to revive Manhattan's West Side riverfront; to the preservation of St. Bartholomew's Church, and to the protracted fight against a plan to build a skyscraper at Columbus Circle that would have cast a giant shadow over Central Park.

Her influence on the city of New York was profound, yet her legacy in the area of civic improvement is perhaps even greater here in the Nation's Capital.

During his inaugural parade in 1961, President Kennedy looked at the north side of Pennsylvania Avenue, then lined with an assortment of structures in varying states of dilapidation and the unfinished Federal Triangle on the south side, and decided that something had to be done with it. He gave this task to Arthur Goldberg, then Secretary of Labor, who in turn assigned it to me, then Secretary Goldberg's assistant. This led to the creation of the President's Commission on Pennsylvania Avenue—later the Pennsylvania Avenue Development Corporation—which produced the plan for developing the 1.1-mile stretch of the avenue between the White House and the Capital.

One of the last instructions President Kennedy gave before departing for Dallas was that a coffee hour be arranged for the congressional leadership in order to display the model of the Pennsylvania Avenue plan and seek their support. Bill Walton, Charles Horsky, and I were at lunch discussing this on November 22, 1963 when the White House operator called with the news that the President had been shot. We made our way to the White House; the final word came. We left with this task undone. Or would have had it not been for the intervention of Mrs. Kennedy.

Soon after President Kennedy's funeral, she met with President Johnson in the Oval Office. Their conversation was later recounted by Mrs. Kennedy in an interview she gave on January 11, 1974 to Prof. Joe B. Franz of the University of Texas at Austin. Professor Franz conducted the interview in Manhattan for an oral history of the Johnson administration. Here is an excerpt from the transcript of Mrs. Kennedy's remarks:

> I remember going over to the Oval Office to ask him for two things. They were two things I thought that I would like to ask him as a favor. One was to name the space center in Florida "Cape Kennedy." * * * And * * * there were plans for the renovation of Washington and there was this commission, and I thought it might come to an end. I asked President Johnson if he'd be nice enough to receive the commission and sort of give approval to the work they were doing, and he did. It was one of the first things he did.

Jacqueline Kennedy asked for Pennsylvania Avenue, for the continuation of the President's Commission on Pennsylvania Avenue. And coming from Mrs. Kennedy, this request understandably made a claim on President Johnson and on his administration. As it did on me. The enterprise soon acquired official sanction, having been wholly informal under JFK. And it moved forward. By the time President Nixon left office, the Pennsylvania Avenue Development Corporation had been established by act of Congress. Today, with construction of the Federal Triangle building at 14th Street well underway, a third of a century's work is nearly complete—and Jackie made it all possible.

A few years back, as the last major features of the redevelopment fell in place, I received from her perhaps the most precious letter I will ever receive from anyone. "Twenty five years," she wrote, "is a long time not to give up on something." Then this:

> I will be forever grateful dear Pat, for your message to me along the way, for the spirit you brought to something Jack cared about so deeply, and for this happy ending.

The poet Yeats said of a man that he was blessed and had the power to bless. Those few lines of Jacqueline Kennedy Onassis suggested how very blessed she was in spite of all that came to her as she traveled, in Maurice Tempelsman's words, to Ithaca.

On the morning of May 23, Liz and I attended her funeral at the Church of St. Ignatius Loyola on East 84th Street in Manhattan, the same church where she was baptized as a child. We knew and loved Jacqueline Kennedy Onassis all these many years, and never more than of late when she so wondrously, luminously contributed to any enterprise that might add grace and beauty to the city of New York. She adorned New York as she had adorned Washington before, much as she embellished our age.

EXPLANATION OF ABSENCE

Mr. COVERDELL. Mr. President, I was necessarily absent from the Senate yesterday, July 13, and missed votes numbered 189 and 190. I accompanied the President to view the flood damage in my home State of Georgia.

HAITI

McCONNELL. Mr. President, Deputy Secretary Talbott has characterized the administration's recent policy shifts as refinements of an existing strategy rather than flip-flops and reversals. Unfortunately, the public does not quite see it that way. Nor for that matter do some of his strongest supporters.

In May, my colleague from Iowa, Senator HARKIN urged the administration to "get some steel in their spine and quit equivocating."

A policy of anarchy is how the chairman of the Black Caucus summed up the situation.

I think the public's frustration level is only surpassed by the suffering of the citizens of Haiti.

And, now we have a dangerous mass exodus underway which has produced over 15,000 refugees in a brief few weeks.

I can only wonder how dismal the conditions in Haiti must be to force a parent to pack their children in flimsy dinghys and risk their lives on the high seas.

And, how did we end up with this human exodus?

I trace it back to candidate Clinton's denouncing the Bush policy of returning Haitians for processing in Haiti. Within weeks of assuming office, faced with a human wave of misery, Clinton retreated and adopted the Bush line.

Unfortunately, the radical fluctuations in policy did not stop there.

True the Governor's Island Accords held out fleeting hope which was shattered. Frankly, I was never quite clear why the military with all the power—in essence with all the cards—would simply fold and go back to their barracks.

Next we seemed to stagger about like Gulliver under attack by Lilliputians—Haitians armed with sticks drove back the U.S.S. *Harlan*. Randall Robinson, in William Raspberry words, "using his life as a lever" managed to starve a significant retreat out of the President on refugee policy.

Now, we have a series of selected leaks about invasion training exercises, I guess in the hope of bluffing the military leadership out of office.

The Haiti policy, like other foreign policy positions taken by the administration seem to be monuments to the mood of the moment—not enduring, principled, well constructed edifices.

We have all been disheartened by the perilous policy twists and turns—that may be policy refinement in the Clinton play book, but the public can't understand his calls.

As we creep closer and closer to the use of force, no one understands why.

Vague official commentary about restoring democracy is overshadowed by internal criticism of the alleged symbol of democracy, Aristide.

Concern about the consequences of a tidal wave of refugees is muddled by senior officials who understandably engage in public hand wringing over images of children starving.

And, the talk of invasion, purportedly to protect American lives is rejected by the very Americans who the administration wants to save.

Sadly, I think Carl Rowan was right when he said he thought the President was about to invade because he didn't have the foggiest notion what else to do.

I think we may very well be reduced to this option because we have squandered our credibility and forfeited our resolve in enforcing any other option.

At the end of the day a few thousand poorly trained, barely armed thugs have terrorized a nation and intimidated the United States.

In public and private comments the military leadership in Haiti scorns the United States and speaks with contempt at the prospect of an invasion. Bravado? Maybe, but so far they have little reason to believe we are as good as our word.

Mr. President, I have heard senior officials lament time and time again that the policy appears confusing because the situation is changing rapidly and new circumstances must be evaluated and addressed. They are feeling their way through troubled waters.

I urge the administration to chart a course and stick with it. Just as the public was skeptical about the Persian Gulf during the buildup, when a clear message was consistently delivered, when the economic and political principles at stake were starkly defined, the American people supported the President.

THE FREEDOM FIGHT IN CYPRUS: 20 YEARS OF TURKISH OCCUPATION

Mr. PRESSLER. Mr. President, today, I address the past and present political status of Cyprus. We now are witnessing the 20-year mark of the division of the island between the Greek and Turkish Cypriots. Cypriot loyalties have long been torn between Cyprus, Greece, and Turkey.

Over the past two decades, we have witnessed numerous failed attempts at reconciliation under official U.N. auspices. Additionally, many unofficial rounds of negotiations have not succeeded in ending Cyprus' political turmoil. As we remember the invasion of Cyprus, we should commit ourselves to strive for an international solution to the division of this illegal country.

Cyprus' division began in 1974. A Turkish military junta ousted President Makarios and eventually took control of the northern one-third of the nation. The so-called Turkish Republic of Northern Cyprus has yet to gain diplomatic recognition from any of the world's countries except Turkey. The southern two-thirds of the Republic of Cyprus is inhabited by Greek Cypriots, who comprise 80 percent of the population.

The political goals of each side have wavered little in the past 20 years. The balance to be struck between the establishment of a single-sovereignty federation, favored by the Greek Cypriots, and the formation of two independent States, favored by the Turkish Cypriots, continues to be a somewhat elusive goal. The primary issues are also clouded by other complicating factors. Displaced persons, territory, property, and military rights reveal the far reaching effects the 1974 invasion continues to have—not only on the people of Cyprus, but also on the efforts for political compromise and reconciliation.

Mr. President, an end to the illegal Turkish occupation of Cyprus is long overdue. Twenty years have passed since Greek Cypriots, comprising at least 75 percent of the population of Cyprus, have lived without the presence of Turkish troops in their homeland. Since 1974, Greek Cypriots have looked to the United States Congress to help them end the unacceptable status quo of division and Turkish occupation.

To help implement a viable solution to the problem in Cyprus, I have sponsored legislation in past Congresses which would make United States aid to Turkey contingent upon the removal of troops from Cyprus. While I do not believe the necessary votes to pass such legislation currently exist, I still am compelled to reiterate the need to withhold aid from Turkey unless we are assured the Turks are not violating the human rights of both Kurds in Turkey and Greek Cypriots. Additionally, we should demand assurance that no portion of Cyprus will be governed by Turkish settlers and troops.

After two decades of illegal Turkish occupation of Cyprus, the United States should reexamine its policy toward Turkey. The United States Congress and the Clinton administration need to send a signal to the people of Turkey: Basic principles of human rights must be respected. For the past 20 years, Greek Cypriots have faced Turkish intransigence. The United States, as the leader of the world community, no longer should tolerate Turkey's unreasonable position regarding the settlement of Cyprus and its gross human rights violations.

An end to the division of Greek and Turkish Cypriots rests squarely in the hands of Turkish Government leaders. It is time the United States held the Turkish Government accountable for two decades of illegal military occupation in Cyprus. Let us not forget that the occupation is being carried on with the support of United States military equipment, made available through United States foreign aid to Turkey. We clearly have a responsibility to contribute to a solution to a problem that we, in part, have helped to create. I urge my colleagues to consider the plight of divided and foreign occupied Cyprus as we consider United States financial aid to Turkey.

THE 100TH ANNIVERSARY OF THE COMMERCIAL LAW LEAGUE OF AMERICA

Mr. HEFLIN. Mr. President, I recently sent a letter to the Commercial Law League of America, and its current President, congratulating the league on their 100th anniversary. During those years the league has worked to achieve several laudatory goals regarding commercial laws, including the promotion of uniformity of matters affecting such laws and the elevation of the standards and improvement of the practice of commercial law. I ask unanimous consent that a copy of this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 1994.

Mr. FREDERICK M. LUPER,
President, Commercial Law League of America, Chicago, Il.

DEAR MR. LUPER: Congratulations to the Commercial Law League of America, and to you as its current President, on a century of dedicated service provided to the legal community of America. The work which the League has performed over the past one hundred years has played an important role in the development of commercial laws throughout America.

As stated in the "Objectives of the Commercial Law League of America", one of your goals is "To promote uniformity of legislation in matters affecting commercial law." The League has achieved this goal through the testimony before Congress of your members who are experts on a variety of issues.

I commend the League not only on its longevity as the nation's oldest organization of attorneys and other experts on credit and finance, but also on your successful growth from a 400-member organization in 1895 to over 5,000 members in today's League. The Commercial Law League produces, through the contributions of its members, such excellent publications as the Commercial Law Journal and the Commercial Law Bulletin which keep all professionals, who work in the field of commercial law, abreast of our rapidly changing financial world.

As the League begins its second century, it is especially important to remember one of the objectives of the League, "To elevate the standards and improve the practice of commercial law." It is through the leadership and constant attention which you have provided in the past that has enabled today's commercial bar to enjoy a streamlined and improved set of laws. These laws have made commercial transactions fair and equitable for all participants within our commercial system.

It is with admiration and praise that I say Happy Birthday to the Commercial Law League of America. I hope you will be as active in the next one hundred years as you have been in the past one hundred. Thank you for allowing me to be a small part of this great event.

I remain as always,

Sincerely,

HOWELL HEFLIN.

TRIBUTE TO THE ASSOCIATION FOR THE ADVANCEMENT OF THE BLIND AND RETARDED

Mr. MOYNIHAN. Mr. President, I have addressed this body many times on behalf of the rights of the disabled. Americans have come to recognize that we have a responsibility to help individuals overcome both their physical and mental handicaps. We must do all we can to ensure that they lead more full and productive lives.

I would like to take this opportunity to pay tribute to one organization that has taken the lead in helping these most deserving individuals—the Association for the Advancement of the Blind and Retarded. AABR is a private organization which, for nearly 40 years, has served young adults and adults that are afflicted with multiple handicaps, including blindness and severe mental retardation.

There are, indeed, far too few programs that provide extensive services to these neediest of our fellow citizens. AABR is able to do so through programs that are tailormade by 300 professional and paraprofessional staff members who are trained in the latest advances and methods of instruction. They also operate day treatment centers, family services, recreation programs, a vacation retreat, and education programs serving individuals throughout the New York City area.

AABR's staff members are inspiring and compassionate people—the exact sort we need in this profession. As a result of their patience and devotion, AABR's clients are helped to reach their full potential. The enthusiasm and wonderful sense of caring and commitment of the staff should serve as an inspiration to us all.

Over the years, AABR's magnificent accomplishments have won considerable praise and support from the private sector. For example, on August 8 of this year the Metropolitan Club Managers Association of New York will hold it's 21st annual charity golf and tennis tournament and dinner dance for the benefit of AABR's handicapped youth. The support and the encouragement provided by MCMA is most noteworthy and sets a superb example for others to follow.

I ask my colleagues to join me in extending best wishes for an enjoyable event and much continued success to AABR, MCMA, and all those involved in this worthwhile cause.

THE DONALD STUART RUSSELL FEDERAL COURTHOUSE

Mr. HOLLINGS. Mr. President, on July 25, the Federal courthouse in Spartanburg, SC, will be formally dedicated in honor of Donald Stuart Russell. At my initiative, a provision to name the building in honor of Donald Russell was included in a supplemental appropriations bill early this year. This is a fitting, if belated, honor to one of the most accomplished and respected South Carolinians of our time.

Mr. President, Donald Russell's career in public service spans more than half a century and continues to this day, as he continues to serve with distinction as U.S. circuit judge for the fourth judicial circuit.

A native of Mississippi, his family moved to Chester, SC, in 1911 when he was 5 years old. Judge Russell graduated Phi Beta Kappa from the University of South Carolina in 1925, and from the University of South Carolina School of Law in 1928. Before the war, he practiced law in Spartanburg, eventually joining Jimmy Byrnes' law firm in that city. In the wake of Pearl Harbor, he came to Washington with Byrnes to serve in the War Department, first as a member of the Price Adjustment Board and later as Deputy Director of the Office of War Mobilization, which was charged with full responsibility for managing the war effort on the home front. In 1944 he served as an Army major assigned to the Supreme Headquarters Allied Forces in Europe.

When then-Justice Byrnes was named Secretary of State by President Truman in 1945, he tapped Donald Russell to serve as Assistant Secretary of State for Administration. In that capacity, Russell laid the basis for a modern, professional U.S. diplomatic corps by shepherding through Congress the Foreign Service Act of 1946.

In 1951, he returned home to serve as president of the University of South Carolina. During this distinguished 6-year tenure, he boosted academic standards and made major improvements in the university's physical plant.

In 1963, Russell succeeded me as Governor of South Carolina, presiding over the peaceful integration of Clemson College and, several months later, the University of South Carolina. His inauguration in January 1963 is still remembered as a remarkable event. The newly sworn in Governor Russell opened the grounds of the executive mansion to whites and blacks alike for a festive and integrated celebration.

After a stint as U.S. Senator from 1965 to 1966, he was appointed by President Lyndon Johnson to serve as U.S. district judge of South Carolina. In 1971, President Nixon appointed him to serve as U.S. circuit judge for the fourth judicial circuit, where he has served with enormous distinction for nearly a quarter century.

Mr. President, as scholar, statesman, and jurist, Donald Russell has distinguished himself as a man of extraordinary ability and genuine vision. For more than a half century, Judge Russell has epitomized the ideal of selfless and dedicated public service. In dedicating the Donald Stuart Russell Federal Courthouse, the people of South Carolina and of the United States express their appreciation for the many contributions and accomplishments of this great public servant.

TRIBUTE TO JACQUELINE KENNEDY ONASSIS

Mr. RIEGLE. Mr. President, Jacqueline Kennedy Onassis has aptly been called a national treasure. Throughout her life, Mrs. Onassis devoted herself to preserving our Nation's historical treasures before everything slips away, before every link with the past is gone. And now, she herself has slipped away from us.

Because she embodied some of our Nation's most magnificent moments, and some of its most tragic, her passing has touched all of us in a very personal way.

Her own words best explain how she was able to live with the joys and the tragedies which characterized her life:

> We must give to life at least as much as we received from it. Every moment one lives is different from the next. The good, the bad, the hardship, the joy, the tradegy, love and happiness are all interwoven into one single indescribable whole that is called life. You cannot separate the good from the bad. And, perhaps there is no need to do so either.

Mrs. Onassis lived her life with zeal, dignity, and grace. She was guided by her unique vision of life's possibilities and an understanding of the role history would play in judging our actions.

For the few brief years that she graced this city as our Nation's First

Lady, she raised our Government's support for the arts and historic preservation to a higher level. The White House became a living monument to America's rich history and culture, where the Nation's best artists and musicians came to perform.

The historic preservation crusade, begun during her White House years, continued throughout her life. Aiding in the rescue of Washington's historic Lafayette Square and New York's Grand Central Station from demolition are among Mrs. Onassis' best known achievements.

None of Mrs. Onassis' efforts, however, were as dear to her as the raising of her two children. She referred to that successful effort as the best thing she ever did, and her wish was to be remembered and emulated for that achievement more than for any other.

Mr. President, in his book "The Bouviers," John Davis writes:

> President Kennedy's administration had captured the public imagination in a way few Presidents in the nation's history had done. His youthful sincerity and enthusiasm had inspired men everywhere with hope for a better world. In the last analysis, his major contribution to his country was spiritual rather than political, and after his death, it was primarily his widow who kept that contribution alive, who perpetuated it. Her majestic conduct at his funeral, from the march to St. Matthew's to the lighting of the eternal flame, her influence in changing the names of national landmarks to Kennedy, her helping with the design of his tomb, her role in founding the John F. Kennedy Center for the Performing Arts and the John F. Kennedy Library, all these contributed immensely to keeping the bright spirit of the slain President alive.
>
> Closely allied with her efforts to perpetuate John F. Kennedy's memory is what may well prove to be her most significant contribution of all, as well as the most ephemeral: the presentation of an image of beauty, courage, and grandeur to the world during three of the most shameful and humiliating days in her country's existence. As an incomparable artist in life, it was her supreme privilege and achievement to grant an entire nation, at the time of her husband's funeral, some of the finest moments in its history. It is upon the enduring quality of those moments * * * that her place in history will ultimately rest.

Jacqueline Kennedy Onassis provided the quote from Shakespeare used by Robert Kennedy in his tribute to the President at the 1964 Democratic National Convention:

> When he shall die
> Take him and cut him out in little stars
> And he will make the face of heaven so fine
> That all the world will be in love with night,
> And pay no worship to the garish sun.

I believe the words of Shakespeare are equally appropriate in memorializing her.

> Two of the fairest stars in all the heaven,
> Having some business do entreat her eyes
> To twinkle in their spheres till they return.
> What if her eyes were there, they in her head?
> The brightness of her check would shame those stars,
> As daylight doth a lamp; her eyes in heaven
> Would through the airy region stream so bright
> That birds would sing and think it were not night.

And so, the architect of the eternal flame at Arlington—Jacqueline Bouvier Kennedy Onassis—will now be immortalized by it. It will forever evoke the memory not only of a fallen President, but of the lady who served beside him and did so much to define his presidency during what was, in the words of the poet Robert Frost, "an age of poetry and power."

FOOD AID FOR CHILDREN IN THE FORMER SOVIET UNION

Mr. RIEGLE. Mr. President, as the Senate debates the fiscal year 1995 Foreign Operations Appropriations Act, I wish to address an issue that is of critical importance to the people of the former Soviet Union. Despite the great progress these nations have made in their economic transitions, large segments of the populations continue to suffer from lack of food. Those hardest hit are infants and young children. While the scope and scale of our food aid to these nations are likely to diminish in future years, we must ensure that the children receive the nourishment they need.

The help of the international community has been vital in helping the New Independent States [NIS] to continue their economic and political transformations. However, in light of the changing needs of these nations, international assistance is declining. In particular, our bulk commodity food aid will diminish and our overall agricultural assistance will likely focus more on technical and industrial investment. This shift is due to the fact that shortages are occurring primarily in regions torn by armed conflict, while the rest of the region is in need of infrastructure and technology.

Despite the improving conditions in much of the former Soviet Union, infants and young children continue to suffer shortages. Last year, the Belarus Ministry of Health reported that only 18.3 percent of infants have adequate amounts of fruits, vegetables, and juices in their diets. The Russian Ministry of Health reported an even lower total—13 percent. This situation will only worsen unless we take concrete steps to ensure that children in the NIS receive the nourishment they need.

On June 10, several of my colleagues and I wrote to the distinguished chairman of the Foreign Operations Subcommittee asking that the committee support the procurement of United States-manufactured processed baby food to be sent to the nations of the former Soviet Union as part of our international assistance program. The inclusion of processed baby food with our aid to the NIS will address a serious problem facing thousands of children in that area of the world. Moreover, improving the diets of these children now reduces the need for medical assistance later—a far costlier form of humanitarian aid.

In the report accompanying the Senate version of the fiscal year 1995 Foreign Operations Appropriations Act the committee included the following language.

> Children and infants in the NIS continue to experience nutritional problems due to poor diets. Processed baby foods, juices, and cereals are not available in sufficient quantity in a number of places within the former Soviet Union. Russian and other former Soviet republics are beginning the process of rebuilding their processed baby food industry. The Committee agrees with the House that providing nutritional assistance for children and infants in the meantime would be a timely humanitarian gesture.

Mr. President, I am pleased that many of my colleagues have joined in their support of this type of program that will help thousands of children. We currently face the enormous challenge of reshaping our foreign assistance program to reflect changing economic and security needs worldwide. In doing so we must be aware of the humanitarian needs which are immediate and which we can address without great expense. The situation in the NIS is just such a concern and I urge all of my colleagues to support any program that will help ease the plight of children in this region.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. And congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Wednesday, July 13, at the close of business, the Federal debt stood—down to the penny—at exactly $4,624,337,130,856.67. This debt, mind you, was run up by the Congress of the United States; the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And disregard the nonsense from politicians to the effect that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say

George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the villain.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,624 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands at 4 trillion, 624 billion, 337 million, 130 thousand, 856 dollars and 67 cents.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order morning business is now closed.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4426, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The Senate resumed the consideration of the bill.

Pending:

(1) Dole Amendment No. 2245, to establish a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti.

(2) McConnell (for Brown) Amendment No. 2247, to reduce available funds for the United Nations Development Program.

(3) McConnell (for Brown) Amendment No. 2248 (to committee amendment on page 2, lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(4) McConnell (for Brown) Amendment No. 2249, to freeze contributions to the International Development Association.

(5) McConnell (for Brown) Amendment No. 2250, to maintain funding for the Global Environment Facility at fiscal year 1994 level and to make the funds available pending certain reform measures.

(6) McConnell (for Brown) Amendment No. 2251, to establish an independent commission to study the salaries and benefits of the World Bank and the International Monetary Fund.

(7) McConnell (for Brown) Amendment No. 2252 (to committee amendment on page 2 lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(8) Helms Amendment No. 2253 (to committee amendment on page 2, lines 12–21), to prohibit U.S. Government intervention with respect to abortion laws or policies in foreign countries.

(9) Helms Amendment No. 2254, to prohibit the availability of funds for the United Nations Development Program.

(10) Helms Amendment No. 2255, to prohibit the use of funds for foreign governments engaged in espionage against the United States.

(11) Helms Amendment No. 2256, to prohibit funds for Russia while that country is not in compliance with the Biological Weapons Convention.

(12) Helms Amendment No. 2257, to limit the provisions of assistance to Nicaragua until a full investigation is conducted relating to the existence of a terrorist/kidnapping ring.

(13) Helms Amendment No. 2258, to limit the authority to reduce U.S. Government debt to certain countries.

(14) Helms Amendment No. 2259, to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China.

(15) Helms Amendment No. 2260, to establish an Ambassadorial rank for the head of the United States delegation to the Conference on Security and Cooperation in Europe.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to yield 10 minutes to the distinguished Senator from Pennsylvania, with the floor then reverting to me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont.

Mr. President, I had come to the floor at 10 o'clock in hopes that I might be able to offer an amendment which I have pending on the foreign operations bill, which has been accepted by the managers, and in the absence of formally starting on the bill or absence of one of the managers. I thank my colleague from Vermont for the time to speak on the amendment, perhaps there will be a procedural posture to be accepted before the 10 minutes have expired.

This amendment, Mr. President, would condition appropriations from the United States to the PLO on their strict compliance with their commitments in the Israel PLO peace accords.

We have found that since the historic events of September 13 of last year when President Clinton brought together the Prime Minister of Israel Yitzhak Rabin, and PLO Chairman Yasser Arafat, the progress has proceeded and the agreement entered into. But there have been many violations of the agreement by acts of terrorism by the PLO.

Speaking very candidly, Mr. President, it was a difficult moment for me personally to be at the White House last September 13, to see Yasser Arafat and the PLO honored in the Nation's capital in light of what they have done in the past. The record is plain that the murder of the United States Chargé, the second in command in the Sudan in 1974, directly implicated Yasser Arafat as well as the PLO; the murder of Mr. Klinghoffer on the *Achille Lauro* involved the PLO and Arafat, as have many, many other acts of treachery and terrorism. So it was a difficult moment to see Arafat honored at the White House.

But when the State of Israel, which had been the principle victim of PLO terrorism, agreed to that arrangement it seemed to me that the United States ought to be supportive, and I compliment President Clinton for what he has done in that historic setting. But since the accords have been entered into there have been repeated acts of PLO terrorism. They have been documented, and a good bit of the documentation has come from the Zionist Organization of America and the initiative of Mr. Morton Klein and Mrs. Sandy Stein.

It is vital that if the United States is to advance the substantial funding which we have appropriated, that there be compliance. This amendment which has been cosponsored by Senator SHELBY, Senator D'AMATO, Senator CRAIG, and Senator GRAHAM, would remove the authority of the President to advance the funds on certification of national security. That is, the President would not have the power to excuse what the PLO has done and allow the funds to be advanced without full compliance.

The second provision would recite the expectation of the Congress that the PLO will remove all of the provisions in its national covenant which state its intention to eliminate Israel.

In an original form, we had thought and drafted and proposed that the charter of the PLO be amended in advance of any moneys being given by the United States to the PLO. On reconsideration, we have noted that after this amendment was announced, there have been statements from the PLO that they do intend to amend their charter. So that in order to avoid a controversy and to proceed at this time with a clear-cut statement of congressional intent, this amendment just goes so far as to say that it is our expectation that the covenants of the PLO charter will be amended.

If that is not done, let there be no mistake that we will be back on the next foreign aid bill with the mandatory requirement that the PLO covenant be amended if any funds are to be advanced.

There are a number of provisions of the PLO covenant which bear on this question.

For example, article 15 of the Palestinian National Covenant from 1968 recites:

> The liberation of Palestine, from an Arab viewpoint, is a national duty to repulse the Zionist imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine.

Obviously, that is a direct variance with the Israeli-Arab peace accord and that ought to be stricken.

Article 19 provides, in part:

> The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void.

That, obviously, must be stricken.

Article 20 contains the provision:

> The Balfour Declaration, the Mandate Document, and what has been based upon them are considered null and void. The claim of a historical or spiritual tie between Jews and Palestine does not tally with the historical realities nor the constituents of statehood in their true sense.

And that ought to be stricken.

Mr. President, I ask unanimous consent that the full text of this Palestinian National Covenant be printed in the RECORD at the conclusion of my remarks, along with an article from the New York Times on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. SPECTER. Mr. President, there has been established in both the Senate and the House of Representatives monitoring groups. In the Senate, we have a group of some 15 Senators, virtually equally divided among Democrats and Republicans. It is our intent to keep a very close eye on what occurs with respect to PLO compliance with their commitments. If the terrorism is not absolutely ended, then there is no reason whatsoever for the United States to be advancing funds to the PLO. That is a very, very reasonable request.

EXHIBIT 1

THE PALESTINIAN NATIONAL COVENANT, 1968

This Covenant will be called "The Palestinian National Covenant" (Al-Mîhâq Al-Watanî Al-Filastînî).

ARTICLE 1

Palestine is the homeland of the Palestinian Arab people and an integral part of the great Arab homeland, and the people of Palestine is a part of the Arab Nation.

ARTICLE 2

Palestine with its boundaries that existed at the time of the British Mandate is an integral regional unit.

ARTICLE 3

The Palestinian Arab people possess the legal right to its homeland, and when the liberation of its homeland is completed it will exercise self-determination solely according to its own will and choice.

ARTICLE 4

The Palestinian personality is an innate, persistent characteristic that does not disappear, and it is transferred from fathers to sons. The Zionist occupation, and the dispersal of the Palestinian Arab people as result of the disasters which came over it, do not deprive it of its Palestinian personality and affiliation and do not nullify them.

ARTICLE 5

The Palestinians are the Arab citizens who were living permanently in Palestine until 1947, whether they were expelled from there or remained. Whoever is born to a Palestinian Arab father after this date, within Palestine or outside it, is a Palestinian.

ARTICLE 6

Jews who were living permanently in Palestine until the beginning of the Zionist invasion will be considered Palestinians.

ARTICLE 7

The Palestinian affiliation and the material, spiritual and historical tie with Palestine are permanent realities. The upbringing of the Palestinian individual in an Arab and revolutionary fashion, the undertaking of all means of forging consciousness and training the Palestinian, in order to acquaint him profoundly with his homeland, spiritually and materially, and preparing him for the conflict and the armed struggle, as well as for the sacrifice of his property and his life to restore his homeland, until the liberation—all this is a national duty.

ARTICLE 8

The phase in which the people of Palestine is living is that of the national (Watanî) struggle for the liberation of Palestine. Therefore, the contradictions among the Palestinian national forces are of a secondary order which must be suspended in the interest of the fundamental contradiction between Zionism and colonialism on the one side and the Palestinian Arab people on the other. On this basis, the Palestinian masses, whether in the homeland or in places of exile (Mahâjir), organizations and individuals, comprise one national front which acts to restore Palestine and liberate it through armed struggle.

ARTICLE 9

Armed struggle is the only way to liberate Palestine and is therefore a strategy and not tactics. The Palestinian Arab people affirms its absolute resolution and abiding determination to pursue the armed struggle and to march forward toward the armed popular revolution, to liberate its homeland and return to it, [to maintain] its right to a natural life in it, and to exercise its right of self-determination in it and sovereignty over it.

ARTICLE 10

Fedayeen action forms the nucleus of the popular Palestinian war of liberation. This demands its promotion, extension and protection, and the mobilization of all the mass and scientific capacities of the Palestinians, their organization and involvement in the armed Palestinian revolution, and cohesion in the national (Watanî) struggle among the various groups of the people of Palestine, and between them and the Arab masses, to guarantee the continuation of the revolution, its advancement and victory.

ARTICLE 11

The Palestinians will have three mottoes: National (Wataniyya) unity, national (Qawmiyya) mobilization and liberation.

ARTICLE 12

The Palestinian Arab people believes in Arab unity. In order to fulfill its role in realizing this, it must preserve, in this phase of its national (Watanî) struggle, its Palestinian personality and the constituents thereof increase consciousness of its existence and resist any plan that tends to disintegrate or weaken it.

ARTICLE 13

Arab unity and the liberation of Palestine are two complementary aims. Each one paves the way for realization of the other. Arab unity leads to the liberation of Palestine, and the liberation leads to Arab unity. Working for both goes hand in hand.

ARTICLE 14

The destiny of the Arab nation, indeed the very Arab existence, depends upon the destiny of the Palestine issue. The endeavor and effort of the Arab nation to liberate Palestine follows from this connection. The people of Palestine assumes its vanguard role in realizing this sacred national (Qawmi) aim.

ARTICLE 15

The liberation of Palestine, from an Arab viewpoint, is a national (Qawmi) duty to repulse the Zionist, imperialist invasion from the great Arab homeland and to purge the Zionist presence from Palestine. Its full responsibilities fall upon the Arab nation, peoples and governments, with the Palestinian Arab people at their head.

For this purpose, the Arab nation must mobilize its military, human, material and spiritual capabilities to participate actively with the people of Palestine. They must, especially in the present stage of armed Palestinian revolution, grant and offer the people of Palestine all possible help and every material and human support, and afford it every sure means and opportunity enabling it to continue to assume its vanguard role in pursuing its armed revolution until the liberation of its homeland.

ARTICLE 16

The liberation of Palestine, from a spiritual viewpoint, will prepare an atmosphere of tranquility and peace for the Holy Land, in the shade of which all the holy places will be safeguarded, and freedom of worship and visitation to all will be guaranteed, without distinction or discrimination of race, color, language or religion. For this reason, the people of Palestine looks to the support of all the spiritual forces in the world.

ARTICLE 17

The liberation of Palestine, from a human viewpoint, will restore to the Palestinian man this dignity, glory and freedom. For this, the Palestinian Arab people looks to the support of those in the world who believes in the dignity and freedom of man.

ARTICLE 18

The liberation of Palestine, from an international viewpoint, is a defensive act necessitated by the requirements of self-defense. For this reason, the people of Palestine, desiring to befriend all peoples, looks to the support of the states which love freedom, justice and peace in restoring the legal situation to Palestine, establishing security and peace in its territory, and enabling its people to exercise national (Wataniyya) sovereignty and national (Qawmiyya) freedom.

ARTICLE 19

The partitioning of Palestine in 1947 and the establishment of Israel is fundamentally null and void, whatever time has elapsed, because it was contrary to the wish of the people of Palestine and its natural right to its homeland, and contradicts the principles embodied in the Charter of the United Nations, the first of which is the right of self-determination.

ARTICLE 20

The Balfour Declaration, the Mandate Document, and what has been based upon them are considered null and void. The claim of a historical or spiritual tie between Jews and Palestine does not tally with historical realities nor with the constituents of statehood in their true sense. Judaism, in its character as a religion of revelation, is not a nationality with an independent existence. Likewise, the Jews are not one people with an independent personality. They are rather citizens of the states to which they belong.

ARTICLE 21

The Palestinian Arab people, in expressing itself through the armed Palestinian revolution, rejects every solution that is a substitute for a complete liberation of Palestine, and rejects all plans that aim at the settlement of the Palestine issue or its internationalization.

ARTICLE 22

Zionism is a political movement organically related to world imperialism and hostile to all movements of liberation and progress in the world. It is a racist and fanatical movement in its formation; aggressive, expansionist and colonialist in its aims; and Fascist and Nazi in its means. Israel is the tool of the Zionist movement and a human and geographical base for world imperialism. It is a concentration and jumping-off point for imperialism in the heart of the Arab homeland, to strike at the hopes of the Arab nation for liberation, unity and progress.

Israel is a constant threat to peace in the Middle East and the entire world. Since the liberation of Palestine will liquidate the Zionist and imperialist presence and bring about the stabilization of peace in the Middle East, the people of Palestine looks to the support of all liberal men of the world and all the forces of good progress and peace; and implores all of them, regardless of their different leanings and orientations, to offer all help and support to the people of Palestine in its just and legal struggle to liberate its homeland.

ARTICLE 23

The demands of security and peace and the requirements of truth and justice oblige all states that preserve friendly relations among peoples and maintain the loyalty of citizens to their homelands to consider Zionism an illegitimate movement and to prohibit its existence and activity.

ARTICLE 24

The Palestinian Arab people believes in the principles of justice, freedom, sovereignty, self-determination, human dignity and the right of peoples to exercise them.

ARTICLE 25

To realize the aims of this Covenant and its principles the Palestine Liberation Organization will undertake its full role in liberating Palestine.

ARTICLE 26

The Palestine Liberation Organization, which represents the forces of the Palestinian revolution, is responsible for the movement of the Palestinian Arab people in its struggle to restore its homeland, liberate it, return to it and exercise the right of self-determination in it. This responsibility extends to all military, political and financial matters, and all else that the Palestine issue requires in the Arab and international spheres.

ARTICLE 27

The Palestine Liberation Organization will cooperate with all Arab states, each according to its capacities, and will maintain neutrality in their mutual relations in the light of, and on the basis of, the requirements of the battle of liberation, and will not interfere in the internal affairs of any Arab state.

ARTICLE 28

The Palestinian Arab people insists upon the originality and independence of its national (Wataniyya) revolution and rejects every manner of interference, guardianship and subordination.

ARTICLE 29

The Palestinian Arab people possesses the prior and original right in liberating and restoring its homeland and will define its position with reference to all states and powers on the basis of their positions with reference to the issue [of Palestine] and the extent of their support for [the Palestinian Arab people] in its revolution to realize its aims.

ARTICLE 30

The fighters and bearers of arms in the battle of liberation are the nucleus of the Popular Army, which will be the protecting arm of the Palestinian Arab people.

ARTICLE 31

This organization shall have a flag, oath and anthem, all of which will be determined in accordance with a special system.

ARTICLE 32

To this Covenant is attached a law known as the Fundamental Law of the Palestine Liberation Organization, in which is determined the manner of the organization's formation, its committees, institutions, the special functions of every one of them and all the requisite duties associated with them in accordance with the Covenant.

ARTICLE 33

This Covenant cannot be amended except by a two-thirds majority of all the members of the National Council of the Palestine Liberation Organization in a special session called for this purpose.

[From The New York Times, July 8, 1994]

ARAFAT PROMISING TO REPEAL CALL FOR ISRAEL'S DESTRUCTION

(By Marlise Simons)

PARIS, July 7.—Yasir Arafat pledged today to convene the Palestinian parliament-in-exile to eliminate sections of the Palestinian charter that call for the destruction of Israel.

Mr. Arafat said in a communique issued here that the meeting would be held "in the very near future" in Gaza, lending weight to the predictions that Gaza will be his base.

He told reporters that the meeting of the Palestine National Council, as the parliament is known, would take place "in a matter of months."

His pledge addressed a fundamental point that many Israelis have been doubting, namely that the Palestine Liberation Organization intends to repeal its call for the destruction of Israel, as promised last September in a letter from Mr. Arafat, the chairman of the P.L.O., to Prime Minister Yitzhak Rabin of Israel.

Mr. Arafat's failure to carry out that promise until now has become a weapon of the Israeli rightist opposition. It has argued that the P.L.O. has no intention of changing its constitution and that the Israeli Government is foolish at best and treasonous at worst to make accords with an organization that will not make good on such a basic commitment.

NEW MEETINGS ON MONDAY

Mr. Arafat and Mr. Rabin, who met in Paris, also agreed to begin a new and critical phase of the Middle East peace effort, with the first meetings starting in Cairo on Monday.

Joint working groups are to discuss unfinished business related to the transfer of power to Palestinians in the Gaza Strip and Jericho, a town in the West Bank, and how to go about expanding Palestinian administration in towns in other parts of the West Bank.

The two sides also said they would organize a conference with Egypt and Jordan on the future of Palestinian refugees. The P.L.O. has demanded the right to return for some 800,000 people, while Israel has said that up to 250,000 would be affected by an agreement on people displaced since the 1967 war.

Israeli and Palestinian leaders met twice during their 24-hour visit to Paris, to which they came to receive a Unesco peace prize. After their first meeting on Wednesday morning, they reconvened again just before midnight and broke up at almost 2 a.m. today.

AN ACHIEVEMENT

"This is a new commitment to negotiate and a plan how to do it," said a senior Israeli official. "We all see this as an achievement. The mood was very cooperative and businesslike."

Mr. Arafat, before leaving for Tunis this afternoon, described the talks as "very positive."

Among the difficult points, a Palestinian delegate said, was his delegation's demand to include in the communiqué a reference to the organization of the first Palestinian elections. Israel refused, he said.

The delegate said that on elections, the two sides had in fact reversed positions: at first, Israel pressed for early elections, but now, the Palestinians were more eager to see the endorsement of Mr. Arafat and the P.L.O. as the legitimate authority. According to an Israeli official, the Government is not pressing for early elections because these will raise difficult questions about power and jurisdiction. While the September peace accord establishes the right of the Palestinian residents of Jerusalem to vote, the P.L.O. also wants such residents to be eligible for office.

NOT ACCEPTABLE TO ISRAEL

But in Israel's eyes, this is unacceptable. Enabling such residents to run for Palestinian office, so the Israeli argument goes, would mean inserting Jerusalem into the process of self-rule and recognizing part of Jerusalem as occupied territory.

Today's communiqué also said talks would be held on the release of more Palestinian prisoners held in Israeli jails. Palestinian officials here said that the freeing of more than 6,000 Palestinians in Israeli jails was indispensable.

The Israeli delegation said it would seriously consider the request to release imprisoned women.

Mr. Arafat also asked for the release of Sheik Ahmed Yassin, the founder of the militant Islamic movement Hamas. Today, Mr. Rabin said for the first time that he would consider the request to free Mr. Yassin, 58 years old, if he would leave the region for 10 years and tell others to refrain from terror and violence. The Hamas leader is serving a life sentence for ordering the murder of four alleged Palestinian informants.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has just 2 seconds over 3 minutes.

Mr. SPECTER. I thank the Chair.

AMENDMENT NO. 2245

Mr. SPECTER. Mr. President, in my remaining time, I support the amendment by Senator DOLE which would establish a congressional commission for the purpose of assessing the humanitarian, political, and diplomatic conditions in Haiti and reporting to the Congress on the appropriate policy options available to the United States with respect to Haiti, which report should be filed within 45 days of enactment.

Many Senators, including this Senator, have expressed concern on the floor about the potential of an invasion of Haiti by the United States. There has been a sense-of-the-Senate resolution passed saying that we do not believe there ought to be an invasion of Haiti.

There is no doubt that a military invasion would not be a very complicated matter and it is a war which could be won perhaps in a matter of hours. But what would happen after the military victory is very, very problematical and very uncertain.

The amendment by the distinguished Republican leader would establish the congressional commission to investigate the policy options. It is my view that the Organization of American States ought to have a large role in assessing what should be done in Haiti, and that if military action is to be undertaken, it ought to be joint action by the Organization of American States.

The saber rattling which the President has engaged in in Haiti, as well as in Bosnia, has undermined very materially the credibility of the United States, and it is at a very important time when we face a real crisis in North Korea where there are vital United States interests at stake.

With the sense of the Senate having been expressed against an invasion of Haiti, the establishment of this commission would again put the President squarely on notice—no invasion of Haiti. And the 45-day time limit would permit a report back with an assessment of policy options by the Congress.

If President Clinton wants to have the military option, then he ought to come to the Congress and ask for our authorization just as it was done on the authorization for the use of force in Iraq. The Constitution of the United States gives to only the Congress the authority to declare war. And while the President does have prerogatives under his power as Commander in Chief to act in an emergency and in the context of the Haiti situation, if he wants to exercise the option or have the option for military force, he ought to come to the Congress, there ought to be a full-fledged debate, and that authorization ought to be given only by the Congress.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. I thank the Chair and I yield the floor

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

Mr. LEAHY. Mr. President, unlike the Senator from Pennsylvania, I take an entirely different view on the Dole amendment establishing a commission on Haiti policy.

Incidentally, I should note on the amendment of the Senator from Pennsylvania regarding the PLO, I am perfectly willing to accept that. Once the Republican floor manager is on the floor, I will, if I am not too close to the time of the next vote, propound a unanimous consent agreement that we be able to set aside the pending amendment temporarily so that we can adopt the amendment of the Senator from Pennsylvania. And I will do that as soon as the Republican floor manager or his designee is on the floor.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont for accepting the amendment. It is my understanding that it has been cleared with Senator McCONNELL.

I ask, at the time it be accepted, that my formal floor statement, Senator SHELBY's formal floor statement, and the remarks I just made appear in context in the CONGRESSIONAL RECORD continuously with the events which Senator LEAHY has described.

The PRESIDING OFFICER. You are asking that that be included in the RECORD now?

Mr. SPECTER. I ask it be included at the point in the RECORD where Senator LEAHY and Senator McCONNELL urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, let me talk about the Dole amendment on Haiti.

This is an amendment, as we know, to establish a congressional commission on Haiti policy.

This assumes that the relevant committees, key Members of the House and Senate in both parties, are not now discussing Haiti policy. The fact is that we are. The various chairmen of the appropriate committees, the ranking members as well as other key and knowledgeable Members of Congress—again, from both parties—have had lengthy discussion of Haiti policy. There is absolutely no need for a commission at this time. In fact, it would do direct harm to U.S. national interests.

All one has to do is look at the calendar. This calls for a commission, once having been set up, to report back in 45 days. It would not go into place until after this bill is passed and signed into law. That means passed by this body, gone through conference, then passed by both bodies, and then signed into law. As a practical matter, we are talking about a report back to Congress sometime after the Congress has recessed for the fall elections.

It is no wonder that one of the biggest supporters, according to the news today, is General Cedras of Haiti. He supports this amendment. Frankly, I support President Clinton on this matter.

I understand the concerns being expressed. But we have on the one side General Cedras, who thinks this is a great idea, and we have President Clinton and the administration, who think it is a bad idea. I side with President Clinton and the administration. It is a bad idea.

No mistake should be made. The distinguished Republican leader is right in saying the Haiti situation is critical, just as so many other Senators on this side, including the distinguished Democratic leader, Senator MITCHELL, are right in saying the Haiti situation is critical.

Mr. SPECTER. Will my colleague yield for a question?

Mr. LEAHY. Without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished chairman.

The question which I have turns on the authority of the Congress contrasted with the authority of the President. We have had extensive debate on the Senate floor about the military option. The Senator from New Hampshire [Mr. GREGG] offered an amendment several weeks ago to limit the use of funds to foreclose the military option. That amendment had certain exceptions where the President could act in case of an emergency.

I have a question for my colleague from Vermont. We have debated these issues formally and informally during the 14 years that I have been in the Senate. We used to debate other issues when we were district attorneys in the good old days, or in the bad old days. It seems to me when there is a real national issue on what we ought to do in Haiti and the President has reserved the military option and there is no emergency, as we have had an opportunity to debate it, that we really ought to confront the issue head on in the Congress and ought to come to a conclusion as to whether Congress authorizes the use of military force in Haiti? And, if so, under what circumstances?

The question I have for my colleague, Senator LEAHY, is why should we not do that instead of leaving the matter up in the air?

Mr. LEAHY. Mr. President, I would respond to this. That is not, though, the Dole-Warner amendment. This establishes a commission that will report back sometime after the Congress has gone out of session for the year. We could then have a debate on it, maybe in February or March of next year. I cannot conceive, during the years of the Bush administration or Reagan administration, any of the cosponsors of this amendment standing for one second—for one second—for such an amendment if it was going to tie up, literally into months and months and months, the hands of the Republican President. That is the issue.

Should there be consultation? Should there be discussion of our Haiti policy? I have no problem with that at all. But to put in an amendment that basically says we are going to have a debate on this thing sometime in January or February, and then decide what will happen—I cannot imagine any President standing for that. We have had a number of instances where Presidents have taken actions and had the debate after. In what was probably one of the better debates—on the Persian Gulf—we debated a specific resolution then and there on it. That is a different thing than this. We did not debate a resolution which says we will determine the answer to this question several months from now.

Mr. McCONNELL addressed the Chair.

Mr. LEAHY. Mr. President, I do not want to be discourteous to my colleagues but I know the Senator from Pennsylvania had a statement to make earlier. The Senator from Kansas had a statement to make on this. I would like to complete my statement.

I will be glad to yield for another question, of course I will, but then I am going to have to make my statement and then I will be glad to yield to all the questions they would like.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, just one quick question to my friend from Vermont. If this amendment were not crafted this way but crafted in a way similar to the Persian Gulf—because really that is the analogy here, where you have a long lead time. It is not an emergency, but a long lead time where there is, in essence, a national debate going on about whether or not we should use force in Haiti. If the amendment were crafted in a different manner and it was simply related to the question of Presidential consultation and ultimately approval from the Congress, would my friend from Vermont support that?

Mr. LEAHY. Mr. President, 92 of us voted for one a couple of weeks ago. Actually, I believe it was on this same bill. And we voted——

Mr. McCONNELL. Then I assume my friend would be unhappy if the President were to invade Haiti when we were out of town?

Mr. LEAHY. If the Senator from Kentucky wants to see the Senate debate a freestanding resolution saying whether the Congress would support Presidential discretion in the use of force in Haiti or would absolutely deny any ability, under any circumstances, of the President to utilize force in Haiti—if he wants a freestanding resolution on that, I am perfectly willing to have that and vote on it. Or even some of the varying degrees of that, which is basically what we did on the Persian Gulf. I have no problem with a debate of that nature.

But we have debated this issue already on this bill 2 weeks ago. The final resolution was to vote down the Gregg amendment, the amendment of the Senator from New Hampshire; 92 Senators voted in favor of a Haiti resolution. We now have a resolution and the fact of the matter is we have a resolution that is supported by General Cedras, according to this morning's press; opposed by President Clinton—again, according to today's press. Frankly, while that is not dispositive of the issue, it certainly should weigh on the minds of Senators why it is that General Cedras, a man who is holding this country under a military dictatorship, supports this resolution and why the Commander in Chief of the United States opposes it. It is a fairly simple issue to me.

Incidentally, I might mention to my friend from Pennsylvania, when he talks of our days as district attorneys, that is the last time either one of us had a job we truly enjoyed. But we are good friends, and of course I yield to another question.

Mr. SPECTER. Mr. President, I thank my colleague from Vermont. I agree with much of what he has said as to the resolution by the Republican leader. I do not know that it would come up after the Congress is out of session, but I think its purpose is really to avoid an invasion while Congress is out of session. I appreciate what the distinguished Senator from Vermont has had to say, that he would welcome debate on a freestanding resolution for the use of force in Haiti.

Mr. LEAHY. With a realistic time, like a day or two or something like this—but something realistic—and have one drafted in such a way we knew the exact parameters. I think that is an appropriate thing for Congress to do. I would have no problem with that. But we could debate Haiti forever on this appropriations bill and the end result can be we have no appropriations bill on issues that are entirely different.

I think this issue on Haiti is a significant enough one. If we are going to debate it, let us debate just that without us thinking is this an amendment that should work or should not work on this bill? Is it going to end up making it impossible to pass this bill or not pass this bill? All of which are issues that should not be on the question of Haiti.

Mr. SPECTER. As usual, when the distinguished Senator from Vermont and I discuss a matter, we usually come to a meeting of the minds. I think we are very close on this one. I would not want to hold up this bill on the issue of a Haiti resolution.

It would be my hope that the President would come to the Congress and ask for authorization to use force in Haiti, just as the Congress authorized the use of force in Iraq, so that there would be a heads-up debate facing the issue squarely, with the Congress of the United States deciding whether there would be force used in Haiti, which is really the war power which is reserved solely to the Congress on our authority to declare war.

Then we would have a determination as to whether the Congress authorized the use of force and authorized a war and under what conditions. I hope that if the President wants to maintain that military option, he will come to the Congress and ask for that authority. In the absence of his doing so—and I think this is a less desirable alternative—for someone in the Congress to structure that kind of a resolution and bring it to a head, but perhaps that is what we should do if the President will not take the initiative and ask the Congress for that authorization.

Mr. LEAHY. Mr. President, I want to note that naturally there have been a number of times since both the Senator from Pennsylvania and I have been serving in the Senate where Presidents have not done that.

I ask unanimous consent that a list of some of the briefings, including the briefing by the administration of the Republican Policy Committee members in the House involving the CIA, DI, and others, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

BRIEFINGS AND HEARINGS ON HAITI

28 June 1994, Hearing on US Policy Towards Haiti; Gray, Shattuck, McKinley testify before SFRC SC on Western Hemisphere Affairs.

15 June 1994, Hearing on Haitian Asylum-seekers; Ambassador Brunson McKinley testifies before the House Judiciary Subcommittee on International Law, Immigration, and Refugees on legislation on Haiti introduced by Meek and Dellums.

8 June 1994, Hearing on Haiti; William Gray III; before HFAC.

8 June 1994, Hearing on Haiti, CBI Parity, Cuba, Latin America Summit; Senator Bob Graham: Briefer: Alexander Watson.

1 June 1994, Briefing on Haiti Refugee Processing; HFAC Staff with RP and INS.

25 May 1994, Briefing on Haiti Intelligence Community Briefing (closed) HPSIC Members and Staff. Briefers: CIA/NIO Lattrel, INR, others.

24 May 1994, Briefing on Haiti Pre-trip Intelligence Community Briefing, Rep. Dixon and HPSCI staff. Briefers: CIA, InR, DIA, DEA, NSA, JCS/J–2.

12 May 1994, Briefing on Haiti Refugee Policy. House Judiciary Subcmte on Immigration; RP & INS.

3 May 1994, Briefing on Haiti Refugee Issues: RFAC Staff with RP, ARA, and INS.

3 May 1994, Briefing on Haiti. Senator Dodd and other SFRC Members. Briefers: Acting Secretary Talbott and NSC Sandy Berger.

8 March 1994, Hearing on Haiti. SFRC Subcommittee on Western Hemisphere. Witness: Ambassador Pezzullo.

9 November 1993, Briefing on Haiti: Hafac Western Hemisphere Members Briefing; (Amb. Pezzullo).

3 November 1993, Briefing on Haiti (closed); HPSCI Members & Staff. Briefers: State/CIA/DIA/DOD.

27 October 1993, Briefing on Haiti-Intelligence; House Republican Policy Committee Members. Briefers: CIA, DI.

20 October 1993, Briefing: on Recent Events in Haiti: House Intelligence Committee; State witness TBD (Pezzullo or Watson).

22 July 1993, Recent Developments in Haiti; HFAC W. Hemisphere Subcommittee

18 June 1993, Haiti; Cong. Toricelli and Hfac staff. Briefer: Amb. Pezzullo.

26 May 1993, Assistance for Haiti; Sen. Leahy. Briefers: ARA Pezzullo & Watson.

18 May 1993, Haiti: SACFO Minority Staff. Briefers: ARA–Pezzullo, AID.

13 May 1993, Haiti; SACFO Minority Staff. Briefers: ARA–Pezzullo, AID.

13 May 1993, Haiti; HAC Foreign OPS Subcommittee and Associate Staff. ATA/Pezzullo, AID, and DOD.

3 May 1993, Situation in Haiti/Request for Contingency Fund; SACFO Majority and Minority Staff. Briefers: ARA–Pezzullo, AID—Williams.

10 March 1993, Haiti; for HAC Foreign OPS Minority Staff w/Majority Staff.

9 March 1993, Haiti; for HAC Foreign OPS Minority and Majority Staff. Briefer: ARA/??.

26 January 1993, Haiti; HAC Foreign Ops Subcommittee Staff. ARA/Gelbard.

12 January 1993, Update on Haiti; Senate Judiciary Committee Staff Briefers: ARA/RP/INS.

Mr. LEAHY. Mr. President, when you have time to consult, I much prefer that. In fact, there was a consultation of key Members of the Senate, both Republicans and Democrats, last night. It was very extensive. I think it lasted a couple of hours and involved General Shalikashvili, the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, William Perry, the Secretary of State, Warren Christopher, our U.N. Ambassador, Madeleine Albright, and the President's National Security Adviser, Anthony Lake, as well as others.

It was very, very extensive with a very candid, free exchange. I wish we could print in the RECORD the transcript, but much of it was classified. We did it in a secure room. I thought it was very open. I thought the answers of Secretary Perry and Secretary Christopher and Ambassador Albright and National Security Adviser Tony Lake were very honest, very forthright, very clear, and extraordinarily candid. It was one of the most candid briefings and consultations I have had in my 20 years here.

There have been other times when we have not had this. I think of when we sent the marines to Beirut. Here was the policy: From the time they were given the orders to go, to the time they were sent en route, to the time they arrived, to the time they were put in place, the reasons given by the administration and the White House for their being there changed every single time. Almost daily the policy of why they were there changed.

They were then put in a building which all our intelligence people said was a clear target of terrorists. And on White House orders, they were still put there. The White House, the President, the National Security Adviser—everybody else—ignored clear, clear warnings that there was going to be a terrorist attack on them this is in a country where car bombings were endemic. They ignored clear, clear reports of when that car bombing could take place and who might do it.

The marine sentries on duty under White House orders were not even allowed to have live ammunition in the chambers of their guns. Now this is under an administration where the President would always demonstrate he was the toughest President ever, President Reagan. Under White House orders, they were not even allowed to have live ammunition for the sentries.

They were not allowed to put up the normal type of tank traps that might stop a car bomber from coming through and, of course, what happened is a car bomber came through and 250 brave marines died needlessly. They died because of incompetence at the White House. They died because we had a policy that was designed more for show than for substance.

They were put there because nobody even knew why they were there, but we all knew they died. And then to make it even worse, when the bodies were brought back, it had to be after dark so it would not show on the national news.

And what was the response of the President of the United States? We invaded Grenada. Wow. And Grenada was such a success that if you were in the Pentagon during the invasion, if your elevator door opened, a hand reached in and slapped a medal on you. It was darn near that bad. We invaded Grenada. We ignored it for several days. The Cubans were trying to surrender: "We want to surrender." "Sorry, you can't surrender, we have to have a successful invasion here."

Other Americans died killed by Americans. We talked about how we are stopping the Soviet Union and communism in Grenada. We gave the Soviet Union enormous, enormous tactical intelligence on the United States. They found out that our ships could not talk to each other, ships could not talk to the Army. We had an Army commander who goes down and uses a pay phone in Grenada to call back to the Pentagon to ask them if they would tell the Navy to maybe shell a little bit closer to the Cubans and less on the Americans.

We had others who died needlessly. We could not even send information down from here to tell where they were supposed to be. Fortunately, there were a couple tourist shops open so our intelligence people could go in and buy a map. And this was our big victory, trying to overshadow the death of 250 brave marines who died needlessly—who died needlessly.

So maybe consultation and policy should be done. But maybe we ought to talk about substance and not symbolism. The symbolism was great. We defeated Grenada. Whoopee. Wow. The National Guard from most of our States could have done that. We did not need the might of the greatest power on Earth to do it. We have to ask ourselves what was the reason for it.

I digressed.

We have a situation in Haiti that is critical. We still come down to the point: This amendment meets the strong support of General Cedras. It is strongly opposed by the Clinton administration. Frankly, I think the choice is clear. All of us are distressed by the situation in Haiti. Look what the cruel and corrupt leaders are doing there—driving their own people to misery. This is a terrible, terrible thing going on there. Poor, poor people, the poorest of the poor in our hemisphere, and an oligarchy lives in great splendor, to go off and in an hour they can travel and go into stores where they and their families will spend more money than a whole village will make in a year. So they can buy their jewelry and their fancy cars and liquor and everything else while their poor country dies of economic deprivation.

We want to try to help. It is in our hemisphere. The entire international community agonizes over how to help. The members of the United Nations have joined together to apply stiff economic sanctions against the outlaw regime in Haiti, and I believe the American people strongly support these sanctions.

There is not consensus on the next steps. I do not think there is any enthusiasm in this country—certainly there is not in my own State of Vermont—for a military invasion of Haiti, but neither are many people comfortable about having the United States Government sit on its hands and watch the stream of refugees trying desperately to escape from Haiti and find refuge in the United States and see that stream grow steadily larger.

They do not want to stand by while innocent people are tortured, mutilated, and killed. Look at the pictures on our morning television today of the mass grave just discovered and you can understand why the United Nations was kicked out yesterday, why human rights observers were kicked out, so they will not find such things as mass graves where people have just been massacred, and with all signs pointing to the fact that it is the military and the police all under the command of the same people.

We do not want to let thousands of children starve. We do not want to see democracy thwarted by a group of corrupt, power-hungry thugs, which is what General Cedras and his people are.

Now, are there simple solutions to this crisis? Of course not. And I agree with the sponsors of the amendment, with Senator DOLE and Senator WARNER and others that there are no simple solutions. But because there are no simple solutions, it is all the more reason not to preemptively tie the hands of the President in fashioning a responsible policy on Haiti in consultation with our allies.

The administration is consulting with our allies. It is consulting with the leadership, Republican and Democrat, in the Congress.

Public discussion of the proper role for the U.S. Government is not only valuable, but I feel that it is essential. Debate along lines we are having here is part of that discussion. It may not belong on this bill, but it does belong in this Chamber. And it is a legitimate area of debate for all of us, whether we agree with the administration's policy or disagree. It is a legitimate area of debate for the Senate. After all, we are supposed to be the conscience of the Nation, an issue and designation that all too many of us tend to forget. So that is why I, along with 92 of my fellow Senators, voted in favor of a resolution just 2 weeks ago calling on the President to consult with Congress before undertaking military action in Haiti.

Public debate is essential, but more study of the nature of this would be counterproductive. To have a study that would come back after the Congress is out, that we might vote on in January or February or March of next year, makes no sense, but it is why General Cedras wants us to pass this amendment and why President Clinton does not want us to. Again, it is a case where I will side with and support the President of the United States. I disagree with General Cedras. I disagree with this resolution.

The facts of this crisis are not hidden or complicated. American correspondents are providing a steady flow of reporting and analysis of the changing situation in Haiti. All you have to do is turn on your radio, turn on your television or read your newspapers. And I hear no one suggesting that the reason there is disagreement over Haiti policy is that we lack facts. Quite to the contrary. We are dealing with a tiny, little country in our hemisphere, and we can get all of the necessary facts. We do not need a study commission to get more facts. I suspect that most of us are not even fully keeping up with all the facts that are pouring in, to say nothing about adding more to it.

But if we establish that study commission, it sends the wrong message to the murderers in Port-au-Prince. We are going to be saying to them, if we establish this commission, "Relax. Don't worry about the sanctions. The U.S. Government is not going to act any time soon. We are going to study the situation for the next several months. You can keep on your stealing and your killing for a while longer because we have just put the brakes on everything."

Mr. President, is that the way to conduct foreign policy? Is it the way to conduct foreign policy, saying no matter what we say, we took the keys out of the car for the next several months; we turned the ships around; we have grounded the airplanes; we have told the Marines and others, "Don't worry; we are not going to do anything"?

What kind of diplomatic pressure do you bring on a country if they know, no matter what happens, you are not going to move, you are not going to do anything, you are going to talk, there is this congressional limitation which says nothing happens until the Congress gets around to it in January or February or March of next year.

Now, there is dispute in the country about what our policy should be, but I suspect there would be no dispute in the country among the people if asked: Do you think it really is the best way to set our foreign policy, to say we will set up a hiatus until the Congress gets around to work on this issue next spring sometime?

I do not think many people in the United States are that confident in the Congress that we might do it. And it also says to the international community, after we have been up there—Ambassador Albright has done a tremendous job in New York dealing with the international community, as has Secretary Christopher and everybody else. But this is the same international community we have gone to to seek their support. Now we say, "Relax, folks. We do not really support the U.N. Security Council's July 12 resolution calling for a 'rapid and definite' solution to the crisis," a resolution that we helped put through. We are saying, just a few days later, we do not agree with it. In fact, we are saying to them, "Why don't you just go home; it is hot in New York City at the United Nations. Go home, forget about Haiti for a while. We will check back with you in a couple of months." It will keep the undertaker business going in Haiti, but we are gone.

Our allies would have one more reason to question U.S. leadership in world affairs. The Haitian oppressors would go on oppressing. The flood of refugees would go on growing.

Mr. President, this is the wrong resolution and the wrong place at the wrong time, and I am going to vote against it. I hope my fellow Senators would, too.

I know that one of the people who has as much experience in this part of the world as any Member of the Senate is the Senator from Florida. Senator GRAHAM has gone down there. He has visited these areas. He has done it at personal danger. I know Senator GRAHAM is in the Chamber. If he wishes to speak on this resolution, I would be happy to yield to him at this point.

I should also note for my colleagues we are going to have a vote at 11:30 on another matter.

Mr. MCCONNELL. Mr. President, I was going to say I am prepared——

Mr. LEAHY. Reserving my right to the floor, I would like to yield for a question.

Mr. MCCONNELL. For a question. I am prepared to change the subject and discuss another amendment and lay it down, if that would be helpful.

Mr. LEAHY. Mr. President, earlier this morning the distinguished Senator from Pennsylvania had been on the floor discussing an amendment which I believe he sent to the desk.

Mr. MCCONNELL. Mr. President, I have a couple of amendments that have been cleared, while we are checking with Senator SPECTER.

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside and the Senator from Kentucky be recognized to introduce a couple of amendments that have been cleared.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The Senator from Kentucky.

Mr. KENNEDY. Mr. President, I ask unanimous consent to withdraw amendment No. 2252.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2252) was withdrawn.

AMENDMENT NO. 2261

(Purpose: Relating to U.S. contributions to U.N. peacekeeping operations)

Mr. MCCONNELL. Mr. President, I send to the desk an amendment by Senator PRESSLER, which I understand has been cleared on both sides, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. PRESSLER, proposes an amendment numbered 2261.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

PAYMENTS-IN-KIND AS VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States voluntary contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

Mr. PRESSLER. Mr. President, I have altered this amendment to reflect the concerns of my colleague from Vermont, Senator LEAHY. This amendment is a sense of the Congress amendment, which allows U.S. voluntary contributions to U.N. peacekeeping operations to be made in forms other than direct cash payment to the U.N. bureaucracy.

My amendment would allow U.S. contributions to consist of excess Department of Defense articles or of direct payments to U.S. companies providing goods and services. Furthermore, the amendment calls for consultation between the Secretaries of State and Defense before any transfers or contributions are made.

During the Senate floor debate on the foreign operations appropriations bill, I have offered two other amendments which promote U.S. contributions of goods and services to U.N. operations. As the No. 1 contributor to the United Nations, the United States should be afforded the opportunity to promote U.S. business through a payment-in-kind process. For years, some European member States have utilized a payment-in-kind system to full U.N. obligations. It is time the United States was credited for the equipment and services we have been providing over the above our current assessments.

I urge my colleagues to support this amendment. It offers the United States fair opportunities in the U.N. contribution process. We owe it to U.S. taxpayers to get the most out of the dollars we contribute to the United Nations.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

So the amendment (No. 2261) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2262

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Kentucky [Mr. McCONNELL], for Mr. HATFIELD, proposes an amendment numbered 2262.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 11, line 19, after "1961" and before the period (.) add the following new proviso: "Provided further, that of the funds appropriated under this heading, not less than an amount equal to the amount made available for the Office of Population of the Agency for International Development in fiscal year 1994 shall be made available to that office".

Mr. HATFIELD. Mr. President, this amendment seeks to maintain core funding for the Agency for International Development's excellent population program.

As AID seeks to reengineer itself, I am concerned that the population program not lose its effectiveness through well-intended but short-sighted experiments on its central funding. This amendment ensures that the amount of money going to the Office of Population in fiscal year 1995 will be at least the same amount the Office received for this fiscal year. My understanding is that figure is between $280 and $300 million.

Behind the great success of AID's population program is the efficiency of its current funding system, where field missions buy into the wealth of expertise, services, and commodities purchased in bulk through the central Office of Population. This economy of scale is what this amendment seeks to maintain.

Mr. McCONNELL. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Oregon.

The amendment (No. 2262) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to table was agreed to.

NUCLEAR REACTOR TRAINING SIMULATORS

Mr. WARNER. Mr. President, I rise with the distinguished ranking member of the subcommittee, Mr. McCONNELL, to express concern over the continued operation of the nuclear reactors in the former Soviet Union which do not meet international safety standards. These Soviet-built reactors are very dangerous; however, they are critical to the economic well-being of the countries they service. There appears to be no alternative but to improve the safety of these operational reactors if a future accident with very serious international consequences is to be avoided. Is it the understanding of the distinguished ranking member that there is little likelihood that these reactors will be shut down in the near term?

Mr. McCONNELL. I would respond to the Senator that the power these reactors supply cannot be economically replaced in the near term and the loss of the electrical energy which is generated by each of these units would cause significant damage to the economies of these countries.

Mr. WARNER. I understand that the construction costs to bring these reactors to the standards accepted in the United States is prohibitively expensive. Is that similar to the understanding of the distinguished ranking member?

Mr. McCONNELL. The Senator is correct. The amount required to improve the physical plant of these reactors is so large that improvements of this type, although very desirable, are very unlikely.

Mr. WARNER. I am informed that the International Atomic Energy Agency has initiated several programs to review, analyze, and diagnose the significant problems at these reactors and that these studies reveal that the root causes of many operational safety related events involve inadequacies in operator actions, procedures, and the design interface with the control boards. I am also informed that a cost-effective way to address these shortfalls is the procurement of analytical engineering simulators for use by the nuclear regulatory agencies of the former Soviet Union countries and by the crews of the reactors. For a relatively small sum, simulators for the most dangerous of the reactors could be procured, with corresponding improvements in the operational safety of these reactors in the near term. Would the distinguished Senator consider including language in the "Statement of Managers" which would encourage the Department of State to consider this course of action?

Mr. McCONNELL. I am happy to respond that I will press for such language in the conference between the two bodies, and I thank the Senator for raising this issue.

AMENDMENT NO. 2253

Mr. LEAHY. Mr. President, am I correct we are now back on the Helms amendment which is going to be voted on at 11:30?

The PRESIDING OFFICER. That is correct. We are on the Helms amendment, and will vote on it at 11:30.

Mr. LEAHY. Mr. President, again I state my strong opposition to this amendment. I believe it makes it impossible for us to even take part in the Cairo Conference on Population. But it also makes it impossible for us even to work with any country that wants to do away with abortion, make abortion safer, or find other methods of population control.

I know the Senator from Washington State is here. I would like to yield.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. the Senator from Washington [Mrs. MURRAY] is recognized.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise in opposition to the Helms amendment, and in strong support of the upcoming International Conference on Population and Development. I believe the effect of the Helms amendment would be to undermine United States leadership at the upcoming Cairo Conference and at any events that will follow from that important event.

In just a few months, over 100 nations of the world will gather in Cairo for the International Conference on Population and Development, the most significant meeting in a decade to address issues related to population.

The purpose of the Cairo Conference is to assess the current state of global population, determine its impact on human development, and produce an action plan for the next decade and century to deal with this most serious issue.

The program of action—commonly known as the Cairo document—will represent the international consensus on population policy.

Today the world's population has swelled to over 5 billion people, with 93 million more added each year. Without strong leadership in support of voluntary family planning programs, experts predict that in just 35 years the world's population is likely to double to 10 billion.

We know that many economic, environmental, and health problems facing our world can be directly related to overpopulation. Global warming, stagnating economies in developing countries, teen pregnancy, and high maternal death rates all relate to overpopulation.

If we are to effectively address this problem, the success of the Cairo Conference is crucial. The goal of the conference is to vastly increase access to family planning and help establish improved reproductive health care.

Further, the conference will emphasize the vital need to improve the status of women worldwide, and most importantly, work to ensure that population programs are responsive and accountable to the people who use them—especially women.

Let us remember some of the history of this issue, and why adoption of the Helms amendment by the Senate today would be unwise.

The last major world meeting on population took place in 1984 in Mexico City. Until the 1980's, the United States had been at the forefront of efforts to increase access to voluntary family planning worldwide and address the problem of overpopulation.

At the 1984 Mexico City Conference, however, the United States sent chilling signals to countries around the world that our Nation had reversed course—that we were no longer concerned about promoting access to safe and effective family planning, and that the United States considered the entire question of global population growth to be a "neutral phenomenon" that would somehow take care of itself.

The United States maintained that harmful position throughout the remainder of the 1980's—refusing to recognize the correlation between unchecked population growth, poverty, hunger, or environmental degradation.

Fortunately, those days of putting our heads in the sand are over. President Clinton, together with the international community, is embracing a comprehensive approach to international population issues, which involves addressing a wide range of concerns.

President Clinton recognizes that there is no magic bullet to address the population issue, he knows that to be successful, population programs must not only focus on reducing birthrates but must also address human rights, women's health and status, and cultural differences.

Thus, to the Cairo Conference the United States is brining new approaches, emphasizing programs that enhance the ability of individuals and couples to freely and responsibly decide the number and spacing of their children. The overwhelming majority of states participating in the Cairo Conference have endorsed this approach.

In addition, the United States' long-term approach to population includes:

Promoting access to the full range of quality reproductive health care, including women-centered women-managed services;

Stressing the need for governments and public and private organizations to commit themselves to quality of care in family planning services;

Supporting the empowerment of woman;

Ensuring access to primary health care, with an emphasis on child survival;

Preserving the endangered natural environmental of our globe; and finally;

Ensuring that our population policy supports the world's priority for sustainable development.

So where does the Helms amendment fit into this important debate?

Because the document that is to be adopted at the Cairo Conference will speak to the next two decades, proposing recommendations for many years to come, I believe that if implemented, the Helms amendment will interfere with and obstruct United States activities after the Cairo Conference. Essentially, the amendment seeks to chill any of the important and ongoing dialog that our Nation will be involved in regarding population issues.

It is important to know that the Helms amendment misrepresents the United States position on abortion and the United States role at the Cairo Conference and at other population forums.

President Clinton has articulated his view on abortion numerous times and it is a view endorsed by the overwhelming majority of Americans: Abortion should be safe, legal, and rare. That is the position the United States will represent in Cairo and any related events in the years to come.

And for the record, let us be clear about current law on abortion funding internationally: Under existing law, U.S. funds may not be used either to fund abortions as a method of family planning or to motivate any person to have an abortion. Exceptions are permitted only in cases of rape, incest, or if the life of the woman is in danger, and then only in settings and institutions where such activities are legal and safe.

In addition, the notion that the United States will use the Cairo forum and other meetings like it to lobby other nations on abortion is just plain nonsense; the draft document for Cairo clearly acknowledges the sovereign right of each nation to implement its own policies.

And nowhere in the Cairo document is there any call for the legalization of abortion.

In any case, it is important to note that current U.S. law prohibits the use of Federal funds Governmentwide for lobbying purposes, so that the type of activity described in the Helms amendment is already prohibited by law.

So because this amendment will have no real effect on current law, it is really about the symbols and messages we send to the international community on the issue of population.

To me, the Helms amendment is deeply cynical. By attempting to cloud United States participation at the Cairo conference and the activities that will follow, the Helms amendment preys on the world's poorest women, who I believe have it tough enough already. Let's not add to their burden today by playing politics with one of the most daunting and complex issues of our time. The fact is that family planning saves lives and helps reduce abortion worldwide.

Experts estimate that the lives of 5.6 million children and 500,000 women could be saved each year if all the women who wanted to limit their families had access to family planning. If the intention of the Helms amendment is to prevent abortion—a goal which I strongly support—then I encourage the Senator from North Carolina to address that problem head on by seeking additional funds for our bilateral family planning program. Providing women with the means to prevent unwanted pregnancies will do more than anything else to reduce abortion.

In closing, I hope we can go on record today as sending our delegation to Cairo with the full support of this Senate, so that the United States team can continue efforts to develop and implement a plan to give families around the globe access to the reproductive health care services they need.

I strongly urge my colleagues to defeat the Helms amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Madam President, I rise in support of Senator HELMS' amendment. I hope that my colleagues will support this amendment, as well. I have heard people say that if you support this amendment, we cannot participate in the Cairo Conference. That is not true. I read the amendment, and that is certainly not this Senator's interpretation.

What Senator HELMS is trying to do is prohibit the State Department and this administration from lobbying other countries to change their laws concerning abortion.

Madam President, there are 95 countries throughout the world that have various restrictions on abortion. Some are very strict against abortion; some are not quite so strict; and that is probably to be expected. We have had significant debate in this country about how restrictive we should be. We have had restrictions in this country dealing with abortion. This administration is now going international, using the influence and prestige of the United States, trying to change all other countries' laws concerning abortion, to make them identical with the philosophy of this administration.

I might mention that the philosophy of this administration is not the law of the land. They have not been successful in changing the laws of this country. We have laws that prohibit the use of taxpayer funds for abortions. We have laws in this country that this administration has tried to change, but they have been unsuccessful to date. They may be successful later on. This administration would like to have abortion as a fringe benefit under its health care policy. They may be successful, but they have not been successful yet. They would like to have a change in policy where taxpayers subsidize abortion under the Medicaid Program. They have not been successful yet. Yet, they want to change all other countries' laws.

Let me just read from an action cable that came on March 16 of this year from the State Department. This is part of the statement:

> Posts are requested to approach host governments to outline [our Government] negotiating priorities for the final preparatory meeting for the [U.N.-sponsored] International Conference on Population Development * * *. The priority issues for the United States include assuring * * * access to safe abortion * * *. The United States believes that access to safe, legal, and voluntary abortion is a fundamental right of all women.

Well, a lot of countries have laws prohibiting abortion. When I think about it, most people would say abortion is legal in this country, but that has never passed in the Congress. We have never passed a law legalizing abortion. That was done through the Roe versus Wade decision, not by a majority in Congress. Yet, this administration says we want to make sure abortion is safe and legal. In other words, in countries that have laws outlawing abortion, they think those are wrong and should be changed. So they are sending out delegates to approach host governments throughout the world saying: Change your laws.

A lot of countries are very offended by this cultural imperialism where the United States is going to try to dictate or direct what their policies should be concerning abortion. I am not talking about one or two countries, but a total population of about 2 billion people. About 37 percent of the world's population have restrictions against abortion, and this administration wants to eliminate that.

A lot of those countries are predominantly Catholic, and some are predominantly Moslem. A lot of those countries are our allies. If we put this kind of pressure on those countries, a lot of them are going to resent it. I really wonder why our State Department is doing it. I cannot help but think that we have serious problems. This State Department cannot decide what they want to do on Haiti, or Bosnia, or North Korea, where we have a vacillating policy, but they know what they want to do on abortion: Implement their philosophy, which they have not been successful in passing through the United States Congress yet—and I hope they will not be successful—throughout the world, and tell 95 countries that their laws should be replaced with the Clinton policy, a policy not even supported in Congress.

I will just mention that I asked a question of our former colleague, Senator Wirth, who is now the State Department counselor, at a hearing on March 8, before the Foreign Operations Subcommittee.

I said: "We are spending a significant amount of money on population control. Does that include abortion?"

He answered: "We believe that women have the right to a full range of women's reproductive right services, and that would include abortion, if necessary."

I informed Counselor Wirth that that was against the law. We have a law that says we are not going to use these funds for abortion. Yet, he said we want everybody to have a full range of services.

I said: "Well, does the Clinton administration want to repeal the present law that prohibits U.S. funds from being used to pay for abortions?"

Senator Wirth said: "That is right. We have asked for a complete rewrite of the Foreign Assistance Act, and in our submission to Congress, we did not include the language which we think is much too constraining."

In other words, they want to change the law we have been operating under, and the Foreign Assistance Act says we do not want taxpayers' money being used to subsidize abortion. We do not do it in the United States, except when necessary under certain circumstances—to protect the life of the mother, and in cases of rape and incest. And we want to make sure we do not do it internationally.

Senator Wirth and this administration want to change that. They think the taxpayers should be involved in funding abortions and the access to abortion, and should override the laws that these 95 countries have prohibiting abortion. They want to overturn those laws.

I think that is really wrong. I do not agree with the policy in the United States, but I think it is doubly offensive that we should try to impose this administration's philosophy on everybody else in the world. What about all the Latin American countries? I have a comment that was made by the Argentine President, Carlos Menem, on the so-called rewrite of the antiabortion policy. Abortion is illegal in at least 15 of the 16 countries that attended the Latin American summit.

He said:

> We renew our commitment to defend human life, in any of its expressions, from the moment of conception until death.

President Fidel Castro of Cuba was the only Latin American leader to differ. He said:

> The decision to abort should be made by the pregnant woman.

That was Castro's opinion. But 15 out of the 16 Latin American leaders said they are prolife, their countries are prolife, and they do not want to adopt this policy and do not want Uncle Sam coming in and telling them to change their policies. They are predominantly Catholic. Why in the world should we try to mandate a policy that has not even passed Congress on these Latin American countries?

What about Egypt, a predominantly Moslem country, 85 percent Moslem? They have laws restricting abortion. Why should we tell them they have to change their laws? I will tell you, that will help ignite a lot of the more radical members of the Moslem community against some of our friends and allies. I do not think we want to do that. I do not think we want to undermine some of the leaders in Egypt that have been working with the United States and who signed a peace agreement with Israel. That happens to be the largest Moslem country in the region. Why should we do something that would undermine that leadership? I think it would be a serious mistake.

Why should we tell these 95 countries that the United States knows best and that they should adopt the proabortion policies this administration is advocating? That is a serious mistake.

The amendment of the Senator from North Carolina is on target. We need to send this administration a signal and say: You can attend the Cairo conference; that is fine. You can participate in it. We can talk about world population. But we should not use that conference or the United Nations or other multinational organizations to promote United States or Clinton administration proabortion policies.

Let us allow those countries that do have restrictions on abortion to continue those. Let us not interfere in their domestic policies and priorities.

I think it is a serious mistake if we do not pass this amendment, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from California.

Mrs. BOXER. Thank you very much, Madam President.

Mr. LEAHY. Madam President, will the Senator from California yield for a unanimous-consent request.

Mrs. BOXER. I yield.

Mr. LEAHY. Madam President, there have been a number of people who wanted to speak on this and a related subject.

I understand this has been cleared with the ranking member of the committee or has been cleared with the Republican leader.

I ask unanimous consent that the vote scheduled to take place at 11:30 a.m. take place at noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank my friend from California.

Mrs. BOXER. I thank the honorable chairman.

Madam President, I am very pleased to be able to participate in this debate. Many times constituents say, "Has it really made any difference now that there are more women in the U.S. Senate?"

This is one of those times that I feel it clearly makes a difference because we can join with the men in the U.S. Senate who share our view that women are not second-class citizens, that pregnancy-related services are matters of health, and, especially in this particular case, to speak out against Senator HELMS' amendment which is such a slap in the face of women all over the world, many of whom are struggling for their rights.

Madam President, I think it is very interesting that in this amendment Senator HELMS says that nothing in his amendment should stop the United States "from engaging in activities in opposition to policies of coercive abortion or involuntary sterilization."

I agree with that. I think the United States should be a sane voice for sane policies, and it is not a sane policy to force people to get sterilized, men or women, and it is not a sane policy to have coercive abortions.

I am pro-choice. That means it is up to the woman, in consultation with her doctor, and her God, whether she is here or anywhere else in the world.

Madam President, I feel very strongly about this amendment. Senator HELMS' amendment says that U.S. agencies should be able to express our views and strongly lobby against forced abortion and forced sterilization, a position which I share. But that same amendment says that we cannot exert any other influence on policies of other countries. That seems to me to be a very radical notion.

We have fought long and hard here, those of us who are pro-choice, to make sure that in our current policy there is an exception for the use of Federal funds when a woman's life is at stake or when a woman is raped or when there is incest. Madam President, that was not an easy fight. As a matter of fact, when I was in the House of Representatives, it was my amendment that ensured a rape and incest exemption, because nothing could be crueler than forcing a woman to have a child that is the product of a rape or the product of incest.

So I want to know, Madam President, why the Senator from North Carolina and his supporters would say in the same resolution that we can lobby hard to stop countries from involuntary sterilization and coerced abortion and yet not lobby equally as hard if they have laws that force women to carry a baby to term that is a product of rape or incest.

And that is exactly what this amendment does. It is radical, and I would join with you, Madam President, in opposition to this amendment. It is a terrible signal to women all over this world; a terrible signal that their life is not worth anything.

I say it is very fine that you are here to speak on it and that I am here to speak on it. I certainly hope other women in the Senate will have an opportunity to speak. I know some of them are caught up in the Judiciary Committee hearings this morning. I hope that every woman in the Senate will speak on it because I think it is an affront to us as women that the Senator from North Carolina would have this amendment before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, yesterday when the Senator from North Carolina [Mr. HELMS] was speaking about his amendment on the floor, I know it was of particular concern, that it would not be withholding money for attendance at the Cairo Conference. I wanted to clarify Mr. HELMS' intentions regarding U.S. participation in the International Conference on Population and Development and subsequent meetings.

After the Senate's discussion of this, I worked with others in trying to propose some language in an attempt to resolve the question. I regret to say we have not been able to work out substitute language that would be agreeable to everyone. But I believe it was important to try to work this out.

The language proposed by Senator HELMS is statutory language. However, it seemed to me that changing to a sense-of-the-Congress language would be a better way to provide some guidance to our delegation to the Cairo Conference about the concerns raised by Senator HELMS, and which I share to a certain extent. During our participation in this international conference I think we need to be mindful and sensitive to the diversity of cultures around the world.

I offered to the Senator from North Carolina a sense-of-the-Congress amendment that unfortunately has been rejected. This sense-of-the-Congress resolution would provide guidance to our representatives participating in the 1994 International Conference on Population and Development.

I personally believe that guidance could be a useful expression of our consensus as a Congress. My sense-of-the-Congress language addressed the issues which the Senator from North Carolina has identified as most problematic, specifically: that U.S. participation in and support for international family planning activities must not be withheld or reduced in countries where abortion is severely restricted or prohibited; and, second, that the United States should respect the diversity of international cultural and religious traditions and not actively attempt to change the abortion laws of countries where abortion is severely restricted or prohibited.

I, Madam President, believe abortion should be legal, but I do think we have to be sensitive to the cultures, religions, and customs of other countries.

In addition, the resolution which I proposed specifically stated that the United States should be a full and active participant in the Cairo Conference and subsequent activities arising from the conferences that will occur in the future. It is important, I believe, for us to not lose sight of the fact that the 1994 International Conference on Population and Development in Cairo, Egypt, is not just about family planning. It is not about abortion. It is about population and the rapid increase of population rates in many areas of the world. It is about child survival, migration, sustainable development, and economic growth. Each of these issues is of great importance to the United States and the world. These issues need to be understood and addressed, and we need to be full and active participants in these discussions.

I believe it is useful for Congress to send some guidance which reflects our concerns, to support the delegation that will be attending the Cairo Conference.

I thought it was important for us to do so not in statutory language as a sense-of-the-Congress, and I regret that we have not been able to get agreement on this.

I will vote against the language of the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I would like to take a few minutes to speak against the amendment offered by the Senator from North Carolina.

This amendment would severely hamper our ability to participate fully in the upcoming International Conference on Population and Development to be held in Cairo. It would also hamper our ability to participate fully in future conferences on population issues.

What this amendment would do is effectively prohibit representatives of the United States from discussing the laws and policies of any foreign country with respect to abortion.

While our representatives in Cairo will not be attempting to change the legal status of abortion in any country, they will be strategizing on ways to reduce injuries and deaths which result from unsafe abortions. It seems to me that the U.S. representatives will not be able, under this amendment, even to attempt to find a solution to this problem of deaths from abortions, deaths from abortions that take place in countries where abortions are forbidden. And if they cannot discuss the abortion laws and policies of other countries, obviously they cannot get into the problem of the deaths that arise in those countries from unsafe abortions.

Madam President, we have all lived through the agonizing debate and discussion on the gag rule and the Mexico City policy, policies which prohibited the mere mention of abortion in family planning clinics. Fortunately, we are rid of those misguided policies which unfortunately held sway for several years here. The amendment before us this morning would start us right down that same path of limiting the subjects that we may or we may not discuss.

At the last international conference on population, we came away with the onerous Mexico City policy which took us many years to do away with. I am pleased that we have an opportunity in Cairo for a fresh start. I look forward to the United States taking a lead role in reducing the incidents of unsafe abortions, as well as addressing the critical issue of population explosion throughout our world. These issues simply cannot be addressed without addressing the issue of abortion. Let us not tie the hands of our representatives by restricting what they can or cannot discuss.

I urge my colleagues to reject the Helms amendment.

I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield the floor?

Mr. CHAFEE. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, just a couple of comments.

A couple of our colleagues said, "Well, this will hamper our ability to participate"—some people even said we could not go to the Cairo Conference, and that is clearly not in the amendment—"and it hampers our ability in Cairo."

I think that is well and good, if our purpose in Cairo is trying to get 95 countries to change their laws to make abortion legal or to make it easier or more accessible or more prevalent.

I mean, we have 1½ million abortions every year in this country; maybe some people want more. We have some restrictions in this country. But I think we would kind of resent it if we had other countries coming in and saying, "United States, we really do not like your policy and therefore you ought to change it."

I think it is very legitimate in the foreign operations bill to say, "Wait a minute. We do not want to use U.S. funds to lobby other countries to change their law, because we do not think they are proabortion enough, or they do not give enough access to abortion, or they do not make abortion legal."

So my point is, if that is the purpose of the conference, we should not be participating in that part of the conference.

If we want to talk about global population, if we want to talk about some of the challenges we face there and other things, fine. But if we are going to use it as a method to lobby or trying to convince or use the power and prestige of United States to get other countries to change their laws, we are going to be really offending a lot of countries that are predominantly Moslem or predominantly Catholic, and I think that is a serious mistake.

Mr. President, I have to address one other thing, and that is the comment made by a couple of our colleagues in the debate both yesterday and today. They said, "Well, if we don't do this, we will not be able to convince countries to have safe abortions, and prevent some of the deaths from some of these unsafe abortions."

I just ask my colleagues to remember there are two lives at stake. How safe is an abortion to unborn children? Well, they are fatal. They should remember there are two lives at stake. So, in this interest to have safe abortions, they are talking about increasing the number of abortions that are fatal to unborn children and I think we need to keep that in mind.

And we also need to keep in mind that we do not want U.S. taxpayers' dollars used in the destruction of human life. That happens to be the present law. It is not this administration's policy. It is not this administration's wish. It happens to be the present law. We will not use U.S. funds for abortion. That is the law. They have not changed it yet. They want to change it. They testified they want to change it, but they have not been successful.

They want to repeal the Hyde amendment. They have not been successful.

So they are advocating policies that they have not been successful in changing in the United States. And they have not been successful in changing the law that says, "Hey, we are not going to use U.S. taxpayers' funds in the foreign ops bill for abortion." Yet it is quite obvious from Mr. Wirth's statement, and also from this State Department action cable that went out to all countries urging our people to contact the host government so we can convince them that this administration policy on abortion is correct. It is not correct. It has not passed the Congress. I think it would be a serious mistake, not only would it be a serious mistake but it would be fatal to countless lives throughout the world if this administration is successful.

I urge my colleagues to adopt this amendment.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the debate on this amendment is basically this: Can the United States go to the population conference in Cairo or not?

Now, we are a major, not the major, but we are a major provider of foreign aid. We have a lot of other countries that provide more foreign aid than we do, certainly as a percentage of their gross domestic product. Some countries actually, in the areas where population has caused the greatest problems, like sub-Saharan Africa, there are countries that provide actually more dollars than we do. In fact, we are rather shameful in the treatment of some of the developing countries in claiming we help and they look at what we do in other aspects of our budget.

But, be that as it may, we know and our allies know and everybody who tries to help these developing countries know that one of the greatest problems they face is unchecked population.

Now I will yield to nobody in my abhorrence of abortion as a method of population control or as a method of birth control.

I hope that some of the money that we are providing to the former Soviet Union, especially Russia, would be used to provide safe, effective methods of birth control. That is a country that has very effectively and I think outrageously used abortion as a method of birth control. I should not use the word "effective," because I do not consider that as an effective method of birth control, but they do it.

You have women who have had six, seven and eight abortions. Now that is wrong. It is flat out wrong. And I do not think anybody would suggest that we not work with Russia, especially as we send foreign aid over there, to help them find a better method of birth control, whether it is birth control pills, condoms, diaphragms, whatever else, things that are very expensive, not in easy availability in Russia. We could help them with that. Sex education itself, methods of preventing conception in the first place, can be done there. But it can be done in a lot of other countries.

Now, does anybody doubt that in Cairo the discussion is going to be had on all of these things? There is going to be a discussion of the status of women in these developing countries, and I think the United States has been the leader in bringing out that there should be a heightened status of women. In many of these countries they are treated as mere chattel. They have no rights. They certainly have no rights over their own reproductive abilities. That has to change.

There has to be a realization that with proper birth control and health and nutrition, that live births can go up in countries and children can live past their infancy. Perhaps we can, and I hope would, lessen the incidence of abortion worldwide as we bring to countries the ability to adopt birth control practices that actually make sense; in many instances birth control practices where the countries that provide foreign aid could pay the costs.

What in the United States might seem like a very small cost to carry out birth control practices, in other countries could be a very significant part of their income. Assuming the types of birth control that we would take for granted in this country, assuming they are even available, the costs could be too great. These are areas we could help. Certainly we ought to be talking to these countries. Nobody expects the United States to come over and pound the table, as has almost been suggested here, and say, "You have to start having abortions. You have to start adopting this method of birth control. You have to do this, that or the other thing." That is not going to happen.

But when, as the chair of the Foreign Operations Committee, I try to figure out how we are going to get money to the poorest of the poor in these countries; when I am asked how can we find a way to get alternative agriculture in so people can raise food to feed their families, how do we get in medical help and nutritional help so a poor, pregnant woman can go through her pregnancy and deliver a healthy baby; no matter how we try to answer these questions we have one dark cloud hanging over us. And that is in most of these countries the population is expanding so rapidly that it is expanding beyond the ability to even help the country. It outstrips the agricultural abilities of the country. It outstrips the housing ability. It outstrips the educational and medical abilities of these countries. They ought to at least have available to them the ability to control their own population size.

I said here yesterday that by the middle of the next century, only a little over 50 years away, at this rate the world's population will double. Think of that. Human beings have been on the face of the Earth for tens of thousands of years. It has taken us to this point to reach one level of population and we can double it in 50 years.

I am not suggesting a Malthusian paradigm here, by any means. But what I am saying is the countries where help is needed the most are the countries where the least efforts and abilities exist to control populations. Methods of birth control that most American families consider as a relatively minor part of their monthly bills are in many of these countries something that would wipe out virtually all disposable income that family might have.

Let us see if we can be realistic about this. The United States has clear prohibitions in our AID money against money going to use abortion as a method of birth control. We have been very straightforward and strong in our statements condemning China and other countries that have done that. We have made it very clear—many of us have and I have personally—to countries like Russia that their use of abortion as a method of birth control is abhorrent. It is abhorrent to me as a person. It also should be abhorrent to the women of that country to think that this is really what is available to them as a method of birth control. I suspect most women in these countries would want to have other methods of birth control available. This is not something where we are going to march out and say, "Abortion is your magic answer." Not by any means.

Each one of us will have to wrestle with our own conscience how we feel about abortion. Each of these countries, and the people within them, will wrestle with their own consciences how they feel about it. But allow the United States to at least join with other countries trying to figure out how to control population, how to raise the status of women, and how to make it possible to have healthy children that might live beyond their infancy. That is the issue.

The other suggestion made that we are going to be in there offending all these countries that come in, telling them what is going on—it is such arrogant disdain for these countries to even suggest it. This is a condescending statement of the first order. Madam President, do you think—does anybody think?—that these countries are sending a group of poorly educated, subservient people who will sit there saying, "Oh, yes, the United States wants to do this. We will do this. We will do this." Baloney. These are concerned men and women coming from each of these countries, well educated, who are looking for what is in the best interests of their countries. They are not coming in there to be suddenly mesmerized by some evil Svengali from the United States who is going to tell them what they have to do.

Everybody who comes there knows they are going to talk about birth control. They know they are going to talk about education. They know they are going to talk about health and nutrition. They know the subject of abortion, of course, will come up. They know the United States will follow the law on what it can and cannot talk about.

But they also know that they have a terrible population problem in a lot of these countries, a problem that is far outstripping their resources and their ability to feed their people; a problem that is making it impossible, many, many times, in many of these countries for the average child to live past a couple of years old. In fact, in a number of these countries the birth of the child is not even recorded until they are a year or 2 or 3 or 4 years old, because the deaths are so common.

Madam President, I cannot justify coming to the U.S. Senate and asking my colleagues in the Senate to vote for more foreign aid to countries where it is said we will kind of ignore the whole question of control of population, but we will send a little bit more money, a little bit more money. There is so much we can do in these countries if the question of population is at least addressed; not addressed by us telling them what they must do, but making choices available to them and letting them decide.

As chairman of the Senate Agriculture Committee, I am very proud of what we have developed, through our agricultural research in this country, insect resistant crops, crops that can grow in areas with little water or sunlight beyond anything that we are used to. All these things can help countries feed themselves. But you can only plant so many crops. You can only raise so many crops. And the population outstrips that. There is no genius in our Agriculture Extension Service or anywhere else in the USDA who can make a magic crop that, notwithstanding population expansion, notwithstanding whatever damage to the environment or soil is done by that, that this crop will somehow make it all better.

So, let our people go to Cairo and if——

Mr. NICKLES. Will the Senator yield?

Mr. LEAHY. I will yield for a question in a moment. Let me complete this thought.

If there are those who have differing views, let them also go to Cairo and express their views. I know a number of people who have been invited. There are still invitations open for those who want to go. I have declined an invitation to go because of my responsibility as chairman of this and being in another country during the same time. But if somebody disagrees with any administration official, go to Cairo and let them state their disagreements. Let them be heard.

I yield, Madam President, without losing my right to the floor.

Mr. NICKLES. Madam President, I ask my friend and colleague—I listened to a lot of his statement—was the chairman's comment if we adopt this amendment we could not attend the Cairo Conference?

Mr. LEAHY. In this effect, yes: That we end up spending a lot of money for a useless exercise because, as my friend from Oklahoma knows, the Cairo Conference is set up to set an ongoing procedure of meetings and discussions. Basically, we could get there, I am sure, and say, "But we are here under a gag rule for not only discussions at this, but certainly it would preclude us or make it a useless expenditure of money to go on for any of these discussions and meetings that might follow on from Cairo."

It would be questionable how we could justify expenditures of anybody going there, in effect, because they would be so blocked out of not only discussions in Cairo but, obviously, the discussions that would follow the meetings that would be set up from the Cairo Conference. That is my position.

Mr. NICKLES. Madam President, if I could just ask the chairman one additional question. Is it not correct that the Cairo Conference is in September and is covered under the 1994 appropriations bill? The bill we are working on right now that would have a prohibition—the Helms amendment would prohibit using U.S. funds to lobby other countries to change their laws—actually goes into effect October 1 and, therefore, would not affect the Cairo Conference that is scheduled in September?

Mr. LEAHY. That is not so at all. We are talking about legislation. This is not an appropriation. In fact, that is one of the problems we have with legislation on an appropriations bill. This legislation does not say it takes effect at the beginning of the next fiscal year. The way this legislation is written it would take effect upon the signing of the bill. Can you imagine——

Mr. NICKLES. Will the chairman——

Mr. LEAHY. If I could finish. Even if it could be argued that somehow it takes effect in the beginning of the next fiscal year, you have exactly the situation I just mentioned. What would be the sense of going to Cairo, talking about setting up the ongoing meetings, when you have this steel wall that goes in place at the very latest October 1, but in all likelihood would take place upon the signing of legislation?

Mr. NICKLES. If the chairman will yield for one final comment. I appreciate his indulgence. This language does say "none of the funds appropriated by this act," and this is an appropriations bill for 1995, which does not become effective until October 1 at the earliest. So I do not think it would prohibit the actual attendance.

I appreciate the chairman's remarks about it might have a stifling impact as far as the future but, basically, I think it—at least my editorial comment would be—I think it should have a stifling impact if our purpose in attending Cairo is to lobby other countries to change their laws. I think that is inappropriate, and I appreciate the chairman yielding.

Mr. LEAHY. We are dealing with legislation on an appropriations bill. We are not dealing with withholding specific funds in the 1995 bill. Whichever way, whichever interpretation is correct—the Senator from Oklahoma or the Senator from Vermont—the point is still the same: It has the obvious not only stifling effect for Cairo, but it really makes the attendance an exercise in futility, and that, I understand, is the intent of some of the backers of this resolution.

Just as I have led delegations in my capacity as chairman of the Agriculture Committee, in my capacity as chairman of the Foreign Operations Subcommittee or my capacity as chairman of the Technology and the Law Subcommittee, I led trips to various countries where I purposely invited Senators, both Republicans and Democrats—some of whom agree with me on some of the issues we are going to discuss but some of whom totally disagree with me—because I know that we are going to be meeting with heads of States, I know we are going to be meeting with foreign ministers, and others, and I want them to hear the kind of discussions that we have in a democratic Nation where people disagree with each other.

I led such a trip to parts of the former Soviet Union last year. We had—at least if our voting records on some of the issues that have come forward are any indicia—we had a number of Senators who have gone in numerous directions, certainly not all agreeing with me by any means. But we had the opportunity to sit down and have key figures in the countries we visited hear that kind of discussion.

Why not do the same thing in Cairo? If there are Senators who disagree with U.S. policy, well, they have a couple shots at this. One, of course, is on the floor as this amendment does. They might change our policy if their amendment is adopted. I hope it does not because I think what it does is say that the United States, the wealthiest Nation on Earth, the Nation with the largest economy on Earth, cannot talk about population with other countries, even though it is the population explosion in many of these countries that is the thing that drives most of their requests of us for foreign aid. I think that would be a ridiculous situation in which to put the United States.

But certainly if there are Senators who have a differing view, let them go to Cairo, let them express those views in the debates, let them tell the other countries, "Look, here is my idea of what is allowed birth control;" or maybe I feel no birth control is allowed. Let them say so. But that is not the policy of this country and this country is very specific. The policy is laid down.

Madam President, I encourage Senators to look at some of the requests, look at some of the things we face in the Foreign Operations Subcommittee. Since I have been chairman of this subcommittee, we have cut foreign aid by several billions of dollars. We have had some things that should have been cut out, because it is our desire to bring down the deficit, something we are finally doing now for the first time in years and years. The deficit is coming down, and this is doing its part. But when I look at our inability to make any real differences in countries we do try to help because we do not address the question of population, Madam President, that is not very sensible and that is not very realistic.

Madam President, how much time is there before the vote?

The PRESIDING OFFICER. All time has expired.

Mr. McCONNELL addressed the Chair.

Mr. LEAHY. Madam President, I ask unanimous consent that the Senator from Kentucky be allowed to continue.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I ask unanimous consent that the following Senators be added as cosponsors to the Helms amendment: Senators PRESSLER, NICKLES, SMITH, and COATS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I strongly support the effort by Senator HELMS to prevent the use of U.S. taxpayer dollars to influence changes in the abortion laws of foreign countries, or to support any resolution by a multilateral organization which seeks to change such laws.

For a number of years, the United States has prohibited Government money from going to organizations which administer or promote abortion as a method of family planning. Last year, this position changed when President Clinton reversed the so-called

Mexico City policy. He also released U.S. funds to support the United Nations Fund for Population Assistance [UNFPA] which has been involved in China's population control program of forced abortions and sterilization.

The Clinton administration has made population control a focal point of its foreign policy. In September, the United States will participate in the International Conference on Population and Development in Cairo. Over the last several months, as we approach this date, there have been international meetings to define the policy statement to be adopted at the Conference.

Since last year, I have been troubled by news accounts and statements by administration officials which show a disturbing pattern. In its efforts to promote policies to stabilize world population, the administration is advocating a position which encourages greater use of abortion abroad.

Although President Clinton said, when meeting with the Pope at the Vatican in early June, that he does not believe abortion should be a method of family planning, statements, and actions by administration officials indicate a policy of just the opposite.

Timothy Wirth, Counselor to the President, has become the point man on international population programs. In a speech in 1993, he revealed the ultimate objective of the administration at the Cairo meeting. "The U.S. Government believes the Cairo conference would be remiss if it did not develop recommendations and guidance with regard to abortion. Our position is to support reproductive choice, including access to safe abortion."

Earlier this year he stated "* * * A determined cooperative effort must be launched to make * * * reproductive health services universally available."

Administration Spokesperson Dee Dee Myers said that the Clinton administration regards abortion as "part of the overall approach to population control."

Likewise, Victor Marrero in a speech to the U.N. General Assembly in 1993 said "Family planning programs should be viewed as part of a broader reproductive health program which also addresses closely related programs such as * * * safe abortion * * *."

Brian Atwood, Director of the Agency for International Development, said in regard to the population control policy: "* * * This administration will continue to stand for the principle of reproductive choice, including access to safe, voluntary abortion."

This policy, as articulated by administration officials, directly contravenes the consensus statement reached at the 1984 Mexico City meeting. That is that "abortion in no way should be promoted as a method of family planning."

It also contradicts statements included in the U.N. Convention for the Rights of the Child supported by the Clinton administration. "The child, by reason of his physical and mental immaturity, needs special safeguards, and care, including appropriate legal protection, before as well as after birth."

What is most troubling about this stance is the administration's determined effort to export their abortion ideology to other nations.

A March cable from the State Department to our overseas diplomatic posts directed Government officials to advance U.S. population policy interests through "senior level diplomatic interventions." These interests include, according to the cable, "a comprehensive strategy * * * to ensure universal access to family planning and related reproductive health services, including access to safe abortion."

In addition it reads that "the United States believes it is important to improve both the quantity and quality of family planning and reproductive health services. We would like the Cairo document to emphasize the goal of universal access to such services."

Let there be no mistake in understanding, when such terms as "access to safe abortion, reproductive health, and reproductive choice" are used they are but thinly veiled attempts to disguise a policy meant to promote abortion as a method of family planning.

"However cleverly the Cairo document may be crafted, in fact it continues to advocate abortion as a way of controlling population growth * * *" wrote Washington Archbishop James Cardinal Hickey and six United States archbishops in a letter to the President on May 28.

The pursuit of such a policy abroad directly undermines the laws of approximately 100 countries which have abortion restrictions in place.

According to a 1990 study by the Alan Guttmacher Institute, the research arm of planned parenthood, "some 53 countries * * * containing 25 percent of the world's population, fall into the most restrictive category," where abortions are prohibited except when the woman's life would be endangered if the pregnancy were carried to term.

In another category, 42 countries, comprising 12 percent of the world's populations, have statutes authorizing abortion on broader medical grounds * * * but not for social indications alone or on request.

In most Muslim countries and in Latin America and Africa, few legal abortions are performed under the health exception. These laws cover approximately 37 percent of the world's population, over 2 billion people.

The emphasis which our Government places on abortion as a fundamental human right of all women will mean that in the future these countries' foreign aid could well be jeopardized if they refuse to succumb to U.S. pressure or adhere to the Cairo document. Placing such a demand on other nations is unconscionable. And yet it is clear that that is where we are headed.

In declaring further in the State Department cable that "The United States believes that access to safe, legal, and voluntary abortion is a fundamental right of all women * * *." We are telling nations that abortion is a human rights requirement.

The next obvious step is to penalize, perhaps by restricting foreign aid, these nations for failing to comply with our policy. Already a number of countries have expressed concern about where such language will lead. Humberto Belli, Nicaraguan Minister of Education, has said he feared that not only the United States but international agencies such as the World Bank and the International Monetary Fund would make adoption of policies that are in harmony with the Cairo document a condition for getting aid.

President Carlos Menem of Argentina has also objected to the language. In a letter he wrote to the Pope he said:

> Population and development objectives should be a matter of competency and of sovereignty of each country, according to the orientation and basis of its national policies, guided by respect for human dignity and the free and responsible choice of individuals * * * population policies should be conceived in consonance with the ethical and cultural values of each particular society * * * in no circumstance should abortion be promoted or considered as a method of family planning.

Mr. President, the Helms amendment is reasonable restraint on our Government. I hope this body joins in support of this approach. We need to send a clear signal that in no way should the United States participate in a policy which seeks to change the laws of other nations—laws founded upon deep cultural and religious beliefs.

Mr. SIMPSON. Mr. President, I would like to further discuss some points that were brought up in yesterday's debate on this amendment introduced by my fine friend from North Carolina. As I said yesterday, even though this amendment does not specifically mention the 1994 Cairo Conference—and I know that was not the Senator's intent—it is written broadly enough to prohibit the United States from participating in the coming Global Population Conference in Cairo.

But, more importantly this amendment would go even further and prohibit the United States from participating in any future resolution or multilateral activity which even remotely touches upon the subject of abortion. It would prohibit participation in any future international conferences, programs, research activities or reports that pertain to women's health, migration, refugees, and so on. For example, two future international conferences would be affected: the World Social Summit that will be held later this year and the Women's Conference in

Beijing, that will be held in 1995. This amendment would certainly have a chilling effect on all of the State Department's activities pertaining to international population.

The United States has played a significant role at all of the preparatory conferences leading up to the Cairo Conference and is expected to be, and should be, a leader at the conference and in future international population conferences.

Over the past decade, the United States has more recently had its hands tied in terms of acting on the challenge of increasing population growth, and its impact on the environment, the global economy, and international standards of living. I am gratified to see this administration's renewed interest in these issues.

This is an important point to make. Even if the funds in this bill are not appropriated until October 1—the beginning of the fiscal year, the policies contained in this amendment would set a dangerous precedent. The State Department would once again have its hands tied because any of its deliberations and activities leading to the Conference, during the conference and after the Conference would be affected. Any follow-up activities that are agreed to by all 110-member nations at the Conference could not be implemented by the State Department.

As I stated yesterday, I plan to be a part of the United States delegation when the United States travels to Cairo this September. And, I strongly believe the United States should be leading the international community in a unified effort to meet the severe challenges involved with the issues of global population, economic opportunity, and sustainable development.

This administration has articulated its view on abortion numerous times: abortion should be safe, legal, and rare. The United States will continue to articulate this position at the Cairo Conference.

The administration is not going over to Cairo to vigorously and continuously lobby other countries to change or alter their laws or policies concerning the circumstances under which abortion is permitted, regulated, or prohibited in these countries.

President Clinton reiterated this position in a recent speech on June 29 by stating:

> We do not support abortion as a method of family planning. We respect the diversity of national laws, except we do oppose coercion wherever it exists.
>
> In other countries, where abortion does exist, we believe safety is an important issue. We also believe that providing women with means to prevent unwanted pregnancy will do more than anything else to reduce abortion.

Most importantly, the U.S. position on population that will be articulated at the Cairo Conference is not about abortion policy. It is about ensuring access to high-quality family planning and related reproductive health services, increasing child survival programs, addressing migration and environmental degradation, strengthening families, and addressing the needs of adolescents.

It would be a real shame if the United States could not resume its leadership in global efforts to achieve responsible and sustainable population levels.

I earnestly feel that this amendment would prohibit the United States from playing a key role in this International Conference and in subsequent international population activities and conferences. It is not consistent with our leadership responsibilities regarding this critical global problem. I urge the defeat of the amendment.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2253.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—42

Bennett
Bond
Breaux
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dole
Domenici
Durenberger
Exon
Faircloth
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Johnston
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Smith
Thurmond
Wallop
Warner

NAYS—58

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Wellstone
Wofford

So the amendment (No. 2253) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2245

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation now?

The PRESIDING OFFICER. The question now before the Senate is amendment No. 2245, offered by the Republican leader, Mr. DOLE.

Mr. LEAHY. Mr. President, I do not know if they are ready to go to a vote on that. Yesterday, I discussed on the floor, as has Senator McCONNELL and others, our concern about crime in the former Soviet Union. I mentioned discussions I had with Director Freeh prior to his trip over to Russia and other countries.

It was the intention of Senator McCONNELL, Senator D'AMATO, and myself, to have an amendment that would earmark specific funds to be used as part of our aid package to Russia, in helping to fight crime there, something that would be done on my part because of the tremendous respect I have for Director Freeh and the way he has run the FBI, and the enormous need for help, and because I am convinced that Director Freeh and the FBI could help considerably in Russia, the former Soviet Union, to get ahold of the major crime problem they have.

So, Mr. President, I ask my friend, the Senator from Kentucky, if he could let us know, should we be prepared to go forward on the Dole amendment, or should we set that aside and go to this?

Mr. McCONNELL. Mr. President, I say to my friend from Vermont that the Senator from New York is here with an amendment on crime in Russia, and I have one as well. Our plan had been to offer and discuss them in tandem and vote on both. So we are ready to go on those issues.

Mr. LEAHY. I also see the Senator from Florida, who was here earlier to speak on the pending amendment.

Mr. McCONNELL. We would also be willing to have a short time agreement on this, and we can get a couple of votes out of the way. If our colleague from Florida could indulge us, that would be a good way to move this bill forward.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am shortly going to propound a unanimous-consent agreement. So that people understand what it is going to be, I am going to ask for a relatively short amount of time to deal with two amendments on crime that will require the setting aside of the pending amendment, but it would then be our intention that once those crime amendments are disposed of, we would then go back to the Dole-Warner Haiti amendment and will stay on that until it is disposed of.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the pending amendment, the Dole-Warner amendment, be temporarily set aside, that it then be in order for the Senator from Kentucky, the Senator from New York, and myself, to bring forward amendments on which there will be a time agreement of 40 minutes to be equally divided between the Senator from Kentucky and myself.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2263

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of myself and Senator D'AMATO, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself and Mr. D'AMATO, proposes an amendment numbered 2263.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add a new subsection:

Not less than $15,000,000 of the funds appropriated under this heading shall be made available to the International Criminal Investigative Training Assistance Program (ICITAP) to undertake a police development and training program to assist in institutional reforms and improve the professional capabilities of Russian police agencies: *Provided further*, That funds made available shall be used to support the following activities:

(1) develop and professionalize the criminal justice agencies;

(2) improve criminal investigative and forensic capabilities;

(3) establish institutional training capabilities based on democratic principles of policing, and respect for human rights and the rule of law;

(4) improve accountability of law enforcement agencies by introducing systems and procedures for investigating allegations of abuse or malfeasance;

AMENDMENT NO. 2264

(Purpose: To provide the Federal Bureau of Investigation with $15,000,000 to be earmarked for international law enforcement cooperation with the New Independent States of Eastern Europe)

Mr. D'AMATO. Mr. President, I send an amendment to the desk on behalf of myself, Mr. McCONNELL, and Mr. LEAHY, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. McCONNELL, and Mr. LEAHY, proposes an amendment numbered 2264.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated for the New Independent States of the former Soviet Union and Eastern Europe, not to exceed $15,000,000, shall be made available to the Federal Bureau of Investigation for transnational and international law enforcement cooperation with the New Independent States of the former Soviet Union and the emerging democracies of Eastern Europe to combat organized crime.

Mr. D'AMATO. Mr. President, presently, one of the greatest threats facing democracy in Russia, and indeed in Europe, is the rapid expansion of organized crime. The situation is so bad that organized crime literally threatens to undermine the very democracy that the United States and the West seek to protect through their assistance programs and, more so, by connection, our own security.

Let me read to you, if I might, a letter I received from the Director of the FBI, Louis Freeh, dated June 23, 1994. We had discussed this, and I think that the Director's trip to Russia amplifies his concern, in a very vivid way, that the problems of organized crime in Russia are so great that democracy is threatened. There are those who say: We are better off in the old ways. We at least had stability and did not have to worry about our safety. We were not being robbed and mugged or have financial institutions which are being threatened, which is the case today.

So it is with that in mind that he sent the letter to me in which he said:

DEAR SENATOR D'AMATO: Thank you for advising me of your efforts to earmark funding for law enforcement assistance and training for the Newly Independent States and emerging democracies in Eastern Europe.

It is critical that the FBI and other criminal justice agencies begin a long-term commitment to international law enforcement. Major problems which demand our immediate attention involve the possible theft of nuclear weapons or nuclear materials from the former Soviet Union, the emergence and spread of organized crime and drug trafficking groups from Russia and Eurasia and the growth of similar Neo-Nazi hate groups in the United States and Germany.

As you know, I am leading a Federal law enforcement delegation traveling to Europe on June 24th. Meetings with senior law enforcement officials of 11 European and Eurasian nations have been scheduled through July 6th. These important discussions will forge the framework for what I believe will be unprecedented levels of international law enforcement cooperation.

During my visit to Russia, I will open the FBI's new Legal Attache post in Moscow. This trip also provides a unique opportunity for me to see first-hand where additional FBI presence is needed in the Newly Independent States and Eastern Europe.

I am greatly encouraged by the support that these efforts to enhance international law enforcement have garnered and I look forward to keeping you and other Members of Congress abreast of our progress in these crucial areas.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. President, let me say that it does not make much sense to invest billions of dollars in helping to stabilize the Eastern bloc and Russia in particular and have these efforts undermined by this kind of organized crime which is involved in everything from terrorism to drug trafficking to forgery, to contract killings, and indeed there are connections with these Russian gangs from Russia right here into this country.

Indeed, in New York, the organized Russian gangs in Brighton Beach have become very much involved in violence on a large scale. The local FBI and law enforcement officers indicate to us they are into all kinds of criminal activity, intimidation, blackmail, gasoline tax scams, insurance frauds, drug trafficking, forgery, and, as I mentioned before, even contract killings. They have their ties to and roots in Russia.

That is why we offer this amendment in a bipartisan manner to say that we can utilize the capacities of the FBI and their training abilities to help our Russian brethren, for otherwise the very stability of any kind of government and particularly one which is trying to nurture democracy, will be and is being undermined.

Bankers today are threatened if they are successful. They or their families are kidnapped, or worse, killed. Entrepreneurs in every area are regularly having to pay extortion money to organized crime in what used to be the Soviet Union, and they face the prospect of death to themselves or to their families if they fail to cooperate.

The fact is that the Russians do not have the kind of management in this area to deal with this. They have gone from an autocratic society to one now in which the instrumentalities of control, in many cases, have been totally lost and that vacuum has been filled by organized crime.

Let me conclude by saying about these funds, because some of our colleagues were concerned how these funds would be used. We have agreed with the appropriators, specifically the Commerce, State, Justice Subcommittee, as to the appropriate language. With these funds, the FBI will be able to initiate international cooperation on a level heretofore not seen in international law enforcement. The FBI will be able to provide training in organized crime and related investigative matters, forensic and other advanced investigative technological support, and continue the goodwill efforts begun with Director Freeh's visits to the region, because the countries of Eastern Europe are facing the Russian crime gangs first before they come here. This type of cooperation is vitally necessary and unprecedented in the history of law enforcement.

Mr. President, this earmark is a good one and it is appropriate.

I thank both the managers, the chairman and the ranking member, of the bill, Senator LEAHY and Senator MCCONNELL, for their strong support and for their contribution to bringing us to this point.

Again, it makes little sense to be investing billions of dollars and not allocating some scarce resources to see to it that we can take on the organized crime efforts which are undermining the opportunity for democracy.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from New York for his involvement and leadership in this most important issue, as well as my friend and colleague Chairman LEAHY.

Many of our colleagues may have seen an article in the Atlantic Monthly of June of this year entitled "The Wild East" by Seymour Hersh, and on the cover of the Atlantic Monthly it says, "Organized crime has strangled business in Russia and is now reaching for the nation's nuclear stockpile."

We are talking about a very, very serious problem here, as Senator D'AMATO has pointed out.

This is an extremely depressing article about the state of law and order in Russia. As the Senator from New York has pointed out, it has even reached into the United States. Russian organized crime here. Of course, it is obviously more rampant in Russia and the countries surrounding that area.

Each of us has spoken with the Director of the FBI. I did yesterday morning. He just got back from a trip to that part of the world. We are working with the Russians to try to help them. Obviously, it is an enormous problem. But the United States through the FBI is reaching out to try to help.

Both the amendments that we are discussing which we will vote on back to back at the end of this time agreement deal with the question of crime in Russia.

Mr. President, as we deal with the issue of how to encourage private investment in Russia and effectively administer United States aid to Russia, we need to take a clear-eyed look at the growing problem of crime that I have just outlined earlier.

Of course, nearly every country has some sort of crime problem. Certainly we do. It is the No. 1 issue in the United States. All the polls indicate that. We are trying to grapple with that problem here at home.

But there are many who are concerned that the crime problem in Russia has evolved to the point where it literally threatens to disrupt consistent private economic engagement with Russia, as well as the provision of foreign assistance that we are discussing in this bill.

Last summer, when Chairman LEAHY and I visited Moscow, issues of crime and law enforcement were already weighing heavily on the minds of people there. Businessmen told us stories of Mafia shakedowns, and told how they all traveled with heavily armed bodyguards.

I remember talking to one American businessman in Kiev who said he got a phone call, and he has gotten a number of them over the months, but this particular phone call he had remembered. He ignored the requests for $5,000. He just called him often and said, "I want $5,000." He essentially ignored the request that had gone on for a couple weeks. This final time he got a phone call the guy said: "I want $5,000. If you don't give it to me, I'm going to kill your secretary." He said, "It got my attention." That is how rampant this problem is.

The diplomatic community swapped horror stories of being stopped by local policemen. So it is a problem of the police as well. They are not paid very well there. They are obviously very subject to bribery and other activities.

Among the things that happened in our diplomatic community over there, Americans are stopped by local policemen and threatened with on-the-spot drunk driving blood tests, administered with a dirty needle, unless they are willing to pay the fine up front. That is the police.

It is a year later, and we are starting to hear more than just those individual horror stories.

FBI Director Freeh recently testified that the United States is threatened by a major international criminal community, operating out of Russia, which the Senator from New York was talking about, that is engaged in drug trafficking, money laundering and even smuggling nuclear weaponry. Let me repeat, Mr. President. We are talking about even smuggling nuclear weaponry. I mean, it could be argued this is the most serious crime problem in the world that potentially affects all of us.

CIA Director Woolsey testified that there may be as many as 5,700 organized crime groups operating in Russia—5,700 organized crime groups operating in Russia. Of those, Director Woolsey's words, "200 are large, sophisticated organizations engaged in criminal activity throughout the former Soviet Union and 29 other countries."

So this is not a mom and pop criminal operation, Mr. President. We are talking about sophisticated organized crime operating on an international basis.

And the problem is far broader than organized crime controlling illicit activities like drug trafficking and money laundering. The pervasive reach of these organized crime rings extends into otherwise legitimate business activities as well, corrupting the entire economic infrastructure.

I referred earlier to the article in the Atlantic Monthly. Seymour Hersh painted a brutal portrait of how crime has affected every single aspect of Russian life. Much of the information he detailed was corroborated in a report by the Russian Ministry of Internal Affairs and the DOE Threat Assessment conducted last November.

According to Seymour Hersh, roughly 40 percent of private businesses and 60 percent of state-owned enterprises are corrupted by organized crime. Half of all the Russian banks and up to 80 percent of the hotels, shops, warehouses, and service industries in Moscow are run by the Russian Mafia.

Let me repeat that, Mr. President. Half of all the Russian banks and up to 80 percent of the hotels, shops, warehouses, and service industries in Moscow are run by the Russian Mafia, according to Seymour Hersh. Just as troubling is the fact that 70 to 80 percent of the private enterprises are victims of extortion—70 to 80 percent of the emerging private enterprises are victims of extortion.

No wonder he picked the title for the article, "The Wild East." We had "The Wild West" here for awhile. This is a serious problem.

Criminal activity has also seeped in to the Russian police and military forces, adding another layer of harassment and danger for business.

In 1993, about 3,000 army officers were disciplined for "questionable business practices"—the army now—and 46 generals faced court-martial for corruption.

Sy Hersh goes on to point out:

> Russian armories are physically deteriorating and are guarded by soldiers whose indifference makes them vulnerable to criminal elements.

Why should this matter? Well, Hersh says:

> There is powerful evidence that organized crime in the former Soviet Union has been systematically seeking access to the nuclear stockpiles, with their potential for huge profits.

Now, bear in mind we are talking about organized crime trying to get ahold of nuclear stockpiles. Is there any, Mr. President, potentially scarier development in the world than that? I would argue not.

> There is strong evidence that the Russian Government is unable to account for all of its bombs and all of its weapons-grade uranium and plutonium.

Rising crime in the Soviet Union presents a direct threat to our security—our security, here. It also makes it virtually impossible for the private sector over there to invest and to grow.

As President Yeltsin noted in his State of the Union Address, crime and corruption must be tackled, and tackled soon. Failure to provide meaningful and immediate relief will generate both an antimarket and antidemocracy backlash over there.

As we debate this bill, Judge Freeh has just returned from the region, as we have discussed, after opening a new FBI legal attaché office in Moscow. Prior to his departure, Senator D'AMATO and I sent a letter advising him we intended to earmark funds to support his important efforts to lay the groundwork for further law enforcement cooperation.

Chairman LEAHY has also been heavily involved in this and help shape our views.

I ask unanimous consent that the letter that Senator D'AMATO and I sent to Judge Freeh, and his response, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 20, 1994.

Hon. LOUIS FREEH,
Director, Federal Bureau of Investigation, Washington, DC.

DEAR LOUIS: We understand that you are leaving for Russia at the end of this week for further discussions about joint efforts to combat crime in the former Soviet Union. We appreciate the fact that the Russians are eager to address this problem of compelling mutual concern. We thought it would be helpful if you knew of our intention to introduce two amendments during consideration of the Foreign Operations Appropriations bill when it comes to the Senate floor.

First, we intend to earmark $15 million for an International Crime Investigative Training Assistance Program (ICITAP). Recently released statistics illustrate why Russians consider crime one of the greatest problems they face; 5,600 criminal gangs have been identified and over 25,000 crimes were committed involving firearms. We believe an ICITAP program could make an important contribution both developing and professionalizing the criminal justice agencies. In particular, we would like to see the Bureau assist in training which would improve investigative and forensic capabilities as well as strengthening institutional accountability within agencies to prevent corruption.

Second, we intend to direct that $15 million in funds be provided to the Bureau to open Legal Attache offices in Eastern Europe and the republics of the New Independent States. Reports of the significant increase in transnational threats such as terrorism, narcotics trafficking, and smuggling of nuclear material and weapons suggests a vital role for the Bureau in the region to protect U.S. security and interests.

We would appreciate any thoughts you may have on these amendments and look forward to working with you in the coming months to assure the Bureau has the resources necessary to address these urgent priorities.

Sincerely,

MITCH MCCONNELL,
U.S. Senator, Ranking Member, Subcommittee on Foreign Operations.
ALFONSE D'AMATO,
U.S. Senator.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, June 23, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: Thank you for advising me of your efforts to earmark funding for law enforcement assistance and training for the Newly Independent States and emerging democracies in Eastern Europe.

It is critical that the FBI and other criminal justice agencies begin a long-term commitment to international law enforcement. Major problems which demand our immediate attention involve the possible theft of nuclear weapons or nuclear materials from the former Soviet Union, the emergence and spread of organized crime and drug trafficking groups from Russia and Eurasia and the growth of similar Neo-Nazi hate groups in the United States and Germany.

As you know, I am leading a Federal law enforcement delegation traveling to Europe on June 24th. Meetings with senior law enforcement officials of 11 European and Eurasian nations have been scheduled through July 6th. These important discussions will forge the framework for what I believe will be unprecedented levels of international law enforcement cooperation.

During my visit to Russia, I will open the FBI's new Legal Attache post in Moscow. This trip also provides an unique opportunity for me to see first-hand where additional FBI presence is needed in the Newly Independent States and Eastern Europe.

I am greatly encouraged by the support that these efforts to enhance international law enforcement have garnered and I look forward to keeping you and other Members of Congress abreast of our progress in these crucial areas.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. MCCONNELL. As I indicated earlier, I spoke with Judge Freeh about his trip and asked him how serious the problem was. His response was somewhat surprising. He said:

> The problem is huge—in fact greater than we anticipated. Democracy is on the edge. The ultra-nationalists are exploiting the perception that democracy is failing because the government cannot protect the basic safety of its citizens.

The Russian Government cannot protect the basic safety of its citizens.

He went on to elaborate on the scope of the problem—there are no organized crime or racketeering laws, so even if you catch a crook—this is Judge Freeh talking about the Russian circumstance—even if you catch a crook, there is not a lot that can be done with him. Police officers are paid a few hundred dollars a month, which, as I indicated earlier, obviously makes them vulnerable to bribes and corruption. And the problem does not stop at the Russian border. At least 300 of the more than 5,000 criminal groups operating in Russia have established transnational ties; in other words, they are operating outside of Russia. Judge Freeh said every country he visited—from Poland to Ukraine to the Baltic Nations—every one is overwhelmed by the same problems—and a great deal of criminal activity can be traced right back to Russia.

Officials in every country he visited pleaded with him to open legal attache offices, establish joint law enforcement strategies, and provide access to our FBI Academy over here.

Mr. President, they understand the full dimensions of the problem they are up against and they are eager to have our help.

I believe Judge Freeh deserves our support in this effort—that it is in our direct national interest to assure the effective training of Russian law enforcement officers and to establish a professional criminal justice system from judges to juries. Unless we earmark the funds, he, the director of the FBI, will not have the resources necessary to combat crime and secure our interests.

For that reason, Senator D'AMATO and I have offered two amendments, which we are discussing, that I view as mutually reinforcing in tackling present issues of crime and corruption.

The first amendment, which Senator D'AMATO has joined in cosponsoring, will earmark $15 million for the International Criminal Investigative Training Assistance Program [ICITAP]. To date, nominal ICITAP resources have been dedicated to training programs in Russia to improve investigative, forensic and other basic professional police skills.

The second amendment, which the Senator from New York offered and will be voted on shortly, will transfer $15 million to the FBI to carry out joint law enforcement training and activities. Originally, Senator D'AMATO and I planned the funds to be dedicated to opening legal attache offices throughout the NIS and Eastern Europe. However, bureaucratic interagency infighting, combined with the urgency of the problems abroad, suggest we should be more flexible. It could take months and months of negotiations between State and the FBI before legal attache offices could be established abroad. As we work toward establishing permanent offices, it is a good idea for the FBI to be given the opportunity to move forward with the training and exchange programs to fill the enormous law enforcement gap.

Mr. President, the crime problem has a direct and devastating impact on the willingness of American companies to invest in the Russian economy—which, in turn, prevents job creation and economic growth, both of which are essential to the future of Russia.

Moreover, this is not just an isolated Russian problem. Judge Freeh concluded our conversation by saying the Russian problem is our problem—there is strong evidence that Russian groups have established ties with the Cali cartel and is exporting cocaine into the United States.

I think we all believe Judge Freeh is on the right track. The question to me is whether the administration will support his efforts to solve the problems. These earmarks are a stopgap effort to assure some initiative is taken with the hope that a strategy will emerge and be implemented.

So, Mr. President, we offer these amendments, even though we expect they will be approved overwhelmingly, to bring the Senate, in effect, up to date on a most, most serious problem.

I particularly want to thank the chairman for his involvement and leadership in this issue, as well. This is an extremely, extremely serious problem.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry. As I understand it, the first amendment that will be voted on is the one submitted by Mr. D'AMATO, Mr. MCCONNELL, Mr. DOMENICI, and myself, that would transfer $15 million to the FBI?

The PRESIDING OFFICER. The first amendment to be voted on is amendment No. 2264 by Senator D'AMATO—the Senator is correct.

Mr. LEAHY. I thank the Chair.

I have spoken already on the problem of crime in Russia. I have followed this with a great deal of interest, both in my trips there and in discussions I have had with Director Freeh and others. I am concerned at the degree of crime. I am concerned, of course, that AID money goes to the wrong places. I am also concerned, if you have an air of criminal activity as a part of the lifestyle, it makes it impossible to go forward in the way we should with efforts to improve democracy.

As a former prosecutor, I well realize the need for a judicial system that works. AID is working in this area. They have had training for judges, prosecutors and lawyers. They work on creating an independent judicial system, drafting new laws and procedures, working to reintroduce a trial by jury system, and drafting a new civil code. There are a lot of things that have to be done and there are a lot of things that are being done.

I discussed this with Director Freeh. I believe the FBI can bring its expertise, and that is why I support this amendment.

I told yesterday of the situation, as reported in our press, of a car driving up in front of an office and people stepping out of that car and firing automatic weapons into the ground-floor office until a secretary opens a drawer, pulls out a grenade, pulls the pin, and rolls it under the car.

Crime is becoming a bit too much of a way of life when you file grenades in your filing drawer. I do not know whether you do it under B for "boom" or G for "grenade" or what.

I know in our office we have file drawers with pens and papers and stamps, and this, that, and the other thing. Even in my days as a prosecutor, we never had a filing drawer with grenades.

If it comes to the point that, to get a job, they ask how fast do you take dictation and what kind of an arm do you have for throwing a grenade—this is kind of bad.

A lot can be done. A lot will be done. I am concerned about the rise of criminal activity. I think Russia was right to move forward as they have in privatization but, obviously, like everybody else, I am concerned about how fast crime has risen in this country. Those of us who have served in law enforcement, as well as those who have not, have to understand how the tentacles of crime destroy a judicial system, destroy a commercial code, destroy a free enterprise system, and destroy the trust people have in their government. Organized crime is moving into all areas, from law enforcement to the private enterprise system. There is probably nothing that can work more against democracy in Russia, more against the security of the people, more against the kind of economic basis they need than the spread of crime.

I will support this amendment. I am about to yield the remainder of my time so we can go to the vote. During the vote, I urge cosponsors of the second amendment, which is related, and which I also support, to see if it is possible to do that on a voice vote. If not, I hope we could have the rollcall as quickly as possible, just to make things easier.

Before I yield the remainder of my time, I yield whatever time the Senator from Kentucky wishes.

Mr. MCCONNELL. I say to my friend, the Senator from Vermont, my thought was we would have rollcalls back to back, one 15 minutes and one 10, and then move on. I think we need the yeas on both of the amendments.

Mr. LEAHY. Mr. President, we have one amendment now before us. I ask unanimous consent it be in order to order the yeas and nays en bloc on that amendment and on the second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays en bloc on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I ask unanimous consent that, upon the completion of the rollcall vote on the first amendment, we go immediately to a rollcall vote on the second amendment, and the second rollcall vote be a 10-minute rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I yield the remainder of my time.

Mr. MCCONNELL. I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment, No. 2264.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. DORGAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—100

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

So the amendment (No. 2264) was agreed to.

The PRESIDING OFFICER. Under the previous order, the question now is on agreeing to amendment No. 2263 offered by the Senator from Kentucky [Mr. MCCONNELL]. The yeas and nays have been ordered. The clerk will call the roll.

The Chair will advise that this is a 10-minute rollcall vote.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—100

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein

Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

So the amendment (No. 2263) was agreed to.

AMENDMENT NO. 2245

The PRESIDING OFFICER. The question now before the Senate is amendment No. 2245 offered by the Republican leader, Mr. DOLE.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I do not have much more to say on this amendment. It is a question of whether we want the facts or not. If you do not want the facts, vote against it. Or you can take 45 days to get the facts with a bipartisan factfinding commission.

I do not think it would do anything but help all of us who are very concerned about Haiti and very concerned about our policy there. There are no easy answers. I have listened to the distinguished Senator from Florida, Senator GRAHAM, on the floor, and on "Crossfire," and other programs. Certainly, he understands the problem there very well.

I want to clear up just one issue. I do not care what General Cedras or the other thugs running Haiti think about this or any other proposal. I do not check with Cedras or Aristide, or any other Haitians on my view of American national interests. I have never met with Aristide, and he has never asked to meet with me. I do not check with him or anybody else. That is what the Haiti policy is all about—our national interests.

Those who support invasion and nation building in Haiti have an obligation to say what interests are at stake. Is it because we are so close to Haiti? That is certainly not the reason. Are any Americans being threatened? None. There are a lot of rumors and stories, and maybe some distortions.

I agree completely with the chairman of the Armed Services Committee, Senator NUNN, who said this morning:

> If the mission is to alleviate the refugee problem, then I think we first ought to try adjusting the sanction policy * * * but if the mission is to restore democracy, that's a different mission. It is not primarily a military mission. It is a nation-building mission. And we need to think through that one very carefully.

We just went through a nation-building exercise in Somalia. Many of us supported President Clinton when he decided to withdraw, and he had wide support because we had deviated from the original course, from humanitarian aid to nation building. But that was done by the United Nations. Here, it seems to me, we are going to set it out as our own course.

We invaded Haiti once this century to reverse a military coup. After 100 American casualties and 19 years, America left Haiti. And Haiti returned to violence and anarchy. In my view, we ought to spend some time learning lessons from that intervention before beginning a new one.

Before we get engaged in nation-building in Haiti, we ought to listen to Haiti's democratic parliamentarians. We ought to look at Aristide's leadership in power and in exile. And we ought to look at why reconciliation has not worked in Haiti. That is exactly what a commission would do. If you oppose this commission, you are saying no to the facts and yes to writing a blank check for military invasion and nation building in Haiti.

The administration opposes the amendment, and I do not know why. Maybe they are afraid of an objective assessment. Maybe they do not want to know the facts and they like it the way it is. There is a lot of rhetoric, and every night on television Mr. Gray, or somebody else, says that an invasion is not imminent—whatever imminent means. Maybe they have decided what they want to do, and maybe they want to wait until Congress is in recess, or some other time, before taking final action. Maybe it is a setup to make invasion the only option after creating a refugee crisis. Certainly, this was created by the administration's policy. They have had a number of policies in Haiti.

Quoting from the New York Times of 1 week ago—and I do not quote from them frequently—it reads:

> After months of vacillating from one policy to another, America faces the troubling prospect that Mr. Clinton is drifting into using troops in Haiti because he wants to compensate for policy embarrassments and does not have a better idea.

That is exactly what the New York Times said, and they are not exactly a Republican mouthpiece in this country. That is their conclusion. This article has been put in the RECORD so I will not ask that it be printed again.

There is always a possibility that this commission might lead to some better ideas. It might lead to a resolution, as a commission appointed by President Reagan did in 1984, dealing with some of the Central American problems. It made a number of recommendations; it was bipartisan, and many things that they recommended were later adopted by Congress.

I do not know why a 45-day delay would bother the administration—unless they want to invade between now and then. Forty-five days is not very long. We are going to be here, and Congress will be back, if there is a recess. Nothing in this amendment ties the President's hands—it does not even mention the President.

In fact, we do not even need the resolution. If the majority leader would agree, I would certainly agree that we could name some of our colleagues today. Start today. We will not wait until this bill goes through conference and all that. Start today with the factfinding commission if time is a problem. We can do that on our own. We have that right. Some Members have gone to Haiti. Our colleague from Florida, Senator GRAHAM, has been to Haiti. Others of my colleagues—I think one of my House colleagues is going to be in Haiti this week, Congressman RICHARDSON from New Mexico. A number of them have gone there. Certainly, we have that right if we want to exercise it. I assume that people go there to get the facts. This would be a bipartisan effort, with no politics in it. It seems to me that the President would welcome it.

I think it is probably time to vote on this simple idea to get the facts and an objective assessment. As I said, let us not shoot first and ask questions later. But I am afraid the gun is already loaded and pointed in that direction. We have a lot of warships down there, and they are not all there to rescue Americans, none of whom, as far as I know, are under any personal threat of any kind.

Mr. President, this amendment is offered in the same spirit that I suggested it probably 2 or 3 months ago. It is not offered in any way to frustrate the President's plan or in any way to frustrate what other ideas other Members may have. They may be better than this one. It seems to me that if we are really concerned, and if we want the facts, what is wrong with having a factfinding commission for 45 days, who would report back to the U.S. Senate and the Congress? Then we might be able to find some way to do what most people want, which is to try to restore democracy to Haiti—though it was a pretty fragile democracy even when they had it.

For all the reasons stated today and yesterday, I hope that this amendment will be accepted. And if not accepted, I hope it will be adopted with an overwhelming vote.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, it is clear what the purpose of this resolution to establish a joint congressional committee to study the issue in Haiti is, and the purpose is to restrict the President's range of options for an indefinite period of time, especially his option to use force.

The Senator from Kansas, the distinguished minority leader, has stated that he did not consult with General Cedras before drafting this proposal. However, it is not without significance that General Cedras, upon becoming aware of this proposal, has adopted it.

It is clear that this degree of gridlock in the United States foreign policy as it relates to Haiti would serve the primary purpose of emboldening the thugs who have stolen the sovereignty of the people of Haiti.

Mr. President, I want to discuss some of the consequences should this Senate, in a fit of ill wisdom, adopt this proposal. But before I do that, I would like to turn to the proposal itself and just a few areas in which it is factually erroneous.

The premise of this amendment is that Congress has been insufficiently consulted on Haiti, that there is some mystery, some attempt to disguise and keep from Congress the facts of what is occurring in Haiti.

Mr. President, up until just a few days ago when commercial aviation service was cut off to Haiti—and even today, as the Senator indicated, the delegation will go to Haiti through the Dominican Republic this weekend—Haiti was a country in which Americans could visit, travel, talk to people, and gather information and form their own opinions. This is not a country which is thousands of miles away and, until recently, difficult to gain access to.

This is also a country on which this administration, since January of last year, has had almost 30 briefings or presentations before appropriate congressional committees on Haiti.

So people who wanted to get information about Haiti had the opportunity to do so. We do not have to defer to this Commission and place our policy in limbo for 45 days after the enactment of this bill, which could be well into September or October, in order to learn about what is happening in Haiti.

So the basic premise, a premise of ignorance—and even more than ignorance, a premise that there has been some conscious effort to deny to the American people and to its representatives in Congress information as to what is occurring in Haiti—is fundamentally erroneous.

Second, reading the proposition itself, on page 2, lines 1 through 4, it states under the category of "Congressional Findings":

> Haiti's elected President who is in exile and the de facto ruling junta in Haiti have reached an impasse in their negotiations for the reinstitution of civilian government.

That is blatantly false. First, there was a good-faith effort to negotiate a restoration of democracy in Haiti, an effort which was frustrated in October of last year by the military regime which reneged on its commitments. The most dramatic example of that occurred in Port au Prince Harbor when the United States and the Canadians, pursuant to a provision in the Governors Island accords, the agreement which structured the return of democracy in Haiti, under that agreement, the United States and Canada had committed troops to come to Haiti not as warriors, but as workers and educators, to work as Seabees and Corps of Engineers personnel to help in the rebuilding of the country, and at the same time to educate elements of the Haitian military as to how they could perform those functions for the benefit of the people of Haiti.

The Haitian military regime had committed to the international community that ship would be allowed to dock and that those men and women would be protected while they were carrying out their international responsibilities.

What in fact occurred, as we all know, is first the Haitian Government arranged for a ship to be tied up at the only dock in the harbor of Port au Prince, which was large enough to accommodate the Harlan County, our ship, which contained those United States and Canadian troops; and, second, then brought to the dock a group of hoodlums who demonstrated against the United States and Canadian troops being disembarked. As a result of that gross breach of their commitment, the military of Haiti caused the United States and the Canadian troops to withdraw.

It was not an "impasse in negotiations" which caused the process leading toward the restoration of democracy to break down. It was an arrogant, purposeful abrogation of obligations by the Haitian military which caused the negotiations to break down.

In paragraph 3, it states:

> The extensive economic sanctions imposed by the United Nations and United States against the de facto rules are causing grave harm to innocent Haitians.

That is erroneous, Mr. President. The sanctions are not a means of inflicting pain on the mass of the citizens of Haiti. The sanctions are a means of attempting to bring pressure towards the end of a voluntary transfer of power from those who seized it illegally at the point of a gun, ousted a democratically elected President, and have taken over the sovereignty of the state.

What is causing the grave harm to Haitians is 30 years of despotic rule, and what is causing it today is that that long, dark period of the history of Haiti has reached a new low as to the level of human rights abuses, the level of violence directed against the people, a record of almost 100 political murders per month since the 1st of February, and a government which has driven the economy of the poorest country in the Western Hemisphere even further into disarray, resulting in more than 50 percent of the people of Haiti being unemployed.

Those are the factors that have caused grave harm to innocent Haitians. Sanctions were intended to be a means of giving relief to the masses of the Haitian citizens by causing this illegitimate government to give way to the democratically elected President.

In paragraph 5, Mr. President, it is stated:

> An armed invasion of Haiti by forces of the United States, the United Nations, and the Organization of American States would endanger the lives of troops sent to Haiti, as well as thousands of Haitians, especially civilians.

I agree with the thrust of that paragraph. But what it fails to say is what of the dangers to democracy in this hemisphere and to the citizens of Haiti by a continuation of our current policies or by the policy which so many on the other side of the aisle are advocating, which is essentially a policy of surrender? Let us recognize the illegitimate regime. Let us stop a policy which commenced with President George Bush, and that is to commit our Nation and the international community to a restoration of President Aristide. Let us forget that commitment. Let us lift the embargo. And let us let this reign of terror continue unabated.

Those, Mr. President, are the factual inaccuracies contained within this resolution.

Mr. President, a great American theologian, Harvey Cox, once observed that not to decide is to decide. There are consequences from indecision.

I consider this resolution to be a statement of indecision. We are traumatized by all of the unpleasant choices that are before us. We are traumatized by what we see daily of the events from Haiti. We are traumatized by the thousands of people who are fleeing Haiti.

Thus, our answer is let us not decide. Let us set up an ambiguous commission with an indeterminant reporting date, with a very vague charter. And let us let that substitute for making tough choices.

But there are going to be tough choices, even if we were to adopt this resolution, Mr. President.

What are some of the consequences of adopting this resolution? One of the consequences is that any prospect of achieving the result of a voluntary transfer of power by the current military regime to democratically elected President Aristide will be smashed. The only hope for a voluntary transfer of power, as bleak as I believe that hope to be, is if the United States and the international community present a clear, sustained, consolidated position demanding that there be such a transfer back to the legitimate government in Haiti.

Every time we send a signal that there is fracture and division and discord in this country, we make it even less likely that there will be a diplomatic resolution of this issue. We make it more likely that we will be faced with either abject surrender or the use of military force.

The second likely consequence of the adoption of this resolution, Mr. President, is to unleash a reign of terror in that country that even pales that which is occurring today.

We have seen this week that the illegitimate regime told to the 100 United Nations and Organization of American States observers: "Out. 48 hours. Pack your bags and leave."

I personally think that the international community made a very serious error in accepting that order to leave. The policy of the international community had been not to recognize orders of this illegitimate regime. The policy of the international community had been to provide a presence inside Haiti to give some degree of protection to the people of Haiti. At least these acts of violence would have a capacity to be reported from a credible source and the world community informed as to what is happening in Haiti. As a result of the international community's acceptance of this demand to leave, we have lost that capability.

Now, if we were to pass this resolution and send a signal that there is division within this country and that we are going to be incapacitated to act for an indeterminate period, I believe that we would have blood on our hands, as we would be a coconspirator in a plot to butcher the people of Haiti.

Third, Mr. President, I believe a consequence of this action would be to undercut our leadership in the international community. We have had many debates on this floor in recent months on the issue of Bosnia. One of the recurring themes in those debates has been that Bosnia should be the special responsibility for leadership of the European community. Bosnia is a European state. Europeans are going to be particularly affected by the consequences of what occurs in Bosnia. Europeans have been the ones who have been willing to step forward and place some of their troops on the ground in Bosnia.

I believe that that is an appropriate assignment, a primary, regional, continental responsibility.

In that same light, Mr. President, I believe that the United States has a special role in the Western Hemisphere. Throughout our history, we have taken an interest and a leadership position in terms of shaping policies for the Western Hemisphere. Many of those past actions are now legitimately subject to criticism. Maybe they were overreaching and overbearing and created the concept of the ugly American in Latin America.

But today, Mr. President, we hope that we are embarked on a new course and that the fundamental premise of our policy in the Western Hemisphere is to support the development of functioning democratic governments which respect the rights of their people and provide a basis in which there is some hope for a prosperous future for their and future generations of our fellow occupants of this New World.

If we were to adopt this resolution, Mr. President, in the face of our commitment to the United Nations and the Organization of American States, I think that we would be essentially abdicating, certainly raising serious questions about, the credibility of U.S. leadership and influence in this region of the world.

Mr. President, I believe there are serious adverse consequences to adopting this resolution. This is not a free vote.

Mr. President, in conclusion, let me raise what I consider to be the most serious implication of this debate and this issue which is before us, and that is as another example of the shattering of the concept of bipartisanship in foreign policy.

We have been joined by my good friend from Arizona. I know we disagree on this issue, but I respect Senator MCCAIN, and we have spent more time together than maybe he would have preferred. But I know that he is deeply committed to the belief that, when the United States speaks to the world, it should speak with a single voice.

Yes, we are going to have debates like this in arriving at what that voice will be, but, once the issue is joined, that we are all Americans.

I believe that there is the basis of this position in some previous statements that have been made by Senator DOLE. You will recall in the fall of 1989, there was an attempt to overthrow then General Noriega from his despotic position in Panama. The effort at that overthrow failed and there was considerable criticism directed at President Bush for the failure of the United States to support those who were involved in the coup.

According to an article that appeared in the Congressional Quarterly in December of 1989:

> Senate Minority Leader Bob Dole spoke for many Republicans—

And I am now quoting from the article—

> Who lamented the administration's hesitancy to get directly involved in the anti-Noriega insurgency, but who blamed a decade and a half of congressional effort to restrict the use of military or paramilitary force overseas.

And now quoting Senator DOLE:

> A good part of what went wrong * * * did not happen last weekend. It started happening many years ago when Congress first decided to start telling the President how he ought to manage a crisis.

I think there is some wisdom in that statement; that we have to put aside whether we are Republicans or Democrats and recognize that we are Americans with a responsibility for this Nation's position of leadership and the special role that the United States has played throughout its over 200-year history as the prime example of a Government of, by, and for the people.

I think we ought to have a debate about American national interests. Is there a sufficient United States national interest in Haiti for us to be involved at all? Should we have our role in the economic sanctions and as a political isolation, which are our current policies? Should we be prepared to go beyond those current policies? What is our interest in Haiti?

I would like to briefly suggest, Mr. President—and I hope this would become the basis of further debate as we form our opinions on Haiti and as we use this as a basis of forming opinions as to what our interests are in this post-cold-war era—that the United States has a number of critical interests at stake in Haiti. Let me suggest a few of those interests.

Just a few years ago, you could have counted on the fingers of your hand, with several fingers left over, the number of democracies in the Western Hemisphere. This was a very unstable and violent place.

We can all recall the pictures from countries like Chile and Argentina, where depravation of basic human rights and flagrant homicides were a regular part of government action to intimidate its people.

Today, Mr. President, every country in the Western Hemisphere is democratic except for Cuba and Haiti. I believe that it is very much in the interest of the United States of America to maintain this movement towards democratic governments in the Western Hemisphere. It is those democratic governments with which we can have peaceful, productive, relationships, political, cultural, and economic. It is that stability within this region which will limit the instances in which we will have to have a debate such as we are engaged in today.

The reality is that because so many democracies in the Western Hemisphere are both new and fragile, that they are also vulnerable. All over this hemisphere there are the sons and the grandsons of former military dictators who are waiting in the barracks, waiting for a signal that it is permissible to institute an old-style military coup. And their eyes have turned to Haiti as an example of whether the international community is in fact prepared to be faithful to its commitments to support democratic governments.

I suggest if we fail this test that what we have already seen in countries such as Venezuela, which has had two military coup attempts since the deposing of President Aristide from Haiti, in Guatemala, which almost had another, that we would see those as just the beginning of a chain reaction of assaults against fragile democracies within this hemisphere.

You talk about the danger that is involved in dealing with this current crisis in Haiti, and the danger that may befall some civilians within Haiti. I suggest the greater danger is to allow the signal that it is acceptable in 1994 to continue to have a military regime which acquired power not through the legitimacy of the ballot box but through the force of the machinegun.

Second, we do have an interest in human rights. We just passed the Fourth of July where many of us participated in patriotic observances. The Declaration of Independence was widely read around the smallest villages to the biggest cities of our country. That statement of basic beliefs in the rights of mankind was not written by Thomas Jefferson to only refer to the relatively small number of colonialists who lived along the Atlantic seaboard. It is a statement of universal principles. It is a statement which has guided U.S. foreign policy throughout our Nation's history. In my opinion it has guided our foreign policy when we were acting to our greatest national benefit.

We have within our own neighborhood—not thousands of miles away in Somalia but in our neighborhood—an example of horrendous human rights abuses. Every principle that Thomas Jefferson asked this Nation to stand for is being violated on a daily basis in Haiti. I believe that ought to be of concern to us.

I believe that a sense of compassion is an appropriate quality in a great Nation's foreign policy. When bad things happen in Haiti we are not going to be immune from the consequences of those evil deeds. We see it most dramatically in the thousands of Haitians who are leaving that country. Some 50,000 have left the country since the coup in September of 1991. The numbers have accelerated in recent weeks as the conditions inside the country have collapsed.

We are going to pay a heavy price for those refugees. We are going to pay a heavy price, whether we decide to provide safe havens or admit them into the United States.

Haiti has also become a significant transshipment point for drugs. Drugs that used to flow through other places in the Caribbean are now coming through Haiti into the United States, showing up on the streets of Milwaukee as well as Miami.

We are paying a price for what has happened in Haiti. We are not immune to the adverse consequences.

I believe we do have interests in this country which warrant the firm resolve that our President is now proclaiming. I believe we have interests that warrant us not adopting a resolution that will clearly be seen as a signal of a lack of that resolve; of a withdrawal of any hand of hope and friendship to the mass of people of Haiti.

I hope we will use this debate as a serious effort to begin to restore the principle of bipartisanship in foreign policy. There are serious issues here, issues that affect the future of our Nation and the world; issues which affect the lives of individuals who have been caught in the hell that today is Haiti.

I hope the Senate, in its wisdom, will defeat this resolution. I hope by maintaining a constancy of position, that we might be able to achieve our goal of restoration of democracy in Haiti without the resort to force. I hope, should we find that desire is not possible of achievement, that we would abstain from the temptation to accept surrender and abdication to this group of international criminals who have taken over the sovereignty of Haiti; that we in the international community would be prepared to stand for the values of human dignity and respect and the democratic process as the surest means of protecting those human values.

That is what I believe is at stake in this issue. We would take a serious step away from those important commitments by adopting this resolution. I urge my colleagues to vote no.

Mr. WARNER. Will the Senator yield for a question?

Mr. GRAHAM. I will yield for a question.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Virginia.

Mr. WARNER. The Senator from Florida and I attended a briefing yesterday given by the Secretaries of State and Defense, our distinguished Ambassador to the United Nations, Madeleine Albright, and Tony Lake, the National Security Adviser; a briefing that took place for almost 2 hours.

The distinguished Senator from Arizona was present. I know the distinguished Senator from Connecticut and the Senator from Vermont, who are here on the floor today, were also present.

But as I left, having listened very carefully to a free and open dialog between some 20-odd Senators and these key administration officials, I asked myself, was there a clear expression of the justification for the United States to invade Haiti?

Candidly, Senator, I did not find it in that briefing.

The matter is classified so we cannot go into specifics. But I did not leave with a clear understanding. I would like to ask the Senator if he left with a clear understanding of the justifications that the administration would allege for any decision to invade Haiti?

There was a discussion about preserving democracy in this hemisphere. If we look at the U.N. Charter, there is no clear mandate for the nations of the world, and particularly the nations that are part of the Security Council, to send forth their forces in support of the cause of democracy. I could show where there are 60-odd places on the globe today where conflict is taking place, human rights being violated, casualties, human suffering of enormous proportion—60 today, compared with a mere 30 such places 6 years ago—demonstrating how all over the globe the world is becoming a more unstable place.

But I ask the Senator, what was the clear justification that the Senator from Florida may have received that the Senator from Virginia did not receive, as to the basis for the United States intervening militarily in that nation?

Mr. GRAHAM. Senator, I must not have been even as vaguely articulate as I tried to be in my earlier statement. Because in part I was attempting to restate what the President has said publicly, and what we have heard in other forums as to the basis of the United States interest. This is not an issue which is a question that you can convert to numerical certitude.

It is an issue that finally comes to one of values and judgment. Is it in the United States vital interest that the principle of democracy in the Western Hemisphere be preserved? You can debate that issue.

I might point out to my friend from Virginia that on June 5, 1991, during the administration of President George Bush, the United States supported and voted for a resolution called the Santiago accord, which was adopted by the Organization of American States which stated in its preamble that the charter of the Organization of American States establishes that representative democracy is an indispensable condition for the stability, peace, and development of the region. And under the provisions of the charter, one of the basic purposes of the OAS is to promote and consolidate representative democracy.

Mr. President, I believe that the United States, in many forums, has taken a position that democracy in this hemisphere is a matter of vital national interest. I also state that the eloquent words of your fellow Virginian, Thomas Jefferson, I believe, established that one of the principles—the way in which the United States acts in a world, a principle we have acted upon on many occasions—is to protect those inalienable rights which he declared to be universal.

I also believe that protecting the United States from the adverse consequences of the deterioration in Haiti, whether it be drugs or refugees, is in the interest of the people of the United States of America.

Mr. WARNER. If you wish to quote Thomas Jefferson——

Mr. McCAIN. Regular order, Mr. President. I ask for the regular order.

Mr. WARNER. If I can have 1 minute, I will sit down, Mr. President.

Mr. MCCAIN. The Senator has not yielded the floor. Otherwise, I ask for the regular order. Some of us have been waiting to talk for some period of time.

Mr. WARNER. I apologize to my colleague. If the Senator will yield for one question. He quotes Thomas Jefferson. I would like to quote Senator NUNN, chairman of the Armed Services Committee, appearing on national network this morning. I quote him:

> When I think about whether to invade Haiti, I think we have to carefully think about what our mission is going to be. If the mission is to alleviate the refugee problem, then I think we first ought to try adjusting the sanction policy. If the mission is to protect American lives right now, they're not under threat.

And the Senator and I know from the intelligence briefing this is a correct fact.

> If they come under threat, we have to be prepared to move rapidly. But if the mission is to restore democracy, that's a different mission. It's not primarily a military mission. It's a nation-building mission, and we need to think through that one very carefully.

And, I say to the Senator from Florida, that is the purpose of the commission recommended by the distinguished Senator from Kansas [Mr. DOLE].

Mr. LEAHY. Will the Senator yield for a question?

Mr. GRAHAM. Could I answer the question, if there was a question? It is not my position that the Haitian issue is resolved when the military, illegitimate regime is deposed and the democratically elected President restored. That is a necessary prerequisite for what must follow, not the last chapter. Some of those things that need to follow after that were laid out in the Governors Island accord. We need to have an international presence in Haiti in order to create a passive environment in which democracy and its institutions can begin to function again.

I might say that it is going to make it more difficult to create that international peacekeeping course if we adopt a resolution such as this.

Second, it is going to be necessary to have a very effective political reform, starting with the separation of the police from the military, and economic reform, starting with creating the stimulus for the private sector to commence activities again in Haiti, if the benefits of democracy are going to be realized.

So I agree that the military use, which is a use that nobody wants to have, is not an attractive option. It just happens to be, in my judgment, the only option we are going to have other than surrender, and it is not a substitute for those steps economically and politically that will have to follow. It is a necessary prerequisite to those steps.

Mr. LEAHY. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. LEAHY. Especially while the Senator from Virginia is also on the floor. The Senator from Virginia asked a question whether the meeting yesterday was justification for an invasion.

Was it not clearly stated at that meeting, in answer to a specific question that was clearly stated by the Secretary of State on behalf of the administration, that they oppose the amendment now pending before us?

Mr. WARNER. Mr. President, if the question is directed to me——

Mr. LEAHY. It is directed to Senator GRAHAM because he had the floor.

Mr. GRAHAM. I was not present when that question was asked, but I know from subsequent inquiry that, in fact, the administration opposes this proposal for basically the reasons which I attempted to articulate.

Mr. LEAHY. I wonder if the Senator from Florida had an opportunity to hear part of the discussion this morning when I laid out that by the normal time it would take to get through this bill, conference and so on, that this study would actually come back, in all likelihood, after we have recessed for the November elections, and if that is the case, would the Senator agree with me that we really would not even be debating this issue probably until some time in February or March of next year?

Mr. GRAHAM. I agree with the Senator, and I will state again what our distinguished colleague, the minority leader, stated in reference to the Panama crisis, that a contributing cause to that crisis was "when Congress first decided to start telling the President how he ought to manage a crisis."

I believe the best chance of our getting through this crisis without having to use force is if we speak with a single, firm voice to the military leadership in Haiti and they, in fact, believe that we are serious about the necessity of their removal.

Mr. LEAHY. And moving to my final question—I ask this as manager of the bill—while every Senator will make up his or her mind based on what he or she feels, and not what anybody else tells them to do, is it not a fact that the military ruler of Haiti, General Cedras, has stated his support of this amendment while the President of the United States has stated his opposition to it?

Mr. GRAHAM. On national television last night on NBC, General Cedras endorsed the principle of this resolution, which comes as no surprise. It is very consistent with his own self-interest.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, to pick up on that, President Aristide has come out in opposition to any U.S. invasion. So if we are bound by the views of foreign leaders, then I suggest that we then would not invade Haiti since the elected President Aristide has come out against it.

Before the Senator from Florida leaves the floor, I would like to, again, voice my respect for his knowledge, his articulate and impassioned arguments for his side. I have found it a very educational experience debating him on many occasions in the past few weeks. I do believe that we share the same goal, and that is the restoration of freedom and democracy, not only in Haiti but throughout our hemisphere. I want to repeat my respect for his ample and articulate expression of his point of view.

But I would also like to pick up with a little different view of something that the Senator from Florida was just discussing, and that is bipartisanship. I regret to tell the Senator from Florida and my colleagues that one of the reasons why I am in strong support of the Dole amendment appointing the commission is because there has been virtually no bipartisanship in addressing this issue.

I just asked the Republican leader if he has been consulted in any way, asked his views of the Haiti situation, asked his recommendations as to what should be done in Haiti, and his answer was no.

Speaking for myself, which probably is not too important, nor have I, nor has any Republican Senator, that I know of, been consulted in any way.

I point out to my colleague from Florida, and my colleagues on the other side of the aisle, that did not characterize the previous administration's response to crises.

Now, we all have a problem with the fact that the War Powers Act, which is a law that this body passed and overcame the veto of the President of the United States, has been routinely disregarded. I think it will be disregarded again in the case of an invasion of Haiti. But on this issue, and Bosnia and Korea, there has been no bipartisan consultation, and it is time that the White House woke up and started, if not consulting with the Senator from Arizona, which I do not expect, certainly they could consult with the Senator from Kentucky, the Senator from Kansas, and other leadership of the Republican Party. I suggest they do that soon, and if they had done that, they might not be facing what in all candor, Mr. President, is a very difficult vote not for those of us on this side of the aisle, but for those on the other side of the aisle.

So I urge my colleagues to tell their leadership in the executive branch, let us sit down together and discuss these issues.

Mr. LEAHY. Will the Senator yield for a question?

Mr. MCCAIN. I will be glad to yield to the Senator from Vermont.

Mr. LEAHY. Was not the Republican leader invited to the consultation that the distinguished Senator from Virginia [Mr. WARNER], and others, were discussing that was held yesterday?

Mr. McCAIN. I would be more than pleased to answer that question because I was there, I tell my friend from Vermont. Frankly——

Mr. LEAHY. We sat beside each other.

Mr. McCAIN. I am astounded he would ask. There was no consultation. It was a briefing, in fact. As the Senator from Vermont knows and I do, too, it was a briefing which could easily be seen on any of the major networks or read in any newspaper or magazine in America. I learned zero, zero, in additional information that was conveyed there. And there was no request by any of the individuals there for any advice or input or counsel from the Members who were in attendance. I think my friend from Virginia will agree with that.

So, yes, questions were asked. Questions were asked. No advice or counsel was requested nor, frankly, did the environment lend itself to that.

I say to my friend from Vermont, he knows as well as I do, the way to consult with people on this issue is to call them down to the White House, sit around a table or, as the Senator from Vermont told me he did in a previous administration, go up to private quarters, sit there, and have a free exchange of ideas and views. That is the way that we can consult in a bipartisan fashion.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. McCAIN. I will be glad to yield.

Mr. LEAHY. The Senator knows, first off, that I feel this is an issue that should have significant consultation, to be sure, as I have said both on the floor and privately. And I wish the administration would make a stronger effort at consultation with Members of both sides.

But does the Senator also not agree with a suggestion made by me in response to a speech by the Senator from Pennsylvania this morning that maybe a better way to do this would be to have, not as an amendment to this appropriations bill, a freestanding resolution under a specific period of time, a couple days or whatever it would take, where we debate whether the Congress would grant the President authority to invade or not to invade, somewhat similar to what we did prior to the Persian Gulf war?

Would the Senator agree with me that a better procedure—I am not asking him to back off from his support of this resolution—but a better procedure would be that both bodies might debate something similar to what we did in the Persian Gulf war and debate whether we in the Congress, with our duties and responsibilities of warmaking, debate whether yea or nay, the President can do it if within his judgment as Commander in Chief he thinks he should or, no matter what his judgment is, the Congress would not allow him to do it?

Mr. McCAIN. Mr. President, in response to my friend from Vermont, first of all, let me say that in my dealings with the Senator from Vermont, he has always been bipartisan on these issues. We may have disagreed on numerous occasions, but there has been consultation and discussion. I was speaking, obviously, of the executive branch.

But the problem with the proposal of the Senator from Vermont is that that would have to be triggered by a request from the White House for authorization. Otherwise, I think we would be acting in an unconstitutional manner.

I voted against the amendment that was offered by my colleague from New Hampshire that prevented the President of the United States from going into Haiti militarily not because I want the President to go in militarily—and there are other Members in the Chamber in agreement with me—but because it violated constitutional principle.

So if we somehow got to debate here—let me just finish my answer to my friend from Vermont. If we debated whether we should authorize the President to invade Haiti or not without the executive branch requesting that, then I think we would be turning the process on its head.

Mr. LEAHY. I am sorry, I say to my friend from Arizona; I did not state my question as well as I should. I am presupposing such a request from the administration.

Mr. McCAIN. From the White House.

Mr. LEAHY. In other words, I am saying—and I realize this is not the situation before us—would not the best situation be that we do it similar to the Persian Gulf: There be a request; we have a debate in both bodies within a compressed period of time, something realistic, a couple days or so, and then vote either for it or against it?

Mr. McCAIN. I say to my friend from Vermont that would be an ideal situation. My understanding is that the administration says it is not contemplating an invasion at this time, so therefore it would put the administration, obviously, in a very awkward situation.

I agree with the Senator from Vermont; the best of all worlds would be if the executive branch came—after I answer the Senator from Vermont, I would like to respond to the Senator from Connecticut—if the executive branch came and said we want authorization to use whatever force is necessary in Haiti to protect American lives, restore democracy, stop the flow of refugees. I think that would be the best of all worlds, I say to my friend from Vermont.

Mr. DODD. Will my colleague yield?

Mr. McCAIN. I yield to the Senator from Kentucky. Then I will yield to my friend from Connecticut. He was waiting first.

Mr. McCONNELL. I thank the Senator from Arizona.

The Senator from Vermont expresses a view that I mentioned to him privately a few moments ago. If we had been in fact consulted, as the Senator from Arizona asserts—and he is correct; we have not been consulted—the advice I would have given, I gather from listening to him, the chairman of the subcommittee would have given, and I am rather confident the advice the Senator from Arizona would have given is come up here and ask us for the authority. Come up here and ask us for the authority.

My guess is that the authority would be granted. I might even vote for it. And then the administration would have that option, just as President Bush had that option, which they might or might not choose to use. It would be there. But that way we would have a sense of leadership from the administration, which I gather is exactly what the Senator from Arizona is saying.

I am going to vote for the Dole amendment. I think it is a good amendment. But had I been consulted, I would have said to the President: Send up a resolution; let us have a good Persian Gulf-type debate; make your best case that you would like to have the military option; and my guess is Congress will give it to you.

I thank my friend.

Mr. McCAIN. I will briefly respond to the Senator from Kentucky and, before yielding to the Senator from Connecticut, make two quick points. There is a lesson from this debate that I hope the executive branch receives. That is, let us sit down and consult together. Some may not believe it, but most of us are not comfortable in leveling criticism at the administration on the conduct of foreign policy because we still believe in the old adage of partisanship being left at the water's edge. But we also have the overriding national interest which causes us to speak up.

My second point is, especially given the presence on the floor of the Senator from Connecticut, as well as the Senator from Rhode Island, that we need to sit down in a bipartisan group and work out this issue of the War Powers Act. We have violated the War Powers Act. We are telling the American people we pass laws that we are supposed to abide by and we do not; and we pass laws that they are supposed to abide by and when they do not, they are punished.

And so I would urge, especially with a lot of the collective knowledge we have in this body, that we try again to modify the War Powers Act so that it is a workable document rather than a law which is passed and fundamentally ignored, which I think erodes people's confidence in Congress.

I would like to yield, without losing the floor, to my friend from Connecticut.

Mr. DODD. I thank my colleague from Arizona. I did not want to disrupt his thought. I knew he wanted to point out the issue of consultation. And again, I do not know if anyone objects here, but I think for purposes of the RECORD, it is noteworthy to point out since January 1993, on the subject of Haiti, we have had 27 hearings and briefings in the Congress.

I held two of them. One was an all-day hearing on Haiti just a few weeks ago; in fact, twice in just the last several months.

I point out to my colleagues again—and I know people are busy—other than the ranking minority member, Senator COVERDELL of Georgia, no one showed up; nor did I have any requests other than from the Senator from Florida to testify before the hearing. The hearing is not a consultation per se. But clearly the administration was there testifying at great length about it. That is an opportunity granted, a public forum, but, nonetheless, an opportunity to ask questions, to raise issues about various policies.

Twenty-seven hearings and briefings are not insignificant. I point out again, knowing there are busy schedules, when you have an all-day hearing inviting people from all different points of view to come and you get one colleague to show up, it certainly does not bode well when you get the issue about consultation and concern about the matter. So I really make that point because it is, I think, worthwhile to note.

I apologize to my colleague.

Mr. McCAIN. Mr. President, I say to my friend from Connecticut that he makes a very valid point. This issue has been ventilated through congressional hearings and by the Senator from Connecticut, who has a very important position on the Foreign Relations Committee. It has been certainly well ventilated in the media.

But hearings and briefings, I know that my friend from Connecticut knows, are different from bipartisan consultation where people sit down and solicit the views of one another and try to have a consensus. We never achieve consensus in a hearing. We achieve consensus by sitting down with the same goal in mind that opponents as well as proponents of this amendment share and trying to work out something that we can go and stand in front of the American people with and say we agree on this course of action. We have been able to do it in the past. I hope we can do it in the future.

Mr. President, by the way, the Senator from Connecticut is as well versed on this hemisphere's issues as any Member of this body. I think he has played an important and vital role in informing the American people through his chairmanship of the subcommittee with jurisdiction on this issue.

Mr. President, I want to mention several reasons why I believe it is important to pass the Dole amendment.

Fundamentally, the overriding reason is that I believe we are lurching towards an invasion of Haiti. We are lurching towards that debacle without the full consultation and approval of the American people, without proper consultation with Congress and, in my view, without proper examination of what is at stake and what the consequences of an invasion of Haiti are.

Mr. President, I do not say those words lightly. I think that the Senator from Florida—and I know the Senator from Connecticut and others—can make a compelling argument of the terrible tragedies that are unfolding on a daily basis, hourly basis in Haiti; the human rights abuses, the refugee problem, et cetera.

But several questions must be asked, and among them are:

Have we a consistent policy towards Haiti?

Is it really a solution to continue to support Aristide, who, although democratically elected, has certainly conducted himself in office in a way which would give one grave and serious concerns about his return to power?

What should our policy be?

And, finally, as the Senator from Florida said, is it in the United States' vital national security interests?

I would like to address those briefly.

As far as the consistency in policy is concerned, we have reversed several policies regarding the situation in Haiti. They have changed very dramatically. They have served, in my view, to confuse our allies and to encourage our adversaries. As we all know, the first policy was that of candidate Clinton who said: "I am appalled by the decision of the Bush administration to pick up fleeing Haitians on the high seas and forcibly return them to Haiti."

The second policy was after President Clinton became President and he basically, after becoming aware of the hundreds of boats that were being built all over Haiti to bring refugees from Haiti to Florida on Inauguration Day, basically announced a policy identical to the Bush policy.

The third policy, and frankly the most disturbing one to me, Mr. President, is policy by hunger strike. After a hunger strike by an individual and pressures from the Congressional Black Caucus, the new policy proposed to process refugees on ships off the coast and in third countries. The new policy took effect on June 16, 1994, and then began a new flood of refugees, exactly what we sought to avoid.

Between June 16, when the policy changed, and July 7, roughly 14,000 Haitians were picked up at sea. That is a massive number, and, of course, one that would not be sustainable. We just could not at that level of refugees continue to find sufficient safe havens in order to accommodate them.

The fourth policy came this last Tuesday. This was a policy once again designed to stem the flow of refugees. And the policy was that refugees would be taken to out-of-country processing centers. If they were found to have a legitimate claim of persecution, they would be allowed to stay in the refugee camp. If not, they would be returned to Haiti.

This was backed up by statements from the administration such as the special envoy on this issue, Mr. William Gray, who said: "Those who take to the boats will not have resettlement possibilities in the United States."

One day later, apparently under pressure from the Congressional Black Caucus and others, a tougher policy designed to stem the flow was overturned for what could only be viewed as political reasons. Refugees would not have to prove a fear of persecution to stay in the third country refugee camps.

Mr. President, hopefully, a bipartisan commission could come up with a consistent policy as regards Haiti. You cannot conduct foreign policy lurching from one press conference to another. You cannot conduct foreign policy by making off-the-cuff remarks on one day intimating that military action in Haiti is imminent and on the next day saying it is not an option that is seriously considered. You cannot do it, Mr. President, without ending in the kind of debacle that we have today. These policy flip-flops are painting us in a corner for which the only exit is an invasion of Haiti.

Mr. President, I want to talk just a minute about Mr. Aristide because this policy has been consistent in one respect, and that is its insistence on the return of Aristide to power.

The State Department in a 1991 human rights report said that, under Aristide, "The government proved to be unwilling or unable to restrain popular justice through mob violence."

In January 1991, according to Msgr. William Murphy, of the Catholic Church:

> A group of thugs, supporters of newly-elected President Aristide, went on a rampage. They destroyed the old Cathedral, gutted the archbishop's house, and then went on to the nunciature, home of the Pope's representative, where they completely destroyed the building, attacked the nuncio and his press secretary, broke both legs of the press secretary, and roughed up and stripped the nuncio, which was saved only by the intervention of a neighbor.

Did President Aristide do or say anything to oppose this action, and is there any evidence that his supporters carried it out?

In August 1991, the democratically elected Parliament of Haiti met to question President Aristide's Prime Minister Preval to consider voting no confidence in him.

According to a report by Donald Shultz and Gabriel Marcella of the Strategic Institute of the U.S. Army War College:

> During these sessions, pro-Aristide demonstrators filled the public galleries. Some openly threatened to lynch the opposition. On August 6, the deputy was assaulted and beaten. The following day the crowd stoned a home of another. On August 13, a mob of some 2,000 people surrounded the Parliament screaming threats of "Pere Lebrun," which means necklacing, if the legislators voted to censor the Prime Minister. Two deputies were attacked. One of them was badly hurt. A mob torched the headquarters of the Autonomous Federation of Haitian Workers, and then went on to loot the offices of the Confederation of the Democratic Unity, burning barricades which were set up in various parts of the city. Public transportation was halted. Businesses came to a standstill. Parliament adjourned without issuing a vote on Preval.

The report goes on to say:

> The government eventually moved to halt the government violence and restore order, but the message had been understood.

To oppose Aristide was to court mob retaliation. In the weeks that followed, political party members attempting to hold meetings were threatened with necklacing, effectively bringing party operations to a near halt. Mr. President, if this account is true, how does it square with the statement that restoring President Aristide is to restore democracy?

On July 26, 1991, a Captain Neptune, commander of the antigang unit of the police, arrested 5 Haitian youths in a supermarket parking lot in Port-au-Prince. According to reports, Neptune summoned an assistant second lieutenant, Richard Salomon, deputy chief of the antigang unit, who was the duty officer that evening. Salomon arrested the youths and, with three of his men, took them to the antigang office at Port-au-Prince headquarters, where they were severely beaten and shot at point-blank range with several weapons. They were executed in a sugar plantation near police headquarters. Despite pressure from Cedras for an investigation, Aristide publicly praised Salomon on September 11 and blocked the investigation. This terrible abuse of human rights is mentioned in the State Department's 1991 human rights report.

Is this report true? Did President Aristide publicly cover up the torture and murder of 5 Haitian youths? The same report claims that the Aristide government made no effort to investigate the death of an American citizen, Richard Andre Emmanuel, who was killed by mob violence in late February. Is this true? And has the Aristide government made any effort to identify the killers of this American citizen? Did President Aristide urge the use of necklacing in an address to students on Saturday, August 3, 1991? Did President Aristide, in an address to his followers on September 27, 1991, urge his followers, "If you want to shoot, go ahead"?

In this speech, did he urge his followers who were brandishing tires and machetes that they use necklacing as a weapon against their enemies? Did a pro-Aristide mob in Les Cayes necklace the Reverend Sylvio Claude, the head of Haiti's Christian Democratic Party, 2 days after this speech?

As you know, the Reverend Claude had been a prisoner under Duvalier and was one of the country's foremost defenders of human rights.

What evidence does the United States have in its possession that President Aristide ordered the September 1991 murder of Roger LaFontant in his prison cell? Are there transcripts of interviews of two of the participants in this murder, including the results of a lie detector test of one, which provide direct testimony that Aristide personally ordered this murder?

These are not idle questions, Mr. President. The American people may risk American lives to restore President Aristide to office. I suggest that a bipartisan commission should and would investigate these allegations, which are of the most serious nature, and perhaps force a change of administration policy, which I strongly favor, and that we do not insist on the return of Aristide to power. Instead, we call for a free and fair election.

I have a couple more quotes from the U.S. Department of State's Country Reports on Human Rights.

> "President Aristide failed to condemn categorically all reports of popular justice through mob violence." "The Haitian Government repeatedly attempted to interfere with the judicial process or usurp it through mob justice." "On August 13, Parliament, as well as the officers of the number of Aristide Government critics, were attacked by mobs, who many observers believed were inspired by those close to the administration." "The most serious 1991 violation of freedom of travel occurred shortly after Aristide took office when hundreds of former officials of previous governments were subjected to a constitutionally questionable ban on foreign travel." "After his election victory, President Aristide and his supporters often excluded or intimidated their political opponents, or those perceived as such."

I believe that a bipartisan commission would look very carefully into those charges.

Mr. President, we need to ask ourselves two more questions: What is the effect of the present policy? The effect of the present policy in Haiti is to ratchet down conditions on poor, hungry, starving Haitians, who are faced basically with two choices—starving to death, or getting on boats and going to sea in hopes of finding someplace where they can find food and a place to live decently. It is these sanctions which inconvenience the Haitian leadership and prevent them from flying to Miami and shopping that are causing the death and starvation of innocent women and children in Haiti.

Mr. President, it is hard to justify that in exchange for the return of Mr. Aristide to power. So let us remember what the effect of this policy is: One, the sanctions are causing the starvation and death of innocent Haitians. The rich people in Haiti are not starving. In fact, the ability of essential supplies to come in to feed many of these people has been dramatically impaired.

The second effect of this policy is to drive us to a situation where one of several things happens. First, an American citizen is attacked somewhere in Haiti. Therefore, the United States, with its Marines, is ready to invade in order to "protect the lives of American citizens." Second, that because conditions are so bad, and the refugee problem so large, that we must find it incumbent—since we have no other place to cut the continued flow of refugees—to go overthrow the government and put President Aristide back in power.

Mr. President, the question must be asked not whether we can overthrow the Haitian Government. We can do that in 6 hours or less. The U.S. marines could overthrow that Government in a New York minute. But once we are in power, how does the United States then run that country? How does the United States of America restore democratic institutions where there have never been democratic institutions? How does the United States of America react when the first mob forms and begins throwing rocks at the U.S. Marines? How does the United States react the first time a bomb goes off in a cafe or a hotel where American troops are quartered? I think our previous experiences in Beirut and Somalia indicate what the answer to that is.

Advocates of the administration policy will say: Oh, well, bring in a multinational group, and they will take over within a short period of time, and they will be able to run the country. That presupposes that there will be democratic institutions that can be run. That presupposes that all the animosity generated by an invasion by a foreign country will have dissipated. That presupposes that all of those Haitians that are presently in the Haitian military, who will simply have taken off their uniforms and melted into the local population, will no longer resist an American occupation. We have also learned, sadly, in Somalia and in other countries, that there is really only one military unit, one military organization that is capable of exercising the kind of discipline and military capability to keep things under control and even then not without casualties.

So, Mr. President, if we invade Haiti, we should not only think of the initial effect, which I predict would be a rallying around the President on the part of the American people, it would be a long, drawn-out experience, not unlike that which we underwent between 1915 and 1934. I have heard it said on this floor that it is not the same as it was between 1915 and 1934. Mr. President, it is not the same, but there is an enormous chilling number of similarities between Port-au-Prince today and Port-au-Prince in 1915. There were no democratic institutions. There was violence in the streets. There was a condition of anarchy which made Woodrow Wilson feel as some in the administration feel today, that the way to take care of all of these problems was to have the United States invade. Frankly, I think that that would be a very serious mistake today, as it was then.

Finally, Mr. President, and I know there are others who are waiting to speak, we have to ask ourselves again, is it in the United States' vital national security interests?

I certainly understand the arguments of the Senator from Florida concerning refugees. I certainly understand the arguments other Senators are making here that we want to have democratic governments in countries in our hemisphere.

With all due respect, I would say to my friend from Connecticut there was a very different view about restoration of democracy in Nicaragua and restoration and maintenance of democracy in El Salvador by those who are interested in having an invasion of Haiti in order to restore democracy there.

There were those of us, and I was heavily involved in this debate for many years, who thought that support with arms and ammunition and supplies for the freedom fighters in Nicaragua was an appropriate method as opposed to invasion.

I never supported the United States invasion of Nicaragua. There were those of us who felt that aiding El Salvador, in assisting them against an insurgency which was at least to some degree orchestrated and assisted from Cuba, did not require a United States invasion.

Now we find ourselves in a curious situation where there is a country that does not have democratic institutions, where there are human rights abuses, and people are calling for an invasion. It is a curious reversal of priorities in my view, Mr. President.

So are the United States' vital national interests at stake here? They could be, I guess, if things got bad enough, if there were enough people starving to death, if there were enough people being killed, if American citizens were being killed because of the desperate straits of the Haitian people, possibly. But if we adopt different policies and if we do not invade that country, I think our chances of achieving our goals are greatly enhanced.

I was in a debate with a Member on the other side of the aisle some time ago, and I said we must respect the lessons of history in Haiti. He said, well, that was history. That was a long time ago.

Mr. President, our only guide to the future is things that happened in the past. We must examine our future plans in light of our experiences, as well as our knowledge of the present. Otherwise, we have no way of knowing what future actions to take.

Finally, again, I would like to reiterate my strong recommendation that domestic politics not drive foreign policy and national security policy ever again. No matter who goes on a hunger strike, no matter who feels one way or another, our policy should be driven only by what the U.S. national security interests are.

Let us address this issue in a bipartisan fashion. I know that I speak for every Member on this side that we want to consult, we want to advise and consent, which is the role of this body and the Members of this body, and hopefully we can stop this sharp division which is afflicting our country, as well as this body, over our Nation's policy toward Haiti.

The PRESIDING OFFICER (Mr. PELL). The Senator from Connecticut.

Mr. DODD. Mr. President, let me just take a couple minutes, if I can here, to focus on the matter before us, and that is the wisdom of a commission.

We have had ample opportunity, and will I presume over the coming weeks and months, to debate policies in Haiti. Let me just say to my colleagues that I, for one, have not been an advocate for the use of military force in Haiti and have said publicly from the very beginning what my hopes would be. In fact, I felt very strongly that a well-designed sanctions effort ought to be able to produce the desired results. If it cannot work successfully in Haiti, we ought to scrap sanctions as a policy everywhere in the world. If it cannot work in this country under these circumstances, given the dependency of this little nation on Europe, the United States, and Canada, then sanctions as a foreign policy instrument ought to be forever relegated to the junk heap.

But I believe sanctions can work. I do not think that the military invasion of Haiti is warranted. That may change. I would not remove the military option as a potential policy option. I would not take it off the table. I never did during the 1980's in Central America. I never believed you ought to ever say what you would never do.

But in the particular case of Haiti, it seems to me we ought to be at least rallying around the sanctions policy, particularly when the military option is not one with which any of us agree. I have not heard anyone say they are for using the military option at this time.

If that is the case, then what can we do to try to change the situation in Haiti? We can rally international support, which this President has done. He has succeeded in garnering United States support for a resolution at the United Nations condemning the actions of the present holders of power in Haiti for throwing out the freely elected government. Similar support has also been forthcoming from the OAS.

Why is it, in this institution, we find it so difficult to rally around at least some points on which we agree? The imposition of sanctions ought not to create this kind of debate.

The future use of military force is obviously left for future debate.

I was informed at 2 o'clock in the morning by then Secretary of State James Baker when the Bush administration sent troops into Panama. At the time of the call they had already landed. That is all the notice I got in the previous administration. Is that the kind of consultation to which my colleague refers? I went to the national media and supported President Bush's decision. I supported the use of force in Panama in that instance.

And I supported President Reagan's decision to use force in Grenada.

There were no commissions formed in either instance. We all knew what was happening in Panama. This did not happen overnight. There was great concern about Noriega, about the safety of American citizens, about the security of the Panama Canal, and about the security of United States military forces there.

But I did not hear anybody in the body get up and offer to set up a commission on Panama. We all knew the deterioration in Grenada, the likely problems there. I did not hear anybody calling for a commission in either case.

Can anyone tell me as to any crisis where this body went around and formed a commission ahead of time? The only one I know of is the so called Kissinger Commission, and that was set up pursuant to an executive order by President Reagan. It was a Presidentially established commission to look at Central America and included not just Members of Congress, but representation from organized labor, the academic community, and recognized experts in the field.

So the notion of the commission as envisioned by this amendment is unprecedented. My colleague on the other side got up last week and properly pointed out that the amendment being offered by the Senator from New Hampshire to require prior congressional approval before any military action could be taken in Haiti was unprecedented and dangerous.

I would not suggest that this particular amendment offered by the Senator from Kansas, the minority leader, falls into that category. It is not a dangerous amendment. But it is not an amendment that we ought to be adopting because it will come back to haunt us. I guarantee you, at some point in the future, on some other crisis, someone on this side will get up and offer a commission for some future President. We need to think here.

My colleague just talked about history. We create history every day in this body. If you are going to suggest that we pay attention to history as we formulate our policies for the future, then you also have to be conscious of what you do as you write history.

If this amendment is adopted today, we are writing history for future Presidents and future Congresses, and it is an unwise step.

If you disagree with President Clinton on Haiti, fine. We will debate it and discuss it. But do not go around creating the precedent of establishing congressional commissions every time we do not like a foreign policy decision by the President.

Why not a commission on North Korea? Why not one on Bosnia? Why not one on Somalia? Why not one on Rwanda? Why not go to all 60 crises around the world and form congressional commissions? How ridiculous is that? How ridiculous is that, and at what cost to the American taxpayers?

Putting aside the issue of Haiti for the moment, and the merits or demerits of sanctions and future military action, the notion of establishing a congressional commission is a foolish idea and it ought to be, just on its merits, rejected summarily. We should move on and debate and discuss the issue of Haiti and other foreign policy issues as this forum provides us the opportunity to do so, and has historically.

So I hope that on a bipartisan basis, thinking about history, thinking about the future, thinking about future Presidents, that we will reject this amendment. Whether it is on Haiti, North Korea, Bosnia, or about any other place in the world, for an ad hoc congressional commission to all of a sudden become the forum of resolving the particular crisis of the moment is not a sound idea.

When it comes to the issue of Haiti itself, we ought to be able to develop a consensus around what policy makes sense. President Bush set the precedent in the Persian Gulf. He set the precedent of building an international response to the crisis in Iraq and Kuwait.

I think he did an incredibly fine job of not just acting unilaterally, which he would have been justified in doing, in my view, but he built an international response within the world community.

That took a lot of courage, a lot of hard work. It was tremendously painstaking to go through that process. His efforts set a new framework by which we would respond or try to respond to future crises.

In the case of Haiti, President Clinton has done much the same by going to the United Nations, by going to the OAS, by building the necessary international consensus.

I would think at least on the issue of sanctions, we all should be singing from the same hymn book. We should at least be trying to make that work. If my colleagues are so concerned about the use of military force in Haiti, then the one way I know to avoid that possibility is by strengthening the sanctions implementation, not by calling the very policy into question. We all know the problems with it—the Dominican Republic, the Haiti elite who seek to circumvent it. All the efforts made to thwart the effects of the embargo.

But you cannot, on the one hand, denounce the sanctions and say that it is a terrible thing that is going on in Haiti and also exclude the use of any kind of military force unilaterally or multilaterally down the road to deal with the problem.

What are the options at that point? Do we merely sit in the bleachers and watch one crisis after another unfold around the world and because of the cold war we do nothing; we absolutely do nothing? Is that the role of a great leader in the world? Do we lack the imagination and creativity to try and come up with some answers to these problems? That is the challenge of this body, to debate and discuss how you move forward.

I know of no significant debate over the conditions that exist in Haiti today. They are deplorable. I know of no one who argues of the importance of a deteriorating situation in a country that is 95 miles from our shore. We ought to be able to rally at least on those points.

I, for one, as I said earlier, am not enthusiastic at all about a military option here, for all the reasons that have been cited by people who are much more knowledgeable than I about the complications associated with military intervention.

But, again, I do not know of anyone who would disagree with me that we ought to absolutely eliminate that option from our potential options in terms of responding to this situation.

So, Mr. President, I will not spend a great deal of time on this.

I merely point out, by the way, that I do not know of anyone here who thinks that General Cedras and his bullies down there deserve any comfort and support from this institution. And yet, anyone who has read—and I will put it in the RECORD, Mr. President—the comments of General Cedras in response to the Dole amendment, his response was that he strongly supports it.

Now, my lord, that ought to be enough to cause concern here. Can you imagine?

Mr. WARNER. Will the Senator yield for a question?

Mr. DODD. I will in a second. Let me finish these thoughts and I will be glad to yield.

But those remarks ought to concern every single Member of this body, whatever else.

To provide some sort of cocoon of protection for the next 45 or 50 days here, that is just what this guy wants. That is what that crowd wants. If we are all in agreement that these fellows ought to go, that there ought to be a new chance in Haiti, then, on a practical level, having an amendment like this adopted would, in my view, even make it that much more difficult to achieve the desired results.

Mr. LEAHY. Will the Senator yield on that point?

Mr. DODD. Mr. President, I will yield to the Senator, if I could just finish this.

Mr. WARNER. The Senator agreed to yield to me.

Mr. DODD. I will yield to both.

I come back, again, Mr. President, to the point of—putting aside the issue of Haiti—establishing congressional commissions on each foreign policy issue before us would be taking an unprecedented step, in my view. It would be a grave mistake. Second, on the issue of Haiti, at least as to where we are today, this body ought to be speaking far more closely with one voice. I do not expect unanimity. I know that is impossible. But we ought to at least say that this is a deplorable, dreadful situation. Sanctions at least are an option which could avoid the use of military force and they may just produce the desired results.

On those notes, we ought to be able to strike some agreement.

With that, I am happy to yield to my colleague from Vermont, without losing my right to the floor.

I am still holding the floor.

Mr. LEAHY. Mr. President, I want to propound a unanimous-consent request, if I might.

Mr. President, I ask unanimous consent—and I understand this has been cleared on both sides—that the vote on or in relation to the pending amendment occur at 4 p.m. today, and that no second-degree amendment be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have been here well over an hour waiting to speak. I do not object to when we set the vote. I would only ask that those of us outside the Foreign Relations Committee have the opportunity to speak when this colloquy is finished, with the list of questions apparently of the Senator from Connecticut, that others of us be allowed to speak. And if there is time for that, I will not object.

Mr. LEAHY. I just made the request.

Mr. KERRY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. If we are going to have a fixed time certain, there are still people who want to speak. I am in the same situation as the Senator from North Dakota. I would like to get a unanimous consent that at least embraces those that are here.

The PRESIDING OFFICER. What is the specific request?

Mr. KERRY. Mr. President, I ask the distinguished manager of the bill whether or not his request would embrace the Senator from North Dakota and the Senator from Massachusetts?

Mr. LEAHY. How much time do they want? I will make it that way.

Mr. DORGAN. Ten minutes.

Mr. KERRY. Ten minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that we vote 1 hour from now—that we vote at 4:05 p.m. this afternoon—on or in relation to this amendment, with no second-degree amendment being in order; that the Senator from North Dakota be recognized during that hour for 10 minutes; the Senator from Massachusetts [Mr. KERRY], be recognized during that hour for 10 minutes; and the Senator from Rhode Island, [Mr. PELL], be recognized for 5 minutes.

Mr. WARNER. Reserving the right to object.

Mr. DODD. Mr. President, parliamentary inquiry. Who has the floor?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. WARNER. Reserving the right to object to the UC, Mr. President, I would like to be included in that, such that I could have no more than 5 minutes to entertain brief questions and a colloquy with the Senator from Connecticut.

Mr. LEAHY. Mr. President, and that the Senator from Virginia be recognized for 5 minutes.

Mr. WARNER. For the purpose of the colloquy with the Senator from Connecticut.

Mr. LEAHY. For whatever purposes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. Mr. President, I yield to my colleague from Virginia, if he has a question.

Mr. WARNER. I thank the distinguished Senator from Connecticut.

Mr. President, I would like to engage in a brief colloquy for the purpose of a question with the chairman of the subcommittee of the Foreign Relations Committee which embraces this hemisphere.

The question essentially arose out of a briefing we had yesterday. I have made reference to it before. I failed to indicate that the Chairman of the Joint Chiefs of Staff was also present at that time. It relates to the U.N. Charter.

Time and time again, there was an assertion that the situation in Haiti threatens democracy, threatens stability in this hemisphere. But, as I examine the charter, the chief purpose of the United Nations was to maintain international peace and security, to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace; in other words, to confront aggression.

Restoring democracy, in my judgment, was not one of the principles established in the U.N. Charter.

Now, if the United States invades Haiti and American lives there presently are not threatened—and there were no facts given to us in the Intelligence Committee or indeed in yesterday's briefing which, in the judgment of the Senator from Virginia, imply imminent danger to any Americans—and if other vital national interests are not at stake, there is a real question about the international legal justification for military intervention.

I do not see the instability in region resulting from the problems in Haiti. Truly, I am compassionate regarding the Senator from Florida and the problems of his State, as occasioned by the refugees, and such other nations and parts of the United States that have received an influx of the refugees. I am truly disturbed about the human rights violations. I am disturbed about many, many things, but it is not tantamount to the need for a U.S. invasion force to restore democracy.

The nation right next door, the Dominican Republic, conducted a democratic election for president in May of this year, May 16 to be exact. Now to my question: Did the disturbances and violations that were then occurring in Haiti in any way affect that election so as to destabilize it, prevent it from happening?

I say to the Senator from Connecticut, it did not happen. And, indeed, the normal orderly process of elections and governments in other nations in the hemisphere seem to be going forward.

Mr. President, I ask that of the distinguished chairman.

Mr. DODD. Mr. President, if I may reclaim the time, with regard to the elections in the Dominican Republic, the jury is still out. There continues to be great controversy over the conduct of that election. There may need to be additional elections in some areas of the country. As to whether the situation had a destabilizing effect on the Dominican elections, I do not think so, although the subject of Haiti was an issue during the campaign.

But by engaging even in a response to the question, I am not agreeing with the premise of the question of the Senator from Virginia, and that is that there is absolutely no justification on the grounds of potential instability or restoring democracy as a legitimate rationale for U.S. involvement.

Our colleague from Arizona recently raised the issue of the great concern expressed in this body during the 1980's about the $5 billion that was spent in El Salvador, along the deployment of a significant number of military advisers; and in Honduras where we had significant military presence as a result of our policy in opposition to the Government of Nicaragua. One might argue that these situations constituted a kind of intervention. It did not amount to a battalion marching into the country, but nonetheless it was not benign. The arguments made at that time for justifying the expenditure of funds and for deploying military advisers was primarily to help restore democracy in those countries and to protect them from having democracy denied them.

So I think we have to be careful about deciding here that these narrow concerns, only a canal or an oilfield, somehow, are the grounds under which we can exercise the option of the use of military force.

Let me quickly point out, and I want to emphasize—and I do not think we ought to go into the details of the briefing yesterday, but this Senator certainly left that briefing without any impression that this administration is on the brink of a military invasion in Haiti. In fact, they very much want the sanctions to work. They are not enthusiastic about sending military personnel into Haiti. I know honest people can attend the same meeting and leave with different impressions.

I have been in close contact with the administration. I have expressed to them my views as I have here on the floor. I do not think we need to use force to resolve this problem. At some point we may need to, but we do not today. So I think the more legitimate question is how do we make these sanctions work. How can we rally together here to express with one voice to the military leaders in Haiti that they should leave, and allow the legitimate government to return? We could provide invaluable assistance in that effort, instead of acting here as though we are divided over the issue of Haiti, which I do not think we are. I think we all would like democracy to come back. We would like to see the legitimate government restored in that country. We would like to see human rights abuses eliminated.

Why can we not speak about what we agree upon and send the message to Gen. Raoul Cedras and his cohorts in Haiti that this body, this United States Senate, is united in its determination to stand up for a freely elected government and a people living in a country that is being deprived of that basic freedom? That would be a great asset. Instead, we are debating something that is not even remotely close to occurring. That is not a great service in the conduct of foreign policy.

So, with all due respect, coming to the question of military force and justifications for it, I think, as other Presidents have done, you can find rationales. My colleague from Virginia and I have seen that in the past—Grenada, Panama, the Dominican Republic—in the use of advisers, whether it is Vietnam, Honduras, or El Salvador, Panama, we have found justifications when it has been necessary to do so. But at this point, how about trying to figure out a way that this body can play a constructive and supportive role and bring about the desired changes we all seek in Haiti? That would be a far more constructive debate, in my view.

Mr. WARNER. I thank the Senator for his response to my question. As I listened to him clarify his remarks, the Senator is in support of the goals sought by the distinguished Republican leader in his amendment. Call it something other than a commission, it is consultation here in the Congress to answer the very question the Senator raises.

Mr. DODD. Mr. President, reclaiming my time if I can, I would just merely say to my colleague from Virginia, this is an unprecedented action, to form a commission. We did not form commissions on other crises. This is a subterfuge. This is designed to divert and to draw attention in a different direction here. We do not need a commission. We have had 27 hearings in the last year and a half in this Congress. I have held two of them. One of them all day long.

I say to my good friend from Virginia, I had only one or two Members on the Republican side show up during those hearings where there was extensive debate and discussion of all views. Where was the great interest in Haiti on those days?

All of a sudden there is a great interest in commissions and meetings and consultations. But the fact of the matter is when we do our work here and we bring together the experts, the knowledgeable people representing a wide array of ideas and perceptions and views, no one shows. All of a sudden it gets to be a minicrisis here and everybody has a great interest.

Mr. LEAHY. Mr. President, if I might, I am going to be very brief on this. We debated this yesterday. We debated it for hours this morning.

Let us not lose sight of what we are talking about. This is not a debate on whether we invade or do not invade. This is basically a way of giving an opening until next spring to Raoul Cedras. What this amendment does—let us not make any mistake about it—because of the congressional schedule, the amount of time it will take to pass this bill, go through conference, get the conference passed, get it signed into law, this commission would not report back until we have adjourned for the year and we would debate on it in February or March of next year. And that is why Raoul Cedras likes this amendment. That is why General Cedras is in support of this amendment. It is why President Clinton opposes this amendment. Because it gives a blank check to the rulers of Haiti; it removes all pressure from them until sometime next spring. They know it. Senators know it. The American people know it. That is why this amendment ought to be rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I would like to use my 10 minutes under the unanimous-consent request.

I oppose the amendment offered by the Republican leader, Senator DOLE, for the reasons I think were well articulated by my friends from Connecticut and Vermont and by others. However, I would like to talk about the sanctions against Haiti for a moment, and about an amendment of mine on that subject.

Although I have sat here awhile and listened to this debate, I may be one of the few Senators who does not claim to know what we should do in Haiti. But I understand what we should not do in Haiti. We should not, in Haiti, add to the burdens of those who are hungry and those who are sick.

I support the international economic embargo. I understand the reason for the embargo. We are trying to bring pressure on a government that came to power by force and replaced someone who was elected at the ballot box.

I respect that embargo and support it. But I also understand a little about Haiti and conditions in which the Haitian people live.

I should say I do not claim to be an expert on Haiti. Many people here have traveled many times to Haiti. I have been to Haiti, but I am not a frequent visitor. The last time I saw Haiti was through an airplane window looking back as we took off.

You could tell Haiti from the Dominican Republic. The Dominican Republic half of that island was green, and Haiti was brown, because in Haiti these desperately poor people have cut down most of the vegetation for fuel. In places that used to be rain forests there are now deserts.

This is a country where there is the most gripping, wrenching, awful, desperate poverty I have ever seen in my life. These are people who are hurting badly.

And while I support this embargo, I understand the committee will accept an amendment I am offering that says:

> It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

What does this amendment say? It says we want it to be within the power of our officials to expedite flights in and out of Haiti that are emergency flights, that evacuate people out or that bring desperately needed food and medicine in.

Why do I offer this amendment?

Let me quote from a newspaper piece.

You do not believe everything you read in the newspaper. I fully understand that. Let me at least give a description.

The headline reads, "Haiti's Tiny Victims. As Embargo Tightens, Hospital in Slum is Crowded with Malnourished Babies."

I have leaned over the cribs in this hospital. It is St. Catherine's Hospital. It is in Cite Soleil where people live in open garbage dumps and sewer pits. I have had a dying child lifted up to put her arms around my neck. She did not want me to leave. I was the only thing she had, and I was only going to be there 5 minutes.

The fact is, people in Haiti are suffering desperately for lack of food and lack of medicine.

> The children in the pediatric ward of St. Catherine's Hospital lay in tiny cribs, many with intravenous needles providing vital nourishment sticking in their legs because the veins in their arms had collapsed. Those who could, cried. Most lay silent and listless.

That is exactly what it is in that hospital. This hospital is not bad. I toured hospitals in Haiti that did not have doors. There are not enough hospitals, and in the hospitals, there is not enough medicine and not enough anesthetic.

My point is, yes, let us tighten the embargo against Cedras and the people who took power by force in Haiti. But let us make sure in every instance that humanitarian flights carrying medicine and food for Haiti get in and get out, and that we have people in our Government who will approve that with and through the United Nations.

Two organizations that fly supply missions to Haiti have flown one flight each since early May. They used to fly several times a week. Twenty medical teams who have been planning the work in Haiti have had to cancel their plans because they knew flights had been shut down. This is a country where 51 percent of the children are malnourished; 51 percent of their children are malnourished.

Let me talk about how aid gets in by air—if it does.

Under Resolution 917, the members of the Security Council have 48 hours in which to object to a proposed waiver for a humanitarian flight to Haiti, a flight that would evacuate somebody who is desperately ill or get some desperately needed medicine in.

However, the private aid organizations tell me that the waiver process is taking more than 2 weeks. Why does it take so long? Let me give an example.

Say a private aid group wants to fly a humanitarian mission to Haiti with desperately needed medicine. The

Agency of International Development gets the application. They forward it to the Treasury Department and the State Department. At Treasury, the Office of Foreign Assets Control looks over the application. Then at State, the Office of Sanctions Policy checks it out.

If the application is OK'd at this level, then it goes to the International Organizations Bureau at State, which forwards it to our U.N. mission in New York, which gives the application to the U.N. Secretariat, which distributes the application to the 15 Security Council members and tells them the 48-hour clock has begun to run. All of this while some people are probably dying because they do not have medicine; all of this while kids are malnourished or starving because they do not have food.

I hope, Mr. President, that this sense-of-the-Senate amendment—even as we retain the embargo, which is good policy—will send a signal to the poor people of Haiti, the people today who are hungry, who are suffering, who are sick, that we will not stand in the way of humanitarian flights, and that we will do everything we can to expedite the movement of food and the movement of medicine to the suffering people of Haiti.

This is a desperate situation. These are our neighbors. This is a country nearly as close to Washington, DC, as the capital city of my home State, Bismarck, ND, is. You get on a plane and fly to Haiti, which is part of our neighborhood, and you will find some of the worst poverty in the entire world. We need to care about that.

As I said when I started, I do not know what the answer is. When I was in Haiti, I thought what would I do if I had the opportunity to do anything there to fix it. The challenges Haiti has are so numerous and intractable and complex and deeply rooted that one barely knows where to begin.

It is a difficult, difficult thing, but I know what we should not do. We should not, with this embargo, in any way prevent the flights of humanitarian aid to people who are suffering and who need international aid. So I ask that we, with the chairman and the ranking member's blessing, include this sense-of-the-Senate resolution. We can all agree on this message, notwithstanding our disagreements on other aspects of our Haiti policy. The Senate should say to a kid that is lying in a crib in that hospital today that we care about you, and if you need medicine, we are going to try to help people, help organizations, help governments get you that medicine. If you are hungry we are going to try to help people get you that food.

That ought to be a truly bipartisan message that we can send today by approving this amendment.

Mr. President, I ask unanimous consent that the Post article I read from, as well as two letters from private relief groups that support this amendment, be inserted into the RECORD following the conclusion of my remarks.

Mr. President, I thank the chairman and the Senator from Kentucky, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 30, 1994]

HAITI'S TINY VICTIMS

(By Douglas Farah)

PORT-AU-PRINCE, HAITI.—The children in the pediatric ward of St. Catherine's Hospital lay in tiny cribs, many with intravenous needles providing vital nourishment sticking in their legs because the veins in their arms had collapsed. Those who could, cried. Most lay silent and listless.

One of the silent ones was 3-month-old Johanne Dessosiers, who weighed less than seven pounds and breathed with difficulty. Her mother sat nearby, looking lost. A needle delivering dextrose for rehydration was taped to Johanne's left ankle, and her oversized head had only a few tufts of discolored hair, indicating severe malnutrition.

"Most do not even come here because they are malnourished; they come for other problems, because almost all of them are malnourished," said Magid Cobdy, director of the hospital in the heart of Cite Soleil, the capital's biggest slum. "Then they stay until they are healthy enough to leave."

Those who have made it to St. Catherine's are the fortunate few. This is the only hospital in the sweltering slum, where about 200,000 people live crammed into three square miles. In Cite Soleil, life always has been bad. Children play in the open sewers that cut through the rough streets lined with crowded tin shacks.

"But things have gotten worse in the past 18 months," Cobdy said, "Many parents have no money to fee their children at all, so they leave them here even after they are treated. The embargo has made things dramatically worse. I would say that 90 percent of the children here [in the hospital] are malnourished."

In an effort to force Haiti's military regime to relinquish power and allow the return of ousted president Jean-Bertrand Aristide, the United Nations, led by the United States, has placed Haiti under an almost complete commercial embargo. The international community says the military is responsible for the embargo and can prompt its lifting by stepping aside.

But, while inconveniencing the rich, the embargo has thrown hundreds of thousands of people out of work and caused the price of food and medicine to soar. As more and more people have lost jobs and basic food prices have doubled since December, people's small reserves of cash or livestock have disappeared, leaving no safety net at all. The decline in economic well-being has led to a sharp drop in sanitary conditions, with garbage piling up and the area's few clean water sources becoming fouled.

Food and medicine are exempt from the embargo. But getting the necessary U.N. waivers is time-consuming, and the lack of fuel has forced prices up anyway.

"They say you can bring in medicines, but the truth is there is no transport," said a businesswoman who imports pharmaceuticals. "Practically, we are not able to bring in anything. These are sanctions without thinking about the logistics."

The main problem, according to health care professionals, is that many medicines must be kept within certain temperature ranges and have to be flown into the county. All commercial flights to the United States have been cut off, and charters require special U.N. approval.

Private organizations are scrambling to find carriers and are trying to put together loads large enough to make chartering economically feasible.

Cobdy said even dextrose and basic medicines are no longer available on the open market and must be imported. He said the hospital had two containers of medicine sitting in Miami, waiting for clearance through the embargo.

A U.S. official acknowledged medicine shipments are "episodic, a day-to-day operation" but said the United States felt it was "critical" to keep health programs going. The official, as others have, called sanctions a "blunt instrument" and said that "in and of themselves, they do not represent a policy."

"We recognize this falls fairly indiscriminately on people," the official said. "We want sanctions that achieve their goal without hurting people who are not responsible, but sanctions really do not work so neatly as to do that."

Evidence of just how blunt an instrument the embargo is can be seen in the rising malnutrition.

In Port-au-Prince, according to a monitoring report released in April by the U.S. Agency for International Development, 57 percent of the children 5 and under were malnourished, up from 42 percent in 1992. About 28 percent are considered severely malnourished, against 20 percent two years ago.

Across the country, 51 percent of Haiti's children were malnourished, according to the April report, and about 17 percent severely so.

Karine Chassagne, a spokeswoman for the Centers for Development and Health, the private foundation that runs St. Catherine's, said the hospital has had to turn away a growing number of cases because its 42-bed pediatric ward is constantly full. The patients are referred to other hospitals that have virtually no medicine either. Children who are left at St. Catherine's are turned over to the state welfare agency after their treatment.

"Some of them refuse to go, even if it means dying," Chassagne said. "That is how bad the other facilities are now."

In addition to malnutrition, diarrhea and other common ailments, Cobdy said, about 11 percent of the children are HIV positive and will likely develop AIDS. Because AIDS breaks down the body's immune system, its symptoms are often those of the diseases it brings on.

AIDS prevention programs have all but disappeared as the economic crisis has worsened, health care professionals said, losing most of the ground gained in the 1980s through education and the distribution of condoms.

In the pediatrics ward, the mother of Merystil Leickensia, a wispy 5-month-old who weighs about eight pounds, gently stroked her daughter's gaunt arms.

The treatment for severe malnutrition takes 20 days, and the hospital charges only a total of $3. "I have 10 other children," said the mother, Lesnier.

"She has a bad heart, but now they told me she was sick from other things. I don't know what to do. She has to stay here but what am I supposed to do now?"

A nurse standing nearby said:

"We don't know what to tell them. It is a very difficult moment."

WORLD HUNGER YEAR,
New York, NY, July 7, 1994.
Hon. BYRON L. DORGAN,
U.S. Senate,
Washington, DC.

DEAR BYRON: I want to commend you for your efforts to ensure that the people of Haiti receive needed humanitarian assistance and to speed the delivery of that support.

As you know, World Hunger Year has been concerned about hunger and poverty in Haiti for several years. Past issues of our quarterly, Why magazine, have addressed the challenges facing that nation and the need for international assistance.

Since the 1991 military coup ousting President Aristide, the situation is Haiti has dramatically worsened. Nearly a million Haitians each day rely on private voluntary organizations to provide them with food for survival. Millions of others are affected by the critical shortage of medicine, anesthetics, and other necessities for basic health care. This crisis has caused tens of thousands of Haitians to flee their country, resulting in the drowning of thousands at sea.

We at World Hunger Year understand that the political and diplomatic situation in Haiti is a difficult one, but we strongly believe that the international community should not sit idly by while millions of innocent Haitian men, women, and children are caught in the crossfire. We support your efforts to speed the delivery of humanitarian assistance to this desperate people, and we thank you for your continuing commitment to the poor and hungry who share our planet.

Peace,

BILL AYRES,
Executive Director.

CATHOLIC RELIEF SERVICES,
Baltimore, MD, July 13, 1994.
Hon. BYRON DORGAN,
Hart Building, Washington, DC.

DEAR SENATOR DORGAN: Thank you very much for your concern regarding assistance to Private Voluntary Organizations (PVOs) to enable us to continue our humanitarian assistance programs in Haiti. CRS is in agreement with the draft amendment to H.R. 4426, stating that approval of applications for medical evacuation and aid flights should be expedited.

The immediate initiation of regular chartered flights into Port-au-Prince is essential to the continued functioning of our programs in Haiti and to our current efforts to increase outreach and beneficiary levels to in response to increasingly difficult conditions in Haiti. Office supplies and equipment, including computers, spare parts, vehicles, etc. are urgently required.

Moreover, the safety of our staff members living and working in Haiti is fundamental. In this regard, we have been working with International SOS Assistance, the Agency for International Development and the Department of State to assure that waivers are obtained for medical evacuation flights within one hour of the request. We are deeply concerned that the procedures currently laid out recently required six hours for approval. This is unacceptable, and we would like to see this situation resolved without delay.

Thank you again for your interest and support of humanitarian programs.

Sincerely,

MICHAEL R. WRIST,
(For Kenneth Hackett, Executive Director).

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Oklahoma.

AMENDMENT NO. 2245

Mr. NICKLES. Mr. President, first, I ask unanimous consent to be added as a cosponsor to the Dole-Warner-Helms-McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I also wish to compliment Senators DOLE, MCCONNELL, and MCCAIN for their speeches in favor of this resolution. I had the pleasure of witnessing and listening to Senator MCCAIN who spoke at length about this administration's policy and really I must say, a failure of policy in regard to Haiti.

I also would like to echo his desire to have a bipartisan foreign policy. But I am very concerned about the direction that this administration is taking toward Haiti and what they might do in the upcoming weeks or months. They are certainly laying the groundwork, if not the greater probability, for an invasion. I think the risk to the lives of American men and women to reinstate Mr. Aristide would be a serious, serious mistake, one that probably will have some fatal consequences. I do not think it is worth the life of one U.S. military person to reinstate Mr. Aristide.

Senator MCCAIN talked about his questionable past as a leader. I have attended some of the briefings that talked about some of his involvement in encouraging necklacing. I just cannot imagine that we would risk the lives of U.S. men and women to reinstate somebody with such a questionable record in the past.

I also am critical of the administration's policy concerning Haiti. They have made a lot of changes. It was mentioned before that candidate Bill Clinton had a policy of: Well, we are going to reverse the Bush policy. But even before candidate Clinton was sworn into office, he changed that and he was right to change his policy. His policy as a candidate was irresponsible because it would encourage countless refugees coming to the United States. So he changed his policy even before he was sworn in as President of the United States, and he was right in doing so.

Then he made a major change, actually announced it on May 8 and it became effective on June 16. I think Senator MCCAIN referred to it as the "hunger strike policy" because of the hunger strike and also the pressure put on by the congressional Black Caucus to change policy.

I noticed today's New York Times talks about: "With Persuasion and Muscle, Black Caucus Reshapes Haiti Policy." I will read the first paragraph:

In March, the 39 Members of the congressional Black Caucus in the House introduced a bill to tighten the economic embargo against Haiti, sever its commercial air links to the United States, halt the summary repatriation of Haitian refugees picked up at sea and block financial assets held in America by Haitian nationals.

The measure has not yet come up for a vote in Congress. But now it hardly matters. Virtually all of its provisions have been adopted as President Clinton's policy toward Haiti.

"It was a blueprint for what was done in the coming months," said a congressional staffer who closely follows Haiti. "This is what they rallied around and pushed for. And they got almost everything."

Mr. President, I ask unanimous consent the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WITH PERSUASION AND MUSCLE, BLACK CAUCUS RESHAPES HAITI POLICY

(By Steven A. Holmes)

WASHINGTON, July 13—In March, the 39 members of the Congressional Black Caucus in the House introduced a bill to tighten the economic embargo against Haiti, sever its commercial air links to the United States, halt the summary repatriation of Haitian refugees picked up at sea and block financial assets held in America by Haitian nationals.

The measure has not yet come up for a vote in Congress. But now it hardly matters. Virtually all its provisions have been adopted as President Clinton's policy toward Haiti.

"It was a blueprint for what was done in the coming months," said a Congressional staffer who closely follows Haiti. "This is what they rallied around and pushed for. And they got almost everything."

GROWTH OF BLACK CAUCUS

The Administration's adoption of the group's ideas is indicative of the political influence of the black caucus, whose numbers in Congress rose to 40 from 26 after the 1992 election. But in pushing the Administration to take more robust action on behalf of the ousted Haitian President, the Rev. Jean-Bertrand Aristide, the caucus, in the eyes of some in Congress and the State Department, is leading the United States inexorably toward military intervention—an issue that has divided the caucus itself.

From the dismissal in May of Lawrence A. Pezzullo as the Administration's special adviser on Haiti and his replacement by William H. Gray 3d, a former member of the caucus, to the warmer embrace of Father Aristide and the new-found reluctance of his detractors in the Administration to make their private doubts public, the caucus has played a key role in steering Haiti policy in the Administration.

Members of the caucus tend to describe its contribution to the Administration's Haiti policy in modest terms and to stress that others have also played a role.

A ROLE IN POLICY CHANGE

"We've made legislative suggestions in a number of areas and have had limited success in a number of areas," said Representative Donald M. Payne, a New Jersey Democrat and the highest-ranking black lawmaker on the House Foreign Affairs Committee. "I think we certainly have played a role in the changing of the policy."

But others say the influence of the caucus is more profound.

"The basic components of the black caucus approach—the military is the problem, Aristide is the solution; we shouldn't move away from him even two inches; we should do nothing that smacks of any kind of alternative to Aristide, like work with a prime minister—all that has been adopted," said a State Department official who requested anonymity.

One lawmaker who follows Haiti grumbled that Administration officials consult more with key members of the black caucus about the crisis than they do with the chairmen and ranking members of House and Senate committees with jurisdiction over foreign policy or Caribbean affairs.

But the solicitation of the views of the caucus and the appointment of Mr. Gray have failed to silence criticism of the Administration's policy by some caucus members. Last week representative Kweisi Mfume, Democrat of Maryland, the caucus chairman, termed the Administration's efforts "a policy of anarchy, one that changes by the moments."

Representative Robert Torricelli, a New Jersey Democrat, suggested that the black caucus having gotten much of what it wanted, is simply keeping the heat on. "It has been a spiral of influence," he said. "The President has listened and the voices have been raised. the President has responded and the voices have been raised further."

HUNGER STRIKE BY ROBINSON

To be sure, the group cannot take credit alone for having altered Administration policy. It was a 27-day hunger strike by Randall Robinson, the director of the TransAfrica lobbying organization, that galvanized the public and the black caucus to place more pressure on Mr. Clinton to change his Haiti policy. Florida lawmakers and groups advocating the rights of refugees also played a role.

Still the caucus's interest in the issue kept it alive when many of the caucus members' colleagues in Congress and some in the Administration might have let it die. Its accusations of racism in the treatment of Haitian refugees got the attention of a Democratic President.

The caucus's 40 votes—39 in the House and one in the Senate—are an unspoken part of the calculation. While there has been no explicit quid pro quo, some in Congress and the Administration are counting on the caucus to provide critical support for domestic initiatives like health care, welfare reform and the crime bill.

But while the caucus has helped push Mr. Clinton into a more confrontational stance against the military rulers who overthrew Father Aristide, the black lawmakers have yet to agree among themselves on the most critical question when it comes to Haiti: Whether military force should be used to restore democracy.

Some, such as Representatives Major Owens of New York and Maxine Waters of California, have advocated armed intervention to restore Father Aristide. Others, like representative Ron Dellums of California, the chairman of the Armed Services Committee, have voiced strong reservations on the use of military force.

"We have not been, generally speaking, a group that supported gun-barrel diplomacy." said Mr. Payne. "But we are seeing a changing world. I don't think any of the members of the caucus initially supported military intervention and there are still some who oppose it. But I do think the majority of the members are slowly moving toward the point where it might be the only solution at the present time."

Mr. NICKLES. Mr. President, this is a vacillating policy, one, I might mention, set up and announced on May 8, almost identical to that which was pushed by the Black Caucus, and I guess Mr. Robertson, that has had a disastrous result. It has tightened up the economic leverage; it has tightened up the leverage on Haitians; it increased the poverty, the misery, the problems in Haiti; and it has greatly increased the number of refugees coming to the United States.

I will read a couple things:

> The upsurge in the number of intercepted Haitians coincided with a more generous assessment of whether they were genuine political refugees eligible for resettlement in the United States. For example, of the 1,705 Haitians interviewed offshore at Kingston, Jamaica, some 515, about one-third, were judged to be fleeing a "well-founded fear of persecution," the necessary legal standard for refugee or asylum status. This compares to a rate of about 5 percent judged to be political refugees at interview centers inside Haiti.
>
> The simple message to Haitians: If you want to improve your chances of being judged a political refugee rather than an economic migrant, get in a boat.

Mr. President, the net result was an upsurge of Haitians, thousands of Haitians, fleeing in boats. The policy of this administration, this change of policy, has cost in all likelihood hundreds of lives—we do not know how many lives—hundreds of lives, where individuals would take their families and risk everything getting in an old, rickety boat, thinking they might have an increased chance of coming to the United States because of this change in administration policy.

They have modified this policy recently, and I think they have improved it, to discourage emigration. They said we are going to have "safe havens" in other areas, so we are not going to have emigration automatically to the United States. They said we are going to have greater repatriation back to Haiti. So that has discouraged some refugees. That is some improvement.

But this administration's policy of tightening the sanctions has basically encouraged an exodus from Haiti, greatly increased the pain and suffering of poor people, and I doubt it has really put that much pressure on the people they are trying to get the attention of, the military junta that is now running Haiti. I do not exonerate them from wrong or evil, but I think the administration, through its efforts, has been largely unsuccessful, and has greatly increased the pain and suffering among a lot of innocent individuals.

The resolution that we have sponsored by Senator DOLE and Senator WARNER, Senator MCCAIN, and others, I think is very positive. It does say let us look at having a bipartisan commission. There is a wealth of information in this body and in Congress and elsewhere, people I think would be willing to work together in a bipartisan manner to try to find some positive solutions.

I do not think that Mr. Aristide is one of those solutions, and I do not think he should be the linchpin or the focal point or the foundation of United States efforts in Haiti. I think if we restore Mr. Aristide with the military intervention, sure, it could be done. But we are going to be making a long-term commitment of U.S. troops, risking lives, probably costing lives, to reinstate somebody who, as I mentioned earlier, has more than questionable credentials and background in human and civil rights. Anyone who would encourage necklacing, which is probably one of the most inhumane methods of killing and torture known—I question whether our Government should be backing such an individual.

I happen to have a little difference of opinion with our colleague from North Dakota. I do not think we should be tightening the sanctions. My guess is we should be loosening them. I do not think this policy has done anything but increase the number of refugees fleeing to the United States.

And I also really question whether or not the U.S. military should be in the business of nation building, and I think if we have a military invasion to reinstate Mr. Aristide, we are going to be in the nation building business for a long time, maybe 15 years, 10 years. Who knows?

Mr. MCCONNELL. Will the Senator yield?

Mr. NICKLES. I will be happy to yield.

Mr. MCCONNELL. We just had an experience with nation building within the last 2 years, I say to my friend from Oklahoma, we lost 18 servicemen who were out of the 101st from Fort Campbell, KY, as the mission in Somalia slid from feeding people into nation building.

So I want to commend the Senator from Oklahoma for his observation. We do not have to go back to 1915 and study the last time we were in Haiti to remember an experience that we have had where we used our military in nation building. We have had it within the last 2 years with an important lesson. We got out of there.

I thank the Senator from Oklahoma for raising that point.

Mr. NICKLES. I compliment my colleague, because I think he is exactly right. I do not believe we should forget the lessons in Somalia. And if one thinks, well, that could not happen in Haiti, it is closer to home, I would just totally disagree. If we go in and try to restore Mr. Aristide with bayonets, there are a lot of people who will not be eliminated in the first day or so who will be hiding in the hills, who will be not only against Mr. Aristide but now they will be against the United States. And so we will have some enemies.

Can we occupy Haiti successfully? Sure. But at what expense? And what happens when we leave? My guess is probably quite comparable to when we left Somalia: You are going to see a return to chaos. And I am afraid that is what you are going to see in Haiti. In other words, we restore Mr. Aristide and he is going to either eliminate all of his opposition, probably murder or jail them, or whatever, and they are going to try to eliminate him. And so there is going to be significant opposition, probably for a long, long time, and we would be involved with United States military, which is not their role. They have not been trained for nation building; they have been trained to win wars. They were not trained as domestic police officers.

I think this resolution is a step in the right direction. I compliment the sponsors of it. I hope we will be successful in passing it later this afternoon.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from Vermont.

Mr. LEAHY. Mr. President, we can debate whether we should be involved in nation building or not. I feel as a general rule we should not. We can debate whether we should invade Haiti or not. As I have stated before, there is no great desire in my State, nor do I suspect throughout the country, to invade Haiti. I am certainly not someone who is standing here suggesting we invade Haiti.

But that is not the issue. That is not the issue with this amendment. This amendment, whether intended or not, will have the effect of giving a blank check to the military dictatorship in Haiti until sometime next spring. What this amendment says, in effect—let us not make any mistake about it—is that neither the President of the United States nor the United States acting as part of the United Nations body or anything else can make any threat with any teeth in it until sometime next spring because basically it says that a congressional commission, study commission—boy, and that is going to thrill the American people, to know there will be another congressional study commission—that this congressional study commission will go out and report back sometime after we have recessed for the year so that we can debate next January or February or March about what we might do.

That makes no sense at all. What it says is that while the Congress of the United States is gone for at least several months, the President cannot say or do anything with any force regarding Haiti.

Now, I am not encouraging us to invade. I am not encouraging the United States to get into the exercise of nation building. But I do think that the President of the United States, as our chief foreign policy spokesperson, ought to have the ability to reflect the full power of our great and powerful Nation.

This will do just the opposite. We cannot have a situation where we pretend that the Congress does not know what is going on. Anybody can pick up the newspaper and read it. Anybody can turn on television and watch it. It is very easy to tell what is going on down there in Haiti.

They are talking about not having consultation. Well, we had consultation yesterday. There has been a whole list already put in the RECORD of the types of consultations we have had. It is said that the distinguished Republican leader was not consulted yesterday, but he was invited to the meeting, as were a number of the rest of us. Some went, some did not. But it was a very extensive discussion and consultation.

The fact is, this says that the Congress, sometime after we have recessed for the year, can go out and study the matter. Whoop-de-do. That is going to start the ruling dictatorship in Haiti quaking in their boots. That is going to make them mend their ways. They will certainly stop the killing knowing that during our election campaigns, during the recess, during Christmastime, a group of Members of Congress will study this issue.

Come on. Let us be serious. If we want to have a debate on whether we should or should not invade, let us do that. And we have had some debate on that issue. It was defeated in the Senate. If we want to have another one, let us have a freestanding resolution and do just that. But let us not pretend on an appropriations bill that an amendment designed to put this subject off and to tie the hands of the President until sometime next spring is good foreign policy. It is not. But it is why General Cedras supports this amendment and why President Clinton opposes it, and I daresay any President, Republican or Democrat, would oppose it. But any dictator in the position General Cedras is in would be all for it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the parliamentary procedure, the Senator from Massachusetts is guaranteed 10 minutes, and the chairman of the Foreign Relations Committee 5 minutes, so as long as everyone understands that.

Mr. McCONNELL. That would leave 10 minutes remaining. I ask unanimous consent that the Senator from Georgia have at least 5 minutes of those 10 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, just 3 days ago the military leaders of Haiti issued a direct challenge to the international community by expelling the United Nations and the Organization of American States human rights observers. France has announced that it will end all commercial flights to Haiti and other countries are likely to take additional steps to increase pressure on the regime in response to the coup leaders' actions.

If we adopt this amendment before us, the message we send to the coup leaders will be that instead of taking action, the United States is going to study, review, and analyze the situation. This amendment says that 45 days after this bill is enacted into law, the United States will issue a report and recommend policy options. I do not believe this is the correct course of action for the United States, which has taken a leadership role on resolving a crisis only a few hundred miles from our border.

As the commission reviews the situation and issues its report, the coup leaders will continue to murder, rape, and terrorize its opponents. Haiti's rogue leaders will come to the conclusion that the United States is not serious about its commitment to the restoration of democracy in Haiti, as will other military leaders and potential dictators in the hemisphere. Clearly the coup leaders in Haiti support the concept of forming a bipartisan commission as General Cedras made clear several months ago, since it buys them time, and diminishes the pressure exerted by the international community.

This amendment is not about whether you agree with the current policy against Haiti; it is about limiting the power of the President. Congress has ample opportunity to express its opinion on United States policy toward Haiti and there is no lack of information on the situation in Haiti. Administration officials have appeared at 26 hearings, briefings, and consultations on Haiti since January 1993 and Members and cleared staff have access to intelligence information on a daily basis.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. Mr. President, I wish that this was really a serious debate as the time that has been consumed in the last hours might indicate. But this Senator at least cannot help but feel that there is a brazen, political element to this particular amendment that defies any of the assertions put forward to try to justify it and certainly that defies any of the so-called merits that have been asserted on its behalf.

We have heard talk about the Kissinger Commission as a precedent. But the Kissinger Commission was not imposed by a minority of the U.S. Senate that opposes almost anything a President does. It was set up by the President of the United States himself, Ronald Reagan, in an effort to try to enhance an already troubled policy in Central

America, Latin America. So the President sought the Kissinger Commission as a means of enhancing his policy. It was not something congressionally mandated.

Second, the Kissinger Commission involved people from outside the U.S. Congress. This amendment is such a patent charade it defies the imagination. There is not a Member who is on this amendment who cannot accomplish through their committee or their current responsibilities what this amendment seeks to do. Every single member of this so-called commission which the minority leader seeks to establish is already a Member of Congress, already has responsibilities of oversight, and already should have done every single thing that this amendment calls on them to do.

It is almost insulting that days into our policy in Haiti, years into it with respect to refugees, because it was after all President Bush who began the policy with respect to the refugees, that they now call upon on the Congress to assess the humanitarian, political, and diplomatic conditions in Haiti. I mean, that is almost an admission of dereliction of duty, that now they are coming to us and saying, "Oh, by the way, there is a problem in Haiti, and we ought to take 45 days to figure out what it is."

You can laugh at that, if that is what this is about. But that is not what this is about. This is about the scorched Earth policy similar to that on health care, where we try to deny the President any victory, deny the President any rights to exercise his responsibility, deny him certainly what Presidents Reagan and Bush were granted by every Member of the majority here.

This Senator learned about the invasion about 1 o'clock or midnight, I think it was, when we got a telephone call telling us the airplanes were in the air and the troops were being dropped. This Senator woke up in the morning to find pictures on national television of our Navy Seals landing in Somalia. There was not one 45-day commission. There was not one consultation about it. It just happened.

Do you know, Democrats did not run to the floor, and, say "Stop the policy, let us have 45 days to figure out whether it makes sense." We supported the President of the United States in both instances; most of us. And we suggested that, yes, the President has the right to conduct that foreign policy, though we might disagree with it ultimately. In these cases we thought it was appropriate.

Why did we go into Somalia? We went into Somalia to feed people and to try to create some order out of chaos. I did not hear a lot of Republicans down on the floor questioning the vital national interest. There was no hue and cry about defining national security. What a brave President to put our troops in there in the interest of feeding human beings who are dying.

They are dying in Haiti.

Here is the minority leader. He wants to come to the floor and figure out what is happening in Haiti. He wants to determine what is happening in Haiti and suggests that Haitians may be put at risk if somehow the American military has not become involved.

Haitians are at risk today in Haiti. They are taking the rickety boats, they are being eaten by sharks, and they are drowning because they are at risk today because a couple of thugs have taken over the government. What has happened to our friends on the other side of the aisle who used to rail against dictators and totalitarianism? Totalitarianism is what exists in Haiti today, brutal, repressive, oppressive totalitarianism. Twelve young Haitians turned up in shallow graves yesterday. And they want 45 days to figure out what is happening in Haiti.

This resolution is an admission of dereliction of responsibility to know what is happening in Haiti. What is the policy of those who say we are on the wrong track? They say lift the embargo; in effect, capitulate, grant a victory to the thugs who took over the government; tell them there is no price to pay, the international community is impotent, the United States of America is impotent, and everybody is impotent in the face of those thugs who want to take over a government. And, by the way, if at the same time you want to involve yourself in drug schemes with thugs in Colombia and sell the drugs in America, go right ahead because the United States is not going to do anything about it.

Is that the policy? I mean, think, maybe we ought to negotiate. Well, folks, we did negotiate. Cedras went to New York. There was a great discussion. They signed an agreement: Come on in, we are going to get out, here is the agreement. President Aristide, in fact, has bent over in a number of different ways to include people who are totally inamicable to his political view. But he built a coalition. He turned over power to a Prime Minister who was acceptable to parties, and they still reneged. They still went back on their word. And now we have the very thug that was in charge of this operation applauding the Republicans for this particular amendment. They should be ashamed.

General Cedras says this is a good amendment. General Cedras says by all means pass this. If ever there was a message to Members of the Senate, "Don't vote for this," it ought to be the support of General Cedras for this effort.

Mr. President, the Members of the Senate voted 65 to 34 a few days ago to respect Presidential power. I was at that briefing yesterday. There is no imminent military effort. It has been made very clear that there are a number of different interests at stake here, but they have not ripened to a point where that should be considered. We do not have Americans in jeopardy today. We do not face a situation where there is chaos in the streets. We do not have the same numbers of refugees pouring out of the country. I read nothing in that, except that the military option is still very much on the table, and well it ought to be very much on the table.

What President of the United States in his right mind, in an effort to try to leverage the United States in the diplomatic arena, is going to take away one of the most important tools we have? I have never heard one Republican come to the floor and suggest that in Grenada, Panama, Somalia, or elsewhere, we ought to have a commission made up of only Congressmen who have the power to do what the commission is asking them to do, and they have not done it anyway.

We have had 27 different briefings and consultations between the House and Senate. We have had eight different hearings in the Senate alone. So what is this? What is going on here? Is this an effort to tie the Senate up in a debate so that we are sending a message to the country that there is somehow great uncertainty about this President's foreign policy? Is that the message? Is the message that somehow we have to question, at every step, what this President is doing and weaken him in the effort of simply questioning and therefore create a self-fulfilling prophecy? Whatever happened to bipartisan foreign policy where we worked together to advance the interests of the United States of America rather than the interests of one party in returning to the White House?

I have no illusions, because I know that the American people are not watching every nuance of a debate like this, and they are not even going to read some of the central stories about it. It is not engaged in the American public yet. But that is what this Senator believes is going on. It is sad for this country. We agree that these thugs ought to go. We agree that democracy ought to be advanced. And we owe it to this President to have the opportunity to see if this policy could work and to speak in one voice about that.

The administration made it very clear in the briefing yesterday that they intend to return, they intend to consult, they intend to talk to the leadership and follow the rules.

So I respectfully hope that colleagues will summon the same sense of responsibility that they exercise in protecting the constitutional rights of the President, 65–34, and indicate again their willingness to stand up for the Constitution and for the prerogatives, and not to wind up in a situation where day-after-day and week-after-week we display such a split message that we in fact enhance the ability of these thugs to continue to do what they are doing today.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I rise in support of the amendment, and lest there be any confusion about the reason for it, it is because I believe that it, in essence, is an expression of concern against invasion. We remove all the explanations about why something is done or is not done. This resolution expresses a desire to go slow on the utilization of military intervention.

I do take some exception with the analogy utilized by the Senator from Massachusetts. I am rather surprised that he would match Somalia with Haiti. The match is not a good one. It is true that we sent military forces to Somalia for the purpose of a humane distribution of food to nearly one-half million people who were destined to starve. No one took exception with that mission. But this administration decided to change that mission and make it one of military intervention in the outcome of a domestic crisis, which I might add, goes on yet today. And when that mission changed to one of being an interloper in a domestic dispute, to change who would lead the country, the United States and United Nations fell into disrepair and ultimately had to leave.

This resolution argues that we should not do that again in Haiti. We have a severe—everybody admits—domestic crisis there. There is no moral standing for the leadership. But it is a domestic crisis, and we do not want to set the doctrine that the United States, through the use of its military, will intervene in every domestic crisis in this hemisphere or around the world to resolve it.

Mr. President, I would like to remind my colleagues that in the last few years, there have been 10—I repeat, 10—overthrows of democratic governments by dictators or the military in such countries as Ecuador, Honduras, Chile, Uruguay, and Argentina. Are we saying, as we come to the new century, that if there is a domestic turmoil, the doctrine of the United States will be to send in the marines and settle it; that we will flex our muscle and come into a domestic crisis and pick who will sit in power?

I do not believe that ought to be the doctrine of this country as we come on the new century. Yes, we should exert international pressure and work for international cooperation; and, yes, we should try to be a good neighbor, but not a policeman and not a military hammer to settle every domestic crisis in our hemisphere. This resolution moves toward that expression. I might say again to the Senator from Massachusetts, this amendment—forgetting General Cedras—speaks to the will of the American people today who are telling this President, this administration, and this Congress that this is not where American blood should spill. And they are right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair reminds the Senators that there are 7 minutes left in the debate.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KOHL). Without objection, it is so ordered.

TELECOMMUNICATIONS IN EGYPT

Mr. GRAMM. Mr. President, I would seek to address a question to the ranking member of the Foreign Operations Subcommittee. As the Senator knows, priority is given in this bill, as has been the case for several years, to our relations with Egypt. One of the projects that we have supported with our financial assistance to Egypt has been the development of telecommunications in that country. Telecommunications are an essential element of the modern economic infrastructure of a nation and are of course vital to the economic growth of any country. The question that I would address to my colleague is whether he agrees with me on the importance of telecommunications in fostering the growth of the economy, and especially the private sector, in Egypt? I would also ask if he would concur with me in concluding that this type of infrastructure, and the economic growth that it promotes, will enhance political stability as well?

Mr. McCONNELL. Mr. President, I would agree with the Senator, that the development of modern telecommunications plays a fundamental role in the economic and political development of Egypt. In fact, I have raised this issue on a number of occasions with the Administrator of AID and our Mission Director in Cairo. I have been somewhat frustrated by their approach to American commercial interests.

Mr. GRAMM. Then the Senator also agrees with me that, in the process of procurement in connection with this assistance to Egypt, AID should follow procedures that do not disadvantage United States producers of telecommunications equipment and services, that we would expect AID to give United States producers, world leaders in this industry, full and fair opportunities in the procurement connected with this United States-funded project?

Mr. McCONNELL. Absolutely. I would say to my colleague that it is misguided and inappropriate for the procurement process for a U.S. AID project to disadvantage in any unfair manner any U.S. producer from providing goods or services for this project.

Mr. GRAMM. I thank the Senator.

AMENDMENT NO. 2245

Mr. PELL. Mr. President, what is the present business?

The PRESIDING OFFICER. The pending business is amendment No. 2245.

Mr. PELL. Mr. President, I move to table the Dole amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion of the Senator from Rhode Island to lay on the table amendment No. 2245. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NOT VOTING—1

Wallop

So the motion to lay on the table the amendment (No. 2245) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, if we could have order, please?

The PRESIDING OFFICER. The Senate will come to order.

Mr. LEAHY. Mr. President, we have now had 2 or 3 days of debate on this bill regarding Haiti. Obviously, between now and 6 o'clock, if there is anything else submitted on Haiti we will be able to vote on it. I would hope we will not have more. I hope we would feel there has been strong enough statements on this issue.

I appreciate those Senators who voted with the position that I had taken as manager of the bill; with the position of the distinguished chairman of the Foreign Relations Committee in moving to table this.

Mr. President, I would note that I did not question the concern of Senators, of all Senators, on Haitian policy. It is a difficult question. I would suggest that it is not a question that can be settled on amendments to this appropriations bill. It is something that is going to be difficult enough for the President and his Cabinet to grapple with. I urge the President and his Cabinet to continue real consultation with both Republicans and Democrats alike, the leadership of the House and the Senate, on this issue. I urge the President to seek a consensus among us.

That consensus does not mean that the President is necessarily going to take a position that is a popular one. Quite often, in such major foreign policy issues, the decision cannot be made by public opinion polls or by what might be popular at the moment. But usually, if these decisions are to work, they require bipartisan cooperation and bipartisan support. I suspect that that is available.

I hope, though, we would not have amendments to this bill that are designed more, as happens on occasion, to raise polarizing opinions than the consensus necessary. But in this case, the Senate did absolutely the right thing. Had this amendment been agreed to, it would have given a time of isolation for General Cedras which would extended well into next spring, a time isolating him from the pressures of the United States, of the United Nations, and others. It would have given a green light at least well into the spring for any actions to be taken by the dictatorship in Haiti.

So I am glad that we did not give them that green light. I am glad the President now has the ability to continue at least to seek the support of our allies, but also, if he is to make threats or to take steps necessary to carry out U.S. policy, that they will be credible threats, it will be credible policy.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky, Senator McCONNELL.

Mr. McCONNELL. Mr. President, I say to my friend, I am not aware of any more amendments on Haiti.

Mr. President, I ask unanimous consent that the pending amendments and the committee amendments be laid aside in order to offer a series of amendments for my colleagues.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not, I understand this is so as to comply with the standing unanimous-consent agreement.

Mr. McCONNELL. That is right.

Mr. BUMPERS. Further reserving the right to object, what is the procedure?

Mr. McCONNELL. If I can respond to the Senator from Arkansas, under the unanimous-consent agreement, amendments have to be in before 6 o'clock. I am simply complying with the unanimous-consent agreement.

Mr. BUMPERS. Would the Senator be willing to offer one for me while he is doing it?

Mr. McCONNELL. I will be happy to.

Mr. BUMPERS. If he prefers, I will ask the distinguished floor manager on this side.

Mr. GRAHAM addressed the Chair.

Mr. McCONNELL. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator making the request has the floor. Is there any objection to the request?

Mr. GRAHAM. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Am I correct that if we submit amendments to the manager of the bill, that the manager of the bill will offer them and they will be considered to be in compliance with the 6 p.m. deadline?

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM. I have no further objection.

Mr. McCONNELL. Mr. President, I further ask unanimous consent that it be in order for me to offer the following amendments to the desk en bloc; that they be considered as having been offered under the terms of the consent agreement; and that they be laid aside for further consideration at a later time.

The amendments are as follows:

Six McConnell amendments, one relevant, one on the Middle East, one on AID, congressional presentation, documents reform, NIS; a Helms-Murkowski amendment; a Dole-Murkowski amendment; a Murkowski Japan Commission amendment; a Nickles amendment; a Pressler U.N. amendment; a Helms-Roth U.N. amendment; a McCain Cambodia amendment; a McCain IESC amendment; a McCain NATO amendment; a Helms Colombia amendment; a Helms Israel amendment; a Cohen Germany amendment; and two Domenici relevant amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I ask unanimous consent that following the standing unanimous consent agreement, it be in order for me, under that unanimous consent agreement, to send to the desk amendments on behalf of Senator WELLSTONE regarding Indonesia; Senator LAUTENBERG regarding an extradition matter; myself regarding Indonesia; Senator BUMPERS regarding the People's Republic of China; Mr. GRAHAM regarding Colombia and Bolivia; Mr. GRAHAM regarding Peru; and Mr. DORGAN regarding Haiti.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. If I am correct in the parliamentary situation, I ask the pending amendment be laid aside in order that my amendment be considered at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2265 TO THE COMMITTEE AMENDMENT ON PAGE 2

Mr. McCAIN. Mr. President, this amendment is agreed to on both sides. It is to eliminate an earmark in the bill which directs funds to certain organizations which promote democratic institution building in China.

I believe we all agree on the need to support such democracy programming to further our Nation's interests and the democratic aspirations for the people of China.

I believe, however, that funding selections for democracy building, as with all Federal grants, should be subject to merit-based competition.

The amendment will delete the earmark and clarify that the funds should be allocated based solely on competition.

I would like to note that one of the organizations which is identified to receive the earmark is an organization on which I serve as chairman of the board of directors. I am honored the committee thinks highly enough of the organization to select it for this program.

It is not an earmark, but we request the funds should be subject to competition. Yet, I want to be clear that I oppose congressional earmarks. Funds should be competitively allocated for democracy building in China, just as they should be in any other area of Federal grantmaking.

I believe the amendment will accomplish this goal. I want to thank the managers of the bill for accepting this amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2265.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending committee amendment add the following:

"Provided further, That of the funds appropriated under Title II, not less than $600,000 shall be available to support democracy programs in the People's Republic of China: Provide further that the Agency for International Development shall make these funds available for the activities described in the previous proviso on a grant basis to U.S. non government organizations, on a competitive selection basis, notwithstanding any other provision of law."

Provided further that the following section of the bill is null and void. "Provided further that of the funds appropriated under this heading, not less than $600,000, shall be available to support parliamentary training and democracy programs in the People's Republic of China: Provided further That the Agency of International Development shall make funds available for the activities described in the previous proviso on a grant basis to the International Republican Institute and the National Democratic Institute, notwithstanding any other provision of law."

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am certainly ready to accept the amendment of the Senator from Arizona.

The PRESIDING OFFICER. Is there any further debate on the McCain amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 2265) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2266

(Purpose: To require a report on NATO eligibility criteria)

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, I am about to call up an amendment that is at the desk under the UC agreement. I am trying to ascertain what its number is. I will report to the Chair momentarily.

Mr. LEAHY. Mr. President, I wonder if the Senator wants to describe what it is while they locate the number?

Mr. McCONNELL. I call up amendment No. 2266, which is already at the desk under the UC agreement. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2266.

Mr. McCONNELL. Assuming the amendment might have been about to be read, let me ask unanimous consent the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. .

(a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations defining specific military, economic and political standards required to gain admission to NATO; Provided further, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

The PRESIDING OFFICER. Is there any debate on the amendment?

Mr. McCONNELL. Mr. President, for nearly half a century, NATO has advanced U.S. interests in peace and in security in Europe. With the end of the cold war, it seemed appropriate to reassess NATO's future role in the region.

Because of its success, because its role has been so central to Europe's stability, many of us felt it would be prudent to expand its influence east and draw in former members of the Warsaw Pact. A number of Senators have had a great interest in NATO expansion: Senator BROWN, Senator SIMON, and others, and there may be other amendments on this subject yet on this bill.

Unfortunately, the administration has opted to take a wait and see approach which they called the Partnership for Peace.

Now, Mr. President, from my perspective, the administration missed a historic opportunity to turn adversaries into permanent allies to advance our global interests in peace. Instead of defining our interests, we deferred to Russian sensitivities. The administration claimed they did not want to draw any new lines. My view, Mr. President, is that they did not want to make any tough choices.

At the time of the NATO summit, the administration offered a number of nations eager to join NATO the assurance that participating in the Partnership was a first step in that direction.

So 21 nations, including Russia, endorsed the principles in the Partnership calling for expanded regional cooperation. Then they waited and wondered what the whole arrangement really meant.

I questioned Secretary Christopher and Deputy Secretary Talbott about the Partnership, asking them what could these nations expect from participation in the PFP. They assured me each nation would work out terms of participation which reflected their own capabilities. I kept hearing that the goal was to strengthen cooperation. To what end, I asked. And I must say to date it is still rather murky.

Now, Mr. President, several nations have now advanced detailed plans outlining their interests in integrating specific defense capabilities as a steppingstone toward NATO admission. Those plans are still under consideration and no doubt will be carefully considered right through the end of this century.

My frustration and the frustration of the Polish leadership, the Lithuanians, the Hungarians, and others stems from a sense of futility over this Partnership for Peace exercise. This is really a peculiar shell game which has been difficult to argue against and even more difficult to defeat.

The administration maintains that many of these nations interested in becoming members of NATO do not meet the appropriate standards for admission which, of course, raises the obvious question: What are the standards? What are the standards to get into NATO, Mr. President?

In a hearing before the Foreign Operations Subcommittee, Secretary Christopher told me he meant the standards in the NATO Charter. So I picked up the charter, and pointed out that the only standard appears to be a commitment to support the alliance and its goals of regional peace and security. So there are not any clearly defined standards for admission into NATO, and in effect admission into NATO is if members of NATO want to allow you in. There are no standards.

The next argument is whatever the standards, the partnership is the appropriate stepping stone, the PFP. Yet, here again no common requirements for participation are spelled out in the PFP either. Each country endorses principles and then negotiates integrated agreements for joint military activities.

Mr. President, this is bound to produce distrust, competition, and disappointment. Believing an annual joint exercise will trigger admission, a participant may eventually learn that their neighbor integrated air defenses, and conducted joint air exercises, giving them an advantage.

My amendment is an effort to define just what a nation must do to be eligible for admission into NATO. It is quite simple. To define just what a nation might do to be eligible for admission to NATO, the amendment essentially has three parts.

First, it asks for the administration to report on the military, political, and economic standards and obligations which must be fulfilled to secure admission into NATO. In other words, we are asking the administration to really think through that which has never been thought through, certainly not in the post-cold-war period. What are the standards for admission to NATO?

Second, it asks the administration to assess what measures must be taken to meet those standards by seven specific nations: Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, and Estonia.

So we have said in No. 1, what are the standards. In No. 2, these are the countries.

Finally, the amendment would make available excess defense articles from our NATO inventories to improve the capabilities of those nations in order to meet the standards which this amendment calls upon the administration to set. We are not writing the standards. We are simply asking the administration to write the standards. I think that is a reasonable approach. For 6 months these nations have been told they do not qualify for NATO admission. Yet no one can define with any precision what test they have failed to meet.

Let us go over that again. Imagine desiring to enter an organization like NATO. It is sort of like getting into a club, I guess. What do I have to do to get in? And you are told by the members of the club, "We cannot reveal to you the requirements for membership." It is an incredibly frustrating experience for the nations of Eastern Europe that have had so much frustration over the last 50 years under the domination of the old Soviet regime.

So we are saying here we are calling on the administration, not writing it for them, not telling them what the standards ought to be, but to come up with some standards so that those who seek to get in will know what they have to do to get in.

The frustration that I am referring to was evident again last week during the President's trip to Europe. As reported in the New York Times, the President's major address in Poland was characterized as "more an exhortation than a plan of action." His vagueness on when Poland would be welcomed into NATO provoked the Foreign Minister of Poland to comment, "Our expectations were not completely fulfilled. I would have liked our dialog on NATO to have gone much further than it did."

Imagine the foreign minister saying that publicly, presumably while the President was just there or had just left.

This disappointment was echoed by the chairman of the parliament's foreign affairs committee, the Polish foreign affairs committee, who said President Clinton's speech "Did little to satisfy our security expectations. To us this represents a lack of momentum." This is the Polish chairman of the foreign affairs committee.

Clearly, when you look at this, you would have to agree. It seems past time to move beyond exhortation and develop a clear plan of action.

There has been a lot of discussion here today on other amendments, and yesterday on other amendments about the Congress is trying to tell the President what to do. We are not writing the standards for him under this amendment. We are asking him to come up with clear standards.

It seems to me, Mr. President, this will be a good exercise for all of NATO to try to discover for the first time, other than opposition to communism, what the criteria for admission to the most effective treaty alliance in the world ought to be.

I do not want to see NATO's strength compromised nor its capabilities degraded. That is why I would like to hear what the administration has to say about the standards it expects should be upheld to safeguard NATO's effectiveness and its future.

Without a sense that they can and will be offered a real opportunity to participate in the most important treaty which has shaped European history, many may seek alternatives. I think we need to think that through. In the absence of a real opportunity to get into NATO, what alternatives might be sought by those countries, bearing in mind the last 50 years and there fear of renewed Russian national ambitions? This holding pattern may encourage Central and Eastern Europeans to form an alliance with a nuclear nation such as Ukraine or resurrect old ties.

My view is that this is a dangerous and unnecessary risk, and there is a sensible alternative. There really is a sensible alternative. Spell out the expectations, and offer these new and struggling democracies the guidance, and the means to fulfill the goals. Tell them what the standards are, and help them meet those standards so that they can be admitted into NATO.

We can work toward a common purpose, or we can abandon these nations to regional and ethnic and religious rivalries protected only by the uncertainties of the Partnership for Peace.

I hope my colleagues will support this amendment as an affirmation of NATO's important role, both now and in the future.

Mr. President, this is an issue unlike a lot of foreign policy issues we deal with with an American constituency. I have, for example, earlier this year on similar amendments received letters from the Polish-American Congress, also from the Slovakian Ambassador, and the Polish Foreign Minister, and many of us have gotten similar letters—I am certain I am not the only one who has—expressing in slightly different ways the very same frustration.

I ask unanimous consent that those letters appear in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

POLISH-AMERICAN CONGRESS,
Annandale, VA, February 28, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: In view of your greatly valued support for our concerns over the security of Poland and other nations of East Central Europe, I felt you may be interested in seeing my recent memorandum on the subject to the National Security Council.

As you know, there have been a number of important developments since President Clinton visited Brussels, Prague, and Moscow. They further strengthen the case for your Amendment and the Senate Resolution that Poland, Hungary and the Czech and Slovak republics be accepted without delay as members of NATO.

Time is not on our side, and the extension of the Alliance may be much more risky when the worst (and unfortunately the most likely) scenario becomes a reality.

With deep appreciation for your understanding of this problem, I remain.

Yours sincerely,

JAN NOWAK,
National Director.

POLISH-AMERICAN CONGRESS,
Annandale, VA, February 25, 1994.

Hon. RICHARD SCHIFTER,
Special Assistant to President and Counselor, National Security Council, Old Executive Building, Washington, DC.

DEAR MR. SCHIFTER: Thank you very much for offering me the opportunity to share with you our concerns. Let me summarize briefly my main talking points.

The Partnership for Peace (PFP) does not fully satisfy the security needs of East Central Europe, but it is perceived by us as a first step in that direction.

We welcome the continuation of the Administration's dialogue with our ethnic communities initiated in Milwaukee by Vice President Gore and Deputy Director Berger, and we are looking forward to our meeting in the White House on March 2. It is greatly appreciated that the Administration listens to our views and takes them into consideration. I particularly have in mind inclusion in the drafting of the PFP framework document of international rules of conduct, as proposed by us in Milwaukee. It is our understanding that these rules would exclude from future membership in NATO any state guilty of using coercion or intimidation in dealing with other countries. Making respect for sovereignty and territorial integrity a condition of PFP partnership provides a certain protection against great power expansionism.

We also welcome public assurances by the President, Vice President, Chairman of the Joint Chiefs of Staff and the United States Ambassador to the United Nations that any threat to East European countries subscribing to the PFP would be considered a threat to the United States. While such pronouncements do not provide guarantees of security in any formal sense, they will remain on the record.

There are still four remaining sources of our concern:

(1) The imperialistic rhetoric emanating from policymakers in Moscow has not, so far, met with any unequivocal rejection or opposition from the United States.

(2) United States attention and support remain focused on Russia, to the exclusion of other CIS states.

(3) Developments in Russia are likely to make the future extension of NATO to the east more difficult and risky than today.

(4) The high cost of PFP membership may prove incompatible with the policy of economic austerity and balanced budgets required by international financial institutions.

Enclosed please find a few relevant quotations from statements by Russian policymakers in the past few weeks. There is a visible escalation in the claims to domination over other countries of the former Soviet bloc. It appears that the lack of any response from the United States and its allies may be creating a dangerous perception in Moscow that the West will not attempt to oppose the reintegration of the Soviet Union under the banner of Russian nationalism.

Any attempt to achieve this goal by force, blackmail or economic pressure will create a threat to the former Warsaw Pact countries. It is therefore in the interest of the peace and security of Europe and the United States that warning signals should be given to Moscow at this early stage, when Russian foreign policy is still in its formative stage.

The failure of economic reforms in Russia and even partial return to the old economic system would unleash hyperinflation. The further deterioration of economic conditions will favor extremist and authoritarian elements on both wings of the political spectrum. Under such circumstances, the extension of NATO would pose greater risk of confrontation with Russia in the future. Time may not be on our side. This is why, in our opinion, the United States should not postpone the issue until the worst scenario becomes a reality.

We take the position that East Central Europe should be integrated as soon as possible in the Atlantic and European community. The old lines of division were created in the Cold War. They should not be allowed to separate the Western democracies from countries which are struggling to consolidate their independence, democratic systems and a free market economy. Petrification of the old lines dividing the continent is detrimental to the enlargement of democracy and should be ended as soon as possible.

Sincerely,

JAN NOWAK,
National Director.

QUOTATIONS

Andrei Kozyrev, at his press conference in Beijing:

Talk about neo-imperialism diverts attention from the real problems associated with the specific role of Russia in maintaining stability in the Confederation of Independent State, which is in the vital interest of the vast region of Central Asia.—Siegodnia, No. 19, 2/1/94.

Andrei Kozyrev, at the meeting with heads of the North Caucasus region:

Voices are raised in the West about Russian imperial ambitions. They are teaching us the rules of good behavior. We do not need any lessons about the rules of the UN or the CSCE. What we need is practical assistance in the implementation of those rules in the Caucasus and the entire post-Soviet area.—Siegodnia, No. 22, 2/4/94.

Viktor Komplektov, Minister for Special Assignments, at the round table discussion on Russian foreign policy:

We repeat continuously that foreign policy should have some priority list. Reactivation of the Soviet Union is now put forward as the first priority. Does this reflect the frame of mind of our people? In my view it does. Russia is now being called an empire, not in the socialist but in the old Russian sense of the word. * * * We should conduct an active policy to the near abroad in accord with this old tradition.—Niezawisimaje Gazietta, No. 20, Feb. 1994.

Pavel Grachev, Minister of Defense, in an interview with Interfax, February 2, 1994:

We cannot support PFP if it becomes a vehicle for the gradual extension of NATO to the countries of the former Warsaw Pact and Baltic states without consultation and the consent of Russia.

EMBASSY OF THE
SLOVAK REPUBLIC,
February 2, 1994.

Hon. MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I wish to express our sincere gratitude and admiration for your initiative and efforts to speed up the process of admitting the new democracies of the Central Europe to NATO.

Your amendment No. 1279 to the State Department Authorization Bill expressing the sense of the Senate regarding the participation of new democratic nations of Central Europe in The North Atlantic Treaty Organization is a great contribution to the vital discussion about NATO's future.

We support the idea that it is in the interests of the Western Countries to enlarge the space of stability and security in Europe and to offer the new democracies, which have demonstrated both the capability and willingness to join NATO, an unambiguous chance to become part of this most reliable security structure in Europe in the nearest future.

Central European countries on their unpaved roads of transition have to face a number of difficulties and challenges including the lack of security guarantees.

I am convinced that the NATO security umbrella would enable the Central European countries to concentrate on a quick economic and political transformation. The existing security vacuum and possible destabilizing effects generated by a negative development in the close proximity may have negative influence on the process of the advanced stabilization in Central Europe.

The Slovak Republic like other countries of the Visegrad Group have passed a vital political decision to strive for its integration into European and Transatlantic political, economic and security structures. Therefore it also has launched numerous diplomatic activities aiming to demonstrate its desire and preparedness for incorporation into NATO without needless delay.

Slovakia by sharing the same democratic principles and values like NATO countries is ready to be an active participant in projects and missions within the framework of the "Partnership for Peace". At the same time we will continue our diplomatic efforts for convincing Russia that our participation in NATO is not posing a threat to its security.

I would be glad to inform you on our approach and activities connected with Slovakia's goal to reach a full NATO membership. In this connection enclosed find the Memorandum of the Government of the Slovak Republic on joining Partnership for Peace by the Slovak Republic.

I wish to thank you once again for the attention you pay to the problems and concerns of new democracies of Central and Eastern Europe.

Sincerely

PETER BURIAN,
Charge d'Affaires a.i.

REPUBLIC OF POLAND,
MINISTER OF FOREIGN AFFAIRS,
Warsaw, February 2, 1994.

Senator MITCH MCCONNELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: I would like to thank you for your interest in and support for the Amendment No. 1280, concerning the extension of NATO membership. In my opinion, the Amendment is an important step in the right direction: the issue of NATO membership is of great significance to Poland and we are grateful for your opinions.

The Amendment will, I believe, influence the process of admitting new democratic nations of Central and Eastern Europe to NATO and will serve the important objective of deepening the trust between our countries and the United States.

Yours sincerely,

ANDRZEJ OLECHOWSKI.

Mr. MCCONNELL. Mr. President, clearly, not only what these countries in Eastern Europe are saying, but the Americans who came from those countries who live in many of our States can give us some criteria that can be met. It is so murky now. And vague promises that someplace sometime down the road admission into NATO might be possible is not enough.

I commend the President for moving in that direction with the Partnership for Peace. But it is obviously that the PFP has not satisfied the concerns that those countries have, and that the American constituents of all of us who came from those countries have, that we are unwilling to provide clear guidance as to how a country could aspire to be a member of NATO.

We are not writing the guidelines for the President under this amendment. We are saying simply, Mr. President, it is high time maybe, after 50 years and after communism died, if NATO continues to have admission—and we all believe, I think, that it does—and if we believe there might be some circumstances under which it ought to expand—and I think we all believe those circumstances are there—what are the criteria? What are the criteria?

So this amendment calls upon the administration to come to grips with the issues of establishing the criteria for admission into NATO, and once those criteria are determined it suggests that there are seven countries that are clearly first line candidates for admission, and that we ought to through foreign assistance and military cooperation to provide them help in meeting the guidelines.

And to our friends, the Russians, I say there is nothing to be threatened about here—nothing to be threatened about. But you can understand—we can all understand—the nervousness of those countries that were under the Soviet boot for all of these years, particularly when they hear utterances from people like Zhirinovsky, and when they hear these expressions from Russian leaders, you can imagine their concern.

So I hope this is something the Senate might adopt. I do not think it is in any way threatening to the administration. We are not substituting our judgment for their judgment. We are simply suggesting to them that they decide what NATO is all about. What is the mission in the post-cold-war period?

Madam President, I want to, at this point, ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mrs. MURRAY). Is there a sufficient second?

There is not a sufficient second.

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Madam President, I ask unanimous consent that my name be added as a cosponsor to the McConnell amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I might observe for the body that this simply gives the administration an ability to lay out in a report the kind of cooperation they feel is appropriate and needed. It is not, at least in my view, binding on the administration in terms of forcing them to do something they wish not to do. It simply makes it clear that the Senate has an interest in doing the appropriate things in cooperation with these countries.

I strongly support the McConnell amendment. I think it is a plus to this bill. I support it because I think it has implications beyond simply the requested report. I support it because I think it is terribly important that this Nation do all it can to make sure that the dark wall of domination not fall over these countries again.

This amendment does not commit us, but it certainly sends a message that we have an interest in the freedom of these nations; that we care about their opportunity to determine their own destiny; that we believe the family of mankind should be concerned about their independence and their opportunities to control their own world and their own future.

This is a small step, but it is an important step. It sends a signal that this Nation still cares about freedom and democracy, and that the slowness that has developed in Europe with regard to extending the umbrella of NATO is one that we are concerned about. This, I think, sends a message that we intend to move forward in that process and, as such, I commend the Senator from Kentucky. I think he is one that still holds that torch of liberty aloft for others in the world to see and appreciate. I think his effort here is particularly important.

I might observe that his measure includes some countries other than the ones we spelled out in the Brown-Simon amendment, which at the appropriate time we will offer. But with regard to the Slovak Republic, let me mention that I, this day, talked to the Ambassador of Slovakia, and he indicated in strong terms that Slovakia is interested in entering NATO and cooperating with NATO in working toward peace and freedom within the NATO framework. So the fact that Slovakia is not included in my amendment in no way indicates a reluctance or failure or unwillingness of the Slovak Government to enter NATO. I must say that I am delighted that Slovakia is included in the McConnell amendment.

I yield the floor.

Mr. MCCONNELL. Madam President, I commend the Senator from Colorado. He and the Senator from Illinois have been very involved in these NATO issues. We have had discussions at various times about different approaches to it. I am glad that he and Senator SIMON are going to offer their amendment as well, which I intend to support.

There are some nuances or slight differences between these approaches on these NATO amendments, but I think the message is clear. If I may speak for myself—and I think I am also speaking in similar language to Senator BROWN—the message is clear that there has to be some criteria for admission to NATO, or just tell them no. If it is never going to happen, the best thing the President could do would be to look them in the eye and say: NATO is never going to expand, and it is never going to develop a post-cold-war mission, and we do not know, quite frankly, what is going to happen to NATO.

It seems to me that if NATO is going to be a vibrant, living organization, it must change like all organizations do with changed conditions. We have an enormous number of recently freed Eastern Europeans, who are looking to us for some clear guidelines to getting into an organization that they view is central to the defeat of the old Soviet Union.

So I commend the Senator from Colorado for his excellent work in this area. This is an area in which I expect all of us to continue to work in the coming months, until we get a better result from the administration than we have gotten to date.

Mr. BROWN. If the Senator will yield, I cannot help but reflect—and I know every Senator has strong feelings in this area—I cannot help but reflect on how terribly important this issue is that the Senator has brought to the floor. Every Senator, I believe, has read of the tragedy of 1939, of the failure of the free world to respond when Poland sought to maintain its freedom and independence. I cannot imagine anyone that does not pray, when they reflect upon the failure of the free world to come to the defense of Poland.

Everyone knows that the failure to maintain Polish freedom added to the challenge and burden of maintaining American freedom as the years of World War II advanced. Everybody knows if we had stood up at that time, that the loss of life in World War II would have been a small fraction of what it eventually turned out to be.

I suspect that every Senator is well aware of the tragedy that occurred when our Government—the Government of the United States—urged the freedom fighters in Poland, the resistance leaders, to surrender to Soviet authorities, and what I believe is a true conviction that they would be negotiated with and be involved in developing the leadership and control of Poland after the war. I think every Senator is aware of the fact that the Soviet authorities then turned around, rather than negotiate with those leaders, arrested them, imprisoned them, tried them and executed them.

Everyone's heart breaks who thought the second time we failed to guarantee or failed to cooperate or failed to aid in securing the peace and independence and freedom of the Polish people.

I know of no one who looks at the Yalta agreements, that saw Poland fall behind the Iron Curtain, who does not regret—and I do not mean to suggest that everyone agrees that the compromises that were made there were bad; obviously there are differing opinions on that—but I know of no one who would not, if they had their preference, have insisted that Poland be guaranteed its freedom and independence.

I cannot help but reflect on the fact that we are now at a crossroads where history could repeat itself, where the question of whether Poland remains free and independent and able to determine their own destiny is very much on their table. And the question is whether or not we make a clear statement that we believe Poland ought to be free and Poland ought to be the master of their own destiny, or whether we send a message that the freedom and independence of Poland and other countries in Central Europe is in play.

My own belief is that if we are ambiguous at this time in history, if we fail to step forward, if we fail to make our convictions clear, if we fail to stand up for the freedom of the Polish people, the Czech people, and the Hungarian people, that we send an invitation that it is all right for other countries to reassert control over Central Europe, that it is all right for others to seek to dominate them once again.

That is not a message that it is in our interest to send, nor is it a message in the interest of the people of those countries to send, nor do I believe it is in the interest of any free people around the world.

So I once again commend the Senator. I think by acting here today, we send a very strong message, one that has enormous potential in years ahead.

Mr. McCONNELL. Madam President, I thank my friend from Colorado.

It seems to me that reasonable people would conclude that the Soviet Union, the Russians, should not be offended by this. After all, they are supposed to be our allies now. They are professing not to have nationalist ambitions anymore.

That certainly has not been the policy of the Yeltsin government.

So what is the problem here? I mean, who are we worried about offending—an ally? I do not think the Russians should view NATO anymore as an enemy. We are supposedly all developing a friendship here.

But what we are talking about here with this amendment and what Senator BROWN and others have talked about on amendments that they have offered on other bills is reassuring countries in Eastern Europe, who have had a recent—they have actually had this experience before, but they certainly had it in the last 50 years—a horrible experience with occupation.

Now, our assumption is the Russians have changed, but just in case that may not be true, just in case that may not continue—who is to say what could happen if the Russian election in 1996 produced a new President who appealed to the Russian people to forget their internal problems and reassert their nationalism? It will not be the first time a politician in a country anywhere in the world running for election seeks to divert attention away from domestic problems by focusing on international affairs.

What if someone gets elected President of Russia who says, "My principal goal is to reassert the Soviet empire"?

It seems to me it would be exceedingly difficult to carry out that campaign message if NATO by that time had, in a friendly and nonthreatening way, simply moved out to include some very, very obvious candidates for admission to this collective security umbrella.

So what we are saying in this amendment, Madam President, is define the criteria. Maybe that was not necessary in the forties. It was pretty clear what the motivation was in pulling NATO together in the forties. It was to stop communism.

But at this point, maybe they do need some criteria for NATO, and we are asking the administration to draft some criteria so that these aspiring Eastern European countries will have a sense of what standards they have to meet in order to get in. And beyond that, once we draft the criteria, let us help them meet that criteria with the transfer of military equipment or whatever we may have in excess capacity to help bring them up to whatever standards we may conclude that NATO would require its members to meet.

We do not know what the standards are today. They are not written down. There is not a word about what the standards are.

That is what this amendment is about. I hope the Senate will approve it. I think it makes a lot of sense. It will really hold out some genuine hope, Madam President, to the aspiring members of NATO that there are specific criteria written down that they could meet, and actually meet with our assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, may I ask the distinguished manager on this side of the bill, is it his intent to proceed now to a rollcall vote on his amendment? I hope that he will.

Mr. McCONNELL. We have the yeas and nays. I do not know whether there are other speakers. I do not see the manager.

Mr. HELMS. May I ask the manager of the bill, would it be appropriate for me to ask unanimous consent to be recognized to call up amendment No. 2254 after this amendment has been disposed of?

Mr. LEAHY. Madam President, I certainly will not have any objection.

I was thinking. We have been sort of trying to see about possibly going back and forth. I wonder if we could just hold on just for a minute and let me just check. Sooner or later, we are going to get rid of them anyway. I know we are going to be here very, very late tonight voting on them. So I am perfectly willing to. Let me check on that.

Mr. McCONNELL. I am not sure who has the floor. Does the Senator from North Carolina have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I have the floor.

Mr. LEAHY. The Senator was addressing a question, and I was striving to answer.

Mr. HELMS. Would it be in order for me to ask unanimous consent that I be recognized to call up this amendment unless a Senator designated by the distinguished manager of the bill on the other side has an amendment to offer? Would that be all right?

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

Mr. McCONNELL. Will the Senator from North Carolina allow me just to add one amendment to the list?

Mr. HELMS. Absolutely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2293

(Purpose: To express the sense of the Senate concerning World Bank loans to countries acting to enforce the Arab boycott of Israel)

Mr. McCONNELL. Madam President, consistent with the unanimous consent agreement under which we are operating, I send to the desk an amendment by Senator BROWN.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] for Mr. BROWN, proposes an amendment numbered 2293.

Mr. McCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . Loans to Nations that enforce the Arab boycott of Israel.

"The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel."

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, the Senator from Arkansas [Mr. BUMPERS] has an amendment at the desk, and as soon as we ascertain the number, I am going to ask unanimous consent that it be withdrawn and one that apparently corrects an error in it replace it.

AMENDMENT NO. 2289

Mr. LEAHY. Madam President, I ask unanimous consent that amendment No. 2289, on behalf of Mr. BUMPERS and others, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 2289) was withdrawn.

AMENDMENT NO. 2294

(Purpose: To delete funding for parliamentary training and democracy in the People's Republic of China)

Mr. LEAHY. Madam President, I ask unanimous consent that the amendment I now send to the desk be substituted in its place under the earlier unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator will withhold.

The clerk will report the last amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. BUMPERS, proposes an amendment numbered 2294.

Mr. LEAHY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the pending committee amendment add the follows:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China."

Mr. LEAHY. Madam President, I ask unanimous consent that the pending amendment by the Senator from Kentucky be temporarily laid aside so that the Senator from North Carolina may be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2295

(Purpose: To clarify the intent of Section 577 of H.R. 4426 regarding the U.N. War Crimes Tribunals)

Mr. HELMS. Madam President, I send an amendment to the desk which has been agreed to by all concerned. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2295.

The amendment is as follows:

In Section 577, strike "other bodies" and insert in lieu thereof, "commissions".

Mr. HELMS. Madam President, I rise today to offer an amendment that would clarify a provision adopted earlier in these proceedings. I feel obliged to do so in light of the fact that this provision could be misinterpreted.

Chairman LEAHY offered an amendment creating section 577 in the bill—amendment No. 2110—that appropriated up to $25 million in goods and commodities to be offered to the United Nations in its efforts to investigate war crimes.

I only wish to clarify what I understand was the intent of the committee that these funds should be directed to investigate charges regarding genocide or other violations of international humanitarian law. My proposed technical changes clarify that the funds being made available will only be used for tribunals and commissions whose sole responsibility is the investigation of crimes of genocide or other violations of international humanitarian law.

I understand this amendment has been agreed to by the managers of the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no objection, the amendment is agreed to.

So the amendment (No. 2295) was agreed to.

Mr. HELMS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, for the interest of those who may be watching back in their offices, we are going to have at least one rollcall vote, I would guess, around a quarter of 6. If there is any other amendment requiring a rollcall vote, if any Senator could bring that matter forward, possibly before then, we may be able to stack some votes.

I say around a quarter to 6, and that is assuming there are not other Senators who wish to speak on the McConnell amendment.

But I urge Senators who have amendments that they want considered to come forward.

I could think of very few places I would rather be than on the Senate floor. A few come to mind—at my home with my family, accomplishing some things in my office, back in Vermont with friends. But, other than that, of course, I would much rather be here. And I expect the distinguished Senator from Kentucky and I are going to be here until the wee hours of the night.

I just urge those who may not find this the place that they love the most, that they may want to come forward and move their amendments with the idea that we may get out before midnight this evening.

But we will continue. We have a number of amendments at the desk. By 6 o'clock tonight, we will have a finite number of amendments at the desk. It would be my intention to start disposing of those.

But I do not want any Senator to come over at 11 o'clock tonight and suddenly say I really want to speak on this amendment, when they probably have a good opportunity to do that right now.

Madam President, I yield the floor.

AMENDMENT NO. 2266, AS MODIFIED

Mr. McCONNELL. Madam President, I send a modification of my amendment to the desk.

Mr. LEAHY. The yeas and nays have been ordered.

Mr. McCONNELL. Madam President, I ask unanimous consent to modify the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2266), as modified, reads as follows:

At the appropriate place in the bill insert the following:

SEC.

(a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations, the Committee on Foreign Relations and Armed Services defining specific military, economic and political standards required to gain admission to NATO; Provided further, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovkia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2296

Mr. LEAHY. Madam President, I ask unanimous consent that an amendment on behalf of Senator LEVIN be offered appropriately under the overall unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. LEVIN, proposes an amendment numbered 2296.

Mr. LEAHY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 22, after line 12, add the following new sections:

( ) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall not be used to support activities or projects that will significantly harm biological diversity or environmental quality.

( ) Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

Mr. LEAHY. Madam President, I will just note that there are about 14 minutes left if anybody is wanting to offer an amendment under the unanimous consent agreement entered into a couple weeks ago. They have just about 14 minutes left to do so. I thank the Chair.

Mr. HELMS. Madam President, may I ask my friend when he desires to ask for the rollcall vote to begin?

Mr. LEAHY. Madam President, the amendment of the Senator from Kentucky is one that reflects substantially on the jurisdiction of another committee, in this case the Committee on Armed Services. We are checking with the leadership of the Armed Services Committee to see if they are going to have a position on it. That is why we have not gone to a rollcall vote yet.

Madam President, I am going to reserve the remainder of whatever time I have, and I will yield the floor and at the appropriate time I will call up amendment No. 2254 relating to the remarks that I have just made. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I ask unanimous consent that amendments 2282, 2294, 2272, 2281, and 2275 be considered second-degree amendments to the committee amendments which they propose to amend.

Mr. LEAHY. Madam President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NOS. 2297 AND 2298

Mr. MCCONNELL. I ask unanimous consent that an amendment by Senator DOLE and an amendment by Senator SPECTER and Senator SHELBY may be offered under the unanimous consent agreement under which we are operating.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments en bloc numbered 2297 and 2298.

AMENDMENT NO. 2297

Mr. MCCONNELL offered amendment No. 2297 for Mr. DOLE.

The amendment is as follows:

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program"

AMENDMENT NO. 2298

(Purpose: To enhance congressional review of efforts to facilitate peace in the Middle East and for other purposes)

Mr. MCCONNELL offered amendment No. 2298 for Mr. SPECTER, for himself, and Mr. SHELBY.

The amendment is as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

ENHANCE CONGRESSIONAL REVIEW OF THE OBLIGATION OF FUNDS TO THE PLO

Mr. SPECTER. Madam President, I have sought recognition to speak briefly on an amendment offered by me and Senators SHELBY, D'AMATO, CRAIG, and GRAMM and which is being accepted by the distinguished managers of the bill.

Several weeks ago, joined by Senator SHELBY as cochair and 12, now 13 other Senators—a broad bipartisan group—I announced the formation of a new Senate caucus intended to monitor compliance by the PLO with the Mideast peace accords and to provide watchful oversight of State Department monitoring of PLO compliance.

The other Senators who have thus far joined this caucus are Senators BROWN, BRYAN, D'AMATO, DURENBERGER, INOUYE, LAUTENBERG, LIEBERMAN, MACK, MCCONNELL, PRESSLER, REID, SIMON, and HELMS.

The amendment which is being accepted today—and I would like to thank the distinguished chairman, Senator LEAHY, and ranking member, Senator MCCONNELL, for their cooperation in reaching agreement on the important principles advanced by this legislative action—will give Congress the statutory tools to ensure that United States taxpayer funds not be released for the benefit of the PLO unless the PLO complies with its freely undertaken obligations to renounce and control terrorism and to live in peace with Israel.

Under existing law, the PLO is classified as a terrorist organization prohibited from receiving, directly or indirectly, United States taxpayer funds unless the President suspends this prohibition by certifying that the PLO is honoring its commitments to renounce terrorism and live in peace with Israel.

As the months have passed since the historic handshake on the White House lawn, however, there has been both a pattern of PLO violations of the accords—continued terrorism, undenounced and unredressed by Chairman Arafat and no change to the Palestinian National Covenant to eliminate calls for the destruction of Israel—and a distinct lack of State Department vigilance in monitoring the PLO noncompliance.

Regarding PLO violations, the Zionist Organization of America has issued a series of weekly reports, as well as summary studies, which charge the PLO with scores of terrorist acts, none of which have led to discipline by the PLO. Without accepting ZOA data, or any other data, as beyond critical review, clearly there is a pattern of PLO violation that cannot be ignored.

Regarding the State Department reports on PLO compliance, for example, Senators LIEBERMAN and MACK have pointed out that these reports have read "like a defense of the PLO's lapses."

In response to this situation specifically, the amendment being accepted today does the following:

First, it strikes the "national interest" proviso from section 565 of the 1995 Foreign Operations appropriations bill concerning "Limitation on Assistance for the PLO for the West Bank and Gaza." This leaves the President with only certification of PLO compliance with the peace accords, under the Peace Facilitation Act, as the means to obligate appropriated funds. This is as it should be. Would it be an urgent national interest of the United States for the President to provide United States funds to a PLO which the President was not able to certify as in compliance with the peace accords, a PLO still engaged in terrorism and pledged formally to the destruction of Israel? Clearly, it would not.

Second, the amendment amends the Peace Facilitation Act so as to express, with the force of law, an expectation by the Congress that the PLO will honor its pledges and actually amend its National Covenant, eliminating calls for the destruction of Israel.

Let me remind my colleagues of just some of what makes up the PLO's Covenant. The document makes no reference to any principle of peaceful coexistence but instead speaks repeatedly of the "liberation" of the entire territory of the former British Mandate. It affirms "armed struggle" as the strategy for this "liberation" and speaks of a "national duty to repulse the Zionist, imperialist invasion from the Great Arab homeland and to purge the Zionist presence from Palestine."

Adding to the law governing the release of taxpayer dollars to the PLO a clear statement of a congressional expectation that this genocidal tract will be changed sends a powerful message. I wish to make the point for the record, however, that if the PLO has still failed to act to change its charter, I will seriously consider asking the Senate to make such action by the PLO an explicit condition on Presidential authority to obligate funds appropriated for the benefit of the PLO.

As we are all aware of the PLO's record of treachery and butchery—of Americans as well as Israelis and others—this amendment will help ensure that United States funds are not spent for the benefit of the PLO without real compliance with the terms of the peace accords.

Mr. SHELBY. Madam President, Senator SPECTER and I offered the pending amendment before the recess to ensure that taxpayer dollars would not be used to subsidize terrorists. I am pleased that we could work out an agreement for the committee to accept a modified version of this amendment. On June 15, I joined Senator SPECTER as the cochair of the bipartisan Peace Accord Monitoring Group. The group is committed to monitoring PLO compliance with last September's Peace Accords, and as part of this commitment, to making sure that the PLO complies fully with the accords before one dime of taxpayer money is sent to the West Bank or the Gaza Strip.

Madam President, since the signing of the peace accords, the record of PLO compliance has been less than stellar. The PLO has neither foresworn terrorism nor submitted changes to its charter's call for the destruction of Israel. Unfortunately, the State Department continues to gloss over or simply ignore these and other violations of the accords.

Madam President, I believe that the American taxpayer is already perplexed enough that his or her money is being sent to a group directly responsible for the murders of U.S. citizens. We do not need the State Department further adding to this confusion and disbelief by failing to ensure that the PLO reforms itself in return for these dollars. If the executive branch will not see that our taxes are well spent in this situation, then it is incumbent upon the Congress to guarantee compliance with the peace accords before the United States sends its support to an unreformed terrorist organization.

This amendment would allow the President to obligate funds appropriated for the West Bank and Gaza only if he can certify PLO compliance with the accords. He could not waive compliance requirements by invoking the vague language of the "national interest" as would be allowed by the appropriations bill before us. In addition, the amendment would add a congressional expectation to the Peace Facilitation Act that as a condition for continued assistance the PLO amend its charter to delete its call for the destruction of Israel.

Madam President, these safeguards are necessary to protect the taxpayer from unwittingly subsidizing terrorists. I personally am skeptical that the PLO will actually reform itself by renouncing terrorism and agreeing to peacefully coexist with Israel.

Having been heartened by the ceremonies on the White House lawn this past September, I sincerely hope that this peace agreement will form the basis of a lasting peace in the Middle East. However, a lack of vigilance and a blank, unconditional check to the same organization that was connected to the attack on the *Achille Lauro* will not ensure or guarantee peace. Rather, turning a blind eye to a lack of compliance with the peace accords will in fact aid in the undermining of the peace process and make it even more likely that the PLO will not reform itself.

Madam President, the American taxpayer is already skeptical of foreign aid in general, let alone giving money to terrorists. This amendment is a step to making sure that any aid to the PLO is tied to full compliance with the accords. I thank the chairman and ranking member for accepting this amendment to protect the taxpayer and appreciate their cooperation in this matter.

Mr. D'AMATO. Madam President, I rise today in support of Senator SPECTOR'S amendment that would condition American aid to the PLO upon a commitment by them to adhere to the Middle East Peace Agreement and to remove from its national covenant any reference to the destruction of Israel. I would like to commend the Senator from Pennsylvania for offering this amendment, and I am pleased to be a cosponsor of it.

I feel that the PLO has a long way to go before it convinces this Senator that it is truly committed to peace with Israel. One need look no farther than today's New York Times, to see that Yasir Arafat himself tried to smuggle into Gaza, four known arch terrorists. One of these murderers, has been identified by Israel as being the mastermind of the Ma'alot school massacre in 1974, in which 22 Israeli school children were murdered.

Madam President, if Yasir Arafat in fact did smuggle a man who murdered 22 schoolchildren into Gaza, then I have even less confidence in his commitment to peace then before.

Let me just finish by saying that I feel that this is a worthwhile amendment and it will hopefully go some way towards ensuring greater compliance by the PLO with the recently signed peace agreements.

I ask unanimous consent that the text of the New York Times article concerning this situation be included in the RECORD following the text of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 14, 1994]

ISREAL BARS PALESTINIAN OFFICIALS FROM GAZA

(By Joel Greenberg)

GAZA, July 13.—Israel barred new officials of the Palestinian National Authority from entering Gaza and Jericho today in a dispute over the arrival here of four P.L.O. men, two of whom allegedly planned a 1974 attack on a school in which 22 Israeli students were killed.

The dispute strained the self-rule accord between Israel and the Palestine Liberation Organization and highlighted a lingering lack of trust. It also touched a raw nerve in Israel, where the raid on the high school, in the northern town of Maalot, is remembered as one of the most horrific terrorist assaults.

Though three of the four men had left Gaza for Egypt by the end of the day, Israel said no new officials of the Palestinian authority would be allowed into the self-rule zones until the fourth man was sent back to Egypt.

"As long as all of the four who entered illegally are not outside the area, no officials of the Palestinian National Authority will be allowed to come in," said Obed Ben-Ami, a spokesman for Prime Minister Yitzhak Rabin.

Mr. Ben-Ami said the four, who had joined Yasir Arafat's entourage when he returned to Gaza on Tuesday from Egypt, had not been given permission to enter. Israel controls the border crossing, and under its agreement with the P.L.O., it must approve the entry of Palestinian officials.

Mr. Ben-Ami said two of the men had planned the Maalot raid, in which three Palestinian gunmen took scores of students hostage. When Israeli soldiers stormed the school, the gunmen opened fire killing 22 students and wounding dozens more. The gunmen also died in the assault.

The alleged mastermind of the attack, who arrived today, was Mamdouh Nofal, now a leader of the Palestinian Democratic Federation, a P.L.O. group that strongly supports the accord with Israel. With him were Mustafa Liftawi, the former head of the P.L.O.'s Western Sector group, which had planned dozens of attacks on Israel; Jihad Amarin, a member of the same group, and Nihad Jayusi. Mr. Amarin was reportedly still in Gaza tonight.

Two rightist opposition parties submitted a no-confidence motion in Parliament, saying the Government should have arrested the men.

Dr. Ahmad Tibi, an adviser to Mr. Arafat who mediated the men's departure, said the Israeli objections had little basis.

"The person responsible on behalf of the Palestinian people for everything that was done in the Israeli-Palestinian conflict is Yasir Arafat, and this man shook hands with Yitzhak Rabin," Dr. Tibi said in a radio interview. "With that we turned over a new leaf. The goal is to overcome and forget the past. The people who carried out these acts now support the peace process."

But Mr. Ben-Ami said the men posed a security risk. "Mr. Arafat committed himself to carry out the accord," he said. "It's not certain that other people who want to reach the area are indeed coming in order to implement the agreement."

At the Allenby Bridge crossing into the West Bank, Israel barred a group of 18 Democratic Federation members from entering Jericho from Jordan. The party leader, Yasir Abed Rabbo, who holds the information and culture portfolio in the Palestinian authority, was also prevented from crossing from Egypt into Gaza.

AMENDMENT NO. 2282, AS MODIFIED

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask unanimous consent that I be allowed to modify my amendment at the desk, No. 2282, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The modification is as follows:

At the appropriate place in the Committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) None of the funds appropriated by this or any other Act may be obligated or expended for any officer of employee of the United States government to meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. LEAHY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I ask unanimous consent that the pending amendment be considered a second-degree amendment to the committee amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The pending amendment is amendment No. 2266.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2266, AS MODIFIED

Mr. LEVIN. Mr. President, I rise in opposition to the pending McConnell amendment for a number of reasons.

This amendment is far more than simply an amendment that would require the President to report the pros and cons and whether something is feasible.

This amendment would require a report to accomplish certain specific goals within 60 days.

Goal No. 1, the President is told by this amendment that he must report to us as to the specific military, economic, and political standards that are required to gain admission to NATO on the part of all the partners that have signed the Partnership for Peace agreement.

That language runs right smack against the NATO Charter which says that NATO will define criteria for membership. Not that the United States unilaterally will define the criteria for membership to NATO, but that the 16 NATO nations as equal NATO members will define who gets into NATO and who does not and what the criteria are.

But what this amendment does is usurps that NATO authority which belongs to all the NATO members and says that the President of the United States shall submit a report to the three committees defining specific military, economic, and political standards required to gain admission to NATO.

So the first reason that I believe this amendment should be defeated is because it takes unto ourselves a responsibility which belongs to us and our NATO partners now, and I think in doing so is going to create real mischief inside of NATO between ourselves and our partners.

So problem one is that internally to NATO it creates a problem because what belongs to NATO now, which is the determination of the criteria of membership to NATO, which belongs to all of the NATO nations, is suddenly by this amendment told to be the responsibility just to the President of the United States to determine what the criteria are for membership to NATO.

But it also creates a problem, I believe, between NATO and our new partners in Eastern Europe because it singles out certain countries for which the criteria will be specified, and leaves out more countries that have signed up as partners for peace in terms of what criteria will be available for them to become members of NATO.

I happen to be one who has believed over the past few months that the Partnership for Peace has moved this process forward. I also believe, and I think I may share this actually with my friend from Kentucky, that we should try to push the process of becoming partners and establishing criteria faster. In fact, I have said so publicly, that we should try to get that criteria established so that countries that have signed the Partnership agreement will know what that criteria is.

I have also stated that I believe that when those countries do become members of NATO, that it would be useful to have a special relationship established between NATO and Russia.

But in any event, this goes way beyond that. This amendment does not just require the President to establish criteria for all partners. It singles out certain partners and says that just for those partners the President must establish criteria, thereby drawing new lines in Europe. We are drawing the lines under this amendment. It is not the criteria which will determine which states will be able to join and which states will not. But this amendment singles out certain states for which specific criteria must be designed, and leaving out a whole host of other states, including some good allies of ours, like Sweden and Finland that are left out of this list, by the way.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. NUNN. Mr. President, I pose a brief observation and question to my friend from Michigan.

I read this, and I have not heard the explanation of the Senator from Kentucky of what perhaps the answer to this.

But the part of this resolution that involves me is section (b), and perhaps there are changes in language where it could be worked on.

I think I understand where the Senator is coming from and I understand that we want to begin to have interoperability, or work toward interoperability, with Poland, Hungary, the Czechs, and others. I think with the Senator from Michigan we are not ready to narrow down that list yet but NATO will have to make that decision.

But this paragraph (b) says:

Notwithstanding any other provision of law, 120 days after enactment of this act, excess defense articles made available under section 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

Section (a) says: "Provided such report shall include an assessment of measures which would be necessary to guarantee" that armed services to these seven countries "are capable of military interoperability with NATO and fulfilling other member responsibility."

When you use the word "guarantee" and basically mandate the turning over of defense articles, without regard to cost, without regard to transportation, without regard to any kind of preliminary assessment of need, it seems to me we are mandating for these countries that are in the Partnership for Peace what we never achieved for NATO. We do not have complete interoperability, unfortunately, in many aspects, of military equipment with our own allies.

We have been basically prepared to defend Western Europe in partnership for the last 40 years. As a matter of fact, as recently as the Grenada operation, we did not have interoperability within the Navy and Army within our own military services.

We are talking here, in a floor amendment that cannot be amended, as I understand the procedure, we are talking about turning over excess defense articles that guarantee that interoperability and do it in 120 days.

I would say to my friend from Michigan, the way I read this amendment, it is mission impossible, if the words are to be taken as they are written. If they are not to be taken as they are written, then what we need really is an amendment here so that we basically get the information that the Senator from Kentucky seeks without imposing basically conditions that are impossible; meaning making the amendment really, I think, something that really cannot be supported on the floor in good conscience.

So I hope the Senator from Kentucky will agree to work on his amendment and take out some of the language, like "guaranteed" and recognize that interoperability is a process that takes years and years, and not single out certain countries in the Partnership for Peace to the exclusion of all the others.

I happen to think these are the ones that are more likely to move toward the front of the list, but I do not think we, on the floor of the Senate, should be making that decision tonight when NATO is going to make that decision.

So I guess my questions to the Senator from Michigan is whether he agrees with these observations, particularly with regard to paragraph (b) on excess defense articles. And I guess my question to the Senator from Kentucky is, is he willing to work on this amendment so that we can get him this information without basically these exact words.

I pose the first question to the Senator from Michigan. I know he has the floor.

Mr. LEVIN. Mr. President, I respond by saying, I think the observations the Senator from Georgia has made as to (b) and (a) are right on point.

It is not just (b), which the Senator has focused on, which does purport to mandate a transfer to comply with the guarantee in (a), but also the singling out provisions of (a) which the Senator from Georgia has pointed to as also being a problem.

And I would like to see both those problems addressed in any modification of this amendment.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. LEVIN. I am happy to yield.

Mr. NUNN. Mr. President, I say to my friend from Kentucky, I think this amendment could basically be modified in a way that would produce the information required here, but the way the amendment here now basically includes certain countries, it makes the Senate of the United States, at 6:30 at night, after seeing the amendment for just a few minutes, vote and make a decision about who is going to be out by implication and then, as the Senator has already heard, it requires the turning over of the equipment to guarantee a result which is usually, at best, a 10- or 15-year process, even among our own military services.

Mr. MCCONNELL. Is the Senator asking me a question?

Mr. NUNN. I guess the question is, Would the Senator be willing to modify his amendment?

Mr. MCCONNELL. Mr. President, let me respond to the observations by both the Senator from Georgia and the Senator from Michigan.

It seems to me this is a little like deja vu all over again. We have been visiting the issue on the floor of the Senate most of this year and I am sure, as members of the Armed Services Committee, you have been contemplating the future of NATO for some time now, particularly in the wake of the end of the cold war the difficulty maybe of determining what the mission may be for the future.

I have had a number of exchanges with members of the State Department about the absence of criteria. There are none, as the distinguished chairman of the Armed Services Committee knows. Not only are there no criteria, there is no interest in developing any that I am aware of.

And I think an awful lot of other people, both in this country whose ancestors came from Eastern Europe and ambassadors of those countries, from whom I and others hear from on a weekly basis, cannot understand why there cannot be some established criteria so that any country that could reasonably aspire to be a member of NATO might be able to ascertain what the criteria might be.

So the fundamental goal of this amendment was to ask the President to get serious about addressing that question,

Nothing, I would say to my friend from Michigan, prohibits him from consulting with his allies in the process of doing that. That is not prohibited by implication.

With regard to the excess defense articles transfer, the Senator from Georgia is the expert, but it is my understanding that those are transferred anyway. I mean, are not excess defense articles transferred? That happens. I do not know what the cost of that is to us, but they are usually given away, no matter what.

And our feeling here is that even though it says "shall," it does not really say when. Even though it says "shall," it does not really specify exactly what time at which those articles would be transferred.

My final observation is with regard to the listing of the seven countries.

It would be perfectly all right with me to include every country in Eastern Europe. The reason I specified the seven is because those are the seven that most people seem to feel might likely be the first candidates for admission. But if we would like to widen the array of possibilities even further, I am sure that would be reassuring to other Eastern European countries who might aspire someday to be part of the NATO umbrella.

So those are just some random observations to the comments of the Senator from Georgia and the Senator from Michigan.

Mr. LEVIN. If I could quickly respond, I think it would be helpful, for instance, to urge the President to propose criteria to NATO for admission of all partners, and then which partners can meet the criteria, would meet the criteria. I think it would be useful to urge the President to try to recommend those criteria within a fixed period of time.

But that is very different from this, which is a requirement that the President set specific criteria for certain countries.

Mr. MCCONNELL. If the Senator will yield, the President does not want to do that. I wish he did. I have asked the question numerous times. They do not want to establish criteria for admission to NATO. They want to have some Catch-22 situation where nobody can ever ascertain the answer to the question. I do not understand it.

Mr. LEVIN. Again, the resolution of my friend from Kentucky goes way beyond that. You are talking about specific criteria for specific countries you listed, not criteria we are urging the President to propose to NATO for all countries. That is very different. NATO establishes the criteria, not us.

I think my friend from Georgia wanted to intervene.

Mr. MCCONNELL. If the Senator from Michigan would be prepared to support my amendment if I broadened it and did not specify which country, that is a change this Senator would be willing to make.

Mr. LEVIN. There are a number of changes I would like to suggest.

We ought to change the excess equipment and whose responsibility is it to guarantee interoperability. Is that the responsibility of the United States of America or is that the responsibility of other nations?

I would suggest a number of changes here would make this amendment acceptable, at least to me. One of them would be that it is the Senate's desire, sense of the Senate, however we phrase it, that the President, within a reasonable amount of time, determine what criteria for membership to NATO he will recommend to NATO for all partners. That would be one of the changes that I would recommend, so that whatever partner met those criteria would in fact be eligible for admission to NATO as a recommendation of the President to NATO, not a unilateral determination by this President as to who is going to be allowed to come into NATO and who is not.

And the other part is the part that the Senator from Georgia spent some time relative to, and that has to do with the equipment and whose responsibility it is to assure interoperability.

We cannot guarantee interoperability, so changes in the language relative to section (b) I think would also make this amendment much more acceptable, at least to me.

Mr. MCCONNELL. Let me say I am not interested in making it into a sense-of-the-Senate resolution. Of course, the Senator from Michigan can feel free to vote against this and urge others to do so, as I gather he is prepared to do. With regard to some of the other suggestions, I am perfectly willing to discuss them with him. But I am not interested in turning it into pap. The Senator from Michigan can feel free to oppose. That is what we do frequently around here. But with regard to some of the other suggestions, I am certainly open to expanding the membership opportunities to a greater number of frustrated Eastern European countries. That would be perfectly all right with me. So that is one we can work on right there.

And with regard to the interoperability problem, that is something we can discuss, too. So I would be happy to move on to other amendments, and maybe we could have some discussion of this and see if it is not possible to reach some kind of accommodation.

Mr. President, maybe we can move on and deal with some other amendments, and let me talk to the Senator from Michigan and see if there is some chance of a meeting of the minds here, although we tried this before on a similar issue on a previous bill.

Mr. LEVIN. I thought we succeeded, as a matter of fact.

Mr. MCCONNELL. Sort of.

Mr. LEAHY. Mr. President, I have some very real problems with the amendment pending. Rather than to prolong the debate, they are the same problems the Senator from Michigan and the Senator from Georgia have raised.

I think we are talking about doing in 3 or 4 months by legislative fiat, something that is going to require some very extensive work at the diplomatic level, certainly at the military level, in trying to carry this out. I do not think we 100 Members of the U.S. Senate can, by some kind of legislative fiat, do what is probably going to take hundreds and hundreds of extremely experienced men and women in the United States and in these other countries to try to work out. And even then, they will not be able to do all the things within the interoperability and other issues raised here.

I discussed here earlier our own invasion in Grenada, where our ships could not talk to each other, the Navy could not talk to the Army, the Army could not talk to the Air Force, our intelligence people in Washington could not talk to intelligence people on the ground in Grenada, and so on. You just cannot do these things overnight.

But it would be helpful, and I certainly would have no objection, if the proponents of the legislation and the opponents wanted to set it aside without losing any of the rights the Senator from Kentucky would have, set it aside temporarily and go on to something else. I am stuck here all night with this thing anyway, so I am happy to do whatever might move the thing along. We probably have at least another 6 or 7 hours of work this evening, to say nothing about what might happen tomorrow.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. We can argue about interoperability. But the issue here is criteria for admission to NATO, whether NATO will now, or ever, be extended to include the countries of Eastern Europe, which have recently been occupied—for 50 years—by the former Soviet Union. So I am perfectly happy to discuss with the Senator from Michigan some of the details of this. But let us not get too hung up on the fine points. The principle is, are there going to be criteria for admission to NATO? My fear is the administration prefers no criteria at all.

Are there going to be criteria for admission to NATO and are we going to help countries meet those reasonable criteria and thereby expand the NATO umbrella into Eastern Europe? That is the fundamental question.

So I will be happy to have some discussions with my friend from Michigan, as we have previously, on this issue, and see if we cannot reach some meeting of the minds.

Otherwise, what I suggest to the Senator from Michigan is simply vote against the amendment. That is the way we decide things around here. We do not need to hold up the Senate. Let us just have a vote and then move on to the next amendment because I, like my friend and colleague from Vermont, am going to be here until the end of the evening anyway.

With that, Mr. Chairman, why do we not urge someone else to process an amendment, and I will huddle with my friend from Michigan.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there is another more substantive issue though, of course. And that is, this is an amendment I certainly saw just within the past couple of hours. It asks, on an Appropriations Committee bill, appropriations for foreign operations to undertake something and to make a conclusion about something that could require a great deal of debate and thought by both the Armed Services Committee and the Foreign Relations Committee. This is a matter of very great significance.

To handle it simply as an amendment—technically, as the Senator from Kentucky knows, an amendment that is not even within the Senate Rules because it is legislation on appropriations; that is probably not the first time that has happened, but it is legislation on appropriations of a major nature. For us to go forward with it when it is something that should be a matter, not only within the Congress but within our own administration, for some significant debate—I do not think the Senate has before it enough information to be prepared to take a step of this nature, nor could I imagine us ever being able to complete—by complete I mean sign into law—a foreign aid bill that had this with it. Those are my views and the views of only one Senator.

Mr. MCCONNELL. Mr. President, I do not believe this is the only amendment on the NATO issue we are going to have on this bill. In order to facilitate this one, might I suggest we go ahead and have a vote at 7? It gives 15 minutes for the Senator from Michigan and myself to see if we can work this out. If not, maybe he will have the votes and the amendment will be defeated.

But rather than hold the Senate up, why do we not go ahead and dispose of this amendment? The chairman and I have been urging people to offer amendments. I have offered mine and I would like to get it disposed of.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think there are a number of Senators interested in looking at the language of this, because this goes way beyond the question of whether or not criteria are going to be established for admission to NATO. I happen to favor the establishment of criteria for admission to NATO. I favor that.

This amendment says the President will tell us what those criteria will be for NATO, not that NATO will establish the criteria. This amendment says the President of one out of 16 nations belonging to NATO will take unto ourselves that determination. That is going to fracture NATO and weaken NATO instead of strengthening it. This amendment also, then, talks about an assessment of what is necessary to guarantee interoperability—to guarantee interoperability—something which we have been unable to achieve with our NATO allies, as the Senator from Georgia points out, much less with the newcomers which we hope will join NATO.

And then paragraph (b) talks about implementing that guarantee in subsection (a) through the transfer of American property to these new nations. So there are a lot of problems with section (a). It draws new lines. We pick out the countries that we say specific criteria should be adopted for.

I favor criteria. But I also favor any country that can meet those criteria being admitted into NATO. I do not favor us picking and choosing the countries on the floor of the Senate. I favor the criteria being established by NATO—not by us unilaterally—and then every Partner for Peace, many more than the number that have been identified in this amendment, any Partner for Peace that can meet those criteria ought to be allowed into NATO and we should not draw the line here and say one country is in because here are the specific criteria; another country does not get specific criteria.

There are some pretty good allies and friends of ours who are left out of this amendment. I think it is a divisive amendment. It will weaken NATO, and it will hurt our chances to strengthen and broaden NATO. I think it is going to take some time to modify it. I am perfectly happy to sit down with my friend from Kentucky to try to do so, but I caution there are a lot of other Senators that I think have some feelings on this who might want to participate in those discussions relative to the language that would go into the final amendment.

Mr. McCONNELL. Mr. President, at the risk of being redundant, several of the things the Senator from Michigan has suggested I am open to discussing. But I would like to move forward. We are all interested in finishing the bill. I will be happy to discuss it with him, or we can just go to a vote, if he is ready to vote.

I do not know if anybody else is here to speak on this. If they are not here to speak, maybe one way to resolve it is simply go to a vote. The Senator may well prevail, and then we will be through with this amendment and move on to others.

Mr. President, I yield the floor.

Mr. LEAHY. I suggest the absence of a quorum.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Vermont withhold his request?

Mr. LEAHY. I withhold.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, there are several problems with this amendment. First, it puts the United States in the position of guaranteeing that certain Central European countries' forces are interoperable with NATO. It mandates that the President report on what would be necessary to guarantee interoperability, and it then instructs him to provide excess defense articles necessary to make those forces interoperable. I do not see how we can ask the President to provide those guarantees. That is not the sole responsibility of the United States.

Second, the amendment singles out certain countries, which I believe draws dangerous new lines in Europe. It sets a dangerous precedent by specifically naming some countries and not others.

Third, I am concerned by the breadth of this amendment. Namely, paragraph (b) would require the President to provide Poland, Hungary, the Czech Republic, Slovakia, and the Baltic countries whatever excess defense articles are necessary to make their forces interoperable with NATO.

At this point, we do not know what is required to make those countries' forces interoperable. Accordingly, we are setting ourselves up to provide potentially limitless excess defense articles. This is far too open-ended.

What would happen if the President wanted to provide excess defense articles to other friends and allies other than those named in this amendment? If this amendment is adopted, I am concerned that the President's hands will be tied. He will have to provide excess defense articles to those Eastern European nations—perhaps to the detriment of our other friends and allies.

Mr. LEAHY. Mr. President, I think the only thing we can do to get this decided is to move to table, which I am about to do. I think the Senator from Kentucky has nothing further.

Mr. McCONNELL. No, Mr. President, I think it is a good idea.

Mr. LEAHY. Mr. President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2266, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], and the Senator from Michigan [Mr. RIEGLE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Conrad
Danforth
Daschle
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Leahy
Levin
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Wellstone
Wofford

NAYS—44

Bennett
Bond
Brown
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeConcini
Dole
Domenici
Durenberger
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Kohl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Pressler
Roth
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NOT VOTING—3

Boren
Riegle
Wallop

So the motion to lay on the table the amendment (No. 2266), as modified, was agreed to.

Mr. LEAHY. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, Senators have been asking what is going to be the order. I know the Senator from North Carolina had asked prior to this vote if he might be recognized for an amendment, unless there was a Democrat Senator seeking recognition. That is the normal practice of going from side to side, the last amendment being for the Republican side, the next for the Democratic side.

If there is not a Democrat seeking recognition to propose an amendment, we then would go to the Senator from North Carolina. But it would be my hope to start shortening the time on amendments to keep the votes going so we might have made good progress by midnight or 1 o'clock or so.

AMENDMENT NO. 2294

(Purpose: To delete funding for parliamentary training and democracy in the People's Republic of China)

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I have an amendment that I would like to offer at this point. If I understand the procedure set out by the distinguished floor manager, the time is now ripe to offer an amendment on the Democratic side. Is that correct?

Mr. LEAHY. Yes. Madam President, I answer my friend from Arkansas this way. There is no unanimous consent. But it has been the usual agreement of comity going from side to side. The Senator from North Carolina is not on the floor right now, but I can represent that he had said earlier that if there was no Democrat seeking recognition, he asked to be recognized next.

There is now one seeking recognition. So it is in order.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

It is in order for the Senator to do that at this time. That is now the pending question.

Mr. BUMPERS. Madam President, what is the pending business?

The PRESIDING OFFICER. The Senator's amendment numbered 2294.

Mr. BUMPERS. I ask that the amendment be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. DORGAN, and Mr. BROWN, proposes an amendment numbered 2294.

The amendment is as follows:

At the end of the pending committee amendment add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China.

Mr. BUMPERS. Madam President—

Mr. WARNER. Parliamentary inquiry, Madam President. Would the Senator be kind enough to advise the Senate as to whether or not a rollcall vote is required, and how much time might be consumed on debate?

Mr. BUMPERS. I say to the Senator from Virginia, my guess is that a rollcall vote will be required. I would defer to the Senator from Kentucky on that.

Mr. MCCONNELL. I would say to the Chair, there certainly will be a rollcall vote required. We could have a relatively short time for debate.

Mr. WARNER. Did the Senator give a time limit?

Mr. MCCONNELL. As far as I am concerned, 15 minutes on this side is enough.

Mr. BUMPERS. So 30 minutes equally divided is agreeable to me.

Mr. LEAHY. Madam President, reserving the right to object. I will yield the manager's time on this side to the Senator from Arkansas under his control.

Mr. BUMPERS. I thank the Senator very much.

Mr. JOHNSTON. Will the Senator from Vermont yield?

The PRESIDING OFFICER. Did the Senator so request that there be 30 minutes for each side, to be equally divided?

Mr. BUMPERS. No. The request was for 30 minutes equally divided, 15 minutes on each side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JOHNSTON. If the Senator from Arkansas will yield, considering those of us who want to see our visiting daughters and granddaughters, I wonder if it is possible to have votes stacked so that we can have a window?

Mr. BUMPERS. Let me ask my cosponsors, Senator BROWN and Senator DORGAN, if they have any objection to stacking this vote. Does the Senator from Colorado have any objection to that?

Mr. BROWN. I have no objection.

Mr. DORGAN. I have no objection.

Mr. BUMPERS. I want the Senator from Louisiana to have the opportunity to visit his granddaughter. That is much more important than anything we will do here tonight.

Mr. LEAHY. Perhaps we can leave it this way, and I ask unanimous consent that what I am saying not come out of the time of either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, what I will do is this: During this debate, and prior to the time of the vote, I will try to make sure there is another vote coming up that is also going to have a time agreement, so we can put the two together. But I would not agree to start stacking until that time. I tell my friend from Louisiana that I know the situation he is in. I have been there many times myself. I would like to get two or three votes so we do not end up with a 2-hour quorum call.

Mr. BUMPERS. Do I understand the Senator to say he is, at the present time, objecting to stacking the votes?

Mr. LEAHY. The Senator is, but I suspect that by the time we are going to get done, we are going to be able to do that.

Mr. BUMPERS. As I understand the situation, Madam President, there are 30 minutes equally divided, 15 minutes on a side, and the vote is not yet ordered to be stacked with other votes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Let me read to you the language of the bill I object to:

Provided further that of the funds appropriated under this heading "Agency for International Development" not less than $600,000 shall be available to support parliamentary training and democracy programs in the People's Republic of China.

That is almost an oxymoron, to talk about democracy and the People's Republic of China. And the thing that makes it even more offensive, besides being an oxymoron, is the fact that $600,000 would not be enough to transport the people to China and pay their hotel bill, to teach the Chinese parliamentary procedure and give them democracy programs, even if they wanted them.

Madam President, we are spending $13 billion in the very bill we are debating at this moment, trying to win friends around the world with money. We are parcelling out $13 billion to countries all over the globe, hoping that when push comes to shove, they will remember who their friends were, and they will be on our side in any controversy that might arise in their region of the world.

Why, out of this $13 billion, would we set aside $600,000 to teach China, one of the last two or three autocratic, tyrannical, Communist governments—why would we spend $600,000 which, admittedly, is just a pittance, on such a country which could not possibly amount to a hill of beans.

Madam President, China has a $10 billion to $15 billion trade deficit against this Nation, and we debate constantly here about prison labor and human rights violations and the autocracy that exists in China, which is still a hard-line Communist nation.

Not only are we spending $13 billion in this bill, this afternoon in Appropriations we appropriated $35 million to the National Endowment for Democracy. And the National Endowment for Democracy is supposed to do exactly what this $600,000 is designed to do—teach people why democracy is superior to other systems.

The distinguished Senator from Kentucky and the Senator from Arizona very thoughtfully offered an amendment to this, to strike a provision which was in the original bill that said this money would go to two of the four core grantees of the National Endowment for Democracy, namely, the National Democratic Institute and the International Republican Institute. Madam President, would you like to know who that is? That is the Democratic Party and the Republican Party. They are two of the biggest grantees of the National Endowment for Democracy. And until the Senator from Kentucky struck that from the bill, it provided that this $600,000 would go to them.

I am very pleased that he struck that, in case this amendment fails. But his amendment also said this will be granted to some nongovernmental group to go to China to teach China democracy and parliamentary training.

Madam President, China has 1.2 billion people. You tell me what you think $600,000 is going to do to promote democracy in China. It is not a lot of money, Madam President. It is more than most people in this body pay in income taxes each year. And even though it is a small amount, we ought not to be wasting it on something like that.

The Agency for International Development has serious challenges. There are other earmarks in this bill, and I compliment the Senator from Vermont and the Senator from Kentucky on some of the other earmarks in here. They are for health items, and they are for things people really need. I am offering this amendment, and I hate to take up the Senate's time for a mere $600,000, but it is such a sheer utter waste, I could not resist it.

I yield the floor and reserve the remainder of my time.

I yield 5 minutes to the Senator from Colorado. I would like to announce that Senator BRYAN of Nevada and Senator FEINGOLD of Wisconsin, as well as the Senator from Colorado and the Senator from North Dakota, have cosponsored this amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Madam President, I will not take all 5 minutes, but I want to commend the distinguished Senator from Arkansas for bringing this matter forth and having the courage to speak out.

This is a pretty straightforward proposition. We have the leaders of our parties, the Democratic Party and the Republican Party, and other big interest groups who found out a way to tap the Government till. By getting together, they figured out that they can divide the money from the U.S. Treasury.

Is it the best way of spending the taxpayers' money; that is, giving it to big special-interest groups when they agree? I do not think so. We have had talks about this in the past. One of the problems with this is that this money gets awarded in other areas without competitive bidding.

Frankly, some of the money ends up being used by both parties to support people who no longer have a job in Government, and my impression at least is that some of the people are committed and dedicated and do a wonderful job on these projects and some of them could not get a job anywhere else.

The simple fact is if we are going to be careful in using the taxpayers' money, it ought to go through a regular procedure with AID or whatever other program you want to do. But what this is is a procedure of having finally agreed on the maximum amount we are going to give to the political parties—something I think everybody in this Chamber ought to be a little hesitant about—having finally agreed on that maximum limit, then someone is figuring out a new way to get around the limit. That is what this is. This is the way to get around the limit. This is the way to say, yes, we agreed on the limit as to how much we were going to hand out to political parties. By the way, we figured out a nice project. Indeed, this is. It has a wonderful purpose, and we are going to slip in a little provision in the process to give more money to them.

Madam President, this is not right. This is a way around reasonable limits. This is a way around reasonable controls. This is a way around a proper approach to spending the money.

The last thing in the world either the Democratic Party or the Republican Party needs is a bunch of party insiders deciding and dividing the public treasury without reasonable scrutiny, without fair controls, and without insisting on proper accounting for the money.

After having fought this through about the limit that they should receive, this is a way around those limits. I think it is wrong. I think it is a mistake. And frankly, I think the members of the Democratic Party and Republican Party who take advantage of their position to divide up the public treasury in this manner ought to be ashamed of themselves.

I have said that to the Republican Party leadership. I know others have said that to the Democratic Party leadership. But to take advantage of your power because you control the party, to take money out of the treasury is just plain wrong, and there ought to be a limit to it.

I commend the Senator from Arkansas for having the courage to stand up and try to insist that at least some limit stands on how much they take away from the taxpayers of this country.

I yield back the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be deducted equally from both sides.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, if no one wants to speak further on this, I wonder if all time could be yielded back. I know Senator BROWN has been waiting to offer an amendment that he and I are cosponsoring along with many other Members.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, in answer to my friend from Illinois, I think the time is going to be used. There are a couple of speakers in opposition to the Bumpers amendment. Senator SIMON and Senator BROWN will be next in line.

Mr. BROWN. If the Senator will yield, would it be all right if Senator SIMON spoke with regard to the upcoming amendment until someone else arrives to speak on the pending amendment?

Mr. MCCONNELL. Madam President, under the agreement, the time reserved prior to the vote on the Bumpers amendment is to discuss the Bumpers amendment, and we will be doing that shortly.

Mr. BUMPERS. Madam President, I did not understand what the Senator from Kentucky just said.

Mr. MCCONNELL. It is my understanding under the agreement the 30 minutes referred to is for discussion of the Bumpers amendment. The Senator from Arkansas has been discussing it. The Senator from Colorado has been discussing it. The Senator from Arizona and the Senator from Kentucky are about to discuss it.

So the answer to my friend from Illinois is that we will be discussing the Bumpers amendment during the time allotted for that shortly.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SIMON. Madam President, I note the presence of the Senator from Vermont here. If he wishes to speak on this, I certainly will yield. If he does not, I ask unanimous consent that this be temporarily set aside, with everyone keeping their time, so that I could speak on the Brown amendment for 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object.

Mr. BUMPERS. I object.

I say I want the Senator from Illinois to have time to speak on this amendment that is pending at this time. I have one other speaker who wishes to be heard.

I would like to yield such time to the Senator from North Dakota as he may wish to use within the limits of the remaining time I have.

The PRESIDING OFFICER. The Senator from Arkansas has 6 minutes and 12 seconds remaining, which is yielded to the Senator from North Dakota.

Mr. BUMPERS. Let me retract that, Madam President. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Madam President, thank you very much.

I thank the Senator from Arkansas. The Senator does a service to this Senate by offering this amendment, which would strike $600,000 of funding for parliamentary training in mainland China.

Simply, this is a waste of money. It is only $600,000, but it is still $600,000. As the fellow said as he spit in the ocean, every little bit helps. And $600,000 is a lot of money to some folks, and we ought not waste it.

The issue here, as Senator BUMPERS has said, is giving $600,000 to the two political parties, in effect, and saying go to China and teach them parliamentary training and democracy programs. They need to learn about parliamentary training and democracy programs.

With due respect, the issue is not learning in China. The issue is yearning. They yearn for freedom and they yearn for democracy.

Have we forgotten that those students in Tiananmen Square built a papier-mache Statue of Liberty and then were slaughtered? Have we forgotten that shortly after that Bush administration officials were over there drinking wine with Chinese leaders?

China knows about democracy. That is what Tiananmen Square was all about. They fully know about democracy. We do not have to spend $600,000 flying people from the Democratic and Republican parties over there to give seminars. What a waste of money.

My Lord, we have so many needs and so many problems in this country, and we are going to spend $600,000 on this program? This funding ought not to have been in this bill in the first place.

When the Senator from Arkansas offered this amendment this year, I told him at the time it was too timid. He and I would have liked to repeal the whole National Endowment for Democracy program. What a waste of millions of dollars.

But this $600,000 is in this bill, and in my judgment, it is a waste of money. Let us dump it. Let us adopt this amendment and demonstrate that we understand the difference between what is needed and what is not, what works and what is waste.

What would Harry and Louise think of this, for God's sake, sitting on the couch, talking about what Government is doing?

"Harry, did you hear what they are going to do next? They are going to send people to China to teach democracy." And Harry would say, "Gee. Don't they know about democracy? They were over there fighting and dying for it."

China's knowledge of and desire for democracy is clear and obvious. To spend $600,000 to try to spur China's desire for democracy is not only ridiculous, it is insulting.

Let us do the right thing. Let us pass this amendment. Just start 1 inch down the road, and hopefully down the road a way we will repeal the National Endowment for Democracy for good and stop wasting the taxpayers' money.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Will the Senator yield me 30 seconds?

Mr. BUMPERS. I am happy to yield to the Senator from Vermont 30 seconds. I yield him a minute. He cannot speak for only 30 seconds.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, I think the Senator from Arkansas is right and the Senator from North Dakota is right. I will vote for his amendment. In fact, I will join in doing away with the National Endowment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky.

Mr. MCCONNELL. Madam President, never has so little money generated such elaborate rhetoric.

Let me just say that this vote is about democracy in China. It is whether you support giving reformers in China a chance or not. It is a vote to provide aid to organizations which are working with legislators working with democratic activists in China, and there are democratic activists in China.

No funds; I repeat, no funds. This debate reminds me of the big shootout we had over the National Endowment for Democracy recently. But I want to say, this is not about the NED. I know there are heated passions here that tend to come to the fore when we talk about the NED.

The NED has always prevailed in the Senate, but this is not about that. I kind of wish it were, because I know what the outcome of the votes would be if it were about NED. The Senator from Arkansas would probably be defeated.

But there are not any funds directed to either the International Republican Institute, the National Democratic Institute, or any other organization, frankly. The provision in the bill specifically says that the funds should be available on a competitive basis. Just on a competitive basis.

Among the organizations that might qualify for this would be the Ford Foundation, or the AFL-CIO, or maybe even the University of Arkansas.

So I do not think, to be perfectly frank with you, this deserves an extensive debate. But it seems to me that if you would concede there are some democratic reformers active in China—and I know there are—and that this might be a way to provide some organizations a chance to help them move forward, this should not be all that controversial.

But, the Senate can work its will on it. It seems to me this is largely about a democracy in China.

The 10 most wanted Tiananmen Square dissidents who escaped to the U.S. strongly support this particular provision of the bill. Let me repeat, for those of you who think this may be a rerun of MFN, the 10 most wanted Tiananmen Square dissidents who escaped to the U.S. strongly support this provision.

So let us not make this into, what we used to say in law school, a Federal case. It is an important provision to those dissidents who had the courage to stand up to the government in Tiananmen Square.

Beyond that, Madam President, I rest my case. I thought the Senator from Arizona was going to speak to this amendment, but he is not here yet.

That basically concludes my observations. I hope the Bumpers amendment will be defeated. But I am sure China will move forward with or without it.

I yield the floor.

Mr. LEAHY. Madam President, have the yeas and nays been ordered on this amendment.

The PRESIDING OFFICER. No, they have not.

Mr. BUMPERS. I ask for the yeas and nays, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second

The yeas and nays were ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that the rollcall vote on this amendment, which would take place at the expiration of the time under the unanimous-consent agreement, occur immediately following the next rollcall vote.

The PRESIDING OFFICER. Is there objection? There being none, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I ask unanimous consent that the distinguished Senator from North Carolina [Mr. HELMS] and the distinguished Senator from Illinois [Mr. SIMON] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I am prepared to yield back such time as I have. I just want to make one closing point.

As they say, $600,000 is not much money. But it is too much to waste. If we were really serious about trying to help China democratize, $600 million would be a more appropriate figure. You might accomplish something with that.

But you will not accomplish anything with $600 million, $60 million, $6 million, $600,000 trying to teach democracy to the same people who slaughtered young innocent students in Tiananmen Square because they wanted democracy.

To follow up on what the Senator from North Dakota said on Harry and Louise, there has to be a better way. Why squander $600,000?

Madam President, I yield back the remainder of my time.

Mr. MCCONNELL. Madam President, let me say, probably in conclusion, this is not about providing money for the National Endowment for Democracy. This is about earmarking some funds for organizations that are interested in promoting democracy in China to compete for.

The 10 most wanted Tiananmen Square dissidents who managed to escape support this provision. This is not about MFN. This is not about the NED. This is a symbol for the 10 most wanted Tiananmen Square dissidents who managed to escape the country.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Eleven minutes and 9 seconds.

Mr. McCONNELL. I am going to reserve the remainder of my time, because I understand there might be at least one other speaker on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I ask unanimous consent that this amendment be set aside and the time reserved, and that I be able to speak for 3 minutes on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, reserving the right to object, and I definitely will not object, but has the Brown amendment been offered?

Mr. McCONNELL. It is at the desk.

Mr. LEAHY. I would only urge, while Senator SIMON is speaking, that somebody could probably call the Senator from Colorado and they could bring up his amendment. If we could do that next, it would probably make some sense.

I do not object.

The PRESIDING OFFICER. Is the Senator from Illinois calling up the Brown amendment?

Mr. SIMON. I am not calling up the Brown amendment. I am just asking unanimous consent to speak on the Brown amendment.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, I think we all understand each other. The clock is not running on the Bumpers amendment.

The PRESIDING OFFICER. That is correct.

The Senator from Illinois is recognized.

Mr. SIMON. Thank you, Madam President.

AMENDMENT NO. 2248

Mr. SIMON. My colleague from Colorado has offered an amendment that is cosponsored by a great many on both sides and I hope can be accepted and I think should be noncontroversial that says the President may—and I underline "may"—transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 or under the Arms Export Control Act to Poland, Hungary and the Czech Republic. Later, other nations could be added if other nations establish solid democracy.

These three have led the way. And I am pleased to say that other nations in that area are moving in this direction. When others want to add other nations, I will probably support that when those nations appear to qualify.

But it does seem to me that we ought to recognize that, to the extent that we can encourage security cover for these nations, it is desirable.

For those who feel, and particularly some of my friends in the State Department feel, that this is an anti-Russian thing, not at all. The reality is, when the time comes when democracy is well-established in Russia, then Russia can become part of this whole alliance. In fact, the real military threat to Russia long term is not from Poland, not from Hungary, not the Czech Republic, but it comes from China.

And so I think this amendment by my colleague from Colorado makes sense. I am pleased to be a cosponsor. I hope it can be accepted without controversy by the Senate.

Madam President, if no one desires to speak, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

AMENDMENT NO. 2294

Mr. McCAIN. Madam President, could I ask the Senator from Kentucky if he will yield me some time?

Mr. McCONNELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes 57 seconds.

Mr. McCONNELL. Madam President, I yield to the Senator from Arizona however much time within that limit he may desire.

Mr. McCAIN. Madam President, I will ask another question of the Senator from Kentucky, who is the ranking member, in the absence of the other manager of the bill. I ask, first of all, did the committee propose this to be part of the bill? The funding?

Mr. McCONNELL. Madam President, yes, I say to my friend from Arizona, it did. The subcommittee did. It was subsequently approved by the full committee.

We have been sort of kicking this around here on the floor. I do not want to represent the arguments of the other side, but I think underlying those arguments is the notion that there are no reformers in China. I know there clearly are. This rather small amount of money would be available on a competitive bid basis for organizations like the Ford Foundation or the AFL/CIO, or for that matter the University of Arkansas, to help with the development of democratic institutions within the country.

The final observation I will make, that I did make earlier on the floor, is that the 10 most wanted Tiananmen dissidents who managed to get out of the country and are here in the United States strongly support this funding. So I am a little mystified, I would say to my friend from Arizona, how this has become a matter of such controversy.

Mr. McCAIN. Madam President, the reason why I asked my colleague is because I think there is a little more to this than that. Here is $600,000 of a $14 billion piece of legislation that seems to have aroused all this. What we are really talking about is the National Endowment for Democracy, which the distinguished Senator from Kentucky knows, coincidentally, the cosponsors of this amendment have tried to kill several times. They got beat badly in the House the other night. They know they will get beat badly here. So we have to go through this exercise.

Is it apparent to my friend from Kentucky that the Senator from Arkansas and the Senator from Colorado know better what is best for China? They are not, obviously, experts on China. They know better than General Scowcroft, former National Security Adviser; Larry Eagleburger, former Secretary of State; Jim Lilley, former Ambassador to China; Doug Paal, NSC's Director of Asian Affairs, and the agency's 10 most wanted. So they know much better than these individuals; is that not a correct assumption to make, if you support this amendment, I ask my friend from Kentucky?

Mr. McCONNELL. I will say the National Endowment for Democracy is not specified in here as a recipient of this money, but the debate did sound remarkably similar to the one we have had here on several occasions on which the Senator from Arizona and I had participated. I asked the staff here earlier if they could give me the outcome. Maybe the Senator has the outcome. The last time we had the NED battle here it was rather lopsided. The Senator from Arizona is certainly correct, it sounds quite similar.

Mr. McCAIN. I thank my friend from Kentucky. Again, I am astounded at the knowledge of China and the situation there. Frankly, I am incredibly impressed by the Senator from Colorado and the Senator from Arkansas, especially. Frankly, their in-depth knowledge of China had somehow escaped me over the years. But it is clear to me they know more than Larry Eagleburger, General Scowcroft, Doug Paal, and the Chinese dissidents who fled to this country who believe they know what is best for their country. So I certainly hope my colleagues will take into consideration the different balance of views here.

What this is, as my friend from Kentucky knows, is some way to get at, again, the National Endowment for Democracy, a debate we have had many times in the past and we will probably have in the future. All this malarkey about people who are involved in the National Endowment for Democracy, I have to say to my friend from Kentucky, I resent it, from the Senator from Colorado especially, who also knows better.

The fact is, in the view of almost every unbiased expert, the National Endowment for Democracy has done some very important and credible things, which is why the last time the National Endowment for Democracy was attacked, literally every editorial page in America, conservative and liberal, took on the opponents by name. I have never seen such support from columnists, from David Broder to George Will, et cetera, et cetera.

I do not want to waste the time of this body. We can decide. This body can decide very quickly. Shall we take the word of Gen. Brent Scowcroft, former National Security Adviser to the President; Larry Eagleburger, former Secretary of State; Jim Lilley, former Ambassador to China; Doug Paal?

Let me tell you, Madam President, what Chai Ling—I am sure that is a mispronunciation of his name—a 1989 Tiananmen student commander twice nominated for the Nobel Peace Prize, said: "Unless China starts constitutional reforms, setting up its own checks and balances mechanism within its system, it is unrealistic to expect outside pressure to change the situation. After escaping from China and living in the U.S. and studying at Princeton University, I am more convinced than ever that China's future is through constitutional reform."

That is what this amount of money is for.

I am sure Mr. Chai Ling, having been gone since 1989, is not as up to date as the Senator from Colorado nor the Senator from Arkansas.

They are much more aware. In fact, they may even travel there in the meantime. Or Liu Binyan, who said:

> All people—

Obviously with the exception of the Senator from Arkansas and the Senator from Colorado—

> All people concerned about China's future and democratization have reached consensus that China's transformation must be peaceful and gradual. During the process of peaceful transformation, the most important thing is to implement the constitution and gradually amend it. Whether China avoids great turmoil depends on successfully implementing gradual political reform.

And another dissident says the same thing.

It is clear here. And finally, Madam President, here we are—I feel like I am in a ludicrous position. I opposed an amendment prohibiting the President going into Haiti. I opposed an amendment tying the President's hands on Bosnia. I opposed amendments time after time that have prospectively prohibited the President from taking certain action. And here I am, again, opposing an amendment that says that the President cannot do something.

It is a priority for AID, and I thought that those who opposed just recently the Dole Haiti amendment might not want to tie the President's hands in this instance.

Madam President, I say to my friend from Kentucky, I thank you for your support. It is not that big a deal. If this body wants to kill this $600,000 because they feel that all these people are wrong, then so be it. But I do not think it deserves, frankly, a great deal more debate.

I yield to my friend from Kentucky.

Mr. McCONNELL. Madam President, I want to thank my friend from Arizona for his very persuasive observation. The last time we had this debate—the position the Senator from Arizona and I are advocating—on another matter, the outcome was 74–23.

Even though this amendment does not specify any recipient agency—it could be the Ford Foundation or the AFL–CIO—I certainly share the Senator's view: Why are we here trying to knock out a relatively modest amount of money to try to help this vast country move in the direction we all hope it will go?

I thank the Senator from Arizona for his fine remarks.

Mr. McCAIN. Madam President, there is one more point I would like to make, and it needs to be on the record again.

When I found out that this money was earmarked for the National Endowment for Democracy, I came down here with an amendment, which the distinguished managers of the bill were kind enough to accept, which removed that.

This money, if it is appropriated, will go on a competitive basis conducted by the Agency for International Development.

So I say to my friend from Kentucky, our attacks on the National Endowment for Democracy may be misguided because they may not get the money, depending on what AID decides.

I reserve the remainder of the time of the Senator from Kentucky.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I rise simply——

The PRESIDING OFFICER. Time has expired——

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. McCONNELL. I think the case against the amendment has been adequately stated by the Senator from Arizona and, hopefully, by myself. I will be glad to give the Senator from Colorado my last 2 minutes. Then we can move on to his next amendment.

Mr. BROWN. I will not take 2 minutes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, I simply want the RECORD to indicate the way the Senator from Arizona has summarized the issue, and the impact of his amendment, I believe, is accurate. I believe the McCain amendment significantly improved the measure that was in the bill.

I think the Senator is to be praised for that. I certainly think that his efforts made a significant improvement in the measure and one that I think, whether this particular amendment is adopted or not, will have been a help. I yield back any remaining time.

Mr. McCONNELL. Madam President, I yield back the remainder of my time.

The PRESIDING OFFICER (Ms. MIKULSKI). All time has expired. The Senator from Vermont.

Mr. LEAHY. Madam President, absent the unanimous-consent agreement that we entered into earlier, there would be a rollcall vote now. I see the Senator from Colorado on the floor. He also has an amendment which I believe he is going to bring up. There may be someone to speak on this side. I would like to know if perhaps we can get a time agreement on that, and then if there is going to be a rollcall vote on that, then we would know when the time would be, because we would have two rollcall votes together, and that is probably about as late as I would want to go before we had some more rollcall votes because I find as we have the rollcall votes, a lot of the Senators who cannot seem to be reached by phone to work out these time agreements are suddenly on the floor.

Mr. BROWN. If the chairman will yield, I know the distinguished chairman of the Foreign Relations Committee, Senator PELL, has an interest in the Brown-Simon amendment. I know he will want to be heard on it. I offer to the chairman that I will be happy to agree to whatever time limit the Senator from Rhode Island would wish to place on the amendment.

Mr. LEAHY. Let us do this. Why do we not set 1 hour evenly divided, if that would be OK with the Senator from Colorado, and if we do not need the time, we can always yield it back.

Mr. BROWN. For my purposes, I would be happy to agree with that. I believe it is possible to conclude it more promptly than that.

Mr. LEAHY. Madam President, parliamentary inquiry. Are we now on the Brown amendment? I ask unanimous consent that when the Brown amendment is brought up—and I understand from the Senator from Colorado he is about to do that momentarily—that when it is brought up, that there would be 1 hour evenly divided in the usual fashion.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Reserving the right to object. I ask the Senator from Vermont, following that would he anticipate two rollcall votes?

Mr. LEAHY. Madam President, the Senator from Arizona is correct, we would. I would also note that I am doing this only because it would take longer to go on the hot line to find out who wants to speak. I hope on this side we will be yielding back a considerable amount of that time. But then there would be a vote—let me state it this way.

I ask unanimous consent that we now go to the Brown amendment; that there be 1 hour evenly divided in the usual fashion; at the end of that hour, there be a vote on, or in relation to, the Brown amendment, with no second-degree amendment to it in order; and that upon the completion of that vote, whatever it is—rollcall or otherwise—that we then immediately vote on the Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I feel the need to have a short quorum call. I want to discuss it.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I have no objection to the request.

Mr. LEAHY. I renew my request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Vermont?

Mr. COHEN. Reserving the right to object, is it clear that an hour must be consumed?

Mr. LEAHY. No. Time could be yielded back.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2248

The PRESIDING OFFICER. The pending amendment is the Brown amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BROWN. Madam President, I believe we have called up for consideration amendment 2248, and I ask unanimous consent that the following Members be added as cosponsors: Senators ROTH, MIKULSKI, DOLE, WARNER, DOMENICI, LIEBERMAN, HELMS, PRESSLER, FEINGOLD, NICKLES, McCAIN, and SIMON as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I also ask unanimous consent that Senator CRAIG be added as a cosponsor, and Senator COHEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BROWN. Madam President, this amendment is quite straightforward. It merely adds the authority for the President to extend to the countries of Poland, the Czech Republic, and Hungary an ability to participate with our Defense Department as many other countries do. Let me be specific. Currently, we have the ability to transfer excess defense articles to other countries around the world. Those include, in addition to our NATO allies, Egypt, Israel, Morocco, Oman, Bahrain, and Senegal. This amendment would add Hungary, Poland, and the Czech Republic to the existing list of countries. These three countries are anxious to participate with us. They are anxious to become part of NATO. They have democratized their nations. They are anxious to work with our military and they are anxious to stand among the countries that not only believe in democracy and freedom but are willing to defend it, and they seek an opportunity to have closer ties with the West.

Members will ask whether or not the President should be authorized to put these three countries in the same category as Senegal or Oman. It is my belief that they more than qualify and should be included. It would also put the three countries in a list of countries that are authorized to receive leases and loans of major defense equipment. It would put them among nations with whom the United States maintains cooperative military airlift agreements. Let me emphasize, Madam President, this amendment does not require the President to take any of these actions. It leaves the final decision with the President.

Why should the Senate support the NATO Participation Act of 1994? If I may, I would like to share with the body a letter that I received from former Secretary of State Henry Kissinger. His letter reads as follows.

> Thank you for bringing to my attention the Brown-Simon "NATO Participation Act of 1994" and your plan to offer it as an amendment to the Foreign Operations Appropriations bill.
>
> In my view, continuing security in Europe hinges upon a stable NATO alliance open to early membership by countries like Poland, Hungary and the Czech Republic. Ambiguous western security arrangements for the heart of Europe will not serve the cause of peace there. Rather they will generate uncertainty and instability.
>
> The "NATO Participation Act" sends a strong indication of the United States' support for Poland, Hungary and the Czech Republic. By extending to these fledgling democracies some of the most important security benefits that U.S. law extends to existing NATO members, the Act will speed their transition into NATO.

Madam President, that is exactly the purpose of my amendment.

Dr. Kissinger concludes:

> I strongly support the Brown-Simon amendment and urge your colleagues of both parties to join in passing it at its earliest opportunity.

Madam President, this is not a partisan amendment. It is offered to the body with the leadership of Senator SIMON, who has long been concerned about not only the plight of Poland but the plight of those in Central Europe, along with three other Democratic Senators who have been leaders in this particular area.

I am particularly interested in the plight of Central Europe, Madam President, for this reason. The year before I was born, the world saw Poland disappear as it was engulfed by Germany and the Soviet Union. Many important historians looking back on those events cite the perception created by democracies of the world that they would not stand with Poland as the impetus behind the Nazi invasion. Because our support was ambiguous, because those of good faith who believe in democracy did not stand together, each country fell separately to the totalitarian aggressors.

Imagine the millions of lives that could have been saved if democracies had stood up at the time Poland was threatened. Other Members will recall the dismemberment of Czechoslovakia. Then, the leadership of the West, hoping against hope, abandoned Czechoslovakia, believing this offering would satiate Hitler's appetite. It did not. Tragically, after swallowing up a portion of Czechoslovakia, the Nazi hunger remained. While the West stood silent, the Nazi hordes finished off the remainder of this once prosperous nation and proceeded on their path.

Other Members will recall the valiant struggle of the Polish underground during World War II against the Nazi invaders. As the end neared, the Soviet Army asked these partisans to surrender and negotiate for control of the country, for the bringing of democracy and stabilization to Poland. The Polish underground leaders were reluctant to do so and only agreed to surrender to the Soviet authorities after the United States urged and assured them that they would be well treated and that they, indeed, would be a respected part of the leadership they sought to bring to their country.

The tragedy of history is that those valiant leaders of the Polish underground were arrested, were imprisoned and eventually executed. The defenders of freedom and the defenders of the fight against the Nazis in Poland were executed. And what did the United States do? Tragically, little.

I do not want, for this generation, for it to be said that we did not do what we could to make sure these same events do not happen again.

Madam President, how can we look at the Czech Republic and not feel twangs of the heart. How can we not wonder if there was something the United States could have done at the time that would have stopped their misery and circumvented the cold war? How can we even think about Poland and wonder if we could not have done a better job to stand with the Polish people? How can we even think about preserving freedom in this world and not know that it is important for men and women who sincerely believe in freedom and democracy to stand together?

Now, the facts are these, at least as this Member sees it. There are radical elements within Russia today that would like to reassert their control over Central Europe. Thankfully, thankfully, we believe the leadership of the country does not share that enthusiasm.

Madam President, I believe that if we make our intentions with regard to Central Europe unclear, if we are unwilling to make it clear that they are part of the family of free nations, if we are unwilling to show that they have a right not only to protect freedom but to be part of the defense network that stands up for it, then I believe we send a signal that reasserting domination over the Central European powers is all right; that once again free men and women will stand idly by while their freedom and independence is crushed.

Madam President, that would be a tragedy. This amendment will begin to make our intentions clear; namely, that we intend to take the issue off the table; that reasserting control over Poland, Hungary, or the Czech Republic will no longer be considered viable by anyone in Russia; that Russia will feel an obligation to respect the freedom and independence of these countries just as we feel an obligation to respect their freedom and independence.

I offer this resolution only because the governments of those countries have expressed their interest in becoming part of NATO, not because we are pushing them to join. We should not do anything to jeopardize the hard won and cherished freedom that these countries now enjoy. By moving quickly, by holding out the hand of friendship and participation, we can short circuit those who would reassert domination over central Europe.

Madam President, I ought to mention that, in addition to these three Republics, the Slovakians have indicated an interest in joining NATO and, as a matter of fact, would like to be included in this amendment. They are not included in this amendment, and my sense is that it is not appropriate to change the amendment at this time. But I must say my own feeling is that Slovakia should be considered as a candidate for NATO membership. I personally favor their inclusion, and I hope that at some time in the future, we can consider them and make our feelings known to the Senate.

But my hope is also that we do not miss this opportunity to send a clear signal that we want Poland and the Czech Republic and Hungary to enjoy the freedom and the independence that they sacrificed so much for and long for so greatly.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWN. Madam President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL addressed the Chair.

Mr. LEAHY. Madam President, I yield such time as he may need to the Senator from Rhode Island, the chairman of the Foreign Relations Committee.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I thank my colleague.

Less than 2 weeks ago, the Senate adopted an amendment to the Defense Department authorization bill that addressed the issue of participation in allied defense cooperation. As I said at the time, we should encourage the President to use existing authorities to provide excess defense articles and other benefits to our friends particularly our friends participating in NATO's Partnership for Peace.

I am concerned, however, by any attempt to draw unnecessary lines in a newly undivided Europe as the proposed amendment would do. The administration has worked very hard to be inclusive in developing NATO's Partnership for Peace. For example, Russia joined the Partnership with no special conditions—on the same terms as other countries. If we begin to differentiate now, we undermine the concept of a whole and free Europe. We fought the cold war for a half century with hopes that one day, we could bring down the Iron Curtain that bifurcated Europe. Why on earth would we want to redraw lines that we struggled so hard to erase?

The amendment before us specifically mentions Poland, Hungary, and the Czech Republic as countries that should be eligible to receive excess defense articles. I want to emphasize that those countries are already eligible for excess defense articles, and the President has, in fact, already offered Poland and Hungary excess equipment. Both countries, however, have declined the offer due to financial difficulties. I reiterate: the President has already tried to do what this amendment asks, but was turned down by the relevant countries.

This amendment would also amend existing law to specifically mention Poland, Hungary, and the Czech Republic as eligible to receive other benefits such as communications support, leases and loans of defense equipment, and cooperative military airlift agreements. Again, under existing law, the President already has the authority to grant these benefits to Poland, Hungary, the Czech Republic, as well as to other countries that he determines are appropriate.

Madam President, I wish to stress that Poland, Hungary, and the Czech Republic are all members of NATO's Partnership for Peace, and are extremely deserving of military cooperation and benefits. Indeed, they have been offered the type of assistance that this amendment would authorize. Accordingly, I believe this amendment is unnecessary and would serve only to draw new lines between our friends in Central and Eastern Europe, and would make a division rather than unification.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Vermont has 26 minutes 24 seconds. The Senator from Colorado has 19 minutes 10 seconds.

Mr. BROWN. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Madam President, the distinguished chairman of the Foreign Relations Committee has accurately advised the body that these countries are now able to receive some excess defense articles. I think it is fair to describe them as nonlethal items that can be shared with these countries.

The amendment before us provides authorization. Let me emphasize that it is authorization; it is not a requirement. It is merely discretionary for the administration and provides authorization that extends not only to subsection (b) but also includes subsections (c) and (d).

It merely adds options for the President that he does not now enjoy. It extends to Poland, the Czech Republic, and Hungary the ability to participate in these programs, should the President decide.

I think it is fair to describe the additional areas as ones that go beyond nonlethal equipment, ones that involve a broader range of military hardware capabilities. Let me emphasize how important this change is. It is important because these countries want to communicate with us, they want to develop joint procedures, they want to work with our personnel, and they want to learn from our personnel. The ability to work together in these areas expands their ability to become effective allies.

Madam President, let me emphasize again what is important here. The NATO Participation Act goes far beyond simply the hardware which we might share, the joint exercises that we might perform, or the good will that might come from closer cooperation. What comes here, frankly, is a signal, a signal that we care about these countries, a signal that we want to be close to these countries, a signal that we understand that it is important that they remain free, a signal that we are not only interested in their freedom, but willing to work with them toward that future.

Madam President, let me also emphasize how important it is right now. Right now, these countries are deciding what their future will be. If we turn our back on them, if we ignore them, if they gain the impression we do not care about their security, they will be forced to make other security arrangements.

What a tragedy it would be if, when finally they have achieved their peace and freedom and independence, that we would treat them with disdain. Whether we realize it or not, our willingness or unwillingness to work with them is viewed as a strong sign of what their future will be. Will it be to the West or will it be to the East? Surely, it is in our country's interest to make sure that they receive a strong signal of our interest, our friendship, and our willingness to work with them.

The Senate earlier tonight had gone on record in opposition to the McConnell amendment.

The NATO Participation Act is a bit milder than the McConnell amendment. It has a number of cosponsors that did not support the McConnell amendment. While it is not as strong—at least in some ways—as the McConnell amendment, it does send a positive signal. I think it would be a tragedy if what comes out of our deliberations tonight is a negative signal to those who seek our help and comradeship in preserving their freedom.

I ask unanimous consent that a copy of the analysis that I asked be prepared by the Congressional Research Service on this particular subject be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC. June 28, 1994.

SUBJECT: Current Statutory Authority for Certain Defense-Related Activities Involving Poland, Hungary, and the Czech Republic

TO: Hon. Hank Brown

FROM: American Law Division

This memorandum responds to your request for an analysis of whether the President currently has statutory authority to undertake the defense-related activities that would be authorized in a proposed amendment to S. 2182, 103d Cong., 2d Sess. (1994), the Department of Defense (DOD) authorization bill for FY 1995. The amendment, according to the text that you have provided to us, would authorize the transfer of excess defense articles to Poland, Hungary, and the Czech Republic under the Arms Export Control Act and the Foreign Assistance Act, and would specifically extend the authorities of various other defense-related statutes to cover leases and loans of defense articles to and various cooperative defense activities with these countries. The amendment would add Section 1017 to the proposed bill. Given the brevity of our deadline, we are providing only a preliminary discussion of the provisions that may be implicated by the proposed amendment. Except for indicating AECA eligibility dates for Poland, Hungary, and the Czech Republic, we do not discuss Executive Branch implementation of the provisions discussed below.

Section 1017(b) would authorize the President to transfer excess defense articles under the foreign Assistance Act of 1961 (FAA)[1] or the Arms Export Control Act (AECA) to Poland, Hungary, and the Czech Republic.

As a general matter, §620(f) of the FAA prohibits the furnishing of assistance to any Communist country unless the President makes certain findings. Until October 1992, the Czechoslovak Socialist Republic, the Hungarian People's Republic, and the Polish People's Republic were specifically listed as Communist countries for purposes of the prohibition. These countries were removed from §620(f) list in §901 of the FREEDOM Support Act, Pub. L. No. 102-511, 106 Stat. 3355. At present, there do not appear to be any other general FAA provisions specifically prohibiting FAA assistance to the Czech Republic, Hungary, or Poland.

Section 517 of the FAA[2] specifically authorizes the President to transfer excess defense articles, without cost to the recipient countries, for modernization of the defense capabilities of countries of NATO's southern flank. The term "excess defense article" is defined in §644(g) of the FAA as "the quantity of defense articles (other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors) owned by the United States government, and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order, which is in excess or the Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations under this Act."

Eligible recipients under §516 are (1) NATO member countries on the southern flank of NATO that are eligible for United States security assistance and which are integrated into NATO's military structure; (2) major non-NATO allies on the southern and southeastern flank of NATO which are eligible for United States security assistance; and (3) those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in FY 1990 or are in the Near East region and received FMF assistance in FY 1991 on FY 1992. A member of NATO on the southern flank of NATO is defined to mean Greece, Italy, Portugal, Spain, and Turkey (§516(e)). While category (2) is not defined in the statute,[3] it would not appear that Poland, Hungary, and the Czech Republic fall within any of the three categories of authorized recipients for purposes of this section.[4]

Section 518 authorizes the President to transfer nonlethal excess defense articles and small arms to friendly countries for resource conversation and management purposes.

Section 519 authorizes the President to transfer to countries for whom an FMF program is justified for the fiscal year in which the transfer is authorized, such nonlethal excess-defense articles as the President determines necessary to help modernize the defense capabilities of such countries, in accordance with the provisions of the section. Transfers are authorized only if (1) the equipment is drawn from existing stocks of the DOD, (2) no DOD funds available for procurement of defense equipment are expended in connection with the transfer, (3) the President determines that the transfer will not have an adverse impact on the military readiness of the United States and (4) the President determines that transferring articles under §519 is preferable to selling them, after taking into account the potential proceeds from, and the likelihood of, such sales, and the comparative foreign policy benefits that may accrue to the United States as the result of either a transfer or sale.[5] Transfers may be made under this section notwithstanding any other provision of law, except title V of the National Security Act of 1947. Further, the Foreign Operations Appropriations Act for FY 1994, Pub. L. No. 103-87, provides at §555, that §519 may be used in FY 1994 to provide nonlethal excess defense articles to countries for which United States foreign assistance has been requested and for which receipt of such articles was separately justified for the fiscal year, without regard to the restrictions in §519(a).

The President also has special authority under the FAA to transfer defense articles in emergency situations or notwithstanding other provisions of law. Section 506 authorizes the President to direct the drawdown of defense articles from Department of Defense stocks in the event of an unforseen emergency requiring immediate military assistance to a foreign country or international organization and the emergency requirement cannot be met under the authority of the AECA or any other law except §506. Section 614(a) authorizes the President to authorize the furnishing of FAA assistance without regard to any other provision of the FAA, the AECA, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the FAA if he determines and notifies Congress that to do so is important to the security interest of the United States. Section 614(b) authorizes the President to make sales, extend credit, and issue guarantees under the AECA if the President determines and notifies the Congress that doing so is vital to the national security interests of the United States. The amount of assistance that may annually be provided under these special authorities is limited by statute.

The Arms Export Control Act authorizes, *inter alia*, government-to-government sales of defense articles and services to eligible countries.[6] Poland, Hungary, and the Czech Republic have been rendered eligible for AECA transactions as provided under §3 of the

---

Footnotes at end of article.

Act.[7] Section 21 authorizes the President to sell defense articles and defense services from DOD stocks to any eligible country or international organization if the country or organization agrees to pay in United States dollars—(A) in the case of a defense article not intended to be replaced at the time the agreement is entered into, not less than the actual value of the article or (B) in the case of a defense article intended to be replaced at the time the agreement is entered into, the estimated cost of replacement of the article. While §21 does not use the term "excess defense article," its reference to defense articles that are not intended to be replaced would appear to indicate that excess defense articles may be sold under this provision. A preference for sales of excess defense articles would also appear to be indicated in §21(i), which provides that sales of defense articles that "could have significant adverse effect on the combat readiness of the Armed Forces of the United States shall be kept to an absolute minimum." The statute was recently amended, however, to require the President to "first consider" the technological impact of sales of excess defense articles from stocks before entering into such sales.[8] The Act also authorizes the President to enter into contracts for the procurement of defense articles for cash sales to any foreign country or international organization (§22) and to finance the procurement of defense articles by friendly countries and international organizations (§23). Foreign Military Financing (FMF) programs may be established under the authority of §23 of the AECA for countries determined to be eligible for AECA programs. As indicated earlier, a country for which an FMF program is in effect for a particular fiscal year may be the recipient of excess non-lethal defense articles provided under §519 of the FAA.

Section 1017(c) would eliminate the legislative review requirement set forth in §63 of the AECA for leases of defense articles under §61 of the AECA and loans of defense articles under the military assistance provisions of the FAA (Part II, Chapter 2) above certain amounts, where such leases or loans are made to the Czech Republic, Hungary or Poland. Under current law, legislative review does not apply with respect to loans or leases to NATO, any member country of NATO, Japan, Australia, or New Zealand. Neither Poland, Hungary, nor the Czech Republic are specifically exempted from this requirement; nor is there a general provision allowing for their exemption from §63.

Section 1017(d) would amend §65 of the AECA to specifically allow the Secretary of Defense to loan to Poland, Hungary, and the Czech Republic supplies and equipment for the purposes of carrying out a program of cooperative research, development, testing or evaluation. Under current law, such loans may be made to a country that is a NATO ally or to a country that is a major non-NATO ally. Pursuant to §65(d), these countries include a member country of NATO (other than the United States) or a foreign country other than a member nation of NATO designated as a "major non-NATO ally" under 10 U.S.C. §2350a(i)(3).

Section 2350a authorizes the Secretary of Defense to enter into memoranda of understanding (or other formal agreements) with one of more major allies of the United States for the purpose of conducting cooperative research and development projects on defense equipment and munitions. A major ally of the United States is defined in §2350a(i)(2) as a member nation of NATO (other than the United States) or a "major non-NATO ally." The term "major non-NATO ally" is defined in §2350a(i)(3) as "a country, other than a member nation of the North Atlantic Treaty Organization, that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State." Were Poland, Hungary, or the Czech Republic to be designated "a major non-NATO ally" under this provision of Title 10, the country or countries so designated would apparently be eligible to receive the materials, supplies or equipment referred to in §65. The proposed amendment, however, would seemingly allow the loan of §65 items to the Czech Republic, Hungary or Poland without the need for a special country determination under Title 10.

Section 1017(e) would amend 10 U.S.C. §2350c(e)(1)(B) to specifically allow the Secretary of Defense to enter into a cooperative military airlift agreement with the government of the Czech Republic, Hungary for Poland for the transportation of the personnel and cargo of the military forces of that country on aircraft operated by or for the military forces of the United States in return for the reciprocal transportation of the personnel and cargo of craft operated by or for the military forces of the other country. Section 2350c allows the Secretary to enter into such agreements with the government of "any allied country." Under current law (22 U.S.C. §2350c(e)), the term "allied country" is defined as: (A) a country that is a member of NATO; (B) Australia, New Zealand, Japan, and the Republic of Korea; and (C) any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrences of the Secretary of State. Again, were the Czech Republic, Hungary or Poland to be designated an "allied country" under §2350c(e)(1)(C), the Secretary of Defense could seemingly enter in to a cooperative military airlift agreement with the country or countries so designated. The proposed amendment would presumably allow the Secretary to enter into such an agreement with Poland, Hungary or the Czech Republic without first making a special country determination under §2350c(e)(1)(C).

Section 1017(f) would amend 10 U.S.C. §2350f(d)(1)(B) to specifically allow the Secretary of Defense to enter into a bilateral arrangement with Poland, Hungary or the Czech Republic or to enter into a multilateral arrangement with these countries under which, in return for being provided communications support and related supplies and services, the United States would agree to provide to those countries, an equivalent value of communications support and related supplies and services. Section 2350f(a) allows the Secretary to enter into such agreements with the government of "any allied country." Under current law (22 U.S.C. §2350f(d)), the term "allied country" is defined as: (A) a country that is a member of NATO; (B) Australia, New Zealand, Japan, and the Republic of Korea; and (C) any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State. As with the two preceding provisions, were Poland, Hungary, or the Czech Republic to be designated an "allied country" under §2350f(d)(C), the Secretary of Defense could presumably enter into §2350f agreements with the country or countries so designated. The proposed amendment would seemingly allow the Secretary to enter into such agreements with Poland, Hungary, or the Czech Republic, either bilaterally or multilaterally, without first making a special country determination under §2350f(d)(C).

We hope that this information is helpful to you and that you will call on us if you have any additional questions.

JEANNE J. GRIMMETT,
Legislative Attorney, American Law Division.

FOOTNOTES

[1] Section 503 of the Foreign Assistance Act provided the authority for the FAA grant military assistance program (MAP). Grant assistance formerly provided under the MAP is now apparently provided under the Foreign Military Financing (FMF) program established under the Arms Export Control Act. *See, e.g.*, Congressional Presentations for Security Assistance Programs for FY 1991 and FY 1992, prepared by the Department of State and the Defense Security Assistance Agency of the Department of Defense.

[2] Sections 516 and 519 of the FAA were recently amended to require the President to consider the effect of a transfer of an excess defense article on the national technological and industrial base. Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103–236, §731.

[3] This category was added in the DOD Appropriations Act, 1988, Pub. L. No. 100–202, §8143, 101 Stat. 1329–89.

[4] *See infra* note 7 regarding dates of these countries' AECA eligibility.

[5] Estonia, Latvia, and Lithuania have been made eligible to receive nonlethal excess defense articles under §519 without regard to the restrictions in §519(a). FREEDOM Support Act of 1992, Pub. L. No. 102–511, §906(a).

[6] Sections 21 and 61 of the Arms Export Control Act were recently amended to require the President to consider the effect of a sale or lease of an excess defense article on the national technological and industrial base. Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103–236, §731.

[7] Poland and Hungary were determined to be eligible on December 6, 1991; the Czech Republic and Slovakia on December 27, 1993.

[8] Pub. L. No. 103–236, §731, *adding* §21(k).

The PRESIDING OFFICER. Is the Senator from Colorado finished?

Mr. BROWN. Yes.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Kentucky?

Mr. BROWN. I yield such time as he may consume to the Senator from Kentucky.

Mr. McCONNELL. Madam President, I commend the Senator from Colorado for his amendment and for his work in this area. He is absolutely correct when he says what this is about is sending a signal. If the Senate was unwilling, on a vote of 53 to 44, to go quite as far as the Senator from Kentucky was willing to go, maybe it will be willing to go as far as the Senator from Colorado is now advocating.

I think the Senator from Colorado is offering an excellent amendment. I think he shares my view that the people of Eastern Europe are waiting around to see if there is ever going to be a time that we will make a meaningful gesture. With all due respect to the President, I do not believe anybody believes the Partnership for Peace is a meaningful gesture. I suppose the Senator is talking to the same people I am, and I do not find anybody who is convinced—the ambassadors of those countries or the Americans whose ancestors came from those countries and care about their fate—that the Partnership for Peace is anything other than words.

So what we have been groping for here in amendments to previous bills and in amendments to this bill, is something tangible, something meaningful, that sends—as the Senator from Colorado put it—a very clear signal that there is a future, at least for some of those countries, sometime soon, in a new and expanded NATO. So I hope the Brown amendment will be approved.

It seems to me that, as he indicated, if you thought the McConnell amendment was a little too strong—and the Senate by a very narrow vote reached that conclusion—then maybe this is the amendment that they are willing to pass that will send that signal we all feel is so important for the people in Eastern Europe.

I thank the Senator from Colorado for his fine contribution.

Mr. BROWN. Madam President, I have no wish to unnecessarily prolong the debate. At this point, if the other side would like us to yield back time and move to a vote, I would be happy to comply.

Mr. LEAHY. Madam President, again, we have a matter that—on my time, of course—we have a matter that was raised on the defense authorization bill and was opposed at that time. It is really not something that should be on this bill.

With little debate before a committee that has not considered this matter, we will decide to start dumping lethal weapons in Eastern Europe. We have no way of knowing where these weapons will end up. There is a procedure being followed as to how they might go. I know we send weapons all over the world, but every so often this comes back to haunt us. We are deciding legislation on an appropriations bill to make a major policy decision. It would normally be done on the defense authorization bill or elsewhere. But we want to do it here.

That is a decision the Senate is going to have to make. I am willing to yield back the remainder of my time. The only reason I have not, I tell the Senator, is we are checking to see if there are other Senators who may need to speak.

So I am going to suggest, in a moment, the absence of a quorum, and ask that the time run equally. With that, Madam President, I do suggest the absence of a quorum and ask that the time run equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, what is the pending business?

The PRESIDING OFFICER. Brown amendment No. 2248.

Mr. BROWN. Madam President, I ask unanimous consent that that amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2293

(Purpose: To express the sense of the Senate concerning World Bank loans to countries acting to enforce the Arab boycott of Israel)

Mr. BROWN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2293.

Mr. BROWN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . LOANS TO NATIONS THAT ENFORCE THE ARAB BOYCOTT OF ISRAEL.

"The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel."

Mr. BROWN. Madam President, I rise in support of amendment No. 2293. I will simply go through it. It is quite succinct.

It says:

At the appropriate place in the bill, add the following new section: Loans to nations that enforce the Arab boycott of Israel. The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary, or tertiary boycott of Israel.

Some may ask why in the world is this appropriate on this measure. Let me try and respond to that.

Shockingly, even though we are many years down the road after the Egypt-Israel accord, even though we have made enormous progress in terms of bringing peace in the Middle East, even though there is every reason to hope that the Palestinians may develop a peaceful cohabitation with Israel, tragically and shockingly, a number of countries in the Middle East continue to engage in the very intensive effort to boycott Israel. Specifically, Middle Eastern countries continue to urge American businesses not to do business with Israel. Shockingly, many of them even threaten to cut off business with American companies if those companies continue to do business with Israel.

This is simply not acceptable. The purpose of this amendment is to make our feelings clear that this kind of activity not only is not acceptable but is one that should be addressed through the very influential arm of those multilateral banks which have so much influence in the Middle East.

I believe by using our vote and using our voice of influence we can have a significant and a substantial impact on those countries that continue to insist on this kind of extortion against American businesses.

Madam President, there are many others who have expressed their views on this in other measures that have come before the Senate. But I believe that this measure expresses the feelings of all American citizens and their sense of outrage that American businesses should be subjected to this kind of influence, pressure, and extortion. My hope is that the Chamber will include this as a sense of this body's feelings on this practice.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Madam President, I understand this amendment will be accepted.

I ask unanimous consent, while the principals are on the floor now, that we agree on this amendment, but as to the amendment on which the yeas and nays have been ordered that we begin the rollcall vote on that at 9 o'clock. So whatever remaining time remains each side would have to yield back an appropriate amount so that we have that vote at 9 o'clock and that Bumpers vote would follow immediately.

Mr. McCONNELL. Ten minutes.

Mr. LEAHY. And the Bumpers vote be a 10-minute vote. I make that request, Madam President, that the Brown amendment on which the yeas and nays have been ordered, the rollcall vote on that begin at 9 p.m., and that immediately following that we go to the rollcall vote on the Bumpers amendment on which the yeas and nays have been ordered, and that the Bumpers amendment vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection to this unanimous consent agreement?

Without objection, it is so ordered.

AMENDMENT NO. 2293

Mr. LEAHY. Madam President, I am willing to accept the amendment of the Senator from Colorado, the current amendment.

If that is accepted we can probably clear up a few other amendments between now and the hour of 9 o'clock.

The PRESIDING OFFICER. Is there further debate on the pending amendment?

The question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 2293) was agreed to.

Mr. LEAHY. Madam President, the Senator from Colorado has time remaining on his amendment as we do on this side. I wonder now since we will have a vote at 9 p.m. if we might yield back all that time except for 5 minutes evenly divided and then in that 10 minutes between now and 8:55 p.m. the Senator from Kentucky and I can probably dispose of a pile of amendments. I would make that request. I wonder if the Senator from Colorado would have any objection?

Madam President, between 8:55 p.m. and 9 p.m. we will see what we can process.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2257, 2258, 2269, 2273, 2274, 2276, 2277, 2278, 2283, 2286, 2287, 2288, 2292, 2296, AND 2298, EN BLOC

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order now for me to call up en bloc the following amendments, that they be considered en bloc, agreed to en bloc, and the motion to reconsider be laid upon the table en bloc. These amendments are: 2257, 2258, 2269, 2273, 2274, 2276, 2277, 2278, 2283, 2286, 2287, 2288, 2292, 2296, and 2298.

I note that this has been cleared with the concurrence of the ranking member, the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, the Senator from Vermont is correct.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

Mr. MCCONNELL. Madam President, reserving the right to object, we need to withdraw one of the amendments that the Senator from Vermont read. I ask unanimous consent to withdraw amendment 2273.

The PRESIDING OFFICER. Amendment 2273 offered by the Senator from Kansas [Mr. DOLE], is withdrawn from the request by the Senator from Vermont.

The amendment (No. 2273) was withdrawn.

Mr. LEAHY. Madam President, I amend my unanimous consent request accordingly.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Vermont?

Without objection, it is so ordered.

The amendments were agreed to as follows:

AMENDMENT NO. 2257

(Purpose: To limit the provision of assistance to Nicaragua)

Mr. HELMS offered amendment No. 2257.

Mr. HELMS. Mr. President, section 557 of the bill prohibits foreign aid to the Government of Nicaragua, unless certain conditions are met. I thank the managers for their cooperation and I welcome Senator MCCONNELL as a principal cosponsor.

The provision is identical to a provision in last year's bill, with one exception—language is missing that would require a full and independent investigation into the terrorist network involved in the Santa Rosa arms cache. Senators will remember that the Santa Rosa arms cache exploded on May 23, 1993. That huge arms cache made clear that a Nicaraguan terrorist network was involved with kidnapping, gun-running and other illicit activities.

I am confident that omitting this language was an oversight. Normally, it would be perfectly reasonable to assume that substantial progress would be made on a year long investigation. But that's not the case. During the past year the Nicaraguan Government has done next to nothing. So, my amendment corrects this oversight by simply inserting into section 557 the identical language from last year's foreign aid bill regarding an investigation.

The Congress considers Nicaraguan Government attempts to satisfy the conditions in last year's bill to be a total failure. In fact, the Nicaraguan Government didn't even make an effort. If Mrs. Chamorro would have satisfied even one condition I am sure the managers of the bill would have dropped that particular condition from the section. But that didn't happen.

What the Nicaraguan Government purports to be an investigation into the activities of terrorists in Nicaragua, is merely a dog-and-pony show to fool the gringos. The Sandinista-controlled National Police is conducting the investigation, so Mrs. Chamorro has put the fox in charge of the henhouse.

The situation is so blatant that even the State Department admitted to my office recently that no progress had been made on the investigation. That's why this amendment is needed. [I add parenthetically, Mr. President, that the State Department also told us that no progress had been made on any of the other conditions.]

It will be impossible, in my judgment, for Nicaragua to satisfy all the conditions in last year's bill before the end of the fiscal year. The managers of the bill understand that fact and that's why they included all of last year's conditions in this year's bill. I can't imagine that the State Department will approve sending more bilateral foreign aid to Nicaragua until those conditions are satisfied. To remind the Senate, those conditions are regarding: (1) terrorism; (2) property rights; (3) human rights; (4) civilian control of the military; (5) civilian control of the police; and (6) judicial reform.

As I stated earlier, Mr. President, there hasn't been an investigation into the numerous terrorist arms caches found in Nicaragua. Naturally, since there has been no investigation, there have been no prosecutions. It is a fact that Sandinista military authorities knew of the existence of these arms caches—and the United States Congress wants all those at the highest levels of the Nicaraguan Government who knew of their existence to be punished.

Properties stolen from U.S. citizens are not being returned. When I checked recently, the Nicaraguan Government had made significant and tangible progress resolving only 22 property claims of United States citizens. This is a miserable effort considering the fact that more than 650 Americans, owning more than 1,500 properties, have outstanding claims. I am informed that the Nicaraguan Government may resolve several of the high profile cases soon. But, Congress has a right to expect much more from the Chamorro Government, in light of the fact that American taxpayers have handed over more than $1 billion to her government in a few short years.

Regarding the condition pertaining to the recommendations of the Tripartite Commission, last year I reported that 300 demobilized and disarmed former resistance members were murdered by the Sandinistas. At the time, only two people were in jail as a result of the Commission's recommendations. The only change from my report last year is that more demobilized and disarmed former Resistance members have been murdered, and nothing is being done about it. Those same two people are still the only people reportedly in jail.

There is no civilian control over the military. General Ortega is still head of the Sandinista Popular Army. They say he'll retire next year, but I've got to see it happen before I can believe it. I am confident that Mrs. Chamorro will replace Ortega with another Sandinista thug. Furthermore, nothing has been done to put the Sandinista National Police under civilian control.

Finally, significant and tangible reform of the Nicaraguan judicial system means that corruption and bribery must end. The only way of accomplishing this is for Mrs. Chamorro to appoint non-Sandinista judges so that the Sandinistas will no longer hold the majority. But she has done the exact opposite. She has appointed virtually all Sandinista judges or judges who always vote with the Sandinistas.

Mr. President, the Nicaraguan Government has broken every single one of those promises it has made to the United States government, not to mention promises it made to the long-suffering people of Nicaragua. The days of broken promises are over.

There should be no more foreign aid to the Government of Nicaragua until after it complies with each condition. I am persuaded that withholding aid until after real progress is made is the only way to restore freedom and democracy to the Nicaraguan people.

AMENDMENT NO. 2258

(Purpose: To limit the authority to reduce U.S. Government debt to certain countries)

Mr. HELMS offered amendment No. 2258.

Mr. HELMS. Mr. President, this amendment is to Section 561 called "Authority to Reduce Debt". More specifically, Section 561 provides authority to cancel various debts owed by foreign governments to the United States. I welcome the able Senator from Arizona (Mr. MCCAIN) as a principal cosponsor of this amendment.

The bottom line, in my judgment, is that the entire Section 561 should be stripped from the bill. Otherwise Congress might as well propose that money be handed out willy-nilly to foreign countries. (Of course, that money being given away so freely belongs to the U.S. taxpayers.) The bottom line is that canceling these debts owed by these countries is just more foreign aid with the American taxpayers again left holding the bag.

Now, Mr. President, Section 561 identifies four conditions that would make a country ineligible to have its debt canceled: (1) excess military spending, (2) support for terrorism, (3) noncooperation in narcotics control matters, and (4) human rights abuses. My amendment simply adds a fifth condition. No nation can be eligible to have its debt to the U.S. Government canceled if it confiscates, without just compensation, property owned by a U.S. citizen.

The United States Government has already forgiven billions of dollars in debt owed by numerous countries that have stolen property of U.S. citizens. The word "stolen," Mr. President, is justified because these governments are refusing to compensate American property owners. My office has received appeals from American citizens with legitimate claims that their property has been confiscated by countries, including Argentina, El Salvador, Honduras, Jamaica, Nicaragua, and Uruguay. Every one of these countries have had their debts to the U.S. Government forgiven during the past 5 years.

In fact, from 1990 to 1993, our Government canceled $1.399 billion owed to the United States by these six countries. Nicaragua alone had $284.3 million in debts owed to the United States forgiven, while that government flatly refused—and still refuses—to resolve hundreds of property claims of United States citizens. This makes no sense, Mr. President, and if Congress has any concern for American citizens who have been ripped off by foreign governments, this amendment will be approved overwhelmingly.

I have done my best to help these Americans. So has the excellent staff from the minority on the Foreign Relations Committee. Bud Nance and I have written letters to administration officials pleading for help. We have requested assistance, both in writing and in face-to-face meetings, from foreign officials. My office has produced several detailed reports on the subject. We modified U.S. foreign aid law—known as the Hickenlooper and Gonzalez amendments—to enable U.S. citizens to gain compensation for confiscated property. We are assisting U.S. citizens with their property claims every day.

Nevertheless, these foreign countries are thumbing their noses at these American citizens whose properties have been confiscated. The Clinton administration continues to jump to the defense of these foreign governments. Secretary Bentsen told me on June 24—and Secretary Christopher told me on June 30—that the administration would waive the recently modified Gonzalez amendment in order to support multilateral bank loans to Nicaragua, despite the fact that Nicaragua refuses to resolve the vast majority of hundreds of outstanding property claims. This is an outrageous treatment of American citizens by the officials of their Government.

Sure enough, a few days later, the United States voted to give Nicaragua $173 million in new loans from the International Monetary Fund [IMF]. And, guess what, Mr. President? In September, the Nicaraguan Government intends to ask the Paris Club—that's the official entity established by the major industrial countries to coordinate debt policy—to cancel $500 million it owes to various multilateral banks.

There can and will be no progress on these cases unless and until real pressure is brought to bear on the offending government—and financial pressure is one of the strongest means available. The U.S. Government shouldn't hand out foreign aid to these countries, and if an offending country owes the U.S. Government money, all confiscated property cases should be resolved before any debt is canceled.

Mr. President, for years now, I have received letters from hundreds of American citizens who have had their homes and/or businesses confiscated in various countries around the world.

Last year a letter came from Louis Valentine of Vermont describing how he was treated—which is typical of the way Americans have been treated.

In 1972, the Honduran Government forced Mr. Valentine to hand over two prime commercial lots in exchange for allowing his wife to travel to the United States for emergency medical treatment. Mr. Valentine has spent the last 13 years working to receive compensation for property confiscated by the Honduran Government. He won his case in court—several times—but the Honduran Government refused to provide compensation. And bear in mind, Mr. President, that another 50 Americans have filed property claims with the United States Embassy in Honduras. And in 1991, the United States Government forgave $333 million owed by Honduras.

I am aware that the manager of the bill, Senator LEAHY, pressed the former President of Honduras to resolve Mr. Valentine's case. But, nothing was done. I know that Vice President GORE asked the new Honduran president, President Reina, to resolve this case quickly. But Mr. Valentine waited and waited.

My office facilitated meetings between Mr. Valentine and Honduran government officials in Honduras in February. We featured the Valentine case prominently in a recent committee report on expropriations. But, nothing happened. Friendly persuasion was not getting the job done.

On June 13, we received another letter from Mr. Valentine. Let me read some pertinent remarks:

> In spite of the fact that President Reina has issued strict and special orders to the Ministry of Economy to pay our company * * * not one cent has been disbursed as yet.
>
> In the interim, I had a mild heart attack in Honduras—due, the cardiologist says, to the thirteen years of stress and strain in connection with this case * * * my wife and I are returning to Honduras on the 14th to continue the struggle. Any additional pressure you can generate at your end will be greatly appreciated.

Mr. President, yesterday, United States Ambassador to Honduras, Bill Pryce, called to tell me that the Honduran Government finally—after more than 13 years—compensated Mr. Valentine.

Well, Mr. President, I appreciate President Reina resolving this one case. But Mr. Valentine was not the only American waiting to be compensated. The Honduran government should compensate for property taken from all American citizens before they are eligible to have the $95 million that they currently owe to the United States Government forgiven. And that's precisely what this amendment requires.

Mr. President, Secretary Christopher stated at his confirmation hearing before the Foreign Relations Committee that he intended to have an American Desk at the State Department. I've reminded the Secretary of his statement on numerous occasions. Well, with all due respect, Mr. President, if there is in fact an American Desk down at Foggy Bottom, it must be hidden in a dark corner in the basement. More needs to be done. Foreign countries should understand there will be a price to pay if they confiscate, without just compensation, property owned by U.S. citizens.

Congress must make the State Department put American interests first. I imagine that some Senators might ask, "Which countries will be affected by this amendment? Will it hurt a country we like?" Well, we shouldn't fret about which countries will be affected. The over-riding principle is that Congress should give top priority to protecting the rights of American citizens abroad.

This amendment will make it perfectly clear to all those countries asking the U.S. taxpayers to forgive their debt, that all American property claims must be settled beforehand. Such countries should have three choices: First, to give the property back; second, to provide fair compensation for the property; or third, to be refused debt forgiveness. It's that simple, and it's fair to American citizens.

AMENDMENT NO. 2269

Mr. McCONNELL offered amendment No. 2269.

The amendment is as follows:

On page 53, line 11, strike the word "Provided" and insert the following:

Provided, That only those activities, programs, projects, type of material assistance, countries, or other operations referred to under this paragraph which have been justified through Congressional Presentation documents and/or budget justification documents presented in the same format and in the same level of detail as provided in fiscal year 1993 shall be considered to be justified under the language of this paragraph: *Provided further*

Mr. McCONNELL. Madam President, over the last several months, in hearings of our subcommittee and in meetings with administration officials, I have expressed my concern about the inadequacy of the administration's budget justifications for its foreign assistance program. The chairman of the subcommittee has likewise expressed such concern.

During a hearing at which the AID Administrator testified, I pointed out that there are domestic regulatory agencies with $40-million budgets which provide more justification material than AID provided for the $1.2-billion Russia/NIS and Eastern European programs. Indeed, we got more information on some individual projects in Uganda than we did for all of Russia.

I finally found it necessary to object to any more money flowing to Russia and the NIS until the administration agreed to rework and supplement their justification material, also known as congressional presentation documents, for Russia and the NIS and submit them to us before the beginning of the new fiscal year.

Expressed in its simplest form the appropriations procedure I am addressing today is as follows:

First, we receive budget requests from the administration for various broad appropriations categories;

Second, the administration provides us with detailed documentation—the budget justification material—telling us exactly how they plan to spend the money;

Third, Congress appropriates the requested money assuming it will be spent in the manner and for the specific purpose requested, or in some cases through the law or in accompanying reports, Congress tells the administration to spend the funds provided in some other fashion.

Fourth, throughout the year, the administration sometimes finds, for good fiscal or policy reasons, that its spending decisions need to change. Perhaps they want to spend funds justified for one purpose or project for something which they have not requested funds or to spend more for that purpose or project. The administration is allowed to make such changes, by law, by notifying the committee through what is commonly called the reprogramming process.

Fifth, the committee reviews these changes, and while it almost always accedes to the administration's requests, it can say "no" or perhaps suggest modifications.

The amendment I have offered addresses these last two parts of the process which the administration is now trying to short-circuit by not sending us notifications for certain changes they wish to make in AID's Development Assistance Program. Specifically, they seek to eliminate projects as the base for notification for the Development Assistance Program, contrary to what they have done for at least the last 18 years. This change would eliminate congressional approval or input to most of the changes, heretofore made by this and previous administrations.

I do not believe Congress should give such wide latitude to the administration. While this stated goal—reduction of time-consuming paperwork—is laudatory, I do not believe it should come at the expense of Congress' constitutional power over Federal spending.

This issue is not new. A reading of the history of the appropriations process, since the creation of the Appropriations Committee in 1867, records many attempts by the executive branch to usurp or restrict congressional spending power. During times of national emergency, Congress has temporarily given the executive more latitude over spending decisions. This was true during the Civil War, World War I, World War II, and during many of the Vietnam war years. Now is not such a time.

I am not trying to argue that the attempt by the Department of State and AID to usurp congressional spending authority is comparable to some of these earlier, more significant battles between the legislative and executive branches, but it is in the same family.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2274

(Purpose: To amend the Japan-United States Friendship Act to broaden investment authority and to strengthen criteria for membership on the Japan-United States Friendship Commission)

Mr. McCONNELL offered amendment No. 2274 for Mr. MURKOWSKI and Mr. ROCKEFELLER.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION.

Section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(d) The membership of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational cooperation shall be drawn for among individuals who are deeply familiar with Japan and United States-Japan relations, as demonstrated in their professional careers, and who have performed distinguished service in—

"(1) law, business, or finances;

"(2) education, training, or research at post-secondary levels;

"(3) the media or publishing;

"(4) foundation or philanthropic activity;

"(5) the American arts, culture, or the humanities; or

"(6) other aspects of American public life."

SEC. . BROADENING INVESTMENT AUTHORITY.

Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ", at the direction of the Chairman of the Commission," after "'Secretary')"; and

(B) in the second sentence, by striking "in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States" and inserting "in instruments or public debt with maturities suitable to the needs of the Fund"; and (2) in subsection (c), by inserting ", at the direction of the Chairman of the Commission," after "sold".

AMENDMENT NO. 2276

(Purpose: To reaffirm the applicability of section 401 of Public Law 103-236, relating to the establishment of an independent office of Inspector General within the United Nations)

Mr. McCONNELL offered amendment No. 2257 for Mr. PRESSLER.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

UNITED NATIONS OFFICE OF INSPECTOR GENERAL

SEC. . The Senate hereby reaffirms that section 401 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) remains in effect, including all its terms and conditions relating to the establishment of an independent office of Inspector General within the United Nations.

REAFFIRM THE CREATION OF AN OFFICE OF THE INSPECTOR GENERAL: PUT AN END TO U.N. WASTE, FRAUD, AND ABUSE

Mr. PRESSLER. Madam President, I offer this amendment today to reaffirm section 401 of the Foreign Relations Authorization Act—now Public Law

103-236. The language in section 401 makes portions of U.S. assessed contributions to the regular U.N. budget contingent upon the United Nations creation of an independent Office of the Inspector General [OIG]. I offer this amendment today to reaffirm section 401, because the U.N. General Assembly is considering currently the adoption of a resolution which would create an inspector general subject to the authority of the U.N. Secretary-General. The OIG—under the current General Assembly draft—would not be independent. This is an unequivocal violation of the language in section 401—language which is now public law.

On January 26, 1994, this body voted overwhelmingly to adopt my amendment which called for the creation of an independent Inspector General office at the U.N. In fact, my colleagues voted 93 to 6 to adopt the amendment which has become section 401 of the Foreign Relations Authorization Act. Our support for this measure must be unwavering. We must send a clear and unequivocal message to our U.S. Representative, Madeleine Albright, and the U.N. General Assembly that the United States will not stand idly by while the United Nations slaps us in the face.

While some of my colleagues may question the relevance of this amendment to an appropriations bill, I must say that the importance and immediacy of this issue transcends questions of germaneness. What is happening at this very minute is that the U.N. General Assembly is trying to undo what has been done already. If the United Nations wishes to create an OIG which does not meet the stipulations set forth in section 401 of the Foreign Relations Act—that's fine. But the U.N. General Assembly must realize that if they act in such a fashion, 10 percent of U.S. assessments to the regular U.N. budget will be withheld. And if the United Nations continue to disregard section 401, 20 percent of the U.S. contributions will be withheld in fiscal year 1995 as well as 50 percent of the funds appropriated for supplemental assessed peacekeeping contributions. If that's what the United Nations wants—that is what the United Nations will get.

It seems that the United Nations has chosen to bite the hand of the largest hand that feeds it—the United States. Think about this: In 1990, the U.S. peacekeeping contribution was $97 million. In 1994-95, the U.S. contribution is $3 billion. I am amazed that the world body would consider adopting a resolution establishing an OIG which did not meet the mandates in the Foreign Relations Authorization Act. I am amazed that the United Nations so flagrantly disregards the necessity of U.S. financial support. I am offering this amendment to reaffirm the language in section 401, because I want everyone to know what is going on at the United Nations. I ask my colleagues to join me again in supporting the creation of an independent U.N. Office of the Inspector General. If United Nations budgetary and management reform is to be meaningful, the terms of any U.N. resolution authorizing an independent OIG must be clear, unequivocal, and must reflect the congressional intent of section 401 of the Foreign Relations Authorization Act.

Last week, I sent a letter to Ambassador Albright urging her to press the General Assembly to adopt a resolution which would adhere to the congressional language in section 401. Today, along with my colleagues Senator DOLE, and Senator HELMS, and others we are sending another urgent letter to Ambassador Albright. We want everyone to understand the extreme importance of this issue. I urge my colleagues to support reaffirming the language in section 401—language 93 of my colleagues supported during the Roll Call vote in January.

I ask unanimous consent that the letter to Madeleine Albright and the text of section 401 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 14, 1994.

Hon. MADELEINE K. ALBRIGHT,
U.S. Representative to the United Nations, U.S. Mission to the United Nations, New York, NY.

DEAR AMBASSADOR ALBRIGHT: We understand that the United Nations General Assembly will be considering the resolution creating the Office of Inspector General (OIG) at the U.N. in the next forty-eight hours. We further understand that the terms of the draft resolution do not currently meet the criteria for an independent office of an inspector general as defined by Section 401 of United States Public Law 103-236, the Foreign Relations Authorization Act for fiscal years 1994 and 1995.

We write to urge you to press the General Assembly to adopt a resolution which meets the stringent standards as outlined in Section 401.

Section 401 was adopted by the Senate on January 26, 1994, during deliberations on the Foreign Relations Authorization Act, by an overwhelming 93 to 6 vote. As you must be well aware, the Section dictates that the United States withhold assessed contributions to the regular U.N. budget in the event the OIG is not established. Additionally, if the U.N. General Assembly fails to create an office that adheres to the type required in the section, the United States will be forced to withhold 10 percent of the U.N. contributions assessed this fiscal year. If the office is still not established according to the guidelines, by fiscal year 1995, the U.S. will have to withhold 20 percent of assessed contributions, as well as one half of the funds appropriated under Section 102(d) of Public Law 103-236 for supplemental assessed peacekeeping contributions.

According to Section 401, the United Nations is to have established an independent office "to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations at the United Nations" that will have "access to all records documents, and other available materials relating to (those) programs and operations". We are including a copy of Section 401.

Lasting U.N. management and budgetary reform hinges on the creation of the OIG. Consequently, the terms establishing the office must demonstrate unequivocally the independence of the OIG and define clearly its specific oversight responsibilities. We urge you to work diligently to ensure the independence of the OIG since the value of the OIG rests largely on its independence from the dictates of the U.N. bureaucracy. At this crucial moment, it is imperative that U.S. pressure to reform U.N. mismanagement be unwavering.

Now is a critical time for you, as our U.S. Representative to the U.N., to demonstrate to the General Assembly the U.S. commitment to end U.N. malfeasance. Your influence in the drafting and adoption of a U.N. resolution advocating the establishment of an independent OIG is crucial.

The stakes are high, the opportunity fleeting. Without significant and immediate action to improve the efficiency of U.N. operations, Congressional willingness to fund U.N. activities will diminish further. We urge you to take immediate action.

Sincerely,
JESSE HELMS,
ROBERT DOLE,
LARRY PRESSLER.

SEC. 401. UNITED NATIONS OFFICE OF INSPECTOR GENERAL.

(a) WITHHOLDING OF PORTION OF CERTAIN ASSESSED CONTRIBUTIONS.—Until a certification is made under subsection (b), the following amounts shall be withheld from obligation and expenditure (in addition to any amounts required to be withheld by any other provision of this Act):

(1) FY 1994 ASSESSED CONTRIBUTIONS FOR UN REGULAR BUDGET.—Of the funds appropriated for "Contributions to International Organizations" for fiscal year 1994, 10 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(2) FY 1995 ASSESSED CONTRIBUTIONS FOR UN REGULAR BUDGET.—Of the funds appropriated for "Contributions to International Organizations" for fiscal year 1995, 20 percent of the amount for United States assessed contributions to the regular budget of the United Nations shall be withheld.

(3) SUPPLEMENTAL ASSESSED PEACEKEEPING CONTRIBUTIONS.—Of the funds appropriated for "Contributions for International Peacekeeping Activities" for a fiscal year pursuant to the authorization of appropriations under section 102(d), 50 percent shall be withheld.

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the President to the Congress that—

(1) the United Nations has established an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to the program and operations of the United Nations;

(2) the Secretary General of the United Nations has appointed an Inspector General, with the approval of the General Assembly, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations;

(3) the Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

(B) have access to all records, documents, and other available materials relating to those programs and operations; and

(C) have directed and prompt access to any official of the United Nations;

(4) the United Nations has procedures in place designated to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the Inspector General;

(5) the United Nations has procedures in place designed to ensure compliance with the recommendations of the Inspector General; and

(6) the United Nations has procedures in place to ensure that all annual and other relevant reports submitted by the Inspector General are made available to the General Assembly without modification.

(c) SPECIALIZED AGENCIES.—United States representatives to the United Nations should promote complete Inspector General access to all records and officials of the specialized agencies of the United Nations, and should strive to achieve such access by fiscal year 1996.

(d) DEFINITION.—For purposes of this part, the term "Inspector General" means the head of an independent office (or other independent entity) established by the United Nations to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations.

AMENDMENT NO. 2277

(Purpose: To state the sense of the Senate concerning Japan and Germany becoming permanent members of the United Nations Security Council)

Mr. McCONNELL offered amendment No. 2277 for Mr. HELMS and Mr. ROTH.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . Sense of the Congress concerning German and Japanese permanent membership in the United Nations Security Council.

In the past five years, the United Nations has engaged in more peacekeeping operations than in the preceding forty;

The Security Council is the U.N. body chiefly responsible for matters of peace and security;

Any country accorded permanent membership in an expanded Security Council must be capable of fulfilling all of the responsibilities equated with such status, including participation in any U.N. military operations;

According permanent membership to nations not capable of carrying out these responsibilities will allow those countries to play a central role in shaping U.N. peacekeeping and peacemaking operations which could endanger the lives of American and other troops, but in which their own forces could play no part;

Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and influence equal to or surpassing current permanent members of the Security Council;

Germany and Japan have announced their desire to gain permanent membership in the Security Council;

Japan currently maintains that its constitution prohibits the country from carrying out all the peacekeeping and peacemaking responsibilities that permanent membership entails;

Japan's ruling coalition government appears unwilling to address these issues, even in the face of a potential crisis on the Korean peninsula which may well require multilateral military action;

The German High Court, sitting in Karlsruhe, Germany, ruled, on July 12, 1994, that the German constitution contains no prohibition against the overseas deployment of Germany's armed forces in multilateral peacekeeping operations.

Now, therefore, be it the sense of the Senate that:

(1) Since Germany has addressed the problem of its participation in multilateral military activities, the U.S. should support that nation's prompt elevation to permanent Security Council membership;

(2) Japan be encouraged to discuss thoroughly and openly its own problems in participating in such activities, and take whatever steps are necessary to enable it to fully engage in any form of U.N. peacekeeping or peacemaking operation; and

(3) The United States should actively support Japan's effort to gain permanent membership only after Japan take such steps * * *.

* * * * *

Mr. ROTH. Madam President, when the Senate considered the State Department authorization bill, I attached an amendment to that bill expressing the sense of the Senate regarding an issue which I believe holds considerable importance for this country. Both Germany and Japan had voiced their desire to become permanent members of the U.N. Security Council and the Clinton administration had indicated its support for council expansion in general and for Japan and Germany permanent membership in particular.

I had no objection to such an expansion, and stated my support, in principle, for Tokyo and Bonn gaining permanent membership. Japan and Germany's economies now are the world's second and third largest. They enjoy global reach and influence extending far beyond that of many current permanent Council members. Their elevation to permanent membership would, consequently, appear perfectly logical.

However, I was disturbed because, while both nations were seeking permanent Security Council seats, both interested their respective constitutions as preventing their militaries' from participating fully in U.N. peacekeeping or peacemaking activities. It seemed to me that, if Japan and Germany were to be accorded elevated status in the United Nations, then they should be able to fulfill all of the responsibilities consonant with that status. In particular, I felt that they could not be granted permanent Security Council seats while they simultaneously were unable to participate in any military undertakings approved by that body.

I ask my colleagues to consider the reaction of the American people if they were ever to witness Japanese and German diplomats, casting votes in favor of military operations which could endanger the lives of United States soldiers while they simultaneously had no legal authority to send their own Armed Forces to engage fully in those operations.

Consequently, the Senate accepted my proposal that the United States Government, in principle, support Japanese and German permanent Security Council membership; but that, in practice, it do nothing to further this initiative until those countries had addressed the constitutional problems which prevented their participation in multilateral military activities.

The day before yesterday, I came to the floor to report major progress on this issue. On that day, the German High Court, sitting in Karlsruhe, ruled that the German Constitution, or "basic law," contains no prohibition against German participation in multilateral military activities outside NATO territory.

Let us not fool ourselves. This ruling will not prompt a rush to German military activity around the globe, be it under the United Nations or NATO flag. The real significance of this ruling is that Germany, as a prospective permanent member of the U.N. Security Council, has placed itself in the same position as the current permanent members of that body. Germany is no longer seeking special status. It no longer wishes to join the club without fulfilling all its obligations as a member of that club.

This approach, in my opinion, demonstrates the maturity of German democracy. Its participants recognize that with enhanced status comes enhanced responsibility. Germany has boldly stepped forward to shoulder those responsibilities. In light of this ruling by the German High Court and the positive manner in which it was received by the government of Chancellor Kohl, I see no reason why the United States Government should not immediately throw its weight behind an enthusiastic diplomatic campaign to award Germany a permanent seat on an expanded Security Council. And I believe strongly that our support for German membership not in any way be made contingent on Japan's efforts to attain the same status.

I ardently believe that Japan should gain permanent membership as soon as possible, but only after it addresses its own perceived constitutional prohibitions against fully participating in United Nations peacekeeping and peacemaking operations. Indeed, I believe it critical that Japan take up this question as quickly as possible.

The world's most serious near-term security problem confronts us right now on the Korean peninsula. While we all hope a negotiated solution is achieved, precious little time is left before North Korea may begin extracting more weapons grade plutonium from its spent nuclear fuel. As I said on this floor yesterday, should negotiations between the United States and North Korea break down, the next step we will take will be to move the issue to the U.N. Security Council.

Unfortunately, Japan has not only steadfastly avoided serious public discussion of the problems posed by North Korea, but its leaders languish in esoteric legal debate over what Japan can and cannot do should the United Nations call for economic sanctions to be imposed on the North, a blockade instituted, or most important, should the Security Council resolve that military action be permissible.

Yet under currently accepted interpretations of the constitution, if war did erupt, consider the following:

Unless Japan were directly attacked by the North, Japan's 700 fighter planes, its state-of-the-art antisubmarine technology, its minesweepers, and its personnel would sit idly by as Americans, Koreans, and perhaps U.N. forces lost their lives.

In addition, the United States would need to use its own military equipment and personnel based in Japan. Under current treaty agreement with Tokyo, however, the United States must seek prior consultation with Japan for use of American forces in time of conflict. Whether Japan would be prepared to consent without wavering has yet to be resolved.

As shocking as it may sound, Japan would not even be able to use its own self defense planes and ships to evacuate the 8,000 Japanese nationals living in South Korea.

The possibility of war on the Korean peninsula is terrible even to contemplate. But common sense dictates that all countries be prepared now, before a crisis erupts. Japan faces some of the very same tough choices as Germany regarding the use of its forces in U.N. actions. But Japan should not forget that the American drafters of its Constitution held that it in no way undermined that nation's ability to participate in regional security arrangements or U.N. activities.

It took the Diet a full year to enact its U.N. peacekeeping operations legislation after the gulf war to permit Tokyo to play only modest roles in U.N. peacekeeping operations. We do not have the luxury of that kind of time in dealing with North Korea.

I urge the Government of Japan to demonstrate the resolve exhibited by our colleagues in Bonn. If it does so, the United States will then be in a position to support Japan's permanent membership in the Security Council.

AMENDMENT NO. 2278

Mr. MCCONNELL offered amendment No. 2278 for Mr. MCCAIN.

The amendment is as follows:

At an appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) Peace in Cambodia promotes stability in Southeast Asia.

(2) The newly democratic nation of Cambodia is engaged in a continuing military struggle against the Khmer Rouge.

(3) Peace talks between the government of Cambodia and the Khmer Rouge have repeatedly broken down.

(4) The Cambodian Parliament took action on July 6, 1994 to outlaw the Khmer Rouge.

(5) Ceding any position in the freely elected government of Cambodia to the Khmer Rouge is not in the interest of the Cambodian people and is incompatible with a constructive U.S.-Cambodia relationship.

(6) Cambodian officials have requested military assistance from a number of nations, including the United States.

(7) The U.S. administration, in consultation with its allies, is in the process of determining the appropriate type and level of U.S. military assistance to Cambodia.

(8) Congress is concerned that absent proper training, professionalism and adequate salaries, providing Cambodian forces with arms and ammunition will not be beneficial.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) In concert with interested democratic nations, the U.S. should provide non-combat military training assistance to the newly democratic government of Cambodia.

(2) Military Assistance should include efforts to establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

(3) The President should make every effort to fully utilize requested 1994 and 1995 levels of IMET for Cambodia to expand the program beyond its current scope.

(4) The President should consider qualified Cambodians for admission to U.S. military academies.

(5) The President should dispatch as soon as possible a military attache to the U.S. Embassy in Cambodia.

(6) Lethal assistance should not be provided to Cambodia until such time as the President can certify the professionalization of the Cambodian Armed Forces.

(7) No military assistance should be provided the Cambodian Armed Forces if the Government includes members of the Khmer Rouge or if the Constitution promulgated on September 24, 1993 fails.

(8) No military assistance should be provided in concert with the Democratic Peoples' Republic of Korea.

(9) The President should convey to Thailand United States concern over the continued support for the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords.

Mr. MCCAIN. Madam President, the amendment that I am offering today encourages the President to provide non-lethal military assistance to Cambodia as it seeks to defeat on the battlefield a force which has refused to compete at the ballot box—the Khmer Rouge.

It specifies non-combat military training assistance to help Cambodia do the following: establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

The amendment further calls on the President to fully utilize requested 1994 and 1995 levels of IMET for Cambodia and to expand the current program beyond its current scope of language training. It calls on him to admit qualified Cambodians to United States military academies and urges him to dispatch as soon as possible a military attache to the United States Embassy in Cambodia.

There are issues that are deserving of greater attention than our policy toward Cambodia. Yet there are few causes more compelling than that of assisting the newly democratic government of Cambodia as it attempts to put a heart-rendering history of brutality and civil war behind it.

The success of Cambodia's democratic experiment and its success in defending democracy against armed opposition also have geopolitical significance. A breakdown of the governing institutions in Cambodia and a return to a wider civil war may once again inflame tensions between Vietnam and China, a development that in the last decade led to a Vietnamese occupation of Cambodia. Vietnam has the potential to become an engine of economic growth in east Asia. War in Cambodia is in no one's best interest.

Recent reports already indicate that the struggle against the Khmer Rouge has begun to turn against the Cambodian government forces. It has lost control of key Khmer Rouge strongholds held by government forces only months ago. It is now in control of less territory than when it began its offensive reports of corruption and ineptitude cast doubt on the possibility of a favorable turn in the war.

In its time of crisis, the government of Cambodia has approached those it considers its best friends, including the United States, for assistance. We should support their efforts with the best that our Nation has to offer.

It is premature to speak about supplying the Cambodians with weapons and ammunition. But the Cambodian armed forces could certainly benefit from access to United States military doctrine and expertise. Through International Military Education and Training [IMET], access to our military academies, the appointment of a military attaché to the embassy in Phnom Phenh, and other selected in-country assistance, we can provide the assistance Cambodia needs.

But let me be clear. Although the United States and our allies may be able to assist with know-how, the real work must be done by the Cambodians themselves. Administration officials and some of my colleagues have expressed reservations about becoming involved once again in a conflict in Southeast Asia. Their reservations are well-founded. We must stay engaged in Cambodia. It is a priority. But it is not a national security interest high enough to warrant risks to U.S. servicemen and women.

The recent battles for Pailin and Anlong Veng illustrated disturbing weaknesses in Cambodia's armed forces. According to press reports, despite their superior numbers, government forces retreated in the face of the KR attack and in their flight nearly lost control of the nation's second largest city. The most disturbing aspect of this incident was that, far from being a tactical retreat, it was apparently led by commanding officers deserting their posts.

It is no surprise that Cambodian officers were the first to flee. There are far too many of them to be adequately trained. At last count, the officer corps comprised roughly 60 percent of the 160,000 man Cambodian military. King Sihanouk himself has referred to Cambodia's command structure as an inverse pyramid. Reports are that in lieu of regular pay, some troops have received promotions. Others have apparently paid for extra stripes. Reform of this system is essential to an orderly command structure and I believe the United States may be able to offer some assistance in this regard.

Until the issue of corruption is settled, lethal assistance is not an option. We simply cannot supply arms that may end up in the hands of the Khmer Rouge, on the black market or in the hands of soldiers engaged in illegal activity. As long as there is an economic incentive and no judicial disincentive for corruption, such end uses are not unlikely.

An effective first step would be a survey of the Cambodian military education system. One way to effectively combat corruption is to better understand how soldiers are trained. Once we understand this, we may be able to provide advice on how to build better institutions, from the ground up if necessary.

Selected officers can be brought to the United States to train under IMET. To date IMET assistance for Cambodia has been used for a very limited amount of English language training. Although proficiency in English is a necessary prerequisite for further training, the focus of IMET ought to be on helping Cambodia reform its military into an effective fighting force. There are other sources for funding language training.

Cambodia has attempted in the past to acquire the assistance it needs through North Korea. I have been critical of this choice of allies in the past, and I would reiterate my words of caution to the government of Cambodia. There are more appropriate allies for a new democracy. Western nations will find it impossible to provide assistance in concert with the outlaw regime of North Korea.

At the same time, those of us in the West, the United States, France, Australia and others must give careful consideration to Cambodian pleas for assistance. The trips to Pyongyang by senior military officials last spring were attempts to address the real needs of the Cambodian armed forces. If we cannot move expeditiously to provide the necessary assistance, we can expect them to go to the powers that can. Not only must we make clear that North Korea is an unacceptable ally, we must provide them with an alternative.

In addition to drawing attention to the needs of the Cambodian military, the amendment that I am offering calls on the President to raise with the Government of Thailand support within the Thai military for the Khmer Rouge. All of our assistance will be for nothing, if outside support for the Khmer Rouge does not cease, including the illegal trading in gems and timber that flourishes along the border.

I am pleased to see that the Appropriations Committee has followed up on the concerns expressed in the 1994 Foreign Relations Authorization Act by making military training assistance to Thailand subject to formal congressional oversight. I am also pleased that the committee has required from the Secretary of State a report on Thai military support for the KR. This will give the Members of the Senate ample opportunity to see how well Thailand has lived up to the pledges it freely undertook as a party to the Paris Peace Accords.

Finally, I want to make one more plea on behalf of the Cambodian people. Earlier this year, I introduced legislation enabling the President to grant Most Favored Nation status to Cambodia. MFN for Cambodia is noncontroversial and non-partisan. The administration has proposed attaching it to the GATT implementing legislation. In my view this would not be inappropriate and I urge the Finance Committee when it begins the mark-up process of the implementing legislation next week to include MFN for Cambodia.

The Cambodian people need our assistance. I hope we can help them as they seek to develop a free market democracy and a responsible, effective armed forces. I would like to thank the managers of the bill for enabling the Senate to address these issues.

AMENDMENT NO. 2283

(Purpose: To encourage Germany to assume full and active participation in international peacekeeping activities, and for other purposes)

Mr. McCONNELL offered amendment No. 2283 for Mr. COHEN.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. ___. POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) for more than four decades following the Second World War, Germany was a divided nation;

(2) notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

(3) the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter . . . and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

(4) the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

(5) these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

(6) Germany was unified within the Federal Republic of Germany on October 3, 1990;

(7) with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

(8) German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

(9) international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

(10) United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

(11) the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

(12) the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

(13) the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

(14) the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

(15) the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

(16) the Federal Constitution Court of Germany has ruled that the Basic Law of Germany permits the Armed Forces of Germany to participate in international military operations, including combat operations, conducted under a system of collective security, including the United Nations, the North Atlantic Treaty Organization, and the Western European Union;

(17) Germany is currently engaged in a debate on the proper role for the German military in the international community;

(18) one important element in the German debate is the attitude of the international community toward full German participation in international peacekeeping, peacemaking, and peace-enforcing operations;

(19) it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the question of such German participation; and

(20) distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany, in light of its increasing political and economic influence, its successful integration into international institutions, and its commitment to peace and democratic ideals, to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations.

Mr. COHEN. Earlier this week, Madam President, the German constitutional court issued a historic ruling putting to rest once and for all the assertion that Germany's Basic Law prevents it from engaging in any military operations beyond defense of NATO territory.

The court, affirming what the vast majority of German constitutional scholars had long maintained, ruled that German armed forces can participate in international military operations, including combat operations, conducted under NATO, the United Nations, or the Western European Union, so long as a majority of the Bundestag approve.

The court's decision removes the perception of a legal impediment to German participation in such operations and makes clear that political will is the primary factor determining whether Germany will fulfill its international responsibilities.

When the Federal Republic joined the United Nations 20 years ago, it did so without reservation. The Federal Republic's deed of accession to the U.N. states that it "accepts the obligations contained in the Charter of the U.N. and solemnly undertakes to carry them out." Yet, while it has contributed to U.N. peacekeeping efforts financially and occasionally with military personnel for humanitarian functions, the Federal Republic declared itself unable to fully participate notwithstanding its obligations and its economic and military resources.

Similarly, while the Federal Republic has been a faithfull ally within NATO for nearly four decades, it has hesitated now that NATO is extending its operations eastward in accord with its new mission to support international peacekeeping.

The same is true with regard to the Western European Union, which last year also declared its intent to support international peacekeeping operations—ironically at a meeting at which Germany presided.

This hesitation was understandable so long as Germany was a divided nation, lacking full sovereignty and, in the first decades after the war, still coming to grips with the Nazi era. But Germany's situation and status have changed, removing these impediments to the Federal Republic's full and active participation in international military operations.

To their credit, Chancellor Kohl, Defense Minister Ruehe, and other prominent political figures in Germany have worked to enable the Federal Republic to meet these responsibilities. They have gradually enhanced Germany's level of involvement in selected military missions. This has included deployment of German destroyers to the Adriatic to help monitor the U.N. embargo on the former Yugoslavia, deployment of a small German contingent to Somalia, and German military personnel helping to operate NATO AWACS planes during the Gulf War and to monitor the Bosnian no-fly zone.

While these efforts by the German government are to be commended, it is disturbing that some Germans, particularly in the political opposition, have argued that even if the constitutional question were settled—as it now has been—Germany will for reasons of history not be able to participate fully in international military operations.

Some have even argued that German troops cannot be sent anywhere that was overrun or occupied by German forces during the Second World War—an area that extends from the Atlantic to the Caucasus, from the Maghreb to the Barents Sea—an area, moreover, which includes many of the regions now undergoing or expected to undergo communal, ethnic, and religious conflict. Such an effort to circumscribe Germany's international role would essentially nullify the constitutional ruling issued this week.

Madam President, Germany cannot hide from history, but neither can it hide behind history.

We cannot accept the argument that the events of history forever bind nations and their leaders. One of the principal reasons war has returned to the Balkans is that leaders there insist upon dredging up old grievances to justify digging fresh graves.

Germany—whose citizens have forthrightly grappled with the aggression and atrocities of the Nazi era, built a solidly democratic state, and securely anchored Germany in international institutions—should not now invoke the past to avoid the responsibility to build a better future.

Claims by some in Germany that the world community does not want Germany to fulfill its obligations in the security sphere mischaracterize international opinions in an effort to manipulate the German domestic debate, and we have an obligation to set the record straight. It is especially important that we do so now, since the constitutional court's ruling will prompt many Germans to re-examine the political factors affecting potential German military operations.

The amendment I am offering would express the sense of the Senate that an appropriate response to Germany's past would be for it to participate fully in international efforts to restore or maintain international peace and security. And it calls on the President to strongly encourage Germany to assume full and active participation in peacekeeping, peacemaking, and peace-enforcing operations—that is, in the full spectrum of international military operations from blue-helmet missions to future Desert Storm-type operations.

I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent to have printed in the RECORD a press release issued by the Federal Constitutional Court regarding its decision.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

PRESS RELEASE ISSUED BY THE FEDERAL CONSTITUTIONAL COURT, NO. 29/94

In the proceedings on the dispute over the deployment of German forces the Federal Constitutional Court (Second Panel) has ruled that the Federal Republic of Germany is at liberty to assign German armed forces in operations mounted by the North Atlantic Treaty Organization [NATO] and Western European Union [WEU] to implement resolutions of the Security Council of the United Nations [UN]. The same applies to the assignment of German contingents to peacekeeping forces of the UN. However, the Basic Law requires the Federal Government to obtain—in principle the prior—explicit approval of the German Bundestag. The ruling was sought by the SDP and FDP groups in the Bundestag.

According to Article 24 (2) of the Basic Law, the Federation may become a party to a system of collective security and in so doing consent to limitations upon its sovereign powers. The Federal Constitutional Court also sees in this power conferred by the Basic Law the constitutional foundation for an assumption of responsibilities that are typically associated with membership of such a system of collective security. Hence German servicemen may be deployed within the scope of UN peacekeeping missions even if the latter are authorized to use force. The objections submitted by the applicants on constitutional grounds to the participation of German forces in the UNOSOM II mission in Somalia, in the NATO/WEU naval operation in the Adriatic to monitor a UN embargo on the Federative Republic of Yugoslavia, and in the AWACS monitoring of the ban on flights in the airspace over Bosnia-Herzegovina, likewise imposed by the United Nations, are therefore rejected. German servicemen may also be integrated into NATO formations which are deployed within the framework of UN operations. This, according to the Court, is covered by parliament's approval of Germany's accession to NATO and the UN Charter.

The Court also finds, however, after thoroughly analysing the provisions of the Basic Law relating to the status of the armed forces in the constitutional system, that the Federal Government is required to obtain the Bundestag's explicit approval for each deployment of German armed forces. Such approval must in principle be obtained prior to their deployment. The Bundestag must decide on the deployment of armed forces with a simple majority. Once parliament has given its approval, the decision on the modalities of deployment, especially the question of the size of the force and the duration of their deployment and on necessary coordination within and with the governing bodies of international organizations, falls within the government's sphere of competence. The nature and extent of parliament's involvement is for parliament itself to decide within the scope of these constitutional constraints.

A violation of Article 59 (2) of the Basic Law could not be found because the Panel's votes were equally divided. The applicants had argued that the deployment of NATO forces under the auspices of the United Nations constituted a substantive change in the NATO Treaty and that any such change required the approval of parliament under Article 59 (2) of the Basic Law. Four members of the Panel, whose opinion carries the decision, take the view that the members of NATO, by taking the contentious measures, had clearly not done so with the intention of already extending the NATO Treaty to include further tasks. In the opinion of the other four members of the Panel, the Federal Government was involved in a progressive extension of the NATO Treaty in a manner which threatened to undermine the participatory rights of the Bundestag. They held that this constituted a direct threat to those rights.

With this decision the Federal Constitutional Court has recognized the long-disputed admissibility of the deployment of German forces under a United Nations mandate but at the same time made their deployment in each individual case subject to the approval of the German Bundestag.

Justices Böckenförde and Kruis explained in a dissenting opinion that the application of the FDP parliamentary group ought to have been declared inadmissible and rejected.

AMENDMENT NO. 2286

(Purpose: To allocate funds for support of human rights and other nongovernmental organizations in Indonesia)

Mr. LEAHY offered amendment No. 2286 for Mr. WELLSTONE.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

SUPPORT FOR HUMAN RIGHTS AND OTHER NON-GOVERNMENTAL ORGANIZATIONS IN INDONESIA

SEC. . Of the funds appropriated by this Act, $250,000 shall be made available to support nongovernmental human rights organizations in Indonesia, and $250,000 shall be made available to support nongovernmental environmental organizations to assess or otherwise address acute environmental problems, particularly those affecting indigenous people, in Indonesia.

Mr. WELLSTONE. Madam President, the amendment I am offering today is designed to provide modest but critical assistance to non-governmental human rights and environmental organizations in Indonesia. I am particularly interested in ensuring that adequate funds be made available to organizations which monitor, and act to improve, humanitarian and environmental conditions in East Timor. I ask that Senators SIMON, PELL, and HARKIN be added as original cosponsors of the amendment.

Late last month, the Senate voted to remove a provision from this bill which would have prohibited the use of United States military equipment provided to the Government of Indonesia from being used by Indonesian security forces in East Timor. Believe it or not, despite the Indonesian Government's abysmal human rights record, including persistent abuses by its security forces against innocent civilians, the Senate voted to remove this provision from the bill. This amendment, along with the one being offered by Senator LEAHY which I have cosponsored, will send a strong message to the Indonesian Government that they cannot continue to allow their security forces to abuse their people. The Leahy amendment, developed with the help of Senator FEINGOLD and others, codifies current United States policy prohibiting the sale or licensure for export of small arms and crowd control items, until the administration certifies to Congress that the Indonesians are: First, reducing their troop presence in East Timor; second, complying with human rights conditions; and, third, participating constructively in efforts at the United Nations to peacefully resolve the status of East Timor. I urge my colleagues to support it.

As I have said, my amendment is designed to send a strong signal of United States support for non-governmental organizations working to address the persistent problems of human rights abuses and environmental degradation in Indonesia, including East Timor. It provides $250,000 to non-governmental human rights organizations, and $250,000 to non-governmental environmental organizations, to support their important work.

I do not need to rehearse here the long and sad litany of human rights abuses in recent years by Indonesian security forces in East Timor. But I ask unanimous consent to have printed at the end of my statement a number of documents on human rights conditions there, including reports from today's newswires about the brutal beating of student protesters in Dili yesterday, and statements by Asia Watch on the incident and on human rights conditions in East Timor generally.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WELLSTONE. The students involved in yesterday's incident were reportedly beaten mercilessly with clubs by security forces for exercising their right to peaceful political protest; one of the worst such violent incidents in almost 3 years. Ironically, this incident took place at the same time that the United Nation's Special Rapporteur on Torture and Arbitrary Killings is in East Timor to look into the follow-up investigation regarding those still missing after the 1991 massacre, and other killings, when one might have expected the security forces to be on their best behavior. This modest amount of assistance, coupled with continuing political support from the United States and others, should be very helpful to the coalition of human rights, legal aid, and other organizations in Jakarta and elsewhere who are working to monitor and improve human rights conditions there. It is a concrete sign to them and others fighting for human rights that they are not alone, and that the United States will not stand idly by while Indonesian security forces continue to abuse the East Timorese people.

The amendment provides $250,000 for assessment of acute and urgent environmental problems in Indonesia. The Indonesian Archipelago is one of the most biologically diverse and valuable regions on earth. It contains nearly 10 percent of the world's rain forests and almost 40 percent of the regional rain forests. And it is second only to Brazil in the rate of decline of such forests due to logging, agriculture, mining, and other commercial uses. Pristine rain forests unique in all the world and populated by indigenous peoples—such as the 350,000 square kilometer region known as Irian Jaya—are being ravaged by mining and logging interests. This funding is designed to complement existing efforts by non-governmental organizations to assess and address environmental degradation there.

I urge my colleagues to support this amendment. I am grateful to the manager of the bill, Senator LEAHY, for agreeing to accept it. I urge its adoption.

EXHIBIT 1

[From Human Rights Watch]

INDONESIAN TROOPS CLASH WITH EAST TIMOR STUDENTS

(By Jeremy Wagstaff)

JAKARTA, July 14 (Reuter).—Indonesian security forces attacked student protesters in

Dili on Thursday, beating demonstrators with clubs in the worst such incident in the troubled territory in nearly three years, residents said.

Speaking by telephone from Dili, residents said about 20 students were badly injured when security forces stopped a protest march less than 50 metres (yards) from its starting point at the local university.

"They wanted to leave to campus but we did not allow them, because we want them to stay there to avoid anything unnecessary," a police spokesman said by telephone from Dili. He denied there had been any beatings or arrests.

Indonesia, which has ruled East Timor since its 1975 invasion, still faces widespread criticism after troops gunned down demonstrators at a cemetery in November 1991. Up to 200 protesters were killed.

Security forces were still surrounding the campus on Thursday where up to 300 students were holed up, shouting anti-police slogans, residents said.

More than 70 protesters were being held at a nearby military barracks after fleeing the military assault, they said.

"It has been very tense in the last two weeks and it has just got worse today. The situation is critical," one resident said by telephone from Dili.

Local members of the International Committee of the Red Cross had taken more than 20 injured to nearby hospitals, according to residents. One eyewitness saw five students injured, mostly from beatings.

A spokesman at the local hospital said only one person, a bystander at the clash, had been brought to the hospital.

Indonesia has faced a dwindling guerrilla band and simmering resentment against its sometimes brutal rule in the mainly Catholic territory. Churchgoers last month attacked two Indonesian soldiers after they abused the sacrament.

A protest march on the local parliament resulting from the incident ended peacefully on Monday, and the military have vowed to discipline the two soldiers involved.

Local church leaders have said that despite efforts by the local military, security forces continued to abuse the population of 750,000 in the former Portuguese colony.

The situation had worsened in recent weeks, residents said.

Four protesters were jailed after staging a small demonstration in front of visiting journalists in April.

Two soldiers were court-martialed for murder this year after they shot dead local civilians in separate incidents. Thursday's attempted protest march appeared to have been prompted by a fight on Wednesday between students on the university campus, when some East Timorese attacked three other students for taunting two Catholic nuns. Residents said the three had been badly injured and taken to the hospital.

Residents said streets around the campus had been blocked off by truckloads of military and local mobile brigades.

A U.N. special rapporteur on torture and arbitrary killings, Baore Waly Ndiaye, visited East Timor this week to monitor Indonesian investigations into the 1991 massacre and other killings. He said he had yet to complete his report.

HUMAN RIGHTS WATCH/ASIA,
Washington, DC, July 14, 1994.

HUMAN RIGHTS IN EAST TIMOR

Human rights Watch/Asia on Thursday called on the Indonesian government to allow unhindered access to East Timor by Indonesian nongovernmental human rights organizations and the international press to investigate today's violent dispersal of a protest march in Dili, East Timor, in which several people were injured and dozens arrested. The protest took place after an incident on the campus of the University of East Timor when, according to press reports, a group of students attacked three other students who had made insulting remarks to two Catholic nuns. Hundreds of students massed on the campus, planning to march to the office of the provincial parliament building, but they were intercepted by security forces who attacked the students with clubs.

"From the facts thus far available, it seems as though the response of the police and military, including the beating and arrest of so many students, was wholly disproportionate to the nature of the security problem they faced," said Sidney Jones, Executive Director of Human Rights Watch/Asia. "Whatever the origins of the clash on campus, the students had a right to assemble peacefully and march to the parliament building, and it looks as though the military not only violated that right but did so with excessive use of force."

HRW/Asia said only a thorough investigation by respected human rights organizations such as the Indonesian Legal Aid Institute Foundation (YLBHI) and the Institute for Public and Social Advocacy (ELSAM) would enable the facts surrounding the incident to come to light. These NGOs would also be able to access the response of the security forces and the local government.

The incident took place a day after a discussion on East Timor at a meeting of the United Nations Special Committee on Decolonization. At that meeting, Human Rights Watch/Asia delivered a brief statement on the human rights situation in East Timor, the text of which follows:

The lengths to which the Indonesian government went to try and prevent the Asia-Pacific Conference on East Timor (APCET) from taking place in Manila from May 31 to June 2 reflect its efforts to control freedom of expression not only inside Indonesia but beyond its own borders.

ACCESS TO EAST TIMOR BY HUMAN RIGHTS ORGANIZATIONS

Despite the claims of Indonesian Foreign Minister in early May that he was inviting Amnesty International and Asia Watch (now Human Rights Watch/Asia) to visit East Timor, no human rights organizations have been given access since Asia Watch and the International Commission of Jurists were allowed to attend selected sessions of the Xanana Gusmao trial in March 1993. Human Rights Watch/Asia was explicitly refused permission to visit East Timor in June 1994.

France Libertes, a human rights foundation headed by Mme. Danielle Mitterand, has also been refused access. One of the people invited to the Manila conference but subsequently denied a visa by the Philippines government (at Indonesia's request), Mme. Mitterand had asked the Indonesian government through private channels in September 1993 whether she and the Paris-based International League for Human Rights could visit East Timor; she was told that it was "not the right time" and to wait another six months. After six months, Frances Libertes made another request, this time not mentioning Mme. Mitterand's name. The request was turned down.

It is not only international human rights organizations that have difficulty getting to East Timor; some Indonesian human rights organizations do as well. In early May, a seminar on the topic of sustainable development and the environment was due to take place at the University of East Timor, cosponsored by a number of Indonesian NGOs including members of a coalition called the Joint Committee for the Defense of the East Timorese (Komite Bersama Pembelaan Masyarakat Timor Timur.) The coalition includes some of Indonesia's most respected NGOs: the Legal Aid Institute (Yayaysan Lembaga Bantuan Hukum Indonesia); the Indonesian Council of Churches (Parpem Persekutuan Gereja-Gereja Indonesia or PGI); the Institute for Social Advocacy and Study (Lembaga Studi dan Advokasi Masyarakat or ELSAM); and the Catholic organization, LPPS Caritas Katolik. A week before the seminar was to take place, the military commander for the region that includes East Timor called the university rector and told him the conference would have to be postponed. When it eventually did take place, the Indonesian NGOs were not permitted to attend, nor was Florentino Sarnmento of ETADEP, an East Timorese environmental NGO.

CONCLUSION

In short, Mr. Chairman, East Timor remains a troubled place where human rights abuses continue. Greater openness—defined as freedom for East Timorese to gather in private houses without permits and to freely express their own opinions, unhampered access by foreign journalists, less control over foreign visitors, and access by international human rights organizations—would almost certainly help prevent such abuses and ensure some form of redress for the victims. But if the last few months are any indication, the trend is not toward openness but the reverse. The closure on June 21 of three important news weeklies in Jakarta has implications for East Timor, because it suggests a desire to control information that the politically powerful find offensive. Restricting information prevents problems from being aired and solutions from being found on all fronts, not just human rights. For East Timor as well as Indonesia, that may prove very damaging.

HUMAN RIGHTS WATCH/ASIA,
Washington, DC, July 14, 1994

STATEMENT OF HUMAN RIGHTS WATCH/ASIA TO THE DECOLONIZATION COMMITTEE OF THE UNITED NATIONS

Thank you, Mr. Chairman, for the opportunity to address this committee. As you know, Human Rights Watch/Asia, formerly Asia Watch, takes no position on the political status of East Timor, but it believes that full information on the human rights situation there must inform the committee's deliberations and discussions on the issue of decolonization.

East Timor is neither a Rwanda nor a Bosnia. It is not a place where massive carnage is taking place nor does it have concentration camps with emaciated prisoners. It is a place, however, where arbitrary detention and torture are routine, and where basic freedoms of expression, association and assembly are non-existent. Disappearances and politically-motivated killings have become relatively rare, but when cases are reported, controls on information and access to the territory are such that it is virtually impossible, even for Indonesian non-governmental organizations, to conduct investigations that would meet international standards for impartiality and thoroughness. The Indonesian Human Rights Commission, which for all its many flaws, has at least been a useful sounding board for complaints from the Indonesian public, had not, as of June 1994, visited East Timor or looked into any of the many reported cases of human rights violations there.

The Indonesian government has taken some steps for which it deserves credit. We welcome, for example, the visit to East Timor just concluded of Mr. Bacre Waly N'Daiye, a distinguished Senegalese lawyer who is currently Special Rapporteur on Summary and Arbitrary Executions for the United Nations Commission on Human Rights. At the same time, however, we note that East Timorese sources tell us repeatedly of the extensive security preparations taken by the Indonesian military in advance of high-profile visits of foreigners to East Timor. These preparations often involve the rounding up of potential "trouble-makers"—as we understand happened before Mr. N'Daiye's visit; warnings to residents in areas the group is likely to visit; and booking by officials of most of the rooms in either of the two hotels in Dili where the visitor is likely to stay.

On June 30, the Indonesian government, through the intercession of the International Committee of the Red Cross (ICRC) also allowed the family of resistance leader Xanana Gusmao to visit him in Cipinang Prison, Jakarta. It was the first time in almost twenty years that Gusmao was able to see his wife. Emilia, and their two children, all residents of Melbourne, Australia. The humanitarian gesture was welcome—but it came after Gusmao had been in prolonged solitary confinement in Cipinang, without access to visitors or newspapers, allegedly for smuggling out letters to supporters. The United Nations Standard Minimum Rules for the Treatment of Prisoners, in Article 37, state that prisoners should be allowed "under necessary supervision" to communicate with family and friends and to be kept informed regularly of news.

In this connection, we regret the decision of the Indonesian government to move six East Timorese sentenced in connection with events in October and November 1991 from Dili to Semarang, Central Java, where they will have no access whatsoever to friends and family. The transfer of prisoners, including Gregorio da Cunha Saldanha, Francisco Miranda Branco and Jacinto dos Neves Raimundo Alves, all sentenced in connection with the peaceful demonstration on November 12, 1991 on which Indonesian troops opened fire, took place on June 9, 1994.

Finally, we welcome the decision of the Indonesian government to allow seven East Timorese students who had sought asylum at embassies in Jakarta to leave for Lisbon last December under ICRC auspices.

These positive steps notwithstanding, the human rights situation in East Timor continues to be grim.

DISAPPEARANCES

As we noted above, new cases of disappearances are rare. But there are hundreds of outstanding, unresolved cases. No progress has been made on accounting for those who remain missing in the aftermath of the November 1991 Dili massacre, for example, or, indeed, for more recent incidents.

In May 1994, relatives of Gaspar Luis Xavier Carlos in Dili revealed to a visitor that Gaspar remained missing after his arrest by military intelligence (Satuan Gerakan Intelejen or SGI) on September 3, 1992, just prior to the summit meeting in Jakarta of the Non-Aligned Movement (NAM). Aged 30 at the time of his disappearance, Gaspar was an employee in Dili of a national bank, Bank Bumi Daya. His family was told by the military that he was arrested in connections with security measures being taken in connection with the Jakarta summit. Gaspar, other sources said, had been planning to go to Jakarta with a few others to present information to NAM delegates about the situation in East Timor, but security officers became aware of their plans. In addition to Gaspar, a man named Malacu is reported to have been arrested and severely tortured; his fate is not known. Gaspar was taken to the SGI office in Colmera, Dili and from there a few days later to the Comarca prison in Balide, Dili. Shortly thereafter, he was taken out of the prison at night and has not been seen since. The family has made repeated inquiries to the military in Dili without success, and recently sought help from Indonesia's National Commission on Human Rights. Gaspar's wife and two children remain in Dili. His employers, Bank Bumi Daya, fired him after his arrest, and the family has no regular source of income.

In its report to the United Nations Commission on Human Rights, the UN Working Group on Enforced or Involuntary Disappearances reported that of twenty disappearance cases from Indonesia and East Timor submitted by the Working Group to the Indonesian government for clarification, the government reported that five had returned home. "In the remaining 15 cases, the names of the persons contained in the Government's reply did not correspond to the names of the missing persons contained in the lists of the Working Group."[1]

It should be noted that in its resolution 1993/97 in March 1993, the UN Commission on Human Rights urged the Government of Indonesia to invite the Special Rapporteur on the Question of Torture, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances. The Special Rapporteur on Summary Executions has just left East Timor, but no invitation has been extended to the Working Group on Arbitrary Detention or the Working Group on Disappearances.

EXTRAJUDICIAL EXECUTIONS

Several cases of summary executions have been reported to HRW/Asia since our last presentation to this committee, although because of lack of access, we have not been able to independently confirm the incidents. Even it the facts as stated could be verified, it is possible in the two cases described below that there were circumstances, not known to HRW/Asia, that could affect the characterization of these killings as extrajudicial executions. But it is important to recognize that East Timorese in Lautem reported these incidents as such to Indonesian human rights monitors in Jakarta, suggesting, at the very least, that a full investigation should be undertaken, with prosecution of those responsible should the executions be confirmed.

In the first case, in the hamlet of Assalaino, Lautem district, a farmer and father of four named Tito Teles, aged thirty-three, was reportedly killed by members of army battalion 611 on November 1, 1993 as he was leaving his home to go hunting. He had reportedly obtained a permit from security forces in the region to hunt in an area known as the "free zone", as he had on two other occasions. People in the village heard him calling his dog as he was moving toward the zone, but special forces hidden along the path from the village opened fire. When the dog returned alone to Tito's house, villagers questioned the security forces who claimed they had no knowledge of Tito's whereabouts. Only after Tito's body was discovered on November 2 did they acknowledge the shooting.

In the second case, a fifteen-year-old elementary school student named Ilario Rodrigues, son of Teofilo and Benefito Rodrigues of the hamlet of Foema-a, Souro village, Lautem, was shot and killed on July 30, 1993 by men described by villagers as army commandos as he was going into a nearby garden to cut down coconuts to sell. He was a student of State Elementary School No. 6 in Souro. His body was immediately buried by those who shot him; it was exhumed the next day by his neighbors. It is not clear why he was killed.

ACCOUNTABILITY

The Indonesian commander in East Timor, Colonel Johny Lumintang, had disciplined some Indonesian soldiers responsible for abuses; two soldiers were court-martialled for murder earlier this year, according to a July 5 Reuters dispatch, and two others have been detained after committing sacrilege in a Catholic church in Remexio by spitting out the sacrament during communion. The incident occurred on June 28, 1994. (Eleven villagers, it should be noted, were then detained for then attacking the soldiers.)

It would be a welcome development if soldiers were routinely held accountable for abuses in East Timor, and it will be important for the human rights community, both Indonesian and international, to monitor the prosecutions and punishments in the above cases. But until the climate of fear substantially changes in East Timor and people feel both free to register complaints against members of the armed forces and confident in the legal system in place there, many soldiers will continue to act with impunity.

CONTROLS ON FREEDOM OF EXPRESSION

A single incident demonstrates the extent of restrictions freedom of expression in East Timor. From April 12 to 15, 1994, twenty-six foreign journalists were taken on an official visit to East Timor at the invitation of the Indonesian government. (Over seventeen years after Indonesia's annexation of East Timor, access to the territory remains restricted, and journalists must apply for special travel permits.) The day before they left, on April 14 at about 7:00 a.m., a small group of East Timorese held a pro-independence demonstration in front of the Mahkota Hotel in Dili where the journalists were staying.

The demonstration became the focus of most of their subsequent articles, to the Indonesian government's great indignation. On April 17, a military spokesman in Dili, Major L. Simbolon, accused the journalists of "defecting" from the official agenda and conducting an "investigation" rather than looking at "existing reality."

But it was the demonstrators who in fact represented East Timor's "existing reality." Following the demonstration, they were briefly arrested for questioning, then released. After the foreign reporters were safely out of East Timor, however, the real arrests took place. On May 1, Nuno Corvelo was picked up. On May 2, it was Rui Fernandes's turn. And on May 8, nine more young people were arrested: Pedro de Fatima; Rosalino dos Santos, twenty-two; Octavianus; Miguel de Deus, aged twenty; Marcus; Pantaleao Amaral; aged eighteen; Lucas dos Tilman; Anibal; and Ishak Soares, twenty-two. All are Dili residents.

---

[1] Commission on Human Rights, Report of the Working Group on Enforced or Involuntary Disappearances, E/CN, 4/1994/26, December 22, 1993, p. 66.

A week after their arrest, their families had not been informed of their whereabouts and were too frightened to ask. At least six were, in fact, taken to the regional police command (Polwil) in Dili; the Indonesian government never acknowledged holding more than six.

The trials of three of the eleven began on June 16. At issue was not only the demonstration, but the fact that the young men had taken part in an "illegal meeting" on April 13 at Pedro de Fatima's home in Kuluhun, Dili, to discuss the display of pro-independence banners that the journalists would be able to see. According to international standards on human rights, the meeting was a peaceful exercise of freedom of assembly, just as the demonstration itself was a legitimate exercise of freedom of expression.

But the Dili court saw it differently. On June 24, Pentaleao Amaral, Ishak Soares and Miguel de Deus were sentenced to twenty months in prison after being found guilty of violating Article 154 of the criminal Code, spreading hatred toward the Government of Indonesia. On July 7, Rosalino dos Santos was given the same sentence for creating public disorder and inciting separatist sentiments. The defendants were not represented by legal counsel.

AMENDMENT NO. 2287

(Purpose: Regarding the extradition to the United States of Mohammad Ismail Abequa)

Mr. LEAHY offered amendment No. 2287 for Mr. LAUTENBERG.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following new section:

REGARDING THE EXTRADITION TO THE UNITED STATES OF MOHAMMAD ISMAIL ABEQUA

SEC. —. (a) The Senate finds that—

(1) Mohammad Ismail Abequa is a naturalized United States citizen who is alleged to have strangled his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994;

(2) Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994, with the couple's two children Sami and Lisa, aged 3 and 6 years old, respectively;

(3) New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6, 1994, via an international flight from London and that he had the two children in his custody upon arrival in Jordan;

(4) Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger;

(5) the children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey; and

(6) the personal involvement of King Hussein of Jordan in finding the children quickly could prevent their serious injury by Abequa.

(b) The Senate hereby expresses its concern both that Mohammad Ismail Abequa be brought to justice and that the safety of the two children held by Abequa be ensured.

(c) It is the sense of the Senate that—

(1) The Government of Jordan should use its resources to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey; and

(2) the appropriate officials of the Department of Justice and the Department of State should work aggressively toward that goal.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

Mr. LAUTENBERG. This Sense-of-the-Senate amendment calls on King Hussein of Jordan to use the resources of the government of Jordan to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey.

It also calls on the appropriate officials at the Justice Department and State Department to work aggressively toward that goal.

Madam President, Mohammad Ismail Abequa is a naturalized U.S. Citizen who is believed to have murdered his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994. Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994 with the couple's two children Sami and Lisa, aged 3 and 6 years old.

New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6th via an international flight from London and that he had the two children in his custody upon arrival in Jordan.

I am concerned both with bringing Mohammad Ismail Abequa to justice, and with the safety of the two children being held by Abequa.

Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger. The children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey.

The direct involvement of the Government of Jordan in finding the children quickly could prevent their serious injury by Abequa. King Hussein has a critical role to play in ensuring that a man who is believed to have savagely murdered his wife will be brought to justice.

Madam President, I ask unanimous consent that a copy of an article that appeared in the Star Ledger be printed in the RECORD. I also ask unanimous consent that copies of a letter I, along with Representative ROBERT TORRICELLI, sent to King Hussein and the Attorney General Reno be printed in the RECORD.

I urge my colleagues to approve this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 14, 1994.

His Majesty Hussein I,
King of the Hashemite Kingdom of Jordan, Amman.

YOUR MAJESTY: We request your personal involvement in the apprehension and extradition to the United States of Mohammad Ismail Abequa, a naturalized U.S. citizen who fled to Amman, Jordan on July 5, 1994. Mohammad Abequa is believed to have strangled his estranged wife, Nihal, in Morris County, New Jersey on July 3d. Following the murder of his wife, Abequa kidnapped the couple's two children Sami and Lisa, aged 3 and 6 years old.

New Jersey officials have confirmed that Abequa arrived in Amman on July 6th via an international flight from London. He had the two children in his custody upon arrival in Jordan.

Our immediate concern is the safety of the two children being held by Abequa. He has record of wife beating and child abuse while living in New Jersey, and they could be in danger. Your personal involvement in finding the children quickly could prevent their serious injury by Abequa. The children have a close relative, Nihal's sister, who, we understand, will care for and nurture them in New Jersey.

We urge you to use the resources of the government of Jordan to apprehend and extradite Abequa to the United States. He is a U.S. citizen and a fugitive of U.S. justice. The people of New Jersey are horrified by Nihal's brutal murder, and with your assistance, will afford Abequa the due process of the laws of the State of New Jersey.

We make this direct appeal to you with the hope of preventing further harm to innocent children and bringing to justice a man who has been accused of savagely murdering his wife. While our request is extraordinary, Your Majesty, we are sure you appreciate the need for expeditious action.

Sincerely,
ROBERT G. TORRICELLI.
FRANK R. LAUTENBERG.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 14, 1994.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR JANET: We are forwarding to you a copy of a letter we sent to King Hussein of Jordan regarding the extradition to the United States of Mohammad Ismail Abequa, a naturalized U.S. citizen who fled to Amman, Jordan on July 5, 1994.

Mr. Abequa is believed to have murdered his wife, Nihal Abequa, in Morris County New Jersey on July 3, 1994. He fled to Jordan with their two children.

We understand that the Justice Department must request extradition of Abequa through the State Department before Jordanian officials will feel compelled to take official action to seek and apprehend Abequa. We would ask that you make such a request expeditiously. We appreciate your cooperation.

Sincerely,
ROBERT G. TORRICELLI.
FRANK R. LAUTENBERG.

MIDEAST MANHUNT

(By Brian T. Murray, Kevin Coughlin and Joe Territo)

The murder of a New Jersey woman landed in the court of international diplomacy yesterday when authorities confirmed that the prime suspect—her husband—flew to his homeland of Jordan with their two children last week just hours before detectives launched a nationwide manhunt.

"I believe (Jordan's) King Hussein will cooperate in the case. I've met him many times and know him fairly well. He's very responsible. He will see enormous ramifications if he does not cooperate here," said Rep. Robert Torricelli (D-9th. Dist.), a member of the House Foreign Relations Committee, who noted that there is no extradition treaty with Jordan.

The congressman was in touch with Morris County Prosecutor Michael Murphy, whose office is trying to bring 45-year-old Mohammad Ismail Abequa to justice in the July 3 strangulation of his 40-year-old wife, Nihal (Nina). Because her body was stuffed under a bed in a plastic bag, the crime went undetected until after noon July 6, giving Abequa time to flee the country, said Murphy.

"Our office is in the process of working with the State Department and Interpol to secure his return to the United States," said Murphy, who described the getaway as "extremely well-planned," But he added he was "cautiously optimistic" that Jordan will help in returning Abequa and his children.

With his children in tow and using his Jordanian passport to get them aboard, Abequa took a flight out of Nashville at 8 p.m. July 5 and landed in Gatwick Airport in Great Britain, where he boarded another plane to Amsterdam. There he bought three tickets to Amman, Jordan, where he is believed to have arrived on the day police found his wife's body in her Parsippany-Troy Hills apartment.

Although Jordan and the United States do not have an extradition treaty, Torricelli said Jordan has been responsive on "constituent problems" in the past and would not risk harming Jordanian-U.S. relations by harboring a fugitive like Abequa. Additionally, the queen of Jordan, Noor al Hussein, is American-born and was educated at Princeton University.

Police in Jordan are willing to cooperate and search for suspects in heinous crimes committed in other countries, according to Ayman Aamiry, second secretary of the Jordanian Embassy in Washington, DC. "We don't want a criminal on our hands," he said.

If the suspect is captured and cannot be extradited, he could be tried in a Jordanian court, according to Aamiry.

However, Murphy said he would not want to explore that option until all efforts to return Abequa have been exhausted.

A trial in Jordan would require U.S. officials to issue a formal summons, Aamiry explained. Arguments could be made in person or via sworn affidavits, he added, noting that the procedure is common in civil matters.

Aamiry also said U.S. law enforcement authorities could have Interpol, the international police agency, ask Jordanian authorities to arrest Abequa. The U.S. Embassy in Amman could press the issue with Jordan as well, he said.

Abequa and his wife had been separated since December 1992 and she sued for divorce in April, accusing him of beating her and the children, 6-year-old Lisa and 3-year-old Sami. Abequa also threatened to abscond with the children, claiming he did not want them raised in the United States, an obsession which Murphy identified as one of the motives for the killing.

Nina Abequa was so scared of her abusive husband that she thought of sneaking off to Arizona with her children last winter. She even wanted to bring her mother and sister, fearing they might be subject to reprisals if they remained behind, according to Rena Moosa, an executive recruiter who tried to find her an insurance job in Arizona.

"She said she wanted to go somewhere where he didn't know where she was," said the recruiter, whose own experiences with marital problems forged a long-distance friendship with Abequa over the last three years.

They last spoke by phone two or three days before Abequa's death. At that time Abequa's Fourth of July holiday weekend plans only included visiting with her family. Moosa said there was no mention of a visit from her husband, which other friends said happened the afternoon of July 3, the day the woman disappeared.

Moosa said before that fateful weekend, Nina Abequa's fears had subsided. She had not heard from her husband in months and no longer felt threatened by him, despite knowing that the naturalized U.S. citizen had returned from Jordan to Tennessee, where he occasionally lived. Nina Abequa expected to start later this month in a better-paying job Moosa found for her with an insurance firm in Hartford.

"She loved those kids. They were her whole life. Everything revolved around them," said Moosa, who said she has nightmares that Mohammad Abequa reiterated threats to take the children to Jordan while Nina was in her death throes. "That would have made her berserk."

A gentle woman with a "sweet little lilting voice," Nina Abequa made an unfortunate joke in one of her last calls to Moosa.

"'I hope I'm not the next Nicole Simpson,'" Moosa quoted Nina Abequa as saying with a slight laugh. "I said, 'Nina, don't even say something like that!'"

The children were last seen by a friend of Abequa's in Nashville last week, when the murder suspect stopped to sell his car there for $700 before making his flight out of the country.

"The kids were fine," said Morris County Prosecutor's Detective Gary Denamen, who interviewed the unidentified friend. "They were under the impression from their father that they were going on a vacation or some kind of trip."

"They were unaware that their mother was dead," Murphy added.

It was late on July 3 that Abequa made his arrangements to fly out of Nashville toward Jordan. Police believe he got to Tennessee via a domestic flight out of Newark either July 3 or July 4, and it was Nashville detectives who discovered Saturday that Abequa and the children had left the country.

"The way the body was concealed gave him time to leave this country," Murphy said, noting Nina Abequa was not found until 12:20 p.m. July 6, after her sister telephoned police reporting that she had been missing for days.

The body was found by a police officer, and detectives later found bloody materials in a dumpster near her apartment, indicating Abequa had cleaned up the crime scene. Murphy said the woman was bleeding from the mouth and nose but that she had been partially concealed in a plastic bag and covered by blankets. The air conditioning was also was left on, he said, which further prevented immediate detection of the body.

"There were some signs of resistance * * * There were hand marks around her neck, probably caused by her trying to remove his hands from her neck," he said, referring to self-inflicted scratches.

The fact that Abequa had a Jordanian passport made his flight easier. While even young children who are U.S. citizens generally are required to have passports to leave the nation, that is not always the case when their parent holds a foreign passport.

Gary Sheaffer, spokesman for the U.S. State Department's bureau of consular affairs, noted that in some Middle Eastern nations, children under 12 are allowed to enter the country as long as they are with a parent who has a passport. He also pointed out that normally it is not very difficult for U.S. citizens to get immigration documents once they arrive in the Middle East.

Sheaffer said he believes Abequa "probably wouldn't have any trouble talking his way through" to get permission to bring the children into the country with him.

Getting Abequa returned to the U.S. may be difficult. But getting the children back could pose an additional problem, according to authorities, who noted that Abequa has an extensive family in the homeland he frequently visited since immigrating in 1985 and becoming a U.S. citizen in 1990.

Murphy said the family of the murdered woman is concerned about the children and whether they will have to go through Jordanian courts to secure their return.

"Her sister is anxious to have the children returned to her so that she can raise them," Murphy added.

"We're going to have to work delicately in the international forum with Jordan * * * We're going to do everything we can to get him back and hopefully the children," he added.

If Abequa is captured and tried by Jordanian authorities, his ties to that country could give him the upper hand in a murder trial, according to Christopher Taylor, an assistant professor of religion and Middle Eastern studies at Drew University in Madison.

"A lot of these things generally turn out to be which family has more clout," said Taylor. Nihal Abequa has no known family in Jordan.

Taylor explained that sometimes in Middle Eastern courts, the influence of a defendant's family can have as much influence as evidence in court. He said the wealthy or families with higher status have more influence on court proceedings than poorer, blue-collar families.

One way Abequa could attempt to get around murder charges in a Middle Eastern courtroom would be to claim there were "extenuating circumstances," such as that his wife was an adulteress, which could excuse murder under Islamic law, Taylor said.

Taylor added that diplomacy also could come into play. He pointed out that since the Persian Gulf War, Jordan has been trying to repair its damaged relations with the U.S., and that could help American efforts to gain custody of Abequa.

AMENDMENT NO. 2288

Mr. LEAHY offered amendment No. 2288.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

INDONESIA

SEC. . The United States should continue to refrain from selling or licensing for export to the Government of Indonesia defense articles such as small or light arms and crowd control items until the Secretary of State determines and reports to the Committees on Appropriations that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including in such areas as:

(1) complying with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significantly reducing Indonesia's troop presence in East Timor; and

(3) participating constructively in the United Nations Secretary General's efforts to resolve the status of East Timor.

Mr. PELL. Madam President, I wish to support the amendment offered by Senator LEAHY on Indonesia and ask to be added as a cosponsor.

His amendment is a welcome statement on the foreign aid bill, reiterating our policy of refusing to sell weapons to the Indonesian military that could be used to violate human rights.

Just today, we have learned new reasons for the wisdom of this policy and the reason for our need to watch closely and to be deeply concerned about the human rights situation in Indonesia.

Today at least 20 people were injured by the Indonesian military in East Timor as security forces used riot-sticks to break up a student demonstration. The demonstration followed several recent incidents in which Indonesian soldiers were accused of insulting two Catholic nuns and abusing the sacrament while ostensibly taking communion in a Catholic church.

On Tuesday the United States officially denounced Indonesia's arrest of 42 students on a hunger strike in the Indonesian capital of Jakarta. The students were protesting last month's ban of three Indonesian news magazines. The United States Embassy stated "their detention while on the Legal Aid Foundation's private grounds makes the actions of the Indonesian authorities even more objectionable."

These arrests follow a pattern on recent government-sponsored violence against Indonesian labor and human rights activists.

In May 1993, a 25-year-old labor activist was raped and killed in East Java. Evidence linked her murder to the military. Last March the body of another labor organizer was found floating in a river. Again evidence linked his murder to the military.

Violence continues to be the main means by which the government control dissent. The most visible examples was in East Timor on November 21, 1991, when troops opened fire on a peaceful demonstration protesting Indonesian occupation of East Timor. At least 100 and possibly as many as 250 killed. The number is imprecise because many disappeared during that massacre and remain unaccounted for.

In the Aceh region of Indonesia, an estimated 2,000 civilians have been killed by the military between 1989 to 1993 during its counter-insurgency campaign.

As Amnesty International notes in its 1994 annual report, President Suharto maintains a centralized and authoritarian government that exercises "strict and comprehensive controls on all aspects of social development and severe restrictions on civil and political rights."

This policy of strict control, I do not believe, can be long maintained in Indonesia. With its rapid economic growth, spreading middle-class, there are increasing demands within Indonesian society for change.

We must demonstrate clearly that the United States supports the forces for democratic change in Indonesia and will not allow our economic, aid, or military interests with the Indonesian Government inhibit our support for such change.

This amendment demonstrates that our priority in Indonesia remains promoting human rights and building democracy.

INDONESIA

Mr. JOHNSTON. Madam President, 2 weeks ago, the Senate tabled a committee amendment by a vote of 59 to 35 which would have placed what I believe were unenforceable and mischievous conditions on the sale of military equipment (later revised to lethal military equipment) to Indonesia under the Foreign Military Sales Program. I believed then, and believe today, that the statutory language proposed would have had serious, unintended consequences on our important bilateral relationship with Indonesia. In my judgment, this restriction would have resulted in Indonesia seeking other suppliers for the military equipment they need, and would have lessened what influence we have with modernizing voices in Indonesia, ultimately undercutting our efforts to promote American values and principles, including regard and respect for human rights, in Indonesia. Further, in my view it would inevitably have spilled over into the commercial arena with unfortunate consequences for the reason that the United States Munitions List covers literally thousands of items, including spare parts, communications equipment, advanced computer technology, satellites and other items.

I again point out to my colleagues that this administration has undertaken a thorough review of our policy toward Indonesia during the past year. As a result, a comprehensive strategy has been developed to promote our Nation's vital security, political, human rights and economic interests with this key nation in Southeast Asia, the fourth largest country in the world which has worked cooperatively with the United States in promoting peaceful solutions to potentially dangerous problems in the Spratly Islands, in Cambodia and other UN peacekeeping operations, and in promoting nonproliferation.

This comprehensive policy was succinctly and eloquently stated in a letter written by the Secretary of State to Chairman LEAHY on June 29, 1994, which I inserted in the RECORD during debate on this issue 2 weeks ago. It is worth quoting this summary again:

> The United States has important economic, commercial, security, human rights and political interest in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects.

Will this comprehensive policy of engagement on many fronts work to help us achieve our many objectives? I believe it will. To be sure there are some parts of it I would disagree with, and there are other parts with which others will disagree. Overall, however, I believe the administration has tried to strike a balance which will keep us engaged with pro-western voices within the Indonesian military and in Indonesia.

It is my view that a stable, friendly Indonesia is in our Nation's best interest. One only has to look back 30 years to understand and appreciate the dangers to our Nation's interest of a return to instability and the politics of konfrontasi. Maintaining a friendly, stable Indonesia is even more important today, in the post cold war and post-Philippines era. We are facing many challenges in the Asian region. Indonesia has played and continues to play a key balancing role which is in our fundamental interest.

It is also my view that a stable, friendly Indonesia offers the best hope for achieving a better life for all the people of Indonesia. Stability and engagement with the west have in part set the stage for economic reform, which in turn has brought about important changes in Indonesia. The incidence of poverty for example has been reduced from 60 percent in 1970 to about 14 percent today, and the distribution of wealth in general is equivalent to that in the United States. Other strides have been made which have resulted in a better life for the men, women and children of Indonesia: education is now mandatory through nine grades, for females as well as males; since 1950 the literacy rate among adults has increased dramatically from below 20 percent to about 74 percent today; the incidence of maternal mortality and infant mortality have been greatly reduced; access to health care has improved dramatically for all income groups and throughout the nation; the average life span has been increased for men and for women. Widely recognized and lauded family planning programs have addressed the very serious population issues Indonesia faces, and Indonesia has become self-sufficient in the production of rice. All of these achievements and others have improved in dramatic and tangible ways the lives of Indonesians from all economic strata and in all geographic locations. In East Timor for example just 10 percent of the population was literate in 1975, when the Portuguese pulled out. There were only 50 schools and no colleges at that time. Today, East Timor has nearly 600 elementary schools, 90 middle schools and 3 colleges. In 1975 East Timor had only two hospitals and 14 health clinics; today there are 10 hospitals and 197 village health clinics. Interestingly, the number of Catholic churches has quadrupled since the Portuguese pulled out.

Since 1967, a foundation for social stability has been constructed and continues to be strengthened. To be sure, Indonesia continues to face many difficult challenges. Poverty has been greatly reduced, but 14 percent of the population—some 27 million people—

still live in poverty. Many of these people live in remote areas and have few skills; it will not be easy to reverse their situation and solutions will be long term. Indonesia also continues to face the inherent difficulty of uniting over 200 different ethnic groups speaking some 300 languages and dialects in a nation of islands spread across over 3,000 miles of water. I understand the concerns in Indonesia about the potentially devastating impact of a return to instability, given the troubled history Indonesia had following independence in 1949, but I also believe the foundation which has been built over the past 25 years is stronger than many in Indonesia realize and that more openness will strengthen this foundation, not challenge it.

As with all nations, including our own, for every step forward there have been occasional steps backward. The United States has and should continue to press for and encourage forward movement and should speak out when steps are taken backward. The comprehensive policy put forth by this Administration recognizes this. As Secretary Christopher put it in his June 29, 1994 letter to Chairman LEAHY:

> This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesian officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

The State Department in conjunction with USAID has also tried to move aggressively to give support through our development assistance programs to nongovernmental organizations (NGOs) in Indonesia, to support voices of pluralism and those who support change. My own view is that increased engagement in this manner will help promote the long term changes we all support and seek and in the end will lead to a more open, free and democratic system.

The challenge we face is articulating and steadfastly implementing a comprehensive policy which will encourage change, and result in more openness and respect for human rights, while maintaining a close and cooperative relationship with a stable and friendly Indonesia.

We cannot achieve this by poking Indonesia in the eye, engaging in highly public debates in which Indonesia feels humiliated and subject to disrespect. We will achieve this through firm, steady and quiet diplomacy in which Indonesia is treated with the respect and dignity which is her due as an independent nation.

As I understand it, this amendment codifies part of our comprehensive policy toward Indonesia which was articulated in Secretary Christopher's letter of June 29, 1994. It will come as no surprise to my colleagues to learn that my preference is to have no statutory language. I do not think this is necessary, and I believe it could make it more difficult for the Administration to adjust to changed circumstances in the future. Nonetheless, since the Administration has apparently agreed to this language I will not take issue with it. I would point out however that this is only part of our policy and that my acquiescence is based on my belief that the Administration will continue to pursue a multifaceted policy which recognizes that our relationship with Indonesia is complex and based on many interests: security, economic, commercial and political.

Madam President, I ask unanimous consent that the full text of Secretary Christopher's letter be printed in full at the end of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF STATE,
Washington, DC, June 29, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations.

DEAR MR. CHAIRMAN: As you work on the FY 1995 Foreign Operations Appropriations bill, we would like to provide you with a clear statement of the Administration's policy towards Indonesia and reiterate our objections to language which would place restrictions on arms sales or transfers to that country.

This Administration is steadfastly pursuing the objective, shared with Congress, of promoting an improved human rights environment in East Timor and elsewhere in Indonesia. We are trying to pursue our agenda aggressively, working with Indonesians both inside and outside the Government, using our assistance, information, and exchange programs to achieve results. At the same time, we have raised our human rights concerns at the highest levels in meetings with Indonesian officials. As a direct expression of our concerns, our current policy is to deny license requests for sales of small and light arms and lethal crowd control items to Indonesia. In accordance with U.S. law, we make these decisions on a case-by-case basis, applying this general guidance.

East Timor remains a high priority for our human rights efforts in Indonesia. In 1993-94, there was considerably greater access to East Timor on the part of international groups such as the International Commission of Jurists, Human Rights Watch, foreign and domestic journalists, parliamentarians, and diplomats. We understand that the International Committee of the Red Cross (ICRC) is expanding its on-the-ground presence in East Timor and has, with the cooperation of government authorities, worked out satisfactory access arrangements for visits to detainees. The expanded USAID program includes projects designed to strengthen indigenous NGOs active in agriculture, health, vocational training, and microenterprise. On the security front, the Indonesian Government has reduced its troop levels in East Timor by two battalions. In East Timor, as well as elsewhere in Indonesia, we have seen evidence of improved military accountability and self-restraint under new military leadership.

We clearly recognize that more needs to be done. We continue to push for a full accounting for those missing from the 1991 shootings in East Timor and for reductions or commutations of sentences given to civilian demonstrators. We have also urged further reductions in troop levels and efforts at reconciliation which take into account East Timor's unique culture and history. But we do not see new restrictions on sales of defense equipment warranted by any deterioration in conditions; indeed we believe efforts to support military reform and promote military professionalism, discipline and accountability should be encouraged.

IMET restoration would be an important tool to this end. We therefore welcome the fact that the Senate Appropriations Committee language for the Foreign Operations Bill for FY 1995 would remove the existing legislative prohibition regarding IMET for Indonesia.

The United States has important economic, commercial, security, human rights, and political interests in Indonesia. Our challenge is to develop a policy that advances all our interests, that obtains positive results and reduces, to the extent possible, unintended negative effects. In this regard, the provision restricting military sales or transfers to Indonesia in the Foreign Operations Appropriations bill is unnecessary and inconsistent with our policy objectives in Indonesia.

Please be assured that we will continue to work aggressively to promote better human rights observance throughout Indonesia. We are committed to doing so in what we believe is a comprehensive, effective, and results-oriented manner, and will continue to keep in close contact with you and other Members interested in these matters.

Sincerely,

WARREN CHRISTOPHER.

INDONESIAN COOPERATIVE MARKETING PROJECT

Mr. JOHNSTON. Madam President, I rise to bring to the attention of the managers of this bill a very important proposal, endorsed as a high priority by the U.S. Agency for International Development's [USAID] mission as well as the American Ambassador to Indonesia, to provide funding in the amount of $5 million over the 1995 to 1998 period under the Public Law 480 title II program to develop a coffee and fishing marketing cooperative system on East Timor, in Aceh and in the eastern Indonesian islands.

While I understand that funding for the Public Law 480 program is provided in the Agriculture and related Agencies appropriations bill, I believe it is important to raise this issue during consideration of this bill which funds USAID. Under the Food for Peace Act, USAID has the responsibility for sorting out the priorities for those few projects which will receive support under title II. Without the strong support of USAID, this project may well be passed over since there are many other worthy projects competing for a limited amount of resources.

The importance which our Jakarta USAID Mission accords this project was seen in the allocation of approximately $2 million in Development Assistance [DA] funds earlier this year to begin necessary planning and start up funds for it. Moreover, the Assistant Secretary of State for Legislative Affairs, Wendy Sherman, stated in a letter to me dated February 23, 1994, that our Jakarta USAID Mission and the United States Embassy in Jakarta both believe this project "can potentially have a significant impact in East Timor and elsewhere. As you are aware, as part of our efforts to promote an improvement in the human rights situation in East Timor, we are working hard to expand USAID and USIS programs there; this project would be an excellent vehicle."

This project is designed to help raise the income of coffee and other farmers as well as fishermen on East Timor in particular. Roughly two-thirds of the population of East Timor is engaged in farming; half of these farmers are engaged in coffee production. Although the quality of the coffee grown on Timor is excellent, particularly the TimTim arabicas which account for about 70 percent of Timor's coffee production, coffee prices received by these farmers have been characterized as extremely low, well below half the FOB levels similar grades and qualities receive in Sulawesi, Java, Flores, and Sumatra.

Because of this history of low prices, production of coffee has decreased substantially and in too many cases, farmers are beginning to sell land, which will have a serious, adverse long-term impact on the economic prospect for this depressed area.

To be sure, part of the low prices farmers on Timor have received was attributable to the collapse of the international coffee marketing agreement.

But an even larger part is attributable to a lack of competition in marketing mechanisms.

This project is designed to bring competition to the now virtual marketing monopoly by developing and supporting a cooperative for the procurement and marketing of coffee, as well as supporting value added processing of the coffee crop aimed at penetrating the niche gourmet and organic markets. The latter seems particularly promising since for many years coffee production on East Timor has been largely pesticide-free.

Highly successful projects in developing cooperatives have been undertaken with USAID's support on Java and elsewhere, and have created about 14,000 jobs. It is very likely that similar successes could take place on East Timor with USAID's support.

It is urgent that the momentum begun with the initial funds provided by USAID be continued in fiscal year 1995 and beyond. Much effort has been made to gain approval and support for this project among farmers on East Timor and from the Government of Indonesia. Without a continuing commitment from the United States, however, this support could erode and we would lose the opportunity to make a significant and permanent improvement in the lives of many who live in East Timor.

I am told this project will only be funded if it receives a high priority from USAID and from the State Department because the demands are so great for this program. Already, 3 months before the fiscal year 1995 begins and allocations are made, USAID has some 60 applications for title II assistance on hand; undoubtedly, more will be filed between now and October. I urge those officials to review this proposal, and I hope they will look at it in the context of income levels and needs on East Timor which are in fact greater than those Indonesia-wide. I also hope that some consideration will be given to the need to strengthen NGOs in East Timor, which this project would do. If they concur with my assessment I hope they will communicate their support for it immediately to the team which is in the process of making the fiscal year 1995 Public Law 480 decisions.

Mr. LEAHY. The Senator from Louisiana makes a good case for this project. Reviewing the information he has provided to me and to my staff, I believe this project has merit and I urge USAID to accord it serious consideration during the allocation decisions now being made under the Public Law 480, title II program.

There are many pressing cases competing with this proposal, from Asia and from other regions around the world, far more than there are resources under the title II program to fund. In fact, I am told that approximately 60 applications totaling about $400 million are pending for the approximately $300 million which is available under this program, which was reauthorized in title XV of the 1990 Farm bill.

During the daunting task the administration will have as it sorts through these proposals, many of which are compelling and equally worthy, I hope the administration will give some weight to the particular policy considerations involved in this proposal. A goal all of us have shared with respect to our policy vis-a-vis East Timor has been to improve the lives of the people. This project offers real potential in this respect.

Mr. McCONNELL. I too have reviewed the information the Senator from Louisiana has provided to me and to my staff on this project, and am pleased to join my colleague from Vermont in urging the U.S. Agency for International Development to accord it a high priority. USAID will play a key role in deciding which of the many proposals for title II funds are approved, so it is equally appropriate that this colloquy occur on this bill.

This project offers a positive approach to our policies affecting East Timor and one which would help in a concrete and immediate way a substantial part of the population. In addition to raising income, critically important in this very poor area, this proposal would also give skills needed by the people of East Timor to improve their economic situation. As the Senator from Vermont points out, these skills are transferable to other areas and hold out the promise of improving people's lives in other areas, too. This may be the most important and enduring part of the project and one which will reap benefits for many years. Therefore, I urge USAID to give some consideration to this feature of the proposal and hope it can be funded.

Mr. JOHNSTON. I appreciate very much the comments of my colleagues and hope this proposal will be given the support and priority it deserves this year.

Mr. FEINGOLD. Mr. President, two weeks ago, late in the night, the Senate voted on a provision regarding Indonesia. The provision was, to my mind, very simple and straightforward. It simply said that any agreement to sell arms on the United States munitions list to Indonesia must include an agreement that our weapons would not be used in East Timor. It sent the signal which I think the Senate shares unanimously: Our weapons should not be used for the abuse of human rights.

Indonesia has sustained a brutal military occupation of East Timor since 1975. Every human rights organization in the world has criticized Indonesia's human rights record, particularly in East Timor.

The State Department has consistently reported human rights violations by Indonesia's military. In this year's report, the State Department acknowledges that "largely cosmetic changes in the force structure resulted in minimal reductions in troop presence" in East Timor. It also said:

> Extrajudicial arrests and detention, torture of those in custody, and excessively violent techniques for dealing with suspected criminals or perceived troublemakers continued in many areas of Indonesia. Legal safeguards against arbitrary arrest and detention are frequently ignored. The armed forces continued to be responsible for the most serious human rights abuses.

We do not want to support human rights abuses in East Timor. We do not want United States weapons involved in massacres of peaceful protestors or interrogations of activists with views differing from the Indonesian armed forces. We do not want United States arms used to kill and torture the people of East Timor.

The Senate, though, did not send that message 2 weeks ago. However, I do not think the Senate intended on sending the opposite message. That would be, quite bluntly, unconscionable. The amendment offered today corrects any misconception which may have been perceived, and assures the Indonesians that they do not have a carte blanche to use our weapons indiscriminately for human rights abuses in East Timor.

The amendment offered today clarifies the sentiment in the Senate by codifying the United States position on human rights and arms sales to Indonesia. I have advocated a much more comprehensive arms ban, but by targetting small arms and crowd control weapons, the United States is taking a step toward separating itself from responsibility from human rights abuses in Indonesia and particularly East Timor. It is especially important that we have established a linkage between arms sales and human rights.

The Indonesian occupation of East Timor has been a longstanding issue of international concern. Since 1975 thousands of Indonesian troops have occupied the island, restricting freedom of expression and association, and brutally punishing those who do not agree with the regime of occupation.

Just 5 days after the Indonesian invasion of East Timor in December 1975, the United Nations General Assembly called immediately for Indonesia to withdraw its armed forces and recognize the right of self-determination for the people of East Timor.

Since then the United Nations has adopted eight resolutions affirming human rights in East Timor—two calling on Jakarta to withdraw "without delay"—and the United States Congress has passed five resolutions condemning Indonesian actions in East Timor.

In 1994, the U.N. Commission on Human Rights and the U.N. Subcommission on Prevention of Discrimination and Protection of Minorities passed resolutions about the continuing human rights abuses in East Timor and urging the Indonesian Government to allow access to East Timor by humanitarian and human rights organizations. The March resolution was the first time the U.S. supported such a resolution in the U.N.

However, despite all these resolutions, the Government of Indonesia has blatantly disregarded the will of the international community. Instead, it has occupied East Timor with a brutal hand, resettling hundreds of thousands of East Timorese in camps in the late 1970's. The International Red Cross accuses the government of deliberately starving more than 100,000 East Timorese during the same period. According to both Amnesty International and the Indonesian-appointed Governor in East Timor, the conflict has taken 200,000 East Timorese lives—one third of the original population in East Timor—since 1975.

Throughout the 1980's the Indonesian military controlled East Timorese villages and the movements of East Timorese residents. There were several waves of killings and disappearances.

In the past 3 years, human rights groups have reported that the repression in East Timor has continued unabated. Torture of detainees remains a common practice. Human rights groups are barred from doing their work. Even Senators BOREN and PELL were refused visas to East Timor in 1991.

Human rights monitors list numerous cases of those hospitalized for such injuries by the armed forces as broken hands, pulled out fingernails, and gunshot wounds.

The most public of the atrocities in East Timor was, of course, the Dili massacre on November 12, 1991. In front of reporters' cameras—on videotape we all saw repeated on the evening news—the Indonesian military opened fire on a peaceful demonstration for self-determination, killing at least 100 East Timorese, and maybe as many as 250. At least 66 people are still unaccounted for.

The Indonesians have been unrepentant and irresponsible in administering justice in the massacre.

Moreover, the comments by Indonesian military brass indicate their lack of remorse:

General Syafei, military commander in East Timor, said, "If something similar to the November 12 event were to happen under my leadership, the number of victims would probably be higher."

General Herman Mantiri, regional commander, said, "We don't regret anything. What happened was quite proper . . . they were opposing us . . . even yelling things against the government . . . that is why we took firm action."

General Try Sutrisno said, "Such people must be shot and we will shoot them." Sutrisno is now vice president of Indonesia.

The Governor of East Timor, Abilio Jose Osario Soares, said, "As far as I'm concerned, I think far more should have died."

It is inconceivable, Mr. President, that I or any other citizen would be shot at for yelling things against the government. Yet peaceful demonstrators in East Timor were killed by the Government of Indonesia, and several of those who survived, are now sitting in prison for witnessing the crimes.

In response to this massacre—and the travesty of justice which followed—the Congress cut off imet to Indonesia.

At the present time, the U.N. Special Rapporteur is travelling to East Timor to learn more about the Dili massacre and its aftermath. Witnesses to Dili and other human rights activists are being rounded up, probably so they will not be able to testify to what they have seen and know.

The repression in East Timor is nonstop. Just 4 days ago, a few Indonesian soldiers—who are Muslim—walked into a catholic church in East Timor, and insulted the parishers by pretending to take communion, by eating the wafers, spitting them out, and then stomping on a communion glass.

This is an insult no one in this chamber can condone. But it gets even worse, Mr. President. When demonstrators protested the soldiers' defamation of their religion, the military opened fire, killing three and wounding dozens. Since, the military has cordoned off students and put barricades throughout Dili to stifle any further protest.

Three people were killed by the Indonesian military simply for trying to protect the sanctity of their religious rituals. Just yesterday, Mr. President.

This is how the Indonesian military operates in East Timor. I do not want the U.S. associated with any of these violations. Yet, in supporting the Indonesian military—by selling arms, by conducting joint military exercises, by training the military officers, by not prohibiting our weapons from being used in East Timor—we are tolerating, if not condoning, such terror. In reporting the story, one reporter even mentioned the Senate vote 2 weeks ago.

Last year the Senate Foreign Relations Committee adopted an amendment to condition the sale of major weapons to Indonesia on improvements in the human rights situation. After numerous resolutions and diplomatic discussions, it was time to take substantive action to advocate human rights in East Timor. Though the bill never came to the Senate floor, it caused ripples throughout Washington and Jakarta.

One result was that at the U.N. meetings in September, following committee action, the Indonesians finally responded to the talks with the Portuguese, and outlined a plan of action for East Timor.

Another result was a policy review within the administration. It concluded that Indonesia is of great geostrategic and economic importance that Indonesia is of great geostrategic and economic importance to the United States, but that its human rights record requires a tough stance. The administration adopted a policy of not selling light arms and crowd control weapons to Indonesia, which, according to assistant Secretary Winston Lord, was linked to human rights in East Timor. That is the position embodied in today's amendment.

In light of this principled and substantive pressure, there has been some progress in East Timor. But in 1 year, it has of course been limited. And I want to stress limited, Mr. President. However, the small steps are more than we have ever gotten since 1975, and I think the facts bear out a strong argument for linkage. With so much further to go, now is hardly the time to abandon such a policy.

Those who continue to dare to disagree in Indonesia are still suppressed, harassed, and as yesterday's events show, even subjected to murder. Just for example:

The very week we struck language which would have prohibited the use of United States weapons in East Timor, the Indonesians shut down three influential journals by revoking their publication licenses. Two of the journals—Tempo and De-tik—had published unflattering articles of senior officials and close friends of President Suharto.

The next day, there were demonstrations against the action. About 50 people were kicked and beaten, about the same number were reportedly arrested. The Indonesians would not confirm that, but a Reuters journalist was there.

The fact that journals have to be licensed by the government at all flies in the face of Article 28 of Indonesia's own constitution guaranteeing freedom of speech. All these restrictions have created an atmosphere of fear throughout every level of Indonesian society.

I have also heard that there have been improvements in the accountability and the restraint of the military, but I have heard no evidence to that effect.

When I questioned Assistant Secretary Winston Lord about the reduction in military presence in East Timor this spring, he could not confirm that there had been any troop withdrawals from East Timor. In fact, I have even been informed by authoritative sources with first hand experiences that uniformed soldiers in East Timor are merely being replaced by plainclothes soldiers. Is this restraint?

This is yet another kind of repression which is very dangerous and creates a permeating atmosphere of fear and terror.

Another illustration: As I mentioned earlier, as the military forces prepares for the visit of the U.N. Special Rapporteur on summary, arbitrary, and extrajudicial executions, witnesses to Dili are being rounded up so they will be unable to talk to the Special Rapporteur. They are questioned at length, refused the right to an attorney, and at risk of being tortured. Six prisoners being held in connection with the Dili massacre were moved to a prison in central Java in May, probably with the intent of keeping them from meeting the Special Rapporteur.

Torture continues. According to Bishop Belo and other observers, prisoners are often tied up and dunked in tubs of water until they nearly drown. Prisoners are burned with cigarettes. Prisoners are subjected to mock executions. An article in the New York Times reports that during a torture session, an intelligence officer told an East Timorese prisoner, "We only need your land. We don't need people like you Timorese."

Also very upsetting is that the military is targeting religious Catholics and clergy. In December 1993 the military captured several young Catholics in East Timor, beat them, tortured them, and forced them to confess to "subversion." On January 4, 1994, Bishop Belo reports that military men were waiting for a student at the Pastoral Institute—Salvador Sarmento—where they beat, tortured, and kicked him until he almost died. They then forced his parents—who are illiterate—to declare that they had seen their son participate in subversive activity.

The suppression extends even beyond the borders of Indonesia. In June there was to be a private conference on East Timor in Manila, in the Philippines, organized at the University of the Philippines. The conference was to be attended by Danielle Mitterand and the Nobel Peace Prize Laureate Mairead Maguire. The Indonesian Government went so far as to seek the cancellation of the conference in Manila.

Threatening to cut off an economic relationship with the Philippines; to exact consequences in the Philippine peace talks with Muslim separatists; to impound Filipino fishing vessels in Indonesian waters, President Suharto succeeded in bullying and intimidating Manila into closing off the conference to any foreign attendants.

But he piqued international concern over exactly what he has to hide.

But East Timor is hardly the only battleground for the Indonesian armed forces.

The armed forces have a dual role in the society, and it addresses all domestic rather than just international security concerns. Troops are deployed down to the village level to control society. The civil servants in the bureaucracy are soldiers in the armed forces. The military gets involved in labor disputes. In essence, the word of the military is law.

Every Indonesian citizen is required to pledge allegiance to the state ideology, Pancasilia, critics or deviations from this code are punishable under the anti-subversion law. Almost every kind of dissent is considered "subversive."

Being subversive subjects you to "disappearance", imprisonment, torture, or even extrajudicial execution.

In addition, the workers rights issue in Indonesia is also quite important—especially as we intensify our economic relations with Indonesia.

The Indonesian Foreign Minister, Ali Alatas, has even acknowledged that better labor relations is in Indonesia' self-interest. Yet, in the last year, there has been an intensification of workers' strikes, and the Indonesian government has cracked down on independent labor groups. Demonstrations are often broken up, protestors detained and arrested, leaders imprisoned under bogus charges.

In one case, in May 1993 a 25-year-old labor activist was tortured, raped, and killed in East Java. There was clear evidence that the murder was premeditated and that at least one Military officer who complied. After intense pressure, the Indonesia Government finally brought charges against nine company executives and even charged one army captain. The national human rights commission—which has no jurisdiction or statutory authority—was unable to charge the suspects and basically acquiesced in a sham trial. The military office was simply charged with "failure to report a crime."

In East Timor, Bishop Belo reports that:

> Indonesian authorities have taken more than 400 young East Timorese to Java with the promise of work. When they arrived there, they were distributed amongst a number of factories without keeping the initial agreement. There were changes of factory and the young people did not receive a sufficient salary. Many of the young East Timorese in Jakarta suffer like slaves. Two of them died already. Others are being persecuted and beaten. It is great injustice and suffering.

The United States Trade Representative has also found that the military has been involved in labor issues and that the Indonesian Government has refused the freedom of association for Indonesian workers.

Clearly, the issues of workers rights and human rights are connected.

Finally, Indonesia has taken the lead in criticizing United States human rights policy. At the 1993 world conference on human rights in Vienna, Indonesia vocally opposed the United States position on the Universality of basic human rights. This is who we want to consider a close ally? An emerging democracy? Indonesia's positions and actions undermine what the president says he wants in a foreign policy, and counter everything we fought the cold war over.

Mr. President, I would prefer to stop supplying the Indonesian military to carry out such control altogether. I am strongly supportive of a conditional ban on light arms because it is these weapons with the Indonesian military uses to control crowds and torture and massacre people in East Timor.

They also are used in Indonesia proper to quell dissent. For example, in a number of incidents, peasants have been shot at at peaceful demonstration by American-supplied M-16s.

A light arm ban is also consistent with the 1958 Mutual Defense Agreement between the United States and Indonesia on equipment, materials, and services, of 1958 which stipulates in section 2A:

> Any weapons or other military equipment or services purchased by the government of Indonesia from the government of the United States shall be used by the government of Indonesia solely for legitimate national self-

defense, and it is self-evident that the government of Indonesia, as a member of HTE United Nations Organization, interprets the term "legitimate national self-defense" within the scope of the United Nations Charter as excluding an act of aggression against any other state.

The U.N., in two Security Council resolutions (R. 384 in 1975 and R. 389 in 1976) and eight General Assembly resolutions on the invasion of East Timor, concluded that Indonesia was in violation of the U.N. charter and was engaged in an act of aggression. In 1975, the State Department legal office reached the same conclusion and said the treaty was being violated.

It is scandalous that the United States Government supplies the tools of repression to Indonesia.

Since the 1991 massacre, the State Department has licensed more than 250 military sales to Indonesia. They have licensed machine guns, riot control chemicals and gear, M-16 assault rifles, electronic components, ammunition, communications gear, and spare parts for attack planes, including F-16s. With every shipment, the U.S. is not only signalling its support for the Indonesian military, but also giving it the tools with which to oppress.

While we should fully support Indonesia's right to legitimate self-defense, we should not support its occupation of East Timor—not until the military accepts a U.N.-supervised referendum in which the Timorese would freely choose their own political status; not until the Indonesian military begins to withdraw its troops; not until the military improves its human rights record against its own people and against East Timor.

Mr. President. I would like to make clear exactly what we are seeking here.

The United Nations has never recognized that East Timor is part of Indonesia. The United States has said that a process of self-determination has been violated. East Timor is a land in disputed status.

The U.N. has developed a process to allow the people of East Timor to determine their fate, to choose their own government—by holding elections under international supervision. This is hardly a radical goal. Indeed, it is consistent with the goal of democracy we are promoting every where else.

Most importantly, it is supported by the indigenous leadership in East Timor, including Bishop Belo.

Indonesia has killed a third of the population in East Timor since its Bloody Annexation of the area. It has flagrantly disregarded international pressure and United Nations resolutions. Indonesia has not paid a price for its brutal and immoral occupation. But occupation, terror, and abuse of human rights are expensive.

As Indonesia gains international prominence it is time to extract the cost of its occupation. If Indonesia wants our friendship, if it wants to be a leader on the world stage, it has to clean up its act. Until it does, U.S. policy should be decisive and principled. U.S. policy should support the goals we fostered throughout the cold war: Human rights and democracy. Indonesia should not be exempt from those goals.

We can no longer facilitate or ignore the horror in East Timor and the other abuses carried out by the forces which are the Indonesian Government.

AMENDMENT NO. 2292

(Purpose: To express the sense of the Senate regarding the provision of humanitarian aid to Haiti)

Mr. LEAHY offered amendment No. 2292 for Mr. DORGAN and Mr. HELMS.

The amendment is as follows:

On page 112, between lines 9 and 10, insert the following:

POLICY REGARDING HUMANITARIAN AID TO HAITI

SEC. 577. It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

Mr. DORGAN. Madam President, this amendment attempts to address an issue that a number of Senators have already mentioned today—providing aid to Haiti.

As my colleagues know, the United Nations (in Security Council Resolution 917) and the United States (in a series of Executive Orders) have imposed a trade embargo on Haiti. I fully acknowledge that this embargo is intended to undermine the de facto regime in Haiti and to lead to the reestablishment of democracy in that country.

Tragically, however, the embargo to further democracy is causing greater human suffering. And this suffering is growing despite the embargoes' exemption of humanitarian aid. Several senators have expressed their concerns about the flood of Haitian refugees that the United States is struggling to handle. We would do well to address the humanitarian conditions that are contributing to this refugee crisis.

Hospitals and clinics in Haiti increasingly lack basic medicines. As a result, according to a recent Agency for International Development report, cases of malaria, diarrhea, and respiratory infections are rising.

One reason might be that two organizations that fly supplies to missions in Haiti have flown one flight each since early May. Agape Airlines and Missionary Flights International used to fly several times a week. Twenty medical teams that had been planning to work in Haiti have had to cancel their flights to that beleaguered country, because they knew that flights to Haiti have been shut down. The AID report also states that 51 percent of Haiti's children are malnourished, 17 percent of them severely so.

One reason might be that private aid groups need spare parts to keep their trucks going. These trucks distribute and deliver the food that Haiti's children need. Despite the good intentions of the administration and of the United Nations, the evidence is that the international embargoes are hurting the most defenseless and innocent of Haiti's people.

I believe that the Senate must express its view on this crisis.

My colleagues will recall that the international embargo exempts humanitarian aid shipments by sea. This is because we are in a position to intercept shipments by sea, inspect vessels trying to reach Haiti, and turn back cargo that violates the embargo.

However, the United Nations has established a different policy for air shipments of humanitarian aid. Aid flights need approval by the U.N. sanctions committee in New York. This is the same committee that approves exemptions to the embargoes against Libya and Iraq.

Under Resolution 917, members of the Security Council have 48 hours in which to object to a proposed waiver for a humanitarian flight to Haiti. If no country lodges an objection, the application is approved.

However, private aid organizations tell me that the waiver approval process is taking more than 2 weeks.

Why? It turns out that there is a cumbersome procedure here in Washington by which the Administration receives, processes, and forwards to the U.N. applications for waivers.

Let me trace the steps that an application must take.

Let's say a private aid group wants to fly humanitarian aid to Haiti. As I understand it, they apply to the Agency for International Development. AID forwards the application to the Treasury Department and the State Department. At Treasury, the Office of Foreign Assets Control looks the application over. Then at State, the Office of Sanctions Policy checks it out. If the application is okayed at this level, it goes to the International Organizations Bureau at State, which forwards it to our U.N. mission in New York, which gives the application to the U.N. Secretariat, which distributes the application to the 15 Security Council members and tells them that the 48-hour clock has begun to run.

I think this process can be streamlined and hastened. My amendment doesn't dictate how—it simply urges that the Administration continue its efforts to hasten this approval process.

I also hope that the United Nations and the administration will work to hasten their approval of medical evacuation flights from Haiti. This issue is important because missionaries and humanitarian volunteers in Haiti have a right to know that if they become ill or suffer an accident, an air ambulance will quickly evacuate them to a hospital in the United States.

The administration and the U.N. have been working hard to hasten the approval of medical evacuation flights. The record approval time is now down to 6 hours. However, if I were a missionary in Haiti, I would want to be medivacked a lot faster than that.

Let me also note that this amendment has the support of Catholic Relief Services, one of the private voluntary organizations that works so hard to provide humanitarian relief to Haiti. We need to support CRS and other such groups that are doing the Lord's work under very difficult circumstances. World Hunger Year, a group that has been concerned about Haitian hunger and poverty, hopes that the current embargo will not exacerbate a situation that is already tragic. And that's why World Hunger Year also supports this amendment.

In summary, Madam President, this amendment expresses the sense of the Senate regarding efforts to relieve the humanitarian crisis in Haiti. It puts the Senate on record as supporting swift approval of applications to fly aid into Haiti.

Madam President, I urge the adoption of this amendment.

I yield the floor.

AMENDMENT NO. 2296

(Purpose: To amend the section on Assistance for the NIS to require protection of biological diversity and environmental quality)

Mr. LEAHY offered amendment No. 2296 for Mr. LEVIN.

The amendment is as follows:

Funds made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

PROMOTING ENVIRONMENTAL QUALITY IN THE NEW INDEPENDENT STATES

Mr. LEVIN. Madam President, a major portion of this bill relates to United States Government-funded assistance to the New Independent States of what used to be the USSR. I would like to engage in a discussion with the distinguished Chairman of the Foreign Operations Appropriations Subcommittee to clarify that it is the intent of the Senate that the assistance programs we fund should not be implemented in ways that reduce biological diversity or environmental quality in the NIS. Is it the Chairman's belief that U.S. Government assistance to the NIS should not be allowed to degrade biodiversity or environmental quality?

Mr. LEAHY. Yes, that is a critical aspect of our assistance. All Senators should be aware that the nations of the former Soviet Union have access to vast natural resources and unique environmental assets. As the United States and other nations of the world continue our efforts to help these countries develop sound market economies and stable democratic societies, we have an opportunity to do so in a way that protects and conserves the most vulnerable of these assets and promotes sustainable development of natural resources. Without a careful and comprehensive approach, the United States Government would be helping these nations to squander some of the most valuable assets they possess.

Russia, for example, contains thousands of unique species found nowhere else in the world, many of which are highly endangered. The Russian Far East alone contains highly endangered Siberian tigers, Amur leopards, several eagle and crane species, sable, lynx, wild boar, Siberian musk deer, wild ginseng, and much more. Economic deregulation and rapid development projects seriously jeopardize this biodiversity.

Protection of the environment and conservation of biological diversity are essential to long-term sustainable development in the NIS, just as they are throughout the world. Protecting the environment and biological diversity is necessary for long-term economic stability and public health, as well as for recreation, cultural and aesthetic values.

Mr. LEVIN. I thank the Chairman. His subcommittee and other Members of Congress have urged the administration to provide more timely and targeted assistance to the NIS. I hope he will also agree we should assure that even rapidly designed projects meet the longer term goals of protecting biodiversity and promoting environmental conservation, which are priorities of both the U.S. Government and governments of these new States.

The United States Government has recently underscored the importance of preserving the Earth's diverse plant and animal species in coordination with other nations by signing the Convention on Biological Diversity. The Senate Foreign Relations Committee voted overwhelmingly on June 29 to recommend ratification of this treaty.

The Clinton administration has also reaffirmed its policy to make biodiversity conservation a high priority for all U.S. Government agencies and programs to promote sustainable development, most recently in a Presidential Decision Directive last May, and in the "Statement of the White House Office on Environmental Policy," of May 27, 1994. Is the Chairman also aware that United States and Russia have been working at the highest levels to incorporate these goals into United States Government-funded assistance programs for the NIS?

Mr. LEAHY. Yes, I am aware of these high-level efforts, but many of us remain concerned about how well those goals are being implemented at the project level.

Throughout the meetings of the Commission on Environmental Cooperation chaired by Vice President GORE and Prime Minister Chernomyrdin, the Russian Ministry of Environment has emphasized that its priority for United States aid is to support Russia's protected areas and maintain the country's biodiversity.

Mr. LEVIN. I share the Chairman's concern, and that is why all U.S. Government assistance programs for the NIS, including those still being implemented with prior year funds, and those to be conceived in the future, should strive to protect biodiversity and enhance environmental quality, never the opposite.

Does the Chairman believe that AID should make a special effort immediately to review its economic, technical and environmental assistance programs, especially in the Russian Far East but also throughout the NIS, to ensure that those programs promote protection of biological diversity, maintenance of unique ecosystems and sustainable development of forest products?

Mr. LEAHY. I believe such an effort by AID is appropriate and timely.

Mr. LEVIN. I thank the Chairman. I believe that AID should take several steps to ensure that projects do not degrade biodiversity, and I would recommend the following.

Foreign assistance projects that may significantly affect biodiversity or the environment should proceed only after a rapid environmental assessment, to be prepared jointly with local specialist in the region. Assessments should address wildlife and plant diversity, as well as the project's effects on soil, water quality and carbon sequestration.

AID should also assess the economic value of non-timber products, such as medicinal and edible plants, animals for fur and meat, local consumption needs and non-timber industries such as ecotourism. Where alternative forms of energy are available or feasible, U.S. assistance projects should seek to use or develop them.

Does the distinguished Chairman believe this set of suggestions would be appropriate steps for AID to take to achieve the environmental goals that the Clinton Administration has established?

Mr. LEAHY. The Senator's suggestions are very good ones that AID would do well to implement in a concerted fashion, and I am sure that the Subcommittee would welcome a report back from AID on how they have taken these suggestions to heart.

I appreciate the Senator raising these concerns, and his suggestions are entirely consistent with the bill before us. His questions serve the added purpose of underscoring just how strong an interest the Senate has in making sure our assistance to the NIS is done well. We need to incorporate environmental concerns into all U.S assistance programs for the NIS, not just projects specifically aimed at environmental protection there.

Mr. LEVIN. I am very gratified at the Chairman's responses to my questions, and thank him for his leadership on these issues.

AMENDMENT NO. 2298

(Purpose: To enhance congressional review of efforts to facilitate peace in the Middle East and for other purposes)

Mr. MCCONNELL offered amendment No. 2298 for Mr. SPECTER and Mr. SHELBY.

The amendment is as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

Mr. LEAHY. Madam President, would that all moved this quickly. Were the rest of the bill to move this rapidly—and, incidentally, I commend and thank Senators on both sides of the aisle for their work in doing that—if the rest of the bill would move this rapidly, we could finish by about 11 o'clock tonight. If it does not, I suspect we are going to be here in the wee hours of the morning and for some long time tomorrow.

I think Senators are trying to avoid—at least the Senators who cooperated in clearing these amendments are trying to avoid—the Dracula rule of legislation.

For those who are new, of course, the Dracula rule is that rule of legislation found in an unpublished version of the Jefferson Manual which says that legislation, like Dracula, comes out after dark and that is when the votes come.

Some of us would, of course, much prefer it be in the daylight hours. I have a lovely wife of 32 years, my dearest friend and truly the person I miss most when I have these late evenings. I wish I could be home with her. Others here have friends, family, or maybe even the joy of some time when they could do things other than this, and I am sure they would like that, too.

So perhaps we could ease the Dracula rule a bit with the help of any Senators who might be here.

We are very close to 5 minutes of 9. Madam President, I believe at that time, we then go to 5 minutes evenly divided on the Brown amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Madam President, I suggest the absence of a quorum, with the time evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2248

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 2248, the Brown-Simon-Mikulsi amendment. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—76

Baucus
Bennett
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Feingold
Feinstein
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Robb
Roth
Sarbanes
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—22

Akaka
Biden
Boxer
Conrad
Daschle
Dorgan
Ford
Glenn
Harkin
Hatfield
Hollings
Inouye
Kennedy
Leahy
Mathews
Metzenbaum
Mitchell
Murray
Pell
Pryor
Rockefeller
Sasser

NOT VOTING—2

Boren
Wallop

So the amendment (No. 2248) was agreed to.

VOTE ON AMENDMENT NO. 2294

The PRESIDING OFFICER (Mr. SIMON). The question is on agreeing to amendment No. 2294 offered by Mr. BUMPERS. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the call.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—60

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Cochran
Conrad
D'Amato
Daschle
DeConcini
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Grassley
Gregg
Harkin
Heflin
Helms
Inouye
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lott
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Roth
Sarbanes
Sasser
Shelby
Simon
Smith
Stevens
Warner
Wellstone
Wofford

NAYS—38

Bennett
Bond
Bradley
Burns
Chafee
Coats
Cohen
Coverdell
Craig
Danforth
Dodd
Dole
Durenberger
Faircloth
Gorton
Graham
Gramm
Hatch
Hatfield
Hollings
Hutchison
Jeffords
Johnston
Kempthorne
Lautenberg
Lieberman
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Rockefeller
Simpson
Specter
Thurmond

NOT VOTING—2

Boren
Wallop

So the amendment (No. 2294) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2297

The PRESIDING OFFICER. The pending business is amendment No. 2297 offered by Mr. MCCONNELL for Senator DOLE.

Mr. LEAHY. Mr. President, I have a number of statements, and I ask unanimous consent that they be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we have Members on both sides of the aisle who are asking legitimate questions, of course, as we progress with the Dracula rule of legislation, voting at this hour. I know we have a number of amendments pending. A number of Senators have said they wanted rollcall votes. I am concerned at the numbers we are hearing about. We can go on for the next 2 or 3 hours, and vote all day tomorrow, and we would still be at this time tomorrow night voting. I understand some have flights at 6 or 7 tomorrow night that they would like to get.

I suggest this. We have one amendment pending, and we are going to have others, and obviously a tabling motion is in order at any time. But we have tried—Senator MCCONNELL and I—to make sure everybody has had a chance to be heard on whatever their amendments are. My guess is that the best way to proceed would be to have a number of amendments and vote on them tonight. A number of those are requiring rollcalls, and we will try to do it in as short a period of time as we can to get some of the rollcalls out of the way.

Another possibility, I say to my colleagues and the distinguished ranking member, is that I think some of these amendments would compress if we knew that we had a time certain for completion of the bill. I know of nobody on either side who wants to stop this bill from eventually being voted on, either for or against it, but completed. So that even if we had that time, we could then work back from it. Tonight when we had two votes back-to-back, in the hour leading up to that, the Senator from Kentucky and I were able to dispose of 15 amendments. We had a time we knew that everybody was going to have to be voting. We got rid of 15 amendments during that time. These were amendments that, originally, people said would take some time. It is possible to move forward just as Members have by the 6 o'clock cutoff this evening for the admission of amendments. People have been cooperative on both sides of the aisle.

I ask my friend from Kentucky, is there a possibility that we could have a time certain to finish this bill?

Mr. MCCONNELL. I say to my friend from Vermont that we are discussing that matter.

Mr. LEAHY. Mr. President, might I do this, because there are those seeking recognition so that nobody would be at a disadvantage. I am going to suggest the absence of a quorum so we can discuss this and hope that we can call it off within 5 or 6 minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DECONCINI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HELMS. How do you get the quorum call called off?

Mr. LEAHY. I did not hear the request.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, first, I have a brief item. It has been agreed to on all sides. If we may have order in the Senate, please.

The PRESIDING OFFICER. The point is well taken. The Senate will be in order. The Senator from North Carolina is entitled to be heard.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2282

Mr. HELMS. Mr. President, I believe amendment number 2282 is at the desk, is that correct?

The PRESIDING OFFICER. That is correct.

The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. MOYNIHAN, Mr. MACK, Mr. BROWN, Mr. ROBB, Mr. LAUTENBERG, Mr. BOND, Mr. GORTON, Mr. GRAMM, Mr. LEVIN, and Mr. HATCH proposes an amendment numbered 2284.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the Committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) No officer or employee of the United States government and no agent or other individual acting on behalf of the United States government shall meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Delcaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. HELMS. Mr. President, this amendment—I have sent this amendment to the desk on behalf of myself, Senator MOYNIHAN, Senator MACK, Senator BROWN, Senator ROBB, Senator LAUTENBERG, Senator BOND, Senator GORTON, Senator GRAMM, Senator LEVIN, and Senator HATCH.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. The point is well taken. Can we take the conversations off the floor, please?

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. Yes.

Mr. BYRD. Mr. President, Senators are supposed to stand and address the Chair and not sit in their chairs. I have seen some sitting on both sides of the aisle while objecting and making statements. I hope Senators will abide by the rules.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I think the predominant view about Jerusalem is that Jerusalem is the capital of the State of Israel. It is a unified city and it must remain a unified city.

So, you can imagine my surprise when I heard that the Agency for International Development was considering opening an office in the eastern part of Jerusalem to funnel money directly to the Palestinians. The Israelis have agreed to give the Palestinians a measure of autonomy over Gaza and Jericho, not, I repeat, not Jerusalem.

Allowing United States Government officials to conduct business in any part of Jerusalem with members of the Palestinian authority—aka the PLO—flies in the face of stated United States policy. Having a United States Government office in Jerusalem dedicated to the Palestinian authority is tantamount to having an embassy to a nonexistent State. These are the kind of things that bolster the Palestinians' baseless claims to Jerusalem and bring the status of Jerusalem into question.

First of all, Jerusalem is an issue to be decided years from now between the Israelis and the Palestinians. It is not to be decided by AID and the State Department. Second, it is the oft-expressed view of the United States Congress that united Jerusalem is the capital of the State of Israel.

I understand that AID has backed off somewhat from its idea of a Jerusalem office. Frankly, I don't care. I am horrified they had such an idea in the first place. This amendment bars any funding to open in any part of Jerusalem any office of the United States Government dealing with the Palestinian governing authority. It also bars meetings between United States Government officials and agents and officials of the Palestinian authority in any part of Jerusalem.

Mr. President, let me make this perfectly clear. This amendment will not stop the consulate in Jerusalem from talking to Palestinians or from conducting business with the Palestinian authority outside Jerusalem. It will stop AID or the State Department from opening or creating a de facto embassy to the Palestinians in Jerusalem.

Mr. President, I understand that this amendment has been accepted by both sides. I am certain that my colleagues recognize that were I to have requested a roll call vote on this amendment, it would have had less than a handful of dissenters. This amendment has the support of the pro-Israel community and the Israeli Government. I ask that my distinguished colleagues on the Appropriations Committee keep that in mind when they go to conference.

Mr. MACK. Mr. President, I am a cosponsor of this amendment offered by Senators HELMS and MOYNIHAN and I rise to support it. The purpose of the amendment is to prevent United States officials from undermining the future status of Jerusalem. The amendment would prohibit official meetings in Jerusalem between United States officials and officials of the new Palestinian authority.

For 19 years, between 1948 and 1967, the city of Jerusalem was divided. An ugly scar, filled with barbed wire, mines, and tank barriers, split the city in two. The western half was Israel's capital, the eastern half was occupied by Jordan.

Throughout those 19 years, no Israeli or Jew was allowed to even visit the holiest site to the Jewish people—the Western Wall. The ancient Jewish Quarter of Jerusalem's old city, including dozens of synagogues, was completely destroyed, and a hotel was built in the ancient Jewish cemetery on the Mount of Olives.

In the Six Day War of 1967, Jerusalem was reunited. Since then, Jerusalem has flourished as a united city open to all faiths. Since then the people of Israel have vowed that Jerusalem would forever remain the undivided capital of Israel.

Mr. President, PLO Chairman Yasser Arafat has repeatedly stated that his objective is a Palestinian State with Jerusalem as its capital. In his infamous speech in Johannesburg he even called for a "jihad", holy war for Jerusalem. Whether such a Palestinian State would be a stepping stone toward an attempt to destroy Israel entirely is a matter for debate. What should not be debatable is that the United States must do nothing to encourage or support any attempt to redivide Jerusalem.

If the Government of Israel wishes to change the status of Jerusalem in the context of a peace agreement that is certainly her right. Jerusalem will be a matter for negotiation between the parties. What is not acceptable is for the United States to pressure Israel to make concessions on Jerusalem.

The goals of freedom, peace, and justice are thwarted, not served, by any step that weakens the State of Israel in her lifelong struggle for existence. The willingness of the Arab world to accept Israeli sovereignty over Jerusalem, and to recognize Israel within secure borders, will be the ultimate test of their willingness to forever end their war against Israel's existence.

The best way for the United States to promote a lasting, just, and secure peace is to support Israel's position that Jerusalem is and must remain the undivided capital of Israel. Unfortunately, current United States policy is to scrupulously refrain from supporting Israeli's position.

It is wrong for the United States to pretend on official maps that Israel has no capital. It is wrong that the United States maintains its embassy in Tel Aviv, not Jerusalem. And it is wrong that the United States officials will not meet with Israel officials in their own offices in the eastern portion of Jerusalem.

This amendment does not address these deficiencies in current U.S. policy. This amendment would, however, help ensure that the United States does not, deliberately or inadvertently, give weight to Palestinian claims on Jerusalem by holding official meetings with Palestinians in Jerusalem. It is a modest but important amendment, and I urge its adoption.

Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor the amendment being offered by the distinguished ranking member of the Foreign Relations Committee concerning Jerusalem. Four years ago, I introduced Senate Concurrent Resolution 106 which said that uncertainly about the status of Jerusalem was harmful to the peace process. It was adopted overwhelmingly by both Houses of Congress. Last fall, shortly after the signing of the Declaration of Principles on the White House lawn, Prime Minister Rabin wrote: "In 1990 Senator MOYNIHAN sponsored Senate Resolution 106, which recognized Jerusalem as Israel's united capital, never to be divided again, and called upon Israel and the Palestinians to undertake negotiations to resolve their differences. The resolution, which passed both houses of Congress * * * I believe, helped our neighbors reach the negotiating table."

The amendment which we are offering this evening attempts to support the peace process in the same way—by removing uncertainties and fears about Jerusalem which make it more difficult for the parties to move forward. The amendment makes two important statements. First, that the United States will not create a new office of Jerusalem for the purpose of conducting business with the newly created Palestinian authority for Gaza and Jericho. Second, that the United States will not participate in meetings in Jerusalem for the purpose of conducting business with the Palestinian authority.

Simply put, there must be no uncertainly about United States conduct toward Jerusalem. For nearly two decades the city was divided. Israeli citizens of all faiths and Jews around the world were prohibited from having access to their holy sites. Now, for more than a quarter century Jerusalem has been united and the religious rights of all faiths have been respected.

Our officials have labored mightily to assist in bringing about a permanent peace in the Middle East. I applaud them. And on the specific issue of Jerusalem, they have already stated publicly that they do not intend to open any new office in Jerusalem to deal with the Palestinian authority and that they will not conduct business with the Palestinian authority in Jerusalem.

Despite these statements, however, there has been considerable uncertainty and concern on this issue. It must be put to rest and that is what this amendment does. It is not helpful to the peace process for there to be any legitimate question about whether our officials might take steps which create damaging precedents or lend any weight to Palestinian claims to Jerusalem. This amendment is intended to end that uncertainly.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. GRAMM. Mr. President, if we are going to stay here tonight, I would just as soon have a rollcall vote on this amendment. If we are going to go home, then I think we ought not to have a rollcall vote on it. But if we are going to stay here, I would like to have an opportunity to vote on the amendment.

The PRESIDING OFFICER. Is there a request for the yeas and nays.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment (No. 2282) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2254

Mr. HELMS. Mr. President, beginning 40 years ago, in 1954, the taxpayers of America have been forced to provide tax funds to give away billions for foreign aid which has benefited dictators intent on damaging the national security of the United States. While the GAO and other Government auditing agencies can review American bilateral aid programs, the American taxpayers' money given every year to the United Nations for so-called voluntary programs is rarely ever monitored by anyone outside of Foggy Bottom. International bureaucrats at the U.N. have kept a tight lid on the fact that the American taxpayers are required to furnish the money to entrench some of the most brutal dictatorships in the world.

For example, most Americans are aware that North Korea, Libya, Syria, Cuba, Iran, and Sudan are identified by the United States as terrorist nations. What many Americans do not know is that all of these countries are recipients of millions of dollars of U.S.-subsidized foreign aid from the United Nations.

The State Department claims that U.S. law prohibits U.S. foreign aid from directly funding programs in terrorist nations. Well, that is the same excuse used by President Clinton to pour millions of dollars into the United Nations Fund for Population Activities, which subsidizes Red China's forced abortion programs. But the State Department refuses to consider that this money is fungible. Every penny that the United States gives to the U.N. frees up other resources which are then funneled through the U.N. to terrorist regimes.

One of the lesser known United Nations agencies—but one of the most damaging to American national security—is the United Nations Development Programme. The UNDP as it is called, claims to be "The world's largest multilateral program of grant technical cooperation." That is U.N.-gobbledy gook for a program which, in reality, has served as a pipeline from which American aid flows freely to some of the worst enemies of the United States.

President Clinton has asked Congress to provide $121 million for UNDP for fiscal year 1995, once again making the United States UNDP's largest benefactor. It is time to tell the United Nations: "Enough is enough." The pending amendment proposes to prohibit all U.S. funding for UNDP.

Senators may find interesting some examples of how the American funding of UNDP works against the national security interests of our country. I am sure that most Americans, when they understand exactly who UNDP's clients are, will agree that every penny of their foreign aid is being wasted by the UNDP.

For the past decade, UNDP has served to prop up the dictatorship in North Korea as it quietly developed nuclear weapons. With United States help, UNDP expects to spend more than $26 million between 1992 and 1996 in North Korea, and part of this funding will be used to help North Korea install a sophisticated, underground fiber-optic communications system.

Consider the following: Our State Department calls North Korea, "one of the most repressive countries in the world," where in a most frightening, Orwellian manner, big brother Kim has encouraged children to spy and report on their own parents and siblings. Private telephones are virtually nonexistent and those few that are operative are monitored continuously. Clearly, North Korea's paranoid leadership does not intend to provide civilian access to a new fiber-optic system it cannot monitor effectively.

In reality, the UNDP fiber-optic project is being used by North Korea to provide its aggressive military machine with secure, reliable communications. Insofar as North Korea's highly centralized military is dependent at the present time on obsolete wireless communications that are vulnerable to American interception and jamming, it makes absolutely no sense for the United States to subsidize North Korea's efforts to eliminate their communications achilles heel. It is outrageous that through the UNDP the American taxpayer is further jeopardizing the lives of 37,000 American troops stationed in South Korea by enhancing North Korea's already frightening war-fighting capabilities. Have we lost our minds?

A second major UNDP program is designed to enhance energy efficiency in North Korea. Despite abundant coal reserves, North Korea continues to face chronic energy shortages and is extremely vulnerable to energy sanctions. Why? Because instead of investing in new coal-fired powerplants, North Korea has bankrupted its treasury to build a nuclear reactor designed to produce offensive atomic weapons, not electricity.

But, thanks to the UNDP and its support for North Korea's energy sector, this madness can continue to divert scarce resources into nuclear weapons proliferation without worrying about any further degradation of North Korea's energy supply.

Some other ways that UNDP is strengthening the stranglehold on North Korea? Well, the UNDP's "Third Country Programme for the Democratic People's Republic of North Korea," dated November 21, 1991, stated that UNDP has proposed other programs to improve the quality of life for North Koreans.

But, sad to say, North Korea is not an isolated example. Libya is slated to receive more than 40 million dollars' worth of technical assistance from UNDP between January 1993 and December 1996. In its justification, UNDP laments America and other countries' refusal to give foreign aid to Libya. Has the UNDP forgotten that it was Libyan terrorists—working directly from the orders of Colonel Qadhafi—who blew up Pan Am flight 103, killing 270 innocent people? Surely no Senator needs to be reminded how brutal Libya's military regime can be.

According to the State Department's "Country Reports on Human Rights Practices for 1993," horrifying acts of torture by the Libyan Government are commonplace:

> Methods of torture reportedly include: chaining to a wall for hours, clubbing, electric shock, corkscrews in the back, lemon juice in open wounds, breaking fingers and allowing the joints to heal without medical care, suffocation using plastic bags, deprivation of food and water, and beatings on the soles of the feet.

Yet, while Qadhafi continues to torture and murder innocent civilians, UNDP increases its aid program to Libya, which according to a March 1993 UNDP document, is designed to "increase human resource development."

Not only does the U.S. foreign aid program help the UNDP operate in nearly every terrorist nation in the world—it continues to prop up the only Communist dictatorship in the Western Hemisphere.

UNDP plans to give Cuba nearly $11 million through 1996 in part to increase industrial production. And what does the UNDP believe are cause for the economic problems in Communist Cuba? According to a May 13, 1991, UNDP document, "Cuba has been seriously affected by a succession of climatic problems such as cyclone Kate." Well, I have got news for the United Nations: It is not the weather that is causing economic hardship in Cuba, it is Fidel and his dangerously confused policies. No amount of foreign aid will help Cuba as long as Castro remains in power.

The United States is subsidizing UNDP projects that are 180 degrees opposite United States policy toward Cuba. According to a UNDP document from May 13, 1991, development of "traditional exportable products, especially cane sugar, citrus fruits, minerals, tobacco, and marine products." So, American foreign aid is being used—indirectly, of course—to increase Cuban export while our own State Department is responsible for enforcing a trade embargo against Cuba.

North Korea, Libya, and Cuba are only a few examples of the wasteful, misguided UNDP programs which work against American national security interests. UNDP also intends to give the Communist regime's in Vietnam and China more than $200 million over 4 years. UNDP hopes to give Syria—a terrorist training ground which the State Department has said: "torture and abuse remains widespread and systematic"—$20 million over the next 4 years.

If the UNDP is so flush with money that has more than $440 million to hand out to some of the world's most despicable regimes—regimes that have actively worked to destabilize America and our allies—then it does not need U.S. help. The United Nations has defined the UNDP as a voluntary program—and America should volunteer not to participate.

As I have already mentioned, included among the beneficiaries of the United Nations Development Program are these nations identified as terrorist nations by the United States State Department—Sudan, Libya, North Korea, Syria, Iran, and Cuba. China received $212.5 million; Vietnam has received $86.6 million; Sudan, $45.7 million; Libya, $40.4 million; North Korea, $26.1 million; Syria $20.6 million; Iran, $11 million; and Cuba, $10.9 million.

For North Korea alone, there are $26 million in projects planned from now until 1996, 25 percent of which is for underground fiber optic communications to be used against the United States of America.

This amendment proposes to cut off the funds for this organization unless and until the State Department can get its act together and stop throwing away money in that order.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, neither I, nor, I suspect, anybody in this body wants United States tax dollars to go in aid to North Korea, Libya, Syria, countries of that nature. But let us not assume that this amendment has anything whatsoever to do with our tax dollars going to such countries.

Under the law today, our contributions to U.N. agencies that operate in countries like North Korea is fenced. In other words, if they have $100 to spend, they are getting $100 from us. But if they are spending $30 in North Korea, places like that, $30 of ours is held back. This is U.S. law now. A portion of the U.S. contribution is fenced in proportion to the amount the agencies spend in these countries. UNDP cannot spend it.

But what UNDP can do, because of the American contribution, is it can have an American director. And, in fact, the UNDP has always had an American as its director.

UNDP is designed to help those countries and those people in the greatest need. The way it does it, it bypasses the government. In some of these countries—it operates in countries like Africa—they have governments that are basically corrupt governments. It bypasses them and gets the money directly to the poorest of the poor.

It gets it to those children who might be facing such things as river blindness. It gets it to the mother who needs nutrition while pregnant. It gets it to the elderly person who needs medicine. It gets it to the children who need schooling. And it gets it there because it has an American as its director, because we do contribute to it.

It focuses on reducing poverty. It creates jobs. It cleans up pollution. It protects forests, improves agriculture, nutrition, basic education. It fights malaria and AIDS, builds low-cost housing, has drug education, prevention.

This is money that goes directly to people and helps them. If the UNDP, being a voluntary organization, spends money in countries that are on a list that we do not approve of, then our contribution is fenced in direct proportion—in direct proportion, so American tax dollars do not go to North Korea or Burma or places like that.

What I am concerned about is that, if we withdraw from this—and that is what this amendment would do—not only do we not have our American director there, but we are saying we are not going to give money to orphans. That is seriously what it comes down to. We are not going to give it to a child stricken with malaria. We are not going to give it to a poor pregnant woman who needs the nutrition. We are not going to give it to a handicapped parent, in some countries the poorest of the poor. And we are not going to have this ability to go and do an end run around corrupt government officials who steal the money.

I share the sense of antipathy the Senator from North Carolina feels toward North Korea and Syria and Libya and countries like that. I stated this many times on the floor and I have worked very much to make sure that aid does not go to such countries. But I am afraid that we are going to be put in a position where poor children, poor people, the poorest of the poor, are not going to be helped. Nor are we going to have the input into helping them if we withdrew from this program.

So I will oppose it.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If there be no further debate, the question is on agreeing to the amendment, No. 2254.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Bennett
Bond
Brown
Burns
Byrd
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kempthorne
Lott
Mack
McCain
Murkowski
Nickles
Pressler
Robb
Roth
Sasser
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NAYS—59

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Shelby
Simon
Wellstone
Wofford

NOT VOTING—2

Boren
Wallop

So the amendment (No. 2254) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2275

(Purpose: To increase the amount appropriated for international narcotics control and to decrease the amounts appropriated for contribution to the Global Environmental Facility and for contribution to the International Development Association)

Mr. NICKLES. I call up amendment No. 2275 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. BROWN, and Mr. D'AMATO, proposes an amendment numbered 2275.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending committee amendment, add the following: "*Provided further*, the amount on page 3, line 6, is deemed to read $50,000,000; *provided further*, the amount on page 3, line 12, is deemed to read $1,097,000,000; provided further, the amount on page 25, line 22, is deemed to read $152,400,000."

Mr. NICKLES. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate is not in order.

There are a variety of conversations taking place in the Chamber, and the Chair will patiently wait until the Chamber is quiet.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. LEAHY. At least for the next 2 or 3 minutes.

Mr. BYRD. Mr. President, a Senator can not reserve the right——

Mr. LEAHY. I object.

Mr. BYRD [continuing]. To object to calling off the quorum.

Mr. LEAHY. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont, Mr. LEAHY, is recognized.

Mr. LEAHY. Mr. President, I understand from the distinguished ranking member that he has a list of amendments which he wishes to have withdrawn. I would ask to be able to yield to him for that purpose and for other purposes which he may have without losing my right to the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. MCCONNELL.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the following amendments be withdrawn: Amendments numbered 2267, 2268, 2271, 2285, and 2280.

The amendments (Nos. 2267, 2268, 2271, 2285 and 2280) were withdrawn.

The PRESIDING OFFICER. The Senator has the right to withdraw the amendments.

Mr. MCCONNELL. I further ask unanimous consent to set aside the pending amendment, and call up amendment 2270, which has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2270

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2270.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add the following new subsection:

"Of the funds appropriated under this heading, not less than 50 percent shall be made available for country specific activities within bilateral, regional, or multilateral programs, excepts as provided through the regular notification procedures of the Committee on Appropriations."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 2270) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont. And the Senator from Vermont retains the floor under the previous order.

Mr. LEAHY. Mr. President, we have tried to go back and forth, not by order, but by simple comity with amendments, first on the Republican side, and then on the Democratic side, and then the Republican side, and so on. The last two or three were on the Republican side. We hope the next one might be on this side of the aisle.

We tried to accommodate the distinguished Senator from North Carolina who had a series of amendments which did not follow the normal order, and put more on the Republican side.

I also understand in conversations from the distinguished ranking member and the distinguished Republican leader that it may be possible to reach a time agreement for the remaining amendments, and a time certain for final passage.

I ask my friend from Kentucky if that might be so.

Mr. MCCONNELL. Yes. Obviously that is so. We have already given to my friend and colleague from Vermont the agreement that we are willing to reach, and it is being looked at on this side of the aisle. So it is a definite possibility to have a time certain for a final vote, and it is awaiting clearance on the other side of the aisle.

Mr. LEAHY. I might suggest—I see the Senator from Florida on the floor and the Senator from Oklahoma. They both have amendments.

I am going to suggest the absence of a quorum. Again I would suggest in doing so, that it probably will not last for more than 3 or 4 minutes. It may save us, as these things often do, several hours.

So with that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that the following amendments be in order to the bill, with the following time agreements, with the times to be evenly divided in the usual fashion, at the expiration of which there will be a vote on or in relation to the amendment, with no second-degree amendments in order:

Amendment No. 2256, with a time agreement of 50 minutes evenly divided; amendment No. 2281, with 30 minutes equally divided; amendment No. 2273, with 50 minutes equally divided; amendment No. 2272, with 30 minutes equally divided; amendment No. 2275, with 50 minutes equally divided; amendment No. 2290, with 50 minutes equally divided; amendment No. 2284, with 30 minutes equally divided; and that those be the only amendments in order.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Reserving the right to object. There were other amendments——

Mr. LEAHY. The Senator is correct. And that any other amendments be those that have been cleared by the managers of the bill.

Mr. GRAHAM. Reserving the right to object. There was another amendment, No. 2291, which is a companion to No. 2290, which would be offered depending on the outcome and the treatment of No. 2290.

Mr. LEAHY. Why do we not put No. 2291 in and ask for 20 minutes equally divided under the same agreement?

Mr. GRAHAM. That is acceptable.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2297

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to bring up amendment No. 2297.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE offered amendment No. 2297.

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"*Provided further*, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2297) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senators LEAHY, JEFFORDS, FEINGOLD, and PELL be added as cosponsors to amendment No. 2286; and that Senators FEINGOLD, HARKIN, JEFFORDS, WELLSTONE, and PELL be added as cosponsors to amendment number 2288.

Mr. LEAHY. Mr. President, so I will not come to the temptation of explaining once more the Dracula rule of legislation, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2279

Mr. LEAHY. Mr. President, I ask unanimous consent that it be in order to call up amendment number 2279.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

Mr. McCAIN offered amendment No. 2279.

At the appropriate place in the bill, insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) The United States maintains a continuing interest in the security of Europe.

(2) The North Atlantic Treaty Organization remains the principal guarantor of European security.

(3) The security concerns of the United States and Europe are best addressed through the collective security arrangement of the North Atlantic Treaty Organization.

(4) The North Atlantic Treaty Organization is not an offensive threat to any nation not part of the North Atlantic Treaty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The North Atlantic Treaty Organization should invite Poland, the Czech Republic, Hungary and Slovakia to accede to the North Atlantic Treaty under Article 10 of the treaty at such time as each is in a position to further the principles of the Treaty and contribute to the security of the North Atlantic area.

(2) Accession to the North Atlantic Treaty should include a commitment to the security of new members according to Article 5 of the treaty.

(3) The President should pursue within the North Atlantic Council the adoption of criteria and timetables for determining the ability of each nation to further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area.

(4) Within 90 days of the passage of this act, the President should report to the appropriate Congressional committees the criteria and timetables the United States will pursue within the North Atlantic Council.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2279) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEVIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate vote on final passage of H.R. 4426, the foreign operations appropriations bill no later than 2 p.m. tomorrow; that upon the disposition of that bill, the Senate proceed to the consideration of H.R. 4453, the military construction appropriations bill; that when the Senate considers the military construction appropriations bill on Friday, July 15, that it be in order for Senator McCAIN to offer two amendments, as follows, and that no amendments be in order to those two amendments, no motions to table be in order, and they be limited to the following times, to be equally divided in the usual form:

First is a McCain amendment regarding add-ons, 2 hours; second is a McCain amendment regarding criteria for add-ons, 1 hour; and that it be in order now to order the yeas and nays on final passage of H.R. 4453.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. I now ask for the yeas and nays on final passage of H.R. 4453.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2296, AS MODIFIED

Mr. MITCHELL. Mr. President, I ask unanimous consent that amendment No. 2296 that was agreed to previously be modified, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2296), as modified, is as follows:

On Page 22, after line 12, add the following new section:

Fund made available in this Act for assistance to the New Independent States of the former Soviet Union shall be subject to provisions of section 117 (relating to Environmental and Natural Resources) of the Foreign Assistance Act of 1961.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that it be in order to order the yeas and nays on final passage of H.R. 4426, the foreign operations appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, this is the culmination of several hours of discussions and negotiations on how best to proceed on these matters and we have discussed other matters as well, myself and the distinguished Republican leader and the assistant Republican leader, and we hope to have a further announcement with respect to other pending bills earlier tomorrow morning.

I thank my colleague for his cooperation and patience.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSAL FOR A UNITED NATIONS "FIRE BRIGADE"

Mr. PELL. Mr. President, I recently read a most interesting proposal by

Timothy W. Stanley, president of the International Economic Studies Institute, and Lukas Haynes, at the Carnegie Endowment for International Peace, calling for the creation of a 5,000-strong rapid deployment force to assist in United Nations peacekeeping efforts. This idea, contained in a article entitled "The U.N. Needs a 'Fire Brigade' To Douse Regional Conflicts" appeared in the July 5, 1994, issue of the Christian Science Monitor, is similar to one proposed by Sir Brian Urquhart.

The authors recognize the need by the international community to have the ability to respond quickly to crises, such as recently in Rwanda or potentially soon in Haiti. They suggest a brigade size unit consisting of volunteers on leaves of absence from their own national services that would train as a unit in order to overcome some of the current logistics and communications problems apparent in U.N. peacekeeping operations.

I ask consent that the article appear in its entirety following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE U.N. NEEDS A 'FIRE BRIGADE' TO DOUSE REGIONAL CONFLICTS

(By Lukas Haynes and Timothy W. Stanley)

The alarm went off on April 6, 1994, when a plane carrying the presidents of Rwanda and Burundi was shot down and the first reports of widespread carnage flooded in. Instead of sending international forces to stop the killing, the United Nations troops on the scene were pulled out. Two genocidal months, 300,000 deaths, and half a million refugees later, the United States agreed to a U.N. force of 5,500 troops from seven African countries. With luck, it may arrive in late summer or early fall. In desperation, France has deployed a force of 2,500 (including its Foreign Legion) despite being perceived by Rwandans as partisan. It is far too late for the dead and dying.

"We can do better," as President Clinton likes to say about domestic policy, and the world must do better in fighting conflagrations like Rwanda. Under current U.N. procedures, once a new operation is approved, the secretariat starts from a zero base of resources. The secretary-general must constantly beg member states for the means to implement Security Council resolutions. The answer: a volunteer U.N. "fire brigade"—a quick-response force to stop a low-intensity conflict before it rages out of control.

What kind of a force makes sense? A standard regimental-size combat team with five key features: (1) a standing force; (2) staffed by personnel who volunteered for U.N. service; (3) detached from member states and national chains of command; (4) equipped with on-hand "interoperable" equipment; and (5) led by a unified command reporting to an enhanced military staff at U.N. headquarters.

Such a "fire brigade" would be deployed by airlift immediately upon Security Council authorization without the delay of assembling national contributions. It being a truly international force, no parliament would need to debate why its soldiers would be fighting machete-wielding Rwandans or Haitian thugs.

Such an integrated brigade would become well-disciplined, elite Ranger-like units, training together for "robust peacekeeping," thus minimizing field confusion over training and doctrine. New equipment would not need to be contracted for in each new mission because the brigade would maintain donated material (from the world's vast surpluses) in prestocked regional depots. U.N. operational orders would not be checkmated by national authorities and language proficiency requirements would eliminate field miscues. Soldiers like civil servants, would be paid by the U.N. while on three-to-five-year leaves of absence from their own national service.

What would the brigade's mission be? It would not be a "UN Army" for Chapter VII military enforcement—a proposition many oppose. Large-scale Persian Gulf-type actions require ad-hoc coalitions. This nucleus brigade would be for short-term deployment in situations that do not require high-tech weaponry. Its goals would be to establish an early UN presence, to protect safe-haven boundaries, and to demonstrate Security Council resolve. The brigade would be used only with a political consensus, in the Security Council and broadly within the region, and when its task would be manageable with the small numbers involved.

Because the brigade might come under concerted attack, the Security Council would have to take steps to ensure that appropriate backup forces were available. But the brigade's principal goal would be to prevent outbreaks of fighting and buy time for the deployment of a larger traditional peacekeeping operation.

What are the obstacles and what would it cost? As with all current peacekeeping efforts, the UN lacks an adequate UN military command with communications and logistic staff—a problem the Clinton administration has taken steps to address. As for cost, in 1992 we used Pentagon data to calculate annual costs of under $400 million for a more-ambitious "UN Legion." If this brigade were to be stationed at a base scheduled for closing, and use surplus equipment, a 5,000-strong force might cost only $200 million a year—a bargain compared with the costs of relief and reconstruction, let alone of a quarter-million human lives!

A volunteer force is not a new idea. The UN's first secretary-general. Trygve Lie, former diplomats (like Sir Brian Urquhart), and the majority of a recent congressional commission on improving the UN have recommended a multinational force. US–UN policy was tragically set back by the exaggerated backlash over US casualties in Somalia. While geared to sensible reforms and sounder criteria, current US policy has added doubt and delay to that inherent in UN procedures.

The US is not to blame for the current outbreak of ethnic anarchy. Nor should it take on every crisis. But it does share the blame for the apathy and "donor fatigue" that hobbles the UN. Dealing with destabilizing, low-intensity conflict is difficult but necessary. It is time to seriously consider a volunteer UN "fire brigade" to help contain the blaze of localized conflict. Then, when the alarm bells ring, someone will be there to answer the calls. For they will surely continue to sound.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 1016. Michael Nacht, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1017. Amy Sands, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1018. Lawrence Scheinman, to be an Assistant Director of the United States Arms Control and Disarmament Agency;

Calendar No. 1019. James Sweeney, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador;

Calendar No. 1020. Thomas W. Graham, Jr., to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador; and

Calendar No. 1025. Nelba R. Chavez, to be Ambassador of the Substance Abuse and Mental Health Services Administration.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Michael Nacht, of Maryland, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

Amy Sands, of California, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

Lawrence Scheinman, of New York, to be an Assistant Director of the United States Arms Control and Disarmament Agency.

James Sweeney, of New Mexico, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador.

Thomas W. Graham, Jr., of Maryland, to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, United States Arms Control and Disarmament Agency, with the rank of Ambassador.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nelba R. Chavez, of Arizona, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of legislative business.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:10 a.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance".

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1716. An act to amend the act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes.

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the a mount of benefits or services based on need.

H.R. 3708. An act to reform the operation, maintenance, and development of the Steamtown National Historic Site, and for other purposes.

H.R. 3817. An act to amend the Fishermen's Protection Act.

H.R. 4253. An act to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

H.R. 4364. An act to direct the Secretary of Transportation to transfer administrative jurisdiction over certain lands for inclusion in the Cape Hatteras National Seashore.

H.R. 4504. An act to amend the Atlantic Striped Bass Conservation Act, and for other purposes.

H.R. 4549. An act to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes.

H.R. 4569. An act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992.

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coast Barrier Resources Act.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the city of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 273. An act to remove certain restrictions from a parcel of land owned by the City of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance".

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 4:13 p.m., a message from the House of Representatives deliver by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

The message further announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 172. Joint Resolution designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II."

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1716. An act to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3708. An act to reform the operation, maintenance, and development of the Steamtown National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4253. An act to require the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; to the Committee on Environment and Public Works.

H.R. 4364. An act to direct the Secretary of Transportation to transfer administrative jurisdiction over certain lands for inclusion in the Cape Hatteras National Seashore; to the Committee on Commerce, Science, and Transportation.

H.R. 4504. An act to amend the Atlantic Striped Bass Conservation Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4549. An act to amend title 5, United States Code, to provide for travel and transportation expenses for the family of a career appointee in the Senior Executive Service who dies after transferring in the interest of the Government to an official duty station and who was eligible for an annuity at the time of death, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4569. An act to extend and make amendments to the President John F. Kennedy Assassination Records Collection Act of 1992; to the Committee on Governmental Affairs.

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System, and to authorize appropriations to carry out the Coast Barrier Resources Act; to the Committee on Commerce, Science, and Transportation.

H.R. 4647. An act to direct the Secretary of the Interior to convey to the city of Imperial Beach, California, approximately 1 acre of land in the Tijuana Slough National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 14, 1994, she had presented to the President of the United States, the following enrolled bills and joint resolution:

S. 273. An act to remove certain restrictions from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes.

S.J. Res. 187. Joint Resolution designating July 16 through July 24, 1994, as "National Apollo Anniversary Observance."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3055. A communication from the Deputy General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled "High Seas Fisheries Licensing Act of 1994"; to the Committee on Commerce, Science, and Transportation.

EC-3056. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to international military education and training; to the Committee on Foreign Relations.

EC-3057. A communication from the Senior Deputy Assistant Administrator (Bureau for Legislative and Public Affairs), U.S. Agency for International Development, transmitting, pursuant to law, the report entitled "Infrastructure Needs Assessment of the New Independent States, Central and Eastern Europe, and Mongolia"; to the Committee on Foreign Relations.

EC-3058. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 1993 through March 31, 1994; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-591. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"LEGISLATIVE RESOLVE

"Whereas, the Alaska Aerospace Development Corporation is a public corporation established by AS 14.40.821; and

"Whereas, the Alaska Aerospace Development Corporation has identified two areas of aerospace development that have special significance to the state, which are the location of satellite ground stations in the Fairbanks area and the construction of a commercial rocket launch facility on Kodiak Island; and

"Whereas, the strategic northern location of the Fairbanks area, the state's state-of-the-art telecommunications systems, the renowned engineering and science faculty and facilities of the University of Alaska, and the availability of skilled employees and contractors have led a number of aerospace companies to express great interest in locating ground stations in the Fairbanks area for the purpose of controlling, communicating with, and processing information from polar-orbiting satellites; and

"Whereas, the growing commercial demand for low-earth orbit satellites is expected to increase the need for a commercial rocket launch facility in the United States; and

"Whereas, the sites proposed by the Alaska Aerospace Development Corporation on Kodiak Island for a rocket launch facility have attracted governmental and aerospace industry interest because of the safety and environmental features of those sites; and

"Whereas, the plans of the Alaska Aerospace Development Corporation for a rocket launch facility promise a low cost, unbureaucratic rocket launch facility free from the restrictions imposed on facilities owned by the federal government; and

"Whereas, the location of ground stations in the Fairbanks area and the construction of the rocket launch facility on Kodiak Island will provide the state with new sources of skilled, long-term employment, provide additional technology infrastructure to the state, and lead to a continued growth in the state's technology industry; and

"Whereas, both of these projects will provide unparalleled educational opportunities for Alaska students because the Alaska Aerospace Development Corporation intends to work with the state's schools during these projects, and this cooperation will expose state students to some notable persons, including some of the best aerospace scientists in the country and Eugene Cernan, who was the last man to walk on the moon and who is on the corporation's board of directors; and

"Whereas, these projects of the Alaska Aerospace Development Corporation would be enhanced if the aerospace industry and the United States government cooperated with and provided technological and other assistance to the Alaska Aerospace Development Corporation during these projects; be it

"*Resolved* That the Alaska State Legislature hereby expresses its support for the projects of the Alaska Aerospace Development Corporation to locate satellite ground stations in the Fairbanks area and to construct a rocket launch facility on Kodiak Island; and be it further

"*Resolved* That the Alaska State Legislature encourages the aerospace industry and the United States government to cooperate and provide technological and other assistance to the Alaska Aerospace Development Corporation for these projects."

POM-592. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Foreign Relations.

"LEGISLATIVE RESOLVE

"Whereas, China has been a divided nation since 1949, and the Republic of China on Taiwan and the People's Republic of China on the Chinese mainland have exercised exclusive jurisdiction over separate parts of China; and

"Whereas, the United Nations' General Assembly Resolution 2758 adopted in 1971 does not constitute a complete solution to the issue of China's seat in the United Nations; and

"Whereas, the Republic of China on Taiwan acknowledges that two equal and distinct political entities exist within the divided China; and

"Whereas, the Republic of China on Taiwan is currently the 14th largest trading nation in the world; its gross national product is the 20th largest national product in the world; its annual per capita income exceeds $10,000; its foreign exchange reserves exceed $80,000,000,000; and it has become the seventh largest outbound investor in the world; and

"Whereas, the 21,000,000 people on Taiwan enjoy a democratic form of government, and the policies of the Republic of China on Taiwan conform to those of other democratic nations; and

"Whereas, the Republic of China on Taiwan has joined other nations in responding to international disasters and crises, has undertaken programs of assistance for less developed nations, and has in other ways accepted regional and global responsibilities; and

"Whereas, the Republic of China on Taiwan has joined several important multilateral organizations in recent years, including the Asia/Pacific Economic Cooperation and the Asian Development Bank, and its admission into these organizations has been supported by the United States; and

"Whereas, a consensus has emerged in the Republic of China on Taiwan that it should participate in the United Nations, and the Republic of China on Taiwan has launched a campaign to pursue a seat in the United Nations without prejudice to the current position of the People's Republic of China in the United Nations; and

"Whereas, membership of the Republic of China on Taiwan in the United Nations conforms to the United Nations' principle of universality and would contribute to the peace and stability of the Pacific region, and, therefore, to the interests of the United States; be it

"*Resolved by the Alaska State Legislature* That the Republic of China on Taiwan deserves to be allowed full membership in the United Nations.

"Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Boutros Boutros Ghali, Secretary-General of the United Nations; the Honorable Madeleine Albright, U.S. Ambassador to the United Nations; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-593. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, Local governments are the most responsive to the people's needs and the first governments to feel the wrath of their constituents when taxes increase; and

"Whereas, Local governments play vital roles in the daily lives of their citizens; and

"Whereas, State expenses for Federal mandates cost an estimated $75 billion nationally; and

"Whereas, Up to 60% of some state budgets are spent on Federal-State programs; and

"Whereas, The Federal government continues to create or expand domestic spending programs with little or no review of the financial burdens it will place on state and local governments; and

"Whereas, In 1993 alone, President Clinton signed 13 bills into law, mandating programs that will cost state and local governments billions of extra dollars primarily for health care, human services and justice programs; and

"Whereas, Some mandates, such as the Americans with Disabilities Act of 1990, were enacted without any reliable estimates of the cost to state and local governments; therefore be it

"*Resolved*, That the Senate of Pennsylvania memorialize the United States Congress to provide perpetual funding to state governments, local governments or school districts for any mandated programs it enacts; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President, the Vice-President, presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-594. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, The Commonwealth is currently spending nearly 20% of its State funds on the health care costs of its citizens; and

"Whereas, The costs of health care both to this Commonwealth and to individuals is rising rapidly; and

"Whereas, The Commonwealth must operate a balanced budget and Federal mandates are placing increasing stress on our ability to do so; and

"Whereas, Changes to the very essence of the health care delivery system of the nation are undergoing debate within Congress; and

"Whereas, This debate could profoundly alter the expectations and the finances of the citizens of this Commonwealth; and

"Whereas, Under President Clinton's Health Security Act, states would have the primary responsibility for ensuring that all citizens within a state have access to health plans providing the national benefits package; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to provide funding for the health care requirements it implements over the life of those requirements; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President, the Vice President, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM–595. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

"RESOLUTION

"Whereas, Local governments are on the front line in the battle against crime; and

"Whereas, Violent crime can ruin the quality of life for the citizens and business enterprises in our cities and towns; and

"Whereas, Local governments are struggling to provide basic services to their citizens with reasonable amounts of tax revenues; and

"Whereas, Some local governments are at maximum allowable rates for property taxes, wage taxes and other taxes; and

"Whereas, The United States House of Representatives and the United States Senate are debating the provisions of President Clinton's anticrime legislation; and

"Whereas, The Crime Bill authorizes over $15 billion in funding to address crime on several fronts, including $3.45 billion to place 100,000 new police officers on the nation's streets, $3 billion for grants to states to construct additional prisons, $7 billion for community programs and $525 million for programs providing employment opportunities for young adults; and

"Whereas, The legislation provides grants for state and local governments to hire additional law enforcement officers; and

"Whereas, Federal funding for the hiring of 100,000 new police officers represents only 75% of the cost while local governments would have to contribute 25%; and

"Whereas, Federal funding for the program is to continue only for three years, and thereafter local governments would have to provide 100% of the future cost of supporting the 100,000 new police officers; and

"Whereas, The legislation mandates life imprisonment for the conviction of a felony if the defendant previously was convicted of two serious Federal or state offenses, thereby putting further financial burdens on state and local correctional systems; therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to appropriate Federal aid for the police hiring program each year to a level that would allow Federal support to continue beyond three years; and be it further

"*Resolved*, That if Congress cannot commit to fully funding its aid to urban areas by funding programs for as long as a serious crime problem exists in this country, that the grant program be omitted from the Crime Bill in order to avoid putting the unfunded present and future costs onto local governments; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, to the Vice President of the United States, to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania."

POM–596. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Appropriations.

"ASSEMBLY RESOLUTION

"Whereas, All too often, the federal government attempts to solve problems by mandating programs and policies on State and local governments; and

"Whereas, While these mandates do not cost the federal government any money, they can be expensive to implement, may wreak havoc with State and local government budgets, and often force States and localities to raise taxes and reduce services in non-mandated programs; and

"Whereas, In addition to cost, these mandates may not be appropriate in all areas of the nation; and

"Whereas, Given our system of government, it is wrong for federal politicians to take advantage of their power to place these onerous obligations on State and local governments; and

"Whereas, If federal politicians mandate a program on State and local governments, then the federal government should provide them with the revenues as well as the responsibilities; and

"Whereas, It is now time for federal politicians to recognize that States and localities can no longer afford the financial burden which is being imposed upon them: Now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the President and Congress of the United States to federally fund any program which the federal government mandates on State and local governments.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State."

POM–597. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on the Judiciary.

"RESOLUTION

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to enact legislation that would require Memorial Day to be observed each year on May 30; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM–598. A resolution adopted by the Arkansas Legislative Council relative to health care reform; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103–308).

By Mr. HOLLINGS, from the Committee on Appropriations, with amendments:

H.R. 4603. A bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103–309).

By Mr. LAUTENBERG, from the Committee on Appropriations, with amendments:

H.R. 4556. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103–310).

By Ms. MIKULSKI, from the Committee on Appropriations, with amendments:

H.R. 4624. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103–311).

By Mr. SASSER, from the Committee on Appropriations, with amendments:

H.R. 4453. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103–312).

By Mr. KOHL, from the Committee on Appropriations, with amendments:

H.R. 4649. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103–313).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Judith Bartnoff, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years;

Zoe Bush, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years;

Rhonda Reid Winston, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years;

John A. Koskinen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget; and

Phyllis Nichamoff Segal, of Massachusetts, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 1999.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) area to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORDS of February 3, May 3, 12, 17, 19, June 8, 14, 16, 20, 27, and July 1, 1994 and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 3, May 3, 12, 17, 19, June 8, 14, 16, 20, 27, and July 1, 1994 at the end of the Senate proceedings.)

*In the Air Force there are 47 appointments to the grade of brigadier general (list begins with James E. Andrews) (Reference No. 1009).

**In the Navy there is 1 promotion to the grade of lieutenant commander (Christopher Reddin Meehan) (Reference No. 1110).

*Lieutenant General Joseph W. Ralston, USAF for reappointment to the grade of lieutenant general (Reference No. 1168).

*Major General Lawrence E. Boese, USAF to be lieutenant general (Reference No. 1169).

*Brigadier General Charles H. Roadman, II, USAF to be major general (Reference No. 1255).

*Major General John P. Jumper, USAF to be lieutenant general (Reference No. 1300).

*Admiral Charles R. Larson, USN for reappointment to the grade of admiral (Reference No. 1318).

*Vice Admiral Ronald J. Zlatoper, USN to be admiral (Reference No. 1342).

*Rear Admiral (Selectee) Frank L. Bowman, USN to be Chief of Naval Personnel and to be vice admiral (Reference No. 1343).

*Vice Admiral Joseph P. Reason, USN for reappointment to the grade of vice admiral (Reference No. 1344).

*Rear Admiral Conrad C. Lautenbacher, Jr., USN to be vice admiral (Reference No. 1345).

*Rear Admiral Philip M. Quast., USN to be vice admiral (Reference No. 1346).

*Rear Admiral John S. Redd, USN to be vice admiral (Reference No. 1347).

*Rear Admiral (Selectee) Archie R. Clemins, USN to be vice admiral (Reference No. 1348).

**In the Navy there are 185 promotions to the grade of captain (list begins with Martin E. Bacon) (Reference No. 1353).

*Lieutenant General Thomas S. Moorman, Jr., USAF to be general and to be Vice Chief of Staff, United States Air Force (Reference No. 1358).

*Rear Admiral (lower half) Donald K. Muchow, USN to be Chief of Chaplains and to be rear admiral (Reference No. 1374).

*Major General Patrick P. Caruana, USAF to be lieutenant general (Reference No. 1380).

*Major General Steven L. Arnold, USA to be lieutenant general (Reference No. 1381).

*Brigadier General John J. Cuddy, USA to be Assistant Surgeon General/Chief of Dental Corps and to be major general (Reference No. 1382).

*Lieutenant General Richard D. Hearney, USMC to be general (Reference No. 1385).

*Lieutenant General George R. Christmas, USMC to be lieutenant general (Reference No. 1390).

*Lieutenant General Robert B. Johnston, USMC to be lieutenant general (Reference No. 1391).

*Lieutenant General Charles C. Krulak, USMC to be lieutenant general (Reference No. 1392).

*Major General Arthur C. Blades, USMC to be lieutenant general (Reference No. 1393).

*Major General Harry W. Blot, USMC to be lieutenant general (Reference No. 1394).

*Major General James A. Brabham, Jr., USMC to be lieutenant general (Reference No. 1395).

*Major General Charles E. Wilhelm, USMC to be lieutenant general (Reference No. 1396).

**In the Air Force there are 21 appointments to the grade of second lieutenant (list begins with David C. Allred, Jr.) (Reference No. 1397).

*Lieutenant General John H. Tilelli, Jr., USA to be general (Reference No. 1406).

**In the Air Force and Air Force Reserve there are 20 appointments to the grade of colonel and below (list begins with Jerry J. Foster) (Reference No. 1408).

**In the Marine Corps Reserve there are 41 promotions to the grade of colonel (list begins with John B. Atkinson) (Reference No. 1409).

**In the Navy and Naval Reserve there are 28 appointments to the grade of commander and below (list begins with Dale C. Hoover) (Reference No. 1410).

*Major General Paul E. Blackwell, USA to be lieutenant general (Reference No. 1417).

*Vice Admiral Douglas J. Katz, USN for reappointment to the grade of vice admiral (Reference No. 1418).

*Vice Admiral Timothy W. Wright, USN for reappointment to the grade of vice admiral (Reference No. 1423).

*Rear Admiral William A Earner, Jr., USN to be vice admiral (Reference No. 1424).

**In the Navy there is 1 promotion to the grade of captain (Douglas Jay Law) (Reference No. 1425).

**In the Navy there are 936 promotions to the grade of commander (list begins with Donald Michael Abrashoff) (Reference No. 1426).

*Lieutenant General Walter Kross, USAF for reappointment to the grade of lieutenant general (Reference No. 1433).

*Major General Bruce L. Fister, USAF to be lieutenant general (Reference No. 1434).

*Major General Jay M. Garner, USA to be lieutenant general (Reference No. 1436).

*Brigadier General Donald W. Shea, USA to be Chief of Chaplains and to be major general (Reference No. 1440).

*Lieutenant General James L. Jamerson, USAF to be general (Reference No. 1452).

*Lieutenant General Albert J. Edmonds, USAF for reappointment to the grade of lieutenant general (Reference No. 1454).

*Major General Thomas R. Griffith, USAF to be lieutenant general (Reference No. 1455).

**In the Air Force Reserve there are 44 promotions to the grade of lieutenant colonel (list begins with George B. Barnett) (Reference No. 1459).

**In the Air Force there are 9 appointments to the grade of second lieutenant (list begins with Todd E. Combs) (Reference No. 1460).

**In the Army Reserve there are 24 promotions to the grade of colonel and below (list begins with Terrance R. Brand) (Reference No. 1462).

**In the Army Reserve there are 43 promotions to the grade of colonel and below (list begins with William D. Bertolio) (Reference No. 1463).

**In the Marine Corps there are 33 appointments to the grade of second lieutenant (list begins with Geoffrey H. Barker) (Reference No. 1464).

**In the Naval Reserve there are 1,112 promotions to the grade of commander (list begins with Jeffery R. Abel) (Reference No. 1465).

**In the Air Force Reserve there are 72 promotions to the grade of colonel (list begins with Thomas F. Astaldi) (Reference No. 1466).

**In the Army there are 1,068 appointments to the grade of major and below (list begins with Peter M. Abbruzzese) (Reference No. 1467).

*Lieutenant General Joseph W. Ashy, USAF to be general (Reference No. 1477).

*Major General Caryl G. Marsh, USA to be lieutenant general (Reference No. 1478).

**In the Army there is 1 appointment as permanent professor at the United States Military Academy (Anthony E. Hartle) (Reference No. 1481).

**In the Marine Corps there is 1 promotion to the grade of major (John C. Burlingame) (Reference No. 1482).

**In the Air Force Reserve there are 37 promotions to the grade of lieutenant colonel (list begins with Hunter E. Blackmon) (Reference No. 1483).

**In the Navy there are 490 promotions to the grade of commander (list begins with Charles Francis Adams) (Reference No. 1484).

**In the Air Force there are 39 promotions to the grade of colonel and below (list begins with Frankie L. Griffin) (Reference No. 1492).

**In the Air Force and Air Force Reserve there are 24 appointments to the grade of colonel and below (list begins with Norma J. C. Correa) (Reference No. 1493).

**In the Air Force Reserve there are 13 appointments to the grade of colonel and below (list begins with Mel P. Simon) (Reference No. 1494).

**In the Air Force Reserve there are 38 promotions to the grade of lieutenant colonel (list begins with Dale R. Anderson) (Reference No. 1495).

**In the Army Reserve there are 11 appointments to the grade of colonel and below (list begins with Victor Guiterrez-Fulladosa) (Reference No. 1496).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Joe C. Crain) (Reference No. 1497).

**In the Army there are 5 promotions to the grade of colonel and below (list begins with John M. Riggs) (Reference No. 1498).

**In the Army there is 1 promotion to the grade of colonel (Charles C. Franz) (Reference No. 1499).

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Stanley H. Unser) (Reference No. 1500).

**In the Army there are 2 promotions to the grade of major (list begins with Jill Wruble) (Reference No. 1501).

**In the Navy and Naval Reserve there are 28 appointments to the grade of commander and below (list begins with Louis W. Bremer) (Reference No. 1502).

**In the Army there are 49 promotions to the grade of lieutenant colonel (list begins with Samuel J. Boone) (Reference No. 1521).

**In the Army there are 1,167 promotions to the grade of lieutenant colonel (list begins with Robert B. Abernathy) (Reference No. 1522).

*Lieutenant General James A. Fain, Jr., USAF for reappointment to the grade of lieutenant general (Reference No. 1537).

**In the Army Reserve there are 28 promotions to the grade of colonel (list begins with Robert F. Anderson II) (Reference No. 1539).

**In the Army Reserve there are 31 promotions to the grade of colonel and below (list begins with Michael J. Bacino) (Reference No. 1540).

*Vice Admiral Richard C. Macke, USN to be admiral (Reference No. 1546).

*Vice Admiral Michael P. Kalleres, USN to be placed on the retired list in the grade of vice admiral (Reference No. 1547).

**In the Marine Corps there are 5 appointments to the grade of second lieutenant (list begins with Ned M. Beihl) (Reference No. 1548).

Total: 5,706.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY (for himself, Mr. THURMOND, Mr. REID, and Mr. STEVENS):

S. 2283. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2284. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Black Canyon of the Gunnison National Conservation Area, to establish the Curecanti National Recreation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 2285. A bill to provide for the sound management and protection of redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself and Mr. COATS):

S. 2286. A bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings; to the Committee on Environment and Public Works.

By Mr. HATCH:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. STEVENS, Mr. D'AMATO, and Mr. JOHNSTON):

S. Res. 243. A resolution recognizing the REALTORS Land Institute on the occasion of its 50th Anniversary; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. THURMOND, Mr. REID, and Mr. STEVENS):

S. 2283. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; to the Committee on Finance.

THE PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1994

Mr. SHELBY. Mr. President, today I am introducing the Prostate Cancer Diagnosis and Treatment Act of 1994. This year 200,000 men will be diagnosed with prostate cancer and another 38,000 will die from this disease. While advancements in medical technology and treatments are offering the victims of this disease an ever-increasing chance of early detection and survival, coverage for prostate cancer screening and treatment under our Federal health care programs remains far behind these advancements.

Mr. President, in March of this year I was diagnosed with prostate cancer. The cancer was discovered through a prostate specific antigen or PSA test administered as part of a routine physical. I had no physical symptoms—no indication that I was seriously ill with a potentially deadly disease. In early April I had surgery to remove the cancer and I am pleased to report that the surgery was successful and that no further treatments were necessary. The promptness of detection in my case and in most other prostate cancer cases usually means the difference between survival or death.

However, for millions of Medicare recipients and veterans, members of an age group that encompasses 90 percent of prostate cancer victims, the simple PSA test and other advanced tests that lead to early detection and more effective treatment are not available as part of their health care coverage.

As a result of this gap in coverage, prostate cancer deaths have increased by 17 percent between 1988 and 1992. Prostate cancer currently has a mortality rate of 25 percent, a rate equal to that of breast cancer. This Nation currently spends over 1 billion dollars per year on late stage prostate cancer treatment because of a lack of early detection. Mr. President, there are a few inexpensive and simple steps that Congress can take to significantly reduce the mortality rate for this disease.

The Medicare and veterans health programs that are under the direct control of Congress cover much of the age group most at risk for prostate cancer. The legislation that I am introducing would provide for PSA and ultrasound screening tests as a part of Medicare—tests not currently covered by the program. This one step will provide early detection for thousands of prostate cancer cases each year—detection that will significantly enhance the survival chances in these cases.

In addition, this bill would extend prostate cancer screening to the veterans health care program. There is currently no screening program available under Veterans health coverage. Annual screening is recommended by the American Urological Association for men over 50.

This initiative would also add Medicare coverage for prostate cancer treatment with advanced oral drugs that are significantly extending and improving the lives of prostate cancer victims. Finally, the bill would provide for increased authorization for research into the causes of and treatments for prostate cancer over the next 2 fiscal years.

Mr. President, regardless of the outcome of the health care reform debate, Congress must and ultimately will address this deficiency in our Federal health programs. To make the simple changes in these programs that I have outlined here today will save thousands of lives in the years to come and bring us closer to eliminating this killer disease that afflicts so many American men. I urge my colleagues to join me in support of this legislation.

Mr. BRADLEY. Mr. President, let me express to the distinguished Senator from Alabama, I respect him very greatly for his statement, and all of his colleagues are also enormously thankful that the operation was a success.

By Mr. CAMPBELL:

S. 2284. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Black Canyon of the Gunnison National Conservation Area, to establish the Curecanti National Recreation Area, to include the Gunnison River in the Nation's Wild and Scenic River System, and for other purposes; to the Committee on Energy and Natural Resources.

THE BLACK CANYON CONSERVATION ACT

Mr. CAMPBELL. Mr. President, I am sending legislation to the desk to designate the existing Black Canyon of the Gunnison National Monument as a national park, designate the Gunnison River as a Wild and Scenic River, establish the Black Canyon of the Gunnison National Conservation Area and establish the Curecanti National Recreation Area.

My goal is not to enact this legislation this Congress—the issues may be too numerous and complicated for that—but to hold hearings, learn what the administration thinks of my efforts, wrestle over any changes that need to be made and consult with my colleagues so Congress can move forward expeditiously next year.

Many of the most complicated issues I have addressed in this bill involve water and water rights. That's no surprise given that this legislation directly impacts a major tributary of the Colorado River. I have waited until now to introduce this bill primarily so that those who want to dissect, interpret, and construe the language of the bill will have ample time to help me clarify my language if necessary.

The designation of a new national park, national conservation area and a wild and scenic river could give rise to the creation of new Federal reserve water rights. Rather than debate the issue of whether Federal reserve water rights exist, and whether or not they should be expressly denied, I have elected in the bill to define any new Federal reserve water rights up front.

Coloradoans have just spent 10 years debating about the issue of Federal reserved rights and wilderness areas. It was not clear whether the creation of new wilderness areas gave rise to a Federal reserved water rights. What was clear was that Congress will not pass a bill that denies such a right if it would otherwise be created.

This bill states that any Federal reserved water right arising from these designations shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument, which has been decreed but not quantified. The language of the bill also states that such Federal water rights are to be exercised coincident with the existing reserved water right and shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) of the bill.

This language allows us to avoid arguments about the creation of Federal reserved water rights and allows us to focus on the mechanism that can ensure water deliveries and the protection of these new BLM and national park system units.

The other major issue comes down to increasing congressional hostility to new national parks. It is no secret that we are loving our parks to death. I recognize that we do not have the money to properly maintain the parks we have, and there is a reluctance to designate new parks without some set criteria. I have addressed these issues head on in my bill, and I welcome some lively debate about the suitability of the redesignation I am proposing.

Mr. President, I want to say that this bill has really taken nearly a decade to produce. The time has come to either protect these resources for future generations or set this proposal aside. I say this because in the next 2½ years, I want proponents to give their all to help me pass a bill. I want all the parties involved to roll up their sleeves and work with me.

Finally, I ask that the rest of my statement, a copy of the bill and a section-by-section breakdown of the bill be included in the RECORD at this time.

BACKGROUND

Even before my election to the House of Representatives in 1986, citizens of local communities, representatives of national environmental organizations, and Federal and State officials have been working as members of an informal advisory committee to help draft legislation to redesignate the Black Canyon of the Gunnison in western Colorado as a national park.

As with all proposals seeking to change the use or status of a public resource, many of the advisory committee members have had competing interests. For instance, the western Colorado congress favored protecting the Gunnison River; water users were concerned about the potential impacts of any Federal reserved water rights that would be created by these designations; the Colorado River energy distributors sought to minimize the impact of the legislation on the operation of the huge Federal dams on the river; the Montrose Chamber of Commerce wants to use the designation to attract visitors; while the Wilderness Society, the Sierra Club, and the National Parks and Conservation Association worked to ensure the bill would not be contrary to what they felt our Nation's natural resource policies ought to be. Other members of the advisory committee included: The National Park Service, the Bureau of Land Management, the Western Area Power Administration, the Colorado Cattleman's Association, the Colorado Off-Highway Vehicle Users Coalition, and river rafting representatives.

I asked the members of the advisory committee to try to reach some consensus on a proposal that would accomplish several goals:

Allow Representatives and Senators from every State to judge whether the Black Canyon of the Gunnison is worthy of national park designation;

Address competing demands for water from the Gunnison River Basin;

Protect the Gunnison River and the lower Gunnison Gorge;

Protect legitimate existing uses of the areas;

Acknowledge the local need to attract tourism to the area; and

Use existing resources, including land-use planning documents, to the fullest extent.

To give you an idea why I wanted to undertake this effort, I would like to refer to a Southwest Parks and Monuments booklet that begins by stating, "Few words adequately describe the splendor of the Black Canyon of the Gunnison—far too many people pass by it. A relative unknown, it ranks among the deepest and narrowest canyons in North America, dwarfing such popular chasms as the Royal Gorge and Bryce Canyon." Truly, its sheer walls, shadowed depths, and the intense colors produced by canyon sunsets awe every visitor. The Ute Indians were very superstitious about the canyon, believing that no man could enter it and return alive.

The existing Black Canyon of the Gunnison National Monument, managed by the National Park Service, and the adjacent downstream Gunnison Gorge Special Recreation Management Area, managed by the Bureau of Land Management, are located in western Colorado. The 29-mile canyon—which includes the national monument and the BLM area—contain steep walls, a deep gorge and unparalleled scenery. The canyon and its rim host a variety of wildlife, including bears, cougars, golden eagles, and peregrine falcons. Recreational uses include gold-medal fishing, hiking, climbing—and in the BLM managed portion—white-water boating, grazing, hunting and trapping. Finally, flowing through the Black Canyon and the nationally significant BLM lands is one of the most outstanding and scenic rivers in the Nation—the Gunnison River.

NATIONAL PARK DESIGNATION

The Black Canyon of the Gunnison National Monument was established in 1933 by Presidential proclamation under the 1906 Antiquities Act. This bill would redesignate it as the Black Canyon of the Gunnison National Park. No lands would be added to the 20,700-acre monument—and none need to be as the monument has been expanded in 1938, 1939, 1960, and 1984, and a wilderness area was added in 1976.

Many complain that we cannot afford any new parks because we cannot afford to manage the parks we already have. I was very mindful of this complaint and in 1988, I asked the Interior Appropriations Subcommittee to direct the National Park Service to complete a "Resource/Boundary Evaluation for Lands Adjacent to Black Canyon of the Gunnison National Monument, Colorado." This study concluded that without the addition of other significant resources, the monument did not qualify for national park status.

I agree that generally, a national park is considered to have a wider variety of resources than a national monument. There is no set criteria for the establishment of a national park, however. No pattern for a park exists and the routes to national park status are as varied as the national parks themselves. Some parks are bigger and some national parks are smaller than the Black Canyon of the Gunnison National Monument. The decision about what areas are suitable for national park designation and which areas are not suitable for national parks status is entirely up to Congress.

Nevertheless, beginning with the premise that my advisory group needed to identify other resources for protection that would be consistent with the National Park Service's recommendation, we set about to craft a proposal that would use the redesignated monument as the centerpiece for an entire enclave of federally protected resources.

NATIONAL CONSERVATION AREA

The second component of this proposal would designate about 64,000 acres of adjacent BLM managed lands as a national conservation area. Within that area, about 21,038 acres have been recommended as wilderness.

The bill would withdraw from mineral entry, subject to valid existing rights, all Federal lands within the NCA. This shouldn't have any impact as the number of mining claims is very small—the BLM has said there are only 10 claims in the entire area—and the possibility of these claims ever being developed in very slim. Hunting, trapping, and fishing would be allowed in the NCA, as would grazing permitted prior to the bill's enactment. Motorized vehicle use is allowed on specifically designated routes. A general management plan is required to be prepared within 3 years after enactment.

In the eyes of my advisory committee, this conservation area constituted the second leg of the triad of resources it wanted to protect.

WILD AND SCENIC RIVER

The bill would also designate a 26-mile segment of the Gunnison River as a wild and scenic river. This segment would begin within the national monument and continue downstream to its confluence with the North Fork, below the NCA boundary.

Although Colorado has many scenic rivers and wild rivers, only one has the national designation under the Wild and Scenic Rivers Act. The advisory committee felt, and the BLM and Park Service agreed, that the Gunnison River deserves to be the second river to be designated as wild and scenic. But before the river could be protected, many complex legal and political issues remained to be resolved.

The first step to resolving the outstanding water rights issues was to have the State Water Conservation Board accept a water right that was donated by Chevron to the Nature Conservancy. This water right provides the basis and required legal protection under State water law for a permanent instream flow of 300 cubic feet per second that will flow through the Gunnison Gorge.

I was particularly excited about the acceptance of this water right because it proved that parties, historically at odds, could overcome philosophical differences in order to implement a permanent in-stream flow below a national monument, where a recognized Federal reserve water right already exists. In addition, monument's existing Federal reserve water right is being quantified by the National Park Service and can protect the national park with a much more senior water right than any new Federal reserve water right could.

The second step was to ensure that future water development would not harm the stretch of river proposed for designation. Therefore, House Natural Resources Committee Chairman MILLER and National Parks, Forest and Public Lands Subcommittee Chairman VENTO joined me in writing to the Bureau of Reclamation on several occasions to request that the Bureau take this legislation into consideration before permitting any new projects on the Gunnison River.

In response, the Bureau of Reclamation proposed crafting a contract that would allow it to provide adequate flows for the wild and scenic river through the national park and conservation area for fish, wildlife, and recreation users, in addition to satisfying the demand for water from Blue Mesa Reservoir.

ASPINALL WATER SERVICE CONTRACT

An Aspinall water service contract may provide the perfect solution for settling the longstanding water rights controversies the advisory committee faced, and which remained unresolved when I first introduced this bill in 1990. Therefore, I have included language in this bill that directs the Bureau of Reclamation to operate the Federal dams on the river on an interim basis to provide water for the reasonable protection of natural resources of the areas established by this bill until the water contract has been completed. When completed, the contract is intended to fully satisfy the water needs of the new areas and the wild and scenic river—and it will have been completed cooperatively by many who originally had the vision to form the advisory committee to push this legislation forward.

Finally, the Secretary must implement this bill consistent with and subject to all the compacts, and other applicable Federal laws that govern the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin.

NATIONAL RECREATION AREA

The last component of this proposal involves the Curecanti National Recreation Area. The national recreation area was first recognized through an agreement between the National Park Service and the Bureau of Reclamation. This 40,000-acre recreation area serves more than a million visitors each year, making it one of the most popular attractions in Colorado.

Although the area has been operating under a cooperative agreement, approved by the Secretary of the Interior, Congress has never formally recognized it, making it difficult for the Park Service to secure adequate funding.

This proposal legislatively establishes the boundaries of the NRA on existing Federal lands and acknowledges the recreational purpose for which the land has been set aside. The bill "grandfathers" in such existing uses as grazing, hunting, fishing, off-road vehicle use, snowmobiling, and other uses that do not interfere with the primary purpose of the CRSP Act, which was water storage and power generation.

The bill also allows the National Park Service to convey a parcel of land next to the Gunnison River, 7 miles west of Gunnison, to the community if it wishes to develop a city park between the town and the recreation area. This would help Gunnison realize one of its many long-term goals for keeping tourists in Gunnison county.

The Aspinall water service contract will take into consideration the water needs of the recreation area such that the water related needs of all areas which are part of this legislation will be provided for in the best possible manner.

SUMMARY

I believe this bill accomplishes several things. First, it redesignates the Monument as a national park without expanding the park boundaries. This preserves existing multiple uses within the area that are so important to off-road vehicle enthusiasts, hunters and fishermen, and local cattlemen who have grazing permits on adjacent lands. It also fulfills the demands of local business people who have long felt that only a park could entice new tourists to pass by this way.

I realize this designation, however, does not and cannot come without cost. With increased use must come increased protection for the canyon's resources. A national park is a lot like a living museum. It is designed to interpret and protect, for all Americans and all generations, an area that Congress has set aside because of its unique and diverse resources.

Combined with the establishment of a new national conservation area, one of only a handful of special areas run by the Bureau of Land Management, and the establishment of only the second wild and scenic river in our State, I hope my colleagues will agree that

Colorado deserves another national park and stands ready to accept the responsibility that comes with it.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION DESCRIPTION

(Italic text indicates changes from H.R. 1321 as introduced in the 102d Congress.)

SECTION 1. SHORT TITLE

This section states that the bill's short title is the "Black Canyon Conservation Act."

SECTION 2. REDESIGNATION OF THE NATIONAL MONUMENT AS A NATIONAL PARK

Section 2(a) redesignates the existing Black Canyon of the Gunnison National Monument as a national park.

Section 2(b) states that the new park shall consist of lands within the existing Black Canyon of the Gunnison National Monument and preserves all existing rights within the new park.

Section 2(c) directs the Secretary to manage the new park in accordance with the National Park Service's organic act. This section states that nothing in this Act shall interfere with the purposes of the original Presidential proclamations establishing the Black Canyon of the Gunnison National Monument. *The language referring to the proclamation is intended to ensure that the existing federal reserved water right for the monument is preserved. This bill does not contain the express disclaimer of a federal reserved water right contained in section 3 of H.R. 1321.*

Section 2(d) states that any federal reserved water right arising from the designation of the national park shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the national park area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321 denied the reservation of a federal reserved water right for the designated national park.*

Section 2 of H.R. 1321 also stated congressional findings and purposes which is no longer included. Section 3 of H.R. 1321 contained the provisions now included in section 2.

SECTION 3. ESTABLISHMENT OF THE BLACK CANYON OF THE GUNNISON NATIONAL CONSERVATION AREA

Section 3(a) and 3(b) establishes the 64,139 acre Black Canyon of the Gunnison National Conservation Area.

Section 3(c) directs the Secretary to prepare and file maps and boundary descriptions of the area. *H.R. 1321 directed the Secretary to file legal descriptions instead of boundary descriptions. Eliminating the requirement of a formal legal description eliminates the need to resurvey the area.*

Section 3(d) directs the Secretary to manage the conservation area in accordance with the Federal Land Policy and Management Act and other applicable laws.

Section 3(e) withdraws the lands within the conservation area (subject to valid existing rights) from mineral entry and from mineral and geothermal leasing.

Section 3(f) allows hunting, trapping and fishing to continue within the conservation area in consultation with the state wildlife agency.

Section 3(g) allows grazing to continue within the conservation area in accordance with the Taylor Grazing Act. *H.R. 1321 allowed grazing to continue within the conservation area in accordance with the Colorado Wilderness Act.*

Section 3(h) states that any federal reserved water right arising from the designation of the conservation area shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the conservation area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321 denied the reservation of a federal reserved water right for the conservation area.*

Section 3(i) states that motorized vehicles may be used within the conservation area on designated routes. *This language simplifies and clarifies similar provisions contained in H.R. 1321.*

Section 3(j) states that the Secretary shall have the power to limit visitor use of the conservation area if he finds it appropriate for the protection of the area. *This is a new section designed to protect the conservation area.*

Section 3(k) states that persons who violate regulations that are established to protect the conservation area shall be subjected to a fine of $10,000 and/or one year's imprisonment.

H.R. 1321 contained a provision designating the BLM wilderness study area within the conservation as wilderness. That provision is not in this bill.

SECTION 4. DESIGNATING THE GUNNISON RIVER AS A WILD AND SCENIC RIVER

Section 4(a) designates the Gunnison River from the upstream boundary of the Black Canyon of the Gunnison National Monument to the Smith Fork as a Wild and Scenic River. *H.R. 1321 designated the Gunnison River as a Wild and Scenic River to the North Fork of the Gunnison River. Withdrawing the designation to the Smith Fork ensures if any project is developed downstream of the designated reach, no injurious inundation of the reach will occur.*

Section 4(b) states that the storage, diversion and consumptive use of Gunnison River water downstream of the designated reach shall not be considered to have an adverse effect on the water related values of the newly designated river. *H.R. 1321 stated that the storage, diversion and consumptive use of Gunnison River water outside of the designated reach shall not be considered to have an adverse effect on Wild and Scenic River. The specification that downstream development will not be injurious is similar to the provisions in the Cache La Poudre designation. Upstream development will not be impaired, nor will it be injurious to the Wild and Scenic designation of this reach of the Gunnison River. The reach designated as a Wild and Scenic River is insulated from upstream development by the operation of the Wayne N. Aspinall Unit and will be protected by the contract described in section 8(c).*

Section 4(c) states that any federal reserved water right arising from the designation of the Wild and Scenic River shall not expand or conflict with the existing reserved water right for the Black Canyon of the Gunnison National Monument. This section also states that such federal water rights are to be exercised coincident with the existing reserved water right and that any federal reserved water right for the Wild and Scenic River area shall be deemed to be fully satisfied by deliveries under the water service contract described in section 8(c) herein in any year. *H.R. 1321, denied the reservation of a federal reserved water right for the designated Wild and Scenic River reach.*

SECTION 5. GENERAL MANAGEMENT PLAN AND VISITOR CENTER

Section 5(a) instructs the Secretary to develop a comprehensive plan for the long-range protection and management of the conservation area within three years of enactment. The plan will incorporate the Bureau of Land Management's existing Uncompahgre Basin Resource Management Plan (completed on September 1988), the Gunnison Gorge Recreation Area Management Plan completed on July 24, 1985 and supplemented on July 21, 1988). The plan shall also incorporate existing wildlife habitat management plans and directs the Secretary to consult with the state of Colorado.

Section 5(b) authorizes the Secretary to construct a visitor center. *This provision was not included in H.R. 1321.*

Section 5(c) allows private or state lands that are within or contiguous to the boundaries of the conservation area to be incorporated into the conservation area if they are acquired, without the need for statutory approval.

Section 5(d) prohibits the disposal of federal lands within the conservation area. This section also directs the Secretary to manage the Bureau of Land Management Wilderness Study Area within the conservation area in a manner so as not to impair their suitability as wilderness.

SECTION 6. ESTABLISHMENT OF THE CURECANTI NATIONAL RECREATION AREA

This section was not included in H.R. 1321. It was introduced as H.R. 2925, in the 102d Congress.

Section 6(a) establishes the Curecanti National Recreation Area as a unit of the National Park System.

Section 6(b) directs the Secretary to prepare and file maps and boundary descriptions of the area.

Section 6(c) withdraws lands within the recreation area (subject to valid existing rights) from mineral entry and from mineral and geothermal leasing. This section transfers administrative control of the recreation area from the Bureau of Reclamation to the National Park Service. It states that the establishment of the recreation area will not adversely affect the operation and management of dams, structures, or other facilities appurtenant to the Colorado River Storage Project. It states that all lands within the recreation area which have been withdrawn or acquired for reclamation purposes shall remain subject to the purposes and uses established under the Colorado River Storage Project Act of 1956 and such lands shall be delineated through a joint agreement between the Bureau of Reclamation, the National Park Service, and all associated entities.

Section 6(d) adjusts the boundary of the Gunnison National Forest to reflect the transfer of jurisdiction.

SECTION 7. ADMINISTRATION OF THE CURECANTI NATIONAL RECREATION AREA

This section was not included in H.R. 1321. It was introduced as H.R. 2925, in the 102d Congress.

Section 7(a) directs the Secretary to administer the recreation area in accordance with this Act and National Park Service organic act.

Section 7(b) directs the Secretary to provide for general recreation uses; grazing; the maintenance of roads, stock driveways, and utility rights-of-way; off-road vehicle and snowmobile use on designated routes; and other such uses as the Secretary may deem appropriate.

Section 7(c) directs the Secretary to permit hunting, fishing, and trapping within the recreation area. This section allows the Secretary, after consultation with the Colorado Division of Wildlife, to issue regulations, designating zones and establish periods when such activities will not be permitted.

Section 7(d) allows the Secretary to acquire land within, or adjacent to, the boundaries of the recreation area. This section directs the Secretary to sell or exchange real property and improvement within the recreation area, in parcels of 10 acres or less if encroached upon by improvements occupied by persons who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was no such encroachment. This section prohibits the Secretary from selling or exchanging such a tract for less than fair market value, and that the authority to sell or exchange such tracts expires after 10 years.

Section 7(e) directs the Secretary to convey to the city of Gunnison, Colorado, the land known as the Riverway Tract to be used for recreational purposes.

SECTION 8. OPERATION OF FEDERAL WATER PROJECTS

This section was not included in H.R. 1321.

Section 8(a) directs the Secretary to operate the Wayne N. Aspinall Unit of the Colorado River Storage Project to provide water for the reasonable protection of natural resources of the areas established by this Act until the water contract in section 8(c) has been completed. In determining such operations, the Secretary shall consider project purposes, existing water uses and shall consult with water users, the Bureau of Reclamation, the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, the State of Colorado, contractors who purchase Federal power produced at the Unit, and other entities the Secretary may deem appropriate.

Section 8(b) directs the Secretary to operate the Wayne N. Aspinall Unit and the Uncompahgre Project in a manner that is consistent with the Taylor Park Reservoir Operation and Storage Exchange Agreement dated August 28, 1975, by and between the United States of America, the Colorado River Water Conservation District, the Upper Gunnison Water Conservation District, and the Uncompahgre Valley Water Users Association, as amended.

Section 8(c) directs the Secretary to execute a water service contract as described in the notice to the Federal Register of Wednesday, May 8, 1992, (Vol. 57, No. 88) providing for the delivery of water to areas established by this Act. The water service contract shall be deemed to fully satisfy and fulfill any and all water needs and purposes created by Sections 2, 3 and 4 of this Act.

Section 8(d) directs the Secretary to implement this Act in a manner fully consistent with and subject to the Colorado River Compact, the upper Colorado River Basin Compact, The Water Treaty of 1944 with Mexico, the Boulder Canyon Project Act, the Boulder County Project Adjustment Act, the Colorado River Storage Project Act of 1956, the Colorado River Project Act, and any other applicable Federal reclamation law or decree that governs the allocation, appropriation, development, and exportation of the waters of the Colorado River Basin. It states that nothing in the Act shall be construed to affect in any way the allocations of water secured to the Colorado River Basin States by any compact law or decree; or any Federal environmental law.

Section 8(e) prohibits the Secretary from using funds from the sale of electric power and energy to carry out the purposes of the Act. If the Secretary finds that in any year that the enactment of this Act does cause a reduction in net offsetting receipts generated by all the provisions of this Act, those costs shall be nonreimbursable.

SECTION 9. AUTHORIZATION OF APPROPRIATIONS.

Section 9 authorizes appropriations to carry out the purposes of the Act.

By Mrs. BOXER:

S. 2285. A bill to provide for the sound management and protection of redwood forest areas in Humboldt County, CA, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

THE HEADWATERS FOREST ACT

• Mrs. BOXER. Mr. President, I am pleased today to introduce the Headwaters Forest Act.

This important legislation will help protect approximately 44,000 acres of threatened redwood forests in northern California, and the numerous plant and animal species which depend on the forests for survival.

This bill was introduced in the House by Congressman DAN HAMBURG, and has the support of over 120 House cosponsors. The bill has been approved by the House Natural Resources Committee and the House Agriculture Committee.

The need for this legislation is particularly urgent. For over 120 years, the Headwaters Forest had been managed in an environmentally and scientifically sound manner by the Pacific Lumber Co. But Pacific Lumber was acquired in a hostile takeover in 1985, and the current owner of the land, MAXXAM, Inc., has undertaken an aggressive program of clear-cutting in an effort to pay off high interest bond debt incurred to purchase the property.

At the time MAXXAM engineered the takeover of Pacific Lumber, Pacific's land included about 16,000 acres of virgin old-growth redwood. Today, only about 6,600 acres of these ancient trees remain.

The bill I am introducing today would extend the boundaries of the Six-Rivers National Forest in Humboldt County to include the core 5,000 acres of the Headwaters old-growth redwood forest. These new boundaries would also include 39,000 acres of second-growth forest surrounding the old-growth core.

The bill addresses the concerns of the timber communities of Humboldt County in several ways. First, over 88 percent of the land included in the new boundaries would continue to be available for logging on a sustainable yield basis. Second, primary consideration would be given to unemployed forest workers and fishermen in hiring people to do forest and stream restoration work. Third, payments in lieu of taxes are explicitly authorized for Humboldt County to compensate for any loss of timber tax revenues. Finally, a 10-year transition period payment is authorized to be made to Humboldt County. The payment would match, dollar for dollar, State of California timber yield tax revenues that would have been paid if logging had continued on the 12 percent of the land closed to logging under the bill.

Because of my serious concern about avoiding deficit spending, the bill has been drafted to require the Forest Service to acquire land within the new boundary by land transfers or exchanges. The bill would further require that all exchange acquisitions made under the authority of the bill receive congressional approval.

Direct purchases would be allowed only after exhaustion of all reasonably available alternatives. I am assured by the Congressional Budget Office and staff for the Senate Budget Committee that this bill will not be scored against the budget. There would be no takings under the bill.

Commercial logging would be banned on lands acquired in the old-growth core and management to enhance and sustain old-growth ecosystems would be required. Selective sustainable harvest of the second growth forests would be allowed to the extent consistent with maximizing the needs of old growth.

Without Federal action MAXXAM's plunder will continue and an important part of our national heritage—among the oldest living things on Earth—will be lost forever. It is time to act.

I urge my colleagues' support for this legislation.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Headwaters Forest Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Redwoods are a significant national symbol and a defining symbol of the State of California.

(2) Old growth stands of redwood trees are a unique and irreplaceable natural resource.

(3) Most of the old growth forests of the United States have been cut.

(4) Less than 5 percent of the original 2,000,000 acres of redwood trees of the West Coast of California remain standing.

(5) The redwood stands that remain are crucial to maintain habitat needed for survival of species that are dependent on old growth forests.

(6) An example of an old growth redwood forest that is crucial to the survival of species that are dependent on old growth forests is the Headwaters Forest, California.

(7) The Headwaters Forest is home to one of the three largest populations in California of marbled murrelets, a rare sea bird that nests only in coastal old growth trees and such forest also provides habitat for the northern spotted owl and native salmon stocks that spawn in the creeks of the forest.

(8) The other remaining stands of old growth forests and old growth redwoods are unprotected and are under immediate threat of being harvested without regard to a consideration of their ecological importance and without the benefit of Federal timber harvest guidelines.

(9) Instead of basing decisions on sound forest management practices, harvesters of old growth redwoods are cutting significant amounts of old growth redwoods in the areas proposed to be added to the National Forest pursuant to this Act at a rate determined by the demands for the payment of high interest on poor quality bonds.

(b) PURPOSES.—The purposes of this Act are to add certain lands and waters to the Six Rivers National Forest, California, and include a portion of such lands and waters in the national wilderness preservation system—

(1) to provide for the sound management and protection of old growth redwood forest areas in Humboldt County, California; and

(2) to preserve and enhance habitat for the marbled murrelet, the northern spotted owl, native salmon stocks, and other species that are dependent on old growth forests.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HEADWATERS FOREST.—The term "Headwaters Forest" means the Headwaters Forest, California.

(2) HEADWATERS FOREST WILDERNESS.—The term "Headwaters Forest Wilderness" means the lands in the State of California that are acquired pursuant to section 4 that are within the areas generally depicted on the map referred to in section 4(a) as the "Headwaters Forest Wilderness (Proposed)".

(3) SIX RIVERS NATIONAL FOREST ADDITION.—The term "Six Rivers National Forest Addition" means the area added to the Six Rivers National Forest pursuant to section 4.

SEC. 4. ADDITION TO SIX RIVERS NATIONAL FOREST.

(a) EXTENSION OF BOUNDARIES.—

(1) IN GENERAL.—The exterior boundaries of the Six Rivers National Forest in the State of California are hereby extended to include the area comprising approximately 44,000 acres, as generally depicted on the map prepared by the National Forest Service entitled "Six Rivers National Forest Addition proposed", dated June 1993.

(2) FILING OF MAP.—A copy of the map referred to in paragraph (1) shall be on file and available for public inspection in the office of the Forest Supervisor, Six Rivers National Forest, and in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ACQUISITION OF LAND.—

(1) IN GENERAL.—

(A) MEANS OF ACQUISITION.—The Secretary may acquire lands or interests in land within the exterior boundaries of the Six Rivers National Forest Addition by donation, by purchase with donated or appropriated funds, or by an exchange.

(B) EXCESS AND SURPLUS FEDERAL PROPERTY.—If the Secretary identifies as suitable for an exchange under subparagraph (A), excess or surplus Federal property, as determined under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) in the form of lands that are under the jurisdiction of any other department, agency, or instrumentality of the United States, the Secretary may take such action as may be necessary to obtain the advance approval of Congress to transfer the lands to the Secretary for exchange. A transfer of such lands shall be made on the condition that the department, agency, or instrumentality that transfers the lands may not receive compensation for such transfer.

(C) ACQUISITION OF LANDS OUTSIDE OF BOUNDARIES.—If a tract of land is only partly within the boundaries referred to in subparagraph (A), the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs.

(D) EXCHANGE OF LANDS ACQUIRED OUTSIDE OF BOUNDARIES.—Land acquired pursuant to subparagraph (B) outside of the boundaries referred to in subparagraph (A) may be exchanged by the Secretary for non-Federal lands within such boundaries.

(E) CERTAIN UNEXCHANGED LANDS.—The Secretary shall report the acquisition of any land acquired pursuant to subparagraph (B) that is not exchanged by the Secretary pursuant to subparagraph (D) to the Administrator of the General Services Administration. The Administrator shall dispose of such lands pursuant to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(F) REQUIREMENTS FOR ACQUISITION OF CERTAIN LANDS.—Lands, and interests in lands, within the boundaries of the Six Rivers National Forest Addition which are owned by the State of California or any political subdivision thereof, may be acquired only by donation or exchange.

(2) ACCEPTANCE OF FUNDS.—

(A) IN GENERAL.—The Secretary may—

(i) accept from the State of California funds in an amount sufficient to cover the cost of acquiring lands within the Six Rivers National Forest Addition pursuant to this Act; and

(ii) notwithstanding any other provision of law, retain and expend such funds for purposes of such acquisition.

(B) TREATMENT OF FUNDS.—Any funds made available to the Secretary pursuant to subparagraph (A) shall be used for the purposes specified in such paragraph without further appropriation and without fiscal year limitation.

(c) LAND ACQUISITION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and implement a land acquisition plan.

(2) CONTENT OF PLAN.—A plan developed under paragraph (1) shall—

(A) contain specific provisions addressing the time and manner of the acquisition of lands under subsection (b);

(B) in acquiring such lands, give first priority to the acquisition of lands for the Headwaters Forest Wilderness;

(C) include an analysis of practicable means of providing for compensation for the acquisition of such lands other than cash payments, including providing for the use or exchange of certain excess or surplus property of the Federal Government (as determined under the Federal Property and Administrative Services Act of 1949; 40 U.S.C. 471) that the Secretary shall identify and list; and

(D) acquire lands in accordance with the requirements of paragraph (3).

(3) EXHAUSTION OF NON-CASH ALTERNATIVES.—With respect to the acquisition of a specific parcel of land pursuant to the plan, the Secretary shall, to the maximum extent practicable, use all practicable alternatives to cash payments from funds appropriated to the Department of the Interior. With respect to such acquisition, the Secretary may use such cash payments only to the extent that such alternatives are not sufficient to provide for such acquisition.

(4) DISTRIBUTION OF PLAN.—The Secretary shall submit a copy of the plan developed under this subsection to the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives.

SEC. 5. WILDERNESS AREAS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), lands in California that are acquired under section 4 that are in the Headwaters Forest Wilderness shall, upon acquisition, be considered wilderness and a part of the National Wilderness Preservation System.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the inclusion of any lands in the Headwaters Forest Wilderness, the Secretary shall submit a copy of the map and a legal description of the area so included with the Committee on Energy and Natural Resources of the Senate and with the Committee on Natural Resources of the House of Representatives.

(2) CORRECTION OF CLERICAL AND TYPOGRAPHICAL ERRORS.—The Secretary may correct clerical and typographical errors in a map or legal description referred to in paragraph (1).

(3) FILING OF MAPS AND BOUNDARY DESCRIPTIONS.—Each map and legal description submitted to the committees of Congress specified in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture.

(c) BUFFER ZONES NOT INTENDED.—

(1) STATUTORY INTENT.—Nothing in this Act is intended to require the creation of protective perimeters or buffer zones around a wilderness area designated pursuant to this Act.

(2) PERMISSIBILITY OF CERTAIN WILDERNESS ACTIVITIES ALONG A BOUNDARY.—The fact that a nonwilderness activity or use may be seen or heard from an area within a wilderness may not be used alone to preclude such activities or uses adjacent to the boundary of the wilderness area.

(d) STATE AUTHORITY OVER FISH AND WILDLIFE.—In accordance with section 4(d)(8) of the Wilderness Act (16 U.S.C. 1133(d)(8)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of California with respect to wildlife and fish in any areas designated by this Act as wilderness.

SEC. 6. ADMINISTRATION.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 1 year after the Secretary acquires all or a significant portion of the lands identified under the land acquisition plan developed under section 4(c), the Secretary shall develop and implement a comprehensive management plan for the Six Rivers National Forest Addition.

(2) CONTENT OF PLAN.—The comprehensive management plan developed under paragraph (1) shall prescribe measures for the preservation of the existing old growth redwood ecosystems in the Six Rivers National Forest Addition, including the following:

(A) With respect to the sale of timber—

(i) prohibiting the sale of timber from lands within the old growth redwood groves in the Six Rivers National Forest Addition, as depicted generally on the map referred to in section 4(a); and

(ii) permitting the sale of timber in areas of the Six Rivers National Forest Addition not specified in clause (i) in a manner consistent with the purposes of this Act and any other applicable Federal laws.

(B) Restoration measures to restore lands affected by timber harvests that occurred before the date of implementation of the plan to mitigate watershed degradation and the impairment of habitat for the marbled murrelet, spotted owl, native salmon stocks, and other species dependent on old growth forests.

(3) REVIEW AND REVISION OF PLAN.—

(A) Except as provided in subparagraph (B), at such time as the Secretary revises the applicable land and resource management plan for the Six Rivers National Park that is in effect on the date of enactment of this Act the Secretary shall review and revise the comprehensive management plan developed under this subsection.

(B) The Secretary may revise the schedule for reviewing and revising a comprehensive management plan developed under this subsection if the Secretary determines that a more frequent schedule of review and revision is necessary to meet the purposes specified in section 2(b).

(b) APPLICABLE LAWS AND POLICIES.—

(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall administer the lands acquired under section 4(b) in accordance with the comprehensive management plan developed under subsection (a), other applicable requirements of this Act, and any other applicable law.

(2) WILDERNESS.—Except as provided in paragraph (3), subject to valid existing rights, any lands acquired and designated as wilderness under section 5(a) shall be administered in accordance with the comprehensive management plan developed under subsection (a), other applicable requirements of this Act, and any other applicable law, including the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) EFFECTIVE DATES UNDER WILDERNESS ACT.—With respect to lands designated as wilderness under section 5(a), any effective date under the Wilderness Act (or any similar reference) shall be deemed to be a reference to the date of acquisition of such lands under section 4.

(c) EMPLOYMENT PRACTICES.—To the maximum extent practicable, the Secretary shall take such action as may be necessary to ensure that all work to implement the restoration measures under the comprehensive management plan developed under subsection (a) are performed by unemployed forest workers and unemployed timber workers, unemployed commercial fishermen, or other unemployed persons whose livelihood depends on fishery and timber resources.

(d) AGREEMENTS.—In order to facilitate the management of the lands subject to the comprehensive management plan developed under subsection (a), the Secretary, acting through the Chief of the Forest Service, may enter into agreements with the State of California for the management of lands owned by the State or purchased with State assistance.

SEC. 7. PAYMENTS TO LOCAL GOVERNMENT.

(a) PILT.—Solely for purposes of payments made pursuant to chapter 69 of title 31, United States Code, all lands added to the Six Rivers National Forest pursuant to section 4 shall be deemed to have been acquired for the purposes specified in section 6904(a) of such title 31.

(b) 10-YEAR PAYMENT.—

(1) IN GENERAL.—Subject to the annual appropriations and subsection (c), for the 10-year period beginning on the date of the acquisition of lands under section 4, the Secretary shall make annual payments with respect to such acquired lands to Humboldt County in the State of California in an amount equal to the State of California Timber Yield Tax revenues payable under section 38101 et seq. of the California Revenue and Taxation Code (as in effect as of the date of enactment of this Act) that would have been paid with respect to such lands if the lands had not been acquired by the United States, as determined by the Secretary pursuant to this subsection.

(2) DETERMINATION OF AMOUNT OF PAYMENTS.—The Secretary shall determine the amount of each annual payment made pursuant to paragraph (1) on the basis of an assessment of a variety of factors, including the following:

(A) Timber actually sold during the year for which the payment is based from comparable commercial forest lands of similar soil type and slope.

(B) A determination of appropriate timber harvest levels.

(C) A consideration of comparable timber size class, age, and quality.

(D) Market conditions.

(E) Applicable Federal laws and applicable laws of States and political subdivisions of States.

(F) The goal of achieving a sustainable, even-flow harvest of renewable timber resources.

(c) CALIFORNIA TIMBER YIELD TAX.—The amount of State of California Timber Yield Tax payments paid to Humboldt County for any year pursuant to the laws of California for timber sold from lands acquired under this Act shall be deducted from the sums to be paid to Humboldt County in such year under subsection (b).

(d) 25-PERCENT FUND.—Amounts paid under subsection (b) with respect to any land in any year shall be reduced by any amounts paid under the last paragraph in the matter under the heading "FOREST SERVICE." in the Act of May 23, 1908 (35 Stat. 360, chapter 192; 16 U.S.C. 500) which are attributable to sales from the same lands in that year.

SEC. 8. FOREST STUDY.

(a) IN GENERAL.—The Secretary shall study the lands within the area comprising approximately 13,620 acres and generally depicted as "Study Area" on the map referred to in section 4(a).

(b) REQUIREMENTS FOR STUDY.—In carrying out the study, the Secretary shall—

(1) analyze the potential of the area specified in subsection (a) as an addition the Headwaters Forest; and

(2) identify, with respect to the area—

(A) the natural resources of such area, including wildlife and fish and the location of old growth forests, old growth redwood stands, habitat for threatened and endangered species and populations (including the northern spotted owl and marbled murrelet);

(B) commercial timber volume;

(C) recreational opportunities;

(D) watershed management needs; and

(E) the cost of acquiring the lands of the area.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare a report that contains the findings of the study conducted under this section and submit a copy of the report to the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Agriculture of the House of Representatives.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.•

By Mr. LUGAR (for himself and Mr. COATS):

S. 2286. A bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings; to the Committee on Environment and Public Works.

THE RAIL GRADE CROSSING SAFETY ENHANCEMENT ACT OF 1994

• Mr. LUGAR. Mr. President, today I am introducing the Rail Grade Crossing Safety Enhancement Act of 1994. This legislation will provide States flexibility in determining the best use of Federal transportation funds to reduce accidents and increase safety at railroad grade crossings. This bill is of great importance to many Hoosier citizens, to local communities, and to the Nation as a whole.

Across America this year, several hundred people will be killed and thousands more injured as a result of vehicle-train collisions. While rail crossing accidents declined last year, the number of fatalities from these accidents increased in 1993 by 8.1 percent.

In Indiana, however, both grade crossing accidents and fatalities are on the rise. In 1993, Hoosiers ranked fifth in the Nation in the number of fatalities with 36, and third in the total number of crossing accidents with 299.

Recently, I took a 65-mile train trip across northern Indiana aboard a Q-500 CSX locomotive. As we traveled from the city of Garrett to the town of Teegarden, I saw what engineers witness every day—drivers ignoring warning signals and crossing the tracks within a few hundred feet of our oncoming train. This experience reaffirmed my view that rail crossing safety devices need to be improved, and that rail safety education must be a major part of any effort to reduce grade crossing accidents.

To address this growing problem in my State, I began working with Transportation Secretary Peña and with the Indiana Department of Transportation [INDOT] to find solutions that will help States better use available funds to target Indiana's most dangerous crossings.

I also asked the General Accounting Office earlier this year to study Indiana railroad crossing improvement programs and to evaluate how best to make necessary and long term safety improvements in Indiana.

I am a cosponsor of S. 2127, the Railroad Grade Crossing Safety Act of 1994, a bill that seeks to promote rail safety by using existing resources to improve safety education, encourage private sector participation, enhance cooperation among agencies, and strengthen enforcement of rail crossing laws. This measure encourages public participation by including a toll-free phone number for the public to report equipment malfunctions at grade crossings.

While these initiatives will help improve safety at grade crossings, I believe an additional change in transportation law is needed to further assist States using Federal dollars for safety.

Title I, section 153 of the Intermodal Surface Transportation Efficiency Act of 1991 penalizes States that do not have in effect laws requiring seat belts for motorists and helmets for motorcycle riders. Under the provision, those States that do not have both seat belt and universal helmet laws must devote 1.5 percent of their Federal surface transportation funds to nonconstruction safety education programs. The percentage increases to 3 percent for fiscal year 1995 and in future fiscal years.

I strongly support transportation safety and education programs, and believe motorists and motorcyclists alike should drive and ride defensively with proper protective gear. I also believe, however, that safety belt and helmet laws are best decided by State legislatures. While the authors of this provision were well-intentioned in their efforts to promote safety, I do not believe it is appropriate for the Federal Government to penalize States to force compliance on these matters.

The ISTEA requirement to divert a portion of a State's highway construction funds to section 402 safety programs limits States' ability to apply these funds for other legitimate safety enhancing projects, namely, installation of protective warning devices at grade crossings.

I believe railroad grade crossing improvements differ from other highway projects because they provide a visible and quantifiable return on investment. While some highway safety projects are designed primarily to increase a region's economic growth, the sole purpose of safety improvements at grade crossings is to reduce accidents and save lives.

States with a high number of rail crossings and crossing accidents would benefit from the additional flexibility this bill provides. In 1993, 40 percent of grade crossing accidents in the United States—and 31 percent of fatalities—occurred in States that did not meet the Federal safety belt and helmet law requirement.

With this legislation, a Governor could request that a portion of the diverted funds be used to install protective devices at hazardous rail crossings as part of a comprehensive, statewide rail safety improvement and rail safety education initiative.

I want to emphasize that this legislation is limited in scope and is not intended to be a slippery slope for States to raid designated Federal safety education programs for construction projects. It does provide, however, flexibility for States to request that all or a portion of diverted Federal highway funds be available for one legitimate, safety-oriented, lifesaving purpose: To save lives through installation of more and better protective warning devices at dangerous rail crossings.

The purpose of section 153 of ISTEA is to improve safety on our Nation's highways. Because the only conceivable purpose of rail crossing safety equipment is safety, I believe this measure conforms to the original spirit and intent of section 153.

I recently received a letter from INDOT Commissioner P'Pool expressing his support for this legislation. Mr. President, I ask unanimous consent that it be printed in the RECORD.

Mr. President, concern about improving rail safety is growing in Congress, at the State level, and in our schools and communities. Partnerships between the public and private sectors—such as the valuable work being done by Operation Lifesaver, Inc., a nationwide nonprofit rail safety organization—have raised education and awareness about rail crossing safety. These joint efforts will continue to be a vital component in the campaign to eliminate accidents at rail grade crossings.

It is my sincere hope that the Senate will support this important legislation. This bill is a cost-effective, common sense approach that will help eliminate a persistent and preventable problem. Rail transportation is, and will continue to be, an important part of our Nation's continued economic strength. This measure provides States an additional tool to reduce the number of needless deaths and injuries caused by motorists who try to beat the train.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDIANA DEPARTMENT OF
TRANSPORTATION,
Indianapolis, IN, June 23, 1994.

Hon. RICHARD G. LUGAR,
U.S. Senate, Washington, DC.

DEAR SENATOR LUGAR: I have reviewed with great interest your proposed bill allowing seatbelt/motorcycle helmet sanction funds to be used for the improvement of railway-highway crossings. Clearly, you recognize that rail-highway crossing safety is an issue of vital importance to the people of the State of Indiana as well as the nation as a whole.

I am pleased to inform you that INDOT is in full support of your proposed legislation. We will be communicating with the other members of Indiana's Congressional delegation to urge them to join you in advocating this measure.

Your bill is especially valuable because it not only addresses the need to fund rail-highway improvements, but also because it provides sensible funding flexibility in concert with priorities recommended by the states.

Sincerely,
FREDERICK C. P'POOL.●

By Mr. HATCH:

S. 2287. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Finance.

ARROW EXCISE TAX ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation that will simplify the Internal Revenue Code regarding the imposition of the Federal excise tax on arrows. Given the complexities of today's tax code, meaningful simplification should be warmly welcomed.

Mr. President, this bill will benefit manufacturers, wholesalers, retailers, assemblers, and, most importantly, the consumers of archery equipment. In 1993, there were nearly 3 million licensed bow and arrow hunters in the United States, including 28,000 from my home State of Utah. These figures exclude millions of individuals who enjoy archery as a hobby but do not hunt with a bow and arrow. Let me explain both the present status of this excise tax and why simplification is needed.

Under section 4161(b) of the Internal Revenue Code, an excise tax of 11 percent is imposed upon the sale by the manufacturer, producer, or importer, of an arrow or an arrow's components parts and accessories. A complete arrow consists of various component parts, namely: a shaft, a point, a nock, and a vane. The arrow shaft is sold separate from the point, nock, and vane, which are attached to the shaft to make a complete arrow. The assembly of these parts into a finished arrow may take place at a wholesale manufacturing level, a distribution level, a retail level, or at the consumer level. Identifying the manufacturer for purposes of the tax is difficult because of the long distribution chain between the raw material supplier and the consumer. Under current law, anyone who manufacturers arrows, or the various parts of arrows, may be required to collect the excise tax.

The current interpretation of the tax law on arrows has resulted in a great deal of confusion among retailers as well as among IRS field agents enforcing the law. Currently, local shops are subject to different interpretations of what is taxable. Ultimately, the tax falls on the last person in the chain to materially change the article before it is sold to the consumer. Unfortunately, several members of this chain may fit the definition of a manufacturer, and each is liable for the tax unless certain registration requirements are met and exemption forms filed.

As you can see, Mr. President, the method for collecting the excise tax on arrows needs to be streamlined. My bill would change the imposition of the excise tax to fall on the component shafts, points, nocks, and vanes that are manufactured, rather than on the aggregated value of the assembled arrow. This is a significant change, but one that will greatly simplify the administration of the tax. Individual distributors, assemblers, and retail sellers of arrows or parts of arrows will no longer be responsible for collecting the excise tax. Only the manufacturers of these parts will bear the responsibility of the excise tax. Thus, identification of the manufacturer will be simpler and clearer. Industry representatives, who support these changes, have indicated to me that this simplification should increase compliance and therefore enhance revenues. Enforcement by the IRS should also be less difficult under this legislation.

Mr. President, the result of this bill is a narrowing of the collection base. Instead of having thousands of distributors, retailers, or custom arrow shops being potentially liable for the tax as under the current law, about 65 companies would be liable under the bill. This simplification would save the IRS a considerable amount of time and money in enforcing the tax. It also would free smaller dealers and stores from the burden of computing and remitting the excise tax.

The language in this bill accomplishes the needed simplification of this particular section of the tax code. One consequence of this change is the possibility that a higher excise tax rate may be needed to make the measure revenue neutral. The arrow manufacturing industry agrees that this simplification is not intended to decrease revenue to the Federal Government. I am working with the Joint Committee on Taxation to find a rate of tax that will make the end result revenue neutral. The bill, as introduced, Mr. President, includes an 11-percent tax rate, which is the same as under present law. It is my intention to adjust this rate, up or down, as needed, to keep this bill revenue neutral. I want to point out, however, that greater compliance should be achieved by having a much smaller number of entities responsible for the tax. This greater compliance, together with the savings realized from the reduced manpower requirements the IRS needs to enforce this tax, should combine to allow an equal or lesser tax rate than under current law. These factors should be considered when determining the revenue impact of this legislation.

Mr. President, the amount of revenue we are talking about is around $13 million a year. These revenues are, by law, required to go to the Pittman-Robertson Fund, established by the Federal Aid to Wildlife Restoration Act. The proceeds of this fund go toward wildlife restoration and hunter education programs administered by the U.S. Fish and Wildlife Service. The bulk of this fund is, in turn, passed onto the States to fund their own wildlife programs.

Under current law, arrows made by native Americans are exempt from the Federal excise tax. The simplification bill I am introducing today would not remove or alter this exemption in any way.

In conclusion, Mr. President, I believe that today, more than ever, we need to be mindful of the many burdens we are placing on small businesses and consumers through numerous Federal mandates and burdensome tax compliance measures. Businesses and consumers nationwide spend billions of dollars each year on tax compliance. Consumers, of course, pay for this compliance through higher retail prices for goods and services. We all know this money could be put to more productive use. Even though this bill is small in comparison to the immense tax code, I think it is right on target in terms of helping us to achieve tax simplification.

Mr. President, this legislation is a beneficial modification to the tax code presented in a win-win framework. I hope it will be swiftly adopted, and I encourage my colleagues to support and cosponsor this bill.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 993

At the request of Mr. KEMPTHORNE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1735

At the request of Mr. SIMON, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1735, a bill to establish a Privacy Protection Commission, and for other purposes.

S. 1976

At the request of Mr. DODD, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 1976, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 2114

At the request of Mr. BIDEN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2114, a bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States.

S. 2247

At the request of Mr. GORTON, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 2247, a bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

SENATE JOINT RESOLUTION 199

At the request of Mr. COCHRAN, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 199, a joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion.

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

SENATE RESOLUTION 185

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Resolution 185, a resolution to congratulate Phil Rizutto on his induction into the Baseball Hall of Fame.

SENATE RESOLUTION 234

At the request of Mr. MOYNIHAN, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Resolution 234, a resolution expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes.

AMENDMENT NO. 2245

At the request of Mr. NICKLES his name was added as a cosponsor of Amendment No. 2245 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2246

At the request of Mr. DORGAN his name was added as a cosponsor of

Amendment No. 2246 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2248

At the request of Mr. KOHL his name was added as a cosponsor of Amendment No. 2248 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

At the request of Mr. BROWN the names of the Senator from Virginia [Mr. WARNER], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from North Carolina [Mr. HELMS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Amendment No. 2248 proposed to H.R. 4426, supra.

SENATE RESOLUTION 243—RELATIVE TO THE REALTORS® LAND INSTITUTE ON THE OCCASION OF ITS 50TH ANNIVERSARY

Mr. LOTT (for himself, Mr. STEVENS, Mr. D'AMATO, and Mr. JOHNSTON) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 243

Whereas, in 1944, the REALTORS® Land Institute was founded by 20 land specialists who met at the Drake Hotel in Chicago, Illinois, to establish a national organization that would provide education, information, marketing opportunities, and broker networking to enhance the ability of their members to conduct business as recognized professional land use specialists and, through collective action, preserve private property rights;

Whereas the REALTORS® Land Institute has been an affiliate of the National Association of REALTORS® for 50 years;

Whereas, in 1994, the REALTORS® Land Institute celebrates 50 years of serving land owners, users, and realtors throughout the United States and Canada;

Whereas the REALTORS® Land Institute members have developed international marketing capabilities and networks throughout the world;

Whereas the REALTORS® Land Institute is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions;

Whereas the REALTORS® Land Institute encourages continuing education and rewards members who complete an extensive education program and service to the land industry with a national designation of Accredited Land Consultant (ALC); and

Whereas the REALTORS® Land Institute is a national professional trade association, dedicated to advancing the effective use of our most precious commodity, land: Now, therefore, be it

Resolved, That the Senate recognizes the REALTORS® Land Institute on the occasion of its 50th Anniversary.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the REALTORS® Land Institute.

• Mr. LOTT. Mr. President, I rise today to submit a Senate resolution commemorating the 50th anniversary of the REALTORS® Land Institute [RLI]. The REALTORS® Land Institute was founded by 20 land specialists who met at the Drake Hotel in Chicago in 1944. The purpose of their meeting was to establish a national professional trade association dedicated to the advancement of the effective use of our most precious commodity—land.

The REALTORS® Land Institute was organized as the institute of Farm Brokers. As the scope of its activities grew, the name was changed several times; the most recent change occurred in early 1986 when the present name was adopted.

The REALTORS® Land Institute has been an affiliate of the National Association of Realtors for 50 years and is devoted to advancing the interests of those who are involved in various phases of land development and proper land utilization.

The REALTORS® Land Institute provides a forum to bring together members interested in improving their professional competence in all aspects of the land segment of the real estate business. This includes:

Identification of appraising, acquisition, syndication, and development as recognized land specialties within the real estate profession;

Development and establishment of professional standards of practice;

Fostering professional expertise through educational activities and programs;

Identification of members to the public;

And formulation of wise land use and the reasonable rights and privileges of private ownership.

The REALTORS® Land Institute is comprised of members who subscribe to a strict code of ethics and to just and equitable principles in real estate transactions. The organization provides education, information, marketing opportunities, and broker networking to enhance members abilities to conduct their business as recognized professional land use specialists. REALTORS® Land Institute members have developed international marketing capabilities and networks throughout the world. Through collective action, they also attempt to preserve private property rights.

Education is a key activity of the institute. Seminars are sponsored by individual State chapters on a regular basis. On the national level, the institute offers the REALTORS® Land Institute land university which features nine state-of-the-art courses for land related professionals.

Additionally, the institute awards the Accredited Land Consultant [ALC] designation to members who meet rigid standards of professional competence after they complete required course work and service to the land industry.

For 50 years, the REALTORS® Land Institute has helped their members better serve their clients, their communities, and their industry. Now, on their 50th anniversary, they are renewing their commitment to service and focusing on the future. This is illustrated by their theme for this anniversary year, "celebrating the past—welcoming the future."

Congress should commend the REALTORS® Land Institute on their myriad of achievements over the last 50 years by honoring them with this commemorative resolution. This resolution meets the Judiciary Committee's policy for the consideration of commemorative measures; thus, I believe it is appropriate that we pass it. I invite my colleagues to join with me in commending the REALTORS® Land Institute on 50 outstanding years of service.•

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1995

PRESSLER AMENDMENT NO. 2261

Mr. MCCONNELL for Mr. PRESSLER proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; as follows:

On page 112, between lines 9 and 10, insert the following new section:

PAYMENTS-IN-KIND AS VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States voluntary contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

HATFIELD AMENDMENT NO. 2262

Mr. MCCONNELL for Mr. HATFIELD proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 11, line 19, after "1961" and before the period (.) add the following new proviso: "Provided further, that of the funds appropriated under this heading, not less than an amount equal to the amount made available for the Office of Population of the Agency for International Development in fiscal year 1994 shall be made available to that office"

McCONNELL (AND D'AMATO) AMENDMENT NO. 2263

Mr. McCONNELL (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of section entitled "Assistance to the New Independent States of the Former Soviet Union" add a new subsection:

"Not less than $15,000,000 of the funds appropriated under this heading shall be made available to the International Criminal Investigative Training Assistance Program (ICITAP) to undertake a police development and training program to assist in institutional reforms and improve the professional capabilities of Russian police agencies; Provided further, that funds made available shall be used to support the following activities:

(1) develop and professionalize the criminal justice agencies

(2) improve criminal investigative and forensic capabilities

(3) establish institutional training capabilities based on democratic principles of policing, and respect for human rights and the rule of law;

(4) improve accountability of law enforcement agencies by introducing systems and procedures for investigating allegations of abuse or malfeasance;

D'AMATO (AND OTHERS) AMENDMENT NO. 2264

Mr. D'AMATO (for himself, Mr. McCONNELL, Mr. DOMENICI, and Mr. LEAHY) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated for the New Independent States of the former Soviet Union and Eastern Europe, not to exceed $15,000,000, shall be made available to the Federal Bureau of Investigation for transnational and international law enforcement cooperation with the New Independent States of the former Soviet Union and the emerging democracies of Eastern Europe to combat organized crime.

McCAIN AMENDMENT NO. 2265

Mr. McCAIN proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following:

"*Provided further*, That of the funds appropriated under Title II, not less than $600,000 shall be available to support democracy programs in the People's Republic of China: *Provided further*" that the Agency for International Development shall make these funds available for the activities described in the previous proviso on a grant basis to U.S. non government organizations, on a competitive selection basis, notwithstanding any other provision of law."

Provided further that the following section of the bill is null and void. "Provided further that of the funds appropriated under this heading, not less than $600,000, shall be available to support parliamentary training and democracy programs in the People's Republic of China: Provided further That the Agency of International Development shall make funds available for the activities described in the previous proviso on a grant basis to the International Republican Institute and the National Democratic Institute, notwithstanding any other provision of law."

McCONNELL (AND BROWN) AMENDMENT NO. 2266

Mr. McCONNELL for himself and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . (a) Within 60 days of enactment of this Act, the President shall submit a report to the Committee on Appropriations defining specific military, economic and political standards required to gain admission to NATO; *Provided further*, that such report is not limited to the principles enunciated in the Partnership for Peace; Provided further, such report shall include an assessment of measures which would be necessary to guarantee the armed services of Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia and Estonia are capable of military interoperability with NATO and fulfilling other member responsibilities.

(b) Notwithstanding any other provision of law, 120 days after enactment of this Act, excess defense articles made available under sections 516 and section 519 of the Foreign Assistance Act of 1961 shall be provided to carry out the measures identified in subsection (a) with regard to military interoperability.

McCONNELL AMENDMENTS NOS. 2267–2271

Mr. McCONNELL proposed five amendments to the bill H.R. 4426, supra; as follows:

AMENDMENT NO. 2267

On page 16, line 19, strike the word "within" and all that follows through the word "later" on line 20 and insert in lieu thereof the following "by October 1, 1994".

AMENDMENT NO. 2268

At the appropriate place in the bill, add the following new section:

SEC. . (a) Section 102 of the Freedom Support Act (Public Law 102–511) is amended—

(1) by deleting subsection (a); and

(2) in subsections (b) and (c), by striking "Consistent with subsection (a), coordination," and inserting in lieu thereof "Coordination" in both places the phrase appears.

(b) Section 103 (a) of the Freedom Support Act is amended by striking out "the Coordinator designated pursuant to section 102(a)" and inserting in lieu thereof "the Administrator of the Agency for International Development."

AMENDMENT NO. 2269

On page 53, line 11, strike the word "*Provided*" and insert the following;

"*Provided*, That only those activities, programs, projects, type of material assistance, countries, or other operations referred to under this paragraph which have been justified through Congressional Presentation documents and/or budget justification documents presented in the same format and in the same level of detail as provided in fiscal year 1993 shall be considered to be justified under the language of this paragraph: *Provided further*"

AMENDMENT NO. 2270

At the end of section entitled "Assistance to the New Independent States of the former Soviet Union" add the following new subsection:

"Of the funds appropriated under this heading, not less than 50 percent shall be made available for country specific activities within bilateral, regional, or multilateral programs, except as provided through the regular notification procedures of the Committee on Appropriations."

AMENDMENT NO. 2271

At the end of the section entitled Assistance to the New Independent States of the Former Soviet Union add the following new subsection:

"Not less than $15,000,000 of the funds appropriated under this heading shall be available for legal reform programs; *Provided further*, that these funds shall support efforts to draft commercial and criminal codes and provide attorney, jury and judicial training and education."

MURKOWSKI AMENDMENT NO. 2272

Mr. McCONNELL for Mr. HELMS (for himself and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of Section 2780(d) of the Arms Export Control Act of 1968, add the following: "in an action brought by a party under section 1605(a)(5) of the Foreign Sovereign Immunities Act against a state designated under this subsection, United States government agencies shall provide to the party or facilitate the acquisition of evidence relevant to the action unless the President determines either that such cooperation would significantly prejudice a pending criminal investigation or prosecution or that it is not in the national security interest of the United States to provide such information."

DOLE AMENDMENT NO. 2273

Mr. McCONNELL for Mr. DOLE proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following section:

"No funds appropriated under this Act or any other Act may be made available to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea:

(1) does not possess nuclear weapons;

(2) has halted its nuclear weapons programs; and

(3) has not exported weapons-grade plutonium."

MURKOWSKI (AND ROCKEFELLER) AMENDMENT NO. 2274

Mr. McCONNELL for Mr. MURKOWSKI (for himself and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION.

Section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(d) The membership of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational cooperation shall be drawn from among individuals who are deeply familiar with Japan and United States-Japan relations, as demonstrated in their professional careers, and who have performed distinguished service in—

"(1) law, business, or finances;

"(2) education, training, or research at post-secondary levels;

"(3) the media or publishing;

"(4) foundation or philanthropic activity;

"(5) the American arts, culture, or the humanities; or

"(6) other aspects of American public life."

SEC. . BROADENING INVESTMENT AUTHORITY.

Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ", at the direction of the Chairman of the Commission," after "Secretary')"; and

(B) in the second sentence, by striking "in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States" and inserting "in instruments or public debt with maturities suitable to the needs of the Fund"; and (2) in subsection (c), by inserting ", at the direction of the Chairman of the Commission," after "sold".

NICKLES (AND OTHERS) AMENDMENT NO. 2275

Mr. McCONNELL for Mr. NICKLES (for himself, Mr. BROWN, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following: "Provided further, the amount on page 3, line 6, is deemed to read $50,000,000; provided further, the amount on page 3, line 12, is deemed to read $1,097,000,000; provided further, the amount of page 25, line 22, is deemed to read $152,400,000."

PRESSLER AMENDMENT NO. 2276

Mr. McCONNELL (for Mr. PRESSLER) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

UNITED NATIONS OFFICE OF INSPECTOR GENERAL

SEC. . The Senate hereby reaffirms that section 401 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) remains in effect, including all its terms and conditions relating to the establishment of an independent office of Inspector General within the United Nations.

HELMS (AND ROTH) AMENDMENT NO. 2277

Mr. McCONNELL (for Mr. HELMS for himself and Mr. ROTH) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Sense of the Congress concerning German and Japanese permanent membership in the United Nations Security Council.

In the past five years, the United Nations has engaged in more peacekeeping operations than in the preceding forty;

The Security Council is the U.N. body chiefly responsible for matters of peace and security;

Any country accorded permanent membership in an expanded Security Council must be capable of fulfilling all of the responsibilities equated with such status, including participation in any U.N. military operations;

According permanent membership to nations not capable of carrying out these responsibilities will allow those countries to play a central role in shaping U.N. peacekeeping and peacekeeping operations which could endanger the lives of American and other troops, but in which their own forces could play no part;

Japan and Germany, as the world's second and third largest economies, respectively, have attained levels of global reach and influence equal to or surpassing current permanent members of the Security Council;

Germany and Japan have announced their desire to gain permanent membership in the Security Council;

Japan currently maintains that its constitution prohibits the country from carrying out all the peacekeeping and peacemaking responsibilities that permanent membership entails;

Japan's ruling coalition government appears unwilling to address these issues, even in the face of a potential crisis on the Korean peninsula which may well require multilateral military action;

The German High Court, sitting in Karlsruhe, Germany, ruled, on July 12, 1994, that the German constitution contains no prohibition against the overseas deployment of Germany's armed forces in multilateral peacekeeping operation.

Now, therefore, be it the sense of the Senate that:

(1) Since Germany has addressed the problem of its participation in multilateral military activities, the U.S. should support that nation's prompt elevation to permanent Security Council membership;

(2) Japan be encouraged to discuss thoroughly and openly its own problems in participating in such activities, and take whatever steps are necessary to enable it to fully engage in any form of U.N. peacekeeping or peacemaking operation; and

(3) The United States should actively support Japan's effort to gain permanent membership only after Japan takes such steps * * *.

* * * * *

McCAIN AMENDMENT NO. 2278

Mr. McCONNELL (for Mr. McCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At an appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) Peace in Cambodia promotes stability in Southeast Asia.

(2) The newly democratic nation of Cambodia is engaged in a continuing military struggle against the Khmer Rouge.

(3) Peace talks between the government of Cambodia and the Khmer Rouge have repeatedly broken down.

(4) The Cambodian Parliament took action on July 6, 1994 to outlaw the Khmer Rouge.

(5) Ceding any position in the freely elected government of Cambodia to the Khmer Rouge is not in the interest of the Cambodian people and is incompatible with a constructive U.S.-Cambodia relationship.

(6) Cambodian officials have requested military assistance from a number of nations, including the United States.

(7) The U.S. administration, in consultation with its allies, is in the process of determining the appropriate type and level of U.S. military assistance to Cambodia.

(8) Congress is concerned that absent proper training, professionalism and adequate salaries, providing Cambodian forces with arms and ammunition will not be beneficial.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) In concert with interested democratic nations, the U.S. should provide non-combat military training assistance to the newly democratic government of Cambodia.

(2) Military Assistance should include efforts to establish an orderly and equitable promotion process, establish an effective command structure, establish a viable and effective system of military justice, establish effective logistics, establish modern communications networks, establish dependable accounting procedures, promote human rights and respect for the rule of law and promote respect for civilian leadership of the military.

(3) The President should make every effort to fully utilize requested 1994 and 1995 levels of IMET for Cambodia to expand the program beyond its current scope.

(4) The President should consider qualified Cambodians for admission to U.S. military academies.

(5) The President should dispatch as soon as possible a military attache to the U.S. Embassy in Cambodia.

(6) Lethal assistance should not be provided to Cambodia until such time as the President can certify the professionalization of the Cambodian Armed Forces.

(7) No military assistance should be provided the Cambodian Armed Forces if the Government includes members of the Khmer Rouge or if the Constitution promulgated on September 24, 1993 fails.

(8) No military assistance should be provided in concert with the Democratic Peoples' Republic of Korea.

(9) The President should convey to Thailand United States concern over the continued support for the Khmer Rouge by elements of the Thai military and to urge the Thai Government to intensify its efforts to terminate that support, in accordance with the Paris Peace Accords.

McCAIN AMENDMENT NO. 2279

Mr. McCONNELL (for Mr. McCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following new section:

(a) FINDINGS.—The Senate finds that—

(1) The United States maintains a continuing interest in the security of Europe.

(2) The North Atlantic Treaty Organization remains the principal guarantor of European security.

(3) The security concerns of the United States and Europe are best addressed through the collective security arrangement of the North Atlantic Treaty Organization.

(4) The North Atlantic Treaty Organization is not an offensive threat to any nation not part of the North Atlantic Treaty.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The North Atlantic Treaty Organization should invite Poland, the Czech Republic, Hungary and Slovakia to accede to the North Atlantic Treaty under Article 10 of the treaty at such time as each is in a position to further the principles of the Treaty and contribute to the security of the North Atlantic area.

(2) Accession of the North Atlantic Treaty should include a commitment to the security of new members according to Article 5 of the treaty.

(3) The President should pursue within the North Atlantic Council and adoption of criteria and timetables for determining the

ability of each nation to further the principles of the North Atlantic Treaty and contribute to the security of the North Atlantic area.

(4) Within 90 days of the passage of this act, the President should report to the appropriate Congressional committees the criteria and timetables the United States will pursue within the North Atlantic Council.

McCAIN AMENDMENT NO. 2280

Mr. McCONNELL (for Mr. McCAIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill insert the following new section:

INTERNATIONAL EXECUTIVE SERVICE CORPS

SEC. . None of the funds appropriated by this Act that are administered by the Agency for International Development may be made available for any project or activity of the International Executive Service Corps if such project or activity would provide services to an organization that, in the judgment of the Administrator of the Agency for International Development, is capable of obtaining the same or similar services without assistance from the Agency and without significant financial burden to that organization.

HELMS AMENDMENT NO. 2281

Mr. McCONNELL (for Mr. HELMS) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the first Committee amendment, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR THE GOVERNMENT OF COLOMBIA.

(a) LIMITATION.—None of the funds appropriated by this Act shall be obligated or expended for the Government of Colombia unless the President determines and certifies that the Government of Colombia is taking actions to—

(1) fully investigate accusations of corruption by the narcotics cartels involving senior officials of the Government of Colombia;

(2) implement the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption;

(3) reduce illicit drug production to the maximum extent which were determined to be achievable during the fiscal year;

(4) significantly disrupt the operations of the narcotics cartels; and

(5) investigate all cases in which any senior Colombian official is accused or implicated in engaging in, encouraging, or facilitating the illicit production or distribution of narcotic and psychotropic drugs or other controlled substances.

HELMS (AND OTHERS) AMENDMENT NO. 2282

Mr. McCONNELL for Mr. HELMS (for himself, Mr. MOYNIHAN, Mr. MACK, Mr. BROWN, Mr. ROBB, Mr. LAUTENBERG, Mr. BOND, Mr. GORTON, Mr. GRAMM, Mr. LEVIN, Mr. HATCH, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the Committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) No officer or employee of the United States government and no agent or other individual acting on behalf of the United States government shall meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

COHEN AMENDMENT NO. 2283

Mr. McCONNELL for Mr. COHEN proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

SEC. . POLICY REGARDING GERMAN PARTICIPATION IN INTERNATIONAL PEACEKEEPING OPERATIONS.

(a) FINDINGS.—The Congress finds that—

(1) for more than four decades following the Second World War, Germany was a divided nation;

(2) notwithstanding the creation of the Federal Republic of Germany on September 7, 1949, and the German Democratic Republic on October 7, 1949, the Four Allied Powers retained rights and responsibilities for Germany as a whole;

(3) the Federal Republic of Germany acceded to the United Nations Charter without reservation, "accept[ing] the obligations contained in the Charter . . . and solemnly undertak[ing] to carry them out", and was admitted as a member of the United Nations on September 26, 1973;

(4) the Federal Republic of Germany's admission to the United Nations did not alter Germany's division nor infringe upon the rights and responsibilities of the Four Allied Powers for Germany as a whole;

(5) these circumstances created impediments to the Federal Republic of Germany fulfilling all obligations undertaken upon its accession to the United Nations Charter;

(6) Germany was unified within the Federal Republic of Germany on October 3, 1990;

(7) with the entry into force of the Final Settlement With Respect to Germany on March 4, 1991, the unified Germany assumed its place in the community of nations as a fully sovereign national state;

(8) German unification and attainment of full sovereignty and the Federal Republic's history of more than four decades of democracy have removed impediments that have prevented its full participation in international efforts to maintain or restore international peace and security;

(9) international peacekeeping, peacemaking, and peace-enforcing operations are becoming increasingly important for the maintenance and restoration of international peace and security;

(10) United Nations Secretary General Boutros Boutros-Ghali has called for the "full participation of Germany in peacekeeping, peacemaking, and peace-enforcing measures";

(11) the North Atlantic Council, meeting in ministerial session on June 4, 1992, and December 17, 1992, stated the preparedness of the North Atlantic Alliance to "support, on a case-by-case basis in accordance with our own procedures, peacekeeping activities under the responsibility of the Conference on Security and Cooperation in Europe" and "peacekeeping operations under the authority of the United Nations Security Council";

(12) the Federal Republic of Germany participated in these North Atlantic Council meetings and fully associated itself with the resulting communiques;

(13) the Western European Union (WEU) Ministerial Council, in the Petersberg Declaration adopted June 19, 1992, declared that "As the WEU develops its operational capabilities in accordance with the Maastricht Declaration, we are prepared to support, on a case-by-case basis and in accordance with our own procedures, the effective implementation of conflict-prevention and crisis-management measures, including peacekeeping activities of the CSCE or the United Nations Security Council";

(14) the Federal Republic of Germany presided over this Western European Union Ministerial Council meeting and fully associated itself with the Petersberg Declaration;

(15) the Federal Republic of Germany, by virtue of its political, economic, and military status and potential, will play an important role in determining the success or failure of future international efforts to maintain or restore international peace and security;

(16) the Federal Constitutional Court of Germany has ruled that the Basic Law of Germany permits the Armed Forces of Germany to participate in international military operations, including combat operations, conducted under a system of collective security, including the United Nations, the North Atlantic Treaty Organization, and the Western European Union;

(17) Germany is currently engaged in a debate on the proper role for the German military in the international community;

(18) one important element in the German debate is the attitude of the international community toward full German participation in international peacekeeping, peacemaking, and peace-enforcing operations;

(19) it is, therefore, appropriate for the United States, as a member of the international community and as a permanent member of the United Nations Security Council, to express its position on the question of such German participation; and

(20) distinctions between peacekeeping, peacemaking, and peace-enforcing measures are becoming blurred, making absolute separation of such measures difficult, if not impossible.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) an appropriate response under current circumstances to Germany's past would be for Germany to participate fully in international efforts to maintain or restore international peace and security; and

(2) the President should strongly encourage Germany, in light of its increasing political and economic influence, its successful integration into international institutions, and its commitment to peace and democratic ideals, to assume full and active participation in international peacekeeping, peacemaking, and peace-enforcing operations.

DOMENICI AMENDMENT NO. 2284

Mr. McCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 20, line 13, delete the period, and add the following new proviso:

'': *Provided further*, That the President may transfer such funds to appropriations available to the Department of Defense and other agencies of the United States government for the purposes of cooperative threat reduction and countering the proliferation of weapons of mass destruction under the provisions of title XII of Public Law 103–160 and Section 575 of Public Law 103–87: Provided further, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President: *Provided further*, that the total amount of any transfer authority utilized shall not exceed the amount transferred by the Department of Defense to the Department of State and other agencies under Title VI of Public Law 103–87.''

DOMENICI AMENDMENT NO. 2285

Mr. McCONNELL (for Mr. DOMENICI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 7, line 2, delete the period and add the following new proviso:

Provided, That these funds may not be obligated or expended until the Secretary of the Treasury has notified the Chairmen of the Senate and House Committees on Appropriations that the United States does not support an International Monetary Fund proposed to create additional global reserve assets though a general allocation of Special Drawing Rights.''

WELLSTONE (AND OTHERS) AMENDMENT NO. 2286

Mr. LEAHY for Mr. WELLSTONE (for himself, Mr. LEAHY, Mr. JEFFORDS, Mr. PELL, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

SUPPORT FOR HUMAN RIGHTS AND OTHER NON-GOVERNMENTAL ORGANIZATIONS IN INDONESIA

SEC. . Of the funds appropriated by this Act, $250,000 shall be made available to support nongovernmental human rights organizations in Indonesia and $250,000 shall be made available to support nongovernmental environmental organizations to assess or otherwise address acute envrionmental problems, particularly those affecting indigenous peoples, in Indonesia.

LAUTENBERG AMENDMENT NO. 2287

Mr. LEAHY for Mr. LAUTENBERG proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following new section:

REGARDING THE EXTRADITION TO THE UNITED STATES OF MOHAMMAD ISMAIL ABEQUA

SEC. .(a) The Senate finds that—

(1) Mohammad Ismail Abequa is a naturalized United States citizen who is alleged to have strangled his estranged wife, Nihal Abequa, in Morris County, New Jersey on July 3, 1994;

(2) Mohammad Ismail Abequa fled to Amman, Jordan on July 5, 1994, with the couple's two children Sami and Lisa, aged 3 and 6 years old, respectively;

(3) New Jersey officials have confirmed that Mohammad Ismail Abequa arrived in Amman on July 6, 1994, via an international flight from London and that he had the two children in his custody upon arrival in Jordan;

(4) Mohammad Ismail Abequa reportedly has a record of wife beating and child abuse while living in New Jersey, and the children could be in danger;

(5) the children have a close relative, Nihal's sister, who, reportedly, will care for and nurture them in New Jersey; and

(6) the personal involvement of King Hussein of Jordan in finding the children quickly could prevent their serious injury by Abequa.

(b) The Senate hereby express its concern both that Mohammad Ismail Abequa be brought to justice and that the safety of the two children held by Abequa be ensured.

(c) It is the sense of the Senate that—

(1) The Government of Jordan should use its resources to apprehend and extradite Mohammad Ismail Abequa to the United States where he will be afforded the due process of the laws of the State of New Jersey; and

(2) the appropriate officials of the Department of Justice and the Department of State should work aggressively toward that goal.

LEAHY (AND OTHERS) AMENDMENT NO. 2288

Mr. LEAHY (for himself, Mr. HARKIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. WELLSTONE, and Mr. PELL), proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, insert the following:

INDONESIA

Sec. . The United States should continue to refrain from selling or licensing for export to the Government of Indonesia defense articles such as small or light arms and crowd control items until the Secretary of State determines and reports to the Committee on Appropriations that there has been significant progress made on human rights in East Timor and elsewhere in Indonesia, including in such areas as:

(1) complying with the recommendations in the United Nations Special Rapporteur's January 1992 report and the March 1993 recommendations of the United Nations Human Rights Commission;

(2) significantly reducing Indonesia's troop presence in East Timor; and

(3) participating constructively in the United Nations Secretary General's efforts to resolve the status of East Timor.

BUMPERS (AND OTHERS) AMENDMENT NO. 2289

Mr. LEAHY for Mr. BUMPERS (for himself, Mr. DORGAN, and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

Strike lines 2–10 on page 10, and insert in lieu thereof the following:

''*Provided further*, none of the funds appropriated under this heading shall be available to support parliamentary training and democracy programs in the People's Republic of China.''

GRAHAM (AND DECONCINI) AMENDMENT NO. 2290

Mr. LEAHY (for Mr. GRAHAM, for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 34, beginning on line 11, strike ''*Provided further*,'' and all that follows through ''activities:'' on line 15.

GRAHAM (AND DECONCINI) AMENDMENT NO. 2291

Mr. LEAHY for Mr. GRAHAM, (for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 34, line 11, strike ''Peru,''.

DORGAN (AND HELMS) AMENDMENT NO. 2292

Mr. LEAHY for Mr. DORGAN (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 112, between lines 9 and 10, insert the following:

POLICY REGARDING HUMANITARIAN AID TO HAITI

SEC. 577. It is the sense of the Senate that the Secretary of State, the Secretary of the Treasury, and the Administrator of the Agency for International Development should expedite approval of valid applications for emergency medical evacuation flights out of Haiti and for humanitarian aid flights to Haiti, where such aid consists of food, medicine, or medical supplies, or spare parts or equipment for the transportation or distribution of humanitarian aid by nongovernmental or private voluntary organizations.

BROWN AMENDMENT NO. 2293

Mr. McCONNELL for Mr. BROWN proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . LOANS TO NATIONS THAT ENFORCE THE ARAB BOYCOTT OF ISRAEL.

The President should use the voice and vote of the United States in all multilateral banks of which the United States is a member to ensure that no loans are given to nations which support or encourage the primary, secondary or tertiary boycott of Israel.

BUMPERS (AND OTHERS) AMENDMENT NO. 2294

Mr. LEAHY for Mr. BUMPERS (for himself, Mr. DORGAN, Mr. BRYAN, Mr. FEINGOLD, Mr. HELMS, Mr. SIMON, Mr. KOHL, and Mr. BROWN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the end of the pending committee amendment add the following:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be available to support parliamentary training and democracy programs in the People's Republic of China.

HELMS AMENDMENT NO. 2295

Mr. HELMS proposed an amendment to the bill H.R. 4426, supra; as follows:

In Section 577, strike ''other bodies'' and insert in lieu thereof, ''commissions''.

LEVIN AMENDMENT NO. 2296

Mr. LEAHY (for Mr. LEVIN) proposed an amendment to the bill H.R. 4426, supra; as follows:

At the appropriate place, insert the following:

Funds made available on this Act for assistance to the New Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to Environment and Natural Resources) of the Foreign Assistance Act of 1961.

DOLE AMENDMENT NO. 2297

Mr. McCONNELL (for Mr. DOLE) proposed an amendment to the bill H.R. 4426, supra; as follows:

On page 10, line 10 after the word "law" and before the period (.) add the following new proviso:

"Provided further, that of the funds appropriated under this heading, not less than $15,100,000 shall be made available for the Cooperative Association of States for Scholarships Program and not less than $3,000,000 shall be made available for the East Central European Scholarship Program"

SPECTER (AND SHELBY) AMENDMENT NO. 2298

Mr. McCONNELL (for Mr. SPECTER for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 4426, supra; as follows:

(a) On page 102, line 1, strike all that follows after "Gaza" through the end of line 3 and insert a period after "Gaza".

At the appropriate place, insert the following:

SEC. . (a) ADDITIONAL CONGRESSIONAL EXPECTATION.—Section 583(b)(5) of the Middle East Peace Facilitation Act is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph: "(E) amending its National Covenant to eliminate all references calling for the destruction of Israel.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, July 14, 1994, beginning at 9:30 a.m., in G–50 Dirksen Senate Office Building on S. 2269, the Native American Cultural Protection and Free Exercise of Religion Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 14, 1994, to consider the nominations of John Schmidt, of Washington, DC, to be Associate Attorney General, Guido Calabresi, of Connecticut, to be U.S. circuit judge for the second circuit and Daniel Dotson, of Utah, to be a U.S. marshal for the District of Utah.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 10 a.m., in room 216, Senate Hart Office Building, to hold a hearing on the nomination of Stephen G. Breyer of Massachusetts, to be Associate Justice of the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 9:30 a.m., to hold a hearing on the operations of the Library of Congress and S. 1900, to provide for the protection of books and materials from the Library of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on the Veterans Health Care Reform Act of 1994 at 2 p.m. on Thursday, July 14, 1994. The markup will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 14, 1994, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 14, 1994, to receive testimony from the scientific community on the scientific and technological basis for radon policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JOB CORPS

• Mr. SIMON. Mr. President, I would like to recognize the Job Corps Program for its 30 years of success in providing extremely disadvantaged youth with vocational training and job placement assistance that breaks the cycle of poverty, dependence, despair and, often, crime. Each year, Job Corps assists more than 60,000 young people in becoming productive, economically self-sufficient members of society. Few employment and training programs target high-school dropouts with low reading levels, and fewer still have had their effectiveness documented in as rigorous an independent evaluation as has Job Corps. Unfortunately, there appears to be some confusion and concern about the findings of a report issued several years ago by the Department of Labor's inspector general. I would like to insert in the RECORD a letter from Secretary Reich that addresses in detail each concern cited by those who have been critical of this program. Given Job Corps' proven track record of success, 17 of my colleagues and I have asked the Appropriations Committee to retain the increase in funding requested by the administration. I would like to insert a copy of this letter in the RECORD as well.

The material follows:

Department of Labor,
Washington, DC, July 12, 1994.

Hon. PAUL SIMON,
U.S. Senate,
Washington, DC.

DEAR SENATOR SIMON: As a supporter of the Job Corps program, I wanted to bring to your attention a recent development. Last week we received a copy of the June 30 letter sent to Senator Byrd by Senators Kassebaum (KS) and Kerrey (NE) in which they propose that the FY 1995 Job Corps budget be frozen at the FY 1994 level and that the expansion of the program be suspended. I have urged the Senate Appropriations Committee to reject this proposal.

Given the importance of the Job Corps program to the disadvantaged youth of this country, I thought it was important to set the record straight on issues that have been raised by Senators Kassebaum and Kerrey. Citing reports issued back in 1990–1991 by the Department's Inspector General, Senators Kassebaum and Kerrey suggest that Job Corps does not provide effective training and employment-related services to its target population. They have also called into question the integrity of the program and its local administrators. In both areas, I must disagree.

The Job Corps program is America's oldest, largest, and most comprehensive residential training and education program for young, unemployed, and under-educated youth. Designed for severely disadvantaged youth, the program breaks the cycle of poverty and welfare dependence by providing the vocational training and job placement that youths need to become taxpaying citizens. The program is administered through a network of 111 centers, each year serving more than 60,000 young people located in 46 States, Puerto Rico, and the District of Columbia.

The $1.0 billion program boasts a proven track record. A highly regarded evaluation of the program in the early 1980s found that Job Corps resulted in a savings for society due to increased earnings, reduced government assistance, and reductions in serious crime, with a net benefit to society of $1.46 for every $1.00 invested in the program.

Enclosure 1 contains detailed responses to each of the specific concerns that have been raised by Senators Kassebaum and Kerrey. Most of these issues are being raised on the basis of either erroneous information or misinterpretations of isolated facts and statistics taken from Inspector General reports. Enclosure 2 details the programmatic impact of the House-passed FY 1995 budget for Job Corps.

Your continued support of this successful program is important. Please feel free to contact Chris Moseley of my staff (219-6141) if you have any questions.

Sincerely,

ROBERT B. REICH,
Secretary of Labor.

RESPONSES TO STATEMENTS IN KASSEBAUM-KERREY LETTER

There is no new OIG report on the Job Corps. The following statements by Kassebaum and Kerrey refer to OIG reports that were issued in 1990–1991.

Statement. High compensation for Job Corps center executives. The IG found 5 of 11 CEOs of individual program sites earned salaries and bonuses amounting to more than $160,000 annually. One center director earned $327,352.

Response. This statement is not true. The December 3, 1990 OIG report referenced clearly indicates that compensation for center directors ranged from a low of $32,615 to high of $87,012.

The CEOs referred to are not directors of individual program sites. They are CEOs of major corporations or subsidiaries which have contracts to operate Job Corps centers along with a variety of other businesses (e.g. Teledyne and ITT). The $327,352 cited as a center director's salary is actually the total compensation of the President of a firm whose principal business is in the defense industry. Only a small prorata share of that CEO's salary is paid by Job Corps. Apportioning executive level compensation among a number of different contracts is a required accounting procedure for such indirect costs that are incurred under government contracts.

The 1990 OIG report states specifically "* * * the majority of the executives, as individuals, appeared to receive reasonable compensation." In addition, Job Corps conducted a study which indicated that Job Corps executives are compensated at rates well below industry averages. All salaries for employees covered by Job Corps contracts are specifically reviewed and approved before the contracts are awarded.

Statement. There is no performance criteria for bonuses paid.

Response. While this finding did apply to some contractors during the period covered by the 1990 OIG report, Job Corps and the Office of Cost Determination responded immediately and have insured that all bonus plans are now documented and strongly correlated with center performance.

Statement. Five operators improperly charged the bonuses as indirect costs to the program.

Response. Payments of these bonuses were not improper and there were no disallowed costs. The OIG directed that these expenses be classified as direct rather than indirect. This is an accounting distinction only. Job corps has required all contractors to adhere to the correct accounting procedures in this area. Indirect cost allocations are reviewed and approved through regular reviews by the Department's Office of Cost Determination.

Statement. Extremely high trainee dropout rates. Out of approximately 60,000 students who started the PY 1992 program, more than 25,000 (43%) dropped out and were not placed or their whereabouts were unknown. The majority of those left the program within the first 90 days.

Response. This statement leads to the inappropriate conclusion that an early dropout rate in this range represents poor program performance. This is not the case. The apparently high dropout rates exist because of the strict discipline and behavioral codes at Job Corps that are part of its success. The Mathematical evaluation shows substantial overall gains in earnings for enrollees even after averaging the performance of those who dropped out early. The social benefits still greatly outweigh the costs.

Job Corps serves severely disadvantaged youth. The typical enrollee is an 18 year old economically disadvantaged minority male who is a high school dropout who reads at the seventh grade level and has never held a full time job. In addition, a substantial number of these youth have had prior contact with the criminal justice system, test positive for substance abuse and come from families receiving public assistance.

Job Corps data for PY 1992 indicate that 69% of these severely disadvantaged students stay beyond the early dropout period of 3 months. The great majority of students are therefore successful in adjusting to a disciplined, regulated residential program. In order to obtain substantial reductions in the early dropout rate, it would be necessary to pre-screen otherwise eligible young people on the basis of likelihood to succeed—a practice referred to as creaming.

While early dropouts do not generally obtain GED's or complete vocational training, they do receive placement services. Even the OIG report indicates that only 15% of dollars invested are for participants who receive no measurable results. Moreover, relatively few dollars are spent on short-term stayers.

The placement results for these early dropouts are included in the overall Job Corps placement rate and other performance statistics.

Statement: Only 14,445 (about 24 percent) of the starting class completed one of the vocational skill programs, which is a primary goal of Job Corps.

Response. This statement is factually incorrect. Job Corps data for PY 1992 indicate that 19,731 students (32 percent of all terminees) completed their vocational training. In addition, 10,931 (18 percent of all terminees) obtained a GED, which is another important Job Corps goal. Job Corps strives continually to increase these positive outcomes.

Statement. Low (12 percent) job-trade match placement of trainees and Job Corps' questionable accounting procedures of these placements.

Response. The goals of Job Corps are to raise employment rates, increase earnings, increase educational attainment and reduce involvement in crime. The Mathematica evaluation shows that it has succeeded admirably at doing this. Training in a particular trade is a means toward these real goals, not an end in itself. If training in a particular field motivates a young person to get more education and/or leads to success in another field, then we still consider that a success. By any reasonable measure, Job Corps is successful at doing this.

More important than job training match placements, the issue is whether the Job Corps curriculum and approach increase earnings and employment, reduce serious criminal activity, and other socio-economic outcomes for participating youth relative to what they would have been without Job Corps and whether it does so in a cost effective manner. The evaluation evidence indicates that Job Corps does perform well in this regard.

A major new longitudinal evaluation study to update these findings is currently underway. Annual program outcomes data have been consistent since the last study.

Looking at the issue from the narrow job-trade match placement perspective, the Job Corps data shows that 38 percent of those who obtained jobs did so in training-related occupations. The 12 percent figure cited above inappropriately measures training-related placements against all terminees, including those who entered college or other educational institutions, as well as those who were not successfully placed.

Statement. Insufficient job placement performance measurement—A trainee is considered placed if he/she is verified to have worked 20 hours during the first week on the job. No other follow up is required.

Response. The Job Corps termination placement definition is correct as stated and meets or exceeds the measurement employed by other Federal employment and training programs. The placement definition is currently under review by Job Corps in light of JTPA amendments and government-wide efforts to develop common core data elements for all training programs.

ADDITIONAL STATEMENTS IN KASSEBAUM AND KERREY PRESS RELEASES

Statement. Job Corps claims a 70% placement rate of its graduates in jobs or colleges, but the IG has disputed that figure. The IG has argued that that actual total placement is about 57% and a majority of those placed end up in low pay, entry level jobs they could have obtained without the program.

Response. The DOL Congressional budget submittal for 1995 projects a 70% placement rate. This is based on new management emphasis on placement activities and represents a modest increase over the 65% percent actual level that has been reported for PY 1992, the most recent year for which complete data are available.

An overall placement rate in PY 1992 of 65% represents nearly 40,000 young people moving from dependency to employment or full-time education. The overall placement rate represents a combination of terminees who are located after leaving the centers plus an estimate of placements that occur among the relatively small portion of terminees who cannot be located after termination. The estimating procedure assumes that only 34% of those not located obtain jobs. This is a conservative estimating procedure that reflects only the self placement experience of terminees generally.

The 57% OIG figure does not accurately portray the Job Corps placement rate. This figure was developed by OIG on the assumption that none of the terminees who could not be located obtained jobs. The latest OIG report addresses the estimating procedure currently being employed and argues only for an alternative methodology.

Given the severely disadvantaged nature of Job Corps students, even if the OIG methodology for determining the placement rate were accepted, a placement rate of 57% should be considered a success. A 57% placement rate for youth who are all economically disadvantaged, reading on average at the 7th grade level, and often have a history of drug abuse or involvement in the criminal justice system should be a success by any standard. It is the reason Job Corps was and continues to be one of the model programs for the past 30 years and the reason the Administration proposes to expand this success.

Statement. Job Corps placement contractors are paid for placements, even when students find their own jobs.

Response. This statement is incomplete. The unit cost payments stated in terms of placements are intended to cover costs that go beyond those for direct placements. These unit cost payments are structured to reimburse a wide range of services, including job development, gathering information from former students, contacts with employers for placement verification, documentation of placement results and report submission.

Statement. Consistently poor performing Job Corps centers continue to operate without improvement or a decision to close them.

Response. This statement does not reflect actual practice. For the 79 privately-operated contract centers, performance assessment is an integral part of the Job Corps procurement process. Job Corps centers are closely evaluated against formal performance standards and reviewed on an annual basis for compliance and quality. An assessment of poor performance impacts contracting decisions regarding continued operation of a center as well as the firm's prospects in competing for other center contracts. Contracts for operating centers are let for a two year base period and include three option years, for maximum duration of five years.

The impact of Job Corps emphasis on performance in procurement is demonstrated as follows: In the past two years, 20 contracts were terminated prior to their maximum duration, most of these on the basis of unfavorable performance assessments.

During the same period, 27 procurements were conducted for center operations contracts. In 16 of these, incumbents were challenged and new center operators were selected in 7 instances.

This approach to remedying poor performance at privately operated contract centers by changing center operators makes more sense than closing centers and abandoning a 20+ million dollar taxpayer investment in training facilities.

Thirty centers are operated by other Federal agencies, the Department of Interior and the Agriculture Department, under an interagency agreement. In cases of poor performance by any of these federally-operated centers, the Department of Labor works closely with agency management to improve performance. When that fails stronger measures are taken. For example, Job Corps had to close a center (for more than a year) in one situation and temporarily discontinue student enrollment in several others. Unlike the contracted centers, the Department of Labor is not able to bring in new organizations to operate these federally-administered centers in the case of poor performance.

Statement. Daily absenteeism of 50% of trainees on residential sites.

Response. This statement is incorrect. Job Corps data indicate that, on average, 88% of all students are present on center. The remaining 12% are absent from the Job Corps center for reasons such as illness, family emergencies, annual leave or unexcused absences.

EXPLANATION OF HOUSE-PASSED JOB CORPS FUNDING LEVEL

The Administration's FY 1995 request for Job Corps calls for a continuation of steady expansion of this high-return investment in our nation's disadvantaged youth. The House-passed level includes $1,107 million for the program, an increase of $67 million over the FY 1994 level ($49 million below the President's original request).

The requested increase is largely related to needed funding for the existing centers and construction funding for the eight new centers (announced in early 1994) that Congress approved in the FY 1993 and 1994 appropriations. Only a small portion ($15 million) of this increase is related to further expansion of the program to six new centers.

Included in this request is an increase of $36 million to simply cover increased operating costs at the existing 111 Job Corps Centers. Most of this cost increase is of an uncontrollable nature, e.g., negotiated salary increase, inflationary increases in the costs of food, clothing, utilities, etc. A portion of the increase is also needed to cover planned increases in capacity with centers where new dorm construction will be completed between new and FY 1995. Without these funds, fewer students will be served.

The House-passed level includes $36 million—an increase of $16 million over the FY 1994 level—for construction funds for new centers. This action simply follows through on the commitments Congress has made over the past two years to program expansion. Without these additional funds, construction of the eight new Centers cannot be completed. This request includes the funds to continue progress on construction for the following eight new Centers: Loring AFB; Maine; Fort Devens, Massachusetts; Homestead AFB, Florida; Memphis, Tennessee; Montgomery, Alabama; Flint, Michigan; Chicago, Illinois; and Treasure Island Naval Station, California.

Finally, the House-passed level includes an increase of $15 million to initiate six additional centers. These funds are needed to order to continue the long term expansion initiative known as the "50/50" plan. This amount represents first year facility funding to initiate these six additional centers. Without these funds, no new Centers can be selected this year.

U.S. SENATE,
Washington, DC, July 8, 1994.

Hon. TOM HARKIN,
Chairman, Labor-HHS-Education Appropriations Subcommittee, Washington, DC.

DEAR TOM: We are writing to ask that you retain the Administration's request for an increase in funding for Job Corps, our nation's largest, most comprehensive and effective residential vocational and educational program for unemployed and undereducated youth. Job Corps helps America's hardest to employ youths become responsible, productive, independent citizens.

Job Corps stands out as one of our country's most successful job training programs. It serves approximately 65,000 students each year in 108 centers throughout the U.S. Job Corps has a successful placement rate of 65 percent.

The average Job Corps student is 18 years old, reads at a seventh grade level, has a disruptive home life, has never held a full-time job, and comes from a family with an income of under $7,000. More than 80 percent are high school dropouts.

More than 1.5 million Job Corps participants have been prepared for jobs, the military, and advanced educational opportunities since its inception in 1964. We are pleased that last year Job Corps announced its expansion to nine new centers, serving an additional 3,600 youth who are most at-risk. Nevertheless, in Illinois, for every student enrolled in Job Corps there are 65 young people who are eligible and in need but who go unserved.

According to the Mathematica Policy Research study, for every dollar invested in Job Corps, $1.46 is returned to the economy through reduction in income maintenance payments, the costs of crime and incarceration, and through increased taxes paid by Job Corps graduates. In addition to improving their future earnings ability, Job Corps participants are less dependent on welfare and unemployment insurance.

As you know, the President has requested an 11 percent increase in Job Corps appropriations for next year. We think this is a crucial investment.

Thank you for your consideration.

Cordially,

Paul Simon, Edward M. Kennedy, Bob Graham, Barbara Boxer, Harris Wofford, George Mitchell, Howard Metzenbaum, Jim Sasser, Carl Levin, Harlan Mathews, Carol Moseley-Braun, Richard C. Shelby, Howell Heflin, Herb Kohl, William S. Cohen, Donald Riegle, Orrin Hatch, Harry Reid.•

THREE CHEERS FOR WEST WARWICK HIGH SCHOOL

• Mr. CHAFEE. Mr. President, I would like to pay tribute to the outstanding performance of the team from West Warwick High School, West Warwick, RI, in the "We the people. . . The Citizen and the Constitution" national competition.

The national competition was held in Washington, DC, from April 30–May 2, 1994. These outstanding young students from West Warwick competed against 47 classes from schools throughout the Nation. The "We the People" program is the most extensive of its kind, developed to help students understand the history and principles of the U.S. Constitution and Bill of Rights, and to learn to participate responsibly in our political system.

The 21 students from West Warwick High School, as well as the young men and women from around our Nation, demonstrated an excellent understanding of the fundamental ideals and values of the U.S. Government. Throughout the competition these students exhibited a great deal of teamwork and cooperation—characteristics that will serve them well in the years to come. These students had the opportunity to meet and talk with many other students from around the Nation, which certainly added to the educational experience of all involved.

Programs such as "We the People" are extremely influential in promoting the desire to be educated and to be involved in our Government. Being a part of this program and competition bestows a great deal of honor on all who participated. The family and friends of those involved must be very proud, as am I. Good luck to these students, some of whom may be leaders of their generation, in future endeavors.

I commend the achievements of these students, and congratulate their teacher and all the faculty at West Warwick High School for a job well done.

Mr. President, I ask that the names of these exemplary West Warwick High School students and their teacher, Ellen Garland, be entered into the CONGRESSIONAL RECORD, as follows:

Lauren Bentley, Krista Bourgoin, Greg Brennan, Kimberly Caressimo, Jennifer Cook, Michael Cook, Paul Gauvin.

Carolyn Gereau, Deborah Goldgaber, Christopher Grenon, Erin Hearne, Christina James, James Jeff III, Steven Joseph.

Benjamin Lyttle, Geoffrey Monti, Erin Murray, Christopher Phillips, Kristie Piascik, Angela Rossi, Pablo Suarez.•

DESIGNATING THE WEEK OF OCTOBER 17 AS "NATIONAL CHARACTER COUNTS WEEK"

• Mr. LIEBERMAN. Mr. President, I am pleased to join my colleagues in bringing attention to the importance of character by designating the week of October 17 as "National Character Counts Week." It is not surprising that there is growing sentiment in the United States that our Nation is losing sight of the basic values upon which it was founded. You only need to read the front page of your local newspaper or listen to the news report of your favorite radio or TV station to have a growing sense of frustration about the moral health of our communities. The danger we face is letting that frustration turn into a sense of apathy and despair.

Our communities are not abstract entities, for they consist of ourselves, our families, neighbors, and fellow workers. Our community of friends and acquaintances we interact with on a day-to-day basis flourishes when we base those interactions on such principles as trustworthiness, respect, responsibility, fairness, caring, and civic responsibility. We must find ways of encouraging and honoring the use of these principles of character in our everyday lives. Designating the week of October 17 as "Character Counts Week" gives us an opportunity to heighten all of our awareness of the importance of a strong set of values for our community and that each of us has a direct responsibility in nurturing those values.

The causes of violence, drug abuse, alcoholism, abusive behavior, and teenage pregnancy are not unrelated to the strength of our collective set of values. Nor should we assume that strong character is an innate and self-nurturing trait available in equal measure in each of us. We struggle with value choices each day: having courage of one's convictions while practicing respect for the views of others; supporting individual rights while at the same time understanding one's societal responsibilities; doing what is right for the long run instead of going against one's moral precepts for short-term gain. These choices many times are difficult and all of us from time to time need reinforcement of their underlying precepts.

For our youth we must assure that we have built an appropriate foundation before any reinforcement of values can have an impact. Through the involvement of family, schools, community, and religious organizations we can both build and reinforce that foundation. I am committed to working with my colleagues to find ways to build character education into public and private programs through leadership and legislation.•

THOMSON CONSUMER ELECTRONICS, INC.

• Mr. LUGAR. Mr. President, for many years, Thomson Consumer Electronics, Inc., and its predecessor company, RCA Consumer Electronics, has been a major corporate citizen of Indiana, employing thousands of men and women at its facilities in Indianapolis, Bloomington and Marion. Thomson Electronics is perhaps best known as the company that makes and markets the RCA, GE, and ProScan brands of color TV and other video products.

I rise today to recognize and salute a Thomson executive who has contributed so much to his company, industry and Nation. D. Joseph Donahue, Thomson's Senior Vice President for Technology and Business Development, is retiring this month following a distinguished 43-year career in the U.S. electronics industry. During these four decades, Joe Donahue has held a variety of senior management posts in engineering, manufacturing and marketing, including CEO positions in both semiconductors and consumer electronics.

After joining Gen. David Sarnoff's team at RCA in 1951, Joe Donahue helped pioneer the development of the first color picture tube, holding a number of key patents still in use today by the picture tube industry. Later in his career, he returned to this field as vice president of engineering at RCA Picture Tubes.

Joe Donahue's vast experience also includes 17 years with RCA Semiconductors, where he held a number of key posts including CEO of RCA Solid State. He joined RCA Consumer Electronics in 1977 as vice president, operations, with overall responsibility for engineering, purchasing, manufacturing, and product assistance.

Under his direction, the company's flagship plant in Bloomington, IN, was automated and became the world's largest color TV receiver manufacturing facility, a distinction it enjoys to this day. In 1982, Joe was named CEO of RCA Consumer Electronics, where he further strengthened RCA's market leadership in color television, VCRs and camcorders.

Five years ago, Joe Donahue arrived in Washington as senior vice president for technology and business development, with special responsibility for advanced television systems. Through his work, he brought to the high-definition television [HDTV] policy debate the perspective of someone intimately familiar with digital video research and development. He immersed himself in industry and government activities continuing his positive work with the electronics industry.

Joe Donahue was a founding member and principal in the advanced television research consortium [ATRC] which developed the "Advanced Digital HDTV" system, one of the leading contenders in the FCC's HDTV selection process. When an FCC advisory committee recommended that the major proponents join forces in a so-called "Grand Alliance," Joe Donahue played an active role in identifying and integrating the attributes of the competing technologies into a "best of the best" HDTV system for the United States. He also serves as chairman of a worldwide industry effort aimed at developing a digital HDTV recording [VCR] standard.

Mr. President, I know that my colleagues will join me in recognizing Joe Donahue's long and distinguished career with Thomson Consumer Electronics. I join his family and many friends in wishing him well in what I know will be an active and productive retirement.•

EDDIE EDWARDS

• Mr. WOFFORD. Mr. President, I rise today to salute the hard work of Mr. Eddie Edwards who was recently honored by the western Pennsylvania N.A.A.C.P. branches for his contribution to the African-American community and his work as one of the very few African-American television station owners.

On Martin Luther King's birthday in 1991, Mr. Edwards became the first African-American to own a television station, WPTT–TV–Pittsburgh, in the top 20 broadcast markets in the United States. Having worked with Martin Luther King, I know he would have found this achievement appropriate. When Martin was assassinated, he was beginning to tackle in earnest the issues of economic empowerment and the opportunity to not just sit down at the table but to own it.

Barely over forty, Eddie Edwards is one of the youngest owner-operators in the broadcasting business and already is a "veteran" with 25 years of experience in the field.

And, Mr. President, on top of all the professional success he has enjoyed, Mr. Edwards has still found time to be very active in the Pittsburgh community. He has worked to make a real difference in the lives of young people with his work on the National Board of Directors of Boy Scouts of America and the "Toys for the Needy" Campaign that he initiated with the Salvation

Army. He is the husband of Willette and the proud father of Eddie, Jr. who is now at Penn State.

I am delighted to join with the 27 N.A.A.C.P. branches of western Pennsylvania and their Regional Director, Mr. Charles Stokes in recognizing the many accomplishments of Mr. Eddie Edwards.•

OCEAN FREIGHT REIMBURSEMENT PROGRAM

• Mr. D'AMATO. Mr. President, I am concerned that at a time when private volunteer organizations [PVOs] are virtually overwhelmed with requests for assistance of all kinds in the Caribbean Basin, a source of extremely valuable support, AID's Ocean Freight Reimbursement Program [OFRP], will apparently not even receive the level of funding available last year for the shipment of urgently needed supplies.

In report 103-287 the Senate Appropriations Committee strongly commends the efforts of private volunteer organizations, stating that PVOs provide invaluable support in implementing programs to meet basic needs in both development and emergency situations. The committee also recommends that best efforts be made by the Agency to provide funding at last year's levels to several specified programs, including the Ocean Freight Reimbursement Program.

I am therefore extremely disturbed to learn that, far from the committee's OFRP recommendation to fund at the same level as last year, the Agency has capped these funds to a maximum of $150,000 for any qualifying PVO, which means of course that the level of actual goods supplied this year will have to be reduced by some quarter of a million dollars if the balance of the freight costs must be picked up privately. Many other PVO's benefiting from the OFRP must find themselves in the same position.

Mr. President, at a time when the Nation finds itself in need of all the assistance it can get from friendly sources overseas and in particular in the Caribbean, it is utterly shortsighted to curtail an inexpensive and exceptionally useful program such as the OFRP, which helps to maximize substantial private sector contributory effort.

The Ocean Freight Reimbursement Program should in fact be augmented rather than decreased. It should, at the very least, continue to be funded, as we have recommended, at the same level as last year. I urge the attention of my colleagues to this important matter.•

ORDERS FOR FRIDAY, JULY 15, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Friday, July 15, that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately thereafter the Senate resume consideration of H.R. 4426, the Foreign Operations Appropriations bill, under the limitations and conditions of a previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 11:53 p.m., recessed until Friday, July 15, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 14, 1994:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

RALPH EARLE II, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY, VICE STEPHEN READ HANMER, JR., RESIGNED.

DEPARTMENT OF ENERGY

ELIZABETH ANNE MOLER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1999. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

WILLIAM HENRY VON EDWARDS III, OF ALABAMA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS, VICE THOMAS C. GREENE.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 14, 1994:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nelba R. Chavez, of Arizona, to be Administrator of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Michael Nacht, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Amy Sands, of California, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Lawrence Scheinman, of New York, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

James Sweeney, of New Mexico, to be a Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, U.S. Arms Control and Disarmament Agency, with the rank of Ambassador.

Thomas W. Graham, Jr., of Maryland, to be Special Representative of the President for Arms Control, Nonproliferation, and Disarmament Matters, U.S. Arms Control and Disarmament Agency, with the rank of Ambassador.

The above nominations were approved subject to nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

TAIWAN'S COMMITMENT TO REFORM AND INTERNATIONAL COOPERATION ARE CONSISTENT WITH UNITED NATIONS IDEALS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. SMITH of New Jersey. Mr. Speaker, Taiwan has not been represented at the United Nations since 1971 when it was replaced as the sole representative of China by the People's Republic of China.

However, much has changed in Taiwan, and globally, since 1971. According to many reports, including our own Department of State's Country Reports for 1993, Taiwan has made great progress—politically, economically, and socially. Democratic reforms, including multiparty elections, have ensured greater representation of all peoples. Free and fair local elections were held late last year. The military has moved toward greater political neutrality and the law enforcement is under the control of civilian police agencies. Restrictions on political dissidents and greater freedom of press and media have also added to Taiwan's growing list of freedoms and democratization. Taiwan's free market economy makes it a major international player, ranked 20th in terms of GNP. According to one expert, Dr. Hendrick Spruyt of Columbia University, Taiwan has "helped lead the explosive growth of all the East Asian countries."

Currently, 28 countries maintain diplomatic ties with Taiwan and although they have been included in some international organizations—APEC and the Asian Development Bank—the 21 million people living on Taiwan have no voice at the United Nations. Even our own Nation, with all of the economic and trade ties, does not have official ties with Taiwan.

In contrast, the People's Republic of China, which has representation in the United Nations and official diplomatic ties with the United States, has continued on a course which suppresses political dissent, tightly controls the press and media, violates almost every international standard for human rights, and refuses to cooperate with the international community in areas of global security. Every human rights report issued about China lists it as one of the most egregious violators of human rights in the world today. Many of its population control policies and eugenics laws have been compared to policies and laws enacted by the Nazi's in Germany.

In May, President Clinton reversed his China policy and without apology to the millions of victims of the People's Republic of China's prison-labor camps, forced abortion and sterilization policies, restrictive religious laws, and other forms of repression, rewarded the dictators with MFN.

It is amazing that forces directly opposed to the values and ideals of our Nation are rewarded while those who are victimized for their support of freedom, human rights, and democracy are silenced.

Mr. Speaker, Taiwan has made great strides in democratic reform and in protecting the rights of its people. Yes, the reform process is far from over, but Taiwan is moving in the right direction. Dr. Parris Chang, cochairman of the Foreign Affairs Committee of the Yuan and a member of an opposition party, speaking in New York last year, said that Taiwan is seeking membership in the United Nations "to show the world that Taiwan cares. We don't just want a seat in the United Nations, but we want to be able to contribute to the peace and well being of the world."

Mr. Speaker, I am a cosponsor of House Concurrent Resolution 166 expressing the sense of the Congress that Taiwan be represented in the United Nations. I urge my colleagues to support this resolution, as well. The Government of Taiwan is moving toward protecting the rights of its people and ensuring that they have a greater voice in their own nation. Just as they are leaders in the economic growth of Asia, with representation in the United Nations Taiwan could also become a leader in promoting human rights and democratic reform globally, as well.

TRIBUTE TO KYLE P. HIGGINS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Kyle P. Higgins of Troop 44 in Matunuck, RI, and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Kyle blazed a nature trail at Matunuck Elementary School.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Kyle P. Higgins. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Kyle P. Higgins will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family, who this week salute him.

HONORING FALLEN FIREFIGHTERS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. WELDON. Mr. Speaker, yesterday I took 1 minute to honor the firefighters who gave their lives in the line of duty as they fought the forest fire in the South Canyon of Glenwood Springs, CO. At that time, the Speaker pro tempore granted me the opportunity to insert the names of these fallen firefighters into the CONGRESSIONAL RECORD once they were available to me. I would like to take that opportunity at this time.

These firefighters are heroes who died while fighting to protect the lives and property of Americans. I hope we all will take the opportunity to recognize the selflessness and the risks faced by America's first responders in each of our communities everyday. In addition, I ask you to please join me by including in your prayers the following firefighters who lost their lives in the South Canyon fire and their families: Don Mackey; Roger Roth; James Thrash; Richard Tyler; Robert Browning; Jon Kelso; Kathi Beck; Scott Blecha; Levi Brinkley; Bonnie Holtby; Rob Johnson; Tami Bickett; Doug Dunbar, and Terri Hagen.

ROHRABACHER MOTION TO INSTRUCT

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. DURBIN. Mr. Speaker, the Rohrabacher motion to instruct the House conferees on the crime bill to accept the Senate approved Exon amendment contains language which I support. I agree that undocumented aliens should not be eligible to receive aid to families with dependent children [AFDC], food stamps, supplemental security income [SSI] benefits, Medicaid—except for emergencies, legal aid, JTPA

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

funds, unemployment benefits, and Federal aid to college students.

In fact, under existing law, undocumented aliens are already ineligible for virtually every one of these programs.

During floor consideration, Mr. ROHRABACHER conceded that there was a serious flaw in his motion to instruct. The motion, as drafted, would eliminate benefits for U.S. nationals who currently pay taxes and serve in the U.S. military.

It would be unfair and unjust to treat these U.S. nationals as undocumented aliens and declare them ineligible for these programs.

For that reason, I opposed the Rohrabacher motion to instruct.

TRIBUTE TO BARRY MAYO

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Mr. Barry Mayo, a prominent and successful radio broadcaster, who is being honored for his 20 years in the radio industry by the Midwest Radio and Music Association at their fourth annual convention in Chicago.

Mr. Mayo began his career in 1976 in Little Rock, AR. In 1978, he came to Chicago as program director of WGCI–FM, where, in a very short period of time, he brought WGCI from 17th place in the Chicago market to 1st.

In 1988, Mr. Mayo formed v.p. Broadcast Partners, and bought five ailing radio stations, including WVAZ–FM in Chicago. Within a year of going on the air with an adult alternative format, WVAZ–FM became the No. 1 adult radio station in Chicago.

A winner of numerous broadcasting awards, including Rhythm and Blues Magazine's "General Manager of the Year," Mr. Mayo has had a remarkably interesting and successful career. Furthermore, he has contributed significantly to the diversity of Chicago's radio market. I am pleased to enter these words of tribute and congratulations into the RECORD.

WARDS OF HOPE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BURTON of Indiana. Mr. Speaker, as many of our colleagues are well aware, Hadassah is an organization of Jewish women in America and around the world which has achieved a tremendous amount in terms of its humanitarian service to mankind. Through Hadassah Hospital in Jerusalem, as well as its medical outreach programs in Africa, Hadassah has been at the forefront of medicine, and has thus advanced the well-being of Israelis, Arabs, Africans, and others.

The wonderful, dynamic president of Hadassah, Mrs. Deborah Kaplan, recently visited the Hadassah Hospital in Israel, and wrote this inspiring article concerning Hadassah's role and the current situation in the Middle East. I commend this fine article from the April issue of Hadassah magazine to my colleagues.

WARDS OF HOPE

(By Deborah B. Kaplan)

Hope is easier to find on a child's face than on an adult's, and on the index of optimism nothing beats a smiling child in a hospital. That's why I arranged to be at Hadassah Hospital on Purim. More than other holiday, Purim comes to our medical center like a liberating force, bringing joy, even if it is temporary, to all who are touched by it.

In the midst of the holiday atmosphere, staff and volunteers—including members of Hadassah-Israel and their families—distributed mishloah manot to the children. At any given time about one-third of the patients at our Ein Karem hospital are Palestinians, and the goody bags filled with fruit, candy and toys were given to every child, not just the Jewish ones.

Normally I wouldn't even think to comment on the equal treatment given to Arabs and Jews at our hospitals, but Purim this year turned out to be anything but normal. Eleven of the wounded from the Hebron massacre had been brought to our door that morning. Four of them required surgery and all eleven survived. In the emergency room I stood between one of the injured worshipers and an Israeli soldier who had been wounded in the rioting that followed the Hebron attack.

As soon as we received word of the massacre, Dr. Avi Israeli, Hadassah's deputy director of medical affairs, called the directors of Palestinian hospitals in the Hebron vicinity, offering any help necessary—either receiving patients or sending equipment or supplies. The offer was refused. No one is quite certain how some of the victims were sent to Hadassah, given the Palestinians' deliberate avoidance of Jewish help. I suspect they were sent before consideration was given to political concerns. Sending patients to Hadassah Hospital is an instinctive act for Arab and Jew, and in an emergency instinct usually comes before politics.

When Baruch Goldstein fired into the crowd at the Tomb of the Patriarchs he not only murdered innocent men at prayer, he also assaulted our ethical foundation. As I visited his victims I was torn between many emotions—concern for the men before me, grief for the families of the dead, sadness that the murder had been committed by a Jew and irritation that Jews are made to feel responsible, by ourselves and by others, for the act of one madman in our midst.

I also feared that the killer may have accomplished what he set out to do—put the peace process into a tailspin from which it cannot recover. He tried to murder hope.

But outraged as I am by the action of a Jewish terrorist, something else gnaws at me. The finely tuned Jewish sense of justice tells us when to condemn our own, where to draw the line between self-defense and murder. Goldstein stepped way over the line, and never have I heard a more forceful condemnation of a crime than Prime Minister Rabin's denunciation of what happened at the Tomb of the Patriarchs.

Perhaps my deepest concern is not that the peace talks will fail, but that we will never be able to communicate fully with neighbors who do not have a similar sense of justice.

I have just finished a letter of condolence to Fay Eisenstadt, a Hadassah member from America who has lived in Israel for many years. Shortly after the Hebron attack her husband, Morris, was at a bus stop near their home in Kfar Saba when Palestinian terrorists bent on revenge hacked him to death.

A few days later I was with a delegation from the Conference of Presidents of Major American Jewish Organizations that met with Palestinian leaders in Jerusalem and I asked an Arab spokesman if he or his representatives ever expressed outrage or condolences to the family when a Palestinian killed a Jew.

I am still waiting for an answer. But in my heart I know that if the Arab world went through the same kind of introspection that Jews practiced after one of their own committed a racist murder, it is terrorism, not the peace negotiations, that would come to a halt.

We have just commemorated our liberation from Egyptian slavery, and everything I saw last month in Israel—from the country's resilient daily existence to its ability to deal with its problems like a mature nation—reminded me of the benefits of freedom. Sovereign, democratic nations are not free of crime or hate, but they offer their citizens the capacity to use the best that is in them to combat the worst. Our own history mixes well with our freedom. Israel has made it clear that it doesn't want to rule over others any more than it wants to be enslaved.

But as I look at what the Palestinians regard as their own struggle for liberation, I strain to see resemblances to ours. In one breath the Palestinian leadership demands release from Israeli occupation and in the next they delay Israel's already promised withdrawal from Gaza and Jericho. Logic would dictate that the murder of their people would make Palestinians more anxious than ever to make the negotiations work, but for the moment it seems that logic, too, was a victim in Hebron.

Meanwhile, Israel continues to build for the future. A few yards from where I visited Purim celebrants and terrorist victims a new Children's Pavilion is rising at Hadassah, to be dedicated at our Jerusalem convention in July 1995. It will be a child-friendly center and another home for hope.

I can't be certain of the political future, but I know that when the pavilion is completed good care and goody bags will still be given to all.

THE TIME TO LIFT THE ARMS EMBARGO ON BOSNIA HAS COME

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. ACKERMAN. Mr. Speaker, I rise today to express my support for lifting the arms embargo on the Government of Bosnia.

The history of the tragic conflict in the former Yugoslavia is well known. The scale of the slaughter in Bosnia is unsurpassed in Europe since the days of the Second World War. Yet while thousands of Moslems continue to suffer and die at the hands of the Serbian aggressors, the United States, the European community, and the United Nations sit by, unwilling or unable to do anything about it.

This tragedy cannot be stopped by waiting for a diplomatic solution to appear out of thin air. For negotiations to work, diplomacy must be backed up by some penalty for refusing to negotiate a settlement. The Serbs, who have a virtual monopoly on firepower and little regard for international opinion, have no incentive to reach such an agreement. At the dawn of the cold war, George Kennan, one of this country's most distinguished diplomats, described Stalin's Russia as "impervious to the logic of reason, but highly sensitive to the logic of force." The same could be said of today's Serbia. Hand ringing rhetoric, and stern warnings will do nothing to help the Bosnia Moslems. The only way to stop the Serbian onslaught is to resist it with credible force. And there are only two ways to do that.

The first is direct military involvement. While the U.S. air strikes around Gorazde and our shooting down three Serbian aircraft suggest that the administration may have already started down that path, it still appears unwilling to put credible force on the ground. The United States public also does not seem ready to support sending United States troops into Bosnia.

The second option is to allow the Bosnian Moslems to defend themselves by lifting the arms embargo. The Bosnian Government has repeatedly called on us to take this step. They understand the risks that lifting the embargo will present. But they also understand that ending the genocide will require confronting the Serbs with credible military resistance. Only then will the Serbs have anything to fear for continuing their campaign. Only then will they have an incentive to negotiate and abide by a peaceful settlement.

There are those who contend that the United States should not act unilaterally, but should instead wait for the United Nations to lift the embargo. Mr. Speaker, we have been waiting for the United Nations to provide leadership in Bosnia for over 2 years. Nothing has been done. Every day, every minute that we wait for the United Nations to make up its mind, more people die. United States leadership in Bosnia is critical.

The argument that withdrawing from the embargo on Bosnia will encourage our allies to drop out of other embargoes we support, such as Iraq, is absurd. Iraq was embargoed because it was an aggressor. Bosnia is the victim of aggression. There is no reasonable comparison between the two cases.

Finally, the Bosnia embargo is not only immoral, it is also illegal. Article 51 of the U.N. Charter guarantees every state the right to defend itself against aggression. This Congress has already reached the decision that the U.N. arms embargo violates article 51 and is therefore prohibited by international law. In light of this, the argument that we should not act because of a U.N. policy that is antithetical to one of the most important tenets of its own charter, is doubly absurd.

Mr. Speaker, there is no simple solution to the Bosnian tragedy. The day when we could have hoped for a happy ending are long passed. Lifting the embargo now will not bring the victims of Serbia's ethnic cleansing back to their families. It will not even guarantee a completely fair and equitable peace settlement. But it will give the Bosnian Moslems the strength to stand up for themselves and resist. Only then is there any hope of ending the conflict.

COMMENDING THE WORK OF FREEDOM HOUSE AND THOSE WHO WORK FOR THE RIGHTS OF CHILDREN FORCED INTO PROSTITUTION AND SLAVERY IN SOUTH ASIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. SMITH of New Jersey. Mr. Speaker, quite often it is the children of the world who must suffer at the hands of those who abuse their positions of power and authority. Throughout the world there are social, economic and cultural conditions which contribute to the abuse and exploitation of children. Quite often those who are most vulnerable and are deserving of our care—yes, even our protection—are victimized by those who create abusive conditions. What is tragic about the abuse of children is that most of them have no hope of overcoming their situation. In fact, there are cultural structures and even laws which support and promote the abuses, rather than protect those who are abused.

Most nations have laws which regulate child labor and seek to protect them from the abuses to which they are subjected. However, many of these nations fail to adequately enforce these laws for any number of reasons. In some nations, the problem is so extensive that they lack the resources to enforce them. In other nations, cultural and social structures which support and promote these abuses are so entrenched that it is often difficult to re-educate the population. Sadly, in some nations, the desire for expanding profits and economic greed completely override any concern for the child and entire industries give free reign to build on the lives of children.

Mr. Speaker, only a few weeks ago the House of Representatives passed an important child protection measure when we passed—with only three dissenting votes—the Smith-Doolittle amendment, House Joint Resolution 281, to the crime bill. This amendment condemned the Justice Department's weakening of the child pornography laws of the United States. On June 9, a Federal appeals court also rejected the attempt to weaken the law and reafirmed congressional intent behind the tough Federal statutes. Mr. Speaker, children need protection from forces which will abuse them, forces that can go unchecked if not regulated and enforced by law.

Our concern for the children cannot stop at our shores. Millions of children, children the same age and younger than my own children, are victims of horrible labor conditions, sold into slavery and forced into prostitution. Young girls who are sold as child brides are often beaten, raped, and many are murdered—often over dowry disputes.

Mr. Speaker, today I would like to commend Freedom House for its commitment to children by publicizing the widespread abuse of children and women worldwide. Freedom House's reports stand virtually alone in their information and power. When others might want to turn their backs on the children, Freedom House has continued to speak out. Whether it has been their reports on child slavery in Pakistan and India; warnings of the potential for abuse in our own country; the children victimized by the war in Sudan; or the kidnaping of young boys and girls who are forced into the sex industry of Thailand; Freedom House has shown us the faces of children who cry out for help. I would like to thank Mrs. Bette Bao Lord, the staff of Freedom House for meeting today with the Congressional Human Rights Caucus.

In India, Pakistan, Bangladesh and Nepal, the problems of child labor and prostitution are great. Although all of these nations have laws enacted to address the problems, the numbers of children and social pressures are so great that it is often difficult to enforce them. In these countries children who are abandoned, kidnaped, or living in the streets are often forced into lives of prostitution or to work for low wages in appalling conditions. It is reported that the most abusive industries are agriculture, family cottage, carpet weaving.

Each night many of us go home and enjoy the comfort and beauty of carpets we have bought which have been imported from these countries. We have paid very high prices for these carpets. But, Mr. Chairman, that price is nothing compared to the price paid by the children who have been forced to make them. They have been forced to give up their childhoods, their innocence, their freedom and their dignity. How can we walk on these carpets and not be reminded that we are walking on the lives of children, trampling underfoot their hopes and their dreams and their lives?

Mr. Chairman, these children need to know that someone cares. The world needs to hear their story. Mr. Chairman, this may sound strange, but I did not look forward to hearing from our guests this morning for what they had to tell us should not have to be said. But the problem is real, and I am happy that they were with us to tell us about the children, and to challenge us to respond to their needs. Our guests Zohra Yusuf, the Secretary General and cofounder of the Human Rights Commission of Pakistan; Salma Ali, the executive director of the Legal Representation for Women Prisoners and the Urban Legal Aid Clinic in Bangladesh; and Mangala Sharma, the founder and chair of the Bhutanese Refugees Aiding Victims of Violence—and herself a refugee from Bhutan—shared with the stories of women and children who are daily victimized. Each day these women and others bravely risk their lives for the protection of women and children. They honored us with their presence here today. I not only wish to thank them, but to pledge my support for their work and for the protection of women and children worldwide.

TRIBUTE TO CHARLES COST

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. REED. Mr. Speaker, I rise today to salute a distinguished young man from Rhode Island who has attained the rank of Eagle Scout in the Boy Scouts of America. He is Charles Cost of Troop One in North Scituate, RI. and he is honored this week for his noteworthy achievement.

Not every young American who joins the Boy Scouts earns the prestigious Eagle Scout Award. In fact, only 2.5 percent of all Boy Scouts do. To earn the award, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. He must earn 21 Merit Badges, 11 of which are required from areas such as citizenship in the community, citizenship in the Nation, citizenship in the world, safety, environmental science, and first aid.

As he progresses through the Boy Scout ranks, a Scout must demonstrate participation in increasingly more responsible service projects. He must also demonstrate leadership skills by holding one or more specific youth leadership positions in his patrol and/or troop. This young man has distinguished himself in accordance with these criteria.

For his Eagle Scout project, Charles performed community service in the Town of Foster under the direction of the Public Works Director.

Mr. Speaker, I ask you and my colleagues to join me in saluting Eagle Scout Charles Cost. In turn, we must duly recognize the Boy Scouts of America for establishing the Eagle Scout Award and the strenuous criteria its aspirants must meet. This program has through its 84 years honed and enhanced the leadership skills and commitment to public service of many outstanding Americans, two dozen of whom now serve in the House.

It is my sincere belief that Charles Cost will continue his public service and in so doing will further distinguish himself and consequently better his community. I join friends, colleagues, and family, who this week salute him.

THE IMPACT OF TOURISM ON UTAH'S ECONOMY

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Ms. SHEPHERD. Mr. Speaker, earlier this year, we recognized National Tourism Week, and I want to take a moment to note the enormous positive impact of travel and tourism on the U.S. economy. Tourism is a $360 billion a year enterprise providing nearly 6 million jobs. It is this Nation's second largest employer and creates jobs at twice the average rate of all U.S. industries.

Tourism is a $3 billion industry in Utah and is a vital component of the sustainable economy we are trying to build. Over 14 million visitors experience the natural wonders of Utah each year, with three-quarters of a million of them from other countries.

Foreign tourism is especially important and constitutes what has been called an "invisible export," and in 1992, foreign tourists spent $20 billion more in this country than Americans spent abroad.

As the Utah experience shows, this trade surplus is vital to the economies of many States, 32 of which are represented in foreign countries. Because of efforts by States to promote U.S. tourism, and because of the efforts of many in Congress who have focused on this important industry, tourism will only become more integral to our economic fortunes. In fact, the U.S. Travel and Tourism Administration predicts that by the year 2000, tourism will be this Nation's leading export.

BLACK-JEWISH COOPERATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most effective advocates of an America in which everyone's constitutional rights are fully respected is Leonard Zakim, executive director of the Anti-Defamation League of New England. Mr. Zakim has worked tirelessly, effectively, and creatively to combat antisemitism, and he has put his efforts against antisemitism in the broad context of respect for the rights of all. One area where he has been especially outspoken and thoughtful is that of relations between the Jewish and African-American communities. Knowing as he does the history of members of these two groups working closely together to fight discrimination, Mr. Zakim has been one of the most forceful opponents of those who would divide these two groups of Americans concerned with fairness. Recently, he wrote an article in the Boston Globe which addresses the history of Black-Jewish cooperation, and even more importantly, the need for the groups to continue this cooperative effort in the future. I was flattered that Mr. Zakim mentioned in his article the efforts of myself and the gentleman from Georgia [Mr. LEWIS] along these lines, and because of the importance of this issue and the eloquence of Mr. Zakim's statement, I ask that it be printed here.

A PARTNERSHIP FORGED IN BLOOD

(By Leonard Zakim)

Thirty years ago this month, James Chaney, Michael Schwerner and Andrew Goodman were among thousands of civil rights activists who spread across the South in the Freedom Summer campaign to democratically overturn the apartheid-like Jim Crow laws violating the rights of black Americans. Chaney, Schwerner and Goodman were murdered for their beliefs and their commitment to make America the land of its promise.

The civil rights movement that galvanized those students was led by black Americans. Its operative philosophy was Martin Luther King's recognition that we were "caught in a network of inescapable mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly." The sickness of racism and bigotry was too deeply rooted institutionally and personally for any one group to effectively combat alone. King thought it obvious that a broad-based interracial coalition was essential to the movement's success.

Many young white people enlisted in this nonviolent democratic revolution, although violence often resulted. It was no coincidence that almost two-thirds of these young white were Jewish, driven by the biblical injunction that "one cannot stand idly by," a profound sense of social responsibility and the unfolding realization of the destruction of European Jewry in the Holocaust.

Klan speeches and hate literature of that era point often to a Jewish "conspiracy" to destroy white Christian America by supporting civil rights for blacks. Synagogues as well as black churches in the South felt the heat of bombs and the pain of violence.

Schwerner, Chaney and Goodman—two Jews and a black man—became symbols of an era marked by a remarkable and effective black-Jewish alliance. Relations even then were not perfect, but they were marked by a working partnership and shared values. As with blacks, Jews were also motivated partly by self-interest, a coalition's most reliable motivation.

Anti-Semitism in America was not then, nor is it now, as deep-seated as racism, but it was serious, sometimes subtle and often violent. Jews wanted and needed additional legal and political means to fight it. The civil rights laws provided some of the means.

But the primary motive for Jewish involvement was that it was the right thing to do. Rabbi Abraham Joshua Heschel wrote that "the plight of the Negro is a living reminder of our failure—the problem we need is to be or not to be human. The situation of the Negro is the test, the trial, the risk." Heschel also said, "Few of us realize racism is man's gravest threat to man."

Relations between blacks and Jews were never as good then as many remember. And today, relations between blacks and Jews are far from being as bad as we are often led to believe. That today Louis Farrakhan, Khalid Muhammad and their followers espouse many of the Klan's anti-Semitic lies is sad, but black-Jewish relations cannot be held hostage to haters.

Today's challenge to keeping the legacy of Goodman, Schwerner and Chaney relevant lies in our ability to offset the dominant negativity surrounding black-Jewish relations and the media focus they generate.

Blacks and Jews around the nation are not paralyzed by hate rhetoric and extremism, nor do they live in the past. The black-Jewish alliance is not dead or broken in the 1990's—it's simply different.

Reps. Barney Frank and John Lewis, veterans of Freedom Summer 1964, introduced a resolution last week honoring the three slain civil rights activists. The resolution is rooted in the many productive, day-to-day collaborations between black and Jewish members of Congress on issues such as social justice, welfare reform, public school education reform, employment training, aid to Africa and aid to Israel.

In Boston, issues such as hate crimes, educational quality, social justice, fair housing, job training, violence prevention, youth activities and continued antidiscrimination legal efforts provide opportunities for this coalition to succeed. Blacks and Jews stand together for the restoration of a free and democratic Haiti, support a free and democratic South Africa and have linked up to promote Arab-Israeli peace.

Leaders of both communities respond to individual incidents of racist or anti-Semitic hate crimes. The Anti-Defamation League and the Urban League recently organized a Unity Rally against hate in conjunction with Mayor Menino of Boston.

The 14th Annual Black-Jewish Seder drew more than 500 people, including Andrew Goodman's mother and Jim Chaney's brother. The American Jewish Congress works with the Black Lawyers Association, and the Jewish Community Relations Council works closely with the Ten Point Coalition and those initiating the Freedom Summer Project of 1994. The American Jewish Committee is collaborating to generate economic partnerships with African-Americans. There are also an untold number of individual black and Jewish partnerships and church-synagogue collaborations that make the alliance real. In Boston, unlike other cities, we are not strangers attacking each other through sound bites and headlines. We know each other, earn respect from each other, help each other, and, yes, sometimes disagree with each other.

The cancer of anti-Semitism and racism does threaten the viability of this crucial coalition. It cuts into the moral high ground civil rights needs to occupy and it corrodes the coalition. The legacy of Freedom Summer 1964 cannot be allowed to create a standard of conduct and expectations for a coalition too high to fulfill.

The deaths of Goodman, Schwerner and Chaney showed us the capacity of hate and fear to obstruct progress. Their souls and memories demand an end to indifference about racism and anti-Semitism—and a reinvigorated coalition to address the challenge of securing equality that inspired them to go to Mississippi in the first place.

HONORING CHRIS MORRIS AS A TRUE ROLE MODEL TO THE YOUTH OF GULFPORT, FL

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. YOUNG of Florida. Mr. Speaker, at a time when our Nation's youth are searching for role models to look up to and emulate, I am proud to honor a very special young man from Gulfport, FL, named Chris Morris.

Chris is a 20-year-old college sophomore who has spent 20 hours a week the past 4 months as a volunteer umpire in the Gulfport little league. What makes him special is that he is an umpire who is not only liked, but has become a hero to the little leaguers whose games he umpires.

Following my remarks, I would like to include for the benefit of my colleagues an article from the July 3 edition of the St. Petersburg Times. In it, Larry Cooper, president of the Gulfport little league, says "It is very special to have a 20-year-old dedicate his precious time to be with kids. What he is doing is portraying a different ideal for young people today, and I think kids respond to that."

They respond all right and in very positive ways. Mr. Cooper says that when Chris gets done calling a game, the kids surround him asking for autographs. "I've never seen anything like it," he says.

The Gulfport little league has nominated Chris as District 5 Little League Volunteer of the Year. Regardless of the outcome, the most important judges of all, the ballplayers of Gulfport, agree that Chris is their umpire of the year.

Mr. Speaker, Chris Morris is an example of how we can impress upon our Nation's youth the importance of building character and responsibility. He's out on the field with them everyday being a positive role model who will have a lasting effect on these players the rest of their lives. I salute Chris Morris for his service to the Gulfport little league and more importantly, for making such an important contribution to the youth of our community.

[From the St. Petersburg Times, July 3, 1994]

THE UMP

(By Roger Mills)

GULFPORT.—It was a typical Friday night. Chris Morris, the teenager, was hanging with "the boys," sitting on an arbitrary street corner, not bothering anyone. Then, there was a scuffle between two young men. It turned into a brawl, and was soon followed by the sirens of approaching police cars.

Morris remained seated, while many of his friends scampered. He had no reason to run, he said, no reason to be afraid. He had done nothing. He explained that to the police officers and walked home without incident. It was the right call. But then, it appears Morris knows how to make the right call.

"I suppose when I think of those times, I think that I was fortunate," Morris said. "I've always had the discipline to know what's the right thing to do and the right way to act. I hope to be that way for the rest of my life."

So far, things are off to a good start.

Morris no longer hangs with the boys—he is otherwise occupied. During the past three months, the 20-year-old from Gulfport spent four days a week, for as much as 20 hours, calling balls and strikes as a volunteer umpire in the 22-team Gulfport Little League.

He worked almost every day of this year's regular season—which began March 5 and finished June 4—and will continue to umpire any games associated with Gulfport until the end of summer, when he expects to return to Saint Leo College in Pasco County for his sophomore year.

This fall, Morris will suit up with Saint Leo's basketball team as a backup point guard. But he admits that his real passion is umpiring Little Leaguers.

"I know it doesn't seem right for someone who can play both baseball and basketball to want to umpire, but I just enjoy it," Morris said. "I enjoy seeing the kids' reactions, and they seem to enjoy the way I umpire."

It has been seven years since Morris put away his cleats and glove and began his umpiring career, and during that time he has made as many friends as he has called players out on a third strike. The ride has been fulfilling and rewarding for all those involved.

"It's very special to have a 20-year-old dedicate (his) precious time to be with kids," said Larry Cooper, president of the Gulfport league. "At that age, most young men are thinking about other things. He could be out doing so many things—working a job, chasing girls, running the streets. But instead, he devotes his time to a non-paying role. That's very unusual.

"What he is doing is portraying a different ideal for young people today, and I think the kids respond to that."

Morris' play calling quickly became legendary, not only among the players and coaches of Gulfport, but among neighboring and rival leagues, Cooper said.

"Other leagues have been trying to get to him for some time. He is known all over District 5 as one of the best umpires in the game," Cooper said. "When he gets done calling a game, the kids surround him asking for autographs. I've never seen anything like it."

Morris said the response is flattering but it is not the only reason he participates. He remembers his playing days in the Gulfport league and said that kids only need proper role models to set them straight. It happened with him, and he feels a sense of obligation to give something back.

"I remember how important Little League was to me, and I think I just want to repay them for that," he said. "As for the kids, they all look up to me like I'm a role model. They are so much fun to be with, in fact, often I feel like I see myself on the field again."

Morris, who graduated in 1992 from Boca Ciega High School, where he played baseball and basketball, wants to be a chiropractor. But he said the two years of high school ROTC have prepared him for a career in the military.

"What I like about the military is the sense of discipline," Morris said. "It's all about discipline. My mom always told me to be disciplined. I have to give her all the credit for that."

Some credit seems to be coming Morris' way. Cooper recently nominated Morris as District 5 Little League Volunteer of the Year. Morris will be judged by a Little League selection committee from about 20 district nominees throughout the state. The state's winner will move on to consideration in the 16-state South regional competition.

"You don't just nominate a person because it's the thing to do," said Paul Pollard, administrator for District 5. "It's an honor to be nominated. That person has to be one who goes out of one's way to improve Little League.

"There are a lot of parents who give up as many as 15 hours for Little League, but that's because they have children playing. What we look for is someone who has nothing to gain. We think (Chris) is that guy."

"To tell you the truth, I was shocked," Morris said about the nomination. "I never really thought about it. But I'll admit, it takes time and effort. The kids make it easy for me to volunteer. They have confidence in me behind the plate, and I know I can trust them."

Pollard said many districts have yet to nominate someone for the award, which will be announced in three weeks. But Pollard said Morris' contribution this year makes him the front-runner.

"I think he has about a 70 to 80 percent chance of winning this award," Pollard said. "What he has done this year has been very special."

MS. JESSIE CONROW TURNS 100 ON JULY 16, 1994

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. PETE GEREN of Texas. Mr. Speaker, born on July 16, 1894 in Pindars Corners, NY, Jessie Marguerite Burdick is today remembered by her grandson, singer-songwriter Jerry Jeff Walker, as the woman who inspired him to pursue a life in music. The song "The Gift," from Walker's 24th and latest recording album, "Viva Luckenbach!", is dedicated to her and recounts how her gift of a guitar to him for his 13th birthday inspired a lifetime love of music.

First taught chords on a piano by her mother, Ms. Conrow went on to master not only the guitar, but the fiddle as well. In later years she and her husband organized a band which entertained at square dances, barn dances and other social events in their part of the Catskills. Both became musically active in the Grange as well and she was voted Granger of the Year in 1981.

Grandma Jessie, as she is known to her descendants, married Clyde Conrow in 1918. Soon thereafter, the couple gave birth to two children, Alma and Norma. It is Alma Crosby's, nee' Burdick, son, Ron who adopted the name Jerry Jeff Walker when he began a performing career in the late 1960's. Walker, who has a worldwide following and counts President Clinton as one of his biggest fans, is today best known as the author of the pop music standard, "Mr. Bojangles."

Today, Ms. Conrow can look down a long line of children, grand-children, and great-grandchildren stretching from upstate New York to Texas. Jerry Jeff and Susan Walker's daughter, Jessie Jane, carries on by name a century-old legacy.

As for Ms. Conrow herself, she is still active in caring for the disadvantaged elderly at the Fox Nursing Home in Oneonta. At age 100, she continues to set a standard for generations of descendants and it is our privilege to honor her here today.

WHY SMALL BUSINESSES NEED HEALTH REFORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. STARK. Mr. Speaker, there is a common misconception that health reform will be detrimental to small businesses. I believe that health reform is necessary for small businesses to grow and compete in the years to come.

Small businesses that cannot offer health benefits to prospective employees are not able to attract the best candidates, who instead go to work for larger firms which provide attractive benefits packages. We need to help make small businesses competitive with big firms by providing health coverage for small firms.

Present barriers created by insurance companies, such as countless unnecessary forms and regulations, make it difficult for small business to find an acceptable, affordable policy. The vast amounts of paperwork required by insurance companies helps discourage small businesses from seeking coverage and increases health costs for everyone.

By providing subsidies to small businesses and removing present barriers we can help provide small business with affordable, high quality health coverage.

Following is an outstanding letter written by Barbara Davis and Kevin Nortness of Emdee Associates, a small firm which provides database support to law firms and government counsels. This letter illustrates how small businesses will benefit from health reform.

JUNE 14, 1994.

HON. FORTNEY PETE STARK,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN STARK: We are a small company which provides database support to law firms and government counsel on the west coast. Recently we learned that our insurance carrier was writing various government officials making the assertion that small business would be ruined by a mandatory health care plan. We want you to know that we strongly disagree with that sentiment.

In fact, we think that a health care plan that requires employers to offer their workers health care insurance is the only way to level the playing field and get some control over health care and insurance costs. We would like to tell you something about our experiences in locating and implementing a health care policy and dealing with the insurance industry.

First, small businesses have real difficulty in locating health insurance providers. Our experience in Oregon and in California has been that health insurance was unavailable or severely limited in its availability to businesses with less than 15 full-time employees (per state, or per location). Only when Oregon's state legislature pushed to require businesses to offer health care as part of the Oregon Health Care Plan did things improve in Oregon. (Our office in Seattle is new, and therefore we can't fairly comment on our experience there.)

Second, the barriers small businesses confront (when they do investigate health insurance for their staff) often leave owners with the impression that insurance companies have such impossible regulations and requirements that the businesses will be unable to comply or impossibly burdened with paperwork from their insurer.

Insurers generally do not offer policies which can be framed for a fluctuating staff (meeting the needs of companies with long-term temporary or seasonal staff).

We were told that insurance companies could not offer quotes on staff of less than 10 in specific office locations.

Based on our own business's insurance scarch—and searches we have done as a management service for clients—we have come to the conclusion that the health care industry is caught in a bog of its own making, with the result that what lawmakers see and hear from the industry is often confusing. And we suspect that that bog is, to a great extent, the creation of the insurance industry which is so strongly opposed to any change in the American health care system. For example,

First, the financial management techniques employed by various insurance companies providing services in health care (and other fields) serve to escalate the cost of the insurance service.

We have experienced instances (both in health care and in other types of claims payment) where there were two and three levels of claims screening, the result of which was to delay payments for many months.

Payment delays result in the provider increasing fees to cover the lost interest, and

Payment delays also result in a severe loss of confidence in the whole system, and

At least in some instances, we believe payment delays contribute to the public rage against insurance providers, which results in added litigation.

Second, insurance providers' and government forms increase costs and fail to serve the public.

One result of the plethora of insurance claims forms and reports is that the insured and/or the health care provider is required to spend an inordinate amount of time figuring out what is wanted by the insurance company—resulting in extra calls and questions to the insurance company, errors in claim-making, etc.

Third, and, we suspect that another goal of the management systems used by insurance companies is to effectively discourage claim-making and/or to delay payment of claims.

By delaying payment on a $10,000.00 claim for a period of six months, the company can make a fair amount of interest on its invested asset which would otherwise go to pay the claim; and if in the long run the claim has to be paid, the company is all to the good the amount of interest earned for the period that the payment was delayed.

We also suspect the reasons for the use of the specific language which is employed to deny claims which might later be paid by the insurer—this language often serves to so dissuade the insured party from pursuing a righteous claim.

We realize that this is a complex issue and that we have not touched on the part of the issue that might be arguably closest to our business—how personal injury and medical malpractice suits fit into the picture—we think that is for another letter.

What we especially want you to be clear on is that nowhere near all small businesses oppose mandatory health care—we welcome it. Making employer-provided health care nationwide would level the playing field for companies from one state to another, and serve our working public, and get the part-time masses out of the emergency-room syndrome.

Please feel free to contact either one of us regarding this letter. And again, thank you for your time and efforts on creating a national health care plan which will serve America.

Very truly yours,
BARBARA J. DAVIS AND
KEVIN C. ("CASEY") NORTNESS,
Emdee Associates.

RECOGNIZING AMIT KURLEKAR AND TANIA KREBS OF SPRING, TX

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. FIELDS of Texas. Mr. Speaker, I am enormously proud that a young man and a young woman from my congressional district were recently named "Presidential scholars" for 1994.

Amit A. Kurlekar, a recent graduate of Spring High School, and Tania M. Krebs, a recent graduate of Klein Oak High School, visited Washington earlier this month to receive their Presidential scholar medallions. Amit and Tania are 2 of just 141 students nationwide to be so honored.

Amit is the son of Arun and Sheela Kurlekar of Spring Gate Drive in Spring, TX. Amit was the valedictorian of his graduating class at Spring High School, and he scored a perfect 1,600 on his scholastic aptitude test.

At Spring High School, Amit competed in debate on the national level and was selected as his local Exchange Club's "Youth of the Year." His selection as a Presidential scholar is but the latest in a long list of honors that have been accorded to Amit.

Tania is the daughter of Nadine Krebs of Spring, TX, and Eric Krebs of Lynchburg, VA. Tania lives with her mother on Cypresswood Drive in Spring, TX.

Tania attended Girls' State and Girls' Nation last summer, and she, too, was named the Exchange Club's "Youth of the Year." At Klein Oak, she served as editor of the school newspaper, the Panther Press. She also is the recipient of the Daughters of the American Revolution's Good Citizen Award.

Tania has won a number of college scholarships, including the Dedman Scholarship and the Texas Excellence Scholarship—both to the University of Texas—as well as a National Merit Scholarship and the Robert C. Byrd Scholarship.

Both Amit and Tania have demonstrated extraordinary academic excellence during their high school careers, and will, I'm sure, continue that academic excellence during their college years. Amit's and Tania's parents, fellow graduates, teachers, and friends have every reason to be proud of their academic and other accomplishments. I join with them in wishing both Amit and Tania continued success in the years ahead.

Each Presidential Scholar has demonstrated outstanding leadership and scholarship, has made contributions to his or her school and community, and has evidenced talent in the arts, sciences and other fields of interest. Established by Executive order in 1964, the U.S. Presidential Scholars Program is designed to recognize and honor our Nation's most distinguished graduating high school seniors.

Mr. Speaker, I know that you join with me in congratulating Amit and Tania—and all the other 1994 Presidential Scholars—on this great honor that has been accorded them.

Thank you, Mr. Speaker.

LEGISLATION AMENDING POSTAL SERVICE POLICY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. YOUNG of Alaska. Mr. Speaker, today I rise to introduce legislation that will ameliorate problems stemming from a U.S. Postal Service policy that prohibits the users of commercial mail receiving agents [CMRA's] from submitting a standard change of address form to expedite routine mail delivery service.

In nearly all cases when an individual changes residency, the U.S. Postal Service facilitates prompt and accurate mail delivery by encouraging the postal customer to file a mail forwarding change of address form. Atypically, when a CMRA customer relocates, that individual is responsible for informing all potential mailers of any change of address. This policy creates delays and may exacerbate mail fraud as testimony has shown that the first line of defense against fraud is accurate information regarding postal addresses.

Current policy is contradictory to the Postal Service's charge to ensure prompt, accurate mail delivery service. This important legislation will benefit all parties in this particular mail delivery chain: the U.S. Postal Service, the CMRA's, and most importantly, the postal customer.

I submit a copy of the bill.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGE-OF-ADDRESS ORDER BY COMMERCIAL MAIL RECEIVING AGENT.

(a) IN GENERAL.—Chapter 36 of title 39, United States Code, is amended by adding at the end the following:

"§3686. Change-of-address order by commercial mail receiving agency

"Upon termination of an agency relationship between an addressee and a commercial mail receiving agency, either the addressee or the commercial mail receiving agency may file a change-of-address order with the Postal Service. The Postal Service shall forward to such addressee mail which is marked for forwarding by the commercial mail receiving agency in the same manner as, and subject to the same terms and conditions as apply to, mail forwarded directly by the Postal Service to such addressee.".

(b) TABLE OF CONTENTS.—The table of contents at the beginning of chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3685 the following new item:

"3686. Change-of-address order by commercial mail receiving agency.".

CONGRATULATIONS TO THE WINNEBAGO HOSPITAL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BEREUTER. Mr. Speaker, on June 23, 1994, the Winnebago Hospital's Drug Dependency Unit [DDU] and Diabetes Program received a Public Health Service Special Recognition Award. The Winnebago DDU placed first among 103 nominated Public Health Service programs for its program to simultaneously treat diabetes and alcoholism. The Indian Health Service Hospital is located in Winnebago, NE, in the First Congressional District. The Drug Dependency Unit serves both the Winnebago and Omaha Tribes in addition to many other native Americans from throughout the Nation.

This award recognizes an innovative and progressive model program which has advanced the treatment of alcoholism and diabetes for American Indians. This is made possible by the location of the DDU in a hospital that allows a wide range of services to be provided that clinics alone cannot. The Winnebago DDU routinely treats patients for diabetes and alcoholism within the same program. By concurrently treating both problems, patients receive substantially greater health benefits than when only one is treated.

The DDU has an amazingly high success rate when compared with other programs that treat native Americans. It is reported that it has a 56-percent success rate in treating alcohol and substance abuse while non-Indian treatment programs serving Indian people have a 0- to 5-percent success rate. Not only is the DDU the first adult in-patient substance abuse program in the Indian Health Service system, it also has the highest success rate of programs assisting native Americans.

The Winnebago and Omaha Tribes created this unit to help stem an extraordinarily serious problem in Indian country. The tragic results of alcoholism and substance abuse can be seen throughout the United States, and especially among Indian people. The Winnebago DDU has developed an innovative treatment program for native Americans that deserves to be considered elsewhere.

The Public Health Service award is just one of several prestigious awards the Winnebago DDU has recently received. In 1992, it received the 1992 Public Service Excellence Award in the Federal category. The Winnebago DDU is a proven success story that provides essential health services to many American Indians.

Mr. Speaker, this Member is pleased to extend his congratulations on this well-deserved honor to the staff of the Winnebago Hospital DDU and the diabetes program.

ALASKA NATIVE SUBSISTENCE WHALING EXPENSE CHARITABLE TAX DEDUCTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. YOUNG of Alaska. Mr. Speaker, I rise to introduce a measure that recognizes the need to provide critically needed tax relief to a few Alaskan Native whaling captains who otherwise may not be able to continue their centuries-old tradition of subsistence whaling. In brief, this bill expresse the support of the House of Representatives to provide a modest charitable deduction to those Native captains who organize and support traditional whaling hunt activities for their communities.

The Inupiat and Siberian Yupik Eskimos living in the coastal villages of northern and western Alaska have been hunting the bowhead whale for thousands of years. The International Whaling Commission [IWC] has acknowledged that "whaling, more than any other activity, fundamentally underlies the total lifeway of these communities."

Today, under the regulatory eye of the IWC and the U.S. Department of Commerce, these Natives continue a sharply restricted bowhead subsistence hunt out of 10 coastal villages. Local regulation of the hunt is vested in the Alaska Eskimo Whaling Commission [AEWC] under a cooperative agreement with the Department of Commerce, National Oceanic and Atmospheric Administration.

The entire Native whaling community participates in the hunt activities. However, Native tradition requires that the whaling captains are financially and otherwise responsible for the actual conduct of the hunt; meaning they must provide the boat, fuel, gear, weapons, ammunition, food, and special clothing for their crews and must store whale meat until used.

Each of the approximately 35 bowhead whales landed by Native communities each year provides thousand of pounds of meat and "muktuk" (blubber and skin). Native culture dictates that a whaling captain whose crew lands a whale is responsible for feeding the community in which the captain lives. Customarily, the whale is divided and shared by all of the people in the community free of charge.

In recent years, Native whaling captains have been treating their whaling expenses as a deduction against their personal Federal income tax, because they donate the whale meat to their community and because their expenses have skyrocketed due to the increased costs in complying with Federal requirements in outfitting a whaling crew. The IRS has refused to allow these deductions, placing extreme financial burden on those who use personal funds to support their Native communities' traditional activities. Currently five whaling captains have appeals of these disallowances pending before the tax court or the IRS.

The bill I am introducing today expresses the need to amend section 170 of the Internal Revenue Code to provide that the investments made by this relatively small and fixed number of subsistence Native whaling captains are fully deductible as charitable contributions against their personal Federal income tax. Such an amendment should also retroactively resolve the disallowance and assessment cases now pending within the statute of limitations.

The expenses incurred by these whaling captains are for the benefit of the entire Native community. These expenses are vital contributions whose only purposes are to provide food to the community and to perpetuate the aboriginal traditions of the Native subsistence whaling culture.

Each Alaskan Native subsistence whaling captain invests an average of $2,500 to $5,000 in whaling equipment and expenses in a given year. A charitable deduction for these expenses would translate into a maximum revenue impact of approximately $230,000 a year.

Such a charitable deduction is justified on a number of grounds. The donations of material and provisions for the purpose of carrying out subsistence whaling, in effect, are charitable contributions to the Inupiat and Siberian Yupic communities for the purpose of supporting an activity that is of considerable cultural, religious, and subsistence importance to those Native people. In expending the amounts claimed, a captain is donating those amounts to the community to carry out these functions.

Similarly, the expenditures can be viewed as donations to the Inupiat Community of the North Slope [ICAS], to the AEWC and to the communities' participating churches. The ICAS is a federally recognized Indian Tribe under the Indian Reorganization Act of 1934 (48 Stat. 984). Under the Indian Tax Status Act, donations to such an Indian Tribe are tax deductible (28 U.S.C., 7871(a)(1)(A). The AEWC is a 501(C)(3) organization. Both the ICAS and the AEWC are charged with the preservation of Native Alaskan whaling rights.

It also is important to note the North Slope Borough of Alaska, on its own and through the AEWC, spends approximately $500,000 to $700,000 annually on bowhead whale and other Arctic marine research and programs in support of the U.S. efforts at the International Whaling Commission. This is money that otherwise would come from the Federal budget to support the U.S. representation at the IWC.

Given these facts and the internationally and federally protected status of the Native Alaskan subsistence whale hunt, I believe expenditures for the hunt should be treated as charitable donations under section 170 of the Internal Revenue Code. I ask my fellow Members to join with me in clarifying the Federal tax code to make this a reality for these Native whaling captains.

I ask that a copy of the bill be printed at the close of these remarks.

H. CON. RES. —

Resolved by the House of Representatives (the Senate concurring), That in recognition of the prohibitive financial burden placed upon Alaska Native subsistence whaling captains by international obligations ratified by the United States, it is the sense of the Congress that the utmost consideration should be given to clarify Federal tax law to allow a reasonable Federal charitable tax deduction for the reasonable and necessary expenses of such captains related to their conduct of the centuries old subsistence whaling hunt as a charitable contribution activity for the benefit of their native community, donations to which are deductible under section 170 of the Internal Revenue Code of 1986.

U.S. TROOPS MEAN U.S. PROBLEMS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BURTON of Indiana. Mr. Speaker, there is much discussion these days about a potential settlement between Israel and Syria that would entail a United States peacekeeping presence on the Golan Heights. This is a very serious issue worthy of debate, but I am sorry to say that such debate has been lacking up till now.

In the interest of promoting such debate, I commend to all my colleagues' attention these two excellent articles, one by Frank Gaffney and one by Yoram Ettinger.

[From the Jerusalem Post, July 7, 1994]

U.S. TROOPS MEAN U.S. PROBLEMS

(By Yoram Ettinger)

Involving American troops in an Israeli-Syrian peace agreement is not just a suggestion floating somewhere between Jerusalem and Washington.

Congressman Lee Hamilton, chairman of the House Committee on Foreign Affairs, recently indicated that a US survey is already underway to determine the specific locations of a US peacekeeping force on the Golan. The survey's underlying assumption is that Israel will evaluate the entire Heights.

Assad's military potential and his record of brutality and unpredictability, the brief life-span of hundreds of Mideast agreements and the violently abrupt nature of their abrogation make Israel's risks in evacuating the Golan substantial.

An American force would supposedly constitute an essential reassuring component.

But to bolster a potentially vulnerable accord, US presence on the Golan must be durable, and politically/militarily sustainable. Moreover, it must be compatible with US interests, lest it be summarily withdrawn.

Is the deployment of US peacekeepers (monitoring or combat, unilateral or multinational) consistent with such requirements?

Unlike US observers in Sinai (22,000 square miles of empty desert) US personnel on the Golan (450 sqm) would be situated about 25 miles from two of the most notorious training/operatonal centers of international narco-terrorism: Damascus and the Syrian-controlled Beka's Valley ("Medellin East.")

They would be stationed in a neighborhood the size of a small US congressional district, populated by well-armed Afghan, Hizbullah, Hamas, Islamic Jihad, Abu Nidal, Jibril, Habash, Hawatmeh, PLO, PKK, Japanese Red Army, Latin American, West European and Southeast Asian terrorists.

Moreover, these terrorists are proxies of hostile radical regimes (Syria, Iran, Iraq, Libya, etc.). They would enable their patron regimes to intimidate Washington, constrain its ability to respond to provocations elsewhere (e.g. the Gulf area), and extort political concessions by targeting US servicemen. The states sponsoring the terrorists would, meanwhile, preserve the element of deniability.

A truly effective US combat force is precluded—even theoretically—by the diminished overall size of the US military. One may safely predict, then, a possible withdrawal of the peacekeepers in face of hostage-taking and casualties.

Such a withdrawal would be perceived as another retreat (following Beirut, Somalia and Haiti), further eroding the US posture of deterrence and shrinking public support for essential overseas military involvement.

While on the Golan, the US presence would constrain Israel by forcing it to coordinate preemptive and reactive operations with the US, thus inadvertently shielding terrorists. It would also deny the US the benefits from Israel's "unauthorized actions" (e.g. the 1981 bombing of Iraq's nuclear reactor).

Requiring Israel to seek prior approval in countering belligerence would strain US relations with Israel. At the same time, appearing to have enabled Israel to act freely, would damage US-Arab ties.

However, as demonstrated by the precedent of the 1982/83 US episode in Lebanon, and evidenced by Mideast complexities, one can expect the relationship between the US and both sides—essential to the achievement of a genuine peace—to be undermined.

In addition, a US presence at a stormy junction bordering Israel, Lebanon, Syria, Jordan and numerous terrorist groups, could draw the US unwillingly into inter-Arab and Arab-Israel disputes. It would certainly deepen the involvement of Russia (which has resumed strategic cooperation with Syria), France (which still views Lebanon as a French auxiliary), and other powers, further exacerbating global and regional tensions.

A Washington power broker recently agreed that the question of a complete withdrawal from the Golan should be decided by Israeli voters. But the fate of US peacekeepers and their implications for US national security should be debated by the American public and the appropriate congressional committees, independent of Israel's stance on the Golan.

Keeping in mind the American public reaction to US military involvement in Lebanon and Somalia, and recognizing the likely pitfalls of a US force on the Golan, such an undertaking would probably not be politically/militarily sustainable.

LONG-TERM CARE IMPROVEMENT ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Ms. SNOWE. Mr. Speaker, long-term care means different things to different people. It means home health care for those who need some help, but do not require round the clock care. It means respite care so those families who are struggling to keep a loved one at home can have a short break and some time to themselves. And it means nursing home care for those in need of institutional services.

As the floor debate on health care draws closer, it is important that we all remember that any major reform of our health care system will be incomplete if it does not address some of the problems facing our long-term care system. I am introducing legislation today that addresses four areas that are in need of change: setting standards for private long-term care insurance; changing the Tax Code to make insurance more affordable; providing respite care tax credits for family caregivers, and providing a tax credit to those who care for Alzheimer's victims at home.

Private insurance coverage for long-term nursing home care is very limited with private insurance payments amounting to 1 percent of total spending for nursing home care in 1991. In 1986, approximately 30 insurers were selling long-term care insurance policies of some type and an estimated 200,000 people were covered. As of December 1991, the Health Insurance Association of American [HIAA] found that more than 2.4 million policies had been sold, with 135 insurers offering coverage.

HIAA estimates that the long-term care policies paid $80 a day for nursing home care and $40 a day for home health care; they had lifetime 5 percent compounded inflation protection, a 20-day deductible, period and a 4-year maximum coverage period. These policies had an average annual premium in December 1991 of $1,781 when purchased at the age of 65 and $5,627 when purchased at the age of 79.

We need to make sure that these policies are not only affordable, but that they guarantee the benefits they promise. The National Association of Insurance Commissioners [NAIC] has produced standards for long-term care policies which cover the spectrum of issues—from disclosure to clearly defining the benefits, cost and time period covered. The Federal Government should require that all States meet this standard in any long-term care policies sold in their States. My bill would put the NAIC standards into law.

There is general agreement that we need to change the Tax Code to take away any disincentives to purchasing long-term care insurance. In addition, the change may encourage employers to offer long-term care policies as an optional benefit, as they would be able to deduct the cost, too. This bill will treat private long-term care insurance policies like accident and health insurance for tax purposes. It would also define a dependent as any parent or grandparent of the taxpayer for whom the taxpayer pays expenses for long-term care services. This change will allow children and grandchildren to deduct the long-term care expenses they pay. Current law requires that an individual must pay 51 percent of the expenses for a dependent before they can be deducted.

Over 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, or daughters-in-law. Family caregivers provide between 80 and 90 percent of the medical care, household maintenance, transportation, and shopping needed by older persons. Numerous studies have found that family caregivers give up their jobs, have reduced their working hours or have rejected promotions in order to provide long-term care to loved ones.

My bill will expand the dependent care tax credit to make it applicable for respite care expenses and make the credit refundable. A respite care credit would be allowed for up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents. This money could go, for example, toward hiring an attendant for an elderly dependent during the work day, or for admittance to an adult day care center. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Such a respite care credit will save dollars for both caregiving families and the Government by postponing, or even avoiding, expensive institutionalization.

Finally, this legislation will provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. It would allow deductions of expenses, other than medical, which are related to the home health care, adult day care and respite care of an Alzheimer's victim.

In most cases of Alzheimer's disease, families will bear the brunt of the responsibility of care. Many caregivers of dementia victims spend more than 40 hours a week in direct personal care. These families are trying to cope with the needs of a dependent older Alzheimer's victim with little or no financial or professional help.

In the face of the continued and intense involvement of the family caregiver, services that provide respite from the ongoing pressures of care become essential in the caregivers' ability to support the Alzheimer's victim at home. Home health care, adult day care and long-term respite care all provide opportunities to free caregivers from their caregiving responsibility and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

It is important to provide some tax relief for those expenses related to their continued care in the home. Perhaps by such action we can delay the institutionalization of dementia victims. Surely we can provide financial relief to their caregivers.

I urge my colleagues to join me in supporting this bill and in supporting the inclusion of changes in our long-term care system in whatever health care reform package we send to the President.

NORTH KOREA'S NUCLEAR PROGRAM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. SHAW. Mr. Speaker, President Carter's visit to North Korea and the disorganized nature of the Clinton administration's policy threaten the security of the United States. President Clinton would have us believe that the crisis of North Korea's nuclear program is over. Nothing could be further from the truth.

North Korea has been pursuing a nuclear bomb since the 1960's and has consistently displayed a lack of cooperation with the International Atomic Energy Agency. To believe that a brief visit by former President Carter has reversed decades of effort and expense on Pyongyang's part is doubtful at best. North Korea is doing what it has done for years—stalling. The reality is that the the North Korean nuclear bomb program is likely to continue unimpeded.

President Clinton promised that North Korea would not be allowed to develop a nuclear weapon and called for sanctions if they failed to submit to IAEA inspections. He has reversed himself on both counts. North Korea may already have a nuclear weapon and is on the verge of building more. If we fail to act soon, North Korea will have a nuclear arsenal it could sell to Iran, Syria, and other rogue states that pose a threat to the United States and our allies around the world.

A TRIBUTE TO A UNIQUE FAMILY: THE HOWARDS OF MONTGOMERY COUNTY, MD, AND THE HOLLANDS OF ONTARIO, CANADA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mrs. MORELLA. Mr. Speaker, it is a proud moment for me to rise and pay tribute to a remarkable family—the Howards of Montgomery County, MD, and the Hollands of Hamilton, ON, Canada. This special family is gathering for their sixth reunion in Gaithersburg, MD, that ends July 17.

The Howards and the Hollands trace their origins in the United States to the early 1800's, when their ancestors lived under the dreadful yoke of slavery. The Howard family is said to be descended from Jack and Polly Howard, who were slaves on the plantations of the Gaithers, Howse, and Griffith families of Montgomery County. Jack and Polly had eight children. The Hollands of Canada are descendents of Jack and Polly's second child, Leatha Howard Holland Webster.

It was Leatha Howard's two sons who established the family in Hamilton, ON, Canada. William Hanson Holland and Thomas John Holland escaped to freedom in Canada and changed the family name from Howard to Holland out of fear that they would be kidnaped and returned to America during the enforcement of the Fugitive Slave Act.

The Hollands of Canada lost contact with the Howards in America for more than 125 years. Then, in 1978, members of the Howard family attended a family reunion in Ontario. A plan was devised to bring the entire family together in 1984, in Gaithersburg, MD.

Mr. Speaker, the Howard-Holland family is rich in accomplishments. In 1867, George Enoch Howard petitioned the Montgomery County government for a school to educate African-American children. The petition was granted in 1880, and the land for the school was a gift from George Enoch. John Henry Howard built Howard Chapel and Howard Chapel Rd., in Montgomery County, is named for him. Mary E. Howard married John Henry Murphy and, together, they founded one of America's great black newspapers, the Afro-American. Betty Simpson is the founder and current director of the North American Historical Museum in Amherstburg, ON.

The Howard-Holland family is an American family in the best traditions of this Nation. Throughout their history in America, they have dared to challenge injustice and discrimination. I commend them for their perseverance and their diligence in light of the obstacles they have faced and surmounted. I am honored to add my voice to the praises of friends and colleagues who salute them on the occasion of their sixth family reunion.

EVADNE BLANCH EMMANUEL—100 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. TOWNS. Mr. Speaker, it is with great pleasure that I bring to the attention of my esteemed colleagues the work of Ms. Evadne Blanch Emmanuel. Ms. Emmanuel is a beacon of light and commitment within her community in Brooklyn, NY.

Ms. Emmanuel was the last of six daughters born to Sarah and George Blanch who are from Jamaica, West Indies. She was born on July 15, 1894, in Matachin, Panama Canal Zone.

Throughout her life in Panama and later in the United States Ms. Emmanuel made the church the center of her life. She first attended the Methodist church and was educated in Panama at the Methodist Elementary School. She married and had two daughters and a son. During these years Ms. Emmanuel was a devoted wife and mother she was also involved in community service. She taught and provided recreational activities for children in her church.

In October 1963 she immigrated to the United States of America. Soon after, she joined St. Peter's Evangelical Lutheran Church where she is still found worshipping most Sundays. At St. Peter's she continued her community service by becoming an active supporter of members of the congregation. She is a member of the Ladies Aid Society at St. Peter's and is known by the congregation as loyal and extremely generous. One member says she is known by younger members of the congregation as mom or grandma.

Ms. Emmanuel represents the everyday people who get little recognition throughout their lives even though it is the Evadne Emmanuels of the world that constitute a strong community. Her daily, charitable deeds on the local level have made a profound impact on the Brooklyn community. I rise to salute Ms. Evadne Emmanuel on her 100th birthday.

25 YEARS OF DEDICATED SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. HOYER. Mr. Speaker, I rise to commend a quarter century of service by the Greater Waldorf Jaycees in my home district—Maryland's Fifth. Over the past 25 years, the Jaycees have made invaluable contributions to the life of their community again and again.

We in Congress try to create a body of law that will encourage service like that of Jaycee members. From there, individuals of each of our districts bring these goals to life. Organizations where people can dedicate themselves to helping their neighbors are what is right about our country.

Organizations like the Jaycees become indispensable community resources from which we benefit every day. The Greater Waldorf Jaycee Foundation has given its community incalculable hours of service, from the first project, a teen coffee house, 25 years ago to the community center in recent years. They have given to Crime Solvers, Little League, Junior Miss, Toys for Tots and countless other individual projects. Members have helped a community remember Robert Stethem, killed in Beirut, by dedicating a sports complex in his name. Jaycee members have risen to these tasks on their own, simply because the job needed done.

The Jaycees are important to our community not only because of the projects they have successfully completed, but because they represent the best of service to community and are a model for all our citizens. By example, they encourage the spirit of a family. Their personal character exhiibts a spiritual strength and neighborly caring that sets a standard for all.

The Jaycee motto states, "That earth's great treasure lies in human personality." I am glad this organization reminds us that, although it can be helpful to address people as members of a group, the contribution of the each person as an individual has its merit. By volunteering, the members shows a personal commitment and strength of character. The diversity is melded into a strong whole. And, these individuals, banded together, address needs of individuals close to home. Helping out their own neighbors, whom they can know personally, their humanity makes great strides for which I, as part of their community, am grateful.

Thank you for your service to the community and may we all benefit from your actions for many years to come.

A SALUTE TO NATIONAL SECURITY AGENCY UNDERGRADUATE TRAINING PROGRAM GRADUATES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. STOKES. Mr. Speaker, I rise today to salute the graduates of the National Security Agency Undergraduate Training Program [UTP]. On Monday, July 18, 1994, nine students will be recognized for completing the training program. As the author of this unique scholarship program which serves minority and disadvantaged students, I take particular pride in saluting the 1994 graduates. I am also pleased to note that on the date of the graduation, my friend and colleague from New Jersey, DONALD PAYNE, will travel with me to the National Security Agency for the commencement exercises. Today, as I salute the UTP graduates, I want to share with my colleagues some important information regarding the creation of the Undergraduate Training Program.

During my tenure as chairman of the House Permanent Select Committee on Intelligence, I was struck by the lack of minorities employed in key ranking and policy making positions throughout the intelligence community. To address the problem, I initiated legislation which was signed into law for the creation of a special Undergraduate Training Program. We were then able to secure the cooperation of the Central Intelligence Agency and National Security Agency to become the first intelligence agencies to include in their budgets the funds to provide full scholarships for minority and disadvantaged students.

Through the program, minority high school graduates have their undergraduate college education fully funded and, following completion of college, are placed in midlevel positions at the intelligence agencies. While in college, students are provided a yearly salary, and full payment of their tuition, fees, and books. Many of the UTP participants enter such challenging fields as electrical engineering, computer science, computer engineering, and foreign languages.

Mr. Speaker, since its birth more than 7 years ago, the Undergraduate Training Program has enjoyed great success. At the National Security Agency, 40 students are currently enrolled in the program, with an additional 23 students scheduled to begin the training program in August. The students participating in the Undergraduate Training Program are some of the best and brightest in the country. They are not only high academic achievers, but their future employment is already secure in promising fields throughout the intelligence community.

Mr. Speaker, the graduate of the Undergraduate Training Program bring to the National Security Agency excellent skills and training which will benefit the agency in its mission. As I salute the 1994 graduate. I also take this opportunity to commend the Director of the National Security Agency, Vice Adm. J.M. McConnell, for his strong support and commitment to the UTP Program. I look forward to the opportunity to express my personal appreciation to Admiral McConnell, as well as personally salute the 1994 graduates at the upcoming commencement exercises.

INTRODUCTION OF THE DURHAM WOODS NATURAL GAS SAFETY ACT OF 1994

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. FRANKS of New Jersey. Mr. Speaker, as my colleagues may recall, soon after midnight on March 24, 1994, a 36-inch interstate natural gas transmission pipeline exploded in Edison. Four months after the blast, it is still difficult to comprehend the devastation and horror caused by one defective 36-inch piece of natural gas pipeline. Eight apartment buildings were demolished. Hundreds of cars were scorched, and some even melted from the intense heat. Windows were shattered and roofs buckled.

For the 1,500 people who lived at the Durham Woods apartment complex, March 23 was a night of sheer terror. Men, women, and children fled their homes with just the clothes on their backs in a race for their lives against a roaring wall of fire.

Miraculously, only 1 person died; 29 others escaped with only minor injuries.

Although the physical rebuilding of Durham Woods has begun, the pain and financial hardship are far from over. Close to 130 families were left without a home, and virtually all their possessions were burned beyond recognition. For those who were fortunate enough to return to their homes, they may never feel safe again. They have to live with the fear of knowing that several hundred yards from their homes, buried 15 feet below the ground, is a pipeline that almost ended their lives.

This fear is not confined to Durham Woods. The intensity of the explosion shook people out of their sleep in communities throughout central and northern New Jersey, leaving them frightened about their own safety. Residents throughout New Jersey have begun to wonder and worry about the hidden danger buried under their homes, businesses or the schools their children attend.

And there is reason for concern. Throughout New Jersey, there are 961 miles of interstate pipelines that are regulated by the Federal Government. There are another 27,725 miles of intrastate pipelines that carry natural gas to homes and businesses.

Natural gas pipelines can be found throughout the United States. Since 1970 over 500 people in our country have died in natural gas pipeline accidents.

Although the final verdict is still out on the cause of the Edison explosion, it has sounded the alarm for more stringent controls over natural gas pipelines. At this point, it appears that the owner of the pipeline, Texas Eastern, had been complying with all Federal rules and regulations regarding inspection of this section of pipeline. The pipeline, which was built in 1961, had been tested in 1986. Authorities now believe a gouge in the pipeline caused by heavy machinery triggered the blast.

The Federal and State laws currently on the books failed to protect the Durham Woods families. And they can't be relied upon to safeguard thousands of other families in New Jersey who live near natural gas pipelines.

This is why today I am introducing bipartisan legislation to toughen pipeline safety laws in order to ease the fears of residents in our State and throughout our Nation.

First, we need to develop a greater public awareness of the dangers posed by damaging a pipeline and the critical importance of notifying the owners of natural gas pipelines before performing any construction work near a pipeline. Under my legislation, for the first time it would be a Federal crime to damage a natural gas pipeline and not report the damage promptly to the operator of the pipeline or appropriate authorities. Anyone found guilty of this offense could receive a 10-year prison term.

Second, it is essential to ensure that the public and anyone planning to do excavation work near a pipeline knows exactly where this potential hidden danger lies. My bill would require that all intrastate natural gas pipelines located in densely populated areas be clearly identified with line markers. Right now, only companies without damage prevention programs are required to post markers. That's simply inadequate. Markers are a relatively inexpensive means of safeguarding the public and should be required for all pipelines in densely populated areas.

Third, there is an urgent need for more frequent inspections of pipelines. Specifically, my bill would require natural gas pipeline operators to inspect pipelines once a month to check for potential problems, such as construction activity, in the area.

Fourth, my bill would also require that the latest technology—the smart pig—be used to internally inspect pipelines. Pipelines in densely populated areas that are piggable would then have to be inspected with a pig at least once every 7 years.

Fifth, to promote compliance with pipeline safety requirements owners of natural gas pipelines and construction crews must know that if they violate the law, they'll face tough penalties. My bill would double the criminal and civil penalties for anyone violating Federal pipeline safety standards. The minimum jail term would increase from 5 to 10 years. Furthermore, anyone convicted of deliberately sabotaging a pipeline would face a 30-year prison term.

Finally, some concerns have been raised about whether these natural gas pipelines, which now carry huge volumes of highly pressurized gas, are still safe. To answer this very serious question, my bill would require the U.S. Department of Transportation to conduct an assessment of the risk to the public safety and environment posed by natural gas pipelines.

We have all learned some very frightening lessons from the explosion that ripped apart Durham Woods. The pipelines that crisscross the Nation carrying natural gas can no longer be ignored. Out of sight can no longer mean out of mind. One oversight or unreported construction accident can lead to disaster. Stringent new precautions are essential to ensure that these pipelines meet the highest safety requirements.

For the residents of Durham Woods the night of March 23 is a nightmare they will have to live with the rest of their lives. We in Congress must take all the necessary steps to ensure that nightmare is never repeated. The millions of Americans who live and work near natural gas pipelines need to know that every possible precaution has been taken to keep them safe.

Mr. Speaker, my bill would make the transportation of natural gas by pipeline safer, and I urge my colleagues to support this needed legislation.

AMERICANS MAY NOW OBTAIN A DIFFERENT POINT OF VIEW ON POLITICS

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. OXLEY. Mr. Speaker, I would like to call the article, "New Book Bolsters Clinton Complaints on 'Cynical' Media," by Morton M. Kondracke, in the July 14 issue of Roll Call, to the attention of my colleagues. A new book titled "Out of Order," by Thomas E. Patterson, suggests that reporters don't report the news so much any more; instead they editorialize the news. Patterson's book proves that much of what is being broadcast or printed in the media is negative when it comes to covering politics. The author states that one of the largest problems with today's coverage of news is that the media too often doesn't allow politicians to be heard. Perhaps Professor Patterson's book and Morton Kondracke's review will help in giving Americans a different point of view.

NEW BOOK BOLSTERS CLINTON COMPLAINTS ON 'CYNICAL' MEDIA

President Clinton charges that journalists don't so much report the news anymore as editorialize about it, and that they are making Americans cynical about politics. An important new book suggests he's absolutely right.

The book is "Out of Order" (Knopf) by Syracuse University professor Thomas E. Patterson. It shows that during the 1992 race, 80 percent of presidential campaign stories on the front page of the New York Times were interpretive accounts stressing the reporter's opinions, while in 1960, almost all stories were descriptive accounts largely based on the words of candidates and other politicians.

What's more, analyzing more than 4,200 campaign stories in Time and Newsweek from 1960 to 1992, Patterson finds that until 1976, "good news" about candidates and their campaigns dominated, whereas from 1980 on, articles have been mainly negative, sometimes savagely so.

Television coverage is much the same, Patterson shows, with correspondents regularly opining that candidates purposely mislead votes, don't stand for anything, lack a clear agenda, or have character flaws making them unfit to govern.

Patterson's book documents increasing negative "advocacy coverage" in campaigns, but other data indicate that the tendency carries over into coverage of government—possibly because the same reporters cover campaigns, the White House, and Congress.

According to the Center for Media and Public Affairs, 62 percent of 1993 network news stories on the Clinton presidency were negative. Coverage of Democrats in Congress was 60 percent negative and 75 percent negative for Republicans.

During a radio interview with St. Louis station KMOX on June 24, Clinton blasted radio talk-show host Rush Limbaugh, right-wing preacher Jerry Falwell, and the mainstream media. What he said about the media was all but ignored.

Explaining citizen cynicism, Clinton said, "If you look at the information they get, at how much more negative the news reports are, how much more editorial they are, and how much less direct they are . . . you can't blame them for responding that way."

Curiously, the Center for Media and Public Affairs finds that the overall content of TV coverage of the Whitewater and Troopergate scandals from last November through this May has been equally balanced for and against Clinton—although obviously the subject matter of the stories works against Clinton.

But during the two months prior to Clinton's complaint in St. Louis, TV scandal reporting had turned decidedly negative for Clinton, by a margin of 61 percent to 39 percent. By far, ABC News has been toughest on Clinton and CBS the most favorable.

Patterson's book, while coming from the vantage point of campaigns, is a 300-page vindication of Clinton's basic point of view.

"There is a danger to democracy in both the unrelenting negativism of the press and the increased inability of candidates to avoid the press's scrutiny," he writes. "Candidates have to communicate with an electorate that is continuously warned by the press to mistrust them. A wall of suspicion is thus created, and disbelief sets in."

Possibly Patterson's most damning findings are that the media nowadays won't even let a politician be heard.

In 1968, the average TV soundbite featuring a presidential candidate's own words was 42 seconds long. In 1988 and 1992, the average was less than ten seconds.

For every minute that the candidates spoke on the evening news in 1988 and 1992, Patterson reports, journalists who were covering the campaign talked for six minutes.

Newspapers are little better. In 1960, the average continuous quote or paraphrase of a candidate's words in a front-page New York Times story was 14 lines long. By 1972, the average had fallen to six lines.

"The candidate's words are now usually buried in a narrative devoted primarily to expounding the journalist's view," says Patterson. And usually the journalist's view, he says, is that politicians are trying to put something over on the public.

Patterson writes that the fundamental problem with presidential politics today is that the media have taken over the candidate-judging role formerly occupied by party leaders—largely as a consequence of the 1968 McGovern-Fraser reforms in the Democratic party.

The media, naturally inclined toward "news" rather than underlying issues and toward "horse race" coverage rather than substance—and increasingly driven toward scandal and personality—simply is not cut out for the role of chief arbiter of politics, Patterson writes. The remedy he recommends: shortening campaigns.

That's a distant cure, though. What America needs most is for TV and print editors to order their reporters to quit being de facto columnists and to go back to telling people what happened yesterday, rather than what to think about tomorrow.

MONTANA'S VOICE OF DEMOCRACY WINNER—PAIGE ROIGER

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. WILLIAMS. Mr. Speaker, I am pleased today to insert in the CONGRESSIONAL RECORD the following winning script, by my constituent, Ms. Paige Roiger of Sidney, MT. Ms. Roiger was Montana's winner in the My Commitment to America Contest sponsored by the Veterans of Foreign Wars of the United States.

MY COMMITMENT TO AMERICA

DEAR AMERICA: I'm writing this letter to thank you for being a great nation. Since your birth, God has blessed this land more than any other nation, with great natural resources, beauty, and countless opportunities.

This nation was founded by committed people with integrity and forethought, who wrote our Constitution and developed the laws we still live by today. The signers of the Declaration of Independence, put more on the line than their name. Many of them sacrificed everything, their personal wealth, family security, and some even forfeited their lives. But it was worth it to them because of their commitment to this "noble experiment" America.

Our national character was developed by men like George Washington, who was committed to the shaping and molding of this nation. Men like Thomas Jefferson, who saw beyond the Mississippi, and was committed to expanding this nation. And Lincoln, who was committed to preserving the Union, who for this cause, risked the separation of this beloved land, and guided this land through its darkest hour. Enshrined alongside them on Mt. Rushmore, is Teddy Roosevelt, who guided the developing of this nation into a world power.

Men of honor, courage, and vision have this heritage and challenge to a new generation of Americans. Through their example, I am challenged—compelled to be committed to stand up for the things that are best for our nation. According to John Stuart Mill, "One person with a belief is equal to a force of 99 who only have interest."

We are the world's leader, example, and model, the best in medicine, the best in agriculture, the best in technology. The fact that we are the leader is no mere coincidence. The challenge to my generation is to uphold this standard of excellence.

My first commitment is to America's beauty. I must strive to preserve and protect our vast natural resources. From coast to coast we've inherited mighty rivers, scenic lakes, spacious prairies, majestic mountains, and grand forests. Along with the inheritance comes the responsibility to insure their continuing beauty and benefits for future generations.

Secondly, my commitment is to America's freedoms. I must seek to preserve our fundamental rights. The freedom of press, the freedom of speech, and the privileges we have of going to schools of our own choice, worshiping God the way we believe, and having an active voice in our government. I hope to be included in the thousands of God fearing citizens who have served in their communities and in our country in order to protect and keep the cause of freedom. In Job 5 verse 8, is Job's prayer as well as mind, "and unto God would I commit my cause."

Finally, my commitment is to America's goodness. A visitor to our land once said, "America is great because America is good." I need to be a fair, honest, and law-abiding citizen. I want to be diligent in striving to be morally good and exhibit a character that would be an example to others. We need to remember, freedom is not the right to do as we please, but freedom is the liberty to do what is right.

Thank you, America, for being so great.

Yours truly,

A YOUNG AMERICAN.

TRIBUTE TO BILLY AND GEORGIA ROSSER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to two outstanding citizens of Indiana's First Congressional District, Billy and Georgia Rosser. On Saturday, July 16, the Rossers, along with their children and grandchildren, will celebrate their 50th wedding anniversary at Rosser Hall, in Hobart, IN.

Both Billy and Georgia have dedicated a substantial portion of their lives to the betterment of northwest Indiana, particularly, Hobart Township.

After a 30-year career with Inland Steel's accounting department, Billy retired to pursue a life of public service. In 1970, Billy was elected Hobart Township trustee, and throughout his 24-year role in this position, Billy has successfully led Hobart Township into one of the only debt-free townships in the county. With an emphasis on the improvement of education among Hobart Township's youth, as chief administrator of Hobart, and as a member of the Lake County Board of Education, Billy was instrumental in the restructuring of the Hobart Township School System from 1971 through 1974. During his tenure as Hobart Township trustee, Billy procured funds to establish Rosser Hall, which is utilized for various celebrations, and Rosser Park. The moneys generated from these structures flow back into Hobart Township, and are applied directly to the township's assistance fund.

Billy currently serves as president of the Lake County Township Trustee Association, and has held past presidencies for organizations such as the East Gary Police Association, and the Hobart Township Lake Ridge Community Services. He serves as chairman of the Lake Station-Hobart Township Precinct Organization, and director of the East Gary Democratic Club. Billy holds memberships in the Hobart Elks, the Lions Club, the Shriner's organization, the Fraternal Order of Police Associations of Hobart and Lake Station, as well as membership on the advisory board for the Regional Lake Station Bank of Indiana board of directors.

Billy confesses that none of his accomplishments would have been possible had it not been for the constant support of his wife, Georgia. A master cosmetologist, and 20-year owner/operator of her own beauty salon, Georgia closed the doors of her business to become the Hobart Township trustee's administrative assistant and payroll clerk. Through

Georgia's meticulous attention to detail, the trustee's office has been successfully reaching out to the residents of Hobart Township in need of assistance for the past 24 years. Georgia is a current member and past president of the Lady Lions Club in Lake Station. She also holds memberships in the American Legion Post No. 100 auxiliary, the Democratic Clubs of Lake Station and Hobart, and the Indiana Township Trustee's Association.

Mr. Speaker, I ask you and my colleagues to join me in honoring this amazing couple, not only for their commitment to the betterment of their community, but also for their commitment to one another, and the families they have produced. With all of the challenges facing today's society, it brings me great pleasure to see the sacrament of marriage honored and fulfilled as this wonderful tradition was intended to be. I truly hope that the Rossers' celebration this Saturday proves to be a most joyous occasion.

HONORING THE MEMORY OF JOHN D. HAVENS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. GILLMOR. Mr. Speaker, I am deeply saddened by the death of John D. Havens and wish to extend my most heartfelt condolences to his family and many friends.

John Havens was an intelligent and creative man who set high personal standards and worked with steadfast determination to achieve his goals. He was a kind man who set a shining example of decency and neighborliness.

He was a community and agricultural leader who gave willingly of his time and efforts to serve others. He was a member of Grace Lutheran Church, Fremont; Fremont Exchange Club; National Dairy Shrine; Green Springs Co-Op Association (past director); Fremont Sugar Beet Growers Association (director); Sandusky County Soil Conservation Service; Sandusky County Farm Bureau (board member); Fremont Pickle and Tomato Growers Association (past director); Late Comers Farm Council; Ottawa County Harness Horseman Association; Holstein-Friesian and Ohio Holstein Association; Sandusky County Chamber of Commerce (Agricultural Committee); Fremont Elks; and a member of the board of directors of The Old Fort Banking Company.

Although there are no words to ease the sorrow caused by the passing of John Havens, solace can be found in the memory of having been touched by such an outstanding man. It is my sincere hope that happy memories will comfort his wife, Joyce, daughters Jennifer and Janelle, son, Eric, his mother, Gertrude, and his other beloved family members in their bereavement and will be a continuing source of strength to them.

THE NORTH CAROLINA ARBORETUM: A NATIONAL TREASURE

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. TAYLOR of North Carolina. Mr. Speaker, North Carolina's 11th Congressional District is home to many national treasures, including the Blue Ridge Parkway, the Great Smoky Mountains National Park, the cradle of forestry, and the Pisgah and Nantahala National Forests. The district is also home to the North Carolina Arboretum, itself the home of the National Native Azalea Repository. I'm pleased to share an article from the 1993 edition of Diversity magazine.

[From Diversity magazine, 1993]

NORTH CAROLINA ARBORETUM HOUSES NATIONAL NATIVE AZALEA REPOSITORY

(By Rich Owings)

The North Carolina Arboretum is home to the National Native Azalea Repository, a germplasm collection focusing on the 17 species of azaleas native to the United States and North America. Eleven of these species are found within 100 miles of the arboretum's location in Asheville, North Carolina.

The repository is the result of suggestions made by John L. Creech and David Dean during a visit to The North Carolina Arboretum in 1988. Dr. Creech, a renowned plant explorer and retired director of the National Arboretum in Washington, D.C., is currently a member of The North Carolina Arboretum Board of Directors. He served as the interim director of the North Carolina Arboretum until George Briggs was hired as director in 1987. David Dean was an active member of the American Rhododendron Society and an avid grower and collector of the genus prior to his death in 1991.

COLLECTION TO BE TREASURY OF U.S. AZALEA GERMPLASM

The National Native Azalea Repository is intended to be the most complete collection of azalea germplasm for those species native to the United States. This collection will be of maximum interest to many user groups: azalea enthusiasts, botanists, researchers, nurserymen, and plant breeders. The varieties that create the best floral display will be planted in the core garden areas where up to one million visitors a year are expected to see them.

Systematic collection activities have centered on the genetic variation found within native azaleas. Examples of each species and more than 80 botanical and cultivated varieties are being grown in the arboretum's nursery and will be moved in the near future to a site within the Scientific and Botanical Plant Collections Area alongside Bent Creek. The site includes native stands of *Rhododendron arborescens* and *R. calendulaceum* and encompasses various habitats including rocky slopes, rich bottomland, wet drainage channels, and riparian sites.

Various levels of taxa will be featured in the repository. Species material will include individuals with different morphological characteristics, botanical varieties, and representatives of the various habitats and segments of each of the 17 species ranges.

Within each species, cultivated varieties will also be included. There are over 140 known cultivars and selections in this group, including 36 clones of the flame azalea (*Rhododendron calendulaceum*).

HYBRIDS A VALUABLE PART OF COLLECTION

Hybrids between the various native species will also be displayed. A search of existing literature has revealed 146 named varieties of interspecific hybrids. *Rhododendron arborescens* and *R. bakeri* figure most prominently in these crosses.

Featured are naturally occurring hybrid populations, such as the famous hybrid swarm on Gregory Bald in the Great Smoky Mountains National Park, where *Rhododendron arborescens, R. bakeri* and *R. viscosum* have interbred to form a hybrid complex which is a unique naturally occurring floral display. Working under a collection permit with the Great Smoky Mountains National Park, staff members of The North Carolina Arboretum have conducted expeditions for the past two years to document representative and superior individuals on Gregory Bald. The staff has collected seed and cuttings for asexual propagation of selected clonal material. Through these efforts an *ex situ* collection of these plants will be established at The North Carolina Arboretum.

New selections and hybrids are being named and released each year, and the arboretum intends to add new selections to the repository as they become available.

COLLECTION OFFERS AMPLE OPPORTUNITIES FOR RESEARCH

This complex group of plants offers many opportunities for research. On a botanical level, collection activities lend themselves to the study of morphological differences at the various extremes of each species' natural range. The study of botanical varieties, herbarium development, exploration of naturally occurring hybrid swarms in addition to the stand at Gregory Bald, and the development of morphology-based non-floral keys are additional possibilities.

Another research avenue would be to utilize genetic fingerprinting technologies to determine the species' parentage of undocumented hybrids, including the taxonomically confused group at Gregory Bald. Such a tool could also be used for the verification and documentation of our collection.

A further use for this technology would be to conduct genetic studies on the relationships between native and Asian species. Through the use of arboretum facilities, such as the planned laboratory complex at the Horticultural Support Facilities. The North Carolina Arboretum would like to support and encourage such research.

PLANT DEVELOPMENT PROGRAMS

The North Carolina Arboretum is currently initiating a Plant Development Program which will include selection, introduction, and distribution components. Possible avenues of development for the native azalea group include the evaluation of currently available cultivars for superior performance and the selection of outstanding clones from the Gregory Bald site. Because of the large numbers of hybrid azaleas currently available and the number of active azalea breeders working with native species, it is doubtful that an actual azalea breeding program will be established as part of our plant development efforts. This does not preclude selection work utilizing existing clones to search for such desirable characteristics as summer bloom time and fragrance.

"MY COMMITMENT TO AMERICA"

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. EDWARDS of Texas. Mr. Speaker, I am proud to announce that Mr. Andrew Ruppar has won honors from the Veterans of Foreign War in the Voice of Democracy broadcast scriptwriting contest. Andrew is a senior at Copperas Cove High School in Copperas Cove, TX, which I am privileged to represent.

This year, more than 138,000 students participated in the Voice of Democracy contest which demonstrates the great accomplishment that Andrew achieved by being recognized as the top entry in Texas.

I am proud to insert a copy of this winning speech.

"MY COMMITMENT TO AMERICA"

(By Andrew Ruppar)

I think we've all seen the tradition before the olympics when one runner passes the eternal olympic flame to another. It is then his responsibility to proudly run with it until that time when it is his turn to pass the torch. This tradition is a great deal like America. For over two hundred years, the torch of liberty has been carried patriotically by past Americans and now it will soon be my turn. The only way America could fail is if the wind of apathy blows out this flame. I fear the moment that someone stops and says, "Well, these past generations did fine. Why do I have to do anything? Besides, I am sure if it is really so important, someone else could carry this torch besides me." My commitment to America is to never let this apathetic view overcome myself, and I will struggle to keep it from overcoming others.

Some people view freedom like a belly button. As long as they can remember, it has always been there, and they seem to pay it no mind or attention. From living in a military family I have had unique experiences that have helped me to cherish what I have. One of my most memorable experiences was at age seven, traveling past the east side of the Berlin wall. The buildings, monuments, streets, all were a cold grey color, a color reflected even in the people's sullen faces. Seeing the limited choices in the stores, being searched and followed by guards, walking down the street and having a stranger spit at my father in his military uniform, a uniform that defended all that I believed, all were a rude awakening to the world. At an age where I had just learned to spell the word "rights," I learned what it was like to live without any. As we crossed the border back to the West, I was surrounded by familiar and vivid colors. And only in its absence did I understand that freedom is more than going on a field trip and not having to use the buddy system.

The freedoms and liberties that we now have did not come cheaply. There has never been a blue light special on justice. Thousands of brave men and women have broken down the barriers of oppression and now defend and keep us safe from further danger. Yet, erecting a memorial or placing a wreath does not negate any American, including myself, from our true responsibilities. My commitment to America and the memory of these past and present patriots is to strive to preserve the rights and freedoms we were given, always struggle to find more just rights and liberties, and guarantee the success of future generations.

Norman Cousins states that, "In a Democracy, the individual enjoys not only the ultimate power, but also carries the ultimate responsibility." My ultimate responsibility is to see my commitment through and not let the victories of past generations be for nothing. My commitment to America comes in a variety of forms. When I am driving and I see a stop sign, it is my commitment to America to stop. While it may seem obvious, part of my commitment to America is to be a law-abiding citizen. It is also my commitment to America to take care of my debts and my own welfare. I cannot allow others to needlessly provide for me. America is strong because the individuals that make up this great country are strong. I, too, must make my contribution to the strength of America. Even standing up at a baseball game as the National Anthem is played is one of my commitments to America. However, my most important method of fulfilling my commitment will be through my occupation, for I want to go into government service. I can serve my country and its people by ensuring that the barriers of oppression stay down and continue to see justice being served.

God bless America! I believe it to be the greatest country to live in, but it still has its share of problems. When one watches the news one can not help but feel the pain of others, witness the presence of injustice, and simply have the feeling of not being safe. Even the youth of America has its share of problems. While most, idealistically, should be studying, or being productive citizens, they seem more intent on raising the rate of juvenile crime. My commitment of America will be to roll up my sleeves and get to work at the problems and find solutions to satisfy us all.

If you ask most Americans on the street, "Is there a problem with our health care system?" They will say, "Yes." "Is there a problem with our educational system?" "Yes." "Is there a problem with our foreign policy?" "Yes."

But if you ask most Americans how to correct them or what they will personally do to fix these problems, their enthusiasm will tend to dwindle. I, however, will devote my life to these conundrums and try to keep the active participation of all whom I represent and serve. While I don't claim to be the panacea for every imperfection in this country, I will never allow myself to be one of its problems. Like the Olympic runners, I will keep the flame of liberty and justice burning bright. My commitment to America will be to proudly pass it on to future generations so the essence of this great country called America, can illuminate the world.

LABRANCHE WETLANDS BILL

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. TAUZIN. Mr. Speaker, I rise today to introduce legislation that has two very important purposes: First, preserving significant wetlands habitat and second, protecting the rights of private property owners. My bill directs the U.S. Fish and Wildlife Service to acquire the LaBranche Wetlands located in St. Charles Parish, LA, from voluntary sellers for inclusion in the Bayou Sauvage Urban National Wildlife Refuge.

Acquisition of the LaBranche Wetlands by the Fish and Wildlife Service is very important to the preservation of wetlands in Louisiana. The LaBranche Wetlands is an ideal candidate for refuge status because of its high visibility to travelers along Interstate 10 between New Orleans and Baton Rouge, and it could easily be included within the already existing Bayou Sauvage National Wildlife Refuge because of its close proximity. The LaBranche Wetlands is located adjacent to New Orleans and could serve as an excellent educational tool for the citizens and school children of the New Orleans area. The LaBranche Wetlands contain significant wetlands habitat and could provide a model for other coastal and marsh restoration efforts throughout the nation. The LaBranche Wetlands has been the site of one of the first projects to use Christmas trees as sediment traps, a practice now widely used in coastal restoration efforts.

Federal acquisition as a wildlife refuge is needed to better establish and preserve wildlife habitat and restore the wetlands. Unified management and improvement projects conducted by Federal employees is essential in creating a showplace for wetlands and coastal restoration.

U.S. Fish and Wildlife Service acquisition of the LaBranche Wetlands is also critical in preserving the rights of private landowners. A large number of landowners bought land within the LaBranche Wetlands with the understanding that the land could be developed both residentially and commercially. However, due to subsequent changes in the wetlands regulatory program, these landowners were not allowed to use and develop their land. In the past, I have requested that the Fish and Wildlife Service acquire this land for use as a refuge. The Service has informed me that it has no intention to acquire the LaBranche Wetlands because the wetlands are not a high priority. Many individuals and organizations at the state and local level disagree. I believe that the real reason the Federal Government has not already acquired the LaBranche property is that, in effect, they already have it. Because of Federal wetlands permitting regulations, affected landowners are unable to do anything with their land other than pay taxes on it.

This legislation is needed to ensure that private property owners in the affected area are protected. Private landowners should not be forced to bear the burden of what society deems to be a mutual benefit shared by all. Let me make it clear that I fully support the societal goal of preservation of wetlands. However, private landowners should not bear the entire burden of achieving that goal. Equally important, this bill is needed to ensure that LaBranche Wetlands are preserved in the best way possible. Unified management and control by the Federal Government along with Federal resources and manpower are the key to making the LaBranche Wetlands the showplace for coastal restoration and wetlands habitat that it can truly be.

INTRODUCTION OF THE FAMILY SELF-SUFFICIENCY ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. MATSUI. Mr. Speaker, today I am introducing the Family Self-Sufficiency Act of 1994. I am putting forth this proposal because I believe that we must broaden the debate over how best to reform the Nation's welfare system.

All of us—the public, legislators, and those on AFDC—agree that the Nation's welfare system needs to be reformed. It does not work sufficiently to meet the needs of either those dependent on AFDC or the taxpayers who support the program.

The debate over welfare reform has been characterized by little more than demands to get tough on recipients. Far too great an emphasis has been placed on how long people should be able to receive AFDC benefits, and too little on the question of how to truly break the cycle of poverty and dependency that threatens the lives of the most needy women and children in our society.

The bill I am introducing today places its emphasis on providing the tools and supports necessary for those on AFDC to become self-sufficient. The welfare reform debate cannot focus solely on sticks and punitive measures to evoke change. We must also use carrots by providing services that motivate women to find jobs and stay employed, such as safe and affordable child care and health care coverage. These benefits must continue once families leave AFDC for a job, to ensure that they can remain independent of the welfare system.

All welfare recipients are not alike, and for this reason we cannot assume that they all will be able to succeed in a specified time period. The bill I am introducing today contains benefits for participating, as well as penalties for noncompliance. However, these are granted on an individualized basis that recognizes that people learn and advance at different speeds.

I think that we can improve the Nation's welfare programs, but we must do so in a compassionate manner that recognizes the challenges these families face. I believe the family self-sufficiency provides this new voice.

ECONOMIC GROWTH AND STABILIZATION FINANCING DEMONSTRATION ACT OF 1994

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. KANJORSKI. Mr. Speaker, today the ranking Republican member of the Economic Growth and Credit Formation Subcommittee, Mr. RIDGE, and I are jointly introducing the Economic Growth and Stabilization Financing Demonstration Act of 1994.

This bipartisan legislation addresses the single largest shortcoming of existing Federal programs to promote economic growth and stabilization in economically distressed communities across this country. It provides the Secretary of Commerce with the financing tools necessary for the success in developing an effective, comprehensive strategy to create new jobs in economically troubled regions through targeted assistance to help new businesses get started and for existing businesses to remain or become competitive in today's global economy.

Specifically, the legislation authorizes the Secretary of Commerce to conduct four demonstration programs for financing assistance for economic growth and stabilization in economically distressed communities. These demonstration programs would focus on loan guarantees, interest rate subsidies, equity financing, and credit enhancements to securitize economic development loans for the secondary market.

On Tuesday, Commerce Secretary Ron Brown testified on the administration's new Competitive Communities initiative. In his testimony he underscored the need for the legislation I am introducing today. He said, "To implement the Competitive Communities Program fully, with its emphasis on funding intermediaries to support private economic activity, EDA could benefit from additional tools. In particular, loan guarantee authority to support high-growth business activity would be extremely helpful."

Mr. Speaker, Secretary Brown's testimony echoes that provided by Assistant Secretary for Economic Development William Ginsberg when he testified before the Banking Subcommittee on Economic Growth and Credit Formation on June 22. Mr. Ginsberg's testimony unveiled the Competitive Communities initiative which was described by Secretary Brown Tuesday.

At my subcommittee's hearing on June 22, Secretary Ginsberg outlined the focus of the administration's new initiative saying, "At EDA, we are redirecting our programs and the tools which we use with the objective of ensuring that economically distressed areas and regions of the United States benefit from the new Federal commitment to promote America's globally competitive, technology-based, export-oriented industries."

Secretary Ginsberg identified as the two key components of the new strategy, " . . . financial inducements for the growing globally competitive industrial sectors to invest in our distressed communities and . . . institutional linkages between the community leadership and the business leadership whose companies can form the economic base of the future."

Many State and local governments have recognized that infrastructure development alone, is simply not sufficient to successfully implement a strategy to promote economic development and facilitate the creation of new jobs. Frequently, the critical element which determines success or failure of economic development efforts is the availability of business financing assistance.

Despite this growing realization, the Federal Government lags behind many States in providing this often vital assistance. This seriously handicaps the effectiveness of our overall economic development efforts. Simply building a new industrial park does not assure that new business will locate there and create new jobs. We need to focus our efforts on encouraging the development of new businesses and jobs that offer real opportunities for advancement in troubled communities.

When Secretary Ginsberg testified before my subcommittee 3 weeks ago, in addition to unveiling the Competitive Communities initiative, he also commented on a draft version of the Economic Growth and Stabilization Financing Demonstration Act of 1994 which I am introducing today.

He noted that this legislation mirrors the goal of the Clinton administration saying, "The administration has strongly supported legislation emanating from this subcommittee . . . which would provide EDA with the authority to guarantee economic development loans." He also testified that, "The equity finance program proposed for EDA in the draft subcommittee legislation . . . would also achieve [the administration's] objectives," and vision for EDA in the future.

Secretary Ginsberg also noted in his testimony that, "by leveraging private investment . . . this vehicle ensures a better leverage for the Federal dollar . . . and serves as a catalyst to encourage private sector investment that will create jobs."

Mr. Speaker, while a number of our colleagues helped develop the ideas which are reflected in the Economic Growth and Stabilization Financing Demonstration Act of 1994, I particularly want to recognize the important contributions made by my ranking Republican member, Mr. RIDGE, as well as by Representatives KLEIN and TRAFICANT.

As a new Banking Subcommittee chairman in the 103d Congress, it has been a pleasure and privilege to work with my ranking Republican member, TOM RIDGE, on this and other economic development and job creation initiatives. Congressman RIDGE has contributed many important suggestions to the legislation we have worked on, and has been a true partner in the work of the subcommittee.

Earlier this year, Mr. KLEIN introduced H.R. 3853 authorizing the Federal Government to participate in, or guarantee, loans made by banks and other qualified lenders for businesses with potential for expansion and growth and for other viable economic development projects. Throughout his tenure on the Subcommittee on Economic Growth and Credit Formation, Congressman KLEIN has consistently shown great vision and a dedication to create new employment opportunities for all Americans. He has demonstrated an enormous capacity for thinking through some of our economy's most intractable problems and for proposing new and innovative solutions. Clearly, the Economic Growth and Stabilization Financing Demonstration Act of 1994 incorporate many of his ideas.

Last year, Representative TRAFICANT introduced H.R. 2191, introduced to authorize the Secretary of Housing and Urban Development to carry out a demonstration program to make grants available to community development corporations for reducing interest rates on loans for economic development activities in five federally designated enterprise zones. As I have noted, the Economic Growth and Stabilization Financing Demonstration Act of 1994 provides for a demonstration program to subsidize the interest rates of loans associated with enhancing economic growth and stabilization in economically distressed communities. I commend Mr. TRAFICANT for his foresight and leadership in this area.

Finally, Mr. Speaker, I want to note for our colleagues that similar loan guarantee and equity financing demonstration provisions were adopted, with strong bipartisan support, by the Subcommittee on Economic Growth and Credit Formation, and were subsequently, by a unanimous bipartisan vote, passed by the full Banking Committee, as part of its version of H.R. 2442, which reauthorizes the Economic Development Administration.

Unfortunately, the version of H.R. 2442 which was ultimately brought to the House floor only provided for a study of new EDA financing tools. With the launching of the administration's new Competitive Communities initiative, however, it is critical that we provide the Secretary of Commerce with the financing tools that Secretary Brown testified Tuesday that he needs to fully implement the new program.

I urge my colleagues to cosponsor the Economic Growth and Stabilization Financing Demonstration Act of 1994. For the benefit of our colleagues, I am attaching to this statement a section-by-section analysis of this bill. I look forward to timely action on this legislation by the Committee on Banking, Finance and Urban Affairs.

HEALTH CARE REFORM

HON. THOMAS J. BARLOW III

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 14, 1994

Mr. BARLOW. Mr. Speaker, I recently received a letter from Nancy Jo Kemper, the executive director of the Kentucky Council of Churches. Her letter dealt with the issue of health care reform and the need to provide all Americans with access to primary health care services.

I want to share this letter with all my colleagues in the House. Ms. Kemper was also kind enough to include a copy of "Pastoral Appeal: Health Care Coverage for All Americans." This message, endorsed by the leaders of religious groups around the country, makes it clear that health care is a moral, not a political issue. I am including this message in the RECORD for my colleagues as well.

KENTUCKY COUNCIL OF CHURCHES,
Lexington, KY, July 11, 1994.

Hon. TOM BARLOW,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE BARLOW: Health care reform with universal coverage for ALL Americans is a moral and economic necessity. The Kentucky Council of Churches, representing 11 major Christian denominations, some 2700 congregations, and over 800,000 members of these churches across the Commonwealth, has long been committed to significant health care reform in our state and in our nation. I urge you, in the coming floor discussions, to do your utmost to expand primary health care coverage to all Americans, as speedily as possible.

I am enclosing a "Pastoral Appeal: Health Care Coverage for All Americans" which has been signed by national religious leaders. I also endorse this pastoral appeal, both personally, and on behalf of the Kentucky Council of Churches and its member congregations.

May the spirit of wisdom and compassion guide you in your deliberations in Congress on this vital matter for the well-being of our society.

Sincerely,

NANCY JO KEMPER,
Executive Director.

A PASTORAL APPEAL: HEALTH CARE COVERAGE FOR ALL AMERICANS

Now is the time for religious voices, long committed to establishing hospitals and providing care, to be heard in support of health care for all Americans.

Decisions touching every life are being made in these very days. By adding its voice of moral conviction and guidance to the public process, the religious community can, in concert with others, make the difference. The doors to health care resources for all people can be opened. It can happen now!

The issue of universal coverage is neither a partisan nor a political matter. It is a moral mandate. Anything short of health care for all is morally flawed. Religious commitment to the dignity and value of every human life insists on it. Our nation's history of failing to provide such care needs to be repudiated as a moral deficit that has stood too long.

The provision of health care for all will embrace particularly the lives of those about whom we as religious communities have so long cared—the poor and those often ignored, the burdened and those thought to be unworthy, the modest middle-income folk so often found among the people of religious loyalty and quiet faithfulness.

So often those who have significant assets or access to private resources have little understanding of what the threat of the loss of health care means. For working people with hourly wages or limited salaries, the possibilities of faltering health or losing coverage is an abiding fear. For those in poverty for whom managing each day is a demanding battle, the absence of adequate health care is a pending defeat of life itself. Without universal health care coverage, these are the very ones who will fall away, often unnoticed. Therein lies the moral issue: Whether we are willing to provide for all people as children of God.

Therefore our support for universal coverage is morally grounded. Important issues still being debated can, we believe, best be resolved in a setting of commitment to and the enactment of universal coverage. To those participants in decision-making who are undecided or opposed, we implore a new attention to the moral meaning of universal coverage.

SENATE—*Friday, July 15, 1994*

(Legislative day of Monday, July 11, 1994)

The Senate met at 9 a.m., on the expiration of recess, and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

God of Abraham, Isaac, and Israel, God of the prophets and the apostles, awaken our minds and hearts to the centerpiece of the Torah—the foundation of divine law.

"Hear, O Israel: The Lord our God is one. * * * And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might. And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up."—Deuteronomy 6:4–7.

God of our fathers, we pray for our families. In a day when social order is disintegrating, give us grace and wisdom to take God seriously, that our hearts and homes may be filled with love and respect for each other, that the family may be strengthened and social order restored.

In the name of Him who is Truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 15, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 4426, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30.

The Senate resumed consideration of the bill.

Pending:

(1) McConnell (for Brown) Amendment No. 2247, to reduce available funds for the United Nations Development Program.

(2) McConnell (for Brown) Amendment No. 2249, to freeze contributions to the International Development Association.

(3) McConnell (for Brown) Amendment No. 2250, to maintain funding for the Global Environment Facility at fiscal year 1994 level and to make the funds available pending certain reform measures.

(4) McConnell (for Brown) Amendment No. 2251, to establish an independent commission to study the salaries and benefits of the World Bank and the International Monetary Fund.

(5) McConnell (for Brown) Amendment No. 2252 (to committee amendment on page 2, lines 12–21), to make Poland, Hungary, and the Czech Republic eligible for allied defense cooperation with NATO countries.

(6) Helms Amendment No. 2255, to prohibit the use of funds for foreign governments engaged in espionage against the United States.

(7) Helms Amendment No. 2256, to prohibit funds for Russia while that country is not in compliance with the Biological Weapons Convention.

(8) Helms Amendment No. 2259, to provide conditions for renewing nondiscriminatory (most-favored-nation) treatment for the People's Republic of China.

(9) Helms Amendment No. 2260, to establish an Ambassadorial rank for the head of the United States delegation to the Conference on Security and Cooperation in Europe.

(10) McConnell (for Helms) Amendment No. 2272, to ensure that Government agencies provide information in civil actions brought against States sponsoring acts of international terrorism.

(11) McConnell (for Dole) Amendment No. 2273, to restrict the use of available funds to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea does not possess nuclear weapons, has halted its nuclear weapons program, and has not exported weapons-grade plutonium.

(12) McConnell (for Nickles) Amendment No. 2275, to increase funds for international narcotics control and to decrease the amounts appropriated for contribution to the Global Environment Facility and for contribution to the International Development Association.

(13) McConnell (for Helms) Amendment No. 2281, to limit assistance to the Government of Colombia unless the President certifies that it is fully cooperating in counter-narcotics efforts.

(14) McConnell (for Domenici) Amendment No. 2284, to allow the President to use Russian aid funds for the Nunn Lugar cooperative threat reduction program.

(15) Leahy (for Graham) Amendment No. 2290, to eliminate the prohibition on the use of Foreign Military Financing funds for Colombia and Bolivia.

(16) Leahy (for Graham) Amendment No. 2291, to eliminate the prohibition on the use of Foreign Military Financing funds for Peru.

(17) Helms Amendment No. 2295, to redefine "other bodies" as commissions in regard to the use of excess commodities in relationship to war crimes tribunals.

Mr. PACKWOOD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

CRITICISM OF LIBRARY OF CONGRESS NOT JUSTIFIED

Mr. PACKWOOD. Madam President, I noticed in the Washington Post today an article somewhat critical of the Library of Congress and apparently the responsiveness of the Library of Congress to the Congress.

I wanted to come and at least speak a word of defense of the Library of Congress, and especially the Congressional Research Service. I have utilized them for as long as I have been in the Senate, and I have found them bright, quick, and friendly.

On many occasions, I deal directly, personally, with the people that are doing some research for me, because I have discovered that, on occasion, if you remove it once or twice from me and through staff and then perhaps some other staff and then to somebody doing the research, the communication does not directly get through.

But on every occasion when I dealt with the Library of Congress, they have been responsive, they have been, really, in their analysis, if it is a legal piece, any law firm in the country would be happy to have the quality of the work that they are getting. So I do not know where the criticism comes from.

I would start to name, but I think I will not, people at the Congressional Research Service that I would count as personal friends, but I fear I would leave somebody out. I could stand here for 90 seconds naming name after name

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

after name of people that I have found beyond measure more helpful than almost anyone else I deal with in this town, perhaps in this country.

So put me down on the positive side for the Library of Congress and for the support of their appropriations.

And for anybody who has found them ill-mannered or unresponsive, all I can say is, if you will spend but 30 seconds with the person you are dealing with, tell them what you want, they are appreciative and they will respond immediately. And if it is not exactly what you need, you say, "Karen" or you say, "Jack, this isn't quite it. Can we take another run at it?" And they will do it very, very receptively.

I think criticism of the Library of Congress, especially the Congressional Research Service, is not justified and perhaps comes from people that are not sufficiently experienced in dealing with them personally. They will find that it takes but a phone call and a very simple explanation of what it is you are looking for, and they will respond 10 times over.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. PACKWOOD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2275

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. Last evening when the Senate recessed it was considering amendment No. 2275, the Nickles amendment.

Mr. LEAHY. Madam President, am I correct in understanding the bill, the foreign operations bill, will be completed with the final vote, or any votes pending, no later than 2 p.m. today?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. LEAHY. Madam President, am I also correct that a number of amendments that have been proposed have time agreements on them?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. LEAHY. Madam President, then I hope Senators who are watching this would realize that, even though they have time agreements on their amendments, if they do not come to the floor to bring them up that they could very well find themselves toward the end of time on the bill, on paper with a 50-minute or 30-minute time agreement and they might actually have only 2 or 3 minutes for their amendment.

Another way of stating it, the first person who brings an amendment to the floor—say in the next few minutes—is guaranteed that he or she will have their whole time. But if you are the last person to bring it, you may not have any time whatsoever. Because if we are eating up the time with quorum calls or other matters and nobody is here offering an amendment, they may well be shut out. I mention that just so my colleagues will understand, the time that they have reserved for their amendments is not necessarily a guarantee. It is a guarantee only for those who first come over. It is not a guarantee for those who wait.

I would use the early bird and all that kind of stuff but it is a tad corny. But this is one of those times when we will not go to one of those little-known Senate procedures known as the Dracula rule, where we vote after dark. All this voting has to be done before 2 o'clock.

With that, I see the distinguished Senator from Arizona, my good, dear friend on the floor, and I will yield the floor so he can take it in his own right.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. DECONCINI. Madam President, I thank the Senator from Vermont and indeed compliment him on engineering what appears to be the passage of a Foreign Operations Subcommittee appropriations bill—no easy task. He has been through it many, many years. Once again, as I say, it appears it is going to happen this afternoon. I am amazed, and compliment him for once again being able to put it together.

Madam President, within the last week President Clinton visited two important places in addition to attending the Naples G–7 summit. Those places are Riga and Berlin. I consider them important because the success of his visit was directly tied to the results of a past American commitment to Europe which was based on principle and resolve.

In Riga, the capital of Latvia, President Clinton spoke of the longstanding United States refusal to recognize the forcible incorporation of the Baltic States into the Soviet Union. This policy denied, as a matter of principle, what was for decades the apparent reality in Estonia, Latvia, and Lithuania. For that reason, it was questioned by realists who saw our interests in compromise and accommodation. But, as President Clinton pointed out, we kept faith with the people of those countries, who were denied their freedom, their territorial integrity, and their independence, but are no longer denied them today; a new reality.

Then, just a couple of days ago in Berlin, President Clinton walked through the Brandenburg Gate and, to the cheers of the crowds, said that all Berliners are free. He was able to make that dramatic gesture of America's commitment to Europe, in large part, because 31 years earlier President Kennedy visited a divided Berlin. President Kennedy, by proclaiming himself and all free people Berliners, committed us to take a stand against Communist domination. We took that stand and remained firm, again despite those who saw the apparent reality and argued on that basis for accommodating what was inherently wrong then and would still be wrong if it was a divided city today.

I strongly welcome what President Clinton did and said in vindicating policies that were previously challenged as unrealistically principled. Those policies viewed the world not as the status quo, but as something we can change and improve if we are willing to make the commitment to do so. We made that commitment to Europe and, against all odds, changed it.

The President also stated that this is more than a question of plurality. It is a question of U.S. interest. By changing the world, we made it not only freer, but we made it safer. We also gave our Nation a necessary sense of accomplishment.

This commitment to Europe, however, is facing its severest test today in Bosnia and Herzegovina. The results of this test leave me and many others deeply concerned that the commitment is no longer really there as it was toward Berlin and the divided Europe. Our country consistently upheld the territorial integrity of the Baltic States against a menacing superpower.

Today, however, we are engaged in negotiating a settlement in Bosnia and Herzegovina with war criminals responsible for committing genocide. While the settlement proposed by the international community last week respects Bosnia's borders—barely—it also may imperil them in the future with the internal division of Bosnia and Herzegovina along ethnic lines.

I do not oppose the agreement. I do not like the agreement. In some respects, it may be the best that can be achieved at this point through a negotiated settlement. That is really the point. We lost the momentum a long time ago, and we lost a great deal of Bosnia. But there were more effective options to such a settlement, I believe, and ones that were based on principle, the same principle that our policy toward Berlin and a divided Europe and the Baltics was based on some years ago.

Of course, some risks are associated with NATO airstrikes on Serb militant positions or on allowing the Bosnians to defend themselves by lifting the arms embargo. But where is the result? Where is the commitment to stand firm? Where is that commitment to the principles that we so correctly invoked year after year toward the Baltics, a principle that the United States and the people of this country can and are deeply proud of because we would not relent most favored nation. Every year this Senate has voted on a resolution not to recognize the Baltic States as part of the former Soviet Union. Unfortunately, we have been reduced, in this instance, to coaxing a Serb agreement by offering outrageous promises to lift sanctions on Serbia before an agreement is actually implemented and there is a force to implement it.

To simply accept Serbia's word after all the killing it has fostered would be an act of appeasement which would appall even the most cynical of any of us.

Just as President Kennedy saw Berlin as a vulnerably surrounded front line between free and unfree people in 1963, President Clinton can find Sarajevo to be that same front line today. And the people there are determined—more so now that they have been challenged—to maintain a multicultural society based on tolerance.

It would, therefore, be fitting for President Clinton to build upon his welcomed words in Berlin by now declaring himself and all free people today, not just Berliners but also Sarajevans, and make a stand against the new threat—nationalist hatred.

He should propose, for example, that in 1996, he and the leaders of Canada and of all Europe meet for a summit in Sarajevo under the auspices of the Commission on Security and Cooperation. In so doing, he will not only renew our commitment to Europe but revise that commitment to meet present challenges. The CSCE itself stands for respecting the territorial integrity of states. It helped to reunite a Europe artificially divided. It is especially suited to symbolize our continued opposition to the dark forces which seek to enslave the European continent. It will give impetus to efforts to restore Bosnia and Herzegovina, rebuild it and reconcile its people.

As chairs of the Helsinki Commission, Representative STENY HOYER and I are suggesting the United States propose this idea. It is an important way for our country, through our President, again to express the courage of our continuing conviction in creating a world based on peace, tolerance, and freedom.

In the meantime, we will wait one more week or so to see if the Bosnians and the Serb militants will accept the proposed peace plan or not. I will comment later on what I think we should do if they accept the plan.

While the Bosnians have legitimate complaints about it, their leadership has indicated it will argue for acceptance. That is a great sacrifice for the Bosnian leaders, having met with them many times and knowing how deeply they feel about the intrusion and murder and genocide committed by the Serbs, that they are willing to accept it. If the Serb militants, on the other hand, reject it, we must immediately respond in a way commensurate with their horrible aggression.

No matter what, Madam President, we must come back to policy based on principle. We must recognize the present reality not as a fait accompli but as something we can change for the better if we have the resolve and commitment. We did it in the Baltics; we can do it in the Balkans. We have done it to Berlin; we must do it for Sarajevo.

Madam President, on another note, I want to compliment the President and the administration for its consultation and its deliberate efforts to lay out a policy and conditions for restoration of democracy in Haiti. It is not an easy task, and I cannot help but observe from primarily the Republican side of this body the criticism that the administration is receiving on this policy.

I do not remember anybody ever questioning President Bush's and President Reagan's initiatives into Grenada or into Panama. No, at that time it was OK to stand up and talk about using force to restore democracy. Now that it is even an option, there is continuous sniping and shooting at this administration, not with bullets, but with political rhetoric to attempt to demonstrate and to portray that the administration has no policy.

Indeed, the administration has laid out its policy. I suspect that if the administration had done more like Bush and Reagan and just acted with military force, there would not be the time to have the resolutions like we had yesterday, there would not be the time to continue to have the rhetoric in opposition to a policy that I think is proper, a tough policy and one that is not knee-jerk.

And on the policy on Korea, again, I wonder where these Republicans, who are so critical of the President for continuing dialog, for even making some moderate, I believe, observations at the death of Kim Il-song of Korea, where were they when President Bush went to Japan for the funeral of Emperor Hirohito? Where were they when the President went over there and bowed before that leader's casket? They were not critical of President Bush. They did not say, "My gosh, how can you deal and give any credence and credibility to someone who killed millions of people during the Second World War?"

I do not justify the former leaders or the present leaders of North Korea. They are terrorists. No question about it. They deserve to be criticized, and they deserve to be pressured. And the Clinton administration is doing that.

But to play the partisan role because the President said something about let us wait for a little time while the great leader—and I do not think that is really what he is but, in fact, that is what he has been referred to by that Government.

To continue possible dialog on their compliance with nonproliferation is exactly what we should do as a country, and we should not have the partisan politics that we have seen time and time again because this President said something about North Korea's great leader that was interpreted to be friendly or accepting, that his activities over the years had been proper which, of course, is not the case in the President's remarks.

Madam President, it is time to always assess political rhetoric and statements with a little bit of history. Where was everybody when George Bush made these statements about the Emperor of Japan, who was the leader of that country during the Second World War and its destruction throughout the world in an attempt to defeat the United States.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2275

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, now I think we should get on to the bill, but I do not want it to be like a grenade being tossed into this at the very end when we run out of time.

Madam President, am I correct that the amendment of the Senator from Oklahoma is now pending?

The ACTING PRESIDENT pro tempore. That is correct, Amendment No. 2275.

Mr. LEAHY. Madam President, how much time is there on that amendment?

The ACTING PRESIDENT pro tempore. Fifty minutes equally divided.

Mr. LEAHY. I hope it will not be necessary to use all that time. What I would suggest, we have normally followed the tradition of going back and forth. That is not part of the order, but I hope that we might right after this——

Mr. GRAHAM. Madam President, I would like to ask unanimous consent that the amendment that Senator DECONCINI and I have been endeavoring to offer be the next business of the Senate after the disposition of the amendment offered by the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is ordered.

Mr. LEAHY. Madam President, I yield the floor. I see the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I thank the Chair. I wish to thank the Senator from Vermont and also the Senators from Florida and Arizona.

Madam President, the Senator from Vermont is correct. We have 50 minutes on this amendment. I do not think it will take that long. We will have to find out.

Madam President, this amendment makes three changes in the budget figures in the foreign operations bill. This amendment restores $52 million of money for the International Narcotics Control Agency. This brings it up to $152 million. That is what the President requested. I think it is what is needed.

I have a memo from the State Department where they are very critical of the House appropriations figure. I will just read this. It says:

> The figures from the House Appropriations Committee, Subcommittee on Foreign Operations markup of the International Narcotics Control budget for fiscal 1995 are not just bad—they are disastrous. The committee mark recommends a 1995 budget of $100 milion, the same as the current year and roughly 35 percent less than requested. Major international narcotics programs cannot survive another year at this level of funding.

Madam President, I ask unanimous consent that the entire memo from the State Department be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

IMPACT OF THE HOUSE APPROPRIATIONS COMMITTEE MARKUP—INTERNATIONAL COUNTERNARCOTICS PROGRAMS

The figures from the House Appropriations Committee, Subcommittee on Foreign Operations mark-up of the International Narcotics Control budget for FY-1995 are not just bad—they are disastrous. The committee mark recommends a 1995 budget of $100 million, the same as the current year and roughly 35 percent less than requested. Major international narcotics programs cannot survive another year at this level of funding.

Some may believe that, because INM programs will survive the current year with $100 million funding, this is an acceptable base budget. It is not. INM will survive 1994 by smoke and mirrors. They are using to the fullest possible extent funding and equipment already in the prior year pipeline. They are deferring upgrades and improvements. They have received interagency assistance from ONDCP's portion of the Asset Seizure and Forfeiture Fund, and from DOD via Section 1004. And they have cut most overseas programs to the core. In some country programs, basic administrative costs are now more than 50 percent of the total program level.

This approach cannot be sustained a second year. New programs to address new crises such as Asian heroin or organized crime in the former Soviet Union could not even be contemplated. A FY-1995 INM program budget of $100 million will produce inevitable consequences:

Turning Our Backs on the Source Countries: The President's new strategy for the Western Hemisphere (PDD-14) calls for a shift in emphasis from the transit zone to source countries. The new approach is more efficient and more effective. Current programs in the Andean source countries cannot be sustained at a $100 million level, far less expanded. They would have to be reduced dramatically.

Closing Programs: Central America and Caribbean programs are already at shoestring levels. They were maintained last year because INM decided that maintaining a counternarcotics presence and infrastructure in the region justified the programs, even at minuscule levels. They cannot survive a second year at that level. Another $100 million program budget puts us out of the counternarcotics business in Central America and Panama, just as narcotics replaces insurgences as the primary threat against these new democracies.

Ignoring Heroin: Heroin is the new U.S. drug epidemic. South and Southeast Asia produce roughly two-thirds of the heroin in the U.S. Until now, State deferred funding major programs in the region because the heroin threat lagged far behind cocaine. The U.S. no longer has the luxury to defer. A $100 million program level does not provide the resources for an aggressive effort against heroin in Asia.

Shutting Down Eradication: After years of debate and effort, there are finally serious eradication programs in Colombia, Bolivia, Peru, and Panama. Eradication is expensive. It is also politically unpopular in every country where it is implemented. If the U.S. does not support eradication programs vigorously, governments will not conduct them on their own. At $100 million, INM can neither support eradication programs at their current level or start new programs.

Gutting Aviation Support: The Committee calls for INM to get out of the air force business. However, the Committee has never argued against support for essential counternarcotics aviation efforts, and it certainly never directed INM to waste the taxpayers' money by abandoning aircraft to budget starvation. This would be the effect of a $100 million budget on INM's aviation support programs.

Ignoring Russia and the Former Soviet Union: If there is one place on the planet where organized crime has made enormous inroads in the 1990s, it is Russia and the former Soviet Republics. The Congress recognizes it, as the Gephardt-Michel Report earlier this spring graphically noted. The former Soviet governments are ready to cooperate with us. INM has training and assistance programs to address some of the most serious crises. At a $100 million funding level, however, INM could not offer more than token programs.

Mr. NICKLES. Madam President, I also just mention to my colleagues, somebody might say, well, wait a minute. Last year they had $100 million; the year before they had $173 million; the year before that $147 million; and the year before that $150 million.

So if we pass this amendment, we will go up to $152 million, which is basically the same as it was in 1991 for international narcotics control.

Now, can anyone in this Chamber, anybody in this country, say that we do not have a problem as far as illegal drugs coming into this country that are killing thousands of people? It is still happening. It is a serious problem. We need to interdict those drugs. We need to fight the battle. To go down to $100 million, as we did last year, is a serious mistake. The year before that it was $173 million.

What kind of signal does that send to the drug warlords in Colombia? They have to be excited. They like it. They would like to see zero. Let us not spend any money on international efforts to interdict drugs. That would make them happy. I do not think we should do that.

I happen to agree with the State Department which says, wait a minute, this would be disastrous. If you are really serious about trying to combat illegal drugs coming into this country, I think this is rather modest. Again, this is the same level that we were spending all the way back in 1991.

I might mention we have had some success. We interdicted in 1993 cocaine seizures—not all drugs, just cocaine seizures—108 metric tons. That is a lot. But, unfortunately, that was only about 14 percent of the production estimated that year. What is that, 1 out of 7, one-seventh? So we still have a lot to do.

And so, yes, I do think $152 million is a lot better than $100 million. That is what we were spending a few years ago. Frankly, it is needed.

Now, how do we pay for it? I understand some people are going to object to how we pay for it. But let me tell you, I think we were very responsible. I said look at some of the areas that have big increases. I looked at the International Development Association. That is the World Bank. Under the bill, there is a big increase.

The 1995 Senate bill says let us spend $1.2 billion—actually, $1.207 billion. Well, in 1994, we only spent a little bit over $1 billion—$1.024 billion. So that is almost—well, it is a $183 million increase.

So I said, well, let us reduce part of that increase. And even after my amendment, the International Development Association would still have a 7-percent increase over last year. So we have reduced the rate of growth in the World Bank lending arm, but still they have more money in 1995 than they had in 1994.

We also made a reduction in the global environmental facility. Somebody might say, "Gosh, you reduced that significantly." Well, we reduced the outlays by $2.7 million. But I might mention last year they had $30 million. The committee was saying let us go up to $99 million. Under my amendment, we would go to $50 million. So they would still have a 66 percent increase in the global environmental facility.

Now, some people might say, "Wait a minute, isn't that harmful to the environment?"

I might tell my colleague and friend from California, many in the environmental community agree wholeheartedly with this amendment. They are not pleased with the International Development Association. They are not pleased with the multilateral development banks and their lending practices. They made a lot of loans that really did not make sense. And they are not pleased with the global environmental facility.

Let me just read from a couple letters. Friends of the Earth wrote me a letter dated July 12. They said:

> Friends of the Earth believes the performance of the World Bank's Global Environmental Facility has for the most part been disastrous and the U.S. funding should be cut back until there is substantial change in the operation of the Facility.

I might tell my friends who are not familiar with it, this is a new facility. This is something that we did not have on the books. The first funding came in 1993, and they received $30 million. In 1994, they received $30 million. And if my amendment is approved, they will get $50 million. A lot of the environmental groups are saying no increase whatsoever, no funding. Under my amendment they still get a 66 percent increase.

So for those who might have some concerns about, well, this Nickles amendment would be too draconian on the global environmental facility, I totally disagree. I think if they would read letters from members and leaders in the environmental community they would concur.

Let me also mention the Environmental Defense Fund. It is well known for leading environmental battles in Washington, DC. This letter was written to Senator BROWN because Senator BROWN was contemplating an amendment that would freeze the International Development Association's funding at last year's level. It sounds kind of reasonable.

That is not my amendment. My amendment allows funding to increase by 7 percent. Maybe we should be voting on Senator BROWN's amendment. But my purpose was not to see how much money we could cut out of the International Development Association. It was to fund international narcotics control. We are not doing enough.

So I allowed some reduction in the International Development Association, but they will still have a 7 percent increase over last year. Let me just read what the Environmental Defense Fund says to Senator BROWN. This is dated July 13.

> I am writing on behalf of the Environmental Defense Fund to support efforts of you and your colleagues to, at the very least, maintain fiscal year 1995 appropriations for the World Bank at fiscal year 1994 levels rather than approve any increases.

In other words they are saying, "Hey, we don't want you to increase to $183 million. We don't think they are doing a very good job."

That is the essence of the other page and a half of this letter.

Madam President, I ask unanimous consent that both of these letters, as well as a statement by Bruce Rich on behalf of the Environmental Defense Fund, Friends of the Earth, National Audubon Society, National Wildlife Federation, and the Sierra Club, concerning appropriations before the Senate Foreign Ops Committee on May 17 be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FRIENDS OF THE EARTH,
Washington, DC, July 12, 1994.

Re: World Bank and Global Environment Facility (GEF).

Senator DON NICKLES,
Senate Hart Building, Washington, DC.

DEAR SENATOR NICKLES: Friends of the Earth believes that the performance of the World Bank's Global Environment Facility has for the most part been disastrous and that U.S. funding should be cut back until there is substantial change in the operation of the Facility.

A reduction in funding to $50 million from the proposed Senate level of $98 million makes sense at the time. Furthermore, the Congress should make appropriations to the GEF contingent upon basic conditions of transparency and accountability, which do not now exist. It will take some time to develop appropriate guidelines on these two points, so there should be no need to rush their disbursement of funds.

In testimony to the Senate this year the Environmental Defense Fund posed the basic question about the GEF: "What stake will poor populations in the developing world have in GEF projects if they are conducted along the same lines of small-minded secrecy and closed, top-down, bureaucratic planning that characterizes so much of the Bank's current way of operating?" We fully concur with this challenge.

Sincerely,

DR. BRENT BLACKWELDER,
Vice President.

ENVIRONMENTAL DEFENSE FUND,
Washington, DC, July 13, 1994.

Senator HANK BROWN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR BROWN: I am writing on behalf of the Environmental Defense Fund to support efforts of you and your colleagues to, at the very least, maintain FY 1995 appropriations for the World Bank (IBRD and IDA) at FY 1994 levels rather than approve any increases. On March 3, 1994 EDF and four other national environmental organizations with over five million members urged in testimony before the Senate Foreign Relations Committee Subcommittee on International Economic Policy, Trade, Oceans and Environment that "the Foreign Relations Committee recommend to the Appropriations Committee to cut a portion of authorized funding for the [World] Bank's hard loan window, the IBRD. We believe that this will be the most effective spur to reforms at the Bank."

The rationale EDF and other national environmental organizations cited for this recommendation is stronger now than it was in March: "the money the Administration is requesting the Congress to authorize and appropriate this year for the MDBs will too often be poorly used, without very significant improvements in the overall management and environmental performance of these institutions. We would suggest that the overall poor environmental performance of these institutions may be only a leading indicator of deeper and more widespread management and project quality problems." The areas of poor performance of the Bank are described in detail in the March 3rd statement submitted to the Foreign Relations Committee. Rather than respond to many of these areas of substantive concern, the Bank continues to increase the resources devoted to public relations lobbying with its major donors, including devoting more time of senior management to public relations efforts to rebut criticisms of Bank performance.

The most telling indicator of the Bank's approach to criticisms of project quality is an ongoing process of reissuing the Bank's Operational Directives—the Bank's internal rules and regulations requiring staff to take into account environmental, social and other concerns in project preparation and implementation—as weakened "Operational Policies," a change that is a giant step backward in making Bank staff accountable and responsible for the developmental impact of their work. The Bank persists in preparing and promoting economically inefficient, environmentally and socially disastrous schemes, the most recent being the proposed Arun dam in Nepal, opposed by numerous NGOs in Nepal, as well as in Europe and North America.

Rather than increased appropriations for the World Bank, scarce foreign aid resources of the U.S. would be much better used in supporting a greater variety of bilateral aid programs (such as the Interamerican Foundation and the African Development Foundation) that directly assist poor communities in developing countries, and in promoting increased debt relief for the poorest nations. Indeed, the G–7 Summit Meeting just concluded in Naples endorsed further debt relief for the poorest nations through the Paris Club.

Sincerely,

BRUCE M. RICH,
Senior Attorney and Director,
International Program.

Mr. NICKLES. Madam President, let me just highlight a couple of the concerns that were in this testimony again just as recently as May 17.

> The message the national environmental organizations I represent today wish to convey to you in the strongest terms is that the money the Administration is requesting the Congress to authorize and appropriate this year for the MDBs will be unnecessarily wasted and poorly used, without very significant improvements in the overall management and environmental performance of these institutions.
>
> In this regard, the case of the World Bank and associated GEF is particularly disturbing, because of the leadership role that institution is perceived to have. Events over the past two years reveal a long building, serious breakdown of accountability and responsibility at the highest levels in the Bank, despite belated, ineffectual steps of management to respond to increasing international pressures for greater transparency and improvements in project quality.

I will skip a paragraph. It says:

> But we would submit that these efforts notwithstanding, there is growing evidence

that the MDBs and particularly the World Bank current cannot be trusted to use the public's money wisely and effectively. We believe that it would be a wiser use of taxpayers' money not to concentrate resources so intensively on the World Bank and other MDBs, with their disturbing record of declining project quality and demonstrated management problems, but rather to also encourage and support a diversity of alternative development institutions and channels for foreign assistance, ones that would have a better chance of helping the poor and helping the global environment.

Just a couple of other excerpts from this statement:

> We recommend, therefore, that for FY 1995 the Congress not appropriate the full GEF and MDB capital increases that are being proposed until these institutions show that they have carried out a number of fundamental reforms discussed in detail later.
>
> In the case of the GEF, we believe it would be a mistake for the U.S. to commit funds before the GEF has completed Congressionally mandated restructuring and reforms enacted in appropriations legislation over the past two years. It is important that smaller amounts for the GEF be appropriated quickly, to fund more limited activities related to the immediate implementation of the Climate and Biodiversity Conventions, such as developing country planning and reporting requirements.

Madam President, I could go on. I do not know that it is necessary. But this statement is very strong saying let us not have increases in funds for the Global Environmental Facility and the multilateral development banks, of which the International Development Association is a major part.

Again, my amendment does not freeze. Maybe it should. My amendment allows for an increase in 1998 of 7 percent. It allows an increase for the Global Environmental Facility of 66 percent. But we do save enough money in budget authority to give us the outlay money to fund international narcotics control, which in my opinion will save lives and it will stop tons of cocaine from coming into this country. When that happens, the price is going to be higher. It is going to be more difficult for kids in the District of Columbia to be able to buy crack. It will be more expensive for them. When it is more expensive, maybe some of them will not buy it. Maybe some of them will not get addicted. Maybe some of them will not die fighting for that drug, or killing to get the money to buy the drug.

I hope my colleagues will understand that this amendment is not an attempt to undermine these international institutions. I think they need reform. I think they waste a lot of money. The environmental community believes very strongly that they are not spending their money well, either.

I think we need to restore money for international narcotics control at least to the level that we were doing in 1991. Let us not go back to this $100 million figure and basically be sending a signal to the drug warlords throughout the world that the United States really does not care about interdicting serious illegal drugs.

Madam President, I hope my colleagues will concur and that we will be successful in passing this amendment.

Madam President, I ask unanimous consent that Senators D'AMATO, BROWN, CRAIG, GRAMM, and HUTCHISON be added as cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. I yield the floor.

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, if my colleague from Kansas will withhold for just a moment, I wanted to note a couple of things for the RECORD on why I oppose putting this $100 million in for counternarcotics.

We have spent well over $1 billion in counternarcotics expenditures. But everybody agrees it has not made any difference. Narcotics are more available than before the counternarcotics efforts were underway, and at a lower price.

So it has not had the effectiveness many would like to think. I said, only somewhat facetiously, that we should probably put the counternarcotics program in the Department of Agriculture. The reason I said this is that with the billions we spent, we stopped about 1 percent from coming in here. The best-run agricultural programs in this country lose about 3 percent between harvest and the consumer. We could just put it under the USDA, and we would triple our effectiveness.

The point of it is, of course, that we are going to have to stop demand. That is going to be far more effective than a lot of money that we poured into counternarcotics, which has gone into the hands of corrupt regimes, gone into human rights violations, and other areas.

We kept $100 million in this program to try to have some of that work. But to suggest, as has been suggested here, that somehow the administration does not want any of this money, the fact of the matter is, we are trying to carry out pledges made by the Bush administration, by the Reagan administration, and currently.

If we are going to make anymore cuts in this, we are going to have to say that the promises made by the Bush and Reagan administrations are worthless; we are going to have to say that all the efforts that we were able to make in the GEF, a year spent negotiating a restructured GEF based on money withheld, and pledges made by past administrations and this one, that now that they have done all the reforms, we are not going to keep our word.

I think it would be irresponsible to renege on our pledge, and other countries are going to have ample reason to ridicule us if we do this.

So, Madam President, just so there is no question where the administration is, I ask unanimous consent that a letter from the Secretary of the Treasury, Lloyd Bentsen, in strong opposition to this amendment, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE TREASURY,
DEPARTMENT OF THE TREASURY,
Washington, DC, July 14, 1994.

Hon. PATRICK LEAHY,
Chairman, Subcommittee on Foreign Operations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During floor consideration of H.R. 4426 (the Foreign Operations Appropriations bill) today, amendments may be offered that I hope you will oppose.

These amendment will cut the Committee mark for the International Development Association (IDA) and the Global Environment Facility.

IDA is the centerpiece of multilateral programs to provide cost-effective assistance to Sub-Saharan Africa. The poorest countries depend heavily on IDA for financial and policy support. We are already $310 million dollars in arrears in our payments to IDA.

The Global Environment Facility is the major international mechanism to combat transnational environmental problems, including ozone depletion, extinction of plant and animal species, and ocean pollution. An outgrowth of the 1992 Rio Earth Summit, the GEF has moved beyond the preliminary stage to meet my own staff standards for operational efficiency. The time is ripe to upgrade the GEF to a full-fledged program as provided by the Committee's mark.

I hope you will oppose any efforts to cut these vital programs.

Sincerely,

LLOYD BENTSEN.

Mr. LEAHY. Madam President, I ask unanimous consent that another letter by the Under Secretary of State, who has to oversee both the counternarcotics and the global environmental programs, in strong opposition to this amendment, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD as follows:

U.S. DEPARTMENT OF STATE, UNDER
SECRETARY OF STATE FOR GLOBAL
AFFAIRS,
Washington, DC, July 14, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Foreign Operations Subcommittee, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: We are deeply concerned about proposed amendments to the Senate Foreign Operations Appropriations bill that would reduce its request of $98.8 million in fiscal year 1995 for the Global Environment Facility (GEF) and that would condition the remaining appropriation. Full funding for the GEF is urgently needed to enable the United States to maintain its international leadership in combatting key threats to the global environment. These include global warming, the loss of biological diversity, the degradation of international waters and depletion of the stratospheric ozone layer.

We have worked hard in negotiations to restructure the GEF and achieved all of its negotiating objectives. We believe that the GEF is now positioned to play a key role in our efforts to combat these threats to the global environment. We must back our policy leadership with financial resources to ensure the GEF's success. Other donors' pledges are tied to ours in a burden-sharing arrangement; failure to honor our pledge may unravel the GEF itself, and with it, efforts to bring developing countries and economies in transition to market economies into the global effort to safeguard our environment. Failure to meet our GEF commitments would be a significant blow to US global environmental leadership and could increase pressure to create a multitude of international environmental funding mechanisms.

It is the Department's understanding that a proposal may be offered to reallocate GEF funds to other key problems facing our nation, including efforts to combat narcotics. Reducing funding for critical global environmental programs to pay for increases in narcotics programs makes no more sense than reducing narcotics funding for environmental purposes. Strong support for both of these major global issues is needed and they must be pursued in tandem. We support full funding for both efforts and we must oppose amendments that could cause harm to the global environment we leave to our children, even if they are aimed at laudable and shared commitments for counternarcotics efforts. That is a false choice and we reject it.

I urge you to strongly support the Administration's request of $98.8 million in fiscal year 1995 for the Global Environment Facility.

Sincerely yours,

TIMOTHY E. WIRTH.

Mr. LEAHY. Madam President, I also ask that a letter from the World Wildlife Fund, the Nature Conservancy, the Natural Resources Defense Council, and Conservation International, be printed in the RECORD at this point, all in strong opposition to the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WORLD WILDLIFE FUND,
Washington, DC, July 14, 1994.

Hon. PATRICK LEAHY,
Subcommittee on Foreign Operations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express World Wildlife Fund's support for the funding levels for multilateral and bilateral funding for environmental protection and development activities recommended in the foreign operations appropriations bill. We consider these amounts the minimum necessary for the United States to help meet global challenges in these critical areas.

In particular, I would draw your attention to the recommended funding levels for the international financial institution, including the Global Environment Facility. The United States' contributions to international financial institutions often serve as a benchmark for other countries' contributions, multiplying the benefit of our dollars. Although we at WWF believe that significant improvements continue to be necessary to ensure that these institution's lending contributes to truly sustainable development, the United States' influence in support of further reform depends on our continued full participation. The appropriations levels in the bill would also take the important step of paying back a portion of the United States' arrearage to the international financial institutions. We urge you and your colleagues to support the administration's Global Enviroment Facility and International Development Association request for fiscal year 1995 without further conditionality, and specifically to reject amendments we understand will be offered by Senators Brown and Nickles that will slash funding for these crucial initiatives.

In addition, after years of budget cutbacks, the Agency for International Development has been left with the minimum funding necessary to meet its mission despite substantial organizational improvements and reforms in the last year. The world looks to the United States to be a leader in meeting the challenges of international development as well as meeting its obligations under the Convention on Biological Diversity and the Framework Convention on Climate Change. We appreciate the funding levels that your subcommittee has recommended for bilateral development and conservation assistance.

Please do not hesitate to call upon us to answer any questions that you might have by telephoning me at (202) 778-9680 or Will Singleton at (202) 778-9791.

Sincerely,

DOUG SIGLIN,
Director, Congressional Relations.

THE NATURE CONSERVANCY,
Arlington, VA, July 14, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Foreign Operations Subcommittee, Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: I understand Senator Brown of Colorado will offer an amendment to the Foreign Operations Appropriations bill to cut back the appropriation to the Global Environment Facility (GEF) from $98.8 million to $30 million. He also wants to place certain conditions on the appropriations.

In our view it is essential the GEF receive the full US pledge in order not to severely affect reforms gained in recent negotiations in which the US played a significant leadership role. We supported those reforms and served on the US delegation, which addressed every major area of concern dealt with by a recent independent evaluation.

The GEF is an essential component of the Administration's international environmental policy and will serve as the financial mechanism for the Conventions on Climate Change and Biodiversity. We must back our policy leadership by demonstrating a financial stake in the success of the GEF. Failure to fulfill our pledge to the GEF will be seen as a major disappointment to both developed and developing countries.

Mr. Chairman, on behalf of The Nature Conservancy and its more than 700,000 members, I urge you to fight the Brown amendment and any other amendment which seeks to cut funding or impose new conditions on the GEF.

Thank you.

Sincerely,

TIA NELSON,
Policy Representative, International Program.

NATURAL RESOURCES DEFENSE COUNCIL,
Washington, DC, July 14, 1994.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR CHAIRMAN LEAHY: The Natural Resources Defense Council strongly supports appropriating the full $98.8 million proposed for the Global Environment Facility in the Foreign Operations Appropriations Bill now before the Senate. This money is critical to ensuring the success of the newly restructured facility to deal with several global environmental problems.

The Global Environment Facility is a fund to assist developing countries deal with the global problems of biodiversity, climate change and international waters. The fund is a critical part of the international process to deal with these problems, and a key component to two international treaties on Climate Change and Biodiversity that the US has ratified (Climate Change) or in the process of ratifying (Biodiversity).

Failure to secure the full $98.8 million as an initial contribution by the US will jeopardize the viability of the GEF to deal with these problems, and hence the participation of developing countries in these international processes to protect the global environment. In the long term this means an even greater burden for the United States if these processes fail. We urge you to support the full appropriations for this critical environmental program.

Sincerely,

S. JACOB SCHERR,
Director, International Programs.

CONSERVATION INTERNATIONAL,
July 14, 1994.

Hon. PATRICK LEAHY,
Subcommittee on Foreign Operations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. I am writing to express concern over amendments we understand will be offered by Senators Brown and Nickles that cut back appropriations for important environmental and development initiatives recommended in the foreign operations appropriations bill. We urge you and your colleagues to support the administration's Global Environmental Facility request for fiscal year 1995 and oppose any amendments which will cut funding for this important program.

The GEF is perhaps the most tangible result of the landmark Rio Earth Summit. It is the interim financial mechanism for the Biodiversity and Climate Conventions and is one of the cornerstones of the Administration's international environmental policy. The Administration has fought hard over the past year for critical changes during the restructuring negotiations and deserves the full endorsement of the Senate.

Please do not hesitate to contact me at 973-2251 should you have any questions regarding these issues.

Sincerely,

IAN BOWLES,
Director, Legislative Programs.

Mr. LEAHY. Madam President, one thing that is united in this foreign aid issue is that there have been both Democratic and Republican administrations in support of how the world's poorest countries are trying. We send about $1—$1—per capita to these African nations, for example, in foreign aid. In contrast to other parts of the world where we spend foreign aid, we spend about $1, and we support IDA because at least that increases the contribution. They do about $5.

It is hard to think that we are even responsible with the kind of aid we give there, when you think of the amount of money we shell out to Nicaragua, El

Salvador, or when, based on the last administration's pledge, we gave nearly $2 billion in foreign aid to Saddam Hussein.

I do not remember the Senator from Oklahoma or anybody else down here trying to stop the last administration from giving a pledge that required the taxpayers of this country to give $2 billion to Saddam Hussein. But here we are going to cut out a dollar per capita to the poorest of the poor. It does not make any sense. So I am opposed to it.

The Senator from Kansas is here. I also note that the chairman of the Foreign Relations Committee is here. I yield to him for 3 minutes, and then I will yield to the Senator from Kansas.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. PELL. Madam President, this amendment would not only reduce funding for the World Bank's programs in the poorest countries of the world, but it would also significantly reduce funding for the Global Environmental Facility [GEF].

The Global Environmental Facility was created to help developing countries carry out commitments they made in the Biological Diversity Treaty and the Climate Change Treaty.

The Senate has already given its advice and consent on the Climate change Treaty and the Foreign Relations Committee recently reported out the Biological Diversity Treaty by a vote of 16 to 3.

The facility will fund projects that will benefit the global environment in the areas of climate change, biodiversity, ozone depletion, and international waters.

Over the last 2 years, the Bush and Clinton administrations have negotiated the conditions of the GEF and withheld funding until the United States determined that it had established clear procedures to ensure public access to information and are developing procedures to ensure that affected communities are consulted in all aspects of project implementation.

The United States also successfully negotiated a significant reduction in the size of the facility and narrowed the scope of eligible projects to ensure that only projects with agreed global environmental benefits be funded.

To reduce funding below the $98 million the United States has pledged to the GEF now that the United States has accomplished its negotiating objectives would severely reduce U.S. leverage and its ability to ensure that these conditions are fully met and put the United States in arrears.

Madam President, this amendment would strike a major blow to United States and multilateral efforts to protect the global environment. I urge my colleagues to defeat the amendment.

Mrs. KASSEBAUM addressed the Chair.

The ACTING PRESIDENT pro tempore. How much time does the Senator from Kansas need?

Mrs. KASSEBAUM. How much time will the manager yield?

Mr. LEAHY. How much time would the Senator like?

Mrs. KASSEBAUM. I will use 5 minutes at the most.

The ACTING PRESIDENT pro tempore. There are 17 minutes remaining.

Mr. LEAHY. I yield 5 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. Madam President, I rise in opposition to the Nickles amendment. As it has been laid down, it cuts more than $100 million from the U.S. contribution to the World Bank's International Development Association. It reduces nearly $50 million in our contribution to the Global Environmental Facility, and finally, it would increase funding for the international narcotics program.

Let me address the two accounts that the Senator from Oklahoma wants to cut and one he would like to increase. I understand the concerns and the arguments that Senator NICKLES has made regarding the World Bank's International Development Association. Clearly, there is waste at the World Bank—the salary levels are very high, offices are too plush—but I do not believe that cutting funding for IDA is the best method to encourage reform. IDA is an economical, coordinated, and effective way to promote development focused solely on the poorest countries in the world. It helps countries from Armenia to Cambodia, Georgia to Albania. All IDA borrowers have a per capita income below $825.

IDA is particularly important for Africa, which gets about half of all IDA resources. Many African countries, such as Ghana, Gambia, Uganda, and Tanzania, are undertaking substantial economic reform. IDA supports these reforming economies.

As someone who has followed Africa for a number of years on the Foreign Relations Committee, I strongly believe that Africa will never develop and succeed without solid economic policies. This is not easy. But IDA is the best instrument that we have, as an international community, to promote policy reform and help these countries through difficult times.

I know we can sit here and look at the tragedy that has played out in Rwanda, Sudan, or many African nations and wonder if the little bit leveraged through IDA does any good. But, Madam President, I suggest that without it, we will never help and be able to encourage solid economic reforms that are going to be the basis for some stability in the countries that need it the most.

I have had, and continue to have, serious concerns about the coordination of international development efforts. Often, it seems that the United States is off doing one thing, the Europeans another, and the Japanese another. The World Bank, and particularly IDA, offers an effective, coordinated way for donors to work together to promote development.

The World Bank—largely prodded by the United States—has taken some positive steps to reform itself. First-class travel has ended; an inspection panel has been created to oversee Bank projects. The question is how best to continue these reforms.

We are already $310 million in arrears to IDA. We are the only major donor in arrears. If this amendment is approved, adding to our arrearages, our efforts to reform the Bank, I make the case, would be seriously undermined.

I understand and sympathize with the concerns of the Senator from Oklahoma, but I strongly believe that the committee recommended funding for IDA promotes reform at the Bank and supports developing countries, particularly Africa.

I will speak for a moment about the Global Environmental Facility. Many, including myself, have had serious reservations about the original mandate, size, and focus of this facility. Due to these concerns expressed by many, the United States did not fund the pilot program for the facility for 3 years. I now believe that many of these issues have been addressed, and addressed very effectively. After tough negotiations by both the Bush and Clinton negotiators, we now have the type of institution that we want—a transparent, accountable, cost-effective mechanism to address international environmental issues.

Under intense American pressure:

The scope and costs of the GEF have been reduced from $4 billion to the current size of $2 billion;

The U.S. share is only $430 million over 4 years, less than the per capita contributions of other countries;

The United States retains a great amount of control over the GEF's policies and projects; and

The focus of the GEF has been limited to projects with global environmental benefits, such as biodiversity.

I now believe that the GEF can become an important part of U.S. efforts to promote international cooperation on the environment. The United States won some major concessions in forming the GEF. If we want to keep this institution on the right track, it is important that our participation be comprehensive and aggressive to help shape the agenda and make GEF a constructive, focused, effective, and coordinated institution addressing global environmental problems.

May I have an additional 2 minutes to further address the international narcotics control program?

The PRESIDING OFFICER. The Senator has requested an additional 2 minutes from the manager.

Mr. LEAHY. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mrs. KASSEBAUM. Finally, Madam President, I oppose the proposed increase for international narcotics control. I suppose that sounds sort of wild in the belief that this is a program that really is adequately funded, because I care just as much as everybody else does about getting the international narcotics program under control. Just as the Senator from Oklahoma said, the big drug traffickers around the world need to be stopped in every way imaginable, the demand in our own country needs to be addressed.

The committee funded the narcotics control account at last year's level of $100 million. Given budget realities, I think this is more than sufficient funding for this program.

I am not convinced that increased funding for this program will make any real difference in reducing the flow of drugs into this country.

I doubt if the effectiveness of the program during the Reagan and Bush administrations, and nothing in this administration's strategy demonstrates to me that the program will be any more successful in the future.

We have now devoted more than $2.2 billion over the last 5 years in the so-called Andean strategy. Yet, there is no sign that the actual levels of cocaine reaching the United States shores has changed significantly. Estimates are that less than 5 percent of all drugs entering our country are interdicted at the border.

Madam President, I really do have to question the effectiveness of this program and in order to make it effective we must be willing to challenge it. Given the mixed record and budget constraints I believe the committee has acted appropriately by keeping funding at last year's level.

I yield back my time.

The PRESIDING OFFICER (Mr. AKAKA). The Senator's time has expired.

Who yields time?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I rise in support of the amendment.

Mr. NICKLES. I think Senator GRAHAM wants a couple minutes.

The PRESIDING OFFICER. The Senator from Oklahoma has the time.

Does he yield time?

Mr. NICKLES. Will the Senator from Kentucky mind if I yield to the Senator 3 minutes?

Mr. MCCONNELL. No.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. GRAHAM. Mr. President, I am going to speak at greater length on this issue raised by this amendment when we debate the next amendment. But I would like to raise this issue.

It is imperative for an effective program against drugs in this country that we have both a strong offense in terms of our efforts to reduce the amount of drugs coming into the United States and an equally strong defense in terms of reducing the demand for drugs within this country.

I do not see these two as being incompatible any more than the same strong offense and strong defense would be incompatible on an athletic team.

What has happened is that we have had a major restructuring of our offensive strategy. The efforts to reduce the supply of drugs into the United States used to be primarily focused on a border policy. That was a policy which keyed around domestic agencies, such as the Department of Defense providing intelligence for more effective interdiction, the Department of Treasury with their customs capabilities, and a whole array of agencies within the Department of Justice to capture those persons who crossed our border with illicit drugs.

We now have adopted a new policy, and I will quote from a statement issued by the drug coordinator on February 9 of this year in which he stated that the new international strategy calls for a—

> * * * controlled shift in emphasis from transit zones to source countries. The term "controlled shift" is used because it is anticipated that the shift could in turn precipitate changes in tactics by drug cartels. This requires drug control agencies to be prepared to respond to changes as they occur.

So our new strategy is to diminish the focus on transit zones, and my colleague and cosponsor of the next amendment, Senator DECONCINI, will talk at some length about that topic and focus on eradication and interdiction inside the key source countries. Those efforts are largely funded through the international counternarcotics programs in the Department of State.

So when we say we are going to hold it at the previous year's level of funding, we are holding it at the previous year's level of funding while we have a new strategy.

So, Mr. President, I strongly support the amendment as offered by the Senator from Oklahoma. I think it is consistent and has the support in terms of reaching these levels of funding for our international narcotics program of the Clinton administration.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I believe the majority will yield me 3 minutes.

Mr. LEAHY. Mr. President, I yield 3 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont [Mr. JEFFORDS], is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, I rise today in opposition to this amendment, which proposes to cut the U.S. contributions to the International Development Association [IDA] and the Global Environment Facility [GEF] to direct funding to international narcotics control.

Environmental problems do not recognize borders. Excessive carbon emissions in the developing world directly impact our climate here in the United States. Use of ozone depleting chemicals in these countries destroys the ozone over North America. And loss of biodiversity eliminates our ability to discover life-saving pharmaceutical products and methods to control agricultural pests.

The above problems are being addressed by three key treaties. The Montreal protocol calls for the complete phase-out of most ozone-eating compounds by the year 1996. Without U.S. participation in this important process, many countries would miss this deadline, leading to the continued production and use of chemicals that destroy this protective layer. The Convention on Climate Change works to halt the growth in emissions of the greenhouse gases that are warming the Earth's atmosphere. Just last year this body ratified this convention, making the United States an active participant in efforts to stem global air pollution. And finally, we are just weeks away from Senate ratification of the Biodiversity Treaty. The treaty works to stem the loss of the earth's species, their habitats and ecosystems by developing a common framework for natural resources management. Many economic benefits result from the conservation and sustainable use of these resources. We must preserve plant and animal species that may lead to the development of medicines and the protection of agricultural crops from pests.

During a recent Senate Foreign Relations hearing on the Biodiversity Treaty, we heard testimony from representatives of the pharmaceutical industry on the importance of this convention. One company representative indicated the importance of the United States playing an active role in the preservation of biodiversity, as it will continue to allow this U.S. company to effectively discover and screen plants which may lead to drug development and commercial sale around the world.

Just 2 weeks ago the Senate Foreign Relations Committee voted overwhelmingly in support of ratification of the treaty. I hope this body moves rapidly to complete ratification of this important treaty.

Mr. President, we must maintain our commitment to these important global environmental measures. United States participation is vital. The proposed amendment would gut U.S. participation in the GEF, and would be a major blow to U.S. international credibility on environment issues. The GEF allows the United States to maintain its commitment under the above conventions at the lowest possible cost.

I agree that the GEF has had problems in the past. Two years ago Congress put conditions on U.S. funding to the GEF, stating that the GEF needed to establish procedures for access to project information, Government oversight and procedures to involve nongovernmental organizations and local communities in project preparation and execution. During the last year the administration, through the leadership of the Treasury and State Departments, have worked closely with World Bank officials to ensure that such changes were instituted. I believe they made clear and significant progress in this area. Over the last year, the GEP has undergone a major restructuring, largely as a result of U.S. concerns. Secretary Bentsen has determined that the conditions that Congress imposed on previous appropriations measures have been met. To be sure that the GEF continues to reform, we must play a role and we must begin to provide our piece of the total budget, while working to ensure that changes really happen.

We must maintain our leadership role in the GEF by continuing this funding. The newly restructured GEF gives donor countries, such as the United States, substantial authority over policies and projects of the facility. The GEF will promote the use of environmental technologies, in which the United States is a leader. These technologies include latest generation energy efficiency and renewable energy sources. In my home State of Vermont we are on the cutting edge globally in producing wind turbines, many of which are shipped around the world to displace the use of less efficient, polluting energy sources. A company in Hinesburg, VT, NRG ships wind energy systems to every corner of the planet. By continuing its work, the GEF can serve as a catalyst for much larger investments in U.S.-based technologies, boosting the demand for U.S. goods and services.

Let us maintain our lead in promoting global environmental protection. Let us continue to ensure that U.S. clean technologies continue to dominate markets around the world. Let us work to fully implement the Biodiversity Treaty, the Climate Convention, and other international environmental treaties. The only way to do this successfully is to continue our commitment to the GEF, support the full funding and oppose any efforts to cut funding for the GEF.

Mr. President, I also oppose this amendment's attempt to cut U.S. funding for the International Development Association. The IDA plays an important role in economic development throughout the developing world. This institution, an affiliate of the World Bank, was established under U.S. leadership in 1960 to make or guarantee loans for productive development to the poorest countries, at rates well below those offered in commercial lending markets. IDA projects assist in institution building, human resources development, infrastructure development, and private sector development.

My colleagues and I have legitimate concerns about certain egregious practices of the World Bank and the impact of IDA development loans and projects on poor countries. As ranking member on the Africa Subcommittee of the Committee on Foreign Relations, I am especially concerned about the debt burden of countries in sub-Saharan Africa.

It is true that much of this debt is owed to multilateral agencies like the World Bank. It is also true that the poorest and most fragile nations of the developing world can't reform their economies without international assistance. The multilateral development banks are still the most significant source of funding for sustainable, broad-based development.

The United States has successfully pressured the World Bank to undertake some important reforms. Congress helped apply that pressure by withholding significant portions of our pledges to IDA. The funding level contained in this bill acknowledges that progress has been made on these reforms. However, this amendment would prevent us from fulfilling our pledge and would increase our arrears, despite positive steps undertaken by the Bank—at our insistence—to address these concerns.

As with the GEF, I believe we must continue to press the World Bank to implement additional reforms. This can best be accomplished by remaining engaged in the process, by funding our pledge to IDA and continuing to forcefully push for change.

I urge my colleagues to oppose this amendment.

Mr. President, I yield back any time that I might have.

The PRESIDING OFFICER. The Senator from Vermont yields back his time.

Who yields time?

Mr. NICKLES. Mr. President, I yield to the Senator from Kentucky 3 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Oklahoma for his leadership in this area.

Certainly we have had a lot of discussions over the years about the effectiveness of the American tax dollars spent on antinarcotics efforts, but I think it is really going too far to say that they have not made any difference at all.

My goodness. I can imagine just how bad the situation would be if we had no effort whatsoever. And also I think it is important to remember that these antinarcotics efforts are one of the few areas of any foreign assistance bill that have a very direct impact on us here at home, the clear domestic impact.

Frankly, I think both of these accounts are worthwhile, and I have supported both. I think the narcotics account did take an unusually large reduction this year. I know the chairman did the best he could with our allocation, but the Senate ended up reducing funding for international narcotics control below the House level.

The administration requested $152 million. The House provided $115 million, and we are down to about $100 million. On the other hand, the International Development Association is funded by the Senate at just over $1.2 billion, really quite a significant amount in a just under $114 billion foreign aid bill.

This is not a cut, but a reduction in a substantially larger account than the narcotics account. Clearly these are not easy choices.

But I would like to say that I believe my colleague from Oklahoma is on the right track. This is not the time to retreat in the fight to control international narcotics trafficking.

Just last week, there was extensive coverage of the economic consequences of crime in this country—our country; that is really what the Senator from Oklahoma is talking about here—crime that is, in large measure, drug related.

I do not think we can claim we are serious about crime at home unless we fight the problem on all fronts, all fronts, beginning with waging an unrelenting war at the source and in transit countries.

So I support the amendment offered by Senator NICKLES. It will improve the chances of cleaning up our streets and solving our problems, a combination that is rare in any debate on any foreign aid bill. So I commend my friend from Oklahoma and thank him for his leadership on this issue.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 40 seconds.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator GRAHAM of Florida be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I rise in opposition to the amendment by Senator NICKLES. This amendment would nearly cut in half funding for the United States participation in the Global

Environmental Facility, or GEF. The money would be transferred to the appropriation for international narcotics control. While I fully support both funding for the GEF and international narcotics control, this amendment would rob Peter to pay Paul. We should not do that. By halving our contribution to the GEF, the amendment would seriously weaken our Nation's leadership in global environmental affairs.

The GEF provides the means by which the United States and other developed nations fulfill our financial commitments under the Climate Change Convention and the Biodiversity Convention. The GEF funds projects implementing these conventions in developing nations.

The GEF not only facilitates U.S. leadership in global environmental affairs, it is also good for American business. For example, the GEF funds projects that promote the use of environmental technologies in which the United States is a leader, such as energy efficiency and renewable energy projects. Companies like Bechtel, Texaco, and Brooklyn Union Gas have already participated in GEF-funded projects.

The Bush administration negotiated these conventions and the provisions for the GEF. Both the Bush and Clinton administrations have pushed hard to ensure that the GEF is fiscally lean and accountable to the nations that fund it, as well as the people who are directly affected by the funded projects.

Mr. President, reducing the U.S. contribution to the GEF diminishes our global environmental leadership. Other nations look to the United States for this leadership. The contributions of other nations to the GEF are tied to the size of our contribution. If other nations see the United States reducing its commitment to the GEF, they are likely to follow suit. Thus, a reduced U.S. contribution could lead to an unraveling of the GEF itself.

The amendment would also limit our influence over the administration of the GEF. The number of votes a nation receives on questions involving administration of the GEF depends on the size of its contribution. We should not shoot ourselves in the foot by reducing our contribution and limiting our own influence.

Mr. President, funding international narcotics control is, of course, also critically important. I strongly support it. But I do not believe we have to weaken our global environmental leadership to fight the war on drugs. We can, and must, do both. That is why Under Secretary of State for Global Affairs Tim Wirth, who is responsible for both environmental affairs and international narcotics control efforts, has written Senator LEAHY on behalf of the administration to oppose this amendment. As Under Secretary Wirth states in his letter:

> We must oppose amendments that could cause harm to the global environment we leave to our children, even if they are aimed at laudable and shared commitments for counternarcotics efforts. That is a false choice and we reject it.

I agree, Mr. President, and I urge Senators to oppose the amendment.

Mr. NICKLES. Mr. President, let me just make a couple of comments in regard to the statements made by my friends in opposition to this amendment.

I heard my friends from Vermont and Kansas talking about the reductions we are making in the International Development Association.

Let me just recite my earlier statement. The funds that we have in this amendment will provide for a 7-percent increase over last year; not a reduction from last year. Last year we only spent a little over $1 billion. We allow almost $1.1 billion under the Nickles amendment. It goes up by 7 percent. It does not go up by 18 percent as proposed by the Senate committee.

The Global Environmental Facility, which some people said, "Well, we are reducing it. We are reducing the rate of growth." Last year, we only got $30 million. We say it will go up to $50 million, not $100 million. But $50 million happens to be a 66-percent increase in the Global Environmental Facility.

Let me just say that both of these programs have significant problems that have been recognized by many leaders in the environmental community.

Now, I know my friend from Vermont will have some letters from some community members saying they oppose this amendment. But we have strong support from the environmental defense fund, from Friends of the Earth, from the National Audubon Society, the National Wildlife Federation, and the Sierra Club that basically are telling the Senate not to increase these two functions because of their serious management problems.

The Senator from Kansas alluded to the fact that the World Bank has been criticized because it has a big bureaucracy. It has over 7,000 employees who make an average of something like, I think, $70,000, and they do not pay taxes. They just built a headquarters that cost over $300 million in downtown Washington, DC. I have been critical of that.

But, really, the focus of my amendment is not attacking the World Bank or even the Global Environmental Facility. It is saying, "Wait a minute. We need to do more to interdict drugs coming into this country."

My friend from Kansas said, "Well, I do not think they have been very effective."

Well, they have been somewhat effective. If you look at the fact that they seized total foreign products in the United States of something like 141 metric tons of cocaine, I would say something is better than nothing.

Let me just read from the State Department analysis. Their analysis was it would be devastating if we fall below the sum of $100 million. Let me remind my colleagues that 2 years ago we were spending $173 million. In 1991, we were spending $150 million.

So I am trying to keep at least the International Narcotics Control Program level. The other two programs, we are reducing the rate of growth, but still IDA gets to grow by 7 percent and the Global Environmental Facility by 66 percent.

We are trying to keep the International Narcotics Control Program at least level with what it has been in the last few years.

This is from the State Department. Keep in mind what the figures we have in our amendment are. To give the administration's figures, they requested $152 million for this program. They say the narcotics program will survive in 1994 by smoke and mirrors. In 1994 they got $150 million. They said they have cut overseas programs to the core. They say we are turning our backs on the source countries.

> Current programs in the Andean source countries cannot be sustained at a $100 million level, far less expanded. They would have to be reduced dramatically.

That is from our State Department.

> Closing Programs: Central America and Caribbean programs are already at shoestring levels. They were maintained last year because INM decided that maintaining a counternarcotics presence and infrastructure in the region justified the programs, even at miniscule levels. They cannot survive a second year at that level. Another $100 million program budget puts us out of the counternarcotics business in Central America and Panama, just as narcotics replaces insurgencies as the primary threat against these new democracies.
>
> Ignoring Heroin: Heroin is the new U.S. drug epidemic. South and Southeast Asia produce roughly two-thirds of the heroin in the U.S. Until now, State deferred funding major programs in the region because the heroin threat lagged far behind cocaine. The U.S. no longer has the luxury to defer. A $100 million program level does not provide the resources for an aggressive effort against heroin in Asia.
>
> Shutting Down Eradication: After years of debate and effort, there are finally serious eradication programs in Colombia, Bolivia, Peru, and Panama. Eradication is expensive. It is also politically unpopular in every country where it is implemented. INM can neither support eradication programs at their current level or start new programs.

In other words, we are going to be shutting down an effort that has been at least responsible for confiscating, in 1993, something like 141 metric tons of cocaine if we fund this at a level of $100 million.

I say we should support State and we should support this administration and their efforts to fund this program and allow some modest increases in IDA and the Global Environmental Facility. That is allowed under my amendment. I would not even say modest.

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. The Global Environmental Facility, under this amendment, gets a 66-percent increase. IDA gets a 7-percent increase. The International Narcotics Control under this amendment goes back to the 1991 level.

I hope my colleagues will concur.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I will ask for 1 additional minute on our side to balance that.

Mr. President, let us be clear on this. There is talk as though the administration supports the Nickles amendment. It does not. The Under Secretary of State who oversees both the narcotics and the environmental programs has written very clearly, and it is in the RECORD, that they do not support this.

Now, I yield to nobody in my desire to stop narcotics coming into this country. I think they are the absolute scourge of this Nation. When I was a prosecutor, drug cases were among the top priorities in my office.

But we are giving them $100 million. What I am trying to do in finding money in here, and there is very little money—remember, we cut several billions of dollars out of what the foreign aid bill was back in the Reagan administration, for example, or the early Bush years. It is several billions of dollars less today. You have to make choices.

What we are saying with this amendment is that pledges made during the Reagan and Bush and now Clinton administrations will not be fulfilled. We are saying that in Africa, where we spend about $1 per capita or less, we will cut that even more.

If we are really serious and we want more money for narcotics, then let us take 5 percent out of every country's earmark. I have not heard the Senator from Oklahoma or others suggest that. But that would give us hundreds of millions of dollars, and it would not end up crippling the poorest of the poor. But I do not hear anybody suggesting we do that. Nobody here seems to think that that might be a way to do it. And yet, if we are really serious about protecting U.S. interests in narcotics and if we think by throwing money in it we could do it, that would be the way to do it.

We know that in coca—talk about how effective our antidrug program is—they cultivate 198,000 hectares and we have eradicated 3,000. So now they only end up with 195,000. This really is like trying to bail out the ocean.

Certainly it is better than nothing, if we cut down by 1 percent. But it still means 99 percent comes over. If money alone could do it and was going to stop the drugs in this country, we ought to take all the foreign aid going to every single country and put it into drugs. But nobody is suggesting that for two reasons. One, we know that we have national security and economic interests worldwide in this program of foreign aid. And, second, we know that simply throwing money at it would not stop the problem at all.

What I am saying is, let us support the commitments made in the Reagan years and the Bush years, and now in the Clinton years, and let us not cut further into these areas. We are not going to have—as Secretary Bentsen has pointed out, and others—the reforms we have been able to negotiate unless we, the United States, keep our word.

I would love to put more money in a number of these programs. But I know the Senator from Oklahoma would not support cuts in some of the areas with the largest amounts of money in this, and the majority of the Senate would not support cuts in it. So let us be honest. Let us not just go off and cut the poorest of the poor. They seem to be the only ones that get clobbered every time somebody wants further money. The fact is there is only so much money. The fact is we have cut the foreign aid bill by several billions of dollars. And the fact is that now we have to live with what we have.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. LEAHY. I yield for 30 seconds for a question, because I do not have the time.

Mr. NICKLES. We are talking cuts. Is it not true that under my amendment both the International Development Association and Global Environmental Facility will have more money next year than this year, and the International Narcotics Control Program will actually have less money than it had in 1993?

Mr. LEAHY. Under the amendment of my friend, we are talking about the difference, as the Senator knows, between outlays and budget authority. The International Narcotics Control Program is not cut at all. It still gets $100 million that was requested.

In the Senator's amendment we will not carry out the pledges made by the Bush administration or by previous administrations, and that is the problem that we face.

As Secretary Bentsen said, the Global Environment Facility is the major international mechanism to combat international environment problems including ozone depletion, extinction of plant and animal species, and ocean pollution. They now are reaching the standards that we had required them to do, and we have to go forward.

For IDA, we are $310 million in arrears on our payment.

If we can find some way, rather than clobbering both the environment and poorest of the poor, to find this money, I am happy to do it. I suggested a way, but I have not heard any takers on that. But this is the situation we have.

Does the Senator from Massachusetts want the remainder of my time?

The PRESIDING OFFICER. The Senator has 10 seconds.

Mr. LEAHY. It is a moot point. We are now at 10 seconds

Mr. KERRY. Mr. President, I was, unfortunately, chairing a nomination hearing or I would have been here. I do not want to delay the Senate. I ask unanimous consent—would my colleague be agreeable to 5 minutes or something?

Mr. LEAHY. Equally divided?

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I know my friend from Arizona would like time.

Mr. LEAHY. I request 5 minutes.

Mr. NICKLES. I think the Senator wanted 5 minutes on each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Do I understand it is 10 minutes equally divided?

The PRESIDING OFFICER. It is 5 minutes equally divided.

Mr. LEAHY. No, 5 minutes per side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I applaud the desire of my friend from Oklahoma to try to increase the narcotics effort. I serve as chairman of the Terrorism, Narcotics and International Operations Subcommittee in the Foreign Relations Committee and we have been involved for years in trying to target the money appropriately. We are funding the current level of international narcotics effort in this committee mark, so this is not a cut. But as most of our colleagues know, over the last few years we have tried to shift the focus of some of the international narcotics efforts.

I very strongly argue when you add what we have coming in the crime bill with what will be coming in the subsequent drug bill, that to cut the Global Environment Facility [GEF] and the International Development Association [IDA] funding is simply a misallocation of priorities.

It is not inappropriate to want to do more about drugs. We want to do that and we intend to do that with a $25 to 30 billion crime bill. In addition, we will follow shortly with a drug bill, where we will increase our own domestic efforts. We are not going to increase sufficiently the antinarcotics effort by shifting this money out of the GEF and IDA into the international sector where we have had very, very mixed success.

I might add, it would be far more important to shift the international narcotics focus now to where the Coast

Guard is pulling away the line of defense from south of Florida, and where it is forced to shift into some of the internal efforts in other countries. Therefore, the money in this amendment would not even be spent effectively. That is one side of the ledger. The place where the Senator from Oklahoma wants to shift this funding is not going to be as effective.

The other issue in this amendment is from where the funding is being shifted. The Senator from Oklahoma seeks to cut the committee's funding for the GEF and the IDA which would have an enormous negative impact on U.S. foreign policy efforts. With respect to the GEF, where we have spent 3 long years negotiating in an effort to get the European countries and others to join us, this amendment would be a major blow to U.S. credibility on international environment issues and would prevent the United States from fulfilling its commitment to the GEF which is the funding mechanisms for both the conventions on climate change and biodiversity, among other initiatives.

The United States has been able to exert leadership in formulating GEF policies even with its relatively low-cost contributions from the United States. We finally have reached agreement and all of a sudden we want to come in and pull out the guts of that agreement. This would be an enormous setback.

The U.S. negotiated for the overall worldwide GEF budget to be reduced from $4 billion to $2 billion over four years. The United States accepted responsibility for a share of $430 million, less than our proportional share to other international organizations such as the United Nations and dramatically less than sought by other participants. At present, we have yet to send one dollar. This amendment would reduce this first year's contribution of $98.8 million to $50 million. Thus, this amendment would prevent the United States from meeting its international obligation.

Finally with regard to the GEF, the votes are tied to a country's contribution levels. Therefore, at a minimum, if we cut the United States contribution, failing to meet our prior commitments, the United States will forfeit its claim to environmental leadership and will lose its influence over the effort to combat global environmental problems.

The second program from which funding would be shifted is the IDA which deals with the question of what creates the whole huge expenditure here on an annual basis for refugees and migration. I have just come from a hearing of our new Assistant Secretary for Population, Refugees and Migration. The Congress is called upon to spend millions of dollars for refugee relocation and we are here taking money from IDA which is one of the principal sources of loans to the poorest countries in the world in an effort to prevent these crises. This amendment would reduce our ability to proactively deal with those crises.

So I will guarantee that, as a result of not spending that money on the GEF and IDA, we will be back here on the Senate floor finding other ways to spend millions of dollars to make up for what happened as a consequence of our not investing in the long-term.

I say to my friend, it is a good idea to want to do more about narcotics internationally. But you have to balance what he is seeking to do against where he seeks to get the money, and what the impact, negatively, will be on those things that are funded by IDA and the GEF. You have to balance it against what we are already accomplishing in the international field and where the priorities are in the international field that will not be addressed by the amendment of my friend from Oklahoma.

Therefore, I would conclude that while the intent is good, the means of carrying it out are not going to accomplish the goal and will simultaneously have a very negative impact on other efforts of the United States.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. NICKLES. How much time remains for both sides?

The PRESIDING OFFICER. The Senator has 5 minutes remaining. Opponents have 30 seconds remaining.

Mr. NICKLES. Mr. President, I yield my friend and colleague from Arizona 2½ minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2½ minutes.

Mr. DECONCINI. Mr. President, I thank the distinguished Senator from Oklahoma and compliment him on this amendment. I have heard the debate. Yes, we have two very important areas.

But to me, it is quite simple to determine that if we are committed—as we have constantly said and this administration has constantly said but I do not think it has acted strong enough—to the war on drugs, then we should put that as a No. 1 priority, and that is what is done here.

The reductions from IDA are not so significant or so dramatic that it cuts the guts out of that program. What this does is it says that we are going to really continue the war on drugs. We have not done that, I am sorry to say.

As our new strategy has come out to shift the source country from the transit area and interdiction area, what have we done or what has the administration attempted to do? They have cut the overall drug area. In the area of interdiction, $52 million. They wiped out—actually, they started with $200 million in the interdiction program.

The Senator from Massachusetts made reference to the effort of the military down in south Florida. That is a perfect example of a miscalculation and misappropriation of budgetary assistance down there. The admiral and his people are not prepared to take over what the interdiction program has been through the U.S. Customs. Consequently, in the bill that I chaired on the floor some time ago, we added some people there. This gives some money that could be assigned to such efforts.

Talking about the host countries, what we need is more emphasis and more resources to Colombia, Bolivia, and Peru, and do not tie their hands. For the first time—and this is the good side or the good news of this new strategy—for the first time, we have seen cooperative efforts by those countries. We ought to place more emphasis here, and I support the Senator's amendment.

I ask unanimous consent that I be shown as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments made by my friend and colleague from Arizona.

I heard too many opponents say we are just gutting IDA, the International Development Association, we are gutting the World Bank, we are gutting the Global Environmental Facility, and that is not factual. Let us at least state the facts.

The facts are that the Global Environmental Facility last year got $30 million; the year before that, they got $30 million; the year before that, they got zero. Why? Because they were not ready. They are still not ready.

Under my amendment, they get $50 million. That is a 66-percent increase. That is a $20 million increase. That is an increase over last year.

I might say that several people in the environmental community think that they are not ready, that they are not doing a good job. I have already read statements by the Environmental Defense Fund, the Friends of the Earth, the National Audubon Society, the National Wildlife Federation, and the Sierra Club which say: "Don't give them any more money." They said the same thing about the World Bank. Why? Because they are financing a bunch of very questionable projects. They are wasting money.

I am not going to bash them. Under my amendment, they get more money. The World Bank, the IDA gets 7 percent more money than they had last year. Why are we doing this amendment? We are taking some of the reductions or savings so we do not increase the World Bank by 18 percent and we do not increase the Global Environmental Facility by 23 percent. We give them some increases, but we take those savings and put it back into drug interdiction.

I must confess, I was asleep on the floor last year because the year before, in 1993, we spent $173 million in drug interdiction, and in 1994, only $100 million. The State Department says if we stay at $100 million, we are gutting the program. We are going to lose our ability to be able to interdict drugs; we are going to not be able to take on heroin coming from Southeast Asia and other places, and it is going to cost lives.

If you look at the result, yes, they have confiscated something like 143 metric tons of cocaine. That is saving some lives.

So I just urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. KERRY. Mr. President, let me quickly counteract. The League of Conservation Voters has sent a time-sensitive letter stating that they oppose any amendment that will reduce U.S. contributions to the Global Environment Facility below the level requested by the administration or that would transfer GEF funding to other purposes including narcotics enforcement. And while the Environmental Defense Fund says to Senator BROWN that they want to maintain the IDA at the current level, the League of Conservation Voters states that environmental organizations are not completely in agreement among themselves as to the appropriate level of funding.

Finally, I repeat: The Attorney General of Colombia has changed the policy of Colombia in a way that helps drug traffickers, and we are not now giving them any information.

The PRESIDING OFFICER. All time has expired.

The question now occurs on agreeing to amendment No. 2275 offered by the Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Illinois [Ms. MOSELEY-BRAUN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chambers desiring to vote?

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—38

Bennett
Bond
Brown
Burns
Byrd
Coats
Cochran
Craig
D'Amato
DeConcini
Dole
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Kempthorne
Kohl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Pryor
Roth
Sasser
Shelby
Smith
Stevens
Thurmond
Warner

NAYS—57

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Chafee
Cohen
Conrad
Danforth
Daschle
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moynihan
Murray
Nunn
Packwood
Pell
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Simpson
Specter
Wellstone
Wofford

NOT VOTING—5

Boren
Campbell
Coverdell
Moseley-Braun
Wallop

So the amendment (No. 2275) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have an announcement I would like Members to hear. We have, as you know, in this bill, a very significant part for the Camp David countries. It has been put together by a number of us in a bipartisan fashion to move forward the peace process. I think it is essential to the peace process.

One of the things that Senators should know about—and I think it is something that can give us all hope—is that King Hussein of Jordan and Prime Minister Yitzak Rabin of Israel will meet with President Clinton at the White House on July 25. This is going to be a historic meeting, as Senators know—those Senators in both parties who have worked so hard on Middle East peace matters.

Mr. President, last month, as you know, there were meetings, United States-Jordanian-Israeli meetings, here, and this builds on that. I think Prime Minister Rabin and King Hussein both deserve a great deal of credit for this. But I also think President Clinton and Secretary Christopher, who put a great deal of their own time and effort into this, also deserve credit in bringing them together.

The President has stated over and over again to virtually every one of us, and also to the American people, his personal commitment to bring about a comprehensive settlement in the Middle East. So, next week, Secretary Christopher will be going back to the region, and he will continue to work on this. He will participate in the United States-Jordan-Israeli discussions and meet with Yasser Arafat and review the progress in implementing the declaration of the principles of Palestinian self-rule. As one who has worked with Presidents FORD, Carter, Reagan, Bush, and now Clinton in trying what sometimes seems like very laborious steps toward Middle East peace, I think this is a very positive situation. I look forward to the meetings in just 10 days here in Washington. I compliment the parties who have done that.

Several Senators addressed the Chair.

AMENDMENT NO. 2290

The PRESIDING OFFICER. The Chair advises that the regular order, under the previous order, is that the question would occur on amendment No. 2290, offered by the Senator from Florida. Debate on this amendment was limited to 50 minutes, equally divided in the usual form.

Who seeks recognition?

Mr. LEAHY. Mr. President——

Mr. MURKOWSKI. Will the floor manager yield for a question?

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. MURKOWSKI. I wonder if the manager will agree that after Senator GRAHAM completes, I may be allowed to go next?

Mr. LEAHY. I would be happy to do that. What I have been trying to do—we do not have an order, but we have been trying to go back and forth from side to side. Senator GRAHAM has been waiting patiently here since yesterday and was to go next.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we also have two Senators here on the floor who are prepared to follow Senator GRAHAM, and I think it would help if Senators would get their amendments in prior to the expiration of the UC agreement and if we stacked these, with Senator MURKOWSKI coming after Senator GRAHAM and Senator DOMENICI after him.

Mr. GRAHAM. Mr. President, as I understand it, the next order of business is amendment No. 2290. I would be prepared to lay that amendment aside for the purposes of taking up Senator MURKOWSKI's amendment, with the understanding that our amendment would recur at the disposition of the next amendment.

During that period, we are attempting to work out some language that might result in amendments 2290 and 2291 becoming acceptable and, thus, saving both controversy and time for the Senate.

UNANIMOUS-CONSENT REQUEST

Mr. LEAHY. Mr. President, I ask unanimous consent that we go next to one of the amendments on the list, the amendment by the Senator from Alaska [Mr. MURKOWSKI]; upon completion of that amendment, then the Senator from Florida be recognized to bring up whatever amendment he has that is on the regular list.

The PRESIDING OFFICER. Does the Senator from Vermont propound that as a unanimous-consent request?

Mr. LEAHY. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, Senator DOMENICI is here patiently trying to get in line. I would suggest to the chairman that we simply modify the UC agreement to allow Senator DOMENICI to be next in line after Senator GRAHAM.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I do so. Let me restate it.

I ask unanimous consent that we go now to Senator MURKOWSKI, who will bring up an amendment. Upon the completion of that amendment, the Senator from Florida [Mr. GRAHAM] will be recognized to bring up his amendment. Upon completion of that or the setting aside of that amendment, we go to the Senator from New Mexico [Mr. DOMENICI] to bring up his. All these are amendments that are on the agreed list.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Will the Senator from Alaska tell us which amendment he is offering, so we may know how much time is allotted under the unanimous-consent request?

Mr. MURKOWSKI. Mr. President, I believe the total time that was allotted was 50 minutes equally divided, and I will not take that time.

The PRESIDING OFFICER. I believe the Senator had two amendments, one of which was for 50 minutes. Will the Senator tell me which one?

Mr. MURKOWSKI. The North Korea amendment was 50 minutes. It is my understanding the other two amendments are accepted by both sides, but I intend to mention them and get clearance.

The PRESIDING OFFICER. Does the Senator have a number on the amendment he is offering?

Mr. MURKOWSKI. The Senator does have a number. The initial number is 2272, which there will be a substitute for in a sense of the Senate replacing the amendment. The other one is 2273, which is the North Korean amendment which will be offered, and I will ask for a rollcall vote. The other one that has been accepted is the United States-Japan friendship amendment. I believe that is amendment 2274.

The PRESIDING OFFICER. For the Chair's clarification, the Senator is offering amendment 2273 at this point?

Mr. MURKOWSKI. I will be asking for clearance on the other two amendments that have already cleared and am formally asking for a rollcall vote on the North Korean amendment which again is No. 2273.

The PRESIDING OFFICER. The Senator is then recognized to offer amendment No. 2273 and has a 50-minute time limit for that debate, as I understand it.

So the Senator is recognized for offering 2273.

Mr. MURKOWSKI. Mr. President, I would assume that there will be no objection to clearing the other two since one has already passed.

Mr. LEAHY. Mr. President, we have approved so many through late last night, I am not sure of the numbers. One of those has already been adopted by the Senate.

Mr. MURKOWSKI. I believe that is correct. My understanding is it has been cleared.

Mr. LEAHY. Why not go forward on this and we will double check.

AMENDMENT NO. 2273

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

Mr. DOLE offered amendment No. 2273 for himself and Mr. MURKOWSKI.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following section:

No funds appropriated under this Act or any other Act may be made available to the Democratic People's Republic of Korea until the President certifies and reports to Congress that the Democratic People's Republic of Korea:

(1) does not possess nuclear weapons;

(2) has halted its nuclear weapons program; and

(3) has not exported weapons-grade plutonium.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MURKOWSKI. Mr. President, this amendment simply states that North Korea will receive no United States foreign assistance until the President certifies to Congress that, first, North Korea does not possess nuclear weapons; second, North Korea has halted its nuclear weapons program; and third, North Korea has not exported weapons-grade plutonium.

Mr. President, I know that my colleagues share my apprehension over possible instability in North Korea in the aftermath of the death of Kim Il-song, who was referred to as the "great leader." Reports indicate that Kim Chong il, Kim Il-song's heir, has consolidated his power and is expected to take over after the funeral of his father on July 17.

The change in regimes seems to present the world with an age-old problem, and that is "The devil you know is better than the one you don't."

In the case of North Korea, Kim Il-song had been around for probably as long as any leader in recent history, and the outside world had at least some idea of what he is capable of doing.

Kim Il-song was the leader who launched the invasion of South Korea in 1950 resulting in the death of 3 million of his countrymen and more than 33,000 American troops; the leader whose agents detonated a bomb in Rangoon killing 16 South Korean officials, among them members of the Cabinet—including one of my friends, Bum Suk Lee; the leader who sanctioned the bombing of a Korean Airlines flight killing 115 passengers and crew, and the leader whose military hacked American personnel to death in sight of the United States guards in the DMZ.

Kim Il-song leaves a very unpredictable legacy, and he leaves it to a very unpredictable son. I have not met anyone in the U.S. intelligence community who has any first-hand information about Kim Chong il. There are reports that it was Kim Chong il who actually orchestrated the Korean Airlines bombing.

While the long-awaited change in leadership would cause concern whenever it occurred, the apprehension has increased measurably because of North Korea's suspected nuclear activity. Now, more than ever, the United States must demand that North Korea simply come clean on past nuclear activities and follow through on past commitments to allow the International Atomic Energy Agency inspectors to have complete access to nuclear facilities, both suspected and declared.

So, Mr. President, for that reason I am offering an amendment on behalf of myself and Senator DOLE that says that this body, the United States Senate, will not provide any aid to North Korea until the President certifies that three specific conditions have been met.

The first condition is that North Korea does not possess nuclear weapons. If North Korea possesses a nuclear weapon already, the weapon must be destroyed. This was the path taken by South Africa when it signed onto the IAEA safeguards back in 1991. We should expect no less today from North Korea.

The second condition is that the North Koreans halt their nuclear weapons program—halt it. We mean that. This includes full compliance with the terms of the Nuclear Proliferation Treaty and the January 30, 1992, full-scope safeguards agreement between the IAEA and North Korea.

The third condition is that North Korea has not exported weapons-grade plutonium to other countries on missiles or otherwise.

As this amendment makes clear, it is up to the administration, as the party directly negotiating with the North Koreans, to send a clear and strong message that the United States is prepared to offer incentives for North Korea, but that it must be on our terms.

Unfortunately, up to now, our strategy with North Korea has been less than consistent. Everyone who has negotiated deals in the Asia Pacific understands a key point that I think the United States negotiators have missed from time to time: That Asians understand strength and consistency. I think it is fair to say that our policy has lacked both.

A quick review of the chronology of our negotiations prior to the decision to seek sanctions, that was later put aside in light of former President Carter's visit to Kim Il-song, reveals a process that has been dominated by North Korean delay tactics.

It is more than 2 years now, more than 2 years, Mr. President, since North Korea signed the Nuclear Non-Proliferation Treaty Safeguards Agreement that requires regular inspection of its nuclear facilities. It is more than 1 year since North Korea threatened to pull out of the NPT because the International Atomic Energy Agency was demanding access to the two undeclared nuclear sites. But we are no further along in halting the nuclear program than we were before.

Let me share with you, Mr. President, the charts that show this chronology more vividly.

Starting in 1992, in January, North Korea signed the Nuclear Non-Proliferation Treaty Safeguards Agreement, which permits regular inspections of its nuclear facilities.

Then the IAEA, the International Atomic Energy Agency, conducted sporadic inspections in 1992 and noted various discrepancies.

Here we are in January, a year later, 1993, and North Korea refuses IAEA requests to inspect two undeclared, but suspected, nuclear sites. One might wonder what their objective was in refusing access to these two sites. I say it is because they are developing nuclear capabilities.

In February 1993, a month later, the IAEA sets March 31 as the deadline—that was the first—for North Korea to agree to the inspection of the two sites.

The next month, March 1993, North Korea announces its intention to withdraw from the Nuclear Non-Proliferation Treaty and the United States begins negotiations with North Korea.

This was clearly a path of inconsistencies.

June 1993, North Korea suspends the threat to withdraw from the Nuclear Non-Proliferation Treaty, but continues to refuse inspections.

November 1993, President Clinton announces that North Korea will not be allowed to possess a single nuclear weapon.

March 1993 through December 1993, the administration holds two rounds of high-level negotiations with the North Koreans.

And then, at the end of the year in December 1993, the President announces an agreement with North Korea to allow inspections at seven declared sites.

Here we are going from January 1992 to December 1993, and clearly, no progress, in spite of the fact that our President announced that the North Koreans would not be allowed to possess a single nuclear weapon.

So let us turn to the next chart, Mr. President.

January 1994, the International Atomic Energy Agency refuses to accept North Korea's terms for a limited inspection.

February 6, 1994, North Korea and the International Atomic Energy Agency reach an agreement on details of inspections.

Looks like progress.

March 1994, the inspectors enter North Korea after delays in getting visas. I happen to have some knowledge of that. Not only were the visas delayed, they were cut short. They actually cut short the time that was requested by the IAEA inspectors. So it was an unsatisfactory effort, and clearly the intention of the North Koreans are suspect.

March 21, the IAEA board of governors announces that because inspections were not complete, the agency was unable to draw conclusions as to whether there had been diversions of nuclear material.

March 31, nonbinding statement by the United Nations asking North Korea to allow inspectors back in mid-May.

April 1994, North Korea announces its intention to remove spent fuel rods at reprocessing plants. The United States tells North Korea that the IAEA inspectors must be present during removal of the rods.

May 19, North Korea begins removing spent fuel rods from the reactor without—without—the IAEA inspectors present, a violation of the Nuclear Non-Proliferation Treaty.

May 21, the United States announces that it will resume high-level negotiations. This buys more time for the North Koreans.

June, the IAEA announces that it can no longer assure continuity of safeguards.

June, the United States cancels high-level negotiations and threatens to go to the United Nations for economic sanctions.

And in June, IAEA board of governors votes to cut off technical assistance. China, I might add, abstains.

June 13, North Korea announces its intention to withdraw from the IAEA.

So here we are, January 1992, when the North Koreans signed the Nuclear Non-Proliferation Treaty safeguards and here we are, July 1994, still nowhere with regard to the inspections.

And what has happened? Clearly, the North Koreans have had nearly 2 years—2 years—of jawboning. But from that standpoint, they gained the time to develop a greater nuclear capability.

Since North Korea threatened to pull out of the IAEA in June, we have had four significant events.

First, the United States declared it would seek U.N. sanctions against North Korea.

Second, former President Jimmy Carter visited Kim Il-song.

Third, the United States agreed to resume high-level negotiations with North Korea. The talks began on July 8, but then they were postponed because of the death of Kim Il-song.

Fourth, North and South agreed to hold a summit, scheduled for sometime in July. This may or may not be postponed. We will have some idea after the funeral ceremonies are over, which I believe will be the 17th of this month.

But the point is, Mr. President, for more than 2 years, the late Kim Il-song has dictated and our negotiators have basically conceded, in a good-faith effort perhaps, but concessions nevertheless. The North Koreans have gained the advantage of time to achieve their objective of technological advancement.

The North Koreans have extracted concessions from us. We have agreed to the high-level talks. The United States suspended joint military exercises with the South Koreans, team spirit, in a willingness to cooperate with the North Koreans.

The United States delayed sending the Patriot missile requested by our military; we finally sent them by ship.

The North Koreans got another year to work on their nuclear capability.

The North Koreans moved spent fuel rods into the cooling pond without the IAEA monitor procedures in place.

What do we get out of this, Mr. President? It is pretty hard to identify anything.

The IAEA still is unable to verify whether nuclear activity took place. Two suspected nuclear sites remain off limits. North Korea is a month or so away, as we understand now, from being able to reprocess spent fuel rods into weapons-grade plutonium, which will give them the capability to develop perhaps four to six more bombs.

Dr. Davis, Assistant Secretary for Political and Military Affairs at the State Department, testified before the Foreign Relations Committee back in March that she was not concerned about the loss of time because the North Koreans told us that their program was frozen.

Well, Mr. President, I am concerned, and I am sure a majority of my colleagues are too. By allowing North Korea to continue their drive toward nuclear capability, we face a more ominous enemy than we did just last year.

If the new North Korean regime is ready to put aside its drive toward nuclear arms and to move toward a family of nations, then I believe the United States should rightfully welcome such a move and offer rewards. However, I strongly believe that the North Koreans must offer the concessions, and not the other way around.

For far too long, we let Kim Il-song dictate the terms of the negotiations while he gained the valuable time to push the suspected nuclear program ahead. From the track record, it was hard to tell which country in the negotiations was the tiny, isolated, terrorist regime violating international agreements and which country was the superpower that was pulling the weight for the international community. I think this must change.

This amendment, Mr. President, sets goalposts for the new leadership in North Korea, Kim Chong il, and signals the United States administration that this body, the United States Senate, is ready to provide carrots and assistance to North Korea, but only after explicit guarantees about their nuclear program and their weapons program are met. No longer can we afford this extended delay in negotiations.

Again, I want to note the words spoken by President Clinton back on November 7, 1993, "North Korea cannot be allowed to develop a nuclear weapon."

I agree with the President's statement. That is exactly what this amendment is about. The President must certify that North Korea does not possess a nuclear weapon at such time as we consider giving them any type of United States aid or assistance.

That concludes my remarks. It is my intention to ask for the yeas and nays on this amendment. I am sure the floor leaders, both for the majority and minority, have some comments relative to his position. At the conclusion, it would be my intent to briefly clear the sense-of-the-Senate amendment which is pending and I believe has been cleared, on Pan Am 103.

I yield the floor.

Mr. McCONNELL. Mr. President, I commend the distinguished Senator from Alaska for his outstanding work here on a very important topic and clearly the most troublesome area in the world today. That is exactly what the Senator from Alaska has been speaking about. I am in strong support of his amendment.

Mr. President, the crisis in Korea has been brewing for some time. In December 1991, faced with a threat from the Bush administration to seek global sanctions, North Korea agreed to sign a safeguards treaty with the IAEA. Since then Korea has engaged in a dangerous diplomatic game, inching forward toward accommodating international concerns then abruptly retrenching and closing off negotiations and inspection access to facilities.

After an abbreviated period in which they allowed the IAEA access to sites they selected, in February 1993, the IAEA demanded inspection rights to the Yongbyon site, setting a March 31 deadline. The Clinton administration initially supported this demand and the President made stemming the flow of weapons of mass destruction his highest priority.

The North's response was to withdraw from the Nuclear Non-Proliferation Treaty altogether.

By April, Secretary Christopher was publicly warning the United States would seek international sanctions and threatening enforcement action if the IAEA safeguards terms are not met. By June, with absolutely no change in North Korea's position, we were conceding and offering assurances against the threat and use of force and promising noninterference in North Korea's internal affairs.

By July, the Clinton administration was back to tough talk. After his visit to Korea and the DMZ, the President declared "we cannot let the expanding threat of these deadly weapons replace the cold war nightmare of nuclear annihilation." He pledged United States support for South Korea's defense and suggested, once again, we would seek international sanctions. Once again, suggestion dissolved into submission.

After protracted and unproductive negotiations the administration decided to cancel joint United States-South Korean military exercises sending another signal that when the going gets tough, we make concessions.

When the IAEA Director General raises international alarm because monitoring devices are running out of film, the administration announces the North has agreed to one inspection of seven sites the Koreans have picked. The IAEA rejects this step as unacceptable and almost 2 months later the administration takes the bold step and announces sanctions are one option under discussion.

Then as now, the North Koreans simply waited for the policy to change again. By my count, in the last 6 months alone sanctions withdrawn, diluted, and derailed at least a half dozen times. No doubt the most embarrassing moment came when former President Carter announced the administration would suspend the U.N. sanctions effort, only to be first contradicted by the White House then embraced.

Mr. President, unlike Haiti where the victims of our inconsistency wash up on our shores every day, the flip flopping on Korea puts 38,000 American soldiers and their dependents, our Nation and our allies in jeopardy. Confusing the national security lines which simply cannot be crossed invites aggression.

President Clinton has said if the North invades, Korea would be worth fighting over. I agree, but what if the North simply stalls? What if the North's end game is to buy time to build a nuclear inventory for use or sale?

The administration's ill-conceived and inconsistent policy of tough talk and little action has produced no tangible results. We have made no progress in 18 months in determining the status of nuclear material diverted in 1989. We have no assurances of the future handling or disposition of the fuel rods recently removed. IAEA inspectors still have restricted access and as we know were denied the opportunity to monitor the recent transfer of fuel rods.

The North is not building a record of trust or confidence. Quite the contrary, in fact, is the case. Their suggestions of compromise are never matched with corresponding action.

On the other hand, our suggestions for compromise have routinely been followed by concessions.

I recently was struck comments of a Democrat who closely monitors our policy toward Korea. When asked about the negotiations the response was blunt, "These aren't negotiations, this is a fire sale and American security is on the block."

I fear the concession will continue and we will actually shift from simply refraining from carrying through or threats to actually offering incentives such as foreign aid to the North. And, we will offer those incentives without securing meaningful results.

I think this amendment to assure North Korea meets it's international obligations prior to providing assistance are absolutely essential to our security interests.

The PRESIDING OFFICER. Is the Senator from Kentucky speaking on the time of the Senator from Alaska? The Senator from Alaska has 17 minutes 30 seconds remaining.

Mr. MURKOWSKI. The Senator will yield, but it is my intention to clear the other sense of the Senate. So I defer to the floor managers.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, on my time, as soon as we complete this, I am probably going to yield back all my time—well, let the Senator from Kentucky finish what he is saying and then maybe we can wrap up all this.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, last week Kim Il-song died and in doing so provoked yet again a controversy. He is only equaled by Stalin in brutality. He is directly responsible, as we all know, for the attack that precipitated the Korean war. Fifty-five thousand Americans were killed in that conflict. We know he could be held directly accountable for the terrorist attack in Rangoon which killed 17 members of the North Korean Government. Who could forget the savage attack in 1957 on the DMZ when American servicemen were beaten and axed to death in plain view of people on the other side?

In spite of all this, this horrible reputation that will live in ignominy forever—President Clinton felt the need to express his condolences on behalf of all Americans for the loss of Kim Il-song. He expressed his appreciation for Kim Il-song's leadership.

The Republican leader of the Senate, a decorated veteran, criticized these remarks, suggesting none of the American families of Korean vets would mourn for 1 minute the loss of Kim Il-song.

Unfortunately, he was immediately attacked by the New York Times for his lack of diplomacy. I think it is perfectly clear that Senator DOLE was right.

There are two interesting articles which I would like to call to the attention of my colleagues, commending the Republican leader for his observations on the passing of Kim Il-song, someone for whom condolences are clearly not appropriate—a Mike Royko column in the Chicago Tribune of July 12, and an editorial in the New York Post of July 13.

Mr. President, both of these editorials point out the appropriateness of the observations of the Republican leader on the passing of one of the truly evil people in world history. I ask unanimous consent they appear in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, July 12, 1994]

KIM IL SUNG'S DEATH IS NOTHING TO MOURN

(By Mike Royko)

A panel of Washington TV talkers was snickering about the dig that Sen. Robert Dole took at President Clinton.

If you missed it, Dole criticized Clinton for conveying the condolences of the American people to North Korea on the death of dictator Kim Il Sung.

Dole suggested that veterans of the Korean War and their families wouldn't be mourning the death of the man who started a war in which so many Americans died.

This amused the Washington talkers. Pundit Robert Novak said Dole was having a slow day without any TV appearances, so he pounced on Clinton's condolences to get media attention. The others chuckled at Novak's wit and insight.

They might be right. Dole is a partisan politician, and he doesn't skip many opportunities to zap his adversaries.

But does that mean Dole was wrong?

I happened to be driving in my car when I heard the radio news item about Kim Il Sung's death.

My first thought was: "Too bad he didn't croak 50 years ago, the rat."

Remember, we are talking about a world class villain. While he didn't operate on the big scale of a Stalin or Hitler, he shared their cold-blooded instincts.

Because of his lust for power, more than 1 million Korean civilians died, men, women, children. More than 53,000 Americans and 200,000 Korean troops were killed. The entire country was devastated. He believed in torturing prisoners of war, letting some starve to death.

And since that war ended 41 years ago, he's been looking for other ways to stir up trouble. He captured an American ship and tormented the crew. He ordered a civilian airliner shot down. And most recently he has given much of the world a nervous twitch by trying to build nuclear weapons.

So if there was any reaction in this country and other civilized lands, it should have been to order a round and toast his departure.

Then the radio news item went on to the fact that Clinton had conveyed condolences to the North Korean people "on behalf of the American people."

And my surprised reaction was: "Hey, I am an American person. If I want my condolences conveyed, I will convey them myself. And the only emotion I want to convey is my disgust that this vile buzzard lived to the overripe age of 82, causing nothing but misery and suffering."

Of course, say foreign policy whiz will say that Clinton was merely practicing smart diplomacy, that he did the correct thing because we are trying to establish warmer relations with North Korea in order to discourage them from building nuclear weapons.

That may be true. And if Clinton wanted to be diplomatic and express his personal condolences, it's OK. He could have even said that he was conveying Hillary's, too, and the condolences of the White House staff and all of his friends back in Arkansas.

He could have sent a floral display, for all I care. Maybe with a ribbon that said: "Kim Il Sung—gone but not forgotten." Or he could send an audio tape of him playing "Amazing Grace" on his saxophone.

But it seems presumptuous of him to casually toss about the condolences of every person in this country. If he wants to send flowers, he shouldn't put our names on the card without asking.

That's what I don't like about diplomacy. So much of it isn't sincere. I doubt if there is even one person in this country who can truthfully say he feels sad about the death of Kim Il Sung. Well, maybe one or two. Even John Gacy had his weird admirers.

Most Americans didn't know who Kim Il Sung was because we aren't keen on foreign affairs, except those of the British royal family. And those who did know who he was were relieved that he's no longer with us.

So I agree with Dole on this issue. If the brainwashed people of North Korea want to weep and wail because they have lost their wacky leader, that's their business.

But the president of the United States should not be expressing our condolences for the death of a monster who caused the death and misery of millions of people. Someone who would have done it again, on a much grander scale, if he had the opportunity.

If Clinton wanted to say something, he might have dropped a brief note to Sung's son, Kim Jon Il, who will probably be North Korea's next dictator, saying: "Just heard about your dad. I hope you won't be as big a loony tune as he was."

[From the New York Post, July 13, 1994]

MISPLACED CONDOLENCES

Should President Clinton have expressed "sincere condolences to the people of North Korea" after the death of Stalinist dictator Kim Il Sung? Should the President have volunteered pointed "appreciation" for Kim's "leadership" during the last months of his life in facilitating the high-level diplomatic talks on North Korea's nuclear program that commenced recently in Geneva?

We think not.

President Eisenhower had it right when Joseph Stalin died in 1953. If it's impossible to say anything both positive and true about a recently departed international personality, it's best to say nothing at all.

Kim Il Sung was a brutal dictator and a thug; he shaped the world's last genuinely menacing communist police state and, in his last years, Pyongyang's quest for nuclear weapons made North Korea a greater threat to stability in Asia than it had ever been. We don't know how many Korean lives Kim Il Sung snuffed out during his half-century reign; but certainly—as Senate Minority Leader Bob Dole of Kansas noted Monday—he bore a significant measure of responsibility for the Korean War a conflict in which more than 50,000 American servicemen died.

The President may think diplomatic protocol requires expressions of both "sincere condolences" and praise whenever foreign leaders die. If so, he's been badly advised. And while we deem the current diplomatic discussions pointless and misguided, it would have been reasonable for Clinton—who actually believes in the talks—simply to declare his hope that they go forward.

The added comments bespeak either rare naivete or a stunning willingness to utter meaningless platitudes. Either way, Clinton struck the wrong note.

Mr. McCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent the pending amendment be temporarily laid aside so the Senator from Alaska can bring up the amendment related to Pan Am 103.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION—AMENDMENT NO. 2274

Mr. MURKOWSKI. Mr. President, I rise today to ask my colleagues to support an amendment to the enabling legislation of the Japan-United States Friendship Commission. The proposed amendment strengthens the criteria for membership on the Commission and broadens the investment authority of the Commission.

The Japan-United States Friendship Commission was created by Congress in 1975. The purpose of the Commission, as defined in the Japan-United States Friendship Act is to promote "education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interest between the United States and Japan." To carry out its purpose, the Commission has promoted scholarly, cultural, and public affairs activities between our two countries. In recent years, the Commission has also supported a series of policy research projects important to the bilateral relationship. In light of the increasing interdependence of the United States and Japan and its attendant friction and misunderstandings, the work of the Commission is more important than ever.

Evaluating the various proposals requires an increasingly detailed knowledge of Japan, a qualification that was not codified in the original enabling legislation and not necessarily observed in the past. To correct this deficiency, my proposed amendment codifies membership criteria.

When Congress created the Commission, it provided it with an endowment of $18 million and an approximately equivalent amount of Japanese yen. Like a private foundation, the Commission spends the interest earned by this endowment on grants to support training programs at universities, research institutions, media organizations and the like across the United States. The Commission is unique because it is the only source of funds dedicated to support these activities that Americans can use without fear of carrying out consciously or unconsciously, the aims and agendas of self-interested institutions and organizations. The Commission appears annually before Congress to seek appropriations of its interest earnings.

Unfortunately, artificial limits on investment authority for funds have begun to severely erode the Commission's financial base. Currently, the enabling legislation requires that the Commission invest its funds in Treasury bills and notes exclusively. As old notes at 10 percent and higher now begin to mature, the Commission is forced to place them back in notes at historically low rates. This further erodes their earnings. The power of the Commission to make grants has eroded to less than one-quarter of its original purchasing power.

My amendment would address this problem by allowing the Commission to invest in the full range of instruments of debt that are guaranteed both in principal and interest by the U.S. Government, such as GNMA's, as well as Treasury instruments. Such a change will allow the Commission a certain degree of relief from a policy imposed on it when the impact of inflation and low rates of return on operating expenses were not foreseen by the Congress.

On this point, I would note that at least two Federal Commissions created after the Japan-United States Friendship Commission have this broader investment authority written into their enabling legislation. These are the Barry M. Goldwater Scholarship and Excellence in Education Foundation and the Harry S. Truman Scholarship Foundation.

I urge my colleagues to support this modest change to the Japan-United States Friendship Act to enable the Commission to continue its worthwhile activities.

AMENDMENT NO. 2272, AS MODIFIED

(Purpose: Sense of the Senate urging United States Government agencies to provide information to victims of international terrorism)

Mr. MURKOWSKI. Mr. President, I send a sense-of-the-Senate amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. PRYOR). The Chair asks which amendment does the Senator from Alaska desire to modify?

Mr. MURKOWSKI. Mr. President, it is a substitute for 2272.

The PRESIDING OFFICER. If there is no objection, the amendment is modified. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for Mr. HELMS for himself and Mr. MURKOWSKI, proposes an amendment numbered 2272, as modified.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the first Committee amendment, insert the following new section:

SEC. . POLICY REGARDING PROVIDING INFORMATION TO VICTIMS OF INTERNATIONAL TERRORISM.

POLICY.—It is the Sense of the Senate that:

(1) in order to assist the families of U.S. citizens who have been the victims of terrorist acts, U.S. government agencies should provide or facilitate the acquisition of evidence relevant to the actions brought by American citizens against States that support terrorist acts or against individuals accused of committing terrorist acts.

(2) the U.S. government should cooperate with U.S. citizens to the extent that such cooperation does not significantly prejudice a pending criminal investigation or prosecution, or threaten national security interests of the U.S.

SEC. . REPORT ON STATUS OF EFFORTS OF U.S. AGENCIES TO ASSIST AND PROVIDE INFORMATION TO VICTIMS OF INTERNATIONAL TERRORISM.

Provided further:

(1) The Secretary of State, in consultation with the Attorney General, should provide a report to the appropriate committees of Congress within 30 days on U.S. agencies' efforts to provide information and assistance to the families of the victims of Pan Am Flight 103.

(2) The report should include a description of efforts to criminally prosecute those responsible for the bombing of Pan Am Flight 103 and efforts to provide information in civil actions against States that support terrorism or individuals who commit terrorist acts.

Mr. MURKOWSKI. Mr. President, I am somewhat shocked that my original amendment was not accepted. It simply said that U.S. Government agencies should be required to share information with individuals who have brought civil actions against a foreign state that sponsors acts of international terrorism or against individuals who have been accused of terrorist acts.

The amendment was inspired by the tragic bombing of Pan Am 103 over Lockerbie, Scotland on December 21, 1988, killing 270 passengers, including 189 Americans.

For 6 years, the families of the victims have been seeking justice and retribution but the wheels of justice have turned slowly.

Currently the bureaucrats at the Departments of State and Justice do not have to do anything to further information sharing. There is no requirement to share information, and consequently a positive act or an affirmative decision must be first initiated from within the bureaucracy to share information with civil litigants. My sense-of-the-Senate revises the process. The presumption would allow the bureaucracy to share the information unless there is a compelling reason not to do so.

I am told that the bureaucrats down at the Department of Justice oppose my amendment. I don't have their formal statement but the legal mumbo jumbo seems to boil down to one concept—as between the victims of terrorism and a terrorist state, such as Libya, the United States Government would prefer to remain neutral.

I don't think that's what this body believes our U.S. agencies should be doing. Under this sense-of-the-Senate, this body would be on record supporting the policy that the United States Government should share information in these civil suits unless there are sound national security reasons or prosecutorial reasons to withhold Government information regarding international terrorist States or groups.

I am pleased that the managers have accepted this sense-of-the-Senate, and

I will work to have my original amendment adopted at a later date.

Mr. LEAHY. Mr. President, I note this has been cleared. There is no objection to this amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2272), as modified, was agreed to.

AMENDMENT NO. 2273

Mr. LEAHY. Do we now return to the previous amendment by the Senator from Alaska?

The PRESIDING OFFICER. The question now occurs on amendment 2273, of the Senator from Alaska.

The Senator from Alaska has 4 minutes.

Mr. MURKOWSKI. Mr. President, I yield back my time.

Mr. LEAHY. I yield back the time on this side.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MURKOWSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2273.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. Boren] and the Senator from Colorado [Mr. Campbell] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. Coverdell] and the Senator from South Dakota [Mr. Pressler] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. Wallop] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Wallop] would vote "yea."

The PRESIDING OFFICER (Mr. Exon). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—5

Boren
Campbell
Coverdell
Pressler
Wallop

So the amendment (No. 2273) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

The Chair will advise the Senator from Vermont that under the previous order the Senator from Florida is to be recognized.

The Chair recognizes the Senator from Florida.

Mr. LEAHY. Mr. President, will the Senator yield to me a couple of minutes?

Mr. GRAHAM. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, a number of Senators on both sides have been asking me where we stand. We have been trying, as the Chair knows, to yield back time and trying to move rapidly. We are now going to go to amendments by the Senator from Florida. I understand from the Senator from Florida that we may be able to move that in less time than planned, and we would go to the Senator from New Mexico [Mr. Domenici].

Again, I urge Senators, if we have something that we know is going to pass overwhelmingly, if we could resist the temptation for rollcall votes—because I understand leadership has other matters coming up this afternoon—we could move this before we are finished.

That is all I am going to say.

I thank the Senator from Florida for his customary courtesy.

The PRESIDING OFFICER (Mr. Bryan). The Senator from Florida.

Mr. GRAHAM. Thank you Mr. President.

AMENDMENT NO. 2290, AS MODIFIED

Mr. GRAHAM. Mr. President, I ask unanimous consent that a modification to amendment 2290, which is at the desk, be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. Leahy], for Mr. Graham, proposes an amendment numbered 2290, as modified.

The amendment is as follows:

On page 34, line 13, insert after the word State "determines and reports" and strike on line 14 "certifies".

Mr. GRAHAM. Mr. President, I believe that with that modification, this amendment will be acceptable and it will therefore be unnecessary to have the full 50 minutes used for a rollcall vote.

I would like, however, just to briefly give to the Senate the background and rationale for Senator DeConcini and others having proposed this amendment.

Mr. President, the United States has had a drug-control policy which had two parts: A demand-suppression component which attempted to reduce the level of consumption by United States citizens of drugs, while at the same time we had a supply-suppression component which attempted to reduce the amount of drugs coming into the United States available for consumption.

That supply suppression has had primarily a border interdiction tactic; that is, through the use of Department of Defense intelligence gathering and surveillance capabilities, various law enforcement agencies, such as Coast Guard, Customs, and the Department of Justice activities, we have attempted to arrest the inflow of drugs close to our border.

In February of this year, the U.S. Drug Coordinator, Dr. Brown, announced a new strategy. The new strategy is based not on border protection but rather on source country activities.

I am quoting from the statement that was released by the Drug Coordinator on February 9, 1994 in which he states:

> The new international strategy calls for a controlled shift in emphasis from transit zones to source countries.

He continues on:

> Cooperation with other nations that share our political will to defeat the international drug syndicates is at the heart of the international strategy. Its primary goals are to increase multilateral and other organizations response to the drug threat, and to aggressively increase illicit crop eradication to stop fast developing opium, and to reduce coca cultivation by 1996.

Mr. President, we are rapidly implementing this strategy in terms of drawing down resources that have been committed in the past to our transit zone border protection supply-represion policy. As an example, the Customs air and marine interdiction program has been cut by $52.6 million. One-third of the overall air and marine budget in fiscal year 1994 has been eliminated. The Department of Defense spending on protection and monitoring activities was cut by $22 million in fiscal year 1995, and had previously been cut by approximately $130 million in the current fiscal year, or a total of over $150 million reduction in what the Department of Defense had been committed to in terms of transit zone interdiction. The Coast Guard interdiction funds have been cut by $51.3 million.

What this means is that there are fewer cutters and aircraft interdicting narcotics smuggling just off our coast.

Mr. President, that is what our drug strategy has done in terms of this controlled shift. An absolute critical component of this new strategy working is that the source countries, particularly the principal producers of cocaine, Colombia, Peru, Bolivia, are full participants in this effort to suppress the supply.

Senator DECONCINI and I visited those countries in February of this year. One of the things that was obvious, and pointed out both by U.S. representatives and by the source countries, was that they are very dependent on the United States for military supplies that are utilized in the counternarcotics effort.

For example, we visited a military airfield in Colombia where the very aircraft that were intended to be used in suppressing drugs, things such as interdicting illicit aircraft that were coming across the border going into the small jungle airfields where the cocaine laboratories were operating, those aircraft were sitting on the ramp, and had been sitting on the ramp for extended periods of time. The reason that they were not operable was because they did not have the spare parts necessary to get them in the air. And the reason they did not have the spare parts was because of U.S. prohibitions on military sales to those countries for those aircraft.

I believe that we start with the premise that the antidrug effort is at least an equal effort between the United States and the source countries. Arguably, it is primarily in the interest of the United States to have an effective suppression policy.

So it was within that context that I was concerned with language in the original subcommittee bill that would have required a certification by the Secretary of State that any foreign military sales to Bolivia and Colombia were used by such countries primarily for counternarcotics activity.

My concern is both because that could have had the effect of adversely impacting our national interest in the effective source country international narcotics suppression effort; that it could have rendered this controlled shift from transit zone to source countries not a controlled shift, but effectively an abdication of any policy, and that would have had the effect of not reducing this flow of drugs into the United States. Also, it was not pragmatically sensitive to the fact that the militaries in these countries are quite small.

Colombia has only a few military aircraft and, yes, those aircraft are used for counternarcotics purposes, but also they have other purposes. As an example, recently there were reports about how effective the Colombian military had been in the providing of emergency assistance to the victims of the recent Colombian earthquakes. I imagine that those same helicopters and aircraft in the Colombian Air Force used for emergency purposes were also aircraft that had been used for counternarcotics purposes.

So it would be very difficult, in my judgment, to make a certification that those funds had been used primarily for counternarcotics activities, even if those activities had been the plurality of the use of the aircraft, boats, or other equipment that were committed to the counternarcotics function of that particular nation.

So we have softened that language in this amendment to state that the Secretary of State will determine and report that such funds have been used primarily for counternarcotics purposes. Then it would give the Secretary of State and the Congress, and other interested agencies and citizens of the United States, an information basis upon which to evaluate how these military sales were being conducted.

While I support this modification and I believe that it moves in the direction that is necessary to build the partnership between the United States and source countries, I urge that as we face these debates in the future, we be sensitive to the fact that we have made this fundamental change in our drug policy; that that change of source country eradication and interdiction critically depends upon the effectiveness of the source countries being a full partner in that effort; and finally, that we not send either substantive restraints or intangible signals that will be interpreted in these source countries as a statement of lack of respect, a lack of a willingness to treat them as a full partner in this effort, which might result in a less than committed effort in a war that we have been talking about for years and now must have a full commitment to win.

So, Mr. President, I urge the adoption of the modified amendment which has been submitted. I appreciate the good efforts of the chairman of the subcommittee and his staff for working toward this resolution. I hope that this amendment will be accepted.

Mr. LEAHY. Mr. President, I yield myself such time as I may need.

Mr. President, the Senator from Florida [Mr. GRAHAM] is one of the leaders in this body in the fight against drugs. He is also a recognized expert in the whole Caribbean, Central America, and South America area. I know how hard both he and the Senator from Arizona have worked. The Senator from Arizona [Mr. DECONCINI] is a former prosecutor and chairman of the Senate Intelligence Committee, and is also a recognized expert in the field of counternarcotics. The Senator from Florida is the chief sponsor of this legislation, and he has been sensitive to the human rights concerns raised earlier.

I think the modification he has made to his amendment is an excellent one and it makes it possible for us to continue in the effort of counternarcotics that he and I and the Senator from Arizona and others definitely want, but also to keep control of the issue of human rights—again, an area where he and I and the Senator from Arizona have great concerns. I also compliment Senator DODD, the Senator from Connecticut, and his staff, who have worked so hard on this.

I might ask the Senator from Florida, so I will understand the schedule—and I will support his amendment—I understand we will go to this amendment now on a voice vote rather than a rollcall vote. Is it the Senator's intention to withdraw his other amendment?

Mr. GRAHAM. Mr. President, not at this moment. Our staffs, in consultation with other concerned officials, are working on the second amendment, which relates to Peru, to see if there can be a satisfactory resolution of that issue. If that in fact is possible, it would be my intention to offer a modification to amendment No. 2291 to effectuate a resolution.

Mr. LEAHY. The reason I asked the Senator that, I was going to suggest we yield back our time, dispose of the current amendment, and then, even though the unanimous consent agreement would allow him to take up his next amendment, allow the Senator from New Mexico to go immediately with his under a unanimous-consent agreement that I would propound, and then upon the completion of his amendment, go back to the amendment of the Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate very much the graciousness of that invitation. My concern is that I do not know whether we will be in a position to offer a modified amendment within 30 or so minutes.

Mr. LEAHY. If that is the case, we will simply bring in another one and ask another unanimous consent. I am trying to protect the Senator's rights.

Mr. GRAHAM. Then I accept the offer of the Senator from Vermont, with the understanding that I might, at an appropriate time, move to lay aside my second amendment, No. 2291, if we are not in a position at that time to offer a modification to 2291.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the completion of the pending amendment, it then be in order to recognize the Senator from New Mexico for his amendment; that upon the completion of that amendment, the Senator from Florida then be recognized again for his amendment, or for whatever other action we may take at that time.

Mr. McCONNELL. Reserving the right to object. What is the time agreement on the second Graham amendment?

Mr. GRAHAM. Mr. President, the time agreement on the second amendment is 20 minutes, equally divided.

Mr. McCONNELL. I think Senator HELMS is the last one in line. I want to make sure there is enough time left.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CHANGE IN COSPONSORSHIP

Mr. McCONNELL. Mr. President, yesterday Senator McCAIN sought to be added as a cosponsor to the Helms amendment No. 2257, to limit the provision of assistance to Nicaragua. He was inadvertently added to the Helms amendment No. 2258, to limit the authority to reduce U.S. Government debt to certain countries, and was not added to amendment No. 2257.

I, therefore, ask unanimous consent that the RECORD be corrected to withdraw Senator McCAIN's name from amendment No. 2258 and add his name as a cosponsor to amendment No. 2257, as intended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from New Mexico is to be recognized.

Mr. LEAHY. We have not completed yet, Mr. President. I will yield the remainder of my time on the pending Graham amendment.

Mr. GRAHAM. I yield the remainder of my time on the pending amendment.

The PRESIDING OFFICER. All time having been yielded back on the Graham amendment, the question occurs on amendment No. 2290, as modified.

The amendment (No. 2290), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Under the previous order, the Senator from New Mexico is recognized for the purposes of offering an amendment.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. How much time do I have? Is it 15 minutes on each side on this?

The PRESIDING OFFICER. If the Senator could identify the number of the amendment he is propounding, the Chair will be happy to respond.

Mr. DOMENICI. Amendment No. 2284.

The PRESIDING OFFICER. The Chair informs the Senator from New Mexico it is 30 minutes, equally divided.

AMENDMENT NO. 2284, AS MODIFIED

(Purpose: To allow the President to use Russian aid funds in this bill for the Nunn-Lugar cooperative threat reduction program)

Mr. DOMENICI. Mr. President, I send the amendment to the desk on behalf of myself and Senator DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. DOLE, proposes an amendment numbered 2284.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 13, delete the period, and add the following new proviso:

: *Provided further*, That the President may transfer such funds allocated to the Russian Federation to appropriations available to the Department of Defense and other agencies of the United States Government for the purposes of cooperative threat reduction and countering the proliferation of weapons of mass destruction under the provisions of title XII of Public Law 103-160 and section 575 of Public Law 103-87: *Provided further*, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President: *Provided further*, That the total amount of any transfer authority utilized shall not exceed the amount transferred by the Department of Defense to the Department of State and their agencies under title VI of Public Law 103-87.

Mr. DOMENICI. Mr. President, I could speak for 30 seconds on this amendment and just let the Senate decide, but I think I will go into more detail. But let me begin with the purpose of this amendment.

This amendment permits the President of the United States—does not order him or force him, but permits him—to transfer money that we have in this bill for foreign aid to Russia or Ukraine, to transfer as much of that as he might think is necessary to carry out an American program of assisted dismantling of Russian and Ukrainian nuclear and chemical weapons systems.

That is the essence of it. It is very simple: Do we want to let the President of the United States work with President Yeltsin to dismantle, jointly, nuclear and chemical weapons? This task clearly is the first order of business between our two great nations. Presidents Clinton and Bush, the Senate, the House, and everyone who has seriously looked at our relationship with the former Soviet Union states that this is our first order of business.

Frankly, I cannot understand why the President of the United States would not welcome this authority. For some strange reason, another Senator is going to stand up shortly and say the President does not think we need this now.

I think we needed it last year. I think we needed it last month. And I think we need it for all of fiscal 1995. We need to let the President of the United States use as much money as we are allocating and appropriating for aid to Russia for the dismantlement program which is finally reaching the point where it really needs some dollars to accomplish its mission.

Having said that, I am positive that the objection to this amendment is going to be that the program has not been working very well. The opponents will ask, "why do we want to put more money into the Nunn-Lugar program?"

The truth of the matter is we do not yet know if it is working well or not. We have not been able to spend money for one reason or another on this program, such that even though the Nunn-Lugar cumulative appropriation is about $1.2 billion. Some of the delay has to do with the way we have appropriated the money by putting strings on it and requiring that it come out of Defense readiness accounts.

Another legitimate cause of delay has been the difficulty of reaching agreements on highly technical and sensitive subjects with the governments of Russia, Ukraine, and Kazakhstan. Some think it is malfeasance or negligence on the part of the Department of Defense. You will hear that argument, although Dr. Perry would dispute it. For all of these reasons, we have not been able to get the money into the field.

In a moment I will seek consent to place in the RECORD a recent letter from Dr. Perry to Vice President GORE explaining the legitimate causes for the delay in getting the Nunn-Lugar program underway. Our Secretary of Defense, a genuine expert in most of these matters, says his people are ready to go, but they have run into a lot of stumbling blocks, not the least of which is that they attempted to transfer moneys within the Department in ways that Congress can not agree to.

I am not suggesting that we not spend whatever money is in the pipeline from the Defense budget. I am merely saying this program tackles the most serious problem for Americans and for the world, that is, the dismantling in the most expeditious way with the cooperation of the Russians, most of their nuclear weapons. That is the most important function we can accomplish in our aid for Russia and Ukraine.

And if the President needs any money from this Foreign Aid Subcommittee earmark for these countries, he should be able to do it. This is a very simple amendment. It says he may use it. That is all. It does not mandate it. It does not take it away from foreign aid, it sets priorities for foreign aid. It says if he needs it, he can use it up to this year's appropriated amount. I do not believe he is going to use it at this time.

But, frankly, if I were in the President's shoes, I would welcome it because in 1½ years or so, I would like to be able to give a report to the Congress that this program is working and that every penny that was needed was made available and that we got on with the most serious of programs of assistance to the Soviet Union.

I could go into the history of what happened to this money, but I would like to conclude for now by saying there is no doubt that a couple years ago, even more, 3 years ago, when the Nunn-Lugar threat reduction program came into existence, many people still thought the Defense Department was a milk cow. For anything that would come along, we would say, "let us pay for it out of Defense." So we gave the Pentagon a function that I do not believe was purely a Defense Department function, the joint dismantling of nuclear and chemical weapons systems.

There is nothing ironclad or written in stone that the Defense Department ought to do that. In fact, maybe the Department of Energy should have done that, as its national laboratories do for the Pentagon as subcontactors. That is where all the expertise is. Back in 1992–93, we used the fact that some thought that we had a lot of money in Defense to appropriate the first batch of money for Nunn-Lugar out of Defense. It was done with the full concurrence of Senator NUNN and Senator LUGAR and I believe Senators WARNER and THURMOND, who have been the ranking members of the Armed Services Committee.

The truth of the matter is that back then no one anticipated Bosnia, Korea, Haiti, and continuing problems with Iraq. Frankly, the Defense Department should no longer be looked at to implement more activities that are not directly related to the functioning of the military of the United States.

Our Defense budget is no longer a big bank that we ought to rely on every time we turn around for some kind of nondefense function. That is the opinion of President Clinton and the senior House and Senate appropriators.

In rebuttal, I will go into a few more details, but I would just say to the Senate now that I believe everybody here believes that we ought to dismantle the Soviet chemical and nuclear weapons as the No. 1 priority between our Nation and Russia.

Second, speaking only for myself, I have supported foreign aid for the former Soviet Union. I came down here to the Senate floor to help when Senator NUNN first brought the matter to our attention, and some people thought he was rushing things. I told this President that I would support his first package. I helped him with budget matters on it, and it was passed last September.

But I do not believe we ought to hold back one bit on money needed for dismantling.

I want to close by saying that I have the greatest respect for the chairman of this subcommittee and clearly for my friend and fellow Republican who is the ranking member. I am not sure where he is going to come down on this. But none of this is an aspersion on anybody or anybody's jurisdiction. It is just a bona fide concern by this Senator that we ought not in any way tie the hands of our President when he needs to put money into dismantling of nuclear weapons. We ought to loosen his hands and give him authority to use some of the foreign aid money if he so desires.

I reserve the remainder of my time.

I ask unanimous consent to print in the RECORD the letter from the Secretary of Defense to Vice President GORE, dated 14 May.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF DEFENSE,
Washington, DC, May 14, 1994.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: In accordance with responsibilities delegated to me by the President on January 29, 1994, I am transmitting the Semi-Annual Report on Program Activities for Facilitation of Weapons Destruction and Non-proliferation in the Former Soviet Union. The enclosed report is submitted in accordance with Section 1207 of the "National Defense Authorization Act of FY 1994," Public Law No. 103–160, and the "Department of Defense Appropriations Act of FY 1994," Public Law No. 103–139. The report covers activities from October 1, 1993, through March 31, 1994, and cumulatively.

Progress in the Cooperative Threat Reduction program during this period has been significant. Congress has authorized $1.2 billion for this program in FY 1992–FY 1994, although $212 million of this authority has expired. From the remaining $988 million, the report reflects an increase in notifications to Congress of proposed obligations for specific projects from $790 million at the end of FY 1993 to $961 million as of March 31, 1994. Of these funds, $897 million has been committed in 38 international agreements with the four eligible former Soviet Union (FSU) states of Russia, Kazakhstan, Belarus and Ukraine.

Most importantly, the threat to the US from the arsenal of weapons of mass destruction left from the FSU is being reduced. Supported politically and materially by CTR assistance, missiles containing nearly 600 nuclear warheads from Ukraine, Belarus and Kazakhstan have been deactivated, dismantled, and/or shipped to Russia; comprehensive planning has been initiated to dispose of the 40,000 tons of declared chemical agents on Russian territory; improvements are being made to enhance non-proliferation capabilities; and efforts to convert weapons of mass destruction production capabilities to peaceful uses have been initiated.

Total FY 1994 obligations through March 1994 are $12 million, bringing total program obligations to $117 million. This pace of obligations reflects the time lag inherent in the CTR certification, negotiation and funding process. Negotiations which began nearly two years ago, in many cases, have just resulted in signed agreements during the past six months. Moreover, nearly $522 million for programs which had been initiated under signed international agreements in FY 1992 ($212 million) and FY 1993 ($310 million) could not be obligated until Congressional notification and reprogramming requirements were met.

To ensure that the Department of Defense could meet the commitments made under these authorities, $208 million for programs initiated under the FY 1992 transfer authority were re-notified as proposed obligations on February 16, 1994, from the FY 1994 direct appropriation. Up to $310 million for programs initiated under the FY 1993 transfer authority remain on hold until Congressional approval of the FY 1993 Reprogramming request submitted March 17, 1994.

Program implementation and actual obligations are expected to pick up dramatically in the last half of this fiscal year. Since the end of March, obligations have increased by $13 million to total $130 million.

The Department of Defense continues to focus on the objectives established by Congress in the legislation, specifically: weapons destruction and dismantlement, safe and secure transport and storage of nuclear weapons and materials, non-proliferation, defense conversion and demilitarization, and defense and military contact activities. The report reflects advances in each of these areas to reduce the threat of nuclear and other weapons of mass destruction in the former Soviet Union. The report also provides details of each project, describes the participation of other departments and agencies in the implementation of the program, and addresses events which have occurred since the beginning of the fiscal year.

An identical letter has been provided to the Speaker of the House of Representatives.

Sincerely,

WILLIAM J. PERRY.

Mr. DOMENICI. Mr. President, there is $931 million in this bill for aid to Russia, Ukraine, and the other new States of the former Soviet Union. Another $2.5 billion was provided in this bill last year.

Over 2 years, then, we have provided $3.4 billion from this subcommittee, most of which is going to Russia. I support this effort by Congress and the President to help America by helping Russia and Ukraine. I applaud the efforts of the managers, especially my friend from Kentucky, to reserve a greater percentage of the funds for Ukraine and other republics.

But I want to make sure that the programs in Russia and Ukraine that are most critical to United States national security do not starve for funds while lower priority projects are awash with money.

On Wednesday, the Secretary of Defense, Dr. Perry, came before the Appropriations Subcommittee on Defense to appeal for continuing support for our cooperative threat reduction program. That is also known as the Nunn-Lugar program.

The Nunn-Lugar program is vital. It is our way of working with the new

Russian and Ukrainian Governments toward our mutual objectives of reducing the threat from nuclear, chemical, and biological weapons left behind when the Soviet Union collapsed in 1991.

Together with the much smaller partnership program funded by section 575 of last year's foreign aid appropriations, this program is the best hope we have to prevent Soviet weapons of mass destruction from getting into the hands of rogue nations and terrorists.

Mr. President, it has taken over 2 years to get the Russians to the point where they are convinced that this threat reduction program is in their own interest. There was a lot of suspicion about our motives.

It has taken 2 years and more to negotiate the detailed agreements to begin safeguarding and destroying nuclear warheads and chemical weapons in Russia. Finally, the Nunn-Lugar program is ready to roll. Unfortunately it is broke.

HISTORY OF NUNN-LUGAR FUNDING

What happened? After all, Congress made available some $1.2 billion over the 1992 to 1994 period for the Nunn-Lugar threat reduction program. Only $50 million has been spent to date.

Well, this is what happened. The first $800 million of those funds were not direct, new appropriations. They were transfer authority from other Defense Department funds. Two years ago, there was the perception that the Defense Department was a milk cow for foreign aid and domestic programs. In fact, last year, in this bill, we agreed to appropriate almost a billion dollars for defense, and then to transfer almost all of it to AID's program in Russian and Ukraine.

Today, the President and most of us realize that we need every dollar of our defense funds to pay for a deteriorating defense structure that faces deployment in Haiti, Bosnia, and Korea—a structure that will have to call up the Reserves to fulfill its growing number of missions abroad.

As a result of the financial squeeze on defense, the Defense appropriators have drawn the line. Last year, the transfer authority for the 1992 Nunn-Lugar $400 million was canceled. Only about $200 million had been used for Nunn-Lugar, so the program lost half of its 1992 funding. That is one of the things that happened.

In the same Defense appropriations bill, last year, the appropriators put very strict conditions on the transfer of Nunn-Lugar funds under the 1993 authority. As a result, some $318 million in requests for essential Nunn-Lugar programs have been frozen since March 17, 1994, because there is no agreement among the relevant committees on where to find the money.

Finally, a few weeks ago, the House passed a 1995 Defense appropriations bill that denied the President's request for a fourth annual installment of $400 million for the Nunn-Lugar program.

I went through so much detail on the recent history of the Nunn-Lugar program to make the point that the Nunn-Lugar program is starved for funds. Of the $2 billion that has been made available or requested over the 4-year period, the total amount that has been spent or remains available for obligation is less than $700 million.

WHY THIS IS NEEDED NOW?

We already have legal agreements to spend $1 billion to reduce the threat from excess nuclear and chemical stocks. Negotiations are approaching completion on the remaining $1 billion in Ukraine, Russia, and Belarus. But, we do not have the resources in the Defense budget to pay for these programs—unless we reduce readiness, pull back from the protection of Korea, or end participation in international peacekeeping.

Mr. President, I do not know whether President Clinton wants to use the transfer authority I am proposing. If I were in his shoes, or those or Dr. Perry at the Pentagon, I would welcome this authority as a fall-back.

In 2 months there will be another summit meeting between President Clinton and President Yeltsin. The mutual security and proliferation issues that are covered by the Nunn-Lugar program will be on the top of their agenda. My amendment gives the President some flexibility to determine his own priorities in our program of assistance to Russia.

In the interests of equity between the Defense Department and AID, I have modified my amendment to limit the President's transfer authority to the amounts transferred from the Defense Department to the Agency for International Development during the fiscal 1994.

This amendment sets no precedents on transfers among different subcommittees. It is precisely modeled on the language shifting funds from the Defense Department last year. If the President uses this authority to fully fund the Nunn-Lugar program, it would follow the transfer of funds earlier this year to the State Department and AID.

Let me summarize. My amendment gives the President the flexibility to transfer Russian AID funds in this bill—under the control of the Agency for International Development—to the Nunn-Lugar nuclear threat reduction program in the Department of Defense.

This transfer authority is discretionary; the President does not have to use it, and probably will not, unless he is convinced that the Nunn-Lugar program is in trouble because it is broke. The amount of any transfer would be limited to the $919 million transferred this year in the other direction—from the Pentagon to AID.

I am asking the Senate to go on record that dismantlement of excess nuclear and all chemical weapons systems is the top priority in our Russian AID program.

Those who disagree, those who consider AID high-price consultants and high school student exchanges to be the top priority should vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I listened very carefully to my colleague.

The PRESIDING OFFICER. Is the Senator yielding himself time?

Mr. McCONNELL. I am yielding myself time in opposition.

Mr. LEAHY. Mr. President, I yield such time as he may use.

Mr. McCONNELL. Mr. President, I listened carefully to my friend from New Mexico. As he knows, I have consistently voted with him on a variety of different measures because of my concern that the defense budget was being raided. However, I cannot join him today.

The defense budget is over $250 billion. The foreign operations budget is under $14 billion.

I think it is also important to understand exactly what this amendment would give the President the discretion to do. This bill before us is not just about Russian aid. It is also about Ukraine. It is about Armenia. It is about Georgia. So this is bigger than just Russian aid, Mr. President. This is also about other countries of the New Independent States.

There are many Americans whose roots originated in that area of the world who care deeply about this foreign aid bill.

We used to think that the only domestic constituency for the foreign aid bill was the American Jewish community which cared a great deal, obviously, about Israel. But that has changed, Mr. President. There are a lot of Eastern Europeans, a lot of Americans who came from that part of the world who care keenly about this bill. This bill has a domestic constituency.

So what my friend from New Mexico is saying is we ought to give the President the discretion to reach in and take this money earmarked by this bill for Ukraine, Georgia, and Armenia away and give it in effect to a program which we have already allocated $1.2 billion to and has only been able to spend $36 million.

Let me repeat. We have appropriated more than $1.2 billion in Nunn-Lugar money with the concurrence and support of the Armed Services Committee and the Defense Appropriations Subcommittee. They willingly supported giving up this money for this purpose. We have given them $1.2 billion. The people in charge of this program have only been able to spend $36 million, and the Senator from New Mexico says we need to give the authority to give them more, to give them more and take money away from Ukraine, Armenia, and Georgia.

In fact, I am told the Pentagon lost $200 million because of mismanagement of this program.

Mr. President, why would we want to give more money to a program which nearly everyone agrees, at least to this point, has been very poorly run? Indeed, it is so poorly run that I think it makes the State Department and aid management look good, and that is pretty hard to do.

But I rest my case by saying this Russian aid bill is not just about Russia. It is not just about Russia. It is about Ukraine. It is about Armenia. It is about Georgia. And the broader bill is about the Baltics and Eastern Europe. And there are a great many Americans who came from that section of the world who support this bill.

So I understand what my friend from New Mexico is searching for here.

He does not like these constant raids, if you will, on the Defense Department. I have voted with him, I suspect, on every single effort he and others may have made in this regard in the past. Maybe this particular effort has been around a long time. I have only known about it this morning, maybe yesterday at the staff level. Here we are, an hour and a half from voting on the bill, and we may be able to finish sooner.

I hope the Senator from New Mexico will not insist on pushing this today. If he does, I hope it would not be approved. Maybe we ought to sit down and talk about it before taking such a dramatic departure from the way we are about to operate under this bill, a bill that a great many Americans care about. Even though it is called a foreign aid bill, there is a growing American constituency for this bill and particularly the way this current bill for next year is crafted.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I will send my friends on the other side of the aisle a thesaurus.

Mr. President, I yield myself 4 minutes.

Mr. President, nobody has been—if I could have the Senator from New Mexico's attention—nobody has worked harder and been more responsible in trying to get a Russian aid package through than he has. The meeting Senator MCCONNELL and I had with him and others, the Secretary of State, dealing with the President and everybody else to get this through. I appreciate that and it means a great deal to me.

I concur in the desire. In fact, I cannot imagine any Member of the Senate, Republican or Democrat, who does not want to get rid of chemical, biological, and nuclear weapons in the former Soviet Union. There are few things that might unite all 100 Senators, but that one certainly does.

But we have appropriated $988 million in so-called Nunn-Lugar money since 1992. Only $40 million of that has been expended. Four percent, slightly over 4 percent, of the money appropriated has been expended. The rest, the 95 to 96 percent of the funds, are sitting there waiting to be expended.

And as the Senator from Kentucky pointed out, we have in this foreign aid bill a very small amount of money with demands that greatly exceed the amount that is already there.

We have heard debate for the past several days about a lot of places around the world where America's vital interests—economic interests, security interests, and humanitarian interests—are not being met because we do not have the funds to do it.

To take more money out and to put it into an account that already has substantial amounts of money is, I believe, shortsighted. It means that we will not have money to go into programs that will help create exports in the United States, will help create jobs here in the United States, and our export market will not have money to help corporations that want to invest in the former Soviet Union. We will not have money for humanitarian programs that most of us here support.

So I hope that we would not transfer such scarce amounts of money. In fact, this would allow the entire $840 million in this bill for the New Independent States in the former U.S.S.R. to be transferred to the Defense Department. I would hate to think that we are going to tell not only Russia but Ukraine and Georgia, Latvia, Estonia, and all these other places we may want to help, that, "Sorry, the money is gone, basically, to our Defense Department."

We will have funds for this need. I will work with the Senator from New Mexico and any other Senator to make sure we always have adequate amounts of money to help in the cleaning up of nuclear and chemical weapons in Russia. It only makes good security sense for us. But this is robbing Peter to pay Paul. And the worst part about robbing Peter to pay Paul is Paul has a pretty fat wallet to begin with.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time do I have?

The PRESIDING OFFICER. Seven minutes and twenty seconds.

Mr. DOMENICI. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have the right to modify my amendment.

Mr. LEAHY. I thought the yeas and nays had been ordered.

Mr. President, reserving the right to object, because the amendment is under the unanimous-consent agreement and I do not want to object.

Mr. President, I would suggest the absence of a quorum, with the time not to run against either side.

Mr. DOMENICI. Let me tell the Senator what it is. Maybe neither of you will object. All this is on my time.

My good friend from Kentucky said that there are other countries affected besides Russia and that they will be concerned. This modification merely limits the transfer authority to funds that are allocated to Russia. Funds allocated to Russia from this heading in the bill are all that the President would have flexible authority over. I think that is a fair amendment. It responds to a concern he had and I offer it hoping that the managers would accept it.

I ask unanimous consent that my modification be in order.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The amendment (No. 2284), as modified, is as follows:

On page 20, line 13, delete the period, and add the following new proviso:

": *Provided further*, That the President may transfer such funds allocated to the Russian Federation to appropriations available to the Department of Defense and other agencies of the United States Government for the purposes of cooperative threat reduction and countering the proliferation of weapons of mass destruction under the provisions of title XII of Public Law 103–160 and Section 575 of Public Law 103–87: *Provided further*, That the amounts transferred shall be available subject to the same terms and conditions as the appropriations to which transferred: *Provided further*, That the authority to make transfers pursuant to this provision is in addition to any other transfer authority of the President: *Provided further*, that the total amount of any transfer authority utilized shall not exceed the amount transferred by the Department of Defense to the Department of State and other agencies under Title VI of Public Law 103–87."

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this makes it even worse, because the amount of money available to Russia is extremely limited. These are the amounts of money we use to help our export industry, our educational groups, and others that are trying to work with Russia.

Basically, what we have said is we could just take all of that money away immediately and put it into a huge fund otherwise designated. If anything, it heightens my opposition. I would note, incidentally, the State Department also opposes this.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I would take note of the $2.6 billion heretofore appropriated for Russian aid and the New Independent States last September. Less than half of that $2.6 billion has been put under contract. None of it is now available for dismantlement of chemical or nuclear weapons systems.

I remind the Senate that the amendment of the Senator from New Mexico does not spend any Russian aid money. I am giving the President authority, the flexibility he seeks in his foreign aid authorization, in the events there are insufficient funds to carry on a program of dismantling nuclear and chemical weapons. He can use some or all of the funds that are going to Russia for this purpose.

Now I believe that is a fair statement of the amendment. I do not think it is a very profound situation in terms of understanding. It is very, very simple. I believe the Senators ought to decide whether they want to give our President this kind of flexibility.

Frankly, this is what the administration is saying in its circular to the floor. It says:

> This authority is "not now necessary" since the cooperative threat reduction program is now getting its program implementation underway.

It then says, "It is possible that at some time in the future the President could want to transfer funds from either Nunn-Lugar to Freedom Support, or vice versa, as allowed by the Domenici amendment."

Frankly, we are appropriating clear through September 30, 1995—that is the future. Why we would not just give President Clinton this flexibility with the full knowledge that, in fact, if things are going well, he will not use it, but if things are not going well and it is needed, that he would use some of it? I believe the Senate ought to make a decision on this. But I would like to talk with the managers about whether a rollcall vote is needed, so I yield the floor and reserve the remainder of my time.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum, the time to run equally.

The PRESIDING OFFICER. Without objection, the time is divided equally. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am prepared to yield back time in opposition, and I do so yield it back.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask consent Senator HELMS be added as a cosponsor and that it be left open for additional cosponsors who might want to join.

The PRESIDING OFFICER. Is the Senator from New Mexico yielding back the remainder of his time?

Mr. DOMENICI. I yield it right now.

The PRESIDING OFFICER. All time having been yielded back, the question now occurs on amendment No. 2284, as modified.

The clerk will call the roll.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I wish to inquire from the managers of the bill what amendment will be considered after this amendment is disposed of?

Mr. LEAHY. Under the unanimous consent agreement which allowed the Senator from New Mexico to come in with his, it reverts to the Senator from Florida, who has one amendment with 20 minutes equally divided.

Mr. HELMS. Would you repeat the time involved?

Mr. LEAHY. The Senator from Florida has one amendment remaining with 20 minutes equally divided.

Mr. HELMS. Then after that, is there——

Mr. LEAHY. I tell the Senator from North Carolina what we have been trying to do is go back and forth and go back to this side. The Senator may be the only person with an amendment left.

Mr. HELMS. Just to be safe, will the Senator include me in the unanimous consent following the Senator from Florida?

Mr. LEAHY. Of course. I ask unanimous consent following the disposition of the Graham amendment it then be in order to recognize the Senator from North Carolina for his amendment, under the previously agreed-to unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement, as modified, is agreed to.

Mr. HELMS. I thank the Chair.

VOTE ON AMENDMENT NO. 2284, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on amendment No. 2284, as modified. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Colorado [Mr. CAMPBELL] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] and the Senator from Mississippi [Mr. LOTT] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 56, nays 38, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—56

Akaka
Bennett
Bingaman
Bond
Breaux
Brown
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Craig
D'Amato
DeConcini
Dole
Domenici
Durenberger
Exon
Faircloth
Feinstein
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inouye
Jeffords
Kassebaum
Kempthorne
Lieberman
Lugar
Mack
McCain
Murkowski
Nickles
Nunn
Pressler
Pryor
Riegle
Robb
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wofford

NAYS—38

Baucus
Biden
Boxer
Bryan
Conrad
Danforth
Daschle
Dodd
Dorgan
Feingold
Ford
Glenn
Harkin
Hatfield
Hollings
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Reid
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—6

Boren
Bradley
Campbell
Coverdell
Lott
Wallop

So the amendment (No. 2284), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I believe under the unanimous consent agreement, the Senator from Florida would be next recognized.

With the Senator from Florida in the Chamber, I ask unanimous consent that I now be recognized to move to withdraw amendment No. 2291, the amendment by the Senator from Florida.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. What is the amendment?

Mr. LEAHY. Mr. President, I now ask to withdraw amendment No. 2291, the Graham amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the amendment (No. 2291) was withdrawn.

Mr. LEAHY. Mr. President, I thank the Senator from Florida, again, as I said earlier, one of the leading experts on counternarcotics in this body, for his efforts in working this out. Also, I give him the thanks of colleagues who are watching the clock and were concerned about going, and that has made it possible to move forward.

Now, Mr. President, as I had indicated before, the floor should revert to the Senator from North Carolina, and I yield the floor so he can obtain it in his own right.

AMENDMENT NO. 2256

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have two amendments—one of which has been accepted by the managers and the other I think they are willing to accept, but I desire a rollcall vote on that one. I call up amendment No. 2256, and I ask it be stated.

The PRESIDING OFFICER. For the information of the Senate, the clerk will now report the amendment.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2256.

Mr. LEAHY. Mr. President, if I could ask the Senator, that is the chemical and biological weapons amendment?

Mr. HELMS. The Senator is correct.

Mr. President, I send the modification to the desk. Since the yeas and nays have not been obtained, that would be in order.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The modification is as follows:

At the end of the first committee amendment add the following:

SEC. . RUSSIAN CHEMICAL AND BIOLOGICAL WEAPONS PRODUCTION.

None of the funds appropriated or otherwise made available under this Act may be made available for Russia (other than humanitarian assistance) unless the President has certified annually to the Congress in advance of the obligation or expenditure of such funds that Russia has demonstrated a commitment to comply with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and, upon Russian ratification and entry into force, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and the Wyoming "Memorandum of Understanding Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition of Chemical Weapons" (including the disclosure of the existence of its binary chemical weapons activities).

Mr. HELMS. Mr. President, this amendment prohibits the provision of certain categories of foreign aid to Russia unless the President certifies that: First, Russia has demonstrated a commitment to comply with the 1972 Biological Weapons Convention; and second, that Russia has disclosed the existence of its binary chemical weapons program.

The amendment will not affect humanitarian aid, or assistance under the Cooperative Threat Reduction Act—also known as Nunn-Lugar funds—which provide for the dismantlement of weapons of mass destruction.

The Foreign Relations Committee is currently considering the Chemical Weapons Convention [CWC], which is supposed to ban chemical weapons from the face of the earth. But, the committee shouldn't approve, and Senate should not ratify the CWC until two things happen: First, Russia complies with the Biological Weapons Convention, which they signed 24 years ago; and second, Russia comes clean about their binary chemical weapons program. Mr. President, that is exactly what this amendment aims to accomplish.

At a June 23 Foreign Relations Committee hearing, CIA Director James Woolsey expressed deep concern regarding the nature of Russia's chemical weapons program. While the United States is in the process of destroying virtually all of its chemical weapons, highly credible reports indicate that Russia may actually be developing new, more sophisticated binary chemical weapons. These are reports that the CIA Director and the intelligence community take very seriously. But that concern is not being heard at the White House and the State Department.

And, guess what, Mr. President? It appears that the Russians are lying to the United States about the existence of these weapons. Director Woolsey went on to tell the committee that he has "serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data" Russia has provided to the United States on their chemical weapons program, as they agreed to do in various agreements with the United States. That's a diplomatic way of saying that he thinks the Russians may be covering up something.

Director Woolsey also told the committee that, and I quote, "we do not have high confidence in our ability to detect noncompliance" with the Chemical Weapons Convention. In other words, the United States cannot verify that Russia will destroy their weapons and not develop new chemical weapons in accordance with the Chemical Weapons Convention.

The fact that the former Soviet Union may be cheating on an arms control treaty shouldn't surprise anyone. I have repeatedly asked Deputy Secretary of State Strobe Talbott and other administration officials if the former Soviet Union—now Russia—is in compliance with the 1972 Biological Weapons Convention. They have admitted candidly that Russia is not in compliance.

For more than a year, highly credible Russian authorities have accused the Russian military of pursuing a vigorous chemical weapons program. The most damaging revelations come from Vil Mirzayanov, a former high-ranking official at the Soviet State Scientific Research Institute for Organic Chemistry. This individual had 26 years of experience in the research of chemical weapons for the Soviet Union. He is intimately acquainted with the negotiations of the Chemical Weapons Convention.

He alleges that Russia intends to test and produce binary chemical weapons after ratification of the Chemical Weapons Convention. I asked administration officials whether these allegations were true, and they have told me on several occasions that they take these allegations very seriously. And in classified briefings they have told me why they take these allegations so seriously. Now, I cannot reveal what these officials said, but I can say that the information is sufficiently disturbing to merit more attention than it has received to date.

It's important, in my judgment, that Senators understand fully what's at stake. First, it is believed that Russia has invented sophisticated and very potent binary chemical weapons. Mr. President, binary chemical weapons are made of two harmless chemicals which are lethal when combined. Alone, these harmless chemicals are commonly used in the agricultural and manufacturing industries and are therefore not listed by the Chemical Weapons Convention as a prohibited toxin.

Second, it is believed that Russia has already produced 15,000 tons of one such binary agent known as "substance 33." But, Russia hasn't disclosed any binary chemical weapons, as they were required to do. They have disclosed only 40,000 tons in stockpiles of more common types of chemical weapons.

Finally, I take very seriously the allegations that Russia may be using United States foreign aid to destroy old chemical weapons stockpiles on the one hand while developing new weapons on the other. I hope sincerely that U.S. foreign aid is not being siphoned off to pay for the development of new chemical weapons.

Mr. President, this amendment is necessary because of the possibility—perhaps the probability—that Russia has developed and produced deadly binary chemical weapons after it signed the Chemical Weapons Convention in January 1993. I reiterate, Mr. President, that during this same period of time, the United States has been destroying its chemical weapons stockpiles. The United States is not developing new chemical weapons.

Some Senators may worry about the affect this amendment could have on President Yeltsin. I understand that concern. I like President Yeltsin. I have met with him every time he has visited Washington. I want to do everything I can to help President Yeltsin achieve a genuine democracy in Russia, and, in my judgment, this amendment will help.

I would not be surprised if President Yeltsin would secretly welcome this amendment. I do not think he's the problem. The problem lies, in my judgment, with the Russian military, the intelligence services and the old chemical weapons bureaucracy. They ignore too often responsible Russian leaders as well as their treaty commitments. This amendment could serve as a wake-up call to these rogue elements to get with the democratic program and start living up to treaty obligations.

To conclude, Mr. President, the amendment is in the same spirit as section 502 of the Freedom Support Act, or the Russia aid bill. Section 502 allows nonproliferation and disarmament assistance only to countries that are complying with treaty obligations to destroy weapons of mass destruction, and are forgoing any military modernization programs that exceed legitimate defense requirements.

If Russia is not complying with the Biological Weapons Convention, and if they are developing sophisticated binary chemical weapons while the United States is destroying its stockpiles, why should Russia be trusted to live up to commitments made when they signed the Chemical Weapons Convention? The Senate deserves to be told whether Russia is complying with arms control commitments before consideration of the Chemical Weapons Convention. Clearly, United States foreign aid should be used to encourage Russia to live up to those commitments, and that is what this amendment intends to achieve.

Mr. President, I ask unanimous consent that section 502 of the Freedom Support Act be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 502. ELIGIBILITY.

Funds may be obligated for a fiscal year for assistance or other programs or activities for an independent state of the former Soviet Union under sections 503 and 504 only if the President has certified to the Congress, during that fiscal year, that such independent state is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if that independent state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 503(a) or 504(a) of this Act or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note).

The PRESIDING OFFICER. Does the Senator from North Carolina yield back his time?

Mr. HELMS. I certainly do.

The PRESIDING OFFICER. The Senator from North Carolina has yielded back his time on the amendment.

Mr. HELMS. On this amendment.

Mr. LEAHY. I yield back any time on this side.

The PRESIDING OFFICER. If there is no further debate, all time being yielded back, the question is on agreeing to amendment No. 2256 offered by the Senator from North Carolina.

So the amendment (No. 2256), as modified, was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, would the Chair advise me of the amendment number on the Colombia narcotics certification amendment that I have at the desk?

Mr. LEAHY. Mr. President, if I might, I believe it is 2281.

The PRESIDING OFFICER. The Senator from Vermont is correct. The amendment is 2281.

AMENDMENT NO. 2281

(Purpose: To limit assistance to the Government of Colombia unless the President certifies that it is fully cooperating in counternarcotics efforts)

Mr. HELMS. I call up that amendment, and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2281.

The amendment is as follows:

At the end of the first Committee amendment, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR THE GOVERNMENT OF COLOMBIA.

(a) LIMITATION.—None of the funds appropriated by this Act shall be obligated or expended for the Government of Colombia unless the President determines and certifies that the Government of Colombia is taking actions to—

(1) fully investigate accusations of corruption by the narcotics cartels involving senior officials of the Government of Colombia;

(2) implement the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption;

(3) reduce illicit drug production to the maximum extent which were determined to be achievable during the fiscal year;

(4) significantly disrupt the operations of the narcotics cartels; and

(5) investigate all cases in which any senior Colombian official is accused or implicated in engaging in, encouraging, or facilitating the illicit production or distribution of narcotic and psychotropic drugs to other controlled substances.

The PRESIDING OFFICER. The Chair would like to state to the Senator from North Carolina that there is 30 minutes, equally divided, on this particular amendment.

Mr. HELMS. That is correct. I assure the Chair that I will not use my half of that unless I surprise myself.

Let me give you a statement, Mr. President, made back in April by the President of the United States: "Colombia is the world's leading supplier of cocaine hydrochloride to international markets."

President Clinton said those exact words back in April when he certified that Colombia was fully cooperating with the United States in counternarcotics programs. Bear in mind, Mr. President, that the Colombian drug cartels control 80 percent of the world's cocaine trade, and most of that, I am sad to say, is destined for the United States.

Unfortunately, after the President's certification back in April, the news from Colombia has seriously worsened in terms of whether the Colombian Government is doing anything to stem the flow of cocaine into the United States. There are credible and disturbing accusations that the President-elect of Colombia, Ernesto Samper, received large campaign contributions from the Cali Cartel. To make it clear how big this cartel is, let us describe it as the world's 800-pound guerrilla in cocaine trafficking. They do most of the cocaine trafficking in this world.

I have become accustomed down through the years to our State Department dismissing any criticism of foreign heads of state. But, in this instance, the State Department has not attempted to deny or downplay the charges against the Government of Colombia. Instead, our State Department says that they are investigating the accusations.

In a June hearing before the House Committee on Foreign Affairs, the Assistant Secretary of State for International Narcotics Matters, Ambassador Bob Gelbard, did nothing whatsoever to avoid or deflect questions about President-elect Samper's having received campaign funds from the drug cartel.

In fact, when Ambassador Gelbard testified before the House committee, he was asked about the amount of campaign funds that the candidate for President—who is now the President-elect of Colombia—received. How much did the candidate receive from the cocaine cartel in Colombia? Ambassador Gelbard told the House committee that the figure was in excess of $4 million—a pretty hefty day's work for a presidential candidate receiving campaign funds.

Mr. President, the State Department is very wisely taking these allegations seriously. Colombia's President-elect, Mr. Samper, has been fingered by the Cali Cartel leaders themselves. This is almost like a Max Sennett "bump them in the hallway" comedy.

They discussed in detail in several telephone conversations among themselves about their having provided money to the Samper campaign. In one case, a Cali leader spoke boastfully of his having given $4 million to Samper with the expectation that the then-Presidential candidate—and now the President-elect—will, of course, respond with favors to the drug cartel.

I expect it takes a minimum of logic to understand that anybody who takes $4 million from one crowd in a political campaign is going to be obliged to do whatever he can to be helpful to the contributor.

In any case, a senior U.S. official told the Associated Press that the tapes were part of a "long chain of highly credible reports" connecting the Cali cartel and the Samper campaign.

Another piece of evidence, according to the Miami Herald, comes from the firsthand experience of an informant trusted by the U.S. Drug Enforcement Administration. The confidential informant claims to have arranged a meeting in 1990 between Samper and two Cali leaders in which Samper was given some $800,000 in cash. I am beginning to wonder, Mr. President, what that candidate is doing with or has done with all the money he has collected.

The accusations against the President-elect of Colombia alone are serious enough to make imperative the Senate's approval of the pending amendment. But these revelations come on top of other bad news from Colombia, including rampant evidence of drug corruption in the Colombian Congress. The situation is so bad that Colombia has been described as a "narcodemocracy". I will tell you where that description originated. It originated with a distinguished Member of the U.S. Senate, Senator JOHN KERRY of Massachusetts. Senator KERRY did an op-ed piece for the Washington Post back in April in which the Senator from Massachusetts wrote, let me quote it:

> Recently, a former employee of the cocaine cartel described Colombia to me as a "narcodemocracy." "The drug traffickers," he said, "do not own everyone in the Colombian legislature or law enforcement. But," he explained, "they do control just enough people in each organization to get Cali's job done."

Cali, of course, is the drug cartel, Mr. President.

> "We have the illusion of a democracy," he told me, "but the super-cartel controls it."

That former cartel employee was presumably credible enough to be quoted by the Senator from Massachusetts. But what was not known then is that the Cali cartel is aiming not only to exert influence in the Colombian Congress, but is seeking to control the presidency as well.

The accusations against President-elect Samper come on the heels of a year in which: The Colombian constitutional court declared it legal to possess and use drugs; the Colombian official responsible for prosecuting drug traffickers advocated drug legalization; this same official, after cutting a deal with one of the most notorious and bloody traffickers, attempted to cut plea bargains with some 200 other drug traffickers; and the United States suspended its evidence-sharing arrangement with Colombia, both as an expression of our disapproval of the plea bargains and because the United States could not assure protection for informants who provide the necessary information to indict and convict these international criminals.

Mr. President, a senior U.S. official was quoted the other day as saying: "The drug war in Colombia is in very, very sad shape. It's probably never been worse. The [drug] kingpins are not being attacked, and their power is only increasing with nothing to stop it." Mr. President, this official has accurately characterized the situation.

Mr. President, the Foreign Assistance Act currently contains a certification process which requires the President to determine and certify that countries which are deemed to be major drug producers or transhipment points must be fully cooperating in order to receive U.S. assistance. This certification process is an important instrument in ensuring continued cooperation.

However, given the seriousness of the accusations against the President-elect of Colombia, a heightened review process must be in place before we release $1 of United States taxpayers' money to that country. In this instance, the existing statutory standard is inadequate in my judgment.

Let me summarize the rest of my remarks, in the interest of time, because I know Senators want to depart Washington this afternoon. The pending amendment is very, very simple. It prohibits the expenditure of funds to the Government of Colombia, until such time as the President of the United States determines and certifies that the Colombian Government is investigating the corruption charges against senior officials and is continuing:

To cooperate fully in counternarcotics efforts,

To eliminate bribery and other forms of public corruption,

To reduce illicit drug production, and

To disrupt significantly the illegal and immoral operations the drug cartel.

The amendment does not say that these conditions have to be fully implemented, because that would be a virtual impossibility to do. It does say that the Government of Colombia must be doing something about the narcotics problem and the corruption associated with it, if it is going to receive the largess of the United States.

Mr. President, I ask unanimous consent that the articles referred to in my remarks be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SCANDAL TAINTS COLOMBIA'S NEW LEADER—U.S. SAYS CARTEL GAVE MILLIONS TO CAMPAIGN

[By Christopher Marquis and Gerardo Reyes]

WASHINGTON.—The Clinton administration has independently confirmed stunning allegations that Colombia's president-elect, Ernesto Samper, received millions of dollars in campaign donations from Cali Cartel cocaine traffickers, top U.S. officials said Wednesday.

Robert Gelbard, director of the State Department's Office of International Narcotics Matters, in fact confronted Samper eight months ago with the U.S. intelligence that he had received millions of dollars from the cartel, the officials added.

A U.S. Drug Enforcement Administration informer meanwhile made a separate allegation against Samper, charging that he personally took cash from Cali Cartel members in 1990 in exchange for a vow to make it easier for traffickers to avoid U.S. extradition orders.

In a statement released Wednesday in Bogota, officials of the campaign that carried Samper to electoral victory Sunday said "categorically that the treasury did not take in any resources of dubious origin."

Drug trafficking was barely mentioned in the electoral campaign, although Colombia controls about 80 percent of the cocaine reaching the United States.

But Tuesday night, television newscasts in Bogota began broadcasting tape recordings of conversations reportedly involving two of the Cali Cartel's top leaders indicating that they gave Samper's campaign $3.7 million. The recordings were made public by defeated challenger Andres Pastrana, who said he was handed the tape by an unidentified person a week earlier during a campaign visit to Cali.

"It's true, all of it," a top U.S. official said when asked about the charges in Bogota, which have stirred a scandal, cast a pall over Samper's narrow victory and further strained relations between Bogota and Washington.

The charges, which could ultimately undermine the cornerstone of U.S. anti-narcotics efforts in Latin America, were presented as fact by CIA officials in a briefing to Congress last week, said one Congressional source who attended the briefing.

The CIA reported that "[Samper] not only received the money, he solicited it," the source added.

It was not clear whether the U.S. evidence against Samper refers to the same event related to The Herald by a Colombian citizen described by DEA officials as a highly trusted informant who once worked for the Cali Cartel.

The informant, who asked to be identified only as Maria, claimed that she arranged a 1990 meeting at Samper's request between him and two Cali Cartel leaders—Miguel Rodriguez Orejuela and Jose Santacruz Londono—in which Samper received six briefcases containing $800,000 in cash.

"In exchange for the money they give me for the campaign, I promise that . . . I will see to it that my people in Congress defeat the extradition treaty,'" Maria said Samper told her.

Samper, a lawyer and economist, lost the 1990 campaign for the Liberal Party's presidential nomination to President Cesar Gaviria, but he immediately began collecting money for the 1994 campaign. In 1990, Congress weakened a law that would have made it easier for the Colombian government to extradite wanted drug traffickers to the United States.

Spokesmen for the Samper campaign flatly denied the DEA informant's charges.

"If any campaign has concerned itself in an exemplary manner with checking and watching over the origin of the money that reached our national treasury, it was our campaign," Samper said Monday.

It was not the first time Samper has been involved in controversy over politics and drug money.

In 1983, Colombian news reports quoted a top boss of the Medellin Cartel, Carlos Lehder, as saying that he and cartel leader Pablo Escobar had met Samper while he was in charge of the victorious election campaign of President Alfonso Lopez Michelsen. Lehder said he had given Samper a big check for the campaign.

Asked about that charge on Monday, Samper said that a committee made up of members of all major parties checked the allegations at the time and could not prove them.

Far more serious are the comments in the tape recording made public this week, containing a conversation between three men identified as brothers Miguel and Gilberto Rodriguez Orejuela, and a journalist linked to the cartel, Alberto Giraldo.

Gaviria, whose tough stance against drug traffickers broke the back of the violent Medellin Cartel, immediately ordered a probe to verify whether the voices on the tape were properly identified.

In the tapes, the three men discuss Samper's need for campaign funds. A man identified by the newscasts as Giraldo tells the others that Samper's campaign needs five billion pesos—roughly $6.2 million—but had only two billion pesos. A voice said to belong to Gilberto Rodriguez replies: "Done. We have that."

Elsewhere in the recordings, a man identified as one of the Rodriguez brothers tells Giraldo: "Yeah, well, you can't help us . . . That fine day when you are a presidential candidate, and you have 47 percent in the opinion polls, you won't get just money, you'll have our lives in your hands."

Giraldo issued a statement Tuesday in Colombia. "I suggested to the Rodriguez Orejuela gentlemen that I could intermediate with the candidates' advisers to see if it were possible . . . to deliver economic donations to the campaigns," he said.

But "my efforts were useless," Giraldo said, adding that advisers for both Samper and Pastrana rejected the offer.

Gelbard, who testified on drug policy before the U.S. Congress on Wednesday, was cautious in his public comments when asked about the charges, saying the Clinton administration was not prepared to publicly comment on the veracity of the charges.

The administration is "investigating this very intensively right now," he said.

"Obviously, this is the worst kind of information that we could receive," Gelbard told the lawmakers. "This, if true, would obviously have the most serious effect on not only any kind of bilateral relationship with that government, but obviously would create the most serious problems in terms of fighting counternarcotics."

[From the Associated Press, June 25, 1994]

U.S. CONFRONTED COLOMBIAN CANDIDATE LAST FALL ABOUT LINKS TO TRAFFICKERS

(By George Gedda)

WASHINGTON.—The Clinton administration heard as long ago as last fall that Colombian drug traffickers were arranging for large donations to the campaign of Ernesto Samper, newly elected Colombian president, U.S. officials say.

Assistant Secretary of State Robert Gelbard met alone with Samper in Washington last October and asked him about evidence suggesting a link between him and the narcotraffickers. U.S. officials, speaking only on grounds of anonymity, said Samper categorically denied the allegation.

This past week, the alleged donations by the Cali cocaine cartel exploded onto Colombia's political landscape with the release of an audiotape that further confirms the long-held U.S. suspicions.

The audiotape indicates the Samper campaign sought money from the cartel and that the traffickers were trying to "buy" five Cabinet positions, including that of defense minister.

Colombia's defense minister traditionally has played a key role in implementing strategies for curbing drug trafficking.

A senior U.S. official, asking not to be identified, said the tape is part of a "long chain of highly credible reports" connecting the cartel and the Samper campaign.

Samper has continued to deny any wrongdoing. He met late last week with U.S. Ambassador Morris Busby, but officials declined to characterize the meeting.

State Department spokesman Mike McCurry had said earlier that "it's not my understanding that we have confirmed" the link between Samper and the Cali cartel. But he also said, "That's something we're looking into."

The taped conversations were discussed during the Samper-Busby meeting, McCurry said Friday.

"Ambassador Busby reiterated that the United States remains seriously concerned over these alleged links," he said.

Congressional sources, also speaking on grounds of anonymity, said administration officials told them the traffickers contributed $6 million to the Samper campaign.

Colombia is the world's largest source of cocaine, and U.S. Cooperation with Colombian President Carlos Gaviria in combating the traffickers generally has been good.

Under Gaviria's leadership, the Medellin cartel has been debilitated, highlighted by the death of Pablo Escobar last Dec. 2 in a shootout with police and military forces.

Government forces also have attacked the Cali infrastructure, with raids on processing laboratories. However, arrests of Cali drug chieftains have been rare, officials say.

The officials say they are extremely apprehensive about the implications of the disclosures concerning potential drug trafficking influence at the highest levels of government.

They note that in addition to being the major supply source, Colombian traffickers virtually control cocaine processing as well as international wholesale distribution chains and markets.

The disclosures came as the United States has been attempting to reach an interim agreement with Colombia and Peru to revive the operation of a radar system designed to track narcotics flights in the Andes.

On May 1, the Defense Department shut down the operation out of concern about the legal implications of U.S. complicity in the shooting down of civilian aircraft.

OFFICIAL SAYS DRUG COOPERATION WITH COLOMBIA MAY DECLINE

(By George Gedda)

WASHINGTON.—U.S.-Colombian cooperation in fighting drug trafficking could be set back if reports are verified that the campaign of Colombia's president-elect received drug money, a senior State Department official said Thursday.

Cooperation between the two countries already had been undermined with the U.S. decision last month to suspend a program that provided Columbia and Peru with radar data for tracking U.S.-bound cocaine flights.

The uncertainty about future cooperation sharpened Wednesday when Colombian news media aired a tape suggesting that the campaign of President-elect Ernesto Samper had accepted drug money.

If the allegations turn out to be true, the capacity of the Colombian government to continue its anti-drug collaboration with the United States "would be affected negatively," and Alexander Watson, the assistant secretary of state for inter-American affairs.

According to published reports, members of Congress have been told by administration officials that Samper not only received the money, he solicited it.

Samper's campaign organization said Wednesday that no donations of "dubious origin" were accepted. Samper is a lawyer and an economist who once held a cabinet post.

Watson said, "We remain very seriously concerned. We would hope Colombian authorities would investigate thoroughly. It is a matter of great concern to us."

Well before the tapes were made public, Watson said, U.S. officials had heard reports of drug money being funneled into Samper's campaign. Campaign officials denied the reports, he said.

Until recently, U.S. officials and outgoing Colombian President Carlos Gaviria Collaborated closely in combating drug traffickers. Under Gaviria's leadership, the Medellin cartel has been considerably weakened. The city of Cali has become the drug-trafficking headquarters.

Watson said he was unaware of any official contact on the subject with Gaviria, who was in California for the World Cup soccer tournament.

But signs that Colombia has been wavering in the anti-drug campaign prompted the administration earlier this year to suspend an evidence-sharing program with Colombian authorities.

Then, on May 1, the Defense Department shut down without notice a radar system designed to track narcotics flights in the Andes. The action was taken out of concern about the legal implications of U.S. complicity in the shooting down of civilian aircraft.

On Tuesday, Clinton asked Congress to approve legislation that would allow the United States to provide tracking data in a way that would spare American military personnel involved in the operation from being prosecuted.

IMAGE VERSUS REALITY IN COLOMBIA

(By Tracy Wilkinson)

(A soccer star's slaying is the latest blow to a drug-besieged nation struggling to redefine itself. The identity conflict creates a schizophrenic society and fuels tensions with U.S. over how to fight narcotics war)

BOGOTA, COLOMBIA—Just hours after he was chosen president of this country of contradictions, an exasperated Ernesto Samper was tackling his first post-election meeting with international reporters.

"There have been 17 questions in this press conference, and 14 have been about drug trafficking," he complained to the assembled journalists.

"That," he said, "is Colombia's problem."

It seemed as though Samper was less bothered by the fact that his country is the world's largest cocaine producer than by the fact that the foreign press was focusing on it.

The undeniable influence of the multibillion-dollar drug business at so many levels of Colombian life has created a society in conflict with itself. Appearance and image often take precedence over a dirty reality.

It is a society that cleaves to formal niceties and politeness, yet has one of the highest homicide rates on the planet—approximately 85 per 100,000 people. It is an extremely legalistic society, yet one where fewer than 5% of its murderers are ever brought to justice.

Colombia is the center of the international cocaine trade, yet Colombians are increasingly tired of that single label. Many Colombians bridle at hearing their country described as a "narco-democracy," but they are constantly confronted with reports of drug money infiltrating political campaigns, law enforcement agencies and even their beloved soccer teams. The shocking slaying last Saturday of soccer star Andres Escobar, for example, may be linked to angry traffickers who lost money on Colombia's elimination from the World Cup.

The concern for image, combined with a volatile sense of nationalism, has created a deep ambivalence about the drug war among many Colombians, who say they would like to clean up their government and institutions but who resist and resent pressure from Washington to fight the traffickers more forcefully. Increasingly, Colombians speak of legalizing drugs and accommodating traffickers as an alternative to the head-on, violent confrontation that has claimed hundreds of lives.

And if Colombia seems schizophrenic about the war on drugs, Washington too has been sending mixed signals to the Colombians. The confusion only compounds frustration and suspicion at both ends and ultimately weakens efforts to staunch the flow of illegal narcotics at a crucial time—just as the Clinton Administration is reviewing its Andean drug strategy.

"Colombia is a strangely paradoxical country," said anthropologist and drug expert Alfredo Molane. "A great portion of public opinion, and the government, is against drug trafficking from a legal point of view, and from a moral point of view.

"But economically, it fills the pockets of many people—not just the rich but the poor too. In spite of everything, the cultivation and trafficking [of narcotics] has provided the country with certain economic stability. Therein lies the ambivalence."

Samper, who narrowly won Colombia's presidential election June 19, has been dogged ever since by new drug scandals that once again pose a dilemma for Colombians. To accept that the allegations are true would be to accept the worst about the Colombian system.

Two cassettes of taped telephone conversations, sent surreptitiously to journalists days after the election reveal overtures made to Samper's campaign by the Cali cartel, the sophisticated operation that U.S. officials say controls an estimated 80% of the world's cocaine trade.

One tape, the authenticity of which was verified by Colombian officials, contains three conversations between the heads of the Cali cartel, brothers Gilberto and Miguel Angel Rodriguez Orejuela, and a journalist who has worked as their go-between. They are heard matter-of-factly planning to offer at least $3.75 million to Samper's campaign.

In a second tape, the authenticity of which has not been verified, Gilberto Rodriguez says that he has already deposited about $4 million in Samper's coffers and expects the future president to respond with unspecified favors.

Outgoing President Cesar Faviria, who is from the same political party as Samper, attempted to quash the second tape by prohibiting television from airing it, saying it violated a new law that bans broadcast of statements by criminals. Gaviria knew of the first tape before the election but kept it secret.

Samper acknowledged that the Cali bosses repeatedly offered contibutions, but he denied accepting them. He said his own code of ethics plus legalistic mechanisms set up with accountants prevented the entry of directly money into his campaign. But Samper did not address the fact that most such money is laundered or passes through third parties before reaching its destination.

In many countries, a scandal of this ilk would sink a politician, but Samper went on vacation and is expected to weather the storm. Similar accusations have arisen in past campaigns and faded away. Samper, as head of the presidential campaign of Alfonso Lopez Michelsen in the early 1980s, was alleged to have accepted money from the Medelin cartel; a committee of Colombian politicians cleared Samper of the charge then.

Despite great consternation among American officials, who demanded an explanation from Samper, domestic reaction to the latest scandal was mild.

Newspaper and radio headlines concentrated on how the story was playing abroad, and on the damage that was being done to Colombia's reputation. Some blamed the messenger—one of the tapes was publicized by the man Samper defeated in the election, Andres Pastrana.

"What is bothersome in all of this is not whether or not there is "hot money" in the campaigns, which is an undeniable reality in this country," Maria Jimena Duzan, a leading columnist and author, wrote in the newspaper El Espectador. "It's the opportunistic and low way that Pastrana manipulated the information on the cassette.

"In one day, [Pastrana] returned us to those dark days when, to prove that we were not in league with the narco-traffickers, we had to offer our lives and submit to all U.S. pressures."

Enrique Santos Calderon, a columnist with Bogota's largest daily, El Tiempo, said: "This scandal again places narcotics trafficking at the center of all that occurs in this country. . . . I can imagine the delight of Sen. Kerry and all the things that the gringo and international press are going to speculate."

John Kerry, the Democratic senator from Massachusetts, has become a favorite target of Colombian criticism since April, when he publicly quoted a drug trafficker labeling the country a "narco-de-mocracy." His comments came amid an escalating dispute between officials in Washington and Bogota over the tactics used to go after traffickers. The dispute, in the opinion of many experts, has eroded the working relationship between the countries and fueled Colombian ambivalence and American mistrust, while giving a break to the bad guys.

"The drug war in Colombia is in very, very sad shape." said a senior U.S. official. "It's probably never been worse. The kingpins are not being attacked, and their power is only increasing with nothing to stop it."

Colombia began changing tack on the drug war in 1991, during Gaviria's first year in office and following the assassination of three presidential candidates and a justice minister. Bowing to a demand from master criminals such as Pablo Escobar, the government rescinded its extradition treaty with the United States, sparing narcos the possibility of appearing before a U.S. court.

In the years that followed, Gaviria's government began a policy of plea-bargaining with traffickers who turned themselves in confessed and gave up part of their business. But as the policy seemed to offer increasingly lenient sentences to brutal thugs. American support faded.

Much of the controversy in the past year has centered on Colombia's principal law enforcement official, Gustavo de Greiff, who is in charge of bringing traffickers to justice. He has repeatedly angered American officials by advocating the legalization of drugs and by openly declaring the drug war a lost cause.

His most egregious sin in the eyes of American officials is his willingness to negotiate with the Cali cartel bosses. Under the plea-bargaining policy, the Rodriguez brothers and other leaders would spend little time in jail, and their fortunes would remain largely intact.

Such accommodation outrages U.S. law enforcement agents, yet De Greiff and other Colombians see it as the only practical way to put a dent in a business conducted by men who can pay millions of dollars and kill with ease to protect themselves. A military offensive would exact too high a toll, they argue.

"Colombia has no other way out, unless it has a suicidal calling to conduct a fundamentalist religious war, exposing itself to all forms of destruction," said political scientist Alejandro Reyes, an expert in Colombia's endemic violence. "There is no other possible solution. Kill all drug traffickers? [The offensive against drug czar] Escobar cost us 500 to 800 lives. . . . A civilized country cannot sacrifice the lives of 500 people, and how many police? How many judges? Just to give us the pleasure of seeing the fall of Rodriguez Orejuela? If we can do it with negotiation—he goes to jail, stops killing, stops trafficking, pays a huge fine—that would be a great deal for the country."

Whereas the Medellin cartel attacked the government head-on with car bombs and terrorism, the Cali bosses have more subtly damaged the government and economy through bribes and a complex system of shell companies and middlemen.

In retaliation for De Greiff's policies, Washington last year suspended a longstanding practice of sharing evidence with Colombian judicial officials, paralyzing an estimated 50 drug-trafficking cases. The tensions between Washington and Bogota were inflamed further in May, when the Pentagon abruptly halted the use of American military radar and spy planes to track suspected drug flights.

Pinpointing the flights as they made their way from Peru and Bolivia, where the raw material for cocaine is grown, to Colombia, where the drug is produced, and on to the United States, had been a pillar of the international interdiction effort. But the Pentagon said it feared legal liability if Colombia or Peru began shooting down planes.

Radar operated by U.S. military personnel in Colombia's Amazonian jungle led to the interception in the past two years of more than 400 illegal flights carrying 300 tons of cocaine, Colombian and U.S. officials say.

Given the relative success. Colombian officials were shocked and baffled by the sudden suspension of the intelligence-gathering effort. Gaviria's government had taken the political heat that came with allowing American military personnel to operate in national territory because a greater good—the stopping of drug flights—was served. The Colombians felt as if they had cooperated only to have the rug pulled out from under them.

The loud, clear signal to the Colombians was that the United States was withdrawing from the front lines of the drug war. And if that was the case, why should Colombia make greater sacrifices?

"This [the suspension] is not something that is done among friends," said Maj. Gen. Alfonso Abondano Alzamora, commander of the Colombian air force.

In fact, the Pentagon's action apparently stunned and angered U.S. Congress and State Department officials as well. President Clinton last month asked for legislation that would restore the radar and the spy flights, and a law that accomplishes that is before the House.

The Colombians had a right to be angry, said Rep. Robert G. Torricelli (D–N.J.), who chairs the House Subcommittee on Western Hemisphere Affairs and follows narcotics issues. "The Colombian government had been challenged to take a stand and interdict the narco-traficantes," he said, "and no sooner had they begun [than] the United States government withdrew its cooperation . . . It put all of us in an embarrassing position."

Torricelli, citing intelligence from the Drug Enforcement Administration, said drug flights jumped 20% after the radar was turned off.

While this particular issue may be resolved, it became symbolic of the deterioration of a cooperation that once existed between the United States and Colombia.

A growing movement among intellectuals such as Nobel laureate Gabriel Garcia Marquez to legalize drugs as a way to make the trade less profitable, and a Colombian high court's recent decision to decriminalize small amounts of marijuana and cocaine, raised further questions.

Gaviria, who opposes legalization, argues that his government has fought the good fight, pointing to the killing by police of Pablo Escobar last December and the dismantling of the Medellin cartel. But some wonder if the more insidious Cali cartel has not been allowed to operate virtually unchecked.

"A good number of Escobar's henchmen are in jail, and people feel, finally, a sense of relief," said political scientist Rodrigo Losada, an expert in drug violence. "But if you look below the appearances, you see the business of narcotics trafficking is as powerful as ever. There have been symbolic cases that bring tranquility to people, but it does not change things deep down."

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, who is controlling time?

Mr. LEAHY. I believe I am controlling half of the time. I will yield whatever time the Senator from Florida wishes.

Mr. GRAHAM. Mr. President, I appreciate the Senator from Vermont yielding me time. I will not use much.

I want to point out that there is a certain schizophrenia that flows from this amendment. Let me tell you about my first visit to Colombia in 1979 at the request of the United States Ambassador to Colombia, and with the United States Drug Enforcement Agency. We were having a crisis with Colombia at that time relative to the commitment of Colombia to play its role in the drug war. What was the case in 1979? The crisis was that the United States had encouraged Colombia to engage in an extensive eradication effort relative to marijuana. They agreed to do that. They purchased from the United States a U.S.-produced product called Paraquat. Paraquat had proven to be an effective eradication agent against marijuana.

Paraquat was under assault in the United States because it was determined that persons who utilized an illegal substance—marijuana—which had been sprayed with Paraquat might be subject to some further health damage. So the United States had told the Colombian Government that if it continued to use a United States-produced product to eradicate a product—marijuana—that the United States wanted to cause not to be able to come into this country, that Colombia would face the same types of prohibitions that the amendment that the Senator from North Carolina suggested—a cutoff to United States funds to Colombia.

The Colombians found that to be a ludicrous position by the United States. We are asking them to participate in a war on drugs, and they are committing hundreds, if not thousands of their military to this eradication effort; they are using a U.S. product which has been proven effective in eradication, but because that product had an adverse health effect on those persons who used this substance, we are telling them they cannot use it, and we are going to cut off their funds for other activities if they continue to do that. That is an example of the schizophrenia that the United States has portrayed to the Colombian Government and its people.

But that was in 1979. Let me roll this forward to the current period. The Colombian Government has committed a substantial amount of its resources to assist in the war on drugs, including the utilization of its Air Force to track and interdict illicit planes which are flying from Bolivia and Peru to Colombia.

As a brief background, the way the system operates is that most of the coca is grown not in Colombia, but in Peru and Bolivia. It is then processed into what is called coca paste, which has about the consistency of toothpaste, and it is shipped in small planes up to Colombia along the routes that are shown on this map, into an area in the jungle of Colombia which has many small airstrips where laboratories are located, which take this paste and convert it into the crystalline substance which is then taken to the United States and to Europe.

The United States has been assisting the Colombian Government in this effort by locating a series of radar installations established by the United States military to provide intelligence to the Colombians so that they can better identify these illicit airplanes and use their small air force for interdiction purposes. That system is relatively new but seemed to show some promise of being an effective part of the overall effort to repress drug supply within Colombia. About 60 days ago, we shut that down. Why did we shut it down? Because we were concerned that the Colombians, as well as the Bolivians and Peruvians might be using some of the intelligence information that we provided to them through these radar stations for the purposes of shooting down the illegal planes that were carrying the illegal substance into Colombia for processing so it could then become a highly potent illegal substance in the United States.

Do you think the Colombians did not find that to be a rather daffy position of the United States? We are supposed to be partners in a very dangerous undertaking to suppress these drug cartels and, yet, because of our sensitivity that some of those illegal airplanes might be physically encountered, we are no longer going to be providing them with the intelligence information which made the whole system function.

Mr. President, the amendment that the Senator from North Carolina has suggested is a very difficult one to oppose. There are problems in Colombia that need to be addressed. But I suggest that before we become too sanctimonious, we need to understand that the reason for the large drug trade in Colombia is primarily because of the enormous demand for drugs in the United States of America. The Colombians will tell you in your face that "If you can get control of your consumption, we would immediately get control of our supply."

Second, that we are in a partnership with Colombia, Bolivia, and Peru and with other countries that are afflicted with this scourge to try to suppress it, and we need to treat our partners with some degree of respect or we are not likely to get the kind of cooperation that we want.

Third, in this very bill that we are voting on here today we have prohibited the United States from making military equipment for the counternarcotics effort available to the country of Peru, and we are requiring, even with the amendment that was recently adopted, some very targeted reporting requirements on making military equipment available for counternarcotics activity in Bolivia and Colombia.

What do you think those countries feel about the sincerity of our commitment to a war on drugs when we then put all of these restrictions on our ability to be a credible partner and their ability, even with their own money, to pay for spare parts for their airplanes and boats, most of which are U.S. manufactured, that they have to have in order to do an effective interdiction job?

So, Mr. President, let there be no question as to what is about to occur as a result of actions that are taking place on this legislation. We are going to deny to some critical partners in the war on drugs access to the equipment and information that they require in order to effectively carry out a war on drugs.

We are sending a highly offensive message of disrespect to these countries. In the case of Colombia, the President of Colombia, who assumedly had been presiding over these misdeeds, President Gaviria, has been one of America's very best allies in the war on drugs and a whole set of other hemispheric issues, so much so that he was the United States' favorite candidate and successful candidate to become the next Secretary General of the Organization of American States, Colombian Gaviria.

This is the man that we supported and who was successful in his quest to become the head of the Organization of American States, and now we are essentially saying under his administration all these bad things have gone on and, unless the new administration takes action to correct them, we are going to shut down any United States assistance to the Colombian Government, including the assistance for the war on drugs.

That is, Mr. President, part of why I think we are engaged in a schizophrenic activity here in which we say on the one hand that we want to have a very strong war on drugs, we want to focus on the source countries, we want those things that are likely to be most effective in suppressing the flow of illegal substances into our country. Yet, on the other hand, we are putting handcuffs on our ability to be a good partner with these countries.

Let me just say two points in conclusion. These countries have a lot of reasons why they might be reticent to be so involved in this war on drugs. In Colombia alone every year there are hundreds of murders and abductions as a result of internecine conflict among drug cartels. It is a very dangerous and violent activity in which not the U.S. law enforcement nor military is being shot at but Colombians. I think that we ought to show some recognition of the sacrifices they are making.

Also, Mr. President, in the case of particularly Peru, the request that we have made of them, and which they are increasingly willing to accept, to eradicate is causing tens of thousands of people to be unemployed with no alternative agriculture to take its place. I think it is a request that we should make and hope to get a response, but, again, I underscore we are asking these countries to pay the price in large part for a war for which we will be the principal beneficiaries by reducing the supply of illegal substances into the youth of the United States of America.

In conclusion, I would say, Mr. President, that I think we need—and we need to do it now—to reexamine our whole shift of emphasis on the international suppression of drug supply.

For a number of years our basic policy has been a transit zone interdiction policy. We have put U.S. naval ships in the area of the Caribbean. We have put border patrols across the Mexican-United States border. We used the U.S. Defense Department satellite intelligence, all designed to protect our border against a flow of drugs.

We are shutting that down. We are going to be spending $150 million less next year through the Department of Defense, as an example, than we did just 2 years ago in its efforts to suppress drug trafficking. We are putting all of our emphasis on source countries, particularly Colombia, Peru, and Bolivia.

Yet we are now saying that we have limited confidence in their abilities, commitments, the basic structure of their government and, therefore, we are putting all of these restraints on their ability to do something which we very much want them to do for which we will be the principal beneficiary. Schizophrenic.

I believe, therefore, Mr. President, that as additional appropriations bills come before this Senate in the next few weeks we need to be asking the question—maybe we need to go back to the old policy of having some kind of effective border protection if we are putting all these restraints and essentially saying that we do not have any confidence in the new policy of source country eradication and interdiction.

That, Mr. President, is the debate that I would anticipate that the Senate will need to engage in in the weeks ahead.

I think it is very important that these countries move toward the kinds of world standards of democracy, human rights, and governments that deserve the confidence of their people because of their absence of corruption. But we also need to be sensitive to what we are doing in a very practical level in terms of those countries' abilities to protect our citizens from the enormous flow of illegal drugs that are having a devastating effect on the people of this country and particularly on the youth of America.

Mr. President, I make those comments to put in context what we are doing with this amendment and with similar provisions that have already been incorporated in the legislation before us.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, may I inquire as to the time situation?

The PRESIDING OFFICER. The Senator from North Carolina has control of 4 minutes 7 seconds.

Mr. HELMS. And the other side?

The PRESIDING OFFICER. They have 53 seconds.

Mr. HELMS. Let me say to my friend from Florida that I listened intently to what he said, which was very persuasive, but he did not really talk about the amendment before us.

Of course, we should—and I do—recognize Colombia's long democratic tradition and past cooperation with the United States in counternarcotics efforts. Colombia's contributions in lives and resources should not be diminished—and I appreciate the sacrifices made by the Colombian people. But the situation has changed. As the saying goes, that was then and this is now.

In any case, that is why the current situation is so tragic, Mr. President. And it is my hope—and I am sure it is the hope of every Senator—that the United States and Colombia can continue in a cooperative relationship in fighting the evils of the narcotics trade.

This amendment is meant in that spirit; I think it is drafted in that spirit. I think it says exactly what it is intended to say. It says to Colombia that the burden is on Colombia, particularly the President-elect, to show that we remain good partners.

In fact, Mr. President, my amendment does nothing more than what the Assistant Secretary of State for Inter-American Affairs, Alexander Watson, told the Associated Press not long ago. He said, "We remain very seriously concerned [about the allegations against Samper]. We would hope Colombian authorities would investigate thoroughly. It is a matter of great concern to us."

Let me reserve the remainder of my time momentarily because the distinguished Republican leader is tied up in a meeting for a few more minutes and I do not want him to miss this vote.

AMENDMENT NO. 2282, AS FURTHER MODIFIED

Mr. HELMS. Mr. President, I wonder if it would be appropriate to ask the distinguished managers of the bill if we can temporarily lay this aside and let me handle another matter that has been agreed upon. I will tell the Senator what it is. Substitute amendment No. 2282, as modified by unanimous consent yesterday, the wrong text was inadvertently included in the RECORD.

Mr. LEAHY. Mr. President, I say to my friend from North Carolina, I have no objection to that. If we could then get to a vote on this, we will actually be almost exactly at the 2 o'clock vote that we had agreed to.

If the Senator propounds the unanimous-consent request, I have no objection whatsoever.

Mr. HELMS. I do make that request.

Mr. President, I ask unanimous consent that the substitute amendment No. 2282 as modified by unanimous consent yesterday be considered as adopted in lieu of the original, amendment No. 2282.

Mr. President, a version of this amendment which was not the agreed upon substitute was inadvertently published in the RECORD of July 14, 1994, on page S9023 as the correct version of the amendment adopted. I wish to correct the RECORD so as to reflect the actual language of the modified amendment intended to be adopted.

I sent a copy of the correct amendment to the desk so that all Members can be clear as to which text was intended to be agreed to.

The PRESIDING OFFICER. If there is no objection, amendment No. 2282 is further modified.

The amendment (No. 2282), as further modified, reads as follows:

At the appropriate place in the committee amendment, insert the following:

SEC. . RESTRICTION ON U.S. GOVERNMENT OFFICES U.S. OFFICIAL MEETINGS IN JERUSALEM.

(1) None of the funds appropriated by this or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles; and

(2) None of the funds appropriated by this or any other Act may be obligated or expended for any officer of employee of the United States government to meet in any part of Jerusalem with any official of the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles for the purpose of conducting official United States government business with such Palestinian Authority.

Mr. HELMS. I thank the Chair and I thank the managers of the bill.

AMENDMENT NO. 2281

Mr. HELMS. I yield back the remainder of my time.

Mr. LEAHY. Parliamentary inquiry. Are we now back on the amendment?

Mr. HELMS. Yes.

Mr. LEAHY. Then I yield back the remainder of my time.

The PRESIDING OFFICER. The question now occurs on amendment number 2281.

Mr. HELMS. The yeas and nays have been ordered?

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Evidently there is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Parliamentary inquiry, Mr. President.

I just want to make sure. I thought the Senator from North Carolina had requested the yeas and nays. It is my mistake, obviously. But I just want to make sure what we are doing.

The yeas and nays are now ordered on the amendment we have been debating the last 20 minutes or so, is that correct.

The PRESIDING OFFICER. The Senator is correct.

The question now occurs on agreeing to amendment No. 2281, offered by the Senator from North Carolina.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the rollcall vote ordered on the Helms amendment occur at 5 minutes of 2, with the final passage vote then to occur immediately afterward.

The PRESIDING OFFICER. Is there objection?

The vote, therefore, on the Helms amendment will occur at 1:55 and, immediately following, the vote on final passage will occur immediately thereafter.

If there is no objection, it is so ordered.

(Mr. BUMPERS assumed the chair.)

Mr. LEAHY. Mr. President, we are at the conclusion of a major foreign operations bill. It has gone through some difficult debates, as I have stated before, debates that do not necessarily reflect an appropriations bill. We have had lengthy, and at times contentious, debates on Bosnia and Herzegovina; we have had a couple of major debates on Haiti, that poor troubled nation in the Caribbean; we have had debates designed as much to express our displeasure at the actions of this person or that person, this institution or that institution.

What I am concerned about, Mr. President, is that there is one area of debate that we do not have. We had it to some extent here, but we have not really had it on the floor of the Senate.

We find it easy to get up and say we do not like what this country has done or that country, or this leader or that leader, and sometimes the leaders are our own. But, it has really been years since there has been a major debate, either within the administration or the Senate on what should be the direction of our use of foreign aid or foreign assistance or foreign military assistance.

Obviously, it is easy to say that we have a security interest in using foreign aid. If it can enhance the national security of the United States by helping foster democracies, helping to lessen tensions of other countries, it can usually enhance our security far less expensive than building more aircraft carriers, or bomber wings, or placing tens of thousands of troops in this part of the world or the other. Also, as democracy flourishes in different parts of the world, the security of all other democratic nations is enhanced. That we understand.

It is a value to our economic development in this country. We know that hundreds of thousands, sometimes millions of jobs in the United States can be created if we are enabled to increase our exports.

As we have put development assistance into countries, especially in the Third World, we have found, amazingly enough, that the greatest increase in our exports has been into the Third World. We do not find enormous increases in exports to Europe or Japan or elsewhere, but it is in the Third World or the potential in the Pacific Basin or the other areas.

So, again, the kind of development assistance and other funds in here help our own economic security at home, and it creates jobs.

Last, of course, there is another reason for it. That is, when you are the most wealthy, most powerful Nation on Earth, a Nation with about 5 percent of the Earth's population and consuming within 40 to 50 percent of the Earth's resources, we have a humanitarian reason. God has blessed us, as no other country on Earth. And I think we have a humanitarian reason to help out others. Sometimes the help we give is almost shamefully low, as the debate talked about in sub-Sahara Africa, the poorest of the poor, so much of our assistance amounts to less than $1 per capita.

But there are other times when the United States has shown its enormous capacity for help. Where there have been earthquakes and typhoons and natural disasters in other parts of the world, often it is the United States with our almost inexhaustible supply of food and provisions in this country, our ability to reach anywhere in the world with our military transport systems, it has been the United States that stepped forward and helped out in these situations.

Having said all that, Mr. President, this simply states the obvious: The security reasons, the economic reasons, and the humanitarian reasons.

But I hope—and I cannot emphasize how much I hope—that the administration and the House and the Senate, Republicans and Democrats alike, can sit down, perhaps after this year's elections, and start determining a new direction for the way we use foreign aid in a post-cold-war period.

Mr. President, I urged President Bush, and I have urged President Clinton: Let us start designing a new policy as part of our foreign policy in the use of assistance that we give.

Too much of what is in this bill reflects the inertia of the cold-war period and not the innovation of a post-cold-war period. We can set the directions as we go into the next century.

Many of the Senators here have children who will live most their lives in the next century. Let us think how we design that.

So I urge the President, and I urge the bipartisan leadership, let us get together this fall and try anew to design something that reflects more the real interests and the greatness of the United States before we do next year's bill.

I yield.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 2299

Mr. McCONNELL. Mr. President, I ask unanimous consent that an amendment by Senator BROWN which has been cleared on both sides be considered at this time. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. BROWN, proposes an amendment numbered 2299.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

SEC. 576. LIMITATION ON USE OF FUNDS FOR CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.

(A) LIMITATION.—Not more than $20,000,000 of the amount appropriated under Title I under the heading "CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND" shall be available until the Bipartisan Commission described in subsection (b) submits the report described in subsection (c).

(b) BIPARTISAN COMMISSION.—There shall be established a bipartisan Commission whose members shall be appointed within two months of enactment of this Act to conduct a complete review of the salaries and benefits of World Bank and International Monetary Fund employees and their families. The Commission shall be composed of:

(i) 1 member appointed by the President;

(ii) 1 member appointed by the Speaker of the House of Representatives;

(iii) 1 member appointed by the Minority Leader of the House of Representatives;

(iv) 1 member appointed by the Majority Leader of the Senate;

(v) 1 member appointed by the Minority Leader of the Senate;

(vi) SALARIES AND EXPENSES.—The salaries and expenses of the Commission and the Commission's staff may be paid out of funds made available under this Act.

(c) COVERED REPORT.—Within six months after appointment, the Commission shall submit a report to the President, the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee which includes the following:

(i) a review of the existing salary paid and benefits received by the employees of the World Bank and the IMF;

(ii) a review of all benefits paid by the World Bank and the IMF to family members and dependents of the employees of the World Bank and the IMF;

(iii) a review of all salary and benefits paid to employees and dependents of the World Bank and the IMF as compared to all salary and benefits paid to comparable positions for employees of U.S. banks.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2299) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I want to express my thanks to the chairman of the subcommittee for his cooperation in moving this bill forward. In particular, I thank the majority staff, and of course those with whom I have worked most closely, JIM BOND and his assistant, Juanita Rilling, and my long-time assistant and foreign policy adviser, Robin Cleveland.

Let me say as we go to the conclusion on this vote, there is a substantial imprint on this year's foreign aid bill by Republican Senators. Frequently we have been accused by some as being guardians of gridlock. I would say in this particular instance we have put forth an affirmative program for the New Independent States and for Russia.

This bill, as it passes the Senate, reflects the priorities of many Republicans that we ought to have a country-specific approach to the New Independent States and to Eastern and Central Europe. That is reflected by a $150 million earmark for Ukraine, a $75 million earmark for Armenia, a $50 million earmark for Georgia, and a requirement that Russia withdraw all of its troops, every last one, from the Baltics by the date originally set by the Russians of August 31 of this year.

In addition to that, there was bipartisan support for emphasis on the crime problem in Russia and two amendments related to local law enforcement and the establishment of FBI offices in helping the Russians in dealing with their enormous crime problems which are spilling over onto us. That is addressed in this bill.

In addition, this bill requires that 50 percent of the grants and contracts be country-specific. The importance of that is that we move away from dealing with the New Independent States through Moscow and that we deal with them as independent and separate entities. That philosophy is expressed time and time again through this foreign aid bill.

We had some good debate about both Haiti and about NATO and the composition thereof. I was disappointed but encouraged that an amendment I offered to, finally after all of these years, establish specific criteria for NATO, and then once those criteria are established provide assistance to countries to meet those standards and become a part of NATO, was only narrowly defeated: 53 to 44.

I might say to my friends in the administration, they worked pretty hard to defeat that amendment, but we will be back. There were other amendments approved with regard to the expansion of NATO. If NATO is to have any meaning as we move toward the end of this century, clearly it must grow and include others.

Let me say in conclusion, there are many millions of Americans of Eastern European descent who care about our policy in that part of the world, who are working with us to move the administration in the direction of a country-specific approach and termination of this Moscow myopia, which has been so prevalent in the first year and a half of the Clinton administration.

I thank the chairman for his friendship and cooperation, and we look forward to final passage.

I yield the floor.

Mr. LEAHY. I thank the Senator from Kentucky for his cooperation, and also for his kind remarks.

I do want to thank the new chief clerk on the majority side, Bill Witting, for his help in this bill; Tim Rieser, who has worked tirelessly; Fred Kenney, who is our Vermont secret weapon in this for all the hours he has put in; Neil McGaraghan, who has joined us here on the floor throughout this; Elizabeth Murtha; and those who have worked with Jim Bond, Robin Cleveland, Juanita Rilling, and Michelle Hasenstab.

These are the people without whom we would not have this bill, without whom we would not be able now to complete it.

VOTE ON AMENDMENT NO. 2281

The PRESIDING OFFICER. The hour of 1:50 having arrived, the question now occurs on amendment No. 2281.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL] and the Senator from Mississippi [Mr. LOTT] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—94

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—6

Boren
Campbell
Coverdell
Harkin
Lott
Wallop

So the amendment (No. 2281) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the excepted committee amendments, as amended, are agreed to.

If there is no objection, the remaining pending floor amendments are withdrawn.

So the amendments (No. 2247, 2249, 2250, 2251, 2255, 2259, and 2260) were withdrawn.

Mrs. KASSEBAUM. Mr. President, I would like to make some general comments about the fiscal year 1995 Foreign Operations Appropriation bill. I commend the chairman and ranking member of the subcommittee for their hard work on this legislation. I understand that the committee has been forced to make some difficult choices in a very tight fiscal environment.

In this regard, I applaud the committee for its strong commitment to funding for the Development Fund for Africa. I am also pleased that this legislation provides funds for the IMF's Enhanced Structural Adjustment Program and the World Bank's International Development Association, efforts which help the poorest countries in the world, particularly in Africa.

I am, however, Mr. President, concerned by the number of congressional earmarks in this appropriations bill. By my count, this legislation contains more than 20 mandatory earmarks. It is an intrusive foreign aid bill with an unreasonable degree of congressional micromanagement.

For years, I have opposed congressional earmarking in our foreign aid budgets. I have believed that earmarks fragment our overall foreign assistance program, divert resources from worthwhile projects, cripple the ability of the administration to respond to changing events, and undermine the overall effectiveness of our foreign aid programs.

In response to these and similar concerns, last year's foreign operations bill moved away from earmarks, retaining only a small number of politically sensitive priorities, such as Israel, Egypt, and Cyprus.

Again this year, the House has passed a bill with no mandatory earmarks. The Senate legislation, in contrast, reverts to the old philosophy of micromanagement and congressional control.

Mr. President, I understand the frustration that has led to these earmarks, and I support many of the earmarked programs. The administration, in my mind, has underfunded child survival and basic education. These are effective and successful foreign aid programs with a broad domestic constituency. I also fully agree with the criticisms of the assistance program in the former Soviet Union. It is badly managed and overly focused on Russia.

But while I agree with the problems I do not support congressional earmarking as a solution.

Let's look at the impact of earmarking on our aid program in the former Soviet Union.

Together with prior commitments, the proposed earmarks would tie up $719 million of the $839 million proposed for next year, leaving little more than $100 million for new programs. This would severely limit the ability of the administration to respond to changing events.

I believe that the countries in central Asia are very important to United States interests. By focusing aid on Georgia, Armenia, and Ukraine, the proposed earmarks would dramatically slash funds from the struggling countries of central Asia. These countries simply do not have the strong constituency to fight for funds.

I am no fan of the aid program in the former Soviet Union. We need to improve the management of the program. We should devolve decisionmaking to the field. Too much goes to U.S. contractors. We should cut funds—as this bill does. But I do not believe that micromanaging the program from Capitol Hill will solve the problems.

Mr. President, we are engaged in an effort in the Foreign Relations Committee to enact comprehensive foreign assistance reform. The Subcommittee on International Economics recently marked up a reform bill. While everyone understands the difficulties in passing such legislation this year, I believe we have laid the foundation of congressional action on comprehensive reform in the near future.

The fundamental philosophy of the reform effort, in my mind, is to lay out clear objectives for our foreign assistance programs, give the administration as much flexibility as possible to achieve those goals, and then hold them accountable as they implement these programs.

Mr. President, the Foreign Operations Appropriations bill before the Senate today runs counter to the foreign aid reform effort. It signals a return to business as usual. And, I fear, it represents a victory for special interests over the long-term effectiveness of our foreign assistance programs.

INTERNATIONAL EXECUTIVE SERVICE CORPS

Mr. McCAIN. I have always been a strong supporter of the International Executive Service Corps [IESC]. Exposing foreign business managers to U.S. business know-how is a vital element of our foreign assistance program, and IESC is the best in the business. It has recently come to my attention, however, that IESC may have unintentionally provided USAID funded assistance to large corporations capable of providing that assistance themselves. Out of a list of several hundred projects, I have identified a handful of projects for companies in which major corporations own large stakes. It is not clear to me why such a company requires assistance from USAID. It seems that it could appeal to its larger, more notable partner for assistance. To deal with this situation I believe USAID should establish some administrative guidelines to ensure that, absent considerations of U.S. technology or economic interests, no unintentional subsidization of large corporations occur in the provision of IESC technical assistance.

Mr. LEAHY. Like the Senator from Arizona, I am a strong supporter of their work. I can tell you that although the vast majority of IESC programs go to support small indigenous companies, there are exceptions. USAID will fund an IESC program for a company such as you have identified as a means of ensuring that these companies use U.S. volunteer executives and U.S. technology. Let me say, however, that I fully understand the Senator's concern. It is possible that out of the many IESC programs, a few have had the effect of subsidizing large corporations. It makes a great deal of sense to see that the money USAID makes available for IESC projects goes to those companies most in need of assistance. With the dwindling foreign aid budget, these sorts of prudent distinctions are a necessity. Encouraging

USAID to establish administrative guidelines, as the Senator suggests, to prevent any unintentional subsidization of large corporations is a good idea.

Mr. MCCAIN. When the conference committee convenes, would the Senator be amenable to including report language to that effect.

Mr. LEAHY. I would be glad to seek inclusion of such language. The work of the IESC is too important for there to be any confusion over the nature of its work.

Mr. MCCAIN. I agree and I thank the Senator.

Mr. MCCONNELL. Mr. President, I rise to discuss a program which I believe deserves special recognition and an area in which I would like to recommend AID funding. Specifically, funding should be considered in support of the recent efforts by U.S. credit unions to initiate a "people-to-people" program.

As part of this program Mr. President, credit union activists carry out volunteer international assignments and host credit union leaders as interns here in the United States for training. The goal of this people-to-people program is to directly involve U.S. credit union personnel in overseas programs. This will enhance the progress of democratization in developing countries, in addition to teaching basic tenets of local savings and sound credit for microenterprises and family needs such as home improvements health care and education.

The internship program has already been highly successful in introducing the concept and democratic principles of credit unions to Eastern Europe and the former Soviet Union. In addition, this program could be timely and effective in the transition to a multiethnic society in South Africa.

Mr. President, I think most will agree that these are precisely the kinds of initiatives that fulfill the mission of AID, and I strongly encourage that the agency consider funding for the people-to-people program that I have described.

NONGOVERNMENTAL ORGANIZATION

Mr. LEAHY. It is my understanding that nongovernmental organizations doing humanitarian work in Azerbaijan are concerned that current law is impeding them from delivering humanitarian aid to the people of Azerbaijan. Specifically, they are concerned that the legal prohibition on aid to the Government of Azerbaijan precludes them from using government facilities, or making incidental repairs to those facilities, in the course of carrying out their humanitarian aid programs. I know of the Senator's deep concern about this issue. Is it the Senator's understanding that section 907 of the Freedom Support Act does not preclude these types of activities?

Mr. DOLE. That is my understanding. I do not construe the language in current law to prohibit an NGO from using government facilities if required in order to carry out the NGO's program. It was not the intention of section 907 to preclude humanitarian aid provided by and through NGO's. In the course of providing such aid, NGO's may find it necessary to use government trucks or warehouses, or to use or to make necessary repairs to government facilities—such as repairs to health clinics, or to housing for displaced people. NGO's may also use government personnel to distribute commodities—such as doctors giving out medicine to civilians in need. As long as the NGO retains control of any commodities or services, I do not view these incidental activities as prohibited by section 907.

HELPING AMERICAN EXPORTERS

Mr. LAUTENBERG. Mr. President, I commend the chairman of the Foreign Operations Subcommittee for his hard work on this bill.

Importantly, the bill the Senate will approve today does more with less money. Under this bill, we will spend $632 million less on foreign aid next year than we did this year. We will provide $632 million less than the administration asked us to spend in its budget request.

Mr. President, this bill includes funding for several programs that help American exporters and create U.S. jobs. Programs like the Export-Import Bank of the United States, the Overseas Private Investment Corporation and the Trade and Development Agency. I ask unanimous consent that a copy of a letter I recently received from a company in my State outlining the importance of funding for the OPIC program, and a letter from the U.S. Trade and Development Agency, be included in the RECORD.

Export assistance programs funded in this bill help American exporters overseas. Because they help to open new markets and provide new opportunities for American businesses, they help to create and sustain jobs in America.

Mr. President, I commend the chairman of the committee for his hard work on this bill. We have cut funding below last year's level, and funded important programs.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

FOSTER WHEELER CORP.,
Clinton NJ, June 8, 1994.

Hon. FRANK R. LAUTENBERG,
U.S. Senator,
Washington, DC.

DEAR SENATOR LAUTENBERG: A number of would economies are rapidly expanding creating a large growth in the demand for electricity. Many of these new overseas power markets will rely upon private power. As a major manufacturer of boilers for power plants we are interested in providing equipment for these markets at a time when the U.S. domestic market is small.

The Overseas Private Investment Corporation direct loans and loan guarantees are important to the development of these markets, therefore, we are very much interested in an increased subsidy appropriation for OPIC in HR 4426; the Foreign Operations Export Financing and Related Programs Appropriations Bill.

Specifically, the House raised OPIC's subsidy appropriation to $23,296,000 from the $11,648,000 requested by the Administration and we recommend that the Senate include the House number.

Second, we ask that the Senate provide sufficient appropriations to administer OPIC's credit programs by appropriating the amount requested by the Administration.

Your assistance in these matters will be gratefully appreciated.

Very truly yours,
FRANK A. KELLEHER,
Director, Government Affairs.

U.S. TRADE AND DEVELOPMENT AGENCY,
Washington, DC, June 15, 1994.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I appreciated the opportunity to testify before the Foreign Operations Subcommittee on May 24. Unfortunately, due to the busy floor schedule that day, there was not sufficient time to discuss in detail the programs of the U.S. Trade and Development Agency [TDA]. As the FY95 Foreign Operations Appropriations bill will be marked up on Thursday, I would like to take this opportunity to inform you more specifically of TDA's involvement with firms in the State of New Jersey.

In the past four years, TDA has awarded 16 feasibility study grants worth $6.7 million to New Jersey firms and provided $1.1 million in funding for 25 other activities by companies in your State. By funding feasibility studies and other project support activities, TDA enables American companies to compete more effectively in a competitive global environment. Several examples highlight how TDA support results in increased exports and often secures a contract for the project. AT&T whose headquarters and much of international work is handled out of New Jersey has used TDA programs successfully. In two significant cases, TDA training grants and feasibility studies led to AT&T's involvement in the final project. The value of AT&T's contract for switching project with China was $9.2 million and the contract for the fibre optic cable project in Columbia was $134 million. In both cases, AT&T's long list of suppliers for the projects included large numbers of small companies. For the China contract, AT&T used more than 20 New Jersey component suppliers, and most were small companies.

A number of other New Jersey companies benefited from TDA's programs. Burns and Rose and Louis Berger, for example, are two New Jersey engineering firms that have won follow on contracts from host countries after completing TDA feasibility studies. In addition, the New Jersey facilities of Ingersoll Rand (Phillipsburg) have benefited from at least two recent TDA feasibility studies. A TDA petrochemical project in Thailand that was done by Stone and Webster produced a contract for a $800,000 B.F.W. pump from Ingersoll. Ingersoll also supplied equipment to a water resources project that TDA assisted in Venezuela with a feasibility study that was done by Harza Engineering.

These activities indicate how TDA helps create jobs here in the U.S. by assisting companies such as those in New Jersey pursue business opportunities overseas. TDA would like to continue its aggressive approach to helping U.S. companies enter new markets and pursue new export opportunities. I ask for your continued support of TDA and its programs during consideration of the Foreign Operations Appropriations bill for FY95.

Sincerely,

J. JOSEPH GRANDMAISON,
Director.

VOLUNTEER TECH CORPS

Mr. BURNS. Mr. President, I rise today to speak of an amendment agreed to earlier in the consideration of the fiscal year 1995 Foreign Operations appropriations bill. This amendment would allocate funds for a volunteer tech corps of United States citizens which would give technical aid to Russia.

Russia has many needs besides financial assistance. Providing money is only a Band-Aid, covering their problems without getting to the root of them. Financial assistance funds are scarce, and they are getting tighter every year. We need to provide Russia with some of our technical expertise. My bill would create a tech corps, which would provide that knowledge and expertise. These provide useful tools for future growth.

One way we can help Russia is by sending Americans with expertise in specific areas to get to the roof of these problems. A good example is the area of refrigeration. We can send food to Russia, but what good is that food if it isn't edible when it reaches the stores. Russia has lots of rich farmland, giving it the ability to grow food to feed its people. What Russia lacks is adequate preservation of agriculture products, proper distribution facilities, and refrigerated means of transportation. Their agriculture is not of much use if the food isn't properly stored and transported.

The tech corps would send well-seasoned, practical, experts in the design and installation of refrigeration equipment, and service and repair technicians to help train Russians in the area of refrigeration. We need to help the Russians help themselves. And the tech corps would provide the best bang for the buck.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Iowa [Mr. HARKIN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. BOREN] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Georgia [Mr. COVERDELL], the Senator from Mississippi [Mr. LOTT], and the Senator from South Dakota [Mr. PRESSLER] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 9, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—84

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—9

Byrd
Craig
Dole
Faircloth
Helms
Hollings
Kempthorne
Roth
Smith

NOT VOTING—7

Boren
Campbell
Coverdell
Harkin
Lott
Pressler
Wallop

So the bill (H.R. 4426), as amended, was passed.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title amendment is agreed to.

The title was amended so as to read: "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995, and for other purposes."

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the chair is authorized to appoint the conferees.

The PRESIDING OFFICER (Mr. MATHEWS) appointed Mr. LEAHY, Mr. INOUYE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM of Texas, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BYRD. Mr. President, while I was unable to vote for the bill, I commend the managers of this bill, Mr. LEAHY, chairman of the Foreign Operations Subcommittee, and Mr. MCCONNELL, ranking member of the Foreign Operations Subcommittee, for their excellent work on this legislation.

This is a difficult bill to administer and the managers have done an excellent job in shepherding it through the Senate, and I express my thanks for a job well done.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to H.R. 4453, the military construction appropriations bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[**$623,511,000**]** *$489,076,000*, to remain available until September 30, 1999: *Provided,* That of this amount, not to exceed **[**$67,700,000**]** *$62,926,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, [$462,701,000] *$340,455,000*, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed [$47,900,000] *$43,380,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, [$514,977,000] *$525,863,000*, to remain available until September 30, 1999: *Provided*, That of this amount, not to exceed [$55,900,000] *$53,886,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, [$467,169,000] *$561,039,000*, to remain available until September 30, 1999: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction *or family housing* as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed [$45,960,000] *$51,960,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$134,235,000] *$170,479,000*, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$209,843,000] *$257,825,000*, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, ARMY RESERVE

(TRANSFER OF FUNDS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$39,121,000] *$40,870,000*, to remain available until September 30, 1999*: Provided, That of the funds appropriated for "Military Construction, Army Reserve, 1992/1996", $1,500,000 shall be transferred to "Military Construction, Army National Guard, 1992/1996" for the same purposes as the appropriation to which transferred.*

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$12,348,000] *$18,355,000*, to remain available until September 30, 1999.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$56,378,000] *$45,840,000*, to remain available until September 30, 1999.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

For the United States share of the cost of North Atlantic Treaty Organization Infrastructure programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction Acts and section 2806 of title 10, United States Code, [$119,000,000] *$219,000,000*, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$160,602,000] *$173,502,000*, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, [$1,121,208,000] *$1,065,708,000*; in all [$1,281,810,000] *$1,239,210,000*.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$269,035,000] *$229,295,000*, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, [$853,599,000] *$937,599,000*; in all [$1,122,634,000] *$1,166,894,000*.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$276,482,000] *$273,355,000*, to remain available until September 30, 1999; for Operation and maintenance, and for debt payment, [$801,345,000] *$824,845,000* [of which not more than $14,200,000 may be obligated for the acquisition of family housing units at Comiso AB, Italy; in all $1,077,827,000] *$1,098,200,000*.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $350,000, to remain available for obligation until September 30, 1999; for Operation and maintenance, $29,031,000; in all $29,381,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART I

For deposit into the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526), $87,600,000, to remain available for obligation until September 30, 1995: *Provided*, [That none of these funds may be obligated for base realignment and closure activities under Public Law 100–526 which would cause the Department's $1,800,000,000 cost estimate for military construction and family housing related to the Base Realignment and Closure Program to be exceeded: *Provided further*,] That not less than $66,800,000 of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(INCLUDING TRANSFER OF FUNDS)

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $265,700,000, to remain available until expended: *Provided*, That not less than $138,700,000 of the funds appropriated herein shall be available solely for environmental restoration: *Provided further*, That, in addition, not to exceed $133,000,000 may be transferred from "Homeowners Assistance Fund, Defense" to "Base Realignment and Closure Account, Part II", to be merged with, and to be available for the same purposes and the same time period as that account.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $2,322,858,000, to remain available until expended: *Provided*, That not less than $302,700,000 of the funds appropriated herein shall be available solely for environmental restoration.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan or in any NATO member country, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the Committees on Appropriations and the Committees on Armed Services of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

(TRANSFER OF FUNDS)

SEC. 114. Unexpended balances in the Military Family Housing Management Account established pursuant to section 2831 of title 10, United States Code, as well as any additional amounts which would otherwise be transferred to the Military Family Housing Management Account, shall be transferred to the appropriations for Family Housing, as determined by the Secretary of Defense, based on the sources from which the funds were derived, and shall be available for the same purposes, and for the same time period, as the appropriation to which they have been transferred.

SEC. 115. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 116. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 117. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 118. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 119. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 120. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization and Japan and Korea to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 121. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 122. The second paragraph under the heading, "Family Housing, Navy and Marine Corps" in title XI of Public Law 102-368, is amended by inserting "and the August 8, 1993 earthquake in Guam" immediately after "Typhoon Omar".

SEC. 123. (a) Of the budgetary resources available to the Department of Defense for military construction and family housing accounts during fiscal year 1995, $10,421,000 are permanently canceled.

(b) The Secretary of Defense shall allocate the amount of budgetary resources canceled among the Department's military construction and family housing accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

[SEC. 124. COMPLIANCE WITH BUY AMERICAN ACT.

[No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").]

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 124. In addition to amounts appropriated or otherwise made available by this Act, $25,100,000 is appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, to remain available until expended, to defray expenses for the consolidation of United States Coast Guard functions in Martinsburg, West Virginia, including planning, acquisition, construction, relocation of personnel and equipment and other associated costs: Provided, That of the funds appropriated for "Military Construction, Naval Reserve" under Public Law 102-136, $25,100,000 are rescinded.

[SEC. 125. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

[(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.]

(RESCISSIONS)

SEC. 125. Of the funds provided in Military Construction Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Military Construction, Defense Agencies, 1992/1996", $30,000,000;

"Military Construction, Defense Agencies, 1993/1997", $1,500,000.

[SEC. 126. PROHIBITION OF CONTRACTS.

[If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.]

SEC. 126. LAND CONVEYANCE, NAVAL RESERVE CENTER, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, consisting of approximately 5.09 acres, the location of the Naval Reserve Center, Seattle, Washington.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion of the real property to be conveyed under subsection (a) that is described in paragraph (2).

(2) Paragraph (1) applies to the portion of the parcel of real property referred to in subsection (a) that consists of approximately 3.67 acres and was acquired by the United States from a party other than the City.

(c) CONDITION.—The conveyance authorized by subsection (a) shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(d) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) until the commencement of the use by the Navy of a Naval Reserve Center that is a suitable replacement for the Naval Reserve Center located on the property to be conveyed.

(2) The Secretary may not commence construction of a facility to be the replacement facility under paragraph (1) for the Naval Reserve Center until the Secretary completes an environmental impact statement with respect to the construction and operation of the facility to be the replacement facility.

(e) PAYMENT FOR COMMERCIAL USE.—If at any time after the conveyance under this section the City ceases utilizing the real property conveyed under subsection (a) for public purposes, and uses such real property instead for commercial purposes, the City shall pay to the United States an amount equal to the excess, if any, of—

(1) an amount equal to the fair market value (as determined by the Secretary) of the real property referred to in subsection (b)(2), and any improvements thereon, at the time the City ceases utilizing the real property for public purposes, over

(2) the amount determined by the Secretary under subsection (b)(1).

(f) USE OF PROCEEDS.—Proceeds from the sale shall be deposited in the Treasury of the United States.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—(1) The Navy may scope more than one site.

(2) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 127. LAND TRANSFER, WOODBRIDGE RESEARCH FACILITY, VIRGINIA.

(a) REQUIREMENT OF TRANSFER.—Notwithstanding any other provision of law, the Secretary of the Army shall transfer, without reimbursement, to the Department of the Interior, a parcel of real estate consisting of approximately 580 acres and comprising the Army Research Laboratory Woodbridge Facility, Virginia, together with any improvements thereon.

(b) USE OF TRANSFERRED PROPERTY.—The Secretary of the Interior shall use appropriate parts of this real property for (1) incorporation into the Mason Neck Wildlife Refuge and (2) work with the local government and the Woodbridge Reuse Committee to plan any additional usage of the property, including an environmental education center: Provided, That the Secretary of the Interior provide appropriate public access to the property.

This Act may be cited as the "Military Construction Appropriations Act, 1995".

The PRESIDING OFFICER. The senior Senator from Tennessee.

Mr. SASSER. Mr. President, I am pleased to bring before the Senate today the military construction appropriations bill for fiscal year 1995, and also the report which will accompany that bill.

Mr. President, this bill was reported out of the full Appropriations Committee just yesterday, and for the sake of time I will briefly summarize the work that was done in the subcommittee and the full committee.

Mr. President, the bill recommended by the full Committee on Appropriations is for $8.837 billion for military construction projects worldwide, including family housing and base-closure activities of the Department of Defense for fiscal year 1995.

This recommendation is $627 million, or 7 percent below the amounts appropriated last year. But it is $491 million over the budget request, and $20 million over the House bill.

I am pleased to report to the Senate that the bill is within the committee's 602(b) budget allocation for both budget authority and outlays and conforms with the recently passed Senate Armed Services bill which was passed here on the floor slightly over 2 weeks ago, Mr. President.

Now, the administration's request for military construction for fiscal year 1995 is a very lean request and reflects what the Department refers to as a "pause" year. The Department claims this pause is necessary because another round of base closures is coming and they do not want to take a chance and request funds for bases that may be closed.

Now, while this appears to be a very well-justified reason for the steep cut in the Department's request in fiscal year 1995 and appears to be a very prudent approach to this problem, the facts are that the cuts that are in this military construction bill this year are simply not evenly distributed across all the services. And the National Guard and the Reserves are hit by far the hardest. For instance, the budget sought a 95-percent cut in the construction program of the Army National Guard, a $9 million request in 1995 compared to $102 million that was provided last year.

Another example of the Department allocation of this cut from last year's level was that only one project for $2.4 million was requested for the Navy Reserve. The Army Reserve did not do much better in the priorities of the Department of Defense. The Department did not request a single military construction project for the Army Reserves for fiscal year 1995.

Now, Mr. President, I believe, and I think the majority of our colleagues here believe, that the administration's request for military construction for fiscal year 1995 was unrealistic as submitted and was unbalanced in assigning its priorities.

We came to this conclusion very early in the year and began to address this problem in the 602(b) process.

Recognizing that the military construction request was underfunding the Guard and Reserve and failed to fund many high priority active projects, the committee allocated an additional $467 million over the President's request to this bill in the 602(b) process.

Now, Mr. President, let me be crystal clear about this for all of my colleagues. What occurred in the Appropriations Committee is that the full committee, in assigning the various allocations of funds to the various subcommittees, all keeping below the budget caps that have been statutorily imposed, decided that the Military Construction Subcommittee should have a slightly larger allocation—the Department of Defense had cut it back too much for fiscal year 1995—and made the determination that the overwhelming majority of these cuts had been made in the National Guard and in the various Reserve construction activities.

The subcommittee disagrees very strongly with the Department of Defense in this regard, as does the full committee. In a time of a shrinking defense establishment, at a time when the defense budget is continuing to shrink, there is a strong view which I hold that the National Guards and the Reserves are our most cost efficient and most effective bang for the buck in many instances in this declining area of the defense dollar.

The various National Guard units, the service units, performed admirably in Operation Desert Storm. The Air Force National Guard units performed admirably in Operation Desert Storm. Indeed, the first kill in that war was by one of these the A-10 Warthogs flown by a USAir pilot, a civilian pilot, who had been activated just a few days before and was flying his National Guard A-10 Warthog and knocked down the first Iraqi aircraft, a helicopter, I believe.

So in a time of shrinking defense spending, it appears to the subcommittee that it is not wise to ask the National Guard and the Reserve components to take the overwhelming majority of the cuts.

Now, Mr. President, there is a great deal of interest in this bill every year by all of our colleagues. Sixty-one Members of the U.S. Senate have contacted the subcommittee and requested over 450 military construction projects in their States that are not on the President's budget, totalling over $2.1 billion. Obviously, we could not honor all of these requests. Some of them could not be fully justified. We would like to have honored all Senators' requests but it simply was not possible, and I think in most instances it would not have been cost effective to do so.

But I can say, Mr. President, that the additional projects the subcommittee is recommending are all well documented, they are militarily justified, and most of the projects the committee added are for the National Guard and the Reserve which, as I explained earlier, were severely underfunded within the Pentagon's budget request.

In the interest of time, I will conclude my remarks by saying, Mr. President, that this is a good military construction appropriations bill. I think it is one that expresses the desires of the Senate to increase funding for National Guard activities, for the various Reserve activities, and for high priority active military construction projects.

It is a bill that continues the downward trend that we see in all of the funding for the Department of Defense. It is the judgment of the committee, however, that too many Guard and Reserve projects were left out of the Department's request and an addition to the Department's priorities was warranted.

Mr. President, the Senate Budget Committee has examined H.R. 4453, the military construction appropriations bill and has found that the bill as reported out of committee does not exceed its 602(b) allocation in either budget authority or outlays.

As the manager of the bill, I would like to compliment the distinguished ranking member of the Military Construction Subcommittee, Senator SLADE GORTON, and the subcommittee staff for their excellent work in bringing this bill to the floor in a timely manner and under its 602(b) allocation.

Mr. President, I have a table prepared by the Budget Committee which displays the official scoring of the military construction appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4453

[FY 1995 Military Construction Appropriations—Senate-Reported Bill; in million of dollars]

Bill Summary	BA	Outlays
Discretionary totals:		
New spending in bill	8,837	2,209
Outlays from prior years appropriations	....	6,545
Permanent/advance appropriations	0	0
Supplementals	0	−200
Subtotal, discretionary spending	8,837	8,554
Mandatory totals	0	0
Bill total	8,837	8,554
Senate 602(b) allocation	8,837	8,554
Difference	0	−(*)
Discretionary Totals above (+) or below (−):		
President's request	491	28
House-passed bill	20	0
Senate-reported bill	....	....
Senate-passed bill	....	....
Defense	8,837	8,554
International affairs	0	0
Domestic discretionary	0	0

BILL HISTORY—H.R. 4453

[FY 1995 Military Construction Appropriations; in thousands of dollars]

Bill Summary	President's Request		House-Passed		Senate-Reported		Senate-Passed		Conference	
	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays	BA	Outlays
Discretionary Totals:										
New spending in bill	8,346,202	2,181,120	8,816,672	2,208,947	8,836,724	2,208,908	....	....	....	....
Permanents/advances	0	0	0	0	0	0	....	....	....	....
Outlays from prior years	....	6,544,759	....	6,544,759	....	6,544,759	....	....	....	....
Supplemental	0	−199,806	0	−199,806	0	−199,806	....	....	....	....
Subtotal, discretionary	8,346,202	8,526,073	8,816,672	8,553,900	8,836,724	8,553,861	0	0	0	0
Mandatory Totals:										
Mandatory spending in bill	0	0	0	0	0	0	....	....	....	....
Budget resolution adjustment	0	0	0	0	0	0	0	0	0	0
Subtotal, mandatory	0	0	0	0	0	0	0	0	0	0
Bill totals	8,346,202	8,526,073	8,816,672	8,553,900	8,836,724	8,553,861	0	0	0	0
602(b) allocation	8,837,000	8,554,000	8,837,000	8,554,000	8,837,000	8,554,000	0	0	0	0
Difference	−490,798	−27,927	−20,328	−100	−276	−139	0	0	0	0
Defense	8,346,202	8,526,073	8,816,672	8,553,900	8,836,724	8,553,861	0	0	0	0
International Affairs	0	0	0	0	0	0	0	0	0	0
Domestic Discretionary	0	0	0	0	0	0	0	0	0	0

Mr. SASSER. Mr. President, I now would like to yield to my distinguished colleague from Washington, Senator GORTON. But before I do I would first like to say this. It has been a pleasure working with the very distinguished Senator from Washington again this year on the military construction bill.

He serves very diligently, very competently, and very ably as the ranking member of the Military Construction Subcommittee. I am grateful for his very sound judgment and advice as we were bringing this bill to fruition and bringing it to the Senate.

I now yield to Senator GORTON.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, my distinguished friend and colleague from Tennessee has given a detailed outline of the provisions included in this bill. He has also made some very nice personal remarks which certainly deserve to be directed at him.

In the 2 years in which I have served as ranking member of this committee, the process has been constructive, friendly, and I think very much in the best interest of the United States. Certainly the lion's share of the credit for those good results belong to the distinguished senior Senator from Tennessee.

There are a few elements of the bill I would like to outline because I believe they deserve the attention of the Senate.

First, the committee has agreed with the President's efforts to provide necessary funding for the planning, design, and construction of military facilities for the United States around the world. As we reviewed this budget, however, it became clear that there was not enough planning and design funds for the Reserve component, which the distinguished Senator from Tennessee has already pointed out. We, therefore, included an additional $34 million for the Guard and Reserves. This was in response to calls from all over the country. I hope that this will alleviate some of the problems the Reserve component has experienced. I might also add that these funds help finance the construction and operation of military family housing.

Second, the request by the administration included $219 million for the NATO infrastructure account. I am still concerned over the way in which this money is being spent. The Department is going to have to show me how any of these funds are related to projects that help the United States participate in NATO. If this information continues to be unavailable, then I think this account will suffer in the course of our conference with the House. As I recall, the House has reduced this line by $100 million. We cannot continue to support our NATO allies when we are not adequately funding for our own national security here in the United States.

Third, the administration requested 2.7 billion dollars' worth of base realignment and closure funding. Of that amount $1.4 billion is for specific projects. In past years we have seen that what is appropriated and what is actually accomplished can be very different. We have, therefore, put restrictions on this account so that all base realignment and closure projects will be treated as any other military construction projects. We have also listed each of these projects so that they face the light of day.

While we made every effort, we were not able, obviously, to meet the requests of all Senators. The bill, of course, is not in its final form and will not be until we have met with the House and bring it back to the Senate. I am concerned that while we have come a long way in completing action on this measure, there still remains much that could be done or undone.

The committee's military construction bill is just below our 602(b) budget allocation. We are $20 million over the House appropriation and $627 million under last year's appropriation.

The House has a number of projects that we have not funded. We are not going to be able to fund everything. We will make significant changes to stay within our given allocations. I do ask all Senators to keep this in mind when we return from our conference with the House.

Before I close, Mr. President, I once again want to express my thanks to the chairman, the distinguished senior Senator from Tennessee, and to other members of the subcommittee, and particularly to the subcommittee staff that has labored so long and hard. This includes Jay Kimmitt and Hallie Hastert, as well as Jim Morhard and Dona Pate on this side. I might note that, in addition to his duties on the defense subcommittee, this is Jay Kimmitt's first time as the majority clerk for Milcon. I would say he has started off by doing a great job.

As I indicated, I think that the bill is a fair one, and I urge the support of my colleagues.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I ask unanimous consent that the committee amendments, except the language on page 19, line 22, through page 22, line 8, be agreed to en bloc, provided that no points of order shall be considered as having been waived by reason of this agreement and that the bill, as thus amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Do I hear an objection?

Mr. GLENN. Mr. President, reserving the right to object, it is my understanding that that section that was left out was the section with regard to land conveyance in Seattle that we discussed with Senator GORTON.

Mr. SASSER. I say to the Senator from Ohio, that is correct.

Mr. GLENN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendments were considered and agreed to en bloc, except the committee amendment on page 19, line 22, through page 22, line 8.

Mr. SASSER. Mr. President, after conferring with the distinguished ranking member here, it is our view that perhaps the amendment to be offered by the distinguished Senator from Ohio would be the first amendment to be considered.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum has been requested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 19, LINE 22, THROUGH PAGE 22, LINE 8

Mr. GORTON. Mr. President, I call up the remaining committee amendment.

The PRESIDING OFFICER. That is the pending question. The clerk will report the amendment.

The legislative clerk read as follows:

On page 19, line 22, insert new language through page 22, line 8.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I would ask clarification from the clerk. Does this amendment restore what was just left out of the committee amendments that were adopted en bloc?

The PRESIDING OFFICER. This language inserts new material on page 19, line 22.

Mr. GLENN. Well, the distinguished floor manager of the bill, Senator SASSER, asked that one portion be excepted from that en bloc agreement a little while ago. What I am asking is, is that the same thing we are restoring with this amendment now? It is my understanding it was. I just want to make sure we are certain we are not going beyond that agreement.

Mr. SASSER. Mr. President, it is my understanding that we are restoring, beginning at line 22, captioned, "Land Conveyance, Naval Reserve Center, Seattle, Washington." .

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. And it continues through line 8, page 22 with the paragraph ending, "The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States."

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I want to discuss this to give just a bit of background as to why we have a disagreement on this particular provision that was adopted by the Appropriations Military Construction Subcommittee.

I would like to give a little background to lay out just a few minutes of history about what I see as a loophole we are trying to plug in some of the issues surrounding disposal of Federal property. Ordinarily, the Federal Property Act, administered by the General Services Administration, provides very precise methods by which Federal property can be disposed of. Let us say I am in one of the departments of Government and I say we have used a piece of land, or we had a building, for a number of years. Now it is surplus; we do not need it anymore. It is not up to me as a member of that department; it is not up to me as a member of that agency, to just put that land up for sale and put the money back in our bank account for that particular agency. That does not protect the taxpayers of this country.

So what we have done through the years is set up a very precise procedure by which the General Services Administration is permitted to dispose of public property. The general procedure is as follows. If there is a Federal piece of property and it is surplus, the law requires that the General Services Administration canvass the other agencies and departments of Government to see whether some other department of Government is, indeed, looking for a piece of property just like that. Because it makes very little sense for one department of Government to be selling a piece of property in a certain area where another department of Government may be looking for exactly the same kind of property, or kind of building.

Lest anyone think this is some exercise in futility, it is not just an exercise. Let me give an example. We have a base being closed and there is a hospital on that base. This is an actual case. There is a hospital on that base and someone pointed out to us from that area, a friend of mine from that area, that, lo and behold, on the other side of town, the VA was buying property to build a VA hospital. So here we had one Federal agency closing up a hospital while another Federal agency, who did not know anything about the first hospital, is across town trying to buy another piece of property on which to build a hospital. That is just an example.

Roger Johnson, who is head of the General Services Administration now, when I brought some of these things to his attention he, to his credit, is setting up a procedure now, a computerized system, whereby we now, for the first time in history, will have a computerized rundown on every part of the country where, as property is being sold, we can match it up with requests for new property or buildings, or whatever it is in that part of the country, so we save the taxpayers money. We make sure the taxpayer is made whole and make sure no Federal entity is out trying to buy property in the same place where we are trying to dispose of similar property. That just makes consummate sense, it seems to me.

GSA runs that whole process. I want to make sure we understand another thing concerning the BRAC process, the base closure process. So many facilities were going to be closed that it was decided to give this authority to dispose property—for defense property, strictly defense property—over to the Department of Defense to run their own closure and disposal process, but still complying with the General Services Administration's rules on this. This is a big operation. We are closing up not only hundreds of millions of dollars' worth of bases and Federal property, but in the billions of dollars. What we have tried to do is set up a procedure on the Armed Services Committee that does the authorization of armed services work, to make sure that this new process is indeed followed.

This year on the Armed Services Committee, we established an expedited process for screening specific property in which members had a particular interest.

Senator MCCAIN, my ranking minority member on that committee, and I have worked very, very closely in that area.

If Federal screening is skipped, we cannot be sure that the taxpayers are getting the best value for their dollar. If we do not go through the screening process, if we just permit whatever the local Congressman or Senator says—"I think the best use of the land is so-and-so," if we have worked out an agreement here, however many buildings it is, or whatever it is, it may be to their best advantage and it may be to the best advantage of the Federal Government to do it that way. But what we have insisted on is that at the very least an expedited screening process is followed.

So I am not against anything that is going to make a better relationship between the Federal Government and the local community, or make a disposal of land that is in the best interests of everybody concerned. But I am adamant in one thing, and this is where we have run into a lot of problems with a lot of Members of the Senate and some Members of the House, also, after we passed our bill. Because what we have insisted on is at least let the screening process go forward.

It may sound a little crazy around this place sometimes, but what we are trying to do is save the taxpayers money. We are trying to make sure that Federal property is not disposed of just because a certain Member—and I am not referring to my distinguished colleague from Washington at all—but we are trying to make sure that these things are run through a process that guarantees that every Federal dollar that should come back into the Federal Treasury comes back into the Federal Treasury.

If Federal screening is skipped, we are left open to the possibility that another legitimate Federal need for the surplus DOD property will have to be funded through a new appropriation. And we all know that it is highly likely that acquiring new land or property will result in additional, increased expense for the Federal Government. I can certainly guarantee that requiring the Government to purchase new lands and build new buildings will be a more expensive proposition.

I am not saying that is the case in this issue that we have before us right now. But what I am saying is we should make certain that no bypass is permitted for this process. And this is tough doing this, because I can tell you, Mr. President, Members here and Members over in the House have for many years become accustomed to the idea that they go around and talk to a few of their colleagues and say we get this land disposed of here, we get a few thousand acres, we get whatever it is, and it is disposed of in the local community and that takes care of that.

But it does not guarantee that the Federal Government—and the taxpayer, through a screening process, gets a fair shake. Or that other Federal entities that might want that particular property for a particular purpose—a quite legitimate purpose—are given a fair chance to acquire that property in the best interests of all the taxpayers of this country.

What we provide in the process that we have instituted this year is an expedited screening process to help make sure that any legitimate Federal and State needs are quickly identified. I am more than willing to explore additional ways to improve the process.

But what we have done is require GSA to complete all their screening for this Federal processing and the whole process, the challenges, the offers back and forth—I will not go through each step of it—but it requires they all be completed within 125 days, a few days over 4 months.

Presuming that no entity expresses a compelling need at the Federal level for the property, the Secretary or the GSA, then, in this case—because this is not a BRAC process. This is not land that has been surplused by the Government under the base closure process. This is a proposal worked out by some of the people in Seattle and my distinguished colleague, to transfer lands for other purposes to the city in return for which there would be a reserve facility built.

GSA has the authority to transfer the property. Once the Federal screening is completed, they can transfer the property to a State use, if the State wants the land, and negotiate a fair price for that. Or they can transfer it to a development group, a community reuse or development group at a fair market value, or, if considered in the overall best interest of everyone, they can transfer it at no cost as a public benefit. But that is up to them to work out.

Again, though GSA is supposed to screen surplus properties for Federal use, that screening process takes only 60 days. Assuming the State has no immediate interest, it gets to the local community consideration, and then on an expedited basis, after the Federal screening, there is a short time for State and public entity use. And at this time, the community use group would make their interest officially known. The screening for the homeless occurs in here also, but that is run through HUD, and they administer that part of it.

The purpose for these screening processes is to assure that the most pressing Federal, State, local, or homeless needs are met.

I hope Senator GORTON, my distinguished colleague, will listen to this particular part because I think it is very important. GSA, in all this process, has the authority to bypass any Federal interest in the property if the Federal agency has not demonstrated an overwhelming, compelling need for the property. That is in law now. Or they can bypass any Federal interest if the local public reuse group has developed a reuse plan that is superior to anything they see the Federal agency might want it for. So GSA has authority for land conveyance if it is to be in the real major interest of a local community.

Some people look at that as a loophole. I do not. I think that is just common sense. You still require the screening, but at any point, if GSA can be convinced that this is truly in the major interest of the local community, they can transfer that property. GSA has an open door to community reuse groups, and they are more than willing to work with these groups prior to and after the property in question is surplused in order to help assure that the community reuse plan does meet all the appropriate requirements.

In this particular proposal today there certainly is a question of precedent as well. Making exceptions for community reuse groups, the subcommittee, of course, would be open, as we have seen in the past, to some additional requests in the future.

We are not in a position, because we have taken a strong stand on this and because we think it is in the best interest of the taxpayers, to just automatically make an exception as would be made in this case. If we did that, we would, in fact, be opening up for the same kind of treatment a dozen or more other considerations that have come to our attention or we have been asked about during the process of putting the defense authorization bill through the Senate Armed Services Committee.

Mr. President, I just do not see how we make an exception here. We have a provision in law that says, indeed, that if GSA is convinced that this is the best use for that land, then they have the authority right now to make the exception in this case, but it would be after they made that judgment, not me or not any one Member of the Senate or any Member of the House or by congressional staff. It would be after they made that best judgment in the interest of the community and made sure that everyone had been dealt with fairly.

The National Defense Authorization Act for fiscal year 1995 was passed by the Senate just 2 weeks ago. Just 2 weeks ago, we passed a provision that establishes these expedited procedures, that I mentioned a moment ago, for GSA to review all but one of the specific transfers contained in the bill under which land would be turned over to a non-Federal entity.

GSA will subject these transfers to screening for alternative Federal uses as well as State and local use. The screening process must be concluded within 125 days after enactment of the National Defense Authorization Act for fiscal year 1995.

The new process, I believe, is a very, very important step. It represents a most important model for the future to ensure that conveyances of surplus DOD land and property are made in a way that fully protects the interest of the Federal Government and the taxpayers of this country as a whole and follows the general procedures for disposal of Federal property required of every other department of the Federal Government. I would add that the expedited process also guarantees that the community or interest group will receive the property should no priority agency demonstrate a compelling need for the property.

So I object to the land transfer in this committee amendment because it does not follow the procedures that we set up for land transfers involving DOD property in the National Defense Authorization Act for fiscal year 1995.

The committee of authorization, in this case the Armed Services Committee, set up a procedure in the bill we passed just 2 weeks ago to cover exactly these kinds of land transfers. This is not under the BRAC process—I repeat—it is under GSA, General Services Administration, with all the latitude they have for making the proper decision on whatever piece of land there is.

There have been a number of our colleagues who were not very happy with the procedures we set up because this cut into some of the things that maybe people over in the House and here have become too accustomed to looking to as their prerogatives on disposal of Federal property in their area, something that I think is wrong. I think everything should go through this process that I have described briefly this afternoon.

So we have this amendment that has been proposed. It takes one specific land conveyance and puts it outside of the orderly process we agreed to just 2 weeks ago for seven other land or real property transactions involving excess DOD property.

I say to my friend that I hope we can work together on this; that we let it run through the regular process. I will be more than happy to work with him and the General Services Administration to get as expedited procedures as we can possibly get, because I know how important it is to him. With all that this would open up if we were to accept this, I think it would be a real mistake to go ahead and make exceptions in this particular case.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the distinguished Senator from Ohio lists a process for a wide range of decisions relating to the disposal of excess Federal property which is, by and large, a sound process. It is a process which is designed, as the Senator from Ohio has said on several occasions, to see to it that the taxpayers of the United States of America are duly compensated for such transfers; that they are not inside deals; that the taxpayers of the United States do not have to turn around and buy, at large cost, another piece of property. This would be for the use formerly engaged in by the property in the process of being transferred.

All of this is entirely true and entirely correct, and all of this is irrelevant to the transfer in question in the committee amendment. It is that irrelevance which accounts for the fact that this proposal was adopted unanimously by both the Subcommittee on Military Construction and the full Committee on Appropriations.

Mr. President, the reason we put this provision in the Senate appropriations military construction bill was that it would transfer 5 acres of property currently owned by the Navy to the city of Seattle, and authorize a $10.4 million replacement facility at Fort Lawton for the Navy Reserve.

This provision would ask that the city pay fair market value only for the 3.7 acres that it sold to the Navy. The remaining 1.4 acres—given to the Navy during World War II—would be returned to the city at no charge. The land transfers would not be effective until the Navy Reserve had its replacement facility in 1997 or 1998.

Mr. President, I have pursued this project for the last year and half to help the citizens of Seattle realize a plan called the Seattle Commons. That effort, which has been promoted and funded almost entirely by private citizens, is an attempt to revitalize and beautify the South Lake Union area adjacent to downtown Seattle. The proposal would first create a 75-acre park—the only large green space near downtown Seattle—with open meadows, tree-lined bicycle and walking paths, and a natural beach area. Around the park, the plan would revitalize a 470-acre business and residential neighborhood, including affordable housing, new zoning for business, pedestrian-friendly streets, tree-lined boulevards, and improved public transportation.

This project has received a groundswell of support from Seattlites. 1,300 people have contributed money—including large companies like Boeing, and small contributors like the second-graders at the Epiphany School in Seattle—and 12,000 citizens have signed endorsement cards for the project.

If the Commons is to move forward, however, it needs the 5.1 acres now owned by the Navy. This land is the capstone to the project, and its only access to Lake Union. Since a Federal agency owns this land, Congress must approve its sale.

In the spring of 1993, I worked with the Navy on finding a suitable new location for the Navy Reserve Unit at Lake Union. After looking at a number of sites, including Paine Field in Everett and Puget Sound Naval Station at Sand Point, I am convinced that Fort Lawton, the current home of the Army Reserve, is the best alternative site for the Navy Reserve. As Secretary Dalton recently wrote to me, the Fort Lawton plan "provides an opportunity to co-locate the Navy Reserve Center with an Army Reserve Center, and achieves the many efficiencies of operation inherent in a joint Armed Forces Reserve Center. Additionally, the Fort Lawton site keeps the assigned Navy Reserve Units central to their demographic base." To pursue this project, the fiscal year 1994 Defense authorization bill included $1.9 million for the planning and design of the new facility at Fort Lawton.

As a resident of the Magnolia Community myself, I have closely watched the manner in which the Army planned this new facility. So far, it has done a marvelous job of listening to the concerns of the Magnolia community and in making sure that it will not be negatively impacted by this new facility. It has designed an entrance to the facility that removes military traffic from a residential street in the area, and plans extensive landscaping to ensure that the area's natural beauty is retained.

The Navy and Army Reserve have also worked together to create a training schedule that ensures that at no time will there be more reservists on base than there are today during the busiest weekends. In fact, a couple of hundred fewer reservists will likely be present because the schedule now includes more weekends.

In short, the project will help the city of Seattle receive the land it needs for the Commons project, while giving the Navy Reserve a satisfactory new home that won't hurt the surrounding community.

No general law can cover every single instance and cover it well, and that general law does not cover this particular situation well. No additional property will have to be bought by the Navy if this land transfer goes through, and the taxpayers of the country are fully protected by the proposition that their property will be paid for by the city of Seattle at the full appraised value of that portion of the property which was donated, in the first place, by the city to the Navy for Reserve purposes.

Mr. President, before any of this started, the Army had come to all of us and asked for new construction of a Reserve center and a place in Seattle which is already military property. At the same time, the city of Seattle has perhaps its most ambitious project for park purposes in the course of the 20th century, of which the present Navy Reserve property is the keystone, being the only waterfront.

The Navy has been overwhelmingly cooperative with the city of Seattle and said that it would be happy to transfer this property to the city of Seattle for these park purposes if it had a new Navy Reserve center. The Navy Reserve was very happy to have that joint center with the Army on a plot already planned and in a building already planned. But, of course, that willingness is entirely dependent on the future use of this Navy property for the purposes of being the keystone of a very large park in the city of Seattle.

But, the reason it is not appropriate to follow a valid general rule is, first, there is already the requirement in this bill that the city of Seattle pay the full appraised value of the property to the Navy. This is not a gift. It is the appraised value. It is obviously more than would be paid for by some other Federal agency or some other Government entity which might want to intervene in this process to frustrate the purposes of the city.

No new land purchases are required on the part of the Navy. Therefore, the committee has approved of this project. This is a project that will not cost the taxpayers money, will not cost the Navy money, and is in the great interests of the community concerned. I assume that the GSA might well come out with this answer, but we cannot wait for that answer because what we have here is a deal which is an entire package for all of the elements that are involved. It is for exactly that reason we have agreed we are not going to get a sweetheart price; there is no special deal in this whatsoever. It is a sale at the appropriate and complete value of the property itself.

The law to which the Senator refers was in order to prevent constant transfers for free, without any consideration whatsoever, at a considerable cost to the taxpayers. Since that is not the case here, the use of that process is simply a waste of the taxpayers' money rather than a saving of the taxpayers' money. Nor is it unprecedented even in the bill. The authorization bill which was passed here 2 weeks ago, included just such a transfer in connection with the State of Nebraska. The Senator from Ohio did not object to that provision in this Chamber and did not move to strike it in this Chamber.

This is not going to be something which leads to a large number of transfers like this. It is a unique situation. The taxpayers will be fully compensated for the property, and as taxpayers of the United States they will end up having a better use of that property.

Mr. President, the committee amendment is totally in order and the committee amendment should be accepted.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would first ask unanimous consent that the unanimous consent agreement be modified to vitiate the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Reserving the right to object—Mr. President, I am going to be compelled to object at the present time. Maybe we can take this up a little later after—

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. Mr. President, the only reason I had done that, I thought that was the wish also of the managers of the bill. But I will be glad to vacate that at this time.

I will be glad to yield to the manager of the bill.

Mr. SASSER. Mr. President, I thank the Senator from Arizona. We did have a conversation that perhaps a rollcall would not be necessary in this instance, and I did acquiesce in the Senator's request. However, I was not aware that on our side apparently a rollcall vote had been requested at the time the Senator and I were conversing.

I will try to run this down and see if those who are requesting the rollcall on final passage are still of the opinion we ought to have one. If not, then we will certainly be agreeable to accede to the Senator's request.

Mr. McCAIN. I thank the Senator.

Mr. President, under the unanimous consent agreement, are rollcalls also ordered on my amendments?

The PRESIDING OFFICER. They are not. The Senator has a right to offer the amendments, but rollcalls have not been ordered.

AMENDMENT NO. 2300

(Purpose: To establish criteria for Senate consideration of military construction projects not included in the annual budget request)

Mr. McCAIN. I thank the Chair.

At this time, Mr. President, I ask unanimous consent to set aside the pending amendment so I may propose my amendment, on which I intend to talk briefly, which I am informed is acceptable to both managers.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 2300.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE SENATE ON FUNDING FOR MILITARY CONSTRUCTION PROJECTS NOT REQUESTED IN THE PRESIDENT'S ANNUAL BUDGET REQUEST.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that, to the maximum extent practicable, the Senate should consider the appropriation of funds for a military construction project not authorized or included in the annual budget request of the Department of the Defense only if:

(1) the project is consistent with past actions of the Base Realignment and Closure process;

(2) the project is included in the military construction plan of the military department concerned incorporated in the Future Years Defense Program or is authorized;

(3) the project is necessary for reasons of the national security of the United States; and

(4) a contract for construction of the project can be awarded in that fiscal year.

(b) VIEWS OF THE SECRETARY OF DEFENSE.—In considering these criteria, the Senate should obtain the views of the Secretary of Defense. These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

(c) RULE OF CONSTRUCTION.—Nothing in this provision shall be construed as modifying the provisions of section 2802 of title 10, United States Code.

Mr. MCCAIN. Mr. President, I appreciate the indulgence of both Senators from Washington and the managers of the bill.

I especially wish to thank the managers of the bill for agreeing to this amendment. I will not be seeking a rollcall vote.

The fact is, Mr. President, the hour is late. There are many people who have already had to depart for other reasons, so I do not intend to ask for it. I am appreciative of the agreement of the managers of the bill.

Mr. President, basically, what this amendment does is use exactly the language that was adopted by the Senate as part of the 1995 defense authorization bill and is very similar to the criteria about which I wrote to my colleagues last April.

The amendment states that the Senate should consider approving military construction projects not included in the President's defense budget request only if four criteria are met.

Those criteria are: The project is consistent with the base closing process, known as BRAC; the project is included in the 5-year military construction plan of the military department concerned; the project is necessary for reasons of the national security of the United States; and a contract for construction of the project can be awarded in that fiscal year.

In addition, it requires the Senate to consult with the Secretary of Defense to obtain his views concerning the relative merits of military construction projects not included in the Department of Defense budget request. The Secretary will be asked to comment on the four criteria outlined above and also if funds are required to be offset from other projects.

The Senate will then be able to make an informed decision whether to appropriate funds to any of these unrequested projects.

Mr. President, the amendment addresses the process of evaluating Members' requests for additional funding. I wish to stress I am not condemning every project that is added as unnecessary and wasteful. Many of the unrequested projects recommended may very well be meritorious and militarily necessary.

What I am trying to do, Mr. President, is put some order in the process, and a process which meets certain criteria, no matter in which base, which State, which congressional district these projects happen to be located.

Mr. President, I had planned on giving a long talk about what has happened in the past—for example, in the past 5 years, over $4.4 billion in unrequested military construction projects have been added to the defense budget. This year's budget cut $500 million to start with and then $490 million was transferred in the appropriations process to additional military construction projects.

Mr. President, I strongly disagree with that. There is a problem in the military today, as recently as last week, articulated by Secretary Perry.

The Air Force depot maintenance backlog is currently at $868 million; the Marine Corps is suffering from severe cutbacks in combat training and in sustainability; Navy float inventories have been reduced by 40 percent since 1989; Army aviator training is only funded at 76 percent; cuts in base operations funding; reduced standard of living of our troops; on and on and on.

Mr. President, readiness of the military in the United States today is suffering, and it is suffering badly. And it is suffering from lack of funding while we add more and more military construction projects, period.

In the meantime, Mr. President, because of these continued cuts in defense spending, we now are treated to the sight which graphically demonstrates the problem better than any I know, and that is the *Inchon*, the U.S.S. *Inchon*, which came back from 6 months' deployment off Mogadishu, and was rushed to its home port. Ten days these young people were allowed to be with their wives, husbands, youngsters, and they turned around and had to send them down off Haiti because we do not have enough ships.

Mr. President, we have an All Volunteer Force. We are not going to keep these people in the military. We are not going to keep the high-quality men and women if you do that to them—6 months away from their families sitting on ships off Somalia, come home for 10 days with their families, and then they are sent off again for an unlimited period of time. Why? Because we do not have the ships. But we are spending billions of dollars on military construction projects. You cannot do that.

If I sound angry it is because I am, and I would suggest that this is not going to cure the problem. But this amendment, which I am, I say again, grateful to both managers for, will bring some order in the process.

Also, two additional points. One, you cannot go to any base in America without seeing a military construction project going on.

Second, we are all aware that there is going to be a base-closing commission that is going to report out sometime next year, the biggest base closing in history. I guarantee you that many of these military construction projects that we are approving will be on bases that are being closed. They will be on bases that are being closed, and there will be millions and millions and millions of dollars wasted because the construction projects were already let for contracts, and they have already begun.

That is wrong. We should be cutting down dramatically much more in the military construction this year in anticipation of the largest base closing in the history of this Nation, at least in this century.

Mr. President, I feel very strongly that reductions should be taken in other military construction projects to offset the costs of these new projects. This year, the Senate Armed Services Committee asked the Department of Defense to identify offsetting reductions for the unrequested projects contained in that bill. DOD failed to do so in any but a very few cases. But what incentive does the Department have to offer up cuts in other programs when they know full well that Congress will add the projects anyway? This amendment expresses the Senate's view that DOD should be asked to identify specific offsets for military construction add-ons. I trust DOD will do so in the future.

Mr. President, the criteria in this amendment are essentially the same as those I proposed to my colleagues in April of this year. I realize that this procedure represents a significant change in the Congress' review of the military construction budget. However, I firmly believe that Congress must exercise restraint in adding unrequested military construction projects to ensure that limited defense dollars are spent for high priority military requirements necessary to our ability to fight and win any future conflict.

WHY THE AMENDMENT IS NEEDED

As I said earlier, I doubt that many of my colleagues are fully aware of the magnitude of the congressional add-ons in the military construction budget in recent years. Let me restate some enlightening information.

In the past 5 years, from fiscal year 1990 through 1994, Congress added over $4.4 billion in unrequested military construction projects to the Defense budget. This equates to $880 million every year in special interest projects designated for Members' districts or States. And every dollar added for these pork-barrel projects had to come from some other program—weapons procurement, military research and development, combat training or other high-priority military requirements.

This year, the fiscal year 1995 budget resolution cut $500 million in outlays from the overall discretionary spending account, all of which was taken from the defense bills in the Appropriations Committees' allocations. Then, to compound the problem, the Appropriations Committees cut the allocation for the Defense Subcommittee and increased the allocation to the military construction Subcommittee by $490 million. This transfer was made solely to accommodate Congressional add-ons. Rather than protecting high priority military programs, we are instead protecting our political positions.

True to form, the House of Representatives has already passed both the fiscal year 1995 Defense authorization bill and the fiscal year 1995 military construction appropriations bill, which include $695 million in Member add-ons. The fiscal year 1995 Defense authorization bill which passed the Senate on July 1 includes over $700 million in add-ons requested by Senators. The fiscal year 1995 military construction bill before the Senate today contains $910 million in unrequested projects. The pork barrel is again being filled to the brim.

Mr. President, the nearly one billion dollars in the bill before the Senate does little, in my view, to enhance our national security. It goes a long way, however, to improving the political stature of the projects' proponents in their home States.

OUR OVERALL BUDGET PRIORITIES ARE SERIOUSLY ASKEW

Mr. President, every time we seek to cut the budget, we turn to the Defense Department and end up cutting vital defense-related programs. Yet at the same time we continue, virtually unabated, to fund waste and unnecessary Government programs. I ask, where are our priorities?

When the Senate has been presented with legitimate efforts to eliminate non-Defense programs, the Senate scoffs. Apparently, the Senate believes we need: Full funding for extravagant courthouses and other Federal buildings that cost hundreds of millions of dollars each.

This year, we will spend $733.2 million for construction and acquisition of buildings. Last year, we spent $998 million.

And we wasted this money on projects such as the $218 million Boston Courthouse—which I might add was approved by the President's Supreme Court nominee Judge Breyer—which contains: A six story atrium; 63 private bathrooms; 37 different law libraries; 33 private kitchens; custom designed private staircases; and a $1.5 million dollars floating marina with custom-made park benches.

And the $300 million Foley Square, New York Courthouse original design included 100 percent deluxe wool carpet; operable windows—not normally included in any Federal building—marble lined elevators; mahogany, instead of regular hardwood paneling; custom brass fixtures; and custom designed lighting.

Are these extravagances necessary? I do not think the public believes so. But the Senate believes they are.

We fully funded the Corporation for Public Broadcasting, even though programs like "Barney" are making millions of dollars in profits. Last year, when the Senate had the opportunity to adopt an amendment to cut $28 million from the $320 million budget of the Corporation for Public Broadcasting and fund it at the level requested by the President, it defeated the amendment 25–72. (September 23, 1993.)

The Congress has not yet been able to cut funding for subsidies to wealthy peanut farmers, honey producers, and the like. These give-away programs continue while military readiness declines.

And what does the Senate do when a true, across-the-board budget reduction proposal is raised? One that does not just target defense? It defeats it.

When the Kerry-Brown Budget Cutting Amendment which would cut $98 billion distributed evenly across all programs was offered, it was tabled 65–31. (February 9, 1994.)

MILITARY READINESS IS THE HIGHEST DEFENSE PRIORITY

Let me restate my strong feelings on the high priority of military readiness for scarce defense dollars. I am seriously concerned about the deleterious impact of the rapidly declining defense budget on the readiness of our military forces, as well as on the daily lives of the men and women who serve in our Armed Forces and their families. The practice in Congress of adding unrequested programs and projects to the defense budget only serves to exacerbate the difficulty of stretching scarce defense dollars to fund military requirements. We must exercise restraint in our fiscal practices and instill discipline in our review of Members' requests for approval of unrequested military construction projects.

For the past 10 years, the defense budget has declined every year. Defense budget authority has declined since 1985 by almost 41 percent. At the same time, however, military construction budget authority has been reduced only 29 percent. This mismatch of infrastructure funding with the topline decline in the defense budget accounts for the pork factor of unnecessary military construction projects. Congress' proclivity for adding politically advantageous spending to an already stretched defense budget has contributed greatly to this funding gap. It is time to move forward with the base closure process and to permit DOD to maintain its overall budget priorities.

Additionally, the Congress has developed a proclivity to set aside slush funds to preserve so-called defense industrial bases. This practice started with the *Seawolf* submarine, when Congress provided $540 million to preserve the submarine industrial base. Today, the American taxpayer is burdened with paying for two $5.2 billion submarines, and possibly a third boat, which have no military utility in the post cold war world. This year, industrial base funds have been set up for bombers, tanks, and armored vehicles, and even for meals ready to eat [MREs]. Mr. President, this is an absurd waste of money to prop up faltering industries which may or may not represent vital sectors of American industry necessary for our future defense requirements.

Serious readiness shortfalls are now evident. Earlier this week, Secretary Perry testified as follows:

> * * * I see many trends which make me worry about readiness in the future. * * * things we can do now to protect medium-term readiness are a matter of substantial concern to me * * *.

The nearly $1 billion in Member add-ons for unrequested military construction projects would go a long way toward offsetting the cuts in these vital readiness accounts.

Mr. President, this $1 billion in military construction pork could be applied to the costs of restoring fairness in retirement COLAs between civilian and military retirees. The Senate adopted a provision on the defense authorization bill to restore COLA equity which will cost nearly $400 million—which I am told the appropriators may not have available at this time. We must not break faith with those men and women who served in the military by denying them the same COLA as civilian retirees receive. I suggest to my colleagues that it is far more proper to fund COLA equity than it is to ensure political popularity at home.

Mr. President, there are many pressing military requirements that lack sufficient funding. The Senate should not use scarce defense dollars to fund unnecessary military construction projects.

HEARINGS ILLUSTRATE MILITARY CONSTRUCTION WASTE

Mr. President, a few weeks ago, the Senate Governmental Affairs Committee held a hearing on the Department of Defense process of budgeting for military construction projects. At that hearing, I asked the Department of Defense Inspector General to comment on the process of congressional add-ons to the military construction budget request. Mr. VanDer Schaaf commented that every military construction project in the Department is suspect and that military construction projects should be minimized until the base realignment and closure process is completed. I fully agree with the Inspector General's comments, and I urge my colleagues to heed his caution.

The 1995 BRAC round will be more extensive than all of the previous rounds combined, in order to balance force structure and infrastructure levels. By adding nearly $1 billion in unrequested programs, the Congress is potentially creating a situation where new construction is slated to begin at a base which is likely to be ordered closed next year. It may even be that Members expect to protect bases in their States by adding these military construction funds.

Mr. VanDer Schaaf pointed out a specific example of wasteful military construction spending. Even when it was apparent to many at DOD, including the inspector general, that the Navy's planned homeport at Staten Island would never become a reality, the Navy refused to limit its contracting to a smaller number of units. Later, the Navy was unable to terminate these contracts for 1,200 new family housing units on Staten Island because it had failed to include standard language allowing the government to terminate for convenience. Mr. VanDer Schaaf stated:

> They went ahead with the whole darn thing and now we have got a mess * * * because we * * * have no use for 1,200 sets of family quarters on Staten Island.

Mr. President, this type of wasteful spending and faulty contracting must be stopped in order to save millions of dollars in unnecessary construction.

As a result of that hearing, I intend to ask, with the concurrence of Senator GLENN, that the General Accounting Office conduct an audit of all military construction projects underway and planned in the Department of Defense 5-year plan to ensure that these projects are being executed in a timely and fiscally responsible fashion. I also will ask the GAO to review the Department's process of reviewing Congressional add-ons to the military construction budget with respect to the criteria established in this amendment. Unfortunately, I believe it is necessary to acquire an independent assessment of DOD's ability to screen out unnecessary projects and to prioritize all projects within the amount of money allocated for military construction each year.

CONCLUSION

Mr. President, I firmly believe that high-priority military requirements, particularly military readiness, must take precedence over military construction pork. I had initially intended to propose an amendment to strike out all of the unrequested military construction projects contained in this bill. However, I am a realist. I fully recognize that the Senate is not currently inclined to put the brakes on its pork barrel spending race. Therefore, I chose instead to propose this amendment, which is virtually identical to the language adopted by the Senate on July 1 as part of the fiscal year 1995 Defense authorization bill. That amendment was cosponsored by Senator GLENN and set forth the criteria we believed to be appropriate for considering unrequested military construction projects.

Mr. President, this amendment requires a comprehensive review, by both the Department of Defense and the Senate, of any military construction project not included in the budget request for which funding is requested by an individual Senator. These reviews will ensure that only the most meritorious and militarily necessary projects are funded.

Let me also clarify that the amendment is not intended in any way to modify the provisions of current law regarding separate authorization and appropriation for military construction projects. Each military construction project for which appropriations are provided must be authorized in an act other than an appropriations act. That is the law, and this amendment in no way alters that arrangement. It merely imposes an additional level of review on the existing process.

It is time to stop the congressional building spree. I urge my colleagues to vote for the amendment.

Mr. SASSER. Mr. President, as Yogi Berra was fond of saying, "This seems like deja vu all over again." The import of the Senator's sense-of-the-Senate amendment on the military construction bill here is essentially identical to the amendment that was placed on the Department of Defense authorization that passed through the Senate about 2 weeks ago.

That amendment establishes criteria for reviewing Senate funding of military construction projects not contained in the President's budget request. It was adopted by the managers of the authorization bill about 2 or 3 weeks ago.

I am not going to oppose the amendment of the distinguished Senator from Arizona as it has been modified. The modification makes it clear that authorized Senate projects can be included even if they are not in the Department's future year defense plan.

I think this is very important because this modification ensures that the sense-of-the-Senate that the Senator is advancing does not undercut the Congress' constitutional responsibility for oversight responsibilities. It allows the Congress to fulfill that responsibility, oversee military spending, and, if necessary, to reprioritize military construction projects if military necessities or fiscal priorities require congressional intervention.

Our Founding Fathers determined over 200 years ago that the final authority on many of these matters, particularly those dealing with appropriations, should reside right here in the Congress. I think that is very, very important. I think when the Department of Defense sends up their request for military construction, certainly it ought to be given great credence. And the burden of proof ought to be on the authorizing committee and the Appropriations Committee, if we overrule them or do not follow their particular prerogatives. But in the final analysis, the last word must be left to the duly elected legislative people, and that is the Congress of the United States.

Let me say to my friend from Arizona that I will, although I am not enthusiastic about his sense-of-the-Senate resolution as he knows, I will in good conscience be steadfast in trying to support it in conference. I will at the same time be monitoring how our colleagues on the Armed Services Committee are faring with this same provision in their conference.

Mr. President, I see the distinguished Senator from Arizona is on the floor at the present time. We have no objection to the sense-of-the-Senate resolution as offered by the distinguished Senator from Arizona.

Mr. MCCAIN. I thank my friend.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. SASSER. Before yielding, Mr. President, could we dispose of this sense-of-the-Senate resolution? It is acceptable on both sides.

The PRESIDING OFFICER. If there is no objection, all time is yielded back.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Senator from Washington.

Mr. GORTON. Before you do that, I want to agree with the sentiments expressed by the Senator from Tennessee on this amendment. We approve of it.

Mr. SASSER. Before yielding back all time, I think the distinguished Senator from Ohio would like to make a comment on this particular sense-of-the-Senate resolution.

Mr. GLENN. Mr. President, I just want to indicate my support for this. I will not speak long. I know Senator MCCAIN has been on this subject for a long time. So have I. We worked very closely together on the Armed Services Committee on this matter. I think it is a move that is long overdue. It is an effort to get back into responsible budgeting and responsible handling of the military construction projects. I am glad he brought this. I am glad to give it my full support, and I want to be listed as a cosponsor.

The PRESIDING OFFICER. If there is further debate? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2300) was agreed to.

Mr. SASSER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the remaining committee amendments.

AMENDMENT NO. 2301

(Purpose: To provide alternative authority for the land conveyance of the Naval Reserve Center, Seattle, WA)

Mr. GLENN. Mr. President, I send an amendment to the desk in the second degree, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2301 to the pending committee amendment.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the pending amendment, strike out everything after the section heading all that follows through the end of the amendment, and insert in lieu thereof the following:

(a) IN GENERAL.—(1) Subject to paragraph (2), the Administrator of General Services shall—

(A) transfer jurisdiction over all or a portion of the parcel of real property described in subsection (b)(1) to another executive agency if the Administrator determines under subsection (c) that the transfer of jurisdiction to the agency is appropriate;

(B) convey all or a portion of the parcel to a State or local government or nonprofit organization if the Administrator determines under subsection (d) that the conveyance to the government or organization is appropriate; or

(C) convey all or a portion of the parcel to the entity specified to receive the conveyance under subsection (e) in accordance with that subsection.

(2) The Administrator shall carry out an action referred to in subparagraph (A), (B), or (C) of paragraph (1) only upon direction by the Secretary of Defense. The Secretary shall make the direction, if at all, in accordance with subsection (g).

(3) Upon the direction of the Secretary of Defense, the Secretary of the Navy shall transfer jurisdiction over an appropriate portion of the parcel of real property referred to in paragraph (1) to the Administrator in order to permit the Administrator to carry out the transfer of jurisdiction over or conveyance of the portion of the parcel under this section.

(b) COVERED PROPERTY.—(1) The parcel of real property referred to in subsection (a)(1) is a parcel of real property, together with any improvements thereon, consisting of approximately 5.09 acres, located in Seattle, Washington, the location of the Naval Reserve Center, Seattle, Washington.

(2) The exact acreage and legal description of the real property referred to in paragraph (1) that is transferred or conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. The transferee or conveyee, if any, of the property under this section shall reimburse the Secretary for the cost borne by the Secretary for the survey of the property.

(c) DETERMINATION OF TRANSFEREES.—(1) Subject to subsection (a)(2), the Administrator shall transfer jurisdiction over all or a portion of the parcel of real property referred to in subsection (b)(1) to an executive agency if the Administrator determines under this subsection that the transfer is appropriate.

(2) Not later than 5 days after the date of the enactment of this Act, the Administrator shall inform the heads of the executive agencies of the availability of the parcel of real property referred to in subsection (b)(1).

(3) The head of an executive agency having an interest in obtaining jurisdiction over any portion of the parcel of real property referred to in paragraph (2) shall notify the Administrator, in writing, of the interest within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (4) whether the transfer of jurisdiction to the agency is appropriate.

(4)(A) The Administrator shall—

(i) evaluate in accordance with section 202(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)) the notifications of interest, if any, received under paragraph (3) with respect to a parcel of real property; and

(ii) determine in accordance with that section the executive agency, if any, to which the transfer of jurisdiction is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 30 days after informing the heads of the executive agencies of the availability of the parcel.

(d) DETERMINATION OF CONVEYEES.—(1) Subject to subsection (a)(2), the Administrator shall convey all right, title, and interest of the United States in and to all or a portion of the parcel of real property referred to in paragraph (2) to a government or organization referred to in paragraph (3) if the Administrator determines under this subsection that the conveyance is appropriate.

(2) Paragraph (2) applies to any portion of the parcel of real property referred to in subsection (b)(1)—

(A) for which the Administrator receives no notification of interest from the head of an executive agency under subsection (c); or

(B) with respect to which the Administrator determines under paragraph (4)(B) of that subsection that a transfer of jurisdiction under this section would not be appropriate.

(3)(A) In the case of the property referred to in paragraph (2), the governments and organizations referred to in that paragraph are the following:

(i) The State government of the State in which the property is located.

(ii) Local governments affected (as determined by the Administrator) by operations of the Department of Defense at the property.

(iii) Nonprofit organizations located in the vicinity of the property and eligible under Federal law to be supported through the use of Federal surplus real property.

(B) In this paragraph, the term "nonprofit organizations" means any organization listed in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501) that is exempt from taxation under subsection (a) of that section.

(4) Not later than 5 days after completing the determination under subsection (c)(4)(B), the Administrator shall determine if any portion of the parcel of property referred to in subsection (b)(1) is available for conveyance under this subsection and shall inform the appropriate governments and organizations of the availability of the parcels for conveyance under this section.

(5) A government or organization referred to in paragraph (4) shall notify the Administrator, in writing, of the interest of the government or organization, as the case may be, in the conveyance of all or a portion of the parcel of real property to the government or organization. The government or organization shall notify the Administrator within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (6) whether the conveyance of the parcel to the government or organization, as the case may be, is appropriate.

(6)(A) The Administrator shall—

(i) evaluate in accordance with section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) the notifications, if any, received under paragraph (5) with respect to a parcel of real property; and

(ii) determine in accordance with that section the government or organization, if any, to which the conveyance is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 70 days after notifying the governments and organizations concerned of the availability of the parcel for conveyance.

(e) ADDITIONAL CONVEYANCE AUTHORITY.—(1) Subject to subsection (g)(2), the Administrator shall, in lieu of transferring jurisdiction over or conveying the parcel of real property referred to in subsection (b)(1) in accordance with subsections (c) and (d), convey the parcel in accordance with this subsection.

(2) The Administrator may convey to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property referred to in subsection (b)(1).

(3)(A) As consideration for the conveyance under this subsection, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion of the real property to be conveyed under this subsection that is described in subparagraph (B).

(B) Subparagraph (A) applies to the portion of the parcel of real property referred to in paragraph (2) that consists of approximately 3.67 acres and was acquired by the United States from a party other than the City.

(4) The conveyance authorized by this subsection shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(5)(A) The Administrator may not make the conveyance authorized by this subsection until the commencement of the use by the Navy of a Naval Reserve Center that is a suitable replacement for the Naval Reserve Center located on the property to be conveyed.

(B) The Secretary of the Navy may not commence construction of a facility to be the replacement facility under subparagraph (A) for the Naval Reserve Center until the Secretary completes an environmental impact statement with respect to the construction and operation of the facility to be the replacement facility.

(6) If at any time after the conveyance under this subsection the City ceases utilizing the real property conveyed for public purposes, and uses such real property instead for commercial purposes, the City shall pay to the United States an amount equal to the excess, if any, of—

(A) an amount equal to the fair market value (as determined by the Administrator) of the real property referred to in paragraph (3)(B), and any improvements thereon, at the time the City ceases utilizing the real property for public purposes, over

(B) the amount determined by the Administrator under paragraph (3)(A).

(7)(A) The Administrator shall deposit in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) the amount received from the City under paragraph (3)(A) and the amount, if any, received from the City under paragraph (6).

(B) Notwithstanding subparagraph (A) of such section 204(h)(2), the Secretary shall use the entire amount deposited in the account referred to in subparagraph (A) of this paragraph for the purposes set forth in subparagraph (B) of such section 204(h)(2).

(8)(A) The Navy may scope more than one site.

(B) The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator considers appropriate to protect the interests of the United States.

(f) REPORT BY ADMINISTRATOR.—Not later than 125 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the activities of the Administrator under this section.

(2) The report shall include with respect to the parcel of real property referred to in subsection (b)(1) the following information:

(A) The interest, if any, for all or a portion of the parcel that was expressed by executive agencies under subsection (c) or by governments or nonprofit organizations under subsection (d).

(B) The use, if any, proposed for the portion of the parcel under each expression of interest.

(C) The determination of the Administrator whether a transfer or conveyance of all or a portion of the parcel, as the case may be, to the agency, government, or organization was appropriate.

(D) The other disposal options, if any, that the Administrator has identified for the parcel.

(E) Any other matters that the Administrator considers appropriate.

(g) DESIGNATION OF AUTHORITY TO BE USED.—(1) If the Administrator submits the report required under subsection (f) within the time specified in that subsection, the Secretary of Defense may direct the Administrator under subsection (a)(2) to carry out the transfer or conveyance under subsection (c) or (d) of all or a portion of the parcel of property referred to in subsection (b)(1) in accordance with the determinations made by the Administrator with respect to the transfer or conveyance of the parcel under subsection (c) or (d), respectively.

(2) If the Administrator does not submit the report required under subsection (f) within the time specified in that subsection, the Secretary may direct the Administrator to carry out the conveyance of the parcel of property that is authorized under subsection (e) in accordance with such subsection (e).

Mr. GLENN. Mr. President, I would hope we can at this late date, late on a Friday afternoon, get agreement on this. It takes all the provisions that are in the amendment by my distinguished colleague, but at the same time protects the taxpayers of the country by running this, as we do with everything else, through an expedited process.

Let me emphasize one thing again. GSA at any point in this process, if this proposal has all the merit that it is purported to have—I do not question that, I have never been to see the property nor have I looked at it myself—GSA has authority to say this really is in everyone's best interests, the whole proposal, and can make that decision.

If they are not willing to make that decision, then I must stand on what the Senate passed just 2 weeks ago that says that this should run through an expedited screening process that protects the taxpayers of this country. We have had eight or ten other proposals brought to us where people decided, OK, they would like to have a direct transfer in legislation, but they were willing to go through this process. I cannot in good conscience break faith with them and break faith with what the Senate passed just 2 weeks ago and say that we will now make an exception in this case.

So the second-degree amendment I hope will be accepted. If it is not, then we will have to ask for the yeas and nays at the appropriate time. I very much hope that it can be accepted as a way that protects the taxpayers of this country, deals fairly with all the other Senators who wish to have separate treatment also, and at the same time makes certain that all interests of the Federal Government and of the people of this country are protected.

This has not been an easy process to institute. I dislike very, very much getting up on the floor and opposing the wishes of some of my colleagues as I did in committee, and as I have done over in the Governmental Affairs Committee, which I chair, where we have instituted some of these GSA processes and worked very hard on this through the years. We did not add that before. But this is not just a matter of the Senate Armed Services Committee with me; it is also the process we have set up for disposal of Federal property all across Government. We worked hard on this in the Governmental Affairs Committee for a number of years. We worked with the GSA [General Services Administration] on the land disposal processes, what is fair for everyone, what protects the taxpayer dollar. I cannot break faith with that and give exception in this case.

So I hope that, with the protections built into the amendment I have proposed, my distinguished colleagues will be willing to accept this.

Mr. GORTON. Mr. President, again, the Senator from Ohio speaks about the taxpayer protection. Again, we point out that the taxpayers are protected by the payment of full market value for the portion of this property that was not originally owned by the city—an identical situation to that which the Senator from Ohio accepted 2 weeks ago in connection with a transfer to the State of Nebraska. The whole point of the process is to see to it that something is not given away which is of value. That is already a part of the committee amendment, that the property will be paid for.

Mr. President, I earnestly request of the Senator from Ohio to allow the committee amendment to be passed unchanged. I have to oppose his amendment. It is inconsistent with the entire process. I mentioned in my earlier speech that there has already been close to $2 million authorized to be spent on the planning for this project, which took place in last year's military construction bill. This is to exalt form over substance. The Senator from Ohio may well be correct; perhaps the substance would be the same if this amendment would be passed. It would simply cost more of the Federal Government's money and more time. It is unnecessary because of the way in which this project has been organized, and the payment which is required in order to meet the requirements of the committee amendment as it stands.

Mr. GLENN. Mr. President, we will not belabor this long. But I will spell out that the fair market value point my colleague makes is valid. This is not a giveaway. His proposal was structured so that there was fair market value.

The point I make in insisting on an orderly process is that I do not know whether any other Federal entity may be out there now looking for land in this same area, and of the same type; I do not know. All we need is a 30-day screening to find out if any other Federal entity is interested in the property. It seems to be so common sense that I do not see why there is objection to it.

At any point along the way, we can work with the General Services Administration, and I would be more than happy to do that, have them look at the property. And if this appears that it has not been declared surplus, but it may be a better use of the land than we have right now, particularly the addition of a new reserve base, that would be part of this disposal. This was not something declared surplus. The services have not been fighting to get rid of this land.

Is any other Federal entity looking for property like this in this area, or is going to buy new property if we dispose of this in this way? I do not know. This provides a 30-day process to look at that. It is hard to see that that is not the best way to go.

As far as the statement that I accepted a proposal that was similar to this in Nebraska, that is just not true. I fought this in committee, very hard. We had a committee vote, and I flat lost in committee on that particular issue for that committee member. There was some unhappiness over that one. But the committee having spoken, we came to the floor and made that same fight on the floor again with the committee having voted in the other direction. I thought there was little chance of getting reversed. If I had been certain I could get it reversed on the floor, I would have fought it on the floor.

We have established a process I hope we can follow. I do not think there is much more to say about this. We are either going to follow a process like this and make sure the Federal tax dollars are protected—I see this as something we can probably resolve within maybe 60 days after passage of this act, by having GSA go out and make their assessments, a determination of what is best, and perhaps what the Senator is suggesting is the best way to go, and I will be glad to work with him on that.

So I hope that we will have acceptance of this proposal which I made in the second degree.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, if there is no further debate on this, I ask for the yeas and nays on my second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question occurs on amendment No. 2301.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. CAMPBELL], the Senator from North Dakota [Mr. DORGAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Nevada [Mr. REID] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Georgia [Mr. COVERDELL], the Senator from New Hampshire [Mr. GREGG], the Senator from Mississippi [Mr. LOTT], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business.

The result was announced—yeas 16, nays 72, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—16

Bradley
Bumpers
Feingold
Glenn
Graham
Kennedy
Kohl
Lautenberg
Levin
Metzenbaum
Moynihan
Nunn
Pryor
Robb
Simon
Wellstone

NAYS—72

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Feinstein
Ford
Gorton
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Leahy
Lugar
Mack
Mathews
McConnell
Mikulski
Mitchell
Moseley-Braun
Murkowski
Murray
Nickles
Packwood
Pressler
Riegle
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wofford

NOT VOTING—12

Boren
Campbell
Chafee
Coverdell
Dorgan
Gregg
Lieberman
Lott
McCain
Pell
Reid
Wallop

So the amendment (No. 2301) was rejected.

THE FISCAL YEAR 1995 MILITARY CONSTRUCTION APPROPRIATIONS BILL

Mr. DOMENICI. Mr. President, the Senate is now considering H.R. 4453, the fiscal year 1995 military construction appropriations bill.

The bill provides a total of $8.8 billion in budget authority and $2.2 billion in new outlays for the military construction and family housing programs of the Department of Defense for fiscal year 1995.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $8.8 billion in budget authority and $8.6 billion in outlays for fiscal year 1995.

Mr. President, the bill provides $491 million more in budget authority and $28 million more in outlays for military construction activities than requested by the President with nonetheless, according to CBO scoring, the bill falls within the subcommittee's 602(b) allocation.

I want to convey my thanks to the committee for the support given to several priority New Mexico projects. These include several important projects at the Kirtland Air Force Base, and an Army National Guard armory in Taos.

I commend the distinguished subcommittee chairman, the Senator from Tennessee, and the distinguished ranking Republican member, the Senator from Washington, for bringing this bill to the floor within the subcommittee's section 602(b) allocation.

I urge the adoption of this bill.

Mrs. MURRAY. Mr. President, I would like to take this opportunity to clarify my position with regard to a provision contained in the fiscal year 1995 military construction appropriations bill which authorizes a land conveyance of Seattle's Naval Reserve center and further authorizes funds for a military construction project in connection with that conveyance.

The provision transfers 5 acres of Navy Reserve property along Lake Union to the city of Seattle. That land will be used for the Seattle Commons project, which I support. The Commons plan, developed by a nonprofit citizens group, calls for a revitalized mixed-income neighborhood and business community surrounding a park between downtown Seattle and Lake Union.

The most important part of the provision we are considering today is the direct transfer of the land from the Navy to the city of Seattle. This is by far the best approach to take, and the city has agreed to pay fair market value for the land as required by the legislation.

While I am supportive of the Commons project, I do have concerns that not all of the longterm questions associated with this project have been thoroughly considered by the city of Seattle and the communities to be affected. Projects of this magnitude and importance need the participation of all citizens affected and I will continue to facilitate their involvement in the process.

However, there is one part of the provision we are passing today that I simply do not agree with. That section essentially provides that the naval station, once moved, will relocate to Fort Lawton in Discovery Park. I am opposed to this because I strongly believe that a number of sites should be evaluated before the Navy Reserve decides on its future home. There are several other sites that I believe may serve both the Navy and the community better in the long run than Discovery Park. I do not want to see us serve one good purpose—relocating the Navy station to make way for the commons—at the expense of another.

Thus, I would have clearly preferred that the provision be written more broadly with regard to the relocation of Seattle's Naval Reserve center, so that the Navy would be required to review more than one site when considering the future location for the Naval Reserve station. The way the provision is written in this bill, the Navy has the option to consider more than one site when assessing where to relocate, but they are not required to do so.

I want the Navy and all involved to understand that as we move through this process, I shall be meeting with the Navy and members of the community to ensure that two or more possible relocation sites are identified and evaluated during the scoping of the environmental impact statement, which is required to be completed before the navy can move.

Mr. DOLE. Mr. President, as we turn to consideration of the military construction appropriations act for fiscal year 1995, I want to commend the distinguished chairman, Senator SASSER, and the distinguished ranking Republican, Senator GORTON for their hard work in crafting this bill and their efficient management of the legislation while on the floor. I also want to thank Mr. Jim Morhard, a member of the Appropriations Committee staff, who has been very helpful to me and whose expertise and professionalism are a real asset to the committee.

The bill before us appropriates $8.8 billion in the coming fiscal year for military construction, the NATO infrastructure program, and base closures and realignments. Now, I know that there are some who feel that we're spending too much on defense. But defense spending has made its contribution to deficit reduction. This year's bill is $627 million less than last year's spending level.

While the Congress and the administration continue to slash away at the defense budget, we still have a responsibility to ensure that our defense infrastructure remains the best in the world. I am especially pleased that the committee saw fit to add a number of projects for the Guard and Reserve. The administration's original request for Guard and Reserve projects was unreasonable, and I hope that next year's budget request more accurately reflects the needs of our Guard and Reserve forces.

Whether its an operations center for a bomber squadron, a runway for the Air National Guard, or housing for the families of our military personnel, each is critical to the ability of our Armed Forces to fulfill their mission. That being the case, the Congress has the responsibility of ensuring that our Armed Forces have the best facilities possible. This legislation goes a long way toward meeting that responsibility.

Mr. BYRD. Mr. President, I congratulate the chairman of the Military Construction Subcommittee, Mr. SASSER, and the ranking member, Mr. GORTON, for their expeditious and outstanding work on this bill.

As always, Senator SASSER's depth of understanding of this bill is evident. He has demonstrated his dedication to duty, and has done so in a cooperative and cheerful manner.

I urge all Senators to vote for the adoption of this bill.

(Mrs. MURRAY assumed the chair.)

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, just a couple of words on the last vote.

We have worked a long time on setting up the Federal screening processes. I know it is not customary to continue the debate after the vote, but I just want to make a couple of comments on it because I would hate for this to be used as a precedent of the Senate's nonacceptance of this principle into the future. I think it is very, very important.

I have probably had 12 or 15 people come to me and say, "You are right on principle but * * *" and then vote in the other direction. I only got 16 votes, and that is not a very sterling performance. There are a lot of things cooking here as to why people vote the way they do, and I understand that. But we have in place right now screening processes that save this country billions upon billions of dollars. I may have lost by only getting 17 votes, but I tell you I am proud of the fact and proud of those who stood with me on this, because in principle I do not have any doubt we are right.

We cannot continue taking Federal property—although the merits of this case have been decided now by a vote of the Senate —but we have set up a process where we screen Federal property to make sure the taxpayers of this country get back a fair dollar value and are fairly dealt with in a screening process, not only through the BRAC process, the base closure, but through the other means of disposal of Federal property. We have a system set up at GSA where we are matching Federal property—trying to match closing facilities with facilities we want to open. That is new. It is taking effect. We stopped the building of a new veterans hospital because across town, in one place, there was a hospital on a base that was being closed. So we saved how much, $75 million, $100 million, $200 million, just in that?

So what we are trying to do in this process here, in spite of this last vote, I believe, is absolutely correct. I just hope Senators do not get themselves locked into where it is customary that on something like this, for friendships or whatever, we bring something to the floor and say, "Just for me, it is just a little land transfer." We are trying to set up a process that is absolutely right for the people of this country.

So we will have more votes like this. I hope as people look at the wisdom of this thing, they will see we should send it through this GSA process and the BRAC process—the base closure process—that follows that same GSA process.

So I am optimistic enough that I do not accept this vote as an expression of the will of the Senate for this principle. We will revisit this. We worked on it very hard in the Governmental Affairs Committee over several years. We worked on it very hard in the Armed Services Committee. I think it is right. I understand the loyalties of committee and the managers of the bill and so on, coming out of the Appropriations Committee together. But I just hope we can consider this thing in fairness. And next year when some of these proposals come up again they are going to be subjected to this same process. This vote should not be taken as a refutation of that whole process, as much as it was just an expression on this particular vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I yield all time and I urge the underlying committee amendments.

The PRESIDING OFFICER. The question occurs on the committee amendments.

The committee amendments were agreed to.

Mr. SASSER. Madam President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER. Madam President, this is all the amendments to be offered on this bill. I urge we go to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass? On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the

Senator from Colorado [Mr. CAMPBELL], the Senator from North Dakota [Mr. DORGAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. PELL], and the Senator from Nevada [Mr. REID] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Georgia [Mr. COVERDELL], the Senator from New Hampshire [Mr. GREGG], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I also announce that the Senator from Wyoming [Mr. WALLOP] is absent on official business. I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 2, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—84

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pressler
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wellstone
Wofford

NAYS—2

Brown
Roth

NOT VOTING—14

Boren
Campbell
Chafee
Coverdell
Dorgan
Gregg
Lieberman
Lott
McCain
Murkowski
Pell
Reid
Wallop
Warner

So the bill (H.R. 4453), as amended, was passed.

Mr. SASSER. Mr. President, I move to reconsider the vote.

Mr. GORTON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. SASSER. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mrs. MURRAY) appointed Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. KOHL, Mr. BYRD, Mr. GORTON, Mr. STEVENS, Mr. MCCONNELL, and Mr. HATFIELD conferees on the part of the Senate.

Mr. McCAIN. Mr. President, I was necessarily absent at the time the Senate voted on the fiscal year 1995 Military Construction Appropriations Act. I oppose the bill for two reasons.

First, this bill contains $910 million in military construction projects which were not included in the budget requests. These programs were included in the bill because individual Senators requested them. These projects were not requested by the Department of Defense because they did not meet the standards and priorities established by the Services. However, the Senate voted to approve nearly $1 billion in Congressional add-ons. I cannot support that action.

Second, total funding in the bill is $490 million more than the budget request for military construction—nearly half a billion dollars which was taken from high-priority military requirements, like readiness, modernization, training, and quality of life for military personnel. Military readiness is declining as the Congress continues to fund pork barrel spending. I cannot support this dangerous narrow approach to allocating Federal taxpayer dollars.

The bill does contain a number of excellent provisions, including a provision adopted unanimously to establish criteria for reviewing members' requests for add-ons to the military construction budget. However, overall, the bill represents another spending spree on Members' special interests, and I oppose the bill.

Mr. SASSER. Madam President, I express my appreciation for the work done on this bill by Jay Kimmitt, the staff director of the Military Construction Appropriations subcommittee, Hallie Hastert, for there excellent work, and Jim Morhard, of the minority staff. All have done a terrific job in bringing this military construction appropriations bill to us this afternoon.

Mr. GORTON. Madam President, I join with the distinguished Senator from Tennessee in those thanks and once again thank him for all his advice and support.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent there now be a period for morning business with Senators allowed to speak for 10 minutes therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LONG PUBLIC SERVICE OF SENATOR TED KENNEDY

Mr. MITCHELL. Madam President, I want to extend my congratulations today to my colleague, the senior Senator from Massachusetts, TED KENNEDY, as his tenure in the Senate makes him, today, the longest serving U.S. Senator in the history of the Commonwealth of Massachusetts.

In a time when too many chart their political views by the winds of partisan advantage, where programs and policies are attacked and defended, not on their merits but on the political identity of their author, TED KENNEDY is a man who has remained true to the values of economic justice and equality before the law throughout his entire career.

As an early lonely voice championing the need for National Health Insurance more than 20 years ago, as the skillful negotiator who helped produce the landmark Americans with Disabilities Act 4 years ago, TED KENNEDY has never lost sight of the economic and security needs of working Americans and their families. He has never lost his compassion and concern for those who depend upon the good will of their fellow man for a fair chance in life.

The victims of AIDS in our Nation owe to TED KENNEDY the passage of the Ryan White Comprehensive AIDS Care Acts. The victims of racial discrimination owe him a debt of gratitude for the difficult, uphill but ultimately successful fight that produced the Civil Rights Act of 1991. His work and efforts were instrumental in the compromise minimum wage bill of 1990.

He has made himself the champion of those who have no wealthy or powerful voices speaking on their behalf. His focus has not shifted with each short-term political fashion; he has stood for the same principles and the same values, whether they were universally popular or not.

TED KENNEDY's career is a lesson in tenacity and consistency. The values of economic justice and fairness are as real in his work today as they have ever been. That, I believe, is the reason he has now become the longest-serving Senator in the history of his State. I congratulate my colleague and friend, TED KENNEDY, on this milestone.

THE COMMISSIONING OF THE U.S.S. JOHN S. McCAIN (DDG-56)

Mr. THURMOND. Madam President, on July 2, 1994, overshadowed by the pressing business of the Senate and the Fourth of July festivities, was the commissioning of the Navy's newest *Arleigh Burke* class destroyer, the U.S.S. *John S. McCain* (DDG-56). I want to take a moment of the Senate's time to bring this event to the Members' attention for two reasons: First, the ship is named after two great naval officers, Adm. John S. McCain, Sr., and Adm.

John S. McCain, Jr. The second reason is that their grandson and son is our colleague from Arizona, Senator JOHN S. MCCAIN.

Our Nation has been blessed with many great military families and the McCains of Mississippi can be listed as among the very best. The McCain name is on the roster of George Washington's staff; a McCain lost his life in the Civil War; a McCain was the Adjutant General of the Army during World War I, while another McCain fought with General Pershing in Mexico and also rose to the rank of general. Although the accomplishments of any of these McCain men would have been enough to have a ship named after them, it took the father-son team of John Sidney McCain, Sr. and John S. McCain, Jr. to achieve that distinction.

Adm. John S. McCain Sr., the grandfather, graduated from the Naval Academy in 1906. He began his career by sailing around the world with President Roosevelt's Great White Fleet. His subsequent assignments took him to all parts of the globe in peace and war, including a tour as director of Machinist Mates School in Charleston, SC. In 1936 at the prime age of 52, he became a naval aviator—a record that still stands. During World War II he served with great distinction throughout the Pacific theater and won the Navy Cross. He was among the distinguished group of officers who witnessed the signing of the Japanese surrender on the deck of the U.S.S. *Missouri*. A comrade-in-arms said of him: "I think he was the finest man I ever met. We would have done anything for him."

John S. McCain, Jr., the father of Senator MCCAIN, followed in his father's footsteps and graduated from the Naval Academy in 1931. Unable to get into flight school because of a medical condition, he became a submariner. He commanded three submarines during World War II and was awarded the Silver Star for his exploits. We all remember him as the commander-in-chief, Pacific during the height of the Vietnam conflict from 1968 to 1972. More importantly than the litany of command and promotions was Jack McCain—the thinker, the speaker, and the naval leader. In a superb biographical sketch of the McCain family, the Senator's brother Joe attributed the following quote which best describes the philosophy of his father: "Life is run by poker players, not the systems analyst."

In the same loving tribute to his forbears, which is contained in the commissioning program for the U.S.S *John S. McCain*, Joe McCain makes the following statement about the two admirals:

> If the two warriors could gaze upon this great new man-of-war—and perhaps they can—they would be very honored. Honored, but humbled. For they were always not a little embarrassed at honors given them. They just wanted to get the job done.

What higher tribute can be given to any man?

Madam President, in further recognition of the lives of Adm. John S. McCain, Sr., and Adm. John S. McCain, Jr., President Bush was the commissioning speaker and our colleagues' lovely wife, Cindy McCain, is the sponsor for the U.S.S. *John S. McCain*.

Madam President, I know my colleagues join me in congratulating our colleague and good friend, JOHN MCCAIN, for this well deserved honor that our Nation has bestowed on his family. We wish both him and the U.S.S. *John S. McCain* the best.

ANOTHER STEP TOWARD PEACE IN THE MIDDLE EAST

Mr. PELL. Madam President, as many of my colleagues just learned, Jordan's King Hussein and Israel's Prime Minister Yitzhak Rabin have accepted an invitation from President Clinton to meet at the White House on July 25, 1994.

Although King Hussein is reported to have met occasionally in secret with Israeli leaders for more than 30 years, the upcoming event will be the first-ever public meeting. As such, it will send an unmistakable signal of Israel's increasing acceptance by its neighbors. The meeting, and the inevitable handshake between the Prime Minister and the King, will also bring an enormous amount of goodwill to the continuing peace negotiations between Jordan and Israel.

As one of Israel's traditional friends and supporters, I am extraordinarily pleased by today's news. The meeting will help to remind Israeli citizens that Prime Minister Rabin's courageous efforts for peace are not without reward. It will also help to underscore that the peace agreement between Israel and the PLO was but a first step in what will be a much larger endeavor.

I would like to reflect a moment on my appreciation for King Hussein's acceptance of President Clinton's invitation. I know that the United States has had its differences with Jordan, and many Members of Congress would have wished that the King had taken greater risks for peace during past years. But we should never lose sight of the fact that King Hussein has been a stalwart force for moderation in the Middle East peace process, and that his cautious, steady approach has brought an element of stability to an otherwise volatile region.

I remember just a few weeks ago, when King Hussein and Queen Noor visited with members of the Foreign Relations Committee, the King assured me that he planned to hold a public meeting with Prime Minister Rabin soon. The King's decision to do so on July 25 reaffirms what I have known all along: that the King is a leader of courage and dignity who stands by his word.

President Clinton's announcement represents another substantial acheivement—in fact a milestone—in the effort to establish a comprehensive Middle East peace settlement. I want to emphasize that President Clinton and his team, particularly Secretary of State Warren Christopher and Ambassador Dennis Ross, deserve great credit for this development. I am delighted to congratulate the President, as well as Prime Minister Rabin and King Hussein, and I extend my sincerest wishes for a successful meeting in Washington.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Madam President, before we ponder today's bad news about the Federal debt, let us have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Thursday, July 14, the Federal debt stood—down to the penny—at $4,624,995,772,750.82. This means that every man, woman, and child in America owes $17,739.93, computed on a per capita basis.

Madam President, to answer the question—how many million in a trillion?—there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

STATEMENT ON THE NOMINATION OF DR. MORTON HALPERIN

Mr. THURMOND. Madam President, over 200 years ago, the founders of this great Nation of ours made a very wise decision. They decided that certain appointments to high political office would be made by the President but the power to do so was subject to the approval of the Senate. Our Founding Fathers placed in article II section 2 of the Constitution the 10 words, "* * * by and with the Advice and Consent of the Senate * * *." Those words make it the responsibility of the Senate to examine the fitness of Presidential appointments to certain positions within the Federal Government. Mr. President, we on the Armed Services Committee take that responsibility very seriously.

President Clinton has made some interesting Department of Defense appointments since taking office. I have not objected to any of his choices, except one. I did not always agree with them, but I voted for them because I believe a President should have the people he wants serving in his administration unless they are incompetent or dangerous. Mr. President, Morton Halperin is dangerous. I want to make it clear that I am not here to restate a hearing that did not go well for Dr. Halperin. That record has been made and can be read by anyone who so desires. What I want to state today is that the Senate Armed Services Committee is extremely serious about its constitutional responsibilities. We are required to fully examine the background of all nominees that come before the committee for confirmation hearings.

The Department of Defense and the White House hired Dr. Halperin as a consultant in January 1993 but did not send his name to the Senate for our advice and consent until August, 8 months later. He admitted to being quite active during this period and also admitted that knowingly and in violation of DOD rules and regulations he performed a number of functions that presumed our advice and consent. In so doing, Dr. Halperin appeared to take our constitutional responsibilities a lot less seriously than we did.

Madam President, this was not an unknown person. Dr. Halperin has published more than a dozen books and more than 100 articles over the years. He has made some of the most outrageous statements I have ever read. Both in writing and at his hearing, he attempted to explain them away or deny that they meant precisely what a clear reading of them indicates. Some excerpts from Dr. Halperin's November 1993 confirmation testimony before the Senate Armed Services Committee were recently introduced into the CONGRESSIONAL RECORD. One statement was:

> I have been accused of believing that the United States should subordinate its interests to the United Nations, never using force without its consent and putting American forces at its disposal. That is false.

Madam President, Dr. Halperin may say in November 1993 this was false but earlier that same year, Dr. Halperin wrote in a publication entitled "Foreign Policy":

> The United States should explicitly surrender the right to intervene unilaterally in the internal affairs of other countries by overt military means or by covert operations. Such self restraint would bar interventions like those in Grenada and Panama, unless the United States first gained the explicit consent of the international community acting through the Security Council or a regional organization.

Madam President, if Members of this body will review those remarks, I think they will see a serious conflict, at least one that is worth discussing with a person who is being considered for an Assistant Secretary of Defense.

As I stated earlier, the Senate has the responsibility to advise and consent. We would be negligent in our duties if we did not attempt to figure out what Dr. Halperin really believed. As you can see, he says different things at different times. This is but one example and I would like to introduce for the record a number of quotes from Dr. Halperin that give me concern as to his fitness to serve in the Department of Defense or anywhere in the Federal Government. I have given a citation for each of these quotes so that Members can read them for themselves to determine if they are taken out of context. Let me read just two more to give the Senate a feel for the task the Senate Armed Services Committee faced in holding hearings to decide whether Dr. Halperin should be recommended to the Senate.

In the past, Dr. Halperin has tried to assure us that the Soviet Union was of no danger to us. In his "Defense Strategies for the Seventies," Dr. Halperin wrote:

> The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. * * * The Soviet posture toward Western Europe has been, and continues to be, a defense and deterrent one.

Revelations since the fall of the Warsaw Pact have shown how much in error this statement was. His opinion of intelligence operations was expressed in a book entitled "The Lawless State," as follows:

> Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease.

Why he made this statement or how much he believed this to be true is of concern to the Armed Services Committee and to all Senators, I should think. Mr. President, I would also like to insert in the RECORD after my remarks a document that was prepared by Mr. Francis J. McNamara and given to the committee concerning Dr. Halperin. It chronicles for the committee Dr. Halperin's involvement with the Pentagon Papers, a renegade CIA agent named Phillip Agee and his early association with a convicted Vietnamese spy named David Truong. To have ignored information such as this would have been totally irresponsible. Dr. Halperin may have had an unpleasant experience before the Armed Services Committee and may have requested his name be withdrawn for that or any number of other reasons. What I don't want the Senate to think is that, because the hearings were terminated, all the areas that he was questioned on, both in writing and at the hearing, are therefore not true. Dr. Halperin—no one else—made the statements he was questioned about. He addressed them by attempting to explain that he either no longer held those views or that they were taken out of context or that he may not have written them as artfully as he could have. Most explanations were totally unacceptable to this Senator and others I have been told.

Many members of the committee had significant problems with Dr. Halperin. I still do, and I believe from what I have read and heard, that he should not be allowed to deal in military matters, security matters or international relations. The President has placed him in another sensitive position at the National Security Council, and I believe the country will pay a price for that. This time, he chose to place him where the Senate could not give its advice and consent. I can fully understand why the President would choose to do this, if he did not want Dr. Halperin to be rejected by the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED PUBLICATION TITLES BY MORTON HALPERIN CONCERNING THE U.S. INTELLIGENCE COMMUNITY

"Led Astray by the CIA," The New Republic, June 28, 1975.

"The Most Secret Agents," The New Republic, July 26, 1975.

"CIA: Denying What's Not in Writing," The New Republic, October 4, 1975.

"The Cult of Incompetence," The New Republic, November 8, 1975.

"The Lawless State: The Crimes of the U.S. Intelligence Agencies," with Jerry J. Berman, Robert L. Borosage and Christine M. Marwick, Center for National Security Studies, Washington, 1976.

"Secrecy and the Right to Know," with Daniel N. Hoffman, Law and Contemporary Problems, Summer 1976.

"Freedom Versus National Security," with Daniel N. Hoffman, Chelsea House Publishers, New York, 1977.

"Top Secret: National Security and the Right to Know," with Daniel N. Hoffman, New Republic Books, Washington 1977.

"Oversight is Irrelevant if CIA Director Can Waive the Rules," The Center [for National Security Studies] Magazine, March/April 1979.

"The CIA's Distemper," The New Republic, February 9, 1980.

"Secrecy and National Security," Bulletin of the Atomic Scientists, August 1985.

"The Case Against Covert Action," The Nation, March 2, 1987.

SELECTED QUOTATIONS ATTRIBUTED TO MORTON HALPERIN

The achievement in which I take the greatest pride is the largely behind-the-scenes efforts of the ACLU to defend the First Amendment by defeating the flag-burning constitutional amendment in both houses of Congress.—Washington Post, 8 September 1992.

The constitutional rights of Americans have also been major casualties in the "war on drugs * * * Gross invasions of privacy such as urine testing, excessive property forfeitures and seizures without due process of law, the circulation of extensive government files on suspected drug offenders, and border patrols and checkpoints that inhibit free travel, all are among the draconian actions deemed necessary to wage the war on drugs.—"Ending The Cold War at Home," Foreign Policy, Winter 1990-91 (with Jeanne Wood).

(Morton Halperin's criticism of scientists who refuse to help lawyers representing The Progressive and its editors oppose government efforts to halt the magazine's publication of detailed information about the design and manufacturing of nuclear weapons:)

They failed to understand that the question of whether publishing the "secret of the H-bomb" would help or hinder non-proliferation efforts was beside the point. The real question was whether the government had the right to decide what information should be published. If the government could stop publication of [this] article, it could, in theory, prevent publication of any other material that it thought would stimulate proliferation.—"Secrecy and National Security," The Bulletin of the Atomic Scientists, August 1985, p. 116.

It is clearly a violation of the rights of free speech and association to bar American citizens from acting as agents seeking to advance the political ideology of any organization, even if that organization is based abroad. Notwithstanding criminal acts in which the PLO may have been involved, a ban on advocacy of all components of the PLO's efforts will not withstand constitutional scrutiny.—The Nation, October 10, 1987.

Having had administrative responsibility for the production of the [Pentagon] Papers, I knew they contained nothing which would cause serious injury to national security. I watched with amazement as the Justice Department, without knowing what was in the study, sought to persuade court after court that they should be suppressed.—"Where I'm At," First Principles, September 1975, p. 16.

International terrorism is rapidly supplanting the communist threat as the primary justification for wholesale deprivations of civil liberties and distortions of the democratic process.—"Ending The Cold War At Home," Foreign Policy, Winter 1990–91 (with Jeanne Wood).

Standard Form 86 (questionnaire for applicants to sensitive or critical government positions) asks intrusive and irrelevant questions regarding Communist party membership, prior arrests (whether or not they resulted in a conviction), drug and alcohol abuse, and private medical information, including mental health history.—"Ending The Cold War At Home," Foreign Policy, Winter 1990–91 (with Jeanne Wood).

(Morton Halperin on classification of materials:)

The first category [of documents that should be automatically released] includes information necessary to congressional exercise of its constitutional powers to declare war, to raise armies, to regulate the armed forces, to ratify treaties, and to approve official appointments.—Top Secret: National Security and the Right to Know, 1977.

(Morton Halperin on the Freedom of Information Act:)

Release under the FOIA have provided valuable background information on already exposed CIA covert action * * * The FOIA has not been a primary tool in uncovering previously undisclosed CIA covert action. Explicit exemptions under the Act for Information that could harm "national security" have prevented such revelations.—"The CIA and Covert Action," published by the Campaign for Political Rights of which Halperin was a Steering Committee member, June 1982.

(Morton Halperin on the Freedom of Information Act:)

More recently, through the Project on National Security and Civil Liberties, I have been involved in an effort to use the Freedom of Information Act to pry "secrets" from the national security bureaucracy.—"Where I'm At," commentary by Morton Halperin, First Principles, September 1975.

* * * I suggest * * * that the United States be prohibited from being the first to use nuclear weapons. In my judgement, there are no circumstances that would justify the United States using nuclear weapons, unless those weapons were used first by an opposing power.—"American Military Intervention: Is It Ever Justified?" p. 670, June 9, 1979, The Nation.

* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government and have remained only at their request. * * * The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union.—"American Military Intervention: Is It Ever Justified?", The Nation, June 9, 1979, p. 668.

One of the great disappointments of the Carter Administration is that it has failed to give any systematic reconsideration to the security commitments of the United States. [For example, President Carter's] decision to withdraw [U.S. ground forces from Korea] was accompanied by a commitment to keep air and naval units in and around Korea—a strong reaffirmation by the United States of its security commitment to Korea. This action prevented a careful consideration of whether the United States wished to remain committed to the security of Korea * * *. Even if a commitment is maintained, a request for American military intervention should not be routinely honored.—The Nation, June 9, 1979, p. 670.

The United States should explicitly surrender the right to intervene unilaterally in the internal affairs of other countries by overt military means or by covert operations. Such self restraint would bar interventions like those in Grenada and Panama, unless the United States first gained the explicit consent of the international community acting through the Security Council or a regional organization. The United States would, however, retain the right granted under Article 51 of the U.N. Charter to act unilaterally if necessary to meet threats to international peace and security involving aggression across borders (such as those in Kuwait and in Bosnia-Herzegovina.)—Guaranteeing Democracy, Summer 1993 Foreign Policy, p. 120.

The only way to stop this pattern [of abuse] is to impose an absolute requirement of public approval to bar paramilitary operations that are covert.—"Lawful Wars," Foreign Policy, Fall 1988.

(Morton Halperin's position on legislation to set heavy criminal penalties for Americans who deliberately identify undercover U.S. intelligence agents:)

[Such legislation] will chill public debate on important intelligence issues and is unconstitutional * * *. What we have is a bill which is merely symbolic in its protection of agents but which does violence to the principles of the First Amendment.—UPI, April 8, 1981.

(1971, Defense strategies for the seventies:)

The Soviet Union apparently never even contemplated the overt use of military force against Western Europe. The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one.

(Concerning the espionage trial of Truong and Humphries:)

Morton Halperin, told the news conference that the American Civil-Liberties Union will file a friend-of-the-Court brief challenging the conviction of the two men.

He (Halperin) said it will challenge the theory that theft of any informaiton developed by the government is a crime, that espionage can be alleged without proving intent to injure the United States, and that the President has inherent approval to authorize searches and electronic surveillance without a court warrant.—1978, Associated Press.

(Concerning the espionage trial of Truong and Humphries)

In my judgement there is nothing in those documents relating to national defense * * * There is nothing in those documents which might reasonably be expected to have threatened United States foreign policy or benefitted another nation.

Halperin said that, "I have closely examined seven cables cited in the indictment and concluded that they had been improperly classified as confidential or secret, and in one case Top Secret."—1978, Associated Press.

In the name of protecting liberty from communism, a massive undemocratic national security structure was erected during the Cold War, which continues to exist even though the Cold War is over. Now, with the Gulf War having commenced, we are seeing further unjustified limitations of constitutional rights using the powers granted to the executive branch during the Cold War.—United Press International, January 28, 1991.

Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society.—The Lawless State: The Crimes of the U.S. Intelligence Agencies, 1976, p. 5.

You can never preclude abuses by intelligence agencies and, therefore, that is a risk that you run if you decide to have intelligence agencies. I think there is a very real tension between a clandestine intelligence agency and a free society. I think we accepted it for the first time during the Cold War period and I think in light of the end of the Cold War we need to assess a variety of things at home, including secret intelligence agencies, and make sure that we end the Cold War at home as we end it abroad.—MacNeil/Lehrer Newshour, July 23, 1991.

[T]he primary function of the [intelligence] agencies is to undertake disreputable activities that presidents do not wish to reveal to the public or expose to congressional debate.—The Lawless State, 1976, p. 221.

* * * The intelligence [service's] * * * monastic training prepared officials not for saintliness, but for crime, for acts transgressing the limits of accepted law and morality * * * The abuses of the intelligence agencies are one of the symptoms of the amassing of power in the postwar presidency; the only way to safeguard against future crimes is to alter that balance of power.

Clandestine government means that Americans give up something for nothing—they give up their right to participation in the political process and to informed consent in exchange for grave assaults on basic rights and a long record of serious policy failures abroad.—The Lawless State: The Crimes of the U.S. Intelligence Agencies, 1976 pp. 222–57.

Spies and covert action are counterproductive as tools in international relations. The costs are too high; the returns too meager. Covert action and spies should be banned and the CIA's Clandestine Services Branch disbanded.—The Lawless State, 1976, p. 263.

Secrecy * * * does not serve national security * * * Covert operations are incompatible with constitutional government and should be abolished.—"Just Say No: The Case Against Covert Action," The Nation, March 21, 1987, p. 363.

* * * Covert intervention, whether through the CIA or any other agency, should be absolutely prohibited * * *.—"American Military Intervention: Is It Ever Justified?" The Nation, 9 June 1979, p. 670.

The budgets of most intelligence agencies remain secret. Such secrecy is not part of any legitimate national security purpose * * * The CIA should be limited to collating and evaluating intelligence information, and its only activities in the United States should be openly acknowledged actions in support of this mission. The agency's clandestine service should be abolished.—"Controlling the Intelligence Agencies," First Principles, October 1975, p. 16.

It may be true that other nations have, and will continue to engage in covert action. But this is far from proper justification for its use by the U.S. Indeed, few nations in the world have used covert action as aggressively and comprehensively as the U.S. And in no other country does the use of covert action conflict so violently with the guiding principles of a nation's constitution and the desires of its people * * * Covert action violates international law.—"The CIA and Covert Action," June 1982 report produced by the Campaign for Political Rights.

The ACLU believes, and I believe that the United States should not conduct covert operations * * * The record now before this committee and the nation demonstrate that covert operations are fundamentally incompatible with a democratic society.—Testimony provided by Halperin before the House Select Committee on Intelligence regarding Prior Notice of Covert Actions to the Congress, April 1 and 8, 1987 and June 10, 1987, pp. 90 and 96 of the hearing record.

The FBI should be limited to the investigation of crime; it should be prohibited from conducting 'intelligence' investigations on groups or individuals not suspected of crimes.—"Controlling the Intelligence Agencies," First Principles, October 1975.

The only way to stop all of this is to dissolve the CIA covert career service and to bar the CIA from at least developing and allied nations.—Morton Halperin's review of Philip Agee's book Inside the Company; CIA Diary wherein no mention is made of the fact that the book contained some thirty pages of names of U.S. covert operatives overseas. Review found in First Principles, September 1975, p. 13.

In the wake of Vietnam and Watergate, the question must be faced: Should the U.S. government continue to engage in clandestine operations? We at the Center for National Security Studies believe that the answer is 'No'; that the CIA's covert action programs should be ended immediately. The risks and costs of maintaining a clandestine underworld are too great, and covert action cannot be justified on either pragmatic or moral grounds.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

Defenders of the CIA argue that the Agency's covert actions protect the 'national security.' Yet historically, covert action has had little, if anything, to do with the reasonable defense of the country * * * Morton Halperin * * * has stated that he knows of no program of covert action which was necessary to the national security.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

A bureaucracy trained in the nefarious tactics of espionage and of covert action is a constant threat in an open society.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

A bureaucracy skilled in deceit is suspect in any government, but it is particularly destructive to a republic.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

Covert operations involved breaking the laws of other nations, and those who conduct them come to believe that they can also break U.S. law and get away with it * * * Covert operations breed a disrespect for the truth.—"Just Say No: The Case Against Covert Action" The Nation, March 21, 1987.

* * * even if covert action is not 'misused,' it still corrodes our constitutional order.—"CIA Covert Action: Threat to the Constitution," Pamphlet published by the Center for National Security Studies, 1976. Morton Halperin is listed as a "participant" and at the time was Chief Editorial Writer for the CNSS' publication, First Principles.

(Morton Halperin on Philip Agee's exposure of CIA agents using State Department documents)

It is difficult to condemn people who do that.—Testimony before the House Intelligence Committee by Morton Halperin, January 4, 1978.

MORTON H. HALPERIN AND NATIONAL SECURITY ISSUES—A PARTIAL RECORD

HALPERIN AND PHILIP AGEE

No country can be secure without good intelligence. Good intelligence cannot be obtained unless the confidentiality of a nation's operatives is maintained.

No single individual has done as much harm to the CIA—and thus in certain respects to the security of the U.S. and all its people—as has Philip Agee, the renegade CIA officer who resigned from the Agency at its request in 1968 and has since devoted himself to exposing its covert personnel and friends wherever and whoever they are.

Agee has not achieved his success in this area alone. He could not have inflicted the damage he has on this Country without the help of his colleagues at CounterSpy and the Covert Action Information Bulletin (CAIB), his two major exposure instruments, and others who in various ways have aided, abetted, publicized, defended and supported them and him.

Agee's first book, "Inside The Company: CIA Diary" published in 1975, included an appendix that listed the names of over 425 individuals and organizations (unions, publications, corporations, banks, institutes, etc.) he claimed were secretly employees, agents, or fronts for the CIA. The book eventually was translated into "at least 16 foreign languages," according to press accounts.

His next book, "Dirty Work: The CIA in Western Europe," released in 1978, contained a list of over 700 alleged CIA officers, agents, assets, informants, contacts and sources.

Following this in 1980, came "Dirty Work II: The CIA in Africa," with its 238 page list of those supposedly performing the same functions in that part of the world and, in 1982, "White Paper? Whitewash!," Agee's attack on the State Department's "White Paper" on El Salvador.

These books were supplemented by ongoing lists of "agents" published in CounterSpy and Covert Action Information Bulletin and by Agee's and his supporters' press conferences, speeches and articles. By the end of 1981, Agee's CAIBers were boasting that they had exposed over 2000 U.S. covert intelligence personnel.

The vital intelligence loss to this country was incalculable. Their usefulness destroyed, CIA personnel had to be taken out of clandestine activities in the locales in which they were serving, or transferred (usually with their families) to new locations where they faced likely foreign language problems, lack of contacts, new cultures to adjust to and other problems limiting their effectiveness. The same applied, of course, to those dispatched to replace them when personnel with appropriate skills were available. The dollar cost of these shifts ran to millions.

The CIA station chief in Athens, Richard Welch, was murdered by terrorists after two or three listings in CounterSpy and then being identified in a local paper (which checked with the magazine to confirm his identity). After Agee visited Managua in 1981 and a pro-Sandinista newspaper published a list of alleged CIA personnel in the U.S. Embassy there, some received death threats. A number, fearful for the lives of their wives and children, sent them out of the country.

These continuing exposures had extensive adverse effect on CIA morale. Officers everywhere—and all their contacts, too—lived in constant fear of being named next. The effect on foreign sources, assets and agents, some of them cooperative friends of the U.S. for decades, was particularly devastating. They did not have the luxury of being able to relocate themselves and their families to safer places. With their parents, wives and children they had to stay in place, in danger, no matter how sensitive and perilous their positions. Sources began to dry up everywhere.

CIA General Counsel Daniel Silver told the 1980 American Bar Association convention in Chicago the exposures were "a devastating problem" for the Agency. Deputy CIA Director Frank Carlucci told the '80 convention of the Association of Former Intelligence Officers (AFIO) "There is no subject on which people in the Agency feel more strongly, nor on which I feel more strongly. We must do something to solve this problem." He had asked Congress, he said, "What more do you need to act, another dead body?"

Following is at least part of the public record of Morton Halperin's actions relative to CounterSpy, the Covert Action Information Bulletin and Philip Agee:

CounterSpy's publisher, the Organizing Committee for a Fifth Estate (OC 5), according to its 1975 annual report, "had been instrumental in organizing several other organizations" that year, one of which was "The Public Education Project on the Intelligence Community (PEPIC) * * * a year long effort.

Morton Halperin, the report continued, was a member of PEPIC's speakers bureau, all of whose members "will be donating their time, energy and fees to PEPIC to ensure its survival."

The Senate Internal Security subcommittee, in its 1977 annual report, identified

PEPIC as one of the "several fronts" set up by Agee's OC–5 to accomplish its objective of finding "those individuals with research or organizing abilities to join the Counter-Spy Team."

Halperin was Director of the Project on National Security and Civil Liberties, jointly funded by the ACLU Foundation and the Center for National Security Studies (CNSS) of the Fund for Peace, which Halperin also directed. The Project began publishing "First Principles", usually on a monthly basis, in September, 1975 with Halperin its chief editorial ("Point of View") writer.

CounterSpy describes itself as "The Quarterly Journal of the Organizing Committee for a Fifth Estate". In addition to publishing OC–5's 1975 annual report in its Winter '76 issue, it included what it termed its "Resource List" of groups working in "the areas of national security and civil liberties", with the literature available from each. It listed: Project on National Security and Civil Liberties [Address and telephone number]; First Principles (newsletter published monthly except July and August); Led Astray by the CIA by Morton Halperin; The Abuses of the Intelligence Agencies, ed. by Jerry Berman and Morton H. Halperin; and

Center for National Security Studies [address and telephone number same as above Project] [six items listed]; The Abuses of the Intelligence Agencies by Jerry Berman and Morton Halperin.

CounterSpy's editors seemed to like the Berman-Halperin "Abuses work. Of the many items listed as available from its resource list of 10 organizations, it was the only one mentioned twice. Interestingly, however, they did not note that Halperin was director of both the "Project" and the "Center" on their resource list.

One other item in the Winter '76 CounterSpy is worth noting. The contents page, beneath the names of its editorial board members and coordinators, printed this boxed item: CounterSpy sends special thanks to: Morton Halperin [21 others were also named, with nine other names, like Halperin's being in bold type].

Agee's CounterSpy did not say what its "special thanks" to Halperin were for. Perhaps he made many well-paid speeches and gave all his fees, as pledged, to PEPIC, OC–5's front; perhaps it was for his favorable review of Agee's "Inside The Company" in "First Principles" (see following paragraphs); it could have been for any number of things he might have done for CounterSpy.

Halperin favorably reviewed Agee's "Inside The Company: CIA Diary" in the very first issue of "First Principles." Moreover, he managed to do so without even metioning the fact that in his introduction Agee thanked the Cuban Communist Party and Cuban government agencies for the "important encouragement" and "special assistance" they had given him in writing the book. Halperin also failed to mention the fact that the book contained the names and identities of over 425 people in all parts of the world Agee claimed were officers, agents and cooperators with the CIA.

Giving full credence to Agee's allegations of horrendous CIA wrongdoing, Halperin wrote: "The only way to stop all of this is to dissolve the CIA covert career service * * *.

Halperin next wrote an article, "CIA News Management," published in the Washington Post (1/23/77) in which he absolved Agee and CounterSpy of all blame for the assassination of Richard Welch, the CIA Athens station chief, placing responsibility for the killing on Welch himself and the CIA.

The following month, Halperin traveled to England to help Agee who was fighting deportation from that country for "regular contacts * * * with foreign intelligence agents," disseminating information "harmful to the security of the United Kingdom," and aiding and counseling others in "obtaining information" which, if published, "could be harmful" to the United Kingdom's security.

Agee was deported from England despite Halperin's efforts in his behalf.

Halperin testified before the House Intelligence Committee on January 4, 1978, rehashing his Washington Post accusations against Welch himself and the CIA for Welch's death and again cleansing Agee and CounterSpy of all blame.

Referring to the exposure of covert CIA personnel by Agee and others on the basis of information gleaned from State Department documents, Halperin asserted: "it is difficult to condemn people who do that."

(Others have different views. In a 1980 Senate hearing on an agent identities protection bill, former Senator Jake Garn said Agee's actions "border on treason" and Senator John Chafee stated it was his opinion that "this willful disclosure of the names of persons who are unlawfully engaged in intelligence work for this Nation falls in the same category * * * as an act of treason.")

The January 1978 issue of Halperin's "First Principles" featured a page-one article by him, "The CIA and Manipulation of the American Press," in which he once more played his tired refrain about Agee and CounterSpy being blameless—and Welch and the CIA being the opposite—for the station chief's death (he threw in some other items as well to bolster his ongoing, basic theme of undemocratic CIA operations).

With Halperin's permission, his "CIA News Management" column was republished in Agee's 1978 book, "Dirty Work: The CIA in Western Europe." Publisher Lyle Stuart proclaimed in a newspaper ad for the book that it contained "a list of more than 700 CIA agents currently working in Western Europe. It completely blows their cover." He then added: "But 'Dirty Work' is more than that. A comprehensive picture of the CIA emerges in 'Dirty Work.' [two other contributors] * * * and Morton Halperin have all shown considerable courage in informing America about the seamy side of American espionage * * *"

There is no indication that Halperin was displeased by this pat on the back from Agee's publisher.

Halperin was chairperson of the Campaign to Stop Government Spying (CSGS) which emerged from a Conference on Government Spying he had addressed in Chicago in January 1977. Arranged by the cited Communist front, the National Lawyers Guild (NLG), the conference's co-conveners included the ACLU, with Halperin director of its Washington office; the Center for National Security Studies (CNSS), which Halperin directed; the National Emergency Civil Liberties Committee, another cited front for the Communist Party; the National Conference of Black Lawyers, affiliated with the Soviet Union's then international attorneys' front, the International Association of Democratic Lawyers, and the Political Rights Defense Fund, a front of the Trotskyist Communist organization, the Socialist Workers Party (SWP). The conference's steering committee included the SWP, ACLU, CNSS, NLG, Institute for Policy Studies, and Agee's OC–5.

Halperin's CSGS was an "anti-U.S. intelligence" conglomerate composed of about 80 organizations. Listed on its letterhead as a member of its steering committee was Agee's CounterSpy.

Halperin's CSGS changed its name the following year to the more politically acceptable Campaign for Political Rights (CPR), with Halperin still its chairperson. Its new letterhead listed not only CounterSpy as a member of the CPR steering committee, but also its successor, Agee's Covert Action Information Bulletin (CAIB). Both publications were heavily into the "naming CIA names" game.[1]

As chairperson of both the CSGS and CPR, Halperin must have had some say about just which groups would be invited to join, and which would be selected for leadership positions in, his organization.

There is no record that he ever opposed, or indicated unhappiness about either U.S.-security-destroying publication being in the organization's leadership.

In late 1978, Halperin's CPR published a "Materials List" to assist its members in their agit-prop work against American intelligence agencies. Agee's "Inside the Company" was included in it under the category "Memoirs by Former Employees" and his Covert Action Information Bulletin under "Sources of Information."

"Organizing Notes" ("O.N."), according to its masthead, was "published by the Campaign for Political Rights." Released eight times a year, it was designed—like "First Principles," which it closely resembled—to keep its readers abreast of current developments related to the CPR's basic mission. Like "First Principles," it had an "Update" feature which it said was "a combined effort of 'First Principles' and 'Organizing Notes'." ("First Principles" had regularly featured an "Update" section).

Halperin's name did not appear on the masthead of "Organizing Notes," but, as chairperson of the CPR he had to be responsible for its contents, just as he was for the contents of the CPR's "Materials List."

"Organizing Notes" routinely promoted both Agee's CAIB and CounterSpy as containing worthwhile information of value to its readers.

CAIB received promotional boosts in the following issues of "ON": 1-2/79 p. 3; 4-5/79 pp. 8 & 19; 7-8/80 pp. 12 & 14; 7-8/81 p. 14.

CounterSpy received the same treatment in these issues: 1-2/79 pp. 5 & 13; 4-5/79 p. 6: 8-9/80.

This tabulation is based on a check of scattered issues of "ON." A thorough check of all issues would undoubtedly reveal a considerably greater number of positive mentions. It is interesting, too, to note what Halperin's "ON" considered interesting in various issues:

CounterSpy 12/78: "lists numerous CIA agents now overseas."

CAIB 1/79: "reprints a top secret U.S. army memo on infiltrating and subverting allies—

---

[1] The original CounterSpy with which Agee was affiliated began publication with its March 1973 issue; it ceased publishing after its November 1976 issue—until publication was resumed under new management in December 1978.

Agee was not affiliated with the new CounterSpy, he and two others formerly associated with it having announced publication of its successor, the Covert Action Information Bulletin (CAIB), while attending the Soviet-controlled eleventh World Festival of Youth and Students in Havana on July 28, 1978, the opening day of the festival. Free copies of the first issue of CAIB, dated July 1978, were distributed to those at the festival. Agee and his associates said the CAIB was intended to be: "a permanent weapon in the fight against the CIA, the FBI, military intelligence and all the other instruments of U.S. imperialist oppression."

although the Army continues to deny it was an official document."

[Fact: the Army did more than deny it was "an official document." The alleged "army memo" ["F. M. 30-31B"] was exposed as a KGB forgery. See House Permanent Select Committee on Intelligence, hearing, "Soviet Covert Action (The Forgery Offensive)," February 1980, pp. 12, 13 and Appendix: "CIA Study: Soviet Covert Action and Propaganda," pp. 66 and 67; 176–185.]

It should be noted that, at the same time, Halperin's "First Principles" promoted Halperin's "Organizing Notes." The following appeared in the former's May '77 issue: Campaign To Stop Government Spying. The Campaign is now publishing a monthly newsletter, Organizing Notes. It is available free to people organizing around the issue of government spying. Contact them at [address and telephone number] if you would like to be included on their mailing list.

Importantly, Halperin's "First Principles", like "ON", also routinely gave favorable notice to the contents of current issues of both CounterSpy and the Covert Action Information Bulletin. In the period July-August '80 to September-October '83, for example, at least eight issues of CounterSpy were promoted in the pages of Halperin's "First Principles", along with a fair number of the CAIB. The following is one item that appeared in "First Principles" regular "In the Literature" section, subsection "News-letters, Journals, Etc": "Covert Action Information Bulletin, Oct. 1981. In anticipation of Congressional passage of the agents identities bill, CAIB publishes its last naming names column, and indexes all previous identifications (sic)."

And Halperin says he does not approve of "naming names"!

If "ON" gave frequent favorable notice to Agee's CAIB, it is also true that the CAIB returned the favor by drawing favorable attention to Halperin's CPR. Examples:

Agee's CAIB editorialized on pending CIA legislative charter proposals in its June 1980 issue. In a subsection of the editorial, "The Work of the Left," it noted: "Throughout this Congressional debate, considerable and effective pressure was brought to bear by the organized opposition to government spying. The Campaign for Political Rights (to which CAIB belongs), the Center for National Security Studies, the American Civil Liberties Union [in all of which Halperin played a leading role] all gathered support against the charter . . . The struggle, to the surprise of many, began to have results. By April, the charter was 'dead.'"

Agee's CAIB, like all Communist-left publications and organizations, was disturbed by the fact that Executive Order 12036 governing the intelligence community and signed by President Carter on January 4, 1978, might be amended by the Reagan Administration in such a way as to restore some of the capabilities the Carter decree had denied the community.

Commenting on the March 10, 1981 leak of the contents of a new draft Reagan order, CAIB made the following statement in its April 1981 issue: "The proposal contains many . . . authorizations for intrusive spying and manipulation by the FBI and other intelligence agencies, even if all the references to the CIA are removed. This proposal . . . also 4/81 pp. 3 & 51 must be opposed. Persons wishing further information should write to: The Campaign for Political Rights, [address]."

The thinking of Agee's CAIB and Halperin's CPR on the contents of executive orders governing the intelligence community was obviously very similar.

Under "Other Publications of Interest" in the July-August issue of Agee's CAIB (p. 51), the following item appeared: "Bugs, Taps and Infiltrators: What to do About Political Spying," 6-page leaflet free (contribution welcome); from the Campaign for Political Rights: [address given]. A brief outline of how to look for and what to do about infiltrators."

[The "Naming Names" section of this CAIB issue identified alleged CIA "infiltrators" in Canada, Central African Republic, Ghana, Greece, Liberia, Malaysia, Mauritius, Nigeria, Senegal, South Africa, Sudan and Switzerland.]

Halperin's "Organizing Notes" for 11/12/80 (p.10) reported that on October 3, Judge Gerhard Gesell had ruled that per the secrecy agreement signed by all CIA personnel Agee could not publish any writing about the CIA in the future without first submitting it to the Agency for review. He threatened to cite Agee for contempt if he violated the order.

At the same time, however, Gesell refused to grant the government's request that he confiscate the profits Agee had made from the two books he had already written in violation of his agreement.

Why did he so rule? Halperin's "Organizing Notes" reported: "The Judge based his refusal on evidence presented by the American Civil Liberties Union's Project on National Security [chaired by Halperin] which supported Agee's claim that the government selectively prosecuted only its critics for violating CIA secrecy agreements."

The July-August '81 issue of Halperin's "ON" featured a page one attack on the Supreme Court for upholding the right of the Secretary of State to withdraw Agee's passport.

Halperin's CPR staged a forum in Washington on May 27, 1982, entitled: "Covert Operations Against Nicaragua." A publisher's order form for Agee's "dirty Work" and "White Paper? Whitewash!" was included in each press kit distributed at the forum.

Finally, Halperin campaigned hard against all bills introduced to criminalize exposures of the identities of intelligence personnel, though the Supreme Court had held (in its Agee passport decision) that such activities "are clearly not protected by the Constitution."

Halperin not only testified against the bills but induced others to protest their enactment. "ON" for 7-8/81, for example, noted that his CPR had "coordinated" a letter signed by 110 law professors addressed to members of the House Intelligence Committee and Senate Judiciary Committee urging the amendment of H.R. 4, the intelligence agent identities protection bill that eventually became law, in a manner desired by Halperin (i.e., to make it ineffective) and, the previous September, had coordinated a similar letter signed by 50 professors.

What one newspaper described as "a festive outdoor ceremony" was held at CIA headquarters in Langley, Virginia, on June 23, 1982 where President Reagan signed into law the Intelligence Agent Identities Protection Act (H.R. 4), which provides for fines and prison terms for those who deliberately disclose the identities of U.S. intelligence personnel. The President praised CIA employees on the occasion as "heroes of a grim twilight struggle." The last two paragraphs of the news account read as follows:

"The American Civil Liberties Union has criticized the law as a "clearly unconstitutional infringement on the right of free speech."

"Morton H. Halperin, Director of the ACLU's Center for National Security Studies, said the organization would provide legal assistance to "those whose ability to speak or write is threatened by this legislation or effort to enforce it by the Justice Department." (Washington Post, June 24, 1982)

In June 1981, upholding the right of the Secretary of State to lift Agee's passport, the Supreme Court reviewed some of the well-publicized facts about him that should be kept in mind as Halperin's generosity toward Agee and his apparat is considered:

At a 1974 London press conference, Agee announced his "campaign to fight the United States CIA wherever it is operating" and his intention "to expose CIA officers and agents and * * * drive them out of the countries where they are operating" while, in the U.S., he worked "to have the CIA abolished" (Agee's words).

A Federal District Court had found on Agee's part "a clear intention to reveal classified information and to bring harm to the agency and its personnel."

Agee's exposures "have been followed by * * * violence against the persons and organizations identified." In 1974, prior to the Welch murder, Agee's chief collaborator exposed CIA personnel in Jamaica at a press conference there. Within a few days, the home of the CIA station chief was raked with automatic gunfire and gunfire also erupted when police challenged men approaching the home of another identified CIA officer.

Reviewing these and other facts, the Supreme Court found that Agee's activities not only presented "a serious danger to American officials abroad and serious danger to the national security," but also "endangered the interests of countries other than the United States—thereby creating serious problems for American foreign relations and foreign policy."

As noted earlier, Agee did not do his damage to the U.S. alone. No single person could do that. He needed his co-workers and colleagues at CounterSpy and Covert Action Information Bulletin to help him. He needed more than that—the assistance of every other person who aided him in any way. The Supreme Court's findings thus apply not only to Agee, but also every worker for those two publications and, it would seem to many, to others who did not support him quite so directly, but who nevertheless helped him in very real and important ways—people like Morton Halperin.

Speaking through others, Halperin has flatly denied that he has ever aided or abetter Philip Agee in any way.

But what are the facts?

Agee wanted support for the various fronts setup by the Organizing Committee for a Fifth Estate, CounterSpy's publisher, to promote both OC-5 and the magazine. Halperin gave him that by serving on the speakers bureau of PEPIC. More than that—presuming he lived up to his affidavit of the time—Halperin gave every penny he earned from his speeches to PEPIC.

Agee wanted favorable reviews of his first book. Halperin gave him one in the very first issue of "First Principles."

Agee wanted favorable notice given to both of his principal agent exposure instruments—CounterSpy and the Covert Action Information Bulletin. Halperin gave him that repeatedly in both "First Principles" and his "Organizing Notes."

Agee wanted someone to represent him in his court fight to retain the ill-gotten profits from his first two books. Halperin gave him that through his Project on National Security and Civil Liberties.

Agee wanted someone to absolve him of blame for the terrorist assassination of CIA station chief Richard Welch. Halperin gave him that over and over again—in speeches, testimony and writing.

Agee wanted someone to dispute the statements of many present and former CIA officials that he and CounterSpy rather than the CIA and Welch himself were responsible for Welch's death. Halperin gave him that repeatedly.

Agee wanted some testimony that would help him fight deportation from Great Britain and Halperin gave him that as well.

HALPERIN AND THE VIETNAMESE COMMUNIST SPY

David Truong (Truong Dinh Hung) and Ronald L. Humphrey were arrested in January 1978 on charges of espionage, theft of U.S. government documents and conspiracy to injure the defense of the Unite States.

Humphrey, United States Information Agency communications watch officer (a position giving him daily access to sensitive cable traffic), had been taking classified government documents, the indictment said, and turning them over to Truong who, through couriers, had been delivering them to North Vietnamese officials in Paris. Hanoi's Ambassador to the UN and several other North Vietnamese officials were named as unindicted co-conspirators, asked to leave this country—and eventually did so.

Truong, son of a wealthy lawyer and "peace" politician in Saigon (later retired in comfort in Hanoi), came to the U.S. in 1965 to study at Stanford. After getting his degree, he moved East, first to Cambridge and then to Washington where he became active in the "anti-war" movement, established a U.S.-Vietnamese "reconciliation" front, lobbied "peace" Members of Congress and their staffs (as Halperin did) and gained considerable influence on the Hill.

Truong and Humphrey were tried in May 1978, convicted, sentenced to 15 years in prison, and began serving their terms in January 1982 after an appellate court and the Supreme Court rejected appeals from the trial jury's guilty verdict.

Their unsuccessful defense claim was that the documents Humphrey gave Truong were not really sensitive, contained no more than diplomatic chit-chat and could not harm the United States.

Halperin supported their claims, testifying in their defense at the trial on May 10. He doubted that some of the cables had been properly classified; others, he claimed, were in no way related to the national defense, and he said "no information" in any of the cables the pair had given the Communists "could injure the United States or be advantageous to the Vietnamese."

He took this position despite the fact that on March 2, 1978, a week earlier, the court had taken a completely contrary position, issuing a strict protective order "to prevent the disclosure or dissemination of the documents listed in Appendices A and B, attached thereto * * * or any portion thereof * * * or of the information contained therein.

In addition, a string of U.S. diplomatic and intelligence officials contradicted Halperin's testimony.

Halperin was eager to aid Truong and he did not wait until May 10, the day he testified, to begin his assistance. In his "Point of View" for the April 1978 "First Principles", he attacked the Carter Administration Justice Department for bringing the indictment (though the trial had not yet begun and he could not have known the essential elements of the case) and with tortured legal argument assailed the presiding judge for his pretrial rulings in favor of the government. Keep in mind, Mr. Halperin is not a lawyer.

Next, in another "Point of View" in the June 1978 "First Principles", Halperin assailed both the jury for its guilty verdict and the Carter Administration, saying the case "raised some very serious questions" about whether it "understands what it is doing."

Finally, in the September '78 "First Principles" he featured a "Guest Point of View" which also assailed their conviction. It was written by Daniel Hoffman, Halperin's co-author of "Top Secret: National Security and the Right to Know," who compared the Humphrey-Truong trial to that of the dissident Scharansky in the Soviet Union.

Later, in its June 1981 issue, Halperin's "First Principles" initiated a Letters to the Editor column. The one and only person who had a letter published in the first column was David Truong who, of course, attacked the US justice system, writing of "the government's evident misbehavior" and the "glaring denial of due process" in his trial.

"Organizing Notes" of Halperin's CPR was as assiduous in trying to help Truong as was Halperin himself in "First Principles." The issue of January-February 1979, for example, reported that Truong's attorneys had filed an appeal brief listing 14 reasons why the guilty verdict should be set aside and that it would be argued before the appellate court sometime in the spring; "Contact Vietnam Trial Support Committee," it said and gave the address and telephone number of the group that had been set up in Washington to raise funds for, and otherwise assist, Truong fight his case.

The July-August '80 issue of "Organizing Notes" reported that on July 17 a panel of the Court of Appeals for the Fourth Circuit had declined to review the lower court verdict and that Truong's lawyers would move for a rehearing before the full court: "For further information: Vietnam Trial Support Committee," again followed by the group's Washington address.

The July-August '81 issue of "Organizing Notes," the periodical published by Halperin's CPR, reported that to raise funds for Truong's defense, limited edition silkscreen posters, each one signed and numbered by the artist, were available for $15 each in quantities up to 100, and $10 each for 101 to 405 copies (plus $1.50 each for postage and handling): "Vietnam Trial Support Committee, followed by the committee's address and telephone number.

"Truong Case Raises Important Physical Search Issues" a January-February '82 issue article headline in "Organizing Notes" announced. The article ended with an ironic paragraph: "As we go to press * * * The Supreme Court on January 11 denied David Truong's petition for a writ of certiorari, thereby precluding the possibility of further review of the case. As such, Truong's 1978 conviction will stand."

Not only the Court of Appeals, but in effect the Supreme Court, had rejected Halperin's specious arguments in defense of Truong.

A final note: Truong was free on $250,000 bail pending the outcome of his appeal from conviction when, in February 1979, Halperin's CPR held a party in Washington to celebrate the release the "The Intelligence Network," a propaganda film directed against the CIA, FBI and other US intelligence agencies. David Truong showed up at the celebration. Halperin, smiling, posed with him for a press photo.

HALPERIN AND THE PENTAGON PAPERS CASE

The so-called "Pentagon Papers" were a 47-volume, 2½ million word collection of government documents relating to the Vietnam War assembled per a June 1967 directive of Secretary of Defense Robert McNamara by a team of about three dozen Defense Department employees, including Halperin, then a deputy assistant secretary. Completed in 1969, its contents were classified TOP SECRET-SENSITIVE by Leslie H. Gelb, who directed the project, Halperin and two McNamara military assistants.

Two former Defense and Rand Corporation employees, Daniel Ellsberg and Anthony Russo leaked copies of 43 volumes of the compilation some time later with the result that in mid-June 1971, while the U.S. was still fighting in Vietnam, the New York Times, Washington Post, and Boston Globe began publishing excerpts from them.

Former President Lyndon Johnson termed the leak "close to treason." General Hyman Lemnitzer, Chairman of the Joint Chiefs of Staff early in the war and later Supreme Commander of NATO, denounced it as "a traitorous act."

The Nixon Administration had twice denied requests from Senator Fulbright (D-Ark) for copies of the Papers on the basis of Defense Department reviews which concluded that "the material, in our judgment, was of such a high degree of sensitivity that it should not be transmitted outside the executive branch." The DOD review of Fulbright's second request was continuing just a week before the Times began publication on June 13.

The government immediately asked for a court injunction, saying further publication would pose "a grave and immediate danger to the security of the United States." A temporary stay was granted on June 27, but the Supreme Court reversed it three days later, ruling 6-3 that, in light of First Amendment rights, the government had not met the "heavy burden" of justifying prior restraint.

Ellsberg and Russo, the admitted purloiners of the Pentagon Papers, were indicated on 15 counts involving violations of the Espionage Act, stealing government property, and interfering with the control of classified information.

Halperin traveled to Los Angeles where the trial was held and remained for five months, reportedly as leader of a team of about 35 left-wing activists and lawyers assembled to work for their acquittal (Ellsberg's chief defense counsel was the late Leonard Boudin, a leading member of the National Lawyers Guild and, according to a Federal court exhibit, a former member of the Communist Party's National Committee; also, of course, the father of Kathy Boudin, convicted in the 1981 terrorist Weatherman Nyack, N.Y. Brinks robbery-murders.

Halperin also testified as a defense witness for the pair, making the fantastic claims that, in his view, the Pentagon Papers were not government documents but the personal property of himself, Gelb and former Assistant Secretary Paul Warnke; that they had been improperly classified, and contained no information that would benefit an enemy of the U.S.

He was flatly contradicted on every point by other witnesses. Gelb, for example, testified, "I did not regard the documents as my personal property." FBI agent Earl C. Revels testified that when he first interviewed Halperin about the leak, Halperin had told him that he, Warnke and Gelb had delivered a 38-volume set of the papers to the Washington office of Rand as agents of the U.S. government; also that he had twice refused to grant Ellsberg access to the study, but had finally done so though he feared Ellsberg might be "indiscreet" in handling it. In addition, several high-ranking military officers pointed out how hostile powers could benefit from information in the Papers.

The chief prosecutor, David Nissen, charged during Halperin's March 23, 1973 testimony that Halperin had himself violated security regulations by taking classified documents when he left government service—a charge later affirmed in the brief submitted to a Washington court by the Carter Administration in 1978.

The question of Ellsberg-Russo's guilt or innocence was not settled by the court. A number of factors developed which convinced the trial judge that separating legitimate from illegitimate evidence was "well-nigh impossible." He therefore dismissed the case.

One of the complications was that Ellsberg, a guest in Halperin's home for a time during the period a warrantless national security wiretap was in place on Halperin's phone (May 1969–February 1971), had been overheard on the tap 15 times and the government took the position that, for national security reasons, the contents of the taps could not be disclosed.

The previously-mentioned Supreme Court decision denying the government request for a ban on further publication of the Pentagon Papers provided telling commentary on Halperin's testimony in the Ellsberg-Russo trial. Appended are excerpts from that decision which clearly indicate that a majority of the justices were convinced that—contrary to his testimony—the Papers contained sensitive information the release of which would warrant prosecution under security statutes.

NEW YORK TIMES CO. V. UNITED STATES 403 U.S. 713(1971)

EXCERPTS FROM THE DECISION

Justice Stewart (one of the majority), with Justice White (also of the majority) concurring, noted that the Court has been asked to prevent publication of material the Executive Branch "insists should not, in the national interest, be published." He wrote: "I am confident that the Executive is correct with respect to some of the documents involved. But I cannot say that disclosure of any of them will surely result in direct, immediate and irreparable damage to our Nation or its people," so he had to join the majority in denying an injunction.

Justice White, with Stewart concurring, said that after examining the materials the government said were "the most sensitive and destructive" he could not deny that revelation of them "will do substantial damage to public interest. Indeed, I am confident that their disclosure will have that result * * * because the material poses substantial dangers to national interests and because of the hazards of criminal sanctions, a responsible press may choose never to publish the more sensitive materials * * * a substantial part of the threatened damage has already occurred. The fact of a massive breakdown in security is known, access to the documents by many unauthorized people is undeniable."

Termination of the ban on publication by this Court, White continued in a blunt warning, "does not mean that the law either requires or invites newspapers or others to publish them or that they will be immune from criminal action if they do * * * failure by the Government to justify prior restraints does not measure its constitutional entitlement to a conviction for criminal publication."

"The Criminal Code contains numerous provisions potentially relevant to these cases * * * I would have no difficulty in sustaining convictions under these sections."

Justice Marshall: "At least one of the many statutes in this area [control of sensitive information] seems relevant to these cases."

Chief Justice Burger, a dissenter, deplored the haste with which all proceedings in the case had been held: "We do not know the facts of the cases. No District Judge knew all the facts. No Court of Appeals Judge knew all the facts. No member of this Court knows all the facts * * * because these cases have been conducted in unseemly haste * * *"

"To me it is hardly believable that a newspaper long regarded as a great institution in American life (the New York Times) would fail to perform one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret government documents. That duty, I had thought—perhaps naively—was to report forthwith to responsible public officers. This duty rests on taxi drivers, Justices, and the New York Times. The course followed by the Times, whether so calculated or not, removed any possibility of orderly litigation of the issues * * *"

"The consequence of all this melancholy series of events is that we literally do not know what we are acting on * * * the result is a parody of the judicial system * * *"

"I should add that I am in general agreement with much of what Mr. Justice White has expressed with respect to penal sanctions concerning communication or retention of documents or information relating to the national defense."

Justice Harlan, also dissenting, with the Chief Justice and Justice Blackmun joining, cited chapter and verse of the haste mentioned by the Chief Justice and said: "With all respect, I consider that the Court has been almost irresponsibly feverish in dealing with these cases."

Justice Blackmun, the third dissenter, said he, too, was in "substantial accord" with what Justice White had said about criminal prosecution. He added: "I strongly urge, and sincerely hope, that these two newspapers [the New York Times and the Washington Post] will be fully aware of their ultimate responsibilities to the United States of America * * * I, for one, have now been able to give at least some cursory study not only to the affidavits, but to the material itself. I regret to say that from this examination I fear that Judge Wilkey's statements [expressed in his Washington Post decision] "have possible foundation. I therefore share his concern. I hope that damage has not already been done. If, however, damage has been done and if, with the Court's action today, these newspapers proceed to publish the critical documents and there results therefrom what Wilkey feared as possible, 'the death of soldiers, the destruction of alliances, the greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate,' to which list I might add the factors of prolongation of the war and of further delay in the freeing of United States prisoners, then the Nation's people will know where the responsibility for these sad consequences rests."

SOUTH DAKOTA LANDSLIDE VICTIMS NEED ASSISTANCE NOW

Mr. PRESSLER. Madam President, several natural disasters have been in the news lately. Devastation caused by floods in Georgia and forest fires in the Rockies have gained the attention of the national media. These disasters also have gained the attention of the President who quickly offered Federal assistance.

Last week, I toured another very serious disaster. A landslide in Lead, SD, already has claimed numerous homes and businesses and continues to threaten the residents of this small mining town. Despite the urging of South Dakota's entire congressional delegation, the Governor, and local officials, the President has failed to act upon this crisis.

The disaster in Lead is most unusual. Most disasters strike suddenly, leaving immediate evidence of physical damage. The landslide in Lead, on the other hand, is occurring slowly—a so-called creeping landslide. Slow, Mr. President, but with devastating results. An influx of ground water caused by heavy snowfall in the winter and continued precipitation in the spring destabilized a section of a hillside and it began to move, taking buildings with it. With the assistance of the Homestake Mining Co., the city drained excess ground water, thereby slowing the movement of this creeping landslide. Unfortunately, these efforts have not resolved the situation.

Local, state, and Federal officials have developed a long-term solution to this slow-moving landslide. Such an effort to mediate the landslide, however, would require an estimated $3.05 million. Madam President, this creeping landslide poses an imminent and serious danger to the business community of the entire Lead area. The Twin City Shopping Mall was forced to close its doors on May 27, 1994, placing 125 jobs, $400,000 in State tax revenues, and $100,000 in municipal tax revenues at risk. In an effort to continue providing their vital services to the community, some of the businesses have relocated to municipal buildings and other public facilities. Others, such as Lead's only grocery store, remain closed.

The landslide also damaged many homes. Twenty-five hours are located within the slide area, and numerous occupants have been forced to evacuate until the slide stops. During my recent visit to the site, I toured the home of Don Papousek. The house has sustained severe damage from both interior and exterior stress fractures. The slide actually split the floor of his garage into two separate levels. I also recently received a letter from Marilyn and Howard Bridenstine of Lead. In the letter, the Bridenstines said, "It is very scary and sickening at night when it's quiet and dark and you can hear your house slowly being torn apart." This disaster clearly is threatening the safety of these families.

Though this disaster occurred in a community of 3,600 people, economic shock waves will be felt far beyond the Lead city limits. Everyone within a 6-

county area surrounding Lead is experiencing the impact of the 10 businesses and 25 homes struck by this disaster. Without question, this disaster warrants a Presidential declaration.

State and local governments already have committed hundreds of thousands of dollars to repairing structural damages, including broken gas and water lines. However, unless Federal assistance is made available, construction to stop the landslide itself may not begin. The citizens of Lead are not asking for a long-term bailout. They simply need assistance to halt this ongoing disaster.

Lead needs assistance now. I have sent this message to the President and Federal Emergency Management Agency [FEMA] Director James Lee Witt several times. I first contacted Mr. Witt by letter on May 27, 1994, urging his support of South Dakota Governor Walter D. Miller's June 6 request for Federal assistance. That same day, I also asked the administrator of the Small Business Administration [SBA] Erskine Bowles for SBA disaster assistance. I then spoke with Mr. Witt on June 30 and July 1 and followed up with a second letter to FEMA on June 30. Madam President, I ask unanimous consent these letters regarding the Lead disaster be included in the RECORD immediately following my remarks.

To Administrator Bowle's credit, the SBA quickly granted the greater Lead area an SBA disaster declaration on June 9, 1994. Shortly after the declaration, the SBA set up a temporary disaster assistance office offering much needed low-interest home and business loans. To date, the SBA has approved 10 home loans and is processing 9 business loans. Unfortunately, loans to repair damaged homes and businesses provide only temporary cures.

This helpful assistance is greatly appreciated, but it acts only as a Band-Aid when a tourniquet should be applied. Such stopgap measures will not save Lead from future landslides. These home and business owners should have the assurance that their refurbished buildings will not again fall victim to this ongoing destruction. The people of Lead and officials from the State of South Dakota, as well as FEMA, understand the source of the problem and how it can be fixed. Assistance provided by the SBA and State and local sources can make superficial improvements to the affected homes and businesses. Federal contributions, however, must be committed to finance mediative construction necessary to stop the slide and prevent it from recurring.

State and local officials have cooperated with FEMA to help hasten the declaration process. Each time I have contacted FEMA Director Witt I have explained how desperately the people of Lead need Federal assistance. As a result, FEMA sent a second inspection team to the area. I understand that inspection went very well and that a report is now being prepared. FEMA has been very helpful in this process. Their efforts are much appreciated by the citizens and officials of Lead and I commend FEMA for its hard work. That work now awaits Presidential action.

Upon returning from my tour of the disaster area, I contacted President Clinton. In my letter I stressed the importance of an immediate disaster declaration and I ask unanimous consent that letter also be included in the RECORD at the conclusion of my remarks. South Dakota has an extremely short construction season. Each day that passes without Federal assistance is a day of construction lost. Until the landslide is stopped, repairs will not and should not be made of the homes. In order to receive necessary Federal assistance to stop the slide, the President must act now.

Within hours of the Northridge, CA, earthquake, hoards of national media flocked to every disaster site and every potential disaster site in highly populated southern California. The President and members of his Cabinet, naturally, followed the media to California and its 54 electoral votes. President Clinton declared the area a disaster, freeing billions of dollars in Federal assistance almost immediately. Lead, SD, on the other hand, has been waiting for a declaration since June 6. Forty days have passed since tragedy struck.

Politics should not determine whether the Federal Government offers disaster relief. I am concerned the administration sees little political gain in offering assistance to Lead, SD. At the same time, I realize the unique nature of this slow-moving landslide has not made assessments simple. Nonetheless, the people of Lead and the surrounding area have waited long enough for word from Washington. The future of family homes and a major portion of a small city's economy hang in the balance. The President should make a declaration immediately so that no more precious time is lost and the city of Lead can begin to rebuild.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 5, 1994.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Governor of the State of South Dakota submitted a disaster declaration on behalf of the city of Lead to the Federal Emergency Management Agency on June 6, 1994. A creeping landslide has devastated the town. The only grocery store and pharmacy have been destroyed. The landslide is a continuing crisis. Just last week, three water lines burst due to continuing underground earth movement.

I have just toured the Lead landslide area, and can assure you that the town is unable to begin remediation until the creeping landslide is stopped. Homes have been wrecked, an entire shopping mall is closed and damage continues to occur. It will take Federal, State and local resources to repair the damage. Approval of South Dakota's request for a disaster declaration is critical to the town's recovery.

FEMA Director James Lee Witt has assured me that he will send a FEMA representative back out to Lead this week to do one additional assessment of the situation. It is my hope that FEMA's reassessment will result in the prompt approval of assistance for Lead. I urge that you approve this disaster request. Almost one month has passed since the Governor requested assistance. The city of Lead has projected that 125 jobs, $400,000 in state tax revenue and $100,000 in municipal tax revenue could be lost because of this disaster.

Thank you for your consideration of this request.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, DC, June 30, 1994.

Mr. JAMES LEE WITT,
Director, Federal Emergency Management Agency, Washington, DC.

DEAR JAMES: Thank you for returning my call this morning. I appreciated the opportunity to visit with you about the emergency situation in Lead, South Dakota.

As you know, Governor Walter D. Miller requested a presidential declaration for a creeping landslide on June 6, 1994. The gradual landslide caused gas and water lines to break and an entire shopping mall to break away from its foundation. While several businesses in the Twin City Mall have relocated temporarily, the two largest stores remain closed. Since May 27th, this community of 3,600 has had to function without its only grocery store or pharmacy. The situation is serious.

Although the landslide appears to have subsided at this time, the problem is not solved, and an emergency still exists. The city of Lead and the state of South Dakota already have pledged $350,000 to help alleviate immediate damages. Likewise, the Small Business Administration (SBA) has offered assistance in the form of physical and economic injury loans. Mitigation efforts to prevent further damages, however, appear to be the real solution to this crisis and will require additional funds. In his request, the governor estimates such an effort would cost approximately $2.6 million. I also understand that a preliminary damage assessment conducted by FEMA determined that if the President makes a declaration, this expense could be covered by federal, state and local contributions.

The situation in Lead truly is unique. Unlike last year's mudslides in California, the residents in Lead are not watching their homes suddenly fall down the side of a hill. Instead, they must wait patiently, either for their home to be condemned or for outside assistance to correct the situation. A great deal of damage already has occurred. Further precipitation this summer will create an even more dire situation for the people of Lead. Meanwhile, fear of similar conditions next spring prevent homeowners and businesses from rebuilding damaged structures. The area's abbreviated construction season and typically wet spring months require immediate action if mitigation efforts are to succeed.

The city of Lead and Lawrence County desperately need federal assistance. These people have been waiting 24 days for a decision to be made on their request for relief. I would appreciate anything you can do to urge the President to declare this area a disaster.

Thanks again, Mr. Witt, for your assistance. I look forward from hearing from you soon.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S.SENATE,
Washington, DC, May 27, 1994.

Mr. JAMES LEE WITT,
Director, Federal Emergency Management Agency, Washington, DC.

DEAR MR. WITT: I am writing to request that you immediately approve disaster assistance for a landslide that has struck Lead, South Dakota. This disaster is unprecedented and assistance is desperately needed.

I understand South Dakota Governor Walter Dale Miller already has contacted you requesting disaster assistance. I know that a damage assessment team is in Lead today and your prompt response to damage assessments of this area are much appreciated. I urge you to complete the assessment as quickly as possible.

Some effects of this disaster already are known. It is estimated that one hundred twenty-five jobs, $100,000 in municipal sales tax, and $400,000 in state sales tax will be lost as a result of an affected shopping mall's closing. Additionally, the stability of twenty-five homes remains in jeopardy as a result of this creeping land slide. For a community of 3,600 people, these numbers are devastating.

Immediate response and assistance from the Federal Emergency Management Agency is vital. Providing assistance the moment it is requested from the State will help greatly those experiencing losses.

I look forward to your prompt response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

U.S. SENATE,
Washington, DC, May 27, 1994.

Mr. ERSKINE BOWLES,
Administrator, Small Business Administration, Washington, DC.

DEAR MR. BOWLES: I am writing to request that you immediately approve disaster assistance for a landslide that has struck Lead, South Dakota. This disaster is unprecedented and assistance is desperately needed.

I know South Dakota Governor Walter Dale Miller already has contacted you requesting disaster assistance. Damage assessments currently are being conducted by the Federal Emergency Management Agency (FEMA) and the Governor is expected to seek additional federal assistance once they are completed.

Some effects of this disaster, however, already are known. It is estimated that one hundred twenty-five jobs, $100,000 in municipal sales tax, and $400,000 in state sales tax will be lost as a result of an affected shopping mall's closing. Additionally, the stability of twenty-five homes remains in jeopardy as a result of this creeping land slide. For a community of 3,600 people, these numbers are devastating.

It is my hope that immediate response and assistance from the Small Business Administration can be provided. Providing assistance the moment it is requested from the State will greatly help those experiencing losses.

I look forward to your prompt response.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Madam President, I rise again today to put a human face on the health care crisis in this country. Today, I want to tell you about Jim Teichert of my hometown of Flint, MI. Jim and his wife Phyllis, both age 61, are life-long residents of the Flint area. They have raised four children, and have three grandchildren. Jim is a framing carpenter by trade.

In January 1980, the building company Jim worked for went out of business, as did many other businesses in Flint at that time. After he lost his job, Jim was stunned to discover that the company had already stopped paying the premiums for his employee health insurance, so he no longer had access to group coverage. Because of the poor economy, jobs were scarce. Jim decided to start his own contracting business, so he sold his house in the small town of Davidson and moved to Flint, and got his builder's license. He also looked into health insurance coverage and obtained a plan for himself and his wife at a cost of $198 per month. The price was low because the plan only covered 80 percent of major medical expenses and did not include a deductible.

Doctor's visits and prescriptions were not covered. But because they remained in good health, Jim and Phyllis were basically satisfied with their coverage. Phyllis did require some surgical procedures over the dozen years that they had the policy, including some major abdominal surgery, but they kept their out-of-pocket expenses to a minimum.

The past 4 years have been difficult for the Teicherts, since the economy in Flint has not fully recovered from the recession of the 1980's. In 1993, the Teichert's net income was less than $19,000. And although Jim had just signed contracts on two big jobs, he and Phyllis were forced to cut back on their expenses, including health insurance coverage.

The premium had risen to a costly $308 per month, and so they decided to suspend their policy. Because the insurance company required 2, and then 3, months payment at a time, they just did not have the cash flow necessary to maintain coverage. Jim expected to reinstate their health coverage once he was paid for the jobs he had lined up.

On March 4, 1994, just 6 months after canceling their health insurance, Jim suffered a heart attack while out on a job. Incredibly, he managed to drive himself the short distance to his doctor's office. He was immediately taken by ambulance to a hospital where he spent 6 days, at a cost of $14,000. On March 23, the day before he was scheduled for triple bypass surgery, Jim suffered another heart attack. The bypass surgery was performed on March 25. Jim's medical charges now stand at a whopping $56,824. His ongoing needs include an $86 per month prescription medication to lower his cholesterol level, and costly periodic follow up visits.

Although he is recovering, Jim's doctor advised him that he should not return to his remodeling and home repair business for at least 12 months because the work is too strenuous and stressful.

Since his heart attack and surgery, Jim has had to cancel two important jobs—essentially he has gone out of business. Phyllis has no income. Although she used to work at a department store, for the last 6 years she has cared for her granddaughter in her home so that her daughter can work. The couple are now living on $600 a month from a disability insurance policy Jim purchased and paid off over 30 years ago. They also now receive food stamps. Jim is trying to work out a payment plan with the hospital, but without earnings or other assistance he does not have any means to offer reimbursement. Just after his first heart attack, hospital officials recommended that Jim apply for Medicaid. But his $600 a month disability policy makes his income too high for assistance.

He has applied for Social Security Disability, and his case is still being considered. He has also applied for cash assistance from the Veteran's Administration. As a Korean war veteran, Jim would be able to go to a VA facility for any planned hospitalization he may require in the future. But he does not want to leave the care of his current doctor and cardiologist.

For the past 44 years Jim Teichert has been a hard and honest worker, and a supportive and responsible spouse and father. Hard economic times forced him to gamble on going without coverage. He lost that gamble, and now he has not only lost his livelihood but he and his wife are overwhelmed by debt. They do not see how they can ever recover financially. Phyllis and Jim now live in fear of losing their house and everything they own.

And the hospital is forced to charge more to their other patients, just to recover the cost of caring for Jim without payment.

Madam President, we need to pass comprehensive health reform legislation that provides affordable health insurance coverage to struggling small business people and their families. We need to control the rising costs of health care so that coverage remains affordable, so that couples like Jim and Phyllis are not forced to choose between maintaining their coverage and paying other urgent expenses. I will continue to work with my colleagues in the Senate to pass comprehensive health legislation this year.

ABSENCE OF SENATOR COVERDELL

Mr. DOLE. Madam President, our colleague from Georgia, Senator COVERDELL, is unable to be with us in the Senate Chamber today. He has returned to his State on official business, to be with his constituents who have been impacted by the heavy rain and severe flooding as a result of tropical storm Alberto.

This 10-day-old disaster has already taken 31 lives, forced 40,000 people from their homes, placed 43 counties under emergency declaration, resulting in the loss of water to 400,000 residences and impacted over 6,000 bridges. Early damage estimates exceed $60 million. While the waters are starting to recede, the long cleanup and rebuilding process has only just begun.

Before leaving the Chamber last evening, Senator COVERDELL shared with me the horrendous devastation he witnessed when touring the disaster area with President Clinton on Wednesday.

On his behalf, I wish to clarify for the record his necessary absence from the Senate both today and last Wednesday when he was unable to be here for the second cloture vote on the striker replacement bill. His absence did not affect the outcome of the vote and his position on this measure is reflected in the first cloture vote we cast a day earlier.

Many of our colleagues have personally experienced the horror of natural disasters of this proportion. On behalf of myself and all of my colleagues, I wish to extend our support to Senator COVERDELL and our deepest sympathies to the families and friends who lost their loved ones during this disaster, and to all of those who have suffered during this disaster, and to all the voluntary organizations that are there aiding and assisting the people of Georgia and other areas hard hit by this particular disaster.

I think everyone would agree that when a disaster like this strikes, obviously, we understand the necessary absence of any of our colleagues. I wanted to reflect that on behalf of Senator COVERDELL.

FACTFINDING COMMISSION TO HAITI

Mr. DOLE. Madam President, I wanted to set the record straight on an amendment voted on yesterday concerning a factfinding commission to Haiti. Some of the rhetoric got a little heated, and that happens from time to time in the Senate. I think we are all probably guilty of it from time to time. Some of it got a little ridiculous. I was not on the floor when one Senator said Republicans ought to be "ashamed" for supporting a factfinding commission for Haiti.

I do not quite understand why we ought to be ashamed for wanting the facts, but maybe there is something wrong with wanting the facts.

Some questioned the motives behind the amendment aimed at getting answers, not limiting options.

I do not question the motives of those who disagree with me but my motives are clear: Avoiding another disastrous nation-building exercise in Haiti. I am not ashamed of urging a step back from a policy of saber rattling and ill-considered military intervention.

If I offer an amendment urging a look before we leap into invasion, some term it "partisan politics."

We heard a lot yesterday about the need for bipartisan in foreign policy. Where were these voices when freedom fighters in Nicaragua needed support, or when the Democratic Government of El Salvador was under attack, or when President Bush came to Congress before Operation Desert Storm? Where were the champions of bipartisanship when amendments tying the President's hands on arms control were offered, antisatellite testing prohibitions, comprehensive test bans, and many others when sensitive negotiations with our adversaries were underway.

Much of this expressed desire for bipartisanship in foreign policy is a newfound wish. Bipartisanship in foreign policy is a worthy goal. I understand that, and the President of the United States, whoever he or she may be and whatever party we have—if we can all possibly have the responsibility to support our President, that is what I think most of us hope to do. But I want to remind our colleagues, who suddenly found this bipartisanship and have not discovered it in the last decade, that it is a two-way street. The administration cannot ignore our concerns, and then accuse us of partisanship when we offer ideas.

We have not had any consultation on Haiti, nor any consultation on Bosnia, nor any consultation on North Korea.

It was also stated yesterday that it would be unwise to take the invasion option off the table—from some of the same people who did all they could to take it off the table in the 1980's. We had no serious invasion option in Nicaragua—we had Boland amendments and congressional restrictions every step of the way. We had no military deployment option in El Salvador. We had a 55-man limit, and annual certification.

Talk about tying the hands of the executive, and talking about restraints and restrictions. We learned a lot about those in the 1980's.

Several Members mentioned that General Cedras in Haiti made positive comments about my proposal. Let me again state what I said yesterday: I do not solicit or want the support of the thugs running Haiti for any initiative I offer. I have never spoken to the illegal military regime in control of Haiti. My staff has never spoken to the military regime. Unlike the administration which appears to be willing to allow an exiled Haitian politician call the shots, I make my own decisions.

Let us review the record. I first proposed a fact finding commission on May 5, 1994. On May 6, I wrote to the President and offered to work with him. After Bill Gray was named special representative, I met with him on May 17 and urged him to consider the proposal. This commission could have completed its work by now. However, after hearing nothing for weeks, I decided to offer an amendment. I did not travel to Port-au-Prince. I did not meet with sworn enemies of the United States. I did not bring back a dictator's disinformation and call it a peace plan.

And I might say that happened with Mr. Ortega and some of our colleagues.

But that is exactly what happened in April 1985. Two Senators traveled to Managua, met with the Communist Dictator Daniel Ortega, accepted his propaganda at face value, and brought back a so-called peace plan. One of them said it presented "a wonderful opening." The Secretary of State George Shultz said, "I'm sure it's quite a problem for us when Senators run around and start dealing with the Communists themselves."

We all understand—most of us understand—that there are limits on what we can do. We do not run around the world trying to make deals with some of our enemies or some of our adversaries.

A few days later, Ortega got his way and Contra aid was defeated after a partisan debate. That was the kind of bipartisanship in foreign policy some Senators pursued when a Republican was in the White House.

So let the record show Republicans supported a simple amendment to look at the facts for 45 days.

We did not say that the President's hands were tied during that 45 days. That is how the media reported it because they just took at face value what one of my colleagues on the other side said.

We did not conduct diplomacy on our own. My amendment would not have tied the President's hands—it did not even mention the President or the executive branch.

I ask consent that two articles on the 1985 trip be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, April 22, 1985]

TALKS SET ON 'CONTRA' AID RESCUE; PRESIDENT TO MEET KEY SENATORS TODAY ON A COMPROMISE

(By Lou Cannon and Rick Atkinson)

With time running out, President Reagan's top foreign policy advisers struggled yesterday to find a formula that would avert almost certain rejection in Congress of the administration's long efforts to resume aid to the rebels opposing the leftist government of Nicaragua.

"Our hope now is the Senate Democrats," said one White House official, who said Reagan would meet today with Senate Minority Leader Robert C. Byrd (D–W.Va.) and other Senate leaders in a final bid to find a bipartisan compromise that would provide $14 million in "humanitarian aid" for the rebels, known as "contras."

"We don't have much of a fallback position because we've already fallen back considerably," the official said.

Because of what both congressional and administration sources said were problems of timing, a meeting between Reagan and Senate leaders scheduled for yesterday was postponed until today.

Byrd met for three hours in the Capitol yesterday afternoon with 10 other Senate Democrats, including John Kerry (Mass.) and Tom Harkin (Iowa), who described a three-page peace proposal given to them by Nicaraguan President Daniel Ortega during talks in Managua over the weekend.

White House Deputy press secretary Robert Sims said the proposal, which had not been made formally to the U.S. Embassy, contained "nothing new" and did not provide for "a dialogue of reconciliation." He said its main purpose appeared to be aimed at influencing a vote against the aid proposal, which is scheduled to come up for a vote in both chambers on Tuesday.

Secretary of State George P. Shultz, leaving a White House meeting on the aid issue, was asked his opinion of the Ortega plan and flashed a thumbs-down signal.

The meeting chaired by Byrd was the third among key Senate Democrats in the last four days in an effort to find common ground on the issue of aiding the contras. According to a source close to the discussions, Byrd told Reagan after the first meeting Thursday that if the White House could reach a compromise with Senate leaders before the Tuesday vote the minority leader would find an "alternative legislative and procedural approach to the contra aid issue."

Administration sources, aware that some compromise in the Senate is their only hope for sustaining Reagan's hard-fought effort to provide at least a semblance of aid for the rebels, said they were willing to compromise on all procedural issues. These sources said that the administration's remaining goal was to provide the $14 million in aid, which could be used for food but not for arms, until the next fiscal year, and that Congress could determine the mechanism provided that it is an official agency of the government.

One source suggested that the likely mechanism would be not the Central Intelligence Agency but "an interagency group" that would be subject to close review by Congress to see that the money was not funneled indirectly into military aid.

A Democratic source said that, during yesterday's meeting chaired by Byrd, "one senator who has generally supported aid to the contras made a proposal, the general consensus of which the group was able to agree on. Whether they can agree on the particulars remains to be seen."

Reagan is focusing on the Senate because administration officials privately concede that they have almost no chance of winning an acceptable version of the aid request in the House.

They expect passage instead of a Democratic alternative that would provide $10 million for Nicaraguan refugees distributed by the International Red Cross or the United Nations and $4 million to Mexico, Colombia, Panama and Venezuela to administer any peace plan these countries—known as the Contadora group—might be able to produce.

In his Saturday radio speech, Reagan termed this plan a "shameful surrender" to the Sandinista government of Nicaragua. But administration officials said that, if the Senate passes a plan acceptable to Reagan, it may be possible to work out a compromise in a conference committee between the two chambers.

Appearing on NBC's "Meet the Press," Senate Majority Leader Robert J. Dole (R–Kan.) expressed some optimism, saying, "we think we can resolve this issue on Tuesday with pretty broad bipartisan support."

Instead of conferring with the Democrats yesterday, Reagan's leading policy advisers met among themselves. Shultz, national security affairs adviser Robert C. McFarlane, Defense Secretary Caspar W. Weinberger and CIA Director William J. Casey convened at the White House to assess prospects for a compromise.

The administration brushed off the Kerry and Harkin report that Ortega had offered a new proposal that would call for an immediate cease-fire, restore freedom of the press and make other conciliatory gestures if the United States halts support for the rebels.

Kerry said Ortega's offer contained "approximately six new elements" and provided "a wonderful opening" to resolve the conflict "without having to militarize the region." He and Harkin outlined the plan in a three-page memo, which was made available to the administration.

According to the memo, Ortega called upon the United States to discontinue direct and indirect support to the rebels and to enter immediately into new conversations with Nicaragua. He went on to guarantee access to these talks to congressional observers and to solicit U.N. and Red Cross assistance for the resettlement and repatriation of any citizen who wishes to live in Nicaragua or any neighboring country.

The memo said that Ortega pledged to "guarantee full freedom of the press and reaffirm political pluralism and fundamental freedoms" as well as "unconditional amnesty for any member of the contras who surrenders his weapons to representatives of the governments of Nicaragua, Honduras or Costa Rica."

A State Department spokesman said last night of the Ortega proposal: "We see this as mainly a restatement of old positions. There appear to be only two new points—the conditional promise of cease-fire and the restructuring of the composition of the bilateral talks."

Including congressional participants in the talks does not appear to be workable, he said, because "they're dictating who will speak for the United States, or attempting to."

Former secretary of state Henry A. Kissinger, appearing on CBS' "Face the Nation," criticized Kerry and Harkin for sidestepping normal diplomatic channels.

"If the Nicaraguans want to make an offer, they ought to make it in diplomatic channels," Kissinger said. "We can't be negotiating with our own congressmen and Nicaragua simultaneously."

[From the Christian Science Monitor, April 23, 1985]

11TH-HOUR FIGHT FOR AID TO CONTRAS

(By Julia Malone)

Reagan administration officials and senators staged marathon last-minute talks Monday to try to reach a compromise on President Reagan's request for $14 million for rebel fighters in Nicaragua.

Although Mr. Reagan has managed to forge 11th-hour agreements during earlier critical votes, he faced a possible clear defeat on the Central America question. Both houses of Congress are scheduled to vote on the aid request today. As of this writing, lawmakers and the administration had not reached an accord.

White House spokesman Larry Speakes conceded early Monday that prospects were not bright for a Reagan plan to aid the contras, who are fighting the Marxist Sandinista government of Nicaragua. Even in the GOP-controlled Senate, the "vote looks very close," said Mr. Speakes. "In the House we've always been a bit farther behind."

The presidential spokesman held out some hope that Reagan could pull off a last-minute victory. "I think there's a rush to underestimate our strength in both houses," he said, adding that the administration was "making progress" on Capitol Hill.

As he spoke, a band of protesters perched outside the White House gates, blocking two entrances and waving white handkerchiefs as they chanted, "No contra aid," and "Hey, hey, Uncle Sam. We remember Vietnam."

Dressed in "hippie" fashion, the youthful demonstrators were reminiscent of the antiwar movement of the 1960s.

Inside the White House, Senate majority leader Robert Dole (R) of Kansas, minority leader Robert C. Byrd (D) of West Virginia, and other lawmakers worked on a possible alternative plan for aiding contras that might attract a majority on Capitol Hill.

Current law requires the approval of both houses to release the $14 million in contra aid.

Congressional opposition last week forced the President to switch his request from military aid to "humanitarian" aid—help such as food, uniforms, and medicine. But leading Democrats have opposed even that proposal, especially if the aid is distributed by the US Central Intelligence Agency.

Many lawmakers have balked at helping rebels overthrow a government that has diplomatic relations with the United States. Also, while lawmakers are growing increasingly critical of the Sandinista government, many are also lambasting the contras as "terrorists."

The Reagan administration on Monday continued to turn thumbs down on a peace plan that Nicaraguan President Daniel Ortega offered two Democratic senators last weekend.

US Secretary of State George P. Shultz, on NBC–TV's "Today" show, called the offer a "fraud" that was "designed to distract attention" just before Congress votes on contra aid. As presented to Sens. John Kerry of Massachusetts and Tom Harkin of Iowa during a visit to Nicaragua last weekend, the plan calls for a cease-fire and restoration of some civil rights if the US stops helping the contras.

Speakes repeated some of Mr. Shultz's charges, saying, "We regard it as mostly a smoke screen in order to try to influence the congressional vote."

He also said that the plan was "meaningless and amounts to a call for (the contras) to surrender."

Mr. Shultz meanwhile criticized the Democratic senators for making the trip to Nicaragua.

"I'm sure it's quite a problem for us when senators run around and start dealing with the communists themselves," he said.

The White House also released a text of a letter sent April 4 to the presidents of four Latin American countries describing the Reagan peace plan for Central America. While pointing to progress in El Salvador and Guatemala, Reagan said in the letter, "Only in Nicaragua have we seen efforts to promote national reconciliation frustrated by the government's negative response."

Mr. DOLE. Madam President, I would just say that I think most Americans are concerned about our Haitian policy. I do not think most Americans want intervention, invasion, call it what you will. I am not certain many Americans have focused on it. Maybe they think the President has and the administration has, or that maybe even Congress has. I think most Americans though expect those of us in the U.S. Senate and the House of Representatives to exert some effort to express views that may be in accord, or may not be in accord, with any administration views.

For the life of me, I do not understand why we had almost a straight partyline vote on a factfinding commission. In 1984, we had a factfinding commission. It was bipartisan. It was headed by former Secretary of State Henry Kissinger, and a good friend of many of us, former Democrat National Chairman, Bob Strauss; bipartisan. I do not know how many Members were on the commission. They looked at a number of areas in Central America and made a number of good recommendations that the Congress and President Reagan supported later on.

So it is not without precedent to have a bipartisan commission to go down and look at the facts. In this case, there was a mixed commission in 1984. They had Members of Congress, and also civilian representatives.

The amendment I offered was simply Members of Congress, Members of the Senate in this case. I believe we have that right. We do not need a resolution. If the majority leader and the minority leader would agree we ought to send somebody to take a look at it, we can do that without any vote.

I hope that we continue to concern ourselves with Haiti and wonder what is going to happen in Haiti next, because it looks to many of us that a gun is aimed at Haiti and somebody is going to pull the trigger.

There may be a time when that may be the appropriate thing to do. If American lives are threatened, which is not the case today, but some are trying to figure out and get it all set up here so that the more people that get on boats, the more that means we ought to invade to stop that.

In my view, it is sort of self-fulfilling. It is a bad policy that is causing the poorest people in this hemisphere, for the right reasons, to flee Haiti; because they are hungry, and they are starving, they want to get their families out of there. But I am not certain that is reason to intervene, and the reason to use military force.

But I want the record to reflect—because some of my colleagues took the liberty of suggesting that we were somehow doing the work of the military, Republicans are somehow in bed with General Cedras—that is not the case. It will not be the case. And I can say I am not going to travel down to Haiti and visit with Cedras, as some did in 1985 when they went down to visit with Mr. Ortega and came back with a wonderful peace plan.

That is not my intention. But it is my intention, and I believe we have a responsibility on both sides of the aisle, to state our views and to offer amendments when we think we should have a discussion on something that may affect foreign policy, may affect trade policy, may affect domestic policy. And certainly there is a great concern about the poor Haitian people.

I hope that we can relax the sanctions, have some airdrops, make certain people have food, and keep them out of these terrible boats they are in. There already have been lives lost in the past 30 days, probably unnecessarily. I hope that we might find some bipartisan resolution. If we cannot have that, unless we have consultation—we had a briefing a couple of days ago. That is not consultation.

So I hope my colleagues on the other side of the aisle, if they want to debate who has been tying the President's hands, who has been offering amendments with restrictions, who has been saying we can only have so many men in El Salvador—you talk about restrictions, I can give you a bookful that we voted on in this Senate at the time Ronald Reagan and George Bush were Presidents of the United States. I do not intend to follow that course here.

If President Clinton is right, as he was in Somalia, he will have our support. I hope that he will have our support in Haiti, when we know precisely what he has in mind.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

BARNEY QUILTER

Mr. METZENBAUM. Madam President, I rise today to honor a man that truly deserves recognition. He is the Speaker pro tempore of the Ohio House of Representatives, Barney Quilter.

Barney Quilter is retiring at the end of this year after serving 28 years in the Ohio House, 24 continuous years in legislative leadership positions. This is a historic record in Ohio that will probably never be broken. Also, remarkably, he has served the last 20 years as Speaker pro tempore.

Barney Quilter is a long-time friend of mine. He is a gentleman in every sense of the word. He is courageous fighter for those issues in which he believes, and, if he does not believe, he fights equally as hard against them.

The quality of his leadership in service has been equally impressive. Representative Quilter has been instrumental in much of the progress that has been achieved in Ohio during his legislative career; progress in senior citizen legislation, ongoing education funding, a civilian conservation corps, and Alzheimer's legislation.

Barney has long been a courageous fighter in the ongoing battle against the ravages of Alzheimer's. An ongoing battle not only in the Ohio Legislature and here in the Halls of Congress, but also in his own home and at the Little Sisters of the Poor at the side of his wife, Mary. His devotion to Mary and his attention to her needs during this illness has been nothing short of heroic. Barney, I know, sees it differently. He views it as simply a husband's love for his life's partner. What a magnificent human being and what a magnificent husband Barney has been.

That he could continue to effectively serve at his post is a measure of Barney's selflessness and dedication to the welfare of Ohio and the citizens of the Toledo area. Twenty years of that dedication resulted in the gems of the Ohio park system, Maumee Bay State Park, easily among one of the finest State parks in the Nation. The College of Law at the University of Toledo has a new addition and law library due to Representative Quilter's successful efforts to obtain State funding. Barney has been equally productive for his hometown in bringing about the Medical College of Ohio, the Center of Science and Industry on the Maumee River, the Seagate Convention Centre, and the restoration of the Valentine Theater. He obtained grants and loans for Toledo Jeep, Rossford Libbey-Owens-Ford, and the Toledo-Lucas County Port Authority among others.

As momentous as those accomplishments are, they are not more so than Barney's consistent demonstration of exemplary character. There are few other government servants who have been more receptive to those who needed help. Barney always attempted to respond effectively and cheerfully to those in need. He is a source of ongoing inspiration to all who have had the honor of knowing him.

For all his influence and effectiveness, Barney Quilter has remained an honorable and humble man. As the Toledo Blade recently said in an editorial, Barney "is as universally admired and respected as it is possible for a partisan public servant to get." What a magnificent tribute to this wonderful human being.

So admired that his community's leaders have established a scholarship fund in his name at the University of Toledo to encourage political science students to pursue public service careers and to inspire them to follow in his footsteps.

Public servants such as Barney Quilter stand as beacons to all who would help their community, State, and country, showing the way to serve both effectively and ethically. Barney has done just that for 28 years. I ask my colleagues to join me in expressing our admiration and appreciation, and in recognizing him, his wife, Mary, and their family as an example we should all strive to emulate.

I am sorry that I cannot be there tonight with Barney Quilter and his many friends, but I know of no public servant that deserves the respect and honor that is accorded him this evening.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 1041, 1042, 1043, 1044, 1045, 1046 through 1088, and all nominations placed on the secretary's desk in the Air Force, Army, Marine Corps, and Navy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, a motion to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

THE JUDICIARY

Judith Bartnoff, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Zoe Bush, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Rhonda Reid Winston, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for a term of fifteen years.

EXECUTIVE OFFICE OF THE PRESIDENT

John A. Koskinen, of the District of Columbia, to be Deputy Director for Management, Office of Management and Budget.

FEDERAL LABOR RELATIONS AUTHORITY

Phyllis Nichamoff Segal, of Massachusetts, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 1999.

AIR FORCE

The following named officers for appointment in the United States Air Force to the grade of brigadier general under the provisions of title 10, United States Code, section 624:

To be brigadier general

Col. James E. Andrews, [redacted] Regular Air Force.

Col. David E. Baker, [redacted] Regular Air Force.

Col. James R. Beale, [redacted] Regular Air Force.

Col. Robert J. Boots [redacted] Regular Air Force.

Col. William C. Brooks, [redacted] Regular Air Force.

Col. Richard E. Brown III, [redacted] Regular Air Force.

Col. Robert J. Courter, Jr [redacted] Regular Air Force.

Col. John R. Dallager, [redacted] Regular Air Force.

Col. Curtis H. Emery II, [redacted] Regular Air Force.

Col. Thomas O. Fleming, Jr, [redacted] Regular Air Force.

Col. Robert H. Foglesong, [redacted] Regular Air Force.

Col. Dennis G. Haines, [redacted] Regular Air Force.

Col. Bryan G. Hawley, [redacted] Regular Air Force.

Col. Kenneth W. Hess, [redacted] Regular Air Force.

Col. Paul V. Hester [redacted] Regular Air Force.

Col. William T. Hobbins, [redacted] Regular Air Force.

Col. John D. Hopper, Jr. [redacted] Regular Air Force.

Col. Silas R. Johnson, Jr. [redacted] Regular Air Force.

Col. Rodney P. Kelly, [redacted] Regular Air Force.

Col. Leslie F. Kenne, [redacted] Regular Air Force.

Col. Ronald E. Keys, [redacted] Regular Air Force.

Col. Timothy A. Kinnan [redacted] Regular Air Force.

Col. Michael C. Kostelnik [redacted] Regular Air Force.

Col. Donald A. Lamontagne [redacted] Regular Air Force.

Col. Robert E. Larned [redacted] Regular Air Force.

Col. David R. Love, [redacted] Regular Air Force.

Col. Timothy P. Malishenko [redacted] Regular Air Force.

Col. Robert T. Newell III [redacted] Regular Air Force.

Col. Robert T. Osterthaler [redacted] Regular Air Force.

Col. Susan L. Pamerleau [redacted] Regular Air Force.

Col. Andrew J. Pelak, Jr. [redacted] Regular Air Force.

Col. Steven R. Polk, [redacted] Regular Air Force.

Col. Roger R. Radcliff, [redacted] Regular Air Force.

Col. Antonio J. Ramos, [redacted] Regular Air Force.

Col. Berwyn A. Reiter, [redacted] Regular Air Force.

Col. Pedro N. Rivera, [redacted] Regular Air Force.

Col. Gary M. Rubus, [redacted] Regular Air Force.

Col. John W. Rutledge, [redacted] Regular Air Force.

Col. Dennis R. Samie, [redacted] Regular Air Force.

Col. James E. Sandstrom [redacted] Regular Air Force.

Col. Terryl J. Schwalier, [redacted] Regular Air Force.

Col. Donald A. Streater, [redacted] Regular Air Force.

Col. Thomas C. Waskow, [redacted] Regular Air Force.

Col. Charles J. Wax, [redacted] Regular Air Force.

Col. George N. Williams, [redacted] Regular Air Force.

Col. Leon A. Wilson, Jr., [redacted] Regular Air Force.

Col. John L. Woodward, Jr. [redacted] Regular Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. Joseph W. Ralston [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Lawrence E. Boese, [redacted] United States Air Force.

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. Charles H. Roadman, II, [redacted], regular Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. John P. Jumper, [redacted] United States Air Force.

The following named officer for appointment as Vice Chief of Staff, United States Air Force and appointment to the grade of general under the provisions of Title 10, United States Code, section 601 and section 8034:

TO BE VICE CHIEF OF STAFF, UNITED STATES AIR FORCE

To be general

Lt. Gen. Thomas S. Moorman, Jr. [redacted], United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Maj Gen. Patrick P. Caruana, [redacted] United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Lt. Gen. Walter Kross, [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Maj. Gen. Bruce L. Fister [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be general

Lt. Gen. James L. Jamerson [redacted] United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Lt. Gen. Albert J. Edmonds, [redacted] United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601;

To be lieutenant general

Maj. Gen. Thomas R. Griffith, [redacted] United States Air Force.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be general

Lt. Gen. Joseph W. Ashy, [redacted] United States Air Force.

The following named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10 United States Code, Section 601:

To be lieutenant general

Lt. Gen. James A. Fain, Jr. [redacted] United States Air Force.

ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Steven L. Arnold [redacted] United States Army.

The following named officer for appointment to the grade of major general while assigned to a position of importance and responsibility under Title 10, United States Code, section 3039(b):

TO BE ASSISTANT SURGEON GENERAL/CHIEF OF DENTAL CORPS

To be major general

Brig. Gen. John J. Cuddy [redacted] United States Army.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under Title 10, United States Code, Sections 601(a) and 3034:

To be general

Lt. Gen. John H. Tilelli, Jr. [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Paul E. Blackwell, [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Jay M. Garner, [redacted] United States Army.

The following named officer for appointment to the grade of major general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 3036(b):

TO BE CHIEF OF CHAPLAINS

To be major general

Brig. Gen. Donald W. Shea, [redacted] United States Army.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Caryl G. Marsh [redacted] United States Army.

NAVY

The following named officer for reappointment to the grade of admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be admiral

Adm. Charles R. Larson, [redacted] U.S. Navy.

The following named officer for appointment to the grade of Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be admiral

Vice Adm. Ronald J. Zlatoper [redacted] U.S. Navy.

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Sections 601 and 5141:

TO BE CHIEF OF NAVAL PERSONNEL

To be vice admiral

Rear Adm. (Selectee) Frank L. Bowman, U.S. Navy, [redacted]

The following named officer for reappointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Joseph P. Reason, U.S. Navy, [redacted].

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. Conrad C. Lautenbacher, U.S. Navy, [redacted]

The following named officer for appointment to the grade of Vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. Philip M. Quat, U.S. Navy, [redacted]

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. John S. Redd, U.S. Navy, [redacted]

The following named officer for appointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. (Selectee) Archie R. Clemins, U.S. Navy, [redacted]

The following named officer for appointment as Chief of Chaplains and appointment to the grade of Rear Admiral under Title 10, United States Code, Section 5142:

To be Chief of Chaplains

To be rear admiral

Rear Adm. (lh) Donald K. Muchow, Chaplain Corps, U.S. Navy [redacted]

The following named officer for reappointment to the grade of vice admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Douglas J. Katz [redacted] U.S. Navy.

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Vice Adm. Timothy W. Wright, U.S. Navy, [redacted]

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. William A. Earner, Jr., U.S. Navy, [redacted]

The following named officer for reappointment to the grade of Vice Admiral while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be admiral

Vice Adm. Richard C. Macke [redacted] U.S. Navy.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be vice admiral

Vice Adm. Michael P. Kalleres [redacted] U.S. Navy.

MARINE CORPS

The following named officer under the provisions of Title 10, United States Code, section 5044, for assignment to a position of importance and responsibility as follows:

To be general

Lt. Gen. Richard D. Hearney [redacted] USMC.

The following named officer under the provisions of Title 10, United States Code, section 601, for reassignment to a position of importance and responsibility as follows:

To be lieutenant general

Lt. Gen. George R. Christmas, [redacted] USMC.

The following named officer under the provisions of Title 10, United States Code, section 601, for reassignment to a position of importance and responsibility as follows:

To be lieutenant general

Lt. Gen. Robert B. Johnston [redacted] USMC.

The following named officer under the provisions of Title 10, United States Code, section 601, for reassignment to a position of importance and responsibility as follows:

To be lieutenant general

Lt. Gen. Charles C. Krulak [redacted] USMC.

The following named officer, under the provisions of title 10, United Stats Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Arthur C. Blades, [redacted] USMC.

The following named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Harry W. Blot [redacted] USMC.

The following named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. James A. Brabham, Jr., [redacted] USMC.

The following named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. Charles E. Wilhelm, [redacted] U.S. Marine Corps.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning David C. Allred, Jr., and ending James C. Wiggins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 12, 1994.

Air Force nominations beginning Jerry J. Foster, and ending Sandra D. Gatlin, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 17, 1994.

Air Force nominations beginning George B. Barnett, and ending Arthur P. Zapolski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Air Force nominations beginning Todd E. Combs, and ending Jennifer A. Mendel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Air Force nominations beginning Thomas F. Astaldi, and ending George W. Siebert III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Air Force nominations beginning Major Hunter E. Blackmon, [redacted] and ending Major Eric C. Schlanser, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Air Force nominations beginning Frankie L. Griffin, and ending Robert C. Hall, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Air Force nominations beginning Norma J.C. Correa, and ending Laszlo Varju, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Air Force nominations beginning Mel P. Simon, and ending Terry A. Higbee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Air Force nominations beginning Major Dale R. Anderson, [redacted] and ending Major Brian J. Browne, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Terrence R. Brand, and ending George A. Yanthis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Army nominations beginning William D. Bertolio, and ending Thaddeus Zebrowsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Army nominations beginning Peter M. Abbruzzese, and ending Richard Wrona, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Army nomination of Col. Anthony E. Hartle, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Army nominations beginning Victor Gutierrez-Fulladosa, and ending Carl M. Warvarovsky, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Joe C. Crain, and ending Leopolodo A. Rivas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning John M. Riggs, and ending Scott Rutherford, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nomination of Charles C. Franz, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Stanley H. Unser, and ending Russell J. Otto, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Jill Wruble, and ending Therese L. Galloucis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

Army nominations beginning Samuel J. Boone, and ending Dennis Westbrooks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1994.

Army nominations beginning Robert B. Abernathy, and ending 4264x, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 20, 1994.

Army nominations beginning Robert F. Anderson II, and ending Robert H. Spell, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1994.

Army nominations beginning Michael J. Bacino, and ending Gary P. Waters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 27, 1994.

Marine Corps nominations beginning John B. Atkinson, and ending John F. Wirtz, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 17, 1994.

Marine Corps nominations beginning Geoffrey H. Barker, and ending Todd C. Yant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Marine Corps nomination of Capt. John C. Burlingame, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Marine Corps nominations beginning Ned M. Beihl, and ending Ernest E. Robinson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 1, 1994.

Navy nomination of Christopher Reddin Meehan, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 3, 1994.

Navy nominations beginning Martin E. Bacon, and ending Julia Campo Washington, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 3, 1994.

Navy nominations beginning Dale C. Hoover, and ending Scott M. Balderston, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 17, 1994.

Navy nomination of Douglas Jay Law, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of May 19, 1994.

Navy nominations beginning Donald Michael Abrashoff, and ending William Dale Zbaeren, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 19, 1994.

Navy nominations beginning Jeffery R. Abel, and ending Arthur Kelso Dunn, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 8, 1994.

Navy nominations beginning Charles Francis Adams, and ending Aubrey Eugene Lane, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 14, 1994.

Navy nominations beginning Louis W. Bremer, and ending John P. Ternes, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of June 16, 1994.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate from Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to House Resolution 479 stating that the Senate amendment No. 104 to the bill (H.R. 4539) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendments thereto be respectfully returned to the Senate with a message communicating this resolution.

The message also announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 4600. An Act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4600. An Act to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3059. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report to Congress on appropriations legislation within five days of enactment; to the Committee on the Budget.

EC-3060. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of cigarette sales and advertising expenditures data for calendar year 1992; to the Committee on Commerce, Science, and Transportation.

EC-3061. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Collision Avoidance Systems"; to the Committee on Commerce, Science, and Transportation.

EC-3062. A communication from the Administrator of the Federal Railroad Administration, transmitting, pursuant to law, the report entitled "Railroad Communications and Train Control"; to the Committee on Commerce, Science, and Transportation.

EC-3063. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the notice of leasing systems (sale 150); to the Committee on Energy and Natural Resources.

EC-3064. A communication from the Secretary of Energy, transmitting, pursuant to law, notice relative to a study to evaluate the safety of shipments of plutonium by sea; to the Committee on Environment and Public Works.

EC-3065. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit of the Congressional Award Foundation's financial statements for calendar years 1990, 1991, and 1992; to the Committee on Governmental Affairs.

EC-3066. A communication from the Assistant Secretary of Education (Vocational and Adult Education), transmitting, pursuant to law, a notice of final priorities relative to the Cooperative Demonstration Program (Correctional Education); to the Committee on Labor and Human Resources.

EC-3067. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the midsession review of the budget for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-599. A petition from citizens of the District of Columbia relative to the proposed Violence Against Women Act; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs:

Special Report entitled "Indian Education Amendments" (Rept. No. 103-314).

By Mr. GLENN, from the Committee on Governmental Affairs, with amendments:

S. 1413. A bill to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for eight years and for other purposes (Rept. No. 315).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Daniel C. Dotson, of Utah, to be United States Marshal for the District of Utah for the term of four years, and

Guido Calabresi, of Connecticut, to be United States Circuit Judge for the Second Circuit.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GREGG:

S. 2288. A bill to amend the Internal Revenue Code of 1986 to provide that a foster care provider and a qualified foster individual may share the same home; to the Committee on Finance.

By Mr. D'AMATO:

S. 2289. A bill to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH:

S. 2290. A bill to repeal the increase in withholding from supplemental wage payments included in the Revenue Reconciliation Act of 1993; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 2289. A bill to authorize the Export-Import bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes; to the Committee on Banking, Housing, and Urban Affairs.

NONLETHAL DEFENSE ARTICLES AND DEFENSE SERVICES ACT

Mr. D'AMATO. Mr. President, I introduce a bill to authorize the Export-Import Bank to provide financing for the export of nonlethal defense articles and defense services for which the primary end use will be for civilian purposes. The Export-Import Bank's jurisdiction should be expanded in this limited way, in order to maintain the U.S. defense industrial base that is so crucial to America's well-being.

With the end of the cold war, changes in the defense industry are warranted. Overall, though, the defense industrial base must remain strong. The United States must continue to occupy a position of leadership in an era in which the health of our economy is paramount.

The defense budget has been cut substantially. Due to this decline in the monetary resources available, the country must find innovative ways to keep the defense industry strong. One way is through the development of dual-use technologies—technologies that may be used for both civilian and military purposes. This move to dual-use is a very important part of a defense conversion plan. However, at this time, the Export-Import Bank may not participate in transactions that involve even the slightest defense application. Export sales financing is always an important factor in trade opportunities. However, it is crucial in sales to developing Third-World countries which is an ever-increasing market.

The defense industry needs the assistance that would be provided for dual-use products by this legislation. The Export-Import Bank should be authorized to provide financing for the export of such articles and services when the primary end use is civilian. I urge my colleagues to support this legislation which has already been introduced by Representative BEREUTER, and is making its way through the House.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES AND DEFENSE SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 2(b)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)) is amended by adding at the end the following:

"(I)(i) Subparagraph (A) shall not apply to a sale of defense articles or services if—

"(I) the Bank determines that—

"(aa) the defense articles or services are nonlethal; and

"(bb) the primary end use of the defense articles or services will be for civilian purposes; and

"(II) not less than 15 calendar days before the date on which the Board of Directors of the Bank gives final approval to Bank participation in the transaction, the Bank provides notice of the transaction to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate.

"(ii) Not more than 10 percent of the loan, guarantee, and insurance authority available to the Bank for a fiscal year may be used by the Bank to support the sale of defense articles or services to which subparagraph (A) does not apply by reason of clause (i) of this subparagraph.

"(iii) Not later than September 1 of each fiscal year, the Comptroller General of the United States, in consultation with the Bank, shall submit to the Committees on Banking, Finance and Urban Affairs and on Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and on Appropriations of the Senate, a report on the end uses of any defense articles or services described in clause (i) with respect to which the Bank provided support during the fiscal year ending 1 year before that September 1.

"(iv) The provisions of clause (i) shall not apply after September 30, 1997.".

SEC. 2. REPORT TO THE CONGRESS.

The first sentence of section 2(b)(6)(H) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(6)(H)) is amended by inserting before the period ", or any sale of defense articles or services as described in subparagraph (I)(i)".

SEC. 3. PROMOTION OF EXPORTS OF ENVIRONMENTALLY BENEFICIAL GOODS AND SERVICES.

(a) IN GENERAL.—Section 11(b) of the Export-Import Bank Act of 1945, the first place it appears (12 U.S.C. 635i-5(b)), is amended—

(1) by striking "The Bank" and inserting the following:

"(1) IN GENERAL.—The Bank";

(2) in the first sentence, by inserting before the period "(such as by encouraging environmentally sustainable development, promoting efficient use of resources, and promoting energy efficiency)"; and

(3) by adding at the end the following new paragraph:

"(2) AUTHORIZATION OF FUNDS.—In addition to other funds available to support the export of goods and services described in paragraph (1), there are authorized to be appropriated to the Bank not more than $35,000,000 for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of supporting such exports.".

(b) TECHNICAL CORRECTION.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by redesignating section 11, the second place it appears (12 U.S.C. 635i-8), as section 14.●

By Mr. HATCH:

S. 2290. A bill to repeal the increase in withholding from supplemental wage payments included in the Revenue Reconciliation Act of 1993; to the Committee on Finance.

THE 20-PERCENT WITHHOLDING RATE REINSTATEMENT ACT OF 1994

Mr. HATCH. Mr. President, I rise today to introduce legislation to correct a tax provision that is causing undue and unintended hardship to many Americans. This provision is the 28-percent withholding rate on supplemental wages that Congress passed last year as part of the Omnibus Budget Reconciliation Act [OBRA] of 1993.

Supplemental wages are any payments made by employers to employees that are not connected with a regular pay period, such as bonuses, commissions, and certain sick pay. OBRA 1993 increased the withholding rate on supplemental wages from 20 to 28 percent—a 40-percent increase in the withholding rate. My bill would simply repeal this increase and return the law to a 20-percent rate.

The ostensible purpose for last year's change was to bring the supplemental wage withholding rate more closely in line with the top individual tax bracket, which last year's tax bill raised to 39.6 percent. In other words, the provision was intended to force employers to withhold more income tax from bonuses and other payments to wealthy Americans in tax brackets higher than 20 percent.

As so often happens, in an effort to increase taxes on the rich, this misguided provision created an undue hardship for taxpayers in the lowest tax bracket and has had little or no effect on taxpayers in the higher tax brackets.

Mr. President, I would like to explain how this increase in the supplemental wage withholding rate is an unfair seizure of taxpayers' money, a hidden tax on the lower and middle-income classes, and a manipulation of Federal revenues. To do this, I will share with you the stories of two Utah taxpayers, Brian Neilson and Deborah Young.

Brian Neilson of Sandy, UT, is a father of five and a salesman whose compensation is comprised of both salary and commissions. Although he expects to earn slightly more this year than last year, he noticed this year's paychecks have not covered the same expenses they had covered last year. After researching this situation, he discovered the withholding rate on his commission checks had increased from 20 to 28 percent.

Neilson, whose taxable income generally falls into the lowest tax bracket because of the size of his family, projects his tax liability for 1994 to be approximately $5,000. By the end of the year, he will have had appoximately $12,400 withheld from his paychecks. This translates into an overwithholding of $7,400, which is 148 percent more than is necessary. In other words, Brian is unwillingly providing a $7,400 interest-free loan to Uncle Sam. This is an unjust, irresponsible provision. In essence, the Government is confiscating his income.

Deborah Young of West Valley City, UT, is the mother of three children, one of whom is a newborn. When she first contacted my office several weeks ago, she was in desperate straits. Complications with her pregnancy had forced her to go on sick leave. Even though her sick pay, which the IRS considers a supplemental wage, would just cover her living and medical expenses, she believed she would be able to survive. After receiving her first sick pay check, however, she found that 28 percent of her money—she did not owe it in taxes—was being seized by the Government at the point in her life when she needed it most.

Mr. President, the increase in the withholding rate on supplemental wages was aimed at the commissions and bonuses of taxpayers with high income levels. But look at who is being hurt by this law: people like Brian Neilson and Deborah Young. Brian is in the lowest tax bracket. Deborah does not owe any taxes. And, while the $7,400 excess withheld from Brian Neilson's income or the money withheld from Deborah Young's sick pay may seem like chicken feed to some here in Washingon, it is real money in Utah.

As I stated earlier, supplemental wages are any wages or salary paid that are not connected with a regular pay period. Obviously, supplemental wages are not restricted to the rich. Bonuses, commissions, and sick pay apply to wage-earners from all walks of life. The 28 percent withholding provision assumes that everyone receiving these kinds of payments is in the highest tax brackets. This is absurd.

Moreover, the tax law already has a provision in place to ensure that taxpayers make proper payments on their tax obligations throughout the year. Taxpayers must pay 90 percent of their projected tax or 100 percent of the previous year's tax in four estimated tax installments throughout the year or they are assessed a penalty. Because of this estimated tax requirement, the increase in the withholding rate is not necessary to ensure proper tax collections for taxpayers whose tax rates are 28 percent of greater.

The effect of this provision is that only those taxpayers in the 15 percent tax bracket, or those who will owe no tax at all, will experience an increase in the amount of taxes paid during the year. These are the same taxpayers for whom the 20 percent withholding rate was already too high.

Ironically, the Clinton administration continues to claim that taxes were raised last year on only the richest 1.2 percent of Americans. It can be argued that an increase in withholding is not an increase in tax. But, in reality, what else can it be? Money is being confiscated from citizens that they do not owe in taxes and is subsequently used to fund Government spending. The only difference between this provision and a raw tax increase is the taxpayer eventually gets his or her money back, without interest.

Moreover, the provision to raise the supplemental wage withholding rate was scored to raise $228 million over 5 years with $188 million of that revenue coming in the first year. If increasing the withholding rate isn't an increase in tax, where did the $228 million in revenue come from? The fact that this is an increase in tax on the lower and middle-income classes is clearly demonstrated in Brian Neilson's and Deborah Young's cases.

Finally, I would like to discuss the misleading nature of the $228 million raised by the increase in the withholding rate. This increase is actually just an artificial windfall created by forcing individuals to pay tax they don't necessarily owe to the IRS earlier than it is due. The fact that 83 percent of this revenue is raised in this first year is further evidence of its misleading nature. Counting improperly withheld money toward deficit reduction is just smoke-and-mirrors accounting. Congress has reached either new heights of creativity or new depths of deceit in its never-ending effort to collect more and more taxes from the American people. Collecting and spending citizens' unowed tax money is unjust and irresponsible.

Mr. President, I urge the Senate to take immediate action to correct this injustice. The Government should not be allowed to confiscate and spend taxpayers' unowed money. We must attempt to understand the hopelessness these taxpayers fell when money they do not owe in taxes is seized by the Government and there is nothing they can do except wait until the next tax return is filed so they can claim a refund. Restoring the supplemental wage wihholding rate to 20 percent will bring the withholding rate closer into line with actual tax liability.

I urge my colleagues to support this bill.

ADDITIONAL COSPONSORS

S. 1495

At the request of Mr. INOUYE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1495, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 1539

At the request of Mr. INOUYE, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1923

At the request of Mr. REID, the names of the Senator from Nebraska [Mr. EXON], the Senator from Delaware [Mr. ROTH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1923, a bill to amend the Immigration and Nationality Act to curb criminal activity by aliens, to defend against acts of international terrorism, to protect American workers from unfair labor competition, and to relieve pressure on public services by strengthening border security and stabilizing immigration into the United States.

S. 1962

At the request of Mr. DODD, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 1962, a bill to provide for demonstration projects in 6 States to establish or improve a system of assured minimum child support payments.

S. 2074

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2074, a bill to increase the special assessment for felonies and improve the enforcement of sentences imposing criminal fines, and for other purposes.

S. 2127

At the request of Mrs. KASSEBAUM, her name was added as a cosponsor of S. 2127, a bill to improve railroad safety at grade crossings, and for other purposes.

S. 2141

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2141, a bill to provide a grant program to award grants to certain rural communities that provide emergency medical services for Federal-aid highways, and for other purposes.

S. 2247

At the request of Mr. GORTON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2247, a bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

S. 2257

At the request of Mr. BAUCUS, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 2257, a bill to amend the Public Works and Economic Development Act of 1965 to reauthorize economic development programs, and for other purposes.

S. 2264

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2264, a bill to provide for certain protections in the sale of a short line railroad, and for other purposes.

SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Georgia [Mr. NUNN], the Senator from Missouri [Mr. BOND], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Delaware [Mr. ROTH], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

SENATE JOINT RESOLUTION 178

At the request of Mr. DOMENICI, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KOHL], the Senator from Montana [Mr. BURNS], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 178, a joint resolution to proclaim the week of October 16 through October 22, 1994 as "National Character Counts Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the name of the Senator from Florida [Mr.

MACK] was added as a cosponsor of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 191

At the request of Mr. BURNS, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. MCCAIN], the Senator from Nevada [Mr. REID], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Joint Resolution 191, a joint resolution to designate Sunday, October 9, 1994, as "National Clergy Appreciation Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Kansas [Mr. DOLE], the Senator from Oklahoma [Mr. BOREN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Florida [Mr. MACK], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the "Year of the Grandparent."

AMENDMENT NO. 2257

At the request of Mr. MCCAIN, his name was added as a cosponsor of amendment No. 2257 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2273

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of amendment No. 2273 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENT NO. 2275

At the request of Mr. NICKLES, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of amendment No. 2275 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

At the request of Mr. DECONCINI, his name was added as a cosponsor of amendment No. 2275 proposed to H.R. 4426, supra.

AMENDMENT NO. 2284

At the request of Mr. DOMENICI, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of amendment No. 2284 proposed to H.R. 4426, a bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS APPROPRIATIONS ACT, FISCAL YEAR 1995

BROWN AMENDMENT NO. 2299

Mr. MCCONNELL (for Mr. BROWN) proposed an amendment to the bill (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995; as follows:

At the end of the bill insert the following:

SEC. 576. LIMITATION ON USE OF FUNDS FOR CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.

(a) LIMITATION.—Not more than $20,000,000 of the amount appropriated under Title I under the heading "CONTRIBUTION TO THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY OF THE INTERNATIONAL MONETARY FUND" shall be available until the Bipartisan Commission described in subsection (b) submits the report described in subsection (c).

(b) BIPARTISAN COMMISSION.—There shall be established a bipartisan Commission whose members shall be appointed within two months of enactment of this Act to conduct a complete review of the salaries and benefits of World Bank and International Monetary Fund employees and their families. The Commission shall be composed of:

(i) 1 member appointed by the President;

(ii) 1 member appointed by the Speaker of the House of Representatives;

(iii) 1 member appointed by the Minority Leader of the House of Representatives;

(iv) 1 member appointed by the Majority Leader of the Senate;

(v) 1 member appointed by the Minority Leader of the Senate;

(vi) Salaries and expenses—The salaries and expenses of the Commission and the Commission's staff may be paid out of funds made available under this Act.

(c) COVERED REPORT.—Within six months after appointment the Commission shall submit a report to the President, the Speaker of the House of Representatives and the Chairman of the Senate Foreign Relations Committee which includes the following:

(i) a review of the existing salary paid and benefits received by the employees of the World Bank and the IMF;

(ii) a review of all benefits paid by the World Bank and the IMF to family members and dependents of the employees of the World Bank and the IMF;

(iii) a review of all salary and benefits paid to employees and dependents of the World Bank and the IMF as compared to all salary and benefits paid to comparable positions for employees of U.S. banks.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, FISCAL YEAR 1995

MCCAIN AMENDMENT NO. 2300

Mr. MCCAIN proposed an amendment to the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE SENATE ON FUNDING FOR MILITARY CONSTRUCTION PROJECTS NOT REQUESTED IN THE PRESIDENT'S ANNUAL BUDGET REQUEST.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that, to the maximum extent practicable, the Senate should consider the appropriation of funds for a military construction project not authorized or included in the annual budget request of the Department of Defense only if:

(1) the project is consistent with past actions of the Base Realignment and Closure process;

(2) the project is included in the military construction plan of the military department concerned incorporated in the Future Years Defense Program or is authorized;

(3) the project is necessary for reasons of the national security of the United States; and

(4) a contract for construction of the project can be awarded in that fiscal year.

(b) VIEWS OF THE SECRETARY OF DEFENSE.—In considering these criteria, the Senate should obtain the views of the Secretary of Defense. These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

(c) RULE OF CONSTRUCTION.—Nothing in this provision shall be construed as modifying the provisions of section 2802 of title 10, United States Code.

GLENN AMENDMENT NO. 2301

Mr. GLENN proposed an amendment to the bill H.R. 4453, supra; as follows:

In the pending amendment, strike out everything after the section heading and all that follows through the end of the amendment, and insert in lieu thereof the following:

(a) IN GENERAL.—(1) Subject to paragraph (2), the Administrator of General Services shall—

(A) transfer jurisdiction over all or a portion of the parcel of real property described in subsection (b)(1) to another executive agency if the Administrator determines under subsection (c) that the transfer of jurisdiction to the agency is appropriate;

(B) convey all or a portion of the parcel to a State or local government or nonprofit organization if the Administrator determines under subsection (d) that the conveyance to the government or organization is appropriate; or

(C) convey all or a portion of the parcel to the entity specified to receive the conveyance under subsection (e) in accordance with that subsection.

(2) The Administrator shall carry out an action referred to in subparagraph (A), (B), or (C) of paragraph (1) only upon direction by the Secretary of Defense. The Secretary shall make the direction, if at all, in accordance with subsection (g).

(3) Upon the direction of the Secretary of Defense, the Secretary of the Navy shall transfer jurisdiction over an appropriate portion of the parcel of real property referred to in paragraph (1) to the Administrator in order to permit the Administrator to carry

out the transfer of jurisdiction over or conveyance of the portion of the parcel under this section.

(b) COVERED PROPERTY.—(1) The parcel of real property referred to in subsection (a)(1) is a parcel of real property, together with any improvements thereon, consisting of approximately 5.09 acres, located in Seattle, Washington, the location of the Naval Reserve Center, Seattle, Washington.

(2) The exact acreage and legal description of the real property referred to in paragraph (1) that is transferred or conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. The transferee or conveyee, if any, of the property under this section shall reimburse the Secretary for the cost borne by the Secretary for the survey of the property.

(c) DETERMINATION OF TRANSFEREES.—(1) Subject to subsection (a)(2), the Administrator shall transfer jurisdiction over all or a portion of the parcel of real property referred to in subsection (b)(1) to an executive agency if the Administrator determines under this subsection that the transfer is appropriate.

(2) Not later than 5 days after the date of the enactment of this Act, the Administrator shall inform the heads of the executive agencies of the availability of the parcel of real property referred to in subsection (b)(1).

(3) The head of an executive agency having an interest in obtaining jurisdiction over any portion of the parcel of real property referred to in paragraph (2) shall notify the Administrator, in writing, of the interest within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (4) whether the transfer of jurisdiction to the agency is appropriate.

(4)(A) The Administrator shall—

(i) evaluate in accordance with section 202(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)) the notifications of interest, if any, received under paragraph (3) with respect to a parcel of real property; and

(ii) determine in accordance with that section the executive agency, if any, to which the transfer of jurisdiction is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 30 days after informing the heads of the executive agencies of the availability of the parcel.

(d) DETERMINATION OF CONVEYEES.—(1) Subject to subsection (a)(2), the Administrator shall convey all right, title, and interest of the United States in and to all or a portion of the parcel of real property referred to in paragraph (2) to a government or organization referred to in paragraph (3) if the Administrator determines under this subsection that the conveyance is appropriate.

(2) Paragraph (2) applies to any portion of the parcel of real property referred to in subsection (b)(1)—

(A) for which the Administrator receives no notification of interest from the head of an executive agency under subsection (c); or

(B) with respect to which the Administrator determines under paragraph (4)(B) of that subsection that a transfer of jurisdiction under this section would not be appropriate.

(3)(A) In the case of the property referred to in paragraph (2), the governments and organizations referred to in that paragraph are the following:

(i) The State government of the State in which the property is located.

(ii) Local governments affected (as determined by the Administrator) by operations of the Department of Defense at the property.

(iii) Nonprofit organizations located in the vicinity of the property and eligible under Federal law to be supported through the use of Federal surplus real property.

(B) In this paragraph, the term "nonprofit organization" means any organization listed in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501) that is exempt from taxation under subsection (a) of that section.

(4) Not later than 5 days after completing the determination under subsection (c)(4)(B), the Administrator shall determine if any portion of the parcel of property referred to in subsection (b)(1) is available for conveyance under this subsection and shall inform the appropriate governments and organizations of the availability of the parcels for conveyance under this section.

(5) A government or organization referred to in paragraph (4) shall notify the Administrator, in writing, of the interest of the government or organization, as the case may be, in the conveyance of all or a portion of the parcel of real property to the government or organization. The government or organization shall notify the Administrator within such time as the Administrator shall specify with respect to the parcel in order to permit the Administrator to determine under paragraph (6) whether the conveyance of the parcel to the government or organization, as the case may be, is appropriate.

(6)(A) The Administrator shall—

(i) evaluate in accordance with section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) the notifications, if any, received under paragraph (5) with respect to a parcel of real property; and

(ii) determine in accordance with that section the government or organization, if any, to which the conveyance is appropriate.

(B) The Administrator shall complete the determination under subparagraph (A) with respect to the parcel not later than 70 days after notifying the governments and organizations concerned of the availability of the parcel for conveyance.

(e) ADDITIONAL CONVEYANCE AUTHORITY.—(1) Subject to subsection (g)(2), the Administrator shall, in lieu of transferring jurisdiction over or conveying the parcel of real property referred to in subsection (b)(1) in accordance with subsections (c) and (d), convey the parcel in accordance with this subsection.

(2) The Administrator may convey to the City of Seattle, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property referred to in subsection (b)(1).

(3)(A) As consideration for the conveyance under this subsection, the City shall pay to the United States an amount equal to the fair market value (as determined by the Administrator) of the portion of the real property to be conveyed under this subsection that is described in subparagraph (B).

(B) Subparagraph (A) applies to the portion of the parcel of real property referred to in paragraph (2) that consists of approximately 3.67 acres and was acquired by the United States from a party other than the City.

(4) The conveyance authorized by this subsection shall be subject to the condition that the City accept the real property in its condition at the time of conveyance.

(5)(A) The Administrator may not make the conveyance authorized by this subsection until the commencement of the use by the Navy of a Naval Reserve Center that is a suitable replacement for the Naval Reserve Center located on the property to be conveyed.

(B) The Secretary of the Navy may not commence construction of a facility to be the replacement facility under subparagraph (A) for the Naval Reserve Center until the Secretary completes an environmental impact statement with respect to the construction and operation of the facility to be the replacement facility.

(6) If at any time after the conveyance under this subsection the City ceases utilizing the real property conveyed for public purposes, and uses such real property instead for commercial purposes, the City shall pay to the United States an amount equal to the excess, if any, of—

(A) an amount equal to the fair market value (as determined by the Administrator) of the real property referred to in paragraph (3)(B), and any improvements thereon, at the time the City ceases utilizing the real property for public purposes, over

(B) the amount determined by the Administrator under paragraph (3)(A).

(7)(A) The Administrator shall deposit in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) the amount received from the City under paragraph (3)(A) and the amount, if any, received from the City under paragraph (6).

(B) Notwithstanding subparagraph (A) of such section 204(h)(2), the Secretary shall use the entire amount deposited in the account referred to in subparagraph (A) of this paragraph for the purposes set forth in subparagraph (B) of such section 204(h)(2).

(8)(A) The Navy may scope more than one site.

(B) The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator considers appropriate to protect the interests of the United States.

(f) REPORT BY ADMINISTRATOR.—(1) Not later than 125 days after the date of the enactment of this Act, the Administrator shall submit to the Committees on Armed Services of the Senate and House of Representatives and to the Secretary of Defense a report on the activities of the Administrator under this section.

(2) The report shall include with respect to the parcel of real property referred to in subsection (b)(1) the following information:

(A) The interest, if any, for all or a portion of the parcel that was expressed by executive agencies under subsection (c) or by governments or nonprofit organizations under subsection (d).

(B) The use, if any, proposed for the portion of the parcel under each expression of interest.

(C) The determination of the Administrator whether a transfer or conveyance of all or a portion of the parcel, as the case may be, to the agency, government, or organization was appropriate.

(D) The other disposal options, if any, that the Administrator has identified for the parcel.

(E) Any other matters that the Administrator considers appropriate.

(g) DESIGNATION OF AUTHORITY TO BE USED.—(1) If the Administrator submits the report required under subsection (f) within the time specified in that subsection, the Secretary of Defense may direct the Administrator under subsection (a)(2) to carry out the transfer or conveyance under subsection (c) or (d) of all or a portion of the parcel of property referred to in subsection (b)(1) in accordance with the determinations made by the Administrator with respect to the transfer or conveyance of the parcel under subsection (c) or (d), respectively.

(2) If the Administrator does not submit the report required under subsection (f) within the time specified in that subsection, the Secretary may direct the Administrator to carry out the conveyance of the parcel of property that is authorized under subsection (e) in accordance with such subsection (e).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 26, 1994 at 9:30 a.m., in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Elizabeth Anne Moler, nominee to be reappointed as a member of the Federal Energy Regulatory Commission.

For further information, please contact Rebecca Murphy at (202) 224-7562.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON WATER AND POWER AND COMMITTEE ON INDIAN AFFAIRS

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs.

The purpose of the hearing is to receive testimony on S. 2259, a bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes.

The hearing will take place on Thursday, August 4, 1994 at 2 p.m., in room 366 of the Dirksen Senate Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement for the printed hearing record is welcome to do so. Please send your comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531 or Leslie Palmer at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FORD. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, July 15, beginning at 9 a.m., to conduct a hearing on the designation of the National Highway System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, July 15, at 9 a.m., to hold nomination hearings on Phyllis Oakley, to be an Assistant Secretary of State for Population, Refugees and Migration (new position); and Richard Greene, to be Chief Financial Officer, Department of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, July 14, for a markup on the nominations of: Judith Bartnoff, Zoe Alice Bush, and Rhonda Reid Winston, nominees to be associate judges, Superior Court of the District of Columbia; and Phyllis Segal, to be member, Federal Labor Relations Authority, and John Andrew Koskinen, to be Deputy Director for Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 15, 1994, at 10 a.m., in room 216 Senate Hart Office Building, to hold a hearing on the nomination of Stephen G. Breyer of Massachusetts, to be Associate Justice of the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONDEMNING THE CONTINUED ASSAULT ON DEMOCRACY IN NIGERIA

• Mr. D'AMATO. Mr. President, I rise today to bring to your attention and to the attention of my colleagues, the July 11, 1994 Washington Post editorial entitled "Throttling Democracy in Nigeria."

It appears the editor of the Post has a thorough grasp of the situation in Nigeria, from the annulment of a democratic election, the arrest and treason charge against President-elect Abiola, to the debt and gross mismanagement of Nigeria by the current military dictator.

The ongoing effort of the Nigerian people to achieve democracy in their country is rapidly leading to a serious and perhaps massive confrontation with the Nigerian military regime currently in power. The country is becoming economically crippled because of 10-day-old strike in the oil production and transportation sectors.

Imagine the outrage of the American people if, after an election, the winning candidate was then disenfranchised, arrested, charged with treason, and had his or her life put in jeopardy. As outrageous as this might sound, this is the situation as it exists in Nigeria today for Moshood Abiola.

Mr. President, Americans can tell the difference between a democracy and a dictatorship, and what exists today in Nigeria is a dictatorship. I do realize positive steps were made in beginning the process of establishing an African foreign policy during the recent White House Conference on Africa, but more must be done.

I suggest that we try to begin to solve the situation by adhering to the recommendations made at the conference and immediately address the issue of democracy in Nigeria. Let us put an end to this situation in Nigeria now.

President Abiola should immediately be released along with the press, human rights activists, and all other political prisoners presently being held by the military regime.

Also, the assets of the current Nigerian Government and the private bank accounts of members of this outlaw regime must be frozen.

President Abiola must be allowed to assume power without any further delay by the military dictators in Nigeria.

Finally, I suggest that it is within the power of the United States to impact the situation in Nigeria now, before the bloodshed, civil war, and further economic collapse make the situation there even more egregious than it is today. The time for democracy in Nigeria is now. Let us do all that we can to make this happen.

Mr. President, I ask unanimous consent that the text of the Washington Post editorial mentioned above, be included following my remarks.

The editorial follows:

[From the Washington Post, July 11, 1994]

THROTTLING DEMOCRACY IN NIGERIA

One year after Moshood Abiola apparently won Nigeria's democratic presidential election, only to watch as the military annulled the results, he's now facing charges that could send him to jail for life. His offense? Mr. Abiola has decided to assume the office that was freely and fairly conveyed to him by the people. Nigerian military leaders, having never seen an election or popular civilian leader in 33 years of independence that they could stomach for very long, call Mr. Abiola's decision an act of treason. It is they, however, who have betrayed their country.

Each time a Nigerian military regime cuts down civilian rule, it's done with the promise of giving the people a new, improved, and less fractious transition to democracy. True to form, the current crop of generals has been following that tired old script to the letter since snuffing out their country's latest experiment with democracy. Two military regimes and one civilian puppet government have governed the country since June 1993, each promising another journey to the ballot box one day soon. Instead, what the soldiers have done is to take the people's rights and civil liberties from them. Their chosen leader is being held incommunicado, a judge's order to produce him in court is being ignored, human rights leaders, journalists and former legislators have been arrested and hassled for political reasons and the elected National Assembly has been outlawed. Having the power, the military has made a colossal mess of things.

For all its wealth in oil, Nigeria is awash in red ink. Its creditors hold $33 billion in IOUs. Through gross mismanagement and corruption, the once agriculturally rich country suffers from 50 percent unemployment and can no longer feed itself. All the while, a man with no political base, Gen. Sani Abacha, who has stood on the edges of power in recent years and who now openly parades as head of state, is taking a turn at enjoying the perquisites of power.

He rides high now. But Gen. Abacha will soon learn the same lesson other military strong men have had to absorb—some the hard way: Dissent cannot be crushed permanently. Nigeria's state of autocracy cannot survive. But pro-democracy Nigerians shouldn't have to march alone.

During the recent White House Conference on Africa, administration officials went out of their way to commit themselves to stronger ties with Africa. National security adviser Anthony Lake spoke of leaving no doubt in the minds of Africa's authoritarians that the United States insists on a rapid transition to democracy, a return to civilian rule and respect for human rights. That message must be forcefully registered in Nigeria.•

BILLIONS FOR NEW PRISONS? WAIT A MINUTE

• Mr. SIMON. Mr. President, Phil Heymann resigned a few months ago as Deputy Attorney General. There was a clash of personalities within the Justice Department that happens on this Washington scene and everywhere else in our country.

But there is no question about his ability, his dedication and his valid insights into many of the problems of our society and our system of justice.

Recently, he had an op-ed piece in the New York Times that questions the wisdom of just building more and more prisons, and putting more and more people into prison for nonviolent offenses.

What he has to say makes eminent good sense, even though it may not be politically popular.

I ask to insert his statement into the RECORD.

The statement follows:

BILLIONS FOR NEW PRISONS? WAIT A MINUTE

(By Philip B. Heymann)

WASHINGTON.—If you found a bicycle in a clothes closet, you wouldn't build a new closet for your clothes. You would move the bike to the garage.

By the same token, the nation's prison population is outgrowing the space for it, and violent offenders are being released to make room for rapidly growing numbers of prisoners convicted on drug charges.

Before we spend $13.5 billion (authorized in the House version of the crime bill) or even half that amount (the Senate figure) to build more prisons for violent convicts, we should consider whether this use of prisons is worthwhile.

It makes sense to spend whatever it costs to help the states make sure that violent offenders are imprisoned as long as they remain dangerous. And we should be willing to pay billions of dollars in constructive efforts to stop youth violence.

Violence with guns by young people in the poorest areas of our cities has increased dramatically in the last six years; the victims are also heavily concentrated among urban, minority youth.

But it makes no sense to spend whatever it costs to make sure that 100,000 drug offenders continue to be sent to penitentiaries every year—until someone demonstrates that this substantially reduces the availability of drugs or reduces crime.

Our prison population is three times what it was in 1980, largely because of the rise in incarceration for drug offenses. The 102,000 drug offenders imprisoned in 1992 exceed the number imprisoned for all violent offenses and burglary put together. In 1980, there were seven times as many commitments to state prisons for violent offenses as for drug offenses.

From 1986 to 1993, the number of drug offenders in state prisons grew by more than 140,000 bringing the number held for drug crimes to more than 183,000 of whom about 20 percent had no prior offenses and almost 80 percent had no prior incarceration for a crime of violence.

In addition, about 18,000 low-level drug offenders with no record of violence, no significant criminal record and no important connection to a drug organization are being held in Federal prisons for mandatory sentences of 5 to 10 years.

Without this rise in drug prisoners, the growth in national prison capacity would far exceed the need.

Our political leaders are about to spend as much as $13.5 billion to enable the states to continue to house drug offenders at an ever-increasing rate. This is enough money to have an effect on violence—and drug abuse, too, if committed to drug treatment programs, job training, education, enterprise zones, community centers for sports or computer activities—or other important investments that President Clinton has found himself unable to afford.

Few believe that the incarceration of more than 100,000 drug offenders in 1992 has made drugs any harder to get on the streets than did the incarceration of fewer than half that many in 1987 under the Reagan Administration. Only a small fraction of that 100,000 could conceivably consist of important or difficult-to-replace dealers. And there is no reason whatever to believe that increasing the rate of incarceration of drug offenders reduces violence.

An intelligent effort to reduce the drug supply would focus on those parts of the production and marketing process that can be disrupted and cannot readily be replaced; this would increase the price, risk or difficulty of a purchase. Most street dealers are too readily replaceable for imprisonment to affect these costs.

Using a cell to house a nonviolent drug offender for years makes sense only if it raises the cost of acquiring drugs on the street and if the benefit of that increase in cost—reduced consumption—exceeds the harms resulting from any rise in predatory crime by addicts.

Even then, it might not be nearly worth the cost of taking up a cell that could be used for a violent offender. Some drug law enforcement pays off; some doesn't.

I am not arguing for the legalization of drugs. Rather, we should return to a ratio of incarcerations for violence and incarcerations for drugs to something like what prevailed in the Reagan years, shifting the energies of police, prosecutors and courts toward pursuit of violent criminals.

This would allow a sizable number of the cells recently committed to nonviolent drug offenders to be used for violent offenders; other cells could be made available for violent offenders by shorter or alternative sentences for some nonviolent drug offenders.

Parole or supervised release could be made conditional on strictly enforced drug testing, abstinence and treatment. (It is also necessary, of course, to fight the symbolism of drugs as a desirable consumption item or of drug dealing as a way to win respect and a good life.)

Treatment on demand for every addict would further reduce the need for cells. So would more use of problem-solving policing to separate casual users from the sources of drugs. The police can adopt techniques that disrupt the conditions of trust and privacy that any market requires—techniques that make open-air drug markets impossible, all without great numbers of arrests.

Neither Congress nor the Administration has explained how it has arrived at the vast sums to be committed by a budget-starved Government to new prison cells.

The figures reflect nothing more than sums designed to convince frightened constituents of sweeping action. But even if the numbers were meaningful, they could not be defended until someone addressed the wisdom of our unexamined expansion of drug commitments and its effect on space for violent offenders.

In other words, we are building expensive new closet space for needs whose size hasn't even been estimated because we haven't thought about removing from our existing closets some of the things that waste space in them.•

Mr. MOYNIHAN. Madam President, the Senate must today take the unusual step of returning to a measure previously passed by this body and removing an amendment previously adopted. This action is necessary because the House has concluded that the amendment in question, which affects the enforcement of the Internal Revenue Code requirement for the use of undyed diesel fuel in recreational motorboats, violates article I, section 7, of the U.S. Constitution.

I warned the Senate, when this amendment was before us in June, that this would be the outcome if the amendment were adopted.

The amendment is clearly a revenue measure. It employs the artifice of denying funds for the enforcement of a selected provision of the Internal Revenue Code. Further, it directs the Internal Revenue Service as to the particulars of collecting a tax. The legislation to which it was attached was not a revenue bill. The House understandably has insisted on its constitutional prerogatives under article I, section 7, which states in part:

> All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Madam President, as I stated when this amendment was originally before us, I am sympathetic to the problem that the sponsors of the amendment are trying to solve. I expect to work with them toward a solution that can be added to an appropriate revenue bill. But as chairman of the Committee on Finance, I am mindful of matters of jurisdiction involving taxes, and the dictates of the constitution regarding this subject are clear. Had the Senate been more mindful of the constitutional implications when this matter was originally before us, the additional action we take today would not have been necessary.

Madam President, I ask unanimous consent that the record of the original debate on this amendment (No. 1833) last June 22, including the discussion immediately following rollcall vote No. 159, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Congressional Record, June 22, 1994]

Mr. GORTON. The Senator from Washington and the Senator from Louisiana have already spoken. So the floor is available.

The PRESIDING OFFICER. The chair informs the Senate that there is a time agreement. Mr. GORTON controls 1½ minutes. The Senator from Arizona controls 19.

Mr. DECONCINI. I yield whatever time I have to the Senator from New York.

Mr. MOYNIHAN. May I respectfully ask the Chair how much time is available?

The PRESIDING OFFICER. There are 19 minutes remaining.

The Senator from New York [Mr. MOYNIHAN], is recognized.

Mr. MOYNIHAN. Mr. President, I will not require 19 minutes of the Senate's time to make the point that is relevant from the point of view of the Committee on Finance, and from the point of view of the Senate as regards constitutional requirements and our behavior with respect to taxation.

The first thing to say to my friend from the State of Washington—and I say it also to Senator BREAUX from the State of Louisiana, with whom I just spoke—is that you have a real problem which needs to be fixed. I certainly would undertake to attempt just that, and I think the Treasury recognizes that there is such a problem. In the 1993 Budget Reconciliation Act, we removed the luxury tax on pleasure boats, which had made its way into the Tax Code with large unanticipated and wholly unwelcomed consequences, which is that the manufacture and sale of such boats fell off precipitously. Under our rules, if we were to repeal that luxury tax, as it was called, we had to pay for it, and we did so by imposing a tax on diesel fuel, used in this particular type of boating. We required that the fuel thus used be undyed—that being the case with all diesel fuels that are taxed, principally diesel fuel used in trucks. Now we are happy to get rid of this. I should be happy, personally, to see this changed, because there are so many marinas, as I understand it, where really only one tank is available, and the fuel is going to be used for both taxable and nontaxable purposes, and what is the marina proprietor to do?

The Senator from Washington very properly suggests that the tax should be paid even though the fuel is dyed, which typically means it is destined for an exempt use. That is a fair point but not one persuasive to those persons whose lamentable works have been over the centuries to collect taxes. It just does not work. The law requires that the fuel remain undyed and the sale of it be taxed.

We cannot change the law on this bill. This would make this bill a revenue bill under article 1, section 7 of the Constitution, what we call the origination clause. And the distinguished Senator from the State of Washington will know this with much greater clarity than I could bring to it given his legal background. But there can be nothing unclear about the origination clause, as it is called.

It says:

"All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills."

In effect, Mr. President, this requires that we have a revenue bill before us which has originated in the House. That is the practice of two centuries and more. It is the rule of the Constitution. It is never breached.

If this were to go to the House it would be given a blue slip, as our usage has it, and the Parliamentarian would simply send it back. The House is properly vigilant with regard to its prerogative under article 1, section 7. There can be no question of what would happen.

That being the case, I believe it is the intention of the distinguished manager to move a point of order that simply says that enactment into law of the pending Gorton amendment would reduce revenues below the fiscal year 1995 revenue floor in violation of section 311 of the Congressional Budget Act. A constitutional point of order could be made as well.

I do not want to extend the debate. I want to extend a hand of friendship and help to the Senator from Washington to say that there is a problem and we have to deal with it and we will seek to do so. But we have to do so on an appropriate measure in a time in the future when one will come before us.

I predict that in this vale of tears there will be another revenue act before the Senate before too long, and I will undertake to try to work to resolve this matter. In the meantime I will say to my colleagues we cannot accept this amendment. To do so would put the entire bill in jeopardy and strain an already seriously over strained Senate calendar.

Mr. President, seeing my friend from Washington having arisen, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Do I understand the Chair to say I have 1½ minutes remaining?

The PRESIDING OFFICER. The Senator from Washington is correct.

Mr. GORTON. I ask unanimous consent to have another minute to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I am delighted with the agreement in principle as to the goal we would like to achieve on the part of the Senator from New York. I knew those were his views already, but it is particularly welcome that he lays them out for us here.

We have an absurd situation here. We have a situation in which the convenience of the tax collector is all and the convenience of the taxpayer is as nothing. We have a situation which has made it impossible for many boat owners to purchase fuel if they use diesel fuel pleasure boats, for their vessels.

We have here an opportunity to solve that problem in the short term.

The distinguished Senator from New York says that we cannot constitutionally change the Tax Code in the Senate. The Senator from New York is, of course, entirely correct. It is for exactly that reason that this amendment does not purport to change the Tax Code at all. It simply limits the enforcement authority of the Internal Revenue Service, which is not a tax bill.

Even more importantly, however, I am convinced that we could in fact do so. All appropriations bills originate in the House. This is an appropriations bill. It has been passed by the House of Representatives. Almost every appropriations bill includes revenue provisions in it of some sort or another. I suspect that this one does. It has started in the House.

The Constitution does not say the Ways and Means Committee of the House must act first. It says the House must act first.

The House has in a bill which deals with revenues as well as with expenditures. The House in the past has accepted provisions like this one in part.

If the House wishes to object to it, we can deal with that objection at that point. The House is not going to reject dealing with an appropriations bill which it itself has passed on the grounds of this provision. It may not like the provision. It may insist that the provision come out. Under those circumstances, a conference committee will have to make that decision.

But to say that somehow or another this is without precedent is absurd. Almost every appropriation bill we deal with in this place deals with revenue in some respect or another.

The provision is not unconstitutional and the House would not be justified in rejecting it on that ground.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the President and I respond on the constitutional points made by my friend from Washington by saying clearly the bill before us originated in the House. But it is an appropriations bill. It is a bill for spending moneys.

The Constitution constrains us with respect to revenue. All bills for raising revenue shall originate in the House of Representatives. This is not a bill for raising revenue. The provision that follows, which is that the Senate my propose or concur with amendments, simply does not apply here because this is not a revenue bill.

I say to my friends on both sides here that we can solve this problem but not in this manner. If you do it, if we proceed we will simply put at jeopardy all the work that has been done on the appropriations bill.

This is the Treasury, Postal Service, and general Government appropriations bill. A great deal of effort has gone into it. We are about to conclude it.

The managers have done superb job. I particularly thank the Senator from Arizona and I simply have to say that I hope that the distinguished manager will make a point of order, if he wishes to do that. That is, of course, the proper means of proceeding. Otherwise, I would feel obliged to do so on behalf of the Committee of Finance.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Mr. President, I would say I am willing to yield back the remainder of my time if the other side is so the distinguished Senator from Arizona can make his point.

Mr. DECONCINI. Mr. President, before I yield back the time I just want to say that I am very sympathetic to what the Senator from Washington wants to do here. Though the Senator from Arizona does not have many rivers and lakes as these States do, we do have a very high per capita rate of boats.

I am pleased that the distinguished chairman of the Finance Committee indicates that he is going to address this matter. Because of that I am going to support the Senator on the point of order which I will make.

Mr. President, I make a point of order that the Gorton amendment violates section 311(a) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I move to waive the relevant sections of the Budget Act in order to permit the consideration of the Gorton amendment.

And I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the vote on Senator GORTON's motion to waive the Budget Act occur, without intervening action or debate, upon the disposition of the Reid amendment No. 1832.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 20, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—79

Akaka
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—20

Baucus
Boren
Bradley
Byrd
Campbell
Danforth
Daschle
DeConcini
Feingold
Glenn
Harkin
Hatfield
Leahy
Metzenbaum
Moseley-Braun
Moynihan
Reid
Simon
Wellstone
Wofford

NOT VOTING—1

Dodd

The PRESIDING OFFICER. On this vote, the yeas are 79, the nays are 20. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative the motion is agreed to.

More than 60 Senators having voted in favor of the motion to waive, the point of order falls.

VOTE ON AMENDMENT NO. 1833

The PRESIDING OFFICER. The question now is on agreeing to the amendment.

The amendment (No. 1833) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. DECONCINI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank you, Mr. President.

Just succinctly and briefly, I am required to say that the Senate has just voted in direct opposition to article 1, section 7 of the U.S. Constitution. This bill will be returned to us from the House of Representatives within 24 hours. We knew that in advance and we proceeded anyway.

It seems to me to have been pointless. We do take an oath to uphold and defend the Constitution of the United States against all enemies foreign and domestic, and I do not see where it says excepting where diesel fuel is concerned.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the statement of the Senator from New York relating to the constitutionality of this amendment is in error and without merit.

ORDER TO RE-ENGROSS AMENDMENTS TO H.R. 4539

Mr. FORD. Madam President, I ask unanimous consent that the Secretary of the Senate re-engross the Senate amendments to the bill H.R. 4539, entitled "an Act making appropriations for the Treasury Department, the United States Postal Service, the Executive office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes," with the following: Strike section 644 (amendment No. 104).

The PRESIDING OFFICER. Without objection, it is so ordered.

TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING

Mr. FORD. Mr. President, Madam President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1880, a bill to provide for the National Education Commission on Time and Learning to terminate on September 30, 1994; that the Senate proceed to its immediate consideration, the bill be deemed read a third time, and passed, the motion to reconsider be laid upon the table, and any statements thereon appear in the RECORD at appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1880) was deemed read the third time, and passed, as follows:

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

Subsection (g) of section 102 of the National Education Commission on Time and Learning Act (20 U.S.C. 1221–1 note) is amended by striking "90 days after submitting the final report required by subsection (d)" and inserting "on September 30, 1994".

FOR THE RELIEF OF MELISSA JOHNSON

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 489, H.R. 572, a bill to provide for the relief of Melissa Johnson; that the bill be deemed read three times, passed and the motion to reconsider be laid upon the table; and that any statements relating to this measure be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 572) was deemed read three times and passed.

THE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar No. 499 and Calendar No. 500; that the joint resolution be read a third time and passed; that the resolution be adopted, the preambles agreed to en bloc, and the motions to reconsider laid upon the table en bloc; further, that any statements on these measures appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE AMERICAN ACADEMY IN ROME

The joint resolution (S.J. Res. 204) recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th birthday of its founding was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble are as follows:

S.J. RES. 204

Whereas the American Academy in Rome was established 100 years ago in Italy as the foremost American overseas center for independent study and advanced research on the fine arts and the humanities;

Whereas the American Academy in Rome has been a constant, active force for the enrichment of American culture, as year after year its Fellows and Residents have returned to the United States, enriched by the cultural heritage of Italy, and have conveyed their enrichment to their compatriots;

Whereas the American Academy in Rome has maintained and expanded upon the basis of its founding, and currently serves more than 3,000 people annually with its fellowship and residency programs, its unique research library, a series of summer programs, and projects in archaeology and publishing, and serves thousands of other people who participate in Academy concerts, lectures, symposia, exhibitions, and other special events in Rome and the United States;

Whereas the central purpose of the American Academy in Rome is its fellowship program, the Academy being committed to identifying and nurturing the most promising American talent available through the annual Rome Prize Fellowships competition and related programs;

Whereas since its founding, the American Academy in Rome has awarded more than 2,500 fellowships and residencies in the fields of architecture, design arts, landscape architecture, conservation and historic preservation, literature, musical composition, visual arts, classical studies, archaeology, art history, modern Italian studies, and post-classical humanistic studies;

Whereas the American Academy in Rome provides its gifted Fellows and Residents with the opportunity to develop and refine their professional, artistic, and scholarly potential through working on their own projects, interaction with their colleagues, and association with members of the Italian and European scholarly and artistic communities;

Where Fellows and Residents of the American Academy in Rome have included 2 Nobel Prize winners, 4 United States Poets Laureate, 7 National Medal of Arts winners, 9 MacArthur Fellows, and 30 Pulitzer Prize winners, and have won numerous other honors and awards;

Whereas the American Academy in Rome's library contains 111,000 volumes and ranks among the world's richest in its holdings in the fields of Roman topography and archaeology, and is further distinguished for its collection of rare books, periodicals, and works on Italian art and architecture;

Whereas the American Academy in Rome has always represented and fostered excellence in scholarship, having a distinguished scholarly faculty, having many of its Fellows and Residents go on to occupy chairs and posts of high responsibility in the finest colleges and universities in the United States, having publications which rival in quality the best that Europe produces, and having alumni who are the recipients of many academic degrees, honors, and awards;

Whereas the American Academy in Rome can be proud of its reputation in Roman archaeology, having been committed to this lofty and exacting pursuit from its very inception, having revolutionized the history of Roman republican architecture and town planning by it's excavations at Cosa in Etruria, and by continuing to further the development of the field through its perennial engagement in the training of excavators and the work of excavation;

Whereas the American Academy in Rome relies entirely on the income from its endowment, and the financial support of philanthropic individuals, foundations, corporations, colleges and universities across the United States, and the National Endowments for the Arts and for the Humanities; and

Whereas the American Academy in Rome is committed to ensuring the availability of the Rome Prize Fellowships to future generations of Americans as the United States approaches the 21st century: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the American Academy in Rome, an American overseas center for independent study and advanced research based in Rome, Italy, which has played a pivotal role in the transference of culture between the United States and Italy, fostering international cultural relations between the two countries, be recognized for its contributions to America's cultural and intellectual life on the occasion of the 100th anniversary of its founding.

CONCERNING THE IMPRISONMENT OF DAW AUNG SAN SUU KYI

The resolution (S. Res. 234) expressing the sense of the Senate concerning the fifth year of imprisonment of Daw Aung San Suu Kyi by Burma's military dictatorship, and for other purposes, which had been reported from the Committee on Foreign Relations, was considered and agreed to as follows:

S. RES. 234

Whereas on July 19, 1994, Nobel Peace Prize winner Daw Aung San Suu Kyi will have endured five years of unlawful house arrest by the State Law and Order Restoration Council (in this preamble referred to as the "SLORC"), the military junta in Burma;

Whereas on May 27, 1990, the people of Burma voted overwhelmingly in a free election for Daw Aung San Suu Kyi and the National League for Democracy;

Whereas despite numerous pledges, the SLORC has failed to honor the results of the May 1990 elections;

Whereas the United States recognizes the individuals who won the 1990 elections as the legitimate representatives of the Burmese people;

Whereas the United States has not sent an ambassador to Rangoon to protest the failure of the SLORC to honor the 1990 elections and the continued human rights abuses suffered by the Burmese people;

Whereas the United Nations General Assembly states in resolution 48/150 that no evident progress has been made to restore democracy in accordance with the will of the people of Burma as expressed in the 1990 election;

Whereas the Special Rapporteur for Burma appointed by the United Nations Commission on Human Rights has been denied access to Daw Aung San Suu Kyi and other political prisoners in Burma;

Whereas the Government of Thailand has in the past generously provided safe haven to the many Burmese forced to flee the brutal repression of the SLORC regime;

Whereas despite pressure from the SLORC, the Government of Thailand has allowed Burmese democracy leaders to operate within its borders, and has granted visas for international travel;

Whereas recent reports indicate that the Government of Thailand has adopted more restrictive policies toward Burmese refugees in Thailand;

Whereas reports have indicated that some Rohingya refugees located in Bangladesh have been returned to Burma against their will; and

Whereas the members of the Association of Southeast Asian Nations (ASEAN) will meet in Bangkok, Thailand in July 1994, and the SLORC has been invited to attend the opening meeting: Now, therefore, be it hereby

Resolved, That it is the sense of the Senate that the United States Government should—

(1) enunciate a clear and strong policy to promote democracy in Burma;

(2) strongly encourage ASEAN members at the meetings in Bangkok in July to join United States efforts to—

(A) seek the immediate release of Daw Aung San Suu Kyi and all other political prisoners in Burma and allow them to participate fully in the Burmese political process;

(B) achieve the transfer of power to the winners of the 1990 democratic election;

(C) join the arms embargo which the United States continues to maintain against Burma; and

(D) end the gross human rights abuses perpetrated by the SLORC, including torture, arbitrary arrests, executions, forced labor, forced relocation and the rape and trafficking of women;

(3) clearly and publicly indicate the continued opposition of the United States to SLORC participation in ASEAN;

(4) work to implement United Nations General Assembly resolution 48/150, unanimously adopted on December 20, 1993, and pledge to seek international sanctions through the United Nations, including a multilateral arms embargo, and the appointment of a special envoy to facilitate the transfer to democracy in Burma;

(5) oppose commercial arrangements that only provide financial support for the SLORC;

(6) oppose foreign aid and financial assistance from international financial institutions such as the World Bank and the International Monetary Fund which only provide financial support for the SLORC;

(7) encourage the Government of Thailand to allow Burmese political leaders and refugees, including the Karen, Mon, and Karenni, and other ethnic groups, to continue their efforts to bring democratic change to Burma without fear of harassment or other pressure;

(8) continue the current United States policy of not sending an ambassador to Rangoon until such time as the SLORC has taken concrete steps to end human rights abuses and transfer power to the democratically elected leaders of Burma; and

(9) investigate claims of forced repatriation of Rohingya refugees and encourage adequate monitoring to prevent Burmese refugees from being repatriated against their will.

Mr. MOYNIHAN. Madam President, for 5 years now, Members of Congress have joined in candid opposition to the brutal military junta of Burma known as the State Law and Order Restoration Council [SLORC]. The resolution before us today, Senate Resolution 234, is no exception.

Two important events are fast approaching: Nobel Peace Prize winner, Aung San Suu Kyi will mark her fifth year under house arrest in Burma next week, and the members of the Association of Southeast Asian Nations [ASEAN] will convene in Bangkok for their annual meetings. These two events should give the United States Government an opportunity to demonstrate our many concerns regarding the situation in Burma.

As you know, Madam President, in 1988 the Burmese people took to the streets of Rangoon, and elsewhere, demanding democracy for their country. Sadly, government forces turned peaceful protests into violent tragedy. In September, troops were called upon to silence protestors and thousands of unarmed demonstrators were killed. The name of the country and of the government were changed, but in fact, both were much the same.

Since then, the SLORC has earned its reputation as one of the worst violators of human rights in the world. The Department of State and numerous human rights organizations have documented this. The SLORC seeks to hold power through violence and intimidation. In effect they have waged war against their own people. But the will of the Burmese people can not be squelched. As they continue their fight for democracy, support from the international community remains steadfast.

The SLORC came to power through violence, but they must have cynically imagined that a rigged election was the answer to their untenuous political situation, and one was scheduled for May 1990. In order to ensure their victory the leader of the National League for Democracy [NLD], Aung San Suu Kyi, was placed under house arrest. Despite the numerous restrictions placed on the NLD they won an overwhelming majority of the seats open in the parliamentary election. These democratically elected representatives have never been allowed to take office. Worse. Most have either been forced to flee the country, been imprisoned, or killed. The fact that 4 years have elapsed does not lesson its illegality. Nor does it make it acceptable. Earlier this week, one of the SLORC junta leaders, Gen. Khin Nyunt, pledged to meet with Aung San Suu Kyi, a pledge similar to one made last February. She has been under house arrest for 5 years now, I do not see any reason for further delay.

Some may turn away declaring the situation hopeless. It is not. An international effort to address the serious threat the Burmese people face has already begun, however much more support is needed. The ASEAN meeting in Bangkok is an important forum for discussing such an effort. Several ASEAN members have been hesitant to take responsibility for the present situation and will likely voice their opposition to increased pressure. However, the United States and others should convey to those countries the importance we place on taking action in this matter.

Support garnered in Bangkok can propel U.S. efforts to achieve consensus for effective U.N. action against the SLORC, and to win the release of Aung San Suu Kyi. Such action has been delayed for too long now. Leaders of the Burmese democracy movement have continuously called for an international arms embargo, the appointment of a United Nations special envoy, an end to international development aid for Burma—because it is all too often used to benefit the SLORC—and the release of Aung San Suu Kyi. These are important issues for the international community to address. I hope that the administration will move deliberately and with greater urgency to carry them out.

This resolution calls on the administration to encourage ASEAN members to seek the release of Aung San Suu Kyi and join the United States in efforts to bring international pressure to bear on the SLORC. I urge its swift adoption and I encourage the administration to make every effort to see to its implementation.

AUTHORIZING THE TRANSFER OF CERTAIN NAVAL VESSELS

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 516, H.R. 4429, a bill to authorize the transfer of naval vessels to certain foreign countries, that the committee amendments be agreed to, and the bill, as amended, be deemed read three times, passed and the motion to reconsider laid upon the table; and that any statements appear in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 4429) to authorize the transfer of naval vessels to certain foreign countries, which had been reported from the Committee on Armed Services, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

[(a) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the "NEWPORT" class tank landing ship LA MOURE COUNTY (LST 1194). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(b) AUSTRALIA.—The**]** *(a) AUSTRALIA.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Australia the "NEWPORT" class tank landing ships SAGINAW (LST 1188) and FAIRFAX COUNTY (LST 1193). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

[(c) BRAZIL.—The**]** *(b) BRAZIL.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Brazil the "NEWPORT" class tank landing ship CAYUGA (LST 1186) and the "KNOX" class frigates MILLER (FF 1091) and VALDEZ (FF 1096). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(d) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "NEWPORT" class tank landing ships FREDERICK (LST 1184) and SAN BERNARDINO (LST 1189). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship SPARTANBURG COUNTY (LST 1192). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(f) MOROCCO.—The**]** *(c) MOROCCO.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Morocco the "NEWPORT" class tank landing ship BRISTOL COUNTY (LST 1198). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

[(g) SPAIN.—The**]** *(d) SPAIN.—Subject to section 6, the* Secretary of the Navy is authorized to transfer to the Government of Spain the "NEWPORT" class tank landing **[**ships HARLAN COUNTY (LST 1196) and**]** *ship* BARNSTABLE COUNTY (LST 1197). Such **[**transfers**]** *transfer* shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(h) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "NEWPORT" class tank landing ships SCHENECTADY (LST 1185), BOULDER (LST 1190), and RACINE (LST 1191). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

[(i) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela the "NEWPORT" class tank landing ships PEORIA (LST 1183) and TUSCALOOSA (LST 1187). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).**]**

SEC. 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision *of law*.

(2) In the case of a sale under section 21 of the Arms Export Control Act, section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87) and any similar, successor provision *of law*.

(3) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of

that Act (except that section 62 of that Act shall apply to any renewal of the lease).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under section 1 may be renewed.

SEC. 5. REPAIR AND REFURBISHMENT OF VESSELS IN THE UNITED STATES.

It is the sense of the Congress that the Secretary of the Navy should request that each country to which a naval vessel is transferred under this Act have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at shipyards located in the United States, including United States navy shipyards.

SEC. 6. CONDITION FOR TRANSFER.

No vessel may be transferred under this Act or any other provision of law until the Secretary of Defense certifies in writing to Congress that, after the transfer—

(1) the amphibious lift capacity remaining available in the Navy is sufficient in all lift categories to transport 2½ Marine Corps expeditionary brigades simultaneously; and

(2) the amphibious lift capacity planned to be available in the Navy under the future-years defense program will be sufficient in all lift categories, throughout the period covered by the future-years defense program, to transport 2½ Marine Corps expeditionary brigades simultaneously.

SEC. 7. USE OF PROCEEDS.

The proceeds derived from a transfer authorized by this Act that are received in a fiscal year shall be credited to the appropriation for the Navy for such fiscal year for operation and maintenance and shall be available, for the same period as the appropriation to which credited, for operation and maintenance of amphibious vessels.

Mr. NUNN. Madam President, the Armed Services Committee has reported a bill, H.R. 4429, that would authorize the transfer of seven U.S. Navy ships to Australia, Brazil, Morocco, and Spain. The committee has amended a House-passed bill, and I urge the Senate to approve it as expeditiously as possible.

These ship transfers must be authorized in legislation because section 7307 of title 10, United States Code, specifies that "a naval vessel in excess of 3,000 tons or less than 20 years of age may not be sold, leased, granted * * * or otherwise disposed of to another nation unless the disposition of that vessel is approved by law * * *" Each of the seven ships covered by this amendment displaces more than 3,000 tons.

In a legislative proposal dated April 15, 1994, the administration proposed the transfer of 17 ships to nine countries. Of these 17 ships, 15 are *Newport*-class tank landing ships or LST's and two are *Knox*-class frigates. In the administration proposal, the ships would be transferred to the following countries. Two LST's would be sold to Australia; one LST would be provided on a grant basis to Morocco; two LST's would be leased to Spain; two LST's would be leased to Chile; one LST would be leased to Argentina; one LST and two frigates would be leased to Brazil; two LST's would be leased to Venezuela; one LST would be leased to Malaysia; and three LST's would be leased to Taiwan.

The 15 LST's in the administration proposal are among a total of 20 that were commissioned between 1969 and 1972. These ships constitute a significant part of our amphibious shipping fleet as they transport tanks, other heavy vehicles, engineering equipment, and supplies. The two frigates were commissioned in 1973 and 1974. It is important to note that many *Knox*-class frigates have already been transferred to other countries, but none of the 20 *Newport*-class LST's have been transferred yet. The LST's are relatively young in terms of their age and have impressive capabilities, as demonstrated by the interest of foreign navies in them.

The Armed Services Committee has carefully considered the administration's proposal. It began its review of these transfers against a background of longstanding concerns over the amount of amphibious shipping in the U.S. Navy. For many years, the committee has strongly supported efforts to strengthen the Navy's amphibious lift capability. Currently, the committee is concerned over the accelerated retirement of existing amphibious ships at the same time that the construction program for new ships is delayed.

In 1993, as part of its Bottom-Up Review, the Department of Defense examined the amount of amphibious lift that would be required to fight two nearly simultaneous major regional conflicts. It concluded that the Navy should maintain enough lift to transport the personnel, aircraft, landing ships, vehicles, and supplies for 2.5 marine expeditionary brigades or MEB's. In this way, the Defense Department established the current goal of maintaining enough lift for 2.5 MEB's.

The administration's proposal to transfer 15 LST's to foreign countries would remove a great deal of amphibious shipping from our current inventory. In particular, it would reduce the amount of lift available to transport vehicles to only 73 percent of the 2.5 MEB goal in fiscal year 1994. In terms of the organization of a Marine Corps task force, it is important for the personnel, combat power, mobility, and support of the task force to be moved in an integrated package. The committee believes that maintaining enough capacity to transport 2.5 MEB's in all lift categories is a very important component of the overall capability required to carry out the strategy described in the Bottom-Up Review. Therefore, the committee cannot recommend the administrations's proposal to transfer 15 LST's to foreign countries.

In response to the committee's concern, the Navy has proposed a new concept for maintaining 2.5 MEB's worth of vehicle space in the amphibious shipping fleet. In this concept two LST's and two amphibious cargo ships known as LKA's would be retained in a reserve status that would enable them to be available for active service in a few days. Four more LST's and three more LKA's would be stored in a nesting arrangement in which several months could be required to make them available for an emergency.

The Navy's proposal for these six LST's and five LKA's is intended to maintain the necessary amphibious lift capability. It is also important to note that the Department of the Navy has not changed its policy for measuring amphibious lift. Therefore, the committee has amended the House-passed bill, H.R. 4429, to authorize the five most pressing LST transfers and the two *Knox*-class frigate transfers. The five LST transfers covered by the bill are those for Australia, Brazil, Morocco, and Spain. In these cases, foreign crews are already training in the United States.

In addition to the basic authorization for the transfer of the seven ships, the bill reported by the committee would: Retain a provision in the House-passed bill that expresses the sense of the Congress that the Secretary of the Navy should ask each recipient country to have any necessary repairs performed at U.S. shipyards; prohibit the seven transfers until the Secretary of Defense provides a certification on amphibious lift capacity to Congress; and direct that the proceeds from the transfers shall be used for the operation and maintenance of amphibious ships.

As amended by the Armed Services Committee, H.R. 4429 is a prudent measure that deserves the approval of the Senate.

Madam President, I ask unanimous consent that documents related to the ship transfers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF THE NAVY,
Washington, DC, April 15, 1994.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of proposed legislation "To authorize the transfer of seventeen naval vessels to certain foreign countries."

This proposal is part of the Department of Defense legislative program for the 103rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of Congress.

PURPOSE OF THE LEGISLATION

The purpose of the proposed legislation is to authorize, pursuant to the requirement of

10 U.S.C. §7307(b)(1), the following transfers under appropriate transfer provisions of the Arms Export Control Act and the Foreign Assistance Act of 1961:

Argentina: One "NEWPORT" class tank landing ship; LA MOURE COUNTY (LST 1194).

Australia: Two "NEWPORT" class tank landing ships; SAGINAW (LST 1188), FAIRFAX COUNTY (LST 1193).

Brazil: One "NEWPORT" class tank landing ship; CAYUGA (LST 1186). Two "KNOX" class frigates; MILLER (FF 1901), VALDEZ (FF 1096).

Chile: Two "NEWPORT" class tank landing ships; FREDERICK (LST 1184), SAN BERNARDINO (LST 1189).

Malaysia: One "NEWPORT" class tank landing ship; SPARTANBURG COUNTY (LST 1192).

Morocco: One "NEWPORT" class tank landing ship; BRISTOL COUNTY (LST 1198).

Spain: Two "NEWPORT" class tank landing ships; HARLAN COUNTY (LST 1196), BARNSTABLE COUNTY (LST 1197)

Taiwan (the Coordination Council for North American Affairs which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act): Three "NEWPORT" class tank landing ships; SCHENECTADY (LST 1185), BOULDER (LST 1190), RACINE (LST 1191)

Venezuela: Two "NEWPORT" class tank landing ships; PEORIA (LST 1183), TUSCALOOSA (LST 1187)

Legislation authorizing the proposed transfer is required by section 7307(b)(1) of Title 10, United States Code, which provides in relevant part that "a naval vessel in excess of 3,000 tons or less than 20 years of age may not be sold, leased, granted * * * or otherwise disposed of to another nation unless the disposition of that vessel is approved by law * * * ." Each naval vessel proposed for transfer displaces in excess of 3,000 tons.

The United States plans to transfer seventeen naval vessels by lease, sale, or grant. Fourteen vessels (two "KNOX" class frigates and twelve "NEWPORT" class tank landing ships) will be leased pursuant to chapter 6 of the Arms Export Control Act. The Chief of Naval Operations certified that these naval vessels are not for the time needed for public use. These fourteen vessels are not excess defense articles and will be retained on the Naval Vessel Register. Under the terms of the lease, a foreign recipient will have operational control of the vessel, but, if the need arises, the United States may terminate the lease and have the vessel returned to U.S. custody.

The remaining three vessels are "NEWPORT" class tank landing ships which will be permanently transferred by sale or grant. Two vessels will be sold pursuant to section 21 of the Arms Export Control Act. One vessel will be transferred as a grant under the provisions of section 516 of the Foreign Assistance Act. The Chief of Naval Operations certified that these naval vessels are not essential to the defense of the United States. The Secretary of the Navy has authorized these vessels be stricken from the Naval Vessel Register. These three vessels are excess defense articles pursuant to section 644(g) of the Foreign Assistance Act.

Of the seventeen ships to be transferred, ten "NEWPORT" class tank landing ships are active service ships in the U.S. Navy fleet. Seven ships (two "KNOX" class frigates and five "NEWPORT" class tank landing ships) are inactive service ships which are located in various Naval Inactive Ship Maintenance Facilities.

COST AND BUDGET DATA

The United States will incur no costs for the transfer of the naval vessels under this legislation. The foreign recipients will be responsible for all costs associated with the transfer of the vessels, including lease charges, maintenance, repairs, training, and fleet turnover costs. Any expenses incurred in connection with the transfers will be charged to the foreign recipients. For leased vessels, monthly lease charges are determined by dividing the number of months of service life of the vessel into a single dollar figure which includes the original acquisition cost, pro-rate R&D payments are charged until the vessels reach seventy-five percent of their service life.

Argentina will pay the United States $1.8 million to lease one U.S. tank landing ship. Australia will pay the United States $22.1 million to purchase two U.S. tank landing ships. Brazil will pay the United States $9.1 million to lease one U.S. tank landing ship and two U.S. frigates. Chile will pay the United States $1.9 million to lease two U.S. tank landing ships. Malaysia will pay the United States $2.0 million to lease one U.S. tank landing ship. Morocco will receive a grant transfer of one U.S. tank landing ship. Spain will pay the United States $4.6 million to lease two U.S. tank landing ships. Taiwan, as represented by the Coordination Council for North American Affairs, will pay the United States $4.7 million to lease three U.S. tank landing ships. Venezuela will pay the United States $2.4 million to lease two U.S. tank landing ships.

In addition, the Omnibus Budget Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase in the deficit; and if it does, it must trigger a sequester if it is not fully offset. This proposal would increase receipts by $48.6 million for FYs 1994–1999.

Sincerely,

STEVEN S. HONIGMAN.

S. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) ARGENTINA.—The Secretary of the Navy is authorized to transfer to the Government of Argentina the *Newport* class tank landing ship *La Moure County* (LST 1194). Such transfer shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(b) AUSTRALIA.—The Secretary of the Navy is authorized to transfer to the Government of Australia the *Newport* class tank landing ships *Saginaw* (LST 1188), and *Fairfax County* (LST 1193). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(c) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the *Newport* class tank landing ship *Cayuga* (LST 1186), and the *Knox* class frigates *Miller* (FF 1091), and *Valdez* (FF 1096). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(d) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the *Newport* class tank landing ships *Frederick* (LST 1184), and *San Bernardino* (LST 1189). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the *Newport* class tank landing ship *Spartanburg County* (LST 1192). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(f) MOROCCO.—The Secretary of the Navy is authorized to transfer to the Government of Morocco the *Newport* class tank landing ship *Bristol County* (LST 1198). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(g) SPAIN.—The Secretary of the Navy is authorized to transfer to the Government of Spain the *Newport* class tank landing ships *Harlan County* (LST 1196), and *Barnstable County* (LST 1197.) Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(h) TAIWAN.— The Secretary of the Navy is authorized to transfer to the Coordination Council for North American Affairs (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the *Newport* class tank landing ships *Schenectady* (LST 1185), *Boulder* (LST 1190), and *Racine* (LST 1191). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

(i) VENEZUELA.—The Secretary of the Navy is authorized to transfer to the Government of Venezuela the *Newport* class tank landing ships *Peoria* (LST 1183) and *Tuscaloosa* (LST 1187). Such transfers shall be on a lease basis under chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 and following).

SEC. 2. WAIVER OF REQUIREMENTS FOR NOTIFICATION TO CONGRESS.

The following provisions do not apply with respect to the transfers authorized by this Act:

(1) In case of a grant under section 516 of the Foreign Assistance Act of 1961, subsection (c) of that section and any similar provision.

(2) In the case of a sale under section 21 of the Arms Export Control Act, section 525 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103–87) and any similar, successor provision.

(3) In the case of a lease under section 61 of the Arms Export Control Act, section 62 of that Act (except that section 62 of that Act shall apply to any renewal of the lease).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by Section 1 of this Act shall expire at the end of the 2-year period beginning on the date of the enactment of this Act, except that leases entered into during that period under Section 1 may be renewed.

SECTIONAL ANALYSIS

SECTION 1 provides authority to the Secretary of the Navy to transfer seventeen naval vessels to Argentina, Australia, Brazil, Chile, Malaysia, Morocco, Spain, Taiwan, and Venezuela. Because these naval vessels displace in excess of 3,000 tons, statutory approval for the transfers is required under 10 U.S.C. §7307(b)(1).

Additionally, SECTION 1 provides the applicable law for these transfers. Each naval vessel must be transferred to a foreign government or international organization under the Arms Export Control Act as a sale or lease or under the Foreign Assistance Act as a grant. The specific statutory authorities to transfer naval vessels to foreign governments and international organizations include:

a. Section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program) which provides authority for the sale of defense articles from stock.

b. Section 61 of the Arms Export Control Act (22 U.S.C. 2796 and following) which provides authority to lease defense articles in the stocks of DoD to eligible foreign countries for compelling foreign policy reasons.

c. Section 516 of the Foreign Assistance Act (22 U.S.C. 2321j; relating to transfers of excess defense articles) which provides authority to transfer excess defense articles to modernize defense capabilities of countries on NATO's southern flank.

d. Section 519 of the Foreign Assistance Act (22 U.S.C. 2321m; relating to transfers of excess defense articles) which provides authority to transfer excess defense articles to modernize defense capabilities of countries which have a foreign military financing program.

SECTION 2 relieves the Department of Defense of the requirement to provide a separate Congressional notification of each of these transfers.

SECTION 3 provides that all costs are to be borne by the foreign recipients, including lease charges, fleet turnover costs, maintenance, repairs, and training.

SECTION 4 provides that the transfers authorized by this Act must be executed within two years of the date of enactment. This execution of the transfer.

COMMITTEE REPORT ON S. 2182

TANK LANDING SHIP (LST) TRANSFERS

During most of the 1970s, the goal for amphibious shipping was to carry in excess of one division/air wing team, or Marine Expeditionary Force (MEF). The Reagan Administration increased this goal by adding a requirement that the Navy also be able to carry a brigade/squadron team, or Marine Expeditionary Brigade (MEB), which resulted in a so-called "MEF+MEB" goal. In response to changing world events, the Navy later decided to reduce the lift goal to three MEBs (about a 25 percent cut in the previous goal), or roughly what it was before the Reagan Administration. In fiscal year 1992, the Future Years Defense Program cut this goal even further to 2.5 MEBs. The 1993 Bottom-Up Review ratified the 2.5 MEB goal.

As a part of a recapitalization program, the Navy has decided to retire many ships earlier than their normal service lives will expire. Except for aircraft carriers, no type of ships has avoided this axe. Of particular concern, however, is the early retirement of a number of amphibious ships, including all tank landing ships (LSTs). These ships have between five and 13 years of remaining useful service life, as evidenced by foreign navies' clamoring to buy or lease them. Retiring these ships early will cause the MEB lift capacity to fall below 2.5 MEBs for the foreseeable future. The committee has heard no compelling rationale for this adjustment, other than one of affordability.

The committee believes that the concept of an innovative Naval Reserve force suggested by the Navy several years ago would apply to this situation. As this concept was originally implemented, the Navy kept one frigate in a training status, a so-called "FFT", with several other associated frigates in storage. The training ship was used to train several crews of reservists that could activate and operate the other ships in wartime.

The Navy has proposed to sell or lease 15 LSTs and two *Knox* class frigates to several countries. The committee is unwilling to recommend approval of any LST transfers until the Secretary of Defense can certify that they will not reduce amphibious lift capability below 2.5 MEBs, as called for in the Bottom-Up Review. Given the importance of maintaining this MEB lift capability, the committee believes that the Navy should implement an innovative "LST-T" concept to maintain lift capability. The committee recommends additional Naval Reservist billets to permit the Navy to implement this concept. The committee also recommends a provision that would authorize the transfer of the two *Knox* class frigates.

CHIEF OF NAVAL OPERATIONS,
June 9, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: H.R. 4429, a bill "to authorize the transfer of naval vessels to certain foreign countries" was passed by the House on 23 May and referred to the Senate on 25 May.

I am aware that there may be some concern with the impact this bill may have on Marine Amphibious lift requirements. The U.S. Navy plans to retain four NEWPORT class LSTs in a mobilization status in order to better meet these requirements.

Of the fifteen LSTs proposed for transfer, five currently have foreign crews on board undergoing training in anticipation of transfer. Specifically, the following ships and associated countries are at issue: USS FAIRFAX COUNTY (LST 1193) to Australia, USS SAGINAW (LST 1188) to Australia, USS CAYUGA (LST 1186) to Brazil, USS BRISTOL COUNTY (LST 1198) to Morocco, and USS BARNSTABLE COUNTY (LST 1197) to Spain.

The timing of this legislation is such that enactment prior to 28 June is critical to the success of planned transfers. For example, the Australians are scheduled to purchase two LSTs at a total cost of $40 million. However, Australia must obligate the funds to purchase these two ships by 1 July or they will lose the funding. I am concerned that a delay in Congressional authorization will result in the loss of this sale to an important ally.

I request that the Senate at a minimum authorize transfer of these five ships.

I am available to address this issue at your convenience.

Sincerely,

J.M. BOORDA,
Admiral, U.S. Navy.

CHIEF OF NAVAL OPERATIONS,
June 22, 1994.

Hon. SAM NUNN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for meeting with me to discuss amphibious lift and the related issue of transfer of LST class ships.

In previous years, particularly during Program Review 95, Navy accelerated decommissioning of LKA (5) and LST (20) class ships. This was done for affordability reasons and to identify resources for recapitalization of the amphibious force. Our goal is, of course, maintaining 2.5 Marine Expeditionary Brigade (MEB) lift. Four of five fingerprints (troops, air spots, LCAC spots, cargo capacity) remained at or above the 2.5 lift capacity. Vehicle lift falls to 73 percent of the goal in FY94 and recovers to 91 percent when LPD-17 class ships are delivered.

The LKA class ships augmented by four LSTs have the capacity needed to return the vehicle lift fingerprint above the 2.5 MEB goal. I believe we can develop an innovative maintenance status and reserve crewing to cover shortfalls in the interim years. This concept represents a temporary fix and not a policy change. It is meant to fill the gap between today's lift shortfall and the delivery of the LPD-17 class. The elements of such a program would include:

Two LKAs in reduced operating status—5 days (ROS-5I. These ships could be broken out for surge use in five days (just as we now maintain the hospital ships). They would be manned by a small MSC crew augmented by naval reservists. One time conversion costs for these two ships would be about $35M and annual operating costs vary between $11M and $20M for the two ships depending on prepositioning location (we might wish to move them forward depending on the situation in forward deployed areas). They would retain their amphibious capability.

Three LKAs and four LSTs in a special inactive maintenance status similar to that envisioned for the previous FFT program. This is a less desirable strategy than retaining them in the active inventory but necessary because of affordability. These ships could be available in 180 days or less (trained reserve crews lessen the time required). Cost per ship is approximately $50K per year.

Two LSTs, one per coast, in the Naval Reserve Force. These two ships, each with three reserve crews, would be available for immediate use on recall of one of her crews and would serve as a training platform for the crews who would man the four LSTs that would come from special inactive maintenance status thereby reducing the time to make those ships available. This appears to be an ideal mission for our reserve component.

Five LKA reserve crews would be organized with periodic training aboard one of the two ROS-5 LKAs. These crews would each be tied to a particular LKA thereby reducing the time for breakout of the three inactive maintenance LKAs and rapid manning of the two ROS-5 LKAs needed.

Maintain LPD-4 class ships in active status and decommission as the LPD-17s are delivered.

These concepts, including homeporting, require more definition and costing, but I believe they are workable and will, within the bounds of prudent risk, meet our requirements. Affordability is, of course, an issue. It would be of great benefit if the $40M available from the sale of LSTs to Australia could be used to help defray the costs.

The above concept would make 14 of the 20 LSTs available for transfer to other nations. We presently have crews of other nations prepared to accept "hot ship" transfer of five of these ships on the dates shown below. These "hot ship" transfers are to the advantage of our nation and the receiving nations as they reduce costs of the transfer itself and training involved: 28 June—Australia; 29 June—Spain; 9 July—Morocco; 30 July—Brazil; 9 Sept—Second Australia transfer.

I would very much appreciate Senate consideration of H.R. 4429 to permit us to proceed with these transfers even as we complete program definition and costing of the above concept with a view toward implementation in the remaining months of FY94 and during FY95. We will, of course, work closely with you and the SASC staff on the details of the program as we identify specific ships, locations, reserve crews and costs and funding.

Thank you for meeting with me. The close working relationships we have established and maintained with you and the SASC staff continues to make it possible for us to work the most difficult issues in a timely and cooperative manner as we work through vital programs such as this one.

Sincerely,

J.M. BOORDA,
Admiral, U.S. Navy.

The committee amendments were agreed to.

So the bill (H.H. 4429), as amended, was deemed read three times and passed.

THE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of Calendar Nos. 490, 491, 493, and 494; that the bills be read three times, passed, and the motions to reconsider laid upon the table, en bloc; further, that the consideration of these items appear individually in the RECORD; and any statements relative to these Calendar items appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALMERIC L. CHRISTIAN FEDERAL BUILDING

The bill (H.R. 1346) to designate the Federal building located on St. Croix, VI, as the "Almeric L. Christian Federal Building" was considered, ordered to a third reading, read the third time and, passed; as follows:

H.R. 1346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located on St. Croix, Virgin Islands, shall be known and designated as the "Almeric L. Christian Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Almeric L. Christian Federal Building".

GEORGE H. MAHON FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (H.R. 2532) to designate the Federal building in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse" was considered, ordered to a third reading, read the third time and, passed; as follows:

H.R. 2532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 1205 Texas Avenue in Lubbock, Texas, shall be known and designated as the "George H. Mahon Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "George H. Mahon Federal Building and United States Courthouse".

EDWARD J. SCHWARTZ COURTHOUSE AND FEDERAL BUILDING

The bill (H.R. 2532) to designate the United States courthouse located at 940 Front Street in San Diego, CA, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building" was considered, ordered to a third reading, read the third time, and passed; as follows:

H.R. 3770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse shall be known and designated as the "Edward J. Schwartz Courthouse and Federal Building."

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse and Federal building referred to in section 1 shall be deemed to be a reference to the "Edward J. Schwartz Courthouse and Federal Building."

SAM B. HALL, JR. FEDERAL BUILDING AND U.S. COURTHOUSE

The bill (H. R. 3840) to designate the Federal building and U.S. courthouse located at 100 East Houston Street in Marshall, TX, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse" was considered, ordered to a third reading, read the third time and, passed; as follows:

H.R. 3840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 100 East Houston Street in Marshall, Texas, shall be known and designated as the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

Mr. FORD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 18, 1994

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 1:30 p.m., Monday, July 18; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 2 p.m., with Senators permitted to speak therein for up to 5 minutes each; that at 2 p.m., the Senate proceed to the consideration of Calendar No. 483, H.R. 4554, the Department of Agriculture appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:30 P.M., MONDAY, JULY 18, 1994

Mr. FORD. Madam President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:01 p.m., recessed until Monday, July 18, 1994, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1994:

THE JUDICIARY

STANWOOD R. DUVAL, JR., OF LOUISIANA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE GEORGE ARCENEAUX, JR.

CATHERINE D. PERRY, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI VICE CLYDE S. CAHILL, RETIRED.

DEPARTMENT OF JUSTICE

JUAN ABRAN DEHERRERA, OF WYOMING, TO BE U.S. MARSHALL FOR THE DISTRICT OF WYOMING FOR THE TERM OF 4 YEARS VICE DELAINE ROBERTS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 8036:

TO BE SURGEON GENERAL, U.S. AIR FORCE

To be lieutenant general

MAJ. GEN. EDGAR R. ANDERSON, JR., xxx-xx-xx...

CONFIRMATIONS

Executive nominations confirmed by the Senate July 15, 1994:

THE JUDICIARY

JUDITH BARTNOFF, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

ZOE BUSH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

RHONDA REID WINSTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR A TERM OF 15 YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN A. KOSKINEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

FEDERAL LABOR RELATIONS AUTHORITY

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS EXPIRING JULY 1, 1999.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

REGULAR AIR FORCE

To be brigadier general

COL. JAMES E. ANDREWS [redacted]
COL. DAVID E. BAKER [redacted]
COL. JAMES R. BEALE [redacted]
COL. ROBERT J. BOOTS [redacted]
COL. WILLIAM C. BROOKS [redacted]
COL. RICHARD E. BROWN III [redacted]
COL. ROBERT J. COURTER, JR. [redacted]
COL. JOHN R. DALLAGER [redacted]
COL. CURTIS H. EMERY II [redacted]
COL. THOMAS O. FLEMING, JR. [redacted]
COL. ROBERT H. FOGLESONG [redacted]
COL. DENNIS G. HAINES [redacted]
COL. BRYAN G. HAWLEY [redacted]
COL. KENNETH W. HESS [redacted]
COL. PAUL V. HESTER [redacted]
COL. WILLIAM T. HOBBINS [redacted]
COL. JOHN D. HOPPER, JR. [redacted]
COL. SILAS R. JOHNSON, JR. [redacted]
COL. RODNEY P. KELLY [redacted]
COL. LESLIE F. KENNE [redacted]
COL. RONALD E. KEYS [redacted]
COL. TIMOTHY A. KINNAN [redacted]
COL. MICHAEL C. KOSTELNIK [redacted]
COL. DONALD A. LAMONTAGNE [redacted]
COL. ROBERT E. LARNED [redacted]
COL. DAVID R. LOVE [redacted]
COL. TIMOTHY P. MALISHENKO [redacted]
COL. ROBERT T. NEWELL III [redacted]
COL. ROBERT T. OSTERTHALER [redacted]
COL. SUSAN L. PAMERLEAU [redacted]
COL. ANDREW J. PELAK, JR. [redacted]
COL. STEVEN R. POLK [redacted]
COL. ROGER R. RADCLIFF [redacted]
COL. ANTONIO J. RAMOS [redacted]
COL. BERWYN A. REITER [redacted]
COL. PEDRO N. RIVERA [redacted]
COL. GARY M. RUBUS [redacted]
COL. JOHN W. RUTLEDGE [redacted]
COL. DENNIS R. SAMIC [redacted]
COL. JAMES E. SANDSTROM [redacted]
COL. TERRYL J. SCHWALIER [redacted]
COL. DONALD A. STREATER [redacted]
COL. THOMAS C. WASKOW [redacted]
COL. CHARLES J. WAX [redacted]
COL. GEORGE N. WILLIAMS [redacted]
COL. LEON A. WILSON, JR. [redacted]
COL. JOHN L. WOODWARD, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH W. RALSTON [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LAWRENCE E. BOESE, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. CHARLES H. ROADMAN II [redacted] REGULAR AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN P. JUMPER [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF, U.S. AIR FORCE AND APPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601 AND SECTION 8034:

TO BE VICE CHIEF OF STAFF, U.S. AIR FORCE

To be general

LT. GEN. THOMAS S. MOORMAN, JR., [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. PATRICK P. CARUANA, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED SATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. WALTER KROSS, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE L. FISTER [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JAMES L. JAMERSON, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. ALBERT J. EDMONDS, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS R. GRIFFITH, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. JOSEPH W. ASHY [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JAMES A. FAIN, JR. [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. STEVEN L. ARNOLD [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3039(B):

TO BE ASSISTANT SURGEON GENERAL/CHIEF OF DENTAL CORPS

To be major general

BRIG. GEN. JOHN J. CUDDY [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601(A) AND 3034:

To be general

LT. GEN. JOHN H. TILELLI, JR. [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PAUL E. BLACKWELL [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JAY M. GARNER [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 3036(B):

TO BE CHIEF OF CHAPLAINS

To be major general

BRIG. GEN. DONALD W. SHEA, [redacted] U.S. ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CARYL G. MARSH, [redacted] U.S. ARMY

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. CHARLES R. LARSON, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. RONALD J. ZLATOPER, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5141:

TO BE CHIEF OF NAVAL PERSONNEL

To be vice admiral

REAR ADM. (SELECTEE) FRANK L. BOWMAN, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JOSEPH P. REASON, U.S. NAVY [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. CONRAD C. LAUTENBACHER, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. PHILIP M. QUAST, U.S. NAVY [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN S. REDD, U.S. NAVY [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) ARCHIE R. CLEMINS, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5142:

TO BE CHIEF OF CHAPLAINS

To be rear admiral

REAR ADM. (1H) DONALD K. MUCHOW, CHAPLAIN CORPS, U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DOUGLAS J. KATZ [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. TIMOTHY W. WRIGHT, U.S. NAVY [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. WILLIAM A. EARNER, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. RICHARD C. MACKE, [redacted] U.S. NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. MICHAEL P. KALLERES [redacted] U.S. NAVY

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5044, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be general

LT. GEN. RICHARD D. HEARNEY [redacted], USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. GEORGE R. CHRISTMAS [redacted], USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. ROBERT B. JOHNSTON [redacted], USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR REASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

LT. GEN. CHARLES C. KRULAK [redacted], USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. ARTHUR C. BLADES [redacted], USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. HARRY W. BLOT, [redacted], USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. JAMES A. BRABHAM, JR. [redacted], USMC

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. CHARLES E. WILHELM, [redacted] U.S. MARINE CORPS

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DAVID C. ALLRED, JR., AND ENDING JAMES C. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 12, 1994

AIR FORCE NOMINATIONS BEGINNING JERRY J. FOSTER, AND ENDING SANDRA D. GATLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 17, 1994

AIR FORCE NOMINATIONS BEGINNING GEORGE B. BARNETT, AND ENDING ARTHUR P. ZAPOLSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994

AIR FORCE NOMINATIONS BEGINNING TODD E. COMBS, AND ENDING JENNIFER A. MENDEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994

AIR FORCE NOMINATIONS BEGINNING THOMAS F. ASTALDI, AND ENDING GEORGE W. SIEBERT III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994

AIR FORCE NOMINATIONS BEGINNING MAJ. HUNTER E. BLACKMON, [redacted] AND ENDING MAJ. ERIC C. SCHLANSER, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994

AIR FORCE NOMINATIONS BEGINNING FRANKIE L. GRIFFIN, AND ENDING ROBERT C. HALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

AIR FORCE NOMINATIONS BEGINNING NORMA J.C. CORREA, AND ENDING LASZLO VARJU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

AIR FORCE NOMINATIONS BEGINNING MEL P. SIMON, AND ENDING TERRY A. HIGBEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

AIR FORCE NOMINATIONS BEGINNING MAJ. DALE R. ANDERSON, [redacted] AND ENDING MAJ. BRIAN J. BROWNE, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994

IN THE ARMY

ARMY NOMINATIONS BEGINNING TERRENCE R. BRAND, AND ENDING GEORGE A. YANTHIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

ARMY NOMINATIONS BEGINNING WILLIAM D. BERTOLIO, AND ENDING THADDEUS ZEBROWSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

ARMY NOMINATIONS BEGINNING PETER M. ABBRUZZESE, AND ENDING RICHARD WRONA, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

ARMY NOMINATION OF COL. ANTHONY E. HARTLE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994.

ARMY NOMINATIONS BEGINNING VICTOR GUTIERREZ-FULLADOSA, AND ENDING CARL M. WARVAROVSKY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING JOE C. CRAIN, AND ENDING LEOPOLODO A. RIVAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING JOHN M. RIGGS, AND ENDING SCOTT RUTHERFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATION OF CHARLES C. FRANZ, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING *STANLEY H. UNSER, AND ENDING RUSSELL J. OTTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING JILL WRUBLE, AND ENDING THERESE L. GALLOUCIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

ARMY NOMINATIONS BEGINNING SAMUEL J. BOONE, AND ENDING DENNIS WESTBROOKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 20, 1994.

ARMY NOMINATIONS BEGINNING ROBERT B. ABERNATHY, AND ENDING 4264X, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 20, 1994.

ARMY NOMINATIONS BEGINNING ROBERT F. ANDERSON II, AND ENDING ROBERT H. SPELL, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 27, 1994.

ARMY NOMINATIONS BEGINNING MICHAEL J. BACINO, AND ENDING GARY P. WATERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 27, 1994.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JOHN B. ATKINSON, AND ENDING JOHN F. WIRTZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 17, 1994.

MARINE CORPS NOMINATIONS BEGINNING GEOFFREY H. BARKER, AND ENDING TODD C. YANT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

MARINE CORPS NOMINATION OF CAPT. JOHN C. BURLINGAME, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994.

MARINE CORPS NOMINATIONS BEGINNING NED M. BEIHL, AND ENDING ERNEST E. ROBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JULY 1, 1994.

IN THE NAVY

NAVY NOMINATION OF CHRISTOPHER REDDIN MEEHAN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 3, 1994.

NAVY NOMINATIONS BEGINNING MARTIN E. BACON, AND ENDING JULIA CAMPB WASHINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 3, 1994.

NAVY NOMINATIONS BEGINNING DALE C. HOOVER, AND ENDING SCOTT M. BALDERSTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 17, 1994.

NAVY NOMINATION OF DOUGLAS JAY LAW, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 19, 1994.

NAVY NOMINATIONS BEGINNING DONALD MICHAEL ABRASHOFF, AND ENDING WILLIAM DALE ZBAEREN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 19, 1994.

NAVY NOMINATIONS BEGINNING JEFFERY R. ABEL, AND ENDING ARTHUR KELSO DUNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 8, 1994.

NAVY NOMINATIONS BEGINNING CHARLES FRANCIS ADAMS, AND ENDING AUBREY EUGENE LANE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 14, 1994.

NAVY NOMINATIONS BEGINNING LOUIS W. BREMER, AND ENDING JOHN P. TERNES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 16, 1994.

HOUSE OF REPRESENTATIVES—*Monday, July 18, 1994*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 18, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we gather in the stillness of this hour and for this quiet moment of prayer, we are aware, O God, of the violence that shakes our societies and brings such desolation to our communities and to our world. From the struggle of people for freedom with their governments to the hundreds of thousands of refugees who are constrained by circumstances to literally run for their lives, we see human communities out of touch with Your word of healing and people estranged from the unity that is Your will for us. May each of us, whatever our opportunity or ability, heed Your word to do justice, to love mercy, and to ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana [Mr. ROEMER] come forward and lead the House in the Pledge of Allegiance.

Mr. ROEMER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

INDIANA HIGH SCHOOL BASEBALL CHAMPIONSHIP WON BY MISHAWAKA'S KINGSMEN

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, I rise today to honor and congratulate the Kingsmen of Mishawaka's Penn High School. Previously unranked going into the 1994 Indiana State Baseball Tournament, Coach Greg Dikos and his Kingsmen were not given much of a chance at winning the championship. After an impressive showing of guts and determination, however, the Kingsmen emerged victorious as the 1994 Indiana State Baseball Champions.

Mr. Speaker, I applaud Coach Dikos, assistant coaches Jim Kominkiewicz, Joel Reinebold, Tom Csenar, Joe Higginson, and each member of the team for this tremendous victory. As a graduate of Penn High School, I am particularly proud of this team's achievement.

After a slow start to their season, the team pulled together, and through sheer determination and great ability, they won their final 13 games. The Kingsmen started their run at the State title by capturing the Elkhart sectional. They capped off their dream season by defeating McCutcheon High School 4–3 in the championship game.

The championship team roster includes Todd Colburn, Matthew Hertel, Brian Gordon, Nathan Morrett, Gregory Delnat, Jeff Persyn, Timothy Furrow, David Haverstick, Ryan Takach, George Holloway, Bradley Boynton, Kent Blossom, Vincent Mucker, Shawn Summe, Todd Fizer, Benjamin Eby, Gregory Dikos, Scott Becker, Brian Bock, and Eric Ferrettie. These young men serve as an example to the community to never give up, always do your best, and set high seasonal goals.

Penn High School has a long and storied history of success on the athletic field and in the classroom. I applaud Coach Dikos for combining his fine athletic program with a strong emphasis on academics. In addition to playing on the State Champion baseball team, several members of this team were honor roll students this year.

The Kingsmen are known throughout Northern Indiana for their tradition of sportsmanship and quality athletic teams. The football team, under the leadership of Coach Chris Geesman, brought home the State championship in 1983. Now, this current State championship demonstrates to us once again what a strong mind and body can achieve.

The following was said by Jacques Barzun in the beginning of this century:

> Whoever wants to know the heart and mind of America had better learn baseball and the rules and realities of the game—and do it by watching first some high school or small town teams.

Certainly by watching this high school team from a small Indiana town, we can learn many realities about baseball and America. We can learn the importance of a hard work ethic, perfecting the fundamentals, and never giving up. We can also learn what is magical about America—anything is possible if you work hard enough and have the spirit to achieve it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Member will be recognized for 5 minutes.

CODIFICATION OF RECENT LAWS TO BE INCLUDED IN TITLE 49, UNITED STATES CODE, TRANSPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, I am today introducing a bill to codify without substantive change recent laws related to transportation and to improve the United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the Office to prepare and submit to the Committee on the Judiciary of the House of Representatives revisions of titles enacted into positive law to keep those titles current.

This bill makes no change in the substance of existing law. It amends title 49, United States Code, codified into positive law by the act of July 5, 1994 (Public Law 103–272, 108 Stat. 745), to incorporate in title 49 the provisions of two recently enacted laws. It also makes technical and conforming changes to clarify certain sections of title 49 as enacted.

Anyone interested in obtaining a copy of the bill and a copy of the draft committee report—containing reviser's notes—to accompany the bill should contact Edward F. Willett, Jr., Law Revision Counsel, House of Representatives, H2–304, Ford House Office Building, Washington, DC 20515.

Persons wishing to comment on the bill should submit those comments to the committee no later than July 25, 1994.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ROEMER) to revise and extend his remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROEMER) and to include extraneous matter:)

Mr. RANGEL.
Mr. LIPINSKI.
Mr. GORDON.
Mr. BURTON of Indiana.

ADJOURNMENT

Mr. ROEMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 19, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3531. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–276, "Motor Vehicle Tinted Window Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3532. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–277, "Rental Housing Act of 1985 Freezing Temperature Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3533. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–278, "HIV/AIDS Services Grant Making Authority Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3534. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–279, "Soil Erosion and Sedimentation Control Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3535. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–280, "Statehood Commission Amendment Act of 1994," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

3536. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3537. A letter from the Acting CEO, Resolution Trust Corporation, transmitting the Corporation's Management Report for the period ending December 31, 1993, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

3538. A letter from the Comptroller General, General Accounting Office, transmitting the results of their audits of the financial statements of the Resolution Trust Corporation for the years ended December 31, 1993 and 1992, pursuant to 31 U.S.C. 9106(a); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on July 14, 1994, the following report was filed on July 15, 1994]

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3838. A bill to amend and extend certain laws relating to housing and community development, and for other purposes; with an amendment (Rept. 103–607). Referred to the Committee of the Whole House on the State of the Union.

[Submitted July 18, 1994]

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 512. A bill to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes; with an amendment (Rept. 103–608). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (for himself, Mr. STUMP, and Mr. HUTCHINSON):

H.R. 4776. A bill to amend title 38, United States Code, to improve veterans' employment programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROOKS:

H.R. 4777. A bill to make technical improvements in the United States Code by amending provisions to reflect the current names of congressional committees; to the Committee on the Judiciary.

H.R. 4778. A bill to codify without substantive change recent laws related to transportation and to improve the United States Code; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1031: Ms. SCHENK.
H.R. 1277: Mr. SWIFT.
H.R. 3486: Mr. LAROCCO.
H.R. 3769: Mr. BLACKWELL.
H.R. 3966: Mr. NEAL of North Carolina.
H.R. 3967: Mr. BERMAN, Mr. POMBO, Mr. GALLEGLY, Mr. CALVERT, and Mr. MCINNIS.
H.R. 4124: Mr. WILLIAMS.
H.R. 4396: Mr. HOAGLAND, Mr. DIXON, Mr. ROMERO-BARCELO, Mr. THOMPSON, and Mr. EMERSON.
H.R. 4589: Mr. ROYCE, Mr. COX, and Mr. DREIER.
H.R. 4721: Mr. POMBO, Mr. HANSEN, and Mr. EDWARDS of California.
H.J. Res. 297: Mr. SANDERS and Ms. CANTWELL.
H.J. Res. 326: Mr. HUGHES.
H. Res. 270: Mr. MCMILLAN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

107. By the SPEAKER: Petition of the National Association of Attorneys General, Washington, DC, relative to rent-to-own transactions; to the Committee on Banking, Finance and Urban Affairs.

108. Also, petition of the National Association of Attorneys General, Washington, DC, relative to domestic violence and unfair insurance practices; to the Committee on Energy and Commerce.

109. Also, petition of the New Jersey State Federation of Women's Clubs, Mantua, NJ, relative to gun control laws, to the Committee on the Judiciary.

110. Also, petition of the National Association of Attorneys General, Washington, DC, relative to the so-called Racial Justice Act; to the Committee on the Judiciary.

111. Also, petition of the National Association of Attorneys General, Washington, DC, relative to occupancy standards under the Fair Housing Act; to the Committee on the Judiciary.

112. Also, petition of the National Association of Attorneys General, Washington, DC, relative to Federal taxation of gaming; to the Committee on Ways and Means.

113. Also, petition of the National Association of Attorneys General, Washington, DC, relative to expanding the jurisdiction of State Medicaid fraud control units; jointly, to the Committees on Energy and Commerce and the Judiciary.

114. Also, petition of the National Association of Attorneys General, Washington, DC, relative to the National Institute for the Environment; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Merchant Marine and Fisheries.

SENATE—*Monday, July 18, 1994*

(Legislative day of Monday, July 11, 1994)

The Senate met at 1:30 p.m., on the expiration of the recess, and was called to order by the Honorable DAVID PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

* * * *Father of lights, with whom is no variableness, neither shadow of turning.*—James 1:17.

Let Your light shine on the Senate in these difficult, stressful hours.

Illuminate the shadows and the darkness of compounding complications.

Enable the leaders and Members to find their way out of blind alleys, blocked intersections, dead ends, and detours which go nowhere. When courage fails, resolution fades and intransigence builds, protect against little victories in which nobody wins and big defeats in which everybody loses.

Sovereign Lord, make Your presence felt, and grant to the Senators hearts and minds receptive to Your will and way.

In His name who is the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 18, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

RECOGNITION OF THE REPUBLICAN LEADER

Mr. DOLE. Was leaders' time reserved?

The PRESIDING OFFICER. The Senator's time was reserved.

The Republican leader is recognized.

WITH GRATITUDE TO CHRIS RAHIMIAN

Mr. DOLE. Mr. President, during a recent unexpected series of events, Chris Rahimian, a 16-year-old resident of Overland Park, KS, became a true hero by demonstrating uncommon generosity which gained the respect of the entire community.

With a great deal of admiration, I join his supporters from Kansas and throughout the Midwest in saluting this young man.

Chris attended a used car auction sponsored by the American Cancer Society with the intention of using the $1,500 which he had saved by doing yard work to buy a car. It happened that the wheelchair accessible van used by his late father had also been donated for the auction. John Rahimian had relied upon that van prior to his death on May 23 of amyotrophic lateral sclerosis.

Bidding for the van began at $2,000, the maximum that Mary Hendricks, who also has ALS, could afford to spend.

Chris saw Mary break into tears of frustration as the bids went up. He quickly realized that he could not allow a $2,700 bidder who planned to do hauling and repair work take the van away from Mary.

In a flash, Chris shouted the winning bid of $3,700.

Amid tears of joy, Chris gave the vehicle to Mary Hendricks after his mother, Bonnie, paid the $2,200 difference. Chris explained,

> * * * They were taking something away that was valuable to us. My dad meant more to me than something you could just haul around wood with. That van gave him life, and without that van he wouldn't have gone anywhere.

Chris' kindness is setting off an outpouring of generosity from citizens who have been deeply touched.

An anonymous gentleman set up a trust fund for Chris at a local bank, donating the first $100 toward a car. An area automobile dealer agreed to credit Chris for $1,500 toward purchase of a car. Another man convinced six people to put up $250 each and hopes to attract more. A minister offered to give Chris his 1980 Lincoln.

Others are signing up for the annual George Brett Celebrity Golf Tournament benefiting ALS or are making donations to the ALS Research Fund.

Cars for future auctions and cash donations are coming in to the local chapter of the American Cancer Society.

At the young age of 16, Chris is a true American hero. His generous act of compassion is a fine tribute to his late father and an outstanding example for all of us.

Mary Hendricks can now enjoy the freedom that John Rahimian cherished.

Chris has my highest respect and deep admiration.

UNIVERSAL SERVICE: TRANSITION FROM REGULATION TO COMPETITION

Mr. DOLE. Mr. President, for more than a century, the United States has been the world's leader in communications. We invented the telegraph, the telephone, the computer, and the microchip. It is no wonder then that we are without equal in this industry and that it represents a major and growing part of our economy. Republicans recognized more than a decade ago that this would be the economic issue of the future and that we should develop policies that would foster further growth and strengthen our hand here at home and abroad. This debate is now centered around what some call the information highway.

FLEXIBLE POLICY IS THE ROLE OF CONGRESS

Looking back on Congress' track record, a casual observer would suspect that we have a vendetta for the communications industry. Fortunately, this image is changing and Republicans are glad to see that the traditional proregulators are finally coming

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

around to our competitive way of thinking. Do not get me wrong. Congress can play an important role. But only if we develop flexible policy that will accommodate the rapid explosion of new technology. It would be irresponsible, however, for Congress and the administration to believe that they can do anything more.

COMPETITION IS BETTER THAN REGULATION

Now I read all the hype about Vice President AL GORE'S information highway, and how some compare its creation to that of the Gutenberg press. I think cheerleaders have their place, but let us not forget that coaches call the plays that win games. And in this case, private industry, not big government, is the coach.

I agree with Andy Grove, the CEO and president of the largest microchip producer in the world, Intel. Recently on the Larry King Show, he responded to the Gutenberg press comments by saying that,

> As I remember my history, I don't think the Government or the pseudo-governmental agencies were particularly helpful in propagating printed material or printing press. I don't think governmental agencies are helpful in propagating new technology.

That is his quote, not mine.

It seems to me that he has a point. Just take a look at a few of the players in the U.S. communications industry. Last year, the computer industry had revenues close to $360 billion. Two things are amazing about that figure. First, it is twice the telephone industry's revenues. And second, almost half that figure represents revenues from the personal computer industry—which for all intents and purposes was nonexistent in 1980. In other words, personal computers have done almost as much in 14 years as the entire telephone industry did in 100.

It is not too difficult to figure out that the computer industry benefited from fierce competition and minimal government regulation. Phone companies did not. Cable TV also exploded after it was deregulated in 1984. At that time, its revenues were at $7.8 billion and employed 67,381 persons. Fast-forward to its reregulation in 1992, and its revenues had tripled and its employment numbers had jumped to 108,280. While these numbers are also good, I would suggest that the cable TV industry would have done much better if it had faced competition. More importantly, I would suggest that there would not have been the abuses which prompted Congress to consider its reregulation.

UNIVERSAL SERVICE IS ESSENTIAL

In order to get to a more competitive, less regulatory environment, there must be a strong and sensible transition mechanism. If we do not, I fear that as we move boldly toward new technologies and new opportunities, Kansas and the rest of the of rural America will be left behind. Rural areas are different. Population is sparse and telephone traffic volume is limited. The bottom line is that telephone service costs are higher.

The concept of universal service has helped alleviate these problems in the past, and it can continue to do so in the future. It has made telephone service accessible in rural and hard-to-serve areas through Federal financing and by requiring the telephone companies to provide telephone service to every rural resident that wanted it. There is no doubt about it, universal service has greatly enhanced the overall value of the telecommunications systems in the whole Nation.

As private industry sets out to build new systems, I do not want telephone customers from Plainville in Rooks County or McLouth in Jefferson County to pay significantly higher rates, or miss out on the ability to choose among all the new information sources, or lose the ability to compete with urban businesses just because they are in sparsely populated rural areas.

Rural Americans deserve the most beneficial market structure for rural market conditions. They will need effective, sustainable universal service mechanisms to support reasonable rates for a modern rural network.

Telecommunications policy should also consider the success of the Rural Electrification Administration and rural telephone bank programs. These programs have been instrumental in financing the construction and improvement we have today. Strong REA and RTB programs have made capital available at a reasonable cost. At the same time, effective Federal and State support mechanisms have helped make rural rates affordable and have provided rural Americans a telecommunications link to an information-rich economy and society.

In 1972, after several years of deliberation, several other rural Members of Congress joined Bob Poage and I to introduce and pass the rural telephone bank [RTB] bill. It was patterned after the Farm Credit Act. Seed money was provided by the Congress, and loans were made to telephone companies to improve the quality of service with the same requirement as REA loans for service to everyone in the service area. The RTB loans enabled rural telephone companies to provide better service, such as single-party lines for computers.

Repayment of the loans with interest has increased the capitalization of the bank. RTB lending loans to its owner-borrowers have supplemented REA loans, and together they help bring farmers and rural businesses new communications services needed for tomorrow. Increased services in these rural areas from the rural telephone companies will also help create better educational and health programs and improve the quality of rural life.

Mr. President, it is premature, if not dangerous, for Congress to move forward on any piece of legislation without solving the question of universal service. Without it as the foundation for any communications proposal, rates will go up for suburban and rural customers—and that is not for new services, just the ones they already have. More competition and less regulation can fuel advances. But I, for one, want all the people of Kansas to have a real choice among information services. After all, Mr. President, we will need more than dirt roads if we are to link rural America to the so-called information superhighway.

I think I can speak for the occupant of the chair from South Dakota, Senator DASCHLE, and my colleague from Iowa, Senator GRASSLEY, now on the floor.

Mr. President, if I could take just 1 additional minute to include something else in the RECORD.

The PRESIDING OFFICER. The Chair informs the Senator from Kansas he has at least 5 minutes remaining.

Mr. DOLE. I thank the Chair.

HAITI COMMISSION

Mr. DOLE. Mr. President, invasion talk for Haiti continued this weekend. Deputy Secretary of State Talbott says "The end of the day is approaching." That is his quote: "The end of the day is approaching."

I saw with interest this morning that William Raspberry's column in the Washington Post contains an endorsement—of sorts— for a factfinding commission. I will ask that the article be printed at the conclusion of my remarks. Walter Fauntroy, the former Delegate from the District of Columbia, is quoted at length. He points out:

> Knowledge is power. If [the Bush and Clinton administrations] had more knowledge about Haiti, its people and its history, they would have had the power to resolve the situation without resort to violence.

That is Walter Fauntroy's quote, not mine. Fauntroy talks about how the embargo has accelerated deforestation and made the sick sicker and the poor poorer.

Fauntroy also points out the way to a political solution is to support the center and isolate the extremes. This seems pretty obvious. And Fauntroy points out the most recent effort to achieve a political solution was scuttled by Aristide's actions.

This isn't General Cedras saying we should have more facts, and that Aristide blocked a political solution. It's Walter Fauntroy—long-time member of the Congressional Black Caucus and chairman of the bipartisan Congressional Task Force on Haiti.

In the end, Fauntroy concludes the United States must invade because of past policy failures. In my view, that is exactly the wrong conclusion—we should not risk American lives because the White House and the State Department could not formulate proper policy. The fact is, there are alternatives to invading Haiti if anybody in this administration is interested in looking at them. Bill Gray's predecessor had some good ideas. The Haitian Parliament has some good ideas. Maybe we could learn from our 19-year effort at nation-building earlier this century.

Reverend Fauntroy is one of many Haiti experts who say we should have spent more time looking at the reality of Haiti and less time rattling the sabers. It's too bad we cannot set partisan politics aside and take a time out to review some of these ideas before the invasion is launched.

I ask unanimous consent the article by Mr. Raspberry be printed at the end of my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 18, 1994]

ONE CHOICE IN HAITI

(By William Raspberry)

President Clinton, we are told, has not made a decision about going to war in Haiti.

Maybe he hasn't. But with American service personnel engaged in Haiti-like maneuvers, with 2,000 Marines already deployed off the Haitian coast and with the U.S. warplanes broadcasting speeches in which the ousted President Jean-Bertrand Aristide vows to return to the island, it certainly *looks* like the president has made a decision.

"The end of the day is approaching," Deputy Secretary of State Strobe Talbott told a CNN audience on Saturday. He said he hoped that the military leaders who have run Haiti since Aristide's ouster in a 1991 coup would step down voluntarily, but said, "We can't wait forever."

Virginia Sen. John Warner (R) said Saturday that he senses "almost a war fever" in Washington, adding that he questioned the appropriateness of an invasion.

Walter E. Fauntroy used to. The former congressman from the District of Columbia and chairman for 15 years of a bipartisan congressional task force on Haiti said over the weekend that the Clinton administration has pretty much run out of options.

"We're down to two choices," he told me in an interview. "Either we go in, or we walk away.

The liberal Democrat, Baptist minister and consultant on international finance and trade said his reluctant choice is: Go in.

It's a position he doesn't like being in. He has been pushing for a negotiated settlement of Haiti's governmental crisis since the beginning, refusing even to join the bandwagon for economic sanctions, let alone military action.

He still thinks he was right—and not merely because of his nonviolent philosophy as a one-time lieutenant of Martin Luther King Jr.

He believes that the reason Clinton—and Bush before him—couldn't find a way out of the Haitian mess is that they didn't know enough.

"Knowledge is power," he said. "If they had had more knowledge about Haiti, its people and its history, they would have had the power to resolve the situation without resort to violence."

Did Fauntroy have that knowledge? "I knew that a embargo was wrong, because the sick would get sicker and the poor poorer" he told me. "The last person to go wanting for food or medicine would be the one with the gun. I knew that an embargo would frustrate what our task force had been doing—seeking to attract labor-intensive industry to the island as a way of dealing with the energetic but largely illiterate population. It was predictable that an embargo would drive those businesses into the eager arms of places like the Dominican Republic and Honduras and Costa Rico.

"We spend a lot of years trying to help Haiti recover from a French-led land scheme that had pretty much deforested the place. We launched a reforestation program to keep the soil from washing into the sea. Well, the first result of the embargo was an oil shortage, which meant that people began cutting down the trees to make charcoal."

There were subtler things, though, that a greater U.S. knowledge of Haiti might have accomplished, Fauntroy believes. The earlier ouster of Jean-Claude (Baby Doc) Duvalier involved not just pressure of the sort the Clinton administration is applying to the military leaders but also the deliberate nurturing of a centrist political faction capable of crafting the constitution that would be the basis of democracy.

"By promoting the centrists we were able to isolate the extremes—both those on the right, with their penchant for violence, and those on the left, who wanted nothing less than the complete leveling of the society. It also split the military, so that centrist military leaders could come to the fore and help put together a constitution with check and balances—a sharp break with Haiti's history."

The last chance of a resumption of that policy—and of an effort by the present ambassador, William Swing, to cultivate members of the Haitian parliament in order to work out a process for Aristide's eventual return—was scuttled a year ago when Aristide refused to abide by a resolution reached by a multiparty conference in Miami, Fauntroy believes.

Now, he said, the choices are to "go in or walk away." And each option has its own problems.

Going in would give the invaders control, but it would also saddle them with the responsibility of running Haiti for a decade or longer—not merely to maintain the peace but to assume the very efforts Fauntroy's task force started years ago. As Fauntroy put it, "Conquest is easy; occupation is hard."

But if we don't go in, he says, the thugs will remain in charge of what would surely be an outlaw territory and a transshipment point for U.S.-bound narcotics. And worse: The immigration problem that has driven the Clinton administration to the brink would only grow worse.

"It's in our national interest to stop this outflow," he concludes. "We've got to go in."

WELFARE REFORM

Mr. GRASSLEY. Mr. President, the Finance Committee held a hearing last week concerning President Clinton's welfare proposal. Secretary Shalala, Assistant Secretary Bain, and Assistant Secretary Ellwood were present to testify.

President Clinton promised to end welfare as we know it. But this plan looks all too familiar. There is no "there" there. The President's so-called welfare reform reminds me of the story of the emperor's new clothes. Everyone will say they are beautiful, but really there is nothing there. True welfare reform must do at least three things.

First, it must reduce the rising cost of welfare programs. Second, it must address the social crisis of illegitimacy. Finally, it must require real work from recipients.

This plan does nothing to address the dramatic increase in welfare cost. In fact it adds to it. The President's proposal has an increase of $9.3 billion in spending over the next 5 years. We have no estimate of what that cost will be in the out years after the turn of the century.

Statistics show that the current welfare state is projected to grow from $300 billion in 1994 to almost $500 billion by the turn of the century. The average American working family currently pays $3,800 a year to support the existing welfare state. This will increase to $7,000 a year by the end of the century when the Clinton plan is fully implemented.

Republican plans, by contrast, cut at least $30 billion in the next 5 years and take some of the savings to support family tax relief.

It is crucial that welfare reform cap welfare costs—apart from Medicaid—at an aggregate growth rate of 3.5 percent for inflation. This allows some programs to grow more, while other programs grow less.

Another issue that must be addressed in real welfare reform is the serious rise in illegitimacy, welfare enemy No. 1. There is almost unanimous support across the political spectrum that something must be done to address this crisis. The consequences to the child, the mother, and society are simply too serious to continue to ignore.

For over 30 years, we have treated this issue as if it is simply a moral question, thus, one in which Government should not become involved. Recent studies have shown, however, that children born outside marriage are two to three times more likely to have emotional or behavioral problems than those in intact families. They have higher risks of child abuse and neglect, poor school performance, having children of their own as teenagers, having their own marriages end in divorce, and six times greater risk of being poor. The absence of parents frequently leads to both illegitimacy and welfare dependency for a series of generations.

These consequences are what results from the Government acting as father. To continue to ignore these consequences will result in greater destruction for children, young mothers and society. The President's proposal only requires young mothers to live at home, stay in school, and receive contraceptive advice. In fact, while the explanatory materials about the President's plan mention abstinence, the President's actual bill does not. It simply promotes decisionmaking.

This does not truly address the crisis of keeping young women from having children in the first place. It is simply an attempt to put Humpty Dumpty back together again after he has fallen to his own destruction. Should not our policies promote the avoidance of these costly situations in the first place?

The administration's plan also allows millions of welfare recipients to continue receiving welfare benefits without any requirements at all. The work provisions only apply to those born in 1972 or after. What about everyone over age 22? Nothing is required of them.

Not only that, according to the President's own documents, the actual number of people required to work will be set by the amount of Federal funds allocated to support them, not by any supposed 2-year timeframe.

When the American people think of welfare reform, they want recipients to be required to work for their benefits. All other American families go to work to support their families. They get up, go to a particular work site, do a day's labor, receive a paycheck, and make ends meet to support their families. They expect no less from recipients of public assistance.

We are a compassionate nation. We always have been. People do not mind assisting someone in crisis to get back on his or her feet. However, they do not expect to have to support that individual for years to come. They expect people to take action to help themselves also.

Overall, the plan does not do what the President promised. He promised to end welfare as we know it. Unfortunately, his plan looks all too familiar. There is no "there," there.

I yield the floor.

TRIBUTE TO ARCHIBALD FOWLER BENNETT

Mr. HATCH. Mr. President, I would like to recognize the late Mr. Archibald Fowler Bennett for the contributions he made to genealogical research. Recently Mr. Bennett was the one distinguished genealogist recognized annually and elected to the National Genealogy Hall of Fame. Mr. Bennett's work toward genealogical education, records preservation, and distribution has had a worldwide effect on the circulation and promotion of sound principles of genealogical research.

Mr. Bennett served as the head librarian at the family history library of the Genealogical Society of Utah [GSU], for more than 30 years. He built the GSU's collection of 10,000 volumes into over 70,000 volumes and 300,000 reels of microfilm, the largest collection in the country.

Not only has Mr. Bennett been a pivotal asset to the accessibility of genealogical records in Utah, he also negotiated filming contracts for microfilm in Connecticut, Georgia, Maryland, New Jersey, North Carolina, Pennsylvania, Vermont, and Virginia. By 1948, he had negotiated filming contracts in numerous European countries as well.

In 1964, Mr. Bennett developed a system of branch libraries, known today as family history centers. This institution, along with the GSU has helped make the research acquired through the efforts of Mr. Bennett and others, available to researchers. Mr. Bennett organized and administered the program and was appointed to be the first manager of these branch libraries.

Mr. Bennett researched many families in New England. Much of his work remains in manuscript form in family history files. He is also the author of four highly acclaimed textbooks, "A guide For Genealogical Research," "Finding Your Forefathers in America," "Advanced Genealogical Research," and "Searching With Success."

Most genealogists researching in the more than 2,000 family history centers worldwide today may not have heard of Archibald Fowler Bennett, but they are deeply influenced by him. Family history centers, pedigree charts, family group records, and microfilm, are used by most genealogists today and were all developed by Mr. Bennett. In this, the centennial year of the Genealogical Society of Utah, it is most fitting that this unique man, who gave so much to the entire genealogical community, has been elected to be honored in the National Genealogy Hall of Fame.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the Constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,624,151,825,603.72 as of the close of business Friday, June 15. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,736.70.

Mr. BUMPERS. Madam President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The pending business is morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4554, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $2,801,000: *Provided,* That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further,* That the Secretary may transfer salaries and expenses funds in this Act sufficient to finance a total of not to exceed 35 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,795,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Chief Financial Officer to carry out the mandates of the Chief Financial Officers Act of 1990, $580,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $106,571,000, of which $18,614,000 shall be retained by the Department of Agriculture for the operation, maintenance, and repair of Agriculture buildings: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 per centum of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $28,622,000, to remain available until expended; making a total appropriation of $135,193,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $928,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Finance and Management, $4,477,000, for Personnel, Operations, Information Resources Management, Civil Rights Enforcement, Small and Disadvantaged Business Utilization, Administrative Law Judges and Judicial Officer, and Emergency Programs, $21,710,000; making a total of $26,187,000 for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $1,764,000.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $8,198,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, **[**$63,918,000**]** *$62,918,000*, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $25,992,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, **[**$54,306,000**]** *$53,565,000*; of which $500,000 shall be available for investigation, determination, and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, $81,424,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)), $2,498,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, $520,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901-5908), **[**$4,000,000**]** *$9,000,000* is appropriated to the Alternative Agricultural Research and Commercialization Revolving Fund.

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, **[**$693,977,000**]** *$698,787,000*: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land at Parlier, California, *Beckley, West Virginia* and Grand Forks, North Dakota: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

[None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.]

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, [$23,400,000] *$38,718,000*, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $171,304,000 to carry into effect the provisions of the Hatch Act approved March 2, 1887, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $20,809,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582–a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $28,157,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; [$44,969,000] *$52,295,000* for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); $103,123,000 for competitive research grants under section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)), including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; [$1,818,000] *$650,000* for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3319d); [$400,000] *$500,000* for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; [$475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended;] $3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses, to remain available until expended (7 U.S.C. 2209b); $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; $1,000,000 for a higher education minority scholars program under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)), including administrative expenses, to remain available until expended (7 U.S.C. 2209b); $4,000,000 for aquaculture grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322), and other Acts; [$7,400,000] *$8,825,000* for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; and [$19,954,000] *$19,019,000* for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $9,917,000 shall be for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b), of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, [$413,960,000] *$420,233,000*.

[None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.]

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, [$34,148,000] *$59,836,000*, to remain available until expended (7 U.S.C. 2209b).

EXTENSION SERVICE

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $272,582,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $61,431,000; payments for the pest management program under section 3(d) of the Act, [$10,147,000] *$10,947,000, of which up to $125,000 may be transferred to the Cooperative State Research Service*; payments for the farm safety and rural health programs under section 3(d) of the Act, $2,988,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research and extension facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,901,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for a groundwater quality program under section 3(d) of the Act, $11,234,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,221,000; payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; payments for a Nutrition Education Initiative under section 3(d) of the Act, $4,265,000; payments for a food safety program under section 3(d) of the Act, $2,475,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,341,000; payments for Indian reservation agents under section 3(d) of the Act, $1,750,000; payments for sustainable agriculture programs under section 3(d) of the Act, [$2,963,000] *$3,963,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,750,000;* payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $25,472,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, [$7,117,000] *$12,611,000*; in all, [$429,200,000] *$439,244,000*: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, [$17,845,000] *$18,307,000: Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further, That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.*

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Marketing Service, and Packers and Stockyards Administration, $605,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, [$438,651,000] *$438,901,000*, of which $96,660,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which $4,938,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That, if the demand for Agricultural Quarantine Inspection (AQI) user fee financed services is greater than expected and/or other uncontrollable events occur, the Agency may exceed the AQI User Fee limitation by up to 20 per centum, provided such funds are available in the Agricultural Quarantine Inspection User Fee Account, and with notification to the Appropriations Committees: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

[In fiscal year 1995 the Agency is authorized to collect fees for the total direct and indirect costs of technical assistance, goods, or services provided to States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.]

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $6,973,000, to remain available until expended.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, [$430,929,000] *$533,929,000*, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $11,325,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, agricultural cooperatives, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $55,728,000; including funds for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $57,054,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,309,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal year 1996, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

[PERISHABLE AGRICULTURAL COMMODITIES ACT

[Notwithstanding any other provision of law, during fiscal year 1995, the Secretary of Agriculture shall require persons filing complaints under section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), to include a filing fee of $60 per petition. In the event of further action on such a complaint during fiscal year 1995, the person or persons making the complaint shall submit a handling fee of $300, which shall be reimbursed by the commission merchant, dealer, or broker involved whenever the Secretary issues a reparation order under section 7 of such Act on the complaint. Such fees shall be deposited in the Perishable Agricultural Commodities Act Fund.]

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $11,989,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, and the Commodity Credit Corporation, $549,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301–1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241–273); title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3811 et seq.); and laws pertaining to the Commodity Credit Corporation, $717,958,000; of which $716,333,000 is hereby appropriated, and $1,036,000 is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used: (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), [$62,796,000] *$72,796,000*: [*Provided*, That $12,000,000 be made available for the Animal and Plant Health Inspection Service:] *Provided further*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i): *Provided further*, That none of the funds in this Act may be used to offer a Federal crop insurance policy in counties on crops where a loss ratio, that has already been recalculated pursuant to law to reflect the premium rates issued by the Corporation for the 1994 crop year, is in excess of 1.10 more than 70 percent of the years that a policy has been offered since 1980: *Provided further*, That none of the funds in this Act may be used to pay operating and administrative costs that exceed 31 per centum of premium to insurers of policies on which the Corporation provides reinsurance, except to reimburse said insurers for excess loss adjustment expenses as provided for in the Standard Reinsurance Agreement issued by the Corporation: *Provided further*, That the second proviso shall not apply in any county affected if the Corporation has implemented a nonstandard classification system in such county for those individual farms that have experienced excessive losses since 1980 under which the premium rates, notwithstanding the provision of section 508(d) of the Federal Crop Insurance Act, are increased over comparable rates effective for the 1994 crop, or the insured yields are decreased from comparable yields for the 1994 crop, or a combination of both, by an amount or amounts sufficient to ensure that an estimated loss ratio will not exceed 1.1 for the crop produced on such farms during the 1995 crop year.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $219,107,000, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1995, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $15,500,000,000 in the President's fiscal year 1995 Budget Request (H. Doc. 103–179)), but not to exceed $15,500,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1995, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

DISASTER ASSISTANCE

Funds of the Commodity Credit Corporation made available under Public Law 103–75 shall remain available through March 31, 1995, for payments to producers of orchard crops for losses incurred between January 1, 1994, and March 31, 1994, if the losses are due to freezing conditions in 1994: Provided, That not more than $12,000,000 shall be available for such orchard crop losses: Provided further, That amounts available under this Act shall be subject to the terms and conditions of Public Law 101–624: Provided further, That the use of these funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such funds shall be available only to the extent that the President designates such use as an emergency requirement pursuant to such Act: Provided further, That the terms and conditions of section 521, paragraphs (a)(3) and (4), paragraph (b)(3), subparagraph (c)(2)(C), and subsections (d) and (e), as amended in section 201 of S. 2095 (as reported by the Committee on Agriculture, Nutrition, and Forestry on June 22, 1994) shall apply to all claims for assistance made under this paragraph.

TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, $677,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, [$576,562,000] *$582,141,000*, to remain available until expended (7 U.S.C. 2209b); of which not less than $5,756,000 is for snow survey and water forecasting and not less than $8,070,000 is for operation and establishment of the plant materials centers: *Provided*, That except for [$2,399,000] *$3,899,000* for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006–1009), $12,970,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), $10,546,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, **[**$65,000,000**]** *$75,000,000*, to remain available until expended (7 U.S.C. 2209b) **[**(of which $10,000,000 shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That not to exceed 5 per centum of the foregoing amounts shall be available for allocation to any one State**]**: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010–1011; 76 Stat. 607), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $32,845,000, to remain available until expended (7 U.S.C. 2209): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $11,672,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $100,000,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That not to exceed $15,000,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

[FORESTRY INCENTIVES PROGRAM

[For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,625,000, to remain available until expended, as authorized by that Act.

[COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

[For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, $5,000,000 to remain available until expended (7 U.S.C. 2209b), to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.]

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,743,274,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, and for annual rental payments provided in such contracts, and for technical assistance.

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Wetlands Reserve Program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $93,200,000, to remain available until expended: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.

TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Electrification Administration, Federal Crop Insurance Corporation, and rural development activities of the Department of Agriculture, $568,000.

RURAL DEVELOPMENT ADMINISTRATION

The Secretary may transfer funds from the Farmers Home Administration in this Act to fund the Rural Development Administration, as authorized by law.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: [$2,323,339,000] *$2,400,000,000* for loans to section 502 borrowers, as determined by the Secretary, of which $1,000,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $15,915,000 for section 514 farm labor housing; $220,000,000 for section 515 rental housing; and $632,000 for site loans: *Provided*, That up to $48,650,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: low-income section 502 loans, [$268,105,000] *$282,640,000* of which $17,200,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,690,000; section 514 farm labor housing, $7,911,000; and section 515 rental housing, $115,500,000.

[In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under a demonstration program of loan guarantees for multifamily rental housing in rural areas, $1,000,000, to be derived from the amount made available under this heading for the cost of low-income section 502 loans and to become available for obligation only upon the enactment of authorizing legislation.]

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $389,818,000.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $523,008,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 1995 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct loans, as authorized by section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $603,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $11,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $14,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $618,755,000, of which $540,674,000 shall be for guaranteed loans; operating loans, $2,465,000,000, of which $1,735,000,000 shall be for unsubsidized guaranteed loans and $230,000,000 shall be for subsidized guaranteed loans; [$4,312,000 for water development, use, and conservation loans, of which $1,415,000 shall be for guaranteed loans;] Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; and for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $31,853,000, of which $20,870,000 shall be for guaranteed loans; operating loans, $95,340,000, of which $9,360,000 shall be for unsubsidized guaranteed loans and $29,425,000 shall be for subsidized guaranteed loans; [$411,000 for water development, use, and conservation loans, of which $31,000 shall be for guaranteed loans;] Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $123,000; and for emergency insured loans, [$26,060,000] *$26,290,000* to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $243,766,000.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, [$834,193,000] *$976,853,000*; community facility loans, $300,000,000, of which $75,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $500,000,000: *Provided*, That none of the funds made available in this Act may be used to make transfers between the above limitations: *Provided further*, That of the amounts appropriated above, [$17,000,000] *$20,000,000* of direct water and sewer facility, $7,800,000 of direct community facility, and $11,000,000 of guaranteed industrial development loan funds shall be available through July 30, 1995, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct water and sewer facility loans, [$115,786,000] *$136,466,000*; direct community facility loans, [$21,723,000] *$21,375,000*; guaranteed community facility loans, $3,728,000; and guaranteed industrial development loans, $4,750,000: *Provided*, That of the amounts appropriated in this paragraph, [$2,360,000] *$2,794,000* for direct water and sewer facility loans, [$753,000] *$741,000* for direct community facility, and [$103,000] *$105,000* for guaranteed industrial development loans shall be available through July 30, 1995, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $57,294,000.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the cost of direct loans, $46,000,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $88,038,000: *Provided further*, That through July 30, 1995, of these amounts, $5,519,000 shall be available for the cost of direct loans, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, to subsidize gross obligations for the principal amount of direct loans, $10,565,000.

In addition, for administrative expenses necessary to carry out the direct loan programs, $1,476,000.

AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM ACCOUNT

For gross obligations for the principal amount of guaranteed loans, as authorized under sections 1465–1469 of Public Law 101–624 for the Agricultural Resource Conservation Demonstration Program, $5,599,000.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $3,086,000.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), [$2,000,000] *$3,000,000*.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to section 306(a)(2) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $500,000,000, to remain available until expended, pursuant to section 306(d) of the above Act of which $19,047,000 shall be available, through July 30, 1995, for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, and of which $25,000,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C: *Provided*, That, with the exception of the foregoing $19,047,000, and the foregoing $25,000,000, these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $24,900,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $10,900,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,650,000, to remain available until expended (7 U.S.C. 2209b).

[SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS

[For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,400,000, to remain available until expended.]

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $3,400,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $495,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $22,000,000.

RURAL BUSINESS ENTERPRISE GRANTS

For grants authorized under section 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $47,500,000, [of which $2,000,000 shall be to assist in developing cooperative efforts to provide information and technical assistance to under-represented groups in traditionally agricultural or other natural resource dependent communities for encouraging business development; and] of which $9,500,000 shall be available through July 30, 1995, for assistance to empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, $2,995,000: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $2,995,000, to remain available until expended.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

For grants pursuant to section 310(f) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), [$1,500,000] *$2,000,000*.

[LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

[For grants pursuant to section 306(a)(11)(A) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926(a)(11)), $2,500,000.]

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title III–A of the Economic Opportunity Act of 1964 (Public Law 88–452 approved August 20, 1964), as amended; the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451–457); and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), and such other programs which the Farmers Home Administration has the responsibility for administering, $700,585,000; of which $37,811,000 is hereby appropriated, $374,255,000 shall be derived by transfer from the Rural Housing Insurance Fund Program Account in this Act and merged with this account, $229,735,000 shall be derived by transfer from the Agriculture Credit Insurance Fund Program Account in this Act and merged with this account, $57,294,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account in this Act and merged with this account, $1,476,000 shall be derived by transfer from the Rural Development Loan Fund Program Account in this Act and merged with this account, and $14,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account: *Provided*, That not to exceed $515,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed [$4,159,000] *$4,368,000* of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed $2,000,000 shall be available through cooperative agreements to assist in developing efforts to provide information and technical assistance to traditionally under-represented communities to encourage business community development.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $100,000,000; 5 percent rural telephone loans, $75,000,000; cost of money rural telephone loans, $198,000,000; municipal rate rural electric loans, $575,250,000; and loans made pursuant to section 306 of that Act, $420,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, [$19,120,000] *$14,807,000*; cost of municipal rate loans, $46,020,000; cost of money rural telephone loans, $40,000; cost of loans guaranteed pursuant to section 306, $450,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1995 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), [$2,728,000] *$770,000*.

In addition, for administrative expenses necessary to carry out the loan programs, $8,794,000.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $7,500,000, to remain available until expended.

REA ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For gross obligations for the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,077,000.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1995), and for which commitments were made prior to fiscal year 1994, including not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, $38,776,000; of which $29,982,000 shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account in this Act and $8,794,000 shall be derived by transfer from the Rural Telephone Bank Program Account in this Act: *Provided*, That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank.

TITLE IV—DOMESTIC FOOD PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $540,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789); $7,451,351,000, to remain available through September 30, 1996, of which $2,202,274,000 is hereby appropriated and $5,249,077,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): [*Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary:] *Provided*, [*further*,] That up to $3,849,000 shall be available for independent verification of school food service claims: *Provided further*, That [$1,706,000] *$1,853,000* shall be available to provide financial and other assistance to operate the Food Service Management Institute.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $18,089,000, to remain available through September 30, 1996. [Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.]

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,470,000,000, to remain available through September 30, 1996, of which up to [$5,500,000] *$8,000,000* may be used to carry out the [farmer's] *farmers'* market coupon program: *Provided*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program[: *Provided further*, That no State will incur an interest liability to the Federal Government on WIC rebate funds provided that all interest earned by the State on these funds is used for program purposes].

COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $94,500,000, to remain available through September 30, 1996: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD STAMP PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), [$28,817,457,000] *$28,830,710,000*: *Provided*, That funds provided herein shall remain available through September 30, 1995, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That $2,500,000,000 of the foregoing amount shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That $1,143,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which $12,472,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project: *Provided further*, That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1994.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), *section 601 of Public Law 96–597 (48 U.S.C. 1469d)* and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), [$183,154,000] *$188,404,000*, to remain available through September 30, 1996.

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $40,000,000.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, $40,000,000: *Provided*, That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities.

[For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $40,000,000.]

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $106,465,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $118,011,000, of which $4,914,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation Program Account in this Act, and $1,425,000 may be transferred from the Public Law 480 Program Account in this Act: *Provided*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581–3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

LIMITATION ON ADMINISTRATIVE EXPENSES

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

PUBLIC LAW 480 PROGRAM ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $291,342,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $29,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,100,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $157,442,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 15 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $236,162,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $2,461,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its Export Guarantee Program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101–624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Agricultural Stabilization and Conservation Service.

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; [$914,394,000] *$767,156,000*, of which not to exceed $79,423,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1995 shall be subject to the fiscal year 1995 limitation[: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.]

[None of the funds in this Act may be used to enforce rules or regulations for a selenium supplement level in animal feeds below 0.3 parts per million.]

In addition, of the foregoing amount such sums as may be necessary may be used for the inspection of mammography facilities, notwithstanding section 354(r) of the Public Health Service Act. Fees collected under said Act shall be credited to the foregoing account and shall remain available until expended.

In addition, $150,800,000, to be credited to this appropriation, from fees established and collected to cover the costs of regulation of products under the jurisdiction of the Food and Drug Administration, to remain available until expended.

None of the funds in this Act may be used to enforce the permitted levels and conditions of use for the nutrient selenium, as revised in the Federal Register for September 13, 1993. The permitted levels and conditions of use for the nutrient selenium are deemed to be the levels and conditions set forth in section 573.920 of title 21, Code of Federal Regulations, prior to September 13, 1993, unless and until the Commissioner determines that the use of selenium at those levels results in a direct and significant adverse effect on the quality of the environment.

[In addition to amounts provided, proceeds from the sale of any animals that are surplus to FDA's needs shall be retained by the Food and Drug Administration and credited to the salaries and expenses appropriation for 1995.]

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, [$18,150,000] *$8,350,000*, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince George's Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 per centum of the funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1994, as authorized, $57,026,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; [$47,480,000]

$50,809,000, including not to exceed $1,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge fees to cover the cost of Commission-sponsored educational events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $40,420,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1995 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 706 passenger motor vehicles, of which 705 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954, and (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and Integrated Systems Acquisition Project; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; Foreign Agricultural Service, Middle-Income Country Training Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); and capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University.

New obligational authority for the Boll Weevil Program; up to 10 per centum of the Screwworm Program of the Animal and Plant Health Inspection Service; funds appropriated for Rental Payments; and higher education minority scholars programs under section 1417(b)(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(5)) shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94–449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1994 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1995 shall remain available until expended to cover obligations made in fiscal year 1995 for the following accounts: Rural Development Insurance Fund Program Account; Rural Development Loan Fund Program Account; the Rural Telephone Bank Program Account; the Rural Electrification and Telephone Loans Program Account; and the REA Economic Development Loans Program Account.

SEC. 715. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, with respect to tobacco or if the aggregate amount of funds and/or commodities under such program exceeds [$90,000,000] *zero dollars*.

SEC. 716. None of the funds appropriated or otherwise made available by this Act shall be used to enroll in excess of 100,000 acres in the fiscal year 1995 Wetlands Reserve Program, as authorized by 16 U.S.C. 3837.

SEC. 717. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program authorized by 16 U.S.C. 3831–3845.

SEC. 718. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 719. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

[(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

[(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

[(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

[(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

[SEC. 720. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service and a State or Cooperator to carry out agricultural marketing programs.]

SEC. 721. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out an export enhancement program (estimated to be $1,000,000,000 in the President's fiscal year 1995 Budget Request (H. Doc. 103–179)) if the aggregate amount of funds and/or commodities under such program exceeds $850,000,000.

[SEC. 722. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a sunflower and cottonseed oil export program authorized by section 1541 of Public Law 101–624 if the aggregate amount of funds and/or commodities under such program exceeds $27,000,000.]

SEC. 723. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $0 in the 1994 crop year.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994 crop year.

SEC. 724. None of the funds in this Act may be used by the Secretary of Agriculture to warrant to the Secretary of the Treasury a payment out of the Treasury of the United States for purposes specified in the tenth and eleventh paragraphs under the heading "Emergency Appropriations" of the Act of March 4, 1907 (7 U.S.C. 321, et seq.): *Provided*, That $2,850,000 is hereby appropriated for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses.

[SEC. 725. None of the funds made available in this Act for the Food Stamp Program may be used in violation of 7 U.S.C. sec. 2015(f) or of any applicable Federal law or regulation of the United States.

[SEC. 726. None of the funds made available in this Act for the Conservation Reserve Program may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

[SEC. 727. None of the funds made available in this Act for the Wetlands Reserve Program may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

[SEC. 728. None of the funds made available in this Act for the Agricultural Water Quality Protection Program may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

[SEC. 729. None of the funds made available in this Act for Integrated Farm Management Program Option may be used in violation of 7 CFR 1498.4(a) or of any applicable Federal law or regulation of the United States.

[SEC. 730. None of the funds made available in this Act for Farm Labor Housing Grants (section 516) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 731. None of the funds made available in this Act for Rural Housing Loans (section 502) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 732. None of the funds made available in this Act for Rural Rental Housing Loans (section 515) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 733. None of the funds made available in this Act for Rural Rental Assistance Payments (section 521) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 734. None of the funds made available in this Act for Rural Housing Self-Help Technical Assistance Grants may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 735. None of the funds made available in this Act for Rural Housing Site Loans (sections 523 and 524) may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 736. None of the funds made available in this Act for Farm Labor Housing Loans and Grants may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 737. None of the funds made available in this Act for Rural Rental Housing Loans may be used in violation of 7 CFR 1944.9(c) or of any applicable Federal law or regulation of the United States.

[SEC. 738. None of the funds made available in this Act for Farm Ownership Loans may be used in violation of 7 CFR 1943.12(a)(1) or of any applicable Federal law or regulation of the United States.

[SEC. 739. None of the funds made available in this Act for Emergency Loans may be used in violation of 7 CFR 1945.162(b)(1) or of any applicable Federal law or regulation of the United States.

[SEC. 740. None of the funds made available in this Act for Farm Operating Loans may be used in violation of 7 CFR 1941.12(a)(1) or of any applicable Federal law or regulation of the United States.]

SEC. 741. Notwithstanding section 715 of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978, with respect to tobacco or if the aggregate amount of funds and/or commodities under such program exceeds $90,000,000: Provided, That the appropriated levels provided in this Act for the following accounts shall be reduced by 1.5 percent:

Office of the Secretary.

Office of Budget and Program Analysis.

Chief Financial Officer.

Office of the Assistant Secretary for Administration.

Advisory Committees (USDA).

Departmental Administration.

Office of the Assistant Secretary for Congressional Relations.

Office of Communications.

Office of the Inspector General.

Office of the Assistant Secretary for Economics.

Economic Research Service.

National Agricultural Statistics Service.

World Agricultural Outlook Board.

Office of the Assistant Secretary for Science and Education.

Office of the Assistant Secretary for Marketing and Inspection Services.

Animal and Plant Health Inspection Service, Salaries and Expenses.

Agricultural Stabilization and Conservation Service, Salaries and Expenses.

Soil Conservation Service, Conservation Operations.

Rural Housing Insurance Fund Program Account, Administrative Expenses.

Agricultural Credit Insurance Fund Program Account, Administrative Expenses.

Rural Development Insurance Fund Program Account, Administrative Expenses.

Rural Development Loan Fund Program Account, Administrative Expenses.

Farmers Home Administration, Salaries and Expenses.

Rural Electrification and Telephone Loans Program Account, Administrative Expenses.

Rural Telephone Bank Program Account, Administrative Expenses.

Office of the Assistant Secretary for Food and Consumer Services.

Food and Drug Administration, Salaries and Expenses.

This Act may be cited as the "Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1995".

Mr. BUMPERS. Madam President, I am pleased to present the fiscal year 1995 appropriations bill for agriculture, rural development, and related agencies.

The bill totals $67.98 billion in new obligational authority. Under CBO scoring, the bill includes $13.29 billion in discretionary authority and $54.61 billion in mandatory spending.

I might stop to digress, and say that we had over 1,100 requests from Members of the Senate for various things in their States.

I would just like to say at this point that out of the almost $68 billion in new obligational authority, we only had jurisdiction in the committee of a little over $13 billion. The rest of it is mandatory spending over which we have very little control.

Included in this mandatory total is $28.8 billion for food stamps, an increase of $694.1 million; $15.5 billion for the Commodity Credit Corporation reimbursement of losses; $7.5 billion for child nutrition programs; and $1.8 billion for the Conservation Reserve Program and the Wetlands Reserve Program. Mandatory programs account for 80.4 percent of our total bill.

In terms of the subcommittee's 602(b) allocation for discretionary funds, we have just met that allocation. Any amendments—let me emphasize to all of my colleagues who are listening or watching—any amendment that adds money to this bill or increases its cost in any way must be offset by an equal amount or they will be subject to a budget point of order.

On the issue of nutrition programs, the bill contains a total of $40.2 billion for food programs including WIC, food stamps, child nutrition, food donations, and emergency feeding. This amount represents 59.2 percent of the total bill. These programs by and large benefit the urban areas of the country because that is where the people are. It really is somewhat of a misnomer to call this a bill for rural America when you consider how much of it is for urban areas.

To highlight some of the programs in the bill, let me first mention the Women, Infants, and Children Program which is our top priority. It has received by far the largest increase of any program in the bill. For WIC, which is the acronym for Women, Infants, and Children, we are providing $3.470 billion, which is a $260 million increase over last year, or an increase of 8.1 percent.

Other increases in the 1993 level of funding are few. In addition to the WIC and food stamp programs, we have provided an increase of $26.5 million for the Wetlands Reserve Program in order to enroll 100,000 acres as opposed to the 75,000 acres being enrolled this year, 1994. Rental assistance is increased by $76.3 million in order to meet the estimated renewals and servicing of contracts. An increase of $17.2 million is provided for the Food Safety and Inspection Service in order to provide better meat and poultry inspection and to fund the Secretary's Pathogen Reduction Program.

Finally, Madam President, the bill includes an increase of $142.7 million in water and sewer loans and $12.5 million in water and sewer grants.

Perhaps more significant are the decreases contained in the bill. Rural housing loans are cut by $603.5 million. Now, that is a big cut in a program that I believe in strongly. Farm loans are cut by $433.6 million, and conservation programs are cut by $323.4 million. The conservation reductions include the elimination of a lot of programs—the Water Bank Program, the Forestry Incentives Program, the Colorado River Salinity Control Program, and the Emergency Conservation Program. No new signups will be allowed under the Conservation Reserve Program and as mentioned earlier the Wetlands Reserve Program is limited to 100,000 acres.

The Public Law 480 program is reduced by $239.8 million. The Crop Insurance Program is cut by $217 million.

We have basically thrown that program into the lap of the authorizing committee, and I do not know what is going to happen to it after that. Food donation programs are reduced by $110.3 million including the elimination of commodity purchases for the Emergency Food Assistance Program, commonly referred to as TEFAP, and over the next 48 hours, Madam President, you will hear TEFAP mentioned a lot as well as other programs such as MPP. And REA loans are cut by $66.3 million.

In addition, virtually all the salaries and expense accounts are reduced from the 1994 level. Of particular note is the cut of $14.5 million for the Agriculture Stabilization and Conservation Service, the agency that administers all the Federal farm programs, including disaster assistance, and the cut of $17 million to the Farmers Home Administration, the agency that administers all the farm, rural housing, and rural development loan and grant programs.

But that is not all, Madam President. The subcommittee over my objection, I admit, decided to fund the Market Promotion Program at $90 million. Now, that is the MPP program I mentioned previously. I wanted to zap that program to zero, but I was overruled in the subcommittee and there is now $90 million for the program. In order to do that, one of the members who offered the amendment to restore that program found an offset by taking 1.5 percent from 27 different accounts in the bill including ASCS and the Farmers Home Administration. That is a 1.5-percent cut in their salaries and expenses. So the cuts that we already made in those accounts are reduced still further.

We had cut those programs by $17 million, and we are taking another 1.5 percent in order to fund this Market Promotion Program.

That is a bad way to legislate, in my opinion. Sometimes necessity dictates that we cut across the board because you cannot get people to agree on a specific way of cutting. You can always hide behind an across-the-board cut. I have done it myself. I am not posturing. I am just saying generally it is not a very good way to legislate.

Madam President, I am afraid people do not realize the effect that this additional cut is going to have on the ability of the Farmers Home Administration, ASCS, and a whole host of others to carry out the programs because we had already cut them very dramatically.

Like the House bill, this bill caps the Export Enhancement Program at $850 million. That is the program where we subsidize exports in order to compete with other nations. We set it at $850 million, and that is a flat $150 million from the President's request of $1 billion.

Finally, Madam President, I wish to make special mention of what we did for the Food and Drug Administration. We provided a $54.8 million increase over the 1994 level, and that is exactly what the President requested. And the President proposed to allow the Food and Drug Administration to collect $252 million in new user fees. User fees are for those pharmaceutical companies that apply to the FDA for a license to sell new pharmaceuticals, and so on. The bill recommends that FDA generate not the $252 million the President said they could generate; we only recommended $150.8 million. The recommendation was particularly troublesome for the subcommittee and for me because I do question the Food and Drug Administration's ability to collect such an amount in time to be used in the 1995 budget. It is also unknown how the fees are going to be levied, how much they will be, and whom they will affect.

The administration's request has no specific plan that I know of for implementing these fees. However, the fiscal constraints with which we are faced forced us to comply in part with the budget request.

Madam President, I commend the bill to my colleagues and I ask for their support.

Let me just say one additional thing. Senator COCHRAN and I will join in offering an amendment at the right time to fund such sums as are necessary to take care of the tremendous disaster that Alabama, Georgia, and Florida have just experienced in not quite unprecedented flooding but terrible flooding which has cost the farmers of that area a lot of lost crops and the communities a lot of loss of facilities.

Madam President, I would like to also say I am indebted to my distinguished colleague, Senator COCHRAN, for his cooperation and tremendous help in crafting a bill under very difficult circumstances. We are roughly $650 million below a freeze. I said in the Appropriations Committee the other day, Senators—again, I am not posturing because I have probably done it, too—we have a tendency to come on the floor and grandstand by saying, "I think we ought to free spending." I would be tickled to death to vote for freezes in the future, because we are $650 million below a freeze. I can tell you—and I am not saying this on my behalf; I am saying it on behalf of virtually every subcommittee chairman of the appropriations subcommittees—they have all had a very difficult time coming in within the allotment given to them under the Budget Act.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN], is recognized.

Mr. COCHRAN. Madam President, I am pleased to join my distinguished colleague from Arkansas in presenting for the Senate's consideration today, H.R. 4554, the fiscal year 1995 Agriculture, rural development, Food and Drug Administration, and related agencies appropriations bill.

This bill provides fiscal year 1995 funding for all programs and activities of the U.S. Department of Agriculture—with the exception of the U.S. Forest Service—all programs of the Food and Drug Administration, the Commodity Future Trading Commission, and expenses and payments of the farm credit system.

As reported, this bill recommends total appropriations of $67.978 billion for the fiscal year beginning October 1, 1995. This is roughly $4.1 billion below the total fiscal year 1994 enacted level, and $450 million below the total fiscal year 1995 budget request of the President.

I point out that $40.3 billion, or 59.2 percent, of the total recommended by this bill will go to funding the Nation's domestic food assistance programs. These programs include Food Stamps, the National School Lunch, and Elderly Feeding Programs, and the Supplemental Feeding Program for Women, Infants and Children, referred to as WIC.

Including congressional budget scorekeeping adjustments and prior-year spending actions, this bill recommends total discretionary spending of $13.292 billion in budget authority and $13.850 billion in outlays for fiscal year 1995. These amounts are $525 million below the subcommittee's 602(b) discretionary budget authority allocation and consistent with its discretionary outlay allocation.

As my colleagues will note, we have underspent the subcommittee's budget authority allocation for discretionary spending by over $500 million to keep the bill within its total discretionary spending outlay allocation. This outlay allocation is $95 million lower than that received by our counterpart House Subcommittee, close to $400 million below the fiscal year 1994 enacted level, and $500 million less than the President's request level including new FDA user fee savings.

The bill we submit meets that outlay target, but it has not been easy. Reduced funding is recommended for a number of programs important to agriculture and to rural America. Few funding increases are recommended. Most programs are funded at or below the fiscal year 1994 level.

Only two major funding increases above current levels are recommended in this bill. One is an increase of $260 million, the same as contained in the House bill, to maintain our commitment to achieve full funding of the WIC Program. Also, there is an increase of $76 million for rural housing rental assistance to meet the estimated costs of contract renewal and servicing requirements.

Other more modest increases include an additional $17.2 million to continue the efforts of the Food Safety and Inspection Service to assure the safety of our Nation's food supply; an additional $26 million to enroll an additional 100,000 acres in the Wetlands Reserve Program; and $33 million as an increase to provide more water and sewer loan and grant assistance to rural communities.

Savings of $234 million are recommended in appropriations for the Federal Crop Insurance Program. This is the same as the House bill level and assumes adoption of crop insurance reform, as proposed by the President. With the exception of increased funding for the Wetlands Reserve Program, the bill reduces total funding for agriculture conservation programs managed by the Agricultural Stabilization and Conservation Service and the Soil Conservation Service by a total of approximately $611 million. This includes a 34-percent reduction in funding level for watershed and flood prevention operations; a 51-percent reduction in funding for the agricultural conservation program; and elimination of funding for the Water Bank and Forestry Incentives Programs.

The Watershed and Flood Prevention Operations Program has fostered a beneficial partnership between the Federal and State and local governments to prevent erosion damage and to properly protect and conserve watersheds and flood-prone areas. The President proposed to terminate this program beginning in fiscal year 1995. This bill recommends $75 million, $146 million below the fiscal year 1994 appropriations level, for the program. While I would have preferred to maintain the program at its current funding level, this bill provides at least minimal funding to continue work on ongoing projects in fiscal year 1995.

I regret that the bill contains no funding at all for the Forestry Incentives Program. The Forestry Incentives Program, which aims to increase the Nation's supply of timber products from private, nonindustrial forest lands, has been a very beneficial program. The program encourages landowners to plant trees on suitable open lands or cut-over areas and to perform timber stand improvement work for production of timber and other related forest resources. Private nonindustrial landowners control the majority of forest lands in the Nation, but these lands are not fully utilized. Many landowners do not have the funds to make long-term investments in developing and improving forest areas. The Forestry Incentives Program is designed to share this expense with private, eligible landowners. It is my hope that the Senate will be able to recede in conference to the House bill position, which recommends funding be continued for this program.

The bill also recommends a total reduction of $603 million below last year's level for rural housing loan authorizations; a reduction of $301 million in farm operating and farm ownership loan authorizations; and a reduction of $554 million in Rural Electrification Administration loan program authorizations.

Public Law 480 loan authorizations are reduced $240 million below fiscal year 1994 levels. Other savings come from a $10 million reduction in funding for the Market Promotion Program; elimination of funding for the Emergency Food Assistance Program commodity purchases; and a limitation of $850 million on Export Enhancement Program subsidies.

The bill also provides the $52.8 million increase in overall funding requested by the President for salaries and expenses of the Food and Drug Administration. But this includes $150.8 million of the $252 million in new user fee collections assumed in the President's budget.

The President's budget proposes $24 million in collections from the new user fee on medical devices and $228 million in collections from new user fees on FDA-regulated activities.

Such fees constitute a major policy change, and it is my view that they require separate authorization. Collections from new FDA user fees should not be assumed in an appropriations bill, as the President proposes.

The administration included new user fee collections in its FDA request last year. It did not submit a legislative proposal to establish these new user fees, despite clear indications from this committee and the authorizing committee of jurisdiction that it should do so. Again, this year, no legislative proposal has been submitted by the administration to back up its budget proposal. In fact, administration officials are reticent in answering questions or explaining the President's new FDA policy on user fees. They cannot tell the Congress how FDA will levy the fees assumed in the budget, what the fees will be, or who they will affect.

This subcommittee faces a declining share of resources available for discretionary spending programs that are very important to agriculture, to rural America, and to those who need assistance in dealing with their own nutrition needs.

This subcommittee cannot continue to save the FDA from these new user fees by making offsetting cuts in those other programs and activities under the jurisdiction of this subcommittee.

Only $13 billion of the $68 billion recommended in this bill is discretionary spending, subject to the annual control of the committee. Funding for almost all agriculture and rural development programs in this bill has been reduced below current levels to meet the subcommittee's lower discretionary spending allocation. Further cuts have been necessary to offset the few increases provided, including the additional $260 million for WIC. Furthermore, the subcommittee was able to reduce funding to avoid $100 million of the $252 million in new user fee collections used by the administration to reduce FDA's appropriations request.

These have all been very difficult decisions, Madam President. I do not agree with all of them. But, on balance, I believe that the bill we submit to the Senate today represents a reasonable compromise among the many programs competing for the limited resources available to this subcommittee.

I sincerely commend the distinguished chairman of the subcommittee, Senator BUMPERS, for his leadership and hard work on this bill. He has made an effort to accommodate the interests of all Senators in this bill, including those on this side of the aisle, and under very difficult circumstances. It is not easy to be responsive or as generous as one would want to be to the needs of the agencies and the interests which fall under the jurisdiction of this subcommittee, given the allocation of funds that are available. But I believe given the resource constraints, this is a good bill on whole, and I ask my colleagues to give it their very favorable consideration.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I thank my distinguished ranking member and colleague, Senator COCHRAN, for his very kind and overly generous remarks. We have indeed had an excellent working relationship. I daresay this: It could not be better.

His suggestions have been very helpful and thoughtful, and together we have tried to craft a bill under unbelievably difficult circumstances, as pointed out in my early comments.

Mr. SASSER. Madam President, the Senate Budget Committee has examined H.R. 4554, the Agriculture appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $525 million and under its 602(b) outlay allocation by $87,000.

I compliment the distinguished manager of the bill, Senator BUMPERS, and the distinguished ranking member of the agriculture subcommittee, Senator COCHRAN on all of their hard work.

Madam President, I have a table prepared by the Budget Committee which shows the official scoring of the Agriculture appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4554—FISCAL YEAR 1995 AGRICULTURE APPROPRIATIONS—SENATE-REPORTED BILL

[Dollars in millions]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	13,292	9,653
Outlays from prior years appropriations	....	4,239
Permanent/advance appropriations	0	0
Supplementals	0	−42
Subtotal, discretionary spending	13,292	13,850
Mandatory totals	44,721	36,385
Bill total	58,013	50,235
Senate 602(b) allocation	58,538	50,235
Difference	−525	−(*)
Discretionary totals above (+) or below (−):		
President's request	−562	−267
House-passed bill	−38	−94
Senate-reported bill	....	....
Senate-passed bill	....	....
Defense	0	0
International affairs	1,246	1,348
Domestic discretionary	12,046	12,502

COMMITTEE AMENDMENTS

Mr. BUMPERS. Madam President, I now ask unanimous consent that the committee amendments, with the exception of those I will list, be agreed to en bloc, and that the bill as thus amended, be regarded for the purpose of amendment as original text, provided that no point of order shall be waived by reason of the agreement to this request.

The exceptions are:

On page 10, line 24; on page 12, lines 14 through 17; on page 16, line 3; on page 16, lines 4 through 7; on page 32, lines 20 through page 33, line 16; on page 71, lines 21 through 25; on page 86, line 9 through page 88 line 12; and finally on page 80, line 10 through page 81, line 18.

Mr. COCHRAN. Madam President, the agreement has been cleared on this side of the aisle. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc, except the following:

On page 10, line 24; on page 12, lines 14 through 17; on page 16, line 3; on page 16, lines 4 through 7; on page 32, lines 20 through page 33, line 16; on page 71, lines 21 through 25; on page 86, line 9 through page 88 line 12; and finally on page 80, line 10 through page 81, line 18.

Mr. BUMPERS. Madam President, let me say also for the benefit of my colleagues, this is a Monday. There are possibly Senators out of town, which is their prerogative, because we are not going to have any rollcall votes today. But I am hoping that some of our colleagues will not use this as a reason for procrastinating in offering their amendments.

I am not very crazy about stacking votes, but we need to finish this bill sometime tomorrow, the earlier the better. There is not any way to do that unless the amendments to be proposed by Senators are offered so they can be debated, rollcall votes called for, or whatever.

Second, I want to say that there are eight exceptions to committee amendments, most of those by the same Senator. But that is immaterial to me. I do not mind Senators asking me to except amendments from the committee amendments to be considered. They are going to be the pending business, and my point is simply this: If at some reasonable time the Senators who have objected to these amendments are not here to state their objections or offer striking amendments or whatever other kind of amendment they want to make, at some point I am going to start moving to adopt those amendments so we can finish this bill tomorrow night.

I do not mean to be harsh about it. It is just that Senator COCHRAN and I have worked long and hard to craft this bill. It is time now for the Senate to debate it and work its will. I do not have any interest in sitting here for hours on end waiting and hoping that some Senator will show up with an amendment, because Senator COCHRAN and I are just like everybody else, we have a plateful, and we need to attend to our business.

I compliment the Senator from Nevada, who has a very important amendment and is here on the floor ready to offer it. I might also say I am going to accept that amendment. I am just saying other Senators ought to be prepared to come over and follow the Senator from Nevada when we complete debate on that amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Madam President, I ask unanimous consent that we set aside the pending amendments and proceed to the amendment on page 86, line 9, through page 88, line 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 86, LINE 9, THROUGH PAGE 88, LINE 12

Mr. BRYAN. I thank the Chair.

Madam President, for my colleagues who are listening, this is a bit of an unusual procedure because I will not be offering an amendment, per se. My comments today deal with an objection to a committee amendment. So I am going to be speaking in opposition to a committee amendment that deals with a program that is familiar to, I know, the distinguished Senator from Mississippi, who serves as one of the floor managers today. I am talking about the Market Promotion Program.

Procedurally, I am going to be objecting to that part of the committee amendment that, in effect, continues funding the Market Promotion Program. My comments are addressed in opposition to the Market Promotion Program, with the hope that my colleagues may agree with me that this is a program which ought to be discontinued. In the current fiscal year it is funded at a level of $99.5 million.

Madam President, let me give a little bit of the background because not everybody has had a chance to focus on this program.

The Market Promotion Program was created in 1986 to encourage development, maintenance, and expansion of exports of the U.S. agricultural products. It is a successor to an earlier program referred to as the Targeted Export Assistance Program known as TEA. TEA was created in 1985 to counter ostensibly the adverse effect of subsidies, import quotas, and other unfair trade practices of foreign competitors as it deals with agricultural exports.

Since 1986, more than $1.35 billion has been spent for TEA and MPP.

The Market Promotion Program, Madam President, is operated through about 64 organizations that either run market promotion programs themselves or pass the funds along to companies to spend on their own market promotion efforts. For example, in fiscal year 1994 about 43 percent of all program activities involved generic promotions, that is agricultural programs by commodity whether we are talking about cotton or raisins or whatever the agricultural product is. Fifty-seven percent involved brand-name promotions, that is companies whose brand name is used to promote a particular product, the product which includes some agricultural product grown in the United States.

The General Accounting Office has pointed out that the entire Federal

Government spends about $2.7 billion annually on export promotion. While agricultural products represent approximately 10 percent of entire U.S. exports, the Department of Agriculture spends about $2 billion, or 75 percent, of the total. The Department of Commerce, for example, spends about $195 million annually on trade promotion.

In 1992, the Foreign Agricultural Service, which is an agency within the Department of Agriculture, asked organizations to provide information on domestic and foreign ownership of commercial firms that have received money under MPP, the Market Promotion Program. Of the MPP funds $92 million went to foreign-based firms for fiscal years 1986 through 1993. This amount represents nearly 20 percent of the total funds allocated for brand-name promotions during the 8-year period covered; that is, from 1986 to 1993. And while the goal of MPP is laudable—to benefit U.S. farmers—the program can also benefit other enterprises.

By funding foreign firms, the General Accounting Office believes that MPP can make it more difficult for U.S. firms to compete and attain a foothold in foreign markets. The funding of foreign companies may produce short-term gains in the exporting of U.S. agricultural commodities, but these gains may ultimately come at the expense of U.S. firms who are trying to compete in those markets and whose access to those markets is made more difficult as a result of the MPP program.

Now, let me just describe, in very broad terms, what we are talking about. We are talking about a program that historically received about $200 million annually.

MPP funds go to advertising and promotion. And so, as the General Accounting Office has reviewed this program over the years—and I must say, Madam President, a very critical evaluation it is. First, a question arises. Why does this money go to some of the biggest companies in America: Do they really need taxpayer dollars? And that is the issue here, Madam President. All of this is taxpayer dollars. Your taxpayer dollars, Madam President, from your State of Illinois, and mine from Nevada, and each of us who serve as Members of this distinguished body, go to funding this program.

Authorized in the past at $200 million, in the current fiscal year, the funding has been reduced to $99.5 million and the amendment to which I object would put funding for fiscal year 1995 at $90 million. So we are not talking about an inconsequential sum of money. We are talking about $90 million in this budget.

Let me just indicate here, if I may, Madam President, where some of this money has gone.

This is a taxpayer subsidy. Some have referred to it as a corporate entitlement program.

But, as you can see, we are talking about companies the size of McDonald's, the hamburger people. I happen to love hamburgers, so there is no antagonism, no judgment made about their company in terms of the quality of its product or what it is trying to market. But it has received, over the 8-year period in question, from 1986 to 1993, the sum of $1.42 million in taxpayers dollars.

McDonald's is no small company. Its net profits are approximately $1.082 billion and its advertising budget is $743 million a year. So we are talking about a company that has a huge advertising and promotion budget. No quarrel, no objection with that. That is a private-sector determination made by the management of McDonald's and there is no suggestion here to imply any criticism.

The criticism is, Does McDonald's, for example, deserve, and is it entitled to receive $1.42 million of taxpayers dollars to supplement their advertising budget?

The same could be said with respect to Ralston-Purina, which receives $1.17 million; Borden, $344,000; ConAgra, $638,000; Brown-Forman, $2.41 million. These are just some of the biggest companies in America, and their advertising budgets are $743 million, is being augmented by the $393 million, $135 million, $200 million, and $75 million, respectively. A lot of money.

The taxpayer dollars are what I object to. The purpose of my objecting to the amendment is to zero out this program. Some of my colleagues may recall that I took the floor unsuccessfully last year to make the same argument.

But the General Accounting Office has looked at this, as I said, with a very disdainful eye, and here are some of the observations that it makes with respect to the program.

First, under a category of what they call additionality, there is still no proof that the MPP funds—those are the taxpayer subsidies—are not simply replacing funds that would have already been spent anyway on advertising. USDA does not have any good data on the additionality. Commercial firms still have the opportunity to substitute MPP funds for promotional activities they would otherwise have undertaken on their own.

What we simply mean by that is, there is no indication that this dollar figure here, an advertising budget of $743 million, is being augmented by the $1.42 million in MPP funds? Are they simply substituting dollars that they would already have spent?

And the GAO, which has looked at this with a very critical eye, is saying there is no way for us to ascertain that indeed these taxpayer subsidies are in fact supplementing the advertising budgets as opposed to just substituting dollars that these major companies and various trade organizations would otherwise have spent.

As an example, they cite a firm with 14 years of export experience, requesting MPP funds for a total of 31 markets. In 8 of the markets, the firm had at least 10 years of promotional experience with their brand names prior to the participation in the MPP program. That is, this particular firm, which had extensive export experience, had been in the very market, had been extensively promoting it through its advertising budget before they applied for the program. And so there is no indication that, but for this MPP funding, they would not continue to be funding their advertising at the same level, if not more, even if this program did not exist.

Another example, which came by way of testimony offered in one of the committees in the other body a year or 2 ago, was the testimony of Ursula Hotchner. She is an official with Newman's Own; that is Paul Newman's food company. She testified that the company was asked why they did apply for TEA funding. She said, "I do not know." She said, "Someone from the Export Council called up one day from out of the blue asked why don't we take the money? They said all we had to do was to send in our advertising bills and they would reimburse us." Her response was, "Well, I figured, why not?"

Again, no indication, no baseline, no data indicating that, in this instance, this company is not just simply saying, "Look, if there are Federal dollars available to help us in our advertising, we will take the money and maybe we can back out that money to another area or take it to the bottom line." So that there is no data base, no hard data that the GAO can come up with to indicate that in point of fact the taxpayer subsidies are, in fact, supplementing the advertising budgets.

Another critical observation made by GAO is what it refers to as graduation. That is, once you are in the program, do you ever graduate, or are you there for life? Is it one of those things where you are in there in perpetuity, as the lawyers would say?

Now, there are new MPP regulations that require assistance to cease after 5 years. However, the 5-year clock starts running in 1994. This means that some companies will have been in the program for 13 years at the end of 1999. Thirteen years, Madam President, is certainly enough time to overcome any barriers in markets. Already 136 firms have participated in the program for 6 to 8 years, and have received the bulk funds indicated under their brand names.

This should not be a corporate entitlement program. Once the barrier to market a U.S. product in a foreign nation has been bridged, there is no decision to cease funding that particular company. Since 1986, the California Raisin Advisory Board has spent $47.4

million nationwide for market development. Of that, $9.4 million was spent specifically for development in the Japanese market. Currently, the California raisin exporters have about 80 percent of raisin imports in Japan. So, should the taxpayers be providing additional money to the California Raisin Advisory Board to promote the export of raisins to Japan? I do not think anybody here would have a quarrel with the concept that California agricultural products ought to be exported worldwide. I think all of us can agree with that. But should the taxpayers be paying additional money when they already have 80 percent of the market? Should that not be a private sector activity, and to give the taxpayers a break? Why should the rest of us, as taxpayers, be paying for additional advertising when, indeed, that market seems to be very effectively penetrated?

Another issue is evaluation. By that, we mean how do you draw a relationship between what Company A received in taxpayer subsidies the amount of exports by that particular company or that trade association have increased *X* number of dollars, or *X* number of percent? The General Accounting Office took a look at that issue. Here is what it has to say.

The GAO concludes that:

> Taxpayers do not have reasonable assurances that the considerable public funds expended on export promotion are being effectively used to emphasize sectors and programs with the highest potential returns. MPP supporters use examples of increased exports. However, even if a brand name promotion effort results in identifiable increases in exports, unless FAS can convincingly demonstrate the promotion effort would not have been undertaken without MPP assistance, those increases in exports cannot be attributed to the program.

So we do not have a clear understanding that even when the money goes to the particular brand name, or the trade association, that indeed we are getting a bang for the taxpayer buck.

GAO further observes that:

> Since 1986, there have been more than 100 participants in the program. Yet the Foreign Agriculture Service has completed only 12 program evaluations. Only 9 of 26 participants who have received over $10 million have been evaluated.

Basically, the question Is, what we are spending accomplishing anything? The answer, analytically—other than the anecdotal information that is provided—is we do not know. We do not know if the money was indeed targeted to the right sector in the foreign market or if, indeed, it made a difference that would not have otherwise come about, had the subsidy not been provided.

No. 4 is U.S. content. MPP regulations issued in August 1991 do not restrict the program participants to products that have 100-percent U.S. content. So some of these products that are being subsidized do not contain 100-percent American product. They are supposed to have at least 50 percent of U.S. content by weight. But here again in an evaluation of the program, the GAO concludes there is no dependable data on the percent of U.S. content. FAS relies on statements made in the MPP application about U.S. content, and not-for-profit organizations rely on unverified statements regarding U.S. content from their branded participants. So the answer is we really do not know at this point what the U.S. content is, of the product we are subsidizing to be exported into the international marketplace.

The question arises—who should get the funds? Although new guidelines say that small firms should have priority, one-third of fiscal year 1994 funds continue to go to very large companies. Large corporations such as McDonald's, Sun Maid, Welch's, and Pillsbury still receive large sums of money. In 1992, the average amount awarded to the top 50 firms was $1 million; 8 of those top 50 firms had sales of more than $1 billion. Brand name participants receiving more than $1 million from 1986-93 include: Welch's, $5,886,000—rounding that off; Blue Diamond, $37,521,000—that is another figure I am rounding off; Pillsbury, $10,506,000. So the question arises, why do companies of this size need taxpayer assistance? I think that is one of the critical objections.

In an article appearing in Washington Monthly, the title of which is, "Ad Hawk," and written by Doug Turetsky—this article appeared in July 1991, the following observation is made. I would like to share this.

Consider Minnesota-based Pillsbury, home of the Popping Fresh Dough Boy and the Jolly Green Giant. In addition to $90,000 which is for the regional trade association—this is the unbranded portion of it—Pillsbury received $1.3 million directly from USDA in 1989 to market its Green Giant frozen corn in Japan. But as USDA's own magazine, Ag Exporter notes:

> Pillsbury has cultivated the Japanese market since the 1970's. And while it is true that Japan enacts considerable barriers on corn used for animal food, frozen corn appears nowhere on a comprehensive list of barriers compiled by the Office of the U.S. Trade Representative. Federal subsidies were being used to do exactly what the company had done for years and with a minimal apparent difficulty, using its own money.

It is a question, it seems to me, of priorities. That is my concern, as we struggle with very difficult budget decisions. We are constantly being told we need to prioritize our dollars. I happen to share that view. We need to be mindful and cognizant of the deficit and the debt that is accumulating each year, as we continue to spend more money than we take in. We need to take a look at our priorities.

I know we are probably going to hear some comment from my good friends, those who support this program, that suggest we are only talking about $90 million; in a national budget of $1.5 trillion, this is really inconsequential. I think one of the things I enjoy most serving in this institution is returning each week, as I do, and talking to people in my own home State, as I know most of us do. I like to hear what they have to say. Sometimes we deal with such macroeconomic problems in America, as we should; we use numbers that have more zeros than most of us, nearly, can count. But $90 million is real money. When you talk with the average citizen in your State, that person will not see $90 million in his or her lifetime, or as far back as they can trace their family history.

My purpose in offering this commentary in opposition to the committee amendment is to say, "Look, this is a priority which this country can ill-afford." It is not in any way designed to be antagonistic and critical of those who labor in the fields of America and who produce the agricultural bounty of which America is proud. Their hard work, their efficiency in what they have done is absolutely legendary and, as Americans—all of us, those of us from nonfarm States and farm States alike—benefit enormously. But can we justify spending $90 million of taxpayer money for activities that essentially ought to be done in the private sector, when there are so many critical needs—and I know the distinguished occupant of the chair is as articulate as any Member in this institution talking about the unmet needs out there in America. How can we give $90 million, some of which goes to McDonald's, Ralston Purina, ConAgra, Welch's, Sun Maid, some of the major agricultural companies in America? I think the conclusion we arrive at is inescapably—no.

A number of my colleagues are fond of, and agree with, the general observations of George Will. I do not always agree with his conclusions, but I must say he is an extraordinary writer, and I have in recent years agreed with a number of his observations, particularly as it deals with some of our agricultural programs.

A year ago, some of my colleagues will recall we debated the wool and mohair subsidy, parenthetically something that directly affects my own State. There are sheep ranchers in Nevada who have been participants in that program and who will, as a consequence of the actions taken by this body, at my request and a number of our colleagues, no longer receive subsidies for wool production. That is something that took a bite out of our own folks and our own State. It is not that we are just trying to pick on somebody else in another State. That had a direct impact.

George Will makes this observation in an article that appeared in the

Washington Post on July 11, 1993 and I quote from one of the paragraphs:

> The MPP funds, both generic and brand-name advertising abroad for American agricultural products, is yet another example of Government solicitous on behalf of the strong. Of the 200 U.S. corporations with the largest advertising budgets, 13 last year got a total of $9 million from the MPP, an average of $700,000 each. But the advertising budgets of those corporations range from $45 million to $538 million, so the taxpayer contributions can hardly be said to represent the difference between competitive success and failure.

That pretty much sums up my position as to why we ought to eliminate this program.

It will be said by those who support the continuation of the programs, "Aw, those comments may have been appropriate a year ago, but we have reformed. We have reformed the program. The criticisms of the past no longer bear any merit for today."

I want to spend just a couple of minutes, before yielding the floor, to talk about those so-called reforms. I think that they are, at best and most, charitably assessed as being very modest. Some would say they are transparent or illusory.

For example, the Secretary should not provide assistance for a specific brand for more than 5 years. As I have indicated, a number of the branded products have been in this program for years and years. So that just gives them an additional 5 years. That is the criticism under the rubric of graduation. Once you get into the program, do you stay for life? That is not, in my judgment, a substantial reform.

Each participant is required to certify that any Federal funds received do not supplant private or third-party participant funds. That is an accounting game, I suggest, in which we ought not get involved. We have no way of really knowing whether or not those moneys are, indeed, substituted out. I suspect in many instances they are, and we certainly cannot establish that that does not occur.

The Secretary should give priority to small-size entities. I might just say, if this was part of the reform in the 1993 Reconciliation Act, you can take a look at the fiscal year 1994 funding, and it is not an auspicious beginning. With respect to the $56.75 million that went to the branded program, $23.72 million went to small-size companies. That is about 25 percent of the funds for the entire program, and 33 percent of the funds for the entire program still went to the large companies. Whether you went to school under the new math or the old math, the large companies are still receiving the largest portion of the MPP moneys.

So my point—and I will yield the floor at this point—is that it is a question of priorities. I certainly have no hostility to those who represent the great agricultural areas of this country. But we simply cannot afford the luxury of this program. When we complain bitterly about priorities being neglected in this country, it seems to me this is one program that we need to take the stick to and say, With all the problems it has in terms of ascertaining its effectiveness and its accountability we should not fund some of the major companies in America, I think it is time to end the program.

One last point, if I may. One might be able to argue with some measure of justification, Look, this money is going for American companies and we ought to be helping American companies. I am a great advocate of helping American companies do some of the right things. It does not mean we ought to pay for it.

This is a list that cannot be seen very clearly because there are so many names under it. Let me tell you what this chart indicates. This indicates the foreign brands—not American companies—the foreign brands that are subsidized by the MPP program. In these are the brands that are supported. I counted and there are about 240 foreign companies. There may be more, but that is what we have been able to ascertain.

What is the justification in using American taxpayer dollars to subsidize foreign companies? I think that is a difficult argument to sell. I think it is an argument that we ought to have some difficulty persuading. I cannot accept that. I do not believe that there is a compelling rationale for spending taxpayer dollars to subsidize foreign company advertising budgets. I suggest that this is another reason, as well, that this program has reached a point in time, whatever its historical merit may have been, to say, when dollars are so critically short, as I indicated a moment ago, that we simply cannot justify all of this expenditure, for all of the things I indicated.

I yield the floor.

The PRESIDING OFFICER (Mr. DORGAN). Who seeks recognition? Is there further debate on the committee amendment? The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, to review the situation so the Senate will understand how we have gotten to this point on this issue, the administration, in its budget request for the year, asks for $75 million for the Market Promotion Program. Last year's funding level was $100 million. The bill as it was presented in our subcommittee, the chairman's mark, zeroed the program out. There were no funds in the subcommittee print.

So at markup, the distinguished Senator from Washington State [Mr. GORTON] offered an amendment to include in the bill $90 million in funding for this program for next year and proposed as an offset, which was a part of the amendment, an across-the-board cut in salaries and expenses for most of the agencies funded in the bill. The other body in its bill as passed by the House provides $90 million in funding.

So what we have seen happen is that the House, up to this point, and the committee, after acting on the Gorton amendment, have agreed that the program should be continued at a funding level of $90 million. This amendment, if it is rejected, as proposed by the distinguished Senator from Nevada, would take it down to zero again, would zero out funding for the program.

It is my hope that the Senate will study very carefully the issues involved before agreeing to that proposal. Last year, for example, Senators may remember that there was a similar effort to cut this program. As a matter of fact, the proposal was to cut it to zero last year, and a vote occurred, and on a recorded vote the Senate voted 70 to 30 against that amendment.

So the Senate has already reviewed very carefully—we had a full debate last year—whether or not this program ought to be continued. I think Senators should keep that history in mind as we proceed to the consideration of the proposal now before us.

Let me further say that despite increases in U.S. agriculture exports and moneys derived from those exports, there continue to be serious problems in the international marketplace that American agriculture and food products have to overcome if we are to continue to enjoy that kind of trend in increasing our sales abroad. These unfair trade practices—barriers to trade, policies in some countries that they must remain self-sufficient in this or that area—all work together to make it difficult for U.S. exporters, farmers, and others, to compete effectively in the international market.

Back in 1985, it was recognized that the U.S. Government ought to become more actively involved in helping to ensure that our exporters were treated fairly. When we try to compete with others or when we try to sell in another market overseas, it was decided that we should stand up for our side and that our Government ought to take an active role. So we included in the 1985 farm bill a market development program, which was called the Targeted Export Program, that funds would be available to be administered by the Department of Agriculture to help break down those barriers that were being erected to prevent the sale of U.S. commodities such as soybeans, rice, feedgrains, wheat, cotton, and bulk commodities. These were some of the products that were being supported in this way. Also, manufactured food products were eligible, and high-value products were ruled to be eligible as well. But the whole point was to target those efforts to specific transgressions, in effect, or particular problems that were besetting U.S. exporters. And the program worked. We began seeing, in some of these markets, increases in sales or new sales made by U.S. exporters when before they were not permitted to be sold or they were having difficulties competing in those markets.

At hearings before our subcommittee, for example, the Foreign Agriculture Service testified that agriculture exports attributable to targeted promotion during that period, from 1986 to 1988, ranged from $2 to $7 for every $1 of program funds expended. This experience of the Targeted Export Program led the Congress to continue the program when the 1990 farm bill was written. The program was changed in name from the Targeted Export Program to the Market Promotion Program in the 1990 farm bill.

There is a coalition that has been formed to promote U.S. agriculture exports, and I received a letter just recently from this group pointing out the new GATT agreement does not eliminate support from a government to break down trade barriers or to do the things that are provided for in this Market Promotion Program. So those who are worried that this might be an appropriation which runs counter to the provisions or the intent of GATT should not be concerned on that subject.

To explain this more fully, I am going to ask unanimous consent that a copy of this letter to me dated June 24 from the Coalition to Promote U.S. Agricultural Exports be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION TO PROMOTE
U.S. AGRICULTURAL EXPORTS,
Washington, DC, June 24, 1994.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: With the Senate expected to consider the FY 1995 agriculture appropriations bill (HR 4554) as early as the week of June 27, we would like to take this opportunity to urge your continued strong support for maintaining funding for USDA's Market Promotion (MPP) and Foreign Market Development (FMD) Programs.

Last year, with your leadership and support, the Senate overwhelmingly rejected an amendment to eliminate funding for MPP by a vote of 70 to 30. We anticipate a similar amendment may again be offered this year when the bill reaches the Senate floor. Accordingly, we again urge that you continue to oppose any such amendment.

While we understand the budget pressures facing Congress, it should be noted the Market Promotion Program (MPP) has already been reduced by 50 percent in recent years. In addition, funding will be reduced by another 50 percent under both the House-passed bill and the bill as reported by the Senate Appropriations Committee. Any further reductions would seriously jeopardize the program's continued success, and threaten the ability of U.S. agriculture to compete effectively in the international marketplace. This is especially true with regard to the new GATT agreement.

The new GATT agreement, it should be emphasized, does not eliminate export subsidies or trade barriers. It only reduces their overall level. Further, it permits countries to maintain and increase their support for programs which are considered non-trade distorting. These so-called "green box" programs include market development and market promotion, export credit, and food assistance, among other programs. As such, both MPP and FMD represent "green box" programs and are allowed under GATT.

Clearly, as history has shown, our foreign competitors—especially the European Union—will continue to utilize every available weapon to maintain and expand their share of the world market. This includes the maximum use of export subsidies as allowed, and the shifting of additional resources into such green box programs as highlighted above—including market development and promotion. Without a similar commitment on the part of the U.S. Government, U.S. agriculture will be at a substantial disadvantage.

Both the MPP and FMP programs have been critically important in helping U.S. agriculture build, maintain and expand export markets. They have also helped encourage industry self-help efforts, counter unfair foreign trade practices, and promote greater awareness and demand among foreign consumers for U.S. produced agricultural commodities and related products.

The importance of these programs is also reflected in the fact that exports account for nearly one-third of total U.S. agriculture production and over $40 billion in sales. Such exports also generate billions of dollars in additional economic activity and provide more than one million Americans with needed jobs. Again, without a continued strong commitment in terms of support for such programs as MPP and FMD, many of these jobs will be jeopardized and lost to foreign competition.

For these reasons, we urge your strong support for USDA's Market Promotion (MPP) and Foreign Market Development (FMD) programs and that you continue to oppose any amendments which would further reduce or eliminate their level of funding.

Sincerely,

Ag Processing, Inc., Alaska Seafood Marketing Institute; American Farm Bureau Federation; American Forest & Paper Association; American Hardwood Export Council; American Meat Institute; American Plywood Association; American Sheep Industry Association; American Soybean Association; Blue Diamond Growers; California Avocado Commission; California Canning Peach Association; California Kiwifruit Commission; California Pistachio Commission; California Prune Board; California Raisin Advisory Board; California Tomato Board; California Walnut Commission; Cherry Marketing Institute, Inc.; Chocolate Manufacturers Association; Diamond Walnut Growers; Dole Fresh Fruit Company; Eastern Agricultural and Food Export Council Corp; Farmland Industries; Florida Citrus Mutual; Florida Citrus Packers; Florida Department of Citrus; Ginseng Board of Wisconsin; Hansa-Pacific Associates, Inc.; Hop Growers of America; International American Supermarkets Corp.; International Apple Institute; International Dairy Foods Association; Kentucky Distillers Association; Mid-America International Agri-Trade Council; National Dry Bean Council; National Grape Cooperative Association, Inc.; National Association of State Departments of Agriculture; National Cattlemen's Association; National Confectioners Association; National Corn Growers Association; National Council of Farmer Cooperatives; National Cotton Council; National Milk Producers Federation; National Peanut Council of America; National Pork Producers Council; National Potato Council; National Renderers Association; National Sunflower Association; National Wine Coalition; NORPAC Foods, Inc.; Northwest Horticultural Council; Ocean Spray Cranberries, Inc.; Produce Marketing Association; Protein Grain Products International; Ralston Purina Company; Rice Millers Association; Sioux Honey Association; Southern Forest Products Association; Sun-Diamond Growers of California; Sunkist Growers, Inc.; Sun Maid Raisin Growers of California; Sunsweet Prune Growers; The Catfish Institute; The Popcorn Institute; Tree Fruit Reserve; Tree Top, Inc., Tri Valley Growers; United Egg Association; United Egg Producers; United Fresh Fruit and Vegetable Assn.; USA Poultry & Egg Export Council; U.S. Agricultural Export Development Council; U.S. Livestock Genetics Export, Inc., U.S. Meat Export Federation, Inc.; U.S. Feed Grains Council; U.S. Meat Export Federation; U.S. Wheat Associates; Vodka Producers of America; Washington Apple Commission; Western Pistachio Association; Western U.S. Agricultural Trade Assn.; Wine Institute.

Mr. COCHRAN. Under GATT, countries are able and permitted to maintain and even increase their support for non-trade-distorting programs. The Market Promotion Program falls within the definition of these types of programs.

I wish to assure my colleagues that you can bet our foreign export competitors, our friends from around the world who compete with us for market share with agriculture commodities, are going to utilize these programs—they have in the past; they will continue to do so in the future—to try to enlarge their market share. If all of a sudden now we abandon this program, which has served our farmers and exporters well, U.S. agriculture is going to suffer because of it. So I think there is a definite correlation between this program and the success it has had and the increases in market share that we have seen coming to U.S. exporters in the past 10 years.

One other statement that was made at our hearing is that the Market Promotion Program, according to the Foreign Agriculture Service, has played a significant role in expansion of U.S. high-value and value-added agriculture exports. These exports represent 80 percent of Market Promotion Program funding, and they rose to a level of $24 billion in fiscal year 1993, up 15 percent from 1991 and up a substantial 77 percent since 1987.

Here are some examples. Breakfast cereal exports rose from $45 to $253 million from 1987 to 1993. In 1987, U.S. red meat exports were $1.4 billion. In 1993, those export values reached an all-time high of $3.3 billion. The program assisted the industry in tapping this potential in export markets. The exports alone in 1992 were equivalent to almost 6 percent of our domestic beef production. The program, in cooperation with the Alaska Seafood Marketing Institute, assisted the U.S. salmon industry in increasing canned salmon exports by more than 230 percent in our top five markets during that same period—1987 to 1993.

This is particularly important to note because during this same period of time world supplies of salmon nearly doubled—during the eighties—as a result of farm-raised salmon production in many parts of the world.

The Foreign Agriculture Service indicates that given the prior level of funding of $200 million under the Market Promotion Program, these multipliers suggest that U.S. agriculture exports range from $400 million to $1.4 billion higher than they would have been without this program. There is also a corresponding impact, of course, on producer incomes in our agriculture sector. Jobs in the processing and transportation industry are also affected.

The Market Promotion Program is valuable in allowing U.S. agriculture to compete in the international marketplace in a more effective way, and based on a fairer set of rules. It increases our export opportunity, contributing to our balance of payments, and helps to promote our industrial growth and new job opportunities. I hope Senators will consider these very real practical consequences of voting down the funds in this bill for this program.

I agree with my good friend from Nevada that it is a difficult time to be balancing competing interests when you do not have enough money to go around to all the worthwhile programs and activities. But to single this out, and to say that it is not necessary or that we can do without it without any harm being done to our economy or to our agriculture sector, is not consistent with the evidence that has been presented to our committee. At our hearings, the evidence has been overwhelming that these are funds that are well spent. They provide a return on our investment that is clear and unimpeachable.

It is my hope that the Senate will very carefully consider these factors before reaching a decision to eliminate this important and proven program.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I regret that as chairman of this subcommittee I have to strenuously oppose one of the amendments that the subcommittee adopted—as I stated in my opening remarks—over my objection.

Let me just say as an opening comment, if you believe in corporate welfare, vote for the committee amendment. If you believe in handing out Federal dollars to some of the biggest, wealthiest corporations in America in order to export their brand name, then vote for the committee amendment. If you believe, as the General Accounting Office pointed out in June 1993, that there is absolutely no correlation between the money we are spending on this program and increased exports, then vote against the committee amendment.

I do not enjoy standing here as chairman of this subcommittee and telling people who walk in here asking what this is all about, that I oppose my own subcommittees amendment. But I do. I have never been very keen on this program.

We have $90 million in this bill for it. The Senator from Mississippi correctly listed an increase in exports of beef from 1986 through 1992. But the General Accounting Office says they can find no particular reason to believe that those exports did not go up because the Japanese wanted more beef, and we had it. You will not find anything in this report that says the Market Promotion Program had anything to do with the increased consumption of beef in Japan.

I might say at this juncture, Mr. President, that Japan is easily the biggest beneficiary of this program. They have been targeted. The increase in what we spend on exports to Japan is much higher than the percentage increase in exports.

Mr. President, I am from an agricultural State. People in my State use this program, and I do not enjoy opposing something that my constituents think is just fine.

Three of my colleagues in a letter to all other Senators, make the following statement:

> According to the Foreign Agricultural Service data, market promotion expenditures for export activities by the world's 11 major agricultural exporting nations totals nearly $500 million annually. This $500 million total is comprised of both direct Government appropriations and mandatory producer levies, or checkoff programs.

Mr. President, we are spending $1 billion for export enhancement, and another $100 million this year on this program. The program is actually redundant. You just think about it. We have a budget of $650 million under a freeze and 1,100 requests from other Senators for important projects in their States that we cannot fund because we do not have the money. We had to squeeze and squeeze to get within our allocation, and then fund this program to help McDonald's, Blue Diamond nuts, Sunsweet Prunes, Sunmaid Raisins, Dole Pineapple, Gallo Wines, the biggest corporations in America. What are we doing?

The most salient point in the GAO report, Mr. President, is found on page 1 of the GAO report, and I quote:

> Concerning the need for continued funding, the United States Department of Agriculture cannot be sure that in the absence of the Market Promotion Program, participants would not have funded these activities by themselves.

Do you think if Gallo Wines saw a market someplace that they thought they could develop, they would say, "No, we are not going to try to develop that market unless the U.S. Government gives us some money?" How silly can you get?

Do you think McDonald's would have stayed out of Japan and not taught the Japanese the joys of McNuggets if the Department of Agriculture had not said, "Come hither quickly; let us give you some money for this program"? How silly can you get?

Well, I will tell you how silly you can get. Again, referring to the GAO report, here is—as we say in Arkansas—a "Jim Dandy." The General Accounting Office reviewed MPP activities for fiscal year 1989 of the California Raisin Advisory Board. And here is what they found:

> In September 1989, the California Raisin Advisory Board launched a $3 million Market Promotion Program-funded campaign directed at marketing raisins as a snack in Japan. At that time, consumer package sales of raisins constituted only about 10 percent of Japanese consumption, and the board believed an opportunity existed to increase raisin sales in Japan.

To continue:

> Many problems existed in the campaign. The lyrics sung by the dancing raisins in the Japanese television commercial were in English.

How would you like to see dancing raisins in the United States sing in Japanese? You would be just like the Japanese were. They did not know what the raisins were. Some of them said they are chocolates. Some said, no, they are potatoes, because they were shriveled and misshapen. And the worst part of it was that it scared the Japanese children to death. Do you think I am making that up? Let me go ahead and read it to you:

> Because the television commercial was tested at the same time it was aired, it wouldn't be revised, even though many revisions were warranted. Moreover, board officials and others told us that the commercial's dancing raisins figures (misshapen and shriveled) frightened children, who were part of the target audience. Furthermore, according to board officials and an independent evaluation contracted for by the board, the contractor experienced major problems in getting the raisins into retail outlets during the promotional period.

To show you what a howling success this was, Mr. President, we sold raisins to Japan for $1,583 a ton, and it cost the Market Promotion Program $3,000 a ton to ship it. We would have been a lot better off to have given the Japanese the raisins.

Any time you have free money floating around just for the asking, you are going to run into problems like this time and time again.

Mr. President, I want to thank the Senator from Nevada for taking this issue on once again. The most frustrating thing about this place is to come here year after year after year, believing fervently that you might just save the Government a little money—whether it is on defense or selling raisins to Japan—and get trashed in letters that come from these businesses, corporate America, to Members of the Senate saying This is the greatest thing since night baseball. It is going to cost jobs in our State if you kill the Market Promotion Program.

Not many Senators will hear this debate—and they might not be influenced if they had—but I know how they will vote and why. I know there is a considerable crusade going on in America by the people who enjoy the benefits of this program. They are writing their Senators, and it just becomes impossible to stop a program.

Let me digress a moment to talk about the deficit. It is a curious thing, the deficit. Some people love it because it is a good issue. They do not want to do anything about it; they just want to talk about it. And so last summer, the Senate did something which I thought was one of the most important things that happened since I have been here: We raised taxes on 1.2 percent of the wealthiest Americans and cut spending.

I remember when Ronald Reagan ran for President in 1980 all you could hear was "deficit reduction" and "those taxers and spenders." And at the end of his first term, the deficit had gone from $75 billion—Jimmy Carter's last deficit—to $210 billion. At the end of Ronald Reagan's second term, it was up between $270 and $300 billion. The American people were not blaming Ronald Reagan, they were blaming Congress, and particularly the Democrats in Congress. I have never understood that, but that is a fact. When George Bush left office, the deficit actually soared to $310 billion.

President Clinton says there are only two ways to deal with this deficit: one is to cut spending, and the other one is to raise taxes. Our very presence here this afternoon shows you how popular it is to cut spending. It is almost impossible. My brother calls and says, "All you people in Congress think about is getting in my hip pocket." I do not think about his hip pocket or anybody else's. I am concerned about the deficit, which is an omen of unbelievable magnitude for disaster for this country.

So, last year President Clinton said if you cast this very unpopular vote—I know it is unpopular, and I hate to ask you to do it—but if you will do it, we will start getting this country's fiscal house in order. He said, that moreover, we will avoid an additional $500 billion increase in the deficit if you will vote for this. And we will cut the deficit every year for the next 3 years for the first time since Harry Truman was President. I cannot remember precisely what the figures are, but in 1993 the deficit was about $275 billion, and it had been projected to be between $320 and $350 billion.

For 1994, the deficit projection was $250 billion, not the $350 billion expected after the tax increase and spending cuts. Now, last week, OMB said it is not going to be $250 billion; it is going to be $220 billion. And next year, instead of $175 billion, it is going to be $167 billion.

You would think the American people would be ecstatic about this rapid decline in the national deficit.

So when OMB comes out and says the deficit this year is going to be $30 billion less than we thought and next year $12 to $15 billion less than we thought, it appeared on the second page of the Washington Post business section and was described in two sentences.

In short, as long as the deficit is declining, it is not news and nobody cares. But I will tell you what the other disastrous thing and disheartening thing is. When my colleagues see in the Washington Post and the Wall Street Journal that the deficit is going down, they say what is $90 million? That does not amount to anything.

And I can make a few of my constituents happy that they will get a little dab of this money and I can answer my mail by saying I supported that program you asked me to support.

The first thing you know you will be seeing the deficit back on the front page of the Washington Post because it is going to be going higher than the projected figures.

Mr. President, 20 percent of this money went to foreign-based firms. Did you know the Department of Agriculture does not even have a test to determine whether the product is made and processed in the United States or not? They just take it for granted when someone writes and says please send me a couple million dollars so I can promote raisins in Japan that we grow in California. The Department does not know if they are grown in Mexico or California.

You know there is one other thing as chairman of the Small Business Committee that gripes me about this program. If we want to spend $90 million to help people export, it ought to be going to people who cannot fend for themselves, who do not have the experience and expertise on how to export. In short, we ought to target it toward small business, help people in this country grow and create more jobs.

When you give Gallo Wine $2 or $4 million, do you know what you get back? Nothing. You have just contributed $2 million to Gallo Wine. That is what you have done.

And the GAO said there is no proof whatever that Gallo would not have spent the money anyway.

Mr. President, I conclude my little soliloquy and just say to my colleagues: Do not vote for this program because you are from a farm State. Do not vote for this program because you have a letter from a constituent saying this program is important to us. Vote against this program because it is another $90 million the United States does not need to be spending.

And if you expect someone to say, "Well, that is just DALE BUMPERS talking," hand them a copy of the GAO report. Read this, and then tell me you are going to vote for it anyway.

I yield the floor.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Nevada.

Mr. BRYAN. Mr. President, I know that my colleague from North Dakota desires to speak on another issue and I will be very brief.

Let me just indicate to my colleagues that because of the procedural way in which this issue is framed, it was not necessary nor in order to offer an amendment so that Senators who were interested in addressing this issue might appear as cosponsors.

I want to acknowledge for the Senate that Senator JOHN KERRY, Senator HARRY REID, Senator HANK BROWN, and Senator JOHN CHAFEE, all of whom sent letters to their colleagues urging them, as I have, to reject this program, would have been cosponsors of an amendment if that procedure would have been in order, and I want that to be noted.

I associate myself with the comments made by my able colleague, the senior Senator from Arkansas, and agree with him.

I do not know how we can support and justify a program like this when there are so many other unmet needs in the country—and indeed the money goes—I would say to my colleague from Arkansas, there are 240 of those foreign companies right here that are depicted in this chart, and we have talked extensively about the major businesses in America, one of which had a net profit of more than $1 billion who continues to receive this corporate welfare.

I hope my colleagues will reject this.

I yield the floor, and I thank my friend from North Dakota for his indulgence in this and vital observation.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask unanimous consent to be allowed to speak for 10 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I appreciate very much the managers of the bill.

CHILD ABUSE ON NORTH DAKOTA INDIAN RESERVATIONS

Mr. DORGAN. Mr. President, I held a hearing a few weeks ago on the subject of child abuse on Indian reservations in this country, and I wanted to talk just a few minutes today about that subject.

As I do, let me be clear that the issue of child abuse is not only an issue on Indian reservations but is a compelling and gripping issue of enormous proportions everywhere. But it especially terrorizes many youngsters on Indian reservations precisely because of the rampant poverty and associated problems on those reservations. I wanted to share with my colleagues some of the results of that hearing.

Let me tell you about a boy named Joe, who testified at my hearing. Joe and his brothers and sisters hid when their mother returned home at night in a alcoholic drunken stupor. They feared that when she found them she would beat them, as she almost always did when she had been drinking.

Joe testified that he and his siblings were taken from their mother after she had stopped feeding and clothing them. But the foster homes they were placed in were even worse. The youngest child was locked away in a room, left to starve, while the foster parents drank themselves into oblivion.

Joe and his brothers and sisters were physically abused by those foster parents, and one sister repeatedly tried to kill herself.

Also testifying at my hearing was a young woman named Geraldine, from the Turtle Mountain Chippewa reservation. She told me of being abused by alcoholic parents so frequently, that she turned to alcohol at age 8 for escape. At age 15 she was an alcoholic.

A social worker from one reservation in North Dakota testified that in a 2-week period on that rather small reservation eight children attempted suicide.

Another social worker told of seven teenage boys locked in a prison cell designed for two adult men because they had gotten into trouble and there was nowhere else to put them, and sending them to an abusive household was not the answer. So seven teenage boys, she said, are locked in jail in a cell built for two adults.

These are painful case histories almost too cruel for one lifetime let alone the tender years of childhood.

I have worked on this issue for a number of years. I recall going to the Standing Rock Sioux Reservation and meeting a little girl who looked very troubled. Her name was Tamara Demeres. About 3 years earlier, Tamara, who was living with her grandfather Reginald Burnthorse, was placed in a foster home. She was 2 years old at the time. The foster parents with whom she was placed beat her severely, broke her nose and arm, and pulled out her hair from its roots.

The social worker handling Tamara's case was, at the time, burdened with 200 other cases. The social worker simply lacked the opportunity to keep track of which foster home would be a safe haven for a 2-year-old girl. Not while managing a 200 person caseload. So this little 2-year-old was placed, by the child protection system, in a terribly abusive environment, was beaten severely, and no one was able to protect her.

Tamara survived. I expect she will be scarred for life. And I, as a result of meeting Tamara that day on the Standing Rock Reservation, became involved in the issue of child abuse. I helped that reservation staff its child protective services with 12 additional social workers. In that instance, we took action that is making a difference.

At my recent hearing in North Dakota, I heard again, the tales of tragedy about defenseless youngsters. There is something fundamentally wrong. These are children for whom we are responsible. We have a trust responsibility for Indian children, and we are not meeting it.

The social services director from Fort Berthold testified at my hearing that escalating problems of child abuse and alcoholism on the reservations have become a pattern from generation to generation. She said that with each new generation, the tribe is experiencing more severe manifestations of alcoholism, child abuse, and incest, accompanied by actual deaths by alcohol-related car crashes, domestic violence, child abuse, suicide and, yes, homicide.

And she said—and this is not a surprise—there are only limited therapeutic services available at Fort Berthold.

One social services director began her testimony weeping and sobbing. She said that finding transportation to drive an individual to treatment or counseling is a major challenge. She said that files are on the floor of reported incidents of child abuse, and that social workers have no idea whether the files have been investigated, whether children at risk are living in abusive households. She said that 13 employees have come and gone in the child protective offices of that reservation in 2 years, creating chaos and little continuity.

I asked that social services director to share with me a representative sample of the kinds of cases with which she must deal. Let me share with you some of these case histories.

A two-parent household on the reservation included several children, ranging from 5 to 17 years of age. The father sexually abused one of the daughters and is now in Federal prison. The mother, an alcoholic, has since lost custody of all of the children because she has severely neglected them. The victim of the abuse is now living in another State with a relative. The eldest child is pregnant. Another daughter is in treatment for inhalant abuse and attempting to start two fires. And the remainder of the children are placed in various other homes on the reservation—this is all about one family.

Another case involves an 18-year-old girl who remains in the child welfare system, due to limited mental functioning ability. She entered the system at age 1. Her father had killed his son. As a result, the parental rights were terminated, and this child and her siblings all entered the foster care system. This child, 18 years of age, has been in 15 foster homes, finally returned to the reservation, and recently was a victim of a brutal rape in which she nearly did not survive. The child has now been placed in a protective environment in another part of my State.

A 3-year-old child was beaten with a hanger by the parent's significant other. That child entered foster care, where she remains, because the parent continues to remain with the significant other, who, incidentally, has received no significant counseling and apparently no citation for beating the child with the clothes hanger.

An 11-year-old child entered the foster system when she was 3. Her most recent placement centers on the child hallucinating from repeated inhalant abuse. This is an 11-year-old child. She reportedly was involved in inhalant abuse with her mother. The child is now in a group home, the father is homeless, and the mother has simply moved away.

Finally, the story of a 15-year-old child who began informing the child welfare system she was being sexually abused by her mother's boyfriend. Since the reporting began, the child has been in several alcoholic treatment facilities and not until this last placement, which is in another State, has the child received any services at all to help her deal with the sexual abuse. The alleged perpetrator of the incident has never been charged, and the mother has never received any counseling either for this tragedy.

You know, I suppose for some, this is almost a tedious list of ongoing tragedies. But they are tragedies nonetheless.

Somewhere tonight a young child—age 2, age 4, age 6—is cowering in a closet in fear of being beaten or sexually abused. This child may well have already been reported to the authorities as someone who has been abused or beaten badly. And this child may be a name simply on a folder lying on the floor somewhere, never investigated and never responded to.

That child is our responsibility. We must, it seems to me, find a way to give hope to the hopeless and help to the helpless.

Child abuse on Indian reservations stems from the terrible problems native Americans face today—despair, poverty, self-destruction. Solving this national tragedy is a huge undertaking that we can only begin to solve if we start right away.

I do know that every child in America belongs to all of us; because our children are our most precious natural resource.

I am hoping that we will find ways in the appropriations bills to provide the resources for the social workers, for the caseworkers, for the therapy, for the treatment, for the medicine, for the foster homes, and for all the things that are necessary for us to give hope to some young child who today has no hope.

This is a problem of enormous proportions. It is a problem that is costing children their lives.

I have been working with the staff of an appropriations subcommittee to see if we cannot at least take one small step in addressing this issue this year. But we need to take a larger step, and then an even larger step than that, if we care about the children living on Indian reservations who are now the victims of abuse and neglect.

Mr. President, I yield the floor, and I again thank the managers for the time.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. DASCHLE. I ask unanimous consent that the committee amendments be laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2302

(Purpose: To make funds available to carry out the Northern Great Plains Rural Development Act)

Mr. DASCHLE. I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself and Mr. KERREY, proposes an amendment numbered 2302.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, line 23, after "$47,500,000," insert the following: "of which $1,000,000 shall be available to carry out the Northern Great Plains Rural Development Act (if enacted); and".

Mr. DASCHLE. Mr. President, today I am offering an amendment to the fiscal year 1995 Agriculture appropriations bill (S. 4554) to appropriate $1 million to implement the Northern Great Plains Rural Development Act (S. 2099). These funds will be used to create a commission to study and prepare plans for rural development in the Northern Great Plains States of South Dakota, North Dakota, Nebraska, Iowa, and Minnesota. The Northern Plains States share common problems that are perhaps most notably manifested in the outmigration of our young people. All too often these most valuable of our natural resources are being forced to choose between professional opportunities outside the area or consignment to low-wage jobs in their home communities where they would prefer to live.

In so many of our rural communities, our young people are gone. Our greatest harvest every graduation is the harvest of talent, the harvest of youth and vitality.

The only problem with that harvest is that the custom combine crews that come in are businesses from every part of the country and the world.

That concern continues to be very pervasive among all the States in rural America but in particular in the Northern Great Plains. It is a common problem, a problem that is associated with North and South Dakota, Nebraska, Iowa, Minnesota, and other States.

We all have, in various ways, expressed our concern about that problem for a long period of time. Governors have come to us to talk about the mutual concern that they have, the mutual need that they have to address it in ways which go beyond the borders of any one State.

And so it came to us as an issue, as all of us have come to grapple with economic development. It is not just an outmigration issue. It is a very serious concern about the economic consequences of the loss of our young people, the loss of opportunities, the loss of the vitality of our towns.

Each Northern Plains State is confronting separately problems that do not stop at geographic borders but are common to the Northern Plains. There is growing recognition that only through a cooperative, regional approach will we be able to most effectively meet the challenges of the 21st century.

And so for the last couple of years, as we have begun to try to address these problems in a more meaningful way, we concluded that really what we needed to do was devise a strategy, a strategy that looked at what we could do as a region, what we could do as a nation, to develop better resources and a better understanding of the options, the opportunities that we have available to us.

As we looked for answers, as we looked for that strategy, we found that the South had done something very similar in devising a regional approach to this economic development problem. Our idea is patterned after the successful Lower Mississippi Delta Commission which the chairman of the Agriculture Appropriations Subcommittee and other distinguished Members of this body worked so diligently to establish.

Several years ago, in fact in 1988, the Lower Mississippi Delta Commission was passed in an effort to create this regional strategy, in an effort to look at effective ways to deal with attrition, more effectively with the problems of the lack of competition in our small communities, the belief that our small communities really ought to have the same opportunities as do the large ones.

The Mississippi Delta Commission has been a big success in part because of the involvement of the chairman and the ranking member currently in the Chamber. They realized back then, as they do today, that the regional approach to economic development, the regional approach to the problem shared by all of the States in the South, was really one approach that ought to be looked at elsewhere.

As a result of that realization, Mr. President, the five States in the Upper Great Plains—Minnesota, North Dakota, South Dakota, Iowa, and Nebraska—joined together several months ago to introduce and pass legislation which created the Northern Great Plains Rural Development Commission. All the Senators who represent those five States were cosponsors of this legislation. It passed the Senate unanimously last month. It is now pending in the House, and our expectation is that at some time in the not too distant future, the legislation will pass over there. It recognizes the common problems and the need for a common strategy. It recognizes that the Lower Mississippi Delta Commission has done an extraordinary job in giving some guidance to the South as they begin to approach their problems in a more collective way. The Northern Great Plains Rural Development Commission will bring together private and public interests for the common goal of improving the rural economy of our area. And, like the Lower Mississippi Delta Commission, this new commission will not go on forever. It will be sunsetted after 2 years.

Our hope is to repeat in the Northern Great Plains what they have been able to do effectively in the Mississippi Delta region. And so in passing the legislation to create the Commission, we now realize, of course, that in order to expedite this process, to get it underway just as quickly as we can, we also need to provide the Commission with a minimal level of funding. So that is really what my amendment does. It provides $1 million to implement the Development Act, the Northern Great Plains Rural Development Act, S. 2099, and to allow the Commission to be implemented just as quickly as it becomes enacted. This legislation would then take $1 million from the rural grant funds available and earmark them specifically for the Northern Great Plains Rural Development Commission.

I emphasize that it would only do so if the legislation is enacted. So we are not here appropriating funds without sufficient authority. It would only take place if the legislation were enacted, and, indeed, we hope it will be so enacted.

The Northern Great Plains Rural Development Commission will not just produce another study to be placed on a shelf to collect dust. It will achieve tangible results through the development of a 10-year rural development strategy and a blueprint for the region to implement its findings region-wide.

Mr. President, if the Senate approves this amendment today, and the House concurs with our action, I pledge to return in 2 years to report on the strategies and initiatives developed by the Commission. That report will reflect the personal, organizational, and civic aspirations of over 10 million people; thousands of farms, businesses, and factories; and hundreds of communities. I am confident that the legacy of the Northern Great Plains Rural Development Act will be one of which the entire Senate will be proud.

I really believe that this is an opportunity to demonstrate, not only in the five States of the Northern Great Plains but certainly in all rural regions, that a collective strategy, an action-oriented plan that recognizes common problems, is the only way that rural communities are going to address outmigration and other rural problems effectively.

So it certainly merits the support of my colleagues.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN] is recognized.

Mr. COCHRAN. Mr. President, we have had an opportunity to look at this on our side. We note it is a bipartisan initiative. It is also, in addition, to fund the enactment of the legislation that would create the commission, or recognizes it in Federal law.

We have no objection to the amendment and we recommend to the Senate that it be approved.

Mr. BUMPERS. We have no objection on this side, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 2302) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that at 2:30 p.m., July 19, the Senate vote on or in relation to the committee amendment beginning on page 86, line 9; that there be no second-degree amendments in order thereto, and that the time tomorrow between 2:15 and 2:30 be for debate on the committee amendment with the time equally divided and controlled in the usual form, and that the amendment be laid aside until 2:15 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL BUSINESS ENTERPRISE GRANT

Mr. STEVENS. Mr. President, I would like to bring to the attention of my colleagues a proposal for a rural business enterprise grant through the RDA which will help small businesses in rural Alaska. I received this proposal from the Alaska Village Initiatives but it arrived late in the appropriations process. I ask my colleagues from Mississippi and Arkansas to urge the Department of Agriculture to give special consideration to this proposal.

It involves a grant to the Alaska Village Initiatives to establish a technical assistance program to provide rural small businesses with management, marketing, finance, and operational skills. A goal of the project will be to give assistance to rural businesses statewide, especially communities with high unemployment rates. Some of the villages in Alaska have unemployment rates as high as 60 to 80 percent.

The Alaska Village Initiative has experience helping rural Alaskans and they have identified special difficulties faced by rural business owners. Some of these difficulties are a lack of capital, inadequate infrastructure and communication, lack of business experience and skills, limited markets, high labor and freight costs, and higher than average cost of living. Rural Alaskans also face regionwide high unemployment, rampant social problems, high crime rates, and economic development obstacles that hinder enterprise development. These problems are magnified for rural Alaskans, many of whom are Natives, because of the isolated location of villages, most of which are not connected by roads.

The Village Initiatives Program will help small business men and women learn skills necessary to successfully compete in the marketplace. This program ensures that rural business owners are able to create and execute business plans, to understand financial information, operate ongoing successful businesses, and devise market strategies.

The assistance provided in this program is graduated according to skill level and it allows for individual progress over time. This program also allows for client differences that come from experience and knowledge. Instead of offering solutions to problems, the program's technical assistance provides a framework in which the user can choose and apply a solution. When one skill is mastered the client can move on to a new and more advanced skill. Also, when clients learn this new knowledge they can pass on these newly acquired skills to others in the community. These skills will be useful throughout their lives and will strengthen the human resources of their community.

At this time, I am informed, there is no such program dedicated to the needs of rural small businesses and there are no assistance programs designed for them. This program meets the RDA's rural business development goals; and so again I ask both Senators' support in obtaining special consideration from the Department of Agriculture for the RDA to fund this highly useful program to help rural Alaskan small businesses.

Mr. COCHRAN. Mr. President, I agree with my colleague from Alaska. Rural small businesses in Alaska merit assistance and the Alaska Village Initiatives could be very helpful. I urge the Department of Agriculture to give consideration through the RDA, to the Alaska Village Initiatives proposal that the Senator from Alaska discussed. I can see how this program can help develop marketable skills for these businesses.

Mr. BUMPERS. Mr. President, I too, like my colleagues, feel that this is a worthwhile program to help rural Alaskan small businesses. I urge the Department of Agriculture to evaluate carefully the proposal submitted by the Alaska Village Initiatives and give the proposal the same status and consideration as the committee gave to other programs mentioned in our subcommittee's report to assist local businesses in growing and creating jobs.

Mr. STEVENS. Mr. President, I thank both of my colleagues for this accommodation.

FDA USER FEES

Mr. BUMPERS. Mr. President, I will shortly enter into a colloquy with Senators KENNEDY, KASSEBAUM, HATCH, and COCHRAN. The colloquy deals with a provision in our bill which requires the Food and Drug Administration to raise $151 million in user fees from the industries they regulate.

First, I want to state that I have been concerned by this issue, and we have rejected unauthorized user fees in the past. But because of the budget constraints this year and the demands on the subcommittee for funding, we had no choice except to raise $151 million in unauthorized FDA user fees.

I might also note that the President had requested $252 million in user fees. In any event, Senators KENNEDY, KASSEBAUM, and HATCH have raised serious and legitimate questions and concerns about the ability of the FDA to actually raise this amount of money in the short period of time in which they would have to raise it.

I share their concerns and we will do our very best, of course, to come up with a solution to this problem and at the same time meet what all of us consider to be our legitimate concerns.

Mr. KENNEDY. Mr. President, Senators KASSEBAUM, HATCH, and I wish to engage in a colloquy with our esteemed colleague with regard to provisions in the legislation before us today authorizing the Food and Drug Administration [FDA] to collect $151 million in user fees from FDA-regulated industries.

We recognize the extraordinarily difficult funding constraints under which the chairman and his colleagues developed the fiscal year 1995 appropriations measure we are considering today. Nevertheless, we are very troubled by provisions in H.R. 4554, as reported by the subcommittee, authorizing the FDA to collect $151 million in user fees from the food, medical device, and other FDA-regulated industries.

Mrs. KASSEBAUM. It is important to stress that the user fee provisions are a major change in public policy and should first be considered and, if appropriate, authorized by the Committee on Labor and Human Resources, which has jurisdiction over the Food and Drug Administration [FDA].

It is my understanding that the FDA has neither a plan nor an infrastructure in place that would allow it to collect $151 million in unauthorized user fees in fiscal year 1995. If these user fees remain in the final version of this legislation, the agency will be forced to institute significant layoffs, jeopardizing vital public health programs and reversing recent progress the agency has made in ensuring the timely processing of applications for the approval of new technologies.

The report accompanying this legislation states that "the Committee believes meat and poultry inspection services are too important to be left to assumed funding." I would argue that such FDA functions as assuring the safety of the Nation's blood and organ supply, assessing the safety and efficacy of medical devices, and ensuring that Americans have timely access to new, potentially life-saving technologies, and ensuring the safety of the Nation's food supply are also too important to be left to assumed funding.

We are all sympathetic to the very tight allocation under which the subcommittee worked and to the many competing demands for funds. I would note, however, that the House version of this legislation does not include FDA user fees, and I would encourage my colleagues to recede to this position in conference.

Mr. HATCH. I have a range of concerns about this language and the negative impact it is sure to have if enacted. While I will explain these concerns in more detail later, let me say now I am extremely hopeful that this can either be corrected on the floor or that my colleagues will work in conference to see that the House position on FDA user fees is retained.

Mr. KENNEDY. It is our understanding that since the proposed $151 million in user fees replaces direct appropriations for the FDA, the resulting level of direct appropriations in the legislation may be too low to allow the FDA to collect prescription drug user fees under the Prescription Drug User Fee Act—legislation that the administration has hailed as a landmark achievement.

The Prescription Drug User Fee Act requires that appropriations for the FDA must be equal to or greater than the appropriations for fiscal year 1992, multiplied by an adjustment factor. The proposed appropriation of only $687,733,000—the net spending authority after all user fees are deducted—is far below this threshold.

Mr. COCHRAN. I agree that there is a serious question as to whether FDA could raise the level of new FDA user fee collections assumed in the President's fiscal year 1995 budget.

The administration has not submitted a legislative proposal to the Congress to establish and collect these fees. I am troubled by the fact that while $252 million in collections from new user fees are proposed in the President's fiscal year 1995 budget request for the FDA, administration officials are unable to tell the Congress how FDA will levy the fees assumed, what the fees will be, or who they affect. FDA indicated in its official testimony to the subcommittee that there are many complex issues associated with collecting substantial new user fees and that there is not yet a proposal to accomplish this but that virtually all FDA activities are being looked at as possible candidates, with the exception of activities covered by specific current or proposed user fee authority.

Mr. BUMPERS. I find it very difficult making this recommendation for FDA user fees for exactly the reasons that have been outlined here today. In the past, we have rejected these user fees, and we have urged past administrations not to include them in their budgets until they are specifically authorized by the authorizing committees.

As you can well imagine, we had to consider many competing demands in trying to agree on an appropriations bill that could meet the targets with which we were presented. I intend to work in conference committee to find the resources necessary for the FDA to meet its many responsibilities without relying on new unauthorized user fees, if at all possible.

Mr. COCHRAN. I concur with the concerns expressed by Senators KASSEBAUM, KENNEDY, and HATCH on the FDA user fee issue. New user fee collections should not be used to reduce FDA's direct appropriations requirement, as the President's budget proposes, unless separate statutory authority to establish and collect such fees has been enacted into law. This is an issue which should appropriately be addressed by the Committee on Labor and Human Resources, which has jurisdiction over this matter. It is my hope that the conference committee will be able to provide the necessary funding for the FDA without relying on collections from unauthorized user fees.

Mr. COATS. Mr. President, I share the concerns of my colleagues regarding language in the Agriculture, Rural Development, FDA and related agencies fiscal year 1995 appropriations bill which directs the FDA to collect $150.8 million in general purpose user fees. I have heard numerous individuals and organizations in Indiana who are opposed to these fees—not all of whom would be subjected to the fees themselves.

The Food and Drug Administration has the responsibility of protecting the public health and safety. Therefore, payment for these services should be made by the general public—those who benefit from the services. I have very strong concerns regarding the indiscriminate collection of fees from companies or industries which do not benefit from their relationship with the Food and Drug Administration.

FDA policy and Congress authorize the collection of user fees when the company or industry upon which the fee is imposed is specifically benefiting from those fees. Not all industries which fall under FDA jurisdiction will benefit from the collection of user fees. Therefore, these user fees amount to an additional tax on industries which will not benefit—this is not fair.

In addition to the economic deficiencies in this decision, I have doubts that the Food and Drug Administration can efficiently collect these fees, new fees from new industries, without an increase in the size of the food and drug administration. Even so, it is not fair to place this burden on the Food and Drug Administration when there have been no hearings or other oversight functions from the appropriate authorizing committee.

The FDA council, a coalition of consumer groups, professional societies, and industry, expresses it well when they say that,

> Any proposed user fees for the FDA should require analysis by the appropriate authorizing committees in the House and Senate. Thoughtful deliberation went into writing user fees for the drug industry and the same is occurring for the medical device industry. It is clear the same should occur if user fees are to be applied to other FDA regulated industries.

Mr. DURENBERGER. Mr. President, I would like to express my support for the comments my colleagues are making here today. I oppose the provision in H.R. 4554 that directs the Food and Drug Administration to collect $150 million of its budgetary request of $997 million through general-purpose user fees.

As I stated last year on this topic, there are many reasons why I oppose this provision. I am not generally opposed to user fees for recipients of public services; however, revenue raising of this magnitude by an agency charged with critically important regulatory responsibilities should not be imposed cavalierly.

Before they are imposed, I believe we need to undergo a debate by the committee of jurisdiction—Labor and Human Resources—as well as public comment to determine how best we should proceed.

I am also concerned that this provision statutorily precludes implementation of the Prescription Drug User Fee Acts of 1992. That bill triggers user fees for prescription drug manufacturers only if the appropriations stay above a designated appropriations baseline. The purpose of that provision was to prevent precisely what is happening here—the assessment of user fees as a substitute for adequate appropriations for the Food and Drug Administration.

Imposing user fees on medical devices also creates problems. If we impose these fees, if should only occur after a full airing of the how these fees will address the backlog of device applications and how these problems will be prevented into the future. Hearing on this topic have, as yet, not been held.

I would also like to emphasize Senator KASSEBAUM's point that FDA does not have the infrastructure in place that would allow it to collect $150 million in user fees. I must ask, how can we expect to obtain these funds if we don't know how to collect them?

I believe that the Labor and Human Resources Committee needs to complete a careful and in-depth analysis of the present problems facing the FDA and the industries it oversees. How we protect the public and assure that new drugs and medical devices get to the market is important to health care reform in this country. Thus, we do not want to impose user fees in a way that might harm this process.

Mr. FORD. I would like to underscore much of what my colleagues have said regarding user fees to fund FDA activities. I have many reservations about this type of approach to solving shortfalls in funding and further its implications in the larger debate over the funding and structure of several important operations at the FDA. The FDA is charged with a wide range of decisions that in some cases are between life and death. The operations of this important agency should not be subject to hasty decisions about prospective funding mechanisms. I thank my colleagues for allowing me to join them in encouraging a remedy to this situation in conference. This user fee issue is not an approach that should be entered into lightly if at all. Hearings should be held, experts called in and the whole matter exposed to the bright light of public debate.

RANGELAND RESEARCH GRANTS

Mr. HATCH. I rise to express my concern regarding one small provision of the bill before us today, the Department of Agriculture appropriations bill for fiscal year 1995. Although minor, this item will have a significant impact on specific agriculture research projects being undertaken in Utah.

I refer to the section of the report accompanying the bill that provides funding for rangeland research grants—section 1480—for the Cooperative State Research Service [CSRS]. In his budget request, President Clinton requested an amount of $475,000 for these CSRS grants. This amount was equal to last year's appropriation and was provided in this year's House bill. Unfortunately, the Senate subcommittee did not provide funding for these grants. It has created a situation where the continued existence of these grants, which are supported by the administration and the House, is threatened by this body.

Last week, Interior Secretary Bruce Babbitt stated at a Senate field hearing held in Richfield, UT, that "grazing is * * * an enduring, important, positive part of the West's landscape." An important component of the positive impact from grazing is the research that precedes the implementation of proper grazing techniques and resource management practices of our rangelands. Since the Secretary has recognized the importance of grazing to the health of our rangelands, I believe it is appropriate for the Senate to provide the funding to keep the rangeland research alive.

In Utah, research funds have been utilized on projects involving invader plants, riparian issues, and research on utilization standards. There is no doubt in my mind that the health and wealth of the resource—our rangeland—will be threatened if this research does not continue because funds are not provided in this year's funding bill.

I would like to encourage my colleagues participating in the upcoming conference to accept the House position on rangeland research grants. May I inquire of my colleague from Arkansas, the chairman of the subcommittee, if he can tell me whether this position could be pursued in conference.

Mr. BUMPERS. I appreciate my colleague from Utah expressing his support for the continued funding of rangeland research grants by the Department of Agriculture. I am pleased to learn that these grants have proven their effectiveness in his State. While I am not in a position to indicate what will happen in conference on this or any other subjects in this bill, I can assure my colleague that I will review his comments carefully on this matter and keep them in mind during conference. Again, I appreciate his comments on this issue.

Mr. HATCH. I thank my colleague. I ask unanimous consent that a partial list of projects directly related to rangeland research currently under way at Utah State University be printed at the end of my comments. These projects are not all funded through the rangeland research appropriation to CSRS, but many of them are related directly to projects which are funded through the agency's competitive grants program.

There being no objection, the partial list was ordered to be printed in the RECORD, as follows:

RANGELAND RESEARCH AT UTAH STATE UNIVERSITY—PARTIAL LIST

Determining and improving the carrying capacity of private and public rangelands.

Modes and mechanisms of Scarpie infection in sheep.

Biological control of rangeland pests.

Germ cell and embryo development in range cattle.

Improving ruminant utilization of low quality forages via genetic section.

Evaluation of grazing systems and animal response to southern Utah forested ranges.

Grazing livestock nutrition and management to improve production efficiency.

Improvement of grass and legume forages.

Improving stress resistance in forages of the western U.S.

Watershed management and nutrient composition and concentration in rangeland soils.

Control of toxic and noxious weeds on rangelands.

Sustainable agriculture systems in range and ranch management.

Reducing riparian damage through animal social learning.

Stability of plant communities in sagebrush dominated land.

Rangeland monitoring and assessment.

The spread of Utah Juniper on Utah ranges.

The economics of pasture management practices in Utah.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I wish to send to the desk an amendment.

The PRESIDING OFFICER. The Chair will inform the Senator from Alabama he needs to seek unanimous consent to set aside all other committee amendments to offer his amendment.

Mr. HEFLIN. Mr. President, I ask unanimous consent that all other amendments that are now pending be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2303

Mr. HEFLIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alabama [Mr. HEFLIN] proposes an amendment numbered 2303.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, after line 12 insert:

Sec. 742. In addition to funds made available elsewhere in this Act, there are hereby appropriated as of the date of enactment of this Act the following, to remain available through September 30, 1995:

Emergency Community Water Assistance Grants, $10,000,000;

Very Low-Income Housing Repair Grants, $15,000,000;

Agricultural Credit Insurance Fund Program Account:

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: emergency loans, $7,670,000.

Provided, That these amounts are designated by Congress as an emergency requirements pursuant to section 251 (b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such amounts shall be available only to the extent the President designates such use an emergency requirements pursuant to such Act.

Of the amount appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103-211, for Watershed and Flood Prevention Operations, $23 million is transferred to the Emergency Conservation Program.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HEFLIN. Mr. President, this amendment that I have sent to the desk deals with the disaster assistance that is needed relative to the flooding that has occurred in the States of Alabama, Georgia, and Florida.

The President has already announced that there would be the same disaster program dealing with the floods in Georgia, Alabama, and Florida as was used pertaining to the Mississippi Valley flooding last year.

My amendment addresses some particular needs relative to rural America, particularly where there has been flooding and other disasters.

The money that we seek here in these programs will enable the people of South Alabama, South Georgia and North Florida to put their lives back together in the aftermath of the flood which has devastated much of this rural region.

Included in my amendment is $10 million for rural water and sewer systems. The emergency water system grants included in this package will help rural water and sewer systems repair and rebuild their damaged systems. This money is extremely important because currently there are a number of citizens in the flood areas that do not have suitable drinking water. In fact the drinking water is polluted and there are not, in many instances, properly working sewer systems.

This amendment also contains $23 million for the Emergency Conservation Program. This program provides cost share moneys to individuals to help clean up the debris left in the wake of the flood.

This amendment also includes additional money for the Emergency Watershed Program as well. The language in this amendment calls on the USDA to use money left over from last year's flooding problems in the Midwest. Such sums as necessary will be set aside to fund the watershed program in this tri-State region of Georgia, Alabama, and Florida. This program, which is administered through the Soil Conservation Service, provides money to help repair washouts, gullies, damaged levees and terraces.

I was down in Alabama a week ago from this last Saturday and flew over much of the farmlands, and you could see the gullies and you could see many of the terraces that had been destroyed. This section of Alabama had just gone through a detailed soil conservation program in which farmers had adopted and implemented and put into practice all of the various procedures that the Soil Conservation Service had required, and the flood has caused tremendous damage to this, and there is a need for help and assistance in getting these farms back to where they were prior to this flood. From the damages that I witnessed firsthand, the money will be sorely needed.

Also included in this amendment is money for farmers who have lost their crops as a result of the flooding. While no dollar figure is attached to this provision, it is understood that such sums as necessary will be appropriated to meet these needs. Additionally, $25 million will be made available in emergency farm loans to farmers who have suffered major losses. I have personally talked to President Clinton about this matter, and he has assured me that farmers in the Southeast will be treated just like the farmers in the Midwest were last year. I commend the President and OMB on behalf of the farmers in this tri-State region for their assistance in this matter.

This bill also includes $15 million for housing repairs in flood affected areas. I also have a commitment from the administration that additional money for rural housing assistance will be forthcoming once we have a better idea as to the total amount of the damage. By the time this bill is in conference, we should be able to lock down the exact figures for additional housing money. It is also my understanding that additional moneys will be provided in the business and industry loan portion of this bill.

This program is operated through the Farmer's Home Administration. This money would be used to help small businesses get back on their feet after the flood waters have receded.

Mr. President, I believe the Federal Government has a responsibility to come to the aid of the tri-State area of Georgia, Florida, and Alabama at this time because our local communities clearly do not have the necessary resources to pay for the entire cost of the cleanup.

I would like to commend the chairman and the ranking member of the Agriculture Appropriations Subcommittee for working with us and their staffs for working with my staff to ensure that the people of this tri-State region are assisted in this time of need.

Now, Mr. President, we understand that probably it would not be appropriate to put in statutory language to the effect that such funds as are necessary will be provided for watershed and flood prevention operation.

These funds shall be made available for the Emergency Supplemental Act of 1994. Also, business and industry loans should be made available through existing 1994 funds.

But we would expect that in conference there would be statements in the report of the conferees pertaining to that which would give direction to the Department of Agriculture pertaining to the watershed flood prevention operation and to the business and industry loans that I have just mentioned.

Mr. COCHRAN. Has the distinguished Senator completed his statement in support of his amendment.

Mr. HEFLIN. I think so, yes.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN] is recognized.

Mr. COCHRAN. Mr. President, let me first of all commend the Senator from Alabama, my friend and neighbor, for offering this amendment. It is an effort to extend the provisions of existing law in other legislation which have been passed by the Congress to the victims of the disasters that have recently befallen those three States the Senator mentioned.

There are other Senators who have brought to the attention of the managers amendments that are intended to be offered to this bill on the same subjects. Specifically, we have heard from Senator COVERDELL of Georgia, who has brought to our attention an amendment to extend deficiency payments to farmers in advance as a way to help compensate them for damages that have been sustained or will be sustained as a result of these terrible floods that have hit the States of Georgia, Alabama, and Florida.

We also understand there is another amendment under development and preparation by Senator COVERDELL similar to the amendment that has now been offered by Senator HEFLIN.

Senator BUMPERS and I, for example, have also prepared an amendment, which we are prepared to offer to the bill, to provide disaster assistance for 1994 crops. That would be based upon the provisions of the 1990 farm bill that had as a title "Disaster Assistance" and provided certain procedures be followed in order to have eligible farmers given disaster benefits.

Part of that is the fact that Congress must declare that an emergency exists in order to qualify this disaster for those benefits. The President must also agree by issuing a declaration that an emergency exists and that this disaster is of the kind and quality contemplated in the law.

So what Senator HEFLIN is doing is something that is consistent with the efforts that others are also trying to develop to make sure that those who have suffered from this recent disaster are qualified and eligible for the same kind of disaster benefits that were made available in the Midwest floods and that have been made available to others in similar circumstances.

So, on the part of this Senator, I want to state my support for the effort that is being made and commend Senator HEFLIN for bringing this suggestion to the attention of the Senate.

I might just point out that in our State and in the State of Arkansas and some other States earlier this year, there were disasters which occurred as a result of freezing temperatures. Immense damage was sustained by pecan orchards, peach orchards, and other agriculture activities over a large area, particularly in my State. I do not think we have seen a disaster quite like the damage that was occasioned by reason of the freeze earlier this year.

So one of the suggestions being made—it is already in the committee bill now before the Senate, and to clarify the matter in later amendments which I hope can be included in a disaster amendment—is the fact that these victims are also entitled to share in whatever disaster assistance may be made available by the administration.

I might just say, before we take final action on this amendment, I hope we will have an opportunity to consider similar amendments that have been prepared and any suggestions that other Senators would like to make on this subject. But it is important that we take action and it be included in this bill.

So for that reason, I want to commend the Senator from Alabama and assure him of our cooperation in trying to make sure that we do address this issue and we do so in a way that is as sensitive and as generous as can be under the terms of existing law and our behavior in circumstances like this in the past.

(Mrs. BOXER assumed the chair.)

Mr. HEFLIN. Madam President, I wish to thank the distinguished Senator from Mississippi for his kind words and for pointing out the fact that other Senators are working on this problem.

I have had discussions with Senator NUNN pertaining to this issue. I believe that he will be speaking on this issue, and perhaps may be offering something himself relative to it.

But I also particularly want to point out that in the beginning I mentioned not only this flooding, but other disasters. I had in mind also the same thing—I did not deal with it in detail—that Senator COCHRAN brought out about the freezes, in particular in the northern part of Mississippi and in the northern part of Alabama and other States.

So the overall package that we are all working on is designed to take care of all disasters—whether freezes, floods, droughts, insect activity, worms; we have had beet army worms that have been disastrous that have occurred and in the cotton areas. We feel like it will be comprehensive to the extent of taking care of all of those situations that exist.

So I will be looking forward to working with Senator COVERDELL and Senator NUNN and any other Senators; Senator GRAHAM and Senator MACK ought to have some ideas pertaining to this. I think the idea right now is to hold it over until we get to adoption of this amendment, and then take action on it, as well as action on the other amendments.

I might say, of course, that the House, having passed a bill and then the Senate taking care of this and including the disaster assistance program in this, when it goes to conference there may have to be some adjustments of the figures. But the figures that we have, and as we have put in our amendment today, have come as a result of working with the Department of Agriculture and also OMB relative to the needs of the TriState area.

I think we will have a little better idea by the time this goes to conference as to what the final figures might be.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, what is the pending business?

The PRESIDING OFFICER. The Heflin amendment is the pending business.

Mr. BUMPERS. Madam President, I ask unanimous consent the pending amendment be set aside in order to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2304

Mr. BUMPERS. Madam President, I send an amendment to the desk and ask for its immediate consideration. I offer this amendment on behalf of Senator LEAHY.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. LEAHY, proposes an amendment numbered 2304.

Mr. BUMPERS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On the appropriate page insert at the end of Sec. 716 the following ", unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding $93,200,000, provided that the unused portion of the fiscal year 1994 appropriation shall be used in addition to the $93,200,000."

Mr. LEAHY. Madam President, I rise today to offer an amendment to H.R. 4554, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill, 1995 which will correct a funding problem for the Wetlands Reserve Program.

This bill appropriates $93.2 million for the Wetlands Reserve Program an increase of $26.5 million from last year. However, the bill also imposes a 100,000 cap on the amount of acreage allowed into the program.

I am opposed to this cap for three reasons.

First, farmers want to do more to protect wetlands. This year, six times as many eligible farmers asked to participate in the program than could be enrolled.

Second, the effect of this cap is to transfer money that was set aside for this program in the 1990 farm bill to a host of other items funded by the appropriations bill.

Third, this cap undercuts the cost-effective administration of this program by the Department of Agriculture. This cap prohibits the Department of Agriculture from enrolling more than 100,000 acres, even if they can be enrolled with the appropriated funds. In other words, if USDA enrolls cheaper acres into the program, they cannot use the savings to allow more farmers to participate in the program. Our farmers lose because they cannot participate in the program and the public loses because valuable wetlands that could be permanently protected are not enrolled.

My amendment would remove the cap from this bill. In addition, my amendment would remove the 75,000-acre cap imposed in fiscal year 1994. By removing the cap imposed in fiscal year 1994 and in this bill, the Department of Agriculture will be able to enroll over 50,000 additional acres into the Wetland Reserve Program.

I urge my colleagues to support this important amendment.

Mr. BUMPERS. Madam President, this is an amendment dealing with the wetland reserve, which has been cleared on both sides.

Mr. COCHRAN. Madam President, we have reviewed the amendment on this side and have no objection to it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2304) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

USER FEES

Mr. HATCH. Madam President, the administration's fiscal year 1995 request for the Food and Drug Administration includes $645 million in budget authority and $343 million from user fees—one-third of the FDA's budget. $252 million would come from new user fees.

Specifically, the FDA proposed to collect $79 million under the Prescription Drug User Fee Act, $24 million from yet unauthorized new medical device user fees, $6.5 million in fees from the Mammography Quality Standards Act, and $5 million from fees for certification and Freedom of Information Act requests.

The agency has no detailed plans for how to collect the other $228 million, and, indeed, I have serious concerns about their plans for the $24 million in device fees.

When FDA Commissioner Kessler testified before the House in March of this year, the Agriculture Appropriations Subcommittee chairman asked him when the Congress would see the details of their whole user fee proposal. Commissioner Kessler responded, "There are many complex issues associated with collecting substantial new user fees. We do not yet have a detailed proposal to accomplish this."

Commissioner Kessler added,

> I can assure you we are still evaluating candidates for such fees. We are looking at virtually all FDA activities except those covered by specific current or proposed user fee authority. Activities left to consider include the food and animal drug activities of the Agency, our activities at the National Center for Toxicological Reserach, generic and over the counter drug programs, blood banks, most of our import and domestic inspection activities, and our enforcement and compliance activities.

In other words, Commissioner Kessler is looking at imposing user fees on almost every activity of the agency.

When the FDA testified before the Senate subcommittee 2 months later, in May of this year, he was unable to provide any additional details. Yet, the bill before us proposes $150 million in user fees.

It is very clear to me that the Agriculture Appropriations Subcommittee, under the capable leadership of our colleagues from Arkansas, Senator BUMPERS, and from Mississippi, Senator COCHRAN, were in a difficult situation. The subcommittee's allocation was tight, and I am very sympathetic to the hard task my Appropriations Committee colleagues faced in trying to fund adequately all of the programs at the Agriculture Department, as well as the FDA.

In this context, I can understand the committee's willingness to examine a revenue-raising provision advanced by the administration. It is some consolation that the committee only allowed for $150 million in new user fees, as opposed to the request which was over $100 million higher.

Nevertheless, I have a range of concerns about this language and the negative impact it is sure to have if enacted. I am extremely hopeful that, if this cannot be corrected on the floor, my colleagues will work in conference to see that the House position on FDA user fees is retained.

I know that our time is short, here, so I will summarize my concerns.

First, as I have detailed, I do not think it is possible for the FDA to implement user fees of this magnitude in the coming fiscal year.

Second, the user fees in this bill would supplant direct appropriations, and could not be used as revenues to assist FDA in fulfilling its mission. This, of course, is in contrast to the prescription drug user fees which had been authorized in advance for a specific purpose. If anything, the prescription drug user fee precedent should convince us not to move too quickly on other FDA fees, as thus far it has not shown the promise for which we had hoped when Public Law 102–571 was enacted 2 years ago.

Third, the basic premise of a user fee is that it is not a tax and that it goes to support a specific service or activity that is provided in return. When we are considering "fees," which could amount to one-third of the agency's funding, I think you have to seriously question whether in fact these are taxes in user fee clothing.

Fourth and finally, I think that this represents questionable public policy. Let's just look at one potential user fee—medical devices. The medical device industry is one of the Nation's most competitive industries in the global marketplace. It is comprised of a range of manufacturers, both small and large, all of which are contributing to a positive trade balance in devices. That is something of which we can be proud. A user fee for devices would amount to a tax on innovation, a tax which would hit very, very hard at small manufacturers, discouraging their innovation and investment, and possibly driving them out of business.

When the prescription drug user fee was considered 2 years ago, we were looking at an FDA center that was basically strong but overburdened with too much paperwork and too few personnel. Leaving aside my concern that the process could be streamlined, I agreed to work with my colleagues to craft a proposal after industry signaled that it was warranted and workable.

There is no such agreement with the medical device community, as was evident from a hearing last week held by my distinguished colleague in the House of Representatives, HENRY WAXMAN. At that hearing, Wayne Barlow, president of a small Utah manufacturing company and chairman of the Utah Biomedical Industry Council, testified on behalf of 200 companies. Utah, I might add, has led the Nation in growth of its registered device manufacturers, with a 19-percent increase from 153 companies in 1991 to 182 companies in 1992.

I agree with what Mr. Barlow told the committee, which essentially was that the problem with medical device approvals does not stem primarily from resources, but rather from the agency's management of the program and from its regulatory overreach which consumes an ever-growing amount of resources.

For these reasons, again, I hope that we can eliminate the user fee provision from the final bill and retain the House language.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk processed to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BUMPERS. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL COMMUNICATION POLICY

Mr. DURENBERGER. Madam President, sometime over the next few weeks the issue of national communications policy is likely to come before us. It is a huge issue much impacts on our economy, our quality of life, and our global competitiveness. It is an issue much in need of congressional attention because—despite technological advancement and the judicial dismantling of AT&T—national communications policy has gone virtually unchanged for 60 years.

My constituents are increasingly interested in this issue and seem to realize that what we do will affect the price and availability of communications services and whether they have a choice in communications providers for local telephone, cable television, and long distance services.

The Senate Commerce Committee will soon be completing markup of S. 1822, the legislation sponsored by Senator HOLLINGS. I applaud the chairman of the Commerce Committee for focusing attention on communications issues and for completing the yeoman's work of the Communications Act of 1994. Although the road to reaching a consensus on how we can fairly attain open competition in local and long distance telephone services is rife with potholes, I believe middle ground is attainable. I am encouraged by recent statements by Chairman HOLLINGS that he wants to work out remaining issues in the bill including RBOC entry into long distance services.

As I grapple with this issue, it is hard to ignore the recent success of the other body. Before the July 4 recess, the House of Representatives overwhelmingly passed legislation addressing communications competition and infrastructure investment. This does not mean the proposal adopted by the House was without controversy in its formative or final stages, but it does demonstrate the unanimity of purpose of the legislators to seek compromise and go forward on national communications policy. I believe this same sense of purpose is shared in our body.

Madam President, I am not saying that we cannot improve on the work done in the House of Representatives. My impression is that the House package displeased everyone equally—and that may not be a bad thing. The major Senate proposals—S. 1822 and S. 2111—also have their staunch supporters and vocal critics, and deserve close review.

It is my hope that those industries and individuals engaged in the debate are prepared to accept the good with the bad in whatever form the final Senate legislation takes—so long as the proposal fulfills our objectives without unfairly advantaging or disadvantaging one company or industry segment at the expense of another. Most importantly, we must advance a bill which best serves the intended beneficiaries of a multifaceted information infrastructure: the general public. The House sought to strike this balance. We can find it, too.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BUMPERS. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 1089, Guido Calabresi, to be U.S. circuit judge; calendar No. 1090, Daniel C. Dotson, to be U.S. marshal.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

THE JUDICIARY

Guido Calabresi, of Connecticut, to be United States Circuit Judge for the Second Circuit.

DEPARTMENT OF JUSTICE

Daniel C. Dotson, of Utah, to be United States Marshal for the District of Utah for the term of four years.

STATEMENT ON THE NOMINATION OF GUIDO CALABRESI

Mr. LEAHY. Madam President, I rise today in support of the President's nomination of Dean Guido Calabresi to the U.S. Court of Appeals for the Second Circuit. We in the second circuit will benefit greatly from Dean Calabresi's knowledge of the law and sense of justice.

Dean Calabresi left Milan at age 6. He has distinguished himself as an exceptional mind. As an undergraduate of Yale University, he graduated first in his department. In 1953, he received a degree from Oxford University as a Rhodes Scholar. He entered Yale Law School in 1955 where, true to form, he earned many distinctions: He was ranked first in his class, received the Jewell, Robbins, and Frank Prizes for scholarship, was inducted into the Order of the Coif, and was a note editor of the Yale Law Journal.

After graduating from law school, this nominee clerked for Supreme Court Justice Hugo Black. Guido Calabresi then joined the professorial ranks at the Yale Law School. He has served as an assistant professor, associate professor, and as dean of the Yale Law School. Over the years, many Yale students have had the opportunity to learn from Dean Calabresi in his classes on torts, economic analysis of law, legal process, law and medicine, constitutional theory, and Federal estate and gift taxation.

Law students everywhere have become well-acquainted with his writings, particularly his four books on the subjects of accident law, the distribution of scare goods within a society, common law, and the effects of attitudes and ideals on the law.

For his writings, the nominee has received the American Bar Association Certificate of Merit, ABA's Triennial Book Award, and the Order of the Coif for his book "A Common Law for the Age of Statutes." His book, "Ideals, Beliefs, Attitudes and the Law: Private Law Perspectives on Public Law Problems," received the ABA Silver Gavel Award.

Today, Dean Calabresi is widely recognized as a leading scholar in law and economics. He has received 19 honorary degrees and has lectured at many institutions and schools. In 1962, the U.S. Chamber of Commerce named Guido Calabresi one of the Ten Outstanding Young Men in America. Notre Dame awarded him the Laetare Medal as outstanding teacher of law and William and Mary Law School has bestowed upon him the Marshall-Wythe Medal.

Guido Calabresi's involvement in the New Haven community does not stop at his contributions to Yale Law School. Along with his wife, who is a full-time volunteer worker, he donates his time to programs for inner-city youth. He often helps out at the St. Thomas More Soup Kitchen, and is on the board of several organizations dedicated to assisting the disadvantaged, including the Dixwell Community House and Friends of Legal Services for Southern Connecticut, and the Gender Bias Task Force.

A brilliant scholar, a dedicated teacher of law and a compassionate, generous man, Calabresi embodies many of the qualities that are so important to a good judge. I am confident that his thoughtful opinions and judicious temperment will serve the people of the second circuit and the country well. It is with pleasure that I urge his confirmation.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 132

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of February 10, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Corporation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. As previously reported, on December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of certain U.S.-origin products, including equipment for refining and transporting oil, unless consistent with United Nations Security Council Resolution 883.

2. There have been two amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ("FAC") of the Department of the Treasury, since my last report on February 10, 1994. The first amendment (59 *Fed. Reg.* 5105, February 3, 1994) revoked section 550.516, a general license that unblocked deposits in currencies other than U.S. dollars held by U.S. persons abroad otherwise blocked under the Regulations. This amendment is consistent with action by the United Nations Security Council in Resolution 883 of November 11, 1993. The Security Council determined in that resolution that the continued failure of the Government of Libya ("GoL") to demonstrate by concrete actions its renunciation of terrorism, and in particular the GoL's continued failure to respond fully and effectively to the requests and decisions of the Security Council in Resolutions 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. Accordingly, Resolution 883 called upon Member States, *inter alia*, to freeze certain GoL funds or other financial resources in their territories, and to ensure that their nationals did not make such funds or any other financial resources available to the GoL or any Libyan undertaking as defined in the resolution. In light of this resolution, FAC revoked section 550.516 to eliminate a narrow exception that had existed to the comprehensive blocking of GoL property required by Executive Order No. 12544 of January 8, 1986 (3 C.F.R., 1986 Comp., p. 183), and by the Regulations. A copy of the amendment is attached to this report.

On March 21, 1994, FAC amended the Regulations to add new entries to appendices A and B (59 *Fed. Reg.* 13210). Appendix A ("Organizations Determined to be Within the Term 'Government of Libya' (Specially Designated Nationals of Libya)") is a list of organizations determined by the Director of FAC to be within the definition of the term "Government of Libya" as set forth in section 550.304(a) of the Regulations, because they are owned or controlled by, or act or purport to act directly or indirectly on behalf of, the GoL. Appendix B ("Individuals Determined to be Specially Designated Nationals of the Government of Libya") lists individuals determined by the Director of FAC to be acting or purporting to act directly or indirectly on behalf of the GoL, and thus to fall within the definition of the term "Government of Libya" in section 550.304(a).

Appendix A to part 550 was amended to provide public notice of the designation of North Africa International Bank as a Specially Designated National ("SDN") of Libya. Appendix A was further amended to add new entries for four banks previously listed in Appendix A under other names. These banks are Banque Commerciale du Niger (formerly Banque Arabe Libyenne Nigerienne pour le Commerce Exterieur et le Developpement), Banque Commerciale du Sahel (formerly Banque Arabe Libyenne Malienne pour le Commerce Exterieur et le Developpement), Chinguetty Bank (formerly Banque Arabe Libyenne Mauritanienne pour le Commerce Exterieur et le Developpement), and Societé Interaffricaine du Banque (formerly Banque Arabe Libyenne Togolaise pour le Commerce Exterieur). These banks remain listed in Appendix A under their former names as well.

Appendix B to Part 550 was amended to provide public notice of three individuals determined to be SDNs of the GoL: Seddigh Al Kabir, Mustafa Saleh Gibril, and Farag Al Amin Shallouf. Each of these three individuals is a Libyan national who occupies a central management position in a Libyan SDN financial institution.

All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in appendices A and B. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 69 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (33) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent GoL interest. The largest category of denials (18) was for banking transactions in which FAC found a GoL interest. Four licenses were issued authorizing intellectual property protection in Libya.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 126 transactions involving Libya, totaling more than $14.7 million, were blocked. Four of these transactions were subsequently licensed to be released, leaving a net amount of more than $12.7 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling nearly $144,000 for violations of the U.S. sanctions against Libya. Twelve of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. The other three penalties were received for violations involving letter of credit and export transactions.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Open cases as of May 27, 1994, totaled 330. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the GoL, or other third-country parties, to lobby United States Government officials and to engage in public relations work on behalf of the GoL without FAC authorization.

On May 4, 1994, FAC released a chart, "Libya's International Banking Connections," which highlights the Libyan government's organizational relationship to 102 banks and other financial entities located in 40 countries worldwide. The chart provides a detailed look at current Libyan shareholdings and key Libyan officers in the complex web of financial institutions in which Libya has become involved, some of which are used by Libya to circumvent U.S. and U.N. sanctions. Twenty-six of the institutions depicted on the chart have been determined by FAC to be SDNs of Libya. In addition, the chart identifies 19 individual Libyan bank officers who have been determined to be Libyan SDNs. A copy of the chart is attached to this report.

In addition, on May 4, 1994, FAC announced the addition of five entities and nine individuals to the list of SDNs of Libya. The five entities added to the SDN list are: Arab Turkish Bank, Libya Insurance Company, Maghreban International Trade Company, Savings and Real Estate Investment Bank, and Societé Maghrebine D'Investissement et de Participation. The nine individuals named in the notice are: Yousef Abd-El-Razegh Abdelmulla, Ayad S. Dahaim, El Hadi M. El-Fighi, Kamel El-Khallas, Mohammed Mustafa Ghadban, Mohammed Lahmar, Ragiab Saad Madi, Bashir M. Sharif, and Kassem M. Sherlala. All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in the notice issued on May 4, 1994. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the notice is attached to this report.

The FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

5. The expenses incurred by the Federal Government in the 6-month period from January 7, 1994, through July 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the GoL continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by United Nations Security Council Resolutions 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure that the perpetrators of the terrorists acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1994.*

FISHERIES AGREEMENT WITH THE REPUBLIC OF LITHUANIA—MESSAGE FROM THE PRESIDENT—PM 133

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with accompanying papers; pursuant to title 16 United States Code section 1823(b); which was referred to the Committee on Commerce, Science, and Transportation, and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania Extending the Agreement of November 12, 1992, Concerning Fisheries off the Coasts of the United States, with annex. The agreement, which was effected by an exchange of notes at Vilnius, Lithuania on February 22, 1994, and May 11, 1994, extends the 1992 agreement to December 31, 1996. The exchange of notes, together with the 1992 agreement, constitutes a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1994.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1936. A bill to provide for the integrated management of Indian resources, and for other purposes (Rept. No. 103-316).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. RIEGLE:

S. 2291. A bill to separate certain activities involving derivative financial instruments from the insured deposits of insured depository institutions, to provide for regulatory coordination in the establishment of principles related to such activities, to provide enhanced regulatory oversight, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATFIELD:

S. 2292. A bill to amend the Watershed Protection and Flood Prevention Act to establish a Waterways Restoration Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY:

S. 2293. A bill to modify the negotiating objectives of the United States for future trade agreements, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOREN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mr. EXON, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. MCCAIN, Mr. MITCHELL, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROTH, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, and Mr. WELLSTONE):

S.J. Res. 210. A joint resolution to designate the month of November 1994 as "National Native American Heritage Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIEGLE:

S. 2291. A bill to separate certain activities involving derivative financial instruments from the insured deposits of insured depository institutions, to provide for regulatory coordination in the establishment of principles related to such activities, to provide enhanced regulatory oversight, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

DERIVATIVES SUPERVISION ACT OF 1994

Mr. RIEGLE. Mr. President, today I rise to introduce the Derivatives Supervision Act of 1994. I offer this legislation as a means to achieve the appropriate supervision and regulation of the market for derivative instruments—a market that has grown since 1980 to more than $12 trillion in notional amount—the amount of principal in the underlying assets. And that figure—as large as it is—does not even include exotic mortgage securities or other structured debt issues.

A derivatives transaction is a contract whose value depends on—or derives from—the value of an underlying asset, reference rate or index. Derivatives, which can be customized through negotiation between counterparties or standardized contracts whose terms are fixed, are intended to provide cost-effective protection against risks associated with rate and price movements. Basically, derivatives allow the transfer of risks from parties less willing or able to manage the risks to parties more willing or able to handle them.

According to the GAO, from 1989 to 1992, the total notional amount of derivatives has increased 145 percent. This growth has occurred because derivatives meet the needs of customers to manage the financial risks associated with their operations more efficiently. Yet there are danger signs on the horizon. The rapid growth of the derivative market itself reminds us that such growth in any given financial activity has historically been a warning sign and should be a source of concern. Add to the rate of growth the absolute size of this market and potential risks to the financial system become more apparent.

The warning signs are there. In the past few months, there have been numerous reports of major losses stemming from derivatives use by a wide variety of firms, including—to name a few—Askin Capital Management, Proctor & Gamble, Air Products and Chemicals, Gibson Greeting Cards, Mead Corp., and an Atlantic Richfield employee fund. I will submit for the record several newspaper articles on some of these derivative losses. In recent years, managing the failures of 2 financial firms—Drexel Burnham and Bank of New England—has been greatly complicated by their derivatives positions, although neither was a major dealer in derivatives. We have also seen liquidity problems develop in derivatives during periods of volatility, such as the 1987 stock market crash and, more recently, as long-term interest rates have risen sharply. We cannot afford to wait to address this issue until some more dramatic crisis occurs.

The Banking Committee's concern about risks associated with derivatives is long-standing. The FDIC Improvement Act of 1991 included provisions to improve the enforceability of netting contracts, which reduce the legal risks stemming from the failure of firms active in derivatives. That legislation also required regulators to increase capital standards for institutions with significant interest rate risk associated with derivatives or other instruments, and it required banks to limit their interbank credit exposures from derivatives and other sources. The committee worked hard to see that the Futures Trading Practices Act of 1992 included language reducing the legal risk in trading swaps and that the conference report requested a study of derivatives issues by the CFTC. In September 1992, I requested a study from the banking regulators on risks posed by the derivatives, including their recommendations for regulatory changes. These regulator reports were received by the Senate Banking Committee in January 1993. Further, over 2 years ago, I requested the GAO to study financial derivatives. This study was released just last month, offering numerous recommendations that have been included in the bill I am introducing today. Finally, I have repeatedly questioned the financial regulators about derivatives in their appearances before this Committee.

The regulators have taken some useful steps. The OCC, last fall, called for an interagency task force on derivatives and issued a detailed circular to banks on acceptable risk management practices. At my suggestion the Treasury reconvened the President's Working Group on Financial Markets to consider derivatives issues. More recently Comptroller Ludwig said:

> Because of our increasing concern about the risks posed by exotic and complex derivative instruments, we are looking at whether they are appropriate for national banks and, if so, to what extent they are appropriate.

I applaud the regulators for moving on these initiatives and strongly encourage them to take other steps to coordinate their regulation and supervision of this market. But many regulatory gaps persist. As Comptroller Charles Bowsher testified just last month:

> If we don't get on top of this, then we run the risk of crises in the future that could have been prevented.

Let me detail just a few of my concerns. The current regulatory structure still does not require adequate disclosure about derivatives activities by dealers or by firms that are end users. I am very concerned that insured deposits are used to fund potentially speculative derivatives operations. I think it is dangerous to permit major derivatives dealer operations in firms with little or no Federal regulation or oversight. I am disappointed that we have not been able to achieve international acceptance of appropriate capital standards relating to derivatives for all major participants. And I am concerned that we have not adequately encouraged the formation of well-designed clearinghouses to reduce systemic risk.

The bill I introduce today is a step in the direction of rationalizing and coordinating the regulation of derivatives. The Derivatives Supervision Act of 1994 prevents insured depository institutions from speculating in the derivatives market and imposes stringent controls on such institutions using derivatives for hedging or dealing. To protect the Federal deposit insurance funds, and the American taxpayer, insured depository institutions would be precluded from using exotic or especially complex derivative instruments.

Since derivatives may offer ways of lowering risk, a bank holding company —but not a bank—would be permitted to establish a derivatives subsidiary that could engage in a full range of derivatives activities. The capital in the derivatives subsidiary could not be used to satisfy the capital requirements of the bank holding company, in the same manner that the capital of a securities subsidiary of a bank holding company may not be counted towards the required capital of the bank holding company.

Further, to fill some of the regulatory gaps, this bill establishes the Securities and Exchange Commission as the Federal regulator for any major dealer in derivatives such as subsidiaries of broker-dealers or insurance firms that are not otherwise regulated at the Federal level. This regulatory reform is needed to resolve one of the larger flaws with the current regulatory system noted by the GAO in its recent report: due to the complexity and patchwork nature of our financial regulatory system, some very large derivative dealers are not subject to the regulation or oversight of any Federal regulatory agency. By establishing the SEC as the Federal regulator, this serious regulatory gap is closed.

Yet the regulatory structure remains flawed because so many different Federal financial regulators have jurisdiction over the derivatives activities of the institutions they regulate. Greater coordination and cooperation is necessary to ensure that derivatives activities are regulated similarly in different institutions. To achieve this goal, the Derivatives Supervision Act of 1994 requires the Federal financial institution regulatory agencies jointly to establish principles and standards related to capital, accounting, disclosure, suitability and other appropriate regulatory actions; develop minimum capital requirements that address credit risk, market risk, operational risk and legal risk; issue regulations that are consistent; and jointly develop a training program for examiners regarding derivative activities. The Federal financial institution regulatory agencies are: The Office of the Comptroller of the Currency, the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the National Credit Union Administration, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Office of Federal Housing Enterprise Oversight, and the Federal Housing Finance Board.

In this bill, regulators would be given authority to define the range of derivatives activities covered. They would include, in addition to financial options, futures, and forwards; instruments that embody similar characteristics, such as exotic structural debt and mortgage backed securities.

In addition to separating certain derivative activities from insured deposits, providing for greater regulatory coordination, and providing that the SEC regulate the currently unregulated major dealers in derivatives, my bill contains several other key provisions.

In order to help regulators better understand the derivative activities of the institutions they regulate, the bill requires that insured depository institutions, Fannie Mae, Freddie Mac, the Federal Home Loan Banks and major dealers disclose certain specified quantitative information with respect to their derivative instruments.

In addition, the act addresses the gap in the understanding of these instruments that often exists between the boards of directors of the participants in these markets and the creators and dealers of these instruments. In 1992, Gerald Corrigan, then president of the New York Federal Reserve Bank, said:

> I hope this sounds like a warning because it is. Off-balance sheet activities have a role, but they must be managed and controlled carefully * * * by top management, as well as by traders and rocket scientists.

Accordingly, the act requires that insured institutions, Government sponsored enterprises, and major dealers prepare, as part of their internal controls structure, a management plan that sets forth certain specified information, such as the purpose of the holdings in derivative instruments and the accounting methods that are used to value them. The management plan must require that derivative activities be conducted with direct oversight by appropriate senior executive officers. And, the boards of directors of these institutions must periodically review compliance with their institution's management plan.

Another significant concern about derivatives is that through their misuse, or as a result of the increased linkages across markets and between firms, derivatives could lead to or exacerbate a systemic failure in financial markets. As Federal Reserve Chairman Alan Greenspan told the Banking Committee just a few weeks ago:

> [D]erivatives essentially arbitrage the primary markets around the world, pull them together. And what that means is that if an unrelated [disaster] occurs * * * the capability of that horrendous problem escalating throughout the financial system more quickly than before is clearly there as a consequence of the improved efficiency.

Accordingly, the act requires the regulators to address these systemic risks by providing markets with the proper incentives to form clearinghouses, reduce the buildup of intraday liabilities, and reduce settlement times.

Finally, the act takes a significant step toward the establishment of greater international coordination in the regulation and supervision of derivative instruments. It requires that the Chairman of the Federal Reserve, in consultation with the other Federal financial regulatory agencies, coordinate with the governments, central banks and regulatory authorities of other industrialized countries to work toward maintaining and, where appropriate, adopting comparable supervisory standards and regulations for financial institutions engaged in derivatives activities.

Mr. President, the bill I am offering today goes a great distance toward protecting the deposit insurance fund—and taxpayers—from further crisis in the rapidly expanding and complex market in derivative instruments. I urge my colleagues to consider it carefully and lend it their support. Such protection is needed if we are going to place America's financial system on a sound regulatory footing for our generation and generations ahead.

I ask unanimous consent that three newspaper articles on recent losses in the derivatives market, a summary of the bill, and the full text of the bill be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Derivatives Supervision Act of 1994".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) CAPITALIZATION.—The terms "adequately-capitalized" and "well-capitalized" have the same meanings as in section 38 of the Federal Deposit Insurance Act.

(3) DEALER.—The term "dealer" means any person engaged in the business of purchasing, selling, or engaging in transactions involving derivative financial instruments for its own account, through a broker or otherwise, for the purpose of serving customers who are end-users or other dealers.

(4) DERIVATIVE FINANCIAL INSTRUMENT.—The term "derivative financial instrument" means—

(A) a qualified financial contract (as defined in section 11(e)(8) of the Federal Deposit Insurance Act); and

(B) any other instrument which an appropriate Federal financial institutions regulatory agency determines, by regulation or order, to be a derivative financial instrument for purposes of this Act.

(5) FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCY.—The term "Federal financial institutions regulatory agency" means—

(A) the Office of the Comptroller of the Currency;

(B) the Board of Governors of the Federal Reserve System;

(C) the Federal Deposit Insurance Corporation;

(D) the Office of Thrift Supervision;

(E) the National Credit Union Administration Board;

(F) the Securities and Exchange Commission;

(G) the Commodity Futures Trading Commission;

(H) the Office of Federal Housing Enterprise Oversight; and

(I) the Federal Housing Finance Board.

(6) HEDGING TRANSACTION.—The term "hedging transaction" means any transaction involving a derivative financial instrument if—

(A) such transaction is entered into in the normal course of business primarily—

(i) to reduce risk of price change or currency fluctuations with respect to other transactions entered into by the institution, previously or simultaneously, to which the derivative financial instrument transaction relates, either individually or in the aggregate; or

(ii) to reduce risk of interest rate changes with respect to transactions entered into by the institution, previously or simultaneously, to which the derivative financial instrument transaction relates, either individually or in the aggregate; and

(B) before the close of the day on which such transaction was entered into (or such earlier time as the appropriate Federal financial regulatory agency may prescribe by regulation), the regulated entity clearly identifies such transaction as a hedging transaction.

(7) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act and includes an insured credit union, as defined in section 101 of the Federal Credit Union Act.

(8) MAJOR DEALER.—The term "major dealer" means any dealer whose ability to meet obligations as they become due is potentially significant to the stability of financial markets, as determined by the Federal financial institutions regulators, based upon size, market share, and the extent of linkages with other market participants.

(9) REGULATED ENTITY.—The term "regulated entity" means—

(A) an insured depository institution;

(B) a Federal Home Loan Bank, as defined in section 2 of the Federal Home Loan Bank Act;

(C) the Federal National Mortgage Association and any affiliate thereof; and

(D) the Federal Home Loan Mortgage Corporation and any affiliate thereof.

SEC. 3. LIMITATIONS ON DERIVATIVE ACTIVITIES.

(a) GENERAL PROHIBITION.—Except as provided in subsection (b), a regulated entity may not purchase, sell, or engage in any transaction involving a derivative financial instrument for the account of that entity.

(b) EXCEPTIONS.—

(1) HEDGING TRANSACTIONS.—A regulated entity may purchase, sell, or engage in any

transaction involving a derivative financial instrument for the account of that entity for the purpose of engaging in a hedging transaction if such activity involves a category of derivative financial instruments approved by rule, regulation, or order of the appropriate Federal financial regulatory agency for such purpose.

(2) DEALING.—

(A) WELL-CAPITALIZED ENTITIES.—A well-capitalized insured depository institution may purchase, sell, or engage in a transaction involving a derivative financial instrument as a dealer if such activity involves a category of derivative financial instruments approved for such purpose by rule, regulation, or order of the appropriate Federal banking agency.

(B) ADEQUATELY CAPITALIZED INSTITUTIONS.—An insured depository institution or a Federal Home Loan Bank that is adequately capitalized may purchase, sell, or engage in a transaction involving a derivative financial instrument as a dealer if—

(i) the appropriate Federal financial institutions regulatory agency determines that such activity by the institution is in the public interest; and

(ii) the category of such derivative financial instrument has been approved for such purpose by any rule, regulation, or order issued under subparagraph (A).

(c) PROHIBITION AGAINST SPECULATION.—Nothing in this section shall be construed to authorize a regulated entity, or any subsidiary of such entity, to purchase, sell, or engage in a transaction involving a derivative financial instrument for its own account for any speculative purpose.

SEC. 4. REGULATORY COORDINATION.

(a) SUPERVISION BY FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES.—

(1) IN GENERAL.—The Federal financial institutions regulatory agencies shall jointly establish principles and standards related to capital, accounting, disclosure, suitability, internal controls structures, and other appropriate regulatory actions for the supervision of regulated entities and major dealers engaged in activities involving derivative financial instruments.

(2) DEVELOPMENT OF MINIMUM CAPITAL STANDARDS.—In establishing principles, standards, or other regulatory actions under paragraph (1), the Federal financial institutions regulatory agencies shall jointly develop minimum capital requirements (including the leverage ratio, if appropriate) to guard against risks that may be posed by regulated entities and major dealers engaged in activities involving derivative financial instruments, including—

(A) credit risk;

(B) market risk;

(C) operational risk; and

(D) legal risk.

(3) TRAINING.—The Federal financial institutions regulatory agencies shall jointly sponsor training programs concerning derivative financial instruments for examiners and assistant examiners employed by the Federal financial institutions regulatory agencies. Such training programs shall be open to enrollment by employees of State financial institutions supervisory agencies.

(4) CONFIDENTIAL EMERGENCY MANAGEMENT REPORTING.—

(A) IN GENERAL.—

(i) INFORMATION ON A NIGHTLY BASIS.—Not later than 1 year after the date of enactment of this Act, the Federal financial institutions regulatory agencies shall jointly develop a means to obtain, on a nightly basis, all necessary information from a regulated entity or a major dealer.

(ii) EMERGENCY NEED.—If any Federal financial institutions regulatory agency determines that such agency needs the information described in clause (i) as a result of adverse market conditions or other emergency situations (as defined by that agency), a regulated entity or a major dealer shall provide such information to its appropriate Federal financial institutions regulatory agency, as may be required by that agency.

(B) CONFIDENTIALITY OF INFORMATION PROVIDED.—A Federal financial institutions regulatory agency that receives information pursuant to this paragraph with respect to any regulated entity or major dealer may not provide such information to any person or entity other than another Federal financial institutions regulatory agency with jurisdiction over that entity, dealer, or affiliate, without the prior written approval of the appropriate Federal financial institutions regulatory agency.

SEC. 5. DISCLOSURE REQUIREMENTS.

(a) INFORMATION REQUIRED TO BE INCLUDED IN REPORTS.—Any report of condition or comparable document made by any regulated entity or major dealer in accordance with any applicable provision of law or with respect to any period beginning after December 31, 1994, shall include the following information:

(1) QUANTITATIVE INFORMATION WITH RESPECT TO ALL DERIVATIVE FINANCIAL INSTRUMENTS.—

(A) GROSS NOTIONAL AND FAIR VALUE.—The gross notional value and the gross positive and negative fair values of holdings, positions, or other interests of the regulated entity or major dealer in any category of derivative financial instrument.

(B) REVENUE, GAINS, AND LOSSES.—All revenue (identified by source of revenue), gains, and losses of the institution attributable to holdings, positions, or other interests of the regulated entity or major dealer in any category of derivative financial instrument.

(C) EXPOSURE UNDER BILATERAL NETTING CONTRACT.—The net current credit exposure of the regulated entity or major dealer under legally enforceable bilateral arrangements with respect to holdings, positions, or other interests of the entity or dealer in any category of derivative financial instrument.

(D) EXPOSURE TO INDIVIDUAL COUNTERPARTIES.—The exposure to individual counterparties to any transaction involving holdings, positions, or other interests of the regulated entity or major dealer in any category of derivative financial instrument. The Federal financial institutions regulatory agencies shall determine, by regulation or order, the nature and size of the individual counterparties for which such information shall be required.

(2) TERM TO MATURITY.—Information on the remaining term to maturity of holdings, positions, or other interests of the regulated entity or major dealer in any category of derivative financial instrument.

(b) REPORTING REQUIREMENT.—Information reported pursuant to subsection (a) with respect to derivative financial instruments traded or purchased on an exchange, and the holdings, positions, or other interests in derivative financial instruments which are the subjects of such trades, shall be provided separately from information relating to derivative financial instruments not traded or purchased on an exchange, and the holdings, positions, or other interests in derivative financial instruments which are the subjects of such transactions.

SEC. 6. MANAGEMENT CONTROLS.

(a) REQUIREMENTS RELATING TO DIRECTORS AND SENIOR EXECUTIVE OFFICERS.—

(1) MANAGEMENT PLAN REQUIRED WITH RESPECT TO ALL DERIVATIVE FINANCIAL INSTRUMENTS.—A regulated entity or a major dealer may not engage in activities involving derivative financial instruments without, as part of its internal controls structure, a management plan that—

(A) sets forth—

(i) the purpose of the holdings, positions, or other interests of the regulated entity or major dealer in any category of derivative financial instrument;

(ii) how such holdings, positions, or other interests in any category of derivative financial instrument is consistent with the overall risk management plan of the regulated entity or major dealer; and

(iii) how the regulated entity or major dealer acquires holdings, positions, and other interests in any category of derivative financial instruments; and

(B) describes the accounting methods used to value holdings, positions, or other interests of the regulated entity or major dealer in any category of derivative financial instrument; and

(C) requires that derivative financial instrument activities are conducted with direct oversight by the appropriate senior executive officers (as defined pursuant to section 32(f) of the Federal Deposit Insurance Act) of the regulated entity or major dealer.

(2) FAMILIARITY WITH RISKS REQUIRED.—A regulated entity or major dealer may not engage in any transaction involving a derivative financial instrument unless the board of directors of such entity or dealer periodically reviews compliance with the management plan by the appropriate senior executive officers.

SEC. 7. ENFORCEMENT.

(a) IN GENERAL.—Each Federal financial institutions regulatory agency may use the enforcement authority available to that agency under other provisions of law to enforce the provisions of sections 3 through 6 of this Act, and any regulations promulgated in accordance with this Act, as the agency determines to be appropriate.

(b) SECURITIES AND EXCHANGE COMMISSION ENFORCEMENT AUTHORITY.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 21C the following new section:

"DERIVATIVE FINANCIAL INSTRUMENTS

"SEC. 21D. (a) SUPERVISION BY THE COMMISSION.—Any major dealer whose activities involving derivative financial instruments are not subject to regulation by a Federal financial institutions regulatory agency under the Derivatives Supervision Act of 1994, shall be subject to appropriate regulation and enforcement by the Commission in accordance with the authority provided to the Commission under this title, and consistent with any principles, standards, or other regulatory actions established in accordance with the Derivatives Supervision Act of 1994.

"(b) DEFINITIONS.—For purposes of this section, the terms 'derivative financial instrument', 'Federal financial institutions regulatory agency', and 'major dealer' have the same meanings as in section 2 of the Derivatives Supervision Act of 1994.".

SEC. 8. INTERNATIONAL COORDINATION.

The Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, in consultation with the Federal financial institutions regulatory agencies, shall encourage governments, central banks, and regulatory authorities of other industrialized countries to work toward maintaining and, where appropriate, adopting comparable supervisory standards, regulations, and capital standards in particular, for regulated entities and major dealers engaged in activities involving derivative financial instruments.

SEC. 9. BANK HOLDING COMPANIES.

Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by adding at the end the following new subsection:

"(h) DERIVATIVE ACTIVITIES.—

"(1) IN GENERAL.—A subsidiary of a bank holding company may purchase, sell, or engage in any transaction involving a derivative financial instrument for the account of that subsidiary if it is not an insured depository institution or a subsidiary of an insured depository institution.

"(2) CONSOLIDATED CAPITAL.—The capital of a subsidiary engaged in activities described in paragraph (1) shall not be included in the consolidated capital of its parent bank holding company for the purpose of determining the compliance of such bank holding company with any applicable capital requirement.

"(3) ESTABLISHMENT OF SUBSIDIARIES.—The Board shall establish, by regulation, appropriate terms and conditions for the establishment of a subsidiary referred to in paragraph (1), consistent with any principles, standards or other regulatory actions established under section 4 of the Derivatives Supervision Act of 1994.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'derivative financial instrument' means—

"(i) an instrument the value of which is derived from the value of other assets, interest or currency exchange rates, or indexes, including qualified financial contracts (as defined in section 11(e)(8) of the Federal Deposit Insurance Act); and

"(ii) any other instrument which an appropriate Federal financial institutions regulatory agency determines, by regulation or order, to be a derivative financial instrument for purposes of this section; and

"(B) the term 'Federal financial institutions regulatory agency' has the same meaning as in section 2 of the Derivatives Supervision Act of 1994.".

SEC. 10. SYSTEMIC RISK.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal financial institutions regulatory agencies shall, in order to reduce the risk associated with potential systemic financial market failure, promulgate appropriate regulations to require regulated entities and major dealers to—

(1) increase use of clearinghouses and multilateral netting agreements;

(2) reduce intraday debit positions;

(3) shorten intervals between financial transactions in cash markets and their final settlement;

(4) shorten intervals between delivery of and payment for financial products; and

(5) otherwise reduce payments and settlement risk.

(b) CONSIDERATIONS.—In implementing this section, the Federal financial institutions regulatory agencies shall consider, as appropriate—

(1) the costs imposed on or benefits granted to regulated entities and major dealers by regulatory actions taken under this section;

(2) the public benefits of reducing systemic risk; and

(3) the effects of any proposed action on the international competitive position of United States financial institutions.

(c) EFFECTIVE DATE OF REGULATIONS.—The regulations promulgated under subsection (a) shall become effective 3 years after the date of enactment of this Act, and shall be fully implemented 5 years after the date of enactment of this Act.

SEC. 11. REGULATORY CLARIFICATION AMENDMENTS.

(a) FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS.—

(1) DEFINITIONS OF CERTAIN TERMS.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(A) in clause (iv), by striking "section 101(24)" and inserting "section 101(25)";

(B) in clause (v)(I), by striking "section 101(41)" and inserting "section 101(47)";

(C) in clause (vi)(I)—

(i) by inserting "equity or equity index swap, equity or equity index option, bond option," after "commodity swap,"; and

(ii) by striking "purchased" each place it appears; and

(D) by striking clause (vii) and inserting the following:

"(vii) TREATMENT OF MASTER AGREEMENT AS 1 AGREEMENT.—Any master agreement for any qualified financial contract, as defined in clauses (i) through (vi) (or any master agreement there for), together with all supplements thereto, shall be treated as a single agreement and a single qualified financial contract.".

(2) DEFAULT AGAINST CORPORATION AS CONSERVATOR.—Section 11(e)(8)(E) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(E)) is amended—

(A) by striking "paragraph (12) of this subsection,"; and

(B) by striking "subsection (d)(9)" and inserting "paragraph (10) of this subsection, subsections (d)(9) and (n)(4)(I)".

(3) NOTIFICATION OF TRANSFER; RIGHTS ENFORCEABLE AGAINST RECEIVER OR CONSERVATOR.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(A) in the heading, by inserting "; RIGHTS ENFORCEABLE AGAINST CONSERVATOR OR RECEIVER" before the period;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The receiver for an insured depository institution in default shall notify any person who is a party to a qualified financial contract, not later than 5:00 p.m. (Eastern Time) on the business day following the appointment of the receiver, of any transfer made by the receiver of the assets and liabilities of such institution that includes such qualified financial contract.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RIGHTS AGAINST A RECEIVER.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person may have to net or close out such contract under paragraph (8)(A) of this subsection, or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of the appointment of a receiver for the depository institution (or insolvency or financial condition of the institution for which the receiver is appointed)—

"(I) before 5:00 p.m. (Eastern Time) on the business day following the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) TIMING OF NOTIFICATION.—For purposes of clause (i)(II), the Corporation, as receiver of an insured depository institution, shall be deemed to have provided notice if such notice was sent to the last address shown in the records of the insured depository institution by the means, if any, provided for in the subject qualified financial contract, or by other means reasonably calculated to reach that person not later than the time specified in clause (i)(I).

"(iii) RIGHTS AGAINST CONSERVATOR.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right such person has to net or close out such contract under paragraph (8)(E) of this subsection, or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of the appointment of a conservator for the insured depository institution.".

(4) AGREEMENTS AGAINST INTEREST OF CORPORATION.—Section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)) is amended—

(A) by inserting the following before "No agreement":

"(1) IN GENERAL.—";

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(C) by adding at the end the following new paragraph:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

"(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, including an agreement to provide collateral in lieu of a surety bond;

"(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

"(C) extensions of credit, including any overdraft, from a Federal Reserve Bank or Federal Home Loan Bank; or

"(D) a qualified financial contract, as defined in section 11(e)(8)(D);

shall not be deemed to be invalid pursuant to subparagraph (B) of paragraph (1) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, and substitution of the collateral made in accordance with such agreement.".

(b) FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT AMENDMENTS.—Sections 403(a) and 404(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403(a), 4404(a)) are each amended by striking "other provision of law" each place such term appears, and inserting "provision of law, other than paragraphs (8)(E) and (10)(B) of section 11(e) of the Federal Deposit Insurance Act".

(c) BANKRUPTCY CODE AMENDMENTS.—

(1) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(A) in paragraph (55)(A) (the first place paragraph (55) appears)—

(i) by inserting "equity or equity index swap, equity or equity index option, bond option," after "basis swap,";

(ii) by inserting "interest rate future," after "commodity swap,";

(iii) by striking "forward foreign exchange" and inserting "foreign exchange"; and

(iv) by inserting "currency future," after "cross-currency rate swap agreement,";

(B) by redesignating paragraphs (54) through (57), the second place those paragraphs appear, as paragraphs (58) through (61), respectively;

(C) in paragraph (60), as redesignated, by striking "and";

(D) in paragraph (61), as redesignated, by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

"(62) 'master netting agreement' means an agreement providing for the exercise of rights, including rights of setoff, liquidation, termination, acceleration, or closeout, in connection with one or more contracts with the debtor that are described in paragraphs (1) through (5) of section 561(a); and

"(63) 'master netting agreement participant' means an entity that, at any time before the filing of the petition, has an outstanding master netting agreement covering any of the contracts described in section 561 with the debtor.".

(2) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, is amended—

(A) in paragraph (13), by striking "or" at the end;

(B) by redesignating paragraphs (15) and (16) as paragraphs (16) and (17), respectively;

(C) by redesignating paragraph (14), the second place such paragraph appears, as paragraph (15); and

(D) by amending paragraph (14) to read as follows:

"(14) under subsection (a), of the setoff by a swap participant or master netting agreement participant of any mutual debt and claim under or in connection with any swap agreement or master netting agreement that constitutes the setoff of a claim against the debtor for any payment due from the debtor under or in connection with any such agreement against—

"(A) any payment due to the debtor from such participant under or in connection with any such agreement; or

"(B) cash, securities, or other property of the debtor held by or due from such participant to guarantee, secure, or settle any such agreement;".

(3) LIMITATIONS ON AVOIDING POWERS.—Section 546(g) of title 11, United States Code, is amended—

(A) by inserting "or a master netting agreement covering any of the contracts described in section 561" after "under a swap agreement";

(B) by inserting "or a master netting agreement participant" after "swap participant"; and

(C) by inserting "or any master netting agreement" after "with a swap agreement".

(4) FRAUDULENT TRANSFERS AND OBLIGATIONS.—Section 548(d)(2) of title 11, United States Code, is amended—

(A) in subparagraph (C), by striking "and";

(B) in subparagraph (D), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement covering any of the contracts described in section 561 takes for value to the extent of such transfer.".

(5) CONTRACTUAL RIGHT TO LIQUIDATE A SECURITIES CONTRACT.—Section 555 of title 11, United States Code, is amended—

(A) in the section heading, by inserting ", **terminate, or accelerate**" after "**liquidate**"; and

(B) in the first sentence, by inserting ", termination, or acceleration" after "liquidation".

(6) CONTRACTUAL RIGHT TO LIQUIDATE A COMMODITIES CONTRACT OR FORWARD CONTRACT.—Section 556 of title 11, United States Code, is amended—

(A) in the section heading, by inserting ", **terminate, or accelerate**" after "**liquidate**"; and

(B) in the first sentence, by inserting ", termination, or acceleration" after "liquidation".

(7) CONTRACTUAL RIGHT TO LIQUIDATE A REPURCHASE AGREEMENT.—Section 559 of title 11, United States Code, is amended—

(A) in the section heading, by inserting ", **terminate, or accelerate**" after "**liquidate**"; and

(B) in the first sentence, by inserting ", termination, or acceleration" after "liquidation".

(8) CONTRACTUAL RIGHT TO LIQUIDATE A SWAP AGREEMENT.—Section 560 of title 11, United States Code, is amended—

(A) in the section heading, by striking "TERMINATE" and inserting "LIQUIDATE, TERMINATE, OR ACCELERATE"; and

(B) in the first sentence, by striking "termination" and inserting "liquidation, termination, or acceleration".

(9) CONTRACTUAL RIGHT TO TERMINATE, LIQUIDATE, ACCELERATE, OR OFFSET A MASTER NETTING AGREEMENT.—Chapter 5 of title 11, United States Code, is amended by adding at the end the following new section:

"§561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement

"(a) IN GENERAL.—Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause termination, liquidation, acceleration, offset, or netting of values or payment amounts arising under or in connection with one or more—

"(1) securities contracts, as defined in section 741(7);

"(2) commodities contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements; or

"(5) swap agreements;

under a master netting agreement covering such contracts shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b) EXCEPTION.—A party may exercise a contractual right described in subsection (a) only if that party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(c) DEFINITION.—As used in this section, the term 'contractual right' includes a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice, a right set forth in a rule or bylaw of a national securities exchange, a national securities association or a securities clearing agency, and a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof.".

(9) DEBTS OF A MUNICIPALITY.—Section 901(a) of title 11, United States Code, is amended—

(A) by inserting "555, 556," after "553,"; and

(B) by inserting "559, 560, 561" after "557,".

SEC. 12. REGULATIONS.

Each of the Federal financial institutions regulatory agencies shall issue consistent regulations governing activities involving derivative financial instruments for the purpose of implementing this Act.

SEC. 13. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective 1 year after the date of enactment of this Act.

(b) EXCEPTION.—The amendments made by section 11 shall become effective on the date of enactment of this Act.

FOR P. & G., A BET THAT BACKFIRED

(By Saul Hansell)

It is eye catching, of course, when speculators like George Soros, or banks like Bankers Trust, acknowledge that they have lost millions of dollars by trading in the bond and currency markets, but that is the business they are in.

In many ways, it was far more surprising the Procter & Gamble Company, the nation's premier maker of soap and diapers, confessed yesterday that it would take a $102 million charge because of financial-market positions that backfired when American and German interest rates rose sharply.

P. & G. is not a Wall Street firm, and its investors do not expect the volatility in its earnings due to trading positions that they would, say, for a firm like Salomon Brothers. So why did this industrial corporation turn into a trader?

P. & G. says it was a mistake and * * * policy to avoid financial market speculation was not followed in two isolated incidents. And it replaced the executive who oversaw that area, Raymond D. Mains, vice president and treasurer, and put him on a "special assignment."

But the company is only one of a growing number of nonfinancial concerns that have acknowledged losses due to trading positions that lost money in the face of capricious turns of the markets. Tiny Gibson Greetings Inc., a Cincinnati neighbor of P. & G., said it had lost at least $2 million recently from interest rate swaps. And Metallgesellschaft A.G., the German commodities company, has lost at least $500 million from oil futures.

LIKE HOME BUYERS

Corporations have been lured into speculating in markets largely because their fortunes are tied to commodity prices and to interest rates. Every day, the treasurers of large corporations face the same kind of agonizing choice that prospective home buyers must make: to take the fixed- or the floating-rate loan.

The corporate treasurer's job is to borrow money for the corporation at the lowest rate. As a result, he or she is, in effect, a bond trader, betting on whether rates will go up or down.

In recent years, treasurers have increasingly used interest rate swaps to do their job. Interest rate swaps one of the highly publicized financial instruments known as derivatives were invented to help corporations easily lock in fixed rates when they thought interest rates would rise and to slide into floating rates when they thought rates would fall.

Many corporations try a conservative approach to this task, keeping a mix between fixed- and floating-rate debt. But many, like homeowners refinancing their debt, recently bet that rates were nearing their lows and locked in fixed-rate borrowing.

Some companies have been inclined to try to get fancier, entering into more complex transactions to cut their interest costs by another one- or two-tenths of 1 percent. That is what appears to have happened with Procter & Gamble.

Neither P. & G. nor Bankers Trust, the New York bank it worked with will describe the swap transactions in detail. But derivative experts suggest they probably went something like this:

P. & G. entered into two interest rate swaps, reportedly for five years, to convert the interest it owed on borrowed money from a fixed to a floating rate. For the first six months, the deal was similar to a normal swap: the company received fixed payments from Bankers Trust to cover the interest due on its bonds. In return, the company paid interest to the bank based on a floating rate.

A LOWER RATE

What was different about these transactions was that P. & G. was apparently able to negotiate a lower rate in exchange for an unusual feature: every six months, the variable rate it paid would be adjusted according to a very complex formula. While that formula has not been disclosed, it apparently sharply increased the interest that P. & G. was obligated to pay if interest rates rose.

Last year, this must have seemed like an easy bet. Few people were expecting interest rates to rise as quickly or as much as they have so far this year. Indeed, many bond traders have lost money largely because the consensus was that rates in Europe would continue to fall.

When they read the fine print on their swap agreement, top executives at P. & G. appeared to have discovered that they had far more in common with those bond traders than they had expected.

The incident underscores the warnings that derivatives experts have been raising for some time: that the biggest potential problems in derivatives lie not with the banks and brokers that specialize in them, but in the corporations and investors that use them.

The reason is that the derivatives dealers have invested tens of millions of dollars in sophisticated computer systems that monitor and react to their risks on a minute-by-minute basis. Most corporations—even those using derivatives—have not felt the need to make such investments, as they in theory have a longer-term view.

Yet Bankers Trust said it had repeatedly and formally advised Proctor and Gamble to get out of its position to avoid taking further losses. This is the sort of "stop loss" tactic that is common practice in the best trading rooms, but is lacking in many corporations.

UNANSWERED QUESTIONS

There are many unanswered questions at this point. For one, there is the appropriateness of Bankers Trust's sales practices. Did they push a risky product on a company that did not understand what it was doing? Or is this case similar to the investor who threatens to sue his broker after a trade goes the wrong way, even though he was fully aware of the risks?

P. & G. says it is considering legal action against Bankers Trust, which denies it has done anything wrong.

Also unanswered is whether P. & G.'s loss on the swaps is offset by a gain in some area that it was meant to hedge. If the swaps were meant to convert fixed debt to a floating rate, the company would have benefited by locking in the fixed-rate financing before rates rose.

"People tend to think hedges are good when they make money to offset losses in other areas," said Steven Benardete, a derivatives executive at Morgan Stanley & Company. "But they don't think hedges are so good when there is a loss that mitigates what would have been a windfall gain."

MORTGAGE DERIVATIVES CLAIM VICTIMS BIG AND SMALL

(By Laura Jereski)

The bloodbath in mortgage derivatives is claiming new casualties as investors and dealers continue to rush for the exits, feeding a vicious cycle of falling prices and evaporating demand.

The damage is hitting high and low, from sophisticated players such as Cargill Inc. and Kidder Peabody & Co., and several respected mutual funds, all the way to a little-known New Jersey brokerage firm that hawked these bonds to credit unions and individual investors.

The mortgage market has been one of the worst hit by rising interest rates, which have also rocked hedge funds, Wall Street firms and other investors in bonds and securities derived from bonds.

A $420 million hedge fund managed by Cargill, the privately held commodity powerhouse, based in Minneapolis, is the most prominent of the latest victims. Cargill's fund, known as the Minnetonka Fund, ran afoul of a supposedly "market neutral" strategy that relied on esoteric mortgage-backed derivatives and borrowed money to generate high yields with what was expected to be very low risk. That approach failed notoriously at the Minnetonka Fund, as it did at the Granite hedge funds run by New York-based Askin Capital Management, which earlier this month was forced to seek protection in bankruptcy court.

WORSENING THE TOLL

The Minnetonka Fund lost $90 million or more of the money it managed for Cargill and other investors during the bond market's March downdraft, traders say. Plummeting prices in emerging-market debt, which the fund also owned, are said to have contributed to the damage. Meanwhile, continuing turmoil in the mortgage securities market in April appears to have worsened the toll, the traders add.

"There's a feeling out there that no one has been able to keep up with the pace of declines in the securities," says one trader.

Rising interest rates have caused the mortgage-backed securities market to unravel unpredictably across the board. Even under the best of circumstances, these bonds are difficult to manage, because their values depend on assumptions about how fast homeowners will prepay the mortgages that back these securities.

The recent interest-rate volatility has badly roiled those assumptions, so that in today's market it's almost anyone's guess what "fair" prices of these bonds should be. Dealers' estimates of what's fair are often heavily influenced by their own appetite for taking on more risk.

RISKY DERIVATIVES

Mortgage derivatives, known as "collateralized mortgage obligations," constitute about half of the $1.5 trillion of mortgage-backed securities outstanding.

The problems are most evident in risky mortgage derivatives, such as "principal only" strips and "inverse floaters," but losses in those sectors are infecting more docile sectors of the mortgage-backed market. As their names suggest, POs pay investors only the principal on the underlying mortgages, while inverse floaters have yields that are designed to fall when interest rates rise, and vice versa.

Making a bad situation worse, Wall Street dealers have been reluctant to make markets in these esoteric securities because they're afraid of additional losses. Kidder and other major Wall Street firms have taken sizable hits from being forced to take such bonds back from troubled customers, including Mr. Askin. As these dealers make themselves scarce, that tends to leave investors in the lurch.

"You are seeing the ugly side of the Street now," says a large institutional investor. "The problem is that Wall Street created these bonds. They are the only ones who can price them. And they are not supporting their bonds."

Indeed, traders say Minnetonka's losses were deepened by the fund's inability to get good prices from its dealers. Cargill officials won't comment about the funds, its outside investors or the size of the loss.

However, in a statement released yesterday, Cargill said, "The earnings of Cargill's financial business are derived from a broad base of diverse operations. Their performances this year remains very strong despite recent market developments and, in fact, is on pace for record earnings in this fiscal year." Last year, Cargill's financial-services unit contributed about one-third of the company's $358 million in net income, according to a Cargill official.

Investors report that dealers are so loath to quote prices for many collateralized mortgage obligations, or CMOs—out of fear that investors will demand to trade at those prices—that so-called bid-offer spreads have widened to 10 points, or $100 on a bond with a $1,000 face value. The "bid" indicates that price at which dealers are willing to sell bonds. Such wide spreads hurt fund managers who use bid quotes to "mark to market," or value their portfolios for reporting purposes.

"When there's a panic in the market, all the brokers who are asked to mark bonds to market just low-ball the numbers, because they're afraid to step up to the plate" if customers want to unload their bonds, says Douglas Breeden, chief executive of Smith Breeden Associates Inc., a money manager specializing in mortgage-backed securities who hasn't run into problems. Even in normal times, "we get off-the-wall marks from dealers on a routine basis," and that problem "only gets worse" in times of turmoil, he adds.

Just how much of a problem has this been? Ramin Rouhani, a managing director at CDC Investment Management Corp., which holds $3.5 billion of mortgage securities primarily invested in esoterica, grouses that "this market doesn't work like a market should." Last week, he says, he circulated a $25 million floating-rate bond to 11 dealers and got bids that ended up three points apart, or $30 on a bond with a $1,000 face value. That's about ten times the usual spread for a bond like that, he says.

For some, the problems are even graver. Several mutual funds run by Worth Bruntjen, a portfolio manager at Minneapolis-based Piper Capital Management, hold so many hard-to-value CMOs that their pricing service has found it difficult on some days to value these portfolios in time to post their daily net asset values. That's made it tough for investors to know what their holdings are currently worth, or what price they must accept to enter or leave the funds.

"Our pricing service has a very short time to collect those prices, and during tumultuous markets, the calculations are delayed," says Mr. Bruntjen, who manages five funds with a total of $1.7 billion in assets. "I think dealers are tying to avoid adding [volatile CMOs] to inventory."

Mr. Bruntjen's largest fund, the Piper Jaffray Institutional Government Income fund, is estimated to have lost nearly 10% for the six months ended March 31, according to Lipper Analytical Services, compared with an average decline of 0.9% for 62 funds with similar investment objectives. The net asset value has continued to slip since then, according to other fund managers. The fund's net asset value was quoted yesterday at $9.35 a share, down 21 cents from the previous day. It is down 17.3% so far this year.

Meanwhile, HYM Financial Inc. of Clifton, N.J., has been even harder hit. The small brokerage firm had built up a huge position in mortgage-securities at the end of the year to distribute among its clients, principally individuals and credit unions. But the sharp movement in interest rates caused its inventory to drop so sharply in value that the firm not only lost its $8 million of capital but still owes Wall Street firms an additional $4 million, according to former employees. HYM was told to cease trading on Friday by the National Association of Securities Dealers. Philip Eitman, who headed the firm, says he cannot comment about what happened.

Employee Fund at Arco Posts Derivatives Loss

(By Georgette Jasen)

An investment fund run by Atlantic Richfield Co. for employees and retirees had a $22 million pretax loss last month as a result of investments in derivatives.

An Arco spokesman declined to disclose the nature of the derivatives, except to say that they were "principal-at-risk" securities and didn't include investments backed by mortgages. He said the securities involved have been liquidated and Arco is pursuing the necessary approvals from government agencies to reimburse participants in the company savings and capital accumulation plan, which includes 401(k) retirement assets. The loss amounted to 5.3% of the fund's assets.

Derivatives are complex financial arrangements whose values are derived from changes in underlying variables, such as interest rates, currencies, commodity prices and stock markets here and abroad. They are used by banks, brokers and their customers to defray the risk of market changes, and sometimes by money managers to boost yields.

LOSSES AT OTHER COMPANIES

Lately, some companies have reported big losses from derivative transactions. Procter & Gamble Co., for example, last month reported a $157 million pretax charge while Air Products & Chemicals Inc. and Gibson Greetings Inc. were among companies reporting smaller hits.

Arco notified about 17,000 participants in its plan of the loss in a letter. The spokesman said the plan's managers have changed their investment strategy and in the future the fund that sustained the loss, called the Money Market Plus fund, will be managed in a way "closer to traditional money-market funds."

Money Market Plus, with about $400 million in assets, is one of four investment options in the $1.5 billion savings plan managed by Arco Investment Management Co., a unit of the big oil company. Employees of Arco, its 83.3%-owned Arco Chemical Co. unit and 49.9%-owned Lyondell Petrochemical Co. can also put money into company stock, a bond fund or a diversified equity fund.

* * * Treasury bills, but is not a money market mutual fund.

The Arco spokesman said the plan's guidelines permitted the fund to invest in derivatives and that all required disclosure was made to participants.

The letter to plan participants said that, while such losses are always a "possibility in this kind of plan," the company is "disappointed." The letter noted that from 1989 to 1993, the fund's performance was "well ahead" of traditional money-market funds. The loss was reported in the Los Angeles Times on Friday.

Traditional money-market mutual funds are closely regulated by the Securities and Exchange Commission, which limit their investments to top-rated securities that generally mature in one year or less. They are considered among the safest investments because they are structured so their net asset value remains stable and only the yield varies.

SEC RULES

Although some funds do invest in floating-rate notes, whose yield is reset periodically as interest rates change, the SEC has barred funds from investing in so-called inverse-floaters, which carry yields that vary inversely to prevailing interest rates, and other potentially risky securities. The SEC also limits use of the term "money-market" in a fund's name to those funds that meet its guidelines.

Company retirement plans typically are regulated by the U.S. Department of Labor under the Employee Retirement Income Security Act, which doesn't have such specific investment guidelines. The plans are required to operate in the interests of participants and beneficiaries. They also are required to make certain disclosures to participants.

At Arco, Mr. Greenstein said, the participants in the savings and capital accumulation plan are mostly employees, but some are retirees. He said Arco already has begun discussions with the Internal Revenue Service because of the tax consequences of reimbursements to participants. He noted that obtaining necessary government approval for such reimbursements could take some time.

Derivatives Supervision Act of 1994

SEPARATION OF CERTAIN DERIVATIVE ACTIVITIES FROM THE INSURED DEPOSITS OF INSURED DEPOSITORY INSTITUTIONS

The Act states that derivative activities may not be conducted in a federally insured depository institution for the account of that institution unless:

(i) the insured depository institution is engaging in the derivatives activity in order to *hedge* the bank's own portfolio (and the category of derivatives activity has been approved by the appropriate federal banking agency); or

(ii) the insured bank is engaging in the derivatives activity *as a dealer* (and the bank is well-capitalized and the category of derivatives activity has been approved by the appropriate federal banking agency; or, if the bank is not well-capitalized but is adequately capitalized, the category of derivatives activity has not only been approved by the appropriate federal banking agency but also has been determined by the appropriate federal banking agency to be in the public interest).

These restrictions also apply to the derivative activities of federally insured credit unions, the Federal Home Loan Banks, Fannie Mae and Freddie Mac.

Speculating with derivative instruments is permitted only in subsidiaries of bank holding companies or in institutions entirely unaffiliated with banks. The Federal Reserve must approve the establishment of any subsidiary of a bank holding company that intends to engage in speculation with derivative instruments as a major dealer, and the Securities and Exchange Commission will regulate the activities of such subsidiary.

REGULATORY COORDINATION

Regulation: The OCC, the Federal Reserve, the FDIC, the OTS, the NCUA, the SEC, the CFTC, the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board must:

(i) jointly establish principles and standards related to capital, accounting, disclosure, suitability, and other appropriate regulatory actions;

(ii) develop minimum capital requirements that address credit risk, market risk, operational risk and legal risk;

(iii) issue regulations that are consistent;

(iv) jointly develop a training program for examiners regarding derivative activities.

Emergency management reporting: The regulators must develop a reporting system that allows them to obtain, in emergency situations and on a confidential basis, certain information from insured depository institutions (including insured credit unions), Fannie Mae, Freddie Mac, the Federal Home Loan Banks and major dealers in derivative instruments.

DISCLOSURE

The Act requires that insured depository institutions (including insured credit unions), Fannie Mae, Freddie Mac, the Federal Home Loan Banks and major dealers disclose certain specified quantitative information with respect to their derivative instruments (for example, gross national values and gross positive and negative fair values, revenues, gains and losses, current credit exposures, exposures of individual counterparties and remaining terms to maturity). To the extent possible, such quantitative information is to be provided separately for exchange-traded and over-the-counter instruments.

MANAGEMENT CONTROLS

In addition, the Act requires that the above institutions prepare, as part of their internal controls structure, a management plan that sets forth the purpose of the holdings in the derivative instruments, how the holdings are consistent with the risk management plan of the institution and how the institution acquires its derivative instruments. The management plan must describe the accounting methods that are used to value the derivative holdings and must also require that derivative activities be conducted with direct oversight by appropriate senior executive officers. The boards of directors of these institutions must periodically review compliance with their institution's management plan.

SEC REGULATION AND ENFORCEMENT

The Act provides that any major dealer that is not subject to regulation by one of the above regulators be regulated by the SEC. The SEC and each of the above regulators have available to them any of the enforcement tools existing under other provisions of law.

The term "major dealer" is defined to mean any dealer whose ability to meet obligations as they become due is potentially significant to the stability of financial markets, as determined by the above regulators, based upon size, market share and the extent of linkages with other market participants. (A dealer is any person engaged in the business of purchasing, selling, or engaging in transactions involving derivative financial instruments for its own account, through a broker or otherwise, for the purpose of serving customers.)

INTERNATIONAL COORDINATION

The Chairman of the Federal Reserve, in consultation with the OCC, the FDIC, the OTS, the NCUA, the SEC, the CFTC, the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board, shall coordinate with governments, central banks and regulatory authorities of other industrialized countries to work toward maintaining and, where appropriate, adopting comparable supervisory standards, regulations and capital standards in particular, for financial institutions engaged in derivatives activities.

SYSTEMIC RISK

The Act requires within 18 months of enactment that regulations be implemented that reduce the risk associated with potential systemic financial market failure. Such regulations must encourage the regulated entities to increase their use of clearinghouses and multilateral netting agreements; reduce their intraday debit positions; shorten intervals between financial transactions in cash markets and their final settlement; shorten intervals between delivery of and payment for financial products; and otherwise reduce payments and settlement risk.

REGULATORY CLARIFICATION

The Act provides several technical amendments that address, among other things, the treatment of master agreements, collateralization, exceptions to the automatic stay for setoffs by swap participants, exceptions to fraudulent transfers by master netting agreements participants that receive certain transfers, and the liquidation of commodities contracts, forward contracts and master netting agreements.

EFFECTIVE DAY

The Act is to become effective one year after enactment.

By Mr. HATFIELD:

S. 2292. A bill to amend the Watershed Protection and Flood Prevention Act to establish a Waterways Restoration Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WATERWAYS RESTORATION ACT

• Mr. HATFIELD. Mr. President, development of the water resources of the United States has been a vital factor in the growth and prosperity of this country. Our water resources have brought us a strong agricultural base, power generation, navigation and domestic and industrial water supplies. However, the gains we have made in terms of productivity and efficiency have in many cases exacted a toll on our water resources. Despite a concerted effort to improve the quality of our waterways, recent estimates indicate that 38 percent of our rivers, 44 percent of our lakes, and 97 percent of the Great Lakes remain degraded.

This is a continuing problem worthy of the earnest efforts of each of us. The Clean Water Act has made great improvements in the quality of the Nation's waterways. The goals of the Clean Water Act reauthorization legislation now pending on the Senate Calendar certainly focus much needed attention on the continuing dilemma we face with respect to our water resources.

Today I am introducing the Waterways Restoration Act in the hope of providing an additional tool to improve the waterways of the United States. The legislation I introduce today is the companion to House Resolution 4289, introduced by Congresswoman Elizabeth Furse of Oregon. I compliment Congresswoman Furse for her fine leadership in this area and I am proud to introduce the Senate version of this fine proposal.

The Waterways Restoration Act would establish a technical assistance and grant program for a waterway restoration program within the Soil and Conservation Service [SCS] at the U.S. Department of Agriculture. No new money would be required to fund this program. Rather, the program would draw on existing funds by redirecting 20 percent of the SCS's existing Watershed Protection and Flood Prevention Program budget to fund nonstructural, community-based projects.

Waterway restoration is a cost effective way to control flooding, erosion and pollution runoff. This legislation would fund local projects to establish riparian zones, stabilize steam banks and restore areas polluted by urban runoff. Both urban and rural areas would be eligible for project funding. The bill also contains an environmental justice provision that would place a priority on projects in historically disadvantaged communities overlooked by Federal cleanup efforts.

Mr. President, this is sound, progressive legislation. It addresses in an effective way the pressing water resource problems continuing to face this Nation. As we search for ways to reinvent our Government to make it more responsive to the citizens of this country, we should look more and more to proposals—like this one—that draw on the initiative and ingenuity bubbling over in our communities rather than one-size-fits-all, top-down Federal programs. As Congresswoman Furse has noted, this is a funded Federal nonmandate, which allows communities to design and implement the restoration projects they want for the streams, creeks and rivers in their neighborhoods.

I look forward to working with members of the Senate Agriculture Committee to advance this meritorious proposal. I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Waterways Restoration Act of 1994".

SEC. 2. FINDINGS AND POLICY.

(a) Findings.—Congress finds that—

(1) restoring degraded streams, rivers, wetlands, and other waterways to their natural state is a cost effective and environmentally sensitive means to control flooding, excessive erosion, sedimentation, and nonpoint pollution, including stormwater runoff;

(2) protecting and restoring watersheds provides critical ecological benefits by restoring and maintaining biodiversity, providing fish and wildlife habitat, filtering pollutants, and performing other important ecological functions;

(3) waterway restoration and protection projects can provide important economic benefits by rejuvenating waterfront areas, providing recreational opportunities, and creating community service jobs and job training opportunities in environmental restoration for disadvantaged youth, displaced resource harvesters, and other unemployed residents; and

(4) restoring waterways helps to increase the fishing potential of waterways and restore diminished fisheries, which are important to local and regional cultures and economies and to low-income and ethnic cultural groups who rely heavily on fish as a food source.

(b) Policy.—Congress declares it is in the national interest to—

(1) protect and restore the chemical, biological, and physical components of streams and rivers and associated wetland systems in order to restore the biological and physical structures, diversity, functions, and dynamics of the stream and wetland ecological systems;

(2) replace deteriorating stormwater structural infrastructures and physical waterway alterations that are environmentally destructive with cost effective, low maintenance, and environmentally sensitive projects;

(3) promote the use of nonstructural means to manage and convey streamflow, stormwater, and flood waters;

(4) increase the involvement of the public and youth conservation and service corps in the monitoring, inventorying, and restoration of watersheds in order to improve public education, prevent pollution, and develop coordinated citizen and governmental partnerships to restore damaged waterways; and

(5) benefit business districts, local economies, and neighborhoods through the restoration of waterways.

SEC. 3. WORKS OF IMPROVEMENT DEFINED.

Section 2 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1002) is amended by striking the following sentence: "Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20 percent of the total benefits of the project.".

SEC. 4. WATERWAYS RESTORATION PROGRAM.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

"SEC. 14. WATERWAYS RESTORATION PROGRAM.

"(a) Definitions.—As used in this section:

"(1) Biotechnical slope protection.—The term 'biotechnical slope protection' means the use of live and dead plant material to repair and fortify a watershed slope, roadcut, stream bank, or other site that is vulnerable to excessive erosion, using such systems as brush piling, brush layering, brush matting, fascines, joint plantings, and wood cribwalls.

"(2) Channelization.—The term 'channelization' means removing the meanders and vegetation from a river or stream for purposes of accelerating storm flow velocity, filling habitat to accommodate land development and existing structures, or stabilizing a bank with concrete or riprap.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) any tribal or local government, flood control district, water district, conservation district (as defined in section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2)), agricultural extension 4-H program, nonprofit organization, or watershed council; or

"(B) any unincorporated neighborhood organization, watershed council, or small citizen nongovernmental or nonprofessional organization for which an incorporated nonprofit organization acts as a fiscal agent.

"(4) FISCAL AGENT.—The term 'fiscal agent' means an incorporated nonprofit organization that—

"(A) acts as a legal entity that is authorized to accept government or private funds and pass them onto an unincorporated community, cultural, or neighborhood organization; and

"(B) has entered into a written agreement with such an unincorporated organization that specifies the funding, program, and working arrangements for carrying out a project under the program.

"(5) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization with a tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986.

"(6) PROGRAM.—The term 'program' means the Waterways Restoration Program established by the Secretary under subsection (b).

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Soil Conservation Service.

"(8) STREAM CHANNEL QUASI-EQUILIBRIUM.—The term 'stream channel quasi-equilibrium' means restoring channel geometrics, meanders, and slopes so that channel dimensions are appropriately sized to the watershed and the slope of the watershed, bankfull discharges, and sediment sizes and transport rates for the purpose of correcting excessive channel erosion and deposition.

"(9) WATERSHED COUNCIL.—The term 'watershed council' means a representative group of local watershed residents (including the private, public, government, and nonprofit sectors) organized to develop and carry out a consensus watershed restoration plan that includes restoration, acquisition, and other activities.

"(10) WATERWAY.—The term 'waterway' means any natural, degraded, seasonal, or created wetland on private or public land, including a river, stream, riparian area, marsh, pond, bog, mudflat, lake, or estuary. The term includes any natural or humanmade watercourse on public or private land that is culverted, channelized, or vegetatively cleared, including a canal, irrigation ditch, drainage way, or navigation, industrial, flood control, or water supply channel.

"(11) YOUTH CONSERVATION AND SERVICE CORPS.—The term 'youth conservation and service corps program' means a full-time, year-round youth corps program or a full-time summer youth corps program described in section 122(a)(2) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(2)).

"(b) ESTABLISHMENT.—The Secretary, acting through the Chief of the Soil Conservation Service, shall establish and carry out a Waterways Restoration Program in accordance with this section. Under the program, the Secretary shall provide technical assistance and grants, on a competitive basis, to eligible entities to assist the entities in carrying out waterway restoration projects.

"(c) PROJECT ELIGIBILITY.—

"(1) PROJECT OBJECTIVES.—A project shall be eligible for assistance under the program if the project is designed to achieve ecological restoration or protection and 1 or more of the following objectives:

"(A) Flood damage reduction.

"(B) Erosion control.

"(C) Stormwater management.

"(D) Water quality enhancement.

"(2) LOCATION OF PROJECTS.—A project may be carried out under the program on Federal lands or on State or private lands in any case in which the State or the private land owner is a sponsor or cosponsor of the project.

"(3) PROJECT DESCRIPTIONS.—A project eligible for assistance under the program shall include a project established for any of the following purposes:

"(A) Restoration and monitoring of degraded waterways, including revegetation, restoration of biological communities, and changes in land management practices.

"(B) Reestablishment of stream channel quasi-equilibrium.

"(C) Restoration or establishment of wetland and riparian environments as part of a multiobjective stormwater management system in which the restored or established areas provide stormwater storage, detention, and retention, nutrient filtering, wildlife habitat, and increased biological diversity.

"(D) Reduction of runoff.

"(E) Stream bank restoration using the principles of biotechnical slope protection.

"(F) Creation and acquisition of multiobjective floodplain riparian zones, including removal of natural or humanmade levees, for floodwater and sediment storage, wildlife habitat, and recreation.

"(G) Removal of culverts and storm drains to establish natural environmental conditions.

"(H) Organization of local watershed councils in conjunction with the implementation of on-the-ground action education or restoration projects.

"(I) Training of participants, including youth conservation and service corps program participants, in restoration techniques in conjunction with the implementation of on-the-ground action education or restoration projects.

"(J) Development of waterway restoration or watershed plans that are intended for use within the grant agreement period to carry out specific restoration projects.

"(K) Restoration of any stream channel to reestablish a meandering, bankfull flow channel, riparian vegetation, and floodplain in order—

"(i) to restore the functions and dynamics of a natural stream system to a previously channelized waterway; or

"(ii) to convey larger flood flows as an alternative to a channelization project.

"(L) Release of reservoir flows to restore riparian and instream habitat.

"(M) Carrying out watershed or wetland programs that have undergone planning pursuant to other Federal, State, tribal, or local programs and laws and have received necessary environmental review and permits.

"(N) Carrying out early action projects that a watershed council wants to carry out prior to the completion of the required final consensus watershed plan of the council, if the council determines that the project meets the watershed management objectives of the council and is useful in fostering citizen involvement in the planning process.

"(4) PRIORITY PROJECTS.—Projects that have any of the following attributes shall be given priority by interdisciplinary teams established under subsection (g) in determining funding priorities:

"(A) Projects located in or directly benefiting low-income or economically depressed areas adversely impacted by poor watershed management.

"(B) Projects that will restore or create businesses or occupations in the project area.

"(C) Projects providing opportunities for participants in Federal, State, tribal, and local youth conservation and service corps and provide training in environmental restoration, monitoring, and inventory work.

"(D) Projects serving communities composed of minorities or Native Americans, including the development of outreach programs to facilitate the participation by the groups in the program.

"(E) Projects identified as regional priorities that have been planned within a regional context and coordinated with Federal, State, tribal, and local agencies.

"(F) Projects that will restore wildlife or fisheries of commercial, recreational, subsistence, or scientific concern.

"(G) Projects training and employing fishers and other resource harvesters whose livelihoods have been adversely impacted by habitat degradation.

"(H) Projects providing significant improvements in ecological values and functions in the project area.

"(I) Projects previously approved under this Act that meet or are redesigned to meet the requirements of this section.

"(5) COST-BENEFIT ANALYSIS.—A project shall be eligible for assistance under the program if an interdisciplinary team established under subsection (g) determines that the local social, economic, ecological, and community benefits of the project based on local needs, problems, and conditions equal or exceed the financial and social costs of the project.

"(6) FLOOD DAMAGE REDUCTION.—A project for which 1 of the purposes is to reduce flood damages shall be designed for the level of risk selected by the local sponsor and cosponsor of the project, taking into account local needs for the reduction of flood risks, the ability of the sponsor and cosponsor to pay project costs, and community objectives to protect or restore environmental quality.

"(7) INELIGIBLE PROJECTS.—A project involving channelization, stream bank stabilization using a method other than a biotechnical slope protection method, or construction of a reservoir shall not be eligible for assistance under the program.

"(d) PROGRAM ADMINISTRATION.—

"(1) DESIGNATION OF PROGRAM ADMINISTRATORS.—The Secretary shall designate a program administrator for each State who shall be responsible for administering the program in the State. Except as provided by paragraph (2), the Secretary shall designate the State Conservationist of the Soil Conservation Service of a State as the program administrator of the State.

"(2) APPROVAL OF STATE AGENCIES.—

"(A) IN GENERAL.—A State may submit to the Secretary an application for designation of a State agency to serve as the program administrator of the State.

"(B) CRITERIA.—The Secretary shall approve an application of a State submitted under subparagraph (A) if the application demonstrates—

"(i) the ability of the State agency to solicit, select, and fund projects within a 1-year grant administration cycle;

"(ii) the responsiveness of the State agency to the administrative needs and limitations of small nonprofit organizations and low-income or minority communities;

"(iii) the success of the State agency in carrying out State or local programs with objectives similar to the objectives of this section; and

"(iv) the ability of the State agency to jointly plan and carry out with Indian tribes programs with objectives similar to this section.

"(C) Redesignation.—If the Secretary determines, after a public hearing, that a State agency with an approved application under this paragraph no longer meets the criteria set forth in subparagraph (B), the Secretary shall so notify the State and, if appropriate corrective action has not been taken within a reasonable time, withdraw the designation of the State agency as the program administrator of the State and designate the State Conservationist of the Soil Conservation Service of the State as the program administrator of the State.

"(3) Technical assistance.—The State Conservationist of a State shall continue to carry out the technical assistance portion of the program in the State even if the State receives approval of an application submitted under paragraph (2)(A).

"(e) Grant Application Cycle.—

"(1) In general.—A grant under the program shall be awarded on an annual basis.

"(2) Grant agreements.—The program administrator of a State may enter into a grant agreement with an eligible entity to permit the entity to phase in a project under the program for a period of not to exceed 3 years, except that the project shall remain subject to reevaluation each year as part of the annual funding cycle.

"(f) Selection of Projects.—

"(1) Applications.—To receive assistance to carry out a project under the program in a State, an eligible entity shall submit to the program administrator of the State an application that is in such form and contains such information as the Secretary may by regulation require.

"(2) Review of applications by interdisciplinary teams.—

"(A) Transmittal.—Each application for assistance under the program received by the program administrator of a State shall be transmitted to the interdisciplinary team of the State established pursuant to subsection (g).

"(B) Review.—On an annual basis, the interdisciplinary team of each State shall—

"(i) review applications transmitted to the team pursuant to subparagraph (A);

"(ii) determine the eligibility of proposed projects for funding under the program;

"(iii) make recommendations concerning funding priorities for the eligible projects; and

"(iv) transmit the findings and recommendations of the team to the program administrator of the State.

"(C) Project opposition by federal representatives.—If 2 or more of the members of an interdisciplinary team of a State appointed pursuant to clause (ii), (iii), or (iv) of subsection (g)(2)(B) are opposed to a project that is supported by a majority of the members of the interdisciplinary team, a determination on whether the project is eligible to receive assistance under the program shall be made by the Chief of the Soil Conservation Service. In making a determination under this subparagraph, the Chief shall consult with the Administrator of the Environmental Protection Agency, the Director of the Fish and Wildlife Service, and, in a coastal area, the Assistant Administrator of the National Marine Fisheries Service. The Secretary shall conduct such monitoring activities as are necessary to ensure the success and effectiveness of project determinations made pursuant to this subparagraph.

"(3) Final selection.—The final determination on whether to provide assistance for a project under the program shall be made by the program administrator of the State and shall be based on the recommendations of the interdisciplinary team of the State transmitted pursuant to paragraph (2)(B).

"(g) Appointment of Interdisciplinary Teams.—

"(1) In general.—There shall be established in each State an interdisciplinary team of specialists to assist in reviewing project applications under the program.

"(2) Appointment.—The interdisciplinary team of a State shall be composed of the following members:

"(A) Appointees of the program administrator.—Individuals to be appointed on an annual basis by the program administrator of the State, including at least 1 representative of each of the following specialties:

"(i) Hydrologists.

"(ii) Plant ecologists.

"(iii) Aquatic biologists.

"(iv) Biotechnical slope protection experts.

"(v) Landscape architect or planners.

"(vi) Members of the agricultural community.

"(vii) Representatives of the fish and wildlife agency of the State.

"(viii) Representatives of the soil and water conservation agency of the State.

"(B) Representatives of federal agencies.—One representative of each of the following Federal agencies to be appointed on an annual basis by the appropriate regional or State director of the agency:

"(i) The Soil Conservation Service.

"(ii) The Environmental Protection Agency.

"(iii) The National Marine Fisheries Service (in a coastal State).

"(iv) The United States Fish and Wildlife Service.

"(3) Affiliation of members.—A member appointed pursuant to paragraph (2)(A) may be an employee of a Federal, State, tribal, or local agency or nonprofit organization.

"(4) Federal advisory committee act.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to an interdisciplinary team established under this subsection.

"(h) Conditions for Receiving Assistance.—

"(1) Project sponsors and cosponsors.—

"(A) Requirement.—To be eligible for assistance under the program, a project shall have as project participants both a citizens organization and a State, regional, tribal, or local governing body, agency, or district.

"(B) Project sponsor.—One of the project participants described in subparagraph (A) shall be designated as the project sponsor. The project sponsor shall act as the principal party making the grant application and have the primary responsibility for executing the grant agreement, submitting invoices, and receiving reimbursements.

"(C) Project cosponsor.—The other project participant described in subparagraph (A) shall be designated as the project cosponsor. The project cosponsor shall, jointly with the project sponsor, support and actively participate in the project. There may be more than 1 cosponsor for any project.

"(2) Use of grant funds.—Grant funds made available under the program shall not supplant other available funds for waterway restoration projects, including developer fees, mitigation, or compensation required as a permit condition or as a result of a violation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any other law.

"(3) Maintenance requirement.—At least 1 project sponsor or cosponsor shall be designated as responsible for ongoing maintenance of the project.

"(i) Non-Federal Share.—

"(1) In general.—Except as provided by paragraph (2), the non-Federal share of the cost of a project under this section, including structural and nonstructural features, shall be 25 percent.

"(2) Economically depressed communities.—The Secretary may waive all or part of the non-Federal share of the cost of any project that is to be carried out under the program in an economically depressed community.

"(3) In-kind contributions.—Non-Federal interests may meet any portion of the non-Federal share of the cost of a project under this section through in-kind contributions, including contributions of labor, involvement of youth service and conservation corps program participants, materials, equipment, consulting services, and land.

"(4) Regulations.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations to establish procedures for granting waivers under paragraph (2).

"(j) Limitations on Costs of Administration and Technical Assistance.—Of the total amount made available for any fiscal year to carry out this section—

"(1) not to exceed 15 percent may be used for administrative expenses; and

"(2) not to exceed 25 percent may be used for providing technical assistance.

"(k) Consultation With Federal Agencies.—In establishing and carrying out the program, the Secretary shall consult with the heads of appropriate Federal agencies, including—

"(1) the Administrator of the Environmental Protection Agency;

"(2) the Assistant Secretary of the Army for Civil Works;

"(3) the Director of the United States Fish and Wildlife Service;

"(4) the Commissioner of the Bureau of Reclamation;

"(5) the Director of the Geological Survey;

"(6) the Chief of the Forest Service; and

"(7) the Assistant Administrator for the National Marine Fisheries Service.

"(l) Citizens Oversight Committee.—

"(1) Establishment.—The Governor of each State shall establish a citizens oversight committee to evaluate management of the program in the State. The membership of a citizens oversight committee shall represent a diversity of regions, cultures, and watershed management interests.

"(2) Program components.—A citizens oversight committee established under paragraph (1) shall evaluate the following program components:

"(A) Program outreach, accessibility, and service to low-income and minority ethnic communities and displaced resource harvesters.

"(B) The manageability of grant application procedures, contracting transactions, and invoicing for disbursement for small nonprofit organizations.

"(C) The success of the program in supporting the range of the program objectives, including evaluation of the environmental impacts of the program as carried out.

"(D) The number of jobs created for identified target groups.

"(E) The diversity of job skills fostered for long-term watershed related employment.

"(F) The extent of involvement of youth conservation and service corps programs.

"(3) ANNUAL REPORT.—The program administrator of each State shall issue an annual report summarizing the program evaluation under paragraph (1). The report shall be signed by each member of the citizens oversight committee of the State and shall be submitted to the Secretary.

"(4) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to a citizens oversight committee established under this subsection.

"(m) FUNDING.—

"(1) MINIMUM AMOUNTS.—Not less than 20 percent of the total amount made available to carry out this Act for any fiscal year beginning after September 30, 1994, shall be used by the Secretary to carry out this section.

"(2) TRANSFERRED FUNDS.—The Secretary may accept transfers of funds from other Federal agencies to carry out this section.

"(3) APPLICABILITY OF REQUIREMENTS.—Funds made available to carry out this section, and financial assistance provided with the funds, shall not be subject to any requirements of this Act other than the requirements of this section.".●

By Mr. KERRY:

S. 2293. A bill to modify the negotiating objectives of the United States for future trade agreements, and for other purposes; to the Committee on Finance.

TRADE AND ENVIRONMENT HARMONIZATION ACT OF 1994

● Mr. KERRY. Mr. President, I am proud today to introduce the Trade and Environment Harmonization Act of 1994 which seeks to increase the compatibility of trade agreements with environmental protection, conservation, and sustainable development. It no longer makes sense, economically or politically, to discuss trade issues without including environmental considerations. This bill will ensure that future trade negotiations consider environmental issues.

Although it is widely accepted that trade and international trade rules can have environmental consequences, under current practice, environmental issues are neglected during initial negotiations of trade agreements and then must be addressed hastily in the final days of negotiation or during the political debate over implementation legislation. This means that procedures for assessing environmental consequences have been bogged down in legal debates and partisan discussions after a trade agreement has been negotiated.

This practice undermines the ability of our trade negotiators to be fully informed about environmental ramifications of an agreement's provisions during negotiation. It undermines their ability to ensure that U.S. environmental interests are given full weight. And it is undermining longstanding bipartisan support for expanded trade. This bill will ensure that the environmental impact is considered as a trade agreement is being negotiated in the first place.

Further, this legislation will ensure that future trade agreements do not lower domestic environmental standards. Rather, it will ensure that future trade agreements promote higher international standards. This bill recognizes the link between trade and the environment in the following general ways:

It will include environmental objectives among the negotiating goals of future trade agreements;

It will formally include environmental representatives as members of the private sector trade advisory committees so that such consultation with trade negotiators will include an environmental perspective; and

It will formalize the participation of the Environmental Protection Agency, the Department of the Interior, and the National Oceanic and Atmospheric Administration in the interagency trade committees so that the environmental perspective is presented and considered.

This bill will not require renegotiation of GATT. The achievements of the Uruguay round are substantial. The round will lower international barriers to trade, which will lead to increased trade volume, global wealth, and U.S. jobs. This bill does not undermine these achievements in the slightest. Rather, it is intended to enhance them by acknowledging that at the same time we are breaking down barriers to trade we must replace them with clear rules of the game for the new global market.

If we do not think before we act, we run the risk of creating a new era of robber baron capitalism, in which nations, competing for capital, drive labor and environmental standards down to the least common denominator. Most of us would prefer a future of enlightened capitalism in which the number of U.S. jobs increase, the world economy grows, and international standards are raised to the highest achievable levels.

I urge my colleagues to support the Trade and Environment Harmonization Act of 1994 and to support inclusion of its provisions in the Uruguay round implementing legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRADE NEGOTIATING OBJECTIVES.

Section 1101 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2901) is amended as follows:

(1) OVERALL TRADE NEGOTIATING OBJECTIVES.—Subsection (a) is amended—

(A) in paragraph (2) by striking "and" after the semicolon;

(B) in paragraph (3) by striking the period and inserting "; and"; and

(C) by adding after paragraph (3) the following:

"(4) increased compatibility of trade agreements with environmental protection, conservation, and sustainable development.".

(2) PRINCIPAL TRADE NEGOTIATING OBJECTIVES.—Subsection (b) is amended as follows:

(A) DISPUTE SETTLEMENT.—Paragraph (1)(B) is amended to read as follows:

"(B) to ensure that such mechanisms within trade agreements to which the United States is a party provide for more effective and expeditious resolution of disputes, improve transparency and public participation, and enable better enforcement of United States rights, including those relating to environment and conservation.".

(B) TRANSPARENCY.—Paragraph (3) is amended by inserting ", including those related to environment and conservation," after "trade matters".

(C) DEVELOPING COUNTRIES.—Paragraph (4) is amended—

(i) in subparagraph (A) by striking "and" after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting "; and"; and

(iii) by adding after subparagraph (B) the following:

"(C) to take into account the particular needs of developing countries in trade matters relating to environment and conservation.".

(D) UNFAIR TRADE PRACTICES.—Paragraph (8)(A) is amended—

(i) by striking "the GATT and nontariff measure" and inserting "trade"; and

(ii) by inserting "and other practices potentially harmful to the environment" after "resource input subsidies".

(E) INTELLECTUAL PROPERTY.—Paragraph (10) is amended—

(i) in subparagraph (C) by striking "and" after the semicolon;

(ii) in subparagraph (D) by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(E) to promote compatibility of established standards of the World Trade Organization relating to intellectual property with existing international biological diversity conventions.".

(F) FOREIGN INVESTMENT.—Paragraph (11) is amended—

(i) by striking "direct" in the paragraph heading and each place it appears in the text; and

(ii) in subparagraph (A)(ii)—

(I) by striking "and" at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting ", and"; and

(III) by adding at the end the following:

"(III) will promote environmentally sensitive foreign investment and discourage countries from attracting or maintaining foreign investment by relaxing domestic health, safety, or environmental measures.".

(G) ADDITIONAL OBJECTIVES.—Subsection (b) is amended by adding at the end the following:

"(17) ENVIRONMENT AND CONSERVATION.—The principal negotiating objectives of the United States regarding environment and conservation issues related to trade and foreign investment are to—

"(A) promote compatibility between trade agreements and sustainable development, and foster the continual protection and improvement of the environment, while recognizing national sovereignty;

"(B) increase cooperation on trade-related environmental policies to better conserve, protect, and enhance the environment;

"(C) avoid trade distortions or barriers that undermine environmental protection and conservation or that constitute disguised protectionism;

"(D) promote transparency and public participation, and increase consumer information in the development of environmental laws, regulations, and policies; and

"(E) promote compatibility of trade agreements with international environmental agreements to protect shared global resources.

"(18) WOOD AND WOOD PRODUCTS.—The principal negotiating objectives of the United States regarding trade in wood and wood products are to—

"(A) promote sustainable forestry practices; and

"(B) increase market access for value-added wood products and wood products that are produced from timber that is sustainably harvested.".

SEC. 2. CITIZEN PARTICIPATION.

Section 135 of the Trade Act of 1974 (19 U.S.C. 2155) is amended as follows:

(1) ADVISORY COMMITTEE FOR TRADE POLICY AND NEGOTIATIONS.—Subsection (b)(1) is amended by inserting "nongovernmental environmental and conservation organizations," after "governments,".

(2) GENERAL POLICY, SECTORAL, OR FUNCTIONAL COMMITTEES.—Subsection (c) is amended—

(A) in paragraph (1)—

(i) by inserting "environment and conservation," after "general policy advisory committees for";

(ii) by inserting "environment and conservation," after "representative of all";

(iii) by striking "and the Secretaries" and all that follows through "or other executive" and inserting ", the Secretaries of the Interior, Commerce, Defense, Labor, Agriculture, and the Treasury, and the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, or the heads of other executive"; and

(iv) by inserting "and Administrators" after "such Secretaries";

(B) in paragraph (2)—

(i) by inserting "environment and conservation," after "representative of all";

(ii) by striking "and the Secretaries" and all that follows through "or other executive" and inserting ", the Secretaries of the Interior, Commerce, Labor, Agriculture, and the Treasury, and the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, or the heads of other executive"; and

(iii) in subparagraph (B)—

(I) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively; and

(II) by inserting after clause (ii) the following:

"(iii) environmental impacts of liberalized trade and investment,".

(3) ADVICE AND INFORMATION.—Subsection (d) is amended by striking "and the Secretaries" and all that follows through "or other executive" and inserting ", the Secretaries of the Interior, Agriculture, Commerce, Labor, and Defense, and the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, or the heads of other executive".

(4) MEETINGS AT CLOSE OF NEGOTIATIONS.—Subsection (e) is amended by adding at the end the following:

"(4) The report of the appropriate sectoral or functional committee or committees under paragraph (1) shall include an advisory opinion as to the significant environmental effects of trade conducted within the sector or within the functional area.".

(5) TRADE SECRETS AND CONFIDENTIAL INFORMATION.—Subsection (g)(3) is amended by striking "and the Secretaries" and all that follows through "or other executive" and inserting ", the Secretaries of the Interior, Commerce, Labor, Defense, and Agriculture, and the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, or the heads of other executive".

(6) ADVISORY COMMITTEE SUPPORT.—Subsection (h) is amended by striking "and the Secretaries" and all that follows through "or other executive" and inserting ", the Secretaries of the Interior, Commerce, Labor, Defense, Agriculture, and the Treasury, and the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, or the heads of other executive".

(7) CONSULTATION WITH ADVISORY COMMITTEES.—Subsection (i) is amended—

(A) by inserting "the Interior," after Secretaries of"; and

(B) by striking "the Treasury, or other executive" and inserting "and the Treasury and the Administrator of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, or the heads of other executive".

(8) PRIVATE ORGANIZATIONS OR GROUPS.—Subsection (j) is amended by inserting "environment and conservation," after "government".

SEC. 3. ADDITIONAL NEGOTIATING OBJECTIVES.

Section 1101 of the Omnibus Trade and Competitiveness Act of 1988 is amended by adding at the end the following:

"(c) SPECIFIC OBJECTIVES FOR PARTICULAR FORUMS.—

"(1) WTO.—The principal negotiating objectives of the United States regarding environment and conservation in the World Trade Organization and the Committee on Trade and Environment of the World Trade Organization are—

"(A) to develop guidelines for the use of national trade and investment measures designed to protect the environment, including those related to the product life cycle;

"(B) to increase transparency, openness, and public participation in dispute settlement procedures;

"(C) to improve the rules and agreements of the World Trade Organization regarding measures to protect domestic environmental standards and conservation measures;

"(D) to promote greater compatibility of the rules and agreements of the World Trade Organization with international environmental agreements that rely upon trade sanctions for enforcement;

"(E) to consider incentives, including improved market access, that might promote resolution of environmental issues relating to international trade;

"(F) to consider intellectual property rules that may promote greater protection of biodiversity;

"(G) to develop guidelines with respect to trade in domestically prohibited or severely restricted goods;

"(H) to achieve progress toward eliminating agricultural subsidies that distort trade and harm the environment; and

"(I) to create an open process to consider continually new trade-related initiatives to promote sustainable development, internalize environmental costs, and enhance environmental protection and the effectiveness of conservation measures.

"(2) BILATERAL TRADE OR NAFTA ACCESSION.—The principal negotiating objectives of the United States with respect to bilateral trade accession to the North American Free Trade Agreement shall include—

"(A) to establish, where relevant for the country seeking accession, minimum environmental safeguards that are not less than those contained in the North American Free Trade Agreement and the North American Agreement on Environmental Cooperation; and

"(B) to implement such additional measures as may be needed to address country-specific trade and environment issues.

"(3) ASIA-PACIFIC ECONOMIC COOPERATION FORUM.—The principal negotiating objectives of the United States in the Asia-Pacific Economic Cooperation forum (APEC) shall include—

"(A) to develop a program relating to environment and conservation measures of relevance to member countries of APEC; and

"(B) to establish a permanent institutional mechanism or secretariat and a timetable for implementing the program developed under subparagraph (A).".•

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOREN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. CRAIG, Mr. DASCHLE, Mr. DECONCINI, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURENBERGER, Mr. EXON, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. MATHEWS, Mr. MCCAIN, Mr. MITCHELL, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROTH, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, and Mr. WELLSTONE):

S.J. Res. 210. A joint resolution to designate the month of November 1994 as "National Native American Heritage Month"; to the Committee on the Judiciary.

NATIONAL NATIVE AMERICAN HERITAGE MONTH

• Mr. INOUYE. Mr. President, on behalf of myself and 44 colleagues, we are pleased to present to the Senate a Senate joint resolution that will designate the month of November 1994 as "National Native American Heritage Month."

With the passage of this resolution every 2 years, native Americans have shared their cultural heritage with the non-Indians. Activities that have enhanced public awareness of our native

Americans have been especially beneficial to teachers from elementary schools to universities. Activities such as bringing in native American speakers, artists, dancers, crafts people and native American elders to share their cultural heritage with the non-Indians.

Agencies within the Federal Government, various organizations, and interested corporations set up funding on a yearly basis to plan their activities. These events are geared to educating the public about native Americans.

Native Americans themselves are especially encouraged during this time to share their stories and their art with the world.

Therefore, I ask you to join me in this special gesture in recognizing the original peoples of this land, the true native Americans. They deserve a special month to honor their significant contributions to our country as much as other Americans have been recognized with a commemorative month every year.●

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Delaware [Mr. BIDEN], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1415

At the request of Mr. PRYOR, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 2091

At the request of Mr. SARBANES, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 2274

At the request of Mr. SARBANES, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 2274, a bill to provide for the application of a 6-year statute of limitations to certain claims filed by Federal employees under the Fair Labor Standards Act of 1938 [29 U.S.C. 201 et seq.].

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 192

At the request of Mr. KOHL, the names of the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. CRAIG], the Senator from Alaska [Mr. STEVENS], the Senator from California [Mrs. BOXER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. PELL], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 192, a joint resolution to designate October 1994 as "Crime Prevention Month."

SENATE RESOLUTION 170

At the request of Mr. CHAFEE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of Senate Resolution 170, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included as primary care providers for women in Federal laws relating to the provision of health care.

AMENDMENTS SUBMITTED

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT OF 1995

DASCHLE (AND KERREY) AMENDMENT NO. 2302

Mr. DASCHLE (for himself and Mr. KERREY) proposed an amendment to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 52, line 23, after "$47,500,000," insert the following: "of which $1,000,000 shall be available to carry out the Northern Great Plains Rural Development Act (if enacted); and".

HEFLIN AMENDMENT NO. 2303

Mr. HEFLIN proposed an amendment to the bill, H.R. 4554, supra; as follows:

On page 88, after line 12 insert:

SEC. 742. In addition to funds made available elsewhere in this Act, there are hereby appropriated as of the date of enactment of this Act the following, to remain available through September 30, 1995:

Emergency Community Water Assistance Grants, $10,000,000;

Very Low-Income Housing Repair Grants, $15,000,000;

Agricultural Credit Insurance Fund Program Account:

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: emergency loans, $7,670,000.

Provided, That these amounts are designated by Congress as an emergency requirements pursuant to section 251 (b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such amounts shall be available only to the extent the President designates such use an emergency requirements pursuant to such Act.

Of the amount appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103–211, for Watershed and Flood Prevention Operations, $23 million is transferred to the Emergency Conservation Program.

LEAHY AMENDMENT NO. 2304

Mr. BUMPERS (for Mr. LEAHY) proposed amendment to the bill H.R. 4554, supra; as follows:

On the appropriate page insert at the end of Sec. 716 the following ", unless additional acres in excess of the 100,000 acre limitation can be enrolled without exceeding $93,200,000, provided that the unused portion of the fiscal year 1994 appropriation shall be used in addition to the $93,200,000."

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SUBCOMMITTEE ON AGRICULTURAL RESEARCH CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research Conservation, Forestry, and General Legislation will hold a hearing on reauthorization of the Federal Insecticide, Fungicide and Rodenticide Act (S. 985, S. 1478, S. 2050). The hearing will be held on Thursday, July 28, 1994, at 2:30 p.m. in SR–332. Senator TOM DASCHLE will preside.

For further information, please contact Eric Washburn at 224–2321.

ADDITIONAL STATEMENTS

HAITI

● Mr. FAIRCLOTH. Mr. President, President Clinton has again failed to establish a clear and decisive strategy in the realm of foreign policy. It is now evident that the administration is leaning toward a military takeover of Haiti. I strongly advise the President to consider the likely repercussions of such a move. With the casualties suffered in Somalia, it is remarkable that the administration could even consider deploying troops into the tumultuous environment plaguing Haiti. Last week, 2,000 marines were deployed from North Carolina to the Caribbean Sea. Mr. President, let there be no mincing of my words. If one of these soldiers returns in a body bag, the occupation will rightly be considered a disaster by the American public.

Mr. President, I am inserting an article by Mr. David Colburn who is serving in my Washington office as a special assistant this summer on foreign policy matters. Mr. Colburn is a history professor and assistant dean of the College of Arts and Sciences at the University of Florida with expertise on international politics. The following editorial takes an insightful look at the external factors that are shaping Mr. Clinton's foreign policy. Unfortunately, it appears that the administration has again chosen politics over sound policy, at the expense of our soldiers and the Haitian people.

The article follows:

INVADING HAITI: LOOK WHO MAY BE CALLING THE SHOTS

(By David R. Colburn)

Has President Clinton decided to turn over the nation's foreign policy in Haiti to the Congressional Black Caucus in a move that is calculated to lead to direct military intervention? The answer seems to be yes.

The Wall Street Journal reported that Clinton appointed William Gray as U.S. special adviser on Haiti in order to quiet the steady stream of criticism by members of the Congressional Black Caucus. Gray, a former congressman and a leader of the caucus, met with its members shortly after he was named Clinton's special adviser. Other reports also reveal that Gray has communicated with former caucus colleagues since taking office, while at the same time ignoring the advice and input of State Department members who have extensive expertise on Haiti.

This is not the first time the president has taken such an capricious approach to foreign policy, and it is likely to be just as devastating as his efforts in Eastern Europe. In devising American policy in Bosnia, Clinton and Secretary of State Warren Christopher also failed to consult their own in-house experts, including Warren Zimmerman, a 30-year veteran of the State Department who was the last ambassador to Yugoslavia and who was widely regarded as one of the department's best-informed East European experts. The result in Bosnia has been an administration policy that gets redefined weekly and that has been wholly unsuccessful in easing the crisis.

The administration has gone about handling events in Haiti in much the same manner, although, unlike Bosnia, the president's "new" approach seems certain to result in U.S. military action.

Relishing its newfound influence, the Congressional Black Caucus has also insisted that exiled President Jean-Bertrand Aristide be fully restored to power. Despite Aristide's often-peculiar behavior, he has the unqualified support of the caucus and, by implication," the Clinton administration. When Gray implied criticism of Artistide last week, Rep. Kweisi Mfume, D-Md., head of the Black Caucus, quickly came to Arisitide's defense, and Gray said no more.

What is really surprising is that the administration would rely on a group such as the Black Caucus, which has such a strong emotional commitment to Haiti, to determine its foreign-policy objectives there.

The ties of black Americans to Haiti are not just the result of developments during the past year, but reflect historical connections as well. Haiti was the first nation in the Western Hemisphere in which blacks threw off the yoke of slavery. It thus holds special meaning for most black Americans. Moreover, the daily killing, rape and arrest of innocent Haitians during the past year and U.S. refusal to make an exception to its immigration laws for Haitians fleeing the country, as it has for those who fled the former Soviet Union, deeply angers blacks. Most are convinced that a white population would never be accorded the same treatment.

What were Clinton and his aides thinking when they opted to case the fate of Haiti with the Congressional Black Caucus?

Certainly, the most outspoken critics of the Clinton policy in Haiti came from these black congressmen within his own party. More important, these members also represent the voting block that most strongly supported Clinton in the presidential election. It thus appears that political concerns drove the Clinton policy shift.

There could not be a worse way to pursue American's foreign-policy objectives. Black Americans, understandably, cannot view events in Haiti unemotionally, and the president surely knows this. To place American policy efforts in Haiti in the hands of the Congressional Black Caucus is to escalate the demands for intervention: it is unavoidable.

If this becomes the precedent for U.S. military action, what is to stop the United States from using troops to oust Fidel Castro or to allow other American ethnic groups to shape our policies abroad?

The last time we entered Haiti, it took 19 years before we withdrew American Marines. Event in that country today are no more harsh or corrupt than they were in 1915, and political stability is no more likely.

The Economist, a British magazine, has described Clinton's foreign-policy initiative as "simply embarrassing." The decision to rely on the Congressional Black Caucus to help define U.S. policies is Haiti warrants the same assessment. Are members of the caucus and other Americans prepared for an extended U.S. military stay in Haiti, and are they prepared for the death of American soliders—both black and white? I doubt that they have even thought about it.•

CONCERN OVER THE F–22

• Mr. D'AMATO. Mr. President, having had the opportunity to thoroughly review the F–22 test and evaluation master plan [TEMP], I was very disturbed by the apparent lack of electronic combat effectiveness testing prior to flight testing. My concern only grew as answers from the Air Force to followup questions made it clear that the service is very comfortable with the notion of dodging effectiveness testing until the F–22 is already in production.

Unfortunately, developmental testing has increasingly come to be seen as a potential source of embarrassment by program managers. Rather than viewing developmental testing as a learning tool, an iterative process of testing, analyzing, and fixing preparatory to the commitment to production, program managers treat developmental testing as a "pass/fail" gauntlet that has the potential to blacken programs in the eyes of service, DOD, and congressional overseers.

The foolishness of avoiding developmental testing was made all too obvious by the B–1B and the ALQ–161. Facing budgetary and schedule pressures, the B–1B program office ducked developmental testing. The result: disaster. The ALQ–161 failed operational testing miserably. In fact, because the fundamental design of the system was itself flawed, any fix involved a major compromise of capability. In the end, millions of dollars and almost a decade later, we still do not have a cost-effective solution to the many problems experienced by the ALQ–161.

It appears to me that the F–22, a vastly more complicated system boasting sensor fusion and integrated avionics, is headed for exactly the same outcome. The F–22 program office is skipping developmental testing and waiting until operational testing, when the F–22 already will be in production, to discover whether its multibillion-dollar avionics package actually works—not turns on, but actually increases the likelihood that the F–22 can dominate the skies over enemy territory and survive.

Fortunately, I am not alone in my concerns. I ask that a letter to Air Force Secretary Widnall signed by myself and my esteemed colleagues, Senators DECONCINI and MACK, be inserted in the RECORD at the end of my remarks.

The letter follows:

U.S. SENATE,
Washington, DC, July 13, 1994.

Hon. SHEILA WIDNALL,
Secretary of the Air Force, the Pentagon, Washington, DC.

DEAR SECRETARY WIDNALL: We are writing to express our deep concern over the fact that the F–22 Test & Evaluation Master Plan (TEMP) by-passes the Real-time Electromagnetic Digitally Controlled Analyzer & Processor (REDCAP) and Air Force Electronic Warefare Evaluation Simulator (AFEWES) facilities. As a result, no electronic combat (EC) effectiveness testing confirming whether the F–22's combination of stealth, speed, and integrated avionics actually exploit and/or degrade air defenses, improve mission effectiveness, or increase survivability will be conducted until Operational Test & Evaluation (OT&E). As the ALQ–161 vividly demonstrates to this day, OT&E is too late to implement cost-effective fixes.

The Air Force justification for avoiding REDCAP and AFEWES is two-fold: (1) "[t]he integrated avionics concept of the F–22 hinges on sensor fusion . . . requir[ing] the successful correlation of multiple signals from a single source . . . [t]his capability does not exist in current Hardware in the Loop (HITL) facilities . . .", and (2) "The F–22 does not employ countermeasures against the EW/GCI/C3 threats simulated at REDCAP and the majority of threats simulated at AFEWES are not considered primary threats to the F–22."

Neither position is credible. REDCAP and AFEWES, together or apart, do have the capability to test the F–22's integrated avionics. Briefings to that effect have been ignored. If the F–22 cannot demonstrate offensive air superiority mission success in the modern IADS/EW/GCI/C3 environment simulated at REDCAP, then it will be no less dependent than the F-15C on intelligence, AWACS support, and active and passive suppression of enemy air defenses. As for "primary" threats, AFEWES airborne interceptor simulations will include the Fulcrum, Flanker, and Foxhound by the end of FY95. Clearly, a thorough test plan for F-22 avionics would include REDCAP and AFEWES.

Challenged on the lack of EC effectiveness testing, the Air Force countered that "[o]pen air subsystem testing on the . . . flying test bed provides many of the same benefits as HITL testing . . . provides a more realistic environmental than HITL testing . . . [and] . . . provides an early assessment of system effectiveness prior to [EMD] aircraft flight testing". This is contradictory. Subsystem testing lacks the sensor fusion deemed critical to proper avionics testing. The supposed inability of HITL facilities to test the fully integrated avionics suite eliminated REDCAP and AFEWES from the F-22 test plan. Furthermore, open air testing cannot possibly duplicate the threat densities required, nor is it controllable or repeatable.

We believe that both an Air Force and Congressional review of the avionics portion of the F-22 TEMP is in order. The F-22 System Program Office considers the F-22's avionics too complicated to be properly tested prior to OT&E, but it is that very complexity that demands exhaustive effectiveness testing prior to production. We look forward to hearing from you on this matter prior to makeup of the Senate Defense Appropriations bill.

Sincerely,

CONNIE MACK.

DENNIS DECONCINI.

ALFONSE D'AMATO.•

UNANIMOUS-CONSENT AGREEMENT—H.R. 4226

Mr. BUMPERS. Madam President, I ask unanimous consent that in the engrossment of H.R. 4226, the foreign operations appropriations bill, that the amendments agreed to the first excepted committee amendment be placed in the appropriate place in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BUMPERS. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, July 19; that following the morning prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators HEFLIN and DORGAN recognized to speak for up to 10 minutes each; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BUMPERS. Madam President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 5:23 p.m., recessed until Tuesday, July 19, 1994, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 18, 1994:

THE JUDICIARY

GUIDO CALABRESI, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

DEPARTMENT OF JUSTICE

DANIEL C. DOTSON, OF UTAH, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

CIVIC PRIDE BLOOMS IN ERITREA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1994

Mr. BURTON of Indiana. Mr. Speaker, I rise to salute the government and people of Eritrea on the occasion of the first anniversary of their independence. In only 1 year of freedom, Eritrea has become an island of stability and a beacon of hope for Africa. Under the wise and humane leadership of President Issaias Afwerki and the Government of Eritrea, the Eritrean people are providing a shining example of what can be accomplished through hard work, dedication, self-reliance, and the pursuit of wise policies. Eritrea's freedom was hard-earned and hard-fought. This milestone in the history of its people is truly a cause for celebration.

I would also like to pay my respects to the departing Ambassador of Eritrea, Hagos Ghebrehiwet. During his tenure in Washington, Hagos made many friends and won the respect, admiration, and affection of all who worked with him. He will be missed, but we wish him well in his new assignment in Asmara along with Abebech, his wife, and their son, Petros.

I commend to the attention of my colleagues an excellent article that appeared recently in the Los Angeles Times about the miracle of Eritrea, and an article from the Indianapolis Star about the independence celebration of Indianapolis' Eritrean community.

[From the Los Angeles Times, June 28, 1994]

CIVIC PRIDE BLOOMS IN ERITREA

(By David Lamb)

ASMARA, ERITREA.—"Kefela," the American said as he left the U.S. library on Alula Street for the last time, "take care of the books." With that the man was gone, joining the exodus of Americans expelled by Ethiopia's Marxist government from the northern province of Eritrea nearly 20 years ago.

No one would have dared imagine how seriously Kefela Kokobu would take those words. For single-handedly, and at considerable personal risk, Kefela ensured that an entire generation of young Eritreans would be raised on Hemingway instead of Mao, would have better access to Jefferson than to Lenin.

Ethiopian officials raged at Kokobu upon finding shelves devoted to O'Hara and Fitzgerald and a record cabinet featuring music by the Boston Pops and the Harvard Glee Club; they sent him the collected works of Communist authors by the box load. Kokobu put three or four of the books on display to appease the authorities and packed the rest away in storage.

Traces of the American presence in Eritrea disappeared fast under the Marxist regime that overthrew Emperor Haile Selassie: The U.S. Consulate was taken over by the Ethiopian navy, and Kagnew Station, a U.S. army communications facility, became a base for the murderous Ethiopian army. But Kokobu's beloved American Library remained just a library—indeed, Asmara's only public library—though operated under the auspices of the local municipality, not the U.S. Information Service.

"I wanted my people to be educated, and I did not believe Mao and Lenin could provide that learning," said Kokobu, 55, who dumbfounded the returning Americans last year by escorting them through a spotless library where every volume had been kept safe and even the list of overdue borrowed books was up to date.

But if the Americans found Kokobu's diligence stunning, they would soon learn that in Eritrea—which just celebrated its first anniversary as Africa's newest country—the extraordinary is commonplace. As one American diplomat put it recently; "Eritrea reminds me of what Israel must have felt like in the '50s. There is an obsession with a single goal—to make it work."

The 3.5 million Eritreans, about evenly divided between Muslims and Christians, are keenly aware after winning a 30-year guerrilla war for independence that many people are echoing the diplomat's sentiments. They smile and give a knowing nod when told that what is happening here doesn't seem very, well, African.

Across a continent where concern for shared well-being often plays little role in national life, cities are decaying, social services crumbling, political foundations wobbling. But here in Eritrea's 7,000-foot-high capital, a kind of new African model is emerging, and common people like Habte Freizghy are helping create it.

"If I do not do my job right, if I do not show up for work on time," he said, "then Eritrea is worse off because of me." Freizghy is a street sweeper and, together with a legion of other elderly men who wield their brooms with unusual energy, he has helped make Asmara an immaculate city. His salary is $30 a month plus a daily ration of food.

No beggars are allowed in Asmara; they are sent to a training and schooling center outside the city. Western business people are stunned to learn that government officials are punctual and do not accept bribes.

Out by the airport, where minefields have been cleared, men and women work side by side tending rows of wheat—a rare sight in Africa where farm labor is usually left to women. A U.S. Embassy briefing packet for visitors contains this notation under the heading Security Awareness: "None." There is no fear of physical harm or crime anywhere in the country, it says.

Eritrea's guerrilla army—30% of whose combat troops were women—captured Asmara from Ethiopia and its Soviet advisers in May, 1991. But even before the celebration died down, Issaias Afewerki, then rebel leader and now president, had one last request to make of the Eritrean People's Liberation Front (EPLF): Return to the countryside as unpaid volunteers for two years and build schools, repair roads, staff clinics, terrace the hills for farming.

Though not without grumbling that they already had sacrificed enough and been gone from their families too long, the 95,000 soldiers obeyed.

"The odds were stacked against us during the war, and very few thought we could succeed," said former combatant Yemane Ghebreab, now a senior party official. "But the EDLF united the people because our leaders stayed inside the country. They lived the same as the rest. They suffered like the rest. And therefore they were sensitive to the sacrifice of the people."

During the colonial era, the ruling Italians built one of Africa's most industrialized colonies in this outpost that resembles the Badlands of South Dakota. There were factories, railroads, citrus plantations. Eritrea became an important export partner for the Middle East and southern Europe.

Britain took control of Eritrea in 1941. By 1952, Eritreans expected to be granted independence, like other European colonies. Instead, they were swallowed up by Ethiopia. Regardless of "the point of view of justice," U.S. Secretary of State John Foster Dulles told the United Nations at the time, America's strategic interests dictated that Eritrea "be linked without ally, Ethiopia."

Treated by the Ethiopians as colonial subjects, denied equal education and jobs, the Eritreans went to war in 1961, first against the emperor, then against a cabal of violent Communists. Never before had Africa seen such a resourceful, self-reliant band of guerrillas take to the bush.

With virtually no outside backing, the EPLF and two other rebel groups carved factories, schools and offices out of rock caves. Solar panels cooled their bloodbank refrigerators. Disposable hypodermic syringes were turned into light switches, shards of shrapnel into scythes.

Soldiers moved at night and carried blackboards into the trenches, to study by candlelight. But even when Ethiopia adopted communism and the Soviet Union joined the war against Eritrea, in the late 1970s, Western governments kept their distance. The EPLF's rhetoric sounded like it had been written in Albania.

"It's true that in the '60s and '70s we, as young fighters, embraced the school of Marxism," said Kidane Woldeyesus, head of the Americas section of the Ministry of Foreign Affairs. "But I think Africa in that era called for that kind of radical thinking.

"Then came the Soviet intervention in '78. This MIGs tried to wipe us out. I mean, really wipe us out! It gave us the opportunity to rethink things. Since the '80s, we've clearly stated that we were going to a multi-party, democratic system."

This year, having defeated black Africa's largest army and won Ethiopia's blessing to secede, Eritrea observes its first anniversary of independence—formally proclaimed on May 24, 1993—with a palpable self-esteem that brings thousands of neatly dressed residents onto Liberation Boulevard each evening to stroll under palm trees and sip espresso in cafes.

The Peace Corps is coming back, and U.S. firms are exploring for oil and natural gas. The Ethiopian Airlines office now houses Eritrea Airlines, though no such company yet exists.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Daunting tasks remain, however. "Observation alone will tell you that 30 years of war brought devastating suffering," said Saba Issays of the National Union of Eritrean Women. Agriculture was crippled by the war, the industrial sector destroyed. Per capita income is only $130 a year.

But Eritreans have only to look across their borders at the economic ruin, widespread wars, tribal animosity and official corruption that torment Africa to know what the alternative is. In few African countries could anyone say, as the Foreign Ministry's Kidane did the other day, "Being newcomers, we have had the opportunity to learn from history."

[From the Indianapolis Star, May 29, 1994]

LOCAL ERITREANS MARK FREEDOM OF THEIR HOMELAND

(By James L. Patterson, Jr.)

Yonas Mengsteab knows a thing or two about courage.

Now 25, he fought for his country's independence from age 11 to 22. That was after he lost 14 members of his family to the conflict at age 7.

Although he was shot in the abdomen and foot during Eritrea's long bloody war to free itself from Ethiopian dominance, Mengsteab's worries are mostly behind him now.

He's just happy that it's over and his country, Eritrea, finally has its independence.

Mengsteab joined about 100 of his countrymen at Lawrence Park on Saturday to celebrate Eritrean Independence Day, which was Tuesday.

"I'm really happy that the war is over," he said. "Now we are free."

Eritrea is a northeast African nation of 3.5 million, bordered by the Red Sea, Sudan, Ethiopia and Somalia. It was colonized by Italy in 1890 and federated with Ethiopia in 1952.

In 1961, Eritrea, outnumbered 4-1, began its armed struggle, which culminated in victory against the Ethiopian army 30 years later.

The war cost 70,000 Eritrean lives and wounded hundreds of thousands on both sides, said Tesfa Tesfaslase.

The 40-year-old native of Eritrea came to the United States in 1987 as a political refugee, as did most who attended Saturday's picnic.

A resident of Indianapolis the past five years, Tesfaslase praised U.S. Rep. Dan Burton, R-Indianapolis, for trying to persuade the U.S. government to back his nation's struggle for independence.

Many of the women at Saturday's gathering wore braids and zuria, their native dress. After the Eritreans greeted each other with kisses on each cheek, they enjoyed both native and U.S. foods.

One offering from the Eritrean homeland was enjera, a spicy staple made of chicken, hot chili, butter, onions, tomatoes and eggs.

Later, with Eritrean music playing in the background, the women served bread and freshly ground coffee.

It was a time not only for remembering about how far Eritrea has come but also to be hopeful about its people's future.

After the meal, the chairman of the Eritrean American Community Association, Yemane Teklezghi, spoke in Tigrigna, their native language, about the need to help rebuild his war-torn country.

Teklezghi, a bilingual teacher for Indianapolis Public Schools, will return to Eritrea this summer to gauge the condition of its infrastructure.

The Rev. Rustom G. Michael, an Eritrean and pastor of the Church of the Nazarene, 3101 E. 38th St., pleaded for people to make donations to Eritrea because the war has destroyed so many schools, churches and hospitals.

With a red, green and blue Eritrean flag flapping between two posts under a park shelter, Menghistab G. Christos said he was happy not only about his country's independence but also about the educational achievements of Eritrean children in the United States. Several others offered prayers of thanksgiving.

"The opportunities for educating our children, that's the most important thing," Christos said. And that is happening.

Christos' daughter, Eritrea Christos, and two others at the celebration, Aklilu Tedla and Alem Seyoumare, are among several young Eritreans who have attended or graduated from Indiana colleges.

TRIBUTE TO FRANKLIN LOEBE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1994

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to a member of the Third Congressional District of Illinois, Mr. Franklin Loebe. On August 1, 1994, Mr. Loebe will retire from his career as village treasurer of Orland Park, IL after 65 years of dedicated service. This is certainly an accomplishment worthy of special recognition.

A native of Orland Park, Mr. Loebe was born in 1906 and went to grade school in a little school house at 143d Street and Beacon Avenue. He attended Englewood High School in Chicago and went on to Northwestern University in 1925. Mr. Loebe studied accounting and business before returning home due to a family illness.

Mr. Loebe was running the general store when Mayor Ralph Jennings asked if he would like the job of village treasurer. Mr. Loebe became Orland Park's village treasurer at age 23, when the town had a total population of 450 residents and a $6,000 budget. As he retires 65 years later, Orland Park claims 40,000 residents and an estimated $20 million budget.

Mr. Loebe is well known for his exceptional ability to manage the village finances. His financial expertise will be sorely missed in the treasurer's office. His commitment to the village of Orland Park and its residents is certainly deserving of special recognition.

Mr. Loebe is married to Dorothea Loebe and is the father of two daughters. He is known for his special talent for storytelling about old Orland Park.

Mr. Speaker, I am pleased to recognize Franklin Loebe for dedicating himself to the welfare and the betterment of our community. I am sure that my colleagues will join me in expressing congratulations to Mr. Loebe for his many years of selfless dedication, loyalty, and professionalism to our community. I wish him well on his retirement and hope his life continues to be an adventure full of pleasant memories.

MTSU'S JOHN STANFORD: MOVING MTSU TO THE HIGHEST LEVEL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1994

Mr. GORDON. Mr. Speaker, I rise to thank one of the finest coaches and athletic directors in the history of Middle Tennessee State University, Mr. John Stanford, for his tremendous dedication and devotion to MTSU's sports program, and to congratulate him on becoming the university's first director of athletic relations.

In Mr. Stanford's 14 years as baseball coach of the Blue Raiders, he led the team to an astounding record of 402 victories, 272 losses, and 4 ties, for a winning percentage of .596.

He took the Blue Raiders to the NCAA tournament four times, his teams won four Ohio Valley Conference championships and was named the OVC Southern Division Champions on five occasions. His 1982 team went all the way to the Midwest Regional Championship round, where it advanced to within one game of the College World Series.

In recognition, Coach Stanford was voted the OVC Coach of the Year in 1976 and was cowinner of that honor in 1981, 1982, 1983, and 1987. He was also named South Region Coach of the Year in 1982 by his peers—the American Association of College Baseball Coaches.

His promotion to athletic director in 1987 was designed to spread Coach Stanford's winning ways to the entire university—and it succeeded. During his tenure the Blue Raiders won Ohio Valley Conference championships in five men's and three women's sports, with the MTSU women winning the OVC All-Sports trophy in 1990–91.

An even better measure of John's accomplishments at MTSU than his winning record, as impressive as it is, is the legacy he leaves for others to follow. John Stanford was the guiding force behind MTSU's master plan for athletics, appropriately called moving to the highest level.

Fortunately he will continue to develop and refine that master plan along with President James E. Walker in his new capacity as director of athletic relations.

That 20-year record of accomplishments explains why the entire MTSU community is honoring him with a roast on Wednesday, July 20, 1994—and why MTSU is so far in his debt.

HAROLD AND BETTY FISHER: A MATCH MADE IN HEAVEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1994

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, the story of a very special couple who will soon be celebrating the 60th anniversary of their marriage on July 24—Mr. and Mrs. Harold L. Fisher.

I'd like to share their story with you in honor of this special occasion:

BETTY KAHN ELOPES WITH HAROLD L. FISHER

In 1934, Harold L. Fisher was a handsome young promising lawyer with looks reminiscent of Douglas Fairbanks. Betty Kahn was a beautiful young woman with auburn hair, sparkling green eyes and an engaging smile. Betty worked as an Assistant Buyer for Bamberger's department store. She bought goods for the untrimmed millinery department. This department had an off-season in the late fall. During that time artificial cemetery wreaths were put on sale. Fall delivery dates had to be arranged in the summer. Betty told Harold that she was going to be buying wreaths in Philadelphia in July. Harold told her he would meet her and they would get married.

On July 24, 1934, Harold met Betty in Philadelphia. They went to Orphan's Court to obtain their marriage license. Then they located a Magistrate in a storefront. In this romantic setting, with the handyman who, momentarily, stopped mopping the floor, and a local newspaperman as their witnesses, Betty and Harold were married.

At the conclusion of the ceremony they affectionately shook hands. They then went to the railroad station to have a "nuptial" lunch before Harold returned to New York. Betty completed her buying trip and returned to her parents' home in New Jersey. A month or so later, Betty and Harold rented a furnished apartment in Brooklyn and began married life.

The early years were difficult financially, but the plucky couple never despaired. They began a family. Leonard was the first born in 1936. He grew up to be a physicist and academician in California, where he lives with his wife Yvonne. Leonard was followed three years later by the birth of the twins, Alice and Stephanie.

Alice, is now an attorney and traffic court judge. She lives in Brooklyn with her husband, Lowell Rubin and is the mother of David and Emily.

Stephanie, is a North Carolina business owner and wife of Joseph Harrison. She is mother to her adopted children Neil, Edward, Jay and Gary Cooper.

The twins were followed nineteen months later by the birth of Andrew, now an attorney. He lives in Staten Island with his wife, Barbara and is the father of Elana, Jonathan and Matthew.

Kenneth, also an attorney and member of the New York City Council, was the bonus baby born in 1953, eleven years after Andrew. He lives in Brooklyn with his wife, Kirsten and their children, Jacob and Penny.

With the birth of four children in five years, Betty was needed at home full time. Her organizational skills, cooking and baking ability and good humor were essential for the family's growth and stability. She soon earned the affectionate nickname of "The Boss"!

The Fisher household was known to the local political community as the place to go for freshly baked apple pie, a decent cup of coffee, Harold's sound advice, and a gaggle of children always underfoot!

Harold's career began to prosper as his family grew. Always devoted to his law career, he was honored by the legal community when he was elected President of the Brooklyn Bar Association. This was a second—Betty had been a President first, when she headed the P.S. 156 PTA for several years.

Active in politics, Harold was "the" expert on election law. He was Chairman of the Kings County Democratic Organization Law Committee for many years. Still politically active, and holding the record for presiding over more Kings County Judicial Nominating Conventions than anyone else in history, Harold will chair the September, 1994 meeting.

Harold was Counsel to the NYS Assembly Speaker in 1966, where he worked closely with Governor Nelson Rockefeller, who later appointed him to the board of the Metropolitan Transportation Authority. Governor Hugh L. Carey named Harold Chairman of the MTA in 1977.

President Jimmy Carter paid Harold a singular honor when he requested that Harold be part of a United States mission to Egypt and Israel to meet with Anwar Sadat and Menachim Begin.

Despite Harold's involvement in international and local events, the family was not neglected. During the children's younger years, Betty would take the kids to visit Daddy, who was counting petitions or ballots at a variety of places. Harold also made sure that the children had a sample voting machine as a toy! When the children were old enough, they became involved in the political processes. Politics became a family enterprise, as normal to the Fishers as other family's visits to the zoo!

Betty and Harold are known throughout the political world as a devoted couple with strong family ties. Where Harold went, Betty was never far away. She enjoyed the hurly-burly world of politics as much as Harold did. Both Betty and Harold have been Presidential Electors and delegates to many national and state political conventions.

Life in the Fisher household was never dull. Visitors might be Governors or wannabe Governors, Congress members, Judges and other officials and the people who helped get these folks elected. The circle of friends widened considerably as Betty and Harold began to travel extensively. Friends from all over the world were brought into the warmth and laughter of the Fisher family.

Family and friends wish Betty and Harold L. Fisher a happy 60th anniversary of their marriage.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 19, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 20

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Federal Services, Post Office, and Civil Service Subcommittee

To hold hearings to examine the Federal role in child support enforcement.

SD-342

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the Federal Reserve's semi-annual monetary policy report.

SD-538

2:00 p.m.

Environment and Public Works

To hold hearings to review the Administration's Floodplain Management Task Force report on the 1993 Midwest floods, and to examine the current flood situation in Georgia.

SD-406

JULY 21

9:30 a.m.

Environment and Public Works

Toxic Substances, Research and Development Subcommittee

To hold hearings on S. 1545, to authorize funds for fiscal years 1994 through 1996 for environmental research, development, and demonstration.

SD-406

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on issues relating to international fisheries.

SR-253

Judiciary

To hold hearings on the nominations of Jose A. Cabranes, of Connecticut, to be United States Circuit Judge for the Second Circuit, Blanche M. Manning, to be United States District Judge for the Northern District of Illinois, and Mark W. Bennett, to be United States District Judge for the Northern District of Iowa.

SD-226

Labor and Human Resources

To hold hearings on the nominations of Gilbert F. Casellas, of Pennsylvania, Paul M. Igasaki, of California, and Paul Steven Miller, of California, each to be a Member of the Equal Employment Opportunity Commission.

SD-430

10:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the Department of the Treasury's report to Congress on international economic and exchange rate policy.

SD-538

JULY 22

9:00 a.m.

Joint Economic

To hold open and closed hearings to examine the economic conditions in China.

SD-628

9:30 a.m.

Labor and Human Resources

Disability Policy Subcommittee

To hold hearings on S. 2140, to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests.

SD-192

10:00 a.m.

Foreign Relations

To hold hearings on the nominations of Robert A. Pastor, of Georgia, to be Ambassador to the Republic of Panama, and Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Bolivia.

SD-419

Labor and Human Resources

To hold hearings to examine health insurance coverage for American and foreign employees of multinational corporations.

SD-430

JULY 25

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Dorothy Myers Sampas, of Maryland, to be Ambassador to the Islamic Republic of Mauritania, E. Michael Southwick, of California, to be Ambassador to the Republic of Uganda, Carl Burton Stokes, of Ohio, to be Ambassador to the Republic of Seychelles, and Brady Anderson, of Arkansas, to be Ambassador to the United Republic of Tanzania.

SD-419

Indian Affairs

To resume hearings on S. 2230, to revise the Indian Gaming Regulatory Act.

SD-106

JULY 26

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be a Member of the Federal Energy Regulatory Commission, Department of Energy.

SD-366

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on the Administration's proposed legislation relating to meat and poultry inspection.

SR-332

JULY 27

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 2253, to modify the Mountain Park Project in Oklahoma, S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.

SD-366

JULY 28

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2121, to promote entrepreneurial management of the National Park Service.

SD-366

Rules and Administration

To hold hearings on S. Res. 230, to designate and assign two permanent Senate offices to each State.

SR-301

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on S. 985, S. 1478, and S. 2050, bills to improve existing legislative authority regulating the use of pesticides and to insure public health and environmental benefits.

SR-332

AUGUST 1

2:00 p.m.

Indian Affairs

Business meeting, to mark up S. 2269, to protect the Native American cultures and to guarantee the free exercise of religion by Native Americans, S. 2075, to authorize funds for and to strengthen programs of the Indian Child Protection and Family Violence Prevention Act, and S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.

SR-485

AUGUST 4

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold joint hearings with the Committee on Indian Affairs on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD-366

Indian Affairs

To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD-366

AUGUST 12

2:00 p.m.

Indian Affairs

To hold hearings on the nomination of Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission, Department of the Interior.

SD-628

POSTPONEMENTS

JULY 19

2:30 p.m.

Labor and Human Resources

To hold hearings on S. 1702, to amend the Federal Food, Drug, and Cosmetic Act to ensure that human tissue intended for transplantation is safe and effective.

SD-430

JULY 20

10:00 a.m.

Foreign Relations

To hold hearings to examine the humanitarian crisis in the Horn of Africa.

SD-419

JULY 22

9:30 a.m.

Labor and Human Resources

Disability Policy Subcommittee

To hold hearings on S. 2140, to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests.

SD-430

SENATE—*Tuesday, July 19, 1994*

(Legislative day of Monday, July 11, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thou wilt keep him in perfect peace, whose mind is stayed on thee. * * *—Isaiah 26:3.

Almighty God, sovereign Lord of history and nations, You are needed here—Your presence, Your mercy, Your judgment, Your wisdom, Your love.

We need You in this formidable arena of controversy, conflict, and compromise, where unnumbered agendas converge and demand attention, where special interests collide, where strong wills clash. We need You when tempers rise, emotions boil, frustration enervates, and suppressed anger explodes.

Gracious God, in this vortex of the storm where personal, local, regional, national, international, and special interests concentrate, give to the leaders, the Senators, and their staffs grace exceeding the tempest.

In the name of Him whose peace the world cannot give nor take away. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

If no Senator seeks recognition, the Chair, in his capacity as a Senator from the State of West Virginia, suggests the absence of a quorum, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

Mr. HATFIELD. Madam President, I ask unanimous consent that I may proceed as in morning business until 10:10.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the Senator from Oregon [Mr. HATFIELD] is recognized until 10:10 a.m.

Mr. HATFIELD. I thank the Chair.

(The remarks of Mr. HATFIELD and Mr. WELLSTONE pertaining to the introduction of S. 2294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNICEF PROGRESS OF NATIONS REPORT CHILD NUTRITION NEEDED AS PART OF FOREIGN AID

Mr. MURKOWSKI. Madam President, the Senate has recently passed the foreign operations appropriations bill. This bill will soon go to conference committee. I would like to take this opportunity to tell my colleagues about UNICEF's recently released annual Progress of Nations report.

This report offers a country-by-country comparison of the progress made in meeting the basic needs of children and families. The report expresses the hope that "development also means action to protect the vulnerable and to invest in adequate nutrition, safe water, primary health care, basic education, and family planning."

Nearly 13 million children die each year of preventable malnutrition and disease; victims not of war, but of chronic poverty; dying not of massacres but of measles and dehydration. And we know what to do to prevent this.

The report indicates that due to increased global immunization rates, there are 3 million fewer child deaths each year, with 1½ million fewer deaths due to prevention of measles alone. Yet 1 million children still die each year of measles and over half a million newborns still die of tetanus.

In the early 1980's, 4 million children were dying annually of dehydration due to diarrhea. The report highlights that with oral rehydration therapy, a simple Gatorade-like solution now utilized by nearly 40 percent of the world's families, 1 million child deaths are prevented each year. Yet 3 million children still die each year of diarrheal dehydration, and at least half of those deaths could be prevented by the therapy.

Basic education is also an important goal for foreign aid. World Bank studies estimate that each additional year of education results in a 10-percent decrease in birth rates and in child death rates, and a 10- to 20-percent increase in wages.

Madam President, I believe that the UNICEF report shows that the foreign aid appropriations bill should retain provisions aimed at funding child survival and nutrition programs around the world. I am sure that my colleagues feel the same. Certainly saving children's lives should be a high priority of our foreign aid.

CONCERNING THE CRIME BILL CONFERENCE

Mr. GRASSLEY. Madam President, conferees first began to meet to reconcile differing versions of anticrime legislation more than a month ago. The conference committee adjourned without taking any substantive action, and it has not yet reconvened. The conferees may return to work Thursday, however, and I wanted to take this opportunity to offer my thoughts on the proposed chairmen's mark conference report and the Republican alternative.

When the Senate passed anticrime legislation last November, we passed a tough bill. And we passed a bill that was fully paid for by spending reductions as a result of restructuring Government. The chairmen's mark crime conference report is not fully paid for and it is not as tough as what we passed in November.

The chairmen's mark will raise the deficit by $13 billion. The additional sums reflect the social spending proposals mistakenly labeled "crime prevention." These social programs are an attempt to turn the clock back to the 1960's and the Great Society. At the very least, they are an effort to turn back the clock to last year, when Congress rejected a stimulus plan of almost the same monetary amount. Job training programs and expenditures on infrastructure, midnight basketball, and life skills is not anticrime legislation. The American people are rightfully concerned about crime. They are clamoring for Congress to act. But they want real action, not just motion. They do not shout, "reduce crime; spend money on increasing the self-esteem of our youngsters," as the Assistance for Delinquency and At-Risk Youth Programs would do.

The Republican alternative, by contrast, focuses money on law enforcement. Putting dangerous criminals in prison is the best crime prevention measure. The Republican alternative

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

will put $15 billion into prisons, and it will condition State receipt of some of that money on enacting truth in sentencing. The Republican alternative represents a more effective approach to fighting crime by being tougher on those who commit the violent crime that is shattering the lives of too many people in this country.

Last year, an unfunded stimulus package was filibustered. It may happen again this year. And I am sure that no crime conference report that contains racial quotas on the death penalty in any form will pass. News reports suggest that a compromise to limit the scope of the so-called racial justice act may be in the works. But the American system of individualized justice is not something that can be compromised.

Madam President, I am glad that the crime conference will meet again soon. I will be working to make sure that the final conference report reflects the tough provisions this body enacted last fall.

I hope we will be able to present to the American people a tough bill that will improve people's lives, not a rehash of shopworn old social programs that will achieve nothing except a higher deficit.

CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Madam President, as of the close of business on Monday, July 18, the Federal debt stood at $4,624,283,138,985.72. This means that on a per capita basis, every man, woman and child in America owes $17,737.20 as his or her share of that debt.

SOCCER TOWN, U.S.A.

Mr. BRADLEY. Madam President, I rise today to honor the city of Kearny, NJ—or, as I prefer to call it Kearny, Soccer Town, U.S.A.

In the mid-1870's, thousands of Scottish and Irish immigrants migrated to Kearny in northern New Jersey, located just 10 miles west of Manhattan. With them they brought their rich cultural heritage, complete with a penchant for playing soccer.

Time did little to extinguish the flame of soccer in the hearts of Kearny residents. Rather, through the establishment of a number of club teams, the sport flourished. In fact, in 1930, Kearny sent three residents to the U.S. National Soccer Team which reached the semifinals of the inaugural World Cup held in Uruguay.

Today, Kearny continues to excel in the sport of soccer. Nowhere was Kearny's continued excellence more evident than in the recent efforts of the U.S.A. World Cup Soccer Team.

While the country watched with excitement and pride as the U.S. team advanced to the second round of the 1994 World Cup Tournament, the 36,000 residents of Kearny watched with added enthusiasm. Representing our country were three of Kearny's own: Tony Meola, John Harkes, and Tab Ramos. Two of these players, goaltender Tony Meola and midfielder John Harkes, competed in Kearny youth soccer leagues and were teammates at Kearny High School. Joining Mr. Meola and Mr. Harkes in Kearny's Thistle Youth Soccer Program was midfielder, Tab Ramos. The solid play of these three New Jerseyans was vital to the success of the U.S. team.

The United States is proud to be hosting the 1994 World Cup Tournament. The games held across our country—from Palo Alto, CA, to East Rutherford, NJ—have no doubt rekindled the appeal of the sport for many Americans. In Kearny, though, the appeal of soccer has never waned; the town has remained a cradle of the sport. I think it is safe to say that, thanks in part to the success of Tony Meola, John Harkes, and Tab Ramos, Kearny will remain Soccer Town, U.S.A. for some time to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4554, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Heflin amendment No. 2303, to make funds available for emergency community water assistance grants, low-income housing repair grants, and the Agriculture Credit Insurance Fund Program account.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WELLSTONE. Madam President, I wonder whether my colleague from Mississippi would let me take 10 seconds for a unanimous-consent request.

Mr. COCHRAN. I have no objection.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Margo Dean, an intern in my office, be granted the privileges of the floor today with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Madam President, I was rising to suggest the absence of a quorum, but I see my good friend, the distinguished floor manager of the bill, Senator BUMPERS from Arkansas, on the floor, and I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. What is the parliamentary situation, Madam President?

The PRESIDING OFFICER. The pending business is amendment No. 2303 by Senator HEFLIN, the Senator from Alabama, committee amendments having been set aside.

Mr. BUMPERS. Madam President, we have excepted six or seven committee amendments because various Senators have said that they would like those excepted and wanted either an up-or-down vote on them or wanted to amend that. So far, the only debate that has been held was the debate by Senator BRYAN yesterday on the Market Promotion Program. We will resume that debate at 2:15 p.m. today and no further debate on that will be in order until then.

Between 12:30 and 2:15 this afternoon, we have the party caucuses, but there is not anything to prohibit anybody from coming over here and offering an amendment right now. If we are going to finish this bill tonight, as the majority leader is insisting, the people who have business on this bill are going to have to get here and offer their amendments, because the time is running.

I am saying this for the benefit of our colleagues who hopefully are watching the proceedings in their offices, to let them know at some point, either with or without an objection, I am going to move to start adopting those committee amendments, either en bloc or one at a time, because they hold the potential for keeping us here for 2 or 3 days.

There are at least seven amendments that I have been told about that various Senators are going to offer on the bill. But I would strongly urge them to get those amendments over here.

Having said that, Madam President, I hope that I would have the concurrence of my good friend, the distinguished ranking Member from Mississippi, Senator COCHRAN, in running a hotline to see if we can get a fairly comprehensive list of amendments that are likely to be offered on both sides, with a view toward getting a unanimous-consent agreement on an exclusive list of amendments which will be offered and possibly time agreements on each one. But one step at a time. I would settle right now for trying to get a list of all the amendments that are likely to be offered. We can worry about the time agreements later.

I can already see this bill going into tomorrow, unless something starts happening; namely, Senators coming over here and offering their amendments.

Madam President, I ask unanimous consent that I be allowed to proceed for not more than 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENTITLEMENTS

Mr. BUMPERS. Madam President, we are in the appropriations process. I spoke yesterday afternoon about the fact that we still have a $4 trillion national debt. While the news is good that the deficit continues to decline, we also know that in 1996 the deficit will quit declining and go up slightly unless a number of things happen:

One is, unless we pass some sort of bill that controls health care costs we will see an increase in the deficit.

The second thing is, there is a myth that is pervasive in the U.S. Senate that entitlements are the sole cause of the deficit. There is no denying that so-called entitlements—which include Social Security, Medicare, food stamps, pension funds—are in fact going up much faster than the rest of the deficit.

The discretionary spending, such as the roughly $13.5 billion in this bill, is actually declining. What that means is the funding for things that we do here that make us a greater nation—namely, control crime, educate our children, provide jobs for our people—is declining in the Congress. But simply because it is declining is no justification for continuing to waste money in that category, namely, domestic discretionary spending. There have been all kinds of gnashing of teeth because the Senator from Nebraska [Mr. EXON] and the Senator from Iowa [Mr. GRASSLEY] offered an amendment on the budget resolution to cut an additional $13 billion in domestic discretionary spending, which includes defense, over the next 5 years. I am not gnashing my teeth, I am simply saying that the bill passed, that amendment was adopted, and we now have the obligation, the solemn duty, to comply with it.

We can start with the space station. It will probably be debated on the floor of the Senate next week. I have been trying to kill that sucker so long I cannot remember when I started, but this is going to be either the fourth or fifth year that I have tried to convince the Members of the U.S. Senate that the cost is staggering and the benefits are minimal. There is over $2 billion in the HUD/VA appropriation bill this year for the space station. The House, because of intense lobbying from the Vice President and the White House, overwhelmingly adopted the $2-plus billion appropriation this year to continue the space station. If the Senate should suddenly come to its senses and vote to kill the space station this year, that would take care of over $10 billion of what we are trying to find to take care of the Exon-Grassley amendment.

Unfortunately, we are not going to do it. I do not much believe we can kill the space station with the White House lobbying on the other side. What a pity.

It is not just the space station, incidentally, if I may digress; it is everything. The National Endowment for Democracy—you cannot kill it. I used to think the only programs around here you could not kill were in the Defense Department, but it has reached the point you cannot kill a program of any kind for any reason. The National Endowment for Democracy has a board membership that looks like Who's Who in America. Every year when that appropriation comes up, we receive all these letters from these very knowledgeable people who have nationwide reputations saying, "This is a magnificent program. Please don't vote to kill this." And the money goes to the Republican and Democratic Parties and labor unions and the chamber of commerce. Do you believe that? Madam President, $35 million, almost evenly divided between the two political parties and the AFL/CIO and the chamber of commerce. What in the name of heaven are we doing?

Then the Defense Department has this magnificent communications system called Milstar. Not many Senators have ever heard of Milstar—but why would they? It is only $30 billion. We have an opportunity to cut that system this year but my guess is we will not come close.

When Les Aspin was Secretary of Defense he appointed a group of the most knowledgeable communications people in America to study Milstar. It was conceived in 1981 to use in a 6-month nuclear war to communicate between the forces in the field and the Pentagon—in 1981, the height of the cold war. It made very little sense then. Who are you going to communicate with after the first 24 hours? There ain't going to be anything left. Think about the idiocy of spending $30 billion so we can communicate with our forces during a 6-month nuclear war.

I get up and say these things and the American people call my office and say, "Senator, that was a magnificent speech that you made. Why didn't you prevail?" It would take longer to explain that than it would to debate the issue. But that is the reason we have a $4 trillion national debt. We have already spent $12 billion on Milstar, and we have put up one satellite out of the six we are going to put up. Its initial power system has already failed, and it was supposed to last 7 years. But we are going to spend $18 billion more on a system that we do not need, is ill-conceived, poorly designed, and whose costs are completely out of control. We cannot kill it. We cannot stop anything around here.

Going back to the point I was about to make a moment ago about Milstar, when Les Aspin and the Department of Defense did what they call their Bottom-Up Review, they appointed four of the most knowledgeable organizations in America in the field of communications, to examine the program MITRE, for example. And those four organizations, after studying Milstar extensively, said you should go ahead and deploy the second Milstar satellite in 1995. Why? Because we have already paid for it so we might as well put it up. But then they went ahead to say, "Cancel the last four. Do not go ahead with this project. Instead, accelerate the smaller, cheaper follow-on system and save $3.5 billion."

These are the experts, appointed by the Department of Defense, and they come back and they say kill that system. So now do you know what the Defense Department has done? They have said, "We do not need it for strategic forces to fight a nuclear war anymore. We need it for tactical reasons." Even though the number of messages it will carry is just a fraction of what an existing defense communications system will carry and no more than the cheaper follow on, Milstar 3, would carry. It would not make any difference if the Second Coming walked on the Senate floor and said, "This is a bad idea," it would still get funded. And one of the reasons it would is because it means jobs.

I am not going to belabor this any further. But in the past several years the only success I have had with amendments I have offered to cut spending was the superconducting super collider, and the House really killed it.

I received a lot of credit for killing the super collider, but the truth of the matter is, we lost in the Senate. It was the House that killed the super collider.

The other success in cutting spending was the advanced solid rocket motor, which was a $3 billion saving. The House killed that one too. But the House let me down this year on the space station. They passed it by 1 vote last year and about 150 votes this year. That is what the power of White House lobbying will do.

There are a whole host of other things, Madam President, I could mention, but I do not stand around letting my colleagues tell me how terrible the Exon-Grassley amendment is, because we can accommodate that very easily if suddenly everybody in this place came to their senses and decided they wanted to.

I am going to have a very difficult time, and I sit on the Entitlements

Commission, the so-called Kerrey Commission. The Presiding Officer sits on that Commission with me. We have been talking about what we are going to do about Social Security, and all of a sudden, I am getting mail from all over the United States: "Please do not let them cut my Social Security."

I do not think we are going to. Whoever set up that Commission very intelligently decided not to make a report until after the elections were over, because you cannot deal with those things in an election year.

Last summer when I went home after casting a very unpopular vote on the budget reconciliation bill I told my constituents, many of them upset with my vote, that the one thing I knew is if you are serious about the deficit, you try to reduce it, you try to cut it. And there are only two ways to do it: One is to cut spending and the other is to raise taxes.

I do not know which is more unpopular. I get as much mail for one as I do for the other. We grew up with entitlements. With that Entitlement Commission, you have to tell people we are not trying to cut your Social Security, but you should know that in about 20 years, there will be nothing left. It is now paying out more than it takes in.

You have to be honest with people. I made the point the other day that if you are really serious about dealing with Medicare and Social Security, and a whole host of other things, you better start laying the groundwork for it, because it is the one thing people do not want to hear. Forty million recipients do not want to hear it, and I understand that.

I have paid the maximum Social Security since I was 27 years old, Madam President, and I hope I never draw a dime. I hope I am always active and making enough money that would bar me from drawing any Social Security. I am happy for other people who are less fortunate to draw whatever I paid in.

We are rapidly reaching the point, though, where we are going to have two people paying into the system for every one drawing out of it. Then we are going to almost reach the point where we have 1½ people for every one drawing out. You do not have to be a rocket scientist to know that the Social Security System cannot be sustained forever on that basis.

It is a mammoth problem. You can sit back and say do not do this and do not do that, but I will tell you, if you do nothing, you ought to forfeit your seat. All of these programs have to be dealt with. All I am saying is I would be very reluctant to vote for anything on any of those entitlement programs until we have dealt with a whole host of other issues.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. McCAIN. Madam President, I ask unanimous consent that the pending Heflin amendment be set aside in order that I may propose an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2305

(Purpose: To strike a provision prohibiting the Secretary of Agriculture from approving Food Stamp "cash-out" demonstration initiatives)

Mr. McCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] for himself, Mr. KERREY, Mr. DOLE, Mr. BROWN, Mr. DURENBERGER, Mr. KOHL, Mr. EXON, Mr. PACKWOOD and Mr. LIEBERMAN, propose an amendment numbered 2305.

Mr. McCAIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending committee amendment add the following:

"Provided further that the following Section of the bill is null and void:

'Provided further, That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1994.'"

Mr. McCAIN. Madam President, I propose this amendment on behalf of myself, Senator KERREY, Senator DOLE, Senator KOHL, Senator DURENBERGER, Senator BROWN, Senator EXON, Senator PACKWOOD and Senator LIEBERMAN.

This amendment is strongly supported by the National Governors Association and the National Association of Counties. It is a simple amendment. The amendment would repeal a provision in the bill which prohibits the Secretary of Agriculture from empowering States to use food stamp money to demonstrate new and creative welfare reforms.

Currently, 20 States are either implementing or have proposed food stamp conversion projects. Such initiatives include converting food stamp money to wage subsidies for the poor so they can go to work, learn a skill and earn a paycheck. In other instances, States want to provide direct cash benefits to poor families so they, rather than the Federal Government, can decide how the family budget will be spent. The 20 States that are pursuing such projects include Alabama, Arizona, California, Colorado, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oregon, Pennsylvania, Utah, Virginia, West Virginia, and Wisconsin.

Madam President, the Senate should embrace and encourage, rather than prohibit, State and local initiatives that will better serve needy Americans and help break the grinding cycle of poverty and dependence.

The prohibition in the pending bill is a regressive and counterproductive restriction on the administration's discretionary authority, and it flies in the face of the obvious need to encourage innovation, flexibility and accountability in our stagnant welfare system. We have heard a lot of talk about welfare reform, much of it right here on the Senate floor.

The American people are demanding fundamental change in a system that has failed its promise to restore economic independence to those in need. We are losing the war on poverty. It is time for new tactics and firmer resolve. Recognizing this reality during the 1992 campaign, President Clinton, as we all know, promised to end welfare as we know it.

While we may argue whether the President can fulfill that pledge, the public's will is unmistakably clear. But it appears the Congress, rather than ending welfare as we know it, prefers to end welfare reform as we know it with a three-line provision in a spending bill.

Fortunately, the States have taken to heart the national imperative to correct a system which has clearly failed to win the war on poverty. While 6 States operate food stamp conversion programs, 13 others are planning to implement demonstrations on their own, and more will follow suit. But such programs can only be implemented with the permission of the Federal Government.

The Secretary of Agriculture currently has the discretion of whether to grant Federal permission, and this administration has done so on three occasions.

In explaining the administration's position on this question, the Secretary of Agriculture, Mike Espy, could not be more clear about the importance of empowering State and local Governments to innovate. He said:

> The President and I feel strongly that States must have the flexibility to experiment with innovative approaches to welfare and food assistance. The rigorous evaluation,

limited duration and limited scope of any cash-out experiments will allow USDA to keep a close eye on their operation.

In Executive Order 12875, the President says that State and local governments "should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government."

The administration's National Performance Review concludes that "State and local managers must have flexibility to waive rules that get in the way."

So, Madam President, the administration understands the need for innovation and flexibility; our Nation's Governors from Maine to California understand the need for innovation and flexibility; and, most importantly, taxpayers and welfare recipients understand the need for innovation and flexibility. So why are we now debating this on the Senate floor?

I know that some advocates do not like the idea of "cash outs" and wage subsidies because they fear that poor families will not or cannot make the proper spending choices if empowered to do so. To me this is the kind of paternalism that is at the core of the problems of our troubled welfare system.

In fact, most low-income families involved in food stamp conversion demonstrations prefer to receive a benefit check or paycheck because they can budget their monthly expenditures the same way other families budget their household spending, rather than having the Federal Government decide exactly how much money they should spend on food each month. And many of these families know that a job, made possible by a wage subsidy, can be a vital bridge to economic independence.

Research cited by the National Governors' Association shows that food stamp conversion does not change the availability or adequacy of food to clients. In Alabama, for example, 80 percent of the families in the demonstration counties reported that they had enough to eat every month—the same percentage as the families in counties receiving food stamp coupons. Just 5 percent reported running out of resources for food, again the same percentage as in counties using food stamp coupons.

Studies also show that recipients used additional cash on basic needs that are critical to their families' well-being—principally transportation, shelter, clothing, medical care, and education.

In one of the demonstrations, researchers found that families that purchased food with cash got better food value than families using food stamp coupons because cash enabled them to buy from a wider array of more economical suppliers such as farmers' markets and cooperatives.

Madam President, I know there are those who oppose flexibility, such as some large food retailers that enjoy a captive market with food coupons or those who believe the Federal Government can make better decisions about the family budget than the families themselves, and those who simply want the status quo. But I do not find their arguments compelling.

I am sure there are criticisms, some perhaps valid, about some of the "cash out" demonstrations, and I wish to be clear—I support work-oriented reforms. But many projects have succeeded. And at the very least, we should allow the Secretary of Agriculture to use his judgment and discretion to determine whether an initiative is appropriate and useful rather than denying him that discretion entirely.

Some may argue that taking away the Secretary's discretion today is of little consequence because Congress is considering major welfare reform legislation which is expected to deal comprehensively with these issues.

The prospect of passing major welfare reform this year is not good. So the pending bill puts us in the absolutely absurd position of anticipating reform by eliminating what little reform and flexibility exists under the current system. If needed comprehensive welfare reform does not come this year, we will have taken a giant step backward by restricting existing opportunity for innovation, flexibility, and empowerment, the very elements that our worn and ineffective welfare system needs most.

Madam President, I hope we will listen to our Nation's Governors on this issue. On July 19, 1994, our Nation's Governors, in the form of the National Governors' Association, issued an action alert on a food stamp vote, and I quote:

The Senate will vote this afternoon on several different proposals—

That is today—

To limit food stamp waivers to states as part of the fiscal year 1995 Agriculture appropriations bill. The House has already passed the bill and included in it a ban on any waivers that allow states to convert food stamps to cash benefits or to wage subsidies. The House ban would be effective July 1, 1994, through September 30, 1995.

The National Governors' Association strongly supports the McCain-Kerrey amendment to strike from the bill the House language banning these food stamp waivers. Governors should make calls as soon as possible Tuesday morning to their Senators to ask them to support the McCain-Kerrey amendment and to oppose all other amendments on this issue. Key votes could occur any time Tuesday afternoon. Calls from Governors' staff to Senators' staff are also very important to ensure that the message gets through before the vote.

The National Governors' Association expects that there will be at least two other amendments offered on this issue. These amendments should be opposed because they would significantly limit the ability of Governors to request food stamp waivers. Even if the McCain-Kerrey amendment passes, states are likely to face restrictions on food stamp waivers in the conference agreement because the House bill already includes such limits. If one of the other amendments limiting waivers passes the Senate—instead of the McCain-Kerrey amendment striking the House language—states will be at a significant disadvantage going into the House conference on the bill.

And it goes on to describe the other two amendments that may be forthcoming, one by Senator KENNEDY and the other by Senator CONRAD.

Madam President, I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the National Governors Association, July 19, 1994]

ACTION ALERT ON FOOD STAMP VOTE

The Senate will vote this afternoon on several different proposals to limit food stamp waivers to states as part of the fiscal year 1995 agriculture appropriations bill. The House has already passed the bill and included in it a ban on any waivers that allow states to convert food stamps to cash benefits or to wage subsidies. The House ban would be effective July 1, 1994 through Sept. 30, 1995.

NGA strongly supports the McCain-Kerrey amendment to strike from the bill the House language banning these food stamp waivers. (See attached letter and background information.) Governors should make calls as soon as possible Tuesday morning to their Senators to ask them to support the McCain-Kerrey amendment and to oppose all other amendments on this issue. The key votes could occur anytime Tuesday afternoon. Calls from Governors' staff to Senators' staff are also very important to ensure that the message gets through before the vote.

NGA expects that there will be at least two other amendments offered on this issue. These amendments should be opposed because they would significantly limit the ability of Governors to request food stamp waivers. Even if the McCain-Kerrey amendment passes, states are likely to face restrictions on food stamp waivers in the conference agreement because the House bill already includes such limits. If one of the other amendments limiting waivers passes the Senate—instead of the McCain-Kerrey amendment striking the House language—states will be at a significant disadvantage going into the House-Senate conference on the bill.

The other two amendments are as follows:

Senator Kennedy (D-MA) will offer an amendment that allows waivers to convert food stamps to wage subsidies but prohibits waivers to convert food stamps to cash benefits. This would prohibit waivers for the kinds of demonstrations proposed or underway in a number of states, such as California, Colorado, Maryland, Michigan, Minnesota, Montana, Nebraska, New York, North Dakota, Pennsylvania, Utah, Vermont, Virginia and Wisconsin.

Senator Conrad (D-ND) will offer an amendment that allows waivers to convert food stamps to cash benefits or wage subsidies only if the waiver request has been submitted by September 1, 1994 and if the state agrees to monitor the nutritional status of all the recipient children in the affected households and meet certain other requirements.

Mr. McCAIN. Yesterday, at its meeting in Boston, the executive committee for the National Governors' Association voted to oppose limits on State innovation in the food stamp program. The Governors are expected to overwhelmingly pass the resolution this morning. Let me quote from the executive committee's news release.

> We believe that this bipartisan statement opposing the food stamp waiver ban reflects the strong support of all Governors for continued State innovation and experimentation to reform the welfare system. We call on the Senate to defeat this proposal and to act to preserve State flexibility and executive branch authority in this area.

Madam President, I also ask unanimous consent to submit for the RECORD a letter in support of the amendment from the National Conference of State Legislatures and a letter from Governor Symington of Arizona.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, July 12, 1994.

Hon. JOHN McCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR McCAIN: The National Conference of State Legislatures urges your support for a floor amendment to H.R. 4554, FY 1995 appropriations for agriculture, nutrition and related programs. This amendment would delete a provision in H.R. 4554 that would prohibit states, for one year, from converting food stamp benefits to cash payments or wage subsidies for beneficiaries. We strongly feel that this provision should be deleted.

Those states seeking to convert food stamp benefits would do so only subsequent to a grant of waiver authority from the federal government. Seven states have waivers pending; others are contemplating applying for waivers. These waivers are being sought as part of a larger strategy to strengthen welfare systems and demonstrate alternative mechanisms for providing benefits. The language in H.R. 4554 would have a chilling effect on these requests.

President Clinton asserts in Executive Order 12875 that "these (state and local) governments should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government". The report on the National Performance Review concludes that "(state and local) managers must have flexibility to waive rules that get in the way". The language within H.R. 4554 discards flexibility and undermines the executive branch's discretionary capacity to approve waiver requests.

Many believe that the welfare and income security systems we have now are inefficient or ineffective. The "cash out" demonstrations sought by several states present perhaps a more effective means for giving recipients more control of and responsibility for their benefits. We will not know whether this is an appropriate alternative if the waiver process is stymied.

We appreciate your consideration of our perspective on the aforementioned language in H.R. 4554 and respectfully encourage you to support an amendment to have it struck from the legislation.

Sincerely,

WILLIAM T. POUND,
Executive Director.

EXECUTIVE OFFICE,
STATE OF ARIZONA,
Phoenix, AZ, July 11, 1994.

Hon. JOHN McCAIN,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR JOHN: Thank you for expressing interest in sponsoring an amendment on the floor of the Senate to remove language from HR 4544, the agriculture appropriations bill, that prohibits any future demonstration projects to "cash out" food stamps.

This issue is critical to Arizona because in the legislative session that ended in April, as part of a significant welfare reform package, the Arizona legislature enacted SB 1456, known as the Arizona Full Employment Demonstration Project. This legislation established a 3-year demonstration project to provide employment to welfare recipients by utilizing the cash equivalent of AFDC and food stamp benefits to reimburse employers who have hired AFDC recipients. A more detailed summary of SB 1456 is attached for your convenience.

In order to implement SB 1456, Arizona soon will be submitting to the U.S. Department of Health and Human Services and the U.S. Department of Agriculture a Section 1115 waiver request to permit the cash out of AFDC and food stamp benefits. If Arizona does not have the option of cashing out the food stamp portion of the monthly AFDC and food stamp benefits, the demonstration project in SB 1456 will have to be abandoned or additional state general fund costs for the demonstration project will have to be greatly increased.

A few states have already received waivers to cash out food stamps for welfare demonstration projects and many more states are in the same process as Arizona and applying for waivers. Those food stamp cash out demonstrations that have been approved by the U.S. Department of Agriculture have been on a very careful and limited basis, and only with safeguards to assure that the basic character of the food stamp program remains intact. To hamper Arizona's and other states' ability to utilize this option will severely limit state options to design effective welfare reform programs and will send a negative message about the willingness of Congress to support further waivers and demonstrations.

I know you support states' innovative efforts to improve the welfare system by encouraging employment of welfare recipients. Therefore, your leadership on this issue is critically important.

Thank you for your support in this matter. Please let me know if you need any more information.

Sincerely,

FIFE SYMINGTON,
Governor.

Mr. McCAIN. Madam President, I hope that we will not take too long on this amendment. I think it is clear that we have a philosophical difference on this issue. One is whether the Congress of the United States and the Federal Government, although in this case the Secretary of Agriculture obviously is opposed to the bill as it is written—whether the Governors and the State legislatures will be able to embark on what 20 States have already experimented with, and that is better ways of administering the Food Stamp Program in order to better serve the people of their respective States.

There are those who believe that the Congress knows best. I happen to believe that the Governors and the State legislatures know best, since they are far closer to the problems than we are here in Washington, DC.

The National Governors' Association, as we know, is made up of members of both parties, both Democrat and Republican. I hope that my colleagues will find it of interest that the National Governors' Association unanimously is in support of this amendment.

I am very pleased to see my friend from Nebraska, Senator KERREY, who has also been heavily involved in this issue. And I might say without fear of contradiction, Senator KERREY of Nebraska, having served as the Governor of his State, I think is far better qualified than I am to know the importance of this amendment. As Governor of the State of Nebraska, where he did an obviously outstanding job, as we all know, Senator KERREY had to grapple on a day-to-day basis with the mandates that flow from Washington, DC, which he is required to implement. And many times, our Governors are not able to address problems they know they can fix at their level because of the strictures that are placed on them by the Congress of the United States and the Federal Government.

So, Madam President, I would ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. McCAIN. Madam President, I yield the floor.

Mr. KERREY. Madam President, I thank my distinguished colleague from Arizona for proposing this amendment. I am pleased to cosponsor it with him. As he has already pointed out, that the Governors' Association has unanimously—and I emphasize that—as urgently as they have, indicated we are about to make a serious mistake is an unusual situation.

And for us, at a time when health care reform, welfare reform —there appears in this body to be general support for the idea that we should have national programs that are increasingly administered at the local level where they are more apt to know what works and what does not work, for us at this particular point in time to be saying, "No. We have some States out there that will make it work. We want to stop that dead in its tracks," I think is a serious error. The distinguished Senator from Arizona, who has already spoken at the National Governors Association in opposition to ending the

Cash-Out Program, is in support of this amendment.

I know colleagues are going to hear many things said in opposition to this. But I just put that simple piece of evidence before colleagues who are thinking about voting against this amendment. They should resist the pleas of people who live in Washington who have drafts, charts, and all sorts of truth that it will not work. They should listen to people who are home, who are making this Cash-Out Program work, and who have responded, who are trusted, who are given the authority to make it work.

The second thing I would add at the beginning of my own comments is to point out that not only have the Governors unanimously supported this but at this late hour we have a very quick response from the Public Welfare Association, people who are implementing the program, the caseworkers out there who are on a day-to-day basis with individuals who are in receipt of food stamps, who are on AFDC, who are on SSI, or for some other reason needing to go on welfare. People that are administering the welfare program are also in opposition to ending the Cash-Out Program.

This is a very unusual situation where the people that are administering the program on the front lines of the welfare workers and the Governors are saying, "Don't end this option. Don't end it." All of a sudden, what we are going to hear from—I have already begun to hear it. People who live in Washington, people whose address is Washington, DC, people who come to talk to us on a regular basis have studies. They have reports. They have opinions. They are not out there trying to make it work. They are not out there on a day-to-day basis managing the case of somebody who is trying to get off welfare. No. They have a theory. They have an ideology. That is what drives them.

I say with all due respect that this amendment ought to be relatively easily acceptable with that kind of backing. The underlying philosophy, the underlying effort of the Cash-Out Program strongly supported by my Governor and most of the people in the legislative body in the State of Nebraska is that we ought to be helping people get off of welfare; that the underlying premise here is that welfare recipients would prefer not to be on welfare.

If you are trying to help somebody get off welfare, one of the things you need to do is convert them from an attitude of using a coupon to buy food to an attitude where they are using cash to buy food. That is the difficulty. When they go in the supermarket line, instead of going through the indignity of having somebody behind them say, "Well, look at that welfare bum there buying cigarettes," they would be using cash. They are using cash to buy it.

Well, that is not good enough for our intellectuals. That is not good enough for our people here in Washington. They have done studies that say, "Well, they are not buying enough food when we give them the authority. Guess what these people do? They behave differently than what we want them to. They are not doing the right thing."

There is no demonstration; there is no analysis that has concluded that nutrition has declined as a consequence of this. The only concern that has been reflected thus far is that some people purchase a little less food. Madam President, as all of us know that means maybe they are buying a little more education. Maybe they are buying something else that is good.

No. Our folks that live here in Washington decided that these people were spending the money wrong. They do not care if they are getting off welfare. They care little about the indignity that these individuals feel as they are shopping and paying with cash. That is not a concern to them, apparently. They are not influenced by the public welfare advocates who are on the street out there working with individuals. They do not care about what the Governors say. They are concerned with the administration of the program and the integrity of the program.

No wonder American taxpayers are turning off to the idea that we can help people. The reason they get turned off to the idea is that when the people themselves decide this is the way they want to be helped, it offends people who have ed how somebody ought to be helped.

I must say, Madam President, I am very appreciateciative of the fact that it sounds as if ending these cash-out programs would be a good idea. I can hear the argument and acknowledge that the arguments intellectually make sense. But I urge my colleagues again to consider that what makes sense for us very often does not make sense at all out there on the street. We have all experienced that. We have all experienced great ideas that we have had, and when we take them out there on the street people say, "Where did you get that idea? Where did you come up with that notion that that would work? You need a reality check, Senator." They will say that to you. "Where did you come up with a lamebrained idea like that?"

Well, this is a very similar kind of situation where they say it makes sense to end this cash assistance program. We have some preliminary USDA studies that show that welfare recipients are purchasing less food. "Oh, my gosh. We don't want them to purchase less food. They might be buying something else." Maybe they value something—maybe they are budgeting the money. "Gosh. We do not want them to do that. We want them to be hooked on the voucher. We want them to take that piece of paper and stand in a supermarket line and exchange the piece of paper for food."

I happen to believe that it is in our interest to have human beings require the dignity that comes with budgeting their money, exchanging cash for merchandise, moving off of welfare. I say with great respect to those who believe that ending this Cash-Out Program is good policy let us in this case listen to the people who are governing the States who have unanimously said that this cash-out existing program should continue. Let us listen to the individuals who may have in all the Government the toughest jobs of all, other than the people who answer the phones in my office, the welfare caseworkers who are out there working on the line who are saying to us, "Let us use this. We can make it work out."

It is a $20 billion-plus annual program, and from reading the paper yesterday, it is estimated that about 8 percent of the money is used fraudulently, which is a fair amount of change; $.6 or $.8 billion. It is not like the Federal Government has been doing a good job in operating this thing in an efficient fashion. Let the individuals out there who need the food and have the cash make the decisions how they are going to do it. Not only in my judgment will it be good for the individuals, but it will also be good for the taxpayers, and I think it will be good for us to learn that we sometimes do not have the best ideas. Sometimes the best ideas are hundreds of millions of Americans who are making the decisions constantly on a daily basis.

I appreciate very much the distinguished Senator from Arizona taking the lead on this. I am pleased to join with him. I hope my colleagues, in spite of the arguments that are made that sound good that seem to make good sense, will listen to the Governors and the public welfare workers who are saying that that Cash-Out Program is in fact good for welfare recipients, and is good for the taxpayers and citizens of this country.

Mr. McCAIN. Madam President, I want to say to my friend from Nebraska that he makes a very strong and compelling argument and one that I can add very little to except perhaps to ask him a question about the issue that he referred to briefly about dignity.

I believe it when I hear the people who are on welfare—and the Governors I know feel this way—goes through the line at the grocery store and hand in a coupon has a certain loss of dignity. When one goes through that experience, people will look at that individual and the others will who are scanning what is being purchased. And certainly it is not an exercise in self-respect. I believe that alone, or that physical act alone, is depriving what we are trying to restore to all of our citizens; and, that is, dignity.

I wonder if the Senator from Nebraska had the same comment. Also, would the Senator elaborate as to why caseworkers, the people who are involved in this on a day-to-day basis, are advocating this flexibility? Because, clearly it makes their job a little bit more complicated than it would be just to issue coupons to people.

Mr. KERREY. I think the answer to the question, I say to my friend from Arizona, is all of us have had people come up to us. I dare say that there is not a Member of this body who has not had a citizen come up and, say, "You know, you have to do something about this Food Stamp Program. I see people in line in the grocery store. I see somebody doing this. Then they go out and get into a fancy Cadillac." That is the condemnation of the act of Lord knows. If that is being said to us, it is being said to the people who are using those food stamps, and they feel it. They know it. They do not like to stand in line knowing that the person behind them is making a negative judgment.

If somebody who occasionally goes to supermarkets and has a rather odd eating habit—I know I am sometimes a little embarrassed to have people look at the sort of things that are in my shopping cart, and I would not want to add to that knowing that they are saying, well, I am some sort of low life because I am exchanging this receipt. I think the public welfare people I think I know—understand that.

They understand, as well, I say to my friend from Arizona, that there is another element that is very important; that one of the things one has to do, as they are learning to live independent of welfare, is to budget their own income, budget whatever income they have. You do not budget food stamps. You can sort of allocate them somehow, but you do not budget them. Whereas, with cash, you budget that cash. So there is not only a question of dignity, I say to my friend from Arizona, but I also believe there is a question of acquiring the skills necessary in order to move out of welfare dependency.

Mr. McCAIN. I thank my friend.

Madam President, I ask unanimous consent that Senators BOND and KASSEBAUM be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I ask unanimous consent that another letter from the National Governors Association and a letter from the National Association of Counties be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, DC, July 14, 1994.

DEAR SENATOR: We urge your support for the amendment that will be offered by Senator John McCain and Senator Bob Kerrey to H.R. 4554, FY 1995 appropriations for agriculture, nutrition and related programs. This amendment would strike from the bill a provision that would prohibit federal waivers to allow states to convert food stamp benefits to cash payments or to wage subsidies. Currently seven states have waivers pending and a number of other states are preparing waiver requests in this area (see attached list.)

The Governors believe this provision is antithetical to recent Congressional and administration proposals to increase state flexibility to reform welfare, empower recipients by increasing their personal responsibility and control, and create jobs for recipients through wage subsidies. Furthermore, we strongly object to such a significant shift in federal welfare policy being adopted without Congressional debate or discussion and in the context of a large appropriations bill. This issue should be addressed as part of a comprehensive debate on welfare reform.

We are also very concerned about the precedent that would be set by Congress acting to preempt state demonstration initiatives that already must undergo a rigorous screening process in the executive branch in order to be approved. Supporting the amendment to strike the provision from this bill would not mean that states would have carte blanche in this area. Rather it would simply mean that the administration would continue to have the discretion to approve waiver requests that it deemed worthwhile and to deny other requests. The existing provision would strip that discretionary authority from the administration.

Again, we ask for your support for continued state flexibility and executive branch discretion in this area. Please support the McCain-Kerrey amendment to strike the food stamp "cash out" provision when the appropriations bill comes to the Senate floor.

Sincerely,

Governor TOM CARPER,
Co-Chair, Welfare Reform Leadership Team,
Governor JOHN ENGLER,
Co-Chair, Welfare Reform Leadership Team.

LIST OF STATES IMPLEMENTING OR PROPOSING CONVERSION OF FOOD STAMP BENEFITS TO WAGE SUBSIDIES OR CASH BENEFITS

All of these states would be affected by a ban on food stamp conversion waivers because even those that already have waivers approved would be barred from renewing or expanding the scope of those waivers. Six states are currently operating food stamp conversion programs, which in total affect about one percent of all food stamp recipients nationally. Seven states have waivers pending.

Alabama (implemented).
Arizona (proposed).
California (implemented).
Colorado (implemented).
Maryland (waiver pending).
Michigan (waiver pending).
Minnesota (implemented).
Mississippi (waiver pending).
Missouri (waiver approved, not yet implemented).
Montana (waiver pending).
Nebraska (proposed).
New York (implemented).
North Dakota (proposed).
Ohio (waiver pending).
Oregon (waiver pending).
Pennsylvania (waiver pending).
Rhode Island (proposed).
Utah (implemented).
Vermont (waiver denied).
Virginia (waiver denied).
West Virginia (proposed).
Wisconsin (waiver approved, not yet implemented).

NATIONAL ASSOCIATION OF COUNTIES,
July 18, 1994.

Hon. JOHN McCAIN,
Senate Russell Office Bldg.,
U.S. Senate, Washington, DC.

DEAR SENATOR McCAIN: Counties have been in the forefront of welfare reform efforts, and many of these efforts include food stamp conversion demonstrations as an integral component. The ability to receive food stamp benefits as either a check or as a wage subsidy gives low-income working families more flexibility over their budget, encourages personal responsibility, and provides an incentive to employ welfare recipients.

Research shows that the demonstration programs have not changed the availability or adequacy of food. In survey of demonstration counties in Alabama, for example, 80% of the families reported that they had enough to eat every month, and the percentage that reported running out of food resources was the same as in those counties that were using food coupons. In another demonstration, families using the cash system were found to be getting a better value for their food expenditures than families using coupons.

For these reasons, the National Association of Counties (NACo) strongly supports the amendment you plan to offer to the Agriculture Appropriations bill that will strike the prohibition on new waivers to convert food stamps to cash benefits or wage subsidies. I am enclosing a copy of NACo's policy supporting the food stamp cash out.

Sincerely,

LARRY NAAKE,
Executive Director.

RESOLUTION ON FOOD STAMP IMPROVEMENTS

Whereas, the Food Stamp Program was established to assist low-income households in purchasing nutritious food; and

Whereas, the 1990 reauthorization of the program did not contain major program improvements; and

Whereas, NACo continues to work with other government and interest groups to recommend improvements in the program: Therefore, be it

Resolved, That NACo supports legislation to simplify Food Stamp Program administration and to remove barriers to participation; and alignment of Food Stamp Regulations with AFDC; standardized benefits; eliminate client-cause underissuance errors and error rates; cash out food stamp; standard shelter allowance; and use of electronic benefit transfers (EBT) including no interruption in approving EBT projects.

Adopted July 16, 1991.

Mr. McCAIN. Briefly, I would like to quote from the National Governors Association letter. It says:

> The Governors believe this provision is antithetical to recent Congressional and administration proposals to increase State flexibility to reform welfare, empower recipients by increasing their personal responsibility and control, and create jobs for recipients through wage subsidies. Furthermore,

> we strongly object to such a significant shift in Federal welfare policy being adopted without Congressional debate or discussion and in the context of a large appropriations bill. This issue should be addressed as part of a comprehensive debate on welfare reform.
>
> We are also very concerned about the precedent that would be set by Congress acting to preempt State demonstration initiatives that already must undergo a rigorous screening process in the executive branch in order to be approved. Supporting the amendment to strike the provision from this bill would not mean that States would have carte blanche in this area. Rather it would simply mean that the administration would continue to have a discretion to approve waiver requests that it deemed worthwhile and to deny other requests. The existing provision would strip that discretionary authority from the administration.

Madam President, the National Association of Counties has said in their letter:

> Counties have been in the forefront of welfare reform efforts, and many of these efforts include food stamp conversion demonstrations as an integral component. The ability to receive food stamp benefits as either a check or as a wage subsidy gives low-income working families more flexibility over their budgets, encourages personal responsibility, and provides an incentive to employ welfare recipients.
>
> For these reasons, the National Association of Counties strongly supports the amendment you plan to offer to the Agriculture Appropriations bill that will strike the prohibition on new waivers to convert food stamps to cash benefits or wage subsidies.

Mr. PACKWOOD. Madam President, I rise today as a cosponsor of Senator MCCAIN's amendment to strike the provision restricting the ability of the administration to grant Federal welfare waivers dealing with food stamp cashouts. This type of restriction binds not only the administration's hands, but the States hands as well.

States are the laboratories of the Nation. It is the States where innovative ideas are found. States know what their residents need better than anyone else. They also know what will work and what won't work.

My State of Oregon is one of the most successful States when it comes to welfare reform because it has been given the flexibility to try new, innovative ideas. Let me mention just a few things Oregon has been able to accomplish because they have been given waivers in the past.

Oregon is the only Western State to see a reduction in its welfare caseload. This is not because of declining need but because the State has acted aggressively to provide its residents with the ability to train and find a job so that they are no longer dependent on the Government. Oregon has a 31-percent participation rate in job training, twice the Federal requirement. Not only is Oregon one of the few States which has drawn down its full share of Federal matching dollars, it has contributed an additional $10 million of its own money. This is the kind of thing that we, the Government should be promoting, not restricting and limiting.

Oregon has continued its search to help welfare recipients by applying for a waiver that would combine a recipients food stamps and AFDC money and use the money to subsidize a private sector job. While no recipient will receive less than they would have on welfare, many will receive more.

While Oregon has already received approval for the agriculture portion of its waiver, it is still waiting for approval by the Department of Health and Human Services.

So, while this provision will not hurt Oregon, I feel it sets a dangerous precedent. States deserve the chance to test what programs are effective in their States. Provisions like this bind the States ability to attempt programs that foster independence from the welfare system.

Madam President, I am somewhat caught between applauding and criticizing the administration. While I applaud the administration for saying they support State flexibility and State innovation, I am afraid their words haven't translated into action.

Oregon has been waiting approval for its waiver for over 8 months. I have received numerous assurances that the administration is looking at the waiver and is finalizing details. A few weeks ago, President Clinton wrote me a letter about Oregon's waiver. In the letter he says he is pleased to report that Oregon's waiver request is in the final stages and the details of Oregon's waiver will be finished in a few weeks. Well, that letter was dated July 1, 1994 so I guess he has just under a week to deliver.

States, like Oregon, which strive to make the system work better should be applauded and not bound by endless delays and restrictions by the Federal Government.

Mr. MCCAIN. Madam President, I am aware, because I have been briefed, that there is a technical change needed in the amendment. I send a modification to the desk and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 2305) as modified, is as follows:

> On page 64, lines 2-6, strike the following: "*Provided further*, That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1994."

Mr. MCCAIN. Madam President, I have been briefed that now the opponents of this amendment will come forward with studies, with inside-the-beltway reports, with the certain knowledge that those who dwell and work inside the beltway, and very seldom have encounters with people who are out there on the day-to-day basis trying to struggle out of welfare, and who have enormously benefited in 6 States, and if allowed to do so, in 13 more will benefit from it.

I think the issue is clear here. Whether the States should have the flexibility to do what they think is best for their people in their States—and in this case the respective counties—or whether we will again bow to the universal and omniscient knowledge of those who dwell and live here in the policymaking, rarefied environment of our Nation's capital. I think the issue is clear, and I suggest that the trend in America is certainly to allow Governors, counties, cities, and States, the flexibility to do what they think is best with their tax dollars, which they send to Washington and are sent back to them. So I urge the adoption of the amendment.

Madam President, I yield the floor.

Mr. COCHRAN. Madam President, I support the McCain amendment. It seems to me that a review of the language in the bill before the Senate shows that the House language that was inserted when the committee in the other body had this measure before it would most likely affect only those applications for waivers that are now pending before the Department of Agriculture. Prior to the July 1, 1994 cutoff date in the House provision, there were several States which had passed legislation to experiment with welfare reform initiatives. And their applications for waivers of the food stamp law, insofar as it would permit a cash-out of the food stamp benefit to accommodate these welfare reform initiatives, had been submitted to the Department of Agriculture. Those States included Maryland, Michigan, Mississippi, Montana, Ohio, Oregon and Pennsylvania.

The distinguished Senator from Arizona, in his statement in support of his amendment, mentioned several other States that had undertaken welfare reform initiatives, and there are many others which have. But insofar as the language of this provision in the bill is concerned it primarily affects pending waiver requests. It would probably not affect the welfare reform initiatives of those States which have not yet submitted waiver applications. The language of the bill simply prohibits the use of any funds appropriated in this act for the purpose of granting any waiver that did not receive final approval by the Department of Agriculture on or before July 1, 1994. It would not prohibit States from submitting waiver applications or the Department of Agriculture from considering these applications. It would simply prohibit the Secretary from finalizing waiver requests.

One other thing that ought to be noted in this connection is that whatever provision is approved in conference, or in the final version of the bill, would have effect only during the next fiscal year. So this prohibition has a life of only 1 year. It is an annual appropriations bill, so it is not a permanent change in the law.

So what the House language would do would be only to suspend the power of the Department of Agriculture to provide waivers in response to requests for waivers that are now pending at the Department. One other observation is that one State whose waiver application was pending has now been approved. The State of Oregon's application for a waiver of this provision was approved by the Secretary of Agriculture on July 1 of this year. So it is no longer pending. And any prohibition would not affect the waiver application of the State of Oregon.

Having said those things, I want to concur with the remarks of the Senator from Arizona insofar as they relate to the importance of the Congress to go on record as encouraging welfare reform initiatives on the part of the States. As a matter of fact, the administration has stated that it is one of the goals of the administration to end welfare as we know it, and there are proposals for welfare reform initiatives that are being discussed and introduced in both Houses of the Congress.

What this relates to is simply preserving the powers that the States now have to petition the Federal Government for waivers of certain provisions of Federal law to permit them to have demonstration projects, embark upon pilot programs to see how initiatives at the State and local level will work, to try to bring a greater degree of individual responsibility or help establish self-sufficiency, all of which are worthy goals. And a bipartisan leadership here in the Congress as well as the administration seems to support those goals.

One letter that I received is from the American Public Welfare Association asking for an amendment of this kind so that States can continue to consider and embark upon initiatives that are designed to achieve these goals. The letter is dated July 6, and it is signed by Sidney Johnson III, executive director of the American Public Welfare Association.

I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC WELFARE ASSOCATION,
Washington, DC, July 6, 1994.

DEAR SENATOR: I write today to ask your urgent support for a legislative change that is vital to the continued success of state innovations in reforming welfare and moving low-income families toward self-sufficiency. The House and Senate Agriculture Appropriations bills contain language in Title IV, "Food Stamp Program," that would prohibit any future demonstration projects to "cash out" food stamps. The Senate bill is likely to come up for a floor vote in the immediate future. I urge you to introduce an amendment to remove this language so that states can continue to go forward with innovative welfare reforms.

State human service agencies have long been leaders in the effort to transform the focus of public assistance. One of their chief means in recent years has been the flexibility allowed them under current law to develop welfare-to-work demonstrations, including those where food stamps are provided in cash so that a portion of that benefit can be utilized as a wage subsidy. States' ability to carry out these important demonstrations has had strong bipartisan support. To hamper this ability will severely limit state options to design effective welfare reform programs and will send a negative message about the willingness of Congress to support further waivers and demonstrations.

The Department of Agriculture has approved food stamp cash out demonstrations only on a very careful and limited basis, and only with safeguards to assure that the basic character of the Food Stamp Program remains intact.

If I can assist you in any way please contact me at once at (202) 682-0100.

Best regards,

A. SIDNEY JOHNSON III,
Executive Director.

In part the letter says:

> I write today to ask your urgent support for a legislative change that is vital to the continued success of State innovations in reforming welfare and moving low-income families towards self-sufficiency.

The letter further states that:

> One of their chief means in recent years has been the flexibility allowed the States to develop welfare-to-work demonstrations, including those where food stamps are provided in cash so that a portion of that benefit can be utilized as a wage subsidy.

That is one of the reasons waivers are requested. As in the case in our State, the welfare reform initiative, which is pending now for review before the Department of Agriculture and the Department of Health and Human Services, utilizes that as one of the key elements.

So if the Congress legislates away the right to get a waiver if the waiver is otherwise appropriate to be granted by the Department, then it has severely and adversely affected the ability of our State to proceed in the way the State legislature has already determined would be appropriate. And the same is true not only in our State of Mississippi, but in these other States: Maryland, Michigan, Montana, Ohio, and Pennsylvania. So it is these States that are most seriously affected unless we do act to approve this amendment.

In most cases, the States have done a great deal of research, bringing in all the interests which are involved, those who are advocates of the welfare recipient's rights, to try to make sure that those rights are protected. And a great deal of work has gone into, I know, the development of the proposal in our State.

This amendment, if it is enacted, will not require the Department of Agriculture to approve any waiver. And that point ought to be made very clear. We are not trying to substitute the decision of the Congress or the Senate and say to the Department of Agriculture, "You must approve each application for a waiver you receive." That is not what this amendment does.

It simply permits, under current law, the Department to exercise its discretion within the parameters of the law as it exists now. Right now the Department of Agriculture has to review these applications and so does the Department of Health and Human Services. This amendment does not direct or mandate that they do anything. It simply permits current law to continue in force and effect.

The Food Stamp Act provides that certain conditions have to be met before any waiver can be approved. What the House committee did was put language in the bill that suspends the power of the Department to make that kind of determination. It, in effect, repealed for this next fiscal year the power of the Department to make any waivers.

We have heard about how legislation can be included in appropriations bills when you do not have hearings and you do not have debate of the issue. This is an unfortunate way to legislate. Well, my view is, here is a clear and classic example of legislation without the benefit of the usual processes being followed.

The House has sent that bill over here, and it is contained in the bill as it is now pending in the Senate, and that is why we are seeking to amend it, and this amendment would amend it. We hope the Senate will go along with it.

To clarify the record in our State of Mississippi and its common causes with a waiver possibility, I ask unanimous consent, Madam President, to have printed in the RECORD letters addressed to the Mississippi Department of Human Services and to the Governor of Mississippi by both the Department of Agriculture and the Department of Health and Human Services.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 1, 1994.

Mr. GREGG A. PHILLIPS,
Executive Director, Mississippi Department of Human Services, Jackson, MI.

DEAR MR. PHILLIPS: We have received your application for waivers under Section 17(b) of the Food Stamp Act of 1977, as amended, for the Work First Demonstration Project. We support your goal of promoting the self-sufficiency of Mississippi's welfare and food stamp recipients, and are very interested in providing whatever support we can to the Work First Demonstration Project, while ensuring the provision of food assistance to the needy.

As proposed, funds normally used to issue Aid to Families with Dependent Children (AFDC) benefits and food stamps will instead reimburse employers for wages paid to Work First participants employed in on-the-job training positions in the six demonstration counties.

The Department of Agriculture approves, in concept, your proposal to use food stamp benefits for wage supplementation, under the conditions set forth below.

The proposal must be consistent with our goals of advancing self-sufficiency, achieving nationwide Electronic Benefits Transfer (EBT, and promoting nutritional education. To these ends the State would be expected to take immediate action to ensure that EBT is implemented concurrently with the proposed demonstration for those food stamp recipients not enrolled in wage-supplemented jobs. In addition, since studies have shown a reduction in food expenditures under cash out, a nutrition education component would be required to help ensure that nutritional status would not be eroded by the conversion of benefits into cash.

As always, a rigorous evaluation of the demonstration would be required to test the effects of the approved waivers on the demonstration participants.

The Food Stamp Act, Section 17(b), requires that the food stamp allotment, if issued in cash, must be increased to compensate for any State or local sales tax on food, and that the State agency pay for the increase. The State must provide written assurances that it will compensate Work First wage supplementation participation for the 7 percent Mississippi sales tax on food purchases, as well as provide an analysis of how it intends to go about paying that compensation.

We believe the State intends that the cash benefit, which will be channeled through the employer to the Work First participant as wages, will count toward eligibility for the Earned Income Tax Credit (EITC). The Food Stamp Act provides that "the value of benefits . . . whether through coupons, access devices, or otherwise shall not be considered income or resources for any purpose under any Federal, State, or local laws, including, but not limited to, laws relating to taxation . . ." We are currently exploring the taxation issue and whether or not the EITC is applicable to Federal benefits issued in the form of cash or wages. We will inform you as soon as these issues are resolved.

The State is proposing to guarantee eligibility and benefit levels for Work First participants, for as long as they participate in the demonstration, to minimize contact between the participant and the welfare office in order to emphasize the employer/employee relationship, and to assure that the training period will not be interrupted. while we certainly support strengthening the self-sufficiency and work awareness of Work First households, we cannot endorse a situation in which a household's income is allowed to grossly exceed eligibility limits. We intend to negotiate further in order to provide flexibility for continued eligibility, within agreed upon income limits.

We are willing to waive claims collections against households participating in the demonstration, except for fraud claims.

The proposal to immediately suspend the household benefits of participants who do not accept offered jobs is contrary to the Food Stamp Act. We do not have the authority to materially impair any statutory or regulatory rights of food stamp recipients or to lower or further restrict their benefit levels without due process. The State should explore alternative actions.

The State intends to issue food stamp benefits to cash form to Supplemental Security Income (SSI) recipients in the six demonstration counties. We do not believe that cash out for SSI recipients has any direct relationship to the State's welfare reform self-sufficiency plan and will not approve this aspect of the State's proposal.

This is not an official approval letter. We are currently reviewing the waiver requests contained in your proposal and expect to act on them as quickly as possible. Future correspondence will be forwarded as part of the Department of Health and Human Services' established welfare reform review process. If you have any questions or comments, please call Ellen Henigan, of the Food Stamp Program, at (703) 305-2519.

Sincerely,

ELLEN HAAS,
Assistant Secretary for Food and Consumer Services.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, July 14, 1994.

Hon. KIRK FORDICE,
Governor of Mississippi, Jackson, MS

DEAR GOVERNOR FORDICE: Since the beginning of his Administration, President Clinton has been committed to a close partnership with the nation's Governors and to allowing states the flexibility to develop and test innovative change to their health and welfare programs. The Department of Health and Human Services has worked very hard to foster this intergovernmental relationship and has worked closely with the National Governors' Association in developing a more efficient and timely process for evaluating state proposals for health care and welfare reform experiments. Many states, including yours, have submitted waiver requests that are being evaluated under our new waiver review procedures.

As we have implemented our streamlined review procedures, the number of state demonstration requests have increased significantly. We are committed, however, to continue responding to these requests as quickly as possible, while maintaining the integrity and thoroughness of the review process.

I would like to take this opportunity to update you on the status of your state's waiver request for the New Direction Demonstration Program. The Administration for Children and Families has been working with the Mississippi Department of Human Resources (DHR) to resolve issues and concerns based on a federal review of the waiver application. A significant issue has arisen in Congress regarding the federal funding of Food Stamp cash-outs in state demonstrations. Until Congress resolves this question, we will continue to work with you to address other non-Food Stamp cash-out issues.

If you have any questions about our process or about the status of your waiver proposal, please do not hesitate to contact me or have your staff call John Monahan, Director of Intergovernmental Affairs, at (202) 690-6060 or Ann Rosewater, ACF, at (202) 401-5180.

Sincerely,

DONNA E. SHALALA.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Arkansas.

Mr. BUMPERS. Madam President, I am really saddened that this amendment has been offered. I could not disagree with it more strongly.

The House had a provision in their bill that said any State that has not been approved for this program by July 1, 1994, will not be eligible for it. Now, the House did not do that whimsically. They did it because they studied the issue very carefully and said, "This program is not working. Let's don't go any further with it."

It is true, as the proponents of the amendment have said, the Department of Agriculture has discretion. Any State that wants to can submit an application for the so-called cash-out program.

Now, let me tell you what it is. I have heard three speeches so far this morning, but I have not heard anybody describe what it is. Here is what it is.

It says that instead of the Federal Government sending the States money which they will use to provide eligible people with food stamps, we will send the money to the States, and the States, instead of sending food stamps, will send the cash to those eligible people.

You will hear people say, "Well, this is a great idea, because it removes the stigma of food stamps."

Let me tell you what study after study after study has shown. It shows that when you give people money instead of food stamps, their purchases of food drop 20 percent. One of the reasons it drops is because they spend the money on other things.

Now, Madam President, we should make one thing crystal clear. What is the purpose of food stamps? Why did we adopt a food stamp program 25 years ago? Because the U.S. Congress, overwhelmingly supported by the American people, said, "We do not want to see hungry children. We do not want to see anybody hungry, but we especially do not want children to go hungry."

So, after all of these years of sending food stamps to people so that they could redeem them at the grocery store for nutritious food for their children, we are going to send them money.

I am not suggesting just because somebody is on food stamps they are going to buy dope, but if they want to, they can.

In one demonstration, I believe it was Alabama or Florida—or both—it showed conclusively that sales in grocery stores that did an inordinate amount of business in food stamps declined precipitously because people were spending for other things the money that we intended for food for their children.

The Senator from Nebraska said, "Give them a choice. If they want to spend it on education, let them." This is not an education program, it is a nutrition program. God knows we spend billions on student loans; elementary/secondary education; chapter 11 for poor children. We have education programs galore for poor people. This is a food program. It is not for education. It is not for rent. It is not for car payments. It is not to pay utility bills. It is to make sure people eat.

Do you know what else the studies show? Not only do they show that these people are using money, cash, for things other than nutritious food, they also show that after 2 weeks the long line at the TEFAP center, which provides emergency food, begins to appear. They run out of food in 2 weeks and then they go to where they are giving out free commodities and say, "My children are hungry."

In two or three of the States where this cash-out program has gone into effect, the demand for free commodities doubled, according to TEFAP officials. The Senator from Arizona ridiculed the studies. But if you do not use GAO, the Congressional Budget Office, or other people who know a lot more about the subject than we do, we are just flying by the seat of our pants.

The studies also show that food stamp recipients buy twice as much nutritious food with a dollar as the low-income households who are not eligible for food stamps buy with that same dollar. The program is doing what it is intended to do—provide nutritious food to the needy.

Talk about welfare reform—with this program, you are going backwards. There is no welfare reform in sending people money. If you want to talk about what taxpayers like and what they do not like; they do not mind seeing poor people get food stamps, knowing they can feed their children. What they object to is sending them a check. They do not like that.

Some people say, "Well, it removes the stigma of food stamps." I recognize that may be a small problem. I do not denigrate it. We have a reform program in the works on food stamps. Do you know what it is? Put a credit card reader in every grocery store and send that food stamp beneficiary a credit card every month. If a recipient is eligible for $200, he can use the card up to $200. This system takes a lot of the administrative burden off the States. It shows the balance in an account every time the card is used. I do not even get that on my Visa card. I just hope I do not run over. I have done that once and it is pretty embarrassing, is it not, for the waitress or waiter to come back and say, "You've exceeded your balance."

But let me tell you some other things that people do not think about on this. In my State, where the sales tax is almost 5 percent, food is not excluded. If you buy food with food stamps, you pay no sales tax. If you buy food with cash, you pay 5 percent in sales taxes. So recipients lose in States where they charge sales tax on food. Of course Governors love it. If you send $100 million into a State and if it all goes for food, the increase in sales tax revenues is like a bird nest on the ground.

I used to be a Governor, Madam President. We would go to those Governors conferences, and we would draft those long resolutions telling Congress how to run its business. We would all get up and we would rail against Congress and we would rail against Washington, and we would talk about "inside the beltway." Some of it was legitimate. Some of it was pure politics.

The Senator from Nebraska said the program is mismanaged. If it is, it is the States who are doing the mismanagement. All we do is send them the money. They are the ones who manage the program. If there is fraud in it, look to the States.

In San Diego, which has this cash-out program, two out of every five people who cashed a check had to pay to get their checks cashed. So they pay to get their checks cashed, they pay sales tax, and then we hope they are not buying crack with the rest of it.

Madam President, let me just list some objections to the program: sales tax on food purchases; check-cashing fees; nutrition going down as much as 20 percent in families where they get money instead of food stamps; the TEFAP Program being overrun with people by the first of the month because people have spent their money and they do not have any food in the house.

You tell me: Why are we doing this? I will tell you why: because of a resolution the Nation's Governors passed. Ask some of the proponents, and they will say, "Well, my Governor called me." I have a great Governor and I listen to him. But if he would call me about this, I would disagree with him.

There are about eight States who have applications pending to implement the cash-out program. Our bill says you cannot grant those applications because the studies show conclusively, as I have just pointed out, it is not a good idea.

I think the idea of using a credit card for food purchases is a good idea. But I am not wedded to that. I am not going to swear even that is a great idea because there may be some hidden problems in it that I cannot think of right now. But I can tell you this cash out is a bad idea. It is regressive. And you are going to lose support in this Nation for the whole food stamp program by canceling out food stamps and giving people money to spend for whatever they want.

You cannot think of a single condition that poor people regularly experience that Congress does not try to address. We have Medicaid health care for the poorest of the poor. We have low-rent housing for people who cannot afford rent. We have low-cost housing for people who cannot afford a big down payment to buy a house. We have AFDC payments for poor women who have children. We have the WIC Program for poor pregnant women to make sure they get a nutritious diet when they are pregnant, the greatest cost/benefit of any program we have. If you give a pregnant woman a decent diet, she is much more likely to have a baby with a lot more brain cells than the pregnant mother who does not get a decent diet. And she is more likely to have a healthy baby instead of a defective baby who could cost us $5 million over the life of that child.

All I am saying is, that when people say, give these people an option, let them spend the money for whatever they want, my response is what is more important than a healthy child who goes to school well-nourished and ready to learn?

If you really care about children getting a nutritious diet and growing up, maybe deprived culturally and socially but at least not nutritionally, oppose the amendment of the Senator from Arizona and the Senator from Nebraska. I promise, we are going to regret it if we adopt this amendment. We may do it, but I am not going to vote for it. I think it is a disaster in the making.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BUMPERS. Will the Senator yield for just a moment?

Mr. BOND. I will be happy to yield to the chairman.

Mr. BUMPERS. Madam President, I ask unanimous consent that the vote on this amendment occur immediately following the vote at 2:30 on the first committee amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Will the Senator from Missouri yield for one other question?

The PRESIDING OFFICER. Will the Senator yield to the Senator from Vermont?

Mr. BOND. I yield for a question.

Mr. LEAHY. If I can ask a question of the floor manager—it will be a very brief one—if I can have the attention of the floor manager, Madam President, would it be possible—the Senator from Indiana, the ranking member of the Agriculture Committee is also here—would there be a time possible to offer an amendment which we have that will be done under a very short time agreement, but there is a point at which we can do that before lunch?

Mr. BUMPERS. Is the Senator talking about a second-degree amendment or a separate amendment?

Mr. LEAHY. A separate amendment.

Mr. BUMPERS. I cannot vouch for that. I do not want to cut off debate. I know the Senator from Texas wishes to speak on an unrelated subject. I assume the Senator from Indiana and the Senator from Missouri wish to speak on this amendment. Does the Senator wish to speak on this amendment?

Mr. LUGAR. On the Leahy amendment.

Mr. BUMPERS. On the amendment he is referring to.

Mr. LUGAR. Right.

Mr. LEAHY. If we can have an agreement to go before noontime, we can complete it for before the conference.

Mr. COCHRAN. If the Senator will yield, I am told on our side there is a possible second-degree amendment to the Leahy amendment. There is opposition to it. I would not be in a position to recommend that we accept the amendment. So that may keep it from being processed as quickly as the chairman might like.

Mr. GRAMM. Will the Senator from Missouri yield?

Mr. BOND. I will be happy to yield to straighten out this procedural problem.

Mr. GRAMM. I was on the floor earlier. It is my desire to speak. I will be willing to step aside if this amendment could be presented and debated briefly for, say, 10 minutes so I might get the last 10 minutes of the session just to make a statement on an unrelated issue. That way this amendment could be raised; you could have the initial debate and then, after lunch, if someone wanted to come and offer a second-degree amendment, they could do it. If not, at that point, then it would be open for further debate. I will be glad to try to do that to help my colleagues.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. BUMPERS. I am not at liberty to cut off debate. If the Senator will yield.

Mr. BOND. I yield to the chairman.

Mr. BUMPERS. I am not at liberty to stop debate on the Kerrey-McCain or McCain-Kerrey amendment. I will be happy to ask the distinguished ranking member of the subcommittee if he knows of any other speakers on that amendment. I am willing to move this show along. How long does the Senator from Missouri intend to take?

Mr. BOND. Madam President, I have less than 10 minutes to discuss the current amendment before us. Might I suggest to my colleagues that perhaps during my brief remarks, discussions can be held as to the appropriate means of handling the proposed amendments and the time agreement; then we would not have to take up the time of this Chamber as we discuss the procedural activities.

If I see no objection from the distinguished floor managers, I will proceed to address the amendment which is before us and one other for less than 10 minutes with the assurance that I should be finished by 11:45. And at that point, there should be time to straighten out any arrangements that are needed without taking up floor time.

Mr. BUMPERS. Madam President, I think the Senator from Missouri is probably on the right track. Let him commence and we will just see where we wind up on this. I do ask unanimous consent that no second-degree amendments be in order on the McCain amendment.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Chair advises the McCain amendment is a motion to strike.

Mr. BUMPERS. That no amendments be in order to the language proposed to be stricken by Senator McCain. It is a committee amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Missouri at last has the floor.

Mr. BOND. Madam President, I rise to speak, with great respect for my distinguished chairman of the Agriculture Appropriations Subcommittee. I join him in high commendation for the Women, Infants, and Children Feeding Program. His subcommittee has done an excellent job in providing assistance for that program.

I also share his enthusiasm for the experiments with food stamps to enable more efficient administrative handling. But as he himself said, we are not sure that that program is going to work properly. As a former Governor, as is my distinguished colleague from Arkansas, I believe that those experiments can best go on in the States. I, too, joined with the distinguished senior Senator from Arkansas when we were members of the National Governors' Association. We attacked the Congress and the Federal Government generally for being unwilling to allow State experimentation.

I made those speeches when I was a colleague of the distinguished senior Senator from Arkansas in the National Governors' Association; I was a colleague of the junior Senator from Arkansas when he was Governor, and I was a colleague of the President when he was a member of the National Governors' Association. Time after time after time, we emphasized that the people who carried out these programs, who had the responsibility for administering them at the State level, were often the ones who had the best ideas on how to improve the programs.

I have a quotation from a letter of the National Conference of State Legislatures from the former Governor of Arkansas, who is now our President, and the letter quotes him as saying that:

> State and local governments should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government.

That is why I join in strong support of the McCain-Kerrey amendment, because we have found that by obtaining waivers from the Federal Government when it is the considered judgment of the elected officials of the State that there are better ways to carry out the broad social policies encompassed in Federal legislation passed by Congress, we ought to try. The States may be right, the States may be wrong; but the best way to find out is to experiment.

I am also advised that waivers for food stamps now affect approximately 1 percent of the food stamps in the United States. One county in Missouri has been granted a waiver to use a cash-out of the food stamps in part as a means of getting welfare recipients off the rolls of welfare and into work.

One of the great disincentives that now exists for moving off welfare is the significant loss of benefits that occurs when someone takes a job.

Madam President, the objective of these programs—and there are many objectives—all come down to one thing: We want to make those families self-sufficient. We want to provide them the means and the encouragement and the incentives to get a job in the private sector so they can be working, productive providers for their families.

I happen to believe that one of the best ways to achieve those goals is to provide the States the flexibility. That is why the National Governors' Association has recently written saying that the McCain-Kerrey amendment is absolutely necessary to increase State flexibility to reform welfare, to empower recipients by increasing their personal responsibility and control, and to create jobs for recipients through wage subsidies. That is the whole purpose of this amendment.

The Food Stamp Program is not an end in itself. It is a means to an end, and that end is to encourage more families to get jobs, become economically productive, and to become good providers for their families.

I have recently introduced, with the distinguished Senator from Iowa [Mr. HARKIN], a welfare reform proposal built on successful State experiments in Utah, Iowa, and Missouri. Our welfare to self-sufficiency program requires that welfare recipients, AFDC recipients, sign agreements committing themselves to give good health care to their children—to take them for immunizations, to get them to the services they need, to provide training for the adults, and not only to take job searches but to take jobs.

One of the ways we would do this is by allowing the States, as a condition of the fulfillment of the agreement to take a job, to be able to cash-out the food stamps for a limited period of time so that the person who takes a job in the private sector would not be faced with a shock in the cut-off of existing benefits so their economic well-being would be lessened by taking a job.

Unfortunately, the language of the House denying the right of the Secretary of Agriculture, after due consideration of a State's request to grant a cash-out of welfare, to grant a waiver, would be to limit the experimentation that is so necessary. Justice Douglas spoke of the States as being the laboratories for social experimentation, and I can tell you, Madam President, as I have had experience in State government and Washington, I will take my chances on the States making those experiments. Some may fail, yes, but some may show us the way to achieve the goals of family self-sufficiency and do a better job than our trying to mandate one size fits all.

Under the Food Stamp Program, the waivers are extremely important. As Governor of Missouri, I obtained a waiver for health care for Medicaid recipients in Jackson County. We went to a capitation program that turned out to be very successful, ensuring that people got primary and preventive care, got the better care in the less expensive settings in clinics and doctors' offices. This is just one example.

Now, my State, with a Democratic Governor, is pursuing reforms in welfare which include using the cash-out of food stamps to make sure that welfare recipients are no worse off. I do not believe it is wise at this point, as we are on the brink of some meaningful reforms of the welfare system, which everyone—Republican, Democrat, liberal, conservative, radical, and moderate—agrees I believe needs to be addressed, to put an end to the ability of the Secretary of Agriculture to grant the waivers as this provision in the bill would do.

I would thus argue very strongly that my colleagues should support the McCain-Kerrey amendment.

I will not be able to address this body prior to the vote on the Market Promotion Program. I wish to add my very strong support. The distinguished senior Senator from Mississippi, the ranking Republican on this measure, has already talked about MPP. This is a GATT legal program which has assisted us in increasing our exports of agriculture products. In 1987, U.S. red meat exports were $1.4 billion. Thanks to the MPP, the export values in 1993 reached an all-time high of $3.3 billion. In 1992, the equivalent of 1.9 million cattle were slaughtered and 5.8 percent of domestic beef production was shipped overseas.

I hope also my colleagues would support the Market Promotion Program.

It is with great respect for the chairman of the subcommittee that I disagree with him on the waivers. But having served as Governor, having known about the importance of developing programs through the people who are responsible on hand, on-site dealing one on one with the recipients, I believe we would be ill-advised to cut off the experimentation by putting on a blanket prohibition so that we could not expand from 1 to 2 percent of the food stamps now cashed out to experiment with the cash out under the waivers granted by the Secretary of Agriculture.

I thank the Chair and I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Just a two-sentence statement.

Several Senators have alluded to the fact that exports went up by several billion dollars between two periods, 1988 to 1992 or 1986 to 1992. But the GAO report on the Market Promotion Program says there is absolutely no proof of any correlation between the Market Promotion Program and the increase in those exports.

Now, Madam President, I ask unanimous consent that the vote on or in relation to the McCain amendment occur immediately after the vote at 2:30 on the Bryan amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that the Senator from Vermont [Mr. LEAHY], and the Senator from Indiana [Mr. LUGAR], have 20 minutes in which to present their amendment, after which the Senator from Texas [Mr. GRAMM], be recognized for 10 minutes to speak on an unrelated subject, after which the Leahy amendment will become the pending business until the hour of 2:15, at which time we go back on the Bryan amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUMPERS. Madam President, I was incorrectly informed. It is not the Bryan amendment. It is the vote on the first committee amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am very concerned about the amendment to strike language in this bill prohibiting further cash outs of food stamps. I support Senator BUMPERS on this issue—the Food Stamp Program should provide food to needy families—not cash.

Providing cash instead of coupons will increase the number of hungry children in America. Over 80 percent of food stamp benefits go to families with children. Providing cash undermines the character of food stamps as a nutrition program.

If taxpayers are going to spend money on the Food Stamp Program, they do not want to see families with hungry children lining up at TEFAP sites and soup kitchens—they expect the program to buy food.

Pilot projects have already tested the merits of food stamp cash out and they have shown that the result is hunger. In Alabama, spending on food dropped almost 20 percent when recipients received cash instead of food stamps. In Washington State, households receiving cash instead of coupons used less food, and as a result had access to less protein and other key nutrients than did food stamps households.

Researchers found reductions in purchases of meat and meat alternatives, milk and other dairy products, vegetables and fruits, and grain products. Cash out does not just hurt needy families, it also hurts America's farmers and grocers.

In three of the four pilots conducted by USDA, households receiving cash instead of food stamps showed up more often at emergency feeding sites requesting government commodities. In one pilot, the proportion of households seeking emergency food through TEFAP was more than twice as high among households receiving cash than those receiving food stamps.

It is not the families who are at fault—the Food Stamp Program targets the neediest Americans. These families need money for shoes or clothing for their children, for rent or medical expenses, and for the hundreds of necessities of life.

However, the Food Stamp Program is designed to reduce hunger—its benefits are meant to be spent on food.

I am worried that food stamp cash out will leave poor families even poorer. I am worried that landlords will just raise rents, knowing that their tenants have additional cash. I want to stop further cash outs of the Food Stamp Program unless these projects are part of a comprehensive welfare reform effort handled in other legislation.

Many States are considering cashing out food stamps as part of a larger plan to move recipients off of welfare and into jobs. Very limited cash outs to permit a transition to employment, if designed properly, could be an effective part of welfare reform. But we should leave that to the larger discussion of welfare reform.

Congress needs to carefully look at this issue and determine if and when cash out should be allowed. In the meantime, I do not believe that any additional food stamp cash out waivers should be approved.

The more cash-out projects are approved, the more the Food Stamp Program looses its link to nutrition. That undermines the basic purpose of the program. The best way to ensure that food stamps are used by families to purchase food is to provide benefits as coupons, not cash. We should continue to do so.

I am also concerned that an amendment might be offered requiring food stamp recipients to participate in workfare programs. Such a policy would be misguided and wasteful.

States, and even counties, currently have the option to require food stamp recipients to work. They have had that option since the 1970's and in 1985 Federal reimbursements were increased as an added incentive. Yet only seven States choose to require food stamp recipients to work.

Twenty percent of food stamp households already work. And half of all food stamp recipients stay on for less than 6 months. Most able-bodied, nonworking food stamp recipients currently participate in job search activities through the Food Stamp Employment and Training Program.

States know that it is more effective for recipients to participate in job search activities than to simply work off their benefits. In fact, given how rapidly food stamp recipients find jobs on their own, requiring them to waste time in Workfare might actually keep them from finding real jobs and getting off food stamps. Workfare in the Food Stamp Program is now a State option. Most States opt out. We should not turn this option into one more Federal mandate imposed on States.

AMENDMENT NO. 2306

Mr. LEAHY. Madam President, now I would send an amendment to the desk on behalf of myself and Senator LUGAR to H.R. 4554, and I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Clerk will report.

The assistant legislation clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. LUGAR, proposes an amendment numbered 2306:

The amendment is as follows:

At the end of the section of the bill entitled "Agricultural Research Service" add the following "*Provided further*, the Secretary may exercise his authority to close the research locations specified for closure in the President's 1995 budget."

AMENDMENT NO. 2307 TO AMENDMENT NO. 2306

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 2307 to amendment numbered 2306:

The amendment is as follows:

At the end of amendment add the following: "for the Department of Agriculture."

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, for several years the Senator from Indiana and I have been working on the fact that the Department of Agriculture needs to be both restructured and downsized. This has spanned two administrations, Republican and Democrat. The Senator from Indiana is recognized throughout the country as the leader in this regard.

Anybody who carries the roles that we have as the Democrat and Republican leader of the Agriculture Committee knows in just researching what we have to look at each year with the budget, this Department has grown way beyond what it should be, and the taxpayers are paying the price. This is not an era when 50 or 60 percent of the American people are in agriculture. It is 3 or 4 percent now. But the Department we had back when we were at 50 or 60 percent of America related to agriculture is a tiny fraction of the Department we have today with less than 5 percent related to it. And in fact, the Senate agrees with us on this. We had a major USDA reorganization bill before the Senate. It was in April. In fact, it was April 13. And it passed the rollcall vote 98 to 1. Some have said we are prepared to do deficit reduction in the abstract, and taxpayer increase spending in the specific. That sometimes is what is happening here. We have a bill that we are going to cut, again in the abstract, but second, because of the specific we want to stop the cuts.

The bill before us would keep open 10 of the 19 facilities the President said we could not afford. We are immediately moving to stop what we voted for in reorganization. The second is we say yes, but now we have all agreed in the abstract that we want to cut spending. The second we say in the specific we will cut it, we suddenly find, "whoops," cannot do that. You cannot have it both ways.

To keep these facilities open will cost the American taxpayer approximately $17.5 million per year. If we cannot just cut 10 totally outdated research facilities, how are we ever going to cut into the $300 billion-plus deficit? How are we going to make the $3 billion in cuts which are necessary in the Department of Agriculture?

In fact, let me just give you one graphic example. Just one of the research facilities we are talking about cutting. One of the facilities the President proposes to close has five scientists. It has 89 separate buildings. Each scientist gets 18 buildings. It does not make any sense. It is one of the reasons it is on the hit list.

We are spending far more money to repair some of these worn out buildings than we are on research. If we are going to spend money, let us spend it on science and research. But what we are trying to do with this is get rid of the money we spend just on repairing and keeping open old buildings where we spend far more to do that than we do to do research. Many of these facilities are underutilized, are falling apart, and are not equipped to carry out what we should do. If we spend a dollar on research, we are spending 50 cents just to keep the buildings from falling apart.

That does not make much sense at all. In fact, if anybody thinks it is a radical proposal, in 1988 we had the Users Advisory Board recommendation. This was set up by USDA representatives, not only researchers but people who use that research. And they recommend they close 20 of these facilities in fiscal year 1989, and 20 more in fiscal year 1990. What we are talking about is just closing half of those.

So I would hope that people are realizing we are trying to save money. The Senator from Indiana and I are not capriciously trying to see places close but we are trying to save billions of dollars in the USDA budget. Unless we are able to take these modest steps, Lord knows how we will ever take it seriously.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, it is a privilege to join with the distinguished chairman of the Agriculture Committee, Senator LEAHY, in offering this amendment to make clear the right of the Secretary of Agriculture to close Federal agricultural research facilities that he has identified as low priority. The amendment is sound budgetary and scientific policy.

There has long been a recognition, as Senator LEAHY has pointed out, that we need to consolidate Federal agricultural research at fewer locations in order to prevent duplication of research and to make more effective use of the Agricultural Research Service's physical and human resources.

The Agriculture Committee heard testimony in support of such consolidation during the consideration of the 1990 farm bill. Under Secretary Madigan's direction, the Department of Agriculture in 1992 undertook an evaluation of ARS research facilities, considering such factors as the impact of research and the physical conditions of the facilities. Building on this initiative, Secretary Espy has now conducted an extensive analysis of ARS facilities which yielded a recommendation of closing 19 of those which he determined to be the lowest priority. According to the Department, the closures would avoid nearly $20 million in major modernization costs at those locations.

(Mr. BREAUX assumed the Chair.)

Yet, the Senate Appropriations Committee report on the bill before us recommends the continued funding of 10 of those 19 facilities, a step that flies in the face of the proposal to reorganize and streamline the Department of Agriculture, which this body passed overwhelmingly by a vote of 98 to 1 just 3 months ago.

As one example, the committee report recommends continued funding for a facility which has been estimated would cost five times more to renovate than it receives in annual research funding from ARS.

Another example of a facility that would be continued is one that funds research in support of the blueberry and cranberry industries. And according to USDA, the original objectives of this research—breeding blueberries and reducing disease problems in blueberries and cranberries—have largely been met. Clearly, we have to do a better job of concentrating our research dollars on efforts of high priority, broader scope, and not duplicated by other ARS facilities. A vote for our amendment will help ensure that our limited research dollars are spent as responsibly and productively as possible.

Let me just point out for Members who have followed this debate that there are 120 ARS research facilities altogether. The Secretary of Agriculture has chosen to close 19, among the lowest priority of the 120. We are talking about substantial money. Closing the 10 facilities recommended for continuation in this bill could save $7.5 million in direct costs. In addition, closing the facilities would result in the cost avoidance for routine operating costs, with a total of approximately $50 million being saved over a 5-year period of time.

I suppose even more importantly, this is the first time that the body has had a chance to take hold of the recommendations made for reorganization. We voted 98 to 1 in behalf of Secretary Espy's plan. I would point out that implied in that plan is the potential closure of 1,200 to 1,300 field offices of various branches of the U.S. Department of Agriculture, out of over 7,000 that are out in the field.

President Clinton has counted on those savings in his budget submission. Vice President AL GORE in his "reinventing" statement has counted on those savings already.

Mr. President, we come, however, to the moment of truth. And for some reason 10 of these agricultural research facilities reappear with Senators asserting that they must continue despite low priority by every criteria imaginable.

Selection by the two Secretaries, Madigan and Espy, has not been capricious. In fact, they have looked very carefully on point totals to try to take a look at precisely the services being offered, the costs of those services, the proximity of the users in this field, and in all other agricultural services.

But we finally come to the fact that the Nation wants some action on reorganization. As Senators consider this amendment, they must consider the fact that a vote to retain those 10 ARS stations is a vote to roll back reorganization, to retain every single vestige of USDA activity, however low priority, however little warranted.

Mr. President, at this first instance, if we lose the battle on these 10 stations of negligible value, but with potentially $50 million of cost savings, how in the world will the billions of dollars that are prophesied to come from savings in the USDA in the next 5 years ever occur? How can reinventing Government even start?

Mr. President, the amendment that Senator LEAHY and I have offered is modest. It says simply, give the Secretary the opportunity to close these 10 stations. He is not mandated to do that, but he almost has to in order to fulfill the budget of his President and the dictates of this Senate. Mr. President, to roll that back means an unraveling that is very serious. And that is why the distinguished chairman and I take time to make this point as clearly as we can.

A vote for the Leahy-Lugar amendment is a vote for a beginning of organization of the USDA in a more modern form, consistent with what taxpayers want. A vote against our amendment is to continue business in the same old way: spending money willy-nilly because a few Senators have come on the floor and said "save our station," whatever is occurring out there, how negligible the efforts, how incidental the situation.

That kind of sloppiness will not work. Mr. President, a vote for this amendment, I believe, is imperative for those who really want reinvention of Government, a sound budget, as well as more solid agricultural research.

I yield the floor.

Mr. JOHNSTON. Mr. President, I strongly support the committee's recommendation to restore funds for the Houma, LA, Sugarcane Research Station and several other agricultural research service facilities.

When the fiscal year 1995 budget proposal was submitted, for obvious reasons I paid close attention to the proposal to eliminate funding for the Houma Sugarcane Research Unit. This spring, I posed several questions to ARS in the subcommittee's hearings on this proposal and was told that the criteria used to select facilities for closure included:

> Such factors as location research mission and completion of original research objectives, magnitude of industry problems requiring additional research, and age and condition of facilities.

As to the first criterion, the mission of the Houma Sugarcane Research Unit which was established in 1924 is to conduct basic and applied research to increase sugarcane production efficiency. This research is not complete, and is even more important now in the new global environment Louisiana's sugar producers are facing in light of NAFTA, and under the proposed GATT agreement. Ongoing programs include the development of improved sugarcane germplasm and cultivars—varieties—to combine high yield of sugarcane per unit area and sugar per ton of cane, with pest resistance, cold tolerance, stubble longevity, and suitability to mechanical harvesting. The Houma unit is the largest of USDA's 3 mainland facilities which conduct this research; the only USDA scientists working in sugarcane cytology—the study of the formation, structure, and function of cells—are assigned to the Houma unit, as are the only USDA weed-control scientists working in cane.

Variety development is particularly critical. All varieties eventually suffer from yield decline and most of major importance peak in acreage before 10 years of age. The two varieties used in some 75 percent of the sugar acreage in Louisiana today were released in 1973 and 1978 and are among the oldest varieties being grown. They are already past their peak and it is critical that new varieties be released soon for the industry to survive. The varieties produced in Houma are also used in Texas and provide breeding material for other domestic and international sugar industries located in more tropical areas. These areas have distinct soil and climatic conditions and are not now served by the other USDA facilities.

In addition, the Houma station is developing environmentally sound, integrated sugarcane production systems using cultural practices and improved weed, disease, and insect control methods. The emphasis at Houma is on research using cultural and biological measures as alternatives to chemical controls—which is important to production throughout the United States and to the American public generally. Very little weed control research is performed at either the Florida or Texas stations, although information developed at Houma has been modified to fit the different weed spectra and growing conditions in both Texas and Florida.

As to the magnitude of problems facing the sugar industry, these problems have been intensified as a result of new global trading arrangements. The passage of NAFTA last year, and the possibility of a new GATT arrangement soon, have made it more imperative then ever that we renew our efforts to increase production efficiency to compete with other nations which have lower wage rates, lower environmental standards, and lower, less costly, worker protection laws. Dismantling the Houma station would severely hamper efforts to increase production efficiency and enable U.S. producers in Louisiana and elsewhere to compete in this global setting.

I was surprised to discover that no attention was paid by the Department to contributions by industry or States to the ARS facilities. Louisiana contributes over $170,000 to the Houma research efforts and in addition has provided at no cost 107 acres of land for additional research property near Houma and 300 acres offstation for experiments under commercial production practices along with the equipment, supplies, and labor for these offstation efforts. This public-private partnership developed as a result of the location of an ARS sugar research facility in Louisiana.

Nationwide, the U.S. sugarcane industry generates approximately $2 billion annually in direct sales, with an economic value to the four cane-producing States of around $6 billion. In Louisiana, cane is grown in some 19 parishes in Louisiana, and in many of these there are not feasible or suitable alternatives. Cane is an important part of my State's economy, and is especially important to south Louisiana. The future health of this important part of our economy depends on a strong research program, which would be placed at risk if the Houma facility were closed. Obviously, this could have negative economic impacts in the future.

I urge that the amendments by the Senators from Indiana and Vermont be rejected, and that the committee amendment be approved.

Mr. SASSER. Mr. President, I oppose the Leahy/Lugar amendment because I know it will eliminate research efforts that are extremely important to not only my State of Tennessee, but to States throughout the Southeast. You see, Mr. President, nematology research and screening conducted at the West Tennessee Research Station in Jackson, TN, is aimed at solving the No. 1 problem for soybean producers in all Southeastern States—damage from the soybean cyst nematode.

The soybean cyst nematode is, in fact, the most serious soybean pest in the entire country. I have heard from quite a number of soybean producers who have stressed to me the importance of controlling this highly destructive pest. Soybean cyst nematodes cause millions of dollars in soybean yield losses each year and yet the cost of the Federal nematology program is a very modest $164,000.

Among other things, the West Tennessee Research Station of the Agricultural Research Service is working to develop a cyst nematode resistant variety of soybean. Researchers at Jackson are participating in a national project on molecular mapping and diagnostic probes for soybean cyst nematode resistant genes. The benefit-to-cost ratio of this research is estimated at 300-to-1. Clearly, this is a sound investment in our future food-producing capability.

The research done at the Jackson research station is used in southern soybean producing States by both private and public institutions. I believe it would be penny wise and pound foolish to eliminate this vital research.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Leahy-Lugar amendment to cut funding for 10 agricultural research stations [ARS] across the Nation. One of those ten facilities is located in my State. And I know that the work done there is vital to the health of the Nation's blueberry industry. The Chatsworth, NJ ARS station conducts and disseminates research so that growers can produce consistently reliable yields of high-quality blueberries and cranberries. Additionally, one of the major goals of the facility is to find ways to increase production in environmentally acceptable ways. The work done at this facility has helped, for example, reduce pesticide use while maintaining production levels.

The blueberry and cranberry industries are important to both the Nation and to New Jersey. Together, they inject some $800 million into the national economy. Reducing spending by a little over $500,000 sounds superficially appealing—but it also is a little silly not to make an investment of $500,000 to support an $800 million industry. The withdrawal of Federal funding for the Chatsworth ARS facility would leave the blueberry and cranberry industry vulnerable to a variety of diseases and terminate research and development of varieties resistant to these diseases. We are being penny wise and pound foolish.

Instead of cutting programs that actually produce something of value and are consistent with our national agricultural policy, I'd like to see us eliminate the real waste in agricultural spending: the subsidies that support western water, deficiency payments that distort market mechanisms, and other programs which I identified in a bill I have introduced. In addition, Mr. President, I note that the Senate has restored $7 million cut by the House for tobacco-related research. Now that, Mr. President, is the real waste and I hope, before we conclude action on this bill, that the House position will prevail.

Mr. ROBB. Mr. President, I rise in opposition to the amendment offered by Senators LEAHY and LUGAR regarding the Secretary of Agriculture's discretion over the future of 10 Agriculture Research Service units which USDA has identified for closure.

My opposition to this amendment comes not from a philosophical disagreement over whether this administration—or any administration—should have reasonable discretion in running the Government. As a former Governor, I vote for enhanced State autonomy whenever I can, as I did to preserve the State waiver process for Food Stamp cashouts earlier this afternoon.

I oppose this amendment, Mr. President, because I believe strongly that the rationale for moving the production and protection research activities for Virginia-type peanuts from Suffolk, VA, to Dawson, GA, is not defensible. And I believe that the Congress should have the ability to express its opposition on a policy basis to decisions that affect our States and our Nation.

After the Department of Agriculture announced that the USDA Peanut Production, Disease, and Harvesting Unit in Suffolk would be closed, along with 18 other ARS research units, the Department of Agriculture advised some members of the Virginia delegation that,

> We intend for ARS to continue research on peanut production and protection at Dawson, Georgia, and on postharvest quality and handling of Virginia-type peanuts at Raleigh, North Carolina. Research results from these locations will continue to be available for, and applicable to, the Virginia peanut industry.

Mr. President, Dawson, GA, is located 80 miles north of Florida.

There are enormous differences between Suffolk, VA, and Dawson, GA—differences in the varieties of peanuts predominately grown in the two regions, differences in the climate, the soil, the propensity of specific diseases, as well as differences in production practices.

Peanuts grown in Virginia and North Carolina are large seeded Virginia-type—or ballpark—peanuts, Mr. President, while the majority of peanuts grown in the Southeast—Georgia, Florida, and Alabama—are runner-type peanuts. In fact, USDA is proposing to do production research on Virginia-type peanuts in a State where Virginia-type peanuts constitute just 2 percent of its peanut acreage.

In addition, Virginia is located in the northernmost portion of the peanut belt and has a much shorter growing season than southwestern Georgia. Frost injury directly affects the flavor and quality of the finished product, and research is underway in Suffolk to develop an early maturing peanut variety. How can Virginia's climatic conditions be replicated in Georgia to continue this important research?

Virginia soil is also much more susceptible than even North Carolina soil to a fungal disease called sclerotinia blight, which can devastate peanut yields. Georgia has absolutely no problem with sclerotinia blight.

The Suffolk Unit is currently developing a Sclerotinia Blight Advisory Program, which is similar to the Virginia Leaf Spot Advisory Program, a computerized approached which, using weather condition data, assists farmers in determining the optimal time to spray to prevent diseases. These advisory programs make the Suffolk Unit a leader in reducing pesticide and chemical use in treating serious diseases. How can this be replicated in Georgia soil?

I do not believe, Mr. President, that research on peanut and protection of

Virginia-type peanuts that is applicable to producers in the Commonwealth of Virginia can be effectively conducted in Dawson, GA.

For this reason, I will vote against this amendment—and I yield the floor.

Mr. LEAHY. Mr. President, I wholeheartedly concur with the Senator from Indiana. When we started doing the idea of reorganization in the Department of Agriculture, we knew the only way you do it is to cut. We knew we were starting with a department where too much money is being spent and we are going to have to cut. So I went down through and saw where cuts would occur. And in the package we passed in the Senate—which we are hoping the other body will soon pass—it was obvious to me there were going to be cuts in the State of Vermont and cuts in the State of Indiana and cuts in the State of Louisiana and cuts in every other State represented here. But it is the only way you can do it. It cannot be the "don't cut you, don't cut me, cut the guy behind the tree," to paraphrase the expression often used by the Presiding Officer's distinguished predecessor in this body.

All of us on basically a resolution, or an overall piece of legislation that says let us cut money out of the Department of Agriculture, let us go for a streamlined Department, we all vote for it. In fact, we are voting 98-1 that way. The rub comes when we go to the specifics. And there will be specifics that we will feel in every single State. But it is the only way we are going to do it.

You cannot have a situation where we all stand up and say we want to cut the deficit—and, of course, we do—but when it comes to specifics, I want to keep the money in there. It does not work that way. You have to do it. It might be painful, but you have to do it. In this case, it should not be all that painful. You have cases where you are spending more money to repair old, useless buildings than we are on research, where the costs to the taxpayers, under any objective criteria, are just not justified. So I hope that we will adopt the amendment by the Senator from Indiana and myself.

I would like to say that we have had debate in here on cash-out of food stamps. I must say, as chairman of the Senate Agriculture Committee, I am very, very concerned with the amendment of the Senator from Arizona [Mr. MCCAIN], to strike language prohibiting further cash-outs of food stamps. As chairman of the authorizing committee, I strongly urge my colleagues to support the chairman of the appropriations subcommittee, Senator BUMPERS, on this.

The Food Stamp Program should provide food to needy families, not cash. If we are not going to provide food with it, then get rid of the program. But do not make it into something it is not. If you provide cash, you undermine the character of food stamps as a nutrition program.

If taxpayers are going to spend money on the Food Stamp Program, they want to see people buying food. They do not want to see the money go elsewhere and then have to spend more money on TEFAP sites and food kitchens. Senator BUMPERS pointed out that in Alabama spending on food dropped almost 20 percent where recipients received cash instead of food stamps. It is designed to reduce hunger, and its benefits are meant to be spent on food. I am worried that food stamp cash-outs are going to leave poor families even poorer. If landlords, for example, know tenants now have additional cash, they are not going to say, "Gee, take the money out and spend it on food"; they are going to say, "Here is a chance to raise the rent and get it paid." Very limited cash-outs permit transition of employment if it is designed properly. That could be an effective part of welfare reform. But let us work that in when we do welfare reform.

I am afraid that the more cash-out projects are approved, the more the Food Stamp Program loses its link to nutrition. That undermines the basic program.

Mr. President, I am more concerned that we ignore what this is. The Food Stamp Program is designed to buy food, designed to give food to needy people. If we do not want the Food Stamp Program, then do away with it, but do not pretend we are feeding people by giving them cash, because there are going to be a lot of other demands on that cash.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The time of the Senator from Vermont has expired.

Under the previous order, the Senator from Texas is now recognized for 10 minutes.

Mr. GRAMM. Mr. President, I thank the Chair. Today the President is out traveling around the country promoting his health care plan. New polls are out today showing that support for the President's health care program has reached a new low. What I would like to do in the 10 minutes I have here is simply talk about where we are on the health care debate and talk about that debate as it move closer to the floor of the Senate.

I think the first indisputable point is that the President has had over a year to sell the American people on his health care plan. The President has not failed in that effort because he lacks a big megaphone. The truth is that the President has the largest megaphone in the world. The President has not failed to sell his health care plan because he is a bad salesman. The President is a great salesman. The First Lady is a better salesperson. The administration is full of great salesmen.

The President has failed to sell his health care program to the American people because he has not been able to convince the American people that they want to turn over the running of the greatest health care system in the history of the world to the Government. A Government-run health care system is simply unacceptable to the American people, and I think the cold reality is that while Elvis may be out there alive somewhere, the President's health care plan is dead.

It is dead for a lot of reasons. Most of all it is dead because it infringes on the freedom of the people.

Despite the President's best efforts to convince people otherwise, the President's plan requires that unless you work for the Federal Government or unless you work for a huge employer with 5,000 or more employees that can ransom you out of the Government plan by paying 1 percent of your salary to the Government in a new tax, your private health insurance is going to be canceled and you are going to have to buy health care through a Government-run cooperative controlled by a seven-member board in Washington, DC.

The American people basically understand the loss of freedom and, as a result, they are rejecting the President's health care plan in overwhelming numbers.

And, Mr. President, if the vote were occurring in America, I would be absolutely confident. The fact the vote is occurring in Washington, DC, makes me nervous. Despite the fact that the President's plan is clearly not going to pass—not one Democrat on the House Ways and Means Committee voted for it, and only half of the Democratic Members of the Senate have cosponsored it—that does not mean every bad idea in it is dead.

A second point that I wanted to mention—given the comments of the Governors' Association today in the paper—is that clearly there is a second problem that is beginning to emerge, and that is, how are you going to pay for this health care plan?

I thought it was more than just comical that Democratic Governors support all the President's benefits, but they oppose the way he funds the program. They want all the benefits of a Government-run system with a 9.6-percent payroll tax, but their message to the President is, "Don't impose a payroll tax to pay for it."

It was also interesting that Republican Governors support the basic tenets of the Dole plan, which basically reforms the system and reorders Medicaid in order to help the working poor buy private health insurance. But they oppose the Medicaid reforms and the Medicaid cuts that are needed to pay for the assistance program.

In fact, one thing is very clear, and that is that when all of these programs are analyzed by the Congressional Budget Office and we know what they cost, they are all going to be massively underfunded.

One of the few remnants of the old Gramm-Rudman law that exists is that if a bill comes to the floor that adds to the deficit, there is a 60-vote point of order against that bill. I want to put our colleagues on notice that if any health care bill comes to the floor of the Senate and it is not paid for, I intend to raise a point of order against that bill and it is going to have to get 60 votes or that bill is going to die in the Senate.

Second, I know that there will be an effort made to limit debate on health care. I want to debate health care. I am not interested in bringing other issues into the debate, but I want my colleagues to understand that to millions of Americans—and I am one of them—this is the most important issue that we have debated in Congress in the last 15 years. I do not plan to give up any of my rights as a Member of the Senate on this health care debate. I am going to object to any unanimous consent request that limits anybody's ability to offer amendments, that limits anybody's ability to make points of order, and that seeks to impose anything on this debate other than the strict rules of the U.S. Senate.

I believe that we have to take a long, hard look at limitations on the rights of a free people. I do not believe the American people support canceling private health insurance and forcing people to buy health care through a Government-run agency. I do not believe the American people want Government to write their health insurance policy for them, to impose coverage on them that they do not want themselves, or deny them access to coverage that they do want.

I believe that the American people want to know how we are going to pay for this bill.

I think people are going to be shocked when they discover that the Finance Committee bill that will come to the floor of the Senate—barring a substitute by Senator MITCHELL—I think people are going to be shocked that this bill seeks to have the Government funding for health care for 110 million Americans, almost half the population. I think people are going to be shocked when they discover that one of the ways that this is partially paid for is by taxing the health benefits that workers now receive.

We do not yet have the Finance Committee bill costed out, but the benefits it provides are roughly equivalent to the Cooper bill, which raises taxes on 53 percent of all the workers in America by taxing their health insurance benefits. And 8.7 million Americans under that bill pay $500 or more per year in new taxes.

These are things I want to have us debate in full. I want us to understand what is at stake here.

Finally, I believe that there are things about the health care system that can be fixed, that should be fixed.

I want insurance to be portable, so you can change jobs without losing it. I want insurance to be permanent, so it cannot be canceled if you get sick. I want to deal with medical liability. It makes no sense to spend up to 20 cents out of every $1 we spend on health care trying to keep people out of the courthouse instead of out of the grave. I want to reform this absurd system where if you do not work, you get Medicaid, you get good health insurance, but if you do work and make a modest income, you can't afford to buy private health insurance.

I want to reform Medicaid, add a modest copayment, allow the States to run the Medicaid Program and use those savings to give a refundable tax credit to let working families keep more of what they earn so that they can buy good private health insurance.

But in the final analysis, I do not want the Government to take over and run the health care system. If the President is going to say to the Congress, "Do it my way or leave it," I believe Congress is going to leave it.

My basic proposal is: Let us do what we agree on. Let us take all these bills. Let us take the areas where they overlap. Let us sit down on a bipartisan basis and let us legislate to fix those areas where there is a broad consensus. I believe we could pass a bill with 80 or 90 votes in the Senate, and I think America would applaud that effort.

Then the President can go to the American people, if he chooses, in the 1994 elections and say, "If you want the Government to take over and run the health care system, then vote for people who support that." I would be perfectly happy to go to the same electorate and say, "I don't want the Government to take over and run the health care system, and if you don't want it either, vote for people who oppose it."

That, I think, is the path we should follow, Mr. President.

I thank you for the time.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California, [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. Thank you very much, Mr. President.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mrs. FEINSTEIN. Mr. President, I rise to support the committee amendment to fund the Market Promotion Program at $90 million in the agriculture appropriations bill now on this floor.

Mr. President, I think it is important to point out at the outset that funding this program at $90 million is a cut of 18 percent from last year, and since 1992 it has faced a 55-percent cut in funding. So you might say it is a program that has been greatly reduced. It is also a program which is of major priority to American agriculture.

It is a cost-shared program and participating industries must spend their own funds to export development before receiving up to 50 percent of certain promotional costs.

And, as I hope to show, it is a program that is vital to being able to develop new markets for agricultural products all across this globe. In a GATT economy, the only legal tool to assist these products will be market promotion. According to USDA data, market promotion expenditures for export activities by the world's 11 major agricultural exporting nations total nearly $500 million annually. In contrast the U.S. Market Promotion Program is being funded at $90 million. If American agriculture is to remain competitive in foreign markets, we must insure that our growers are given the same support that their foreign competitors receive.

The positive impact of this program on California is dramatic. There have been scores of success stories. Exports to overseas markets have doubled and tripled. These new markets are providing jobs, jobs for longshoremen, jobs in processing, jobs in transportation, and in the fields all across this Nation. I believe we need to maintain this GATT-legal Market Promotion Program in the future. Exports account for nearly one-third of total U.S. agriculture production and over $40 billion in sales. California agricultural exports total over $5 billion, generate nearly $13 billion in economic activity, and provide 137,000 export related jobs. A 10-percent increase in agricultural exports would help create over 13,000 new jobs in my State alone. I am hoping that when GATT is passed by this body, with its favorable provisions for agriculture, that we can see agricultural jobs all across this great land increase.

The Market Promotion Program allows independent farmers and producers organized access into foreign markets that would otherwise be difficult for them to penetrate. By requiring that participants make a minimum contribution to receive funds, this program is an ideal example of how the public-private partnership can work.

Most of the companies receiving funds are small. Based on their number employees, 61 percent of the firms are defined as small—less than 100 employees, 22 percent are medium-sized—100 to 500 employees, and only 17 percent are large—more than 500 employees.

The average 1991 allocation to individual companies under the State Regional Trade Groups [SRTG] Branded programs was $50,000. In 1993, no firm received more than $270,000.

This year 71 different commodity groups received funds from the Market Promotion Program, directly benefiting approximately 1,600 small business in 47 states.

For my State, MPP funds will help boost exports of almonds, brandy, fresh and processed asparagus, dried prunes and prune products, citrus, fresh avocados, kiwifruit, canned and frozen peaches, canned pears, canned fruit cocktail, pistachios, fresh and frozen strawberries, table grapes, fresh tomatoes walnuts, wine, raisins, fresh plums, fresh peaches, fresh prunes, fresh nectarines, bartlett pears, raw cotton and cotton products, and more.

Let me give a few examples of how this program has been used.

In peanuts—not particularly benefiting my State—MPP funds helped reestablish a market in Russia for raw peanut kernels and introduce peanut butter to Russian consumers, leading to United States exports of 50 tons.

For barley, MPP funds helped counter subsidized European Community exports of barley in Brazil, leading to United States export sales of 14,000 metric tons, the first such sales in 20 years.

Apples—MPP funds helped establish a trade distribution network in Mexico, boosting United States export of apples from just 574,000 cartons to over 4 million cartons in just 1 year.

Asparagus—U.S. asparagus exports are up 14 percent.

Citrus—in Hong Kong, MPP funds were used to create highly visible advertising regarding United States oranges and grapefruits, leading to a 300-percent increase in consumer recognition and a 28-percent increase in sales.

Avocados—MPP funds have been used to heighten the awareness of Japanese to the higher quality of California avocados as opposed to the lower priced, lower quality from other foreign sources. Between 1990 and 1993 alone, exports to Japan rose approximately 200 percent. This dramatic rise is directly attributable to the cost-sharing assistance provided our domestic avocado industry through the Market Promotion Program.

Mr. President, there are numerous successes for small businesses as well.

Caesar Cardini Foods sells salad dressing in 10 countries and had an export program of $700,000 in 1993. Yet, in 1991, their exports were only $98,400. This small California company uses its $10,000 MPP allocation to price their product at break even prices in order to enter new markets. This strategy enabled them to increase their exports sevenfold in 2 years. These funds have also enabled them to invest in marketing their brand in selected countries.

I can tell you about small producers of organic blue corn chips who have permeated markets in Singapore through this program.

I can tell you about the cut flower industry in America which in 2 weeks in January 1992 had immediate results. One grower was able to fill four orders, another grower shipped two orders, two additional growers shipped to Hong Kong, and so on.

Fresh and processed foods were promoted all over Taiwan beginning in November 1991. Fresh fruits and vegetables attained an increase during the promotion of 54 percent, and a 125-percent increase within the month following the promotion. Grocery items, excluding U.S. beef, attained an increase of 185 percent during the month-long promotion, and a 44-percent immediately following the promotion.

Mr. President, I have tried to show that this is a program that works for the farmers and growers of America. For my State, where farm revenue amounts to about $17 billion, it is a critical way that small- and middle-sized farmers and growers can break into foreign markets, have an opportunity to promote their crops and, I think in the GATT world, it is going to be a program that will have an even greater value when quotas, duties, and tariffs are done away with in the agricultural commodities world.

I thank the Chair and I urge a yes vote on the committee amendment to fund the Market Promotion Program.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I wish to join with my distinguished colleague from California in speaking in support of the committee amendment, which funds the Market Promotion Program at $90 million in the agriculture appropriations bill, and I congratulate her for her eloquence, the force of her statement, and reasoning for defending this very important program.

Clearly, the subcommittee was faced with many difficult funding priorities, in large part because the Clinton administration's budget request made many inappropriate budgetary assumptions—like the collection of Food and Drug Administration user fees, the imposition of user fees on the meat and poultry industry, implementation of the administration's crop insurance reform proposal, and savings from the proposed reorganization of the USDA. Each of these budget assumptions proposed by the administration require authorizing legislation—which has not yet happened.

In anticipation of the tough decisions that faced the subcommittee this year due to budgetary constraints, 18 Senators joined together with Senator FEINSTEIN and me in sending a letter to the subcommittee requesting full funding for the Market Promotion Program. Because of tight budgetary constraints, we thought it important to illustrate to the subcommittee that bipartisan support for the program existed in the Senate.

Unfortunately for U.S. agriculture, funding for MPP was zeroes out in the chairman's subcommittee proposal. This action left Senator FEINSTEIN and me with no choice but to offer an amendment in the subcommittee to restore funding for the program. Although the authorized amount for the program is $110 million, our amendment funded the program at $90 million—the same as the House level and a $10 million reduction from last year's funding level. The off-set for the amendment was a 1.5-percent reduction in the salaries and expenses accounts of 27 departments within USDA.

Funding for the MPP is a $90 million investment in increasing U.S. agriculture exports. Exports account for nearly one-third of total U.S. agriculture production and for over $40 billion in direct sales. Agricultural exports in turn spur economic activity and provide jobs for more than 1 million Americans.

And, as we learned during the debate over the North American Free-Trade Agreement and the pending ratification of GATT, U.S. agriculture stands to gain from free trade and open markets. MPP helps to promote U.S. agriculture in new and existing markets.

During the NAFTA debate, nearly every Member of this body stood on the floor of the Senate and proclaimed to be for free trade. Whether its selling apples in Mexico or pears to Taiwan—MPP puts free trade into action.

Mr. President, a perfect example of why the Senate must support the amendment before us comes today from my own State.

In 1991, only 3 short years ago, 575,000 boxes of Washington State apples were sold to Mexican consumers. With the help of Market Promotion Program funds, the Washington Apple Commission began to tell Mexican consumers about our apples. Growers used MPP funds as seed money, added their own money, and started promoting Washington State apples in supermarket demonstrations, billboard advertising, participating in Mexico's trade and consumer programs, radio advertising, and more.

Without the Market Promotion Program, Washington State applegrowers might not have been as effective in telling Mexican consumers about their apples because you cannot simply ship millions of apples to consumers who have never seen or tasted the product. First, you must sell them on the product, and that is exactly what MPP funds have done; 3 years later, Mexican consumers purchased 6.65 million boxes of Washington State apples, well over 10 times the amount of 3 years earlier.

MPP funds have developed markets across the globe for U.S. agriculture. The GATT agreement, in particular, once ratified, will result in substantial changes in many existing support and subsidy programs when we reauthorize the farm bill next year. GATT will reduce export subsidies and trade barriers, but it does allow for nations to maintain and increase funding for promotions which are nontrade distorting. These GATT legal or green box programs include market promotion expenditures.

Of equal importance, according to USDA, every $2 in MPP funds generates $7 in export sales. This ratio is even greater for specific commodities that participate in the program. I believe that this ratio—a 2-to-7 ratio—is an extremely persuasive argument in favor of retaining funding for this program. It is not very often that we appropriate Federal dollars and get a return on our investment as large and as significant as we do with the MPP.

I urge Senators to vote for the committee amendment for the following reasons:

The Gorton-Feinstein amendment was accepted in the Agriculture Appropriations Subcommittee on a bipartisan vote of 7 to 4;

A similar amendment to eliminate funding for MPP failed by a vote of 70 to 30 in last year's appropriations bill;

The 1993 Budget Reconciliation Act instituted reforms to MPP in an effort to address past criticisms of the program;

MPP is a GATT legal program;

For every $2 in MPP funds spent, $7 in agricultural exports are generated.

In summary, Mr. President, the Senate must vote to retain funding for the Market Promotion Program. Funding for the Market Promotion Program is, of vital importance, in keeping U.S. agriculture competitive in the world market. Without such a program, we give our competitors an advantage and U.S. agriculture is the loser.

MARKET PROMOTION PROGRAM

Mr. WOFFORD. Mr. President, I oppose the elimination the Market Promotion Program. I believe the Market Promotion Program serves an important role by helping domestic producers find and take advantage of export opportunities. It helps offset unfair trading practices that our producers encounter when trying to make inroads in foreign markets.

While I do not believe this program should be eliminated, I also believe the Market Promotion Program should be reformed to ensure that priority be given to small- and medium-size companies that need our help in establishing a foothold in foreign markets. To cut funding for the Market Promotion Program does not reform the program, it simply shrinks the pot of available money for all participants. Without real reform, the public and Congress will continue to criticize the program. If we continue at the current rate of reducing the MPP moneys, we will not need to have this discussion in another year or two.

Unfortunately, the loser in all this is American agriculture. they are trying to be more competitive and respond to the markets by developing the value-added products that, many times, make the difference between profit and loss. At a time when we are trying to finalize the GATT implementing legislation, an agreement that will drastically change what we produce and who buys it, we should be certain our small- to medium-size companies have the support they need. With reform, the Market Promotion Program is one tool that can help do just that.

When I introduced my MPP reform legislation in 1992 there were assurances that the program would be reformed. In 1993 and 1994 more assurances. There is even a legislative requirement that the Department of Agriculture will give priority to small businesses. Here we are again asking for more assurances.

Even though the USDA says they have reformed MPP by giving small- and medium-size businesses priority, their 1993 and 1994 allocations are virtually identical to previous years—same participants, only less money. The pot has shrunk and that is it. That not my definition of reform. To reassure Congress and the American people, we need to know what criteria the USDA is using to make the funding allocations.

In addition to making small business a priority, the USDA needs to work in tandem with State departments of agriculture to maximize both State and Federal promotion resources. At a Small Business Subcommittee hearing on Export Expansion and Agriculture Development that I chaired at the Port of Philadelphia, I heard of the creative and effective work the Pennsylvania Department of Agriculture is doing with small food processing entrepreneurs like Bob Cotten. Mr. Cotten employs 15 people and produces specialty pies for export—using all Pennsylvania produced or processed ingredients. This is exactly the type of market promotion we should be encouraging. In this case the States' involvement made the difference in whether Mr. Cotten exported or not.

Just as there should be more coordination with State Departments of Agriculture, the Extension Service could play more of a role in identifying small farmers and agribusinesses that have the potential for exporting. Since coming to the Senate I have had the opportunity to work closely with the Pennsylvania State University on a number of fronts, including agriculture and know that the Cooperative Extension Service, which receives part of their funding from the USDA and has highly qualified personnel in each county, should be utilized in export promotion. With exceptional staff, a research base linked with the USDA and the Foreign Agricultural Service, it seems to be a resource we should be tapping. Extension is a great link to agriculture and business.

One of the points made many times by witnesses at the subcommittee hearing in Philadelphia was that it is confusing, frustrating, and costly to piece together all these agency trade assistance programs. I believe extension can be a tremendous help to small- and medium-size agribusinesses by helping them make the initial contact with the appropriate agency.

Mr. President, as I said, I oppose the elimination of funding for the Market Promotion Program. But this program needs to be reformed. As I mentioned before, if it is not reformed significantly and soon, those who oppose this program will surely prevail in the future.

FOOD WORKS—COMMON ROOTS

Mr. LEAHY. Mr. President, I want to clarify an understanding with the chairman of the Agriculture Appropriations Subcommittee on a matter important to me.

There is a great program in Vermont which involves a number of issues related to nutrition, nutrition education, better health, and agriculture.

Food Works is a Vermont-based, nonprofit, educational organization, which provides teaching aids and other materials to elementary schools interested in implementing the Common Roots curricula. Common Roots is an educational model which integrates nutrition and food preparation education, agriculture, gardening, ecology, and diet, health, and hunger education with the regular elementary school curricula. Students learn math, science, and verbal skills through the practical application of small-scale agriculture. The Common Roots model currently operates in five schools in Vermont, and one school in Upstate New York.

The Food Works—Common Roots project has received a great deal of favorable press attention in Vermont. Common Roots and other innovative educational approaches in the State received national attention in a New York Times article (September, 1991), which stated: "As the nation's students return to classes, Vermont is expanding an experimental program in learning and evaluating mathematics and writing skills that some experts believe may revolutionize testing and teaching in the United States."

Food grown in Common Roots school gardens is often contributed to local food pantries or soup kitchens or used to teach the students healthy food preparation techniques.

Funding for the Common Roots project will enable Food Works to expand the program into more schools, and assist in the development of a graduate training center in order to train elementary school educators on how to implement the Common Roots curricula in their classrooms.

USDA has authority to fund this program under the Extension Service or through the Food and Nutrition Service. S. 1614, the Better Nutrition and Health for Children Act, as reported by the Senate Agriculture Committee on June 22, 1994, contains additional authorizing language designed for this program.

This program should be funded by USDA in the amount of $150,000 for fiscal year 1995 in that it is fully consistent with a number of initiatives related to nutrition education, better health through better nutrition and agriculture. Mr. Chairman, do you agree that USDA should fund such a program?

Mr. BUMPERS. Yes, this program would fit in with a number of initiatives that USDA is planning to conduct in fiscal year 1995 with money we are providing and Food Works in Vermont should be considered for funding by the Food and Nutrition Service of USDA for the purposes the Senator described in his remarks.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair. I realize that we are about to recess for the regular party luncheons.

The PRESIDING OFFICER. Is the Senator from Pennsylvania seeking unanimous consent to extend the time?

Mr. SPECTER. Mr. President, I ask unanimous consent that the time be extended not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2305, AS MODIFIED

Mr. SPECTER. Mr. President, I have sought recognition to support the amendment offered by Senator McCAIN and Senator KERREY which would strike from the agriculture appropriations bill the language banning food stamp waivers and do so in part because of a plan offered by the Commonwealth of Pennsylvania which has an application before the U.S. Department of Agriculture entitled "Pathways to Independence," where there is an effort to utilize cash instead of the food stamps.

It is structured on a pilot basis to try to deal in an overall coordinated way with the problems of welfare. There is an issue as to whether the proceeds, or the equivalent of the food stamps, would be used for something other than food, like alcohol, for example, which would be contrary to the direct purpose of the food stamps. But there are strong indications that the potential disadvantage from that kind of a diversion would be outweighed by the advantages of allowing the States to have innovative programs which would be directed to the overall program of welfare.

The application which is pending by the Commonwealth of Pennsylvania was recently submitted under the provisions of the bill. There would be a cutoff of such innovative programs which were not granted prior to July 1. It seems to me on its face that is an undesirable provision without ample notice for States like Pennsylvania to put the programs into effect and to have them granted by the U.S. Department of Agriculture.

But the overall concept of flexibility for the States to tackle this very difficult problem is one which I think ought to be recognized by the Federal Government. The specific Pennsylvania program has all the indicia of being a good program, and that kind of flexibility ought to be promoted by the Federal Government.

Certainly the problem of dependency and welfare payments and aid to families with dependent children, and food stamps—that whole amalgam—is one of the major problems facing our country today. There is, admittedly, a stigma attached to the use of stamps when you go to the checkout stand in the supermarkets, and the kind of a program with the flexibility as proposed by the Commonwealth of Pennsylvania I think is a good idea.

Therefore, I support the McCain-Kerrey amendment and wanted to put my comments on the RECORD at this time because I know we will be voting on this issue immediately after returning from the luncheon recess.

I thank the Chair for awaiting my speech, and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:37 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KOHL).

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

COMMITTEE AMENDMENT ON PAGE 86, LINE 9 THROUGH PAGE 88, LINE 12

The PRESIDING OFFICER. The question now occurs on the committee amendment on page 86 of the bill.

Mr. COCHRAN. Mr. President, the issue before the Senate, as I understand the order, is there is 15 minutes of debate time between now and the vote on the committee amendment which relates to the Market Promotion Program. If it has not already been stated, our intention is to divide that time evenly between the proponents and opponents of the amendment.

Let me say that I hope the Senate will vote in favor of the committee amendment. This may be a little confusing to some; the committee chairman is opposing the committee amendment. The amendment was originally offered in our subcommittee by the distinguished Senator from Washington State [Mr. GORTON]. His proposal is to fund this program at $90 million, which is $10 million less than the funding level for the current fiscal year. The President's budget asked for funding to be continued for the program at $75 million for this year. But the opponents of the program want to zero it out completely.

And so if you are for zeroing out the Market Promotion Program, you will vote against the committee amendment. If you are for supporting the committee position, which is to fund the program at $90 million, the same level as contained in the appropriations bill from the other body, then you will vote for the committee amendment.

Mr. President, at this time, if he wishes time, I would be pleased to yield 2 minutes of our time to the distinguished Senator from Washington State [Mr. GORTON].

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON], for 2 minutes.

Mr. GORTON. Mr. President, the Market Promotion Program of the Department of Agriculture is a modest program in comparison with many of the functions of that Department. It is, nevertheless, a vitally important program for literally thousands of agricultural entrepreneurs across the United States in dozens or perhaps hundreds of different commodity-producing fields—all of those that relate to agriculture and agricultural exports.

Agricultural exports are a huge—$40 billion a year—business in the United States of America. To promote those programs is vitally important. This program, for example, in my own State of Washington has helped multiply by 10 the number of boxes of apples exported to Mexico in a single 3-year period.

If we accept the committee amendment, we continue that program with a $10 million cut from last year. If we reject the committee amendment, all of this money goes back into the bureaucracy of the Department of Agriculture, not for the Market Promotion Program, not to help American agriculture, but simply into the bureaucracy itself.

That is the choice, Mr. President—whether we wish to continue an effective program, whether we continue a program consistent with the General Agreement on Tariffs and Trade at a time at which that will cut down on our agricultural subsidies, or whether we wish to leave this money entirely to the discretion of the bureaucracy in the Department of Agriculture for its own benefit rather than for that of the agricultural community of the United States.

I urge a vote in favor of the committee amendment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska [Mr. MURKOWSKI].

The PRESIDING OFFICER. Senator MURKOWSKI is recognized for 3 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I wish to state for the RECORD my strong support for the U.S. Department of Agriculture's Market Promotion Program [MPP]. I am no fan of subsidies that only serve to increase prices, but that is by no means the case here.

The Market Promotion Program is a highly successful and cost-effective program. It has been instrumental in the Alaska seafood industry's tremendous achievements in the export market in recent years.

If the Market Promotion Program suffers from all the problems, ailments and abuses that the sponsors of this amendment seem to think, then they should either fix it in authorizing legislation or move to repeal the program altogether. But this attempt to strangle the program in the appropriations process is wrong, out of place, and unfair to the hundreds of small American companies that depend on it to counter the unfair practices of their foreign competitors.

The intent of the MPP is to help fund additional market promotion activities undertaken by U.S. industries and producers—but only as a means of leveling the playing field in foreign markets where U.S. products suffer from unfairly subsidized competition.

Let me point out that this is not a free ride—the private-sector participants share the costs with the Federal Government. Its value lies in the ability to increase promotion purchasing power, and thus effectiveness, over and above what the private sector can do by itself.

MPP's cost effectiveness is a matter of record. According to figures I received last year, every dollar spent for MPP-backed promotion results in an average increase in U.S. sales of $2 to $7. And those dollars return to circulate throughout the Nation's economy, helping maintain stability and stimulate growth throughout the country. In other words, this is one program that truly pays its own way.

Let me offer some solid examples from my own State of Alaska. The Alaska Seafood Marketing Institute [ASMI] has participated in the MPP since 1987. Before entering the program, the Alaskan salmon industry was suffering great difficulty competing in Europe and the Pacific rim, where Alaskan salmon faced—and continues to face—unfair competition from heavily subsidized farm-raised salmon from Norway, Japan, Canada, and elsewhere.

Using MPP funds, ASMI has been able to develop a promotional campaign to differentiate Alaska salmon as uniquely natural and wild—despite significant price disadvantages in comparison with subsidized foreign products. The campaign results have been impressive by any standard.

In Japan, our foremost market, Alaska increased its exports by 17 percent in 1992 and another 12 percent last year, bringing the market share for Alaska salmon to a full 61 percent, despite heavy competition from alternative sources.

Exports to the United Kingdom have increased over 200 percent since MPP supported marketing efforts began there, leading to an astounding 73 percent market share in 1993.

In France, MPP funding has helped ASMI turn around a downward spiral, changing the minds and hearts of French importers and consumers, and helping Alaska exporters post increases in both volume and market share. Alaska is now France's No. 2 supplier, next to heavily subsidized fish from Norway's salmon farms, as well as South America.

Finally, in Australia, MPP-assisted promotions led Alaska to an unprecedented 55 percent share of the salmon market, which has previously been dominated by Canadian exports.

The MPP is an effective mechanism to counter unfair trade practices and subsidized competition by our foreign trade partners—and rivals—such as the members of the European Economic Community, which spends billions of dollars each year to protect and increase the market share of its agricultural producers.

This program has been a great success according to the rules established for it. I strongly support its continuation, and vehemently oppose any further cuts.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, how much time do I have remaining on this side?

The PRESIDING OFFICER. One minute and thirty-five seconds.

Mr. COCHRAN. I yield the remainder to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska [Mr. STEVENS] is recognized.

Mr. STEVENS. Mr. President, the Market Promotion Program [MPP] is one of the most profitable U.S. assistance programs we have, returning anywhere from $2 to $7 for each $1 spent.

In my State, the MPP has provided invaluable help to the Alaska seafood industry in battling foreign fish subsidies and improving foreign markets for Alaska seafood. Despite the massive subsidization and promotion of foreign farmed salmon, for example, the MPP has helped Alaska salmon exports to grow significantly in recent years to a number of the countries which import large amounts of seafood.

We continue to need the help of the MPP in foreign markets.

The National Marine Fisheries Service recently reported that while commercial fish landings off the United States set a record in 1993—10.5 billion pounds total, the total value of this catch was $200 million lower than the value of 1992 catch of 9.6 billion pounds. This is an important and concerning statistic in my State, where roughly 50 percent of these 10.5 billion pounds of fish were harvested.

The MPP can help us get better prices and create bigger markets for our seafood in foreign countries. Despite the proven benefits of the MPP, in each of the past few years we have faced challenges to the program in the Senate.

The MPP program went from $200 million in fiscal year 1992, down to $148 million in fiscal year 1993, and last year down to only $100 million. This year, we are trying to keep it alive at $90 million.

In the letter that 19 other Senators and I sent to the chairman of the Agriculture Appropriations Subcommittee in May, we explained how the MPP has passed GATT and NAFTA tests, while a number of U.S. export assistance programs have been found to violate these agreements.

We also explained that previous concerns about the use of the MPP for brand-name promotion have been addressed in the past year:

A provision in last year's Budget Reconciliation Act requires the MPP to give small-sized entities a priority over branded promotion;

The House report accompanying the fiscal year 1994 Agriculture appropriations bill directs the Department of Agriculture to encourage smaller and medium-sized participants in allotting MPP funds.

Mr. President, I close by emphasizing that this is an important program to continue not only for our State but for all seafood producing areas in the country. It is one of the agriculture programs of great benefit to the seafood market of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself such time as I may use.

Mr. President, the House has $90 million in this program. If the committee amendment is defeated, as I divinely hope it will be, we will go to the conference with the House of Representatives and probably come out with about half of that, $45 million.

So first of all, my colleagues, you are not going to kill the program by voting against the committee amendment.

No. 2, I have a deep, abiding interest in small business of this country. I was a small businessman. I am chairman of the Small Business Subcommittee in the Senate. If you are going to do this, it ought to be directed at small business.

You tell me—and I invite the people who promote this program—what in the name of all that is good and holy are we doing subsidizing Hiram Walker, McDonald's, Burger King, Pillsbury, Gallo Wine, Sunsweet Prunes, Sunmaid Raisins? Go down the list of the people who are going to get this $90 million. It looks like the Fortune 500.

Do you think if Gallo Wine saw an opening to sell wine someplace where they could make some money with that they would say, "I would immediately like to open this billion-dollar wine market in Japan, but I am not going to do it unless the Federal Government gives me $2 million to do it with?" When you vote for the committee amendment, that is what you are saying.

You talk about corporate welfare. I invite my colleagues to look at the General Accounting Office report. No correlation could be found between the increase in exports and the Market Promotion Program. One after another of the promoters of this thing have stood up and said, "This is wonderful." Look at how much our exports have grown in the last 6 years. They have grown in the last 6 years, and this program according to the GAO had absolutely nothing to do with it.

You do not have to be a rocket scientist to figure this out. They said something that I have always believed; that is, the people who are getting this money would spend it anyway. We are indifferent about spending. We put up $90 million. So they say, "I think I will go see if I cannot get $1 million of that." "Oh, yes. Here is $1 million to teach the joys of McNuggets to the Japanese."

Mr. President, it is not as though we are doing nothing for exports. This is just redundancy on top of redundancy. Do you know how much the U.S. Government is spending this year to promote exports, including agricultural exports? One billion "smokes." Yet we are going to pile another $90 million on top of that for the biggest corporations in America to say, "Oh, please. Take this money, and export raisins to Japan."

I have to repeat that raisin story. They take the dancing raisins, and put them on Japanese television. It scared the Japanese children to death. They look disheveled, and shrunken. There was a big debate in Japan. "Are they potatoes, or are they chocolates?" Well, they were dancing raisins. But the Japanese never got the message.

Do you know what else? The Japanese under that program paid $1,583 to Sunmaid a ton; $1,583 a ton for those raisins. And what do you think it cost "Uncle Sugar" to finance it? About $3,000 a ton. That is what you are defending here; that kind of junk.

Mr. President, I applaud my distinguished colleague from Nevada for his effort to kill this program. I strongly urge my colleagues to break out in a spate of common sense, sanity, and rationality, and kill something. For God's sake. Thirty-three of you are running this fall. Would you not like to go home and report something that you voted against?

So, Mr. President, I hope my colleagues will vote against the committee amendment with a "no" vote.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I rise in opposition to the committee amendment to restore $90 million in funding for the Market Promotion Program.

The purpose of the Market Promotion Program is a worthy one. One of the best ways to help U.S. farmers and businesses is to help them market their products abroad.

Unfortunately, I am not convinced that the Market Promotion Program is the best mechanism to provide support to our export efforts in a time of budget austerity. The Agriculture Committee has held oversight hearings on the Market Promotion Program that uncovered a number of problems with USDA's management of the program. I am not convinced that those problems have been adequately addressed.

During the budget reconciliation process last year, we attempted to mandate some reforms of the program. We sought to better target the program so that it would provide assistance to small businesses that really need the help, not to large multinational companies to subsidize their advertising budgets. We tried to make sure that firms would not get money to do the same thing year after year.

It is not clear that USDA ever received the message that the usual way of doing business just is not good enough. When I look at USDA's allocations of MPP funds for the current year, I see little evidence that USDA has reordered priorities to address the concerns expressed by this Senator and many others.

Finally, I oppose the committee amendment because it pays for MPP by making an across-the-board cut in a large number of other programs. Some of those programs are already underfunded, and these additional cuts are unwarranted. If the MPP is truly worthy of funding, it would be far more appropriate to identify particular programs that should be cut to pay for it.

Mr. KERRY. Mr. President, I want to add my support to the effort of Senators BUMPERS and BRYAN to terminate the Market Promotion Program. I am proud to be associated once again with these two colleagues, who make repeated attempts to rout out waste in the Federal budget and whose efforts have saved the taxpayers millions of dollars: Senator BUMPERS, most recently through his success in terminating the supercollider, and Senator BRYAN in our successful joint effort to terminate the wool and mohair subsidy.

The taxpayers know, and so do we, that there is still a great deal of room to cut the budget without gravely harming our ability to meet pressing national needs. There are many programs that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

That is the reality, Mr. President, and when we deny it we succeed only in making people cynical about their elected officials. Our constituents see these programs ridiculed on "60 Minutes" and on the evening news. And they feel ridiculed themselves, because it is their hard-earned money that pays for these programs. The amounts may not matter as much as the idea that the Government is careless with tax dollars. They understandably believe that we should not raise taxes or eliminate programs that help those who truly need our help before we have cut all the expenditures that are unnecessary or wasteful. One of the programs which most deserves to be terminated is the Market Promotion Program.

The Market Promotion Program [MPP] was created in 1986 to increase exports of agricultural products. Despite the fact that agriculture constitutes only 10 percent of U.S. exports, it receives 74 percent of all Federal export promotion dollars. Since 1986, the program has given scores of private companies—foreign and domestic—$456 million to advertise their products overseas. MPP funds have been used to promote such well-established brands as Blue Diamond, which has received $35.7 million since 1986; Pillsbury, $9.3 million; and Dole fresh fruit, $8.2 million.

The U.S. taxpayers paid for a failed media campaign by the California Raisins to introduce Japanese children to the dancing raisin—which failed because the dancing, shriveled raisins frightened the children. More importantly the California Raisins already had the dominant market share in Japan.

MPP money has been used to attempt to peddle Ernest and Julio Gallo wine to the French; to advertise Japanese-made underwear, manufactured it is true with American cotton, in Japan; to promote McDonald's chicken McNuggets worldwide; and to sell Campbell's V-8 juice in Korea, Japan, and Taiwan.

Most of the companies receiving MPP funds are major firms with millions of dollars in profits. Taxpayers cannot be blamed for feeling that they are simply reimbursing companies for advertising they would have run in any case. M&M/Mars, which received $785,000 in 1992, has an annual advertising budget of $272.4 million. The Washington Post asked Mars why it bothered to apply for Federal funds. The company spokesman compared the program to a mortgage deduction. "If it's available, you would certainly take advantage of it," he said.

What adds insult to injury in the case of the MPP is the fact that the Department of Agriculture could do much more for exports of high value-added agricultural products—products made from basic far commodities—if it simply ceased spending billions of dollars supporting high domestic prices on those commodities. If peanut prices were not held artificially high, United States-made peanut butter would be cheaper. So, too, would be products made from cotton, sugar, rice, and milk. Over the next 5 years, the American taxpayer will spend $46 billion on these price support programs.

As long as the U.S. economy was growing strongly, it was relatively easy for Congress to ignore failed programs and simply add programs that we hoped would work better. However, in these times of high deficits and a staggering national debt, we cannot afford to continue to fund wasteful programs when we have so many current priorities and so little money to fund them. We must force the system to respond to changing circumstances.

President Clinton is the first President in over a decade to demonstrate real leadership for cutting back some of these programs. But the cuts he proposed have been subject to endless attacks from the special interests, who insist that someone else's programs be cut before theirs. Even in Congress, where Members of both parties chide the President for not cutting enough, many of the cuts the President has proposed have been whittled away by Members protecting their parochial interests.

In light of the $220 billion annual Federal deficit and $4 trillion national debt, we can no longer be swayed by special interest pleading. We must face the touch choices. If we take a bold step now, we can restore some integrity to the Federal Government and its budget process. The madness must end. And to end it, we each must be willing to vote to eliminate programs that we know are not in the national interest.

I hope that this amendment, which will eliminate the wasteful MPP Program, will be approved, and that its approval will signal that the Senate recognizes that there is much more that can be done to cut the deficit if we are willing to make touch choices.

Mr. KOHL. Mr. President, I rise in support of the committee amendment to fund the Market Promotion Program [MPP].

I have been troubled by the debate on this issue. The program has been characterized as corporate welfare, and nothing else. Mr. President, I reject that characterization, because the program is far more than that.

It is true that there have been some abuses in the program in the past that have led to large corporations receiving funding for foreign market development in cases where they were clearly able to finance those efforts on their own. It is for this reason that I have supported efforts to reform this program, as was done through the Omnibus Budget Reconciliation Act of 1993. However, while I have supported efforts to reform the program, I do not support efforts to eliminate the program all together.

Despite the past abuses, this program serves a valid purpose. That purpose is to help U.S. farmers and food companies compete in foreign market, especially where the huge export subsidy programs of other nations have made it difficult for U.S. products to compete abroad. And I think that it has been successful in achieving that goal. Export market expansion in recent years for many U.S. agricultural commodities can be attributed, at least in part, to assistance under the Market Promotion Program.

The new GATT agreement underscores the need for continuation of this program. While the GATT agreement reduces the overall level of export subsidies nationwide, it proposes to make an across-the-board cut for all nations, allowing nations like those in the European Union to continue to subsidize exports at significantly greater levels than the United States. In other words, even if the GATT agreement passes, markets will continue to be distorted in a way that hinders U.S. exports into certain markets. For this reason, we need to continue programs like the Market Promotion Program to help create a more level playing field in international markets.

Mr. President, in my State of Wisconsin, one in every five jobs are dependent on agriculture. And Wisconsin agricultural exports total over $1 billion, supporting over 27,500 export-related jobs. A 10 percent increase in agricultural exports from my State, would help create an estimated 3,000 new jobs. This is not corporate welfare, it is an effort to maintain and increase markets to help farmers and to create jobs in the food and fiber industry of my State.

I urge my colleagues to vote in support of the committee amendment to restore funds to the Market Promotion Program.

Mr. WARNER. Mr. President, I rise today with mixed feelings toward the amendment offered by Senators LUGAR and LEAHY which would give the Secretary of Agriculture the right to close the Agriculture Research Service facilities recommended for funding in the Agriculture Appropriations Committee report for fiscal year 1995.

Let me begin by stating that I commend the chairman and ranking member of the Senate Agriculture Committee for continuing to seek ways to limit unnecessary spending at the U.S. Department of Agriculture. Their efforts in this area has been aggressive, thoughtful, and most importantly mindful of the American taxpayer.

Their leadership and strong efforts led to the formulation of legislation passed by the Senate earlier this year to reorganize the U.S. Department of Agriculture. I supported that legislation and I look forward to supporting the chairman and ranking member in their efforts to further streamline and reduce duplicative programs at the Department of Agriculture.

While I will support this amendment, which among other actions could effectively close the USDA Peanut Production, Disease, and Harvesting Unit in Suffolk, VA, I want my colleagues to know that I believe a terrible mistake will have been made if the Secretary of Agriculture decides to do so.

Mr. President, I want my colleagues who are following this debate to understand that this is not a not-in-my-backyard plea. I believe that the Suffolk unit should remain open on research and scientific grounds, and if debated independently could stand on its own.

As the chairman of the Senate Agricultural Appropriations Committee, Senator BUMPERS, clearly knows, I have cosponsored with him legislation to discontinue the development of the space station *Freedom*. This has not been a popular proposal in my beloved State of Virginia because there is clearly an economic interest for some in the development of the space station. However, I recognize that these are difficult budgetary times and difficult decisions must be made.

With respect to the Suffolk ARS Research Unit, the research conducted at this facility is specialized for problems geographically unique to Virginia and North Carolina peanut growers. Virginia is more susceptible than other peanut growing States to an early frost which directly affects the flavor and quality of the finished product. In addition, Virginia soils are more susceptible to the disease sclerotinia blight which can devastate peanut yields. In brief, Virginia and North Carolina growers are dependent upon the Suffolk unit for the development of an early maturing, sclerotinia resistant variety of peanut.

I have been informed by the Secretary of Agriculture that the administration intends for this research to be conducted at facilities in Dawson, GA. I intend to again make the Secretary aware of climatic and geographic barriers which will prevent satisfactory scientific results for Virginia and North Carolina growers of Virginia-type peanuts.

Mr. President, there are numerous arguments which can be made to keep the Suffolk unit open. In fact, I have made Senator BUMPERS aware of many of them and he graciously, and fairly I might add, accepted them and included funding for the Suffolk unit in the report language to this measure.

I cannot, however, justify to the American taxpayer the necessity for keeping these other research facilities open. While some of them may merit continued funding, as I believe the Suffolk unit does, those arguments must be made with the administration and the Secretary of Agriculture.

I pledge to the growers of the Commonwealth of Virginia that following this vote I will continue to work diligently with the executive branch to keep the Suffolk unit open on its own merits.

Therefore, although I strongly believe that the Suffolk unit should remain open, I will vote for the Leahy-Lugar amendment.

Mrs. BOXER. Mr. President, I strongly support the Market Promotion Program. I urge my colleagues to support the subcommittee's amendment funding the Market Promotion Program at $90 million for fiscal year 1995. I would like to point out to the Senate why this program is so important for agriculture in my State of California, and many other States as well.

The MPP is an important tool in expanding markets for U.S. agricultural products. Continued funding for this program is an important step in redirecting farm spending away from price support and toward expanding markets.

The U.S. Department of Agriculture estimates that each dollar of MPP money results in an increase in agricultural product exports of between $2 and $7. The program has provided much needed assistance to commodity groups comprised of small farmers who would be unable to break into these markets on their own. While the program has been the subject of criticism, some of it justified, I believe it would be a mistake to cut the program because of a few cases of poor judgment. Overall, the program has greatly benefited the small growers for whom it was intended.

Earlier this year, a task force of U.S. Agriculture Export Development Council met for two days in Leesburg, VA, to review the role of the MPP, and other agriculture programs as part of our overall trade policy. This task force affirmed that the purpose of the MPP is to "increase U.S. agricultural project exports." It concluded that the increase in such exports helps to "create and protect U.S. jobs, combat unfair trade practices, improve the U.S. trade balance, and improve farm income."

Mr. President, the Market Promotion Program has been an unqualified success for California farmers. For many California crops, the MPP has provided the crucial boost to help them overcome unfair foreign subsidies. I would like to share one of the successes of this program in California.

California produces about 85 percent of the U.S. avocado crop on over 6,000 farms that average less than 8 acres per farm. Between 1985 and 1993, California avocado growers utilized $2.5 million of their own money, combined with $3.4 million of MPP funds to achieve over $58 million in avocado sales in Europe and the Pacific rim. This is better than a 17-to-1 return on our MPP investment. That means jobs for Californians.

The MPP is a wise investment in American agriculture and I urge my colleagues to support it at the highest possible level.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 86, line 9, of the bill. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 206 Leg.]

YEAS—62

Akaka
Baucus
Bennett
Biden
Bond
Boren
Boxer
Breaux
Burns
Campbell
Coats
Cochran
Cohen
Craig
D'Amato
Danforth
Daschle
DeConcini
Dole
Domenici
Durenberger
Exon
Faircloth
Feinstein
Gorton
Graham
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Lott
Mathews
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Packwood
Pell
Pressler
Pryor
Riegle
Robb
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—38

Bingaman
Bradley
Brown
Bryan
Bumpers
Byrd
Chafee
Conrad
Coverdell
Dodd
Dorgan
Feingold
Ford
Glenn
Gregg
Harkin
Hollings
Inouye
Johnston
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
Metzenbaum
Mikulski
Mitchell
Nickles
Nunn
Reid
Rockefeller
Roth
Sarbanes
Smith
Wellstone

So, the committee amendment on page 86, line 9, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RURAL BUSINESS ENTERPRISE GRANT FUNDING FOR ANDERSON COUNTY, TN

Mr. SASSER. Mr. President, I rise to congratulate the Senator from Arkansas on his work in bringing this bill before the Senate. I commend the Committee for its recognition of the importance of Rural Business Enterprise Grants and for including $5 million over last year's level for this program. The program is designed to foster the development of business and industry in rural communities. There is an area in my State that would benefit greatly from this kind of assistance. Recent actions by the Department of Energy to downsize employee levels at its Oak Ridge facilities have created the urgent need in Anderson County, TN for new employment opportunities. In that area of my State there are few alternatives for employment other than the Oak Ridge facilities. Anderson County officials have developed a proposal for infrastructure improvements to support development of an industrial park to help offset the negative impacts of downsizing at Oak Ridge. However, they are in need of assistance to carry out this proposal. It is my understanding that funding through the Rural Business Enterprise Grants could be used for this proposal. Is that correct?

Mr. BUMPERS. I say to my friend from Tennessee, I respond in the affirmative. The Senator had advised me of the negative impacts of reduced Energy Department activities at Oak Ridge. I believe the Rural Business Enterprise Grants would be an appropriate and effective program to assist Anderson County in its efforts to develop employment opportunities. I encourage the Department to review and consider a proposal by Anderson County, TN for infrastructure development to support a new industrial park.

Mr. SASSER. I thank the Senator from Arkansas and again commend him for his fine work on this bill.

LOCOWEED RESEARCH

Mr. HATCH. Mr. President, I wonder if I might ask the chairman of the Agriculture Appropriations Subcommittee a few questions regarding the funding of the Locoweed Research Program as set out in the committee report accompanying the 1995 Department of Agriculture appropriations bill.

Last year, Congress provided funding in the 1994 appropriations bill for the Agriculture Research Service [ARS], for locoweed research at New Mexico State University [NMSU]. Under an agreement with NMSU, Utah State University has received a portion of that amount to participate in the research effort.

Some concerns have been raised that moving the NMSU locoweed research funding from ARS to the Cooperative State Research Service, as proposed in the Senate bill, may alter the funding portion Utah State University has been receiving. Could the Senator from Arkansas explain this situation?

Mr. BUMPERS. Let me assure my colleague from Utah that there is no intention of denying funds to Utah State University for the purpose of conducting locoweed research through this transfer of funds.

Mr. HATCH. I appreciate that response. Then, am I correct in stating that, assuming the Senate recommendation is agreed upon by the conference, it is my colleague's position that the research station at Utah State University will continue to receive a portion of the funds for locoweed research under the new funding proposal?

Mr. BUMPERS. That is correct. It is the subcommittee's intention that Utah State University be included in the locoweed research effort.

Mr. HATCH. I thank my colleague from Arkansas for this clarification.

AMENDMENT NO. 2305, AS MODIFIED

Mr. HATCH. Mr. President, I rise in support of the McCain-Kerrey amendment to eliminate the provision in the fiscal year 1995 Department of Agriculture appropriations bill barring the continued use of the "cash out" demonstration authority in the Food Stamp Program. This provision would prevent States from receiving new waivers to convert food stamps either to cash benefits or to wage subsidies, an option that is now utilized by 20 States, including Utah.

The sponsors of this amendment have carefully explained the cash out demonstration authorization and why it is vital to the success of our overall welfare system. I will not restate the reasons why this portion of the program should continue.

The State of Utah has received three welfare demonstration grants during the last 2 years to implement its overall welfare program. To receive these grants, the State had to obtain 44 waivers, one of which included a waiver to initiate a cash out program. It has taken considerable work to obtain this waiver, which would suddenly be eliminated by four simple lines in the Department of Agriculture Appropriations bill.

Utah's cash out program has been operating for nearly 2 years in three cities: St. George, Roosevelt, and Kearns, all of which are located in distinct geographic areas of our State. This program has proven to be so successful in helping welfare recipients get off the welfare rolls that State officials want to expand the demonstration project statewide. Only a very small portion of Utahns participating in the State's welfare program use the cash out provision, but these officials believe the provision should remain an option for all participants. The provision demonstrates the flexibility inherent in Utah's overall welfare program, which is key to its long-term success.

The concept behind Utah's welfare program is a simple one: to help individuals become as independent as possible in every aspect of their lives. The cash out provision of Utah's Single Parent Employment Demonstration Program is crucial to achieving this goal, which I wholeheartedly support. Allowing recipients to receive cash for food stamps allows them to exercise the same economic independence as everyone else. Rather than continually remind welfare recipients that they are dependent on the government for their subsistence, the cash out enables welfare recipients to make consumer choices on their own. It sends the message that they are expected to stand on their own two feet.

If we eliminate the ability to continue the cash out program, then we will encourage these individuals to continue their dependence on the government. They will never need to think for themselves. Moreover, we will send the message that society does not trust them to make the proper and correct decisions in their lives. How will people ever develop the positive attitude, to say nothing of the life skills needed, if our Food Stamp Program treats them like children.

The States need Congress to provide them as much flexibility as possible in the Federal Government's welfare system. The cash out provision in the Food Stamp Program provides some of this flexibility. By removing this component from the program, we will eliminate one of the discretionary powers that we have given to the States. We will be sending the message to the States that they, too, cannot be trusted to make the proper and correct decisions when it comes to the welfare of its citizens. I am not one who believes that the Federal Government has all wisdom in this area.

The cash out provision has been successful and borne fruit in several areas of my State. Rejection of this amendment will prevent that same success from being experienced in other parts of Utah.

I commend my colleagues, Senators MCCAIN and KERREY, for proposing this amendment. I urge my colleagues to adopt it.

Mr. COCHRAN. Mr. President, I ask unanimous consent the following Senators be added as cosponsors to the McCain amendment: Mr. COCHRAN, Mr. BENNETT, and Mr. GORTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, today I come to support the McCain-Kerrey amendment to strike the food stamp waiver prohibition from H.R. 4554, the fiscal year 1995 Agriculture appropriations bill. As the bill now stands, it prohibits States from getting new waivers to cash-out food stamp benefits and use them as part of wage subsidies or work supplements in State welfare programs. The provision allows such cash-outs if the waiver was granted before the first of July, but effectively prohibits any State from applying for or getting a waiver after that. Put simply, this provision would prohibit States from using food stamp benefits, in conjunction with other welfare benefits, as an instrument to move the welfare beneficiary from dependency into a private sector job.

My concern is with how this provision would impair welfare reform initiatives. I recognize that there are problems of fraud and abuse in the Food Stamp Program and we must continue to ferret out such abuses and prosecute them. However, we should not tie the hands of Governors who are not handing out the cash value of food stamps willy-nilly, but who want to combine welfare and food stamp benefits and use them to provide jobs to welfare recipients.

Currently, 20 States are pursuing or are interested in pursuing waivers from the Food Stamp Program. With the use of wage subsidies and work supplements, States are implementing bold and innovative programs which will create jobs and increase personal responsibility for welfare recipients. This provision would stop these innovations unless the State has already received a waiver. It is simply inappropriate to prohibit these waivers at a time when the States are leading the way in our country's efforts to reform welfare.

Further, the provision in the Agriculture appropriations bill runs counter to welfare reforms proposed by the President and contained in welfare reform bills now before Congress. Specifically, I am the sponsor of welfare reform legislation, S. 1795—the Brown-Dole Welfare Reform Act. This bill would allow a welfare recipient to shop for a job with a voucher equal to their combined AFDC and food stamp benefit. Once hired in a job paying twice the amount of the welfare benefits, the amount of the voucher would be paid to the private sector employer. Moreover, S. 1795 would expand the existing AFDC work supplementation program to encompass not only AFDC cash benefits but also food stamp benefits. S. 2134, the Faircloth-Grassley-Brown

Welfare Reform Act, follows the voucher and work supplementation proposals of S. 1795. Other proposals such as, S. 2009, the Welfare to Self-Sufficiency Act, sponsored by Senators HARKIN and BOND, would give States the option to use wage subsidies to assist welfare recipients in their transition from welfare to work and S. 2057, the Welfare to Work Act, sponsored by Senators KOHL and GRASSLEY, would turn the AFDC and portions of the Food Stamp programs over to States.

Please remember that under current law, States are permitted to implement these programs if they are granted a waiver. However, a State must go through an extremely rigorous waiver process that often takes months of preparation, in addition to an intensive screening period, before their plan can be approved or denied. Welfare reform efforts almost uniformly try to streamline the waiver process, but they do not prohibit either a State from seeking, or the Federal Government from granting, a waiver. Rather, most welfare reforms are designed to give the States more flexibility. What this appropriations rider would do is strip from the States the ability to get a waiver. This provision is simply counterproductive and should be removed.

In closing, it should be clear that there is a bipartisan consensus that States be allowed to continue to apply for food stamp cash-out waivers from the Federal Government to pursue welfare reform. We must continue to afford States the flexibility to implement reforms in the welfare system. We should not punish States who have led the way in implementing these innovative programs by allowing this potentially destructive provision to remain in the bill. This provision would hurt not only State innovation, but welfare recipients who would be denied an opportunity to become employed and self-sufficient through State welfare reforms. I urge my colleagues to vote in favor of the McCain-Kerrey amendment.

Mr. KOHL. Mr. President, I rise in support of the Kerrey-McCain amendment which would allow States to continue to use the food stamp program to experiment with innovative welfare reform programs. I want my colleagues to be clear: If we do not pass this amendment, we will be taking a giant step away from welfare reform. We will be saying to the States: You can no longer use Federal food stamps funds to try new ways to move people off welfare. We will be saying to the States: We in Washington know better how to run a welfare program than you who live and work in the communities you represent.

If that were true, Mr. President, we wouldn't be talking about overhauling the Federal welfare system. If we could design a one-size-fits-all welfare plan that really works, don't you think we would have done it?

At a time when our States need more flexibility rather than less, I do not see why we should legislate away the meager amount of flexibility that is now built into the Federal welfare system, specifically in the Food Stamps portion of our welfare system.

I therefore join my colleagues in opposing this attempt to enact new policy in an appropriations bill—a policy which has not been the subject of hearings—a policy that is the product of people who believe that all wisdom lies within the Capital Beltway. I'm here to inform you that just isn't so.

I have said repeatedly that our welfare system is broken and that a one-size-fits-all, made-in-Washington solution won't work. That is why I worked with Senators GRASSLEY, EXON, and FORD to develop the Welfare to Work Act of 1994. This bill acknowledges that the Federal welfare system, made up primarily by AFDC and food stamps, needs to be scrapped and completely replaced with welfare-to-work block grants to States. Our bill gives States the flexibility they need to change welfare from a system that pays people not to work to a system that helps them move toward work.

I strongly believe that we need more State flexibility rather than less. And less flexibility is what the provision that we are trying to remove from this appropriations bill is all about—less flexibility to find out what works and what doesn't. States have only recently wanted to conduct experiments to reform their welfare system, and those inclinations should be encouraged, not stopped. It is not as if Washington had a monopoly on wisdom as to how to run welfare. If it did, the system would be working by now.

Mr. President, we ought to reform welfare this year. It is a cruel and ineffective system that destroys families, destroys hope, and destroys the American value of work. We ought not to stifle any attempts to move away from this system. We ought not to close our eyes and ears to ideas for reform that come from outside of the beltway. We ought to vote for the McCain amendment and ensure that some experimentation with welfare is still allowed to the States.

Mr. President, I ask unanimous consent that letters in support of this amendment from the State of Wisconsin's Department of Health and Social Services, the National Conference of State Legislatures, and the National Governors' Association be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH
AND SOCIAL SERVICES,
July 11, 1994.

Hon. HERB KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The House recently added language to the Agriculture Appropriations bill that prohibits future demonstration projects that "cash out" food stamps. We would urge you to oppose such language in the Senate version of this bill.

Food stamps cash out has been an essential part of a number of state welfare reform projects, including Wisconsin's Work Not Welfare plan. By prohibiting cash out, states would lose the flexibility they need to develop comprehensive welfare reform initiatives.

And it should be noted that the flexibility doesn't hurt recipients of welfare. It only means that recipients receive the equivalent of food stamps in cash.

We appreciate your consideration of our concern.

Sincerely,

GERALD WHITBURN,
Secretary.

NATIONAL CONFERENCE
OF STATE LEGISLATURES,
Washington, DC, July 12, 1994.

Hon. HERB KOHL,
U.S. Senate, Washington, DC.

DEAR SENATOR KOHL: The National Conference of State Legislatures urges your support for a floor amendment to H.R. 4554, FY 1995 appropriations for agriculture, nutrition and related programs. This amendment would delete a provision in H.R. 4554 that would prohibit states, for one year, from converting food stamp benefits to cash payments or wage subsidies for beneficiaries. We strongly feel that this provision should be deleted.

Those states seeking to convert food stamp benefits would do so only subsequent to a grant of waiver authority from the federal government. Seven states have waivers pending; others are contemplating applying for waivers. These waivers are being sought as part of a larger strategy to strengthen welfare systems and demonstrate alternative mechanisms for providing benefits. The language in H.R. 4554 would have a chilling effect on these requests.

President Clinton asserts in Executive Order 12875 that "these (state and local) governments should have more flexibility to design solutions to problems faced by citizens in this country without excessive micromanagement and unnecessary regulation from the Federal Government". The report on the National Performance Review concludes that "(state and local) managers must have flexibility to waive rules that get in the way". The language within H.R. 4554 discards flexibility and undermines the executive branch's discretionary capacity to approve waiver requests.

Many believe that the welfare and income security systems we have now are inefficient or ineffective. The "cash out" demonstrations sought by several states present perhaps a more effective means for giving recipients more control of and responsibility for their benefits. We will not know whether this is an appropriate alternative if the waiver process is stymied.

We appreciate your consideration of our perspective on the aforementioned language in H.R. 4554 and respectfully encourage you to support an amendment to have it struck from the legislation.

Sincerely,

WILLIAM T. POUND,
Executive Director.

NATIONAL GOVERNORS ASSOCIATION,
July 6, 1994.

Hon. GEORGE J. MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: We are writing to ask for your support for a floor amendment to strike a little noticed provision of the fiscal 1995 Agriculture Appropriations bill that would bar states from pursuing important innovations in welfare reform. This provision would prohibit for one year federal waivers to allow states to convert food stamp benefits to cash payments or to wage subsidies. Currently seven states have waivers pending and a number of other states are preparing waiver requests in this area.

The Governors believe this provision is antithetical to recent Congressional and administration proposals that would increase state flexibility to reform welfare, empower recipients by increasing their personal responsibility and control, and create jobs for recipients through wage subsidies. Furthermore, we strongly object to such a significant shift in federal policy being adopted without Congressional debate or discussion and in the context of a large appropriations bill. This issue should be addressed as part of a comprehensive debate on welfare reform.

We are also very concerned about the precedent that would be set by Congress stepping in to preempt state demonstration initiatives that already must undergo a rigorous screening process in the executive branch in order to be approved. Supporting the amendment to strike the provision from this bill would not mean that states would have carte blanche in this area. Rather it would simply mean that the administration would continue to have the discretion to approve waiver requests that it deemed worthwhile and to deny other requests. This existing provisions would strip that discretionary authority from the administration.

Again, we ask for your support for continued state flexibility and executive branch discretion in this area. Please support the amendment to strike the food stamp "cash out" provision when the appropriations bill comes to the Senate floor.

Sincerely

Governor CARROLL A. CAMPBELL, JR.,
Chair, National Governors' Association.
Governor HOWARD DEAN,
Vice-Chair, National Governors' Association.
Governor JOHN ENGLER,
Co-Chair, Welfare Reform Leadership Team.
Governor TOM CARPER,
Co-Chair, Welfare Reform Leadership Team.

Mr. BUMPERS. Mr. President, I move to table the McCain amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 2305, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on the motion to lay on the table amendment No. 2305, as modified, offered by Senator from Arizona.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—37

Akaka
Biden
Bingaman
Boren
Boxer
Bryan
Bumpers
Byrd
Campbell
Conrad
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Heflin
Hollings
Inouye
Jeffords
Kerry
Leahy
Mathews
Metzenbaum
Mitchell
Moseley-Braun
Murray
Nunn
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Wellstone

NAYS—62

Baucus
Bennett
Bond
Bradley
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Daschle
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NOT VOTING—1

Simon

So, the motion to lay on the table the amendment (No. 2305), as modified, was rejected.

Mr. BUMPERS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The question is on agreeing to amendment No. 2305 offered by the Senator from Arizona. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], and the Senator from Hawaii [Mr. INOUYE], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 34, as follows:

(Rollcall Vote No. 208 Leg.)

YEAS—63

Baucus
Bennett
Bond
Breaux
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Daschle
Dole
Domenici
Durenberger
Exon
Faircloth
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hutchison
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—34

Akaka
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Campbell
Conrad
DeConcini
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Heflin
Hollings
Jeffords
Kerry
Leahy
Mathews
Metzenbaum
Mitchell
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone

NOT VOTING—3

Boren
Bradley
Inouye

So the amendment (No. 2305), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, the amendment offered by the Senator from Arizona, Senator MCCAIN, presented a difficult choice. The amendment strikes language in the bill which prohibited providing food assistance in cash in any county not covered by a demonstration project that had final approval on or before July 1, 1994.

On one hand is the concern over maintaining the Food Stamp Program's basic purpose of providing assistance to prevent hunger among needy Americans, and whether providing assistance in cash rather than food stamps detracts from that purpose. On the other hand is the great need for reform of our welfare system in order to help people move from dependency to jobs and self-sufficiency.

To achieve meaningful welfare reform, I believe we are going to have to allow for experimentation, and for trying some new ideas. That is why the bill that I have introduced with Senator BOND provides for wage supplementation demonstration projects. The provisions of our bill are based on a promising pilot project that is being developed in Kansas City, MO. In that program, the value of AFDC and food stamps would be paid in cash as a wage supplement. The employer would have to pay no less than the minimum wage. The wage supplement would be designed to provide an incentive for those on welfare to take jobs.

As innovative concepts like this are tried, we will need to evaluate very carefully whether providing food assistance in cash adversely affects the nutritional status of those—particularly children—in households that would otherwise receive food stamps.

The language in the bill as approved by the House of Representatives and as reported by the Senate Committee on Appropriations would allow for no further approvals of demonstration projects involving cash food assistance, regardless of the merits of the project. Because the bill language was too restrictive, I vote in support of the McCain amendment.

However, I hope that neither my vote, nor the vote of the Senate, will be interpreted as supportive of a wholesale cashing out of the Food Stamp Program. The Food Stamp Program is of critical importance in preventing hunger among the most vulnerable in our society, particularly children, the elderly, and people with disabilities. As the chairman of the Nutrition Subcommittee, I have been honored over the years to work with Chairman LEAHY to improve our Nation's programs to prevent hunger. Hunger and malnutrition are among the biggest impediments to education, employment, and self-sufficiency. So as we work to reform our welfare system, it is imperative that we not lessen our commitment to the Food Stamp Program and other nutrition assistance programs.

The choice presented this afternoon was more difficult than it had to be. Language in the bill was too restrictive. Yet, by striking the language entirely, the McCain amendment does raise legitimate concerns about how far the Department of Agriculture may go in allowing food stamp cash outs without appropriate limitations and conditions. Surely there is a middle ground, which I hope we will be able to find in conference on this bill and as we move forward on welfare reform legislation.

AMENDMENT NO. 2307

The PRESIDING OFFICER. The question now occurs on amendment No. 2307 offered by the Senator from Indiana.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I wonder if we can get a time agreement on the Leahy-Lugar amendment. I think there are a few Senators wishing to speak on it for a little bit. Senator WARNER wants 5 minutes to speak for the amendment; is that right?

Mr. WARNER. Yes, it is in support of the amendment. I thank the manager.

Mr. BUMPERS. Are there other Senators on the floor wishing to speak pro or con?

Mr. BAUCUS. In opposition, 10 minutes.

Mr. BUMPERS. Mr. President, I wonder if we can propound this unanimous-consent request.

I ask unanimous consent that there be a period of 40 minutes, equally divided—strike that—make that 30. Senator WARNER wanted 5 on behalf of, and Senator BAUCUS wanted 10 in opposition.

Mr. CONRAD. Mr. President, reserving the right to object. I, too, would like time on this amendment. I would like 7 or 8 minutes in opposition.

Mr. BUMPERS. Will we have a vote on the second-degree amendment by the Senator from Indiana? Will that require a rollcall vote?

Mr. LUGAR. I would say that I am prepared to see a voice vote, but I gather there is opposition to it. So I suspect there would be a rollcall vote.

Mr. LEAHY. Mr. President, if the Senator will yield, the Senator from Indiana and I are in total agreement on both the first and second degrees of the amendment here. I would be willing to have both voice voted, or I am willing to have it the other way.

Mr. COCHRAN. One recorded vote would be satisfactory.

Mr. BUMPERS. That would be a recorded vote on the second degree and a voice vote on the first-degree amendment?

Mr. LEAHY. It is going to be the same result either way.

Mr. COCHRAN. A voice vote on the second-degree and have a recorded vote on the amendment as pending.

UNANIMOUS-CONSENT AGREEMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that there be a time of 40 minutes, equally divided, on the Lugar second-degree amendment, because the debate is essentially the same on Leahy-Lugar amendment; that at the expiration of that 40-minute period, there be a voice vote on the amendment of the Senator from Indiana, followed immediately by a rollcall vote on the amendment of the Senator from Vermont.

Mr. COCHRAN. Reserving the right to object. Because we have heard requests from a number of Senators who want to speak in opposition that amounts to more than 20 minutes, I suggest to the distinguished Senator that he enlarge the time for debate to 1 hour, equally divided, and if we do not use all the time, we can yield it back.

Mr. BUMPERS. I so amend the request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LUGAR. Reserving the right to object, Mr. President. Let me ask the distinguished manager this: If a rollcall vote occurs without pause, does that rule out any further amendments? In other words, once the second-degree amendment has been agreed to by voice vote, do we move on immediately, or does the manager's request preclude any further action in terms of intervening amendments or intervening activity?

Mr. BUMPERS. There is a second-degree amendment by Senator LUGAR—

Mr. LUGAR. Mine is a second-degree. I gather the manager now would not want to see that occur. With all due respect, I am suggesting perhaps the need for a rollcall vote on my second-degree amendment.

Mr. BUMPERS. Mr. President, let me amend the request then to 1 hour, equally divided, on the Lugar second-degree amendment; that at the expiration of 1 hour, there be a voice vote on the Lugar amendment; that immediately following that, with no intervening business and no second-degree amendments in order, we go immediately to a rollcall vote on the amendment of the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2307 TO AMENDMENT NO. 2306

Mr. COCHRAN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Is my understanding correct that there is 1 hour, equally divided between the proponents and the opponents?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. With the Senator from Mississippi controlling the time in opposition to the amendment and the Senator from Arkansas the time in support of the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I yield the 30 minutes of my time as the floor manager to the distinguished Senator from Vermont.

The PRESIDING OFFICER. Time will be controlled, 30 minutes on each side, by the Senator from Vermont and the Senator from Mississippi.

Mr. BUMPERS. I ask for the yeas and nays on the amendment of the Senator from Vermont.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. It should be noted that the underlying amendment is the Leahy-Lugar amendment.

The PRESIDING OFFICER. It is so noted.

Mr. COCHRAN. I yield 10 minutes to the distinguished Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. I thank the Senator from Mississippi.

Mr. President, I rise today in opposition to the amendment offered by the distinguished chairman and ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry. I have a great deal of respect for the Senator from Vermont and the Senator from Indiana, but I must say, in this instance, I very much disagree with their approach.

The amendment, particularly the second-degree amendment, would reiterate the authority of the Secretary of

Agriculture to close the facilities which the Department recommended for closure in the administration's budget for fiscal 1995. The amendment would directly contradict efforts taken by the House and by the Senate Appropriations Committee.

Let me repeat that, Mr. President. The House of Representatives chose not to make these cuts. The Senate Agriculture Appropriations Subcommittee decided not to make these cuts. This is an amendment which would be contrary to the wishes of the House and contrary to the wishes of the Senate Agriculture Appropriations Subcommittee.

When the administration brought forth its budget for the 1995 fiscal year, the USDA recommended the closure of 19 facilities operated by the Agricultural Research Service, including the Northern Plains Soil and Water Research Center in Sidney, MT. While I am not well acquainted with the activities of all 19 stations recommended for closure, I am intimately aware of the valuable work conducted at the station in Sidney, MT. That work is a vital part of efforts to achieve USDA's goal of putting integrated pest management in place on three-quarters of the Nation's acreage by the turn of the century.

The station at Sidney is a small station performing critical service to agriculture in Montana and the surrounding Great Plains States. The station operates on an annual budget of approximately $750,000. That is all. Their efforts on the biological control of leafy spurge are positively impacting 389 sites in North and South Dakota, and Montana. This work will ultimately lead to the improvement of 5 million acres in 29 States, including acreage in Vermont. Their progress was prominently featured in the April 1994, ARS publication Agricultural Research.

Mr. President, I have a copy of that periodical in my hand right now. This is a magazine put out by the Agriculture Research Service. And inside, I might say, at page 20, there is a lengthy article of work done to combat leafy spurge. This was research work done at Sidney Research Station, and also at the research station at Montana State University in Bozeman, MT.

Let me just read a couple of portions from this publication. Again, this is an Agriculture Research Service publication, not something else, the Agriculture Research Service promoting the work of the research station in Sidney, MT.

> Leafy spurge is ranked as one of the worst weeds in the northern Great Plains and Canada and it is getting worse every year. It expands its infestation by 10 percent annually, essentially doubling its original area over about 7 years. Spurge contains irritating chemicals; cattle and horses generally won't graze on it, and they sometimes refuse to eat nutritious forage growing nearby.

It goes on and on about the problems of leafy spurge.

Then the article goes on to promote the positive efforts in developing insects at this research station to fight leafy spurge.

Mr. President, that is a critical point. Developing insects, developing nonchemical alternatives to fight weeds. This is being conducted at Sidney. It is being conducted at MSU and other places in the country. It is critically important, Mr. President, that we find other alternatives other than chemicals to fight pests—pests that ravage our crops. And leafy spurge is one such plant, I must say, that ravages the West and other parts of the country.

I wish you could come out and see the problems leafy spurge causes. It is tremendous. And work done at Sidney, MT, helps combat it.

I must say, in that article, Dr. Paul Quimby, Jr., described the vital economic need for biological control of leafy spurge, just one of the noxious weeds threatening our land resources. He is one of the people who is doing a lot of research at Sidney and MSU.

Dr. Quimby stated that, "Chemicals are too expensive, at $72 per acre, for temporary control on land that has value only for livestock grazing. Plus, chemicals kill desirable broad-leaf plants." I ask unanimous consent that this article be printed in the RECORD, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BAUCUS. Mr. President, leafy spurge fails to recognize the boundaries between cropland and rangeland or between Montana and North Dakota, or between Montana and the 29 States where leafy spurge threatens both agriculture and wildlife. The only potential for controlling this weed pest is found in the work being conducted by the researchers in Sidney.

One of the strengths of the ARS system is that centers are located in different geographical areas to conduct research which is specific to that region. The station in Sidney, in cooperation with State efforts in both Montana and North Dakota, serves a vast area. The work there is applicable to approximately 70 million acres in four States. Let me repeat that—70 million acres in four States. That is an area the size of the entire State of Nevada. And it is work that is not being done elsewhere.

The effects of geographical differences on agricultural production practices are well documented. As my colleague from Vermont knows, we do not grow bananas in Montana. That fact points to the need for a geographical distribution of research operations.

Field research conducted around Sidney, MT, cannot be duplicated here in Washington, DC. It cannot be duplicated in Beltsville, MD. And we sometimes seem to care more about foreign agriculture than we care about our lands or our farmers here at home.

I believe the selection of these particular facilities for closure is flawed. If you review the locations of these doomed facilities, numerous questions arise. According to the ARS evaluation, upon which the original proposal was based, the closures do not line up with the numerical ratings made.

Again, if you look at the list, if you look at the numerical ratings ARS gave to each of the various sites, the closures are not correlated with those recommended by the ratings. ARS took other factors into consideration. We do not know what they were. Therefore, it is wrong to just willy-nilly take the recommended closures by USDA without looking at the various criteria. I do not know what those other factors are, but before we close anything, I think it is important to know what they are.

Mr. President, I would also like to know why we need to maintain a station in the Virgin Islands but not in Sidney, MT. I would like to know why we need a station in Argentina but not in Grand Forks, ND. And why do we need a station in Puerto Rico but not in El Reno, OK? I think we deserve some answers before we authorize these cuts.

I would call your attention to the vast distances in the West. If you look at a map, you can see that Montana, indeed the northern Great Plains, has sparse representation in the ARS structure. I think fairness should be a part of the debate in the closure process. At this point that critical factor has been left out of the equation.

Again, it makes no sense whatsoever to close facilities where there are virtually no other facilities for hundreds of miles around. I can see closing a few facilities in Maryland, a few facilities in the Washington, DC, area—and there are many—because one facility with a lot of people, although there is another facility nearby, can conduct adequate research on areas that cover both facilities. That is not the case in the sparsely populated West. It is not the case in the West where it does not rain nearly as much as it rains out here in the East.

The Sidney station is also conducting worthwhile research into soil and water quality issues. As chairman of the Committee on the Environment and Public Works, I have a keen interest in water quality enhancement. Since the largest remaining water quality problem is runoff from nonpoint sources, agriculture must be part of an eventual solution.

Recent agricultural and environmental legislation has attempted to address the situation with mandated management changes in production agriculture. It is irresponsible to demand that agricultural producers make the changes to reach our environmental goals without providing the technical resources to accomplish those goals.

This amendment assures failure in the development and delivery of the technology which will bring Great Plains agricultural production into the 21st century.

While the Sidney facility needs modernization, the researchers are top notch and are conducting research which is of top priority to the administration, according to USDA Deputy Secretary Richard Rominger. In a letter to Chairman Leahy, dated April 26, 1994, the Deputy Secretary described his work on two important initiatives for USDA research. He stated:

> The first is the development of a single, comprehensive, and coordinated Departmentwide plan that will achieve the administration's goal to implement integrated pest management on 75 percent of the Nation's acreage by the turn of the century.

He continued, saying:

> Just as important, I have directed research and extension leaders to devise a comprehensive program that will lead to research, development, and adoption of new, environmentally sound pest management alternatives.

Mr. President, I ask unanimous consent that a copy of this letter follow my remarks in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BAUCUS. To cut this station would deal a harsh blow to the largest industry in a 4-State area in a single stroke which runs counter to the administration's stated goals. With noxious weeds costing over $100 million annually in the northern Plains region, the investment in the work at Sidney is quite small and should be increased, not eliminated.

Agriculture Committee staff sought to allay my concerns over this action with an assurance that this action could free up these funds for other research activities in the region. While I might agree with that theory, the practice in Montana has been quite the opposite. As compared to the other States in the region, Montana already receives the lowest amount of ARS funds. Further, ARS has eliminated four scientist positions in Montana during the past 2 years.

This amendment would continue the reduction of the ARS presence in a State which derives 40 percent of its economy from agriculture.

Geographical location has always played a key role in the success of ARS efforts. Today, Montana operates seven State research stations to maximize the applicability of agricultural research. In Sidney, the State operation has joined in a cooperative effort with a Williston, ND, station and the USDA center in Sidney to create a model for other States to duplicate. Together, these three operations are maximizing scarce State and Federal resources and avoiding expensive duplication. To cut this station will jeopardize research efforts in a large area.

Although this effort to streamline the USDA's research efforts is understandable, I vehemently disagree with the approach. Next year, we will debate a farm bill. That is the appropriate forum for reform of this kind. While I would still argue for an increase of the operation at Sidney, I do believe appropriate reductions could be recommended at that time and I look forward to working with the leadership of the Agriculture Committee on that endeavor.

For today, however, I remain convinced that next year is the time for this debate. I strongly oppose this amendment and I urge my colleagues to join me in this effort. Let us resolve this issue where it belongs—during the 1995 farm bill debate.

If the station in Sidney, MT, is going to be cut then I want Secretary Espy and Budget Director Rivlin to come to Sidney, MT, and tell those farmers, face to face, why this is appropriate.

All this effort to streamline USDA's research is understandable. I vehemently disagree with their approach. Next year we will debate a farm bill. That is the appropriate forum for reform of this kind—not here. Next year, when we take up the farm bill, we can deal with the various ARS offices.

I strongly urge my colleagues to reject the amendment offered here.

Again, let us take up this issue where it should come up, and that is in the farm bill next year.

Exhibit 1

Leafy Spurge Is Reunited With Old Enemy

(By Dennis Senft)

An insect that loves to eat leafy spurge, a range weed now infesting 2½ million acres on the Northern Plains, may bring some relief to farmers and ranchers. The weed, *Euphorbia esula L.*, causes more than $100 million in losses each year.

"Leafy spurge is ranked as one of the worst weeds in the Northern Great Plains and Canada, and it's getting worse every year," says ARS plant physiologist Paul C. Quimby, Jr., who is in charge of the Range Weeds and Cereals Research Unit in Bozeman, Montana.

"It expands its infestation by 10 percent annually, essentially doubling its original area about every 7 years. Spurge contains irritating chemicals; cattle and horses generally won't graze on it, and they sometimes refuse to eat nutritious forage growing nearby."

In recent years, ARS scientists have turned to biological control insects to curb spurge's spread.

"About 500 *Aphthona nigriscutis* flea beetles released in one spot multiplied and practically eliminated leafy spurge from an area 18 by 20 yards by the end of the second year. By the third year, the cleared area measured 53 by 59 yards. And at the end of the fourth year, the beetles had cleaned the weed from an area 88 by 100 yards," says entomologist Norman E. Rees, who is also in the Bozeman unit.

Aphthona flava, the copper leafy spurge flea beetle, is so efficient at controlling the weed that it has reduced some infestations from 57 percent of canopy cover to less than 1 percent in just 4 years. The tiny, one-eighth-inch beetle was first spotted in Italy, where it had completely defoliated leafy spurge in some areas.

"This demonstrates that insects are a biocontrol method that works," says Quimby. "We now need to find ways to get these flea beetles, in combination with other insects, distributed and established over a much larger area so we can control leafy spurge.

"Chemicals are too expensive, at $72 per acre, for temporary control on land that has value only for livestock grazing. Plus, chemicals kill desirable broad-leaf plants. No known approved herbicide has shown any promise in killing 3-year-old and older spurge plants. Some root buds have even sprouted 7 years after the soil was sterilized."

Adds Quimby, "Although *A. flava* and its close relatives are the most successful insects in our arsenal, we need to find many more to control leafy spurge. The adults of these flea beetles eat leaves and flowers and the larvae feed in the root hairs and yearling roots. We need other insects that bore into stems or eat shoot tips, so as to attack spurge in all possible ways."

Key to finding the right insects is to return to the spurge's native areas. Early settlers in this country probably brought the weed with them among seed stocks from their native European and Asian lands. There, predatory insects had evolved along with the plant, feeding on it and keeping it at low levels.

All insects that are candidates for introduction are carefully tested to make sure they survive only on leafy spurge and not on valuable crop plants or plant species native to North America.

"In our area, *A. flava* likes southfacing slopes, 18 to 20 inches of moisture per year, and generally sunny locations. It doesn't like clay or acidic soils or, possibly, shaded areas. We need to study a whole series of *Aphthona*, as well as other insect species, to find ones that adapt to the many different climate zones where spurge now thrives. Some areas are moist, others dry; some are hilly, others flat. And each zone may be home to spurge plants that are different enough that some species or subspecies of insect won't attack," says Rees.

More recent additions to the program include three *Aphthona* species—*abdominalis* from Europe, plus *chinchihi* and *seriata* from China. After their discovery, they underwent extensive testing by Luca Fornisari at the ARS European Biological Control Laboratory in Montpellier, France. Adult beetles emerged only from leafy spurge and from none of the other 21 key plants that are used to see if the insects might be able to live on plants not being targeted for control.

Then, beginning in 1992, ARS entomologist Neal R. Spencer established three spurge flea beetle species at 389 research sites in eastern Montana and North Dakota, making the first U.S. releases of *A. abdominalis* in 1993. ARS entomologist Robert W. Pemberton and Rees made the first *A. flava* releases in Montana in 1985, after thorough testing by Pemberton in Albany, California.

Now the black dot spurge flea beetle, a close relative provided by Agriculture Canada in 1989, is being pilot-tested at six sites in five states—Colorado, Idaho, Montana, Nebraska, and North Dakota.

The scientists arrange annual events at which weed control officials can pick up *Aphthona* insects, learn about their habitat needs, and later use them to populate new areas throughout the Northern Plains. Rees estimates that more than 500,000 *A. flava* beetles, enough for 1,000 releases, have been distributed from the Bozeman site in the last 3 years.

Evaluation of how good the released insects are at controlling weeds can be time consuming and expensive. Scientists and technicians usually walk into release areas and manually record the distance insects have spread after the initial release and their impact on the plant population.

State-of-the-art remote sensing may make such work easier, faster, and cheaper. Spencer, along with ARS range scientist James H. Everitt and ecologist Gerry L. Anderson, who are in the Remote Sensing Research Unit in Weslaco, Texas, are cooperating in a study near Dickinson, North Dakota.

This past summer they used an airplane flying at 5,000 feet to obtain aerial video and photographic imagery of areas where insects were released to control spurge in the Theodore Roosevelt National Park in North Dakota and on Bureau of Land Management (BLM) areas in Montana. Those photos will form the benchmark measurement for subsequent photo comparison. The researchers hope to remotely measure the decreased infestation the insects cause. They will also integrate remote-sensing data with geographic information systems technology of monitor the spread or contraction of purge-infested areas.

In Bozeman, ARS plant pathologist Anthony J. Caesar is studying an area in the Lewis and Clark National Forest near White Sulphur Springs, Montana. Leafy spurge infestations there are disappearing without help from researchers.

"We have strong evidence that it is a coral fungus that promotes the effects of other fungi, including *Fusarium* spp. and *Rhizoctonia solani*, in the soil. Together, these fungi create an underground environment that hurts the weed's roots. We will continue the study, hoping to find a way to spread the organisms to other weed-infested areas," says Caesar.

In the infested range, circular areas 15 to 20 feet in diameter are expanding about 1 foot each year, producing land that has only about one-third or less of the surrounding spurge populations.

In other "germ warfare," ARS microbiologist Robert J. Kremer in Columbia, Missouri has identified several bacteria naturally present around the weed's roots that suppress seedling growth. Greenhouse studies show the emergence of weed seedlings was reduced by 50 percent after apply *Pseudomonas flourescens* and *Flavbacterium*. Also, weed growth was reduced, and the main taproot was half the normal length. Kremer and colleagues plan to move studies to the field this year.

EXHIBIT 2

THE DEPUTY SECRETARY
OF AGRICULTURE,
Washington, DC, April 26, 1994.

Senator PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Although much of the public focus has recently been on reforms to the nation's pesticide laws, there is much that the Department of Agriculture can do to ensure that producers have environmentally sound and economically viable pest management alternatives even without statutory guidance.

I have met with leaders throughout USDA to establish two important initiatives. The first is the development of a single, comprehensive and coordinated Department wide plan that will achieve the Administration's goal to implement integrated pest management (IPM) on 75% of the nation's acreage by the turn of the century. Just as important I have directed research and extension leaders to devise a comprehensive program that will lead to research, development, and adoption of new, environmentally sound pest management alternatives. Planning for both initiatives is to be completed in time for inclusion in the Department's FY 1996 budget. In addition, we have entered into discussions with EPA and other federal agencies that will lead to the signing of a memorandum of agreement in July. The memorandum will set in place a process that will provide for the identification of research priorities and the expedited registration of new alternatives and biologicals in coordination with USDA's research and education efforts.

These initiatives are a tangible commitment on the part of USDA to meet producers' needs for the latest pest management tools and to replace pesticides which pose unreasonable risks. The Department's actions offer an opportunity to more effectively serve the interests of its customers in agriculture and its responsibilities to the public at large.

Knowing your strong and consistent efforts in these areas, I hope you will be as enthusiastic and hopeful as we are about the course upon which we have embarked. I look forward to your involvement and support in meeting our objectives.

Sincerely,

RICHARD ROMINGER.

Mr. LEAHY. Mr. President, I yield myself 1 minute.

First, it is always easy to say next year, the year after and the year after, we will do something that will actually save the taxpayers' money. The fact of the matter is the Senate has already gone on record virtually unanimously with a rollcall vote to do the kind of USDA reorganization that is required. We are already on record.

We talked about this in the last farm bill. We have to start consolidating. We do not need to wait.

I should also mention, as the Senator from Montana referred to a station in St. Croix, VI, that it is a quarantine worksite for the Mayaguez, PR, germplasm program. There is no other place that would work.

The senior Senator from Virginia is here. How much time does he require?

Mr. WARNER. The 5 minutes exactly given under the unanimous-consent. It is my understanding this 5 minutes was obtained under the unanimous consent.

Mr. LEAHY. I yield 5 minutes.

Mr. WARNER. Mr. President, I rise to speak on behalf of an installation that has served my State, indeed the adjoining States of North Carolina and perhaps other jurisdictions, for a very long time. It is known as the USDA Peanut Production, Disease, and Harvesting Unit, in Suffolk, VA.

Mr. President, I rise to defend this because it is on the list. You might say, "Senator if it is on the list how can you speak in support of the Leahy-Lugar amendment?" I do so for two reasons. Every Member of this Chamber—if it is not on this vote it will be on successive votes and in successive years—will suffer some cutback in his or her State as a consequence of the reorganization of the Department of Agriculture. It is a reorganization that is long overdue.

The distinguished Senator from Vermont and the distinguished Senator from Indiana both have told me they are going to have to accept cuts in their States. So the easy vote, the political vote is to stand up here and rail against this amendment; go back home and say I did the best I could to save my particular entity. But I cannot do that in clear conscience, and then consistently try to vote for a reduction in the size of the Federal Government, reduction in deficit spending, and a series of other reductions which are deemed imperative, in my judgment, if this great Nation of ours is to get on a course once again of fiscal responsibility.

Just the other day the Chairman of the Federal Reserve reminded us over and over again in his speech: Until we begin to address the question of entitlements there is no hope. Likewise, until we begin to have the courage to address the cuts that hit our individual States as they relate to agriculture, we have no hope of achieving fiscal responsibility in our great Nation.

This is an interesting entity, small though it may be, nestled in Virginia. We are very proud of Virginia peanuts. And, for the nearly 16 years I have been privileged to serve here, time and time again I have fought on behalf of the peanut growers of America—indeed, Virginia—but of America. It is a valuable cash crop, it is a large export crop, and we have to support it.

But we also have to respectively take our individual cuts. I am hopeful the Secretary of Agriculture, given the discretion, will recognize that perhaps this was an ill-advised addition to the President's enumerated series of cuts in the budget.

I say that for an interesting reason. Virginia peanuts are quite unique. We are proud of ours as Georgia is proud of theirs, as Alabama is proud of theirs. But they are all different: Different soil, different flavor, different quantity of rain. Therefore this station specializes in analyzing the soil of the regions of Virginia and Carolina so we can continue to produce a very high quality peanut in comparatively small quantities. So, I am hopeful the Secretary will recognize the wisdom of this and I will urge him to do so.

But I cannot take the safe vote. I cannot take the political vote and vote against all of them being shut down. Take back the discretion from a Cabinet officer? Unless we let the Cabinet officers have the discretion to make the cuts there is no hope.

Vidalia onions—I confess, I have a small farm, whatever size you want to call it, large or small, relatively speaking. I tried to grow some Vidalia onions which are grown in Georgia: Utter failure. Vidalia onions are unique to Georgia. It is one of the most famous products in agriculture. Each of us, in a very short period of the year, enjoy that spectacular quality onion.

The same with Virginia peanuts. They cannot be grown in identical size and flavor anywhere else in the United States or anywhere else in the world, for that matter. But we need the facility to watch the disease which afflicts this crop, to help advise us on the unique soil and moisture conditions. So I am hopeful, while I am supporting this amendment, the Secretary of Agriculture will see the wisdom that this small, relatively inconsequential facility, in terms of dollars—not the service it renders—will be spared from this list. I yield the floor.

The PRESIDING OFFICER. Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 7 minutes to the distinguished Senator from North Dakota [Mr. CONRAD].

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the amendment offered by our two colleagues, Senators LUGAR and LEAHY, is an amendment that I believe should be defeated by our colleagues. Let me stress that I have the greatest respect for Senators LEAHY and LUGAR and I think their efforts are certainly well-intentioned here. The results, unfortunately, would be to close facilities that have enormous benefit to the entire country.

Let me just say we have a situation in East Grand Forks, MN—this is not a plant that is in North Dakota, it is right across the border in Minnesota, but it serves our States as well as the rest of the potato industry—that creates research that is of enormous benefit to this country. This is a perfect example of what we preach in this body. We hear all the time that what we ought to have are private/public entities that cooperate, that use resources together in order to achieve a result. That is what we talk about.

That is precisely what is happening with respect to this facility in East Grand Forks.

It is supported by a budget that comes partly from USDA, but the significance of this facility and the value that it has to growers in the industry can be proven by the fact of the contributions that they make to the support of this facility. About half the budget comes from the National Potato Council, from the growers themselves, from extension services at the Universities of Minnesota and North Dakota.

Buildings at the facility are actually built and paid for by the growers themselves. This is the only facility of its kind in the country.

Mr. President, you do not have to take my word for the value of this facility. Listen to what the people around the United States say. This is from the University of Maine:

> Today, the Maine potato industry relies totally on the facility at East Grand Forks for answers to problems in potato chip manufacturing, storage, quality enhancement and utilization.

That is from the State of Maine.

From Oregon:

> Located in one of the largest potato producing areas in the United States, the Grand Forks lab has been a crucial component of the Nation's potato research equation. This lab has been important in work on high-quality, certified-seed potatoes, increased potato production and involved in continuous research projects to eliminate potato diseases.

That is from Oregon.

Mr. LEAHY. Will the Senator yield for a question?

Mr. CONRAD. I prefer to complete my statement and then I will be happy to yield.

From Wisconsin:

> We, the Wisconsin growing community, desperately need this research arm available for economic development.

From Idaho:

> We wish to make it crystal clear to the Federal Government that we, as a major processor of value-added potato products and our customers, such as McDonald's, Wendy's, Kentucky Fried Chicken, who sell our products to millions upon millions of consumers not only in this country but around the world, have benefited enormously from the work that has been done over the years at this facility.

And they go into a long technical description of the research that is done at this facility that is of value to the industry.

Mr. President, from Washington State University:

> The United States has the best quality and widest selection of foods in the world and at the lowest cost to the consumer, in terms of percentage of disposable income, of anywhere in the world and at any time in history.

(Mr. WELLSTONE assumed the chair.)

Mr. CONRAD. Mr. President, that is no accident. That is partly a result of the superb research that we do in this country. I know the occupant of the chair, who is unable to talk on this subject because he has the responsibility of chairing, agrees with the need to support this facility.

The fact is, the Appropriations Committee reviewed this matter and made a determination based on evidence that this facility ought to remain open. I think the amendment being offered today is ill-advised.

The fact is the growers put up money to support it, the industry puts up money to support it, research facilities around the country put up money to support it, growers from other potato growing regions, including Maine, Nebraska, Oregon, Washington, Michigan, Wisconsin, Colorado, and Idaho, benefit from the work of the lab and have written us and urged us to keep the funding for this facility.

The research is vital. It is critically important to keeping America competitive. This is a one-of-a-kind facility in the United States. In fact, it is a one-of-a-kind facility in the world. It ought to be kept.

I yield time to my colleague from North Dakota, Senator DORGAN.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. DORGAN. Mr. President, that is sufficient. The Senator from North Dakota, Senator CONRAD, has said it well. This is exactly the kind of facility that works and works well. It combines resources of the Federal Government, the potato growers in our region, the university, and does vitally needed research.

I believe we ought to cut spending and I believe there are civilian/Government facilities that ought to be closed. I have supported programs that were unnecessary and will continue to do that. But let us do this in a thoughtful, not a thoughtless, way.

This kind of facility is strongly supported by Senator WELLSTONE, by Senator CONRAD, and myself precisely because it works and works well, and it is exactly what we ought to be doing: research, promoting the common good, and this kind of commodity in a way that combines our resources with the resources of the private sector.

Mr. President, with that, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself such time as necessary.

I am sorry the Senators were not able to yield time for a question. I will point out a few things I would have raised in those questions.

One is that the facility was not chosen willy-nilly to be put on this list. Being put on the list does not mean automatic closing, but it was put there after a 2-year process evaluating all facilities.

Second, the original mission of this facility, for potato post-harvest handling and storage, has largely been completed. I point out that while it might be nice for everybody to have one of these facilities, everybody should have one in their back yard like the Chinese did with steel smelteries during the so-called great leap forward. It does not make any more sense than that did.

The current research and development duplicates what is going on in Fargo, ND, already. The East Grand Forks work can be transported to Fargo, ND, where you at least have a critical mass of scientists. There are only three left in East Grand Forks.

I point out that not only is it substantially similar to work already being done in North Dakota at taxpayers' expense, but North Dakota itself has made the decision that it does not need this facility in Minnesota. North Dakota, in the past, spent money to help support it. But now that it is already being done and basically duplicated in Fargo, they have not sent any money to Minnesota for the last 3 years. They do not see the need for it. Why should we argue to do it?

The fact of the matter is, Mr. President, we are talking about making a dent, possibly, potentially in about 10 facilities. There are more than 250 agricultural research facilities in this country. There is an agricultural research facility in this country for every four people in my hometown. Here, we are talking about maybe taking 10.

Can any one of us honestly stand up on the floor of the Senate and say we will ever cut the agricultural budget if we can only say yes to cutting in the abstract but no to cutting in the specific? We are never going to cut anything. All we are saying is at least let the Secretary have the authority.

I applaud the Senator from Virginia, Senator WARNER, who stood up and said that cuts will come in his State but that we are going to have to do it. The USDA reorganization package which Senator LUGAR and I brought to this floor and this body voted for virtually unanimously will eventually mean cuts in the State of Indiana. It will eventually mean cuts in the State of Vermont and in the State of North Carolina. In fact, I can name every one of the 50 States that eventually will have cuts. We all voted for it.

I went back to the State of Vermont and talked to the people there and said, "Look, this is the right thing to do, but some of you are going to see the jobs cut, you are going to see the facilities cut."

I went to the places that are going to be cut. They said, "We understand it." They said, "We understand agriculture is changing. We understand, for example, in the agricultural research facilities, that we cannot afford all of them."

We have also supported construction of more than 100 agricultural research facilities through the Cooperative State Research Service in the past 10 years.

In fiscal year 1993, there were 72 active facility construction projects administered by CSRS.

They are not going to be cut at all by this. The land grant university system has 76 universities and colleges.

At some point we have to say no. Now, the folks in North Dakota have decided during the past 3 years not to spend any money to fund this.

Mr. CONRAD. Will the Senator yield on this?

Mr. LEAHY. In a moment, and I will yield on the Senator's time. Virtually everything here could be moved to Fargo, ND.

I yield the floor and retain the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield 5 minutes to the distinguished Senator from Montana [Mr. BURNS].

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the ranking member, my friend from Mississippi.

I wish to also advise my friend from Vermont that there may be 250 facilities. I say cut none of them. This country eats awfully good. We spend less dollars, disposable income for our food in this country than any other country in the world. We produce it cheaper. There is a reason for it. It is because we have invested in research.

Now, you can go around to the parties here in Washington, DC, and talk about many things. Weeds is not one of those front-page issues you want to get into. But the public land managers of this country have not done a good job in controlling noxious weeds, especially with chemicals. So you have to have a facility that is on the cutting edge in the biosciences, and do it naturally. No other facility is doing that—none other. It is being done at Sidney, MT, along with the cooperation of Montana State University.

That is what we are talking about here. It is pretty easy to look at this budget and say you are going to save $18 million. But it is going to cost you $17 million to close them, with nothing coming out of those facilities that contributes to feeding this Nation. It is pretty easy to say, well, we eat pretty good.

If you have a full mouth and a full stomach, we can cut out some of this stuff. We can do that. But, I say to the Senator, one of these days—you are not going to see it, and I am not going to see it, but I think my grandchildren will—we will be hungry in this Nation, and it will be because we have put research in agriculture on the back burner.

I am on the Commerce Committee. I am ranking on Science and Technology, and NASA. We understand research and how important it is in all parts of our life, the investment we make in research and development, new ways of doing things.

My friend from Montana brought it up very ably. We are going to consider the Clean Water Act. We are going to make some decisions based on science. He is exactly right. And this facility in Sidney has the biggest data bank as far as nonpoint source off irrigated agriculture. He made the point very ably, and it should not be overlooked. It is the only facility in the upper Midwest. We cannot test what we do on the high plains in Beltsville or even Minnesota, with all due respect. It has to be in a semiarid part of the world. It is a single facility that has a very definite mission, and they are very good at what they do.

But, Mr. President, this saves no money. It puts money in the bureaucrats' pockets and does not point that money toward research and development. So to the Senator from Vermont, I say, no, we should not cut a one. In fact, we ought to be doing more investment in that respect because the first obligation of this body is to make sure this society can feed itself, because the second thing we do every morning is eat. I do not know what the first thing you do is, but I know the second thing is you eat. That is how important these facilities are to Americans.

I urge my colleagues to vote against this amendment.

I yield the floor and I reserve the remainder of my time.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 8 minutes to the distinguished Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, the able Senator from Vermont described what we were doing here as willy-nilly going through and reversing rational decisions that have been made. The letter which was sent to each of us by Senator LEAHY and Senator LUGAR stated that USDA evaluated each agricultural research service facility using six basic criteria including cost of maintenance, repairs, productivity, impact of research, et cetera.

I challenge the scientific basis upon which these judgments were made. I find them to be both ill-informed and arbitrary. Let me give some specific examples, Mr. President. First, when this review of facilities was examined, it was found that the Department did not include the cost of relocating staff and laboratory equipment in arriving at the economics of the recommended closures.

The Department did not estimate the cost of disposing of these surplus facilities, including possible hazardous waste cleanups.

There was no formalized ranking process among the Agricultural Research Service Centers to determine which were relatively high or low or medium in terms of their contributions and priority.

Mr. President, there is one of these stations in which I have a personal, longstanding knowledge and interest, and that is Chapman Field, which has been a major center for many years for tropical and subtropical research. One of the reasons that was given for recommending the closure of Chapman Field was that it had been damaged extensively by Hurricane Andrew.

That happens to be a true statement. But what was not included is that this

Congress has appropriated $15 million to Chapman Field and a similar Agricultural Research Center in Hawaii, both of which were damaged by hurricanes in 1992. The Chapman Field repairs are now 95 percent complete. We are about to close down a station upon which we have just spent millions of dollars bringing up to a high standard of current condition—not, in my judgment, a very rational recommendation, a clear indication that this process of decisionmaking was flawed because the people who made the decision did not even realize that the Federal Government had just spent millions of dollars repairing the hurricane damage.

To speak further about Chapman Field, Mr. President, this is a major research center for the specialized agriculture in my State and other States and territories and Commonwealths of the United States which have a tropical or subtropical agriculture. The Chapman Field plant introduction station performs a unique service in terms of allowing our country to benefit by tropical and subtropical agriculture from around this world.

This is not an outdated facility. No other lab in the United States provides the type of research on nonindigenous insects and diseases and on new plant varieties that Chapman Field provides.

This facility does cutting-edge work on germ plasma. This is the extraction of DNA materials from plants and storage of it so that in the event there is destruction of crops, there will be the opportunity to regenerate them through germ plasma. The proposal is to move this research to Puerto Rico. The problem is, Mr. President, that is not an acceptable location; that there would have to be an extensive period of shutdown and startup, and possibly even a period of quarantine for products coming back into the United States.

The practical effect of this would be to throw away years and hundreds of thousands of dollars in research that has been conducted on germ plasma, particularly for tropical and subtropical agriculture.

Finally, Mr. President, we are not talking about an extraordinary or inordinate expense here. The budget impact is minimal. The administration proposal to close Chapman Field will save $330,000 per year, Mr. President, in order to get the benefits that this Nation has, is currently, and should in the future continue to receive, as a result of specialized commitment to agriculture that Chapman Field represents.

So, Mr. President, I believe that the process of analysis was flawed in its application to Chapman Field, is not in the Nation's interest, and therefore I urge the defeat of this amendment.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield such time as the Senator from Indiana may need.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Will the Senator from Vermont yield to me?

Mr. LEAHY. I yield 8 minutes to the Senator from Indiana.

Mr. LUGAR. Mr. President, this debate today is a critical juncture in the debate on reform of the U.S. Department of Agriculture. It represents the first substantial test of the will of the Senate, perhaps of the country, to do an important job. Many of our colleagues have asked, "Why Agriculture? Why not the Department of Defense, or Transportation, or Commerce, or any other Department of the Federal Government?" All are alleged to have expenditures that are too high, too many employees, too many facilities, and too many activities that have not been closely examined.

In the Agriculture Committee, chaired so ably by the distinguished Senator from Vermont, we have been trying to make certain that agriculture in our country is not only well represented and well cared for, but that we are on the right track with regard to the people that we hold most dearly; that is, the farmers, the productive people of our country, as well as the consumers who are their customers.

We believe that if we do not clean up the problems of the USDA, others are going to do so. Farmers in this country are a very substantial minority, sometimes suggested as only 2 percent of the population. People are counting on us to do the right thing.

Long ago, 2 years ago February, I raised a question in a press conference one day using data supplied by the Federal Government that there were 50 USDA field offices that were spending more in payroll and overhead than the programs that they were supporting—substantially more. I asked the Secretary of Agriculture why they should not be considered for closing or merging or some reorganization. People came to the fore. And in the next press conference I held, I said there were 150, as a matter of fact, where the administrative cost exceeding outgoing payments. I suggested to Secretary Madigan in 1992 that he use his authority, which he clearly had, to close those offices.

Just for the Record, in my own home State, I suggested to the ASCS State committee that it examine the activities in Indiana of our offices. The Farmers Home Director, George Morton, noted that there were 39 offices in Indiana serving Farmers Home. In the course of the following year, he closed 9 of them; from 39 to 30 in that year, with the full cooperation of the agriculture community of Indiana.

In the ASCS situation, the head of the State committee at that time with the unanimous consent of the State committee suggested that Ohio County be merged with Dearborn County.

This came in a response to a challenge which I gave to my people in Indiana; that is, I said I wonder if it is conceivable if a single office might be closed anywhere in the United States of America. The answer coming at least from the head of the State committee and the Indiana ASCS committee was indeed there can be.

I would be the first to admit that that closure caused a great commotion in USDA. The Secretary even questioned whether they had authority to close the office or to merge it. But indeed they did, and indeed the closure occurred, and the merger has worked well.

Mr. President, on Christmas Eve, literally, this last Christmas, I received notice as a farmer in Marion County, IN, that the ASCS office that I use was to be closed. The operation moved to nearby Johnson County. I applauded that activity. I said perhaps now all over America USDA is moving forward with reform. But I was wrong. It was another unique example in Indiana; two out of all of these offices across the country.

I make this point, Mr. President, because we come now to the moment of truth. The Agriculture Appropriations Committee knows the Secretary of Agriculture is taking a look at 120 Agricultural Research Service offices, and said 19 of these are offices that should be closed. He has that authority. But Senators put back into this bill the names of 10 offices and suggested they should not be closed. They were slipped into the bill. That is what Senator LEAHY and I challenge. We said let us get back to ground zero again. Let the Secretary of Agriculture have the authority to review these offices. The Senate voted 98 to 1 to give the Secretary that authority. In my judgment, he had already the authority.

At some point, there has to be the courage to move ahead to close at least 1, 2, or 10 offices somewhere in America. And the criteria have been set by two Secretaries who have gone through the entire process of rating over 7,500 offices to find the 1,200 or 1,300 that seem to offer the least amount of service to the people of America, generally. There could be argument at the margins. But let me just say, Mr. President, the two offices closed in Indiana in Marion County and Ohio County were by no means the least efficient of the national list. They were well up in the batting order. That would be true of a great number of offices, if we were in fact to be very objective about what they do and what they offer.

I will just add, Mr. President, the President of the United States has offered a budget which assumes the closure of all of these offices plus 1,300 field offices under the agency, plus the amalgamation of at least 20 branches of the USDA. All of this is assumed in the budget now. Vice President AL GORE assumed it last year in reinventing Government, that $2 billion would be saved by all of these operations. The money has been counted twice—by the Vice President, and now by the President. And here we are today, in the first nibble again, to see if it can be unraveled.

Mr. President, our amendment is so important to establish the fact the Senate means business, that the country means business, that you cannot continue to keep everything open all over America in response to the heartfelt needs of constituents who may be close by, if we have any prayer of making a change in the deficit or in the credibility of the organization.

I make the case of USDA. It has the dinosaur impulse, something to continue lumbering on with agencies, with offices, with persons long ago unnecessary. Even Secretary Espy's plan eliminates only 7,500 people of the arguably 125,000 people now in the USDA as the agricultural population of the country declines substantially, and the number of counties that now have even 20 percent of their income from agriculture, less than 1 in 6. It will not sell, Mr. President.

For those who are watching this debate, very clearly the answer they want us to give is that we are serious, not about decimating American agriculture, but cleaning up our act. That is what they want to see, and they want to see it now, and some evidence that we are not rolling back the clock in our arguments.

I thank the Chair.

Several Senators addressed the Chair.

Mr. COCHRAN. Mr. President, I yield to the Senator from North Dakota [Mr. CONRAD], two minutes.

Mr. CONRAD. Mr. President, I hope those who are watching the debate conclude that it is important for us to make additional cuts. We are making additional cuts. We have approved cut after cut for agriculture. Agriculture has taken the biggest cut proportionately of any part of the budget.

Mr. President, I hope that this rush to cut is not some mindless exercise that does not look at the evidence. When my esteemed colleague from Vermont says North Dakota has written off this research facility, nonsense. Number one, this facility is not in North Dakota. It is in Minnesota. The State of Minnesota supports this agency. The National Potato Council pays for about a quarter of the budget.

Mr. LEAHY. Will Senator yield on my time?

Mr. CONRAD. I do not yield.

The growers of North Dakota, Minnesota, and the surrounding region put in money to support the work of this agency. And why? Because it is important. J.R. Simplott, one of the major companies in this country in potatoes, says in a letter to me:

> Now that the trade barriers are being eliminated, no other country in the world can compete with us in terms of quality and costs. The Red River Valley Potato Research Lab is a key element in our strategy to maintain and further strengthen our world dominance.

It is a key part of it. It is not a matter of duplicative research, of people deciding it does not have a value. The fact is that the growers themselves put their own money into this facility because of its value. I can tell you that growers do not put their own hard-earned money into a research facility unless they are absolutely persuaded that it has value. That is also true of the National Potato Council, the State of Minnesota, and all of the others who contribute.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, I yield myself 30 seconds. Let there be no mistake about what I said. The State of North Dakota funded research at East Grand Forks in the past, but for the past 3 years, it has not contributed one cent.

Mr. COCHRAN. Mr. President, I yield my remaining time to the distinguished Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I thank my colleague from Mississippi for his leadership. Let me just say that looking at the amendment that is offered by my friends and colleagues, Senator LEAHY and Senator LUGAR, this amendment does not save any money. It has nothing to do with saving money. It just says that the Secretary can close these offices.

I call to the attention of my colleagues that if you want to save money—I am looking at the committee report. I heard people say it will save $8 million, and I also heard $18 million. That is not what is in the report. It does not say anything about saving dollars, just closing offices.

I just mention to my colleagues why some of our colleagues are trying to close the offices, some of which go back for decades. In the committee report on pages 26 and 27 it says the administration requested $25 million for new facilities, and the committee is funding $32.7 million for new facilities.

So I applaud my colleagues for their interest in being fiscally responsible. While they are trying to close a few established facilities that are doing good work in some of the States, like a facility in El Reno, OK, we are creating a bunch of new facilities. I will not read the list, but they are there for my colleagues to see. There are $32 million worth, some of which I just estimate and guess are not nearly as needed as some of the ones doing research in existing areas.

I compliment my colleague from Indiana. He has been active in trying to close down a lot of facilities. We are not closing facilities in Seoul, Korea, we are not closing facilities in the Virgin Islands, we are not closing facilities in Buenos Aires, Argentina. Those are facilities that rank much lower on their criteria than some of the facilities that are slated to be closed. I compliment my colleague from Mississippi.

The PRESIDING OFFICER. The Senator from Vermont has 9 minutes 36 seconds.

Mr. LEAHY. Mr. President, I take issue with the Senator from Oklahoma saying this does not save any money. First, there will be some costs, just as with closing a base. After the first year, closing these 10 facilities would save approximately $7.5 million per year, every year, forever, in direct costs. It will also avoid another expenditure of another $10 million in repair costs.

He spoke to the ARS facility in El Reno, OK. This facility has five scientists, less than one-third of its full capacity, which would have been 17. Its facilities are old and badly in need of repair. In fact, they have 89 separate buildings at this site, which is about 18 buildings per scientist. Well, just repairing and renovating them would cost around $8 million. That is five times the program funding level just to repair and renovate it. Eighteen buildings per scientist.

Mr. CONRAD. Will the Senator yield?

Mr. LEAHY. I would love to, but I know the Senator from North Dakota has set the precedent of not yielding to anybody for a question, and it is a wonderful precedent.

Mr. CONRAD. Will the Senator expand the unanimous consent request so we can get more time?

Mr. LEAHY. I will yield for a question, even though he does not like to yield. I will be delighted to, but in a moment. Similar research is being done in Nebraska and in Miles City, MT. It could be transferred to either place where you have facilities and scientific expertise.

The point comes down to this. This is not pro- or anti-agriculture by any means. We are not about to stop agriculture. We may stop some construction and repair work of outdated, outmoded research facilities, but it is not pro- or anti-agriculture. The Senator from Indiana and I would not be supporting it if it were. You would still have 250 agricultural research facilities.

So it is not a question of pro- or anti-agriculture; it is a question of courage. Do you have the courage to cut the budget or not? If you cannot cut out 10 agriculture research facilities out of more than 250, how in Heaven's name are we going to cut a $200-billion deficit? This is not a matter of agriculture policy; it is a matter of having the guts to do something.

I will yield 30 seconds to the Senator from North Dakota, without losing my right to the floor, for a question.

Mr. CONRAD. I thank my colleague. I would like to make the point and say this. When he measures the worth of these facilities by the number of scientists who are there, I recall a statement that former President Kennedy made at a ceremony at the White House in which Nobel Prize winners were in attendance. President Kennedy said, "I think we have the greatest collection of wisdom in this room since Thomas Jefferson dined alone."

I just say to my colleague, I think when you start to measure the worth of facilities by the number of scientists there, you have missed the point. The question is, what is the value of the research being done there, not the number of scientists who are there. I hope my colleague from Vermont will agree with that assessment.

Mr. LEAHY. I point out that the agriculture bill here has $68 billion in it. If you want to quote President Kennedy, the whole Federal budget during President Kennedy's time was barely that amount of money—the whole shooting match. So if you want to quote him, would you like to go back to what the agriculture budget was then? The cost of agriculture now is virtually what the whole Federal budget was back then. I mean, goodness gracious me, we have to start making some cuts. That is all this is.

Mr. NICKLES. Will the Senator yield?

The PRESIDING OFFICER. The Senator has 4 minutes 38 seconds. The other side has 11 seconds remaining.

Mr. COCHRAN. I ask unanimous consent that a statement including questions and answers from the hearing record, where I ask the ARS questions about the savings that would be realized by closing these facilities, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN—ARS/RESEARCH FACILITY CLOSEOUTS AND REDUCTIONS

Question. How much will it cost ARS to transfer and close out the 19 research locations, as proposed in the fiscal year 1995 budget? How can you redirect existing resources to higher priority program areas in fiscal year 1995 if you need to offset closing and relocation costs.

Answer: Based on a preliminary assessment of permanent employees, we project that approximately 75 percent will relocate. Based on this assessment, it is estimated that ARS would incur approximately $17.4 million for expenses in FY 1995. These consist of relocation expenses for permanent employees being transferred, severance and lump-sum payments for permanent employees involuntarily separated, and miscellaneous costs associated with the disposition of existing facilities. There will be some continuing costs associated with the security and maintenance of facilities until final disposition.

In FY 1995, a portion of the savings to be achieved through the proposed closures will be available for reallocation to higher priority research. However, in FY 1996 and beyond, all of these savings will be available for reallocation.

Mr. SIMPSON. In April of this year, I contacted the Agricultural Research Service regarding the importance of leafy spurge research to my fine State of Wyoming and to the United States. Leafy spurge is a major weed which is causing Agricultural damage in 75 percent of the United States. In Wyoming, the northern tier of counties is inundated with this weed.

ARS informed me that if the Sidney, MT research facility were to be closed, leafy spurge research would then be transferred to the USDA-ARS Bozeman, MT facility. Of course, appropriate funding levels for leafy spurge research would be maintained when the program was transferred.

The administration's review of USDA research facilities and its recommendation for 19 Agricultural Research Service facilities continues the sorely needed reorganization of the Department of Agriculture. Consolidation of facilities does not mean the elimination of funding for important research programs.

Is it your understanding that the leafy spurge research programs will be maintained at appropriate funding levels and transferred to the USDA-ARS Bozeman, MT facility if the USDA-ARS Sidney, MT facility were to be closed?

Mr. LUGAR. Yes. It is my understanding that the leafy spurge research programs and other research programs will be transferred to the USDA-ARS Bozeman, MT facility if the secretary were to direct the closure of the USDA-ARS Sidney, MT facility.

Mr. SIMPSON. I thank my colleague for this important clarification.

Mr. LEAHY. I am prepared to yield the remainder of my time, Mr. President.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment in the second degree.

The amendment (No. 2307) was agreed to.

VOTE ON AMENDMENT NO. 2306, AS AMENDED

The PRESIDING OFFICER. The question is on the first-degree amendment, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—76

Bennett
Biden
Bingaman
Bond
Bradley
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cohen
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Exon
Faircloth
Feingold
Ford
Glenn
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Rockefeller
Roth
Sarbanes
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—23

Akaka
Baucus
Boren
Boxer
Breaux
Burns
Cochran
Conrad
Craig
Dorgan
Durenberger
Feinstein
Graham
Hutchison
Johnston
Kempthorne
Lautenberg
Mack
Mathews
Nickles
Robb
Sasser
Wellstone

NOT VOTING—1

Inouye

So the amendment (No. 2306), as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I know there are Senators on this side who wish to offer amendments. Senator HELMS has been waiting to offer an amendment and Senator BROWN has. I do not know if there is any particular order, but I hope the Chair will recognize someone on this side to offer an amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Heflin amendment is the pending question at this time.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Heflin amendment be temporarily laid aside for the purpose of the Senate considering another amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

MR. BRADLEY. I thank the Chair.

Mr. President, if I can get the attention of the floor manager of the bill, I have an amendment I will momentarily send to the desk. I say to the distinguished chairman of the committee that I am prepared to enter into a time agreement on that amendment of no longer than 30 minutes, equally divided. I do not think it will take that long.

Mr. COCHRAN. If the Senator will yield, I can assure him it will take quite a bit longer than that, and there will be no agreement on time on this amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I see the majority leader. Can I have the majority leader's attention for just a moment? A proposition has been offered on the Republican side to have a couple more amendments considered, or at least one more considered and a rollcall vote, and then try to develop an exclusive list of amendments to be debated this evening, with votes tomorrow.

I do not really have a dog in the fight. I do not care. I am prepared to stay here all night, but I defer to the majority leader if he has any thoughts on that.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, it is unclear from the Senator's statement whether the list would be completed tonight and the votes that would occur tomorrow morning would include final passage of the bill.

Mr. BUMPERS. The idea is that any amendment on the list which is apparently in the process of being developed on this side—we have not run a hot line on this side—but whatever that list was, those amendments would have to be offered this evening, and I think that is the only way we are going to finish this bill today or tomorrow.

Mr. MITCHELL. So I take it the Senator's answer to my question is, yes, the votes that would occur tomorrow morning would include final passage of the bill?

Mr. BUMPERS. Yes.

Mr. MITCHELL. Debate all the amendments tonight, finish the bill and the votes tomorrow morning, in lieu of staying in this evening and debating and voting on the measure; am I correct in my understanding on that?

Mr. COCHRAN. My understanding is that on our side our leader would hope that we would not have any votes after 6 o'clock tonight.

Mr. MITCHELL. I just say to my colleague, to accommodate our colleagues, we had no votes before 2:30 today. Now there is a request there be no votes after 6, following a day yesterday in which we had no votes at all.

I want, of course, to be accommodative, but the time within which we are asked to vote is getting narrower and narrower each day. We are now looking for windows in which to have votes instead of a window in which not to have votes. I have no problem with that provided that—and as I understand the answer was in the affirmative—there would be completion of the amendments this evening and the votes would occur tomorrow morning and the last vote would be final passage of the bill.

That is what I understand. Am I correct in that understanding, I will ask the Senator from Mississippi?

Mr. COCHRAN. I am not certain at all that you could complete action on the amendments this evening. At this point we do not have a list of amendments that we know will be offered. We do not know the subject matter of any, all of those amendments and I think that is something that would be yet to be determined. We are unable to reach an agreement without knowing what the amendments are.

Mr. BUMPERS. Mr. President, in response to the majority leader's question, it had been my understanding that we would develop this list, and everybody on that list would have an opportunity to offer their amendments tonight and we would vote on them tomorrow.

Now, let me say I am not prepared myself to accept that until I see the list. I have no interest in being here until 4 o'clock in the morning entertaining all these amendments. If the list is too long and we do not get time agreements on them, then I think this proposal is not going to work. On the other hand, if you had five amendments on this side and five amendments on that side and 30-minute time agreements on all of them, then that would suit me fine.

Mr. MITCHELL. But Senators should understand that the proposal is offered as an alternative to doing what we should be doing, which is staying here and debating and voting on the amendments this evening.

Mr. BUMPERS. Absolutely.

Mr. MITCHELL. So what I do not want to happen is to say we will not stay and deal with the bill tonight but we will come back and deal with it tomorrow, because I guarantee you from experience tomorrow we will face the same situation and the day after.

So what I am saying is either alternative is agreeable to me. I leave it to the managers. Either we stay this evening, debate and vote on amendments or we get an agreement in which the votes could occur tomorrow. But what I do not want is to have one part of each of those alternatives, the one part being we do not have any debate or votes tonight and we come back tomorrow and just start in and then I would face the same thing tomorrow. Someone will ask no votes before 10, no votes between 11 and 1, no votes between 2:30 and 4, no votes after 6, or the usual process.

Mr. COCHRAN. Mr. President, will the distinguished leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. COCHRAN. One question I have is that it seems inappropriate to me for the Senator to ask us to enter into an agreement when no Republican has offered an amendment yet to this bill. There has been a cosponsorship of an amendment, the Leahy-Lugar amendment that has just been disposed of. We have been debating a Heflin amendment. We adopted a Leahy amendment yesterday on wetlands reserve. We adopted a Daschle amendment yesterday. It seems in pointing out to the Chair, for example, if there were Republican Senators waiting to offer amendments and then when the Republican Senator sought recognition, the Chair recognized another Democrat for the purpose of offering an amendment——

Mr. BUMPERS. If the Senator will yield——

Mr. COCHRAN. It seems to me, if we are going to talk about blaming this side for not wanting to vote after 6 or having to stay in all night, this kind of consideration ought to be a part of the decisionmaking process. So that there can be parity, there can be fairness.

Mr. MITCHELL. Mr. President, I was not blaming anyone. The requests I get for no votes here and there come from all Senators, Democrats and Republicans.

Mr. COCHRAN. I heard it just the other way. I thought the Senator was saying——

Mr. MITCHELL. I was not blaming anyone. Second, I will point out, the Senator says there have been no Republican votes. I am looking at the list of votes and at 3:12 this afternoon we voted on a McCain amendment.

Mr. FORD. Two votes.

Mr. BUMPERS. Two votes.

Mr. MITCHELL. I have just been handed the list.

Mr. COCHRAN. The Senator is correct.

Mr. MITCHELL. It is inaccurate to say there have been no votes on Republican amendments. I have no objection to Senators offering amendments. I do not know what the amendments are to this bill. If someone has them, why not offer them and debate and vote on them?

That is what I was suggesting. I was asked—the Senator sought my attention—whether I would be agreeable to making up a list and putting votes off until tomorrow. I have no objection to that. But what I do not want is to say there will be no votes this evening and then we will just start on this tomorrow and get back in the same boat we are now in. If a Republican Senator wants to offer an amendment, by all means, stand up and offer it now. I am perfectly agreeable to that.

Mr. BUMPERS. Mr. President, I think it must be premature to try to get an agreement at this point. Let me just suggest, if the majority leader has no objection to this, that we try to compile a list of the amendments, look at the amendments and then see where we are.

Mr. MITCHELL. I think that is fine. And while you are doing that, why not have a Republican Senator offer an amendment.

Mr. BUMPERS. Senator BRADLEY has just been recognized by the Chair to offer an amendment. Senator HELMS wants to offer an amendment, with a 30-minute time agreement, which the Senator from New Jersey is willing to do.

How much time does the Senator from Colorado need?

Mr. BROWN. I would be happy to enter into any time limit the majority leader might designate.

Mr. BUMPERS. Thirty minutes?

Mr. FORD. No. Mr. President, the Senator from Colorado has gone to meddling into Kentucky's business. And when you do that, I have to say that we are going to debate it a little while. I apologize to the leader because I do not want to, and I do not understand why we are having the amendment because it penalizes the farmer again; the U.S. farmer gets the shaft and the foreigners, the other countries, get the blessing of the cash.

So under those circumstances, Mr. President, the Brown amendment is going to take a long time, and we may even see grazing fees before the night is over.

Mr. MITCHELL. Well, Mr. President, might I suggest to the managers that Senator BRADLEY and Senator HELMS have agreed to offer amendments under a 30-minute time limitation. If we can do those, that would give you an hour, plus the voting time, and by then, perhaps, you could put together a list and see where you stand. I think it is better to take small steps at first.

Mr. BUMPERS. Will the Senator from New Jersey be willing to stack the vote on his amendment, we get an agreement the Senator goes now, Senator HELMS goes, then we vote on both of them?

Does the Senator have any objection to that?

Mr. BRADLEY. I have no objection.

Mr. BUMPERS. Mr. President, I ask unanimous consent——

Mr. MITCHELL. Mr. President, the Senator from North Carolina has a question.

Mr. HELMS. My question I think has been answered. Do you intend to have both Senator BRADLEY's amendment voted on tonight and mine? Is that correct?

Mr. BUMPERS. I understand the Senator wanted the yeas and nays on his amendment.

Mr. HELMS. Yes.

Mr. BUMPERS. What I was going to suggest is that we debate both of these amendments, Senator BRADLEY's 30 minutes, Senator HELMS' 30 minutes, after which we vote on those two amendments.

Mr. HELMS. Very good.

Mr. BUMPERS. Mr. President, I ask unanimous consent——

Mr. BRADLEY. Mr. President, if I could accommodate the distinguished chairman and also debate the amendment, I would have no objection if the distinguished Senator from North Carolina would like to go first in the debate so that we could say we have gone Democrat and Republican and I will go after that. I have no objection to that. However the chairman and the ranking member would like to structure the debate. The point is the distinguished Senator from North Carolina and I will have votes on our amendments in an hour.

Mr. BUMPERS. Mr. President, before entering into this agreement, I wonder if the Senator from North Carolina could give us some idea of what his amendment is.

Mr. HELMS. It is about the use of taxpayers' money on various activities by the Department of Agriculture.

Mr. BUMPERS. Does this deal with tobacco?

Mr. HELMS. No.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the amendment of the Senator from New Jersey be 30 minutes to be equally divided, and that no second-degree amendments or motions to reconsider shall be considered; after which the amendment of the Senator from North Carolina be 30 minutes equally divided with no second-degree amendments or motions to recommit, after which we will vote on the Helms amendment. Let me say, on or in relation to both the Bradley amendment, so that the tabling motions will be in order, that after the vote on the Bradley amendment, we proceed immediately without intervening business to a vote on the amendment of the Senator from North Carolina.

Mr. COCHRAN. Mr. President, reserving the right to object, and it is my hope that I will not be required to object, we are consulting with the Republican leader to get his reaction to the proposed unanimous consent agreement. I understand that he is temporarily unavailable. But I will be able to have an answer within a minute or 2, I hope.

Mr. BRADLEY. Will the distinguished ranking manager yield?

Mr. BUMPERS. While we are waiting, Mr. President, I ask unanimous consent that the Senator from New Jersey be allowed to proceed with his amendment for a period not to exceed 30 minutes to be equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, Mr. President, I reserve the right to object. I am hoping that the Senator will withhold proposing any unanimous consent agreement until the Republican leader can convey his reaction to that to this Senator. So for that purpose, I reserve the right to object.

The PRESIDING OFFICER. The Chair wishes to clarify that on the previous unanimous consent request, the reference was to barring motions to recommit, not motions to reconsider. Is that the intent of the Senator from Arkansas?

Mr. BUMPERS. I am sorry.

The PRESIDING OFFICER. The Chair wishes to clarify whether the unanimous consent request was to bar motions to recommit rather than motions to reconsider with regard to the unanimous consent agreement with regard to the——

Mr. BUMPERS. I am sorry. I meant motion to recommit. But the agreement has been objected to at this point. So it is irrelevant.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I have an amendment, and I will send it to the desk. I would be amenable if the unanimous-consent request, I say to the ranking member, comes through. I would be prepared to count whatever time I use against the 30-minute time limit. Would that accommodate the distinguished Senator from Mississippi?

Mr. COCHRAN. Mr. President, if the Senator will yield, I stated my reasons for not being able to enter into a unanimous consent agreement previously. They still apply.

Mr. BRADLEY. Mr. President, I am looking for just a little guidance from the chairman of the subcommittee. I hope the chairman will give me his attention so he can give me some guidance. There has been a proposal for a 30-minute time agreement. We are waiting to see if that proposal is acceptable to the minority leader. I am saying I am prepared to go ahead now, instead of us standing here looking at each other, to actually discuss the amendment and have whatever time in that discussion be counted against my 15 minutes.

I also have agreed to have a Republican amendment or a Democrat amendment. I do not know how much more I can do. The only alternative is to suggest the absence of a quorum, and all of us sit here and look at each other.

Does the ranking member or the chairman of the subcommittee have an opinion on this?

AMENDMENT NO. 2308

(Purpose: To reduce the appropriation for buildings and facilities for agricultural research programs)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 2308.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 23, strike "$38,718,000" and insert "$25,700,000".

Mr. BRADLEY. Mr. President, there is not a Member among us who has not decried the deficit and the need for spending cuts. Last year, I went to the floor numerous times to articulate, in the form of amendments to various appropriations bills, ways to reduce spending. I have consistently supported others in the attempts to shrink our deficit and instill fiscal discipline. And I will continue to do so.

I rise today to propose another amendment, which I believe will reduce Federal spending and support a process of budget discipline.

The Agricultural Research Service [ARS] is a Federal agency within the Department of Agriculture. The ARS has primary responsibility over basic, applied, and developmental research on the whole range of agricultural issues. Its facilities are scattered nationwide and its Federal appropriations total more than $700 million annually.

The President's budget request for the construction of new Federal facilities for ARS is $25.7 million. When the House considered appropriations for this account, they actually cut the account slightly and provided $23.4 million. The Senate bill before us today provides almost $39 million. My amendment simply cuts the Senate total back to the sum that was requested by the President in the budget.

I note that this amendment does not cut any particular project. This amendment only attempts to limit the overall construction level—to show restraint—to the level that the President and the USDA have identified as an appropriate target.

I would make three points in support of my amendment. First, we all have challenged the President to produce more cuts on spending. The ARS is a Federal agency with a national mission. Its purpose and priorities cannot be determined whimsically or politically. If the executive branch believes that this construction line is sufficient to meet the needs of the USDA and our farmers, then we should defer to this request, absent a clear rationale to the contrary. Given the action of the House, it is hard to claim any such rationale exists.

They cut the amount to $23 million, came under the President's request, and the Senate bill before us is at $39 million. So if we are going to cut spending, this a good place to cut spending without harming the national mission and purpose of the Agricultural Research Service.

Second, the Senate language not only exceeds the requested amount, but it also almost completely disregards the needs identified in the budget submission. Only two of six items that are proposed for funding in the budget receive support in the Senate bill. This undercuts the process of establishing priorities and instilling needed budget discipline within the Federal bureaucracy. The message to ARS lab managers is simple: If you cannot get your project through the OMB, look to the politicians. Freelance. And this bill is full of that kind of freelancing.

Last, this amendment concerns much more than $13 million. If these projects are all built, they will be staffed. These new facilities, with their larger payrolls and new priorities, will undercut the USDA financially and programmatically.

Earlier today, the Senate considered an amendment by Senators LEAHY and LUGAR. As a matter of fact, it was the amendment immediately prior to this one, and their amendment was to eliminate ARS facilities recommended for closure by the administration. During that debate, the point was made repeatedly that we needed to defer to the USDA and their priorities and the need for a streamlined agency. I believe, obviously, that analogous arguments can be made for this amendment.

The Leahy-Lugar amendment called for the closure of nine ARS facilities. These facilities, they argued, cost USDA about $50 million annually in operating costs. This underscores how these facilities, once built, keep costing the taxpayers. The Leahy amendment would cut nine facilities that the USDA does not want. The Senate language considered today—that would be cut by my amendment—spends millions to build or improve 11 research centers that the USDA also does not want. I do not think that you can argue on the one hand that it makes sense to cut 9 they do not want, but to keep in the 11 they do not want.

I further note that there is one key difference between my amendment and the one offered by Senators LEAHY and LUGAR. Their amendment did not cut any particular account. Mine does. It cuts the construction account.

So, in closing, Mr. President, I urge my colleagues to follow up the rhetoric about fiscal discipline and cutting spending, and vote for the amendment that I have proposed. It is a very simple amendment, and it would reduce the spending level of the President's request from about $39 million for construction of new Agricultural Research Service facilities to $25-million-plus for that account.

I hope that we can get an agreement and have a vote on this in the near term.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the amendment offered by the Senator from New Jersey [Mr. BRADLEY] be temporarily laid aside to permit the offering of an amendment by the Senator from North Carolina.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

AMENDMENT NO. 2309

(Purpose: To stop the waste of taxpayer funds on activities by the Department of Agriculture to encourage its employees or officials to accept homosexuality as a legitimate or normal lifestyle)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2309.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . ENDING THE USE OF TAXPAYER FUNDS TO ENCOURAGE EMPLOYEES TO ACCEPT HOMOSEXUALITY AS A LEGITIMATE OR NORMAL LIFESTYLE.

None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade departmental employees or officials to:

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or

(2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

Mr. HELMS. Mr. President, the pending bill provides operating funds for the Department of Agriculture and its related agencies totaling $67.98 billion of the taxpayers' money. I am persuaded that only a relatively few Americans approve of any of this enormous sum being used to conduct seminars or to hire staff or for the purpose of making available Federal facilities and resources to persuade—indeed, to intimidate—Federal employees to accept homosexuality as a legitimate and normal lifestyle.

So the purpose, Mr. President, of the pending amendment is to determine how Senators feel about it and to give them an opportunity to go on record one way or the other.

The pending amendment is not complicated. For Senators who were not in the Chamber when the text of the amendment was read by the clerk, I shall read it again:

> None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade Departmental employees or officials to:
>
> (1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or,
>
> (2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

Mr. President, I wish this amendment were not necessary. But it is. You see, the Clinton administration has launched a concerted effort to extend special rights to homosexuals in the Federal workplace—rights not accorded to other groups and individuals.

The Department of Agriculture is obviously at the forefront of this effort. An April 27, 1994, article in the Wall Street Journal was headed "A Different Kind of Whistleblower." It described a meeting of the USDA's Equal Employment Opportunity manager on February 25, at which time the head of the organized "USDA Homosexual Employees" distributed an outline which included the following statement. I hope Senators are looking in by television at these proceedings, because I think they ought to consider what the head of the organized USDA Homosexual Employees Association said should be the policy of the USDA:

> Until our relationships are recognized and respected and benefits are made available to our partners and families, we are not full members of team USDA.

The Wall Street Journal reported that in response:

> Top [USDA] executives pledged to hold "sensitivity training" to spread this message among the ranks and to punish those who don't toe the line.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Now, Mr. President, a question: How many American taxpayers are willing for their tax money to be devoted to financing sensitivity training for Federal bureaucrats to recognize and respect homosexual relationships?

Mr. President, there is more. According to the Federal EEO Update, which is a newsletter published by FPMI Communications, Inc., a "Gay, Lesbian, and Bisexual Program Manager" position has been created within the Department of Agriculture for the Foreign Agriculture Service. A bureaucrat active in the homosexual movement is on the job now and is being paid $1,000 a week, using the taxpayers, money, of course. His responsibilities include the following—and the cameraman may want to follow the chart here.

Here is what the responsibilities of this $52,000-a-year bureaucrat and activist in the homosexual movement, who has been hired by the USDA, here is what his agenda is. "Promoting"—get that word,

> Promoting the gay, lesbian, and bisexual Employment Program and developing and disseminating information on employment matters;
>
> Analyzing work force data and informing managers of the status of gay, lesbian, and bisexual employment;
>
> Informing homosexual employees of training and promotional opportunities; and
>
> Assisting in the recruitment of gays, lesbians, and bisexuals and keeping abreast of personnel-related matters affecting them.

Mr. President, I ask unanimous consent that a copy of the Federal EEO Update newsletter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. I thank the Chair.

Now, then, Mr. President, as of the close of business yesterday, Monday, July 18, the total Federal debt stood at $4,624,283,138,985.72. Now with this Draconian debt, which, by the way, averages out to be $17,737.20 for every man, woman, and child in America, the question is this: Should the U.S. Senate sit idly by and allow the spending of the American taxpayers' money on a gay, lesbian, and bisexual program manager paid $52,000 a year?

That is the expense for his salary. Think of all of his staff, all of his travel, all of his telephones and all the rest of his expenses, and you have an enormous waste—and I use the word advisedly—waste of the taxpayers' money.

Mr. President, I believe that not many Senators have even heard of, let alone seen, a memorandum dated March 25 of this year from a man named Wardell C. Townsend, Jr. Mr. Townsend is Assistant Secretary for Administration at the USDA. This memorandum grants official status to the GLOBE organization. Now GLOBE stands for, guess what? Gay, Lesbian, and Bisexual Employee organization.

The purpose of this GLOBE organization, according to the memorandum, is to: Promote understanding of issues affecting gay, lesbian, and bisexual employees in the USDA;

Serve as a resource group to the Secretary of Agriculture on issues of concern to gays, lesbians, and bisexual employees, and

Work for the creation of a diverse work force that assures respect and civil rights for gay, lesbian, and bisexual employees.

Now, this is in the memorandum.

I ask unanimous consent that a copy of the Townsend memorandum be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. HELMS. Mr. President, formal recognition of this homosexual group allows its members to use USDA office space for their meetings, to use interoffice and electronic mail, and to have input in policy discussions.

Insofar as I have been able to determine, Mr. President, the USDA is the first Federal agency to recognize a GLOBE chapter as an officially chartered employee organization. And the Department of Agriculture boasts about it. According to an article in the Washington Times on July 4 of this year—just a few weeks ago—an official USDA memorandum, dated June 22, reads as follows:

> To All Employees, Cotton Division: I would like to inform you of the creation of the USDA Gay, Lesbian, and Bisexual Employees (GLOBE) organization * * * I am confident that all Cotton Division employees will remain committed to a workplace that exemplifies Secretary Espy's * * * EEO and Civil Rights statements.

Let me say, Mr. President, that I do not know what Secretary Espy has to say about all of this. I wrote to him some time back. I do not have a copy of my letter here today. It was a friendly letter, suggesting that he take a look at what was being done in his name. Now, he may be doing it himself.

But, do you know something? I have not even had the courtesy of a response from Secretary Espy. And I am a former chairman of the Senate Agriculture Committee, and I have been on the committee nearly as long as anybody else. I think BOB DOLE outranks me in tenure, but nobody else does.

But the Secretary of Agriculture is just too busy when somebody asks him a question about what he is doing about a bunch of perverts at the U.S. Department of Agriculture.

Somewhat earlier, Mr. President, I mentioned a news article reporting that "Top [USDA] executives pledged to hold 'sensitivity training' * * * and punish those who don't toe the line."

Now what have we gotten to in this country, in this Government?

Anyone doubting that the USDA intends to punish those who fail to "toe the line" with respect to the Department's embrace of the homosexual agenda should talk with, as I have, Dr. Karl Mertz, who, until March 28 of this year, was an Equal Employment Opportunity manager for the 10-State Southeastern Region of the Agricultural Research Services headquartered in Athens, GA.

While on annual leave earlier in March, Dr. Mertz was asked by a television station, WLOX–TV in Biloxi, MS, about a proposal being floated within the Agriculture Department to provide same-sex partners of homosexual employees within the USDA with the same taxpayer-paid benefits provided the spouses of legally married heterosexual employees.

After making it very clear that he was expressing his personal views as a Christian—and not those of the Department's—Dr. Mertz made this comment:

> We need to be moving toward Camelot, not Sodom and Gomorrah, and I'm afraid that's where our leadership is trying to take us.

He was asked the question by a reporter for the Biloxi, MS, television station, and he answered it honestly. He was on leave at the time he appeared on television. He did not volunteer to go to the television station; rather he was interviewed by a television reporter.

What do you think happened?

Later that evening, after flying back to Atlanta, Dr. Mertz received a call at home from a USDA bureaucrat in Washington, DC, who told him that the Department had already been informed—by homosexual activists—about Dr. Mertz' comments. Dr. Mertz heard nothing further until March 28, when he was summoned by Mary Carter, Director of the Southeastern Region of the Agricultural Research Service.

Without asking for Dr. Mertz' side of the story, Mary Carter handed him a memorandum informing him of his transfer from his job—a job which the Department admits he had performed commendably for 7 years.

Any Senator with questions about Dr. Mertz' exemplary performance should review the USDA performance appraisals signed by the very supervisor who put him on rollers, Korona Prince, a copy of which I ask unanimous consent to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HELMS. Mr. President, it was this same Korona Prince who signed the memorandum informing Dr. Mertz of his reassignment to another position. While the memo claimed Dr. Mertz had a right as a private citizen to express his opinions, the Department's actions proved otherwise. Here is what she wrote:

> You have made it difficult for employees and managers of the agency to accept that you actively support these same policies in your official assignment.

However, and this ought to be drilled into the consciousness of every U.S. Senator, the acceptance and promotion of the homosexual's agenda is not written in law, nor has the USDA policy favoring homosexuals been approved by the Senate.

I understand, and I hope it is correct, that Dr. Mertz has not yet had a salary cut. But, he was stripped of his title, stripped of his staff, and given a job outside the area of expertise he has developed throughout his professional career. And the USDA, time and time again, had commended him for his great work. And his big sin, his cardinal sin, was to answer a question honestly and say something to the effect that instead of heading for Sodom and Gomorrah, we ought to reach for Camelot.

I ask unanimous consent that a memorandum from Korona Prince to Karl Mertz dated March 25, 1994, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. HELMS. Mr. President, it is increasingly apparent that the Department of Agriculture has unilaterally adopted a policy to treat homosexuals as a class protected under title VII of the Civil Rights Act of 1964—which of course, they are not. In his EEO and Civil Rights Policy statement dated April 15, 1993, Secretary Mike Espy wrote:

> Our actions will be directed towards positive accomplishments in the Department's efforts to attain a diverse workforce, ensure equal opportunity, respect civil rights, and create a work environment free of discrimination and harassment based on gender or sexual orientation.

It's ironic that Secretary Espy also stated in his Civil Rights Policy statement that "there is no room for management by discrimination, reprisal, or fear in the new USDA and such activities will not be tolerated." Obviously, as Dr. Mertz' case proves, this policy is a one-way street and does not apply to those who dare to question USDA's newly created protected class, namely the homosexuals and the lesbians. Whatever, one wonders, happened to the first amendment down at the U.S. Department of Agriculture?

Mr. President, the question before the Senate in all of this is: Is not the primary mandate of the Department of Agriculture—as outlined in the U.S. Government Manual—to improve and maintain farm income, to develop and expand markets abroad for agricultural products, and help curb and cure poverty, hunger, and malnutrition? Are these not the purposes for which the $67.98 billion in this appropriations bill should go—and not for promoting the homosexual agenda, not for holding sensitivity training sessions for bureaucrats, not for funding homosexual program managers, and not for establishing official homosexual employee organizations.

I shall insist on a rollcall vote because every American is entitled to know where his or her Senators stand at the crossroad of twisted values. Either Senators will waste the taxpayers' money and bow down to the wishes of the homosexual lobby or Senators will stand up and be counted for decency and morality in the Federal Government by telling the Secretary of Agriculture to back up, and take a look at what he has already done.

EXHIBIT 1

[From the Wall Street Journal, Apr. 27, 1994]

A DIFFERENT KIND OF WHISTLE-BLOWER

(By Max Boot)

Karl Mertz is a whistle-blower. But unlike most members of that species, he's not exposing sexual harassment on the job or military contractors who overbill the government. He's blowing the whistle on a less publicized kind of fraud: the promise that affirmative action policies will result in a more "just" society.

Mr. Mertz has seen how such policies operate from the inside. Since 1987, he's been a senior Equal Employment Opportunity manager at the Agriculture Department in Atlanta, a commissar in the battle against racism, sexism and other "isms." Before that, he performed similar jobs for the Labor Department and the Army. It's a calling for which he has impeccable credentials: After getting a Vanderbilt doctorate, he went to work as a Methodist pastor in Mississippi and promptly got in trouble with the locals for preaching racial tolerance.

Like most Americans, Mr. Mertz is dedicated to "equal opportunity" for all, no matter what race, creed or sex. But he quickly found that those rules don't apply to white males like himself. When he's applied for numerous EEO jobs at other federal agencies since 1984, he's been turned down cold. At the Internal Revenue Service, he got top scores on his exam but didn't even land a job interview; all eight finalists were black females. Mr. Mertz tried pursuing a job-discrimination claim against the government, but when that proved fruitless he decided to express his frustration on CNN.

On the program, aired Feb. 20, Mr. Mertz declared: "People in the '60s set up a big policy machine and said we're going to try and open up doors for people who have been wrongly excluded from society, and then they put the machine in gear, and kind of turned their backs on it. Now it's rumbling across the landscape doing pretty much what it wants."

Mr. Mertz tells some hair-raising stories about what the machine is doing. Agriculture Department managers hire "twofers" (say, a black female) or "threefers" (say, a disabled Hispanic female) in order to get a bonus for meeting affirmative action quotas. Postdoctoral fellowships are funded for one year if the recipient is a white male, two years if he (or, more likely, she) is a minority. And—get this—a new training program at the department, designed to build self-esteem, is open only to senior African-American male managers. "These people are already in senior positions!" Mr. Mertz exclaims. "Why spend taxpayers' money to boost their self-esteem?"

Mr. Mertz has had to live with such programs for a while. What he wasn't prepared for was Agriculture Secretary Mike Espy's gay-rights agenda, part of the Clintonites' kowtowing to a key group.

At a Washington meeting of the department's affirmative-action administrators on Feb. 25, Mr. Mertz listened to a report by the head of the department's gay employees group. An outline distributed by the gay activist during her presentation states: "Until our relationships are recognized and respected and benefits are available to our partners and families, we are not full members of Team USDA." Top executives pledged to hold "sensitivity training" to spread this message among the ranks, and to punish those who don't toe the line.

In other words, homosexual employees aren't just asking to be left alone—Mr. Mertz is in favor of that. They want other employees to actively approve of their lifestyle. And Mr. Espy is backing the gay-rights agenda with taxpayer-funded indoctrination courses for the department's workers. "I was pushed as far as I could go," Mr. Mertz says.

A week later, on March 4, Mr. Mertz attended a departmental conference in Biloxi, Miss. Afterward, a local TV reporter asked him to comment on the gay-rights policy. After making clear that he was voicing his own views, not the department's, the Christian expressed his disapproval of homosexuality and said that the Agriculture Department should be headed "toward Camelot, not Sodom and Gomorrah."

When he got home to Atlanta later that night, Mr. Mertz received a phone call from a Washington-based Agriculture Department bureaucrat who said he had heard about the TV interview from gay activists. Then silence—until March 28, when Mr. Mertz was summoned into the office of Mary Carter, South Atlantic area director of the department's Agriculture Research Service.

Without waiting to hear his side of the story, Ms. Carter handed him a memorandum announcing that his TV interview "reflect[s] a disagreement with Departmental Civil Rights Policy, which could seriously undermine your ability to perform your responsibilities." Then without hint of due process, he was transferred, effective immediately, to a newly created job dealing with something called "work force forecasting."

Ms. Carter insists that the reassignment "isn't punishment," but try telling that to Mr. Mertz. "I've been stripped of a title, stripped of support staff, stripped of working in the field of my expertise," he complains.

The truly noxious part of this is that Mr. Mertz is being punished for exercising his First Amendment rights, not—as the memo claims—failing to do his job, in a telephone interview, Ms. Carter couldn't name a single instance when Mr. Mertz had failed to enforce department policy for homosexuals or anyone else. In fact, Mr. Mertz's evaluation forms gave him high marks in every category, including "support EEO and Civil Rights Programs."

Given what's happened, it's a bitter irony that Mr. Espy's statement on civil rights policy says: "I am especially concerned about allegations of a 'culture of reprisal' at USDA." The secretary was writing about reprisals for filing affirmative action complaints, but that concern is equally pertinent here.

Mr. Mertz is appealing for help from those who traditionally champion the cause of whistle-blowers, ranging from the federal Office of Special Counsel to "60 Minutes" to various government-watchdog groups. It will be interesting—and highly telling—to see what support he gets.

EXHIBIT 2

[From the Federal EEO Update, June 1994]

USDA GLOBE OFFICIALLY CHARTERED

The USDA has taken strides to ensure the equal treatment of all groups. First by recognizing GLOBE (Gay, Lesbian, or Bisexual Employees), then by amending EEO complaint process, and issuing an EEO policy statement.

USDA GLOBE, on March 25, 1994, became the first chapter of GLOBE to become an officially chartered employee organization. With this approval, USDA GLOBE can exercise all of the rights and responsibilities of other officially sanctioned employee organizations.

The Formal EEO Complaint System now covers "individual complaints of discrimination based on race, color, religion, sex, national origin, age, if over 40, physical, or mental disability, marital status, sexual orientation, and reprisal for EEO related activity."

The EEO and Civil Rights Policy Statement issued by USDA Secretary Mike Epsy includes in the statement that the Department will act to "create a work environment free of discrimination and harassment based on gender or sexual orientation."

To complement these formal assertions of equal treatment for all, the USDA's Foreign Agricultural Service created a new Special Emphasis Program Manager position—Gay, Lesbian, and Bisexual Program Manager, held by Jim Patterson.

Some of the responsibilities include:

Promoting the Gay, Lesbian, and Bisexual (hereafter GLB) Employment Program and developing and disseminating information on employment matters

Analyzing workforce data and informing managers of the status of GLB's employment

Informing employees of training and promotional opportunities

Assisting in the recruitment of GLBs and keeping abreast of personnel related matters affecting them

---

EXHIBIT 3

DEPARTMENT OF AGRICULTURE,
Washington, DC, March 25, 1994.

Subject: Establishment of USDA GLOBE

To: Pat Browne, Spokesperson, USDA GLOBE

In keeping with the Secretary's April 15, 1993, EEO and Civil Rights Policy Statement, I am pleased to officially sanction the creation of USDA GLOBE by approving the attached bylaws. With this approval, USDA GLOBE will exercise all of the rights and responsibilities of other officially sanctioned organizations.

WARDELL C. TOWNSEND, JR.
Assistant Secretary for Administration.

Attachment.

U.S. DEPARTMENT OF AGRICULTURE GAY, LESBIAN, AND BISEXUAL EMPLOYEE ORGANIZATION (USDA GLOBE)

BYLAWS

Mission Statement.

The mission of the U.S. Department of Agriculture Gay, Lesbian, and Bisexual Employee Organization is to create a work environment free of discrimination and harassment based on sexual orientation.

I. (name of the organization)

II. Purpose.

The purpose of USDA GLOBE is to:

A. Promote understanding of issues affecting gay, lesbian and bisexual employees in USDA.

B. Support the USDA policy of nondiscrimination based on sexual orientation.

C. Provide outreach to the gay, lesbian and bisexual employees in the Department.

D. Serve as a resource group to the Secretary on issues of concern to gay, lesbian and bisexual employees.

E. Work for the creation of [a] diverse work force that assures respect and civil rights for gay, lesbian and bisexual employees.

F. Create a forum for the concerns of the gay, lesbian and bisexual community in the Department.

(Followed by sections on meetings, dues, government, officers & election process, duties of the officers, filling vacant positions, voting, forming committees, forming chapters in field locations, and amendments. The bylaws are also signed by Wardell C. Townsend, Jr.)

EXHIBIT 4

SUPERVISORY APPRAISAL OF DEMONSTRATED PERFORMANCE OR POTENTIAL

Position: Equal Employment Manager, GM-260-14.

Name of applicant: Dr. Karl Mertz.

SECTION 1—DEMONSTRATED PERFORMANCE OR POTENTIAL RATING

1. Managerial and technical EEO knowledge (and skills sufficient to plan, organize, direct, staff and evaluate an equal employment opportunity program): Exceptional.

2. Ability to communicate in writing: Exceptional.

3. Ability to communicate orally: Exceptional.

4. Skill in fact finding, analysis and problem resolution: Exceptional.

5. Knowledge of statistical and reporting techniques (in order to develop profiles, prepares reports, analyze needs, determine effectiveness): Above averages.

SECTION II—NARRATIVE STATEMENT

1. Graduate school and extensive government training in EEO/AA and management have been evident in the regulatorily correct and innovative programs designed and administered by the incumbent.

2. Written work is timely, exacting and thorough, probably due to training as a college newspaper editor, and previous government experience writing EEO audit reports and proposed disposition of complaints.

3. A forceful and thought provoking speaker, with related "A" work in college and grad school, who has won several professional association elections, and made numerous regional and national speeches.

4. A.E.P.P.s and Accomplishment Reports/Updates have been through and well received by E.E.O.C. and internal reports have been accurate, thorough and well reasoned.

5. Incumbent has gone beyond report requirements, producing same on potential adverse impact, participation rates in awards, etc., and representation levels in special programs.

Appraiser's signature: K. Prince.

Employees signatures: Karl Mertz.

PERFORMANCE APPRAISAL OF K.C. MERTZ

INSTRUCTIONS

Blocks 1 through 10, completed by NFC, should be reviewed and, if necessary, corrected.

Block 11. Enter funding unit number.

Block 14. Enter brief description of performance elements.

Block 15A. Check performance elements identified as critical.

Blocks 15B. 15C, 15D. Rate actual performance by entering 2 for critical elements and 1 for non-critical elements in appropriate column.

Blocks 15E, 15F, 15G. Enter total of each column.

Block 15H. Enter total from 15E, 15F and 15G.

Block 16A. Check off the correct summary rating described in decision table (16B)

Blocks 17 through 22. Self-explanatory.

14—Performance elements	15A—Critical element	15B—Exceeds fully successful	15C—Meets fully successful	15D—Does not meet fully successful
1. Affirmative Employment Program Management	X	2		
2. Special Emphasis Program Management		1		
3. Research Apprenticeship & Summer Intern Prog. Mgmt.			1	
4. Technical Advice & Assistance	X	2		
5. Reporting Requirements/Special Projects		1		
6. Supervision & Human Resource Management		1		
7. Supports EEO & Civil Rights Programs	X	2		
Total		9	1	

Summary Rating: Superior.

Supervisor's Signature: Korona I. Prince.

EXHIBIT 5

OFFICE OF THE ADMINISTRATOR,
U.S. DEPARTMENT OF AGRICULTURE,
Washington, DC, March 25, 1994.

Subject: Reassignment from the EEO Staff.

To: Karl C. Mertz, EEO Manager, South Atlantic Area.

From: Korona I. Prince, Director, EEO Staff.

As you are no doubt aware, some of your recent activities have caused quite a bit of concern at the Department of Agriculture. *Your statements* in the interview that occurred on March 4 reflect a disagreement with Departmental Civil Rights Policy, which could seriously undermine your ability to perform your responsibilities for the agency in your current assignment. As a private citizen you have every right to express your opinions freely, and we have no intention of doing anything to compromise your rights or the rights of any other employee. However, you must recognize the fact that in publicly disagreeing with an admittedly controversial position of the Departmental leadership, you have made it difficult for employees and managers of the agency to accept that you actively support these same policies in your official assignment. *It is, therefore, necessary that you be reassigned to another position.*

One of the areas identified by the ARS Human Resources Management Task Group for action was the development of a work force forecasting system. This is critical for the strategic management of human resources, which, in turn, is critical to our continued success. Dr. Mary Carter has long been an active proponent of this initiative. Consequently, the agency has identified a position to be located on the staff of the Director of the South Atlantic Area to develop and implement an Agency wide work force forecasting system. You are assigned to this position effective March 28, 1994. There will be no impact on your grade or pay. This also provides an opportunity for you to use your expertise to provide an important service for the Agency's long term success.

Dr. Carter and Dr. James Hilton, who will be your immediate supervisor will work with you in developing the details of your new assignment.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and yield the floor.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2309, AS MODIFIED

Mr. HELMS. Madam President, the distinguished manager of the bill, Mr. BUMPERS, has suggested that there may be some ambiguity in the mind of some Senator reading this amendment who may arrive at the mistaken understanding that this amendment outlaws funds for any seminar on any program.

I must say, I believe the amendment, as written, fairly states the proposition it does not preclude the use of funds to promote or carry out various seminars or programs, rather, only those relating to homosexuals. But just to remove any ambiguity that might be in some Senator's mind before voting, I have a modification which Senator BUMPERS and I have agreed upon.

I ask unanimous consent that the amendment be modified, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Without objection, it is so ordered. The amendment is so modified.

The amendment, with its modification, is as follows:

At the appropriate place, insert the following new section:

SEC. . ENDING THE USE OF TAXPAYER FUNDS TO ENCOURAGE EMPLOYEES TO ACCEPT HOMOSEXUALITY AS A LEGITIMATE OR NORMAL LIFESTYLE.

None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose, either of which is to compel, instruct, encourage, urge or persuade departmental employees or officials to—

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or

(2) embrace, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, I just want to make an additional comment to clarify the purpose of the modification. I want to thank the Senator very much for accommodating my concern on this.

The amendment read as follows:

None of the funds made available under this act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture . . .

If you just read that, it would look as though the Senator was trying to stop any seminar for any purpose, whether the purpose is improving people's job skills or anything else. Obviously that was not his intention.

The next word is:

. . . or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade departmental employees or officials to:

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the department;

And the Senator told me his sole purpose with this amendment was to say none of the funds herein may be used to hold seminars or programs, the purpose of which is to compel, instruct or urge departmental employees to recruit people on the basis of sexual orientation.

With that, I think that makes the purpose of his amendment crystal clear. I am prepared to vote on it.

Mr. HELMS. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. HELMS. Madam President, if I may, let me ask the clerk if the modification reads as follows:

None of the funds made available under this act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose, either of which is to compel * * *

And so forth. Is that the way the modification reads?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair. I thank the Senator from Arkansas.

Mr. BUMPERS. Now, Madam President, unless there are Senators who wish to speak on either the Bradley amendment or the Helms amendment, I see no reason why we cannot have back-to-back votes on those two. And before I ask unanimous consent, let me suggest that the second vote be for 10 minutes. Does the Senator have any objection to that?

Mr. HELMS. None.

Mr. BUMPERS. Madam President, I ask unanimous consent that pursuant to a motion to table, by myself and the Senator from Mississippi, the Bradley amendment, that upon the completion of that vote, we proceed immediately to a vote without any intervening business on the amendment of the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I move to table the Bradley amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—50

Akaka
Baucus
Biden
Bond
Boxer
Breaux
Bumpers
Burns
Byrd
Cochran
Conrad
Craig
D'Amato
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Faircloth
Ford
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Lott
Mack
McConnell
Mikulski
Murkowski
Murray
Pressler
Pryor
Rockefeller
Sarbanes
Shelby
Simpson
Stevens
Thurmond

NAYS—50

Bennett
Bingaman
Boren
Bradley
Brown
Bryan
Campbell
Chafee
Coats
Cohen
Coverdell
Danforth
Dodd
Exon
Feingold
Feinstein
Glenn
Gorton
Gregg
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McCain
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Nickles
Nunn
Packwood
Pell
Reid
Riegle
Robb
Roth
Sasser
Simon
Smith
Specter
Wallop
Warner
Wellstone
Wofford

So the motion to table the amendment (No. 2308) was rejected.

VOTE ON AMENDMENT NO. 2308

Mr. BUMPERS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that the rollcall vote on this amendment be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from New Jersey.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—46

Bingaman
Bradley
Brown
Bryan
Chafee
Coats
Cohen
Danforth
Dodd
Exon
Feingold
Glenn
Gregg
Helms
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McCain
Metzenbaum
Mitchell
Moseley-Braun
Murkowski
Nickles
Nunn
Packwood
Pell
Reid
Riegle
Robb
Roth
Sasser
Simon
Smith
Specter
Wallop
Warner
Wellstone
Wofford

NAYS—54

Akaka
Baucus
Bennett
Biden
Bond
Boren
Boxer
Breaux
Bumpers
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeConcini
Dole
Domenici
Dorgan
Durenberger
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Lott
Mack
McConnell
Mikulski
Moynihan
Murray
Pressler
Pryor
Rockefeller
Sarbanes
Shelby
Simpson
Stevens
Thurmond

So the amendment (S. 2308) was rejected.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2309, AS MODIFIED

The PRESIDING OFFICER. The question now occurs on agreeing to the Helms amendment, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BRYAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—92

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wofford

NAYS—8

Boxer
Feingold
Kennedy
Moynihan
Murray
Packwood
Pell
Wellstone

So the amendment (No. 2309), as modified, was agreed to.

TEFAP FUNDING FOR AGRICULTURE APPROPRIATIONS

Mr. LEAHY. Mr. President, I will not be offering an amendment today regardinf the subcommittee's decision to cut TEFAP food purchases to zero, but I am very concerned with this decision.

As a subcommittee chairman myself, I am quite mindful of the tight fiscal constraints placed upon the Subcommittee on Agriculture Appropriations. However, to cut funding for TEFAP at a time when record numbers of Americans are applying for food stamps and when our Nation's food banks are being forced to turn away the hungry because they cannot meet the demand, is unfair.

TEFAP is the first and last line of defense against the growing problem of hunger in America.

Children account for 45 percent of food pantry clients. More than 27 million Americans relied on emergency food assistance last year. Without food purchases for this program, I am afraid many food sites will cease to exist. Many food banks will close, especially those in the rural areas.

Food stamps alone cannot fight hunger nor will food stamps be able to fill the void created by the loss of these commodities. A recent study by Second Harvest, the Nation's largest network of food banks, reported that 82 percent of food stamp recipients run out of food before their next food stamp allotment. In short, TEFAP fills the hunger gap.

When natural disasters struck in Florida, California, and the Midwest, TEFAP played a major role in feeding the victims. Whether by flood, earthquake, or hurricane, when disaster victims were cold and scared, after they had lost their homes and businesses the emergency food provided by TEFAP kept the victims from going hungry. Readily available food stocks combined with the distribution network which TEFAP has in place has made the difference in people's lives.

Mr. President, I am aware of the tight budgetary decisions which all of us in this chamber must face, but cutting TEFAP at this time is unacceptable. I hope the Senate conferees will be mindful of the plight of millions of hungry Americans and agree to the House funding level of $80 million.

Mr. MURKOWSKI. Mr. President, I rise today on behalf of the Food Bank of Alaska and 5,600 needy Alaskan families that depend upon The Emergency Food Assistance Program [TEFAP] as a reliable source of nutrition, to urge Chairman BUMPERS and the other conferees to support the House figures of

$40 million for administrative costs and $40 million for commodity purchases.

TEFAP, a Federal commodity food distribution program, was established in 1981 to both provide food to the rising number of people not receiving adequate nutrition from other sources and to reduce the large stocks of surplus accumulated through the USDA price support system. This successful Federal program efficiently distributes large amounts of staple food items to low-income people through the assistance of local food banks. Due to its success, Congress has continued to reauthorize TEFAP and support funds to purchase foods as the original surpluses declined. With this kind of purchasing power, the Government is able to buy staple goods in cost-savings bulk quantities that far surpass the ability of a family with an income 150 percent below the poverty level.

In Alaska, most TEFAP recipients are children, elderly, and members of the working poor. Participating families have an income below 150 percent of the Federal poverty level. TEFAP commodities supplement monthly family budgets without attaching the welfare stigma and help to relieve families from having to make the choice of whether to "heat or eat."

During the disaster relief efforts following the January 17 earthquake in Los Angeles, TEFAP distributed nearly 900,000 pounds of food quickly and efficiently within a few days. When natural disasters hinder access to food markets, cash, and food stamps are not useful, while the real food items provided by TEFAP are critical.

I encourage Chairman BUMPERS and the conferees to support the House figures of $40 million for TEFAP administration and $40 million for TEFAP commodity purchases. Local organizations have reached out in every way to provide hungry families with nutritious food sources at times when their budgets are tight. Without assistance from TEFAP in each of our States, hunger levels will rise and poor nutrition will cause schoolchildren to suffer during the important development years and health care costs to rise.

Mr. CRAIG. Mr. President, I rise in support of H.R. 4554, the fiscal year 1995 Agriculture Appropriations Act. I commend the committee for doing a thoughtful and responsible job in assessing individual programs and promoting productive national policies.

The committee product before us addresses important needs at both the regional and national levels. Given current budget constraints, this is a difficult task. The bill would appropriate $3 billion less than the committee recommended in last year's bill, $4 billion less than what was finally appropriated in all of fiscal year 1994, and almost $450 million less than the President's budget. This legislation does a good job of doing more with less.

With the discretionary spending caps now in place, one portion of Federal spending—discretionary appropriations—is feeling the effects of an increase in discipline. That's good for the economy and will, I believe, force some necessary reevaluation of Federal programs. And no category of Federal spending has taken a greater hit in recent years than the agricultural sector. It's past time to make sure that the scrutiny and budget discipline applied to agriculture up to now be expanded to other areas, including, especially, entitlements.

Individual projects and regional programs often have a beneficial application or impact at the national level. We should remember that fact in assessing their worth and apply that as a threshold test in our funding decisions. I believe the bill before us reflects exactly that approach.

Every bill can be improved or damaged in conference. I look forward to continuing to work with my colleagues to find those few areas in which this bill could be made even better, to protect the sound policy decisions embodied in this bill from attack by the other body, and to economize on Federal spending wherever possible.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Senators REID and BRYAN.

Mr. BROWN. Will the Senator yield? My understanding is my amendment was to be the next in order. I do not want to interfere with the Senator's plans.

Mr. REID. I have been here all day, off and on. I do not know whose understanding that was.

Mr. BUMPERS. Mr. President, I do not enjoy refereeing fights like this, but let me just say that the rule is—I regret if there was a misunderstanding—the rule is whoever is recognized first. I think Senator BROWN obviously has been here all day and so has Senator REID been here all day. I think that the Reid amendment is probably going to be accepted. So that will alleviate some pain on this side.

But let me say also before we even get into that, I think once we dispose of the Reid amendment and go to the Brown amendment, it is going to be a fairly long evening after that. What I would like to do is to let the Senator—could the Senator accept a time agreement at this point?

Mr. REID. I would be happy to.

Mr. BUMPERS. Fifteen minutes?

Mr. REID. I have about 15 minutes I would like to speak.

Mr. BUMPERS. You would like 15 minutes?

Mr. REID. Yes, although I have to be candid with my friend from Arkansas, if the chairman of the subcommittee is willing to accept the amendment, I can reduce my remarks to 10 minutes.

I will say through the Chair to my friend from Arkansas, if the two managers are going to accept the amendment, I can reduce my time to 10 minutes.

Mr. BUMPERS. Why do we not just solve this by starting the debate and letting the distinguished Senator from Mississippi and I look at the amendment and see whether or not we can accept it. If we can, we will interrupt you at a proper time and tell you the answer is yes.

Mr. REID. I also say to my friend from Colorado, one reason that I worked very hard to get the floor is what we do on an informal basis here is go from side to side, and the last amendment had been offered by my friend from North Carolina.

Mr. BUMPERS. Mr. President, my personal preference is not to do that side-to-side thing. I know that has been done a lot around here. I prefer to use the rule of the Senate, whoever gets recognized first. I do my very best to make certain that the Republican side is not discriminated against; if they have two in a row, that is fine with me. I would rather not, at this point, go side to side.

AMENDMENT NO. 2310

(Purpose: To provide that none of the funds made available in this act may be used to provide any Federal benefit or assistance to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair informs the senior Senator from Nevada that there is a pending amendment.

Mr. REID. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BRYAN, proposes an amendment numbered 2310.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) None of the funds made available in this Act may be used to provide any Federal benefit or assistance to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States.

(b) In no case may a Federal entity, official or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding made available in this Act on the basis of race, color, creed, handicap, religion, sex, sexual orientation, national origin, citizenship status or form of lawful immigration status.

(c) For purposes of this section, the term "Federal benefit or assistance" does not include search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision on an emergency basis of food, water, medicine, and other essential needs including movement of supplies or persons; reduction of immediate threats to life, property and public health and safety; and programs funded under title IV of this Act.

Mr. REID. Mr. President, I have an amendment that requires the Federal authorities responsible for distributing the benefits under the act to take reasonable action to determine whether the recipient is in a lawful immigration status in the United States. It is a short, simple, and commonsense amendment, and it is one this body has supported in earlier appropriations measures.

All my amendment says is that the Federal authority responsible for distributing the funds made available under this act must take reasonable action to ensure the money goes to those individuals lawfully within the United States.

I add also, Mr. President, that this amendment, with respect to programs that are aimed at benefiting children or those programs providing emergency types of assistance, does not apply. So the amendment that is at the desk offered on behalf of the two Senators from Nevada, I repeat, does not prohibit children from receiving these benefits even though these children, for some reason, may not be lawfully within the country. The programs that provide emergency types of aid or assistance are also not prohibited under this act.

Some may ask why an amendment like this is needed as part of a bill dealing with agricultural appropriations. I ask that those who question the relevancy of this amendment look carefully at the existing Federal law with respect to receipt of benefits, and then look at some of the programs provided in this bill.

Some may argue that there are already laws on the books that dictate who is and who is not entitled to receive Federal benefits.

Mr. President, this simply is not the case. Yes, with respect to certain Federal entitlement programs, there exists laws governing eligibility, but these laws have been promulgated on a program-by-program basis. There are no uniform Federal regulations governing who is eligible to receive what benefits under which federally funded program.

In addition to the statutory inconsistency over who is entitled to receive Federal benefits, many individuals unlawfully within the country may gain access to these benefits by fraudulently claiming U.S. citizenship or because the administering agency fails to verify the resident status of the applicants.

The Department of Housing and Urban Development, for example, was required by the Immigration Reform Control Act to verify that all applicants for housing assistance are legal residents. But HUD has failed to approve regulations to implement this mandate, so those not legally within the country have access to housing assistance.

Let me be clear about what my amendment does not do. It does not establish a uniform Federal policy. It in no way applies to legal immigrants or others who have played by the rules and who are in this country lawfully. And it does not apply to the distribution of funds or essential benefits provided in title IV. Title IV covers many of the federally funded programs that go toward providing benefits for children.

I, in this amendment, want to exclude federally funded programs that benefit infants and children. It is simply unfair and only penalizes the child for the parent's action.

Is there a problem with illegal immigrants availing themselves of some of the programs? I believe that is the case, but as far as I am concerned, that is evidence of our failure to enact and enforce meaningful immigration laws that would curtail the flow of illegal immigration and prevent the fraudulent procurement of taxpayer-supported Federal entitlements.

Finally, my amendment does not apply to the distribution of any funds used for the purpose of providing emergency medical assistance. I think the same reasoning that applies to the distribution of benefits to children's programs should apply here. It is an issue of humanity, and no one in the United States should ever be denied medical assistance in an emergency.

So again let me repeat, this amendment simply says that to the extent that Federal funds are being made available, the authorities responsible for distributing these funds must take reasonable action to ensure that such Federal funds do not go to individuals unlawfully within the United States.

Who would support this kind of amendment? Well, when it was offered during earthquake relief efforts, this amendment was supported by Housing and Urban Development, the Federal Emergency Management Association, and the Small Business Administration. The two Senators from California, who have both done so much to reform our current immigration laws, also contributed significantly to the passage of the amendment. And in the end the amendment was accepted without even being put to a vote in this body.

I might also add, Mr. President, that this amendment has worked. It was successfully implemented, and those who legitimately applied for relief received their compensation in a timely manner. Federal funds so desperately needed by the victims of the California earthquake were not fraudulently misappropriated.

After it passed this body, we went to conference with the House, and we were able to work out basically the same language that is in this amendment, in the appropriations conference committee dealing with earthquake relief.

So why can we not do the same thing on this bill? Why can we not ask that Federal authorities do more to ensure that those people who play by the rules and are in this country lawfully be provided greater protection from fraud? In these times of tight budgetary restrictions, we ought to do more to ensure that the dollars we appropriate go to those who are legally entitled to receive them. So I respectfully suggest that the people we serve expect nothing less from us.

If we appropriate billions of dollars to Federal agencies, why can we not place a small burden on them requiring that they make sure the money goes to those who are lawfully within the country? There are those who are afraid to take any action to clarify and strengthen our existing immigration laws out of fear of being labeled anti-immigrant.

Mr. President, my father-in-law was born in Russia, my mother-in-law Lithuanian extraction, my grandmother English. I am very proud of my immigrant status. I believe this is a country of immigrants, and we should do everything we can to maintain our immigrant tradition. It is good for the country. But we must be more responsible in our policymaking.

They say we cannot do anything that could be characterized, even unfairly, as immigrant bashing. We should stay away from that. If there is a disagreement, you do not attack the individual. You attack the idea. This idea embodied in this amendment is that we ought to be more responsible about the way we distribute Federal funds.

The current laws are too open for abuse. There is not enough that is being done to protect the integrity of the system. This is evidenced by the proliferation of State lawsuits against the Federal Government seeking reimbursement for costs arising out of Federal inaction in the area of immigration reform. People may disagree about whether the Federal Government ought to reimburse the States for costs borne by our failed policies, but no one disagrees that a problem exists and the Federal Government must step in to address it.

It is becoming clear that meaningful immigration reform will probably not take place this year in an overall sense. I spoke to the Senator from Wyoming this morning. He has been so involved in this, and served on the committee, and has legislation which goes by his name, and he still feels there is hope we can do something this year.

But even if we cannot, it does not mean that we have to ignore the issue entirely. To stand by idly and do nothing is a recipe for disaster. It only exacerbates and escalates what all agree is a realistic problem, and some say is a crisis.

According to the Immigration and Naturalization Service, millions of people are in the country unlawfully. The obvious relevance of this fact to the bill we are now considering is that millions and millions of people could attempt to avail themselves of these scarce dollars, and even, Mr. President, whether it is millions, hundreds of thousands, thousands, or hundreds, we should stop it.

What additional evidence is necessary before we take appropriate measures to address this problem? Is it going to require the bankrupting of States before we recognize this and do something to deal with it? I hope it does not.

This amendment is an opportunity for this body to say we recognize there is a problem and we are going to direct the Federal agencies we are charged with overseeing to take reasonable action to ensure that the money and benefits they distribute go to those who play by the rules. It is an opportunity for us to stand up and take the lead in this inherently Federal issue. Let us show the States that we recognize the problem and are willing to take measures to remedy the problem.

There may be some who argue that this is too great a burden to place on Federal agencies, that it is too costly and unworkable. These bureaucratic naysayers are missing the forest through the trees. There are laws on the books restricting eligibility of certain Federal funds. We are simply asking that they take reasonable steps to ensure that these laws are enforced. I believe that the people we represent understand this and would expect nothing less than our taking action to ensure that the laws we pass are upheld.

I believe that the amounts of money appropriated for some of these programs merit the requirements set out in this amendment. This bill appropriates $2.6 billion—in fact, more than that—in housing units. While this money is to be used for purposes of benefiting rural housing, it is not asking too much to require that Federal authorities responsible for its distribution take reasonable action to assure the money goes to individuals who are of lawful immigration status in the United States.

I respectfully suggest that there is too much at stake to do anything less. This amendment provides a moderate, minimum verification requirement.

This bill also contains the Rural Housing Insurance Fund. This fund may be used to ensure or guarantee rural housing loans, loans for purchasing new or existing rural homes, loans for modernizing or improving rural dwellings, loans for rural rental and cooperative housing, rural housing site loans, and mobile home park loans. There are billions of dollars here that should be administered fairly and promptly. So should not the Federal Government take reasonable action to determine whether the recipient is of lawful immigration status in the United States? The answer is clearly yes, and that is all this amendment does.

This bill appropriates over $100 million for emergency disaster loans. Why should we not ask Federal authorities charged with distributing these emergency disaster loans to take reasonable steps to ensure that the money goes to those people who are of lawful immigration status in the United States? This body overwhelmingly supported the same requirement during the earthquake relief efforts and it is only consistent we do the same here.

I would add that when I offered the amendment to the earthquake relief supplemental, people said, well, why are you only picking on California? This was not the case, of course. And I have always insisted that this type of amendment is germane and appropriate to any appropriations measure acted on by this body.

There is no need to recite the many other meritorious and valuable programs that will benefit people as a result of the appropriations bill we are going to pass. But I believe the point is that the money should go to those people who are lawfully within the country.

In this bill, there is a tremendous amount of money to be made available for millions of people and thousands of business entities, and as we are all aware these dollars are very hard to come by. I do not think there is a Member of this body who would argue that individuals who are in this country unlawfully ought to be entitled to receive any Federal benefits. Absent greater enforcement of the existing laws, absent some type of reasonable agency action to verify the legal immigration status of an applicant, it is likely that individuals who are in this country unlawfully will avail themselves of some of the Federal benefits made available under this bill. I ask my colleagues to join me in supporting this amendment that will prevent fraud and ensure that those who play by the rules are rewarded for doing so.

The PRESIDING OFFICER. Is there further debate on the amendment offered by the Senator from Nevada?

Mr. COCHRAN. Mr. President, it is my understanding that a Senator who is not in the Chamber wishes to speak on the amendment, and that he will be here momentarily. I know of no other Senators on this side of the aisle who desire to speak.

It is our understanding that the managers are prepared to recommend that the Senate accept this amendment. Pending the arrival and the confirmation of that in the Chamber by the distinguished Senator from Arkansas, if there is no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I rise in support of the amendment.

One of the issues that has become so very important to the general public during economically difficult times is that of providing publicly funded benefits to persons who are unlawfully in the country.

This amendment will require persons or agencies distributing federally funded benefits to make a reasonable effort to determine the lawful status of persons applying for the assistance.

Although it is intended to deny illegal aliens federally funded benefits, it will not deny them food, medicine or shelter, if required on an emergency basis.

We passed a similar amendment to improve the integrity of the earthquake relief supplemental appropriations bill in January, and for the same reasons we passed that measure, we should accept this amendment.

The PRESIDING OFFICER. Are there further amendments?

Mr. BUMPERS. Mr. President, we have no objection to the amendment by the Senator from Nevada.

Mr. COCHRAN. Mr. President, we recommend the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not the question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 2310) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I send an amendment to the desk which has been cleared on both sides.

The PRESIDING OFFICER. The Chair would inform the Senator from Arkansas that there is a pending amendment.

Mr. BUMPERS. I ask unanimous consent that the pending amendment be set aside temporarily so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2311

Mr. BUMPERS. Mr. President, I send an amendment to the desk, which has been cleared on both sides, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. COCHRAN, proposes an amendment numbered 2311.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 56, line 19, strike "$198,000,000" and insert: "$297,000,000".

On page 57, line 3, strike "$40,000" and insert "$60,000".

The PRESIDING OFFICER. Is there debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2311) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I see Senator BROWN. I want very much for him to be recognized. It would be handy to go ahead I think and recognize the Senator from Colorado. I will ask the Senator from Colorado if he would yield to me for a discussion of how many amendments we have remaining.

Mr. FORD. Mr. President, reserving the right to object, the Senator's amendment has a great deal of my interest, I say to the floor manager. I would not want to lose my right to the parliamentary procedure here by yielding back to the Senator from Arkansas to get back to the Senator from Colorado, and that would be a unanimous-consent agreement. I do not want to agree to that right now. I say that to my friend, unless he wants a quorum call. I will be glad to visit on that.

Mr. BUMPERS. Mr. President, I would like to have now the attention of my distinguished colleague and ranking member while we talk just a moment about what we have left to do here.

I am talking now about the amendments that are likely to require rollcall votes. Mr. President, I am not sure these amendments are in sufficient order to take up the time of the Senate to discuss them. But I will just mention a few of the amendments as I have them that are likely to require rollcall votes.

The first one is by Senator LAUTENBERG. If I could have the attention of the Senator from Kentucky, there is an amendment by Senator LAUTENBERG which would restore House language on tobacco research.

Mr. FORD. Mr. President, I say to the floor leader that I have been able to discuss this amendment with the distinguished Senator from New Jersey. He is fencing tobacco. But he is allowing us to continue research on alternate crops and other things. We have a colloquy which we would be willing to put into the RECORD. So I was able to sit down and to work it out with the Senator from New Jersey, and am more than willing to allow it to go through under those circumstances, I say to the floor manager.

Mr. BUMPERS. Mr. President, I understand the Senator from North Carolina has an additional amendment. I do not know what amendment it is. I do not know whether it is controversial nor whether it will require a rollcall vote.

There is an amendment by Senator HATCH which would curb the amount of money the FDA is using for cellular phones. I do not know whether Senator HATCH is going to offer that amendment or not.

There is another amendment by Senator MURKOWSKI which would raise the $50 million cap on the business and industrial loan program of the Farmers Home Administration which, if it is offered, might require a rollcall vote.

Then there is an amendment by the Senator from Georgia [Mr. COVERDELL], to advance efficiency payments to farmers in the areas that have been recently devastated by floods in Alabama, Georgia, Florida, and perhaps one other State.

There is an additional amendment by Senator COVERDELL. But I am not sure what it is.

Then I have on my list two amendments by Senator CONRAD—I understand those are no longer relevant.

Then there is an amendment by Senator DANFORTH, and all my note says is "grain." I do not know what that amendment is.

Then there is the amendment of the Senator from Colorado on tobacco.

Mr. President, I do not see all that much involved here in disposing of these amendments. It seems to me that we are likely to have about 5 amendments that are going to require rollcall votes. But the principal purpose of reading the list as I have them is to encourage any other Senators who have amendments, if it is not on this list, to let us know as quickly as possible because I am quite sure the majority leader is going to want to get an agreement as early as possible, possibly tonight or in the morning, to make this an exclusive list so we can finish this bill at the earliest possible time tomorrow.

Does the Senator from Mississippi wish to add anything, if I misstated anything on any of those amendments?

Mr. COCHRAN. Mr. President, if the distinguished Senator will yield, our Cloakroom has put out a request of all Republican Senators to let us know about amendments that they plan to offer to the bill. I can recite to the manager the list that this hotline produced of amendments by the following Senators:

Senators COVERDELL; COCHRAN; DOLE; DANFORTH; MURKOWSKI; BROWN, two amendments; MCCAIN; HATCH; HELMS, two amendments; MCCONNELL, two amendments; SPECTER, and GRAMM.

If any Senators on this side of the aisle plan to offer amendments that were not disclosed in this statement that I just made, I hope they will please let me know. But I do have that list that I can provide to the manager at this time.

Mr. BUMPERS. Mr. President, the list that the Senator from Mississippi just read is considerably greater and more comprehensive than I had anticipated. I see no point in pursuing this any further this evening. I do not think we can get an agreement on anything. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Heflin amendment.

Mr. BROWN. I ask unanimous consent to set aside the Heflin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I call for the regular order, and I ask unanimous consent to move to the committee amendment on page 32, line 20.

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BROWN. Obviously, at some point the committee amendments will be before us—

The PRESIDING OFFICER. The Chair informs the Senator that the parliamentary status is, the Senator having called for the regular order—the business before the Senate is the first committee amendment in a series of committee amendments on page 10, line 24.

Mr. BROWN. Mr. President, obviously, any Member is within his rights to object to moving to another part in the committee amendments. Obviously, we will reach those at some point. So my sense is that if Members are unwilling to grant us permission to move on to page 32, I assume we should go ahead and deal with the committee amendments prior to that at this point.

The PRESIDING OFFICER. The Chair informs the Senate that under the regular order, the amendment previously identified by the Chair is the first in the series of committee amendments to be considered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The first excepted committee amendment on page 10, line 24.

Mr. BUMPERS. Mr. President, I urge adoption of that amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the first excepted committee amendment on page 10, line 24.

The amendment was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2312

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of myself and Senator COCHRAN and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair would enquire of the Senator, does the Senator seek unanimous consent to set aside the pending committee amendment?

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside in order to offer this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, and I will not, I do not expect, but once this amendment is accepted, then we are back to where we are now before the Senator asked for the committee amendment to be set aside?

The PRESIDING OFFICER. If the agreement as outlined is agreed to, that will be the procedure.

Mr. FORD. I thank the Chair.

Mr. BUMPERS. I might advise the Senator from Kentucky, we have a series of about six amendments which have been cleared and agreed to. We will offer those seriatim.

Mr. FORD. That suits me fine. I do not want to slow up anything the Senator is trying to do. I am just trying to protect my own interests.

The PRESIDING OFFICER. Without objection, the unanimous consent request propounded by the Senator from Arkansas is agreed to.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. COCHRAN, proposes an amendment numbered 2312.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 24, strike "$1,500,000" and insert in lieu thereof: "$4,350,000";

On page 16, line 3, strike "$420,233,000" and insert in lieu thereof: "$423,083,000"; and

On page 83, strike lines 6 through 16 and insert in lieu thereof:

"SEC. 724. No funds shall be available in fiscal year 1995 and thereafter for payments under the Act of August 30, 1890, and the tenth and eleventh paragraphs under the heading "Emergency Appropriations" of the Act of March 4, 1907 (7 U.S.C. 321 et seq.).

Mr. BUMPERS. Mr. President, this amendment is technical in nature. In current law, there is a permanent appropriation under the Morrill-Nelson Act of $2,850,000 for higher education in agriculture. The House prohibited the permanent appropriation and instead appropriated the $2,850,000 outright to the Challenge Grant Program within the bill. The approach is supported by the land grant and other institutions.

The purpose of this amendment is to make this approach permanent so that these funds will always be part of the annual appropriations bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2312) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be temporarily laid aside in order to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2313

(Purpose: Add funds for ARS building and facilities and CSRS buildings and facilities)

Mr. BUMPERS. Mr. President, I send an amendment to the desk, which has been cleared on both sides. The amendment is on behalf of Senators HOLLINGS, GRAMM of Texas, and MURRAY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. HOLLINGS, for himself, Mr. GRAMM, and Mrs. MURRAY, proposes an amendment numbered 2313.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 12, line 23, strike "38,718,000" and insert: "$43,718,000".

On page 16, line 15, strike "59,836,000" and insert: "62,744,000".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2313) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside in order to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2314

(Purpose: To provide $1,726,000 for egg product inspection from appropriated funds rather than users fees)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of myself and Senator KERREY of Nebraska.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. KERREY, proposes an amendment numbered 2314.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 1, strike "533,929,000" and insert "$533,094,000".

Mr. COCHRAN. Mr. President, let me state my support for this amendment. It deals with a situation that relates to a user fee issue which the committee feels should be corrected and we recommend the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2314) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending amendments be set aside for the purpose of offering this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2315

(Purpose: To provide additional funding for the Soil Conservation Service's Conservation Operations and funding for grants for accommodating medical and special dietary needs of children with disabilities)

Mr. COCHRAN. Mr. President, on behalf of the Senator from Kansas [Mr. DOLE], I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DOLE, proposes an amendment numbered 2315.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 34, line 17, strike "$582,141,000", and insert "$591,049,000".

On page 71, line 3, strike "$767,156,000", and insert "758,248,000".

On page 61, line 18, after the word "Institute", insert the following ": Provided further, That $859,000 shall be available to provide grants to states for non-recurring costs in providing for the special dietary needs of children with disabilities".

SOIL CONSERVATION

Mr. DOLE. Mr. President, my congratulations to the chairman and ranking member for putting together this appropriations bill. I know they worked hard in developing a bill which would receive widespread support. As I indicated earlier, one of my concerns with the bill is the funding reduction for the Soil Conservation Service Conservation operations budget. The committee reduced funding by nearly $9 million. In the scheme of things, this amount may seem small. However, when we take a look at the impact on America's farmers, the consequences are significant.

In the 1985 Food Security Act, Congress established the Conservation Reserve Program, the Highly Erodible Land Program and the Wetlands Conservation Program. These programs directed America's farmers to develop plans in an effort to conserve soil and water on America's farmland. The results of these efforts in my home State of Kansas alone have been 121,000 miles of terraces constructed, 160,000 acres of waterways installed, and 2.9 million acres of permanent vegetation established. I believe most of us agree that these efforts have helped save millions of acres of soil and have improved water quality. Although these efforts reflect a great deal of progress, much remains to be done. In Kansas, 15,000 miles of terraces remain to be built, and 3,200 acres of waterways need to be installed just this year alone.

Farmers have done an excellent job of complying with the requirements of the 1985 farm bill. Working as partners with the Soil Conservation Service and local conservation districts, they have proven that as farmers, they are also environmentalists.

I believe Congress should send a message to the countryside that we are still supportive of efforts which conserve soil and water. My amendment restores funding for the Soil Conservation Service Conservation Operations budget to last year's level. We can not expect farmers to implement conservation plans without some type of technical assistance. The nearly $9 million cut in funding for this program takes us in the wrong direction and I believe sends the wrong message.

I ask my colleagues to join me in supporting this amendment. This money will assist producers in their efforts to be good stewards of the land.

GRANTS FOR ACCOMMODATING MEDICAL AND SPECIAL DIETARY NEEDS OF CHILDREN WITH DISABILITIES

Mr. DOLE. Mr. President, Senator LEAHY and I are concerned that many of our Nation's school children are not participating in the National School Lunch and School Breakfast Programs because they have disabilities or eating disorders that prevent them from eating the meals as served.

In compliance with USDA child nutrition regulations and section 504 of the Rehabilitation Act of 1973, many schools around the country are working to make the programs accessible to these children. However, to accomplish this task these schools need specific technical guidance.

Section 123 of the Better Nutrition and Health for Children Act of 1994 requires USDA to provide guidance to assist schools and other institutions in accommodating the special dietary needs of these children. The guidance will give meal providers a greater understanding of how they can meet these needs. In many cases, accommodation may require no more than substituting fruit for a piece of cake or making available a special plate or cup. In other cases, the preparation of special meals may be necessary. The guidance will help providers determine what is appropriate for each child.

Section 123 also contains an authorization of $1 million for grants to States to cover nonrecurring costs associated with accommodating special needs children. These funds would be awarded on a competitive basis and could be used to purchase items such as special feeding and food preparation equipment. Other appropriate uses would be for providing training or purchasing education videos, manuals or other training materials which deal with accommodating children with special dietary needs.

Mr. President, I would like to offer an amendment to fund these grants at the level of $859,000. I am concerned that this segment of the school population is not being addressed in the current nutrition education guidance issued by USDA. A popular maxim among those of us here in Congress who actively support school meal programs is that a hungry child cannot learn. This is doubly true of children with special dietary needs. For a child with diabetes or severe allergies, appropriate nutrition can mean the difference between sickness and health. For a child with a severe disability, appropriate nutrition can mean the difference between being alert and responsive or passive and withdrawn. These grants will assist the food service community in providing for the special needs of these children.

Mr. President, in closing I want to thank the distinguished chairman of the Agriculture Committee, Senator LEAHY, for his support and cooperation in this effort to meet the needs of children with disabilities. This focused attention to their needs will assure their full participation in the child nutrition programs. I urge my colleagues to give their support.

Mr. LEAHY. Mr. President, I am very pleased to join with the distinguished Republican leader on this amendment to help schools assist students with disabilities so that these students will enjoy the benefits of the school lunch program.

Senator DOLE has my full support and I commend him for his efforts this year, and in prior years, to make certain that all Americans live up to their full potential. The child nutrition bill—the Better Nutrition and Health for Children Act—authorizing funding for this important purpose and this amendment gets the job done.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2315) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside temporarily in order to offer an amendment.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

AMENDMENT NO. 2316

(Purpose: To increase funding for the Great Plains Conservation Program, with an offset)

Mr. BUMPERS. Mr. President, I send an amendment to the desk for Mr. CONRAD and myself and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. CONRAD, for himself and Mr. BUMPERS, proposes an amendment numbered 2316.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 38, line 15, strike "$11,672,000" and insert "$18,672,000".

On page 71, line 3, strike "$758,248,000" and insert "$754,587,000".

On page 71, line 21, strike "$159,708,000" and insert "$163,369,000".

Mr. CONRAD. Mr. President, my amendment would restore $7 million in funding for the Great Plains Conservation Program. The program, run by USDA's Soil Conservation Service, offers long-term technical assistance and cost-sharing to help protect agriculture lands in this region. The contracts, 3 to 10 years in length, allow landowners and operators to apply soil and water conservation resource management systems suited to their own needs.

The program is used by over 600 farmers and ranchers in North Dakota alone. It is a unique program targeted to total conservation treatment of entire farm or ranch units with the most severe soil and water resource problems. Program participation is voluntary and is carried out by applying a conservation plan on the entire operating unit.

The Great Plains Conservation Program has been in operation since 1958 and has treated over 154 million acres. Funding for the program remained constant at about $20.4 million from 1987 to 1991 when funding was increased by about 20 percent.

I appreciate the support of the chairman of the Agricultural Appropriations Subcommittee Mr. BUMPERS and the ranking member Mr. COCHRAN in this effort.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2316) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be set aside in order to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2317

(Purpose: To permit the Secretary of Agriculture to make available certain amounts for FmHA farm ownership or operating loans)

Mr. BUMPERS. Mr. President, on behalf of Senator CONRAD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. CONRAD, for himself, Mr. LEAHY, and Mr. DORGAN, proposes an amendment numbered 2317.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, line 25, insert before the period the following: ": *Provided*, That, notwithstanding any other provision of law, from the date of enactment of this Act until September 30, 1994, the Secretary of Agriculture—

"(1) may transfer funds so as to make available—

"(A) the amounts that would otherwise be available for gross obligations for the principal amount of farm ownership, operating, or emergency loans; and

"(B) the amounts that would otherwise be available for the cost of farm ownership, operating, or emergency loans (including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a));

for any of such gross obligations or such costs; and

"(2) may not expend any funds, or disburse any new loans, after September 30, 1994, made available by a transfer described in paragraph (1) for fiscal year 1994".

Mr. CONRAD. Mr. President, I am offering an amendment today on behalf of myself and Senators LEAHY and DORGAN. This amendment would allow the Secretary of Agriculture to shift unused funds from various Farmers Home Administration [FmHA] farmer programs to its direct and guaranteed operating loan programs and other underfunded farmer loan programs.

FmHA is already out of money for direct operating loans for fiscal year 1994. This shortfall is due to very high demand for the program, FmHA's renewed commitment to assisting borrowers, and interest rates changes that have reduced the amount FmHA can lend with the credit subsidy appropriated. This program has been severely cut since 1985, when actual obligations were $3.6 billion—six times this year's levels.

There remains a very high, unmet demand for these loans. FmHA has no funds available to make approximately 3,000 direct operating loans for which it has already approved applications. In addition, more funding is needed for guaranteed operating loans because of a recent mandatory funding shift to the beginning farmer downpayment loan program. This amendment will allow FmHA to meet some of this demand.

While FmHA has some excess funds available in other programs, such as emergency loans and beginning farmer downpayment loans, it does not have the authority to shift significant amounts between accounts. This amendment will give the Secretary the authority to shift these funds as needed to fund direct and guaranteed operating loans and farm ownership loans. With this amendment, FmHA expects that it will be able to make an additional $54 million in direct operating loans and $150 million in guaranteed operating loans.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2317) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I rise in support of the agriculture, rural development, and related agencies appropriations bill as reported by the Senate Appropriations Committee.

The Senate-reported bill provides $67.4 billion in new budget authority and $43.1 billion in new outlays for the Department of Agriculture, Food and Drug Administration, and related agencies for fiscal year 1995.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate-reported bill totals $58 billion in budget authority and $50.2 billion in outlays for fiscal year 1995.

Based on CBO estimates, the Senate subcommittee is $525.3 million in budget authority below the subcommittee's 602(b) allocation and essentially at the subcommittee's outlays allocation. The Senate-reported bill is $561.6 million in budget authority and $266.9 million in outlays below the President's request.

I recognize the difficulty of bringing this bill to the floor under a constrained 602(b) allocation.

I commend the distinguished subcommittee chairman and ranking member for their support of $3.47 billion for the WIC Program, an increase of $260 million over the 1994 level.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

Mr. President, the House-passed bill included $5 million for the Colorado River Basin Salinity Control Program which is $3.4 million below the President's request and $8.8 million below the current level. This bill does not provide funding for this program.

This program assists landowners and others in the Colorado River Basin in establishing irrigation management systems and related lateral improvement measures to decrease salt load and sedimentation levels in the Colorado River.

This enhances the supply and quality of water available for use in the United States and the Republic of Mexico.

I would respectfully appreciate the support of the chairman and ranking member for this program in conference.

I urge the adoption of the bill.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 2294 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. BROWN. Mr. President, at the appropriate time, I will offer an amendment that is designed to make sure that the new tobacco subsidy program that is incorporated in the agreements with regard to trade is amended so that we make a clear policy that there can be no net tax consequence or no cost to the taxpayer.

My hope had been to move to that section of the bill where I am allowed to offer my amendment tonight. We have already tried to do that. Permission was denied. I wanted to alert the body that I am going to persist in this effort to make sure that the taxpayer is not stuck with additional costs because of protectionist trade practices.

There are specific provisions in article 28 under the GATT which allows for a compensation to other countries that are impacted by restricted trade practices. It is very clear that the restrictions on tobacco fall into that category. It is quite clear that they will result in retaliation against America; that the taxpayers or other products will be impacted by that. The substance of my amendment will simply be to make it clear there is no net cost to the U.S. taxpayers for this protectionist action.

Mr. President, I simply want to make clear that we intend to pursue this. It is unfortunate we cannot move ahead tonight. This certainly is not going to be a reason to back down or fail to offer this alternative.

The last observation I want to make, I understand distinguished Members standing up for their State, and I understand their good will and effort and sincerity in that effort, but there is another factor that I must say I truly believe. Insisting that tobacco sell for a price in this country dramatically higher than it does around the world, when you have in existence a GATT agreement and a variety of other agreements, including the North American Free-Trade Agreement, that that runs counter to, is a losing policy. It is a losing policy because if it costs significantly more to buy American tobacco, and you do not allow other tobacco in the country, you simply are going to move the processing of tobacco out of the country.

So, if we continue on this current policy, or we continue on the protectionist attitude toward tobacco, what we will do is not only lose those jobs that process tobacco, but we will also lose the entire tobacco program and the tobacco growth here. The reason we will is, in spite of the protectionist efforts, we will have moved the customer offshore. There is no restriction on sending in the finished product. Until there is, there is simply no way to achieve what the folks have tried to in this area.

Lastly, Mr. President, let me say I think it is terribly important that we as a country commit ourselves to compete long range. To begin to believe that we can hide from competition, that we can sell off our markets, that we can artificially price our commodities, I believe, is a mistake.

No one in the world is as efficient or productive in growing tobacco as Americans. We are the ones who showed the world how to do it. We were the colonies that prospered, when no other crop seemed to grow well. We are the people who know how to compete better than anybody in the world.

I believe the sooner we move to a competitive policy in this area, the better off this Nation will be.

Is it a painful transition? Yes. But to believe that it is in the long-term interest of tobacco growers to hide from the market and to run manufacturing offshore, I believe, is a mistake.

I yield the floor, Mr. President.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, it sounds good, they are doing things, and we want to be competitive, and all that. The Senator from Colorado fundamentally misunderstands what the article 28 process is all about. His proposal does not even fit in the negotiations and the tariffs that are used under GATT.

So we talk about paying, are you going to pay another country cash? Are you going to send them a check? That is not the way you do trade. Our trade representative is attempting to negotiate the best possible deal to subsidize markets without requiring any compensation to any country. Compensation is mere hypothetical because the outlined strategy by our trade representative is for zero competition.

If my colleague from Colorado would like to know something about tobacco, would like to know something about world trade, or wants to know something about taxes, wants to know something about tariffs, wants to know something about nontariff restrictions, here are 132 pages, single spaced, what other countries do to us. And you are trying to move in and make it even worse—132 pages of restrictions, taxes and tariffs that other countries do.

I want to tell you, Mr. President, the understanding here is that we try to be fair, we try to help everyone. There is nothing fair about this amendment at all.

I wish to say one thing. When we start talking tomorrow, it may be a while because I intend to see, No. 1, that this amendment that the Senator from Colorado has does not pass; No. 2, if it gets into a position at some point that this amendment passes, the Senate will vote on increased grazing fees. We may not get it on as a second-degree, may not get it on this way, but I promise Senators that they will have a chance, if this amendment is passed, to vote on increased grazing fees before this bill is passed.

I yield the floor.

Mr. BUMPERS. Mr. President, I wish to move to reconsider the vote by which the committee amendments were adopted en bloc yesterday.

Mr. COCHRAN. I move to lay that motion on the table, Mr. President.

Mr. BROWN. Reserving the right to object, I wonder if the distinguished floor leader would advise me as to what particular committee amendments those were?

Mr. COCHRAN. To respond, if the Senator will yield, these are the amendments that were adopted yesterday en bloc. There were several amendments that were excepted from the en bloc adoption, and this motion to reconsider simply is a technical step to ensure that that is final action by the Senate.

Mr. BROWN. I thank the Senator for his explanation.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, it is my intention, at the appropriate time, to move to table two Committee amendments to this bill or have the floor managers do this. This action will restore House language that prohibits the Department of Agriculture from spending money on research related to the production, processing or marketing of tobacco products.

Mr. President, I want to make one thing clear up front. My tabling motions, if successful, will not prohibit the expenditure of funds for research on converting tobacco producing farms to farms that grow alternative crops. I support these efforts and I sympathize with those tobacco farmers who desire to convert their fields and grow other crops. I also want to make clear that the House prohibition does not cover health and safety research grants for tobacco farmers and those who work in tobacco fields.

Mr. President, for many years, Congress has funded USDA research to help the tobacco industry better produce tobacco. Some of these grants were given out to universities and USDA research stations to help the tobacco industry better grow tobacco. In effect, the U.S. Government is encouraging and promoting tobacco products through this research.

At the same time, we spend millions of dollars discouraging the use of the same product. The Department of Health and Human Services spends approximately $140 million each year for this purpose. How ironic! How stupid!

But to make matters worse, we spend approximately $21 billion a year in Medicare and Medicaid expenses for the health care costs of those who suffer from tobacco-related illnesses.

Mr. President, the American people simple do not understand this contradiction. Why do we spend money promoting a product at the same time we spend money trying to discourage the use of the very same product? Mr. President, I do not have an answer to this question. I do not think anyone has an answer.

Mr. President, if we restore the House language, we will in effect cut $7 million in taxpayers money that is being spent by USDA to promote the production of tobacco. This language passed the House without opposition. President Clinton proposed eliminating half of this money in his fiscal year 1995 budget submission. Now it is time for the Senate to go on record to cut all $7 million of USDA tobacco-related research.

Mr. President, some of my colleagues may wonder why I often take the floor to fight against tobacco use and the tobacco companies. If anyone thinks taking on this fight is easy—I can say candidly that it is not. I take the floor time and time again because tobacco-related illness is the largest cause of premature death in this country. In 1993, it caused approximately 420,000 premature deaths. This is more deaths each year than those that result from alcohol, heroin, crack, automobile and airplane accidents, murders, suicides, and AIDS—combined.

Furthermore, recent reports revealed in the newspapers and at House hearings indicate that the tobacco companies have manipulated the nicotine levels in their cigarettes to keep people addicted for life.

And the tobacco companies claim that nicotine is only to enhance the flavor of a cigarette. But the Commissioner of the FDA, David Kessler, a pediatrician, states that nicotine is an addictive drug. A drug more addictive than cocaine. It is no wonder that when teenagers start to smoke, they end up being adult smokers.

Mr. President, even the general counsel for the Brown and Williamson tobacco company stated 31 years ago in an internal memo that

> We are, then, in the business of selling nicotine, an addictive drug in the release of stress mechanism.

This is not a government official calling nicotine an addictive drug—not an antismoking advocate. This is a tobacco company employee.

Mr. President, as some may know, the tobacco industry has put together a front group called the Council for Tobacco Research. According to press reports, this front group was established in 1954, by the industry in consultation with major public relations firm, to supposedly fund scientific research on tobacco. Each year, the council funds approximately $20 million a year in so-called independent research on tobacco.

I would say to my colleagues, if the $7 million in USDA research is important to the tobacco industry and to the farmers who they buy tobacco from, then the Council for Tobacco Research should use some of their $20 million a year they have to pay for it. If not, I am sure that the seven tobacco companies, whose profits are estimated at over $7 billion annually, could find some extra money to pay for the $7 million in USDA tobacco-related research.

Mr. President, we are living in a new era—one of increased awareness about the dangers of tobacco use. In 1964, the Surgeon General Luther Terry issued the first surgeon general's report on the dangers of smoking. Since then, there have been over 20 additional surgeon general reports documenting the dangers of smoking. Furthermore, there have been over 40,000 studies that have showed causation between smoking and illnesses like heart disease and lung cancer.

Mr. President, since that first surgeon general's report we have lost over 9 million people to tobacco-related illnesses—9 million people lost. This is a tragedy. Our Government should do whatever it can to discourage tobacco use. We should raise the excise tax on tobacco products to help pay for health care reform and discourage tobacco use among young people.

We should strongly consider having the FDA regulate cigarettes as a drug. Currently, the FDA regulates nicotine patches for those who are trying to quit smoking but does not regulate the nicotine in cigarettes that killed 420,000 persons in 1993. We spend FDA resources to regulate drugs that try to save lives but don't regulate a product that takes lives. This doesn't make any sense.

We should also pass legislation to protect people from breathing second-hand smoke—a group A carcinogen that causes 3,000 lung cancer deaths per year and thousands of respiratory illnesses each year in our children. As my colleagues may know, I authored the law that banned smoking on airplanes. In addition, earlier this year, the Congress passed a provision in the Goals 2000 bill that I wrote that prohibits smoking in public schools, day care centers and other federally funded programs that serve children.

Mr. President, in conclusion, I urge you to support my efforts to cut Federal funding for tobacco-related research. This will save $7 million and send a signal to the American people that we will no longer promote a product that kills.

Mr. LAUTENBERG. Mr. President, it is my intention now to move to table two committee amendments to this bill which would restore House language tied to the Agricultural Research Service [ARS] and the Cooperative State Research Service [CSRS] that states "none of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing, or marketing of tobacco products," But before I do that, I would like to enter into a colloquy with the distinguished Senator from Kentucky, the majority whip.

Mr. FORD. I thank my colleague. Mr. President, the Senator from New Jersey seeks to table the two mentioned committee amendments to this bill. Since the referenced language is not specific, I would like to ask the distinguished Senator from New Jersey a few questions about the intent of the House language and his attempts to restore it. First, it is the intent of the Senator from New Jersey to prohibit the use of ARS and CSRS funds for research related to using the tobacco plant as a model for various types of genetic and biotechnology research?

Mr. LAUTENBERG. No.

Mr. FORD. Is it the intent of the Senator from New Jersey to prohibit the use of ARS and CSRS funds for tobacco research related to the health and safety of tobacco workers and tobacco farmers?

Mr. LAUTENBERG. No.

Mr. FORD. Is it the intent of the Senator from New Jersey that his amendments would not prohibit ARS and CSRS from funding tobacco-related research relating to the development of alternative crops for farmers who grow tobacco?

Mr. LAUTENBERG. No.

Mr. FORD. Is it the intent of the Senator from New Jersey to reduce the overall funding level of the Cooperative State Research Service?

Mr. LAUTENBERG. No.

Mr. FORD. I thank my friend from New Jersey for taking the time to clarify his intentions.

Mr. LAUTENBERG. I thank my friend from Kentucky. I think we have reached a reasonable compromise on this issue. I appreciate his willingness to work together with me on this issue and many others. Mr. President, at this time I move to table the committee amendment on page 12 lines, 14 to 17 and the committee amendment on page 16, lines 4 to 7. I understand that there is no request for the yeas and nays, so I move that the two amendments be tabled en bloc by voice vote.

Mr. BUMPERS. Now, Mr. President, I move to table the committee amendment at page 12, lines 14 through 17. As I understand it, that is the pending amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the motion.

The motion was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I urge adoption of the committee amendment on page 16, line 3.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The committee amendment was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the committee amendment on page 16, line 4.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Arkansas suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators allowed to speak therein up to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER MILWAUKEE MAYOR HENRY W. MAIER

Mr. FEINGOLD. Mr. President, the city of Milwaukee is well known for its diverse ethnic communities, celebrations of those neighborhoods, and innovative political leaders. This past Sunday, July 17, 1994, former Milwaukee Mayor Henry W. Maier, a leader who embraced the city, passed away.

Henry W. Maier was a Democrat who served the people of Wisconsin and Milwaukee from 1950 to 1960 as a State senator and subsequently as mayor of the city of Milwaukee for 28 years.

Mayor Maier was one of the leading mayors in the country advocating urban development. He created the first formal City Government Economic Development Agency in the Nation, and established the Social Development Commission to address the concerns of the elderly, young, and low-income citizens of Milwaukee. During Mayor Maier's term, Milwaukee won the Nation's top award in the Keep America Beautiful Campaign. His legacy continues as the highways in Milwaukee are graced with wildflowers.

Like so many other Wisconsin political leaders, Mayor Maier was extremely active in the city's civic programs and recognized the diversity of the State, especially in Milwaukee. Milwaukee is affectionately known as the City of Festivals, due largely in part to Mayor Maier's efforts to celebrate the city's ethnic communities. As mayor, he established Summerfest in 1968 and promoted the various other ethnic festivals which today are celebrated annually on Milwaukee's lakefront grounds now named in his honor.

Mayor Norquist, a Democrat who succeeded him praised Maier as a man who stood up for Milwaukee. Former Mayor Zeidler observed that Maier was "the most powerful mayor in the history of the city" according to the Wisconsin State Journal.

On Sunday, Mayor Maier died from complications of pneumonia at his home. As we continue to strive for a new urban agenda for our U.S. cities, the people of Milwaukee will fondly remember Henry W. Maier and his dedication. The people of Milwaukee are deeply thankful for his lifetime of public service and will miss his presence.

MAYOR HENRY W. MAIER

Mr. KOHL. Mr. President, earlier this week, former Milwaukee Mayor Henry W. Maier died in the privacy of his home with his wife Dr. Karen at his side. But the solitude of the mayor's passing gives rise to the recognition of a great legacy that few in government or politics could ever hope to achieve.

"The Mayor" is how the people of Milwaukee fondly referred to their leader of 28 years. Henry W. Maier was a Milwaukee Nationalist, a fighter—he was the people's mayor and in the course of his tenure became a spokesman for all of urban America.

Throughout his career, the mayor battled for resources for our cities. He led the fight for general Federal revenue sharing, urban development action grants and many other programs aimed at improving the lives of the working men and women who dwell in our cities.

In Milwaukee, he made sure that the city government was efficient—that the garbage was picked up, the snow was removed and that police and fire protection was always there when the people needed them. He operated a lean city government maintaining a high level of service without breaking the backs of the taxpayer or sacrificing Milwaukee's long-heralded financial rating. He was on the front lines every day battling for his fellow Milwaukee citizens.

And the mayor served with honor and dignity providing clean and honest government to the citizens he was elected seven times to represent.

It's with great sadness that I say goodbye to a great Milwaukeean and great American—Mayor Henry W. Maier.

REPORT ON CONTINUATION OF THE NATIONAL EMERGENCY WITH IRAQ—MESSAGE FROM THE PRESIDENT—PM 134

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1994 to the FEDERAL REGISTER for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 19, 1994.*

MESSAGES FROM THE HOUSE

At 4:50 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 537. An Act for the relief of Tania Gil Compton.

S. 1880. An Act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes; and agrees to a conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House:

From the Committee on Science, Space, and Technology for consideration of the House bill (except sections 211-214 and 504), and the Senate amendment (except title XI, sections 221, 303(d), 504, and 601-613), and modifications committed to conference: Mr. BROWN, Mr. VALENTINE, Mr. ROEMER, Mr. MCHALE, Mr. BECERRA, Mr. WALKER, Mr. LEWIS of Florida, and Mr. ROHRABACHER.

From the Committee on Science, Space, and Technology for consideration of sections 211-214 and 504 of the House bill, and sections 221, 303(d), 504, and 601-613 of the Senate amendment, and modifications committed to conference: Mr. BROWN, Mr. VALENTINE, Mr. BOUCHER, Ms. ESHOO, Mr. BECERRA, Mr. WALKER, Mr. BOEHLERT, and Mr. BARTLETT of Maryland.

From the Committee on Science, Space, and Technology for consideration of title XI of the Senate amendment, and modifications committed to conference: Mr. BROWN, Mr. VALENTINE, Mr. ROEMER, Mr. MCHALE, Mr. BECERRA, Mr. KLEIN, Mr. BOUCHER, Mr. WALKER, Mr. LINDER, Mr. HOKE, and Mr. BAKER of California.

As additional conferees from the Committee on Banking, Finance and Urban Affairs for consideration of sections 331-337, 341-361, 503(a) (4) and (5), 5039(b) (5) and (6) of the House bill, and sections 216, 306, and 307, the second 503(4), 1002, 1004, 1011, and title XI of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Mr. KANJORSKI, and Mr. RIDGE.

As additional conferees from the Committee on Education and Labor for consideration of sections 346 and 407 of the House bill, and title XI, sections 211 and 212 insofar as said sections relate to workforce training and labor, sections 410, 604, 607-613, 1201, 1202, and 1302 of the Senate amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. WILLIAMS, and Mr. GOODLING.

As additional conferees from the Committee on Government Operations for consideration of title XI and section 1301 of the Senate amendment, and modifications committed to conference: Mr. CONYERS, Mr. TOWNS, and Mr. CLINGER.

As additional conferees from the Committee on the Judiciary for consideration of that portion of section 205 adding section 304(g) to the Stevenson-Wydler Technology Innovation Act of 1980, and section 361 of the House bill, and title IX, section 307, that portion of section 603 of adding section 101(d) to the High-Performance Computing Act of 1991, sections 1005-1009, 1011-1013, and 1303 of the Senate amendment, and modifications committed to conference: Mr. BROOKS, Mr. SYNAR, and Mr. FISH.

MEASURES REFERRED

The following bill, previously received from the House of Representatives, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3817. An Act to amend the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3068. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Electric and Hybrid Vehicles Program for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC-3069. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-3070. A communication from the Assistant Secretary of Energy (Office of Policy), transmitting, pursuant to law, the report entitled "Costs and Benefits of Industrial Reporting and Voluntary Targets for Energy Efficiency"; to the Committee on Energy and Natural Resources.

EC-3071. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of a Presidential Determination relative to Haitian migrants; to the Committee on Foreign Relations.

EC-3072. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements, other than treaties; to the Committee on Foreign Relations.

EC-3073. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-270 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3074. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-271 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3075. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-272 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3076. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-273 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3077. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-274 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3078. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-275 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3079. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-276 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3080. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-277 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3081. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-278 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3082. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-279 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3083. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-280 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3084. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-281 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3085. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-282 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3086. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-283 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3087. A communication from the Comptroller General, transmitting, pursuant to law, the report of the audit of the financial statements of the Federal Deposit Insurance Corporation for calendar years 1992 and 1993; to the Committee on Governmental Affairs.

EC-3088. A communication from the Office of Special Counsel, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Governmental Affairs.

EC-3089. A communication from the Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, a draft of proposed legislation to create an exception to Title 18 concerning acts of violence against civilian aircraft; to the Committee on Governmental Affairs.

EC-3090. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report concerning the status of children in Head Start Programs; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 2296. An original bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans (Rept. No. 103-317).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary.

John R. Schmidt, of Illinois, to be Associate Attorney General.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATFIELD (for himself, Mr. SIMPSON, and Mr. WELLSTONE):

S. 2294. A bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 2295. A bill to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 2296. An original bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; from the Committee on Labor and Human Resources; placed on the calendar.

By Mr. METZENBAUM (for himself, Mr. THURMOND, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. SIMON, Mr. SIMPSON, and Mr. GRASSLEY):

S. 2297. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. LUGAR):

S. 2298. A bill to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agricultural exports and for other purposes to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG:

S. Con. Res. 72. A bill expressing the sense of the Congress that the President should refrain from signing the seabed mining agreement relating to the Convention on the Law of the Sea; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD (for himself, Mr. SIMPSON and Mr. WELLSTONE):

S. 2294. A bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes; to the Committee on Labor and Human Resources.

THE MORRIS K. UDALL PARKINSON'S RESEARCH, EDUCATION AND ASSISTANCE ACT OF 1994

Mr. HATFIELD. Madam President, today I am privileged to introduce legislation that both honors a man worthy of great esteem and strives to improve a vital Federal research program. The Morris K. Udall Parkinson's Research, Education and Assistance Act of 1994 is the first effort to strengthen the Federal Parkinson's disease research program and is desperately needed to fight this cruelly debilitating disease.

Mo Udall served the United States and the people of Arizona as the Congressman from the Second District for 30 years. Mo's integrity, his intellect, his deep commitment to public service, and his famous wit made him one of the most revered public servants of the last few decades.

Mo Udall's brilliant career in Congress was cut short by Parkinson's disease. Diagnosed in 1980, Mo struggled with the neurological decay and decreased motor skills of the disease for years before he resigned from Congress in May 1991.

I could speak for days about Congressman Udall's legislative legacy. He will primarily be remembered for his stewardship of the public lands. As chairman of the Interior Committee and as a Congressman from the West, Mo helped set aside millions of acres of land as wilderness, including about half of the land of the great State of Alaska. He worked to reform mining law and to protect the rights of many Indian tribes.

Mo also had a great commitment to political reform. He worked to reform the rules of the House and to secure important campaign finance reform. He cared deeply about human beings and championed civil rights throughout his career. He was a friend and mentor to many and a champion to constituencies all across this country.

If Mo Udall was the only victim of Parkinson's disease, our Nation would have sustained a huge loss. But Mo Udall is not the only person to suffer with Parkinson's. Over 1 million Americans struggle with this degenerative neurological disorder—more than suffer from multiple sclerosis, muscular dystrophy, and Lou Gehrig's disease [ALS] combined. It is one of the most common of the chronic neurological diseases affecting older adults, and yet the cause, as well as the cure, remains unknown.

Parkinson's disease often begins with an occasional tremor in a finger or hand which becomes more frequent over time. Men are women are nearly equally affected by the disease and while the incidence of the disease is highest in those persons over 50, an increasingly high number of patients in their thirties and forties have early-onset Parkinson's.

The great tragedy of Parkinson's disease is that we need not suffer this enormous loss. There is tremendous potential for major scientific breakthroughs in the prevention and treatment of Parkinson's. Scientists have recently discovered evidence of genetic and neurotoxic links to the cases of the disease and new treatments, involving neural growth factors, tissue implants, and genetic engineering.

This potential, however, is stymied by the lack of investment in Parkinson's research. The Federal research effort into this devastating disease has been grossly underfunded. The Federal Government provides only about $30 million annually to Parkinson's research, compared to over $300 million of Alzheimers, and much more to diseases like cancer, heart disease, and AIDS. I have seen the dramatic benefits of a coordinated Federal strategy for Alzheimers research, and I know we can achieve great results by increasing our commitment to Parkinson's research.

The Morris K. Udall Parkinson's Research, Education and Assistance Act provides for the expansion and coordination of Parkinson's research and improves the care and assistance to victims and families. This bill creates a national council to coordinate Parkinson's research and charges the council and the Secretary of Health and Human Services with developing a coordinated research agenda. In addition, the bill would create 10 Parkinson's research centers to conduct research and enhance community awareness. Moreover, the bill creates new research grants and awards, a patient and family registry, and a National Parkinson's Disease Education Program.

Of course, the great challenge we face is to find the dollars in our Federal system to support increased Parkinson's research. This bill plots the roadmap for a coordinated Federal strategy for Parkinson's, but its future fate depends on the passage of proposal like the Harkin-Hatfield National Fund for Health Research. This proposal, now attached to the major vehicles for health care reform which are moving through the Senate, is expected to provide an increase of between $4 and 5 billion for the biomedical research infrastructure at the National Institutes of Health.

The Morris K. Udall Parkinson's Research, Education and Assistance Act is both a critical link in strengthening our ability to combat Parkinson's disease and a vivid reminder of the remarkable record, decency, and remarkable warmth of our friend from Arizona.

I would only like to close my brief comments and yield to my colleague from Minnesota, who is an original cosponsor. I want to say to those who ask the obvious and forthright question, "How are we going to fund this?" that we have a plan. We know now that the funding for our commitments of the moment far exceed our ability to maintain those commitments, at least when one considers the factor of inflation and other such factors. This is especially true with biomedical research, where the promising research far exceeds the available resources. This is what led Senator HARKIN of Iowa and myself to introduce what has come to be known as the Harkin-Hatfield National Fund for Health Research, a trust fund financed by a set aside from a premium surtax on health insurance policies. The income would be directed to a medical trust research fund.

This could produce, when it is fully implemented, $4 to $5 billion more for medical research at the National Institutes of Health.

This proposal has the broad support of the public, more than 70 percent of the public, agree with the statement: "I would be willing to pay more for my premiums," or "I would be willing to pay more in taxes," "if it were earmarked for medical research."

So we are very hopeful that the Harkin-Hatfield proposal on the research trust fund can be executed in this Congress, as well as this Mo Udall Parkinson's bill.

It is an honor for me to introduce this legislation today with the support of my friends, Senator SIMPSON and Senator WELLSTONE. Both of these colleagues of ours have firsthand experience, Senator SIMPSON's father and Senator WELLSTONE's mother and father both with Parkinson's. The House sponsor is Congressman HENRY WAXMAN joined by Congressman FRED UPTON. Together, we urge our colleagues in the House and Senate to join in this effort to stop the devastation of Parkinson's.

Madam President, I ask unanimous consent that the bill be printed in the RECORD, along with a section-by-section analysis, and support letters from members of the Parkinson's advocacy community.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morris K. Udall Parkinson's Research, Education, and Assistance Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Parkinson's disease and related disorders (hereafter referred to in this Act as "Parkinson's") is a neurological disorder affecting as many as 1,500,000 Americans.

(2) Approximately 40 percent of persons with Parkinson's are under the age of 60.

(3) While science has yet to determine what causes the disease, research has found that cells that produce a neurochemical called dopamine inexplicably degenerate, causing uncontrollable tremors, muscle stiffness, and loss of motor function.

(4) Eventually, Parkinson's renders its victims incapable of caring for themselves. In addition to causing disability and suffering for its victims, Parkinson's places tremendous and prolonged physical, emotional, and financial strain on family and loved ones.

(5) It is estimated that the disease costs society nearly $6,000,000,000 annually.

(6) To date, the federally funded research effort has been grossly underfunded. Only $30,000,000 is allocated specifically for research on Parkinson's, or only about one dollar for every $200 in annual societal costs.

(7) In order to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(b) PURPOSE.—It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for its victims and their family caregivers.

SEC. 3. BIOMEDICAL RESEARCH ON PARKINSON'S DISEASE.

Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end thereof the following new subpart:

"Subpart 4—Parkinson's Disease Research

"SEC. 485G. PARKINSON'S DISEASE RESEARCH.

"(a) EXPANSION OF BIOMEDICAL RESEARCH.—

"(1) COORDINATION COUNCIL.—The Director of the National Institutes of Health shall establish a council to coordinate Parkinson's research activities. Members of the council shall include the Director of the National Institutes of Health, the Director of the National Institute of Neurological Disorders and Stroke, the Director of the National Institute on Aging, the Director of the National Institute of Environmental Health Sciences, patient advocates, and representatives of other departments and agencies conducting or supporting research on Parkinson's.

"(2) NATIONAL CONSENSUS CONFERENCE.—The council established under paragraph (1) shall convene a National Consensus Conference on Parkinson's Disease and Related Neuro-degenerative Disorders to aid in the development of a broad-based strategy for identifying the cause of and treating such disorders.

"(3) RESEARCH AGENDA.—Not later than 180 days after the date of enactment of this section, and annually thereafter, the Secretary, in consultation with the council established under paragraph (1), shall develop and submit to the Energy and Commerce Committee and the Appropriations Committee of the House of Representatives and the Labor and Human Resources Committee and the Appropriations Committee of the Senate, a coordinated research agenda.

"(4) RESEARCH CENTERS.—The Secretary shall provide for the establishment of 10 Parkinson's Research Centers. Such centers shall—

"(A) conduct research into the cause, prevention, treatment, and management of Parkinson's;

"(B) disseminate clinical information concerning Parkinson's and provide patient care services;

"(C) provide training for health care personnel concerning Parkinson's;

"(D) coordinate research with other such Centers and related public and private research institutions;

"(E) develop and maintain, where appropriate, a tissue bank to collect specimens related to the research and treatment of Parkinson's; and

"(F) enhance community awareness concerning Parkinson's and promote the involvement of advocate groups.

"(b) MORRIS K. UDALL FEASIBILITY STUDY GRANTS.—The Secretary may award feasibility study grants under this section to support the development of preliminary data sufficient to provide the basis for the submission of applications for independent research support grants or establishment of a Center under this section.

"(c) MORRIS K. UDALL LEADERSHIP AND EXCELLENCE AWARDS.—The Secretary shall establish a grant program to support scientists who have distinguished themselves in the field of Parkinson's research. Grants under this subsection shall be utilized to enable established investigators to devote greater time and resources in laboratories to conduct research on Parkinson's and to encourage the development of a new generation of investigators, with the support and guidance of the most productive and innovative senior researchers.

"(d) PATIENT AND FAMILY REGISTRIES.—The Secretary shall establish a registry for screening and collecting patient and family data that may be useful in determining incidence and possible risk factors concerning Parkinson's.

"(e) MORRIS K. UDALL HEALTH PROFESSIONS TRAINING GRANTS.—The Secretary may award grants to schools of medicine, nursing, social work, and health services administration, and other appropriate institutions, for the provision of training and continuing education concerning health and long-term care of individuals with Parkinson's. In awarding grants under this subsection the Secretary shall ensure appropriate geographic coverage.

"(f) NATIONAL PARKINSON'S DISEASE EDUCATION PROGRAM.—The Secretary shall establish a national education program that is designed to foster a national focus on Parkinson's and the care of those with Parkinson's. Activities under such program shall include—

"(1) the bringing together of public and private organizations to develop better ways to provide care to individuals with Parkinson's, and assist the families of such individuals;

"(2) the provision of technical assistance to public and private organizations that offer support and aid to families caring for individuals with Parkinson's; and

"(3) the establishment of a clearinghouse that will diseminate the most up-to-date research, treatment, and training information to families, health professionals, and the general public concerning Parkinson's.

"(g) APPLICATION.—To be eligible to receive a grant or other assistance under this section, an individual or entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For carrying out the activities described in this section, there are authorized to be appropriated $75,000,000 for fiscal year 1996, $100,000,000 for fiscal year 1997, $200,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000. Of amounts so appropriated, the Secretary shall make available—

"(A) $10,000,000 for fiscal year 1996, $20,000,000 for fiscal year 1997, $30,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000, for establishing centers under subsection (a)(4); and

"(B) $2,000,000 for fiscal year 1996, $4,000,000 for fiscal year 1997, $6,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000 for carrying out feasibility study grants under subsection (b).

"(2) LEADERSHIP AND EXCELLENCE AWARDS.—For carrying out activities under subsection (c), there are authorized to be appropriated $10,000,000 for fiscal year 1996, $15,000,000 for fiscal year 1997, $20,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.

"(3) PATIENT AND FAMILY REGISTRIES.—For carrying out activities under subsection (d), there are authorized to be appropriated $2,000,000 for fiscal years 1996, 1997, and 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.

"(4) HEALTH PROFESSIONS TRAINING PROGRAMS.—For carrying out activities under subsection (e), there are authorized to be appropriated $2,000,000 for fiscal year 1996, $5,000,000 for fiscal year 1997, $8,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.

"(5) NATIONAL PARKINSON'S DISEASE EDUCATION PROGRAM.—For carrying out activities under subsection (f), there are authorized to be appropriated $2,000,000 for fiscal year 1996, $3,000,000 for fiscal year 1997, $4,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.".

SECTION-BY-SECTION SUMMARY

Section 1—Short Title: Morris K. Udall Parkinson's Research, Education, and Assistance Act of 1994.

Section 2—Findings and Purpose: Parkinson's disease and related disorders affect as many as 1.5 million Americans, with costs to society of nearly $6 billion annually. To date, the federal research effort has been grossly underfunded, providing about $30 million a year for research on Parkinson's. It is the purpose of this Act to provide for the expansion and coordination of research concerning Parkinson's, and to improve care and assistance for its victims and family caregivers.

Section 3—Biomedical Research on Parkinson's Disease: Amends Title IV, Part E of the Public Health Service Act (42 U.S.C. 287 et seq.) with a new Subpart 4—Parkinson's Disease Research.

A. Expansion of Biomedical Research:

1. Coordination Council—The Director of the National Institutes of Health (NIH) will establish a council to coordinate Parkinson's research, composed of various institute directors, patient advocates, and representatives of other agencies.

2. National Consensus Conference—The council will convene a conference to develop a research strategy for Parkinson's and related neuro-degenerative disorders.

3. Research Agenda—Within 6 months of this bill becoming law, the Secretary of Health and Human Services will consult the council and submit a coordinated research agenda to appropriate congressional committees.

4. Research Centers—The Secretary shall provide for 10 Parkinson's Research Centers, which will conduct research, disseminate clinical information, provide training for health care personnel, develop and maintain tissue banks, and enhance community awareness concerning Parkinson's. $10 million.

Udall Feasibility Study Grants: The Secretary may award grants to develop data to support applications for independent research support grants or establish of centers. $2 million.

Udall Leadership and Excellence Awards: The Secretary shall establish grants for scientists who excel in Parkinson's research. $10 million.

Patient and Family Registries: The Secretary shall establish a registry for collecting patient and family data. $2 million.

Udall Health Professions Training Grants: The Secretary may award grants to schools of medicine, nursing, social work, etc. to train and educate concerning health and long-term care on Parkinson's patients. $2 million.

Natl. Parkinson's Disease Education Program: The Secretary shall establish a national education program to provide technical assistance to advocacy groups, establish a clearinghouse to disseminate information, and facilitate public understanding of Parkinson's Disease. $2 million.

Authorization of Appropriations: The bill establishes a five-year authorization, and authorizes appropriations beginning in fiscal year 1996 Overall funding authorizations are: $91 million for FY96, $125 million for FY97, $234 million for FY98, and such sums as necessary for FY99 and FY20. Monies not specified in the areas above will be spent on general research.

WILLAMETTE COLUMBIA
PARKINSONIAN SOCIETY,
Portland, OR, July 18, 1994.

Senator MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Our organization enthusiastically supports the Udall Parkinsons research bill. For years we have been losing ground in the funds devoted to neurological research and, in the continued hope for improvement, this bill stands out as a true and sought-for step which we feel will produce some positive results. There are many current research indications that support this conclusion.

We feel the way the bill is constituted will allow for the maximum input to gain understanding and facilitate a cure or improved therapy.

That the bill carries Morris K. Udall's name is even more uplifting to the spirit of over one million talented Parkinsonians who want to remain productive in our society.

Thank you for your support of this bill.

Sincerely yours,

L.R. GREGER,
President.

UPPER MONTGOMERY
COUNTY PARKINSON'S GROUP,
Gaithersburg, MD, July 18, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of all Parkinsonians and their families living in the Greater Washington area, I wish to thank and commend you for introducing the Morris K. Udall Parkinson's Research and Education Bill.

Research in Parkinson's disease is reaching the point where significant breakthroughs toward understanding the nature and treatment of this ailment can be made. With increased research funds being made available on the federal level, it is possible that in our lifetime this crippling illness can be eradicated.

It is very fitting that the bill is named for Congressman Udall who has fought such a valiant battle against Parkinson's. It is hoped that the admiration and respect many members of Congress have for their esteemed colleague will insure the passage of this bill.

You can count on receiving our full support for the passage of this vital piece of legislation.

Sincerely,

DONNA J. DORROS.

OFFICE OF STEWART L. UDALL,
Santa Fe, NM, July 16, 1994.

Senator MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR MARK: A research program relating to causes and potential cures for Parkinson's disease is long overdue.

Mo's children and the whole Udall clan applaud the initiative embodied in the legislation you are introducing next week. Let us know what we can do to further your efforts on this front.

In friendship,

STEWART L. UDALL.

AXION RESEARCH FOUNDATION,
Hamden, CT, July 14, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Axion Research Foundation, its supporters, and researchers are most grateful to you and other supporters for the introduction of the Morris K. Udall Parkinson's Research and Education Act.

Our Foundation has played an important role in carrying out the funding important breakthroughs related to Neural Transplantation as a possible treatment for Parkinson's disease. We have recently helped to develop the first practical diagnostic test for Parkinson's disease, which should dramatically facilitate studies aimed at determining its cause. Other research areas also offer great promise at the present time. But it is clear that the combined efforts of the private sector and the federal government must increase to produce clinical benefits for patients and the reduction of health care costs which would result from a cure.

The Morris K. Udall Parkinson's Research and Education Act is a great step in the right direction and will be eagerly supported by patients, their families, and neuroscience researchers.

Sincerely,

D. EUGENE REDMOND, Jr.,
President.

YALE UNIVERSITY,
New Haven, CT, July 14, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: As Director of the Neural Transplantation Program for Parkinson's Disease at Yale University School of Medicine, I am writing to thank you and your other collaborators and supporters for the Introduction of the Morris K. Udall Parkinson's Research and Education Act.

There is great need for additional support of Parkinson's research by the Federal government to assure that tremendous scientific advances are able to move to the stage of treating and curing patients. Not only will this relieve suffering and loss of human life and potential, it will reduce the health care delivery costs of this disease.

I hope that the final legislation will actually add dollars to the funding relevant to this disease, and that any new administrative or coordinating activities not be initiated at the expense of the most important investigator-initiated basic science projects.

Sincerely,

D. EUGENE REDMOND, Jr.,
Professor and Director,
Neural Transplant Program.

THE AMERICAN PARKINSON
DISEASE ASSOCIATION, INC.,
Staten Island; NY, July 18, 1994.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: The American Parkinson Disease Association and the more than 1 million people who suffer from Parkinson's Disease commend and support the introduction of the Morris K. Udall Parkinson's Research and Education Act of 1994.

As you know, Parkinson's Disease is a long term debilitating neurological disorder which unfortunately, has no cure. Your introduction of this bill; the first legislative initiative to strengthen the federal Parkinson's research program, is a major step in the fight against Parkinson's and will address the need for scientific breakthroughs in treating Parkinson's.

While there have been recent Parkinson's research developments, limited federal investment in this area has slowed the pace of research activity and discovery. The current science in this area gives us hope that major breakthroughs in the cause and treatment of Parkinson's through expanded federal research support and a coordinated research agenda are possible. We can no longer ignore the tremendous scientific potential.

The American Parkinson Disease Association is dedicated to developing a greater understanding of Parkinson's Disease by funding research, sponsoring educational programs and medical symposiums, and raising public awareness. Until there is a cure for Parkinson's Disease, our work will continue. We look forward to working with you to achieve the breakthroughs urgently needed by Congressman Udall and the more than one million Americans who fight against this affliction.

Thank you for your leadership and sponsoring the Morris K. Udall Research and Education Act of 1994 and the Parkinson's Community.

Sincerely,

MARIO J. ESPOSITO,
President.

AMERICAN PARKINSON DISEASE ASSOCIATION, INFORMATION AND REFERRAL CENTER,
Great Falls, MT, July 18, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building,
Washington, DC.

HON. MARK O. HATFIELD: Please accept our thanks from the Montana and Wyoming Parkinson support groups and the Information and Referral Center in Great Falls, Montana, for your support of the Morris K. Udall Parkinson's Research and Education Act. It is greatly needed and we commend your efforts.

There is such a great need for expanded research support from the federal government in the Parkinson's field. Super scientific potential exists in the area and a breakthrough in treatment of Parkinsons would be truly wonderful.

Thanks for your support.

Sincerely,

CAROLYN STERGIONIS,
JOANN BARTLEY,
Coordinators, Montana and Wyoming Parkinson Information and Referral Center.

MICHIGAN PARKINSON FOUNDATION,
July 15, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the 35,000 people in Michigan affected by Parkinson's disease and their families, we wholeheartedly endorse your introduction of the Morris K. Udall Parkinson's Research and Education Act.

We share the great hope of the Parkinson's research community that we are close to a major breakthrough in the areas of causes, treatment, and cure for Parkinson's disease.

Support for your initiative will be the key to helping to eliminate disability for Parkinson's sufferers throughout our nation. We applaud and thank you for bringing this Act before Congress.

We join hands with the Parkinson's Disease Foundation in New York and the Parkinson's Action Network in urging members of Congress to support this urgently needed measure.

Sincerely,

FREDERIC L. MARBLESTONE,
Chairman, Michigan Parkinson Foundation.

CENTRAL NEW JERSEY APDA CHAPTER,
New Brunswick, NJ, July 15, 1994.

Hon. MARK O. HATFIELD,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: As the President of the New Jersey Young Onset Parkinson Support group I want to express my gratitude, as well as those of our group, in being one of the lead members of Congress to introduce the "Morris K. Udall Parkinson's Research and Education Act".

Parkinson's is a devastating disorder where the person loses the ability of voluntary movement, but cognitive abilities are not diminished. The future for the patient is becoming a "prisoner within one's own body". Alzheimer's takes away a person's mind, and Parkinson's takes away one's body. However, there has been great strides in medical research within the last decade, but the "Cure" is still elusive. The Parkinson community is constantly being told that medical science is on the verge of finding a Cure, but such research costs money. The Alzheimer's Association has expressed the irony quite well . . . "We (the Alzheimer's community) have the money, but no medical breakthroughs, and you (the Parkinson community) have no money but all the promising medical research."

With the introduction of this bill, hopefully medical research will have sufficient funds necessary to find a breakthrough. I attended the Senate Hearings on February 28, 1994, when you introduced the Harkin-Hatfield Research Act, and was impressed when the portable "Iron Lung" was wheeled in from a museum. This country was able to CURE Polio through adequate funding, and hopefully we can find a CURE for Parkinson's. What a fitting accomplishment this would be in the "Decade of the Brain".

Very truly yours,

MARVIN J. WEISS.

YOUNG PARKINSON'S SUPPORT NETWORK,
San Ramon, CA, July 15, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator.

Re introduction of Morris K. Udall Parkinson's Research and Education Act.

DEAR SENATOR HATFIELD: I accept your invitation to join you at the press conference at 10:00 AM on Tuesday, July 19th to announce the bill's introduction.

Parkinson's disease and related disorders are said to cost society $6 billion annually. This monetary cost, although staggering, is minuscule when compared to the human suffering these disorders inflict on the patient and family. Research is needed to push ever closer to finding the cause and the cure for these disorders. In the mean time quality of life can be raised through education of patients, care givers and community support services.

The Morris K. Udall Parkinson's Research and Education Act allows Congress to embark on a major effort to increase the knowledge of the causes, treatments and cures for these disorders. It further sets patient, care giver, support services and community understanding as a priority in raising the quality of life of those affected by these disorders. The 1990's form the Decade of the Brain. It is only fitting that Congress move swiftly to enact this important legislative initiative for it symbolizes hope of major breakthroughs for the millions of Americans affected by these disorders.

I commend you for your leadership in this very important legislative initiative. Your leadership is much appreciated and supported by the Young Parkinson's Support Network of California.

Sincerely,

ALAN L. BONANDER,
President.

UNIVERSITY OF COLORADO
HEALTH SCIENCES CENTER,
Denver, CO, July 14, 1994.

MARK O. HATFIELD,
U.S. Senate, 711 Senate Hart Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I want to congratulate you on your bill, the Morris K. Udall Parkinson's Research and Education Act, which you will introduce to a press conference on Tuesday, July 19th. As a physician and scientist who has devoted my career to improving the treatment of Parkinson's disease, I am delighted to see the disease receive the attention it needs. Parkinsonism affects the lives of one-half million Americans. It robs people of the ability to move. Patients suffering from the disease gradually lose the ability to walk, to speak, to eat, and to interact with other people. The increasing isolation forces people out of their jobs and makes them invalids despite the fact that their thinking is usually clear.

The spiral of deterioration does not have to take place. We are on the threshold of curing Parkinson's disease with neural transplanation. Even with the current low level of Federal research spending, Parkinson's disease stands as the neurologic disorder most likely to be cured in the next decade if adequate resources are applied to the problem. Neural transplantation with fetal tissue has already been shown to produce substantial clinical benefit in some patients. Genetically engineered alternatives to fetal cells offer promise to supply a limitless amount of tissue for brain repair. While fundamental breakthroughs will certainly occur in the next decade, the surgical cure for Parkinson's disease is already in sight.

Your bill recognizes this unusual opportunity. If we can cure Parkinson's disease, the lessons that we learn will apply to many other disorders such as Alzheimer's disease, Huntington's chorea, and epilepsy. Research in other areas such as diabetes will also be benefited.

By focussing on the neurological disease most likely to be solved in the near future, your bill will accelerate research with an exciting outcome.

Yours sincerely,

CURT R. FREED, M.D.,
Professor and Head, Division of Clinical Pharmacology and Toxicology.

PARKINSON'S DISEASE FOUNDATION,
New York, NY, July 14, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator,
711 Senate Office Building, Washington, DC.

Re Morris K. Udall Parkinson's Research and Education Act.

DEAR SENATOR HATFIELD: On behalf of my fellow directors of the Parkinson's Disease Foundation, I am writing to thank you and to support your introduction of this bill.

The authorization of funds to launch a Parkinson's research initiative, coordinating between the several institutes now conducting research in Parkinson's disease, would give added impetus to the efforts of scientists to improve their understanding of this debilitating illness. We still do not know what causes people to develop the illness, so we cannot develop a cure.

As our population ages, there is no doubt that the prevalence of Parkinson's disease will increase. It is, therefore, imperative to work together towards a breakthrough in Parkinson's disease. Only the federal government can provide sufficient financial support and leadership to sustain a coordinated approach to the search for the cause and cure.

Your efforts, and those of your Congressional supporters, are deeply appreciated by all of us who seek to improve the quality of life of those afflicted with Parkinson's and related disorders.

Most sincerely,

PAGE MORTON BLACK,
Chairman of the Board.

NATIONAL PARKINSON FOUNDATION, INC.,
Miami, FL, July 15, 1994.

Hon. MARK O. HATFIELD,
711 Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Board of Directors of the National Parkinson Foundation, I would like to thank you for introducing the Morris K. Udall Parkinson's Research and Education Act.

It is efforts such as yours that will accelerate the day when Parkinson's disease will be only a memory.

This research support from the federal government is imperative to continue the fight against this terrible ailment.

Sincerely,

EMILIO ALONSO-MENDOZA,
National Director.

NATIONAL PARKINSON FOUNDATION, INC.,
Miami, FL, July 15, 1994.

Hon. MARK O. HATFIELD,
711 Senate Hart Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Board of Directors of the National Parkinson Foundation, I would like to express my sincere gratitude to you for introducing the Morris K. Udall Parkinson's Research and Education Act.

The great need for expanded research support from the federal government is crucial and will be an effective tool for researchers to attain scientific breakthroughs in the treatment and cure of Parkinson's disease.

I would also like to commend the other Congressional supporters and to let you know that the Parkinson community and researchers are looking to you for the sustenance to help realize this tremendous scientific potential.

Sincerely,

NATHAN SLEWETT,
Chairman.

THE PARKINSON'S INSTITUTE,
Sunnyvale, CA, July 13, 1994.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Having have had the opportunity to review a draft of the "Morris K. Udall Parkinson's Research and Education Act", it is with great pleasure that I accept your invitation to attend a press conference to introduce the Bill at 10:00 a.m. on July 19, 1994, in Washington, D.C. In my opinion, this Bill is the best thing to happen to Parkinson's disease research in a long time. It will undoubtedly be a tremendous shot in the arm for both research and patient care. At last, those of us who have been working desperately to try to find the cause and cure for this disease have reason to hope that we will be able to continue our work in the future. On behalf of myself, the Parkinson's Institute, and every patient in the United States, I would like to thank you for your concern and this remarkable step forward.

I look forward to meeting you next Tuesday.

Sincerely,

J. WILLIAM LANGSTON, M.D.,
President.

PARKINSON'S DISEASE FOUNDATION,
New York, NY, July 18, 1994.

Hon. MARK O. HATFIELD,
U.S. Senator, Senate Office Building, Washington, DC.

Re Morris K. Udall Parkinson's Research and Education Act.

DEAR SENATOR HATFIELD: On behalf of the hundreds of thousands of Americans who have Parkinson's disease, and their families, the Parkinson's Disease Foundation thanks you for your advocacy of the cause.

The Parkinson's Disease Foundation will be represented at your press conference by Mrs. Margot Zobel.

The Parkinson's Disease Foundation joins with Parkinson's Action Network, United Parkinson Foundation, National Parkinson Foundation, American Parkinson's Disease Association, Michigan Parkinson Foundation and others in supporting this initiative.

Please let us know how we may assist further as the bill progresses.

Most sincerely,

DINAH TOTTENHAM ORR,
Executive Director.

THE PARKINSON'S INSTITUTE, CLINICAL CENTER FOR PARKINSON'S DISEASE AND MOVEMENT DISORDERS,
Sunnyvale, CA, July 15, 1994.

TO WHOM IT MAY CONCERN: As a neurologist who treats a large number of patients with Parkinson's disease, I strongly support the "Morris K. Udall Parkinson's Research and Education Act". In my view, lack of funding has stalled a number of promising research projects dealing with Parkinson's disease. Enactment of this legislation would provide a much needed "shot in the arm" for this disabling disease that currently afflicts about 1.5 million people in the U.S., a number that is increasing year by year. There is now a remarkable animal model that should allow researchers to probe the underlying degenerative processes in Parkinson's and perhaps other neurodegenerative diseases, but such research has been hampered by lack of funding. I do hope that congress will recognize the compelling arguments for this legislation. I commend the efforts of Senator Hatfield, Ms. Samuelson and all who have supported this bill.

Sincerely,

JAMES W. TETRUD, M.D.

Mr. WELLSTONE. Madam President, let me, first of all, thank Senator HATFIELD for offering this bill and just simply state for the RECORD that I am very proud to be an original cosponsor.

I would also say that Senator HATFIELD'S concluding remarks are extremely important because I think the initiative that he and Senator HARKIN have undertaken to make sure there is a set-aside with a focus of funding for NIH for the research to cure for diseases is extremely important because the last thing we want to do is have one group of people struggling with an illness played off against another group. It is not a question of more of a commitment to Parkinson's and less of a commitment to Alzheimer's, less of a commitment to breast cancer or less of a commitment to diabetes.

And I do believe the initiative that Senator HATFIELD spoke of that he and Senator HARKIN have undertaken is extremely important.

Madam President, when I first came to the Senate, I drove over with Senator MCCAIN to visit Mo Udall, who had been a hero of mine. I did not have the opportunity to know him, but I knew all about him, and it was real difficult for me to visit with him at the nursing home and VA Center just to see his personal struggle and to know not only his struggle but the struggle for his family.

Madam President, in some ways all of politics is personal, and I do, as Senator HATFIELD said, speak from experience.

Both my mother and father had Parkinson's disease and my father, in particular, which I think is rare for both parents. But my father was a writer, and at the very end of his life I remember seeing him in the study trying to type with his hand just shaking like this. He could no longer type. He could no longer walk. And at the very end of his life, Madam President, he could no longer speak, at which point he whispered to me in a barely audible way "I intensely want to die."

It reached the point where from his point of view there was no reason to continue to live. It had become so debilitating. There are 1.5 million families who struggle with this, which I believe was the figure Senator HATFIELD used.

So it is not just a question of Representative Udall or my father or my mother. But I can tell you this: This initiative is extremely important, and I want to kind of summarize the hours and hours that I could take to speak on this just with one story. I have a friend, I say to Senator HATFIELD. His name is Michel Minot, who was a college teacher at Carlton College where I taught, who found out—at least in the case of my father, at about 60 the onset of Parkinson's—when he was about 35. Then when he was about 40 he could no longer teach. He had undertaken these walks across the country to raise funding for Parkinson's research. His decline is very self-evident, and it really had become a difficult, difficult struggle.

Toward the end of my dad's life, Sheila and I and our children took my mother and father to McDonald's in Northfield. He liked McDonald's because of all the small children in McDonald's, where it was always colorful and there were lots of people to look at.

And this was a particularly bad day for my father, which is to say the shake was very pronounced and he could barely walk and he had kind of a blank look on his face which comes with Parkinson's. I saw Michel Minot, my friend, at the front of the restaurant. And after my mom and dad finished eating, we always went out the front door. My father never knew this. But I took him out the back door because I did not want Michel Minot, age 38, to see my father because I felt that Michel would see his future.

My point, Madam President, is this: yesterday, I spoke with Joan Samuelson, a very courageous person who is struggling with Parkinson's, and men and women struggling with Parkinson's in the Parkinson's Action Network. Many of them are young people or middle-age people. I do not want them to believe that their future would be what my parents went through, because it does not have to be that way.

For just a reasonable investment of resources, we could find a cure for this disease. Sometimes it is more than worth it to spend the money to find cures for these diseases. Yes, it saves our society money in the long run or even in the short run, but most important of all is, how do you put a value on a human life?

So, Madam President, I think this piece of legislation is extremely important. I hope it will put a focus on Parkinson's disease, because there really has not been a focus on Parkinson's in the way it should be by the NIH. There really has not been an investment in resources. We have all sorts of promising results that tell us we could find a cure.

So I thank my colleague from Oregon. I think this is extremely important. I think it honors Mo Udall and his family, but most important of all it is an extremely important health initiative that we must take.

I, Madam President, would like to have my remarks for the RECORD be for my mother and father.

Mr. HATFIELD. Madam President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Madam President, I thank the Senator from Minnesota [Mr. WELLSTONE]. I am always moved by the fact that Senator WELLSTONE combines great intellect and great passion for causes and for issues that he represents. I am grateful that he has joined in this effort on behalf of Mo Udall and Parkinson's disease.

I also want to share, too, that I think each one of us could cite a relationship or a friend who is giving us a special dimension of understanding of this debilitating disease.

I think of Travis Cross, a young man at the time I first became acquainted with him in Salem, OR, and who later became a very close friend and my press secretary for 8 years when I was Governor and 2 years when I was secretary of state of Oregon who now has Parkinson's disease. Seeing his problems as they increased, seeing the deterioration, really illustrated the very, very dramatic change in a person's life that this disease causes, bringing great concern and great sorrow for his friends and family. But as master of the circumstance, Travis seemed to have an even greater spirit of determination, as I am sure with your parents, Senator WELLSTONE. And having known Senator SIMPSON's father for many years, I saw it in Senator SIMPSON's father as well.

So this effort will allow us to expedite the day when we can acclaim the cure and all have the joy of knowing there is help on the way.

Mr. SIMPSON. Mr. President, during this interim—and I anticipate the managers of the bill just indicating to me when they are ready to proceed at any appropriate time—but I wanted to make a few remarks about a bill that was introduced this morning by my good colleague, Senator MARK HATFIELD. Senator WELLSTONE also spoke. These two fine colleagues and I have joined together with regard to sponsorship of the introduction of the Morris Udall Parkinson's Research, Education and Assistance Act on this day.

I want to join my colleague from Oregon, my fine friend, long-time friend, who knew my father who suffered from Parkinson's and lived with it, as many of them do, for so many years; and with Senator WELLSTONE. I understand both his mother and his father have been victims of Parkinson's. There can be no more extraordinary knowledge of the disease, unless of course one is afflicted with it, I am certain, than to have a loved one who has suffered from it. It is a difficult and robbing disease. Everyone I have ever heard speak of it describes it as a disease that robs you. That would be true.

But the purpose of the bill is to establish a grant program to support scientists who have distinguished themselves in the field of Parkinson's. It establishes research centers. I believe my colleagues, Senator HATFIELD and Senator WELLSTONE have well described the bill. I will not duplicate that. But, obviously, Federal funding for research on Parkinson's has been historically very low in comparison to other devastating and debilitating diseases. This disparity exists because Parkinson's, in the community, is often largely invisible. It is not invisible within the community, it is in the Washington community. Now we remember that many of these unfortunate people afflicted with this disease are too disabled to function publicly.

I know my dear father used to say, "The toughest part of this disease is that my mind is just as sharp as it was when I was 50. But my body and my face and the mask-like expression and the tremor leave you to feel almost trapped." And the worst part of it, of course, is that your friends who have known you for 20 or 30 or 40 years—for a lifetime—suddenly feel embarrassed. They suddenly steer around because they see a person they did not know before, with one of the most grotesque parts of the ailment, and that is the mask-like expression and the tremor. People are working with support groups. I commend those to all people suffering from Parkinson's. It is so important.

We had a very remarkable press conference this morning: Senator WELLSTONE, Senator HATFIELD, Congressman HENRY WAXMAN, and Congressman FRED UPTON. The five of us are going to work hard on this one and we are going to get the job done.

I can say with regard to my own father, he had to retire from the U.S. Senate at the age of 69 because of his long, exhausting struggle with Parkinson's. He went on to live some very productive years, even with Parkinson's claiming him, until his death last year at 95.

So we have much time to make up. The legislation has been introduced in honor of my old dear friend, former Congressman Morris "MO" Udall who had courageously battled Parkinson's for many years, since 1980. As many of my colleagues are aware, Mo's career came to a sharp halt in early 1991 after a combination of Parkinson's disease and injuries prevented him from completing his term in office.

Since then, the Udall family—and they are a wonderful lot; Norma, his wife; Ann, brothers, uncles, it is a marvelous family—they joined with the patient and research community in vigorously advocating for more Federal support to meet the growing research in Parkinson's.

So it has been a tribute to Mo Udall, and Mo's family hopes and prays their efforts will remind all of us of the terrible cost of Parkinson's when it insidiously steals an individual's ability to continue to make contributions to society.

The family also wants to remind all of us in Congress, and beyond this beltway, of his remarkable record on environmental and social causes, for Mo Udall was a success as a legislator because of unparalleled ability to use grace, rich humor and wonderful laughter to get his point across to others.

He often used humor to disarm an opponent and lighten up some very tense situations. I know, because we served on conference committees. Many times we were together and shared so much, times too numerous to mention here. But a little humor sometimes goes right to the target, and that is why Mo was such a wonderful part of our lives and our legislative endeavors with that bright, thoughtful, inquisitive mind and always that great leveling agent of humor.

He often said, "The best political humor, however sharp or pointed, has a little love behind it. It is the spirit of the humor that counts. Over the years, it has served me when nothing else could."

I remember one great phrase, indeed, of Mo Udall's when he ran for the Presidency, and it was a close call. Look at your history books and you will find if there had been another 200,000 votes in the right spot, Mo Udall would have been the candidate for President, instead of Jimmy Carter, for the Democratic Party.

But somebody asked him later, "Well, do you think you will run again for President?" He said, "Well, the only way to get it out of your system is with embalming fluid." And that was Mo, and then he would laugh.

I will just share with you my own father. He kept his sense of humor throughout this devastating disease. He had a great one, because when he ran for the U.S. Senate, he was afflicted with it but he tried to hide it, and he did pretty well. But the left hand he called his phantom hand. When he would speak, he would put it in his pocket. Of course, you could see it flapping in there, too. He would get up to the podium, and it would begin to move, as if with its own engine. He would say, "Now, wait, I see some of you looking at my left hand and that tremor there, shaking." He said, "Now, don't feel sorry for me. I feel sorry enough for myself. That's my drinking hand, I'm spilling more than I drink." And that was Pop.

That is what you find in many Parkinson's victims: A marvelous sense of humor, a marvelous sense of self.

So I hope that this legislation will be considered. It is in the best traditions of the Senate, and we name it in honor of our friend. We miss our friend. We miss our friend Mo Udall in these Halls of Congress. He brought a great amount of wisdom and levity to this place.

I believe that this legislation is a most wonderful way to honor him and his life and his family and his valuable contributions to Congress and to society as a whole.

I hope that my colleagues will assist us in the course of this legislation.

By Mr. FORD:

S. 2295. A bill to authorize extensions of time limitations in a FERC-issued license; to the Committee on Energy and Natural Resources.

CANNELTON HYDROPOWER PROJECT ACT

Mr. FORD. Mr. President, I am today introducing a bill to extend the time limitation on an already issued FERC license for a hydroelectric project in Kentucky.

Upon completion of environmental, engineering, and other project review, the Federal Energy Regulatory Commission [FERC] issued a license to W.V. Hydro, Inc. for the Cannelton Hydropower project, FERC project No. 10228—Cannelton project. The Cannelton project will be located at the U.S. Army Corps of Engineers [Corps] Lock and Dam on the Ohio River in Hancock County, KY. The 80 megawatt Cannelton project would generate an estimated 358 gigawatt-hours of electricity per year using the untapped energy potential of the existing corps dam.

Construction and operation of the Cannelton project would create new jobs for local residents and the licensee would pay substantial property taxes. During construction, W.V. Hydro, Inc. also plans to spend a substantial amount in wages and salaries, providing further employment and business income to local communities.

Section 13 of the Federal Power Act [FPA], (16 U.S.C. §806 (1988)), prescribes the time limits for commencement of construction of a hydropower project once FERC has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the initial 2-year deadline. Section 13, however, permits FERC only one extension for no "longer than 2 additional years * * * when not incompatible with the public interests." Accordingly, FERC is without authority to extend the commencement of construction deadline beyond a maximum of 4 years from the date it issues the license. A licensee that fails to begin construction within the prescribed time period faces termination of its license.

FERC has extended the Cannelton projects' construction commencement deadline under the FPA for the one permissible 2-year period, setting the current deadline of June 20, 1995. If enacted, the proposed legislation would grant FERC authority to extend the commencement of construction deadline for up to 6 additional years.

Congress has authorized legislative extensions for licensees in similar situations. For example, Congress passed

Public Law 101–155 (S. 750) granting FERC authority to extend the commencement of construction deadline for the White River projects in the State of Arkansas, and Public Law 102–486 (S. 776) granting FERC authority to extend the commencement of construction deadlines for the Starved Rock Lock and Dam project in the State of Illinois, the Black Creek project located in the State of Washington, the Smithland Local and Dam Hydropower project also located in the Commonwealth of Kentucky, and the Arrowrock Dam project located in the State of Idaho.

As the June 20, 1995 deadline approaches, W.V. Hydro, Inc. is actively pursuing several avenues for reaching agreements with potential power purchasers. W.V. Hydro, Inc. has initiated power purchase negotiations with several electric utilities and industrial power users. In addition, W.V. Hydro, Inc. has contracted with a construction consortium to assess the feasibility of reducing project costs through engineering design modifications. To maintain the development opportunity of this beneficial project, W.V. Hydro, Inc. seeks legislation that would grant FERC the authority to extend the commencement of construction deadline for up to three additional 2-year periods.

If Congress enacts the legislation, W.V. Hydro, Inc. will petition FERC for an extension of commencement of construction deadline, submitting all appropriate information to enable FERC to determine whether granting the extension would be consistent with the public interest. If Congress fails to enact the legislation, the hydroelectric potential of the Corps Lock and Dam will remain undeveloped.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2295

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That notwithstanding the time limitations of section 13 of the Federal Power Act, the Federal Energy Regulatory Commission, upon the request of the licensee for FERC project numbered 10228 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction for the project for up to a maximum of three consecutive two-year periods. This section shall take effect for the project upon the expiration of the extension (issued by the Commission under such section 13) of the period required for commencement of construction of such project.

By Mr. METZENBAUM (for himself, Mr. THURMOND, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. SIMON, Mr. SIMPSON, and Mr. GRASSLEY):

S. 2297. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes; to the Committee on the Judiciary.

INTERNATIONAL ANTITRUST ENFORCEMENT ASSISTANCE ACT

Mr. METZENBAUM. Mr. President, in today's global economy, American consumers and businesses are in much greater danger of becoming the victims of foreign conspiracies, collusion, and cartels. The United States has a strong tradition of tough antitrust enforcement. However, policing anticompetitive conduct in the United States is no longer enough to protect our consumers from foreign conspiracies.

The International Antitrust Enforcement Assistance Act of 1994, which I am introducing today with my colleague STROM THURMOND, will give the Department of Justice and the Federal Trade Commission [FTC] greater power to protect American consumers. It does so by empowering DOJ and FTC to enter into cooperative agreements with their foreign counterparts to obtain evidence of antitrust violations that can only be found abroad. I am particularly gratified that so many of my distinguished colleagues are cosponsoring this bill, including Senators JOSEPH BIDEN, EDWARD KENNEDY, PATRICK LEAHY, PAUL SIMON, ALAN SIMPSON, and CHARLES GRASSLEY.

The fact is foreign monopolies and cartels can undermine American free markets and raise prices for our consumers. Within the past 2 months, DOJ has, with the assistance and cooperation of the Canadian Government, prosecuted two such international cartels. One of those cartels fixed the prices of plastic utensils and cups and the other, which DOJ announced last week, fixed the price of paper used in fax machines. DOJ collected more than $6 million in fines from the fax cartel, which included several Japanese companies. Both these prosecutions are splendid examples of how American consumers can benefit from closer international cooperation among antitrust authorities.

To combat the growing international threat to U.S. consumers, our antitrust authorities must have the cooperation of more of their foreign counterparts to investigate and prosecute anticompetitive schemes with a global reach. The International Antitrust Enforcement Assistance Act would authorize this kind of cooperation. I commend Attorney General Janet Reno, and the Chief of the Antitrust Division, Anne Bingaman, for developing this important initiative to strengthen international antitrust enforcement.

The bill will give the Attorney General and the FTC the authority to negotiate mutual legal assistance agreements with foreign antitrust agencies. The Securities and Exchange Commission, which has similar authority, has negotiated agreements with 18 of its foreign counterparts. It is essential that we give our antitrust agencies the same authority.

International antitrust enforcement assistance agreements will give U.S. consumers greater protection against companies that boycott their American rivals, fix the prices of consumer and commercial goods or otherwise abuse their monopoly power and then hide the evidence of their illegal activities behind foreign laws and loopholes. Under these new international agreements, our own antitrust authorities will have greater access to the hard evidence they need to investigate and prosecute foreign anticompetitive schemes. Likewise, foreign governments that agree to cooperate with the United States will be able to call upon our antitrust agencies to assist them with their investigations.

Greater cooperation among the world's antitrust enforcement authorities will also protect American businesses from foreign predators. When these agreements are in effect, foreign companies won't be able to use time-consuming legal maneuvers to shield themselves from our fair competition laws. You can bet that foreign cartels and monopolies facing a credible threat of prosecution from U.S. antitrust authorities will think twice before exploiting America's free markets and attacking our domestic companies.

The bill also includes necessary and proper safeguards to protect the confidentiality of the information that we share with foreign antitrust authorities. Both the Department of Justice and FTC will have to determine, with a high degree of confidence, that sensitive and proprietary information from U.S. companies won't fall into the wrong hands. I am confident that both agencies will meet their obligations in this regard.

I urge all of my colleagues to support this bold initiative to extend the reach of our fair competition laws and to protect American consumers and businesses from unfair international competition.

Mr. THURMOND. Mr. President, I rise today as an original cosponsor of the International Antitrust Enforcement Assistance Act, which I have joined with Senator METZENBAUM and others. This bill authorizes closer cooperation and sharing of information between United States and foreign antitrust authorities in order to more effectively enforce antitrust laws for the benefit of American consumers and businesses. This is a worthy objective which deserves broad bipartisan support.

It is indisputable that as business dealings have become more international in scope, antitrust violations more often involve transactions and evidence which are located in more than one country. Therefore, it is appropriate and necessary for antitrust authorities to be given better tools for obtaining evidence abroad. This bill achieves that goal by authorizing investigations to be conducted and information shared with foreign authorities in appropriate circumstances. However, this legislation does not change the jurisdictional reach or substance of either the U.S. antitrust laws or any foreign law.

Last month, Attorney General Janet Reno and Assistant Attorney General Anne Bingaman held a press conference to announce the preparation of this legislation. I stated at that time that the concept was laudable, but that care must be taken to protect against any misuse of information shared with foreign governments or other unintended consequences which could be detrimental to American interests.

In particular, I expressed concern that American companies must be protected from any possibility that this legislation could allow foreign competitors to gain competitive information or instigate unjust harassment, that there be sufficient reciprocity in the investigations conducted and information shared so that the benefits and responsibilities are evenly shared, and that our national defense must in no way be threatened through the sharing of information.

Mr. President, I am pleased to state that these concerns have been addressed in the legislation we are introducing today. First, a number of provisions have been added to the original proposal to enhance the confidentiality of any information disclosed, including a determination in each case that the foreign laws are sufficient to protect confidentiality and will be applied. Second, the bill ensures that there will be true reciprocity between the United States and foreign antitrust authorities so that the results are not one-sided. Finally, express provisions have been included to ensure that classified information relating to national defense and foreign policy will not be disclosed to foreign agencies.

I look forward to prompt hearings and action on this legislation.

By Mr. LEAHY (for himself and Mr. LUGAR):

S. 2298. A bill to amend the Farm Credit Act of 1971 to enhance the ability of the banks for cooperatives to finance agriculture exports, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM CREDIT SYSTEM AGRICULTURAL EXPORT AND RISK MANAGEMENT ACT

Mr. LEAHY. Mr. President, I am pleased to join today with the distinguished ranking member on the Agriculture Committee, Senator LUGAR, to introduce the Farm Credit System Agricultural Export and Risk Management Act.

The act does three things that I believe the American public can support strongly. First, it expands the capacity of our Nation's financial system to provide credit for the export of U.S. agricultural products—a economic growth area of paramount importance for Rural America that we must stimulate in every reasonable, affordable way we possibly can.

This is accomplished in the bill through modest expansion of the export lending authority of the National Bank for Cooperatives [CoBank], which has played a key role in financing the export of American agricultural products since 1980.

Second, the bill authorizes member institutions of the Farm Credit System—a Government Sponsored Enterprise [GSE]—and the Nation's private banks to participate together in multilender transactions for the purpose of improving loan management capability and reducing the concentration of risk.

Third, this bill moves in these two important directions without a subsidy from the Federal Treasury. Its provisons—in both the export financing and risk management areas—are modest and conservative. It will enhance credit opportunities for important rural ventures by carefully expanding the already-existing authority of the CoBank and by providing incentives for the Farm Credit System and private banks to cooperate and share risks.

The CoBank's present authority allows it to finance only exports produced by American agricultural cooperatives. This limits its ability to serve all of American agriculture. A key provision of the legislation we are introducing today will broaden CoBank's ability to finance the export of any U.S. agricultural product, regardless of the source.

CoBank, which has an excellent track record of providing significant, consistent financing for U.S. agricultural exports, actively markets our products and works with commodity and governmental organizations to develop new export opportunities.

In this rapidly changing era of NAFTA and GATT, it makes good sense to enhance this authority. CoBank—and experienced, technically proficient export lender that concentrates exclusively on agricultural products—can help our farm sector increase its exports dramatically without having to turn to the small group of foreign-owned banks that now dominate this relatively low profit, high risk business.

Further, the bill does something that I believe both the Farm Credit System and the private banking industry have been seeking for some time and can mutually benefit from. That is, it creates the opportunity for Farm Credit institutions and private banks to manage and reduce their concentration of loan loss risk in terms of geography, industry and account exposure by expanding the System's ability to purchase and sell loan participations from commercial banks and other non-System lenders.

This modest bill is good for both America's banks and for our Farm Credit System, which has been so diligent in repaying the Federal obligations it incurred under the 1987 Agricultural Credit Act and in streamlining and improving its operations.

The bill is also good for the farms, ranches and agriculture-related businesses of Rural America, which will benefit from enhanced credit opportunities.

Most important of all, the bill is good for American taxpayers and consumers, who will appreciate and support its reliance on non-Federal resources—and who have a very real stake in the health of American agriculture.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Credit System Agricultural Export and Risk Management Act".

SEC. 2. REFERENCES TO FARM CREDIT ACT OF 1971.

Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), except to the extent otherwise specifically provided.

SEC. 3. PARTICIPATION DEFINED.

Section 3.1(11)(B) (12 U.S.C. 2122(11)(B)) is amended by adding at the end the following new clause:

"(iv) As used in this subparagraph, the term 'participate' or 'participation' refers to multilender transactions, including syndications, assignments, loan participations, subparticipations, or other forms of the purchase, sale, or transfer of interests in loans, other extensions of credit, or other technical and financial assistance.".

SEC. 4. AGRICULTURAL EXPORT FINANCING.

Section 3.7(b) (12 U.S.C. 2128(b)) is amended—

(1) in paragraph (1)—

(A) by striking "assistance to (A)" and inserting "assistance to";

(B) by striking "the export or" and inserting "the"; and

(C) by striking "and (B)" and all that follows through "subparagraph (A): *Provided*, That a" and inserting "if the"; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2)(A) A bank for cooperatives is authorized to make or participate in loans and commitments to, and to extend other technical and financial assistance to—

"(i) any domestic or foreign party for the export, including (where applicable) the cost of freight, of agricultural commodities or products thereof, farm supplies, or aquatic products from the United States under policies and procedures established by the bank for cooperatives to ensure that the commodities, products, or supplies are originally sourced, where reasonably available, from 1 or more eligible cooperative associations described in section 3.8(a) on a priority basis; and

"(ii) except as provided in subparagraph (B), any domestic or foreign party in which an eligible cooperative association described in section 3.8(a) (including, for the purpose of facilitating its domestic business operations only, a cooperative or other entity described in section 3.8(b)(1)(A)) has an ownership interest, for the purpose of facilitating the domestic or foreign business operations of the association, except that if the ownership interest by an eligible cooperative association, or associations, is less than 50-percent, the financing shall be limited to the percentage held in the party by the association or associations.

"(B) A bank for cooperatives shall not use the authority provided in subparagraph (A)(ii) to provide financial assistance to a party for the purpose of financing the relocation of a plant or facility from the United States to another country.".

SEC. 5. CONFORMING AMENDMENT.

Section 3.8(b)(1) (12 U.S.C. 2129(b)(1)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively; and

(3) by aligning the margin of subparagraph (D) (as so redesignated) so as to align with the margin of subparagraph (C) (as so redesignated).

SEC. 6. LOAN PARTICIPATION AUTHORITY FOR FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS.

(a) In General.—Title IV (12 U.S.C. 2151 et seq.) is amended by inserting after section 4.18 (12 U.S.C. 2206) the following new section:

"SEC. 4.18A. AUTHORITY OF FARM CREDIT BANKS AND DIRECT LENDER ASSOCIATIONS TO PARTICIPATE IN LOANS TO SIMILAR ENTITIES FOR RISK MANAGEMENT PURPOSES.

"(a) Definitions.—As used in this section:

"(1) Participate and participation.—The terms 'participate' and 'participation' have the meaning provided in section 3.1(11)(B)(iv).

"(2) Similar entity.—The term 'similar entity' means a person that—

"(A) is not eligible for a loan from the Farm Credit Bank or association; and

"(B) has operations that are functionally similar to a person that is eligible for a loan from the Farm Credit Bank or association in that the person derives majority of the income of the person from, or has a majority of the assets of the person invested in, the conduct of activities that are functionally similar to the activities that are conducted by an eligible person.

"(b) Loan Participation Authority.—Notwithstanding any other provision of this Act, and Farm Credit Bank or direct lender association chartered under this Act is authorized to participate in any loan of a type otherwise authorized under title I or II made to a similar entity by any person in the business of extending credit, except that a Farm Credit Bank or direct lender association may not participate in a loan under this section if—

"(1) the participation would cause the total amount of all participations by the Farm Credit Bank or association under this section involving a single credit risk to exceed 10 percent (or the applicable higher lending limit authorized under regulations issued by the Farm Credit Administration if the stockholders of the respective Farm Credit Bank or association so approve) of the total capital of the Farm Credit Bank or association;

"(2) the participation by the Farm Credit Bank or association would equal or exceed 50 percent of the principal of the loan or, when taken together with participations in the loan by other Farm Credit System institutions, would cause the cumulative amount of the participations by all Farm Credit System institutions in the loan to equal or exceed 50 percent of the principal of the loan;

"(3) the participation would cause the cumulative amount of participations that the Farm Credit Bank or association has outstanding under this section to exceed 15 percent of the total assets of the Farm Credit Bank or association; or

"(4) the loan is of the type authorized under section 1.11(b) or 2.4(a)(2).

"(c) Prior Approval Required.—

"(1) In general.—With respect to a similar entity that is eligible to borrow from a bank for cooperatives under the title III, the authority of a Farm Credit Bank or association to participate in a loan to the entity under this section shall be subject to the prior approval of the bank for cooperatives having, at the time the loan is made, the greatest loan volume in the State in which the headquarters office of the similar entity is located.

"(2) Terms and conditions.—Approval under paragraph (1) may be granted on an annual basis and under such terms and conditions as may be agreed on between the Farm Credit Bank or association, as the case may be, and the bank for cooperatives granting the approval.

"(3) Approval by supervising farm credit bank.—An association may not participate in a loan to a similar entity under this section without the approval of the supervising Farm Credit Bank of the association.".

(b) Conforming Amendments.—Section 3.1(11)(B)(i)(I)(bb) (12 U.S.C. 2122(11)(B)(i)(I)(bb)) is amended—

(1) by striking "the other banks for cooperatives under this subparagraph" and inserting "other Farm Credit System institutions"; and

(2) by striking "all banks for cooperatives" and inserting "all Farm Credit System institutions."

Mr. LUGAR. Mr. President, today Senator Leahy and I are introducing the Farm Credit System Agricultural Export and Risk Management Act. This legislation will encourage U.S. agricultural exports, remove burdensome regulatory requirements from the banks for cooperatives, and clarify legal authorities for Farm Credit System institutions to manage risk through loan participations and similar transactions that will benefit not only the System but also commercial lenders.

The Farm Credit System's borrower-owned institutions have made a phenomenal recovery from their near-collapse in the mid-1980's. It is appropriate that Congress continue to encourage the System to manage its risks prudently, structure its operations in a manner consistent with the changing nature of the U.S. financial system, and facilitate its borrowers' participation in the international marketplace. I believe this legislation will help accomplish all these goals.

The key provision of this bill affects the ability of the banks for cooperatives to finance agricultural export transactions. These banks—primarily the National Bank for Cooperatives, or CoBank—have had export financing authority since 1980. CoBank finances about $2 billion of U.S. farm exports per year, nearly all of which is backed by the Agriculture Department's GSM–102 credit guarantee program.

CoBank is, in fact, the dominant player among lending institutions participating in the GSM–102 program. Relatively few U.S. commercial banks have financed GSM–102 transactions.

The law presently requires that, in order to finance an export sale, CoBank must ensure that the exported commodities originated with a cooperative. This does not mean that a co-op must actually be the exporter; more typically, a commercial grain company would export grain that was sourced from co-op elevators.

Since CoBank is owned by its cooperative borrowers, the institution has an obvious desire to source the exports it finances from co-ops whenever possible. In some cases, however, it is difficult or impossible for the exporter to certify co-op origin to CoBank. In such circumstances, CoBank simply loses business, often to foreign banks.

Two years ago, Congress absolved CoBank of the co-op sourcing requirement with respect to exports to the former Soviet Union, reflecting the high priority of maintaining trade ties to those republics unencumbered by unnecessary redtape. The legislation I introduced today will, in essence, extend this authority to all export destinations, while requiring that priority be given to commodities originating with cooperatives.

As I have already indicated, I believe that by allowing some flexibility to CoBank, we will achieve a number of desirable goals. We will reduce a regulatory burden that sometimes results in export financing business being forfeited to offshore institutions. By virtue of CoBank's dominant role in GSM–102, we will enhance that program's efficiency and its ability to facilitate U.S. export sales. We will encourage an expansion of U.S. agricultural export sales at a time when exports of many commodities are in decline. And by reducing the administrative cost of some transactions, we will enhance efficient operations in a major Farm Credit System institution, further shoring up the safety and soundness of the entire System.

The bill has several other provisions, all of which enhance the Farm Credit System's ability to keep up with changing practices in the U.S. financial system. Specifically, the bill will:

Authorize the banks for cooperatives to finance international joint ventures and partnerships in which U.S. co-ops hold an ownership interest, while prohibiting any such financing that would lead to any U.S. facilities being moved overseas;

Authorize all Farm Credit System institutions to use risk management authorities presently available to the banks for cooperatives, by participating in loans to entities similar to those eligible to borrow from the System, but not holding more than a 50-percent interest in such loans;

Clarify the System's current authority to participate in loans originated by other financial institutions by ensuring that this authority will keep pace with evolving banking industry practice, permitting the System to take part in syndications and similar transactions.

In each case, these changes will enhance the System's ability to reduce its concentration of risk in terms of geography, industry, and account exposure. System institutions both purchase and sell participations from and to other lenders, a practice that is important particularly in the case of larger loans. For example, CoBank recently administered a $650 million syndication for Farmland Industries, Inc., a major farmer-owned marketing and supply cooperative. Seven commercial banks joined CoBank to provide funding for the syndication, illustrating the growing number of cases where banks and System institutions are working together harmoniously to meet the credit needs of rural America.

It is important to note that the legislation will not give System institutions an unfair advantage over the commercial banking industry. For example, in the case of loans to agricultural entities that are similar to System borrowers, the System would be prohibited from providing 50 percent or more of the funds for such loans, ensuring that the System's use of loan participations will be limited to those cases where commercial lenders desire to involve the System, and that the System still would not be able to originate loans of this type.

Mr. President, I am pleased to join Senator LEAHY in introducing this important bill. Very similar legislation has been introduced in the House of Representatives as H.R. 4379 by Representatives DE LA GARZA, ROBERTS, and others. I invite my colleagues to review the bill and look forward to working with them and with financial and agricultural industries to ensure that the legislation can be of broad benefit to all interested parties, and that it will enjoy widespread and enthusiastic support.

ADDITIONAL COSPONSORS

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 1345

At the request of Mr. BINGAMAN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1345, a bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes.

S. 2119

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2119, a bill to prohibit the imposition of additional fees for attendance by United States citizens at the United States Merchant Marine Academy.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2183

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

S. 2215

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2215, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 2247

At the request of Mr. GORTON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2247, a bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

S. 2286

At the request of Mr. LUGAR, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 2286, a bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the names of the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

AMENDMENT NO. 2303

At the request of Mr. COVERDELL his name was added as a cosponsor of Amendment No. 2303 proposed to H.R. 4554, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

SENATE CONCURRENT RESOLUTION 72—RELATIVE TO THE CONVENTION ON THE LAW OF THE SEA

Mr. GREGG submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 72

Whereas many of the minerals underlying the seabed have strategic and military importance to the United States;

Whereas the Convention on the Law of the Sea will come into force on November 16, 1994, having been ratified by 61 countries as of the date of adoption of this resolution, none of which is industrialized;

Whereas a new seabed mining agreement amending the Convention on the Law of the Sea will be open for signature on July 29, 1994, and the President intends to sign the agreement;

Whereas the Convention on the Law of the Sea, even as amended, continues to discriminate against the United States and the industrialized allies of the United States, is antithetical to business interests, and will discourage United States investment in seabed mining;

Whereas the signature by the President of the new seabed mining agreement will bind the United States provisionally to the seabed mining agreement and portions of the Convention on the Law of the Sea for a period of not to exceed 4 years, even if the Senate has not given advice and consent to the ratification;

Whereas the provisional application of the seabed mining agreement and portions of the Convention of the Law of the Sea will force the United States to finance 25 percent of the operations of the large bureaucracy created by the Convention on the Law of the Sea, including the international seabed authority, which will eventually support a direct competitor to mining interests of the United States and private mining interests, and distribute revenues from seabed mining to developing countries and groups of national liberation;

Whereas provisional application of the Convention on the Law of the Sea will coerce seabed miners of the United States into participating in the regime by filing mining claims and paying exploration and application fees in an amount equal to $250,000 to the international seabed authority;

Whereas the plain language of section 5(a) of the State Department Basic Authorities Act of 1956 prohibits the participation by the United States in any international organization or any international activity of such organization for which provision has not been made by any treaty or statute for longer than 1 year without approval of Congress; and

Whereas the possible ultimate failure by the United States to ratify the Convention on the Law of the Sea will cause chaos for the United States seabed mining industry: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should refrain from signing, on behalf of the United States, the seabed mining agreement that will be open for signature on July 29, 1994, relating to the Convention on the Law of the Sea.

Sec. 2. As used in this resolution, the Term "Convention on the Law of the Sea" means the United Nations Convention on the Law of the Sea (open for signature at Montego Bay on December 10, 1982).

Sec. 3. The Secretary shall transmit a copy of this concurrent resolution to the President.

• Mr. GREGG. Mr. President, today, Congressman Jack Fields and I are submitting concurrent resolutions expressing the sense of the Congress that the United States should not sign the United Nations Law of the Sea Treaty.

On June 30, 1994, Secretary of State Warren Christopher announced before the Senate Foreign Relations Committee, of which I am a member, that the United States will sign the seabed mining agreement—also known as the Boat Paper—relating to the United Nations Law of the Sea Treaty, when it is opened for signatures on July 29, 1994.

In 1982, President Reagan rejected the proposed U.N. Law of the Sea Treaty, but today, President Clinton wants to sign this document, which I believe is still not in the best interest of the United States. The United Nations claims to have changed and overcome many of the items President Reagan objected to 12 years ago, but these changes are still not enough. The problem still lies within the seabed mining provisions of the treaty.

We must ask, "Is signing this treaty in the interest of the United States?" Only 60 countries have ratified the treaty, but no other industrialized nation has signed it. In this agreement Third World countries will receive preferential treatment at the expense of industrialized nations. Even though the treaty has been amended, since 1982, it continues to discriminate against the United States and other industrialized nations. There will be total domination by Third World developing countries in all aspects of the bureaucracy created by this treaty.

The Preamble of the Law of the Sea Treaty says it all, "the achievement of these goals will contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries. * * *"

In article 144 of the treaty, in laymen's terms, developed nations will be "encouraged" to transfer their mining technology and other technologies to the Authority and to developing nations. In addition to this transfer, developed nations will be "encouraged" to assist citizens of developing nations obtain the jobs skills necessary to more effectively compete with developed nations' mining operations. "Encouraged" means "mandated" in UN parlance.

In Article 266 of the treaty, again, in laymen's terms, developed nations are called upon to assist with developing the marine scientific and technological capacity of developing nations; and accelerating the social and economic development of Third World nations.

In addition to these general provisions and as stated before, the most significant problem still lies within the seabed mining provisions of the treaty and the bureaucracy established to make it work. Under these provisions:

First, the United States will have no veto, but will pay for more than 25 percent of the start-up costs of the International Seabed Authority and its bureaucracy—an assembly, a council, a secretariat, a chamber—which will be dominated by undeveloped countries. (Article 158)

Second, the United States will have to assist in the establishment of the Enterprise, the seabed mining arm of the Authority, which will operate in direct competition within sovereign countries and private miners.

Third, the United States will have to participate in international revenue sharing with Third World countries. (Article 140)

Fourth, the United States will not be able to guarantee access for our miners to the seabed. We may even be discriminated against.

Fifth, United States miners will have to pay one-quarter of a million dollars in application fees for both exploration and exploitation, plus royalties and unspecified annual fees. (Boat Paper, Section 7); and

Sixth, the United States may be required to allow foreign countries, including Third World, to fish within our 200 mile EEZ (Exclusive Economic Zone). (Article 62)

The United States sovereignty and economic well-being will be jeopardized should the Clinton administration sign the treaty on July 29.

Furthermore, a Clinton administration signature will bind the United States to the seabed agreement and portions of the treaty for up to 4 years, even absent of Senate ratification.

Again, the question remains, is the Law of the Sea Treaty in the best interest of the United States? I believe that the United States should not sign the United Nations' Law of the Sea Treaty because Third World countries obviously want to use it to impose an unfair and unearned redistribution of wealth. Industrialized nations, including the United States, are being asked to shell out a lot of money for little in return. No other industrialized nation, save the United States, under the Clinton administration, has taken the bait. I strongly urge my colleagues to not support the treaty's ratification when it comes before the full Senate. Support for this resolution will send a strong message to the Administration of the Senate's lack of support for the Law of the Sea Treaty.•

AMENDMENTS SUBMITTED

AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 1995

McCAIN (AND OTHERS) AMENDMENT NO. 2305

Mr. McCain (for himself, Mr. Kerrey, Mr. Dole, Mr. Brown, Mr. Durenberger, Mr. Kohl, Mr. Exon, Mr. Packwood, Mr. Lieberman, Mr. Bond, Mrs. Kassebaum, Mr. Cochran, Mr. Bennett, Mr. Gorton, and Mr. Thurmond) proposed an amendment to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the end of the pending committee amendment add the following:

"*Provided further*, That the following Section of the bill is null and void: *Provided further*, That no funds provided herein shall be available to provide food assistance in cash in any county not covered by a demonstration project that received final approval from the Secretary on or before July 1, 1964."

LEAHY (AND LUGAR) AMENDMENT NO. 2306

Mr. LEAHY (for himself and Mr. Lugar) proposed an amendment to the bill H.R. 4554, supra; as follows:

At the end of the section of the bill entitled "Agricultural Research Service" add the following:

"*Provided further*, The Secretary may exercise his authority to close the research locations specified for closure in the President's 1995 budget."

LUGAR AMENDMENT NO. 2307

Mr. LUGAR proposed an amendment to amendment No. 2306 proposed by Mr. Leahy to the bill H.R. 4554, supra; as follows:

At the end of amendment add the following: "for the Department of Agriculture."

BRADLEY AMENDMENT NO. 2308

Mr. BRADLEY proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 12, line 23, strike "$38,718,000" and insert "$25,700,000".

HELMS AMENDMENT NO. 2309

Mr. HELMS proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . ENDING THE USE OF TAXPAYER FUNDS TO ENCOURAGE EMPLOYEES TO ACCEPT HOMOSEXUALITY AS A LEGITIMATE OR NORMAL LIFESTYLE.

None of the funds made available under this Act may be used to fund, promote, or carry out any seminar or program for employees of the United States Department of Agriculture, or to fund any position in the Department of Agriculture, the purpose of which is to compel, instruct, encourage, urge or persuade Departmental employees or officials to:

(1) recruit, on the basis of sexual orientation, homosexuals for employment with the Department; or

(2) embrance, accept, condone, or celebrate homosexuality as a legitimate or normal lifestyle.

REID (AND BRYAN) AMENDMENT NO. 2310

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, insert the following:

SEC. —. (a) None of the funds made available in this Act may be used to provide any Federal benefit or assistance to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States.

(b) In no case may a Federal entity, official or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding made available in this Act on the basis of race, color, creed, handicap, religion, sex, sexual orientation, national origin citizenship status or form of lawful immigration status.

(c) For purposes of this section, the term "Federal benefit or assistance" does not include search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision on an emergency basis of food, water, medicine, and other essential needs, including movement of supplies of persons; reduction of immediate threats to life, property and public health and safety; and programs funded under title IV of this Act.

BUMPERS (AND COCHRAN) AMENDMENT NO. 2311

Mr. BUMPERS (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 56, line 19, strike "$198,000,000" and insert: "$297,000,000".

On page 57, line 3, strike "$40,000" and insert: "$60,000".

BUMPERS (AND COCHRAN) AMENDMENT NO. 2312

Mr. BUMPERS (for himself and Mr. COCHRAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 14, line 24, strike "$1,500,000" and insert in lieu thereof: "$4,350,000";

On page 16, line 3, strike "$420,233,000" and insert in lieu thereof: "$423,083,000"; and

On page 83, strike lines 6 through 16 and insert in lieu thereof:

"SEC. 724. No funds shall be available in fiscal year 1995 and thereafter for payments under the Act of August 30, 1980 and the tenth and eleventh paragraphs under the heading "Emergency Appropriations" of the Act of March 4, 1907 (7 U.S.C. 321 et seq.).

HOLLINGS (AND OTHERS) AMENDMENT NO. 2313

Mr. BUMPERS (for Mr. HOLLINGS for himself, Mr. GRAMM, and Mrs. MURRAY) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 12, line 23, strike "$38,718,000" and insert: "$43,718,000".

On page 16, line 15, strike "$59,836,000" and insert: "$62,744,000".

KERREY AMENDMENT NO. 2314

Mr. BUMPERS (for Mr. KERREY) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 23, line 1, strike "$533,929,000" and insert "$533,094,000".

DOLE AMENDMENT NO. 2315

Mr. COCHRAN (for Mr. DOLE) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 34, line 17, strike "$582,141,000", and insert "$591,049,000".

On page 71, line 3, strike "$767,156,000", and insert "$758,248,000" and on line 21, strike "$150,800,00", and insert "159,708,00".

On page 61, line 18, after the word "Institute", insert the following ": *Provided further*, That $859,000 shall be available to provide grants to states for non-recurring costs in providing for the special dietary needs of children with disabilities"

CONRAD (AND BUMPERS) AMENDMENT NO. 2316

Mr. BUMPERS (for Mr. CONRAD for himself, and Mr. BUMPERS) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 38, line 15, strike "$11,672,000" and insert "$18,672,000".

On page 71, line 3, strike "$758,248,000" and insert "$754,587,000".

On page 71, line 21, strike "$159,708,000" and insert "$163,369,000".

CONRAD (AND OTHERS) AMENDMENT NO. 2317

Mr. BUMPERS (for Mr. CONRAD for himself, Mr. LEAHY, and Mr. DORGAN) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 47, line 25, insert before the period the following: ": *Provided*, That, notwithstanding any other provision of law, from the date of enactment of this Act until September 30, 1994, the Secretary of Agriculture—

"(1) may transfer funds so as to make available—

"(A) the amounts that would otherwise be available for gross obligations for the principal amount of farm ownership, operating, or emergency loans; and

"(B) the amounts that would otherwise be available for the cost of farm ownership, operating, or emergency loans (including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a));

for any of such gross obligations or such costs; and

"(2) may not expend any funds, or disburse any new loans, after September 30, 1994, made available by a transfer described in paragraph (1) for fiscal year 1994".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Tuesday, July 19, 1994, beginning at 2 p.m., in G–50 Dirksen Senate Office Building on S. 2230, the Indian Gaming Regulatory Act Amendments Act of 1994.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Tuesday, August 2, 1994, beginning at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills pending before the subcommittee:

S. 1222, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes;

S. 1342, to establish in the Department of the Interior the Essex Heritage District Commission, and for other purposes;

S. 1726, to provide for a competition to select the architectural plans for a museum to be built on the East Saint Louis portion of the Jefferson National Expansion Memorial, and for other purposes;

S. 1818, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as a affiliated area of the National Park System, and for other purposes;

S. 1871, to establish a Whaling National Historical Park in New Bedford, MA, and for other purposes;

S. 2064, to expand the boundary of the Weir Farm National Historic Site in the State of Connecticut; and

S. 2234, to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Dionne Thompson of the subcommittee staff at (202) 224-5925.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 19, 1994, to receive testimony on S. 2151, a bill to direct the Secretary of the Interior to convey certain lands to the State of California, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, July 19, 1994, at 10 a.m., to consider its recommendations for legislation to implement the Uruguay round of multilateral trade negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Tuesday, July 19, at 9:30 a.m. for a hearing on the subject: High Risks and Emerging Fraud: IRS, Student Loans, and HUD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 19, 1994, beginning at 2 p.m., in G-50 Dirksen Senate Office Building on S. 2230, the Indian Gaming Regulatory Act Amendments Act of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Tuesday, July 19, 1994, to consider the nominations of Stephen G. Breyer, of Boston, MA, to be associate justice of the Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN WATER, FISHERIES AND WILDLIFE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Clean Water, Fisheries and Wildlife, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 19, beginning at 9 a.m., to conduct a hearing on reauthorization on the Endangered Species Act, focusing on conservation on private lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IMMUNIZATION

• Mr. BUMPERS. Mr. President, I ask that I be allowed to enter the following article regarding vaccination, in its entirety, into the CONGRESSIONAL RECORD.

The article follows:

[From the Immunization Action News, June 15, 1994]

OPPOSITION TO VACCINATION, CAUSE OF MEASLES OUTBREAKS

Among the outbreaks in the current measles season, the number of cases in persons opposed to vaccination for religious or philosophical reasons has been particularly high.

Although most of these cases have occurred in only two separate outbreaks, the 269 confirmed cases reported from January 1 through May 21, 1994 represented over 50% of all 517 measles cases reported to the MMWR during that period. Not only have these outbreaks presented challenges for controlling measles this year, they illustrate the continued challenge presented by groups claiming exemption to vaccination as states work to reach the 1996 national goals for immunization and disease reduction.

The first and longest running of these two outbreaks began in mid-February in Salt Lake County, Utah. It grew to affect 11 extended families and involved unvaccinated persons, age 3 months to 23 years, opposed to vaccination on philosophic grounds. As of May 21, 93 confirmed cases were reported to the MMWR with another 28 potential cases awaiting confirmation. By May 1, direct transmission from this outbreak to an extended family in Nevada had occurred. Twelve potential cases are being investigated, all of which occurred following a visit to one of the affected Utah families. As of May 21, suspected cases were still being reported in the Utah outbreak.

Additionally, two cases of measles in a Missouri family have been linked to the Utah outbreak and one case in Colorado has been linked to the cases in Missouri.

The other outbreak among persons opposed to vaccination began in two contiguous counties along the Illinois-Missouri border on April 4 when a Christian Science high school student became ill after skiing in Breckenridge, Colorado during a measles outbreak there. This student lived with her family on campus at Principia College, a Christian Science college in Jersey County, Illinois and commuted daily to the Principia Christian Science School (grades K-12) in St. Louis County, Missouri.

By May 21, the extended outbreak, centering around both campuses, had resulted in 175 confirmed cases (IL, 38; MO, 137) of measles reported with another 27 potential cases (IL, 8; MO, 19) being investigated. This outbreak represents the largest measles outbreak in 1994 within the United States.

Control measures in both of these outbreaks relied primarily upon quarantine and careful surveillance to prevent the spread of measles outside the groups in which it began.

Local health departments offered vaccinations which were accepted by some individuals in the affected groups. Established working relationships between these groups and the local health departments allowed strict quarantine measures to be maintained.

In Missouri and Illinois, students were confined to designated areas of campus or home for two weeks following exposure. Only persons with proof of immunity were permitted to go into quarantined areas. Although Christian Scientists generally oppose medical care, much discretion is left to the individual and many students accepted vaccination in order to return to classes. However, a large number of these students did develop measles, most likely because they had received the vaccine more than the recommended 72 hours after being exposed (ACIP recommendations). By May 21, there was no indication of measles transmission outside the Christian Science community. However, since then at least two suspected cases have been reported in St. Louis County in non-Christian Scientists who came into contact with students from the Principia School, one at a tennis match and one at a restaurant where a post-tennis match celebration was being held.

Most of the families in the Utah and Nevada outbreak live in semi-secluded areas and teach their children at home rather than use the public schools, making quarantine easier to maintain. Several family members did accept vaccine rather than risk missing work due to illness.

The large size of these outbreaks illustrates the potential difficulties that groups opposing vaccination pose for measles control efforts, and especially for elimination of indigenous measles in the United States. Immunization may be accepted by some members in such groups, particularly when the consequences of illness may be less acceptable, i.e., missing work or school. In Missouri, many students accepted immunization in order to attend school graduation. Unfortunately, individual decisions to be vaccinated may not be made until the outbreak is well established and its potential impact becomes apparent. The success that State and local health departments demonstrated in containing these outbreaks grew from established relationships based upon respect and understanding of the beliefs and rights of the groups involved. Good relations permitted health officials to learn about new cases promptly, to maintain effective quarantine, and in some cases win acceptance of vaccination.•

ANNIVERSARY OF NAVY ATTACK SQUADRON 35

• Mr. WARNER. Mr. President, it is an honor for me to rise today to commemorate the 60th anniversary of the oldest attack squadron in the U.S. Navy—Attack Squadron 35 [VA-35]—and to pay tribute to the many officers and enlisted personnel, as well as their families, who have served in and supported this historic squadron over the past 60 years.

This month, VA-35, known as the Black Panther Squadron, will celebrate their 60th year as a Navy, carrier-based aircraft squadron. Over the past 60 years, the Panthers have operated 19 different aircraft models and flown from the decks of 29 aircraft carriers, including a British carrier.

VA-35's distinguished record reads like the history of U.S. Navy carrier aviation and modern air warfare. VA-35 was commissioned on July 1, 1934, at the Naval Air Station in Norfolk, VA. Their first aircraft was the Martin BM-1/2, followed in October 1934 when they were assigned the Great Lakes BG-1 and operated from the Navy's first aircraft carrier, the U.S.S. *Langley*. Since commissioning in 1934, VA-35 has participated in most military actions involving the use of air power this country has been involved in.

During World War II, VA-35 was embarked in U.S.S. *Saratoga*, U.S.S. *Enterprise*, and U.S.S. *Yorktown*. In 1942, operating from *Saratoga*, the squadron supported the Doolittle raid on Tokyo by providing escort patrols and search and rescue aircraft. In June 1942, operating from *Yorktown* and flying the Douglas SBD-3 *Dauntless*, VA-35 participated in the greatest naval battle of all time, the Battle of Midway. Although their parent carrier, *Yorktown*, was lost in the battle, the squadron was still able to conduct air strikes against two of the Japanese carriers. Later in World War II, flying the Curtiss SB2C Helldiver, the squadron supported Marine amphibious landings at Guadalcanal, and participated in numerous major air campaigns, including air strikes against Manila Bay, Iwo Jima, Luzon, and Leyte.

During the Korean war, operating from the carrier U.S.S. *Leyte* and flying the Douglas A-1 Skyraider, the Panthers provided air strikes, close air support, and armed reconnaissance missions against North Korean troops and equipment. In 1958, VA-35 again participated in military actions, this time in Lebanon, followed in 1962, by a deployment in support of Navy operations during the Cuban missile crisis.

In December 1965, VA-35 was one of the first Navy squadrons to make the transition to the Grumman A-6 Intruder. This unique two-place aircraft (pilot and bombardier/navigator) provided the carrier battle group with a superior long-range, night/all-weather medium attack bomber. In November 1966, VA-35 embarked in the first nuclear-powered aircraft carrier U.S.S. *Enterprise*, made the first of what was to be four combat deployments to Southeast Asia, including participation in the last air campaign against North Vietnam in late 1972 and early 1973.

Mr. President, this final air campaign, Operation Linebacker 2, resulted in the release of our POW's including our distinguished colleague from Arizona, Senator JOHN MCCAIN, who as a Navy pilot was shot down in October 1967, and was a POW for 5½ years. As Secretary of the Navy during 1972, I had the privilege to observe firsthand VA-35 which included participation in Linebacker II operations as well as the other squadrons of Carrier Airwing 8 aboard the carrier U.S.S. *America*.

Mr. President, I spent most of the Christmas holidays aboard *America* in the Tonkin Gulf, and was able to follow the difficult missions assigned to VA-35 which included participation in the remining of Haiphong Harbor and nightly, low-level bombing attacks against a variety of heavily defended targets in North Vietnam.

In 1980, deployed aboard U.S.S. *Nimitz*, the Panthers became the first operational A-6 Squadron to deploy with the forward looking infrared radar and laser equipped A-6 TRAM configured aircraft. Responding to the hostage crisis in Iran, the *Nimitz* left the Mediterranean for the Indian Ocean where they would eventually spend 144 continuous days at sea.

When Operation Desert Shield began in August 1992, VA-35 was assigned to U.S.S. *Saratoga* and soon arrived on station in the Middle East. Before Operation Desert Storm ended in the spring of 1991, the Panthers, now flying the latest version of the Intruder, would be the first United States aircraft to attack Iraqi targets and would complete nearly 400 air combat missions.

As VA-35 approached its 60th anniversary in 1994, the squadron was at sea again, deployed to the Mediterranean on U.S.S. *Saratoga*. This deployment had special significance beyond the 60th anniversary, since it would be the last deployment for VA-35 beyond the 60th anniversary, since it would be the last deployment for VA-35 flying the venerable A-6 Intruder and the twilight cruise for *Saratoga*. Not resting on its many laurels during this anniversary deployment, the squadron participated in United States efforts in support of Bosnia-Herzegovina. In this and other important operational missions during the deployment, VA-35 aircrews logged over 1,400 sorties, 2,700 flight hours, and completed 1,400 carrier landings, 450 of which were at night.

Mr. President, no tribute to VA-35 on its 60th anniversary would be complete without a special salute to perhaps the most important part of the VA-35 team—the wives and families. Their contributions have been the greatest. I believe it is fitting and most appropriate that, as we honor the 60th anniversary of VA-35, we recognize and emphasize the unique contributions made by the wives and families.

So Mr. President, I will conclude this tribute by saying that the officers and enlisted personnel of Attack Squadron 35—past and present—have very much to be proud of on this, their 60th anniversary. I ask my Senate colleagues to join me today in honoring them and their families, and in thanking them for their dedication, contributions, as well as their sacrifices, in service to their country.•

HOMICIDES BY GUNSHOTS IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 29 people were killed in New York City by gunshot, bringing this year's total to 547.•

TRIBUTE TO BOB KENNEDY

• Mr. LUGAR. Mr. President, I rise today to honor the achievements of an outstanding young athlete in whose strength and ability the United States should take great pride. Recently, on the weekend of July 9 and 10, in Lille, France, United States runner Bob Kennedy set the fastest time ever for a United States-born runner in the 5,000 meter run. Kennedy finished second only to Olympic 10,000 meter champion Khalid Skah, of Morocco, with a time of 13:05.93, his lifetime best by almost 9 seconds.

Bob Kennedy has continually proven his athletic ability. From his college career at Indiana University where he was an NCAA indoor, outdoor, and cross-country champion, to his competitive finish in the 1991 World Championships and the 1992 Olympics, Bob has displayed the qualities of a champion. His courage and perseverance helped him overcome a recent stress fracture of his shin. He continues to pursue a running career and is now considered one of the most promising runners in the world, as well as a serious Olympic medal contender.

Mr. President, as an avid runner myself, I appreciate the energy and determination Bob Kennedy has displayed, as well as the dedication he must possess to achieve all his accomplishments. I am proud of the way that he has represented my State and my country. I am certain my colleagues join me in praising Bob Kennedy's recent achievement in the 5,000 meter race. I join his family and friends in wishing him luck in future races, including the upcoming 1996 Olympic games.•

DRUG WAR SURRENDER?

• Mr. D'AMATO. Mr. President, I rise today to review the current state of what used to be called the drug war. I have spoken before on this topic and urged the Clinton administration to take sensible steps to advance the progress that past administrations have made. It now appears that they have retreated from past progress and undermined both domestic and foreign counterdrug efforts. It is time to ask if the Clinton administration has surrendered in the drug war.

Anyone who is serious leader in counternarcotics will say that the drug war will be won or lost on the demand side. They will also agree that supply side efforts must be sustained and effective to shield demand side efforts against being overwhelmed by the easy availability of cheap, high purity drugs.

President Clinton has said all the right things. On the demand side, he said we would focus on "* * * the most tenacious and damaging aspect of America's drug problem—chronic, hard-core drug use and the violence it spawns." On the domestic supply side, he said:

> We will continue with strengthened efforts by Federal law enforcement agencies—in concert with their State and local counterparts—to disrupt, dismantle, and destroy drug trafficking organizations.

On the foreign front, he said:

> International drug trafficking is a criminal activity that threatens democratic institutions, fuels terrorism and human rights abuses, and undermines economic development. Antidurg programs must be an integral part of our foreign policy when dealing with major source and transit countries, equal to the worldwide commitment that the United States devotes to the promotion of democracy, human rights, and economic advancement. (1994 National Drug Control Strategy).

The problem is not what he has said, but what he has done, or in many cases, not done. Rather than attempting to review and assess the totality of the national drug control strategy and each of the component policies and programs intended to implement that strategy, in today's remarks I will highlight what has happened to a few key parts of our counterdrug effort. These parts are those that, if fully funded and well-run, would produce the greatest leverage or synergy in the drug war, and are the critical links in any effort to draw together all of the vast resources of the United States for a coordinated, sophisticated, smart counternarcotics effort.

While the Office of National Drug Control Policy [ONDCP] cannot be said to be a success, at least it played a modest but necessary role in coordinating the policies and budgets of the major agencies involved in the drug war. However, to keep a campaign promise to cut White House staff, President Clinton cut ONDCP's staff back from 146 staffers to 25 staffers, undercutting its ability to use its only effective leverage to shape the counterdrug program—its authority over drug program agencies' counterdrug budgets. The staff cuts effectively ended ONDCP's ability to analyze agency counterdrug budgets, much less monitor their execution and enforce coordination. In addition, the new director of National Drug Control Policy, Lee P. Brown, has been practically invisible on the national stage.

On the demand side, President Clinton's accurate rhetorical focus on hard-core drug users is not matched with policies or programs capable of turning his rhetoric into reality. Hard-core drug users are the source of the cash flow that is the foundation of the cocaine cartels and heroin rings, and breaking their habits—and stopping their payments for illegal drugs—is the key to making real advances against illegal drug use.

We do not have either an adequate scientific understanding of how illegal drugs work on the human central nervous system, or an actual medical treatment for either cocaine or heroin addiction. Methadone is not a curative, it is merely a palliative. The availability of workable medical treatments for cocaine and heroin addiction is a key to success with the hard-core addict population.

In fact, while experts argue over actual percentages, few addicts choose to become clean and sober voluntarily, and few of those who try to permanently change their addictive behavior actually succeed. Relapse is a serious problem. If workable medical treatments were available, treatment programs, whether voluntary or as the result of criminal justice system processing, would have a much better chance of success. This success would be a key to cutting the cartels' cash flow.

With this in mind, the provision of $81.5 million for basic biomedical research and $68.9 million for neurobehavioral research in the administration's fiscal year 1995 budget request is totally inadequate. This request represents, respectively, 0.6 percent and 0.5 percent of the total of $13.2 billion total funding request for counterdrug activities. Worse, the basic biomedical request doesn't even keep up with the fiscal year 1995 Biomedical Research and Development Price Index, which projects an increase of 4.1 percent in costs. The basic biomedical research request represents an increase of 3.8 percent over the fiscal year 1994 request, but represents an actual decrease in purchasing power of the account of 0.3 percent. While the neurobehavioral research account has gone up by 8.3 percent over fiscal year 1994, this represents only a 4.2 percent advance over inflation in the account.

In contrast, the administration is asking for a $360.3 million, or 14.3 percent increase in its drug treatment account, and a $448.2 million, or 28.0 percent increase in its education, community action, and the workplace account. This $808.5 million increase in these accounts funnels money into activities that, while helpful, are not critical. Worse, most of the funds going into those activities are coming from supply-side activities that were, in many cases, just reaching a resource level that allowed sporadic effectiveness.

On the supply side, action against drug trafficking organizations begins in source and transit countries with good relations with these nations' governments. From friendly, cooperative relations flow a series of policy, legal, and resource allocation decisions that comprise active counternarcotics programs that are coordinated with U.S. efforts.

Without even discussing program or resource specifics in this area, the single most important fact is that on May 1, 1994, the United States ceased providing real time aircraft radar track data to Colombia and Peru. This essential assistance was halted because of a legal opinion that provision of such data to countries with active policies of using lethal force against suspected trafficker aircraft constituted a violation of a Federal criminal law, specifically title 18, United States Code, section 32, Destruction of Aircraft or Aircraft Facilities.

This cutoff of radar data angered and confused the Governments of Colombia and Peru and, coupled with other developments, threatens to sour relations with governments that are critical to our efforts against cocaine trafficking. Despite a reported decision by President Clinton that would allow us to resume providing this radar data if Colombia and Peru agree to certain conditions, we have not, as of today, resumed sharing this information.

The net result of this situation is that the people who do the actual counternarcotics work in, respectively, the home country of the cocaine cartels and the major cocaine producing country, are denied critical information they need to do their jobs. This allows the cartels to move product from Peru to Colombia and to ship it from Colombia north to the United States with much less risk of interception by law enforcement. Thus, supply side forces are unable to do their jobs to protect demand side efforts from being overwhelmed by an incoming tide of cheap, high purity cocaine.

In addition, other events have taken place that downgrade the emphasis on joint cooperative counternarcotics efforts by U.S. defense and law enforcement agencies. Defense Department participation is being reduced in almost all areas. The way to determine how much it is being reduced is to compare the fiscal year 1995 DOD counternarcotics budget request by category with what was actually appropriated in fiscal year 1993. The reason why this is important is that the fiscal year 1994 appropriation was so reduced that it gives the false impression that the fiscal year 1995 request represents growth in DOD's commitment to the drug war, at least in a few categories. Comparison with the fiscal year 1993 levels reveals that DOD's resource comment reveals a cut from $1.14 billion in fiscal year 1993 to $874.0 million, a reduction of $266.5 million, or 23.4 percent. Moreover, key components of the effort, such as interdiction, received even deeper reductions. Interdiction funding is down from $631.5 million in fiscal year 1993 to $427.8 million fiscal year 1995, a cut of $203.7 million or 32.3 percent.

Mr. President, I don't know very many government programs that can be run efficiently with such dramatic resource reductions. Everything that I hear leads me to believe that these resource reductions have had a pronounced negative impact on the effectiveness of DOD counterdrug operations—at least until the radar data decision led to the suspension of many of them.

This sequence of events has disjointed our interdiction efforts, which to function well, must be an integrated whole with end-to-end connectivity. The process starts with, hopefully, intelligence that a drug flight will soon be airborne.

Armed with this intelligence, U.S.-operated radar, either airborne or ground-based, acquires radar tracks and performs the critical sorting function—identifying the one track that is the suspect aircraft out of all of the tracks of ordinary commercial, private, and military aircraft that are in the air on legal business. Then, that suspect track is provided first to host nation forces for any action they might decide to take.

If the suspect flight proceeds north toward the United States, long-range interceptors are vectored to intercept and follow the subject aircraft. If the suspect aircraft lands in Mexico, host nation apprehension forces are vectored to the landing site to arrest the traffickers and seize the aircraft and its cargo. If the suspect's aircraft heads into the Caribbean to make an airdrop to waiting smugglers' boats, host nation or U.S. Coast Guard or U.S. Navy vessels with LEDET's onboard are vectored to the airdrop site to intercept the boats, arrest the traffickers, and seize the cargos. In that case, the long-range interceptor then follows the airdrop aircraft back to its origin, and the radar track is again provided to the host nation for any action they may choose to take.

If any link in this complex chain of intelligence, sensor data, communications, operations, and logistic support for these activities is broken, the whole interdiction process fails. According to the 1994 National Drug Control Strategy, the DOD counterdrug program's two principal objectives are: "First, disrupting narco-trafficker operations—by forcing the drug cartels to seek alternate means and routes for the delivery of illegal drugs, at increased risk and expense, and second, assisting drug law enforcement agency [DLEA] and host nation interdiction operations." The decline in resources and the dispute over radar track data has frustrated achievement of these objectives and, indeed, represents a serious step backward from a situation in which we were beginning to achieve sporadic success.

The administration's fiscal year 1995 budget requests for the Federal Bureau of Investigation and the Drug Enforcement Administration reflected serious reductions in agent personnel and support personnel, reductions so large that they would have immediately damaged domestic law enforcement efforts against drug trafficking. The Senate and House Appropriations Subcommittees on Commerce, Justice, and State, the Judiciary, and Related Agencies acted to block these reductions. The Senate bill provides for the hiring of 436 new FBI special agents and 311 more DEA special agents, restoring both agencies to their peak—fiscal year 1992—strength.

Against this background, it is only possible to conclude that President Clinton is presiding over our surrender in the drug war. Foreign policy blunders, resource cutbacks in key areas, and what I suspect is malign—not benign—neglect, lead me to that judgment. It is a judgment that is fraught with peril for the United States.

As I have said before, success in the drug war depends upon creation of a popular culture that deglamorizes and delegitimizes drug use; availability of effective medical treatment for those who want to break the cycle of addiction; strict and fair enforcement of U.S. drug laws; a cost-effective monitoring and interdiction program to defeat drug transportation networks; and friendly, cooperative counterdrug programs conducted with host nations in source and transit countries against cartel and heroin rings. When we do those things, and do them smartly, we can defeat the scourge of illegal drugs and take a long step toward restoring domestic peace and tranquility in our own country.

When we fail to do those things, violent crime surges, medical costs rise, industrial, commercial, and transportation accidents rise, the efficiency of our economy goes down, and faith in the ability of government at all levels to meet the basic needs of our citizens is undermined. U.S. surrender in the drug war doesn't mean lower costs, it means higher costs for more cops, more prosecutors, more prisons, more emergency room visits, more shattered families more public assistance. It doesn't mean less crime and violence, it means more, It doesn't produce a more tolerant civil society, it produces loss of faith and loss of confidence and a retreat into more and more extreme local measures to defend families and communities against this treat.

Mr. President, Congress cannot run the drug war. Only the President can do that. We cannot save the executive branch from all of its mistakes. We cannot turn around popular culture—culture that seems again to be looking favorably on drug abuse.

This speech is an alarm bell—a ringing alarm that is intended to awaken those who are concerned about the drug war and its progress, and who may have been misled by administration rhetoric into believing that we are making progress. We are not making progress, we are sliding backwards, losing ground that will be very expensive in time and in money to regain, if we can regain it, because part of that ground consists of confidence of people in U.S. policy.

I call upon my colleagues to again refocus their attention on the drug war, and to ask the searching, probing questions that will confirm the problems it is now facing. After we hear the answer to those questions, we must act to restore and, to the extent that we can, commitment to the drug war. If we fail, the American people will hold us responsible.•

PRESIDENTIAL ELECTIONS IN BELARUS

• Mr. DECONCINI. Mr. President, the 1990 Copenhagen document of the Conference on Security and Cooperation in Europe states that "The will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of authority and legitimacy of all government."

As chairman of the Commission on Security and Cooperation in Europe, the agency mandated by Congress to monitor implementation of the decisions of the Conference on Security and Cooperation in Europe, I would like to inform my colleagues about the recent Presidential election held in Belarus. This is particularly important because these are the first Presidential elections held in Belarus since that country became independent in 1991.

As part of the mandate of the Commission on Security and Cooperation in Europe, the Commission sent two staff members to observe the elections and gain insight on the current political situation in Belarus. The report resulting from that visit will be available to the Members of this body shortly.

There were six candidates running in the first round of the elections. They were: Prime Minister Vyacheslau Kebich; former Supreme Soviet (Parliament), Chairman Stanislau Shushkevich; the chairman of the Union of Collective Farms, Aleksandr Dubko; former head of the parliament's anti-corruption committee, Aleksandr Lukashenka; chairman of the Belarusian popular front Zenon Poznyak; and Belarusian Communist Party Chairman Vasily Novikau.

I regret to note that during the campaign, the government attempted to put one newspaper, Svoboda, out of business, canceled two unfriendly programs on the state radio network, and dropped air time for an independent television network that had been critical of the Kebich administration. Even the Soros foundation, a nonpartisan organization that promotes development of an open society, had been criticized by government authorities for allegedly promoting foreign values.

At the end of the first round of voting, Mr. Lukashenka totaled a surprising 45 percent of the total. Mr. Kebich, whom earlier polls had shown running about even with Mr. Lukashenka, came in second with an unexpectedly low 17 percent. Mr. Pozniak, who had been painted by his opponents as an extreme nationalist, overcame his earlier single-digit polling figures, and showed a respectable third with 12 percent.

In the second round of voting between Mr. Lukashenka and Mr. Kebich, Mr. Lukashenka cemented his victory with an 80 percent showing to around 14 percent for Mr. Kebich. The Prime Minister of Russia, Mr. Chernomyrdin, had visited Minsk before the runoffs, to help boost Mr. Kebich's chances, but obviously with little effect.

When all was said and done, the people of Belarus said they were tired of business as usual, and were willing to try something new. Mr. Lukashenka will have his work cut out for him. His Prime Minister and Ministry appointments will have to be approved by a heretofore hostile parliament. Administrative Fiat and imprecations against corruption will not reinvigorate the economy, nor will control over the media and resorting to antidemocratic methods will solve problems, but just exacerbate them.

A strong supporter of close cooperation with Russia, Mr. Lukashenka reportedly intends to press for the monetary union with Russia promoted by his predecessor. However, doubts about this proposal have been raised of late in both Minsk and Moscow, so the future of the monetary union remains to be seen. Besides, as one observer in Minsk expressed it, Mr. Lukashenka may decide that he'd rather take his economic reports to Brussels than to Moscow.

In any event, the people of Belarus have made their choice. We certainly wish them and their new leader well, as Belarus continues its difficult journey toward economic recovery, political plurality, and a respected place in the European community.●

PENTAGON WISH LIST

● Mr. D'AMATO. Mr. President, a short, sharp flap recently arose over efforts by the chairman of the House Defense Appropriations Subcommittee to throw the F-22, F/A-18E/F, RAH-66, and V-22 in a pot and force the Pentagon to choose three. The chairman's initiative was beaten back, but his point is well taken: The defense budget cannot sustain the current Pentagon wish list. Frankly, it behooves us to cull out the weakling now, rather than cripple the entire herd waiting for the one program to starve.

I believe that weakling is the F-22, an overbred, overpriced relic of the cold war that is no more affordable than was the B-2 or the *Seawolf*. We have been remiss in allowing the Air Force and Navy, armed with identical weapons, facing identical threats, and spending out of the same checkbook, to have come up with such radically different solutions to tactical aviation modernization.

The Navy's solution to gaining and maintaining air superiority and projecting force while reducing the overall cost of tactical aviation, is a neckdown strategy centered around an upgrade to the proven, multimission F/A-18C/D. The new F/A-18E/F, besides enjoying a significant improvement in range and payload over the C/D version of the Hornet, will be a marvel of flexibility. It will handle all strike and fighter duties for the Navy, replacing three earlier aircraft, as well as assuming some tanking responsibilities, and possibly serving as the next-generation Navy jammer. The payoff in logistics savings alone will be enormous, and the projected $48 million unit cost is a nothing short of a bargain.

The Air Force has taken a different approach to gaining and maintaining air superiority and projecting force, splitting the missions and delaying modernization of strike assets. Focusing on air superiority as the overarching concern of the next century, the Air Force is in the process of developing a new fighter with third generation stealth characteristics, supercruise, thrust vectoring, and integrated avionics. This wonder weapon, the F-22, will not come cheap. The latest estimates are that an F-22 will cost $134 million apiece, a figure likely to increase due to the state-of-the-art nature of every aspect of the aircraft. More importantly, the single-mission nature of the F-22 will force the Air Force to develop a different new aircraft to handle strike requirements.

What is the Air Force doing? The defense budget has been declining for a decade, a shortfall of several tens of billions of dollars is looming in the out years, and yet we are being asked to commit enormous resources to a single mission F-22 with a limited mission that will represent only a small fraction of total combat aircraft required.

With the cold war over, are the studies that eliminated upgrades to the F-15 still valid? The F-22 was designed to win against overwhelming odds in enemy airspace facing frontline Soviet aviation units flying aircraft, and anticraft units fielding surface-to-air missiles, a generation more advanced than those presently fielded. Today, and for the foreseeable future, we, and our allies, will have numerical superiority against opponents that are less well-equipped, well-trained, and well-supported. Can an upgrade to the F-15E really not be good enough, when an upgrade to the F/A-18C/D is? Can we afford single-mission aircraft?●

DISREGARDING OF CERTAIN PAYMENTS MADE TO VICTIMS OF NAZI PERSECUTION

Mr. FORD. Now, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1873, a bill to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; that any statements relating to this matter appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I rise in support of legislation passed Wednesday, July 13, in the House of Representatives to protect the rights of Holocaust survivors to receive foreign government restitution payments and the full benefits for all needs-based programs provided by our Government. Congressman WAXMAN'S bill, H.R. 1873, as amended by the Government Operations Committee, is substantially the same legislation as I introduced last year at the same time as my friend from California.

This bill will prevent all Government agencies from considering restitution payments to Holocaust survivors by the Federal Republic of Germany as income, thereby allowing survivors to receive the restitution without any reduction in the need-based Government services that they are entitled to receive.

This issue recently came to national prominence when I received a letter from Fanny Schlomowitz, an 83-year-old woman who receives low-income rent assistance from the Department of Housing and Urban Development. Fanny is a survivor of a Budapest Jewish ghetto. As a young pregnant woman living there, Fanny was kicked in the head and beaten on several occasions by S.S. Stormtroopers. Many of those blows she still feels today.

Her only income other than the Holocaust restitution is a monthly $370 Social Security check. Fanny has high medical and prescription drug expenses. Fanny also pays $816 every 3 months for her regular medical insurance plan, and an additional plan to assure nursing home care if she needs it, so that she would not have to go to a taxpayer-supported facility. She pays $63 a month for her small HUD-subsidized apartment. Though nothing can ever make up for the unspeakable acts committed during that time, the Federal Republic of Germany sends her a monthly check as a small token of the remorse felt by the German people for her suffering.

Fanny contacted me when she learned that HUD had decided to consider these restitution payments as annual income and quadruple her rent. Even though these payments are not counted as taxable income by the Internal Revenue Service, HUD felt that the statutes governing low-income housing assistance required the Department to include these payments as income for purposes of computing her rent assistance. As a consequence, the rent for her tiny apartment was to go up by $164 per month. In desperation, she asked me to help prevent this injustice.

I contacted Secretary of Housing and Urban Development Henry Cisneros to express my dismay at HUD's decision and to request that the action be reversed. Secretary Cisneros immediately called for a review of the matter and within a month's time, the Department proposed a rule providing prospective relief from the long-standing policy. I am indeed very appreciative of the Secretary's prompt attention to the problem. His action has probably prevented any future harm to Holocaust victims eligible for HUD needs-based assistance.

However, Mr. President, as I have advised the Secretary, no legal authority exists for HUD or any other domestic agency action in this area. The Holocaust restitution payments, not reparation payments as referred to in the proposed HUD final rule, are governed by international law. Therefore, no domestic agency has any authority to make any pronouncement, pro or con, as to the legal status of these payments. Only the President, with adverse and consent of the Congress, has that authority. Moreover, the legal status of these restitution payments is governed by a 1954 international bilateral protocol.

In 1984, the Ninth Circuit Court of Appeals in *Grunfeder* v. *Heckler*, 748 F. 2d 503 (1984) reaffirmed this basic constitutional principle. In that case, former Health and Human Services [HHS] Secretary Margaret Heckler was sued by a Holocaust survivor because the Social Security Administration had included these payments as income for eligibility purposes. The Court held that payment received pursuant to the Federal Republic of Germany Compensation of Victims of National Socialist Persecution statute does not constitute income for purposes of determining eligibility for supplemental security income [SSI] despite the express absence of an exclusion in the statute. The Ninth Circuit specifically found that HHS Secretary Heckler's interpretation of the German Restitution Act is entitled to little deference as the Court is bound to construe the domestic legislation in a way that minimizes interference with the purpose or effect of foreign law.

> This case requires us to resolve a conflict between Government's interest in allocating a limited pool of funds to support the country's aged, blind, and disabled against our Government's interest in restoring a semblance of normal existence to Holocaust survivors who are part of our society. In resolving the matter in favor of the latter, we follow the lead of Congress. (Majority opinion at p. 509).

The Grunfeder majority set aside the agency's determination that the reparations payments were countable as income because the SSI eligibility regulations would frustrate German Restitution Act's penitent and restitutionary purpose and because Congress had expressed no desire to interfere with the German Government's attempt to make amends for crimes committed during the Holocaust. I also note that the Court gave great weight to the fact that Congress ratified the 1954 protocol which exempted from income taxation the restitution payments made to Holocaust victims residing in the United States.

Given that HUD's current interpretation is based solely upon the fact that the statute does not provide specific authority to exclude the payments from the rent contribution computation and given that Congress has never indicated it has had any desire to count Holocaust payments as income, any HUD interpretation is as defective as the SSI regulation struck down in Grunfeder. Without an express congressional directive, no domestic agency official, whether at HHS or HUD, has ever had authority to include these restitution payments for any purpose, especially eligibility purposes.

Mr. President, this action is long overdue. I was shocked and appalled to learn that an agency of our Government was compounding the tragedy of the Holocaust by penalizing a survivor for receiving restitution. Were it not for the injuries Fanny Schlomowitz received at the hands of the brutal Nazi stormtroopers, she most likely would not have been in the HUD-assisted apartment at all. I am sure that there are others like Fanny all over the Nation, survivors who are again paying a price for nothing more than being victimized by the Nazi regime.

But this bill is necessary for more than the correction of an injustice. The German Government makes restitution payments to Holocaust survivors as a sincere and humble gesture of apology to the people that suffered through the most horrific tragedy in modern history. To subject American citizens that receive these payments to additional financial burdens is to interfere with the penitent purpose of the restitution and to destroy Germany's sovereign right as a nation to try to symbolically do right to those who have been terribly wronged. The payments are not war reparations and they are not income. They are gifts from a nation whose citizens feel the sorrow and shame that the Holocaust has brought to all of humanity, citizens that are unable to erase history and so do what they can to repent for history.

Mr. President, it is wholly inexcusable for any agency of the United States of America to obstruct this noble sentiment as a matter of conscience, and, as a matter of international law, it is unlawful and must be stopped from ever recurring.

Mr. President, I urge my colleagues to join me in support of this important legislation. Let us make it possible for Fanny Schlomowitz and all Holocaust survivors to graciously accept the gifts from the Federal Republic of Germany without interference from our Government.

Mr. President, I ask unanimous consent that the following articles from the Washington Post and New York Times on the issue be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

H.U.D. RULE PUTS SQUEEZE ON HOLOCAUST SURVIVOR

(By Tamar Lewin)

PHOENIX, Feb. 17.—Since 1964, Fanny Schlomowitz, an 84-year-old Holocaust survivor, has been kept from poverty by the monthly payments she receives from the German Government to make up for her mistreatment by Nazis in World War II.

But now, those same payments are making it difficult for her to afford the federally subsidized one-bedroom apartment where she has lived for the last 12 years—in the Kivel Campus of Care, a sunny, well-tended project for the elderly where she helps take telephone messages and puts together the daily bulletin board announcements.

"The manager came last spring and told me she knew I was a Holocaust survivor, and she knew I was getting money every month, and she said that counted as income, so she raised my rent from $63 a month to $227," Mrs. Schlomowitz said. "That leaves me very tight."

Most residents at Kivel, one of hundreds of projects for the elderly that are subsidized by the Department of Housing and Urban Development, pay rent of 30 percent of their income, which often consists entirely of Social Security payments. And under the department's guidelines, those with high medical expenses pay even less.

Until this spring, Mrs. Schlomowitz paid $63 a month for her apartment, a figure determined on the basis of her $370 monthly social Security payment, and her large medical bills.

But Mrs. Schlomowitz also receives about $500 a month from the German Government in reparation for the headaches and dizziness she has suffered ever since a wartime beating in the Jewish ghetto in Budapest. At the time, she was eight months pregnant when she was kicked in the head by Nazis so severely that she was unconscious for two days.

"I didn't earn this money, I suffered for it," Mrs. Schlomowitz said. "And I never reported it to H.U.D. because I have a letter from my lawyer saying it is not income. The Internal Revenue service can't touch it, so how can H.U.D.? It's not right."

Senator Dennis DeConcini, an Arizona Democrat to whom Mrs. Schlomowitz wrote for help this month, agreed. "The department's current interpretation is grossly unfair to those who suffered through the most appalling event in modern history." Mr. DeConcini wrote in a letter last week to Housing Secretary Henry G. Cisneros. "These gifts by the Federal Republic of Germany are merely an attempt to atone for an unforgivable horror."

In another letter sent today, Mr. DeConcini cited a 1984 ruling by the Federal Court of Appeals for the Ninth Circuit that Holocaust survivors' reparation payments not be counted as income for determining welfare eligibility.

Mr. DeConcini's press secretary, Robert Maynes, noted that Japanese-Americans who receive reparation payments from the United States Government for internment during World War II do not have that money included in computing their subsidized rent.

FEDERAL LAW IS CITED

A spokesman for the housing department in Washington said that although German war reparation payments were not counted in deciding residents' eligibility for subsidized housing, Federal law required that such payments be counted as assets in setting rent. Any change, he said, would have to be made by Congress, not by the department.

"H.U.D. is the only agency that counts this money as income, and it's something we need to change," Mr. Maynes said. "It's kind of a nonsensical bureaucratic approach to say you don't count the money for eligibility but you will count it as income. The I.R.S. doesn't tax this money. H.H.S. doesn't count it as assets. H.U.D. shouldn't count it, either."

Nonetheless, since June, Mrs. Schlomowitz has been paying the higher rent of $227 a month—$100 of which is to pay back the Government for the years in which she paid the lower rent.

"I really can't afford this," she said. "I pay every three months more than $800 for health insurance and nursing home insurance. I need food and medicine and special shoes because my foot is not so good. And I don't want to take charity from anyone. But like this, I can't buy anything."

Rebecca Flanagan, the manager of the local office of the Federal department, said she was seeking guidance from agency officials in Washington.

"We have sent a fax to Washington, explaining the situation and asking for further directions, but we haven't got an answer yet," she said.

WITH A LITTLE HELP FROM HER FRIENDS

(By Guy Gugliotta)

Every once in a while somebody beats the system. Fanny Schlomowitz, for one, appears to have a great shot at doing it. she isn't going to get rich, but with a little bit of luck she should be even by this time next year.

Win or lose, however, Schlomowitz already has proven that even an 86-year-old grandmother can win if her cause is just—and if she can find a couple of friends in high places.

The Department of Housing and Urban Development started leaning on Schlomowitz in early 1992, doubling her rent at a HUD-assisted housing project after learning that she received about $500 per month from the German government.

Schlomowitz is a Holocaust survivor, a Hungarian Jewish immigrant who endured the Third Reich's extermination camps between 1933 and 1945.

She emigrated to Houston in 1956, worked in Brooklyn, N.Y., then moved with her husband to the Kivel Campus of Care project in Phoenix 13 years ago so she could be closer to her three children and her grandchildren.

Her husband has since died, but Schlomowitz remains cheerful and energetic, her Middle European English untouched by nearly 40 years in the New World. "Ooh, this isn't an Arizona accent," she laughed in a recent telephone interview. "This is a Hungarian accent. Always I'm a Hunky."

The $500 Schlomowitz receives from Germany is a reparation paid to compensate her for the dizzy spells and headaches that began after a Nazi soldier clubbed her in the face in the Budapest ghetto.

HUD doubled her rent at Kivel because those were the rules. The extra $500 meant that her monthly income was $870, not the $370 she receives in Social Security. The rules said more income means more rent: up from $63 per month to $127.

Furthermore, Schlomowitz had received the reparation ever since she moved to Kivel, so HUD charged her an extra $100 per month for the arrearage. Paying $227 per month wiped her out practically overnight.

Schlomowitz, however, was no dummy. First, local news organizations did articles about her, then she wrote Sen. Dennis DeConcini (D-Ariz.) to tell him what had happened. DeConcini notified HUD Secretary Henry Cisneros, who on March 18 exempted Holocaust reparations in calculating eligibility for HUD-assisted housing. Schlomowitz's rent returned to $63 in April.

DeConcini does not plan to run for reelection next year, but if he did, he would have at least one hard-core supporter. "God bless him, he did a lot for me," Schlomowitz said. "If I hadn't thought of writing him, I don't know what would have happened."

At one point federal officials told Schlomowitz that it would take "an act of Congress" to change the rules governing program eligibility.

Fair enough.

In April, DeConcini and Rep. Henry A. Waxman (D-Calif.) introduced legislation requiring the government to disregard "certain payments made to victims of Nazi persecution" when assessing qualifications for any kind of means-tested public assistance—housing or otherwise. Staffers are confident this measure—a bona fide "act of Congress"—will easily pass both houses early next year.

It is "a moral step, with negligible fiscal impact," Waxman said in introducing the House legislation. "The actual number of individuals who will be affected by this bill will be small."

Small, and dwindling fast. The New York-based American Gathering of Jewish Holocaust Survivors estimates there are 45,000 to 50,000 survivors living in the United States, the vast majority of whom are at least 70 years old.

Of these, said Michael Feuer, executive director of Bet Tzedek Legal Services in Los Angeles, "we do not expect there to be 10,000" who could be described as needy people qualifying for federal assistance. Feuer said most of the survivors, rich or poor, receive $200 to $500 per month from Germany, and, in a few cases, Austria.

It was Bet Tzedek that argued successfully in federal appeals court 10 years ago that Supplemental Security Income payments could not be denied to a disabled Holocaust survivor because she received $228 per month in German reparations. The recent Cisneros ruling also has exempted housing, and DeConcini-Waxman seeks to cover food stamps, Medicaid and anything else.

One question still unresolved is the extra $1,968 paid by Schlomowitz during the year when HUD raised her rent. DeConcini plans to ask for an appropriation to cover it and to cover anyone else who might step forward to ask for retroactive relief.

Getting the money could be a bit sticky, DeConcini's office admitted, but on the other hand, he isn't trying to fund the Superconducting Super Collider. Quite likely, say DeConcini and Waxman aides, there is $1,968 in Schlomowitz's future.

If so, all of us might take heart. When the bureaucracy pushed Fanny Schlomowitz, she pushed back.

And the bureaucracy blinked.

So the bill (H.R. 1873) was deemed to have been considered, read three times, and passed.

ORDERS FOR WEDNESDAY, JULY 20, 1994

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, July 20; that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; that immediately after the Chair's announcement, Senator HEFLIN be recognized for up to 10 minutes and that Senator GRAMM of Texas be recognized for up to 15 minutes; that at 9:30 the Senate resume consideration of H.R. 4554, the agriculture appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FORD. Now, Mr. President, if there be no further business to come before the Senate today, I move that the Senate stand adjourned as previously ordered.

The motion was agreed to, and the Senate, at 8:38 p.m., adjourned until Wednesday, July 20, 1994, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 19, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PETE GEREN of Texas).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 19, 1994.

I hereby designate the Honorable PETE GEREN to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member except the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY] for 5 minutes.

CLINTON DEFENSE CUTS ARE RETURNING US TO A HOLLOW MILITARY

Mr. HEFLEY. Mr. Speaker, there is a perception out there that defense spending has not been reduced, and that there is plenty of money in the defense budget to be tapped for other purposes. Nothing could be further from the truth.

In 1992 candidate Clinton called for $60 billion in additional defense cuts beyond the cuts that President Bush had proposed.

President Clinton has nearly tripled his defense cuts. He is now calling for $156 billion in additional cuts. This year's defense budget represents the 10th straight year of decreased defense spending. The defense budget is 35 percent smaller than in 1985.

Under the Clinton defense blueprint, by 1999 the defense budget will account for only 2.8 percent of gross domestic product. At no time since before World War II have we dropped below 4.4 percent of gross domestic product.

During the same time, domestic spending is slated to increase by 12 percent, entitlements by 38 percent. It is clear that Bill Clinton is raiding the defense budget to fund new social spending.

What effect does this have on our military? Although only 10 percent of the Clinton defense cuts have been made, enlistment in the Armed Forces is down. The quality of recruits is dropping. The voluntary military concept which has worked so well in this country is threatened.

Active duty military personnel has decreased by 32 percent, 45 percent of our Army divisions are gone, Navy battle force ships are down 37 percent, and attack/fighter aircraft are down 40 percent from 1985 levels.

Defense cuts means lost jobs. Under the Clinton plan 15,000 soldiers and DOD civilian personnel will lose their job every month.

In the private sector, the Bureau of Labor Statistics predicts that the Clinton defense cuts will result in 1.2 million defense-related jobs between now and 1997.

What do these cuts do to our ability to fight and win wars?

The United States has always maintained a force capable of winning two simultaneous wars.

Last year, the Clinton administration changed that policy to being able to win two nearly simultaneous Persian Gulf type wars.

The Clinton plan calls for maintaining only 10 active Army divisions.

During Desert Storm, the United States deployed the equivalent of eight active Army divisions.

If we deployed 8 divisions during Desert Storm, how can the United States possibly win two wars with only 10 divisions?

Even if the United States deployed every Army division simultaneously, which is not only dumb, but also impossible, it could not win two nearly simultaneous wars.

Simply, the Clinton defense numbers do not match the U.S. commitments around the globe.

The Clinton administration has exercised a tentative and inconsistent foreign policy, increasing the need for a strong national defense.

In Somalia, Clinton expanded our role to include nation-building. This fuzzy policy not only cost the lives of U.S. soldiers, but sent the signal to foreign leaders that U.S. resolve was lacking.

How about Haiti? In October Clinton sent the U.S.S. *Harlan County* to Haiti; the ship was recalled after being chased away by a small angry mob. Candidate Clinton did not support the Bush policy of returning Haitian refugees. President Clinton does support this policy, or does he? It is a little hard to tell whether he does or not. One day he does and the next day he does not. Now Clinton is beating the drums of war with Haiti.

In Neville Chamberlain style, Bill Clinton has appeased North Korea on their desire to create a nuclear weapons program. Clinton first held firm regarding nuclear inspections; now vacillation has forced our retreat from the inspection demand.

There is no clearer example of the timid Clinton foreign policy than in Bosnia. First we support air strikes, then we don't. On again, off again. Retreat and appease.

An inconsistent foreign policy makes it more likely that the United States will need to use force. The bullies of the world just won't believe in U.S. resolve anymore.

Ronald Reagan once said, "If we are forced to fight, we must have the means and the determination to prevail or we will not have what it takes to secure the peace." Under the Clinton defense plan, the United States may not have the means to secure the peace.

Mr. Speaker, I was in the field over this last weekend with a lot of young soldiers training in tank commands and doing simulated war exercises, and I found them to be dedicated and enthusiastic. I find these young people want to be soldiers, want to do their best, want to defend their country, but the disturbing part of it was that I also found deep in their minds was the concern, does America want us, does America support us?

That is not the kind of attitude we need our young soldiers to have. We need to assure them that we do support them, that we do need them, that we are behind them, and that we have a resolve to have the strongest, best defense system in the world.

HAITIANS SUFFER BECAUSE OF MISALIGNED U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 4 minutes.

Mr. GOSS. Mr. Speaker, here we are. It is another week. We still have the same horrible, critical situation in Haiti, where people are suffering because of our misaligned foreign policy

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

there. If anything, a week later the situation is worse. It is more repressive for the people who are trying to get along, have jobs, a way of life in Haiti, and if anything, the diplomatic situation is more confusing.

Mr. Speaker, we read now the possibility that the justification for an invasion may be because some American lives are in danger. In fact, we have checked and we have checked again recently, and we find that there is no such threat to our American personnel there. There is the possibility of a threat to Americans possibly being in danger, as there is in any foreign country.

Mr. Speaker, I think it is fair to say that the administration has not made any kind of a case at all that is compelling, either to the American people or to the U.S. Congress, about why we would want to invade in Haiti. I have been looking at the polls.

Last week we had the Newsweek poll that said something like two out of three, more than two out of three Americans thought an invasion was a very bad idea, especially a unilateral invasion. They were opposed to it. That is confirmed, I understand, by a new CBS poll which says essentially the same thing, two out of three think it would be a very bad mistake.

The administration has failed to build any type of a constituency or support for any kind of an invasion, and understandably so, because there is no justification. There is no national security reason. Haiti is not going to attack us. We are not going to wake up tomorrow morning and find the Haitian Navy sailing up the Potomac River.

□ 1040

I think the second part of the problem that has emerged is the confusion over the OAS/U.N. peacekeeping efforts in the event that Cedras and the military junta left. We have had estimates all the way from 15,000 to 20,000 people and we have had statements by Secretary-General Boutros Boutros-Ghali that the United Nations cannot afford a peacekeeping operation like that. Of course the White House has a different figure of what it would take and the Special Counsel to the President, Mr. Gray, has a different figure of what it would take.

The question is who does one believe? Who do we believe when they start telling you that it is going to take 10,000, 2,000, 20,000? It is going to take a lot of people to do peacekeeping in Haiti, especially if we invade. It seems that we have missed a good bet.

I read in the paper this morning, in fact I have read twice, once yesterday, once today, that Cedras is offering to retire. He has said he will leave at the end of his term, which is a few months away, in January 1995. Are we going to invade to get him to leave more rapidly than that if in fact he will leave? I think that we are overlooking that just as we are overlooking the military leaders' new efforts to negotiate attempts to discuss a negotiated settlement rather than a military settlement to the problem. It is reported today in USA-Today.*

We apparently in our Government are saying, "Well, we won't talk to those people because they are not legitimate." Well, they may not be legitimate in diplomatic terms, certainly the Jonassaint government is not legitimate, but the fact is, they are the people we have to talk to because they are the people causing the problem. We need to open up, as Mr. Pezzullo said before he was fired by the administration, "We need to open up that diplomatic track and start talking to the moderates in Haiti and work for a negotiated settlement." Indeed, there are some moderates and there is some desire amongst the military to work out a negotiated settlement, as there well should be, and as we all encourage should happen.

While all this is happening, we are watching the cash register tick off ever more taxpayers' dollars to support this. Right now we are into this to the tune of a quarter of a billion dollars—that's $250 million so far for this inept policy. The estimate of an invasion, I saw one gentleman from the Pentagon said, an invasion would cost about $1 billion. Well, I will tell you if we took that $1 billion and that quarter of a billion dollars we have already spent and we divided it up amongst all the people in Haiti, we would probably do more for that country and build democracy than just about anything else we could have done with that money, in terms of their ability to go out and start getting medicine they need, food they need, shelter they need and investment they need in their infrastructure to get that country back on the democratic track again.

Today I am going to put in the hopper a piece of legislation. It is a sense-of-Congress, saying to the President, don't invade Haiti unless he can certify to the Congress that there is a clear and present danger to the citizens of the United States and that the United States interest requires such action. I hope my colleagues will consider it carefully.

COMMEMORATING THE 25TH ANNIVERSARY OF THE APOLLO MOON MISSION

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Texas [Mr. SAM JOHNSON] is recognized during morning business for 4 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, this morning I want to talk about some friends of mine, Neil Armstrong and Buzz Aldrin. Buzz Aldrin and I went through flying school together and fought in Korea together. We were fighter pilots together.

Twenty-five years ago tomorrow, Neil Armstrong and my friend Buzz walked on the Moon. Among their footprints and the American flag is a plaque stating "We came in peace for all mankind."

If left undisturbed by man, the scene will remain entirely as they left it for many thousands of years. My hope is that we allow it to remain for history undisturbed. Our research and space programs have been destructively reduced, so I come to the well today to speak of that yesterday, the Moon landing, and all the tomorrows ahead of us. We owe the fine men and women of the Apollo program, both in space and on the ground, our thanks. Counting Apollo 11, there were six Apollo missions to the Moon until 1972. No other nation has returned since then.

Twenty-five years have passed since that first space walk. An entire generation has grown to adulthood without knowing space travel. What many of you accept as part of your consciousness being an eyewitness to such a moment as I was, this generation can have no experiential feeling for. So you might ask me if it is really so important to have been a part of that particular moment in time. My answer is a resounding yes.

But, you see, I missed it. When Aldrin and Armstrong were flying to the Moon, I was sitting in the Hanoi Hilton prisoner-of-war camp in Vietnam. I not only missed all of the Moon missions but I thought the Russians had gotten there first because that is what the Vietnamese told us.

Buzz said he waved to me as he flew over Vietnam. In 6½ years, you miss an enormous amount of shared reality and freedom that your contemporaries take for granted. So I firmly believe that it is imperative we impart the facts as well as the feelings to this latest generation.

I hope July 20, 1969, will be remembered as a day when courage overcame fear of the unknown, when confidence replaced doubt, when insurmountable odds became a challenge, when humankind reached beyond the bounds of reality, not just to touch the unknown but to embrace it.

You see, mankind is at its best when confronted with tough challenges. I would like to be able to tell my grandchildren that when we faced tough choices and long odds, we looked into an uncertain future with the same courage that the Apollo astronauts had. That we decided bold ventures and glorious undertakings were to be found not on the fields of battle but inside microscopic worlds and out there among the stars.

So take a little time tomorrow to remember Apollo 11 and Michael Collins, Neil Armstrong, and Buzz Aldrin and to thank them for more than just the mission. America owes them a great deal.

MANDATES WILL LOSE JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized during morning business for 2 minutes.

Mr. TORKILDSEN. Mr. Speaker, I want to applaud my colleague, the gentleman from Texas, for those great words on the Apollo program.

I rise today to speak about a different subject, Mr. Speaker, while there is much debate on what the impact of an employer mandate for health care will be, one point should be clear. The employer mandate will cost jobs.

The employer mandate issue is so frightening that some advocates now use the terms "soft trigger" and "hard trigger," enabling them to talk about employer mandates without ever mentioning the M word.

An employer mandate by any other name would still cost hundreds of thousands of Americans their jobs, especially those in entry level jobs, those who need the most help from health care reform.

Whether implemented by a trigger or some other euphemism, a mandate will still be a job killer, as employers lay off some workers to pay for the health care premiums of other workers.

That is the cruelest part of the mandate: Some will lose their jobs so that others can have health insurance. Shouldn't we be working for reform that makes health care accessible for all Americans, without forcing layoffs to pay for that health care?

Health security should not come at the expense of job security. We need to make health care more accessible and affordable for all Americans.

CLINTON RANGE REFORM PLAN

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Wyoming [Mr. THOMAS] is recognized during morning business for 4 minutes.

Mr. THOMAS. Mr. Speaker, there is a war in the West. The previous speaker talked some about the complexities of the Clinton health care plan. Let me tell you that the complexities of the Clinton range reform plan are equally as destructive and difficult. I came just this weekend from another appearance of Secretary Bruce Babbitt in the West to talk about rangeland reform. This was the hearing that was held by the Senate Committee on Energy and Commerce, Senator WALLOP. It brought out about 250 family farmers and ranchers in Wyoming to talk about their future on public lands. It brought about people who were talking about the opportunity to stay in business as opposed to going out of business.

Under the plan, the Agriculture Department, FmHA, has indicated that about 50 percent of the borrowers that are on public lands would go out of business under this plan.

About 50 percent of Wyoming belongs to the Federal Government, more than that in most Western States, as a matter of fact. We have some 29 million acres that belongs to the Federal Government, most of it in the 13 Western States.

These lands have to be used in multiple use if we are to have an economic future in the West and they are designed for multiple use. These are not National Parks, these are not wilderness areas, these are BLM lands, these are the lands that were left after the land was taken up in homestead. These were residual lands that, frankly, were not usable.

In the early days the owners came in who homesteaded and they homesteaded along the creek bottoms and they homesteaded along the better lands, and these were lands that were left, frankly. No one wanted them. Originally the BLM Act said they would be managed pending disposal and they were not disposed of, and I have no quarrel with that particularly, although I would like to see them transferred to the States. The fact is they are for multiple use and the war in the West goes on, despite a letter to the editor from the staff director of the majority in the House, which says that these are barons, mineral barons and land barons.

I wish he could have been with me, these are barons all right. These are family barons. These are people who support their communities, who's downtown businesses depend upon the basic tax base of the communities, depend upon the multiple use of these lands.

The most egregious example, it seems to me, is the over effort in the area of rangeland reform where we have an expansive solution to a relatively modest problem.

Overgrazing conditions can be taken care of under the law. The fact is the land is in better shape than it has been for years. BLM's own figures show that.

Hunting and fishing, we have a great many more antelope, deer, elk, and mountain sheep than we have had before.

We need to do something about riparian grazing. We can do that now. We have this expansive reform as is the case in this administration of every change that they want to make. They call it some reinvention or reform, or some kind of revolution. It does not require a revolution. It requires sensible management of resources.

It is not just grazing. It has to do with timber, it has to do with oil, and gas, and trona, soda ash, it has to do with water. It has to do with endangered species. Basically and most of all it has to do with the multiple use of resources that belong to all of the people.

We can provide for family ranches to continue to graze those lands. We can provide for timber cutting which is required to have healthy forests. We can continue in an environmentally sound way to have exploration and production of oil and gas. We need to do this. This is not just a matter of grazing. This is a national matter of the best use, the best use of our natural resources.

So there is a war in the West, and it continues despite the protestations of the administration. It continues despite the delays which are put in, interestingly enough, after November, which may have some impact on Democrats running in the West. There is a war in the West.

There is a war in the West and it is a war on the economic future of people who live in the Western States and all of the impacts it has on infrastructure and education, and children.

I think we need to use those resources effectively. We need to use them in a balanced way and we can do this and continue to have an economic future.

RECESS

The SPEAKER pro tempore (Mr. PETE GEREN of Texas). Pursuant to clause 12 of rule I, the Chair declares the House in recess until noon.

Accordingly, (at 10 o'clock and 54 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the days go on with all the needs that must be met, remind us, O gracious God, not only of the world of action and duty, but also to see more clearly the reality of the spiritual and the holy, the place of gratitude and thanksgiving, the realm of faith and hope and love. Guide us, O God, in the things of the spirit, that we will truly be the people You would have us be. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from West Virginia [Mr. WISE] come forward and lead the House in the Pledge of Allegiance.

Mr. WISE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 572. An act for the relief of Melissa Johnson;

H.R. 1346. An act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building";

H.R. 2532. An act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse";

H.R. 3770. An act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building"; and

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4429. An act to authorize the transfer of naval vessels to certain foreign countries;

H.R. 4539. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1995, and for other purposes; and

H.R. 4453. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4539) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. DECONCINI, Ms. MIKULSKI, Mr. KERREY, Mr. BYRD, Mr. BOND, Mr. D'AMATO, and Mr. HATFIELD, be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4453) "An Act making appropriations for military construction for the Department of Defense for the fiscal ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and that Mr. SASSER, Mr. INOUYE, Mr. REID, Mr. KOHL, Mr. BYRD, Mr. GORTON, Mr. STEVENS, Mr. MCCONNELL, and Mr. HATFIELD, be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1880. An act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994; and

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

TANIA GIL COMPTON

The Clerk called the Senate bill (S. 537) for the relief of Tania Gil Compton.

There being no objection, the Clerk read the Senate bill as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR TANIA GIL COMPTON.

(a) IN GENERAL.—Subject to subsection (b), Tania Gil Compton shall be classified as a child within the meaning of section 101(b)(1)(F) of the Immigration and Nationality Act for the purposes of the approval of an immediate relative visa petition filed by her adoptive parent, and the filing of an application for an immigrant visa or adjustment of status, under that Act.

(b) ADJUSTMENT OF STATUS.—If Tania Gil Compton enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully, and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act, except that paragraph (2) of section 245(c) of that Act shall not apply.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 90 days after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Tania Gil Compton, the Secretary of State shall instruct the proper officer to reduce by one number, for the current or next following fiscal year, the total number of immigrant visas available under section 201(c)(1)(A) of the Immigration and Nationality Act, in accordance with clause (ii) of that section.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—No natural parent, brother, or sister, if any, of Tania Gil Compton shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARK A. POTTS

The Clerk called the bill (H.R. 3718) for the relief of Mark A. Potts.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ORLANDO WAYNE NARAYSINGH

The Clerk called the bill (H.R. 2266) for the relief of Orlando Wayne Naraysingh.

There being no objection, the Clerk read the bill as follows:

H.R. 2266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMEDIATE RELATIVE STATUS FOR ORLANDO WAYNE NARAYSINGH.

(a) IN GENERAL.—Orlando Wayne Naraysingh shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Orlando Wayne Naraysingh enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Orlando Wayne Naraysingh, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Orlando Wayne Naraysingh shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LETEANE CLEMENT MONATSI

The Clerk called the bill (H.R. 2411) for the relief of Leteane Clement Monatsi.

There being no objection, the Clerk read the bill as follows:

H.R. 2411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMMIEDIATE RELATIVE STATUS FOR LETEANE CLEMENT MONATSI.

(a) IN GENERAL.—Leteane Clement Monatsi shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigration visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Leteane Clement Monatsi enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application of issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Leteane Clement Monatsi, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Leteane Clement Monatsi shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JUNG JA GOLDEN

The Clerk called the bill (H.R. 1184) for the relief of Jung Ja Golden.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

FANIE PHILY MATEO ANGELES

The Clerk called the bill (H.R. 2084) for the relief of Fanie Phily Mateo Angeles.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

DISPENSING WITH FURTHER CALL OF PRIVATE CALENDAR

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that further proceedings under call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 19, 1994.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit two sealed envelopes received from the White House received at 3:37 p.m. on Monday, July 18, 1994 as follows:

(1) Said to contain a message from the President wherein he submits a 6-month periodic report with respect to the national emergency with Libya.

(2) Said to contain a message from the President whereby he submits an agreement, with annex between the U.S.A. and Lithuania extending the fishery agreement until December 31, 1996.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

EXTENSION OF FISHERY AGREEMENT WITH ANNEX BETWEEN THE UNITED STATES OF AMERICA AND LITHUANIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Republic of Lithuania Extending the Agreement of November 12, 1992, Concerning Fisheries off the Coasts of the United States, with annex. The agreement, which was effected by an exchange of notes at Vilnius, Lithuania on February 22, 1994, and May 11, 1994, extends the 1992 agreement to December 31, 1996. The exchange of notes, together with the 1992 agreement, constitutes a governing international fishery agreement within the requirements of section 201(c) of the Act.

In light of the importance of our fisheries relationship with the Republic of Lithuania, I urge that the Congress give favorable consideration to this agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1994.*

REPORT WITH RESPECT TO NATIONAL EMERGENCY WITH LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of February 10, 1994, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act ["IEEPA"], 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Corporation Act of 1985, 22 U.S.C. 2349aa-9(c).

1. As previously reported, on December 2, 1993, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked. In addition, I have instructed the Secretary of Commerce to reinforce our current trade embargo against Libya by prohibiting the re-export from foreign countries to Libya of certain U.S.-origin products, including equipment for refining and transporting oil, unless consistent with United Nations Security Council Resolution 883.

2. There have been two amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the "Regulations"), administered by the Office of Foreign Assets Control ["FAC"] on the Department of the Treasury, since my last report on February 10, 1994. The first

amendment (59 *Fed. Reg.* 5105, February 3, 1994) revoked section 550.516, a general license that unblocked deposits in currencies other than U.S. dollars held by U.S. persons abroad otherwise blocked under the Regulations. This amendment is consistent with action by the United Nations Security Council in Resolution 883 of November 11, 1993. The Security Council determined in that resolution that the continued failure of the Government of Libya ["GoL"] to demonstrate by concrete actions its renunciation of terrorism, and in particular the GoL's continued failure to respond fully and effectively to the requests and decisions of the Security Council in Resolutions 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. Accordingly, Resolution 883 called upon Member States, *inter alia*, to freeze certain GoL funds or other financial resources in their territories, and to ensure that their nationals did not make such funds or any other financial resources available to the GoL or any Libyan undertaking as defined in the resolution. In light of this resolution, FAC revoked section 550.516 to eliminate a narrow exception that had existed to the comprehensive blocking of GoL property required by Executive Order No. 12544 of January 8, 1986 (3 C.F.R., 1986 Comp., p. 183), and by the Regulations. A copy of the amendment is attached to this report.

On March 21, 1994, FAC amended the Regulations to add new entries to appendices A and B (59 *Fed. Reg.* 13210). Appendix A ("Organizations Determined to be Within the Term 'Government of Libya' (Specially Designated Nationals of Libya)") is a list of organizations determined by the Director of FAC to be within the definition of the term "Government of Libya" as set forth in section 550.304(a) of the Regulations, because they are owned or controlled by, or act or purport to act directly or indirectly on behalf of, the GoL. Appendix B ("Individuals Determined to be Specially Designated Nationals of the Government of Libya") lists individuals determined by the Director of FAC to be acting or purporting to act directly or indirectly on behalf of the GoL, and thus to fall within the definition of the term "Government of Libya" in section 550.304(a).

Appendix A to part 550 was amended to provide public notice of the designation of North Africa International Bank as a Specially Designated National ["SDN"] of Libya. Appendix A was further amended to add new entries for four banks previously listed in Appendix A under other names. These banks are Banque Commerciale du Niger (formerly Banque Arabe Libyenne Nigerienne pour le Commerce Exterieur et le Developpement), Banque Commerciale du Sahel (formerly Banque Arabe Libyenne Malienne pour le Commerce Exterieur et le Developpement), Chinguetty Bank (formerly Banque Arabe Libyenne Mauritanienne pour le Commerce Exterieur et le Developpement), and Societé Interaffricaine du Banque (formerly Banque Arabe Libyenne Togolaise pour le Commerce Exterieur). These banks remain listed in Appendix A under their former names as well.

Appendix B to Part 550 was amended to provide public notice of three individuals determined to be SDNs of the GoL: Seddigh Al Kabir, Mustafa Saleh Gibril, and Farag Al Amin Shallouf. Each of these three individuals is a Libyan national who occupies a central management position in a Libyan SND financial institution.

All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in appendices A and B. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the amendment is attached to this report.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 69 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (33) concerned requests by non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent GoL interest. The largest category of denials (18) was for banking transactions in which FAC found a GoL interest. Four licenses were issued authorizing intellectual property protection in Libya.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 126 transactions involving Libya, totaling more than $14.7 million, were blocked. Four of these transactions were subsequently licensed to be released, leaving a net amount of more than $12.7 million blocked.

Since my last report, FAC collected 15 civil monetary penalties totaling nearly $144,000 for violations of the U.S. sanctions against Libya. Twelve of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. The other three penalties were received for violations involving letter of credit and export transactions.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Open cases as of May 27, 1994, totaled 330. Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Department of State and Justice to identify U.S. persons who enter into contracts or agreements with the GoL, or other third-country parties, to lobby United States Government officials and to engage in public relations work on behalf of the GoL without FAC authorization.

On May 4, 1994, FAC released a chart, "Libya's International Banking Connections," which highlights the Libyan government's organizational relationship to 102 banks and other financial entities located in 40 countries worldwide. The chart provides a detailed look at current Libyan shareholdings and key Libyan officers in the complex web of financial institutions in which Libya has become involved, some of which are used by Libya to circumvent U.S. and U.N. sanctions. Twenty-six of the institutions depicted on the chart have been determined by FAC to be SDNs of Libya. In addition, the chart identifies 19 individual Libyan bank officers who have been determined to be Libyan SDNs. A copy of the chart is attached to this report.

In addition, on May 4, 1994, FAC announced the addition of five entities and nine individuals to the list of SDNs of Libya. The five entities added to the SDN list are: Arab Turkish Bank, Libya Insurance Company, Maghreban International Trade Company, Saving and Real Estate Investment Bank, and Societé Maghrebine D'Investissment et de Participation. The nine individuals named in the notice are: Yousef Abd-El-Razegh Abdelmulla, Ayad S. Dahaim, El Hadi M. El-Fighi, Kamel El-Khallas, Mohammed Mustafa Ghadban, Mohammed Lahmar, Ragiab Saad Madi, Bashir M. Sharif, and Kassem M. Sherlala. All prohibitions in the Regulations pertaining to the GoL apply to the entities and individuals identified in the notice issued on May 4, 1994. All unlicensed transactions with such entities or persons, or transactions in which they have an interest, are prohibited unless otherwise exempted or generally licensed in the Regulations. A copy of the notice is attached to this report.

The FAC also continued its efforts under the Operation Roadblock initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

5. The expenses incurred by the Federal Government in the 6-month period from January 7, 1994, through July 6, 1994, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $1 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the GoL continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The United States continues to believe that still stronger international measures than those mandated by United Nations Security Council Resolution 883, including a worldwide oil embargo, should be enacted if Libya continues to defy the international community. We remain determined to ensure that the perpetrators of the terrorists acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1994*.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. McCOLLUM. Mr. Speaker, pursuant to clause 1, rule XXVIII, I am announcing to the House that tomorrow I intend to offer a motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The form of the motion is as follows:

Mr. McCOLLUM moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to make any agreement that does not include section 2405 of the Senate amendment, providing mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a state crime of violence or state drug trafficking crime.

CLINTON ECONOMIC PACKAGE HELPING THE MIDDLE CLASS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, the middle class is the foundation of American economic might. Measure the fortunes of the middle class and you measure the national wealth and well being.

Last year folks back in my district were pretty skeptical of the Clinton economic package. They heard a lot of disinformation about how the plan would hurt them. Today, they see that the middle class has actually benefited from the plan.

Congressional action has slashed Federal spending and gutted the deficit. Unemployment has dropped 1.7 percent since 1993. 6,398 jobs are being created each day. We have experienced more job growth since January 1993 than in the previous 4 years. Ninety-two percent of that growth has been in the private sector.

The gross domestic product has held at 3.2 percent for the last five quarters, twice the pace of the previous 4 years, and inflation is holding at a 30-year low.

The 103d Congress has done well by the middle class. It can, and should, do more.

□ 1210

HEALTH CARE REFORM IS TOO IMPORTANT TO BE DECIDED BEHIND CLOSED DOORS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, as I take the floor, North Korean Communist leaders are meeting behind closed doors to select the successor to the late Kim Il Sung, the so-called Great Leader. That is the way important decisions are made in an anti-democratic country—behind closed doors.

This is not how we should make decisions in America. And yet, this is exactly how the Democrat leadership is deciding the fate of our Nation's health care system—behind closed doors. This decision will affect every man, woman, and child in America. It will affect one-seventh of our Nation's economy.

Mr. Speaker, health care reform is too important to be decided behind closed doors. It is too important to be decided without an open rule that would allow the democratically elected Members of Congress to debate this issue openly.

Mr. Speaker, this is America, the land of the free, this is not North Korea. We request, and democracy requires, a free and open rule on health care reform.

SIGN DISCHARGE PETITION NO. 12

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 1,300 IRS agents were busted snooping through tax returns, invading the privacy of the American people.

It has gotten so bad in some of these episodes that IRS agents actually figured out tax refunds that taxpayers overlooked, filed false, fraudulent forms, got the refunds, and kept this for themselves. Unbelievable, ladies and gentlemen.

The IRS is in our kitchen. The IRS is in our bathrooms. The IRS is in our bedroom. The IRS is in our office. Now the IRS is in our computers, Congress, and the Congress does nothing about it, absolutely nothing, but the truth is the IRS is now in our face, and they are in the face to the American people, and they are in the wallets and pocketbooks of the American people.

They should go to jail for this. Sign Discharge Petition No. 12 and get in the face of the IRS in a heartbeat.

THE AMERICAN PEOPLE TAKEN FOR A RIDE ON HEALTH CARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, in a few days President Clinton and some of his Hollywood friends are hopping a bus to tour the country pushing for their big Government health care takeover. But it is the American people who are being taken for a ride.

President Clinton and his allies want Washington bureaucrats telling folks which doctors they can see and which treatments are allowed, price controls, rationing of services. And they want to pay for their new bureaucracy with huge taxes and job killing employer mandates.

Not surprisingly, their plan has millions of Americans calling 911 in a panic and, I do not blame them.

We can do better. Along with many Democrats and Republicans, I am supporting the Rowland-Bilirakis health care proposal to bring real reform without taking away the freedom families have to make their own health care decisions.

HEALTH CARE REFORM

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, perhaps it is symbolic that you have asked me not to bring out today my display cardboard pizza, because, in a symbolic sense, I may not have a pizza, but many Pizza Hut employees, we just learned over the weekend, do not have health insurance. Pizza Hut will pay health benefits to its employees in other countries where there are employer mandates, but they will not do the same here in the United States.

Now, what Pizza Hut says is, yes, but you pay much more for a pizza in other countries. Is that not a lot of tomato sauce, since we know the food cost is historically higher in other countries?

We know in Japan, for instance, the dollar-yen valuation changes greatly increase the price of food, and finally, we know that foreign goods produced overseas have much lower health care costs built into their product than we do in ours even though they have comprehensive health care.

Pizza Hut is saying these things, and when they tell you, incidentally, they are giving you extra bread sticks, just remember what they are also giving you is a 30-percent cost shift; that is right, we are paying 30 percent more for our health insurance to cover those employees who do not have health insurance.

Recalculated, for instance, at the additional cost of labor, at the most, it would be 10 cents more on a $10 pizza, and that is without taking out for workers' comp savings and other significant savings as well.

So when they tell you they cannot afford to provide it here in the United States, just tell them they are giving you a lot of pepperoni.

PRESIDENT'S HEALTH CARE PLAN A DISASTER

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, over the weekend the National Governors' Association, a bipartisan association comprised of all the Nation's Governors, joined Pizza Hut and others in bluntly criticizing the Clinton-style plan passed by the House Committee on Ways and Means for the purpose of reforming health care.

The National Governors' Association said, "This plan would put 40 percent of Americans in a costly Government-run entitlement program." Democrat Governor Lawton Chiles of Florida said the bill passed by the Committee on Ways and Means would be a "disaster" if enacted.

Now, this disaster being pushed by Mr. and Mrs. Clinton and others would heap more taxes on business, cause a corresponding loss of up to a million jobs, and would produce a health care system run with the efficiency of the Post Office and the compassion of the Internal Revenue Service, about which the gentleman from Ohio [Mr. TRAFICANT] was explaining to you.

Governor Chiles was right. Such a plan is, indeed, a disaster. President Clinton should go back to the drawing board.

NEW LEGISLATION FOR TEMPORARY EMPLOYEES WOULD BENEFIT SURVIVORS OF COLORADO FIREFIGHTERS

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, of the 14 brave firefighters who died in the Colorado inferno, only 2 were permanent employees. The other 12 were temporary employees who were ineligible for many benefits, including health care and retirement programs.

It is truly cold comfort that their families may be eligible for some benefits, as a result of this tragedy. We must reform the Federal Personnel System to provide fair benefits to the 10,000 seasonal firefighters and law enforcement rangers and tens of thousands of other temporary employees nationwide.

For years, I have been trying to resolve this problem. Last year, after another temporary employee, James Hudson, died after working two shifts in sweltering heat at the Lincoln Memorial, I reintroduced legislation to provide basic benefits to temporary employees.

In response to congressional pressure on this vital matter, the Office of Personnel Management issued proposed regulations providing some assistance to Federal temporary employees.

Today I am circulating a dear colleague and I ask every Member to sign on to my letter to OPM Director Jim King urging OPM to expedite the final regulations. The letter also seeks to have OPM develop a fiscal strategy to provide health and retirement benefits to temporary employees.

We need to fix this issue. It is simply wrong that this issue seems to surface only after great tragedy.

DOES BIPARTISAN HEALTH CARE REFORM REQUIRE A TICKET?

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I am sure by now you have heard about the administration's proposed health care reform bus extravaganza. This is an event designed to boost the anemic support for the President's plan from its present 32 percent.

Materials distributed by the DNC state that anyone can sponsor a bus, or a leg of the journey, for a mere $5,000 to $20,000.

Sponsors riding on the bus get a cap, t-shirt, and a photo taken of them with the bus, in front of the Capitol. But aside from the obvious monetary commitment that these sponsors make is the fact that the DNC is demanding that sponsors sign a pledge.

By signing this pledge, sponsors agree to support whatever bill Congressman GEPHARDT and Senator MITCHELL agree on, without seeing any of the legislative language.

Health care reform should not be reduced to bus trips and pledge cards. This is one-seventh of our economy, and it deserves bipartisan consideration. If this consideration takes prolonged debate, compromise, or even incremental change, then it will be well worth it.

The American people elected us with the expectation that we will work together here on Capitol Hill, not behind closed doors and certainly not on some bus.

□ 1220

THE SELF-SUFFICIENCY ACT

(Mr. ORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, few issues enjoy unanimous support in this body, but there is one thing upon which most of us agree, and that is that our welfare system is a failure and needs reform. It too often provides people who choose not to work with a better deal than those who choose to take a job. We need to create a system where work is not penalized, and where the logical choice for parents is to work to provide for their children.

As Congress debates reform of our welfare system, it makes sense to give States the flexibility to use an approach to welfare reform that has proven successful. For this reason, today I am pleased to introduce The Self-Sufficiency Act, a bill based on the success of the Single Parent Employment Demonstration Program in Utah.

The Self-Sufficiency Act uses a commonsense approach to welfare that provides assistance to participants who are working toward self-sufficiency, promotes work, and gradually phases out benefits to those who have chosen not to participate. Through this approach, this program has reduced spending on AFDC grants by almost 25 percent in just a year and a half.

Moreover, it can be used in conjunction with most, if not all, of the other welfare reform proposals currently being considered.

Amazingly, 44 Federal Government waivers had to be approved before the demonstration program could use this approach. This bill allows States to forgo the redtape and get on with helping people enter the labor market. It is my hope that this approach will become a national model for welfare reform.

QUESTIONS ABOUND ON THE DEATH OF VINCE FOSTER

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, additional questions continue to be raised regarding the untimely death of Vince Foster, the assistant counsel to the President of the United States. Vince Foster was killed or died by his own hand last July. But it was not until 9 months later, 9 months later, after he was found at Fort Marcy Park that the FBI was called in to do an extensive investigation.

Now, why did they wait 9 months before they went out there with forensic experts to get the information which should have been gotten 1 or 2 days after he was killed or the same day?

Why did Bernie Nussbaum, Patsy Thomasson, and Hillary Clinton's chief of staff go into Mr. Foster's office right after he was dead and for 2 hours extricated files and took them out of his office, went through them very thoroughly, even though Mack McLarty, the chief of staff of the White House, ordered that office sealed? It was not sealed until 11 a.m., the next morning, after they went in and extricated or took all those files out of there. And why 2 days later did they go back in again a second time and the FBI was there with them at that time and they ordered the FBI to stay out in the hall and sit in their chairs? In fact, one FBI agent got up and looked in the room, and they said, "Sit down, this is executive privilege," and they would not let them in. More of these questions will be asked and answered tonight during a special order.

NEW YORK HEALTH INSURANCE COSTS SKYROCKET

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would like to share with you a scenario about what can happen when individual insurers are required to charge the exact same premium for coverage to anyone who wants it, regardless of health status. This is exactly what the State of New York did in April 1993.

Younger, healthier individuals will be overcharged for health care insurance while older less healthy individuals will be undercharged for their premiums.

The goal of the New York legislation was to increase access and thus increase the number of people who were insured. The consequences, however, produced the opposite effect.

As we strive to reform health care with universal coverage as a major goal, we must also have insurance reforms. We must provide certain safeguards to insure stability and solvency in the marketplace.

Let us look at what happened in New York and learn a lesson from this as we move forward with health care reform.

THE POOR AREN'T POORER

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, according to article in U.S. News & World Report, the poor didn't get poorer during the Reagan-Bush years. Despite the claims based on the class war mindset of this Democratic administration, the poor did better during the Republican administration than they will during the Clinton administration.

Here is what the story says: "Research by a number of prominent scholars suggests that much of the accepted wisdom about the poorest households is wrong. The tax changes and domestic-program cuts of Ronald Reagan and George Bush did not increase inequality; in fact, income inequality and poverty levels are significantly lower today than earlier in the century, and in many respects the material lot of poor families actually improved during the past two decades."

Mr. Speaker, this confirms what Republicans have been saying all along: Bigger government does not help the poor. Better opportunity does.

And this opportunity is not promoted with job-killing employer mandates, business-killing higher taxes, and Big Government bureaucracy and excessive regulation on the private sector.

GOVERNING IS NOT A CAMPAIGN

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, contrary to what the White House war room political consultants might believe, governance is not like a campaign. Every time you run into trouble, you cannot just climb aboard a bus and run over the truth. The truth is, many people who have to live with the Big Government medicine prescribed up by the administration spin doctors are refusing to accept the Clinton health treatment—or the hybrid that is likely to come out of behind-closed-doors Democrat-only meetings now feverishly underway. Americans understand a lot more than the "Trust-me-I'm-from-the government" types at the White House give them credit for. Most Americans do not want job-killing mandates; they do not want Big-Government bureaucrats making choices for them and they do not want to stand in line for care they know they need. They want a bipartisan approach that fixes what's broken by building on what works.

So let us cancel the bus tour and get down to work on Roland-Bilirakis as a good place to start on bipartisan reform.

MEDICAL MALPRACTICE REFORM

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, I am pleased to announce that today I will introduce the Medical Malpractice Fairness Act of 1994. This measure has the strong support of former Vice President Dan Quayle—a vocal advocate of medical malpractice reform, as well as the American Medical Association, the Minnesota Medical Association, and numerous other groups.

I find it appalling that not one of the health care reform bills reported out of committee in the House has any meaningful medical malpractice reform.

How can the White House and Democrat leadership go before the American public and say they're trying to reform health care when they virtually ignore the $15 billion a year that could be saved if my bill was approved.

Serious medical malpractice reform would save consumers billions of dollars each year—in particular it would reduce the cost of the typical hospital stay by $500, reduce the rate of defensive medicine, and reduce the cost of liability insurance.

I strongly urge my colleagues to support the Medical Malpractice Fairness Act of 1994 and show that comprehensive health care reform includes serious medical malpractice reform.

PERCEPTION IS REALITY, NOT PERKS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, surveys continue to reveal that Americans are disgusted with our perks and they want us to abide by all the laws they do. A lunch from a lobbyist is not going to influence our vote, but it does influence the way Americans view Congress and their vote. As a democracy, we need to be under the same rules as the people we represent. Therefore, I have introduced H.R. 4444. My bill is simple: do away with our perks and require us to live under the same laws. Over 100 new Members were elected in 1992 to reform Congress but it has not happened. The leadership bill does not go far enough. True reform will bring us under the same rules as other Americans. This not only means the same laws, but the elimination of all remaining perks.

According to others we have more restrictions than any legislature and are the most ethical Congress ever. But we are not perceived that way. And in politics, perception is reality. To convince voters that we are the ethical, honorable body we are, reform must do away with our perks and privileges. Nothing in my bill will hinder us in our duties. We need to head down the road of reform, I say to my colleagues, and H.R. 4444 is the best legislative vehicle.

THE V-22 OSPREY PROGRAM RECOMMENDED AS MOST COST-EFFECTIVE

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WELDON. Mr. Speaker, Congress has supported the V-22 Osprey program because it is the right aircraft for the Marine Corps and it is the right aircraft for our nation. The V-22 has been consistently shown as the most cost-effective replacement for the Marine Corps CH-46 medium-lift aircraft.

By every standard of military readiness and safety, the CH-46 should already be retired. Because of continued delays on the V-22, we are now pushing the margins of acceptable risk with the CH-46 fleet and endangering lives. Consider, for example: For each hour that the CH-46s fly, mechanics must perform seventeen and one-half hours of maintenance; Each time a CH-46 crashes, the service spends $1 million and upward to salvage it because of shortages in the fleet; They can not fly as fast, climb as high or carry a full crew; During the 5-year delay in the V-22 program, there have been 14 CH-46 crashes killing 26 people.

I have a Navy Times article outlining the problems in the CH-46 fleet, and I will insert it in the RECORD. The message is clear: every day we delay the V-22 replacement we jeopardize the lives of our soldiers in the field. It is time for the Pentagon to move ahead on the V-22.

[From the Navy Times, July 11, 1994]

HOW LONG CAN THE CH-46 LAST?

(By Gidget Fuentes)

(Due to time constraint all illustrations have been omitted)

Several words described the CH-46 Sea Knight helicopter: Workhorse. Vietnam-era. Obsolete. Museum piece. Overused. Sentimental. Determined. Aging. Tired. Venerable.

It is a study in contradictions and a metaphor for the Marine Corps: Old and tradition bound, yet tough as nails and ready to fight.

To infantry Marines, the Sea Knight is what gets them where they're supposed to go, picks them up from a hot LZ, hauls their mail and cookies and brings in reinforcements. Still, there are few places groundpounders dislike more than being in the belly of a helicopter that joined the Marine Corps a decade or more ago, before many of them were born.

To her "drivers," as helicopter pilots like to be called, the tandem-rotor Sea Knight is still a worthy aircraft. But they worry that the 46s are getting too old and that the outlook for a replacement aircraft seems to be perpetually 10 years over the horizon.

But to the wrench-turning knuckle-busters, the mechanics who service these old birds 10 to 12 hours a day, they are creatures of remarkable endurance. Sure, they require 17 or more hours of maintenance for every hour of flight, they say. But as long as they're carefully and meticulously maintained, they can last, seemingly, forever.

That's a good thing. The best estimates for a medium-lift replacement aircraft—most likely the tilt-rotor V-22 Osprey—doesn't have it joining the fleet in large numbers perhaps as late as 2010.

The H-46 was based on the Boeing Vertol 107 in 1961, and went into hastened production starting in 1962. The first operational delivery in 1964 went to HMM-265 from New River, N.C. That squadron, now at Kaneohe Bay, Hawaii, is celebrating its 30th anniversary July 29.

"It's not often an airplane sees 30 years," noted CW02 Joe Boyer, a spokesman at the Marine Corps Base Kaneohe Bay, Hawaii. Since the production line was shut down in 1971, even the newest 46s are, at 23, old in aircraft terms.

Even with upgrades in the airframes, motors, rotors and other equipment on board, however, by most definitions these aircraft should be retired or retiring right now.

Among military aircraft, the only ones that are older are the B-52 long-range bomber, which may remain in the fleet with new wings and avionics, the A-6 Intruder, which is planned to retire by 1999, and the KC-130 refueler turboprop, which entered the Marine Corps inventory in 1961, a year before the Sea Knight.

Pilots and aircrews talk in amazement about the 46's steam gauges and vacuum tubes.

Noted Cpl. Steven Barott, an avionics technician with HMM-365 at New River MCAS, N.C., who was born the year after the last 46 was built: "The 46 is getting older so a lot more things break more often." Adds a cynical pilot, noting that a replacement is not going to come anytime soon: "My 6-year-old has an opportunity to do his first tour in the 46."

JEOPARDIZING LIVES?

The H-46's age has many people wondering not who will be its next generation of pilots, but how long these birds will be safe to fly—and whether they'll survive until their likely replacement by the V-22 Osprey tiltrotor aircraft.

"As good, as concentrated as the crews and the maintenance people are * * *, they're tying to keep birds that are 30 years old in the air," says James Tanner, whose son, Navy Lt. Michael Tanner, was killed Jan. 10 in an HH-46D accident 500 miles east of Bermuda. "Why do we have to jeopardize people's lives, day in and day out?"

A COSTLY PRIORITY

The answer is plain dollars and cents. The V-22, which has been plagued by developmental problems—including a deadly crash in the Potomac River two years ago—is a very costly program, and it comes at a time when Congress and the Pentagon can't afford very many of those. During the Bush administration, then-Defense Secretary Dick Cheney tried to kill the Osprey Congress refused, and ordered that development be continued. But the squabble added years to the development cycle.

Now the Marine Corps is stuck with its CH-46s for another decade or two. And the question everyone is asking is whether the aircraft can remain viable for that long.

As it is, Marine CH-46Es are already restricted in how much they can carry and how they can fly—so the aircraft are no longer capable of doing all they were designed to do.

And lest Marines think they are the only ones on the short end of this stick, they need only look at their sister service: The Navy, which uses its H-46Ds for vertical replenishment, cargo handling and search-and-rescue missions, has no real planned successor. As of now, their replacement is supposed to be the Marine CH-46E.

"The aircraft is good, but you do outlive the technology at some point," said Lt. Col. Michael J. Bixiones, the H-46 program manager based at Naval Aviation Depot Cherry Point, N.C. The main challenge, he said, "will be to compete for the limited dollars that are out there" in order to keep the aircraft airworthy.

A replacement is long overdue. "We're going to have third-generation 46 pilots," said Lt. Gen. Richard D. Hearney, who is leaving his post as the Corps' deputy chief of staff for aviation to become assistant commandant this month. The 46s will be around so long that it's conceivable the kids piloting them in the next century will have grandfathers who flew the same choppers in the 1960s.

THE COST OF BEING FLIGHT-WORTHY

Keeping this aging fleet operational and safe until it can be replaced is the immediate priority for Marine aviation, officials say. But it won't be easy—or cheap.

Mission requirements say the Corps should have 254 CH-46 Sea Knights. But the inventory is actually only 240, and there is no way to get more aircraft. Expected losses of one to two aircraft per year will further aggravate the shortfall.

Just maintaining the current Marine fleet of H-46s through full replacement with the V-22—maybe not until 2015 or 2020 depending on production—will cost $500 million for budgeted upgrades and $1.6 billion if the Pentagon agrees to extend its service life with major overhaul. Not all that money is even budgeted yet.

Since the choppers can't be replaced, each time a 46 goes down, the Corps must try to salvage it. As much as $1 million or more will be spent to make a single downed 46 fly again.

As bad as things are for the Marine Corps, Marine 46 pilots have it easy. They fly the more modern—starting in 1974—CH-46Es, which have more powerful engines than the H-46s flown by the Navy.

The average Sea Knight has logged in 8,500 hours in its life, but continues to fly 400 hours or so a year because of high operational tempos. By the year 2005, it will have flown over 10,000 hours. By 2010, almost all will surpass 10,000 hours, its initial service life, and its maximum life will depend on a costly service life extension program. The 10,000-hour limit was an arbitrary number, however—an unusually high one for military helicopters, aviators say. One thing's for sure, say officials, Vietnam veterans and aircrews: They never expected to see the 46 reach that milestone.

These geriatric aircraft, like aging people, are no longer able to do all they once could. Officials have placed strict limits on what 46 pilots can put their choppers through, fearing failure of the helicopters' rotor heads. For example: The 46s with old rotor heads—those with faulty pitch shafts—may not be flown faster than 110 knots (versus 130 knots it was designed to do), cannot bank at more than a 30-degree angle (versus 45 degrees) and cannot exceed 6,000 feet of altitude (versus 10,000).

Likewise, the 46s can't carry the load they were designed for. No more than eight combat-loaded Marines can be carried at a time (versus the 16 the birds were designed to haul) and no more than 1,700 pounds of cargo can be carried (versus 4,000 pounds).

A SAFE RECORD

And yet, despite all those shortcomings, the Marine H–46 fleet has stayed relatively safe over the past 12 months compared with several rashes of crashes over the past eight years. It has a lower mishap rate since 1977 than all but two Marine airframes. Only the F/A–18 Hornet fighter and KC–130 cargo jet have performed more safely. "The safety record has been very good," Hearney said, crediting good maintenance, training and good commanders. Mishaps have occurred, some fatal, however, involving Marine and Navy helicopters. There seems to be no pattern of cause, ranging from pilot error, poor aircrew coordination, engine or transmission failure and cracks in rotor pitch shafts.

Even with its extensive maintenance program, the H–46 requires about 17.5 maintenance hours for every flight hour—more than the nine it originally required in 1962 but significantly less than the heavier CH–53 Huey, which requires 24. Mechanics spend 1.35 hours inspecting and maintaining the restricted rotor heads alone. Cpl. Brent A. Backus, a 24-year-old technician with HMM–264, said the typical preflight check takes nearly three hours and usually he finds some "wear and tear." He added: "You check everything."

The CH–46 "is still a super aircraft. It's safe. But it's time that we move on," said Brig. Gen. Fred McCorkle, commander of Marine Corps Air Bases East at Cherry Point and a Vietnam veteran who's logged more than 5,000 hours in the CH–46. "I won't be sad to see it go."

Not that it'll be going anytime soon, of course. The CH–46, often called "the Frog," succeeded the single-rotor UH–34 helicopter during the Vietnam War and continues to be upgraded and updated today. But while modernization has helped, it's also blamed in part for the reduced amount of weight the choppers can carry. The "Bull Frog" variant—so named because of larger fuel tanks mounted externally on the chopper's stub wings—has greater range than the conventional Frog, but has even less cargo capacity. It can fly 411 miles instead of 236, but carries less cargo and has no "over-the-horizon" capability that enables a rapid, heliborne assault to defended beaches or inland locations from the decks of a helicopter carrier 50 miles at sea.

Safety concerns with the rotor heads, which drive the helicopter's twin rotor blades and which have experienced cracks due to stress and use, resulted in operational restrictions imposed in July 1993 and additional inspections and maintenance requirements on the rotor heads imposed since the late 1980s.

An H–46 with a restricted rotor head must undergo 18 special inspections of the head, assembly and even landing gear wheels. These helicopters must carry less weight, fly slower, fly lower, turn wider and be more closely inspected. Weight limits mean more sorties or aircraft are usually needed for a mission. During Operation Restore Hope in Somalia, a forward refueling point was set up in Baledogie, halfway from the amphibious ship Tripoli to the city of Baidoa, where the CH–46s hauled an infantry company. So far, nearly half of the inventory has the new pitch shafts and are no longer operationally restricted but must still do those special inspections.

Those tactical restrictions have frustrated commanders. "We need something a little bit more state of the art," Lt. Col. Tony Zell, HMM–264 commander, said in a slight understatement. Still, he said, "it is the most versatile aircraft."

NEW VITAL PARTS

Starting next year, all Marine and Navy H–46s will get new critical dynamic components—rotor heads, drive systems, transmissions and pitch shafts—under the "dynamic component upgrade" program, or DCU, at a cost of $662,000 per helicopter.

This program, already funded, is a blessing for all field commanders who've had to grapple with strict limitations on current, inferior rotor heads suffering from wear and stress. The new parts will be stronger and less corrosive with stainless steel to better withstand saltwater and sand, and eliminate the special inspections, Bixiones said.

"It improves the safety of the airplane, although it's not unsafe now," Lt. Col. Ron Johnson, the Marine H–46 requirements officer on the chief of naval operations staff at the Pentagon. "Obviously it's in our best interest to make sure it's fielded as quickly as possible."

"We should have a restriction-free, inspection-free airplane," he added.

Capt. John Dixison, assistant maintenance officer with HMM–261 and a 25-year veteran, noted that the restrictions have denied younger aviators and crews some combat maneuvers. "We've had to compensate with a lot of classroom in the ready room," Dixison said. The squadron will get the unrestricted heads later this summer, prior to deploying.

FIXING FOR THE LONG RUN

Keeping the Sea Knight safer and flying will cost plenty, at least a half-billion dollars and likely some $1.6 billion if a service life extension program is needed to keep it flying safely until the Osprey enters the service in large numbers. These programs follow other replacement programs done in the 1980s.

The money won't buy a new aircraft, Marine officials note. It won't buy more capability. It won't buy an interim replacement. What it does buy, they say, is enough safety to keep the Sea Knight flying another two or three decades.

Officials are beefing up routine maintenance for all H–46s at 10,000 flight hours. Sea Knights go through regularly scheduled depot-level maintenance after every 1,000 hours in the air, and regular aircraft service period adjustment inspections every 12 months. These maintenance periods aren't cheap: Each depot-level checkup costs $500,000.

Once CH–46s reach 10,000 flight hours, they're put through a more in-depth airframe inspection. The extra tests and repairs cost an additional $10,000, and so far four 46s have been put through the program. Another three or four more will undergo it soon, said Johnson.

"We have not found anything to date that indicates to us that the airplane can't go past 12,500 hours, but we don't know how far past," Johnson said. A service life assessment, now under way, will try to answer that question, he said.

The $3 million study will be finished by 1996. Among the tests will be to take a CH–46 airframe and stress it "until it fails," Johnson explained. "Then we'll know exactly how many hours. . . that airframe can go to."

The service life extension program developed after that study is complete will help determine the V–22 production schedule, because it will provide the most realistic outlook yet on how long the Corps can wait. "These may include electronic warfare improvements, ground proximity warning systems, better armor, crash-resistant cockpit seats and a weight-reduction program," Johnson said. "We intend to make any safety improvements that are necessary."

INSPECTIONS, INSPECTIONS

Meanwhile squadrons are burdened with the intricate task of inspecting the helicopter's crucial parts along with normal inspection cycles for such things as corrosion, fatigue, vibration and cracks in the airframe and in the engines. The task falls on tactical squadron and aviation support squadron Marines expert in maintenance, Hearney calls them "in the trenches."

"These kids will do anything not to let each other down," said Lt. Col. W.G. Duncan, commander of HMM–365 (reinforced), which is now deployed in the Mediterranean on deployment with the 26th Marine Expeditionary Unit. "They will work as long as it's required."

After every 10 flight hours, Marines must conduct a "nondestructive inspection" of the pitch varying housings, which tend to crack and have been linked to several fatal mishaps. These control the pitch, or angle, of each of the six rotor blades.

Often, squadron Marines deployed aboard ship have little room to do required inspections and maintenance. "Ten- and 25-hour NDI inspection cycles, which are major problems ashore, become show stoppers once afloat," Marine Maj. Rich T. McFadden wrote as the logistics officer of HMM–264 after a six-month deployment in 1991. His comments were included in a report in the Marine Corps' "lessons learned" system.

But squadron Marines swear by the aircraft and training. "As long as we maintain it, it's going to last a long time," said Cpl. Brent A. Backus with HMM–264. "I'd never second-guess the Frog. I'd fly it every day."

The workload falls heavily on squadron mechanics, technicians and operators to do what many consider is miracle work to preserve the aircraft in this work environment. "As soon as we get into a sandy zone, it's right where you started from," noted Cpl. James Raymond, an HMM–365 crew chief.

Marines say they are working long hours, sometimes weekends prior to deployment. At the same time, they must keep current with volumes of safety procedures and repairs. Every repair must be researched, since "you're not supposed to memorize everything," said Cpl. Daniel Simpson, an airframes mechanic in 365's metalshop.

Making a repair without checking the manual may seem more expedient, the wrench-turners say, but if it's not done exactly by the book, the lives of the pilots and crew are in danger.

Marines, particularly in understaffed squadrons, feel the heat. GySgt. Jon Eskam, a structures mechanic and quality assurance chief with HMM–365, said it takes a technician about 30 minutes to inspect the rotor pitch shaft, connecting link and housing, which must be done after every 10 flight hours, and a technician often inspects several aircraft daily. Like other helicopters, the Sea Knight requires many eyes checking for cracks and corrosion when it flies in less-than-perfect conditions.

"Gosh, it's always over water and in a dirty, dusty environment," said Eskam, a 14-year veteran. "I've just seen as much wear and tear on these things as I'd like to see."

So bad can it get, in fact, that Col. D.J. Lavoy, Marine Aircraft Group 26 commander at New River, stood down his group in late March "just to give everybody a five-day break. We were getting tired, and there's a lot of hard work."

NO BONE TO PICK

The CH–46 community, like others in Marine aviation, suffers from delays in getting spare parts and parts repaired, Marines say.

Getting parts is another concern with Marines. Cuts to operations and maintenance budgets and delays at depots mean some helicopters are down and inoperable until a new part comes—or one is taken from another aircraft. Sometimes, the aircraft are flown without the missing equipment—as long as it doesn't affect safety.

Aviation officials cringe at the word "cannabalize," noting that parts aren't normally removed from working aircraft. But squadron Marines say it is not unusual to seek the part you need on another chopper that's missing something else. One maintenance chief said doing that takes more time than if a part is ordered and received—but that if the aircraft must get airborne, they'll do whatever it takes.

"There's not a boneyard of 46s sitting somewhere," said Johnson.

"It's a juggling act to run maintenance," Dixison said. Between 10-hour and 100-hour inspections, daily missions and training, keeping aircraft ready is hard when there are parts still on order. "I can certainly remember when they were more plentiful."

The shrinking inventory just from normal attrition may force the Corps to give squadron commanders fewer aircraft. The CH–53D Sea Stallion, a leaner sister to the mighty, triple engine CH–53E Super Stallion, flies medium-lift missions, but its large size makes it an easier battlefield target and more difficult to place on a flatdeck amphib.

So the salvage operations continue as long as the aircraft can be recovered. Gashes and dents are repaired with new skin. A CH–46E that crashed in a forested Hawaii mountainside last fall, for example, is being repaired at the Naval Aviation Depot at Cherry Point Marine Corps Air Station, N.C., and the squadron expects it'll be back in the air.

"Crash-damaged airplanes are being repaired as quickly as we can get them back to the fleet," said Johnson. Sometimes damaged airplanes are "glued together to make one whole airframe."

It's a process that eventually would have to end for lack of 46s to salvage. But not in the foreseeable future.

Noted Bixiones: "I think the 46 will be around until the last one can't be repaired."

☐ 1230

PLEASE SUPPORT H.R. 1293

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I talked with a man from the New York Times this morning, and he told me that the Census Bureau has new figures out today on the number of families comprised of a single parent who has never married. These figures show this group now makes up 27 percent of the population, exceeding that of single parents who have previously been married. In 1960, 243,000 were in that single family, never married group, and in 1993, Mr. Speaker, there are 6.3 million in this group.

Now can anyone doubt that our welfare policies have become a real incentive, no matter how well intentioned they were at the beginning when we promised a young woman that we are going to give her $18,000 a year if she will have two children with no men in the house, that that does not figure in her decision to undertake that lifestyle?

Please cosponsor H.R. 1293 that changes direction in our welfare and provides that we should freeze AFDC, send it back to the States in block grants and give the States maximum flexibility. I ask for my colleagues' help with this bill.

INTRODUCTION OF VETERANS' HEALTH CARE ELIGIBILITY REFORM ACT OF 1994

(Mr. STUMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUMP. Mr. Speaker, today I am introducing the Veterans' Health Care Eligibility Reform Act of 1994. The purpose of this legislation is to revise and reform the current system of eligibility for health care services provided by the Department of Veterans Affairs.

The fate of the President's Health Security Act is unknown. The administration has hung all hopes of VA health reform on passage of H.R. 3600. My legislation provides a vehicle for VA health care reform to move forward regardless of what happens to national health care. If the Health Security Act fails to be enacted we should still pursue responsible reform of the VA. Veterans have waited long enough for reform. Every week that goes by leads to further cannibalization of the system and erosion of veterans health care services. This legislation was not drafted in conjunction with any particular health care bill. It could become part of an alternative biparisan consensus effort. We should not hold VA hostage to the Clinton national health care plan.

I urge my colleagues to cosponsor the Veterans' Health Care Eligibility Reform Act of 1994.

DEFENDING THE INDEFENSIBLE

(Mr. HERGER asked and was given permission to address the House for 1 minute.)

Mr. HERGER. Mr. Speaker, quote, these mandates get a little hard to defend, end of quote. Those were the words that Democratic Gov. Bruce King of New Mexico talking about employer mandates and health reform. Governor King was explaining why Democrat Governors could not endorse the concept of employer mandates at their meeting in Washington just yesterday. It is the same reason Custer lost at Little Big Horn:

"You can't defend the indefensible."

But that is exactly what the Clinton White House continues to do. They continue to demand that Congress include a job-killing employer mandate in any health care reform.

Call it Clinton's last stand, call it bull headed obstinacy, call it impractical idealism. Just do not call it real health care reform.

Mr. Speaker, the President threatens to lead our health care to ruin as he continues to press for his employer mandate. I urge him to stop defending the indefensible and work with Republicans to achieve commonsense health care reform.

THE PEOPLE'S CHOICE IN HEALTH CARE—COMMON SENSE, NOT BIG BUREAUCRACY

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, President Clinton has met the enemy of health care, and it is Pizza Hut. But this kind of cheap-shot demogoguery aimed at an American-owned business we have seen on these television ads is no substitute for serious debate about one-seventh of our national economy.

The Clinton administration has resorted to such tactics because the American people, in poll after poll, have rejected the big bureaucracy, tax-the-small-business-person approach characterized by the Clinton health plan.

Even the Democratic Governors could not bring themselves to endorse a tax mandate on the very people who provide the jobs and serve as the economic engine for growth in most of their States.

Mr. Speaker, it is time to talk common sense on health care. Let us pass a bipartisan plan the people want: one that limits pre-existing condition restrictions, allows portability, allows the self-employed and small business the same tax breaks as big business and reforms our malpractice laws.

Attacking American businesses on TV is not the answer.

BOSTON TEA PARTY REDUX

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the Nation's Governors have been meeting in Boston this week. They have already let it be known just what they think of the President's big Government, big spender health care plan.

According to the press, the Governors said the Clinton plan "would put 40 percent of Americans in a costly, Government-run entitlement program." Democratic Gov. Lawton Chiles called it a disaster.

This uprising calls to mind another one 220 years ago, when people threatened by a system they saw as oppressive filled Boston Harbor with tea.

Today, President Clinton comes to town wearing a redcoat as he tries to fish out his soggy health care tea.

His system, as the Governors recognize, will push tens of millions of Americans into Government health care waiting rooms, where the emphasis will be more on Government and waiting than either health or care. That's what you get with a Government monopoly.

If the President thinks Americans are eager to receive this treatment, he will be in deeper water than the health care plan he seeks to save.

GOVERNORS, TAKE A LOOK AT NEW JERSEY

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, with the economy growing strongly, Democrats who passed the President's deficit-cutting budget package have reason to celebrate. The conviction of those who did the right thing is being rewarded.

In my home State of New Jersey, it is also becoming clear who had conviction, and who did the right thing. Former Gov. Jim Florio made the tough decision to raise taxes to close the gap between the poorest and richest schools in New Jersey, as mandated by the State supreme court. The current Governor was swept into office on the politically popular promise to cut those taxes, a decision made possible by our own tough choices, which have led to economic growth across the country.

Now the court has ruled that the State has failed to close the gap. And by how much? Oddly enough, almost precisely the amount by which Governor Whitman has reduced taxes.

When the elections were over and the cheering stopped, we did the right thing, despite the political pressure to back away. I hope that our conviction can serve as a model for her, and for the other Governors who may shortly face this test.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MONTGOMERY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1994, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interests in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 19, 1994.*

□ 1240

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of the legislative business day.

HONORING THE U.S. ASTRONAUTS WHO FLEW IN SPACE TO EXPLORE THE MOON

Mr. HALL of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 261) to honor the United States astronauts who flew in space as a part of the program of the National Aeronautics and Space Administration to reach and explore the Moon.

The Clerk read as follows:

H. CON. RES. 261

Whereas on May 25, 1961, the President of the United States established a goal for the country to land a man on the Moon and return him safely to Earth before the end of the decade;

Whereas in furtherance of that goal, 34 American astronauts flew 27 missions in space;

Whereas in their efforts to achieve that goal, 3 astronauts died in the tragic Apollo 204 fire on the launch pad and 4 others died in T–38 crashes while in training;

Whereas the goal of the President was achieved on July 20, 1969 when the Lunar Module, Eagle, landed on the surface of the Moon carrying a crew of 2 astronauts;

Whereas a total of 24 American astronauts flew to the vicinity of the Moon and 12 of them landed on and explored its surface;

Whereas the successful execution of the program to reach and explore the Moon was one of the greatest achievements in the history of mankind;

Whereas the hardware and astronauts involved in the Lunar program subsequently flew 3 Skylab missions, and 1 international Apollo-Soyuz mission;

Whereas the astronauts who put their lives on the line by flying in space in the execution of that program are true national heroes; and

Whereas these astronauts should receive popular recognition from a grateful Nation for their tremendous achievement: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That henceforth Buzz Aldrin (Gemini 12, Apollo 11), William Alison Anders (Apollo 8), Neil Alden Armstrong (Gemini 8, Apollo 11), Charles Arthur Bassett II (died in T–38 crash), Alan LaVern Bean (Apollo 12, Skylab 3), Frank Borman (Gemini 7, Apollo 8), Vance DeVoe Brand (Apollo-Soyuz), Malcolm Scott Carpenter (Mercury-Atlas 7), Gerald Paul Carr (Skylab 4,) Eugene Andrew Cernan (Gemini 9, Apollo 10, Apollo 17), Roger Bruce Chaffee (Apollo 204), Michael Collins (Gemini 10, Apollo 11), Charles Conrad, Jr. (Gemini 5, Gemini 11, Apollo 12, Skylab 2), Leroy Gordon Cooper, Jr. (Mercury-Atlas 9, Gemini 5), Ronnie Walter Cunningham (Apollo 7), Charles Moss Duke, Jr. (Apollo 16), Donn Fulton Eisele (Apollo 7), Ronald Ellwin Evans (Apollo 17), Theodore Cordy Freeman (died in T–38 crash), Owen Kay Garriott (Skylab 3), Edward George Gibson (Skylab 4), John Herschel Glenn, Jr. (Mercury-Atlas 6), Richard Francis Gordon, Jr. (Gemini 11, Apollo 12), Virgil Ivan Grissom (Mercury-Redstone 5, Gemini 3, Apollo 204), Fred Wallace Haise, Jr. (Apollo 13), James Benson Irwin (Apollo 15), Joseph Peter Kerwin (Skylab 2), Jack Robert Lousma (Skylab 3), James Arthur Lovell, Jr. (Gemini 7, Gemini 12, Apollo 8, Apollo 13), Thomas Kenneth Mattingly II (Apollo 16), James Alton McDivitt (Gemini 4, Apollo 9), Edgar Dean Mitchell (Apollo 14), William Reid Pogue (Skylab 4), Stuart Allen Roosa (Apollo 14), Walter Marty Sehirra, Jr. (Mercury-Atlas 8, Gemini 6, Apollo 7), Harrison Hagan Schmitt (Apollo 17), Russell Louis Schweichart (Apollo 9), David Randolph Scott (Gemini 8, Apollo 9, Apollo 15), Elliot McKay See, Jr. (died in T–38 crash), Allan Bartlett Shepard, Jr. (Mercury-Redstone 3, Apollo 14), Donald Kent Slayton (Apollo-Soyuz), Thomas Patten Stafford (Gemini 6, Gemini 9, Apollo 10, Apollo-Soyuz), John Leonard Swigert, Jr. (Apollo 13), Paul Joseph Weitz (Skylab 2), Edward Higgins White II (Gemini 4, Apollo 204), Clifton Curtis Williams, Jr. (died in T–38 crash), Alfred Merrill Worden (Apollo 15), and John Watts Young (Gemini 3, Gemini 10, Apollo 10, Apollo 16) shall carry the honorary title Space Emissary and shall be referred to as "The Honorable".

The SPEAKER pro tempore. Pursuant to the rule; the gentleman from Texas [Mr. HALL] will be recognized for 20 minutes, and the gentleman from

Florida [Mr. LEWIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on July 20, we will celebrate the 25th anniversary of the Apollo Moon landing.

This event marks one of the greatest achievements in all of human history.

In addition, this event represents one of the key victories of the cold war, providing the world with an unparalleled example of what can be achieved by a democratic nation of free people.

In ancient times and in the Middle Ages, great explorers had mountains, cities, countries, or even entire continents named in their honor.

In the former Soviet Union, astronauts were routinely bestowed with the highest honor that could be given by that country—"Hero of the Soviet Union."

But, measured by these standards, the U.S. Government has done little to recognize officially the extraordinary accomplishments and valor of our own astronaut heroes.

I recently discussed with Buzz Aldrin, one of the crew members of that historic Apollo flight 25 years ago, what might be done to correct this oversight.

On the basis of these discussions, I prepared the resolution that we are considering today.

The resolution recognizes these national heroes by name; confers on them an honorary title of "Space Emissary"; and permits them henceforth to be referred to as "The Honorable."

I can appreciate that the action that is proposed in this resolution is unprecedented in our Nation—but so too are the accomplishments of these great American heroes.

I believe that the time is long overdue for the Government of the United States to confer on these individuals a measure of the formal honor and recognition that they clearly deserve.

Accordingly, I ask for suspension of the rules and adoption of House Concurrent Resolution 261.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 261 honors the United States NASA astronauts who explored the Moon.

The question of where were you on July 20, 1969, is answered by virtually anyone old enough to remember. It was the day man first walked on the Moon.

From the beginning of Eagle's powered descent until it landed, the suspense was nonstop. First a signal indicated that the computer was overloaded 5 minutes into the descent, that was quickly corrected.

As Eagle's descent continued, the engines churned up so much dust that the Moon's surface could not be seen from 100 feet above. Thirty feet from the surface Eagle began to drift backward. With mere seconds to adjust, only 30 seconds of fuel was left for landing.

Pope Paul II called on the world to pray for the mission's success.

We all held our breath until we heard, "The Eagle has landed."

This resolution before us honors the Apollo II astronauts and all the others who bravely explored the Moon.

They richly deserve this honor on the 25th anniversary of the first men on the Moon.

I urge the passage of House Concurrent Resolution 261.

Mr. Speaker, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Speaker, I would like to thank my friend, the gentleman from Texas [Mr. HALL], for honoring our United States astronauts.

Mr. Speaker, let me put this in perspective a little bit. I was attending a youth conference and Apollo astronaut Wally Schirra was present. A young lady asked Mr. Schirra: "Were you afraid when they launched you on your Apollo space mission?" Mr. Schirra answered the young lady by saying, "Young lady, there I was, strapped in with a million pounds of liquid propellant under my rear end, a million moving parts in that rocket, and every one put there by the lowest bidder. Do you think I was afraid or my anxiety level was a little elevated?"

At a time when we need national heroes in our country, I think the concurrent resolution offered by the gentleman from Texas [Mr. HALL] is not only timely, but very necessary. As a cosponsor of House Concurrent Resolution 261, I fully support it.

Mr. BROWN of California. Mr. Speaker, I rise in support of House Concurrent Resolution 261. I would like to add my voice to those who have argued that we have waited too long to pay proper homage to the bravery and honor of the young Americans who put their lives on the line to participate in the unprecedented program to place a man on the Moon and return him safely to Earth within a decade.

Those of us who were alive during the time of these early space flights will recall the excitement, awe, and pride that they engendered.

With the passage of time, we have come to realize even more fully just how extensive were the risks that were being taken by these brave men. For example, the Redstone, Atlas, and Titan rockets that were used in the Mercury and Gemini programs were very prone to blow up, and all of the early manned spacecraft—including Apollo—were notorious for experiencing technical and in some cases life-threatening problems.

As we look back over all of the Mercury, Gemini, and Apollo flights we find that a significant number almost resulted in the loss of the crew. Clearly, these were very, very brave young men.

But the risk is not the only important part of what these astronauts were doing—they were at the forefront of one of the most adventurous, exciting, and uplifting periods of exploration of the unknown in modern history.

Past societies have all but deified their great explorers. In the Soviet Union, all of the cosmonauts who flew in space were awarded the highest honors that the country could bestow. But here in the United States, our astronaut heroes have received little in the way of formal Government recognition and honor.

When these men were flying in space, they did much to excite and inspire us. My greatest disappointment is that this important period of exploration and discovery came to an end. It is indeed sad that as recently predicted by one of the Apollo astronauts—"By the time of the celebration of the 50th anniversary of the Apollo landing on the Moon, there will be no human alive who has walked on another world".

This is the first great frontier that we as Americans have retreated from. What is all the more tragic, we are retreating in the face of victory, not defeat.

I believe that the time is right for us to formally honor these brave men who put their lives on the line to get us to the Moon 25 years ago. Then, I would like to see us build on the foundation that they laid, and get back on track with our inevitable destiny to become a space fairing nation.

I urge all of my colleagues to support this resolution.

Mr. HALL of Texas. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LEWIS of Florida. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. HALL] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 261.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 261, the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEVELOPMENT COMPANY PROGRAM INCREASES

Mr. LAFALCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4322) to amend the Small Business Act to increase the authorization for the Development Company Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEVELOPMENT COMPANY LOANS.

Section 20(i)(2) of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) by striking "$8,458,000,000" and inserting "$8,758,000,000; and

(2) by striking "$1,200,000,000" and inserting "$1,500,000,000".

SEC. 2. DISASTER LOAN PERSONNEL.

Section 5(b)(8) of the Small Business Act (15 U.S.C. 634(b)(8)) is amended by striking the semicolon and inserting the following: ": *Provided*, That the Administrator may extend the six-month limitation for an additional six months if the Administrator determines the extension is necessary to continue efficient disaster loan making activities;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. LAFALCE] will be recognized for 20 minutes, and the gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would do two things: first, it would increase the authorization for the amount of financing which may be guaranteed under the development company financing programs by $300 million in the current fiscal year; and second, it would extend to 1 year the length of time which a Small Business Administration employee may be assigned at one disaster loanmaking site.

The certified development company or CDC program provides long-term loans to small concerns, with the proceeds being used for plant and equipment. These financings are made on a partnership basis: a private lender, without any SBA guarantee, provides 50 percent of the cost of the project; an SBA guarantee of the CDC debenture, which is sold to private investors, provides 40 percent of the cost of the project; and the small business borrower provides the other 10 percent of the project's cost.

The authorization in current law is limited $1.2 billion in guarantees of these financings, of which $1.032 billion has been funded by the 1994 Appropriations Act. This is not the cost of the bill—these are guarantees and under the Credit Reform Act, as is true of all loan and loan guarantee programs, the ultimate cost of the program must be provided in advance. In the case of this program, the cost of providing the required subsidy budget or loss reserve is 0.51 percent or about one-half of 1 percent. Thus the subsidy cost of a $300 million increase in these guarantees is about $1.5 million.

As of the end of June 1994, SBA had obligated guarantees in the total amount of $948 million and anticipates it will reach the appropriated level of $1.032 billion before the end of this month.

No new appropriation will be required to increase the program level to the fully authorized amount—there is additional money in another program which is not anticipated to be used. These funds can be shifted to the Development Company Program.

Turning to the other topic, the SBA provides disaster loan assistance to victims of natural disasters such as the flooding in the Southeastern United States and the January 1994, earthquake in Northridge, CA. These SBA loans are processed primarily by temporary employees who are hired and then released at the end of the job, or moved to other disaster locations.

In order to minimize costs, SBA hires local employees to the extent possible. But SBA also has a trained cadre who are sent to each disaster and also must supplement locally hired staff with individuals hired elsewhere. Both the cadre and the nonlocal hires receive reimbursement for their lodging and food. Current law limits this reimbursement to a maximum of 6 months on a single disaster.

Usually this 6-month limitation is adequate, but in a few situations, including the earthquake and Hurricane Hugo, it is not.

In the California situation, for example, loan processing will continue for another 6 months. Thus unless the per diem reimbursement time is extended, some current employees will be moved, including the attendant expenses, to another disaster site, and temporary employees hired and moved to California. Thus it would be advantageous for a budget standpoint to extend the limit to 1 year if SBA deems it necessary.

Mr. Speaker, this bill received unanimous support in committee and deserves the unanimous support of the House.

Before closing, however, I want to thank my ranking minority member, Mrs. MEYERS of Kansas, and the other members on both sides of the aisle whose support and assistance have made prompt consideration of this bill possible.

□ 1250

Mr. Speaker, I reserve the balance of my time.

Mrs. MEYERS of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4322. Section 504 Certified Development Company loans provide long-term, fixed-rate loans to expanding small businesses. This "bricks and mortar" loan program allows small businesses to obtain financing for new construction, expansion, renovation, or equipment purchases.

Unlike most Government financing programs, the 504 program has a job creation requirement. Over the life of the Certified Development Company Program, 341,000 jobs have been created or retained. With a total of 19,546 small businesses assisted, that amounts to approximately 17 new jobs per business expanded through 504 program financing.

The success of the 504 program is evident, not only from the jobs created and businesses expanded, but from the extremely low loss rate of the program—just one-half of 1 percent. Through the Certified Development Company structure, which pairs SBA assistance with private financing to complete each project, small businesses have been able to access scarce long-term loans for capital improvements, benefiting the entire community.

Mr. Speaker, H.R. 4322 makes two simple changes in very important SBA programs. First, it increases the authorization level for the 504 loan program by $300 million for the current fiscal year. No new appropriations are required, as the SBA plans to reprogram existing funds to meet the demand for 504 program financing.

Second, the bill grants the SBA Administrator the ability to detail a disaster employee to a particular location for up to 1 year. Under current law, a disaster employee can be detailed to one location for just 6 months. After 6 months, that employee must be moved to another disaster. Recent disasters in such areas in California have required extensive work to process loan applications and provide assistance. H.R. 4322 allows the Administrator the discretion to keep disaster employees at the same site for up to 1 year. This is a commonsense change that will save taxpayer dollars, as employees will not have to be rotated arbitrarily every 6 months.

Mr. Speaker, H.R. 4322 makes two necessary changes in SBA programs. The measure was passed unanimously in the Small Business Committee, and I urge my colleagues to support its adoption.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. LAFALCE] that the House suspend the rules and pass the bill, H.R. 4322, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4322, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MAKING APPLICABLE CERTAIN EXCLUSIONARY AUTHORITY RELATING TO TREATMENT OF REEMPLOYED ANNUITANTS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3246) to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers on rural postmasters, as amended.

The Clerk read as follows:

H.R. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXCLUSIONARY AUTHORITY.

Section 1005(d) of title 39, United States Code, is amended—

(1) by striking "(d)" and inserting "(d)(1)"; and

(2) by adding at the end the following:

"(2) The provisions of subsections (i) and (l)(2) of section 8344, and of subsections (f) and (i)(2) of section 8468, of title 4 shall apply with respect to the Postal Service. For purposes of so applying such provisions—

"(A) any reference in such provisions to the head of an Executive agency shall be considered a reference to the Postmaster General; and

"(B) any reference in such provisions to an employee shall be considered a reference to an officer or employee of the Postal Service.".

SEC. 2. ASSIGNMENT AUTHORITY.

Section 8706(e) of title 5, United States Code, is amended—

(1) by striking "Federal judge" and inserting "employee or former employee";

(2) by striking "judge's" and inserting "employee's or former employee's"; and

(3) by striking "purchase" and inserting "purchased".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 3246, as amended, is to extend to the U.S. Postal Service the authority under the provisions of title 5, United States Code, to seek from the Office of Personnel Management [OPM] waivers of the annuity offset provisions contained in sections 8344 and 8468 of title 5.

Specifically, section 1 of the bill, as amended, would authorize the U.S. Postal Service to either request that OPM waive the annuity offset provisions of title 5 on a case-by-case basis, or request that OPM delegate authority to the Postmaster General to waive the provisions in emergency or unusual circumstances.

Under current law, when Federal retirees are reemployed by the Federal Government, their salaries are offset by the amount of their annuity payments. Reemployed annuitants continue to receive their monthly annuity payments. The reemploying agency then pays the retiree the amount of salary in excess of the amount of the annuity, and reimburses the Federal retirement trust fund with the amount of the annuity. If an agency, however, wishes to have an exemption from these rules, it may request a waiver from the Office of Personnel Management [OPM]. Currently, the Postal Service does not have the option to request such a waiver from OPM.

On May 12, 1994, the Subcommittee on Commerce and Banking held a hearing on H.R. 3246. The subcommittee received testimony from Congressman TOM SAWYER, the bills author, as well as OPM, the Postal Service, and organizations representing rural letter carriers and rural postmasters. The testimony indicated that the Postal Service has experienced considerable difficulty hiring substitute letter carriers and postmasters in rural areas. These individuals are needed to fill in for career employees when they are on leave or sick. Retired postal personnel provide a ready pool of trained individuals who can fill these positions on a temporary basis. The Postal Service found that retired personnel were not inclined to take these jobs because with the annuity offset, they would virtually be working for free. Enactment of this legislation will help the Postal Service move the mail in rural areas in a timely and more efficient manner.

Section 2 of the bill, as amended, provides that Federal employees and retirees may make an irrevocable assignment of incidents of ownership in their Federal Employees Group Life Insurance policy. Current law provides Federal judges this option. This provision extends it to all other participants in the life insurance program.

Mr. Speaker, I urge the approval of this legislation, and I reserve the balanced of my time.

□ 1300

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to add my voice in support of passage of H.R. 3246, which was introduced by our chairman of the Census and Postal Personnel Subcommittee, TOM SAWYER and our ranking minority member, JOHN MYERS, and cosponsored by myself and a number of our colleagues on the Post Office and Civil Service Committee. I commend the gentlewoman from the District of Columbia, Ms. NORTON, for her supporting remarks.

Mr. Speaker, this measure, I believe, will go a long way toward placing the Postal Service back on track with mail delivery performance. When the Postal Service offered its early-out retirement program 2 years ago it did not anticipate losing the large numbers of mail handlers, clerks, and letter carrier's to retirement. In all, some 49,000 Postal Employees took advantage of the early retirement options. As you can imagine that sudden loss of experienced personnel had an impact on the ability of the Postal Service to provide the services we had come to expect. This is particularly true in our rural areas.

H.R. 3246 provides the Postal Service with a method for addressing some of these shortages of experienced personnel. It does this by providing the Postal Service with the option of seeking approval from the Office of Personnel Management for an exemption from the annuity offset provisions to allow the Postal Service to rehire retired Postal employees on a temporary basis once approval has been granted by the Office of Personnel Management, a procedure that is available to other Federal agencies.

The shortage of trained personnel is particularly felt on rural delivery routes where routes can be lengthy and trained personnel, who are familiar with the nuances of a particular route, are not available to take the place of the regular carrier should he or she become sick or take a vacation. It goes without saying that when a carrier who is unfamiliar with a mail route goes out to deliver that route it will take them longer to complete it, which delays delivery times and they will make more delivery mistakes, which aggravate the postal customer and costs the Postal Service to make redeliveries.

Having the ability to bring in an experienced carrier who has delivered that route in the past would provide a source of continuity to both Postal customers and the Postal Service. For that reason, I encourage my colleagues in the House to join in supporting the passage of H.R. 3246.

Mr. Speaker, I also would like to address the provision in this bill which provides for the irrevocable assignment of Federal Employees' Group Life Insurance coverage.

Initially, I would like to recognize the work that our colleague the Gentlewoman from the 8th district of Maryland, [Mrs. MORELLA], has put into this provision. It was part of her bill, H.R. 3297, which was heard by the Subcommittee on Compensation and Employee Benefits on April 20th this year and approved by the Committee on Post Office and Civil Service.

This is a very important provision, Mr. Speaker, because it provides that Federal employees can have the same rights as judges and all citizens. This proviso permits any Federal employee insured under the Federal Employee Group Life Insurance [FEGLI] to irrevocably assign the incidents of ownership in the insurance to another person as a gift. This would then exclude the proceeds of the insurance from the employees taxable estate.

This provision, Mr. Speaker, is a common feature under insurance today and has been upheld by the Internal Revenue Service as an appropriate means for estate planning as long as it is permitted in the terms of the insurance policy and applicable State law. The laws in every State permit the irrevocable assignment of group life insurance ownership. Federal employees had been excluded becuase the law did not specfically provide for Federal employees to be included.

I, therefore, recognize this provision of H.R. 3246 as an important matter of equity for Federal employees and thank my colleagues for their foresight in the including this provision in the bill before us,which I hope all Members will support.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I want to applaud the introduction of this legislation by the gentleman from Ohio [Mr. SAWYER], and the cosponsorship of so many Members of Congress, including the ranking minority member of the Committee on Post Office and Civil Service.

Mr. Speaker, as a cosponsor of this legislation, I appreciate the time which the gentleman from New York [Mr. GILMAN] has yielded to me to say a few words in support of H.R. 3246.

This legislation authorizes the U.S. Postal Service, if and when needed, to request a waiver from the Office of Personnel Management [OPM], to the same extent as other agencies, when a retired postal employee is rehired. This bill will be particularly helpful in rural areas. In reference to current Postal Service laws, when an annuitant is reemployed, that annuitant's current salary is offset by the amount of the annuity received.

Presently, it is very difficult for rural postal employees to take a holiday or a sick day, because trained replacements cannot be found on short notice. Postal retirees are qualified to fill the position but because of the present law choose not to do so. In reality, the Postal annuitant would simply be volunteering his or her time to the Postal Service when becoming a reemployed annuitant. This legislation would permit OPM to consider, on a case-by-case basis, whether the postal employee's salary would be deducted or request that OPM delegate its authority to the Postmaster General on this issue.

This is a sound provision as it would not cost the taxpayer any more money, and it would probably cost less, than if an untrained employee filled in for an absent rural postal employee. This measure is simply permissive and would give the Postal Service the flexibility it needs to move the mail in rural areas.

Section 2 of this bill addresses the assignment authority of Federal Employee Group Life Insurance. Mr. Speaker, I would like to particularly recognize the gentlewoman from the District of Columbia [Ms. NORTON], the chair of the Subcommittee on Compensation and Employee Benefits for holding a hearing on my bill H.R. 3297, which included this provision. I would also like to thank the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY], who acted on the measure in a most timely fashion and had the foresight to attach the provision to the bill before us. I would also like to thank their excellent staffs and recognize the technical assistance given to me by the Office of Personnel Management.

This section, Mr. Speaker, addresses an issue which has benefited the population of our country, but has eluded the Federal employee because of lack of a specific provision in current law. This measure would permit all Federal employees insured under the Federal Employee Group Life Insurance [FEGLI] Program to irrevocably assign all incidents of ownership in the insurance to another individual as a gift in order to exclude the insurance proceeds from the decedent's taxable estate.

Mr. Speaker, presently, the Internal Revenue Service has upheld the validity of irrevocable assignments of life insurance policy proceeds as an appropriate instrument for estate planning, provided such action is permitted by both the terms of the insurance policy and applicable State law. Laws in each State permit irrevocable assignment of group life insurance ownership. It is a matter of equity that Federal employees should have access to this mechanism, which is a common feature under insurance policies throughout the country.

Mr. Speaker, I urge my colleagues to support H.R. 3246, which, I may add, is a product of true bipartisan cooperation.

Mr. Speaker, again I thank the gentleman from New York [Mr. GILMAN], who is such a leader in these matters.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SAWYER], the author of the bill and the chair of the Subcommittee on Census, Statistics and Postal Personnel of the Committee on Post Office and Civil Service.

Mr. SAWYER. Mr. Speaker, I rise in strong support of the measure that is before us. This seems to fit the requirement that our former colleague, the gentleman from Arizona, Mr. Udall, used to offer to us when he would suggest that everything that can be said about this bill has been said. It is just that not everybody has had the chance to say it. I intend to take this opportunity to say it today, Mr. Speaker, although I do not intend to take longer than 5 minutes.

Mr. Speaker, I strongly support the H.R. 3246, legislation that I introduced to help the U.S. Postal Service meet temporary personnel needs in rural areas.

At the outset, I want to thank Congressman BILL CLAY, chairman of the Committee on Post Office and Civil Service, for moving this legislation through the committee in a timely manner. I also want to recognize the valuable support of Congresswoman ELEANOR HOLMES NORTON, chairperson of the Subcommittee on Compensation and Employee Benefits. I am enormously grateful for the time she and her staff have taken to review this bill thoroughly, and move it through the subcommittee so quickly. Finally, I particularly want to thank Congressman JOHN MYERS and TOM PETRI, who are original cosponsors of H.R. 3246.

The Postal Service sometimes needs to hire employees on a temporary basis. This is particularly true in rural areas. In some rural communities, the Postal Service often has trouble attracting temporary employees to fill in when the regular postmaster or rural letter carrier is absent from work.

There are far fewer postal employees working in rural areas than in larger metropolitan communities. Therefore, those areas have more trouble hiring trained temporary employees for extended periods of time. When career postal employees in rural areas are sick, on vacation, on detail, or otherwise off from work, there often aren't knowledgeable employees who are familiar with the routes and who understand customer needs to take their place in the short term.

An example of this situation occurs when a postmaster in a rural post office is on annual leave. Because there are far fewer postal employees in rural post offices than in larger facilities, there are no supervisory or management employees to serve as acting postmaster. As a consequence, the Postal Service often will hire an untrained local resident to fill in for the postmaster. I believe that a better alternative would be to hire—on a temporary basis—a retired postal employee who may be living in the community, who does not need training, and who understands postal regulations and procedures.

Another concern is that some temporary employees, such as rural carrier reliefs, in rural areas stay in their positions for only a short period of time. They are likely to accept a temporary position only until they find permanent employment, and then they move on. A high turnover rate among temporary postal employees in rural areas does not promote efficient service.

I introduced H.R. 3246 to help the Postal Service meet temporary personnel needs in rural areas. As originally drafted, the bill exempted retired postal employees from provisions of law that require them to forfeit a portion of their annuity if they go back to work for the Federal Government. The exemption would have only applied to postal retirees who are hired temporarily as rural postmasters or rural letter carriers.

Mr. Speaker, during the committee's consideration of H.R. 3246, concerns were raised about providing the Postal Service with a direct waiver from the dual compensation prohibition contained in title 5, United States Code, and the precedent that approach might set. In an effort to address those concerns, the committee amended the bill to bring the Postal Service under the same provisions of title 5 as all other Federal agencies, with respect to the ability to seek a waiver from the Office of Personnel Management [OPM] from the annuity offset provisions.

H.R. 3246, as amended, would allow the Postal Service, like other Federal agencies, either to ask OPM to waive the annuity offset provisions of title 5 on a case-by-case-basis, or to ask OPM to delegate authority to the Postmaster General to waive the provisions in emergency or unusual circumstances. This approach accomplishes the same goal as the original bill text and is acceptable to all of the parties involved.

The Postal Service's primary goal is to move the mail in a timely, efficient, and courteous manner. Even when a rural postmaster or rural letter carrier is not scheduled to work, the Postal Service must continue to meet the needs of its customers.

Enactment of H.R. 3246 will not require the Postal Service to hire its retirees. It simply will give the agency the flexibility to turn to a pool of trained and experienced individuals when no one else is available to fill a position temporarily in a rural area.

I believe that at a time when the Postal Service is facing rising operational expenses, passage of this legislation would be the fiscally smart thing to do. I urge my colleagues to support passage of H.R. 3246.

□ 1310

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of H.R. 3246, a bill that helps the Postal Service meet temporary personnel needs in rural areas, and urge my colleagues to approve it.

As our committee report finds, the Postal Service has a need to hire qualified individuals on a temporary basis, particularly in rural areas, when regular postmasters or letter carriers are absent from work.

As a cosponsor of H.R. 3246, I believe the bill is a common sense, carefully crafted solution to a continuing problem.

This is not an assault on the concept of annuity offsets, nor is it the committee's intent that postal retirees take employment from individuals seeking career opportunities with the Postal Service.

When an emergency need arises, the better alternative would be to hire, on a temporary basis, a retired postal employee living in the community, who does not need training and who understands postal regulations and procedures.

Mr. Speaker, this is a good bill, and I urge the House to suspend the rules and pass it.

Ms. SNOWE. Mr. Speaker, I am pleased that the House is moving expeditiously on H.R. 3246, a bill which provides incentives for the U.S. Postal Service to temporarily hire retired Postal Service workers and thereby provide experienced and quality service when career postmasters and rural carriers are ill, on vacation, or otherwise unavailable to work.

Title 5, United States Code, section 8344 currently prohibits a Postal Service annuitant from receiving a full annuity if that retiree is temporarily employed by the U.S. Postal Service. Under current law, that retiree would need to take a reduction in pay to offset any annuity payments received while he or she is reemployed. Thus, the retirees are discouraged from lending their valuable skills and knowledge to the Postal Service.

H.R. 3246 provides an exemption to section 8344 for postal retirees who are hired to fill temporary positions. The bill, which pertains to postmaster reliefs and rural carrier reliefs, limits this temporary service to 90 days in a year, with a 180-day lifetime limit. Thus Postal retirees will not take away opportunities from individuals seeking careers with the Postal Service, but simply offer trained assistance to the Postal Service in a time of need.

Mr. Speaker, this bill will enable the Postal Service to more effectively meet its goal of moving mail in a timely and efficient manner, particularly in rural and remote areas where there are fewer career Postal workers. This bill allows the Postal Service, and ultimately every American, to benefit from the experience of trained Postal employees. I am proud to be a cosponsor of this legislation and I urge my colleagues to support its passage.

Ms. LAMBERT. Mr. Speaker, I rise today in support of H.R. 3246, a bill that will greatly help postal workers in rural areas.

Currently, post offices in rural areas have problems finding experienced substitute workers to fill in for workers who are ill or on vacation. This bill will alleviate this problem by waiving offsets in annuity payments for retirees who temporarily replace postal workers in these instances.

The Postal Service often must hire employees on a short-term basis, but it is difficult for rural areas to hire trained temporary employees for long periods of time. When rural postal employees are sick, on vacation, or off from work for other reasons, it is hard to find experienced employees who are familiar enough with the routes or with particular customer needs to take their places temporarily.

Currently, if postal retirees go back to work for a short time, they are required to give up a large portion of their annuity. But with the enactment of H.R. 3246, the annuity offset can be waived in emergency or unusual circumstances. Therefore, the Postal Service will be able to more easily attract applicants for temporary assignments from a well-trained labor pool that will be familiar with postal procedures and regulations.

Mr. Speaker, it is extremely critical that the Postal Service be able to deliver the mail in a timely and friendly manner. Therefore, I urge my colleagues to support this worthwhile bill that will enable rural post offices to do this job well. Thank you, Mr. Speaker.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3246, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend title 39, United States Code, to make applicable with respect to the United States Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

A motion to reconsider was laid on the table.

AMENDING DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PRACTICES ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3499) to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, as amended.

The Clerk read as follows:

H.R. 3499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEAVE FOR DODDS TEACHERS.

Section 6 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904) is amended—

(1) in subsection (a) by inserting "(or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen)" after "ten";

(2) in subsection (d) by striking "of the military department concerned" and inserting "of Defense"; and

(3) by adding at the end the following:

"(h) The Director of Dependents' Education, in consultation with the Director of the Office of Personnel Management—

"(1) shall establish for teachers a voluntary leave transfer program similar to the one under subchapter III of chapter 63 of title 5, United States Code; and

"(2) may establish for teachers a voluntary leave bank program similar to the one under subchapter IV of chapter 63 of title 5, United States Code.

Only leave described in the last sentence of subsection (c) of this section (relating to leave that may be used by a teacher for any purpose) may be transferred under any program established under this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congressman FRANK MCCLOSKEY, chair of the Subcommittee on Civil Service, introduced H.R. 3499, on November 10, 1993. The bill, as amended, provides for the establishment of voluntary leave transfer and leave bank programs for Department of Defense Dependent Schools [DODDS] teachers. These programs already exist for Federal employees generally. They permit Federal employees to transfer and receive annual leave donated by their coworkers when either they or their coworkers are experiencing medical emergencies requiring extended absence from the workplace. However, since by definition, DODDS teacher leave is not considered annual leave, a voluntary leave sharing program may not be established for them without providing new statutory authority.

In addition, H.R. 3499, as amended, also authorizes 3 additional days of leave for teachers employed in supervisory or higher positions because such employees generally work 222 days per school year compared to the 190 days required of regular teachers.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my privilege to speak in support of H.R. 3499, a bill introduced by our colleague from Indiana [Mr. MCCLOSKEY]. This is a humanitarian bill and one which will benefit those who teach in our overseas schools which affect so many of the children of our military personnel.

This legislation was considered by the Subcommittee on Compensation and Employment Benefits and approved as amended by the Committee on Post Office and Civil Service in June 1994.

H.R. 3499 institutes a voluntary leave transfer program and a voluntary leave bank program for teachers employed by the Department of Defense. It would permit these employees to donate and transfer accumulated annual leave to those Federal employees whose own annual and sick leave has been exhausted because of protracted illness.

Furthermore, Mr. Speaker, this legislation authorizes the Department of Defense to grant three additional days of leave to DOD supervisory teachers as their school year is 222 work days in contrast with 190 days for nonsupervisory teachers.

I believe that this provision will increase good morale throughout the overseas teachers community and, thus, will create a positive atmosphere in our Department of Defense school system.

Accordingly, I urge my colleagues to support this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY], the author of this bill and the chair of the Subcommittee on Civil Service.

Mr. MCCLOSKEY. Mr. Speaker, I rise in support of H.R. 3499, a bill to establish a leave transfer program for Department of Defense dependents' school teachers. I want to take this opportunity to thank Chair ELEANOR HOLMES NORTON and her staff for their hard work on this legislation.

This bill also allows DODDS the discretion to establish a leave bank to administer and distribute the leave under the transfer program. In order to ensure that this bill does not allow teachers to transfer sick leave to another teacher to which the director of DODDS objected due to the budgetary impact, the bill specifically states that only the 3 days of any purpose leave may be transferred under the program.

During hearings on H.R. 3975, a similar bill to H.R. 3499, the overseas education association which represents a majority of the DODDS teachers, indicated that there have been numerous cases in the past where teachers wished to donate leave to a colleague but could not do so. Jack Rollins, the president of OEA discussed a case where a teacher had breast cancer and had to go on 2 months leave without pay in order to obtain treatment for her cancer in the United States. This obviously resulted in an extreme economic hardship for the teacher to have no income for 2 months.

This bill would help alleviate such circumstances and is the equitable thing to do. Leave sharing and transfer is a useful tool to help retain employees, improve morale, and would significantly improve the working conditions of DODDS teachers at virtually no cost.

H.R. 3499 has bipartisan support and was unanimously reported from the Committee on Post Office and Civil Service. I urge my colleagues to support H.R. 3499.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 3499, the Overseas Defense Teachers Leave Programs, which was referred to both the Committee on Post Office and Civil Service and the Committee on Education and Labor. The Post Office and Civil Service Committee eliminated a number of provisions during its consideration of the measure, including a provision to amend the Defense Dependents' Education Act of 1978, which falls within the jurisdiction of the Committee on Education and Labor. Therefore, the Committee on Education and Labor took no formal action on H.R. 3499.

The bill before us today would establish a voluntary leave transfer program and leave bank program for the Defense Department teachers working overseas. Teachers who work for the Department of Defense are a part of our civilian work force. Until now, these civilian workers have had no opportunity, like many of their civilian counterparts, to donate accumulated leave for use by another employee who is facing a medical emergency. The bill would rectify this inequity and, in the process, the provision could have the salutary effect, according to the Congressional Budget Office, of reducing direct spending due to smaller Government payments for retirement annuities to teachers who would accrue less leave time should they become donors.

H.R. 3499 would also authorize teachers in supervisory positions with 3 additional days of leave per year, to reflect the greater number of days per year they generally work, when compared with other teachers.

I consider both of these provisions to be provisions to simply provide equity to teachers working overseas. I wholeheartedly support these provisions, which are long overdue. I urge my colleagues to approve H.R. 3499 without delay.

□ 1320

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3499, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEGLI LIVING BENEFITS ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 512) to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes, as amended.

The Clerk read as follows:

H.R. 512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FEGLI Living Benefits Act".

SEC. 2. OPTION TO RECEIVE "LIVING BENEFITS".

(a) IN GENERAL.—Chapter 87 of title 5 United States Code, is amended by inserting after section 8714c the following:

"§ 8714d. Option to receive 'living benefits'

"(a) For the purpose of this section, an individual shall be considered to be 'terminally ill' if such individual has a medical prognosis that such individual's life expectancy is 9 months or less.

"(b) The Office of Personnel Management shall prescribe regulations under which any individual covered by group life insurance under section 8704(a) may, if such individual is terminally ill, elect to receive a lump-sum payment equal to—

"(1) the full amount of insurance under section 8704(a) (or portion thereof designated for this purpose under subsection (d)(4)) which would otherwise be payable under this chapter (on the establishment of a valid claim)—

"(A) computed based on a date determined under regulations of the Office (but not later than 30 days after the date on which the individual's application for benefits under this section is approved or deemed approved under subsection (d)(3)); and

"(B) assuming continued coverage under this chapter at that time;

reduced by

"(2) an amount necessary to assure that there is no increase in the actuarial value of the benefit paid (as determined under regulations of the Office).

"(c)(1) If a lump-sum payment is taken under this section—

"(A) no insurance under the provisions of section 8704 (a) or (b) shall be payable based on the death or any loss of the individual involved, unless the lump-sum payment represents only a portion of the total benefits which could have been taken, in which case benefits under those provisions shall remain in effect, except that the basic insurance amount on which they are based—

"(i) shall be reduced by the percentage which the designated portion comprised relative to the total benefits which could have been taken (rounding the result to the nearest multiple of $1,000 or, if midway between multiples of $1,000, to the next higher multiple of $1,000); and

"(ii) shall not be subject to further adjustments; and

"(B) deductions and withholdings under section 8707, and contributions under section 8708, shall be terminated with respect to such individual (or reduced in a manner consistent with the percentage reduction in the individual's basic insurance amount, if applicable), effective with respect to any amounts which would otherwise become due on or after the date of payment under this section.

"(2) An individual who takes a lump-sum payment under this section (whether full or partial) remains eligible for optional benefits under sections 8714a–8714c (subject to payment of the full cost of those benefits in accordance with applicable provisions of the section or sections involved, to the same extent as if no election under this section had been made).

"(d)(1) The Office's regulations shall include provisions regarding the form and manner in which an application under this section shall be made and the procedures in accordance with which any such application shall be considered.

"(2) An application shall not be considered to be complete unless it includes such information and supporting evidence as the regulations require, including certification by an appropriate medical authority as to the nature of the individual's illness and that the individual is not expected to live more than 9 months because of that illness.

"(3)(A) In order to ascertain the reliability of any medical opinion or finding submitted as part of an application under this section, the covered individual may be required to submit to a medical examination under the direction of the agency or entity considering the application. The individual shall not be liable for the costs associated with any examination required under this subparagraph.

"(B) Any decision by the reviewing agency or entity with respect to an application for benefits under this section (including one relating to an individual's medical prognosis) shall not be subject to administrative review.

"(4)(A) An individual making an election under this section may designate that only a limited portion (expressed as a multiple of $1,000) of the total amount otherwise allowable under this section be paid pursuant to such election.

"(B) A designation under this paragraph may not be made by an individual described in paragraph (1) or (2) of section 8706(b).

"(5) An election to receive benefits under this section shall be irrevocable, and not more than one such election may be made by any individual.

"(6) The regulations shall include provisions to address the question of how to apply section 8706(b)(3)(B) in the case of an electing individual who has attained 65 years of age."

(b) TABLE OF SECTIONS.—The table of sections for chapter 87 of title 5, United States Code, is amended by inserting after the item relating to section 8714c the following:

"8714d. Option to receive 'living benefits'.".

SEC. 3. EFFECTIVE DATE; OPEN SEASON AND NOTICE.

(a) EFFECTIVE DATE.—The amendments made by section 2 shall take effect 9 months after the date of the enactment of this Act.

(b) OPEN SEASON; NOTICE.—(1) The Office of Personnel Management shall prescribe regulations under which, beginning not later than 9 months after the date of the enactment of this Act, and over a period of not less than 8 weeks—

(A) an employee (as defined by section 8701(a) of title 5, United States Code) who declined or voluntarily terminated coverage under chapter 87 of such title—

(i) may elect to begin, or to resume, group life insurance and group accidental death and dismemberment insurance; and

(ii) may make such other elections under such chapter as the Office may allow; and

(B) such other elections as the Office allows may be made.

(2) The Office shall take such action as may be necessary to ensure that employees and any other individuals who would be eligible to make an election under this subsection are afforded advance notification to that effect.

SEC. 4. FUNDING.

Notwithstanding section 8714(a)(1) of title 5, United States Code, the Office of Personnel Management shall retain in the Employees' Life Insurance Fund such portion of premium payments otherwise due as will, no later than September 30, 1995, permanently reduce the contingency reserve established under the third sentence of section 8712 of such title 5 by an amount equal to the amount by which payments from the Employees' Life Insurance Fund during the fiscal year ending September 30, 1995, exceed the payments that would have been paid had the amendments made by this Act not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentleman from New York [Mr. GILMAN] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 512, introduced by Congressman BENJAMIN GILMAN, provides that Federal employees who are diagnosed as terminally ill with a life expectancy of 9 months or less could elect to receive all or a portion of their basic life insurance benefit in advance of their deaths as a "living benefit." In order to be eligible for the living benefit, the enrollee would be required to provide certification from medical authorities that he or she is terminally ill. While the living benefits could be used at the discretion of the enrollee, it is anticipated that these funds would most often be used for providing care and medical treatment during the remaining period of the enrollee's life.

In return for electing the living benefit, the enrollee would sever all rights that any beneficiaries might have had in the proceeds of the policy. However, H.R. 512 only affects the basic life insurance amount and does not negate beneficiary rights in the optional FEGLI benefits. H.R. 512 provides that the living benefit election is irrevocable and that the enrollee is no longer liable for monthly premiums on the basic insurance policy.

The Subcommittee on Compensation and Employee Benefits held a hearing on H.R. 512 on April 20, 1994. Congressman GILMAN, OPM, and the National Association of Retired Federal Employees testified in favor of the legislation. The subcommittee also received written statements for the record which expressed support for the bill from the American Federation of Government Employees, the National Treasury Employees Union, and the National Association of Government Employees.

The bill, as amended, directs OPM to withhold premium payments to the

FEGLI reserve contingency fund in an amount sufficient to offset the increase in direct spending that would occur as a result of the bill. The contingency reserve is funded by payments from the FEGLI trust fund and is held outside the budget at a targeted amount of $50 million. The withheld amount will permanently reduce the fund and the reduction will take place no later than September 30, 1995. CBO estimates that this provision makes the bill budget neutral. I urge its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 512, the Federal Employees Group Life Insurance Living Benefits Act. At this time I would like to take the opportunity to thank the supporters of this legislation, including the distinguished chair of the Subcommittee on Compensation and Employee Benefits, the gentlewoman from the District of Columbia [Ms. NORTON], the ranking minority member of the subcommittee, the gentlewoman from Maryland [Mrs. MORELLA], and the ranking minority member of the full committee, the gentleman from Indiana [Mr. MYERS]. I also want to thank the distinguished chairman of the House Post Office and Civil Service Committee, the gentleman from Missouri [Mr. CLAY] for promptly scheduling this legislation for floor action following its favorable reporting from the committee.

H.R. 512 is sensible, cost-effective legislation aimed at helping employees and retirees covered under the Federal Employees Group Life Insurance [FEGLI] program cope with the financial burdens associated with a terminal illness. While this body cannot begin to alleviate the emotional toll a terminal illness places on an individual and his or her family, we can undertake efforts to ease the financial burdens.

H.R. 512 allows a FEGLI enrollee the option of receiving an actuarially reduced accelerated insurance benefit if diagnosed with a terminal illness with a life expectancy of 9 months or less. This accelerated benefit would represent the insured's basic life insurance amount less an actuarial reduction to compensate for any lost interest to the life insurance fund. An election of this accelerated benefit negates all rights the insured or any beneficiaries might have in the basic insurance amount. However, the additional options provided under FEGLI are not subject to election and remain intact for any beneficiaries' interest.

I am gratified to note that H.R. 512 enjoys broad bipartisan support. In a hearing conducted by the subcommittee chair, Ms. NORTON, Federal employee groups, retiree groups and the administration all voiced support for the legislation.

I want to particularly acknowledge the efforts on the part of the subcommittee chair Ms. NORTON in crafting the financing mechanism for the legislation. This provision directs the Office of Personnel Management to withhold premium payments to the insurance reserve contingency fund in an amount sufficient to offset any direct spending incurred during the first year of the program as a result of the accelerated payments elected by enrollees. This amendment was the product of a joint effort on the part of staff and the Office of Personnel Management. I also want to thank OPM for its support of the legislation and for providing technical assistance in helping craft this provision which meets fiscal constraints while easing administrative burdens. The congressional Budget Office estimates enactment of H.R. 512, as amended, will prove budget neutral over a 5 year period.

Mr. Speaker, I am pleased to bring this measure before the full House today. In this day and age of strict budget scrutiny, I am pleased to sponsor a measure with humanitarian intent and a cost-conscious price tag. Facing a terminal illness is morally and emotionally difficult in itself. However, the depletion of one's financial resources compounds the already serious ordeal facing the patient and his or her family. H.R. 512 will help ease the financial burdens placed on the insured while providing a needed source of income in order to allow the insured to live any remaining months of life in dignity and comfort.

I hope our colleagues in the other body share our concerns for providing a humanitarian, yet cost effective benefit and will quickly approve this measure on a timely basis. Accordingly, Mr. Speaker, I urge all my colleagues to join me today in support of H.R. 512.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 512, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material on H.R. 3246, H.R. 3499, and H.R. 512, the three bills just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8) to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1989, as amended.

The Clerk read as follows:

H.R. 8

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Healthy Meals for Healthy Americans Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Sense of the Congress.

TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

Sec. 101. Direct Federal expenditures.
Sec. 102. Technical assistance to ensure compliance with nutritional requirements under the school lunch program, the summer food service program for children, and the child and adult care food program.
Sec. 103. Nutritional and other program requirements.
Sec. 104. Special assistance for schools electing to serve all children free lunches or breakfasts.
Sec. 105. Establishment of universal school lunch and breakfast pilot program.
Sec. 106. Miscellaneous provisions and definitions.
Sec. 107. Summer food service program for children.
Sec. 108. Commodity distribution program.
Sec. 109. Child and adult care food program.
Sec. 110. Homeless children nutrition program.
Sec. 111. Pilot projects.
Sec. 112. Reduction of paperwork.
Sec. 113. Extension of Food Service Management Institute.
Sec. 114. Duties of the Secretary of Agriculture relating to nonprocurement debarment under certain child nutrition programs.

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

Sec. 201. School breakfast program.
Sec. 202. State administrative expenses.
Sec. 203. Special supplemental nutrition program.
Sec. 204. Nutrition education and training.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Consolidation of school lunch program and school breakfast program into comprehensive meal program.
Sec. 302. Study and report relating to use of private food establishments and caterers under school lunch program and school breakfast program.

Sec. 303. Report relating to unified accountability system under National School Lunch Act.
Sec. 304. Amendment to Commodity Distribution Reform Act and WIC Amendments of 1987.

SEC. 2. FINDINGS.

The Congress finds that—

(1) undernutrition along with environmental factors associated with poverty can permanently retard physical growth, brain development, and cognitive functioning of children;

(2) the longer a child's nutritional, emotional, and educational needs go unmet, the greater the likelihood of cognitive impairment;

(3) low-income children who attend school hungry score significantly lower on standardized tests than non-hungry low-income children; and

(4) supplemental nutrition programs under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) can help to offset threats posed to a child's capacity to learn and perform in school which results from inadequate nutrient intake.

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) funds should be made available for child nutrition programs to remove barriers to the participation of needy children in the school lunch program, school breakfast program, summer food service program for children, and the child and adult care food program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(2) the Secretary of Agriculture should take actions to further strengthen the efficiency of child nutrition programs by streamlining administrative requirements to reduce the administrative burden on participating schools and other meal providers; and

(3) as a part of efforts to continue to serve nutritious meals to youths in the United States and to educate the general public regarding health and nutrition issues, the Secretary of Agriculture should take actions to coordinate the nutrition education efforts of all nutrition programs.

TITLE I—AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT

SEC. 101. DIRECT FEDERAL EXPENDITURES.

(a) PURCHASE OF FRESH FRUITS AND VEGETABLES.—Section 6(a) of the National School Lunch Act (42 U.S.C. 1755(a)) is amended—

(1) in the second sentence, by striking "Any school" and inserting "Except as provided in the next two sentences, any school"; and

(2) by inserting after the second sentence the following new sentences: "Any school may refuse some or all of the fresh fruits and vegetables offered to such school in any school year and may receive in lieu thereof any other commodities for such school year if (1) such school purchases fresh fruits and vegetables for such school year which are at least equal in value to the fresh fruits and vegetables refused by such school; and (2) the fresh fruits and vegetables purchased under paragraph (1) are in addition to any purchase of fresh fruits and vegetables that would otherwise have been made by such school for such school year. The value of any fresh fruits and vegetables refused by a school under the preceding sentence for a school year shall not be included in the calculation to determine the 20 percent of the total value of agricultural commodities and other foods tendered to such school in such school year under the second sentence of this subsection.".

(b) REQUIREMENT OF MINIMUM PERCENTAGE OF COMMODITY ASSISTANCE.—Section 6 of such Act (42 U.S.C. 1755) is amended by adding at the end the following new subsection:

"(g)(1) Subject to paragraph (2), in each school year the Secretary shall ensure that not less than 12 percent of the assistance provided under section 4, this section, and section 11 of this Act shall be in the form of commodities provided under this section.

"(2) If amounts available to carry out the requirements of the sections described in paragraph (1) are insufficient to meet the requirement contained in such paragraph for a school year, the Secretary shall, to the extent necessary, use the authority provided under section 14(a) of this Act to meet such requirement for such school year.".

SEC. 102. TECHNICAL ASSISTANCE TO ENSURE COMPLIANCE WITH NUTRITIONAL REQUIREMENTS UNDER THE SCHOOL LUNCH PROGRAM, THE SUMMER FOOD SERVICE PROGRAM FOR CHILDREN, AND THE CHILD AND ADULT CARE FOOD PROGRAM.

(a) SCHOOL LUNCH PROGRAM.—Section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) is amended—

(1) by striking "(1) Lunches served by schools" and inserting "(1)(A) Lunches served by schools"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance to those schools participating in the school lunch program under this Act to assist such schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those schools that are having difficulty maintaining compliance with such requirements.".

(b) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—Section 13(f) of such Act (42 U.S.C. 1761(f)) is amended—

(1) by adding after the first sentence the following new sentences: "The Secretary shall provide technical assistance to service institutions and private nonprofit organizations participating in the program to assist such institutions and organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to this subparagraph. The Secretary shall provide additional technical assistance to those service institutions and private nonprofit organizations that are having difficulty maintaining compliance with such requirements."; and

(2) in the fourth sentence (as amended by paragraph (1)), by striking "Such meals" and inserting "Meals described in the first sentence".

(c) CHILD AND ADULT CARE FOOD PROGRAM.—Section 17(g)(1) of such Act (42 U.S.C. 1766(g)(1)) is amended—

(1) by striking "(1) Meals served by institutions" and inserting "(1)(A) Meals served by institutions"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance to those institutions participating in the program under this section to assist such institutions and family or group day care home sponsoring organizations in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those institutions and family or group day care home sponsoring organizations that are having difficulty maintaining compliance with such requirements.".

SEC. 103. NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS.

(a) MINIMUM NUTRITIONAL REQUIREMENTS BASED ON WEEKLY AVERAGE OF NUTRIENT CONTENT OF SCHOOL LUNCHES.—Section 9(a)(1)(A) of the National School Lunch Act (42 U.S.C. 1758(a)(1)(A)) (as amended by section 102(a)) is further amended—

(1) by striking "; except that such minimum nutritional requirements" and inserting ", except that—

"(i) such minimum nutritional requirements";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(ii) such minimum nutritional requirements shall, at a minimum, be based on the weekly average of the nutrient content of school lunches.".

(b) NUTRITIONAL REQUIREMENTS RELATING TO PROVISION OF MILK.—Section 9(a)(2) of such Act (42 U.S.C. 1758(a)(2)) is amended to read as follows:

"(2) Lunches served by schools participating in the school lunch program under this Act—

"(A) shall offer students fluid milk; and

"(B) shall offer students a variety of fluid milk consistent with prior year demonstrated preferences unless the prior year preference for any such variety of fluid milk is less than 1 percent of the total milk consumed at the school.".

(c) INCREASED FLEXIBILITY RELATING TO USE OF INFORMATION SUBMITTED TO DETERMINE ELIGIBILITY UNDER PROGRAMS UNDER NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966.—Section 9(b)(5) of such Act (42 U.S.C. 1758(b)(5)) is amended by adding at the end the following new sentences: "Except as provided in the next sentence, a local agency responsible for administering programs under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall use information submitted for the purpose of receiving benefits under such programs only for the purpose of determining eligibility for such benefits. Such local agency may use such eligibility determination to demonstrate the eligibility for benefits under other Federal, State, or local means-tested nutrition programs with comparable eligibility standards.".

(d) AUTOMATIC ELIGIBILITY OF HEAD START PARTICIPANTS.—

(1) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended—

(A) in section 9(b)(6)(A) (42 U.S.C. 1758(b)(6)(A))—

(i) in the matter preceding clause (i), by striking "a member of";

(ii) in clause (i)—

(I) by inserting "a member of" after "(i)"; and

(II) by striking "or" at the end of the clause;

(iii) in clause (ii)—

(I) by inserting "a member of" after "(ii)"; and

(II) by striking the period at the end of the clause and inserting "; or"; and

(iv) by adding at the end the following new clause:

"(iii) enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).";

(B) in section 9(b)(6)(B) (42 U.S.C. 1758(b)(6)(B)), by striking "food stamps or aid to families with dependent children" and inserting "food stamps, aid to families with dependent children, or enrollment or participation in the Head Start program on the basis described in subparagraph (A)(iii)"; and

(C) in section 17(c) (42 U.S.C. 1766(c)), by adding at the end the following new paragraph:

"(5) A child shall be considered automatically eligible for benefits under this section without further application or eligibility determination, if the child is enrolled as a participant in a Head Start program authorized under the Head Start Act (42 U.S.C. 9831 et seq.), on the basis of a determination that the child is a member of a family that meets the low-income criteria prescribed under section 645(a)(1)(A) of the Head Start Act (42 U.S.C. 9840(a)(1)(A)).".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1995.

(e) DOCUMENTATION OF PRODUCTION PLANS.—Section 9 of such Act (42 U.S.C. 1758) is amended by adding at the end the following new subsection:

"(f)(1) The Secretary shall clarify that the primary need for documentation of production plans is to serve as a basis for ensuring that the meals under the school lunch program meet the nutrient needs of the children to be served under such program. The State shall determine whether existing records are adequate to ensure that the objective of the preceding sentence is met.

"(2) The Secretary shall clarify the need for internal controls in developing a claim for reimbursement under the school lunch program.".

(f) SEAFOOD PRODUCTION REQUIREMENTS.—Section 9 of such Act (42 U.S.C. 1758) (as amended by subsection (e)) is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary shall purchase fish and fish products for distribution under section 14 only if such fish and fish products are—

"(A) produced in compliance with the continuous official establishment and product inspection of the National Marine Fisheries Service; or

"(B) produced in compliance with the hazard analysis critical control point requirements promulgated by the Secretary of Health and Human Services, beginning on the date of the implementation of such requirements.

"(2) Beginning on and after the date of the implementation of the requirements described in paragraph (1)(B), the Secretary shall ensure that fish and fish products purchased by schools participating in the school lunch program are produced in compliance with such requirements.".

SEC. 104. SPECIAL ASSISTANCE FOR SCHOOLS ELECTING TO SERVE ALL CHILDREN FREE LUNCHES OR BREAKFASTS.

Section 11(a)(1) of the National School Lunch Act (42 U.S.C. 1759a(a)(1)) is amended—

(1) by striking "(a)(1) Except as provided" and inserting "(a)(1)(A) Except as provided";

(2) in the second sentence, by striking "In the case of" and inserting—

"(B) In the case of";

(3) in the third sentence—

(A) by striking "In the case of" and inserting—

"(C)(i) Except as provided in clause (ii), in the case of"; and

(B) by striking "(A)" and inserting "(I)" and by striking "(B)" and inserting "(II)";

(4) by adding at the end the following new clause:

"(ii)(I)(aa) In the case of any school that, on the date of the enactment of this clause, is serving all children in that school free lunches under the school lunch program in accordance with clause (i), special assistance payments shall be paid to the State educational agency with respect to such school for free lunches served to all children in such school during a period of five consecutive years in accordance with such clause.

"(bb) Any period of time in the current 3-year period during which the school served free lunches to all children in such school in accordance with clause (i) shall count toward the 5-year period described in division (aa).

"(cc) The State may grant an extension to such schools at the end of such 3-year period, only if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained stable. The State may further use such data in subsequent 5-year periods to ensure that the income level of the population of the school has remained stable.

"(II) A school described in subclause (I) may reapply to the State at the end of a 5-year period described in such subclause for the purpose of continuing to receive special assistance payments in accordance with such subclause for additional 5-year periods."; and

(5) by further adding at the end the following new subparagraph:

"(D) In the case of any school that (i) elects to serve all children in that school free lunches under the school lunch program during any period of 4 successive years, or in the case of a school that serves both lunches and breakfasts, elects to serve all children in that school free lunches and free breakfasts under the school lunch program and the school breakfast program during any period of 4 successive years and (ii) pays, from sources other than Federal funds, for the costs of serving such lunches or breakfasts, as the case may be, which are in excess of the value of assistance received under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) with respect to the number of lunches or breakfasts served during that period, total Federal cash reimbursements and total commodity assistance shall be provided to the State educational agency with respect to such school at a level equal to the total Federal cash reimbursements and total commodity assistance received by the school in the previous year, adjusted annually for changes in inflation in accordance with paragraph (3)(B) and for changes in enrollment, to carry out the purposes of the school lunch or school breakfast programs. The State may grant a renewal of the authority under the preceding sentence to such schools at the end of such 4-year period, if the State determines, through available socioeconomic data approved by the Secretary, that the income level of the population of the school has remained consistent with the income level of the population of the school in the year upon which the total Federal reimbursement is based.".

SEC. 105. ESTABLISHMENT OF UNIVERSAL SCHOOL LUNCH AND BREAKFAST PILOT PROGRAM.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 11 the following new section:

"SEC. 11A. UNIVERSAL SCHOOL LUNCH AND BREAKFAST PILOT PROGRAM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a universal school lunch and breakfast pilot program (in this section referred to as the 'pilot program').

"(2) DESCRIPTION.—The pilot program shall consist of school lunch and breakfast service offered without cost to all students in attendance at participating schools that wish to participate in a manner consistent with the requirements otherwise applicable to the school lunch program under this Act and to the school breakfast program under section 4 of the Child Nutrition Act of 1966.

"(3) ELIGIBILITY.—A school shall be eligible to participate in the pilot program if the school meets the following requirements:

"(A) At least 30 percent of all students participating in the school lunch program at the school are students who qualify for free or reduced price lunches.

"(B) At least 30 percent of all students participating in the school breakfast program at the school are students who qualify for free or reduced price breakfasts.

"(b) APPLICATION.—

"(1) IN GENERAL.—A school may participate in the pilot program only if such school submits to the Secretary an application containing such information as the Secretary may reasonably require.

"(2) CONTENTS.—Such application shall contain a plan describing—

"(A) the additional amount over the most recent prior year reimbursement amount received under the school lunch program and the school breakfast program (adjusted for inflation and enrollment) that the school would need from the Federal government to provide free lunches and breakfasts under the pilot program; and

"(B) the funding, if any, the school will receive from non-Federal sources to provide free lunches and breakfasts under the pilot program.

"(c) UNIVERSAL PAYMENT RATE.—

"(1) IN GENERAL.—Subject to paragraphs (3) and (4), in lieu of receiving the national average payment per lunch determined under section 4 and section 11, and the national average payment per breakfast determined under section 4 of the Child Nutrition Act of 1966, each school participating in the universal program shall receive the universal payment rates determined under paragraph (2) for each lunch and breakfast served under the program.

"(2) ESTABLISHMENT.—Subject to paragraph (3), the Secretary shall establish the universal payment rates for purposes of this section. Such rates shall be equal to the national average cost of producing a school lunch, and the national average cost of producing a school breakfast, respectively, as determined by the Secretary. In making the determination required by the preceding sentence, the Secretary shall establish a maximum amount that can be charged to a participating school food service authority for indirect expenses.

"(3) COMMODITIES.—(A) Except as provided in subparagraph (B), a school participating in the pilot program shall receive commodities in an amount equal to the amount the school received in the prior year under the school lunch program under this Act and under the school breakfast program under section 4 of the Child Nutrition Act of 1966, adjusted for inflation and fluctuations in enrollment.

"(B) Commodities required for the pilot program in excess of the amount of commodities received by the school in the prior year under the school lunch program and the school breakfast program may be funded from amounts appropriated to carry out this section.

"(4) Additional Requirements.—(A) Except as provided in subparagraph (B), a school participating in the pilot program shall receive a total Federal reimbursement under the school lunch program and school breakfast program in an amount equal to the Federal reimbursement rate for the school in the prior year under each such program (adjusted for inflation and fluctuations in enrollment).

"(B) Funds required for the pilot program in excess of the level of reimbursement received by the school in the prior year (adjusted for inflation and fluctuations in enrollment) may be taken from any non-Federal source or from amounts appropriated to carry out this section. If funds required in addition to funds under subparagraph (A) are not available from non-Federal sources and no appropriations are made for the pilot program, schools may not participate in the program.

"(d) Competitive Foods Policy.—A school participating in the pilot program may sell competitive foods under regulations issued by the Secretary.

"(e) Prohibition of Waiver To Provide Lunch and Breakfast Service Without Cost.—Notwithstanding any other provision of law, the Secretary may not waive the requirement that the school will provide lunch and breakfast service without cost to all students at the school under the pilot program.

"(f) Reports.—

"(1) Reports to the secretary.—The Secretary shall require each school participating in the pilot program to submit to the Secretary a report containing the following information:

"(A) A comparison of the participation rate of all students at the school in the pilot program to the participation of students under the school lunch program and the school breakfast program.

"(B) A comparison of the quality of meals served under the pilot program to the quality of meals served under the school lunch program and the school breakfast program.

"(C) An evaluation of the pilot program by students, parents, and administrators.

"(D) The participation rate in the pilot program of students who otherwise would be eligible for free and reduced price lunches and breakfasts under the school lunch program or the school breakfast program.

"(E) A comparison of the amount of administrative costs under the program with the amount of administrative costs under the school lunch and school breakfast programs.

"(F) The reduction in paperwork under the pilot program from the amount of paperwork under the school lunch and school breakfast programs at the school.

"(2) Reports to the congress.—

"(A) Interim report.—Not later than September 30, 1997, the Secretary shall submit to the Congress an interim report containing—

"(i) a compilation of the information received by the Secretary under paragraph (1) as of this date from each school participating in the pilot program; and

"(ii) an interim evaluation of the program by the Secretary.

"(B) Final report.—Not later than September 30, 1998, the Secretary shall submit to the Congress an final report containing—

"(i) a compilation of the information received by the Secretary under paragraph (1) as of this date from each school participating in the pilot program; and

"(ii) a final evaluation of the program by the Secretary.

"(g) Selection Requirement.—To the extent practicable, the Secretary shall select schools to participate in the pilot program in a manner which will provide for an equitable distribution among the following types of schools:

"(1) Urban and rural schools.

"(2) Elementary, middle, and high schools.

"(3) Low-, middle-, and high-income schools.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $15,000,000 for each of the fiscal years 1995 through 1998.".

(b) Effective Date.—The Secretary of Agriculture shall issue regulations to carry out section 11A of the National School Lunch Act (as added by subsection (a) of this section) that provide for the implementation of such section not later than July 1, 1995.

SEC. 106. MISCELLANEOUS PROVISIONS AND DEFINITIONS.

(a) Technical Amendment To Definition of School.—

(1) In general.—Section 12(d)(5) of the National School Lunch Act (42 U.S.C. 1760(d)(5)) is amended—

(A) in the first sentence—

(i) in clause (A), by inserting "and" at the end of such clause;

(ii) in clause (B), by striking ", and" and inserting a period; and

(iii) by striking clause (C); and

(B) in the second sentence, by striking "of clauses (A) and (B)".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on October 1, 1995.

(b) Reimbursement for Meals, Supplements, and Milk Under Certain Programs Contingent Upon Timely Submission of Claims and Final Program Operations Report.—Section 12 of such Act (42 U.S.C. 1760) is amended by adding at the end the following new subsection:

"(j)(1) Except as provided in paragraph (2), the Secretary may provide reimbursements for final claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, family day care homes, institutions, and service institutions only if—

"(A) such claims have been submitted to such State agencies not later than 60 days after the last day of the month for which the reimbursement is claimed; and

"(B) the final program operations report for such month is submitted to the Secretary not later than 90 days after the last day of such month.

"(2) The Secretary may waive the requirements contained in paragraph (1) at the discretion of the Secretary.".

(c) Requirement of Negotiated Rulemaking Process in Issuing Regulations Under the National School Lunch Act and the Child Nutrition Act of 1966.—Section 12 of such Act (42 U.S.C. 1760) (as amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(k)(1) The Secretary is authorized to issue such regulations as are necessary to reasonably ensure that there is compliance with this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(2)(A) Prior to publishing proposed regulations in the Federal Register to carry out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) (except the special supplemental nutrition program under section 17 of such Act), the Secretary shall obtain the advice and recommendations of representatives of Federal, State, and local school administrators, school food service administrators, other school food service personnel, parents, teachers, industry representatives, public interest anti-hunger organizations, doctors specializing in pediatric nutrition, and nutritionists involved with the implementation and operation of programs under this Act and the Child Nutrition Act of 1966.

"(B) Such advice and recommendations may be obtained through such mechanisms as regional meetings and electronic exchanges of information. The Secretary shall take into account such information in the development of proposed regulations and shall publish a summary of such information in the Federal Register together with such proposed regulations.

"(C) After obtaining such advice and recommendations, and prior to publishing proposed regulations, the Secretary shall—

"(i) establish a negotiated rulemaking process on issues, including—

"(I) nutrition requirements and their implementation; and

"(II) program compliance and accountability requirements;

"(ii) select individuals to participate in such process from among individuals or groups which provided advice and recommendations, with representation from all geographic regions (to the extent possible, the Secretary shall select individuals reflecting the diversity in the program, including representatives of both large and small programs, as well as individuals serving urban and rural areas); and

"(iii) prepare a draft of proposed policy options that shall be provided to the individuals selected by the Secretary under clause (ii) not less than 45 days prior to the first meeting under such process.

"(D) Such process—

"(i) shall be conducted in a timely manner to ensure that final regulations are issued by the Secretary not later than 240 days after the date of the enactment of the Healthy Meals for Healthy Americans Act of 1994; and

"(ii) shall not be subject to the Federal Advisory Committee Act but shall otherwise follow the provisions of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).

"(E) In an emergency situation in which regulations to carry out this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) must be issued with a very limited time to assist State and local educational agencies with the operation of the program, the Secretary may issue proposed regulations without following such process but shall, immediately thereafter and prior to issuing final regulations, conduct regional meetings to review such proposed regulations.".

(d) Authority of Secretary To Waive Statutory and Regulatory Requirements Under the National School Lunch Act and the Child Nutrition Act of 1966.—Section 12 of such Act (42 U.S.C. 1760) (as amended by subsections (b) and (c)) is further amended by adding at the end the following new subsection:

"(l)(1)(A) The Secretary may waive any requirement under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or any regulation issued under such Acts, for a State or eligible service provider that requests a waiver if—

"(i) the Secretary determines that the waiver of such requirement would facilitate the ability of the State or eligible service provider to carry out the purpose of the program;

"(ii) a State or eligible service provider has provided notice and information to the public regarding the proposed waiver; and "(iii) the State or eligible service provider demonstrates to the satisfaction of the Secretary that such waiver will not increase the overall cost of the program to the Federal government, and, if such waiver does increase such overall cost to the Federal government, such cost will be paid from non-Federal funds.

"(B) Such notice and information shall be provided in the same manner in which such State or eligible service provider customarily provides similar notices and information to the public.

"(2)(A) To request a waiver, a State or eligible service provider shall submit an application to the Secretary that—

"(i) identifies the statutory or regulatory requirements that are requested to be waived;

"(ii) in the case of a State requesting a waiver, describes actions, if any, that the State has undertaken to remove State statutory or regulatory barriers;

"(iii) describes the goal of the waiver to improve services under the program and the expected outcomes if the waiver is granted;

"(iv) includes a description of the impediments to the efficient operation and administration of the program;

"(v) describes the management goals to be achieved, such as fewer hours devoted to or fewer number of personnel involved in the administration of the program;

"(vi) provides a timetable for implementing the waiver; and

"(vii) describes the process the State or eligible service provider will use to monitor the progress in implementing the waiver, including the process for monitoring the cost implications of the waiver to the Federal government.

"(B) An application described in subparagraph (A) shall be developed by the State or eligible service provider and shall be submitted to the Secretary by the State.

"(3)(A) The Secretary shall act promptly on a waiver request contained in an application submitted under paragraph (2) and shall either grant or deny such request. The Secretary shall state in writing the reasons for granting or denying such request.

"(B) If the Secretary grants a waiver request, the Secretary shall state in writing the expected outcome of granting such a waiver.

"(C) The result of the decision of the Secretary shall be disseminated by the State or eligible service provider to interested parties, including educators, parents, students, advocacy and civil rights organizations, other interested parties, and the public.

"(D)(i) Except as provided in clause (ii), a waiver granted by the Secretary shall be for a period not to exceed three years.

"(ii) The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or eligible service provider to carry out the purposes of the program.

"(4) The Secretary may not grant a waiver under paragraph (3) of any requirement relating to—

"(A) the nutritional content of meals served;

"(B) Federal reimbursement rates;

"(C) the provision of free and reduced price meals;

"(D) offer versus serve provisions;

"(E) limits on the price charged for a reduced price meal;

"(F) maintenance of effort;

"(G) equitable participation of children in private schools;

"(H) distribution of funds to State and local school food service authorities;

"(I) prohibiting the disclosure of information relating to students receiving free or reduced price meals;

"(J) prohibiting the operation of a profit producing program;

"(K) the sale of competitive foods;

"(L) the commodity distribution program under section 14 of this Act; and

"(M) enforcement of any constitutional or statutory right of an individual, including any right under—

"(i) title VI of the Civil Rights Act of 1964;

"(ii) Section 504 of the Rehabilitation Act of 1973;

"(iii) title IX of the Education Amendments of 1972;

"(iv) the Age Discrimination Act of 1975; and

"(v) the Americans with Disabilities Act of 1990.

"(5) The Secretary shall periodically review the performance of any State or eligible service provider for which the Secretary has granted a waiver and shall terminate the waiver if the performance of the State or service provider has been inadequate to justify a continuation of the waiver. The Secretary shall terminate the waiver if, after periodic review, the Secretary determines that the waiver has resulted in increased Federal spending and such increased Federal spending has not been paid for in accordance with paragraph (1)(A)(iii).

"(6)(A)(i) An eligible service provider that receives a waiver under this section shall annually submit to the State a report that—

"(I) describes the use of such waiver by the eligible service provider; and

"(II) evaluates how the waiver contributed to improved services to children served by the program for which the waiver was requested.

"(ii) The State shall annually submit to the Secretary a report that summarizes all reports received by the State from eligible service providers.

"(B) The Secretary shall annually submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report—

"(i) summarizing the use of waivers by the State and eligible service providers;

"(ii) describing whether such waivers resulted in improved services to children;

"(iii) describing the impact of such waivers on providing nutritional meals to participants; and

"(iv) describing how such waivers reduced the amount of paperwork necessary to administer the program.

"(7) For purposes of this subsection, the term 'eligible service provider' means—

"(A) a local school food service authority;

"(B) a service institution or private nonprofit organization described under section 13 of this Act; or

"(C) a family or group day care home sponsoring organization described under section 17 of this Act.".

SEC. 107. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

(a) PRIORITY REQUIREMENTS FOR DETERMINING PARTICIPATION OF CERTAIN ELIGIBLE SERVICE INSTITUTIONS.—Section 13(a)(4) of the National School Lunch Act (42 U.S.C. 1761(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following new subparagraphs:

"(A) Local schools.

"(B) All other service institutions and private nonprofit organizations eligible under paragraph (7) that have demonstrated successful program performance in a prior year.

"(C) Other service institutions and private nonprofit organizations eligible under paragraph (7).".

(b) ELIMINATION OF 1-YEAR WAITING PERIOD WITH RESPECT TO PARTICIPATION OF PRIVATE NONPROFIT ORGANIZATIONS IN CERTAIN AREAS UNDER THE PROGRAM.—Section 13(a)(7) of such Act (42 U.S.C. 1761(a)(7)) is amended by striking subparagraph (C) of such section.

(c) ELIMINATION OF WARNING IN PRIVATE NONPROFIT ORGANIZATION APPLICATION RELATING TO CRIMINAL PROVISIONS AND RELATED MATTERS.—Section 13(q) of such Act (42 U.S.C. 1761(q)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(3) in paragraph (3) (as redesignated), by striking "paragraphs (1) and (3)" and inserting "paragraphs (1) and (2)".

(d) EXTENSION OF PROGRAM.—Section 13(r) of such Act (42 U.S.C. 1761(r)) is amended by striking "1994" and inserting "1998".

SEC. 108. COMMODITY DISTRIBUTION PROGRAM.

Section 14 of the National School Lunch Act (42 U.S.C. 1762a) is amended—

(1) in subsection (a), by striking "1994" and inserting "1998"; and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and

(B) by adding at the end the following new paragraphs:

"(2) The Secretary shall maintain and continue to improve the overall nutritional quality of entitlement commodities provided to schools to assist the schools in improving the nutritional content of meals.

"(3) The Secretary shall—

"(A) require that nutritional content information labels be placed on packages or shipments of entitlement commodities provided to the schools; or

"(B) otherwise provide nutritional content information regarding the commodities provided to the schools.".

SEC. 109. CHILD AND ADULT CARE FOOD PROGRAM.

(a) AUTOMATIC ELIGIBILITY OF CERTAIN EVEN START PARTICIPANTS.—Section 17(c) of the National School Lunch Act (42 U.S.C. 1766(c)) (as amended by section 103(d)(1)(C)) is further amended by adding at the end the following new paragraph:

"(6)(A) A child who has not yet entered kindergarten shall be considered automatically eligible for benefits under this section without further application or eligibility determination if the child is enrolled as a participant in the Even Start program under part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.).

"(B) Subparagraph (A) shall apply only with respect to the provision of benefits under this section for fiscal years 1996 through 1998.".

(b) REAPPLICATION FOR ASSISTANCE AT 3-YEAR INTERVALS.—Section 17(d)(2)(A) of such Act (42 U.S.C. 1766(d)(2)(A)) is amended by striking "2-year intervals" and inserting "3-year intervals".

(c) USE OF ADMINISTRATIVE FUNDS TO CONDUCT OUTREACH AND RECRUITMENT TO UNLICENSED DAY CARE HOMES.—Section 17(f)(3)(C) of such Act (42 U.S.C. 1766(f)(3)(C)) is amended—

(1) by striking "(C) Reimbursement for administrative expenses" and inserting "(C)(i) Reimbursement for administrative expenses"; and

(2) by adding at the end the following new clause:

"(ii) Funds for administrative expenses may be used by family or group day care home sponsoring organizations to conduct outreach and recruitment to unlicensed family or group day care homes so that such day care homes may become licensed.".

(d) INFORMATION AND TRAINING CONCERNING CHILD HEALTH AND DEVELOPMENT.—Section 17(k) of such Act (42 U.S.C. 1766(k)) is amended by adding at the end the following new paragraph:

"(4) The Secretary shall encourage family or group day care sponsoring organizations to provide information and training concerning child health and development to family or group day care homes participating in the program under such organizations.".

(e) EXTENSION OF STATEWIDE DEMONSTRATION PROJECTS.—Section 17(p) of such Act (42 U.S.C. 1766(p)) is amended—

(1) in paragraph (4)(B), by striking "1992" and inserting "1998"; and

(2) in paragraph (5), by striking "1994" and inserting "1998".

SEC. 110. HOMELESS CHILDREN NUTRITION PROGRAM.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by inserting after section 17A the following new section:

"SEC. 17B. HOMELESS CHILDREN NUTRITION PROGRAM.

"(a) IN GENERAL.—The Secretary shall conduct projects designed to provide food service throughout the year to homeless children under the age of 6 in emergency shelters.

"(b) AGREEMENTS TO PARTICIPATE IN PROJECTS.—

"(1) IN GENERAL.—The Secretary shall enter into agreements with State, city, local, or county governments, other public entities, or private nonprofit organizations to participate in the projects under this section.

"(2) ELIGIBILITY REQUIREMENTS.—The Secretary shall establish eligibility requirements for the entities described in paragraph (1) that desire to participate in the projects under this section. Such requirements shall include the following:

"(A) Each private nonprofit organization shall operate not more than 5 food service sites under the project and shall serve not more than 300 homeless children at each such site.

"(B) Each site operated by each such organization shall meet applicable State and local health, safety, and sanitation standards.

"(c) PROJECT REQUIREMENTS.—

"(1) IN GENERAL.—A project conducted under this subsection shall—

"(A) use the same meal patterns and receive reimbursement payments for meals and supplements at the same rates provided to child care centers participating in the child care food program under section 17 for free meals and supplements; and

"(B) receive reimbursement payments for meals and supplements served on Saturdays, Sundays, and holidays, at the request of the sponsor of any such project.

"(2) MODIFICATION.—The Secretary may modify the meal pattern requirements to take into account the needs of infants.

"(3) HOMELESS CHILDREN ELIGIBLE FOR FREE MEALS WITHOUT APPLICATION.—Homeless children under the age of 6 in emergency shelters shall be considered eligible for free meals without application.

"(d) NOTICE.—The Secretary shall advise each State of the availability of the projects established under this subsection for States, cities, counties, local governments and other public entities, and shall advise each State of the procedures for applying to participate in the project.

"(e) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of the Healthy Meals for Healthy Children Act of 1994, the Secretary shall submit to the appropriate committees of the Congress a report that includes—

"(1) an explanation of the actions the Secretary has taken to carry out subsection (d);

"(2) an estimate, if practicable, of the number of children living in homeless shelters who are not served by projects conducted under this section; and

"(3) a detailed plan for expanding the projects so that more eligible children may participate in such projects.

"(f) PLAN TO ALLOW PARTICIPATION IN THE CHILD AND ADULT CARE FOOD PROGRAM.—Not later than September 30, 1996, the Secretary shall submit to the appropriate committees of the Congress a plan describing how emergency shelters and homeless children who have not attained the age of 6 and who are served by such shelters under the program might participate in the child and adult care food program authorized under section 17 by September 30, 1998.

"(g) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) APPROPRIATE COMMITTEES OF THE CONGRESS.—The term 'appropriate committees of the Congress' means the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(2) EMERGENCY SHELTER.—The term 'emergency shelter' has the meaning given such term in section 321(2) of the Stewart B. McKinney Homeless Assistance Act.

"(h) FUNDING.—

"(1) IN GENERAL.—In addition to any amounts made available under section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)), the Secretary shall, except as provided in paragraph (2), expend to carry out this section from amounts appropriated for purposes of carrying out this Act $3,000,000 for fiscal year 1995 and each succeeding fiscal year.

"(2) EXCEPTION.—The Secretary may expend less than the amount required under paragraph (1) if there is an insufficient number of suitable applicants.".

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL SCHOOL LUNCH ACT.—Section 18 of the National School Lunch Act (42 U.S.C. 1769) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) CHILD NUTRITION ACT OF 1966.—Section 7(a)(5)(B)(i)(I) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(5)(B)(i)(I)) is amended—

(A) by striking "projects under section 18(c) of the National School Lunch Act (42 U.S.C. 1769(c))" and inserting "projects under section 17B of the National School Lunch Act"; and

(B) by striking "1993 and 1994" each place it appears and inserting "1995 through 1998".

SEC. 111. PILOT PROJECTS.

(a) COMMODITY LETTER OF CREDIT (CLOC) PROGRAMS.—Section 18(b)(1) of the National School Lunch Act (42 U.S.C. 1769(b)(1)) is amended in the 1st sentence by striking ", and ending September 30, 1994".

(b) DEMONSTRATION PROGRAM TO PROVIDE MEALS AND SUPPLEMENTS OUTSIDE OF SCHOOL HOURS.—Section 18 of such Act (42 U.S.C. 1769) is amended by adding at the end the following new subsection:

"(d)(1)(A) The Secretary shall establish a demonstration program to provide grants to eligible institutions or schools to provide meals or supplements to adolescents participating in educational, recreational, or other programs and activities provided outside of school hours.

"(B) The amount of a grant under subparagraph (A) shall be equal to the amount necessary to provide meals or supplements described in such subparagraph and shall be determined in accordance with reimbursement payment rates for meals and supplements under the child and adult care food program under section 17 of this Act.

"(2) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless such institution or school submits to the Secretary an application containing such information as the Secretary may reasonably require.

"(3) The Secretary may not provide a grant under paragraph (1) to an eligible institution or school unless such institution or school agrees that—

"(A) it will use amounts from such grant to provide meals or supplements under educational, recreational, or other programs and activities for adolescents outside of school hours, and such programs and activities are carried out in geographic areas in which there are high rates of poverty, violence, or drug and alcohol abuse among school-aged youths; and

"(B) it will use the same meal patterns as meal patterns required under the child and adult care food program under section 17 of this Act.

"(4) Determinations with regard to eligibility for free and reduced price meals and supplements provided under programs and activities under this subsection shall be made in accordance with the income eligibility guidelines for free and reduced price lunches under section 9 of this Act.

"(5)(A) Except as provided in subparagraph (B), the Secretary shall expend to carry out this subsection from amounts appropriated for purposes of carrying out section 17 of this Act, $325,000 for fiscal year 1995 and $525,000 for each of the fiscal years 1996 through 1998. In addition to amounts described in the preceding the sentence, the Secretary shall expend any additional amounts in any fiscal year as may be provided in advance in appropriations Acts.

"(B) The Secretary may expend less than the amount required under subparagraph (A) if there is an insufficient number of suitable applicants.

"(6) For the purposes of this subsection—

"(A) the term 'adolescent' means a child who has attained the age of 13 but has not attained the age of 19;

"(B) the term 'eligible institution or school' means—

"(i) an institution, as such term is defined in section 17 of this Act; or

"(ii) an elementary or secondary school participating in the school lunch program under this Act; and

"(C) the term 'outside of school hours' means after-school hours, weekends, or holidays during the regular school year.".

SEC. 112. REDUCTION OF PAPERWORK.

Section 19(a) of the National School Lunch Act (42 U.S.C. 1769a(a)) is amended by striking "and other agencies" and inserting "other agencies" and by inserting ", and families of children participating in such programs" after "assisted under such Acts".

SEC. 113. EXTENSION OF FOOD SERVICE MANAGEMENT INSTITUTE.

Section 21(e)(2) of the National School Lunch Act (42 U.S.C. 1769b-1(e)(2)) is amended to read as follows:

"(2) $1,700,000 for each of the fiscal years 1995, 1996, 1997, and 1998 for purposes of carrying out subsection (a)(2).".

SEC. 114. DUTIES OF THE SECRETARY OF AGRICULTURE RELATING TO NONPROCUREMENT DEBARMENT UNDER CERTAIN CHILD NUTRITION PROGRAMS.

(a) IN GENERAL.—The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following new section:

"SEC. 25. DUTIES OF THE SECRETARY RELATING TO NONPROCUREMENT DEBARMENT.

"(a) PURPOSES.—The purposes of this section are to promote the prevention and deterrence of instances of fraud, bid rigging, and other anticompetitive activities encountered in the procurement of products for child nutrition programs by—

"(1) establishing guidelines and a timetable for the Secretary to initiate debarment proceedings, as well as establishing mandatory debarment periods; and

"(2) providing training, technical advice, and guidance in identifying and preventing such activities.

"(b) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(2) CHILD NUTRITION PROGRAM.—The term 'child nutrition program' means—

"(A) the school lunch program established under this Act;

"(B) the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

"(C) the special milk program established under section 3 of such Act (42 U.S.C. 1772);

"(D) the special nutrition program for women, infants, and children authorized under section 17 of such Act (42 U.S.C. 1786);

"(E) the summer food service program for children established under section 13 of this Act;

"(F) the child and adult care food program established under section 17 of this Act; and

"(G) the homeless children nutrition program under section 17B of this Act.

"(3) CONTRACTOR.—The term 'contractor' means a person that contracts with a State, an agency of a State, or a local agency to provide goods in conjunction with the participation of a local agency in a child nutrition program.

"(4) LOCAL AGENCY.—The term 'local agency' means a school, school food authority, child care center, sponsoring organization, or other entity authorized to operate a child nutrition program at the local level.

"(5) NONPROCUREMENT DEBARMENT.—The term 'nonprocurement debarment' means an action to bar a person from programs and activities involving Federal financial and nonfinancial assistance, but not including Federal procurement programs and activities.

"(6) PERSON.—The term 'person' means any individual, corporation, partnership, association, or other legal entity, however organized.

"(c) ASSISTANCE TO IDENTIFY AND PREVENT FRAUD AND ANTICOMPETITIVE ACTIVITIES.—The Secretary shall—

"(1) in cooperation with the food service management institute authorized under section 21 and with any other appropriate individual, organization, or agency, provide advice, training, technical assistance, and guidance (which may include awareness training, training films, and troubleshooting advice) to representatives of States and local agencies regarding means of identifying and preventing fraud and anticompetitive activities relating to the provision of goods in conjunction with the participation of a local agency in a child nutrition program; and

"(2) provide information to, and fully cooperate with, the Attorney General and State attorneys general regarding investigations of fraud and anticompetitive activities relating to the provision of goods in conjunction with the participation of a local agency in a child nutrition program.

"(d) NONPROCUREMENT DEBARMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (3), not later than 180 days after notification of the occurrence of a cause for debarment described in paragraph (2), the Secretary shall initiate nonprocurement debarment proceedings against the contractor who has committed the cause for debarment.

"(2) CAUSES FOR DEBARMENT.—Actions requiring initiation of nonprocurement debarment pursuant to paragraph (1) shall include the following:

"(A) A contractor commits an action or series of actions which constitute a substantial and material violation of a regulation of a child nutrition program of the Department of Agriculture, as determined by the Secretary.

"(B) A contractor is found guilty in any criminal, civil, or administrative proceeding, or found liable in any civil or administrative proceeding, in connection with the supplying, providing, or selling of goods to any local agency or to any Federal agency in connection with the child nutrition programs, of—

"(i) an anticompetitive activity, including bid-rigging, price-fixing, the allocation of customers between competitors, or other violation of Federal or State antitrust laws;

"(ii) fraud, bribery, theft, forgery or embezzlement;

"(iii) breach of contract;

"(iv) making a false claim or statement; or

"(v) other obstruction of justice.

"(3) EXCEPTION.—If the Secretary determines that a decision on initiating nonprocurement debarment proceedings cannot be made within 180 days after notification of the occurrence of a cause for debarment described in paragraph (2) because of the need to further investigate matters relating to the possible debarment, the Secretary may have such additional time as the Secretary considers necessary to make a decision, but not to exceed an additional 180 days.

"(4) MANDATORY CHILD NUTRITION PROGRAM DEBARMENT PERIODS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph and notwithstanding any other provision of law except subsection (e), if, after deciding to initiate nonprocurement debarment proceedings pursuant to paragraph (1), the Secretary decides to debar a contractor, the debarment shall be for a period of not less than 3 years.

"(B) PREVIOUS DEBARMENT.—If the contractor has been previously debarred pursuant to nonprocurement debarment proceedings initiated pursuant to paragraph (1), and the cause for debarment is described in paragraph (2) based on activities that occurred subsequent to the initial debarment, the debarment shall be for a period of not less than 5 years.

"(C) SCOPE.—At a minimum, a debarment under this subsection shall serve to bar the contractor for the specified period from contracting to provide goods in conjunction with the participation of a local agency in a child nutrition program.

"(D) REVERSAL, REDUCTION, OR EXCEPTION.—Nothing in this paragraph shall restrict the ability of the Secretary to reverse a debarment decision, to reduce the period or scope of a debarment, nor to grant an exception permitting a debarred contractor to participate in a particular contract to provide goods in conjunction with the participation of a local agency in a child nutrition program, if the Secretary determines there is good cause for the action.

"(5) INFORMATION.—On request, the Secretary shall present to the appropriate congressional committees information regarding the decisions required by this subsection.

"(6) RELATIONSHIP TO OTHER AUTHORITIES.—A debarment imposed under this section shall not reduce or diminish the authority of a Federal, State, or local government agency or court to penalize, imprison, fine, suspend, debar, or take other adverse action against a person in a civil, criminal, or administrative proceeding.

"(7) REGULATIONS.—The Secretary shall issue such regulations as are necessary to carry out this subsection.

"(e) MANDATORY DEBARMENT.—Notwithstanding any other provision of this section, the Secretary shall initiate nonprocurement debarment proceedings against the contractor (including any cooperative) who has committed the cause for debarment (as determined under subsection (d)(2)), unless the action—

"(1) is likely to have a significant adverse effect on competition or prices in the relevant market or nationally;

"(2) will interfere with the ability of a local agency to procure a needed product for a child nutrition program;

"(3) is unfair to a person, subsidiary corporation, affiliate, parent company, or local division of a corporation that is not involved in the improper activity that would otherwise result in the debarment; or

"(4) is not in the public interest, as determined by the Secretary.

"(f) EXHAUSTION OF ADMINISTRATIVE REMEDIES.—Prior to seeking judicial review in a court of competent jurisdiction, a contractor against whom a nonprocurement debarment proceeding has been initiated shall—

"(1) exhaust all administrative procedures prescribed by the Secretary; and

"(2) receive notice of the final determination of the Secretary.

"(g) INFORMATION RELATING TO PREVENTION AND CONTROL OF ANTICOMPETITIVE ACTIVITIES.—On request, the Secretary shall present to the appropriate congressional committees information regarding the activities of the Secretary relating to anticompetitive activities, fraud, nonprocurement debarment, and any waiver granted by the Secretary under this section.".

(b) APPLICABILITY.—Section 25(c) of the National School Lunch Act (as added by subsection (a)) shall not apply to a cause for debarment as described in section 25(d)(2) of such Act that is based on an activity that took place prior to the date of enactment of this Act.

(c) REPORT ON CONSISTENT DEBARMENT POLICY.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Director of the Office of Management and Budget, the Secretary of Defense, and such other officials as the Secretary of Agriculture determines are appropriate, shall advise the appropriate committees of the Congress and the Comptroller General of the United States as to the appropriateness and usefulness of a consistent debarment policy under—

(1) the Federal acquisition regulations issued under title 48, Code of Federal Regulations; and

(2) Federal nonprocurement regulations.

(d) No Reduction in Authority To Debar or Suspend a Person From Federal Financial and Nonfinancial Assistance and Benefits.—The authority of the Secretary of Agriculture that exists on the date of enactment of this Act to debar or suspend a person from Federal financial and nonfinancial assistance and benefits under Federal programs and activities, on a government-wide basis, shall not be diminished or reduced by this Act or the amendment made by subsection (a).

TITLE II—AMENDMENTS TO CHILD NUTRITION ACT OF 1966

SEC. 201. SCHOOL BREAKFAST PROGRAM.

(a) Technical Assistance To Ensure Compliance With Nutritional Requirements.—Section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)) is amended—

(1) by striking "(1) Breakfasts served by schools" and inserting "(1)(A) Breakfasts served by schools"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall provide technical assistance to those schools participating in the school breakfast program under this section to assist such schools in complying with the nutritional requirements prescribed by the Secretary pursuant to subparagraph (A). The Secretary shall provide additional technical assistance to those schools that are having difficulty maintaining compliance with such requirements.".

(b) Promotion of Program.—Section 4(f)(1) of such Act (42 U.S.C. 1773(f)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraphs:

"(B) In cooperation with State educational agencies, the Secretary shall establish a program to promote the school breakfast program by—

"(i) marketing the program in a manner that expands participation in the program by schools and students; and

"(ii) improving public education and outreach efforts in language appropriate materials that enhance the public image of the program.

"(C) For purposes of this paragraph, the term 'language appropriate materials' means materials using languages other than the English language when those languages are dominant for a large percentage of individuals participating in the program.".

(c) Startup Costs.—

(1) Reauthorization.—The first sentence of section 4(g)(1) of such Act (42 U.S.C. 1773(g)(1)) is amended by striking "$3,000,000" and all that follows through "1994" and inserting "$5,000,000 for fiscal year 1995 and each succeeding fiscal year".

(2) Amendment to definition of eligible school.—Section 4(g)(5) of such Act (42 U.S.C. 1773(g)(5)) is amended—

(A) in the matter preceding subparagraph (A), by inserting "and subsection (h)" after "As used in this subsection"; and

(B) in subparagraph (B), by inserting "or expanded" after "established".

(d) Expansion of Program.—Section 4 of such Act (42 U.S.C. 1773) is amended by adding at the end the following new subsection:

"EXPANSION OF PROGRAMS

"(h)(1) The Secretary may use not more than $1,000,000 of funds made available under subsection (g)(1) for any fiscal year to make payments on a competitive basis to State educational agencies for distribution to eligible schools to assist such schools with expenses incurred in expanding a school breakfast program established under this section. Payments received under this subsection shall be in addition to payments to which State educational agencies are entitled under subsection (b).

"(2) In making payments under this subsection in any fiscal year, the Secretary shall provide a preference to State educational agencies that submit to the Secretary—

"(A) a plan to expand school breakfast programs conducted in the State, including a description of—

"(i) the manner in which the agency will provide technical assistance and funding to schools in the State to expand the programs; or

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year; or

"(B) documentation of the need for—

"(i) equipment, including the purchase, replacement, or upgrading of equipment associated with expanding the school breakfast program; or

"(ii) other needs, including a need for temporary personnel, or funds to defray administrative or other costs associated with expanding the school breakfast program.

"(3) Subparagraphs (B) and (C) of subsection (g)(2), and paragraphs (3) through (5) of subsection (g), shall apply to payments made under this subsection.".

SEC. 202. STATE ADMINISTRATIVE EXPENSES.

(a) Withholding of Funds for Serious Deficiency in State Administration of Programs.—Section 7(a) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)) is amended by adding at the end the following new paragraph:

"(9)(A) If the Secretary determines that a State's administration of any program under this Act (other than section 17) or under the National School Lunch Act, or compliance with regulations issued pursuant to such Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under this section or under sections 13(k)(1) or 17 of the National School Lunch Act (42 U.S.C. 1761(k)(1) and 1766).

"(B) Upon a subsequent determination by the Secretary that the administration of any program referred to in subparagraph (A), or compliance with the regulations issued to carry out such programs, is no longer seriously deficient and is operated in an acceptable manner, the Secretary may allocate some or all of the funds withheld under such subparagraph.".

(b) Extension of Authority To Provide Funds for State Administrative Expenses.—Section 7(h) of such Act (42 U.S.C. 1776(h)) is amended by striking "1994" and inserting "1998".

(c) Prohibition of Funding Unless State Agrees To Participate in Certain Studies or Surveys.—Section 7 of such Act (42 U.S.C. 1776) is amended—

(1) by redesignating subsection (h) (as amended by subsection (b)) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) The Secretary may not provide amounts under this section to a State for administrative costs incurred in any fiscal year unless the State agrees to participate in any study or survey of programs authorized under this Act or the National School Lunch Act and conducted by the Secretary.".

SEC. 203. SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) Amendments to Definition of Nutritional Risk.—Section 17(b)(8) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(8)) is amended—

(1) in subparagraph (B), by inserting ", such as alcoholism or drug abuse" after "medical conditions"; and

(2) in subparagraph (D), by striking "and migrancy" and inserting "migrancy, and pregnancy".

(b) Promotion of Program.—Section 17(c) of such Act (42 U.S.C. 1786(c)) is amended by adding at the end the following new paragraph:

"(5) The Secretary shall promote the program by producing and distributing materials, including television and radio public service announcements in English and other appropriate languages, that inform potentially eligible individuals of the benefits and services under the program.".

(c) Eligibility for Certain Pregnant Women.—Section 17(d)(2) of such Act (42 U.S.C. 1786(d)(2)) is amended by adding at the end the following new subparagraph:

"(C) In the case of a pregnant woman who is otherwise ineligible for participation in the program because the family of such woman is of insufficient size to meet the income eligibility standards of the program, such pregnant woman shall be considered to have satisfied such income eligibility standards if, by increasing the number of individuals in the family of such woman by one individual, such income eligibility standards would be met.".

(d) Priority Consideration for Certain Migrant Populations.—Section 17(f)(3) of such Act (42 U.S.C. 1786(f)(3)) is amended by inserting before the period at the end the following: "and shall ensure that local programs provide priority consideration to serving migrant participants who are residing in the State for a limited period of time".

(e) Income Eligibility Guidelines.—Section 17(f)(18) of such Act (42 U.S.C. 1786(f)(18)) is amended to read as follows:

"(18) A State agency may implement income eligibility guidelines under this section concurrently with the implementation of income eligibility guidelines under the medicaid program prior to, but not later than, July 1 of each year.".

(f) Use of Recovered Program Funds in Year Collected.—Section 17(f) of such Act (42 U.S.C. 1786(f)) is amended by adding at the end the following new paragraph:

"(23) A State agency may use funds recovered as a result of violations in the food delivery system of the program in the year in which such funds are collected for the purpose of carrying out the program.".

(g) Extension of Program.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(1) in subsection (g)(1), by striking "1991, 1992, 1993, and 1994" and inserting "1995 through 1998";

(2) in subsection (h)(2)(A), by striking "1990, 1991, 1992, 1993 and 1994" and inserting "1995 through 1998"; and

(3) in subsection (m)(10)(A) by striking "$3,000,000 for fiscal year 1992, $6,500,000 for fiscal year 1993, and" and by inserting before the period at the end ", $10,500,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996, 1997, and 1998".

(h) Use of Funds for Technical Assistance and Research Evaluation Projects.—Section 17(g)(5) of such Act (42 U.S.C. 1786(g)(5)) is amended—

(1) by striking "and administration of pilot projects" and inserting "administration of pilot projects"; and

(2) by inserting at the end before the period the following:", and carrying out technical assistance and research evaluation projects of the programs under this section".

(i) Breastfeeding Promotion and Support Activities.—Section 17(h)(3) of such Act (42 U.S.C. 1786(h)(3)) is amended—

(1) in subparagraph (A)(i)(II), by striking "$8,000,000," and inserting "the national minimum breastfeeding promotion expenditure, as described in subparagraph (E),"; and

(2) by adding at the end the following new subparagraph:

"(E) The national minimum breastfeeding promotion expenditure means—

"(i) with respect to fiscal year 1995, the amount that is equal to $21 multiplied by the number of pregnant women and breastfeeding women participating in the program nationwide, based on the average of the last 3 months for which the Secretary has final data; and

"(ii) with respect to each of the fiscal years 1996 through 1998, the amount described in clause (i) adjusted for inflation in accordance with paragraph (1)(B)(ii).".

(j) Development of Standards for the Collection of Breastfeeding Data.—Section 17(h)(4) of such Act (42 U.S.C. 1786(h)(4)) is amended—

(1) in subparagraph (C), by striking the "and" at the end of such subparagraph;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) not later than 1 year after the date of the enactment of this subparagraph, develop uniform requirements for the collection of data regarding incidence and duration of breastfeeding among participants in the program, and upon development of such uniform requirements, require each State agency to report such data for inclusion in the report to Congress described in section 17(d)(4).".

(k) Submission of Information to the Congress on Waivers With Respect to Procurement of Infant Formula.—Section 17(h)(8)(D)(iii) of such Act (42 U.S.C. 1786(h)(8)(D)(iii)) is amended by striking "at 6-month intervals" and inserting "on a timely basis".

(l) Prohibition on Interest Liability to Federal Government on Rebate Funds.—Section 17(h)(8) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new subparagraph:

"(L) A State will not incur an interest liability to the Federal Government on rebate funds for infant formula and other foods if all interest earned by the State on such funds is used for program purposes.".

(m) Use of Unspent Nutrition Services and Administration Funds.—Section 17(h) of such Act (42 U.S.C. 1786(h)(8)) is amended by adding at the end the following new paragraph:

"(10)(A) For each of the fiscal years 1995 through 1998, the Secretary shall use for the purposes specified in subparagraph (B), $10,000,000 or the amount of nutrition services and administration funds for the prior fiscal year that have not been obligated, whichever is lesser.

"(B) Funds under subparagraph (A) shall be used for—

"(i) development of infrastructure for the program under this section, including management information systems;

"(ii) special state projects of regional or national significance directed toward improving the services of the program under this section; and

"(iii) special breastfeeding support and promotion projects, including projects to assess the effectiveness of particular breastfeeding promotion strategies and to develop State or local agency capacity or facilities to provide quality breastfeeding services.".

(n) Limitation on Eligibility for Farmers' Market Nutrition Program.—Section 17(m)(1) of such Act (42 U.S.C. 1786(m)(1)) is amended by striking ", or those who are on the waiting list to receive the assistance,".

(o) Expansion of Farmers' Market Nutrition Program.—Section 17(m) of such Act (42 U.S.C. 1786(m)) is amended—

(1) in paragraph (5)(F)—

(A) in clause (i), by striking "15 percent" and inserting "17 percent";

(B) by striking clauses (ii) and (iii); and

(C) by inserting after clause (i) the following new clause:

"(ii) During any fiscal year for which a State receives assistance under this subsection, the Secretary shall permit the State to use 3 percent of total program funds for market development if the Secretary determines that the State intends to promote the development of farmers' markets in socially or economically disadvantaged areas or remote rural areas where individuals eligible for participation in the program have limited access to locally grown fruits and vegetables."; and

(2) in paragraph (11)(D), by inserting before the period at the end the following: "or any other agency approved by the chief executive officer of the State".

(p) Continued Funding for Certain States Under Farmers' Market Nutrition Program.—Section 17(m)(6)(A) of such Act (42 U.S.C. 1786(m)(6)(A)) is amended to read as follows:

"(6)(A) The Secretary shall continue to provide funding to States which participated in the program in the most recent fiscal year as prescribed by subparagraph (B) or as a part of the demonstration program authorized by this subsection in a fiscal year ending before October 1, 1991. After satisfying the requirements of subparagraph (B), the Secretary shall inform each State of the award of funds as prescribed by subparagraph (G) by February 1st of each year.".

(q) Additional Consideration in Providing Funds To Serve Additional Recipients in States That Received Assistance in the Prior Fiscal Year Under Farmers' Market Nutrition Program.—Section 17(m)(6)(C) of such Act (42 U.S.C. 1786(m)(6)(C)) is amended—

(1) in clause (ii), by striking "and" at the end of such clause;

(2) in clause (iii), by striking the period at the end of such clause and inserting "; and"; and

(3) by adding at the end the following new clause:

"(iv) the number of persons receiving assistance under subsection (c) but not receiving benefits under this subsection.".

(r) Percentage of Annual Appropriations Available to States Under Farmers' Market Nutrition Program.—Section 17(m)(6)(G) of such Act (42 U.S.C. 1786(m)(6)(G)) is amended—

(1) in clause (i), by striking "45 to 55 percent" and inserting "75 percent"; and

(2) in clause (ii), by striking "45 to 55 percent" and inserting "25 percent".

(s) Elimination of Funding Carryover Provision Under Farmers' Market Nutrition Program.—Section 17(m)(10)(B)(i)(II) of such Act (42 U.S.C. 1786(m)(10)(B)(i)(II)) is amended by striking "or may be retained" and all that follows and inserting a period.

(t) Elimination of Reallocation of Unexpended Funds With Respect to Demonstration Projects Under Farmers' Market Nutrition Program.—Section 17(m)(10)(B)(ii) of such Act (42 U.S.C. 1786(m)(10)(B)(ii)) is amended by striking the second sentence.

(u) Initiative To Provide Program Services at Community and Migrant Health Centers.—Section 17 of such Act (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(q)(1) The Secretary and the Secretary of Health and Human Services (hereafter in this subsection referred to as the 'Secretaries') shall jointly establish and carry out an initiative for the purpose of providing both supplemental foods and nutrition education under the special supplemental nutrition program and health care services to low-income pregnant, postpartum, and breastfeeding women, infants, and children at substantially more community health centers and migrant health centers.

"(2) Such initiative shall also include—

"(A) activities to improve the coordination of the provision of supplemental foods and nutrition education under the special supplemental nutrition program and health care services at facilities funded by the Indian Health Service; and

"(B) development and implementation of strategies to ensure that, to the maximum extent feasible, new health care facilities established in medically underserved areas as a result of subsequent Federal health care reform legislation provide supplemental foods and nutrition education under the special supplemental nutrition program.

"(3) Such initiative may include—

"(A) outreach and technical assistance for State and local agencies and such health centers;

"(B) demonstration projects in selected State or local areas; and

"(C) such other activities as the Secretaries find appropriate.

"(4)(A) Not later than April 1, 1995, the Secretaries shall prepare and submit to the Congress an initial report on the actions the Secretaries intend to take to carry out the initiative.

"(B) Not later than July 1, 1996, the Secretaries shall prepare and submit to the Congress an interim report on the actions the Secretaries are taking under the initiative or actions the Secretaries intend to take under the initiative as a result of their experience in implementing the initiative.

"(C) Upon completion of the initiative, the Secretaries shall prepare and submit to the Congress a final report containing an evaluation of the initiative and a plan to further the goals of the initiative.

"(5) As used in this subsection—

"(A) the term 'community health center' has the meaning given such term under section 330 of the Public Health Service Act (42 U.S.C. 254c); and

"(B) the term 'migrant health center' has the meaning given such term under section 329 of the Public Health Service Act (42 U.S.C. 254b).".

(v) Change in Name of Program.—

(1) In general.—Section 17 of such Act (42 U.S.C. 1786) is amended—

(A) by striking the section heading and inserting the following new section heading:

"SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN";

(B) in the first sentence of subsection (c)(1), by striking "special supplemental food program" and inserting "special supplemental nutrition program";

(C) in the second sentence of subsection (k)(1), by striking "special supplemental food program" each place it appears and inserting "special supplemental nutrition program"; and

(D) in subsection (o)(1)(B), by striking "special supplemental food program" and inserting "special supplemental nutrition program".

(2) REFERENCES.—Any reference to the "special supplemental food program" in any provision of law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the "special supplemental nutrition program".

SEC. 204. NUTRITION EDUCATION AND TRAINING.

(a) USE OF FUNDS.—Section 19(f)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1788(f)(1)) is amended—

(1) by striking "(f)(1) The funds" and inserting "(f)(1)(A) The funds";

(2) by striking "for (A) employing" and inserting "for—

"(i) employing";

(3) by redesignating subparagraphs (B) through (I) as clauses (ii) through (ix), respectively;

(4) by indenting the margins of each of clauses (ii) through (ix) (as redesignated by paragraph (3)) as so to align with the margin of clause (i) (as amended by paragraph (2));

(5) by striking "and" at the end of clause (viii);

(6) by redesignating clause (ix) as clause (xvii);

(7) by inserting after clause (viii) the following new clauses:

"(ix) providing funding for a nutrition component in the health education curriculum offered to children in kindergarten through grade 12;

"(x) instructing teachers, school administrators, or other school staff on how to promote better nutritional health and to motivate children of varying linguistic and cultural backgrounds to practice sound eating habits;

"(xi) developing means of providing nutrition education in language-appropriate materials to children and families of children through after-school programs;

"(xii) training in relation to healthy and nutritious meals;

"(xiii) creating instructional programming, including language-appropriate materials and programming, for teachers, school food service personnel, and parents on the relationships between nutrition and health and the role of the food guide pyramid established by the Secretary;

"(xiv) funding aspects of the Strategic Plan for Nutrition and Education issued by the Secretary;

"(xv) increasing evaluation efforts at the State level regarding needs assessment for nutrition education efforts;

"(xvi) encouraging public service advertisements, including language-appropriate materials and advertisements, to promote healthy eating habits for children; and"; and

(8) by adding at the end the following new subparagraph:

"(B) For purposes of this paragraph, the term 'language appropriate materials' means materials using languages other than the English language when those languages are dominant for a large percentage of individuals participating in the program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 19(i)(2)(A) of such Act (42 U.S.C. 1788(i)(2)(a)) is amended by striking "nutrition education and information programs" and all that follows and inserting "nutrition education and information programs $10,000,000 for fiscal year 1995 and each succeeding fiscal year.".

(c) AVAILABILITY OF FUNDS.—Section 19(i) of such Act (42 U.S.C. 1788(i)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by adding a new paragraph (3) to read as follows:

"(3) Funds made available to any State under this section shall remain available to the State for obligation in the fiscal year succeeding the fiscal year in which such funds were received by the State.".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CONSOLIDATION OF SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM INTO COMPREHENSIVE MEAL PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Agriculture shall, not later than 1 year after the date of the enactment of this Act, develop and implement regulations to consolidate the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) into a comprehensive meal program.

(b) REQUIREMENTS.—In establishing such comprehensive meal program under subsection (a), the Secretary shall meet the following requirements:

(1) The Secretary shall ensure that the program continues to serve children who are eligible for free and reduced price meals. Such meals shall meet the nutritional requirements under section 9(a)(1) of the National School Lunch Act (42 U.S.C. 1758(a)(1)) and under section 4(e)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)(1)).

(2) The Secretary shall continue to make breakfast assistance payments in accordance with section 4 of the Child Nutrition Act of 1966 and food assistance payments in accordance with the National School Lunch Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Prior to implementing the regulations described in subsection (a), the Secretary shall submit to the Congress a report containing a plan for the consolidation and simplification of the school lunch program and the school breakfast program.

(2) REPORTS WITH RESPECT TO CHANGE IN PAYMENT AMOUNTS.—If the Secretary proposes to change the amount of the breakfast assistance payment or the food assistance payment under the comprehensive meal program, the Secretary shall prepare and submit to the Congress a report containing recommendations for legislation to effect such change.

SEC. 302. STUDY AND REPORT RELATING TO USE OF PRIVATE FOOD ESTABLISHMENTS AND CATERERS UNDER SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST PROGRAM.

(a) STUDY.—The Comptroller General of the United States, in conjunction with the Director of the Office of Technology Assessment, shall conduct a study on the use of private food establishments and caterers, including fast food and other restaurants, by schools that participate in the school lunch program under the National School Lunch Act (42 U.S.C. 1751 et seq.) or the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773). In conducting such study, the Comptroller General of the United States shall—

(1) examine the extent, manner, and terms under which such private food establishments and caterers supply meals and food to students and schools that participate in the school lunch program or the school breakfast program;

(2) determine the nutritional profile of all foods provided by such establishments and caterers to students during school hours; and

(3) evaluate the impact that the services provided by such establishments and caterers have on the ability of local child nutrition programs to operate nutritionally sound and cost-effective programs and the ability of such establishments and caterers to utilize the commodities under section 14 of the National School Lunch Act (42 U.S.C. 1762a).

(b) REPORT.—Not later than September 1, 1996, the Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

SEC. 303. REPORT RELATING TO UNIFIED ACCOUNTABILITY SYSTEM UNDER NATIONAL SCHOOL LUNCH ACT.

The Comptroller General of the United States shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that analyzes—

(1) the status of the unified accountability system authorized under section 22 of the National School Lunch Act (42 U.S.C. 1769c);

(2) the advantages and disadvantages of the system; and

(3) the cost impact of the system on schools.

SEC. 304. AMENDMENT TO COMMODITY DISTRIBUTION REFORM ACT AND WIC AMENDMENTS OF 1987.

Section 3(h)(3) of the Commodity Distribution Reform Act and WIC Amendments of 1987 is amended by striking "Hawaii,".

SEC. 305. STUDY OF THE EFFECT OF COMBINING FEDERALLY DONATED AND FEDERALLY INSPECTED MEAT OR POULTRY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the incidence and the effect of States restricting or prohibiting a legally contracted commercial entity from physically combining federally donated and inspected meat or poultry with federally donated and federally inspected meat or poultry from another State.

(b) REPORT.—Not later than September 1, 1996, the Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan [Mr. KILDEE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 8, the Healthy Meals for Healthy Americans Act of 1994, provides for the reauthorization of expiring programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966.

H.R. 8 represents a strong bipartisan effort, and the cooperation of two committees, to more effectively provide nutritious meals to America's youth.

I am very pleased with the results we have achieved and believe that the changes proposed in this bill reflect what we all know to be true—that if we are to attain this country's educational, economic, and social goals—we must have well-nourished children.

Last fall the President signed Goals 2000 into law to help reform education.

In the next few months, Congress will vote on health care reform.

The child nutrition reauthorization is essential to the success of these efforts because hungry children cannot learn, and good nutrition is the first defense against disease.

To help ensure that our children are well fed, this bill: Reauthorizes for 4 additional years the special supplemental food program for women, infants, and children [WIC], one of the most cost-effective Federal programs in operation; extends the summer food service program; permanently authorizes the homeless preschoolers nutrition program, the breakfast start-up program, and the nutrition education and training program; provides the Secretary broad waiver authority to improve program administration; authorizes pilots designed to examine more effective ways of feeding children; provides for strong debarment requirements in the case of fraud; and makes Head Start children and preschool Even Start participants automatically eligible for participation in the child and adult care food program.

The bill also includes provisions designed to reduce paperwork, encourage continued improvement of the nutritional quality of the meals, and provide local flexibility.

An additional provision of the bill ensures that the level of commodities provided to the schools will not fall below 12 percent of the total assistance.

If additional commodity purchases need to be made to maintain this level, the Secretary has the authority to transfer funds from section 32 and other sources, but this commodity level will not be maintained by reducing cash reimbursements under section 4 or section 11 of the National School Lunch Act.

I urge my colleagues to join me supporting the Healthy Meals for Healthy Americans Act of 1994.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8 as reported by the House committee, although I have some reservations which are reflected in our alternate views.

I would like to begin by thanking the chairman, the gentleman from Michigan [Mr. FORD], and the chairman, the gentleman from Michigan [Mr. KILDEE], and their staffs for working with us to reach a bipartisan agreement which incorporates many of the ideas set forth by Members on my side of the aisle and keeps within spending limits set forth in the 1995 budget. I would like to thank our colleagues on the Committee on Agriculture for working with us to iron out a number of differences on a number of issues of joint jurisdiction. I certainly want to thank the staffs on both sides.

I do not believe there are any more noneducation programs which are as closely related to the education of our Nation's children as the programs before us today. Ever since I started my career as an educator, it was evident those children who ate well performed better in school, and those that were hungry concentrated on an empty stomach rather than on the subject material before them.

I am particularly pleased that H.R. 8 includes language making permanent the current cash-CLOC demonstration sites. As you are aware, there are 60 school districts, part of a program to test alternatives to the current commodity system, and even though the commodity system has been improved, it still has a long way to go. Of course, therefore, I believe 60 districts should be permitted to continue to operate alternative systems.

I might add that the CLOC gives both the Agriculture Department and the school districts the best of all worlds, because it gives the Ag Department the opportunity to determine what it is the local district can buy in lieu of the commodities that would be sent in to them and at the same time allows that local school district to buy locally where they can get things better prepared, fresh, ready to use, and things they will use because of the kind of people that they are serving.

The WIC Program has helped ensure children are born healthy and free from nutrition-related disabilities. As such, WIC helps reduce and often eliminates future Medicaid and education costs for participating children.

We have also improved the farmer's market basket in the WIC Program and also pushing fresh fruits and vegetables for them to use rather than what they might buy otherwise.

There has been a lot of discussion about reducing fat and sodium in the child nutrition programs and increasing the numbers of fresh fruits and vegetables. We have heard a number of complaints about the quality of fresh fruits and vegetables provided under the current commodity distribution. As a result, we worked with the Committee on Agriculture to construct a provision which can provide schools with the best of both worlds; first, it permits them to refuse to accept fresh fruits and vegetables through the commodity distribution program. They can use that money to buy an equal amount of other commodities or receive an equal amount of other commodities and at the same time require them not to reduce the amount of fresh fruit and vegetables that they will be serving.

We have included some legislation that will help Even Start youngsters who are participating in these programs. There are several others. There is one area that my side, of course, objects to. We objected in committee. We will continue to object to it, and that is the whole concept of a universal lunch. If 30 percent of the people qualify in the school district, everybody would be subject to a free lunch. Well, we do not have any money to do that. Therefore, it says in there that that is subject to appropriations. I would hope that the Committee on Appropriations could not find money to spend on those who can afford to pay for their own meals.

Mr. Speaker, I rise in support of H.R. 8 as reported by the House Committee on Education and Labor. This legislation provides for changes in and reauthorizes our Nation's child nutrition programs.

I would like to begin by thanking Chairman FORD and Chairman KILDEE and their staff for working with us to reach a bipartisan agreement which incorporates many of the ideas set forth by Republican members of the Education and Labor Committee and keeps within the spending limits set forth in the 1995 budget. I would also like to thank our colleagues on the Committee on Agriculture for working with us to iron out our differences on a number of issues of joint jurisdiction.

I do not believe there are many other noneducation programs which are as closely related to the education of our Nation's children as the programs before us today. Ever since I started my career as an educator, it was evident that those children who ate well performed better in school. Those children who came to school hungry and were not provided with nutritious meals, did not have the energy or the attention span necessary to do well in school. They were tired and were preoccupied with their need to find something to eat. The school lunch and breakfast programs have certainly contributed to the educational achievement of our Nation's students.

I am particularly pleased that H.R. 8 includes language making permanent the current cash-CLOC demonstration sites. As you may be aware, these 60 school districts were part of a program to test alternatives to the current commodity system at a time when it was in dire need of reform. While there have been major changes to the current commodity program, these districts still prefer operating their alternative projects. As the representative from a largely rural agriculture district, I am certainly supportive of continuing to provide commodities to schools. Not only does the current commodity system assist in providing children with nutritious meals, it assists in eliminating surplus agriculture products from the marketplace and maintaining stable, affordable food prices for all citizens.

However, schools participating in the cash-CLOC projects are not equipped to participate in the current commodity system nor do they believe that enough changes have been made to make it an acceptable alternative to cash-CLOC. I believe, therefore, that they should be permitted to continue to operate alternative systems. At the same time, I believe that we should continue to improve the current program and address such continuing problems as the timing of delivery, quantity of commodities received, as well as storage and processing costs for the benefit of the majority of schools participating in the current program. To this end, I am more than willing to work with my colleagues on the Committee on Agriculture toward making necessary improvements in the current system.

The WIC Program has helped ensure that children are born healthy and free from nutrition-related disabilities. As such, WIC helps reduce—and often eliminate—future Medicaid and education costs for participating children. I am, of course, pleased that we have strengthened the WIC Program and provided for its continued growth. In addition, I believe we have made important improvements to the WIC's Farmer's Market Program, which benefits both WIC participants and the agriculture community. It has been shown that individuals who receive coupons through the WIC Program to use at farmers' markets, increase their overall purchase of fruits and vegetables and return to acquire additional items with their own dollars.

Mr. Speaker, there has been a lot of discussion about reducing fat and sodium in the child nutrition programs and increasing the number of fresh fruits and vegetables consumed by students. Unfortunately, we heard a number of complaints about the quality of fresh fruits and vegetables provided to schools under the current Commodity Distribution System. As a result, we have worked with the Committee on Agriculture to come up with a provision which can provide schools with the best of both worlds. First, it permits them to refuse to accept fresh fruits and vegetables through the Commodity Distribution Program. Instead, they will be eligible to receive an equal dollar amount of any other commodity offered through the Commodity Distribution System. However, in order to ensure that schools do not reduce the number of fresh fruits and vegetables available to students, they will be required to use an equal amount of their cash reimbursements to purchase fresh fruits and vegetables elsewhere. This provision will allow them to purchase fresh fruits and vegetables locally in amounts which they can use within a reasonable amount of time to ensure freshness.

I am also very pleased that this particular piece of legislation includes provisions of my bill dealing with the problem of fraud, bid-rigging, and other anticompetitive practices in the procurement of goods for the child nutrition programs. I have been very concerned about allowing companies which engage in fraud and anticompetitive activities in providing products for the child nutrition programs to profit from their illegal activities at the expense of parents, schools, and taxpayers. I believe that requiring the initiation of debarment proceedings in certain circumstances and the imposition of set mandatory periods of debarment will serve to deter this type of behavior in the future, and in turn, will save millions of dollars for these very special programs.

Another provision contained in H.R. 8 would extend automatic eligibility for the Child and Adult Care Food Program to children participating in the Even Start Program. The median income of families participating in this successful family literacy program is well under $10,000, with only 7 percent of participants reporting income over $20,000. This provision will allow them to participate in the Child Care Food Program without filling out additional paperwork and undergoing an additional income test to determine their eligibility.

Mr. Speaker, this is important legislation. H.R. 8 provides for the nutritional needs of pregnant women and their children, children in child care, children attending elementary and secondary schools, as well as homeless children. It is worthy of the support of each and every Member of the House of Representatives.

Mr. Speaker, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I rise in reluctant support of this legislation. I certainly understand and appreciate the importance of these nutrition programs. However, I am deeply concerned that this legislation does not go far enough in addressing the potential for fraud and abuse in the WIC Program.

As my colleagues know, we have in recent years consistently increased both the authorization and appropriation for the WIC Program, and have recognized the importance of providing nutritional assistance to pregnant and postpartum women, and their infants and children.

I am concerned, however, that as we have increased this funding, we have not been doing all that we can to root out fraud or abuse in the WIC Program.

This was brought to my attention recently, when an employee of a beauty salon in New Jersey related to me a conversation she had with a customer who was concerned that her WIC benefits had not come in yet. This woman was having her nails done at the time, and paying in cash $50 for a nail wrap.

Now I do not know about you, but I know something is wrong with this system when mothers participating in WIC are paying in cash $50 for a manicure.

Under current law, and this bill, WIC participants must meet income criteria to participate in this program: it is my understanding that the vast majority of States use an income cut-off of 185 percent of poverty for participation in WIC.

However, a 1991 study by the Quality Planning Corp. raised a disturbing question in my mind, and indicated that some States and local agencies were not doing all that they could to ensure that this income cut-off was being adequately enforced.

For example, 16 percent of State agencies requested documentation of stated income from WIC applicants, but did not require that information to be furnished. Twenty percent of State agencies neither requested nor required documentation of income, and accepted the figure an applicant provided without any means of verification. Thus, more than one-third of State agencies were not requiring applicants to back up or provide documentation as to the income they reported for participation.

I would note also that such documentation need not present any particular burden: This could be done by providing a tax return; a pay stub; documentation of unemployment benefits; or evidence of Medicaid, food stamp, or AFDC participation.

At a minimum we should be requiring all States to obtain this documentation of income. In fact, this is an issue I raised during committee consideration of the WIC provisions in the President's health care bill. Moreover, on several occasions I have raised this question, and asked that the committee include an independent GAO analysis of these issues, and an assessment of fraud and abuse in the WIC Program. But to date, I have had no commitment from the majority on this.

As we increase funding for the WIC Program, and move toward full funding under the President's health care bill, I would think that my colleagues would take action on this issue, and make an effort to root out waste, fraud, and abuse in these programs.

While many of my colleagues will pay lip service to welfare reform, I would say that welfare reform should begin here and now.

Clearly we must do better in ensuring the WIC Program delivers its much needed benefits to those who truly need them—and not those who would game the system because of lax State and Federal regulation.

As this legislation moves forward, I will be working to ensure that adequate protections from waste, fraud, and abuse are adopted for the WIC and other programs, and I encourage my colleagues to join me in this effort.

□ 1340

Mr. Speaker, I did speak with the chairman of the subcommittee earlier, and I believe there is more understanding on the issue at hand, and I am sorry that the gentleman and I could not have conferred directly prior to floor consideration. But it is my understanding, and I would like to ask the chairman now: Is my understanding that there is agreement as to a request for a GAO study on this very issue?

Mr. KILDEE. Mr. Speaker, I yield 1 additional minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mr. Speaker, in response to the gentlewoman, yes, I will be very happy to join with her in asking for an updated verification of data from the GAO. The last one, about 10 years old, showed about a 5-percent error rate. I will be most happy to join with the gentlewoman from New Jersey in asking for a GAO update on that data.

Mrs. ROUKEMA. I think that is very important as we move toward more expanded funding. Hopefully, at some point in the future it is an entitlement, and an even greater expansion of the program. I think we have to be absolutely certain that while we talk about welfare reform in the abstract, that we recognize here is a real live situation and we should be moving, at the inception of the program, to assure verification through the States.

Mr. Speaker, I thank the chairman for his cooperation.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Cunningham], a member of the committee.

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania [Mr. Goodling] and the gentleman from Michigan [Mr. Kildee]. Members may ask themselves what is Duke Cunningham doing supporting a social program? Mr. Speaker, when a social program has positive economic benefits—and we all know that most of our welfare social programs need to be eliminated—but this one is not in that category. I am not only a supporter but a cosponsor of H.R. 8, Healthy Meals for Healthy Americans Act. The reauthorization of H.R. 8 in the Committee on Education and Labor made great strides improving the flexibility, increasing program access by children.

Mr. Speaker, if we want and expect children to perform better in school, we must make sure the children have the capacity to fully benefit from their education. I would ask the speaker: With your own children at home, if your kids are hungry, how much control do you have over them, or how much do they learn?

The same is true with our teachers in the schools: A healthy child does learn better.

It also relates to children's achievement. In some cases, we have up to 47 percent of our kids who lose or drop out of school by the time they are in high school. Healthy kids who learn better, to me that is economically sound. H.R. 1, I am particularly pleased to see increased flexibility in provision 3, allowing schools the option to provide school lunches to all students if they work within that school's previous year budget. Most of us are opposed to the fact that if 30 percent or more qualify for the program, that we include the whole school. That is wrong. That is not economically sound.

But if they operate within the budget and do this, through paperwork—and I have a good example, this is not a test but it has been proven in four different schools, one of those being in south San Diego. The four schools that participated in the paperwork reduction pilot program under the National School Lunch Act have experienced a high rate of success in reducing the stigma of serving nutritious meals to more children while reducing the paperwork and the cost of the program.

One of these pilot programs is the national school district in San Diego. I invited Helen Kerrian, director of the child nutrition, to testify before the committee on her program. It was a resounding success. Up to 75 percent of those children in the national city school district qualify for reduced-price meals. Through this program, students receive nutrition, education, and they make certain that no child goes hungry. These programs have made great strides, and I am pleased that after conversations with USDA we have been assured that a continuance of these pilot programs will exist.

What we do is we run a pilot program and, before we go national, we make sure it is cost effective. I reiterate, when it is economically sound, a social program should be supported.

Included in the legislation is a reauthorization of the Women, Infants and Children's Program, called WIC.

Mr. Speaker, this program, Women, Infants and Children, is targeted to low-income pregnant women, infants and children under the age of 5 who are at nutritional risk. If you have a child who is at nutritional risk, that child is not going to do well in school. The chances are they are going to drop out of school. If they drop out of school, they are going to get a low-income-paying job, end up on welfare, unemployment, workman's comp, or at best, end up in a ghetto, involved in crime.

So it is cost-effective if we look beyond the end of our nose.

Numerous studies have demonstrated that WIC is cost beneficial. GAO reports that up to $3.50 in Medicaid funds are saved for each dollar spent in WIC. Let me repeat: $3.50 in Medicaid funds are saved for every dollar that we spend in WIC. That is economical, that is a conservative position, and I would ask my conservative friends to support H.R. 8.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. Johnson].

Mr. SAM JOHNSON of Texas. I thank the gentleman from Michigan for yielding this time to me.

You all are too kind.

Mr. Speaker, besides what the gentlewoman from New Jersey was talking about earlier on WIC, I think that the child who has the ability to pay for lunches, there is absolutely no justification to provide free meals to those kids. The way this reads is that if 30 percent of the school children are receiving free meals, the whole school gets free meals, meaning that we provide free meals to everyone, paid for by the Government. Any time you accommodate a group universally whether they need it or not, it is socialism. I do not think this House wants to support that kind of a thing even though it is in an authorization bill and you say it is not going to be appropriated. I think it is time we started authorizing what we really intend.

Mr. KILDEE. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. de la Garza], chairman of the Committee on Agriculture.

Mr. de la GARZA. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am pleased to rise in support of the amended version of H.R. 8, the Healthy Meals for Healthy Americans Act, that is being considered by the House today. The Committee on Agriculture received sequential referral of the legislation reported by the Committee on Education and Labor.

This legislation reauthorizes funding for several of our Nation's most vital and successful nutrition programs. It also makes a number of improvements and increases flexibility in the way the Federal Government operates the School Breakfast and School Lunch Programs and the WIC Program, including the Farmers' Market Nutrition Program.

One of the areas of particular interest to the Committee on Agriculture is the distribution of agricultural commodities in the School Lunch Program.

During its consideration of the legislation, the Committee on Agriculture kept foremost in mind that the Commodity Distribution Program has two primary objectives. No. 1, it seeks to safeguard the health and well-being of our Nation's children. No. 2, and equally important, it seeks to support agriculture by encouraging the domestic consumption of nutritious agricultural commodities.

The agreement worked out between the Committee on Agriculture and the Committee on Education and Labor on these issues has been included in the committee amendment. These changes are as follows:

The amendment requires that at least 12 percent of Federal assistance provided under the School Lunch Program must be in the form of "entitlement commodities."

The amendment permits schools to refuse fresh fruits and vegetables provided through the Commodity Distribution Program and, instead, choose some other entitlement commodity, if they agree to purchase produce in their local markets that are equal in value to those provided in the Federal program. Furthermore, those cash purchases must be in addition to the fresh produce they would otherwise purchase.

The amendment makes permanent the current demonstration program where 60 sites around the country can use their commodity assistance in an alternative form, either cash or as a commodity letter of credit.

Mr. Speaker, I want to express my appreciation to Chairman Ford of the

Committee on Education and Labor and to the other gentleman from Michigan, Representative KILDEE, who chairs the Subcommittee on Elementary, Secondary, and Vocational Education, for their willingness to listen to our concerns. I also appreciate the cooperation of the gentleman from Pennsylvania [Mr. GOODLING], the committee's ranking minority member, in helping us arrive at this agreement on H.R. 8.

Mr. Speaker, I also want to make clear that the Committee on Agriculture will be vigilant in its oversight of the Commodity Distribution Program. It is my hope that the Department of Agriculture, the schools, and commodity producers will work together to improve this program and make it as user friendly for schools as possible.

I would like to mention that the Department has formed a USDA Commodity Improvement Council, which includes the Food and Nutrition Service, the Agricultural Marketing Service, and the Agricultural Stabilization and Conservation Service. This Council will seek to improve not only the nutritional quality of the commodities provided to the School Lunch Program but also the form of the commodities, and the distribution, transportation, and storage system for these commodities.

Mr. Speaker, I also want to inform my colleagues that USDA intends to establish a demonstration project with the Department of Defense for the purchase and distribution of fresh fruits and vegetables used in the School Lunch Program.

As Members' may know, the Defense Department has in place its own food purchasing and distribution system for military and veterans installations around the country. This system allows the Defense Department to guarantee delivery on a date certain and provide a wide variety of produce purchased at low cost. The Committee on Agriculture has encouraged the Secretary of Agriculture to continue exploring this and other innovative methods of commodity delivery, and we look forward to receiving a report from the Secretary upon completion of this demonstration project.

□ 1350

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker and Members, I rise in support of the bill in front of us. I think it is important that we reauthorize our children nutrition programs. I will say the greatest scandal in the nutrition programs in America today is that only 45 percent of the kids in our schools participate in school lunches. We all ought to be a little bit alarmed that we have a program that is meant to provide nutrition for these children and yet they find the programs sufficiently unappealing that they are unwilling to participate, and they are willing to take that can of soda and a candy bar in exchange for or in lieu of a school lunch. That is the problem we ought to be dealing with much more than we are both here in the Congress and at the Department.

I want to take a little bit of time, Mr. Speaker, to deal with a second misunderstood issue about child nutrition, and that is the issue of school milk, particularly the whole milk issue. We have all heard more about that issue that I suspect we want to, but let me make it clear that present policy does not mandate the drinking of whole milk despite what some people have suggested. However, Mr. Speaker, in politics, because perception is reality, I think the committee has properly come up with language which changes that perception.

Let me read for my colleagues the language in the new bill:

> Lunches served by schools participating in the School Lunch Program shall offer students whole milk and shall offer students a variety of fluid milk consistent with prior year demonstrated preferences unless the prior year preference for any such variety is less than 1 percent of the total milk consumed.

Mr. Speaker, it is the intent of this language to deal with the reality that we all want to offer students a choice based on their own bodily needs and their personal tastes. Yet we have recognized that the problem in the past is that if we did not—in some way, shape, or form—mandate that we reject those desires, that when schools went out and bid for their milk contracts for the upcoming school year that the bids would always come in with all 1-percent or low-fat milk despite what the students wanted, and the school board, required to take the lowest bid, would have no choice.

So, what we do in this language is we make it very clear: Students have every right to choose whatever type of milk they would like to consume. The schools should base their annual contracts on the previous year's consumption, whether it be whole milk, whether it be 2 percent, 1 percent, whether it be white milk, or chocolate milk, or other flavored milk, et cetera. However, if in any of those categories the consumption is below 1 percent, the school has no obligation to continue that particular option.

Now this is not meant to be—and we state it very specifically in the report language—that this should not in any way, shape, or form be meant to increase paperwork on these overburdened local school dietitians that they face today, but rather it should be a way of making clear to everyone that all we have ever wanted and all we will gain under this is the same choice we have always believed every student ought to have.

Mr. Speaker, I would like to thank Chairman FORD, Chairman KILDEE, and the ranking minority member, BILL GOODLING, for their leadership in crafting bipartisan legislation. This reauthorization has addressed widespread concerns with the National School Lunch Program and lays a strong groundwork for bringing the School Lunch Program into the 21st century. I believe we have incorporated many reform suggestions from school food service personnel and administrators, WIC directors, and food and agriculture industry leaders.

The reauthorization of the National School Lunch Program has focused substantially on the nutritional content of school meals. It is a complex endeavor to try to fashion a flexible framework for nutrition standards when this program reaches across so many social, cultural, economic, and regional lines. One problem, though, which continues to persist is calcium deficiencies among school-aged children, especially girls. The fact is, Mr. Speaker, that only 10 percent of girls between the ages of 12 and 17 are getting their minimum daily requirement of calcium, the nutrient so important in preventing osteoporosis and hypertension. Dairy foods are responsible for 75 percent of the calcium and 35 percent of the riboflavin consumed daily by school children.

The consumption of dairy foods and their importance in combating mineral and nutrient deficiencies brings me to a point—a very misunderstood issue—debated on this floor before: whole milk. Current law states that, "Schools shall offer fluid whole and unflavored lowfat milk." Many well-intentioned people have sought the elimination of whole milk as a way to decrease fat levels in school meals. Although I agree we need to decrease fat levels, whole milk has become the scapegoat. On an average, only 22 percent of the saturated fat in a young child's daily diet comes from dairy products. That figure decreases as the child gets older. In fact, when compared to potato chips, french fries, tater tots, cookies, and cake, milk's contribution to saturated fat in children's diets is minimal.

And so, a compromise was reached during full committee markup of this legislation to modify the offering of varieties of milk. The statute has been amended to simply require schools to offer students fluid milk based on the student's preferences in the prior year, the concession being that a school does not have to offer a variety of milk that less than 1 percent of the students drink. I believe the compromise on whole milk stakes out reasonable middle ground which gives schools flexibility and students maximum choice.

First, the language included in this legislation simply asks schools to make available the varieties of milk the students will drink, thereby diffusing the argument that the Federal Government is imposing milk mandates. Second, we are ensuring that students will continue to have access to the variety of milk they want, because schools must bid and offer milk according to consumer preference. Without some type of Federal guidance with regard to the types of milk offered in the School Lunch Program, schools could bid and purchase milk on the basis of lowest price alone, which does not ensure that children will have choices available to them, thus creating the possibility of lower milk consumption.

I would like to touch briefly on the issue of participation in child nutrition programs. In my State of Wisconsin, in 1993, only 45 percent of total student enrollment participated in the School Lunch Program. This is especially disturbing since many low-income children depend on school lunch and breakfast as their only source of nourishment during the day. Efforts to decrease fat, as I have said, are necessary. But let us not inadvertently decrease participation even further by offering a school tray which contains nothing familiar to or liked by kids.

And finally, I would like to commend my colleague, BILL GOODLING, for his efforts to increase the offerings of fresh fruits and vegetables in school feeding programs. The Agriculture Committee, at a hearing on the use of agricultural commodities in school feeding programs, heard testimony about the commodity distribution system's failure, in some instances, to meet schools' needs for fresh fruits and vegetables. Mr. GOODLING has worked diligently with the members of the Agriculture Committee, myself included, to work out a reasonable solution addressing the quality and continuation of USDA commodities.

I am pleased that this legislation includes language which would permit schools to decline the receipt of fresh fruits and vegetables from the Commodity Distribution System. Instead, they will be eligible to receive an equal dollar amount of any other commodity offered through the commodity system while using cash to purchase fresh fruits and vegetables. Also, the continued level of commodity support in the School Lunch Program is guaranteed by requiring that at least 12 percent of the Federal assistance provided to the School Lunch Program will be in the form of commodities. I believe this compromise respects both the essential role commodities play in school feeding programs while affording maximum flexibility to school personnel.

Mr. Speaker, I urge my colleagues to join me in support of H.R. 8, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to point out that in committee the gentleman from Ohio [Mr. BOEHNER] offered a very sensible amendment. We thought that it would be taken care of; unfortunately it was not. So, what we have included is a study. The Comptroller General of the United States should conduct a study on the incidence and effects of States restricting or prohibiting a legally contracted commercial entity from physically combining federally donated and inspected meat or poultry of federally donated and federally affected meat or poultry from another State, and the report, not later than September 1 of 1996. The Comptroller General of the United States shall submit to the Committee on Education and Labor and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains the findings, determinations, and evaluations of the study conducted pursuant to subsection A.

Mr. Speaker, that is how we ironed out that problem at the present time.

Mr. KLECZKA. Mr. Speaker, I rise today in support of the bill H.R. 8, and to let my colleagues know of a situation which has concerned me and my constituents. The situation is fraud and abuse of the WIC Program.

As we all know, the Special Supplemental Food Program for Women, Infants, and Children—popularly called WIC—provides infant formula and other foods to low-income women and children who are at proven nutritional risk. The program is a successful one. The committee itself has stated that WIC decreases the incidence of very low birth weight by 44 percent and lowers the occurrence of later fetal deaths by up to one-third. the fiscal benefits of WIC are telling as well. Every $1 spent on a pregnant woman under WIC saves up to $4.21 in Medicaid costs for newborns and mothers.

Unfortunately, we are losing money day after day because of fraud and abuse in this laudable program. My constituents in Wisconsin report of vendors offering free beer and cigarettes contingent upon the redemption of a WIC check. Many of these vendors then charge inflated prices on WIC-approved items in order to cover the costs of the give-aways. These low-income folks get caught in the middle.

In fact, a recent report by the Wisconsin Legislative Audit Bureau showed that the average price for a gallon of milk in south central Milwaukee, which makes up a portion of my district, was $3.02 while the statewide average was $2.52. Evidently, these stores are charging extravagant prices so that they can use the excess profits to pay for the beer and cigarettes they give away. I am sure we can all agree that this is not nutritionally sound, and certainly not what we intended for the WIC Program.

While the State of Wisconsin, and many other States around the country, have taken steps to rid the program of fraud and abuse, it is not easy. We must do what we can to help them. Rules to eliminate abusive and fraudulent vendors should be strengthened; free-item promotions directed at WIC participants should be prohibited; State criminal and civil penalties for vendors convicted of WIC Program fraud and abuse should be created; and the number of vendors authorized to accept WIC food drafts should be limited so that enforcement efforts are more effective. And, we should consider enhancing WIC delivery through electronic means.

Mr. Speaker, we are letting valuable taxpayer dollars slip through our hands. This is a problem that deserves our attention and energies.

Ms. SHEPHERD. Mr. Speaker, with 1 in 4 children in this country born into poverty, hunger is a very real and daily problem for millions of American families. In Utah, it is estimated that 1 in 9 children under the age of 12 regularly go to bed hungry. The school lunch and breakfast programs were created in recognition of the simple fact that hungry children cannot learn. Unfortunately, because the programs have been regarded more as welfare programs than nutrition programs, they have become bogged down in eligibility rules at the expense of providing meals to children who otherwise go hungry.

The administrative burden of providing eligibility is turning more and more schools away from participating in the program and the stigma associated with participating in a welfare program turns many eligible families away. The losers are the children who go without. When participation in Salt Lake schools dropped off, school officials realized that children who were in the reduced price category did not eat. The main reason: Their families could not afford it. To target this problem the school district waived the reduced charge for lunch and breakfast and picked up the additional costs themselves. This change has vastly increased participation in the school lunch and breakfast programs in Salt Lake and has refocused the program on the important goal of providing children with the healthy meals they need to learn.

The Healthy Meals for Healthy Americans Act includes a pilot program that would encourage such innovations in school meals programs in our Nations poorest schools where free meals are needed most. The Salt Lake example shows that by focusing on the true goal of the programs—providing children with a healthy meal—we can provide children with nutritious options for meals and snacks at little to no extra cost.

I commend my colleague, Representative MILLER, for his work on this important program. While some may argue the cost is too high. I say the cost of hungry children is far higher. I urge your support.

Mr. MILLER of California. Mr. Speaker, today I listened as colleagues on the other side of the aisle attacked the universal school meal pilot included in the Healthy Meals for Healthy Americans Act. I would like to clarify for the opponents of this measure what it is we seek to achieve with its implementation.

The universal pilot is a critical step toward ensuring that our investment in our children's education is not wasted. It is counterproductive for Federal and State governments to commit substantial public resources in teachers and books if the children they are intended to teach cannot pay attention because their parents did not have the time and/or money to provide them an adequate breakfast and lunch. It is in our best interest to protect our sizable investment in education by ensuring that all our children, regardless of their parent's income, receive adequate meals in school.

Much has been said today concerning the cost of moving from this pilot to full implementation of a universal school meal program. I assure my colleagues that during the course of the pilot, I intend to look into alternative payment structures that will decrease the cost burden of full implementation on the Federal budget. One such alternative being explored is to use the resources of the Internal Revenue Service. Under such a structure, all students would eat breakfast and lunch without payment at school; payment rates based on income would be recouped from parents by the IRS at the end of the year. This would allow schools to realize the benefits of a universal system without imposing a substantial cost on the Federal Government.

Let us not forget the benefits of the paperwork reduction pilots that we have extolled here today. The universal pilot takes these projects and expands their benefits one step further. It allows us to explore how a universal school meals program would affect school districts in a variety of settings across the country. In addition to preparing our students to learn, a universal system could provide significant help in fighting childhood hunger, allow schools to reallocate resources from paperwork, provide an incentive for students to stay in school, and promote participation by students by eliminating the income identification stigma.

The reports to be issued by the pilot schools will examine these and other important factors for proper evaluation of the costs and benefits of the program. From this, the Education and Labor Committee will be able to judge the value of a nationwide universal system.

Mr. Speaker, time and time again, I hear my colleagues speak of our children as our greatest asset and how we must protect them to protect our Nation's future. I commend this body for taking a significant step toward exploring a program that could do just that. I commend this body for authorizing the Universal School Meals Pilot Program.

Mr. SYNAR. Mr. Speaker, I would like to raise and extend my remarks. I would like to thank the chairman for recognition. It is my understanding that in the Senate companion bill, S. 1614, there is a provision which would remove the urban area restriction from the current definition of reservation is the U.S. Department of Agriculture's Food Distribution Program. Because Oklahoma tribes are not on traditional reservations, this restriction places an undue hardship on low-income native American families living in urban areas of Oklahoma. It is my understanding that the Senate provision is not controversial, and that CBO has rated this at a no score, with no increase in cost to the Food Stamp Act. Unfortunately, the House was unable to consider this provision, and I would like to urge my colleague, Mr. DE LA GARZA, to consider this provision in conference. Thank you for the time.

Mr. McKEON. I rise in support of H.R. 8, reauthorizing and strengthening our Nation's child nutrition programs.

During hearings held by the Subcommittee on Elementary, Secondary and Vocational Education, one of the witnesses pointed out that over 50 percent of the paperwork completed by schools for the Federal Government involves child nutrition programs such as the National School Lunch Program and the school breakfast programs. In other words, school food service staff are spending more time on paperwork than providing nutritious meals to children.

There are a number of provisions in this legislation which addressed this problem, including a section allowing schools to request waivers from requirements of the school lunch and breakfast programs.

In addition, I was able to include several additional provisions which will help reduce the paperwork burden. For instance, one new provision allows for State authorities to approve an agency's monthly inventories, purchases, and serving records as an adequate audit trail. This audit trail must demonstrate that sufficient food stuffs have been purchased to meet the nutritional requirements of the meals served. Under current regulations, even where clear records and an audit trail exist, additional forms must be filled out in a prescribed format. This section will allow the State agency to use regulatory compliance as a measure of the adequacy of the records being kept, thereby providing recordkeeping flexibility.

This will greatly benefit my State of California, where these records for one year would stack a mile and a half high.

Mr. Speaker, I commend my colleagues for reporting a bill which will help reduce paperwork in our Nation's schools and thank Mr. Richard Deburgh of Granada Hills, CA, for bringing this matter to my attention.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 8, the Healthy Meals for Healthy Americans Act of 1994.

H.R. 8 contains the reauthorization of programs and projects included in the National School Lunch Act and the Child Nutrition Act of 1966.

The legislation reauthorizes several child nutrition programs or projects which will expire at the end of fiscal year 1994. These expiring programs include the Summer Food Service Program, the Commodity Distribution Program, nutrition education and training, State administrative expenses, the School Breakfast Startup Grant Program; the Special Supplemental Nutrition Program for Women, Infants, and Children [WIC]; the authority for the continuation of alternative Cash/CLOC commodities, and the authorization of funding for the Food Service Management Institute. The school lunch, school breakfast, child and adult care food, and special milk programs are permanently authorized.

The Summer Food Service Program authorized under section 13 of the National School Lunch Act, provides funds for food service for needy children during summer vacation. Service institutions eligible to participate in this program are limited to those serving children from areas in which poor economic conditions exist. H.R. 8 establishes priorities for selecting summer food sponsors and also eliminates the 1-year waiting period for organizations that want to operate programs.

The authority for commodity distribution requires the Secretary of Agriculture to use section 32 custom receipts to help meet the legislatively mandated levels of commodity support for child nutrition programs. If this authority were to expire, and the Secretary did not use section 32 funds for these programs, additional appropriations from the general fund of the Treasury would be required to purchase the mandated level of commodities.

The Nutrition Education and Training Program is authorized by section 19 of the Child Nutrition Act. This program provides funds for training school food service personnel in food service management, instructing teachers in nutrition education and teaching children about the relationship of nutrition to health in order to assist them in making wise food choices. Considering the increased emphasis on improved nutritional content of school meals, informing children early of the vital benefits of good nutrition is of particular importance.

State administrative expenses are necessary for program administration and for supervision and technical assistance in local school districts and child care institutions.

H.R. 8 makes permanent the breakfast startup and expansion program. Many studies show that there is a clear link between proper nutrition and learning in the classroom. Making breakfast available to students who otherwise would not be provided a breakfast increases the likelihood that children will eat breakfast and be prepared to learn in school.

The Special Supplemental Nutrition program for Women, Infants, and Children [WIC] has been cited by many as one of the most successful Federal programs. WIC provides nutritious supplemental food to low income pregnant, postpartum, and breastfeeding women; to infants; and to children up to their fifth birthday. H.R. 8 changes the name of the program from the Special Supplemental Food program for Women, Infants, and Children to the Special Supplemental Nutrition Program for Women, Infants, and Children. The legislation also strengthens and improves the program by expanding the breastfeeding provisions and the definition of nutritional risk.

H.R. 8 also makes permanent several Cash/CLOC pilot projects. For the past several years, school districts throughout the Nation have participated in a demonstration of an alternative to the existing commodity donation component of the National School Lunch Program. Under the Cash/CLOC Program, school districts are authorized through letters of credit to make their own purchases of specified foods in place of receiving donated commodities purchased by the U.S. Department of Agriculture. The commodity letters of credit [CLOC's] are used to purchase foods from local commercial sources.

Further, H.R. 8 reauthorizes the WIC Farmers' Market Nutrition Program and the Food Service Management Institute. The WIC farmers' market program makes available fresh fruits and vegetables for WIC recipients. The Food Service Management Institute conducts research and also serves as a central location where food service authorities can receive guidance and direction in operating effective and efficient food delivery services.

Not only does this legislation contain programs to be reauthorized, but it also includes: First, a demonstration universal lunch program which will permit all children to eat free regardless of family income; second, waivers provisions to provide Federal assistance in a way which eliminates unnecessary administrative burdens, paperwork, and overly prescriptive regulations; and third, negotiated rulemaking which, prior to the publication of regulations, requires communication between the Secretary and those organizations/individuals who are most affected by the regulations.

Mr. Speaker, the programs and projects contained in this legislation are all vital programs for there is no place in our Nation for hunger. It is particularly debilitating when hunger affects us, and even more so when it affects our children. As a means of providing some much needed relief, H.R. 8 has been conceptualized to bring immediate relief to our children.

I urge my colleagues to support this legislation.

Mr. CLAY. Mr. Speaker, I rise in support of H.R. 8, the Healthy Meals for Healthy Americans Act of 1994. This legislation will continue Congress' effort to provide nutritious food for the hungry in our Nation.

H.R. 8 reauthorizes programs included in the National School Lunch Act and the Child

Nutrition Act of 1966. These Acts provide authority for Federal financing of meal-service and nutrition programs serving approximately 27 million children. These programs include the School Lunch, School Breakfast, Child Care Food, Summer Food Service, Special Milk, Nutrition Education and Training [NET], State Administrative Expenses, and Commodity Distribution Programs.

The authority for several of these child nutrition programs and projects will expire at the end of fiscal year 1994 unless legislation extending them is enacted. The expiring programs include the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the Summer Food Service Program, the School Breakfast Start-Up Grant Program, the Nutrition Education and Training Program [NET], the State Administrative Expenses [SAE] Program, the Homeless Preschool Children's Project; a two-State demonstration project providing alternative eligibility for the Child Care Food Program for proprietary child care facilities; authority for the continuation of CASH/CLOC commodity alternative schools; and the authorization of funding for the Food Service Management Institute.

One of the programs included in this legislation is the WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children). The WIC Program is one of the most cost-effective programs in existence. It seeks to improve the health and nutritional status of low-income pregnant women, infants, and children determined by medical authorities to be at nutritional risk. This program was established to aid in resolving the plight of our women and children who live in poverty. I earnestly believe that adequate funding of the WIC Program is a sound investment of Federal funds that saves billions of dollars in health expenditures by preventive intervention. Numerous studies, the testimony of expert witnesses, and the support of various agencies have all presented a formidable case demonstrating the success of WIC Programs. Recent reports show that for every $1 spent on WIC participants, $3 is saved in terms of health care. WIC is a true nutrition program whose benefits are tailored to the special nutritional needs of the recipients it serves. Evaluation studies also show that the WIC Program has been cost effective in both health and dollar terms. Time and time again, this program has demonstrated its cost-effectiveness. Currently, the WIC caseload is about 2.9 million and the program is funded at $3.2 billion for fiscal year 1994. This legislation contains amendments to improve and promote the WIC Program, such as, additional breast-feeding activities, expanding the definition of "nutritional risk" and removing some of the barriers for participation.

Another program included in this reauthorization is the Summer Food Service Program for Children which provides food for children in low-income areas during the summer months. In effect, it is an extension of the School Lunch Program for poor children during the time that school is out of session. The program is expected to serve over 2 million children this summer with an appropriation of $233 million for fiscal year 1994.

The school breakfast start-up and expansion program is also included in this reauthorization. This legislation permanently authorizes the School Breakfast Start-Up Grant Program. According to a recent report sponsored by USDA entitled the National Evaluation of School Nutrition Programs, the principal nutritional benefits of the breakfast program is that it increases the likelihood that children will eat breakfast. This can be considered a nutritional benefit in that, on the average, children who eat a breakfast are substantially better nourished than those who skip breakfast. H.R. 8 also provides for the improvement of the quality of the school breakfast meal pattern for approximately 5.8 million low-income children.

The Nutrition Education and Training Program [NET], another program included in this reauthorization, provides for nutrition education and information to educational and school food service personnel, and child care institutions. This program specifically provides for instructing students on the nutritional value of food and also trains school personnel to improve the management of these programs. Currently, $10 million is appropriated for this purpose.

Another expiring program provides for payments to the States to assist in meeting the administrative costs of operating all of these Federal programs. The authority for such payments now provides $85.8 million for fiscal year 1994.

H.R. 8 makes permanent and expands the Homeless Preschoolers Nutrition Program which is currently operating as a demonstration program. The committee is pleased with the success of the Homeless Preschoolers Nutrition Program and its growth. I am encouraged by its efforts to help insure that children are ready to learn in school.

In addition to reauthorizing several programs, this legislation adds new non-cost provisions. An example of one of these provisions is the "waiver statutory and regulatory requirements." These waiver provisions are necessary to facilitate the ability of the State or service provider to feed hungry children in the most efficient manner. In other words, this provision will eliminate unnecessary administrative burdens, paperwork, overly prescriptive regulations and permit flexibility in the implementation of these programs.

Another provision included in this legislation is a "universal pilot program." The universal meal concept assumes that meals provided in a school are served free to all children. A universal program has many advantages including fighting childhood hunger and promoting participation by eliminating the income identification stigma associated with the program. The Committee wants to expand its knowledge relative to the universal concept and explore its effect on a variety of school districts across the country.

Mr. Speaker, there are many other provisions contained in this legislation including extensions of the WIC Farmers' Market Program and the Food Service Management Institute; negotiated rulemaking activities; and automatic eligibility for Head Start participants.

I want you to know that I have a grave concern for the Federal deficit; but I also believe that, more importantly, it is in our national interest and a wise investment for the present and the future that we put forth efforts to put an end to the scourge of hunger in our Nation. Evidence abounds that there is a correlation between children who are well-nourished and their motivation, and children who come to school with inadequate nutritious food and their achievement levels. The committee has prepared a child nutrition committee print which I recommend to all of you. This print includes research which shows the impact of hunger on academic achievement in the classroom.

In addition, the National Center For Children in Poverty reported that in 1990 nearly one out of every four children under the age of 6 lived in poverty, and unless something more is done to help them, many of our children will remain strapped in the vicious cycle of poverty which results in failure in the home, the school, the workplace, and in the community.

There is nothing more urgent and crucial in the development and forward movement of our country than to make sure that our young are provided for in terms of proper nutrition. I believe that there is a national crisis in this regard and we can play a major role in what we do today in terms of resolving the issue of hungry and malnourished children in our Nation.

I urge my colleagues to support this vital legislation.

Mr. GOODLING. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 8, as amended.

The question was taken.

Mr. SAM JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 8, the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PROVIDING FOR TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING ON SEPTEMBER 30, 1994

Mr. KILDEE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1880) to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I will not object, but I would like the gentleman from Michigan [Mr. KILDEE] to explain his unanimous consent request.

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, S. 1880 changes the termination date for the National Education Commission on Time and Learning from 90 days after submission of its report until September 30, 1994. This will give the commission a little extra time to carry out certain followup activities related to the release of their report and also provide for more orderly termination of the commission's work. The Department of Education already has the funds to pay for these activities, and no additional appropriations are required. I know of no opposition to the bill.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Michigan [Mr. Kildee] for his explanation. There are no extra costs associated with this legislation.

Mr. GOODLING. Mr. speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF THE NATIONAL EDUCATION COMMISSION ON TIME AND LEARNING.

Subsection (g) of section 102 of the National Education Commission on Time and Learning Act (20 U.S.C. 1221–1 note) is amended by striking "90 days after submitting the final report required by subsection (d)" and inserting "on September 30, 1994".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a notion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1880, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. WALKER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 820 be instructed to agree to repeal the prohibition on judicial review contained in section 611 of title 5, United States Code.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes, and the gentleman from California [Mr. BROWN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct directing the House conferees on H.R. 820 and the Senate amendment to agree to title IX of the Senate amendment. This section is similar to H.R. 830, the Regulatory Flexibility Act, a bill which has over 250 cosponsors. This section provides us with a real opportunity to enhance the competitiveness of U.S. industry.

The Regulatory Flexibility Act was passed in 1980 to force Federal regulatory agencies to consider the impact of their rules and regulations on small businesses and to craft those rules in ways which will be least harmful to small businesses. This law has been successful, but it does contain weaknesses which keeps it from fulfilling all of its intended purposes. Chief among these is the inability of small businesses to challenge in court agency compliance with the RFA. Title IX of S. 4 would repeal the current ban on judicial review of agency compliance with the RFA and force Federal agencies to seriously consider the impact of new rules and regulations on small businesses. Lifting the ban on judicial review would put some much-needed teeth into the RFA.

The Senate amendment to H.R. 820 would also require agencies to consider the indirect effects, as well as the direct effects, of their rules on small businesses. The original act unfortunately does not require regulatory agencies to examine the indirect impact of their regulations on small businesses. Often, Federal regulations fail to examine the secondary effects of their actions. It is my hope that this provision can be maintained in conference, as well.

There are those who may argue that this provision should not be retained by the conference because it does not belong in H.R. 820, the National Competitiveness Act of 1994. My response is that the type of relief provided by the Senate language is just what is needed by small businesses in this country to boost their overall competitiveness. If we fail to keep this language in H.R. 820, a multibillion dollar authorization for advanced technology programs, we will in effect be giving with one hand and taking away with the other. Such action will stand as yet another instance where the Federal Government in all its wisdom determines what is good for its citizens, despite their wishes to the contrary.

I remind my colleagues that the U.S. Chamber of Commerce and the National Federation of Independent Business have both announced that this vote will be a key vote in their assessment of 1994 House actions. I want to thank the Republican chairman of the Small Business Committee, Mrs. MEYERS, and the original sponsor of the legislation, Mr. EWING, for their support and assistance with this motion, and I urge an "aye" vote.

□ 1400

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in connection with the legislation now under consideration.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I rise in opposition to the motion to instruct offered by the gentleman from Pennsylvania [Mr. WALKER], and I would note that a number of other Members of the House, including committee chairman, are opposed to this for reasons that are both substantive and procedural.

Mr. Speaker, as the Members are aware, the Senate is not constrained by the same rules of germaneness that control the consideration of amendments in the House. When the Senate considered H.R. 820, the National Competitiveness Act, in its wisdom it doubled the size of the bill passed by the

House by adopting over 100 pages of amendments, virtually none of which had anything to do with the underlying bill passed by the House.

Among other things, the Senate added provisions relating to the private carriage of urgent letters; an entire title devoted to amending laws relating to counterintelligence; a title permitting local entities to waive certain Federal requirements relating to Federal assistance programs; a provision requiring legislative reports and agency actions to contain detailed economic impact analyses; and this provision amending the Regulatory Flexibility Act.

None of these provisions are germane to the House-passed version of H.R. 820.

Mr. Speaker, these extensive nongermane Senate amendments have already complicated the task of the conference committee by requiring the appointment of members of 10 other House committee on the conference.

Now we are further being asked to direct the House conferees to agree to a nongermane Senate amendment that has not been considered by the House committee with jurisdiction nor debated on the floor of the House.

Mr. Speaker, the intent of this motion to instruct is to endrun the normal committee process. The Senate amendment is comparable to H.R. 830, the Regulatory Flexibility Amendments Act of 1993, which was introduced by Representative EWING last year. The Judiciary Subcommittee on Administrative Law and Governmental Relations has held hearings, but has not marked up the bill. Supporters of the bill have filed a discharge petition.

We should not cut short the regular procedure for consideration of these bill. The Science Committee has no expertise on the Regulatory Flexibility Act. If Members want the Judiciary Committee to report the bill, Members know how to make their wishes known to the distinguished chairman of that committee, Mr. BROOKS. If Mr. BROOKS does not seem amenable, then a majority of Members have the right to bring the bill to the floor under a discharge petition where we can at least have an intelligent debate on the merits of the bill.

This debate does not belong on this bill. This debate does not belong on a motion to instruct. The effort today to instruct the conferees is yet another effort to bypass orderly committee consideration and to force a floor vote on a provision with an inadequate opportunity for consideration and debate. If this provision was brought to the floor under regular procedures, I would vote for it. Under these circumstances, however, I urge a "no" vote on the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in support of the motion to instruct conferees to the House-Senate conference on H.R. 820, the National Competitiveness Act.

Mr. Speaker, I would like to say to the Member who spoke immediately before me that I certainly think this bill does have a great deal to do with competitiveness, and it has been considered by a number of groups, including, I believe, the appropriate subcommittee, and by the group working with Vice President GORE on reinventing Government, because this was the very top issue listed by Vice President GORE under his reinventing Government under the small business section.

The Regulatory Flexibility Act, which became law in 1980, was the result of the efforts of many small businesses throughout this country. The issues of regulatory relief and regulatory flexibility were a dominant theme at the 1980 White House conference on Small Business, and the participants at that conference pushed for legislative action. The Regulatory Flexibility Act was enacted to require agencies to reduce the regulatory burden on small business by writing better rules.

The rationale behind the Regulatory Flexibility Act is really quite simple: First, Federal agencies often do not recognize the impact that their rules will have on small businesses; and second, small businesses are particularly burdened with excessive regulations because they do not have the cadres of lawyers, accountants, and clerks to deal with all of the paperwork. All of this overwhelms the small business man or woman, who has to do this alone, often working late at night after his store or business has closed.

We want to strengthen small businesses and make sure their success is determined in the marketplace and not at the whim of someone drafting regulations in a distant Federal office.

While the Regulatory Flexibility Act and its implementation have met with some success, I strongly believe that the act needs to be strengthened. A major weakness in the law as it presently exists is that there is no enforcement mechanism. Because the Regulatory Flexibility Act is not subject to judicial review, agency compliance has been poor. In fact, many agencies view compliance as strictly voluntary.

In an effort to strengthen the act, over 250 Members of the House have joined in cosponsoring H.R. 830, the Regulatory Flexibility Amendments Act of 1993.

□ 1410

The primary purpose of H.R. 830 is to repeal the current ban on judicial review of agency compliance with the Regulatory Flexibility Act, and force Federal agencies to seriously consider the impact of new rules on small business.

During Senate consideration of S. 4, an amendment similar to H.R. 830 was unanimously adopted, and under the Senate amendment the Regulatory Flexibility Act would be amended to allow judicial review of agency compliance with the act.

On behalf of this Nation's small businesses, I urge my colleagues to keep the Senate amendment concerning the Regulatory Flexibility Act in this National Competitiveness Act. I strongly urge a yes vote on the motion to instruct.

Mr. BROWN of California. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I thank the chair of the Committee on Science, Space, and Technology for yielding time to me.

Mr. Speaker, I rise in opposition to the Walker motion to instruct conferees on the regulatory flexibility provision of the national competitiveness bill.

Mr. Speaker, this provision would provide judicial review that is currently not available under the Regulatory Flexibility Act. It is not germane to the national competitiveness bill to which we are appointing conferees.

When the House passed H.R. 820, the national competitiveness bill, it was a clean bill that dealt with research, development, and commercialization of generic technologies.

But the other body loaded this bill with nongermane items, including judicial review for regulatory flexibility. The provision was added as an amendment to the Senate version of the bill. We in this House have never acted on it.

Providing judicial review under the Regulatory Flexibility Act would create a whole new layer of bureaucracy that is unnecessary. It would delay the timely implementation of important regulations. It would encourage frivolous litigation to block agencies from promulgating regulations, many of which are designed to protect human health and safety, civil liberties, and the environment.

Mr. Speaker, our current regulatory flexibility process is a good one and helps protect the interests of small businesses and governmental units. The President last year signed an executive order mandating Federal agencies to take into account the burden on them when issuing regulations. And as always, these entities are entitled to the legal protection of the Administrative Procedure Act if a regulation is unfair to them.

It is doubtful that providing judicial review under the Regulatory Flexibility Act would offer any meaningful additional protection to preventing agency abuse. What the provision would do is to greatly benefit the lawyers. It would open the floodgate to frivolous lawsuits without merit, used mainly to delay regulation.

While no one but the lawyers would benefit, our health, our civil liberties, workers' safety, and the environment could all be victims.

Mr. Speaker, I urge a "no" vote on the motion to instruct conferees.

Mr. WALKER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I appreciate the opportunity to speak on this.

Mr. Speaker, this motion instructs the House conferees to agree on an amendment which was unanimously adopted by the Senate. The amendment would strengthen the Regulatory Flexibility Act by giving the RFA judicial review. It is based on legislation I introduced, H.R. 830, which has been cosponsored by 252 bipartisan House Members, and is strongly supported by business organizations.

This motion will be considered a key vote in the annual ratings by both the Chamber of Commerce and National Federation of Independent Businesses. In addition, we have received letters of support from the National Association of Towns and Townships and the National Association for the Self Employed, and organizations which have led the charge for improving the Regulatory Flexibility Act.

This bill is called the National Competitiveness Act. I cannot think of anything more important that this Congress can do to increase our competitiveness than to reduce the cost of regulation on small business. We have a chance to do something about overregulation by passing this amendment.

American businesses, I believe, have expressed to many of us, and in many cases with some bitterness, their frustration about the costs and intrusive nature of unprecedented Government regulation.

The RFA was passed by Congress and signed by President Carter in 1980. It requires regulators to look at the impact new regulations have on small businesses and find ways to minimize these effects. This is common sense. Regulations must be flexible and take into account the ability of small business to comply.

The RFA has not fulfilled its purpose because it contained no real means of enforcement, such as judicial review of agency compliance, which in fact was specifically prohibited. Regulators cannot be taken to court if they ignore the act. As a result, agency compliance has been terrible.

I say it is time to tell the regulators to start looking at what their regulations do to small business. It is time they were required to comply with the RFA. Allowing judicial review will give the act the teeth it needs to enforce compliance with the true intent of the law.

Vice President GORE's National Performance Review studied this issue and they, too, concluded that the only way we can force bureaucrats to start complying with the RFA is to give the act judicial review. In fact, the No. 1 recommendation of the Small Business Administration was to provide judicial review. My colleagues, we can help the Vice President pass another NPR recommendation by supporting the Walker motion to instruct conferees.

For my colleagues who are concerned about unfunded mandates on local government, this proposal addresses that problem too. The RFA also requires that regulators look at the impact their regulations have on small government entities. That is why the National Association of Towns and Townships is so strongly supportive of this motion.

In an aside, Mr. Speaker, it has been mentioned on this floor that this should go through the committee process. With 252 cosponsors, repeated requests for a committee hearing and a committee markup, none has been forthcoming. We all know that the discharge petition process works very slowly and very poorly in this House.

I want to thank each of my colleagues who have cosponsored this legislation, H.R. 830, and ask them to vote for the Walker motion to instruct.

Mr. Speaker, I submit the following material for the RECORD.

NATIONAL ASSOCIATION
FOR THE SELF-EMPLOYED,
Washington, DC, July 12, 1994.

Hon. ROBERT S. WALKER,
U.S. House of Representatives, Washington, DC

DEAR REPRESENTATIVE WALKER: The National Association for the Self-Employed understands that you will soon offer a motion to instruct the House conferees involving the Regulatory Flexibility Act (RFA) provisions contained in S. 4, the Senate version of the National Competitiveness Act. We strongly support this effort.

By offering your motion to instruct, you are taking a strong step towards mitigating the paperwork burden and nightmare small business persons face in trying to cope with federal regulations. We believe the RFA provisions of S. 4 will lead to an improvement in productivity for small business and in turn, result in an increase in economic growth and job creation for the American work force.

We are committed to achieving the RFA reforms contained in S. 4. Thank you for your efforts on behalf of the small business community.

Sincerely,

BENNIE L. THAYER,
President/CEO.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, July 12, 1994.

Hon. THOMAS W. EWING,
U.S. House of Representatives, Washington, DC

DEAR REPRESENTATIVE EWING: The U.S. Chamber of Commerce Federation, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 69 American Chambers of Commerce abroad, strongly endorses strengthening the Regulatory Flexibility Act (RFA) by allowing judicial review of agency compliance. An amendment that would provide for this was adopted by the Senate during its consideration of the National Competitiveness Act.

The House is expected to name conferees on H.R. 820, the National Competitiveness Act, soon. At that time, Representative Walker will likely offer a motion to instruct the House conferees to accept judicial review of the RFA in the conference report. We urge your support of that motion. Since this is likely to be the only opportunity for the House to vote on this issue this year—despite the fact that 252 House members are cosponsors of equivalent legislation—the Chamber will include this vote in its "How They Voted" vote ratings for 1994.

The importance of judicial review cannot be overstated. The original RFA was designed to provide the small business community respite from the ever-growing hindrance of excessive regulation by requiring federal agencies to consider the impact of proposed regulations on small entities. Its intent was to ensure that the least burdensome approach for regulatory implementation was adopted. The lack of judicial review, however, has meant that agencies do not have to answer to any compelling authority. As a result, agencies routinely give the RFA minimal attention, if any at all.

Too often, small businesses have borne the brunt of the cumulative impact of unreasonable and costly federal mandates. Given their importance to our struggling economy, we need to ensure not just their survival but their growth as well. Judicial review as part of the RFA will place us closer to that goal.

Again, we urge your support for the Walker motion to instruct on H.R. 820, the National Competitiveness Act, regarding judicial review for the RFA.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
TOWNS AND TOWNSHIPS,
Washington, DC, July 14, 1994.

Hon. ROBERT S. WALKER,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WALKER: The National Association of Towns and Townships (NATaT) represents 13,000 mostly small, mostly rural communities across the U.S. which must comply with and implement numerous unfunded federal mandates. In this period of fiscal austerity, which only allows for limited funding for local governments, alternatives are needed to improve the federal government's ability to consider the impact of federal policies on our communities.

In 1980, Congress passed the Regulatory Flexibility Act (RFA) and took the first step in addressing the "one-size-fits-all" approach used by federal agencies to develop regulations. The RFA requires all federal agencies to conduct analyses of proposed regulations that are expected to have an impact on small entities—including small local governments and businesses—and attempt to reduce the burdens of those regulations. Accordingly, the act requires agencies to consider alternatives to the proposed regulations that will accomplish the agencies' objectives, while minimizing the impact on small entities

Agency compliance with the RFA has not been uniform, primarily because the act lacks an enforcement mechanism. In our view, allowing judicial review of the RFA would ensure that federal regulators comply with the act. As a result, NATaT strongly supports your motion to instruct conferees on H.R. 820/S. 4, the National Competitiveness Act, to agree to a provision that would allow judicial review of the RFA.

NATaT applauds your attention to this important issue. Allowing judicial review of the RFA is essential to ensure that small governments begin to benefit from more rational federal regulations.

Sincerely,

JEFFREY H. SCHIFF,
Executive Director.

THE REGULATORY FLEXIBILITY ACT AND JUDICIAL REVIEW—SUPPORT THE MOTION TO INSTRUCT CONFEREES TO THE NATIONAL COMPETITIVENESS ACT

Soon the House will consider a motion to instruct conferees on the National Competitiveness Act to strengthen the Small Business Regulatory Flexibility Act. In preparation for this vote, it is important to understand why the Regulatory Flexibility Act is not currently protecting small business from regulatory burdens as was originally intended when it was enacted in 1980.

The burden of regulation and paperwork is one of the fastest rising areas of concern to small business owners, according to an extensive survey by the NFIB Education Foundation. Outside of taxes and health care, no issue is more on their minds.

Regulatory costs per unit of production are higher for small business than for big business. There are economies of scale regarding regulatory compliance. Simply put, small business often cannot afford Federal regulations because their limited resources to comply have not been taken into account during the rule making process. Signed into law by President Carter, the Reg-Flex-Act requires Federal agencies to assess the impact of their proposals on small businesses and to minimize the economic impact, if significant.

WHY HAS THE REG-FLEX ACT BEEN INEFFECTIVE?

Federal agencies have ignored the Reg-Flex Act. Some agencies, like the IRS, have exploited loopholes in the law. Why? The Reg-Flex Act has no teeth.

However, with a judicial review provision, an agency that failed to adequately consider the economic impact of regulations on small business could be challenged in court.

WHY DOES SMALL BUSINESS NEED JUDICIAL REVIEW?

The Clinton Administration's Chief Counsel for Advocacy at SBA said it best at his confirmation hearing:

"The implementation of the noble goals of the Regulatory Flexibility Act have been impeded by government officials who recognized that the Act is not judicially enforceable and therefore has no teeth; . . . You will have my enthusiastic and consistent support for judicial review in the Regulatory Flexibility Act."

The Administrative Procedure Act, the National Environmental Policy Act and the Freedom of Information Act, for example, are effective because they are contestable in court. Section 611 of the current Reg-Flex Act contains a specific prohibition on judicial review.

Judicial review will:

Change agency compliance with the Reg-Flex Act from voluntary to second nature.

Ensure agencies consider the impact of proposed regulations on small business and act accordingly.

Make the Reg-Flex Act more effective for small business and true to its original intent.

Vice President Al Gore and SBA Administrator Erskin Bowles have recognized the weakness of the Reg-Flex Act and support strengthening it. The Senate overwhelmingly approved judicial review in the "National Competitiveness Act" (S. 4) and there are over 240 cosponsors of Cong. Ewing's judicial review legislation in the House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 1994.

THOSE WHO SUPPORT THIS NATION'S SMALL BUSINESSES SHOULD SUPPORT WALKER MOTION TO INSTRUCT ON NATIONAL COMPETITIVENESS ACT

DEAR COLLEAGUE: We are writing to encourage you to support a motion which will be offered tomorrow by Rep. Walker to instruct conferees on H.R. 820/S. 4, the National Competitiveness Act, concerning amendments to the Regulatory Flexibility Act.

The Regulatory Flexibility Act (RFA) became law in 1980. It requires federal regulatory agencies to analyze the potential impact of proposed regulations on small businesses and small governmental entities and find ways to minimize that impact. However, because the RFA is not subject to judicial review, agency compliance with the Act has been poor.

Over 250 House members have joined us in cosponsoring H.R. 830, the Regulatory Flexibility Amendments Act of 1993, which would allow judicial review of the RFA and put some needed "teeth" into this important Act.

During Senate consideration of S. 4, an amendment which provides for judicial review for the RFA was unanimously adopted. We are hopeful that language providing for judicial review will remain in the National Competitiveness Act.

We strongly urge all cosponsors of H.R. 830 to support Rep. Walker's motion to instruct House conferees to agree to provide for judicial review of the RFA.

Sincerely,

THOMAS W. EWING,
Member of Congress.
JAN MEYERS,
Ranking Member, Committee on Small Business.
JOHN J. LAFALCE,
Chairman, Committee on Small Business.
IKE SKELTON,
Member of Congress.

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of the Walker motion to instruct the House conferees to accept the Senate language included in H.R. 820 that allows regulatory flexibility to America's small businesses.

Everyday I see how new Government regulations are breaking the back of America's small businesses. Countless individuals have come before the Small Business and the Science, Space, and Technology Committees to explain the devastating effects that these regulations have on them. And, whenever I go home to Dallas I am constantly asked when will Government allow hard-working Americans to pursue the dreams without having to worry about what roadblocks their Government will put up next.

I want to remind Members how important small businesses are to America's economy. These businesses provide over 80 percent of America's work force. But, because the Government insists on intervening and imposing costly and burdensome regulations they put these businesses at risk of failing and therefore eliminating jobs for Americans.

This is why I support the Walker motion to instruct conferees. What we want to do with this is simply protect the backbone of our economy which is vital to America's future. The motion to instruct simply enforces a previous law and gives it an enforcement mechanism. The easiest way to explain this provision is that it would minimize the impact of regulations that disproportionately affect small businesses.

Congress by adopting this provision, would require Federal agencies to study the impact of the regulations they enforce and to minimize the impact they have on small businesses. Its most important provision is judicial review. It is time to force regulatory agencies to be held accountable for the regulations they implement on small businesses. Even the Vice President's National Performance Review concludes that judicial review is necessary.

And if Members need more reassurance they should ask the NFIB, who represent over 600,000 small businesses. They strongly support this measure and then they can ask the 252 Members that have signed on to a bill that accomplishes this same goal.

Let us give small businesses and their owners a break from the heavy hand of the Government. Let's for once do something to help the economy grow instead of doing something to stifle it. Vote for the Walker motion to instruct conferees.

☐ 1420

Mr. BROWN of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding time to me.

I do rise to support the motion of the gentleman from Pennsylvania. I have a rather lengthy history with involvement with the Regulatory Flexibility Act. I served as chairman of a House subcommittee that dealt with that quite some years ago. Let me go through this, if I may.

On September 19, 1980, the Regulatory Flexibility Act was signed into law. Its passage was the result of 3 years of work by the subcommittee that I chaired and this Congress.

Importantly, it culminated in a decade of efforts by thousands of concerned businessmen and women across our country. They rebelled against a volcano of seemingly senseless, ill-conceived regulations that threatened to bury every one but was particularly harsh for small businesses.

The tool that was forged was the RFA, the Regulatory Flexibility Act, a new chapter to the Administrative Procedures Act, requiring the bureaucrats to think about the effects of their actions, consider simple alternatives and include the interested public in on the process.

The bill that is really the subject of this was introduced by the gentleman from Illinois [Mr. EWING], H.R. 830, which would establish a judicial review process. I think that if we are going to fulfill the full intent of the Regulatory Flexibility Act, we need that additional tool to do so, to require people to, in the bureaucracies, to know and explain and work out the effects of what they do in regard to small business.

I would help us; in the long run, it would help them. The Regulatory Flexibility Act is an important weapon in our efforts to reduce or eliminate unnecessary regulations, unnecessary paperwork, which, frankly, in so many instances, cripples small businesses.

When it is operated properly, it makes sure that the small town businessman, business woman that I represent is sought out and asked their opinion on Government proposals that will influence his or her life.

I think this motion is a proper one. I would hope that it would pass. The fact that this parallel bill by the gentleman from Illinois [Mr. EWING], has so many cosponsors tells us all that we are on the right track. I hope that this will pass. I intend to vote for the motion.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know of no one in this House or the other body who is not in favor of relieving the burden on small business. I have served here under eight past Presidents, I think now. And every one of them would make marvelous speeches about how important it was to support small business and to relieve them from unnecessary burdens of Federal or other regulation.

The act which the gentleman from Missouri [Mr. SKELTON], is the proud author of, the original Regulatory Flexibility Act, was passed during the administration of President Carter, a Democratic President. And President Carter also issued an Executive order which attempted to set forth guidance to the Federal departments as to how they would go about implementing this act and relieving the burden on small business.

I would point out that President Reagan, when he was elected shortly after this act was passed, rescinded the Carter Executive order and issued his own Executive order, making even more explicit how we should relieve the burden on small business under the terms of the Regulatory Flexibility Act. And when President Clinton was elected, he rescinded the Reagan order and issued his own Executive order explaining to the Federal departments how they should do even more to lessen the burden on small business as a result of Federal regulation.

I cannot understand for the life of me, after all these years in which we have had on the books both the statue and a series of Executive orders, that we still have the kind of problem that we have here. If we have a problem, it seems to me that we in the Congress perhaps should take some blame for failing to exercise the kind of oversight which would see that the law and the Executive orders are faithfully executed.

Now we are going to punt. We are going to say, no, we should not take it. We think the courts ought to take it.

I find a great deal of difficulty in accepting the fact that we are going to simplify the processes of Government by allowing for unlimited court appeals of Federal regulations. I think what we are going to simplify is the income problem of a lot of lawyers who are going to make a lot of money from pursuing these kinds of acts.

But I have a great deal of difficulty in seeing how we are going to solve the problem of lowering the burden on small business by the process of including in an existing law, which has been on the books now for how many years, 14 years, a provision that now they can go to court in order to challenge the Federal regulations that have been adopted.

What is equally interesting to me is that in the course of a number of bills that are moving forward in the House today, which have regulatory implications, we are finding a concerted move to add to those the text, in essence, of the existing executive order.

Now, there is, genuinely speaking, a good reason why we do not write into law the text of an executive order. Mainly, the fact that executive orders are intended to be flexible. They are intended to provide guidance, but they are not intended to constitute a basis under which we can bring suit to the Federal courts, if we do not like the results of what is happening.

□ 1430

Mr. Speaker, this is a rather important both philosophical and practical issue. As I said before, I do not disagree with the need to reform the burden on small business. I have personally pledged in my district to any small business, if they are having regulatory problems, come to me and in my wisdom I will help them solve them, generally by raising a lot of hell with some bureaucrats who did not properly reflect the intent of Congress when they issued a regulation or when they sought to fulfill the intent of that regulation.

Mr. Speaker, I am raising serious questions as to the effectiveness of a process, the purpose of which I agree with. I think the gentleman from Pennsylvania [Mr. WALKER] knows that I agree with this purpose. I would be differing with every Democratic President, as well as every Republican President, if I said I wanted to increase the burden on small business. I do not.

Mr. Speaker, with those words of wisdom, I have no further requests for time, and I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the gentleman makes some very, very valid points. They are ones that I think deserve to be addressed.

First of all, Mr. Speaker, he makes the point, as he did earlier, that this is not something which should be in the purview of this particular bill at this particular time, and that we ought to address it through the regulatory processes of the Congress. The problem is that the gentleman from Illinois [Mr. EWING] and the gentlewoman from Kansas [Mrs. MEYERS], in pursuing this, have attempted to do this and have always been rebuffed, and always found that there was something else of higher priority for the Congress to take up. Therefore, the regular mechanisms have not worked for this bill, which is in fact supported broadly in the House of Representatives.

Mr. Speaker, second, it is suggested that somehow this is not a place where small business is really involved, and it is a Committee on Science, Space, and Technology kind of a bill. I would suggest that small business is the competitive sector of our society at this time. I know that the gentleman from California [Mr. BROWN] does share that concern, and has always been very, very solicitous toward small business concerns.

Mr. Speaker, I know that all of us try to work with our small businesses on this regulatory overload that the Federal Government has imposed upon that sector. Mr. Speaker, perhaps it is in a competitiveness bill where we ought to begin to address the real concerns they have out there. There is no doubt that this particular bill, about competitiveness, is one where, if we have a chance to help small business a little bit, we ought to go ahead and do so.

Finally, Mr. Speaker, it has been suggested that this is a lawyer's bill, that what we are going to do here is going to end up giving lawyers more work. I would simply say to that that the problem for small business right now is that we have created a whole web of Federal regulation that is employing lawyers by the hundreds of thousands across the country; that the agencies have the ability to constantly go after business with the lawyers that are hired by the Government, and that small business in many instances is a victim. All this will do is give the victim some recourse within the process.

Mr. Speaker, I think that rather than victimizing small business without recourse, that it is high time that in this country we give them the appropriate recourse that is provided to them by the courts. Mr. Speaker, I would like to think, too, that congressional oversight would take care of this problem, but the fact is we have gone 14 years now with this bill on the books and congressional oversight has not taken care of the problem. Businesses find themselves more and more burdened by Government regulation, and more and more the heavy hand of Government is causing uncompetitiveness in our society, and it is high time we changed that.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I had not intended to make this an opportunity for dialog, but since that is becoming the style, I am more than happy to do that.

What really bothers me, Mr. Speaker, is that this legislation and this motion to instruct are both based upon purposes and intentions which I fully support. However, Mr. Speaker, I am reminded of the old adage that the road to hell is paved with good intentions, and I am very worried that the good intentions will not be fulfilled, just as the good intentions of the gentleman from Missouri [Mr. SKELTON] in drafting the original bill were not fulfilled.

Mr. Speaker, I want to make sure that that does not happen. What I foresee here with this provision, which offers judicial review of any regulatory action, is that the gentleman would find the antienvironmentalists, and this is what the environmentalists fear, offering a lawsuit to delay, modify, or prevent the kind of regulation that the environmentalists would fear is destroying the progress they have made.

On the other hand, Mr. Speaker, I can foresee environmentalists doing exactly the same thing. If a regulation comes forth from the administration, from the agency seeking to relieve the efforts, the regulatory efforts of that agency, the burden of those efforts on the small business community, and they would sue, and the gentleman would find on both sides suits going forward aimed at crippling and hobbling the efforts, good or bad, of the regulatory agency.

If the gentleman thinks this is an improvement, I do not think that the gentleman is going to be very happy with the potential results of this, Mr. Speaker.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am pleased to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I think, quite contrary to what our friend, the gentleman from California [Mr. BROWN], says may well come to pass, the regulatory agencies that promulgate rules and regulations, which now do not have to worry at all about judicial review or any kind of review, would be prone to think twice before they promulgate something that does not make sense. It will cause them to do their homework more and to do their homework better.

As a result, Mr. Speaker, I think the gentleman would have more substantial, easy to understand, and more workable rules and regulations, where the agency knows full well that should they do something foolish or out of line, it is certainly going to be taken up on a judicial review. I think the contrary would happen.

Mr. EWING. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am pleased to yield to the gentleman from Illinois.

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I think the important point that we do not want to miss here is the judicial review is very limited, and it has nothing to do with the substance of the power of the regulators to regulate. It is only judicial review of whether they have tried to do it in an economical, fair way. That is what the complaint is out there. I do not think any of us have enough staff in our offices at home to handle all of the complaints on that type of competitive regulatory power.

Mr. BROWN of California. Mr. Speaker, if the gentleman will continue to yield, this point could be deliberated at great length. We have, as the gentleman from Pennsylvania [Mr. WALKER] knows, a bill which we will mark up in our committee tomorrow which is aimed at improving the process of risk assessment. As all of the Members know who have been in this field of regulatory impact, the measurement of regulatory impact requires both an evaluation of the risk which is sought to be met by the regulation, plus an evaluation of the cost of the efforts involved to mitigate that risk, a cost-benefit analysis. None of these are exact sciences. We would not be trying to move a risk analysis bill if anyone knew exactly how to make risk analysis.

The fact is, Mr. Speaker, the scientific community does not, the policy community does not, the lay community does not, nor do we know how to make adequate cost-benefit evaluations, and even less do we know how do we do this magic thing called comparative risk analysis, in which we compare the dangers of smoking a cigarette with driving a car. None of these are exact sciences.

What the Congress needs to do, and I will close with this sermon, we need to improve these processes of making these evaluation so enlightened policymakers can do what the gentleman from Missouri [Mr. SKELTON] hoped they would do in 1980, and which he again hopes they will do in 1994 if we pass this slight amendment to the bill he originally offered.

□ 1440

I suggest to the gentleman from Missouri [Mr. SKELTON], and to anybody else who is listening, that this is a futile hope until we get under better control the processes which go into this and to which I hope we will be able to make a contribution.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his statement. I could not agree with him more that we need to improve the processes by which we make these judgments.

On the other hand, in the meantime, small business in this country needs some element of fairness within the process that presently exists. That is what this motion to instruct is all about, being fair to small business within the process now so that they have some recourse against the burden of regulation that has been imposed upon them by the Federal Government.

Mr. QUINN. Mr. Speaker, I rise today to urge my colleagues to support the motion to instruct on H.R. 820, the National Competitiveness Act.

This motion will instruct House conferees to agree to a provision that the Senate unanimously adopted which would allow judicial review of agency compliance with H.R. 820. The Senate language is similar to that contained in H.R. 830, the Regulatory Flexibility Amendments Act, of which I am a cosponsor.

Small business is the backbone of our country's economy. Over the next 25 years, the United States will create about 43 million jobs—small business will create nearly 75 percent of these jobs. While this outlook is positive, small business owners have some very real and very serious concerns—Government regulation among them.

The regulatory burden on businesses can be crippling—particularly on small businesses. Like the Regulatory Flexibility Act, the Senate provision would require Government regulatory agencies to consider the impact of any new regulations and draft these rules so that they will be the least burdensome.

Mr. Speaker, I would like to call on the support of my colleagues for the motion to instruct. Freedom from the burden of too much Government regulation is crucial to America's competitiveness.

Mr. FORD of Michigan, Mr. Speaker, I rise in opposition to the motion to instruct conferees. The Senate amendment to H.R. 820—which would mandate judicial review of regulatory flexibility analysis—has not been reported by the appropriate committees of the House of Representatives. It is premature for the House to agree to such provisions.

I suspect that the purpose of seeking judicial review of regulatory flexibility analysis is not to improve the regulatory process, but to give the business community greater opportunity to obstruct and delay regulations designed to benefit workers, consumers, or the environment. In the Reagan-Bush administrations, OMB was assigned the task of improving the regulatory process, but we learned that their main goal was to thwart worker protection, consumer, environmental, and health and safety regulations designed to protect the public. Expanding judicial review of regulatory flexibility analysis will have the same effect.

Would judicial review improve the Department of Labor's evaluation of the costs of its regulations? I doubt it. The Department already prepares extensive economic analyses of the regulations it proposes. Under the Occupational Safety and Health Act and the Mine Safety and Health Act, the Department must evaluate the economic feasibility of its regulations on each affected industry. If an industry cannot afford the costs of the regulation, it cannot be issued. I do not believe that additional analysis or judicial review of the analysis would provide regulations that better protect workers, consumers, or the environment.

I believe, instead, expanded judicial review would have an adverse effect on the ability of the Department of Labor to do its job. Will expanded judicial review make it more difficult for the Labor Department to achieve the goals of ERISA, the Fair Labor Standards Act, or the Occupational Safety and Health Act? I suspect it will and that the proponents of expanded judicial review hope that such review will create new obstacles for regulatory agencies. Will judicial review affect the time it takes the Labor Department to promulgate regulations or the resources the Department needs to do its job? I fear that expanding judicial review of regulatory flexibility analysis will prevent the Department of Labor from adopting much needed worker protection and health and safety regulations in a timely manner.

Therefore, I oppose the motion to instruct conferees. Expanded juridical review of regulatory flexibility analysis is a bad idea. It will create more litigation. It will make it more difficult for agencies to fulfill their statutory responsibilities. The relevant committees of the House have not reported legislation authorizing such review. Without adequate committee consideration of the impact of expanded judicial review, it is premature for the House to agree to such provisions. I urge my colleagues to oppose the motion to instruct.

Mrs. MORELLA. Mr. Speaker, I rise in support of the motion to instruct the House conferees to agree to the Senate amendment allowing judicial review of agency compliance with the Regulatory Flexibility Act [RFA].

As legislators, sometimes we overlook the consequences of our actions. While one regulation will not break a small business, the total weight of the regulatory burdens that we, in Congress, impose on small businesses can close businesses that are essential to our economic recovery and prosperity.

In 1980, Congress passed the Regulatory Flexibility Act [RFA]. This is a good piece of legislation that requires agencies to take a look at the burden that each proposed rule places on small firms. It also requires each Federal agency to develop a less onerous compliance system for small firms. Further, under the RFA, each agency is required to review their regulations every 10 years to see if they are still needed or if they should be changed.

While the Regulatory Flexibility Act has been somewhat successful, it also has some weaknesses that need to be corrected. The problem is that the act has no teeth. Agencies can choose to ignore it and the Small Business Administration seems powerless to enforce it. Congress needs to clamp down and require compliance with this act, and it needs to add some teeth to it by adding a judicial review process for agencies that fail to comply with the act.

With a judicial review provision, an agency that failed to adequately consider the economic impact of regulations on small business could be challenged in court. Judicial review would ensure that agencies consider the impact of proposed regulations on small business and make changes accordingly. Judicial review makes this act more effective for small business and more true to its original intent.

Mr. Speaker, both Vice President AL GORE and SBA Administrator Erskine Bowles have recognized the weaknesses of the Regulatory Flexibility Act and support strengthening it. The Senate overwhelmingly approved judicial review in the National Competitiveness Act, and there are more than 240 cosponsors of Congressman EWING's judicial review legislation in the House.

I urge my colleagues to support Mr. WALKER's motion to instruct conferees to concur with Senate language which amends the Regulatory Flexibility Act.

Mr. WALKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DE LA GARZA). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 36, not voting 18, as follows:

[Roll No. 331]

YEAS—380

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Engel
English
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Royce
Rush
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw

Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—36

Abercrombie
Becerra
Beilenson
Brown (CA)
Clay
Collins (IL)
Collins (MI)
Coyne
Dellums
Dingell
Durbin
Eshoo
Foglietta
Gutierrez
Jefferson
Johnson, E.B.
Kopetski
McDermott
Miller (CA)
Mineta
Mink
Nadler
Oberstar
Obey
Payne (NJ)
Pelosi
Roybal-Allard
Sabo
Schroeder
Stark
Synar
Velazquez
Vento
Waters
Watt
Yates

NOT VOTING—18

Berman
Bishop
Brewster
Calvert
Carr
Cox
Edwards (CA)
Ford (TN)
Gallo
Gingrich
Machtley
Owens
Rangel
Richardson
Ros-Lehtinen
Slattery
Stokes
Washington

□ 1503

Ms. PELOSI and Mr. BECERRA changed their vote from "yea" to "nay."

Messrs. HINCHEY, MINGE, FARR of California, and MATSUI changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Serrano). Without objection, the Chair appoints the following conferees and expects to appoint additional conferees shortly:

From the Committee on Science, Space, and Technology for consideration of the House bill (except sections 211–14 and 504), and the Senate amendment (except title XI, sections 221, 303(d), 504, and 601–13), and modifications committed to conference: Messrs. Brown of California, Valentine, Roemer, McHale, Becerra, Walker, Lewis of Florida, and Rohrabacher.

From the Committee on Science, Space, and Technology for consideration of sections 211–14 and 504 of the House bill, and sections 221, 303(d), 504, and 601–13 of the Senate amendment, and modifications committed to conference: Messrs. Brown of California, Valentine, and Boucher, Ms. Eshoo, and Messrs. Becerra, Walker, Boehlert, and Bartlett of Maryland.

From the Committee on Science, Space, and Technology for consideration of title XI of the Senate amendment, and modifications committeed to conference: Messrs. Brown of California, Valentine, Roemer, McHale, Becerra, Klein, Boucher, Walker, Linder, Hoke, and Baker of California.

As additional conferees from the Committee on Banking, Finance and Urban Affairs for consideration of sections 331–37, 341–61, 503(a) (4) and (5), 503(b) (5) and (6) of the House bill, and sections 216, 306–07, the second 503(4), 1002, 1004, 1011, and title XI of the Senate amendment, and modifications committed to conference: Messrs. Gonzalez, Kanjorski, and Ridge.

As additional conferees from the Committee on Education and Labor for consideration of sections 346 and 407 of the House bill, and title XI, section 211–12 insofar as said sections relate to work force training and labor, 410, 604, 607–13, 1201–02, 1302 of the Senate amendment, and modifications committed to conference: Messrs. Ford of Michigan, Williams, and Goodling.

As additional conferees from the Committee on Government Operations for consideration of title XI and section 1301 of the Senate amendment, and modifications committed to conference: Messrs. Conyers, Towns, and Clinger.

As additional conferees from the Committee on the Judiciary for consideration of that portion of section 205 adding section 304(g) to the Stevenson-Wydler Technology Innovation Act of 1980, and section 361 of the House bill, and title IX, sections 307, that portion of section 603 adding section 101(d) to the High-Performance Computing Act of 1991, 1005–09, 1011–13, and 1303 of the Senate amendment, and modifications committed to conference: Messrs. Brooks, Synar, and Fish.

As additional conferees from the Committee on Post Office and Civil Service for consideration of title VIII and section 1010 of the Senate amendment, and modifications committed to conference: Mr. Clay, Miss Collins of Michigan, and Mr. Myers of Indiana.

As additional conferees from the Permanent Select Committee on Intelligence for consideration of title X and section 307 of the Senate amendment, and modifications committed to conference: Messrs. Glickman, Richardson, and Combest.

As additional conferees from the Committee on Rules for consideration of section 1301 of the Senate amendment, and modifications committee to conference: Messrs. Moakley, Derrick, and Goss.

As additional conferees from the Committee on Small business for consideration of that portion of section 204 of the House bill which adds a new section 303(c)(1) to the Stevenson Wydler Technology Innovation Act of 1980, and for the portion of section 212 which adds a new section 24(c)(1) to the National Institute of Standards and Technology Act and section 306 of the Senate amendment, and modifications committed to conference: Mr. LaFalce, Smith of Iowa, and Mrs. Meyers of Kansas.

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. HOAGLAND. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I hereby serve notice that on tomorrow, July 20, I will offer the following motion to instruct House conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

Mr. Hoagland moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill (H.R. 3355) be instructed to meet promptly on all issues committed to conference with the managers on the part of the Senate.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 468 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 468

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before its consideration. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1510

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary one-half hour to the gentleman from Florida [Mr. GOSS] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 468 is the rule providing for the consideration of H.R. 4299, the Intelligence Authorization Act for fiscal year 1995.

Mr. Speaker, this is an open rule providing 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

For the purpose of amendment, the rule makes in order the Intelligence Committee amendment in the nature of a substitute now printed in the bill as an original bill.

Under the rule, the bill shall be considered by title, with each title considered as read.

Clause 5(a) of rule XXI, prohibiting appropriations in a legislative bill, is waived against the committee substitute. The chairman of the Intelligence Committee requested this waiver for sections 601 (a) and (b) and 806(a), which give authority for the use of appropriated funds for purposes different than those for which they were appropriated and therefore may constitute a technical violation of the rule mentioned above.

In addition, the rule waives clause 7 of rule XVI, which prohibits nongermane amendments, against the committee substitute. The chairman of the committee requested this waiver of a point of order that might arise because the bill as introduced was narrow in focus and the amendment in the nature of a substitute is broader.

Mr. Speaker, the rule makes in order only those amendments printed in the CONGRESSIONAL RECORD prior to the consideration of the bill. The chairman of the Intelligence Committee based his request for this notification requirement on the need to recognize the sensitivity surrounding the components of the intelligence budget.

He testified that advance notification of amendments would give the committee a chance to help protect the security of sensitive information that could be affected by amendments modifying the authorization levels in the bill.

He asked also that the debate on such amendments be carefully structured to minimize the risk that classified information will be inadvertently disclosed, and testified that directing the debate away from classified matters can best be accomplished by an advance notification requirement.

Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 4299, the bill for which this rule provides reconsideration, authorizes funds for all the intelligence and intelligence-related activities of the United States for the coming fiscal year. It also provides legislative authorities for the conduct of U.S. intelligence activities which are regularly found in an intelligence authorization bill.

The authorization levels in the bill are classified, but are available for review by Members. The amount authorized is 2.2 percent less than the President's budget request, but approximately 2.6 percent more than last year's appropriated level.

The bill contains several important provisions, some of which are in response to the Ames espionage case which caused so much concern to all of us who are interested in the successful operation of the CIA.

The bill also recognizes the necessity for the entire intelligence community to adjust to the post-cold war era. It is obvious that the intelligence agencies need to reexamine their overall roles and missions in that world and the committee has given the agencies guidance in this respect.

Mr. Speaker, the 1980's were a period of substantial growth in the budgets and personnel rolls of U.S. intelligence agencies. That growth was felt to be necessary to counter the national security threat posed by the Soviet Union.

With the collapse of the Soviet Union and the end of the cold war, the primary focus of intelligence activities and the principal justification for the intelligence resource levels of the 1980's was eliminated. The intelligence community has been struggling since that time to define its mission and to properly size itself for the future.

In the last three authorization bills, the Intelligence Committee has attempted to make the intelligence budget reflect the reality of a world significantly changed from a national security standpoint, while ensuring that the United States maintains its ability to provide timely and reliable intelligence to its policymakers and military commanders. That approach is continued in this year's bill.

The committee is bringing the intelligence budget down, but in a measured way which preserves essential capabilities and encourages investment in the collection and processing systems which will be needed in the future. Personnel rolls are being trimmed as well and, as a result of actions mandated by Congress 2 years ago, by the end of fiscal year 1997, employment levels will be at least 17.5 percent less than they were in fiscal year 1992.

Despite the demise of the Soviet Union, the world clearly remains an unpredictable and dangerous place. There is need for effective intelligence, especially in light of the world-wide reduction of U.S. military personnel. That need, however, does not have to be met by an intelligence community of the size and orientation of its cold war predecessor.

The committee's bill continues to provide encouragement for intelligence agencies to review their operations, discarding those which are no longer necessary, while retaining those which remain important. Intelligence support to the military commander is emphasized. Special attention is placed as well on providing sufficient resources to respond to intelligence challenges on issues such as terrorism and the proliferation of weapons of mass destruction.

Spending throughout the national security establishment has been reduced in recent years, and intelligence has been no exception. This was inevitable given the significant changes which have occurred in the world. It is the Intelligence Committee's judgment that neither the reductions made in past years, nor those contained in this year's bill, will hinder the ability of the intelligence agencies to respond to essential intelligence requirements.

Mr. Speaker, the Committee on Rules believes this is a good, a fair rule, and I urge my colleagues to approve it so that we may proceed with consideration of this important bill today.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is remarkable, I think, having listened closely to my colleague from California, how much in agreement we are on this subject. I think that is a very encouraging sign. I think many of the remarks that I am about to make are going to seem very similar to the remarks the gentleman from California has made, and that pleases me because I think we are facing a challenge here.

Obviously, I am pleased to be able to support an open rule. I have no objection to the reasonable requirement included in this rule that amendments offered on the intelligence authorization be preprinted in the RECORD. I do not feel that way about preprinting for other bills, but intelligence is a little special because of its sensitivity and confidentiality and the need to not have surprises here on the floor. I think that is an entirely reasonable request and a legitimate one, given the importance of protecting classified information.

I very much doubt if any Member is going to mind the extra review of amendments to insure that national security is not compromised in the process of this bill. I think we all understand that the national security is very significant for us and, unfortunately, we have had incidents where it has been compromised in the past.

The rule also waives certain points of order against the committee substitute, supported by the chairman, Mr. GLICKMAN, and our ranking member, Mr. COMBEST.

Given the complexity of the subject in front of us, I have no objection to the technical waivers that have been made. I certainly commend the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from Texas [Mr. COMBEST] for their work and their interest in having as open a debate as possible without jeopardizing national security. And again, I think the comments by my colleague from California underscore that we have had a good discussion in the Committee on Rules and we have come forward with a good product today to deal with this matter.

I am, however, deeply troubled by the trend that the bill itself perpetuates. For the past several years, resources devoted to intelligence gathering have been cut repeatedly.

□ 1520

The authorization levels in this bill are 16 percent below what they were in 1992, and total intelligence spending has declined by 20 percent since 1990. Looking against the national performance review standards, I understand the cuts are about double what the target was, done on a percentage basis, and the actual dollar amount is a significantly greater cut than was actually necessary or called for.

So, some real sacrifice has been made here, and I am wondering if maybe we have not gone too far. Some people might believe that we no longer have use for intelligence because the Soviet Union is not there anymore as a monolith and because the sweeping changes that have transformed Europe are all good. But, as we know, that simply is not the case. We have in some ways more challenges for good intelligence and for good information for our decisionmakers than we have ever had before. The recent crises in North Korea, Iraq, Bosnia, Haiti, and Somalia probably all underscore the dangers of attempting to navigate the volatile and uncertain waters of global politics without the best possible compass and the most accurate and up-to-date charts. I do not think we should be fooled by those who say the storm is past and it is all smooth sailing ahead. I do not think anybody really believes that. We have seen what happens when decisionmakers operate without good information delivered in a timely and useful way.

In fact, Mr. Speaker, it was not that long ago that this Nation watched in some puzzlement and embarrassment as the U.S.S. *Harlan County*, loaded with American service people, retreated in haste from the docks of Haiti because a band of thugs were menacing them from the port. Where was the intelligence? Why did we not have better information available to our decisionmakers at the State Department and the Pentagon to make a better policy statement and figure that one out a little bit better?

And what about the potentially deadly game of hide and seek we are still playing with North Korea over the issue of nuclear weapons? Do we really have the necessary resources in place to develop good information about the capabilities and the motivation, the motivation of the North Koreans? Does anybody really understand Kim Jong-Il what he stands for, and where he is going?

What about Africa? Recently we read two articles in the newspaper, the first outlining how the CIA is planning to scale back its operations there by closing 15 stations as a way to absorb budget cuts. Five days later another news article quotes President Clinton decrying the "pretty low" level of understanding Americans have about Africa. So, here we have the left hand reducing our ability to get good human intelligence, good human information in Africa, while the right hand is seeking to improve our understanding of that region. It seems a little curious. No wonder people are confused.

There are some in this Chamber who see no practical use for intelligence at all. Perhaps they have watched too many old cloak and dagger movies; I do not know. Perhaps they do not understand world affairs. But despite the undercurrent of animosity for covert operations and classified information, Mr. Speaker, America should be reminded that we have for decades been the beneficiaries of constant, consistent, accurate information that has made good intelligence. Picture a hidden hand guiding decisionmakers through crucial policy options and helping to avoid potentially deadly and costly mistakes. Of course things do not always go smoothly, and we always read about the problems every time there is a high profile policy mistake or a security breach. Just about everybody hears about it, just as we have all heard about Aldrich Ames and should have heard about Aldrich Ames. There are those clamoring to excoriate our intelligence services as a result, but we must not give in to that temptation in my view.

Mr. Speaker, we hear about the mistakes and problems. We rarely hear about the averted crises and the success stories for obvious reasons. That is the nature of the intelligence business. Those of us who are charged with oversight responsibility must remember to make a fair judgment about how well the intelligence community is doing, realizing that we are never going to be able to have an even playing field to talk about the successes.

Of course, as one who worked in the intelligence community, I agree wholeheartedly that management reforms are needed. I will say that again. I do believe we need to get at this issue of reform, and I am glad for the resolve of the gentleman from Kansas [Mr. GLICKMAN] in ensuring these matters are addressed, which was supported by the ranking member, the gentleman from Texas [Mr. COMBEST]. In that process I hope we will also make some necessary changes in the classification and declassification process to ensure that the guise of, quote, national security, unquote, is not used in vain, while guaranteeing truly sensitive material is, in fact, not compromised. This is a very difficult balancing act, but it is crucial to ensuring accurate information and the protection of the human component of intelligence gathering. The people who risk their lives to provide this service do not want to risk their lives in vain, and we owe them protection of that information.

Finally, Mr. Speaker, I once again call on my colleagues in the House to take the important step of requiring a secrecy oath for Members of Congress. Members are granted extraordinary access to classified material, very sensitive material I would add, and mountains of it; I hope it is understood that we have a responsibility to protect that information. Repeated, if isolated, leaks of substance from classified briefings to the front pages of morning newspapers suggest, perhaps, that some Members still do not understand our important responsibility in this area. So I will, once again, join the gentleman from Illinois [Mr. HYDE], my friend, in offering an amendment to this bill to require that Members and staff seeking access to classified information sign a pledge that they will, not willfully disclose such material. I know that this will be seen as symbolic by some, but sometimes it is the symbolism that gets the point across, attracts people's attention, and ensures that they do the right thing.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.—Continued

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 12, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A		
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A		

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Utah [Mr. HANSEN], a member of the Permanent Select Committee on Intelligence.

Mr. HANSEN. Mr. Speaker, I rise in support of this rule. I want to comment Chairman GLICKMAN and my colleague, Mr. COMBEST, for their leadership. We worked well in this committee this year. When disputes arose, they were quickly settled with the result being a bipartisan bill that we can all support.

As a member of both the Intelligence and Armed Services Committees, I have closely followed a number of controversial crossover issues, the most significant being intelligence support for Department of Defense drug interdiction operations. I remain very concerned that there is no one in charge of supply reduction efforts. The Defense Department has unilaterally picked a fight with the Governments of Peru and Colombia by ceasing to pass radar tracking data to these Governments that would facilitate the force-down of narcotics trafficker aircraft. At the same time that the Defense Department was driving a wedge between Peru and Colombia and our Government, it was requesting more money for radar programs in Latin America. This mismanagement has a direct impact on Americans at home because cocaine destined for the United States that would otherwise have been interdicted is now freely moving from Peru to Colombia. I have received assurances that the administration has focused on this problem and hopes to have it resolved soon. They should have thought about this before they reversed a long held policy on force-downs without prior consultation with other affected Federal agencies.

The problem I have described with the drug war is symptomatic of a larger problem: Lack of policy direction that will permit the intelligence community to efficiently allocate scarce collection assets. This has been clear throughout the year as we looked to the administration for a clear statement of its global priorities, which can best be described as constantly in flux. Barring such a vision, we will be forced to continue to provide direction. This is both unfortunate and unnecessary. Eighteen months into the Clinton administration is far too long to wait for a clear sense of policy direction. Mr. Speaker, I hope they do better next year.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Texas [Mr. COMBEST], the ranking member of the Permanent Select Committee on Intelligence.

Mr. COMBEST. Mr. Speaker, I appreciate the gentleman from Florida [Mr. GOSS] yielding this time to me. And to the gentleman from California and the gentleman from Florida I simply want to say I appreciate very much the cooperation of the Committee on Rules in granting this rule that allows a full and open debate, allows any amendments that wish to come up under the preprinted rule. And I strongly support it and would urge passage of the rule.

Mr. GOSS. Mr. Speaker, I have no further requests for time and am prepared to yield back the balance of my time, if I can be assured by my colleague that he has no further requests.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time.

In closing, Mr. Speaker, this is an open rule. The only way it could otherwise be characterized is because of the preprinting requirement, but because of the problems associated, or potential problems associated, with national security interests, that is, we believe it a reasonable requirement, one that was agreed to by the minority on the Committee on Rules.

☐ 1530

The Permanent Select Committee on Intelligence we believe has brought us a good bill which can be fully debated under this rule. I urge my colleagues to vote for this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. (Mr. SERRANO). Pursuant to House Resolution 468 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4299.

The Chair designates the gentlewoman from New York [Ms. SLAUGHTER] Chairman of the Committee of the Whole, and requests the gentlewoman from Hawaii [Mrs. MINK] to assume the chair temporarily.

☐ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence, and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mrs. MINK of Hawaii (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kansas [Mr. GLICKMAN] will be recognized for 30 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, at the outset I want to compliment the committee's ranking Republican member, LARRY COMBEST, for the leadership he provided in fashioning this legislation. We have not agreed on every issue, and I know he has reservations about the funding levels in the bill, but we worked together in a cooperative spirit to produce a measure which the committee could support.

The bill before the House authorizes the funds for fiscal year 1995 for all of the intelligence and intelligence-related activities of the U.S. Government. The intelligence budget is comprised chiefly of two parts, the National Foreign Intelligence Program [NFIP] and the Tactical Intelligence and Related Activities [TIARA] Program. The NFIP includes those activities involved in the provision of intelligence to national policymakers and includes programs administered by agencies like the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency.

Tactical intelligence programs reside solely within the Department of Defense and are primarily, although not exclusively, concerned with the provision of intelligence to military commanders. There is not always a clear distinction between national and tactical programs and the Intelligence Committee has jurisdiction over the budgets of both. In our review of the funding requests for intelligence activities of particular concern to the Armed Services Committee and I want to acknowledge the assistance provided to us by Chairman Dellums, the members of his committee, and the committee staff.

Since so much of the Intelligence Committee's work deals with classified information, it is not possible to discuss the contents of the bill publicly except in broad terms. I am aware that this situation is frustrating to many Members and when we reach the amendments phase of these proceedings, BOB TORRICELLI and I will offer an amendment which would bring a degree of openness to the consideration of the intelligence budget. Our amendment will require that, beginning with the submission of the budget for fiscal year 1996, the aggregate amount of money spent on, and requested for, intelligence will have to be disclosed.

Although their funding levels are not public, all of the programs and activities authorized by H.R. 4299 are, however, set forth in a classified schedule of authorizations which is incorporated into the bill by reference, and discussed in detail in a classified annex to the committee's report. These documents have been available for review by Members since June 10. I urge Members who have not yet done so to visit the committee's office, room H-405 in the Capitol, and familiarize themselves with these materials.

This is the third consecutive year in which the committee has reported an authorization which is below both the President's request and the amount authorized the year before. The congressional intelligence committees, much more so than the agencies they oversee, have been the agents for change in the intelligence community. Responding to the end of the cold war, it was the committees that mandated a 17.5-percent reduction in personnel to be accomplished by fiscal year 1997, and cuts in spending which have amounted to approximately 7 percent in the aggregate over the last 3 years. We have taken these actions largely as a result of a conviction that with the changes in the world arising from the demise of the Soviet Union, some alteration in the size of the intelligence community, which after all had been created to respond to the national security threat posed by the Soviets, was required.

The committee has been frustrated, however, by the inability of either this administration or its predecessor to articulate a clear vision of what the intelligence community should be doing in the post-cold-war world. Without that vision, and a well-defined implementation plan, it is difficult for the committee to effectively assess resource needs. Budget reductions are a blunt instrument for producing change in either the direction or method of operation of any agency or department of Government. Budget cuts must be reacted to, but those reactions do not always produce the efficiencies which might have resulted if the savings had been the end result of change, and not its cause. Thus far, however, the intelligence community's response has been primarily to react to the budget initiatives of Congress rather than looking to the future, attempting to define its role in it and matching its budget needs to that future role.

That is not to say that the maintenance of an effective intelligence capability will not continue to be necessary or that its maintenance will not be expensive. The world will remain an unpredictable place and intelligence will continue to be the insurance policy which will hopefully enable our leaders to deal with crises and conflicts in ways which reduce the risk to American interests and American lives. I believe, however, that the premium on that insurance should be going down because, as dangerous as the world may be, it is quite simply not as dangerous as it was when we had an enemy of the dimensions of the Soviet Union.

The committee's actions to refocus intelligence spending and activities are of necessity ad hoc. They cannot be expected to substitute for strategic planning by the executive branch. We need a strategic plan for intelligence and it is my judgment that the individuals from outside of Government need to be involved in its formulation. The planning effort must be undertaken promptly and completed expeditiously. We cannot afford another budget cycle in which the committee trims the request because of a gut feeling that it is too high.

The committee needs to be able to judge the budget by how well it allocates resources to priority intelligence activities. The identification of priorities has not been done clearly and the resulting impression is that the intelligence community is trying to do most of what it did during the cold war, in the same way as it did in the cold war, and that is difficult because there are fewer resources. In the committee's judgment, there are intelligence priorities. They include countering the threats posed by the proliferation of weapons of mass destruction, international terrorists, and narcotics traffickers, and ensuring that our military commanders, no mater where they are deployed, have timely access to intelligence collected by national and tactical systems. These activities need to be emphasized and if that requires terminating some things which are no longer necessary because of changes in the world, that has to be done—and much more quickly than it has thus far. That is why a strategic plan is so important.

The fiscal year 1995 budget submission requested an increase in the NFIP, a cut in TIARA, and marginal growth when the two were combined. The committee's recommendation cancels almost all of the requested increase in the national programs, deepens the reduction in the tactical programs, resulting in an authorization below the request and below the amount appropriated in fiscal year 1994. I recognize that it will be argued by some that we did not cut enough and by others that we cut too much. We are proceeding cautiously, for the reasons I have already stated. In reducing spending and personnel, our goal has been twofold. First, we have tried to keep the pressure on the intelligence community to reorient itself, a process which takes time especially when it involves systems which are complex and expensive. Second, we have sought to avoid creating gaps in intelligence coverage by a too rapid reduction in resources. We are walking a fine line in a difficult area and while I do not believe that the committee's recommendations will cause any diminishing of essential capabilities, I am concerned that substantial additional reductions would have that result. I urge the House to reject amendments which would require such reductions.

In addition to the budget recommendations, the bill contains a number of legislative proposals which will be explained in detail by the chairman of our subcommittee on legislation, Mr. COLEMAN. Some of these proposals involve matters within the jurisdiction of other committees and I want to acknowledge the assistance we have received from those committees in moving this legislation forward. At this point in the RECORD, I would like to insert an exchange of letters between Chairman FORD of the Committee on Education and Labor and myself on one such proposal.

Among the legislative recommendations in H.R. 4299 are several which comprise the committee's initial responses to the Ames espionage case. While these recommendations should be of help in deterring espionage, the Ames case was not caused by deficiencies in the law. The committee has an inquiry underway to help determine why a CIA employee could conduct espionage for 9 years, from different CIA posts in the United States and abroad, under the noses of his supervisors and coworkers, without detection. I am concerned that the Ames case reflected the continuation of a problem that the committee publicly identified in 1986 and 1987—counterintelligence has not been a high enough priority of senior management at the CIA or elsewhere in the intelligence community. Until protecting our secrets becomes as important to management as acquiring the secrets of other countries, we will continue to court disaster. No amount of legislation will correct the problems which allowed Mr. Ames to operate successfully for so long. They will be remedied only by a heightened emphasis on counterintelligence by top management and closer coordination of counterintelligence activities between intelligence and law enforcement agencies.

Madam Chairman, I urge the House to endorse the committee's judgments as reflected in H.R. 4299. Those judgments reflect a balancing of interests but I believe the bill makes progress in encouraging the community to invest in its future rather than cling to its past.

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, July 12, 1994.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of July 12, 1994 concerning section 501 of H.R. 4299, the fiscal year 1995 intelligence authorization bill.

As noted in your letter, section 501 amends a number of statutes to enable the Secretary of Defense to manage the civilian employees of the Central Imagery Office in the same personnel system as exists for comparable employees of the Defense Intelligence Agency. One of these statutes, the Employee Polygraph Protection Act of 1988, is within the jurisdiction of the Committee on Education and Labor pursuant to Rule X of the Rules of the House of Representatives.

The Intelligence Committee appreciates your willingness not to seek the referral of H.R. 4299 to which your committee would have been entitled on the basis of its jurisdiction over section 501. Your decision has facilitated the floor consideration of H.R. 4299.

Sincerely,

DAN GLICKMAN,
Chairman.

COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, July 12, 1994.
Chairman, Hon. DAN GLICKMAN,
Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This week the House of Representatives will consider H.R. 4299, the Intelligence Authorization Act for Fiscal Year 1995. Section 501 of the proposed legislation provides the Secretary of Defense with the statutory authority to manage the civilian employees of the Central Imagery Office in the same personnel system as the one which exists for comparable employees of the Defense Intelligence Agency. This section modifies a whole range of statutes to ensure that employees of the Central Imagery Office are subject to the same statutory provisions as employees of the Defense Intelligence Agency.

One provision of Section 501 amends the Employee Polygraph Protection Act of 1988 to include employees of the Central Imagery Office in the same stautory exemption as the Defense Intelligence Agency.

The Employee Polygraph Protection Act of 1988 is a statute within the Rule X jurisdiction of this Committee. The Committee does not oppose the amendment proposed in H.R. 4299 and sees no need to take action upon the bill. Our decision to forego action, however, should not be construed as a waiver of the Committee's Rule X jurisdiction. We would appreciate it if this letter and your response could be printed in the Congressional Record with the debate on H.R. 4299.

With kind regards,

Sincerely,

WILLIAM D. FORD,
Chairman.

□ 1540

Madam Chairman, I reserve the balance of my time.

Mr. COMBEST. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as the ranking Republican member of the Intelligence Committee, let me first express my appreciation to my colleague from Kansas, Chairman GLICKMAN, for his hard work in leading our committee through some extremely difficult deliberations. The pressure to continue cutting when common sense dictates it should cease has made preparation of the authorization bill for intelligence more difficult in each of my 6 years on this committee.

H.R. 4299 is not the bill that I or my Republican colleagues would have written. I strongly urge anyone who is concerned with this country's security to read the minority views to the unclassified report, where we discuss at some length our philosophic and practical dissent from some key elements of the authorization report. Realistically, though, we stand united in supporting the bill as the best compromise we can reach at present. I say this in the full expectation that we will in conference, on a bipartisan basis, seek compromise positions which will lessen our concern that this bill endangers some critically important and fragile intelligence capabilities, such as in the area of human intelligence.

The committee is responsible for examining, evaluating, and funding intelligence capabilities and activities, the specifics of which are largely and necessarily unknown to the public. When Congress makes an unwise cut to public works or education, the taxpayer sees the bridge left half built and the school left unfurnished. But, when we cut intelligence the taxpayer sees nothing. If we decide to gamble with public safety by cutting money for law enforcement, the public sees the results and can draw the right conclusions. But, when we gamble with national security by cutting intelligence programs the taxpayer is unaware how we may be risking his and his family's well-being. We cannot disclose publicly the extent and nature of those risks, because that would tip off those in our unsettled and dangerous world who wish us harm about where our intelligence capabilities are thinnest. In practice this often means that we will not face full public accountability until our gambles result in an open disaster.

Frankly the short-term odds are with the Members of this House who press for such irresponsible continuing cuts. After all, those who opposed strong defenses in the years before World War II could claim to be demonstrably right year after year after year. In the gamble of national preparedness they rolled straight sevens and saved the taxpayers billions of dollars—right up until December 1941 and the debacle of Pearl Harbor. Some people refuse to learn from history, but what was true then is true now: Responsible leaders of this country must fight against the short-sighted tendency to think we can safely cut corners in intelligence and national security. Those savings will be lost inevitably many times over, and they will be paid back not only in dollars but in lives. With important national security interests at stake, we must be more cautious about these continuing cuts to intelligence. We cannot afford to search for some illusory right level of intelligence resources by making cuts we later find to our regret are too deep and then working backward to restore lost capabilities.

Madam Chairman, I am not now talking about history, though. Neither am I talking about some sort of hypothetical point of decision off in the future. I am talking about this year, this budget, and what we do about it today. For, in the area of intelligence, push has come to shove. In all but one of my 6 years on this committee we have turned out an authorization bill showing cuts to intelligence in real terms. We have probed, examined, and x rayed the intelligence budget from every angle. We have torn it down and rebuilt it. We have cut and pared and sliced away at fat. We are now cutting away muscle and sinew. Savings can now be measured only in risks taken.

There is no shortage of facts and figures I can cite to demonstrate the rather remarkable, indeed reckless, slope of decline on which we have put the intelligence community. Despite a consensus of informed opinion that intelligence cuts should be avoided or at least minimized in a period when we are cutting our defense capabilities, we are again this year cutting intelligence more than defense at large. It is downsizing at a rate twice that recommended by the President's National Performance Review for the Government. President Clinton made a campaign promise in 1992 to cut the Bush administration's proposed intelligence budget over a 5-year period by $7 billion. This was an incredibly ambitious—and many would say a foolhardy—goal. Yet, as Director Woolsey has stated publicly, this has been accomplished with 2 years to spare, and it appears the cuts over the 5 years will likely be more than $14 billion. This irrational urge to keep cutting intelligence has taken on a life of its own and it will, unless stopped, inevitably lead to disaster.

Madam Chairman, I have not talked today on the continuing need for intelligence. I did so last year at some length and, I imagine, several of our committee colleagues will discuss it some more. I will only observe that it takes an incredibly naive person to argue that the current world situation is such that our country does not have a pressing need to know the behind-the-scenes realities of: the capabilities and intentions of well-armed hostile states, terrorist organizations, weapons proliferators, and unfair trade competitors worldwide.

In 1944 Secretary of State Edward Stettinius, in his political innocence, convinced President Roosevelt to have Gen. William Donovan of the CIA's predecessor, the Office of Strategic Services, return to the Soviet Union a captured copy of a code book used by the Soviet intelligence services. He did, and the Soviets promptly changed their codes. A chance to follow Soviet intelligence activities in the United States and worldwide was thrown away. Fortunately, Donovan returned the code book only after making a copy—a copy which U.S. intelligence used a few years later, when political leadership was wiser to decrypt Soviet intercepts from before 1945. These messages allowed the United States to wrap up numerous Soviet agents who were still active in the United States. Those who now seek to limit intelligence capabilities are far more short-sighted, naive, and downright foolish than Secretary Stettinius. What

Stettinius did was only to limit the benefit of good intelligence work. Those who cut crucial intelligence resources now are, effectively speaking, keeping the code books of today's enemies from ever reaching our hands in the first place.

I urge the House to pass this authorization without further cuts and the even greater risks to our national security interests which further cuts would entail.

I feel I should also take this occasion to comment on the Ames espionage case and the reforms that are under consideration in its wake.

First of all, reform of intelligence and counter-intelligence should not be of the ready-fire-then-aim sort.

While the Intelligence Committees have been considering various options for change, the DCI has refrained from making quick fixes and opted—I think wisely—to wait until he began getting in the results of several external and internal investigations and task forces to propose his remedies. He has taken very careful aim because he wants to fix what is broken without destroying an extraordinarily important and, despite Ames, a highly successful element of the intelligence community—the CIA's clandestine Operations Directorate.

Last week the DCI gave us on the Intelligence Committee his initial readout of what sorts of changes he envisions. An unclassified version of that talk was given yesterday to the Center for Strategic and International Security. In it he announced "a comprehensive overhaul of a number of key structures, programs, and procedures." It was a speech which, in the words of the New York Times, was unprecedented: "no other sitting Director of Central Intelligence has offered a public critique quite as pointed as Mr. Woolsey's." And, as Mr. Woolsey told our committee, this is just the beginning.

I am very much encouraged by the direction the DCI is moving. He has not been misled by the distracting hue-and-cry of those claiming the main scandal is in the longevity of Ames' treachery. Parenthetically, I would note that the two potentially most damaging cold war spy cases, the Whitworth/Walker case in the Navy and the Conrad case in the Army—either one of which could have resulted in hundreds of thousands of U.S. dead if not outright U.S. military defeat in war—went on for 18 and over 12 years, respectively. While identifying factors which hamstrung the CIA and FBI efforts over 8 years to identify the spy responsible for the 1985–86 intelligence compromises, the DCI has rightly focused in on the system which allowed Rick Ames access to so many of the CIA crown jewels to begin with. This is a much more difficult problem and he is to be lauded for attacking it head-on.

Our committee, you can be sure, will be watching these developments closely. The DCI has promised he will consult with us at every step of the way. This is exactly as it should be. We are not content, however, to sit by and be consulted. We are ourselves delving into the details of Ames' espionage activities and all aspects of U.S. intelligence and counterintelligence relevant to it. It is in the interest of every member of our committee—indeed, of the American people—that we minimize the possibility of there being a repetition of Ames' treachery while maximizing the efficiency and effectiveness of the U.S. intelligence community.

□ 1550

Madam Chairman, I reserve the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield 9 minutes to the distinguished gentleman from Texas [Mr. COLEMAN], chairman of the Subcommittee on Legislation of the Permanent Select Committee on Intelligence.

Mr. COLEMAN. Madam Chairman, I rise in support of H.R. 4299, the Intelligence Authorization Act for fiscal year 1995. As chairman of the Legislation Subcommittee, I feel we have produced a good bill that makes responsible reductions in the intelligence community's budget request while maintaining essential capabilities. In the budget area, we have continued to put pressure on the community to develop innovative, cost-effective solutions to meeting the challenges of the future. More needs to be done, but progress is being made.

On the legislative side, H.R. 4299 contains a large number of substantive proposals, which I would like to summarize briefly:

Section 401 deletes certain archaic provisions of the Central Intelligence Agency Act of 1949 to ensure CIA's alcohol rehabilitation program is not seen as inconsistent with the Agency's statutory authorities.

Section 501 provides the Secretary of Defense the statutory authorities to manage civilian employees of the Central Imagery Office [CIO] in the same personnel system as exists for civilian employees of the Defense Intelligence Agency. Providing these authorities to the Secretary of Defense should ensure there is no separate administrative structure created for the smaller CIO.

Section 502 clarifies that the notice requirements of the Privacy Act of 1974 do not apply to Department of Defense [DOD] intelligence officers conducting, outside the United States, an initial assessment contact of a U.S. person as a possible source of foreign intelligence. Section 502 is intended to permit a DOD intelligence officer one opportunity for a face-to-face meeting with the potential source without having to inform the U.S. person of the officer's affiliation with the U.S. Government.

The committee was not convinced that the notice requirements of the Privacy Act were intended to apply to situations covered by the bill, but recognized that the Department of Defense had legitimate grounds for requesting an exemption, in light of the civil penalties that attach to violations. In addition, the committee was concerned about the safety overseas of U.S. intelligence officers and U.S. persons being assessed.

The committee intends that the Privacy Act exemption contained in the bill be construed in such a way as to minimize intrusion on the privacy of the potential U.S. person. The committee believes that no personal information solicited from an individual during the initial assessment contact should be retained in a U.S. Government system of records if the individual is not informed of the intelligence officer's governmental affiliation. Furthermore, the committee expects that under no circumstances should a potential U.S. person be requested or utilized in any fashion to undertake any intelligence activity by defense intelligence officers unless the potential U.S. person is made witting that he or she is acting on behalf of the U.S. Government regardless of the status of the initial assessment contact.

Section 601 of H.R. 4299 establishes independent statutory inspectors general [IG's] for the Defense Intelligence Agency and the National Security Agency. These IG's would be appointed by the directors of the respective agencies, and would not be subject to Senate confirmation. The bill spells out the authorities of the statutory DIA and NSA inspectors general, qualifications for the positions, and reporting requirements to the congressional intelligence committees.

The committee has been concerned about the independence and effectiveness of the offices of the inspector general at DIA and NSA for a number of years. A statutory inspector general at each agency should ensure that important intelligence programs operated by the NSA and DIA have a high degree of specialized, professional, inspector-general oversight. Section 601 will be the subject of an amendment from Mr. CONYERS at a later point in the debate. I support the adoption of this amendment: it should bring greater clarity to the interpretation of the provisions establishing the NSA and DIA IG's in the law.

Title VII of the bill includes two provisions intended to improve the management of classified information in the Federal Government. Section 701 requires larger intelligence agencies to allocate at least 2 percent of their appropriations for security, countermeasures, and related activities to certain declassification activities, including reducing classified archives. Section 702 requires the President to issue an Executive order on classification and declassification, not later than 90 days after enactment, and includes a sense of Congress on what the Executive order should provide.

Title VIII of the bill contains several measures to improve U.S. counterespionage efforts. These measures should deter U.S. Government employees—including contractors, consultants, and legislative and judicial branch staff—from engaging in espionage, facilitate the detection of espionage, and provide additional authority to prosecute and redress espionage activities.

The bill requires individuals with access to classified information to give consent to disclosure of records held by financial institutions, credit bureaus, and commercial travel entities, to authorized investigative agencies, or employing agencies, during background investigations, while granted access to classified information, and for 3 years thereafter.

Section 801 sets forth the conditions under which an authorized investigative agency may request, obtain, and disseminate this information. While H.R. 4299 requires employees to waive a certain degree of privacy as a condition of access to classified information, the bill carefully places limitations on when an investigative agency may make a request for financial records and how the information contained in the record may be disseminated. This should be less burdensome to individuals than new reporting requirements, and less intrusive on their privacy.

Title VIII also authorizes rewards for information leading to arrests or convictions for espionage; establishes venue for trials involving espionage committed outside the United States; requires post-conviction forfeiture of espionage proceeds; provides for the denial of retired pay to certain individuals convicted overseas of espionage; and authorizes provide post-employment assistance to certain Defense Department civilian employees to maintain their stability and judgment and avoid unlawful disclosure of classified information.

□ 1600

Mr. Speaker, I would only say in closing that all of the matters that I have listed that we dealt with legislatively on this particular subcommittee and we have included in the bill are the result of the work of a lot of the members of this committee in the area of classification and declassification of items. Of course, our colleague, the gentleman from Colorado [Mr. SKAGGS], will perhaps speak on that issue more later.

I would say that were it not for the staff on both sides of the aisle of the committee, I do not believe we could have brought a bill to the floor that has garnered the support of Republicans as well as Democrats on this most important matter, not just for its budget matter but for its authorization and change in the legislative part of the bill.

Mr. COMBEST. Madam Chairman, I yield 7 minutes to the gentleman from Nebraska [Mr. BEREUTER], a most valuable member of the committee.

Mr. BEREUTER. Madam Chairman, we have had typically the last 5 years I have been a member of the committee sweetness and light at this stage, and I think I will depart from that, unfortunately. This is a time to draw a line in the sand, because I am not happy at all with this budget.

Madam Chairman, this Member would tell his colleagues he has severe reservations about the amount of cuts in the funding of the intelligence community recommended by this committee. Certainly I would strenuously oppose any further cuts from the floor or in conference.

Both Republican and Democratic administrations now have sought to avoid cutting the intelligence budget as much as the cuts in the overall DOD budget within which intelligence funds are obscured. The theory has been that intelligence is a force multiplier and also exceedingly important in an increasingly confusing and unstable world. The Defense Department itself consistently has subscribed to this theory, even though more lenient treatment of the intelligence function in budget-cutting efforts meant that DOD's core military programs had to take deeper cuts to stay within the Department's budget ceiling. However, for several years in a row now, Congress has chosen to take misguidedly higher percentage cuts in the intelligence request than in the overall Defense request.

The reasons for this tough budgetary treatment of the intelligence community budget are mostly political rather than substantive. This year our Democratic Party colleagues on the committee tell us that the committee must cut deeply because a majority of the Democratic caucus is critical of U.S. intelligence, and we might otherwise be unable to carry the bill without draconian cuts on the floor.

Madam Chairman, this member believe, and some other members of the committee believe, especially this year, that real damage is being done by the budget cuts the committee is recommending and that some of these cuts are very unwise. In making such cuts, we do not even have the consolation of contributing to deficit reduction, since the Armed Services and Appropriations Committees, rather than reducing the Defense budget accordingly, routinely divert intelligence savings to other Defense programs, notably those that are not funded in the Defense request but are valued by some members for parochial or political reasons.

Let us examine some of the problems.

First, there is now a real question whether we will be able to support an adequate satellite infrastructure. Second, it seems like only yesterday that Congress itself was leading a highly publicized bandwagon of support for human intelligence collection—"HUMINT for the 90's," it was grandly called. But we are nothing if not fickle, and in the twinkling of an eye, the mood shifted 180 degrees. CIA's Directorate of Operations now is facing severe cuts that mandate worldwide retrenchment comparable to the worst day of the Carter administration, when disastrously, Adm. Stansfield Turner was Director of Central Intelligence. Intelligence collection for whole regions of the world must be virtually written off.

Obviously, HUMINT cuts and the flagging support for satellite restructuring cripple another recent initiative to support military operations. The cry for intelligence support for military operations became as popular as HUMINT for the 90's, and gained steam after lessons learned in the 1991 Persian Gulf war, but that concern and effort now looks to be equally short-lived.

With this Member's interests being heavily focused on arms control and verification, I have watched in dismay as we have dismantled many of our technical systems for collecting intelligence on Russian weapons, on the theory that they are no longer a threat, or that they will always comply with treaty provisions, or that we will always retain access by other means.

So, Madam Chairman, I rise to tell Members of the House that in certain key areas these cuts have hurt, hurt grievously, and the damage cannot be reversed except at great expense and over long periods of time. That this pain has not even contributed to deficit reduction is insult added to the injury. That a Democratic Congress has called for such cuts even against the recommendations of a Democratic President seems especially unfathomable. That some outside the responsible committees have occasioned these defensive cuts by Democrat members of the committee by calling for percentage cuts, without knowledge of, or apparent concern about, the specific harm inflicted, and that the responsible committees have with good intentions and concern about floor cuts, succumbed to their cries of the anti-intelligence forces is very unfortunate; I believe it jeopardizes our national security.

Therefore, it is with reluctance that I support this bill but only at this stage of debate. Portions of it are unacceptable, but many of us vote for it in order to avoid further cuts. The problem is that if those of us concerned about inadequate funding vote "no" and are joined by the shortsighted or ill-informed who are simply anti-intelligence, the results could be disastrous. I vote for the bill with the hope that the Senate and the conference will restore some of the absolutely necessary funding for the intelligence community. If that is not the case I will strongly urge my colleagues to vote "no" later on the conference report.

Mr. COMBEST. Madam Chairman, I yield 4 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I want to compliment him and the chairman of the committee for the hard work that has been done to bring this bill to the floor today. I am going to vote for this bill, but in all honesty I have to say, as my colleague, the gentleman from Nebraska [Mr. BEREUTER], has just said, this bill is not adequate, it does not meet the requirements of 1994, 1995, or 1996 for intelligence and national security interests.

We have to understand, intelligence is a vital part of our national security. I think of the words of General Schwarzkopf after the tremendously successful Desert Shield and Desert Storm. He made the point that he had about everything that a field commander could have to win that war and to win it decisively and to win it without a large loss of life. He also said that the intelligence that he had was better than any field commander had ever had before.

☐ 1610

But he also said that he could have used more intelligence, more accurate intelligence and more and quicker intelligence.

We cannot separate intelligence from the national security interests of our Nation. But we have different kinds of intelligence. We have the overhead intelligence, the highly technical, highly classified overhead types of intelligence that can do amazing things. But they are limited to the extent that they cannot get into the brain, or the mind or the thought process of a hostile leader.

Obviously then, human intelligence is equally important. Human intelligence is essential to a comprehensive intelligence program. We have not done the job on human intelligence. Since Vietnam we have spent billions and billions of dollars on high-technology intelligence at the risk of losing our ability to conduct an effective human intelligence program. I am afraid the legislation presented today allows that direction to continue.

A major concern that I have is that the intelligence our policymakers are getting, and I think it is important to make the point that the intelligence community, those who collect the intelligence, are not the policymakers but provide the information and the assessment and the analysis upon which the policymakers would make their decisions and make their determinations and establish a direction.

It worries me when I believe that our top policymakers are not paying the attention to the intelligence information they are getting that they should. I do not think they are spending nearly enough time in considering, and I do not think that they are placing the importance that the members of this committee place on this intelligence information. I would venture to say that any member of this Permanent Select Committee on Intelligence probably spends more time every week reviewing intelligence information and intelligence matters than some of the highest policymakers in the executive branch of Government, and that is dangerous, that is dangerous. They need to pay more attention to what is happening in the real world.

Madam Chairman, we need some definite direction. We need an intelligence program that meets the Nation's security requirements and not the political whims of a budget cutter. I am all for cutting most budgets. I look at the votes I have cast in this Congress and Congresses before to cut budgets and I am prepared to cut a lot more budget items but, I am not prepared to cut the budget when it threatens the security of this Nation, because without our national security we have very little else to offer the people of this great Nation of ours.

Madam Chairman, I am going to vote for this bill. As I said earlier, I compliment the leaders of the committee and the leadership of the committee, but because of these budget restraints we are not doing the job that we need to be doing. The Berlin Wall may have come down, the Iron Curtain may have melted, but the former Soviet Union's nuclear missiles are still in existence. The KGB, while it has changed its name, it is no longer called the KGB, but it is still there, and they are still collecting, and as the Director of the CIA, Jim Woolsey said, when the big target of the KGB and the Soviet Union want away, there were a hundred new ones in its place.

Madam Chairman, I will vote for this bill today, but we need to make some real serious changes in the future.

In an era of downward spiraling budgetary outlays for intelligence, we must spend every dollar even more carefully so that the Nation receives the absolute maximum in benefits from every dollar spent. I have made clear to the administration, the foreign policymakers, and the Director of Central Intelligence, that we need a strategic plan that will lay out their spending priorities for the remainder of the decade.

We cannot afford to make mistakes now. The world continues to be unstable and changing. The death of Kim Il-song last week highlights the need for continued vigilance on the Korean Peninsula. The unfolding tragedy in Haiti where thousands of Haitians are fleeing their country requires constant surveilliance. Bosnia remains unstable, and our tentative steps at forming a long-term settlement there are not guaranteed to work. Of course Russia remains unstable and armed with thousands of nuclear weapons and it continues development programs on strategic defense weapons. Although we must carefully monitor these developments, I do not see strong planning initiatives on behalf of the intelligence community and the administration. As we approach conference and the next year's budget submission, I pray that the intelligence community will perform better than it did this year. In particular, I would like to see a better synergy between the foreign policy community and the intelligence community to ensure that they are in lock step as they face the challenges that America faces.

Mr. GLICKMAN. Madam Chairman, I am delighted to yield 5 minutes to the gentleman from Washington [Mr. DICKS], a vigorous advocate for national defense, both in the State of Washington and throughout the United States, and chairman of the subcommittee of the Permanent Select Committee on Intelligence.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Madam Chairman, first I want to compliment the chairman and the ranking member of our committee and the staff of the committee for an excellent job in oversight and review of this year's intelligence authorization bill and budget. Yes, I agree with my friend, the ranking member of the Subcommittee on Investigations and Oversight, that the members of the Intelligence Committee I think, the ones the Speaker has appointed after a lot of deliberation, are really spending a great deal of time in the committee listening to the witnesses, attending the meetings and giving the kind of oversight that I think was anticipated when this committee was created.

I will say to my colleagues on the Republican side, yes, we have made large cuts. But as someone who sits both on the Permanent Select Committee on Intelligence and on the Defense Subcommittee of the Committee on Appropriations, I would remind all of my colleagues that if they look at what we have done in procurement in defense, take the numbers in this year's budget and translate them back to 1985, we have taken procurement down from $135 billion to $43 billion. We have made draconian cuts in defense, so large, in fact, that the President this year right in this Chamber said we were not going to cut defense any further.

So I would urge Members in the context of this kind of draw down in force structure and in the procurement of new systems that what we have done here in the intelligence arena is acceptable, and I in my heart of hearts believe that we have given the intelligence community the money and the resources necessary to do an excellent job in gathering intelligence.

The problem is not there. The problem is that we have too many agencies with too much redundancy, doing too much of the same thing.

I want to commend the chairman. He basically said here today that we need not only the Intelligence Committee to be working on this problem, but I truly believe we need a group of outside experts, very senior people to look at the entire operation of the intelligence community and to make recommendations to the President and to the Congress about how we can restructure and simplify the intelligence community.

The gentleman from Florida [Mr. GOSS] got up and said we are not going to have as many places with CIA offices in Africa. The only thing I would say to that is we still have a State Department, and frankly, a lot of what we gather today, in my mind, can be gathered through open sources, through the State Department, through the Commerce Department who are out in these parts of the world. They are out there and they can make a contribution here, because what we are trying to do is get the best information we can to decision makers. It does not always have to come through clandestine activities.

Madam Chairman, I would also say this Director, Mr. Woolsey, and this is to his credit, has called upon us to make investments in national technical collection means. This means some money up front. In this respect I do believe that the committee has stood behind him. We have said yes, we are going to give you the money now to make the investment in improving our national technical collection means. In my view, in the future, that will simplify the architecture and allow us to spend less money on intelligence gathering. So I think we should support him on that.

The Ames case is a national scandal and disaster, there is no other way to put it. I believe the Director was a little slow at first in recognizing that the Congress and the American people want him to clean house.

We have to have a better way of doing counterintelligence and the CIA and the FBI are both, in my mind, responsible.

I will give the Clinton administration a credit in this sense, that the National Security Counsel came into play and presented some very important reforms that have been adopted and put into place.

I would like to say this: Yes, we tried to help the directorate of operations. But one cannot have read the article in U.S. News and World Report without having some skepticism and concern about how well the directorate of operations has been doing its job. We may have given them a lot of money, but I must ask where has been the performance? I intend as chairman of the Investigations and Oversight Subcommittee to spend some time even in this remaining year looking at those problems, because it is clear that in Cuba, and Russia and other areas, in Iran we have some very serious problems.

Madam Chairman, I want to say to the House I think we have done a responsible job. I think we should vote for this bill. I think we have cut as deeply as we should. I think the chairman is right. If we cut further, we would be in some serious trouble, and if we will work with our colleagues in the conference to try and improve the bill when we get there.

□ 1620

Mr. COMBEST. Madam Chairman, I yield 4½ minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Madam Chairman, I thank the gentleman for yielding.

I, too, want to extend my gratitude to the chairman of the full committee, the ranking member, the chairman of the Subcommittee on Legislation, the gentleman from Texas [Mr. COLEMAN], and particularly to the staff on both sides for their consistent assistance to us. As a matter of fact, the staff, if they do nothing else, in unscrambling the acronyms for me, I will be eternally grateful to them. I am going to create one called SAM, which is "Staff Assistance to Members," which I endorse right here and now. If I have to introduce legislation to that effect, I will do it. But anyway, SAM has been good to me.

The message for this particular hour has been amply delivered by the presentations made by our colleagues on both sides of the aisle.

Two gigantic truths emerge from everything that we say here and now. One is that there is a continuing absolute need for our country to engage in intelligence activities. If the only trouble spot in the world were North Korea, that in itself would justify our continuing state of alert in the intelligence community and in the Intelligence Committee in both Chambers for monitoring of that situation.

But when you add to that the hundreds of little and bigger situations across the civilized and uncivilized world, then we say to the American people, and I reiterate this every chance I get in my home district, that notwithstanding the end of the cold war, there is this state of alertness that is absolutely necessary to our national security and that, therefore, we must continue to support an intelligence component of our national being.

And the second truth, one that has been reiterated here, is the agony that we have suffered as members of the committee and as American citizens throughout the land on the disgraceful Ames case. I am one who firmly believes that we will have other cases in the future undoubtedly, other betrayals, other individuals who will for money or for other reasons betray our country, and in my mind the death penalty ought to be considered each and every time such an event occurs.

Notwithstanding my support of the death penalty, however, it appears that some of the antipathy toward that kind of penalty is also apparent even in cases when the entire Nation is put at risk. I must tell you that it is not just wartime espionage and treason that should be punishable by death. Any kind of total sacrifice of the American prestige and the American being on the part of anybody who works for the CIA, but the Ames case definitely proves that an act of treason such as that puts at risk fellow Americans, risk of their lives wherever they may be serving across the world, and not only Americans but other nationals of other nations who work with us, who share our ideals, who share our hopes for the world, and so the death penalty is an appropriate measure for treason and espionage, and to the last day that I serve in this Congress, I will attempt to do everything I can to reinstate that penalty for betrayal of our country.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I appreciate my colleague yielding. I appreciate the work of not just my colleague but my chairman as well in a very difficult year in the Intelligence Committee.

I am the new kid on the block in this committee, for I am just beginning my second year of service on the committee. Up until now, I have spent most of my time in the Congress on the Appropriations Committee, where I focused on the Housing and Independent Agencies Subcommittee for a few years, now, service on the Defense Subcommittee.

I must say that I have been distressed over the last several years with the rather rapid reduction in national defense spending that was described by my colleague, the gentleman from Washington [Mr. DICKS]. Hand in hand with that, it seemed to me, as we were going about reducing money spent for national defense, it would be very appropriate to have access to the kinds of information that one has made available to them in the intelligence work, so assignment to that committee has been most timely from my perspective.

As others have suggested, we spent hours and hours behind those walls, reading material and trying to get a handle on issues that are largely based upon information that is secret intelligence information, making certain our public-policy decisions reflect those very serious American as well as worldwide needs.

I must say that I am not lightly disconcerted with the pattern of reduced spending in this subject area of recent years. During the decade of the 1990's, it would appear that we could be very well moving toward, adjusted for inflation, by the year 2000 spending 60 percent less on intelligence matters than we spent at the beginning of the decade.

It was only 2 years ago that the former chairman, the gentleman from Oklahoma [Mr. McCURDY], came to the floor and urged us to cut no further a budget that then was 15 percent larger than we are curently spending in this subject area. And how can that be justified, this in view of the world we are living in, a world that is extremely dangerous? Indeed the East-West confrontation has largely been set aside, but to the rest of the world more complex and maybe even more dangerous.

How do you develop the intelligence resources you need to effectively tap that new and complex world?

Madam Chairman, it is very, very important the House recognize these needs, and I urge them to support this legislation.

Mr. GLICKMAN. Madam Chairman, I yield 3 minutes to my colleague, the gentleman from Colorado [Mr. SKAGGS].

Mr. COMBEST. I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. The gentlemen from Colorado [Mr. SKAGGS] is recognized for 4 minutes.

Mr. SKAGGS. Madam. Chairman, I would like to commend Chairman GLICKMAN and ranking minority member COMBEST for their hard and good work in bringing H.R. 4299 to the floor. This is thoughtful legislation that strikes a decent balance between the need for our Nation to engage in necessary intelligence activities with the need for fiscal restrant. This bill also continues the efforts of the Intelligence Committee to bring about reform of overall intelligence activities in a way that saves the taxpayers money and strengthens our democracy.

One thing should be clear from today's bill: While the reform efforts of the Central Intelligence Agency and related offices have begun, they need to proceed with an even greater sense of urgency. The human intelligence program still needs a better strategic plan that defines essential roles and missions in a way that makes sense in the post-cold-war world. The counterintelligence program needs special reform in light of the Aldrich Ames case. Continuing personnel reductions mandated by last year's bill also pose challenges for the intelligence community. Director Woolsey, I know, is committed to necessary changes in these areas, and we all should encourage and support his leadership.

The funding level of the bill, which is less than requested, should be interpreted as an effort to deal with the budget environment we live in and as a message to the intelligence community to recoganize and reform itself as quickly as possible to meet today's new challenges.

In trying to develop sound priorities, it's always helpful to know what is of value to people. Unfortunately, it is difficult to assess the real value of the products produced by the intelligence community. In economic parlance, intelligence products are called free goods, meaning they come with no cost to consumers such as the State Department or the Department of Defense. Because they are free goods, there is no way to determine their value to consumers analogous to the price mechanism of the marketplace. As a result, Congress and the community don't have the best kind of information we need to decide how to allocate intelligence resources according to the priorities of these consumers. To solve this problem, I have worked with Chairman GLICKMAN to include report language requesting the Community Management Staff to develop proposals for pilot projects to test various means for measuring the value of and assigning cost to intelligence information. The committee report specifies that a pilot project should try to develop a market-type mechanism for guiding supply and demand, and so for valuing intelligence products. I believe this is the kind of innovative approach that will help us prioritize our intelligence efforts as intelligently as we can.

The reform of procedures for classifying information has consumed much of my time and attention since becoming a member of the Intelligence Committee. Language I drafted for the report on last year's intelligence authorization bill directed the intelligence community to collect information regarding the annual costs in dollars and personnel associated with the classification of information. Two months ago the Office of Management and Budget released a report documenting that the Government will spend roughly $2.28 billion on classifying information this year and will assign classification duties to 32,400 Federal workers throughout the Government. The report estimated that another $13.8 billion will be spent to reimburse Defense, State, and intelligence contractors for compliance with security procedures. It was interesting to note that some of the agencies which classify information are those Americans would least suspect, such as the Departments of Agriculture, Health and Human Services, and Education. Unfortunately, the OMB report did not include data from the intelligence agencies themselves because they have thus far failed to comply. An amendment I'll offer in a few minutes will deal with this failure.

In an effort to continue the declassification process, today's bill—in language proposed by the chairman and me—requires the intelligence agencies to develop a phased plan to implement declassification guidelines, begin the process of declassification of archived classified documents, and submit reports to Congress on the declassification process. The President is also required to develop a plan to narrow the definition of information subject to classification, to reduce the time period of classification, and to provide for the automatic declassification of information when a document's period of classification expires. These measures will continue the reform process in a balanced and reasonable manner.

I have two primary reasons for pursuing the reform of the classification process. My first reason is my strong philosophical belief that the American public and American democracy are best served by an open Government. It is clearly necessary to continue to classify certain types of information to protect our national security. But keeping information from Americans which poses no security risk is just as clearly contrary to democratic principles. For example, why should we continue to spend money to store classified material regarding troop movement during World War I? Why is the department of Education spending thousands of dollars to install secure telephone lines? We all recognize that a significant portion of what is classified is likely kept from the public more for political reasons, or to avoid embarrassment, or simply from inaction, rather than to serve any defined security need.

The Founding Fathers believed an educated and informed public would serve as the best protector of our form of government and the best guarantor against tyranny. We can't expect the public to carry out its responsibilities if we allow the classification process to keep outdated information secret or to make secret information that should properly be available to the public. Reform of the classification process will place more information in the public domain and thereby strengthen our democracy.

My second reason for pursuing classification reform involves saving money for taxpayers. The OMB report stated that we spend $16 billion annually on classifying material and then storing and maintaining it, even though much of it is outdated or shouldn't have been classified in the first place. The money spent on maintaining the cloak of secrecy over outdated information or information which never had significant national security content, is simply wasted. Given the huge sum of money involved here, if we save only a fraction of the total we spend each year, we can narrow the budget deficit substantially.

In summary, H.R. 4299 is thoughtful legislation that authorizes funds for necessary intelligence activities and continues the reform of our intelligence apparatus in a way that saves money and strengthens our country. I ask all Members to give their full support to the bill.

□ 1630

Mr. COMBEST. Madam Chairman, I yield the balance of our time to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the Republican leader and thank the chairman.

Like my fellow Republican members on this committee, I also support the intelligence authorization bill.

I, however, share with many of my colleagues on the other side of the aisle and all of my Republican colleagues a great concern on the degree to which intelligence has been cut over the recent years. In fact, over the past 3 years, while the overall defense budget has been slashed precipitously, it is a mystery to me that the intelligence budget has declined to an even greater degree. I would think any administration, any Director of the Central Intelligence Agency, would want all the information they could possibly accrue for the benefit of our leaders in a most dangerous world.

Our current Secretary of Defense I think came up with the best metaphor I have heard to describe the situation in the world today. He said that we have slain the dragon—and by that he meant the massive evil force of communism, with tens of thousands of nuclear weapons pointed in our direction and we, likewise, we like to think in a defensive, deterrent mode, pointing them back at the other side.

That dragon has been slain, although the poison lies all over the landscape, that is, those nuclear missiles, even the tactical ones, thousands of those have not yet been perfectly disposed of. We now talk of crime syndicates in Russia getting their hands on missiles. But the dragon itself is down. On Christmas Day, of all days, the Communist hammer and sickle came down and we saw the white, powder blue, and red flag of the old Russia go up. But to continue Mr. Perry, our Secretary of Defense's metaphor, we now have a garden of a thousand poisonous snakes replacing that dragon. The snake is not equal to a dragon, but when there are a thousand of them, you have your hands full. Hence the need for even greater intelligence.

I believe I echo the belief of, I think, most of our colleagues in repeating that in these times of military downsizing intelligence capabilities are increasingly critical to the safety and effectiveness of our military and to the wise and effective use of those diminishing resources of the military.

With the demise of the Soviet Union, few would argue these following facts, I believe: That is, intelligent men and women would not argue that robust intelligence capabilities, strategic and tactical, are increasingly critical in this unpredictable, dynamically unpredictable world in which we live.

No longer does our planning focus chiefly on some large-scale engagement, Soviet tank divisions pouring through the gap, fighting it out in the plains of Europe; and to some this meant, "Well, let's all but bring our military down to nothing," and as the prior speaker said, some few voices in this House wonder why we need intelligence information at all.

Despite the funding reductions that have occurred since the demise of the Soviet Union, it has been said over and over on the House floor this afternoon that Iraq, Bosnia, Haiti, Somalia, possibly to a greater degree we need more intelligence over and throughout North Korea, where we have almost no human intelligence.

I might add here that even in great humanitarian crises, like Rwanda, intelligence is the fastest way to find out how to save human lives by, in Rwanda's case, the tens of thousands. The French have already apparently changed sides from the Hutu to the Tutsi, and this puts them in great danger. When I took the well some months ago to point out a simple historical fact that is actually mind-numbing, that more people died in Rwanda in a 1-month period, the month of early April through early May, than died in all the German concentration camps, the six death camps designed just for death.

In closing, Madam Chairman, I might point out that that figure is now double through a million deaths in Rwanda. We need all the intelligence we can get. Let us stop cutting our intelligence authorization.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of my time.

Let me just say, Madam Chairman, that we have very constructive members of the committee on both sides. There is general unanimity on the issue, although some difference as to the amount to be spent on intelligence. I would just point out that in the 1970's and 1980's we had very radical, sharp increases in intelligence spending to deal with the Soviet threat, particularly the nuclear threat.

While the numbers are not going up any longer, the numbers this year are essentially a freeze of last year, 2.1 percent below the President's request and 1.7 percent below last year's appropriation. So at a time when the Soviet threat is over, the numbers are not coming down in the same way that they went up in the face of the Soviet threat, because we acknowledge there remain very serious threats to this country, but they are different kinds of threats than we faced in the 1970's and 1980's.

Mr. SPENCE. Madam Chairman, I rise to join Mr. COMBEST and the rest of the Republican members of the House Intelligence Committee in expressing deep concern over the latest round of intelligence budget cuts contained in H.R. 4299. As detailed in the minority views contained in the bill report, both the administration and Congress continue to reduce the intelligence budget based on the misguided notion that the end of the cold war dictates drastic cutbacks in our national intelligence capabilities. This policy flies in the face of the reality that, from an intelligence perspective, today's multipolar world is infinitely more complex and challenging than the bipolar world of yesterday.

Further, as the technology of warfare continues to advance, today's battlefield has become increasingly dependent on timely, accurate and usable intelligence to guide precision weapon systems and make tactical judgments. This battlefield revolution dictates a need for national and tactical intelligence systems able to properly support our military forces of the future. I fear that the intelligence cuts embraced by this administration and made worse by this bill place this critical national security objective at serious risk.

Beyond these broad concerns, Mr. Chairman, I want to express strong opposition to the amendment filed by Mr. CONYERS dealing with the establishment of statutory inspector generals for the National Security Agency [NSA] and the Defense Intelligence Agency [DIA]. I similarly oppose the underlying provision already in section 601 of the bill.

When the Armed Services Committee received H.R. 4299 under sequential referral, we looked closely at this issue and agreed with the Intelligence Committee that valid and legitimate issues exist with the adequacy of IG oversight coverage for DIA and NSA. However, we disagree with the prescribed solution.

As component agencies of the Department of Defense, the DIA and NSA already have an IG—the DOD IG. The DOD inspector general is statutorily responsible for carrying out the IG function throughout the entirety of the Department, to include DIA and NSA. While many defense agencies, as well as the military services, have their own IG offices, the ultimate responsibility for this critical function remains with the DOD IG who has the necessary expertise, statutory independence, and investigative resources for the job.

Section 601 of the bill and the Conyers amendment would directly undermine this arrangement by balkanizing the IG function within DOD into separate fiefdoms. This year its DIA and NSA, next year its CIO and NRO or somebody else. Once you breach the organizational logic behind making the DOD IG universally responsible for department-wide oversight, there is no real rational basis for stopping with just these two agencies.

Mr. Chairman, I strongly oppose these provisions as they will inevitably lead to a decrease in the quality and effectiveness of IG oversight within the Department of Defense. Congress has a long historical interest in ensuring that adequate independent oversight of executive agencies is provided by IG's and I consider both of these provisions to be counterproductive.

At the end of my statement I have attached a copy of a letter the Committee on Armed Services recently received from the Department of Defense inspector general detailing the many other substantive objections to these provisions. I have also attached a copy of the letter that Chairman DELLUMS and I wrote to the Speaker discharging the Armed Services Committee from further consideration of H.R. 4299 and describing our mutual concerns with the impact of section 601.

I strongly oppose the Conyers amendment and I intend to work vigorously in the conference to modify this section of the bill to address the above-mentioned concerns.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, July 15, 1994.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my concern over proposed legislation (H.R. 4299, Intelligence Authorization Act for Fiscal Year 1995) that appears to begin a process of creating multiple statutory Inspectors General (IG) offices with congressional reporting responsibilities within the same Federal department or agency. Internal oversight type activities are diffused throughout the DoD where they serve as the "eyes and ears" of command. The proposal to create statutory Inspectors General in subordinate combat support agencies such as the Defense Intelligence Agency (DIA) and the National Security Agency (NSA) would tend to undermine the efficacy of this office. I also believe that creation of such statutory IGs with reporting requirements to Congress will reduce their effectiveness within their agency.

I am opposed to any legislative proposal that would change the status of the Inspectors General of the Defense Intelligence Agency and the National Security Agency. Those Agencies are integral parts of the Department of Defense (DOD) and need not be treated any differently than the Military Departments or the other Defense Agencies. Section 601 of H.R. 4299, Intelligence Authorization Act for Fiscal Year 1995, establishes independent statutory Inspectors General for the DIA and the NSA similar to the Inspector General for the Central Intelligence Agency. Additionally, Chairman Conyers has proposed an amendment to H.R. 4299 that would not only create statutory Inspectors General for the DIA and the NSA but would also prohibit this office from conducting any activity in any matter the Secretary of Defense deems the sole responsibility of the DIA or the NSA. The latter provision conflicts with the intent of Congress, as expressed in the Inspector General Act, as amended, that the Inspector General DoD Act, be the principal advisor to the Secretary of Defense on the prevention and detection of fraud, waste and abuse on *all* DoD programs, operations and components.

It is unnecessary to create a statutory Inspector General at the DIA or the NSA to ensure a reasonable level of oversight. We have nearly 50 auditors assigned to the intelligence area. Our inspectors, investigators and other specialists also routinely cover intelligence subjects. We provided Congress with comprehensive reports of organizational inspections of the NSA and the DIA in 1992 and 1991, respectively. Further, this office has never turned down a congressional request for an audit at the DIA or the NSA; indeed, we have received very few such requests over the past several years. We have also offered to provide a classified annex to our semiannual report to provide better insight into those agencies and activities within the DoD where the bulk of the work involves classified activities.

Our relationship with the DIA and the NSA Inspectors General is consistent with the other internal oversight offices of other Defense Agencies. The relationship includes ensuring that they follow prescribed standards and policies on auditing, audit follow-up, investigations, hotline management, etc. We also rely on them to be responsive and a source of support for the senior managers of their Agencies, just as the Military Department Inspectors General serve their Chiefs of Staff and the Auditors General serve the Service Secretaries. Like other Defense Agency Inspectors General or internal review offices, they do not need or have criminal investigations capability. We provide that support.

The creation of a statutory IG for the DIA and the NSA would dramatically change this relationship and have serious adverse repercussions on our operations, especially if Chairman Conyers' proposed amendment restricting our authority were adopted. In practice that would probably result in Directors of those Agencies seeking Secretary of Defense determinations that all functions conducted by their agencies-both programmatic and administrative-are their sole responsibility, effectively eliminating any DoD IG coverage. For example, we would be unable to conduct the comprehensive review of equal employment opportunity and discrimination we recently concluded at the NSA absent the consent of the Director of the NSA. More importantly, under the proposed amendment neither the IG, DOD, nor the new statutory Inspectors General in the DIA and the NSA would have sufficient access to look at intelligence matters on a DoD-wide basis.

We have reviewed the IG organizations of the DIA and the NSA in the past and continue to monitor them. Our relationship with the Inspectors General of the DIA and the NSA is effective and working well.

I seriously hope that you will reconsider this legislation in view of the precedent it would set. If I may be of further assistance, please contact me.

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 24, 1994.

Hon. THOMAS S. FOLEY,
Speaker, the Capitol, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We write with respect to H.R. 4299, the Intelligence Authorization Act for Fiscal Year 1995, which was sequentially referred to the Committee on Armed Services until June 24, 1994.

The Committee on Armed Services will not mark-up and file a report on this legislation. We will refrain from action on the bill primarily because, although there are policies reflected in the bill with which we disagree, we believe those policies can be addressed adequately in conference. A separate markup and report on the bill frankly would unnecessarily complicate consideration of the measure in the House, and we no need to do that.

The one provision that does raise concern warranting mention here is section 601 of the reported bill. This section proposes to establish statutory charters for Inspector General positions within two Department of Defense agencies—the Defense Intelligence Agency (DIA) and the National Security Agency (NSA).

A careful reading of the Intelligence Committee's report accompanying H.R. 4299 shows that issues exist in this area that may require congressional action. However, we are not convinced that statutory charters are the most effective or appropriate solution to the identified problems. The Department of Defense already has an Inspector General with the statutory responsibility to perform this critical function across the entirety of the department. Further, section 601 appears to be patterned on legislation previously used to establish an inspector general office within the Central Intelligence Agency. Since DIA and NSA are agencies of an executive department, we believe they require significantly different treatment in statute than that afforded to independent agencies.

The Committee on Armed Services stands prepared to work with the Permanent Select Committee on Intelligence in properly addressing the issues by that committee's action on H.R. 4299. We look forward to reaching an appropriate solution to these issues during conference on the bill.

Sincerely,

RONALD V. DELLUMS,
Chairman.
FLOYD D. SPENCE,
Ranking Republican.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment, and each title is considered read.

No amendment to the substitute shall be in order except those amendments printed in that portion of the CONGRESSIONAL RECORD designated for that purpose in clause 6 of rule XXIII prior to consideration of the bill.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1995".

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD, and open to amendment at any point.

Mr. COMBEST. Madam Chairman, reserving the right to object, if a Member is not here now, this would not preclude him from going back to title I?

The CHAIRMAN. The whole bill would be open for amendment.

Mr. COMBEST. I thank the Chair, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1995 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The National Reconnaissance Office.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Federal Bureau of Investigation.

(11) The Drug Enforcement Administration.

(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) Specifications of Amounts and Personnel Ceilings.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1995, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress.

(b) Availability of Classified Schedule of Authorizations.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. COMMUNITY MANAGEMENT ACCOUNT.

(a) Authorization of Appropriations.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1995 the sum of $91,800,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1996.

(b) Authorized Personnel Levels.—The Community Management Account of the Director of Central Intelligence is authorized 209 full-time personnel as of September 30, 1995. Such personnel of the Community Management Account may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) Reimbursement.—During fiscal year 1995, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1995 the sum of $198,000,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. ILLNESS OR INJURY REQUIRING HOSPITALIZATION.

Section 4(a)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403(e)(a)) is amended—

(1) in subparagraph (A)—

(A) by striking ", not the result of vicious habits, intemperance, or misconduct on his part,";

(B) by striking "he shall deem" and inserting "the Director deems";

(C) by striking "section 10 of the Act of March 3, 1933 (47 Stat. 1516; 5 U.S.C. 73b)" and inserting "section 5731 of title 5, United States Code";

(D) by striking "his recovery" and inserting "the recovery of such officer or employee"; and

(E) by striking "his return to his post" and inserting "the return to the post of duty of such officer or employee";

(2) in subparagraph (B), by striking "his opinion" both places it appears and inserting "the opinion of the Director"; and

(3) in subparagraph (C), by striking ", not the result of vicious habits, intemperance, or misconduct on his part,".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL MANAGEMENT.

(a) General Provisions.—Chapter 83 of title 10, United States Code, is amended as follows:

(1) By amending the heading of the chapter to read as follows:

"CHAPTER 83—DEFENSE INTELLIGENCE AGENCY AND CENTRAL IMAGERY OFFICE CIVILIAN PERSONNEL".

(2) In section 1601—

(A) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (a);

(B) by inserting "or the Central Imagery Office" after "outside the Defense Intelligence Agency" and inserting ", the Central Imagery Office," after "to the Defense Intelligence Agency" in subsection (d); and

(C) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e).

(3) In section 1602, by inserting "and Central Imagery Office" after "Defense Intelligence Agency".

(4) In section 1604—

(A) by inserting "and the Central Imagery Office," after "Defense Intelligence Agency" in subsection (a)(1);

(B) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in both places it occurs in the second sentence of subsection (b);

(C) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (c);

(D) by inserting "and the Central Imagery Office" after "Defense Intelligence Agency" in subsection (d);

(E) by inserting "or the Central Imagery Office" after "Defense Intelligence Agency" in subsection (e)(1); and

(F) in subsection (e)(3)—

(i) by amending the first sentence to read as follows: "The Secretary of Defense may delegate authority under this subsection only to the Deputy Secretary of Defense, the Director of the Defense Intelligence Agency, the Director of the Central Imagery Office, or all three."; and

(ii) by striking "either" and inserting "any".

(b) Conforming Change to Title 10.—The items relating to chapter 83 in the tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended to read as follows:

"83. Defense Intelligence Agency and Central Imagery Office Civilian Personnel .... 1601".

(c) Chapter 23 of Title 5.—Section 2302(a)(2)(C)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(d) Chapter 31 of Title 5.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(e) Chapter 43 of Title 5.—Section 4301(1)(B)(ii) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(f) Chapter 47 of Title 5.—Section 4701(a)(1)(B) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(g) Chapter 51 of Title 5.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of clause (ix);

(2) by striking the period at the end of clause (x) and inserting "; or"; and

(3) by adding at the end the following:

"(xi) the Central Imagery Office, Department of Defense.".

(h) Chapter 51 of Title 5.—Section 5342(a)(1) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (J);

(2) by inserting "or" after the semicolon at the end of subparagraph (K); and

(3) by adding at the end the following:

"(L) the Central Imagery Office, Department of Defense;".

(i) Additional Leave Transfer Programs.—(1) Section 6339(a)(1) of title 5, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) the Central Imagery Office; and".

(2) Section 6339(a)(2) of such title is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) with respect to the Central Imagery Office, the Director of the Central Imagery Office; and"; and

(D) in subparagraph (F), as redesignated by subparagraph (B) of this paragraph, by striking "paragraph (1)(E)" and inserting "paragraph (1)(F)" both places it appears.

(j) CHAPTER 71 OF TITLE 5.—Section 7103(a)(3) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (F);

(2) by inserting "or" at the end of subparagraph (G); and

(3) by adding at the end the following:

"(H) the Central Imagery Office;".

(k) CHAPTER 73 OF TITLE 5.—Section 7323(b)(2)(B)(i) of title 5, United States Code, is amended—

(1) by striking "or" at the end of subclause (XI); and

(2) by adding at the end the following:

"(XIII) the Central Imagery Office; or".

(l) CHAPTER 75 OF TITLE 5.—Section 7511(b)(8) of title 5, United States Code, is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(m) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

(n) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by inserting "the Central Imagery Office," after "Defense Intelligence Agency,".

SEC. 502. DISCLOSURE OF GOVERNMENTAL AFFILIATION BY DEPARTMENT OF DEFENSE INTELLIGENCE PERSONNEL OUTSIDE OF THE UNITED STATES.

(a) GENERAL PROVISIONS.—Chapter 21 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States

"Notwithstanding section 552a(e)(3) of title 5 or any other provision of law, Department of Defense intelligence personnel shall not be required, outside the United States, to give notice of governmental affiliation to potential United States person sources during the initial assessment contact. For the purposes of this section, the term 'United States' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of such chapter is amended by adding at the end thereof the following new item:

"426. Disclosure of governmental affiliation by Department of Defense intelligence personnel outside the United States.".

TITLE VI—INSPECTORS GENERAL

SEC. 601. INSPECTORS GENERAL FOR DIA, NSA, AND CIA.

(a) DIA.—(1) Chapter 21 of title 10, United States Code, is amended by inserting after section 426, as added by section 502 of this Act, the following new section:

"§427. Inspector General

"(a) PURPOSE; ESTABLISHMENT.—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions, there is hereby established in the Defense Intelligence Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the Director of the Defense Intelligence Agency. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(4) If the Director exercises any power under paragraph (3), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(5) The Director shall report to the Inspector General of the Department of Defense any information, allegation, or complaint received from the Inspector General established under this section, relating to violations of Federal criminal law involving any officer or employee of the Defense Intelligence Agency, consistent with such guidelines as may be issued by the Inspector General of the Department of Defense. A copy of all such reports shall be furnished to the Inspector General established under this section.

"(6) The Inspector General may be removed from office only by the Director. The Director shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the Defense Intelligence Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the responsibilities of the Inspector General, to comply with generally accepted government auditing standards.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period ending December 31 (of the preceding year) and June 30, respectively. Within thirty days of receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(B) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, *the Inspector General shall immediately report such matter to the intelligence committees.*

"(4) Pursuant to title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the Defense Intelligence Agency whose testimony is needed for the performance of the duties of the Inspector General. In addition, the Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Defense Intelligence Agency—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the Defense Intelligence Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) RELATIONSHIP WITH INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—Nothing in this section shall be construed to affect the authorities and responsibilities of the Inspector General of the Department of Defense.

"(g) SEPARATE BUDGET ACCOUNT.—Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

"(h) TRANSFER.—There shall be transferred to the Office the office of the Defense Intelligence Agency referred to as the 'Office of Inspector General'. The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of Inspector General' are hereby transferred to the Office established pursuant to this section.".

(2) The table of sections of chapter 21 of title 10, United States Code, is amended by inserting after the item relating to section 426, as added by section 502 of this Act, the following:

"427. Inspector General.".

(b) NSA.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

"SEC. 19. INSPECTOR GENERAL.

"(a) PURPOSE; ESTABLISHMENT.—In order to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the National Security Agency;

"(2) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

"(3) provide a means for keeping the Director fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

"(4) in the manner prescribed by this section, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence (hereafter in this section referred to collectively as the 'intelligence committees') are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions, there is hereby established in the National Security Agency an Office of Inspector General (hereafter in this section referred to as the 'Office').

"(b) APPOINTMENT; SUPERVISION; REMOVAL.—(1) There shall be at the head of the Office an Inspector General who shall be appointed by the Director of the National Security Agency. This appointment shall be made without regard to political affiliation and shall be solely on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General. Such appointment shall also be made on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(2) The Inspector General shall report directly to and be under the general supervision of the Director.

"(3) The Director may prohibit the Inspector General from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(4) If the Director exercises any power under paragraph (3), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within seven days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(5) The Director shall report to the Inspector General of the Department of Defense any information, allegation, or complaint received from the Inspector General established under this section, relating to violations of Federal criminal law involving any officer or employee of the National Security Agency, consistent with such guidelines as may be issued by the Inspector General of the Department of Defense. A copy of all such reports shall be furnished to the Inspector General established under this section.

"(6) The Inspector General may be removed from office only by the Director. The Director shall immediately communicate in writing to the intelligence committees the reasons for any such removal.

"(c) DUTIES AND RESPONSIBILITIES.—It shall be the duty and responsibility of the Inspector General appointed under this section—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the inspections, investigations, and audits relating to the programs and operations of the National Security Agency to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director fully and currently informed concerning violations of law and regulations, fraud and other serious problems, abuses and deficiencies that may occur in such programs and operations, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the responsibilities of the Inspector General, to comply with generally accepted government auditing standards.

"(d) SEMIANNUAL REPORTS; IMMEDIATE REPORTS OF SERIOUS OR FLAGRANT PROBLEMS; REPORTS OF FUNCTIONAL PROBLEMS.—(1) The Inspector General shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office during the immediately preceding six-month period ending December 31 (of the preceding year) and June 30, respectively. Within thirty days, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(A) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(B) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in subparagraph (A);

"(C) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(D) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(E) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(F) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(2) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within seven calendar days, together with any comments the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(B) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately report such matter to the intelligence committees.

"(4) Pursuant to title V of the National Security Act of 1947, the Director shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office which has been requested by the Chairman or Ranking Minority Member of either committee.

"(e) AUTHORITIES OF THE INSPECTOR GENERAL.—(1) The Inspector General shall have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2) The Inspector General shall have access to any employee or any employee of a contractor of the National Security Agency whose testimony is needed for the performance of the duties of the Inspector General. In addition, the Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section. Failure on the part of any employee or contractor to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director, to include loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the National Security Agency—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee of the National Security Agency in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5) The Inspector General shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(6) Subject to applicable law and the policies of the Director, the Inspector General shall select, appoint and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(7) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any Federal agency. Upon request of the Inspector General for such information or assistance, the head of the Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency concerned, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(f) RELATIONSHIP WITH INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—Nothing in this section shall be construed to affect the authorities and responsibilities of the Inspector General of the Department of Defense.

"(g) SEPARATE BUDGET ACCOUNT.—Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General established pursuant to this section.

"(h) TRANSFER.—There shall be transferred to the Office the office of the National Security Agency referred to as the 'Office of Inspector General'. The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to such 'Office of Inspector General' are hereby transferred to the Office established pursuant to this section.".

(c) CIA.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (b)(1)—

(A) by striking "foreign intelligence." and inserting "foreign intelligence and in a Federal office of Inspector General.";

(B) by striking "or" after "analysis,"; and

(C) by striking the period at the end thereof and inserting ", or auditing.";

(2) in subsection (c)(1), by striking "to conduct" and inserting "to plan, conduct";

(3) in subsection (d)(1)—

(A) by striking "June 30 and December 31" and inserting "January 31 and July 31";

(B) by striking "period." at the end of the first sentence and inserting "periods ending December 31 (of the preceding year) and June 30, respectively."; and

(C) by inserting "of receipt of such reports" after "thirty days";

(4) in subsection (d)(3)(C), by inserting "inspection, or audit," after "investigation,";

(5) in subsection (d)(4), by inserting "or findings and recommendations" after "report"; and

(6) in subsection (e)(6)—

(A) by striking "it is the sense of Congress that"; and

(B) by striking "should" and inserting "shall".

TITLE VII—CLASSIFICATION MANAGEMENT

SEC. 701. DECLASSIFICATION PLAN.

Each agency of the National Foreign Intelligence Program to which is appropriated more than $1,000,000 in the security, countermeasures, and related activities structural category for fiscal year 1995 shall allocate at least two percent of their total expenditure in this structural category for fiscal year 1995 to the classification management consolidated expenditure center, to be used for the following activities:

(1) Development of a phased plan to implement declassification guidelines contained in the executive order which replaces Executive Order 12356. Each such agency shall provide the plan to Congress within 90 days after the beginning of fiscal year 1995 or 90 days after the publication of such replacement executive order, whichever is later. This plan shall include an accounting of the amount of archived material, levels of classification, types of storage media and locations, review methods to be employed, and estimated costs of the declassification activity itself; as well as an assessment by the agency of the appropriate types and amounts of information to be maintained in the future, how it will be stored, safeguarded, and reviewed, and the projected costs of these classification management activities for the succeeding five years.

(2) Commencement of the process of declassification and reduction of the amount of archived classified documents maintained by each agency.

(3) Submission of a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate within 90 days after the end of fiscal year 1995 on the progress made in carrying out paragraph (2), with reference to the plan required by paragraph (1).

SEC. 702. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) PLAN.—Not later than 90 days after the date of enactment of this Act, the President shall develop a plan, and issue an executive order for its implementation, which provides for the classification and declassification of information. It is the sense of Congress that the plan should provide for the following:

(1) A test for the classification of information which balances the public's right to know

against identifiable harm to the national security which will result from public disclosure.

(2) A narrow definition of the categories of information subject to classification to avoid excessive classification.

(3) Classification periods of reasonably short duration, and a determination of the date when or event upon which declassification of such information shall occur, with a recognition that extension of such period may be required in certain circumstances.

(4) Automatic declassification at the expiration of the classification period.

(b) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—The plan and executive order referred to in subsection (a) may not take effect until after 30 days after the date on which such plan and proposed regulation is submitted to the Permanent Select Committee on Intelligence and the Committee on Government Operations of the House of Representatives and the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate.

TITLE VIII—COUNTERINTELLIGENCE

SEC. 801. ACCESS TO CLASSIFIED INFORMATION.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new title:

"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"RULE OF APPLICATION

"SEC. 801. The President and Vice President, Members of the Congress (including any Resident Commissioner and Delegate to the House of Representatives), Justices of the Supreme Court, and Federal judges appointed by the President shall, by virtue of their elected or appointed positions, be entitled to access to classified information needed for the performance of their governmental functions without regard to the other provisions of this title.

"REGULATIONS

"SEC. 802. (a) The President shall, within 180 days after enactment of this title, direct the issuance of a regulation to implement this title.

"(b) The regulation issued pursuant to subsection (a) may not take effect until after 30 days after the date on which the regulation is submitted to the Congress.

"CONSENT FOR ACCESS TO FINANCIAL INFORMATION

"SEC. 803. Except as may be provided for in the regulation issued under section 802 of this title, after such regulation takes effect, no person shall be given access to classified information by any department, agency, or office of the executive branch unless such person has provided consent in accordance with this section. Such consent shall be provided to the investigative agency responsible for conducting the security investigation of such person, or in the case of a person who is an employee of the legislative branch or the judicial branch, to the employing office of such employee. Such consent shall be provided during the initial background investigation, for such times as access to such information is maintained, and for three years thereafter. Such consent shall permit access to—

"(1) financial records held by a financial agency or financial institution;

"(2) consumer reports held by a consumer credit reporting agency; and

"(3) records maintained by commercial entities within the United States pertaining to any travel by the person outside the United States.

"REQUESTS BY AUTHORIZED INVESTIGATIVE AGENCIES

"SEC. 804. (a)(1) Any authorized investigative agency may request from any financial agency, financial institution, or consumer credit reporting agency such financial records and consumer reports as are necessary in order to conduct any authorized law enforcement investigation, foreign counterintelligence inquiry, or security determination. Any authorized investigative agency may also request records maintained by any commercial entity within the United States pertaining to travel by a person outside the United States.

"(2) Requests may be made under this section where—

"(A) the records sought pertain to a person who is or was an employee required, as a condition of access to classified information, to provide consent, during a background investigation, for such time as access to the information is maintained, and for three years thereafter, permitting access to financial records, other financial information, consumer reports, and travel records; and

"(B) there are reasonable grounds to believe, based upon specific and articulable facts available to it, that the person is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power, or in the course of any background investigation or reinvestigation, an issue of otherwise unexplained affluence or excessive indebtedness arises.

"(3) Each such request shall—

"(A) be accompanied by a written certification signed by the department or agency head or deputy department or agency head concerned and shall certify that—

"(i) the person concerned is an employee within the meaning of paragraph (2)(A);

"(ii) the request is being made pursuant to an authorized inquiry or investigation and is authorized under this section; and

"(iii) the records or information to be reviewed are records or information which the employee has previously agreed to make available to the authorized investigative agency for review;

"(B) contain a copy of the agreement referred to in subparagraph (A)(iii);

"(C) identify specifically or by category the records or information to be reviewed; and

"(D) inform the recipient of the request of the prohibition described in subsection (b).

"(4) The authorized investigative agency shall promptly notify the person who is the subject of a request under this section relating to a background investigation or reinvestigation for records, reports, or other information.

"(b) Notwithstanding any other provision of law and except as provided in subsection (a)(4), no governmental or private entity, or officer, employee, or agent of such entity, may disclose to any person, other than those officers, employees, or agents of such entity necessary to satisfy a request made under this section, that such entity has received or satisfied a request made by an authorized investigative agency under this section.

"(c)(1) Notwithstanding any other provision of law except section 6103 of the Internal Revenue Code of 1986, an entity receiving a request for records or information under subsection (a) shall, if the request satisfies the requirements of this section, make available such records or information within 30 days for inspection or copying, as may be appropriate, by the agency requesting such records or information.

"(2) Any entity (including any officer, employee or agent thereof) that discloses records or information for inspection or copying pursuant to this section in good faith reliance upon the certifications made by an agency pursuant to this section shall not be liable for any such disclosure to any person under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

"(d) Subject to the availability of appropriations therefor, any agency requesting records or information under this section may reimburse a private entity for any cost reasonably incurred by such entity in responding to such request, including the cost of identifying, reproducing, or transporting records or other data.

"(e) An agency receiving records or information pursuant to a request under this section may disseminate the records or information obtained pursuant to such request outside the agency only to the agency employing the employee who is the subject of the records or information, to the Department of Justice for law enforcement or foreign counterintelligence purposes, or, with respect to dissemination to an agency of the United States, only if such information is clearly relevant to the authorized responsibilities of such agency relating to security determinations, law enforcement, or counterintelligence.

"(f) Any agency that discloses records or information received pursuant to a request under this section in violation of subsection (e) shall be liable to the person to whom the records relate in an amount equal to the sum of—

"(1) $100, without regard to the volume of records involved;

"(2) any actual damages sustained by the person as a result of the disclosure;

"(3) if the violation is found to have been willful or intentional, such punitive damages as the court may allow; and

"(4) in the case of any successful action to enforce liability, the costs of the action, together with reasonable attorney fees, as determined by the court.

"(g) Nothing in this section shall affect the authority of an investigative agency to obtain information pursuant to the Right to Financial Privacy Act (12 U.S.C. 3401 et seq.) or the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

"DEFINITIONS

"SEC. 805. For purposes of this title—

"(1) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal;

"(2) the term 'authorized investigative agency' means—

"(A) an agency authorized by law or regulation to conduct foreign counterintelligence investigations or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information;

"(B) in the case of the House of Representatives, an agency designated by the Speaker of the House;

"(C) in the case of the Senate, an agency designated by the President pro tempore of the Senate;

"(D) in the case of an agency of the legislative branch, an agency designated by the head of such agency; and

"(E) in the case of the judiciary, an agency designated by the Director of the Administrative Office of the United States Courts, under the direction of the Chief Justice of the United States;

"(3) the term 'classified information' means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated;

"(4) the term 'consumer credit reporting agency' has the meaning given such term in section 603 of the Consumer Credit Protection Act (15 U.S.C. 1681a));

"(5) the term 'employee' includes any person who receives a salary or compensation of any kind from the United States Government, is a contractor of the United States Government or

an employee thereof, is an unpaid consultant of the United States Government, or otherwise acts for or on behalf of the United States Government;

"(6) the term 'employee of the legislative branch' means an individual (other than a Member of, and a Resident Commissioner or Delegate to, the Congress) whose salary is paid by—

"(A) the Director of Non-legislative and Financial Services of the House of Representatives;

"(B) the Secretary of the Senate; or

"(C) an agency of the legislative branch;

"(7) the terms 'financial agency' and 'financial institution' have the meaning given such terms in section 5312 of title 31, United States Code; and

"(8) the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

"EFFECTIVE DATE

"SEC. 806. This title shall take effect upon the issuance of a final regulation pursuant to section 802.".

(b) CONFORMING AMENDMENT.—The table of contents of the National Security Act of 1947 is amended by adding at the end the following:

"TITLE VIII—ACCESS TO CLASSIFIED INFORMATION

"Sec. 801. Rule of application.
"Sec. 802. Regulations.
"Sec. 803. Consent for access to financial information.
"Sec. 804. Requests by authorized investigative agencies.
"Sec. 805. Definitions.
"Sec. 806. Effective date.".

SEC. 802. REWARDS FOR INFORMATION CONCERNING ESPIONAGE.

(a) REWARDS.—Section 3071 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "With respect to"; and

(2) by adding at the end the following new subsection:

"(b) With respect to acts of espionage involving or directed at the United States, the Attorney General may reward any individual who furnishes information—

"(1) leading to the arrest or conviction, in any country, of any individual or individuals for commission of an act of espionage against the United States;

"(2) leading to the arrest or conviction, in any country, of any individual or individuals for conspiring or attempting to commit an act of espionage against the United States; or

"(3) leading to the prevention or frustration of an act of espionage against the United States.".

(b) DEFINITIONS.—Section 3077 of such title is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) 'act of espionage' means an activity that is a violation of—

"(A) section 793, 794, or 798 of title 18, United States Code; or

"(B) section 4 of the Subversive Activities Control Act of 1950.".

(c) CLERICAL AMENDMENTS.—(1) The item relating to chapter 204 in the table of chapters for part II of such title is amended to read as follows:

"204. Rewards for information concerning terrorist acts and espionage .... 3071".

(2) The heading for chapter 204 of such title is amended to read as follows:

"CHAPTER 204—REWARDS FOR INFORMATION CONCERNING TERRORIST ACTS AND ESPIONAGE".

SEC. 803. ESPIONAGE NOT COMMITTED IN ANY DISTRICT.

(a) IN GENERAL.—Chapter 211 of title 18, United States Code, is amended by inserting after section 3238 the following new section:

"§3239. Espionage and related offenses not committed in any district

"The trial for any offense involving a violation of—

"(1) section 793, 794, 798, 952, or 1030(a)(1) of this title;

"(2) section 601 of the National Security Act of 1947; or

"(3) subsection (b) or (c) of section 4 of the Subversive Activities Control Act of 1950,

begun or committed upon the high seas or elsewhere out of the jurisdiction of any particular State or district, may be in the District of Columbia or in any other district authorized by law.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 211 of such title is amended by inserting after the item relating to section 3238 the following:

"3239. Espionage and related offenses not committed in any district.".

SEC. 804. CRIMINAL FORFEITURE FOR VIOLATION OF CERTAIN ESPIONAGE LAWS.

(a) IN GENERAL.—Section 798 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)), shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.".

(b) AMENDMENTS FOR CONSISTENCY IN APPLICATION OF FORFEITURE UNDER TITLE 18.—(1) Section 793(h)(3) of such title is amended in the matter preceding subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(2) Section 794(d)(3) of such title is amended in the matter preceding subparagraph (A) by striking out "(o)" each place it appears and inserting in lieu thereof "(p)".

(c) SUBVERSIVE ACTIVITIES CONTROL ACT.—Section 4 of the Subversive Activities Control Act of 1950 (50 U.S.C. 783) is amended by adding at the end the following new subsection:

"(e)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1).

"(3) Except as provided in paragraph (4), the provisions of subsections (b), (c), and (e) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(p)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.

"(5) As used in this subsection, the term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.".

SEC. 805. DENIAL OF ANNUITIES OR RETIRED PAY TO PERSONS CONVICTED OF ESPIONAGE IN FOREIGN COURTS INVOLVING UNITED STATES INFORMATION.

Section 8312 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) For purposes of subsections (b)(1) and (c)(1), an offense within the meaning of such subsections is established if the Attorney General of the United States certifies to the agency administering the annuity or retired pay concerned—

"(A) that an individual subject to this chapter has been convicted by an impartial court of appropriate jurisdiction within a foreign country in circumstances in which the conduct violates the provisions of law enumerated in subsections (b)(1) and (c)(1), or would violate such provisions had such conduct taken place within the United States, and that such conviction is not being appealed or that final action has been taken on such appeal;

"(B) that such conviction was obtained in accordance with procedures that provided the defendant due process rights comparable to such rights provided by the United States Constitution, and such conviction was based upon evidence which would have been admissible in the courts of the United States; and

"(C) that such conviction occurred after the date of enactment of this subsection.

"(2) Any certification made pursuant to this subsection shall be subject to review by the United States Court of Claims based upon the application of the individual concerned, or his or her attorney, alleging that any of the conditions set forth in subparagraphs (A), (B), or (C) of paragraph (1), as certified by the Attorney

General, have not been satisfied in his or her particular circumstances. Should the court determine that any of these conditions has not been satisfied in such case, the court shall order any annuity or retirement benefit to which the person concerned is entitled to be restored and shall order that any payments which may have been previously denied or withheld to be paid by the department or agency concerned.".

SEC. 806. POST EMPLOYMENT ASSISTANCE FOR CIVILIAN PERSONNEL WITHIN THE INTELLIGENCE COMPONENTS OF THE DEPARTMENT OF DEFENSE.

(a) CONSOLIDATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following:

"§1599. Post employment assistance regarding certain civilian intelligence personnel

"(a) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist a civilian employee who has been in a sensitive position in an intelligence agency or component of the Department of Defense and who is found to be ineligible for continued access to Sensitive Compartmented Information and employment with the intelligence agency or component, or whose employment with the intelligence agency or component has been terminated—

"(1) in finding and qualifying for subsequent employment;

"(2) in receiving treatment of medical or psychological disabilities; and

"(3) in providing necessary financial support during periods of unemployment.

"(b) Assistance may be provided under subsection (a) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this section for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(c) The Secretary may, to the extent and in the manner determined by the Secretary to appropriate, delegate the authority to provide assistance under this section.

"(d) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this section.

"(e) For the purposes of this section, the term 'intelligence agency or component' means the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, the Central Imagery Office, and the intelligence components of the military departments.".

(2) The table of sections of Chapter 81 of such title is amended by adding after the item relating to section 1598 the following new item:

"1599. Post employment assistance regarding certain civilian intelligence personnel.".

(b) REPEAL OF DUPLICATIVE AUTHORITY.—

(1) DEFENSE INTELLIGENCE AGENCY.—Paragraph (4) of Section 1604(e) of title 10, United States Code, is repealed.

(2) NATIONAL SECURITY AGENCY.—Section 17 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is repealed.

(c) SAVINGS PROVISION.—The repeals made by subsection (b) do not affect rights and duties that matured before the date of enactment of this section.

AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Madam Chairman, I offer an amendment, printed in the RECORD of July 12 at page H552. It is the open-budget amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: At the end of title I (page 4, after line 23), add the following:

SEC. 104. PUBLIC DISCLOSURE OF INTELLIGENCE BUDGET.

(a) AMOUNTS EXPENDED AND AMOUNTS REQUESTED.—(1) The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end of title I the following new section:

"ANNUAL REPORT OF AMOUNTS EXPENDED AND AMOUNTS REQUESTED FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES

"SEC. 109. At the time of submission of the budget of the United States Government for a fiscal year under section 1105(a) of title 31, United States Code, the Director of Central Intelligence shall submit to the Congress a separate, unclassified statement of the aggregate amount of expenditures for the fiscal year ending on September 30 of the previous calendar year, and the aggregate amount of funds requested to be appropriated for the fiscal year for which the budget is submitted, for intelligence and intelligence-related activities of the Government."

(2) The table of contents at the beginning of the National Security Act of 1947 is amended by inserting after the item relating to section 108 the following new item:

"Sec. 109. Annual report of amounts expended and amounts requested for intelligence and intelligence-related activities.".

(b) CONGRESSIONAL AUTHORIZATION OF INTELLIGENCE ACTIVITIES.—Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) A bill or joint resolution, and any amendment thereto, which authorizes the appropriation of funds for a fiscal year for all intelligence and intelligence-related activities of the United States may set forth in an unclassified statement the aggregate amount of funds authorized to be appropriated in that bill or resolution for such fiscal year for intelligence and intelligence-related activities of the United States.".

(c) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect with respect to the budget submitted for fiscal year 1996.

(2) The amendment made by subsection (b) shall take effect with respect to bills, resolutions, and amendments, authorizing the appropriation of funds for all intelligence and intelligence-related activities of the United States for fiscal year 1996.

Mr. GLICKMAN (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 40 minutes, 20 minutes to be controlled by the gentleman from Texas [Mr. COMBEST], and 20 minutes controlled by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The gentleman from Kansas [Mr. GLICKMAN] will be recognized for 20 minutes, and the gentleman from Texas [Mr. COMBEST] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

☐ 1640

Mr. GLICKMAN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this is the 17th authorization bill which the Intelligence Committee has brought to the House floor. Although those bills have had many differences, they have shared one common characteristic. The amounts they have authorized for intelligence and intelligence-related activities could not be discussed publicly. The intelligence budget, in almost all of its component figures and certainly in the aggregate, has been classified since the advent of the modern intelligence community immediately following World War II. It remains classified today.

Despite a constitutional requirement that there be a public accounting of the expenditure of public moneys, Congress has taken the position that, for the intelligence budget, national security concerns outweigh the taxpayer's right to know. During the cold war, this position was defensible, but we now live in a different world, and it is time for that position to be reexamined.

The amendment I am offering with the gentleman from New Jersey [Mr. TORRICELLI] would provide for the annual public disclosure of the aggregate amount spent on, and requested for, intelligence programs and activities. Only disclosure of the total amount would be required, not disclosure of the budget of any intelligence agency nor the amount spent on a particular intelligence operation.

Under existing standards, information may only be classified if its disclosure reasonably could be expected to cause damage to the national security. Earlier this year, the Intelligence Committee held 2 days of hearings on the classification of the intelligence budget. I was not persuaded that national security would be imperiled in any way by making the aggregate figure public. The Soviet Union, the only entity with an arguable capacity to profit from knowing the yearly sum of the amounts the United States spends on intelligence, no longer exists. It is difficult to imagine any potential enemy for whom possession of the aggregate U.S. intelligence budget figure would make any difference. Besides, that number is probably the worst kept secret in Washington right now.

The witnesses who argued at the hearings for continued classification did so either on the grounds that an aggregate figure would have no meaning to the average American, or that disclosure of the aggregate figure would be just the first step down a "slippery slope" which would inevitably lead to the disclosure of programmatic details. Neither of these arguments provide a grounds for classification. The utility of the information is irrelevant, and questions about whether to extend disclosure beyond the aggregate figure would have to be decided on their own merits weighing the public's right to know against national security interests.

Unless a justification on national security grounds exists, keeping the intelligence budget total secret only serves to prevent the American taxpayer from knowing how much money is spent on intelligence, and that is why the National Taxpayers Union has endorsed this amendment. I do not accept the notion that, if the public knew how much it costs to maintain a robust intelligence capability that there would be no support for it. On the contrary, a strong case can be made publicly about the essential role played by intelligence in helping policymakers respond to threats such as weapons proliferation and terrorism. As the public's understanding of why the United States must continue to possess a preeminent ability to collect, analyze, and disseminate intelligence grows, so too will support for the necessary funding. Continuing to classify the aggregate budget figure in the absence of a justifiable reason to do so only deepens the suspicion that secrecy is necessary to protect a budget which cannot otherwise be defended.

Madam Chairman, let us strike a blow for open government today by adopting this amendment. I am convinced that no damage to the national security will result. I am convinced that the American people should know in the aggregate what we spend on intelligence in the same way they know in the aggregate what we spend on defense or on the Justice Department programs. That is their right to know as a taxpayer of this great Nation of ours. Classification should be reserved for that information which truly needs to be kept secret. The aggregate intelligence budget figure is not that kind of information.

Madam Chairman, I reserve the balance of my time.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, with great respect I disagree completely with the gentleman from Kansas [Mr. GLICKMAN], my friend. He said the cold war is over.

Madam Chairman, the bear is sleeping. The bear is not dead.

There are still, Madam Chairman, 45,000, give or take, nuclear missiles extant over there, and our former concerns about the cold war ought to be supplanted with the problem of nuclear proliferation and terrorism. We are told there will be some 20 countries with the capability by the end of this decade of delivering a nuclear missile. That ought to bother us. Our lack of information about North Korea, the Middle East, and Nagorno-Karabakh; the nature of the problems are more difficult now than if we just had the good old Soviet Union to worry about.

But the question is what good, what possible good, is served by making public a number that people continue to speculate about. There are six committees, subcommittees, of this Congress that have that information handed to them: The Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence, in the House and in the Senate. Why do we need an intelligence committee? We need it to represent the rest of us, to get information that ought to remain secret. Why is the aggregate of the budget for the intelligence agency secret? Because any additions would have to be justified and explained.

Madam Chairman, any new appropriation will provoke the question, What do we need this for? More satellites? More covert resources? More people who can speak Farsi or Pushtoon? This is information that Congress receives through its appointed subcommittees, and any Member who really has a burning need to know what that aggregate figure is can go up and look at it. It is available in the classified annex.

What useful purpose is served by making it public? I will tell my colleagues what purpose is served: to let people speculate on what it is for, how much goes for this and this, how much goes to the DIA, how much goes to the CIA, how much for overseas.

It is wrong, Madam Chairman. It is mischievous, and it just is not necessary, and, recognizing my time is up, I just say that the gentleman said the utility of this information is irrelevant. I really do not think he means that because anything that is irrelevant, we ought not to waste our time on.

Mr. GLICKMAN. Madam Chairman, I yield 7 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, as the cold war entered its last decade, the CIA was estimating that the Soviet Union had an economy two-thirds the size of our own and closing fast. The decade before, they failed to notice the Egyptian preparation to invade Israel or the Soviet invasion of Afghanistan, only to be outdone by their failure to recognize that Iraq was invading Kuwait.

Historians may conclude that the United States won the cold war because of the strength of our culture, or our economy, or the courage of our soldiers, but the simple truth is that an American intelligence community that was not properly supervised, or restrained, or directed, failed in the intelligence war against communism.

It is now time to understand these lessons and prepare the CIA for a very different post-cold-war environment because, while the Defense Department and every component of the Pentagon is preparing for this new time, new budgets, new training, new assignments, the intelligence community is not, and that is not only a waste of resources, but it is dangerous in not preparing for new dangers in a new environment.

□ 1650

This country does indeed face new hostilities, narco-traffickers, terrorism, Third World conflicts, but with an intelligence community that is stuck in time, stuck in time like any other department of a government that was not properly and thoroughly under the scrutiny of the American people. Not an intelligence community, not 5 or 10 Members of Congress, but the American public, like every other branch of government. The simple truth is that change will never occur until this shroud of secrecy is lifted and accountability is established.

The truth is, the secrecy of the intelligence community, the hiding of their budgets, does not protect them against any foreign adversary. It protects them against the American people. It protects them against accountability for waste or fraud or mismanagement or poor leadership. These are the things that are happening.

I understand that there was once a rationale. In the cold war we made all kinds of compromises, with civil liberties, our best instincts, the things that were most important. We wiretapped, we supported dictators. We made all kinds of compromises. But at this point, those compromises are not possible, nor are they necessary.

The gentleman from Illinois argues that, indeed, the Soviets are a looming danger to return again. Russia has been invited into NATO. They are going to be doing joint exercises. They come to the Group of Seven nations with our President to plan our economic future.

But, still, we are not arguing the intelligence community should not do planning. We are not arguing that most of what they do should not be in secrecy. We are arguing that their gross budget number should be shared with the American people. That is all.

Is this the proposal of some wild group of fanatics? It has been endorsed by two former Directors of the CIA, passed twice in the sense-of-the-Senate resolution by the U.S. Senate, endorsed even by the President of the United States during his last campaign, and now by the chairman of the Permanent Select Committee on Intelligence.

No wild idea. The intelligence community itself, for almost 20 years, has had leadership that has discussed it or proposed it. These new adversaries, the Cubas, the Iraqs, the Libyas, what is it they would gain if we were to share this information with the American people? The argument with the Soviet Union was clear. If they knew our total spending, they could duplicate it. They could understand what we were doing and dissect it.

What is it that Libya would gain, or Iraq? If the public press is to be believed, the truth is the American intelligence community today spends more money—by the popular press—than the total military establishments of all but four nations on Earth. Indeed, the popular press claims that the U.S. intelligence community is not only more than the defense establishments, but more than the gross national product of every one of the states on the terrorist lists and all those that have been cited on this floor as potential adversaries.

My colleagues, for this system to work, for efficiency, and, indeed, for our national security, only one group can be trusted with the truth for accountability and performance. It is the American people. For 42 years we have made a gross exception to the U.S. Constitution which our Founding Fathers recognized would offer protection against abuses in Government. Article 1, section 9, clause 7, we were required to give a regular statement and account of expenditures to the people of the United States. We have overlooked that, for grave national security purposes in the cold war, as we did in the war before it. We can no longer justify this constitutional exception.

I urge my colleagues to cast this vote, so that every vote you cast after it can be informed. Because without it, the amendment that will follow for a 10-percent cut, the amendment that will follow for other cuts, the vote itself on this budget, in good faith, few Members but those on the Permanent Select Committee on Intelligence themselves should cast.

Otherwise, you should come to this floor and cast a vote for "present," because a 10-percent vote may be too much; it may be too little; it may be just right. The truth is, you do not know, and the American people do not know, unless we share this one number and let them know what is being done for their own security. Surely we owe them that much, to trust them with this simple information.

Mr. COMBEST. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Madam Chairman, not withstanding the eloquence of our previous speaker, I do not think he would want to mislead anyone into believing the President supports this amendment today. He did mention this as a candidate, when he was campaigning. But once candidate Clinton became President Clinton, he recognized that governing is a lot more different than campaigning. A statement from the Executive Office of the President dated July 19, sent to the Congress today, says: "The administration opposes any change to H.R. 4299 that would disclose or require the disclosure of the aggregate amount of funds authorized for intelligence activities."

I think it is very clear that the President opposes this amendment today.

Mr. COMBEST. Madam Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, I am somewhat taken aback by the antipathy demonstrated by the gentleman from New Jersey for secrecy. The secrecy that has characterized the behind closed doors meetings on the health care reform has been epidemic. The secrecy on the crime bill, the meetings among the Democrats trying to work their problems out, I have yet to be called to a meeting, and I am a conferee on the crime bill. Why they should oppose secrecy in the intelligence aggregate I can't imagine.

Now, I served on the Permanent Select Committee on Intelligence for several years. I served under several chairmen. I can think of the gentleman from Ohio, the gentleman from California, the gentleman from Oklahoma, and the present gentleman from Kansas. Are they not doing their jobs?

As I heard the gentleman from New Jersey complain, proper oversight is not being accorded the intelligence agencies. Why, I thought that was the function and the purpose of the intelligence committees. The do their job, in the Senate and the House, not only the intelligence committees, but the Committee on Armed Services in the Senate and House, and the Committee on Appropriations in the Senate and the House, and you can get the total figure in the classified annex. There is really no pervasive secrecy, but there is no need for this to be made public.

So I just am not persuaded at all by the gentleman from New Jersey.

Mr. COMBEST. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I have a statement I would include for the RECORD. I do not want the body to think that my not reading this statement is any indication of my concern or lack of concern about this amendment. It is not.

I would like to just point out a few things. This House had a vote last year about this time. I think maybe with two or three exceptions, every Member of the House that is a Member today was a Member at that time. A similar amendment was defeated by almost 100 votes.

I strongly oppose the gentleman's amendment. He knows it is done in good faith. It is just a difference in direction and feeling. The Director of the CIA, Mr. Woolsey, has repeatedly indicated this is a bad idea. As the gentleman from Florida pointed out, the administration's policy statement is in opposition to this amendment or the effect of this amendment.

□ 1700

Madam Chairman, do I think that it would be a disaster if this amendment passed? I mean honestly I could not say that it would be. The gentleman had indicated that this is probably the worst kept secret in town. Could be.

But any time that there is an article written and there is an assumed amount, whatever it may be, approximately X amount spent on intelligence, it is always a part of a story on some other subject. If, in fact, we do release publicly the amount that is expended on intelligence, that will become the story. And then at that point, the components of intelligence will become the other parts of the story, with endeavors to find out exactly what we are spending on the variety of component parts.

And will it lead to other disclosures about other portions of intelligence? I think it will. And I would predict that it would. I think this is one of those instances, Madam Chairman, that we should err on the side of caution. I can understand the interest in some Members in making this public for the public's standpoint, but the figure itself would do nothing to inform the public. It would only be that we would have to go into the intricate details of many highly classified programs to truly get at where the money is going.

I do not see, when I come to work every day, people lining the halls to visit their Members of Congress to suggest to them that we should make the intelligence budget public. I think people understand that there are things that have got to be kept secret, that there are things because of national security that are best not divulged as no other nation, democracy in the world that has an intelligence community does release their figure. And I think that, in prudence, that this amendment should be defeated, that we should continue on the path that we are and that if we are going to err, Madam Chairman, we err on the side of caution.

Madam Chairman: I strongly oppose the amendment to disclose the total budget for the U.S. intelligence community. Disclosure of the aggregate intelligence budget would be the first step down a road to disaster for our national security.

The CIA Director, James Woolsey, has repeatedly stated that this is a bad idea. President Clinton thinks so as well. In fact, nondisclosure has been the practice of every President since Truman. The President is right to oppose disclosure because it will endanger our national security.

It would hinder our ability to collect timely and accurate intelligence on the capabilities and intentions of foreign powers. Publishing the annual intelligence budget totals would, over time, give potential adversaries growing insights into our intelligence capabilities and priorities, especially when that information is correlated with information they obtain from espionage and other means. This will help our adversaries' efforts to counter our capabilities. With the rapidly growing availability of ever more powerful computer technology, more countries will be capable of correlating and analytically exploiting this information. Moreover, some cooperating foreign governments which share important intelligence with us, on condition of secrecy, may very well become concerned about what confidential information Congress will decide must be disclosed next and reduce their cooperation with our Government. Both of these factors can harm our intelligence efforts.

I can understand those who in the spirit of openness believe that the American people need to know how much money is being spent on intelligence. However, a misinformed electorate is worse than an uninformed electorate. Providing the total intelligence budget alone is tantamount to misinforming the American people. Without knowledge of any of the principal components of the budget, that number is meaningless to the nonexpert. How will they make judgments as to whether we should increase or decrease this number? Or, for example, whether we should spend more on satellites or less on human intelligence? They will not be able to without more information. But, to provide more information provides more data helpful to those whose interests are hostile to those of the United States.

How much information is enough? Clearly, release of the aggregate budget is only the beginning. As I have already said, the number alone is meaningless to the American public without more data on what the key program elements are in the total figure. Once begun, there will be no end to pressure to disclose more and more information on the budget, intentionally and unintentionally, in a frustrated effort to explain how we arrived at the total and why it changed from one year to the next. Then, it will be why can't we disclose the total budget for each component agency in the intelligence community, or for substantive programs such as counterterrorism, nonproliferation, or support for military forces. I expect there would also soon be a move to disclose how many people work in the intelligence community. Once again, the total number of personnel working on intelligence would be meaningless to the average citizen without further breakdown. Again, we would walk a path with no end in sight except for, in my view, great harm to our Nation's first line of defense.

We still have an array of enemies lined up against us. Greater instabilities seem to be befalling the world. Russia has the potential of turning into a state posing an even greater threat to world stability than the Soviet Union. Will the Ukraine really honor its recent commitment to denuclearize? Will North Korea allow intrusive IAEA inspections? How are we going to verify its protests that it is not building a nuclear weapon? Can Kim Chong-il hold on to power, and what policies will he carry out? Intelligence will be critical to our efforts to verify their claims. As President Ronald Reagan said repeatedly, "trust but verify."

We can ill-afford to take chances with our national security, especially when there is no discernible offsetting benefit. Disclosure would not add a whit to the already high level of accountability which is the result of the most extensive and microscopic system of legislative oversight of intelligence budgets and activities in the world. If the intelligence budget is to be cut, so be it. But, this should be done by the Congress and the committees it has tasked with the primary oversight responsibility after full consideration of both the cost and value of what is to be cut. Disclosure is not a calculated risk. It is neither necessary nor useful. It is a reckless roll of the dice. Accordingly, I continue to vigorously oppose any initiative to disclose the aggregate total for the intelligence budget.

Madam Chairman, I reserve the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself 1 minute.

There are other countries that do release parts or all of their intelligence budget. But part of this has to do with the general philosophy of government. What is it that we keep secret? We keep secret those things that relate directly to national security. All else the public should know. That was the Founding Fathers' argument in this great country of ours. That is why they said, we shall have a statement of account of all expenditures, receipts and expenditures, because these are hard-earned tax dollars paid by people.

Yes, they may not be lining my offices to find out what we spent on intelligence, but they want to know how their government is spending their money generally. After all, they are hard-earned tax dollars. So to justify keeping something secret has to relate to national security.

The aggregate intelligence budget does not. Yes, it is true if we break it down, it might. We are not talking about doing that here. But we are saying, just as people need to know what we spend on defense and agriculture and the Federal judiciary, so should they know in the aggregate what we spend on intelligence functions.

Madam Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Madam Chairman, I think the gentleman from Texas has his finger on the issue, which is, on what side do we err.

He would have us err on the side of caution, but where is caution here? Caution, it seems to me, is fulfilling, as the gentleman from Kansas [Mr. GLICKMAN] has suggested, the fundamental premise of this democracy which is trusting the people of this country with information about their government, unless, unless a real and substantial burden of proof is satisfied that the information, if disclosed, would risk our national security or our clear national interest.

The gentleman, again, rhetorically asks, what difference would it make if this information is out there? I would offer in rebuttal that it is not appropriate for us to be so paternal toward the people of this country as to prejudge what information is to be found useful to them or not about their government.

They have a right to know unless we can demonstrate clearly that disclosure would harm our national security.

And this is not without some modest risk, but I think the risk is in the next interation, not this iteration. And the slippery slope argument that we have all heard about this, that if we disclose this number, what is next, there need not be a next. But this information, this overall aggregate number really is a significant piece of information by which the American public can judge the operations of their government, the priorities that this Congress has in its stewardship of their public tax dollars and of our public responsibility.

Absent a clear and overriding national security interest, which I do not think can be sustained here, we ought to be able to present this information to the people about how we are spending their money.

Mr. COMBEST. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Madam Chairman, I rise in strong opposition to the amendment by the distinguished chairman of the Permanent Select Committee on Intelligence. While we all can read and understand the Soviet Union does not exist anymore and, therefore, some would say we no longer have a need to keep the intelligence budget figure aggregate figure secret, many of us on this committee, indeed anyone that reads very much knows there are pressures in the Russia federation, the Republic of Russia, to bring this empire back into existence and indeed much of the military capability of the Soviet Union still exists intact.

I wonder why it is necessary, after the history of our Nation of having a secret intelligence budget, why it becomes necessary in this unstable world that we have today, with hot spots throughout, to bring this intelligence budget figure public, after these many years of history of keeping its secret.

Once it is disclosed, I ask the distinguished chairman or anyone else, how do we get it secret again, when world events predictably can and probably will change that will cause us to see a need as we have done in the past to have that intelligence budget secret?

It is difficult to explain this number. What good does it do if we tell the American people what the aggregate bottom line number is without saying what it means? And then having to divide it between the civilian side of the intelligence over at the CIA and then trying to explain the military side of it. I would say to those that say it will open the slope to go down and ask more questions and those who want to reveal this figure will indeed say to justify the figure, we have to reveal more.

I would urge my colleagues to oppose this amendment and keep the budget figure secret.

Mr. GLICKMAN. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Madam Chairman, there is, at least at this point in the debate, things upon which we can agree.

It was suggested by the gentleman from Texas that, in fact, no one has seen people lining the Halls of the Congress demanding this information. That is the point. That is exactly the point.

Speaking hypothetically, if the American people knew, if the facts sustained it, that in fact we came to a conclusion that we could reduce military spending because the Nation was secure, but not intelligence spending, if they thought in their own minds the future of the country would be decided by education and job training, but the resources were going into intelligence, they would be lining these Halls. That is the point. The people are removed from the judgment.

At the end of the day, we have to ask ourselves why. It is not only bad policy. It is against the law. The Constitution requires it and for a reason. Can anyone rise on this floor and say that if Qadhafi or Saddam Hussein had this information the Nation would be imperiled? What would they do with it? They can read in newspapers what the estimates are. They could not possibly duplicate it.

The only protection this number's withholding is given is scrutiny of the agency itself. Spies are caught but the public cannot demand cuts because they do not know what the number is from.

☐ 1710

There are inefficiencies. Members are not getting information. There are the wrong priorities, but it is not justified.

Madam Chairman, this is not because we care about national security less. It is because we care about it more. The intelligence community did not adequately serve this country at a moment of great peril. There are still dangers in the world, and if it is going to serve it in the future, we need public accountability. This is a responsible vote, supported by leadership for the last 20 years of the CIA, and now the leadership of this committee. Vote for the amendment.

Mr. COMBEST. Madam Chairman, I yield myself such time as I might consume in conclusion.

Madam Chairman, I would just say there is a dangerous slope that we are moving toward, and that is moving toward the beginning of a disclosure of very highly classified and sensitive programs. I would also mention that while it was mentioned earlier that there were, I believe, two former heads of the CIA who supported it, I might say every President since Truman has opposed it, including the current President, in both rounds, and the current DCI, for concerns of where it might lead us. I would urge my colleagues to oppose the amendment.

Madam Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of our time.

The CHAIRMAN. The gentleman from Kansas [Mr. GLICKMAN] is recognized for 3½ minutes.

Mr. GLICKMAN. Madam Chairman, I thank my colleague, the gentleman from Texas. I know we disagree on this issue, but we agree on more issues than we disagree on, and we are very agreeable even on the disagreements.

Madam Chairman, I want to repeat to my colleagues, the National Taxpayers Union has endorsed this amendment, and I want to read from their letter to me and to the gentleman from New Jersey [Mr. TORRICELLI]:

> The time has come to carefully direct the light of accountability to a budget area long shrouded in darkness. There is no longer any valid reason why the total annual amounts spent on the intelligence budget should remain as secret as the individual projects within the same budget.
>
> Your amendment, in our view, reflects the proper balance between changing times and the continuing need for some secrecy. No actual or potential U.S. adversary could gain an advantage merely by knowing our Nation's overall expenditure on intelligence activities. Your amendment protects our national security because specific funding for individual intelligence missions would remain secret.

The National Taxpayers Union endorsement I think is a very important one for this bill, for this amendment, Madam Chairman.

I want to talk for a moment, Madam Chairman, about what two prior directors of the CIA have said about this amendment. Mr. Gates, during his nomination process to be head of the Central Intelligence Agency in September 1991, before the Senate Select Committee on Intelligence, said the following:

> My own view is that at a certain point, if the Agency is to play the role that I think it needs to play, we're going to have to take some chances. And so, from my personal perspective—and it's not ultimately my decision, I suppose, but the President's—I don't have any problem with releasing the top line number of the Intelligence Community budget. I think we have to think about some other areas as well. But, as I say, it's controversial.

Later on, on February 23, 1994, I asked Director Woolsey and former Director Gates:

> I want you to tell me what damage would be done to national security from the disclosure of just the aggregate intelligence figure * * *.

Here is Director Woolsey:

> Setting aside the issue * * * of the so-called "slippery slope" * * * then acknowledged changes in the total year to year would become far more likely to require precise justification in the public debate * * *. Formal acknowledgement of the level would put substantial pressure on executive branch officials and those who participate in the debate in the Congress to give reasons for those changes publicly. That is a big part of my problem.

My own belief is, I respond to that kind of thing with the question, "Isn't democracy troublesome? Isn't it difficult to have to justify changes, aggregate changes, in budgets?" Yes, it is inconvenient, and potentially it is a problem, but the question is does it violate our national security to disclose the aggregate budget figure. Director Woolsey, while he does not want to do it, does not say it violates national security.

Mr. TORRICELLI. Madam Chairman, will the gentleman yield?

Mr. GLICKMAN. I am glad to yield to the gentleman from New Jersey.

Mr. TORRICELLI. Madam Chairman, in addition to Director Woolsey, in fact, Stansfield Turner, a former Director, Mr. Gates, Bobby Inman, the people who have been the pillars of the American intelligence community, have all come to that judgment that it would be in our interest, not against our interest.

Mr. GLICKMAN. Madam Chairman, in all fairness, Director Woolsey does not say he is for it, but he does not give the reason that it is a national security problem.

Mr. TORRICELLI. If the gentleman will continue to yield, and the others have all come out for it.

Mr. GLICKMAN. Former Director Gates on February 23, 1994, again, 3 years later, says the following:

> It seems to me that there is nothing intrinsically sensitive about the aggregate figure of the budget for the American intelligence community. A general notion of what that figure is broadly about is already public * * *. Since most people have a fairly good idea of what the aggregate number is, I then puzzle over why there is the desire to make that number official and to confirm it * * *. I think it is a mistake officially to confirm it * * *.

Madam Chairman, I would, parenthetically, say he has changed his position slightly there.

Then he goes on: "Once confirmed officially, it makes it impossible not to begin to break" it down and to explain what it is about.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

Mr. GLICKMAN. Madam Chairman, I guess my point is that all this discussion is based on the idea that it is inconvenient. It is difficult to talk about this issue, because then we are going to have to explain it to the American people. Again, Madam Chairman, I say that is what democracy is about. I urge the adoption of my amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COMBEST. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 221, not voting 24, as follows:

[Roll No. 332]

AYES—194

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bilirakis
Bonior
Brooks
Brown (CA)
Brown (OH)
Cantwell
Carr
Clay
Clayton
Clement
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Danner
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dixon
Dooley
Duncan
Durbin
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Green
Gutierrez
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Inslee
Istook
Johnson (SD)
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klug
Kreidler
Lambert
Lancaster
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Moran
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reed
Reynolds
Roemer
Rohrabacher
Rose
Rostenkowski
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shays
Shepherd
Skaggs
Slaughter
Smith (IA)
Spratt
Stark
Strickland
Studds
Stupak
Swett
Swift
Synar
Thomas (CA)
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Waters
Watt
Waxman
Wheat
Whitten
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—221

Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Browder
Brown (FL)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clinger
Coleman
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Regula
Ridge
Roberts
Rogers
Romero-Barcelo (PR)
Roukema
Rowland
Santorum
Sarpalius
Schaefer
Schiff
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Torkildsen
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—24

Bishop
Blackwell
Boucher
Brewster
Bryant
Edwards (CA)
Faleomavaega (AS)
Ford (TN)
Frost
Gallo
Gingrich
Jacobs
Machtley
Martinez
Richardson
Ros-Lehtinen
Royce
Slattery
Smith (NJ)
Stokes
Underwood (GU)
Washington
Wilson
Wise

□ 1735

Mr. HOLDEN and Mr. MANZULLO changed their vote from "aye" to "no."

Mr. ROSE and Mr. HEFNER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

In section 601, amend subsections (a) and (b) to read as follows:

(a) DIA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to the Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the Defense Intelligence Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the Defense Intelligence Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (a)(2) by inserting after "the United States International Trade Commission," the following: "the Defense Intelligence Agency,"; and

(B) by adding at the end the following:

"(i)(1) The Inspector General of the Defense Intelligence Agency shall be appointed by the Director of the Defense Intelligence Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the Defense Intelligence Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the Defense Intelligence Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the Defense Intelligence Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the Defense Intelligence Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the Defense Intelligence Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office of Inspector General of the Defense Intelligence Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Defense Intelligence Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the Defense Intelligence Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the Defense Intelligence Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the Defense Intelligence Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the Defense Intelligence Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the Defense Intelligence Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the Defense Intelligence Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(3) IMPLEMENTATION.—The Director of the Defense Intelligence Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the Defense Intelligence Agency;

(B) appoint the Inspector General of the Defense Intelligence Agency; and

(C) transfer to that Office the Office of the Defense Intelligence Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the Defense Intelligence Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the Defense Intelligence Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the Defense Intelligence Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENT.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c) by striking "subsection (f)" and inserting "subsections (f) and (i)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—

(A) REPORTING REQUIREMENT.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following:

"§ 427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency

"(a) REPORTING REQUIREMENT.—The Director of the Defense Intelligence Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the Defense Intelligence Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) INTELLIGENCE COMMITTEES DEFINED.—In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(B) CLERICAL AMENDMENT.—The analysis at the beginning of subchapter I of chapter 23 of title 10, United States Code, is amended by adding at the end the following:

"427. Reports on activities of the Office of Inspector General of the Defense Intelligence Agency.".

(b) NSA.—

(1) PURPOSES.—The purposes of this subsection are to—

(A) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently inspections, investigations, and audits relating to programs and operations of the National Security Agency;

(B) provide leadership and recommend policies designed to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and detect fraud and abuse in such programs and operations;

(C) provide a means for keeping the Director of the National Security Agency fully and currently informed about problems and deficiencies relating to the administration of such programs and operations, and the necessity for and the progress of corrective actions; and

(D) in the manner prescribed by the amendments made by this subsection, ensure that the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence are kept similarly informed of significant problems and deficiencies as well as the necessity for and the progress of corrective actions.

(2) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—The first section 8G of that Act is amended—

(A) in subsection (a)(2), as amended by subsection (a)(2) of this section, by inserting after "the Defense Intelligence Agency," the following: "the National Security Agency,"; and

(B) by adding after subsection (i), as added by subsection (a)(2) of this section, the following:

"(j)(1) The Inspector General of the National Security Agency shall be appointed by the Director of the National Security Agency (in this subsection referred to as the 'Director') without regard to political affiliation and on the basis of integrity, compliance with the security standards of the National Security Agency, and prior experience in the field of foreign intelligence and in a Federal office of Inspector General.

"(2)(A) Notwithstanding the second sentence of section 8G(d), the Director may prohibit the Inspector General of the National Security Agency from initiating, carrying out, or completing any audit, inspection, or investigation if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director exercises any power under subparagraph (A), the Director shall submit an appropriately classified statement of the reasons for the exercise of such power within 7 days to the intelligence committees. The Director shall advise the Inspector General at the time such report is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of any such report. In such cases, the Inspector General may submit such comments to the intelligence committees that the Director considers appropriate.

"(3) The Inspector General of the National Security Agency shall take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Office of Inspector General of the National Security Agency, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports.

"(4)(A) The Inspector General of the National Security Agency shall, not later than January 31 and July 31 of each year, prepare and submit to the Director a classified semiannual report summarizing the activities of the Office of Inspector General of the National Security Agency during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. Within 30 days after receipt of such reports, the Director shall transmit such reports to the intelligence committees with any comments the Director may deem appropriate. Such reports shall, at a minimum, include a list of the title or subject of each inspection, investigation, or audit conducted during the reporting period and—

"(i) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the National Security Agency identified by the Office during the reporting period;

"(ii) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems, abuses, or deficiencies identified in clause (i);

"(iii) a statement of whether corrective action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action;

"(iv) a certification that the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General;

"(v) a description of all cases occurring during the reporting period where the Inspector General could not obtain documentary evidence relevant to any inspection, audit, or investigation due to the lack of authority to subpoena such information; and

"(vi) such recommendations as the Inspector General may wish to make concerning legislation to promote economy and efficiency in the administration of programs and operations undertaken by the National Security Agency, and to detect and eliminate fraud and abuse in such programs and operations.

"(B) The Inspector General of the National Security Agency shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs or operations. The Director shall transmit such report to the intelligence committees within 7 calendar days, together with any comments the Director considers appropriate.

"(C) In the event that—

"(i) the Inspector General of the National Security Agency is unable to resolve any differences with the Director affecting the execution of the Inspector General's duties or responsibilities; or

"(ii) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately report such matter to the intelligence committees.

"(D) Section 5 shall not apply to the Inspector General and the Office of Inspector General of the National Security Agency.

"(5) Subject to applicable law and the policies of the Director, the Inspector General of the National Security Agency shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. In making such selections, the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively. In this regard, the Inspector General shall create within the organization of the Inspector General a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(6) Beginning with fiscal year 1996, there shall be included in the National Foreign Intelligence Program budget a separate account for the Office of Inspector General of the National Security Agency.

"(7) In this subsection, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(3) IMPLEMENTATION.—The Director of the National Security Agency shall, by not later than 60 days after the date of the enactment of this Act and in accordance with the amendments made by this subsection—

(A) establish the Office of Inspector General of the National Security Agency;

(B) appoint the Inspector General of the National Security Agency; and

(C) transfer to that Office the Office of the National Security Agency on the day before the date of the enactment of this Act known as the "Office of Inspector General".

(4) TRANSFER OF RESOURCES OF EXISTING OFFICE.—The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, or available to the office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" are hereby transferred to the Office of Inspector General of the National Security Agency established under the amendments made by this subsection.

(5) TERMINATION OF EXISTING OFFICE.—The office in the National Security Agency on the day before the date of the enactment of this Act known as "Office of Inspector General" is terminated effective on the date of the establishment of the Office of Inspector General of the National Security Agency pursuant to the amendments made by this subsection.

(6) CONFORMING AMENDMENTS.—The first section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended in subsection (c), as amended by subsection (a)(6) of this section, by striking "subsections (f) and (i)" and inserting "subsections (f), (i), and (j)".

(7) REPORTS TO INTELLIGENCE COMMITTEES.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following:

"SEC. 19. (a) The Director of the National Security Agency shall submit to the intelligence committees any report or findings and recommendations of an inspection, investigation, or audit conducted by the Office of Inspector General of the National Security Agency which has been requested by the Chairman or Ranking Minority Member of either of the intelligence committees.

"(b) In this section, the term 'intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(8) RELATIONSHIP OF INSPECTOR GENERAL OF DEPARTMENT OF DEFENSE TO THOSE OF DIA AND NSA.—Section 8 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(h)(1) The Inspector General of the Department of Defense shall not have any authority to conduct any activity with respect to any matter that the Secretary of Defense determines relates solely to the Defense Intelligence Agency or the National Security Agency.

"(2) Upon request of the Inspector General of the Defense Intelligence Agency or the National Security Agency, the Inspector General of the Department of Defense may provide to the Inspector General making the request such resources (including personnel) as are appropriate to enable that Inspector General to carry out activities authorized by this Act.".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, the amendment I am offering with Mr. CLINGER inserts substitute text for subsections (a) and (b) of section 601 of the reported bill. In summary, it amends the Inspectors General Act of 1978 by creating two new inspectors general for the Defense Intelligence Agency and the National Security Agency.

Let me first start by acknowledging the ranking Republican of the Government Operations Committee, BILL CLINGER, for his close assistance in crafting this amendment. I would also like to thank the chairman of the Intelligence Committee, Mr. GLICKMAN, and his ranking member, Mr. COMBEST, for their cooperation.

The Intelligence Committee has included in H.R. 4299 a provision creating independent IG's for both DIA and NSA. The need for these offices was established in closed hearings held by the Intelligence Committee. The Government Operations Committee was not involved in those hearings. The committee's interest is simply in protecting the integrity and independence of the inspectors general, and ensuring that each inspector general has the tools to perform the job.

Unfortunately, section 601 as reported by the Intelligence Committee creates several problems. First, the IG's are not part of the Inspectors General Act, and thus would not be accorded the authorities and responsibilities of the other IG's. Our amendment places these offices within the protections of the IG Act.

Second, the new IG's duplicate the existing responsibilities of the Defense

Department's inspector general. Essentially, the Defense Department IG would have the same duties as the newly created NSA and DIA IG's. We would thus have two IG's, perhaps competing with each other, responsible for each agency. Our amendment resolves this duplication by ensuring that the new IG's have sole responsibility for NSA and DIA. The existing Defense IG can assist in investigations, but does not have authority over investigations solely within those agencies.

I would also point out that the amendment requires detailed reporting by these IG's to the Intelligence Committees. Given the sensitive nature of these agencies, we believe that this is the most appropriate mechanism for oversight.

Our amendment is therefore primarily a technical one, and does not change the substance of what the Intelligence Committee has reported. The amendment will serve to clarify the responsibilities of the IG's, eliminate duplication, and provide the authorities and protections of the Inspector General Act.

I urge its adoption.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I am delighted to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, we have been advised informally that while the Committee on Armed Services has some concerns about the gentleman's language, that we have no objection to the amendment and we will accept it on our side. I just wanted to let the gentleman know that so he might feel perhaps delighted at my acceptance and not want to speak any longer.

□ 1740

Mr. CONYERS. I want to thank my colleague on Judiciary and the chairman of this important committee and floor manager for his cooperation. This is a perfecting amendment, and we are not going to take much time.

What we corrected are two essential problems. One, we place the I.G.'s within the Inspector General Act, and we eliminate the duplication and conflict between the new I.G.'s and the existing Defense Department I.G. by leaving any issues that cross agency lines to be dealt with by the Secretary of Defense as the arbiter. This brings us into conformance with the Inspector General Act, ensures continuing independence of the I.G.'s, and requires detailed reporting by the I.G.'s to the Intelligence Committee.

We think that that satisfies the concerns of the floor manager and many others that are on the appropriate committees that are concerned.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I rise today in support of this amendment offered by the chairman of the Government Operations Committee, Mr. CONYERS.

Chairman CONYERS and I drafted this amendment, in consultation with our colleagues on the Intelligence Committee, to modify a provision in the Intelligence authorization bill which has the unintended consequence of creating overlap and potential jurisdictional conflict between the Department of Defense office of inspector general and the newly created offices of inspector general in the Defense Intelligence Agency and the National Security Agency.

As reported by the Intelligence Committee, the bill would allow the Defense inspector general to continue its activities within the Defense Intelligence Agency and the National Security Agency, despite the presence of independent inspectors general within these agencies. The amendment offered today states explicitly that only the Defense Intelligence Agency or National Security Agency inspectors general will have jurisdiction over audits or investigations that fall solely within their respective agencies. This is a necessary modification to the Intelligence authorization bill in order to clarify the responsibility of each inspector general. The Defense Department's inspector general will be authorized to provide assistance to these new offices upon request.

The Government Operations Committee has a long tradition of working to protect the integrity and effectiveness of the Federal inspectors general. Since the Inspector General Act's inception in 1978, we have remained committed to ensuring that these guardians against waste, fruad and abuse are equipped to do their jobs with minimum interference and maximum independence. This amendment is the latest illustration of that commitment, and will ensure that the Defense Intelligence Agency and the National Security Agency receive an appropriate level of oversight.

I have welcomed the opportunity to work with Mr. CONYERS and our colleagues on the Intelligence Committee in a bipartisan effort to ensure the Defense Department's inspector general and the new inspectors general created by this bill can work in cooperation with each other. I urge my colleagues to join me in support of this amendment.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

This amendment offered by the gentleman from Michigan and the gentleman from Pennsylvania is intended to incorporate the provisions of H.R. 4299 which establish a statutory office of inspector general at the Defense Intelligence Agency and the National Security Agency into the Inspector General Act of 1978. The amendment is also intended to go further than H.R. 4299 to clarify the responsibilities of the statutory IGs at the DIA and NSA with respect to the responsibilities of the Defense Department Inspector General. This amendment makes sense and it should be adopted.

The amendment has the same purpose as H.R. 4299: To create independent and effective inspector general offices at the DIA and NSA to properly conduct audits, inspections, and investigations of the programs and operations of these agencies, and to keep the directors of the respective agencies and the congressional intelligence oversight committees informed of significant problems and deficiencies. By incorporating the provisions of H.R. 4299 into the 1978 act, the new offices will benefit from the guidance of past precedent and case law when there is a question of interpreting the provisions of the act.

The Conyers-Clinger amendment has the same effect as H.R. 4299 with one exception. H.R. 4299 stated that nothing in its provisions was intended to affect the authorities or responsibilities of the inspector general of the Department of Defense. This language was criticized for creating redundancy and overlap. The Conyers-Clinger amendment thus makes clear that the DOD IG does not have authority to conduct any activity with respect to any matter the Secretary of Defense determines relates solely to the DIA or NSA. Where a departmentwide inspection of personnel policies is in question, the DOD IG would have authority to review DIA and NSA personnel policies, but an audit of a classified DIA or NSA program which the Secretary of Defense determines relates solely to the agency concerned should be conducted by the DIA or NSA IG, not the DOD IG.

The congressional intelligence oversight committees have been concerned for a number of years over the efficacy and effectiveness of the offices of the inspectors general at DIA and NSA. The committee believes the programs and operations of these agencies have not been priorities of the Department of Defense IG—understandably—since they are relatively small in cost and scope. Setting forth in the law the authorities, responsibilities, and reporting requirements of the DIA's and NSA's IG's should increase the professionalism of these offices and bring greater inspector general attention to the sensitive programs and operations undertaken by DIA and NSA.

I urge my colleagues to support the Conyers-Clinger amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 5, after line 23, insert the following new section:

SEC. 303. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this budget is classified. There is a lot of stuff going on. This is a stealth Buy American amendment. I do not want to know; you do not have to tell me. I would just like to see them buy, whenever possible, some American-made goods and products and keep the train coming down the track. It helps our workers.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I would say that even though the budget has a stealthy flavor to it, I want you to know that the gentleman from Texas [Mr. COMBEST] and I are doing our best to make sure the intelligence community buys American products, and we are inspired by your push on this issue on this bill and others, and we intend to accept this amendment.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Texas.

Mr. COMBEST. I could not have said it better myself. We certainly agree to the amendment.

Mr. TRAFICANT. Mr. Chairman, I urge approval of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: Page 4, after line 23, insert the following:

SEC. 104. LIMITATION ON AMOUNTS AUTHORIZED TO BE APPROPRIATED

(a) LIMITATION.—Except as provided in subsection (b), notwithstanding the total amount of the individual authorizations of appropriations contained in this Act, including the amounts specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred and Third Congress, there is authorized to be appropriated for fiscal year 1995 to carry out this Act not more than 90 percent of the total amount authorized to be appropriated by the Intelligence Authorization Act for Fiscal Year 1994.

(b) EXCEPTION.—Subsection (a) does not apply to amounts authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, I rise in support of the amendment which I am offering together with my friend from New York, Mr. OWENS, to cut the intelligence budget by 10 percent.

Mr. Chairman, the Sanders-Owens amendment is the same as the one which we offered last year, and which was supported by over 100 Members of this House. It provides for a cut of 10 percent from the level of this year—which was in turn essentially the same level as last year, and which has been publicly reported by such publications and organizations as the Washington Post, the New York Times, the Democratic Study Group, and others to be about $28 billion. After 2 years of delay, it puts us on track to fulfilling President Clinton's promise during the 1992 campaign to cut $7 billion from the intelligence budget over the 5-year period 1993–97.

We need to make this cut for reasons that people all over America—if not necessarily in Washington—recognize. We need it because we have a $200 billion deficit and a $4 billion debt. We need it because the cold war is over, the Soviet Union has disappeared, and for decades, as the New York Times noted, "spy agencies spent two-thirds of their budget dollars to track the Soviet threat." And we need it because, as the House Appropriations Committee pointed out in its report last September, the intelligence community received over a 100-percent increase in real dollars between 1982 and 1992.

In this situation, it is absurd to keep on funding the intelligence agencies at cold war levels, and to insist on maintaining their budgets at the same level year after year. When we are already spending $100 billion a year defending Europe and Asia and when we outspend all our potential enemy nations by over 10 to 1, are we really just as insecure as when the Soviet Union existed? While we are cutting back on all the rest of the Government—including social programs, farm supports, and environmental protection as well as defense—how can the intelligence agencies claim to be exempt?

Frankly, Mr. Chairman, I get a little sick and tired when every day I hear Members of Congress rant and rave about the budget deficit, and tell us how it is imperative that we make cuts in Social Security, Medicare, Medicaid, veterans' needs, funding for education—and then, having said all that, they proceed to vote no reductions for the intelligence budget. We have the highest rate of childhood poverty in the industrialized world, including 5 million children who go hungry each day—and we do not have the money to protect our kids. We have millions of senior citizens unable to afford their prescription drugs, and we don't have the money to protect our senior citizens. We have millions of working class young people unable to afford the cost of higher education—and we do not have the money to educate our young people. But somehow, just somehow, when the CIA, the NSA, the DIA, and the other intelligence agencies come asking, the money suddenly appears. It suddenly and magically appears. No problem with funding now.

Mr. Chairman, this debate is not really so much about the intelligence budget, as it is about our national priorities. The 10 percent cut proposed by this amendment—$2.8 billion—is equivalent to about one and a half spy satellites. One and a half spy satellites is what we can purchase for $2.8 billion. Now let me tell you, in the real world, what $2.8 billion could purchase. In a nation frightened of crime and overburdened with high property taxes, $2.8 billion distributed to our States would pay for 40,000 more police officers in community policing programs. In the real world, when young people clamor to get a higher education but cannot afford it, $2.8 billion would fund 200,000 more students in the President's National Service Program. At a time when millions of children enter school far behind their peers, $2.8 billion would fund Head Start participation for nearly 700,000 children. At a time when cities all over America struggle with the crisis of homelessness, $2.8 billion would provide HUD-assisted housing for nearly 3 million homeless families. In terms of our environmental needs, $2.8 billion would fund the entire hazardous waste cleanup program.

And let me repeat—for those whose primary concern is the Federal deficit—that $2.8 billion would reduce our annual budget deficit by 1½ percent.

That is what we are debating today, Mr. Chairman. We are debating whether we defend our national security by pretending that the cold war is still going on, or by recognizing our country's economic crisis. We are debating whether to continue spending billions putting spy satellites into orbit to spy on a Soviet Union which has disappeared—or whether to take care of our own country. That is the basic question, my colleagues, and I ask you to choose to truly defend our national security. Vote for the Sanders-Owens amendment, and restore some common sense to our budget priorities.

□ 1750

Mr. GLICKMAN. Mr. Chairman, I would like to get a time limit on the remaining time in this debate. The gentleman from Vermont [Mr. SANDERS] has already spoken about 5 minutes. I would ask unanimous consent that all debate on this amendment and any amendment thereto be limited to 30 minutes, equally divided, 15 minutes to myself and 15 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. COMBEST. I have no objection, Mr. Chairman.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Vermont [Mr. SANDERS] will be recognized for 15 minutes, and the gentleman from Kansas [Mr. GLICKMAN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. I yield myself 5 minutes.

Mr. Chairman, I thank the gentleman from Vermont [Mr. SANDERS] for offering this amendment. I think it is an important amendment to discuss, although I think the amendment is misguided and should be defeated.

In the first place, when you come down to this floor and you listen to the gentleman from Vermont [Mr. SANDERS], and then previously listened to people on the other side, you would then think that you were talking about two different bills. Folks on the Republican side of the aisle have been arguing that the intelligence budget has been cut radically in the last 10 years. Mr. SANDERS, of course, comes here and said it has not been cut enough.

Here are the facts: The committee bill is 3.8 percent below the fiscal 1994 authorized level, approximately 2 percent below the fiscal 1994 appropriated level and the fiscal 1995 request. That is not taking into account inflation. So we are seeing a reduction in the intelligence community budget. The numbers of people who are employed in the intelligence community is coming down approximately 20 percent. This is the third year in a row they recommended less than requested by the President or authorized the year before.

Significant additional reductions, however, will imperil modernization programs for satellites, signals, and imagery collection systems, which are needed to keep pace with technological advances and which will ultimately save money through consolidation of activities.

Let me tell you what this stuff does so that you will have some idea. What it does is it provides information for military commanders. So, if we have a military conflict in Korea or if we have a military conflict in Haiti or if we have a military conflict in the Middle East, there is modernization of our imagery, satellites and signals intelligence going on, which accounts for one of the reasons why the numbers are not going down faster. My point is that we could find ourselves in a military conflict in Haiti or Korea or the Middle East or perhaps in humanitarian efforts in central Africa, and you have to have that kind of imagery in order to protect American troops, American people and other people who are threatened. These improvements are definitely needed.

We have activities all over the world against terrorism, against proliferation of nuclear, biological, and chemical weapons. Some of that is human intelligence, some of that is signals intelligence, and some is satellite intelligence.

A cut of this magnitude would be extraordinarily serious dealing with those particular problems.

Just yesterday there was a bomb in Buenos Aires which dealt serious damage to the Jewish community in Argentina, which is likely to have been caused by international terrorist activities, which will require the United States and the Argentinians and people around the world to focus on as part of this international terrorist conspiracy to blow up and destroy American and freedom-loving interests around the world. This amendment would strike at the heart of the ability to try to find those particular culprits.

I am particularly worried about nuclear, chemical, and biological weapons. The Russians still have thousands of them, thousands of weapons, any one of which could kill 15 or 20 million people in this country. You have to have the technical, satellite, signals intelligence, and the human capability to find out where those things are.

Now, can I tell you that a 10-percent cut is going to destroy the ability of the intelligence community to do everything they do? I do not know if I can tell you that they would destroy it, but I can tell you this, that it puts us at a very great degree of risk. That is exactly what we do not need right now. We think we have cut this budget as far as we can.

I am just telling you right now that I do not want to have on my hands a terrorist activity in this country or around the world which could have been prevented by modernizing our satellite capability or a release or sale of nuclear or chemical or biological weaponry or missile systems which could find themselves in the hands of a Saddam Hussein or some other ruthless dictator.

So I think while I understand the purposes of the amendment, I think an amendment of this magnitude is ill-conceived, and I urge my colleagues to defeat it.

Mr. SANDERS. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, this debate is an educational debate for the American people. Everybody talks about the deficit, and most people act as if the deficit was created by God. The deficit is not created by God; the deficit is made up of stupid decisions that have a Central Intelligence Agency at the same level it was during the height of the cold war. We are spending for intelligence as much as we were spending when the other superpower, the Soviet Union, existed. We always said that 50 percent—as I was saying, this is an educational debate for the American people. We will not change anybody's mind in this House. The military-industrial complex has given its orders. We know the votes will come down a certain way as a result of that. So we are talking to the American people about what makes up the deficit.

The deficit can be brought under control without cutting education programs, without cutting libraries, without cutting jobs training programs. All of these kinds of programs have been cut in the last year. We have cut $60 million out of the job training for teenagers, in order to move it over for displaced workers. We did not have to do that. We need more money to train displaced workers, we can get it out of the budget reserved for the intelligence community. The intelligence budget cannot be defended with any kind of logic or reason. Nobody is able to bring forth any logic which makes any sense. To talk about the dangers in the world of terrorism and other kinds of threats, nuclear threats from North Korea, they were always there along with the Soviet Union. Once the Soviet Union, the only superpower that has the capacity to deliver nuclear bombs from their soil to our soil, is eliminated, then we are in a different world. The Soviet Union's secret police, unlike our secret police, the CIA, the Soviet Union secret police have opened up their archives, a large portion of the archives. They demystified their intelligence community. We do not even want to disclose to the American people the total amount of money we spend on intelligence. We just voted that down.

The orders came down from the military-industrial complex, "Don't do it." So the puppets moved in line, and they lined up to vote. Logic cannot prevail in this kind of situation. We have the Congressional Budget Office. Last year, the Congressional Budget Office suggested, recommended a 20-percent cut. A 20-percent cut in the overall intelligence budget was recommended by the Congressional Budget Office.

□ 1800

Now, Mr. Chairman, those are the people we pay to monitor very closely the logic of what we are doing with our budget. We are only asking here for a 10-percent cut, a 10-percent cut of what the most conservative estimates put at a $30 billion budget. We do not know officially, we cannot represent it, we cannot pretend we know officially, but the New York Times and certain other sources that really know what is happening in America, always they have consistently pegged the intelligence budget at $30 billion.

Of course we should go and ask Aldrich Ames. Aldrich Ames would have told us it might take a tip, we might have to pay Aldrich Ames something, but he can tell us, probably, what the overall budget is.

Aldrich Ames was, as my colleagues all know, a highly placed official at the very top of our country's intelligence operation who for 9 years was a spy for the Soviet Union, and, in order to shut him up and not let him tell the American people about what is going on inside of the old boys network of the CIA, they gave him life imprisonment instead of death. As my colleagues know, he committed wholesale treason. If anybody deserves the death penalty, it certainly ought to be Aldrich Ames. But Aldrich Ames walked away. A deal is being made with his wife because he knows too much. He could tell us that if the Soviet Union was paying him as a spy for them, if he was being paid $2 million, then what do we pay our spies, the ones we get from the Soviet Union? Our rate of pay is probably higher, so the CIA is probably paying Soviet spies, East German spies, all kinds of people they manufacture, they are probably paying them at a higher rate than $2 million for the work they do. Aldrich Ames got $2 million.

Aldrich Ames in his parting shot accused the CIA of being an old boys network that was obsolete, and that is what we are dealing with, my colleagues. We are dealing with an old boys network that is obsolete, and it is driving a $30 billion budget.

Thirty billion is not the total budget for the CIA, but they are the kingpin of the intelligence community. There is Army intelligence, satellites; there is a whole lot of stuff out there. But $30 billion, if we take 10 percent of that, $3 billion can fund a lot of repairs to school buildings that have lead poisoning problems, and they have asbestos problems, and $3 billion could build a lot of schools. Three billion dollars could relieve the pressure on a lot of school board budgets.

Three billion dollars could provide for a health care program that would end the kind of tuberculosis which has crept back into not just our homeless community, but there is a high school out in California where there is a large infection of tuberculosis in the high school.

Now we cannot provide the money to take care of basic health care problems and basic education problems. We tell the American people that there is a deficit, we must deal with the deficit. I agree there is a deficit. The deficit was created by irresponsible spending. Now we have an opportunity to cut the deficit, and we can cut the deficit without hurting the security of America at all.

The CIA does not have the capacity to do the job that needs to be done with respect to terrorism. They do not know enough Arabic. They do not have enough people to deal with the fundamentalist Islamic revolution. They cannot deal with that. The CIA cannot deal with the problem in Haiti. Nobody in the U.S. Government can tell us how many people are being massacred in Haiti, what the conditions are in Haiti. The CIA cannot tell us what is going on in a country which is less than 700 miles from Florida.

As my colleagues know, the CIA does not have any black agents. The CIA is not modernized. The diverse world it has to face; it has no agents to do that. It does not have any females. The females, the few of them that are there, recently brought a suit about what is going on there, so we got an obsolete operation. The head of the CIA yesterday admitted that it is a white male dominated old boys network. If the head of the CIA admits that, then my colleagues know we have got serious problems. We are spending on this white male dominated old boys network which is obsolete, we are spending at least $2 billion on that agency alone, and they have control of a $30 billion intelligence budget. The American people need to know, if we want to cut the deficit, we want to cut the deficit, at the same time provide for Federal money for libraries, we want to provide for Federal money to help take care of the problems our schools are facing, we want to take care of the health problems, and there are a lot of places where we are wasting money, and one of them is in the intelligence budget. Three billion dollars we gain by passing this 10-percent cut.

So I say to my colleagues, "Let's pass it and get a $3 billion to give to good programs."

Mr. GLICKMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Chairman, while I greatly respect the sincerity of the distinguished gentleman from Vermont, I must say that I find his amendment to limit this year's authorization for intelligence to 90 percent of last year's level to be reckless in the extreme. In my statement in support of this bill I have already talked at some length about my extreme disquiet over our committee's turning out a bill which continues the trend of making deep cuts to intelligence. At that time I cited several facts which illustrate the depth of the commulative annual cuts we have seen to intelligence this decade.

I would like to repeat a few of them here and cite some new ones. First, the repeats:

Fact No. 1. In real terms the intelligence budget has been cut in all but 1 of the last 6 years.

Fact No. 2. The intelligence community is already being downsized at twice the rate recommended by the President's National Performance Review for the Government.

Fact No. 3. The $7 billion that President Clinton proposed to cut from intelligence by 1997 has already been achieved and will, at current rates, end up being more than double that by 1997.

Fact No. 4. The authorization bill this year authorizes in real terms almost 15 percent less than our authorization 2 years ago, and that was at a level which then-Intelligence-Committee-Chairman McCURDY claimed could not be further reduced without the risk of "severe damage." That higher level was, he said, "the outer limit on which the intelligence community can expect to reduce spending."

And now a few more facts:

Fact No. 5. This bill already reflects in real terms a more-than-6-percent decline in intelligence spending from last year.

Fact No. 6. At the current rate of cuts, the intelligence budget in inflation-adjusted dollars will, by the end of this decade be less than 60 percent of what it was in 1989.

Fact No. 7. The budget for national programs for next year was—as submitted by the administration—already $1.3 billion less than what the administration projected just last year.

Mr. Chairman, the effect of the gentleman's amendment would be to gut intelligence and to cripple a key element of our national security and leave our Government whistling in the dark when dealing with the issues of regional stability, weapons proliferation, terrorism, global fair trade and competitiveness, and strategic and tactical military preparedness.

The intelligence community has already begun a process of closing down capabilities which we can ill afford to give up. Having, several years ago, already reduced its resources covering the former Soviet Union, the intelligence community is now in a process of eliminating coverage completely against many targets and even regions worldwide. Programs to modernize, upgrade, and save money in the out-years by revamping technical collection systems have been slowed down or shelved. On the analytic side the situation is as bad or worse. Military analysis has been left perilously thin; many arms control and weapons analysis offices have been cut back to fractions of their former size despite the growing problem with the proliferation of weapons of mass destruction and missile delivery systems; other analysis are overwhelmed with the demands for more and better analysis of the multiplicity of issues which the administration faces politically and economically around the globe.

The fact that this amendment sets an arbitrary figure for cuts as opposed to making specific proposals for savings is indicative of its poor rationale. The gentleman from Vermont has presented his amendment without reading the committee's classified report showing an itemized breakout of how intelligence funds are spent. Those Members who want to cut intelligence further need, at the least, to exercise their right, indeed their duty, to make such proposals only after viewing the committee's detailed mark and identifying specific program areas to be cut. At that point, the responsible Member will realize that in a budget as lean as the one in this bill, for every supposed saving there is in reality a very clear and high cost in terms of lost national security.

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as my colleagues know, I think it is interesting that every year the chairman of our committee gets up and asks Member to go up to room 405, which is where the Permanent Select Committee on Intelligence meets, and ask for a look at the budget. The budget is open to any Member of the Congress to go up and look at. One does not have to be a member of the Permanent Select Committee on Intelligence or a member of the leadership, but every year Members get on this floor and with good intentions ask for cuts of 10 percent, 5 percent, 2 percent, and as they never go up and look at the budget, they do not know what they are asking us to cut.

Now Members that have served on this committee for a number of years or some of us that are now in their second year on the committee have worked diligently in doing the budget. We understand where the money is being spent. We analyzed it. We had hearing after hearing to determine whether it is needed. But yet the Members ask for the cuts, and in reference to the gentleman from Vermont and the gentleman from New York, Mr. Chairman, I have talked with staff, and they have not gone up and looked at the budget. They should look at it, they should analyze it, they should go through it and see what it is all about. But to come off the top and say, "Let's just cut it, let's not look at it"; they do not know what it is for, where it is coming from, and I think it is very important to understand it. They should look at it because the world is a dangerous place. It is as dangerous as it was when the Soviet Union existed. We have more targets, we have more problems, more areas to focus on and more people to be retrained because many of our analysts were analyzing areas of the Soviet Union and trained in that area. Now we have Iran, we have North Korea, we have Iraq which we just had a war with, and I think it is so important we analyze it.

Mr. Chairman, I urge my colleagues, before they make these judgments, to go upstairs, go through the budget, look at what it is, and then make their decision whether it should be cut.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mr. OWENS. Mr. Chairman, will the gentlewoman yield?

Mrs. MINK of Hawaii. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I want to tell the American people listening to this debate that once you look at that budget, you can no longer talk about it. You cannot disclose anything. We are forbidden from talking about the figures. So they ought to know for a fact that we do not look at it, because we do not want to be in a position of being criticized for discussing a budget we looked at. I urge full disclosure of the total amount, and we can talk to the public about the total amount.

Mrs. MINK of Hawaii. Mr. Chairman, reclaiming my time, I take the well today to support the amendment to cut 10 percent from the budget. I do so not because I do not respect the diligent work of the Permanent Select Committee on Intelligence in determining what our needs our, but just as an individual citizen in this great country. I understand that the circumstances in the world have changed. We do not have the same threats which generated this huge spending in the cold war situation.

Times are different. You cannot make a sensible argument by saying we have new threats, new enemies. These very same countries existed previously as threats to our security, and the intelligence community, I am sure, was embarking upon whatever strategies and investigations that those situations required in Iran and Korea and other places.

They have risen up into prominence and have become our priorities, but they are certainly not such that they overcome the spending cuts which are, I think, prompted by the changes of circumstances.

Now, if this country had resources which it could spend, I would say perhaps this debate would be a needless effort. But all of us understand the crisis of spending in this country and the enormous needs that our people experience and tell us are unmet, and we are helpless in providing them the resources to meet these needs.

I serve on the Committee on Education and Labor, and it pains me every year not to be able to fund the programs as the needs occur. We have always said that the American country needs to be able to compete globally in terms of education, in terms of our economy. Yet we are not providing funds for our young people to go on to the universities and colleges and be able to compete. We have limitations on the number of Pell grants and scholarships, and we are cutting back constantly on graduate education and resource assistance.

Now, is it possible that a country as great as ours cannot divert funds away from intelligence institutions like the CIA and recommit these moneys to the education of our young people?

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, this budget and these issues are a matter of intense interest to me and my constituents. I have done my homework, though not on the committee, and have been briefed on this intelligence budget, and have paid a visit to that top floor of the Capitol. My conclusion is that the Sanders amendment is not in our national interest, and I strongly oppose it.

As I said last year, intelligence funding is intelligent funding. I believe that intelligence is a crucial investment, for much the same reason that I support aid to the former Soviet Republics. It is proactive. The money we spend for these programs helps us avoid spending greater sums later, because we can identify threats early on and organize our response.

Our intelligence capabilities were a major factor in the Persian Gulf war. They improved our battle management, increased our knowledge about Iraq's capabilities, and helped pave the way for the gulf war and the liberation of Kuwait.

My district has made a major contribution to the tactical intelligence systems that are funded jointly by the Permanent Select Committee on Intelligence and the Committee on Armed Services, and I think these systems are more vital than ever in these times of rapid international change.

Since 1990, more than 20,000 jobs have been eliminated at the 5 major prime contractors which develop intelligence collection systems. That represents a 75-percent reduction in the work force involved in intelligence programs. Most of that loss has occurred in southern California, and, because there were no alternative jobs, these people have left the industry and are not likely to return to work on critical national intelligence programs in the future.

Mr. Chairman, statistics like those I have just quoted are devastating to our industrial base, our intelligence industrial base, and our national security. I strongly urge a "no" vote on the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, it is difficult to debate a budget and urge or defend a cut in the budget when the budget is secret and we cannot say how much we are spending or how much the proponents or opponents of amendment propose to spend, although rumor has it, rumor from the New York Times and everywhere else, it is somewhere in the neighborhood of $30 billion. Maybe that is true.

But what one can say, however, is that in the last few years, the world has undergone an immense change. The cold war has ended. The great adversary, the evil empire, which itself spent many, many billions of dollars every year on armaments, on intelligence, on counterintelligence, which we had to spend many billions of dollars on for intelligence and counterintelligence and counter-counterintelligence, is no more. Why is it that our budgets do not recognize the world sea change, the sea change in the condition of the world?

It is true, of course, there are many things that our intelligence must do. We must know what is going on. Much of what we must know about what is going on really consists of people studying periodicals and literature in libraries to find out what is going on in cultural change and in religious change and political change around the world. Some of it is still handled through satellites and such.

But the fact is, that with the Soviet Union gone, with the cold war over, if we cannot reduce our intelligence budget by 10 or 20 percent, then we are wasting a heck of a lot of money. It is particularly true in view of the fact that the intelligence community missed the greatest political event of the last quarter-century, the collapse of the Soviet Union. So one wonders how efficiently they were spending that money in the first place.

In summary, Mr. Chairman, we ought to be able to reduce our expenditure and spend it more usefully on housing and education and things vital to national security here at home.

Mr. GLICKMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, it befuddles most of us. We talk about a strong crime bill, and the Black Caucus fights against strong crime measures. And the liberal from New York fought against registering child molesters and woman stalkers. But yet he is up here, "Let's cut intelligence; let's cut defense."

We cut the defense of this country down to the bone marrow. During Desert Storm the intelligence agencies in defense, and I saw a lot of Members sitting around here sleeking around, wondering what the terrorist activity was. In foreign countries, the word is well, the Soviet Union is gone. It is only Russia right now. Why are they building four *Typhoon*-class submarines and investing in nuclear subs and subs that cut cables? Yes, our intelligence agency knows that.

So why, if the Soviet Union is gone, are they doing that? I never fought against the Soviet Union. I fought in Vietnam and I fought in Israel. I never fought against the Soviet Union. But we are looking at Somalia, we are looking at Haiti. God knows Haiti. And we do not need intelligence for that? And we are cutting ourselves to the quick.

□ 1820

And some of the rhetoric, "We want a strong crime bill, but by the way, let's cut all of our intelligence."

I look at what kind of message are we sending when we talk about priorities in cutting. The Constitution of the United States provides for defense. We have an education budget. I serve on that committee as well. But the social welfare program has failed. It has failed. When we are trying to cut everything that we have for our own defense in this country, including our intelligence agencies, if anybody ought to be mad at the FBI and CIA, it was me.

During the Desert Storm they gave our freshman class a lecture telling about the terrorist activity. I went to my district and they left it cut off.

We need them and we need them desparately. We have the other funds for education and those kinds of things.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Let me put this debate into some perspective. As I understand it, the gentleman from New Jersey [Mr. TORRICELLI] earlier indicated that our intelligence budget, our intelligence budget is more than the entire defense budgets for all of our potential enemies combined. What we are talking about is funding the intelligence agencies at roughly the level as when the Warsaw Pact and the Soviet Union were in existence.

Earlier the gentleman from Nevada asked if some of us on this side had gone into the special room and looked at the intelligence budget. The gentleman from New York [Mr. OWENS] gave the answer that we had not, the reason that we had not. But there is a more important reason.

I have not gone into that room, but in my State, I have talked to parents whose children are hungry. I have talked to elderly people who cannot afford prescription drugs. I have talked to senior citizens who are getting by on Social Security. As mayor of the largest city in the State of Vermont, I have seen homelessness. I have seen the social misery that is going on all over this country.

This debate is primarily not about the intelligence budget. If we give them $28 billion, they will take it; if we give them $100 billion, they will take it. What this debate is about is national priorities. It is the hypocrisy of Members coming up here every day talking about the deficit, talking about cutting Social Security, Medicaid, education, but not wanting to cut in any significant way the intelligence budget.

What this debate is about is national security. It is whether we will tolerate having 5 million children hungry, having the highest rate of poverty among children in the industrialized world.

Do Members want to know what national security is? It is feeding hungry children. It is educating the young. It is providing jobs for the unemployed. It is not spending more money on intelligence than the entire defense budgets of all our enemies combined. That is called overkill.

It is no secret to the Members of this body that Congress is not held in high esteem by the American people. This debate indicates why. We cannot talk about being serious about deficit reduction, we cannot talk about sensible national priorities and vote to keep the intelligence budget at the same level as it was at the height of the cold war.

Mr. Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Mr. Chairman, I yield myself the balance of my time.

I urge my colleagues to vote "no." I must say, I find it somewhat disingenuous for Members to come here and talk about the budget in such detail without actually going upstairs and reviewing that budget. I agree with my colleague from Nevada, that budget, many billions of dollars, is available for access by all Members of Congress. And while I understand the argument, those who do not want to go up there might be somehow inhibited by what they see, it still defies my imagination that Members would come here to cut that budget without going upstairs and actually seeing what is debated and what is part of the intelligence budget.

The fact of the matter is, this country is still threatened. We are threatened by Korean troops from the north. We are threatened by Iraqis and Iranians. We are threatened by perhaps American troops who may find themselves in harm's way in Haiti. We are threatened by nuclear-tipped missiles being sold around the world. We are threatened by chemical and biological warfare. We are threatened by Third World countries in the arms game and we are threatened by terrorists at home and abroad.

Intelligence is a pretty good insurance policy to protect against that threat. We hope we never have to pay the piper on that insurance, if we do not pay the premium. That is what we are doing right now. We are paying the premium on that insurance policy. It is good sense for this country. I urge my colleagues to vote down the Sanders amendment.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 106, noes 315, not voting 18, as follows:

[Roll No. 333]

AYES—106

Andrews (ME)
Barca
Becerra
Bonior
Brown (CA)
Brown (OH)
Cantwell
Clay
Clayton
Clyburn
Coble
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
Dellums
Derrick
Duncan
Durbin
Edwards (CA)
Ehlers
Engel
English
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Furse
Gutierrez
Hall (TX)
Hamburg
Hilliard
Hinchey
Inslee
Jacobs
Johnson, E. B.
Johnston
Kanjorski
Klink
Kreidler
Lambert
Lewis (GA)
Lipinski
Maloney
Markey
McDermott
McKinney
Meehan
Mfume
Miller (CA)
Minge
Mink
Murphy
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (MN)
Petri
Poshard
Rahall
Rangel
Roemer
Rohrabacher
Roth
Rush
Sanders
Schroeder
Sensenbrenner
Serrano
Shays
Slaughter
Stark
Strickland
Stupak
Synar
Thompson
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Waters
Watt
Wheat
Whitten
Williams
Woolsey
Wyden
Yates

NOES—315

Abercrombie
Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brooks
Browder
Brown (FL)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cardin
Carr
Castle
Chapman
Clement
Clinger
Coleman
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de Lugo (VI)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Long
Lowey
Lucas
Mann
Manton
Manzullo
Margolies-Mezvinsky
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mica
Michel
Miller (FL)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Pelosi
Peterson (FL)
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Rogers
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Royce
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bishop
Blackwell
Brewster
Faleomavaega (AS)
Ford (TN)
Gallo
Gingrich
Green
Machtley
Richardson
Ros-Lehtinen
Roukema
Slattery
Smith (MI)
Smith (NJ)
Underwood (GU)
Washington
Wilson

□ 1843

Ms. SCHENK and Ms. SHEPHERD changed their vote from "aye" to "no."

Mr. HALL of Texas and Mr. VALENTINE changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to let Members know the schedule for the evening.

We will have two amendments that we will consider. Then the Committee will rise and finish this bill tomorrow.

We will have one suspension vote, as I understand it.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKAGGS:

At the end of title VII (page 39, after line 4), insert the following:

SEC. 703. REPORT CONCERNING THE COST OF CLASSIFICATION.

Not later than 7 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report (in a classified and unclassified form) which identifies the following:

(1) The cost of classifying documents and keeping information classified by each agency within the intelligence community.

(2) The number of personnel within each such agency assigned to classifying documents and keeping information classified.

(3) A plan to reduce expenditures for classifying information and for keeping information classified, which shall include specific expenditure reduction goals for fiscal year 1995 for each such agency.

Mr. SKAGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. HASTINGS). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SKAGGS. Mr. Chairman, very briefly, this amendment merely directs the Director of Central Intelligence to comply with the reporting requirement that was included in the report to last year's authorization bill, a requirement that has not yet been complied with, dealing with the costs and the personnel involved in maintaining classified information within the intelligence community.

All of the other agencies of the executive branch of government have complied with this requirement in the report that was filed by OMB back in the spring. This is an effort to further get the attention of the intelligence community that they, too, need to provide this information as previously requested by Congress.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I fully support the amendment. We were prepared to accept it with the understanding that we will reconsider the need for it in conference based on the progress made at that point in meeting the schedule promised last night by Mr. WOOLSEY.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we are happy to accept the amendment with the conditions the chairman laid out.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment, and I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: At the end of the bill insert a new Title IX—INTERDICTION OF AERIAL DRUG TRAFFICKING.

SECTION 901. POLICY OF THE UNITED STATES.

It is the policy of the United States to provide Intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. In providing such assistance, the United States seeks to facilitate efforts by foreign governments to identify, track, intercept, and capture on the ground aircraft suspected of engaging in illegal drug trafficking, and to identify the airfields from which such aircraft operate. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

SEC. 902. AUTHORIZATION.

The President is authorized to provide Intelligence assistance to foreign governments under such terms and conditions as he may determine in order to carry out the policy stated in section 901. Activities directed by the President pursuant to this title shall not give rise to any civil or criminal action against the United States or any of its officers, agents, or employees.

SEC. 903. SENSE OF CONGRESS.

The Congress urges the President to review in light of this title all interpretations within the Executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

MODIFICATION OF AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, pursuant to an agreement with the gentleman from Kansas [Mr. GLICKMAN], I ask unanimous consent that my amendment be modified, and I offer a substitute amendment to be considered in lieu of the amendment printed in the RECORD.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. GILMAN: At the end of the bill insert a new Title IX—INTERDICTION OF AERIAL DRUG TRAFFICKING.

SECTION 901. POLICY OF THE UNITED STATES.

It is the policy of the United States to provide intelligence assistance to foreign governments to support efforts by them to interdict aerial drug trafficking. The United States does not condone the intentional damage or destruction of aircraft in violation of international law, and provides assistance to foreign governments for purposes other than facilitating the intentional damage or destruction of aircraft in violation of international law.

SEC. 902. SENSE OF CONGRESS.

The Congress urges the President to review in light of this title all interpretations within the Executive branch of law relevant to the provision of assistance to foreign governments for aerial drug interdiction, with an eye to affirming that continued provision by the United States of such assistance conforms fully with United States and international law.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the amendment be modified?

There was no objection.

Mr. GILMAN. Mr. Chairman, I offer this amendment in response to a policy change by the administration that has jeopardized the ability of our Nation to win the war on drugs. On May 1 of this year, as a result of a legal review undertaken within the Department of Defense, the administration suspended a variety of counternarcotics assistance programs with the Governments of Colombia and Peru.

Most importantly, the administration stopped providing intelligence information to those governments for use by them in tracking and intercepting airplanes suspected of transporting narcotics toward our shores.

This policy change was adopted without any prior consultation with the Congress, or indeed, as I understand it, without any prior consultation with the Governments of Colombia and Peru.

By all accounts, the results of this policy change have been disasterous. The suspension of United States assistance has given the narcotraffickers virtual free reign over the skies of Colombia and Peru, and has resulted in a significant upsurge in the volume of cocaine headed for the United States.

This is an appalling situation, and it has to stop.

My amendment is intended to express the concern of the Congress over this situation, and to open the way for the administration to solve the problem.

The amendment clarifies that it is the policy of the United States to provide intelligence assistance to foreign governments like Colombia and Peru for use by them in interdicting aerial drug trafficking. Such assistance is provided not in order to facilitate the intentional damage or destruction of aircraft by such governments in violation of international law, but rather to assist the interdiction of aircraft by such governments by means that do not involve the damage or destruction of aircraft in violation of international law.

This does not mean that it is contrary to U.S. policy for foreign governments to use U.S. intelligence information to damage or destroy aircraft in all circumstances. To the contrary, there are circumstances in which international law permits governments to damage or destroy aircraft. For example, it is clear that governments may act in self-defense against airplanes that are endangering the lives of others. Similarly, in time of war, or if a country has declared a national emergency in accordance with article 89 of the Chicago Convention on International Civil Aviation, the usual rules do not apply.

The clarification of U.S. policy set forth in my amendment should help the administration reach a different conclusion on the legality of continued provision by the United States of intelligence information to foreign governments for purposes of aerial drug interdiction than the administration reached the last time it looked at this question.

In its review earlier this year, the administration apparently assumed that Colombia and Peru are likely to use United States-provided intelligence information to shoot down aircraft in violation of international law. It is not clear to me, however, that Colombia and Peru are likely to use this information in a manner inconsistent with their obligations under international law.

If Colombia and Peru are not likely to act in violation of international law, then an additional legal concern identified by the administration—that officials of Colombia and Peru may be violating criminal provisions of the Aircraft Sabotage Act, particularly title 18, United States Code, section 32(b)(2)—appears to have been exaggerated.

Section 32(b)(2) makes it a U.S. crime for persons to damage or destroy certain aircraft even if there is no nexus between the underlying act and the United States—that is, no involvement of U.S. citizens and no other connection to U.S. territory. Ordinarily the United States would be without jurisdiction to criminalize acts with no relationship to the United States, but section 32(b)(2) relies on the international legal principle of universal jurisdiction as a basis for applying U.S. criminal law.

Universal jurisdiction exists only with respect to certain heinous violations of international law, such as genocide and piracy. The damage or destruction of civil aircraft in flight in violation of international law is a recognized basis of universal jurisdiction, and it is upon this basis that the criminal proscriptions of section 32(b)(2) rest.

It is obvious, however, that universal jurisdiction does not exist with respect to actions that do not violate international law. It should not be hard, therefore, for the administration to interpret section 32(b)(2) as applying only to acts over which the United States has jurisdiction in accordance with international law.

It follows that if Colombia and Peru are not violating international law, their officials cannot be violating section 32(b)(2).

An additional legal concern identified by the administration is that U.S. officials providing intelligence assistance to Colombia and Peru may be violating title 18, United States Code, section 2(a) by aiding and abetting violations by officials of those Governments of section 32(b)(2). Of course, this concern is misplaced if, in fact, Colombian and Peruvian officials are not violating section 32(b)(2).

Even if Colombian and Peruvian officials were deemed to be violating section 32(b)(2), however, there can be no aiding and abetting liability on the part of United States officials unless those officials act with the specific intent to facilitate unlawful activity. The statement of U.S. policy contained in section 901 of my amendment makes clear that it is not the intent of the United States to facilitate unlawful activity. To the contrary, section 901 states that the United States does not condone the intentional damage or destruction of aircraft in violation of international law.

In any event, the Attorney General's prosecutorial discretion can be used to ensure that U.S. officials are not prosecuted for carrying out the policy of the President.

I am aware, Mr. Chairman, that the administration has proposed legislation to resolve the intelligence sharing problem that arose as a result of the administration's legal review. That proposal would have us amend section 32(b)(2) to create an exemption for the intentional damage or destruction of aircraft in certain circumstances.

I am not unalterably opposed to such an approach. I believe, however, that we must proceed cautiously in amending U.S. criminal law in this regard, not least because many other countries have criminal laws similar to section 32(b)(2), and we would not want to suggest to those countries that they may exercise their universal jurisdiction to prosecute U.S. officials for actions that we thought were prohibited by section 32(b)(2) in the first instance.

I will remain willing to discuss possible refinements of my amendment with the administration as the legislative process unfolds. In the meantime, Mr. Chairman, I urge the adoption of my amendment.

□ 1850

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I commend the gentleman's amendment. I could not have supported it as originally drafted, but he has modified it to make sure there is a strong policy statement and that there is a sense of the Congress that we are helpful to the Andean nations in supporting their aerial antidrug interdiction efforts. Therefore, I support the amendment.

Mr. GILMAN. I thank the gentleman for his support.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, we certainly accept the amendment and I support the gentleman's amendment.

Mr. Chairman, this amendment provides a clear statement of congressional intent on counterdrug air interdiction. It helps the administration move forward on resolving the current impasse between Colombia and Peru and the United States.

No radar tracking data has been given to the Colombians or Peruvians since 1 May. Consequently, there has been an increase in drug trafficking flights from Peru to Colombia with a corresponding increase in the amount of cocaine being processed for onward shipment to the United States.

We need to resume cooperative counterdrug programs with Colombia and Peru. The cut off in radar tracking information has aggravated tensions and impacted negatively on all counterdrug programs. This amendment will help repair damage due to the cut off by showing that we are moving to correct the law.

Mr. GILMAN. I thank the gentleman for his support.

The CHAIRMAN pro tempore (Mr. HASTINGS). The question is on the amendment, as modified, offered by the gentleman from New York [Mr. GILMAN].

The amendment, as modified, was agreed to.

Mr. GLICKMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MONTGOMERY) having assumed the chair, Mr. HASTINGS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, during roll call vote 333, I was unavoidably detained and not able to register my vote. Had I been present, I would have voted "nay."

HEALTHY MEALS FOR HEALTHY AMERICANS ACT OF 1994

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 8, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. KILDEE] that the House suspend the rules and pass the bill, H.R. 8, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 40, not voting 22, as follows:

[Roll No. 334]

YEAS—372

Abercrombie
Ackerman
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (CA)
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.

Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Lloyd
Long
Lowey
Lucas
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—40

Allard
Archer
Armey
Bachus (AL)
Ballenger
Bartlett
Barton
Burton
Callahan
Coble
Collins (GA)
Combest
Crane
Crapo
DeLay
Doolittle
Duncan
Fields (TX)
Goss
Hancock
Hefley
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Livingston
Manzullo
Miller (FL)
Paxon
Penny
Rohrabacher
Royce
Schaefer
Sensenbrenner
Shuster
Stearns
Stump
Taylor (NC)
Walker

NOT VOTING—22

Andrews (ME)
Bateman
Bishop
Blackwell
Clay
Conyers
Ford (TN)
Gallo
Gingrich
Machtley
Murphy
Murtha
Richardson
Ros-Lehtinen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Studds
Vucanovich
Washington
Wilson

□ 1910

Messrs. HINCHEY, EVERETT, and GRAMS changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WOODROW WILSON PLAZA

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Committee on Natural Resources and the Committee on Public Works and Transportation be discharged from further consideration of the Senate bill (S. 832) to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza" and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. DEUTSCH). Is there objection to the request of the gentleman from California?

Mr. DUNCAN. Mr. Speaker, reserving the right to object, and I shall not object, I just want to state that we have reviewed this bill and have no objection to its enactment; in fact, we support this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the plaza to be constructed on the Federal Triangle property in Washington, DC as part of the development of such site pursuant to the Federal Triangle Development Act (Public Law 100–113) shall be known and designated as the "Woodrow Wilson Plaza".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 832 the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members are recognized for 5 minutes each.

CASTRO'S CONTINUING ACTS OF MURDER

The SPEAKER pro tempore Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, I join all people of conscience, regardless of race, ethnicity, color, creed, or ideology in condemning the outrageous acts of brutality committed off the coast of Cuba by the government of Cuban dictator Fidel Castro.

Last Wednesday, Cuban Government tugboats chased and deliberately killed up to 40 Cuban citizens fleeing the horror of Castro's Cuba. They were hosed down by Castro's thugs, Mr. Speaker. Hosed down with high pressure gauges. They were hosed down so hard that they flew off the boat, undersea, and drowned. Women and children were among those killed. The fierce thrust from pressure hoses yanked children ages 10 and under from their mother's arms into the sea to die. Even a 4-month-old baby was among them. Men and women slammed into the boat's walls by the gushing firehoses. Eventually, after being rammed by Cuban Government tugboats, the boat capsized amidst a whirlpool, throwing those aboard off.

One woman, Ms. Maria Victoria Garcia Suarez, survived to tell about it. While back in Cuba, having gone through this event, in an incredible display of courage, she defied the Casto regime and told foreign reporters in detail how she lost her husband, her 10 year-old son, her brother, three uncles, and two other brothers. A whole family wiped out. She and her son used a floating cadaver to remain afloat, but her son could not hold on, she lost his grip, and he drowned.

The cynicism and utter cruelty of this act is highlighted by the method that the Cuban Government chose for this death chase. Rather than stopping those who fled at the coast, Castro's thugs allowed them to go 7 miles offshore where no one could see their acts of murder. Forty-five minutes from the coast. Then they went for the kill.

The more details we learn about, the more barbaric we discover this act is.

Now, one would think that the people of conscience who work in the U.S. Government would respond with outrage to this heinous act. One would think that the editorial boards of our national media, such as the Washington Post or the New York Times would respond with horror and put it in print with the same conviction that they ask for a lifting of the U.S. trade embargo on Castro. One would think that the international community would respond with indignation. One would think that those countries such as Mexico, Spain, and Canada, who are so eager to make a quick, cheap buck in Castro's Cuba would express their indignation by withdrawing their blood money. One would think so, Mr. Speaker.

But sadly, tragically their response, in a word, is silence. Deafening silence.

I ask: What will it take? What will it take for the U.S. Government to act as forcefully with the Castro dictatorship as it has with the other regimes in this hemisphere or abroad? What will it take for the international community to remove the rose-colored glasses through which it views Castro's dictatorship?

What will it take to get the lost lives of 40 men, women, and children, including a 4-month-old baby—which is a small sample of the atrocities that occur daily in Cuba—to merit even the tiniest footnote in our national press?

☐ 1920

Tonight I call on the Clinton administration to demand an investigation by the Organization of American States into this incident. I call upon the United Nations to condemn these cold-blooded acts of murder. I call upon our Ambassador to the United Nations to lead that effort.

Mr. Speaker, where are the communities of civilized nations, and where are our colleagues who speak so eloquently of human rights in different parts of the world when it comes to the question of the violation of those basic rights for the people of Cuba?

Enough is enough, Mr. Speaker. Enough is enough. The time to break the silence is now. Join us. Join us in breaking the silence. Join us in striking a blow on behalf of human rights, not only for the people of Cuba, but throughout the world.

THE NEED TO DEAL WITH ILLEGAL ALIEN PRISONERS—SEND THEM HOME TO SERVE THEIR SENTENCES

The SPEAKER pro tempore (Mr. DEUTSCH). Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, last week, on behalf of myself and nine colleagues from both sides of the aisle, I introduced H.R. 4765, the Illegal Alien Prisoner Transfer and Border Enforcement Act of 1994. When enacted, the President is urged to begin within 90 days the renegotiation of the existing bilateral Prisoner Transfer Treaties with Mexico and other countries which have sizable numbers of illegal criminal aliens in our prisons.

Currently, the U.S. taxpayer is paying the toll twice: First, for the crimes illegal aliens commit here; and second, for the cost of housing illegal alien inmates in our already overcrowded federal and state prisons. The annual incarceration cost to the United States to house illegal alien prisoners is approximately $1.2 billion.

The Federal Bureau of Prisons reports that approximately 24 percent of its 91,000 prisoners are not U.S. citizens. The annual cost per inmate is $20,803. According to the Federal Bureau of Justice statistics, about 4 percent of the inmates in our State prisons are not U.S. citizens. The estimated cost to California alone is $375 million annually.

Alien prisoners come from some 49 countries in North America, South America, Europe, Africa, and Asia. Almost half of that population is of Mexican origin.

The Immigration and Naturalization Service has estimated that as of October 1992, the total illegal alien population in our Nation was 3.2 million people and growing at 300,000 annually. The States of California, Arizona, Texas, Florida, and New York have been particularly hard hit.

Almost two decades ago, in 1976, the United States established a Prisoner Transfer Treaty with Mexico. Most agree that this treaty is not working, and the facts support this. For example, under this arrangement Mexican citizens in the United States, who are arrested and convicted of a crime, may choose whether they will do their prison time in the United States or in Mexico. For the few who do return to Mexico, there is no assurance that they will serve the balance of their full term. It is time for a change of course.

H.R. 4765 provides the dual benefit of relieving our overcrowded prisons while simultaneously offering a multifaceted approach to improve border management. Domestic prison overcrowding would be relieved by having illegal alien criminals deported to their country of origin to serve out the balance of their sentence. Under this measure, countries which comply with the renegotiated treaty would be able to enroll at no cost their border management personnel in appropriate Federal and cooperative State training and educational programs. The incentive is increased competency for these foreign officers to control illegal immigration, drug interdiction, and other cross-border criminal activities such as to prevent the illegal transit of people and goods. Their success on the job would be of tremendous benefit to both countries. We should work with our neighbor, Mexico, which has been very cooperative in drug interdiction efforts, to ensure that its criminal population serves their prison time at home.

It is time for Congress and the President to take joint responsibility for the impact on the States caused by the relentless flow of illegal immigration. The U.S. taxpayer should no longer be saddled with the full cost of supporting those who have not only crossed our borders illegally, but have committed crimes while they are here. Our bill seeks to alleviate one part of that burden.

Mr. Speaker, illegal immigration is a heavy cost to our Nation. Illegal immigrant criminal activity provides an even heavier cost. These are not simply regional problems. This is a national problem. We need your help.

Those joining me in this effort are: Mr. BEILENSON, Mr. CANADY, Mr. CONDIT, Mr. GALLEGLY, Mr. PETE GEREN of Texas, Mr. KYL, Mr. THOMAS of California, Mrs. THURMAN, and Ms. WOOLSEY.

Mr. Speaker, I ask that the text of H.R. 4765 be printed at this point in the RECORD:

H.R. 4765

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Illegal Alien Prisoner Transfer and Border Enforcement Act of 1994'.

SEC. 2. PURPOSE.

The purpose of this Act is to relieve overcrowding in Federal and State prisons and costs borne by American taxpayers by providing for the transfer of aliens unlawfully in the United States who have been convicted of committing crimes in the United States to their native countries to be incarcerated for the duration of their sentences.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The cost of incarcerating an alien unlawfully in the United States in a Federal or State prison averages $20,803 per year.

(2) There are approximately 58,000 aliens convicted of crimes incarcerated in United States prisons, including 41,000 aliens in State prisons and 17,000 aliens in Federal prisons.

(3) Many of these aliens convicted of crimes are also unlawfully in the United States, but the Immigration and Naturalization Service does not have exact data on how many.

(4) The combined cost to Federal and State governments for the incarceration of such criminal aliens is approximately $1,200,000,000, including—

(A) for State governments, $760,000,000; and

(B) for the Federal Government, $440,000,000.

SEC. 4. PRISONER TRANSFER TREATIES.

Not later than 90 days after the date of enactment of this Act, the President should begin to negotiate and renegotiate bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

SEC. 5. CERTIFICATION.

The President shall certify whether each prisoner transfer treaty is effective in returning aliens unlawfully in the United

States who are incarcerated in the United States to their country of citizenship.

SEC. 6. TRAINING OF PERSONNEL FROM FOREIGN COUNTRIES.

Subject to a certification under section 5, the President shall direct the appropriate Federal programs providing training and education in border management to enroll for training certain foreign border management personnel. The President shall authorize the enrollment of foreign border management personnel to such Federal programs and cooperative State programs as will enhance the following United States law enforcement goals:

(1) Drug interdiction and other cross-border criminal activity.

(2) Preventing illegal transit of people and goods.

□ 1930

GRAVE CONCERN ABOUT EXPECTED COMMITMENT OF UNITED STATES TROOPS IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I rise again this evening as a member of the Committee on Armed Services to express by grave concern about the expected action of the President of this country to commit our troops to military action in Haiti within the next several weeks.

Last Thursday, I documented a memo, a confidential memo, from Dante Caputo, the U.N. special envoy to Haiti, that basically said that our intentions were not what they appear to be on the surface, but rather were being motivated for political purposes.

In fact, during a meeting between Mr. Caputo and Secretary General Boutros-Ghali, Mr. Caputo is quoted as saying:

> The Americans will not be able to wait much longer than August at the latest to invade. They the Americans, want to do something. They are going to try to intervene militarily.

Then the memo itself, released by Dante Caputo, this confidential memo in fact states that the reasoning behind the invasion by this country of Haiti,

> Is to demonstrate the President's decision-making capability and firmness of leadership in international political matters.

This is an internal memo circulated within the U.N. to the Secretary General.

Now, why would our President have to take this kind of action to demonstrate his firmness? I refer my colleagues to an article that was written and printed in the Daily Local News of Westchester on June 27, written by B.J. Cutler of Scripps Howard, their Scripps Howard foreign affairs columnist. He cites some of the editorial comments by the foreign media relative to our President's foreign policy leadership.

"Most foreign leaders are too polite to contradict him publicly," B.J. Cutler went onto say, "but the overseas media are scathing." Example: "On foreign policy he is simply embarrassing," said Britain's The Economist. "Some of his flailing is understandable, but much of it is the result of lack of attention, time, and care, and, not least, lack of spine."

France's L'Express went on to say,

> Clinton, since his election, shows himself a real disaster in foreign policy matters.

B.J. Cutler went on to cite in his article four specific quotes by candidate and President Clinton on Haiti, as well as Somalia, China, and Bosnia, where in his own words the President has flip-flopped dramatically, which has caused these foreign leaders and the foreign media to respond accordingly.

Let me just cite the quotes on Haiti. November 12, 1992, Candidate Clinton:

> I think that sending refugees back to Haiti was an error. And so I will modify the process. I can tell you I am going to change that policy.

On January 14, 1993, President-elect Clinton then said,

> The practice of returning those who flee Haiti by boat will continue after I become President.

Then on October 13th, 1993, President Clinton said,

> I have no intention of asking our young people in uniform to go in there to do anything other than implement a peace agreement.

Then on May 3 of this year, the same President said,

> I think that we cannot afford to discount the prospect of a military option in Haiti.

Now we see why the foreign media and foreign leaders do not respect this President on foreign policy, because as they say, he has none. He flip-flops all over the place, puts his finger up in the air, and whatever way the wind blows, he makes a decision.

Now, we have seen an article in the Washington Post on July 12 of this year written by Lally Weymouth that in fact the President has already made an exchange with the Russians for their vote in the U.N. Security Council in support of the Haiti operation, that Russia will get in return sphere of influence peacekeeping abilities in the satellite countries around Russia.

Mr. Speaker, we cannot allow our troops, our men and women, to be used as political pawns. There is no justifiable reason to commit our troops to a military operation in Haiti. As one member of the Committee on Armed Services who also sits on the Committee on Merchant Marine and Fisheries that overseas our Coast Guard that is being heavily taxed at this very moment in terms of the Haiti operation, I will use every ounce of energy in my body to oppose any use of force in Haiti that will jeopardize the lives of American troops.

Mr. Speaker, I would hope that our colleagues would understand the very tense situation that we are in right now and the direction this President is taking us, much like we saw in Somalia, where the generals were denied the backup support for those troops who were ultimately unable to be rescued in the streets of Mogadishu.

This President has got to learn one very important fact: This Congress will not allow him to use our military forces for his own political expedient actions.

MURDER OF INNOCENTS IN CUBA GOES UNNOTICED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, I rise to join my colleague from New Jersey [Mr. MENENDEZ], in condemning in the strongest possible terms the brutality committed just last week by the Cuban dictatorship against more than 70 unarmed refugees in a tugboat who were seeking to escape the oppression of Communist Cuba.

As today's Miami Herald I think very eloquently states in an editorial, it asks,

> Has our hemisphere grown so used to the Cuban regime's savagery that it cannot summon a cry of outrage for the nearly 40 Cuban refugees sent to their deaths by Fidel Castro's government? The prudent silence over Cuba's murderous sinking of a tugboat loaded with escapees is without justification. Would this complicitous silence greet the murder of innocent men, women and children fleeing other places?

My colleague just spoke about the very likely invasion of Haiti, which is certainly being contemplated, and may very well take place in the next few weeks. Well, Cuba is even closer to the United States than Haiti. There is even a greater national interest in what occurs 90 miles away than what occurs in a more distant island. The closest island in the Caribbean to the United States is Cuba, and for 35 years, a brutal dictatorship has oppressed a people, and the world stands in silence.

The reality of the matter is that even with this incident, where more than 40 unarmed refugees were assassinated by a dictatorship just a few days ago, I ask the American people watching on C-SPAN, how many of you have seen or have heard this news in the media? Have you seen in the networks coverage of this brutal assassination by a government 90 miles away from our shores, upon unarmed refugees? Have you heard that on CBS, NBC, ABC, and CNN? Have you heard that? Have you seen that in the network news? I have not. I hope I am wrong, but no one has informed me there has been coverage of that news.

Like the gentleman from New Jersey [Mr. MENENDEZ] stated, what will it take before the suffering of the Cuban people is heard in the international community?

□ 1940

What will it take before the newspapers and the media in this country and in the international community pay attention to the suffering that is occurring 90 miles, not in Somalia, not in Bosnia, not even in Haiti, 90 miles from our shores? How long will it take? What has to happen, Mr. Speaker, what has to happen for the Cuban people to be heard?

What has to happen before the international community demands elections and freedom for those people, like it demands elections and freedom and the restoration of democracy, for example, in Haiti and like it demanded elections and freedom from apartheid in South Africa? What has to happen?

But we are not talking about 10,000 miles away. We are not talking about 5,000 miles away. We are not talking about 500 miles away. We are talking about 90 miles away from our shores.

Just a few days ago, when I first heard about this story, I issued a press release, because since, in the last 6 weeks, two boats have arrived on the shores of south Florida, after having been shot at by Castro's Navy, and yet they managed to arrive anyway here on the shores of freedom. It did not take too much to assume that when this tugboat sank that there was a very high possibility of, if not probability, that it had been purposefully sunk by Castro's thugs.

So in a press release issued on that same day of the incident, I stated, "Up until this time, a number of news reports regarding this incident have been extremely worrisome. Since they have continuously referred"—and I have them here, Reuters and AP and AFP and a number of others, "since they have continuously referred to the 'rescue' of refugees by Castro's armed forces after a boat capsized. By not making even the slightest reference to the possibility," this was Wednesday, "that this incident is similar to others where Castro's armed forces shot upon vessels filled with unarmed refugees, these news reports reflect an extraordinary lack of seriousness, objectivity and sensitivity."

Well, confirmation came. Because even though the men that survived are now in prison, the women and children that survived—very few children survived, by the way, Mr. Speaker, but they are under House surveillance. And as the gentleman from New Jersey [Mr. MENENDEZ] stated, a number of them, I have had the opportunity to listen to three personal reports from survivors, women, and they have told the story and they have explained about how the murder took place and the purposeful sinking. Yet I have not seen to this day either in the networks or in the wires a story with that specific story told with regard to the actual occurrence of the assassination.

So something is happening. For some reason, there is a practice that is not reflective of a free press, but rather a press with an agenda. My time may have run out, but this subject must be discussed further.

□ 1950

TIME FOR CONGRESS TO ACT ON HEALTH CARE FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. DEUTSCH). Under a previous order of the House, the gentleman from Kentucky [Mr. BARLOW] is recognized for 5 minutes.

Mr. BARLOW. Mr. Speaker, as we enter this most important debate—the providing of affordable medical care for our people—let us reflect upon the necessity for action by the Congress. I pray that we do not hang ourselves up in divisive rhetoric. I pray that we do not hang ourselves up in rigid frameworks of political alignment for voting. I pray that as we cast our votes on the floor of this House that we come together in unity for the welfare of our people. Let us keep our eye on the main.

It is the steadily rising costs of medical care that are compelling us in Congress, the representative body of our people, to act. And it is these costs as they are sorted out through today's medical payment framework that, increasingly, delivers and distributed costs in painfully unfair contortions that are compelling us to act.

Let us consider rising costs first. For a young working family today with a medical insurance premium of $300 a month, at a 10-percent increase in the costs per year, that $300 premium becomes a $500 per month premium in the year 2001. For a senior citizen on a fixed limited income, a $100 cost for prescription medicines goes up to almost $200 per month by the year 2001 at a yearly 10-percent increase.

For the demonstration of a medical payment framework that shifts costs unfairly consider this example—a healthy young person without insurance is in a car accident. With serious injuries and unconscious, the victim is taken to the nearest hospital as quickly as the ambulance can travel. Surgery and rehabilitation to restore this young person to good health will cost many, many tens of thousands of dollars. Remember, this person is without insurance. But the medical charges must be paid in some manner. The hospital must continue to function. The staff must get their pay. The lights must go on at night. Therefore, inevitably, these costs will be shifted and payment of this person's bills will be made by insurance plans, private patients, and government medical accounts that do business with the hospital.

Today, we are accomplishing miracles in modern medicine. Who would have thought just a few decades back that we would develop such miracles as open heart surgery, hip replacements, cancer treatments, and rehabilitative methodologies that put people back in their communities, in their working lives, happily enjoying their families and loved ones, looking forward to productive worlds for years to come.

But as we know, many of these miraculous cures come at high prices. Consider then the quiet desperation of many of our seniors on limited, fixed incomes—social security and perhaps slim pensions—as they look ahead at these expensive treatments. Reflect upon this statistic—one in five working Americans, working full time earns under $13,091 each year, the poverty line—a 50-percent increase in the numbers of working Americans in this below poverty category since 1979. How are they to pay for their families' medical needs if they become serious?

I pay my deep respects and gratitude to our business people who down through the years have labored hard in sacrifice to provide medical insurance and care for their employees. I urge them on in their efforts at self insurance, alliances, and group coverage to negotiate lower costs for their employees.

And yet, here is why I believe we must have "Universal Coverage." Because anyone not covered by affordable medical care is inevitably going to be made to pay higher charges by their medical service units to enable those units to recover fees they had to give up in negotiations with group alliances. Similarly, the small business with its insurance plan is not able to negotiate as favorably with insurers and providers as can the large employers with thousands of employees. Thus, individuals not covered by affordable medical care will pay the most: Small business with coverage will pay somewhat lower tiers of costs—while large businesses with their negotiating power will pay the least. And inevitably the government will come in for a billing of all the unpaid costs in some manner. So the tax burden on taxpayers increases.

What I believe we are talking about with the term "Universal Coverage" is not just the receiving of medical treatment when needed—that is generally available now, especially for catastrophes, for crisis medicine. If you break a leg, the emergency room is going to fix your leg regardless of your ability to pay. What I believe we are visualizing with "Universal Coverage" is providing everyone with, generally, the same cost schedule and then providing the means for each of us to pay ahead to meet those costs when they eventually, inevitably raise.

This financial crisis in our medical care accounts has been building steadily for some years. Since we did not get here quickly, we will not resolve ourselves along more responsible financial courses quickly. But the financial crisis must be dealt with. I do believe that if we do not act we will be hung up for heavy criticism by our people. For now, we have studied enough. For our people, we must move ahead.

AFTER 20 YEARS, TIME FOR UNIFICATION OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, tomorrow will end the 20th year of illegal Turkish occupation of Cyprus; the 20th year of this island nation's division by force of arms. For 200,000 displaced Greek Cypriots, it marks the 20th year as refugees in their own country; and for the families and friends of 1,614 Greek Cypriots and 5 American citizens, it ends yet another year of searching for abducted loved ones still unaccounted for. We hope that it may be the last; 20 years is enough.

The status quo cannot stand. The Green Line of Cyprus's division is a bloody stain on the face of a Europe working toward unification. It signifies not only a nation divided, but families torn apart and friends separated from friends. The responsibility for this tragedy falls squarely on the Turkish invaders. As United Nations General Secretary Boutros Boutros-Ghali concluded, it is the Turks' "lack of political will" that has stalled all settlement talks.

The United Nations has proposed a series of confidence building measures as steps toward demilitarization and peace on the island. The Greek Cypriots have accepted the measures, despite problems with particular provisions, but the Turkish side has stubbornly refused to make any concessions. Rather than establishing their interests as part of the legitimate government of a bicommunal Federal Republic, the Turkish Cypriots have claimed irrationally that the region Turkey occupies by force is a sovereign state.

As Cyprus, President Glafcos Clerides has said, "Cyprus has every potential to be a model of success and a source of hope." But reconciliation must begin with a full accounting for the 1,614 missing Cypriots and the 5 missing Americans. In our continuing endeavor to resolve ethnic conflicts, we cannot tolerate the invasion by armed force and program of ethnic cleansing that Turkey has employed. Instead, we commend the Greek Cypriots for their tireless quest toward a free and equitable reunification. We join the Cypriot people in rejection of Turkey's invasion and we condemn the illegal occupation. Turkey must be made to recognize that aggression will not be rewarded. Its occupation will not be recognized.

As a champion of democratic freedoms worldwide, the American people have always supported the Cypriots' cause. The end of the cold war has pushed human rights to the forefront of the international conscience. We must ensure that the new world order is one of justice and peace. Twenty years is long enough.

Mr. Speaker, let us hope that next year, the fathers and the sisters and the brothers and all the families who have suffered for far too long can put an end to this injustice, and we can work together for peace and fairness and human rights in this part of the world.

Mr. Speaker, 20 years is long enough. Too many have died or been lost while the people of Cyprus have been under the yoke of foreign invaders. We in the Congress have a responsibility to act. We must demand the end of the illegal occupation and the restoration of full sovereignty to Cyprus. On this 20th anniversary, I pledge that I will do all in my power to end the agony and to return to Cyprus the freedom it deserves.

□ 2000

WHITEWATER AND DEATH OF VINCE FOSTER

The SPEAKER pro tempore (Mr. DEUTSCH). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, over the past few weeks, I have been talking about the Whitewater affair, the death of Assistant White House Counsel Vince Foster, the strange circumstances surrounding his death, and other things connected to White House activities, or some of the people at the White House. As a result, I have been criticized by some members of the majority because they thought I was a little bit insensitive, particularly regarding the family of Vince Foster whose untimely death happened last July. They say, "Why can't you leave that family alone?"

I am not insensitive to their concerns. A family that has lost a loved one under these kinds of tragic circumstances certainly should expect some kind of sympathy from the people who are in the Congress of the United States.

Nevertheless, there are strange circumstances concerning his death that need to be explored. The investigation into Whitewater, the Arkansas Development Financial Authority, and Vince Foster's death, and the people who went into Vince Foster's office right after he died needs to be looked into by the Congress of the United States. Yet Special Prosecutor Mr. Fiske, in my opinion, has deliberately tried to limit the scope of the investigation so that Congress cannot get the answers that we should. As a matter of fact, Federal Judge Charles Richey, who has the Leach document suit pending before him, is very concerned about Mr. Fiske's activities as well. Richey denounced Whitewater Independent Counsel Robert Fiske for his efforts to limit the scope of the Whitewater hearings that will be held by the Banking Committee later this month, saying Fiske was infringing on constitutionally guaranteed congressional rights and obligations.

The judge said, "I don't believe the independent counsel has the power to tell the Congress what they have the power to look into and when." I agree with that. But the fact of the matter is Mr. Fiske, in my opinion, is obfuscating the issues and keeping the Congress from getting to the bottom of many of these questions.

U.S. News & World Report said this week in their magazine:

> Based on strong forensic evidence, Fiske's report concludes that Foster did indeed take his own life in the spot where he lay at Marcy Park.

I want to talk about that tonight. I want to talk about a lot of things concerning Whitewater and the Fiske investigation. I do care about the feelings of the Foster family. That is why I want to find out really how he died and why.

This weekend when I went home to my district, I took the opportunity to do some investigative calling on my own. I called a ballistics expert in California who deals with this type of homicide or suicide. He said that a .38-caliber bullet like that which was fired into Mr. Foster's mouth would have traveled a maximum of 1,200 to 1,600 feet after it exited his skull. That is about 500-yards maximum.

The investigation, which took place 9 months after Mr. Foster's death, never found that bullet. You say, "That is like finding a needle in a haystack." That is not so. With the expert people that they had out there, they had 16 FBI agents going all over the place with all kinds of modern technological equipment, they should have found that bullet. But it was not there. They found all kinds of other bullets, even Civil War bullets that were buried under the soil. But the fact of the matter is they did not find the one that killed Vince Foster. If you go 500-yards back and you take a pie shape out this way, you are looking at an area that is no more than 100- to 150-, 200-yards wide and 500-yards deep. They should have found that bullet.

Foster's body was not x rayed because the county coroner in Virginia who investigated this said the x ray machine was broken. Why didn't they find another x ray machine? They should have, to find out if there were fragments in the skull that would have given more information regarding how far the bullet may have traveled if it was exiting his skull at that particular location.

The Fiske report contains voluminous material on the background and qualifications of the forensic experts who examined the physical evidence of Vince Foster's death. No doubt these people are well qualified and hardworking. But they had limited physical evidence because their work started 9 months after Vince Foster was dead. They did not see the body. All they saw was paper evidence, other people's work. They had no x rays. They were looking at secondhand evidence.

No fingerprints were found on the gun in Vince Foster's hand. The man allegedly committed suicide at Fort Marcy Park, but there were no fingerprints on the gun. Fiske's report says the hot summer day may have melted the fingerprints off the gun. Come on, now. Give me a break.

In addition to that, there were no fingerprints on Vince Foster's suicide note. They looked in his briefcase on two separate occasions looking for evidence concerning his suicide, and they did not find anything. The third time they looked, then they found 27 pieces of paper, 27, a suicide note, but there were no fingerprints on them.

If Mr. Foster was such a close friend of President Clinton, why did President Clinton wait 9 months before beginning an FBI investigation? He had the Park Police out there looking into this. Clearly the FBI has much more experience with this type of investigation than does the National Park Service. Clinton should have had the FBI begin the investigation immediately. But they did not do it. They waited almost a year.

The Fiske report says blonde hair, carpet fibers and wool fibers were found on Foster's body and clothing. Whose hair was on his body? It was not his. Foster's diary, which they took out, which Clinton's people when they went into Foster's office later that day, when they took that diary out of there, that diary could have told us a lot about who possibly was with Foster and whose hair that might have been on his body.

The other body went to great lengths to obtain a diary of one of its Members in a sexual harassment case. This one is a death. Yet we have not heard one word from the special counsel about the diary. Did Fiske read Vince Foster's diary? Why hasn't he said anything about it in his report? Because it could give us evidence and maybe even tell us whose blonde hair was on his body and where Fiske was between 1 and 5 that afternoon.

Robert Novak, columnist Robert Novak is the only one that I know of that has been able to get Robert Fiske to respond to any questions.

He asked Special Counsel Fiske why they found no skull fragments in the park. Fiske responded, "Because the search wasn't conducted for 9 months."

That is a terribly sloppy way to conduct an investigation. If someone is killed in a given location or commits suicide, the forensic expert should be out there that afternoon or the next day, especially if it is someone as highly visible as the Assistant Counsel to the President of the United States. Any kind of mysterious death or murder that takes place like this, they are out there right away, yet they waited 9 months before they went out there with the FBI and the forensic experts.

Mr. Novak asked Fiske why he did not try to identify the hair. Fiske's response was almost insulting to the intelligence. He said:

> While we have not concluded where this blonde hair came from, there is no evidence to suggest that it provides any evidence of circumstances connected to this death.

Let us just go back and look at all of the questions about the Foster suicide, or alleged suicide.

There was no bullet found in the park. There were no skull fragments found in the park. There were no fingerprints on the gun. There were no fingerprints on Vince Foster's suicide note. The hairs and carpet fibers on Foster's clothes were never explained in the report. The gun was in the wrong hand. He was left-handed, the gun was in his right hand. The head was straight up. His head was straight up when he was found by the gentleman in the white van who stopped in the park. But if you look at the report, they will say that Vince Foster had blood on his cheek and blood on his shirt and it was evident that his head laid against his shoulder. Who straightened his head up?

In the report they say that one of the people who came there to investigate it must have moved his head. But they forgot that the man who found him said his head was straight up when he found him.

So who moved the body? Where did the carpet fibers come from? Whose hair was it on his body? Why were there no fingerprints on the gun?

There is all kinds of questions that are not answered in this report. Yet we are supposed to accept it at face value.

Finally, the gentleman who found the body said he walked up to within 3 feet of the body, and he looked right down into the glazed eyes of Vince Foster, and he said the head was straight up, and he looked in both hands, and there was no gun in either hand.

And he said that not once, not twice, but three times in a conversation with Mr. Liddy over a kitchen table. Mr. Liddy asked him, he said, "Hey, did you see the picture that showed the gun in his hand?" The man looked surprised and said, "There was no gun in either hand. I looked at it very closely." He was asked twice more by Mr. Liddy, was there a gun in either hand. He said no. He was absolutely sure of it. Yet in the report they said that the hand had the gun in it, the thumb was in the trigger guard and the hand was down underneath the leg, in the foliage.

□ 2010

After they asked this gentleman several times he said, "Well, perhaps we could have been wrong." But he insisted time and again that the head was straight up and the hands were at his side so there are all kinds of questions about the death of Vince Foster. And they need to be answered, and the only way we are going to get a complete answer to all of these questions is to have a congressional investigation and Mr. Fiske, in my opinion, is trying to stop Congress from having an investigation by prolonging this thing and holding evidence away from us.

In addition to that, we have some other questions that must be answered. A number of them. At 6 p.m. on July 20, 1993, 1 year ago, Vince Foster was found dead in Marcy Park. Shortly after 9 p.m., the chief of staff at the White House, Mack McLarty was told about Foster's death. McLarty ordered Vince Foster's office closed and sealed. However, the office remained opened and unlocked overnight and was not sealed until 11 a.m. the next day.

At that time they posted a guard on the door but what happened between the time Vince was killed or committed suicide and they put a guard on that office?

Despite the order from McLarty, less than 3 hours after the body was found, White House officials went into Vince Foster's office and removed records of business deals between President Clinton and his wife and the Whitewater Development Corp. from Mr. Foster's office without telling the FBI or Federal authorities who were investigating the death. They went in there for 2 hours and took files out and the people who went, whether White House counsel Bernie Nussbaum, the President's special assistant Patsy Thomasson and Mrs. Clinton's chief of staff Margaret Williams. Now, Bernie Nussbaum said they were only in there 10 minutes but the Park Police said they were in there for over 2 hours taking files out of that office.

During this first search Whitewater files and President Clinton's tax returns were removed and turned over to David Kendall, President Clinton's attorney. White House officials did not confirm that this search of Foster's office on July 20, took place until December. They did not even tell anybody they had been in there taking those files out for almost 6 months when they had to because it came out.

Two days later on July 22, 1993, Mr. Nussbaum and White House officials went into Vince Foster's office for a second time. By now the office was locked and under guard. They collected more documents. Some were sent to

President Clinton's attorney and others were sent to Vince Foster's attorney, Mr. James Hamilton. During the second search Mr. Nussbaum, using executive privilege, told the FBI to stay out of the room and the Park Police to stay out of the room. Dee Dee Myers, the White House press secretary said:

> Bernie,—

That is Mr. Nussbaum—

> went through and sort of described the contents of each of the files and what was in the drawers while representatives of the Justice Department, the Secret Service, the F.B.I. and other members of the counsel's office were present.

According to other sources, the FBI agents and the Park Police were ordered to sit on chairs in the hallway while the White House staff went through documents that Mr. Nussbaum gave the FBI agents and Park Police no indication of what he was doing or what he was taking. One FBI agent was reprimanded when he stood up to look in the room. "This is Executive privilege, you stay out there and sit down."

Park Police later discovered that Whitewater records had been removed from Vince Foster's office during the second search, after they visited James Hamilton, Foster's lawyer a week after the death to review a personal diary that was also taken during one of the searches and that personal diary I think could very well tell us whose blonde hair was on Vince Foster's body and where he might have been between 1 and 4 that afternoon and whether or not he actually died at Fort Marcy Park because the body was moved, in my opinion. They never found the bullet. No fingerprints on the gun, carpet fibers all over the body. And the body obviously had been moved at least at the location they found it and it may have been moved from someplace else but the diary may have given more evidence but nothing has been done about that.

The attorney, Mr. Hamilton, allowed Park Police to briefly inspect Vince Foster's diary and other documents. However he did not allow them to make any copies citing privacy concerns and he refused a request for access to the diary and documents by the Justice Department. He would not let them look at it.

Did Robert Fiske review Vince Foster's diary, the special prosecutor? His report says not one thing about it. If it does not, why did he not look at it? He is the guy that is supposed to investigate all of this stuff. It might identify to whom the blonde hair on the body belonged. This is important evidence and it has never been checked.

On July 27, 1993, White House officials reviewed that. On July 26 they found a note supposedly written by Vince Foster in the bottom of his briefcase which was in his office and that note as I said before like the gun, had no fingerprints on it but it was not out of the sun so they could not have melted off of that note. They said they missed the note in their first two searches. They had looked through that briefcase twice and they missed 27 pieces of torn up paper. The note was unsigned, undated and torn into 27 pieces and it bore no fingerprints.

Here is a few questions I would like Mr. Fiske to answer. First, when did White House chief of staff Mack McLarty give the order to seal Vince Foster's office and how was the White House staff informed of McLarty's order?

Second, why was the office not sealed until 11 a.m. the next morning? Was it because they wanted to get in there, Bernie Nussbaum and Patsy Thomasson and others to get in there and get files out that they wanted? How did they first learn about Vince Foster's death, the people that did go in the office and the people at the White House? Did somebody order Nussbaum, Thomasson, and Williams to search Vince Foster's office or did one of them make the decision to do that on their own, and if so, who?

Fifth, if someone ordered them to search the office, what were they told to look for? If it was Nussbaum, Thomasson, or Williams' idea to search the office what were they looking for? Why would Hillary Clinton's chief of staff be involved in the search of Vince Foster's office? Why would the First Lady's chief of staff be going in there looking around the files?

Seventh, why did they remove the Whitewater files, and whatever happened to them?

Eighth, were other documents taken? Were documents destroyed? How can we ever know for sure at this point?

Ninth, where were the documents when they entered the office? Were they locked in safes, or in locked files? And if so, how were they opened?

Tenth, should they not have left everything alone for the police and FBI to investigate? Would you think so in a case like this? One of the leading people in the U.S. President's administration, would you not think they would want the FBI and police to do a thorough analysis of everything? But no, they were in there like that, getting everything out that they could.

Eleventh, instead of keeping the FBI from doing its job, should not the White House staff have given law enforcement their full cooperation after their friend and colleague was found dead?

Twelfth, if Vince Foster was President Clinton's friend, and he was, why did not the President immediately order the FBI to take charge of the entire investigation instead of allowing the Park Police to take charge? They did not have the kind of experience to conduct this kind of investigation and if you read the report you will find out why. They laid his clothes on contaminated paper so a lot of evidence was damaged. The pictures they took were overexposed so they did not get proper pictures. The Park Police does a great job in many respects but they were not qualified to do this and I think those around this case know it. And they should have had the FBI and the experts in there right away. The Park Police has little experience in investigating suspicious deaths.

Did anyone else besides the three I mentioned go into Vince Foster's office that night, and if they did what did they take out?

Thirteenth, did the White House officials purposely mislead the Park Police about the existence of Whitewater documents in Vince Foster's office? They did not let anybody know about that first trip into his office for almost 6 months.

Fourteenth, how did the White House staff miss a note torn into 27 pieces in the bottom of Vince Foster's briefcase during their first 2 searches of his office?

Fifteenth, why were there no fingerprints on the note? Why were there no fingerprints on the gun? Why was the gun in the wrong hand?

Sixteenth, what documents were given to Vince Foster's attorney, James Hamilton, and what was given to the Clinton's attorney, David Kendall? Were any of these documents destroyed?

Seventeenth, who were all of the White House officials involved in the second search of Vince Foster's office and what did they take out of there?

□ 2020

Eighteenth, did the White House staff have a legal right to prohibit the FBI and Park Police from searching Foster's office as part of an investigation into Foster's death? They used Executive privilege to keep the Park Police and FBI out of there. Nussbaum said that to them according to the information we have, told them to stay out in the hall. Did he have authority to do that in this kind of a case?

Nineteenth, has the Banking Committee requested the phone logs of Bernie Nussbaum, Patsy Thomasson, and Margaret Williams for the period immediately following the Foster death until the actual search of his office? If not, why have they not checked those logs to find out who they talked to? We should know who these three officials talked to before they went into and removed these documents from Vince Foster's office.

There are a million questions that need to be answered, and when I see that they are accepting at face value this report, it really makes me ill. It makes me very ill. And yet that is exactly what happened, and when I see U.S. News & World Report saying the forensic evidence was so overwhelming that he had to commit suicide at Fort

Marcy Park, it sickens me, because the forensic evidence, if you really take a look at it, does not prove that at all. It leaves all kinds of gaping holes and questions in the investigation. You just have to look at the thing. Read it. I do not know how many news people I have talked to who say, "Oh, my gosh, that was a very comprehensive report." And when I say, "Did you read this, did you read this, did you read this," they do not know what I am talking about.

I had one news reporter from a major network contact me and ask me questions about it when they had the document in front of them. I think that is very, very unfortunate.

Now, let us look at the Rose Law Firm down in Arkansas. Jeremy Hedges, a part-time courier at the Rose Law Firm, told a grand jury that he was told to shred documents from the files of Vince Foster after special prosecutor Robert Fiske had announced he would look into Foster's death. Fiske was appointed January 20, 1994, and yet down at the Rose Law Firm they are saying, "We want you to shred these documents," even though an investigation was already commissioned and ready to start. Even before a subpoena is issued, the law prohibits people from intentionally impending an investigation by destroying evidence they know investigators want.

So the people at the Rose Law Firm who asked this Jeremy Hedges, this part-time courier, to start shredding documents may have been guilty of violating the law and impeding an investigation into this death.

In February after Fiske served subpoenas on the law firm's employees, Hedges and the other couriers employed by the firm were called to a meeting with Ron Clark and Jerry Jones, two of the firm's partners, after Fiske had served subpoenas on the law firm.

These couriers were asked to meet with Ron Clark and Jerry Jones, two of the partners in the firm. Jones challenged Mr. Hedges, that is, this part-time courier, he challenged his recollection that he had shredded documents belonging to Foster and cautioned him against relating assumptions to investigators. He started trying to tell him what to say.

"I said," Hedges recounted, "I shredded some documents of Vincent Foster's 3 weeks ago." Jones replied, "How do you know they were Foster's? Don't assume something you don't know." Hedges said he was certain they came from Foster's files. Jones then said, "Don't assume they had anything to do with Whitewater." Sounds like they were trying to cover up something, does it not? We have not heard anything from Mr. Fiske about this yet.

The box Hedges was told to shred, and all of its file folders, were marked "VWF," and that is the firms's shorthand for Vince Foster, and he was shredding these documents. None of the documents he saw related to Whitewater development, Hedges said. How does he know? He was shredding these documents fast as he could going through there.

However, another Rose employee told the Washington Times documents showing Clinton's involvement in the Whitewater project had also been destroyed and had been ordered to be destroyed. The shredding reportedly occurred February 3, 1994.

During the 1992 Presidential campaign, three current or former Rose employees said the couriers from the Rose law firm were summoned to the Arkansas Governor's mansion by Hillary Clinton who personally handed over records to be shredded at the firm's downtown office. The shredding began after the New Your Times reported on March 8, 1992, the involvement of Bill Clinton, Governor Bill Clinton, and his wife in the Whitewater development. They were sending documents from the Governor's office over to the Rose Law Firm to be shredded. This is documented. Couriers made at least six other runs during the campaign. They were given sealed, unmarked envelopes with instructions that they were to be shredded at the firm. The shredding continued through the November 3 general election.

Records belonging to Webster Hubbell, Vince Foster, and William H. Kennedy III also were shredded. A current employee said, "A conservative estimate would be that more than a dozen boxes of documents were ultimately destroyed." What was in those boxes, do you think?

James McDougal and his wife Susan, now divorced, have said they personally delivered all the Whitewater records to the Governor's mansion in December of 1987 at Hillary Clinton's request. She wanted all of those documents over at the Governor's mansion. Then in 1992 they are sending them over to the Rose Law Firm to be shredded.

Is that obstruction of justice? I do not know. We ought to look into that.

So here are a few questions. First, why would the Clintons order the records from the Governor's mansion be shredded during the 1992 Presidential election? why would they do that?

Second, could it be just a coincidence that the shredding began just after a March New York Times article detailing Bill and Hillary Clinton's involvement in Whitewater? It started right after that.

Third, why would officials at the Rose Law Firm order a courier to shred documents bearing Vince Foster's initial after Robert Fiske announced he would investigate Foster's death? I mean, after his death, Fiske said he was going to investigate it, and they start shredding documents with his initials on it at the firm. Would not Vince Foster's former colleagues at the firm want to cooperate in every way with an investigation of their good friend's death? So why were they shredding these documents?

Who gave the initial order the Rose Law Firm documents belonging to Vince Foster, Webster Hubbell, and William Kennedy be destroyed during the 1992 Presidential election? Who gave the initial order that Vince Foster's records be destroyed this year after Fiske was appointed special prosecutor? Who told them to destroy those records at the Rose Law Firm? Or was it somebody from the Rose Law Firm?

Who gave the order that Bernie Nussbaum and Patsy Thomasson search Vince Foster's office and remove files right after Vince Foster's death?

These are questions that must be answered. I do not believe Mr. Fiske is going to give us these answers or get these answers. There is a growing suspicion that Mr. Fiske does not want all of this investigation put out into the public. I hope that is wrong, but there is a growing concern about that among people in this body, and I am one of them. I am very concerned about that.

As a matter of fact, I have written a letter, along with nine of my colleagues, to the three-judge Federal panel urging them, if Mr. Fiske is suggested to be the independent counsel, that they pick somebody else, because we really need to get all of the information before the American people so the American people will know what really happened. And in order to do that, we need to have complete and thorough congressional hearings, and every time we try to do that we are stopped saying, "Oh, my gosh, you are going to impede the investigation by Mr. Fiske." And yet when we look at what Mr. Fiske has come up with in the Vince Foster death, we find holes big enough to drive a truck through.

Yet, when you look at the media like U.S. News & World Report, they say the forensic evidence is so conclusive obviously he did commit suicide at Fort Marcy Park. I do not think so.

I think anybody who is discerning and looked at these facts and questioned this report will come to the same conclusion that I have, and that is that we do not have the answers. We do not know why there were no fingerprints on the gun. We do not know why his head was straight up when it was obvious his head was on the side. We want to know who moved the body. Whose hair was on his body? Why were there no fingerprints on the gun? Why were there not fingerprints on the notes? Why did they shred those documents? Why did they go into his office and take those files out within hours after he died, all relating to income tax returns and Whitewater and Lord only knows what else? Why did they, after the Fiske investigation started, start shredding documents with Vince Foster's initials on them at the Rose Law Firm?

These are things the American people need to know.

To the media, I would say, "Start asking these questions." These questions should not be left unanswered, and this body should be investigating it, and we will continue to do our best, but we are up against a stone wall right now with the special counsel.

We need these answers, America.

□ 2030

THE TWENTIETH ANNIVERSARY OF TURKISH OCCUPATION OF CYPRUS

The SPEAKER pro tempore (Mr. DEUTSCH). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes as the designee of the minority leader.

Mr. BILIRAKIS. Mr. Speaker, I guess in a sense I can say, "Here we go again." I think it is a tragedy, an outrage that we feel we must do this again. Of course, I refer to the illegal invasion, the illegal Turkish occupation that took place on the island republic of Cyprus on July 20, 1974. Tomorrow is the 20th anniversary of that outrage.

Mr. Speaker, I began to hold these special orders when I first came to the Congress in 1982, to commemorate, to recognize really, I guess remember is the best word, this sad day in the history of Cyprus. In 1982 we were commemorating the 8th year of the illegal occupation. Now, more than a decade later, Cyprus is facing, as I have already said, its 20th year of illegal occupation.

Altogether, 2 decades of unanswered questions, 2 decades of division, 2 decades of human rights violations, and certainly 2 decades of cultural destruction.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], the ranking member on the Committee on Foreign Affairs.

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I want to thank and commend the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order marking the 20th anniversary of the Turkish invasion of Cyprus.

Mr. Speaker, just today, the House Foreign Affairs Committee, adopted a resolution, calling on the President to help bring about an accounting of the 1600 Greek Cypriots missing and prisoners as a result of the Turkish invasion.

Twenty years after Turkey's brutal invasion of Cyprus, its troops, more than 30,000, still remain enforcing the tragic division of that island. The latest negotiations with the Turkish Cypriot side on the package of confidence-building measures [CBM's] proposed by the United Nations has led to even further concessions favoring the Turks.

Meanwhile the Government of Cyprus, which had previously indicated its willingness to accept the CBM package as contained in the March 21 U.N. proposal, has found that its good faith has not resolved the Cyprus situation but only produced the need to make further concessions. The Cypriot Government and people have good reason to ask themselves if the CBM proposal has only provided Denktash and his Turkish Cypriot associates with another means to obstruct and delay negotiations on the real issue—namely ending the 20-year division of the island of Cyprus.

Mr. Speaker, it is time for us to face the fact that the Turkish community in Cyprus does not have the political will to take even modest initial steps toward a rapprochement with their Greek neighbors. Although recognition of this fact is unpleasant, particularly in light of expectations that were recently raised by optimistic statements from the United Nations, it must nevertheless be faced. The question is where do we go from here?

The retirement at the end of May, of United States Representative for Cyprus, Ambassador Robert Lamb, has produced another vacuum in America's Cyprus policy. I urge President Clinton to appoint without delay another outstanding individual to continue the engagement of the United States in efforts to bring about a solution for Cyprus. Crucial negotiations on a Security Council resolution on Cyprus are now underway and we need to have someone with the necessary experience and diplomatic skill to assist the United Nations in continuing its process to find a peaceful solution for Cyprus.

Mr. Speaker, we all realize that the key to such a solution lies in the Turkish withdrawal from occupied Cyprus. I have urged and will continue to urge the administration to do more to focus the Turkish Government on the necessity of withdrawing from Cyprus without further delay. Regrettably, recent elections in Turkey have left Prime Minister Ciller in a weaker position and thus less able to rein-in recalcitrant elements among Turkey's political and military establishment. But the fortunes of the people of Cyprus must not be held hostage to internal Turkish political problems.

Old history and grievances must be placed behind us as we seek to resolve the division of Cyprus. We hope and pray that both sides of the problem will reach within themselves to find the resolve to settle this persistent problem.

The Greek Cypriots have demonstrated flexibility and the spirit of compromise in recent rounds of U.N.-sponsored talks. The international community and the United Nations should recognize this as we reevaluate our tactics in the light of the most recent failure to move beyond the current situation.

Twenty years is a long time. There are now young people coming of age in Cyprus who know nothing other than the experience of living in a divided society. For this next generation what can guide them in learning to accept life with a neighboring but different culture? Time is running out for the possibility of achieving a peaceful settlement, and the people of Cyprus now have to ask themselves if the enmity between the two communities is truly worth the price of a divided nation.

Let us hope and pray that we will soon see a unified and peaceful Cyprus.

Mr. BILIRAKIS. I thank the gentleman for his statement. I almost had tears in my eyes, I say to the gentleman, when I heard his statement.

Mr. Speaker, the gentleman from New York is a hard-working Member of the House of Representatives and certainly is one of the most caring. He rolls up his sleeves and puts his energy behind his caring. I appreciate it very much. On behalf of those wonderful people who have been taken advantage of and who have lost so very much, certainly a large part of their country, and also the young people, the people who have suffered, the families who have suffered, I thank the gentleman for all of that.

Where do we go from here? Well, it is really up to this Congress; that is where we go from here. Hopefully, this will be the last time that the gentleman and I will have to do this in this type of fashion. Hopefully, next year we can get up and express gratitude about some of the good things that will have taken place. But certainly it is only going to be done if this Congress is willing to do it. There is a lot of rhetoric, but not the action that really needs to take place.

Mr. Speaker, the gentleman may know that there is a group of people in Washington, with younger people who have been conducting a fast, consuming only water since July 15, in order to protest the continued occupation of their island of Cyprus.

□ 2040

Their names are George Koutsoftas from Famagusta, an area that has been occupied. He is a relative of one of the 1,614 Greek Cypriots missing in Cyprus. There is Chris Nicolaou, also from Famagusta; Argyris Papadopoulos from Kalavasos, and a young gentleman, Onisiforos Iordanou, from Lymassol. These young people, along with many others, are conducting a fast on their own and have asked some of us to join them in a symbolic fashion sometime tomorrow, and hopefully we can do that. In addition, up in the gallery is the father and two sisters of one of the five missing Americans. As my remarks will share with my colleagues in a few minutes and as we have all talked about and many of us know about, there are five Americans, five Cypriot Americans who are American citizens, who were abducted by the Turkish forces back during that invasion, and one of them was Andrew Kassapis from Detroit, MI, who had his American passport in hand when he was abducted 20 years ago, 20 years ago tomorrow, and his family just does not know what has ever happened to him. They do not know whether to hold a memorial for him or what the situation is, but his father, Costas Kassapis, and his daughters, his sisters, the young man's sisters, Faye and Irene, are also in the gallery, and we welcome them here. I just wish we could welcome them under better circumstances.

Mr. Speaker, I say to the gentleman from New York, "BEN, thank you for all you do and try to do," and, Mr. Speaker, I would at this time read a letter from the Famagusta municipality, and underneath the title of the letterhead are words: Displaced since the Turkish occupation of 1974. It is dated July 18, 1994, to His Excellency, the President of the United States Congress, and that is the way it is worded, Mr. Speaker.

"Your Excellency," it goes on to say,

> Never in the history of mankind has such a crime against humanity in flagrant violation of international law been committed against a small and defenceless country, with such horrendous consequences as the aggressive military occupation by Turkey of 37% of Cyprus Republic, the criminal forcible expulsion of 200,000 Greek Cypriots from their ancestral homes and properties and their prevention by the Turkish occupation army to exercise their basic human rights of return, the ethnic cleansing applied by Turkey by the implantation of 80,000 Anatolian settlers from Turkey who were given our homes and properties and the systematic destruction of our cultural heritage in the occupied parts of our island.

Mr. Speaker, I might add I have relatives, first cousins and their families, who are displaced from Famagusta and lost everything they owned, and this letter goes on to say in another paragraph:

> And this continues to be done and sustained by the inaction of the Security Council to enforce its resolutions and of all those Governments and States of the world who, throughout the years, have been telling us that they were struggling for a better and more just world, for the establishment of freedoms and human rights for all.

Then, Mr. Speaker, in his next paragraph he goes on to say:

> For the last twenty years we have been going to see our occupied town of Famagusta from the barbed wires and every time we ask ourselves and we ask you to tell us where are the fundamental freedoms and basic human rights for us when the twenty years a foreign army of aggression prevents us to exercise even the most sacred right to visit our town of Famagusta with a Greek history and civilization of 36 centuries and Kindle a candle on the grave of our fathers and mothers? Are there two kinds of freedoms and human rights one for the strong and another for the weak and defenceless people?

The next paragraph:

> Instead of taking effective international action against the foreign aggressor—Turkey—calling her to end its military occupation of Cyprus and give an end to the continuing massive grand violations of the human rights of the people of Cyprus, you force us to accept the so-called "realities" of foreign aggression, thus establishing an international precedent that a strong country can invade a weaker country and colonize it as was done in the blackest days of history of mankind.

And the mayor's last paragraph:

> I ungently appeal to you on behalf of the Municipal Council of Famagusta, on behalf of the 60,000 forcibly displaced people of Famagusta, give us back our whole beloved town and all our occupied towns and villages so that we can all return to our homes and properties in peace and justice without foreign conquerors, foreign armies and foreign settlers who have nothing to do with our history and civilization.
>
> Twenty years is too long a period to suffer. Enough.
>
> Yours, with great respect,
>
> (ANDREAS CH. POUYOUROS)
>
> *Mayor of Famagusta, Cyprus.*

Mr. Speaker, going on to my special order, so now, more than a decade later, Cyprus is facing its 20th year of illegal occupation; all together, as I have said earlier, I think two decades of unanswered questions of division of human rights violations and cultural destruction. I would call upon the gentleman from Ohio [Mr. HOKE] at this time if he would like to join in this special order.

Mr. HOKE. Mr. Speaker, I thank the gentleman from Florida [Mr. BILIRAKIS] very much, and I am both delighted and honored to be a part of this special order tonight.

Mr. Speaker, I happen to have the privilege of representing on the west side of Cleveland and all of Cuyahoga County's west side in Ohio a large number of Greek and Cypriot Americans who have brought to my attention as their Representative of Congress the extraordinary struggle that has been going on in Cyprus for the past 20 years and the extraordinary difficulty that not only the 1,619 people whose whereabouts are still unknown 20 years later in 1994, but also those 5 United States citizens who are unknown, and I have also had the opportunity to meet Costas Kassapis who is a United States citizen from Michigan. I have met with him personally and been personally, deeply, and profoundly affected and hurt by the experience that he and his wife, their family, have gone through with the very tragic circumstances of his 17-year-old son, Andrew, being taken away from him by Turkish troops with his own American passport in his hands 20 years ago this year in Cyprus. Mr. Kassapis is still looking for his son. That has never been resolved. And yet for reasons that to my thinking and that of feeling people is incomprehensible both the Turkish Cypriots, as well as the Turkish Government itself in Ankara, has been completely unwilling to cooperate with the United Nations, or representatives of the United States, or representatives of either the Greek Cypriot Government or Greece in trying to help resolve the pain and suffering of this family. In circumstances that are completely alien to any Western notions of human rights and the way that people ought to treat each other, Mr. Speaker, I am rising tonight in support of this special order.

□ 2050

It is truly an issue which is of tremendous importance to Greek-Americans all over this country, and it is an issue that I was reminded about again this weekend at one of those wonderful ethnic festivals that take place on Cleveland's west side, this one at the Greek Orthodox Church in West Lake, OH. People are deeply and profoundly concerned about this.

I have been a member of the Congressional Human Rights Caucus as well as the congressional committee which has been organized to investigate this and to try to keep the pressure on the Turkish Government.

It seems to me that our own involvement in foreign aid to Turkey ought to be premised upon a very vigorous and forthright and genuine and sincere effort on the part of the Turkish Government to cooperate and aid in giving information about these missing people.

Finally, I would like to say it is tremendously disappointing that President Denktash of the Turkish-Cypriot Government has completely waffled on his commitments to go forward with any kind of detente that would bring long-lasting peace without the necessity of either U.N. Peacekeeping Forces or certainly without the necessity of having essentially a police state with 35,000 Turkish soldiers on that tiny little island, which is only occupied 20 percent by Turkish Cypriots, 80 percent by Greek Cypriots. It certainly gives the lie to any sincerity on the part of the Turkish factions when on the threshold of real peacekeeping and peace forming motivations and initiatives, then at that point, Mr. Denktash would back off and say, "Oh, no, there are other considerations, and we must go further, and we are not going to pursue this at this time."

It seems to me that certainly gives the lie to the sincerity of any effort to make real peacekeeping efforts.

So I applaud and salute the gentleman from Florida in his efforts. I am really very delighted and honored to be a part of this. I certainly will, for my part, continue to do what I can in the United States Congress to keep pressure on Turkey to bring about some peace.

Mr. BILIRAKIS. I thank the gentleman from the Cleveland area of Ohio. Having seen him in action in this short period of time in this Congress, the gentleman being a freshman, I honestly feel that he believes he will do what he says. He will do his part.

And, MARTIN, you have mentioned foreign aid to Turkey. I oftentimes wonder how that foreign aid, American tax dollars, was actually used as a part of the invasion and is now being used in order to bring settlers over to continue to occupy that land. I just appreciate your interest there, and certainly welcome it. Hopefully, we can all continue to express our outrage and the outrage of the American people.

You talked about the people at the Greek Orthodox Church in that area of Ohio. Honestly, I guess we have not done a good enough job. If the American people were aware of what is taking place here, and of the missing and the five Americans that are missing there, and our Government doesn't seem to pay any attention at all to, they would be more outraged and possibly more involved in terms of contacting us and demanding that we do something about it.

Mr. HOKE. The gentleman is completely correct. What really begins to be very disturbing about the foreign aid situation is that one starts to take a very cynical and jaundiced view of the motivations behind these kinds of aid programs. The fact is that perhaps—perhaps—at one point there was justification for the kind of aid program that we have going to Turkey. I am thinking specifically with respect to the cold war era when we certainly needed to send a strong signal that America's strength was not going to be undermined by Russian bases in that part of the world.

Well, that has ended. That is over. And why we need to pander or create this situation of foreign aid and go in that direction, when clearly the strategic importance of Turkey is not what it was, is beyond me.

I do not know why we should overlook the clear human rights violations that are going on, that are not in our interests at all. They are not in the interests of the United States.

Mr. BILIRAKIS. Those questions are asked of you and asked of me and asked of many Members of this Congress. Unfortunately, they are not getting us outraged enough to sit down and once and for all do something about it. Thank you, MARTIN. I appreciate your contribution.

Mr. Speaker, in July 1974, Turkish forces occupied what is the northern part of Cyprus. As a result of this illegal military invasion, 1,619 people have never been seen again. Mr. Speaker, I would stress that among those 1,619 individuals are five U.S. citizens.

Also, 200,000 men, women, and children were forcibly expelled from occupied Cyprus. They are now refugees—a people without a home. These refugees have been living in a 20-year darkness.

Turkey continues its illegal occupation of northern Cyprus—one recognized by no other government on Earth. Turkey continues to station more than 30,000 troops there and to maintain some 65,000 settlers on Cyprus. Frequent incidents and disputes scar the populace.

Cyprus currently has 37 percent of its land under the occupation of an invading force, and Turkey continues to change the demography of Cyprus by transplanting Turkish settlers there. In the near future, the settlers and the occupying troops will outnumber the indigenous Turkish Cypriot population—and with each passing day the tension on the island grows.

In the past few years, there have been talks held under the auspices of the United Nations—as proposed by the U.N. Secretary General. However, these talks are now at a complete standstill because of the unwillingness of Mr. Denktash, the leader of the Turkish-Cypriots, to negotiate with the Greek-Cypriots.

It is surely in Turkey's best interest to resolve this problem expeditiously. In fact, Turkey's intransigence is one more stumbling block keeping her from becoming an accepted part of the European Community. While Turkey has other problems to solve in this regard, the European Community has made it clear that membership in contingent upon resolution of the Cyprus problem.

Mr. Speaker, the Greek-Cypriots have made efforts to find a just and lasting solution to this 20-year problem. In December 1993, the Cyprus Government submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of the island-nation. In exchange for the withdrawal of Turkish troops, Cyprus would disband it's national guard; transfer the national guard's military equipment to the U.N. peacekeeping force; fund an enlarging of that U.N. force; and use the money saved from defense spending for development projects that would benefit both communities.

Furthermore, demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem. However, once again, the Turkish side rejected Cyprus' efforts toward ending the tragic and unacceptable status quo.

It is evident, Mr. Speaker, that a solution to the 20-year problem on Cyprus will not be found until the Turkish side agrees to come to the table and negotiate.

Recently, Secretary General Boutros Boutros-Ghali, submitted his report to the Security Council on the status of the U.N. efforts for the implementation of a package of confidence-building measures, intended as the first step to facilitate the political process and secure a Cyprus settlement.

The Secretary General concluded in his report that "for the present, the Security Council finds itself with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side."

The Secretary General went on further to say that the confidence-building measures represent "A set of eminently reasonable and fair proposals that would bring tangible benefits" to the Turkish Cypriot community.

Mr. Speaker, as I have already noted, the Greek-Cypriots have proven time and time again that they are more than willing to negotiate with the Turkish side, however, Turkey and Mr. Denktash—who represents the aggressor in this matter—is unwilling to do so.

In the July 14 issue of Roll Call, Turkey and Mr. Denktash once again showed us their unwillingness to negotiate on the Cyprus problem with their advertisement titled, "remember who invaded Cyprus 20 years ago." This advertisement is a clever tool used to mask the truth on who the real aggressor is in this illegal occupation.

Turkey, in its Roll Call ad, attempts to convince the reader that Greece and Greek-Cypriots are the real culprits. However, Turkey makes no mention that for the past 20 years there have been more than 30,000 Turkish troops in Cyprus and more than 65,000 Turkish settlers.

The advertisement also fails to point out the cultural destruction that has been taking place on the island of Cyprus due to the illegal Turkish occupation. Cyprus has seen a rape of its culture; a pillaging of its antiquities.

Churches have been plundered and ransacked. Beautiful frescos have been stripped off the walls of these religious institutions. Other churches have been converted into Mosques and still more have been turned into Cinemas and recreational centers. What Cypriots have witnessed over the past two decades in the intentional destruction of their cultural heritage. The Roll Call advertisement, however, makes no mention of that fact.

Mr. Speaker, let's stop playing diplomatic games with Turkey. Let us for once stop Turkey from waltzing away from the truth—as they are again attempting to do with this ridiculous advertisement in Roll Call.

This year, one House committee refused to dance with Turkey. The House Appropriations Subcommittee on Foreign Operations included in the fiscal year 1995 foreign aid appropriations bill a withholding of 25 percent of security assistance to Turkey until the Secretary of State submits to Congress a report addressing, among other things, the allegations of abuses against civilians by the Turkish Armed Forces and the situation in Cyprus.

Turkey's answer? I have read reports that the current Prime Minister of Turkey has threatened that she will not accept any United States assistance in foreign aid until this language that the appropriations committee has included in it's bill is taken out of the bill.

Mr. Speaker, In times of fiscal restraint, where citizens of the United States are calling for less foreign aid spending, I think that we should take the Prime Minister of Turkey at her word.

Maybe now, Turkey will realize that the United States wants a just and peaceful solution to the Cyprus problem.

Finally, in closing, Mr. Speaker, I feel that we in the Congress have a responsibility to use our influence to see that Cyprus is made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do our utmost in this cause.

Mr. PORTER. Mr. Speaker, I come to the floor today as I have many times before to commemorate the sad anniversary of the tragic separation of Cyprus by Turkish troops. Tomorrow marks the 20th year of the separation.

On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus and heavy fighting took place between them and the Cypriot National Guard. Turkish troops pressed on to the capital city of Nicosia, where they engaged in heavy street fighting with Cypriot National Guardsmen and Cypriot irregulars. Through the battles, the Turkish air force bombed and strafed Greek-Cypriot positions and attacked Nicosia airport. By the time a cease fire had been arranged on August 16, Turkish forces had taken the northern third of the country.

Throughout the battles and subsequent occupation, tales of atrocities, abductions, rapes and executions were heard. It was only as those thought to be abducted or taken prisoner of war begun to filter back to their homes after the cease fire that it became apparent that hundreds were not accounted for and missing.

In May 1992, the Congressional Human Rights Caucus held a hearing on this issue of the missing. We heard wrenching testimony of violations and subsequent coverups by the Turks. The coverup continues.

Twenty years later, 1,619 are missing. Twenty-six of these were below the age of 16 when they were taken, 112 are women, and five are American citizens, including Andreas Kassapis, whose father, Kostas, lives outside Detroit today. There are no doubts that the Turkish army abducted the five missing Americans, including Andreas, or that the Turkish Government is responsible for accounting for them.

Unfortunately, today Turkish troops on the island of Cyprus maintain the code of silence about their fates.

This morning, the Foreign Affairs Committee marked up a bill introduced by Representative ELIOT ENGEL and myself calling on the President to work with the United Nations to resolve the issue of the missing. I am hopeful that this legislation will lead to a breakthrough on this issue, and I ask the State Department to renew their efforts.

I am also heartened by language included in the House version of the Foreign Operations bill that conditions 25 percent of Turkey's military assistance on the State Department releasing a report regarding Turkey's actions regarding Cyprus and the treatment of its Kurds. I believe 100 percent of Turkey's assistance should be conditioned on these issues. Turkey is quite clearly the key to resolution of the Cyprus problem. They have 35,000 troops on the island, subsidize the economy of the north, and have sent tens of thousands of Turks to live in the north of Cyprus over the last two decades. When Ankara talks, north leader Rauf Denktash listens.

Unfortunately, Turkey refuses to be helpful and yet another round of U.N.-sponsored talks has recently failed because Mr. Denktash refused to accept a package of very limited U.N.-authored confidence-building measures. Turkey's intransigence is proven by Turkish Prime Minister Tansu Ciller's announcement that Turkey is inclined to reject any United States assistance that has human rights or other conditions placed on it. Turkey is setting conditions under which they will be willing to accept our money. It is quite clear that Turkey does not share our commitment to international norms of behavior. With tight foreign assistance budgets, we simply do not have funds for nations who do not share our values.

I believe one important proposal that deserves consideration is the suggestion by Cypriot President Clerides that Cyprus be demilitarized. He has offered to completely disband the Cypriot army if Turkish forces withdraw from the island. U.N. peacekeepers, fully funded by the money saved from the Cypriot demilitarization, would continue to monitor the situation. Since neither party would be armed, the risk of confrontation would be low.

To me, President Clerides' proposal is an important and timely confidence building measure that should be pursued immediately by the Turkish Government, the leadership in the north, and the United Nations.

Mr. Speaker, the division of Cyprus simply has gone on too long. My wife, Kathryn, and I first traveled to Cyprus in 1981 and have returned a number times. It is an incredibly beautiful island with wonderful, warm people and a rich history that is evidenced by a wealth of important archaeological sites and a beautiful legacy of art and architecture.

Unfortunately, as you walk down the winding streets of Nicosia or drive through the Cypriot countryside, you are constantly reminded of the thousands of Turkish troops that loom just beyond the horizon, beyond the U.N.-peacekeeping troops, beyond the Green Line that slices Cyprus in two.

I urge the representatives of the two communities on Cyprus to come together for the sake of their people and the future of their country and reach a compromise. A generation has grown up on Cyprus not knowing peace and unity. I am concerned that the bond of shared experience between the two communities forged as a consequence of their living together for centuries will dissolve if they are not reunified soon.

Mr. ENGEL. Mr. Speaker, tomorrow marks the 20th anniversary of Turkey's military invasion of Cyprus. On this date of sadness, we must ask ourselves: How much longer will this illegal occupation continue?

In the invasion, Turkey captured almost 40 percent of Cyprus, representing 70 percent of the economic wealth of the country. More than 200,000 Cypriots were forcibly driven from their homes, widely dispersing the population. In an effort to stamp out the prevailing Hellenic and Christian culture, Turkey subsequently sent more than 85,000 Turkish colonists to occupied areas, changing the demography of the region.

In the aftermath of the assault, more than 2,000 people were arrested or disappeared as Turkish military forces consolidated their hold on Cyprus. Among them were five American citizens. Although 20 years have passed, we still have no knowledge of the fate of Christos Libertos, Kyriacos Leontiou, Socrates Kapsouris, Jack Sofocleus, or Andrew Kassapis.

Today, the family of Andrew Kassapis still looks for their son. Andrew, now 37 years of age, was taken captive by members of the armed forces of Turkey—a major recipient of United States aid—while holding his United States passport.

The time has come to shed light on this tragic aspect of the Cyprus conflict. Last year, I and Representative JOHN PORTER, introduced legislation to obtain for the suffering families the answers for which they have longed. By directing the President to investigate the whereabouts of the missing Americans and approximately 2,000 others, it is my hope that this sad part of Cyprus' history can be brought to a close.

I am pleased to announce that earlier today, the Foreign Affairs Committee marked up this legislation and reported it favorably to the full House for consideration. With almost 190 cosponsors, including more than half of the Foreign Affairs Committee, I believe that the Congress will overwhelmingly pass this bill and send it to the President for his signature. It is my hope that on the 20th anniversary of the invasion, Congress can take this small, but important step toward ending the pain endured by families of the missing.

Mr. Speaker, 20 years is long enough. Too many have died or been lost while the people of Cyprus have been under the yoke of foreign invaders. We in the Congress have a responsibility to act. We must demand the end of the illegal occupation and the restoration of full sovereignty to Cyprus. On this 20th anniversary, I pledge that I will do all in my power to end the agony and to return to Cyprus the freedom it deserves.

Ms. SNOWE. Mr. Speaker, today we mark 20 years of illegal Turkish occupation in northern Cyprus.

Turkey's brutal invasion 20 years ago drove more than 200,000 Cypriots from their homes and reduced them to the status of refugees in their own land. More than 2,000 people are still missing, including five American citizens. The Turkish army seized 40 percent of the land of Cyprus, representing 70 percent of the island's economic wealth. Barbed wire stretches across the country like an ugly scar, and armed check points dot the Green Line.

This is not an anniversary that anyone should look forward to marking. I was first elected to Congress in 1978, 4 years after the Turkish invasion. That was also the year that President Carter succeeded in getting the United States arms embargo on Turkey lifted on the promise of an imminent breakthrough on ending the tragic division of the island. But the Turks never had any intention of fulfilling that promise.

Every year that I have been in Congress I have noted a cynical, fraudulent pattern of behavior by the Turkish Government and by the leader of the self-proclaimed Turkish Republic of northern Cyprus. Each year, there are hints of movement and glimmering hopes of ending the Turkish occupation and reuniting Cyprus. The most recent opportunity was the U.N.-sponsored talks over confidence building measures that predictably collapsed just weeks ago because of continued Turkish intransigence.

Prior to the confidence building measures effort, the history of failed negotiations due to Turkish intransigence include: the 1977 Makarios-Denktash Meeting; the 1979 Kyprianou-Dentktash Communique; the 1984 Proximity Talks; the 1985–86 U.N. Draft Framework Exercise; the 1988 Talks, First Round; the 1988–89 Talks, Second Round; the 1989 Talks, Third Round; the 1990 February-to-March Meetings; and the 1990-to-1992 Secretary General Good Offices Mission.

Each year, the hopes of the Cypriot people are dashed on two bedrock facts. These are, one, the basic preference of Mr. Denktash, the leader of the Turkish-Cypriot community, for the status quo. By now, it should be clear that he prefers a divided island, even though his illegal rump country is not recognized by the international community and is, in reality, controlled by Turkey. The second bedrock fact is that the 40,000 Turkish occupation troops in northern Cyprus are there only to enforce the illegal status quo.

I realize that after 20 years there are some who might wish to put this issue aside, and say that perhaps nothing can be done. But I challenge anyone who might be tempted to accept the status quo whether out of frustration or weakness. Accepting the status quo would not only be morally wrong, but it simply is not an option.

In the 20 years since the Turks cruelly invaded their weak neighboring country, the world has changed dramatically. In that time: the Berlin Wall has fallen and Germany has reunited; the nations of Eastern Europe have won their freedom from occupation by a neighboring superpower; the Soviet Union has disintegrated; South Africa has peacefully changed into a multiracial democracy; Iraq invaded and occupied its weak neighbor, Kuwait, but was then forcibly expelled by the United States and the international community; and finally Israel has taken a historic risk for peace with its Arab neighbors and the PLO claims to have renounced violence.

The status quo on Cyprus has always been unacceptable. But the dramatic changes in the world now call for putting words into deeds. For so many years, the apologists for Turkey have argued that our hands were tied because of the need to support Turkey as a bulwark against the expansion of the Soviet Union into the eastern Mediterranean. But that argument and the Soviet threat have both evaporated.

The United States and the United Nations must unequivocally declare that the time is over for endless bad faith negotiations and intransigence on the part of the Turkish side. The time has arrived for concrete steps.

Turkey must also be made to realize that it shares much of the blame for the repeated failures at the negotiating table. The government in Ankara must be held accountable for its influence over Mr. Denktash and the Turkish Cypriots. Their continued intransigence has not just been sanctioned but encouraged by Turkey. The United States must pressure the Turkish Government to make it understand that it is in their best interests to negotiate a peaceful end to its illegal occupation of northern Cyprus.

Three months ago, President Clerides of Cyprus made an astounding proposal that would transform the political environment. He proposed that both the government of Cyprus and the Turkish occupation forces disband their military forces. He called on the creation of a new U.N. peacekeeping operations that would take over the military assets of each side. He further offered to pay the costs of the U.N. operation from the resulting budget savings. This would shatter the stalemate and finally establish an environment in which the country can be peacefully reunited.

It would be preferable for this proposal to be implemented by agreement between the parties. But we must also keep in mind the facts that the Turks like occupying their weaker neighbor and Mr. Denktash likes pretending to rule a pretend nation. If the United Nations Security Council is willing to show resolve in the Middle East and in Haiti, it is time for us to also lead the Council to take action in the eastern Mediterranean.

We have recognized that the world has changed, we must do what is necessary to ensure that the Turkish occupiers of northern Cyprus recognize it as well.

Mr. BONIOR. Mr. Speaker, I join my colleagues to commemorate a sad and frustrating anniversary. Twenty years ago, Turkish troops invaded and occupied the island of Cyprus. Today, Cyprus remains divided with 35,000 Turkish troops occupying over one-third of the land. A barbed wire fence, known as the Green Line, cuts across the island separating thousands of Greek Cypriots from the towns and communities that their families lived in for generations.

Thousands of people were killed as a result of the invasion. Another 1,619 remain missing—including 5 Americans. One of the missing, Andrew Kassapis of Michigan, was taken captive even though he had an American passport. His father, Costas, has been struggling all these years to find out the fate of his son. The family and friends of those missing deserve to know the truth about their loved ones.

Over the past few years, we have witnessed tremendous changes around the world, the fall of the Berlin Wall, reconciliation in the Middle East, and the end of apartheid. Yet, somehow peace has eluded this beautiful island. Peace and unity can be achieved in Cyprus if there is enough political will to do so.

Over the past 2 years, the United Nations has formulated a series of confidence- building measures to benefit both sides in Cyprus. However, U.N. Secretary Boutros-Ghali has asserted that the lack of agreement was due essentially to a lack of political will on the Turkish Cypriot side. It is time for the Turkish Cypriots to take these first steps toward peace and reconciliation.

As a major recipient of United States foreign assistance, Turkey should be held accountable for the continued occupation of Cyprus and its human rights record. The Turkish Government must know that the division of Cyprus will continue to be an obstacle to better relations with the United States. It is my deep hope that soon we will be able to add Cyprus to a list of places where peace and freedom have triumphed.

Mr. MARTINEZ. Mr. Speaker, I would first like to commend Representative BILBRAY for organizing this special order on Cyprus. The gentleman from Florida has been a tireless champion for the peaceful resolution of the Cypriot problem.

Mr. Speaker, I solemnly join my colleagues tonight in observing the 20th anniversary of Turkey's invasion and occupation of northern Cyprus. On July 20, 1974, Turkey invaded Cyprus and has occupied one-third of the country every since. Turkey still maintains nearly 30,000 troops on this Mediterranean island today.

It's been 20 years since five Americans and 1,619 Greek Cypriots disappeared in the wake of Turkey's invasion of Cyprus. It's been 20 years since Mr. Costas Kassapis and his wife last saw their 17-year-old son Andrew, who was taken into custody before their eyes, with American passport in hand, by Turkish soldiers. It's been 20 years of unbearable anguish for American and Greek-Cypriot families whose cries of help for their missing relatives have only been greeted by a wall of silence from Turkish officials.

Next week, Members of the House will have the opportunity to take a stand on this important matter. Representative ENGEL'S legislation, H.R. 2826, which addresses this issue, is expected to be considered on the House floor next week. This measure deserves the resounding and unequivocal support of the House. H.R. 2826 directs the President to investigate and report to the Congress on the whereabouts of U.S. citizens and others who have been missing from Cyprus since 1974. Turkey must be held accountable for these missing people.

In an effort to encourage gradual steps toward reconciliation between Greek and Turkish Cypriots, the U.N. has proposed placing part of the uninhabited, Turkish-occupied town of Varosha under U.N. control. The United Nations has also proposed reopening the abandoned Nicosia International Airport which would be made available to both communal groups. The United Nations mediating approach is a serious effort to break the political stalemate which has, thus far, proven intractable.

I would like to see the United States use its considerable influence toward promoting a peaceful settlement of the Cyprus problem. For far too long the people of this island nation have harvested the bitter fruit of communal strife and ethnic suspicion. After 20 years of partition and acrimony, it is high time for all Cypriots, ethnic Greeks and ethnic Turks alike, to begin the process of reconciliation. The United States can and must play a more active role in helping the Cypriot people broach the political and territorial divide that has torn this island apart.

Mr. ZIMMER. Mr. Speaker, I want to thank my colleagues for arranging this special order on the Cyprus problem, and I join them in calling for a peaceful and decisive end to the illegal occupation of nearly 40 percent of Cyprus by Turkey.

That occupation has been going on for 20 years, since Turkey invaded Cyprus in July 1974. And for 20 years, Turkey has ignored or rejected virtually all calls to end that occupation and to resolve the problems it has created.

One result of that indifference was underscored in a hearing before the House Foreign Affairs Committee today during discussion of a probe into the whereabouts of five Americans caught up in the Cyprus invasion and still missing.

There were also 1,614 Greek Cypriots who were abducted by Turkish troops in that 1974 invasion and who remain missing. And nearly 200,000 Greek Cypriots were turned into refugees as a result of what many view as an act of ethnic cleansing by Turkey.

Today, some 35,000 Turkish troops continue to occupy a significant portion of Cyprus, as do more than 80,000 former residents of Turkey who were resettled in Cyprus on land Turkey occupied after the invasion. Their presence has altered the cultural and political character of Cyprus.

Mr. Speaker, in 1978 Congress agreed to lift the partial arms embargo it had imposed on Turkey for treaty violations. It did so, however, on the condition that Turkey would work toward a genuine resolution of the Cyprus problem.

But Turkey has not done so. Instead, it not only ignored that condition but flaunted its disregard for it by declaring in 1983 the independence of its occupied land on Cyprus, dubbing it the "Turkish Republic of Northern Cyprus."

Mr. Speaker, it is time to hold Turkey accountable for its 1978 promise and to put an end to the Cyprus problem.

I am supporting legislation offered by my honorable colleagues Mr. ANDREWS and Mr. PORTER—H.R. 3475—that would ban all United States foreign aid to Turkey until the Turkish Government complies with a number of conditions, among them withdrawing its military and colonial presence from Cyprus, accounting for missing Americans and Greek Cypriots, and adhering to international human rights standards.

I would urge the entire Congress to join this effort, so that Turkey will realize the consequence of 20 years of illegal occupation and disregard for territorial integrity.

Mrs. MORELLA. Mr. Speaker, I want to thank my friend from Florida, Mr. BILIRAKIS, for calling today's special order, and for his continuing dedication and leadership on the issue of Cyprus.

Tomorrow marks the 20th anniversary of the Turkish invasion of Cyprus. Since that day, the occupation has been accompanied by tragic violations of human rights. Thousands of Cypriots were made refugees in their own homeland, while hundreds of people, among them five United States citizens, remain missing and unaccounted for.

Since the invasion began, the occupying force has refused to cooperate with Cypriots in their efforts to restore peace to their country. Furthermore, the Turks have repeatedly rejected U.N. proposals to resolve the Cyprus problem, including demilitarization and confidence-building measures.

The infringement on the Cypriots' basic human rights is a senseless tragedy that could be alleviated if both sides would demonstrate a willingness to cooperate and reach a compromise on the issue. On this 20th anniversary of the invasion, it is appropriate that Congress consider what more can be done to help bring the Cyprus problem to a speedier, peaceful resolution. In doing so, we can bring an end to the human rights violations there and also contribute to the peace process in the eastern Mediterranean region.

Mr. HUGHES. Mr. Speaker, I rise today to express my deep concerns about the situation in Cyprus. This week marks the 20th year since Cyprus was divided and partitioned by an illegal Turkish occupation force which continues to occupy over one-third of the country.

Mr. Speaker, this occupation can not be accepted by the international community and it must not be accepted by the U.S. Congress.

Turkey has illegally occupied more than one-third of Cyprus for 20 years. During that same time the United States has provided over $6 billion in aid to Turkey. It is time to make the message clear to Turkey that the United States will not sanction such a gross violation of international law.

I am a sponsor of H.R. 3475 which would withhold all aid to Turkey as long as the illegal occupation of Cyprus continues. Mr. Speaker, I urge my colleagues to support this measure and H.R. 2826 which calls upon the administration to seek an investigation into the disappearance of the 5 United States citizens and more than 1,600 Greek Cypriots who remain unaccounted for since the 1974 invasion. The Government of Turkey which has been the beneficiary of such substantial aid from the United States must provide its full cooperation.

It is time to end the partition of Cyprus, time to unite this country and its people under one government that respects and protects the rights of all its citizens.

Mr. KENNEDY. Mr. Speaker, I want to thank Mr. BILIRAKIS for organizing this special order and for his determination to focus the attention of the Congress and the American people on the tragic occupation of northern Cyprus.

Tomorrow morning, Greek Cypriots will awaken to the wail of air raid sirens and the tolling of church bells as they mark the 20th anniversary of the Turkish military invasion that divided the island.

Twenty years later, 30,000 Turkish troops control nearly 40 percent of the island. The Greek and Turkish communities have been almost entirely segregated. Tens of thousands of settlers from Turkey have been brought to the north. More than 1,000 people, including 5 United States citizens, remain unaccounted for since the time of the Turkish invasion.

Mr. Speaker, after two decades of suffering, it is long past time for us to say "Enough." The Turkish occupation government is not recognized as legitimate anywhere but in Ankara. Since 1974, U.N. resolutions have been consistent in condemning the division of Cyprus and urging withdrawal of all foreign forces.

Over the past year, the United Nations has intensified diplomatic efforts to end the crisis—pressing for implementation of confidence-building measures that might lay the basis for negotiations on a permanent settlement. This intensified diplomacy has the active support of the Clinton administration and should have the strong support of Congress as well.

Ultimately, if this suffering is to be brought to an end, the United States must bring firm and consistent pressure on the Government of Turkey to end the occupation. Turkey continues to receive hundreds of millions of dollars in United States economic and military assistance and loans. Because they have served as an important United States ally, many are hesitant to raise the difficult issue of Cyprus. I continue to believe that this reticence is a terrible mistake.

Like Mr. PORTER who spoke earlier this evening, I want to draw particular attention to the proposal that President Clerides made at the end of 1993 for the demilitarization of Cyprus. Cyprus—in exchange for the withdrawal of Turkish troops—would disband its National Guard and transfer their equipment to the U.N. Peacekeeping Force. Funds saved from defense spending would be used to support the U.N. force and to carry out development projects benefitting both Greek and Turkish communities.

This is the type of forward-looking and courageous proposal that will be needed to bridge the bitter divisions in Cyprus and create a framework for peace that offers security and respect for both communities. This proposal merits the strong support of the United States.

Mr. Speaker, I welcome this opportunity to say again to the people of Cyprus that we stand with them in their 20-year struggle against occupation and injustice. I hope and pray that a year from now we'll be talking about how to walk with them into a new era of liberty and reconciliation.

Mr. PALLONE. Mr. Speaker, once again, as we do every year at this time, we are here to commemorate a very sad historic occasion. It has been 20 years since Turkish troops first invaded the northern part of the Mediterranean island nation of Cyprus, leaving a trail of death, destruction and hundreds of thousands of refugees. In the two decades since this shocking breach of international law, Turkey has maintained and solidified its occupation of more than one-third of the territory of Cyprus with an estimated 35,000 troops. Turkey has continued this illegal occupation in complete defiance of the international community, spurning U.N. resolutions and the entreaties of NATO countries, both here and in Europe, seeking a Turkish withdrawal.

Indeed, far from bowing to the international pressure, Turkey has gone in the other direction, having declared in 1983 the so-called "Turkish Republic of Northern Cyprus," recognized by no other country but Turkey. Recently, Turkey has increased the size of its occupation forces by adding 8,000 additional troops and new tanks and armored vehicles. A May 30, 1994, report by U.N. Secretary General Boutros Boutros-Ghali has termed Cyprus one of the world's most highly militarized areas in terms of the ratio between the numbers of troops and the civilian population.

Perhaps the saddest aspect of this military occupation has been the growing mistrust and hostility between the Greek and Turkish communities on the island, who had lived in harmony for so many years as fellow Cypriots but who now are separated into what are in effect warring camps. We commemorate this human tragedy with the pins attached to a piece of barbed wire that many supporters of a free and peaceful Cyprus will wear at events tomorrow commemorating this tragic anniversary.

In addition to the barbed wire pins, many people tomorrow will be wearing yellow ribbons to express their solidarity and sympathy for the 1,614 Greek Cypriots who have been missing in Cyprus since the invasion. Among the missing are five United States citizens whose "disappearances" in Turkish-held areas have never been accounted for and whose fate and whereabouts are still unknown. These people were arrested by Turkish forces. Some were transported to Turkey and kept as prisoners in Turkish jails. Since 1974, Turkey—contrary to international law and human rights conventions—refuses to provide any information about their fate. The Turkish Government, notwithstanding the recent change in leadership, has not changed the policy of denying that there are any Greek Cypriots being held and still professes no knowledge about the whereabouts of the missing.

Mr. Speaker, there is a great deal of evidence that casts doubt on the truthfulness of the Turkish denials. The International Red Cross and Amnesty International have compiled lists of the "missing" persons compiled during visits to Turkish detention centers. In fact, some of the evidence about "missing" persons being in Turkish custody comes from the Turkish news media.

Mr. Speaker, we can be proud that this Congress has supported foreign assistance to Cyprus to encourage an alleviation of tensions. Every year, we allocate $15 million in aid to Cyprus for projects aimed at improving health, education, and the environment—for the benefit of both Cypriot communities.

The legitimate government of Cyprus has also done a great deal to promote reconciliation between the two communities. President Clerides has proposed to the United Nations a program for the demilitarization of the island, to be monitored by a U.N. Peacekeeping Force. So far, his bold and courageous proposal has not been met by any constructive response from the Turkish side.

I will continue, along with many of my colleagues here today, to insist that, in exchange for the aid and military cooperation that we provide to Turkey, the Turkish Government move from a stance of recalcitrance and belligerence to a spirit of cooperation and confidence building with regard to Cyprus. It is my hope that we will not have to go on commemorating this anniversary year after year. It is my hope that Cyprus will be returned to the Cypriot people, and that this beautiful and historic land will once again be a place of peace.

Mrs. BENTLEY. Mr. Speaker, on the eve of the 20th anniversary of the Turkish invasion of Cyprus, I want to pay a special compliment to my good friend from Florida [Mr. BILIRAKIS] for arranging this important special order. I also want to thank him for his tireless efforts to forge a peaceful solution for Cyprus—which remains tragically divided after nearly two decades.

Tonight, I want to draw specific attention to the approximately 1,600 individuals who remain unaccounted for 20 years after the Turkish onslaught. Five American citizens who were on Cyprus at the time of the bloody fighting in 1974, are listed among the missing. As long as Cyprus remains divided, with Turkey illegally occupying almost 40 percent of its territory, this Congress must not forget its responsibility to demand answers about the whereabouts of these missing Americans. I urge my colleagues to supporting legislation marked up in the House Foreign Affairs Committee today that would establish a Presidential Commission to review the issue.

Mr. MENENDEZ. Mr. Speaker, I want to thank the gentleman from Florida [Mr. BILIRAKIS], for putting together this special order on Cyprus.

We gather today to commemorate the unhappy anniversary and tragic circumstance of 20 years of division of the island of Cyprus. It may seem incredible, but for 20 years now the Republic of Cyprus has been artificially divided following an invasion by Turkish troops on July 20, 1974.

A full 37 percent of the island remains under occupation by Turkish troops, which in defiance of United Nations resolutions, now number 35,000. This makes Cyprus one of the most militarized areas in the world.

The international community has yet to recognize the so-called Turkish Republic of Northern Cyprus, which was established in 1983. As if to underscore this illegitimacy, the European Union just under 2 weeks ago imposed a ban on exports from Turkish-occupied Cyprus.

The world must know that in the small Mediterranean island of Cyprus there are people filled with hope and expectation that ultimately their divided homeland will one day be united.

As an American of Cuban descent, I understand very well when Cypriots say that 20 years is enough. Tomorrow that 20-year mark of division and occupation will be here will have crept upon us. In Cuba, it has been 35-five years. Like the people of the island nation of Cyprus, the people of the island nation of Cuba were robbed of their independence and of their sovereignty. The people of both nations suffer the pain of division and the painful indifference of the international community to their plight of injustice and indignity.

As I have studied this issue, it has become clear to me that the Turkish Cypriots continue to lack the political will to reach a conclusion that would result in a free and united Cyprus that is safe for all Cypriots—Greek or Turkish. At this point, unfortunately, negotiations have reached an impasse.

In 1991, then-U.N. Secretary General Javier Perez de Cuellar, stated that progress in solving the conflict in Cyprus was imminent if [quote] "all concerned * * * would seize the moment."

The Turkish Cypriots have yet to seize that moment. We are still waiting on the Turkish Cypriot leader, Mr. Rauf Denktash, to show a willingness to compromise. Until now he has been a reluctant negotiator. Very recently his increased demands have caused negotiations to stall.

On the other hand, the Greek Cypriots have already abided by U.N. documents. In my view, neither the U.N. nor the U.S. Government should ask the Greek Cypriots to make extra concessions that will only serve to weaken their position and hurt the peace process.

Mr. Perez de Cuellar's successor as U.N. Secretary General, Boutros-Boutros Ghali, in November 1992, diplomatically cited Mr. Denktash's unwillingness to compromise. He said, [quote]: "Certain Turkish positions were fundamentally at variance with the U.N. set of ideas." Even President Bush called then-Turkish Prime Minister Demirel to complain about Mr. Denktash. Since then, Secretary-General Boutros-Ghali has complained about Mr. Denktash's failure to adhere to agreements in this matter.

As I have stated, the confidence-building process is stalled. A U.N. document had clearly established that the two measures that were to be taken in this process were the opening of the Nicosia International Airport and the placement of Varosha under U.N. control.

Agreement was near. But at the 11th hour the Turkish Cypriots changed their position, and now we are once again faced with more delays. It is revealing that this latest delay is over a road—the road between the U.N. buffer zone and the Turkish-controlled area of Varosha. The Turkish Cypriots would want to control that road with either their own police or with Turkish troops. That is not what I would call U.N. control. It is these positions and these delays which are the biggest obstacles on the road to peace and a united Cyprus.

The shorter term prospects for a solution are clearly at a standstill. For the longer term, the basic elements for a solution to this problem should be established. While the devil is always in the details, two simple principles should stand out.

First, while paying respect to both communities, it must be recognized, as it is throughout the world, that Cyprus is one nation and should remain one.

Second, any solution must include the withdrawal of all Turkish troops from the nation of Cyprus. I do not think that is just an end worth pursuing, but a condition worth requiring. Until the last boot of the last Turkish soldier leaves Cyprus, there won't be peace and there won't be justice in Cyprus.

Finally, we must account for the 1,614 Greek Cypriots and the five American citizens missing since the Turkish invasion of Cyprus in 1974. We cannot forget them. We cannot forget their families. This is why I have joined as a cosponsor to H.R. 2826, a bill which asks the President to investigate the whereabouts of United States citizens and others who have been missing from Cyprus since 1974. Today, I was happy to join the full House Foreign Affairs Committee in passing this bill, thereby making it possible that the measure will be voted on here on the House floor.

Mr. Speaker, a few months ago, I received a letter from the Kassapis family of Livonia, MI. The letter was signed by Costas Kassapis, the father of Andy Kassapis, one of the five Americans who disappeared in Cyprus in 1974. The Kassapis family has lived in anguish since August 20, 1974, when their son, Andy, was dragged away by Turkish troops right in front of his parents, in the village of Ashia. The last they heard of Andy was in a message from the Red Cross stating that Andy was in Amasia prison in Turkey. As Mr. Kassapis says in his letter, "Since then, nothing."

I want to read a quote from that letter. Mr. Kassapis states, and I quote: "I know that you understand the constant suffering that my wife, daughters, and I have experienced since that day, nearly 20 years ago, when our wonderful son, Andrew, was taken from our arms." I know that he appreciates our support for his cause, but I also know that no piece of paper can substitute for Andy.

Imagine your son or daughter being snatched before your eyes—and then, no more, never to be heard or seen—for over 20 years. Would you stand still?

Tomorrow will mark the 20th year of the division and occupation of Cyprus. Cypriots were born in Cyprus and have never returned have been denied that opportunity for too long. Twenty years is enough. Now is the time for them to be able to return in peace. Now is the time for a united Cyprus. I hope that never again will I have to cosponsor a bill to find disappeared Americans or Cypriots.

If we are to stand up for human rights—we must do so whether it is friend or foe. Is this resolution timely? Yes, it's very timely. Twenty years—two decades—is long enough.

Thank you very much.

Mr. OLVER. Mr. Speaker, I rise today to join with my colleagues to deplore the division of Cyprus, and to send a message to the people of Cyprus that we remember them and we continue to seek a peaceful and equitable reunification of the island.

It is tragic that Cyprus remains divided and there is no agreement on even the most basic confidence building measures which have been proposed to ease tensions between the two communities.

I believe the proposal by President Clerides for a demilitarization of the island makes a great deal of sense. Eliminating the troops on Cyprus, and devoting the funds saved toward an expanded U.N. Peacekeeping Force and bicommunal development projects is a farsighted and practical proposal which should greatly benefit all of the residents of Cyprus.

Mr. Speaker, the international community must continue to work to find a just and lasting solution to the problems of Cyprus, and I look forward to working with my colleagues to further that goal.

Mr. BARCA of Wisconsin. Mr. Speaker, I want to begin by commending my colleague from Florida, MIKE BILIRAKIS, for organizing this special order to commemorate the 20th year of occupation and division of the Republic of Cyprus.

Mr. Speaker, as the administration increases its calls to return the democratically elected government to Haiti we must not forget our commitment to such endeavors in other regions of the world. In July 1974 the Government of Turkey invaded the sovereign island of Cyprus. As a result over 30 percent of the country was occupied and 200,000 Greek Cypriots were forcibly expelled from their homes and remain refugees. More than 1,500 Greek Cypriots and 5 American citizens are still missing and unaccounted for.

Since this occupation the government in Ankara has done little to answer our questions about these missing citizens or to resolve the military stalemate that exists today. In fact the Turkish Government disregarded international law by establishing the Turkish Republic of Northern Cyprus and guaranteeing its independence and territorial integrity. They have also transplanted more than 80,000 settlers from Turkey to strengthen their hold on this territory.

In December 1993, the Government of Cyprus attempted to resolve the problem by submitting a proposal to the United Nations calling for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, the Government of Cyprus would disband its National Guard and transfer its military equipment to a U.N. Peacekeeping Force. The Turkish response was to reject this proposal outright.

We must continue to support efforts to end this unlawful occupation and to discover the whereabouts of our missing citizens. A lasting peace can be achieved on the island of Cyprus and this body has an obligation to support such efforts by a strong message to Ankara that these issues must be resolved.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in this important special order marking the 20th anniversary of Turkey's invasion of Cyprus. At the outset, I want to thank my colleague Mr. BILIRAKIS for organizing this important special order to commemorate this anniversary.

The division of Cyprus has the distinction of being one of the most intractable in the world today. Since Turkey first invaded Cyprus in 1974, 1,619 people, including 8 Americans last seen alive in the occupied areas of Cyprus, have never been accounted for. We must not let the passage of years weaken our resolve to pressure the Turkish Government to provide answers to the families of the missing. We cannot forget their suffering continues

Mr. Speaker, last year, when marking this solemn anniversary, many of us felt hopeful that this conflict would soon be resolved peacefully through the auspices of the United Nations. Today, while I applaud the efforts of the United Nations to resolve the issue of the continuing division of Cyprus, I am very frustrated by Turkish leader Rauf Denktash's stubborn resistance to meaningful negotiations. It's not just Greek Cypriots and their supporters who think Denktash has been unreasonable.

In December 1993, in an effort to facilitate a peaceful resolution of the problem, President Clerides submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of Cyprus. In exchange for the withdrawl of Turkish troops, Cyprus would disband its National Guard; transfer the National Guard's military equipment to the U.N. Peacekeeping Force; and the money saved from defense spending for development projects that would benefit both communities. Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem. Once again the Turkish side rejected Cyprus' efforts toward ending the tragic unacceptable status quo.

The United States Government has always supported a just and lasting solution to the Cyprus problem. It is important for the Congress to continue to firmly support the people of Cyprus by pressing Turkey to remove its illegal occupation force and to work constructively for a resolution of the problem in accordance with the relevant U.N. resolutions and agreements between the two sides. A just and lasting solution to the problem will benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey, as well as constitute a significant step toward peace in the unstable eastern Mediterranean region.

Mr. Speaker, I want to take this opportunity to commend the Secretary General for his tireless efforts to resolve this issue. I also want to recognize the Greek Cypriot people for their valliant commitment to resolving this conflict, despite the seeming bad faith shown by the Turkish side. It is my hope that this will be the last year Members must join to discuss the longstanding problems of the people of Cyprus, that next year we may join to celebrate the end to this conflict. Until that happens, the Turkish Government must know we in the United States will continue to mark this anniversary and speak out for rights of the missing.

Mr. FILNER. Mr. Speaker and my colleagues, it has been 20 years since 35,000 Turkish troops invaded the island nation of Cyprus. Twenty years later, justice is still nonexistent for the victims of that invasion.

Despite persistent international pleas for a peaceful settlement—and despite condemnation from the administration, the Congress, and the international community—the situation in Cyprus has not improved since the invasion 20 years ago.

There are 5 U.S. citizens listed among the names of over 1,600 people who are still missing as a result of the 1974 invasion. The Greek community in San Diego and throughout the world have waited long enough for information about the whereabouts of their families and friends.

The Cyprus Government has made serious concessions in its efforts to create a genuine federation that guarantees the rights of all citizens on that island. Unfortunately, we have not seen equal cooperation from the Turkish Government.

The time has come for a resolution to this 20-year-old crisis. The time has come for the Government of Turkey to finally respect the sovereignty and independence of the Republic of Cyprus.

Mr. CARDIN. Mr. Speaker, I rise today to join my colleague, Representative MICHAEL BILIRAKIS, in remembering the 20th anniversary of the Turkish invasion of Cyprus. I wanted to join my colleague in this special order to express my hope that a peaceful solution can be found to end this sad and difficult situation.

The eastern Mediterranean island of Cyprus had been divided since the Turks invaded Cyprus in 1974. United Nations Peacekeeping Forces currently patrol a line separating about 170,000 Turkish Cypriots in the north and 650,000 Greek Cypriots in the south.

The status quo is unacceptable. The United Nations has continually attempted to facilitate talks between the two sides. Unfortunately, Turkish Cypriot Leader Rauf Denktash rejected the latest confidence-building measures. U.N. Secretary General Boutros Boutros-Ghali attributed the failure to lack of political will on the Turkish Cypriot side. Cyprus President Glafcos Clerides still desires an international conference to discuss demilitarization and displacement.

The international community also recognizes the necessity for action. On June 16, 1994, the United States Senate's Appropriations Committee approved legislation providing economic aid to Cyprus due to the Turkish immobility in negotiations. On July 5, 1994, the Court of Justice of the European Communities ruled that import products from the occupied area were banned and that all products imported by the European Community member-states must have Cyprus Government certificates of export.

Most recently, during its annual meeting, held this year in Vienna, the Conference on Security and Cooperation in Europe [CSCE] discussed Turkey's occupation of Cyprus. Referring to the illegal presence of Turkish troops on Cypriot soil, the CSCE passed a resolution calling for the speedy withdrawal of any country's troops and military equipment stationed illegally on, or occupying territory of, another CSCE country. The world community must continue to press for a peaceful resolution to this international problem.

The people of Cyprus, both Turkish and Greek, deserve to be free from the hostilities which have plagued their island for the last two decades. The time has long passed for the Turkish occupation forces to be withdrawn. Greek and Turkish Cypriots should be permitted to return to their homes and to determine for themselves the future direction of Cyprus.

Mr. DEUTSCH. Mr. Speaker, today marks the 20th year of the Turkish invasion and subsequent occupation of Cyprus. Under the pretext of serving as a protector of Cyprus' independence, Turkey invaded Cyprus on July 20, 1974. Sadly, the ensuing occupation has brought 20 years of hardship to the island's inhabitants.

The forced division of the island has generated feelings of mistrust and hostility amongst the two Cypriot communities, has undermined the independence and sovereignty of the government, and has severely hindered Cyprus' economy.

As a result of the invasion, 200,000 Greek Cypriots were forcibly expelled from their homes in the occupied area. These refugees fled to the unoccupied part of Cyprus where the Government of Cyprus was forced to absorb them into a system which was already economically bankrupt. Although Cyprus has undergone a substantial economic recovery since the invasion, the economy remains stifled by the division of the island. The Government of Cyprus has been forced into taking costly defensive measures and Greek Cypriots are unable to access many of the country's natural resources in the occupied areas. These resources account for about 70 percent of the general stocks of food, agricultural and industrial products.

The most significant impact of the invasion and occupation has been its effect on the people of Cyprus. The 200,000 Greek Cypriots expelled from their homes remain unable to return, and the families of the 1,619 missing persons still do not know the whereabouts of their abducted relatives.

In addition, the Turkish Cypriot community has also suffered. The economy in the occupied area is entirely dependent on Turkey, and those in the area suffer from a low standard of living. In fact, a quarter of the 120,000 Turkish Cypriots have emigrated because of the woeful conditions in the occupied region.

The case of Titina Loizidou, a Cypriot citizen, demonstrates the anguish that the Turkish invasion and occupation have wrought. In the wake of the Turkish invasion, Titina was uprooted from her home in the town of Kyrenia, now occupied by Turkish troops. She has not been allowed to return since. In March 1989, Turkish police arrested her along with other protesters when they marched across the buffer zone in Nicosia seeking to return to their property. She is presently seeking to bring suit against Turkey in the European Court of Human Rights because there has been a persistent violation of her rights to freedom, private life, home and assets, as laid down under the European Convention on Human Rights.

I believe that the United States has a moral obligation and duty to facilitate an end to the suffering of all Cypriots. I urge the Turks to redouble their efforts to reach an agreement that will end the Turkish occupation of Cyprus.

Mr. FAZIO. Mr. Speaker, tomorrow the Republic of Cyprus will mark the 20th year of its occupation and division. And this evening, I once again join my colleagues in a special order in recognition of this solemn anniversary.

Thirty-four years ago, the island of Cyprus gained its independence from Great Britain. However, for 20 years, the northern part of the island has been in the grip of foreign occupation—Turkish troops occupy 40 percent of this tiny nation.

When Turkish troops invaded Cyprus, 200,000 Greek Cypriots were driven from their homes, deprived of their possession, and reduced to refugee status in their own land. Since the invasion, the island has been marked with violence and bloodshed.

Over the years, the demographic and cultural character of Cyprus has been drastically affected by this occupation. Cyprus has come dangerously close to losing what little cultural, social, and historical identity it struggles to hold on to.

When the island was originally divided in 1974, Turkish troops also seized and removed over 1,600 men, women, and children. Five of these "Cyprus disappeared" were American citizens, and three were relatives of American citizens. To this day, their families have no idea whether or not they remain in danger. They do not know if they are sick or well, dead or alive.

The Turkish Government has yet to adequately account for any of those who disappeared at that time. Although it maintains that all of them are dead, it has produced no solid evidence of their status. In the meantime, however, families continue to suffer, as they draw their own conclusions about what has happened to their loved ones.

Mr. Speaker, I commend my colleague, Mr. BILIRAKIS of Florida, for again taking the lead on this issue and calling this special order, once more providing Congress with a vehicle for reaffirming our commitment—to a negotiated peace on Cyprus, to the reunification of this Mediterranean nation, to the end of the human rights abuses that are plaguing its people, and to the missing on Cyprus and their families.

Mr. SCHUMER. Mr. Speaker, I join my colleagues today in commemorating the 20th anniversary of the Turkish invasion of Cyprus. Twenty years ago today Turkish troops attacked the northern shore of Cyprus and fought on to the capital city of Nicosia. When the invasion ended, 4,000 Greek Cypriot troops were dead, 200,000 Greek Cypriots were made refugees in their own homeland, and 1,619 people were missing, including 5 Americans. The invasion was in direct violation of international law and was strongly condemned by the United Nations and the international community.

Despite 20 years of efforts to reunite Cyprus, the country remains divided. Two-hundred thousand Greek Cypriots are still unable to return to their homes and the fate of the 1,619 missing remains a mystery. The status quo on Cyprus is enforced by the presence of 35,000 Turkish troops. Despite U.N. efforts to persuade Turkey to withdraw its troops and respect the independence, sovereignty, and territorial integrity of the island, the situation on Cyprus remains stagnant.

The Government of Cyprus is committed to a negotiated settlement and is prepared to go to great lengths to protect the rights of the minority Turkish Cypriot population once the island is reunified. For example, in 1992, the Government of Cyprus accepted a U.N. proposed map of the island which would have allocated 28.2 percent of the island to the Turkish Cypriots, despite the fact that they constitute only 18 percent of the total population.

The area allotted to the Turkish side also included 50 percent of the coast of Cyprus, obviously an important asset on a Mediterranean island.

More recently, the Greek Cypriot Government agreed to the March 21, 1994 U.N. proposed set of confidence-building measures [CBM's], intended as a first step to facilitate the political process toward an overall Cyprus settlement. President Glafcos Clerides accepted the CBM's even though they were politically unpopular with the Greek Cypriot community. Mr. Rauf Denktash, the leader of the Turkish Cypriot community and head of the self-proclaimed Turkish Republic of Northern Cyprus—which is not recognized by any other country except for Turkey—rejected the proposal despite the fact that the U.N. Secretary General has described the CBM's as "a set of eminently reasonable and fair proposals that would bring substantial and tangible benefits to [the Turkish Cypriot] community without in any way compromising its security or its basic political positions."

The main impediment to a resolution of the Cyprus problem is that Turkey lacks the political will to settle the Cyprus dispute. Still, we must make every effort to overcome the lack of Turkish political will and strive to reach an agreement based on the relevant U.N. resolutions. A positive first step in this direction would be the demilitarization of the island. Demilitarization must be considered because as long as a Turkish Occupation Force exists in Cyprus, tensions are high and it will be increasingly difficult to find a viable solution. Thus, the communities will live as enemies. In December, 1993, President Clerides had submitted an innovative proposal for the demilitarization of Cyprus that if implemented, would ease the feelings of mistrust between the parties and facilitate an overall agreement to the problem.

I commend President Clerides for his bold initiative and hope that all of the people in Cyprus will soon be able to move freely about their country in peace. Twenty years of division and occupation without democracy, basic human rights, social justices, or rule of law is too long and can no longer be tolerated.

Mr. BORSKI. Mr. Speaker, I rise to join my colleagues in commemorating the 20th anniversary of the occupation and division of Cyprus. At a time when the world is undergoing dramatic change and many longstanding international conflicts are being resolved, it is with deep regret that we report that very little progress has been achieved in Cyprus.

On July 20, 1974, Turkey launched its invasion of Cyprus. Since the invasion, 37 percent of Cyprus remains under military occupation of 35,000 Turkish troops, and Nicosia, the capital of Cyprus, remains a divided city.

Despite repeated and persistent calls by the international community, Turkish troops remain in Cyprus. The United Nations has repeatedly condemned the military occupation of Cyprus and has called on the immediate withdrawal of Turkish troops. The U.N. Security Council has also repeatedly reaffirmed the right of the forcibly displaced Greek Cypriots to return to their homes and called for an account of the fate of the 1,619 missing persons in Cyprus. Despite numerous efforts by the United Nations to bring about a peaceful settlement, negotiations remain at a stalemate.

Congress has always supported a just and lasting solution to the Cyprus conflict, and it must continue to press all parties to work constructively for a resolution in accordance with U.N. resolutions and agreements between the two sides. A positive step in this direction would be the demilitarization of the island—an initiative that has been proposed by President Clerides of Cyprus. This proposal, combined with renewed negotiations, would benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey and would be a significant step toward peace in the volatile eastern Mediterranean region.

Mr. Speaker, I hope our efforts here tonight will serve as a catalyst for renewed peace talks. Cypriots, both Greek and Turkish, deserve to be free of the hostilities that have plagued their land for 20 years. They must know that the United States Congress is with them in their struggle for the reunification of Cyprus. They must also know that, despite the tremendous progress in places like the Middle East and South Africa, the conflict in Cyprus has not been forgotten.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of today's Special Order marking the 20th Anniversary of Turkey's invasion of Cyprus. This is an important opportunity for Members of Congress to reaffirm their commitment to fostering peace in this troubled region.

Twenty years after the Turkish invasion of Cyprus, this island remains tragically divided and under occupation. Thousands of Turkish troops continue to occupy a large portion of the island and thousands of Cypriots have been separated from their homes and property. Despite the changes that have dramatically transformed the European map during the past few years, Cyprus remains not only divided, but in a state of potentially dangerous conflict.

As peace talks in the Middle East continue to surge forward, the time is ripe for some type of resolution of the Cyprus problem as well. A peaceful resolution of this crisis would improve prospects for peace in the Mediterranean and for the entire European Community.

Mr. Speaker, the United States must make a concerted effort to bring the Cyprus issue to the forefront of foreign policy concerns, encourage and participate in a conference between all legitimate parties, and most importantly, bring peace and democracy to the people of Cyprus.

Mr. DELLUMS. Mr. Speaker, July 20, 1994 marks the 20th year that the Republic of Cyprus has been divided and occupied. A direct consequence of that invasion and occupation is that the whereabouts of almost 2,000 people are still unknown.

We understand that these individuals were arrested by Turkish military personnel during the invasion and subsequent occupation, and there is evidence that these individuals are being detained by the government of Turkey.

This anniversary presents us with the opportunity to persist in working with the United Nations negotiating team, to support their continuing efforts to bring Mr. Glafcos Clerides, President of the Republic of Cyprus, and Mr. Rauf Denktash, Turkish Cypriot leader, closer to agreement.

I am honored to join with my colleagues in calling upon the President to renew support of United Nations efforts to resolve the issues of territorial control in Cyprus and to gain the release of the 1,619 innocent people who are still being held.

Mr. LEVY. Mr. Speaker, it is appropriate that we commemorate July 20, 1994 as the 20th anniversary of the invasion and division of the island-nation of Cyprus.

Today, Greek-Cypriots remember the events of the summer of 1974 when Cyprus was invaded and forcibly divided by the Armed Forces of Turkey. This Turkish zone of occupation declared its unilateral independence in 1983, an act deemed illegal by the United Nations and subsequently condemned and denounced by the United States.

Since the time of the invasion, Turkey has been less than forthcoming about the whereabouts of more than 1,614 Greek-Cypriots who are still missing. No less significant is the fact that five United States citizens are among those still missing, some 20 years after the occupation of Cyprus by Turkish troops.

The Government of Cyprus has made numerous attempts to reach agreement on a just and lasting solution to the Cyprus problem. Working in accordance with the United Nations' guidelines and relevant U.N. resolutions, the Government of Cyprus has attempted to engage Turkey and the Turkish community of Cyprus to reach a settlement. The Turkish side has repeatedly rejected Cyprus' efforts to end the tragic and unacceptable status quo, including the recent demilitarization proposal put forth by the President of Cyprus. This is unfortunate as this proposal should be the basis for a just and lasting solution.

Mr. Speaker, it is fitting that today we remember the events of 20 years ago. That we remember those innocents who lost their lives. That we remember those American citizens and Greek-Cypriots who are missing to this day; and it is only fitting that we continue to work toward a lasting solution.

The people of Cyprus have suffered long enough.

Mr. SANTORUM. Mr. Speaker, it is regrettable that while freedom and democracy are spreading throughout the world, the island of Cyprus remains divided and under military occupation. It is lamentable that despite the dismantling of the Berlin Wall and despite the end of apartheid in South Africa, Cypriots are unable to cross over the green line that divides the island. Twenty years after the invasion, 200,000 Greek Cypriots refugees are still unable to return to their homes and the 1,619 missing persons, including five Americans, taken by Turkish troops during the invasion are still unaccounted for.

However, there is reason to be hopeful that this tragic situation will soon be remedied. In December 1993 Cyprus President Glafcos Clerides submitted to the United Nations a thoughtful proposal for the demilitarization of Cyprus. If implemented, demilitarization will help alleviate the tension between the communities.

I commend the Cyprus Government for the generous steps it offers to take in exchange for the withdrawal of Turkish troops, such as the disbanding of the Cypriot National Guard, the transfer of the national guard's equipment to the U.N. Peace Keeping Force, and the use of money saved from defense expenditures for development of both communities.

I am hopeful that this tragic conflict will soon end and that the two communities will be reunited in peace. I urge the international community to make the demilitarization of Cyprus a top priority.

Mr. ANDREWS of New Jersey. Mr. Speaker, tomorrow will mark the 20th anniversary of Turkey's invasion of the peaceful, self-governing island of Cyprus. In the two decades since this horrible deed, Turkey has pursued a relentless policy of demographic reorganization of Cyprus. It has taken over 37 percent of the island, moving 200,000 Greek Cypiots from their homes and installing 80,000 illegal colonists and 35,000 heavily armed troops. Mr. Speaker, I join my colleagues today in sending the message to Turkey and the other nations of the world that America will never relent in correcting injustices like this one. I encourage my colleagues to cosponsor H.R. 3475, legislation I have introduced that would deny American aid to Turkey as long as that nation exercises tyranny over its neighbor. As long as it takes for Turkey to withdraw from a land that is not theirs, Congress and the world will denounce their illegal occupation and the notion that strength of arms alone can deny a people their legitimate right to self-determination.

Mr. VISCLOSKY. Mr. Speaker, I join my colleagues in this special order today to call attention to the 20th anniversary of the illegal Turkish invasion and occupation of the Republic of Cyprus. I would also like to acknowledge the efforts of Rev. Evagoras C. Constantinides, Rev. Peter Georgacakes, and Rev. Constantine Aliferakis. These three men have worked tirelessly to promote public awareness of the Cyprus problem in northwest Indian and keep me advised of developments in the situation.

In July 1974 the Turkish invasion of Cyprus resulted in the illegal occupation of 37 percent of the country by an estimated 35,000 Turkish troops. Nearly 200,000 Greek Cypriots, who were forcibly expelled from their homes in a blatant instance of ethnic cleansing, remain refugees. Furthermore, 1,614 Greek Cypriots and 5 American citizens are still missing and unaccounted for.

I have joined more than 180 of my colleagues in the House of Representatives in sponsoring legislation that would require the President to conduct a thorough investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974. It is my strong belief that it is time to bring this tragic chapter of Cyprus' history to a close.

Since the time of the invasion, the United Nations has adopted several resolutions condemning the situation in Cyprus as unacceptable. In these resolutions, the U.N. has called for the withdrawal of foreign forces from Cyprus, the return of refugees, verification of the fate of the missing, and respect for the human rights of all Cypriots.

However, pleas from the international community for Turkey to resolve the Cyprus problem have fallen upon deaf ears. In fact, Turkey has obstructed the progress of peaceful resolution by actively maintaining a military presence on Cyprus and working to change the demographics of the island by transporting more than 80,000 Turkish colonist-settlers to the occupied area. To date, Turkey maintains the unsubstantiated claim that the area of Cyprus under Turkish control is an independent state. No other country in the world recognizes the so-called Turkish Republic of Northern Cyprus.

On the other hand, the government of Cyprus has been extremely cooperative in efforts to end the two-decade-old division of this island. In 1993, the Cyprus Government submitted to the United Nations. a proposal calling for the demilitarization of Cyprus. In addition, the government of Cyprus endorsed U.N. Secretary General Boutros Boutros-Ghali's efforts to implement a package of confidence building measures intended to be a first step to facilitate the political process toward an overall Cyprus settlement.

President Clinton and the United States Congress have shown their strong support for ending the tragic Cyprus conflict. The international community, including the government of Cyprus, concur with this conviction. It is time for the division to end—time for the people of Cyprus to live a peaceful existence—time for the families of the missing to have their questions answered. In short, it is time for the Turkish Government to cease their illegal occupation of Cyprus.

In closing, I would like to commend my colleague, MICHAEL BILIRAKIS for his leadership on this issue and for convening this special order today. It is my sincere hope that on the 21st anniversary of the Turkish occupation of Cyprus, we will gather together to celebrate a peaceful resolution, rather than lament another year of oppression.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman and commend him for organizing this special order, and for all his work on the problems in Cyprus over the years. In the past few years we have witnessed great advances for peace and justice throughout the world. The end of the cold war, the triumph of democracy in South Africa, and the movement toward peace in the Middle East have been beacons of hope for us all.

In the light of these advances, the situation in Cyprus is all the more tragic for that island remains divided by the shackles of occupation and oppression. Tomorrow we commemorate the 1974 Turkish invasion and occupation of 37 percent of Cyprus. That invasion and the continued presence of 35,000 Turkish troops represents a gross violation of human rights and international law.

Nearly 200,000 Greek Cypriots were expelled from their homes in a blatant example of ethnic cleansing. They have not been allowed to return to their homes. Their property has been confiscated and the Turkish Government has transferred 80,000 of its own citizens to the occupied areas in a blatant effort at colonialization.

The brutality of these crimes is made worse by the fact that they have been underwritten by this country—Turkey has received billions of United States foreign assistance over the years. During the invasion, 1,614 Greek Cypriots and 5 Americans were seized by Turkish troops. They remain unaccounted for to this day.

The Turkish Government has been deaf to U.N. resolutions, resolutions of this Congress, and the pleas of family members separated from loved ones for 20 years. They continue to refuse to account for the fate of the missing.

Included among the missing are the friends and relatives of many of my constituents from Astoria, NY. For 20 years they have been waiting, hoping, and praying. Their pain deserves to be relieved. Turkey must account for the missing.

My colleagues ELIOT ENGEL and JOHN PORTER have introduced a resolution calling for a Presidential investigation into the missing has galvanized this Congress into cosponsoring their resolution—which has the support of 43 Senators and 184 Representatives. This bill was reported out of the Foreign Affairs Committee just today and is expected to come to the floor next week. At the very least, human decency demands that this measure is passed by the 103d Congress.

Though the issue of the missing is the most blatant example of Turkish intransigence, there are of course other issues which must be addressed. Our NATO ally, Turkey, continues to defy the will of the international community by ignoring the numerous U.N. resolutions on the Cyprus problem which call for the withdrawal of Turkish forces from Cyprus and grant the most basic rights to Greek Cypriots, including the return of refugees to their homes.

Turkish troops continue to sustain the illegal occupation of Cyprus. Turkey also continues to encourage the stonewalling tactics of the Turkish Cypriot leader Denktash in U.N. negotiations over the fate of the island. The latest disappointment is the failure of the U.N.-sponsored talks on confidence building measures, intended as the first step toward an overall political settlement. The Turkish Cypriot side has rejected these proposals, which were fully accepted by the Greek Cypriot President Clerides at great policitcal risk many months ago. I commend President Clerides for that courageous act.

Secretary General Boutros Ghali proposed several very reasonable confidence building measures concerning the town of Varosha and the Nicosia International Airport. The intransigence of the Turkish side in there refusal to accept these proposals is a matter of great concern to all of us.

The Secretary General has concluded, and I quote: "For the present, the Security Council finds itself with an already familiar scenario: the absence of agreement due essential to a lack of political will on the Turkish Cypriot side." That is unusually blunt language for a diplomat and represents the degree of frustration felt by the international community. I would suggest that the time has come to compel the Turkish side to see reason.

That is why I introduced House Concurrent Resolution 186 last November. My legislation recognizes the positive role that Turkey could play in the talks, if it were so inclined. Unfortunately, to date there seems to be no such inclination. My resolution also recognizes that economic sanctions, under chapter VII of the U.N. Charter, may be the best means of influencing the Turkish Cypriots.

The Turkish side has also rejected President Clerides proposal for a total demilitarization of the island, which would ease tensions between the communities and allow the money saved on defense to be used for economic development. The removal of Turkish troops from Cyprus would greatly enhance the prospects for peace on the island.

Mr. Speaker, I was privileged to be able to visit Cyprus last summer and to witness firsthand the continuing tragedy of the 1974 Turkish invasion. You don't have to be a native Cypriot to feel outrage and pain that parts of Cyprus have been occupied for 20 years. You don't have to be a native Cypriot to feel kinship with the fathers and mothers and sisters and brothers of those missing and unaccounted for for 20 years.

We must not let the world forget this tragedy. We must not turn our backs on the people of Cyprus. We must press the Turkish Cypriot leadership, and their supporters in Ankara, to release or account for the 1,619 missing persons. They must restore the churches that have been converted to mosques. They must withdraw the occupying troops from Cyprus and put an end to their policy of ethnic cleansing through explusion and colonization.

We in the United States must stand ready to assist the Greek Cypriots in their 20-year struggle for lasting peace and justice on Cyprus.

Mr. ZELIFF. Mr. Speaker, I rise to mark the 20th anniversary of the invasion, occupation, and subsequent division of Cyprus. I also offer a prayer that we may finally resolve what has become known as the Cyprus problem, that the latest round of United Nations peace talks succeed where previous ones have failed, and that we do not have to repeat this ritual next year.

The facts surrounding this situation are familiar, but nonetheless grim. On July 20, 1974, Turkey invaded Cyprus, defeated Greek Cypriot forces and occupied the northern third of the island. More than 200,000 Greek Cypriots fled to the south; 1,600 Greek Cypriots and 5 Americans are still unaccounted for. Businesses were lost, land and property were confiscated, friends and family were separated.

The ensuing 20 years have only deepened the mistrust and hatred across the green line—the infamous border between the Republic of Cyprus and the self-declared Turkish Republic of Northern Cyprus. Thirty-five thousand Turkish troops still occupy the northern one-third of the island. Eighty thousand Turkish settlers have taken up residence on Cyprus, some on lands previously inhabited by Greek Cypriots.

The United States has always supported a just and permanent solution to the Cyprus problem, and we must continue these efforts. We should demand answers to unanswered questions, and accountability from those who have committed crimes with impunity.

Toward this end, I have cosponsored H.R. 2826, which directs the President to: First, investigate and report to the Congress on the whereabouts of United States citizens and others who have been missing from Cyprus since 1974; and second, do everything possible to return such persons—including the remains of those no longer alive—to their families.

The latest bid at peace, and perhaps the one with the greatest chance of success, has been a U.N.-backed package of confidence-building measures [CBM's]. These measures include reopening both the resort town of Varosha and Nicosia Airport under international control.

The strength of these measure is that they recognize the enormous difficulties facing any peace plan. The CBM's seek to maximize the positive economic impact to both Turkish and Greek Cypriots while limiting the actual contact—and therefore the chances of potentially violent conflict—between the two communities.

The CBM's would only be the first step, but a very important first step, in ending the current stalemate. I am pleased that the Republic of Cyprus has accepted the CBM's, but dismayed that the Turkish Cypriots have resisted. The international community should continue to urge the Turkish Cypriots to accept the CBM's and resume a meaningful peace process.

Twenty years of occupation, and of struggle, should come to an end. The people of Cyprus—Greek and Turk—proved at one time that they could put aside ethnic differences and live peacefully under one government. Let us keep focused and not give up hope that this may one day occur again.

Mr. TORRICELLI. Mr. Speaker, the 1974 division of Cyprus was a tragedy that continues to plague the harmony of the island. The United States has always maintained strong and close ties with Cyprus and it is clearly in the United States interest for there to be a fair settlement between the Greek and Turkish Cypriots.

But a fair solution, while attainable, is undermined by the Turkish Government's insistence on recognition for a separate Turkish Cypriot State. No other Government aside from Ankara recognizes this State. Ankara's obstinateness is a disservice not only to the international community, Cyprus and all the nations of the region, but to Turkey itself. The Turkish military occupation of Cyprus is condemned by the international community and prevents a peaceful solution to the conflict.

A solution to this problem must be found, and the United Nations is making every effort to find one. Congress must also make every effort to support the United Nations in its attempts to reach a settlement between the two parties.

It is disappointing that recent U.N. negotiations on Cyprus have failed. It is imperative that the Greek and Turkish Cypriots cooperate with the Secretary General in his attempt to provide an outline for a settlement of the dispute.

I have sponsored legislation calling on a peaceful U.N. sponsored solution to the Cyprus dispute. I am also a cosponsor of legislation to provide an investigation of people missing since the 1974 Turkish invasion of Cyprus. I will continue my commitment to legislation and other measures designed to bring a peaceful solution to the situation on Cyprus.

Until the Ankara Government recognizes the need for a compromise acceptable to all parties and negotiates under the guise of the United Nations, this conflict will continue to be an unnecessary and unwanted burden on the region and the world.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my continued concern over Turkey's occupation of Cyprus. Twenty years ago on July 20, Turkey invaded Cyprus. As a result of the invasion, 1,614 Greek Cypriots and 5 American citizens, all abducted by Turkish troops during the invasion, still remain missing and unaccounted for. But unfortunately, the tragedy does not end here. Today, approximately 35,000 Turkish troops still occupy 37 percent of Cyprus. Additionally, 200,000 Greek Cypriots have become refugees after being expelled from their homes.

Turkey's continued presence in Cyprus is unacceptable. The division of Cyprus has resulted in violent confrontations along the so-called green-line for the last two decades. The United Nations, with U.S. support, has been promoting an intercommunal negotiating process aimed at creating a new federal republic on the island. Such a federal republic would be a biocommunal, bizonal, nonaligned, and independent state.

The United States Government has monitored developments in Cyprus most closely. Our Foreign Affairs Committee annually authorizes $15 million dollars to Cyprus with the intent of promoting biocommunal projects, and to provide scholarship money to Cypriot students. Our executive branch has also played an important role in the guest toward a peaceful resolution to the Cyprus problem.

Yet, Mr. Speaker, Turkey's occupation of Cyprus persists. It is a blatant violation of international law and signifies a complete disregard for the human rights of the people of the Republic of Cyprus. Since July 1974, the United Nations has adopted numerous resolutions calling for the withdrawal of Turkish forces from Cyprus, the return of the refugees, and an account of the missing. But Turkey has ignored these calls from the international community. The executive and legislative branches of our Government must join together to send a clear and unrelenting message to Ankara: "Leave Cyprus now."

Mr. PICKETT. Mr. Speaker, I am very pleased to join my friend and distinguished colleague from Florida [Mr. BILIRAKIS] in participating in this special order to commemorate the 20th anniversary of the Turkish invasion of Cyprus.

Since the 1974 invasion of northern Cyprus, nearly 180,000 Creek Cypriots, forced from their homes, have been unable to return, and 1,600 citizens are still missing or unaccounted for. Despite attempts by the United Nations to condemn Turkey's violation of human rights and call for the withdrawal of all foreign forces, Turkey continues its occupation force in the once independent Republic of Cyprus.

The Government of Cyprus has attempted to reach agreements with Turkey to no avail. Most recently in 1993, in accordance with U.N. peacekeeping initiatives, Cyprus proposed the demilitarization of Cyprus in exchange for the disbanding of its National Guard. Money saved from defense was to be split to benefit both northern and southern Cyprus. However, once again Turkey rejected Cyprus' peace efforts opting instead to continue opposing any means of reconciliation.

In an effort to facilitate peace in Cyprus, the U.N. Security Council is once again preparing new proposals for both sides of this conflict to consider. It is my hope that an agreement can be reached before a dilemma results that is beyond peacemakers' control.

So on this 20th anniversary of the Turkish invasion of Cyprus, it is my hope that the Turkish and Greek Cypriots will join together in a movement toward peaceful relations.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this, my special order.

The SPEAKER pro tempore (Mr. DEUTSCH). Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Ms. ROS-LEHTINEN (at the request of Mr. MICHEL) for today and Wednesday, July 20, on account of her daughter's illness.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on July 20 and 21.

Mr. HORN, for 5 minutes, today and July 22.

Mr. WELDON, for 5 minutes, today.

Mr. DIAZ-BALART for 5 minutes, today.

(The following Member (at the request of Mr. ABERCROMBIE) to revise and extend his remarks and include extraneous material:)

Mr. MENENDEZ, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BARLOW, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PORTER, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CUNNINGHAM, on House Congressional Resolution 261.

Mr. ENGEL, during the special order of Mr. BILIRAKIS on July 19, 1994.

Mr. PORTER, during the special order of Mr. BILIRAKIS on July 19, 1994.

(The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous matter:)

Mrs. ROS-LEHTINEN.
Mr. PETRI.
Mr. TALENT.
Mr. BEREUTER.
Mr. STUMP.
Mr. SOLOMON.
Mr. THOMAS of Wyoming.
Mr. FIELDS of Texas in two instances.
Mr. CRANE.
Mr. KING in two instances.
Mrs. BENTLEY.
Mr. MANZULLO.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. FRANK of Massachusetts.
Mr. MANN.
Mr. MILLER of California.
Mr. FROST.
Mr. POSHARD in two instances.
Mr. MINETA.
Mr. GORDON.
Mr. CARR of Michigan in two instances.
Mrs. MALONEY.
Mr. HAMILTON.
Mr. FAZIO.
Mr. KLEIN.
Mr. HOYER.
Mr. ANDREWS of New Jersey.
Mr. VISCLOSKY.
Mr. KLECZKA.
Mr. BROOKS.
Mr. JACOBS.
Mr. STARK.
Mr. ANDREWS of Texas in two instances.
Mr. VALENTINE.
Mr. DOOLEY.
Mr. STUDDS.
Mr. RAHALL.
Mr. HOCHBRUECKNER.
Mr. BLACKWELL.
Ms. LAMBERT.
Mr. SERRANO.
Mr. BROWDER.
Mr. PETERSON of Florida.

(The following Member (at the request of Mr. BILIRAKIS) and to include extraneous matter:)

Mr. TAUZIN.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. BILIRAKIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Wednesday July 20, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3539. A letter from the Director, Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1994–1999, pursuant to 31 U.S.C. 1106; to the Committee on Appropriations.

3540. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Examination of D.C. Housing Finance Agency's Expenditures for FY 1989 through FY 1992," pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

3541. A letter from the Chief Staff Counsel, U.S. Court of Appeals for the District of Columbia Circuit, transmitting one opinion of the U.S. Court of Appeals for the District of Columbia Circuit; to the Committee on the District of Columbia.

3542. A letter from the Assistant Secretary (Office of Policy), Department of Energy, transmitting the Department's report entitled, "Costs and Benefits of Industrial Reporting and Voluntary Targets for Energy Efficiency," pursuant to Public Law 102–486, section 131(c) (106 Stat. 2837); to the Committee on Energy and Commerce.

3543. A letter from the Administrator, Federal Railroad Administration, transmitting the administration's report entitled, "Railroad Communications and Train Control"; to the Committee on Energy and Commerce.

3544. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 610(a) of the Foreign Assistance Act, as amended (the "Act"), to authorize that $3,812 million of funds made available for section 23 of the Arms Export Control Act for fiscal year 1994 be transferred to, and consolidated with, funds made available for Peacekeeping Operations [PKO] under section 551 of the act, and exercise his authority under section 614(a)(1) of the act to authorize the furnishing of $4,312 million in fiscal year 1994 PKO funds to provide assistance for sanctions enforcement against Serbia and Montenegro without regard to provisions of law within the scope of that section, including section 660 of the act, pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

3545. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for all areas in Colombia, however, because some political violence remains in Bogatá, the Post (Hardship) Differential was increased by a modest amount, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

3546. A letter from the Vice President, Farm Credit Bank of Springfield, transmitting the annual report of the group retirement plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3547. A letter from the Secretary of Transportation, transmitting the Department's annual report entitled, "Collision Avoidance Systems" for fiscal year 1993, pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); to the Committee on Public Works and Transportation.

3548. A letter from the Secretary, Department of Energy, transmitting the 17th annual report on activities under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, pursuant to 15 U.S.C. 2513; to the Committee on Science, Space, and Technology.

3549. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, the "Coast Guard Omnibus Act of 1994"; jointly, to the Committees on Merchant Marine and Fisheries, Armed Services, and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on Government Operations. Improving the Management of the Farmers Home Administration Single-Family Housing Portfolio Through Centralized Servicing and Mortgage Escrowing (Rept. 103-609). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Information Resources Management in a Reconfigured U.S. Department of Agriculture (Rept. 103-610). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. S. 473, An act to promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific, and technological competitiveness of the United States, and for other purposes; with an amendment (Rept. 103-611, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOUCHER (for himself, Mr. UPTON, and Mr. BONIOR):

H.R. 4779. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SABO:

H.R. 4780. A bill to amend the Congressional Budget Act of 1974 to make section 313 (relating to extraneous matter in reconciliation legislation and popularly known as the Byrd rule) applicable to the Senate only; to the Committee on Rules.

By Mr. BROOKS (for himself and Mr. FISH):

H.R. 4781. A bill to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis, and for other purposes; to the Committee on the Judiciary.

By Mr. HEFLEY (for himself and Mr. DORNAN):

H.R. 4782. A bill to amend section 217 of the Internal Revenue Code of 1986 to provide that military moving expense reimbursements are excluded from income without regard to the deductibility of the expenses reimbursed; to the Committee on Ways and Means.

By Mr. MARTINEZ:

H.R. 4783. A bill to establish the National Indian Research Institute; jointly, to the Committees on Natural Resources and Education and Labor.

By Mr. MCCURDY:

H.R. 4784. A bill to modify the Mountain Park project in Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mrs. MINK of Hawaii:

H.R. 4785. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act) to require that contract work covered by the act which requires licensing be performed by a person who is so licensed; to the Committee on Education and Labor.

By Mr. PETRI:

H.R. 4786. A bill to convert into a requirement the option of States to deny aid to families with dependent children to unmarried minors not living at home or under adult supervision, and narrow the exceptions to the requirement, and to deem to a minor parent all income of the minor's parents who are living in the same home as the minor parent; to the Committee on Ways and Means.

By Mr. TORRES:

H.R. 4787. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Natural Resources.

By Mr. STUMP (for himself, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. RIDGE, Mr. SPENCE, Mr. HUTCHINSON, Mr. EVERETT, Mr. BUYER, Mr. QUINN, Mr. BACHUS of Alabama, Mr. LINDER, Mr. KING, and Mr. STEARNS):

H.R. 4788. A bill to amend title 38, United States Code, to reform and simplify criteria for eligibility for health care provided by the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WAXMAN (for himself, Mr. UPTON, and Mr. RICHARDSON):

H.R. 4789. A bill to amend the Public Health Service Act to provide for the expansion and coordination of research concerning Parkinson's disease and related disorders, and to improve care and assistance for its victims and their family caregivers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEPHARDT:

H.R. 4790. A bill to designate the U.S. courthouse under construction in St. Louis, MO, as the "Thomas F. Eagleton United States Courthouse"; to the Committee on Public Works and Transportation.

By Mr. GRAMS (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. SOLOMON, Mr. STENHOLM, Mr. HASTERT, Mr. DEAL, Mr. STEARNS, Mr. TALENT, Mr. DREIER, Mr. SAXTON, Mr. KNOLLENBERG, Mr. INHOFE, Mr. ZIMMER, Mr. CALVERT, Mr. STUMP, Mr. TORKILDSEN, Mr. HEFLEY, Mr. DOOLITTLE, Mr. BAKER of California, Mr. HORN, Mr. KING, Mr. LEWIS of Florida, Mrs. FOWLER, Mr. HANCOCK, Mr. LINDER, Mr. BARCIA of Michigan, and Mr. SMITH of Oregon):

H.R. 4791. A bill to establish Federal standards for the resolution of health care malpractice claims, and for other purposes; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself, Mr. LIVINGSTON, Mr. LEVY, Mr. SENSENBRENNER, Mr. MCHUGH, Mr. CANADY, and Mr. PACKARD):

H.R. 4792. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes; to the Committee on Ways and Means.

By Mr. ORTON:

H.R. 4793. A bill to amend part A of title IV of the Social Security Act to offer States the option of replacing the Job Opportunities and Basic Skills Training [JOBS] program with a program that would assist all recipients of aid to families with dependent children in achieving self-sufficiency, and for other purposes; jointly, to the Committees on Ways and Means, Education and Labor, Energy and Commerce, and Agriculture.

By Mr. POMBO:

H.R. 4794. A bill to provide for expediting an investigation by the International Trade Commission by providing for the monitoring of the importation of tomatoes and peppers under certain circumstances; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4795. A bill to direct the President to establish national program to provide for coordination between Federal, State and local agencies, voluntary organizations, and private enterprise in order to encourage the public to eat a healthy diet; jointly, to the Committees on Agriculture, Energy and Commerce, and Education and Labor.

By Mr. BORSKI (for himself, Mr. BLACKWELL, Mr. CLINGER, Mr. COYNE, Mr. FOGLIETTA, Mr. GEKAS, Mr. GOODLING, Mr. GREENWOOD, Mr. HOLDEN, Mr. KANJORSKI, Mr. KLINK, Ms. MARGOLIES-MEZVINSKY, Mr. MCDADE, Mr. MCHALE, Mr. MURPHY, Mr. MURTHA, Mr. RIDGE, Mr. SHUSTER, Mr. WELDON, Mr. ABERCROMBIE, Mr. ANDREWS of Texas, Mr. ANDREWS of New Jersey, Mr. ANDREWS of Maine, Mr. APPLEGATE, Mr. BACCHUS of Florida, Mr. BARRETT of Wisconsin, Mr. BATEMAN, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLILEY, Mr. BREWSTER, Mr. BROOKS, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of California, Mrs. BRYNE, Mr. CALLAHAN, Mr. CALVERT, Ms. CANTWELL, Mr. CARR, Mr. CHAPMAN, Mr. CLEMENT, Mr. CLYBURN, Mr. COBLE, Ms. COLLINS of Michigan, Mr. CONYERS, Mr. COX, Mr. CRAMER, Mr. DARDEN, Mr. DE LA GARZA, Ms. DELAURO, Mr. DELLUMS, Mr. DE LUGO, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DINGELL, Mr. DIXON, Mr. EDWARDS of Texas, Mr. EMERSON, Mr. ENGEL, Ms. ENGLISH of Arizona, Mr. EVANS, Mr. EWING, Mr. FAZIO, Mr. FALEOMAVAEGA, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FISH, Mr. FLAKE, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GALLO, Mr. PETE GEREN of Texas, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GORDON, Mr. GRAMS, Mr. GENE GREEN of Texas, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUGHES, Mr. HUTCHINSON, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of

Texas, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KIM, Mr. KINGSTON, Mr. KING, Mr. KLECZKA, Mr. KLEIN, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LAROCCO, Mr. LANCASTER, Mr. LANTOS, Mr. LEACH, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. LEVIN, Mr. LIPINSKI, Mr. LIVINGSTON, Mrs. LOWEY, Mrs. MALONEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MCINNIS, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mrs. MINK of Hawaii, Ms. MOLINARI, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Ms. NORTON, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Ms. PELOSI, Mr. PORTER, Mr. POSHARD, Mr. QUILLEN, Mr. QUINN, Mr. RAHALL, Mr. RAMSTAD, Mr. RAVENEL, Mr. REED, Mr. RICHARDSON, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SAWYER, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SCOTT, Mr. SERRANO, Mr. SHARP, Mr. SISISKY, Mr. SKEEN, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SMITH of Michigan, Mr. SMITH of Texas, Mr. SMITH of Iowa, Mr. SPRATT, Mr. SPENCE, Mr. STEARNS, Mr. STUPAK, Mr. TAUZIN, Mr. TEJEDA, Mr. THOMPSON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mrs. UNSOELD, Mr. VALENTINE, Ms. VELAZQUEZ, Mr. VENTO, Mr. VOLKMER, Mr. WALSH, Mr. WASHINGTON, Mr. WATT, Mr. WAXMAN, Mr. WOLF, Mr. WYNN, Mr. YATES, Mr. YOUNG of Florida, Mr. YOUNG of Alaska):

H.J. Res. 390. Joint resolution designating September 17, 1994, as "Constitution Day"; to the Committee on Post Office and Civil Service.

By Mr. BURTON of Indiana:

H. Con. Res. 267. Concurrent resolution expressing the sense of the Congress that the Federal Government should develop a comprehensive program regarding natural disasters, require individuals and businesses in disaster prone areas to purchase insurance for natural disasters, and create a Federal reinsurance program to minimize the associated risks to insurance companies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FIELDS of Texas:

H. Con. Res. 268. Concurrent resolution to express the sense of the Congress that the United States should refrain from signing the seabed mining agreement relating to the Law of the Sea Treaty; to the Committee on Foreign Affairs.

By Mr. GOSS (for himself, Mr. GOODLATTE, Ms. DUNN, Mr. DOOLITTLE, Mr. LINDER, Mr. HORN, Mr. GRAMS, Mr. SAM JOHNSON, Mr. BACHUS of Alabama, Mr. THOMAS of Wyoming, Mr. KNOLLENBERG, Mr. SMITH of Texas, Mr. KYL, Mr. BAKER of California, Mr. HUTCHINSON, Mr. CANADY, Mr. BOEHNER, Mr. TALENT, Mr. WALKER, Mr. STEARNS, Mr. MILLER of Florida, Mr. MCCOLLUM, Mr. EWING, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. STUMP, Mr. ROTH, Mr. HERGER, Mr. LEWIS of Florida, Mr. WELDON, Mr. SCHAEFER, Mr. GRANDY, Mr. LIVINGSTON, Mr. GILMAN, and Mr. SHAW):

H. Con. Res. 269. Concurrent resolution concerning consideration of U.S. military action against Haiti; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

448. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to memorializing the President and the Congress to call for an expeditious review and final decision by U.S. Army Corps of Engineers and the EPA on dredging in New Jersey; to the Committee on Public Works and Transportation.

449. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Federal Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

450. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Internal Revenue Code to extend certain tax benefits to parents in order to strengthen family qualities; to the Committee on Ways and Means.

451. Also, memorial of the General Assembly of the State of New Jersey, relative to memorializing the U.S. Congress to amend the Internal Revenue Code to modify the personal exemption to dependent children; to the Committee on Ways and Means.

452. Also, memorial of the Senate of the Commonwealth of Puerto Rico, relative to national health reform; jointly, to the Committee on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DICKEY:

H.R. 4796. A bill for the relief of the estate of Wallace B. Sawyer, Jr.; to the Committee on the Judiciary.

By Mr. LANCASTER:

H.R. 4797. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for a hopper barge; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUZIN:

H.R. 4798. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Spirit of the Pacific Northwest*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. HINCHEY.

H.R. 40: Mr. RANGEL and Mr. THOMPSON.

H.R. 345: Ms. MARGOLIES-MEZVINSKY.

H.R. 392: Ms. MARGOLIES-MEZVINSKY.

H.R. 402: Mr. DIAZ-BALART and Mr. LEVY.

H.R. 417: Mr. ROYCE.

H.R. 520: Mr. KLINK.

H.R. 636: Mr. MACHTLEY.

H.R. 642: Mrs. VUCANOVICH and Mr. DORNAN.

H.R. 749: Mr. KLINK.

H.R. 911: Mr. DEUTSCH.

H.R. 1043: Mr. KINGSTON.

H.R. 1080: Mr. COLLINS of Georgia.

H.R. 1164: Mr. MCHALE.

H.R. 1171: Mr. DEUTSCH.

H.R. 1293: Mr. ROTH.

H.R. 1482: Ms. MARGOLIES-MEZVINSKY.

H.R. 1500: Mr. BILBRAY and Mr. NEAL of North Carolina.

H.R. 1572: Mr. PAYNE of New Jersey.

H.R. 1737: Mr. HILLIARD.

H.R. 1852: Ms. MARGOLIES-MEZVINSKY.

H.R. 1853: Ms. MARGOLIES-MEZVINSKY.

H.R. 1857: Ms. MARGOLIES-MEZVINSKY.

H.R. 1859: Ms. MARGOLIES-MEZVINSKY.

H.R. 1877: Mr. OLVER.

H.R. 1968: Mr. DEUTSCH.

H.R. 2036: Ms. MARGOLIES-MEZVINSKY.

H.R. 2119: Mr. BROWN of California and Mr. LANTOS.

H.R. 2145: Mr. MARTINEZ, Mr. OBERSTAR, Mr. EMERSON, Mr. SWETT, Mr. RICHARDSON, and Mr. LAFALCE.

H.R. 2147: Mr. MILLER of California.

H.R. 2227: Mr. DEUTSCH.

H.R. 2286: Mr. ROYCE and Mr. NEAL of North Carolina.

H.R. 2292: Mr. BARLOW and Mrs. BYRNE.

H.R. 2586: Mr. GILMAN.

H.R. 2623: Mr. DOOLITTLE.

H.R. 2708: Mr. DARDEN and Mr. GINGRICH.

H.R. 2826: Mr. REYNOLDS, Mr. LEWIS of Georgia, Mr. ZIMMER, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, and Mr. GUTIERREZ.

H.R. 2873: Mr. DEAL.

H.R. 2985: Mr. SCHAEFER and Mr. LANTOS.

H.R. 3023: Mr. SLATTERY, Mr. WHITTEN, Mr. REGULA, Mr. Lucas, Mr. MCDERMOTT, Mr. MCINNIS, and Mr. MATSUI.

H.R. 3024: Mr. YOUNG of Alaska.

H.R. 3270: Mr. WYNN, Mr. DIXON, Mr. EDWARDS of Texas, Mr. FOGLIETTA, Mr. SISISKY, and Mr. WASHINGTON.

H.R. 3367: Mr. ENGEL.

H.R. 3392: Mr. INSLEE and Mr. LUCAS.

H.R. 3472: Mr. BARRETT of Nebraska.

H.R. 3492: Mr. BROWDER, Mr. FILNER, Mr. DELAY, Mrs. THURMAN, Mr. DICKEY, Mr. DICKS, Mr. DOOLEY, Mr. WYDEN, Mr. SCHUMER, Mr. HOYER, Mr. KILDEE, Mr. KREIDLER, Mr. LAROCCO, Mr. MENENDEZ, Mr. ROSE, Mr. SABO, Mr. SAWYER, Mr. MOAKLEY, Mr. NEAL of North Carolina, Mr. CRANE, and Mrs. MINK of Hawaii.

H.R. 3513: Ms. MARGOLIES-MEZVINSKY.

H.R. 3546: Mr. GRANDY.

H.R. 3645: Mr. MACHTLEY and Mr. ROTH.

H.R. 3668: Mr. SERRANO, Mr. FOGLIETTA, Mr. ENGEL, Mr. FROST.

H.R. 3694: Mr. WILLIAMS, Mr. MINETA, and Mr. LEWIS of Florida.

H.R. 3722: Mr. CANADY and Mr. EHLERS.

H.R. 3725: Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. LIVINGSTON, Mr. MILLER OF FLORIDA, AND MR. BLUTE.

H.R. 3762: Mr. CALVERT.

H.R. 3772: Ms. MARGOLIES-MEZVINSKY.

H.R. 3795: Mr. LEWIS of Florida and Mr. CRANE.

H.R. 3814: Mr. ROYCE.

H.R. 3951: Mr. STUMP, Mr. KLUG, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KYL, Mr. DICKEY, and Mr. TALENT.

H.R. 3971: Mr. HUTCHINSON, Mr. MCCOLLUM, and Mr. CALVERT.

H.R. 3990: Ms. Eddie Bernice Johnson of Texas, Mr. Klein, Ms. Schenk, Mrs. Thurman, and Mr. Traficant.

H.R. 4036: Ms. Lowey and Mr. Zimmer.

H.R. 4050: Mr. Wise, Mr. Clyburn, and Mr. Conyers.

H.R. 4051: Mr. Abercrombie, Mr. Kopetski, Mr. Ackerman, and Mr. Brown of Ohio.

H.R. 4053: Mr. Brown of California and Mr. Lantos.

H.R. 4054: Mr. Brown of California and Mr. Lantos.

H.R. 4057: Mrs. Byrne and Mr. Cooper.

H.R. 4074: Mr. Cramer, Mr. Browder, Mr. Ballenger, Mr. Borski, Mr. Darden, Mr. Engel, and Mr. Crane.

H.R. 4091: Mr. Shays and Mr. Barrett of Wisconsin.

H.R. 4095: Mr. Greenwood.

H.R. 4129: Mr. Jefferson, Mr. Dellums, Mr. Hamburg, Mr. Fields of Louisiana, and Mr. Scott.

H.R. 4133: Mr. Peterson of Florida.

H.R. 4161: Ms. Molinari.

H.R. 4233: Mr. Johnston of Florida.

H.R. 4271: Ms. McKinney.

H.R. 4318: Mr. Mineta and Mr. Farr of California.

H.R. 4393: Mr. Martinez.

H.R. 4399: Mr. Lewis of Georgia.

H.R. 4411: Mr. Obey and Mr. Hilliard.

H.R. 4413: Mr. Clement, Mr. Cooper, Mr. Hilliard, and Mr. Frost.

H.R. 4497: Mr. Grandy, Mr. Kim, Mr. Pickle, Mr. Petri, Mr. Penny, Mr. Holden, Mr. Walsh, Mr. Klug, Mr. McInnis, Mr. Horn, Mr. Manzullo, Mr. Lightfoot, Mr. Oberstar, Mr. Michel, Mr. Orton, Mr. Hochbrueckner, Mr. Inglis of South Carolina, Mr. Calvert, Mr. Hughes, Mr. Smith of New Jersey, Mr. McNulty, Mr. Barca of Wisconsin, Mr. Coyne, Mr. Sisisky, Mr. Jacobs, Mr. Minge, and Mr. Neal of Massachusetts.

H.R. 4507: Mr. Greenwood.

H.R. 45 4: Mr. Rahall, Mr. Coleman, Mr. Torricelli, and Mr. Payne of New Jersey.

H.R. 4517: Mr. Holden.

H.R. 4527: Mr. Stearns, Mr. Goodling, Mr. Inglis of South Carolina, Mr. Coleman, and Mr. Chapman.

H.R. 4570: Mr. Valentine and Mr. Clyburn.

H.R. 4702: Mr. Shuster, Mr. Gekas, Mr. Ridge, Mr. Gunderson, Mr. Lipinski, Mr. Livingston, and Mr. Romero-Barceló.

H.R. 4737: Ms. Woolsey, Mr. Yates, and Mr. Miller of California.

H.J. Res. 45: Mr. Hayes.

H.J. Res. 90: Mrs. Kennelly, Mr. Gallegly, Mr. Taylor of Mississippi, Ms. Cantwell, Mr. Pastor, Mr. Gekas, and Ms. Margolies-Mezvinsky.

H.J. Res. 256: Mr. Young of Alaska.

H.J. Res. 332: Mr. Hastert, Mr. Parker, Mr. Miller of Florida, Mr. Levy, Mr. Towns, Mr. Ackerman, Mr. Hefner, Mr. Royce, Mr. Hamburg, Mr. Kildee, Mrs. Vucanovich, Mr. Smith of New Jersey, Mr. Pallone, Mr. Markey, Mrs. Meyers of Kansas, Mr. Borski, Mr. Klink, Mr. Michel, Mr. Smith of Texas, Mr. Hyde, Mr. Fazio, Mr. Shuster, Mr. Neal of North Carolina, Mr. Cooper, Mr. Volkmer, Mr. Gene Green of Texas, Mr. Gonzalez, Mr. Emerson, Mr. Brown of California, Mr. Greenwood, Mr. DeFazio, Mr. Flake, Mr. Applegate, Mr. Inhofe, Ms. Slaughter, Mr. Sisisky, Mr. Coleman, Mr. Engel, and Mr. Upton.

H.J. Res. 338: Mr. Kleczka, Mr. Dickey, Mr. Washington, Mrs. Meyers of Kansas, Mr. Bilbray, Mr. Callahan, Mr. Glickman, Mr. Roberts, and Mr. Young of Florida.

H.J. Res. 343: Mr. Barrett of Wisconsin.

H.J. Res. 347: Mr. Deutsch, Mr. Edwards of California, Mr. Schiff, Mr. Livingston, Mr. Young of Florida, and Mr. Shaw.

H.J. Res. 358: Mr. Spratt and Mr. Spence.

H.J. Res. 362: Mr. Emerson.

H.J. Res. 374: Ms. Eddie Bernice Johnson of Texas, Mr. Klein, Mr. LaFalce, Mr. Thompson, of Mississippi, Mr. Peterson of Florida, Mr. Barcia of Michigan, Mr. Applegate, Mr. Shuster, Mr. Visclosky, Mrs. Meek of Florida, Ms. English of Arizona, Mr. Barrett of Wisconsin, Mrs. Byrne, Mr. Sawyer, Mr. Ford of Michigan, Mr. Kildee, Mr. Kleczka, Mr. Tanner, Ms. Lowey, Mr. Holden, Mr. Klink, Mr. Brown of Ohio, Mr. McCloskey, Mr. Costello, Mr. Sangmeister, Mr. Skelton, Mr. Pete Geren of Texas, Mr. Payne of Virginia, Mr. Clyburn, Mr. Farr, of California, Mr. Fazio, Mr. Kingston, Mr. Deal, Mr. Condit, Mr. Sisisky, Mr. Coleman, Mr. Studds, Mr. Taylor of Mississippi, Mr. Bilbray, Mr. Quinn, Mr. Castle, Mr. Portman, Mr. Borski, Mr. Hinchey, Mr. Gilman, Ms. Furse, Mrs. Unsoeld, Mr. Kennedy, Mr. Barca of Wisconsin, Mr. Lewis of Georgia, Mr. Hamburg, Mr. Pastor, Mr. Mfume, Mr. Watt, Mr. Becerra, Mr. Poshard, Ms. Roybal-Allard, and Ms. Lambert.

H.J. Res. 381: Mr. Mann, Mr. Levy, Ms. Slaughter, Mr. Frost, Mr. Hughes, Mr. McDermott, Mr. Zimmer, and Mrs. Meek of Florida.

H.J. Res. 388: Mr. Gilman, Mr. Martinez, Mr. McCloskey, and Mr. Bereuter.

H. Con. Res. 3: Mr. Paxon.

H. Con. Res. 127: Mr. Sawyer.

H. Con. Res. 148: Mrs. Collins of Illinois and Mr. Portman.

H. Con. Res. 166: Mr. Schiff, Mr. Zimmer, Ms. Lowey, and Mr. Berman.

H. Con. Res. 181: Mr. Bilbray, Mr. Rahall, Mr. Frost, Mr. Glickman, Mr. Lipinski, Mr. Bateman, Mr. Greenwood, Mr. Price of North Carolina, Mr. Calvert, Mr. Beilenson, Ms. Brown of Florida, and Mr. Pallone.

H. Con. Res. 243: Mr. Bacchus of Florida and Mr. Synar.

H. Con. Res. 247: Mr. Brown of California, Mr. Dingell, Mr. Cardin, Mr. Wynn, Mrs. Maloney, Mr. Franks of New Jersey, Ms. Norton, Mr. Manton, and Mr. Lantos.

H. Con. Res. 254: Mr. Lipinski, Mr. Sangmeister, and Ms. Lowey.

H. Con. Res. 256: Mr. Gunderson, Mr. Petri, and Mr. Ehlers.

H. Con. Res. 261: Mr. Cunningham.

H. Con. Res. 264: Mr. Ballenger, Mr. McCollum, Mrs. Roukema, and Mr. Solomon.

H. Res. 247: Mr. Hoke and Mr. Bilirakis.

H. Res. 432: Ms. Margolies-Mezvinsky, Mr. Frank of Massachusetts, Mr. Dellums, and Mr. Moran.

H. Res. 453: Mr. Hall of Ohio, Mr. Dellums, Mrs. Meek of Florida, Mr. Frank of Massachusetts, Mr. Hilliard, Mr. Thompson, Mr. Clay, Mr. McCloskey, Mr. Reynolds, Mr. Ridge, Mr. Foglietta, Mr. Clyburn, Ms. McKinney, Ms. Brown of Florida, Mr. Engel, Mr. Payne of New Jersey, Mr. Gejdenson, Mr. Minge, Mr. Schiff, Mr. Wynn, Mr. Wolf, Mr. Berman, Mr. Shays, Mr. Washington, Mr. Deutsch, Mr. Evans, Mr. Wilson, Ms. Slaughter, Mr. Andrews of Maine, Mr. Brown of California, and Ms. Furse.

H. Res. 472: Mr. Livingston, Mr. Allard, Mr. Solomon, Mr. Blute, Mr. Schaefer, Mr. Boehner, Mr. Knollenberg, Mr. Hoekstra, Mr. Emerson, Mr. Dornan, Mrs. Johnson of Connecticut, Mr. Lazio, and Mr. Penny.

H. Res 476: Mr. McCloskey, Mr. Gilman, Mr. Solomon, Mrs. Lloyd, Mr. Smith of New Jersey, Mr. Cramer, and Mr. Hughes.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3937

By Mr. ABERCROMBIE:

—At the end of the bill, add the following new title (and conform the table of contents accordingly):

TITLE —TRANSPORTATION OF NUCLEAR MATERIALS

SEC. . TRANSSHIPMENT OF HIGH-LEVEL RADIOACTIVE WASTE [HLRW] THROUGH UNITED STATES PORTS.

(a) Denial of Port Privileges.—Notwithstanding any other provision of law, no vessel in transit from a foreign nation to a foreign nation which is transporting HLRW shall be permitted entry, even under emergency circumstances, to any place in the United States and to the navigable waters of the United States, unless the container for such HLRW is certified as safe by the U.S. Nuclear Regulatory Commission in accordance with subsection (b).

(b) Responsibilities of the Nuclear Regulatory Commission.—

(1) Determination of safety.—The Nuclear Regulatory Commission shall determine whether the container referred to in subsection (a) is safe for use in transporting of HLRW by vessel and transmit to Congress a certification for the purpose of such subsection in the case of each type of container determined to be safe.

(2) Testing.—In order to make a determination with respect to a container under paragraph (1), the Nuclear Regulatory Commission shall test such container, to the fullest extent possible, under conditions approximating a maximum credible accident involving collision, fire and sinking, based upon actual worst case maritime accident experience.

(3) Limitation.—The Nuclear Regulatory Commission may not certify under this section that a container is safe for use in the transportation of HLRW by vessel if the container ruptured or released any of its contents during tests conducted in accordance with paragraph (2).

(4) Evaluation.—The Nuclear Regulatory Commission shall evaluate the container certification required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) and all other applicable law.

(c) Contents of Certification.—A certification referred to in subsection (a) with respect to a container shall include—

(1) the determination of the Nuclear Regulatory Commission as to the safety of such container;

(2) a statement that the requirements of subsection (b)(2) were satisfied in the testing of such container; and

(3) a statement that the container did not rupture or release any of its contents into the environment during testing.

(d) Design of Testing Procedures.—In designing the tests required by subsection (b), the Nuclear Regulatory Commission shall—

(1) convene an independent scientific panel of marine safety experts, a majority of whom shall be representatives of the Coast Guard and National Transportation Safety Board, to assist in (A) the definition of a maximum credible accident involving HLRW transport based upon a survey of maritime accidents and an assessment of the most severe conditions under which such accidents have occurred and (B) the design of appropriate test procedures to replicate such conditions;

(2) provide for public notice of the proposed definition and test procedures;

(3) provide a reasonable opportunity for public comment on such definition and procedures; and

(4) consider such comments, if any, before making its final determination with respect to such definition and procedures.

(e) TESTING RESULTS: REPORTS AND PUBLIC DISCLOSURE.—The Nuclear Regulatory Commission shall transmit to Congress a report on the results of each test conducted under this section and shall make such results available to the public.

(f) INAPPLICABILITY TO MEDICAL DEVICES.—Subsections (a) through (c) shall not apply with respect to HLRW in any form contained in a medical device designed for individual human application.

(g) INAPPLICABILITY TO MILITARY USES.—subsections (a) through (c) shall not apply to HLRW in the form of nuclear weapons or to other shipments of HLRW determined by the Department of Energy to be directly connected with the United States national security or defense programs.

(h) PAYMENT OF COSTS.—All costs incurred by the Nuclear Regulatory Commission associated with the testing program required by this section, and administrative costs related thereto, shall be reimbursed to the Nuclear Regulatory Commission by any foreign country receiving HLRW shipped through the United States in containers specified by the Commission.

(i) DEFINITION.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

(j) DEFINITION.—For the purposes of this Act, "high-level radioactive waste" means "high-level radioactive waste" as defined in Section 2(12) of the Nuclear Waste Policy Act of 1982 (P.L. 97-425).

EXTENSIONS OF REMARKS

USING TAX REFORM TO CURE THE AILING HEALTH CARE SYSTEM

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. ANDREWS of Texas. Mr. Speaker, we are on the brink of the most important legislative reform of the century. At the request of the President, Congress is close to passing a comprehensive health care reform package. This reform package has a number of complex and important goals. The two central goals of the package are to, first, extend to all Americans the right to obtain health care. And next, to take on the ever-increasing problem facing health care: sky-rocketing cost. The trick is to do both without destroying the highest quality medical care in the world.

To achieve these goals, Congress is faced with some tough choices. After attempting to formulate a national health care plan under nearly 10 different Presidents, we have come to the end of a long journey, only to be faced with yet a final divide in our path. While both of these paths seem to lead to the same outcome, they travel vastly different directions.

Our two choices consist of the following: We can continue down the road of free competition that espouses the entrepreneurial American spirit, or we can reverse our history and institute a centralized, regulated system that builds in inefficiency and developmental stagnation. In every instance, in every country that has attempted to implement a centrally planned economy, the final outcome has been disaster. On the other hand, by depending on the free market system, our country has grown into the most powerful Nation in the world. Our innovation and technological development have continued to lead the world for decades, in every market segment.

This is especially true of the health care industry. Our entrepreneurial spirit has led to the development of lifesaving drugs, procedures, and medical devices. In my home district of Houston, our medical center is one of the best in the world. The Texas Heart Institute is the world leader in heart surgery, and in the development of artificial heart research. In fact, a recent article in U.S. News and World Report ranked M.D. Anderson Hospital as one of the Nation's top hospitals. These advances would not be possible under a Government-run, centrally planned system. I, for one, am not willing to threaten our current research and development programs and simply administer the current technology levels to our citizens. Why change the portion of our system that works?

While the current health care system encourages technology and new innovative procedures, it also discourages thrifty application. The central cause of this inefficiency in the present system is the process we use to purchase our health care. For those that can afford to purchase health insurance, they usually do so through their employers. Many employers pay about 80 percent of the cost, while the employee pays the remaining 20 percent. A large number of employers cover the entire cost of their employees health insurance. Since the cost to the employee is slight, and since employees are sheltered from the true difference in cost among plans, they are encouraged to obtain as much coverage as possible. If employers and employees are willing to purchase the most expensive health plans, providers respond by raising their prices and offering cadillac health plans. Under this system, no one is fully aware of the cost of the plan. Employees are shielded, employers are shielded, and plans are free to increase prices. Thus, the cost of health care is much higher than it should be, since there are no rewards for providers to lower their prices.

To create the proper incentive for employees and employers, the pricing of health plans should be adjusted to allow individuals to pocket the difference if they purchase low-cost plans, which would subsequently encourage providers to lower cost in order to keep their market share. Consumers who chose to pay more for health care coverage would expect better service for the added cost. Thus, consumers would have the incentive to join a health plan that effectively manages their costs, while those plans that were not efficient and performed poorly in providing services would lose customers and go out of business.

One proposal by Senator BRADLEY corrects the incentive structure in the purchasing of health plans. Senator BRADLEY's plan imposes an excise tax on high-cost health insurance premiums. By applying this tax only to the high-cost plans, this proposal helps to achieve a balance in the incentive structure for purchasing health care. The current Internal Revenue Code rewards wealthy people who have higher marginal tax rates and more expensive benefits. By adopting an equalizing measure such as Senator BRADLEY's, we can reduce the cost of subsidizing the wealthy and save the Treasury billions each year. This savings could be used to help finance subsidies for poor people to help achieve the other goal of our health reform package: universal coverage.

Therefore, by restructuring the pricing of health plans to encourage consumers to purchase more efficient plans, we can effectively reduce the costs of health care, while at the same time provide a subsidy for those who are unable to afford health care. This proposal is not a new suggestion; in fact, it has been under consideration for some time.

The 1980 National Health Care Reform Act proposed by Representatives GEPHARDT and Stockman included a similar provision as a central component. Other proponents have included Senator CHAFEE, and Representatives COOPER and GRANDY. We all recognize the perverse incentive structure embedded in the present Tax Code on our health care system, but we have failed to remedy the problem in previous reform efforts. For example, the current bill reported by the Committee on Ways and Means has provisions that call for employer defined contributions of 80 percent of three categories of different plans, thus subsidizing the high-cost category plan more than the low-cost categories. Under this arrangement, employees are rewarded with a larger employer contributions for choosing the more expensive plan. We must stop such inefficient decisionmaking.

I encourage all Members to make the tough choices that will enable us to reform the health care system by providing universal coverage and correcting the incentive structure in the health care system. Let's keep the principles of market competition as a central component of our economy and our health care system.

[From the Washington Post, July 13, 1994]

HEALTH CARE TAX REFORM

One of the stronger provisions in the health care bill the Senate Finance Committee approved earlier this month was an amendment by Sen. Bill Bradley. The excise tax on high-cost health insurance premiums is a blend of tax reform and health care cost containment—an effort to use the one to achieve the other.

It would limit or counter a basic tax break that favors the better-off and would use the money instead to help buy health insurance for the poor. That's a good exchange, and the measure would also have the virtue of discouraging people from buying more care than they need by raising its price. The proposal could be more sharply designed, as Mr. Bradley himself would concede, but it points in the right direction. Health care reform can only succeed if accompanied by cost containment. If Congress decides to rely on competitive forces instead of government controls to hold down costs, this will make the competition keener. Who's not for that?

Current tax law heavily subsidizes employer-paid health insurance. Employees don't have to count the employer-paid premiums as taxable income, even though the premiums are as much a part of their compensation as their pay. Organized labor particularly loves the exclusion, which it helped build at the bargaining table into the third-largest federal health care program, after Medicare and Medicaid. That's one of the reasons there's little enthusiasm for attacking it; it's the tax version of an entitlement. But it costs the Treasury more than $50 billion in lost income tax a year, and at least in its present form it's bad tax policy. As a matter of equity, all forms of income ought to be equally taxed—as labor itself has often been first to argue.

The case for narrowing the exclusion is all the stronger because, on average, the greater savings go to the better-off. They tend to have more generous insurance—more dollars per household excluded from tax—and each dollar of exclusion is worth more to them because they face higher tax rates. The exclusion produces inequities within income classes as well. Two households with similar incomes will pay different taxes because one

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

receives part of its income in the form of health insurance premiums that are exempt from tax and the other does not.

The exclusion affects health care costs by making them even more surreal. The employee is doubly cushioned against them because the government joins the employer in paying them. Why bother to economize in a case like that?

Critics of the exclusion have urged that it be capped. At tax time, any employer-paid premiums over a certain amount would have to be counted as income. Taxpayers would be reminded of the cost of their care and given an annual incentive to control it. For political reasons, Sen. Bradley chose not to attack the exclusion directly and raise the tax of individuals. Rather, he would go at it obliquely and impose the tax on insurance companies. That would muffle the effect a little. But over time it would still likely make the buyers of high-priced care more cost-conscious.

Current federal policy blurs the cost of health insurance. The higher the cost, the greater the blur. Mr. Bradley would take a modest first step toward turning that around. Why not?

IN HONOR OF DR. JAMES TURNER OF MARSHALL, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. POSHARD. Mr. Speaker, I rise today to recognize Dr. James Turner, a distinguished physician from my district. Dr. Turner has served the people of the 19th District as a family practitioner at Cork Medical Center in Marshall, IL since finishing his residency 5 years ago. I believe Dr. Turner's commitment to providing quality health care to a rural community sets an example to those involved in reforming our Nation's health care system.

Recently I held a number of town meetings in my district to discuss health care reform and the possible effects it may have on providing medical services to a majority of my constituents who live in rural communities. These very enlightening and informative meetings reinforced that any health care package Congress passes must protect and provide health care services to those Americans who live and work in rural settings.

I would like to honor Dr. Turner's fine work and commitment to providing the people of my district with quality health care services by including in the CONGRESSIONAL RECORD an article published about Dr. Turner and his work as a rural physician. As Congress continues to examine ways in which to reform our current health care system, Dr. Turner is an example of what is right with the existing system. The dedication and compassion he gives to his profession is truly an inspiration to all of us.

A DAY IN THE LIFE OF A FAMILY PRACTICE PHYSICIAN

Before James Turner, D.O., has an opportunity to sit at his desk and before his "office hours" officially begin, his nurse approaches him. "Doctor, are you available to see a patient?"

The patient has a piece of metal in his eye. Dr. Turner extracts it. Before he finishes with the early bird, another patient is waiting.

The day has begun at Cork Medical Center in Marshall, Illinois, for Dr. Turner, a family practitioner.

"Eighty percent of medical school students start out as primary care physicians," says Dr. Turner during a brief break, "but as medical students are exposed to high technology, interest dwindles in primary care.

"After all," Dr. Turner says, "We're not very glamorous. We practice basic meat and potatoes medicine." Evidenced by his next patient, a 3-year-old, who is ill. He discusses a recent fall the child had and related similar stories to the girl's mother about his sons.

In another room, nicknamed the "Antique Room" for its motif, he interviews a young pregnant woman. The interview begins: "This is your baby, I'm just here to help." After the unhurried conversation, he's off to another patient.

Each time Dr. Turner exits one of his three exam rooms where he treats 40 patients daily, the phone in the hallway is ringing. Dr. Turner answers, and talks with one of the approximately 100 patients, Union Hospital personnel or physicians he will field calls from during the day. He talks about illnesses, and spends time referring callers and patients to Union Hospital and other areas at Cork Medical Center.

Cork Medical Center is a multi-physician practice at 410 North Second Street in Marshall, a rural community in Clark County with a population of approximately 3,300. Physicians at the center are family practitioners George T. Mitchell, M.D., Steven Macke, M.D., and David Davis, M.D. Richard T. Kirsten is the center's optometrist. Other services are provided at the center include physical and speech therapy, x-ray lab services and prenatal education.

"I was originally interested in emergency medicine," he said. "As I progressed through medical school, I realized I enjoyed people and their families. Emergency medicine didn't provide an avenue for that. Now, I get a chance to watch the family grow and I can work with them on a more personal basis. Sometimes it's emotionally difficult, but it's very fulfilling. You develop a certain bond with the family."

DO RURAL PHYSICIANS HAVE A LIFE?

A major question for many physicians entering primary care, especially in a rural setting, is "Will I have a life?" A good consideration, especially since Dr. Turner is enormously busy. But for a family practitioner, it's just an average day. "We take care of everybody," says Dr. Turner. "It definitely keeps me busy."

When he's not at the office, he sometimes gives annual physicals to large groups of children—sometimes in school—or is out making house calls. "Yes, we still make house calls," he says. "Sometimes it's necessary because the people cannot get out. They must be cared for."

He also emphasizes, "A birth can come at any time, which can turn anybody's schedule topsy turvy." He had at least 20 expectant mothers due in August and September.

"You can have a life, but you have to be organized," Dr. Turner says. He exercises regularly, coaches Little League and spends as much time as possible with his family. "You have to draw the line with work," he says. This evening, his "line" is 4:30 p.m. so he can make it to a Little League game.

"It's easy to take on everyone else's family and forget your own. You have to push, but you can get all of it in." He demonstrates this by calling the Pacers basketball team ticket office in Indianapolis. "One of my boys wants to see Indiana play Charlotte," he says, cupping his hand over the mouthpiece. He finds out the Pacers aren't as organized as he is; he can't buy tickets yet for any of the Pacers' home games.

During the day, he periodically checks his desk, looks over charts, completes dictation, makes notes and signs forms. "The paperwork can literally choke you. But it has to be done." He gets up quickly, and is off again to see more patients.

And after the day at the office is done, if necessary, he goes back to Union Hospital to look in on any patients he's keeping an especially close eye on. "Family practitioners are the patients' anchor. When they go to the hospital, they know us. We speak in common language to them about their condition. We stay with them through their entire hospital experience." In an average evening, he will go home to receive about five phone calls from patients and the hospital.

Among the din of the ever-ringing phone, the worried mothers and the sick children, there is Dr. Turner, and other family practitioners like him, moving from exam room to exam room. He treats his patients, unhurriedly, whether it's physicals en masse at a public school or a house call to a patient who cannot get to his office.

"It's a very demanding occupation," says Dr. Turner. "But I love helping people. Being a family physician is something you have to love to do well."

TRIBUTE TO MICHAEL HANDLEY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. CARR of Michigan. Mr. Speaker, I rise today to pay tribute to Michael Handley, a man who's record of hard work and dedication to his family, the state of Michigan, and the Communications Workers of America is an inspiration to us all.

Michael began his union career in the early 1950's working in Knoxville, TN. Since then he has served as president of Local 3805, president of the Knoxville Area Central Labor Council, assistant vice president for CWA District 3, Michigan director of the CWA, and vice president of CWA District 4.

Michael has given to our State through hours of community service. He has served on the Michigan State AFL–CIO Executive Board, the Greater Detroit Area Hospital Board, the Detroit United Fund, and the Michigan Air Pollution Control Board.

In addition to all the work Michael has done for his union and the State of Michigan, Michael is a devoted husband and father of three sons. Those of us who are familiar with the contributions he has made in his 40 years of service will be sorry to see him retire. His leadership will be missed.

Mr. Speaker, it is entirely fitting that the U.S. House of Representatives honor outstanding individuals like Michael Handley. Please join me in wishing him and his family continued success and a happy retirement.

INDIANA'S ROLE IN PARTNERSHIP FOR PEACE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. HAMILTON. Mr. Speaker, last year President Clinton unveiled the Partnership for Peace Program [PFP] to build security ties between NATO and the new democracies of Central and Eastern Europe.

An integral component of the Partnership for Peace Program is the National Guard State Partnership Program. The State Partnership Program links selected U.S. National Guard units with the Defense Ministries of PFP participating countries in an effort to provide military support to civil authorities in response to civil emergencies.

The National Guard State Partnership Program also serves to cement people-to-people relationships between the citizen soldiers of the United States and the military establishments of the emerging democracies of Central and Eastern Europe. In so doing, the State Partnership Program exposes PFP participants to grass roots America. This experience further strengthens the cause of democracy building among members of the former Warsaw Pact.

To date, fourteen countries in Central and Eastern Europe have entered the National Guard State Partnership Program. One of the most successful programs to date is the Indiana-Slovakia State Partnership.

In this regard, I would like to bring to my colleague's attention 3 brief documents: a short description of the National Guard State Partnership Program; a summary of the Indiana-Slovakia State Partnership program; and a list of partnership states.

SUBJECT: SUPPORTING EMERGING DEMOCRACIES—THE ROLE OF THE NATIONAL GUARD AND RESERVES

1. As part of the U.S. military outreach to the nations of Central and Eastern Europe, and with Interagency Working Group approval, National Guardsmen, Army Reservists and other Reserve Component personnel are serving throughout the region to advise and assist nations in their transition to citizen-based, military organizations. The effort emphasizes the proper role of the military in a democracy, military subordination to civilian control and military support to civil authorities. The U.S. Reserve Components are seen as compelling role models for a capable yet cost-effective military structure.

2. Through resident Liaison Teams and short-term Traveling Contact Teams, the program provides non-lethal assistance and advice focused on building democratic military institutions with peacetime utility in support of civilian authorities. Training in warfighting skills is specifically prohibited. Assistance in such areas as disaster response, civil emergencies and humanitarian assistance is stressed.

3. As proven during the Gulf War, "when you bring the Guard and Reserve, you bring America." The Reserve Components consist of more than a million Americans serving in over 4,000 locations across the United States. It is part of the fabric of hometown USA. Involving National Guard and Reserve personnel, their families, communities and civilian institutions in bolstering democratic institutions in emerging democracies is one way of providing quality expertise at a reasonable cost while directly involving the American people in the effort.

4. Under the "National Guard State Partnership Program," formal "State Partnerships" are now being developed between the National Guards of selected States and the Ministries of Defense in many of these nations. The purpose is to encourage long term institutional and people-to-people linkages and to cement sustained relationships that can extend well beyond military matters. Through such innovations, the National Guard in each State, supported by Army Reserve, Air Force Reserve and other U.S. Reserve Component personnel, can be the key link in providing a "Bridge to America" to encourage consensus support of this vital national security program. Such activities "Add Value to America and America's Role in the World" by providing a role model of a community-based national defense force while helping everyday Americans contribute directly to building free and democratic socieities.

INDIANA-SLOVAKIA STATE PARTNERSHIP

The "National Guard State Partnership Program" currently hosts state partnerships with fourteen (14) countries throughout central and eastern Europe. The purpose of these partnerships is to help the militaries of these countries transition to democratic institutions, working under civilian authority. Of these, the Indiana-Slovakia partnership is a rising star. Following the approval for the Interagency Working Group (IWG), and the approval of the U.S. Ambassador, the National Guard of Indiana initiated its first contact with Slovakia. The first event was the arrival of a traveling contact team (TCT) in Bratislava, a group designed to present the "Partnership Program" to the Slovak government, formalize the relationship, and initiate this critical step to democracy. As recently as mid-May, an Indiana National Guard Colonel was assigned to lead a Military Liaison Team, a planning cell, working with the Slovak Ministry of Defense, to determine the civil-military needs insuring their transition to a democratic society. The recent developments associated with this particular partnership mark the beginning of what has proven to be a rapidly developing process of cooperation between the state and its partner nations. Developments and events planned for the coming months will involve the civilian and military leaders of Slovakia and build an enduring relationship with grass roots America, the citizens and citizen-soldiers of Indiana.

PARTNERSHIP STATES

Alabama—Romania.
Arizona—Kazakhstan.
California—Ukraine.
Colorado—Slovenia.
Illinois—Poland.
Indiana—Slovakia.
Maryland—Estonia.
Michigan—Latvia.
Ohio—Hungary.
Pennsylvania—Lithuania.
South Carolina—Albania.
Tennessee—Bulgaria.
Texas—Czech Republic.
Utah—Belarus.

SOCIAL SECURITY, THE BUDGET PROCESS AND ENTITLEMENT RECONCILIATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. SOLOMON. Mr. Speaker, later this week the House will take up H.R. 4604, the so-called Budget Control Act of 1994. That bill requires the President to establish entitlement spending targets for fiscal years 1994–97, and requires Presidential recommendations and congressional action on special reconciliation legislation to either address any breach of those targets or to raise the targets.

The question has been raised as to whether the act applies to Social Security, notwithstanding the current off-budget treatment of the Social Security trust fund receipts and outlays and prohibition on including any changes in Social Security through reconciliation legislation.

It is our position, as expressed in the minority views on the bill (H. Rept. 103–602, pt. 1, pp. 13–14), that this does indeed put Social Security back on budget for purposes of calculating overall entitlement targets for each year and for addressing any target overruns through special direct spending reconciliation legislation. The only direct spending exempted from the targets under the bill are net interest and deposit insurance.

While there may be some legitimate differences in statutory interpretation as to whether Social Security should be included in the mix of direct spending targets and legislation, the fact is that the President has already included Social Security under the targets on three separate occasions—in his initial targets on September 3, 1993, in his adjusted targets in his January, 1995 budget, and in his midsession economic review issued this month.

This has all been done pursuant to the President's Executive Order 12857 issued on August 4, 1993, which contains language identical to that of H.R. 4604.

Under section 2 of the Executive order:

> The initial direct spending targets for each of fiscal years 1994–1997 shall include shall equal total outlays for all direct spending except net interest and deposit insurance as determined by the Director of the Office of Management and Budget.

Under section 3 of the Executive order:

> As part of each budget submitted under section 1105(a) of title 31, United States Code, the Director shall provide an annual review of direct spending and receipts.

Under section 6 of the Executive order of the Director of OMB shall adjust the direct spending targets prior to the submission of the President's budget for each of fiscal years 1995 to 1997. If the projected outlays exceed the targets, section 4 of the Executive order requires that the Director of OMB "shall include in the budget a special direct spending message" which includes certain information on direct spending together with the President's recommendations for addressing the target overruns.

Mr. Speaker, the inclusion of Social Security in the President's 1995 budget as part of the new direct spending targets it would seem to be at odds with section 13301 of the Budget Enforcement Act of 1990 which provides for the "off-budget status of OASDI Trust Funds." That section specifically prohibits the inclusion of the Social Security trust fund receipts and outlays in the President's budget or in the congressional budget for purposes of calculating new budget authority, outlays, receipts or deficits or surpluses. However, it can be argued that this is not at odds with the President's Executive order and H.R. 4604 since Social Security is only being counted for purposes of direct spending targets and not for overall budgetary aggregates.

A larger question is whether H.R. 4604, and its special direct spending reconciliation process run afoul of section 310(g) of the Budget Act which prohibits the consideration of reconciliation directives or legislation which affect Social Security receipts or outlays.

Section 310(g) was enacted as part of the 1985 Balanced Budget and Emergency Deficit Control Act. Section 7 of H.R. 4604 says that reductions in outlays or increases in receipts resulting from direct spending reconciliation legislation "shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act." The section 310(g) point of order is thus one such enforcement provision and therefore it can be argued that it does not apply to direct spending reconciliation legislation.

The bottom line, Mr. Speaker, is that Social Security has been thrown back into the budgetary mix by the President's Executive order and by H.R. 4604. It is at least back on budget for reconciliation purpose if not for purposes of calculating aggregate outlays, receipts, and deficits.

We, therefore, urge defeat of H.R. 4604 because it violates the special off-budget status given to the Social Security system. By subjecting it to reconciliation we are compromising and possibly threatening the integrity and soundness of the Social Security system given by existing statutory provisions. Social Security, which is currently in surplus, should not be used to bail out other entitlement programs which may be in trouble.

At the point in the RECORD, Mr. Speaker, I include a memorandum appeared by the Rules Committee minority staff, elaborating on our interpretation that Social Security could be used for direct spending reconciliation purposes under H.R. 4604. The memorandum follows:

[Memorandum]

Re inclusion of Social Security in direct spending messages under H.R. 4604.

To: Rules Committee Republicans.

From: Rules Committee minority staff.

Introduction: The Rules Committee majority was unable to refute our interpretation of H.R. 4604 that it in effect brings Social Security back on-budget for special direct spending reconciliation purposes. However, a case may be made that it does not based on section 5(f) of the bill. The purpose of this memo is to elaborate on the interpretation that Social Security would indeed be fair game for reconciliation under the bill.

Current budget act prohibition on Social Security reconciliation: Section 310(g) of the Budget Act ("Limitation on Changes to the Social Security Act"), which was enacted as part of the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings) provides that it is not in order in the House or the Senate to consider any reconciliation bill or resolution, amendment thereto, or conference report thereon, "that contains recommendations with respect to the old-age, survivors, and disability insurance program established under title II of the Social Security Act."

Applicable provisions of H.R. 4604: Section 2(a) of the bill ("Establishment of Direct Spending Targets") requires that the initial direct spending targets for fiscal years 1994-97 "shall equal total outlays for all direct spending except net interest and deposit insurance. * * *"

Section 4(b) of the bill ("Special Direct Spending Message by President") authorizes the President to make legislative changes "to reduce outlays, increase revenues, or both" in order to recoup or eliminate entitlement overages in whole or in part.

Section 4(c) ("Proposed Special Direct Spending Resolution") requires that President to submit a "special direct spending resolution" to implement his legislative recommendations through reconciliation directives to the appropriate House and Senate committees.

Section 4(e) ("Procedure if House Budget Committee Fails to Report Required Resolution") provides for the automatic discharge and privileged consideration of the President's direct spending reconciliation resolution if the Budget Committee fails to include direct spending reconciliation instructions in its budget resolution.

Section 5(f) of H.R. 4604 ("Application of Congressional Budget Act) provides that, "To the extent that they are relevant and not inconsistent with this Act, the provisions of Title III of the Congressional Budget Act of 1974 shall apply in the House of Representatives and the Senate to special direct spending resolutions, resolutions increasing targets under subsection (c), and reconciliation legislation reported pursuant to directives contained in those resolutions."

Section 7 of the bill ("Relationship to Balanced Budget and Emergency Deficit Control Act") provides that: "Reductions in outlays or increases in receipts resulting from legislation reported pursuant to section 5 ["Required Response by Congress"] shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985."

Discussion: While it might be argued that section 5(f) of H.R. 4604 ensures that the prohibition on Social Security reconciliation in section 310(g) of the Budget Act remains in force and effect, this overlooks the caveat in section 5(f)—"to the extent they are relevant and not inconsistent with this Act" the provisions of Title III of the Budget Act apply to special direct spending resolutions and reconciliation legislation and directives.

The fact is that the provisions of the Act are inconsistent with the section 310(g) prohibition for several reasons:

Social Security is not exempted and must be included by OMB in calculating total direct spending targets.

The President may include any recommended legislative changes in messages to address overages and may include directives to implement those changes in his special direct spending reconciliation directives to committees.

The President is not and cannot be bound by budget rules that apply to the Congress.

The President's reconciliation resolution is automatically discharged and privileged for consideration if the Budget Committee does not include direct spending reconciliation instructions in its budget resolution.

Moreover, it can be argued that the section 310(g) Social Security reconciliation prohibition does not apply to direct spending reconciliation directives or legislation reported pursuant to the Budget Committee's resolution because section 7 of H.R. 4604 provides that reductions in outlays and increases in receipts reported pursuant to section 5 of the bill ("Required Response by Congress") "shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985." As has been pointed out, section 310(g) is an enforcement provision enacted under the 1985 GRH Act. It would therefore follow that the point of order under section 310(g) would not apply to a direct spending reconciliation bill that changes the Social Security Act by reducing its receipts or increasing its revenues.

Conclusion: Whether it was intended or not, H.R. 4604 includes Social Security in the direct spending targets as well as in the mechanisms to address any breach of those targets through special direct spending reconciliation making changes in laws to reduce outlays or increase revenues.

TRIBUTE TO DR. EDMOND COSTANTINI

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Dr. Edmond Costantini, a friend and constituent. Ed recently retired from his position as a professor of political science at the University of California at Davis. Ed has spent many years focusing his talents and energies towards the enhancement of educational opportunities for his students at UC Davis. I am honored to be allowed to speak in his behalf and enter into the Record a brief and incomplete list of his many accomplishments.

Ed was Phi Beta Kappa at the New York University where he received his BA in 1954. He earned an MA from the University of Connecticut in 1956, and his Ph.D. from the University of California at Berkeley in 1964.

Ed was a member of the faculty of the political science department at UCD for over 30 years. During that time he served as chairman of the department from 1971–1977, and as vice-chair or acting chair from 1969–1971, 1978–1982, and 1993–1994. He served as assistant dean of the College of Letters and Science from 1967–1968 and served on many committees within the college including chair of faculty from 1981–1982. In addition, he has been an active member of the faculty senate and has served on numerous chancellor's committees.

Ed has given testimony before many governmental committees including state legislative committee on elections and reapportionment, assembly committee on natural resources and conservation and the U.S. Senate Subcommittee on Air and Water Pollution. He is the author of a vast array of publications and has lectured at many U.S. and European universities, symposia and conferences.

Ed has been active in the Democratic Party since 1958. He is a three time delegate or delegate-designate to the Democratic National Convention and a 12-year member of the executive committee of the California Democratic Party. He testified before the Hunt Commission for Presidential Nominations. In 1960, he served as assistant campaign manager of John F. Kennedy's northern California campaign.

His teaching and research interest have included American politics, California politics, public opinion, mass media and politics, political behavior, political parties, and political leadership. He has been extremely effective in bringing into the classroom real world practices based upon his work with political parties and campaigns. Many students fondly recall his humorous teaching style and the real world focus of his lectures which made him a popular professor.

In addition to his long history of hard work and dedication to UC Davis, Ed served as staff secretary for education to Governor Edmond Brown, Sr., in 1966, as a visiting scholar at the University of Essex, England from 1975–1976 and as a faculty fellow at the UC Washington Center in 1992.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Dr. Edmond Costantini and I personally extend my sincere appreciation for all he has done for the university and for enlightening us with his insights and studies in the field of politics.

TRIBUTE TO ROD ADAMS

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. VALENTINE. Mr. Speaker, the congressional district I represent, and indeed the entire State of North Carolina, recently suffered an irreplaceable loss.

Rod Adams, of Durham, NC, died on May 4. I knew Rod for many years and was proud to count him among my best friends.

Although Rod never ran for public office, he epitomized the highest ideals of public service.

Rod sat on the Raleigh-Durham Airport Authority for more than a decade, helping to guide the airport through a period of growth and development. He was also a member of the North Carolina Employment Training Board, the board of trustees of North Carolina State University, and the board of governors of the University of North Carolina system. He was serving his second term on the UNC Board of Governors when he died.

Earlier this spring, Rod's achievements were recognized in letters from President Clinton and Secretary of Education Riley. I ask that these letters be printed in the RECORD.

In his letter, the President highlighted Rod's "generosity and service" that "have improved the lives of your fellow Americans."

Generosity and service were, in fact, the hallmarks of Rod's life. Just as he devoted himself to the successful concrete business that he built, Rod devoted himself to serving his community. He was always there, and his leadership always made a difference.

Rod Adams will be missed by many North Carolinians. My thoughts, and the thoughts of countless others, continue to be with his wife, Doris, and his family.

Rod Adams can never be replaced. But we can all learn from his deeds. That will be his greatest legacy.

THE WHITE HOUSE,
Washington, DC, April 19, 1994.

Mr. ROD ADAMS,
Durham, NC.

DEAR MR. ADAMS: I am delighted to join with your family and friends in honoring you for your many years of service to the state of North Carolina.

Our country's greatest strength is the community spirit of its people. Throughout our history, Americans have been eager to serve the common good—from the days of the Civilian Conservation Corps through the era of Peace Corps volunteers to today's Summer of Service workers. Our nation has now ushered in a season of American Renewal. We want to take more responsibility for ourselves, our families, and our communities in order to ensure a brighter tomorrow.

You can take pride in your contribution to this legacy. Your generosity and service have improved the lives of your fellow Americans.

With best wishes,
Sincerely,

BILL CLINTON.

DEPARTMENT OF EDUCATION,
Washington, DC, March 1994.

MR. ROD ADAMS: It is my honor and pleasure to send greetings to you for the many outstanding contributions you have given to the people in your community, and indeed to your state and our nation. I am particularly grateful for your work on behalf of education.

As President Clinton put it, education is "an answer to how all Americans can make their lives better and how we can all make the economy stronger." Giving our students the best education in the world is a moral imperative and an economic necessity if our nation is going to continue to prosper. Your work with North Carolina State University and now your work on the University of North Carolina Board of Governors, no doubt, contribute greatly in ensuring a quality education for our young people that will enable them to pursue any career they wish and to take on any challenge they choose.

I am grateful for this opportunity to thank you for your many contributions to excellence in education. Your continued commitment is an inspiration to all.

RICHARD W. RILEY,
Secretary.

INTRODUCTION OF ELIGIBILITY REFORM PROPOSAL

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. STUMP. Mr. Speaker, I rise today, with the support of all Republican members on the House Committee on Veterans' Affairs to introduce the Veterans' Health Care Eligibility Reform Act of 1994. The purpose of this legislation is to revise and reform the current system of eligibility for health care services provided by the Department of Veterans Affairs.

It is well known that the VA's current eligibility criteria is fragmented and difficult to understand. The rules for access to VA medical services have evolved piecemeal and do not authorize a full continuum of services for many of VA's patients. A veteran may receive inpatient hospital care only to be barred from access to outpatient care because of differing eligibility rules. I am submitting a chart which demonstrates exactly how complex and confusing such criteria are and the simplification provided by the legislation which I am introducing today.

Today's eligibility criteria at the VA has been imposed to help the Department contend with its perennially inadequate budget. The VA portion of Federal outlays for health care has shrunk continually since 1969 when it comprised 12.6 percent. In 1992 it fell to 6 percent. There is no indication that this trend will change. However, one thing is certain, allowing VA to continue on its current course will lead to its demise.

The House Committee on Veterans' Affairs, on which I serve as ranking minority member, has recognized the importance of eligibility reform. In fact, the committee held the first of a series of hearings on this crucial issue on May 20, 1992.

The hearing reinforced our belief that maintaining the status quo will result in continued erosion of the VA health care system. In order to identify solutions, though, we need to concern ourselves not only with the current situation, but also with the future needs of our Nation's veterans. It is clear that the VA needs a realistic, achievable strategic plan, which includes eligibility reform, to meet the health care needs of a rapidly aging veteran population.

Prior to introduction of the President's Health Security Act, the Committee on Veterans' Affairs, the VA, and the Veterans Service Organizations [VSOS] were working together to formulate eligibility reform legislation for veterans. All efforts toward eligibility reform came to a halt with the advent of the new administration.

However, there is a bipartisan consensus that veterans once eligible should have access to a full continuum of health services, including long-term care and certain specialized services such as spinal cord injury and blind rehabilitation. This legislation preserves the services that VA does best and allows VA the flexibility it needs to design a strong future health delivery system.

Mr. Speaker, the fate of the President's Health Security Act is unknown. The administration has hung all hopes of VA health reform on passage of H.R. 3600. My legislation provides a vehicle for VA health care reform to move forward regardless of what happens to national health reform. If the Health Security Act fails to be enacted and it is my intention to oppose it for many reasons including its impact of the VA, Congress should not let VA health care reform die with it. Veterans have waited long enough for reform. Every week that goes by leads to further cannibalization of the system and erosion of veterans health care services. My legislation was not drafted in conjunction with any particular national health care reform bill. It could become part of an alternative plan. We cannot and should not hold VA hostage to the Clinton national health reform bill.

The Veterans' Health Care Eligibility Reform Act of 1994 envisions an eligibility reform proposal for VA to maintain a viable and independent health care system for veterans which:

Simplifies the criteria used to determine eligibility for VA health care services.

Promotes the delivery of a continuum of care by removing statutory barriers that currently constrain patient access to the system or patient referral to the most appropriate treatment setting.

Promotes a shift from acute inpatient care and nursing home care to outpatient and non-institutional care.

Promotes wellness through comprehensive prevention and screening programs.

Preserves VA's long history of leadership in the areas of long-term care, spinal cord injury, blind rehabilitation, and prosthetics by providing a full continuum of care.

Changes the practice of medicine within the Veterans Health Administration to employ managed care.

Continues VA as an independent health care system for veterans.

Continues VA as backup to DOD in times of national emergency and preserves VA's research mission.

In addition, the measure would mandate that the secretary establish a separate insurance program for veterans who do not meet the criteria for free VA care and for spouses and children of all eligible veterans. This insurance program known as the VA Group Health Plan would provide protection to individuals who have preexisting conditions and to whom insurance costs might be prohibitive if attempting to purchase private health insurance.

We have no official cost estimate for this measure. Informal estimates have placed the cost anywhere from cost-neutral to a high of $3 billion the first year. One thing however is certain, allowing VA to collect from Medicare the cost of care rendered to non-service-connected veterans who are already entitled under Medicare is a measure which is long over due. Because VA is barred from collecting Medicare reimbursement, it has in effect been subsidizing Medicare for decades. Informal estimates put the first year savings to VA from Medicare reimbursements at $7 billion and the figure climbs from there. It is unreasonable for VA, in these times of severe fiscal constraint, to subsidize Medicare, an entitlement account from VA's discretionary medical care funds.

Mr. Speaker, this legislation is my attempt to identify workable solutions to ensure the future viability of our Nation's veterans health care delivery system. I urge my colleagues to cosponsor the bill.

IN YOUR HEART, YOU KNOW HE'S RIGHT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, for some reason, it has become accepted in this country that to be genuinely conservative is somehow to believe in discriminating against people based on their sexual orientation. No one has done more to exemplify honest conservatism in recent times in America than Barry Goldwater. And no one speaks out more eloquently these days than he does against discrimination based on people's being gay or lesbian.

Mr. Speaker, to those now active in politics who have drawn inspiration from Barry Goldwater in the past, and who may in fact have gotten involved in politics in part because of his example, I believe that Barry Goldwater's 1964 slogan is appropriate: In Your Heart, You Know He's Right.

JOB PROTECTION FOR GAYS

(By Barry Goldwater)

Last year, many who opposed lifting the ban on gays in the military gave lip service to the American ideal that employment opportunities should be based on skill and performance. It's just that the military is different, they said. In civilian life, they'd never condone discrimination.

Well, now's their chance to put up or shut up.

A bipartisan coalition in Congress has proposed legislation to protect gays against job discrimination. Congress is waking up to a reality already recognized by a host of Fortune 500 companies, including AT&T, Marriott and General Motors. These businesses have adopted policies prohibiting discrimination based on sexual orientation because they realize that their employees are their most important asset.

America is now engaged in a battle to reduce the deficit and to compete in a global economy. Job discrimination excludes qualified individuals, lowers work-force productivity and eventually hurts us all. Topping the new world order means attracting the best and creating a workplace environment where everyone can excel. Anything less makes us a second-rate nation. It's not just bad—it's bad business.

But job discrimination against gays and lesbians is real, and it happens every day. Cracker Barrel, a national restaurant chain, adopted a policy of blatant discrimination against employees suspected of being gay. Would anyone tolerate policies prohibiting the hiring of African Americans, Hispanics or women?

Today, in corporate suites and factory warehouses, qualified people live in fear of losing their livelihood for reasons that have nothing to do with ability. In urban and rural communities, hatred and fear force good people from productive employment to the public dole—wasting their talents and the taxpayers' money.

Gays and lesbians are a part of every American family. They should not be shortchanged in their efforts to better their lives and serve their communities. As President Clinton likes to say, "If you work hard and play by the rules, you'll be rewarded"—and not with a pink slip just for being gay.

It's time America realized that there was no gay exemption in the right to "life, liberty, and the pursuit of happiness" in the Declaration of Independence. Job discrimination against gays—or anybody else—is contrary to each of these founding principles.

Some will try to paint this as a liberal or religious issue. I am a conservative Republican, but I believe in democracy and the separation of church and state. The conservative movement is founded on the simple tenet that people have the right to live life as they please, as long as they don't hurt anyone else in the process. No one has ever shown me how being gay or lesbian harms anyone else. Even the 1992 Republican platform affirms the principle that "bigotry has no place in our society."

I am proud that the Republican Party has always stood for individual rights and liberties. The positive role of limited government has always been the defense of these fundamental principles. Our party has led the way in the fight for freedom and a free-market economy, a society where competition and the Constitution matter—and sexual orientation shouldn't.

Now some in our ranks want to extinguish this torch. The radical right has nearly ruined our party. Its members do not care enough about the Constitution, and they are the ones making all the noise. The party faithful must not let it happen. Anybody who cares about real moral values understands that this isn't about granting special rights—its about protecting basic rights.

It is for this reason that more than 100 mayors and governors, Republicans and Democrats, have signed laws and issued orders protecting gays and lesbians. In fact, nearly half the states have provided some form of protection to gays in employment. But of course many others have not, including my own state of Arizona.

It's not going to be easy getting Congress to provide job protection for gays. I know that firsthand. The right wing will rant and rave that the sky is falling. They've said that before—and we're still here. Constitutional conservatives know that doing the right thing takes guts and foresight, but that's why we're elected, to make tough decisions that stand the test of time.

My former colleagues have a chance to stand with civil rights leaders, the business community and the 74 percent of Americans who polls show favor protecting gays and lesbians from job discrimination. With their vote they can help strengthen the American work ethic and support the principles of the Constitution.

FLORENCE DOMROIS NAMED POLISH WOMAN OF THE YEAR

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. KLECZKA. Mr. Speaker, I rise today to acknowledge and congratulate Florence E. Domrois on being named 1994 Woman of the Year by the Ladies Auxiliary of the Polish National alliance—Milwaukee Society.

In addition to being an active member of many community organizations such as St. Joseph's Women's Club, St. Francis Hospital Auxiliary, and the Ladies Auxiliary of the Knights of Columbus, Florence also volunteers at the diabetes center and at St. Helen's parish. She is a living example of the adage which says, "Be good to yourself, be excellent to others, do everything with love".

Florence Domrois sets an example of which we call can be proud and which is of great benefit to the community in which she lives. I wish her continued success, health, and happiness.

OBTRUSIVE GOVERNMENT TAXATION OF SMALL BUSINESSES

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. TALENT. Mr. Speaker, I rise to express my concerns about the excessive taxation of small businesses. I would like to share the real-life story, which is not atypical, of a constituent of mine and one-time small business owner, Ms. Trish Young.

Having experienced the challenge of securing a comparable, permanent position after being laid-off, Ms. Young created her placement firm, Silver Anniversary Temporaries, to help those find work over the age of 40. Trish Young did not have to get involved in the employment industry but she made it her business to make sure other Americans would not suffer like she did while trying to rebuild a career. While Ms. Young endeavored to solve the problem of unemployment, obtrusive Government taxation was driving her own small business into bankruptcy. The Government robbed this entrepreneur of her survival by taxing 52.9 percent of her gross income. Because of the heavy tax burden from payroll, unemployment tax with a 30-percent surcharge, and a hefty 23-percent increase in workers compensation, Trish Young was forced to close her employment agency.

Mr. Speaker, there is something wrong in a nation where 7 out of 10 small businesses today are not making a profit. Instead of improving the survival rate of small businesses, this administration is driving them further into debt through last year's tax bill and this year's health care reform proposal. It is time to relieve small businesses from the distress of exorbitant taxes. We must make this effort as an attempt to dissolve unemployment in America before we have more tax-takers than taxpayers.

TENNESSEE NISSAN WORKERS ARE JUDGED CONTINENT'S BEST

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. GORDON. Mr. Speaker, it wasn't the first time, and it won't be the last time that the workers making cars and trucks at the Smyrna, TN, Nissan plant are recognized as some of the best in the world.

The latest Harbour and Associates Survey of North American automobile manufacturers found that Nissan's production lines in Smyrna rank first and second in efficiency. Put another way, Nissan Smyrna requires fewer hours to build trucks and cars than any other plant in the United States, Canada, or Mexico. Its pickup truck line ranks first in trucks, producing one vehicle for every 2.32 worker.

The Smyrna car line, which makes Sentras and Altimas, is the continent's most productive carmaker, requiring only 2.32 workers per vehicle. The plant, the largest under one roof in the United States, also makes the body parts for the Nissan Quest/Mercury Villager minivan.

Nissan managers credit the participative management techniques—fitting the job to the worker—for the stellar performance. Workers on the Nissan lines have a major voice in how the cars are made. This allows problems to be worked out quickly and solved together, with equipment modified or designed to work as well as possible.

In addition to having the most productive plant in North America, Nissans made in Tennessee consistently rank among the highest in quality ratings. As a result, sales are up to record levels. American consumers are giving a rousing vote of confidence to Tennessee's workers. In a market that is more competitive than ever, Nissan Smyrna is up to the challenge.

The 6,000 workers at the Smyrna, TN, assembly plant and the thousands of others who supply parts and services deserve our high praise for doing a great job. They are the most productive auto workers in the most productive country of the world.

HONORING ADVOCATES FOR VICTIMS' CARY DE LEON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to extend a well-deserving recognition to Cary De Leon and the exceptional work she does with women who suffer domestic violence. Once again, Ms. De Leon was recognized by the Democratic Women's Club of Florida as the 1994 Lady of Excellence. Ms. De Leon has dedicated the last 10 years of her life to the promotion and awareness of issues pertaining to the betterment of women.

As a volunteer with the Commission of the Status of Women and then as temporary director of the very same commission, Ms. De Leon gained valuable insight into the deep-rooted social problems well hidden in the Hispanic community. She was called to action by the staggering number of women who remain in the vicious cycle of physical and mental abuse who are unaware of the available resources.

As the coordinator of Advocates for Victims, Ms. De Leon is in charge of eight women's support groups in Dade County. She left her high-paying public relations job 5 years ago and committed herself to educating the public of the crisis surrounding domestic violence.

Ms. De Leon also worked on a number of issues with the State attorney's office, where she challenged the judicial protection the State offered women in crisis. A year and a half ago, with the aid of several women's groups, the State attorney's office was able to open a court to deal specifically with domestic issues.

Ms. De Leon's work is not self-serving nor does she stand to gain from it. Although underpaid, she is willing to forego this matter so that other women, including her daughter, will not have to endure some of the hardships women must suffer in today's society.

In honor of the hard work and dedication on behalf of all abused women, I pay tribute to Cary De Leon.

TRIBUTE TO SANDRA MEADOWS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FROST. Mr. Speaker, I rise today to pay tribute to Duncanville Coach Sandra Meadows who died of cancer on May 27. Sandra Meadows, who coached girls basketball at the Duncanville Independent School District for 25 years, dominated Texas basketball in recent years. During her tenure as head coach, the Duncanville Panthrettes won four State titles and 743 games in her coaching career.

In April 1993, Coach Meadows stepped down from her coaching position at Duncanville High School. Before her 1989 season, Coach Meadows underwent a double mastectomy and had chemotherapy treatments that lasted until the first day of practice. However, Coach Meadows coached her team virtually without interruption following the surgery.

Residents of Duncanville, TX and people across the Nation lost a professional, dedicated friend, and most of all, a beloved coach with the death of Sandra Meadows. And her strongest foundation for success as a coach and an educator came from her love of children.

I commend the Duncanville ISD in renaming the gymnasium where many of Coach Meadows best moments were spent, to the Sandra Meadows Gymnasium in memory of her dedication to the children and community of Duncanville, TX.

AN AGENCY BEYOND REDEMPTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the July 16, 1994, Washington Post, concerning the continuing corruption and scandal surrounding the District of Columbia's Department of Public and Assisted Housing.

Both daily newspapers in the city have condemned this mismanagement, corruption and betrayal of the District's citizens by this agency. As the Post editorial makes clear, the existing joint effort between HUD and Mayor Kelly has done little to end the mismanagement at this agency. There is no excuse for tax dollars being spent to send DPAH staff to a conference in Puerto Rico when citizens of the District are living in substandard housing or worse, on the streets. This is further shameful proof that neither HUD nor the District can solve DPAH's problems. This Member again urges Judge Steffan Graae to place the District's public housing authority in receivership as recommended by James Stockard, the special master appointed by the court. Action must be taken now before further abuses occur.

[From the Washington Post, July 16, 1994]

AN AGENCY BEYOND REDEMPTION

We were coming around to the view that placing the city's fouled-up housing department under control of a court-appointed receiver was a bad idea. But after learning that the D.C. Department of Public and Assisted Housing—an agency faced with cost overruns, thousands of tenants living in disgusting conditions and a mile-long public housing waiting list—recently sent four staff members and four tenants on an all-expense-paid junket to Puerto Rico, we think the receivership advocates may be on to something after all.

Finding the right word to describe this latest escapade isn't easy. Witless, absurd, imprudent, irresponsible and stupid come to mind. By what rationale or sequence of thoughts could leaders of the officially designated worst public housing system in the nation decide to send a city delegation on a four-night trip to a 17-acre beachfront resort while the District is running out of money and public housing tenants must make do with backed-up toilets, crumbling ceilings and roaches galore? But then, come to think of it, why expect DPAH to give its tenants any thought? This is the same department that spawned the bribes-for-rent-vouchers scandal and that, with conditions deteriorating in the projects, spent $1.3 million on renovations and furniture for DPAH's headquarters, including $100,000 to spiff up several executive office suites. This latest escapade suggests that DPAH, as now constituted, is beyond redemption.

It makes matter worse that the U.S. Department of Housing and Urban Development, which scored DPAH at the bottom of its list of the nation's bad housing systems, reportedly gave the junket idea to DPAH. Puerto Rico's housing department, which shares space with the District on the HUD list, hardly seems the best choice of role models. As for the tour's usefulness, one junketeer said only parts of a workshop she attended were translated from Spanish to English. So she did the next best thing: She spent the afternoon on the beach.

It was only a few weeks ago that HUD and Mayor Kelly assumed significant direct control over the chronically troubled DPAH to stave off a takeover by the court. If housing conferences represent the kind of ideas HUD is bringing to the table, D.C. Superior Court Judge Steffen Graae should gear up for action. A DPAH official said the agency intends to dispatch a delegation to another conference in Dallas next month.

HONORING R. CLARKE BENNETT ON THE OCCASION OF HIS RETIREMENT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. MINETA. Mr. Speaker, there are many people in Federal agencies whose specific contributions to our society are unknown to the vast majority of the public. They do their jobs year in and year out, working behind the scenes, largely unrecognized for their efforts on the public's behalf.

That is why I rise today, Mr. Speaker, to pay tribute to one such Federal employee who retired on June 3, 1994, from the Federal Highway Administration after 27 years of remarkable public service in the area of highway safety.

Clarke Bennett joined FHWA in 1967 as a Safety Standards Engineer for the National Highway Safety Bureau. In 1970, he was promoted to Deputy Chief of the Street and Highway Geometrics Division of FHWA's Office of Highway Safety and later became Chief of that office's Technical Development and Standards Division. After that office was reorganized in 1977, he became Chief of the Program Evaluation Division. In October 1982, he was promoted to Chief of the Traffic Control Systems Division, Office of Traffic Operations. From 1984 until his retirement, Mr. Bennett held the position of Director, Office of Highway Safety at FHWA.

Mr. Bennett leaves a legacy of highway safety accomplishments that has earned him the respect and praise of his peers and those who have worked with him over the years. Certainly, the American public owes Mr. Bennett a debt of gratitude, for his efforts have resulted in many of the safety features that are incorporated into our Nation's highway system today.

Examples abound of Mr. Bennett's contributions to highway safety. I will name just a few.

Under Mr. Bennett's leadership, the National Highway Safety Review, which was responsible for the Older Driver Initiative, established minimum standards for reflectivity of highways signs, break-away supports, forgiving guard rails, and roadside clear zones.

He was instrumental in having work zone safety data separated from other fatality data in the Fatal Accident Reporting System. This led to an awareness of the growing number of work zone fatalities and resulted in an emphasis on work zone training and traffic control plans to reduce those fatalities.

His involvement in pedestrian safety led to regulatory approval for strong yellow-green signs for pedestrians and bikers. Motorists' enhanced reaction to the new signs has encouraged many States to conduct their own field studies.

He was also involved with the development of the skid trailer, which permits highway professionals to measure the skid resistance of pavements. This has resulted in improved, long-term skid-resistant pavement materials.

One of Mr. Bennett's major contributions was his work in developing highway standards for the Federal section 402 state and community highway safety grant program. He was a leading participant in providing states with guidance on developing computer programs and other mechanisms that enabled them to identify high accident locations and to make necessary improvements. These efforts included a training program to help States evaluate the effectiveness of their safety projects.

Prior to joining FHWA, Mr. Clarke served 10 years with the Bureau of Traffic Engineering of the DC Department of Highways.

Mr. Speaker, we can point with pride to Federal professionals like Clarke Bennett for exemplifying the real spirit of public service.

I ask my colleagues to join me in saying, thank you, Clarke, for your many contributions and commitment to highway safety and for your dedication to the public which you served so well.

IN HONOR OF CARL AND PATRICIA HORN'S RETIREMENT FROM EDUCATION

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. POSHARD. Mr. Speaker, today I rise to pay tribute to Carl and Patricia Horn of Royalton, IL as they both retire from 30 years of teaching in the State of Illinois.

Carl Horn richly contributed to the lives of many during his 30 years as an educator. Carl began his career as a band chorus director in Norris City, IL in 1964. In 1968, Carl became the music director at Zeigler-Royalton High School where he taught until his retirement this year. From 1988 to 1993 Carl served as assistant principal of Zeigler-Royalton Junior and Senior High School. Carl Horn also served as girls high school basketball and softball coach while teaching at Zeigler-Royalton.

Patricia Horn began her 30 year teaching career as an elementary school teacher in 1962 at Waukegan Grade School. After teaching at a number of schools, Patricia began teaching at Zeigler-Royalton Junior High School in 1968 where she taught until 1994. Besides teaching, Patrica Horn served as sponsor to many student groups and organizations including the school newspaper, student council, and junior and senior high school cheerleading squads.

In addition to teaching and involvement in a number of extracurricular activities, Carl and Patricia successfully raised four children. Despite their very involved schedules, their children tell me they never missed a sporting event, band concert, or play in which they could show support for their children.

As an educator I commend Carl and Patricia for the dedication and hard work they have shown throughout their careers. By giving of themselves, Carl and Patricia have touched the lives of thousands of children over the years and by doing so, they have enriched and strengthened the community in which we all live.

COMMEMORATING THE 25TH ANNIVERSARY OF THE SMALL BUSINESS ASSOCIATION OF MICHIGAN

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. CARR of Michigan. Mr. Speaker, this year marks the 25th anniversary of the Small Business Association of Michigan [SBAM]. This fine organization provides assistance and guidance to small businesses across the State of Michigan—businesses which are the engine of job creation in today's ever-evolving economy.

SBAM was founded 25 years ago by Dick Sanford, with the purpose of serving the small businesses of southwestern Michigan. The organization quickly grew, adding members from across the State, to a membership today of over 7,200. In addition to coordinating legislative action at the State and national levels, SBAM provides a number of valuable services to its members, including: a small business lending program; educational programs; unemployment insurance consulting; a check recovery program; payroll services; and informative publications like the "Small Business Barometer" and the "Journal of Small Business".

SBAM should also be praised for the successes of its leadership. SBAM president Gary Woodbury was one of eleven commissioners appointed by President Clinton to oversee the 1995 White House Conference on Small Business.

I ask you to join me today in honoring the Small Business Association of Michigan, as its members gather for their annual meeting on Mackinaw Island this week, for its contributions to the strength and vitality of Michigan's small businesses.

H.R. 4598, COASTAL BARRIER RESOURCES SYSTEM

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. PETERSON of Florida. Mr. Speaker, I would like to express my support for H.R. 4598 which makes corrections to the Coastal Barrier Resources System to remove properties that were mistakenly designated as undeveloped coastal barriers that passed the House of Representatives under suspensions on July 12, 1994. In addition, I am pleased that Chairman STUDDS has recognized that border changes to unit boundaries should be considered next year when the Department of the Interior submits its recommendations to include Pacific Coast land in the Coastal Barrier Resources System. I am committed to work again next year to remove the St. George Island property from the System and I look forward to working with Chairman STUDDS toward correcting this inequity which was never intended under the Coastal Barriers Resources Act.

The property is part of St. George Plantation, a 1,200 acre residential and commercial development on St. George Island in Franklin County, FL. The plantation, which encompasses the entire island, has been in continued phased development since 1977. In 1990, land adjacent to this property with essentially the same or less development was excluded from the Coastal Barriers Resources System. Approximately 70 acres of residential and commercial property on the west end of St. George Plantation was mistakenly included in FL–90 of the System.

At that time, the owners of the property had made substantial improvements to the property. They had obtained many local development orders and had constructed roads, water and electric utilities to service the property. A single-family home had been constructed on a 2-acre parcel of land. All the lots had been platted and a substantial number sold by the time the land was included in the System. Therefore, I believe this property will be a good candidate for next year's consideration.

PREMIUMS RAPIDLY RISING "OUT OF SIGHT"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. STARK. Mr. Speaker, for those who have insurance, it is relatively easy to denounce efforts at health reform. However, for the 40 million people without health coverage, a change in the health system is a necessity.

The health care system is also unjust to millions of people who will soon not be able to afford costly insurance premiums. These are people who have worked their entire lives, only to find that as they grow older they can no longer keep up with rapidly rising insurance costs. They are faced with the terrible choice of either drastically changing their quality of life in order to pay for health insurance, or forgoing coverage and hoping they don't have any accidents or illnesses.

Following is a letter from Mr. Sterling Williams of Jackson, MS. Mr. Williams' health premiums have increased so much in the last few years that he is in great danger of losing all his insurance coverage. His unfortunate situation illustrates the drastic need for health reform.

DEAR REPRESENTATIVE: As I write this letter to you, I am keenly aware of your efforts and others to get a workable universal health care bill through Congress and into law. I feel that my circumstance with respect to obtaining health insurance might be persuasive in helping the opposers and undecided to get behind your plan or one of the plans being considered so that people like myself will not continue to be misused and abused by the present insurance establishment. I am presently a small property owner who is semi-retired and partially disabled with a moderate case of "spinal stenosis." Additionally, I have had glaucoma in my right eye for over 25 years but it is managed with eye drops. My health care problems began about 30 years ago when I joined an insurance plan made up a religious group incorporated in the State of California which went bankrupt shortly after I was informed that I needed a minor eye surgical procedure to relieve the pressure in my right eye. The bankruptcy left me to pay the eye surgeon and hospital bill in spite of my having faithfully paid my premiums for many years.

After that incident, I purchased another health plan but the policy came back with an "exclusion for glaucoma forever." I canceled this plan and purchased an Allstate health plan which was subsequently sold to Mutual of Omaha. Although Allstate's agent told me that the "rider" attached to my policy regarding the "glaucoma exclusion would be removed if I had no problems after one year," I waited for two years and asked that the "rider" be removed. I was then told that the glaucoma rider was permanent. I, thereafter, protested to Allstate who was at the time in the process of selling their health care plan that I was in to Mutual of Omaha Insurance Company. Allstate suggested that I contact Mutual of Omaha's customer relations manager and explain my situation to him along with a letter he suggested I get from the Allstate agent who wrote my coverage stating that he had used the word "would" rather than "could" when I purchased the Allstate Insurance and was told that the glaucoma exclusion would be removed after one year barring any major complications. Additionally, my eye doctor wrote a letter in my behalf saying that my glaucoma was "well managed" and that I am proof that "not all blacks who get glaucoma will go blind." I was later told that there is such a saying in the field because of the prevalence of "people of color," "blacks" to lose their eyesight, if they get glaucoma due to poor management or care of it. That was my doctor's way of expelling this myth. Mutual of Ohama then removed the "rider" against glaucoma. However, it appears that Mutual of Omaha was determined to "win the war" by raising my premiums "out of sight," after "losing the battle" to exclude treatment for glaucoma at the start.

The following is an example of what I mean. My policy anniversary is in July each year. In June of 1992, the premium for my wife and me was $397.65 monthly. In July 1992, our premium was raised to $671.88 monthly. In July 1993, our premium was increased to $744.81 monthly. In July 1994, our premiums are increased to $1,035.72 monthly. This last increase makes my insurance higher than the average income for the State of Mississippi. These increases, I believe, were designed to force me out of this insurance.

The increases given by me as outlined above is, in my opinion, discriminatory and an abuse of power. It seems to me that any health care system that can operate the above mentioned fashion is in serious need of regulating. My wife nor I have had any outstanding sicknesses. I jog 3½ miles every Monday, Wednesday and Friday in 30 minutes. I won seven amateur middlweight boxing championships before deciding to pursue the Christian ministry as one of Jehovah's Witnesses in 1956. This decision derailed my boxing career. I am now 61 years old and a grandfather trying to remain faithful to Jehovah God, our Creator, as well as keep some health insurance.

I am writing to you, as well as selected members of Congress and to the AARP with the hope that my experience might be helpful to those entrusted with the responsibility to act wisely and decisively in behalf of us, their constituents, and quickly enact the President's much needed health care plan or another being debated currently in Congress.

I am very truly,

STERLING E. WILLIAMS, Sr.

LARA HADRYS: VOICE OF DEMOCRACY WINNER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mrs. BENTLEY. Mr. Speaker, I rise today the salute Lara Hadrys of Joppa, MD, upon her selection by the Veterans of Foreign Wars to receive 12th national honors in the national Voice of Democracy broadcast scriptwriting contest.

Mr. Speaker, I am submitting Ms. Hadry's speech for the RECORD.

MY COMMITMENT TO AMERICA

"LINCOLN HAS BEEN SHOT!" my grandfather told me. He was enlightening me with the tale of his mother's remembrance of the day Abraham Lincoln was assassinated. Great-grandmother was only twelve years old that day, and had already lost her father two years before at one of the bloodiest battles of the Civil War, Gettysburg.

Before I made a commitment to my future in America, I wanted to seek knowledge by looking into the past to see the roots of my patriotism. Grandpa, my oldest living relative and the eldest person of my acquaintance, was to be the source of my knowledge.

I approached Grandpa gingerly with my questions. My uncertainty was unfounded because this spirited, 94 year-old-man was eager to share my family's history. His face brightened with thoughts of his youth. What a discovery to speak to an elder American with memories that I could only experience by this one-on-one communication. Just as the ancient chiefs of native populations told and retold their families' history, the patriarch of my family began telling me of those who came before me and had defended the voice of democracy by committing themselves to America.

My grandfather was born in 1899, right after the Spanish American War, making him the age to be ready to fight in World War I. But, fate has twisted his youth with an accident in a woodshop class, that caused him to lose a portion of his first two fingers. His disappointment that his enlistment was denied for this reason, did not stop him from raising his first-born son to also have a commitment to America. His son was 24 years old the day he gave up his life to an enemy bullet deep inside Germany in the Spring of 1945 so very near the end of World War II. Although my grandfather was saddened and distraught by the loss of his only son, he was blessed with a second son born later that year in June of 1945. Never did my grandfather waver in his commitment to America, raising his second son to believe in preserving the strength of our country's liberties. The second son, my father, exemplified this commitment in August of 1963 by willingly joining the United States Marine Corps. The celebration of his 21st birthday in Viet Nam made him cognizant of the abundant freedom of Americans, and the necessity of continued commitment to maintain the strength of our democracy. It became clearer to me why, we as Americans, commemorate national holidays. On December 7th each year when my family raises the original 48 star flag that flew over Pearl Harbor in remembrance of my grandmother's brother, who perished abroad the U.S.S. Curtis, it is a personally moving experience for me.

Consequently, the respect for my country grew, when I began to fathom the commitments to America that has been made by my ancestors.

It made me realize, if my grandfather had tallied a lifetime of happenings from war and peace to depression and prosperity, what had countless millions of other Americans encountered? By questioning neighbors, relatives, friends of family, and the congregation at my place of worship, their stories brought to life for me things like war bonds, rationing, Chu Lai, supportive mothers, fathers, husbands, wives, and children, the horrendous Bataan Death March, and other actions taken by Americans at home and in far away places. I could see that many lifetimes of commitment to America could be absorbed, and by utilizing this learning, my loyality and dedication could be turned into a working commitment to America. How lucky the youth of today are in having an ever-growing group of senior citizens from which to collect their ideas. Most of these older people will never have their experiences printed on the pages of history, but their contribution to America, no matter what their rank or position, has had a profound influence in the making of our country what it is today.

Only for the asking had all this amazing information been presented to me in the living form of my grandfather, whose memories spanned 130 years.

Seeking knowledge to preserve freedom is my commitment to America and it will be fueled, not only by the gift of my heritage bestowed upon me by my near-centenarian grandfather, but also by actively encouraging other young people to make a commitment to America by searching for knowledge, just by talking to the many experienced older Americans, who are so willing to share their voices of democracy.

ANTITRUST ENFORCEMENT GOALS HAVE NOT KEPT PACE WITH THE MARKETPLACE

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BROOKS. Mr. Speaker, today I am introducing, together with Congressman FISH, a bill that would solve what has been a major obstacle to vigorous antitrust enforcement in the international arena—the inability of our Justice Department to receive and share information with foreign agencies. Great praise needs to be given today to Attorney General Janet Reno and her vigilant antitrust chief Anne Bingaman for making this legislation a department priority.

American business has long had a profound respect for these laws—if not a profound love. Unfortunately, foreign competitors do not share this respect. In too many instances foreign companies have targeted our economy with anticompetitive conduct. As our economy is more fully integrated in the global economy, we become ever more vulnerable to these destructive tactics.

Yet, our antitrust enforcement tools have not kept pace with the international marketplace. Worse, in the eighties there seemed at times to be a lack of resolve by our Government to take foreign competitive threats seriously—perhaps reaching its lowest point in 1986 when the Justice Department—at the beck and call of the State Department—advocated, before the Supreme Court, that foreign predatory conduct here could be excused if a foreign government merely asserted that it had directed the conduct to take place.

Fortunately, in the nineties, the Justice Department is again demonstrating a stronger resolve for U.S. interests and they are asking Congress for additional tools to do the job right. As one of those tools, the bill I am introducing today would enable the Department of Justice to enter into reciprocal discovery arrangements with foreign antitrust enforcers who share our views of a free marketplace. This will make it much more difficult for foreign predators to find a safe haven here.

More work needs to be done in the foreign antitrust area, and I plan to target this area in the remainder of this Congress and into the next. I intend to pursue a range of other initiatives, including a close look at the operation of the foreign compulsion doctrine. I am hopeful that the Congress will be able to move this bill quickly to give to U.S. business the full and fair opportunity it has earned to compete in the global marketplace. As this bill moves through the committee process, we will make any further refinements necessary to assure that a proper balance is struck between preserving important individual and proprietary rights and providing additional antitrust enforcement authorities.

GET RUSSIAN TROOPS OUT OF ESTONIA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. HOYER. Mr. Speaker, ever since regaining its independence, Estonia has been negotiating with Moscow about the withdrawal of Russian troops. These forces now number about 2,500, and their departure from Estonia by August 31, 1994 was widely anticipated. But President Boris Yeltsin demonstratively proclaimed at the recent G–7 meeting in Naples that Russian troops would not leave Estonia by that date.

President Yeltsin's statement is very troubling. He justified his decision by charging that Russians are victims of persecution and human rights violations in Estonia. But his explanation is disturbing for two reasons: First, it is the position of the United States and the CSCE that troop withdrawals are not linked to any other issue under negotiation or discussion between Estonia and Russia. The July 1992 resolution of the CSCE's Helsinki Summit calls for the "early, orderly and complete withdrawal" of foreign—that is, Russian—troops from the Baltic States. Russian signed that resolution, which says nothing about conditionality or linkage with any other issues.

Second, despite numerous claims by President Yeltsin and other Russian officials, neither the CSCE nor other international organizations have uncovered human rights violations in Estonia. Staff members of the Helsinki Commission, which I cochair, have taken part in these fact-finding missions and have confirmed these conclusions. Russians and other noncitizens are becoming naturalized in accordance with Estonia's law on citizenship, and the CSCE and the European Community are closely monitoring the issuance of residency permits to noncitizens. They are learning Estonian and are taking advantage of Estonia's remarkable free market reforms to make money, there has been no violence, and Western public opinion shows a surprising level of satisfaction among them. Given these circumstances, allegations of human rights violations—not to speak of the more hysterical, tendentious, and unconscionable accusations emanating from Moscow of "genocide" and "ethnic cleansing"—are simply not credible.

Even on the issue of Russian military retirees, the ostensible bone of contention between the two sides, Estonia has been flexible and forthcoming—especially since Russia has been demobilizing its troops into the Estonian population. So it is hard not to conclude that Russia is pursuing ends other than human rights, like hanging on to Paldiski, a nuclear submarine training base.

Mr. Speaker, Russian troops should get out of Estonia, no ifs, ands, or buts. I regret that President Yeltsin, after his very public statement, is now boxed into a position from which it will be hard to extricate himself. The stance his government has taken does a disservice to Russia, affronts the sovereignty of its tiny neighbor and flaunts defiance of the CSCE and its principles.

TRIBUTE TO CYRUS ELDER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. JACOBS. Mr. Speaker, the distinguished young athlete, Cyrus Elder, has a direct congressional connection. His mother, De Elder, is one of my coworkers in the 10th district office.

We are enormously proud of Cyrus Elder, not only because of his unyielding athletic discipline, but also because he is also an excellent student.

[From the Maryland Independent, July 8, 1994]

ELDER GAINS TRACK CROWN; PLACES FIFTH IN LONG JUMP

(Bears take home national medals from competition)

Charles County's Cyrus Elder won the 200-meter dash at the USA Track and Field Youth National Championships in Knoxville, Tenn., to become the national champion in the event.

Elder will now lead his team of 22 Bears to the Region III East Coast Championship this week at Mount St. Mary's College in Emmitsburg.

The top three places in the meet qualifies for the National Junior Olympics in Gainesville, Fla., later this month.

Elder led a team of five St. Charles Bears to the USA Track & Field Youth National Championships, held June 28 through July 2, that brought home six medals.

In addition to winning the national championship in the 200-meter dash, Elder was fifth in the long jump.

Michael Bachman led fellow racewalkers Brian Stortzum and James Overby to a third, fourth and fifth place finish in the 1,500 meter racewalk.

Sprinter Melynnie Dade competed in the 100 meter dash.

PROTECTING OUR HISTORIC PUBLIC LANDS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. ANDREWS of Texas. Mr. Speaker, on June 16, 1994, I introduced House Concurrent Resolution 255. This resolution urges Congress and the administration to closely evaluate the Walt Disney Co.'s proposed theme park and real estate development in the northern piedmont area of Virginia, and calls on Disney to move its park to a site where it would have a less detrimental impact on the surrounding, historically significant lands of Shenandoah National Park and Manassas National Battlefield Park. This effort has been joined by 28 of my colleagues in the House and supported by numerous editorial writers across the country.

Mr. Speaker, I would like to submit one of the more recent pieces regarding the proposed theme park, which appeared in newspapers this past weekend, and I again call on Disney to find a more suitable location for its massive development.

[From the Washington Post, July 17, 1994]

VIRGINIA'S THREATENED PIEDMONT

(By George F. Will)

HAYMARKET, VA.—In a churchyard here a gravestone reads:

Stonewall Jackson Campbell
May 2, 1863 Dec. 10, 1911

The infant Campbell was named for the Virginian who earned his name on a battlefield a few minutes gallop from the churchyard, a soldier who on May 2, 1863, received a mortal wound at Chancellorsville, not far from here.

Problem is, much of American history was made not far from here, often by men who lived nearby: The church is hard by the intersection of the James Madison and John Marshall highways. Just over yonder lives Miss Beuregard, a great-granddaughter of the Confederate general. And so it goes. You can hardly turn around out here without bumping into evocations of the nation's making.

This would be merely nice, not a problem, were it not for something that threatens to be the unmaking of this area. The Disney company seems determined, almost irrationally so, to turn this area inside out and upside down by building, about a half-mile from the churchyard and 3.5 miles from the Manassas field where Jackson fought, a huge commercial and residential real estate development, at the core of which would be an American history theme park.

Unfortunately, many faulty reason have been indiscriminately adduced for opposing Disney's project, so the one sufficient reason may get lost in the melee. It is that Disney has decided to build something that would radically transform, beyond recognition, an area that is, arguably, America's most defining landscape.

America has various defining landscapes, not all of them bucolic. One is Manhattan's forever unfinished skyline, emblematic of our heroic materialism. But one is more drenched in the history of heroic idealism than Virginia's Piedmont region, a perishable window on the past, a place which, were Jefferson and Washington and Lee to revisit it, would be comfortably familiar to them.

Some of Disney's critics would, if they could, freeze this region in time. They cannot. Development will come to this place because it is a short drive from Washington and the government that will not stop growing. But Disney's mega-development, by its scale and nature, would change beyond recognition a historic region rich in sites that millions of Americans come to as pilgrims to shrines of our civil religion.

Some of Disney's critics get the vapors at the thought of what the theme park might do to the telling of America's story. But if Disney or anyone else wants to make a skit, or a hash, of history, well, the right to vulgarize is one of America's most vigorously exercised rights. Anyway, Disney would be hard-pressed to do worse than, say, Oliver Stone's movies—or, for that matter, than some historians do, including some of Disney's academic despisers.

Disney has armed its despisers by talking foolishly, as when Chairman Michael Eisner said, "I was dragged to Washington as a kid and it was the worst weekend of my life," or when a Disney "creative director" said the park would "make you feel what it was like to be a slave." (See your sister sold down the river, then get cotton candy?) However, again, the point is not what Disney wants to do, but where it wants to do it.

The administration of environmental, transportation and other federal, state and local regulations provides many opportunities for Disney's opponents to slow the project's progress and raise its costs. In any such battle of attrition, bet on the multibillion-dollar corporation that buys lawyers by the battalions. But why does Eisner seem bent on becoming the archetype of the Hollywood vulgarian, greasing with money (some of it to politicians) the slide of a great corporation into the role of coarse bully, stamping its bootprints on hallowed places?

One of the roads that would have to become an enlarged congested highway to serve the park is Route 15, which runs north to Gettysburg. There one of the Berkeley boys now buried in the churchyard here was captured at the crest of Pickett's charge, at the wall on Cemetery Ridge now known as "the high-water mark of the Confederacy." From there Lee's army beat an honorable retreat.

It is astonishing that Disney, out of sheer stubbornness is risking its reputation as a good corporate citizen, and is doing so to put here a project that could be put in many more suitable places. But it is not too late for Disney to learn a lesson from Lee, who is revered by the nation he tried to dismember, revered partly because he knew how to retreat and when to surrender.

INTRODUCTION OF A HOUSE CONCURRENT RESOLUTION OPPOSING UNITED STATES SUPPORT FOR THE LAW OF THE SEA TREATY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. FIELDS of Texas. Mr. Speaker, today, Senator JUDD GREGG and I are introducing joint resolutions expressing the sense of Congress that the United States should refrain from signing the folly known as the Law of the Sea Treaty.

In 1983, President Reagan soundly rejected this treaty because it was not in the best interests of the United States. While recent United Nations-led discussions have led to some improvements in the seabed mining provisions of the treaty, these changes have not gone far enough. The treaty is still a bad deal for the United States and for our industrialized allies, whose interests continue to be sacrificed for the benefit of those countries who contribute the least to this international effort. Furthermore, the Law of the Sea Treaty is a terrible precedent for future negotiations involving outer space.

The most egregious example of this is found in the portions of the treaty which establish a seabed mining regime. For example, the treaty retains the Enterprise, a Third World-dominated mining concern, which will operate in direct competition with the industrialized countries that currently sponsor seabed mining. The Enterprise will have significant advantages over private miners, including the choice of a free, fully prospected mining site from each miner filing a claim. In addition, the treaty still requires that seabed mining revenues be shared with the Third World and even national liberation movements, like the PLO.

The treaty also creates an enormous seabed mining bureaucracy, including an authority, an assembly, a council, a secretariat, several technical commissions, an international tribunal for the Law of the Sea, and a sea-bed disputes chamber. Third World interests dominate all these bodies. The United States has no veto; yet, we are to bankroll a quarter of the start-up costs of this new, unwieldy system.

In 1983, when the treaty was properly rejected by President Reagan, the marine scientific community expressed unhappiness with the research components for the treaty and the energy industry balked at sharing revenues with the Third World from the development of offshore oil and gas resources. All of these provisions remain in the treaty. Moreover, recent concerns have also been expressed about the preemption of Federal and State laws and our other international obligations by the Law of the Sea Treaty, including our ability to use economic sanctions to enforce environmental and fishery laws.

Despite these many defects, Secretary of State Warren Christopher announced on June 30 that the United States has committed itself to signing the Law of the Sea Treaty, and will sign a seabed mining agreement on July 29.

I have heard arguments that we need this Treaty to aid our national defense objectives. However, I note that the United States recognizes the freedoms of navigation embodied in the treaty as customary international law; that we have never been denied access to any strategically important navigational area; and that many of the countries that control these areas have not ratified the treaty.

Our hope today is that we can keep the administration from quietly sneaking this badly flawed treaty by the American people and that by emphasizing its many deficiencies, two-thirds of the Senate will not ratify this massive giveaway of U.S. strategic interests.

The United States has existed for over 200 years without a law of the sea treaty to protect its interests in the oceans. I see little, if anything, to be gained by jumping aboard this leaky boat and I urge my colleagues in the Senate to follow the outstanding leadership of my good friend, Senator GREGG, and to vote no on this treaty when it is submitted for ratification.

NATIONAL DIVIDEND PLAN

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. TAUZIN. Mr. Speaker, for much of the 103d Congress we have been occupied with concerns over the Federal budget deficit; we have debated numerous and varied ideas to limit spending or raise revenue or accept some combination of the two. The common goal has been to reduce the deficit—a deficit that both liberals and conservatives, Republicans and Democrats, see as a threat to our national economic health and long-term stability. We have grappled with constitutional amendments to gain a mandatory balanced budget and each appropriation bills seems to bring new attempts to impose generic limits. We have bills to cut spending across the board, to target programs ranging from the tea tasters to the B1 bomber, all in an effort to get the deficit under control.

Through all this Mr. Speaker, we have not utilized the most effective resource this Nation has to accomplish this critical task: We have not given the American voter a tangible stake in this country's financial progress. The National Dividend Plan [NDP], an idea born in the fifties in the mind and heart of John H. Perry, Jr. and which I have introduced as H.R. 430, does just that.

The NDP doesn't just encourage citizen involvement—involvement is guaranteed through the sharing of the Federal profits of corporate enterprise. This profit sharing is achieved by redirecting revenue collected from the corporate income tax from Federal coffers directly back to those who generated it: The American labor force. This would be done only in years when the budget is balanced or in surplus, giving all voting citizens a direct stake in the outcome of the Federal budgeting process.

John Perry is a successful businessman and philanthropist. He recently wrote of the NDP and I want to share his thoughts with my colleagues. I hope it will help persuade each of you to join me in this effort.

THE NATIONAL DIVIDEND PLAN: IT'S TIME

(By John H. Perry, Jr.)

"It's spending, stupid!"

For Fiscal Year 1995, the President's budget proposes spending of $1.518 trillion—that's $2,880,000 every minute of every day. And we will pile up an additional $176 billion of debt even while we are paying net interest of $198.8 billion on our existing national debt of $4.6 trillion. Think of it, how would you spend $48,000 a second next year? More importantly, how could you do that knowing that it adds $335,000 a minute to your debt even while you pay $378,000 a minute in interest on existing debt.

If, resorting to the sport metaphor which dominates much political discussion these days, it's "Three strikes and you're out!" why is the hottest debate topic on Capitol Hill these days the Balanced Budget Constitutional Amendment? We're already out of the box.

Congress swung—and missed—with the Budget Impoundment and Control Act, it swung and missed again with Gramm-Rudman-Hollings, and then, called strike three—the Omnibus Budget Reconciliation Act, not only did spending continue, but taxes were increased.

Members of the Congress, House and Senate, are again earnestly discussing the need for discipline in spending, but build accounting devices into a proposed Constitutional Amendment which will also provide loopholes for minorities who would on the one hand expand revenue and on the other limit spending.

Instead of recognizing the futility of 535 Members of Congress trying to restrain themselves from doing what 260 million Americans want them to do, it's time that we create an environment in which 260 million people demand that the 535 do what needs to be done.

The National Dividend Plan provides not only the opportunity, but also the demand. After forty years "in the wilderness," it is an idea whose time has surely come. In 1952, having found some success for myself as I pursued the American dream, I proposed a program by which the public revenue from the profits of the industrial might of America—Federal corporate income tax revenues—be returned directly to the people of America, the source of that might. It was, for its day, a radical national "employee stock ownership plan." In a simpler time, a time of only marginal deficits, and occasional surpluses, it was just a way to "invest" each voting citizen with a stake in increasing the economic might of the nation—emphasizing American industry—and by participating in the political process—registered voters would become actors in "growing" America.

The National Dividend Plan is majestic in its simplicity:

1. Create a National Dividend Trust Fund, financed primarily by Federal income taxes on corporate profits and capital gains taxes; distribute the revenues from the Fund, quarterly, equally to all registered voters, tax-free.

2. Impose a five-year spending freeze on the Federal government as the Fund is established and adjustments are made in Federal budgeting.

3. To eliminate, and restrain, Federal deficits, provide that no distributions from the Trust Fund be made to individuals until the Federal budget is in surplus—because each registered citizen-voter is equally entitled to Fund distributions, each citizen, rich or poor, becomes equally vested with an interest in critically weighing Federal programming.

4. Eliminate the double taxation of corporate dividends for stockholders.

5. Freeze the corporate tax at current rates to provide economic stability.

Polls have consistently shown results which indicate that the American public recognizes the need to limit spending and to balance our national budget. Individuals know that they must balance their checkbooks or face declining living standards and limited options for future activity. At the same time, political realities have encouraged legislators to respond to special interest constituencies rather than to make the tough choices necessary to live within our means.

The National Dividend Plan, by giving every registered voter a stake in controlling Federal spending, will enforce discipline where it belongs: in the relationship between voters and their voices in Washington. Without a meaningful incentive for voters to demand discipline in Federal spending on the part of legislators, legislators have no incentive to practice meaningful discipline.

More to the point, since a properly established National Dividend Plan would eliminate deficit spending within a few years, a five year period is built into the legislation, the American voter becomes a stakeholder in the economic success of America's business enterprise.

Buying American becomes not only a statement of faith in America's businesses and industry, it also gives each voter a return on his or her investment of time and energy to the success of our nation's productive enterprise. And, because America will become more productive it will continue to be the most successful exporter of national goods and services in the world.

Finally, of course, it is important to understand that, while the proceeds of the National Dividend are not taxable, the earned income of citizens is. A vibrant economy will continue to generate Federal funds to meet truly national needs—and the growth of business and industry generated by increases in productivity and the competitiveness of American goods and services will mean that America's Federal enterprise can grow as the nation grows, and even meet important new needs. But the practice of responding to special interests, "oiling" the hundreds of squeaky wheels that now make up not only our Federal programs but the way that we legislate, will have to pass the "means" test: Is it worth it if it means that my dividend is reduced? Some demands will meet that test: certainly challenges to our national sovereignty or national interests around the world which may demand defense expenditures, unusual events such as the disasters which have occasionally resulted in our people demonstrating that we are the most compassionate nation on earth, and other events which may call on our enlightened self-interest to meet our national interest.

America is a nation built on a free economy, but its economy is no longer free—it is captive to the 35 years of deficits since the last balanced budget. Only the people of America, whose self-interest and generosity generated the budgetary nightmare we now face wake up and bring a bright new day.

The National Dividend Plan gives America's voters not only the opportunity to continue to generously meet national needs, but the self-interest to demand that those needs meet the test of being measured by the light of day. And legislators, who now seek shelter in the "discipline" of a hazy Constitutional Amendment will find the glow of a new day of enlightened voter participation in the budget process. H.R. 430, legislation implementing a National Dividend Plan, is before the 103rd Congress. It's time that we as voters demand of our legislators that they not only return to the citizenry a means by which to measure their economic management of America, but also a share of the means which measures the economic strength of America.

STATEMENT IN SUPPORT OF LIFTING THE EXPORT BAN ON ALASKAN NORTH SLOPE OIL

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. DOOLEY. Mr. Speaker, I rise today to express my strong support for lifting the export ban on Alaskan North Slope oil. I would like to insert into the CONGRESSIONAL RECORD a letter from the California Independent Petroleum Association to President Clinton outlining their support for lifting the ban.

The Department of Energy recently came out with a study that concluded the lifting of the ban would have a tremendous economic impact to not only my home State of California but to the entire west coast. Lifting the ban would create between 10,000 to 25,000 jobs by the end of the decade. This would improve circumstances for west coast oil producers and would raise revenue dramatically for the Federal Government and tax and royalty revenues for the States of California and Alaska. It would also spur new production in new and existing wells.

CALIFORNIA INDEPENDENT
PETROLEUM ASSOCIATION,
Sacramento, CA, June 10, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are grateful to you for undertaking a review of the current export restrictions on crude oil produced on the Alaskan North Slope (ANS). As domestic crude oil producers, we strongly support elimination of the ANS export ban which, in our view, has contributed to the decline of U.S. oil production, especially in California.

We firmly believe that eliminating the ANS export ban will create American jobs, expand U.S. crude oil production, and enhance U.S. energy and national security. Just recently, a number of maritime unions have come out in favor of dropping the ban. We endorse the proposal to require any ANS oil exports be carried on U.S. built, U.S. owned and U.S. crewed vessels, an action that will preserve and expand jobs in the U.S. maritime sector. Equally important, eliminating this export ban will not have adverse impacts on U.S. consumers, and will help preserve two vital industries, the maritime industry and the oil and gas producing industry, with no cost to the federal treasury.

Circumstances have changed greatly since the ban was put into law in 1973. The domestic industry has been devastated by low world oil prices. Crude oil production in the United States is declining, and will continue to do so, unless policy changes are made. By eliminating the ban on ANS exports, your Administration can take an important step in preserving two vital domestic industries.

Thank you for your consideration.

Respectfully,

Independent Oil Producers Agency
Independent Petroleum Association of America
British Petroleum
Berry Petroleum Company
Santa Fe Energy Resources
Tannehill Oil Company
McFarland Energy
MacPherson Oil Company
Trio Petroleum
Stockdale Oil & Gas Company
Gary Drilling Company
Rio Delta Resources Company
Capitol Oil Corporation
Nahama & Weagant Energy Company
Stream Energy
Vern Jones Oil & Gas Corporation
Anacapa Oil Corporation
Signal Hill Petroleum Company
Stocker Resources
Drilling and Production Company
City of Long Beach
Union Pacific Resources Corporation
Tidelands Oil Production Company
Hunter Resources
Vintage Oil Company
Fortune Petroleum Corporation
Seneca Resources Corporation
Pennzoil Company
OXY USA, Inc.
Crutcher-Tufts Production Company
The Termo Company
Western Avenue Properties
Makoil
ANGUS Petroleum Corporation
Sierra Resources
Commander Oil Company
Aidlin Oil Operations
Alamitos Land Company
Alanmar Energy
Jock Albright
Alford & Elliot
American Energy Operations
American Hunter Exploration Ltd.
Atlantic Oil Company
Axis Petroleum Company
B & R Oil Company
Bakersfield Energy Resources
Banta & Haigh
Benito Huntington Oil Company
Black Gold Oil Company
Breitburn Energy Corporation
Casa Oil Associates
Castle Minerals
CBase Corporation
CENEX Exploration & Production
Chase Production Company
Martin Gould Production
Coal Oil Inc.
Columbine Associates
Concordia Resources
Conway Oil
Cooper & Brain
Cornerstone Oil Company
Cree Oil Limited
DBM Oil Company
D.E. & O. Production
David E. Gautschy, Inc.
Davis Company
Dole Enterprises
Dos Rios Inc.
E & B Natural Resources Management
Engineers Oil Company
Fairhaven Resources
Fleet Oil Company
Fox Oil Company Trust
Ganong Oil & Gas Operations
M.H. Whittier Company
George Kahn Operating Company
Global Oil Production
Gotland Oil
Graner Oil Company
Russell Green—Independent
Hagee-Lewis Petroleum Corporation
Hallador Petroleum Company
Hallbergen & Company
Hardly Able Oil Company
Hellman Properties
Harlan Born, Jr.
Herley Kelley Company
Herrera Oil & Minerals
Hilcrest Beverly Oil Corporation
Hondo Oil & Gas Company
Howard Caywood, Inc.
Hoyt-McKittrick Oil Company
J. Thomas Pixton
Baker-Dickey, Inc.
Thomas Oil Operations
K.B. Oil & Gas Company
K.M.T. Oil Company
Kelt Oil & Gas
Sperry Oil Operations
Ker-Oil International
Kernview Oil Company
Keystone Oil Company
Laymac Corporation
Ferguson Energy
Laymance Oil Company
Lebanon Oil and Gas Company
Lee Lamberson, Inc.
Manley Oil Company
McGill & Shepard Exploration
Richard Mertz
Felix Smidt
Mickelson Oil & Gas Properties
Midway Premier Oil Company
Mission Oil Company

Mitchell Energy Corporation
Mitchell Land and Improvement Co.
Mitchell-Grossu Oil Company
Mock Resources
Morsey Oil & Gas Company
Naftex Holdings
Newhall Land & Farming Company
Nollac Oil Company
Nordic Oil Company
Northwest Petroleum
Ogle Petroleum
Ojai Oil Company
Oxbow Energy
Pacific Energy Resources
Pacific Operating Company
Pan Western Petroleum
Patriot Resources
Petro Resources
Phoenix Enterprises
Daniel Pickrell
Pioneer Kettleman Co.
Pioneer Midway Oil Company
Fredrick C. Porter
Harry Ptasynski
Rhodabarger Oil
Razar Resources
Red Bank Oil Company
Redwood Resources
Reedy Exploration
Bryce Rhodes
Richard Sawyer
Rohrig Petroleum Company
Royale Operating Company
S & C Oil Company
S & S Oil Company
Saba Petroleum Company
Sacramento Energy Co.
Sampson Oil Partnership
San Joaquin Facilities Management
Santa Fe Minerals
Schaefer Oil Company
Sequoia Exploration
Shasta Pan
Sierra Energy Company
Sol Alexander
Solum Oil Corporation
South Coast Oil Corporation
St. James Oil Corporation
Stinnett Oil Company
Stone Exploration Company
Strangeman Exploration Company
Sunrock Oil Company
T.A. Atkinson
T.E. Adams Oil Corporation
TEJ Venture
John Teberg
Robert Teitsworth
Tejon Ranch
Texokan Exploration Services
The Mitchell Company
Tide Petroleum Company
Tower Petroleum
Tri-State Development Corporation
U.S. Oil & Gas
United Energy
Vaughan Production Company
Venada National
Venoco
Virginia Oil & Land Company
Conrad Von Bibra
Victory Oil Company
Well Energy Corporation
Western Continental Operating
Western Drilling, Inc.
Westland Petroleum Company
Witte Enterprises

HONORING THE MEMORY OF ARMY SFC. JIMMY GRANT FREEMAN

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BROWDER. Mr. Speaker, 25 years ago, Army Sfc. Jimmy Grant Freeman, of Taladega, AL, died a hero's death while defending a small, isolated base camp at Soc Trang, in South Vietnam. The memory of this young man is still fresh in his native State, where veterans and civic organizations are working to establish a Jimmy Grant Freeman Memorial.

I was in Talladega recently for Memorial Day ceremonies and I had the privilege of spending time with Jimmy Freeman's family and friends and commemorating with them his selfless dedication to duty.

In 1969, Sergeant First Class Freeman was 27 years old. He was married, the father of three children, and a veteran of 10 years of Army service. When the year opened, he was posted in a remote region of the Mekong River Delta with another U.S. Army sergeant. They were to give military advice to local troops at Soc Trang.

Only weeks after he arrived at the outpost, Freeman learned that his fourth child had died at birth and he took emergency leave to go back to Talladega. Given the choice of another assignment or returning to Vietnam, Freeman decided to return to his dangerous mission and to his fellow sergeant, Darrel E. Anderson, who had been left to bear their responsibilities alone.

On March 24, 1969, a numerically superior force overran the small Soc Trang base camp and both Americans were killed in its defense. Both were awarded the Silver Star posthumously for gallantry in action, and, later, in a rare tribute to their bravery, their camp was designated as the Freeman-Anderson Compound.

Freeman also was awarded the Bronze Star Medal and the Purple Heart. Prior to his death, he had received the Good Conduct Medal, National Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Ribbon, and the Combat Infantryman Badge.

The Alabama Military Hall of Honor selected Sergeant First Class Freeman for induction in 1990 and his name is enshrined there with the names of other Alabama heroes who have been selected for this permanent and visible tribute. The Hall of Honor is on the campus of Marion Military Institute.

In a special tribute this year, Gov. Jim Folsom issued a proclamation proclaiming Jimmy Grant Freeman an Alabama Hero and urging that fellow Alabamians remember the sacrifice he made for his country and his fellow men.

The Jimmy Grant Freeman story that I have recounted is a timeless tribute to one man's patriotism and his devotion to duty. In further tribute, I ask unanimous consent, Mr. Speaker, that Governor Folsom's proclamation be printed at this point in the CONGRESSIONAL RECORD.

PROCLAMATION

Whereas, to thousands of Vietnam veterans who were stationed at Soc Trang during the war, the name SFC Jimmy Grant Freeman is one which symbolizes heroism; and

Whereas, to Freeman's family and members of the Conner-Davis VFW Post 4261 in Talladega, the name symbolizes the unselfish dedication of a patriot to his country; and

Whereas, during Vietnam in the year 1969, Freeman was assigned to Mobile Advisory Team 71 at Soc Trang; just months after he arrived in the war zone, he returned to Talladega on emergency leave; and

Whereas, given the choice to return to Vietnam or remain in Talladega, Freeman chose to return and serve his country and assist a fellow sergeant and friend, Darrel E. Anderson; and

Whereas, Freeman and Anderson heroically defended their camp but lost their lives when it was overrun by a Viet Cong force; and

Whereas, both men were posthumously awarded the Silver Star for valor, and the Advisory Team 71 headquarters compound was named in their honor; and

Whereas, Freeman has also been inducted into the Alabama Military Hall of Honor at Marion Military Institute; and

Whereas, records of the heroic deeds of Freeman and more than 100 other soldiers can be found in a book by Ray Bows, Vietnam Military Lore 1959-1973 . . . Another Way to Remember: and

Whereas, in Talladega, the Conner-Davis VFW Post 4261 is honoring Freeman and working to establish a Jimmy Grant Freeman memorial; and

Whereas, it is fitting that all Alabamians recognize the contributions of Jimmy Grant Freeman to his country—contributions which culminated in the ultimate sacrifice—his life: Now, therefore,

I Jim Folsom, Governor of the State of Alabama, do hereby proclaim Jimmy Grant Freeman an Alabama Hero and do urge citizens of our great state to remember the great sacrifice he made for his country and for his fellow men.

TRIBUTE TO THE EASLEY-FAULKNER FAMILY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. BLACKWELL. Mr. Speaker, I rise today to honor and celebrate five generations who will gather from July 22 through July 24 in celebration of the Easley-Faulkner family very first reunion. This historic event will be held in Pittsburgh, PA. The two eldest members of the Easley-Faulkner family are 96-year-old Annie Faulkner Weatherspoon and 90-year-old Catherine Easley Middlebrooks.

Mr. Speaker, two cornerstones of a successful and long-lasting family are faith and family values. It was once said, "The only faith that wears well and holds its color in all weathers, is that which is woven of conviction and set with the sharp mordant of experience." Certainly a family that has remained intact, for five generations knows something of faith. And, family, one of nature's most brilliant masterpieces shines like the brilliance of the noonday sun. It is a well-known fact that the security and elevation of the family and of family life are the prime objects of civilization, and the ultimate ends of all industry.

Mr. Speaker, I am convinced that the family is God's most essential unit in the community and society. For that reason, we must fight hard to preserve the family. Because, the destruction of family must also necessarily mean the destruction of our Nation. As an optimist, my conviction is reinforced when I behold the world's finest treasures in the family storehouse of the Easley-Faulkner family. Refined gold you will find in this family's laughter. And silver is evident in the graying hairs where they have been graced by wisdom's knowledge, discernment and judgment. The earth yields no sapphires or rubies so precious as that of a baby's smile when it sleeps or a child's unexpected affection and show of love. This is indeed a family.

Mr. Speaker, the pleasures of life, both great and small are contained within the confines of the family structure. For these and other reasons, I honor the Easley-Faulkner family on the occasion of their first family reunion and pray that God may grant them many, many more.

JACQULINE DENISE DAVIS COURT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. SERRANO. Mr. Speaker, I rise in celebration of the grand opening last Tuesday, July 12, of the Jacquline Denise Davis Court moderate rehabilitation housing project in the south Bronx.

As my colleagues surely know, my south Bronx community has long been a national symbol of urban decline and degradation. Presidential tours of the ruins have come and gone, as have Presidential promises of concerted Federal efforts to revitalize this region.

Mr. Speaker, in recent years, my community has made great strides in rejuvenating itself, and I am pleased to share with my colleagues one of the most dramatic and promising of these efforts.

Led by my former New York State Assembly colleagues, the Honorable Gloria Davis, whose work on this project was inspired by her late daughter, Jacquline Denise Davis, a remarkable public/private partnership comprised of the New York City Department of Housing Preservation and Development, the Enterprise Foundation, the Morrisania Revitalization Corp., Inc., and a number of corporate investors, has together transformed an abandoned eyesore at 576 East 168th Street into a unique and beautiful center for low-income housing and community pride.

Jacquline Denise Davis Court consists of 68 one-, two-, and three-bedroom apartments for low-income and homeless families, a unit which houses the Southeast Bronx Neighborhood Center, and another unit which serves as the home of the New York State Martin Luther King, Jr. Resource and Activity Center.

The Southeast Bronx Neighborhood Center offers job training and other services for area youth, and the Martin Luther King, Jr. Resource and Activity Center features civil rights exhibits and state-of-the-art interactive displays on the history of the civil rights movement. Jacquline Denise Davis Court also maintains a tenant service coordinator to refer tenants to community services and facilitate tenant education and involvement activities.

Mr. Speaker, in so many ways Jacquline Denise Davis Court will in the years to come serve as a powerful force for personal and community rehabilitation in the south Bronx. I ask my colleagues to join me in applauding Assemblywoman Gloria Davis and all who participated in the realization of this stunning landmark.

THE IMPORTANCE OF UNIVERSITY RESEARCH

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. HOCHBRUECKNER. Mr. Speaker, defense diversification is a very important issue in my district as well as in the Nation. I sit on the Armed Services Committee, Subcommittee on Research and Technology. University-based research not only provides new technology designed to keep the military one step ahead, but it also provides innovations for technology transfer that helps maintain a strong economy. Military procurement and other areas of spending have been severely curtailed in recent years, and many of us have felt its impact in our communities as factories shut down, bases closed, and service men and women return to civilian life. I am confident, however, that our economy will rebound from these spending decisions through defense diversification.

Chairman MURTHA and his Defense Subcommittee of the Appropriations Committee had the impossible task of setting priorities for a Department whose budget has grown smaller with each passing year. He rearranged some priorities this year to address these pressing needs and deserves our thanks. The decisions made by the committee were not final ones and some of the funding levels will be looked at again in the House-Senate conference. Chairman MURTHA deserves special commendation for providing increases in university-based research projects in past appropriation bills. It is important to realize that of all the research funding the Government provides to our universities, the Department of Defense provides approximately 41 percent of all engineering funding and 58 percent of all computer science funding. Our universities train new generations of top scientists because of this ongoing partnership between them and the Department of Defense. This research not only brings new technology to the military, but provides needed financial support for new scientists to conduct research for their Ph.D.'s, or post-doctoral work, thus training our next generation of scientists.

University-based research provides the foundation for new technology that keeps our military prepared and ready. One of my priorities is the way in which new DOD research focuses on technology. Defense contractors need assistance in shifting from technology exclusively developed for the Pentagon, to technology that can be used in all areas of industry. At the University at Stony Brook, which is located in my district, researchers have several DOD sponsored projects that focus on advanced computers. This work will not only help to keep our Nation's defense technology up to date, but will eventually help small businesses on Long Island create new high tech products. This research, and that of other New York State institutions, has already helped small electronic firms in my State and hopefully will help major industries produce new products to help them retain their major role in the Long Island economy.

I understand that the issue of university-based research will be raised in the House-Senate conference on the fiscal year 1995 Defense appropriations bill. I have confidence in Chairman MURTHA's ability to find a way to address this problem. The level of funding the House approved contains such a drastic cut in the university-based research account that ongoing experiments would have to cease and many researchers would lose their financial support. Chairman MURTHA set priorities in this budget to ensure that scientific achievement would not have to end. I am confident that our achievement in science will not be discontinued and that we will vote on a new level of funding when the conference report is put before the full House.

TRIBUTE TO STANLEY BENDER—WORLD WAR II HERO AND CONGRESSIONAL MEDAL OF HONOR RECIPIENT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. RAHALL. Mr. Speaker, it is my distinct honor to pay tribute to Stanley Bender of Fayetteville, WV, who recently passed away at the age of 84. Mr. Bender was a staff sergeant with Company E, 7th Infantry during the Second World War. He was one of only five West Virginians to be distinguished with the Congressional Medal of Honor.

On August 17, 1944, Staff Sergeant Bender and his men were pinned down under the fire of two machine gun nests outside of the French town of La Londa. Valiantly, he jumped out of his fortified position and ran for a disabled tank, dodging sniper bullets along the way. Once he got to the tank he was able to locate the two German machine gun nests and form a plan for taking them out. While his squad laid down cover fire for him, Staff Sergeant Bender raced down an irrigation ditch. Dodging grenades and an ever-thickening hail of bullets, Staff Sergeant Bender was able to get behind the machine-gun nests. Single-handedly, he eliminated both of the machine-gun nests, one right after the other. After accomplishing this heroic feat, Staff Sergeant Bender then led his men on a charge to liberate the town in front of them.

At the end of the day, his unit had destroyed 2 anti-tank guns, killed 37 enemy soldiers, and had taken another 26 captive. Not only did he receive the Congressional Medal of Honor, but he was also awarded the Purple Heart, the Bronze Star, seven battle stars and France's highest military honor—the Croix de Guerre.

When he returned home after the war, he was very humble of his great achievements. Bender was so modest that he did not even tell his wife about what he had done in World War II until sometime after they had been married. When anyone asked him what he did to deserve the Congressional Medal of Honor, Bender would quietly say he did what anyone else would have done under the circumstances.

It is always sad when we lose a hero. Yet it also brings us hope when we remember the great men like Stanley Bender who have walked among us. I am honored to remember Stanley Bender as a soldier of great military achievements, an honorable West Virginian, a true patriot, and a loving father and husband.

SMALL INVESTORS TAX RELIEF ACT OF 1994

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. MANZULLO. Mr. Speaker, I rise today to introduce the Small Investors Tax Relief Act of 1994. This bill is designed to accomplish two purposes. First, it will strengthen this Nation's precarious economic condition by stimulating economic growth and creating new jobs. Second, it will bring a measure of common sense and fairness to the tax burdens of the 80 to 90 million American small investors who are the lifeblood of our economic system.

The Small Investors Tax Relief Act of 1994 is very simple. It has only three provisions. First, it would exempt from Federal taxation the first $2,000 of interest and dividend income earned annually by individuals. Second, it would exempt the first $50,000 of an individual's capital gains from Federal income tax annually. Finally, it would index capital assets held for at least 1 year so that investors no longer would be required to pay taxes on gains caused by inflation.

Mr. Speaker, the economic health of our Nation is in serious trouble. Some of my colleagues may be surprised to hear me say this when all about us are the signs of economic growth and revival. But our national savings rate is dropping to dangerously low levels.

Much, if not most, of the economic growth our country has experienced lately is due to consumer spending. While consumer spending can do wonders for the short-term economic prognosis, it will most likely not be sustainable. The evidence is that consumers are borrowing from the future to spend more now.

The Wall Street Journal reported last December that not only are consumers charging more purchases to their credit cards, they have let their savings rate slide lower and lower. From a 5.2-percent rate in 1992, the savings rate for 1993 was just over 4 percent as of November. And, the savings rate is dropping further now because our spending is growing faster than our income. Moreover, the new withholding rates from last year's record tax hike for higher income Americans have now taken effect, which will surely put a crimp on how much wealthier consumers save.

The result, Mr. Speaker, is that our savings rate is dropping into the danger zone. As my colleagues know, the U.S. savings rate has been far below that of our major competitors since the 1970's, when our savings rate was in the 9 to 10-percent range. By 1992, it had dropped to 5.2 percent. As of November of last year, it was down to around 4 percent, a level many economists believe is in the danger zone. All of our major trading partners have savings rates significantly higher than ours.

According to the Treasury Department, 65 percent of taxpayers with capital gains have ordinary income under $50,000 and over 25 percent have ordinary income under $20,000. Only about 5 percent of taxpayers with capital gains have incomes above $200,000. The benefits of this bill are targeted to taxpayers in the lower- and middle-income classes.

The current high tax on capital gains encourages wealthy taxpayers to hold on to assets with unrealized gains. When the capital gains rate was over 40 percent in the mid-1970's, taxpayers in the top 1-percent of income accounted for just 33 percent of all taxable capital gains. When the capital gains tax rate was cut to 20 percent in 1981, the top 1 percent accounted for 55 percent of all realized capital gains.

In 1985, Americans with incomes over $500,000 per year paid $12 billion in capital gains taxes. This amount had dropped to $10 billion in 1991, adjusted for inflation.

When the capital gains tax rate jumped from 20 percent to 28 percent in 1987, seed capital for new businesses began to dry up. Between 1986 and 1991, venture capital financing of small businesses fell from $4.2 billion to $1.4 billion.

Mr. Speaker, there is an estimated $8 trillion of unrealized capital in the United States. And as we all know, the long-term prosperity of our economy depends on the availability of low-cost capital for business formation and job creation. Taxpayers can generally choose when they want to unleash this tremendous amount of capital. Our tax policies are holding them back, to the detriment of economic growth and job creation.

My bill will teach young people the value of work and savings by removing the current law's bias against young workers' savings. Furthermore, it will stimulate the economy and spur job creation by encouraging investors to sell capital assets and invest in new business enterprises that create new jobs. This legislation would make the United States more competitive internationally by lowering our capital gains tax rate closer to the rates of our major trading partners.

By unlocking billions of frozen assets, this proposal will lower the costs of capital and make it much more readily available. The increased economic activity resulting from this will certainly broaden the tax base and increase revenues. As a minimum, this feedback effect will partially, if not fully, offset any revenue losses that may occur.

THE FALL OF THE IVORY TOWER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. CRANE. Mr. Speaker, as Congress is in the midst of the annual appropriation process, I believe that it is a good time to review the success of the programs on which we are spending our constituents' hard earned tax dollars.

Just as the Federal Government's involvement in public housing has produced the wartorn streets surrounding Cabrini Green in Chicago, the Government's involvement in education has had similar detrimental effects on our Nation's students. Universities in particular have stopped teaching and are more concerned with receiving their annual Federal dole. Rather than waste valuable professors on students, universities involve their professors in programs to ensure that the school receives Federal grants, leaving the teaching of undergraduate to less experienced graduate students.

Dr. George Roche, president of Hillsdale College, my alma mater, has just completed a thorough study of America's university system, providing an insider's look—without an insider's bias—into the feeding frenzy at the public trough. George Roche and Hillsdale are not recipients of this Federal largess, they receive all their money from private and corporate sponsors.

The July 7, 1994 Wall Street Journal contains a book review of Dr. Roche's compilation of his study called "The Fall of the Ivory Tower." I include the book review and commend it to the attention of my colleagues. Furthermore, I encourage them to obtain a copy of the book and read and learn from Dr. Roche.

[From the Wall Street Journal, July 7, 1994]

UNIVERSITIES MAD FOR MONEY

(By Stephen H. Balch)

America's Utopians have traditionally been optimists. Rather than seeking to "level down" like their European counterparts, their passion has been to make everyone a winner. Opportunity—not redistribution—has been their theme.

The greatest monument to this dream of universal success is a system of higher education some part of which nearly half of all Americans have passed through, an astounding figure by any comparison. But American higher education's massive expansion has required an equally massive infusion of public funds, thereby massively transforming its character.

Hillsdale, a small private liberal-arts colleges in Michigan, has been one of the very few academic institutions to steadfastly refuse the government's largesse. In "The Fall of the Ivory Tower" (Regnery, 310 pages, $24), George Roche, Hillsdale's president, persuasively demonstrates how the eagerness of most other colleges and universities to feast at the public table has progressively robbed them of autonomy, compromised their standards, and in many cases brought them to the verge of bankruptcy. For those few still inclined to visualize the academy as a province of fussy dons and ethereal speculation. Mr. Roche provides a detailed inventory of the self-serving bureaucracies, lobbies and hardball politics that now govern its life and fortunes.

Mr. Roche heads an institution that stopped accepting students receiving federal aid after the Supreme Court ruled that the practice would subject it to a panoply of federal regulation. He is particularly caustic in his account of academic administrators who treat taxpayer money as a free good, quoting from internal directives advising them to assign every manner of peripherally related expenditure to the cost-sharing required by federal research programs. "As far as your office is concerned, Mecca is also referred to as Washington, D.C.," proclaims one pamphlet prepared for novice grants officers by the Association of American Colleges.

Throughout, Mr. Roche paints a disturbing but accurate picture of the invasive consequences of financial dependence. The systematic pressure to reduce hiring policies to ethno-sexual patronage rightly draws his heaviest fire, though here, for ideological reasons, the academy has proved an enthusiastic accomplice in its own destruction. But even the most progressive of administrators are now warning that federal regulations extend to, among many other things, the assessment of "academic outcomes," and call forth a host of government agencies to bedevil institutions deemed deficient.

Mr. Roche's central argument is that the government's extravagant subsidy of higher education (now annually almost $40 billion at the federal level alone) has done precious little to efficiently educate. Instead, it has insulated academic institutions from market forces, fostering the giddy illusion—born during the government's flush years—that Uncle Sam's pockets are bottomless. Not only have institutions become financially overextended—burdened by excess plant, deferred maintenance and swollen, mischievous bureaucracy; priorities have become distorted, slighting the classroom in the pursuit of lucrative research; and highly subsidized demand has allowed tuition to rise to seemingly extortionate levels.

In his discussion of how senior research-oriented faculty have relegated undergraduate instruction to inadequately prepared, underpaid teaching assistants and adjuncts, Mr. Roche traverses well-charted ground. As he and other critics view this process, it has largely involved the substitution of such frivolous and self-indulgent preoccupations as "Victorian Underwear and Representations of the Female Body" for serious pursuit.

But while it has become easy to mock the zany preoccupations of contemporary scholars in the humanities, the contributions of our research universities to scientific knowledge and technical progress have in fact been immense. The problem derives less from misplaced priorities than from an unwillingness to state them with candor. Truth in advertising about institutional mission, and a more rigorously enforced division of labor among institutions and within faculties, would not only reduce the element of perceived "scam" in academic life, but force a salutary re-examination of competing research interests.

Mr. Roche's treatment of tuition inflation, tuition manipulation and the opportunities afforded by artificially high "sticker prices" to shift costs among students, and onto the taxpayer, is sharp, illuminating and likely to provoke the indignation of readers. His analyses of curricular decay, political correctness, the resegregation of our campuses, as well as the increasingly brazen efforts by colleges and universities to debunk conventional notions of sexual morality, while not novel, are also incisively made. Vacuous curriculums and dogmatism could hardly flourish among institutions in uncushioned markets.

As suggested by the book's title, Mr. Roche portrays an academic establishment heading for a fall. With a growing awareness of inadequacy and scandal, and with government under heavy pressure to retrench, universities and colleages—particularly private ones—will have to shape up or go down. In this predicament he wisely finds reason for hope. Having long pursued Utopia, the American academy will finally be required to learn some lessons from life.

TRIBUTE TO SIX COAST GUARD MEN

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. STUDDS. Mr. Speaker, the Coast Guard and the Nation suffered a tremendous loss last week.

On July 12, 1994, flying out of Coast Guard Air Station Humboldt Bay, CA, in heavy fog to search for a 37-foot sailing vessel with two people onboard that had stranded on the rocks, the aircrew of rescue helicopter 6541: Lt. Mark E. Koteek, of Eureka, CA; Lt. Laurence B. Williams, of McKinleyville, CA; Chief Aviation Survivalman Peter A. Leeman, of Eureka, CA; and Aviation Structural Mechanic First Class Michael R. Gill, of Trinidad, CA, perished in a helicopter crash.

The very next day, a civilian helicopter taking Senior Chief Boatswain's Mate James A. Favani, of San Francisco, CA, and Chief Marine Science Technician Charles R. Blome, of Billings, MT, out to inspect an oil tanker 50 miles offshore, went down over the Gulf of Mexico killing the two Coast Guard marine inspectors.

These tragic accidents shock and sadden us. Every day, the highly trained men and women of the Coast Guard put their lives on the line to save others. They know there are dangers attendant to their work, but, their work is a passion: to serve their country; to ensure the safety of those who go to sea; to enforce the maritime laws of this Nation.

Today, we mourn the tragic loss of these young men and send our condolences and prayers to their families. We will always remember their supreme personal sacrifices and their heroic deeds.

DEDICATION OF THE PT. CHICAGO NATIONAL MEMORIAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. MILLER of California. Mr. Speaker, this past Saturday, 400 Americans gathered at the site of the worst domestic loss of life during World War II to dedicate the Port Chicago National Memorial. Those who gathered in Concord, CA, on the 50th anniversary of that great tragedy included the survivors of the blast, relatives of those who perished, representatives of military and veterans' organizations, and many others who came to pay tribute to all those who served, and to those who died, at Port Chicago.

Congress chose to make Pt. Chicago a national monument because this little-known place and the obscure catastrophe that occurred there because the event, and subsequent events, have great historical significance. They demonstrate the home-front impacts of war, and the sacrifice of those who served not in the Pacific or the Atlantic, but here at home, as well. And the work stoppage that followed the explosion, and the resulting trials, help illuminate the legal and moral imperfections in our own history.

The passage of a half century has not lessened the shame of those wrongly prosecuted, and the passage of time does not diminish the necessity of our setting the record right. There was no mutiny. As one of the convicted men said recently, "We had no weapons, we had no pens, we only had ourselves," and by themselves, they challenged the segregated and racist policies that subjected them to unequal and unfair treatment at the hands of white officialdom.

As we mark the 50th anniversary of this event, I would hope that President Clinton will respond to the pleas from the Congress, from the survivors, and from the relatives of those who gave their lives at Pt. Chicago, and expunge from history the wrongful convictions that have followed these men for their entire lives. I am submitting to the RECORD at this time my remarks as delivered at the dedication ceremony, and would urge that those who feel similarly motivated by them, join in requesting the President to take this action.

DEDICATION OF THE PORT CHICAGO NATIONAL MEMORIAL

Mr. [Glenn] Fuller [of the National Parks Service, the Master of Ceremonies], Rev. Sumpter, Admiral Sareeram, Captain Lanning, Director [Roger] Kennedy [of the National Parks Service], Mr. [Morris] Soublet a survivor of the explosion], and all those present here today who served, or are related to those who served at Port Chicago. Today is a special day for all of us.

Fifty years ago today, as the eyes of the world were trained on the gallant sacrifice of Allied soldiers in Normandy, an event of historic and tragic consequences took place on the spot where we now gather.

Here, at Port Chicago, as in Normandy, Americans were engaged in the dangerous and essential activities of war.

There were no Eisenhowers or Montgomerys here at Port Chicago. Instead, there were hundreds of sailors—mostly young black men fighting prejudice and racism, hoping to serve in combat but instead laboring in anonymity.

For them, there was no dramatic storming of the beaches, no parachute drops into occupied French towns. Instead, they performed the meticulous and tedious job of loading the weapons of war.

And yet at Port Chicago, as at Normandy, there was courage, there was great danger, and there was death—320 deaths.

More deaths, here at this spot 50 years ago, than at any other place in America throughout the whole of World War II. Another 390 were injured, many seriously. Much of the town was severely damaged, and the explosion was so horrific that many throughout the Bay Area assumed it was either a Japanese attack or an earthquake.

For decades, the sacrifice of the men of Port Chicago has been virtually ignored in the historical record of World War II. But with the research of Robert Allen, the documentaries produced by several local television stations, and the actions of the Congress in authorizing this Memorial, we have rescued this dramatic and historic event from the back pages of history, and we have begun to restore the dignity of the men who served at this facility.

I want to acknowledge the roles of several people who encouraged and facilitated today's dedication ceremony: Congressman Ron Dellums and Pete Stark, who have joined me in every effort to elevate the historic importance of this place and these brave men; Senators Barbara Boxer and Dianne Feinstein who, with my other colleagues, have joined me in calling on the president to purge the records of those survivors erroneously and outrageously charged with mutiny, Ray Murray of the National Park Service who expedited construction of the Memorial; John Garcia of Congressman' Stark's staff, who has played a steadfast role in getting this story the attention it deserves; and Lori Sonken and John Lawrence of the staff of the Committee on Natural Resources who performed the staff work to move the legislation.

In addition, I want to thank Congressman Sid Yates, chairman of the Appropriations Subcommittee on Interior, who made sure we had the money to complete this project in time for the 50th anniversary.

For most Americans, Port Chicago is an unknown incident. For many who know of the catastrophe, it was a disastrous explosion that killed and disabled nearly 700 brave Americans.

But Port Chicago was more than an explosion. It was more than a disaster. It is more than the stuff of local legend.

Today, Port Chicago becomes a National Monument. And that designation not only acknowledges and honors the hundreds who died here, and whose names are forever enshrined on these stones. Fifty years after that terrible night, it also salutes all those who served here and who sacrificed on behalf of the war effort.

The explosion did not end the Port Chicago story.

The subsequent work stoppage, the prosecution of black sailors, and the punishment meted out to several dozen sailors are also indelible chapters in the Port Chicago story that helped focus attention on one of the great ironies of our own national history: while we were fighting to end genocide around the world, we had not yet resolved to attack racial prejudice and discrimination here at home.

Port Chicago helped light the way to the end of segregation in the U.S. military. Discrimination based on race became intolerable after the facts of the working conditions, the explosions, the subsequent courts martial and punishment became well known.

Yet today, 50 years after the fact, some survivors of the explosion carry not only the memories of that terrible night, not only the tragic recollection of friends and colleagues blown away in that cataclysmic explosion; they still bear their own scars—real and symbolic—from that experience, scars born of a system that sanctioned two different standards of military conduct and military justice.

In 1948, we put that segregated system behind us. Today, it is time to put the legacy of that system of racial discrimination behind us as well.

The Secretary of the Navy admits that race played a major role in the decision to assign only black sailors to the dangerous task of loading munitions. No one disputes the inadequate training they received; no one disputes the racism of the assertions that black sailors lacked the intelligence to be trained for the job; no one disputes that the decision to send the black sailors back to the loading operations without recuperative time was racial.

Events that flow from a tainted origin are, by their nature, tainted. The courts martial were wrong because they were the direct outcome of a system and of orders that were inherently discriminatory in their nature.

It has taken us half a century to understand and appreciate what the men who served here at Port Chicago—black and white, officer and sailor—did for their country. It took an Act of Congress to recognize the sacrifice made here on July 17, 1994.

Now, as we mark nearly fifty years since the end of that greatest of wars, and as we close the most war-ravaged century in human history, we should commemorate this event not only with the Memorial we dedicate here today, but also by removing the blight on the records of those who served and sacrificed at Port Chicago. Senators Boxer and Feinstein, Congressmen Dellums, Stark and myself have asked President Clinton to expunge the record of those convictions, and on this anniversary, we are hopeful he will take that action soon.

With the dedication of the Port Chicago National Memorial, a major event in the history of World War II has taken its rightful place in the history of that great conflict. This Memorial serves to remind us, and future generations, of the total national dedication to winning the war against fascism in our mid-century.

It commemorates how a tiny town was converted into a major munitions shipping facility; how ordinary citizens became extraordinary warriors; and how death, destruction and valor in defense of liberty were found not only on the beaches of Okinawa or in the deserts of North Africa, but on the banks of the Sacramento River as well. It has taken fifty years to achieve this recognition, but today, we confer that honor on this place and those who served.

Port Chicago shows us that not all the sacrifice was abroad, and reminds us that not all the national monuments need be in Washington, D.C. What made America strong in 1944, and what makes her strong today, is her boundless dedication to improving herself. Perhaps the Port Chicago National Memorial will remind our citizens of the sacrifice of millions of Americans in thousands of towns throughout this nation on behalf of our nation in World War II.

The dedication of this Memorial reminds us also that war, however necessary and however noble, is a terrible force to loose on mankind. It remind us, too, that when we decide to go to war, the impact is not only on our enemy, but on ourselves as well. At Port Chicago, the impact of World War II was brutally felt and is still felt today by hundreds of survivors; in our own time, the aftermath of our generation's war has followed millions of Americans for a third of a century.

In this quiet place, looking out over the remnants of what was once a great naval magazine, let us hope that those who come to visit this Memorial contemplate the consequences of that terrible explosion fifty years ago tonight, and rededicate themselves to the ideals and faith for which the sailors of Port Chicago served, and died, and which continue to embody what is best in America.

MINOR MOTHERS AND AFDC

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 19, 1994

Mr. PETRI. Mr. Speaker, as the welfare reform debate begins to heat up we already are seeing numerous proposals from both sides of the aisle and across the political spectrum. As we try to sort through these ideas, let's start with those points on which there is widespread agreement.

I think we all agree that the system is broken and needs fixing. Most experts acknowledge that the welfare system has contributed to the breakdown of the family and the rise in illegitimacy. Some argue that the system actually encourages minors to having children as a way to get out on their own and set up a separate household. At the very least, the subsidy removes a financial barrier to minors having children and makes it possible to consider such an option. I have long supported instituting a requirement for minors with children to live at home with their own parents or legal guardian in order to be eligible for AFDC. I introduced legislation along these lines in the 98th, 99th, and 100th Congresses. The President endorsed this idea in his State of the Union Address and several of the welfare reform proposals introduced so far include this provision or some variation of it. However, to my knowledge there is no separate bill providing an opportunity for members to endorse this reform on its own.

Therefore, Mr. Speaker, today I am introducing legislation to prohibit minors with children living on their own from receiving AFDC benefits, except in certain special cases where no living adult relative is known or living with parents or relatives is not possible. For minors with children who do live with their parents, the income of the entire household would be taken into consideration when determining eligibility for welfare. I invite my colleagues to consider this legislation as the welfare debate gets underway. We need to send a signal to the administration and all committees with jurisdiction over welfare reform that ending the subsidy of illegitimacy is vital to effective reform. I urge my colleagues to join me in this first step in welfare reform and ask that a copy of the bill be inserted into the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STATES REQUIRED TO DENY AID TO FAMILIES WITH DEPENDENT CHILDREN TO UNMARRIED MINORS NOT LIVING AT HOME OR UNDER ADULT SUPERVISION; EXCEPTIONS NARROWED.

Section 402(a)(43) of the Social Security Act (42 U.S.C. 602(a)(43)) is amended—

(1) by striking "at the option of the State,"; and

(2) in subparagraph (B), by striking clause (ii) and redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively.

SEC. 2. INCOME OF MINOR PARENT DEEMED TO INCLUDE ALL INCOME OF MINOR'S PARENTS WHO ARE LIVING IN THE SAME HOME AS THE MINOR PARENT.

Section 402(a)(39) of the Social Security Act (42 U.S.C. 602(a)(39)) is amended by striking ", to the same extent that the income of a stepparent is included under paragraph (31)".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to aid payable for months beginning after the calendar month in which this Act is enacted.

CONGRATULATING EDWARD L. HUTTON

HON. DAVID MANN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 19, 1994

Mr. MANN. Mr. Speaker, I take this opportunity today to extend congratulations to Edward L. Hutton who recently celebrated his 75th birthday.

Edward Hutton is the chairman and chief executive officer of the Chemed Corp. which he ably has led since its founding in 1971, and whose energy and character will not allow him to use the word retire.

Ed has been a loyal and strong supporter of the fine arts in Cincinnati, and has been a stalwart supporter of educational institutions. Furthermore, he has applied his skills and resources to assisting the Community Land Cooperative whose goal is to create decent, affordable housing for low income residents. In addition, Ed's charitable spirit and philanthropy have benefited many Greater Cincinnati organizations.

Edward Hutton has been a shining example for people to follow and I wish him many more years of active involvement in the community.

A SALUTE TO BARBARALEE DIAMONSTEIN-SPIELVOGEL

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 19, 1994

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the efforts of a very special New Yorker who has dedicated herself to the preservation of New York City's magnificent cultural and historical legacy. As chairperson of the New York Landmarks Preservation Foundation, Ms. Barbaralee Diamonstein-Spielvogel has helped promote the general public's awareness of New York City's designated landmark buildings, historic districts, and interior and scenic landmarks. In addition to her post as chairperson of NYLPF, Ms. Diamonstein was the first director of cultural affairs of New York City. Ms. Diamonstein was and continues to be instrumental in preserving New York City's most famous landmarks.

However, Ms. Diamonstein's activism has not been restricted to the environs of New York City. Appointed by President of the United States, Ms. Diamonstein served as chairperson of the U.S. Holocaust Memorial Museum's subcommittee on art for public spaces. As we all know, the Holocaust Museum has been an astonishingly successful effort, breaking all attendance records since it first opened over a year ago. When not involved in her governmental duties, Ms. Diamonstein focuses on her work as both a writer and a television producer. She is also the author of 18 books which focus on topics varying from New York's landmarks to discussions of American artwork. Her literary work includes: "The Landmarks of New York I and II;" "Remaking America; Handmade in America;" "Building Reborn; New Uses, Old Places;" "Inside New York's Art World;" "Collaborations Artists and Architects and Landmarks: Eighteen Wonders of the New York World." Obviously, Ms. Diamonstein has worked tirelessly to educate the public on New York City's cultural heritage.

Through the hard work of Ms. Diamonstein, bronze plaques along with descriptive signs were installed on many of New York's designated landmark buildings. Ms. Diamonstein worked diligently to increase the publics overall awareness of New York's great historical legacy. Ms. Diamontsein's work has not gone unnoticed. On April of this year, Ms. Diamonstein was presented with the Pratt Institute Founder's Day Award, the first woman to be honored with the award. In recognition of her contributions to the arts, Pratt Institute will also establish a scholarship in Ms. Diamonstein's name.

Mr. Speaker, I urge my colleagues as well as my fellow New Yorkers to honor Barbaralee Diamonstein-Spielvogel and her extraordinary contributions to the artistic, cultural, and historical life of this Nation.

SENATE—*Wednesday, July 20, 1994*

The Senate met at 9 a.m. and was called to order by the Honorable DIANNE FEINSTEIN, a Senator from the State of California.

PRAYER

The guest chaplain, the Reverend Dr. Samuel G. Hines, Third Street Church of God, Washington, DC, offered the following prayer:

Let us pray:

Almighty and eternal God, ruler of heaven and Earth, giver and sustainer of life, accept our praise for Your goodness and loving kindness in dealing with all Your people and particularly with this Nation where we enjoy so many of Your special blessings.

Hear now the prayers of Your servants who pause today to humbly acknowledge You as Lord of all. Hold in the embrace of Your love and the security of Your providence these who have been chosen and called to work together to fulfill the promises and hope of the good life for our children, the aged, and all persons in between. Give us wisdom in the framing of policy, making of laws, and the general oversight of the welfare of this Nation.

May justice prevail in this Chamber. Grant that compassion for the poor, the needy, the homeless, and all the underprivileged will become an overwhelming concern in the hearts of the men and women who serve here in Your will and at the people's pleasure. Grant that each and every one of our leaders may experience healing for their own personal wounds and deliverance from all that would hinder them in their service or diminish their effectiveness. Strengthen their faith so that the glorious visions with which they come to this place of privilege and responsibility shall never be lost or dimmed by tears or any kind of discouragement.

As we are aware of the eyes of the world fixed upon the words and deeds that come from this place, remind us that the eyes of the eternal God are also upon us. May the right clues and signals be sent from this Senate with the promise of prosperity and peace for all. Unify us and make us agents of reconciliation.

Be now in today's session, for this is a new and special day. Light up our hearts and our faces with the radiance of Your glory and help us to bring every thought, every word, and every act into captivity to Your will and purpose.

In the name of Jesus Christ we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DIANNE FEINSTEIN, a Senator from the State of California, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. FEINSTEIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Alabama [Mr. HEFLIN] is recognized to speak for up to 10 minutes.

The Senator from Texas [Mr. GRAMM] is recognized to speak for up to 15 minutes.

THE 1994 MIDYEAR REPORT

The mailing and filing date of the 1994 midyear report required by the Federal Election Campaign Act, as amended, is Sunday, July 31, 1994. All principal campaign committees supporting Senate candidates for election in years other than 1994 must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 12 noon until 4 p.m. on the filing date for the purpose of receiving these filings. For further information, may be obtained by contacting the Office of Public Records on (202) 224–0322.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. DURENBERGER. Madam President, could I ask my colleague from Alabama to yield me just 30 seconds on a point of privilege related to the guest chaplain?

Mr. HEFLIN. Certainly.

WELCOMING REVEREND HINES TO THE SENATE

Mr. DURENBERGER. Madam President, it is my great privilege to welcome to the Senate today the guest chaplain. He spoke in his prayer I think about wisdom, justice, and compassion.

As he was delivering his prayer, my colleague from Alabama and perhaps 20 others of our colleagues were meeting below here listening to a very similar message from our colleague, SAM NUNN from Georgia. One of the observations that SAM NUNN made to all of us was that we spend too much time in this place accumulating political capital and not enough time spending it on others.

If I may, in recognizing the 50 years of service to humanity, and his church in the 25 years he just celebrated at Third Street Church of God in northwest Washington, may I say to my colleagues and to my friend, Dr. Hines, and to our friend, the Senate Chaplain, that we are honored by Sam Hines' presence today. We are honored by the message of our colleague, SAM NUNN, to many of us at the gathering at this same time.

It is a great honor to be with people like Dr. Hines in a place and in a position such as we have been so honored to serve.

Madam President, it is my great privilege to welcome to the Senate today's guest chaplain.

Rev. Dr. Sam Hines recently celebrated his 25th anniversary as pastor of the Third Street Church of God in northwest Washington—and those 25 years have been indeed years of achievement for this minister of the gospel. My friend Congressman TONY HALL calls him "an outstanding leader and a vital force in the Washington community," and I could not agree more.

Members of his church community consider themselves ambassadors for Christ in the Nation's Capital. And this phrase summarizes very well not just Reverend Hines' pastorate at the Third Street Church, but his whole life as a man of the cloth.

For almost half a century, Reverend Hines has been an ambassador for the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

gospel in some of the situations where it is most urgently needed. In ravaged neighborhoods of Washington, DC, where drugs and gang warfare threaten the lives of the young—and where ethnic hatreds poison the lives of all who are near—Sam Hines has brought the sought-after words of peace.

He has challenged people of all races to find their unity in Jesus Christ—the Great Reconciler whose mission of forgiveness extends to all people, everywhere.

I am very glad that Reverend Hines could be with us today, here in the Senate. We are trying to reform the one-seventh of the economy known as the health care system and never were the words more truly spoken: "Unless the Lord build the house, they labor in vain who build it."—Ps. 127:1.

I thank Reverend Hines for his words of uplift and encouragement, and I join my colleagues in praying that over the next couple of months we all keep our hearts and minds open. We can never predict where the voice will come from, the voice that Lincoln called "the better angels of our nature."

I express my gratitude to my colleague from Alabama for yielding time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

THE 25TH ANNIVERSARY OF THE FIRST MOON LANDING

Mr. HEFLIN. Madam President, today, July 20, marks the 25th anniversary of what will forever stand as one of humankind's most profound accomplishments—the landing of the *Apollo 11* mission on the surface of the Moon. This incredible feat of human courage, determination, and technological advancement will always be remembered as one of the greatest scientific conquests in our history.

Virtually everyone who is old enough remembers where they were and what they were doing on July 20, 1969, when all of America and much of the world rejoiced at the statement, "The *Eagle* has landed. This is one small step for man; one giant leap for mankind." These images from the day a person first walked on the Moon will forever symbolize our national pride—America did it first.

When the history of the 20th century is written, one defining era that will be prominently featured is the period when we left this planet and began to explore the universe. The greatest adventure of our time has been space exploration—the quest for the taming of the final frontier—and any nation that sees itself as a world power—today, the only world power—cannot ignore this frontier.

In 1958, Dr. Wernher von Braun, a leading figure in the dawning days of the United States Space Program and the first director of NASA's Marshall Space Flight Center in Huntsville, AL, said "after thousands of years of clinging to our planet, man is finally about to burst the bonds of terrestrial gravity and embark on the greatest voyage of his entire existence—the exploration of the space around him." Since that time, the United States has been the leading space-faring nation, and I believe we should remain so in the decades ahead.

Deeply embedded in our history, and an integral component of the American spirit, is the need to be pioneers, adventurers, explorers, and entrepreneurs. It is also in our makeup to want to lead and be preeminent. We did not start the industrial revolution, but we advanced it and improved upon it until we became a world power. Likewise, we were not the first in space; but Sputnik shook us and raised our consciousness, and we soon became the world's leading space pioneer.

Space has been important to us in the past, and will become increasingly important in the future. We use space research and technology to ensure our national security, improve our standard of living, enhance our scientific knowledge, and stimulate the human spirit.

While our accomplishments in space have been many, it is still a vast and unexplored frontier. America has been, and should remain, a world leader in space research, technology, and exploration.

Manned space flight has existed almost since the beginning of our space travel. Our first satellite, Explorer I, was launched in 1958, and Alan Shepard's brief suborbital flight occurred in 1961. Since then, we have used unmanned space systems extensively to explore the solar system, but our manned space flight program has proceeded at a slower pace—our total time in space has been relatively short in terms of man-years.

Through the U.S. Space Program, we have learned a great deal about the value of people in space, but there is much more to be learned. The space shuttle has and will continue to help us gain this knowledge. The flight of spacelab, aboard the space shuttle, has achieved many major successes and has again demonstrated the critical role we play in space. However, the shuttle's ultimate value is limited, both in terms of orbit and altitude above the Earth's surface. In this decade and beyond, we will need a permanently manned space station and its associated technologies to increase our utilization of space. Through researching the environment of space, we can eventually unlock its secrets and make its riches available to the whole planet. I am proud that I was the first Senator to call for this laboratory known as the space station to be built, and I remain firmly committed to its development.

On the 25th anniversary of one of the greatest accomplishments in human history, I believe it most appropriate to celebrate the first lunar landing by renewing our commitment to the space program, and in particular the international space station, our next and most immediate civilian space objective.

The space station is an idea whose time has come. When NASA opened its doors in 1958, it had been assigned the responsibility for space flight, and soon developed Project Mercury as its first manned activity. As NASA's leadership developed its programs, a space station was a leading candidate for a post-Mercury Program. Since that time, a space station has been studied and analyzed continuously. Now, the development of an international space station is fast becoming a reality.

We are all familiar with the current funding problems with regard to the Federal budget. In today's fiscal climate, it is more difficult than ever to find adequate funding for major scientific initiatives. But we must look at expenditures on such initiatives as investments in our future, and take bold and decisive action.

The space station is of vital national importance. Most of us would agree that we live in an increasingly dynamic and changing world. Change is all around us, but nowhere is it greater than in terms of technology and the ways in which it is reshaping the United States and world economy. Our role in managing this technological change and leading it are vital to our national security and well-being.

The international space station is one of the most important programs we will consider during this or any other year. Our overall space program has yielded many benefits to society, and I remain firmly convinced that the potential benefits to be gained from future space activities and a functioning space station will far outweigh all previous gains combined. The station will provide a permanently manned laboratory for new opportunities in the areas of astronomy, astrophysics, and life sciences, as well as industrial and medical research that will provide new scientific breakthroughs that could revolutionize many areas of research. Society can only benefit from such advances.

Our space program began with Alan Shepard's famous suborbital flight. Since then, our manned space successes have included the Mercury, Gemini, Apollo, Skylab, and space shuttle eras. Now, we must move into the Era of the space station—the next logical step for the space program.

While today is an appropriate time to celebrate our monumental successes in space, we cannot ignore our failures. In memory of the three astronauts who lost their lives in the *Apollo* Program and the seven pioneers who paid the ultimate price in the space shuttle *Challenger* disaster, we must go forward.

There is not one among them who would not want us to go forward. They believed deeply in the worth of what they were doing, and would not have accepted the risks otherwise. We must maintain the vision they had and continue on their journey. To allow failure to set us back or dull our mission would be to desecrate and belittle what they did.

As we look back and celebrate the 25th anniversary of the *Apollo 11* lunar landing and the many successes of the space program since that day, and as we anticipate the many accomplishments we will surely enjoy in the future, I simply ask my colleagues to remember the words of President Kennedy when he said, in 1962:

> If this capsule history of progress teaches us anything, it is that man, in his quest for knowledge and progress, is determined and cannot be deterred. The exploration will go ahead whether we join it or not. And it is one of the greatest adventures of our time and no nation which expects to be a leader of other nations can expect to stay behind in this race for space.
>
> Those who came before us made certain that this country rode the first waves of the industrial revolution, first waves of modern invention, and the first waves of nuclear power. And this generation does not intend to flounder in the backwash of the coming age of space. We mean to be a part of it. We mean to lead it, for the eyes of the world now look into space.

President Kennedy's dream of landing a man on the Moon and returning him safely to Earth was realized not once but several times. Looking back at this great accomplishment, I would encourage each of my colleagues in the Senate, each of our colleagues in the House of Representatives, all Americans, and people the world over to go outside tonight and look up at the Moon. How often have we all wondered what it would be like to set foot on that mysterious body? Look up and ponder the incredible talent, energy, and resources which converged to take us to the Moon 25 years ago—less than a decade after President Kennedy issued his challenge to the Nation to land a person on the Moon and return them safely to Earth.

On this day, two and a half decades ago, three Americans went to the Moon. Two stepped from the lunar module into history, becoming the first humans to ever set foot on the Moon. As you stare at the Moon tonight and into the darkness beyond that is what we call space, ask yourself, "can we settle for landing on the Moon, as awesome as that feat was, or must we strive to reach beyond, into the unknown? Can we stop at the Moon?" I believe we have always been, and will continue to be, driven by an insatiable curiosity—a desire to see what is "out there."

We must push forward with our space program or risk losing the incredible advances that lay ahead. The risks are high, as they are with any worthwhile enterprise. But the losses are far too great if we do not. Building upon the lunar landing of *Apollo 11* 25 years ago and those which followed, our Nation's space program will go ever onward to reach new plateaus and new horizons in our eternal quest for the understanding of the cosmos and humankind's place in it.

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas [Mr. GRAMM] is recognized.

THE COST OF HEALTH CARE

Mr. GRAMM. Madam President, today I want to talk about health care, and I want to talk about a particular facet of the debate and that is cost.

I think it is fair to say that the President's health care plan is dead. It is also fair to say that the plan is dead not because the President lacks a big megaphone. As President of the United States, he has the largest megaphone on the planet. Nor is the President's health care plan dead because he is not a great salesman, or because the First Lady is not a great saleslady, or because the administration is not full of great salespersons; I think they are all great salesmen. The President's plan is dead because it is a bad product.

I also think that the President's plan has not been rejected by the American people because it would bankrupt the country—though I believe it would. I do not think it has been rejected because the employer mandates would cut off the bottom rung of the economic ladder, put tens of thousands of small businesses out of business, and maybe put a couple of million Americans out of work—though I believe it would do that too.

I do not believe the President's plan has been rejected because rationing health care would destroy the greatest health care system in the history of the world—I believe it would—but I do not believe that is the reason the American people have, by and large, and now in ever-increasing numbers, rejected the President's health care plan.

I think they have rejected it because of the freedom issue. The President has been unable to convince the American people that in the name of helping 15 percent of the people who at least on one day last year did not have health coverage, we ought to take private health insurance away from the 85 percent who have it and force them to buy health care through the Government.

As I am fond of saying, when my mama gets sick, I want her to talk to a doctor and not some Government bureaucrat.

Americans all over the country feel that way, and that is why I believe the President's plan has been rejected.

In analyzing the plan, I do not think people ever got down and looked at the cost involved, and as we begin this debate on health care in earnest, I want to talk about cost today. I want to talk a little bit about the President's plan to set the frame of reference, and then I want to talk about the Finance Committee plan, which will soon come to the floor of the Senate.

First of all, the President's plan by the President's own definition is the largest government program in the history of mankind. Even if you make two heroic assumptions, which the President makes, No. 1, that wage and price controls work—something that has never happened in the 5,000 years of recorded history—and second, that the Government through these Government-run purchasing cooperatives under the control of a seven-member board in Washington, DC, could actually run something as complicated and important as the American health care system—and quite frankly, Madam President, I reject both those assumptions—but if you make them, as the President does, even under his assumptions, within 2 years his health care plan would cost more than Social Security and become the largest single program of the Federal Government.

In 5 years that program would be fully under way, and in 10 years it would cost more than $740 billion a year. Nobody but Ross Perot knows what $1 billion is. But let me set it in perspective. That $740 billion a year, which the President's health care plan will cost per year, in 10 years, even under all of his assumptions, is more than half the total level of Federal outlays today.

Now, how is the President going to pay for this plan? Well, in the original plan, he was going to pay for it largely through—I believe and everyone who has looked at the plan believes that it is at least 50 percent underfunded—a 9.5-percent payroll tax, 7.9 percent imposed on the employer, 1.6 percent imposed on the employee. I am not going to get into that today; perhaps I will talk about it tomorrow.

But the Congressional Budget Office, the Ways and Means Committee, all of the institutions of Congress, all of which are controlled by the Democratic Party today, have looked at payroll taxes and concluded that they are paid, ultimately, not by the employer but by the employee.

So, basically, what we have is a 9.5-percent tax imposed on every salary to pay for this health care plan.

Many people rejoiced yesterday when for the first time the President said maybe we will give up on the so-called employer mandate, which is a code word for payroll tax.

I think the President is simply bowing to reality. Not one single Republican—or I guess I should say we have 43 Republicans, who are adamantly opposed to this payroll tax. Only half the Democratic Members of the Senate have come out for it. So the President would be pushing hard to get 30 votes as of today for that plan.

Now, there are many people who are tempted to say that maybe everything is great since the President has given up on this 9.5-percent payroll tax. The problem is you still have to pay for the program. So if you give up on this 9.5 percent payroll tax and you are going to fund a program that costs more than Social Security, how are you going to fund it?

Well, you could raise income taxes by 50 percent on every working family in America. That would be one way of doing it. And I am sure there are a lot of others.

But by simply saying "I want to spend all this money; I want to extend all these benefits, and I am willing to look at another way of paying for it besides a 9.5-percent payroll tax" does not solve the problem.

That is one of the things that I have found disconcerting about the health care debate from the very beginning. There are really two ways of debating this issue. One is to spend all your time talking about the benefits without leveling with people about the cost, and that is basically what we have done. And might I say, Madam President, both parties can be criticized for that. It is always good to talk about benefits. It is always tough to talk about how you are going to pay for them.

The second way I believe is the legitimate way, and I would feel better about the debate if we did it this way, because I think the American people would then have an opportunity to make an informed choice. That way would be to get out a piece of paper and say, "Here are all the benefits; this is what we are going to give you, and this is what we are going to take away from you to pay for them."

I submit, Madam President, that the President will never do that in this debate, and the reason he will not do it is he could not write a plan under those circumstances remotely similar to his plan that the American people would willingly pay for.

Let me give you an example of the problem by taking the Finance Committee bill, which is far less grandiose than the President's bill, but it is still pretty grandiose. Let me remind you that the President's bill basically collectivizes health care despite the fact that the President bristles when you say it. The bottom line is that under the President's plan, if you work for the Federal Government you are privileged and you are exempt; if you work for a company with 5,000 or more employees, they can buy you out of the health care plan by paying a 1 percent payroll tax, and every company in America that can will do that.

But if you are anybody else, which is almost everybody, which is certainly over 90 percent of the working people in America, your private health insurance is going to be canceled and you are going to have to buy health care through a Government-run cooperative where the parameters of our choices in the operation of those plans are controlled by a seven-member board in Washington, DC. That is a Government-run system.

Now the Finance Committee has come up with an alternative, and I want to focus on its cost. The Finance Committee says that their plan costs about $250 billion over a 5-year period. We do not know because the Congressional Budget Office has not had an opportunity yet to assess what this plan costs. The Wall Street Journal has estimated that the Finance Committee plan costs $450 billion over a 5-year period.

Let me tell you in very simple terms what this so-called moderate plan does. Under this so-called moderate plan, 110 million Americans will get some form of Government-funded health care; 110 million people will get some form of Government—which is taxpayer—subsidy to buy health care. That is almost half the population of the United States of America.

How do the proponents of this plan propose that we pay for giving Government assistance to almost half the people of the United States to buy health care?

Their plan in my opinion—in the opinion of the Wall Street Journal, and the opinion of most observers—is grossly underfunded, probably by 50 percent.

But let me go over to the other side of the story that nobody talks about, and that is what they do to pay for this plan.

First of all, they impose an excise tax on your insurance premiums. If you think you are having trouble paying your insurance premiums today, they are going to impose an excise tax on your insurance premiums that will raise $30 billion. They are then going to raise the Medicare tax on the people who have paid the most in taxes and who are paying most into the Medicare trust fund. They are then going to impose a 25-percent tax on the health care benefits of the 40 percent of the people who have the best health insurance.

We do not have the figures from the Congressional Budget Office, but the Cooper plan in the House, which was costed out by the Congressional Budget Office and is a very similar package, would raise taxes on the insurance benefits of 53 percent of the American people; 8.7 million families would pay at least $500 a year more in taxes by having their employer benefit health insurance taxed.

Madam President, how many Americans are in favor of imposing not one but two taxes on their health insurance policies? How many Americans realize in this so-called moderate plan that we are going to impose an excise tax on everybody's premiums that they are paying for to buy private health insurance now? How many people realize that 40 percent of the families in America will pay a 25-percent tax on their health insurance benefits because this plan says those 40 percent who have their insurance policies are too good and so we ought to tax them in order to let the Government subsidize 110 million people?

How many people know we are talking about taxing Medicare?

So my point here today, Madam President, is very simple. I have often felt, especially in talking about the President's plan, like a mosquito who finds himself blown into a nudist colony. I do not quite know where to hit first. Every part of it is bad.

Our problem is that we have just touched the surface of this debate. We have a so-called moderate plan that is going to come to the floor of the Senate. The American people have been told in elaborate detail what they are going to get out of this plan, but they have not been told that it is going to impose new taxes on their health insurance benefits. People have not been told what this is going to cost and how we are going to pay for it. And if we are going to have an enlightened debate, people have to know the facts.

I will close with the old Biblical admonition—"Ye shall know the truth and the truth will make you free."

In this debate about health care, where we are talking about the future of America, where we are talking about a dramatic change in policy, it is absolutely imperative that people know what the facts are, what we are talking about, what we are going to do, how we are going to do it, and how we are going to pay for it.

I, for one, intend, as this debate evolves—I would guess over several months—to be absolutely certain, given my ability as one Member, that people know what the facts are.

I yield the floor.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have sought recognition to talk about the nomination of Judge Breyer.

The ACTING PRESIDENT pro tempore. The Senator would need unanimous consent to extend morning business.

EXTENDING MORNING BUSINESS FOR 15 MINUTES

Mr. SPECTER. Madam President, I ask unanimous consent that I may proceed in morning business for a period of up to 10 minutes.

Mr. SIMON. Reserving the right to object, and I shall not object, I would like to make that 15 minutes so that I could speak for 5 minutes after Senator SPECTER.

The ACTING PRESIDENT pro tempore. Is there objection to extending morning business by 15 minutes?

There being none, morning business is extended by 15 minutes.

The Senator from Pennsylvania is recognized for the first 10 minutes; the Senator from Illinois for the remaining 5 minutes.

The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

HEALTH CARE

Mr. SPECTER. Madam President, I had started to say that I had sought recognition to speak on the pending nomination of Stephen Breyer to the Supreme Court of the United States, but I want to make a comment or two about the speech just made by the distinguished Senator from Texas [Mr. GRAMM].

I think it is very important, as Senator GRAMM has noted, to focus on the cost of the President's health care program. I think that a significant advance was made yesterday when the President said, in effect, that he was prepared to accommodate to the realities and find a plan which worked toward the goal of comprehensive health coverage but had some flexibility.

I have long shared the President's objective of comprehensive health care for all Americans. I agree with what Senator GRAMM has pointed out, that the complexity of the President's plan and the absence of choice from the essential ingredient of freedom was an underlying weakness. I think it was depicted graphically by the chart which my office prepared, showing at a glance 105 new agencies, boards, and commissions created by the President's plan and new tasks for some 47 other agencies, boards, and commissions, so that the new bureaucracy was absolutely overwhelming.

I think we are now on a track where many of us have been headed for some time on health care, as outlined in the legislation I introduced on the first day of the Congress, January 21, 1993, S. 18: to retain the American health care system as it provides the best coverage in the world for 86.1 percent of the American people and to target the problems of coverage for the 37 million now not covered; portability, that is, coverage on a change of jobs; coverage for preexisting conditions; and cost containment to hold down the spiraling cost.

I believe that all of us in the Congress have a very heavy duty in the course of the next several weeks and we should not—I repeat, not—be rushed to judgment as we will legislate on a subject where none is more important to the American people, health care, virtually a $1 trillion industry, 14 percent of the gross national product.

I do hope we can craft a program which will serve the interests of America, which will retain the essence of our current system, the free enterprise system, and which will target and fix the specific problems of that current system.

NOMINATION OF JUDGE BREYER

Mr. SPECTER. Madam President, the nomination of Stephen Breyer will come to the floor either later this week or early next week. I wanted to make a few comments after the vote in the Judiciary Committee, which unanimously, 18 to 0, forwarded Judge Breyer's nomination to the full Senate.

I believe there had not been much doubt about Judge Breyer's résumé and his qualifications in terms of educational background, professional experience, service as a judge, and his intellect generally. During the course of last week's hearings, I think we got significant insight into Judge Breyer's views to be able to confirm him with confidence.

Regrettably, most of the nominees who come before the Judiciary Committee answer only as many questions as they have to. That is a circumstance caused by the premature agreement or premature statements by so many Senators indicating that the nominee will receive their approval. When that happens, it is understandable that the nominees are not going to take any chances and so many of the nominees have said very, very little in the confirmation process. Justice Scalia, for example, would not even answer questions about the acceptability of Marbury versus Madison, the very pillar of the constitutional jurisdiction of the Supreme Court of the United States.

But in Judge Breyer we have had some significant indications as to where he stands.

The death penalty, I would submit, Madam President, is a very important tool in the arsenal of law enforcement. While I understand the conscientious scruples of many people who oppose the death penalty, more than 70 percent of the American people favor it. When votes are taken in this body, more than 70 Senators stand up and affirm it, and some 37 States have reenacted the death penalty after it had been stricken by the Supreme Court of the United States on procedural grounds.

Judge Breyer was unequivocal in saying that he disagreed with a number of other former Justices that the cruel and unusual punishment clause of the eighth amendment did not bar the death penalty in all cases. Judge Breyer left open the question, as I think it is necessary to do, to evaluate the facts of any case. But, unlike Justice Brennan, Justice Marshall, Justice Blackmun, and the indication from Justice Powell more recently after he left the bench, where those Justices felt the death penalty was ruled out by the Constitution, Judge Breyer said there was a viable place for the death penalty and that its constitutionality was settled.

He also stated that he regarded as settled law that the imposition of the death penalty would not be determined by what happened in other cases for people in a given racial category, where the issue has been raised, that because of what happened in some 2,000 other cases in Georgia or nationally that the death penalty ought to be upset in a specific case where the facts of the case warranted the imposition of the death penalty, on what is the essence of American jurisprudence and that is individualized justice—what that person did and what the background of that person is.

I thought Judge Breyer was also forthcoming in being willing to identify the Korean conflict as a war. That is something Justice Souter would not do. At a time when there is a continuing controversy between the Congress' sole authority to declare war under the Constitution and the President's constitutional authority as Commander in Chief, it is refreshing to find a nominee who will say, "Yes, the obvious is obvious. Korea was a war."

How we present that issue to the Supreme Court to resolve the conflict is yet to be determined, but at least Judge Breyer did step forward on that issue.

On the critical question of taking away the jurisdiction of the Supreme Court to hear constitutional issues, Judge Breyer was unequivocal that the Congress lacked that authority. Justice Rehnquist conceded the Congress could not take away the Court's authority on first amendment issues, but would not answer on the critical questions of the fourth, fifth, and sixth amendment.

On the issue of Judge Breyer's ethics, a matter which has been widely noted in the press, I have no doubt about his solid ethical propriety. I do not think that a man of Judge Breyer's caliber is on the bench for the monetary benefits. Had he chosen another profession, he doubtless would make much more than a Federal judge.

The issue which arose over his holdings as an investor in Lloyd's of London syndicates, I think, ought to be reconsidered by the Congress by reviewing the statutory provision providing for disqualification in cases in which there is some indirect benefit to a judge or Justice. Where you have Lloyd's insuring as many items as they do, it is frankly hard to determine whether there could be any benefit. If you have a Federal judge handing down a decision, as Judge Breyer did, on matters involving Superfund with enormous sums in issue which could affect Lloyd's of London and Judge Breyer's investments, I think the better course is simply to avoid it and not to have that kind of investment. That is something which I think the Congress should revisit.

Finally, just a comment or two about the pool of candidates who are considered by the President for the Supreme Court. It seems that every year we find the same people talked about for nomination: Steve Breyer, Bruce Babbitt, Richard Arnold. It is like the line out of "Casablanca," "Round up the usual suspects."

I am hopeful that the Senate will take some activity on the advice aspect of the advice and consent clause. We do consent by passing on the qualifications of the nominee. But I think the Senate could do much more on advice. I think we ought to create a pool of potential nominees by seeking input from the bar associations of the 50 States, the universities, and the courts to find others who might be well qualified for this position.

I see my time has expired.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. Under the prior unanimous-consent agreement the Senator from Illinois is recognized for 5 minutes.

UNIVERSAL COVERAGE

Mr. SIMON. Madam President, I want to comment briefly on the unfortunate statement made yesterday by the President to the Governors. There was an apparent—and I say "apparent" because it is not real clear—an apparent backing off of universal coverage, hinting that 95 percent coverage might be acceptable. That is not acceptable to this Senator and I do not think it is acceptable to the American public.

If the majority leader, who is fashioning a compromise bill right now, comes up with a bill that covers 95 percent of the people—that means 1 out of 20 Americans left out—I am going to have an amendment that, by lottery, will leave out 1 out of 20 Senators and 1 out of 20 White House personnel.

The President ought to be in there, standing up for universal coverage as he did when he spoke to the joint session, I think it was the State of the Union Message. He ought to be standing up fighting for universal coverage, making it clear that he is going to expend every effort. In my opinion he ought to issue a statement today clarifying that he stands for universal coverage, he is going to fight for universal coverage, and he is not going to leave 1 out of 20 Americans out of health coverage in this Nation.

Anything less is just totally unsatisfactory, as far as I am concerned. I know many of my colleagues join in that sentiment. We all have a weakness in politics—excluding the Presiding Officer, of course—of saying what an audience might want to hear. PAUL SIMON has that weakness, Bill Clinton has that weakness, PAUL WELLSTONE has that weakness. And I think the President ought to make clear that he inadvertently said to this audience something that has been taken out of context and he does not mean, and that he is going to continue to fight for universal coverage for all Americans. Anything less is a compromise he should not make, this Senate should not accept, and the American people should not accept.

Madam President, I yield the remainder of my time to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. There are 2 minutes and 5 seconds remaining. The Senator from Minnesota is recognized.

UNIVERSAL COVERAGE

Mr. WELLSTONE. Madam President, I thank the Senator from Illinois, my very good friend, someone whom I really believe in. I simply want to echo his remarks.

I believe the choice of words yesterday by the President, for whatever reason, was unfortunate. There are people in the country who are going to get on buses and come to Washington to speak in their own voices about why they need decent health care for themselves and their loved ones. What are they getting on the buses for? Do they not have to know what the President believes in and is willing to fight for; what all of us believe in and are willing to fight for?

I call on the President as well today to clarify his remarks yesterday and to be crystal clear that he is going to live up to the commitment that he made to the people of this country, where he held that pen forward and said, "If it is not universal coverage, each and every person covered, I will veto this piece of legislation." I think people really respect conviction and they respect someone who is willing to fight for what he believes in. They respect the President for doing that. This is a decisive moment. We cannot have this health care effort hijacked, and I will join my colleague from Illinois, if we have a bill on the floor that does not provide the universal coverage, with the same amendment that we would have 1 out of every 20 Senators by lottery not covered.

I also plan to introduce my amendment that says whatever health plan we pass, Madam President, provides people with as good coverage as what we have. Remember all of us are covered—universal. It is a good package of benefits, good coverage for ourselves and our loved ones. There is no discrimination because of a prior or current health care condition. And our employers contribute to the cost. I think that amendment ought to be out on the floor of the Senate very soon as well.

I thank the Senator from Illinois and am proud to join him in these remarks.

THE 20TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

Mr. KENNEDY. Madam President, in this post-cold-war world, we are confronted with numerous and difficult foreign policy conflicts. While they rightly demand our immediate attention, we must not forget an important and tragic conflict which has remained unresolved for 20 years and which has caused great pain and suffering.

I am speaking of the island of Cyprus. Today marks the 20th anniversary of the Turkish invasion of Cyprus. As a result of that invasion, an estimated 35,000 Turkish troops continue to occupy Cyprus illegally. Thousands of people, including 5 Americans, remain missing and unaccounted for, and nearly 200,000 Greek Cypriots who were forcibly expelled from their homes by Turkish troops are still refugees.

Turkey's pretext for the invasion was an unsuccessful coup by the Greek junta in 1974 against the Cypriot Government led by Archbishop Makarios. Turkey claimed that a 1960 treaty granted it the right to send troops. However, within a week of the coup, constitutional order had been restored on Cyprus, eliminating the need for continued Turkish intervention. Despite numerous calls for withdrawal from the international community, the Turkish occupation continues to this day.

In fact, Turkish policy on Cyprus has supported the creation of a separate and independent Turkish-Cypriot state. Following the 1974 invasion, Turkey pursued a policy of ethnic cleansing aimed at removing Greek Cypriots from the occupied area. Turkey expelled nearly 200,000 Greek Cypriots from their homes and colonized the territory by sending approximately 80,000 Turkish citizens to inhabit the occupied area.

The number of Turkish troops and settlers on Cyprus is now equal to the remaining indigenous Turkish-Cypriot population. Sadly, economic devastation and other problems caused by the 1974 Turkish invasion caused 40,000 Turkish Cypriots to emigrate.

In November 1983, the Turkish-Cypriot leadership unilaterally declared Turkish-occupied Cyprus an independent state. This illegal act was condemned by the U.S. Government and the international community. Instead of joining the global community in condemning this illegal act, Turkey was the only country in the world to recognize the so-called Turkish Republic of Northern Cyprus.

Over the years, the United Nations has repeatedly tried to resolve the problem. Because of Turkish-Cypriot intransigence and Turkey's unwillingness to cooperate, these efforts have been to no avail.

During the past year, the United Nations tried to revive negotiations with confidence-building measures intended as a first step to facilitate the political process toward a final settlement. The Government of Cyprus accepted the measures, but the Turkish side has blocked this effort through numerous delaying tactics.

Three months after the confidence-building measures were first proposed, the Greek Cypriot side accepted them at a meeting with the U.N. Secretary General and Rauf Denktash, leader of the Turkish-Cypriot community. Mr. Denktash said he required the approval of his "parliament" to accept them and requested a 15-day adjournment in order to secure the approval. Denktash then spoke to his parliament against the confidence-building measures, and broke his promise to return in 15 days. It took 8 months for Denktash to reply that he would accept the measures in principle.

After lengthy discussions and consultations, a final document was submitted to both sides by the Secretary General on March 21, 1994. This document was accepted by the Greek-Cypriot community in May 1994 but was rejected by the Turkish-Cypriot side. Since then, Mr. Denktash has insisted on modifications to the final document which are contrary to the intent and spirit of the measures. The thwarting of this effort by the Turkish-Cypriots led U.N. Secretary General Boutros Boutros-Ghali to conclude in his May 30, 1994 report to the Security Council that: "The Security Council finds itself faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish side."

Other efforts to move the situation forward have also failed. Last December, the Government of Cyprus submitted a bold and innovative proposal to the United Nations for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, Cyprus would disband its National Guard, transfer the Guard's military equipment to the U.N. peacekeeping force, fund an enlarged U.N. peacekeeping force, and use the defense savings for development projects that benefit both communities. The removal of the military presence on Cyprus would ease tensions between the communities and facilitate the search for a comprehensive solution. Regrettably, Turkey rejected this proposal.

Negotiations, resolutions, and creative initiatives have done nothing for the families of the missing or for the 200,000 Greek Cypriots still unable to return to their homes. There is no doubt that Turkey intends the continued partition of Cyprus. I urge the administration to make every possible effort to bring about the withdrawal of Turkish troops from Cyprus. Twenty years of division is too long. The status quo is unacceptable.

THE 25TH ANNIVERSARY OF THE "APOLLO"

Ms. MIKULSKI. Madam President, 25 years ago our Nation launched a space program that is one of the greatest accomplishments in this century. On July 20, 1969, astronauts Buzz Aldrin and Neil Armstrong became the first humans to walk on the Moon—the crowning moment of the *Apollo* Space Program.

Like all of America, I lived through the drama of the cold war's space race. I was a young woman in college in the 1950's when Sputnik shattered America's complacency about its technological superiority. In 1969, I was fighting the war on poverty in the streets of Baltimore, when Neil Armstrong and Buzz Aldrin planted a flag on the Moon and made America proud again. They landed, they walked, and they broadcast this astronomical feat to the world. I was mesmerized by the moment.

President Kennedy gave the United States a national goal for a new frontier, new resources, and new technology. America showed the world we had the right stuff.

Now, a quarter of a century later, the space program is not just a faded American flag on the Moon or jars of Tang on the supermarket shelves. It is an extraordinary revolution that has benefited our Nation in all the ways imagined, and ways never foreseen. The space program explores the stars and explores new markets. It generates jobs today and jobs tomorrow.

As we celebrate the glory of the space program, we must also acknowledge that its future is unknown. In Congress, budget hawks are guided by a single-minded obsession with deficit reduction. The budget doves are motivated by a desire to shield social programs from cuts due to stricter limits on discretionary spending. Caught in the middle is the space program. In this debate, we must remember President Kennedy's words: "There need not be competition nor conflict between meeting our social responsibilities and our need for scientific exploration."

As a student of the history of science and technology, I have learned that great thinkers have always run up against the obstacle of stagnant thinking. Their ideas were ridiculed not only by the general public but by the other scientists.

One only has to look at Louis Pasteur who revolutionized the thinking on bacteria; or the Wright brothers who wanted to fly and planted the seed for the aerospace industry; or our astronauts who are America's space pioneers.

Unfortunately, most Americans do not link the many benefits in their daily lives to the space program. They are not aware of the spinoffs from the past three decades. They ignore the technological breakthroughs that were never anticipated, but materialized. Unless their constituents are space workers, Members of Congress are inclined to see space spending as just more Federal spending rather than an investment in the future.

The space program helps keep the United States a superpower in science and technology. NASA invented insulation techniques that are used by Meals on Wheels to deliver food to senior citizens, it paved the way for miniaturization and computers, and it developed laser technology to move us along the information superhighway.

NASA's Mission to Planet Earth gives us critical information from satellite observations of the entire Earth on global climate change. This will help us to save our own planet.

Space-based research has made enormous strides in making the kind of biomedical discoveries that will save lives right here on Earth. Space technology has helped us wage the war on heart disease by developing laser systems used to treat arteriosclerosis. It helped create advanced and pediatric pacemakers, enabling us to live longer. It created the implantable heart aid, reducing cardiac death. It created body imaging techniques for early detection used in breast cancer research.

Space-based research may be able to generate the kind of knowledge that will create the products we cannot now even imagine, and treatments once confined to our dreams. This is a wise investment even in lean times, because we must invest today to be ready for the world tomorrow.

The space program creates the jobs of the next millennium. Jobs from a new economy based, not only on traditional industries and services, but also on new technologies and new products. Targets of opportunity are in biotechnology and microgravity science. Those are the kinds of investments that will ensure that this Nation is not left out or left behind.

The space program's jobs are not just for dashing astronauts in Star Trek costumes. They're for men and women, blue and white collar, manufacture workers, scientists, technicians, and clerks.

NASA has created thousands of jobs for the Washington metropolitan region, through its contractors, civil servants, and space related work.

Despite the success of the past 25 years, the space program of the future will need to reflect the 21st century. All would agree, that NASA has overpromised technology, and underestimated cost. In the past, "just doing it" was the goal, now we need to link it to national goals. NASA needs to have a clear set of priorities. The new space program must be balanced. Space policy should not be driven by the space station. We need a space program which explores new frontiers, advances science, develops new smart technologies, and invests in aeronautics to enhance our capacity to compete in a global marketplace.

Tomorrow's space program must be multinational. We can no longer afford to do it alone, nor should we want to. Today's space missions are collaborations among the United States, Europe, Japan, Canada, and the New Independent States of the former Soviet Union.

It has been 25 years since America walked the Moon. For the next century we must decide whether the space program will continue to embrace change and look for new opportunities. Or whether we will confine it to the Smithsonian—with no future, only a glorious past.

A new century is coming. A new millennium is about to be born. I want America to continue to lead the way and fly the new frontiers of the universe.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Madam President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 15, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.9 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated July 13, 1994, the President has signed H.R. 4568, making supplemental appropriations for fiscal year 1994 for the Department of Housing and Urban Development. This action does not affect the current level of budget authority, outlays, or revenues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 18, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through July 15, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 11, 1994, the President has signed H.R. 4568, making supplemental appropriations for fiscal year 1994 for the Department of Housing and Urban Development. This action does not affect the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER, *Director.*

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS JULY 15, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64) [1]	Current level [2]	Current level over/under resolution
On-budget:			
Budget authority	1,223.2	1,218.4	−4.9
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–1998	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	311.7	−1.1
Debt subject to limit	4,731.9	4,538.6	−193.3
Off-budget:			
Social Security outlays:			
1994	274.8	274.8	(3)
1994–98	1,486.5	1,486.5	(3)
Social Security revenues:			
1994	336.3	335.2	−1.1
1994–98	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS JULY 15, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation [1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,705	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption or Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Federal Housing Administration Supplemental (P.L. 103–275)	(5)	(2)	
Total enacted this session	(2,748)	(645)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted [2]	(5,562)	1,326	
Total Current Level [3, 4]	1,218,395	1,217,054	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,854	1,095	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $15,203 million in budget authority and $9,079 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $757 million in budget authority and $291 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[4] At the request of Budget Committee staff, current level does not include scoring of section 601 of P.L. 102–391.

[5] Less than $500 thousand.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

IN HONOR OF COL. JAMES P. HAGERSTROM, USAF (RET.)

Mr. INOUYE. Madam President, I rise to honor the memory of Col. James P. Hagerstrom, who passed away on June 25, 1994, at the age of 73. Although born in Iowa and raised in America's heartland, to a great extent, Colonel Hagerstrom's life was played out in the Pacific. I wish to offer a few thoughts on the life and service of this remarkable American who served his country in three wars, piloting hundreds of combat missions and earning the status of double ace in air-to-air combat victories.

In 1943, at the age of 22, Colonel Hagerstrom was assigned to the Army Air Corps 8th Fighter Squadron, 49th Fighter Group, in the New Guinea Theater. He flew 170 combat missions in a P–40 aircraft, was credited with 6 victories in air-to-air combat, and was ranked as an ace.

After the war in the Pacific ended, Colonel Hagerstrom served as an Army Air Force test pilot and, making the transition to jet aircraft, he served in Korea as a fighter squadron commander. Flying over 100 missions in Korea, Colonel Hagerstrom was credited with more than eight victories in air-to-air combat with MiG–15 enemy aircraft and, thereby, became a double ace.

In Vietnam, Colonel Hagerstrom served as Director of Combat Operations for the 7th Air Force, and flew 30 combat missions. He retired from the Air Force in 1968.

During his outstanding military career, Col. James P. Hagerstrom was awarded the Distinguished Service Cross, the Silver Star, the Legion of Merit, the Distinguished Flying Cross with 5 oak leaf clusters, the Air Medal with 10 oak leaf clusters, the Air Force Commendation Medal with 1 oak leaf cluster, and 17 other awards and decorations.

However, that is not where the Hagerstrom story ends. Colonel Hagerstrom also raised eight children with his wife, Virginia Lee Hagerstrom, a World War II WASP pilot. After leaving the military, Jim went to law school and began a second career. In the late 1970's, the Hagerstroms built a boat and sailed throughout the Pacific, spending time in Hawaii, the Marshall Islands, the Federated States of Micronesia [FSM], and Guam.

In Pohnpei, the Capital of the FSM, Colonel Hagerstrom practiced law and his wife, Lee, taught at the local college. In Guam and remote places like Kosrae, Colonel Hagerstrom served as an advisor to island leaders and spoke out on issues of local, national and international law, and policy.

After spending a significant part of five decades during his military and private life in the Pacific, Colonel Hagerstrom returned to the United States. The Hagerstroms eventually settled on a farm in Mansfield, LA.

Col. James P. Hagerstrom will be interred with full military honors at Arlington National Cemetery on July 26, 1994. In addition to offering sympathies to Colonel Hagerstrom's wife, family and friends, it is incumbent upon us to recognize and salute this honorable man.

As we approach a new century, Colonel Hagerstrom and those who served with him leave us with a legacy of courage and vigilance in defense of liberty that saw this Nation through dangerous times in our history. Because of the way Colonel Hagerstrom, and others like him, lived and served, our children and grandchildren will be blessed with freedom and democracy.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Madam President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Congress talks a good game about bringing Federal deficits and the Federal debt under control, but there are too many Senators and Members of the House of Representatives who unfailingly find all sorts of excuses for voting to defeat proposals for a constitutional amendment to require a balanced Federal budget.

As of Tuesday, July 19, at the close of business, the Federal debt stood—down to the penny—at exactly $4,625,471,848,736.48. This debt, mind you, was run up by the Congress of the United States—the big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime that has not first been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And pay no attention to the declarations by politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. I even heard that Jimmy Carter helped run it up. All three suggestions are wrong. They are false because the Congress of the United States is the culprit.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since Christ was crucified.

That sort of puts it in perspective, does it not, that Congress has run up a Federal debt of 4,625 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 625 billion, 471 million, 848 thousand, 736 dollars, and 48 cents.

THE 25TH ANNIVERSARY OF THE FIRST MOON LANDING

Mr. GLENN. Today is the 25th anniversary of the fist landing on the Moon by Neil Armstrong and Buzz Aldrin, and there have been a number of meetings and celebrations today, one of which was at the White House this afternoon, where most of the astronaut corps gathered for remarks by the President in the East Room.

I think the President's remarks today were particularly apropos on this anniversary day, and I asked that they give us a copy of his remarks.

I ask unanimous consent that the President's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT AT THE 25TH ANNIVERSARY OF "APOLLO 11"

THE PRESIDENT: Thank you very much, Mr. Vice President. Members of Congress. Veterans of the Apollo program. The friends of the space program in America and, most of all, to those whom we honor here today.

Just a day before he died, President Kennedy compared our space program to a boy who comes upon a wall in an orchard. The wall is tall, it looks insurmountable, but the boy is curious about what lies on the other side. So, he throws his cap over the wall and then he has no choice but to go after it.

Twenty-five years ago today, our nation, represented by these three brave men, made that climb. And, so, today we are gathered to celebrate their voyage and I honestly hope to recommit ourselves to their spirit of discovery. Apollo 11, Neil Armstrong, Buzz Aldrin and Michael Collins were our guides for the wondrous, the unimaginable at that time, the true handiwork of God. They realized the dreams of a nation. They fulfilled an American destiny. They taught us that nothing is impossible if we set our sights high enough.

Today, we're honored to have them and all the other Apollo astronauts who are here with us. For every American who followed your journey especially for those of us who were young on that fateful day 25 years ago, and for the young Americans who still dream dreams of a future in space, we thank you all.

Looking back on that mission, one thing is clear that we ought to remember today. It wasn't easy. The ship to the heavens measured just 13 feet in diameter. The destination was three days and a world away. On the third day as the tiny module descended to the Moon, it came dangerously close to a crash landing—that happens around here all the time—(laughter)—but Neil Armstrong took over the controls from the computer and landed safely. Man had not been rendered obsolete by the mechanical and that hasn't happened yet.

Not long after that when he stepped on the Moon, Mr. Armstrong marked the outer limit of the human experiment with those simple words, "One small step for man. One giant leap for mankind."

These men and the other astronauts who came before and after have helped us to step into another world right here on Earth. They've shown us that we can harness the technology of space in areas from the economy to the environment to education to information and technology. The products and knowledge that grew out of our space missions has changed our way of life forever and for the better. And in our quest we have relearned a sense of confidence that has always been an essential ingredient of our American Dream.

Today that journey continues. Our commitment to the space program is strong and unwavering. The best way to honor these men and all the others who have helped it so much, is to continue that quest. Many have risked their lives and some have given their lives so that we could go forward.

Today I ask that we remember, especially, the crews of Apollo 1 and the Challenger. On this day of celebration we must never forget the deep debt we owe to those brave Americans. And our thoughts should also be with their families and their loved ones for the sacrifice they have given helped to bring us all to new horizons.

Our space explorations today are important models for cooperation in the new post-Cold War world. The Vice President described that eloquently a moment ago. Sergei's mission was an important first step toward full Russian partnership in what must be our next great mission, the international Space Station.

This permanent orbiting space laboratory, to be built with help from 14 nations, will hasten discoveries in fields from the environment to medicine, to computers. We should also remember that the space station holds great promise for us here at home, as it strengthens our largest export sector, aerospace technology.

All these reasons explain why the House has fully funded already the Space Station. I want to thank many people who are responsible for that bipartisan victory but let me mention especially George Brown, Lou Stokes, Bob Walker, and Jerry Lewis. I know the Vice President and Dan Goldin and a lot of other people burned up the phone lines before the House vote.

Let me say that we've fought a lot of battles for the future around here in the last 18 months, and sometimes it seems that the most important ones are decided by the narrowest of margins. The economic plan passed by a vote, the assault weapons ban passed by two votes. Last year the Space Station survived by the vote of a single member of the House of Representatives who changed his mind on the way down the aisle. But this year, thanks to the common endeavors of all of us and thanks to the promise of cooperation with Russia and with other nations, the House of Representatives voted to fund the Space Station by 122 votes, a bipartisan commitment to America's future. (Applause.)

I thank the members of the Senate who are here today who are pushing for passage. I know they won't miss this great opportunity which is coming on them very soon. I thank you, Senator Mikulski, and all the other members of the Senate who are here for the work that will be done in the Senate.

As we work together building a better world, we also have to preserve the one we've got here. William Anders of the Apollo 8 was the first to see the entire Earth at a glance. He said it looked like a fragile "little Christmas tree ornament against an infinite backdrop of space, the only color in the whole universe we could see. It seemed so very finite."

Well, because we are so very finite our responsibility to our planet must not be limited. That's why NASA's "Mission to Planet Earth" is also a very important part of our future in space. We have to continue to monitor the global environment from space and to act on what we learn.

Above all, let us never forget that all this work is about renewing our hopes and the hopes of generations to come. About the ability of Americans and the ability of human beings everywhere to conquer the seemingly impossible. I don't think anybody can look at the faces of these young people here with us today, and we ought to take a little while and look at them and welcome them here, without seeing again in their eyes dreams that those of us who are older could not have dreamed.

The explorations we continue in space are clear evidence to them that they will grow up in exciting times without limits. Times that demand their imagination, their vision, their courage. Times that will reward them, too, for believing in themselves and their possibilities.

One of our Young Astronauts, 13 year old Wayne Gusman from New Orleans, sees a future where being an astronaut will be like, and I quote, "driving a car; everyone will do it."

That's a great dream. But that and our other dreams are clearly the natural extensions of the space program which began a generation ago, the direct descendants of the dreams of the three men we are here to honor today. We can get there.

No one who was alive then will ever forget where they were as Michael Collins traveled his solitary vigil around the Moon and Neil Armstrong and Buzz Aldrin landed that tiny craft on the surface. The world was captivated not only by the risk and the daring, although they were risking and daring, they were captivated because the landing meant again that the human experiment in conquering new and uncharted worlds was reborn.

In that sense it was not an end but a beginning. So, to you, gentlemen, we say for your valor, your courage, your pioneering spirit, and for being here today to remind us again that all things are possible, we are deeply in your debt. Thank you very much. (Applause.)

Mr. GLENN. The statement indicates the President's support for the ongoing program of the space station that is going to be an international program from now on. In the early days of the space program, we were much concerned with the space race. "The Russians are coming, the Russians are coming." We were very afraid that we were going to get outdone. Today, the Russians are coming again, but they are coming to cooperate on the space station. I think that is very notable. Along with the Russians will be the Euro space group, the Japanese, and the Canadians, who are making some of the equipment. It will truly be an international space center to do the research that is a benefit to everybody right here on Earth. I wanted to make note of that today and enter the President's remarks in the RECORD.

I yield the floor.

Mr. BURNS. Madam President, I would like to associate my statement within the context of the remarks of the Senator from Ohio and also acknowledge him and his contribution to the space program. I also serve on the Subcommittee on Science and Technology and NASA, and after working on that committee, you understand and appreciate the great dedication that these men and women have had in NASA to attain what I think are great, great fetes in space. I acknowledge his contribution to that and thank him for that.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4554, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Heflin amendment No. 2303, to make funds available for emergency community water assistance grants, low-income housing repair grants, and the Agriculture Credit Insurance Fund Program account.

AMENDMENT NO. 2303

The ACTING PRESIDENT pro tempore. Who seeks recognition?

Mr. BUMPERS. Madam President, I suggest the absence a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. BROWN. Object.

The ACTING PRESIDENT pro tempore. It is not in order to object.

You can ask the quorum call be rescinded.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. FORD. I object, Madam President.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I know the majority leader wants to move this along. I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FORD. Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The quorum call will continue.

The legislative clerk continued the call of the roll.

Mr. PACKWOOD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon [Mr. PACKWOOD] is recognized.

THE PRESIDENT'S SPEECH ON HEALTH INSURANCE

Mr. PACKWOOD. Madam President, I was very, very encouraged by the President's speech to the Governors in Boston yesterday on health insurance. For the first time, he has indicated that he is willing to move off the employer mandates, and I think that gives us an opportunity for genuine compromise when he is moving toward the center and toward what I would call a moderate position.

He can count on me in wanting to work with him. I thought it was a major step. I congratulate him. I thank him. I hope it moves us along a step forward toward being able to get a bill.

I thank the Chair and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

AGRICULTURAL, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 16, LINES 4 THROUGH 7

Mr. BUMPERS. Mr. President, I move to table committee amendment No. 4 on page 16, lines 4 through 7.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question pending now before the Senate is the committee amendment on page 32.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado [Mr. BROWN].

AMENDMENT NO. 2318

(Purpose: To ensure that there will be no net cost to taxpayers if protectionist trade practices are adopted by the United States with respect to tobacco)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2318.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the committee amendment, insert the following new section:

SEC. . NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

The Agricultural Adjustment Act of 1938 is amended by inserting after section 320C (7 U.S.C. 1314i) the following new section:

"SEC. 320D. NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

"(a) IN GENERAL.—Each domestic producer of tobacco shall remit to the Secretary a nonrefundable no net cost to taxpayers assessment in an amount determined under subsection (b) if the Secretary determines that—

"(1) a tariff-rate quota pursuant to Article XXVIII of the General Agreement on Tariffs and Trade is established with respect to tobacco;

"(b) AMOUNT.—

"(1) IN GENERAL.—In consultation with the Secretary of the Treasury, the Secretary shall determine the amount of the no net cost to taxpayers assessment required to be remitted by each producer under subsection (a) based on—

"(A) the quantity of tobacco produced by the producer; and

"(B) the requirement that the total of the amounts assessed against all producers shall be equal, to the maximum extent practicable, to the cost incurred by the Federal Government as a result of the conditions described in subsection (a), as determined under paragraph (2).

"(2) COST TO THE FEDERAL GOVERNMENT.—The cost to the Federal Government referred to in paragraph (1) shall be equal to—

"(A) in the case of a quota referred to in subsection (a)(1), the dollar value associated with the tariff-rate quota imposed on tobacco imported into the United States By—

"(i) a country with initial negotiating rights status; and

"(ii) a country that imports at least 10 percent of any kind of tobacco into the United States;

"(B) in the case of a quantitative limitation or fee referred to in subsection (a)(2), the dollar value associated with the limitation or fee; and

"(C) the dollar value associated with any addition tariff, fee, or assessment imposed, in response to the establishment or imposition of a quota, limitation, or fee referred to in subsection (a), by a country described in subparagraph (A).

"(c) COLLECTION.—An assessment imposed under this section shall be—

"(1) collected by the Secretary and transmitted to the Secretary of the Treasury for deposit in the general fund of the Treasury; and

"(2) enforced in the same manner as provided in section 320B.".

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. BROWN. I thank the Chair.

Mr. President, in the last reconciliation act, there were provisions affecting the tobacco industry. Those measures had some dramatic impact on the tobacco industry itself. To simplify, it involved two basic functions:

First, it instituted a domestic content provision for U.S. tobacco products manufactured into cigarettes. That 75–25 provision we felt at the time violated the GATT agreement.

It also included an import duty assessment which was used to subsidize the tobacco loan program.

It is unique in two areas:

First, in that we adopted a system that would, in effect, subsidize a farm program which we had been assured was paying its own way. That I think is a problem.

Second, the domestic content provision went directly contrary to the trade agreements we had signed both in GATT and the North American Free-Trade Agreement. We said at the time that it was GATT illegal and violated the agreement and would subject this country to retaliation and, what is more important, would subject this Nation to ridicule.

Ironically, this Nation had been the lead objector when several other countries had instituted a domestic content provision with regard to tobacco. And yet we found ourselves doing exactly the same thing to which we had objected.

In the debate I think Members will recall we talked about how this would be a poster child duplicity with regard to the tobacco industry.

The events that have occurred since then tend to prove out those concerns. Ironically, GATT has acted and ruled that these provisions were GATT illegal, and they opened the United States up for retaliation. There is a provision winding its way through Congress that attempts to deal with it, and this provision in my mind at least is even worse than what we have on the books now. It does provide for an import duty on tobacco which would help maintain the high price, or relatively high price of the world market that exists now. Under article 28 it opens up a provision for other countries to retaliate against us.

What are the problems if this solution goes forward? The first problem is that there indeed may be a cost and a retaliation against us of a significant amount. As it is set up now, it will not be the tobacco growers who pay for that cost. But it may well be the taxpayers or other commodities that pay for that cost.

Second, you continue to have a circumstance where the tobacco loan program is subsidized from the import duties that come in. The bottom line is this: You violate our trade agreements, you subsidize tobacco, and you end up setting an example of trade practices that are absolutely contrary to what we are preaching to the rest of the world.

Mr. President, I personally believe it is a mistake to subsidize tobacco. I would like to see it done away with. Mr. President, I personally think it is a mistake to violate trade agreements. I would like to see those changed.

The amendment before the body though is a very limited amendment. It simply says there is going to be no net cost to the taxpayer. It simply says those who get the benefit of this program have to pay any costs that are added to it. Mr. President, it does not go as far as I would like to. I would like to do away with the loan program. I would like to do away with the subsidy. I would like to do away with the import duty. I would like to do away with the trade violations. This amendment does not. It simply says that the taxpayers are not going to get stuck, there is going to be no net cost to the taxpayers for this new program.

Why bring it up on the appropriations bill? The very diligent chairman and ranking member worked hard to bring this bill to the floor to process it through the Senate. I am sure that they are not anxious to have new amendments added. But the problem is similar to what we faced last year. The tobacco subsidy, or what turned out to be the domestic content in the tobacco subsidy measure, was put on in reconciliation and brought out in a way so that it was almost impossible to amend.

The measure that is winding its way through Congress through the article 28 provisions is that included in the GATT authorization fast-track legislation which means it will come to the floor in a way so we cannot amend it because it will be a part of fast track. Imagine a major subsidy program being put forth in a way that you cannot amend it or deal with it. I think that is a mistake. That is why we have to deal with it under these circumstances.

I want to mention a memo which I received from the Congressional Research Service on this subject. Let me emphasize here that they were responding to my inquiry. They are not in the process of taking a position on legislation one way or another. But I think the background that they spell out is important, and will be of interest to everyone.

Their memo to me says:

> As a signatory on the General Agreement on Tariffs and Trade, GATT, the United States has a legal obligation to not increase its tariffs or impose quantitative import barriers beyond the levels previously negotiated and agreed to with other members of the GATT. As a practical matter, the U.S. tariff schedule contains tariffs to which the U.S. is bound. On January 1, 1994, the United States implemented a requirement on U.S. cigarette manufacturers that at least 75 percent of tobacco in cigarettes would be grown domestically. This requirement was mandated by the Omnibus Budget Reconciliation Act of 1993 which we referred to a minute ago. Implementing regulations were published in the Federal Register on January 11, 1994. It was estimated by the USDA that this requirement would increase the usage of domestic tobacco, and, conversely, reduce the usage of imported tobacco by 188 million pounds in 1994. As a result, the cost of tobacco to domestic manufacturers in 1994 would increase about $200 million.

In parentheses, they say because the cost of domestic tobacco is about double the cost of foreign tobacco.

As an aside, that is part of the problem. The tobacco loan program tries to maintain an artificially high price for U.S. tobacco. It has been mandated by previous law although that was changed with the legislation we referred to that it not cost the taxpayers any money. That has become an almost impossible burden. That burden, that inability to maintain an artificially high price, is what has led to the effort of the domestic content. And, when it was ruled as GATT illegal, it led to the current effort.

Let me continue on with the memo—

> A GATT dispute resolution panel is expected to rule that this requirement violates U.S. obligations under the GATT.

I might add here that that ruling has come down.

> With this outcome the United States will be required to negotiate with economically injured foreign countries to agree on acceptable compensation. The agreement reached in the Uruguay Round of trade negotiations specifies that tariffs on agricultural commodities shall be reduced by 15 percent over a period of years. The agreement also requires that quantitative import barriers, i.e. quotas, will be converted to tariffs which will then be subject to the same 15 percent reduction in the future. The proposed legislation will implement the Uruguay Round agreement which includes a provision that is amending Section 125 of the Trade Act of 1974 that allows the President to replace the 75 percent domestic content requirement with the tariff rate quotas. The tariff would be limited to 350 percent ad valorem above the rate existing on January 1, 1975. This amendment is consistent with article 28 of the GATT which allows for the modification or withdrawal of previously negotiated concessions with possible compensation. The proposed legislation does not provide for the compensation that will likely be negotiated with the injured parties.

Mr. President, that is the purpose of my amendment; to simply say that we ought to make sure that the taxpayer is not stuck with the bill here, to simply require that these new provisions of this new tariff that would maintain an artificially high price on tobacco, to make sure that when the retaliation comes about under article 28 that the taxpayers are not left footing the bill.

So what we are asking for is simply that the tobacco folks end up paying for the costs that this amendment may well impose on other people.

The CRS goes on:

> Proposed method for providing compensation * * * if the economically injured companies are awarded compensation of about $200 million per year, or its equivalent in monetary compensation, the source of compensation must be provided. One way to generate the necessary $200 million a year is to assess all domestic tobacco subsidies. Such an approach would generate revenues already in place under the authority of the no net cost tobacco price support program. So the administrative mechanism is already in place to collect import protection compensation assessment.

Mr. President, in thinking about what is involved here, you can make an analogy to the automobile industry. I mention this because I think others can understand more easily what goes on here. Let us assume our automobile market is going through difficult times. And the producers say, "We would like to get a higher price for our automobiles and have more savings." So they convince the Government to put a huge import duty on vehicles. What that import duty does is keep foreign vehicles out of the country. It allows the domestic manufacturers to increase their price, and increase their market share. The problem is the consumer is taken.

What is more, under these circumstances our trade laws allow for retaliation by protectionist practices. What would then happen would be that the consumer is not only hurt but the taxpayer is hurt or another commodity is hurt. The other commodity can be hurt because we have assigned an agreement that allows retaliation against other commodities.

So for example, corn growers could find their markets undercut or facing new tariffs or new quotas as they try and sell into the markets overseas.

I thought yesterday that the distinguished Senator from Kentucky made a very excellent point. As I understood what he said, he pointed out that there were a number of claims the United States had against other countries for unfair trade practices and that they remain unresolved and unsatisfied. I assume he points that out to point out that there are avenues that we can follow up in this area that may not cost the taxpayers money. I think he makes a valid point, and I think it is appropriate for him to point out that other countries have followed some of these practices as well, and that we may well have an ability to offset the impact there.

I simply want to make sure that the taxpayer does not get stuck with the bill here though.

That is the purpose of my amendment. Indeed, if we are able to work something out that does not cost the taxpayers any money, this amendment will not have harmed anyone. But it does provide valid, important insurance to make sure that the taxpayers are not put to the sword in terms of additional subsidies to the tobacco industry.

We ought to ask this industry to stand on its own 2 feet. I want to simply add a note because I think it is important for the discussion. I know that many who will take the floor today are honestly concerned about the welfare of tobacco producers in this country. But I think it is worthwhile noting the impact of that 75–25 rule. There is an article that appears in the export leaf tobacco publication in which they quote tobacco officials as saying: "We growers have the concern that we may have shot ourselves in the foot with the 75–25 rule."

In reality, what has happened is the law, as it is now in place and will be in place with these changes, gives processors a major reason to take jobs overseas. They will be saddled and stuck and imposed with a significantly higher—almost double, if you believe the CRS comment on prices—cost of raw materials in this country than they can obtain overseas. What it says is that if you are going to export product, you better well manufacture it overseas, because if you export it to the United States, it is going to be dramatically and significantly more expensive.

For those who are concerned about it, let me recommend the October 1993 publication of Tobacco Report. The headline speaks for itself: "Backlash."

The reality is that, in the longrun, tobacco producers have not been helped by these programs. They have been dramatically harmed. I think it is appropriate that we not ask the taxpayers, though, to foot the bill.

Mr. President, I want to read into the RECORD a statement by the U.S. Department of Agriculture, which speaks on this domestic content requirement. This is from January 11, 1994:

> A seventy-five percent domestic tobacco content requirement is expected to increase the usage of domestic tobacco by 188 million pounds for 1994, which will cost domestic manufacturers about $200 million. Since the cost of domestic tobacco is about double that of imported tobacco, domestic cigarette manufacturers are expected to shift cigarette production to foreign-based operations.

Mr. President, let me emphasize this is not HANK BROWN speaking; this is the U.S. Department of Agriculture. "Shift production" to foreign-based operations, is what they say.

> As this shift in production occurs, domestic cigarette production is expected to decline about 9 percent a year for the next 4 years. This will result in a loss of about 1,100 jobs in domestic cigarette manufacturing plants. The use of domestically produced tobacco will eventually decline to a level less than if there were no domestic content requirement. Domestic cigarette output is expected to decline by 40 percent by 1998.

Some may disagree with this assessment by the Department of Agriculture, Mr. President, even though industry officials and the Department of Agriculture have somewhat similar provisions. But ask yourself: Does any manufacturer volunteer to be noncompetitive? Does anyone want to have double the price of raw material that they process if they have a choice?

This entire program is one that is designed to destroy jobs in America, to run the export business outside the United States, to provide a premium for people to shut down plants here and open them up overseas. And yes, Mr. President, ironically, it will mean, according to the Department of Agriculture, less U.S. production because they will lose even that.

It is a self-defeating program for tobacco, and it is a self-defeating program for our trade policy. It is a self-defeating program for tobacco producers.

Mr. President, it is a mistake for American policy. We should not be in the business of subsidizing tobacco. That is what this amendment does. This amendment says "end the subsidy to tobacco." If there is a cost to this program, they should pay for it themselves.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I had to restrain myself because the distinguished Senator from Colorado was so wrong as it relates to the tobacco program. It proves that here is an individual that has not grown up in the culture of tobacco, has not grown up in understanding this part of our economic life, and has gone to meddling. He talks about saving taxpayers money. That is the neon sign turned on here, to say, "We want to save taxpayers money." We do not want to cost the taxpayers money. No one wants to do that.

But he said there is a subsidy for tobacco. I hope the Senator will listen. The program pays its way with no net cost. The program pays its way with no net cost assessment. Whatever the cost might be, the farmer and the manufacturer pay for it.

The farmer he wants to tax is now paying his full weight. So there is really no subsidy. In addition to this, farmers and purchasers pay a budget deficit assessment. How many farmers in Colorado pay a budget deficit assessment? We pay about $25 million—not much, but it sure does reduce the income of the tobacco farmer because he is assessed a budget deficit assessment.

In addition to that, farmers pay inspection and grading fees to cover any cost. The Senator from Colorado says there is a subsidy. Well, I say to him that there is no subsidy. Any way you look at, there is not a subsidy.

Mr. President, we have a statement of the U.S. Department of Agriculture that he has all blown up over there. That is the proposed rule; that is not the final rule. I get a bill that is written and introduced, and it is not the final product. This is the proposed rule.

I wish the Senator would read the final rule and put the final rule up here where people can read it. That is a proposed rule, and they know that. I have a copy of it. It is the same thing he has blown up over there. So that is not the final rule; it is the proposed rule. Where in the world did he get $200 million? He pulled that out of the air, because that was up front. It was on this proposed rule, not the final rule.

Let us talk a little bit about the final rule. He talks about the cost. Let us talk about the final rule for just a moment. The domestic marketing assessment, the DMA, provisions of the 1993 act are expected to increase the usage of domestic tobacco by 220 million pounds for marketing year 1994. Even if cigarette production declines—I want to underscore "declines"—to the extent forecast in the final regulatory impact analysis, by the 6 year, with DMA provisions, extra domestic tobacco required to avoid any additional assessments by cigarette manufacturers will still be 115 million pounds.

> The increase in the use of domestic tobacco is expected to draw down current loan stocks—

Loan stocks, so we can pay them back and the farmer makes that loan good.

> The increase in the use of domestic tobacco will draw down the loan stocks and flue-cured tobacco by 159 million pounds in 1994. Consequently the Commodity Credit Corporation loan outlays for tobacco for the year 1994 are estimated to be about $320 million less.

Think about that now. And we are being fussed at. We are being fussed at.

> These actions should, in subsequent years, reduce the amount of the no-net-cost tobacco payment program paid for by domestic burley and flue-cured tobacco. Additionally, DMA in place about 8,000 farms—

Think about this now—

> —about 8,000 farms may remain in operation over the next 6 years that would otherwise go out of business.

I do not understand why we are trying to hurt the U.S. farmer when we ought to be trying to help the U.S. farmer.

Now, Mr. President, the Senator from Colorado fundamentally misunderstands what the article 28 process is all about.

Our trade representative is attempting to negotiate the best possible deal to stabilize our markets without requiring any compensation to other countries. Compensation is mere hypothetical. The trade negotiator has outlined his strategy.

I doubt seriously the Senator from Colorado has even attempted to discuss it with the trade representative and understand the strategy has been developed for zero compensation, unless the amendment of the Senator from Colorado passes. Then we have real trouble.

Consider how bizarre this amendment really is. The negotiations have barely begun under article 28 of GATT. This is not a law, I say to the Senator. We have had a hard time explaining that to him. Article 28 is under GATT. It is a portion of how we negotiate.

But the Senator from Colorado is actually undercutting our negotiating position. He is saying to the importing countries: Hold out. Do not compromise. You have friends in the U.S. Senate who do not care about U.S. farmers.

He is saying to these other countries: Do not negotiate in good faith. Hold out and then seek compensation from good old Uncle Sugar, and when you do, be assured that you will put U.S. farmers at an even greater disadvantage because if you seek compensation they will have to pay new assessments. So do not negotiate in good faith.

So, we are hurting in trying to work it out under the procedures that we have used for a long time.

Mr. President, if this amendment passes, boy, you wheat growers better look out; you rice growers better look out; and any other agricultural product better look out; you are next, because in the attempt to get to tobacco—and I hope my colleagues will understand this—in an attempt to get to tobacco, you put everything else at a disadvantage. You are not zeroing in on just tobacco. You are setting a precedent here for all other commodities that might have a problem and be negotiated under article 28 of GATT.

Mr. President, this amendment, I think, demonstrates more about how our trade policy gets screwed up in this country than any other example I can think of.

I wonder which country the Senator from Colorado is worried about. Who does he think might seek compensation? Is he worried about other countries, or is he worried about the United States? Is he worried about the farmers in Brazil, Zimbabwe, or some other place more than he is worried about the United States farmer?

Could it be Zimbabwe? Mr. President, according to the Foreign Agricultural Service, Zimbabwe still completely prohibits the import of our tobacco or tobacco products. Meanwhile the amount of tobacco sent from Zimbabwe to this country escalated from 3,000 metric tons in 1990 to 22,000 metric tons in 1992, and it continues to grow.

I do not understand why this amendment was even brought up unless it was to get to tobacco. And when you do that you put all other commodities in jeopardy.

Yet the Senator from Colorado is saying: Zimbabwe do not worry. I will protect you. Keep banning U.S. products from your own country. I will guarantee you access to our markets, and on top of that I will penalize U.S. farmers if you seek compensation. What do you have to lose?

What do you have to lose? They do not have anything to lose, but our U.S. farmers have a great deal to lose.

Mr. President, is it China the Senator from Colorado is seeking to help? China has a monopoly, and the only way to enter their market is by dealing with the monopoly. They have an import quota on our cigarettes. They have a higher tax on our products than their own. That is discrimination. They control the number of retail outlets where our products can be sold. They have discriminatory fees. Yet the Senator from Colorado is saying: Come on over. Come on over. I will protect you, but you keep banning our products.

Mr. President, does the Senator think they will seek compensation? Does the Senator know how many nontariff barriers exist in the sale of U.S. products there?

How about Brazil? Does the Senator from Colorado know how prohibitive it is to get the required import license to sell in Brazil?

This is some vision of free trade. The Senator from Colorado is anxious to help every country in the world except one. He is anxious to help farmers all over the world except in one place, and that one place is the United States.

Mr. President, the Brown amendment is poorly timed. It is poor trade policy. It is legislation on an appropriations bill. It is legislation on an appropriations bill, and it will assure that we have a full debate, if it is passed, on increased grazing fees.

Mr. WARNER. Mr. President, will the distinguished Senator from Kentucky yield for a question?

Mr. FORD. I am glad to yield for a question.

Mr. WARNER. I thank the Senator.

I associate myself with the views that he has just expressed.

My concern is the concern of many Senators, and that is jobs within their States.

Would the Senator from Kentucky be able to advise the Senate with respect to, if the Brown position were to prevail—that is the position of the Senator from Colorado—what would be the impact on our job situation?

Mr. FORD. It would be lost, somewhere in the neighborhood of 8,000 farms.

Mr. WARNER. Eight thousand.

Mr. FORD. Eight thousand farms. That was the estimate that we had.

Mr. WARNER. Mr. President, would that not be from the sector of the very small farmer?

Mr. FORD. There is no question about it.

I say to my good friend from Virginia that 69 percent of those allotment holders in my State have other jobs. So it becomes a husband, wife, and family operation. There are 105,000 allotments in my State. So when you have the small family farm and they raise this crop, it is an income I think I recall of about $5,000 per year that goes to that small family farm that they would not otherwise get. That would be deteriorated considerably under the Brown amendment.

Mr. WARNER. Mr. President, I thank the distinguished Senator.

I find that that same profile is present in the Commonwealth of Virginia. It is the small family. No one gets rich. It really provides that margin by which these families can maybe survive.

Mr. FORD. It keeps them above the poverty level.

Mr. WARNER. That is correct.

I thank the Senator.

Mr. FORD. I thank the Senator for his question and I thank him for his support.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky [Mr. McCONNELL].

Mr. McCONNELL. Mr. President, picking up on the exchange between my colleague from Kentucky and the Senator from Virginia, Senator FORD was talking about the typical number of acres of tobacco in Kentucky.

Mr. FORD. The typical number in Kentucky is three-fourths of an acre.

Mr. McCONNELL. And I believe the Senator said that 69 percent have another job.

If you were setting out to produce tobacco efficiently, if efficiency was the only goal, obviously the way we produce it is not very efficient; but it puts income in the hands of an enormous number of medium- and low-income families in our State, over 60,000 quota holders, the average one being three-fourths of an acre.

And for these folks, it is Christmas money, sold at auction in November and December, and Christmas money for a lot of medium- and modest-income people.

So, Mr. President, we are fighting, Senator FORD and myself—and the Senator from Virginia made the observation as well that this is also the case in Virginia—fighting for the livelihood, the very livelihood of an awful lot of medium- and low-income people in our States.

The amendment offered by the Senator from Colorado undermines the U.S. Trade Representative's negotiating authority in his efforts to obtain a GATT-legal approach to implement the tobacco import law which was enacted last year through the extraordinary efforts of the senior Senator from Kentucky, Senator FORD.

On June 28, USTR notified the GATT counsel of our intention to enter into negotiations with interested parties under article 28 of the GATT. By initiating article 28, we would be in GATT compliance and would be negotiating with those countries who have rights under article 28.

Under that article, U.S. negotiators will try to set the tariff rate quota at the lowest level possible without triggering compensation to affected countries—without triggering compensation to affected countries. By setting the TRQ at such a level, domestic growers will be provided some protection from increased tobacco imports, which would replace U.S.-produced tobacco.

Mr. President, in the absence of import restraints, U.S. imports of foreign tobacco are likely to rise, gaining a greater share of U.S. consumption. The Foreign Agricultural Service periodically produces a document called "Import Requirements and Restrictions for Tobacco and Tobacco Products in Foreign Markets." The report, Mr. President, details taxes, tariffs, and nontariff restrictions affecting trade.

Tobacco is a highly protected commodity around the world, not just here in the United States. Countries such as Brazil, Zimbabwe, and Thailand have protectionist trade barriers against our products. These countries were involved in bringing the tobacco import law issue before GATT.

It is very important, Mr. President, to allow the article 28 negotiations to work before we propose such dramatic measures as those contemplated by the Brown amendment.

Again, I point out that our negotiators will try to set the tariff rate quota at the lowest level without—without—having to pay compensation. However, this amendment undermines our ability to achieve the best possible outcome with those countries with whom we must negotiate under article 28 of the GATT.

The tobacco producers in the Commonwealth of Kentucky already pay for research, a no net cost assessment, a budget deficit fee, and fees for grading and inspection. I do not know of any other commodity, Mr. President, under the same amount of pressure, taxation, and unfair harassment. They pay more than their fair share.

So I commend my colleague from Kentucky for his outstanding work in this area. I certainly hope that the Brown amendment will not be successful and, at the appropriate time, I will be making a motion to table.

Mr. FORD. Mr. President, I am going to yield the floor. I think it is proper for me to do that.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I truly regret having to oppose this amendment, because I have the utmost respect for the Senator from Colorado. He is one of the finest, most conscientious, and likable Members of this body.

I know he feels very strongly about issues relating to the tobacco industry and tobacco program. He described the fact that he would like to kill the program, kill the subsidies, and absolutely do away with any kind of support for tobacco farmers or the industry. Those views are well known. We respect his intelligence and his commitment and the way he uses his ability to try to influence policy in these areas.

But my reason for having to oppose the amendment has to do with the fact that this amendment has absolutely nothing to do with this bill. The bill that we have before the Senate right now is an agriculture appropriations bill, reported by the Agriculture Appropriations Subcommittee to the full Committee on Appropriations. This amendment does not change one word in this bill. It does not increase or decrease any of the funding levels contained in this appropriations bill.

As a matter of fact, you can read the title of the amendment and see that it has nothing to do with an agriculture program or the tobacco program. It relates to a trade issue. The stated purpose of the amendment is, and I am going to read it:

> To ensure that there will be no net cost to taxpayers if protectionist trade practices are adopted by the United States with respect to tobacco.

That is a trade issue that relates to a provision of the GATT legislation that is under consideration here in the Senate by the Finance Committee.

I hope the Finance Committee members—certainly the chairman and ranking member of the committee—will take note that this is an amendment that seeks to usurp the jurisdiction of the Finance Committee on an issue that is contained in GATT legislation that is being considered by the Finance Committee.

So my quarrel is not with the distinguished Senator from Colorado. It is to try to keep the committee structure and the rules of the Senate in our minds as we proceed to consider our legislation.

If every committee is going to have its jurisdiction usurped by the amendment process when legislation gets to the floor, we need to abolish all of the committees. We do not need committees.

We undertook in the Rules Committee—and my friend from Kentucky is chairman—to look at the proposals for restructuring committees and reorganizing the Senate to make it more efficient, to be sure that Senators were not stretched too thinly over too many subject matter areas with their committee assignments, trying to make the Senate a more efficient place for the consideration of legislation. We could throw all of that out the window if we are now going to just ignore the rules, ignore committees' jurisdiction, and have amendments of this kind adopted to legislation that have nothing to do with the subject of the amendment.

So I hope the Senate will support a motion to table the amendment when it is made.

We could make a point of order under rule XVI, but the issue of germaneness would be raised by the proponent of the amendment, and the Chair, under the Senate's rules, would have to submit that issue of germaneness to a vote. We would have to vote on that. Senators might not focus on the nuances involved, and it may be best, in terms of saving time for everybody concerned, to simply have a motion to table the amendment.

I strongly urge Senators to support the motion to table when it is made. This amendment seeks to impose sanctions on an industry for engaging in what the amendment defines as "protectionist trade practices." That is what this amendment does.

It purports to be a new section of the Agriculture Adjustment Act of 1938. If you read the amendment as it starts off, it says, "This is to amend the Agriculture Adjustment Act of 1938 by adding a new section as follows." And then the rest of the amendment follows, and it has nothing to do with the tobacco program. That is the part of the Agriculture Adjustment Act that the amendment seeks to amend. But it does not change anything in the Agriculture Adjustment Act of 1938. It does not change the subsidy program. It does not alter it one whit.

It imposes sanctions against an industry if it engages in protectionist trade practices. That is a trade issue. That is a GATT issue. That is a matter of public policy, true enough. But it does not have anything to do with appropriations for Agriculture Department activities and that is what the bill before the Senate deals with.

I hope the Senate will vote to sustain the motion to table when it is made.

The PRESIDING OFFICER. The Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, a number of important points have been made. I thought I would try to respond succinctly. I know Members are anxious to move ahead with the bill. It is appropriate they should. Let me deal with them in order.

First of all with regard to employment, because I think that is a concern of every Member here. The distinguished Senator from Kentucky had expressed his concern about what would happen with regard to employment in the industry. The distinguished Senator from Virginia had also.

If we follow the course that is now proposed, employment will drop and drop dramatically. That is not an assertion by HANK BROWN. That is an assertion by the U.S. Department of Agriculture and their experts that deal with this. The provision that has been put in place, which I think is foolish policy, is one that will lead to the loss of 11,000 manufacturing jobs according to the USDA, and additional loss of jobs in regard to farmers.

Mr. FORD. Mr. President, will the Senator yield for a question? I apologize for doing this but I think it is important I ask him a question.

Mr. BROWN. I will be happy to yield to the distinguished Senator.

Mr. FORD. The Senator is making his statement as it relates to the law that is now in effect and not the proposal as it relates to article 28 under GATT, which is being repealed?

Mr. BROWN. The distinguished Senator is exactly correct.

Mr. FORD. I thank the Senator. That means then——

Mr. BROWN. Let me finish, if I could. The Senator is exactly correct. What I quoted from is a Department policy from USDA which relates to the domestic content and import duty.

Mr. FORD. It relates to the blowup on the chart which is the proposed rule and not the final rule, and so the estimates after the final rule are different than what the Senator is quoting.

I am not trying to make things something that they are not. But what you have here is you have taken the proposed rule and not the final rule. You are quoting to us the no net cost—or domestic content law, and you are not quoting from the trade—GATT article 28 position. That is somewhat different than the figures that were given by the law.

I think in fairness to me that I ought to raise this question.

Mr. BROWN. Mr. President, I appreciate the Senator rising and pointing that out. I want to assure the Members that we have been very clear and very straight and very up front. This is a statement by the U.S. Department of

Agriculture. It deals with the concept and the projection of a policy that involves having domestic tobacco prices double the world market. That is what costs jobs.

When they say they are eventually going to have less domestically produced tobacco, the reason they are saying that is because foreign tobacco will cost half what domestic tobacco does and you will have the manufacturers move offshore. They will initially move offshore for the foreign tobacco but they will also move eventually for tobacco produced domestically.

Mr. FORD addressed the Chair.

Mr. BROWN. Regular order, Mr. President. I have the floor.

Mr. FORD. Will the Senator yield?

Mr. BROWN. I will be happy to yield to the distinguished Senator.

Mr. FORD. Under the imports that come, and they are made—and tobacco used for imports, 99 percent of that is given a credit. So there is no imposition on imported tobacco that is used to make cigarettes that are exported to other countries. That is as far as the imports, imported to the United States, made into cigarettes and it is exported. And they get full credit for it. There is nothing there that hurts more than the cheap tobacco on ours. It is not the top grade. Some say it is better quality.

But I say to the Senator that for an import of tobacco that is made into cigarettes to be exported, there is full credit given. The countries can send as much in here as they want to, as it relates to exports.

Mr. BROWN. I thank the Senator for his comment. I want to go back to the point. If you insist that U.S. tobacco is going to be double what the world market is, you put manufacturers and processors at a disadvantage. You make it advantageous to process the product overseas and ship it in. That was why, in relating to the policy of having double the market price, the USDA statement relates not only to processing jobs but eventually to tobacco-producing jobs. If you are concerned about jobs, you ought to be alarmed about the program.

Let me emphasize my amendment does not go to solve that problem. I wish it did. It does not. My amendment simply says we are not going to subsidize tobacco. But I must say again, I think the fundamental problem with regard to employment relates to the phenomenon of having double the price in the United States. That eventually will cost a number of jobs and that is widely documented.

Mr. President, the second item that was brought up was with regard to undercutting the efforts of our negotiators. Let me emphasize that is not the case and that is not part of this amendment in any way. This amendment simply says that tobacco has to pay its own way. We are not going to subsidize it in this area. It in no way curtails the ability of our negotiators to go out and negotiate a good deal. As a matter of fact, let me assure the Senator, I wish our negotiators luck. I hope they negotiate as good a deal as possible. I hope they hold the penalties and retaliation against the United States for violating the fundamental approach under GATT—I hope they hold those penalties to as small as possible. But let us not kid ourselves. This amendment does not have anything to do with curtailing their ability. This amendment has to do with whether or not you subsidize tobacco.

One other thing I might mention. There has been a suggestion or implication, even, that my comments with regard to possible compensation were out of line. For those who think that, let me refer them to the Uruguay Round Tariff Agreements Draft Implementing Proposal. This comes out of the Subcommittee on Trade and the Committee on Ways and Means, June 29, 1994.

Why is that important? It is the House that has marked up the authorizing legislation with regard to these trade agreements and ratification of GATT. It is because that is on fast track that we will be unable to address it when it gets to the floor. That is, these ratifications and the measure that is coming over is going to be on fast track and literally will not be subject to amendment. There is no way to touch it. That is why we have to act here.

More important, in their description of the measure they are sending us is this language. Present law: Article 21 of the GATT—this is from the Ways and Means Committee.

> Article 28 of the GATT provides for the modification or withdrawal of previously negotiated concessions with possible compensation to all contracting parties that constitute principal or substantial suppliers of the products concerned and/or old or initial negotiations rights with respect to such products.

That is by the Ways and Means Committee themselves in the document they produced dealing with the markup that they just got through as it deals specifically with tobacco. The suggestion that there is no possibility of compensation being involved here is news to Ways and Means.

They hold a different view, and it is in the very documents themselves.

Mr. President, a third item that was brought up I think deals with the subsidies. We have just reconfirmed with CRS that, indeed, separate duties are assessed on imported tobacco. And under the law now, those are forwarded to support of the tobacco program. In other words, the changes that occurred last year included a new duty that goes to subsidized tobacco. This program is not self-supporting, it is subsidized by import duties, and no Member should be unaware of that.

What we literally have is a program on the books to subsidize tobacco at the same time we have other programs on the books to urge people not to use it. A contortionist would admire our flexibility, but, Mr. President, this is not serious Government. To have a product you subsidize at the same time you urge people not to use it involves an exceptional rate of flexibility to the point of ludicrousness. This is the laughingstock of the country. How many people believe it makes sense to subsidize a product and then turn around and urge people not to use it? We ought to make up our mind. Either we want to promote the use of it or we want to discourage it. But to do both at the same time is absurd.

I want to deal lastly with the question of why here. The distinguished ranking member on the Appropriations Committee who deals with this has been most indulgent and has worked very hard with us. I think he and the chairman have a right to expect this bill will receive expeditious consideration and move through without amendments that are harmful to the good job they intend.

The simple fact is why it has to be offered here is because, simply and flatly, just as it was done last year, the plans are this year to hustle this through in a way so that you cannot amend it, to get a new subsidy in place and not get a record vote on it, to do it in a way so we are not allowed to object to it on the floor. And that is one reason why it being included in the fast-track legislation is so devastating. We are literally left with no choice.

Does it relate to what is being considered? Let me refer Members to page 65, 66, and 67 where they deal specifically with the Commodity Credit Corporation, and on 67 these words appear:

> None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

The subject of tobacco and tobacco programs are clearly included in this bill. It is germane to what is being legislated in this bill. I want to mention that because I think it is important for Members to know that there simply is no choice. We have to bring it up here because we do not have another forum.

It boils down to one simple basic question: Do you want a subsidy for the tobacco program or do you not? If you do want it, you will want to vote against the BROWN amendment or you will want to vote to table it. If you think you should end the subsidy, then you will want to vote for the amendment.

I believe the key ingredient to getting our economy in order is to eliminate programs like this. The incredible approach of Congress to subsidize a product at the same time we urge it not be used, I think, defies the imagination and would astound most of the American people.

I want to reiterate one point: Very sincere concerns were expressed about jobs on this floor. I must say I believe, as truly as I am standing here, in the long run in terms of jobs for tobacco growers or in terms of jobs for processors, that they are very much in interest in doing away with this program.

I hope that out of this conference will come an effort to address that because this amendment does not deal with that. It does not do away with the program, which I wish it did. But eventually we have to deal with it because what we have established here is a train wreck. When you establish the domestic price is going to be double what the world market is, you have doomed yourself to be noncompetitive, and that is what the current policy is right now.

Mr. President, I yield back.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I am not going to go through the ritual of commenting on my distinguished friend from Colorado. He is my friend and he is distinguished and he is sincere, but he is sincerely wrong on this question.

I remember Lewis Carroll's "Through the Looking Glass," when I was a little boy. I had to memorize some of it. And I say to my friend from Kentucky that Humpty-Dumpty was quoted by Lewis Carroll as saying something like this:

"When I use a word, it means precisely what I intend for it to mean, nothing more, nothing less."

My distinguished friend from Colorado is using the word "subsidy" in exactly that fashion. If we started talking about grazing fees, and we have talked on this floor from time to time about grazing fees and subsidies, I remind my friend that a great deal of support has come to him and others who are interested in that issue. But the truth of the matter is, what the Senator is calling a subsidy is, in fact, a tax on the growers of tobacco. It punishes the farmers for finding what you would call a GATT-legal way of solving their problems under article 28 of the GATT agreement.

It completely undermines the United States negotiating position under article 28 for tobacco, and those negotiations have just begun. But let me emphasize, there is no subsidy for the tobacco program. We solved that some years ago when we had this no net cost program enacted. Tobacco has its problems, as does anything else, including cattle and other agricultural commodities.

Second, Mr. President, the problem is that several countries have challenged the domestic content law for tobacco. The Senator from Kentucky [Mr. FORD], has proposed a solution to replace the domestic content law by using article 28 of GATT. This would help the U.S. tobacco growers keep their farms by limiting the amount of foreign tobacco.

As for the amendment of my friend from Colorado, do you know who the greatest advocates of that amendment are? The tobacco growers in Communist China, the tobacco growers in Argentina and other foreign countries. They are praying that the Senator's amendment is adopted because that will disrupt the tobacco growers of the United States and put the tobacco growers overseas in the driver's seat.

The tobacco that some would like to pour into this country is of low quality and high nicotine. A lot is being said about nicotine, but you "ain't" seen nothing yet, Mr. President, until you look at the nicotine content in some of the Chinese and Argentine tobacco and others.

Some of us have a great interest in the General Agreement on Tariffs and Trade—GATT—and I am having a big problem with it because the sovereignty of the United States of America is in the balance, and we may as well face it in terms of this amendment.

Foreign countries love to challenge any U.S. law that helps U.S. workers or farmers. Let me say that this is just the tip of the iceberg, and that is one of the reasons I am opposed to the fast track on this GATT proposal.

In any case, one of the distinguished Senators from Kentucky, I am confident, will move to table this amendment. Whichever one does, or if both of them do, I want to join in the motion to table. Unless there is some danger of this amendment being approved, I hope this will be the end of it for this bill at this time. I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Colorado.

Mr. BROWN. Mr. President, the heart of the amendment we are debating is on page 3. Let me just quote it to Members:

> (B) the requirement that the total of the amounts assessed against all producers shall be equal, to the maximum extent practicable, to the cost incurred by the Federal Government as a result of the conditions described in subsection (a), as determined under paragraph (2).

That is basically what this is. This simply says, look, if it ends up costing the taxpayers money, the program has to pay for it, the tobacco folks have to pay for it. All we are doing is asking for them to pay the cost that they incur to the Federal Government.

Now, some of my good friends here have indicated a couple things that I think are worth commenting on. One, that there is no subsidy in the program. I was not aware, and I suspect other Members were not aware, that included in the provisions last year was a subsidy for tobacco. I know for a long time it was a question about whether you subsidize the tobacco loan program. This body had acted to make that loan program self-supporting.

What Members were not aware of, or at least this Member was not aware of—and I suspect some others—until recently was that included in what came about last year was a new tariff on imported tobacco that was remitted to subsidize and support the tobacco program. So the old saw that there is no subsidy here was not accurate. That was changed last year. There is a subsidy. And this amendment is necessary to keep the retaliation that comes against the United States from being a subsidy as well.

One other thing. There has been a question raised as to whether or not there ever would be compensation required by the United States. Let me simply to that say we have not only quoted the House Ways and Means Committee report, which indicates that is a possibility, but that is a subject that has been discussed with the U.S. Trade Representative, and as a matter of fact I have a list of options here that spell out a variety of those options that do involve the potential of subsidy.

Mr. President, I ask unanimous consent that that set of options, tobacco restrictions options which make it clear that there is a possibility of this costing us money and compensation being involved, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOBACCO RESTRICTION OPTIONS

TRQ OF A WOULD REQUIRE COMPENSATION OF B

	Thousand metric tons	Million dollars
	A	B
1. All supplying countries maintain 1990–92 avge., imports provides growth for Prin, Subs, INR suppliers only	201	0
2. All supplying countries maintain 1990–92 avge., import growth for Prin, Subs, INR suppliers but excludes Can, Mex, PRC	192	0
3. Actual imports 1990–92 avge., all countries	143	0
Assumes no obligation to countries other than Prin, Subs, INR; enables 14,000 MT to be offered to other countries (27,000 MT if Can, Mex, PRC are excluded)		
4. Subs, Prin and INR suppliers only—including adjustment for growth	129	0
5. Subs, Prin, INR suppliers only—including growth but excluding Can, Mex, PRC; no offers to suppliers with shares less than 10%	116	0
(note: any quota shares offered to countries with shares below 10% would increase compensation costs)		
6. Actual imports 1990–92 avge., Subs, Prin, INR suppliers only	70	154
If Can, Mex, PRC excluded		117
(note: any quota shares offered to countries with shares below 10% would increase compensation costs)		
7. Actual imports 1990–92 avge., Prin, Subs, INR suppliers (excluding Can, Mex, PRC)	67	126
(note: any quota offered to countries with shares below 10% would increase compensation cost)		
8. Domestic content equivalent quota	57	188
If Can, Mex, PRC excluded		150
(note: any quota offered to countries with shares below 10% would increase compensation costs)		

ANote: Allowable imports may be above quota levels set depending on the extent of imports from Canada and Mexico.

Mr. BROWN. Mr. President, the last point that I will simply reiterate, the question before us is simply this: Do you want to subsidize tobacco or not? I am a Member who believes they should stand on their own two feet and that you should not ask the taxpayers to subsidize them. If you feel as I do, I hope you will support the Brown amendment.

I yield the floor.

Mr. FORD. Mr. President, I will take just 30 seconds.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, if the Senator from Colorado interprets a tariff as a subsidy, and then he voted for NAFTA, he voted for the biggest subsidy bill we have ever had.

Now, tariffs are not a subsidy. The tobacco that comes in here pays the same thing as the North Carolina farmer. He pays the budget deficit that we pay. He pays the no-net assessment. That kind of makes things a little bit even where you stick it to and gouge the American farmer and the foreign grower gets off.

So if a tariff is a subsidy, Mr. President, we are in real trouble. We better go back and look at our whole trade program. The Agriculture Department ought to have some long and big hearings, which you have not had here.

And so, Mr. President, I have 10 reasons here and could go on about why this amendment should be tabled, but I will not.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment by the Senator from Colorado [Mr. BROWN] concerning the tobacco program. This amendment attempts to impose an additional tax burden on the tobacco farmers of my State. Currently, the tobacco farmers have enormous taxes imposed on their corp. An acre of tobacco currently raises over $37,500 in Federal taxes. This translates into about $5 of taxes for every tobacco plant.

Mr. President, this amendment will affect the many tobacco farmers whose only income is from their small tobacco allotment. In my State of South Carolina, there are over 52,000 acres of tobacco grown with a farm value of over $190 million. This is only the value to the farmers. The money from this crop is turned over in the local economy several times to provide for the local economy. Agriculture in South Carolina and several other southern States is unique. We do not have large quantities of land to produce crops. Therefore, tobacco is well suited to the land use of the South.

Mr. President, this amendment would cause severe economic harm to the farmers of my State. Therefore, I intend to vote to table this amendment.

Mr. LEVIN. Mr. President, I will vote to table the Brown amendment. The GATT dispute resolution panel has not yet ruled that the U.S. requirement regarding specific U.S. tobacco content levels violates U.S. obligations under the GATT. I cannot vote for an amendment that assumes GATT will call into question specific domestic activities in advance of a GATT ruling. And, we should preserve our options with respect to opposing or appealing GATT rulings.

My vote does not mean that I support any tobacco subsides. I believe the Brown amendment is putting the cart before the horse regarding possible implications of GATT before we have either the specific GATT panel ruling on this issue or the completed Uruguay round implementing legislation to review.

Mr. DURENBERGER. Mr. President, I strongly support the amendment offered by my colleague from Colorado [Mr. BROWN] which would specify that no cost shall be incurred by the Government for additional tobacco program costs resulting from enforcement of the 75 percent domestic content requirement for tobacco products.

This amendment sends a strong message that the domestic content requirement should never have been legislated in the first place. It is a serious GATT problem—the United States will be challenged on this after the World Trade Organization is established in 1995. It is likely we would lose that challenge and be required to pay compensation if we are not willing to change our discriminatory domestic content requirement. That compensation could be directed against U.S. tobacco exports—or it could negatively affect any other U.S. industry, including other agriculture commodities.

I was also interested in the USDA study cited by my friend from Colorado which indicated that tobacco companies would shift cigarette production abroad as a result of the domestic content requirement. Over 1,100 jobs would be lost as a result. Once production shifts abroad, of course, the use of domestic tobacco will also decline in the United States.

The moral of the story is that not only are domestic tobacco companies negatively affected, but the growers wind up shooting themselves in the foot by supporting this kind of unwarranted protection.

I urge the support of my colleagues for this important amendment.

Mr. ROBB. Mr. President, whether it is disproportionate tax levies on tobacco in health care legislation, a hostile congressional inquiry into the possible affects of nicotine, or now this amendment, which is clearly injurious to domestic tobacco producers, undermining the livelihood of hardworking individuals in the tobacco industry appears to be fair game these days among some legislators.

I am very much opposed to Senator BROWN's effort to circumvent normal procedures for congressional consideration of an international trade agreement. Let me explain.

U.S. law presently requires tobacco producers and manufacturers to include a certain percentage of domestically grown tobacco in the products they sell. These domestic content provisions ensure that our tobacco farmers get a fair shake, and do not suffer at the hands of foreign tobacco sellers attempting to establish U.S. market share through cutrate pricing.

Under GATT, current domestic content provisions will likely be replaced by an equivalent import restriction mechanism called tariff-rate quotas. These are designed to provide continued assistance and support to tobacco farmers in Virginia and many others across the country. That's only fair, since some foreign tobacco producers are prepared to ignore the rules of fair trade merely to gain a foothold in the U.S. market.

On the heels of the administration's decision, which I strongly supported, not to force thousands of tobacco farmers into such a position of competitive disadvantage, U.S. trade officials are now considering whether and how to provide compensation to countries that would be required to abide by the new tariff-rate quota schedule.

Mr. President, Senator BROWN's amendment requires the tobacco industry itself to bear the burden of compensation to foreign countries, stating that there can be no net cost to taxpayers for such action. His idea, however, really puts the cart before the horse: the Finance Committee is only at a preliminary stage considering this matter, the administration hasn't offered a detailed plan for compensation, and the House Ways and Means Committee has stated it is only prepared to address the issue at a later date.

Mr. President, notwithstanding the merits or lack thereof involved with this amendment, the Senator from Colorado is simply amending the wrong bill at the wrong time. Initial consideration of this matter belongs with members of the Finance Committee and the appropriate vehicle for adding language would be the GATT implementing legislation. My friend from Colorado's decision to address this issue on the Senate floor, and on the Agriculture Appropriations bill, represents legislating on an appropriations bill at its worst.

Finally, Mr. President, it is worth noting that we maintain tariffs on a range of foreign imports for numerous reasons, among them to deny our markets to unfair traders, to provide interim protection for certain import-sensitive industries, and other reasons as well. Senator BROWN's assertion that domestic content requirements for tobacco, whatever form they take, amount to Government subsidies is just plain wrong. When cause is shown that a domestic industry faces unfair competition from abroad, the Government has an obligation to take appropriate steps to defend the interests of the American workers involved. This amendment is directly contrary to that fundamental principle.

Accordingly, I will vote to table the Brown amendment.

Mr. McCONNELL. Very shortly, it will be my intention to move to table the Brown amendment on behalf of Senator HELMS and myself.

As colleagues are weighing how they should vote on that motion, I would like them to focus on the fact that this is not simply a vote on tobacco. It is a precedent-setting vote on how the United States can be expected to deal with other trade disputes. The amendment offered by my friend from Colorado creates a novel and potentially dangerous remedy for all trade disputes that other countries raise against the United States, as has been pointed out before.

If the Brown amendment is passed and its basic principle becomes law, then any foreign country that claims to have suffered from unfair trade treatment by the United States will try to obtain money damages directly from any and all domestic producers who have apparently benefited from the allegedly unfair treatment. As strange as that sounds, that is indeed the precedent established by the Brown amendment.

Simply put, the Brown amendment forces U.S. citizens—American farmers and producers—to put up money for foreign farmers and producers who are allegedly harmed by U.S. import laws.

Now, let us run that by one more time. The Brown amendment would force U.S. citizens—American farmers and producers—to put up money for foreign farmers and producers who are allegedly harmed by U.S. import law. I cannot imagine anything more frightening than that.

Let no Senator comfort him or herself with the thought that this proposal will only be limited to tobacco. I can just imagine that GATT negotiators from other countries will hear about this debate and this amendment and will positively salivate at the prospect that they might get hard currency compensation directly from U.S. producers if they can demonstrate that some aspect of our trade law is unfair and hurts any foreign producer.

Should the Brown amendment pass, I would not be at all surprised to see foreign GATT negotiators try to apply the Brown amendment concept to a broad array of crops as well as manufactured goods. What will our negotiators be able to say in response? Congress will have established a clear principle that U.S. farmers and other producers can be forced to pay direct compensatory damages to foreign producers whenever unfair trade treatment is alleged. And what exactly is an unfair subsidy or restriction or tariff? One could argue, it seems to me, that favorable grazing fees, which I personally have supported consistently here, could be considered an excessive subsidy which should require U.S. ranchers to pay a direct compensatory penalty to foreign livestock producers.

Now, the U.S. Trade Representative is working to ensure that our tobacco-import restrictions are GATT legal, so that no compensation would be required in any event. Thus, the amendment offered by the Senator from Colorado is flatly unnecessary, and yet it establishes a dangerous precedent that ought to send a shiver down the spine of every U.S. producer who could be held to the very same standard.

Finally, in addition to being totally unnecessary and a terrible precedent for all American farmers and producers, the Brown amendment will severely harm many thousands of farmers and their families, none of whom consider themselves to be particularly privileged or coddled. These people work hard. They work their soil. They pay their taxes. They build their communities. They raise their families. And this amendment will make all of that much harder by taking money out of their pockets and giving it to foreign countries. So I think this is really a terrible idea, Mr. President. I certainly hope the Senate will reject it.

At this point, if debate is concluded, on behalf of Senator HELMS and myself I move to table the Brown amendment.

Mr. FORD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2318 offered by the Senator from Colorado to the committee amendment on page 32. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—63

Akaka
Baucus
Biden
Bond
Boren
Breaux
Bumpers
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Craig
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Glenn
Graham
Grassley
Harkin
Heflin
Helms
Hollings
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Leahy
Levin
Lott
Mathews
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pressler
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—37

Bennett
Bingaman
Boxer
Bradley
Brown
Bryan
Chafee
Coats
Cohen
D'Amato
Danforth
Durenberger
Feingold
Gorton
Gramm
Gregg
Hatch
Hatfield
Hutchison
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Lieberman
Lugar
Mack
McCain
Metzenbaum
Murkowski
Nickles
Packwood
Pell
Reid
Roth
Smith
Specter

So the motion to table the amendment (No. 2318) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2305

Mr. GORTON. Mr. President, I am on the floor today to express my support for the amendment offered yesterday by the Senator from Arizona [Mr. McCAIN], and the Senator from Nebraska [Mr. KERREY] to remove from this bill an ill-conceived provision which would prevent States from fully implementing welfare reforms. The provision to which I am referring would prevent States from cashing out food stamp benefits if they had not already received a waiver to do so by July 1, 1994.

This provision sends a very dangerous message to the States. It tells them, not to be implement innovative reforms of their welfare system. With welfare reform at the top of the minds of most people in America, this is exactly the wrong message to send.

Currently, Mr. President, 20 States have implemented or are about to implement welfare reform programs which rely on the cashing out of food stamp benefits. Many others are looking at ways to reform their welfare systems which may or may not include converting food stamp benefits to cash.

The point is that the Federal Government should provide a great deal of flexibility to the States to implement innovative welfare programs. Far too often we feel that all wisdom lies in the Halls of Congress. In the real world, outside the Capital Beltway, bold and effective programs are being proposed every day which are years ahead of where we are at in the Congress. It is unfortunate that this one line buried deep within the Agriculture appropriations bill could undermine all the accomplishments of the States.

It is ironic that while many of the welfare reform proposals which have been introduced here in the Senate rely on cashing out of food stamp benefits, including the bill proposed by President Clinton, the sponsors of this bill seek to prevent States from cashing out food stamp benefits.

In Washington State we had an extensive study of a cashout program. A major part of the Family Independence Program [FIP] was conversion of food stamp benefits into cash. This program's authorization has concluded and a report was recently released detailing findings from a study of the program. The report found that the food stamp conversion program resulted in significant administrative costs savings and did not threaten the nutritional health of recipients. I ask unanimous consent that a section of the report focusing on the cashout program be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The overall savings of the program were remarkable.

> The cost of the coupon system for all 115,360 food stamp households in Washington State as of July 1991 was $953,301 per month (or $6.84 per case). Cashing out food stamps for just the AFDC (Aid to Families with Dependent Children program) and FIP households in the State would save $173,625 per month (or $1.25 per case). Cashing out food stamp benefits for all food stamp households in the State * * * would save $243,136 per month (or $1.75 per case).

In total, cashing out food stamps for just AFDC and FIP households would save the State of Washington just over $2 million each year. It would save Washington nearly $3 million each year to cash out all of its food stamp recipients. Clearly, food stamp cashout programs can be justified on a cost savings basis.

The arguments that we have heard today rely mainly on the fact that a person who receives cash tends to spend less money on food than do food stamp coupon recipients. It is an argument based on the belief that if given the chance to control their own lives, welfare recipients would make the wrong decisions. Perhaps they would make some mistakes, but I believe that many people would make the right decisions.

Well, again, let us look at Washington State.

While Washington State's experience did indicate that cashout families spent about $7 less per month on food purchases than did coupon households, the program also found that this decreased spending did not threaten the health of the recipients. That means food energy and protein was still "higher than the relative RDAs"—recommended daily allowance. Cashout families ingested 132 percent of the RDA for food energy and 243 percent of the RDA for protein. This was slightly less than that ingested by coupon families. The report goes on to say that, "The same was true for vitamins A, C, and B6, calcium, iron, folacin, and zinc." The report goes on to say that,

> Per dollar spent on food, however, nutrient availability was actually higher for cash than for coupon households for several of the nutrients. In other words, the dollars spent by cashout households on food bought more nutrients per dollars spent. * * * And cashout families also were more likely to participate in the commodities program (20 versus 8 percent) and WIC [the special food supplemental program for women, infants and children] (49 percent versus 37 percent * * *) than were coupon households.

Clearly, Mr. President, the moneys spent by the cashout families were not wasted. In fact, one might argue that they actually made wiser purchases than did coupon families by seeking out foods with higher nutritional values and participating in other programs.

Let us also look at what these families did with the money that was not spent on food. Cashout families spent more on housing and utilities and transportation expenses than did coupon families. Notably, cashout families spent less on recreation than did coupon families. Like most families in America, cashout families were forced to make difficult decisions on budgeting and shuffled their moneys according to their needs. As the report concludes, "These budgeting choices are clearly not easy." But, I would add, these choices are essential to preparing families for the realities they will face once off of welfare.

One final point raised by the survey touched on the benefits of the cashout program which cannot be measured in dollars or RDA's. Participants in Washington State's cashout program found checks to be less embarrassing and allowed the recipients to feel more dignified. The importance of maintaining ones dignity cannot be overstated. If we truly want welfare recipients to become independent we must implement programs which will not only empower them financially but also builds their self-esteem and self-reliance.

Mr. President, if we are truly interested in reforming the welfare system in a way that achieves cost savings and promotes independence, we will continue to allow States to enact reforms without Federal interference. I am pleased that yesterday the Senate adopted the McCain amendment to remove the ban on food stamp cashout programs from this otherwise very good bill.

EXHIBIT 1

CHAPTER VI—FOOD STAMP CASHOUT UNDER FIP: ADMINISTRATIVE COSTS, FOOD USE, AND RECIPIENT ATTITUDES

(Some charts referred to have been omitted)

A major component of the FIP benefit structure was substitution of cash for food stamp coupons by incorporating the food stamp benefit amount into the public assistance check. This chapter reports on the effect of this food stamp cashout on administrative costs, and on food use, and recipient* attitudes.[11]

ADMINISTRATIVE COSTS

The administrative cost estimates are derived by summing costs across a large set of discrete activities within four functional categories.[12] The functional categories are: authorization, issuance, daily reconciliation, and monthly reconciliation. Authorization involves determination of eligibility for new applicants, as well as periodic recertification of eligibility for on-going participants. Issuance is actual delivery of food assistance to the recipient and all activities related to lost or stolen coupons or checks. Daily reconciliation involves reviewing and recoding daily transactions and balancing records for the coupon stock. Monthly reconciliation involves reconciliation of state and federal records, and preparation of monthly management information reports. Figure VI.1 shows the overall operation of the coupon and check delivery systems in terms of these four functional categories.

The administrative costs for each functional category for the check and coupon systems were estimated through the following sequence: Document all administrative activities at the state and local levels, by type of staff conducting the activity; Measure the amount of time required each time an activity was performed (i.e., minutes per unit of activity);

Measure the number of times per month each activity was performed (i.e., frequency);

Compute the minutes per month for each activity (amount of time per activity times frequency); and

Compute the cost of each activity based on the amount of time and the salary costs of the staff performing the activity.

Administrative costs were included in the calculation of the cost difference when there was a difference between the two systems in either frequency of performance or unit cost per case. If an activity served both AFDC and food stamp delivery purposes under the cashout system, but was specific to the AFDC system under the coupon system, the cost of that activity was included in the costs of each system (see further discussion of joint costs below).

COUPON AND CHECK COSTS

Table VI.1 presents cost estimates for the coupon and check systems, as well as an estimate of the actual monthly savings per case cashed out.[13] As the right-hand column indicates, the check system cost less to administer than the coupon system. Monthly net savings for each cashed-out FIP household were estimated at $1.84.

TABLE VI.1—SELECTED ADMINISTRATIVE COSTS PER HOUSEHOLD PER MONTH OF THE FIP FOOD STAMP CASHOUT DEMONSTRATION

Activities	Selected Coupon System Costs			Selected Check System Costs		
	Direct FSP	Direct AFDC[a]	Joint FSP/AFDC	Direct FSP	Joining FSP/AFDC	Cost difference (coupon-check)
Authorization:						
Application, Expedited Benefits and Identification Costs	$1.44			$0.92		$.052

Footnotes to appear at end of article.

TABLE VI.1—SELECTED ADMINISTRATIVE COSTS PER HOUSEHOLD PER MONTH OF THE FIP FOOD STAMP CASHOUT DEMONSTRATION—Continued

Activities	Selected Coupon System Costs			Selected Check System Costs		
	Direct FSP	Direct AFDC[a]	Joint FSP/AFDC	Direct FSP	Joining FSP/AFDC	Cost difference (coupon-check)
Holding and Redirecting Benefits			$2.26		$2.92	($0.66)
Disbursement/Mailing of Food Coupon Authorization Cards and Checks	[b]$0.23	$0.26		$0.03	$0.26	$0.20
Issuance:						
Disbursement/Mailing of Coupons	[c]$1.21			$0.07		$1.14
Duplicate Issuance	$1.05	$0.28			$0.82	$0.51
Daily Reconciliation	$0.05			$0.00		$0.05
Monthly Reporting	$0.08	$0.19			$0.19	$0.08
Total	$4.06	$0.73	$2.26	$1.02	$4.19	$1.84

[a] To preserve comparability, direct costs for AFDC activities under the coupon system are only included when those activities are subsumed under joint activities in the check system.

[b] This figure is calculated using observed proportions of direct authorization/coupon issuance in coupon sites.

[c] This figure is based on observed proportions of (i) over-the-counter food coupon authorization redemption, (ii) regular mail coupon delivery, (iii) certified mail coupon delivery. In Washington State the least cost private sector charge for redeeming an authorization card was $1.40.

Source: Tabulations by the Urban Institute.

A distinction is made in the table between "joint" and "direct" activities. A joint activity is one that serves both a public assistance and a food stamp purpose. For example, an individual who moves may contact her/his financial worker to request that her food stamp and AFDC benefits be redirected through a local office closer to her new home. A direct activity serves only one program. For example, the activities associated with providing needy households with expedited food stamp benefits are relevant only to the food stamp program.

The feature of the Washington State cashout design that is most important for administrative costs is that cashout enables food stamp benefits to be included in the welfare check distribution system. Under the coupon system, food coupon authorization cards (FCAs) are mailed separately from AFDC checks, lost benefits are replaced separately for the two programs, and the control and reconciliation systems are separate. Activities directly attributable to food benefit delivery under the coupon system account for over 62 percent of the costs that are affected by cashout. Under the check system, most food benefit activities are absorbed in the system designed to deliver other forms of income assistance. This closer integration reduces the proportion of the costs directly attributable to food benefit delivery under the check system to 21 percent.

Authorization. Authorization costs were estimated in three categories, as shown in the Table VI.1. The check system resulted in an estimated $0.52 reduction in application, expedited benefits, and identification costs per household per month over the coupon system. Because no identification cards had to be issued under the cashout system but are required for clients to pick up their coupons, cashout eliminates the costs of preparing and delivering identification cards.

Holding and redirecting benefits (joint costs) were more expensive under cashout than under the coupon system. It is not clear that this should be included as a cashout cost, however, because the increased incidence of holds and redirects under FIP was not due to cashout. Because of the wide range of activities under FIP and the differential rewards associated with them, more frequent contact with CSO workers was required. Holds on benefits was the typical way of ensuring that the extra contact occurred. Excluding holds and redirects from the cost comparison increases the overall cost savings of the check system relative to the coupon system from $1.84 to $2.50 per case per month.

The authorization disbursement function saved $0.20 per case per month. We define disbursement of FCAs and checks as an authorization rather than an issuance activity because FCAs and checks authorize the client to receive the direct medium of exchange (coupons or cash money). The FCA activity is a direct cost of the coupon system. Mailing checks, in contrast, is a joint activity. The main direct cost of food benefits disbursement under cashout is the cost of printing and stuffing into the envelope the "FIP remittance letter," telling the client the proportion of the benefit that is the food benefit.

Issuance. The major savings on issuance, and indeed the largest savings achieved by cashout, comes from reduced costs of coupon disbursement. The only coupon disbursement that occurred under cashout involved the expedited benefits issued to new cases. Reduced coupon issuance accomplished savings of $1.14 per case per month. Cashout also reduced the administrative cost of duplicate issuance by $0.51 per case per month. The primary reason was the reduced loss and theft resulting from combining what were two benefits under AFDC/food stamps into one check under FIP/cashout. A second reason was the greater efficiency of the duplicate issuance process itself, because control systems for checks are simpler and more automated than for coupons.

Daily Reconciliation. Daily reconciliation was costless under cashout because it is a normal function of the banking system. This resulted in a savings of $0.05 per case per month.

Monthly Reconciliation. Monthly reconciliation under cashout was also handled as a routine activity by the banking system. The $0.08 per case per month saved is the CSO's cost of preparing the required monthly reports under the regular food stamp program.

OVERALL COSTS

The overall administrative cost implications of cashing out food stamps were estimated by comparing the per case costs under a baseline scenario with the costs under full cashout of public assistance cases within the state. The cost of the coupon system for all 115,360 food stamp households in Washington State as of July 1991 was $953,301 per month (or $6.84 per case). Cashing out food stamps for just the AFDC and FIP households in the state would save $173,625 per month (or $1.25 per case). Cashing out food stamps for all food stamp households in the state (both public assistance and nonpublic assistance cases) would save $243,136 per month (or $1.75 per case).

FOOD USE AND RECIPIENT ATTITUDES

The analysis of the effect of cashing out food stamps on food use and recipient attitudes is based on data collected during in-person interviews conducted over the three-month period between the beginning of August and the end of October 1990. The interview was administered to a sample of 1,199 one- and two-parent cases. The analysis is based on a sample of 780 cases: 399 cashout households and 381 coupon households. The reduced sample size resulted from a decision to restrict the analysis to "new" applicants (i.e., those who applied for public assistance at the treatment and comparison sites after FIP was implemented and were, therefore, automatically assigned to cashout status in the FIP sites). Cases that were already on AFDC when FIP was implemented were excluded because, in the FIP sites, such cases were allowed to choose whether to stay on coupons or switch to cash. Those who chose to switch to cash might (and in fact did) have different characteristics from those who chose to remain on coupons, possibly biasing the results.

The interviews recorded information on the numbers and types of meals eaten from the household food supply by household members and guests, and the number of meals eaten away from home by each family member. For each type of food used in the household, interviewers recorded the exact type of food, its form when brought into the house (fresh, frozen or canned), the quantity brought into the house, the quantity used, the price paid and the source (purchase, WIC, gift, payment-in-kind).[14] Income and program participation data provided by respondents were checked for accuracy against data from program administrative records, and no substantial differences were found.

The primary measure of the net impact of cashout on food use and recipient attitudes is the simple difference between the mean outcome values for check and coupon households. Regression adjustments were applied to selected outcomes to test for differences in the two samples that were not the result of cashout and might bias the simple difference in means as a measure of cashout's impact. These regression-adjusted estimates are not reported because they led to essentially the same results, indicating that any differences in household characteristics between the two samples did not measurably influence food use.

Nutritional status is measured as nutrient availability, meaning the nutrients present and available in the food used at home, whether those nutrients were actually consumed. The seven nutrients used in the analysis are those classified by the Joint Nutrition Monitoring Evaluation Committee (DHHS/USDA, 1986) as having priority status or warranting special consideration in public health monitoring: Vitamin A, Vitamin C, Vitamin B6, Calcium, Iron, Folacin, and

Zinc. Some measures of nutrient availability in the study use the Recommended Daily Allowances (RDAs) as a benchmark. RDAs are recommended average intakes, not necessarily minimum requirements. Therefore, levels of availability lower than the RDA point to potentially elevated nutritional risk, not necessarily inadequate intake.

FOOD USE

Cashout under FIP significantly reduced the amount households spent on food purchased for home consumption (Table VI.2, Panel 1). FIP households spent $65 on food used at home compared to $73 for coupon households. Correcting for the number of meals eaten at home (ENUs) and for household composition (AMEs) yield very similar percentage differences. In contrast, FIP had no impact on the share of total monthly expenditures spent on food purchased for use away from home. Both check and coupon households spent about 3 percent of their total monthly budget on food away from home.

The difference in total expenditures on food by check and coupon households is reflected in the proportions of their total budgets households spent on food versus other needs (Table VI.2, Panel 2). Check households spent a significantly lower share of their total budget on food than coupon households, although the difference is not large (36 versus 39 percent). This difference was compensated for by check households spending somewhat more on shelter (42 versus 40 percent) and on transportation (10 versus 9 percent).

TABLE VI.2—HOUSEHOLD FOOD EXPENDITURES PER MONTH

	Mean[a]		Difference (check-coupon)	
	Check	Coupon	Absolute	Percent
Panel 1: Value of Food Used at Home				
Food used at home ($):				
Purchased Food	50.8	60.5	*** −9.7	−16.1
Nonpurchased Food	14.6	12.2	2.3	18.9
Total	65.3	72.8	*** −7.4	−10.2
Food Used at Home per ENU ($):				
Purchased Food	28.3	33.4	*** −5.1	−15.4
Nonpurchased Food	9.0	9.0	0.02	0.2
Total	37.3	42.4	*** −5.1	−12.1
Food used at home per AME ($):				
Purchased Food	24.7	29.3	*** −4.6	−15.7
Nonpurchsed Food	7.9	7.2	0.7	10.0
Total	32.6	36.5	*** −3.9	−10.7
Panel 2: Distribution of Total Monthly Budget by Expenditure Category				
All Food	[1]36.0	[1]38.8	*** −2.7	−7.0
Food Use at Home	[1]32.7	[1]35.3	*** −2.6	−7.5
Food Used away from Home	[1]3.3	[1]3.4	−0.1	−2.5
All Shelter	[1]42.3	[1]40.3	*2.1	5.1
Housing	[1]31.7	[1]30.7	1.0	3.3
Utilities	[1]10.8	[1]9.9	0.9	8.7
Transportation	[1]10.3	[1]8.9	**1.4	16.1
Clothing	[1]5.4	[1]5.8	−0.5	−8.2
Recreation	[1]3.3	[1]3.5	−0.2	−6.3
Other	[1]2.8	[1]3.2	[b]0.3	12.0
Sample Size	[1]399	[1]381	....	....

Source: Tabulations by the Urban Institute.

Percent difference=(mean check—mean coupon)/mean coupon.

* (**) (***) Difference is significantly different from zero at the .10 (.05) (.01) level, two-tailed test.

n.c.=not computed.

[a] Individual budget shares are calculated on an observation-by-observation basis. Missing values are deleted in comparison of means but treated as zeros in calculation of total household expenditures.

[b] Statistical significance not computed.

[1] Percent.

The lower dollar amount spent on food by check households is reflected in the lower quantity and nutritional value of the household food supply available to cashout than to coupon households. With respect to quantity, check households used on average 40 pounds of food per week per ENU, compared to 44 pounds for coupon households (not shown). With respect to nutrient availability, the mean for food energy and protein was significantly less for check than for coupon households, although still higher than the relevant RDAs (132 versus 144 percent of the RDA for food energy, 243 versus 265 percent of the RDA for protein). The same was true for Vitamins A, C, and B6, Calcium, Iron, Folacin, and Zinc. Per dollar spent on food, however, nutrient availability was actually higher for cash than for coupon households for several of the nutrients. In other words, the dollars spent by cashout households on food bought more nutrients per dollar spent.

Finally, cashout was associated with changes in the locations in which households bought food and the extent to which they participated in other food assistance programs. Cashout households spent less of their food budget at supermarkets (84 versus 89 percent of the budget share going for food) and more at types of food outlets less likely to accept coupons. And cashout households also were more likely to participate in the commodities program (20 versus 8 percent) and WIC (49 versus 37 percent of households with pregnant women or children under age 5) than were coupon households.

RECIPIENT ATTITUDE

Members of both the FIP and AFDC groups saw advantages to both check and coupon issuance. The three most commonly mentioned advantages of checks over coupons were that: (1) checks can be used for other necessities (51 percent of check recipients and 42 percent of coupon recipients), (2) checks are less embarrassing (28 percent of check recipients and 13 percent of coupon recipients), and (3) checks allow you to feel more dignified (18 percent of check recipients and 5 percent of coupon recipients). Consistent with the findings on food purchasing patterns, 9 percent of check households and 8 percent of coupon households noted that checks offer more choice of food stores.

The primary advantages of coupons over checks relate to household budgeting. Over 73 percent of coupon respondents agreed or strongly agreed that food stamps give more control over the household budget, compared with 35 percent of check households. Over 80 percent of coupon households agreed or strongly agreed that food stamp coupons are helpful in budgeting, compared with 57 percent of check households.

CONCLUSIONS

In recent years, the possibility of issuing food stamp benefits in the form of checks instead of coupons has received increasing attention. Supporters argue that cashing out benefits would save administrative costs, give clients more freedom of choice in spending decisions, and reduce the stigma associated with coupon use. Opponents argue that it may lead clients to increase spending on nonfood needs and on prepared food or food eaten away from home—resulting in lower diet quality.

The FIP cashout demonstration is one among several testing some or all of these hypotheses. The earliest two were the SSI/Elderly demonstration and the Puerto Rico Nutrition Assistance Program. More recent demonstrations have been implemented in Alabama (two demonstrations) and San Diego County, California.

The FIP results provide further support for the findings in other demonstration contexts that cashing out food benefits does indeed achieve administrative cost savings. The two early demonstrations did not show evidence of reduced food use or nutrient availability as a result of cashout, possibly because of the particular populations examined or methodological constraints on the evaluations. However, the FIP experience is consistent with the results in two of the three other recent demonstrations. Cashout *can* reduce the money welfare clients spend on food and the quantity of food and nutrients available to them.

However, most households' nutrient availability under FIP was still well above the RDAs for food energy, protein, and the seven nutrients examined, and cashout households were able to spend higher proportions of their incomes on shelter and transportation. These budgeting choices are clearly not easy. Check households report somewhat greater difficulty in budgeting food expenses than those receiving coupons. Both check and coupon households see cashout as reducing the stigma of receiving food assistance. An important issue for policymakers is how to evaluate the tradeoff between greater spending flexibility, reduced stigma, and lower administrative costs, on the one hand, and reduced food expenditures and nutrient availability, on the other.

FOOTNOTES

[11] This chapter is based on N. Young and R. Yudd. "Administrative Costs in the Washington State Food Stamp Cashout Demonstration." Washington, DC: Urban Institute, 1993; and B. Cohen and N. Young. "Evaluation of the Washington State Food Stamp Cashout Demonstration." Washington, DC: Urban Institute.

[12] The administrative cost study is based on three data sources. The primary data collection instrument was an Administrative Cost Survey (ACS) of 49 local CSO staff in treatment and comparison sites. In addition, state-level interviews were conducted with DSHS and State Treasurer's Office staff involved with both the regular coupon system and FIP's cashout component. DSHS Office of Workload Analysis time estimates by task were also used. The ACS and state-level interviews were conducted during the period April through September 1991.

[13] Fixed costs, such as rent for the Direct Mail Unit and CSO costs due to maintaining an open food stamp window every day, were not included in the cost comparisons, since these costs were unaffected by the FIP cashout. Estimates suggest that total fixed costs are no more than 5 percent of total administrative costs.

[14] AME units adjusts household size for the age and sex of household members by weighting each member by her or his nutritional requirements relative to the dietary recommendation for food energy for an adult male. ENU units adjusts household size for each nutrient relative to an adult male and then further adjusts for the proportion of meals eaten at home and the number of meals served to guests. The benefit unit used for this analysis, referred to throughout as "household," is the food consumption unit (FCU), defined as people living together who eat from the same food supply. For measures of food use, we adjust the FCU for household size to correct for specific household and individual characteristics (adult male equivalent units—AMEs) and for the number of meals served to guests or eaten away from home (equivalent nutrition units—ENUs).

AMENDMENT NO. 2313

Mr. BUMPERS. Mr. President, regarding an amendment I offered yesterday on behalf of Senators HOLLINGS, MURRAY, and GRAMM, I neglected to explain its purpose. The amendment adds $5,000,000 for the U.S. Vegetable Lab in South Carolina; it adds $1,908,000 for the animal disease biotechnology facility in Washington; and it adds $1,000,000 for the plant stress lab in Texas.

1994 CROP LOSSES

Mr. NUNN. Mr. President, I rise today to express my gratitude to the managers of the fiscal year 1995 agriculture appropriations bill, Senators BUMPERS and COCHRAN, for their assistance in offering an amendment to the appropriations bill providing such funds as necessary for 1994 crop losses. I am also pleased to cosponsor Senator HEFLIN's amendment, which will provide additional assistance to flooded areas through emergency community water assistance grants, very low-income housing repair grants, and the Emergency Conservation Program.

Senator HEFLIN shared with the Senate Monday his observations of the flooding in Alabama, and I can only concur with his assessment of the devastation. I might add that according to the Georgia State ASCS office, as of Friday, July 15, 35,000 acres of cotton had been impacted by floodwater in Senator HEFLIN's native Worth County, GA. Worth is 1 of 45 counties declared a disaster area in Georgia.

Mr. President, farmers in Georgia, Alabama, and Florida are certainly not strangers to disaster. Our farmers have extensive experience with drought, but flooding is something else entirely. It is unprecedented. My staff and I have spoken with plant pathologists, farmers, historians, and other experts and the conclusion is the same: we simply do not know how this flood will affect Georgia agriculture. In the meantime, our farmers are contractually bound to deliver peanuts, cotton, pecans, peaches, and soybeans that are under water, or feed cattle that have drowned or have nothing to eat.

Under the terms of the 1990 farm bill, the most a farmer with a total loss can hope for is 42 percent of the value of his crop, and as our colleagues know, in 1990, 1991, and 1992 disaster payments were prorated 50.04 percent. Mr. President, because of the scale of last year's flooding, I supported an amendment offered by Senators HARKIN and BOND to last year's supplemental appropriations bill which allowed for full funding of disaster payments for 1993 crop losses. The flooding we have seen in south Georgia is no less devastating, and I am pleased that Senators BUMPERS and COCHRAN have indicated that their amendment will provide full benefits for 1994 crop losses.

Does the Senator from Arkansas intend to propose an amendment providing emergency funding for disaster assistance for 1994 crop losses?

Mr. BUMPERS. That is correct. Senator COCHRAN and I will be proposing a manager's amendment to the 1995 agriculture appropriations bill which will provide such funds as necessary for 1994 crop losses.

Mr. NUNN. Will the amendment provide for full disaster benefits to producers who experience crop losses this year?

Mr. BUMPERS. Yes. Our amendment will provide full disaster assistance to producers who have experienced losses in 1994 in accordance with chapter 3, subtitle B, title 22 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Mr. NUNN. I thank Senators BUMPERS, COCHRAN, and their staffs for their support on this vital matter and I look forward to working with him to ensure expeditious consideration and enactment of this legislation.

CENTERS FOR WOOD UTILIZATION RESEARCH

Mr. LEVIN. Mr. President, I would like to engage the distinguished chairman of the Appropriations Subcommittee on Agriculture, Senator BUMPERS, in a colloquy regarding the Cooperative State Research Service [CSRS] special research grants.

As the manager of the bill may be aware, the Centers for Wood Utilization Research in Michigan, Mississippi, and Oregon, have been funded through CSRS grants for several years. The Michigan State University program began in 1986. The programs' purpose is to stimulate new knowledge and capability that will help maintain a vigorous, competitive domestic forest products industry. These centers are strategically located to allow research to focus on the utilization and harvesting of eastern hardwood, southern pine, and western softwood species. Last year, a new program was added in Maine for softwood resources in that State, and in North Carolina which focusses on tools and machinery.

Presently, the House and the Senate committees' reports do not specifically mention the Michigan program as eligible to continue participating in this program. Loss of the program in Michigan would greatly reduce the rapid exchange and adaption of advances in fiber recycling, wood preservation, automated lumber processing, etc. that goes on between programs. Without Michigan's contribution, the research aspect focussed on wise utilization of hard wood species would be eliminated.

The center at Michigan State University has achieved great success. The center has developed: First, processes for manufacturing composite boards for recycled paper, which reduce harvest of hardwoods and resolves environmental problems associated with deinking; second, a computerized laser machining process for hardwood lumber that reduces harvest by almost 25 percent through increased efficiency and which eliminates many health hazards in the work place, and, third, a process for manufacturing thermoplastics from wood, which allow substitution of wood for nonrenewable resources.

Mr. President, I could continue to extol the virtues of the Michigan center's participation in this program. However, I will conclude by requesting that the Senator from Arkansas act in the conference committee to continue his previous support for the Michigan program.

Mr. BUMPERS. The Senator from Michigan presents a persuasive case. I will present the Senator's case to the conference for its consideration.

Mr. LEVIN. I thank the Senator for his attention and consideration. Lastly, I encourage the Senator to recede to the House levels for the CSRS grants for improved fruit practices in Michigan, sustainable agriculture, and the Michigan Biotechnology Institute.

Mr. BUMPERS. I will surely do what I can in conference to support the useful research conducted through these grants, which have been funded in past years.

COOPERATIVE DEVELOPMENT FOUNDATION

Mr. KOHL. Mr. President, I would like to ask the chairman about the $2 million in the bill for rural technology and cooperative development grants. This program has been used by a national network of cooperative development centers working through the Cooperative Development Foundation to promote the creation of cooperatives as an economic development tool. This would be the third consecutive year that funding has been provided for this program by the Subcommittee. In fiscal year 1993, 70 percent of the $1 million appropriated went to a unified application presented through the Cooperative Development Foundation.

It is my understanding that the $1.5 million appropriated for fiscal year 1994 has not yet been allotted by USDA, but will hopefully be allocated in the near future.

It has been my experience that the CDE effort closely matches the intent of the Congress in authorizing this program. Eight centers spread across the country serve as catalysts by bringing together resources already available on the local level to create cooperatives that provide economic opportunity to local citizens.

Mr. President, is it the intent of the subcommittee that this program should continue to be funded on a national level, with the department allocating the funding directly to entities like the Cooperative Development Foundation, instead of distributing this small amount of funding to each State for their individual distribution?

Mr. BUMPERS. I would answer my friend that I expect the Department to administer this program in such a manner that it will provide the greatest benefits. I am familiar with the work of the Cooperative Development Foundation and am supportive of it. I expect the Department will again consider this foundation for funding under this program.

Mr. KOHL. Mr. President. I thank the chairman for his work on behalf of this program.

Mr. MCCONNELL. Mr. President, I would like to commend the Agriculture Appropriations Subcommittee on the bill they reported out. They had severe budgetary constraints with immense pressure to increase funding for numerous programs that were worthy of funding.

However, Mr. President, I do have some concerns with the bill as reported out of committee.

I am disappointed that we could not provide more money to the Soil Conservation Service for the purpose of improving water management, water quality, and watershed planning.

I also want to express my deep concern about the proposed closing of the USDA Agricultural Research Service [ARS] at the University of Kentucky. As you know, the President's budget zeroed out funding for all tobacco research offices including the ARS research office located at the University of Kentucky in Lexington.

The decision on closing the office seems to relate to the fact the programs in Kentucky are oriented toward tobacco. The programs carried out by the agriculture research unit have been of long standing, and they are well integrated into the cooperative efforts of the Kentucky Agricultural Experiment Station; the results of their research have been very positive benefiting farmers and industry in Kentucky and the region.

The total loss of Kentucky jobs will number 16—8 research scientists and 8 technical support staff. These scientists will have to leave their research and relocate to other States, making Kentucky one of the few State's in the country without a USDA research unit. I am fully aware of the budgetary constraints that this committee has faced; however, I cannot understand how a positive impact can be made on the Federal budget by this closing. Kentucky is a leading agriculture State, it stands to reason that the agriculture sector should benefit from a USDA research unit.

This research is important to all types of crops—not necessarily just tobacco. Tobacco plants are used in basic research all the time—naturally that research would benefit research for other crops and plants as well.

Let me just give you some examples of the varying research that is conducted at the university research center. Research is conducted on the physiology and biochemistry between tobacco and black shank fungus. Mention black shank fungus to tobacco farmers and you will see them cringe. Black shank lives in the soil and attacks the roots and stem of the plants. It can eventually destroy the roots, causing the plants to die from lack of water. Last year in Kentucky, we had black shank in almost every county, and although we may never get rid of the fungus—we can control it. The University of Kentucky Ag Research facility did extensive tests on how to control this disease that can wipe out burley tobacco and bankrupt a farmer.

As a plant, tobacco is very useful in studying various disease processes and genetics. The University of Kentucky is responsible for several research projects involving the scientific value of the tobacco plant. For instance, using tobacco cells and a tobacco virus, research has shown that amino acids in viral proteins have the capability of preventing insects from transmitting a virus. The phenomenon of pathogen-derived resistance [PDR] is also being investigated in order to create a resistance to plant viruses. In addition, the University of Kentucky uses tobacco to research plant immunization as an alternative to pesticide applications. With a certain chemical compound, plants can be triggered to resist infectious agents. The value of these projects researched by the University of Kentucky is very important to the present scientific and agricultural community, and to the future.

As I said before, these examples of research are vital not only to tobacco but extremely beneficial for research of other plants and crops. The research conducted is being carried out by the Departments of Plant Pathology, Agronomy, and Entomology.

The research being conducted today, and hopefully in the future, may unlock a cure for Parkinsons disease, AIDS, or help in the treatment of severely burned patients. We cannot afford not to continue this vital research.

I am also disturbed about zeroing out the Market Promotion Program and the Foreign Market Development Programs. These programs have been extremely important in helping U.S. agriculture build, maintain and expand export markets. They have also promoted greater awareness and demand among foreign consumers for U.S. produced agricultural commodities and products.

I urge my colleagues to continue support for USDA's Market Promotion Program and Foreign Market Development Programs.

Mr. President, I am fully aware of the need to provide the necessary revenues to allow the Food and Drug Administration [FDA] to operate in an efficient manner. However, I seriously question whether granting FDA the authority in this bill to impose user fees on food products is the solution to this issue. User fees, in effect, would constitute an inappropriate tax on products, essential to the health and well being of the American public—a tax, of $600 million over the next 4 years. Although the user fees initially would be paid by food companies, these costs would be passed back to the producer or on to the consumer in the form of an indirect tax on basic necessities.

Furthermore, even leaving aside the policy considerations, I am led to believe that it would be almost impossible for the FDA to design, give appropriate notice and opportunity for comment, and implement these fees in time to raise the revenues contemplated by the appropriations bill. If so, the essential functions of the FDA would be compromised and the public interest would not be served, and Congress would be at fault for not acting responsibly during the appropriations process.

The House did not direct the FDA to implement user fees. In fact, they prohibited FDA from imposing such fees. I believe the conferees should adopt the House position and look for other means to fund the FDA appropriations.

Last, I would like to add that I strongly support the bill language to prohibit FDA from lowering the selenium supplementation in animal feed from 0.3 to 0.1 parts per million until additional studies are completed. The problem is FDA is going to implement this change on September 13 without sound scientific study. Without sufficient quantities of selenium, animal immune systems are weakened, and when stressed the animals die. Selenium in feed is used to maintain healthy poultry, hogs, lambs, and calves.

Mr. President, I commend the managers of this bill for their hard work and difficult decisions they have made to bring this bill before us.

VOTE ON EXCEPTED COMMITTEE AMENDMENT ON PAGE 32, LINE 20 THROUGH PAGE 33

The PRESIDING OFFICER. Is there further debate on the excepted committee amendment on page 32, line 20 through page 33?

If not, the question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I wonder if I could get some feel from the Members of the Senate now as to amendments. I think we are getting fairly close to being able to wrap this bill up.

The amendments that I rather expect a rollcall vote on at this moment are the amendment by the Senator from Utah [Mr. HATCH] dealing with cellular phones at FDA, and one by Mr. HELMS, the nature of which I do not know.

If I could have the attention of the Senator from North Carolina for just a moment.

Mr. HELMS. Yes.

Mr. BUMPERS. The Senator from North Carolina has an additional amendment.

Mr. HELMS. Yes, I do. I have one.

Mr. BUMPERS. Does the Senator anticipate a rollcall vote?

Mr. HELMS. Yes.

Mr. BUMPERS. Will the Senator tell us something of the nature of the amendment?

Mr. HELMS. I will give the Senator a copy. It is on the way over here.

Mr. COCHRAN. Mr. President, could I ask a question, if the Senator will yield to me?

We have a committee amendment which is now the pending business before the Senate. And the question that I want to raise is whether any Senator on this side of the aisle wishes to offer an amendment to that committee amendment.

We had earlier excepted that committee amendment from the en bloc amendment that we presented at the beginning of the deliberations on this bill. One of the reasons was that the Senator from North Carolina [Mr. HELMS] wanted us to save that amendment for the purpose of his offering a second-degree amendment to it but Senator BROWN offered his amendment to that amendment.

So that is my question. Can we go ahead and adopt this committee amendment, or does any Senator seek to amend that committee amendment?

Senator HATCH is ready to offer his amendment. We could either take up Senator HATCH's amendment and ask that the committee amendment be laid aside or proceed to offer an amendment to the committee amendment. That is the procedural situation I want to be sure we all understand.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have the feeling we just adopted the committee amendment, did we not?

The PRESIDING OFFICER. We adopted the excepted committee amendment on page 32, line 20 through page 33.

Mr. BUMPERS. We have one other committee amendment.

I just want to alert the Senator from North Carolina he needs to key his amendment to that particular amendment. I say to the Senator from North Carolina we have held open one committee amendment on page 71 for the benefit of the Senator from North Carolina to offer an amendment.

Mr. HELMS. I am going to use it in just a minute.

Mr. BUMPERS. So we have two potential rollcall votes here.

I have one other that is to be offered by the Senator from Missouri [Mr. DANFORTH]. I wonder if the Senator——

Mr. DANFORTH. I will not offer an amendment.

Mr. BUMPERS. No. That is the best news I have had in 3 days.

Mr. DANFORTH. The Senator is welcome.

Mr. BUMPERS. Mr. President, we have one amendment by the Senator from Alaska [Mr. MURKOWSKI] which might require a rollcall vote if he offers it. I do not know whether he will offer it or not.

Mr. President, I see the Senator from Florida on his feet.

Does the Senator have an amendment?

Mr. GRAHAM. Mr. President, I do not. I am here to speak on behalf of the amendment of the Senator from Alabama at the appropriate time.

Mr. BUMPERS. Are there any other amendments that any Senator has?

I have not mentioned Senator DOLE. Is his amendment likely to require a rollcall vote?

Mr. DOLE. I doubt it.

Mr. BUMPERS. Let me ask the Senator, this is not an amendment that we adopted last night on his behalf, is it?

Mr. DOLE. No.

Mr. BUMPERS. OK.

That is where we are. We have four or five that I do not expect to be controversial. We should be able to wind down here by midafternoon, hopefully.

Mr. COCHRAN. Mr. President, if the Senator will yield, there are some other amendments that this Senator has been advised may be offered, including amendments by Senator SPECTER, by Senator GRAMM, by Senator MCCONNELL, by Senator MCCAIN, and an amendment by Senator BROWN, unless he decided not to offer that amendment.

Mr. DOLE. Mr. President, I am not going to offer an amendment.

Mr. BUMPERS. Mr. President, Senator DOLE has just announced he is not going to offer an amendment.

But with what the distinguished ranking member has just said, I suggest Members cancel their plans for the evening.

The PRESIDING OFFICER. The Senator from Utah.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 71, LINES 21 THROUGH 25, AS AMENDED

The PRESIDING OFFICER. The Senator is aware that the pending business is the amendment on page 71, lines 21 through 25, as amended.

Mr. HELMS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2319

(Purpose: To permit the use of savings from expenses related to cellular telephone use by the Food and Drug Administration for medical device approval activities of the Center for Devices and Radiological Health)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself and Mr. FORD, proposes an amendment number 2319.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, between lines 15 and 16, insert the following:

None of the funds appropriated under this Act may be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except that expenses may be incurred for the service and airtime fees for the use of one cellular telephone). Any funds under this Act that were to be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except expenses with respect to the service and airtime fees for the use of one cellular telephone) shall instead be used for the medical device approval activities of the Center for Devices and Radiological Health.

Mr. HATCH. Mr. President, I do not want to take long on this amendment. I do not want to inconvenience our colleagues, especially the two leaders of the bill. I am hopeful they will take this amendment once I explain it.

The purpose of the Hatch-Ford amendment is to reestablish our sense of fiscal priorities with respect to the funding of one tiny agency within this bill: the Food and Drug Administration.

What our amendment does is this. It says that the FDA must take the money it has been using to support an inordinately large number of cellular telephones and instead put that money to good use. The FDA should use the money to speed up medical device approvals.

The Appropriations Committee has recognized that the FDA's approval rate for devices is not what any of us would like. Applications are up, and approval times are down.

In fact, the committee report language is quite strong. It says:

> The committee expects the Center to take immediate and forceful action to resolve delay problems and set clear priorities so it can devote its resources to reviewing important new products, which can assist medical providers in diagnosing and treating illnesses and conditions which affect the American patient population

These lags in approval times are stifling an industry which once was among the most competitive in the world. This regulatory confusion thwarts innovation and drives companies offshore where they can get their products approved in a timely fashion. As the United States slips as a worldwide leader, other countries are taking this over.

Some say that user fees are the answer to this problem. I do not happen to agree with that. But I do feel that if resources are the problem, this amendment would provide a partial solution.

If the device approvals are down because we are not devoting enough resources to the program, then I think we need to look within the Government first to see if we can make the efficiencies we need to improve the system before we impose what amounts to a tax on innovation on device manufacturers, the majority of which are very small companies that really cannot afford it.

Our colleague in the House, Representative JOE MCDADE, found out earlier this year that the FDA—by their own estimates—is spending $288,184 a year to maintain 326 cellular telephones. This is astounding to me and it should be to each Member of this body.

Listen to these figures. The agency has paid $97,800 to purchase 326 cellular phones. They pay $17 monthly per phone for service charges at an annual cost of $66,504. They pay $680 on average for each phone for air time. This is a substantial investment. As Representative MCDADE found, this totals almost $300,000 a year just for air time and service costs. I simply think expenditures of that amount are a luxury in light of other more pressing needs at the FDA.

The Hatch-Ford amendment allows FDA to retain the use of funds for one cellular telephone. I think that is fair. More substantial use of these phones is a luxury in a time when we are slashing deeply into very vital programs at the Agriculture Department and within the FDA.

FDA might allege that all of this phone use is needed, but I am not reassured. There is no way to prove it. The HHS inspector general has never audited the use of cellular phones at FDA. I can say, that I have talked to one FDA employee who told me they did not even want a phone, but were assigned one which has never been used.

If there is this deep need for 326 people to have immediate access to phones, then I think we should supply them each with a roll of quarters to use the pay phones, like most Americans do. That would cost the Government $3,260, and save $284,000.

What this amendment does is say that the FDA can only use appropriated funds to support the use of one cellular telephone. The rest of the funds they would have used for these phones, over $277,000, would be devoted to the Center for Devices to use in speeding up device approval applications.

Based on HHS estimates of the cost of a full-time equivalent at FDA, this amendment should allow, then, support of four new device application reviewers. In a year, I understand, four examiners could review almost 200 applications. This seems to me to be a much more beneficial use of our tax money than support of mobile telephones.

I will be looking for other ways of finding money out of FDA to be used to help speed up the medical devices area of FDA and jurisdiction of FDA.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I rise to support the amendment offered by my colleague from Utah, Senator HATCH, because it is absolutely imperative that the Food and Drug Administration accepts its responsibility to promptly and fairly review for approval applications for possibly life-saving medical devices and technologies. This amendment will help to ease the extreme backlog of such applications that is jeopardizing the lives of Americans in urgent need for these devices. In addition, this amendment will make a first step in the attempt to aid the American companies in the medical technology industry that are losing millions of dollars in lost profits and are being forced to move production and jobs to foreign nations, where the application approval process is significantly shorter.

According to the Health Industry Manufacturers Association, more than 5,000 applications—think about that—5,000 applications are currently awaiting review at the FDA's Center for Devices and Radiological Health. These are devices that could be saving thousands of American lives every year. Many of these same devices have already been approved for use and are currently saving lives in Europe and elsewhere around the world. Let me give you one example out of many that I have recently seen:

A California company named NOVACOR, a division of Baxter International, a large health care corporation, has developed a partial artificial heart called the left ventricular assist system. I have been told that this device is expected to save more than 35,000 lives in Europe this year, but it cannot be sold legally in the United States because its application for approval is apparently sitting unreviewed in a stack of papers somewhere at the FDA. This device not only could be saving American lives, but it also could be generating millions, possibly a billion, dollars in sales annually in the United States. This holdup may be inconvenient for a large and financially secure corporation like Baxter, but it would put many smaller entrepreneurial firms right out of business.

A recent survey of the medical device manufacturing industry conducted by the Gallup organization and released by the American Electronics Association revealed some startling facts: 83 percent of U.S. medical manufacturing companies reported excessive delays by the FDA for approval of new products; 45 percent said that they have changed the focus of their research and development from breakthrough technologies to incremental technology improvements; 40 percent of those responding to the survey said that they have reduced the number of employees in the United States due to FDA delays; 29 percent admitted to increasing their investment in non-U.S. operations.

What is going on at the FDA? This trend must stop now. The United States should be promoting and rewarding the entrepreneurial spirit that leads to the development of breakthrough devices that are both life-saving and financially lucrative. We should be promoting and rewarding investment and employment in America, not abroad. We should not be penalizing American firms and stunting the growth of a $70 billion industry with unnecessary delays and overly cautious bureaucratic redtape at the FDA. I think that this amendment will help to get America back on track by cutting the redtape that currently binds the hands of American medical manufacturing firms. The sum of $300,000 does not seem like much when lost in a budget of $1.5 trillion but if this relatively small amount of money is used to approve one of the breakthrough technologies that save just one life, it will be money well spent. I ask my colleagues to join me in support of this valuable amendment.

And so, Mr. President, I hope my colleagues will accept this amendment to help save lives of Americans, put people to work, and use their entrepreneurial skills.

Mr. HATCH. I thank the Senator for his kind remarks and for his support of the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I support the effort of the Senator from Utah and hope that my friend from Arkansas can agree to recommend approval of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am agreeable to accepting this amendment, but I do want to make a couple of remarks.

I am not sure how many cellular phones the Food and Drug Administration should have. Maybe they should have the 300; maybe they should have 30, or maybe they should just have 3.

But, I also say to my good friend from Utah—and I am not being critical of his offering the amendment—but it is punitive in that it singles out one agency.

If we are going to determine how many cellular phones an agency can be authorized, we ought to have the Rules Committee tell Senators how many cellular phones they can have.

Mr. FORD. They do.

Mr. BUMPERS. Well, would the Senator engage me in a colloquy on this?

Mr. FORD. I would be glad to.

Mr. BUMPERS. What is the rule on cellular phones in the Senate?

Mr. FORD. The rule on cellular phones indicates how many we allow you to have, which is one. And that cellular phone can be used in your car, it can be a portable.

Mr. BUMPERS. But each Senator is only allowed one cellular phone?

Mr. FORD. That could be paid for from the budget of the Senate.

Mr. BUMPERS. What is the average budget of a U.S. Senator; total payroll and all?

Mr. FORD. I do not have the slightest idea, Senator. The mean is probably about $1.4 million.

Mr. BUMPERS. About $1.4 million?

Mr. FORD. Yes; that is basically your office budget.

Mr. BUMPERS. Let us be generous and assume each Senator has an average—some of the Senators from urban States have bigger budgets than Senators from small States like mine. But let us just assume, for purposes of discussion, that a Senator's budget is $2 million and that a Senator is allowed one cellular phone under the rules. Is that correct?

Mr. FORD. That is correct. The Senator can pay for whatever he wants to pay for and have as many as he wants to, but I am talking about the cost to the taxpayers.

Mr. BUMPERS. Well, are you telling me I could spend any part of my $1.4 million for cellular phones?

Mr. FORD. No; of your personal money.

Mr. BUMPERS. But you are saying the Senate will only pay for one cellular phone for each office?

Mr. FORD. We lease it, really. Basically, they are leased and you pay your monthly phone bill from that.

Mr. BUMPERS. If you want to spend your personal money, that is a different thing?

Mr. FORD. Yes. I am not sure about campaign money, but your personal money can be used.

Mr. BUMPERS. Anyway, let us assume that the average budget for a Senate office is $2 million and it is allowed one phone.

Here is an agency with a $1 billion budget, so they should be allowed 500 phones, and they only have 324, I believe it is.

Mr. FORD. Senator, you are drawing just dollars to dollars and putting that on there. I do not know whether, in your automobile, just coming to work and going back is the only time you use your phone.

Mr. BUMPERS. That is where it is; it is in an automobile.

Mr. FORD. That is it.

Then the FDA, they may be walking around. They may have one in their pocket, they may have a portable. There are a lot of ways to be used. But if you are sitting in your office from 8 o'clock in the morning to 5 o'clock in the afternoon, you do not need a portable telephone or a cellular telephone. So each case has to rest on it is own merits.

I would not want to say the FDA is entitled to 500 telephones because they have a huge budget.

The Defense Department would have to have a telephone company to make all of their phones.

Mr. BUMPERS. I would be embarrassed to ask the Defense Department how many cellular phones they have.

Mr. FORD. You better believe it.

Mr. BUMPERS. But I was just curious if the Senator knew how many field investigators the Food and Drug Administration has?

Mr. HATCH. Will the Senator yield?

Mr. BUMPERS. Pardon?

Mr. HATCH. Will the Senator yield for a moment?

Mr. BUMPERS. Does the Senator know the answer to the question?

Mr. HATCH. I do not know the answer to the question how many field investigators they have.

Mr. BUMPERS. Yes, I yield for a question.

Mr. HATCH. Let me just say, the Senator from Utah is not trying to be critical. I am trying to let the FDA know that a lot of us are very unhappy with the way the Medical Device Division is being run. They are now on average 18 months behind. Frankly, this is an industry that our country was preeminent in the world in, and it is gradually slipping. I would be the first person, if FDA could justify the 326 phones—I am the first to say efficiency is very important.

Frankly, I do not think they can justify that. I feel the same way about any other agency in the Government. And I certainly feel whatever is the norm or whatever is appropriate, we should do as Senators.

But there is about $300,000 here we can save, where many of these people can use their phones in their offices. Frankly, that is all I am trying to do here. I think it is a reasonable amendment, and I hope our colleagues will accept it. I am certainly willing to do more research on it between now and conference to try to justify it even further in the eyes of my dear colleague from Arkansas.

As I understand it, the FDA does have a little under 9,000 employees. Those that would have the phones involved here would be 325, because we would certainly allow them to have one. I am amenable to any arguments they would make with regard to some of these.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will state for the record I am prepared to accept the amendment, although I will not vouch for what will happen to it in conference. I do think it is a legitimate issue to be raised. My problem is I do not think this is necessarily the right way to address it.

The Department of Agriculture has 1,504 cellular phones; the Department of Commerce has 209—they are a bunch of pikers. The Department of Energy has 4,300; EPA has 305; FEMA, with a budget much smaller than FDA, has 2,776; Health and Human Services has 864; HUD has 85; Interior has 1,844; the Department of Justice 3,880; Department of Labor, 250; State, 337; Department of Transportation, 1,854; Treasury, 1,648; and the Department of Veterans Affairs, 276.

I am not sure those figures are really relevant to anything except to say, if we are going to check on how many cellular phones any particular agency or department can have, that is fine. But just a single-shot amendment directed at one agency, FDA, does not seem to me to be the best way to deal with the delay in approval of medical devices. I am not sure we will keep this in conference.

Mr. HATCH. You may not. If the Senator will yield, he mentioned that all of HHS, of which FDA is a part, only has 864. Almost half of them are at FDA, one of the smallest agencies at HHS.

I do not have any problem with FDA if they can justify these. But I do have problems with them coming here asking for user fees, more taxes on business, when a lot of these businesses are small businesses, when FDA is not doing the job with regard to approvals.

Mr. BUMPERS. Mr. President, if I may, that is my point. If they are not doing a good job with medical devices—we are talking about licensing, the procedures for licensing medical devices—if they are not doing a good job with that, we ought to replace the person who is in charge of it or threaten to cut their budget or do something else to get their attention.

Mr. HATCH. What I am doing here is taking about $300,000 that already exists in their budget and transferring it so they get more full-time workers who will help cut the times involved here. Then we will find other ways of giving them more money when we have a Medical Device Division that works and works in the best interests of our country. I think what it does is it sends a shot across the bow that says: Look, we are going to look for ways of making this system work a little better, a little more efficiently, and at a little less cost to the American taxpayer and save our industries here from having to go offshore.

That is why I think this is such an important area. That is why I chose this one area. I am not saying we should not look elsewhere and maybe do more research. I think the Senator makes very good points, as he usually does.

Frankly, we will do even more research in the future, but I think the amendment is a well-intentioned amendment and certainly not one to hurt FDA but to help them.

Mr. BUMPERS. I do not want to take more of the Senate's time on this. The distinguished ranking member and I are willing to accept the amendment.

Mr. HATCH. I urge the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2319) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 32, LINE 20 THROUGH 33

Mr. BUMPERS. Mr. President, I move to reconsider the vote on the previous amendment.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I understand the Senator from North Carolina is available to offer an amendment to the committee amendment that is now the pending business.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 71, LINE 21 THROUGH 25

The PRESIDING OFFICER. The question now recurs on the amendment on page 71.

The Chair recognizes Senator HELMS.

AMENDMENT NO. 2320

(Purpose: To protect the first amendment rights of employees of the Department of Agriculture)

Mr. HELMS. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2320.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to Departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position.

The PRESIDING OFFICER. The Chair recognizes Senator HELMS.

Mr. HELMS. I thank the Chair. It occurs to me there may be some feeling that I may be engaging in overkill on this matter involving the U.S. Department of Agriculture. But I have seldom seen so much confusion or so many misstatements of fact than have occurred in this instance.

I received a letter from the distinguished Secretary of Agriculture immediately following the vote on my amendment yesterday. When I read Secretary Espy's letter, I was astounded at the misinformation that the distinguished Secretary obviously had been given by his staff.

I have high regard for Secretary Espy and he knows that. I recognize his is a difficult job. But the fact remains, there are some principles involved that need to be defended and that is what I am trying to do.

Just the other day a citizen from another State called and said, in effect, Senator I see you on C-SPAN frequently and I watch the general Senate proceedings with some regularity. I hear constantly the words "choice" and "first amendment rights" and things of that sort. Then it seems to me, the gentleman said, that these words are not really understood by Senators who are using them.

I told him that regular viewers of C-SPAN—and he apparently is one of them—can no doubt identify those Senators who frequently engage in various exhortations, a little bit piously, I might add, but it is always when they feel that a politically correct issue is at hand.

They use the word "choice" with reference to abortion, and I feel obliged so often to ask, choice to do what? Choice to kill a human being yet to be born? Is that a viable choice?

First amendment rights—it depends on whose ox is gored. In this case, it happens to be a long-time employee of the U.S. Department of Agriculture whose first amendment rights are being callously violated because he took a stand, on his own time, to state his conviction about special rights for homosexuals. Immediately, the bureaucracy at the U.S. Department of Agriculture pounced on this man and shifted him out of a job the Department admits he performed commendably. I described all of this in the discussion of my amendment yesterday.

The pending amendment is going to identify those Senators who really believe in the first amendment, particularly the protection of free speech, not merely and solely for the politically correct, but for everybody, including this beleaguered employee of the U.S. Department of Agriculture who dared—can you believe it—who dared to say that he personally wished that this country would move more toward Camelot and not toward Sodom and Gomorrah.

As I have stated, that is when the bureaucracy pounced on him and shifted him out of the job that he has done so well for so long—simply because he took exception to special privileges being given by the U.S. Department of Agriculture to homosexuals and lesbians.

I have a few things I wish to say about a letter from Secretary Espy which was hand delivered to me and which reached me yesterday just after the vote began on my amendment. I have prepared a tentative response to the Secretary, and since this is a public issue now, I am going to discuss what I consider to be discrepancies in his letter to me.

First of all—and the letter was two pages long, single spaced—the Secretary said:

There is no gay rights agenda at the USDA.

He also said that:

The Department has not adopted a policy of allowing gay couples to have family benefits.

Let me say that I hope this is correct, inasmuch as Congress has not authorized the Department to implement any homosexual agenda, including the policy toward same-sex homosexual couples.

Secretary Espy also suggested that Dr. Mertz' statements—Dr. Mertz is the USDA employee who was shifted from his longstanding job because he made statements that offended the homosexual community—statements, the Secretary wrote that "indicate he strongly disagrees with and cannot faithfully implement current policy in equal employment opportunity."

I am tentatively prepared to say to the Secretary that inasmuch as he contends that the policies Dr. Mertz questions do not, in fact, exist and are not authorized by law, how on Earth did the Secretary, or those who advise the Secretary, conclude that Dr. Mertz "strongly disagrees with current policies in equal employment opportunity"?

The Secretary, in his letter, said that he does not believe the Department should implement a pro-active policy regarding acceptance of the homosexual organization, GLOBE.

That leads me to believe the Secretary has not been shown by his staff a memorandum dated March 25, written and distributed by Secretary Espy's own Assistant Secretary for Administration. It was addressed to Pat Brown, a homosexual activist with "USDA GLOBE." I am going to send the Secretary a photostat of the memorandum written by his own Assistant Secretary for Administration.

The memorandum officially and specifically sanctions this outfit "USDA GLOBE." I put it in the RECORD yesterday, and it can be found on page S9229.

The memo sanctions this homosexual group and entitles its members to use Department resources and facilities for their homosexual activity.

The Secretary also must have missed some of the news accounts about what is going on in his own Department. The Washington Times, on July 4, detailed an official USDA memorandum dated June 22 of this year notifying the cotton division of the creation of USDA GLOBE—reminding these employees of equal opportunity and civil rights policy statements.

By the way, insofar as I have been able to determine, the USDA is the first Federal agency to recognize a GLOBE chapter as an officially chartered employee organization.

The Secretary of Agriculture indicated he did not know anything about this. I am going to take him at his word. He has to travel a lot. He is not in Washington a great deal. Sometimes some of us have difficulty reaching him. But I am going to take him at his word and assume that he did not and does not, in fact, know of what is going on behind his back among his top-level bureaucrats in USDA.

I shall tentatively tell him in my response that I am going to be very interested as to how he reconciles his statement that there is "no gay rights agenda" with the creation of a job within the Foreign Agriculture Service described as the gay-lesbian and bisexual program manager.

I talked about that on this floor in connection with my amendment of yesterday. I am going to send the Secretary a copy of the Foreign Agriculture Service solicitation for those interested in being hired for the job which, by the way, has already been filled at a salary of $1,000 a week, $52,000 a year, plus all of the costs of furnishing his office with assistants, secretaries, travel, and other expenditures.

I want the Secretary to know that I am interested in how he reconciles the statement in his letter of yesterday, that the USDA has "no gay rights agenda," with the Secretary's own remarks during USDA's so-called diversity conference held on April 12 and 13 in which Secretary Espy, said this:

> Change is here. We have to learn how to lead and manage effectively employees with different lifestyles. I don't have any delusion that this is easy, but those who do not work hard to learn and utilize the skills you will be discussing need to think seriously about making a career change. You—

The Secretary said

> will be held accountable.

Now, the Secretary, in his letter delivered to me late yesterday evening, apparently inferred that Dr. Karl Mertz wrongfully and "unilaterally declared personal leave so as to make [his] statements and that [Mr. Mertz] instantly resumed on-the-clock status after having made them."

That is a direct quote from the Secretary, and it is absolutely unfair to Dr. Mertz, as is the Secretary's claim that Dr. Mertz' statements qualify as "official"—which, of course, they were not.

The fact is, Dr. Mertz never pretended that anything he said during his television interview was "official." He took pains to make it clear that he was speaking as an individual being interviewed by a television station in Biloxi, MS.

The Secretary may wish to check with his offices in Athens, GA, where it is my understanding that employees there are permitted to take annual leave simply by having their secretaries notify their supervisors.

But Dr. Mertz went beyond that. He arranged for an electronic mail message—a copy of which I have at hand—and which was to be sent a day in advance to his supervisor, Korona Prince, regarding his desire to take annual leave. Dr. Mertz also telephoned Marguerita Moody in Washington, telling her of his decision to take personal leave.

And also, if the manner in which Dr. Mertz took his personal leave, to which he was entitled, was an issue in his dismissal from his position, why was this not cited in the memorandum he was provided by Ms. Prince notifying him of his dismissal from the position he had held so long and performed the duties of so well?

Furthermore, the Secretary in his letter said that he had been assured that Dr. Mertz' career has not been negatively impacted. Maybe the Secretary assumes that all that is important to Dr. Mertz is his grade level, his pay, and his promotion potential. Does it matter that Dr. Mertz has been shoved out of a job for which he has been commended for year after year? It just seems to me that the Secretary ought to consider this and at least talk to Dr. Mertz himself. He may find that Dr. Mertz cares more about principle than he does money. Maybe Dr. Mertz values doing a good job and deriving satisfaction from his work.

But nobody at the USDA was interested in that. Dr. Mertz committed the unpardonable sin of saying that this country and the leadership of the USDA may wish that they had done more to pursue higher ideals—that was the effect—and not give special treatment and special rights to homosexuals and lesbians.

Now, let me get back to the amendment. I will read it again for the purpose of emphasis.

> Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to the date of enactment shall be reinstated to his or her previous position.

Now, I wish Senators could go back and read the complete file on the Mertz case. There has been much in the media about it. But sometimes in the press of activities of the Senate, Senators miss some things that go on, like ships passing in the night.

On June 13, the Washington Times had a news article, entitled, "Man's Opinion Leads to Transfer." In the Wall Street Journal on April 27, there was an article entitled "A Different Kind of Whistle-Blower." I ask unanimous consent that both of these articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

(See exhibit 1.)

Mr. HELMS. Yesterday, I went into some detail concerning the circumstances surrounding the very summary punishment of Dr. Karl Mertz by his superior at the U.S. Department of Agriculture. And let me say again, I am willing to accept the Secretary's word that he was unaware of what was being done by some of his associates in the Department.

But a few words of background about Dr. Mertz. For 7 years, Dr. Mertz has been an Equal Employment Opportunity manager for the 10-State Southeastern region of the Agricultural Research Service Headquarters in Athens, GA. Dr. Mertz, on March 28, was shoved out of his job without any hearing and moved to another position where he says he has little to do and the taxpayers' money is being wasted.

Let me reiterate that Dr. Mertz was on annual leave when he was interviewed by television station WLOX in Biloxi, MS, about proposals within the Agriculture Department, that were very much in the news at that time, to provide same-sex partners, two men in love with each other, homosexuals, with the same taxpayer-paid benefits provided to spouses of legally married heterosexual employees.

Now, Dr. Mertz, in response to that question, first made clear that the views he was about to express were personal views; that he was not speaking for anybody else. He said, "I am speaking as a Christian. I'm not speaking for the USDA." And here is what he said:

> We need to be moving toward Camelot, not Sodom and Gomorrah, and I'm afraid that's where our leadership is trying to take us.

He did not make that statement out of the blue. He was asked about the controversy then in progress at the USDA about gays and lesbians taking over the U.S. Department of Agriculture and being accorded all sorts of rights and privileges. So he said it and the upper level bureaucrats at the U.S. Department of Agriculture got their dander up.

When Dr. Mertz arrived back in Atlanta that evening, he received a call at his home from a USDA bureaucrat in Washington telling him that the Department had already been informed by homosexual activists about Dr. Mertz' comment.

Dr. Mertz heard nothing further until March 28 when he was summoned by Mary Carter, Director of the southeastern region of the Agricultural Research Service, and she did not even ask anything about his side of the story. She just tore into him. She handed him a memorandum informing him that he had been transferred out of his job, a job which the Department had acknowledged, over and over again, that Dr. Mertz had performed commendably for 7 years.

Any Senator who doubts that Dr. Mertz' performance at USDA was exemplary should review the USDA performance appraisals signed, by guess who? The very same person, Korona Prince, who signed the memo informing Dr. Mertz that he had been transferred out of his job.

I ask unanimous consent that a copy of these performance reviews be printed in the RECORD at the conclusion of my remarks. I put them in the RECORD because I want it to be clear that this man had performed commendably in the job to which he had been assigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2)

Mr. HELMS. Mr. President, as I say, it was the same Korona Prince who signed the memorandum advising Dr. Mertz of his reassignment to another position. The memo said something to the effect that Dr. Mertz had the right as a private citizen to express his opinions, but he was being shifted out of his job precisely because he expressed his opinion. Here is what the memorandum said.

> As a private citizen, you have every right to express your opinions freely, and we have no intention of doing anything to compromise your rights or the rights of any other employee.

She continues:

> However, you must recognize the fact that in publicly disagreeing with an admittedly controversial position of the department leadership * * *.

Let me parenthetically remind Senators what the Secretary said, "Well, we don't want anything like that going on at the USDA." He said that in his letter delivered yesterday evening to this Chamber.

Back to the memorandum, Korona Prince said:

> However, you must recognize the fact that in public disagreeing with an admittedly controversial position of the departmental leadership * * *.

By golly, she knew what the Department leadership had decided on this business of catering to the homosexuals and lesbians.

She said:

> You have made it difficult for employees and managers of the agency to accept that you actively support these same policies in your official assignment. It is therefore necessary that you be reassigned to another position.

There was no hearing; she did not even ask him what he thought, and in effect said: "Out you go. We are going to put you someplace to get rid of you."

Just a minute, Mr. President. Just a minute. What is going on at the USDA?

Acceptance and promotion of the homosexual agenda by the departmental leadership has no basis in law. It has no basis in any action of approval by the U.S. Senate. The Senate has never approved any USDA policy implementing the homosexual agenda.

But this woman—Korona Prince—laid down the law to this hapless employee who dared to say that the USDA ought to be pursuing Camelot instead of Sodom and Gomorrah.

I wish there could be a poll taken of the people in the United States of America asking whether they agree with Dr. Mertz or with the USDA leadership that kicked him out of the job he had done so well for so many years. But, Mr. President, I think I know how that poll would come out.

So, Dr. Mertz was stripped of his title, stripped of his staff, and assigned to a job outside of his area of expertise which he had developed throughout his professional career. One of the people in the news media asked him, "What do you think about your new job?" He said, "I am wasting the taxpayers' money. I am in a job that is unnecessary."

Senators may wish to review the text of an article published in my State by the Charlotte Observer on July 17, and a copy of the memorandum that I just read a minute ago written by Korona Prince to Karl Mertz dated March 25 of this year.

I ask unanimous consent that both be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3)

Mr. HELMS. Mr. President, the bottom line is that Dr. Mertz lost his job because he exercised a right protected under the first amendment of the U.S. Constitution. He was stripped of his job, he was stripped of his responsibilities; stripped of everything important to him in relation to his career. He was slapped down because he dared to state a general evaluation of perversion. He offended the homosexuals and lesbians at USDA, and I guess everywhere else because he expressed what he thought as a Christian.

Back to Secretary Espy, on April 12–13 they conducted what they called a diversity conference at USDA. What do you suppose the Secretary said? I referred to this earlier in my remarks. And I am going to refer to him again because I think it is important. He said:

> Change is here. We have to learn how to lead and manage effectively employees who are different from us * * *. We have to manage people of different ethnic and religious groups, people with different lifestyles, and we have to know how to get the best out of this diversity * * *. I do not have any illusions that this is easy. But those who do not work hard to learn and utilize the skills you will be discussing, need to think seriously about making a career change.

What he was saying was—this was the Secretary—either conform, or you get out. He said, "You will be held accountable."

Anybody who doubts the force of Secretary Espy's threat ought to talk to Dr. Karl Mertz. Shortly after reading the article in the June 16 Washington paper, I called Dr. Mertz. I had never met him, but I quickly perceived that he was a gentle man, a decent person, with a very strong sense of right and wrong. And he is absolutely crushed by what has happened at the hand of the bureaucrats and, yes, the Secretary of the U.S. Department of Agriculture. Dr. Mertz also confirmed everything I have said here today and yesterday.

After that, I called Secretary Espy to see what could be done to reinstate Dr. Mertz. Mike Espy is a nice guy, and he said, "I am unaware of all of this." He said he did not know the circumstances surrounding Dr. Mertz's transfer but that he would look into the matter and get back to me.

I followed up on June 27 with a letter to the Secretary. I did not hear from him, until yesterday evening after I had finished the debate and the vote had begun on my amendment in the Senate. I received not just one letter from the Secretary yesterday evening, I received two regarding the removal of Dr. Mertz from his management position at the USDA.

I must say, Mr. President, having received two letters, both dated July 19—yesterday—was interesting, to say the least. To add to the confusion, Secretary Espy made statements about homosexual activities within USDA that contradict actions already taken by the USDA and made public in the media and elsewhere. As for Dr. Karl Mertz, the Secretary remains opposed to Dr. Mertz exercising his freedom of speech under the first amendment.

So the inescapable point is this: It is important that the Federal Government correct the wrong which has been inflicted upon this one individual—Dr. Mertz—and this apparently will not occur without action by Congress, and that is the reason we are discussing the pending amendment.

I think, Mr. President, it is also imperative that other employees of the USDA—as a matter of fact, throughout the Federal Government—be assured that they are able to exercise, without fear of reprisal, their first amendment rights to question the controversial proposals under consideration at USDA, and which may well spread to other agencies of the Federal Government. The pending amendment will accomplish most of these goals. I am going to insist on a rollcall vote because I think that every American citizen is entitled to know how his or her Senators vote on this question.

I said yesterday that, in a way, we may be standing at the crossroad of twisted values, and the first amendment rights of a faithful respected USDA official who dared to speak his conscience when asked the question of what, to him, was a matter of moral and spiritual significance. If he loses that right, we all lose, and that is why this amendment is so enormously important.

EXHIBIT 1

[From the Washington Times, June 13, 1994]

MAN'S OPINIONS LEAD TO TRANSFER

HE SPOKE AGAINST GAY RIGHTS AT AGRICULTURE DEPARTMENT

(By Ruth Larson)

Karl Mertz has spent his professional life helping guarantee equal employment opportunities for federal employees, but voicing his personal opinions on homosexuality cost him his job at the Department of Agriculture.

For seven years Mr. Mertz, 49, was the equal employment opportunity manager for the 10-state Southeastern region of the Agricultural Research Service, based in Athens, Ga. On March 28 he was removed from his GM-13 post for remarks made during a March 4 TV interview.

In the interview, Mr. Mertz took exception with USDA policies on homosexuals. In particular, he opposed departmental proposals that partners of homosexual workers be offered the same benefits as spouses of heterosexual workers.

"USDA has had a reputation, rightly or wrongly, of having a plantation mentality, and no one would deny we need to get away from that kind of situation," Mr. Mertz said. "But we need to be moving toward Camelot, not toward Sodom and Gomorrah, and I'm afraid that that's where our leadership is trying to take us."

As an EEO manager, Mr. Mertz enforced the Civil Rights Act, which forbids discrimination based on race, sex, age or religious beliefs.

Mr. Mertz was on annual leave at the time of the interview, and the segment, which aired that evening on WLOX-TV in Biloxi, Miss., made clear that his comments reflected his personal views.

In a telephone interview, Mr. Mertz said his reassignment to work force forecasting—a job in which he has "no experience, no training and no interest"—was in retaliation for his views.

"I believe that my freedoms of speech and religion have been trampled," Mr. Mertz said in a letter to The Washington Times. "Furthermore, I sincerely believe that USDA and the Agricultural Research Service have created, and are expanding upon, a work environment hostile to heterosexual employees."

Mr. Mertz has filed a complaint with the Office of Special Counsel, arguing that he was removed without due process and that he suffered reprisals for exercising his First Amendment right to free speech.

Government employees who disclose fraud or abuse are protected under whistleblower laws. But their rights under the First Amendment must relate to matters of public concern, and their interests are weighed against the government's, an administration officials said.

USDA spokesman Tom Amontree declined to comment on the case because it is a personnel issue.

But at a department diversity conference in April, Agriculture Secretary Mike Espy urged participants to cultivate increased sensitivity when managing "people of different ethnic and religious groups, people with different lifestyles, people of the opposite sex."

Homosexual advocacy groups decried Mr. Mertz's view.

"It undermines the whole concept of the discrimination-free workplace, and it's particularly inappropriate coming from an EEO manager," said Gregory King, spokesman for the Human Rights Campaign Fund.

Mr. Mertz said that when he arrived home in Atlanta the evening the interview was broadcast, a senior USDA official called to tell him Mr. Espy had received complaints from homosexual groups.

On March 28, Mr. Mertz was handed a letter telling him he was being removed from the EEO staff. The letter said his statements in the interview "reflect a disagreement with departmental civil rights policy" that could hamper his ability to handle EEO duties.

"As a private citizen you have every right to express your opinions freely. . . . However, you must recognize the fact that in publicly disagreeing with an admittedly controversial position of the departmental leadership, you have made it difficult for employees and managers of the agency to accept that you actively support these same policies in your official assignment," the letter said.

Mr. Mertz was allowed to retain his grade and salary in the move.

"Getting that letter was a shock," Mr. Mertz said. "No due process—I'd broken no laws. In fact, the things we're being asked to do, accepting the homosexual lifestyle, are illegal. They're not part of the civil rights law, they're not the law of the land, and they are a personal affront to all I believe."

[From the Wall Street Journal, Apr. 27, 1994]

A DIFFERENT KIND OF WHISTLE-BLOWER

(By Max Boot)

Karl Mertz is a whistle-blower. But unlike most members of that species, he's not exposing sexual harassment on the job or military contractors who overbill the government. He's blowing the whistle on a less publicized kind of fraud: the promise that affirmative action policies will result in a more "just" society.

Mr. Mertz has seen how such policies operate from the inside. Since 1987, he's been a senior Equal Employment Opportunity manager at the Agriculture Department in Atlanta, a commissar in the battle against racism, sexism and other "isms." Before that, he performed similar jobs for the Labor Department and the Army. It's a calling for which he has impeccable credentials: After getting a Vanderbilt doctorate, he went to work as a Methodist pastor in Mississippi and promptly got in trouble with the locals for preaching racial tolerance.

Like most Americans, Mr. Mertz is dedicated to "equal opportunity" for all, no matter what race, creed or sex. But he quickly found that those rules don't apply to white males like himself. When he's applied for numerous EEO jobs at other federal agencies since 1984, he's been turned down cold. At the Internal Revenue Service, he got top scores on his exam but didn't even land a job interview; all eight finalists were black females. Mr. Mertz tried pursuing a job-discrimination claim against the government, but when that proved fruitless he decided to express his frustration on CNN.

On the program, aired Feb. 20, Mr. Mertz declared: "People in the '60s set up a big policy machine and said we're going to try and open up doors for people who have been wrongly excluded from society, and then they put the machine in gear, and kind of turned their backs on it. Now it's rumbling across the landscape doing pretty much what it wants."

Mr. Mertz tells some hair-raising stories about what the machine is doing. Agriculture Department managers hire "twofers" (say, a black female) or "threefers" (say, a disabled Hispanic female) in order to get a bonus for meeting affirmative action quotas. Postdoctoral fellowships are funded for one year if the recipient is a white male, two years if he (or, more likely, she) is a minority. And—get this—a new training program at the department, designed to build self-esteem, is open only to senior African-American male managers. "These people are already in senior positions!" Mr. Mertz exclaims. "Why spend taxpayers' money to boost their self-esteem?"

Mr. Mertz has had to live with such programs for a while. What he wasn't prepared for was Agriculture Secretary Mike Espy's gay-rights agenda, part of the Clintonites' kowtowing to a key group.

At a Washington meeting of the department's affirmative-action administrators on Feb. 25, Mr. Mertz listened to a report by the head of the department's gay employees group. An outline distributed by the gay activist during her presentation states: "Until our relationships are recognized and respected and benefits are available to our partners and families, we are not full members of Team USDA." Top executives pledged to hold "sensitivity training" to spread this message among the ranks, and to punish those who don't toe the line.

In other words, homosexual employees aren't just asking to be left alone—Mr. Mertz is in favor of that. They want other employees to actively approve of their lifestyle. And Mr. Espy is backing the gay-rights agenda with taxpayer-funded indoctrination courses for the department's workers. "I was pushed as far as I could go," Mr. Mertz says.

A week later, on March 4, Mr. Mertz attended a departmental conference in Biloxi, Miss. Afterward, a local TV reporter asked him to comment on the gay-rights policy. After making clear that he was voicing his own views, not the department's, the Christian expressed his disapproval of homosexuality and said that the Agriculture Department should be headed "toward Camelot, not Sodom and Gomorrah."

When he got home to Atlanta later that night, Mr. Mertz received a phone call from a Washington-based Agriculture Department bureaucrat who said he had heard about the TV interview from gay activists. Then silence—until March 28, when Mr. Mertz was summoned into the office of Mary Carter, South Atlantic area director of the department's Agriculture Research Service.

Without waiting to hear his side of the story, Ms. Carter handed him a memorandum announcing that his TV interview "reflect[s] a disagreement with Departmental Civil Rights Policy, which could seriously undermine your ability to perform your responsibilities." Then without hint of due process, he was transferred, effective immediately, to a newly created job dealing with something called "work force forecasting."

Ms. Carter insists that the reassignment "isn't punishment," but try telling that to Mr. Mertz. "I've been stripped of a title, stripped of support staff, stripped of working in the field of my expertise," he complains.

The truly noxious part of this is that Mr. Mertz is being punished for exercising his First Amendment rights, not—as the memo claims—failing to do his job. In a telephone interview, Ms. Carter couldn't name a single instance when Mr. Mertz had failed to enforce department policy for homosexuals or anyone else. In fact, Mr. Mertz's evaluation forms give him high marks in every category, including "supports EEO and Civil Rights Programs."

Given what's happened, it's a bitter irony that Mr. Espy's statement on civil rights policy says: "I am especially concerned about allegations of a 'culture of reprisal' at USDA." The secretary was writing about reprisals for filing affirmative action complaints, but that concern is equally pertinent here.

Mr. Mertz is appealing for help from those who traditionally champion the cause of whistle-blowers, ranging from the federal Office of Special Counsel to "60 Minutes" to various government-watchdog groups. It will be interesting—and highly telling—to see what support he gets.

EXHIBIT 2

SUPERVISORY APPRAISAL OF DEMONSTRATED PERFORMANCE OR POTENTIAL

Position: Equal Employment Manager, GM-260-14.

Name of applicant: Dr. Karl Mertz.

SECTION 1—DEMONSTRATED PERFORMANCE OR POTENTIAL RATING

1. Managerial and technical EEO knowledge (and skills sufficient to plan, organize, direct, staff and evaluate an equal employment opportunity program): Exceptional.

2. Ability to communicate in writing: Exceptional.

3. Ability to communicate orally: Exceptional.

4. Skill in fact finding, analysis and problem resolution: Exceptional.

5. Knowledge of statistical and reporting techniques (in order to develop profiles, prepares reports, analyze needs, determine effectiveness): Above averages.

SECTION II—NARRATIVE STATEMENT

1. Graduate school and extensive government training in EEO/AA and management have been evident in the regulatorily correct and innovative programs designed and administered by the incumbent.

2. Written work is timely, exacting and thorough, probably due to training as a college newspaper editor, and previous government experience writing EEO audit reports and proposed disposition of complaints.

3. A forceful and thought provoking speaker, with related "A" work in college and grad school, who has won several professional association elections, and made numerous regional and national speeches.

4. A.E.P.P.s and Accomplishment Reports/Updates have been through and well received by E.E.O.C. and internal reports have been accurate, thorough and well reasoned.

5. Incumbent has gone beyond report requirements, producing same on potential adverse impact, participation rates in awards, etc., and representation levels in special programs.

Appraiser's signature: K. Prince.

Employees signatures: Karl Mertz.

PERFORMANCE APPRAISAL OF K.C. MERTZ

INSTRUCTIONS

Blocks 1 through 10, completed by NFC, should be reviewed and, if necessary, corrected.

Block 11. Enter funding unit number.

Block 14. Enter brief description of performance elements.

Block 15A. Check performance elements identified as critical.

Blocks 15B, 15C, 15D. Rate actual performance by entering 2 for critical elements and 1 for non-critical elements in appropriate column.

14—Performance elements	15A—Critical element	15B—Exceeds fully successful	15C—Meets fully successful	15D—Does not meet fully successful
1. Affirmative Employment Program Management	X	2		
2. Special Emphasis Program Management		1		
3. Research Apprenticeship & Summer Intern Prog. Mgmt.			1	
4. Technical Advice & Assistance	X	2		
5. Reporting Requirements/Special Projects		1		
6. Supervision & Human Resource Management		1		
7. Supports EEO & Civil Rights Programs	X	2		
Total		9	1	

Summary Rating: Superior.

Supervisor's Signature: Korona I. Prince.

EXHIBIT 3

MAN'S TRANSFER AFTER REMARK ON GAYS ANGERS HELMS

WASHINGTON.—Sen. Jesse Helms, R-N.C., is blocking a key presidential appointment because of a dispute involving free speech and gay rights.

Helms has served notice that he'll stall indefinitely the Senate nomination of Mary Schapiro to the Commodity Futures Trading Commission until he gets answers on why a midlevel government employee has been transferred from his post.

The employee, Karl Mertz, was Equal Employment Opportunity manager for the U.S. Department of Agriculture in Athens, Ga., before he made some controversial remarks concerning homosexuals to a Mississippi television station in March.

"We need to be moving toward Camelot, not Sodom and Gomorrah," Mertz said after a regional Department of Agriculture meeting in Biloxi. Even though the subject was related to agriculture department policy, he said he told the reporter he was speaking as a private citizen—not as a government official.

Mertz had been concerned that top Agriculture Department officials were pressing for policies such as extending job benefits to partners of gays—something Mertz believes is beyond the law. He said he also felt top officials are pushing him and other employees to accept homosexuality as a legitimate lifestyle. And he finds the gay lifestyle "immoral."

After learning of Mertz's remarks, his superiors removed him from his post and put him in a position of little responsibility, he said.

"I'm wasting the taxpayers' money. I'm in a job that's unnecessary," said Mertz in an interview Friday.

Mertz said he believes gays should have equal rights on the job and shouldn't be harassed. But he said government officials shouldn't be trying to get him to accept homosexuality as a legitimate lifestyle.

David Smith, spokesman for the Gay and Lesbian Task Force, said Mertz's new post is justified.

Mertz had a position of enforcing equal job opportunities within the Department of Agriculture and, as such, shouldn't have made any derogatory remarks toward gays, said Smith.

"Jesse Helms wouldn't be supporting this gentleman's case if he was making inflammatory statements based on someone's religion, race or gender," Smith said.

Mertz, who thinks he has a right to speak his mind without being punished, is grateful to Helms.

"I don't agree with Sen. Helms on everything he stands for—I oppose the death penalty, for instance—but I'm glad to get his help."

U.S. DEPARTMENT OF AGRICULTURE,
Washington, DC, March 25, 1994.

To Karl C. Mertz, EEO Manager, South Atlantic Area.

From Korona I. Prince, Director, EEO Staff.

Subject: Reassignment from the EEO Staff.

As you are no doubt aware, some of your recent activities have caused quite a bit of concern at the Department of Agriculture. Your statements in the interview that occurred on March 4 reflect a disagreement with Departmental Civil Rights Policy, which could seriously undermine your ability to perform your responsibilities for the agency in your current assignment. As a private citizen you have every right to express your opinions freely, and we have no intention of doing anything to compromise your rights or the rights of any other employee. However, you must recognize the fact that in publicly disagreeing with an admittedly controversial position of the Departmental leadership, you have made it difficult for employees and managers of the agency to accept that you actively support these same policies in your official assignment. It is, therefore, necessary that you be reassigned to another position.

One of the areas identified by the ARS Human Resources Management Task Group for action was the development of a work force forecasting system. This is critical for the strategic management of human resources, which, in turn, is critical to our continued success. Dr. Mary Carter has long been an active proponent of this initiative. Consequently, the agency has identified a position to be located on the staff of the Director of the South Atlantic Area to develop and implement an Agency wide work force forecasting system. You are assigned to this position effective March 28, 1994. There will be no impact on your grade or pay. This also provides an opportunity for you to use your expertise to provide an important service for the Agency's long term success.

Dr. Carter and Dr. James Hilton, who will be your immediate supervisor will work with you in developing the details of your new assignment.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I wanted to ask the Senator from North Carolina if he could tell me what is the hiring policy at the Department of Agriculture of homosexuals.

Mr. HELMS. Mr. President, that is precisely the point. The mice have been running the store at the USDA, judging by a letter I received from Mike Espy, the Secretary of Agriculture, yesterday evening.

They moved on their own volition apparently without any knowledge of the Secretary—according to him—to dismiss Dr. Mertz. Dr. Mertz was transferred out of the job that he had been so successful and commendably in for several years.

The amendment simply says that if the USDA, or implicitly any other Federal agency for that matter, proposes to deprive an employee of his or her first amendment rights, they had better have a hearing on it.

Mr. BUMPERS. Let me say to the Senator from North Carolina, I would yield to nobody in my defense of the Constitution and especially first amendment rights: speech, religion, and so on.

But I was curious, since, allegedly, the action against Dr. Mertz was taken because he criticized, on a television station, the Department's hiring policy, specifically that it was going too far in the hiring of homosexuals.

Mr. HELMS. I do not think he even mentioned the word "homosexual." He said, and I think I can quote it without any paper in front of me, "We should be pursuing Camelot and not Sodom and Gomorrah." The television reporter's question was based on the furor that was going on in Washington as a result of the policy of the USDA favoring homosexuals and lesbians, including providing spousal benefits—paid for by taxpayers—to the partners of homosexual employees.

That is all the guy said.

Mr. BUMPERS. That was my question. If he was objecting to the policy of the Department on homosexuality, I was wondering what the policy was that he was objecting to.

Mr. HELMS. He was objecting to the policy that had been established and that is being considered. Secretary Espy to this day says that we have no policy, and so forth, but I am putting in the RECORD the memoranda and the statements by various officials documenting the policy. If a USDA employee does not favor special privileges for homosexuals and lesbians he or she had better get ready to pack it and get out. I say that is a perfect outrage.

Mr. BUMPERS. I do not know of any official policy that favors the hiring of homosexuals. If there is such a policy, it certainly ought to be reviewed very carefully. I do not believe there is one.

Mr. HELMS. In fact, it is de facto. The Senator is right. The Senate never approved of such a policy.

Mr. BUMPERS. The Senator is saying at lower echelons it is occurring?

Mr. HELMS. Well, it is in fact pretty high. The Secretary's administrative assistant wrote one of the memoranda that I put in the RECORD yesterday. I am willing to accept Secretary Espy's word that he did not know anything about that.

Mr. BUMPERS. The Secretary's word?

Mr. HELMS. Yes.

Mr. BUMPERS. But the memorandum the Senator says he put in the RECORD was written by whom?

Mr. COCHRAN. Wardell Townsend.

Mr. HELMS. It is Wardell Townsend, I am advised.

Mr. BUMPERS. Townsend.

Mr. HELMS. Wardell Townsend.

Mr. BUMPERS. To summarize, what did he say in the memorandum and who was it to?

Mr. HELMS. Let me refer to the previous information I relied upon. I cannot remember all of it verbatim. I will have it in just a minute.

Wardell Townsend wrote a memorandum dated March 25 to Pat Browne, a homosexual activist with USDA GLOBE, which is a gay and lesbian organization at the USDA, a copy of which I inserted in the RECORD yesterday.

The memo officially sanctioned GLOBE at USDA, entitles its members to use Department resources and facilities. We will retrieve the copy of the memorandum.

Mr. BUMPERS. What is his title at the Department?

Mr. HELMS. Wardell Townsend's?

Mr. BUMPERS. Yes.

Mr. HELMS. He is identified as Assistant Secretary for Administration.

Mr. BUMPERS. He is saying that an organization of gay men and lesbian women can use the resources of the Department for the purposes of the organization?

Mr. HELMS. I have a photostat of his memorandum, dated March 25.

It says: "Subject: Establishment of USDA GLOBE."

It is addressed to Pat Browne, Spokesperson, USDA GLOBE.

> In keeping with the Secretary's April 15, 1993, EEO and Civil Rights Policy Statement, I am pleased to officially sanction the creation of USDA GLOBE by approving the attached bylaws. With this approval, USDA GLOBE will exercise all of the rights and responsibilities of other officially sanctioned employee organizations.
>
> WARDELL C. TOWNSEND, Jr.,
> *Assistant Secretary for Administration.*

I ask the page to hand this to Senator BUMPERS.

Mr. BUMPERS. He says he is pleased to officially sanction the creation of USDA GLOBE by approving the attached bylaws.

So I assume that organization was set up and the bylaws were sent to him and he approved them.

Mr. HELMS. Yes.

And in the mission statement:

> The mission of the U.S. Department of Agriculture Gay, Lesbian, and Bisexual Organization is to create a work environment free of discrimination and harassment based on sexual orientation.

It says:

> The purpose of USDA GLOBE is to:
>
> A. Promote understanding of issues affecting gay, lesbian, and bisexual employees in the USDA.
>
> B. Support the USDA policy of nondiscrimination based on sexual orientation.
>
> C. Provide outreach to the gay, lesbian, and bisexual employees in the Department.
>
> D. Serve as a resource group to the Secretary on issues of concern to gay, lesbian, and bisexual employees.
>
> E. Work for the creation of [a] diverse work force that assures respect and civil rights for gay, lesbian, and bisexual employees.

And get those words "assures respect for."

Now I do not know what it is going to take to compel those of us who do not respect homosexuality.

> F. Create a forum for the concerns of the gay, lesbian, and bisexual community in the Department.

And they do not do that for anybody else, you see.

And then it has, in parentheses:

> (Followed by sections on meetings, dues, government, officers and election process, duties of the officers, filling vacant positions, voting, forming committees, forming chapters in field locations, and amendments. The bylaws are also signed by Wardell C. Townsend, Jr.)

I am reading from the document itself, which is a USDA document.

I ask the page to give that to the Senator.

Mr. BUMPERS. Senator, I wonder if the Senator knows the names of other officially-sanctioned organizations. Is there one for women or minorities, or does the Senator know?

Mr. HELMS. Not that I know of.

Mr. BUMPERS. When Secretary Townsend wrote his memo, he says, "With this approval, USDA GLOBE will exercise all of the rights and responsibilities of other officially sanctioned employee organizations."

No. 1, that suggests there are other such sanctioned organizations; but, No.

2, I wonder what the rights bestowed upon them are.

Mr. HELMS. I have no idea. I am afraid to venture a guess.

Mr. BUMPERS. You are also saying that the Secretary says not only did he not know anything about this, but he did not sanction it, and that it is not official Department policy? Is that correct?

Mr. HELMS. In fact, in his letter that I received last night, the Secretary said:

> I don't believe the Department should implement a proactive policy regarding GLOBE.

That is the end of his quote.

I got a little editorial comment from my associate here. He said that they have already chartered it and, of course, they have, and that is just the point I am making.

Mr. BUMPERS. Now the Secretary says,

> Contrary to the Wall Street Journal article and Dr. Mertz' assertions, there is no gay rights agenda at the Department and there certainly will be no seminars or sensitivity training sessions to promote acceptance of alternate lifestyles.

Mr. HELMS. I will tell you, Senator, that is in the letter that he sent to me, as well.

Mr. BUMPERS. Right; that is what I am reading from.

Mr. HELMS. My answer to that is, he had better call a staff meeting this afternoon and break the news to those people who are acting, obviously——

Mr. BUMPERS. You do not believe that they know there is no such rights policy?

Mr. HELMS. Well, I think they just do not care. I think the Secretary—well, let me restate that—I hope the Secretary is being caught in the middle in this thing, because I want to believe everything he says, especially when he says "I did not know about this and I did not know about that."

He had better get all the mice together and say, "Look, get out of the cheese factory," because they are really playing games without the benefit of any approval by the U.S. Senate, let alone, according to Mike Espy's letter, the Secretary of Agriculture himself.

Mr. BUMPERS. The Senator's amendment just says that Dr. Mertz ought to be reinstated, pending a public hearing.

Let me ask the Senator, if Dr. Mertz had said in this television broadcast that he thought the Department's policy on the hiring of minorities, for example, was wrong and that he thought the Department had gone too far in favoring minorities, would the Senator agree that that also should be addressed?

Mr. HELMS. Well, he has taken care of that himself in what he has written and what he said to me.

Mr. BUMPERS. I am not asking about this particular case. I am asking about a hypothetical case.

Incidentally, would this apply to any employee, not just the head of their EEOC division?

Mr. HELMS. I think any employee who is kicked around because he——

Mr. BUMPERS. Because he disagrees with policy.

Mr. HELMS. Because he does not support special status and privileges for homosexuals and lesbians.

Mr. BUMPERS. The U.S. Government does have an official policy of nondiscrimination. You cannot discriminate against people because of their religion. You cannot discriminate against them because they are women. You cannot discriminate against them because of their color.

But if—just as a hypothetical case—somebody was heading up the EEOC division at USDA and he said, "Our policies which implement the nondiscrimination policy against women are going too far; we have got too many women in the Department," would the Senator be willing to say that they, too, should have a public hearing if they are removed?

Mr. HELMS. Of course not. The Congress has acted on that. And Dr. Mertz himself spoke to me about the rights of the handicapped and others protected under the Civil Rights Act, with which he fully agreed.

And, incidentally, the quote in the paper said he did not agree with JESSE HELMS on everything, but he appreciated my help on this.

But you have to factor in the sensitivity of those of us who feel that there is a spiritual and moral aspect to this playing to the homosexual and lesbian crowd. It makes it different from anything else. Homosexuals are a separate minority. If they would keep their mouths shut and go about their business with whatever their sexual orientation is, nobody would know anything about it. But, no, they march in the streets and they defy anyone who finds their conduct to be offensive and degrading.

A bunch of them climbed up on my house in Arlington a few years ago and hoisted a 35-foot canvas condom over the roof of our home.

They do not like me and I do not like what they do. I wish they would shut up and go to work and keep their private matters to themselves—and get their mentality out of their crotches.

Mr. BUMPERS. Senator, when we started this colloquy, I thought I was on your side, particularly on the first amendment. And under the first amendment, people do not have to shut their mouths. They have a right to speak.

Mr. HELMS. Well, they could speak, just so long as they do not offend others, I suppose.

Mr. BUMPERS. That is not the test.

Mr. HELMS. Legally, they could speak any way they want to. That is what the first amendment is all about. And I think you are still on my side in this matter.

Mr. BUMPERS. I take it the Senator's answer is that if the same situation occurred and somebody had said that this policy of hiring women down there is out of control, the place is being run by women and the Secretary called the guy in who said that and said, "I am going to have to move you to another job. If you cannot implement our policies in a fair way regarding hiring women, then we are going to have to move you to another spot," the Senator would not protect that person?

Mr. HELMS. No, I would not. Because it has been decided by the Congress of the United States that gender is a protected class under the Civil Rights Act.

Mr. BUMPERS. That is right. This hypothetical employee is saying this policy is wrong. That is all he is saying: "I think this policy is wrong. I do not care whether the Congress passed a bill, what our policy is, this business of equal protection for women and equal rights for women is a bad policy."

Mr. HELMS. Here is what Dr. Mertz said on the Biloxi television station in response to a specific question by the television reporter with reference to a brouhaha going on in Washington about an outrageous USDA policy being implemented without the approval of Congress and apparently without the full knowledge of the Secretary. He said this: "We need to be moving toward Camelot, not Sodom and Gomorrah, and I am afraid that's where our leadership is trying to take us."

Mr. BUMPERS. Is that all he said?

Mr. HELMS. That is all he said. That is all he is charged with saying.

Mr. BUMPERS. I suppose one could construe that any way one wanted to.

I must tell the Senator, I am mildly troubled about this. I have a tendency—my strong penchant is for nondiscrimination against anybody. If you will permit me to quote Dr. Martin Niemoeller. You have heard it numerous times, and I have quoted him in numerous speeches. In referring to World War II, he said:

> In Germany, they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. They came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak for me.

I always keep that in the back of my mind, how those things can happen in a country.

So my personal philosophy has always been fairness to all of our people. We are all different. My mother had three children and she said we were all totally different. You have to deal with each child separately because they have different personalities, they have different looks, and so on.

Consider the fact that in this great Nation we have 250-million-plus people and each is unique. The Senator and I do not look alike. We do not have the same philosophies. We are friends and we enjoy a cordial relationship off the floor.

My position is the same as that of Senator Mike Mansfield, who used to say: "We are all equal. We have a right to say what we want to on the floor and express our views." That is what the Senator is doing here with his amendment, and I am a great defender of that.

I am troubled about moving somebody out of a position simply because he stated an opinion, which incidentally does not sound like a very strong opinion to me, one way or the other. But I have heard a lot of politicians say we ought to be moving toward Camelot, because that evokes nostalgia for Jack Kennedy, who is greatly revered in this country. I sometimes wish we were moving more toward Camelot, too. We all share the same concerns about family breakdown, the crime rate, and lack of health care for people, particularly poor people.

But let me just pursue the point I was going to make a moment ago. The Secretary says there is no such policy. The Senator is saying there may not be, but some of his underlings are carrying on and acting as though there is. Is that a fair statement?

Mr. HELMS. Yes.

Mr. BUMPERS. Dr. Townsend says here, "Pursuant to the Secretary's April 15 civil rights policy statement." That was over a year ago.

I do not know what his statement was.

Mr. HELMS. And you do not know what interpretation Mr. Townsend was putting on whatever statement he was referring to.

Mr. BUMPERS. He may have been 180 degrees from what the Secretary intended.

Mr. HELMS. But going back to the Senator's analogy about no one stood up—it may be Dr. Mertz feels that there are some Christian principles that ought to be stood up for, too. I certainly do. The Bible is pretty specific about perversion to those of us who are literalists in reading the Bible. I thought the statement by Dr. Mertz was mild. It just shows you how utterly sensitive the homosexual activists are. They want to slap you down and climb up on your roof at your home, and all that sort of thing. That will never deter me. I do not think it is going to deter Dr. Mertz.

I understand Dr. Mertz is a Democrat. I believe he may be a liberal Democrat.

Mr. BUMPERS. You have my attention now, if he's a Democrat.

Mr. HELMS. This is not a political matter. I resent what the USDA did to an obviously fine man. I think the Senate ought to speak out and right the wrong that has been done to him.

Mr. BUMPERS. Senator, let me just pursue one other point. The Senator says he would not feel the same way if the head of the EEOC said he believed in discriminating against women. How would the Senator feel, in the same scenario, if somebody went on the television and said, "You cannot get a job down at USDA unless you are black. I am head of EEOC, but I am telling you we have too many blacks in that Department, and they feel because there are so many of them they do not have to do their jobs."

Would you feel that, if they removed a person who said something like that in contravention of congressional intent, Department policy, everything, that person should be reinstated?

Mr. HELMS. This is so hypothetical; I cannot imagine anybody saying any such thing.

Mr. BUMPERS. I cannot either, but we are just using hypothetical cases here. These things do happen.

Mr. HELMS. But your case is so hypothetical. My personal opinion—I do not want to deprive anybody of his rights—but nobody ought to be saying that sort of thing. But that is hypothetical.

What I am saying is what Dr. Mertz said is not hypothetical. And what was done to him is not hypothetical.

Mr. BUMPERS. My point is, I know for a fact that there are racists in this country who do not believe in the Government policy on nondiscrimination against minorities. I know there are people who still have a tough time accepting women in the workplace. There are still careers that are not open to women.

What if a similar situation occurs and the employee says, "You know, at the personnel office at USDA, they are hiring a lot of right-wing fundamentalists. This place is being taken over by them." Senator, you know you have been accused of being in that category from time to time. How do you feel about that?

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I pay no attention to it.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair. We are discussing this as friends. Let me say when you get to the rights of women, I am boxed in. I am married to one; I am the father of two, and the grandfather of five.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I get those humility lessons every evening at my house, so I understand what that is like.

But back to the point. What if somebody obviously had a bias against the so-called Christian right and felt that the Department's policy of nondiscrimination based on religion was being violated because they were hiring too many of them? What if that employee was fired or transferred to another job? Do you think he should be protected?

Mr. HELMS. I do not know that I follow what the Senator is saying.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senator and I be permitted to exchange these views in a colloquy without having to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, let me just restate the principles as clearly as I can.

Let us assume that in a parallel situation, the head of the EEOC office of the Dallas IRS—I think that is a big IRS center—takes leave time and goes on Dallas television and says, "My job has become really troublesome to me. I don't like these so-called religious fundamentalists, and yet the personnel office is hiring those people in great numbers and they are taking over our office. I don't care that the Government policy, the IRS policy, or our office policy is nondiscriminatory regarding religion. I think they ought to start curbing the hiring of them even though it is a direct violation of the Constitution, official policy, congressional policy, and every other policy."

If he is removed for saying that because they do not think he can perform his job as an equal opportunity officer and hear discrimination cases when he feels so strongly against a particular religious philosophy, would you not protect him the same way you would protect Dr. Mertz?

Mr. HELMS. I think he would already have built-in protections. In this case, it is not at all analogous to Dr. Mertz and what happened to him, because the Congress has included religion in the Civil Rights Act. But it has not included homosexuals. But even so, I believe you will find that there will be an automatic hearing if one were requested.

Mr. BUMPERS. There are parts of the Senator's amendment with which I am troubled; parts of it with which I agree. I am quite sure the Senator will prevail here. I know how these votes go in the Senate, so I feel fairly sure he will prevail on it.

Mr. HELMS. I am not sure. We will soon see.

Mr. BUMPERS. I would be willing to take this amendment to conference and discuss it with the House and see if we could work something out. Whether the amendment is adopted here or not, it is likely to be reworked in conference to make sure it covers people of every stripe and to make sure it complies with all Government policy, not just in this one area.

I am troubled by this. I am troubled that someone is transferred or demoted because he expressed an opinion.

Mr. HELMS. Mr. President, perhaps I should reiterate my earlier response to Senator BUMPERS' speculation about possible consequences if a USDA employee should voice his or her opposition to equal employment protections for women, blacks, and religious people in the same manner that Dr. Mertz stated his low-key remark about USDA's proposed homosexual policies.

Just suppose, Senator BUMPERS speculated hypothetically, someone in Dr. Mertz' position questioned the Department's workplace policies regarding, for example, women and blacks—then should an inquiry be conducted as to that person's ability to enforce USDA policy? The answer to Senator BUMPERS' hypothetical question is that Congress has voted on, and enacted legislation, regarding policies involving women and blacks.

That is not the situation in the case of Dr. Mertz. Dr. Mertz questioned the USDA's unilaterally proposed policies to protect a class of citizens—homosexuals—even though Congress has never voted to protect them.

So, the focal point of Dr. Mertz' situation is that some bureaucrats at the Department of Agriculture have taken action regarding homosexuals—action not authorized by Congress—to give homosexuals the special protections of title VII of the 1964 Civil Rights Act. Dr. Mertz, therefore, believes the Department's policies in favor of homosexuals violate current law as decreed by Congress, and he is right.

Unless and until Congress votes to include homosexuals as part of title VII of the 1964 Civil Rights Act, it is neither appropriate nor accurate to compare Dr. Mertz' comment about homosexuals with comments about women and blacks.

Government agencies should not be permitted to deny Federal employees the right—on their personal time—to question policies which are not law. And Dr. Mertz should not be removed from his job for questioning a policy that even Agriculture Secretary Espy has disavowed in writing.

Mr. President, I have been informed that Senator BUMPERS plans to offer, after my amendment is voted on, an amendment which is known as a CMF amendment so that Senators voting against my amendment will have a cover-my-fanny vote which they can use back home to try to explain why they voted against my amendment. I do not believe anybody back home will be fooled, however.

I think we have one or two people on our side who wish to be heard, who want to come over and speak on this.

Mr. LEVIN. Mr. President, I will vote against the Helms amendment.

I am, of course, concerned about any instance in which any Federal employee may have been unfairly removed from his or her position merely for the expression of views about the agency's personnel policies.

However, in my view, by focusing on the alleged facts of one specific personnel case, this amendment is too narrowly drawn. The Senate should not substitute its judgment in a particular personnel decision, particularly where adequate procedures are already in existence.

If existing Federal personnel policies are inadequate to protect the first amendment rights of Federal employees, those policies should be examined by the Congress and strengthened.

But, new procedures should not be imposed to protect only rights limited to remarks made "in opposition to Departmental policies, or proposed policies regarding homosexuals" as the Helms amendment would do. If such additional safeguards are to be legislated, they should protect all speech.

I support the broader approach to be offered by Senator BUMPERS.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I believe we have cleared it on both sides that we would put aside the Helms amendment and go to the Heflin amendment on flood relief. I just want to be sure that is agreeable with everybody.

The PRESIDING OFFICER. Does the Senator seek unanimous consent for that purpose?

Mr. HEFLIN. Yes. I was just giving an opportunity for all interested parties to be alerted to it, if there is any problem with it. I just want to clear it.

There is nobody in the Chamber. I wish to wait to be sure. I do not want to take any advantage of anybody relative to the matter.

I intend to go to the Heflin amendment which is the flood relief package if it is agreeable on all sides. I have talked to Senator HELMS, and he is agreeable to setting aside his amendment, and the managers, at least Senator BUMPERS is agreeable. Actually, he has gone to lunch and asked me to handle it. I just want to be sure that from the Republican side there is no objection to it.

I ask unanimous consent that the Helms amendment be set aside and that we proceed to the consideration of the Heflin amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and the Helms amendment is set aside. The Chair recognizes the Senator.

AMENDMENT NO. 2303, AS MODIFIED

Mr. HEFLIN. Mr. President, I send to the desk a modification of my amendment which really only means a reassignment of paragraphs. The last paragraph is to be transposed above the next to the last paragraph. I send that modification to the desk.

The PRESIDING OFFICER. The Chair understands that the Senator is offering it to amendment 2303, and the Senator has sent the modification to the desk. The Senator has a right to modify his amendment.

The modification is as follows:

On page 88, after line 12 insert:

SEC. 742. In addition to funds made available elsewhere in this Act, there are hereby appropriated as of the date of enactment of this Act the following, to remain available through September 30, 1995:

Emergency Community Water Assistance Grants, $10,000,000;

Very Low-Income Housing Repair Grants, $15,000,000;

Agricultural Credit Insurance Fund Program Account:

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: emergency loans, $70,670,000.

Of the amount appropriated in the Emergency Supplemental Appropriations Act of 1994, Public Law 103-211, for Watershed and Flood Prevention Operations, $23 million is transferred to the Emergency Conservation Program.

These amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such amounts shall be available only to the extent the President designates such use an emergency requirements pursuant to such Act.

Mr. HEFLIN. Mr. President, I have spoken before on this, and we want to give an opportunity for a number of people who desire to be cosponsors of the amendment to come forward and make speeches. Senators NUNN and COVERDELL, as I understand, GRAHAM and MACK are cosponsoring this amendment. I ask that they be made cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I do not think I have to go into any great detail to speak of the devastation that has taken place in Georgia, Alabama, and Florida as a result of the terrible rains that lasted for days and weeks recently. Hurricane Alberto seemed to hover over that area, a tri-State area, and it continued to rain and rain and rain. The television has shown many, many pictures of the devastation that took place, and from it you can get a gripping feeling of the anguish and the anxiety and the terrible loss that has occurred. There has been a terrible loss of lives, people injured, businesses, homes destroyed, and farmlands destroyed.

The amendment is on the agriculture appropriations bill. I think some felt my amendment would be a comprehensive disaster bill, but it is, of course, limited here to the agricultural phase of it, and those phases that are connected with the Department of Agriculture such as rural areas, rural housing, crop losses, the losses pertaining to soil conservation practices, the damage that has been done to water systems and sewer systems in the rural areas.

The amendment that I have offered has been cleared through the Department of Agriculture. They have made estimates relative to the amount of damages in the different categories that we have listed in our amendment.

I met with the President on Sunday afternoon and discussed this and some other things with him, and the OMB has been consulted. They have approved these figures. We will have to leave open such things as crop damage because you will not really know about crop damage until the final harvest period comes, and then you are able to calculate it. So it is left in sort of a broad, flexible manner.

I have a letter here from the Acting Director of the Office of Management and Budget that I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 18, 1994.

Hon. HOWELL HEFLIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HEFLIN: I want to assure you that the Administration will promptly use existing funds in the Soil Conservation Service (SCS) to meet the estimated $25 million in emergency watershed needs in areas affected by recent floods in the Southeast. $341 million in emergency funds were appropriated to the SCS Watershed and Flood Prevention Operations account in P.L. 103-211 this February. Over $150 million is currently available to meet emergency watershed protection needs stemming from natural disasters. No additional legislative action is necessary to direct needed funds to the Southeast. The Administration will move expeditiously to make the necessary funds available.

Please call me if you have any questions about this matter.

Sincerely,

ALICE M. RIVLIN,
Acting Director.

Mr. HEFLIN. Mr. President, there are several points that I want to make. There are all sorts of devastation that took place. This devastation was recognized by the President.

I want to commend the President for immediately coming back from overseas where he was meeting with the superpowers, the heads of state of a great number of leading nations of the world, discussing various things. And the first thing that he did upon arrival in the United States was to go to inspect this area of the country that had such a terrible disastrous consequence as a result of these rains.

Therefore, I congratulate him on his choice of what he would give priority to in regard to his time when he came back to the United States when so many other matters were pressing for attention at that particular time.

This amendment covers a number of things. We are pleased that it covers the areas that normally are not looked at in a situation of disaster relief.

I flew over and inspected numerous farms. I saw the devastation that was taking place relative to the soil conservation practices. In my section of Alabama which has been affected by these floods, they had just finished the soil conservation practices creating terraces and other good soil conservation practices. But the floods caused gullies to be created over all of the farms, which caused the terraces to be destroyed. There is a need for some specific language in this amendment to take care of those aspects.

There are also aspects dealing with water systems and sewer systems. They have become polluted, many of them placed out of operation, and need to be restored. So these are matters that we feel are important.

I see Senator GRAHAM has come to the floor. I would be delighted at this time to yield the floor and allow Senator GRAHAM to speak on this subject.

Mr. Graham addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. Mr. President, thank you.

Mr. President, I am pleased to rise today in support of the amendment offered by our friend and colleague, Senator HEFLIN from Alabama.

Mr. President, 12 counties in my State have now been declared as disasters as a result of the floods throughout the Southeast. Many of these communities had previously been affected by floods—in 1975, and again as recently as 1990.

Therefore, the people in the affected regions know all too well the damage and devastation which floods can cause. In 1990, three of the effected counties today, Holmes, Washington, and Jackson, were declared disaster areas when the flooding in Alabama caused a dam to break. These same 3 counties are among the 13 which have now been declared disasters as a result of the floods of 1994.

Many of these communities are heavily dependent upon agriculture. This flood hit them the hardest. The waters of the Apalachicola River as well as the Choctawhatchee and the Chipola have engulfed fields of wheat, peas, cotton, corn, soybeans, tomatoes, and livestock. It is expected that the entire 4,000-acre unharvested watermelon crop has been lost. All told, 4,000 family farms were affected by this storm and floods.

Most panhandle farmers have had only 3 rain-free days since June 1. Many crops were already under stress because of rain which had already prevented farmers from taking equipment into the soggy fields. Farmers have done little or no field work for weed, insect or disease control for nearly 7 weeks.

This flood has put an almost unbearable strain on the farmers' and the residents' ability to recover. On July 11, I visited the flood-ravaged towns of Caryville and Blountstown. I met with the people who only 4 years ago were engulfed by the 1990 flood. In Caryville, for example, many people with whom I spoke had not yet decided if they can afford to rebuild their town and their farms. Some are considering moving their homes and businesses altogether. Some of the saddest of those persons affected by these floods were those who in 1992 had lived in the path of Hurricane Andrew, and they left the southern part of the State for the north feeling that would give them sanction. Yet, they found disaster a second time.

Mr. President, assistance for these farmers and residents is needed and is needed now. After Hurricane Andrew, we learned much about the consequences of bureaucratic delays in distributing aid, and waiting any longer to provide help to the flood victims in this disaster would be to fail to learn those lessons of the recent past.

The amendment offered by the Senator from Alabama would provide $10 million in emergency community water assistance grants, $15 million in very-low-income housing repair grants, and $7.67 million for emergency direct loans under the Agricultural Credit Insurance Fund Program for victims of the flood.

Mr. President, I am pleased to join Senators from Alabama, Georgia, and my colleague from Florida in supporting this amendment.

I ask my colleagues to help us provide some assistance to these rural communities in a time of tremendous need.

Thank you, Mr. President.

Mr. HEFLIN. Mr. President, I want to also point out that most of this in Alabama is in the ryegrass area of southeast Alabama. Also the rains have affected the crops in a very disastrous manner in Mobile, Baldwin, and other counties in south Alabama.

There have been also, previous to this, freezes that have occurred back earlier in the year that would have been subject to the language of this bill, and as the result of the excess water and wetter conditions, you have insects. We are particularly concerned about the army beet worm.

I see that Senator SHELBY and Senator COVERDELL are on the floor. I would be glad to yield the floor at this time if they want to speak.

Mr. CONRAD. Before the Senator yields the floor, would the Senator yield for a question?

Mr. HEFLIN. Yes.

Mr. CONRAD. The State of North Dakota now has 24 counties that have been declared disaster areas as a result of flooding. We had floods last year; the 50-year flood that never left.

I was just wondering if the Senator could tell me if all crops qualify under the Senator's amendment.

Mr. HEFLIN. It is my understanding if your counties and areas have been declared as disaster areas, they would be covered under this amendment.

Mr. CONRAD. This is not limited then to program crops?

Mr. HEFLIN. No; it would be a comprehensive agricultural disaster bill.

Mr. CONRAD. The same formula would apply as we have had in the past disasters in the disaster bill of last year?

Mr. HEFLIN. My understanding is that what the President asked for as the effort in the Mississippi Valley last year would be the same program that would apply here.

Mr. CONRAD. So the 50 percent cut that had been applied in disasters the previous years in the disaster formula would not apply this year?

Mr. HEFLIN. That is correct.

Mr. CONRAD. I thank the Senator.

I just want to say that I strongly support this amendment. I am very hopeful that we can adopt this amendment today.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I want to thank the distinguished Senator from Alabama and our colleague, the Senator from Mississippi, for their arduous work on this amendment, of which I am a cosponsor.

I just returned from the ravages of the flood in Georgia. It is even yet very difficult to comprehend the damage that has been left in the wake of this flood.

I commend the Senator for the work and effort that he has made to alleviate some of the anxiety and concern about the extended buildback that will be necessary.

I want to publicly acknowledge the work of the Senator from Alabama.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I, too, rise to support the amendment offered by my colleague, the distinguished Senator, Senator HEFLIN.

We have all seen the tremendous toll the flood has taken on the States and citizens of Alabama, Georgia, and Florida. Senator HEFLIN and I both have seen extensive damage and destruction that have immobilized many communities in southern Alabama and other States and which have left many families homeless.

Eight counties in my State of Alabama have already been designated disaster areas, and the damage and losses continue to mount.

The amendment offered by the senior Senator from Alabama, among other things, would allow this body to provide the kind of immediate relief that these Florida, Georgia, and Alabama communities, and perhaps others, need now.

The amendment would provide emergency funding for water and sewer systems. In Alabama, many water and sewer facilities have been knocked out or severely damaged by the flooding, leaving many citizens without water. I am sure the same is true in Georgia and Florida. Funding for these grants would help get these facilities running again.

Funding, Mr. President, is also provided for general cleanup and housing repairs. Thousands of citizens have been left homeless or have returned to find what is left of their homes. Helping these families put their homes and lives back together should be a priority of any emergency relief, and this amendment would provide that kind of assistance.

Finally, Mr. President, this amendment makes funding available to the many farmers who have seen their crops destroyed by floodwaters and their property turned into wetlands.

Mr. President, while all the damage from the flood has yet to be calculated, the cost in losses now suffered by the citizens of Florida, Georgia, and Alabama, can be mitigated now by providing the kind of immediate assistance found in this amendment.

I commend my senior colleague, Senator HEFLIN, for offering this important, and I think necessary, legislation in a timely manner. I ask my colleagues to support the amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I want to express my appreciation to the Senators who have worked to craft this amendment, particularly Senator HEFLIN of Alabama. It necessarily becomes a time when farmers have not been able at this point to fully assess the exact damages that will be sustained as a result of the flooding that hit Georgia, Alabama, and Florida, but there is no doubt that those farmlands have been severely affected by these floods.

We are no strangers in the State of Mississippi to flood damage. I can tell you from our experiences that farmers are going to need help. This bill is a very serious effort to respond to the needs that the agriculture sector will have to try to recover from this disaster. I am glad that the Senator from Alabama, Senator HEFLIN, has included as cosponsors Senators on this side of the aisle, who have been eager to do something that will help these farmers get back on their feet. I know Senator COVERDELL from Georgia, who has already expressed his support for the legislation, and Senator MACK of Florida, are both cosponsors of the bill. All of the Senators from the affected area are involved in trying to make sure that the administration responds and that the Congress also responds in a generous and helpful way to their needs at this very difficult time.

We have other provisions that will be introduced as part of a package of amendments to this legislation, seeking to address other disaster assistance needs. For example, the Senator from Georgia, Senator COVERDELL, has an amendment that will make available advance deficiency payments to farmers, and the managers will be accepting that amendment and recommending acceptance of the Heflin amendment as well.

Then Senator BUMPERS and I will offer an amendment that will provide disaster assistance for all 1994 crops under the current disaster law, because there were damages sustained, for example, in our State of Mississippi earlier this year in a very severe freeze. A lot of orchard crops, such as pecan orchards and peach orchards, were seriously affected. Under some of the disaster law, those crops encounter particular difficulties in fitting into some of the benefit formulas, because their losses are going to be sustained over a period of years. Their losses cannot be assessed in 1 year. It may take 3, 4, or 5 years for some of these orchard crops to recover to the point where they are in full production again. It is hard to measure those damages and make available benefits under those situations that are the same or would be fair as it is to other annual crops.

So my purpose in rising at this point is to express the support that we feel for the Heflin amendment, urge the Senate to approve it, and to say that this, together with other amendments that will be offered, we hope, will successfully address the needs of those who have encountered disasters this year.

Mr. COVERDELL. Mr. President, over the past few weeks, the floods in Georgia, Alabama, and Florida have been well documented by the media. The primary attention has been focused on the response stage of disaster assistance. Teams from FEMA, the Georgia Emergency Management Agency, and other relief agencies have done an exemplary job in seeing to the immediate needs of those affected by the devastating floods and heavy rains in south Georgia. These agencies have provided housing, hot meals, water, and clothing to over 20,000 flood victims. On behalf of Georgians throughout the State, I want to thank these agencies and the many people who have worked behind the scenes, the sandbaggers, the debris removers, the water truck operators; men and women working side by side to hold their communities together.

Now comes the hard part, as the waters recede. Families and individuals must now build back their homes, businesses, and communities. I term their mission, Operation Buildback. Congress must play a role in Operation Buildback by providing assistance that will benefit the victims in the long-term or help them get their lives back to some form of normalcy.

This will not be an easy process for any of these brave citizens, but this is especially true for farmers. Georgia suffered great crop and land damages in our agricultural community. On initial estimates, we are anticipating nearly 1,000,000 acres in their tri-state area to have some crops or farmland affected by the heavy rains and flooding. In Georgia, we have nearly 500,000 acres of farmland affected by the floods, a good portion of that will be totally lost. Our two crops hit the hardest by this disaster, peanuts and cotton, have damage to over 300,000 acres. Our initial estimates of land damages to ponds, dams, terraces, and other land structures is $23,000,000. The losses of these key agricultural tools will take months and possibly years for our farmers to replace, not to mention the tremendous costs involved.

I would like to thank my colleague from Mississippi, Senator COCHRAN, and his staff members Becky Davies and Mark Keenum for their fine work in addressing the needs of those farmers affected by 1994 disasters. I would also like to thank Senator BUMPERS who worked together with Senator COCHRAN to include various amendments that provide assistance to the farmers I mentioned previously. Finally, I would like to thank my colleague from Alabama, Senator HEFLIN, who has introduced an amendment, of which I am a cosponsor, which provides approximately $100,000,000 in comprehensive assistance to these affected farmers. The efforts of my colleagues will result in the following: 100 percent funding of the Federal formula for disaster payments; $10,000,000 for emergency community water assistance grants; $15,000,000 for very low income housing repair grants; $25,000,000 for emergency loans under the Agricultural Credit Insurance Fund Program account; $23,000,000 for the Emergency Conservation Program; and $25,000,000 for the Emergency Watershed Program.

I encourage the Senate to adopt this package because I believe it will address the needs of farmers devastated by the floods and other disasters. I encourage my colleagues also to adopt an amendment I have drafted that would provide a deferment period, until January, 1995, to those farmers who received advance deficiency payments and must now pay them back. This amendment, which mirrors language passed in response to the Midwest floods of 1993, would give farmers, just coming off of disasters, an opportunity to regroup before starting their repayments in January 1995.

It is imperative that Congress act expediently to provide the kind of assistance I have just outlined, which would benefit our agricultural system over the long haul. I encourage my colleagues to support my efforts along with those of Senators COCHRAN, HEFLIN, and BUMPERS, in regard to disaster relief.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I ask unanimous consent that Senator CONRAD and Senator DORGAN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. We have several who want to come to the floor and speak. Most of them have.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Without objection, it is so ordered.

VISIT TO THE SENATE BY A DELEGATION FROM THE RUSSIAN FEDERATION COUNCIL

Mr. MITCHELL. Madam President and Members of the Senate, the Senate is privileged today to welcome a delegation from the Federation Council, the upper chamber of Russia's Parliament. This delegation is led by its chairman, Vladimir Shumeyko. I have just held a constructive discussion with Mr. Shumeyko and his colleagues covering issues of mutual concern between the United States and Russia.

I invited Mr. Shumeyko and his colleagues here because of my strong conviction that democracy is well served by cooperation and dialog between the lawmakers of different countries. That is especially true in the case of the United States and Russia, whose relations until recently were characterized by competition and confrontation rather than cooperation.

Mr. Shumeyko has a key role in shaping the future of Russia's Federal Assembly. During this visit, he and his colleagues are exploring processes and procedures of the U.S. Congress which might assist in their development. I expect that the insights they will bring also will help us see our own procedures and deliberations in a new light.

It is an honor for this body, the U.S. Senate, to welcome Chairman Shumeyko and his colleagues, and I thank them for their cooperation.

RECESS

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate be in recess for a period of 5 minutes within which I ask all Senators present or who may be coming into the Senate to greet our colleagues from the Russian Federation Council.

There being no objection, the Senate at 2:09 p.m., recessed until 2:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Ms. MOSELEY-BRAUN).

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 2303, AS MODIFIED

Mr. HEFLIN. Madam President, I think this amendment is ready to be submitted for approval or disapproval. There may be some that will speak. However, the Bumpers-Cochran committee amendment addresses comprehensively the overall matter pertaining to disaster relief and, therefore, I think any Senator who has not spoken yet will have an opportunity to speak at that particular time.

I ask unanimous consent that any of those that would like to file statements, that they can be received and be printed in the RECORD relative to this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Madam President, I ask that amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2303), as modified, was agreed to.

Mr. HEFLIN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEFLIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that the committee amendment be temporarily laid aside in order to offer an amendment. Wait a minute. The Heflin amendment I believe is the pending amendment, is it not?

The PRESIDING OFFICER. The Helms amendment to the committee amendment is pending.

Mr. BUMPERS. Then I ask unanimous consent that the committee amendment be temporarily laid aside in order to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2321

(Purpose: To provide disaster assistance for 1994 crops)

Mr. BUMPERS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] for himself, Mr. COCHRAN, Mr. LEVIN, Mr. DOLE, and Mr. COVERDELL, proposes an amendment numbered 2321.

Mr. BUMPERS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, strike line 21 and all that follows through the colon on line 10 on page 33, and insert in lieu thereof:

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, Title XXII of Public Law 101-624 for 1994 crops, including aquaculture and excluding ornamental fish, affected by natural disasters: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress: *Provided further*, That these funds shall be made available upon enactment of this Act:

Mr. BUMPERS. Madam President, this is an amendment that Senator COCHRAN and I are offering on behalf of the administration. It is a disaster bill which covers all disasters for the 1994 crop year and goes until July 15, 1995. In other words, that is the timeframe in which farmers will have to file claims.

Mr. COCHRAN. Madam President, I support, of course, the amendment that I am cosponsoring with the distinguished Senator from Arkansas. We feel that this will extend the benefits of current disaster law to those who suffered crop damage in this 1994 crop year and that it ought to be adopted by the Senate.

Mr. BUMPERS. Madam President, just for the RECORD, I would like to state that this bill is an appropriation of such sums as shall be necessary, but that carries with it the burden of getting a proclamation by the President of an emergency. I just wanted to make the record clear on that.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2321) was agreed to.

Mr. BUMPERS. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, I am pleased to be a cosponsor of the Bumpers-Cochran amendment to make available emergency appropriations for disaster assistance to agricultural producers. Michigan has been hard hit by record winter freezes and extremely heavy rains at prime harvest time. Fruit, dry bean, cucumber/pickle, sugar beet, corn, and other program and nonprogram crops have been devastated by terrible weather in 1994.

Approximately 40 counties all over Michigan have experienced fruit crop and tree losses this year, in some cases 100 percent of the crop and trees are completely wiped out. According to the ASCS State survey of January freeze damage, 95 percent of Michigan's potential peach crop this year was destroyed and about 40 percent of the trees have died so far. Apple, cherry, plum, and other tree fruits have also sustained serious damage. Thousands and thousands of acres of prime Michigan cropland were covered with standing water as late as July 12, 1994, making harvesting or salvage impossible.

This amendment will provide qualifying growers that experienced severe losses in the 1994 crop year with disaster payments to help them recover and replant, in some cases. Such benefits will be provided under the terms and conditions of the 1990 farm bill. Based on informal reports, growers' losses in Michigan could amount to more than $60 million. Information is still coming in to the ASCS office from around the State, so this estimate could go even higher.

As I understand it, President Clinton, OMB, and Secretary Espy have agreed to this emergency designation and the Department of Agriculture is working to prepare a comprehensive crop damage assessment for Michigan and other States that have also experienced major agricultural damage.

Madam President, I urge my colleagues to support this amendment.

AMENDMENT NO. 2322

(Purpose: To provide 1994 crop loss disaster assistance)

Mr. COCHRAN. Madam President, I send an amendment to the desk, under the same unanimous-consent request that the pending committee amendment be set aside, and ask that it be stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2322.

Mr. COCHRAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 33, line 10, before the colon, insert: : *Provided further*, That such funds shall also be available for payments to producers for 1995 through 1998 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994, and March 31, 1994, and Federal Crop Insurance is not available for affected orchard crop producers: Provided further, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act: Provided further, That such funds made available from the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees (regardless of the age of the damaged trees), including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the use of funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act.

Mr. COCHRAN. Madam President, in February of this year, many counties in Mississippi suffered severe damage due to a winter storm of freezing rain and ice. This storm caused extensive damage to commercial orchard crops. For example, it is estimated that it may be 8 to 10 years before normal production will be realized for up to one-half of Mississippi's pecan orchards. This devastating ice storm not only affected Mississippi, but also other States in the Midsouth and the Eastern portion of the country.

This amendment will provide disaster assistance for orchard crop losses suffered in 1994 due to freezing weather conditions, subject to an emergency designation. Given the extensive damage of the trees, which will affect production for several years, this amendment provides assistance to eligible orchard crop producers through 1998.

Also affected by this year's freezing weather conditions were commercial tree producers. Severe damage was incurred on 3.7 million acres of forestland in Mississippi. It is also estimated that the cost of cleanup and tree repair will exceed $1,000 per acre. This amendment also provides assistance for replanting, reseeding, and repairing damaged trees.

The fact that crop insurance was not available for the producers suffering losses makes the passage of this amendment very critical.

For the information of Senators, this amendment deals with orchard crop losses that occurred in several States during the freezing weather that occurred in the early months of this year. Pecan orchards and peach orchards suffered severe damage.

This amendment is designed to make available to those who suffered this damage opportunities for disaster assistance under the same precedents that were provided by Congress and the administration during recent disasters that occurred in other parts of the country.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2322) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2323

(Purpose: To extend the deadline for repayment of deficiency payments for producers who have been substantially affected by a natural disaster during the 1994 crop year)

Mr. COCHRAN. Madam President, under the same unanimous-consent request that the pending committee amendment be set aside, I send an amendment in behalf of the Senator from Georgia, Senator COVERDELL, to the desk and ask that it be reported.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] for Mr. COVERDELL proposes an amendment numbered 2323.

Mr. COCHRAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . REPAYMENT OF DEFICIENCY PAYMENTS.

In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1994 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) or section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1994 crop of a commodity prior to January 1, 1995.

Mr. COCHRAN. Madam President, the Senator from Georgia [Mr. COVERDELL] in this amendment suggests that deficiency payments that are made to disaster victims in the recent floods in the States of Georgia, Alabama, and Florida be given additional time for repaying any advanced deficiency payments that would be made to those disaster victims.

This has precedent in other disaster legislation that has been adopted by the Congress in other situations similar to that that exists in those three States, and we recommend that the amendment be agreed to.

Mr. BUMPERS. We have no objection on our side, Madam President.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question is on agreeing to the amendment.

The amendment (No. 2323) was agreed to.

Mr. COCHRAN. Madam President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, as the Senator from Arkansas and the Senator from Mississippi know so well, we in Georgia and also Florida and Alabama have had some devastating floods in the last 2 weeks. We are dealing with the terrible aftermath of that tragic flood of historic proportions that we are going to have to deal with for months and, in some cases, for years to come. I know in this bill there have been two or three important amendments that deal with this kind of flood disaster. I would be very grateful to the Senator from Mississippi and the Senator from Arkansas if they could describe briefly for me, making clear for the Record, what kind of disaster assistance is provided for in this bill.

Mr. BUMPERS. Madam President, if I may respond to the Senator from Georgia, this is a fairly simple, straight-on amendment to this bill, which is offered, really, on behalf of the administration, that authorizes such sums as shall be necessary to cover crop losses for 1994, with such loss claims acceptable until July 15, 1995.

It is subject to a Presidential declaration of emergency. As you know, under the Omnibus Budget Reconciliation Act, in order not to have to come up with an offset for such sums as shall be used, the President must declare an emergency. So this is a simple appropriation of such sums as shall be necessary to accommodate farmers, especially in Georgia and Florida and also Alabama. There may be another State or two that will qualify under this, but the central reason for this, of course, is the floods that devastated the Senator's State.

Mr. NUNN. So we can be assured by that language that there will be enough funding to cover whatever existing claims there are under the present law?

Mr. BUMPERS. No question about it. The only thing pending is the emergency declaration by the President, and I think that is just an absolute given. There is not any question that he will do that.

Mr. NUNN. I thank the Senator.

Mr. COCHRAN. Madam President, if the Senator will yield for a further response?

Mr. NUNN. I will be glad to yield.

Mr. COCHRAN. I might add, the Senator from Georgia is a cosponsor of the Heflin amendment that has been adopted. While it cannot put landowners back in the same position they were before the floods, it is a responsive and timely disaster assistance package. It is patterned upon the Midwest flood and previous disaster packages. For example, there is a further amendment in a package of four amendments that deals with advanced deficiency payments and waives the time limit for repayment, if any repayment is required, by farmers. This is identical to relief provided to farmers affected by the devastating floods which hit the Midwest. Those who were damaged in this disaster will be given a break on the advanced deficiency payment program as well.

I think as a package, these amendments do provide a sensitive response from the Congress to the needs of those flood victims, but there is really no way to erase the damage they suffered.

Mr. NUNN. There is no such thing as putting people back 100 percent to where they were.

Mr. COCHRAN. The Senator has been there and he has seen the damage for himself.

Mr. NUNN. That is right.

Mr. COCHRAN. But we appreciate the efforts the Senator and his staff have made to direct us in the right direction on this issue.

Mr. NUNN. I thank my friends and appreciate very much their leadership, and also the staff which have been working with our staff and Senator COVERDELL's staff and Senator HEFLIN's staff, and others to make sure we have in here the maximum amount of help we can give, based on the existing law.

Mr. BUMPERS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2320

Mr. BUMPERS. Madam President, unless there is further debate, we are prepared to vote. The yeas and nays have been ordered on the Helms amendment.

The PRESIDING OFFICER. The Senator is correct; the yeas and nays have been ordered.

If there is no further debate, the question is on agreeing to amendment No. 2320. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—59

Baucus
Bennett
Bond
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Johnston
Kassebaum
Kempthorne
Kerrey
Kohl
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Rockefeller
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner

NAYS—41

Akaka
Biden
Bingaman
Boren
Boxer
Bradley
Bumpers
Chafee
Cohen
Danforth
DeConcini
Dodd
Durenberger
Feinstein
Glenn
Graham
Harkin
Hatfield
Inouye
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Riegle
Robb
Sarbanes
Simon
Specter
Wellstone
Wofford

So the amendment (No. 2320) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2324

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. EXON). The clerk will report.

The legislative clerk read as follows:

> The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2324.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In the amendment strike all after "Administration," on line 24 and insert the following: "to remain available until expended, provided that the preceding shall take effect one day after the date of this bill's enactment.
>
> "Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding Departmental policies, or proposed policies."

Mr. BUMPERS. Mr. President, if I could have the attention of the Senators, we will have a rollcall vote, I hope, immediately.

First of all, let me say that I voted against the Helms amendment, not because I did not think part of it was correct, but I thought it ought to include as a general governmental policy—certainly it should have included women, minorities, people of religious faiths, and so on.

So this amendment is designed to simply say you cannot be removed from your office for disagreeing with the policies of the department where you work, or proposed policies, and that includes everybody. That includes everybody we intend to protect: women, minorities, sexual orientation, what have you. So I am prepared to vote on it. It is a simple, straightforward amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BUMPERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—100

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

So the amendment (No. 2324) was agreed to.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PEANUT RESEARCH, STILLWATER, OK.

Mr. BOREN. Mr. President, I rise to engage the subcommittee chairman to clarify some details concerning peanut research in Stillwater, OK.

The subcommittee has been most helpful in recent years in trying to help us maintain some very vital research on peanut pathology and physiology. Peanut production in the United States is separated by climate and soil type into three separate areas: the Southwest, the Southeast, and the Virginia/Carolina area. Each are distinct areas with their own advantages and challenges from Mother Nature. While there are common challenges to production, they each grow different types of peanuts and face different diseases and insects. Thus research needs are different and require localized research. In Oklahoma, we face a serious challenge from a fungus called sclerotinia blight. In some years, major economic loss occurs because of that blight.

In the past, we had three strong scientists working on these challenges, but budget realities have reduced this effort to one outstanding scientist, Dr. H.A. Melouk, a plant pathologist. He is well respected by his scientific peers and has become a hero to peanut producers desperate for research answers to production.

Our request to the subcommittee the past 3 years has been for an increase to $500,000 in order to add an additional scientist at Stillwater. We saw this as a compromise, once having three full-time scientists, now only one. Budget realities have prevented the subcommittee from honoring our request, but the subcommittee has been fair in assuring that the research effort would continue while we search for proper funding. Further, the subcommittee and USDA were helpful in transferring $50,000 last year for equipment and in providing for a graduate student to assist with the research work.

I would like to ask Chairman BUMPERS to clarify my understanding of the subcommittee's action. I understand that the subcommittee has not been able to honor our request for full funding at $500,000, but does direct that the research continue at Stillwater.

Mr. BUMPERS. That is correct.

Mr. BOREN. Current funding at the Stillwater station is $323,300, which includes $50,000 added for the graduate student assistant. Am I correct that the base funding received for the station will be continued at $323,300?

Mr. BUMPERS. This is my understanding.

Mr. BOREN. I thank Chairman BUMPERS for his assistance in clarifying this matter and I also appreciate his leadership in keeping agriculture strong.

AMENDMENT NO. 2314, AS MODIFIED

Mr. BUMPERS. Mr. President, I ask unanimous consent that I may make a technical change to amendment No. 2314, which was agreed to yesterday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 24, line 24, strike "$55,728,000" and insert "$57,454,000".

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending committee amendment be set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2325

(Purpose: To prohibit the use of funds made available under this act to make payments to, or permit loan forfeitures by, a person to support the price of honey for the 1994 and 1995 crop years)

Mr. COCHRAN. On behalf of the Senator from Colorado, Mr. [Brown], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. BROWN, proposes an amendment numbered 2325.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike line 15, on page 82, through line 5 on page 83, and insert the following:

SEC. 723. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994 and 1995 crop years.

Mr. COCHRAN. Mr. President, the purpose of this amendment is to carry forward modified language in the bill relating to the support price of honey. It continues the prohibition against the use of funds in the bill for such purposes. It has been cleared on this side of the aisle.

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. BUMPERS. The amendment is cleared on this side, Mr. President.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2325) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 70, LINES 21 THROUGH 25

The PRESIDING OFFICER. The question now occurs on agreeing to the committee amendment on page 70, lines 21 through 25.

Is there further discussion on the amendment?

If there is no further discussions, the question is on agreeing to the committee amendment.

The committee amendment on page 70, lines 21 through 25, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 80, LINE 10 THROUGH PAGE 81, LINE 18

The PRESIDING OFFICER. The question recurs on the remaining committee amendment on page 80, line 9.

Is there further debate on the amendment?

Mr. BUMPERS. Mr. President, my notes indicate line 10. Did you say line 9?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the remaining committee amendment on page 80, line 10 through page 81, line 18.

The committee amendment on page 80, line 10 through page 81, line 18 was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, just 30 seconds to thank my very distinguished ranking member, Senator COCHRAN, for the cooperation he has given throughout the markup of the bill, getting it out of committee, and here on the floor. He has been an absolutely exemplary person to work with and I want to publicly express my appreciation for that.

I want to also thank Rocky Kuhn and Dan Dager. Obviously, I am fairly new at this. This is only the second one I have handled. A competent staff is absolutely essential to moving a bill like this, and I want to express publicly my gratitude to them.

Mr. COCHRAN. Mr. President, in just a moment we will be voting on final passage of this bill.

Let me assure Senators that this is an example of restraint and of budget responsibility. This bill is $4.1 billion below last year's total appropriated level of funding for the accounts under the jurisdiction of this committee. For total discretionary spending, it is $1.3 billion below last year's level.

I want to thank the distinguished manager of the bill, my friend from Arkansas, Senator BUMPERS, for his courtesies and for his hard work in getting this bill to the Senate floor and in helping us ensure passage of the bill today.

I also want to thank Rebecca Davies of our staff and Mark Keenum of my personal staff for their excellent assistance.

Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MURKOWSKI. Mr. President, I intended to bring up my amendment, subject to the conversation I had with the floor leader, and I would at this time do so.

The PRESIDING OFFICER. The Senator will withhold for a moment.

Is there a sufficient second on the request for a rollcall vote?

There appears to be a sufficient second.

Yeas and nays were ordered.

The Senator from Alaska is recognized.

AMENDMENT NO. 2326

(Purpose: To condition the use of funds made available under this Act on an increase in the maximum amount of certain rural development loans)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2326.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 56, line 7, before the period, insert the following: "*Provided further*, That, notwithstanding subsection (a) of section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)), a loan made, insured, or guaranteed under such subsection may exceed $25,000,000, but may not exceed $50,000,000, in principal amount".

Mr. MURKOWSKI. Mr. President, my amendment would simply increase the loan guarantee ceiling under the Department of Agriculture Rural Industrial Assistance loans from $25 million to $50 million.

I want to point out, it would no way obligate the Department of Agriculture to guarantee a loan of that principal amount—it would merely provide them with the flexibility in the event that such a loan guarantee is determined to be in the interest of the Government.

I might add that these are not Government funds. These are funds from the private sector with a guarantee, the maximum guarantee is 90 percent. So the private sector is involved in an equity position in the sense of having exposure.

It would simply provide for the creation of larger projects, to develop more jobs and, I think, give the flexibility to the Secretary of Agriculture to basically do more with this worthwhile program.

Again, it would not incur a specific obligation inasmuch as the Federal Government is not funding the loan—just the guarantee.

The loan program I am specifically referring to is the Farmers' Home Business and Industry [B&I] Loan Program. This is a highly successful program designed to improve economic and environmental climate in rural areas. The emphasis is rural: It cannot be used within a city with a population of 50,000 or more, or in its immediate area with a population density of 100 or more persons per square mile; priority is for projects in open country, rural communities, and towns of 25,000 or less.

The Government can guarantee loans made by a federally regulated bank or credit union. The Government guarantees 90 percent of principal and interest for loans of $2 million or less; 80 percent of principal and interest for loans of $2 to $5 million; and 70 percent of loans over $5 million.

Current statutory maximum is $25 million per guaranteed loan. My amendment merely gives the Secretary discretion to guarantee up to $50 million.

B&I loans can be used to: finance business and industrial construction; conversion, acquisition and modernization; finance purchase and development of land, easements, equipment, facilities, machinery, supplies, or material; supply working capital; finance housing development sites; provide startup and working capital; and control pollution.

Guaranteed loans can be approved for: individuals, public and private organizations, cooperatives, federally recognized Indian tribal groups; in short, virtually any legal entity.

The program has a very low default rate—less than 5 percent since 1985.

This an expanding, highly successful program that works.

In 1994, the loan level was $249 million. The Department of Agriculture expects to fully utilize their loan guarantee authority, just as they did in 1993. This year, because of the success of the program and its low default rate, the administration sought to increase the program's loan authority to $1.1 billion. The committee recommended $500 million.

THE ALASKA SITUATION

We have a situation in Alaska where the U.S. Forest Service unilaterally terminated a 50-year timber supply contract in the Tongass National Forest.

The effect of this contract termination was to permanently close a pulp mill, the only year-around employment for 400 residents of Sitka, AK.

In addition to the jobs in the mill, another 700 jobs in the forest were jeopardized, along with a significant portion of the local tax base and $70 million in city bonding authority.

It is a certainty that extended litigation will result as a consequence of this contract termination, exposing the government to potential payments of hundreds of millions of dollars.

There has been some interest expressed, however, in reopening the pulp mill as a medium-density fiberboard [MDF] plant. While such a plant would not fully replace the jobs that were lost as a result of the Federal contract termination, it would provide some badly needed year-round employment.

In addition, the medium-density fiberboard production process, unlike the process that makes dissolving pulp, is a closed system that is environmentally more benign.

Moreover, the MDF plant would make use of wood chips and pulp logs that cannot be used for dimensional lumber, thus providing a means of value-added production for all of the timber harvested in the forest.

It is possible to envision a situation where the financing for conversion to a MDF plant might occur with a Department of Agriculture Business and Industry loan guarantee.

It is also possible to envision a situation where the Government may find it in its best interests to promote such a conversion as a means to avoid extended litigation. My amendment merely allows us to keep the door to those possibilities open.

Mr. President, I believe this is a superb, well managed program. All we are proposing to do is give the Secretary greater discretion in providing higher loan guarantees for extraordinary projects of merit.

I know it has been discussed at some length with both floor leaders. It is my understanding that on our side there is no objection. I think there is a concern that has been expressed by the Senator from Arkansas relative to certain aspects of utilizing the total appropriated and authorized amount, as opposed to trying to ascertain the advisability of increasing it from $25 million to $50 million. As I said, it would simply give the authority, but it would not obligate the Department.

I would ask if the floor leaders would be inclined to accept the amendment or give me some satisfaction that I might pursue an alternative.

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Alaska wrote me a very well reasoned, articulate letter about a fiberboard plant in Alaska where an awful lot of people lost their jobs. He is to be commended for taking the initiative in trying to resolve a problem that is economic that needs to be resolved.

Under the business and industrial loan program of the Farmers Home Administration, the maximum amount that is authorized is $25 million for any one loan. But under the Department's regulations, they have never loaned more—under their regulations the top is $10 million—than $10 million to anybody under that program.

The Senator really needs $50 million, which obviously I could not—and the Department could not—accept. But, in recognition of an admitted serious problem he has, I have agreed to hold a hearing for him on the particular problem and perhaps at some point weigh-in with the Department and ask them to raise the loan level with a view toward possibly alleviating his problem.

I have assured him of a hearing. With that, I think the Senator may be willing to withdraw his amendment and wait until after the hearing to pursue it further.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Arkansas, and with that assurance I withdraw the amendment at this time and yield the floor.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2326) was withdrawn.

Mr. DOLE. Mr. President, I commend the chairman and the ranking member for their work in putting together this appropriations bill. I understand the difficult task they had in allotting fewer dollars for more projects. Their job is not easy, nor do I envy them.

My concern with this bill is the message it sends to those in the agriculture community. Conservation funding, which among other things is used to assist farmers in implementing congressionally mandated conservation compliance plans, has been cut significantly under this bill. Although Congress voted to require America's farmers to implement conservation compliance plans, we are decreasing the funding needed to help these producers comply with these plans. It just doesn't make sense. I will offer an amendment which restores funding in the conservation operations budget of the Soil Conservation Service to last year's level. I am hopeful my colleagues will join me in supporting this worthwhile project.

Meanwhile, the United States negotiated a GATT agreement which requires the United States to reduce our trade subsidies over 6 years. Yet at the same time, Congress reduces funding for such trade programs as the Export Enhancement Program and Public Law 480 ahead of the schedule required under GATT. While I appreciate the need to spread around the pain, I am concerned about the message these cuts send to America's farmers. America's grain exports have steadily declined in recent years, and cutting back on America's trade programs is not the way to address this situation.

Mr. President, I realize the Agriculture Appropriations Committee has less money to work with this year. I am concerned about the path we are headed down in funding for agriculture and believe the time is close when we may have to draw a line in the sand and say enough is enough.

Let me emphasize—the appropriators did not have an easy job. In spite of that, I will watch this debate closely as I decide whether or not to support this appropriations bill.

Mr. BYRD. Mr. President, I congratulate my colleagues, Mr. BUMPERS, chairman of the Agriculture Subcommittee, and Mr. COCHRAN, ranking member, on the skillful and efficient handling of this important Agriculture appropriation bill. Their 602(b) allocation was very constrained—$868 million in budget authority and $421 million in outlays last year's appropriation levels and $95 million in outlays below this year's House allocation. Both Senators BUMPERS and COCHRAN are to be commended for their intimate knowledge of the details of this legislation. Their expertise enabled them to work within the constraints they faced and still get the job done and done well, indeed.

I urge my colleagues to support this bill.

Mr. DORGAN. Mr. President, I wish to thank the chairman and members of the Agriculture Appropriations Subcommittee for excellent work on our agriculture appropriations, completed under severe funding constraints.

First of all, I understand that funds for capital improvements is extremely limited, so I am grateful that the committee was able to provide funding to complete the Institute for Agricultural and Rural Human Resource Development at Minot State University.

Let me say a word about crop disaster payments. I would like to point out that flooding and excessive rains have ruined crops and prevented many fields from being planted in North Dakota. We have joined North Dakota authorities in requesting disaster declaration in five counties so far. Many farmers in those counties will have severe financial losses this year because of the weather conditions, and I hope they will be able to qualify for the crop disaster payments we approved here today.

I also appreciate the committee's agreement to include in this bill my request that the Secretary of Agriculture conduct a study, in cooperation with Canadian authorities, of the potential for United States and Canadian farmers to jointly market wheat and barley for export.

Even as our administration prepares to impose limits on our imports of Canadian spring wheat, Durum, and barley, it is very important that the United States and Canada begin moving toward less confrontation and more cooperation in the grain trade sector, and this study will help to move us in that direction.

Particularly, I am grateful for the chairman's effort to retain Agricultural Research Service [ARS] funding for the Potato Research Center that serves growers and processors in the Red River Valley of North Dakota and Minnesota. I am very disappointed that this body chose to terminate funding for our potato center, and the Northern Plains Soil and Water Research Center at Sidney, MT.

It will cost nearly as much next year to close out ARS operations at those research facilities as it would cost to continue the research through fiscal year 1995. I seriously question the criteria used at USDA to select the East Grand Forks and Sidney centers for closure.

The Red River Valley potato research center is supported by the State experiment stations and the potato growers themselves. The center is very important to the future of potato production, processing and storage in North Dakota, Minnesota, and across the northern States. Farmers understand that, and their commitment is clear: Their own association covers about $150,000 of costs annually for the center. It is sad that USDA does not understand the vital importance of that research center to successful potato production and processing in the Red River Valley.

On another topic, I wish to express some concern about the broad authority provided in this bill for $150 million in new user fees to be imposed by the Food and Drug Administration upon pharmaceutical companies, and manufacturers and distributors of other products.

While I sympathize with the difficult task of the committee to come up with the funds necessary to properly fund the needs of Agriculture, I have serious concerns about providing such broad authority for new fees.

In addition, it has been the policy of our Nation that agencies created to protect consumers in areas of health and safety are funded out of general revenues. That is, when we charge fees to pay the costs of such an agency, we try to direct the fees to the sector who is benefited. In this case, the general public benefits, but the fees would be charged against the manufacturers.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—92

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—8

Brown
Faircloth
Gregg
Helms
McCain
Roth
Smith
Wallop

So, the bill (H.R. 4554), as amended, was passed.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I move that the Senate insist upon its amendments to H.R. 4554 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. MATHEWS) appointed Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr.

GORTON, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. A quorum has been questioned. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there now be a period for morning business during which Senators are permitted to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

TRIBUTE TO BARON VON KLEIST

Mr. COHEN. Mr. President, today is a day for commemorating great events in history.

As other Senators have already noted, it was 25 years ago today that human beings, following the path blazed by our colleague from Ohio, Senator GLENN, first set foot on the Moon. The Apollo program is a story both of personal courage of the astronauts involved and of the commitment of an entire nation who supported them.

I would like to call attention to another event that occurred on this date in history, one which also involved great personal courage of the individuals involved. In this case, however, the courage was of higher quality because these individuals acted in opposition to the prevailing will of their countrymen.

It was 50 years ago today, Mr. President, that a small group of German military officers carried out an assassination attempt against Adolf Hitler in an effort to overthrow the Third Reich. Led by Col. Claus Schenk von Stauffenberg, these men saw something that millions of others did not. As the patriots of their country in the best sense of this word, they decided that they could not passively watch their fatherland be led by the Nazis to the point of destruction.

Had it been successful, the assassination attempt could have changed the course of history, sparing the lives of millions and possibly precluding the fall of half of Europe into a half century of Communist incarceration. Hitler, however, was only injured, not killed. And within hours, Count von Stauffenberg was executed, along with several of his conspirators. Others involved in the plot were later condemned by a show trial and hung with piano wires, their agonizing death filmed for the Führer's viewing pleasure. One of the plotters, the famed Field Marshal Erwin Rommel, was forced to commit suicide.

While many Americans are familiar with the names of Count von Stauffenberg and Field Marshal Rommel, the names of the other German patriots involved in the July 20 assassination attempt, other assassination attempts, and other resistance activities are not. One deserves special note, Mr. President, and that is von Kleist, a name familiar to quite a few Senators but, I suspect, not many other Americans.

The von Kleist family has an illustrious heritage dating back more than eight centuries. It has given Germany more diplomats, generals, and field marshals than any other in history, as well as two of Germany's finest poets. Prussian Kings awarded their highest award, the Pour la Merit, to generation after generation of von Kleists, more than to any other family.

Along with other Members of the Senate, I have had the privilege to come to know a prominent member of this family, Baron Ewald Heinrich von Kleist, who played a key role in the July 20 and other assassination attempts.

In 1944, as a 22-year-old lieutenant in the Wehrmacht, von Kleist was asked by Count von Stauffenberg to strap explosives to himself and detonate it when he was standing next to Hitler. That attempt, however, was unsuccessful as circumstances prevented a close encounter between Hitler and the bomb-bearing young lieutenant.

Lieutenant von Kleist was also asked to play a central role in the July 20 assassination attempt. He was to carry the briefcase bearing the explosive while giving Hitler a report on new uniforms, for which the unit he commanded was testing. Concerns about Gestapo infiltration, however, led to the decision that the briefcase would be placed next to Hitler by von Stauffenberg himself, who as chief of staff for the armed forces in the homeland was in Hitler's inner circle.

Lieutenant von Kleist, however, still played a key role in the plan, known as Operation Valkyrie, to take control from the Nazis in the wake of the July 20 assassination. After the explosion in Hitler's East Prussian headquarters, von Kleist arrested the senior officer in the War Office in Berlin and others. But, in the end, the plot failed. Von Kleist himself was arrested, interrogated for several weeks by the Gestapo, then unexpectedly released, perhaps in the vain hope that he would lead the Gestapo to other conspirators. He later ended up in the concentration camp at Ravensbruch, north of Berlin.

The unusual courage of the young Lieutenant von Kleist was a reflection, no doubt, of the noble heritage he received from his family and, in particular, his father, Field Marshal Ewald von Kleist-Schmenzin. Long after the war, in one of the rare occasions he discussed those events, Baron von Kleist recalled that he sought the counsel and permission of his father to proceed with the suicide bombing.

The elder von Kleist had long been an ardent anti-Nazi. In 1938, German resistance leaders sent him on a secret mission to London in a desperate effort to persuade British leaders to take a strong stand against Hitler's planned dismemberment of Czechoslovakia, helping to set the stage for a coup attempt in Berlin if and when Hitler invaded Czechoslovakia. In one of the worst miscalculations in history, then-Major von Kleist was rebuffed by British officials suspicious of his true allegiances. Seven years and tens of millions of deaths later, the elder von Kleist was executed for his resistance activities by the Nazis in Berlin as Allied troops closed in on the city.

Baron von Kleist reports that when his father was told of the suicide assassination plan, he pondered only briefly before unequivocally telling his young son, "Yes, you have to do this."

In commenting years later on that solemn conversation, von Kleist said "Fathers love their sons and mine certainly did, and I had been quite sure he would say no. But, as always, I had underestimated him."

After the war, von Kleist devoted himself to public education on security matters to help ensure that, as he says, "that tremendous tragedy will not happen again." For the last 31 years, this has included sponsoring the annual Wehrkunde Conference in Munich that brings together prominent thinkers, policymakers, military officials, and journalists from the NATO countries in an informal setting to promote real dialogue on critical security issues. Many rate this conference as among the most important and productive forums held on international security policy.

Three years ago, the Vice President presented Baron von Kleist with the Department of Defense Award for Distinguished Public Service, the highest honor to a civilian by the Defense Department. The citation accompanying the award specifically cited the Wehrkunde conference as the "the premier international conference on NATO security issues" and stated that:

> Baron von Kleist's unwavering stand against the horrors of totalitarianism, forged through his personal experiences, has certainly played a role on the undoing of the walls that have separated his own Germany, and those that have separated all of Europe and the world.

Both the United States of America and the Alliance have been generously served by this selfless patriot's dedication to the concept of freedom.

After the war, Churchill told the British Parliament that those who plotted to assassinate Hitler and overthrow the Nazi regime "belonged to the noblest and greatest of resistance movements that have ever arisen in the history of all peoples."

In recognition of his role in that effort and the contributions he has made in the ensuing decades, Baron von Kleist was asked to participate with Chancellor Kohl in France's recent commemoration of Bastille Day. These ceremonies last week in Paris, in which German troops marched down the Champs-Elysees for the first time since the liberation of France, were intended to signal the irrevocable transformation of Franco-German relations and their combined commitment to a peaceful and secure Europe.

It was very fitting therefore, for one of the honored guests at those ceremonies to be Baron von Kleist, who has done so much to build a cooperative security relationship between Germany and her allies and neighbors.

And it is fitting, Mr. President, that we should pay tribute to him today, as well.

I ask unanimous consent that several articles regarding the heroic efforts of Baron von Kleist and his collaborators be included in the RECORD, along with material related to his receipt of the Distinguished Public Service Award.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VICE PRESIDENT QUAYLE PRESENTS BARON VON KLEIST WITH DEFENSE AWARD FOR DISTINGUISHED PUBLIC SERVICE

THE VICE PRESIDENT'S OFFICE,
OFFICE OF THE PRESS SECRETARY,
April 24, 1991.

Vice President Quayle presented Baron Ewald Heinrich Von Kleist with the Department of Defense Award for Distinguished Public Service in his Old Executive Office Building Office today. The award is the highest honor given to a civilian by the Department of Defense. Recipients must have distinguished themselves in the area of national security.

Von Kleist was recognized for his work with the independent defense affairs association that he founded in 1952, "Gesellschaft fur Wehrkunde e.V." and for his work with Europaische Wehrkunde, a magazine on European defense that he founded in 1954. However, Von Kleist is most renowned for founding the Wehrkunde Conference in 1963. This annual meeting of the world's leading defense experts has long been considered the preeminent conference on NATO security issues. Von Kleist personally chooses all participants as well as the topics for discussion.

The Vice President's involvement with the Wehrkunde Conference, and with Von Kleist, dates back to his days as a freshman member of the Senate Arms Services Committee. In 1981, Senator Dan Quayle attended the Conference on the recommendation of the late Senator John Tower, marking the beginning of a longstanding friendship with Von Kleist.

RECOMMENDED CITATION TO EWALD HEINRICH VON KLEIST

For exceptionally distinguished service as the founder and guiding spirit of the annual International Wehrkunde Conference held in Munich.

Baron von Kleist's efforts in leading the Wehrkunde Conference have contributed significantly to the maintenance of a strong and unified defense posture for Europe and America. In founding this conference in 1963, Baron von Kleist sought to further the vibrant exchange of ideas on political and military themes between the United States and the countries of Western Europe. The Wehrkunde conference has evolved throughout the years into the premier international conference on North Atlantic Treaty Alliance security issues. Baron von Kleist, in assembling respected and knowledgeable experts from across the Alliance for this symposium, has created an atmosphere in which the free exchange of ideas can truly make our world a safer one.

The Baron von Kleist's unwavering stand against the horrors of totalitarianism, forged through his personal experiences, has certainly played a role in the undoing of the walls that have separated his own Germany, and those that have separated all of Europe and the world.

Both the United States of America and the Alliance have been generously served by this selfless patriot's dedication to the concept of freedom. I take great pleasure in presenting Ewald Heinrich von Kleist the Department of Defense Medal for Distinguished Public Service.

SECRETARY OF DEFENSE.

NARRATIVE SUMMARY

In 1952 Baron Ewald Heinrich von Kleist founded the Gesellschaft fur Wehrkunde a.V. (Society for Defense Affairs) for the purpose of provoking discussion in the fields of security and defense policy. This organization has grown to over 4,000 members in about 120 chapters. The Baron founded a publishing house in 1954 and began publishing a monthly magazine, Europaische Wehrkunde, which has achieved fame far beyond the German borders for its contents. Von Kleist's most noteworthy accomplishment, however, has been the founding and managing of the annual Wehrkunde Conference, a defense and security symposium which meets in Munich. When von Kleist hosted the first Wehrkunde Conference in November 1963, some of his guests included Helmut Schmidt, later to be Chancellor of the FRG, and Henry Kissinger. Other early guests included Zbigniew Brzezinski and Franz-Josef Strauss, later to be Minister-President of Bavaria. Von Kleist has successfully cultivated an atmosphere highly conducive to the honest exchange of differing viewpoints.

The Wehrkunde Conference has been an important forum for the discussion of defense and security concerns within the NATO Alliance. It is the most highly regarded of all conferences in these matters, and the limited invitations available each year are coveted. Baron von Kleist personally selects all participants with the mind to assembling a wide spectrum of opinions and views which will benefit the Alliance. The invitations are extended to people that von Kleist feels will be most able to contribute to the conference. Invitees include Ministers of Defense, Foreign Secretaries, Defense Secretaries and ASDs, Ambassadors, respected defense Correspondents, professors, NATO and other military leaders, Senators and Representatives, and other respected businessmen. As Senator William Cohen, who has headed the US delegation for several years, has said, "Many knowledgeable officials rate the Wehrkunde Conference as the premier international conference on NATO security issues."

Each year the Baron personally chooses a topic for discussion for the Conference. Recent topics have included disarmament negotiations, the changes in Eastern Europe, and the role of changing technology in defense planning. The Baron has shaped the Wehrkunde Conference so as to allow for much informal discussion over dinners, luncheons, and the like. The environment is nothing like that of the stifling official meetings often found among policymakers, but is one of warmth and candor. The Baron, however, feels strongly that he should avoid expressing his own opinions, and has done so quite successfully.

Much of the Baron's attitude toward the defense of freedom and opposition to tyranny stems from his own experiences in his early days. The von Kleist family has given to Germany more generals, diplomats, and field marshals than any other family in the history of Germany. Two von Kleists are ranked among Germany's greatest pests as well. Members of the von Kleist family, whose heritage dates back to 1175, have received more of the highest Prussian honor, the Pour la Merit, than any other family.

Von Kleist, with the coming of war in 1940, abandoned his own plans to study agriculture and joined the army to carry on the tradition of his forefathers. Earlier, in 1938, his father had made a little-known trip to England on behalf of German leaders opposed to Hitler. He sought to persuade the government of England to send Hitler a signal that they would oppose him if he invaded Czechoslovakia. His attempt was in vain, and Hitler invaded Czechoslovakia unopposed.

The son, Ewald Heinrich von Kleist, served faithfully as a soldier in the German army, and was wounded in July of 1943 as a lieutenant of infantry on the Eastern Front. He then served in Potsdam with Infantry Regiment Nine, once known as the "First Regiment of Guards" but better known to its members as the "First Regiment of Christianity" because so many of its officers were opposed to Hitler. In 1944, he was asked to participate in the attempt to kill Hitler with an explosive device placed in a briefcase. He was to carry the briefcase while giving Hitler a report on new uniforms. However, because of fears of Gestapo infiltration, a man closer to Hitler's inner circle was chosen. Von Kleist, then only 22 years old, was removed from the Wehrmacht and placed in a concentration camp at Ravensbruch, north of Berlin. During this time, toward the end of the war, von Kleist's father was taken into custody by the Gestapo and beheaded.

Because of his experience in the war, Baron von Kleist was able to see the hideous effects of totalitarianism first-hand. After the war, he devoted his time and energy to combating its spread and sought to ensure that "that tremendous tragedy," as he described World War II, "will not happen again." It is for this reason that he has played the important role that he has in the post-war Western world. Always as a private citizen, and always with the concern of maintaining a strong defense against tyranny, von Kleist has been a prime factor in the preservation, and eventual victory, of the Western Alliance.

Through Baron von Kleist's personal leadership and exceptional dedication to the defense of Europe, he has made invaluable contributions to the security of his own country, NATO, and the United States. His understanding of the vital ingredients of a successful security policy has contributed greatly to the defense of freedom. The Baron von Kleist's outstanding performance reflects great credit upon himself and his country.

[From the Seattle Times, Oct. 9, 1992]

RESTLESS CONSCIENCE: WHAT-IFS FROM THE HITLER YEARS

(By John Hartl)

"The Restless Conscience: Resistance to Hitler Within Germany, 1933–1945," documentary directed by Hava Kohav Beller. Grand Illusion. No rating; includes footage of concentration camps. In English and German, with subtitles.

One of the recent batch of Academy Award nominees for best feature-length documentary, this wide-ranging, slow-building, ultimately quite moving Austrian production is based on nine years of research by its producer-director.

Born in Frankfurt in the 1930s and raised in Israel, Hava Kohav Beller gives an urgent moral perspective to the film that suggests what might have been if foreign governments had recognized the continuing resistance movement within Germany, if the Gestapo had not been quite so effective, and if Hitler had not been so damnably lucky.

Part One concentrates on German efforts to bring Hitler down during his early years in power, including several futile attempts to inform British politicians that their firm opposition to Hitler could result in his defeat at home. Testimony from survivors suggests again and again that he was still quite vulnerable in the mid-1930s, and that once the unopposed invasions began, there was no turning back.

Part Two focuses on surprisingly high-level efforts to help Jews escape to other countries, the short-lived 1943 student-protest movement known as the White Rose, organized opposition by clergy and socialists, and several plots to kill Hitler—most of them thwarted by his wiliness, cowardice and/or what in hindsight can only be seen as a charmed life.

It's curiously suspenseful to watch the elaborate preparations for his murder, then see him slip away by choosing a different route, unexpectedly leaving early from a public appearance, exiting from a bomb-rigged plane unharmed, and finally surviving the one bomb that came within inches of killing him.

Yet there are few regrets. "Yes, you have to do it," one man's father told him when he was given the opportunity to kill Hitler. "A man who doesn't take such a chance will never be happy again in his life."

The mixture of interviews and archival footage includes several starkly horrifying sequences, among them the 1944 show trials of would-be assassins and their cohorts and relatives who were hanged or beheaded for their convictions. As the interviews with survivors pile up, it becomes depressingly clear that almost none of the heroes of "The Restless Conscience" got out of World War II with their lives.

The Nazis were ruthlessly professional at crushing protest and subterfuge, so much so that almost the only people left to talk about what Germans of conscience did are widows, children, other relatives and colleagues.

"The Restless Conscience" is a genuinely inspiring film about extraordinary courage. Most of the people celebrated here knew that they had little chance of escaping torture and death, yet their pride in their country and their sense of decency allowed them no other choice. According to Beller, it has not been widely shown in Germany because "the fact there was a resistance throws a long shadow on who didn't resist and makes them feel uncomfortable."

Mr. COHEN. I ask unanimous consent that several articles that recall the stories about the bravery and heroism of von Kleist and his collaborators be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Evening Standard, July 11, 1994]

SHOULD GERMANY HAIL THESE MEN? CONTROVERSY OVER THE HEROES WHO TRIED TO MURDER HITLER 50 YEARS AGO

(By Valentine Low)

In nine days' time, Germany hails its heroes. They are that rare thing, heroes from the Second World War, a time of shame and national guilt for Germany which many people would happily see forgotten. But these men are those who attempted to kill Hitler on 20 July 1944, and they can be remembered with a clear conscience. Led by the charismatic Claus von Stauffenberg, they are evidence that there really was resistance to the murderous Nazi regime: if anyone needed proof that there was such a thing as a "good German", the officers involved in the conspiracy 50 years ago provided it. So, in a ceremony in a courtyard of the old War Office in Berlin, on the spot where Colonel von Stauffenberg and three other conspirators were shot around midnight on the night of the attempted coup, Germany will commemorate a failure. An honourable failure, perhaps, and one which could have succeeded were it not for simple bad luck—but at least it provides some sort of recompense for Germany having had to stand by while the Allies commemorated D-Day. Among those crowded into the courtyard of what used to be Bendlerstrasse — now Stauffenbergstrasse—will be a few of the plotters still alive today, together with families of the other conspirators, including Lady Gowrie and her husband Lord Gowrie, chairman of the Arts Council.

Lady Gowrie is the youngest daughter of Count Fritz-Dietlof von der Schulenburg, who was one of the most important members of the anti-Nazi resistance. He was executed after the attempt, but his family were treated relatively well thanks to a friendly official who used to go shooting with her grandfather before the war.

However, what should have been a straightforward commemoration has turned out to be riven with controversy, with Chancellor Kohl facing problems remarkably similar to those encountered by John Major over D-Day. A small but vocal minority of Germans still exist who believe that Stauffenberg and his colleagues were traitors who committed an unforgivable crime by breaking their sacred oath of allegiance to the Fhrer.

Many young Germans are also critical. It was all very well, they say, to try to kill Hitler when defeat for Germany was a virtual certainty: what the plotters should have had was the moral courage to kill him much earlier in the war.

In addition, the ceremony has caused political problems because the Social Democrats are not being allowed to make any speeches, prompting accusations that Kohl is trying to make the anniversary part of his re-election campaign. Most embarrassingly of all, one of Stauffenberg's sons has threatened to disrupt the ceremony, claiming it sullies the reputation of his father and the other plotters. At least one conspirator still alive has joined the angry protests.

It comes as something of a surprise to realize that anyone survived the coup. Ewald von Kleist is now a semi-retired publisher living in a prosperous suburb of Munich: then he was a slim young lieutenant who played a crucial role. He was arrested along with all the other conspirators, interrogated and—miraculously—released.

Of the scores of officers involved in the plot, only 10 survived the war. The leading conspirators were hanged by piano wire from meat hooks—a slow and painful death which Hitler filmed and watched time and time again.

Although there were many plans to kill Hitler, the 1944 plot came closer than any other to success. The driving force was the dashing, courageous Count von Stauffenberg, who at 37 was one of the most promising young officers in the German army. In the Africa campaign he was severely wounded and 1944 found him as Chief of Staff of the Reich Reserve Army: crucially, one of the few officers with access to Hitler.

Stauffenberg, who already had the reputation of someone whom senior officers were prepared to listen to, even take advice from, was the man who overcame the inertia and moral qualms of the older conspirators and got them to agree to the unthinkable: that the only way to stop Hitler was to kill him. But time was against them, and the plan had to be put into action in July 1944 when it became clear that the Gestapo was in danger of uncovering the conspiracy. As Stauffenberg was the only of them who could get close to Hitler, who at the time was based at Wolfsschanze (Wolf's Lair) at Rastenburg in East Prussia, now part of Poland, it fell upon him to plant the bomb. Shortly after 12:30, after setting off the 10-minute fuse, Stauffenberg walked into the conference room at the Wolf's Lair where Hitler was due to be briefed on the situation on the Eastern Front and put the briefcase containing the bomb under the table in front of him.

After a few minutes, pretending that he had to telephone Berlin, Stauffenberg left the room and hurried to a shelter across the compound to wait for the explosion. When it came, at 12:42, the hut was reduced to rubble and Stauffenberg bluffed his way to a plane waiting to take him to Berlin.

For the next three hours he was convinced the Fuhrer was dead. But one of those at the meeting, Colonel Brandt, had barked his shin on the briefcase and moved it so that the heavy support for the oak map table was now between Hitler and the bomb. This, and the thick table top, saved Hitler's life. Five people died, but Hitler suffered only minor wounds.

Those three hours that Stauffenber spent in the air proved a fatal delay. When he arrived at the War Office around 4 pm the other conspirators had only just begun to put into effect the key elements of Operation Valkyrie—issuing orders, arresting pro-Nazi elements. Lieutenant von Kleist, who at 22 was one of the youngest officers involved, was one of those who arrested the senior officer there, General Fromm, and also disarmed an SS colonel who tried to stop the coup. But some lines of communication were still open from the Wolf's Lair. It was only a matter of time before the War Office was surrounded by troops loyal to Hitler.

Stauffenberg and three other conspirators were led down to the courtyard and shot: General Beck, who would have been head of state in the new government, was allowed to commit suicide. With Hitler swearing vengeance on all who had been connected with the attempted putsch, how did Kleist survive? Sitting in the garden of his Munich home, the picture of genial affluence, he explained that he had a relatively easy interrogation. "I played the role of being young and stupid and unpolitical." There was even a sympathetic Gestapo officer who would stand in during interrogations and indicate by a nod of his head when they already knew the answer to their questions. After three or four weeks of this he was suddenly freed, and went to see the friendly Gestapo officer to find out why. "I know you're free," he said, "but there are some people who think they are free, but really * * * the Gestapo were after a fellow conspirator and close friend of Kleist's, Ludwig von Hammerstein, and hoped he would contact him. For once the Gestapo slipped up. Hammerstein is alive today.

One should be thankful that men like Kleist are still here to tell their story, for they answer—and raise—interesting questions of what people could, and should, have done in Hitler's Germany. As a boy, Kleist was turned against Hitler after the Night of the Long Knives in 1934, when Ernst Rhm and the other leaders of the brown shirt SA were assassinated, and his own father narrowly escaped.

"It was absolutely clear that the state had become a murderer. Later on many people said they knew little or nothing of what was happening, which was mostly true. But this was in the newspapers. People knew about concentration camps, but thought they were places where criminals were concentrated, as well as Jews and people who didn't want to work. I knew what was happening—I had excellent information."

For years Kleist was in no position to do anything about it. He was recruited to the resistance by Fritz-Dietlof von der Schulenburg. A plot was hatched in early 1943 for a suicide bomb attack against Hitler but when that had to be cancelled, the leaders of the resistance turned to the young Kleist.

While the courage of the conspirators has never been in question, there has been much debate about what they hoped to achieve.

Richard Leigh, co-author with Michael Baigent of a new book on Stauffenberg (Secret Germany: Claus von Stauffenberg and the Mystical Crusade Against Hitler, Jonathan Cape, L16.99), said: "In the context of the war its significance is minimal. But for the men who did it its significance was immense. It was necessary to demonstrate to the rest of the world that there were good Germans who kept their honour clean and their uniform unstained." The one thing that provokes Kleist's ire is the suggestion that the putsch was ill-planned. He exploded: "That is just theoretical jibber-jabber from people who understand nothing. In a dictatorship it is extremely difficult even to get near to Hitler. "Others will bring different memories to the wreath-laying ceremony on 20 July. Stauffenberg's eldest son, Berthold, who was 10 at the time and is now a major-general in the German army, did not know Stauffenberg the plotter—only the fond father who was away fighting so much of the time.

At home in the Swabian Alps there was little clue for the children of what their father's real beliefs were. "In a totalitarian state you have to be very cautious," said Berthold. "My parents didn't work openly against the normal indoctrination that was going on everywhere. I had an uncritical attitude to Hitler—he was the Fuhrer."

Two days after the plot, his mother Nina tried to explain what had happened. "She said it was my father who had actually laid the bomb. By that time it was clear that Hitler had survived. It was a terrible shock—first of all that my father was dead, and then that he had attacked the Fuhrer."

Then their mother was arrested, and for the next few months was shunted from prison to prison despite being pregnant while the children were taken to a special home in central Germany. Nina was finally freed when the elderly policeman escorting her grew frightened of the advancing Russians.

Berthold's younger brother, Franz Ludwig, a former Right-wing MP, has created the most controversy over the 20 July commemorations. Backed to a lesser extent by Berthold, he is objecting to an exhibition to be opened by Kohl which includes exhibits commemorating two groups—the National Committee of Free Germany and the League of German Officers—consisting of German officers captured by the Russians who made anti-Nazi propaganda broadcasts calling on German soldiers to desert.

Ewald von Kleist said: "There is a group of people who want to enlarge the resistance by including communists and those officers captured by the Russians. These people insist they resisted very strongly. A few people, like Franz Ludwig von Stauffenberg and myself, disagree with that. To sit somewhere safe and dry and shout 'You must do something' is not enough."

Berthold von Stauffenberg said: "The post-1968 generation didn't like the fact that the conspiracy was very militaristic, rather aristocratic and very Christian—and not very Marxist."

But there are other perspectives. Clarita von Trott, widow of the diplomat Adam von Trott, who made frequent trips to neutral capitals during the war in a forlorn attempt to persuade the Allies to take the German resistance seriously, and who was hanged for his part in the plot—describes it as "an awful, silly conflict". There were other groups in the resistance, and they all played their part. Lady Gowrie will be attending the ceremony with mixed feelings, not least because her late mother's birthday fell on the same day. She has not been to the annual commemoration for 20 years, and feels there is a certain irony in the way politicians and diplomats get accorded places of honour at such occasions rather than those who should really be the focus of attention.

She said, "I have always had ambivalent feelings toward this. Always the wrong people are in the first row. Twenty years ago Nina von Stauffenberg didn't even have a seat—it was by sheer mistake, but it was very embarrassing."

In the end, however, all the ceremony, all the political rows about who should be honoured and who should make speeches count for nothing against the one simple fact that there were men prepared to give up their lives to stop the greatest evil this century has known.

Ewald von Kleist said: "I am content with having been there 50 years ago. I will go this year, and I will hope to see two of the others who were my friends. I will go this time, because it will be the last time."

[From the Guardian, July 23, 1992]

HOW WHITEHALL HELPED HITLER

(By Martin Gilbert)

The Unnecessary War, by Patricia Meehan (Sinclair-Stevenson, pounds 18.95)

This book delves into one of the murky corners of recent history, the official British response to the German opposition to Hitler. Even before the outbreak of the second world war, individual Germans of some stature had asked the British government for moral support in their opposition to Hitler, and these approaches continued throughout the war. Most of those who made them were eventually killed by the Gestapo after the Hitler bomb plot in 1944. This book is the fullest attempt yet to examine who these Germans were, how serious and sustained their approaches to the British had been, and how, almost without exception, their efforts to enlist British support were dismissed and belittled.

The crucial moment occurred during the Munich crisis in September 1938. Those Germans who were opposed to an invasion of Czechoslovakia, including several senior army officers, hoped that a strong stand by Britain would force Hitler to desist, and would perhaps even bring his regime down. German emissaries to Britain put this case to leading politicians and diplomats. But Neville Chamberlain's decision to accept, and indeed to promote, a compromise—whereby Czechoslovakia would cede the Sudetenland to Germany and Hitler get his immediate desires without a war—dashed the hopes of those Germans who wanted Hitler's order to march into Czechoslovakia to be the signal for the Fuhrer's overthrow.

Was all this a pipe dream? Patricia Meehan shows how little the Foreign Office experts were prepared to follow up the wartime efforts of German opposition leaders to make contact. They feared that if Hitler had been got rid of, the Allies would then have had to accept a non-Nazi Germany as a negotiating partner, thus undermining the whole concept of unconditional surrender.

One of the most revealing documents published in this book is a comment by the historian John Wheeler-Bennett, then a member of the Foreign Office Political Intelligence Department, written immediately after the failure of the Hitler bomb plot. According to Wheeler-Bennett, "the Gestapo and the SS have done us an appreciable service in removing a selection of those who would undoubtedly have posed as 'good' Germans after the defeat of a Nazi Germany."

It was Wheeler-Bennett who put the word "good" in quotation marks. Yet those Germans whom the Gestapo were killing were the very anti-Nazis who might have formed the backbone of a post-war democratic German administration. These were the men who, despite Gestapo terror, had tried since before the outbreak of war to form groups and circles of opposition to Hitler, based on a deep loathing of Nazi ideology and military aggression.

Patricia Meehan shows the embarrassment caused in official circles in Britain by Churchill's declaration of June 22, 1941, that "any man or State which fights against Nazism will have our aid". It was Richard Crossman, then head of the German section of the Political Warfare Executive, who asked for a "clear ruling" from the Foreign Office as to whether the German people, as distinct from the Nazis and the German military hierarchy, would "be included among those whose liberation will result from our victory". The answer Crossman got was "no".

The villains in Meehan's account are the Foreign Office experts who, with extraordinary consistency, refused to take seriously the many manifestations of internal German opposition. The widow of a clergyman who had died after ill-treatment in a Gestapo prison managed to get an account of the torments of those who opposed the regime passed to London. In response, the Deputy Permanent Under-Secretary of State at the Foreign Office noted curtly: "Very prejudiced and exaggerated, I should say." The fate of the clergyman and the struggles of his colleagues was further evidence of the opposition to Nazism inside the Reich, but this made no impact on the Foreign Office. Nor did the courage of a German army officer, Major Ewald von Kleist, who made his way to London in 1938.

To all those whom he met in political and military circles, Major von Kleist made an appeal for a strong stand by Britain, not only in defense of Czechoslovakia, but to enable him to report back to his fellow-dissidents that Britain recognised their intention to use the invasion of Czechoslovakia as a clarion call to overthrow Hitler.

The major was rebuffed. Commented one senior British official: "There is always something suspicious about 'anti-Nazis' coming to this country in fear of their lives, especially if they get away with it." The words "anti-Nazi" were put in quotation marks, like the "good" Germans of 1944. Yet in both cases, they were real: one and the same people, fighting against a massive terror system to keep their opposition alive, and to preserve decent values.

This book shows, with an impressive wealth of archival detail, just how scathingly the efforts of the German opposition to Hitler were treated in Whitehall. Even after the war, the Foreign Office was describing them as "a small minority acting from divergent motives, not always in line with democratic principles or Western interest". Meehan makes a strong case for regarding this statement, and many similar ones expressed both internally and publicly, as untrue, short-sighted, self-congratulatory, and masking a wilfully missed opportunity.

THE MAKING OF A TRAGEDY

(By Thomas Fleming)

Fifty years ago tomorrow, Col. Claus Schenck von Stauffenberg, the chief of staff of the 600,000-man army that guarded Germany's home-front, joined Hitler and his military advisers for a conference in the Führer's headquarters, Wolfschanze (Wolf's Lair), in East Prussia.

Count Stauffenberg placed his briefcase beneath the table a few feet from Hitler and left the meeting to take a prearranged telephone call from an aide. Moments later the briefcase exploded, killing two members of Hitler's staff and badly wounding a half dozen others.

But Hitler, the seat blown out of his trousers, his coat ripped up the back, both eardrums ruptured, survived the blast. By the end of the day, an impromptu firing squad had executed Count Stauffenberg as Hitler launched a roundup which wiped out virtually every member of a group whose existence the British and Americans had repeatedly ignored, dismissed or denied.

It has not become apparent that the fate of the German resistance was a tragedy not only for Germany but for Europe and America as well. A negotiated peace with anti-Nazi Germans in early or even mid-1944 probably would have saved the lives of two million soldiers—and three million Jews. East Germany and perhaps much of Eastern Europe would have been spared 50 years of incarceration in the twilight world of Soviet Communism.

The resistance included leading politicians and diplomats. They were protected, nurtured and in some ways led by Adm. Wilhelm Canaris, head of the Abwehr, the military intelligence branch of the high command of the German armed forces. For three years, they sent agent after agent to various points on the borders of Hitler's Reich—Istanbul, Stockholm, Bern, Madrid—vainly seeking negotiations with the U.S. and Britian.

As early as 1940, an aide of Canaris's leaked the plans of Hitler's invasion of the Lowlands and France to the Dutch, who passed it to the English, who dismissed it as a ruse until they realized, too late, that it was authentic. Thereafter, Sir Stewart Graham Menzies, head of British intelligence, remained in shadowy contact with Canaris. But Menzies' ability to negotiate was crippled by the British Foreign Office influenced by the passionate anti-Germanism of Robert Vansittart, for many years the permanent under secretary and later chief diplomatic adviser.

Then came Franklin D. Roosevelt's declaration of a policy of unconditional surrender at Casablanca in January 1943. Whatever the tactical considerations, such as allaying Stalin's suspicions that his Western partners would make a separate peace with Hitler, unconditional surrender was a propaganda windfall for the Nazis. It played directly to the Goebbels line that Germany's back was to the wall and that defeat would mean Germany's total destruction.

Among those who at various times questioned the wisdom of unconditional surrender were Gen. George Marshall and Gen. Dwight D. Eisenhower, Cordell Hull, Roosevelt's Secretary of State, and Winston Churchill.

At Casablanca, Roosevelt disingenuously claimed the phrase unconditional surrender had just "popped into my head." On the contrary, we now know it was recommended by a State Department policy committee that Roosevelt had appointed in the spring of 1942, whose chairman was one of his closest friends. Robert Sherwood, a confidant of F.D.R.'s top aide, Harry Hopkins, concluded the idea was "very deeply deliberated * * * a true statement of Roosevelt's policy."

Roosevelt was motivated, it seems, by his experience in World War I, in which Woodrow Wilson had offered the Germans terms that they accepted as a basis for a negotiated peace. Wilson's chief critic, Theodore Roosevelt, insisted that unconditional surrender was a better policy. The revived German war machine that emerged in the 1930's, claiming that the army had not been defeated but had been "stabbed in the back" by German civilians, seemed to prove to F.D.R. that Cousin Theodore had been right.

But F.D.R. was wrong in trying to apply the lessons of history, always a perilous business. It would have been far harder for any German to talk about a stab in the back after the catastrophic defeat at Stalingrad and the successful Allied landings at Normandy. By July 1944, it was apparent that Hitler had lost the war. And above all, there was the Allied air war, which had leveled two-thirds of Germany's cities.

There was another, more morally regrettable element in Roosevelt's motivation. He simply did not believe there was such a thing as a good German. His conversations as recorded in the diaries of his Secretary of the Treasury, Henry Morgenthau, and his responses to Eisenhower's and Marshall's pleas to repeal or soften unconditional surrender are studded with expressions of sweeping condemnation of an entire people.

In light of the available evidence, it is reasonable to suppose that if Roosevelt and Churchill had made even a gesture of moderation or support for the resistance after the July 20 bomb blast, the generals in command of the German armies in France would have agreed to a unilateral surrender, in spite of Hitler's survival.

But Roosevelt said nothing and Churchill dismissed the bomb as "a disturbance in the German war machine." Ironically, the only people who uttered a word on the plotters' behalf were the Russians. "Generals, officers, soldiers!" said Radio Moscow. "Cease fire at once and turn your arms against Hitler. Do not fail these courageous men!"

When an Associated Press correspondent, Louis Lochner, attempted to file a story on the resistance from Paris—he had known many of the members when he was stationed in Berlin before the war—Army censors told him the subject had been barred "by specific order of the President."

After July 20, Winston Churchill grew more and more dubious about unconditional surrender. In a 1947 speech in Parliament, Churchill went even further. He described Canaris, Count Staffenberg and their fellow conspirators as men who "belonged to the noblest and greatest [of resistance movements] that have ever arisen in the history of all peoples." What a difference it could have made if he had said just that in July 1944.

Mr. COHEN. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 522, H.R. 4649, the District of Columbia appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995 and for other purposes.

The Senate proceeded to consider the bill.

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4649

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

FISCAL YEAR 1995 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1995, [$667,930,000] *$647,930,000*, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,070,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $81,159,000: *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $12,432,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $56,343,000: *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $41,046,000.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $884,926,000: *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1995, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1995, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, [$720,258,000] *$715,330,000*, to be allocated as follows: $542,682,000, *of which $1,500,000 shall be used to provide additional support to title I (chapter I) of the Elementary and Secondary Education Act (20 U.S.C. 2701 et seq.)*, for the public schools of the District of Columbia; $87,100,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $60,348,000 for the University of the District of Columbia; $21,260,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; $3,301,000 for the Commission on the Arts and Humanities; and [$5,567,000 for the District of Columbia School of Law] *$639,000 for the D.C. Law Student Clinical Program/Tuition Assistance Program*: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1995, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $898,034,000: *Provided*, That $20,800,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $195,002,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $12,850,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $306,768,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

SHORT-TERM BORROWING

For short-term borrowing, $5,000,000.

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,312,000.

PAY ADJUSTMENT

For pay increases and related costs, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for fiscal year 1995 from which employees are properly payable, $106,095,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

For the purpose of reimbursing the General Fund for costs incurred for the operation of the D.C. General Hospital pursuant to D.C. Law 1–134, the D.C. General Hospital Commission Act of 1977, $10,000,000.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $22,508,000.

JOB-PRODUCING ECONOMIC DEVELOPMENT INCENTIVES

For tax incentive programs to be enacted by the Council targeted specifically to stimulating job-producing economic development in the District, $22,600,000.

CASH RESERVE FUND

For the purpose of a cash reserve fund to replenish the consolidated cash balances of the District of Columbia, $3,957,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of [$5,702,000] *$20,774,000*, within one or several of the various appropriation headings in this Act: *Provided, That no reduction shall be taken in the following departments and agencies: Department of Finance and Revenue, Department of Housing and Community Development, Department of Public and Assisted Housing, Metropolitan Police Department, Fire and Emergency Medical Services Department, Police and Fire Retirement, Judge's Retirement, D.C. Courts (Court of Appeals; Superior Court; court system), Corporation Counsel, Public Defender Service, Department of Corrections, Board of Education (Public Schools), Teacher's Retirement and Annuity Fund, Department of Human Services, D.C. General Hospital Payment, Department of Public Works, and all accounts listed under the "Finance and Other Uses" appropriations account.*

CAPITAL OUTLAY

For construction projects, $5,600,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $140,000 shall be available for project management and $110,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1996, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1996: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $265,653,000, of which $40,160,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects: *Provided*, That of the amounts appropriated under this heading in prior fiscal years for construction projects from the water and sewer enterprise fund for the Washington Aqueduct, $21,365 are rescinded.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $8,318,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,353,000, of which $140,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers granted by an Act to Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1996, shall be transmitted to the Congress no later than April 15, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1994 shall be deemed to be the rate of pay payable for that position for September 30, 1994.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1995, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1995 revenue estimates as of the end of the first quarter of fiscal year 1995. These estimates shall be used in the budget request for the fiscal year ending September 30, 1996. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1994" and inserting "sold before October 1, 1995".

SEC. 125. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 126. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 127. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 128. Effective as if included in the enactment of the District of Columbia Appropriations Act, 1990, section 133(e) of such Act is amended by striking "shall take effect" and all that follows and inserting "shall apply with respect to water and sanitary sewer services furnished on or after January 1, 1990.".

SEC. 129. For the fiscal year ending September 30, 1995, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 130. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1994, of the required reorganization plans.

SEC. 131. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1995 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 132. Notwithstanding any other provision of law, each agency, office, and instrumentality of the District shall implement a hiring freeze and shall fill only vacancies in essential positions, and to the extent practicable, shall fill essential positions from among employees holding non-essential positions. A non-essential position that becomes vacant, other than by termination for cause, shall not be filled. The Council shall enact legislation to implement this title, which may include, but shall not be limited to, procedures for identifying essential and non-essential positions, for filling vacant essential positions from among employees holding non-essential positions, and for reporting on implementation of the hiring freeze required by this section.

SEC. 133. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 134. None of the Federal funds appropriated under this Act shall be expended for any abortion except when it is made known to the entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

INDEPENDENT AUDIT OF RETIREMENT BOARD

SEC. 135. (a) IN GENERAL.—The District of Columbia Retirement Board shall enter into an agreement with an independent firm meeting the qualifications described in subsection (b) to prepare and submit to the Retirement Board a written set of findings and recommendations not later than 6 months after the date of the enactment of this Act regarding the appropriateness and adequacy of the Retirement Board's fiduciary, management, and investment practices and procedures.

(b) QUALIFICATIONS FOR FIRM.—A firm meets the qualifications described in this subsection if the firm has a demonstrated expertise in the areas of investment and investment consulting, [particularly with respect to] *including but not limited to*—

(1) the review and analysis of the investment portfolios of large public pension funds;

(2) the investment practices of the managers of such funds;

(3) the relationship of such practices to the fiduciary responsibilities of the managers of such funds; and

(4) the analysis of the investment returns achieved by such funds on both an absolute and risk-adjusted basis.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the findings and recommendations provided under subsection (a), the Retirement Board shall submit a report to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate on the findings and recommendations.

(d) EXPENDITURE OF FUNDS.—The Retirement Board shall spend *not less than to exceed* $250,000 from investment earnings to carry out this section. No additional funds may be provided by the Mayor of the District of Columbia to the Retirement Board to carry out this section.

MUNICIPAL FISH WHARF

SEC. 136. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

FINANCIAL REPORTING

SEC. 137. (a) SUBMISSION OF QUARTERLY FINANCIAL REPORTS.—Not later than fifteen days after the end of every calendar quarter (beginning October 1, 1994), the Mayor shall submit to the Committee on the District of Columbia of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on District of Columbia Appropriations of the House of Representatives and the Senate a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

(b) CONTENTS OF REPORT.—Each report submitted under subsection (a) with respect to a quarter shall include the following information:

(1) A comparison of actual to forecasted cash receipts and disbursements for each month of that quarter, as presented in the District's fiscal year consolidated cash forecast;

(2) A projection of the remaining months' cash forecast for that fiscal year;

(3) Explanations of (a) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (b) the changes in the remaining months' forecast as compared to the original forecast for those months of that fiscal year; and

(4) The effect of these changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year; *and*

(5) Explanation of the impact on meeting the budget; how the results may be reflected in a supplemental budget request, or how other policy decisions may be necessary which may require the agencies to reduce expenditures in other areas.

SPENDING REDUCTIONS

SEC. 138. (a) REDUCTION IN FISCAL YEAR 1995 EXPENSES.—

(1) IN GENERAL.—In addition to any other reduction required by this Act, the total amount appropriated in this title for the District of Columbia for fiscal year 1995 under the caption "Division of Expenses" is hereby reduced by [$150,000,000] *$75,000,000*. The reduction shall be allocated by the Mayor of the District among the various appropriation headings under such caption (excluding the "Rainy Day Fund") and shall be taken only from expenses for personal and nonpersonal services.

(2) REPORTING REQUIREMENTS.—

(A) IMPLEMENTATION PLAN.—Not later than 30 days after the date of the enactment of this Act, the Mayor of the District of Columbia shall submit to the Congress a report setting forth a detailed plan for the implementation of the reduction made by paragraph (1).

(B) PLAN REVISIONS.—The Mayor may at any time revise the implementation plan submitted under subparagraph (A). Not later than 30 days after making any such revision, the Mayor shall submit to the Congress a report setting forth a detailed description and justification of such revision.

(C) REVISED CASH FLOW STATEMENTS.—Each report required by subparagraph (A) or (B) shall include a revised *consolidated* cash flow statement for the government of the District *of Columbia* that incorporates the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph. *Each report shall include such revised cash flow statements of the various funds, including but not limited to, the general fund, enterprise funds, trust and agency funds, and component unit funds, as may be affected by the revision.*

(D) SUPPLEMENTAL BUDGET SUBMISSION.—Any supplemental budget request for fiscal year 1995 submitted by the District to the Congress shall incorporate the reduction made by paragraph (1) and the allocation of the reduction under the plan or plan revisions submitted under this paragraph.

(b) ANNUAL LIMITATION ON OUTLAYS.—

(1) AGGREGATE LIMITATION.—The total outlays of the government of the District of Columbia during fiscal year 1995 shall not exceed the total receipts collected by the government during such fiscal year.

(2) INDIVIDUAL FUND LIMITATIONS.—The total outlays of the government of the District of Columbia from the general fund, or from any special fund, of the District during fiscal year 1995 shall not exceed the total receipts collected by the government and paid into such fund during such fiscal year.

[(c) ENFORCEMENT.—

[(1) TIMING OF ANNUAL FEDERAL PAYMENT.—The annual Federal payment to the District of Columbia authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act for fiscal year 1996 shall not be made until the Secretary of the Treasury has received from the Mayor of the District a certification of the total outlays of, and total receipts collected by, the government of the District during the preceding fiscal year.

[(2) REDUCTION OF ANNUAL FEDERAL PAYMENT.—The amount of any annual Federal payment subject to paragraph (1) shall be reduced by the amount (if any) by which the outlays described in such paragraph exceed the receipts described in such paragraph.

[(d)] *(c)* APPLICABILITY.—The provisions of this section shall apply hereafter, notwithstanding any other provision of law to the contrary.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 139. SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 140. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

SEC. 141. Section 6(e)(1)(A) of Public Law 101–590 is amended by striking "1995" and inserting "2000".

This title may be cited as the "District of Columbia Appropriations Act, 1995".

TITLE II

FISCAL YEAR 1994 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support" $164,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1337), $18,797,000 are rescinded for a net decrease of $18,633,000.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $1,311,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1337), $31,697,000 are rescinded for a net decrease of $30,386,000.

HUMAN RESOURCES DEVELOPMENT

Human resources development, $42,801,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $16,398,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1338), $4,742,000 are rescinded for a net increase of $11,656,000.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $17,243,000 for public schools of the District of Columbia and $735,000 for the University of the District of Columbia: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1339), $487,000 for the Education Licensure Commission, $91,000 for the Commission on the Arts and Humanities, $30,000 for the District of Columbia Law School and $245,000 for the District of Columbia Public Library are rescinded for a net increase of $17,125,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", [$32,461,000] *$38,961,000*: *Provided*, That $4,657,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1340), $831,000 are rescinded for a net increase of [$31,630,000] *$38,130,000*.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1340), [$9,092,000] *$6,592,000* are rescinded.

WASHINGTON CONVENTION CENTER FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127, 107 Stat. 1340), $338,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1340 and 1341), $15,161,000 are rescinded.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For an additional amount for "Repayment of General Fund Recovery Debt", $312,000.

OPTICAL AND DENTAL BENEFITS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1341), $11,000 are rescinded.

SEVERANCE PAY

For an additional amount for "Severance pay", $6,000,000.

D.C. GENERAL HOSPITAL DEFICIT PAYMENT

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1341), $5,500,000 are rescinded.

CASH RESERVE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1341), $3,957,000 are rescinded.

SHORT-TERM BORROWING

For "Short-term borrowing", $3,500,000.

WATER AND SEWER ENTERPRISE FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1994 in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1343), $9,411,000 are rescinded: *Provided*, That $37,436,000 of the amounts available for fiscal year 1994 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of $40,438,000 as provided under this heading in the District of Columbia Appropriations Act, 1994, approved October 29, 1993 (Public Law 103–127; 107 Stat. 1343).

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and Charitable Games Enterprise Fund", $1,235,000.

CABLE TELEVISION ENTERPRISE FUND

The paragraph under the heading "Cable Television Enterprise Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the figure "$2,353,000" the following: "of which $140,000 shall be transferred to the General Fund of the District of Columbia.".

STARPLEX FUND

The paragraph under the heading "Starplex Fund" in the District of Columbia Appropriations Act, 1994, approved October 29, 1993, is amended by inserting after the phrase "Television" the following: "and an additional $1,400,000 shall be transferred to the General Fund of the District of Columbia.".

GENERAL PROVISIONS

SEC. 201. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1994.

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1994".

Mr. KOHL. Mr. President, I am pleased today to have the opportunity to present the D.C. appropriations bill for fiscal year 1995 to the Senate.

The committee is recommending a bill that freezes the appropriated Federal funds for the city in fiscal year 1995 at the 1994 level. That includes the Federal payment of $647,930,000, which is $22 million below the President's request. It is also $20 million below the House-passed level and our subcommittee allocation. This reduction in revenue for the city requires the reduction in the D.C. budget of $25.7 million.

We have given the Mayor flexibility in where to make the reductions but note in our report that the reduction can be made up by eliminating 652 full-time equivalent positions from D.C.'s 45,000-plus people on the payroll.

Mr. President, many governments at all levels, including the Federal Government, are reducing total staffing. The District government has made some effort in this direction. But we believe that it can, and that it should, increase its efforts to reduce government staffing.

It must be understood that this recommendation is not an attack on home rule. Freezing the Federal payment to reach the D.C. payment is exactly as we are treating all other Federal discretionary spending. When appropriated funds are declining, equal treatment means equal scrutiny and equal austerity.

Our recommendation provides that certain agencies that are crucial to the public safety, health, and education, as well as revenue-raising agencies, be exempt from these reductions.

Mr. President, the committee is also recommending that the D.C. School of Law be eliminated. We have left money in the budget to make sure that some D.C. students at the school can be supported at other local law schools.

So in closing, Mr. President, I want to thank the chairman of the Appropriations Committee, Senator BYRD, for his insight and assistance in reporting this bill out of the committee, and also to Senator HATFIELD for his support and his guidance through the full committee.

I also want to thank each of the subcommittee members, Senator FEINSTEIN, Senator MURRAY, and Senator MACK for their support and suggestions during our hearings and markup.

Finally, of course, my ranking member, Senator BURNS, has not only shown an interest in this bill but he has offered many suggestions that have helped make this a better bill. He has worked as hard as anyone else to get this bill to the floor. The Senate owes him a debt of thanks.

That concludes my formal presentation, Mr. President. I would be happy to field any questions or any amendments, but most certainly to yield the floor to my ranking member, Senator BURNS.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank my chairman.

Mr. President, this is not an easy appropriations as it works its way through the Appropriation Committee on through the process. We understand that this city has very distinct problems that maybe other municipalities do not have. When you start looking at budgets you look at it from the standpoint of my previous life, which was in county government. So I appreciate the work that Chairman KOHL has done on this, his good staff, and of course the Appropriations Committee.

This bill contains $700 million as the Federal payment to the District and approves the expenditure of almost $3.6 billion from locally raised revenues. This Federal payment reflects a freeze at the 1994 level of $700 million, and it is $22 million below the level requested by the administration and $20 million below the House-approved level.

The GAO has stated that the District's budget submission is based on inaccurate and unrealistic figures and that the District will be $200 million to $300 million short of money needed to operate next year. While the proposal to cut $20 million from the Federal payment helps rein in spending, I am not sure the loss in revenue will attack the root of the problem .

I prefer the action taken by the House to cut spending by $150 million and our action to cut $75 million in District spending. That is the problem here in the District, they spend too much money.

Nevertheless, I look forward to this bill moving forward in the process, and I look forward to working with the chairman and the other body in conference.

Mr. President, the $700 million in Federal payment contained in this bill represents only part of the Federal Government's contribution to this city.

We have a responsibility to our constituents to protect the integrity of these and other Federal investments by exercising our constitutional right in overseeing the District of Columbia.

It says a house well furnished will be unstable without an adequate foundation upon which to sit. Looking at today and down the road, the Capital City is indeed resting on a cracking foundation.

Not only does the District government have too many employees to pay, it was clear in our hearings this year that they actually cost more by entangling the District bureaucracy.

When Congress has provided increases in funding in the past for the District, most recently in 1991, to the tune of $100 million, promises that have been made to the Congress and the District taxpayers have gone unmet. Because more money has clearly not solved the problem, I believe less money might be the solution.

The bill also retains the House-passed prohibition on implementing the D.C. Domestic Partnership Act. This provision was passed here in the form of a Lott amendment last year, and it is continued in this act.

The committee also has included the Hyde language on federally funded abortions. All in all, I think it is a good bill, with significant cuts, and it deserves the Senate's support.

Again, I want to thank my chairman for his work on this and for the cooperation and kindness he has shown on our side of the aisle. I ask at this time anyone who wants to present amendments on this bill to come forward. We would like to wrap this bill up as quickly as possible tonight, if at all possible.

I yield the floor.

Mr. KOHL. Mr. President, I ask unanimous consent that the committee amendments be agreed to, en bloc, except for the amendment on page 34, line 16 and 17; and that the bill as thus amended be regarded for the purposes of further amendment as original text, provided that no points of order shall have been considered to have been waived if the request is agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4649. the District of Columbia appropriations bill and has found that the Bill is under its 602(b) budget authority allocation by $20 million and under its 602(b) outlay allocation by $20 million.

I compliment the distinguished manager of the bill, Senator KOHL, and the distinguished ranking member of the District of Columbia subcommittee, Senator BURNS on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4649; FISCAL YEAR 1995 DISTRICT OF COLUMBIA APPROPRIATIONS—SENATE REPORTED BILL

[In millions of dollars]

Bill summary	BA	Outlays
Discretionary totals:	700	700
New Spending in bill	700	700
Outlays from prior years appropriations	....	2
Permanent/advance appropriations	0	0
Supplementals	0	0
Subtotal, discretionary spending	700	702
Mandatory total	0	0
Bill total	700	702
Senate 602(b) allocation	720	722
Difference	−20	−22
Discretionary totals above (+) or below (−):		
President's request	−22	−22
House-passed bill	−20	−20
Senate-reported bill	....	....
Senate-passed bill	....	....
Defense	0	0
International Affairs	0	0
Domestic Discretionary	700	702

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I ask unanimous consent that the committee amendments be set aside to consider three cleared amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2327

(Purpose: To reduce District of Columbia government employment by the same percentage as the reduction in Federal Government employment mandated by the Federal Workforce Restructuring Act of 1994)

AMENDMENT NO. 2328

(Purpose: To require the District of Columbia to provide that the lights at parks and playgrounds equipped with lights be lit at a level sufficient to deter crime from the time beginning one hour before sunset until one hour after sunrise)

AMENDMENT NO. 2329

Mr. KOHL. Mr. President, I now send three amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes amendments numbered 2327, 2328, and 2329, en bloc.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—

(1) PURPOSE.—The purpose of this section is to reduce the employment level of the District of Columbia government by an amount proportional to the reduction of 252,000 Federal employees proposed by the Vice President's Reinventing Government Initiative.

(2) REDUCTION.—The total number of full-time equivalent positions financed from District of Columbia appropriated funds shall not exceed—

(1) 34,875 during fiscal year 1995;

(2) 34,163 during fiscal year 1996;

(3) 33,451 during fiscal year 1997;

(4) 32,739 during fiscal year 1998; and

(5) 32,028 during fiscal year 1999.

(b) MONITORING AND NOTIFICATION.—The Mayor of the District of Columbia shall—

(1) regularly monitor the total number of full-time equivalent positions financed from District of Columbia appropriated funds and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (a) are met; and

(2) notify the appropriate committees of the Congress on the first date of each quarter of each applicable fiscal year of the determinations made under paragraph (1).

AMENDMENT NO. 2328

On page 10, line 16, before the period insert ": *Provided further*, That the District of Columbia shall provide that the lights at parks and playgrounds equipped with lights be lit at a level sufficient to deter crime from the time beginning one hour before sunset until one hour after sunrise".

AMENDMENT NO. 2329

At the appropriate place, insert the following:

LOANS TO MODERNIZE THE WASHINGTON AQUEDUCT

To the extent subsequently authorized, for loans to jurisdictions served by the Washington Aqueduct, such amount of direct loan authority in any of fiscal years 1995 through 2004 as may be necessary to modernize that aqueduct: *Provided*, That the Secretary of the Treasury sets terms and conditions on those loans that will result in an estimated cost to the government of zero.

MODERNIZATION OF THE WASHINGTON AQUEDUCT

To the extent subsequently authorized, the Corps of Engineers may receive payments in any of fiscal years 1995 through 2004 from jurisdictions served by the Washington aqueduct in amounts necessary to fund its modernization and amounts so received are appropriated for that purpose, to remain available until expended.

Mr. KOHL. Mr. President, by way of explanation these are noncontroversial amendments from Senators WARNER, GRAMM, and MURKOWSKI.

Mr. BURNS. There is no objection from our side.

Mr. WARNER. Mr. President, I rise to offer an amendment that complements an amendment I offered to S. 2019, the Safe Drinking Water Act Amendments of 1994, which has passed the Senate to resolve the long-term financial constraints facing the Washington aqueduct.

I am grateful that Chairman KOHL and Senator BURNS, the ranking member of the subcommittee, have favorably reviewed this amendment. The subcommittee has carefully examined the aqueduct's financing limitations and I am pleased that they are willing to assist in correcting this problem.

As many of my colleagues are now aware because of the recent news reports on the water quality problems plaguing this system, the Washington aqueduct is that public water system for the Metropolitan Washington area.

While the Washington aqueduct provides a local service to the District of Columbia and northern Virginia jurisdictions, this system is owned by the Federal Government. Since 1853, all activities relating to the maintenance and operation of the system are administered by the U.S. Army Corps of Engineers.

The Federal ownership of the aqueduct makes this situation unique from other public or investor-owned water systems.

Mr. President, for 3 days beginning on December 8, 1993, this region was nearly crippled by the Environmental Protection Agency's order to boil tap water prior to consumption. Area residents were fearful that their water supply was contaminated. It was an enormous undertaking for local governments to notify everyone of this potentially life-threatening situation, particularly non-English-speaking residents.

In reports conducted by the Environmental Protection Agency and independent authorities, it has been concluded that equipment failure followed by human error in responding to the situation affected the results of the water quality testing. While we are thankful that the water was not contaminated by the suspected parasite, cryptosporidium, it was a loud wake-up call for the region.

In discussions with the affected local Virginia jurisdictions of Arlington and Falls Church, the Corps of Engineers and the Environmental Protection Agency following the December situation, I learned that extensive capital improvements of the system are critical to ensuring that metropolitan Washington area residents have safe drinking water.

While fees collected from the system's users are deposited into the District of Columbia Water and Sewer Enterprise Fund and provide the resources necessary to cover the system's annual operating costs, there are no means available to the corps to finance expensive capital improvements. The enterprise fund receives approximately $6 million per year directly from the sale of water to citizens in the affected jurisdictions of Virginia. Revenue from this fund, however, is used for the annual operations and maintenance of the system. Any capital improvements must also be financed by the fund and must be paid for in advance of the work. The inability of the corps to provide long-term financing for capital projects will cause the water users to be subject to extremely higher water bills in the coming years.

The amendment I offered to S. 2019, the Safe Drinking Water Act and today on the District of Columbia appropriations bill will address this problem by granting the corps access to money from the Federal Financing Bank to underwrite the cost of these improvements to the Washington aqueduct. The Federal Financing Bank has become the vehicle through which many Federal agencies finance programs involving construction projects.

Unlike municipal water system, the Corps of Engineer has no access to borrowing to finance needed capital projects for this system. Other publicly or privately owned facilities are able to issue bonds or borrow from other sources in order to amortize the capital improvement costs over the useful life of the project. This normal means of financing is not available to the corps. As such, area residents are faced with two unacceptable options: Possibly unsafe drinking water or exorbitant water rates. Customers which rely on the Washington aqueduct system for safe, reliable drinking water must be provided the same amortization options available to other public and private utilities. My amendment will provide that equity.

Mr. President, I want to also be very clear that this amendment does not modify any of the provisions of my earlier amendment concerning the responsibilities of the local water users. The customers of the Washington aqueduct will bear all of the costs of these improvements through higher water rates that will be used to repay the loans from the Federal Financing Bank over a reasonable period of time.

Again, I thank my colleagues and the staff of the subcommittee for working to resolve this problem in a manner that serves the needs of this region.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 2327, 2328, and 2329) were agreed to en bloc.

Mr. KOHL. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2330

(Purpose: To amend Title I; Rainy Day Fund)

Mr. BURNS. Mr. President, I send an amendment to the desk for Senator MCCONNELL of Kentucky and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. MCCONNELL, proposes an amendment numbered 2330.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following: "The District of Columbia shall report to the Congress how monies provided under this fund are expended and a full accounting shall be made to Congress by March 15, 1995."

Mr. BURNS. Mr. President, I think this has been cleared by both sides. It merely asks the District to make an accounting to Congress, a full accounting, of the moneys expended from the fund called the Rainy Day Fund. That is discretionary funds put in there and used at the discretion of the mayor of this city. That accounting should be made.

I thank the Senator from Kentucky for his amendment. I thank my chairman for accepting it.

Mr. KOHL. We have no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2330) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. KOHL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I congratulate my colleagues, Mr. KOHL, chairman of the District of Columbia Subcommittee, and Mr. BURNS, ranking member, on the deft and expeditious handling of the District of Columbia appropriation bill. They have constructed the bill to be below their 602(b) allocation. Both Senators KOHL and BURNS are to be commended for their hard work on this legislation. Their expertise enabled them to work within the constraints they faced and still get the bill to the full committee 1 day after passage by the House.

I urge my colleagues to support this bill.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment on page 34.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

Mr. KOHL. Mr. President, I ask unanimous consent that the vote on passage of H.R. 4649, the District of Columbia appropriations bill, occur at 9:30 a.m., Thursday, July 21; that upon disposition of the bill, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees; with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

MORNING BUSINESS

Mr. KOHL. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MASSACHUSETTS STUDENTS WIN WORLD MATH TITLE

Mr. KENNEDY. Mr. President, I am proud to call the attention of the Senate to the extraordinary success of two brilliant young math students from Massachusetts. Noam Shazeer of Swampscott and Jonathan Weinstein of Lexington were members of the U.S. gold medal winning team in the 35th International Mathematical Olympiad held recently in Hong Kong.

These two Massachusetts high school seniors have been friends and rivals in State and national competitions for several years. They and their four teammates all received perfect scores on the demanding Olympiad problems in Hong Kong, and became the first team in the history of the competition to do so. The winning U.S. team defeated 600 top young mathematicians from 70 countries and territories. Our team is the best in the world, and I am proud that Massachusetts provided two of its members.

It is especially appropriate to honor these outstanding students as the Senate prepares to consider the Improving America's Schools Act. Our bill places particular emphasis on math and science education, and provides strong Federal support to strengthen math and science instruction in schools throughout America. Not every student can equal the brilliant and inspiring accomplishments of our Olympiad team, but all students deserve an education that develops their full potential.

I congratulate Noam Shazeer and Jonathan Weinstein and their teammates, parents and teachers, and I wish these remarkable students well in their future careers. I ask unanimous consent that an article on their achievement from today's Boston Globe may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD. as follows:

[From the Boston Globe, July 20, 1994]

FRIENDLY RIVALS ADD TO U.S. MATH MIRACLE—LOCAL YOUTHS HELP TEAM BEAT THE WORLD

(By Michael Grunwald)

The US hockey team had its Miracle on Ice. The US soccer team had its Miracle on Grass.

The US high school mathematics team—featuring two graduating seniors from public schools in Greater Boston—yesterday completed a bona fide Miracle on Scratch Paper. Not quite so poetic, perhaps, but just as stunning.

Noam Shazeer of Swampscott, Jonathan Weinstein of Lexington and their four teammates all recorded perfect 42-point scores at the 35th International Mathematical Olympiad in Hong Kong yesterday, the first team in the history of the competition to win without a single error.

Tonight, the two Bay State brainiacs will return to Logan Airport with gold medals and the right to call themselves the best in the world, having outcalculated more than 600 students from 70 countries and territories.

"It's really the fulfillment of a dream for Jonathan," said Georgia Weinstein, a professor of organic chemistry at Boston University. "These kids don't get the attention that athletes do, but they work just as hard."

"We're just thrilled," said Miriam Shazeer, Noam's mother. "This was an amazing accomplishment. We're incredibly proud."

Shazeer, who celebrated his 18th birthday yesterday, graduated from Swampscott High School, and will attend Duke on a full scholarship in the fall. Weinstein, who is still 17, graduated from Lexington High School, and will attend Harvard. Otherwise, the teenagers traveled similar paths to Hong Kong.

Their fathers are both engineers—Dov Shazeer at Draper Laboratories, Clifford Weinstein at MIT's Lincoln Laboratories. Both boys were childhood prodigies—Noam taught himself to add, subtract, multiply and divide by age 3; Jonathan was programming computers at age 5. They are both accomplished musicians—Noam, a violinist, is the concertmaster of the Symphony-by-the-Sea Youth Orchestra; Jonathan plays piano and clarinet. They both play bridge. They both enjoy ultimate frisbee.

Both youths are science whizzes, too—Noam passed up a chance to represent the United States in an international physics competition in Beijing to compete in Hong Kong; Jonathan skipped last year's Olympiad to attend a program at the Research Science Institute. And both are nice guys. At a black-tie ceremony last night, after a teammate forgot his dress shoes, Noam gave him his right shoe, so that both could walk to the awards podium wearing one sneaker and one dress shoe.

Since middle school, the two teen-agers have been the twin towers of Massachusetts mathematics, friendly rivals trading victories at statewide and nationwide competitions. "Dear Nancy," Noam began a recent note to Jonathan. "Love, Tonya," he signed off.

Tonight at 9:21 p.m.—after acing three nationwide tests that cut a field of 340,000 students down to six; after surviving an intense month long training session in Annapolis; after outdoing the world's best and brightest students of advanced algebra, advanced geometry, and number theory—Noam and Jonathan will arrive at Logan. A large crowd, possibly including Sen. Edward M. Kennedy, is expected to greet them.

Reached by phone in his Hong Kong hotel room last night, Dr. Walter Mientka, the US team leader, said he was trying to arrange a team meeting with President Clinton.

"These are outstanding students and outstanding Americans," said Mientka, a University of Nebraska professor. "If the president can make time for basketball, he should make time for mathematics."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 512. An act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes.

H.R. 2266. An act for the relief of Orlando Wayne Naraysingh.

H.R. 2411. An act for the relief of Leteane Clement Monatsi.

H.R. 4322. An act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 832. An act to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza."

At 5:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerk, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3246. An act to amend title 39, United States Code, to make applicable with respect to the U.S. Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 261. Concurrent resolution to honor the U.S. astronauts who flew in space as a part of the program of the National aeronautics and Space Administration to reach and explore the Moon.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 512. An act to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes; to the Committee on Governmental Affairs.

H.R. 3246. An act to amend title 39, United States Code, to make applicable with respect to the U.S. Postal Service certain exclusionary authority relating to the treatment of reemployed annuitants under the civil service retirement laws, and for other purposes; to the Committee on Governmental Affairs.

The Committee on Commerce, Science, and Transportation was discharged from further consideration of the following measure which was referred to the Committee on Environment and Public Works:

H.R. 4598. An act to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Coastal Barrier Resources System, and to authorize appropriations to carry out the Coastal Barrier Resources Act.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3091. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report on the use of private attorneys contracted to perform certain legal actions relative to the Farmers Home Administration; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3092. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a staff report for calendar year 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC-3093. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to improve the management of Coast Guard Warrant Officers, provide force reduction initiatives for military personnel, improve marine safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3094. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Outer Continental Shelf Oil and Gas Leasing/Production Program for fiscal year 1992; to the Committee on Energy and Natural Resources.

EC-3095. A communication from the Vice President of the Farm Credit Bank of Springfield, Massachusetts (Springfield Bank for Cooperatives), transmitting, pursuant to law, the report of the Group Retirement Plan for the Agricultural Credit Associations for calendar year 1993; to the Committee on Governmental Affairs.

EC-3096. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the report entitled "Working for America: An Update"; to the Committee on Governmental Affairs.

EC-3097. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-286 adopted by the Council on June 21, 1994; to the Committee on Governmental Affairs.

EC-3098. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, pursuant to law, a report of settlements for calendar year 1993; to the Committee on the Judiciary.

EC-3099. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Examination of D.C. Housing Finance Agency's Expenditures for Fiscal Years 1989 through 1992"; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-600. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

"ASSEMBLY RESOLUTION NO. 53

"Whereas, the flow of foreign and domestic cargoes to and from the ports of New York and New Jersey is vital and essential to the preservation of the economic well-being of the northern New Jersey-New York metropolitan area; and

"Whereas, in order to maintain this vital flow of trade and commerce, it is necessary to dredge periodically the various navigational channels and ship berths to allow safe passage of vessels; and

"Whereas, it is essential to ensure that the disposal of this dredged material does not result in adverse environmental effects, which in turn could adversely affect the State's travel and tourism, fishing, and other water-dependent industries located in the coastal area; and

"Whereas, the United States Army Corps of Engineers, which exercises regulatory authority over the disposal of dredged materials to ensure consistency with the provisions of the federal Clean Water Act (33 U.S.C. §1251 et seq.), has allowed several applications for permits to dispose of dredged materials to expire after not taking the proper processing actions within the required three-year period for processing; and

"Whereas, the unreasonable delays in application processing have created unsafe harbors which could result in oil spills, pose a threat to the 180,000 jobs related to the shipping and trade industry, and will cost New Jersey businesses hundreds of thousands of dollars in reapplication costs as well as the loss of trading and shipping activities essential to maintaining viable business operations; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. The General Assembly of the State of New Jersey memorializes the President and the Congress of the United States to call for an expeditious review and a final decision by the United States Army Corps of Engineers and the United States Environmental Protection Agency on the matter of dredging in the waters of the State of New Jersey.

"2. Duly authenticated copies of this resolution, signed by the Speaker and attested by the Clerk, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, every member of Congress elected from this State, the United States Army Corps of Engineers, New York district, and the United States Environmental Protection Agency."

POM-601. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Finance.

"ASSEMBLY RESOLUTION NO. 75

"Whereas, this nation needs to strengthen the basic foundations for the coherence of the American family which is the building block of our society; and

"Whereas, the nation must assist the American family to learn to stay together as a unit, flourish and promote self-sufficiency, so that children learn to be moral and law-abiding; and

"Whereas, the federal income tax code must not be a hindrance to a family in which one spouse wants to remain at home and raise the young children; and

"Whereas, the economy dominates today's society and forces both parents to work and pay for child care; and

"Whereas, the mother or father can instill, early in a child's development, proper values for family life, thereby teaching the family members social responsibility; and

"Whereas, the needs of young children, such as love and security of home life, can be best met by a parent at home; now therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the United States Congress to amend the federal Internal Revenue Code to put more emphasis on preserving families with children by allowing a tax credit to a family in which a parent chooses to stay at home and properly raise a child during the infant and pre-school years. This credit would be similar to the tax benefits currently allowed to a two-earner family for child or dependent care expenses. Such a tax credit will serve to strengthen the very foundation of the family and provide more after-tax income for the one-earner family in order to reduce financial pressures and allow them to retain more of their own resources.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the State of New Jersey.

"This resolution memorializes the United States Congress to amend the Internal Revenue Code to place more emphasis on preserving families with children, resulting in stable families for a better future. Currently, both parents must be working before a tax credit is allowed for the cost of child care or dependent expenses. The child of today is missing out, deprived of that bonding with a parent during infancy and pre-school because the economy is forcing both parents out of the home to go to work. This resolution calls on Congress to help modify the tax situation affecting the basic foundation of the American family."

POM-602. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Finance.

"ASSEMBLY RESOLUTION NO. 76

"Whereas, this nation needs to strengthen the American family which is the fundamental unit of our society; and

"Whereas, the recession-clouded economy dominates today's society and, many times, requires both parents to work; and

"Whereas, the costs of the basic needs of children are increasing daily; and

"Whereas, the parents of a traditional American family need relief from taxes that is proportionate to the responsibility they assume in raising their children; and

"Whereas, the federal income tax code must not be a hindrance to a family in which parents are working long hours to provide food, shelter and clothing in order to raise their young children; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the United States Congress to amend the Federal Internal Revenue Code to put more emphasis on helping families with children by modifying the tax exemption available to a parent with dependent children. This personal exemption for a dependent child would be similar to the exemption currently allowed. However, the amount would be based upon the value of a dependent exemption in 1948, or $600, and subsequently indexed to allow for inflation. This would amount to approximately $4,000 per child, in comparison to the current amount of $2,350 for tax year 1993. This tax exemption will serve to strengthen the very foundation of the American family and allow parents more income in order to reduce financial presures and retain more of their own resources.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the State of New Jersey.

"This resolution memorializes the United States Congress to amend the Internal Revenue Code to place more emphasis on helping families with children, resulting in more stable families for a better future. Currently, the personal exemption is valued at $2,350 per child. If the exemption is modified by basing it at the 1948 level of $600 and applying a cost-of-living-adjustment, the exemption would amount to approximately $4,000 per child. This resolution calls on Congress to help modify the tax situation affecting the basic foundation of the American family."

POM-603. A joint resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Veterans' Affairs.

"ASSEMBLY RESOLUTION NO. 18

"Whereas, the federal Soldiers' and Sailors' Civil Relief Act of 1940 prevents the eviction of dependents of military service personnel from any premises renting for $150 per month of less; and

"Whereas, the figure of $150 per month is excessively low in this day and age and no longer provides adequate protection to dependents of military service personnel on active duty; and

"Whereas, this figure should be increased to reflect current market conditions, particularly the cost of renting an apartment in the densely populated Northeastern area of the United States; and

"Whereas, the relevance of such a revision became apparent with the activation and deployment of military service personnel in 1990 to counter Iraq's invasion of Kuwait; now, therefore, be it

"*Resolved by the General Assembly of the State of New Jersey:*

"1. This House memorializes the United States Congress to amend the federal Soldiers' and Sailors' Civil Relief Act of 1940 to increase the $150 per month rental threshold regarding evictions so as to provide adequate protection to dependents of persons in military service and to reflect current market costs for rental units.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from the State of New Jersey."

POM-604. A concurrent resolution adopted by the Legislature of the Commonwealth of Puerto Rico; to the Committee on Energy and Natural Resources.

"CONCURRENT RESOLUTION

"We recognize that full, permanent parity in all federal programs can only be guaranteed to states of the Union, not to jurisdictions with a lesser status under the American flag, such as the case of a Commonwealth. The United States Supreme Court, however, has ruled that Congress wields the power to fully include, partially include, or exclude Puerto Rico and United States citizens residing therein in federal programs that are nationwide in scope.

"In the exercise of that discretion deriving from the Territorial Clause of our national Constitution, Article IV, Section III, clause 2, Congress has in the past chosen to fully include Puerto Rico in many federal programs, such as Head Start, exclude us from others, such as Supplemental Security Income, or SSI, and partially include us in yet others, such as Medicaid. The partial inclusion in Medicaid has been ruled constitutional by the Supreme Court. Such full or partial inclusion, in the case of non-state jurisdictions, such as the Commonwealth of Puerto Rico, is dependent on the federal government's desire to continue such inclusion. For example, while Puerto Rico was fully included in the U.S. Department of Agriculture's Food Stamp Program in 1972, the island was subsequently excluded from that program.

"Under Medicaid, rather than receive the approximately $1.2 billion in benefits that residents of a federated State of Puerto Rico would be entitled to receive, this American territory receives a grant of $116.5 million, or approximately ten percent of the amount the island would receive as a State. This unequal treatment has forced the government of Puerto Rico to invest a higher percentage of its locally-generated revenue in health care than any state of the Union.

"While states, on the average, enjoy a 60:40 federal:state ratio in Medicaid spending, Puerto Rico suffers from a meager 18:82 ratio. In spite of massive local health care spending, the medically indigent in Puerto Rico receive the poorest health services in the nation. A citizen subject to deficient health care eventually becomes more dependent on government aid. Deficient health care creates greater dependence.

"Many of the over 2.6 million American citizens of Puerto Rican descent living in the 50 states cannot afford to fulfill their lifelong wish to return to the island because they cannot afford to lose health benefits in the process. In fact, during the past years, the migratory movement of Puerto Ricans to the 50 states seeking better health care has increased.

"The people of Puerto Rico wish to be included fully in the health reform programs currently under consideration in Congress. In consideration for full inclusion in equal benefits, the American citizens in Puerto Rico are willing to share in all burdens and obligations, tax or otherwise, imposed to finance such programs.

"Clearly, Congress has the power to include Puerto Rico fully in such evolving health programs, and to require American citizens residing in Puerto Rico to share in the burdens such programs may impose. Any attempt to create a controversy, be it for local partisan or ideological reasons, that may postpone or derail Puerto Rico on the basis of political status considerations. The health of Puerto Rico's young and old cannot be held hostage to Puerto Rico's political status debate.

"This Legislative Assembly considers it unnecessary to even consider a measure formally consenting to any action that Congress may propose to enact. It was not necessary in 1988 when Congress unilaterally decided to impose excise taxes on chemical products and vaccines. Neither was it necessary in 1965 when members of the United States Senate and House of Representatives considered fit to include Puerto Rico in Medicare, nor when taxes were imposed on ozone-depleting chemicals, IRC Sec. 4682 (f)(2).

"Any objection to the full application of federal health benefits and obligations in Puerto Rico is a censurable attempt to place partisan politics above the health of American citizens residing in Puerto Rico and is fully repudiated by this Legislative Assembly.

"*Resolved by the Legislative Assembly of Puerto Rico:*

"Section 1.—The Legislative Assembly of Puerto Rico expresses to the United States Congress that the latter is not required to seek the consent of the Government of Puerto Rico in order to exercise its constitutionally guaranteed power to determine whether the benefits and obligations of federal health reform legislation shall apply to Puerto Rico and American citizens residing therein.

"Section 2.—The Legislative Assembly of Puerto Rico supports the efforts by the Governor and the Resident Commissioner to seek full inclusion in federal health reform legislation, with equal benefits and obligations, currently evolving in the United States Congress.

"Section 3.—The Legislative Assembly of Puerto Rico repudiates any partisan-motivated effort to deny, postpone or otherwise impede the full extension of federal health reform benefits and obligations to Puerto Rico or to require that such valid exercise of the United States Congress' constitutional powers be conditioned to the consent by Puerto Rico to such full extension, a limitation that has not been observed regarding other similar issues in the past."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Appropriations, with amendments:

H.R. 4606. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1995, and for other purposes (Rept. No. 103–318).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Joseph F. Vivona, of New Jersey, to be Chief Financial Officer, Department of Energy; and

Patricia Fry Godley, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON (by request):

S. 2299. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972, to establish the Pennsylvania Avenue Corporation, to provide for maintenance and use of the area between the White House and the Capitol, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 2300. A bill to prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law; to the Committee on Foreign Relations.

By Mr. GRAHAM (for himself, Mr. PRESSLER, Mr. MACK, Mrs. BOXER, Mr. AKAKA, Mr. BOND, Mr. COCHRAN, Mr. DASCHLE, Mr. DECONCINI, Mr. DURENBERGER, Mr. HEFLIN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SIMON, Mr. WARNER, Mr. KERREY, and Mr. KOHL):

S.J. Res. 211. A joint resolution to designate the second Sunday in October of 1994 as "National Children's Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON (by request):

S. 2299. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972, to establish the Pennsylvania Avenue Corporation, to provide for the maintenance and use of the area between the White House and the Capitol, and for other purposes; to the Committee on Energy and Natural Resources.

PENNSYLVANIA AVENUE CORPORATION ACT OF 1994

• Mr. JOHNSTON. Mr. President, at the request of the Pennsylvania Avenue Development Corporation, I send to the desk a bill to amend the Pennsylvania Avenue Development Corporation Act of 1972, to establish the Pennsylvania Avenue Corporation, to provide for the maintenance and use of the area between the White House and the Capitol, and for other purposes.

I ask unanimous consent that the bill and the communication which accompanied the proposal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2299

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pennsylvania Avenue Corporation Act of 1994."

SEC. 2. The Pennsylvania Avenue Development Act of 1972, as amended, (40 U.S.C. 871–885) is amended by striking Sections 2–14 and substituting the following sections in lieu thereof.

SEC. 3. The Congress finds and declares—

(a) that it is in the national interest that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, be maintained and used in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal Government and to the governmental buildings, monuments, memorials, and parks in or adjacent to the area;

(b) that goals and objectives of the Pennsylvania Avenue Plan—1974, as amended, (hereinafter referred to as the Pennsylvania Avenue Plan or the Plan) should remain in effect and the development completed thereunder pursuant to the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. §871, et seq.) should be maintained and use of the Pennsylvania Avenue Area as defined in subsection (f) below) fostered;

(c) that responsibilities for such maintenance and use can best be carried out by vesting the requisite powers in a Federal corporation that can take maximum advantage of the private as well as the public resources that will be necessary;

(d) that the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest; and

(e) that private funds donated to or solicitated by the Corporation are for use in carrying out the purposes of the Act; and

(f) that the area thus to be maintained and used in accordance with the provisions of this Act (hereinafter referred to as the Pennsylvania Avenue Area) shall be the area bounded as follows: Beginning at a point on the southwest corner of the intersection of Fifteenth Street and Pennsylvania Avenue South (formerly E Street Northwest); thence proceeding easterly along the southerly side of Pennsylvania Avenue South (formerly E Street) to the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue Northwest; Street and Pennsylvania Avenue Northwest; thence southerly along the west side of Fourteenth Street to the northwest corner of the intersection of Fourteenth Street and Constitution Avenue, Northwest; thence easterly along the north side of Constitution Avenue to the northeast corner of the intersection of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street to the southeast corner of the intersection of Twelfth Street and Pennsylvania Avenue, Northwest; thence southeasterly along the southerly side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest; thence northerly along the east side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest; thence westerly along the north side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest; thence northerly along the east side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest; thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest; thence northerly along the east side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest; thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest; thence southerly along the west side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest; thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest; thence northerly along the east side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest; thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest; thence northerly along the west side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest; thence westerly along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest; thence southerly along the east side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest; thence easterly along the south side of E Street to the point of beginning being the southwest corner of the intersection of Fifteenth Street and E Street Northwest.

SEC. 4. PENNSYLVANIA AVENUE CORPORATION; ESTABLISHMENT; BOARD OF DIRECTORS; TERM; CHAIRMAN; COMPENSATION; MEETINGS; ADVISORY BOARD.—

(a) There is hereby created a Government corporation in the Executive Branch to be known as the Pennsylvania Avenue Corporation (hereinafter referred to as the "Corporation").

(b) The powers and management of the Corporation shall be vested in a Board of Directors consisting of five members:

(1) The Secretary of the Interior;

(2) The Mayor of the District of Columbia;

(3) Three appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.

(c) Each ex-officio member of the Board of Directors specified in paragraph (b) may designate another official to serve on the Board in his stead if unable to serve in person.

(d) Each member of the Board of Directors appointed under paragraph (b)(3) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Directors first taking office shall begin on the date of the enactment of this Act and shall expire as designated at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years. A Director may continue to serve until his successor has qualified.

(e) The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors chosen from private life.

(f) Members of the Board of Directors who are officers or employees of the Federal or District of Columbia Government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for Executive Level IV, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. §§5703(b)-(d) and 5707) for persons in the Government service employed intermittently.

(g) Officers and employees of the Corporation are officers and employees of the United States.

(h) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the Board of Directors (or their designated alternatives) shall constitute a quorum.

(i) There shall be a nonvoting Advisory Board consisting of representatives of the Department of the Treasury, the General Services Administration, the local arts and cultural community and such other members as the Board of Directors may appoint. The Advisory Board shall meet at least twice annually at the dates and time designated by the Board of Directors, to offer such advice and assistance as may be of benefit to the Board of Directors. The Chairman of the Board of Directors, shall be chairman of the Advisory Board.

SEC. 5. OFFICES AND EMPLOYEES; COMPENSATION.—

(a) The Board of Directors shall have the power to appoint and fix the duties of the Executive Director and such other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the rate of pay for the Executive Director shall not exceed Level IV of the Executive Schedule. [5 U.S.C. 5315].

(b) The Board of Directors is authorized to procure the temporary (not in excess of one year) or intermittent services of city planners, architects, engineers, appraisers, and other experts or consultants or organizations thereof in accordance with section 3109 of title 5, United States Code [5 USC §3109], but at rates for individuals not in excess of the rate in effect for Level IV of the Executive Schedule.

(c) Administrative services shall be provided by the General Services Administration on a reimbursable basis.

SEC. 6. CONTINUITY OF THE PENNSYLVANIA AVENUE PLAN; SUBSTANTIAL AND SIGNIFICANT CHANGE.—

(a) The Pennsylvania Avenue Plan for the Pennsylvania Avenue Area approved by Congress in 1975, and as subsequently amended, includes (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the maintenance costs; (4) an estimate of the current values of all properties to be acquired; (5) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 8 of the Pennsylvania Avenue Development Corporation Act of 1972 [40 U.S.C. §877]; (6) an estimate of the cost of land preparation for all properties to be acquired; (7) an estimate of the reuse values of the properties to be acquired; (8) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (9) a determination of the marketability of such development; (10) an estimate of the development costs, both public and private; (11) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as a whole, and the existing business activities within the Pennsylvania Avenue Area; and (12) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the Pennsylvania Avenue Plan. Amendments to the Plan reflect changes brought about by economic and other conditions as development proceeded during the period prior to this legislation.

(b)(1) Development or maintenance activities carried out within the Pennsylvania Avenue Area shall be in accordance with the Pennsylvania Avenue Plan.

(2) The Corporation may alter, revise, or amend the Pennsylvania Avenue Plan, but any such alteration, revision, or amendment which is a substantial change from the Pennsylvania Avenue Plan shall take effect only after publication of the proposed substantial change in the Federal Register, consideration of comments received, and adoption of a resolution of the Board of Directors. For the purposes of this subsection, the term "substantial change" shall mean one involving a major alteration in the character or intensity of an existing or proposed use in the Pennsylvania Avenue Area which in the opinion of the Corporation causes an increase or decrease of 10 per centum or more of the dollar amount of the estimate prepared in accordance with subsection (a)(10) of section 6 or one which, in the opinion of the Secretary of the Interior, affects his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site.

(3) Any alteration, revision, or amendment of the Pennsylvania Avenue Plan and any other action taken by the Corporation which is not a substantial change in the Pennsylvania Avenue Plan within the meaning of paragraph (2) but—

(A) which is a significant change in the Pennsylvania Avenue Plan, or which is another significant action taken by the Corporation, and

(B) which relates to housing, any major structure, historic preservation, parks, office space, or retail uses, within the Pennsylvania Avenue Area

shall not take effect until thirty days after notice of such change or other action has been submitted to the Committee on Interior and Insular Affairs of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate, unless prior to the expiration of such thirty-day period each of such committees notifies the Corporation in writing that the committee does not object to such change or other action. Such notice by the Corporation to the committees shall include an explanation of the reasons why the change or other action is proposed and a summary of any recommendations received by the Corporation from the Secretary of the Interior, the Mayor of the District of Columbia, or from any other interested agency, organization, or individual.

(f) To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, such as the Department of the Interior, the General Services Administration, and the District of Columbia government.

SEC. 7. CORPORATE POWERS AND DUTIES.—In carrying out its power and duties, the Corporation—

(1) shall have all necessary and proper powers for the exercise of the authorities vested in it;

(2) shall have succession in its corporate name;

(3) may adopt and use a corporate seal which shall be judicially noticed;

(4) may sue and be sued in its corporate name, except that the Directors of the board shall not be personally liable except for gross negligence. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(6) may acquire lands, improvements, and properties within the Pennsylvania Avenue Area by purchase, lease, donation, or exchange; may hold, maintain, use, or operate such properties; may sell, lease, or otherwise dispose of such real and personal property and any interest therein as the Corporation deems necessary to carry out the Pennsylvania Avenue Plan; or may lease, repurchase, or otherwise acquire and hold any property which the Corporation, or its predecessor, the Pennsylvania Avenue Development Corporation (hereinafter referred to as PADC), has theretofore sold, leased, conveyed, transferred, or otherwise disposed of; Provided, That condemnation proceedings for the acquisition of real property (including interests therein), which may be necessary or appropriate in order to carry out the Pennsylvania Avenue Plan, shall be conducted in accordance with the procedural provisions of chapter 13, subchapter IV, of title 16 of the District of Columbia Code and the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (94 Stat. 1894) [42 U.S.C. §§4601 et seq.];

(7) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the Pennsylvania Avenue Area) as may be deemed necessary or appropriate to the conduct of activities authorized under this Act;

(8) may establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure maintenance and protection of the Pennsylvania Avenue Area in accordance with the Pennsylvania Avenue Plan and such restrictions, standards, and requirements as were established by PADC shall remain in effect unless or until modified or rescinded by the Corporation;

(9) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed existing authorized ceiling amounts. Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United

States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest amount so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall remain available without fiscal year limitation. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchase of the Corporation's obligations under this paragraph;

(10) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, with the approval of the Secretary of the Treasury, in obligations of the United States Government;

(11) may produce insurance against any loss in connection with its property and other assets and operations;

(12) may solicit and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or any agency or instrumentality thereof, or from any source, for the purpose of carrying out its duties, and comply, subject to the provisions of this Act, with the terms and conditions thereof. The Corporation shall establish written rules setting forth the criteria to be used in determining whether the acceptance of gifts or grants, property, financial or other aid in any form would reflect unfavorably upon the ability of the Corporation or any employee to carry out its responsibilities or official duties in a fair and objective manner or would compromise the integrity of or the appearance of the integrity of its programs or any official or employee involved in those programs;

(13) may determine the character of and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions and laws specifically applicable to wholly-owned Government corporations;

(14) may prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, repair, or maintenance of any project, and from time to time may modify such plans, specifications, designs, or estimates;

(15) may acquire, construct, reconstruct, rehabilitate, improve, alter, repair, or maintain or provide for the construction, reconstruction, improvement, alteration, repair, or maintenance of any project;

(16) may grant options to purchase any project or may renew any leases entered into by it (or its predecessor, PADC) in connection with any of its projects, on such terms and conditions as it may deem advisable;

(17) may manage any project, owned or leased by the Corporation, or its predecessor, PADC, and may enter into agreements with the District of Columbia government or any agency or instrumentality thereof, or with any person, firm, partnership, or corporation, either public or private, for the purpose of causing any such project to be managed;

(18) shall request the Council of the District of the Columbia, when required for implementation of the Pennsylvania Avenue Plan, to close any street, road, highway, alley, or any part thereof in the Pennsylvania Avenue Area. If the title to the street, road, highway, or alley so closed is in the United States, the Mayor of the District of Columbia shall convey the title to the land on behalf of the United States to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative expenses of the action. If the title to the street, road, highway, or alley so closed is not in the United States, the Mayor shall convey title to the land on behalf of the District of Columbia to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative costs of the action: *Provided*, That if the land would have reverted to a private abutting property owner under otherwise applicable law of the District of Columbia, the Corporation shall pay such owner the fair market value of the land that would have reverted to him.

(19) may transfer title to, interests in, or jurisdiction over real property which the Corporation has acquired or which has been acquired by PADC and is to be devoted to public uses to any agency of the United States or the District of Columbia. Agencies of the United States or the District of Columbia may accept such transfers under this paragraph, and shall thereafter administer and maintain the property in accordance with the Pennsylvania Avenue Plan and the terms of any transfer agreement.

(20) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

(21) shall publish and disseminate information about the Pennsylvania Avenue Area and the activities and programs of the Corporation;

(22) may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to members of the Board of Directors or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation;

(23) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors; and

(24) may conduct development competitions using the Development Policies and Procedures established by PADC for private development of property the Corporation owns or may obtain.

SEC. 8. POWERS OF OTHER FEDERAL AND LOCAL AGENCIES IN THE PENNSYLVANIA AVENUE AREA; CERTIFICATION OF NEW CONSTRUCTION.—

(a) Nothing in this Act shall preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the Pennsylvania Avenue Area consistent with the Pennsylvania Avenue Plan or the provisions and purposes of this Act; but no such agency or instrumentality shall release, modify, or depart from any feature or detail of the Pennsylvania Avenue Plan without the prior approval of the Corporation.

(b) As provided in the Act to amend the Act of October 27, 1972 (87 Stat. 1266) [enacted Oct. 1, 1974], no new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of any existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall be authorized or conducted within the Pennsylvania Avenue Area except upon prior certification by the Corporation that the construction is, or may reasonably be expected to be, consistent with the carrying out of the Pennsylvania Avenue Plan.

SEC. 9. CORPORATION AS GRANTEE OF PROPERTY AND PARTY TO PROCEEDINGS.—The title to any real property (or interest therein) acquired under the authority of this Act shall be taken by and in the name of the Corporation and proceedings for condemnation or other acquisition of property shall be brought by and in the name of the Corporation.

SEC. 10. COMPLIANCE WITH DISTRICT LAWS, ORDINANCES.—

(a) The Corporation shall comply with all District of Columbia laws, ordinances, codes, and regulations in constructing, rehabilitating, altering, and improving any project: Provided, That the provisions of section 428 of title 5 of the District of Columbia Code shall apply to all the constructing, reconstructing, rehabilitating, altering, and improving of all buildings by the Corporation. The construction, reconstruction, rehabilitation, alteration, and improvement of any project by non-Government sources shall be subject to the provisions of the District of Columbia Code and zoning regulations.

(b) For purposes of any District of Columbia law (including laws relating to taxation and building permits and inspections) the Corporation with respect to any project it may construct, rehabilitate, alter, or improve, shall be treated as the General Services Administration is treated with respect to acquisition and construction of a Federal building.

SEC. 11. TAX EXEMPTION.—Since the exercise of the powers granted by this Act will be in all respects for the benefit of the people, the Corporation is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the United States and of the District of Columbia.

SEC. 12. ANNUAL REPORT TO PRESIDENT AND CONGRESS.—The Corporation shall transmit to the President and the Congress, annually each March and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

SEC. 13. ASSETS AND FUNDS FOR CONDUCT OF BUSINESS.—

(a) Not later than October 1, 1997, all assets, liabilities, and obligations of PADC, including title to any personal and real property owned by PADC, shall be transferred to and become the assets, liabilities, obligations, and property of the Corporation.

(b) The Corporation is authorized to use in the conduct of its business all its funds and other assets and all funds and other assets which have been or may hereafter be transferred to, allocated to, borrowed by, or otherwise acquired by it.

SEC. 14. VIOLATIONS AND PENALTIES.—

(a) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to moneys and property of the Corporation.

(b) Any person who, with intend to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Any person who with intend to defraud Corporation (1) received any compensation, rebate, or reward, or (2) enters into any conspiracy, collusion, or agreement, express or implied, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

(d) Any person who violates any regulation promulgated hereunder governing the maintenance or use of the Pennsylvania Avenue Area shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $300 or by imprisonment for not more than three months, or by such fine and imprisonment. Such regulations shall be enforceable by the District of Columbia Police Department and the United States Park Police.

SEC. 15. SEPARABILITY OF PROVISIONS.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstances is held invalid the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

SEC. 16. The Government Corporation Control Act (31 U.S.C. 9101(3)(H) is amended by striking "Pennsylvania Avenue Development Corporation" and substituting "Pennsylvania Avenue Corporation" in lieu thereof.

SEC. 17. This Act shall be effective for a term of ten years unless otherwise extended by Congress.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Corporation such sums as may be necessary to carry out the purposes of this Act.

PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION,
Washington, DC, June 30, 1994.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a legislative proposal to authorize the creation of a federal entity to carry out maintenance responsibilities resulting from the federal ownership of the assets created or acquired by the Pennsylvania Avenue Development Corporation, whose operation is to be terminated in three years.

The proposal, if adopted by the Congress, would establish a much smaller successor agency for an initial period of ten years, permit it to solicit funds to help sustain it, and entrust it principally with the maintenance and preservation of all the public improvements and commercial and residential properties developed under the auspices of the Pennsylvania Avenue Development Corporation. All assets and liabilities of the Corporation would be transferred to the successor agency no later than October 1, 1997.

The Office of Management and Budget has advised us that there is no objection from the standpoint of the Administration's program to the submission of this draft legislation to the Congress.

Thank you.
Sincerely,

RICHARD A. HAUSER,
Chairman.●

By Mr. PRESSLER:

S. 2300. A bill to prohibit all United States military and economic assistance for Turkey until the Turkish Government takes certain actions to resolve the Cyprus problem and complies with its obligations under international law; to the Committee on Foreign Relations.

TWENTY YEARS OF TURKISH OCCUPATION IN CYPRUS

Mr. PRESSLER. Mr. President, today I am introducing a bill which would set restrictions on United States foreign aid to Turkey. The bill is the Senate version of H.R. 3475, which conditions United States military and economic assistance on a resolution of the Cyprus issue.

Today marks the 20th anniversary of the illegal division of Cyprus. As ethnic tension between Greek and Turkish Cypriots becomes more entrenched, the United States should lead the way toward a solution to this problem.

Setting a new standard for United States foreign aid to Turkey is not unreasonable. The past 20 years obviously have yielded no solution. Perhaps it is time to utilize the large carrot approach in U.S. foreign policy. The large carrot reward of continuing United States assistance should be well worth whatever sacrifice Turkey may feel it would make in ending the illegal occupation of northern Cyprus.

This bill would eliminate United States military and economic assistance to Turkey until certain provisions are met. The bill specifies the following conditions: the accounting of five Americans who have been missing since the 1974 invasion, the reconversion of churches in occupied Cyprus to their original Christian status, the Turkish authorization of a census of colonists, the withdrawal of all Turkish military forces and illegal colonists, the return of the occupied Famagusta/Varosha area, the continued negotiations toward the establishment of a true democracy in Cyprus, and the compliance of the Government of Turkey with relevant U.N. resolutions.

As I said in a Senate speech last week, Mr. President, the United States bears some responsibility for the continuing illegal occupation of northern Cyprus. United States weapons, purchased with United States military assistance, arm the occupation forces in northern Cyprus. My bill would correct that mistake and provide an incentive to end the violation of Cypriot sovereignty.

Mr. President, I ask unanimous consent that the text of my bill appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON ASSISTANCE FOR TURKEY UNTIL CERTAIN CONDITIONS MET.

(a) ASSISTANCE TERMINATED UNTIL CONDITIONS MET.—Military and economic assistance may not be provided for Turkey until the President certifies to the Congress that—

(1) the Government of Turkey has released, returned, or accounted for the 5 Americans who were abducted by the Turkish invasion forces in 1974 and the 1,614 Greek Cypriots who have been missing since the Turkish invasion;

(2) the churches in the occupied parts of Cyprus that were illegally converted to mosques in violation of the 1949 Geneva Conventions have been restored to their original condition for Christian worship;

(3) the Government of Turkey has authorized a census of the colonists on Cyprus to be taken under the auspices of the United Nations;

(4) all Turkish military forces, and all illegal Turkish colonists, have been withdrawn from Cyprus;

(5) the Government of Turkey has returned to the Government of Cyprus under the auspices of the United Nations the formerly Greek Cypriot area of Famagusta/Varosha for the immediate resettlement of displaced persons;

(6) the negotiations under United Nations auspices have resulted in significant progress toward establishing a constitutional democracy in Cyprus based on majority rule, the rule of law, and the protection of minority rights;

(7) the Government of Turkey is in compliance with paragraph 4 of Article 2 of the United Nations Charter and with relevant United Nations resolutions on Cyprus, including—

(A) General Assembly Resolution 3212 (XXIX) of 1974 which was endorsed by Security Council Resolution 365 (1974),

(B) Security Council Resolutions 353, 354, 357, 358, and 360 (1974), and

(C) Security Council Resolutions 774 and 789 (1992);

(8) the Government of Turkey is in compliance with the Preamble and Article 1 of the North Atlantic Treaty and with the Helsinki Final Act of the Conference on Security and Cooperation in Europe; and

(9) the Government of Turkey is not engaged in a consistent pattern of gross violations of internationally recognized human rights (within the meaning of sections 116 and 502B of the Foreign Assistance Act of 1961).

(b) MILITARY AND ECONOMIC ASSISTANCE DEFINED.—As used in this section, the term "military and economic assistance" means—

(1) any assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including any transfer of excess defense articles under sections 516 through 519;

(2) any assistance under chapter 4 of that part (relating to the economic support fund);

(3) any assistance under chapter 5 of that part (relating to international military education and training); and

(4) any assistance under the Arms Export Control Act.

By Mr. GRAHAM (for himself, Mr. PRESSLER, Mr. MACK, Mrs. BOXER, Mr. AKAKA, Mr. BOND, Mr. COCHRAN, Mr. DASCHLE, Mr.

DECONCINI, Mr. DURENBERGER, Mr. HEFLIN, Mr. KENNEDY, Mr. KERREY, Mr. KOHL, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SIMON, and Mr. WARNER):

S.J. Res. 211. Joint resolution to designate the second Sunday in October of 1994 as "National Children's Day"; to the Committee on the Judiciary.

NATIONAL CHILDREN'S DAY

Mr. GRAHAM. Mr. President, I rise today to introduce legislation to celebrate the children of our Nation by establishing National Children's Day on the second Sunday of October 1994.

Children's Day will enable us to pay tribute to children and to focus on issues that are vital to their health, development, and education. Many children today face crises of grave proportions, especially as they enter adolescent years. It is of particular concern that over 5 million children go hungry at some point each month, and that there has been a 60-percent increase in the number of children needing foster care in the last 10 years. It is also appropriate that adults in the United States have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years.

There are times when Congress can enact simple measures that ensure that the needs of our Nation's children are being recognized. It's the least we can do to celebrate the contributions children make in each of our lives and to all of America.

I urge my colleagues to join me in cosponsorship of National Children's Day.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 211

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans, thus everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1994 is designated as "National Children's Day," and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. PRESSLER. Mr. President, we often refer to children as our greatest resource, yet often they are not honored as they should be. We celebrate Mother's Day in May and Father's Day in June. When are children honored in that manner?

Children deserve their own special day of recognition. Today, I am pleased to join in a bipartisan introduction of a resolution declaring the second Sunday in October as "National Children's Day."

Mr. President, some children in our country are experiencing a childhood far from the ideal. A child may want someone to listen to his or her dreams or fears, but no adult is around to listen. A child may want his or her family to be together, but no adults are home all of the time. A child may want help with homework; but none is available. A child may want a bedtime hug; but goes to bed alone.

As the author of the first National Children's Day resolution 5 years ago, I am confident that the traditional day of observance, the second Sunday in October, is the most opportune time to celebrate National Children's Day. Not only is Sunday often reserved as a family day, it also accommodates the many National Children's Day volunteers who now anticipate this particular date.

Mr. President, you may be interested to learn that the first Children's Day was celebrated on the second Sunday in October 46 years ago on the campus of Notre Dame University. Dr. Patrick McCusker and his wife Mary decided it was time to honor their children and other children around them. Both worked tirelessly to honor children. Mary McCusker is now in an Omaha nursing home.

Since my first resolution was passed by Congress, Father Robert J. Fox has been instrumental in furthering the celebration of children. Father Fox, from my home State, now serves as the national chairman of National Children's Day for the Catholic Church. He has kept me informed of the many activities planned in anticipation of the passage of this resolution.

South Dakota experiences beautiful Indian summer days in early October, as do so many other States. Celebrating National Children's Day at this time of the year allows for related activities to be held outdoors. Plans are being finalized for an outdoor event in Alexandria, SD, to celebrate National Children's Day.

Mr. President, National Children's Day is a celebration of America's gratitude for and pride in her children. I am honored to join my colleagues in introducing a resolution that would respect the wishes of the founders of National Children's Day, Mary McCusker and her late husband, in declaring the second Sunday of October as National Children's Day.

ADDITIONAL COSPONSORS

S. 1690

At the request of Mr. PRYOR, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 2062

At the request of Mr. INOUYE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2062, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

S. 2073

At the request of Mr. SMITH, the names of the Senator from Missouri [Mr. BOND], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. CRAIG], the Senator from New York [Mr. D'AMATO], the Senator from Hawaii [Mr. INOUYE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 2073, a bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Ohio [Mr.

METZENBAUM] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2136

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 2136, a bill to prohibit sponsorship of television violence by agencies of the Federal Government, and for other purposes.

S. 2161

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 2161, a bill to amend title XVI of the Social Security Act to improve work incentives for people with disabilities.

S. 2183

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

S. 2246

At the request of Mr. DORGAN, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. LEAHY], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2264

At the request of Mr. DORGAN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 2264, a bill to provide for certain protections in the sale of a short line railroad, and for other purposes.

S. 2283

At the request of Mr. SHELBY, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 2283, a bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from California [Mrs. BOXER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nevada [Mr. BRYAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. DORGAN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

S.J. RES. 157

At the request of Mr. SASSER, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. PRYOR], the Senator from Rhode Island [Mr. PELL], the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. STEVENS], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. AKAKA], the Senator from Utah [Mr. HATCH], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate 1994 as "The Year of Gospel Music."

SENATE JOINT RESOLUTION 157

At the request of Mr. SASSER, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Arkansas [Mr. PRYOR], the Senator from Rhode Island [Mr. PELL], the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. STEVENS], the Senator from New York [Mr. D'AMATO], the Senator from Ohio [Mr. GLENN], the Senator from Hawaii [Mr. AKAKA], the Senator from Utah [Mr. HATCH], and the Senator from Minnesota [Mr. DURRENBERGER], were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate 1994 as "The Year of Gospel Music."

SENATE JOINT RESOLUTION 167

At the request of Mr. SIMON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 167, a bill to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week."

SENATE CONCURRENT RESOLUTION 60

At the request of Mr. GRAMM, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Concurrent Resolution 60, a concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America.

AMENDMENT NO. 2303

At the request of Mr. HEFLIN, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Amendment No. 2303 proposed to H.R. 4554, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

AMENDMENT NO. 2314

At the request of Mr. EXON, his name was added as a cosponsor of Amendment No. 2314 proposed to H.R. 4554, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes.

AMENDMENTS SUBMITTED

AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 1995

BROWN AMENDMENT NO. 2318

Mr. BROWN proposed an amendment to the bill (H.R. 4554) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place, in the committee amendment, insert the following new section:

SEC. . NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

The Agricultural Adjustment Act of 1938 is amended by inserting after section 320C (7 U.S.C. 1314i) the following new section:

"SEC. 320D. NO NET COST TO TAXPAYERS TOBACCO ASSESSMENT TO OFFSET CERTAIN TOBACCO IMPORT LIMITATIONS.

"(a) IN GENERAL.—Each domestic producer of tobacco shall remit to the Secretary a nonrefundable no net cost to taxpayers assessment in an amount determined under subsection (b) if the Secretary determines that—

"(1) a tariff-rate quota pursuant to Article XXVIII of the General Agreement on Tariffs and Trade is established with respect to tobacco;

"(b) AMOUNT.—

"(1) IN GENERAL.—In consultation with the Secretary of the Treasury, the Secretary shall determine the amount of the no net cost to taxpayers assessment required to be remitted by each producer under subsection (a) based on—

"(A) the quantity of tobacco produced by the producer; and

"(B) the requirement that the total of the amounts assessed against all producers shall be equal, to the maximum extent practicable, to the cost incurred by the Federal Government as a result of the conditions described in subsection (a), as determined under paragraph (2).

"(2) COST TO THE FEDERAL GOVERNMENT.—The cost to the Federal Government referred to in paragraph (1) shall be equal to—

"(A) in the case of a quota referred to in subsection (a)(1), the dollar value associated with the tariff-rate quota imposed on tobacco imported into the United States by—

"(i) a country with initial negotiating rights status; and

"(ii) a country that imports at least 10 percent of any kind of tobacco into the United States;

"(B) in the case of a quantitative limitation or fee referred to in subsection (a)(2), the dollar value associated with the limitation or fee; and

"(C) the dollar value associated with any additional tariff, fee, or assessment imposed, in response to the establishment or imposition of a quota, limitation, or fee referred to in subsection (a), by a country described in subparagraph (A).

"(c) COLLECTION.—An assessment imposed under this section shall be—

"(1) collected by the Secretary and transmitted to the Secretary of the Treasury for deposit in the general fund of the Treasury; and

"(2) enforced in the same manner as provided in section 320B.".

HATCH (AND FORD) AMENDMENT NO. 2319

Mr. HATCH (for himself and Mr. FORD) proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 72, between lines 15 and 16, insert the following:

None of the funds appropriated under this Act may be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except that expenses may be incurred for the service and airtime fees for the use of one cellular telephone). Any funds under this Act that were to be used by the Food and Drug Administration for the purchase or rental of cellular telephones for use by the Food and Drug Administration, and for the service and airtime fees related to the use of any cellular telephone used by the Food and Drug Administration (except expenses with respect to the service and airtime fees for the use of one cellular telephone) shall instead be used for the medical device approval activities of the Center of Devices and Radiological Health.

HELMS AMENDMENT NO. 2320

Mr. HELMS proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, add the following:

SEC. . Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without public hearings from his or her position because of remarks made during personal time in opposition to departmental policies, or proposed policies regarding homosexuals; provided that, any such individual so removed prior to date of enactment shall be reinstated to his or her previous position."

BUMPERS (AND OTHERS) AMENDMENT NO. 2321

Mr. BUMPERS (for himself, Mr. COCHRAN, Mr. LEVIN, Mr. NUNN, Mr. DOLE, and Mr. COVERDELL) proposed an amendment to the bill H.R. 4554, supra, as follows:

On page 32, strike line 21 and all that follows through the colon on line 10 on page 33, and insert in lieu thereof:

Such sums as may be necessary from the Commodity Credit Corporation shall be available, through July 15, 1995, to producers under the same terms and conditions authorized in chapter 3, subtitle B, Title XXII of Public Law 101-624 for 1994 crops, including aquaculture and excluding ornamental fish, affected by natural disasters: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That these funds shall be made available upon enactment of this Act:

COCHRAN AMENDMENT NO. 2322

Mr. COCHRAN proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 33, line 10, before the colon, insert: ": *Provided further*, That such funds shall also be available for payments to producers for 1995 through 1998 orchard crop losses, if the losses are due to freezing conditions incurred between January 1, 1994, and March 31, 1994, and Federal Crop Insurance is not available for affected orchard crop producers: Provided further, That the use of funds for this purpose is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act: Provided further, That such funds made available from the Commodity Credit Corporation shall be available to fund the costs of replanting, reseeding, or repairing damage to commercial trees (regardless of the age of the damaged trees), including orchard and nursery inventory, as a result of 1994 weather-related damages: Provided further, That the use of funds for these purposes is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and that such use shall be available only to the extent the President designates such use an emergency requirement pursuant to such Act".

COVERDELL (AND NUNN) AMENDMENT NO. 2323

Mr. COCHRAN (for Mr. COVERDELL for himself and Mr. NUNN) proposed an amendment to the bill H.R. 4554, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . REPAYMENT OF DEFICIENCY PAYMENTS.

In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1994 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1994 crop of a commodity prior to January 1, 1995.

BUMPERS AMENDMENT NO. 2324

Mr. BUMPERS proposed an amendment to the bill H.R. 4554, supra; as follows:

In the amendment strike all after "Administration" on line 24 and insert the following: "to remain available until expended, provided that the preceding shall take effect one day after the date of this bill's enactment.

"Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed without a hearing from his or her position because of remarks made during personal time regarding Departmental policies, or proposed policies,"

BROWN AMENDMENT NO. 2325

Mr. COCHRAN (for Mr. BROWN) proposed an amendment to the bill H.R. 4554, supra; as follows:

Strike line 15, on page 82, through line 5 on page 83, and insert the following:

SEC. 723. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7. U.S.C. 1446h) and section 405A of such Act (7. U.S.C. 1425A) in excess of zero dollars in the 1994 and 1995 crop years.

MURKOWSKI AMENDMENT NO. 2326

Mr. MURKOWSKI proposed an amendment to the bill H.R. 4554, supra; as follows:

On page 56, line 7, before the period, insert the following: "*Provided further*, That, notwithstanding subsection (a) of section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)), a loan made, insured, or guaranteed under such subsection may exceed $25,000,000, but may not exceed $50,000,000, in principal amount".

DISTRICT OF COLUMBIA APPROPRIATIONS

GRAMM AMENDMENT NO. 2327

Mr. KOHL (for Mr. GRAMM) proposed an amendment to the bill (H.R. 4649) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.—

(1) PURPOSE.—The purpose of this section is to reduce the employment level of the District of Columbia government by an amount proportional to the reduction of 252,000 Federal employees proposed by the Vice President's Reinventing Government Initiative.

(2) REDUCTION.—The total number of full-time equivalent positions financed from District of Columbia appropriated funds shall not exceed—

(1) 34,875 during fiscal year 1995;
(2) 34,163 during fiscal year 1996;
(3) 33,451 during fiscal year 1997;
(4) 32,739 during fiscal year 1998; and
(5) 32,028 during fiscal year 1999.

(b) MONITORING AND NOTIFICATION.—The Mayor of the District of Columbia shall—

(1) regularly monitor the total number of full-time equivalent positions financed from District of Columbia appropriated funds and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (a) are met; and

(2) notify the appropriate committees of the Congress on the first date of each quarter of each applicable fiscal year of the determinations made under paragraph (1).

MURKOWSKI AMENDMENT NO. 2328

Mr. KOHL (for Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4649, supra; as follows:

On page 10, line 16, before the period insert ": *Provided further*, That the District of Columbia shall provide that the lights at parks and playgrounds equipped with lights be lit at a level sufficient to deter crime from the time beginning one hour before sunset until one hour after sunrise".

WARNER AMENDMENT NO. 2329

Mr. KOHL (for Mr. WARNER) proposed an amendment to the bill H.R. 4649, supra; as follows:

At the appropriate place, insert the following:

LOANS TO MODERNIZE THE WASHINGTON AQUEDUCT

To the extend subsequently authorized, for loans to jurisdictions served by the Washington Aqueduct, such amount of direct loan authority in any of fiscal years 1995 through 2004 as may be necessary to modernize that aqueduct: *Provided*, That the Secretary of the Treasury sets terms and conditions on those loans that will result in an estimated cost to the government of zero.

MODERNIZATION OF THE WASHINGTON AQUEDUCT

To the extent subsequently authorized, the Corps of Engineers may receive payments in any of fiscal years 1995 through 2004 from jurisdictions served by the Washington aqueduct in amounts necessary to fund its modernization and amounts so received are appropriated for that purpose, to remain available until expended.

McCONNELL AMENDMENT NO. 2330

Mr. BURNS (for Mr. McCONNELL) proposed an amendment to the bill H.R. 4649, supra; as follows:

At the appropriate place in the bill, insert the following: "The District of Columbia shall report to the Congress how monies provided under this fund are expended. And a full accounting shall be made to Congress by March 15, 1995."

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Monday, July 25, 1994, on oversight of EPA's implementation of the nonattainment provision of the Clean Air Act in the Lake Michigan region. The hearing will take place at 1:30 p.m. in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Thursday, August 4, 1994, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills pending before the subcommittee:

S. 399 and H.R. 457, to provide for the conveyance of lands to certain individuals in Butte County, CA;

S. 1250, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado;

S. 1998, to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes;

S. 2001, to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes;

S. 2033, to provide for the exchange of certain lands within the State of Montana;

S. 2078, to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; and

H.R. 1716, a bill to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Kira Finkler of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 20, beginning at 10 a.m. to conduct a hearing on the semiannual monetary policy report of the Federal Reserve.

The PRESIDING OFFICER. Without objection, is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. KOHL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 20, 1994, to consider pending calendar business; please see attached.

The PRESIDING OFFICER. Without objection, is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KOHL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 20, beginning at 2 p.m. to conduct a hearing on proposed reforms to current policies on floodplain management and flood control.

The PRESIDING OFFICER. Without objection, is so ordered.

SUBCOMMITTEE ON FEDERAL SERVICES, POST OFFICE, AND CIVIL SERVICE

Mr. KOHL. Mr. President, I ask unanimous consent that the Subcommittee on Federal Services, Post Office, and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 20, 1994, to review the Federal role in improving our child support system.

The PRESIDING OFFICER. Without objection, is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO JERRY FEARING

• Mr. DURENBERGER. Mr. President, when Jerry Fearing, editorial cartoonist for the St. Paul Pioneer Press, puts down his pen on July 29, people in politics who look at newspapers to see how they are perceived will have a hard time measuring that perception outside the editorial pages. In this, the era of 10-second sound bytes, who can say what medium is an accurate gauge of perception, reality or meaning?

But if a picture paints a thousand words, then Jerry spoke volumes to us. Judging from Jerry's work, I could tell when my work made sense and was meaningful to him and to the people I represent. And I could tell when he was disappointed in me and that hit me the hardest. Jerry accomplished this because he knows the people of Minnesota—and us, as politicians—so well.

Jerry started cartooning at the St. Paul Dispatch in 1957 and is estimated to have drawn 11,000 cartoons since then.

I have watched the character of politicians for nearly 30 years and have known Jerry since I began paying attention to editorial cartoons at the start of my law partner's campaign for Governor in late 1965.

And after Harold Levander left office, I went down and collected all of Jerry's Levander cartoon plates. Like nothing else, they told the story of the man, the times and how they shaped each other.

Over time everything has changed: editorial cartoons and journalism, politics and politicians, and myself.

That Jerry came up with a meaningful statement in all of his works over 29 years is a testament to his knowledge, creativity and insight.

His editor Ron Clark said that it is becoming more and more difficult to draw cartoons that are meaningful without offending someone. He said: "If the thought police insist that cartoons or jokes should offend no one, Fearing predicts the day will come when there will be no humor in the world."

And just as Jerry said he would not encourage young people to pursue careers as political cartoonists, I would not encourage my sons into the world of politics.

I have become a friend of Jerry's over the years and respect him and his judgement enormously. To say I will miss Jerry as both an editorial cartoonist and person is a vast understatement.

On January 2, 1995, perhaps I will collect cartoon plates of my own, just as I did for Harold Levander, and reflect on a career that was touched by the wit, wisdom and talent of Jerry Fearing.●

A TRIBUTE TO GREEN THUMB

● Mr. ROCKEFELLER. Mr. President, today I would like to commend an organization that is promoting worthwhile and notable changes in the lives of our country's older citizens through job training and placement. That organization is called Green Thumb.

The organization was established in 1965, during President Johnson's War on Poverty, to extend to male farmers above the age of 55 the opportunity to continue using and often enhancing their skills in agriculture development. Through a government beautification agenda including grounds maintenance and landscaping, these men were able to use their skills as well as remain self-sufficient beyond the average age of retirement. It was the focus on vegetation and farming that christened the organization Green Thumb.

When the First Lady, Mrs. Johnson, discovered the organization, it became her goal to involve American women in the program. She discovered that there were many women above the age of 55 who, due to the fact that domestic labor goes unpaid, had collected no Social Security and were often left with little or nothing to live on. Most importantly, however, these women had a variety of skills developed over a lifetime of work as well as an ability to adapt and acquire new skills, but lacked an outlet for them. In 1969 an addition to Green Thumb, called Green Light, was formed for women above the age of 55.

Since 1969, Green Light has merged with Green Thumb and the organization has expanded beyond agricultural job training and placement. In West Virginia alone, Green Thumb serves 10 counties and has over 100 trainees, all above the age of 55 and all desiring an outlet for their skills and desire to work. These are people like Evelyn Freeman, a 72-year-old Welch, WV woman. Evelyn worked night shifts as a nurse aide and during the day raised her 12 children and 4 stepchildren. When she suffered a heart attack, she was forced to retire. Not one to rest too long, though, Evelyn consulted the offices of Green Thumb for help getting a new position and was placed in the McDowell County Public Library. A fast learner and terrific addition to the library, Evelyn is now in charge of the children's library where she works with children between the ages of 3 and 5. Thanks to Green Thumb, Evelyn was able to put her motivation and skills to productive and rewarding use.

For many of West Virginia's older citizens, Green Thumb placement supervisor Brenda Richardson fulfills dreams. Once an individual enters Green Thumb's doors, they are trained and placed in a community organization. It is Ms. Richardson's job to find these trainees full time positions. Her rate of outside employment for her trainees has been, in the past, well above 40 percent and is ever increasing. Of the 18,000 Green Thumb workers from 44 States across the country, Ms. Richardson, just this past year, placed 96 West Virginians in private business positions.

Because of Federal funding and leadership, Green Thumb ensures that older Americans get the training and placement they need to work and continue contributing to their local communities. As Carole Kincaid, the State director of Green Thumb for West Virginia and Kentucky, put it so eloquently, "This is the most rewarding work you could possibly do. When you see the look on the faces of these older people who want to work, who don't want hand-outs, well, it's just the most heartwarming feeling you can have."

It is with great honor that I salute the almost 30 years of effort and success of the Green Thumb program.●

TESTING OF F-22

● Mr. D'AMATO. Mr. President, as I noted in my statement Monday, I am very disturbed by the lack of electronic combat effectiveness testing called for in the F-22 Test and Evaluation Master Plan [TEMP]. I, and my colleagues, have shared our concerns with Air Force Secretary Widnall, and I understand that a response will be forthcoming very soon.

Without prejudging the Air Force response, I want to inform my colleagues that I am considering an amendment to fence F-22 funds subject to the completion of the latest update to the F-22 TEMP. The current TEMP is clearly inadequate, and its successor has languished in draft for some time. At present, the Air Force does not intend to conduct electronic effectiveness testing prior to production. Without such testing, it will be impossible to verify whether the F-22's combination of stealth, speed, and integrated avionics actually exploit and/or degrade air defenses, improve mission effectiveness, and increase survivability.

Proper testing of the F-22's avionics does not seem to be too much to ask in exchange for the $2.5 billion we are being called upon to provide in fiscal year 1995.●

LOOK AGAIN AT TAIWAN

● Mr. SIMON. Mr. President, I am pleased the Senate adopted a resolution I introduced asking for reappraisal of our relationship with Taiwan.

The irony is that we are going out of our way to please the People's Republic of China, which is a dictatorship, while thumbing our noses at Taiwan, which has a multiparty democracy and a free press.

The New York Times had an excellent editorial on the Taiwan situation, and I ask that it be placed into the RECORD at the end of my remarks.

I would urge my colleagues, as well as representatives of the administration, to look carefully at the Taiwan editorial, which makes so much sense.

The editorial follows:

LOOK AGAIN AT TAIWAN

If buying $8 billion worth of American products entitles China to flout President Clinton's human rights requirements and still win renewal of its trade privileges, buying twice that amount should entitle Taiwan to a little diplomatic respect.

Taiwan has one of Asia's most developed economies, best armed militaries and most vibrant democracies. Yet Taiwan's President is not allowed to stay overnight on American soil, Taiwanese officials are not allowed to meet their U.S. counterparts in government buildings and Taiwan's diplomatic offices in this country cannot use any name that would identify the country they represent.

This charade reflects the long-held position of both Taipei and Beijing that there is only one China and that it includes both the mainland and Taiwan. Washington abided by this fiction both before and after it switched

U.S. recognition from Nationalist Taiwan to the Communist mainland in 1979.

But in reality two distinct societies, economies and political systems have grown up on either side of the Taiwan Straits. And despite its official "one China policy," Taipei now seeks diplomatic recognition as a separate political entity.

That has prompted the Clinton Administration to undertake a cautious review of U.S. policy. The resulting recommendations await White House approval. They would ease some of the more humiliating diplomatic restrictions now in force. Cabinet-level visits in both directions would be permitted. Meetings could take place on official premises. Taiwan's unofficial representative offices could be renamed. These are useful steps, meant to make it easier for Americans to do business with the country's fifth-largest trading partner.

But recognizing reality should not stop there. Taiwan is too important a factor in East Asian politics, economics and security to be left out of the new post-cold war order now taking shape. It belongs in the new World Trade Organization. It ought to be included in the Asean Regional Forum on security being launched in Bangkok later this month. And ideally, it should be admitted to the U.N.

The main obstacle to Taiwan's inclusion in such organizations is the bellicose opposition of mainland China, which openly asserts the right to invade and annex Taiwan if the Government there acts too independently. Beijing claims that its relations with Taiwan are an internal matter to be resolved by the two sides alone without outside involvement.

It is not in America's interest to provoke China on this score. But shutting Taiwan out of international forums also carries risks for the U.S. Under present arrangements, if China made good on its threats to attack, other Asian countries would look the other way while the United States, alone, would find itself caught in the middle of the fray.

Last year, Washington helped arrange a compromise formula that let Taiwan participate in the Asia-Pacific economic summit meetings in Seattle. Now it should begin exploring ways to involve Taiwan in the new regional security forum as well.•

RECOGNITION OF JOE S. DUSENBURY AS OUTSTANDING VOCATIONAL REHABILITATION LEADER

• Mr. HARKIN. Mr. President, I would like to take this opportunity to recognize one of this Nation's great leaders in the field of vocational rehabilitation. For 18 years, Joe S. Dusenbury has provided leadership as Commissioner of the South Carolina State Agency of Vocational Rehabilitation, quietly building it into one of the strongest programs of its kind.

Finding jobs for those who have mental and physical disabilities on a daily basis is a challenging task because, unfortunately, many employers still believe that people with disabilities are not qualified to work in competitive employment. Yet, the success of the South Carolina VR Agency has continued to grow. Just last year, 8,392 clients were placed in paying jobs, many of them in cooperative partnerships with industry that Joe helped to create. These jobs provided $8.6 million worth of work for South Carolina industries last year. While serving more than 3 times the national average per 100,000 citizens, the agency has kept the cost per case in South Carolina to about half the national average.

While these figures are impressive, they are nothing when compared to the importance of assisting fellow Americans with the opportunities to find new careers, develop self-esteem, and start life over again.

Joe has seen thousands of persons with disabilities come through the doors of his VR agencies. The Cherry Grove citizen who became a quadriplegic after a diving accident, then received VR job assistance to find employment as a commercial fisherman; the Florence man with no arms who found a job as an auctioneer; and the young couple from Columbia who were married in their motorized wheelchairs; each of whom are indebted to the works of Joe Dusenbury and the South Carolina VR Agency.

Now, as Joe ends his tenure as commissioner of the South Carolina Vocational Rehabilitation and begins another stage in his life, we wholeheartedly thank him for his good works and wish him the best in years to come.

Joe began his work in rehabilitation over 30 years ago as the principal of Poyner Junior High School in Florence, SC. There, he discovered that he had a talent for finding students employment who faced extra challenges on the road to success. His victories in this realm and his master's in educational administration from the University of South Carolina provided for a successful transition into vocational rehabilitation counseling.

Joe's successes can be attributed to his close affiliations with the State legislature to develop a concrete agenda for the VR program. He has made VR a bipartisan political program on which everyone can agree. In his own words, Joe states: "Our program cuts across all barriers. It just makes good sense to help people be productive, taxpaying citizens, instead of relying on the taxpayers to support them the rest of their lives."

Always prepared, steadfast, and productive, the South Carolina VR Agency has found innovative ways to fund projects, even as belts have tightened statewide. Over the years, the agency has built its own rehabilitation centers around the State while continuing to place South Carolinians in jobs, thus keeping them off the dole. These achievements have established the agency's reputation for continual improvement in the State legislature and nationwide.

Throughout his career, Joe has been duly recognized for these achievements. Among the many awards for his service, he has received President George Bush's Distinguished Service Award for work in the disabilities field; the South Carolina State Victory Award for "providing the most services to help persons with disabilities in South Carolina"; the Social Security Administration's Outstanding Service Award for "providing Social Security beneficiaries and Supplementing Security Income recipients extensive opportunities to reestablish meaningful and productive lives"; and the Rehabilitation Services Administration Commissioner's Distinguished Service Award, for "historic contributions to the productive independence, equality, and quality of life of people with disabilities."

He has also served as chairman of the National Council on the Handicapped, a member of the Council of State Administrators of Vocational Rehabilitation [CSAVR], and a member of the President's Committee on Employment of People With Disabilities.

These awards come with sincere gratitude of each individual who has found employment through your programs. We congratulate Joe Dusenbury here today for over 30 years of loyal service to persons with physical and mental disabilities and the vocational rehabilitation community and wish him continued success in future endeavors.•

SHORT-LINE RAILROAD SALES—S. 2264

• Mr. BAUCUS. Mr. President, today I asked Senator DORGAN to include me as a cosponsor of S. 2264, a bill to provide certain worker protections in the sale of short-line railroads.

I am an enthusiastic cosponsor of this important bill because it closes an improper and too often used regulatory loophole in the Interstate Commerce Act. The bill is important to many railroad workers in Montana, and throughout the country. I, therefore, urge the Commerce Committee to swiftly act on this measure.

Under existing law, when workers are affected by the abandonment or merger of rail lines, the Interstate Commerce Commission [ICC] requires that those workers are protected during the transaction. In spite of this, when a railroad company sells a short line to nonrailroad entities the ICC requires no such protection. This loophole has encouraged railroad companies to artificially create nonrailroad entities for the sole purpose of avoiding worker protection. This practice must stop.

This legislation has the potential to save hundreds of high-wage rail jobs in Montana. It provides the employee protection these rail workers deserve. The bill would require railroad companies to provide the same degree of protections to workers affected by short-line sales as apply to approved mergers or abandonments. Under this bill, the ICC will prevent railroad companies from using the existing loophole to avoid labor protections.

Mr. President, I ask that a letter I received from Jim Mular, State legislative director for the Transportation-Communication International Union in Butte, MT, be submitted into the RECORD immediately following my remarks. This thoughtful letter details the uses of this loophole in Montana and its devastating effects on rail workers.

The hardships that have been imposed on workers by railroad companies using this loophole are painfully real. Our ability to correct this abuse with this legislation is equally real. I am proud to be a cosponsor of this legislation and I urge my colleagues to pass it without delay.

The letter follows:

TRANSPORTATION COMMUNICATIONS
INTERNATIONAL UNION, AFL–CIO—
CLC

May 19, 1994.

To: Senator Max Baucus—Montana, Washington, DC.

Subj: Dear Colleague Letter Senator Byron Dorgan—North Dakota, seeking co-sponsorship to Shortline Sale(s) Employee protection.

FRIEND MAX: Reference is made to the subject matter. As you know Short-Line Railroad sales (pursuant to 49 U.S.C. Sec. 10101) have been side-tracking rail labor contracts during the Reagan/Bush administrations. Conservative ICC appointees have been remiss in enforcing rail labor protection whenever Class I rail carriers spun off rail lines to short-line operators.

Three significant short line sales in Montana imposed hardships on rail employees. Butte Anaconda & Pacific Railroad (BA&P) was sold to the Rarus Railroad. This transaction was before the ICC for years seeking labor protection. The Commission held that employee protection was inherently permissive by the ICC. Sec. 49 U.S.C. 10101 states that the commission MAY impose employee protection arising from a short line sale.

Senator Dorgan's bill would mandate employee protection by striking the word MAY. . . . Rail employee protection is mandated in all other rail transactions affecting employees, ie: Mergers, Branch Line Abandonments, Facility consolidations, joint track operations etc.

Another sale between Burlington Northern (BN) and the (MWR) Montana Western Railroad became an exempt bridge carrier from Butte/Silver Bow to Garrison, Montana. Resulting in the I.C.C. ignoring the severe economic impact to BN and BAP employees. Wages were reduced by 40% and fringe benefits by 50%—without the ICC imposing 49 U.S.C. 10101 labor protection.

Central of Montana Railroad (CMR) between Denton/Lewistown, Montana was sold by BN with the same scenario impacting BN jobs, along with inferior working conditions such as crossing craft lines.

Exempt short lines transactions are usually conditioned under direct control of the selling Class I railroad, ie: Freight rate tariffs, inner-line costs, and rolling stock. A shortline operator is merely an employee of the "biggies"—they are legal images of the mother railroad under the Staggers Act of 1980. The I.C.C. ignores ordering labor protection for the employees who are affected by these exempt transactions.

Senator Dorgan's bill would remedy this unjust ICC action. Moreover it would save hundreds of high paying Montana railroad jobs.

A similar bill has been introduced in the U.S. House of Representatives (HR 3866 Congressman Bernard Sanders D-VT) with over 90 co-sponsors.

Max!! TCU members in Montana would appreciate your co-sponsorship on Senator Dorgan's bill. . . .

During your tenure in the U.S. House and Senate you have always supported Montana Rail Workers. We need you again to maintain high paying railroad jobs in Montana. Thanks!!!

Your friend,

JAMES T. MULAR (BIG JIM!)•

SCHERING-PLOUGH CORP.

• Mr. SIMON. Mr. President, I would like to recognize Schering-Plough for receiving the Environmental Achievement Recognition Certificate by the U.S. Environmental Protection Agency. Schering-Plough was awarded this certificate for voluntarily reducing permitted chemical emissions at its manufacturing facilities.

Schering-Plough has proven itself to be a leader in pollution prevention efforts. In 1991, Schering-Plough agreed to participate in the EPA's "33/50" Program. The program sought to cut releases of targeted chemicals by 33 percent by 1992 and 50 percent by 1995. Schering-Plough pledged to reduce emissions by 70 percent by 1995, but was able to reach this goal 3 years ahead of schedule.

Schering-Plough is a research-based company which develops, manufacturers, and markets pharmaceuticals and health care products worldwide. The company plans to continue its commitment to the environment and achieve further emissions reductions through improved recovery systems, process modifications, and improved materials management.

Mr. President, we are all aware of the importance of protecting our environment. In order to ensure a safe environment for future generations, we must work to implement cost-effective pollution prevention measures now. Schering-Plough has recognized this fact, and I commend them for their dedication to a cleaner environment.•

DEVELOPMENT COMPANY PROGRAM

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4322, a bill to increase the authorization for the Development Company Program within the Small Business Administration, just received from the House; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table; and that any statement relating to this matter appear in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4322) was deemed read the third time and passed.

HONORING 14 FEDERAL FIREFIGHTERS

Mr. KOHL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 242, a resolution to honor the 14 Federal firefighters who died while fighting a wildfire near Glenwood Springs, CO, and that the Senate then proceed to its immediate consideration; that the resolution be agreed to, the motion to reconsider be laid upon the table, the preamble agreed to; and that any statements relating thereto appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 242) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

(The resolution was not available for printing. It will appear in a future issue of the RECORD.)

MEASURE DISCHARGED AND REFERRED—H.R. 4598

Mr. KOHL. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 4598, a bill making technical corrections to the Coastal Barriers Resource System; and that the measure then be referred to the appropriate committee of jurisdiction, Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING MOON LANDING

Mr. KOHL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 261, a concurrent resolution relating to the Moon landing, just received from the House; that the concurrent resolution be adopted, the preamble agreed to and the motion to reconsider laid upon the table; further, that any statements appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 261) was agreed to.

The preamble was agreed to.

TIME FOR OBSERVANCE

Mr. KOHL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 172, designating May 30, 1994, through June 6, 1994, as a "Time for the National Observance of the Fiftieth Anniversary of World War II".

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S. J. Res. 172) entitled "Joint Resolution designating May 30, 1994, through June 6, 1994, as a 'Time for the National Observance of the Fiftieth Anniversary of World War II'", do pass with the following amendments:

In the last clause of the preamble, strike ", 1994," each place it appears.

Page 2, line 3, strike "May 30, 1994, through June 6, 1994, and insert: "May 29, 1995, through June 6, 1995,".

Amend the title so as to read: "Joint Resolution designating May 29, 1995, through June 6, 1995, as a 'Time for the National Observance of the Fiftieth Anniversary of World War II'".

Mr. KOHL. Mr. President, I move that the Senate concur en bloc in the amendments of the House to the resolution, preamble and the title.

The motion was agreed to.

ORDERS FOR TOMORROW

Mr. KOHL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:45 a.m., Thursday, July 21; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; that immediately following the announcement of the Chair, Senator HEFLIN be recognized for up to 10 minutes, with Senator GRAMM of Texas recognized for up to 10 minutes, and with up to 20 minutes under the control of Senator BREAUX, or his designee, with Senator MURKOWSKI recognized for up to 10 minutes; that upon disposition of H.R. 4649, the Senate proceed to the consideration of calendar No. 519, H.R. 4556, the transportation appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. KOHL. Mr. President, if there is no further business to come before the Senate today, and I see no other Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:09 p.m., recessed until Thursday, July 21, 1994, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1994:

DEPARTMENT OF DEFENSE

WALTER BECKER SLOCOMBE, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF DEFENSE FOR POLICY, VICE FRANK G. WISNER.

JAN LODAL, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR POLICY, VICE WALTER BECKER SLOCOMBE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LESTER L. LYLES [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. FREDERICK M. FRANKS, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

LT. GEN. WILLIAM W. HARTZOG, [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. DANIEL W. CHRISTMAN [redacted]

TE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DAVID A. BRAMLETT [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. ROY L. ALSOP, [redacted], 4/7/94
MAJ. MICHAEL S. BASSI [redacted], 3/29/94
MAJ. CAROLYN F. BRAY, [redacted], 4/10/94
MAJ. MICHAEL G. DONATELLI, [redacted], 4/10/94
MAJ. DAVID K. HARRIS, [redacted], 4/5/94
MAJ. ROBERT F. LAKE [redacted], 3/16/94
MAJ. JAMES J. LAURIA [redacted], 4/8/94
MAJ. JOHNNY J. MC CORMICK, [redacted], 4/9/94
MAJ. EWIN R. SANSOM, [redacted], 4/8/94
MAJ. FRANK J. TISCIONE [redacted], 3/6/94
MAJ. DONALD J. WALSLAGER, [redacted], 4/10/94

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. KENTON R. GOTTSCHALK, [redacted], 4/23/94
MAJ. CHARLES M. SIMMONS, [redacted], 4/9/94

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. JIMMIE L. BENTON, [redacted], 4/25/94
MAJ. WILLIAM E. ENRIGHT, [redacted], 4/9/94
MAJ. THOMAS M. REEVES, [redacted], 2/26/94

BIO-MEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. CARL R. WILLERT, [redacted], 4/16/94

MEDICAL CORPS

To be lieutenant colonel

MAJ. PHILIP E. BAILY, [redacted] 3/5/94
MAJ. JIM C. CHOW, [redacted], 4/9/94
MAJ. TIMOTHY J. MC CORMICK, [redacted], 4/10/94

NURSE CORPS

To be lieutenant colonel

MAJ. MARY W. WEXLER, [redacted], 4/10/94

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be lieutenant colonel

RICHARD C. ADAMS*, [redacted]
WILLIAM A. BEYERS, [redacted]
WILLIAM F. BRUCE I, [redacted]
JOHN W. BRYSON I,* [redacted]
CHRISHON S. BURT*, [redacted]
JOHN J. BUYER [redacted]
EDWARD R. CHESLA*, [redacted]
PAUL CHRISTIANSON*, [redacted]
LEMUEL L. COVINGTON*, [redacted]
CHARLENE A. CZUSZAK*, [redacted]
JIMMY R. DANIELS* [redacted]
JAMES DAVIS JR.* [redacted]
CARLOS O. DELEON [redacted]
MICHAEL G. DORAN*, [redacted]
WILLIAM DRAGOLICH, [redacted]
STEVEN L. EIKENBERG [redacted]
TRENT C. FILLER [redacted]
JOSEPH P. FRENO [redacted]
CATHLEEN M. GASIOR*, [redacted]
JOHN M. GRIFFIES [redacted]
DAVID R. HILL, [redacted]
STEVEN D. HOKETT [redacted]
STEVEN L. KENNEY [redacted]
JAMES G. MADISON*, [redacted]
MARK E. MC CLARY, [redacted]
GEORGE W. MC MILLIAN, [redacted]
LAWRENCE W. MEADORS*, [redacted]
JAMES S. NORTHERN*, [redacted]
PHILLIP H. PATRIDGE* [redacted]
RUSSELL C. PECK*, [redacted]
ROBERT ROSENHEIMER*, [redacted]
ARTHUR C. SCOTT, [redacted]
DAVID J. STORIE* [redacted]
GEOFFREY THOMPSON, [redacted]
JAMES L. THOMPSON [redacted]
ROBERT A. TONEY, [redacted]
JOHN F. UPHOFF* [redacted]
DEAN S. UYENO, [redacted]
JOHN J. WASILEWSKI [redacted]
ALDRED V. WILLIAMS*, [redacted]
STEPHEN B. WILLIAMS* [redacted]
PETER ZAGURSKY, JR.*, [redacted]

MEDICAL CORPS

To be lieutenant colonel

ROBERT S. ADAMS*, [redacted]
KEITH S. ALBERTSON*, [redacted]
DEBROAH A. ALTEMUS*, [redacted]
JUAN R. AMADOR, [redacted]
YVONNE M. ANDEJESKI, [redacted]
DANA A. ANDERSEN*, [redacted]
CARL J. BASAMANIA*, [redacted]
NICHOL BATTAFARANO*, [redacted]
REBECCA C. BENT*, [redacted]
VINCENT C. BENTLEY* [redacted]
BENJAMIN W. BERG*, [redacted]
KENNETH A. BERTRAM, [redacted]
MARK G. BLASKIS*, [redacted]
TIMOTHY J. BOLEY*, [redacted]
MARK D. BRISSETTE* [redacted]
JOHN D. BROPHY*, [redacted]
JAMES E. BRUCKART [redacted]
RALF P. BRUECKNER* [redacted]
TERESA M. BUESCHER*, [redacted]
MICHAEL J. BUNDA*, [redacted]
KEVIN J. CARLIN* [redacted]
ANDREW J. CARTER*, [redacted]
BRIAN S. CARTER*, [redacted]
JOHN D. CASLER*, [redacted]
DAVID M. CHENEY*, [redacted]
JUDITH L. CHIGER*, [redacted]
DIANNA CHOOLJIAN*, [redacted]
JEFFREY B. CLARK [redacted]
DONALD A. COLE*, [redacted]
LEO A. CONGER*, [redacted]
RALPH D. COOK*, [redacted]
ELIZABETH CORRENTI,* [redacted]
MARC G. COTE,* [redacted]
TIMOTHY W. CRAINE, [redacted]
KATHLEE DAVIDBAJAR,* [redacted]
TIMOTHY DEACONSON,* [redacted]
JERRY W. DIXON,* [redacted]
JOSEPH J. DRABICK,* [redacted]
RICHARD ELLENBOGEN,* [redacted]
DAVID C. ELLIOTT,* [redacted]
ROBERT B. ELLIS,* [redacted]
LINDA Y. EVANS [redacted]
WILLIAM S. EVANS, [redacted]
MICHAEL E. FARAN,* [redacted]
BRIAN H. FEIGHNER,* [redacted]
MARK L. FRANCIS,* [redacted]
RICHARD J. GALLAWAY,* [redacted]
WILLIAM B. GAMBLE,* [redacted]
DAN L. GEHLBACH,* [redacted]
RONALD L. GELZER, [redacted]
PATRICK L. GOMEZ,* [redacted]
STEVEN R. GRIMES [redacted]
RANDALL R. HAASE,* [redacted]
KEVIN L. HALL, [redacted]
ROGER G. HANSEN,* [redacted]
DAVID K. HAYES,* [redacted]
RICHARD D. HEEKIN, [redacted]
JAMES D. HELMAN,* [redacted]
KENNETH A. HIRSCH,* [redacted]

RAY E. JENSEN [redacted]
JOHN A. JOHNSON, [redacted]
DAVID L. JONES,* [redacted]
STEPHEN D. JONES,* [redacted]
DANIEL S. JORGENSON,* [redacted]
RICHARD W. KRAMP, [redacted]
MARGOT R. KRAUSS, [redacted]
TIMOTHY C. LANDES,* [redacted]
DANIEL H. LANGE,* [redacted]
STEVEN B. LARSON [redacted]
DOUGLAS S. LAX,* [redacted]
PAUL H. LEITSCHUH,* [redacted]
JEFFREY L. LENNOX,* [redacted]
JOHN J. LESICA,* [redacted]
WADE A. LILLEGARD, [redacted]
JAMES R. MALCOLM, [redacted]
KIM R. MARLEY,* [redacted]
DAVID W. MARTIN, [redacted]
ROBERT R. MARTIN, [redacted]
THOMAS R. MARTIN,* [redacted]
MIGUEL J. MARTINEZ,* [redacted]
THOMAS M. MARTINKO, [redacted]
GEORGE B. MCCLURE, [redacted]
JOHN T. MCDONALD,* [redacted]
GORDON B. MILLER, [redacted]
JULIA A. MORGAN,* [redacted]
TERRI P. MORRIS,* [redacted]
DAVID D. MUKAI,* [redacted]
CRIS P. MYERS, [redacted]
PETER J. NAPOLI,* [redacted]
STEVEN R. NEISH,* [redacted]
ROBERT K. NOBACK,* [redacted]
STEVEN A. OLDER,* [redacted]
ARMANDO OLIVA,* [redacted]
WILLIAM R. OLIVER,* [redacted]
ANA B. OSCOS,* [redacted]
DAN W. PARKINSON, [redacted]
ANA L. PARODI,* [redacted]
GREGORY PATTERSON,* [redacted]
MARTIN G. PAUL,* [redacted]
JACK T. PEARSON,* [redacted]
DENNIS S. PEPPAS [redacted]
CAROL E. PILAT,* [redacted]
JOHN D. PITCHER,* [redacted]
HOWARD M. PLACE,* [redacted]
TIMOTHY P. REARDEN,* [redacted]
PAUL C. REYNOLDS, [redacted]
MARGARE RICHARDSON,* [redacted]
JEFFREY R. RIFKIN [redacted]
ROBERTO RODRIGUEZ,* [redacted]
JANE E. ROWE,* [redacted]
THOMAS A. ROZANSKI,* [redacted]
DOREEN SALTIEL,* [redacted]
MICHAEL R. SCHAUB, [redacted]
JAMES K. SCHROEDER,* [redacted]
ERIC W. SCOTT,* [redacted]
STEVEN R. SHANNON, [redacted]
HOWARD W. SHARF,* [redacted]
KATHLEEN M. SHEEHAN,* [redacted]
ROBERT L. SHEFFLER,* [redacted]
BRADEN A. SHOUPE,* [redacted]
DONALD L. SINDEN,* [redacted]
JAMES D. SINGLETON,* [redacted]
DONALD V. SMITH,* [redacted]
JEFFREY R. SMITH, [redacted]
KARL C. STAJDUHAR,* [redacted]
WELLINGTON SUN, [redacted]
JEFFREY D. THOMSON,* [redacted]
MICHAEL B. TIERNEY,* [redacted]
MARTIN H. TIEVA,* [redacted]
JAMES H. TIMMONS,* [redacted]
GEORGE C. TSOKOS,* [redacted]
MARK D. TURNER, [redacted]
DAVID W. VAUGHN,* [redacted]
FREDERICK VORWALD,* [redacted]
SVETISLAVA VUKELJA, [redacted]
PAUL G. WELCH, [redacted]
SHARON A. WEST,* [redacted]
GREGORY M. WINN,* [redacted]
KIM J. ZAGORSKI,* [redacted]
PATRICIA ZIMMERMAN, [redacted]
ROBERT P. ZURCHER,* [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, July 20, 1994*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. TORRES].

DESIGNATION OF SPEAKER PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 20, 1994.

I hereby designate the Honorable ESTEBAN TORRES to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that our thoughts will be born of a good spirit, that our words will have the ring of truth, our deeds will show forth with courage, our promises will be made with integrity, our motivations will be cleansed by honor, our commitments will be fulfilled and true, and all our aspirations will be marked by strength of character. O gracious God, You have given to each person the marks of humanity and civility, so bless us and keep us in Your truth, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. TORRES). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida [Mr. MICA] come forward and lead the House in the Pledge of Allegiance.

Mr. MICA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE FACTS ON THE ECONOMY

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, when President Clinton took office in January 1993, the Nation's economy was stagnant, job growth was slow, and despite previous efforts the Federal budget deficit was still headed up.

Now, 18 months later, the picture looks quite different. To those who don't believe it, I ask you to listen to these facts:

Fact: The deficit is down. Measured as a percentage of our national income, our deficit is the second lowest of any advanced economy in the world—and next year it will be the lowest.

Fact: Some 3.8 million new jobs have been created since January 1993. That's more job growth in a year and a half than in the previous 4 years combined. That's 3,000 a day. And, these are all private sector jobs.

Fact: Unemployment has fallen, from 7.7 percent at the end of the Bush administration to 6 percent today.

Fact: The Federal Government is shrinking. Federal spending as a percentage of our national income is lower now than under President Bush or Reagan—the lowest since 1979. By 1999, we will have eliminated 272,000 Federal positions, and we'll have a Federal work force that's smaller than it's been since the Kennedy administration.

Fact: Consumer confidence is up—now at the highest level in about 4 years.

It's time to give credit where credit is due. The economic plan the President and Democrats in Congress passed last year is working. The facts about 18 months of economic progress prove it. Federal Reserve Board Chairman Alan Greenspan has said the economy is in the best shape in decades. His words: "The U.S. economy has recently been experiencing the ideal combination of rising activity, falling unemployment and slowing inflation."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4426. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4426) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. DECONCINI, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. BYRD, Mr. MCCONNELL, Mr. D'AMATO, Mr. SPECTER, Mr. NICKLES, Mr. MACK, Mr. GRAMM, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2208. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

THE CLANDESTINE CAUCUS

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, here in Congress, we have the Black caucus, the Hispanic caucus, the sportsmens caucus, the rural caucus, the space caucus, the steel caucus, the Sunbelt caucus, and now you can add the clandestine caucus.

The newly formed clandestine caucus is made up of the Democrat leadership and the entrenched committee chairman.

The public need not apply. Their objective is to protect their political agenda and the administration—out of sight of the Republicans, the media, and most importantly, the American people.

It is a busy season for the clandestine caucus, which is currently recrafting the Clinton health care plan behind closed doors and is holding the Whitewater papers under lock and key.

The clandestine caucus is concealing the work of the Congress from the American people. This approach typifies the arrogance of power found here in Washington. The clandestine caucus has forgotten that the American people pay their salary and will not be kept in the dark.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ON BIPARTISANSHIP AND THE D.C. APPROPRIATION

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, in 1991, Congress in votes of extraordinary bipartisan dimensions gave aid to the Capital City. BOB MICHEL, NEWT GINGRICH, JOE MCDADE, TOM BLILEY, and DEAN GALLO stood beside TOM FOLEY, DICK GEPHARDT, JAMIE WHITTEN, RON DELLUMS, and JULIAN DIXON.

In contrast to the overwhelming 1991 vote of 300 to 123, the District's appropriation barely made it out of the House last week. Ironically a much thinner bipartisanship proved essential. I am particularly grateful to the gentleman from Virginia, TOM BLILEY, for his special leadership and to the indefatigably skilled subcommittee chair, the gentleman from California, JULIAN DIXON.

The city needs to get its fiscal house in order quickly to avoid ever being taken to the congressional woodshed again. Yesterday's announcement that the District plans to produce a plan even before the congressionally set deadline is the right response. In turn, Congress must solve its part of the problem, especially the pending pension liability bill to address a prehome rule debt.

Last week was the kind of catastrophe from which a new beginning can be made. I thank my colleagues who helped to rescue the appropriation and make a new beginning possible.

HEALTH CARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, after a full year of trying to sell his big government health care takeover, it is clear that President Clinton's plan has fallen and it cannot get up.

It has fallen because the American people know better than to trust their families' health care to Washington bureaucrats. Americans have a gut instinct that clearly tells them Government seldom knows best. That folks ought to be able to choose their own doctors, their own coverage, their own treatments.

Unfortunately, the Democrat leadership and the administration are meeting secretly behind closed doors. You see their idea is to spring their big Government, health care takeover plan on Congress and the American people again at the last minute and then force a vote before anyone really understands the bill. That is the only way they can reach their goal of putting bureaucrats and politicians in charge of Americans' health care. And that is wrong.

□ 1010

GATT REGULATIONS SHOULD NOT SUPERCEDE THE U.S. CONSTITUTION

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, one bill can turn back the clock and reverse American law. It is called GATT; that is right, GATT. Under GATT, America's environmental laws can be challenged and reversed, and America's consumer laws can be challenged and reversed. In fact, under GATT foreign judges will decide if America's trade laws are legal. Unbelievable. Thomas Jefferson is literally rolling over in his grave.

Mr. Speaker, this is not about GATT, this is not about trade, this is about sovereignty. Any Congress that would allow the World Trade Organization to supercede or sit in judgment of the Constitution of these United States should be impeached. This is unbelievable to me. Think about it.

WAY OVERBOARD

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, I want to read a quote about health care reform:

> We need to do something about it, but we don't need to go overboard. Repair it, but be sure you don't break it further.

That is the opinion regarding health care of the constituents of one Democratic Member from Louisiana, according to the Washington Post.

Unfortunately, Mr. Speaker, the Clinton health care plan goes way overboard.

Instead of fixing the problems that plague our current system, the Clinton health care plan will create even more problems by mandating that government, control the health care decisions of every American citizen.

Mr. Speaker, the American people are worried about the Clinton health reform plan. They are afraid of what it will do to their health care quality. They are troubled by the long lines, the rationed care and the higher taxes. For most Americans, the Clinton plan goes way overboard.

I urge my colleagues to listen to the American people. Repair our health care system, but be especially careful that we do not break it further.

HIGH MARKS FOR PRESIDENT CLINTON AND DEMOCRAT SUPPORTERS IN CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, as we all remember, the 1992 Presidential election turned on one central issue: the economy. Candidate Bill Clinton made the economy the centerpiece of his campaign and promised to make it the centerpiece of his administration.

Last week, 18 months into his Presidency, the President received his first report card on the administration's economic program and it included high marks across the board. The President's budget that Congress passed last year—without the help of a single Republican vote—has put our economy back on track.

We have cut spending and the bureaucracy. Spending is projected to be lower in the Clinton administration than during either the Bush and Reagan administrations. We have lowered the deficit for 3 years running for the first time since Harry Truman was in the White House.

We've created jobs—6,398 private sector jobs a day. And, we have also cut taxes for 15 million Americans through the earned income tax credit.

Yes, there is still work to be done. But, for President Clinton and Democrats in Congress who stood by him, the news is good. The economic program is working. We are creating jobs, lowering the deficit, cutting spending, and cutting taxes. And, we are keeping our pledge to middle-class Americans to make Government work for them again.

THE ADMINISTRATION SHOULD WORK ON BIPARTISANSHIP IN HEALTH CARE REFORM, NOT ON PUBLICITY STUNTS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, some time ago, one of my friends from the other side of the aisle came to the well and said, "Let us take politics out of health care." Give me a break. The President and his little band of advisers have handled this issue just like a campaign operation. Now he takes to the country in a series of bus promotions for his federalized health plan.

When the people of Wyoming heard about the promotional parade to come to the State, to Cheyenne, it was labeled the "Phony Express." Mr. Speaker, the people of Wyoming want fundamental change in health care to assist families in having access and keeping costs down, but they want it kept in the private sector. Let us fix it, not federalize it.

Interestingly enough, the Wyoming sector of the caravan has been canceled. I guess the Democrat candidates in the West really are serious about distancing themselves from the President.

Mr. Speaker, the Phony Express is another example of a publicity stunt without giving the folks facts. Instead of $20,000 a bus traveling the country, the administration should spend their free time trying to work out a bipartisan health care plan we can all support.

THE ADMINISTRATION'S WAR WITH ITS OWN PARTY

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, first we had this administration's war on the West. Then we had the administration's war on senior citizens, led by Dr. Joycelyn Elders. Now we seem to have the administration's war with its own party.

Yesterday, as the Democrat leadership in this House were reaffirming their commitment to employer mandates, we had the President apparently retreating, we think. Yesterday, as Mrs. Clinton was on national TV reaffirming the commitment to universal coverage, the President was retreating.

Mr. Speaker, there is no confusion, and there is no retreat among Republicans, and, fortunately, some Democrats in the House who believe in real health care reform based on the Rowland-Bilirakis model. We believe strongly and steadfastly in the cause of health care reform based on bringing prices down, costs down, and bringing greater coverage for the American people, but doing it without a Federal bureaucratic system that was originally proposed by this administration.

Mr. Speaker, we urge the President to look at Rowland-Bilirakis, to look at where Republicans stand united in the House and the Senate, on real health care reform. We urge him to move our way and move in the direction of the American people.

DEFEATING HEALTH CARE FRAUD

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, last week, Senator BILL COHEN released a new report stating that this country loses $100 billion each year to health care fraud. The blatant offenses against the Medicaid and Medicare systems cited by this report are common and everyday.

Such examples include a supplier overbilling by 600 percent for a diabetic monitor, and doctors billing for treatments they had never performed or had performed on patients who had died.

These are the kinds of thing that go on and on without detection for years. It is costly to taxpayers, and it is compromising our Nation's health care.

In the present system, there is no easy way to catch this abuse. But my colleague from Ohio, TOM SAWYER, and I have introduced a bill that will detect and eliminate much of this abuse and fraud. It is called the Health Information Modernization and Security Act. And it has already been incorporated into three out of four committee bills passed in the House and Senate.

With the time drawing short in this Congress to achieve comprehensive health care reform, there are several provisions worthy of inclusion in any bill that is passed. This is one of them, and I urge my colleagues to ensure its inclusion in any bill that passes this Chamber.

CELEBRATING THE 25TH ANNIVERSARY OF THE APOLLO 11 LUNAR LANDING AND THE SUCCESSES OF APOLLO MISSIONS.

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, today, we celebrate the 25th anniversary of the *Apollo 11* lunar landing and the victorious successes of our Apollo missions.

The Apollo missions were a triumph and a wave of reassurance for a Nation ill at ease on the battlefield of the cold war. It was a victorious answer in those extraordinary times to the challenge of sending a man to the Moon and returning him safely to Earth. It was a vivid, awe-inspiring testament to the capability and ingenuity of the human spirit.

It was also a glorious adventure in which a great number of Americans took part. During the Apollo era, America's space efforts grew at unprecedented rates. The Government hired the biggest and the best scientific force in history, and colleges and universities swelled with students pursuing science and engineering. In addition, it produced a Golden Age of American technology and advancement—an age that, today, we are attempting to recapture and begin anew as we move our space program into the new millennium.

In the past weeks, a clear message, inspired in part by the Apollo missions, has been sent to Congress—the American people want us in space. The dream is, indeed, still alive. As we commemorate this silver anniversary of the first lunar landing and remain committed to our Nation's space program, we are continuing this dream for our students, for ourselves, and for all humankind.

□ 1020

FLORIDA EVERGLADES THREATENED BY NOXIOUS WEED

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I would like to address an issue that is destroying the Florida Everglades. As you know the Everglades is a fragile ecosystem. At the present time a noxious weed, melaleuca, is infesting the Everglades. It is turning the Everglades' wetlands into a melaleuca forest. This is an environmental disaster which we must and can stop. By this same time tomorrow, an additional 52 acres will be infested with this horrible pest. Federal assistance in funding a melaleuca quarantine facility is essential.

Fortunately, the building of a melaleuca quarantine facility is well on its way. With the help of Congress, a $1 million appropriation for this facility was included in the fiscal year 1994 energy and water appropriations bill. However, this is not enough. This morning, I am joined by Mr. DEUTSCH and 20 other members of the Florida delegation in asking for an additional $3 million authorization and appropriation for this much needed facility. We are hoping that this legislation will be included in the Water Resources Development Act of 1994.

Today, we are introducing legislation that would authorize and appropriate funds for the melaleuca quarantine facility. The time to act is now. This legislation is vital for the preservation of the Everglades. We urge your support.

ROCK THE PRESIDENT

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the President yesterday urged young people to get involved in the health care debate. Called Rock the System, it's based on the Rock the Vote get-out-the-vote drive and is promoted by MTV.

But when young folks take a look at Bill Clinton's health care plan, they will want to Rock the President.

That's because the President's plan hits the young the hardest.

By mandating a community rating system, it makes younger people pay more for less, while making the older pay less for more.

The President's plan has many other flaws, as well. The employer mandates will make it even more difficult for younger Americans to get a job. The global budgets will promote rationing. And the price controls will make future innovations in health care delivery more difficult.

I am glad MTV is getting involved in the health care debate. Hopefully, by seeing what the President's plan will do for them, younger Americans will support with Republican efforts to implement real health care reform.

THE WRONG PRESCRIPTION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, according to the latest poll, 86 percent of the American people have health care insurance and are happy with it. When the American people talk about reform, they do not mean radical restructuring. When they speak about universal coverage, they do not mean socialized medicine. And when they see cost containment, they do not want health care rationing.

Mr. Speaker, the Clinton plan is the wrong prescription for the problems of our health care system. I urge the President and the Democratic leadership to listen to the desires of the American people. Work with Republicans to achieve a commonsense health care reform now. Do not try and do it alone, behind closed doors. The American people will reject that at the polls in November.

DO NOT INVADE HAITI

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, incredibly, the B-team of foreign policy advisors at the White House is still racing headlong toward a dangerous military operation in Haiti. Why? Not because Haiti represents a national security threat to the United States. Not because American interests in Haiti have been threatened. And not because American lives are at stake.

The answer seems to be that domestic political pressures from special interests have convinced the President that invasion may be his only choice. Fully two-thirds of the American people oppose U.S. military intervention, as would a majority of Members of this body if given a chance to express our will. Nevertheless, this morning's Washington Post outlines the ongoing groundwork being laid for an invasion.

Mr. Speaker, there are better solutions for Haiti. I urge my colleagues to join me in cosponsoring House Concurrent Resolution 269. Send the message to the President: Do not invade Haiti.

THE 25TH ANNIVERSARY OF APOLLO MOON LANDING

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, 25 years ago proving that we could go to the Moon and return safely was our goal.

Today, our ability to explore space is not in question, only our desire. Undoubtedly, the environment in which the U.S. space program thrived in the sixties and seventies is long gone. The cold war is over. The public is wary of tax dollars ending up in black holes.

The question on many people's minds is, "Do we still need a space program?" My answer is an emphatic, "Yes."

While the results of modern day space exploration may not be as fantastic as the high profile Apollo flights, they are no less important in terms of ground-breaking scientific discoveries and spinoff technologies that positively impact our daily lives.

For example, the development of life-saving technologies such as programmable pacemakers and bioreactors for culturing ovarian and breast cancer cells have dramatically improved medical care. And environmental technologies such as water purification systems help us improve our world.

On the 25th anniversary of the greatest technological feat achieved by mankind, we must take pride in the many tangible benefits derived from the U.S. space program and the prospects and the promises of the future.

HEALTH CARE SHOW GOES ON THE ROAD

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, the show is about to begin. The President and the First Lady are about to take their health care show on the road. But while they are on the road, they ought to listen to the American people who are making it very clear that they do not want Government running the Nation's health care, that they do not want rationing of their health care.

Instead of going out and huckstering the Clinton health care plan, I hope the President and Mrs. Clinton will listen to the American people and not go out there and act like stories that we used to hear about the snake oil salesman and the medicine man. They ought to listen to the American people.

I would say as this show begins, let the American people beware of those that are promising free lunches and things that they cannot deliver.

FLEXIBLE TO THE POINT OF CONTORTION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, today's Washington Post headline reads "President Signals Health Flexibility." You would think by now that the President's flexibility would hardly be news.

This administration has taken flexibility to the level of contortion in every other policy area. Now it seems that even the President's primary policy initiative can join the rest on the back of a milk carton with a caption "Have You Seen This Policy?"

What is the President saying with his new flexibility? He is now saying that "universal" will mean less than everyone.

President Clinton now admits that 95 percent is his coverage goal. However, he is still saying he is willing to rip up America's entire health care system. That means the 85 percent of Americans who have coverage they like will be sacrificed on the altar of a big government program for the ostensible purpose of maybe covering 10 percent more.

The most logical way to improve the Nation's health care would be to help the 10 percent, not endanger the 85 percent, unless your real goal is something else.

President Clinton's new health policy still owes more to ideology than flexibility; the only difference now is that it is more evident.

TAX CUTS, JOBS, AND SPENDING TITLE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, whatever happened to the middle class tax cut? Where is it? Or did candidate Clinton actually promise to end tax cuts as we know them? Because, instead of getting a middle class tax cut, we have got a tax increase on Social Security, a tax increase on gas which affects every single American in this country, and a tax increase on subchapter S corporations and self-employed individuals, which has caused a sluggish recovery and a decrease in the number of new jobs created as compared to the jobs created under the Reagan-Bush administration, which was the largest peacetime expansion in the history of our country, with 18 million new jobs created.

Mr. Speaker, on top of this, we are going to increase spending approximately $400 billion over the next 5 years. Because, you see, in Washington, when we talk about cuts, we actually mean a decrease in the projected increase. We are not talking about spending less money than we did the year before.

□ 1030

That is what a decrease is about, not the games we are playing now.

Mr. Speaker, let us not forget the middle class. They are paying for everything. Let us give them that tax cut. Let us fulfill the President's campaign promise.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

The SPEAKER pro tempore (Mr. HUTTO). Pursuant to House Resolution

468 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4299.

□ 1031

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. WISE, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, July 19, 1994, the amendment offered by the gentleman from New York [Mr. GILMAN] had been disposed of, and the bill was open for amendment at any point.

Are there any further amendments to the bill?

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word to tell my colleagues that there are basically two sets of amendments left. The gentleman from Massachusetts [Mr. FRANK] has an amendment on counternarcotics, and the gentleman from Florida [Mr. GOSS] and myself will have a collection of amendments on the issue of secrecy. Then that is it, and we should be able to finish this bill, hopefully, within the next hour.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment which was printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts: Page 4, after line 23, add the following:

SEC. 104. REDUCTION IN COUNTERNARCOTIC AND DRUG INTERDICTION FUNDS.

The amounts authorized to be appropriated under section 101 for counternarcotic activities and drug interdiction, as specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4299 of the One Hundred Third Congress, are hereby reduced by $100,000,000.

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, let me just clarify for my colleagues, the chairman of the committee said that he and the ranking Republican had a collection of amendments on secrecy. He could not tell Members exactly how many, because I think that is a secret. But it will become clear later on if Members will look very carefully. We do not want the enemy to find out how many amendments we have because who knows what that might lead to.

Mr. Chairman, what I want to do today is to discuss the urgent need for a change in the way we deal with narcotics. This Congress has spent a great deal of its time and energy concerned about crime, legitimately. It is frustrating because the major instruments in the battle against crime are not wielded from the Federal Capitol, they are State and local entities. But we are trying very hard to do our best to be helpful.

Unfortunately, I think we have in place a national policy regarding drugs which is significantly unhelpful. We have historically spent most of the money we spend dealing with drugs on a futile effort physically to keep various narcotics out of the United States. This is a very free country. We have a great deal of freedom of personal travel. We have people who are secure in their persons and in their possessions from unreasonable searches, and we have an economy that is extraordinarily open.

Given the number of people who come and go from the United States every day, given the amount of goods that are sent into the United States either in the company of individuals or shipped in, it is physically impossible for us substantially to affect the quantity of narcotics shipped into this country.

In fairness to the armed services and to the military auxiliaries and to the police and to all of the other agencies, given the freedom of the United States, if we told them that we wanted them to keep all horses out of the United States they would probably do a very good job and keep most of the horses out. Some would get smuggled in. As the entity gets smaller, particularly when it gets so valuable, it is fruitless. I do not believe that anyone has been able to point to any significant success in our efforts physically to reduce the availability of drugs in America. I want to repeat that, because I do not think there is a policy in the United States that has gotten more rhetorical support and more money and produced less. No one claims that we have made any significant dent in the flow that comes in.

What we do is divert enormous amounts of money from a strapped Government. What we should be doing is putting money into other places. I have proposed a cut of $100 million because this policy is so futile, and I would say it is not my impression that the committee thinks that this policy is very effective insofar as it reduces drugs in America. One suggestion is it may be useful because it will raise the price so people have to steal more.

Mr. Chairman, what I would like to do is cut $100 million and make that available. I cannot under the rules do that here, but there are three other purposes that seem to me much worthy, local law enforcement, deficit reduction, and drug treatment and education. So I would hope we would reduce this $100 million that is being wasted on a futile effort that has been historically unsuccessful, for good reasons, because it cannot succeed, and make that money available for some combination which the House and the Senate would chose for deficit reduction, local law enforcement and drug treatment.

That is the purpose of this amendment and I hope it is adopted.

Mr. SHUSTER. Madam Chairman, I move to strike the last word. I rise in opposition to my good friend's amendment. I would suggest that indeed there are very specific examples of success in our efforts to reduce the quantity of illegal narcotics being sent into the United States.

Madam Chairman, let me be specific. First of all, the Federal Government last year seized 110 metric tons of cocaine, which is about 14 percent of the estimated production. In addition, cooperative Latin American governments seized an additional 130 metric tons of cocaine. These seizures would not have been possible without good intelligence. Intelligence is absolutely crucial, and the last thing we need to do is to reduce our efforts at providing good intelligence aimed at interdiction. This $100 million cut would cripple our ability to interdict.

Let me go further. Total world seizures of cocaine alone last year was 265 metric tons' worth over $40 billion on the street. This lost income to both the Cali and the Medellin cartels has had a significant impact on their operations.

Beyond that, there are other examples of intelligence successes with regard to our battle against the shipment of illegal narcotics into this country. The successful hunt for Pablo Escobar was only possible with the assistance of intelligence to find his pattern of activity and identify his various hiding spots.

In Bolivia, "Meco" Dominguez was captured, and in Peru another drug lord was captured. Suppliers of the Cali cartel were arrested, and this man is now serving a life sentence.

Indeed, the last thing we need to do is to reduce these efforts, and there are many specific examples of success.

My good friend from Massachusetts says that we should spend this money, this $100 million in other ways. One of the ways he suggests we should spend it is more money into drug treatment. I wish drug treatment were successful, but the sad truth, the hard fact is that about 86 percent of all people who go into drug treatment programs end up back on drugs. There is only about a 14-percent or 15-percent success rate.

So as sad as it is, the harsh reality is that drug treatment does not work very well at all. So we should instead of taking money away from interdiction and putting it into programs that do not work very effectively, we should not be throwing up our hands in despair and in effect saying let them ship illegal narcotics into the United States.

☐ 1040

Instead we should be intensifying our efforts, because, indeed, the facts are very clear that we have been able to put a significant dent in their efforts, and for that reason, if no other reason, for that reason alone we should reject the amendment.

I urge a vote against this amendment to cripple our drug-fighting efforts.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, there is an interesting statistical quirk we have just seen. The gentleman said this is a very good program because we have seized 14 percent of the drugs which were made, and denigrated drug treatment because it only helps 14 percent of the recipients. So apparently 14 percent can be either a sign of enormous success or an indication of total failure depending on which side of the argument you are on.

Mr. SHUSTER. Reclaiming my time, I would point out to the gentleman the 14-percent figure only represented what our Government alone did, and when you look at what Latin America did, it was about another 15 percent you add on top of this worldwide, so the total figure is a higher figure, but beyond the statistics even more importantly is, in my view, the U.S. position should be that we are not going to throw up our hands and simply let the narcotraffickers ship their product into this country.

We should have an effort, a war, if you will, against these narcotraffickers, and we should do it because it is effective. It is not as effective as it should be. I would like it to be more effective, but we certainly should not throw up our hands in despair.

Mr. COLEMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I do rise in opposition to this specific amendment.

Yet, at the same time, I think it is important for us to concede that a lot of us have been unsure about all of the dollars and where they have gone and resources we have used in the overall war on drugs, and I know that many of my colleagues on both sides of the aisle have said if we are going to have a war on drugs, we ought to at least declare it.

I know the total number of dollars we have spent has been questioned. Indeed, I should tell my colleague from Massachusetts that the Committee on Intelligence, the full committee, in its final hearing did question it and, indeed, we are demanding a report back from specific sectors of the Department of Defense with respect to the total allocation here.

It is not a matter of saying that we are going to rubberstamp in this legislation everything that someone has in terms of an idea about how we will utilize our funding. Nonetheless, I fought very hard not to cut the drug interdiction dollars, because I happen to represent a district through which many drugs are disseminated, and representing a district such as I do, we recognize the vast importance of providing dollars as the gentleman from Massachusetts suggests in the treatment, in education, and certainly in terms of the whole policing, because we think, many of us believe, that is a key component of it.

I should tell you Joint Task Force 6, which is also in my legislative district, certainly provides much of that kind of assistance. In fact, the El Paso intelligence community itself does well, EPIC, in providing resources, assets, and information to local law enforcement and throughout the entire United States. All 50 States now fully participate with the exchange of that kind of information.

It is not just a simple problem of saying we can only do one thing or the other. I am one of those that have always believed, like many of you, that we cannot just fight this war on drugs or this battle in only one place. It kind of reminds me of a football team, when you say, "Well, we are going to field a great football team. Oh, by the way, we are missing a guard, a tight end, a tackle. We cannot do those; we cannot afford those players. What we are going to do is just try to fight this contest with what we have and what is left." I do not think we can do that. I think we have got to do it all across the front. I think we have got to do it with education.

I share the concern of my colleague from Massachusetts about perhaps some of the lack of direction and funding that we have gone through, but I must say we should not give up the idea we can interdict drugs, as tough as that is, and I share his concern about the telling statistics about some of our failures. Yet, at the same time, I think were we not doing what we have done in the area of interdiction and law enforcement, the problem would be much, much greater than it is.

So I am proud of those people who have been out there on the front lines. I happen to represent a lot of them. I, for one, think a cut of this magnitude is not the appropriate thing to do. I would hope that my colleague and those who will join him in voting for this amendment would only help us and provide us with the kind of follow-up procedures throughout the course of this year and stay with us on this issue, because I fought some of these cuts, and sometimes in a fairly lonely battle.

Mr. FRANK of Massachusetts. If the gentleman will yield further, I thank the gentleman for the very thoughtful proposal. I would just say, since we are dealing with drugs and to some extent cocaine, to carry out his football analogy, maybe we need more nose guards.

The fundamental point I would make is I am glad to hear he and others on the committee intend to hold people accountable.

I remember when it was first proposed to put the military heavily into this issue, the military resisted. They did not want to do it. Frankly, I am a little suspicious that some of their enthusiasm came from the fact that back then in the early 1980's they did not need it for budgetary purposes; now they do.

I am glad to hear what the gentleman said. I just wanted to say I will be glad to work with him in establishing criteria for success as to what we think is working, and its impact should be measured by what happens in the United States. I welcome that, and I will be available to cooperate with my friends, and I thank the gentleman.

Mr. COLEMAN. I will continue to urge, of course, my colleagues to vote against this amendment.

Mr. GILMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong opposition to the amendment offered by the gentleman from Massachusetts to cut our Nation's vital drug intelligence and interdiction efforts. This amendment will cripple these vital functions in the battle against the scourge of drugs.

Drugs, I might add, are related to more than one-third of the violent crime, one-half of the murders in the United States, while adding billions to our health care costs, and destroying much of our inner cities and large numbers of our youth today. Our drug war cannot afford this cut and purported savings.

Any battle against drugs, or any other enemy for that matter, requires sound intelligence to be effective. We need eyes and ears in the front lines of this war against sophisticated drug cartels which do not operate in the open, or play by anyone's rules. Intelligence provides the much needed eyes and ears to combat those drug traffickers.

Sadly, we have already seen disastrous cuts, and unbelievable bungling by this administration in our overseas interdiction, and counternarcotics intelligence efforts. We cannot stand by, and permit further erosion of our vital efforts against the international narcotics trade.

The amendment before us does just that, make no mistake about that.

The critics of our counternarcotics efforts continuously state that nothing works, the drugs pour in, and our drug problem just doesn't get any better. Those critics are wrong. We have made significant progress over the recent years.

But, let us examine the critics' arguments. I ask these critics, What would the impact be of tons of additional cocaine—for example, fiscal year 1992, 137 metric tons seized—on our city streets, schools, and to our young, if we did not get a handle on these narcotics overseas, before they reach the United States?

By the time drugs have reached the nickel and dime bags on our city streets and in our schools, we have in many ways already lost the battle. That is why our overseas counternarcotics and interdiction efforts are so important.

In fiscal year 1991 the total U.S.-foreign seizures amounted to 140 metric tons of cocaine, or 14.6 percent of worldwide cocaine production. In fiscal year 1992 we seized 137 metric tons of cocaine, or 14.1 percent of the world's production. Those impressive results didn't come from random luck, but they flowed from hard intelligence work, needed to defeat the traffickers.

Actions have consequences as you can see, and to the benefit of the traffickers clearly if we were to cut our successful interdiction and counternarcotics efforts.

We can only guess at the added costs in violent crime, health care, drug treatment, and loss of lives in American society today from more cocaine from Colombia or heroin from Burma and onto our streets, and in our schools, from this precipitous act of cutting our drug intelligence efforts.

Let us not further weaken our Nation's war against drugs by this severe cut in our counternarcotics intelligence and interdiction efforts. I urge my colleagues to defeat the amendment before us.

□ 1050

Mr. MICA. Madam Chairman, I move to strike the last word.

Madam Chairman and my colleagues, I rise today in opposition to this amendment. My colleagues, the House Committee on Foreign Affairs recently held joint hearings on United States drug policy in the western hemisphere. I had the opportunity to attend these hearings, and I wish that many of our other colleagues could have been there. Let me say that testimony that I heard revealed a drug policy of the United States which is in total chaos. What was revealed was shocking for the Nation and also for my State of Florida.

Cocaine air trafficking is up 20 percent. The heroin supply has increased 44 percent, other illegal drugs and narcotics are not far behind.

Now, we have before us today a proposal to gut our drug enforcement intelligence capability. At this time I really cannot think of anything that could be more ill-conceived or ill-thought-out by this congress than to go forward with the proposal advocated by the gentleman from Massachusetts.

I believe that we are on the verge, quite frankly, of an onslaught of illegal narcotics unlike anything this country has ever witnessed. And I am not one to stand here and say that I have not tried to do something about this situation.

Recently this spring I asked Chairman CONYERS of the House Committee on government Operations to conduct an oversight hearing on the administration's drug policy. Over 130 Members, bipartisan Members, signed that request. To date there still has not been a total oversight hearing On the U.S. policy, which continues to be a disaster.

A step today, in adopting this amendment, would be another disaster. Let us look at what has happened. On May 1 this administration suddenly reversed its practice of sharing our intelligence and radar equipment to attack the planes of narco-terrorists. With just this one small step, Colombia, Peru, and Bolivia, where nearly 100 percent of the world's cocaine is produced, were kicked in the face and betrayed by a reversal of U.S. policy. This was another one of these twists and turns in our disorganized U.S. drug policy. Fortunately, the administration, after this hearing, did reverse itself and has decided again to continue its past policy of sharing this intelligence information.

We see from just this one incident the importance of sharing intelligence.

Now we have before us an amendment to cut $100 million from our counter-narcotics and drug interdiction programs. My colleagues, with our international drug policy in disarray, with wholesale cutbacks in drug interdiction and enforcement mechanisms, with a genocide of young male African-Americans in this country, with mixed signals being sent to our children by this administration, with crime so closely linked to illegal drugs and narcotics—I ask is this really the time to consider a proposal like this, to cut our drug enforcement funds and our intelligence capability? I urge my colleagues today to defeat this amendment. I urge you to look at this whole drug policy, this disorganized policy, this sad message that is being sent to our country, and this bad message that would be sent by adoption of this amendment.

Mr. SHAW. Madam Chairman, I move to strike the requisite number of words.

I rise in vigorous opposition to the amendment. We have been going through now a period of time in which we are talking about the cold war ending and whether or not additional funds are necessary. We do this in defense, now we are doing it in intelligence. But what is underlying here in this particular amendment has nothing to do with any of that. It has to do with a war that we are continually waging on the streets of every city of this country, every town, every rural and urban area.

No one is spared the scourge of the increase in drugs in this country. There are areas, though, that we can point to to say that we have had great success. We have had great success in our interdiction efforts. There is no question about it.

Just in my home district of south Florida, along the southeastern Atlantic coast of this country, flying out of Key West we have had a tremendous successful effort. Yet we are finding that we are having to every day get up and in some way defend what is working in this country.

Our interdiction efforts right now, we are getting $20 of drugs off the street for every dollar that we invest. The intelligence effort is a vital, a vital part of this overall network in reducing the amount of drugs that are coming here to the United States.

With this vote it is not about defense contractors, it is not about saving military hardware, military machines; what we are talking about is investing in the young people of this country.

My colleagues from Florida mentioned the young African-Americans; we are talking about the people who are mostly impacted by drugs in this country, particularly cocaine. We have found that in inner cities the youth of this country, people who are having the hardest time to get up the American economic ladder and share in the American dream, their future is being dashed and it is being dashed because of the fact that the drugs are out there. It impacts not only in the drug use but it impacts in crime, in the future ability to go forward.

Let us not give up something that is working.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

The problem is this: Everyone who has spoken against the amendment—and I think there are still two or three people from Florida who did not manage to get up yet—but everybody who has spoken against this amendment has talked about the amount of drugs we have seized. No one has talked about less drugs out on the streets, because there is a disconnect.

Now let me give an analogy: If we put out a lot of rain barrels, the next time it rained real hard we would collect a lot of rain. But no one would be made dry by that. We would then talk about our anti-rain policy because we collected all this rainwater. But the amount of rainwater that fell on people would not be affected.

Yes, we collect a lot of drugs, but given substitutability, given their flexibility, unfortunately I have seen no evidence that that has reduced the supply of drugs on the street.

What I am talking about is in fact trying to put money into programs that will be more effective, both law enforcement and treatment and education, than what we now do. The problem is not that we are not catching drugs out there, but that because it then comes up in another country and another country, people increase their efforts, that has not, in all this time, had a salutary impact on the situation in America.

Mr. SHAW. Madam Chairman, reclaiming my time, the gentleman from Massachusetts is certainly one of the more intelligent and articulate Members of this House, but he is not using his head on this one. What the gentleman is saying is, "Let us allow more drugs to come into the country." The gentleman from New York just a few minutes ago gave you a statistic about the amount of drugs that we are indeed taking off of the streets.

We are reducing the supply of drugs in this country by the efforts that we are undertaking here. And we are just talking about what we are taking out; what would be actually out there, grown and produced in addition to what we have taken out is anyone's guess. But we know, except for our intelligence effort that we would not only be interdicting the supply coming into the country but we would be encouraging others to produce more drugs, which would again increase the supply even more. It is unthinkable.

Mr. HYDE. Madam Chairman, will the gentleman yield to me?

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding. I just think this is an interesting variation of the Joycelyn Elders school of fighting the drug scourge by defining it out of existence, turning our back on it, it will just go away.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman once again.

Madam Chairman, the gap between what the gentleman from Illinois just said and reality is very great. I know he sort of strolled in late. No one is talking about that. That really demeans the whole debate. If in fact we are going to talk seriously, as others have done, that is one thing. What the gentleman from Illinois has just said has no relation to anything. No one is talking about ignoring it, no one is talking about defining it out of existence. What I was talking about was more law enforcement——

The CHAIRMAN. The time of the gentleman from Florida [Mr. SHAW] has expired.

(By unanimous consent, Mr. SHAW was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman continue to yield?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman.

Madam Chairman, the fact is that nothing in what I said remotely resembles what the gentleman from Illinois was talking about. The fact is that I was talking about more law enforcement, more education, more treatment. The problem is not ignoring drugs but how effectively to fight it.

□ 1100

I do not think that physically catching them overseas, unfortunately, has had any effect here. I think that I have not yet had anybody say to me, "Hey, we're in great shape in this city or that city, the other city because our interdiction has worked to the point that they cannot buy any drugs." Unfortunately that does not work. But that is the rational level——

Mr. SHAW. In reclaiming my time, Madam Chairman, I say to the gentleman, "You're misguiding this debate. We are not talking about putting more money into police protection. We are not talking about putting more money into education."

Mr. FRANK of Massachusetts. I am.

Mr. SHAW. The gentleman is, but that is not what the gentleman's amendment is saying. The gentleman is talking about let us cut what is working, and I think what the gentleman from Illinois [Mr. HYDE] is talking about is there are certain things in the previous administration in the drug war that are working. Let us not try to dismantle what is working. It is out there, and it is working, and I think it is tremendously important that we continue that.

Now we can go ahead and talk about appropriating money for the different things that the gentleman is talking about, and I would support him on many of those. But let us not take it out of something that is working. It is like going into an AA meeting with a case of whiskey. One does not do that. What one does is try to reduce the supply and continue the education. That is important. But do not continue the supply and make drugs more plentiful on the streets, make drugs greater in volume at a reduced price so that more people are getting hooked and more people are getting caught up in this terrible trap.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield just for 10 seconds?

Mr. SHAW. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Chairman, the gentleman is correct. My amendment does not in itself provide more law enforcement and treatment money, but I believe in the current budget situation, if we do not make cuts somewhere, we do not have the ability to do that, and my intention would be to free up money to fight drugs in what I think is a more effective way.

Mr. SHAW. Madam Chairman, I fail to find logic in the gentleman's argument as far as decreasing the amount of moneys that we are spending here in interdiction and in intelligence. It is vitally important we reject this amendment.

Mr. GLICKMAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, let me just say that the gentleman from Massachusetts raises an amendment which I will oppose today, but I do think that he raises some important subjects that need to be talked about.

Now first, the reasons for opposing it are, one, funding for intelligence support in counternarcotics activities is coming down radically now. The amounts recommended by the committee are $600 million less than what was authorized 4 years ago. Within the amounts recommended this year, Madam Chairman, more than $50 million is fenced until a plan for making better use of radar in the detection and monitoring mission is received, so these moneys are coming down, and the amendment offered by the gentleman from Massachusetts [Mr. FRANK] would bring them down so significantly that, I think, they would have a profound effect on interdiction.

However, saying that, I do want to say that the committee's report reflects frustration with the management of and inability to measure success in the past counterdrug strategy which was centered on detection and monitoring of cocaine shipments in the transit zones. The funds recommended now are for a new strategy which places less emphasis on the transit zones and more focus on working cooperatively with governments and nations, particularly in the Andean region which are sources to identify traffickers and disrupt their organization.

Further, significant reduction will curtail ongoing activities which support the source-nation strategy of the Clinton administration, and further significant reductions will terminate intelligence collection programs focused on heroin and the development of interagency efforts against heroin at a time when there are indications that heroin abuse is a growing problem in the United States.

So, I urge the rejection of the amendment, however, if my colleagues look in the committee report on pages 36 and 37, there is a long discussion about the inappropriate management of counternarcotics in recent years. One particular case involved counternarcotics strategy in Venezuela where, because of lack of cooperation between the DEA and the Central Intelligence Agency, large amounts of uncontrolled cocaine came into the United States, and what we found is, over the years, that there has not been the kind of management of counternarcotics programs which would prevent this kind of thing from happening, and it is very embarrassing when it happens—"60 Minutes" got hold of that particular one. But the fact of the matter is it is probably not the only one where there has been imperfect management.

The problem with counternarcotics is we are not dealing with saints or angels in terms of the relationships we have with people who are in the narcotics struggle, so I understand that we will sometimes have problems, and I also believe that the CIA has taken some response to the Venezuelan case to ensure that the DEA will have full access to operational information that is developed, and this is another example of better cooperation that is needed between the CIA, the DIA, and the FBI. But the fact of the matter is that there has been very serious management of the interagency narcotics problems, particularly in Latin America, and much improvement needs to be made.

So, Madam Chairman, notwithstanding the fact that the committee opposes this amendment, the committee does put the Central Intelligence Agency, the DEA, and the folks involved in the Defense Department on notice that we expect them to improve their management of these kinds of programs or in future years we are going to look less sympathetically on their budget request.

Finally, Madam Chairman, I would say this. The gentleman from Massachusetts [Mr. FRANK] indicates the programs do not work, and then there has been some discussion that there is a 14-percent efficiency factor in these kinds of things. Well, the fact of the matter is that the programs are needed, I believe, in order to let the cartels know that we are not going to give them carte blanche, open access, into this country. I mean the real problem, obviously, has to do with domestic usage, and interdiction probably will not stop very much when it is so profitable to bring in and sell illegal drugs into this country.

But do we just give up because we do not interdict very much of the narcotics coming in? Do we give up particularly when countries like the Colombians, and the Peruvians, and the Ecuadorians, and the Bolivians are risking life and limb to try to stop the narcotics traffickers in their countries? I say, no, we cannot give up, and, if we do give up, we open the doors even further to the Cali cartel and the other cartels that want to bring drugs into this country. So, I think it would be a mistake to say it is not worth the effort. It is worth the effort. But I also think it is a mistake to think that the counternarcotics programs are being managed as well as they can be managed in the future.

Mr. OXLEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, if I were someone who did not know the author of the amendment better, I would say this is an irresponsible amendment, $100 million out of our efforts to interdict drugs that are coming into this country. That, in my estimation is something that is literally indefensible. As a matter of fact, it is interesting that, as far as I know, only the author of the amendment has spoken in favor of the amendment and appears to have no support on his side of the aisle or ours.

The fact is that over the last few months, Madam Chairman, the white flag of surrender has been raised on the drug war from the cutting of the drug czar's office by some 85 percent, to the cuts in the personnel at DEA and FBI, to the authorization for foreign affairs in which we made severe cuts in the efforts of international drug interdiction, and now this amendment offered by the gentleman from Massachusetts [Mr. FRANK] certainly sends, I think, the wrong signal, not only to the American public, but, even more importantly perhaps, to the world at large, and particularly to the drug lords who prey on people in our country and others in selling their poisonous product.

It does not always have to be that way. As a matter of fact, when we had testimony recently from former DEA Administrator Judge Bonner, he pointed out some interesting statistics to indicate that the policy of a strong interdiction effort coupled with strong law enforcement can bring some very good results and can, in fact, show that we can cut down the use of illegal drugs. For example, from 1985 to 1992, Madam Chairman, the number of cocaine users in this country, according to the National Institute of Drug Abuse, was reduced from 5.5 million in 1985 to 1.3 million in 1992. Drops in other drug use besides cocaine happened as well. On other drugs we saw half a million users in 1990, a drop down to 300,000 users in 1992. In marijuana the use is down from 20 million users in 1990 to 9 million in 1992. We also saw the destruction of the Medellin cartel. Some people said that the Medellin cartel would go on forever, and it has essentially been destroyed.

□ 1110

Why? Because we have had the courage to work with other countries to consider interdiction as part of the overall law enforcement effort.

My friend, the gentleman from Massachusetts, says that he wants to strike the law enforcement. Can anyone name one law enforcement agency that supports his amendment? Is there one law enforcement agency in this country that supports the Frank amendment to cut $100 million from our efforts to interdict drugs?

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. OXLEY. Yes, I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, I have spoken to a number of police officials, police chiefs, who support this. I do not have the list with me, but I will get it for the gentleman. I have found a lot of people who are in the local law enforcement business who would very much prefer to have resources made available to them rather than have this. I will have the list available for the gentleman.

Mr. OXLEY. That is interesting because I have not talked to one serious law enforcement official who does not believe that the interdiction effort is part and parcel of a strong antidrug policy in this country. No one is saying that it is the total answer, but as the chairman of the committee indicated, it is certainly part of a very important element in keeping drugs out of this country and providing the kind of support to the countries that are on the line fighting drugs.

Will the gentleman concede that if his amendment were to pass and our interdiction efforts were lessened, more drugs, not less drugs, would come into this country?

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes. I would, and I would say, if I may finish my answer completely, that that would make unfortunately no difference in our drug problem. And I quote from the committee's report on page 37:

> Others, however, believe that progress should be measured by reductions in the amount of drugs flowing into the United States and increases in the street price of the drugs that result. If the latter is used as a measure, then the war on drugs might be considered a failure.

I would say this is the conclusion in the committee report from which the minority members expressed no dissent in this report that I have.

So the point I am making is that unfortunately the amount of drugs that is available in the street appears to be unaffected by these efforts. That is why I want to focus on efforts to deal with the problems in the street. I do not think that the interdiction would be considered a failure, and I think the committee has said that.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. OXLEY] has expired.

(By unanimous consent, Mr. OXLEY was allowed to proceed for 2 additional minutes.)

Mr. OXLEY. Madam Chairman, taking back my time, if the gentleman were to concede that there would be a 14-percent increase, if we believe the 14-percent figure, in the amount of drugs on the street, then clearly law enforcement would have an even more difficult problem if the gentleman's amendment were to pass than before.

My only point is that it makes it even more difficult because the street price would decrease and it would be easier for people to secure drugs, and we are going to have that many more people out there using illegal drugs and, by the way, committing at least half of the crime out there that we consider to be street crime.

We have a multibillion dollar crime bill that is in the conference committee, the President is trying to get us off the dime to pass it, we look at half of the crime being committed because of drugs, and then we are arguing about cutting $100 million out of interdiction efforts if the gentleman from Massachusetts were to have his way.

Mr. FRANK of Massachusetts. Madam Chairman, will the gentleman yield?

Mr. OXLEY. Yes, I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. But I say that actually that $100 million is wasted because with all of this, it is not affecting drug use in this country.

And, by the way, on the argument that by substantially lowering the price we have made a big difference, if in fact it is available, raising the price so people steal more is not necessarily, it seems to me, a mark of success. I agree that the real problem here is the crime that is generated by drugs, but it is the American drug policy that exacerbates this because this does not allow us to fight crime as successfully as we should.

The point is, as the committee report says, that the interdiction efforts are not having any significant effect on drug availability in the street.

That is why I would take that money and put it into other programs, law enforcement and education and treatment, that deal better with the consequences of its being here.

Mr. OXLEY. Madam Chairman, I would suggest simply that if a Member were to support the Frank amendment and really conclude that interdiction has been a failure and they are willing to completely abandon our interdiction efforts, it would be a low point in the debate in this House. I am fully confident that the Frank amendment, should we have a rollcall vote, would be defeated, and I ask for its defeat.

Mr. COMBEST. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong opposition to the Frank amendment. Nothing in my mind could be more foolhardy than to cut our efforts to reduce the flow of drugs into the United States. There has been no abatement in the drug cartel's efforts to thwart U.S. supply reduction programs. I recently traveled to Panama and Colombia to review our counternarcotics programs, and the intelligence we provide to host nations in Latin America to facilitate their counternarcotics operations. I learned that they rely heavily on U.S. intelligence assets to provide them early warning and assist in their interdiction programs. Our assistance is critical; yet, Mr. FRANK wants to deny this assistance by reducing counternarcotics intelligence dollars.

Intelligence is vital to interdiction successes. Without early warning intelligence, we are looking for needles in a haystack among the thousands of cars, ships, and planes coming to the United States. With intelligence we know where to concentrate resources to improve the probability of interdiction. Federal Government and Latin American cocaine seizures totaled 240 metric tons last year. This number will surely drop if we cut drug intelligence spending.

What we need in the war on drugs is not a cut in funding, but better leadership. This has been clearest in the administration's most recent self-inflicted wound. On May 1, without prior consultation with other Federal agencies or departments, the Department of Defense terminated the passage of radar tracking intelligence to the governments of Peru and Colombia. This had the immediate effect of undermining the close working relationship between these governments and the United States. Equally important, these countries had begun effective air interdiction campaigns designed to stop the shipment of raw cocaine from Peru to Colombia, which relied upon our information to make their programs work. These programs had reduced the flow of cocaine, dislocated the traffickers, and raised their operating expenses. But because of an arguable legal interpretation, DOD ceased to pass tracking data on the flights.

At no time during the discussion of this problem did a senior administration official step in to address the issue and make a decision. The problem with counternarcotics programs is not counternarcotics intelligence, it is that, too often, no one is in charge and will make policy decisions. Indeed, as Mr. FRANK knows since he read the classified annex to this year's authorization bill, the committee took very specific and direct action to address shortfalls in leadership arising from the radar incident.

Because this program is classified, we must discuss the effects of the proposed cut largely in generalities without detailing how specific counternarcotics programs will be endangered. Let me assure you, however, if this amendment passes, we will see an upsurge in drugs on our streets.

Mr. HUGHES. Madam Chairman, I move to strike the requisite number of words.

Mr. GLICKMAN. Madam Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Madam Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

Mr. COMBEST. Reserving the right to object, Madam Chairman, let me ask, how would we divide the time? Would the time begin after the gentleman from New Jersey [Mr. HUGHES] has finished, or before?

Mr. GLICKMAN. Madam Chairman, I would give the gentleman from New Jersey his full 5 minutes, and I would ask that all debate on this amendment end in 20 minutes. I would take 15 minutes, the gentleman from Massachusetts [Mr. FRANK] would take 5 minutes, and I would yield time to the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. YOUNG].

Mr. COMBEST. Madam Chairman, would we have time on this side?

Mr. GLICKMAN. Madam Chairman, let me amend my request. I ask unanimous consent that House debate end in 20 minutes after the gentleman from New Jersey has completed, with the gentleman from Texas [Mr. COMBEST] to have 10 minutes, the gentleman from Massachusetts [Mr. FRANK] to have 5 minutes, and I would retain 5 minutes.

The CHAIRMAN. The Chair understands the request relates to this amendment and all amendments thereto?

Mr. GLICKMAN. That is correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey [Mr. HUGHES] for 5 minutes.

□ 1120

Mr. HUGHES. Madam Chairman, let me first of all congratulate our distinguished colleague, the gentleman from Massachusetts [Mr. FRANK], for his amendment. I am not going to support it, but I think he does us a great service, because I think the gentleman is partially right about many of his observations.

I think part of the problem with intelligence gathering in the counternarcotics area is like so many other aspects of our law enforcement component in this country, and that is we have so many agencies that are involved in the activity, few of whom speak to one another, share information, and basically try to reduce the kind of waste we see in this area, intelligence gathering, and in so many other areas.

My greatest regret over the years is that the so-called drug czar has never worked very effectively. They have never attempted to, unfortunately, eliminate the overlap and the duplication that exists in almost all of our enforcement agencies.

A few years ago when we developed the new center for intelligence gathering in the intelligence community, I think we made one of the biggest mistakes, although it has not been funded and has not been staffed like originally envisioned. Because again I think we are moving in the direction of balkanization of intelligence gathering. Hey, folks, they do not talk to one another. In the some 10 years I chaired the Subcommittee on Crime, throughout all the oversight hearings, I was amazed at how little cooperation there is among agencies. I think there is a little more than we have today, but it is certainly not what it should be. And I want to congratulate the distinguished chairman from Kansas of the Permanent Select Committee on Intelligence for the oversight hearings I am informed they have conducted.

I refer you to page 37 of the committee report, where they talk about the lack of coordination, and I read from the committee report:

> The committee is concerned that coordination of counternarcotics intelligence efforts involve too many personnel spread among too many "centers." Although the CIA created a counternarcotics center a number of years ago, it is a center in name only. For example, the CIA center only has one detailee from the Defense Intelligence Agency. There are over 200 personnel in CIA's counternarcotics center, and a lesser number working at the DIA's Counterdrug Joint Intelligence Center. In addition, there are personnel in the Department of Defense joint task force centers spread around the country and defense department personnel at the Southern Command in Panama. These intelligence community resources do not include DEA, Coast Guard, Customs, and other associated agencies. The El Paso Intelligence Center, EPIC, which is supposed to comprise most of the law enforcement agencies in the El Paso center, "or the newly established National Drug Intelligence Center."

The fact of the matter is that we have basically balkanized the intelligence gathering in this country. Instead of attempting to bring all those resources together in El Paso, as once envisioned, where we could bring all the agencies to one location, where they would have to feed that kind of intelligence, basically collate, disseminate it, not just to our domestic intelligence agencies, but throughout the world, what we are doing is collecting all that data, and each one basically hordes that data in many instances because it is their work product. They want to work those cases. And we have contributed to that, and we continue to contribute to that.

I hope that we reach the day when we understand that we can do a far better job than we have done. There has got to be one lead agency, in my judgment, and we should have one center for collecting that data and disseminating it.

I understand why the intelligence communities come across that information, but in many instances, the CIA, for instance, has different human resources. They have to create new resources. They are, I think, because of the nature of security, themselves compartmentalized and balkanized, and I think it is an absolute mistake.

So I think while the gentleman, I think, is not doing what I would like to see us do, I think he has pointed up the fact that there is a lot of waste in this program and that we can do a far better job than we have done. And intelligence gathering should be strengthened, not weakened. We need to invest more resources in the Foreign Cooperative Program, because the more information we can collect around the world at the source, I think the more we can disseminate, and prevent it from coming to this country and other countries.

Mr. GLICKMAN. Madam Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Madam Chairman, I think the gentleman raises an excellent point. The recent example with these ground-based radars in the Andean nations is a classic example of the kind of bureaucratic redtape that afflicts the drug war. This was at a higher level, but we ended the sharing of information overnight to countries which were fighting the drug war because of legal problems in this country, but without the kind of coordination that was necessary to effectively deal with the problem. That mistake at a high level has filtered down to much lower levels as well.

Mr. HUGHES. Madam Chairman, reclaiming my time, I would reject the amendment of the gentleman from Massachusetts [Mr. FRANK], but I think we need to get on with the business of getting our act together.

Mr. COMBEST. Madam Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Madam Chairman, my problem with the amendment offered by the gentleman from Massachusetts, which I do understand, is that it raises the white flag on one aspect of the drug war, and that is on interdiction. We have to deal with supply as well as demand. I will concede, if there were not a demand, there would not be a supply. But there are many fronts in this war. And to just surrender on interdiction and say look, we are only stopping 14 percent of it, therefore let us give up the game and let us put the money on law enforcement and rehabilitation, frankly, and parenthetically I might add, rehabilitation has not been all that stellar an accomplishment, and for very good reasons. But I do not say give up on rehabilitation. I do not say give up on interdiction. But if we can stop this poison at its source, or in transit, before it gets distributed in this country, you will not need as much rehabilitation as evidently we do.

Now, the gentleman from Massachusetts [Mr. FRANK] has said the interdiction has failed miserably, or there have been no significant interdictions. And we have heard the opposite in terms of statistics from the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Texas [Mr. COMBEST], who have talked about this.

Mr. FRANK of Massachusetts. Madam Chairman will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Brief correction, since the gentleman got one of my sentences wrong: I did not say there has been no significant interdictions. I said the interdictions have had no significant effect in reducing the availability of drugs on the street.

Mr. HYDE. Reclaiming my time, if that is the posture of the gentleman, I think it is even more illogical, because what is interdicted does not get distributed on the street. It does not get cut, it does not get sold or given away. It remains in the government warehouses for destruction.

So I just think there is a logical fallacy in what the gentleman says.

The drug war has been faltering, and the problems with it have been well illustrated by the gentleman from New Jersey [Mr. HUGHES] and others. But what is required is leadership, a seriousness on the part of government to forget the turf wars and to get on the ball, to get with it, and to get serious. This has to be done, because we are dealing with enormous amounts of money, we are dealing with murder on the installment plan for our young people and for older people who are addicted. We need to spend more money learning how to rehabilitate people. Because, frankly, once you come out of this treatment, you are thrown right back into the environment that encouraged the addiction or the incentives for the addiction, and you have not really solved a problem.

But we need all of these means of attacking this terrible scourge. But do not surrender on interdiction. Make it work better, rather than just walking away and saying we will spend the money elsewhere better. We need to spend more money in many directions, but do not surrender on interdiction.

Mr. COMBEST. Madam Chairman, I yield 5 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Madam Chairman, I rise in opposition to the Frank amendment.

Madam Chairman, this is not a mere across-the-board cut such as we deal with so often here in the House on appropriations bills. This is a major cut. It is a cut that the country cannot afford to make.

While we debate about spending money for intelligence activities related to the drug effort, the drug lords do not have to worry about this. They do not have to sit around with competing agencies deciding what to do or when, or where to get the money. The drug lords do not have to go to a Committee on Appropriations to get an appropriation. They do not have to go to the House of Representatives or to the Senate. They do not have to go to a President to sign a bill.

☐ 1130

The leader of the cartel makes a decision and that is the way it is. That makes them a very formidable enemy and a formidable target. It is important that we maintain our ability to the best of our ability to combat those who would infest this Nation and this world with illegal drugs.

They have their own intelligence capabilities, believe me. The drug lords, the drug cartels have intelligence that in some cases is more effective than ours because they are not handcuffed with the rules and the regulations that our drug enforcement agents are.

In addition, part of intelligence is technology. We have good technology in our intelligence community, but the drug lords have good technology as well and they do not have to get somebody's permission to buy it. They buy it because they have plenty of money, the money that comes from the poor individuals who put all of the money they earn or steal into purchasing these drugs.

The drug lords do not have those handcuffs. And they do have effective intelligence operations.

We cannot afford to let down our guard. We have got to continue this war against drugs. Maybe it is not easy. Some of the targets are difficult to work with because they are not fettered by the rules and regulations that our folks are.

We have heard some complaints and criticisms today about the effectiveness of this program. Yesterday during the debate on the major part of the intelligence authorization bill, we also had complaints about the intelligence community not doing as good a job as it could.

I think we could concede that. None of us is doing as good a job as we would like or as good a job as maybe we could. But here is what has been forgotten in this whole debate, whether it deals with dollars for drug enforcement or collecting intelligence against drug cartels or whether it is against a hostile military target. The truth of the matter is, Madam Chairman, while we hear about the mistakes and we hear about a failure from time to time, the truth is, because of the nature of the intelligence business, because of the necessity for secrecy, because of the importance of having these operations clandestine in order for them to work, the general public very seldom ever hears about the successes.

I would like to say here today, Madam Chairman, and to my colleagues, there are many successes in the intelligence work against the drug cartels. There are many successes in the intelligence activities in other areas of interest to our national security. And so we should not be lulled to sleep by a few errors or a few mistakes. We should continue aggressively to correct those errors and to prevent those mistakes, but let us not overlook the real honest fact that our intelligence community has done a pretty good job. The Nation is still free.

But because of the necessity for secrecy and clandestine operations, the general public seldom hears about those successes. And I say again, there are many.

Let us defeat this Frank amendment. Let me add a couple of more points, why I think we should defeat this amendment.

A reduction of $100 million in the NFIP and TIARA fiscal year 1995 counternarcotics budgets will prevent us from making the programmatic investments necessary to support the President's counternarcotics policy as specifically directed and laid out in the National Drug Control Strategy and Presidential Directives. Specifically, this reduction will force us to severely curtail highly successful counternarcotics interagency and regional efforts developed over the past 3 years to disrupt and dismantle major cocaine organizations which pose a threat to the United States.

This reduction will terminate essential human intelligence and technical collection programs to counter the heroin threat at a time when all indications point to an escalation of the heroin problem in the United States.

This reduction would terminate the development of interagency efforts similar to those used for cocaine to attack major heroin targets.

This reduction would eliminate effective support to the U.S. interdiction coordinator and the national interdiction command and control structure at a time when more precise intelligence is required to direct scarce interdiction assets in the transit zones.

It would severely curtail our efforts to detect and assess emerging areas of coca and poppy production in support of policy decisionmaking.

The Frank amendment would severely diminish CIA's capability to assess the destabilizing effect of narcotics trafficking organizations on the political and social structures of countries.

This reduction would prevent critical research and development efforts and the application of sophisticated technology to support counternarcotics operations and analysis.

And it would disrupt the community coordination process currently in place between various Government agencies to use available resources efficiently and achieve cost savings. For example, the counternarcotics community has established interagency working groups in Imagery, HUMINT, SIGINT, and Open Source, which coordinate collection priorities and activities, as well as the Resource Task Force, which coordinates interagency resource planning as a subcommittee of the Committee on Narcotics Intelligence Issues [CNII].

The Frank amendment would be a major retreat in our battles against the sinister drug lords and must be defeated.

Mr. FRANK of Massachusetts. Madam Chairman, I yield myself the balance of my time.

I want again to read from the committee report, because the question is not whether or not we have succeeded in interdicting. We have. The question is whether the fact that some percentage of drugs grown or shipped is interindicted has any significant beneficial effect within the United States.

The fact is that some of my market economy friends have lost track of the power of the market economy.

Unfortunately, in this case, market forces sometimes work whether they are legal or illegal. We get substitution. We get a powerful drive to sell something that is very profitable. The problem with interdiction is not that it does not work on its own terms but that the success of interdiction has very little, if any, physical effect within the United States. And because resources are limited, the billions we spend on interdiction prevent us from putting more money into law enforcement, treatment, and education. These are the three separate issues.

We are not simply talking about treatment. That is very important. But so is education, which does seem to have significant effects and, I believe, is more responsible for the decline in the use of drugs than anything else, certainly more than interdiction.

The committee report itself says, this is the public committee report,

> There are differing views on how progress in the war on drugs ought to be measured. If you measure by physical quantities interindicted or overseas drug people arrested, it succeeds. Others believe that progress should be measured by reductions in the amount of drugs flowing into the United States and increases in the street prices of the drugs that result. If the latter is used as a measure, then the war on drugs might be considered a failure.

That is the point. If one batch is interdicted, another batch replaces it. If it is shut down in one country, this is a big world, they will grow it in Myanmar. They will grow it here; they will grow it there. The problem with interdiction is that for a free society, with the free movement of people and goods that we fortunately have and do not want to give up, it is physically impossible significantly to reduce the availability of that very small and, sadly, very valuable quantity.

Therefore, we are wasting that money. I am not talking about cutting out all the money. We cannot get into specifics. Intelligence help and cooperation with countries that want to help would still be here. But the physical emphasis on interdicting is a mistake.

When this was first offered to the Defense Department in the early 1980's, as I remember, they did not want to do it. They said, this is not for us. This is not useful.

That was at a time when they were getting all the money they needed from Congress. Now that they are in a budget crunch, the Defense Department looks more favorably on this because it helps them support some of their arguments. But it is not the way to fight drugs. It is not effective.

The problem is that given that overwhelming demand that tragically exists, we get it in here. We stop it in one country, it comes through another. We stop this shipment, another shipment comes in.

That is the problem. The problem is practicality.

The power of market forces, even though in an illegal market, overwhelm the ability of law enforcement in the freest society in the world with the greatest exchange of goods that comes in and out to stop it.

Therefore, I believe we ought to begin the process of shifting resources. We will then decide among ourselves, there is deficit reduction. There is local law enforcement. There is education and there is treatment. All four of those seem to me to be preferable to the time wasting and money wasting policy that we now have.

Madam Chairman, I yield back the balance of my time.

Mr. GLICKMAN. Madam Chairman, I yield myself the balance of my time.

I do oppose the amendment. The President has proposed a new policy which focuses less on interdiction and more on disruption in the growing countries, the Andean region countries. I think that is an appropriate change in policy.

I think this cut would be very disruptive at a time when we are going after the regions of Colombia and Bolivia, Peru, Ecuador, and remaining countries.

□ 1140

I also want to note to my colleagues that we have had in the committee serious problems with the management of intelligence-sharing relationships with other intelligence agencies and law enforcement agencies in the whole counter-narcotics area. We have requested that the Office of National Drug Control Policy, Mr. Brown's group, report no later than September 1 the details of the administration's supply reduction strategy. They have come up with a good strategy in generic terms. We want to see some meat on the bones of that policy.

Madam Chairman, we have asked them, No. 1, to provide how the United States will help build resolve to attack the drug problem in narcotics-producing countries and what each department and agency of the U.S. Government will contribute in terms of personnel and fiscal resources to achieve overall supply reduction goals.

No. 2, we have asked them the specific role of the U.S. Southern Command and how it will support U.S. goals and objectives.

No. 3, we have asked them for an assessment of the advisability of integrating cocaine eradication as part of a supply reduction plan.

No. 4, and most important to us, we have asked them the policy of the United States in providing intelligence support to narcotics-producing nations, particularly as it relates to providing U.S.-generated radar tracking data.

Madam Chairman, my concern is that our Government, both this administration and the past administration, has not conducted an evaluation for cost-effectiveness on the whole issue of intelligence support in the counter-narcotics effort. The new directive will help, at least on paper. We want to see the specifics. It is incumbent upon the intelligence community to implement measures of effectiveness for both national and tactical problems to do so quickly.

This would be hurt of the Frank amendment is adopted. For that reason I urge its rejection, but I do want to warn this administration and the agencies of the intelligence part of our Government, as well as the law enforcement part of our Government, that we do expect more effectiveness and better coordination in the operation of these programs.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. COMBEST. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 18, noes 406, not voting 15, as follows:

[Roll No. 335]

AYES—18

Conyers
DeFazio
Edwards (CA)
Frank (MA)
Jacobs
Kanjorski
McDermott
Murphy
Nadler
Norton (DC)
Obey
Olver
Penny
Schroeder
Synar
Velazquez
Visclosky
Yates

NOES—406

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim

King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Bateman
Clyburn
Faleomavaega (AS)
Gallo
Gutierrez
Inhofe
McDade
Owens
Pickett
Ros-Lehtinen
Sisisky
Stark
Stokes
Underwood (GU)
Washington

☐ 1203

Mr. BAESLER changed his vote from "aye" to "no."

Mr. OBEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. GOSS: At the end of Title III (page 5, after line 23), add the following:

SEC. 303. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS

During the fiscal year 1995, no element of the United States Government for which funds are authorized in this Act may provide any classified information concerning or derived from the intelligence or intelligence related activities of any such element to a Member of the House of Representatives unless and until a copy of the following oath of secrecy has been signed by that Member and has been published in the CONGRESSIONAL RECORD.

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal Year 1995 in the course of my duties as a Member of the United States House of Representatives, except pursuant to the Rules and Procedures of the House."

Mr. GOSS. Mr. Chairman, I am going to abbreviate this very quickly and then yield to my distinguished friend, the chairman of the Permanent Select Committee on Intelligence. But before I do, I just want to point out that this is a very simple amendment. We did it last year. It passed.

It merely requires that Members of Congress, the House of Representatives, who wish to have access to classified information, take an oath that they will not willfully and knowingly disclose classified information. It is that simple. We have been over this ground.

I am prepared to yield briefly to the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. Chairman, almost everyone who is given access to classified information must take an oath of secrecy and publicly affirm a commitment to keeping privileged information privileged. The notable exception, a fact that has perplexed me since I first came to the Hill, is Members of Congress. In fact, until recently, Members had to go through more channels to have access to information regarding the contents of cigarettes than for accessing the most sensitive information this country collects. Now we find that some Members, who in the past have not seemed overly concerned about protecting classified national security-related information, have jumped on board an agreement to require that Members seeking access to Whitewater investigation papers sign a confidentiality agreement and treat those documents as classified information. There is clearly something wrong with our priorities if providing cover for the White House is placed on a higher level than protecting matters of national security.

I would certainly hope that these same Members will today support an amendment designed to safeguard properly classified documents as well. The Goss-Hyde oath of secrecy amendment is simply designed to elevate Members' awareness of these points and underscore the importance of keeping America's secrets secret. It requires each Member wishing to receive transfers of classified information on an ongoing basis to sign and submit into the RECORD an oath that they will not willfully disclose classified information. This is so simple, but vitally important. When today's classified briefing becomes tomorrow's headlines it has far-reaching impact—impeding future efforts at information gathering, endangering those who put themselves at risk to collect that information, even compromising our national security.

Last year the Goss-Hyde amendment was adopted by a vote of 341 to 86, but only after being given the kiss of death with an amendment by my colleague, Mr. GLICKMAN. Mr. GLICKMAN's amendment would go beyond the purview of the House to alter the rules of the other body. The Goss-Hyde amendment deliberately and appropriately leaves rulemaking for the other body to its own Members. The Glickman amendment would also expand the simple oath of secrecy for House Members into an unworkable, unnecessary, and redundant provision for the executive branch. As a former executive branch employee, I can say from experience that executive branch employees accessing classified information are already required to sign disclosures and oaths in the process of receiving such material. Additionally, the Glickman language leaves open the question of logistics and important questions; like how those individuals in sensitive covert executive branch positions could fulfill the publishing requirement without blowing their cover.

I urge my colleagues to support the Goss-Hyde amendment; a simple but powerful measure designed to ensure that the responsibility House Members take on when they access classified information is at least placed on the same higher level as shielding cigarette companies or the White House from public embarrassment.

There is no need for the Glickman poison pill—the other body is responsible for its own accountability, obviously.

There is no excuse to exempt this body of Congress from laws and procedures we ask others to follow, especially in matters involving national security.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, this amendment of course requires before a House Member could attain access to classified information he would have to sign basically a secrecy oath which would be placed in the CONGRESSIONAL RECORD. The gentleman offered this last year. I amended it last year by including the Senate and the executive branch as well. The germaneness rules do not allow me to amend the gentleman's amendment.

As the gentleman knows, my amendment was accepted by the House by a vote of 262 to 171. So last year the House voted requiring parity between executive and legislative branches when it comes to mandating an oath of secrecy and publishing the fact that such an oath has been executed. I am going to go ahead and accept the gentleman's amendment this time because I will then offer a subsequent amendment which will cover the Senate and the executive branch, which I understand both the gentleman from Florida and my colleague from Texas [Mr. COMBEST] have no objection to.

Mr. GOSS. The gentleman is correct.

Mr. GLICKMAN. That will be a separate section in the bill. That will do what I want, which is to bring parity so that it will not only be the House, but it will be the Senate and the executive branch who are covered as well. And based on the understanding that the gentleman does not object to that amendment, I accept his amendment.

Mr. GOSS. That is my understanding.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the distinguished gentleman from Texas, ranking member on the committee.

Mr. COMBEST. Mr. Chairman, I rise in strong support of the Goss amendment. The amendment offered by my good friend from Florida [Mr. GOSS] complements action we took during consideration of the fiscal year 1992 Intelligence Authorization Act which led to adoption of a House Intelligence Committee rule requiring Members and staff to sign an oath of secrecy.

I believe that this amendment is very appropriate. When a Member signs this oath of secrecy, he or she is reminded that they may not disclose to any unauthorized person any classified information received from any Department or agency of the Government that is funded by this bill. This will be a positive step to heighten and acknowledge our resolve to prevent the unauthorized disclosure of classified information from the House.

Will this amendment completely prevent leaks from the House? Probably not, but it will ensure that every Member knowingly recognizes that he or she is breaking a solemn oath if classified intelligence information is disclosed other than in conformity with House rules. This will sensitize those who are not members of the Intelligence Committee to be careful about discussion of intelligence information raised during closed meetings.

I urge each of my colleagues to support the Goss amendment. It is good security and will demonstrate to those in the executive branch who provide information to the Congress that we are aware of their legitimate concerns that classified intelligence information be protected.

The CHAIRMAN pro tempore (Mr. PETERSON of Florida.) The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The amendment was agreed to.

Mr. GLICKMAN. Mr. Chairman, I offer an amendment which was printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN:

At the end of title III (page 5, after line 23), add the following:

SEC. 303. DISCLOSURE OF CLASSIFIED INFORMATION BY MEMBERS OF CONGRESS AND EXECUTIVE BRANCH OFFICERS AND EMPLOYEES.

During the fiscal year 1995, no element of the United States Government for which funds are authorized in this Act may provide any classified information concerning or derived for the intelligence or intelligence-related activities of such element of a Member of Congress or an officer or employee of the executive branch of the United States Government unless and until a copy of the following oath of secrecy has been signed by the Member, or officer or employee, as the case may be, and has been published, in an appropriate manner, in the CONGRESSIONAL RECORD:

"I do solemnly swear that I will not willfully directly or indirectly disclose to any unauthorized person any classified information received from any department of the Government funded in the Intelligence Authorization Act for Fiscal year 1995 in the course of my duties as a Member of Congress (except pursuant to the rules and procedures of the appropriate House of the Congress), or as an officer or employee in the executive branch of the Government, as the case may be.".

As used in this section, the term "Member of Congress" means a Member of the Senate or a Representative in, or a Delegate or Resident Commissioner to, the House of Representatives.

Mr. GLICKMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is the objection to the request of the gentleman from Kansas?

There was no objection.

Mr. GLICKMAN. Mr. Chairman, this amendment is the same language that was adopted by the House last year to include both the Senate and the executive branch. The amendment which we just passed by the gentleman from Florida [Mr. GOSS] includes the House. I see no reason why the House should take a different position on this issue than it took last year. I urge my amendment be adopted.

Mr. COMBEST. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to my colleague, the gentleman from Texas.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding. As was indicated, the amendment would certainly be acceptable on this side.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The amendment was agreed to.

Mr. MANZULLO. Madam Chairman, the gentleman from Massachusetts is 100 percent wrong in his effort to strip $100 million from the interdiction budget of our intelligence agencies.

I represent the 16th Congressional District of Illinois, which includes the city of Rockford. Last year, Rockford gained the unfortunate distinction of leading the State of Illinois in per capita crime rate. This can be directly laid at the feet of the growth of gangs from larger urban areas expanding their territory to smaller and medium-size cities such as Rockford in the American heartland. These gangs are the tentacles of drug distribution networks that originate to a large degree from Latin America. These drugs are killing our children. Congress should vehemently oppose any attempt to diminish efforts to keep these murderers with their bags full of drugs away from our children.

Last month, the Foreign Affairs Committee held a hearing on the suspension of counternarcotics intelligence sharing with our friends in South America because of a dispute of what these countries might do with the information. Some in the Clinton administration believe that an U.S. Air Force airman could be sued by someone because he shared information with the Columbian or Peruvian military that stopped a shipment of drugs leaving their country by air. If that is our biggest problem, then we're in good shape.

Our counternarcotics policy must be an integrated, comprehensive strategy. We need drug eradication and interdiction outside our borders; tough law enforcement and swift prosecution inside the United States, and drug rehabilitation and education. Subtract resources from any one of these components and that's like sounding retreat on the drug war.

For all the talk by this administration about fighting crime, the President sends mixed signals to Congress. One minute we loudly hear of the immediate need for 100,000 cops on the beat. However, the next day I read buried in huge budget documents a request to cut the Drug Enforcement Agency by nearly $2 million. No new agents have been hired since 1992. One of those agents could have been assigned to help Rockford with its growing drug problem. Fortunately, the Appropriations Committee last month added $22 million to the President's meager request, including $5 million for 132 new DEA agents.

Totaled together, the President's 1995 budget request for international antidrug programs is $428 million, which is $96 million cut from last year. That's not good. And, now the gentleman from Massachusetts wants to cut another $100 million. I urge my colleagues to oppose this counterproductive amendment.

Madam Chairman, the drug war has not filed. We haven't really even begun to fight. Now is not the time to withdraw from the battle. It is time to give the DEA, the intelligence agencies, and our friends in counternarcotics operations in Latin America the support they need to complete the job. You can't fight a war without good intelligence. Let us fight the war on all fronts both at home and abroad. Oppose the Frank amendment.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORRES) having assumed the chair, Mr. PETERSON of Florida, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4299) to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the U.S.

Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 468, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

□ 1210

The SPEAKER pro tempore (Mr. TORRES). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GLICKMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 410, nays 16, not voting 8, as follows:

[Roll No. 336]

YEAS—410

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—16

Brown (CA)
DeFazio
Dellums
Duncan
Ehlers
Frank (MA)
Hamburg
Johnston
Minge
Owens
Penny
Sanders
Schroeder
Sensenbrenner
Stark
Williams

NOT VOTING—8

Gallo
Kingston
McDade
Moorhead
Pickett
Ros-Lehtinen
Sisisky
Washington

□ 1243

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN H.R. 4299, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4299, the Clerk be authorized to make such technical and conforming changes as may be necessary to correct such things as spelling, punctuation, cross-referencing, and section numbering.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Kansas?

There was no objection.

GENERAL LEAVE

Mr. GLICKMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include therein extraneous material, on H.R. 4299, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. BONILLA. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I announce to the House that I intend to make the following motion tomorrow relative to the House conferees on this bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

Mr. BONILLA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill HR 3355 be instructed not to agree to any provision having the effect of diminishing the amount of money made available to the United States Border Patrol Service from the amount provided in the House amendment.

ANTIREDLINING IN INSURANCE DISCLOSURE ACT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 475 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 475

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1188) to provide for disclosures for insurance in interstate commerce. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 475 is an open rule which provides for the consideration of H.R. 1188, the Antiredlining in Insurance Disclosure Act.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Energy and Commerce Committee.

The rule makes in order the Energy and Commerce Committee amendment in the nature of a substitute now printed in the bill as an original bill for purposes of amendment. The substitute shall be considered as read.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1188 is an important piece of legislation. Everyone needs access to insurance—whether it be homeowners, automobile, renters, or business.

H.R. 1188 addresses concerns regarding insurance premium disparities which prevent some from having affordable access to insurance. The legislation requires insurance companies to disclose their insurance related activities in the country's 25 largest urban areas based on 5-digit ZIP Codes.

The information generated by the requirements of H.R. 1188 will help determine the extent of insurance availability in large metropolitan areas and will help determine what changes can and should be made to increase access.

Mr. Speaker, this is an open rule. Any Member with an amendment which is germane and does not violate House rules may offer it. I urge my colleagues to adopt this resolution.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for having yielded this time to me.

Mr. Speaker, it took a while for us in the Committee on Rules. We anguished over it for a long period of time. But to the surprise of many of our colleagues, Mr. Speaker, we finally got it right. This is an open rule that does not require a preprinting of the amendments in the CONGRESSIONAL RECORD. It does not waive points of order against any part of H.R. 1188 or any prospective amendment at all.

□ 1240

Mr. Speaker, I would like to commend our friend, the gentleman from Michigan [Mr. DINGELL], and the ranking Republican member, the gentleman from California [Mr. MOORHEAD], for requesting a relatively clean rule. I also want to commend my colleagues on the Rules Committee who in a bipartisan way agreed not to impose a preprinting requirement for amendments. As Chairman DINGELL said in his comments before the Rules Committee a week ago Tuesday, this is a bill that has been out there for a long period of time, so it is unlikely that there will be any surprise amendments, at least from our side of the aisle.

Mr. Speaker, while the rule we are discussing is not controversial, the bill it makes in order, H.R. 1188, is very controversial. It is controversial not only because of the onerous reporting mandates it seeks to impose on the insurance industry but also because it illustrates the degree to which our committee system is in disarray.

Nowhere in rule X of the rules of the House is the jurisdiction of insurance clearly defined. The United States has one of the most archaic financial systems among the developed nations. A major reason for this is due to the ancient jurisdictional tug of war that has gone on between the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

While the distinctions between commercial banks, investment banks, and insurance companies have been blurred by an evolving financial services market, the House is operating under a committee system that was developed at a time when the sale of war bonds was the principal function of our financial system.

Mr. Speaker, the House leadership should stop putting obstacles in the way of congressional reform proposals that could modernize the committee system and address these jurisdictional disputes. But if the leadership insists on being obstructionists, the least we should do is amend rule X to better define the responsibilities of the Committee on Banking, Finance and Urban Affairs and the Committee on Energy and Commerce.

Mr. Speaker, I insert the following information:

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	75	17	23	58	77

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 19, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency Supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nat Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A: Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield such time as he may consume to the gentleman from Massachusetts [Mr. KENNEDY], the chairman of the Subcommittee on Consumer Credit and Insurance.

Mr. KENNEDY. Mr. Speaker, I rise in strong support of the rule that the Committee on Rules put out on this important issue.

Insurance redlining in America is a very serious problem. Our committee had the first hearings in this Congress pertaining to this issue, going back a year last February when we heard from a number of insurance commissioners throughout the country on the terrible scourge of insurance redlining that takes place around the United States. In fact, we were provided testimony by Mr. Garimendi from the State of California who actually provided us with maps he had obtained from insurance companies where crayons were used to outline black, brown, yellow, and gray areas, parts of the State of California, where major insurance companies had told their agents not to write insurance policies.

We have heard insurance agents testify time and time again over several hearings indicating in fact that they have been told by their companies not to write to blacks, that blacks do not pay back their policies and blacks are bad policy risks. We have an ACORN study indicating that this is a widescale problem all across America.

The fact of the matter is that everyone who is familiar with how upward mobility works in America understands very clearly that one of the sad facts of American life in our American cities, in our poor and black and minority neighborhoods, is that there is a much less percentage of home ownership and small business ownership that exists in those communities than exists in other neighborhoods.

People ask, why? They say that the blacks cannot pay back their bills, that they are bad credit risks. The fact of the matter is that we cannot find a bank and we cannot find an insurance company in many of the black neighborhoods in America. Yet every major study by both the banking industry and the insurance industry indicates that minorities actually pay back their loans and poor people pay back their loans at better rates than wealthier people do. That leads us to the conclusion that the only viable reason why people do not in fact write insurance policies and make bank loans in these communities is because of racial prejudice.

Now, what we are trying to do in this legislation is get to the cause of that racial prejudice and have the insurance companies tell us what in fact is going on and where they write insurance. This is modeled directly after the Home Mortgage Disclosure Act which comes out of the Banking Committee, legislation that I got passed in this body 5 or 6 years ago that has done an enormous amount of good at leveraging bank funding of small business ownership and home ownership in the minority community.

That legislation was lost at the subcommittee level and lost at the full committee level, but it came out here on the floor and with Republican support we were enabled to gain the kind of evidence that allows us to ask the banks very simply where they are making their loans. That is what is necessary in the insurance industry.

The bankers are the first to tell us that one of the major problems they have in this country is that they cannot write a bank loan to an individual unless that individual has insurance. If there are no insurance companies that are writing policies in the minority neighborhoods, the blacks cannot get bank loans, brown people cannot get bank loans, and people with yellow skin cannot get bank loans in America, and the reason for that is because insurance companies are not writing policies in those neighborhoods.

All this bill does is ask for information. It asks for information that tells us in a very specific way where these insurance policies are being written. It asks the American people and the American insurance industry to tell us very clearly whether or not policies are being written in specific neighborhoods. The legislation that the Banking Committee proposes is very different than the legislation coming out of the Energy and Commerce Committee. It is different in several ways. First of all, the Committee on Energy and Commerce probably said in front of the Rules Committee the other day that their information does not ask questions about race and gender. Well, if they do not ask questions about race and gender, I pose the question, how the heck are you ever going to find out whether or not racial discrimination takes place?

They ask for information on a ZIP Code basis. But anybody who looks at ZIP Codes in America understands that there can be ZIP Codes that include poor black neighborhoods in the inner city as well as wealthier white suburbs. So if all the insurance companies have to do is tell us whether or not they are writing policies with certain ZIP Codes, that will never tell us whether in fact racial discrimination takes place.

We ask for it on ZIP Code+4, which is on a much smaller neighborhood level or on a census track basis. We ask for lost data. We have heard testimony from a range of different insurance commissioners around the country that came before us and told us that despite the fact that insurance companies will tell the American public and anybody that asks that the reason that they do not write policies in these neighborhoods is because the blacks are poor risks, that their homes get robbed more often and they have greater losses, if we look at the actual information that is collected by several States around the country right at the moment, the exact opposite is the truth.

The Banking Committee version asked for that information. The Energy and Commerce Committee version does not ask for lost data. If we do not get lost data, we will get information from the insurance companies indicating that they are not writing these polices because these people are bad risks.

Fundamentally, the reason why we have to get at this is to find out whether or not we are really serious about seeing upward mobility in America. We have all sorts of policies that say we are going to invest in the Third World all across this planet, but we have a Third World in America that we turn our backs on. What we are trying to do is to get our major institutions to take a step forward, end racial prejudice, and invest in these communities. That is what this is all about. We need the help of this body. We need people to take a moral stand on this issue. Certainly we can pass a bill around here that does not ask for any of the detailed information that is required and necessary in order to draw the proper conclusions.

□ 1250

But if you are serious about getting at whether or not this kind of racial prejudice exists, you have to get the detailed information that the Committee on Banking, Finance and Urban Affairs' version asks for.

Finally, I would submit that there is a major question before the body as to whether or not this information would be housed at the HUD agency or housed at Commerce. This is a jurisdictional question between the Committee on Energy and Commerce and the Committee on Banking, Finance and Urban Affairs. I think it is a critical question.

The HUD agency, Housing and Urban Development, has run several programs, including the programs that pertain to flood insurance and housing insurance and mortgage insurance and homeowner's insurance. They are in charge of determining whether or not that kind of racial prejudice takes place in our housing industry. They have housing inspectors that go out and make these determinations.

The Commerce Department has none of these provisions. Certainly they collect some information on foreign insurance companies. It has nothing to do with racial prejudice or the kinds of issues we are discussing in this bill.

The Secretary of HUD has asked for this to be a priority of his tenure at HUD. He has reorganized that agency in a way that has allowed him to make this a priority of his, and he has talked to me on several occasions, including testimony before our committee, which the Energy and Commerce version never got from Ron Brown, asking that this information be given to HUD, that he wants to make this a front and center piece of his administration's attack on racial discrimination in the housing industry.

Mr. Speaker, please give this issue serious thought. If you rally wanted to end racial discrimination in the insurance industry, we need to collect this data, and we need to have the data housed at the HUD agency. If we get these data housed at HUD, if we get the detailed information, we can go a long way toward ending racial discrimination in the housing policy and small business lending that currently exists in this country.

Mr. DREIER. Mr. Speaker, I yield 7 minutes to the gentleman from Appleton, WI [Mr. ROTH], a hard-working member of the Committee on Banking, Finance and Urban Affairs.

Mr. ROTH. Mr. Speaker, the legislation before us will, if passed, drive up consumer insurance costs. That is the bottom line.

The bill would begin an unnecessary Federal takeover of regulating the Nation's property an casualty insurance business.

This legislation is premised on bad public policy. Why? Evidence of widespread redlining in insurance is anecdotal only.

Testimony presented to the committee by Eric Englund, president of the Wisconsin Insurance Alliance, said:

> Stripped naked, the insurance industry exists to sell and service insurance.
>
> Old or young. Rich or poor. White or black. Urban or rural. We'll take your money. We'll cover your risk. We'll pay your claim. . . .

Redlining is not the problem. The problem is the way in which the verbiage of racism impedes the evolution of additional practical solutions to problems inherent in urban living.

I urge my colleagues to vote against this bill. The best that may be said about this bill is that it could be a lot worse.

As reported, H.R. 1188 would require insurance companies doing business in 25 of our largest cities to report annually to the U.S. Government the total number of policies written, earned premium, and total number of new policies, cancellations, and nonrenewals. It would require companies to disclose the number and location of agents in each city. All this mass of data would be reported by ZIP Code. Others in the Congress would require the reporting by census tract—far more costly to insurance companies—and consumers. This is government regulation gone wild.

In fact, some well-intentioned insurance leaders have been persuaded to support this bad bill as reported for fear that the even more obnoxious version might be enacted.

Even the bill before us, however, would lead to escalation of consumer insurance costs, more-not less-regulation, more Federal bureaucracy, unnecessary Federal spending, duplication of State antidiscrimination laws, and duplication of State data collection.

My State, Wisconsin, is in the forefront of States who require reporting detailed homeowners and automobile insurance sales data as to location of customers as to cancellations.

For more than a year, the National Association of Insurance Commissioners has been collecting similar data from every State. Its first, interim report on urban insurance availability and affordability will be available at the end of 1994.

If you review the bill you'll see that the bill is so defective it will cause legal chaos in the field of civil rights litigation. It fails to define redlining satisfactorily. It fails to define what is and is not legal behavior. And it fails to give direction for use of the data once it is collected.

This legislation is just plain unnecessary at this time. The Nation has far greater priorities.

The bill would lead to an unwarranted dual Federal-State system of insurance regulation. It would be imposed on top of the present effective State system.

So, once more, the Congress would arrogantly stick its nose into our State-regulated property and casualty insurance industry. State regulation for this industry is basically effective and appropriate. Federal supervision is not needed.

This bill would unnecessarily make the Federal Government bigger and more costly—and the facts are that this government already is too big and costs far too much.

To be sure, the federal insurance program that would be provided here might start small. But history teaches us that over time it would grow and never die.

Its laudable goal is to eliminate perceived rate, geographic, and racial discrimination in the sale of property and casualty insurance, especially homeowners' insurance.

This legislation, however, epitomizes everything that is bad about current legislative practice and policy in Congress today. The bill mandates needless spending of additional millions of dollars of federal money—up to $4 million a year—that we don't have. It imposes unnecessary costs on insurance providers that are certain to be passed on to consumers. It tries to address a possibly imaginary national problem.

While the committee heard anecdotal testimony, including witnesses at a field hearing in Milwaukee, no case has been made that the insurance industry is guilty of widespread redlining as a form of racial discrimination. The committee reviewed several studies ostensibly designed to prove whether widespread redlining exists in urban areas. The studies, all flawed, failed to do so.

The industry has been unfairly indicted by anecdote. It is like Justice Potter Stewart's definition of obscenity: "I know it when I see it."

The facts are that one study presented to the committee clearly shows that property insurance is widely available in urban markets. Furthermore, the States already outlaw discrimination in the marketplace, including redlining. This new Federal legislation would be redundant.

This bill would do to insurance companies what Congress already has done to banks through the infamous Home Mortgage Disclosure Act, known informally as the HMDA Act. We all know HMDA has produced a zillion pieces of paper for the Federal Reserve to take care of and analyze endlessly with mostly inconclusive and controversial results.

But we do not seem to learn anything from the past. This bill simply lacks definition of what behavior is and is not legal. This legislation would amount to welfare for lawyers in terms of litigation that would be almost certain to result from misuse of collected data.

Data collected under this bill could be used to involve insurance companies in costly legal battles defending every marketing and underwriting decision made in the inner-city.

Insurance companies could be accused of redlining when they either have a poor risk history in a certain area or just are not doing a very good job of marketing.

Every company would be tempted to establish a legal defense fund—even the White House has one these days. Legal costs, of course, would be passed on to the consumers.

My information is that the data that would be collected and disclosed by this legislation has already been requested by the National Association of Insurance Commissioners, an organization of State officials.

There is no need to rush enactment of this legislation when the States at their own expense already are investigating urban insurance underwriting practices.

I urge the House to summarily reject this faulty, costly bill until better evidence justifies its enactment.

Mr. GORDON. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, I rise on this measure as a member of the Subcommittee on Consumer Credit and Insurance. It is a subcommittee of the Committee on Banking, Financing and Urban Affairs, and it is that subcommittee which has traditionally had jurisdiction in this area.

□ 1300

I believe that what we are talking about here is very basic and fundamental. The jurisdiction of the Committee on Banking, Finance and Urban Affairs in the area of property and casualty insurance has never really been challenged. The committee has historically overseen efforts to monitor and ensure the availability of property and casualty insurance. The urban property insurance program of the 1960's and early 1970's were run out of HUD and overseen solely by banking.

What we are attempting to do here today is to monitor information which is critical to the issue of redlining. This body has made substantial progress on the issue of redlining with regard to the banking industry and how loans are made into various communities. But until now the issue of redlining in the insurance industry has never been clearly brought into focus, and it is time that it be brought into focus.

That is what we are attempting to do here, to ensure that people have available to them loans that will provide them with the ability to improve property and to acquire property. And as the chairman of the subcommittee made clear just a few moments ago, their ability to do that is seriously impaired, in fact it is made impossible in many instances, as a result of the unavailability of insurance.

In order to correct this problem, we need to have very simple and fundamental data. We need to know where insurance is being provided, in which communities it is being provided so that we can clearly determine in what communities conversely it is not being provided.

The only way to do that in a meaningful way is to collect the data in a way that it will be usable. If we collect it on the basis of ZIP Codes, it is not usable, because the ZIP Code covers an area that is too large. ZIP Codes cross neighborhoods, and they make the data relatively unimportant and not usable.

But if we collect it on the basis of census tracts, as we would like to do, then that data becomes usable in a very meaningful way.

Fundamentally that data ought to be available through HUD. HUD is the agency which traditionally collects this data with regard to banking and in every other area it is the agency that has jurisdiction over housing, the agency that has jurisdiction over property and casualty insurance now, currently. And the data ought to be housed there.

If we put the data into the Commerce Department, the Commerce Department is not equipped to deal with it. And we will then be collecting the data in a way that does not make any sense and will not have any real meaning or any significance.

So this information ought to go to HUD. It ought to be collected in a meaningful way on the basis of census tracts rather than ZIP Codes, and it ought to be done in a way that will make some real sense so that we can develop this information to determine where redlining is taking place in this society.

It is taking place in this country now; we know that. But in order to counteract those efforts, we need to know where exactly it is taking place.

So it makes sense to collect this data in that way and put it into HUD so it can be used in a responsible and meaningful fashion.

Mr. GORDON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I encourage my colleagues to support this amendment because it will mean a much fairer and more effective insurance redlining law.

This legislation is crafted to bring the marketing practices of the insurance companies into the open so we can see whether redlining actually occurs. Unfortunately, the bill as currently written would not provide us with enough information.

The loss data reporting requirements are particularly important to a redlining law. Anyone who has followed the redlining debate over the years knows that insurance companies claim their rates are higher in certain areas because losses are greater there. But studies have shown just the opposite, that loss rates are actually lower in areas where premiums are the highest.

The only way to resolve this debate is to have the insurance companies provide their loss data. If indeed the companies' claims that losses are higher in central cities are true, then they should be tripping over themselves trying to provide us with the loss data. What have they got to hide?

This amendment is also important because it will expand the number of metropolitan areas covered by the law from 25 to 75. This is a compromise between the bills passed by the Energy and Commerce and Banking committees. The banking bill would have included the largest 150 metropolitan areas, plus 50 rural areas.

According to the lists that I have seen, the area I represent—the Milwaukee area—has been ranked either 24th or 26th. I can tell you that redlining is a huge concern in my area. If it is a major concern in the 24th or 26th largest metro area, then it must be a concern in the 40th, 60th, and 75th largest areas as well. There is no reason why the law should not apply for the people who live in these areas.

The voluntary census tract and "ZIP+4" provisions are also a compromise between the Energy and Commerce and Banking bills. The Banking Committee bill would have required census tract reporting in all areas. This amendment would simply give the secretary charged with administering the bill the flexibility to require census tract or ZIP+4 reporting in areas where five-digit ZIP Codes do not provide an accurate picture of a community's neighborhoods.

As someone who represents a very diverse area, I know that one ZIP Code can include a predominantly white, upper middle class neighborhood and a predominantly African-American, poor neighborhood. In cases like this, reporting by five-digit ZIP Code is simply inadequate.

The amendment would also provide us with valuable information on race and gender. These provisions are no different from those in the Home Mortgage Disclosure Act [HMDA]. Any information disclosed would be completely voluntary on the part of consumers.

Let us pass as redlining bill that will truly make a difference. Insurance redlining is a serious problem that deserves to be dealt with seriously. Please join me in supporting this amendment.

Mr. DREIER. Mr. Speaker, I have no further requests for time. As I said earlier, this rule is a marvelous model for our Committee on Rules to follow. It is an open rule, which I think should be the pattern used for other legislation that comes forward.

I urge a "yes" vote on this rule. The legislation itself is terrible. I oppose that, but I do support an open amendment process.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). Pursuant to House Resolution 475 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1188.

□ 1307

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1188) to provide for disclosures for insurance in interstate commerce, with Ms. DELAURO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, and the gentleman from Florida [Mr. STEARNS] will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 1188, the Antiredlining in Insurance Disclosure Act. This is landmark legislation, which is supported by a diverse coalition including the NAACP, the American Insurance Association, Citizen Action, the Economic Empowerment Foundation, the Independent Insurance Agents of America, the Coalition of Bar Associations of Color, and the Council of Insurance Agents and Brokers.

This bill is a truly bipartisan bill. It was reported by the Committee on Energy and Commerce by a voice vote with strong support on both sides of the aisle. I particularly want to thank the hard efforts of our full committee chairman, JOHN DINGELL, and the work of the ranking minority member of our subcommittee, Mr. STEARNS, and the ranking minority member of the full committee, Mr. MOORHEAD. I also want to express my appreciation to the former ranking minority member of our subcommittee, Mr. MCMILLAN, who has been extremely helpful in moving this bill forward. I firmly believe that this bipartisan effort has immeasurably helped to make passage of this bill possible.

I have been listening to the debate on the rule, and I think it confirms that this bill is a compromise. We heard some Members say that the reporting requirements should be increased, and others who want to do nothing. In fact, the bill has the broad support because we found the middle ground.

Over the last year, the Commerce Subcommittee has examined redlining practices of insurance companies. At the subcommittee's two hearings, we heard very disturbing reports about a variety of practices insurance companies use to deny access to insurance to the residents of our urban areas.

For example, Illinois Public Action testified that there are 52 State Farm offices and 32 Allstate offices in a predominantly white congressional district in Chicago. But in the Chicago portion of my district, according to Public Action, there are only six State Farm offices and two Allstate offices outside the downtown area, but there are several in the suburban portions.

Beyond anything we heard at our hearings, I can tell you about insurance redlining. It is an evil practice. It is nasty. As Ben Chavis, executive director of the NAACP, put it in his letter endorsing H.R. 1188, "Insurance redlining is a pernicious practice that must be stamped out."

Believe me, despite the remarks of some Members, who during debate on the bill, said redlining does not exist, I can assure you that insurance redlining is alive, well, and thriving. Many of my constituents must live with it every day. One need only drive through certain low-income areas and see residential communities that have deteriorated, areas that can't get insurance. They have been allowed to deteriorate not only because they have become economically and socially deprived, but to a large degree because accidents and hazards that most of us can be insured against were not covered by homeowners and/or automobile insurance which was denied them solely because of their location. Without insurance, there is no hope.

Redlining is a vicious circle. When you are denied the right to buy insurance, real property and businesses begin to deteriorate. When that occurs insurance becomes even harder to get. Residents and jobs flee, contributing to a vicious circle of despair. Fair access to affordable insurance is a keystone in our efforts at community quality control and urban revitalization.

Regrettably, many of my constituents are too poor to own their own home. Homeownership is the great American dream, but for them, it is a far off and often unattainable desire, so they must rent. However, whether they are homeowners or renters, they want to work, they want to be economically independent, they want jobs. Many jobs that were once found in major cities have been fleeing to the suburbs. Folks wanting to work, and able to work, need access to the job. Now you may be of the opinion that mass transit can solve this problem, but I stand here to tell you that mass transit is often not available or adequate to the locations or at the optimum schedule for getting the workers to and from these jobs. They need an automobile.

While many Americans may be unable to afford to own a home, but they can afford to own a car. It is their lifeblood. It is their access to a job. It is their access to a better way of life. It is their only access to the American dream. But if you own a car, you need insurance. Access to affordable auto insurance is a major problem in many urban areas of our country, including Chicago. That is why I included reporting of auto insurance as an essential part of H.R. 1188. That is why I am at a loss to understand the effort by some to strike auto insurance from the bill. To do so simply does not make any sense—particularly now, when everyone is talking about welfare reform encouraging people to work rather than to remain on the public dole. The ability to obtain automobile insurance goes to the heart of accessibility to job opportunities.

There is plenty of evidence of redlining behavior by insurance companies. For example, the NAACP has a lawsuit pending against American Family Mutual Insurance Company. That is the case where the sales manager was recorded as telling an agent, "I think you write too many blacks. You gotta sell good, solid premium paying white people." Do you know how offensive that statement is? How insulting?

To combat redlining, I introduced legislation H.R. 1188, the Anti Redlining in Insurance Disclosure Act. As amended by the Committee on Energy and Commerce, this act will require insurance companies to disclose information about their insurance activities in the 25 largest urban areas, such as the breakdown of policies sold and agent location by ZIP Code. These disclosure requirements would apply to automobile and homeowners insurance, and would last for 5 years, extendable by the Secretary of Commerce for 2 additional years. In addition, the Secretary of Commerce would conduct a 2-year pilot project to collect information on small business commercial insurance in the five largest cities.

The information generated by this legislation would help determine the true nature and extent of redlining, but more importantly, the public disclosure of this information would also serve as a powerful disincentive against discriminatory behavior.

At the subcommittee markup last July 28, the bill was amended to meet industry objections. I was not thrilled with all these amendments, but they attracted broader and bipartisan support to the bill and enabled the legislation to move forward. At the same time, I believe the bill, even in its amended form, is a tremendous step forward. It will provide a significant amount of data that is simply not publicly available today—data that will help us determine the true nature and extent of redlining. The bill was improved at the full Committee, when I successfully offered an amendment to establish a pilot project for the collection of information on commercial insurance.

During the legislative process, we worked and consulted with all sides in fashioning this bill. There was extensive consultation with consumer and community groups, the insurance industry, the National Association of Insurance Commissioners, and relevant Federal agencies. We worked with Members on both sides of the aisle. Nobody is completely satisfied with this bill, but most can support it. As the consumer group Citizen Action put it, the bill "is a significant improvement over the status quo."

Now this bill is no panacea. It is not going to solve all insurance redlining problems overnight. No bill will, but it is an important step forward. It will help those charged with enforcing insurance laws by highlighting areas where insurance is most difficult to get. It will enable a more thorough investigation of possible redlining.

Now some may say this bill is not good enough. Let us wait until next year, or let us leave it to the States.

I am not optimistic that we would do any better by leaving it to the States. There are a few State insurance departments which are really concerned about redlining, and this bill does not preempt those States from taking action. Thus while this bill does not interfere with what States may do, it ensures a baseline level of disclosure nationwide.

My constituents and yours suffer daily the indignities of insurance redlining. They want to start seeing some relief now. We here in Washington can argue about the perfect bill, but our constituents want results. We can wait forever for State legislatures to pass the perfect bill—or even any bill, but our congressional districts want results.

Madam Chairman, I must also point out that, when this bill is considered for amendments, I will have to oppose all amendments.

If I had my druthers, I would like to have been able to strengthen this bill, but, my first priority must be to pass this much needed legislation. The bill in its current form reflects a broad, pragmatic consensus. Unfortunately, the kinds of changes that some of my colleagues might want to make would produce a bill that would destroy that consensus and could not be enacted.

☐ 1310

The bill in its current form can be enacted and should be enacted. It would provide a lot of information about insurance practices that is simply not available today. If we attempt to improve this bill in a manner that it is not passable, none of this information will become available. We would have shot ourselves in the foot and the perfect would have become the enemy of the good.

Madam Chairman, let me expand on one point. The bill requires data reporting on insurance activities with respect to the 25 largest metropolitan areas, and establishes a pilot project of reporting with respect to commercial insurance in the 5 largest metropolitan areas. In determining either the 25 largest or the 5 largest metropolitan areas, as applicable, the Secretary of Commerce should use population figures from the 1990 census. Thus, the Secretary should designate either the 25 largest or the 5 largest metropolitan areas, as applicable, in rank order based on the 1990 census. For purposes of determining the rank order, the ranking of metropolitan areas should be based on metropolitan areas as defined by the Office of Management and Budget as of December 31, 1992.

Let me also note that section 6 of the legislation directs the Secretary to promulgate implementing regulations. Those regulations may provide for adjustments and exceptions for classes of transactions where necessary and proper to effectuate the purposes of the reporting and disclosure requirements and to prevent circumvention or evasion or to facilitate compliance.

There may be some limited situations where the reporting requirements of this legislation are not necessary, in light of the purposes of the legislation, with respect to certain specialized types of insurance policies. For example, some insurance companies offer specialized insurance policies to cover antique or specialty automobiles that are not used for general transportation purposes. Since the reporting of data on these particular types of specialized insurance policies does not appear necessary to effectuate the purposes of this legislation, this may be one area where the Secretary may want to consider using the exemption authority of section 6.

Madam Chairman, I urge support of this legislation and I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I yield myself 7 minutes.

Madam Chairman, I rise today to discuss H.R. 1188, the Antiredlining in Insurance Disclosure Act. In the context of insurance sales, redlining is, unfortunately, a term tossed around without much thought to its meaning. The most common, and most realistic definition of redlining in insurance sales is the practice of routinely and deliberately denying certain classes of individuals insurance coverage simply because of their race, gender, ethnic origin, or socioeconomic status. It is important that anyone who might be engaged in this practice be absolutely clear on one point—redlining is a violation of both Federal civil rights laws and State insurance laws and it will not be tolerated. Any corporation or individual found engaging in racial discrimination of any kind should be prosecuted to the fullest extent of the law.

Madam Chairman, you will hear many Members come to the floor today and describe why the House must approve strengthening amendments to this legislation, so that it will be an effective civil rights enforcement bill. As well-intentioned as my distinguished colleagues may be, I think they are missing the point—H.R. 1188 is not a civil rights enforcement bill.

Arguably, H.R. 1257, the Banking Committee's redlining bill was designed to provide information for civil rights enforcement. However, the Banking Committee's bill is not the one on the floor today, and even if it was, it reached its conclusion by presupposing an answer to the question asked by H.R. 1188; namely, whether or not individuals are discriminated against in insurance sales simply due to their race or where they live.

The Energy and Commerce Committee decided to structure H.R. 1188 in the manner before the House today because none of the evidence submitted to the committee, or even any of the evidence or testimony printed in the Banking Committee's hearings, was sufficient to warrant large-scale intervention. Much of the evidence was anecdotal in nature, which any public policy expert will tell you is dubious at best, and the vast majority of those studies purporting to be scientific in nature were grievously flawed.

For instance, the Commerce Subcommittee, on which I serve as ranking Republican member, heard almost half-a-dozen stories of individuals who alleged that they were denied insurance because of their race, ethnic background, or gender. Two different consumer groups submitted different studies alleging widespread discrimination in the sales of insurance. However, another study received by the subcommittee showed that among minority homeowners in the inner-city, an average of 98 percent carried either basic or comprehensive homeowners' insurance policies and 86 percent said that it was either very or somewhat easy to obtain insurance. All of these studies cannot be correct.

That is why a coalition of subcommittee Republicans and Democrats joined together to ensure that H.R. 1188 answered the question posed by the subcommittee's hearings—does redlining in insurance sales exist? To focus the bill on this question, we modified the bill in four simply ways:

First, we reduced the number of urban areas included in the study from 150 to 25. That still represents almost two-thirds of the Nation's metropolitan population, which is a sample far larger than needed to see if a problem exists.

Second, we only required reporting on the basis of 5-digit ZIP Codes instead of census tracts. Currently, no insurer uses census tracts for any of their activities. Requiring reporting by census tracts, of 9-digit ZIP Codes which are later converted into census tracts by the Government, would be extremely costly to either insurers or the Government, meaning that insurers would have to raise premiums or the Government would have to raise taxes.

Third, we eliminated requirements that insurers report unnecessary data, such as demographic information or loss data. Demographic information about geographic areas, like racial and gender composition, is already widely available—we can even get it on our own computers through House Information Systems. And lost data represents highly proprietary information, the release of which could represent the loss of trade secrets for insurers. Loss information reported on a 5-digit ZIP Code basis or smaller also represents too small a sample to be statistically significant.

Finally, and perhaps most importantly, we ensured that this was indeed a study, and not a data gathering exercise that would continue in perpetuity. We added a 5-year sunset provision, ending the study unless the Secretary of Commerce decided that more data was needed, in which case the program would definitely end after a total of 7 years. We believed that this, like any other program, should be subject to the normal authorization and appropriation process, and Congress should have an opportunity to review the study's findings to determine whether there is a need for continued data collection.

H.R. 1188 and the proposals by some of my former Banking Committee colleagues will provide roughly the same information. So what do we gain with the approach taken by H.R. 1188? The short answer is about $21 million.

As you can see from the chart, the Congressional Budget Office had strikingly different estimates for the cost to the Government of H.R. 1188 and the Banking Committee's redlining provisions. Even under CBO's worst case scenario, the Banking Committee's proposal was $21 million more expensive than H.R. 1188. If you ask why, the CBO best answered that question in their cost analysis of the Banking Committee bill: "Most of the estimated cost associated with—the redlining portion of the bill—would be attributable to the large amount of information that would be collected, analyzed, and made available to the public." That is the same information that members of the Banking Committee will be seeking to require through their amendments.

In these times of fiscal austerity, we need to be even more conscious than usual about the cost of what we do in this House. H.R. 1188 represents a bipartisan compromise that will answer the same questions answered by the data that Democratic members of the Banking Committee want to collect. And it does it more effectively and at a lower cost than anything proposed by the Banking Committee, either in their bill or through their amendments.

I believe that H.R. 1188 as it stands before the House represents the best possible compromise for everyone. Changing too much in either direction will cause Members to loose their already strained enthusiasm for this legislation. I urge my colleagues to oppose all amendments to H.R. 1188 and to support its final passage only if it remains intact.

□ 1320

Madam Chairman, I include the chart referred to in my remarks, as follows:

OFFICIAL CBO COST ESTIMATES FOR H.R. 1188 AND TITLE II OF H.R. 1257

[Budget authority in millions]

	Fiscal year					Total
	1994	1995	1996	1997	1998	
H.R. 1188 (high estimate) ...	$4.0	$4.0	$3.0	$3.0	$3.0	$17.0
H.R. 1188 (low estimate)	3.0	3.0	1.0	1.0	1.0	9.0
H.R. 1257 (Title II)	0.7	3.2	3.1	15.0	16.0	38.0

Source: Official CBO cost estimates included in the respective committee reports.

Madam Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY], the former insurance commissioner of North Dakota and former president of the National Association of Insurance Commissioners.

Mr. POMEROY. I thank the distinguished gentlewoman for yielding me the time.

Madam Chairman, I have served as an insurance regulator. For 8 years I was elected by the people in North Dakota to regulate the business of insurance as conducted in that State. During that period of time I was elected by my regulatory colleagues to serve as president of the National Association of Insurance Commissioners, the umbrella organization closely coordinating the regulatory initiatives of the State. My brother was elected to the position of insurance commissioner succeeding me in that post giving me an ongoing, close view of regulatory issues as seen by State regulators. Frankly, I have a great deal of confidence in State regulation and in the National Association of State Insurance Commissioners which coordinates carefully State regulation of this important national commerce.

In that light, I have typically been very skeptical of Federal initiatives on insurance regulatory issues, believing that they were well-intentioned but ill-considered, they did not work well, they were duplicative of activity taking place at the States or worse yet a jurisdictional grab from something better controlled at a State level. I do not find H.R. 1188, however, to fall within that realm of traditional objections I have had to Federal initiatives. I believe H.R. 1188 is a balanced, careful approach to a serious public policy issue.

Frankly, I wish more data was presently available. I wish the State commissioners had generated, had taken the initiative and given us more data so we might evaluate the very serious allegations attendant to the redlining issue. I think the approach taken by the Committee on Energy and Commerce is an appropriate course, and I mark it in stark contrast to the initiatives urged by the Committee on Banking, Housing and Urban Affairs.

The Committee on Energy and Commerce does not presume guilt, does not foist upon the industry and ultimately upon the insurance consumers of this country increased costs for exhaustive data collection efforts based on some anecdotal reports. Rather, it takes a careful, studied, balanced view certainly designed to give us the type of data that we will need to evaluate the seriousness of the issue and formulate appropriate public policy in the future should it come to that.

□ 1330

As we look at those who just say all we want is information, all we want is information, we have got to understand that regulatory burdens upon an industry add costs to consumers, every consumer in this country. There is no allegation of red-lining in North Dakota but you can bet North Dakota consumers are going to pay higher premiums if the farflung regulatory objectives of the Banking Committee are amended into this legislation.

So I would close by urging my colleagues, support H.R. 1188, a balanced approach, and oppose the amendments offered this afternoon to the bill.

Mr. STEARNS. Madam Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. MOORHEAD], ranking member of the Committee on Energy and Commerce.

Mr. MOORHEAD. Madam Chairman, I rise today in support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act, and urge my colleagues to oppose all amendments. This legislation is the product of months of hard work by Chairwoman COLLINS, Chairman DINGELL, Congressman STEARNS, and others. It represents a bipartisan compromise to find an efficient and cost effective approach to the troubling issue of redlining. It is a bill that is supported by both consumer groups and businesses.

There is a great deal of confusion over the extent of redlining in the inner-city. Some studies indicate that redlining is a localized problem that can be amply prosecuted under current law. Other studies suggest that redlining is more widespread. There is enough confusion about this issue that the NAIC has recently issued a data call to learn more about this problem.

H.R. 1188 creates the least intrusive means of collecting data relevant to the question. Insurance companies already collect policy information based on ZIP Codes. By matching up policy information from the Nation's largest metropolitan areas with existing census data, the Department of Commerce can determine whether there are any significantly underserved population areas. This collection effort will end after 5 years, to insure that no permanent government bureaucracy is created.

Some of my colleagues would like to upset the fragile coalition supporting this legislation by imposing additional mandates. For example, an amendment will be offered to force insurance companies to gather information by census tract. This amendment is unnecessary, burdensome, and expensive. According to the Congressional Budget Office, data collection by census tract would increase the cost of this legislation by as much as $29 million. I believe that we have a duty to the taxpayers to minimize all new regulations and expenditures.

In closing, I would like to commend my colleagues who have worked so hard to craft this legislation. In particular, my thanks go to Chairwoman CARDISS COLLINS and ranking Republican member CLIFF STEARNS who has pulled everyone together to forge an effective compromise. Congressmen SLATTERY, ROWLAND, MCMILLAN, and GREENWOOD, as well as the full committee chairman, Mr. DINGELL, have all made critical contributions.

H.R. 1188 is the least intrusive, cost-effective approach to understanding redlining. Adoption of any amendments will tear apart the fabric that holds this bill together. I urge my colleagues to oppose all amendments and to pass the bill as it stands.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 3 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Madam Chairman, I rise today in support of H.R. 1188. This bill strikes an equitable balance between the needs of the Federal Government and the needs of insurance companies across the United States.

H.R. 1188 requires insurers to report specific information regarding homeowners, automobile, and fire insurance policies, by 5-digit ZIP Code. These are the most common policies in force in our country today, with virtually every household in the Nation maintaining at least one of these policies and many households maintaining multiple policies.

H.R. 1188 requires insurers to report this data for the 25 largest metropolitan statistical areas, which represent 58 percent of the urban population of our country and 46 percent of the total U.S. population.

The bill also calls for the Department of Commerce to conduct a study of small business insurance availability. Because of the differences between small businesses and their insurance needs, no one policy fits all. The Secretary will be charged with the duty of first determining an appropriate definition of small business for insurance purposes and the kinds of coverage most common among small businesses and then completing the study with a comprehensive examination of small businesses in the five largest MSA's.

An important element of the bill requires the data to be reported in the aggregate as opposed to an individual policy basis. This will prevent the disclosure of individual policyholders' names. Aggregate data reporting will also assist the data collectors by reducing the volume of computer space needed to process and analyze the materials.

Furthermore, requiring insurance companies to gather and report data on 50 additional cities, will not provide better evidence that redlining is or is not occurring, but it will sharply increase the costs that insurance companies must incur—a cost which will inevitably be passed on to the consumer.

Last, this legislation will sunset after 5 years unless the Secretary reports to the Congress that further study is necessary. This is an important element of the bill for all taxpayers. If insurance companies are redlining, 5 years of data will certainly tell us so. If they are not, the American taxpayer does not need to perpetuate another Government bureaucracy.

Madam Chairman, this bill collects more than ample data needed in order to determine if a redlining problem exists. I rise in support of H.R. 1188 and I urge my colleagues to reject all amendments to this bill.

Mr. STEARNS. Madam Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking member of the Committee on the Judiciary.

Mr. FISH. Madam Chairman, as many Members of this House know, I have long been a supporter of State regulation of insurance. At the same time, during my many years in the Congress, I have been a strong supporter of civil rights legislation. In this context, I rise in support of H.R. 1188, the Antiredlining in Insurance Disclosure Act, sponsored by Congresswoman CARDISS COLLINS.

The gentle chairlady has worked with her subcommittee to carefully design a bill which will provide the Federal Government with adequate data to determine if a redlining problem exists in this country's urban communities. Some have made allegations that insurers are refusing to sell their products in minority or low-income neighborhoods. The Collins bill will collect data from the 25 largest metropolitan statistical areas [MSA's] which represent 59 percent of the urban population of this country. The Department of Commerce will then analyze that data and report back to the Congress.

There are some issues that require action at the Federal level—a Federal perspective. H.R. 1188 will help us determine if there is a national redlining problem with respect to sales of insurance in urban America. Redlining is a serious issue, particularly if it is done because of race or economic status. For decades, insurers have not been permitted to collect any information regarding policyholders' race or ethnicity. The data collected as a result of this bill when coupled with data collected by the U.S. Census Bureau will allow us to determine if there is an insurance availability problem in urban communities. It is proper that information regarding an individual's race or ethnicity be collected by the Federal Government such as is done by the Census Bureau.

However, it would not be proper for insurance companies to ask their policyholders, or potential policyholders, to identify their race or ethnicity, even on a voluntary basis as one amendment seeks to do. Many policyholders would be offended by such a question and would refuse to answer. It would most probably make policyholders believe race information was being used to determine their premium charge or insurability. Mrs. COLLINS and her subcommittee realized that requiring insurers to ask for race information was not the appropriate approach. That data is best collected by the Federal Government and is currently available through the Department of Commerce.

In conclusion, Madam Chairman, H.R. 1188 is a fair and balanced measure. It will provide the necessary data at the least cost to insurers and at the least cost to consumers of insurance products. I urge my colleagues to support this bill and reject all amendments.

☐ 1340

Mr. STEARNS. Madam Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], who serves with me on the committee.

Mr. GREENWOOD. Madam Chairman, the Energy and Commerce Subcommittee on Commerce, Consumer Protection, and Competitiveness, on which I serve, held two public hearings last year to determine whether redlining on a racial or an ethnic basis is occurring in the United States. I was not able to attend the field hearing in Chicago, but did participate in the hearing in Washington.

Frankly, I was not convinced that redlining is in fact occurring to any significant degree. What the evidence did seem to suggest was that, not surprisingly, insurers were basing their marketing strategies on the basis of profitability, not ethnicity. But the advocates of this legislation believe redlining occurs regularly, so they have devised a bill to collect massive amounts of data for analysis and study to root it out.

If redlining is occurring, we ought to find out about it. We ought to put an end to it, because it is wrong. It seems to make the most sense to limit data collection to places where there are actually allegations of redlining. I offered such an amendment, but it was defeated in the Commerce subcommittee and in the full committee.

The bill before us now collects data from 25 metropolitan statistical areas. That means records must be submitted to Washington for every auto, homeowner and fire insurance policy sold to virtually half of the population of the country, a very large sample, indeed.

Now, in my mind, that puts the needle of redlining in a haystack of paperwork where it will never be found. Certainly sampling half of the Nation's insurance sales ought to be enough to discover if redlining is occurring. What we must do today is to resist amendments soon to be offered that would extend this data collection even further from the 25 metropolitan statistical areas in the bill to 75. That proposal takes the needle from the haystack and puts it in the hayfield.

H.R. 1188 represents a compromise, Madam Chairman, and I urge Members to resist amendments that would make it even more burdensome, costly, and impossible to administer.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY], a distinguished Member of the Subcommittee on Commerce, Consumer Protection, and Competitiveness.

Mr. SLATTERY. Madam Chairwoman, I rise in support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act.

I have been actively involved in this legislation on the Committee on Energy and Commerce, and I am pleased it is receiving the attention it is today on the floor of the House. I commend the gentlewoman who chairs the subcommittee and ranking minority member on the subcommittee also for their hard work on this legislation.

During the subcommittee consideration of this legislation, I worked with several of my colleagues to develop a bipartisan compromise that can pass Congress this year. The en bloc amendment I offered, which gained unanimous support by the subcommittee, cleared up many of the outstanding concerns of the industry.

H.R. 1188 would require insurers selling policies in large urban areas to report statistical data to the Department of Commerce in order to determine the extent of so-called redlining practices. Let me just say I believe this legislation is very important, because there are serious and legitimate allegations about redlining practices across this country. I am convinced that the five-digit ZIP Code is the best geographical unit for this type of data collection. ZIP Codes are universal. Insurance companies do not currently organize data by census tracts, and many small companies do not compile data with nine-digit ZIP Codes. Use of five-digit ZIP Codes is the most sensible approach and will not cause undue financial burden on the industry.

I am pleased this measure does not require companies to report loss data. It is important that we do not legislate in a manner which would require companies' trade secrets to be revealed to competitors. By requiring data reporting in the 25 largest metropolitan statistical areas, we will be able to ascertain the extent of redlining. I believe these MSA's, which comprise 58 percent of the Nation's metropolitan population, will provide a more than adequate sample.

Small insurance companies, those with less than 1 percent market share per line statewide, which write primarily rural policies would not be required to report more than summary data. Insurance companies will be allowed to report data on an aggregate basis, which will maintain the policyholders' confidentiality.

The measure includes a provision to sunset the act after 5 years, but allows the Secretary of Commerce to extend it for one 2-year period. After that time has expired, Congress can review the studies and then determine whether the legislation should be reauthorized.

This may not be perfect legislation. It is like all other compromises that we deal with in this body, but the fact of the matter is this is the best legislation that we can put on the President's desk this year.

I happen to believe very strongly this is a serious problem that needs to be dealt with. I believe the data we are collecting with this legislation will give us a clear picture as to the dimension of this problem, and if it is as serious as some suggest that it is and as I believe that it is in some areas of this country, then we will have the data to document it and be able to move forward with the vigorous action that this Congress and State legislatures across the country could deal with.

So I commend the Committee on Energy and Commerce for bringing this legislation to the floor today and urge my colleagues to support it.

Mrs. COLLINS of Illinois. Madam Chairwoman, I yield 5 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Madam Chairwoman, I thank the gentlewoman for yielding me this time.

Madam Chairman, I would like to point out that it has been basically a one-sided debate that has occurred on the House floor over the course of the last 45 minutes or so, because the Committee on Banking, Finance and Urban Affairs has not been allowed on the House floor to be able to make its case in terms of the alternatives that have been supported in the Committee on Banking, Finance and Urban Affairs to deal with the very serious problem of insurance relining.

First and foremost, I have heard Members mention that we cannot go from ZIP Code to census tract because of the cost. The fact of the matter is that many of the insurance companies around the country already use the ZIP Code+4 category which suffices to get the information that is required to make the determination.

It is very clear that you cannot make the determination as to whether or not redlining exists if you only take zip codes. ZIP Codes in many cities around the country involve urban areas that are in many cases very, very poor that extend out to wealthy suburbs, and therefore simply because an insurance company happens to write policies in a ZIP Code does not tell you whether or not racial discrimination is taking place. Certainly you can get bipartisan support for such a bill, because it does not do a darn thing.

If we are really interested in finding out whether or not racial discrimination exists in the insurance industry, you have got to take it to a point where you are finding out whether the prejudice exists.

In terms of the cost, the fact of the matter is the cost of these programs, if you buy the CD-ROM, is a very, very inexpensive proposition. In many cases, first of all, I should point out, the banking industry already does this at the census-tract level.

Second, the fact is that the information that we have gotten from both software companies at our committee hearings as well as from the industry itself indicate the cost to this industry will be minimal, and it basically requires a computer programmer to punch a button on a computer screen to convert it from census tract to ZIP Code.

I appreciate the fact that there is not a lot of racial discrimination in the State of North Dakota, and the fact is we had a Member here who mentioned the fact that this was not something that he felt was particularly a big problem. But North Dakota does not have the same kind of problems that we have in Boston or in Philadelphia, Chicago, or Detroit or in places like Los Angeles where the problem of insurance redlining exists. Obviously, there may be costs to straightening out an industry that has been racially prejudiced in terms of how it is writing its policies.

That might, in fact, mean some discomfort for the insurance industry in North Dakota. I am sorry for that discomfort. The fact of the matter is the insurance commissioner in North Dakota currently has changed since the gentleman from North Dakota [Mr. POMEROY] has left North Dakota, and now requires the information we are asking for in this bill.

So I am pointing out that if we are really interested in getting the kind of information that will allow us to make these determinations, we need to have census tract versus ZIP Code. We need to ask for information on race and gender. Of course, if you do not ask for information on race and gender, certainly you get bipartisan support, because it does not tell you anything.

If you want to find out whether or not it exists, you have got to ask for information about race and gender.

If a minority or someone, or a woman, does not want to tell you or a man does not want to tell you their race or gender, fine, then they can exempt themselves from having to write the information, but it allows us to ask the question. If we are serious about getting to the point whether there is discrimination, we need to have information on loss data.

□ 1350

The insurance industry is obviously going to tell us that the reason why they do not write policies is because the blacks are bad risks. Well, my goodness, let us at least find out whether the information we have gotten from the various insurance regulators who have come before our committee are telling us the truth when they tell us that in fact the minority community gets charged higher rates and has less losses.

I also would like to point out that in the amendment that the Committee on Banking, Finance and Urban Affairs is offering in order to deal with some of the paperwork burdens, we exempt many of the small companies. That does not exist in terms of the Committee on Energy and Commerce version.

This is fundamentally, when all is said and done, a question of whether or not we are going to get at the root cause of racial discrimination in the policy-writing of insurance companies in America and whether or not, in your opinion, if you think that the Energy and Commerce Committee has taken enough of your committee's jurisdiction, then I would suggest you vote for the Energy and Commerce version. If you think they have had enough, then vote for the Banking Committee's version.

Mr. STEARNS. Madam Chairwoman, I yield myself such time as I may consume.

I have just a few comments in reference to the gentleman from Massachusetts' [Mr. KENNEDY's] comments. I think the question is, if the Members want a more intrusive Government program, then they would vote for the Kennedy bill. But if they want less Government intrusion and they want a bill that costs less for what at the moment appears to be an imaginary problem, they should vote for H.R. 1188. It is not clear to us that a lot of the investment that has been put into a lot of the cities and is not in certain areas is not because of any discrimination but perhaps is because of the risk involved or because of the status of the situation in terms of the real estate and many other factors. But I think H.R. 1188 starts to proceed with a very concrete study, with less Government intrusion, and has bipartisan support.

So at this point we have heard from both sides of the aisle and we have bipartisan support for a bill that is less intrusive, costs less, and at this point would bring to bear all the information we need within a 5-year sunset.

I must point out that the bill that Mr. KENNEDY supports does not have the 5-year sunset, and I think that most Members of Congress who have had any experience in dealing with the Federal Government would like to have at least a sunset provision.

Madam Chairwoman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. I thank the gentlewoman for yielding this time to me.

Madam Chairman, let me just say that I have heard the discussion here about the fact that this bill does not do anything, that this bill is too weak and this bill does not answer the questions.

Let me just say that all of us probably have or would have liked to have gotten some things into the bill, but this was the strongest bill that we could get at the time and passed in the House.

I think this bill is not weak, it is not useless, as some people have said. It requires insurance companies to provide the Department of Commerce with certain information about the car, about the homeowner, fire and allied profit insurance. They provide it in the 20 largest metropolitan areas around. That to me is extremely important. I hope that the calmer colleagues will look at this and recognize that the time has come that we need to do something about discrimination.

This bill addresses that issue. This is a bill that has bipartisan support. I do not think we should sit around and talk about what could be done. I think the thing we should do now is to vote this bill out.

The CHAIRMAN. The time of the gentleman from New York [Mr. TOWNS] has expired.

Mr. STEARNS. Madam Chairman, I yield an additional minute to the gentleman from New York.

Mr. TOWNS. I thank the gentleman for yielding this time to me.

I would like to say that I have listened to all of the discussions over the past few months, people saying that this is not strong enough, that we should do more, we should go further. But I think we have to be realistic. If we can pass this bill, I think we should. It has bipartisan support. I think we should move ahead with it. I think it answers a lot of the questions. I am very concerned about discrimination.

When I listen to people in my area, as I have also listened to people going around this country, they are saying to us we should do something. They do not want us to twiddle our thumbs and talk about things to do down the road; they are talking about things we should do now.

We are prepared to go forward with this today. The bipartisan support is very important. I thank the gentlewoman from Illinois [Mrs. COLLINS] and the gentleman from Florida [Mr. STEARNS] and the members of the full committee for the work they have done, as well as the staff.

This bill makes a lot of sense.

Mr. STEARNS. Madam Chairman, I thank the distinguished gentleman for his comments. And to show the bipartisanship here for this bill, it is my willingness at this time to yield 4 minutes from our side to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Madam Chairman, I thank the gentleman from Florida for yielding this time to me.

Madam Chairman, after long labor, much delay, and, quite frankly, a fair amount of externally induced obfuscation, the Committee on Energy and Commerce has brought before this body H.R. 1188.

Madam Chairman, I want to begin by commending the distinguished gentlewoman from Illinois [Mrs. COLLINS], the chairman of the subcommittee, for her leadership on this matter. She is the first to author this legislation. She has long been working against redlining and against racial discrimination in housing and in all other matters. She deserves the commendation and the support of this body for the fact that she has brought this legislation to the floor and has achieved the success which she has.

Madam Chairman, her accomplishment is all the more remarkable in that it is bipartisan, that this legislation has come out of the committee with the strong support of the membership on both sides. It is still more important in that this is legislation which can pass and which can become law. It is supported by a wide diversity of groups including the NAACP, the Citizen Action, the Economic Empowerment Foundation, and the Coalition of Bar Associations of Color. It is also supported by large and responsible segments of the insurance industry as well as many individual insurance companies, such as the National Association of Mutual Insurance Companies, Alliance of American Insurers, American Insurance Association, Independent Insurance Agents of America, Professional Insurance Agents of America, and a number of other industry groups.

Madam President, this bill is an extraordinary accomplishment. It shows the support, because of the diligent effort of the distinguished gentlewoman from Illinois [Mrs. COLLINS], of both industry, civil rights groups and community groups. It is a piece of legislation which is supported on both sides of the aisle. It is unique in that it builds upon the reporting requirements which we have traditionally had with regard to reporting to the Department of Commerce, which is the traditional agency which receives economic and business information so that the judgments of this Government can be bottomed on a solid informational base.

□ 1400

The distinguished gentlewoman from Illinois [Mrs. COLLINS] has also come up with a package which enables this country for the first time to get adequate information with regard to redlining, how extensive the practice is, how pervasive it is, and how it has impacted upon every part of the country. She has achieved a large enough data sample, and she does it on the basis of the traditional reporting methods which are used by the insurance industry, so that the insurance industry can without excessive costs transmit to the Government the information which this body and the Government as a whole will need to arrive at necessary judgments as to what action should be taken.

This legislation enables the Congress and the Government of the United States to achieve the information which is needed to commence the attack upon redlining if there is a finding on the basis of intelligently-achieved information that this is a practice that needs particularly corrective action. And it also helps us to define the information in a way which will enable us to begin to address the crafting of a proper relief for the wrongdoing, if such there be. It also enables this country to achieve it at the lowest cost, not only to the industry but also to the Government of the United States.

I believe that this is responsible legislation. It can become law. It can begin to address a problem which has long been a matter of concern to every decent American.

That the gentlewoman from Illinois [Mrs. COLLINS] has achieved the extraordinary accomplishment of achieving the support of the Government, of the agencies downtown, of the industry, of civil rights communities and groups, and others. This shows that she has performed an extraordinary accomplishment in the public interest. She deserves the commendation and support of this body.

Mr. STEARNS. Madam Chairman, may we be informed as to how much time remains?

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] has 9 minutes remaining, and the gentlewoman from Illinois [Mrs. COLLINS] has 4 minutes remaining.

Mr. STEARNS. Madam Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 2 minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Madam Chairman, I rise today in strong support of H.R. 1188. This measure will provide reliable data from the property and casualty insurance industry in a timely manner. In turn, this data can be used to determine whether there is a problem with insurance cost and availability in our Nation's largest urban areas.

This legislation is designed to disclose what insurance is being sold, where it is being sold, who is selling it, and how much it costs the consumer. All of this information will help us determine whether or not insurance is being made available to all consumers.

H.R. 1188 also provides for the public disclosure of the data collected. The Secretary of Commerce would annually compile aggregate data by ZIP Code, and would include tables showing aggregate insurance patterns.

It requires studies of the more complex issues of commercial insurance, agent appointments and terminations, insurance applicants, and the effectiveness of the data collection.

I would like to commend my colleagues, Congresswoman COLLINS and Chairman DINGELL, for their efforts on this legislation and I urge my colleagues to support its passage.

Mr. STEARNS. Madam Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Connecticut [Mr. FRANKS], who also serves on the subcommittee with us.

Mr. FRANKS of Connecticut. Madam Chairman, I thank the gentleman for yielding this time to me.

Does insurance redlining exist in our inner cities in 1994? Let us hope that the answer to that question is no, but Madam Chairman, we need to know.

I have been an outspoken critic of initiatives that would make race a significant factor in measures perceived as favoring African-Americans, that is, racial gerrymandering of districts and quotas for the death penalty, but Madam Chairman, I will be quick to point out potential instances when people of color are being placed at a total disadvantage.

Insurance redlining could be one of those dreadful examples. I trust, Madam Chairman, that it is not a problem in our society, but we need to explore the possibility that it does exist, and, if so, eradicate it.

Potential redlining would hurt economic development where it is needed the most, in our inner cities. If insurance rates are unreasonably high, people will not do business in these areas.

H.R. 1188 is a way of putting in place a system of checks and balances to make sure that insurance is readily available to all Americans at a reasonable rate. This will keep our citizens gainfully employed and American goods and services competitive.

Mr. STEARNS. Madam Chairman, I yield myself 6 minutes for my closing statement.

Madam Chairman, I feel it is important to take the floor again to discuss what is probably the most common question I get about H.R. 1188 from my fellow Republicans: Why is H.R. 1188 worth supporting? It is a very good question.

I have made no secret of the fact that I am not nearly as convinced as some of my colleagues that redlining is the problem that some believe it to be. I vehemently oppose any effort to impose some kind of enforcement mechanism that would prevent redlining because it is premature to enact some enforcement mechanism before we even know if there is a problem.

That is not what H.R. 1188 does. I know that because when the Commerce Subcommittee Republicans joined with subcommittee Democrats to work with Chairwoman COLLINS to amend this legislation, we firmly believed that enforcement was not the route to take. It was too expensive and entirely unjustified.

H.R. 1188 is a 5- to 7-year long study period. For all of the talk of census tracts and zip codes and MSA's, H.R. 1188 is really only a study. It is complex and difficult to understand at times, but it is just a study.

Energy and Commerce Republicans were willing to work with Democratic proponents and opponents of the legislation to craft this limited study because we were told that it was something that most of the insurance industry was willing to live with, that it would be supported by the original sponsor of redlining legislation in the House, Chairwoman COLLINS, and that it would answer the questions that many of us had about redlining. And, we understood that the alternative, Mr. KENNEDY's bill, was highly intrusive, and would have cost the Government, the taxpayers, and consumers far too much in the way of increased taxes and premiums.

I feel the need to emphasize just how fragile this coalition is. The Republicans who support H.R. 1188 regard the bill as reported out of the Energy and Commerce Committee as the outer limit of what is acceptable. In order to maintain our coalition, we made a nonnegotiable demand of our Democrats—accept no amendments or the Republicans will walk away from this bill. Our Democrats agreed and in return we agreed that we would also oppose any and all amendments—technical, substantive, or otherwise.

I would urge all of my colleagues to oppose all amendments to this legislation. No amendment can change this bill for the better in a way that would be acceptable to both Democrats and Republicans.

Before closing, I would like to acknowledge the help of a number of people who enabled us to get to this point. As I said before, Chairwoman COLLINS has been extremely gracious in her dealings with the members of the subcommittee, and she should be applauded for her dedication to this issue. None of this would have been possible without the help of Democrats like Mr. SLATTERY, Dr. ROWLAND, and Chairman DINGELL. On the Republican side, CARLOS MOORHEAD, the ranking Republican of the full Energy and Commerce Committee, ALEX MCMILLAN, and JIM GREENWOOD all deserve a great deal of thanks for their help. Staff were also instrumental in doing the legwork on this legislation, particularly Richard Huberman of Mrs. COLLINS' staff and Janet Potts of Mr. DINGELL's staff, as well as our own minority committee staff, Doug Bennett, Hugh Halpern, and Mary Moore Hamrick, who, unfortunately, is no longer with the committee.

In closing, I would just like to reiterate the importance of opposing amendments to this legislation. If so much as a single amendment is approved by the House, I can assure those who would like to see this legislation pass that Republican votes in favor of H.R. 1188 will be virtually nonexistent.

Madam Chairman, I yield back the remainder of my time.

☐ 1410

Mrs. COLLINS of Illinois. Madam Chairman, I yield such time as he may consume to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN. Madam Chairman, I rise today to express my strong support for H.R. 1188, the Anti Redlining in Insurance Disclosure Act. I would like to commend Chairman DINGELL and Chairman COLLINS for their leadership and hard work on this important bill, as well as the gentleman from Florida [Mr. STEARNS] and the gentleman from California [Mr. MOORHEAD].

As a member of the Energy and Commerce Committee, which has jurisdiction over this issue, I strongly encourage my colleagues to support H.R. 1188. This legislation will help determine the nature and extent of insurance availability and whether insurers discriminate on the basis of race, income, or ethnic origin.

The bill requires insurers to disclose information on the sales of automobiles and property insurance policies in 25 large urban areas. H.R. 1188, unlike the Roybal-Alard amendment, has been carefully crafted by the Energy and Commerce Committee in a manner that will not compromise consumer confidentiality.

H.R. 1188 is a balanced approach that deserves the support of this body. If you are serious about combating redlining in America, support H.R. 1188 and oppose all amendments.

Mrs. COLLINS of Illinois. Madam Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. ROWLAND], a distinguished member of our subcommittee.

Mr. ROWLAND. Madam Chairman, I rise in support of the Anti Redlining and Insurance Disclosure Act, H.R. 1188.

The Committee on Energy and Commerce has worked hard to craft a balanced and cost-effective solution to study and address the problem of redlining in insurance. This solution, which is before us today, has support from both sides of the aisle. It is a bipartisan bill.

H.R. 1188 requires the disclosure of information about every substantial insurance transaction of nearly half of the U.S. population. In doing so, it will draw a broad enough picture of industry practices for us to determine if insurance is being denied to people on the basis of discrimination. And, if we find such discrimination, it will allow us to design remedial measures to address the types of discrimination this information reveals.

The reporting requirements of H.R. 1188 are extensive, and compliance with these requirements will be expensive for insurance companies. But the benefits to the American people, in the form of greater protection for civil rights and greater protection from abusive industry practices, will be well worth it.

Today's bill, H.R. 1188, is an important step forward for all Americans, and I urge my colleagues to support it.

Mrs. COLLINS of Illinois. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, let me say to the Members that H.R. 1188 is a well-crafted, well-balanced piece of legislation that we have considered. All persons, groups, organizations, civil rights, insurance companies, everybody who is concerned about insurance matters, have worked with them and fashioned this piece of legislation that is extremely well balanced. I do hope that every Member of this body will support this legislation.

Ms. NORTON. Madam Chairman, I want to commend Representative CARDISS COLLINS, chair of the Subcommittee on Commerce, Consumer Protection and Competitiveness, and Representative JOHN DINGELL, chair of the Committee on Energy and Commerce, for their leadership in reporting H.R. 1188 to the floor so expeditiously. This is a vital bill for this country. To illustrate the point, I want to discuss a recent episode of alleged insurance redlining in the District of Columbia and how H.R. 1188 would address the problem.

On November 28, 1993, the Washington Post published a report on alleged insurance redlining in the District of Columbia and Maryland by the GEICO Insurance Co. The article highlighted allegations made by several GEICO employees that the insurance company screened out blacks for auto and home insurance, gave preferential treatment to customers from white neighborhoods, and retaliated against employees who complained about such practices. Employees further alleged that, in violation of District of Columbia law, GEICO used District residents' job status in deciding what premiums to charge for auto insurance, the result being that a low-wage employee with a clean driving record would be given a worse rate than a professional employee with violations on his or her record.

The District's insurance commissioner will soon begin a market conduct study of GEICO's insuring practices in the District of Columbia. It is anticipated that the study will focus on whether GEICO's underwriting practices are discriminatory, whether the application of these guidelines has discriminatory effects, and whether the rates of insurance applications, cancellations, rejections, and nonrenewal are substantially disproportionate across certain minority ZIP codes.

This data will begin to allow the District to get a more accurate picture of the scope of redlining problems in the metropolitan area. Insurance redlining, however, is not just a problem in the District of Columbia, but is a problem in major metropolitan areas across the Nation. H.R. 1188, the Antiredlining in Insurance Disclosure Act, would require annual reporting by large insurers like GEICO of the number of households and vehicles insured, policies issued, premiums earned, insurance agents employed, policies canceled, and policies not renewed by the company. The collection of such data nationally is the only way to comprehensively address this problem, and must be done if we are to fulfill our responsibility to fight racial discrimination in all its forms and guarantee equal opportunity to all citizens.

The passage of this bill is critically important to my constituents and to minorities nationwide, and I voice my strong support for the bill.

Ms. PRYCE of Ohio. Madam Chairman, today we are here to debate whether or not to amend H.R. 1188. First, let me begin by saying that H.R. 1188 already goes well beyond what is necessary to combat alleged redlining in insurance underwriting. I can say this, as I have something of a passing knowledge on insurance issues, having started my legal career as a hearing officer for the Ohio Department of Insurance.

To begin with, what is it that the legislation seeks to accomplish? If it wants to eradicate discrimination along the lines of race, religion, or national origin, there are already adequate civil rights and unfair claims practices laws, both Federal and State, to combat cases of classic redlining. These laws guarantee everyone equal opportunity. Nothing guarantees equal outcomes. Besides, it is well documented that insurance is available to virtually everyone who wants to purchase it. Recent studies indicate that over 97 percent of urban property owners have insurance.

Regarding the purpose of this legislation, proponents say we need this bill to gather data to determine, through a number of studies, whether discrimination exists in insurance underwriting. Basically, Congress wants to see if a problem exists. However, has anyone asked what will be the likely result of the study, once it is completed, or how we will remedy the problem?

Does creating a system that does not correlate risk to cost make sense? Would stripping personal behavior and responsibility from the insurance underwriting process force most Americans to subsidize, through higher premiums, the risky lifestyles or behavior of the very few? I believe it would. I also do not believe that this will solve the real problem.

What the proponents of this type of legislation really want is to community rate property and casualty insurance. By that I mean that they want everyone to pay the same price for the same coverage, regardless of risk, geographic or otherwise.

Community rated property and casualty insurance would be a bad deal for the vast majority of Americans. The ultimate result would be that the cost of most people's auto and homeowner's policies would increase substantially in order to subsidize those who were at a greater risk for loss.

However, even if I could be convinced of H.R. 1188's merits, these amendments certainly go beyond what is necessary, and truly cause me to question the real purpose of this legislation. For example, one of these amendments would make insurers report loss data to the Federal Government.

This bill should not require reporting of company-specific loss data. These data are irrelevant to the purpose of the bill, which is ostensibly to combat facial discrimination along the lines of race, religion, and national origin in insurance underwriting practices.

Additionally, loss data would only be available on the basis of a rating territory, which is, at best, based on a group of five digit ZIP Codes. Also, loss data on a census tract basis, which is sought by many supporters of this legislation, is unavailable and would be statistically meaningless. Furthermore, loss data are irrelevant to determine whether insurers are in fact writing policies in urban areas, which is, at least on the surface, what proponents of antiredling legislation say is their main concern.

Currently, individual insurers are required to provide loss data to State regulators only on the basis of a rating territory, and only when necessary to justify rate changes, not as a routine matter. Loss information is relevant only if the Federal Government is going to begin second-guessing insurance rates; a matter which Congress has already delegated to State insurance departments. Maybe I misunderstood the purpose of the legislation, but I did not understand it to create a costly and duplicative Federal insurance regulatory bureaucracy.

Madam Chairman, the bottom line is insurers are not statistical agencies. As a routine matter, statistical reports are submitted to regulators in the aggregate, combining the data of many insurers. Additionally, it should be noted that loss data are valuable competitive information and constitute trade secrets. The disclosure of loss data could seriously undermine competition in the insurance market. A breakdown in competition would only harm consumers by increasing the cost of insurance. Madam Chairman, I urge my colleagues to vote against any amendments to H.R. 1188 and vote no on final passage.

Mr. FOGLIETTA. Madam Chairman, I rise in strong support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act.

As chairman of the Congressional Urban Caucus, I support this bill which will erase the red lines that cut through the heart of many inner-city communities.

In far too many cities, homeowners who need property insurance are being ripped off and turned down by insurance agents because they live on the wrong block or in the wrong neighborhood or have the wrong skin color or speak with an accent.

But the impact of these red lines is devastating. Without access to insurance, people cannot buy a home.

Without insurance, new businesses cannot be opened, and existing businesses are endangered.

Without insurance, housing cannot be built and critical repairs cannot be made.

We talk about empowerment but we need practical resources, like insurance, to turn this talk into reality.

Let's walk the walk by ending discrimination and allow all neighborhoods to attain the American dream of home ownership.

I urge my colleagues to support H.R. 1188.

Mr. GENE GREEN of Texas. Madam Chairman, I rise today in support of H.R. 1188, the Anti Redlining in Insurance Disclosure Act. This bill will help to solve some of the problems experienced by residents of our Nation's inner cities who have for too long paid higher premiums for insurance or have not been able to obtain coverage.

This legislation will require the annual disclosure of insurance practices of the largest insurance companies in our Nation's 25 largest metropolitan areas. Smaller insurance companies would not be required to file comprehensive reports, rather they would simply have to furnish a summary of their services.

As a Representative from Houston, I have many constituents who have experienced difficulty in obtaining insurance and many suspect that certain neighborhoods are denied coverage based on the demographics of the residents who live there. While some disagree with the idea that racism may be to blame for the difficulty in obtaining insurance, we must at the very least collect the data necessary to determine the reasons behind this problem. H.R. 1188 will require this information to be furnished to the Secretary of Commerce so that we can determine once and for all the reasons behind disparities in coverage for some neighborhoods.

Our Government can tell where automobiles are sold or which drugstores specific lots of prescription drugs go yet we cannot currently tell which neighborhoods have adequate insurance. This bill simply allows us to look at the facts and make a determination based on those facts. The issue of redlining falls under the same philosophy as "out of sight, out of mind." As long as we are able to turn a blind eye to these underinsured neighborhoods they will continue to be out of the minds of the authorities whose job it is to correct the social and economic problems facing our Nation.

I urge my colleagues to support this important legislation because it will allow our inner-city neighborhoods to obtain the same type of insurance coverage enjoyed by the suburbs. This is one step toward real urban revitalization since the insurance of property results in that property being better maintained and thus sustaining its value. By voting for this bill you can vote to give families the tools they need to ensure their continued success and eliminate the risk of loss that inevitably results in the decay of our inner-city neighborhoods.

Mr. ROSTENKOWSKI. Madam Chairman, I rise in support of H.R. 1188, the Anti Redlining In Insurance Disclosure Act, and I commend my colleague from Chicago, Mrs. COLLINS, for her leadership in determining whether the serious problem of redlining exists in major metropolitan areas.

The term redlining dates back to a time when insurance companies literally draw red lines on a map to indicate areas where they would not sell insurance. These areas often tended to be low-income, inner-city areas.

Madam Chairman, without access to affordable insurance, small businesses in urban areas cannot continue to exist and provide needed jobs. Access to affordable insurance is an important protection that should be available to all Americans.

H.R. 1188 is a balanced approach to this problem and will help to determine whether allegations of redlining are accurate. The bill requires disclosure by insurance companies of their insurance activities in the 25 largest urban areas. It also requires the reporting of agent locations. This information will help to determine insurance availability in a number of urban areas across the country.

Madam Chairman, I urge my colleagues to join me in supporting H.R. 1188. It is an important step toward ensuring that no American is discriminated against by being denied access to insurance, simply because of where they live.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti Redlining in Insurance Disclosure Act".

SEC. 2. FINDINGS AND CONSTRUCTION.

(a) FINDINGS.—The Congress finds that—

(1) disparities in property and casualty insurance coverage provided by insurers engaged in interstate commerce between areas of different incomes and racial composition could adversely affect interstate commerce and the cost and availability of insurance for consumers, and

(2) appropriate disclosures of information by insurers would benefit consumers and insurance regulators.

(b) CONSTRUCTION.—Nothing in this Act is intended to, nor shall it be construed to, encourage unsound underwriting practices.

SEC. 3. MAINTENANCE OF INFORMATION AND PUBLIC DISCLOSURE.

(a) GENERAL RULE.—

(1) DESIGNATED INSURERS.—

(A) IN GENERAL.—Except as provided by subsection (b)(7), each designated insurer shall, in accordance with subsection (b), annually compile, submit to the Secretary, and make available to the public for each calendar year and for designated lines of insurance in a designated MSA—

(i) the total number of policies, total exposure units (in car years and house years), and total earned premium of insurance policies by designated line which were issued by such insurer and the new written exposure units, exposure units canceled, and the exposure units not renewed by such insurer, and

(ii) the number of licensed agents of such insurer whose principal place of business is located in such designated MSA and the number within each 5-digit zip code in such designated MSA and with respect to each such agent, whether such agent is an employee, independent contractor working exclusively for such insurer, or an independent contractor appointed to represent such insurer on a non-exclusive basis.

(B) SUBMISSIONS AND AVAILABILITY.—The information described in subparagraph (A) shall be—

(i) submitted to the Secretary in accordance with subsection (d), and

(ii) made available to the public, in accordance with subsection (b)(2), for inspection and copying, at cost, at the home office of the insurer and at a central depository, established under subsection (c), by the Secretary.

(2) NON-DESIGNATED INSURERS.—Except as provided in subsection (b)(7), every insurer which sells an insurance policy in a designated line of insurance in a designated MSA and which is not a designated insurer in such MSA shall submit to the Secretary for each calendar year in accordance with subsection (d) and regulations of the Secretary the total exposure units (in car years and house years) of insurance policies in a designated line sold in such MSA. With respect to such policies, the insurer shall report the designated MSA where the insured risks are located for which such insurance is issued and within such MSA report the 5-digit zip code where the risk is located.

(b) REQUIREMENTS.—

(1) CONTENT.—The information required to be maintained and made available under subsection (a)(1) shall be itemized in order to clearly and conspicuously disclose the policies, the exposure units, and the premium amount for each line of insurance for which information is required and be itemized by the 5-digit zip code where the risks are located.

(2) AVAILABILITY TO THE PUBLIC.—The information required to be maintained and made available under subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the calendar year following the calendar year for which the information is required to be made available, except that such information shall not be made available to the public until it is available in its entirety but it shall be made available if not all the information required to be reported is available on such October 1 or on the date determined by the Secretary.

(3) SPECIFICATION OF DATA.—

(A) IN GENERAL.—With respect to information which is required to be maintained and made available under subsection (a)(1), the Secretary shall by regulation establish specifications for the collection and public reporting of such information with respect to the following lines of insurance: private passenger automobile, homeowners, and dwelling fire and allied lines. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) detail what data elements should be collected,

(iv) provide for the collection of information on an individual insurer basis,

(v) minimize burdens on insurance agents, including independent insurance agents,

(vi) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers,

(vii) take into account the types of data collected under the Home Mortgage Disclosure Act of 1975,

(viii) take into account existing statistical reporting systems in the insurance industry,

(ix) require itemization by 5-digit zip code, and

(x) include information on policies written in a residual market.

(B) CONSULTATIONS.—In developing the specifications in subparagraph (A), the Secretary shall consult with—

(i) other Federal agencies with appropriate expertise,

(ii) State insurance regulators,

(iii) representatives of the insurance industry, including statistical agents,

(iv) representatives of insurance producers, including minority insurance producers, and

(v) consumer, community, and civil rights groups who are representative of a diversity of geographic locations.

(C) EFFECTIVE DATE.—The regulation under subparagraph (A) shall be issued no later than 270 days after the date of the enactment of this Act.

(4) COMMERCIAL INSURANCE STUDY AND PILOT PROJECT.—

(A) STUDY.—The Secretary shall conduct a study regarding the availability of commercial insurance (other than professional liability insurance, workers compensation insurance, and title insurance) with special emphasis on the availability of commercial insurance for small business. The study shall focus on—

(i) an appropriate definition for small business; and

(ii) preliminary views regarding the availability, cost, and type of insurance coverage for small business, which may be based on surveys of members of the small business community.

In conducting the study, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a report detailing the findings of the study to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(B) PROPOSAL OF PILOT PROJECT.—Concurrent with the conduct of the study under subparagraph (A), the Secretary shall develop a proposed data collection pilot project in the 5 largest MSA's to help determine the need for any further data collection requirements to evaluate the availability, cost, and type of insurance coverage for small business. In developing the proposed pilot project, the Secretary shall consult with interested parties from a diversity of locations, including State insurance regulators, consumer, community, and civil rights groups, representatives of small business, representatives of the insurance industry, including statistical agents, and representatives of insurance producers, including minority insurance producers. The Secretary shall submit a specific proposal for a pilot project to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate no later than 18 months following the date of enactment of this Act.

(C) SPECIFICATIONS FOR PILOT PROJECT.—Immediately following the submission of the proposal for a pilot project, the Secretary shall, by regulation, establish specifications for the collection and public reporting of information with respect to commercial insurance for the proposed pilot project. As part of the specifications, the Secretary shall designate the 5 largest MSA's for purposes of the pilot project. The specifications shall—

(i) provide that information be aggregated among similar policyholders and reported on that basis,

(ii) be designed to collect information with respect to the availability, cost, and type of insurance coverage between and among various geographic areas,

(iii) provide for the collection of information on an individual insurer basis,

(iv) provide the data required by clause (ii) with the least burden on insurers, particularly small insurers, and insurance agents, including independent insurance agents,

(v) take into account existing statistical reporting systems in the insurance industry and use existing data sources to the maximum practical extent,

(vi) include information on policies written in a residual market,

(vii) detail what data elements should be collected,

(viii) detail what insurers should be designated insurers for purposes of the pilot project,

(ix) detail what lines of commercial insurance should be designated for purposes of the pilot project, with particular consideration given to commercial fire and business owners lines,

(x) include an appropriate definition of small business, if necessary,

(xi) provide data representative of at least 2 years of experience and provide that the pilot project will terminate no later than 2 years after its inception, and

(xii) provide adequate lead time to insurers designated under clause (viii) for the reporting to begin.

The regulation shall be issued within 2 years of the date of enactment of this Act.

(D) REPORTING UNDER PILOT PROJECT.—Insurers designated under subparagraph (C)(viii) shall report to the Secretary with respect to lines of insurance designated under subparagraph (C)(ix) in the 5 largest MSA's, pursuant to the regulation issued by the Secretary in subparagraph (C).

(E) ANALYSIS OF DATA UNDER PILOT PROJECT.—At the conclusion of the pilot project, the Secretary shall analyze the data collected. Within 1 year of the conclusion of the pilot project, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate committee of the Senate on—

(i) any conclusions of the Secretary regarding the data collected under the pilot project, particularly regarding the availability, cost, and type of commercial insurance for small business, and

(ii) the need for further data collection requirements to evaluate the availability, cost, and type of such coverage or to help ensure the availability of such coverage.

(5) PERIOD OF MAINTENANCE.—Any information required to be compiled and made available under subsection (a) shall be maintained and made available for a period of 3 years after the close of the first year during which such information is required to be maintained and made available.

(6) FORMAT FOR DISCLOSURES.—Subject to subsection (c), the Secretary shall prescribe a standard format for making information available as required by subsection (a). Such format shall encourage the submission of information in a form readable by a computer.

(7) EXEMPTION.—

(A) SECRETARIAL ACTION.—If the Secretary determines that a State has enacted a law, or otherwise implemented a requirement under which—

(i) insurers operating in that State are subject to disclosure requirements on a 5-digit zip code basis substantially similar to those of subsection (a),

(ii) there are adequate provisions for enforcement, and

(iii) the information disclosed under the State law or requirement is made available to the Secretary and the public in a manner similar to other information disclosed under subsection (a),

then the Secretary shall by regulation exempt insurers operating in that State from complying with the requirements of subsection (a) with respect to that State's portions of the designated MSA's. If the Secretary determines that the State law or requirement no longer meets the criteria of clauses (i) through (iii) or is no longer in effect, the Secretary shall by regulation revoke the exemption.

(B) UNITED STATES PROGRAM.—Reporting shall not be required under subsection (a) with respect to insurance provided by a program underwritten or administered by the United States.

(c) PUBLIC ACCESS SYSTEM.—The Secretary shall implement a system to facilitate public access to information required to be made available to the public under subsection (a). Such system shall include arrangements for a central depository of information in each designated MSA and for a telephone number which can be used by the public, at cost, to request such information. Statements shall be made available to the public for inspection and copying at such central depository of information for all designated insurers within such MSA. The Secretary shall also make copies of such statements available in forms readable by widely used personal computers, such as in disc format. The Secretary may charge a fee for such information, which may not exceed the amount, determined by the Secretary, that is equal to the cost of reproducing the information.

(d) SUBMISSION TO SECRETARY.—With respect to the information required to be submitted under subsection (a) to the Secretary, the Secretary shall develop regulations prescribing the format and method for submitting such information. Such regulations shall ensure uniformity among insurers, to the extent practicable, in the format used for reporting, including the definitions of data elements. Any reporting insurer may submit in writing to the Secretary such additional data or explanations as it deems relevant to the decision by such insurer to sell insurance.

SEC. 4. DESIGNATIONS.

(a) DESIGNATIONS BY THE SECRETARY.—

(1) DESIGNATIONS OF MSA'S.—The Secretary shall designate the MSA's for which reporting is required under section 3(a). The Secretary shall designate the 25 MSA's having the largest population.

(2) DESIGNATION OF INSURERS.—For each MSA designated under paragraph (1), the Secretary shall take the following actions:

(A) The Secretary shall designate the insurers transacting insurance business in such MSA for which reporting is required under section 3(a). At a minimum, the Secretary shall designate the 25 insurers in such MSA having the largest premium volume in the designated lines of insurance in each State in which such MSA is located.

(B) In addition to the insurers designated under subparagraph (A), the Secretary shall also designate any entity primarily providing insurance in a designated line of insurance as part of a residual market established by State law.

(C) The Secretary shall also designate, in addition to the insurers designated under subparagraphs (A) and (B), insurers who specialize in selling insurance in urban areas, including surplus lines insurers.

(D) The Secretary shall also designate, in addition to the insurers designated under subparagraph (A), (B), and (C) insurers such that insurers representing at least 80 percent of the

premium volume in each State in which such MSA is located in the designated line of insurance are designated in such MSA. The Secretary may not designate additional insurers under this subparagraph if their market share in the designated line of insurance in the applicable States, as measured by premium volume in each State in which such MSA is located, is under 1 percent.

(E) In addition to the insurers designated under subparagraph (A), (B), (C), and (D) the Secretary may by regulation designate additional insurers in a MSA if the designation of additional insurers is necessary to provide valid data with respect to the availability, cost, and type of insurance in the MSA.

(F) The Secretary shall revoke the designation of an insurer designated under subparagraph (A) as follows: If such designated insurer has a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent, the Secretary shall revoke the designation of such insurer beginning with the insurer with the smallest market share of such insurance if the remainder of the designated insurers have a market share of at least 75 percent of such insurance as measured by premium volume in each State in which such MSA is located. In addition, the Secretary may revoke the designation of any insurer designated under subparagraph (A) with a market share in a designated line of insurance in a MSA, as measured by premium volume in each State in which such MSA is located, of under 1 percent if such designation has not been revoked under this subparagraph and if such insurer primarily sells insurance in rural areas of such MSA.

(G) For purposes of this paragraph, insurers which are affiliated or are members of the same group shall be considered together as one insurer.

(3) DESIGNATION OF LINES OF INSURANCE.—For each MSA designated under paragraph (1) the following are the designated lines of property and casualty insurance for which reporting is required under section 3:

(A) Private passenger automobile insurance.

(B) Homeowners insurance.

(C) Dwelling fire and allied lines of insurance.

(4) TIMING OF DESIGNATIONS.—

(A) INITIAL DESIGNATIONS.—The Secretary shall make initial designations required by paragraphs (1), (2), and (3) no later than July 1 of the year preceding the first year for which reporting is required under section 3. Such initial designations shall be effective for 5 calendar years from the date of designation.

(B) SUBSEQUENT DESIGNATIONS.—Not later than July 1 of the year preceding the fifth year after a designation under subparagraph (A) or this subparagraph, the Secretary shall make another designation to be effective upon the expiration of such 5 years and such designation shall be effective for 5 calendar years from the date of designation.

(C) NOTICE.—The Secretary shall notify persons involved in the designations no later than the July 15 which follows the designation.

(b) OBTAINING INFORMATION.—The Secretary may obtain from insurers such information as the Secretary may require to make designations under subsection (a).

SEC. 5. TASK FORCE ON AGENCY APPOINTMENTS.

(a) ESTABLISHMENT.—Within 90 days of the date of the enactment of this Act, the Secretary shall establish a task force on insurance agency appointments. The task force shall—

(1) consist of representatives of appropriate Federal agencies, property and casualty insurance agents, including specifically minority insurance agents, property and casualty insurance companies, State insurance regulators, and public interest groups,

(2) have a significant representation from minority insurance agents, and

(3) be chaired by the Secretary or the Secretary's designee.

(b) FUNCTION.— The task force shall—

(1) review the problems inner city and minority agents may have in receiving appointments to represent property and casualty insurance companies,

(2) review the practices of insurers in terminating agents and consider the effect such practices have on the availability or cost of insurance, especially in underserved areas, and

(3) recommend solutions to improve the ability of inner city and minority insurance agents to market property and casualty insurance products, including steps property and casualty insurance companies should take to increase their appointments of such agents.

(c) REPORT AND TERMINATION.—The task force shall report to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate its findings under paragraphs (1) and (2) of subsection (b) and its recommendations under paragraph (3) of subsection (b) within 2 years after the date of the enactment of this Act. The task force shall terminate when the report is submitted to the Committees.

SEC. 6. IMPLEMENTATION OF SECTION 3.

(a) REGULATIONS.—The Secretary shall promulgate such regulations as may be necessary to carry out section 3. Such regulations may—

(1) contain such classifications, differentiations, or other provisions, and

(2) may provide for such adjustments and exceptions for any class of transactions,

as in the judgment of the Secretary are necessary and proper to effectuate the purposes of such section and to prevent circumvention or evasion thereof or to facilitate compliance therewith.

(b) DATA COLLECTION CONTRACTOR.—The Secretary may contract with a data collection contractor to carry out the Secretary's responsibilities under section 3 if the contractor agrees to collect and make available the data pursuant to the terms and conditions of such section. A statistical agent may also be a data contractor.

(c) ROLE OF STATISTICAL AGENTS.—

(1) ACCEPTANCE OF DATA.—The Secretary and, if applicable, the contractor under the subsection (b) contract may accept data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if—

(A) the statistical plan used by the statistical agent for the reporting of data on insurance provides for the reporting of data in a manner compatible with section 3(a),

(B) the statistical agent reports such data on an individual insurer basis, and, at the discretion of the Secretary, on an aggregate basis,

(C) the statistical agent provides adequate procedures to protect the integrity of the data reported,

(D) the statistical agent has procedures in place which ensure that data reported under the statistical plan in connection with reporting under this Act and submitted to the Secretary are not subject to adjustment by the statistical agent or an insurer for reasons other than technical accuracy and conformance to the statistical plan,

(E) the statistical agent ensures that the data of one insurer is not subject to review by other insurers before public availability, and

(F) the statistical agent provides for the reporting of data in a manner compatible with the format prescribed by the Secretary under section 3(d).

(2) DISCONTINUANCE OF DATA ACCEPTANCE.—The Secretary may, after providing an opportunity for a hearing, discontinue accepting data reported under section 3(a) by a statistical agent acting on behalf of more than one insurer if the Secretary determines the requirements for acceptance of data in paragraph (1) are no longer met.

(d) ROLE OF GAO.—The Comptroller General shall have the authority to review and audit any data collection and reporting performed under section 3, whether by the Secretary, the contractor under the subsection (b) contract, or a statistical agent, to ensure that the integrity of the data collected and reported is protected.

(e) BURDENS ON INSURANCE AGENTS.—In prescribing regulations under this Act, the Secretary shall take into consideration the administrative, paperwork, and other burdens on insurance agents, including independent insurance agents, involved in complying with the requirements of this Act and shall minimize the burdens imposed by such requirements with respect to such agents.

SEC. 7. RELATION TO STATE LAWS.

This Act does not annul, alter, or affect, or exempt the obligation of any insurer subject to this Act to comply with the laws of any State or subdivision thereof with respect to public disclosure and recordkeeping.

SEC. 8. COMPILATION OF AGGREGATE DATA.

(a) SCOPE OF DATA AND TABLES.—The Secretary shall compile each year, for each MSA, data aggregated by 5-digit zip code for all insurers who are subject to section 3 or who are exempt from section 3 under subsection (b)(7)(A) of such section. The Secretary shall also produce tables indicating, for each MSA, insurance policies aggregated for various categories of 5-digit zip codes grouped according to location, age of property, income level, and racial characteristics of neighborhood.

(b) AGGREGATION OF INFORMATION.—Statistical agents may aggregate the data of insurers that report to them and may provide such information to the Secretary. The Secretary may also provide the individual company data submitted by insurers to statistical agents for aggregation.

(c) AVAILABILITY TO PUBLIC.—The data compiled and the tables produced pursuant to subsection (a) shall be made available to the public on a timetable determined by the Secretary but not later than October 1 of the year following the calendar year on which the data and tables are based.

SEC. 9. ENFORCEMENT.

(a) CIVIL PENALTIES.—Any insurer who is determined by the Secretary, after providing opportunity for a hearing on the record, to have violated the requirements of section 3 shall be subject to a civil penalty of not to exceed $5,000 for each day during which such violation continues.

(b) INJUNCTION.—The Secretary may bring an action in an appropriate United States district court for appropriate declaratory and injunctive relief against any insurer who violates the requirements of section 3.

(c) INSURER LIABILITY.—An insurer shall be responsible under subsections (a) and (b) for any violation of a statistical agent acting on behalf of the insurer.

SEC. 10. SUNSET.

(a) EXPIRATION.—Except as provided in subsection (b), this Act shall not be in effect after the expiration of 5 years from its effective date. Prior to the expiration of 4 years from such date, the Secretary shall report to the Energy and Commerce Committee of the House of Representatives and the appropriate committee of the Senate—

(1) the quality of data received under section 3 and the effectiveness of the data requirement, including the relation between the cost of such data gathering and the benefits from having such data available,

(2) the appropriateness of the geographic data reporting units,

(3) the need for continued reporting by the designated insurers in urban areas,

(4) the efforts of insurers to meet the insurance needs of minority and low-income neighborhoods, and

(5) such other information as the Secretary determines will assist in considering an extension of this Act.

(b) EXTENSION.—Based on the Secretary's report on the need described in subsection (a)(3) and the information described in subsection (a)(5), the Secretary may extend this Act for one period of 2 years.

SEC. 11. STUDIES.

(a) STUDY OF INFORMATION ON INSURANCE APPLICANTS.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility and utility of the collection of information with respect to the characteristics of applicants for insurance and reasons for rejection of applicants. The study shall examine the extent to which—

(A) oral applications or representations are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(B) written applications are used by insurers and agents in making determinations regarding whether or not to insure a prospective insured,

(C) written applications are submitted after the insurer or agent has already made a determination to provide insurance to a prospective insured or has determined that the prospective insured is eligible for insurance, and

(D) prospective insureds are discouraged from submitting applications for insurance based, in whole or in part, on—

(i) the location of the risk to be insured,

(ii) the race or ethnicity of the prospective insured,

(iii) the racial or ethnic composition of the neighborhood in which the risk to be insured is located, and

(iv) in the case of residential property insurance, the age and value of the risk to be insured.

(2) REPORT.—The Secretary shall report the results of the study under paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate within 18 months of the date of the enactment of this Act.

(b) STUDY OF INSURER ACTIONS TO MEET INSURANCE NEEDS OF CERTAIN NEIGHBORHOODS.—The Secretary shall conduct a study of various practices, actions, programs, and methods undertaken by insurers to meet the property and casualty insurance needs of residents of low- and moderate-income neighborhoods, minority neighborhoods, and small businesses located in such neighborhoods. The Secretary may establish a task force of interested parties, including representatives of insurance companies, insurance agents, including minority agents, and consumer representatives to discuss additional practices, actions, programs, and methods to meet these needs. The Secretary shall report the results of the study, including any recommendations, to the Committee on Energy and Commerce of the House of Representatives and the appropriate Committee of the Senate no later than 2 years after the date of the enactment of this Act.

SEC. 12. DEFINITIONS.

For purposes of this Act:

(1) The term "commercial insurance" means any line of property and casualty insurance, except private passenger automobile and homeowner's insurance.

(2) The term "designated insurer" means an insurer designated by the Secretary pursuant to section 4(a)(2).

(3) The term "designated line" means a line of insurance specified in section 4(a)(3).

(4) The term "exposure units" means units insured against risk of loss by an insurer and the term "units" means an automobile or the number of units in a building.

(5) The term "insurer" means any corporation, association, society, order, firm, company, partnership, individual, or aggregation of individuals which is subject to examination or supervision by any State insurance regulator, or which is doing or represents an insurance business. Such term does not include an individual or entity which represents an insurer as agent for the purpose of selling or which represents a consumer as a broker for the purpose of buying insurance.

(6) The term "MSA" means a Metropolitan Statistical Area or a Consolidated Metropolitan Statistical Area and the term "designated MSA" means an MSA designated by the Secretary pursuant to section 4(a)(1).

(7) The term "property and casualty insurance" means insurance against loss of or damage to property, insurance against loss of income or extra expense incurred because of loss of, or damage to, property, and insurance against third party liability claims caused by negligence or imposed by statute or contract.

(8) The term "residual market" means an assigned risk plan, joint underwriting association, or any similar mechanism designed to make insurance available to those unable to obtain it in the voluntary market.

(9) The term "Secretary" means the Secretary of Commerce.

(10) The term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

SEC. 13. EFFECTIVE DATE.

The requirements of this Act shall take effect with respect to information on insurance described in section 3 and developed in and after calendar year 1995.

Mr. CHAIRMAN. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. KENNEDY

Mr. KENNEDY. Madam Chairman, I offer an amendment, and I ask unanimous consent that it be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mrs. COLLINS of Illinois. Madam Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY:

Page 25, line 24, strike "Energy and Commerce Committee" and insert "Committee on Banking; Finance and Urban Affairs".

Page 30, lines 20 and 21, strike "Secretary of Commerce" and insert "Secretary of Housing and Urban Development".

Strike "Committee on Energy and Commerce" each place it appeals in the bill and insert "Committee on Banking, Finance and Urban Affairs".

Mr. KENNEDY. Madam Chairman, I rise in support of the amendment which the Committee on Banking, Finance and Urban Affairs has offered to this bill that deals with the question of jurisdiction. It deals with the question of whether or not the information that is asked for in the bill should be contained at HUD or should be contained at the Commerce Department.

The reason why this is important is because there are two separate agencies. One agency deals with whether or not there is racial discrimination in housing, whether or not there are a series of programs that HUD has always been in charge of the pertain to flood insurance, that pertain to private mortgage insurance, that pertain to the Federal Housing Administration insurance, the private deposit insurance, and, last but not least, the insurance redlining, because HUD enforces the Fair Housing Act insurance program.

The fact is that HUD is the agency that this information ought to be contained with.

Now, if we look at what has actually occurred with this bill, I initially wrote this legislation and went to the Parliamentarian. We asked the Parliamentarian's judgment on how to make certain that the information would come directly to the Committee on Banking, Finance and Urban Affairs. We were given certain assurances about why this would come to the Committee on Banking, Finance and Urban Affairs.

The fundamental fact is after this passed, with those assurances, the subcommittee, after it passed the full committee, another Member of this body went to that committee and got the ruling changed so that our bill was then referred to the Committee on Energy and Commerce and their bill was not referred to our committee.

It was patently wrong, patently unfair. Our committee went and saw the Speaker of the House about that kind of shoddy treatment. Since that time, we have tried very hard to try to find some way of working out our differences. There was no attempt to work out our differences. What we found was in fact with this legislation, there have been attempts after attempts to undercut any ability to get this information at the agency where it is proper to be housed.

What I am trying to suggest is that if we look at the history of why insurance is not designated for a particular committee, it seems to me it is pretty clear. Insurance has always been regulated by the States. It is the one major industry of our land that is not designated by some committee in the Congress. And what happens is under the rule X, it is unclear. But despite the fact that the Committee on Banking, Finance and Urban Affairs runs all of these insurance programs, because of the overarching concern that somehow insurance is interstate commerce, Energy and Commerce automatically gets it.

When the Committee on Banking, Finance and Urban Affairs was initially formed in this country, we controlled 80 percent of the credit in America, controlled the vast majority of all the credit around the world. Today the mutual fund industry has more deposits than the banking industry. It is controlled by Energy and Commerce. The securities industry controls more deposits than the banking industry. It is controlled by Energy and Commerce. Energy and Commerce controls our health. If they could get a bill through, it would be interesting. They control the transportation. They control our energy policy. They control our railroads. They control our interstate commerce.

Enough is enough. At some point the fact is that this is nothing more than a further power grab by that committee on the Committee on Banking, Finance and Urban Affairs' jurisdiction, and it is time to stop getting bullied around by the Committee on Energy and Commerce. Time and time again, whether it is legislation pertaining to how we are going to come together as a land and have financial institutions that can go out and compete with the Germans and Japanese and other foreigners, as long as it treads on the Committee on Energy and Commerce jurisdiction, it cannot pass the Congress of the United States.

What I am trying to suggest is that we allow an honest to goodness debate on the specific issues of whether or not it makes more sense to house this information at HUD, where the Secretary has requested it, where the Secretary has indicated that he wants to make this a priority of his in this administration.

□ 1420

It is true that an Inspector General's report on Jack Kemp's HUD indicated that HUD could not handle any new programs. But the fact is that Henry Cisneros has come in and reorganized HUD. I talked to his office this morning. They indicated to me that they are entirely capable and very much want to have this information contained at HUD.

Madam Chairman, I would urge the Members to support the legislation offered by the gentleman from Texas [Mr. GONZALEZ] and myself to contain this information at the Housing and Urban Development Agency where it is necessary to get the job done. If Members think that the Committee on Energy and Commerce has taken enough of their committees' jurisdictions, then vote yes on the Kennedy-Gonzalez amendment.

Mr. GONZALEZ. Madam Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. KENNEDY] be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. STEARNS. Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STEARNS. Madam Chairman, I move to strike the last word, and I rise in opposition to the Kennedy-Gonzalez amendment to H.R. 1188.

I rise in strong opposition to the Kennedy-Gonzalez amendment to H.R. 1188 because I believe that it is little more than a thinly veiled attempt to expand their committee jurisdiction, and, in the end, would do more harm than good to this legislation and the Nation's consumers of insurance.

This amendment has really only a single purpose—to change the implementing agency to an agency primarily within the jurisdiction of the Banking Committee. The agency they chose was the Department of Housing and Urban Development. This amendment would give the Department of Housing and Urban Development broad new authority to collect this data in spite of all the evidence demonstrating that HUD needs to better address its current responsibilities before it receives new ones.

I could provide a litany of examples of HUD scandals and mismanagement, but the HUD inspector general put it best in a letter to the Banking Committee. Commenting on the Banking Committee's redlining proposal, she explained succinctly that "Historically, HUD has not developed and maintained data systems in an effective and efficient manner." She went on to explain how HUD initially suffered from incomplete, untimely, and erroneous data reporting when it tried to implement its responsibilities under the Home Mortgage Disclosure Act.

Even Chairman GONZALEZ and the rest of the Banking Committee acknowledged HUD's limitations in the recent committee report on the Housing and Community Development Act. The committee reiterated findings by the HUD inspector general that "HUD is a 'troubled' Federal agency with 10 material weaknesses in its basic operations," and that troubles arising in the mid-1980's "has left a decimated workforce with the wrong skills mix, inadequate computer data systems, and the inability to administer properly the programs currently authorized."

Clearly, HUD has a poor track record in implementing the kinds of data systems that would be required under H.R. 1188. It would be conceivable that by the time HUD managed to out work the problems, the program would be ready to expire.

I was somewhat surprised to hear that Chairman KENNEDY told the Rules Committee that the Department of Commerce had no experience gathering large amounts of data. This could almost be true, if it were not for one small fact—the Department of Commerce houses the Bureau of the Census, arguably the largest data gathering organization in the world.

Why should we give new authority to an overburdened and ineffective bureaucracy at HUD when the Bureau of the Census routinely gathers large amounts of information about every man, woman, and child in the United States? Further, the Department of Commerce already gathers some insurance data, including data on affordability and availability. Clearly, the original agency authorized under H.R. 1188 is the best agency for the task on the merits.

I urge my colleagues to oppose this cynical amendment based on a petty jurisdictional squabble. Members should look at this issue on its merits, and I am convinced that anyone who does will agree that the House should reject the Kennedy-Gonzalez amendment.

Mr. GONZALEZ. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the Kennedy amendment.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALES] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Chairman, I ask unanimous consent that I be granted an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. STEARNS. Madam Chairman, I object to 5 minutes. Having served 4 years on the Committee on Banking, Finance and Urban Affairs, and having a lot of respect for the chairman, I would grant him another 2 minutes.

Mr. GONZALEZ. Madam Chairman, I withdraw my request.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Madam Chairman, I think the gentleman here is——

Mr. STEARNS. Madam Chairman, I demand that the gentleman's words be taken down.

□ 1430

The Clerk will report the words objected to.

The Clerk read as follows:

> Madam Chairman, I think the gentleman here is, to say the least, hypocritical, inasmuch as he has distorted an attribution to me.

The CHAIRMAN. Does the gentleman from Texas [Mr. GONZALEZ] seek recognition?

Mr. GONZALEZ. Madam Chairman, I failed to hear the Chairman's statement. Would you repeat it?

The CHAIRMAN. Does the gentleman want the words read again?

Mr. GONZALEZ. Yes.

The CHAIRMAN. The Clerk will rereport the words.

The Clerk read as follows:

> Madam Chairman, I think the gentleman here is, to say the least, hypocritical, inasmuch as he has distorted an attribution to me.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. I have a parliamentary inquiry, Madam Chairman.

The CHAIRMAN. Does the gentleman seek recognition?

Mr. GONZALEZ. Yes, I do, Madam Chairman. My understanding is that the allegation is that the words used were unparliamentary.

The CHAIRMAN. That was the point of order.

Mr. GONZALEZ. Madam Chairman, in obedience to that, let me revise the words by saying that the gentleman's remarks——

Mr. STEARNS. Regular order, Madam Chairman.

The CHAIRMAN. Does the gentleman from Texas [Mr. GONZALEZ] ask unanimous consent to withdraw his remarks?

Mr. GONZALEZ. Yes, Madam Chairman, I ask unanimous consent to withdraw my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman may proceed in order.

Mr. GONZALEZ. Madam Chairman, let me say that I take not only gross but personal exception to the gentleman's attributing to me statements and positions that I have never taken by reading out of context from an inspector general's report of HUD with respect to the other administration, the prior administration's consistent pattern of mismanagement and failure to address it, and failing to point out that the current administration of HUD has reached the point where, with the additional help of the legislation that we have perfected, is getting an extra help in their managerial problems which they have inherited.

Therefore, I very much resent that this statement would have been made to imply that HUD is incapable of doing that which, in our bill, as passed by the House Committee on Banking, Finance and Urban Affairs, through the Subcommittee on Housing and Community Development, would empower HUD to undertake in its fact-gathering.

In the first place, Madam Chairman, what the gentleman fails to state is that the Kennedy amendment would remove from the bill the onus of placing this responsibility on the Department of Commerce that has no track record in this kind of fact-gathering. If that is the case, it would make as much logic to put it over in the Nuclear Energy Commission. Why not have them do it? It would make just as much sense, if not, perhaps, more.

Madam Chairman, we have developed separate banking legislation in the committee to address the problems that homeowners presently face in many areas of our country with respect to the gross, unjust redlining by insurance companies. What we are asking in our legislation, Madam Chairman, and in the Kennedy amendment is for the same fact-gathering that we now compel banks to provide, but what this represents is a wholesale abasement before this powerful, monstrous lobby known as the insurance industry. No wonder they have no complaints, because they have kowtowed completely in the Committee on Energy and Commerce to those vested interests that are hellbent in persisting in redlining, to the gross injustice of many of our fellow Americans.

The ironfisted tactics of the chairman of the Committee on Energy and Commerce——

Mr. DINGELL. Madam Chairman, I demand that the words of the gentleman from Texas [Mr. GONZALEZ] be taken down.

□ 1440

Madam Chairman, as an act of comity to my dear friend, the gentleman from Texas, who I know gets much overwrought in matters of concern and sometimes speaks in tones that he might not choose to do, and out of the good will I feel for my friend, the gentleman from Texas, with whom I have served so long, the great personal affection which I have for him, I will withdraw my request, in the hope that my dear friend from Texas will proceed in a more parliamentary and gentlemanly fashion.

The CHAIRMAN. The gentleman withdraws his demand. The gentleman may proceed.

Mr. GONZALEZ. Madam Chairman, I thank my colleague, the gentleman from Michigan and appreciate his complimentary words. I was merely using a phrase that I thought would reflect the very strong tactics employed by the chairman of this distinguished committee.

Let me point out that this is a matter that the courts have interpreted. That is, we have court decisions in which the Fair Housing Act as administered by HUD have interpreted redlining by insurance companies to be within HUD's proper jurisdiction in attempting to control and eliminate by insurance companies, not banks, not S&Ls, but insurance companies.

Of course I feel strongly. When I see members of my committee who merely because they have had the courage, as the chairman of the subcommittee that has responsibility in this area, to pursue and be punished because of bills they are having in the other committee on other matters, I would be very much abdicating my responsibilities out of fear of displeasing my colleagues whom I equally esteem by shouting defiance to tyrannical and very revengeful tactics to the detriment of good legislation in another area, clean air.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for 5 additional minutes.)

Mr. GONZALEZ. Madam Chairman, I think it is reasonable. What are we afraid of? What are we afraid in this Chamber of debate to hear a member speak 5 minutes additionally? Wherein is the fear? What is the basis for it? If the position is so correct by those that fear and oppose that their position is correct and true and valid, why fear any talk, any amount of talk?

Let me continue addressing the issue. This is a gut issue. And maybe and maybe not it involves committee jurisdictions. I will show to anybody's examination freely and truly my record as chairman since 1989, January 3, of the Committee on Banking, Finance and Urban Affairs, wherein at any time any other committee has felt hurt by an improper invasion on our part of their jurisdiction. Not one time. And it is not our desire to do that. We have enough to take care of within the very clearly prescribed jurisdiction of the committee.

In this area of insurance, there is a gray area as reflected by the quandary and the contradiction by the very Parliamentarians themselves, the very Parliamentarians. There is a gray area. But there is no gray area as to the jurisdiction on all credit-extending activities in our country being under the jurisdiction of the Committee on Banking, Finance and Urban Affairs.

We have formed this new subcommittee in contracting a number of committees and streamlining our operations in the Committee on Banking, Finance and Urban Affairs, of which the gentleman from Massachusetts [Mr. KENNEDY], is chairman and the title of that subcommittee is Credit and other matters such as coinage and insurance. We are not trying to invade the proper scope of the Committee on Energy and Commerce at any time, never has a charge been made to my knowledge, and we certainly do not seek it now. But we think that it would be remiss on our part, even if the odds are against us, even if we fail to speak forth on what is the proper jurisdiction of this committee and the Department that we wish to charge with the responsibility of searching out and rooting out this very violative, discriminatory practice of redlining for homeowners. We are talking about homeowners. So that the Secretary, as the gentleman from Massachusetts [Mr. KENNEDY] has brought out, not only he, his predecessor, have brought out their desire to have this kind of an aspect of activity under their jurisdiction.

The authority to test discriminatory insurance practices would mesh with the substantial experience that the Fair Housing Enforcement Office has acquired in conducting testing under the Fair Housing Initiatives Program.

Point 3. HUD's new oversight responsibilities relating to the second mortgage market, Fannie Mae and Freddie Mac, the Federal Housing Finance Board, and the Resolution Trust Corporation closely relate to the insurance redlining issue.

We must conclude by saying that this function provides an excellent fit with our existing fair housing and other programmatic responsibilities.

I will provide the sufficient jurisdictional FHEO/HUD resources, whatever is necessary to achieve these additional responsibilities and we do so in our Housing and Comprehensive Community Development Act. There is certainly no other agency in Government, much less the Commerce Department, the Commerce Department will be asked to do something it has never done before. Notwithstanding the fact it may have the Census Bureau within its jurisdiction. That is beside the point. The Nuclear Regulatory Commission also has vast technological and computer facilities for gathering, computing and relating information. But we are talking about the proper agency already equipped and experienced in this area to be handling this matter.

Mrs. COLLINS of Illinois. Madam Chairman, I move to strike the requisite number of words, and I rise in strong opposition to this amendment.

I have heard a lot of talk about the Parliamentarian and the Speaker, but they have already ruled on this issue, so I want to go on with the merits or demerits as I see it of this amendment.

Madam Chairman, this amendment makes no sense on the merits. The Department of Commerce is the most appropriate agency to collect this insurance data. The Department has past involvement in insurance issues, particularly issues of availability and affordability on insurance, such as its experience in monitoring and reviewing the Risk Retention Act. It collects data on foreign insurers and reinsurers. The Department's responsibility for conducting the U.S. Census indicates that it is the data collection expert in the Federal Government.

In contrast, the Department of Housing and Urban Development has little expertise with respect to the private insurance industry. While HUD is charged with enforcing the Fair Housing Act, this legislation is broader than just homeowners insurance.

Furthermore, HUD's own inspector general has raised serious questions about HUD's capability to handle insurance data collection. According to the inspector general, "Historically, HUD has not developed and maintained data systems in an effective and efficient manner." The IG notes that the relevant HUD staff "readily admit they have little or no experience in designing data systems." The inspector general also advises "that HUD's limited funding for data systems integration should not be diluted for new activities." The HUD IG concludes, with respect to the Kennedy bill, "we are concerned about HUD's ability to implement the [legislation] in an effective, timely, and efficient manner."

The legislation also requires the collection of data with respect to auto insurance. The Department of Housing and Urban Development has absolutely no expertise with respect to auto insurance. Why doesn't the gentleman offer an amendment to shift data collection to the Department of Transportation? The answer is obvious. The Banking Committee has no jurisdiction over the Department of Transportation.

The legislation also establishes a pilot project for the collection of data on commercial insurance. Here again, HUD has absolutely no expertise.

The choice is between the Department of Commerce—an agency with clear expertise—and HUD—an agency where even the relevant staff admit little or no relevant experience. It is important for the best possible data collection to be done under the bill. Commerce is the agency to do this and it can then share the results with HUD, the Department of Justice, and any other agency charged with fighting discrimination.

Accordingly, I must strongly oppose this amendment.

Mr. GREENWOOD. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in opposition to this amendment. I am a new Member of the Congress and while it is somewhat fascinating to see what may or may not be a struggle between two powerful chairmen over jurisdiction, I really have no interest in that. I have not been around here long enough, I suppose, that I would have such a loyalty to my committee that I would insist that my committee have jurisdiction. I simply want to evaluate the issue on its merits. I have made an effort to do that.

What I see, looking at the difference between the Department of Commerce and the Department of Housing and Urban Development [HUD], is pretty clear. HUD has some experience operating government-run insurance programs, but those same insurance programs are not covered by this bill. We have eliminated them from coverage under this bill. HUD has no experience with the private insurance industry, and absolutely no experience at all with the small business insurance market.

Let us look at Commerce by contrast. Commerce houses the Bureau of the Census. It collects extensive information on every man, woman, and child in the United States, which is almost what we are going to do with this legislation.

Mr. STEARNS. Madam Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Florida.

Mr. STEARNS. Madam Chairman, I would like to make it a part of the RECORD and announce my intention for clarification to include sections from the Housing and Community Development Act of 1994, specifically page 75, all the information that I quoted in my speech, as follows:

> While many of the new programs proposed by the Administration may have merit, the Committee concluded that virtually all of them in some way duplicated current HUD programs. The Committee is mindful of the repeated findings of the HUD Inspector General that HUD is a "troubled" federal agency which has 10 material weaknesses in its basic operations. The IG has warned that the proliferation of new programs requiring rulemaking, grants decisions, technical assistance, and monitoring coupled with the brain drain of expertise from the Department during the 1980s has left a decimated workforce with the wrong skills mix, inadequate computer data systems, and the inability to administer properly the programs currently authorized. These warnings prompted the Committee to incorporate the new programs proposed by the Department as eligible uses within current HUD programs.

□ 1450

I make my intensions known and I thank my colleague for allowing me the opportunity.

Mr. GREENWOOD. Madam Chairwoman, to conclude, as I mentioned, the Department of Commerce already conducts the census. We are with this legislation, which I consider to be overreaching, practically gathering information about every man, woman, and child in the United States when it comes down to insurance. So it is natural for the Department of Commerce to handle this function. Commerce already collects insurance data, and Commence already has the expertise on issues regarding the affordability and availability of insurance.

I think the Department of Commerce is the appropriate entity to collect this information, and I would urge a no vote on the amendment.

Ms. ROYBAL-ALLARD. Madam Chairman, I move to strike the requisite number of words. And, I rise in support of the Kennedy-Gonzalez amendment to H.R. 1188.

The Banking Committee has historically overseen the monitoring and enforcement of property and casualty insurance, flood insurance, and private mortgage insurance. The Kennedy-Gonzalez amendment protects the House Banking Committee's jurisdiction over these insurance issues and avoids unnecessary and potentially disruptive jurisdictional conflicts.

The Kennedy-Gonzalez amendment also promotes the antiredlining objectives of H.R. 1188 by requiring that data collected under the bill be submitted to the Department of Housing and Urban Development, rather than the Department of Commerce. HUD's new experience in the collection of mortgage data places it in the best position to most effectively collect the information required under H.R. 1188.

Equally important is HUD's experience in successfully utilizing data for fair housing enforcement and compliance purposes under the Fair Housing Act.

Furthermore, HUD Secretary Henry Cisneros has made it clear that access to this information will greatly enhance HUD's ability to enforce our Nation's fair housing laws.

In comparison, the Department of Commerce lacks the necessary experience and administrative capacity to properly administer the program.

I urge my colleagues to vote yes on the Kennedy-Gonzalez amendment.

Ms. SCHENK. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, let me just start by saying as a freshman it is somewhat distressing to observe that an important issue of substance can digress into a jurisdictional debate that for most Americans has no meaning.

Madam Chairman, let me say as a member of the Committee on Energy and Commerce I do not think there is any dispute that the Committee on Banking, Finance and Urban Affairs does indeed have some jurisdiction over some insurance issues such as Federal flood insurance. But as to the private sector, the Speaker, under the House rules, written by Thomas Jefferson, referred the bill of the gentlewoman from Illinois [Mrs. COLLINS] to the Committee on Energy and Commerce. And under the rules of this body that was the appropriate referral.

As to the substance, H.R. 1188 designates the Department of Commerce as the data collection agency. Why the Department of Commerce? Because it is the data collection expert of the Federal Government, pure and simple. Commerce currently collects insurance data. Commerce does have the expertise in issues involving the availability and affordability of insurance.

Why not HUD? HUD's own inspector general has questioned HUD's capability and involvement in insurance redlining data collection. I quote,

> Historically, HUD has not developed and maintained data systems in an effective and efficient manner. HUD has little expertise in the private insurance industry and no familiarity or involvement with automobile or small business insurance. The relevant HUD staff has little or no experience in designing data systems.

There is no policy rationale for this amendment. There is no good reason why the Department of Housing and Urban Development is in a better place to use the information than the Department of Commerce.

This amendment is all about politics, pure and simple, and I urge Members to oppose the amendment. It is bad policy, and it is bad procedure.

Mr. MOORHEAD. Madam Chairwoman, I move to strike the requisite number of words.

Madam Chairwoman, I know we are in what amounts to a jurisdictional dispute, but I think this issue can be decided on public policy. The best agency for purposes of conducting this particular study certainly has been well established over a long period of time as the Commerce Department.

The issue of committee jurisdiction has already been settled by the committee referral. The Committee on Banking, Finance and Urban Affairs' bill was subsequently referred to the Committee on Energy and Commerce, but the bill of the Committee on Energy and Commerce was not referred to the Committee on Banking, Finance and Urban Affairs.

Madam Chairwoman, even if the amendment were successful, it would not be dispositive on the question of jurisdiction. Even if HUD were designated as the agency responsible for administering this program, so long as they were responsible for regulation of insurers involved in interstate commerce, jurisdiction over this issue would fall to the Committee on Energy and Commerce.

Madam Chairwoman, I know we talked earlier about the state of operations in HUD. But I think it is very clear to everyone that most of the employees have been at HUD for many years; they are still there, just as most of the employees that have been at the Department of Commerce are still there. Only the leadership has changed from administration to administration. This program of data collection is something that will be done by the people that have long been in one of these departments. I think that the Department of Commerce has a far better record of data collection for purposes of the census as well as issues relating to insurance. This Department already has expertise on issues involving the availability and affordability of insurance.

We have had some problems with HUD in the past. I hope we do not continue to have any such problems in the future. It is a very important department of government. But it is not the department to which this issue should be given.

Let us authorize the Department of Commerce, with their long-established record, as the agency that has the job of collecting data as required in this legislation.

Mr. FIELDS of Louisiana. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Madam Chairman, first let me make it emphatically clear that rule X does give to the Committee on Energy and Commerce exclusive jurisdiction over this subject matter. The amendment is important, and as important as it is, we must clearly define its jurisdiction, and the jurisdiction of private property insurance is, in my opinion, in the hands of the Committee on Banking, Finance and Urban Affairs.

This amendment requires HUD, not the Department of Commerce, to administer the programs under H.R. 1188. HUD should run these programs because they have the experience. Contrary to what many have said here today, HUD has the experience because they have administered a program of this nature for over 20 years. HUD is solely responsible for making sure homeowners comply, for example, with the Fair Housing Act. HUD has the ability to collect this data and we should rely on them to administer this program.

Mr. KENNEDY. Madam Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Madam Chairman, I thank the gentleman for yielding.

Think about it, ladies and gentlemen, securities, the power industry including electric and natural gas, mutual funds, health insurance, the Clean Air Act, the Clean Water Act, the telecommunications industry, all are controlled by one committee due to the overarching mandate that says if anything is interstate commerce it goes directly to the Committee on Energy and Commerce. I tell my colleagues that the Committee on Banking, Finance and Urban Affairs runs every major insurance program that comes out of this Congress. We have a claim because this is an insurance industry issue. They have a claim because they say it is interstate commerce. It is up in the air. It is up to the membership of this body to determine who will do the best job.

Madam Chairman, the only people in the world that I have ever met that think that the Census Bureau does a good job happen to be the members of the Committee on Energy and Commerce.

□ 1500

I have never heard anybody think the Census Bureau does a good job. Be that as it may, you may think it does such a good job out there. That is your business. I happen to think both of these agencies leave a lot to be desired.

The agency that has the proper jurisdiction, that currently is responsible for dealing with redlining issues, for dealing with racial discrimination is HUD. That is what they do. Part of their mandate is to go out and find out where racial discrimination and redlining take place in the housing industry.

We are asking them to expand into a couple of other areas in addition to housing insurance.

The fact is that if we look at how this whole thing got going, it got going out of an extension of the Home Mortgage Disclosure Act. You take either Energy and Commerce base text or Banking Committee's base text, they are both based on the HMDA Act, the Home Mortgage Disclosure Act, which came out of the Banking Committee. I got it passed with the chairman, the gentleman from Texas [Mr. GONZALEZ], 6 years ago on this House floor. That is the base text. That is where this legislation finds its roots, and that is why it deserves to be housed in the Committee on Banking, Finance and Urban Affairs.

Mrs. MALONEY. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise to urge my colleagues to support the amendment.

The Kennedy-Gonzalez amendment makes the process better by making HUD the agency that receives data instead of the Commerce Department. Giving HUD the responsibility to collect data makes sense on the merits. In fact, it makes so much sense one is left with the feeling that the selection of Commerce was based more on internal jurisdictional battles than on the most capable agency.

HUD has ample experience administering and overseeing the collection of data that will be generated by this legislation. Currently HUD enforces the Fair Housing Act including provisions prohibiting discrimination in homeowners' insurance.

Does it not make sense, therefore, for HUD to receive data from insurance companies about their homeowners' and other property insurance data? HUD has been collecting data from the Home Mortgage Disclosure Act for 20 years. This data is extremely similar to the data that will be provided under the provisions of this bill.

Again, does it not make sense for this information to go to the agency that has, even with all its flaws, the most experience? Why, as we reinvent Government, do we want to reinvent the Commerce Department by having them do the work that HUD has already been doing for 20 years?

No matter how you look at this amendment, whether it is to prevent one committee from accumulating too much power or whether it is simply what Federal agency can best accumulate this important data, the vote should be "yes."

Mr. BROWN of Ohio. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to this amendment.

This amendment would designate Housing and Urban Development rather than Commerce as the agency responsible for data collection, for analysis, for study, and for reporting under the bill. This is truly the most cynical amendment we are likely to face today.

Under the guise of helping those who suffer from discrimination, it is simply a grab at committee jurisdiction in the House, period.

The Department of Commerce is the data-collecting arm of the Federal Government. It has broad and long experience in designing and carrying out data collection responsibilities. This is, of course, most evident in its responsibilities as to the census, but it is also evident in many other areas such as its Bureau of Economic Analysis and the International Trade Commission.

In addition, the Department of Commerce is the sole Federal agency with substantive experience in insurance. The Department of Commerce, for example, is responsible for implementation of the Risk Retention Act, and the Department of Commerce conducts an annual and complete analysis of foreign reinsurance markets in the United States. The Department of Commerce acts as the substantive expert on all trade negotiations regarding insurance.

HUD has no expertise in property casualty insurance, the type of insurance covered by this bill. It has no genuine expertise in designing and implementing data systems. These are the province of Commerce.

Keep in mind when Commerce does carry out its data collection and analysis responsibilities under H.R. 1188, this information will be available to all Federal agencies including HUD for fair housing purposes, including Justice for discrimination purposes, and any other agency in the Federal Government for any other valid purpose.

We must be sure that this data is the most accurate, most usable, most complete data that a well-designed system can produce. Commerce is the obvious agency to carry out that task.

There is really, Madam Chairman, no contest that Commerce is the proper agency to implement 1188, except for the jurisdictional grab in this amendment.

I urge the defeat of the amendment.

Mr. VENTO. Madam Chairman, I move to strike the requisite number of words.

I rise in support of the Kennedy-Gonzalez amendment.

Madam Chairman, the issue here obviously is an important one. I think that both of the committees, Banking and Commerce, have worked hard on this issue.

But I am obviously concerned that the agency that has demonstrated the leadership, HUD [Housing and Urban Development], in terms of discrimination and problems that face our Government under most of the Secretaries that have led the agency, whether Jack Kemp or today, under Henry Cisneros, that they be given the principal responsibility, for this information and action.

Clearly there is no dispute regarding the need to address the problem of insurance redlining. It is a serious problem that is adversely affecting our urban areas, intimately related to the chief responsibilities of HUD, and I think that if we look at the history of the track record here of which Federal departments and agencies has been at these urban hot spots over the years, it has been the Secretary of Housing and Urban Development, today, of course, with Henry Cisneros. They have a deep stake in this issue and the welfare of urban America.

HUD have the area offices in most regions. They are working within the census tracts. They can use that data effectively.

The fact is I heard earlier, and I think it is regrettable, that the inspector general and others have suggested that HUD is not doing the job that it should do. Today, it has nearly an impossible task, the Housing and Urban Development Department has, in terms of trying to catch up with the serious problems in our urban areas.

I do not think that is any reason to deny them one of the essential tools they need for what has been a serious and emerging problem with regard to redlining. They need such tools to address their mission. I hope that they would have it. HUD has the presence. They have, I think, the ability to use the resource.

But clearly HUD is overloaded with some of substantial responsibilities that they now exercise.

The pending bill, of course, would provide the authority to the Department of Commerce, to Ron Brown, and I have no argument with Mr. Brown. I just think that it is clear on the face that the Housing and Urban Development is the Department that is in these urban areas that is providing the leadership in terms of where our Nation is going in terms of policies that affect areas which are today the object of redlining.

I think that Commerce is simply the wrong choice. The Department of Commerce has no infrastructure in place to handle this matter effectively or efficiently.

The information would simply go into a void and not provide the type of utility that all of us anticipate from maintaining such information.

The Kennedy amendment, supported by the chairman and other members of the committee, included myself, and would turn over this information to a more appropriate source, to the Department of Housing and Urban Development.

Some are seeking to make the focus of this debate on the size of each Department's computer or the efficiency. I think probably both would have a long way to go to deal effectively with software.

What should be the issue, in my view, the debate should be based on the ability of each Department to analyze and determine the discrimination. In this, I do not think that HUD is second to anyone with regard to this process. They have had a working relationship, an effective working relationship, with the Justice Department. They have the serious problems that face us, that face their communities, and they are in the forefront fighting for people, whether it is home purchase and the insurance or discrimination practices that are occurring.

□ 1310

They are intimately related with the community development activities that are vital to these areas. They need to have the tools to do this job.

This information on redlining is actually one of the tools that would permit them to enhance the ability of the Housing and Urban Development Department to do the job. This is their portfolio. It is the portfolio of the Housing and Urban Development Department to provide the leadership, to be the Federal repository, interface with our local and State governments at these areas. I think we ought to give them this new task.

The Commerce Department is involved in a different way, a different task in terms of commerce and trade and other activities. I think to deny this to HUD—it may be full of good intention; I do not question the author's good intentions or those of the other committee—but the fact is this tool ought to go into the portfolio of HUD to achieve their mission.

Now, Housing and Urban Development is controversial. There is no question about it. The reason they are is because they are in the forefront of speaking up for people of color. They are in the forefront of dealing with discrimination in this country. HUD is pushing the issues.

That is why we should give them the resource to accomplish the task. you are denying them that. Sending this information off over in the Department of Commerce is not controversial. But I say we need controversy in this instance. We need to address this issue of discrimination, we need to confront this matter. We have to be able to convince the people who live in the urban areas that they have a stake and that they are being treated fairly. The Housing and Urban Development Department has that responsibility, and could effectively use such data and charge.

I plead with you today to support the Kennedy-Gonzalez amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 343, not voting 8, as follows:

[Roll No. 337]

AYES—88

Andrews (ME)
Andrews (NJ)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Blackwell
Brooks
Brown (CA)
Coleman
Coyne
de la Garza
de Lugo (VI)
DeFazio
Dellums
Diaz-Balart
Dooley
Durbin
Edwards (CA)
Eshoo
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gibbons
Gonzalez
Gutierrez
Hinchey
Hughes
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Klein
Klink
Kopetski
LaFalce
Lantos
LaRocco
Maloney
McDermott
McHale
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Neal (MA)
Neal (NC)
Olver
Orton
Owens
Pastor
Pelosi
Pickle
Reed
Roth
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Serrano
Stark
Stupak
Torres
Torricelli
Unsoeld
Velazquez
Vento
Waters
Watt
Wynn
Yates

NOES—343

Abercrombie
Ackerman
Allard
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Engel
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kasich
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Menendez
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Nadler
Norton (DC)
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Towns
Traficant
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Bentley
Faleomavaega (AS)
Gallo
McCurdy
Ros-Lehtinen
Underwood (GU)
Washington
Whitten

□ 1532

Messrs. REGULA, THOMAS of Wyoming, and TEJEDA changed their vote from "aye" to "no."

Ms. FURSE, Mr. ROTH, and Mr. HUGHES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MS. ROYBAL-ALLARD

Ms. ROYBAL-ALLARD. Madam Chairwoman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. ROYBAL-ALLARD:

Page 3, line 13, strike "and".

Page 3, line 23, strike the period and insert ", and".

Page 3, after line 23, insert the following new clause:

(iii) information that will enable the Secretary to assess the aggregate loss experience for such insurer for such designated MSA and each 5-digit zip code in such designated MSA within which insured risks of the insurer are located.

Page 4, strike lines 12 through 25.

Page 5, line 4, strike "(a)(1)" and insert "(a)".

Page 5, line 24, strike "(a)(1)" and insert "(a)".

Page 6, after line 25, insert the following new clause:

(viii) provide for the submission of information on the racial characteristics or national origin of policyholders and on the gender of policyholders, at the level of detail comparable to that required by the Home Mortgage Disclosure Act of 1975 (and the regulations issued thereunder),

Page 7, line 1, strike "(viii)" and insert "(ix)".

Page 7, line 4, strike "(ix)" and insert "(x)".

Page 7, line 6, strike "(x)" and insert "(xi)".

Page 7, after line 7, insert the following new subparagraph:

(B) RULES REGARDING OBTAINING RACIAL AND NATIONAL ORIGIN INFORMATION.—With respect to the information specified in subparagraph (A)(viii), applicants for, and policyholders of, insurance may be asked their racial characteristics or national origin only in writing. Any such written question shall clearly indicate that a response to the question is voluntary on the part of the applicant or policyholder, but encouraged, and that the information is being requested by the Federal Government to monitor the availability and affordability of insurance. If an applicant for, or policyholder of, insurance declines to provide such information, the agent or insurer for such insurance may provide such information.

Page 7, line 8, strike "(B) and insert "(C)".

Page 7, line 22, strike "(C)" and insert "(D)".

Page 11, after line 18, insert the following new clause:

(x) provide for the collection of information that will enable the Secretary to assess the aggregate loss experience, by each line of insurance designated under clause (ix), for insurers designated under clause (viii) for each MSA for which reporting is required under subparagraph (D),

Page 11, line 19, strike "(x)" and insert "(xi)".

Page 11, line 21, strike "(xi)" and insert "(xii)".

Page 12, line 1, strike "(xii)" and insert "(xiii)".

Page 13, line 24, after "basis" insert "(or a 9-digit zip code or census tract basis)".

Page 16, line 2, strike "25" and insert "75".

Page 24, after line 4, insert the following new subsection:

(f) REPORTING BY OTHER GEOGRAPHIC AREAS.—

(1) INSURER OPTION.—The Secretary shall provide that any insurer who is required by section 3 to compile, submit, maintain, and make available information may, at the discretion of the insurer, comply with the requirements of such section by compiling, submitting, maintaining, and making such information available on the basis of census tracts or 9-digit zip codes rather than on the basis of 5-digit zip codes.

(2) REQUIREMENT BY SECRETARY.—The Secretary may at any time, for any insurers, for any designated lines of insurance, and with respect to any geographical areas, require that information to be compiled, submitted, maintained, and made available under section 3 shall be compiled, submitted, maintained, and made available on a basis of census tracts (which shall include any basis that is convertible to the basis of census tracts) rather than on the basis of 5-digit zip codes, but only to the extent that the Secretary determines that availability of information on the basis of census tracts is necessary to assess the availability, affordability, or quality of type of insurance coverage.

(3) ADDRESS CONVERSION SOFTWARE.—The Secretary shall make available, to any insurer required to provide information to the Secretary under section 3, computer software that can be used to convert addresses from 5-digit zip code to census tracts. The software shall be made available in forms that provide such conversion for MSA's designated under section 4(a) on a nationwide basis and on a State-by-State basis and shall be updated annually. The software shall be made available without charge, except for an amount, determined by the Secretary, which shall not exceed the actual cost of reproducing the software.

Page 24, line 12, after "data" insert ", including loss ratios,".

Page 24, line 13, after "zip code" insert "(or by 9-digit zip code or census tract, to the extent information is submitted to the Secretary on such basis pursuant to section 6(f))".

Page 24, line 16, after "insurance policies" insert "and loss ratios".

Page 24, line 17, after "zip codes" insert "(or for categories of 9-digit zip codes or census tracts, to the extent information is submitted to the Secretary on such basis pursuant to section 6(f))".

Page 25, after line 5, insert the following new subsection:

(d) PROTECTIONS REGARDING LOSS INFORMATION.—

(1) PROHIBITION OF DISCLOSURE OF LOSS INFORMATION.—Notwithstanding any other provision of this Act, the Secretary may not make available to the public or otherwise disclose any information submitted under this act regarding the amount or number of claims paid by any insurer, the amount of losses of any insurer, or the loss experience for any insurer, except (A) in the form of a loss ratio (expressing the relationship of claims paid to premiums) made available or disclosed in compliance with the provisions of paragraph (2), or (B) as provided in paragraph (3).

(2) PROTECTION OF IDENTITY OF INSURER.—In making available to the public or otherwise disclosing a loss ratio for an insurer—

(A) the Secretary may not identify the insurer to which the loss ratio relates; and

(B) the Secretary may disclose the loss ratio only in a manner that does not allow any party to determine the identity of the specific insurer to which the loss ratio relates, except parties having access to information under paragraph (3).

(3) CONFIDENTIALITY OF INFORMATION DISCLOSED TO GOVERNMENTAL AGENCIES.—The Secretary may make information referred to in paragraph (1) and the identity of the specific insurer to which such information relates available to any Federal entity and any State agency responsible for regulating insurance in a State and may otherwise disclose such information to any such entity or agency, but only to the extent such entity or agency agrees not to make any such information available or disclose such information to any other person.

Ms. ROYBAL-ALLARD (during the reading). Madam Chairwoman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ROYBAL-ALLARD. Madam Chairwoman, I rise to offer the Roybal-Allard Velázquez-Barrett-Kennedy amendment to H.R. 1188, the Anti-Redlining in Insurance Disclosure Act.

The leadership of the Federal Government in eliminating the discriminatory practices of insurance companies is long overdue.

Insurance redlining is a real and pervasive problem throughout this Nation with devastating results in low- and moderate-income communities, particularly in minority neighborhoods.

Clearly, the time has come for Congress to address this issue squarely and to undertake the steps necessary to protect the civil rights of all Americans in this regard.

Historically, low-income, minority communities such as the Los Angeles district I represent have not had equal opportunities to acquire adequate insurance coverage at affordable rates. The systematic denial of this basic, fundamental right has severely limited the ability of families to purchase homes, drive cars, and has made coverage for small business owners in these areas prohibitively expensive.

Truly, my distinguished colleague from Illinois, Congresswoman CARDISS COLLINS, has taken a courageous stance on this issue. I commend her leadership in fashioning H.R. 1188, a bill that represents a significant step forward in addressing insurance redlining. However, the bill in its current form will not require the data necessary to determine whether discrimination exists in a given community.

The Roybal-Allard Velázquez-Barrett-Kennedy amendment will supplement the disclosure requirements set forth in H.R. 1188 through five key provisions:

First, in an effort to protect small insurance companies, the amendment exempts them from the provisions of this bill. Although small insurers comprise 82 percent of the industry, valid data will be collected from the remaining insurers who write more than 80 percent of the insurance policies in the United States.

Second, insurance companies will be required to provide data on race, ethnicity, and gender voluntarily supplied by policy applicants and holders.

□ 1540

This information is identical to the information currently provided by financial lending institutions that has proven to be vital in efforts to enforce antidiscrimination laws in mortgage lending and housing.

In addition, the amendment will allow insurance companies the option to report data by census tract, and will permit the Secretary of the authorized agency to request census-tract data as necessary. Census-tract information will provide more reliable demographic data to determine better the characteristics of neighborhoods whose residents may be victims of redlining.

Fourth, while protecting insurance companies against the disclosure of proprietary information, the amendment requires the collection of loss data. This data will help document whether the higher premiums typically paid in redlined neighborhoods are truly justified. For example, recent studies in St. Louis and Kansas City found that minorities pay higher insurance premiums than whites with the same income for comparable coverage, even though their claim rates were lower.

Lastly, the amendment increases from 25 to 75 the number of cities from which data will be compiled. This means that cities with large minority populations such as Birmingham, San Antonio, New Orleans, and Toledo will also be assessed.

Madam Chairwoman, my colleagues and I worked very hard to craft a compromise measure which increases the value of information collected and reported under H.R. 1188, while also providing important exemptions for small insurance companies. As such, the amendment strengthens the states objectives of H.R. 1188 to combat insurance redlining practices

It is a win-win situation for the supporters of H.R. 1188 and for consumers who will be provided enhanced protection against arbitrary and discriminatory insurance practices.

I ask for the support of my colleagues for this important amendment.

Mrs. COLLINS of Illinois. Madam Chairman, I rise in opposition to the amendment.

Madam Chairwoman, I must oppose this amendment. While this amendment is portrayed as a strengthening amendment, and has strengthening features, it also substantially weakens the bill.

This bill has broad bipartisan support. A diverse array of groups support this legislation. It is a very delicate political balance. I understand the intentions of the gentlewoman, and I know she is trying to help this bill, but this amendment would destroy the delicate balance of H.R. 1188. It is, in effect, a killer amendment.

In a perfect world, I would like to strengthen this bill. But, my first priority must be to pass this bill. Unfortunately, the adoption of this and other amendments would produce a bill that could not pass. Even if such a bill could pass the House, it would be that much more difficult to move it in the other body in the short time remaining in this Congress.

The bill in its current form is not perfect. But it is passable. And it is a tremendous step forward. It would provide a lot of information about insurance practices that is simply not available today. If we adopt killer amendments, no matter how well-intentioned, then none of this information will become available. We would have shot ourselves in the foot. The perfect would have become the enemy of the good.

Let me make a few substantive points. First, it is no secret that I preferred the use of census tracts in the beginning. But the use of five digit ZIP Codes will produce a great deal of valuable information. Even the supporters of this amendment recognize that. For example, the community group ACORN described a ZIP Code based data call recently issued by the National Association of Insurance Commissioners as allowing "the most comprehensive analysis yet of the extent of insurance redlining."

Furthermore, the top 25 metropolitan areas represent about 58 percent of the total metropolitan population of the United States and about 46 percent of the total population. That is a lot of data about a lot of people.

This amendment also significantly weakens the bill. By exempting certain insurers from any reporting under the bill, the amendment means the collected data will fail to include information on about 20 percent of the policies in a metropolitan area. This seriously lowers the quality of the data. In fact, while H.R. 1188 will cover 46 percent of the Nation's population, the amendment only increases the percentage of coverage to 51 percent. So you get a small increase in coverage at the expense of less complete data and a killer amendment. It is a risk not worth taking.

Accordingly, I must urge opposition to the amendment.

Mr. STEARNS. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in strong opposition to the Roybal-Allard amendment to H.R. 1188, because this amendment would reverse almost all of the changes made to the bill in a bipartisan manner within the full committee, and would greatly increase the cost of this legislation to both policyholders and taxpayers.

This amendment is supposed to make all of the changes necessary to make H.R. 1188 more effective in fighting redlining. However, if one really reads the amendment, it requires a lot more reporting on not very many more people than H.R. 1188. And even though you have all of this extra reporting, the information you get is not necessary to determine if there is a problem with redlining and would greatly add to the cost of this bill.

The first major provision of this amendment is that it adds 50 new cities in which reporting is required. As this chart shows, under H.R. 1188, roughly 58 percent of the Nation's metropolitan population and 46 percent of the Nation's population as a whole is covered under the bill. The proponents of this amendment would have you believe that you will add 22 percent more of the metropolitan population if you approve their amendment.

Unfortunately, that really is not the case. This amendment also eliminates the minimal reporting requirements for the small, nondesignated insurers. Aside from the statistical validity problem this creates, it also affects the number of policyholders who would be covered by this legislation. Since the non-designated insurers cover approximately 20 percent of the policyholders, that means that the percentage of the population that would be covered under this amendment must be reduced by 20 percent. That means that the Roybal-Allard amendment really would only cover about 64 percent of the metropolitan population and 51.2 percent of the Nation's population as a whole. That really is only a 6-percent increase in the metropolitan population and a 5.2 percent increase in the national population over what H.R. 1188 already has.

In summary, Madam Chairman, we are going to spend $21 million more money to get only a small fraction of increase in information. Madam Chairman, this small increase in the covered population would not be so troubling if it were not for the other requirements of this amendment, and this is important. This amendment would also require the reporting of loss data, data about the race and gender of individual policyholders, and would permit the Secretary to require census tract reporting of any insurer, anywhere, at any time. Are Members prepared to have the Government mandate on businesses that they report their loss information?

Each of these provisions has its own pitfalls, Madam Chairman, but all of us should keep in mind the simple thought expressed by the Congressional Budget Office in the Banking Committee's redlining cost estimate: The more data that you collect, analyze, and distribute to the public, the more expensive the program.

It does not take a rocket scientist to figure out that if the Secretary has absolute discretion on collecting census tract data regardless of whether or not the insurer is in a designated MSA, must collect race and gender information on a so-called voluntary basis, and must collect loss data, regardless of the effects on the insurer's ability to compete, this legislation is going to cost more—a lot more. In fact, since this amendment adds most of what was in the Banking Committee's bill to H.R. 1188, the cost is going to be a lot closer to the Banking Committee's $38 million CBO estimate than the $9 million estimate for H.R. 1188 as it currently stands.

While my other colleagues are going to discuss the intricacies of some of the other provisions, it is important to note that you are not getting much more for the extra cost. First, as I demonstrated, you really are not covering that many more people. Second, getting race and gender information is not necessary because the census department already maintains that information for all geographic areas. Third, census tract reporting is not necessary because it really will not provide much better data than ZIP Codes.

I ask my colleagues to reject the Roybal-Allard amendment for what it is—a costly, ineffective series of changes designed to meet the desires of certain consumer organizations. Maintain the low-cost effectiveness of H.R. 1188 as it is. Vote "no" on this amendment.

Ms. VELÁZQUEZ. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise to urge my colleagues to support this amendment, which I have cosponsored with Ms. ROYBAL-ALLARD, Mr. KENNEDY, and Mr. BARRETT.

Although I commend my colleague from Illinois, Mrs. COLLINS, for the initiative she has taken on insurance redlining, the bill that was reported out of committee is plainly inadequate. It simply does not require the reporting of critical information that we need in order to tell whether or not insurance companies are discriminating against poor and minority communities. Only with this amendment "will we have the data to determine the scope and degree of redlining".

H.R. 1188 also imposes unnecessary burdens on small insurers, companies with the least impact upon the insurance market. Our amendment will exempt small insurance companies from any reporting requirements.

Evidence of unfair and discriminatory insurance practices has been reported in a number of areas. In Kansas City and St. Louis, homeowners in poor and minority neighborhoods have been paying higher premiums for less insurance coverage, yet insurance companies are losing less money there. In Atlanta, Chicago, Milwaukee, and Toledo, testers identifying themselves as residents of middle-class Latino and African-American neighborhoods were either denied insurance outright or offered insurance on terms worse than were white phone callers.

If my colleagues want to know whether these practices are going on across the country, and whether there is any justifiable explanation for them, then we must adopt this amendment. Only this amendment would accurately inform the public as to how many quality insurance policies are going out to women and racial and ethnic minorities, and whether it is high losses that are scaring insurers away from lower-income and minority neighborhoods.

First, this amendment provides for the collection and disclosure of data on race, national origin, and gender. It would encourage insurance applicants and policyholders to report this data on their insurance forms, and require that insurance companies then report the information to the Secretary.

This is the same type of information that has been collected for years under the Home Mortgage Disclosure Act, and by Federal, State and private entities. It is essential to assist HUD and the Justice Department in the enforcement of State and Federal laws prohibiting discrimination in the provision of insurance.

This amendment also requires insurers to disclose how much they are paying out in insurance claims in each geographic area. This information is critical to determine whether minority neighborhoods are being treated fairly.

When questions are raised as to why high-quality, affordable insurance policies are not available in these communities, some insurance companies cite the higher cost of doing business there. While that reasoning may be valid in some instances, for others it provides little explanation. As illustrated in the chart behind me, insurance companies lose more in insurance claims in low-income, white areas of St. Louis than they do in comparable minority neighborhoods. Nevertheless, it is the minority community that pays more in premiums, and receives less in insurance coverage.

Are insurance companies using objective factors to decide where they write policies, and how much they charge for them—or do they instead assume that they will lose more money in inner-city neighborhoods? With the information collected under this amendment, we will be able to answer that question once and for all.

My cosponsors and I would also provide regulatory relief to small businesses. Our amendment exempts 82 percent of the Nation's insurance companies from any reporting requirement. Without this amendment, the bill would unnecessarily require many insurers who do not have much impact on the market to collect and report information. With this change, the big insurance companies would still be covered. The 18 percent who are not exempted write 80 percent of the policies in this country. These companies, who can afford to buy armies of high-priced lobbyists to defeat health care reform, can surely afford to report on insurance practices which are so important to low-income and minority communities, like those that I represent.

The lack of adequate and affordable insurance has a direct and negative impact upon the economic viability of poorer, minority communities. Why is it that some pay more for less? Are there sound, objective, business-related reasons, or are some companies instead resorting to discriminatory practices? The public, and this body, must be able to answer these questions. Mr. Speaker, with this amendment we will have those answers. Without it, we will be left guessing. I say that we do this right the first time. Let us adopt this amendment so that we adopt a genuine insurance redlining bill this Congress.

□ 1550

Mr. McMILLAN. Madam Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Madam Chairman, I want to start by commending the efforts of both the Energy and Commerce Committee and Banking Committee for focusing attention on the availability of insurance in urban America. We should all take allegations of discrimination by insurance companies seriously. Redlining is already illegal and must not be tolerated in any case. But after hearing the debate on jurisdiction, I think the public might well conclude that nobody is qualified to deal with the problem.

In considering the banking amendment to H.R. 1188, I have a number of concerns about the proposed amendment's disclosure requirements. I think the requirements are unnecessarily broad and costly to the insurance industry—and will reduce the availability and affordability of insurance in urban areas.

For example, the banking amendment requires insurers to collect data on the basis of census tracts. H.R. 1188 uses zip codes instead which are much more cost effective and user-friendly units because they are normal classifications that are large enough to lend statistical credibility to any redlining analysis.

Second, the banking amendment requires insurers to disclose loss data. Loss data is not necessary to determine who is served or not served in urban markets. It only creates expensive disclosures that could potentially reveal trade secrets concerning the marketing practices of insurers.

Third, the banking amendment increases the number of MSA's from 25 to 75. To require 75 areas to make these disclosures imposes an unfair burden on insurers in cities, like my own Charlotte, where redlining was shown not to exist in a statewide market conduct study completed last year.

These are just some of the differences between the Banking Committee amendment and H.R. 1188. While I am concerned that H.R. 1188 duplicates the antiredlining regulatory efforts of the States, I do think its provisions are more sensible and less expensive for the industry than are the requirements of the Banking Committee amendment.

I urge my colleagues to vote against the amendment and for H.R. 1188.

Mr. BARRETT of Wisconsin. Madam Chairman, I rise in support of the amendment.

Madam Chairman, I have spoken before on this issue but I think it is important to clarify for our colleagues what we are talking about here and why the amendment that has been offered by myself and several others from the Committee on Banking, Finance and Urban Affairs will take this bill, which I think is a good bill in its intent, and I applaud the gentlewoman from Illinois and the chairman of the Committee on Energy and Commerce for the work that they have done on it, but I think we can take this good bill and make it an even better bill.

The reason why I think it is important for us to do that is it is important for us to look at what is really going on in the real world here and why using ZIP codes alone is not enough to help us reach our goal, and our goal, I think we all agree, is to determine whether or not redlining exists in our Nation. By using the ZIP codes you are going to get a smaller pool than you currently get, because right now we have no reporting requirements at all. But ZIP codes in and of themselves many times are geographically quite large and many times demographically quite diverse.

Just as an example, let us look at Toledo, OH, ZIP code 43606. You have several different census tracts in that one ZIP code. Census tract 14 has a median value home of $26,600. In that census tract, the African-American population is 81 percent. In sharp contrast to that is census tract 1301 where the median value of the home is $102,000 but only 1 percent of the population is African-American.

□ 1600

So if we are using only the ZIP code criteria, we are never going to see whether redlining exists in this ZIP code. So if your goal is to determine whether ZIP codes or whether redlining occurs, we have to look at data beyond just the 5-digit ZIP code. I think by going to the 9-digit ZIP code we are really moving in the right direction. The argument we hear against that is it is too expensive, it adds too much administrative cost. I find that hard to believe. This is an industry that wants to collect actual data until the cows come home. It wants to collect data on whether you are a smoker, it wants to collect data on whether you are a good driver, it wants to collect data depending on whether there is a fire department close to your home or not. The insurance industry is built on collecting data. So by asking the insurance companies simply to use 9-digit ZIP codes, certainly not a foreign concept, and one that I venture to guess most if not all of large insurance companies currently use, it will not add any cost to the developing of this information.

So we can get the information we need to determine whether redlining exists in this country, and we can do it at no additional cost to either the taxpayers or to the industry.

I urge my colleagues to support this amendment.

Mr. KNOLLENBERG. Madam Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Madam Chairman, the amendment before us would essentially make a flawed bill worse. The ZIP+4 or the census tracks, as I see them here, those provisions would make data collection more onerous. The exemptions for small insurers would skew the data to make it look like redlining is happening when it really is not. And the lost data reporting requirement would force insurers to make their trade secrets public.

But beyond that, I am disturbed by the direction that we are taking here. Some of my colleagues honestly believe, and I believe that they honestly believe that property insurance underwriting is a business where rates are fixed, regardless of individual circumstances or personal needs. Nothing could be further from the truth. The process of underwriting is extremely client-intensive, and even to suggest otherwise is just a reflection of a lack of information on the part of that individual.

What we are voting on is not just a collection of data. It is the first step toward Government-mandated community rating for property and casualty insurance, and ultimately the socialization of the entire underwriting structure.

This may sound drastic, but consider the history.

The classical definition of redlining is a denial of insurance based solely on the applicant's geographical location. In fact, in the past some agents would literally place a map on the office wall and block off areas with a red pen denoting areas to avoid, thus the term redlining. But that is not what we are talking about today.

Redlining in this sense has pretty much been relegated to the trash bin. Redlining is illegal; 96 to 98½ percent—and I have studies for anybody who want them—of all inner city households have some form of homeowners insurance.

In the 1990's what has happened is redlining has taken on a new definition, a wholly new definition. Consider the explanation of Ms. Ernestine Whitting of Acorn. She says, "The industry practice of refusing to write policies, charging differential rates, offering substandard coverage, discouraging applications, or imposing differential requirements as a condition of coverage based on the geographic location of a property or individual seeking coverage."

Let me interpret that. Under her definition, if I am an insurance agent, and I was one for over 30 years, and I never refused anybody insurance because of geography, if I charge a higher rate to an applicant because his neighbor's historical data points to a higher risk factor, I am engaged in redlining. Or if I require an applicant to make improvements designed to increase the security of that home, I am engaged in redlining. Or if I require an applicant to make improvements to remedy some structural flaws, maybe just some steps up to the house because of liability claims, I am engaged in redlining.

Ladies and gentlemen, that is ridiculous. It would be great if risk did not change from community to community. It would definitely make it a lot easier, but it is just not reality. The reality is that every community has a different risk profile, and if we extend the definition of redlining to cover price differentials, we are really talking about instituting community rating.

That may be great for some people in high risk communities whose policies would be subsidized, but it would mean higher premiums for the rest of the Nation.

I would ask my colleagues how would their district fare if the logical conclusions of this legislation became a reality? I think the answer for most would be worse.

Do not misunderstand me. I believe that homeowners insurance should be subject to fair and sound underwriting principles. I believe it should be available to all Americans, free from discriminatory practices.

But this amendment is more about cross subsidization than simple fairness. So I would encourage my colleagues to benefit to some extent from my experience of 30-plus years in the business, and also the comments I have made and please vote no on the amendment.

Mr. TORRES. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today in strong support of the Roybal-Allard Velázquez-Barrett-Kennedy amendment to H.R. 1188, the Anti Redlining in Insurance Disclosure Act. This amendment will make a number of key improvements to legislation that is sorely needed in the battle to end insurance discrimination.

Unfortunately, this is not a new issue. The practice of refusing to sell insurance policies or selling inferior ones in minority and inner city neighborhoods is pervasive. Evidence collected over the last 25 years suggests that insurers are discriminating based on certain unwarranted factors, including race. As Representative ROYBAL-ALLARD cited, this insidious practice denies individuals the ability to purchase homes and cars and to establish businesses, leading to decaying minority and low-income neighborhoods and economically deprived communities.

Clearly, reform in this area is needed. However, the current version of H.R. 1188 does not go far enough to make the reform effective and meaningful. This is not a killer amendment, far from it. The amendment offered by my colleagues will add critically important provisions that are needed to determine the extent of redlining.

First, the reporting of loss data is necessary to verify whether higher premiums paid in some neighborhoods are justified. Second, voluntary reporting by census tract or ZIP+4 allows more explicit differentiation of neighborhoods composed of disparate racial and income characteristics, as Chairman KENNEDY pointed out. Third, the expanded geographic scope from 25 to 75 metropolitan statistical areas will increase coverage of many cities where insurance discrimination may be pervasive.

Also important is the amendment's call for voluntary reporting of race, national origin and gender. This information is essential for civil rights purposes. This information is regularly collected under a variety of other Federal laws, the best known of which is the Home Mortgage Disclosure Act.

I believe this compromise amendment will significantly strengthen the bill without unduly burdening the insurance industry. The gravity of the redlining situation merits a reasonable but forceful response. That response is contained in the provisions of the Roybal-Allard Velázquez-Barrett-Kennedy amendment. I commend my colleagues on the Banking Committee under the leadership of Mr. KENNEDY for their vision and sense of justice for consumers, and I urge my colleagues to support this important amendment.

□ 1610

Mr. MANTON. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in strong opposition to the amendment.

H.R. 1188, as reported by the Committee on Energy and Commerce, is a carefully crafted, fair and balanced measure that mandates the collection of data in order to determine whether insurance redlining exists in our Nation's largest cities.

The Roybal-Allard amendment would dramatically expand the type and amount of data mandated for collection, far beyond what is necessary to determine whether redlining exists, and without regard for the additional costs it would impose upon the industry and consumers.

First, the amendment would require insurance companies to provide data for the 75 largest metropolitan areas, instead of the 25 required by the bill. The top 25 MSA's comprise more than 58 percent of the Nation's total metropolitan population.

An analysis of more than half of the Nation's urban population will be more than significant to determine the availability or insurance in major U.S. cities.

Second, the amendment would require companies to provide data on the race, ethnicity and gender of policy applicants and holders. Requiring insurance companies to provide this data assumes that they collect and use this data for some purpose. But nothing could be further from the truth. Insurance companies do not collect this data, and have no need for this data because it is irrelevant to underwriting decisions.

The Roybal-Allard amendment would require insurers to ask questions about race and ethnicity that they do not now ask, engendering hostility and raising suspicions without furthering the purpose of the underlying bill: that is, to determine the availability of insurance in our Nation's cities.

This amendment is well-intentioned, but it does not strengthen the bill in any way whatsoever, and, if adopted, would lead to the defeat of the measure. Let us reject the amendment and pass the bill.

Mr. MOORHEAD. Madam Chairwoman, I move to strike the requisite number of words.

Madam Chairwoman, in looking at the effectiveness of the two proposals, the proposal in this legislation would require reporting from the largest 25 MSA's in the country. When you add an additional 50 MSA's, you only add about 18 percent of the Nation's population to that.

Under this bill, the largest MSA's that are required to report include almost all insurers. The amendment, however, would exempt nondesignated insurers which represent approximately 20 percent of the premium volume, bringing them down to 51.2 percent of the population that would be covered. This is only about 5 percent more than the original bill.

But there is a serious problem under this amendment because it exempts an entire category of insurers. This not only changes the total composition of the report but, more importantly, it also seriously undermines the accuracy of the report. Many of these insurers are niche marketers who work specifically with groups that may have had difficulty in obtaining insurance. Without the data collected from nondesignated insurers, the number of individuals insured in certain areas could look abnormally low; by comparison, one bill's provisions already assure that number will not be abnormally low.

I think it is important that we get a report from almost all insurers so that we know exactly how many people are able to get insurance when they apply for it.

The new proposal is not sound because the accuracy of the resulting report will suffer.

Mr. FARR of California. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise today to express my strong support for this amendment.

As it currently stands, H.R. 1188 lacks crucial provisions needed to determine the extent of redlining in the insurance industry.

Insurance industry discrimination is a profound problem that Congress can no longer overlook.

Residents of neighborhoods afflicted by redlining need Congress for relief.

Without affordable insurance people cannot buy a house, start a small business or drive their own car.

Without affordable insurance, revitalization of our cities will be seriously thwarted.

Without this amendment, many minority homeowners will either do without insurance or continue to pay inflated premiums.

We need basic information to determine insurance company practices and to ascertain the breadth of redlining.

This amendment will provide us with the necessary information by requiring adequate reporting.

Federal disclosure of information in the areas where insurance policies are written will help to combat discrimination, just as the Home Mortgage Disclosure Act helped reduce redlining and other discriminatory practices in the mortgage lending industry.

As with the Home Mortgage Disclosure Act this amendment will provide the option of voluntary reporting of race, gender and national origin, and of data by census tract.

It is in everyone's interest, from the poorest to the most affluent, to quickly end any vestiges of discrimination.

In my district, the local chapter of ACORN did a test.

The result showed that over half the callers from minority households, mostly Latino callers, were refused quotes over the phone, while no callers from the white areas were refused quotes; callers from minority neighborhoods were consistently offered quotes that were two to three times higher than callers from white areas; callers from minority areas were subjected to more stringent requirements than callers from other areas, such as onsite inspections and credit checks; and callers from minority areas had great difficulty getting coverage for theft.

ACORN members say they routinely experience significant difficulty getting insurance, and are subject to arbitrary cancellation and nonrenewal of insurance policies.

All members complain about paying exorbitant rates for coverage and about credit checks.

Several members have had their mortgage processing delayed because they could not get homeowners insurance coverage.

One member could not get coverage in time to close on a house, and thereby lost a mortgage.

We must not shrink from our duty to protect those whose voice is weak.

That is our collective responsibility.

I urge my colleagues to vote "yes" on this amendment.

Ms. LAMBERT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the Roybal-Allard amendment and encourage my colleagues to vote in opposition to it.

I would first like to thank my colleague, the gentlewoman from Illinois [Mrs. COLLINS], the chairwoman of the subcommittee, for her hard work and initiative on this very, very serious and important issue.

I think she has taken a great deal of time and energy, worked hard to bring to the floor a bill that will do a tremendous amount in decreasing prejudice and bringing available insurance to all people.

One of the issues about the amendment here is the fact that it is a costly amendment; the amendment would greatly increase the burdens of insurance data collection by increasing the number of metropolitan areas and requiring loss data reporting, census tract reporting. I think we can find basically that the census tracts are not consistent with the ZIP Code tracking.

We have seen some of that in our economic zones and empowerment zone proposals that we have been working with in our districts.

The amendment massively expands potential reporting requirements by giving the Secretary power to require census tract reporting by any insurers anywhere in the United States no matter how small the insurer and regardless of whether the insurer operates in a designated MSA.

The amendment basically or significantly weakens the bill. By exempting certain insurers from any reporting under the bill, the amendment means the collected data will fail to include information on about 20 percent of the policies in the metropolitan area.

☐ 1620

This seriously lowers the quality of the data. We obviously have a great deal of current laws and regulations that are complicated. The gentlewoman from Illinois [Mrs. COLLINS] has done a great job in bringing forth a bill that minimizes that complication but provides the adequate and necessary protection in this industry.

The amendment destroys the balance in the bill, possibly destroying the consensus necessary for passage and enactment.

I encourage my colleagues to defeat the amendment.

Mr. ORTON. Madam Chairman, I move to strike the last word and reluctantly rise to state my opposition to the Roybal-Allard amendment to the insurance bill, H.R. 1188. I appreciate the concerns of the authors of this legislation, which is to try to determine whether redlining occurs in conjunction with homeowner and casualty insurance. I commend the efforts of the gentlewoman from Illinois [Mrs. COLLINS] and also the authors of this amendment. I believe we all share the goals of preventing improper discrimination in insurance access. I respect my colleagues on the House Committee on Banking, Finance and Urban Affairs who are offering this amendment, sponsored by Representative ROYBAL-ALLARD. However, I am very concerned about the breadth of the provisions in this amendment.

I would like to briefly state my concerns and reasons for opposing this amendment. First, the amendment would require the insurers to disclose data on their losses. This provision raises very serious questions in my mind about the confidentiality of this information and that it could in fact be used detrimentally by insurance competitors. I frankly fail to see any value of this information being reported under this bill. In my opinion, the only plausible use of this information would be on the part of the insurance companies to defend themselves against other information which might indicate discrimination.

It seems to me that if the insurers want to collect this information voluntarily for this purpose, that should be their choice, but not necessarily a requirement.

Second, the amendment would expand the number of MSA's from 25 to 75. I believe this is unnecessary to meet the goal of determining whether and to what extent redlining actually exists; 25 MSA's identified in the bill would cover actually 60 percent of the metropolitan areas of the United States. This is a broad enough sample to make this determination.

Third, the amendment would require insurers to collect and report information about race. This could raise more questions about, and provide more opportunity for, discrimination that it could ever resolve.

Finally, the amendment expands reporting from a zip code to a census tract basis. I understand there are reasonable arguments on both sides of this issue as well. However, it is my belief that the very substantial added burden of this requirement is not offset by the potential increased value of this information.

I believe that the bill before us is a good bill. I believe that it will in fact move us toward determining whether such redlining exists, to what extent it exists, and help to eliminate such redlining.

Again, I commend the work of both the committees. I serve on the Committee on Banking, Finance and Urban Affairs; we have taken up legislation. I support the bill but oppose this amendment, and I would therefore urge defeat of the Roybal-Allard amendment but urge passage of the final bill.

Mr. WYNN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise this afternoon to speak in support of the Roybal-Allard Velázquez amendment. Let me begin, however, by commending the gentlewoman from Illinois [Mrs. COLLINS] for her long and outstanding work in bringing this bill to the floor. It is a meritorious bill, but I support the amendment because I believe it is essential to make this a better bill.

The problem of redlining goes right to the heart of the American dream, the right to own a home, to pay fair rates for insurance, to be able to enjoy the same things that people of all other races enjoy. The evidence, however, has documented very clearly that we have a problem of discrimination with regard to insurance rate-setting.

Let me suggest a study from the Missouri department of insurance, which found that Kansas City homeowners in four minority communities paid $6.32 per thousand versus those in low-income white communities who paid only $5.45 per thousand.

The loss ratio or amount of premium dollars paid out in claims, however was lower, in fact, in the minority communities, at 60 percent as opposed to the higher loss ratios in the white communities at 84 percent.

Thus, we see that there is a significant disparity in the rates paid in minority communities compared as with nonminority communities.

Now, why is this a good amendment? Why does this amendment address these concerns? Because, notably this amendment requires the collection of loss data. I heard a gentleman from the other side say, "What does loss data have to do with rate-setting?" The fact is he also said that what we really look at is risk. Well, risk is determined based upon loss experience.

So if the insurance companies are going to suggest that these disparities that we see between blacks and other minorities and nonminorities are based on risk for justifiable reasons, then they ought to be willing to disclose their loss experience, what in fact has been the case. They are unwilling to do that.

I think it is very significant that in this amendment, by requiring the collection of loss data, we are able to determine if in fact the insurance company explanations are legitimate or whether in fact they are discriminating based upon race. Because this measure is so significant, we cannot say that we are serious about dealing with redlining if we refuse to collect the loss data that is so essential in determining whether or not there are these disparities.

The amendment is good for another reason. It expands the number of MSA's that are included in the bill. Under the current language, only 25 MSA's are included. Under the amendment, 75 MSA's are included.

Can you imagine that you would have a national study that did not include Toledo, Louisville, Birmingham, New Orleans, San Antonio, Memphis, or Little Rock? It would not be much of a study. In fact, the opponents of this amendment would have it both ways. They say, "Your amendment is not right because it only gets 80 percent of the premiums."

Yet they would only use 25 of the MSA's in this country. I do not believe that that is an accurate analysis.

It seems to me the amendment makes good sense because it collects essential data to determine whether there are legitimate reasons for the disparities and it conducts a study of sufficient breadth so that many communities that are potentially adversely affected by discrimination can be examined.

Madam Chairman, I urge adoption of the amendment.

Mr. GREENWOOD. Madam Chairwoman, I move to strike the requisite number of words, and I rise in opposition to the amendment. In order to understand why there is so much bipartisan opposition to this amendment, I think it is important to understand what this bill was designed to do in the first place and what it was not designed it do.

What it was not designed to do is to create a perpetual program to regulate the sale of insurance in the United States. What it is intended to do is to collect enough data to understand the problem, to analyze the problem, and then do something about it probably, with further legislation.

What the bill does is collect the data that has been described on page 8. It directs the Secretary to conduct a study regarding the availability of commercial insurance. On page 9, it sets up a pilot project for data collection in the five largest SMA's. On page 12, it goes into an analysis of that data. We collect enough data from half the country to understand and analyze what the problem is. On page 20, there is the creation of a task force on agency appointments, to review the problems that inner city and minority agents may have in receiving appointments to represent property and casualty insurance companies. So that is accomplished.

Then on page 25, the bill sunsets after 5 years. We have collected the information, analyzed it, created our task forces, and the bill sunsets.

Then finally on page 28, there is a study of insurer actions. What can we do about this problem?

> The Secretary shall conduct a study of various practices, actions, programs, methods undertaken by insurers to meet the property and casualty insurance needs of low- and moderate-income neighborhoods.

Then there is a report back to the Energy and Commerce Committee so that we can decide if there is need for further legislation.

That is what the bill is intended to do, to collect data, analyze it, study it, create task forces, and then go forward with solutions. We do not need to collect more data from more SMA's all over the country in order to do the analysis and the study this bill calls for.

□ 1630

The amendment should be defeated because it simply creates more burdensome requirements for collecting data that is unnecessary for a statistically accurate analysis of whether or not, and to what extent, there is a problem with redlining in this country. It adds nothing which would lead us to a solution of the problem.

For that reason and for others, Madam Chairwoman, I oppose the amendment.

Mr. KENNEDY. Madam Chairman, I move to strike the requisite number of words.

Madam chairman, the issue here is very simply whether or not we want window dressing, redlining legislation, or whether or not we want real redlining legislation. If we want to find out what is going on in our country, we have got to ask the questions that can only be answered by the facts. If we want to get broad generalizations about whether or not insurance companies are writing information in some large geographic area, as large as a ZIP Code that would include inner city areas as well as wealthy suburbs, than certainly we can endorse the version of the legislation that is before the Committee on Energy and Commerce. But if we are truly interested in finding out what is going on in our country, we have to have more detailed information. It is more detailed; that is what our purposes are.

The fact is that, if it is still unclear, as I have heard a number of people say over the course of the last hour or so, that racial discrimination in writing of insurance policies exists, let me remind people of some of the testimony given before our committee. The California insurance group gave us maps which were given to agents which covered in yellow ink the Afro-American, Hispanic, and gay neighborhoods of San Francisco. The company deemed those areas off limits for the purposes of writing policies. California's insurance commissioner, John Garamendi, sued the company for unlawful discrimination, and ultimately he reached a $500,000 settlement and won a commitment from the company to increase its business in minority and gay communities by $3 to $4 million over the next few years.

In Wisconsin, where the subcommittee held a hearing earlier this year, the NAACP recently filed a suit against the American Insurance Co., the American Family Insurance Co., that State's largest underwriters for homeowners insurance, for redlining minority areas in Milwaukee. One of the company's sales managers was caught on tape making the following statement, and I quote:

> Very honestly, I think you write too many blacks * * * you gotta sell good, premium-paying white people * * * very honestly, black people will buy anything that looks good right now * * * But when it comes to pay for it next time * * * You're not going to get your money out of them. * * * The only way you're going to correct your [performance] is get away from the blacks.

The agent who was the focus of those comments was subsequently fired.

In Brooklyn, we had an agent that gave testimony before our committee in which he used words that I will not repeat on this House floor to describe the attitude toward his parent company toward the Afro-American community.

Now the fact of the matter is this is anecdotal information. We have heard from a number of State commissioners that they need to have this detailed information. I have heard on the floor that the NAACP supports the underlying bill. It is not true. The NAACP has sent out a letter today that says that the legislation needs to have the provisions that are contained in the Roybal-Allard Velázquez amendment in order to receive its support.

Now, if we are serious about getting information about whether or not this kind of racial discrimination takes place, we are not in favor of overburdening the insurance industry, this is not going to cost the insurance industry a lot of money. It is going to take a computer programmer all the time it takes to punch a button to have the information kicked out by ZIP Code and plus four or census track versus the current Zip Code. Many of the insurance companies already use ZIP Code plus four in order to categorize their information. It is not excessively burdensome.

Finally, I would say to not even ask the question whether or not we are going to contain information regarding race and gender is unbelievable to me in a bill that is supposed to be designed to extract information about whether or not racial discrimination takes place. How can we not ask race and gender questions and expect to get information on whether or not racial discrimination takes place? This is plain and simple whether or not certainly we can get a lot of votes for bills that do nothing. But if the country is determined to get to whether or not there is discrimination, we need to have the specific information as to whether or not that kind of discrimination exists. The Roybal-Allard Velázquez amendment will get us that information.

Madam Chairman, I urge the Members of this House to vote in support of the Velázquez Roybal-Allard amendment and find out whether or not discrimination takes place in the insurance industry.

Mr. BACHUS of Alabama. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in opposition to the amendment, and I do so reluctantly in saying that I am a member of the Subcommittee on Consumer Credit and Insurance chaired by the gentleman from Massachusetts [Mr. KENNEDY], and I know that his intentions are honorable and that this bill, along with his amendment, attempts to determine if there is racial discrimination, something that we all oppose, I would hope, and something that we would all like this legislation to address this issue, and in fact I think the legislation before us; he spoke of San Francisco and Milwaukee, and I would point out to the Members that the legislation in its present form will address both of those concerns.

Now I wanted to compliment the gentleman from Massachusetts [Mr. KENNEDY] because I know that he and I share a concern, and that is a concern for the small regional carriers. From time to time these small, sometimes family business, sometimes minority owned, small regional carriers, are having to go out of business. Many of them are threatened today, and, as each one goes out of business, it has a tremendous impact in their home town, their home town insurance company. Some of them have been there over 100 years, and many of them, with each one going out of business, it means more market share concentrated in only a few large national concerns. And I think the gentleman from Massachusetts [Mr. KENNEDY], because of his concern for small regional insurance companies, he exempts them from many of the reporting requirements in this bill, and I think his intention is to see that we do not place any more undue regulations on those small insurance companies, and we do not force them out of business, and many of them, as I said, minority insurance companies and regional carriers.

But at the same time this amendment has an unintentional result, and this is something that we all want to guard against. We have an intention to accomplish a purpose, but in fact we end up with something quite different, and one reason I oppose this amendment is I believe it will have a detrimental effect on our small regional insurance companies.

Now why do I say that? Because when we expand from 25 to 75 metropolitan areas, we are catching in this regulatory net many of those small regional companies, and my home town will do that. We will catch insurance companies in that net, and we are going to have insurance companies, because they are not—they are major factors in a small market, and I say, when you expand to some of those smaller cities, you are going to catch those insurance companies, and that's a concern of mine. I know that there is what you have argued is a benefit. But I would point that out, and I would point our particularly, and as you said in all truth, the gentleman from Massachusetts, several insurance companies today are reporting by nine-numbered ZIP Codes, and they are already doing that.

□ 1640

They are already doing that. But I would remind Members that some of the small regional carriers are not. Those are the very people that are not reporting and do not have that data and are going to have to go to great expense. Quite frankly, to some of these small regional carriers, they are important to that hometown economy in that smaller city. But it is going to be a tremendous cost to them.

The gentleman from North Carolina I think has pointed out other problems that we have when we go to a nine digit number and census track. But another problem is you are going to have some small regional carriers that are going to have to go through and make a very expensive process to comply with this. And in these two ways, unintended as they are, I think this is an unfriendly amendment to small regional insurance carriers in this country.

I say unintended. I have heard the gentleman say many times that he is concerned about this trend toward concentration of market share and only a few insurers.

Mr. KENNEDY. Madam Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. BACHUS] be allowed to proceed for 2 additional minutes, so that I might enter into a dialog regarding some of the facts just mentioned.

The CHAIRMAN. Does the gentleman from Alabama [Mr. BACHUS] seek additional time?

Mr. BACHUS. I do not require additional time, Madam Chairman.

Mr. KENNEDY. Madam Chairman, I ask unanimous consent that I be allowed to proceed for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mrs. COLLINS of Illinois. Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. WATT. Madam Chairman, I move to strike the requisite number of words.

Mr. KENNEDY. Madam Chairman, will the gentleman yield?

Mr. WATT. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Madam Chairman, I wanted to deal with some of the factual inaccuracies just mentioned. The fact of the matter is under the amendment before us, 82 percent of the insurance companies in this country are going to be exempted. Eighty-two percent will be exempted. What we are talking about are the small insurance companies. The big insurance companies are going to have to report it. As the gentleman himself pointed out, the major insurance companies in the United States in most cases are already going to ZIP Code plus 4. For any of the smaller companies that are included, we have offered under the Kanjorski amendment in the committee to pay for it.

Most of the insurance companies will have to pay something in the order of $200 for the software to get this converted, the current data they collect, to ZIP Code plus 4 or census track. The cost argument is completely specious. The fundamental fact is even for the largest companies in the United States, the estimate that we have been given in our committee is that a cost of under $3,000 would meet the total expenses they will incur under this bill. So I just do not believe that the cost argument holds any water with regard to the information that is going to be required under the amendment.

Mr. WATT. Madam Chairman, reclaiming my time, there are some of us in this body who do not need the statistical information, who already know that redlining exists. I think if you stop the regular guy on the street and ask him is there redlining taking place in this country, 80 to 90 percent of the people would tell you yes.

We started out hoping we would have a bill which addressed redlining. We were told, no, you cannot do that, because you need the statistical basis to document that redlining exists.

This amendment gives us the framework to do that. I want to address two parts of it.

One would require that the information that is collected be collected on the basis of race and gender. I do not know how you can document racial redlining in this country without having race data in the base.

The second part of the amendment that I want to address is this five-digit or nine-digit ZIP Code or census track issue. All of us know that five-digit ZIP Codes, as opposed to census tracks, cover high income areas, low income areas, black areas, white areas. And without this kind of information on a census track basis, how are we going to develop the statistical backdrop for addressing the redlining which we are told does not exist?

If the insurance companies insist that redlining does not exist, it would seem to me they would want us to have this information to document that fact. But if we are going to collect this information for the purpose of addressing or determining whether we need to address the problem, at least we ought to have the information that is necessary to document that redlining is going on in this country. And without race information, we cannot do that. I would submit to you without doing it on the census track basis, we cannot do it.

Madam Chairman, I would strongly encourage my colleagues to make this bill have some meaning in terms of its ultimate outcome, in terms of collecting the data that is necessary to document that redlining either does or does not exist in this country, by given the proper information. We cannot document it without race, sex, and we cannot document it without census. And those who would have it otherwise, I would submit, do not really want it to be documented in the first place.

Ms. WATERS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Roybal-Allard Velázquez-Kennedy amendment to strengthen H.R. 1188. I am from Los Angeles, and we have been wrestling with this issue for many, many years. I live in a redlined community. It is very difficult to turn our communities around and to do economic development and to have home ownership when we are attacked from every direction. It is very difficult for people to be able to pull themselves out of this despair and hopelessness, when in fact we cannot get the insurance we need, whether we are talking about home mortgages, automobile insurance, business loans. We are redlined. We are excluded. We cannot get the insurance, and we are simply trying to get the data to prove what is going on in these communities, in the community that I live in and communities such as mine across this country.

Why would anyone want to protest against getting this information? I truly do not understand. We have exempted all of the small business because an argument was made that somehow this would be burdensome, this would be costly. So they have been exempted.

Now what is the argument? We know it is not costly to get the information. The gentleman from Massachusetts [Mr. KENNEDY] and others have talked about how they can access this information through sophisticated computerization. So I do not know what this defense is that is being mounted.

We simply need data. I would ask my colleagues to vote on the side of the consumer, to support consumers in this Congress. Help us to remove the barriers that exist in these communities such as mine, so that we can get the insurance that is needed to help move us forward and help us to be in this mainstream and have a decent quality of life.

Madam Chairman, I would simply ask us to get off the side of the big insurance companies and take a chance. Take a chance. They cannot do anything to you. If you vote to support this amendment, your constituents will love you for this, whether it is in my community or other like communities where they desperately need to be protected.

Mr. SERRANO. Madam Chairman, I rise in strong support of the strengthening amendment offered by Representatives ROYBAL-ALLARD, VELÁZQUEZ, and KENNEDY to the Anti Redlining in Insurance Disclosure Act.

As an early cosponsor of this legislation, I have long recognized the need for legislation to prevent the all-too-frequent, illegal, race-based discriminatory practices of some insurance companies.

Since H.R. 1188 was introduced on March 3 of last year, there has been a spate of cases around the country—in Missouri, Texas, New York, California, and Washington, among many others—in which insurers have been implicated in charging high premiums or denying policies to customers not on the basis of valid assessments of the individual's risk, but on the basis of his or her neighborhood, race, or income.

Opponents of anti redlining efforts may be inclined to note that an implication of illegal activity is not a determination of guilt, and that few of the redlining suits raised against insurers have resulted in convictions.

Far from a defense of the practices of some insurers, this reality constitutes the most powerful argument for a strong Anti Redlining in Insurance Disclosure Act.

The fact of the matter is that while available data is in many instances very highly suggestive of discriminatory practices, the loss data that this amendment would require, and the race, national origin, and gender reporting that it would call upon insurers to provide, are essential components of a national searchlight to clearly expose—and, hopefully, deter—discriminatory practices in the insurance industry.

Madam Chairman, over the last several decades our Nation has made great strides in erecting a legal system that outlaws the denial of the civil rights of the American people. Most unfortunately, however, although they are less visible now than in the days of Jim Crow, violations of civil rights continue.

As Members of Congress it is our duty to enact such laws as are necessary to eradicate these violations and establish a just society. I call upon my colleagues to help pass this important amendment.

☐ 1650

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California Ms. ROYBAL-ALLARD.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. ROYBAL-ALLARD. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 333, not voting 9, as follows:

[Roll No. 338]

AYES—97

Abercrombie
Andrews (ME)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Brown (FL)
Cardin
Carr
Clayton
Clyburn
Collins (MI)
Coyne
de la Garza
de Lugo (VI)
DeFazio
Dellums
Diaz-Balart
Dixon
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gonzalez
Green
Gutierrez
Hamburg
Hinchey
Jacobs
Johnson, E. B.
Johnston
Kennedy
Kildee
Kleczka
Kopetski
LaFalce
Lantos
LaRocco
Lowey
Maloney
Martinez
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Norton (DC)
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Romero-Barcelo (PR)
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shepherd
Stark
Swett
Synar
Torres
Torricelli
Traficant
Unsoeld
Velazquez
Vento
Waters
Watt
Waxman
Woolsey
Wynn
Yates

NOES—333

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clay
Clement
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McDade
McHugh
McInnis

McKeon
McMillan
McNulty
Meek
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rostenkowski
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MD)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Towns
Tucker
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Bentley
Faleomavaega (AS)
Frost
Gallo
McCurdy
Ros-Lehtinen
Underwood (GU)
Washington
Whitten

☐ 1715

Ms. SLAUGHTER and Messrs. RANGEL, HILLIARD, PORTMAN, ROSTENKOWSKI, and NEAL of Massachusetts changed their vote from "aye" to "no."

Mr. ROSE and Mr. PAYNE of New Jersey changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Louisiana: Page 3, line 10, strike "and" and insert a comma.

Page 3, line 13, strike "and" and insert "an explanation of each of the reasons for which exposure units were canceled or not renewed by such insurer, and the total exposure units canceled and not renewed for each such reason,".

Page 3, line 23, strike the period and insert ", and".

Page 3, after line 23, insert the following new clause:

(iii) the total number of written applications or written requests to issue an insurance policy submitted to such insurer (or any agent or broker of the insurer) that were declined, an explanation of each of the reasons for which such applications or requests were declined, and the total number of declinations for each such reason.

Page 24, line 16, after "insurance policies" insert ", exposure units cancelled or not renewed, and written applications or requests to issue and insurance policy declined.".

Mr. FIELDS of Louisiana (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mrs. COLLINS of Illinois. Madam Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Madam Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 20 minutes, to be followed immediately by a vote on this amendment and all amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois.

There was no objection.

Mr. FIELDS of Louisiana. Madam Chairman, I thank the gentlewoman from Illinois for working so hard to bring a bill of this nature to the floor, but we must be mindful of the fact that we can always make legislation better. This amendment certainly reaches the core of the redlining problem we have in this country.

Madam Chairman, this amendment provides for something very basic, that is, consumer protection.

Madam Chairman, whenever we deal with the issue of redlining, it is a nasty and somewhat unconscionable event to deal with in the first place, because it is already illegal. This amendment gets at the core of redlining in our country. It is a consumer information, right-to-know amendment.

This amendment is very simple. It provides that whenever a person is denied insurance, then that information ought to be given to the Secretary of Commerce.

☐ 1720

That is very basic.

We have people all across this country—there are 46 States in this country that do not have any requirement whatsoever when a person is denied insurance.

First of all, in order to drive an automobile in this country many States require that you have automobile insurance. In order to buy a house for a first time homeowner you have to have mortgage insurance before you can get the mortgage for that particular home.

The problem we have in this country is we have so many people who are being denied insurance and for no legitimate reason whatsoever. So if we are going to address the redlining problem in this country, we must adopt this amendment.

This amendment is very simple. When a person applies in writing for insurance, be it automobile insurance or be it mortgage insurance, then that company who denies that individual insurance must report that information to the Secretary of Commerce. There is nothing wrong with that. That is very basic. Anybody who is denied insurance in this country ought to know why they are being denied. How can you correct a problem if you do not know the problem exists in the first place? One cannot correct a problem, Madam Chairman, if they do not know the problem exists.

For example, Madam Chairman, this is a very serious problem that we have in this country. We have people who go to the bank to get a loan to buy their first home and they cannot buy because they cannot get insurance. Banks will not give them money unless they have insurance. What do they do? They go to the insurance company and they say please give me insurance, and they deny them; they do not have to give them any reason whatsoever for that denial, and they have no government protection.

This amendment goes to the core of the problem in terms of redlining. This amendment says when you deny a person insurance in this country you ought to give a reason why, and these reasons ought to be legitimate, because they have to be reported to the Secretary of Commerce.

What is wrong with that, Madam Chairman? Many will lead Members to believe that there is some cost factor involved in this amendment, that it is going to cost the industry millions upon millions of dollars. Let me say if an insurance company denies or chooses not to renew a person's insurance policy, I would hope that they send them a communication through the mail in the first place. If you are not going to have your insurance policy renewed, then it is just decency, and as matter of fact in many States it is the law to send the individual a letter denying him renewal. So what additional costs will it cost the insurance companies?

Madam Chairman, all we are simply going to say is when they deny a person insurance, when they send that letter of denial or refuse to renew, then they must also include in that letter the reasons why they have denied that person insurance once they file that information with the Federal Government. It is a very simple matter. I certainly ask all of my colleagues to vote for this amendment. It is so simple. If Members are for an individual receiving a reason why he or she is denied insurance, then vote for this amendment. If they feel that a consumer in this country has no right whatsoever to receive the reason why he or she is denied insurance, then vote against the amendment.

Madam Chairman, that is the amendment. It is as simple as that. It does not ask for any additional burden on insurance companies. It is already illegal to redline in this country. In order for us to find out how insurance companies are redlining, and if they are in fact redlining in this country, we are going to have to have these vital statistics; we are going to have to have this information. How can we even have the thought of passing an insurance redlining bill in this Congress and not have an amendment in the legislation that provides that an insurance company ought to give the reason why the individual was denied? That is no more than right. That is no more than fair. Even a child, Madam Chairman, when you have a child, a good parent will not tell a child not to touch a hot stove and not tell them why they ought not touch the hot stove, because the minute you walk out of the room that child is probably going to touch the stove. You say, "Child, do not touch the stove because it is hot and you can get burned."

Now we have insurance companies saying you cannot get insurance and we are not going to tell you why.

Mr. STEARNS. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman, let me say that we have just this afternoon had two amendments to H.R. 1188 and they were defeated overwhelmingly. We now have a third amendment on the House floor, and all it does basically is add more paperwork, extra costs, and more bureaucracy.

I think the House has spoken, Madam Chairman, pretty clearly on the other two amendments, I say to my colleagues we have already spoken on this. All this amendment does is go ahead and ask for more information when the basic bill, H.R. 1188, already provides the necessary information to determine the extent of redlining, for declination, which is what the gentleman has asked for. So we already have existing in the bill the information that is necessary, and there is no need for additional reporting.

The CBO, as I mentioned earlier, noted in their cost estimates of the Committee on Banking, Finance, and Urban Affairs that the more data you collect and analyze and make available to the public, the higher the cost to the Federal Government. I think we have here a bill that has bipartisan support. When we talk about consumer protection, I think the chairwoman of the Subcommittee on Energy and Commerce has done an extraordinary job in all of her efforts here in Congress to protect consumers, and she is fully supportive of this bill. So I would say to my colleagues, with her background of consumer protection and what we have seen in the prior votes here, we do not need to add any more reporting to H.R. 1188. So I call on the Members to vote "no."

Mr. POMEROY. Madam Chairman, will the gentleman yield?

Mr. STEARNS. I am glad to yield to the gentleman from North Dakota.

Mr. POMEROY. Madam Chairman, the amendment at issue really departs from redlining and a study of redlining for which the collection of data and the evaluation of it is required. The amendment is actually a regulatory requirement.

Is it not the gentleman's understanding that the business of insurance is regulated at the State level?

Mr. STEARNS. The gentleman is correct. I think the gentleman with his background in this is concise in that, and the gentleman is right on the matter, and I am glad he pointed it out.

Mr. POMEROY. Madam Chairman, in the 8 years that I was the commissioner of insurance in North Dakota, consumers had the right of exactly the type of disclosure the gentleman is seeking in this amendment, except it was provided under State law. I believe if the distinguished gentleman from Louisiana would have checked, States routinely provide exactly this type of disclosure protection to consumers. It is provided by State law as a regulatory matter and has no business in this redlining bill.

Mr. STEARNS. I compliment the gentleman for his critique on this. He basically states the issue, and it is regulatory.

Mr. WATT. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I will be very brief on this. I have already laid out my opinions about this bill and the amendments to it in my previous statement on the prior amendment. But I want to confess one additional motivation on this, and that is just a human nature motivation.

My objective, and I think the objective that we have here is to get insurance companies, if they are engaging in redlining, to stop doing it. When people have to report the reasons for denying insurance, human nature kicks in, the urge to be honest kicks in. And I think people will be more inclined, insurance companies will be more inclined to write the insurance policy rather than give an honest reason for denying the insurance.

☐ 1730

I think that in and of itself, in addition to the arguments that I have previously submitted on the earlier amendment, justify this amendment, and I would urge my colleagues to support the amendment.

Mrs. COLLINS of Illinois. Madam Chairman, I move to strike the requisite number of words.

Let me commend the gentleman from Louisiana [Mr. FIELDS] for his hard work in this area. He is a very able Member of this body and a great friend of consumers.

This amendment is very well intentioned. Let me say three things about the Fields amendment. First, unlike earlier versions, this amendment will not directly help individual consumers. The earlier versions required insurance companies to report to individual consumers, and in contrast, this amendment calls for more reporting to the Secretary.

Second, this amendment is premature and jumps the gun.

My original bill sought to get information like this, but we found some practical problems with it. In particular, while insurance companies maintain standard information in their data bases about actual policies, they did not maintain the information about applications. There were other questions raised, too, like how to define an application.

As a result, the bill includes a study by the Secretary of the feasibility and utility of collecting information on the characteristics of insurance applicants and the reasons for rejection of applicants.

Let us wait for the Secretary's study to assess the feasibility and utility of this. Let us not jump the gun.

Third, throughout the process, we tried to minimize the burdens on insurance agents. There are many of these small independent businessmen and women throughout the Nation. I am pleased that the major agency organizations support the bill, and unfortunately, this amendment would add a burden to those agents.

I would urge the defeat of this amendment.

Mr. WYNN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, you know, it is not in the Constitution, but in modern-day America there are two things you have to have: credit and insurance.

We found in the application of credit that it is absolutely fundamental that the consumer have the right to know why he is being denied. And you know what, it worked. It was not too burdensome. It was not too onerous. It did help the consumer in one of two ways: He found out what he had to do to get his credit in shape, or we were able to find out somebody was discriminating.

I would submit to my colleagues this is exactly what we are trying to do, find out what the consumer needs to do to get insurance, or have the Secretary be in a position to find out that somebody is discriminating.

Now, you hear that this is so burdensome. Madam Chairman, ladies and gentleman, we are not asking the insurance industry to submit an essay exam. They simply check the box, lapsed insurance, failure to pay, poor credit, whatever the reason is. That way we can make some evaluation whether they are giving legitimate reasons and whether certain communities seem to have a disproportionate amount of lapsed policies, terminated policies, denied policies. This is basic common sense in modern-day America.

This amendment is supported by ACORN, the National League of Cities, the NAACP, the Consumer Federation of America, and Public Citizen.

I would like to commend the gentleman from Louisiana for a very sensible, reasonable, rational, and certainly not burdensome amendment.

Mr. KENNEDY. Madam Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Massachusetts.

Mr. KENNEDY. Madam Chairman, I want to very much support the efforts of the gentleman from Louisiana [Mr. FIELDS] to require the insurance industry of America to at least, at a bare minimum, tell the customer why they are turned down, if a potential customer asks for an insurance policy.

We have watched on the floor of this House any attempt to get real information regarding racial discrimination or redlining eliminated from this bill. Make no mistake about it, the way this bill is structured today, it does not meet the NAACP test. It does not meet the consumers' test. It does not meet any of the organizations that have the best interests of the ordinary people of America at heart.

Does it have the support of the insurance industry? You bet it does.

Does it have the support of the other side of the aisle? You bet it does, and all too often it has the support of Members that are interested not so much in necessarily how we are going to look out for the interests of the consumers of America but how we are going to look out for the interests of the biggest industries.

What I say is that this attempt by the gentleman from Louisiana [Mr. FIELDS] to simply ask that industry to tell us whether or not the information that they are denying people access to credit on is going to be made available to those individuals, is just basically fair, and a very reasonable amount of information to require.

It is not going to be overly burdensome. It will not get in the way of the insurance industry to make money. It will only give recourse to those individuals that are denied the opportunity to get those insurance policies a reason for that denial.

Mr. FIELDS of Louisiana. Madam Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. Madam Chairman, the gentleman from North Dakota mentioned earlier that the States are regulated, that this issue is regulated through the States, and the States mandate they give written reasons why they are denied, individuals are denied insurance.

According to the CRS report, only four States in the entire Nation require that the insurance companies give reasons why they deny consumers insurance in this country.

Mr. KENNEDY. If the gentleman will yield further, the gentleman is exactly correct. There are three or four States that have passed this enlightened legislation. The vast majority of the States do not require anything along these lines, and it is those States, States like New York and California and Illinois where we have the problem of insurance redlining in the major cities of America, in the urban areas of America, where this problem is so rampant that we need to have this basic disclosure. If we are not going to require census tract, if we are not going to require MSA's, if we are not going to require all the provisions that were in the Velázquez and Roybal-Allard amendment, at least at the very minimum tell the individual American people why they are being denied. If it is not for racial reasons, tell them why they are denied access to insurance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FIELDS of Louisiana. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 123, noes 305, not voting 11, as follows:

[Roll No. 339]

AYES—123

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blackwell
Bonior
Brooks
Brown (CA)
Brown (FL)
Carr
Clay
Clayton
Clement
Clyburn
Collins (MI)
Conyers
Costello
Coyne
de la Garza
de Lugo (VI)
Dellums
Diaz-Balart
Dicks
Dixon
Durbin
Edwards (CA)
Engel
Eshoo
Evans
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Green
Gutierrez
Hastings
Hayes
Hefley
Hefner
Hinchey
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kildee
Kleczka
Klein
Klink
Kopetski
Lantos
LaRocco
Lewis (GA)
Lowey
Maloney
McCloskey
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Montgomery
Nadler
Norton (DC)
Oberstar
Olver
Ortiz
Owens
Pastor
Payne (NJ)
Pelosi
Poshard
Rangel
Reynolds
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Schumer
Serrano
Skaggs
Slaughter
Stark
Stokes
Studds
Swett
Synar
Tauzin
Thompson
Torres
Torricelli
Traficant
Tucker
Unsoeld
Velazquez
Vento
Watt
Waxman
Wheat
Wyden
Wynn
Yates

NOES—305

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clinger
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooper
Coppersmith
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fish
Ford (MI)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Machtley
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Meyers
Mica
Michel
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (MA)
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swift
Talent
Tanner

Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Towns
Upton
Valentine
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wise
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Faleomavaega (AS)
Gallo
Hilliard
McCurdy
Neal (NC)
Ros-Lehtinen
Underwood (GU)
Washington
Waters
Whitten
Wilson

☐ 1758

Mrs. BYRNE changed her vote from "aye" to "no."

Messrs. ROSE, FORD of Tennessee, and STOKES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. If there are no other amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Torres) having assumed the chair, Ms. DeLauro, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1188) to provide for disclosures for insurance in interstate commerce, pursuant to House Resolution 475, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

☐ 1800

The SPEAKER pro tempore (Mr. Torres). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill

The bill was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid upon the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. McCOLLUM. Mr. Speaker, I offer a privileged motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of their community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. McCollum moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed not to make any agreement that does not include section 2405 of the Senate amendment, providing mandatory prison terms for use, possession, or carrying of a firearm or destructive device during a State crime of violence or State drug trafficking crime.

The SPEAKER pro tempore. The gentleman from Florida [Mr. McCollum] will be recognized for 30 minutes, and the gentleman from New Jersey [Mr. Hughes] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCollum].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to explain this motion to instruct conferees. What I am offering today is a motion to instruct conferees on the crime bill, on a portion of the bill that is in the Senate, the other body's bill, and is not in the House bill, one that we were not allowed to have the opportunity to vote on on the floor by our Committee on Rules, even though I requested the opportunity to be given to us. I think this is a very important motion to instruct.

Mr. Speaker, I want to express what this does in as succinct terms as I know how. First of all, it deals with the question of somebody who is committing a State crime of violence or a State drug trafficking offense, not a Federal crime as the underlying crime, and who does that crime either in possession of or with the use of a gun.

This particular provision, if we were to adopt it and it becomes law, that this motion to instruct goes to, would mean that there would be a new Federal crime, in addition to the State conviction for the underlying crime of violence or drug trafficking, a new Federal crime for the simple possession or use of a firearm in the commission of that underlying crime, and that new Federal crime would carry with it minimum mandatory sentences in given circumstances that could not be reduced for any reason whatsoever, not for good time, not for any reason.

The minimum mandatory prison terms for the first offense would be 10 years for knowingly possessing a firearm during the commission of one of these State crimes of violence or drug trafficking, 20 years for discharging such a firearm with intent to injure such a person, or 30 years for knowingly possessing a firearm that is a machine gun or destructive device or one that has a silencer or muffler on it. It does not federalize at all the State crime. It simply adds a new Federal crime.

All you have to do to prove the new Federal crime is to show that there is an underlying conviction or a crime of violence or a drug trafficking offense as is defined in that State court, and that there was the possession or the requisite use and the technical nature to get the particular minimum mandatory sentence.

If somebody does this twice, it would simply double the minimum mandatories for the first and second mandatories, of possession to 20 years, for discharge—actually to 30, it doesn't quite double it in that case, and it goes to life imprisonment if you are using a machine gun or destructive device or silencer, and for the third offense, a mandatory life sentence.

This would send a very powerful deterrent message against anybody trying to use a gun in the commission of any crime in this country.

I would add to my colleagues who think this goes overboard, I do not think this does at all. I think this gets to the very heart of the problem we have been needing to get at for a long time in this country. It gets to the problem that too many people are using guns today, and it gets to the problem of the repeat violent offender, violence being the No. 1 problem in crime today. Six percent of those who commit crimes out there today are committing 70 percent of the crimes of violence, and they are repeat offenders. They are serving only about 38 percent of their sentences.

What we need to do is lock these folks up for long periods of time, and we need to send a message of deterrence. Local police officers around the country in many forums where I have been this past year have told me that among those committing these types of crimes, primarily our younger people, there is a regular chain of communication. They know the score. The first thing they ask when they are arrested is, if they are arrested at all for any of these crimes, is this a Federal crime or is it a State crime? They know if it is a Federal crime, they are going to do the time, because we have right now the 85 percent rule. You have truth in sentencing at the Federal level. We have been trying to achieve that in this crime bill for the States for repeat violent offenders.

This particular provision would allow us to extend existing Federal law in firearms cases to cover all cases where firearms are being used in felonies, in violent felonies and drug trafficking offenses.

Let me give you an example of what existing Federal law would do and does when this is properly utilized. In the previous administration we had what is called operation trigger lock using it.

At the present time, if you are a convicted felon, whether it is a State court conviction or a Federal court conviction, it matters not. If you are a convicted felon and then you are convicted of a crime again with a gun, even if you are in possession of a gun and are not convicted of a separate crime, you will have committed a new Federal crime for the similar possession of the firearm.

Operation trigger lock, with some minimum mandatory sentences that are on the books for that particular Federal crime, was a provision that the Justice Department in the previous administration had been using for several months before the new one came in to take some of these folks off the streets, out of the State systems where they had been convicted, throw the book at them in selected cases, lock them up and throw away the keys, do what we wanted to do to send that deterrent message.

□ 1810

All this provision does is to extend that option to the Justice Department. I do not think that the present administration is right. They would kill that operation trigger lock idea. They said, we do not have time to fiddle with that.

I would submit to everybody out there that this is indeed exactly what should be being done now. If we are going to stop the crime of violence problem we have in this Nation, the crisis we currently face, we have to begin getting serious about taking the violent criminals who are using guns off the streets, locking them up, and throwing away the keys.

No, we cannot lock everybody up in the Federal Prison System. No, this proposal would not do that. But it would give the Justice Department and the local State's U.S. attorneys the option of being able to do it when they selectively felt it was important. And it would give the message, if it is utilized on a selective basis out there, to the guy on the street that "if you commit a crime with a gun, you are really going to risk doing some very serious time in jail, minimum mandatory sentences being possible, in addition to your underlying crime."

So I encourage the adoption of this motion to instruct today to send our conferees on the crime bill the message, we want them to accept this Senate provision. Get tough on these repeat offenders and allow the U.S. attorneys around the country to have this additional tool to get at those who commit crimes of violence and drug trafficking, who are convicted in State courts using a gun, the opportunity to prosecute them in addition to the State offense for this new Federal offense of using or possessing the gun.

Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I rise in opposition to the McCollum motion to instruct conferees to accept that portion of H.R. 3355 that basically would federalize the carrying of a weapon during the commission of the State offense involving an act of violence or a State drug crime.

It is probably one of the worst motions to instruct that one could offer because it would federalize State offenses involving a firearm, and there are literally hundreds of thousands of State offenses involving a firearm.

It covers the possession of a firearm, the use of a firearm or carrying of a firearm. As I understand it, it would require a separate Federal prosecution in every case.

I understand that it would require not just the State prosecution but a Federal prosecution.

Mr. Speaker, I would like to yield to the gentleman from Florida, maybe he can respond to me as to what he envisions would be the role of Federal prosecution. Is it his understanding it would require a Federal prosecution besides a State prosecution?

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, what would be required, as I interpret this and the way I helped craft it, is that we would have an underlying State crime and once the State conviction occurred that was the prerequisite to this, then there would have to be a separate Federal prosecution for the Federal crime which would involve a simple prosecution because we would have to prove only two things: First, the underlying State conviction of the crime that was the prerequisite and, second, that there was a possession or use of the firearm in that crime.

Mr. HUGHES. The gentleman has answered my question. This is D'Amato basically revisited in many respects because it would federalize State offenses, once again.

I am not sure what is going to be just a State crime. Even though the States prosecute 95 percent of street crime, we are more and more federalizing all kinds of State offenses.

That particular motion to instruct and the provisions of the Senate bill is opposed by the Department of Justice. And I have a letter from the Attorney General, and I will read just a portion of it.

> The administration strongly opposes the Senate provisions which would largely obliterate the distinction between Federal and State criminal jurisdiction. These provisions represent a false promise of action in fighting violent crime, a promise that will not be realized given limited Federal resources. At best these provisions,

I am reading from another section of the letter,

> at best these provisions would be ineffectual; at worst, they would divert Federal resources from dealing with distinctively Federal matters in interstate crime, activities that Federal law enforcement is uniquely competent to handle.

It is opposed by the Administrative Office of the Courts. The administrative office indicates that it would put 200,000 new cases in the Federal system. It is opposed by the Sentencing Commission.

The Sentencing Commission indicates that over the next 9 years, if we were to adopt this motion to instruct in the conference, it would increase our Federal prison population by 383.9 percent, 383.9 percent.

Look, I am under no illusion about whether this amendment is going to pass. Because if it sounds tough around here, it will pass whether it makes sense or not. But I tell Members, this particular amendment, if we adopt it in conference, would create chaos in the Federal courts. We are not reaching civil cases today. And we are not processing the Federal cases as rapidly as we can because we do not have the resources to do it.

How in the world one could argue that by basically federalizing State offenses we are going to advance the cause of criminal justice is beyond me. It may sound tough, but it is not going to do a thing except to blur that distinction between Federal and State offenses.

Moreover, it would catch the following kind of offenses: A mother is taking messages for her son ordering all kinds of drugs, cocaine, marijuana, whatever. The mother is taking those messages from customers for her son. In the house the son has a weapon. Because the mother is in the house she is deemed to be in possession of a weapon and she is going to get a mandatory minimum of 10 years under this amendment.

Now, frankly, she ought to be punished. But do we want to say to the States, do we want to say that we want to impose a mandatory offense of 10 years in prison for that kind of criminal conduct? It is criminal conduct. But is that what we want to load the prisons with, those types of offenses?

A roofer at night steals from a roof, carrying with him an unloaded weapon. Under this amendment treating a violation of that offense would trigger a mandatory minimum of 10 years.

Somebody carrying a weapon in their trunk, the trunk of their car, who is also dealing in drugs would receive as a first time offender a 1-year mandatory minimum.

I am not condoning the carrying of weapons in the trunk, but do we want to impose a 1-year mandatory minimum? I say to my colleagues, if they want to tell the States the kind of criminal laws they should have in the various States, the 50 States, they ought to resign from Congress and go back and run for the State legislatures again, if that is what they want to do.

That is precisely what we are doing. We are basically saying to the States, we are going to federalize their State offenses.

We do not have the resources to federalize these crimes. It is a sham. It is not going to do a thing. It is going to be counterproductive. I urge my colleagues to reject the motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first of all, I have great respect for the gentleman from New Jersey. I have worked on many pieces of crime legislation. I just want to advise him that there are a couple of things that he may have a misapprehension about with regard to this. The underlying crime, the State crime which is the one that is operable here, is not federalized in any way. They are still tried in State court. It is the choice of local officials whether if somebody has committed murder or whatever it is to prosecute them or not prosecute them. That is entirely within the realm of the States.

☐ 1820

We are really not federalizing any State crimes. What we are doing in this process is, we are giving the option to the Federal prosecutors to be able to, in addition to that State conviction, come in and say, "If there is a gun involved, we are going to prosecute a separate crime," and I want to emphasize it is an option. This is not a requirement that the prosecutors do it. We are not going to flood the Federal System. This is simply going to give another tool to the U.S. attorneys, and I think it is a very important tool to send a message of deterrence in this area.

Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. Schiff], a member of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. SCHIFF. I thank the gentleman for yielding time to me.

Mr. Speaker, I think the gentleman from Florida [Mr. McCollum], the sponsor of this motion to instruct, has laid out the arguments very cogently. I cannot imagine a better subject for the House of Representatives of the United States, in discussing anticrime legislation, than to target the most violent of criminals, those individuals who are using firearms in the commission of offenses. Those are the criminals in particular that the American people want to get off the street and keep off the street for as long as possible.

This bill would add another tool in crime fighting to accomplish that. This bill would give the option to the U.S. attorneys to follow up with a prosecution if they felt that, in the case of a particular defendant committing a particular crime, more time in prison to keep that criminal off the street is warranted.

The answer to the gentleman from New Jersey [Mr. Hughes], the chairman of our subcommittee in the Committee on the Judiciary, he speaks as if, if this bill were passed, every possible offense that could be covered under this bill would be prosecuted in Federal court, but this is not the case. Right now the U.S. attorneys exercise a great deal of discretion over what to prosecute under existing Federal offenses.

Not every allegation of violation of a Federal offense results in a prosecution by a U.S. attorney. They pick and choose on the criteria they think is best in terms of fighting crime. This would give them another tool. This would give them another option. This would give them the power as U.S. attorneys to decide, "This is someone we want to keep off the street even longer," and this would give them the means to do it. For that reason, I urge my colleagues to support the McCollum motion to instruct conferees.

Mr. HUGHES. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we cannot have it both ways, then. On the one hand we say we are going to give the U.S. attorneys an option, going to give them an option. On the other hand, if the U.S. attorney exercises these options and prosecutes all these cases, we are going to have 200,000 additional cases before the Federal courts and our prisons are going to swell by 383.9 percent over a 9-year period.

My colleague, the gentleman from New Mexico [Mr. Schiff] knows that we have a difficult time today funding the Federal Bureau of Prisons. We just opened up some new prisons around the country after some potential delays, because we did not have the resources to staff the Federal prisons to open them up. We are going to have to open up, at the present trend, about one Federal prison every month before the end of this decade, every month one new 500-bed Federal prison.

We have a hard time getting the resources to fund for staff today. We cannot staff the medical sections of our present prison system because we do not have the resources. We do not offer the health care providers sufficient money to attract them into the system, and the gentleman is talking about increasing the Federal prison population by another 383.9 percent?

Mr. Speaker, the States are not in favor of this. We received a letter from the Police Executive Research Forum. These are some of the top chiefs of police in the larger cities. They are opposed to this. They do not see this as helping them. So there are the States that are opposed to it, there is the Attorney General opposed to it. The Administrative Office of the Courts is opposed to it, and the Sentencing Commission is opposed to it, because they understand the impact it is going to have on the Federal System.

We are going to turn the Federal System upside down by this type of loading down of the Federal courts without accomplishing anything.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Levy].

Mr. LEVY. Mr. Speaker, I rise in support of the McCollum motion to instruct conferees on H.R. 3355.

Earlier this session, I authored and introduced the Violence With Firearms Protection Act. The bill made it a Federal crime to transport a firearm across State lines for the purpose of committing a violent felony. My bill went a bit further than the Senate language that is the subject of Mr. McCollum's motion in that it carried the death penalty in some cases.

After my bill went nowhere in the Judiciary Committee, and as H.R. 3355 approached action on this floor, I attempted to add my proposal to the crime bill as an amendment. For reasons known only to the members of the Rules Committee, the amendment was ruled nongermane.

Mr. Speaker, Federal law prohibits the interstate transportation of explosives for illegal purposes. In fact, Mr. Speaker, it is a violation of Federal law to transport false teeth, in some circumstances, from one State to another. But you can carry a gun from State to State—and use it to kill people—with impunity under Federal law.

Let me illustrate how ridiculous the current state of our law is.

Last December, on a night that most of my constituents will remember, a man in New York City boarded a commuter train bound for Long Island. When the train reached my district, he pulled a firearm and began shooting. The gun, by the way, was purchased legally in California, waiting period and all.

When the firing ended, six people were dead. Others were wounded.

In the wake of what has become known as the Long Island Railroad Massacre, and because New York's law doesn't treat violent criminals very seriously, I presented the facts of the case to the Justice Department. Their evaluation determined that the gunman violated no Federal law.

Imagine that. Had the gunman come from California to New York with illegally manufactured dentures we'd have fined him and maybe sent him to jail. But he killed six people and we can do nothing.

Support the McCollum motion to instruct. Make it a Federal crime to transport firearms across State lines for the purpose of using them as instruments of violence.

Mr. McCOLLUM. Mr. Speaker, I want to thank the gentleman from New York [Mr. Levy], because he has made a very valuable contribution to this debate in the introduction of his legislation and in the points he made today.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. Zimmer].

Mr. ZIMMER. Mr. Speaker, my situation is somewhat similar to that of the gentleman from New York. I am a sponsor of legislation to substantially increase the Federal penalties for the illegal use of firearms, particularly in the commission of a crime. I submitted an amendment adding that language to the crime bill to the Committee on Rules, and, as in the case of the gentleman from New York [Mr. LEVY], the Committee on Rules denied the right of this House to vote on this sensible legislation. That is why I rise in support of the motion to instruct.

Mr. Speaker, I agree with my friend, the gentleman from New Jersey [Mr. HUGHES], that our prisons are at capacity and we are hard-pressed to house the prisoners who are there. I support building new prisons and I support putting the people who commit violent crime with firearms into those prisons. So do our constituents. The best way to curb the incidence of crime committed with firearms is to make criminals realize that they face severe penalties if they use a gun to break the law.

A study by the Department of Justice has shown that, while the average sentence meted out for violent offenders is about 8 years, actual time served behind bars averages less than 3 years. That means that more than half of the violent offenders are free and back on the streets within 3 years.

The study also found that, once these violent felons are released, they get busy committing more crimes. Sixty-three percent are rearrested within 3 years of their release, fully a third of them for committing another violent crime.

The only way to be sure these people do not commit more violent crimes with guns is to send a very clear signal to criminals: "If you commit the crime, you are going to do the time." Under the Senate's crime bill that time is a mandatory minimum sentence of 10 years behind bars for carrying a firearms during the commission of a violent crime or drug felony.

□ 1830

Discharge that firearm with the intent of injuring another person and you get 20 years in prison, minimum. If that firearm is a machinegun or is equipped with a silencer, you serve 30 years, minimum.

The penalties are even steeper for repeat offenders in each of those categories, increasing to 20 years, 30 years, and life, respectively.

Mr. Speaker, if we are serious about reducing violent crime, we must put the word out on the street: "If you use a gun to commit a violent crime, you risk going to jail for 10 years, minimum. Go to Jail. Do not pass Go." That is the message we have got to send and that is why I urge my colleagues to support the McCollum motion to instruct.

Mr. HUGHES. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. MCCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Florida.

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Florida [Mr. HASTINGS] is recognized for 3 minutes.

Mr. HASTINGS. Mr. Speaker, I rise in opposition to the motion to instruct. I have sat very quietly listening to the debate. I have immense respect for the parties on both sides and their understanding of these issues.

Mr. Speaker, I ask my colleague, the gentleman from Florida [Mr. MCCOLLUM], on the other side, when we talk about unfunded mandates, does the gentleman take into consideration the fact that when we pass a law of this kind and it impacts on the Federal judiciary, that no additional money travels with these kinds of measures. In Florida, we are minus a significant number of Federal judges because, among the other reasons, they are not being made at this time. There would be no money for additional prosecutors, for additional public defenders, or court personnel. Let met tell the gentleman what happens, and I am talking from personal experience.

With an added number of Federal cases, the lessening of the handling of civil cases is undertaken. We then wind up with criminal cases being tried rather repeatedly. there is no one in this House who would not want to get rid of any violent criminal that we can and cause them to be put away.

The example that the gentleman from New York [Mr. LEVY] gave, that person is going to be in jail for the rest of his life and everybody knows that. So what do we want to do, put him in two jails, a State jail and a Federal jail?

The linchpin of this country will come undone unless Federal judges can address civil cases at some point in time. Add Federal jurisdiction for criminal cases and lessen the opportunity to try civil cases.

Mr. MCCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Speaker, I have a great respect for the gentleman from Florida [Mr. HASTINGS]. In fact, he and I agree on the point he is trying to make. We need more resources for the Federal judiciary. We need to free up Federal judges to be able to do some civil cases. In fact, the bill in the other body, the Senate bill, has $300 million for additional judiciary. Our House bill does not. I hope when the conference comes out, they will do that.

I would like to make the point to the gentleman, while we agree on that, that this is very optional. While operation trigger lock was being imposed by the previous administration to do an additional system in this area, this administration has chosen not to, probably because of resources. I do not agree with that allocation, but I understand what the gentleman is talking about.

Mr. HASTINGS. If I may, the Attorney General opposed it, the Administrator of Courts opposes it, and the reason that they do is because of a lack of resources.

Mr. Speaker, I agree with the gentleman that it is optional, but I have seen the results of what becomes optional. We have a local State attorney that determines, hey, this is an opportunity for me to get rid of it. Let me call the U.S. Attorney who says, "I will take it."

What we have is an overloaded Federal system. The Federal system cannot handle the cases that we are sending them criminally unless we give them more judges, more prosecutors, and more public defenders which I am in favor of doing.

Mr. MCCOLLUM. Let the gentleman and I work on getting those resources.

Mr. HASTINGS. All right.

Mr. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there is nothing in the world I hate more than disagreeing with my friend, the gentleman from Florida [Mr. MCCOLLUM] whom I look up to as the premier expert on criminal law on our side of the aisle. But I am having real trouble buying this concept that every time a gun is used, a Federal crime is created.

I am persuaded by what the gentleman from Florida [Mr. HASTINGS] has said down there about the overloading of the Federal courts and the response of the gentleman from Florida [Mr. MCCOLLUM] seems to be that it is only an option. But a Federal law, a criminal law that is only optionally enforced, it seems to me, erodes the whole fabric of the law. If it is a Federal law and if it is a crime, it ought to be prosecuted. But I do not think we have the need, first of all, because what about the State courts? What about the State criminal system? Are we saying they are so bereft of resources or the will to enforce the law that we must federalize the enforcement of gun legislation? I abhor the use of a gun in a violent crime. That person ought to be severely punished, and they are not severely punished, and we have to add more resources to the State system, help them with grant money and matching funds. But to create a new Federal crime every time a gun is used and then to say it only has to be enforced optionally it seems to me is an oxymoron. It is a contradiction in terms. I do not think we are being weak on crime to say, let us not abuse the Federal system by thrusting on it a whole plethora of criminal actions that cannot possibly be enforced. I just have those misgivings.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, let me say in response that I have the utmost respect for the gentleman from Illinois, and I usually share, as he says, the same viewpoint. However, I would say to him that as he well knows, all Federal criminal law involves a degree of discretion on the part of the U.S. attorneys and the prosecutors. I do not wish to say nor did I intend to that I do not believe this should ever, or not be used. I believe that the reason why we want to put this into law is so that it will be used, but used selectively, used in cases that will send a message which is the underlying reason here, and there needs to be a national message that is sent to criminals who would use guns that if they are going to do it, they are really going to serve time and they are going to serve Federal time because the very fact it is Federal is a very important deterrent and many police officers, many of them, have told us that again and again.

While I have great respect for the gentleman from Illinois, he and I would differ over this, I also do not think we are really federalizing. We are not federalizing the underlying crime, we are simply saying, we are extending an additional Federal law that exists on the books today that says that if you have committed a felony and you possess a firearm, whether it is a State felony or not, it is a Federal crime. But I would like to extend that to send a message to a lot more people, that is all.

Mr. HYDE. Mr. Speaker, if the gentleman will continue to yield, the gentleman is creating thousands of defendants in the Federal system. Cannot they be dealt with adequately in the State courts?

Mr. McCOLLUM. No; they cannot be. I do not believe they are being. I believe we need to provide the resources necessary, because this is important. This is more important than a lot of other places we are putting Federal money right now. That is my conclusion. We may differ on that.

Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois is right on target. We are talking about federalizing State offenses. Think about it for a minute. We are telling the States that we do not agree with State legislatures throughout the country in meting out particular sentences. It is the ultimate in arrogance.

I say to my colleagues again, "if you want to tell the States how to run the criminal justice system, leave here, go back to the State legislatures and run for the legislature."

□ 1840

And change the laws in the various States if that is what you want to do.

In addition to the fact that there seems to be a misperception around here about the Federal courts, they are courts of limited jurisdiction. We do not prosecute street crime. That was never intended. The framers of the Constitution never envisioned that. They are not structured to handle street crime.

In fact, if U.S. attorneys exercised the right to prosecute and to federalize basically a State offense, we would have disparate sentences again throughout the country.

Sometimes just across State borders we would have disparate sentences again, depending upon how the U.S. attorney exercised that authority.

We set up a whole new sentencing structure called the Sentencing Commission to try to limit disparity. We are going to create more disparity. That is terrible policy.

The Judicial Conference of the United States pointed out, I think aptly, that in the State of California there are more superior court judges than we have on the Federal benches around the country. There are more superior court judges in California alone than all of the Federal judges in our system.

In some parts of the country they are not trying civil cases at all, because they cannot reach them because of the present criminal backlog, and we want to federalize basically all gun offenses which are prosecuted at the State level. It is a flawed motion to instruct. It is opposed by the States. It is opposed by the Attorney General. It is opposed by the administrative office of the courts, and it is opposed by the Sentencing Commission because it does not make sense.

I urge my colleagues to reject the motion to instruct conferees.

Mr. Speaker, I yield back the balance of my time.

Mr. McCOLLUM. I yield myself the balance of my time.

Mr. Speaker, I would like to respond to several of the critics who have talked about this. Just to summarize what we are doing, in closing, this is a motion to instruct conferees that directs them, our wish is at least that they would accept a Senate provision that provides for a portion of the law to be changed that deals with the situation where we have a State crime that is a violent crime or a drug trafficking offense and we have a gun that is being used in that State crime, that violent crime, or that drug trafficking offense, or at least possessed in it, and in that situation while you leave alone the underlying crime you do not federalize it, it is still a State crime whether it is murder or whatever it is, which is tried in the State court, and you create under this provision a new Federal crime for the simple use or possession of the firearm in that underlying crime.

Mr. HUGHES. Mr. Speaker, will the gentleman yield on that point?

Mr. McCOLLUM. I am glad to yield to the gentleman from New Jersey.

Mr. HUGHES. So, Mr. Speaker, we are going to have two prosecutions instead of one. Is that what the gentleman is saying?

Mr. McCOLLUM. If I may reclaim my time, I am saying we are going to have a second prosection if the Federal prosecutor chooses, not on the underlying crime, a second prosecution only for the gun crime after the State conviction. The only thing required to be proved will be the underlying conviction and the fact that a gun was used or possessed in it.

I think it is important to note that is simple to prove, very simple to prove. It is very much patterned after the existing Federal law as an extension of it which says that if you are a convicted felon today, whether you are convicted in a State court or a Federal court, just any convicted felon and you possess a firearm, you have committed a new, separate Federal crime for which there is a mandatory minimum sentence. I think that is a very important concept that exists already, and that is the precedent for this. This is a Federal law because it reaches interstate transportation of firearms, and it is there for the same reason we want to put this in law, because it is there to discourage people from the use of firearms who are the bad guys out there doing these crimes, and we already have a precedent of the State felon being convicted of committing a Federal crime which is just simple possession on the books. What we want to put on the books is an additional new crime, if you are out there for the first time committing a felony or drug trafficking offense, which is undoubtedly also a felony, if it is violent or drug trafficking, you can, in that situation, even if you do not have the additional sentence, you can get the additional punishment that goes with it.

I would like to address the concern that suddenly we are going to flood the Federal system. We have had this other one on the books for a long time and we have not flooded the Federal system. We have minimum Federal sentencing out there for using a firearm as a separate punishment, and we have not flooded the system. We would like to see more convictions. I would like to see more sentences in this area of minimum mandatory at the Federal level, but this is a discretionary tool for selective use by U.S. attorneys around the country. No 383 percent or 384 percent increase in Federal prison populations is going to occur because it is not going to be used that consistently.

There is disparity in sentences because these are minimum mandatory sentences in a given stated statutory crime. If you commit the crime and are prosecuted and convicted for it, you are going to do the amount of time, in fact. That is the important part.

We need to put certainty and swiftness of punishment back into our criminal justice system if we are ever going to have deterrents in there today for violent crime, and this would go an enormous way toward putting certainty and swiftness back into sentencing and sending a message. The very fact it is on the books would give a plea bargaining tool at the very least for Federal and State prosecutors in dealing with the hardened criminals and those out there who would commit crimes with guns. I can see that message sent today if we adopt this and it becomes law. If you use a gun anywhere in the country in the commission of a violent crime or a drug offense, boy are you in trouble. It is long overdue that we send that message. That is the ultimate control of guns in the way they should be, by locking up the person who uses them and not trying to control what is uncontrollable, and that is the gun itself. This is a way to deal with the violent crime problem in America, one of the ways, one of the critical ways. By passing my motion to instruct tonight, we go a long way toward sending that message, asking our conferees to bring some reason into this debate over violent crime and some resolution to it by giving our prosecutors the tools that they need.

Again, it is a very important message and I urge my colleagues to vote yes on the McCollum motion to instruct to send this that message to the criminals: "Don't use the guns or you are going to do the time."

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Florida, [Mr. MCCOLLUM].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCCOLLUM. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 128, answered ''present', not voting 15, as follows:

[Roll No. 340]

YEAS—291

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooper
Costello
Cramer
Crane
Crapo
Cunningham
Danner
Darden
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Engel
English
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Houghton
Huffington
Hunter
Hutchinson
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lambert
Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Meyers
Mfume
Mica
Miller (FL)
Minge
Moakley
Molinari
Montgomery
Moorhead
Moran
Murphy
Murtha
Myers
Neal (MA)
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Roth
Roukema
Rowland
Royce
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—128

Abercrombie
Andrews (ME)
Bacchus (FL)
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Cox
Coyne
DeFazio
DeLauro
Dellums
Derrick
Dingell
Dixon
Doolittle
Edwards (CA)
Eshoo
Evans
Farr
Fields (LA)
Flake
Foglietta
Ford (TN)
Frank (MA)
Gephardt
Glickman
Gonzalez
Gutierrez
Hamburg
Hastings
Hefner
Hilliard
Hinchey
Hoke
Horn
Hoyer
Hughes
Hyde
Inglis
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Kopetski
LaFalce
Laughlin
Lewis (GA)
Lipinski
Martinez
McCloskey
McDermott
McKinney
Meek
Miller (CA)
Mineta
Mink
Mollohan
Morella
Nadler
Neal (NC)
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickett
Pickle
Porter
Price (NC)
Rangel
Reed
Rohrabacher
Rose
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith (IA)
Smith (MI)
Stokes
Studds
Swift
Synar
Thompson
Thornton
Towns
Valentine
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—15

Bateman
de la Garza
Dicks
Ford (MI)
Gallo
Hutto
Livingston
McCurdy
McMillan
Michel
Ros-Lehtinen
Sharp
Stark
Washington
Whitten

□ 1909

Ms. VELÁZQUEZ and Messrs. ROHRABACHER, HOKE, SCHUMER, and WISE changed their vote from "yea" to "nay."

Mr. TORRES, Ms. FURSE, and Mr. MOAKLEY changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1910

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3838, HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–612) on the resolution (H. Res. 482) providing for consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes; which was referred to the

House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3870, ENVIRONMENTAL TECHNOLOGIES ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–613) on the resolution (H. Res. 483) providing for consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4604, BUDGET CONTROL ACT OF 1994

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103–614) on the resolution (H. Res. 484) providing for consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. HOAGLAND. Mr. Speaker, pursuant to rule XXVIII, clause 1(b), I offer a privileged motion on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Mr. TORRES). The Clerk will report the motion.

The Clerk read as follows:

Mr. HOAGLAND moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to meet promptly on all issues committed to conference with the managers on the part of the Senate.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. HOAGLAND] will be recognized for 30 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by congratulating Chairman BROOKS and members of the Judiciary Committee, and Chairman SCHUMER and members of the Crime and Criminal Justice Subcommittee, for their very fine work in connection with House bill 3355, the Violent Crime Control and Law Enforcement Act of 1994. It is truly an excellent bill which incorporates the latest of concepts and practices, the latest knowledge we have, on how to punish and prevent crime in America.

As we all know, over 95 percent of all crime is prosecuted at the local level. Most anticrime laws and resources are in the hands of the State legislators, county boards, and city councils around the country.

But there are some things we can do here at the Federal level to assist their efforts. This crime bill helps substantially.

Every community in this country is plagued by violent crime and it's time to break the gridlock. It's time to send a message, we're serious about fighting crime.

It's time we enact the "3 strikes and you're out" provision identifying the relatively small percentage of all criminals who commit the most serious crimes. We must identify those people and put them away for long periods of time. States with such provisions report excellent results.

It's time to put more police officers on the street. We have 600,000 police officers on the street already. This bill would add up to another 100,000. Experiences in Houston and elsewhere show that more blue uniforms involved in community policing really does work.

It's time to enact a ban on assault weapons. I have yet to hear any good reason as to why 19 specified assault weapons should be available for anyone to purchase over the counter in America for as little as $300.

It's time to target funding for programs like Byrne grants. These funds go to cooperative law enforcement efforts like the Metropolitan Drug Task Force in Nebraska which has resulted in 2,000 arrests and confiscated 600 guns from drug dealers.

It's time to set up regional prisons to take the load off State penitentiaries and place violent criminals in appropriate confinements.

It's time to enact a whole range of preventive measures such as midnight basketball and counseling for dysfunctional families which can help prevent youngsters from starting down the path of violent crime to begin with.

So you see, ladies and gentleman, this crime bill contains many important provisions which will help deter crime in America. The crime bill passed the Senate on November 19, 1993. Our crime bill here in the House passed April 21, 1994. Two weeks after that on May 5, 1994, the assault weapons ban passed the House.

Since then we have heard nothing.

Has the bill gone into a black hole?

Did the collision on Jupiter take it out?

What happened?

Between April 21 and now:

The House Ways and Means Committee has reported a health care bill of over 1,200 pages.

The Education and Labor Committee has marked up and reported a health care bill of over 1,000 pages.

The House has considered and passed most of 13 appropriations bills. Yet we have no crime bill.

In the meantime the criminals haven't stopped. Every day that goes by is another day without an assault weapons ban, without more police officers on the street, and without three strikes and you're out.

Just in the past week in my community, the violence has continued. There was a fatal drive-by shooting, and a robbery at a local convenience store that resulted in one young man's death. In the last few months, an elderly woman was attacked and beaten to death with a board by a young man who lived nearby, and a 13-year-old was caught with a handgun and 500 rounds of ammunition at an area middle school. This crime bill is not a panacea, but it's a start.

The criminals in America are not concerned about differences of opinion among the conferees. Every day, there are:

Another 3,927 violent crimes committed; 28,800 property crimes committed; 65 murders; 288 women are raped; and 4,320 cars are stolen—some weeks in Omaha it is over 100 cars are stolen.

And the crime conference continues to dither.

The only thing the criminals will understand is: three strikes and your out; more police officers on the street; limits on their ability to purchase assault weapons; regional prisons; and a lot of other things we have in this bill.

The criminals don't care about the progress of the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment or the Senate amendment to the House amendment.

We have to speak their language, not the language of the conferees. That means passing this bill.

That means providing funds for military-style boot camps for young offenders. That means providing money to build regional prisons so we can put violent criminals behind bars and keep them there. That means banning assault weapons. There is no reason that weapons designed for war should be readily available on the streets of Nebraska endangering our police officers and our families.

The Parliamentarian told me that I could not file a motion to instruct conferees to report the bill by the end of this week, or the middle of next week because that would be out of order.

The closest I could come to a motion to instruct is to meet promptly.

But make no mistake about it, this motion should be construed as a motion to return the bill promptly—by the end of this week or the middle of next week.

That is what this vote means, and Mr. Speaker, there is no reason the conferees can't meet tonight, tomorrow, tomorrow afternoon, and tomorrow night until they finish their work and get the bill to us by Friday or by midweek of next week.

Other committees are doing it. What's the delay.

Mr. Speaker, get us a crime bill promptly so we can get it passed and into effect—now.

☐ 1920

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from Nebraska for yielding and thank him for his speech.

Mr. Speaker, I wanted to assure the gentleman from Nebraska, and indeed all the Members of the House, that although the conference has only had one formal meeting, we are meeting constantly with Members of the Senate and with ourselves to promptly resolve the conference. This is a 1,100 page bill that changes a lot of things in America insofar as criminal justice is concerned.

We are, and our obligation as conferees is, to support the will of the House, and we are trying to do that. And we are trying very, very hard. We are being aided by our Speaker, by Senator BIDEN, and by the President of the United States, and by the Chief of Staff, Leon Panetta.

I want to assure the gentleman from Nebraska and everybody else that we are not delaying this conference. We expect it to move ahead. We are asking for the conference to meet tomorrow or the next day, but I am confident that we will begin meeting on Monday. If we do, as I think we are well on the road to be doing, we will have resolved in these private meetings most of the tough issues, and we will have a bipartisan bill that can pass overwhelmingly.

So I am certainly in favor of the gentleman's motion to instruct the conferees, and I am going to vote for it. I urge an "aye" vote, and we go home.

Mr. HOAGLAND. Mr. Speaker, reclaiming my time, I appreciate those assurances.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly support the gentleman's proposal tonight, the motion to instruct to get the conferees to act on the crime bill. But I find there is a lot of irony in this.

First of all, I heard the gentleman from California, whom I respect greatly, one of five senior members of the Committee on the Judiciary, comment there were meetings constantly going on privately, but we have not had the public meetings. I would say those meetings are all on the other side of the aisle. I do not know a single House Republican who has been included in any of those meetings.

In fact, it is the problems of the other side and their gridlock over, I presume, the Racial Justice Act or so-called Racial Justice Act that would, according to the attorneys general of the 50 States and our district attorneys around the country, effectively end the death penalty in the United States if it were to become law, and it is in our House bill. It is that proposal that has got the Democrat Party hung up, unable to resolve this.

They are meeting privately. I do not know any Republican that has been meeting. We have been going on and on like the gentleman form Nebraska [Mr. HOAGLAND] has been saying. The Senate passed its bill in November. We passed our bill in April. We had conferees appointed in May. We had one meeting on June 16 that was public where the conferees did get to give speeches, but we never had a chance to get out and get with the business.

I hope when we have a conference, that we are going to find it is bipartisan, that we will actually be able to do what the Committee on Banking, Finance and Urban Affairs did yesterday on a couple of bills in conference, is walk them through and let each Member have an input into it and have the discussions and the debates and the amendments that you normally associate with a conference, that we did not have last Congress when we had a crime bill that unfortunately did not become law.

I would note one other irony in here of particular concern to me. While I have a lot of respect for the gentleman from Nebraska, who has brought this proposal today, I have to note that he twice voted for the Racial Justice Act that last got them hung up on the other side in his own party. I gave him the opportunity twice. One time his vote was the decisive vote. It only passed this House by one vote. It is nonsense. It should have not been passed in the first place. If it had not been passed and he had not voted for it then, it would be a problem today and we would have gotten on with this conference and long been meeting. That seems to be the problem.

I must say the American public is tired of our messing around. They are concerned with violent crime in this country. They are very concerned with the fact that 6 percent of the criminals are committing better than 70 percent of the violent crimes, and those 6 percent are not serving but about a third of their sentences. They want to see us enact laws that will help the States to incarcerate those criminals, and get to truth in sentencing, and provide the funding for the prisons. And they would like to see us do what is not in our crime bill even. They would like to see us end the endless appeals that death row inmates have, that the other side of the aisle, the gentleman from Nebraska who is offering this side, his side is hung up on and never been able to let us get a good provision out of here that indeed allow us to continue to have the death penalty in the United States.

They would like to see us have something we did not get a chance to vote on this year, because his party and the Committee on Rules did not allow us to have that, which is the opportunity to change the rules of evidence on searches and seizures, so local law enforcement can get more evidence in to get convictions in a lot of these crimes where people are getting off, the so-called exclusionary rule to the good faith exception.

So I find while they definitely want to see us act and we all want to see the conference act, that anybody standing here tonight on the other side calling for us to act promptly on a matter that they produced the problem on in the first place, and their party is hung up in, really has a lot of ironic questions that have been raised, even though we are going to support this motion.

I think, appropriately, it has given the Republicans the opportunity, as we are taking tonight to say wait a minute now, where is the bipartisanship? Where is the opportunity for us to get in there in the room? Where is the opportunity for us to be in those so-called private meetings, hammering out some of these things.

Our staff have not even been involved. At least on the other major committees I am involved with, Republican and Democratic staff on both the House and Senate are getting together to work out these details so we have an agreement.

In this particular bill, the history of the Committee on the Judiciary is for them to work it out on the Democrat side in some secret meeting somewhere. It looks like it is happening again this time. I am saddened by that fact.

But yes, I want us to meet promptly. There is a violent crime every 22 seconds. The gentleman is right. There are 476,370 people who have been victims of violent crime in the 90 days that have elapsed since the crime bill was passed by this House; 277,830 have been victims of aggravated assault; 26,820, according to the time clock, have been victims of rape in those 90 days. And 5,850 Americans have been murdered since the House passed a crime bill that we have not been able to get a conference on, because the other side is hung up trying to come to some resolution internally to please one of its factions on the issue that is spurious about the question of so-called racial justice.

I am for equal justice in sentencing and fairness, and I do not want race to be a part of any sentencing. But let me tell you, I do not want to abolish the death penalty in this country, and that is what the AG's and district attorneys say that provision would do. That is what is causing this bill to be hung up, I am told. I am not in the room, but I am told that there is a big fight over there on your side.

Mr. Speaker, I reserve the balance of my time.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Speaker, I rise to urge the conferees on H.R. 4092, the Violent Crime Control and Law Enforcement Act, to report this vital measure immediately. We simply cannot afford to hold the safety of our streets hostage to political haranguing any longer.

Over 3 months ago, an overwhelming majority of the House passed this legislation, which represents the largest Federal anticrime commitment in American history. The legislation passed by the Senate is similar to the House legislation on the major issues. However we cannot seem to come to agreement long enough to take the first step in taking back our communities. This is what they mean by politics as usual.

We cannot afford to wait any longer. Each day that passes without a report from the conferees, is another day without three strikes and you're out, another day without more police officers on the street, and another day with military-style assault weapons freely available to kill innocent persons.

Our communities desperately need the conferees to report this bill and we in Congress need to pass it. Not only do we need this bill passed to ban military-style assault weapons, but passage of our anticrime bill is necessary to prohibit the transfer of guns and ammunition of juveniles.

Among the most important reasons we must pass this bill is to authorize between $1.8 and $6.9 billion for crime prevention programs to provide education, treatment, recreation, and job opportunities for at-risk youth.

Every day without a crime bill in my district is a day in which the Broward County Juvenile Justice Program goes without the essential funds it needs. Funds that would be used to keep our children in school. Funds that would be used to evaluate the many problems of juvenile offenders and give them the treatment they so desperately need. This is just one example among many from my congressional district of how our delay in getting a report from the crime bill conferees is shortchanging our constituents and our society.

Today is yet another day in which the crime bill will not be passed. Today and every day we delay reporting this bill is a day in which thousands of new cops will not be put on the street. Consider all of the prison beds which will not be constructed today. Think about the drug kingpins who will be allowed to kill without fear of the death penalty today. Think of the assault weapons which will not be taken off the street today, and most importantly think of the lives which may be lost due to our lack of action on this critical piece of legislation.

Today the House and Senate will not ensure that criminals receive swift and sure punishment. Today we will not extend the death penalty to crimes like trafficking in large amounts of drugs, killings by drug kingpins of police officers, drive-by shootings which result in death, espionage, treason, murder of law enforcement officials, and intentional killing of witnesses which results in death. And, the States will have to wait until we can act before having access to between $6.5 and $14.1 billion for building new prisons.

Mr. Speaker, the conferees have had 3 months to work out the differences between the two measures. Every day that they continue to confer, the law-abiding citizens of America suffer from random gun violence, lack of police protection, and a fear that crime will go unpunished.

Therefore, it is time to report the anticrime bill so that we can send it to the President and put the Federal Government back on the side of America's law-abiding citizens.

□ 1930

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HYDE], a member of the Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I want to take this opportunity to salute the gentleman from Nebraska who has shown great courage and inventiveness in bringing this question forward in this method, instructing the managers to meet promptly.

I think it is amazing that we need this instruction as a lever, as a device to get some momentum going on the crime bill, which everyone has been posturing over and flexing muscles and talking about how serious the problem is and all the great things these bills do to grapple with that problem.

We named our conferees in the House April 21. That is 3 months ago tomorrow. And then 52 additional House conferees were appointed May 17. That is over 2 months ago. And the Senate conferees were appointed May 19. But here we are in the deep freeze, frozen in amber, immovable, intransigent. Nothing is happening. Yet we hear this cascade of statistics about the rapes and the car shootings and the kidnapings and there is no movement.

So we on this side are stunned by this sudden burst of activity on the part of the majority party. We can only say, there has been one meeting of the conferees, and that was June 16, when opening statements were made. And then it has been Death Valley. Nothing is going on that we know of.

The gentleman from California said there had been meetings. These are stealth meetings because no Republicans have been invited and no Republican staff. So they are negotiating between themselves, and this may be the most expeditious way to go, but we do not know that. Nobody knows that. And the gentleman from Nebraska [Mr. HOAGLAND] does not know that or he would not be bringing this motion to instruct.

I would like to ask the gentleman from Nebraska a question, if I could capture his attention for a moment.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. UPTON. Are these crime meetings? The gentleman said they are going in smoke-filled rooms. Is this sort of like health care?

Mr. HYDE. I do not know about smoke-filled rooms, but they are going on behind closed doors.

I would like to ask the gentleman from Nebraska a question.

I take it that the gentleman attends Democratic caucus meetings and that he attends meetings where the Speaker and the majority leader and the powerful chairman of the Committee on the Judiciary are present. Has he ever addressed them on this subject and asked them why we have not had conferences? There has been considerable discussion over here.

Would the gentleman share with us their responses to him? I do not want him to betray a confidence, but what have they told him when he asked them when in the heck are we going to have a conference on the crime bill?

Mr. HOAGLAND. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Nebraska.

Mr. HOAGLAND. Mr. Speaker, that there are a number of complicated issues that need to be worked out.

Mr. HYDE. But not with us. It is among themselves, these complicated issues, is that the gentleman's understanding?

Mr. HOAGLAND. Well, we did not discuss who was involved in the complicated issues conferences, only that they are very complicated. Of course, those of us who are anxious to get this passed and get it enacted, so the deterrent effect in many of these provisions can continue to be felt, can begin to be felt, I should say.

Mr. HYDE. I just wanted to say again that I salute the gentleman's courage in standing up on his side and saying, let us get going. I think that is wonderful. It is something we Republicans can all assent to with some enthusiasm. And if the gentleman ever gets any answers, I would appreciate it if he would let us know. I thank the gentleman very much.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho [Mr. LaRocco].

Mr. LAROCCO. Mr. Speaker, I thank the gentleman from Nebraska for bringing this motion to the floor. I think that what we are doing here is talking about a sense of urgency.

I do not come to the well here to point fingers at the minority or the majority. I just come here to bring a message from the people of Idaho that they want to see this issue resolved. I think that we want to move ahead as fast as we can.

People are waiting in America for us to resolve this issue. The gentleman has brought us this motion, and I think it is important to discuss that we want to have a vote on this. We want to do it quickly. We want to work hard. That is the expectations from the people of America, that we do our business here. I think it is OK to focus on this.

I have told people that I did not come to town to dance. I came here to make a change in people's lives, and in a positive way. I think we have taken a bold step on the floor of the House here in the past to resolve the crime issue, and I hope that we can move forward.

I like certain aspects of this bill. I voted for it. Truth in sentencing, police on the beat, boot camps, prevention measures. It is a smart bill. It is a tough bill. I want to vote on it. And there are going to be aspects of it that I might not like, but we need to have this opportunity before we go home for the August break. The gentleman from Nebraska makes a good point.

I like three-strikes-and-you're-out. People in my district want it, and they want us to have a vote on it. And they want us to take care of this soon.

I thank the gentleman. My purpose here is to address the House, not to point fingers at anybody, but I think that the gentleman is going to add some momentum to the urgency of bringing this matter to the floor of the House.

I think he feels it from his constituents in Omaha. I feel it all the way from Boise and Priest Lake and Port Hill, ID. Right after we passed this bill, 3 months after, I went home to a boot camp in Idaho and saw how well that was working in our great State where they mixed education up with prevention and detention. It worked there. They said, let us go on with this. Let us do it at the Federal level and do it right.

I met with police chiefs, detention officers. They said, let us move ahead. Let us be smart. Let us be tough. Let us get on with it. That is my message today. I support this motion.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arkansas [Ms. Lambert].

Ms. LAMBERT. Mr. Speaker, I rise today in support of Representative Hoagland's motion to instruct conferees to meet promptly in order to pass the crime bill right away.

On April 21 of this year, the House passed H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994. It has now been 3 months since that date, and the longer we wait to pass this bill, Mr. Speaker, the longer the citizens of our Nation must endure the violent crime that is sweeping our Nation.

As a resident of the rural first district of Arkansas, I am particularly concerned about FBI statistics that show that violent crime is rising 5 percent faster in rural areas than in urban ones. The peaceful picture of rural America that depicts the little white house surrounded by a white picket fence and children happy at play is soon to be a picture of the past if we do not take immediate action. With a strong balance between punishment and prevention measures, our crime bill will provide the resources that will help our families, our communities, and our government work together to fight crime.

We, as legislators, have a duty to ensure the safety and protection of all Americans. But until we pass anticrime legislation, our citizens will not have the resources to fight the crime that has invaded each and every one of their lives. I therefore urge our conferees to meet promptly to smooth out differences in our crime package, so that we can pass this bill and help make our Nation safe again.

□ 1940

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. Menendez].

Mr. MENENDEZ. Mr. Speaker, on April 21, this body passed a comprehensive crime bill to combat the pervasive crime problem in this Nation, and almost 3 months later it remains pending in conference. The American people deserve and need the benefits of this legislation. They deserve to see more police officers on their streets. They deserve to feel safe within their schools, homes, and communities, and they deserve it today.

In my home State of New Jersey, 5,951 persons out of every 100,000 are the victims of violent crimes. In the past decade violent crime has risen 54 percent nationwide. With statistics like these, it is no surprise that the No. 1 concern of Americans is crime, specifically violent crime.

Yesterday, the New Jersey papers carried three separate stories about the murders of six different people: A Jersey City man who slashed the throats of his ex-girlfriend's mother, sister, niece, and nephew; two motorcycle gangs which clashed at a picnic, leaving two people dead, two critically injured and eight wounded; and a young man who kidnapped, sexually assaulted, and murdered a young girl. Two of these victims were ages 6 and 7. For Shakaya Roberts and Amanda Wengert the crime bill is already too late. Their murderers will not be subject to the three strikes provision.

The crime statistics which confront our children now do not have to reflect our future. Through the implementation of effective prevention and nonviolent conflict solution programs, and by keeping our youth in school, we can avoid their traveling down the wrong road. There are no easy or precise solutions to the problem of violent crime; however, I do believe the crime bill will be a major step toward safer streets and safer school hallways and safer communities.

The crime bill renews our fight against this malignancy which has invaded our streets, our schools, and our lives. I urge my colleagues to support Representative Hoagland's motion to instruct conferees and to get the job done now. Let us have a crime bill now.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Filner].

Mr. FILNER. Mr. Speaker, I thank the gentleman from Nebraska for giving us the sense of urgency on this issue.

Mr. Speaker, today is day 34 of a hostage crisis in Congress. Sent to a conference committee on June 16, the crime bill has been held hostage in committee for 34 long days.

But while Congress fiddles, America burns. Criminals go to work every day: in our streets, in our parks, in our businesses, and in our homes.

From San Diego to Washington, the message is clear: crime is out of control and the people want action.

We need to put more cops on the streets. We need to get assault weapons out of the hands of children. We need to make community policing a part of every community. We need to fight violent crime. And yes, we need to create jobs, build schools, provide decent housing, and restore hope to neighborhoods across America.

None of us will approve of everything in the crime bill, but the debates have been heard and the votes have been cast. Let us stop fighting the crime bill and start fighting crime.

Today is day 34 of the crime bill hostage crisis. What are we waiting for?

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Cunningham].

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from California said that the crime bill is being held hostage. It is not being held hostage on this side of the aisle. As has been discussed before, the secret meetings are on the Democrat side. Get them to come to the floor and we will vote on the thing.

The gentleman is rattling his sword before the House here. Why does he not do it in his conference report, because the Republicans are ready to come before the committee, no matter what it is.

The gentleman from Florida said that the extremist position is holding the crime bill from coming to the floor. That is the racial justice. Bring it to the floor. We have already voted on it, we have debated on it, but go ahead and do it.

What the gentleman is talking about is not doing any good. The gentleman from Nebraska [Mr. HOAGLAND] voted for the racial justice bill. That is one of the things that is holding this whole thing up. Let us bring it to the floor, even if it is in there, and I commend the gentleman for doing that, but let us at least bring it to the floor.

The gentleman has no problem on this side of the aisle. Do it tonight. Our Members will show up. But there is no problem on this side of the aisle as far as bringing the crime bill. When the gentleman is talking about holding it hostage, it is from the Democrat side.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it really does not serve any worthwhile purpose to have Members beginning to point their fingers at who is holding up the crime bill. We know there are issues unresolved.

Most of us do not even know what is in the chairman's mark, but let me say this, it is not the racial justice issue that is holding up this crime bill. The gentleman must understand that whether it is assault weapons or other issues, there are many issues that are being discussed. Please, I would ask the gentleman from California [Mr. CUNNINGHAM], do not take the position that racial justice is holding up the crime bill.

The fact of the matter is, there is the assault weapon issue and many other issues that are being discussed, as the gentleman knows, and it is not fair to simply point the finger in that way. It is irresponsible.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I would say to the gentlewoman from California [Ms. WATERS], what is irresponsible. We are ready to come to the table. Whether it is assault weapons, whether it is racial justice, or whatever it is, if they want to schedule a conference report, if they want to go to a conference meeting, let us do it.

The only discussion we are seeing is on that side of the aisle. No Republican staff or no Republican on the Committee on the Judiciary has been allowed to even discuss it. Bring it to the table and we will discuss it.

Mr. HOAGLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Speaker, I think it is tremendous. We are in the heat of agreement. I gather what we want to do is to express our sense of urgency that we do need to pass a crime bill. Certainly there might be items that still divide us, and not to minimize those differences, but the point is there are far more items that unite us.

Both houses want more cops on the streets. Both houses want truth in sentencing. Both houses want three-strikes-and-you-are-out. Both houses want new tools for prosecutors. Both houses want alternative sentencing, like boot camps for young people. They want crime victim prevention. They want preventative efforts for our juvenile justice system.

There are many items that are very critical to the people of this country, to crime victims, to the children, and to senior citizens. I say let us work together, let us get it done quickly, and I applaud the gentleman from Nebraska [Mr. HOAGLAND]. It is time to move this bill forward.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had a very interesting discussion out here tonight. I certainly, as I said at the beginning, support the gentleman's motion to instruct so that the conferees and the crime bill move more promptly. I do not know any Republican on this side of the aisle who does not believe that that should be the case.

However, Mr. Speaker, we have heard a whole parade of people come forward on the Democrat side of the aisle to state their strong convictions about this, that, or the other need for some provision in the crime bill, and we ought to move forward and so forth, and it is beginning to sound to me like it is a Democrat endangered incumbent amendment we are out here producing today, so everybody can give their testimonials.

Just as I said earlier, there is a lot of irony in this. I do not diminish the importance of the subject. I think it is extraordinarily important. There is probably not anything that this Congress is dealing with that is more important than attempting to get to a resolution of some law on the books that will help the States, and provide a change in the climate that truly will lock up the violent criminals who are the repeat violent criminals that are committing these crimes in this country and keep them locked up.

We want to do that and to do some of the other steps we need to. We may be debating some of the fine points and having disagreements on where some of the resources ought to go.

□ 1950

But what is ironic about this is that we Republicans, while we are listening to all of this, have not produced this particular motion to instruct. All the gridlock is over on the Democrat side. We have not been invited, as the gentleman from California [Mr. CUNNINGHAM] said, into the room. I am a conferee. Not one staff member from the Committee on the Judiciary House conferees nor a member of the committee has been invited into a meeting since June 16, when all we did was get together publicly to give our opening remarks as members.

It there are negotiations, we do not know what they are. We are reading and listening to the press accounts and listening to what a few of our colleagues say hither and you dropping hints about it. We gather from all that I have heard on the various news shows on Sunday and so forth that the problem is, contrary to the gentlewoman from California, Ms. WATERS', comments, the problem has been and still is apparently over the dispute within the Democrat Party over the so-called Racial Justice Act because a sizable proportion of the gentlewoman's party seems to want to end the death penalty as we know it now or at least wants provisions that would effectively do that as 50 State attorneys general have said to us in a resolution they passed just a few weeks ago, or the 7,000 district attorneys, who have said through their association, there seems to be a strong view by at least a substantial portion of the other side of the aisle that, indeed, this is the case.

But I gather that there is a diminishing support for this. The gentleman from Nebraska [Mr. HOAGLAND] who is offering this motion, who understands, I think, now, the error of his earlier votes, because he voted with us a few days ago to reverse his position on the Racial Justice Act, probably the gentleman knows better than anybody in the room that indeed the Racial Justice Act would be trouble in River City, it would be now the end of the death penalty, would at lease cause us to go to sentencing in States that have not had the death penalty by quotas, by racial quotas. But the gentleman did twice vote for it. The gentleman voted for it when he voted against my proposal that would strike it from the bill on the first day, and as I said earlier, had he not done it, we would not be here tonight, as I see it, worrying about promptness, because the fact of the matter is, if the issue is as I hear over that issue, it would not even be on the table. That was decided effectively by one vote.

Now I know the delegates voted, so there was a five or six vote difference on paper, but if we took their votes away, because they cannot effectively have any say here, and if there had been one vote difference, we would have prevailed on it and the Racial Justice Act would not be here. We would have the Equal Justice Act. We would have the provision that should have been here all along, that except for partisan consideration and failure to look at it, a Republican proposal would be on the table that would step by step prevent racial bias in the courtroom, not just in death penalty cases but in all cases by providing for statutory provisions to protect from racial bias in voir dire, in sentencing, in every stage of a criminal proceeding.

But, no, we are wrapped up into partisan gridlock on the gentleman's side of the aisle. I am amused in that sense by it but I am chagrined, as the American public is, that all this time has passed, all this time has passed since we had the initial conferees appointed. Ninety days, as we said earlier, have passed sine we passed the bill in the House. It is time to move on.

Yes, I will vote for this motion to instruct, but I again just want to point out in closing, we on our side, we Republicans have never had a problem with moving that crime bill. We have not even been invited into the room. I challenge anybody to tell us when we have been invited into a meeting on this other than the opening first day of the conference, and we would love to have a bipartisan bill. We really want one. But we are waiting for the other side to give it to us.

I thank the gentleman from Nebraska [Mr. HOAGLAND] for at least offering us a chance to express our views on this issue tonight.

Mr. Speaker, I yield back the balance of my time.

Mr. HOAGLAND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say briefly, this is an opportunity for us this evening, an opportunity for the general membership of the House to speak, those of us that are not on the Committee on the Judiciary perhaps, those of us that are not involved in the conference to say in a bipartisan cooperative basis, "Look, let us just get this crime bill out of conference, let us get it back to the floor of the House, to the floor of the Senate, let us pass it and get it to the President."

There are a lot of difficult issues, no question about it. But a lot of other committees in this House and other conferences in this body have handled difficult issues competently and effectively and quickly. I think that we can get this done. We just need to gather all 435 of us, tell the conferees, "Look, it has been over 3 months." Please resolve your differences, please get the bill back here because we are losing time.

There are an awful lot of things about this crime bill that are really going to help the crime situation throughout the country. We have been through the statistics before. There are so many thousands of crimes committed every week in America. It is just horrendous. And clearly there are a lot of provisions in this bill that are really going to help deter that crime. A lot of the provisions in this bill are going to help prevent crime. So let us get the differences on a small issue resolved and get the bill passed, get it out here, get it to the President so we can begin to feel the beneficial effects. That is all this motion is.

Mr. Speaker, I ask the adoption of the motion.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Nebraska [Mr. HOAGLAND].

The motion was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 50TH ANNIVERSARY OF ASSASSINATION ATTEMPT OF ADOLF HITLER

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DORNAN. Mr. Speaker, I am looking forward to the Oxford Debate tonight as I hope is a good percentage of America.

I missed a chance this morning to do a 1-minute on the 50th anniversary of the one glowing moment in the horrible reign of terror, Hitler's 12 years of the Third Reich, where noble people, just a handful, paid with their lives in what was called Operation Valkyrie, the attempt to kill Adolf Hitler at his Wolf's Lair command bunker in East Prussia. Claus von Stauffenberg, a count, a loyal Roman Catholic of an aristocratic family, came within a hairsbreath of destroying, with Stalin, one of the most evil men in all of recorded history. I will put in this excellent article from the Washington Post on the tributes being paid or that were paid a few hours ago to von Stauffenberg and the 5,000 or so officers and noble men who lost their lives in Hitler's vicious hanging, fake trials and then watching the movies of their death for hours on end at his Berchtesgaden hideaway.

Mr. Speaker, sometimes God says no to good deeds. The war continued, millions more died, and Germany was turned into rubble. The Claus von Stauffenberg plot should have been hatched in 1940, 1941, 1942, 1943, not 1944. That is the only cloud over the heroic deeds of Operation Valkyrie.

Mr. Speaker, I include the article referred to in my remarks, as follows:

[From the Washington Post, July 20, 1994]

GERMANY HONORS ANTI-NAZI PATRIOTS

(By Rick Atkinson)

BERLIN—He is an unlikely martyr—a traitor whose courage far exceeded his competence as an assassin, a conservative aristocrat whose admiration for his Nazi superiors only gradually yielded to revulsion and resistance.

But Germany must take its war heroes where it finds them, and thus Count Claus Schenk von Stauffenberg has been elevated to demigod status for a noble failure—his botched effort to kill Adolf Hitler and end the terror of the Third Reich.

Of the 2,077 days that passed from the beginning to the end of World War II, Germans can revel in only one—July 20, 1944, the date of Stauffenberg's unsuccessful bombing of the Fuehrer's East Prussian headquarters. In this long season of 50th anniversaries commemorating by-gone heroics Germany's opportunity for fond remembrance has finally come around, and the country is making the most of it.

"Nobody likes to celebrate a defeat, as Normandy was for us. But the 20th of July is really something we're proud of," said Cmdr. Joerg Duppler, a military historian at the German Defense Ministry. "My opinion is that it's the only thing we can be proud of during World War II and the Nazi regime."

Stauffenberg's attempted coup will be honored with a high-level ceremony in Berlin, as well as a traveling exhibition titled "Against Hitler: German Resistance to National Socialism, 1933–1945," which opened last Thursday at the Library of Congress in Washington. While extolling the virtue of those, like Stauffenberg, whose righteous impulses cost them their lives, the exhibit inevitably underscores how few and ineffectual the resisters were.

"You shouldn't get the impression that Germans were resistance fighters; certainly not," said Johannes Tuchel, director of Berlin's Memorial to German Resistance. "You can point out that during this dictatorship a handful of people resisted, but you cannot use them to counterbalance the crimes of National Socialism. You can't diminish the atrocities of the Third Reich."

As seems inevitable whenever the subject of World War II is broached in Germany, controversy is not far afield. Chancellor Helmut Kohl has grabbed the spotlight for the 50th anniversary commemoration today and will be the featured speaker at a ceremony on the site where Stauffenberg and several co-conspirators were executed. Kohl's opponent in the upcoming federal election, Social Democrat Rudolf Scharping, has accused the chancellor of politicizing the event and exploiting the sacred memory of German resistance.

Moreover, Stauffenberg's son, Franz Ludwig, a businessman and former member of parliament, has bitterly objected to honoring Communists, socialists and other leftist opponents of the Nazi regime. German Communists in particular "not only built a second terrible dictatorship in a part of Germany after 1945, but also killed tens of thousands of people and had hundreds of thousands incarcerated," Franz Ludwig Stauffenberg, now 56, told Focus magazine.

Stauffenberg's objections notwithstanding, the exhibition in Washington and the Memorial to German Resistance in Berlin remain unaltered. "We can't manipulate the resistance today and only show those things that please us," Tuchel said. "If we want to learn from history, we have to show everything, whether it's painful or not. . . . And the truth is painful."

In the same way that Steven Spielberg's movie "Schindler's List" triggered soul-searching here about why so few German citizens acted to prevent the extermination of Jews, so has resurgent interest in the July 20 plot provoked discussion about the obligation to resist tyranny.

As the Library of Congress exhibition demonstrates, resistance to Hitler was diverse but never deep. A few clerics spoke out; most did not. Other opponents resisted from a distance, such as author Thomas Mann and future chancellor Willy Brandt, both of whom left Germany as Hitler consolidated his chokehold on the country.

Brutal Nazi repression of the Communists beginning in 1933 also spawned an underground resistance. Members of the Red Orchestra, a Berlin-based cell made up largely of middle-class intellectuals, had some success in distributing leaflets and passing military secrets to the Soviet Union. Those caught by the Gestapo were summarily executed or, like the late East German leader Erich Honecker, imprisoned for years.

"The opportunities for resistance were severely limited due to the terror and the effectiveness of political measures, not least of all the streamlining of the administration of justice that came after 1933," Peter Steinbach, a professor of political history, wrote in a recent essay.

In the face of such odds, a few brave souls demonstrated extraordinary valor. Students and teachers in a University of Munich group known as the White Rose, including Hans Scholl and his sister Sophie, distributed a pamphlet in February 1943 summoning "the youth of Germany"; to rebel; they were arrested and beheaded.

Other groups often resembled secret debating societies rather than havens for bomb-throwing insurrectionists. Nevertheless, they kept alive the flame of decency and human dignity in Germany's darkest hour. Count Helmuth von Moltke, for example, summarized the values of the Kreisau Circle in a 1941 memo: "The end of power politics, the end of nationalism, the end of the racial concept, the end of the state's power over the individual."

For Stauffenberg it all boiled down to one overriding goal; the end of Hitler. A devout Catholic and loyal army officer, Stauffenberg's enthusiasm for the Nazi regime quickly faded following the 1938 anti-Jewish pogrom known as Kristallnacht. Wounded in Tunisia in 1942—he lost his right hand and two fingers on his left—the young colonel eventually returned to Berlin as chief of staff in the General Army Office. There he became deeply involved in conspiracy of officers and political figures appalled at Germany's devastating combat losses.

"Stauffenberg's single-minded determination and dynamic personality quickly breathed fresh life into the cabal," historians Anthony Read and David Fisher have written. "By the end of the year [1943] he had become its unquestioned leader, dominating both the politicians and the generals."

Because of his wounds, Stauffenberg was unable to wield a pistol, so he decided to kill Hitler with a briefcase bomb. His chance came on July 20, 1944, at a daily military briefing for the Fuehrer at his "Wolfsschanze" headquarters in East Prussia. After activating the fuse with a pair pliers, Stauffenberg carried the briefcase into a wooden hut and placed it beneath an oak table a few feet from where Hitler was standing.

At 12:37 p.m., Stauffenberg left the room on the pretext of taking a phone call. Five minutes later, the building was gutted in a roar of smoke and flame. Stauffenberg hurried to the airfield and flew back to Berlin, convinced that Hitler was dead.

He was not. Another officer had unwittingly shoved the briefcase behind a heavy oak table leg, which shielded the Fuehrer from the blast. The open windows and flimsy wooden walls of the building further diminished the power of the blast. Although singed and a bit battered, Hitler was essentially unhurt.

In Berlin, the coup quickly collapsed. Stauffenberg and three others were arrested and marched into a courtyard at army headquarters. Shortly after midnight, they were executed by firing squad. Before the fatal volley, Stauffenberg cried, "Long live our sacred Germany!"

Hitler used the assassination attempt to purge the army and impose a reign of terror that lasted until the end of the war 10 months later. An estimated 5,000 people, most of whom had no connection to the July 20 plot, were executed after mock trials. Many were strangled with piano wire suspended from meat hooks.

Since Germany's emergency from the ashes of the war, the nation's military has sought to establish its spiritual ties to Stauffenberg and his fellow conspirators rather than to the warmongers who became the instrument of Hitler's ambitions.

"The 20th of July is a permanent legacy of our state and our armed forces," said Duppler, the military historian. "For those of us in the Bundeswehr, the day is a chance not only to honor the resistance fighters, but also a remdiner of our duty, of the dichotomy between obedience and the superior obligation to human rights."

Even so, the country long remained divided in its feelings toward men who had violated their sacred oath to support the Fuehrer unto death. A series of polls has tracked that ambivalence for four decades. In 1951, for example, when asked, "How should the men of July 20 be judged?" 45 percent said the conspirators should be considered favorably, while 34 percent judged them negatively, and 21 percent had no opinion.

In a similar survey, respondents were asked, "When you hear of a soldier or an official who was a member of a resistance group during the war, does that speak for or against him?" In 1964, 29 percent replied "for," 32 percent "against," and 39 percent were undecided. In 1985, 60 percent answered "for," 12 percent "against," and 28 percent were undecided.

As the country celebrates the 50th anniversary of the plot, most historians believe their fellow Germans now view the resistance as a guiding light for "this Western-oriented, liberal democratic state that we have today," as Duppler put it.

Perhaps the most eloquent summation comes from a leaflet distributed by the White Rose:

"It is not given to us to pass final judgment on the meaning of our history. But if this catastrophe is to serve in any way toward our salvation, then it can be only through this: that we be cleansed by suffering, that we yearn for light in the darkest night, that we rouse ourselves and finally help cast off the yoke that is oppressing the world."

RECESS

The SPEAKER pro tempore. The Chair will declare a very brief recess.

Accordingly (at 8 o'clock p.m.), the House stood in recess subject to the call of the Chair.

□ 2008

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. NADLER] at 8 o'clock and 6 minutes p.m.

OXFORD-STYLE DEBATES

The SPEAKER pro tempore. The House will again, as it did on May 4, 1994, conduct a structured debate on a mutually agreed upon subject. A Member recognized by the Chair and holding the floor as moderator will yield time to eight members on two teams, with each team composed of two Members from the majority party and two Members from the minority party.

The primary purpose of this debate is to enhance the quality of the deliberative process of the House of Representatives, so as to enable all Members to be better informed and to participate in subsequent debates and decisions on major issues.

Under the previous orders of February 11, 1994, and June 10, 1994, the gentleman from Maryland [Mr. CARDIN] will be recognized to moderate a structured debate in the format and sequence that he will describe, which has been mutually established by the majority and minority leaders.

The rules of the House with respect to decorum and proper forms of address to the Chair will apply during this debate. The moderator will yield time to the participants and will insist that Members not interrupt on other Members' time. As part of the experiment—and not as a precedent for other proceedings of the House—the moderator and the participants will have the aid of a visual timing device.

The Chair recognizes the gentleman from Maryland [Mr. CARDIN] for up to 2 hours.

RESOLVED THAT THE UNITED STATES SHOULD USE TRADE POLICY TO IMPLEMENT HUMAN RIGHTS POLICY

Mr. CARDIN. Mr. Speaker, tonight instead of the normal special orders, the House of Representatives is holding its third Oxford-style debate. This debate differs from the first two that we have said in that it is bipartisan in nature. The teams are made up of both Democrats and Republicans. This debate demonstrates how Democrats and Republicans can work together to solve the problems facing our country.

The topic for tonight's debate is: Resolved that the United States should use trade policy to implement human rights policy. The debaters supporting the resolution are STENY HOYER from the 5th District of Maryland, GERALD SOLOMON from the 22d District of New York, NANCY PELOSI of the 8th District of California, and FRANK WOLF of the 10th District of Virginia.

The debaters opposing the resolved statement are DAVID DREIER of the 28th District of California, MIKE KOPETSKI of the 5th District of Oregon, JIM KOLBE of the 5th District of Arizona, and EDDIE BERNICE JOHNSON of the 30th District of Texas.

At this time I would like to remind the debaters that the time limits will be strictly enforced. During the questioning portion of the debate, questions will be limited to no more than 30 seconds and answers to no more than 1½ minutes. During that period I would ask the Members to please remember that questions must be asked by the questioners and answers must be given by the respondents.

At this time I recognize the gentleman from Maryland [Mr. HOYER], who is entitled to 3 minutes for an opening statement.

Mr. HOYER. Thank you, Mr. Moderator.

It is our position that America should, in appropriate instances, and in the face of human rights abuses, use trade policy as one of its strategies to implement its commitment to universal human rights. We believe America has been uniquely a leader in standing for human rights and principle in the international arena.

At our birth, Thomas Jefferson stated clearly our conviction which has become the world standard. He said that we hold these truths to be self-evident: That all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.

□ 2010

Jefferson said that declaration was issued out of a decent respect for the opinion of mankind.

Following the Holocaust of the 1930's and 1940's, the United Nations, in its charter, reaffirmed, and I quote, "faith in fundamental rights," and in its 1948 Declaration of Human Rights, the international community recognized, and again I quote, "the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice, and peace in the world."

It is our side's proposition that in the face of egregious violations of these unalienable rights that business as usual is an untenable denial of the very essence of America's character and history. In fact, we have repeatedly and effectively used trade policy to implement our policy of expecting all nations to honor their international commitments, with Cuba, North Korea, and now Haiti, in defense of freedom; with Iran, Iraq, and Libya in opposition to terrorism; with Vietnam on behalf of the men and women prisoners of war and missing in action; with Serbia in opposition to aggression and genocide; with the Soviet Union and Romania on behalf of the right to emigrate; with China in rejecting the products of slave labor; and with South Africa on behalf of justice and freedom.

We believe doing business as usual with those who violate the human rights of their own people and thereby threaten the peace and stability of the international community is not only morally unacceptable but strategically dangerous. Therefore, trade sanctions in some instances at some times against certain human rights abusers is and must be an option for American policy.

Mr. CARDIN. The gentleman from California [Mr. DREIER] is now entitled to 3 minutes to speak an opening statement against the resolution.

Mr. DREIER. Mr. Moderator, I thank you and our colleague, the gentleman from Pennsylvania [Mr. WALKER], for organizing what you described as the first bipartisan Oxford-style debate.

Today marks the 25th anniversary of Neil Armstrong's giant leap for mankind. Just as I will never forget watching the grainy TV pictures of those brave astronauts standing on lunar soil for the first time, I will always remember looking across the aisle to the Democrat leadership desk and seeing my leader on the Committee on Rules, the gentleman from New York [Mr. SOLOMON], standing there.

Five years ago this month on an extraordinarily hot and rainy day, the gentlewoman from California [Ms. PELOSI] and I marched from Capitol Hill to the Chinese Embassy to demonstrate our outrage over the Tiananmen Square massacre.

There was no partisan divide in the American effort to reach the Moon, and there are no partisan lines when it comes to supporting human rights overseas. That is an American principle. Despite what Members of the other team may say tonight, there is no question that each participant in this debate is fully committed to freedom and human rights.

While we recognize on the surface we may appear to have taken a difficult position, we are confident that because we know that our two teams do not differ on goals, we disagree on whether trade sanctions improve human rights conditions. We know that the overwhelming weight of evidence supports our position that the best trade policy to promote human rights is economic freedom, freer trade. Trade sanctions have generally proven ineffective to implement human rights. In fact, they hurt the people they intend to help: the poor and weak who suffer both economic hardship and increased repression.

The same year as Tiananmen, President Roh Tae Woo of South Korea, the first democratically elected President, stood here in this Chamber addressing a joint session of Congress. Republicans and Democrats alike cheered when he said the forces of freedom and liberty are eroding the foundations of closed societies, and the efficiency of the market economy and the benefits of an open society have become undeniable; now, these universal ideals symbolized by the United States of America have begun to undermine the fortresses of repression.

Well, 1989 was a dramatic year for freedom. President Roh's address to Congress struck me as especially poignant, because he represented the victory of democracy and human rights in South Korea, a nation which stood on our side during the cold war. President Roh's appearance was more evidence of a simple truth: Free-market policies promote trade which strengthens private enterprise which creates wealth which improves living standards which undermines political repression. That formula works.

That is why our position goes beyond simply emotional rhetoric. We stand on the concrete experiences of countries that have moved from economic liberalization to political liberalization.

I believe tonight we will provide evidence that that is the case.

Mr. CARDIN. The next 11 minutes will be shared by the gentleman from New York [Mr. SOLOMON] and the gentleman from Oregon [Mr. KOPETSKI]. First, the gentleman from New York [Mr. SOLOMON] is entitled to 1½ minutes for an opening statement.

Mr. SOLOMON. My colleagues, linking trade to human rights is in our national interest, because history shows that nations which violate human rights almost inevitably are more likely to be aggressive in their foreign policies. Thus, for America, our moral imperative to challenge human rights abuses dovetails with our strategic need to challenge military aggression throughout this world, and short of war, the best and only weapon we have is trade sanctions.

Take two examples, the Soviet Union and China. Both are countries that were massive violators of human rights. We all know that. And both were aggressive, destabilizing countries. Well, trade sanctions, coupled with a tough NATO defense policy, was the strategy that brought the Soviets to their knees, brought down the Iron Curtain, and ended imperialistic communism around this world. Trade sanctions did that, while at the same time, Communist China had been granted favorable trading privileges, and the unconscionable human rights abuses continue unabated right today; no democracy there. You know that.

Finally, American leadership in world affairs is absolutely critical to our national security, and our ability to lead hinges on staying true to our ideals, for if America forgets her ideals, America will lose her credibility, and without credibility, the oppressed people of this world will lose all hope of ever being treated like human beings.

We Americans cannot allow that to happen.

Mr. CARDIN. The gentleman from Oregon [Mr. KOPETSKI] is entitled to a minute and a half for an opening statement.

Mr. KOPETSKI. Thank you.

Make no mistake, America is second to none in guaranteeing basic human rights to its own citizens and to fostering human rights throughout the world. Americans will always cherish this virtue and never abandon this noble mission.

But we cannot pretend that, as important as human rights are, they are the only foreign policy issue. Because of this reality, we must weigh the effectiveness of each action not in the isolated instance of one country, one grievance, but as part of a comprehensive foreign policy. The principles under which our Nation applies trade sanctions must be clear and consistently applied.

Tonight's debate raises two questions for our Nation. First, should America use its trade policy to reflect our anger with a given nation for human rights abuses against its own citizens? My response is that we should not. For it is a policy which is doomed to failure.

Second, should we use our trade policy as a means to foster human rights throughout the world? I say yes. But in a different sense than the opposing side, for I believe the basic human rights are best improved by a policy of open trade.

In trade, not only are goods exchanged but so, too, are attitudes, ideas, the rule of law, and the importance of procedural rights.

I visited Czechoslovakia in the fall of 1989. There a border guard in the dark of night told me that exposure to the Western world, to different standards of living, and to individual freedom, much of which was learned through tourist trade and television, had as much to do with their quest for freedom as the innate call to be free.

Mr. CARDIN. The gentleman's time has expired.

The gentleman from New York [Mr. SOLOMON] now controls 4 minutes to question the gentleman from Oregon [Mr. KOPETSKI].

Mr. SOLOMON. Thank you. And, you know, one of the greatest violations of human rights would have to be the sponsoring of terrorism. Currently we have sanctions or embargoes against Iran, Iraq, Libya, North Korea, because of their support for international terrorism and exporting revolution. We do not believe those sanctions should be lifted.

And I would ask you along the question that we debate tonight, do you?

Mr. KOPETSKI. Mr. SOLOMON, the issues involved in those countries are national security issues, and all of those countries are not directly related to human rights issues. And I would be glad to go case-by-case through each one of those.

□ 2020

Mr. SOLOMON. I do not think I am supposed to debate you on that issue at this point, but let me ask you, since we have just the 30 seconds on the other question because this is poignant as well: For 2 years we have maintained sanctions against Serbia, which has committed genocide against the people of Bosnia, the worst crimes against humanity in Europe since Hitler and Stalin. Our side does not believe these sanctions should be lifted. Again, with the question we are debating here tonight, do you?

Mr. KOPETSKI. Mr. SOLOMON, I do not believe these trade sanctions should be lifted, and the reason is because again we are dealing with the very extreme situation where there is no government, there is no government, and that is part of the problem in what was the former Yugoslavia today. There is still this transition period of trying to formulate a government.

It is not just a human rights issue that we are dealing with there. We are dealing with the national security issue in terms of Europe, we are dealing with a country that has been decimated because of internal strife. The debate this evening, I thought, was supposed to be centered on human rights issues. And if you broaden this, if you broaden it to include national security issues, I am sure that your team and my team are going to find common ground in many areas of the world where we should use trade as part of the tools.

Mr. CARDIN. Question?

Mr. SOLOMON. I would just say to the gentleman, and I respect his answer, he knows and we know that as far as national security is concerned, we do not want to put one single American soldier on foreign soil if we do not have to. That is why we need trade sanctions to make sure. Your only alternatives are war, diplomacy, or trade sanctions. Let us take the trade sanctions, that is the safest and most humane way.

Mr. CARDIN. Is that a question?

Mr. SOLOMON. I think the gentleman agrees with that, does he?

Mr. KOPETSKI. In response, you are absolutely right in defining three areas that we can use. Our premise is that trade is but one of those tools. You have outlined wonderfully our debate this evening, and I am ecstatic that you have found a new ground with us, a common ground, because we have to look at each nation individually and we have to use our smarts in terms of what will be effective because the policies that we may adopt may be counterproductive and exacerbate the living conditions in a particular country, they may cause repercussions with another country. So you have to look at this in an educated sense. But just because one country has outrageous human rights conditions, that does not, nor should it automatically, mean that we should impose trade sanctions on that nation.

Mr. CARDIN. Mr. KOPETSKI now controls 4 minutes to question Mr. SOLOMON.

Mr. KOPETSKI. Thank you, Mr. Moderator.

Mr. SOLOMON, history will record that perhaps President Nixon's greatest achievement was his historic trip to China in 1972 and reopening of diplomatic relations between our two nations. He did this during the height of the repressive Cultural Revolution. This is only the second time in the 4,000-year history of China that China has ventured out into the world.

Do you believe President Nixon erred in engaging China?

Mr. SOLOMON. I most certainly do think he erred, because I think playing the China card was wrong because if you know the Chinese people, if you have been there and you have worked with them like 30 or 40 years as I have, you know that China is going to do what they want to do and what is in their best interest.

Let me just say to you that if we had not played the China card, there would be no chance that the Chinese would have engaged in a war with the Soviet Union. Yet at the same time, we were placing sanctions on the Soviet Union and having most-favored-nation treatment of China. Look at what happened. You go to the Soviet Union today and, you know, there is no infrastructure, there is no economy there whatsoever, and the reasons was because at the same time that President Reagan was deploying the intermediate-range missiles and having a tough NATO policy, no trade was going on.

Mr. KOPETSKI. You have wandered afield, Mr. SOLOMON. I want to bring you back to the issue of China in 1972. I am astounded to find that you think it was an error. But you are a very consistent politician, and I am sure the people of your district appreciate that.

But does the gentleman believe therefore that the Chinese people had more civil rights prior to 1972 than they do now, today, post-1972?

Mr. SOLOMON. The truth of the matter is they may very well have. The truth is that, according to every—according to Asia Watch, to all of the organizations, they say more people are being detained in prison today than there were last year and more people were detained last year than there were the year before.

Did you know that 80 million people have been killed since that time, since President Nixon recognized the China card? That to me is unconscionable.

Mr. KOPETSKI. Reclaiming my time, prison time is one thing; freedom of movement, Chinese students coming to the United States to get an education, all of these kinds of activities that have occurred, the development of a market economy in China?

Mr. CARDIN. Question, please.

Mr. KOPETSKI. Do you believe that this would have happened regardless of whether President Nixon would have gone to China or not?

Mr. SOLOMON. We did not extend most-favored-nation treatment to China back in the Nixon years. Let me just say to the gentleman, people coming to this country today are favored people by the Chinese regime there. If you listen to any of the missionaries, if you listen—if you go there and you talk to anybody, they will tell you there is a $24 billion trade deficit that is costing tens of thousands of American jobs in this country that the revenues——

Mr. KOPETSKI. Reclaiming my time, Mr. Moderator.

Mr. SOLOMON. May I answer his question?

Mr. CARDIN. The gentleman controls the time, but he should give him an opportunity to respond.

Mr. SOLOMON. He can't cut me off in the middle of my answer.

Mr. KOPETSKI. Mr. Solomon, trade sanctions hurt people, they do not hurt government. The gentleman is advocating the deprivation, starvation, pain and suffering; does the gentleman deny that his policy would target the Government by striking at the Chinese people?

Mr. SOLOMON. I would say to the gentleman that sanctions do hurt the government. What hurts the people are blockades, total embargoes. That could actually hurt the people. But not sanctions.

Sanctions are a long-term affair, the same as were used with the Soviet Union all those years that brought the Soviet Union to its knees so that they did not even have a hospital structure, they had no commercial manufacturing structure. That is what sanctions did. Sanctions work, you know it, and that is why we need a policy that not only the world press will listen to but if we maintain trade sanctions against these people that create these terrible abuses, it is going to help.

Mr. CARDIN. All time has expired on this section.

The next 11 minutes will be controlled by Ms. Pelosi and Mr. Kolbe.

First, Ms. Pelosi is recognized for 1½ minutes to give an opening statement in favor of the statement.

Ms. PELOSI. Thank you, Mr. Moderator.

Mr. Moderator, it is appropriate that we have this debate in this hallowed Chamber. Over the years the House has been a bastion of freedom, true to our national birthright and in keeping with the spirit that is distinctly American, promoting freedom, democratic principles and human rights.

In this great Chamber there are only two paintings, one of George Washington and the other of LaFayette. This honor to LaFayette recognizes France's contribution to our own freedom.

In return, our Founding Fathers determined that while being defenders of freedom at home, we would be friends of freedom throughout the world.

One of the ways in which we have been a friend of freedom is by the use of trade policy, which has been and can be an effective tool because it enables us to use leverage and at the same time shines the bright light of freedom on repression.

History has shown that countries which honor their people's rights make better neighbors and better trading partners.

Economically, countries which do not respect their people, repress their rights, and the wages of their workers, this is not only unfair to their workers, it is an injustice to American workers as well. Politically, each year hundreds of thousands of people flock to our shores in search of freedom. We must export democratic principles so that they can enjoy freedom in their home countries.

Strategically, by supporting those who struggle for liberty, we can prevent a repetition of the tragedies of the 20th century and lay a foundation for peace in the next millenium.

Thank you, Mr. Moderator.

Mr. CARDIN. At this time the team in opposition to the statement is entitled to 4 minutes to question Ms. Pelosi.

Ms. EDDIE BERNICE JOHNSON of Texas. Ms. Pelosi, in March 1993 the U.N. Human Rights Commission passed a resolution endorsing a report which made strong and detailed criticism of Cuba's systematic violation of human rights.

□ 2030

The report concluded with seven steps Cuba must take to bring human rights up to minimum international standards. None of these have been taken.

Does the gentlewoman agree that Cuba and Fidel Castro are just as repressive as or has records of human rights violations equal to or worse than that of China?

Ms. PELOSI. I will answer by saying that I support the words that are in the California Democratic platform which say that we should not remove the embargo on Cuba unless there is an improvement in human rights in Cuba. I was proud to join with many of the women in Congress in sending a letter to Fidel Castro calling for the release of a woman poet in Cuba saying that her rights were being violated and she was being mistreated in prison. I believe that we oppose human rights violations wherever they occur.

Ms. EDDIE BERNICE JOHNSON of Texas. Do you think that the United States should trade with Cuba? If you feel that trade sanctions are a good idea against China, do you think we should continue the current trade embargo on Cuba?

Ms. PELOSI. I am glad the gentlewoman asked that question because we are talking now about two very different situations in terms of what our trade sanction is. Do I think we should give most-favored-nation status to Cuba? No. And that is the tool I am talking about insofar as China is concerned, removing most-favored-nation status for products made by the Chinese military which occupies Tibet, represses people in China, is friendly to the North Koreans, has sold weapons to the Khmer Rouge as recently as this spring.

So, I think, when we talk about an embargo versus a favorable trade treatment which is targeted to the Government and to the military, we are talking about two different tactics, and so I would say that I would treat Cuba the same way as we treat parts of the Chinese economy, which is I would not extend most-favored status to either of them.

Mr. KOLBE. I would just point out in light of what was just said, if we were to withdraw the embargo against Cuba, that would establish most-favored-nation status. That is the consequence of not having an embargo with a country unless specific——

Ms. PELOSI. Not necessarily.

Mr. KOLBE. That is not given it——

Ms. PELOSI. No——

Mr. KOLBE. It does have most-favored-nation status——

Ms. PELOSI. Not necessarily.

Mr. KOLBE. But let me ask this question:

I was pleased that last fall the gentlewoman and I were on the same side of a debate dealing with Mexico and granting trade status, new trade status, to the North American Free-Trade Agreement with Mexico.

More recently, in January of this year, there was an uprising in one state of Mexico. Do you think that the trade that we have with Mexico, the increased trading that we are doing with them, has had any kind of leavening effect whatsoever in the way Mexico has responded to that situation?

Ms. PELOSI. I certainly hope so, but if the gentleman's point is to say that, if it is so with Mexico, why is it not with some other country, I would say that, as the gentleman from Maryland [Mr. Hoyer] said in his opening remarks, that we have to in certain circumstances make a judgment about how to use trade sanctions. In our own hemisphere, with the strong environmental challenges, the difficult environmental challenges that trade with

Mexico presented, as well as with the opportunity to lower Mexican tariffs, I think it was appropriate for us to determine that our national interest was best served by having a North American Free-Trade Agreement. I do not think that that is necessarily the case with China because I believe that, as the Chinese have said, it will take dozens of generations——

Mr. DREIER. Since the gentlewoman has gone back to the issue——

Mr. CARDIN. We have run out of time.

Mr. DREIER. It says 30 seconds down there.

Mr. CARDIN. Well, we are down to around 15, and that does not give time for a question and an adequate answer.

The gentleman from Arizona [Mr. KOLBE] now controls a minute and a half for an opening statement.

Mr. KOLBE. Mr. Speaker, Mr. Moderator, I want to join with my colleagues in thanking you for this opportunity this evening. I want to reinforce a point that was made by my good friend and a strong champion of human rights, the gentleman from California [Mr. DREIER], earlier this evening.

Using trade sanctions to change a country's record of human rights violations only stifles the entrepreneurial spirit upon which democracy and civil liberties depend for its sustenance and security. The best foreign policy tools available to us to encourage political and civil reform in any country are policies that promote capitalism, market reform, and free trade. All are powerful levers for political change precisely because they are powerful mechanisms for economic change. These tools promote the evolution of societies, enabling citizens depressed for political reform from within. A larger measure of economic freedom inevitably leads to greater political freedom and respect for human rights.

It was John Locke who told us that the basis of individual liberty is private property. With trade we seek to enlarge the share of private property available to peoples everywhere. Freedom House, a respected nonpartisan organization that rates countries of the world according to their degree of civil and political freedom, confirms that fact. Taiwan is one such example. Years ago Freedom House rated Taiwan as nonexistent for its protection of political and civil liberties. But as its economy grew, and trade and contact with the world increased, so did the desires of its citizens for political and civil freedom. Today a large measure of freedom exists in Taiwan.

The record is clear. Trade helps us promote democracy around the world.

Mr. CARDIN. The team in favor of the resolution now controls 4 minutes to question Mr. KOLBE.

Mr. HOYER. We will all stand up.

I say, Mr. KOLBE, let me ask you a question with reference to the Soviet Jews who immigrated to Israel. How would you respond to them when they say to you, "Mr. KOLBE, trade policies did, in fact, work, and we are in Israel because of trade policies and trade sanctions?"

Mr. KOLBE. Well, I might respond to them by saying, "Sadly you are mistaken." They are there today, but it was not because of those policies that that happened. If we look at the record, the actual amount of emigration after we imposed what the gentleman is referring to, the so-called Jackson-Vanik rule, regulation, that law; after that was imposed, immigration from Israel dropped by almost—to Israel from the Soviet Union dropped by almost 60 percent. We had, in the 4 years prior to 1973, 30,000 Jewish people a year emigrated from Russia, then the Soviet Union. After that, only 1 year, only 1 year, in 1979, did the number exceed that, and the average through 1985 was 12,000. So the numbers that emigrated dropped off rather dramatically after the Jackson-Vanik amendment was adopted.

Mr. HOYER. Quick followup:

In fact, it was 62,000 in 1979 as the trade sanctions——

Mr. KOLBE. And that was the only year it exceeded the amount before 1973.

Mr. SOLOMON. I say, "My friend, Mr. KOLBE, you know economic aid is an important and highly visible aspect of U.S. foreign policy. Too often we have overlooked human rights in considering where aid should go, only to be met with the condemnation of many Americans that are appalled at the propping up of ruthless dictators."

Should the United States ignore human rights in determining where economic aid goes, even military aid, as with Turkey, for instance?

Mr. KOLBE. We are really mixing apples and oranges when we talk about that kind of thing. That is not the issue at all as to whether or not we give aid. Aid is something we affirmatively give to them. To trade, we are talking about whether they should have the same ability to trade with us as other countries should have, and I would point out, since we are talking about human rights and since it was raised by the gentlewoman from California [Ms. PELOSI] that, when we talked about American workers, that when we deny trade to another country, we are also denying the trade of our own country with that country, China being a good example of that.

What is it about the human rights of the Boeing worker who will find himself without a job because we have decided to cut off trade with China?

So, it is a far different matter when we talk about trade with a country that when we talk about extending aid to a country. That is something quite, quite different.

Ms. PELOSI. As I prepare to ask my question, I just want to say that, as far as the Boeing worker is concerned, I am afraid that the transfer of technology that is taking place, that he and she will have to look after their jobs as well while most of the American workers in this country are blocked from having their products go——

Mr. CARDIN. Question.

Ms. PELOSI. Excuse me.

I say, "Mr. KOLBE, in your statement you imply that economic reform would necessarily lead to political reform. Deng Xiaoping himself has said that to those who think that economic reform will lead to political reform, it will take dozens of generations, and we will deal harshly with those who would hasten the process."

They just recently had a crackdown in China on this very subject. How does the gentleman respond to that?

Mr. KOLBE. Well, it is kind of one of those things that is on either side of the argument. I say, "If you argue one way, that it's going to make no difference anyhow, then should we not have the benefits of trade? I would argue that trade itself will make the changes that Deng Xiaoping says will not come for years."

□ 2040

And, indeed, if you look at parts of China, particularly the southern parts of China, the Guangdong Province, you will find that the changes taking place down there are very dramatic indeed, because there is more economic liberalization in that part of the country. The more economic liberalization we have, the more contact we have, that the people of the United States, the businesses in the United States have with China, the better off we are and the better off the people of China will be.

Mr. CARDIN. This segment of time has been concluded. Eleven minutes will now be controlled by statements by Mr. WOLF and Ms. JOHNSON and questioning by the various teams.

Mr. WOLF is first and entitled to a minute and a half for an opening statement in support of the resolution.

Mr. WOLF. This debate is about people, people who are suffering persecution, imprisonment, and even death, for the sake of their faith or political beliefs. People like Bishop Chu, a Catholic leader in China, imprisoned for 15 years, and beaten so hard with a board that the board was left in splinters.

People like Father Ceaushu, imprisoned by the brutal Romanian dictator Ceausescu for more than 20 years and, rearrested one Easter after delivering a powerful series of Lenten sermons on freedom. The leverage of most-favored-nation status for Romania led to father Ceaushu's release. Just ask him. In Eastern Europe, the Soviet Union, and most recently South Africa, United States trade leverage eventually worked, bringing down repressive governments, encouraging the oppressed and emboldening of the future leaders of these countries in their struggle for democracy.

Ask South Africa's Nelson Mandela, ask Lech Walesa in Poland, or ask Czech Republic President Vaclav Havel, all former prisoners who turned presidents, whether they appreciate the pressure of the United States trade leverage on their oppressive governments, and they will say yes.

And then we must ask ourselves as a nation if trade at any price is worth more to us than our American values. What is at stake here is the credibility of our moral leadership on the world stage. The height of American hypocrisy is to preach our cherished values of freedom of religion and speech while we price the lost dollar over the lost life.

Mr. CARDIN. The team in opposition to the resolution will have 4 minutes to questions Mr. WOLF.

Mr. KOLBE. Mr. WOLF, let me first commend you for your strong advocacy for years on behalf of human rights around the world. I know no one in this body has been a stronger advocate of that. I think we all agree with that. The questions is how do we best promote that.

You mentioned South Africa. In South Africa there was strong support by the man in the street, the person in the street, for sanctions. That is not the case in China. Every commentator that has gone there has come back and said the one thing people say over and over again is continue trading with us, keep the contact. How would you reconcile that difference?

Mr. WOLF. I beg to differ. That is not accurate. When I was in China and we met with Christians in house churches, they would tell us, please take away MFN and go back and tell them that is the only thing that will bring democracy to our country.

When I was in Romania and used to go into churches and synagogues, after the communist securitatae, the people would put notes in my hands and tell me please take away MFN. It is the only message that will bring down our government and bring us freedom. So the people there do stand for taking away MFN. Deng Xiaoping doesn't and the corrupt dictators don't, but the people do.

Mr. KOLBE. Let me follow up with another aspect of this when it comes to China, because you spoke very eloquently about how this is an issue about people, and it is an issue when it comes to people. But the United States also has national security interests, and I think you would with agree we have a very serious concern in North Korea, for example.

Should that play a role in our decision about whether or not we give trade opportunities to another country? Is national security a consideration or not?

Mr. WOLF. It is a security interest of the United States. But I will tell you, after President Clinton gave MFN to China, the president of China refused to take his telephone call. Since that time there have been more people arrested. The conditions in Tibet are absolutely worse, and they have not exercised any leverage on the North Korean Government. So I do not believe that we should sacrifice the principles, as Congressman HOYER said, of the Declaration of Independence, we hold these truths to be self-evident, endowed by God, in God we trust, that all men are created equal, inalienable rights. I would not want to sacrifice the Constitution for one short-term gain.

Mr. DREIER. Mr. WOLF, let me just raise one point. You have talked to people in China, and clearly as you talk to individuals, you will find some who are opposed to the maintenance of most-favored-nation trading status.

But the fact of the matter is, there are 1.2 billion people in China, and if you talk around, I look simply at the statement that was made just this May be Nicholas Christophe, who was the Beijing bureau chief for the New York Times. He said talk to intellectuals, talk to workers. Talk to the intellectuals, to the workers, to the peasants. All the way across the board they agree on one thing: Don't curb trade.

How do you respond to the fact that these studies which have shown this, from James Fallows, the Progressive Policy Institute, they say overwhelmingly the people want to maintain MFN status?

Mr. WOLF. The people that I have talked to in China, the Christians and those who have been persecuted, if you talk to the Dalai Lama and those in Tibet, they do not favor granting MFN to China. They feel this is the only way. And I predict by denying MFN to China, we will see democracy and justice in China before the end of this century. And they know that and are willing to wait for that long-term gain.

Mr. KOPETSKI. On the North Korea issue, I know firsthand that the PRC and the United States worked together as partners to get the North Koreans to abide by the MPT treaty.

Don't you believe that as a basic human right, controlling the spread of nuclear weapons is more important today than the individual rights conditions of a citizen of China?

Mr. WOLF. Well, the Declaration of Independence says, and it said during the week of the meeting of early June, the entire Chinese hierarchy turned out to greet their North Korean counterparts, declaring the two countries, "As close as lips and teeth." That was in the Christian Science Monitor.

It is in the best interests of China not to have nuclear war on that peninsula, and they will do it for that reason, and not to satisfy the United States or their citizens.

Mr. CARDIN. Ms. JOHNSON is now entitled to 1½ minutes for an opening statement in opposition to the resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you, Mr. Chairman. Trade policy and human rights policy are and should be two different things. While human rights must remain a focus of American interests, the process of utilizing trade policy to enforce human rights policy has been erratically used and unsuccessful.

Freedom House, a noted human rights watchdog groups group, reports that the nations of the world that are classified as having a low regard for human rights, are almost all in Africa, Asia, and Latin America. A logical policy then would be the enforcement of trade sanctions against all of these nations.

Consider for a moment the debilitating effects such a policy would have upon these countries. When sanctions are used, who suffers? The nations of Africa, Asia, and Latin America need trade to improve and grow economically. The common citizens of these nations suffer when trade with the rest of the world, and particularly the United States, is restricted. Sanctioning these nations simply drives them further and further away from human rights improvements.

In order to achieve improvement in human rights policy, a constructive working relationship should be established. Remember, encouragement from a friend is much more persuasive than a slap from an enemy.

As you recall what we have already heard tonight and review what will be said by both sides in the time remaining, ask yourself, who is being sanctioned and what proof is there that sanctions improve human conditions?

Mr. CARDIN. The team in support of the resolution is entitled to 4 minutes to question Ms. JOHNSON.

Mr. HOYER. Ms. JOHNSON, I appreciate your statement. Let me ask you, however, with respect to South Africa, we had, as you know, a policy of constructive engagement, which is in fact what your side has been talking about, continuing to do business as usual.

In point of fact, this Congress decided not to pursue that policy because we felt it was ineffective. The President vetoed that legislation and this Congress overrode the President's veto.

Do you believe there would have been a more successful policy and would you believe that the country should not have denied constructive engagement with South Africa?

Ms. EDDIE BERNICE JOHNSON of Texas. Let me say, Mr. HOYER, that happened before I came. But I was in Texas carrying legislation also to bring about sanctions in trade policy. But the entire population in South Africa, the clear overwhelming majority of that population, cried out to the world asking for those sanctions.

□ 2050

It was not this country deciding that they should have them. It was also more than that that caused that law, the laws on which they were operating to crumble. It was the fact that the banks started losing confidence and the money started crumbling. It had a lot more to do with that.

But the overriding issue, more than 75 percent of the population, the majority population, pleaded to the world, not just the United States, the entire world responded. And, yes, it had some effect, but clearly, it was not just that.

As a matter of fact, we now are seeing what the real effect is on human rights. And they are pleading now for trade. It is giving people their rights to be independent, to have ownership, to look out for themselves, giving them an opportunity to trade their goods so they become independent.

Mr. HOYER. Do you believe that trade sanctions worked?

Ms. EDDIE BERNICE JOHNSON of Texas. What do they work for? It is not just trade sanctions. It was a loss of confidence and it brought about—human rights have really not improved yet in South Africa. But they have had an election. It was clearly a constitutional issue. It had nothing at the time to do with trade. They did not have anything to trade. The population we are talking about had no power whatsoever. They had no say-so. To keep trade from going to South Africa did not affect them because they cannot affect anybody that is already on the ground with nothing to do but crawl.

Clearly, that government had to change for it to affect the majority population there.

Mr. WOLF. Mr. HOYER is correct. Had this Congress not acted on sanctions, the sanctions would have failed around the world. But the question that I have for you is, I have visited Bosnia and seen the persecution in the Bosnian camps run by the Serbs under the leadership of Milosevic. In light of the ethnic cleansing, the concentration camps, the rapes and mutilations and murders, Bosnia, which is basically a Schindler's List, if you have seen the movie "Schindler's List," you have been to Serbia.

I would ask you again to reiterate the question asked before, do you agree that it is appropriate to continue the United States sanctions against Serbia, yes or no and why.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. WOLF, the same thing is going on in Haiti. But tonight we are debating whether or not we should extend most-favored-nation to China.

I am saying that we need to separate trade from human rights as it relates to China.

Mr. WOLF. The resolve clause was with regard to trade, and I think everyone would agree that we should continue the sanctions against Milosevic in Serbia.

Mr. CARDIN. The time has expired in this segment of the debate.

The next segment will consist of 8 minutes in which there will be questioning by the teams, first against Mr. HOYER and then with Mr. DREIER.

At this point the team against the resolution will control 4 minutes in questioning Mr. HOYER.

Mr. KOPETSKI. Mr. HOYER, you are a distinguished senior Member of this House. You are one of our leaders. I appreciate your work on human rights very much. We have heard a lot of rhetoric this evening, but I judge by your opening statement that you would agree that in the case of these two teams, that we do share the same goal; it truly is a difference over the means to achieve that end. Is that a fair statement?

Mr. HOYER. Our side has no doubt that your side is committed to human rights; that is correct.

Mr. KOPETSKI. And that it is a question of the means to that end.

Mr. HOYER. We agree with that. That is what we are debating. I might add, Mr. KOPETSKI, that not only are we talking about means, but we are talking about the principal position of the United States, not plebiscite of another nation. That is to say, whether 51 percent think they ought to do business as usual and make profits because the United States will do business with them, but whether or not this ought to be a policy that we use in trying to implement not only the policy of the United States vis-a-vis human rights but, as I pointed out, international policy on human rights.

Mr. KOPETSKI. Let me follow up on that with a question. I am curious about your views on this. Would you say that sometimes there are national security interests for the United States which are more important for the moment, which require us to serve as partners with a country, which may in fact engage in human rights abuses?

Mr. HOYER. Yes.

Mr. KOPETSKI. Thank you very much.

Mr. HOYER. I think the gentleman's proposition that if a policy of the United States would lead to more closely bringing us to nuclear war, clearly the devastation of the world is the ultimate human rights abuse. And, therefore, we would have to make a judgment. But in the case where that is not true, then I think we ought to press forward with trade sanctions as we have done in so many instances, we would argue successfully.

Mr. KOPETSKI. I thank the gentleman for the agreement.

Mr. DREIER. Let me ask you a quick question. The real question that we face here is, your side is saying trade sanctions against countries improve human rights. You had an exchange with Mr. KOLBE about the issue of Jackson-Vanik. We often have a pattern in this country of implementing policies which lead us to feel good but they do not often do good.

I argue, as Mr. KOLBE did, that Jackson-Vanik, if you look at that pattern, since the early 1970's, saw actually a reduction in the emigration of Soviet Jews who were attempting to emigrate from the Soviet Union. It seems to me that we need to realize that it was the Reagan doctrine which created the opportunity for the Soviet Union to fall and for us to get to a point where 100,000 Soviet Jews are able to emigrate.

Do you not agree with the fact that it was the Reagan doctrine which actually brought about that opening up and not Jackson-Vanik which did make us feel very good but did nothing but reduce the flow of Soviet Jews?

Mr. HOYER. As it relates to the Reagan doctrine, our side does not believe that you ought to do business as usual with an evil empire. In fact, it believes we ought to say, you are not in good standing in the international community. And we will impose economic sanctions on you and a trade sanction as well.

Mr. DREIER. That is why the Reagan administration stood up to them.

Mr. HOYER. We think the Reagan administration would agree with our proposition.

Mr. KOLBE. I would like to go back to the Jackson-Vanik issue, if I might. What would you say to the thousands of Jews who did not get to emigrate from Russia, from the Soviet Union during the 1970's, if we are to use the statistics, and you were the one that cited this in the first place, of 30,000 average before 1974, 12,000 annual emigration after 1974, what would you say to those Jews who were not allowed to emigrate but to say, you have to wait in line longer because we have a policy in place that the Soviet Union has decided to clamp down on emigration and not permit you to emigrate?

Mr. HOYER. As you know, I visited the Soviet Union scores of times during the 1980's. I never had a Jewish individual in Russia tell that. I never had one tell me that they did not believe that trade sanctions ought to continue until emigration was opened. Not numbers, but emigration was opened, that the commitments of the Soviet Union under the Helsinki Final Act were carried out so that there was unanimity in the position of Jewish-Russian people that I talked to.

Mr. CARDIN. All time has expired.

The team in support of the resolution now is entitled to 4 minutes to question Mr. DREIER.

Mr. HOYER. Mr. DREIER, let me go back to the question that I asked of Ms. JOHNSON. How would you have felt that the Untied States could have better impacted on South Africa to change its abhorrent apartheid policy than do what in fact we did, and that is, stop business as usual in the middle 1980's when then we saw progress because it impacted not on the people that Ms. JOHNSON spoke to but on the white oppressive regime?

Mr. DREIER. It was very apparent that the policy of apartheid was coming down. Why was it coming down? It was coming down because it was a failed system. Helen Sutzmann, who was a very prominent and outspoken member of parliament in South Africa, made it very clear in statement after statement, she did an article a few years ago in the Washington Post in which she pointed to the fact that the economic decline and the problems that existed in South Africa were bringing apartheid down. So it seems to me that we need to realize that there were a wide range of options.

I happen to have been one who believed very sincerely that constructive engagement would have been a way to also bring us to that point. There are many people who today claim that because there has been an election in South Africa, there is a great deal of success there.

□ 2100

Frankly, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, pointed to a very important item, that being the fact that we have seen an election in South Africa, but we, as yet, do not know the fate of many poor victims in that country. We are already for it.

Mr. SOLOMON. Mr. DREIER, we have no doubt.

After years of extending favorable trading conditions to China, Mr. Speaker, we have seen no progress in human rights. The gentleman has been there, I have been there. China continues its destabilizing foreign policy. Of course, these huge trade deficits are just devastating industries in the United States, especially in my district.

I would just say, in light of this, how has continual extension of favorable trading conditions helped to improve it, other than in Bejing, where they are all Communist, or in Shanghai, when we get out into the 1.2 billion people, how has it helped?

Mr. DREIER. There is no way that I could come to the same conclusions that the gentleman from New York [Mr. SOLOMON] has. When we look at the issue of human rights and trade in China, clearly we have just recently, in the Washington Post, seen a story. The gentleman referred to those 80 million people who he said have been killed since the 1972 opening with China. The opposite is the case. It took place much earlier on, and we have seen, in fact, if we move through China, an indication by the people, and I have talked to many people in China who have indicated that there has been an improvement since we have been engaged in the kind of economic situation that is very important there.

I was in Xian outside of Bejing just a few months ago, when I talked to a person there. We told the standard old joke about the fact, and he asked the question, what is 100-yards-long and eats cabbage—a meat line in Moscow. He looked to me and said, "That was China 10 years ago."

I would say to the gentleman from New York [Mr. SOLOMON], he has to recognize that things are not perfect there, and I deplore the human rights violations which I have seen. The fact of the matter is, things have improved dramatically, not just in Bejing, they have improved throughout the country, especially in the two southern provinces where we have seen free markets proliferate.

Mr. CARDIN. There is time for one more question.

Mr. SOLOMON. Mr. DREIER, you put in the CONGRESSIONAL RECORD the other day an article by Amos Jordan in which he said:

> Given such a challenge, they may reason, the Jefferson approach to governing is likely to produce chaos, with spills over into the neighboring territories. Tiananmen was indefensible, but not inexplicable.

That is the 80 million we are talking about, the kind that died in Tiananmen.

I defend you as one of the greatest supporters of those people who are trying to stop human rights abuses around the world.

Mr. CARDIN. The gentleman has 45 seconds to respond if he cares to. Let me just caution about any personal references.

Mr. DREIER. Mr. Speaker, I obviously totally concur with the plight of those victims, and I am as concerned as you said about human rights. The gentlewoman from California [Ms. PELOSI] and several of us marched up to the Embassy.

I happen to believe very strongly that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression. We have to recognize that denying trade is a violation of human rights and a reprehensible one.

Mr. CARDIN. The time in this segment has expired.

The next segment will consist of 8 minutes that will be controlled by Ms. PELOSI and Mr. KOLBE in questioning. First, Ms. PELOSI will have 4 minutes to question Mr. KOLBE.

Ms. PELOSI. Mr. KOLBE, is there any instance where trade policy should be used on behalf of human rights; say, for example, a clear case of a developed country, of the genocide of a people because of their race or origin; if you could explain to me a point at which human rights outweighs economic interest, in your view.

Mr. KOLBE. I think the question is a valid one, and the very fact that there are three people over on your side of the aisle that supported NAFTA and joined us in support of NAFTA suggests this is not a black-and-white issue, that we cannot ever make absolute judgments about these things, and we do have to apply these standards in a way that we can make an intelligent judgment about it.

I think the question you ask is indeed a very valid one. My answer to that would be that the first thing we have to consider is what are our national security interests, are our national security interests involved in this.

The second thing we must ask is, can we make change with that policy? Will our policy of withholding trade, and that is what we are talking about here tonight, trade, will our policy of withholding trade make a difference? Will it change the internal factors within that country? Will it change the politics of that country?

Those two questions we must ask before we decide in the name of feeling good here at home whether we should apply those sanctions. If we can have no effect, if it does no good, then we have to ask, do we do so because it is so morally reprehensible, as in the case of Kampuchea, where clearly, I think, we do not want to have any contact with a country of that kind, but it is more than just trade sanctions at that point, it is any diplomatic contact.

Ms. PELOSI. You are saying in the case of Cambodia it would be appropriate to have trade sanctions?

Mr. KOLBE. In the case of Cambodia we had no diplomatic contact, as you know. We had withdrawn all types of contact with that country, yes.

Ms. PELOSI. Since you mentioned Cambodia, I did not know if you were aware, because you keep putting it in a larger context, which I think is appropriate, the issue of trade; do you think added to your two criteria you would add the trade situation, the trade imbalance between two countries?

For example, there is no point in saying we are going to withdraw most-favored-nation status if the other country has a trade deficit, but in our case, as with China, where we have this year a $24 billion trade deficit, and it is going to be larger next year, in fact the figures released today show a $400 million increase from April to May of this year, and says that in the next 5 years our deficit will be higher than with Japan.

Mr. CARDIN. Question, please.

Ms. PELOSI. Do you think that the fact that a country needs access to our markets to develop its economy should be a factor in determining if we can deal with their reprehensible human rights records?

Mr. KOLBE. Let me make it clear that under no circumstances should a decision about whether we grant a trade partnership with another country be based on whether or not we have a balance of trade. I am stunned, shocked, that you would suggest that, as I hope that others on your team would not say the basis on which we decide the human rights policy of the country should be based on whether or not we have a trade balance or a surplus or a trade imbalance, as you have just suggested.

Ms. PELOSI. If I may reclaim my time, what I am saying to you is in that case we would have leverage. Let us assume there are two countries, both having reprehensible human rights violations. With one country they may say, "Who cares if you take our MFN away?" The other country may desperately fight to keep the MFN, and that place gives us opportunity, and therefore responsibility, to do something about it.

Mr. KOLBE. And in the case of China, very clearly I do not think we have that kind of leverage. You are talking about more than a billion people. You are talking about the third largest economy of the world. You are talking about a country that has its own internal political problems, and could care less whether or not we grant them most-favored-nation status. They are not going to change their political policies because of that.

What will change the political policies in China, as we trade with them, as companies develop contacts with them, and just as an example of that, Procter & Gamble years ago established a system in that country for hiring people that allowed people——

Ms. PELOSI. But, Mr. KOLBE, Deng Xiao Ping said dozens of generations.

Mr. CARDIN. The time has expired.

Mr. KOLBE, you are now entitled to 4 minutes to question Ms. PELOSI.

Mr. KOLBE. Mr. Speaker, since we are talking about how we weigh this in the balance, on which side you come down, I would like to ask about Vietnam, certainly a country that is not a great country when it comes to human rights, has not had a very good record, and most of us here would acknowledge that.

Do you think it is appropriate for us to lift the embargo with Vietnam, and if so, why? Surely its record is not better than China's record is.

Ms. PELOSI. Again, you are talking about an embargo, and in China we are talking about preferential trade treatment, most-favored-nation, so embargo is different from that.

Yes, I think if we have some progress made on the POW's and the MIA's, which our colleagues seem to be satisfied with, and that is the standard we set for Vietnam, with that standard, if it is met, we can lift the embargo. That does not mean we would extend MFN. As you know, with the extension of MFN, it is supposed to have some reciprocity. It does not, in China. They do not extend MFN to us, but it becomes a trade decision at that point in terms of will they give most-favored-nation status to us, will we give it to them.

Mr. KOLBE. Ms. PELOSI, for all those who are listening, I hope one thing, if nothing else, we can clarify, and that is that most-favored-nation [MFN] is one of the most misnamed things. It is not preferential status.

Ms. PELOSI. But, nonetheless, it is not an embargo.

Mr. KOLBE. It means only other countries having the same status.

Ms. PELOSI. It is not an embargo.

Mr. CARDIN. A question, please, and then an answer.

Mr. KOLBE. Let me go back to follow up on that. We never imposed any kinds of sanctions on South Korea, but I think most of us here tonight would agree that human rights conditions have improved in South Korea over the years. Should we, during the 1960's and 1970's, should the United States have imposed trade sanctions against South Korea in order to enhance human rights in that country?

I believe we had other leverage with South Korea with the presence of American troops there, and a commitment to defend South Korea. However, the point about South Korea and how it is not an example that can be used throughout the world is that it is a small country compared to a country like China, and in a country like Korea, trade can have a more immediate impact, because you can have the development of a middle class, and that can lead to more political freedom.

In a country like China where there has been a national decision, and in fact, an edict released last week which said that counterrevolutionary activities will be defined as any disagreement on any issue with the Communist party, under those circumstances, economic reform cannot necessarily lead to political reform.

We talk about South Korea, we talk about Taiwan. We cannot in the next breath apply the examples, the experience there, to China, because you are talking about a country which is 20 to 50 times bigger than those small countries.

Mr. KOLBE. It is striking to me that what we have seen is that the principle of human rights seems to have gone out the window. We had other leverage with South Korea.

Ms. PELOSI. That is right, and we used the leverage we had.

Mr. KOLBE. It is a small country as opposed to a big country.

Ms. PELOSI. No, that is not the case.

☐ 2110

Mr. CARDIN. The gentleman from Arizona can ask the question.

Mr. KOLBE. Let me ask the gentlewoman another question. In the case of Argentina, a country that had a reprehensible policy of human rights, should we have imposed sanctions against them? We did not. But I think most would agree it is a better country today than it was.

Ms. PELOSI. I would say to you that as you talked earlier about establishing criteria for how you can make change, that the use of trade sanctions should be an arrow that we have in our quiver. If we believe that by using trade sanctions we can make a difference, then we should use those trade sanctions. And that difference would be predicated on how dependent access to our markets in a preferential way is to that country. If we believe that, for example, in the case of China, 40 percent of their exports, they need our markets for 40 percent of their exports. So that is a criterion that I would add to the list, to say, is the human rights situation reprehensible, do we have trade with that country, do we have opportunity because they need us more than we need them in terms of trade. In those cases, then we should use our economic arrow.

Mr. KOLBE. I appreciate your agreeing with our position.

Mr. CARDIN. The time of this segment has concluded. We will now go to an 8-minute segment for questioning by the teams. First the gentleman from New York [Mr. SOLOMON], and then the gentleman from Oregon [Mr. KOPETSKI]. The team in opposition of the resolution will have 4 minutes to question the gentleman from New York [Mr. SOLOMON].

Mr. DREIER. Let me talk about something that we have just brought up slightly.

I have the highest regard for the gentleman from New York and your service as a marine and, of course, your very, very courageous military service in South Korea. I was a little confused with the statement that was just made by the gentlewoman from California [Ms. PELOSI] raising this issue of United States troops in South Korea somehow protecting the human rights of South Koreans. We have failed to point to some of the incredible successes where trade has actually improved the human rights situation. I think South Korea is one, Taiwan, Chile, Argentina, clearly have seen dramatic improvements. In fact, somebody was talking earlier about Freedom House. We have seen evidence in the past 20 years it has improved greatly. I would like to ask you the question that the gentleman from Arizona [Mr. KOLBE] raised of the gentlewoman from California [Ms. PELOSI].

Do you believe that President Reagan and President Carter were incorrect during the 1970's and 1980's in not imposing trade sanctions on South Korea because of the fact that human rights were being violated there?

Mr. SOLOMON. Let me just correct the gentleman. I served in the United States Marine Corps during the Korean war era. I did not serve in combat in Korea.

But let me say this to you. We, in fact, did use trade. In other words, we have three alternatives. One alternative is diplomacy. When diplomacy does not work, you have another alternative, to go to war. We do not do that, because American foreign policy is to defend democracies against outside military aggression. That is what we were doing there. In fact, we did use diplomacy on both Taiwan and on South Korea. We did it back in the early days, in 1979, after Carter had derecognized Taiwan, and we actually wrote the Taiwan Relations Act, so that we could threaten them, if need be, to move toward a democracy and it worked.

Then we did the same thing with South Korea and we used the trade with those countries, both covertly and overtly and publicly to get them to move, and they made dramatic changes in both countries toward human rights. Today we have democracies in those two countries.

Mr. DREIER. Should trade sanctions have been used against South Korea, Taiwan, Chile, and Argentina? Because we had greater trade. We expanded opportunities there. That is what happened to it. You all stand and you are now saying we should have trade sanctions sometimes when human rights are being violated. That is what I think is the confusing area here.

Mr. SOLOMON. Let me answer the question. When you hear my closing remarks, my friend, I am going to talk about the awesome power of the American purse. Two hundred sixty million Americans, with the greatest buying power in the world. That is what we need to use. We need to take that opportunity to tell countries like Taiwan and South Korea, which we did, "You improve or else we do not trade with you." We need to do the same thing desperately with the people of China.

Mr. KOPETSKI. Reclaiming our time, and we cannot wait for that closing. I am trying to understand, there is a lot of speeches and rhetoric at first about standing by American values, and that is why we cannot allow using trade with these kinds of nations where there are human rights violations. Now all of a sudden you and the gentlewoman from California [Ms. PELOSI] are saying, forget the values, we have some other tools we can use. Can you clarify this a little bit for me?

Mr. SOLOMON. If you look at the question we are debating here, the United States should use trade policy to implement human rights policy. We should use trade policy. That does not mean we have to go and throw sanctions out on every country that has some kind of human rights abuses. It means that we will move to that if we have to, to be successful in lifting the human rights abuses off these oppressed people.

Mr. CARDIN. The team now in support of the resolution will have 4 minutes to question the gentleman from Oregon [Mr. KOPETSKI].

Mr. HOYER. The gentleman from Oregon [Mr. KOPETSKI], earlier in his opening statement, said that the United States will never abandon the important principle of human rights. I believe that, as well. But I ask the gentleman, how does the world know that if we do business as usual with those who repress and violate human rights on a regular basis? I say that in the sense that clearly we may not on every country impose sanctions for human rights abuses, but if we never do it, how does the world know we stand by those principles?

Mr. KOPETSKI. I believe that the world knows and wants to emulate the U.S. Constitution, our way of doing business, our way of conducting government. People want still to move here to the United States. That is our greatest evidence that we are the greatest country in the world as a democracy.

Mr. HOYER. If a nation knows that we will not impose trade sanctions, why would it change its business as usual?

Mr. KOPETSKI. We do not do business as usual with every violator of human rights. And we take different approaches with every nation that is oppressing its people. Maybe we do have trading relationships with them. We can go down the list with questions, whether it is Turkey, or India, the list goes on and on where there are questions, we have them as allies. We trade with them, there is no doubt about it, but that does not mean we are not using negotiations and diplomacy as well in pressuring these nations to change their human rights policies. The world knows that. The world understands that. They do a better job understanding foreign affairs than the average American citizen, I am sad to say. They understand what we stand for and what we fight for. What they want is for us to be effective. When we make a decision, a policy decision, they want to make sure we have thought it through and that it will not backfire on them. As the gentlewoman from Texas, EDDIE BERNICE JOHNSON, was pointing out, further oppress the people of a country but hopefully it will move that nation toward human rights, toward an economic system of freedom as well.

Mr. SOLOMON. I have great respect for the gentleman from Oregon [Mr. KOPETSKI], as I do for the other members of your team, but you are confusing me. When diplomacy does not work and when war is undesirable. And concerning trade, please explain to us at what point economic interests outweigh interest in human rights. I do not understand how we get there.

Mr. KOPETSKI. Diplomacy does not work, let us begin there. One of the problems that many people outside of the United States will criticize about the American psyche is that a problem arises in the world and we have to solve it in 2 weeks. There are longstanding problems, cultural, religious, in many of these nations. China, for one.

Mr. SOLOMON. At what point, though, does the economic interest outweigh human rights interest? There has to be a point there.

Mr. KOPETSKI. The human rights interests never outweigh the economic interest. The issue is what is the most effective means to change the human rights policies of a nation.

Mr. SOLOMON. Thank you. I think we just won the argument.

Mr. CARDIN. I think we have time for a very quick question and answer if there is one.

Ms. PELOSI. If it is only a quick question, I will ask the gentleman from Oregon [Mr. KOPETSKI] if he favors the sanctions on Haiti.

Mr. KOPETSKI. Yes, I do.

Ms. PELOSI. I understand that that is a trade sanction and that is using trade policy to improve the situation.

Mr. KOPETSKI. We are in concert on the Haiti policy with diplomatic pressures from our country, from our Government, from other nations as well. And I see no problem with that whatsoever.

Mr. CARDIN. On this segment, the time has expired. The next segment consists of 8 minutes that will be controlled by the gentleman from Maryland [Mr. HOYER] and the gentleman from California [Mr. DREIER] in questioning. First the gentleman from Maryland [Mr. HOYER] is entitled to 4 minutes to question the gentleman from California [Mr. DREIER].

□ 2120

Mr. HOYER. I mentioned in my opening statement the Holocaust. In 1933, Jewish organizations called upon our Government to alter the way we were doing business and stop sending goods to the German Government.

Secretary Hull wrote to the Embassy and said that there was concern in this country and he wanted a report, and that he then said he did not believe that that would have an impact. And in point of fact, of course, our country continued to do business with Germany as usual for some period of time during the 1930's.

I would ask the gentleman from California, do you think that was an effective use of your economic policy?

Mr. DREIER. I will tell the gentleman, if he looks at the rise of Adolf Hitler I believe that it came about in large part due to protectionist policies led by the United States, tragically, which in 1930 implemented the Smoot-Hawley Tariff Act which almost universally has been proclaimed a failure, being in large part responsible for extending and exacerbating the Great Depression.

So it seems to me that we need, desperately need to realize that as we look at the problem that existed there, it came about because of protectionist policies, and we did not create the opportunity which was necessary to expand free trade, which clearly does create private enterprise, which creates wealth, improves living standards, and undermines political repression.

Mr. HOYER. That is not the question I asked. Smoot-Hawley, of course, dealt across the board. We continued to do business with Germany as usual.

Do you believe that was an effective policy?

Mr. DREIER. We were looking at a national security threat once again there, not simply human rights questions. The subject of this debate is whether economic sanctions should be used to improve human rights. We know clearly that the situation was reprehensible, and you are right, part of it was the Holocaust. But there were many other aspects to the Second World War which need to be realized. And I believe that the rise to power of Adolf Hitler and the reprehensible behavior of the Nazi regime came about because of protectionist trade policies, which I believe will continue to create more and more problems today if we do not move toward freer trade and expanding into parts of the world where human rights desperately need to improve, and we can take the offensive by bringing our Western values there through trade.

Mr. HOYER. As you know by our votes, we have shown that this side also believes in freer trade. But if we delink human rights from trade policy, why is there any incentive from an economic standpoint for regimes to honor their human rights commitments?

Mr. DREIER. The fact of the matter is that I do not like the term "delinking of human rights." I believe we should promote human rights through free trade because what we are creating is a situation where as economies expand, as they are in the southern Provinces of China which are tied closely to Hong Kong, which is that tremendous export market, the cause of freedom is expanding throughout and standards of living are rising. As the standard of living rises we will see there that actually repression diminishes as we are in many areas.

The gentleman from New York [Mr. SOLOMON] continues to point to the fact that what we have constantly observed has been an increase in human rights violations, when every empirical study that we have, including personal testimony that I have received from people who live in China, Chinese citizens, is that the situation is improved and it has come about because of freer trade and exposure to the West.

Mr. HOYER. Do you believe we ought to lift the sanctions on Cuba?

Mr. DREIER. Do I believe we ought to lift the sanctions on Cuba? I think we ought to look very seriously at the prospects of lifting sanctions on Cuba when we determine that Fidel Castro does not pose a national security threat destabilizing countries in Latin America. As long as he is hell bent on his attempt to overthrow governments in Latin America, we should not lift it, because that poses a national security threat to the United States.

Mr. CARDIN. The time has expired. The gentleman from California [Mr. DREIER] is now entitled to 4 minutes to question the gentleman from Maryland [Mr. HOYER].

Mr. DREIER. The United States has, in fact, placed trade sanctions on a number of countries throughout the world, and we have talked about a number of them. Unfortunately, we have not really had an opportunity to point to some of the great successes where we have actually seen trade encourage human rights. But the fact of the matter is I would like to ask the gentleman about several countries.

Could you tell me if the human rights conditions have actually improved in Iran since we have seen the imposition of economic sanctions?

Mr. HOYER. I cannot tell you that, quite obviously. And it is not our proposition that in every instance repressive regimes will be turned around by the exercise of trade policy vis-a-vis human rights and related to human rights. But I can tell you, I can tell you that if the world believes that the greatest economic engine in the world will not use its economic leverage through trade policy to sanction the failure to recognize human rights in a nation, then there will be little if any incentive for repressive regimes around the world to change their human rights policies.

Mr. DREIER. Let me ask this: Have we actually seen the human rights situation improve in Iraq since we have imposed economic sanctions on Iraq?

Mr. HOYER. No, and I know it is not my time to ask questions, but irrespective of that, I would not be for lifting economic sanctions on Iraq.

Mr. DREIER. Has it improved the human rights situation in Iraq?

Mr. HOYER. Because, let me answer the question, because and I would reiterate, the principles for which we stand are not just for Iraq, but for the rest of the world as well, and they are international principles now. And because we stand for them in Iraq I suggest to you that yes, it has an impact on other countries of the world, even if the unhappy situation that exists in Iraq of a madman like Saddam Hussein having absolute and total control, precludes the effectiveness of trade sanctions we ought to continue.

Mr. DREIER. You would argue the human rights situation has not improved in Iraq, in Iran, Libya, in North Korea, in Vietnam, in Cuba. I would assume you would argue that is the case. So we have once again come to the issue that economic sanctions should be imposed sometimes.

I would like to remind our colleagues once again of the topic of this debate. It has to do with improving human rights and imposing economic sanctions to do that.

Let me ask this question: If you look at the issue of South Korea, Taiwan, Chile, Argentina, actually we have never placed economic sanctions on them, but do you believe that the human rights situation in those four countries improved over the last 20 years?

Mr. HOYER. In point of fact, as the gentleman from New York [Mr. SOLOMON] pointed out, and as the gentlewoman from California [Ms. PELOSI] also mentioned, trade policy is not the only quiver. The issue, as stated in this debate, is whether we ought to use trade policy to implement human rights policy.

Mr. DREIER. But we stand for principle.

Mr. HOYER. We ought to stand on principle, and that does not mean in every instance we implement through trade policy, particularly when diplomacy may work, and particularly when other devices can work and are working.

Mr. DREIER. Like free trade. That is just what we have in South Korea, Taiwan, Chile, and Argentina. We have seen a great deal of success from that, and I wish you all would acknowledge it has been exposure to Western values, not war, not diplomacy, free trade which has improved the human rights of the people in those four countries, and can do it in China and other places.

Mr. HOYER. We clearly acknowledge on this side that free trade and open trade and the bringing of a free market to a country can, in fact, improve human rights. The proposition of this debate, however, is whether we ought to be able to use trade from time to time in implementing our human rights policy.

Clearly we suggest we very definitely ought to and ought not to take the position that because we have successes, and because market economies will breed freer, more just societies, that in every instance we ought not to use trade policy.

Mr. CARDIN. The gentleman from Maryland [Mr. HOYER] was entitled to his last 5 seconds to complete his thought.

Mr. HOYER. I completed my thought. I am just not sure he heard it.

Mr. CARDIN. All time for this segment has expired.

The next segment consists of 8 minutes of questioning by the gentleman from Virginia [Mr. WOLF] and the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON]. First the gentleman from Virginia [Mr. WOLF] will be entitled to 4 minutes to question the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON].

Mr. WOLF. Let the record show that what happened in Germany was because Hitler was evil, the Nazi Party was evil, and the world was slow to speak out, and the record should show that.

I would like to ask the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON], in Romania, which I have visited many times, and my daughter Brenda was there on a mission project, the threat of most-favored-nation revocation each year was successful in enforcing the brutal Communist dictatorship to allow thousands and hundreds of thousands of Jews and other minorities to emigrate. Would you now tell these immigrants safely, settled in new countries, that trade sanctions were not helpful in gaining their freedom?

□ 2130

Ms. EDDIE BERNICE JOHNSON of Texas. Independence is what is helpful, and improving human rights, the opportunity to have something of ownership, to gain that independence, perhaps to leave the country, but it is that independence. It is not going to be a policy of us policing the world and implementing policies of ours that we are not altogether necessarily going to implement for ourselves.

So, you see, I am committed to human rights. But I am also committed to independence. I am committed to individual ownership.

I know by my experience, living here, that the more one controls their own destiny through their own ownership and having some ownership of their own finances they will determine that no government is going to keep them repressed.

People overthrow their own governments when they disagree, when they are in a position to be independent.

Mr. WOLF. The question, though, was about the brutal dictatorship of the Ceausescu administration, and they would not have gotten out just by asking for a visa. They only got out because the United States held leverage on MFN.

But to ask the last question, if you shopped in a store back in Houston that used child labor and exploited its employees and discriminated against certain religious groups, those of the Christian faith, Jewish faith, and the Moslem faith and you found out about it, would you notify the authorities, and continue to shop, would you call the police and yet continue to shop, would you call a press conference, would you continue to shop or would you take your dollar and shop someplace else?

Ms. EDDIE BERNICE JOHNSON of Texas. I would go to the proper authorities first, as we have in this country. Secretary Bentsen, a native Texan, has already started to negotiate and to come up with agreements for dealing with child labor laws and other labor laws, and that is the way I think we are going to cause change as we negotiate trade policy.

I do not believe that this country is going to be able to police the world based upon trade policy.

Mr. WOLF. I think that if you knew that this person was exploiting children and exploiting employees and discriminating against people of different religious beliefs, most people would stop.

In closing, the closing question is: Do you believe, as the gentleman from Maryland [Mr. HOYER], the gentleman from New York [Mr. SOLOMON], and the gentlewoman from California [Ms. PELOSI] have said, that sanctions ought to be an option, that the U.S. Government uses similar to a man in the military may use a rifle, may use a bayonet, or may use a pistol, but he has those options? Do you believe there should always be an option for the U.S. Government?

Ms. EDDIE BERNICE JOHNSON of Texas. I believe we ought to have policies that are consistent. I believe we have chosen certain countries to implement sanctions and others we have chosen to ignore.

If we decide to use sanctions at all times for human rights violations, why then are we not looking at Saudi Arabia? Is it because we need their oil?

Mr. CARDIN. The gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] now has 4 minutes to pose questions to the gentleman from Virginia [Mr. WOLF].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. WOLF, I would like to ask that last question. Why are we inconsistent in looking at policies in other areas other than China? Why have we not looked at trade policy to effect the change of human rights violations in Saudi Arabia?

Mr. WOLF. I believe very deeply that if we find that they are discriminating in Saudi Arabia, we should be willing to use leverage, and if our diplomatic efforts do not prove successful and they are persecuting those of the Jewish faith and those of the Christian faith and those of the Moslem faith, then I think it should be something we should be willing to exercise. It should be an option, just like the soldier. He has a rifle, he has a pistol, he has a bayonet. They are all options to be used. If the Saudis continue to do that, at some point I would be in favor of taking away MFN from the Saudi Government.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. WOLF, do you think that the policy of South Africa was effective? Did you think that was the thing to do?

Mr. WOLF. I do think it was effective. Let me just say for the record the first time the vote came up, I voted against sanctions for South Africa. The next time it came up, I had a pang of conscience. I voted the other way. I am proud of the vote I cast. If Nelson Mandela were with us tonight, he would be sitting on this side saying clearly sanctions have worked.

I listened to a National Public Radio show several weeks ago where they interviewed a white South African businessman. He said, "I was opposed to sanctions. I thought they were wrong. But now I must confess that they worked." And I might say that I voted to override the President of the United States, of my own party, on that issue, because I think America should always stand, as the gentleman from Maryland [Mr. HOYER] said, we the people, inalienable rights, life, liberty, and the pursuit of happiness, and sometimes, Ms. JOHNSON, when we get into the economic issue, even though it means we may lose some trade, we have to do the right thing.

Ms. EDDIE BERNICE JOHNSON of Texas. So from your experience, is it fair to say that poorer developing countries have a far greater tendency to have repressive antidemocratic governments than more wealthy, more economically developed countries?

Mr. WOLF. Not necessarily. Evil can be wealthy, and evil can be poor. Hitler was wealthy, and he was probably one of the most evil men in this century. What is taking place in Indonesia and East Timor, they are poor, they are doing very bad things there, and so I think that evil goes with wealth and goes with poorness.

Ms. EDDIE BERNICE JOHNSON of Texas. Do you think the human rights policies of the United States should be consistent, or should we pick and choose a few countries we want to see do good things and we want to make ourselves feel good and make sure the human rights conditions are better?

Mr. WOLF. I personally think it should be consistent across the board with any nation that violates life, liberty, the pursuit of happiness, persecutes people, has slave labor, has gulag camps, kills people, and does these things.

Ms. EDDIE BERNICE JOHNSON of Texas. If you say we should be consistent then what do we do about Saudi Arabia?

Mr. WOLF. I think we should pound on the Saudi Government. We should pound whenever we find human rights violations, and we pound, and we pound, and you are asking me this question.

Ms. EDDIE BERNICE JOHNSON of Texas. When you say we pound, sir——

Mr. WOLF. You lead me to believe that perhaps I should take a trip to Saudi Arabia, and if I find any abuses, if need be, I would personally introduce a bill to deny the MFN, to take it away from the Saudi Government.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me tell you right now, Mr. WOLF, women cannot vote in Saudi

Arabia, and lots of other violations are going on. If we are going to be consistent, and you have committed yourself to be consistent, what is our next step?

Mr. WOLF. I am going to look into it, I can tell you that. I fought the Reagan administration when they favored MFN for Romania. It was my bill to take away MFN from Serbia. I will certainly follow what is going on in Saudi Arabia. Let the word go forth, if the Saudi Government is listening, I would not be averse to doing anything I could to bringing about human rights in Saudi Arabia.

Mr. CARDIN. The time for this segment has expired. We are now prepared to go to the final segment of the debate, which is a 5-minute segment in which one member from each team will have the opportunity to make a closing comment about the resolution. We will start first with the gentleman from Oregon [Mr. KOPETSKI], who will control 2½ minutes for a closing statement in opposition to the resolution.

Mr. KOPETSKI. Thank you, Mr. Moderator.

This is not a debate about whether human rights are important. They are.

As the gentleman from Maryland conceded, the question is what is the best means to achieve our shared goal of human rights progress in all nations.

This last weekend the Washington Post chronicled the gruesome Mao Zedong era in China. We read that from 1949 to 1976 a many as 80 million Chinese died during the repressive policies during the eras known as the Great Leap Forward and the Cultural Revolution.

A China or any nation that is engaged in the world community could not hide 80 million deaths. Repression and mass slaughter are only possible when a nation isolates itself from the world.

Sunshine is the best disinfectant for repressive government, and that is what trade brings.

It is a new world out there. The Iron Curtain is drawn open. International companies are chipping away at the Iron Rice Bowl. We must engage these societies, drawing them out even more into the world community.

But let us not kid ourselves, nations like Russia and China are still in transition. There is every possibility that they could return to the ways of the recent past, and the Chinese people, for one, live in fear of this.

The Washington Post story quoted a farmer who said, "Who knows what could happen? If there is a change of policy at the top, who knows?"

Our side in this debate rejects any policy that seeks to isolate nations from the world community. Trade shines the bright light of the free market into closed societies. Market economies, as we have shown, lead to human rights improvements.

In this debate, we have answered the question: What does trade bring?

Let me summarize again. Trade brings a better standard of living so children do not have to go to bed hungry at night, so families have a roof over their heads, and it also brings about the exchange of ideas, whether principles of law and a judicial system, or the exchange of students and scientists, music, books, and movies, and as innocuous as that sounds, art is saturated with cultural messages and floods over a closed society in a wash of Western values and individual freedoms.

Vaclav Havel once said:

> Communism was not defeated by military force but by life, by human spirit, by conscience, by the resistance of being and man to manipulation.

□ 2140

Havel is right. We all have a duty, even a moral obligation, to pursue the path of trade, diplomatic engagement, produce healthier, more just societies on Earth.

Mr. CARDIN. Mr. SOLOMON is now recognized for 2½ minutes for his closing points. In support of the resolution.

Mr. SOLOMON. Ladies and gentleman, who won the debate? Tomorrow's CONGRESSIONAL RECORD will show that our opposition supported all of the present sanctions in place by the U.S. Government. That should answer the question.

Let me commend all of you for a job well done. My colleagues, the world respects the United States of America because we stand for something. We stand for something different, something good. America is not just a people, it is not a race, it is not a religion, it is a set of ideals. In short, we believe that human beings should live as free individuals, unfettered by intrusive or repressive Government. These ideals define the very essence of who we Americans are, what our country is.

If we allow ourselves to succumb to the temptation to be like everybody else or to do business as usual with any dictator, we will lose this essence, we will lose who we are. It is simply a fact that if America will not stand up to the dictators of the world, no one will.

Since military solutions are often unrealistic, and I am a military man, or they are undesirable, trade remains the best weapon we have to stand up to these destabilizing dictators.

My colleagues, it is no accident that the U.S. dollar is the international currency or that English is the international business language. It is because the power of the American purse is so awesome. There are 260 million Americans; everybody wants to do business with us. In fact, everybody needs to do business with us.

But the reverse is not true. Our standard of living and consumer buying power afford us the opportunity to choose our business partners more carefully. We must use that opportunity. We must apply leverage where we can in order to defend freedom, deter aggression, and, yes, protect American jobs.

When a regime systematically represses its own people and threatens its neighbors, America must say no to business as usual. When a regime destroys American jobs by refusing to allow fair access to American goods made by American workers, America must say no to business as usual.

As peace-loving Americans, we do not attempt to enforce our human rights policies on others by force. But as leaders of the free world we do have a moral obligation to promote democracy and encourage decent treatment of all human beings. And without firing a shot, without losing one American soldier's life, we can do that, without firing a shot, by linking our trade policy with human rights. That is the decent, humane thing to do, and you know it.

Thank you.

Mr. CARDIN. All time has expired.

Let me, if I might, thank the eight Members who have participated in tonight's debate. As I mentioned at the beginning of tonight's debate, this is our third in a series in which we have a trial in the House of Representatives. We have debated health care, we have debated welfare, and tonight we have debated human rights and trade.

I think that the quality of the debate that has taken place tonight can only help us in shedding light on these issues in the finest traditions of the House of Representatives and can only help us in trying to reach solutions to these very difficult problems.

I want to thank all 24 Members who have participated in the first three debates. This is a trial period, but I think the leadership is committed to the continuation of the Oxford-style debates because it has been helpful to all of us in focusing issues in this body. I also want to thank my colleague, the gentleman from Pennsylvania [Mr. WALKER], and the Republican side who has helped organize the Republicans and has helped to bring this about. I personally want to thank each one of you for the time you have spent tonight.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I gladly yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

I want to join the gentleman in thanking a number of people because I think this has been a very positive exercise on behalf of the House of Representatives, in behalf of the Republican and Democratic Parties.

This debate, particularly, composed of bipartisan teams, showed that there is a thoughtful difference of opinion from time to time, not necessarily dictated by party. I particularly want to thank the gentleman from Missouri

[Mr. GEPHARDT], our majority leader, and the gentleman from Georgia [Mr. GINGRICH], our minority whip, who worked closely together to bring about this innovative opportunity to debate substantively issues of importance to the people of this country and indeed the international community.

I too want to congratulate the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Maryland [Mr. CARDIN], who for their respective sides have led the organization for this effort.

I thank the gentleman for yielding.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. CARDIN. I am glad to yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I would like to join in extending my appreciation on behalf of our side, which now includes MIKE KOPETSKI and EDDIE BERNICE JOHNSON, I am happy to say. Clearly, this is a bipartisan effort which has come about because the leadership on both sides are strongly committed.

We will welcome Mr. SOLOMON back here.

Mr. SOLOMON. I was going to ask——

Mr. DREIER. We have a spot on the other side of the rail.

Mr. HOYER. You can have Mr. SOLOMON, but we are not letting Mr. WOLF go.

Mr. DREIER. You want to keep him? Mr. Speaker, I think the moderator has underscored again and again that we are all strongly committed to the cause of human rights, and I believe very strongly in the position our team has taken, and I know they feel strongly in theirs. But it is clear to all that we are committed to improving the human rights of people here in the United States and throughout the world.

Mr. CARDIN. I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUTTO (at the request of Mr. GEPHARDT) for today after 6 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders herefore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. DIAZ-BALART, for 5 minutes, on July 21.

Mr. GOSS, for 5 minutes each day, on July 21 and 22.

Mr. WELDON, for 5 minutes, today.

Mr. DORNAN, for 5 minutes, on July 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. BEREUTER.
Mr. BURTON of Indiana.
Mr. KING.
Mr. POMBO.
Mr. CRANE.
Mr. OXLEY.
Mr. ROHRABACHER.

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. HAMILTON.
Ms. CANTWELL.
Mr. KLEIN in two instances.
Mr. BERMAN.
Mr. GORDON.
Mr. VISCLOSKY in two instances.
Mr. FRANK of Massachusetts.
Mr. MINGE.
Mr. MANN.
Mr. DEUTSCH.
Ms. ROYBAL-ALLARD.
Mr. KREIDLER in two instances.
Mr. PARKER.
Mr. LEHMAN.
Ms. DELAURO.
Mr. WILLIAMS.
Mr. STARK.
Mr. RANGEL.
Mr. BROWN of California.
Mr. TRAFICANT.
Mr. NADLER.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 572. An act for the relief of Melissa Johnson.

H.R. 1346. An act to designate the Federal building located on St. Croix, Virgin Islands as the "Almeric L. Christian Federal Building."

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need.

H.R. 2532. An act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse."

H.R. 3770. An act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building."

H.R. 3840. An act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following title:

S. 537. An act for the relief of Tania Gil Compton.

S. 832. An act to designate the plaza to be constructed on the Federal Triangle property in Washington, D.C., as the "Woodrow Wilson Plaza."

S. 1880. An act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

ADJOURNMENT

Mr. CARDIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, July 21, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3550. A letter from the Board of Governors of the Federal Reserve System, transmitting the staff report of the Federal Reserve System, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

3551. A letter from the Secretary of Agriculture, transmitting the annual report on the use of private attorneys contracted to perform certain legal actions taken in connection with housing programs administered by the Farmers Home Administration [FmHA], pursuant to section 510(d)(2) of the Housing Act of 1949, as amended; to the Committee on Banking, Finance and Urban Affairs.

3552. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-286, "Councilmembers' Salary Freeze Temporary Amendment Act of 1994," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

3553. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on employment of U.S. citizens by certain international organizations, pursuant to Public Law 102-138, section 181 (105 Stat. 682); to the Committee on Foreign Affairs.

3554. A letter from the Acting Associate Attorney General, Department of Justice, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3555. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

3556. A letter from the Assistant Attorney General of the United States, Department of

Justice, transmitting the Department's report on settlements for calendar year 1993 for damages caused by the FBI, pursuant to 31 U.S.C. 3724(b); to the Committee on the Judiciary.

3557. A letter from the Director, Office of National Drug Control Policy, transmitting a draft of proposed legislation to create an exception to title 18 concerning acts of violence against civilian aircraft for situations where the President determines that a foreign country faces a national security threat from trafficking in illicit drugs, and that the country has appropriate procedures in place to protect innocent aircraft; to the Committee on the Judiciary.

3558. A letter from the Chairman, Merit Systems Protection Board, transmitting a report entitled "Working for America: An Update," pursuant to 5 U.S.C. 1205(a)(3); to the Committee on Post Office and Civil Service.

3559. A letter from the Secretary, Department of the Interior, transmitting a copy of the annual report for fiscal year 1992 covering the Outer Continental Shelf [OCS] Natural Gas and Oil Leasing and Production Program, pursuant to 43 U.S.C. 1343; jointly, to the Committee on Natural Resources and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. SLAUGHTER: Committee on Rules. House Resolution 482. Resolution providing for consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes (Rept. 103-612). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 483. Resolution providing for consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies (Rept. 103-613). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 484. Resolution providing for consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes (Rept. 103-614). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 4799. A bill to promote the research and development of environmental technologies; to the Committee on Science, Space, and Technology.

By Ms. SNOWE (for herself and Mr. ANDREWS of Maine):

H.R. 4800. A bill to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; jointly, to the Committee on Energy and Commerce and Natural Resources.

By Mr. LAFALCE (for himself, Mr. SMITH of Iowa, Mr. SKELTON, Mr. MAZZOLI, Mr. WYDEN, Mr. BILBRAY, Mr. MFUME, Mr. KLINK, Ms. ROYBAL-ALLARD, Mr. HILLIARD, and Mr. THOMPSON):

H.R. 4801. A bill to amend the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. GORDON:

H.R. 4802. A bill to prohibit any charges on telephone bills for calls to 800 numbers; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. OWENS, Mr. TUCKER, Miss COLLINS of Michigan, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. DELLUMS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. BROWN of Florida, Mr. MINETA, Ms. VELÁZQUEZ, Mr. HINCHEY, Mrs. SCHROEDER, Mr. NADLER, Ms. MARGOLIES-MEZVINSKY, Mr. SERRANO, Mrs. MALONEY, Mr. MARTINEZ, Mr. MCCLOSKEY, Mr. GENE GREEN of Texas, and Mrs. KENNELLY):

H.R. 4803. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Education and Labor.

By Mr. SHAW (for himself, Mr. DEUTSCH, Ms. BROWN of Florida, Mrs. FOWLER, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. CANADY, Mr. GOSS, Mr. BACCHUS of Florida, Mrs. MEEK of Florida, Ms. ROS-LEHTINEN, Mr. JOHNSTON of Florida, Mr. DIAZ-BALART, Mr. HASTINGS, Mr. LEWIS of Florida, Mr. MCCOLLUM, Mr. HUTTO, Mr. PETERSON of Florida, Mr. STEARNS, Mr. MICA, Mr. MILLER of Florida, and Mrs. THURMAN):

H.R. 4804. A bill to authorize appropriations for construction of a research facility in Broward County, FL, to be used in connection with efforts to control Melaleuca and other exotic plant species that threaten native ecosystems in the State of Florida; to the Committee on Public Works and Transportation.

By Mr. SLATTERY:

H.R. 4805. A bill to amend title 23, United States Code, relating to penalties for use of motorcycle helmets; to the Committee on Public Works and Transportation.

By Mr. WILLIAMS (for himself, Mr. POMEROY, Ms. ENGLISH of Arizona, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, Mr. STUPAK, Mr. SKEEN, Mr. RICHARDSON, Mr. SWIFT, Mr. KILDEE, Mrs. MEYERS of Kansas, Mr. FLAKE, Mr. HILLIARD, Mr. FAZIO, Mr. SCHIFF, Mr. SCOTT, Mr. MINGE, Mr. MARTINEZ, Mr. DELLUMS, and Mr. GUTIERREZ):

H.R. 4806. A bill to provide land-grant status for certain Indian colleges and institutions; jointly, to the Committees on Agriculture and Education and Labor.

By Mrs. COLLINS of Illinois:

H.J. Res. 391. Joint resolution to designate the week of September 12, 1994, through September 16, 1994, as "National Gang Violence Prevention Week"; to the Committee on Post Office and Civil Service.

By Mr. RAMSTAD (for himself and Mr. VALENTINE):

H. Res. 485. Resolution expressing the sense of the House of Representatives that any health care reform legislation passed by Congress must ensure access to and the continued advancement of medical technology; jointly, to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. MCDERMOTT:

H.R. 4807. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Tecumseh*; to the Committee on Merchant Marine and Fisheries.

H.R. 4808. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *L.R. Beattie*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 146: Mr. STEARNS.

H.R. 502: Mr. KINGSTON and Mr. STEARNS.

H.R. 520: Mr. DIXON.

H.R. 642: Mr. HASTERT.

H.R. 662: Mr. STEARNS.

H.R. 840: Mr. NADLER.

H.R. 998: Mr. STEARNS.

H.R. 1099: Mr. RAVENEL.

H.R. 1106: Mr. JEFFERSON.

H.R. 1122: Mr. STEARNS.

H.R. 1130: Mr. STEARNS.

H.R. 1392: Mr. STEARNS.

H.R. 1596: Mr. HOEKSTRA.

H.R. 1604: Mr. STEARNS.

H.R. 1671: Mr. NADLER.

H.R. 1793: Mr. MINETA.

H.R. 1843: Mrs. FOWLER and Mr. MICA.

H.R. 2467: Mr. BAESLER and Mr. CAMP.

H.R. 2472: Mr. GOODLING.

H.R. 2543: Ms. VELÁZQUEZ.

H.R. 2710: Mr. FINGERHUT.

H.R. 2866: Mr. BILBRAY, Mr. SKAGGS, Mr. TRAFICANT, Mr. PORTER, and Mr. KREIDLER.

H.R. 3392: Mr. WALKER.

H.R. 3415: Mr. ABERCROMBIE.

H.R. 3630: Mr. HUGHES, Mr. HILLIARD, and Mr. DIAZ-BALART.

H.R. 3635: Mr. STEARNS.

H.R. 3705: Mr. MCCOLLUM, Mr. STEARNS, Mrs. MEEK of Florida, Mr. KLECZKA, Mr. SOLOMON, and Mr. HUTCHINSON.

H.R. 3739: Mr. ARMEY, Mr. FROST, Mr. DORNAN, Mr. DARDEN, and Mr. MANZULLO.

H.R. 3940: Mr. UNDERWOOD and Mr. REED.

H.R. 3943: Mr. HUTCHINSON.

H.R. 4279: Mr. YATES and Mr. EVANS.

H.R. 4314: Mr. BEILENSON.

H.R. 4375: Mr. MILLER of California.

H.R. 4412: Mr. STENHOLM.

H.R. 4441: Mr. HYDE.

H.R. 4463: Mr. MCDERMOTT and Mr. HUGHES.

H.R. 4495: Ms. VELAZQUEZ, Ms. WOOLSEY, and Mr. LANTOS.

H.R. 4496: Mr. EHLERS, Mr. DELLUMS, and Mr. DEFAZIO.

H.R. 4512: Mr. MINETA and Mr. HILLIARD.

H.R. 4557: Mr. CRANE and Mr. GRAMS.

H.R. 4570: Mr. KLEIN and Mr. MINETA.

H.R. 4584: Mr. PETERSON of Minnesota.

H.R. 4590: Mr. GONZALEZ, Mr. SPRATT, Mr. POSHARD, Mr. ENGEL, Mrs. COLLINS of Illinois, Mr. SWETT, Mr. APPLEGATE, Mr. BROWN of Ohio, Mr. ROMERO-BARCELO, Mr. HILLIARD, Mr. BLACKWELL, Mr. BORSKI, Mr. DIXON, Mr. UPTON, Mr. TORRICELLI, Mr. TAYLOR of Mississippi, Mr. MORAN, Mr. CONYERS, Mr. RAHALL, and Mr. MURPHY.

H.R. 4592: Mr. COBLE and Mr. DOOLITTLE.

H.R, 4643: Mr. LAUGHLIN and Mr. SARPALIUS.

H.R. 4675: Mr. LAUGHLIN.

H.R. 4699: Ms. MCKINNEY and Mr. DE LUGO.

H.R. 4791: Mr. LIVINGSTON, Mr. RAMSTAD, and Mr. MCCOLLUM.

H.J. Res. 160: Mr. LEWIS of Kentucky.

H.J. Res. 374: Mr. DEFAZIO, Mr. CAMP, Mr. PICKETT, Mr. REED, Mr. ENGEL, Mr. BREWSTER, Mr. ORTIZ, Mr. TORRES, Mr. HASTINGS, Mr. GONZALEZ, Mr. SLATTERY, Mr. KOPETSKI, Mr. MCDERMOTT, Mr. BLACKWELL, Mr. VENTO, Mr. BLUTE, Mr. TRAFICANT, Mr. DELAY, Mr. POMEROY, Mr. MCKEON, Mr. GUTIERREZ, Mr. PARKER, Mr. MORAN, Mr. DARDEN, Mr. INHOFE, Mr. STARK, Mr. MATSUI, Mr. GENE GREEN of Texas, Mr. SWIFT, Mr. DURBIN, Ms. CANTWELL, Mr. RICHARDSON, MR. BONIOR, Mr. BARLOW, Mr. MANTON, Mr. CRAMER, Mr. DEUTSCH, Mr. CARR, Mr. PETERSON of Minnesota, Mr. SWETT, Mr. BRYANT, Mr. BISHOP, Ms. MARGOLIES-MEZVINSKY, Mr. WYNN, Ms. BROWN of Florida, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. MCINNIS, Ms. WOOLSEY, Mr. SPRATT, Mr. SABO, Mr. ABERCROMBIE, Mr. MONTGOMERY, Mr. MINGE, Mr. ANDREWS of Maine, Mr. BERMAN, Mr. BEILENSON, Mr. HAMILTON, Mr. SMITH of Iowa, Mr. HALL of Texas, Mr. STENHOLM, Mr. TAUZIN, Mr. HUTTO, Mr. MCHALE, Mr. NEAL of Massachusetts, Mr. VALENTINE, Mr. DELLUMS, Mr. MENENDEZ, Mr. EVANS, Mr. ROEMER, Mr. DOOLEY, Mr. CLEMENT, Ms. SHEPHERD, Ms. MCKINNEY, Ms. SCHENK, Mr. SCOTT, Mr. PALLONE, Mr. EDWARDS of Texas, Mrs. COLLINS of Illinois, Mr. CARDIN, Mr. GEJDENSON, Mr. UPTON, Mr. WYDEN, Mr. BROWDER, Mr. SHARP, Mr. COPPERSMITH, Mr. ROSE, Mr. OLVER, Mr. TUCKER, Mr. TOWNS, Mr. FINGERHUT, Mrs. MINK of Hawaii, Mr. CALLAHAN, Mr. STUMP, Mr. STOKES, Mr. HEFNER, Mr. NEAL of North Carolina, Mr. MURPHY, Mr. RAVENEL, Mr. MOORHEAD, Mr. WOLF, Mr. GIBBONS, Mr. OWENS, Mr. CONYERS, Mr. HAYES, Mr. NADLER, Mrs. LLOYD, Mr. MARKEY, Mr. VOLKMER, Mr. SARPALIUS, and Mr. RAMSTAD.

H.J. Res. 383: Mr. BLUTE and Mr. MCDERMOTT.

H.J. Res. 385: Mr. BEVILL, Mrs. LOWEY, Mr. BATEMAN, and Mr. MORAN.

H.J. Res. 387: Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mrs. BENTLEY, Mr. BLACKWELL, Mr. CALLAHAN, Mr. COBLE, Mr. DOOLITTLE, Ms. DUNN, Mr. EMERSON, Mr. EWING, Mr. FISH, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GONZALEZ, Mr. HUGHES, Mr. KASICH, Mr. KING, Mr. LIVINGSTON, Mr. SAXTON, Mrs. THURMAN, Mr. WASHINGTON, Mr. DE LUGO, Mr. FIELDS of Texas, Mr. HOCHBRUECKNER, Mr. HORN, Mr. MCDADE, Mr. MANTON, Mr. MEEHAN, Mr. PALLONE, Mr. ROMERO-BARCELO, Mr. LEWIS of California, Mr. LIPINSKI, Mrs. FOWLER, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 210: Mr. TALENT.

H. Con. Res. 212: Mr. BERMAN, Ms. LOWEY, Mrs. MALONEY, Mr. STARK, and Ms. VELAZQUEZ.

H. Con. Res. 229: Mr. MARKEY.

H. Con. Res. 234: Mr. STARK and Mr. WYNN.

H. Con. Res. 246: Mr. MEEHAN, Mr. LIPINSKI, Ms. PELOSI, Mr. SANDERS, Mr. CLYBURN, Ms. FURSE, Mr. GENE GREEN of Texas, Mr. REYNOLDS, Mr. TOWNS, Ms. NORTON, Mr. DELLUMS, Mr. SCOTT, Mrs. MEEK of Florida, and Ms. VELAZQUEZ.

H. Con. Res. 262: Mr. CRAMER, Mrs. VUCANOVICH, Mr. EHLERS, Mr. GILLMOR, Mr. COX, Ms. SNOWE, Mr. GALLEGLY, Mr. LEVY, Mr. BROWN of Ohio, Mr. HILLIARD, and Mr. HAMBURG.

H. Res. 270: Mr. HASTERT.

H. Res. 434: Mr. MCHUGH and Mr. DELAY.

H. Res. 481: Mr. RAMSTAD, Mr. BARTLETT of Maryland, and Mr. SAM JOHNSON.

EXTENSIONS OF REMARKS

DON'T PUNISH THE CHILDREN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. FRANK of Massachusetts. Mr. Speaker, recently a group of very thoughtful and extremely well-informed experts in the field of welfare issued a statement objecting to proposals to penalize children who make the mistake of being born in the wrong circumstances. As the welfare experts I am referring to said in their statement:

Recently some have suggested that poor children born to unmarried parents should not be eligible for Aid to Families with Dependent Children, food stamps, or subsidized housing. . . . this is not in the best interest of children. While some signers of this statement believe that welfare has some modest impact on out-of-wedlock childbearing, *we all agree that the damage done to children by denying assistance to their families would be far too great to justify eliminating the safety net for them.* (Emphasis added.)

I look forward to working with many of my colleagues in changing the welfare system to add both an opportunity to work and a requirement to do so where the work is available. It is clearly in our interest as a society, and in the interest of those who will wind up on welfare themselves, to reduce drastically the number of out-of-wedlock births. But punitive proposals that deny minimum economic assistance to poor children whose only crime is to have been born in the wrong circumstances are not the way to do that. Even those most critical of some of the parents on welfare should understand the need to avoid any policy which visits the sins of the parents on the children.

Because these proposals have been given such currency, and because the list of those who have opposed them is an impressive one, and their reasoning quite persuasive, I submit the statement and list of signers to be printed here.

WELFARE AND OUT-OF-WEDLOCK BIRTHS—A RESEARCH SUMMARY

As researchers who work in the area of poverty, the labor market, and family structure, we are concerned that the research on the effect of welfare on out-of-wedlock childbearing has been seriously distorted. As researchers, we are deeply concerned about the rising rates of out-of-wedlock childbearing and the high incidence of poverty and welfare use among single-parent families. However, the best social science research suggests that welfare programs are not among the primary reasons for the rising numbers of out-of-wedlock births.

Most research examining the effect of higher welfare benefits on out-of-wedlock childbearing and teen pregnancy finds that benefit levels have no significant effect on the likelihood that black women and girls will have children outside of marriage and either no significant effect, or only a small effect, on the likelihood that whites will have such births. Indeed, cash welfare benefits have fallen in real value over the past 20 years, the same period that out-of-wedlock childbearing increased. Thus, the evidence suggests that welfare has not played a major role in the rise in out-of-wedlock childbearing.

There is, however, strong evidence that poverty harms children. Poor families often live in substandard housing and have difficulty purchasing basic necessities such as food and clothing. Research has demonstrated that poor children are more likely than nonpoor children to be too short and too thin for their age. Poor children also tend to develop academic skills more slowly than nonpoor children. And, poor children who live in poor neighborhoods are less likely than more affluent children to complete high school. Research in this and other countries also indicates that programs that provide employment and income assistance to poor families decrease poverty rates among children.

There are several plausible explanations for the rise in out-of-wedlock childbearing, although research has not determined which of these are important factors. Possible explanations include: changed sexual mores, decreased economic opportunity for low-skilled young men and young women, changed roles of women, the increased proportion of women in the labor market, and deteriorating neighborhood conditions stemming from racial segregation and industrial change. Focusing on welfare as the primary cause of rising rates of out-of-wedlock childbearing vastly oversimplifies this complex phenomenon.

Recently some have suggested that poor children born to unmarried parents should not be eligible for Aid to Families with Dependent Children, food stamps, or subsidized housing. Proponents of these drastic policies defend them as necessary to decrease the number of children born outside of marriage. We question the efficacy of such policies.

Policies that deny poor children basic income and nutrition assistance are likely to harm their physical and academic development and increase the incidence of homelessness and hunger among children. In addition, families that are left with no means to support their children may find that the only way their children's basic needs can be met is to place them in foster care or in an institution. Such parents would be forced to relinquish their children not because they are abusive or neglectful but simply because they are destitute. This is not in the best interests of children. While some signers of this statement believe that welfare has some modest impact on out-of-wedlock childbearing, we all agree that the damage done to children by denying assistance to their families would be far too great to justify eliminating the safety net for them.

We need significant improvements both in the welfare system and in other policy areas. Improvements in the child support system must be made so young men understand that if they father a child they will be required to provide financial support for that child for 18 years and so fathers assume more parenting responsibilities. Changes in the welfare system must be made so more parents can move off welfare, into the workforce, and out of poverty. And, innovative approaches to curbing teen pregnancy should be pursued and strategies found effective widely implemented.

But ending welfare for poor children born out-of-wedlock does not represent serious welfare reform, and would inflict harm on many poor children. We strongly urge the rejection of any proposal that would eliminate the safety net for poor children born outside of marriage. Such policies will do far more harm than good.

Signatories: Larry Aber, Columbia University; Greg Acs, Urban Institute; Elijah Anderson, University of Pennsylvania; John Antel, University of Houston; Sheila Ards, University of Minnesota; Rebecca Blank, Northwestern University; Larry Bobo, Univeristy of California, Los Angeles; Larry Bumpass, University of Wisconsin; Martha Burt, Urban Institute; Glen G. Cain, University of Wisconsin; Maria Cancian, University of Wisconsin; Anne Case, Princeton University; Andrew Cherlin, Johns Hopkins University; Thomas Corbett, University of Wisconsin; Mary Corcoran, University of Michigan; Sandra Danziger, University of Michigan; Sheldon Danziger, University of Michigan; Greg Duncan, University of Michigan; Kathryn Edin, Rutgers University; George Farkas, University of Texas at Dallas; Ren Farley, University of Michigan; Ronald Ferguson, Harvard University; Frank Furstenberg, University of Pennsylvania; Irv Garfinkel, Columbia University; Peter Gottschalk, Boston College; Edward Gramlich, University of Michigan; Kathleen Mullan Harris, University of North Carolina at Chapel Hill; Robert Haveman, University of Wisconsin; Martha Hill, University of Michigan; Jennifer Hochschild, Princeton University; Saul Hoffman, University of Delaware; Robinson Hollister, Swarthmore College; Marjorie Honig, Hunter College; Joe Hotz, University of Chicago; Robert Hutchens, Cornell University; George Jakubson, Cornell University; Paul Jargowsky, University of Texas at Dallas; Christopher Jencks, Northwestern University; Alfred J. Kahn, Columbia University; Sheila B. Kamerman, Columbia University; Thomas Kane, Harvard University; Joleen Kirschenman, University of Georgia.

Marieka Klawitter, University of Washington; Sanders Korenman, University of Minnesota; Jeff Lehman, University of Michigan; Robert Lerman, American University; Kristen Luker, Princeton University; Irene Lurie, State University of New York at Albany; Douglas Massey, University of Chicago; Sara McLanahan, Princeton University; Jane Miller, Rutgers University; Robert Moffitt, Brown University; Kristin Moore, Child Trends, Inc.; Samuel L. Myers, Jr., University of Minnesota; Richard Nathan, State University of New York at Albany; Kathryn Neckerman, Columbia University; Demetra Nightingale, Urban Institute; Brendan O'Flahrety, Columbia University; Melvin Oliver, University of California, Los

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Angeles; Martha N. Ozawa, Washington University at St. Louis; Robert Plonick, University of Washington; Samuel Preston, University of Pennsylvania; Lee Rainwater, Harvard University; Lauren Rich, University of Michigan; Philip Robins, University of Miami; Gary Sandefur, University of Wisconsin; Dona Schwartz, University of Minnesota; Theda Skocpol, Harvard University; Timothy Smeeding, Syracuse University; Mercer Sullivan New School for Social Research; Marta Tienda, University of Chicago; Harold Watts, Columbia University; Julie Boatright Wilson, Harvard University; William Julius Wilson, University of Chicago; Doug Wissoker, Urban Institute; Barbara Wolfe, University of Wisconsin.

HEALTH CARE AFFORDABILITY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excerpted part of an editorial which appeared in the Norfolk Daily News on July 11, 1994. This is a thoughtful commentary as Congress continues to consider health care reform legislation.

[From the Norfolk Daily News, July 11, 1994]

AFFORDABILITY

Affordability may have been a test about Medicare, the program which insures health care for America's elderly, when it was created in 1965. Actuaries at the time indicated the costs might reach $9 billion to $12 billion by 1990. They were $107 billion. No one has been penalized for the faulty forecasts.

In health matters, there is a desire to ignore costs and prescribe any treatment or perform any procedures which offer life-saving potential. That is because no monetary value can or should be put on a human life. Yet decisions about costs and benefits do have to be made. And the more the government becomes involved so set standards and pay the bills, the more standardized those decisions have to become; the more costly to taxpayers they will be.

If the government attempts to fix prices to ensure affordability, it will fall just as all price control plans have in the past. If it attempts through taxation or mandates on employers to provide insurance coverage for all, without regard to health risks, it inflates demands for health care, thereby driving costs higher.

Total health care costs in America are unlikely to go down. That is because better quality of care is increasingly available, and everyone who becomes ill wants the best that modern medicine offers. Having individuals determine what is best and what is affordable is the only way that effective cost discipline can be imposed.

It must be a collective decision of individuals, not that of government, to determine whether to continue to spend a trillion dollars (about 14 percent of the nation's total output of goods and services) on health care in 1994. The more that government does directly to intervene to control costs or specify treatments and subsidize health care, the more likely it is that total costs will rise, the quality of care reduced and choices diminished.

It is time to inject into the health care debate the principle that freedom of individuals to choose is important, too.

UNITED STATES FOREIGN POLICY TOWARD HAITI

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. MINGE. Mr. Speaker, I am troubled by the long-term ramifications of our current United States foreign policy toward Haiti. I do not believe sending United States troops into Haiti will be any more successful in the 1990's than it has been in the past. I am especially concerned that the United States may act without the participation of our Central and Latin American friends.

Without question, we must try to help Haiti. Haitians continue to flee their beleaguered country on anything buoyant. In terms of wealth and living conditions, Haiti is the poorest nation in the Western Hemisphere. Human rights violations have increased dramatically under the oppressive military junta controlling Haiti. Nevertheless, we cannot afford to open our arms to hundreds of thousands of Haitian refugees. With a $4½ trillion debt, our welcome wagon is bankrupt.

Neither can we afford to send U.S. troops into a dilemma destined for disaster. The use of military might without first sharply honing our objectives would be setting the military up to fail. Even using a special operations force would not work because we would need to establish a military presence for months, if not years, after ousting the current regime. A quick scan of the history pages should fill us with caution: United States military intervention in Haiti has failed in the past, and I do not see how this time would be significantly different.

Rather than intervening militarily, we should continue to tighten the noose around Haiti's military and its supporters through economic sanctions. Sanctions may not bring success as quickly as some people would like, but I believe they offer the best hope for helping Haiti. While sanctions will affect the Haitian people as well as its leaders, the violence that is part of military intervention takes a greater toll. We must, however, give sanctions time to work.

Improving human rights conditions and building an economic foundation in the Western Hemisphere's poorest nation will require the toil of more than the United States. What logic, after all, dictates that we must unilaterally police our hemisphere? Should Saudi Arabia intervene in the Yemen/South Yemen conflict? Should Germany alone resolve the strife in Bosnia? Should China step in and resolve the conflict between the Koreas? I think not. Instead, the United Nations and the nations closest to these areas should concentrate on finding solutions. In the case of Haiti, we should work with Central and Latin American nations as well as the United Nations to nurture a representative government. To do otherwise begs history to repeat itself.

CONGRATULATIONS TO REV. O.C. COMER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate Rev. O.C. Comer, president of the East Chicago Chapter of the National Association for the Advancement of Colored People [NAACP]. On July 14, 1994, the East Chicago chapter was honored for the fourth time under Reverend Comer's leadership with the Thalheimer Award at the 85th National NAACP Convention held in Chicago, IL. This esteemed recognition exemplifies the hard work and determination of Reverend Comer and his chapter members.

Reverend Comer, who is a resident of Gary, IN, and pastor of the Bethlehem A.M.E. Zion Church in Gary, has been an active participant with the East Chicago chapter for 30 years. Reverend Comer spent 15 of those years as vice president, and for the past 12 years he has served as the chapter president. Reverend Comer's noble ambition is to fight for others' rights in pursuit of a common cause. Reverend Comer, who is a life member with the NAACP, has brought tremendous pride to the chapter throughout his 12-year role as president.

Mr. Speaker, I wish to once again commend Reverend Comer and the East Chicago Chapter of the NAACP for their commitment to working together for the common goal of justice, equality, dignity, and jobs for all Americans. Through their actions, they have represented the entire NAACP organization, as well as the surrounding community, with tremendous distinction.

TRIBUTE TO DRINKING DRIVER TASK FORCE

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KREIDLER. Mr. Speaker, it gives me great pleasure to recognize the outstanding efforts of the Drinking Driver Task Force of Kent, WA. This group has recently been cited by the 1994 National City Challenge to Stop Drunk Driving, receiving the Community Partnership Award for their exceptional work in community prevention programs.

Kent's Drinking Driver Task Force was started 10 years ago to combat the community's high accident and fatality rate from heavily congested areas and drunk driving. The all-volunteer steering committee conducts public information campaigns, monthly server training programs, youth conferences, highway safety poster contests in local schools, public DWI forums, and other activities.

The highlight of Kent's program is a youth conference called the game of life. It educates 215 junior and senior high school students on wellness activities and team building, giving them the skills to implement programs within their own schools. Overall, Kent's program has helped to reduce the number of alcholo-related crashes by 27 percent, compared to a 13-percent improvement in adjoining communities.

I am pleased to draw attention to the immense contributions of the Kent community to the safety and wellness of its citizens. Over the past 10 years, donations to the task force from businesses, organizations and individuals have totaled $450,000. Strong community support prompted the city of Kent to take over funding for the program's staff, beginning in 1994.

I urge my colleagues to join me in recognizing the successful efforts of the Kent Drinking Driver Task Force, especially paying tribute to the fine individuals who have made this program possible. I hope the task force will continue to serve as a positive role model for other communities.

RETIREMENT OF JOSEPH LAMIN

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KLEIN. Mr. Speaker, I rise today to honor Mr. Joseph LaMin of the Belleville Public Library and Information Center. Mr. LaMin is retiring this month after 22 years of dedication as the library's head of maintenance.

Mr. LaMin has helped the library undergo many changes. He assisted with the 1981 addition to the library and the 1985 renovation of the James J. Cozzarelli, Jr. Children's Room. He also helped with the 1990 redesign of the Trustees Meeting Room and Gallery, and the 1992 renovation of the library's Carnegie Library.

On a daily basis, Mr. LaMin proudly supervised the maintenance of the Main and Shafter Libraries, the library's lawn, as well as the new library computers.

It is with great pleasure that I ask my colleagues to honor Mr. Joseph LaMin on this distinguished occasion. I know that he will be deeply missed, and I wish him the best of luck in the future.

TRIBUTE TO AUNG SAN SUU KYI AND THE PEOPLE OF BURMA AND CONDEMNATION OF THE ILLEGAL RULE OF THE SLORC

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. BERMAN. Mr. Speaker, today marks the fifth anniversary of the detention without trial of Aung San Suu Kyi of Burma, the leader of the National League for Democracy, which in 1990 won 80 percent of the votes in a national election, despite the Burmese military's every attempt to restrict its activities including the detention of its leader. The conscience of the world has recognized Suu Kyi's distinction, and she has received the Nobel Peace Prize for her commitment to nonviolence in the face of one of the most brutal dictatorships in the world.

We are also witnesses to the continued suppression of democracy and the continued denial of fundamental human rights in Burma. There can be no doubt about the violence and illegality of the rule of the so-called State Law and Order Restoration Council [SLORC]. The SLORC has frustrated the democratic will of the people of Burma by disregarding election results in which its opponents won an overwhelming 80 percent of the vote, and by holding Suu Kyi in illegal detention without trial for 5 years.

The SLORC has maintained its illegal rule by a combination of extreme violence against its peaceful opponents; corruption, theft of national resources, and complicity in narcotics trafficking; and the subjection of ordinary citizens of Burma of brutal forced labor.

The detention of Suu Kyi, under a 1975 law to protect against subversive elements, was illegal at the outset and turned the law on its head, since it was the SLORC which had subverted political legitimacy, whereas Suu Kyi was the legitimate leader of Burma. Even then, at the time of her detention, the law made by the Burmese military only allowed detention for 3 years. That meant that Suu Kyi should have been released 2 years ago. The SLORC has only compounded its original illegality by retroactively arrogating to itself the authority to detain for 5 years. Unless the SLORC releases her today, it will have violated its own illegal rules.

This is not surprising. The SLORC has demonstrated that it is one of the most illegitimate regimes in the world, and one of the worst violators of human rights. Its brutality has resulted not only in the death and detention of peaceful political opponents, but also in widespread refugee migrations from border areas.

I am proud that the United States has taken such a firm line in our own bilateral policy against the illegal SLORC regime, but I believe that we should go further still. I believe that we should impose economic sanctions; should aggressively pursue internationalization of such sanctions; and should forcefully advocate to our allies and trading partners the need for an international arms embargo. I also believe that all United Nations agencies and other international organizations which wish to continue operations in Burma should do so only in consultation with the legitimate authorities of Burma.

I am confident that a resolute policy of isolating the SLORC regime will restore to Burma the promising prospect that it faced at the time of its independence from Britain. Although the SLORC and its military predecessors have been responsible for serious damage to Burma's institutions and environment, I am heartened by the observation that the people of Burma have miraculously preserved their rich and sophisticated culture. How else could the National League for Democracy have won so handsomely after three decades of repression and serious interference with its right to campaign? This is a real reflection of the strength and resilience of the people of Burma. I look forward to working with my colleagues and with the administration to help restore the Government of Burma to its people, and to then help Burma take its place in the community of nations.

This is a matter which implicates not only the interests of the people of Burma, but the interests of the United States in the emergence of a stable and just political order in a region of great economic interest to us. A stable Burma integrated into the regional economy can advance our interests, just as clearly as a violent and unstable Burma will act as a drag on the economic potential of the region. The short-term economic benefits of engaging with the present dictatorship are illusory and uncertain. Only a peaceful and legitimate political order can offer the security which long-term economic planning and investment require.

TRIBUTE TO THE CREW OF "APOLLO 11"

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. POMBO. Mr. Speaker, on behalf of myself, and my constituents in the California 11th Congressional District, I am honored to rise before you today to pay tribute to the crew of *Apollo 11.* On this day 25 years ago, the Nation sat on the edge of their chairs as they watched Neil Armstrong become the first human to step on the Moon. Stepping off the lunar lander he uttered one of the most famous quotes in the 20th century, "That's one small step for man, one giant leap for mankind."

Though as a nation we will always be proud of the pictures sent back to Earth from the lunar surface, we also need to acknowledge the accomplishments of the thousands of men and women who participated in the Space Program. These individuals provide the talents, skills, and vision to make it possible to land a man on the Moon. The landing on the Moon is clearly more than just the actions of one single man, it represents what America as a nation can accomplish when its citizens set a goal.

We must never forget that 25 years ago, America accomplished before any nation an act that to some was perceived impossible. It was that impossible act which has guided our Space Program. As I stand here today, above me, the crew of the space shuttle is pioneering new experiments in space inspired by the two men who walked on the Sea of Tranquility on July 20, 1969.

This week we have seen fragments from the Shoemaker-Levy 9 comet impact the planet of Jupiter. Even though the pictures from Jupiter have provided enormous insight into this unprecedented occurrence, there are still thousands of questions that will need to be answered in the future. It is because of events like these, that we as a nation must continue to try to solve the mysteries of the universe.

After the lunar landing, Pan American Airlines began taking reservations for commercial trips to the Moon. Thousands of people signed up to travel to the lunar surface. Commercial space travel is still many years away, but until that time, individuals who want to travel to the Moon can only imagine that it was them 25 years ago making history. Someday in the future we may all be able to take "giant leaps" and "small steps" on the surface of the Moon.

Mr. Speaker, I am proud our Nation is taking a moment to honor Neil Armstrong, Buzz Aldrin, Michael Collins, and the over 400,000 men and women who worked on the Apollo Program.

175TH ANNIVERSARY OF LEBANON, TN

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. GORDON. Mr. Speaker, I rise to congratulate the city of Lebanon, TN, on its 175th anniversary, which it will celebrate throughout the week of July 24. Lebanon, the Wilson County seat, certainly has a lot to celebrate.

For the past 2 years in a row, the Wilson County Fair has been named the Champion of Champions by the Tennessee Fair Association.

As all residents of Lebanon know, original settlers named the city for the Biblical land of cedars. That tradition has been preserved and shepherded under the able leadership of Mayor Don Fox, Mayor pro-tem Fred Burton and Aldermen Jerry Hunt, Arah Preston, Joe Hayes, Johnny Knowles, and Kathy Warmath, and by the generosity of public spirit of each of its residents.

Maybe that's why Lebanon is a little town with a big reputation that is growing bigger every day. The cities of Lebanon, MO and Lebanon, OR, after all, were founded by former Lebanon residents.

Famous Americans who have called Lebanon home include Sam Houston, the first president of the Republic of Texas and hero of the battle of San Jacinto; four Confederate and one Union generals; Maude Woodfork McElroy, America's original Aunt Jemima; Maggie Porter Cole, one of the Fisk Jubilee singers; and, of course, Robert E. Lee's horse Traveler.

Lebanon is rightly proud of its top-flight 10th District schools, of its many church and civic organizations and of first-class recreation programs.

Not to be overlooked is Cumberland University, one of Tennessee's finest, which has graduated former Gov. Frank Clement, Cordell Hull, and many others.

This week Lebanon's proud residents will mark their anniversary with a parade and field day, dinners and dances and singing and much else—just like they've been doing for 175 years now. I know I'm speaking for all middle Tennesseans when I warmly wish them another 175 happy years.

TRIBUTE TO MARTY JAKUBOWSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. VISCLOSKY. Mr. Speaker, I rise today to call your attention to Mr. Marty Jakubowski, a resident of Whiting, IN, in Indiana's First Congressional District.

On July 1, 1994, in Philadelphia's new convention center, Marty culminated his long quest for a title bout, earning the United States Boxing Association [USBA] lightweight championship title. Prior to the championship match against Philadelphia native Anthony Boyle, Marty had posted a most impressive record of 73–1, with 18 knockouts. This impeccable record illustrates Marty's special talents as a top-ranked lightweight boxer. Marty's determination and stamina proved to be the dominating force on July 1 as he recorded his 74th victory in a 12-round unanimous decision. As a result, Marty won the prestigious title of USBA Lightweight Boxing Champion.

Mr. Speaker, I wish to once again acknowledge this spectacular accomplishment that most boxers can only dream of completing in their career. Marty has chased this ultimate dream and made it a reality by triumphing in the USBA lightweight title bout. Marty has brought pride to northwest Indiana in his endeavors in the boxing world, and I wish him the best of luck as he continues his journey toward a world title.

TAMARA KELLY, VOICE OF DEMOCRACY WINNER

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KREIDLER. Mr. Speaker, I would like to recognize the achievement of Tamara Kelly, this year's Washington State winner of the Voice of Democracy broadcast scriptwriting contest, sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

The Voice of Democracy scholarship program, established 47 years ago, is endorsed by the U.S. Office of Education and National Association of Broadcasters, Electronic Industries Association, and State Association of Broadcasters. This past year more than 138,000 students competed for 39 scholarships totaling $99,000, with the first place winner receiving a $20,000 scholarship to the college of his or her choice.

The winner from Washington State, Tamara Kelly, is a 16-year-old junior at Franklin Pierce High School in Tacoma, WA. Ms. Kelly is a bright, motivated young person with numerous achievements in speech, debate, and writing. She is committed to education and hopes one day to become a teacher. Her award winning script, entitled "My commitment to America", focuses on the importance of quality education in a child's life.

I ask that my colleagues take the opportunity to read Ms. Kelly's valuable thoughts.

MY COMMITMENT TO AMERICA

(By Tamara Kelly)

In fifth grade I had a truly remarkable teacher. He taught me that I am an individual, and that I am unique and special and that no one has any right to tell me anything different. He showed me how to stand up for myself, and how to be my own person. He taught me that every person in the world is equal, regardless of anything anyone else might say. The ideals and values he gave me have lasted me throughout my life, and whenever I have doubts about myself and my self worth, I always think of him and his never ending efforts to inspire me to greatness.

It is because of his encouragement that I have decided to become a part of the greatest, and most important profession in the world. My commitment to America is to become a teacher. If every individual in the United States would dedicate his or her self to the shaping and molding of the youth of America, our country could rise up and meet its awesome potential. So I'm going to take up my end of the great debt I owe to every teacher that has ever picked me up and brushed me off when I stumbled over the obstacles and crises of my life.

I'm going to repay the debt I owe to this country, and to those who have helped keep it the powerful force it is—by helping to make our children compassionate, fair-minded human beings, I am helping to insure that our country will remain the fantastic world power the very first leaders envisioned it to be.

To truly live and work up to it's potential, America must educate it's children, and not just in the three R's, but in every aspect of life, and life's dilemmas.

Teachers shape the lives of their students, and thus, shape the future of America. A teacher worthy of the name must school his or her students to be kind to those less fortunate than they themselves may be, regardless of race, creed or gender, and must teach respect, no only for all human beings, but especially for the elderly and the very young. A teacher must teach by example, by being fair and open minded, just as we hope our future leaders will be.

I believe that, as cliched as it may sound, children truly are the future of this great country, and that the success of the United States of America depends upon the values of it's youth.

In these troubled times our country needs wisdom and compassion more than ever. Unfortunately though, we are lacking enough role models who can help a child determine the difference between right and wrong.

School is where each child spends the vast majority or his or her life, logically, that is where the most emphasis on positive influences should be put. But instead, every day children go to school, and learn of prejudice and hatred. Students are surrounded by every imaginable danger and threat: racism, sexism, peer pressure to abuse drugs or alcohol—the threat of gang violence, rape or harassment is sometimes the foremost subject on the average student's mind. It's a sad commentary on our times when a student fears being shot, or raped, or stabbed at school. Yet hate is taught at school and at home.

There is hope, though. And our hope lies with the children of America. Not every child can live in the Cleaver family, not every child can have the excellent role models at home that some do. But sometimes having a caring teacher can make all the difference in the world. When no one else in the world is there for that child, at least she knows she can always turn to her teacher, for support and for guidance.

It's not too late to change the destructive patterns the youth of American has fallen into. By providing caring, and positive role models, we can effectively offset the negative role models in each and every child's life. It only take one person to make the difference.

My commitment to America is to help provide a role model to children who may not have anyone else to look up to. If I can help just one child, if I can save just one child from gangs, or discourage one child from drug abuse, if I can keep one child from turning to a dead end street of violence or crime, then I believe that I have fulfilled my commitment to America.

If we educate our children in peace, they will not learn to fight. If we educate our children in the light of equality and fairness, they will not learn to be narrow-minded or prejudiced. And if we educate our children in love, they will not learn the meaning of the word hate. To educate our children, we must teach by example, and provide positive role models for them, thus making the United States of America a country with caring and altruistic leaders—a country worth living in, and dying for.

RETIREMENT OF BETTY OAKLEY

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KLEIN. Mr. Speaker, I rise today to honor Betty Oakley, a woman who has dedicated 21 years to the Belleville Public Library and Information Center. It is with great pride that I join the library staff and the township of Belleville in honoring her at her retirement.

Betty Oakley began working at the Belleville Library in July 1973. As supervising library assistant, Ms. Oakley has helped organize much of the library's books and media resources. As well as producing my computerized bibliographies, she has worked on the development of the Belleville Public Library's newsletter.

Recently, Ms. Oakley successfully coordinated the library's computerization project, and helped establish the Gaylord Galaxy System. Ms. Oakley has maintained an excellent relationship with the community, and I am proud to ask my colleagues to join me in wishing her continued success.

LAW ENFORCEMENT SUPPORT FOUNDATION OF AMERICA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to honor an outstanding organization recently established in Staten Island, NY, the Law Enforcement Support Foundation of America. This foundation is the support network for officers and their families in their struggle to overcome medical problems. This network, comprised of former and current police officers, religious pontiffs and various businesses, support officers and their families with physical, emotional and financial difficulties regarding medical needs.

Mr. Speaker, this foundation rallies different sectors of a community and unites them for a common purpose: Support those officers, in their time of crisis, who consistently have supported us. As a former sheriff, I saw first hand the medical needs of officers regarding nonduty related illnesses. When all medical and job benefits are exhausted the LESFA steps up to bat. They provide lodging for family members near the hospital of the patient, doctors provide pro bono care and pharmaceutical companies donate medication.

Mr. Speaker, this organization leads the charge of public service, successfully, without the intervention of government. The Law Enforcement Support Foundation of America should serve as a shining example of how true support, in critical times, comes from family and friends. I commend the dedicated men and women behind the LESFA, may they be blessed with health, happiness and continued success.

TRIBUTE TO ROLLING MEADOWS CHAMBER OF COMMERCE 1993 HONOREES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. CRANE. Mr. Speaker, I would like to honor six very special business leaders in my district, who were recognized and honored on May 5, 1994, by the Rolling Meadows Chamber of Commerce for the leadership they have shown in their communities.

Thomas Threlkeld of Retailers Insurance Agency was honored as the 1993 Business Leader of the Year for his dedication, hard work, civic involvement, and leadership qualities. Having met personally with Tom, I can certainly attest to the qualities identified by the Rolling Meadows Chamber.

Dennis York, director of Rolling Meadows Public Works Department, was honored as the 1993 Community Leader of the Year. The Rolling Meadows Chamber honored Dennis "because he exemplifies the spirit of private enterprise in conducting operations of the city's public works department in a business-like manner for the benefit of the community." Dry pavements during snowstorms, Lake Michigan water, an improved recycling program, and bicycle paths are only a few of the achievements Dennis has accomplished during his 21 years with the city.

Continental Offices, Ltd. and Sterling Plumbing Group, Inc. both were honored with the 1993 Business Beautification Award. A honorable mention was given to the Women's Club. The Continental Towers received a facelift which included new landscaping, lobbies, and canopies. Sterling Plumbing's new building was transformed into an elegant fine kitchen and bath plumbing showroom. The Women's Club expansion included a day spa with its own entrance to fortify the flourishing Meadows Town Mall.

Gulliver's Travel was honored as Small Business of the year. Despite economic downturns, Gulliver's Travel doubled their size since Thomas R. Schedler's purchase of the agency in March 1992. His special attention to nonprofit organizations, honeymooners, business travelers, and others solidified this leadership in the community.

Mr. Speaker, I would like to congratulate the six business leaders of Rolling Meadows for their hard work and dedication. With their leadership, Rolling Meadows and the Eighth Congressional District of Illinois is a better place to live.

REMARKS BY MR. NEIL ARMSTRONG

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. BROWN of California. Mr. Speaker, on this the 25th anniversary of the first Moon landing, I would like to insert into the RECORD the eloquent remarks of Mr. Neil Armstrong, the first human to set foot on the surface of another world. These remarks were given at the White House today during a ceremony commemorating the *Apollo 11* mission.

REMARKS BY MR. ARMSTRONG, THE WHITE HOUSE, JULY 20, 1994

Thank you, Mr. Vice President, Mr. President, members of Congress, fellow astronauts, ladies and gentlemen.

Wilbur Wright once noted that the only bird that could talk was the parrot, and he didn't fly very well. So I'll be brief. This week America has been recalling the *Apollo* program and reliving the memories of those times in which so many of us here, colleagues here in the first rows, were immersed. Our old astrogeology mentor, Gene Shoemaker, even called in one of his comets to mark the occasion with spectacular Jovian fireworks. And reminding us once again of the power and consequence of celestial extracurricular activities.

Many Americans were part of *Apollo*, about one or two in each thousand citizens, all across the country. They were asked by their country to do the impossible—to envisage the design and to build a method of breaking the bonds of earth's gravity and then sally forth to visit another heavenly body. The principal elements—leaving earth, navigating in space and descending to a planet unencumbered with runways and traffic control—would include major requirements necessary for a space-faring people.

Today a space shuttle flies overhead with an international crew. A number of countries have international space programs. During the space age we have increased our knowledge of our universe a thousand-fold.

Today we have with us a group of students, among America's best. To you we say we have only completed a beginning. We leave you much that is undone. There are great ideas undiscovered, breakthroughs available to those who can remove one of the truth's protective layers. There are many places to go beyond belief. Those challenges are yours—in many fields, not the least of which is space, because there lies human destiny.

TRIBUTE TO MADELYN DICK

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. PARKER. Mr. Speaker, I stand before you today, in the people's chamber, to honor Mrs. Madelyn Dick, the Pike County, MS, Civil Defense Director. Mrs. Madelyn will be retiring on August 1 from this position which she has officially held for the past 13 years. With over 30 years of selfless service to Pike County, she has earned the respect, honor and friendship of local, State, and Federal officials, including my own, as well as that of the thousands of people she has helped.

Mrs. Madelyn worked with her late husband, Mr. Arsene Dick, in the Pike County Rescue Unit, which was established in 1964. Mr. Arsene became Pike County's first full-time civil defense director in 1972, with Mrs. Madelyn working side by side with her husband as his operations director. The civil defense office originally was located next to their home until it was moved to its present location in McComb in 1974.

In 1981, Mr. Arsene passed away, and Mrs. Madelyn took on the job of civil defense director. She helped establish the enhanced 911 emergency telephone system in Pike County and has served as 911 coordinator since its inception in 1986. She accepted the enormous task of naming all the roads in Pike County, which now number at nearly 650. Countless times over the years, she has brought emergency grant funds to Pike County and earned the respect of State and Federal emergency management officials. She created a low-income food program, the Emergency Food and Shelter Program, for the elderly in Pike County. Then the food was delivered to the Civil Defense Office and she distributed it, with the help of the county road crew.

Through the years, she has coordinated many rescue operations and was always personally on the scene to lead and offer assistance. For instance, she spent more than 76 hours on the job with little or no rest during Hurricane Andrew. During emergencies, she has served as dispatcher for the county road crew, dedicating numerous hours during tornadoes and floods to ensure that crews were sent where they were needed. Mrs. Madelyn also served as coordinator for Pike County's rural fire departments since their inception. She has seen to it that those departments have state-of-the-art equipment, some of the best in the State of Mississippi. Thanks to her efforts, these fire departments are ranked in the top ten in our State. With her dedication to public service and keen interest in good government, Mr. Madelyn also has served as secretary for the Pike County Democratic Executive Committee.

I personally am proud to call her my friend. I am extremely proud to represent in Congress this fine leader and true friend to people in need. Her career as director has been stellar. Mr. Speaker, at this time, I ask that my colleagues join me in saluting this hero, my friend, Madelyn Dick, for her personal strength, her many outstanding achievements, her willing sacrifices to her community and her dedication to excellent public service.

TRIBUTE TO ERIC SALMIN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. KING. Mr. Speaker, I rise today to salute a young man from the village of Plainview in my home district who has indeed performed a mitzvah. Thirteen-year-old Eric Salmin was so deeply moved by the plight of New York Jets quarterback Boomer Esiason's son, Gunnar, who is afflicted with cystic fibrosis, that he donated half of his Bar Mitzvah gift money to the Cystic Fibrosis Foundation. His selfless act is an inspiration to people everywhere, proving that each of us can have it in our hearts to reach out and do our part to help make a difference.

Eric not only helped to fight this dreaded disease through his generous donation but, through his action, helped to focus public attention on the fight to cure cystic fibrosis. He continues in that fight and led a major walk-a-thon on Long Island to raise money for the Cystic Fibrosis Foundation this May.

TRIBUTE TO NAVAL UNDERSEA WARFARE CENTER AT KEYPORT, WA

HON. MARIA CANTWELL

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Ms. CANTWELL. Mr. Speaker, I rise today to offer praise and congratulations to an outstanding wing of our armed services, which is setting new standards for performance in Government. The Naval Undersea Warfare Center at Keyport, WA, is one of three recipients of the prestigious Federal Quality Improvement Prototype Award for 1994. This high honor marks the center as the pinnacle of excellence in the U.S. Armed Forces.

Keyport workers provide testing, evaluation and fleet support for the U.S. Navy, and their recipe for success is simple. They emphasize customer satisfaction and teamwork. They cultivate a respect for all employees. They have instituted quality management programs, which have long been popular in the private sector, and proven how valuable such programs can be for Federal operations. The results of their efforts are outstanding. From 1986 to 1992, the center saved Navy contractors—and the American taxpayer—almost $75 million. And, amazingly, the center has continually realized its goal of zero profit, zero loss. Between 1982 and 1992, the net fiscal variance at Keyport was a mere 0.2 percent—on revenues of more than $2.8 billion.

Vice President Gore's Reinventing Government Program has Members of Congress laboring to make our Nation more efficient and cost-effective. The Naval Undersea Warfare Center at Keyport is already a step ahead of us. We should learn from them, and we should applaud their success. I want to salute each of the 3,300 employees at Keyport, and to thank them for a job well done.

LITIGATION CRISIS IMPERILS ACCOUNTING PROFESSION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. OXLEY. Mr. Speaker, I am concerned about the fact that the accounting profession is suffering under rapidly escalating litigation costs that are driving it away from auditing the small high-technology and high-growth companies that are often the target of meritless securities litigation.

Between 1990 and 1993, the litigation costs of the six largest accounting firms, excluding insurance, have nearly trebled, from 7 to 19.4 percent of accounting and auditing revenues. Accounting firms are responding to these skyrocketing costs by aggressively winnowing out clients. For many years, the six largest accounting firms consistently gained SEC audit clients at the expense of smaller firms. That trend has reversed. In 1993, five of the large firms showed a net decrease in such clients—in 1991, by comparison, only two firms showed a reduction in SEC clients. For 1993, the six firms experienced a net loss in SEC audit clients—losses exceeded gains by 20 percent. The trend has continued in 1994. For the first quarter of the year, losses by the six firms exceeded gains by 10 percent.

I am submitting for the Record an Accounting Today article that documents the impact of the securities litigation crisis on the accounting profession and the American economy. Notably, the author concludes that the accounting professions' difficulties are due in large part to its status as a "deep pocket" which, under joint and several liability, must pay 100 percent of the plaintiffs' damages, even if found only 1 percent at fault. Such a threat of massive liability can force a large settlement, regardless of the merits of the case. I am confident that my colleagues will see from this article how harmful the market incentives of the current securities litigation system are to the accounting profession and the economy in general.

Finally, I would like to note that there is pending legislation in both Houses of Congress (H.R. 417 and S. 1976) that corrects the flaws of the securities litigation system. I urge my colleagues to support this legislation, and help change the dynamics of the securities litigation system by reforming joint and several liability.

[From Accounting Today, Mar. 14, 1994]

LITIGATION CRISIS IMPERILS ACCOUNTING PROFESSION

(By Richard I. Miller)

Accounting Today has given considerable space over the last couple of months to a multi-part series featuring the philosophies of Melvyn I. Weiss.

Weiss has established himself as perhaps the nation's premier accountants' liability class action plaintiff's lawyer. From what I have seen, he has earned that distinction.

He makes his living suing accountants, and his articles attacking the accounting profession read like many of his briefs.

Most disturbing is his technique for stereotyping an entire profession because of a few highly publicized business failures that Weiss, and his colleagues in the plaintiff's bar, attempt to equate with audit failures.

It is more than coincidental that many of the positions he espouses for "the public good" do much to improve his entrepreneurial interests.

Weiss disputes the very existence of a litigation crisis.

He insists that a few extreme and isolated "horror stories" are representative of the vast amount of high quality work the accounting profession performs year in and year out.

He believes the accounting profession was wrong in seeking the role of auditors of publicly traded companies' financial statements, instead of leaving the job to the government.

He thinks it is an abuse of the litigation system for accounting firms to defend themselves against his law firm—and others like it—with the legal procedures available under the law.

He thinks tort reform is an effort to limit a plaintiff's access to the courts.

This is all, quite literally, incredible. It's time to set the record straight.

There is a litigation crisis, and it's getting worse.

There is no question that auditors' exposure to liability has generated increasing concern throughout the accounting profession. That concern is more than justified by the facts.

For example:

Sen. Christopher Dodd, D-Conn., chairman of the Securities Subcommittee Senate Banking Committee, recently announced his findings that "the securities litigation system is not working as it should and needs improvement."

The Public Oversight Board concluded in March 1992 that "the litigation risks confronting the profession pose serious dangers to the ability to perform its assigned role in society."

According to a recent survey of American Institute of CPA members, more than one in 10 firms intend to "discontinue doing business in certain industries or with certain organizations" because of litigation risks.

One-fifth of the firms indicated that they would "discontinue providing or performing certain types of services," also because of liability concerns.

One aspect of the profession's liability burden that has been the focus of recent public debate involves securities fraud class action lawsuits.

Virtually everyone who is familiar with the securities litigation system—with the notable exception of class action plaintiffs' lawyers—agrees that the system is not working as it should.

Congress is currently considering changes to that system.

Whether or not you call it an "explosion," both the number of securities class actions and the economic stakes involved in this litigation have climbed significantly in recent years.

The number of securities fraud class actions filed under Securities and Exchange Commission Rule 10b-5 has tripled since 1988, and a record 614 suits were filed in 1990 and 1991, more than in the five previous years combined.

Weiss' law firm alone filed 229 securities fraud lawsuits in the past three years. And, the average claim has soared to $40 million, compared to just $1.2 million in other federal actions.

WHO BENEFITS FROM ALL THIS LITIGATION?

The statistics that show the expanding magnitude of the litigation crisis do not, by themselves, make the case for liability reform.

If the litigation reflected an increase in wrongdoing, if the suits had legal merit, and if legal action was providing appropriate compensation to genuine victims of fraud, there would be little justification for change in the liability system.

Under those circumstances, economic discomfort for defendants could be viewed as the justifiable outcome of public policies designed to protect investors.

Unfortunately, this is not the case. The current system of class action litigation—which fails to distinguish between meritorious and baseline claims—is not serving the interests of the investors it was designated to protect.

By diverting corporate resources from productive activities to legal costs, it diminishes the value of investors' holdings.

In addition, because it chills public disclosure of corporate financial data needed by investors—the exact opposite of what the securities laws were intended to—the interest of investors in the free flow of information is not served.

What's more, a variety of independent studies show that plaintiffs recover only pennies of every dollar in claimed losses. Thus, the investors' interest in receiving recompense for wrongs is not served.

Other studies have shown that virtually all cases are settled without any determination of guilt or innocence, compared to a typical settlement rate of 60–70 percent in other civil suits.

And, a recent analysis by National Economic Research Associates of White Plains, N.Y., found that settlement amounts do not reflect the merits of the case—they tend to reflect the depth of the defendants' pockets.

In fact, legal experts say the combination of high settlement rates and low recovery is strong evidence that the plaintiffs' cases are weak—otherwise they would insist on a trial, or demand large settlements.

This demonstrates that the interest of investors and the public to ferret out the truly culpable parties is not being served.

The conclusion, therefore, is manifest. This is not a system operating to the benefit of investors and creditors.

The only beneficiaries of this system, and the only parties whose interests are being served, are the plaintiff's attorneys and law firms who claim approximately one-third of every settlement they extract.

Perhaps most indicative of the failures of the current system is that shareholder and investor groups—often the plaintiffs in these suits—have come out in support of legislative reforms to the securities litigation system.

WHY PURSUING "DEEP POCKETS" IS THE STRATEGY OF CHOICE

The failings of the litigation system are traceable in large part to the doctrine of joint and several liability, under which a single defendant in a lawsuit can be held liable for the collective damages caused by all defendants.

This rule creates an almost irresistible incentive for plaintiff's attorneys to seek "deep pocket" defendants such as accountants, underwriters and outside directors, no matter how peripheral their involvement in the alleged misconduct.

A recent study shows that accountants as a class are the most frequent targets of weak securities claims.

Because the potential liability is so great and the legal costs of defending a suit so high, most defendants regard settlement before trial as the best business decision—even if they are innocent.

Given the near certainty of settlement, the system invites plaintiffs' lawyers to maximize the volume of suits, regardless of the underlying merits.

IN REMEMBRANCE OF R. JEROME JENKINS

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. MANN. Mr. Speaker, I want to take a moment today to remember Mr. R. Jerome Jenkins who died quite unexpectedly last Thursday at the age of 54. Mr. Jenkins had been the executive director of Seven Hills Neighborhood Houses for 22 years and played a key role in providing social services in the Greater Cincinnati community. His goal was to improve the lives of those people who may not have the same opportunities as those who are more fortunate.

Jerome brought energy, enthusiasm, and commitment to any project in which he involved himself. He had a can-do attitude no matter how difficult the task. Jerome had a profoundly positive impact upon innumerable young people in the community. His untimely passage has robbed us of a community leader and role model.

Mr. Jenkins was a graduate of Clark College in Atlanta with a bachelors degree in psychology and biology. He received a master's in social work from Atlanta University and a master's in community planning from the University of Cincinnati. He went on to obtain his doctorate in philosophy and sociology from U.C.

In addition to his work at Seven Hills Neighborhood Houses, Jerome was a member of the Cincinnati Bar Association's Judicial Selection Committee, the U.S. Census Bureau Advisory Committee on Population Statistics, a member of the United Way Campaign Cabinet, the Community Chest Board, and the WCET–TV Advisory Board.

I extend my condolences to Jerome's wife, Rose, his mother, Audrey, his sons, Roger, Courtney, and Oren, and his father-in-law, Henry Oliver. Jerome's spirit and dedication will be sorely missed.

THE CONTINUING DIVISION OF CYPRUS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. LEHMAN. Mr. Speaker, I rise before my colleagues today to express my concern over the continuing unrest in Cyprus on this, the 20th year of its illegal occupation by the Turkish Army.

I also want to thank my distinguished colleague from Florida for his efforts in focusing our attention on this illegal occupation and his call for peace and resolution on this sad and bitter anniversary.

As a result of the 1974 occupation, sadly there are still 1,619 Greek Cypriots and 5 United States citizens who remain missing and unaccounted for.

Since 1974, the United Nations has adopted numerous resolutions concerning Cyprus, resolutions that condemn the status quo as unacceptable and call for the withdrawal of the foreign forces, the return of the refugees, the ascertainment of the fate of the missing and respect for the human rights of all Cypriots. The Government of Cyprus, ever determined to reach a solution to the problem, has made every possible effort to reach an agreement.

Unfortunately, Turkey has ignored those efforts and the international community's persistent calls to resolve the Cyprus problem, and instead has systematically taken steps to obstruct the achievement of a just and lasting resolution of the Cyprus problem.

The United States Government has always supported a lasting solution and it is important that the Congress continue to firmly support the people of Cyprus by pressing Turkey to remove its illegal occupation force and work constructively for resolution. There must be a solution that will benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey, and be a significant step toward peace in the volatile eastern Mediterranean region.

The strong support of Congress combined with President Clinton's reaffirmation of his personal commitment to "work for an end to the tragic conflict on Cyprus, which is dividing too many people in too many ways," are clearly essential in bringing about a long overdue peaceful resolution of the Cyprus problem for the near future.

HEALTH CARE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 20, 1994 into the CONGRESSIONAL RECORD.

HEALTH CARE REFORM

Many Hoosiers have asked me about the status of health care reform and how possible changes would affect them and their families. The health care debate can be confusing, and it is not yet clear what reforms will pass Congress this year.

The President has not been able to rally a majority in Congress behind his reform proposal, and a wide variety of plans are before Congress. Nearly all share two primary goals: to expand coverage, or to obtain universal coverage, while containing costs. Today, over 38 million Americans lack medical coverage and health care costs continue to rise at two or three times the rate of overall inflation.

Reaching a consensus on health care reform will not be easy. Americans want to reform the health care system but do not share a vision of what the system should be or how to achieve it. The major interested parties in health care reform—consumers, doctors, hospitals, employers, insurance companies, and taxpayers—all can have different views concerning health care, and reform hinges on balancing these often competing interests.

Reform Proposals.—If Congress is to reach a consensus concerning health care reform, it must agree on a number of issues.

Benefits Package.—A basic benefits package would provide preventive care, coverage for catastrophic illness, and some coverage of extended care and prescription drugs. The package could be taken from job to job, but consumers may have to pay a higher share of the cost to make them more aware of medical expenses so they consume health care more prudently. Obviously, the more generous the benefits the greater the cost. I think the benefit package should provide basic benefits, not Cadillac coverage. It is better to add benefits later if funding is available than the other way around.

Choice—Americans strongly favor being able to choose their own doctor or hospital. I agree, and Congress is not expected to support reforms which would eliminate this choice.

Education/Information.—Health care reform almost certainly will emphasize better education and information. Consumers and health plans, for example, will be making more comparisons of the cost and quality of care.

Universal Coverage.—Expanded or universal coverage is a goal of health care reform, but it will be phased in gradually. Congress is not seriously considering a single-payer plan similar to Canada's, and support for employer or individual mandates is still short of majority in the House or Senate. Rather than mandate health insurance, it is more likely Congress will expand the pool of Americans who can obtain health coverage by implementing insurance reforms, tax incentives to encourage businesses to provide medical coverage, and government assistance to those who cannot afford coverage.

Insurance Reform.—Possible reforms include insurance for those with pre-existing conditions, guaranteed renewability or portability, movement towards standard insurance premiums (with variations for factors such as age or location), consumer protection, standardized forms to reduce paperwork, and allowing small businesses and individuals to join together to buy group insurance at lower rates.

Malpractice Reform.—Malpractice reform would reduce insurance costs and limit defensive medicine. Indiana is a leader in malpractice reform. Congress is considering national regulations.

Anti-trust Reform.—Anti-trust reforms would allow hospitals and doctors—especially in rural areas—to work together to better make use of limited resources. Such reform, for example, could make it easier for nearby hospitals to coordinate the purchase of expensive diagnostic equipment.

Taxes.—Congress is not expected to support a broad-based tax increase to pay for reform, and we probably will not tax employer-paid health insurance. Self-employed persons could receive a 100% tax deduction for health care expenses, just as employers now do. Taxes on tobacco products probably will increase.

Cost-control.—Congress is unlikely to support direct cost control. Instead, it will attempt to increase competition among health care providers in order to restrain cost increases.

Trigger.—A "trigger" device would activate in several years if reform goals such as increased coverage or cost control are not met. A "hard trigger" would, at a future date, either implement additional reforms or force Congress to vote on specific measures designed to achieve the unmet goals. A "soft trigger" would require Congress to consider how to achieve the unmet goals. Congress is more likely to adopt a soft rather than a hard trigger.

Scope of Reform.—As Congress considers health care reform, one important debate is between universal coverage and a more modest, incremental approach. I come down on the side of incremental reform.

First, I am concerned about whether Washington successfully can reform the health care system. It would be extremely difficult to restructure in a few months the $1 trillion health care system developed over decades.

Second, managing a new health care system could be very difficult for the government. The government already is straining to deal with its current responsibilities, and there is an enormous amount of public distrust of government. If we put into place a health care system the government cannot handle, it could have severe consequences on our entire government system.

Third, while I see strong support for health care reform, I do not see a consensus for any single comprehensive reform proposal. Hoosiers are becoming more cautious as they learn more about health care reform. Our health care system has many strengths, and it makes sense to preserve what works well and build on it.

But this is not an argument for doing nothing. Enacting no health care reform can cause harm as well. As health costs continue to rise, fewer people can afford health insurance and more companies will drop medical coverage as part of their benefits. Also, larger companies are using their clout with health care providers to demand lower costs. These costs do not disappear, and smaller employers are being forced to pay more as expenses are shifted onto them.

I think Congress and the President should proceed with reforms which have strong public support, such as insurance reform, reducing red tape, and promoting managed care. What we should not do is try to reform the entire health care system in one year.

IN HONOR OF LOUISE AND CHARLIE ENDEL'S 50TH WEDDING ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Ms. DELAURO. Mr. Speaker, on July 23, 1994, the friends and family of Louise and Charlie Endel will gather to celebrate the couple's 50th wedding anniversary. The Endels are two extraordinary individuals whose commitment to community, friends, family, and each other has been an inspiration to those of us fortunate enough to know them. As a longtime friend and admirer of the Endels, I would like to join in paying tribute to the tremendous impact they have had on New Haven and Connecticut.

As people who actively participated in many arts, cultural, and education programs in New Haven, the Endels have been an invaluable source of support and assistance to our entire community. They have touched many lives, and their leadership, and contributions to the people of New Haven, have made the city a better place.

Louise has been a tireless fundraiser and activist for such worthy causes as A Better Chance, Inc., Leadership Education and Athletics in Partnership, Women's Health Services, Bridgeways Communications, and the

Long Wharf Theater. But her contributions cannot be quantified by how many boards she has chaired or community programs she has helped to succeed. Her real contribution can only be understood when you consider the enthusiasm and energy she puts into her work. She brings people together and inspires extraordinary achievements. It is a marvelous talent that has greatly benefited New Haven.

Charlie has also been an active supporter of the arts and education through his work for such programs as the American Field Service, the Creative Arts Workshop and Individuals with Prolonged Mental Illness. His commitment and dedication to our young people has helped many to realize their full potential. Like Louise, he inspires people and moves them to action.

In raising three daughters as caring and thoughtful as themselves, the Endels have passed their legacy of community activism to a new generation. Barbara, Susan, and Patricia are active in health care, the theater, and government and non profit work respectively.

The Endels have richly earned this 50th anniversary celebration, and I commend their extraordinary commitment and dedication to community, family, and each other. Loving parents and gifted leaders, they continue to inspire us and enrich our lives. I am honored to have this opportunity to recognize these special people. Congratulations, Louise and Charlie.

EVA ISAAC: AN APOLLO LEGEND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. RANGEL. Mr. Speaker, I would like to bring to your attention and to the attention of my colleagues here in the House, a story which recently appeared in the Washington Post about one of Harlem's Apollo Theatre's most famous and adored fans—Eva Isaac.

I share this story with you in tribute to a woman whose spirit and vitality is a trademark of one of the most exciting and vibrant cities in the world: New York.

[From the Washington Post]

FRONT AND CENTER AT THE APOLLO

AMATEUR NIGHT DRAWS A TOUGH CROWD. JUST ASK EVA ISAAC.

(By James Earl Hardy)

NEW YORK.—The moment she walks into Harlem's famed Apollo Theatre, all heads turn. Some gasp. Others tap their neighbors, pointing and declaring in hushed tones, "It's her." A few ask for her autograph, even though they don't know her name.

And, as she is led by an usher through the lobby and to her seat—first row, center, No. 108—she is met with applause, blinding camera flashes, calls of Woof! Woof! Woof!" and shouts of "You go, girl!"

Eva Isaac is an "Apollo Legend," without a doubt the Apollo's most famous Amateur Night audience member.

Every Wednesday night since 1935, the Apollo has hosted one of the liveliest open-mike talent competitions in the country. A dozen or so brave souls have graced the theater's stage each week and faced what many consider the toughest audience in the world. How tough are they? Ask Luther Vandross. He was booed four times before he won.

Isaac has been a witness to this and many other hits and misses over the past 40 years. ("It's Showtime at the Apollo" airs tonight at 1 a.m. on Channel 4.) Neither rain nor sleet nor 12 inches of snow (through which, on one particular night, she trekked for several miles between her apartment in the Polo Grounds housing project and the theater) will stop her. She's only missed the festivities once. In 1987 she returned to Emporia, Va., where she was born and raised, to attend her mother's funeral.

"Folks know they can count on me to go out or do something for them, any time during the week—except Wednesday night," explains Isaac, as she peels off her coat and settles in what a young man sitting directly behind Isaac calls "her throne."

"If I go on vacation, I'll leave after the show and make sure I'm back in time for next week's. I just can't miss it!" says the diminutive, bespectacled 56-year-old woman, whom some around here call "Miss Apollo."

"She weaves this magic over the place that you just can't explain," says Leon Denmark, executive director of the Apollo Foundation, the group that runs the theater. "Stars fade, fads come and go, but Eva doesn't. She's always there to help strike up the band."

Isaac usually gives the first "thumbs up" or "thumbs down" sign to contestants, and does it in a way only she can. There was the time a male dance trio from the Bronx called Rhythm in Motion strutted their stuff off of the house version of Janet Jackson's "if." No more than 15 seconds into their performance, Isaac jumped out of her seat, pointing to the stage and screaming, "Ya'll betta dance!" She started gyrating her own hips and shaking her rump, even working the groove with one of the fellas when he came to the foot of the stage. Her energy was infectious. Many in the audience followed her lead, bopping along to the beat or clapping and cheering.

Another act was not as lucky. A young woman from Newark tried her best to belt out Mariah Carey's "Hero," but had barely gotten through the first few lines when Isaac calmly rose out of her seat, placed her hands on her hips and declared, "Sorry, baby, but you can't sing!" She waved at the woman before sitting down, which seemed to be a cue for the audience. A somewhat scary chorus of boos and hisses erupted, and Sandman Sims, the resident clown and bearer of bad tidings, pranced out with his cane to "rope" the young woman off the stage.

Giving someone the boot isn't something that Isaac really enjoys, though. "Whoever comes from behind that curtain, I want them to win. And I know that it takes a lot of courage to come out in front of some strangers and try to do your thing, so I give them all the utmost respect for that and give them the benefit of the doubt. But you shouldn't half-step, because we are hard to please." So hard, in fact, that some contestants are smart enough to seek out Miss Apollo's advice before they go on.

Isaac vividly recalls her very first Amateur Night, not long after she stepped off a bus from Virginia for a new life at the tender age of 17.

"It was another world for me," she explained. "You got to remember that I was a farm girl. I milked the cows and cut the wood and picked cotton and pulled tobacco. There was 26 of us"—her parents, eight blood-related siblings including a twin sister, and another couple and their 13 children whom Isaac's father took in after they lost their land. "It was crowded, honey! I guess I felt smothered, lost in the mix.

"So picture me coming to New York and seeing, for the first time, the people I would read about in the paper or hear on the radio in the town store. They were live, for real, onstage. They were larger than life, so pretty and handsome, dressed to the nines, you know? All that glitter and gold, the sequins and gowns, and all that hair! I don't know, but something took over me—the lights, the feeling of being with so many other people—it made it seem like a big family. It just set me free, let this other me inside come out. I was ready to party, you hear?"

And the party has continued every week since. Isaac didn't slow down when she married (her husband, who died in 1992, joined her when he wasn't working). Nor did she let children get in the way. Unless they had chores or homework, all five of hers, now ages 22 through 38, also came along. "It was certainly better than letting them run the streets," says Isaac. And all the exposure to show biz paid off in one instance: Her son Erskine is a booking agent.

It was after one of her stellar performances—climbing up onstage and demanding that a male crooner "Sing it!"—that Ralph Cooper Sr., who began Amateur Night in 1935 and served as its emcee until his death two years ago, came up with the idea of "booking" the woman he addressed as "my girl, Eva." Isaac was awarded a lifetime pass in 1962.

And she has seen a lot from that seat. "Little Stevie Wonder, little Michael Jackson and the Jackson 5, Gladys Knight, the Supremes, the Temptations, all the biggies. And there are, of course, the wannabes, those people who want to be the next Michael or Gladys. Some of them cried, some of them laughed about bombing out. But I loved them all because they dared to dream, they took a chance. They will be a part of me always. I feel like I know them all personally, like they are all my children."

Because the amateur competition, which helped launch the careers of Ella Fitzgerald, Dionne Warwick and James Brown, is seen internationally on the tube, Isaac is also seen around the world. Fans from other countries have sent her flowers and letters. Such musical giants as R&B diva Patti LaBelle, blues legend B.B. King and "Quiet Storm" crooner Keith Washington have given her their props from the Apollo stage. Washington's rose has been wrapped in aluminum foil and stored in her freezer for the past three years.

Isaac has no thought of retirement, even though there is a home in Scottsville, Va., left to her by her father. She rents it out to her children, and to hear her tell it, they may end up living in it for the rest of their lives.

"Even if I do decide to—how do they say it, chill?—it'd be hard leaving the Apollo behind," she admits with a smile. "It really is my second home, you know."

THE FIRST ANNIVERSARY OF "DON'T ASK, DON'T TELL"

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. NADLER. Mr. Speaker, yesterday was the first anniversary of the introduction of the so-called, "Don't Ask, Don't Tell, Don't Pursue" policy regarding lesbian and gay soldiers in the U.S. military. One year later, it is clear that this policy is an abysmal failure. The new policy has actually made things worse. Gay and lesbian servicemembers who were lulled into a false sense of security when the policy was first issued have had their fondest hopes betrayed.

Despite this new policy, the services are asking, are pursuing, and are discharging. In fiscal year 1993, during which this policy was promulgated, the number of discharges for homosexual conduct actually went up. A recent article in the New Republic tells the story of an Air Force airman who was turned in by a fellow airman, because the second had intercepted the first's private correspondence to a civilian friend. He hadn't told, he wasn't asked—at least not at first—but he was pursued all the same. A growing body of evidence collected by the Servicemembers Legal Defense Network indicates that this kind of story is not at all uncommon.

The argument in favor of continuing the ban is simply a rehash of the old myth that some spouted in the 1940's when they wanted to prevent African-Americans from serving their country. Then as now, they argued, against all evidence, that the military cannot function unless the Government panders to the intolerance, prejudice, and fear of the majority. But this is wrong. In fact, soldiers spying on their comrades' private lives does more to undermine unit cohesion than a platoon of lesbian and gay soldiers. The loss of skilled officers and enlisted personnel has severely weakened our readiness, and wasted taxpayer dollars. The policy is also plainly unconstitutional. As the District of Columbia Court of Appeals said last year in the Joseph Steffan case, "The Constitution does not allow government to subordinate a class of persons simply because others do not like them."

This policy is unconstitutional. Let people who want to serve their country serve their country. We should mark the first anniversary of Don't Ask, Don't Tell by revoking it. A policy that indulges and condones discrimination and weakens rather than strengthens our Armed Forces is an unworthy policy.

DON'T ADD BAGGAGE TO GATT

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. ROHRABACHER. Mr. Speaker, there is much discussion that the GATT implementing legislation, when it is formally submitted to Congress, will include a provision that will change U.S. patent law to the detriment of small inventors in the United States.

The GATT agreement requires the signatories to provide patent protection to inventors for a minimum of 20 years from the date filing for the patent. The current U.S. patent law provides patent protection for 17 years from the grant of the patent. Reportedly the GATT implementing legislation will change U.S. patent protection to 20 years from filing. This will hurt small inventors and U.S. competitiveness because many complicated and contested patents take 14 or more years from filing to the actual grant of the patent. The change proposed in the GATT legislation would reduce the effective value of the patent to the inventor. This will reduce the incentive to U.S. inventors and thereby damage U.S. competitiveness.

The GATT goals can be met by increasing the length of the patent term to 20 years from the date of grant. Alternatively, the law could also be changed so that it protects the inventor for 20 years from filing or 17 years from grant, whichever is longer. Either of these would be consistent with the GATT agreement and provide true protection to inventors from delays by patent examiners or by special interests with deep pockets who wish to, for economic reasons, contest or delay patent applications.

Mr. Speaker, the Biotechnology Industry Organization whose members are dependent upon fair and secure patent protection, has recognized the danger of the GATT proposal with respect to patent law protection. I commend to my colleagues the following letter from the biotech industry. If, after reading this letter, you agree that U.S. patent law should not be effectively shortened to 20 years from filing you may contact my office or Congresswoman BENTLEY to sign a letter to President Clinton to make U.S. patent terms 20 years from the time of the grant.

BIOTECHNOLOGY INDUSTRY ORGANIZATION,
Washington, DC, June 27, 1994.

Ambassador MICKEY KANTOR,
U.S. Trade Representative,
Washington, DC.

Re GATT–TRIPS/S. 1854/H.R. 4505.

DEAR AMBASSADOR KANTOR: We are writing on behalf of the Biotechnology Industry Organization (BIO), the trade association which represents the interests of 525 members active in biotechnology, concerning the General Agreement on Tariff and Trade (GATT) Agreement and legislation to implement the agreement.

As an industry with a positive balance of trade we support full and fair international trade. Therefore, we welcome many features of the GATT Agreement, including elimination of tariffs and the stronger intellectual property protection provided under the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) which forms part of the GATT Agreement.

We do, however, have serious concerns relating to draft legislation to implement the agreement. Specifically, we believe that limiting the patent term to 20 years from filing, without adopting either a package of safeguards or other reforms, will seriously disadvantage our industry, which is particularly prone to lengthy delays between the filing of a patent application and subsequent issuance of the patent.

This threat to our industry can be avoided, while at the same time complying with GATT, by leaving the present patent terms of 17 years from issue unchanged other than to insert language stating that the term will not be less than 20 years from filing, extending 35 USC 104 to all GATT (WTO) countries and, incidental to this, but apparently overlooked when implementing NAFTA, amending 35 USC 102(g) in a similar manner. We attach two proposals for such amendment to 35 USC 154. This proposal would not only be in full compliance with GATT but would greatly simplify the implementing legislation by completely avoiding all additional provisions currently proposed in connection with patent term extension for interference delays, provisional protection and the like.

In the event that despite our suggestions above, change to a patent term of 20 years from filing remains in the proposed legislation, we urge the following three steps be taken:

The extension provisions should also apply to cases involved in protracted appeals. The Administration's attempt to deal with the potential inequities of moving to a patent term of 20 years from filing by permitting patent term extension for patents involved in interferences, while welcome, does not go far enough and should apply to protracted appeals. Without this change the effect in many cases of a 20 year term would be to cut back on the current effective length of the patent terms available to biotechnology inventors.

The amendments should not apply to inventions which were filed on or prior to the effective date even if refiled thereafter.

The Administration should commit in a Statement of Administrative Policy to shorten the processing time of Patent Applications through the following: (i) increased staffing at the Patent and Trademark Office; (ii) support for ameliorative legislation such as the Biotechnology Patent Protection Act; and (iii) strict guidance to Patent Examiners on questions of utility particularly in the biotechnology area. This latter issue is discussed in the attached outline of our concerns regarding the utility issue.

Finally, we are concerned with the fact that the TRIPS Agreement contains provisions which are subject to abuse, namely exclusion of certain inventions in the biotech area from protection and lengthy delays in implementation because of which we need to maintain options for bilateral action. We, therefore, support efforts to preserve the vitality and viability of special section 301 to address these two deficiencies.

We have analyzed the two bills which have been introduced to implement the Agreement. This letter is accompanied by a detailed commentary regarding S. 1854, which sets out the problems with this particular bill. Similar concerns arise with regard to H.R. 4505, which we understand to be virtually identical to the Administration's draft GATT implementing proposal on this issue.

Our concern about these bills is based on our experience with the patent law as it applies to the biotechnology industry, which is outlined here.

(A) DELAYS IN THE PROSECUTION TO ALLOWANCE AND ISSUANCE OF APPLICATIONS

(a) Prosecution

(i) Utility Current patent office practice places demands upon Applicants to provide clinical data in support of inventions claiming therapeutic activity which form the major part of inventions in the biotechnology area. Whether or not this requirement is correct, and we believe it is not as outlined in the attached paper, generation of these data is inordinately time consuming because of regulatory and safety requirements and requires a major commitment of resources.

(ii) *Scope* In a new field such as biotechnology where there is scant binding legal precedent both the Patent Office and Applicants require much to and fro communications as well as guidance from higher authorities to determine patentable claim breadth.

(iii) *Appeals* Because of the requirements of (i) and (ii) Appeals to the Board of Patent

Appeals and Interferences (BOPAI) and higher yet to the Court of Appeals of the Federal Circuit (CAFC) are frequently inevitable and all the more likely for more significant or important inventions. In such cases delays of 10 years from filing are not uncommon (see attached examples).

(iv) *Interferences* The relative incidence of interferences in the area of biotechnology inventions is exceptionally high, and the interferences themselves are frequently unusually complicated and/or adversarial (=little willingness to settle), requiring 8 to 10 years to final resolution (see attached examples). Additionally, these protracted interferences typically involve pioneer inventions and it would be demonstrably unfair to penalize an inventor with a shorter effective patent term because of the dilatory tactics of a competitor.

Each of these four factors, especially if combined, would lead to excessively lengthy patent prosecution and shortened effective patent life if a 20 year from filing term is introduced.

(B) CONTINUING APPLICATIONS AND RETROACTIVITY

The proportion of applications refiled as continuing applications is disproportionately high in the biotechnology area. This is usually the result of either a need to generate clinical data and/or the oft-encountered practice of patent examiners finally rejecting applications but indicating they will allow cases if they are refiled with restricted scope. This latter is a temptation which is economically hard to resist for many of our members who rely on patent portfolios to attract investments.

As currently worded these bills could rob inventions made and prosecuted under law and practice prevailing prior to its enactment of a significant period of patent life even if Applicants were *forced* to file a continuation application after the effective date of the legislation to preserve their rights. We have attached data on the length of appeals for biotechnology patents and examples of interferences.

In proposing a de minimis approach to the implementing legislation BIO is not reversing its position on harmonization issues where we favor a patent term of 20 years from filing and early publication as part of a balanced package. BIO is also sympathetic to the problem of submarine patents apparently encountered by some other industries. We have doubts, however, whether a patent term of 20 years from filing effectively eliminates submarine patents other than those issuing on applications having pendencies of 20 years or more. Finally, our proposal would not in anyway compromise the recent understanding between the USPTO and the JPO.

We urge that these measures be considered, of all their ramifications and careful fine tuning to avoid dealing an unnecessary blow to at least one sector of US industry which relies heavily on effective patent protection for its competitiveness and ultimately, survival.

We will be happy to meet, discuss and work with you and your staff to implement GATT/TRIPS in a way which minimizes the risk of unintended effect and at the same time to work expeditiously towards other desirable reforms. We also would be interested in proposing an agenda of administrative actions which could be taken by the Administration.

We very much appreciate this opportunity to offer BIO's view on this legislation and look forward to working with you on this critical issue.

Sincerely,

CHARLES E. LUDLAM,
Vice President for Government Relations.
CARL B. FELDBAUM,
President.

LAND GRANT DESIGNATIONS FOR TRIBAL COLLEGES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. WILLIAMS. Mr. Speaker, today, I am introducing a bill with a number of my colleagues to provide land-grant college status to our Nation's tribal colleges. The bill would give 29 tribal institutions this status, and would authorize appropriations to assist these institutions in meeting the responsibilities that go with such land-grant designation.

The tribal colleges that would benefit from this status are tribally controlled higher education institutions located on or near Indian reservations. Most of the 29 institutions are 2-year colleges, but there are 4-year institutions and one offers programs leading to a master's degree. Located in 12 States, these tribal colleges are the most important provider of higher education opportunities for native Americans, serving 14,000 students each year. They have been remarkably successful at retaining students and sending them on to 4-year colleges. They are also important providers of community services, such as alcohol and drug abuse programming and counseling, job training, and economic development support, advice and assistance. I think it is fair to say that these colleges are vitally important to the communities in which they are located.

Granting these 29 tribal institutions land-grant status makes perfect sense. The original land grant legislation, the Morrill Act of 1862, authorizes States to use the income from certain public lands to establish and operate "colleges for the benefit of agriculture and the mechanic arts." Since that time, land-grant status has been granted to a number of additional institutions through separate acts of Congress. But the underlying purpose of the original Morrill Act has always been retained, that being to enhance the ability of our Nation's land-grant college system to develop programs that deal with the problems of the rural poor and to improve economic opportunities for rural people. Tribal colleges can, must and do play a vital role in this endeavor. In fact, tribal colleges are essential in serving the needs of the rural Indian population of our Nation. And in many States those services extend far beyond the Indian population, as tribal colleges perform vitally needed economic and community service to people and communities surrounding reservations.

By granting tribal colleges land-grant status, they will be able to perform this role more effectively. Despite the historical special relationship of the United States to American Indian tribal governments and their people, and despite the important roles Indian postsecondary institutions perform in their communities, Federal financial support has been far below that experienced by land-grant colleges. And yet, the missions of tribal colleges are exactly similar to those of land-grant institutions, and their communities have the same needs for agricultural services and extension services as those of communities served by existing land-grant institutions. My bill, by granting land-grant status to tribal colleges, will give them the chance to get the funds they need to serve their communities effectively.

And this bill will have another important impact. It will strengthen the relationship between existing land-grant institutions and tribal colleges, something that can only benefit both institutions. Existing land-grant colleges, being the flagships of our Nation's higher education research enterprise, have important resources and expertise that they can share with tribal colleges. And tribal colleges, because they have a unique appreciation and relationship with native American people, can help land-grant colleges understand the best way to serve the needs of Indian people. Getting these two sets of colleges to work together, which my bill does, will forge an alliance that can only be for the good of all Americans.

Finally, for far too long tribal colleges have been treated as stepchildren in our system of higher education. Land-grant designation will provide a status to these institutions that will bring about a rightful acknowledgement and recognition that these are important, vital institutions who are significant partners in our higher education enterprise. That acknowledgement and recognition can only benefit the students and communities these tribal colleges serve. And in the long run, every community in our country benefits from that.

Mr. Chairman, the bill I am introducing today has bipartisan congressional support. It has been endorsed by the National Association of State Universities and Land-Grant Colleges, in large part because that organization realizes that all of higher education benefits from a cooperative and collaborative relationship between its members and tribal colleges. Probably the best way to forge that relationship is by putting these institutions on equal footing by granting land-grant status to tribal colleges. I hope my colleagues will agree with me and give this bill their support.

SOUTH FLORIDA THREATENED BY THE MELALEUCA TREE

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1994

Mr. DEUTSCH. Mr. Speaker, I would like to tell you about the melaleuca tree—a noxious weed that threatens to destroy the Everglades and fundamentally change the landscape of the Southeastern United States. Melaleuca was imported from Australia at the turn of the century to help dry the swamps of south Florida. Now the Department of Agriculture estimates that melaleuca infests about 35 percent of south Florida wetland areas.

Melaleuca continues to spread throughout south Florida at a rate of 52 acres per day. This invasion threatens not only Florida but also other coastal wetland areas ranging from Texas to South Carolina.

To combat this invasion, the Corps of Engineers, the Department of Agriculture, and the

State of Florida are collaborating on a research project to identify the natural enemies of melaleuca and other exotic plants. This project requires construction of a quarantine facility where insects and other biological control agents can be safely tested.

Today I am joined by my friend CLAY SHAW and other Members of the Florida delegation in introducing legislation to authorize funding for this project. I encourage my colleagues to cosponsor this measure and help combat this pest.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 21, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

9:00 a.m.

Labor and Human Resources

Disability Policy Subcommittee

To hold hearings on S. 2140, to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests.

SD–192

Joint Economic

To hold open and closed hearings to examine the economic conditions in China.

SD–628

9:30 a.m.

Foreign Relations

To hold hearings on the nominations of Robert A. Pastor, of Georgia, to be Ambassador to the Republic of Panama, and Curtis Warren Kamman, of the District of Columbia, to be Ambassador to the Republic of Bolivia.

SD–419

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of Janet L. Yellen, of California, to be a Member of the Board of Governors of the Federal Reserve System, and Julie D. Belaga, of Connecticut, to be a Member of the Board of Directors of the Export-Import Bank of the United States.

SD–538

Labor and Human Resources

To hold hearings to examine health insurance coverage for American and foreign employees of multinational corporations.

SD–430

JULY 25

1:30 p.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on the Environmental Protection Agency's implementation of the non-attainment provision of the Clean Air Act in the Lake Michigan region.

SD–342

2:00 p.m.

Foreign Relations

To hold hearings on the nominations of Dorothy Myers Sampas, of Maryland, to be Ambassador to the Islamic Republic of Mauritania, E. Michael Southwick, of California, to be Ambassador to the Republic of Uganda, Carl Burton Stokes, of Ohio, to be Ambassador to the Republic of Seychelles, and Brady Anderson, of Arkansas, to be Ambassador to the United Republic of Tanzania.

SD–419

Indian Affairs

To resume hearings on S. 2230, to revise the Indian Gaming Regulatory Act.

SD–106

JULY 26

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be a Member of the Federal Energy Regulatory Commission, Department of Energy.

SD–366

2:00 p.m.

Judiciary

To hold oversight hearings on the activities and programs of the Department of Justice.

SD–226

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on the Administration's proposed legislation relating to meat and poultry inspection.

SR–332

JULY 27

10:00 a.m.

Judiciary

To hold hearings on the nomination of Lois Jane Schiffer, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.

SD–226

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 2253, to modify the Mountain Park Project in Oklahoma, S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.

SD–366

JULY 28

9:30 a.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 2121, to promote entrepreneurial management of the National Park Service.

SD–366

Rules and Administration

To hold hearings on S. Res. 230, to designate and assign two permanent Senate offices to each State.

SR–301

2:00 p.m.

Veterans' Affairs

To hold hearings on the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and pending legislation.

SR–418

2:30 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on S. 985, S. 1478, and S. 2050, bills to improve existing legislative authority regulating the use of pesticides and to insure public health and environmental benefits.

SR–332

JULY 29

9:00 a.m.

Governmental Affairs

Regulation and Government Information Subcommittee

To hold joint hearings with the Committee on the Judiciary's Subcommittee on Juvenile Justice to examine the video rating system, focusing on violent video games.

SH–216

Judiciary

Juvenile Justice Subcommittee

To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Regulation and Government Information to examine the video rating system, focusing on violent video games.

SH–216

9:30 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Federal Communications Commission (FCC).

SR–253

AUGUST 1

2:00 p.m.

Indian Affairs

Business meeting, to mark up S. 2269, to protect the Native American cultures and to guarantee the free exercise of religion by Native Americans, S. 2075, to authorize funds for and to strengthen programs of the Indian Child Protection and Family Violence Prevention Act, and S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act.

SR–485

AUGUST 2

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 1222, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, S. 1342, to establish in the Department of the Interior the Essex Heritage District Commission, S. 1726, to provide for a competition to select the architectural plans for a museum to be built on the East St. Louis portion of the Jefferson National Expansion Memorial, S. 1818, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, S. 1871, to establish a Whaling National Historical Park in New Bedford, MA, S. 2064, to expand the boundary of the Weir Farm National Historical Site in Connecticut, and S. 2234, to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act.

SD–366

AUGUST 4

2:00 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold joint hearings with the Committee on Indian Affairs on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

Veterans' Affairs

Business meeting, to consider the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and to mark up pending legislation.

SR–418

Indian Affairs

To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.

SD–366

AUGUST 12

2:00 p.m.

Indian Affairs

To hold hearings on the nomination of Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission, Department of the Interior.

SD–628

HOUSE OF REPRESENTATIVES—*Thursday, July 21, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that Your mighty hand will touch people in any need and will heal from any infirmity. We know that every person comes to those moments when illness restricts the freedoms that they enjoy and we realize how vulnerable we truly are. Into these moments, O gracious God, we pray that Your spirit will renew and strengthen and give new hope and faith to all Your people. Bless all those who turn to You for comfort and peace, and may Your hand of healing be with us all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. DERRICK. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 235, nays 161, not voting 38, as follows:

[Roll No. 341]

YEAS—235

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Bateman
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dooley
Durbin
Edwards (CA)
Edwards (TX)
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hansen
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Mann
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—161

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (CA)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Castle
Clay
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Hyde
Inhofe
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lloyd
Lucas
Machtley
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—38

Becerra
Beilenson
Blackwell
Boucher
Canady
Carr
Chapman
Conyers
de la Garza
Dellums
Dixon
Engel
Ford (MI)
Ford (TN)
Gallo
Gephardt
Geren
Greenwood
Harman
Hefner
Hunter
Istook
Kaptur
Maloney
Manton
Neal (NC)
Pickle
Porter
Ros-Lehtinen
Smith (IA)
Stokes
Towns
Tucker
Velázquez
Washington
Whitten
Williams
Wilson

□ 1025

Mr. KYL changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. WISE). Will the gentleman from Washington [Mr. MCDERMOTT] lead the House in the Pledge of Allegiance.

Mr. MCDERMOTT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced

---

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 4322. An act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes; and

H. Con. Res. 261. Concurrent resolution to honor the United States astronauts who flew in space as a part of the program of the National Aeronautics and Space Administration to reach and explore the Moon.

The message also announced that the Senate agrees to the amendments of the House to the resolution (S.J. Res. 172) "Joint resolution designating May 30, 1994, through June 6, 1994, as a 'Time for the National Observance of the 50th Anniversary of World War II.'"

THE CATHOLIC HEALTH ASSOCIATION REPORT ON HEALTH CARE REFORM AND UNIVERSAL COVERAGE

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, I bring to my colleagues' attention a letter and attached report commissioned by the Catholic Health Association that I sent to their offices yesterday.

The report finds that health care reform without universal coverage will harm, not protect, the American middle class. Incremental reform proposals like the Dole plan, the Cooper bill, the Rowland-Bilirakis bill and others will leave the middle class hanging.

The study finds:

Insurance market reforms alone would cover only 1.1 million people, just 3 percent of people projected to be uninsured in 1998.

Combined with subsidies, insurance coverage would increase to 40 percent, still leaving 22 million uninsured Americans consuming $25 billion in health care a year. This cost would be shifted onto the privately insured.

To cover the cost, average annual premiums for insured families would increase by $260—and still leave 22 million uninsured.

With no universal coverage there is no real health care reform. Please read my "Dear Colleague" and the attached report and find out why.

A CLEAN GATT PROMISES TO BE GOOD FOR NEBRASKA

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I urge my colleagues to pass a clean General Agreement on Tariffs and Trade [GATT] implementing bill, to give States like Nebraska more opportunities to export and create jobs.

Nebraska's exports have grown at an extraordinary rate—a 429-percent increase in the last 7 years. Nebraska's exports have gone from $328 million in 1987 to more than $1.7 billion last year. Since 1987, my State has had the second biggest export growth among the 50 States.

Food products has been the biggest sector experiencing growth, increasing from just $45 million in 1987, to more than $1.1 billion last year—more than a 1,000-percent increase.

Ninety-six percent of Nebraska's export sales were of manufactured goods, with 95 percent of exporting businesses having fewer than 500 employees.

If GATT is implemented correctly—without raising taxes and without unrelated sidekick deals—it could help further expand export market opportunities.

Mr. Speaker, I urge my colleagues to pass a clean GATT implementing bill to give all States more opportunities to export and create jobs.

□ 1030

INTRODUCTION OF THE PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1994

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the Prostate Cancer Diagnosis and Treatment Act of 1994, which I am introducing today, is an important part of the campaign to reverse the rising incidence of prostate cancer in American men.

Prostate cancer is not some unusual disease that you rarely hear about; it is the most commonly diagnosed cancer among men, and the second leading cause of cancer death among men. Experts are projecting a troubling growth in both the number of diagnosed cases and deaths per year. By the year 2000, researchers are predicting increases of 90 percent in diagnosis cases and 37 percent in deaths per year.

In recent years, researchers have developed a simple, inexpensive blood test that detects signs of prostate cancer in the blood. Look in the President's or in other committee bills—you will find immunizations, mammograms, pap smears, cholesterol tests—everything but screening for prostate cancer. It is not there. It is time for us to do our job and provide quality care and treatment for the most commonly diagnosed cancer among men.

BEYOND THE PRESIDENT'S WORDS

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, as the President turns up the rhetoric regarding his health care plan I urge the American people to look beyond the words.

The President says his plan will help the middle class. But if you are a member of the middle class and you are satisfied with your current health care insurance, you need to know the Clinton plan will actually hurt you. In fact, you will end up paying a lot more money for lower quality health care.

The President says his plan will help younger Americans. But his mandated community ratings will penalize the young by making them pay higher premiums for health care few of the young ever use.

The President says his plan will help the working poor. But his employer mandates will kill millions of jobs that the working poor now desperately need while hurting small business expansion that could help the poor become prosperous.

Mr. Speaker, the President says his plan is good for America. I urge the American people to look beyond the President's words to find the real truth.

THE ECONOMY

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, the deficit is down. Job growth is up, and 15 million American families are happy with their tax returns.

These 15 million families benefited from the President's earned income tax credit.

According to the latest available statistics, over $300 million alone has been refunded to South Carolina families who filed for the earned income tax credit with their 1993 tax returns.

And as a result of a newsletter I recently distributed to constituents in the Sixth Congressional District, many more families have discovered that they are eligible for this tax break.

The EITC is but one tangible example of the economic decisions made 18 months ago by this administration that demonstrates its commitment to investing in people.

Other tangible examples of this investment in people include the creation of over 3.5 million private sector jobs, including the establishment of the National Civilian Community Corps, where over 100,000 young Americans will perform community service for college aid. The naval base in Charleston, SC, is one of the sites chosen for this program.

Mr. Speaker, these programs are the reasons constituents send us to Washington, and in the past 18 months, we have delivered.

THE PRESIDENT MUST OFFER LEADERSHIP ON HEALTH CARE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I hope the Democratic health care busdrivers which are headed to Washington do not cause too many accidents, because if the drivers follow the President's lead, we can expect them to be swerving from one side of the road to the other all across the Nation.

For months the President has been demanding that health care reform include universal coverage, presumably meaning that the Government would require every American to have coverage. Then 2 days ago he said it was impossible to cover everyone. Then yesterday he reversed his reversal, and now says he is for universal coverage again.

For months the President has been insisting on a mandate by the Government that businesses pay for health care, and suddenly he says he is willing to look at alternatives.

Mr. Speaker, the Democratic leadership in the House are our busdrivers on health care, and if they follow the President's lead, they will not know whether to drive on the left side of the road, the right side of the road, or straight down the middle.

I hope the President will give them some direction before we have a health care crash.

THE DEMOCRATIC ECONOMIC PLAN IS A SUCCESS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, Bill Clinton was elected in part because of his willingness to provide leadership for our economy, which was adrift under George Bush.

Last August, the Democrats in Congress passed the President's economic plan, which contained the largest deficit reduction in history, big cuts in Federal spending, a tax cut for 15 million filers, and made the very richest pay their fair share.

The Democratic economic plan is working.

Job growth is up. More than 6,000 jobs a day are being created. In the first 17 months of the Clinton administration, 58 percent more jobs have been created than during the entire Bush administration.

Unemployment has dropped from 7.7 to 6 percent.

And Federal spending as a percentage of the gross domestic product is lower under this administration than under Presidents Bush or Reagan.

Mr. Speaker, it's clear the Democratic economic plan is a success. We must now apply the same leadership toward health care and ignore the naysayers who would stand in the way of reform to protect the status quo at the expense of the middle class.

CLINTONCARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, with the clock running down and public support nosediving for his big government health care takeover, the President has decided to focus on folks he has ignored during his first 18 months in office—the middle class.

The White House is courting them with slick television ads, fancy campaign style bus tours, and speech after speech.

So far he has not been successful because the middle class knows that for them Clintoncare means lost jobs and income through employer mandates and higher taxes. Clintoncare means Washington bureaucrats choosing doctors and available treatments instead of families. Clintoncare means health care rationing. And Clintoncare means big government nannyism at its worst that assumes government always knows best and should dictate decisions to average folks. That is why President Clinton and the Democrat leadership is trying to ram their plan through before any more debate can occur.

LA-VAN HAWKINS—AN EXAMPLE OF ECONOMIC RECOVERY

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, I rise to salute the hard-working men and women who have led the economic recovery that we enjoy today.

I want to share an example from my district, Mr. La-Van Hawkins of Checkers restaurants. Mr. Hawkins will soon open his restaurant chain nationwide.

Recognizing the need of many other American families during the 12 years of dwindling real income under the previous administrations, Mr. Hawkins offers families an affordable meal at Checkers restaurant. His hard work has returned to him economic success, and to the community much-needed jobs for our young people. As he proudly flies the American flag over his establishments, Mr. La-Van Hawkins is an example of what can happen when the economy is back on track.

Today's economic recovery did not come easy. It came by the decisions of Congress to give small business a 94-percent tax break, tax relief for working low-income families and to substantially cut the deficit. These benefits to American families and workers were accomplished by a Democratic President and a Democratic Congress.

SEVEN OUT OF TEN

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, like the ads on TV, 7 out of 10 doctors agree. This time they agree the Clinton health care plan is bad for your health. In fact, according to a recent poll, 75 percent of doctors oppose the Clinton plan, and for good reason.

Bill's bill is bad medicine for our health care quality. Because of its global budgets, the Clinton bill will promote health care rationing, causing long lines, and limited choice.

Because of its employer mandates, the Clinton bill will hurt economic growth, kill millions of jobs, and stunt business growth.

And with its mandated community ratings, the healthy and the young will have to pay more for their health care while getting a great deal less.

Mr. Speaker, there is a better way to health care reform. I urge the President to work with Republicans in a bipartisan fashion to craft a commonsense approach to health care.

Fix the problems of our current system, without creating more problems in the future. Drop the mandates, drop the taxes, and drop the Government takeover of health care.

□ 1040

THE ECONOMY IS UP

(Mrs. MEEK of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK of Florida. Mr. Speaker, the economy is up. It is very obvious. You do not need to make assumptions to know that the economy is up. You just need to deal with facts, not assumptions.

Mr. Speaker, this chart shows very vividly that private sector employment growth has soared. It shows that just since January 1993 there have been 208,000 jobs added in the economy. It is up, Mr. Speaker. Our economy is on a 20-month upswing, due largely to President Clinton's handling of the economy. It took real readership to do that, Mr. Speaker. Job growth is up, business investment is up, U.S. exports are up, double the rate of other industrial nations.

President Clinton has put his pencil where his mind is, and that is a hefty economy of this country.

Now, by any standard our economy is doing very well, and this administration is doing it with both inflation and unemployment under control. Mr. Speaker, Members of the House, a rising tide lifts all boats. With the economy growing as it is, the future looks bright for all of us.

ONE-STOP SHOP FOR CONGRESSIONAL REFORM

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, an overly generous pension plan is only one more perk that separates us from the average American worker and voter. Sunday's Washington Post had an article detailing how our pension plan provides us with much more than any other plan around. Like parking at airports and the gym, you can bet this will come to haunt us in November.

What makes it even worse is that Congress is looking at cutting entitlement programs for others. Thrift, like charity, Mr. Speaker, should begin at home. As elected leaders, we should lead in reforming our own pensions.

We need to reform to put us on the same footing as other Federal employees. We passed the plans for them, so they should be good enough for us, too. If a pension is good enough for a career civil servant or a veteran, it should be good enough for a Member of Congress.

Support total congressional reform. Support H.R. 4444, the one-stop shop for congressional reform. My bill reforms congressional pensions. It also brings us under the same laws we pass for others and does away with the perks and privileges that have alienated the American people. We need total reform of Congress, we need H.R. 4444.

ECONOMIC RECOVERY

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, last Friday the administration released some good news on the economy. In its mid-year report, the administration showed that Federal spending is down, the deficit is down, job growth is up, inflation is in check, and the economy continues to grow at a consistent pace.

That is good news.

But even better news is what is happening at the local level, the trickle-down effect.

Just this past Monday in my district was a meeting of local business people, elected officials, and academics who issued their own mid-year economic report on the state of the local economy.

The prognosis: The local economy is in better shape now than it has been in the past 2 years, and things continue to look bright.

Much of this good news is due to the pro-active nature of the administration's drive to convert an abandoned military base in my district to a model for economic development. That drive culminated in a visit from Defense Secretary Perry 2 weeks ago when he handed over the land at Fort Ord to local ownership.

Mr. Speaker, the administration's economic plan is working and I intend to help move it along any way I can, for the good of the country, and the good of my district.

SEEKING THE TRUTH ON WHITEWATER

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, for the last year, the American people have been waiting to learn the truth about what really happened with the Whitewater Development Corp.

But during next week's hearings, only those subjects fully addressed by the Fiske investigation will actually be discussed. That means less than 5 percent of the events surrounding Whitewater will even be on the table when the Banking Committee convenes on Tuesday.

To limit these hearings to 5 percent of Whitewater is like slapping the face of every taxpayer who bailed out Madison Guaranty with their hard-earned dollars. For most Americans, it is just another example of a government that has grown too arrogant, too corrupt, and too out of touch with reality.

Mr. Speaker, the American people are fed up with White House antics and congressional coverups; 5 percent may satisfy the Washington standard for truth, but it will not sell in Minnesota or anywhere else outside the beltway.

For these reasons, I call on Congress to hold a second round of hearings on the rest of Whitewater. By taking this action, we can begin the process of restoring the faith of the people in the decency of their Government. And we can help rebuild the reputation of this body for honesty and candor.

The American people are only after one thing: The truth, the whole truth and nothing but the truth. Will Congress deliver? Tune in next week and find out.

AMERICA'S ECONOMY

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, many Republican Members of this body say they doubt the statistics and data which confirm that our American economy is doing better under this Democratic administration than it has done under both Reagan and Bush. That is really hard to understand when you consider the plain facts. For instance, the last administration's unemployment rate was 7.7 percent, whereas today's rate is 6 percent. The Joint Economic Council tells us that consumer confidence is at its highest level in over 4 years. Business investment in equipment in 1993 was at its highest level in 20 years, and according to Fortune magazine—which is by no means associated with the Democratic Party—chief executive officers of large, and small businesses are more confident in the economy than they have been in over 10 years.

This good news concerning our economy, is more than just ink and paper, it is real. But, as they say in Alabama, "the proof is in the pudding." We just located in my congressional district in Alabama, the biggest industrial plum in the Nation. I am speaking of the brandnew, first-ever in America, Mercedes Benz manufacturing facility. It will employ literally thousands of Alabamians. In closing, I would like to tell my Republican friends, "Yes, we are on the road to economic recovery. Hop aboard this American phenomenon and enjoy the ride."

REDEMPTION: IT'S GOOD FOR THE POLL

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, most of us believe in redemption.

And with the President's poll numbers in the tank, he might consider what he needs to do to redeem himself with the American people.

The CNN-USA Today-Gallup Poll reveals that most Americans disapprove of the President's job performance, disapprove of his handling of the economy, disapprove of his health care plan, and do not feel he is honest and trustworthy. It does not get much worse than that.

To earn the Nation's respect and gratitude, what the President needs to do is simple, but not easy: Keep his word. Listen to the people. Tell the truth.

Keeping his word means giving the American people a tax cut, not a tax hike on income, Social Security, gas, and small businesses. It means real welfare reform, not a $9 billion even more expensive program.

Listening to the people means not wrecking the best health care system in the world, but just fixing it for the people who need it.

Telling the truth means answering character and ethics questions directly, and apologizing if necessary.

The President has got the toughest job in the world. But if he is going to gain our trust, the changes he seeks will have to be within himself first.

LET'S FACE IT: THE NEWS IS GOOD

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, sometimes we in Congress need to step up to the plate and do hard things. One of the hard things, I recognize, is to recognize and note good news. Some folks do not want to recognize 3.8 million new jobs, some folks do not want to recognize tremendous increases in business investment; some folks do not want to recognize a reduction in the unemployment rate, for reasons that might be hard to understand. But it is important to do so because we have got to evaluate the decisions we are making.

Let me tell you about one decision this administration made to get apples into China.

□ 1050

Last week the first box of Washington apples arrived in China. We are creating jobs in this country, in my districts, and my State as a result of the right decisions, and it is time for us to start recognizing good news because of good ideas.

PROSTATE CANCER DIAGNOSIS AND TREATMENT ACT OF 1994

(Mr. FIELDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Speaker, I rise today in strong support of the Prostate Cancer Diagnosis and Treatment Act of 1994. Prostate cancer is a serious killer that is striking more and more men every year. It is the most common form of cancer among men and the second leading cause of cancer death. And death rates from this disease are growing rapidly.

In recent years, we have developed new tests that can effectively screen the high-risk population. In addition to the traditional DRE, physicians can also use ultrasound and the relatively new prostate-specific antigen [PSA] blood test. The PSA test has been shown to be particularly effective in early detection of prostate cancer—identifying cases before they are picked up in a DRE or ultrasound. Early detection is critical if treatment through prostatectomy or radiation therapy is to stop the cancer before it spreads to the bone. Once the cancer leaves the prostate, treatment is much less effective. The American Urological Association now recommends routine screening for men over age 50.

While we know these tests could be the difference between life and death for tens of thousands of men, we are not making all of them available through Federal programs like Medicare and veterans medical centers for men in the highest risk categories. This despite the fact that over 90 percent of prostate cancer is found in men in the Medicare age groups. We are also not making complete treatment available through these programs for men that have the disease. Although studies have found combination therapies with oral and intravenous drugs to be most effective in prolonging the lives of patients with late stage prostate cancer, these therapies are not covered under Medicare or generally available through veterans medical centers.

This legislation would change that. It would make an annual prostate cancer screening, including the option of a PSA test, available to all men enrolled in Medicare or in veterans health programs. It would also provide Medicare and veterans health coverage for oral drugs in cases where the oral drugs are part of a combination therapy for prostate cancer.

Finally, this legislation would increase funding for research and development of new treatments for prostate cancer, and would direct the agency for health care policy and research [AHCPR] to expand research into effective treatments for prostate cancer leading to the development of medical guidelines.

It is time for us to take action to halt the progress of this deadly cancer. At the very least, we must take the roadblocks out of our Federal programs that bar men from receiving the screening and treatment that have been shown to be effective with this disease. I urge my colleagues to join me in making our proposed attack on prostate cancer a reality.

THE IMPORTANCE OF UNIVERSAL COVERAGE

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, a report released by the Secretary of the Treasury this week shows that there are over 100,000 people without health insurance in my district; 85 percent of them are in working families and 22,000 are children.

The President is right that incremental reforms alone will not work and could lead to more people uninsured. The only thing that will work is universal—100 percent—coverage. Only universal coverage will end the cost shifting and make health care affordable. Only universal coverage will make the insurance reforms work. Only universal coverage will protect middle-income families.

Universal coverage is of critical importance to rural communities like those in my district. Providing uncompensated care to the millions of uninsured rural Americans is a major drain on the rural health care system. Universal coverage would provide the critical resources needed to stabilize and enhance rural health care delivery.

GOOD ECONOMIC NEWS

(Mr. KLINK asked and was given permission to address the House for 1 minute.)

Mr. KLINK. Mr. Speaker, a friend of mine, a Republican from Westmoreland County, was telling me just a few weeks ago, "We got to get rid of this administration." He works at Kennametal in Latrcbe. He said:

> Ever since this administration came into office, I can't get a day off. We're working three straight shifts every day, and we're adding new employees.

Well, some of the other success stories in southwestern Pennsylvania include J&L Structural Steel in Aliquippa. They are going to add 100 new jobs in the next 2 years. This is an area where during the Reagan administration we lost 13,000 jobs on the same site. Koppel Steel on average is going to add 71 new jobs by April of 1995. World Class Processing in Ambridge has added a fourth shift to meet their demand. In Jeannette, PA, GenCorp Polymer Products and Event Horizon Software are both hiring.

Things are starting to look up in the job market, Mr. Speaker. It is in no small part due to the economic plan that Congress passed last year. I remind my colleagues that a lot of the same people who told us that we were going to have horrendous times if and when that plan passed are the same people telling us today that this health care reform is going to kill us. I do not think, Mr. Speaker, they have any credibility whatsoever.

QUESTIONS THAT NEED TO BE ANSWERED ABOUT HAITI

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in my district I had the honor of representing the 24th Infantry Division, and when I asked the men of the United States Army about Haiti, they quickly replied that they are the doers, that they are not the policymakers. They are the ones that get the job done. They are not the ones who make the decisions to go there. They are very patriotic, and they are willing to rely on the wisdom of the U.S. Congress to make the right decision.

Mr. Speaker, let me repeat that they are willing to rely on the wisdom of the U.S. Congress and the President of the United States. What a scary thought.

As I talked to Members, and not just Members of Congress, but other people in Washington, we are all asking these questions:

What are we doing in Haiti?

What is the President doing in Haiti?

What is the long-term plan in Haiti?

What is the short-term plan in Haiti?

What is today's plan in Haiti?

What is the American peril?

What is the American objective?

If we invade, when will we accomplish our mission, and when will we come home, and how will we come home?

Mr. Speaker, Members of Congress, until these questions are answered I do not believe we should be going further along the road to an invasion of Haiti.

POLITICAL HANKY-PANKY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, these are important topics, but I have heard of politicians being able to reach into their pockets for a bag of tricks, but this one is right out of Victoria's Secret.

That is right.

After having lunch with his staffers, Mr. Speaker, a powerful Washington politician reached into his pocket and pulled out a pair of women's panties.

That is right.

A staffer later said, "Lo and behold." Now that is real American slang.

"Lo and behold, the boss mistakenly has taken his wife's panties thinking it was a handkerchief."

Mr. Speaker, the staff said it was not hanky-panky, strictly a hankie.

My colleagues, this may be the truth, but thank God he did not pull out a product made by Maidenform.

Mr. Speaker, I say, "Ever since Fannie Fox was dragged out of the Potomac, you don't know what to expect from all these powerful politicians."

PRIME MINISTER RABIN AND KING HUSSEIN TO ADDRESS JOINT SESSION OF CONGRESS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, last September, along with many of my colleagues, I was present on the south lawn of the White House on that historic day when the Prime Minister of Israel, Mr. Rabin, the Foreign Minister of Israel, Mr. Peres, and the Chairman of the Palestine Liberation Organization, Yasser Arafat, met along with President Clinton, shook hands, and signed that historic framework accord for bringing peace to the Middle East.

It was a beautiful day. It was a golden day for that golden handshake, and I thought to myself, "Does it get any better?"

□ 1100

The short answer is, yes. Next Tuesday, just behind where I am standing today, we will be addressed in the House of Representatives jointly by the Prime Minister of Israel, Mr. Rabin, and by the King of the Hashemite Kingdom of Jordan, King Hussein, who will have been on the day earlier, on Monday, at the White House, hopefully to sign some peace agreement, but, at the least, they will be talking about peace in the Middle East.

This just seems to me so remarkable. I cannot help but marvel at how far these men of courage have come because it has been at some political and even personal peril that they have taken these steps to forge peace out of what was a raging war for decades.

Mr. Speaker, I commend their efforts, salute them, and wish them well.

RATIONING OF MEDICARE TO SENIOR CITIZENS SEEN AS A THREAT

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, this morning there appeared in the Washington Post a full-page ad, and it carries a simple message: "What will you tell your voters if you cut $110 billion from Medicare?"

Well, I can tell the members that the Committee on Ways and Means has reported out a health care bill that cuts out over the next 9 years almost half a trillion dollars from Medicare. When we ask them, "Where are they going to make up these amounts?" They say, "Through cost savings."

Now, listen to this logic. Medicare today pays only about 80 percent of the bills of our senior citizens. That means that the other 20 percent is made up by the rest of the population, through insurance premiums, through costs that have been incurred in hospitals and in doctors' offices.

Now, what the administration is telling us and what the Committee on Ways and Means is telling us is that we are going to cut an additional amount and that is going to be paid for by additional savings. When we have a Medicare system right now that is not paying its fair share, that has been cut until it is too low, could it be that there is a conspiracy to actually cut the amount of services that are going to be available to our seniors?

Mr. Speaker, I think we had better think this one over. We do not want to ration Medicare to our seniors who have this as an earned right.

CLINTON TAX BILL PENALIZES MARRIED COUPLES

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, there was an article in the Washington Post on July 10, 1994, that many of us will find interesting. The headline reads; "For Many Tax Laws Take the Bliss Out of Being Wedded." The article states, "Combined with changes in the earned income tax credit, the tax law brings back the so-called marriage penalty with a vengeance."

Amongst the worst hit by the Clinton marriage penalty are working couples at the bottom of the income spectrum. According to the article, under certain circumstances, a married couple, both working with two children, and with total earnings of $20,000, will pay $3000 more in taxes on income this year than they would if they were single.

Mr. Speaker, this example is one of the results of the Clinton tax package imposed upon the people of the United States. We have heard this package extolled for economic growth, and yet new job creation is running less than one-third the amounts normally seen 3 years after a recession ends. And as for deficit reduction, we have yet to bring our deficits down to what they were under Ronald Reagan, who has been so critized by Mr. Clinton and other liberal Democrats for deficit spending.

Mr. Speaker, to add fuel to the fire, if the Democrats impose their socialistic health care plan on us, taxes will dramatically increase, further penalizing families and businesses within the United States.

THREATENED INVASION OF HAITI MAY BE POLITICALLY MOTIVATED

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, a year ago today, in the White House office of Vince Foster, obstruction of justice was taking place. Access to Foster's office was denied to FBI, Park Police investigators, and even Justice Department lawyers while Foster's desk and files were rifled for anything politically embarrassing. One investigator familiar with the investigation was quoted as saying, "I thought they all should have been arrested for obstruction of justice." And I find it absolutely astounding that politics would be driving stories, in conservative and liberal newspapers, that we may invade Haiti because the President needs something to bring up his poll numbers.

There have been massacres in Haiti. Just recently 12 young men were slaughtered. But just a few miles to the west, closer to the United States on the Island of Cuba and in the waters surrounding it, massacres have continued for 35 years. Within the month, just a few weeks ago, a tugboat was appropriated by some freedom-loving Cubans. When it passed the 7-mile limit, it was surrounded by Castro's more modern military boats, and with high-powered hoses they blew women and children off the tug to drown in the waters. Then they circled it, creating a maelstrom, and only 30 out of 75 men, women, and children survived.

Mr. Speaker, that is a massacre. If this President is looking for a country to invade, let it be Cuba, not Haiti. Cuba is the more morally compelling case.

THE MESSAGE IN TRADE DEFICITS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, yesterday's media reported that the U.S. merchandise trade deficit is $12.7 billion for May and the yearly deficit would approach $140 billion. This is the second highest deficit in U.S. history. Despite the lower yen, the deficit with Japan is still 10 percent ahead of last year's at $24.9 billion. The deficit with China is up 22 percent, as is the deficit with the newly industrialized Asian countries and Europe.

The Secretary of Commerce claims the answer is to open more markets. That sounds fine, but many of the products we buy from Japan and other places in the world cannot be substituted or replaced, overnight so these are not affected with currency fluctuations. These products include items such as ceramic packages for microcomputers and flat panel screens from Japan and oil from the Middle East. Obviously, there is something wrong with the standard theories that cheaper currency makes it easier to sell products abroad. This is true when you manufacture items that are useful. The message we should learn from the trade deficit is the United States needs to rebuild an industrial base and create more jobs in America.

ANNOUNCEMENT OF THE DEATH OF THE LATE HONORABLE PATRICK J. HILLINGS OF CALIFORNIA

(Mr. DREIER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, it saddens me to report to our colleagues on the passing of Patrick J. Hillings, who was a former member of this institution. He was a constituent of AL MCCANDLESS, living in the desert empire of California.

Pat Hillings was the ultimate political animal, and I mean that in the most complimentary way. I had lunch with another of our former colleagues, Tom Railsback, about 6 weeks ago, with Pat, and Pat was asking about virtually everything that was going on here in this body that he loved, and, or course, he was asking and talking about politics in California.

His services will be held next Thursday afternoon at Arlington, and I know that all of our colleagues would want to join in extending condolences to his wife Celia and all the members of his family.

FAMILY OF VINCENT FOSTER SEEKS RELIEF FROM PUBLIC SCRUTINY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute.)

Mr. GIBBONS. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, in today's Washington Post, the family of Vincent Foster has asked that his death not be subject to further public comment and further public scrutiny.

I want to tell the Members that I know that family, and I would ask all Members, let us leave them alone. Nothing is achieved by talking about it other than making the family miserable.

I have heard some remarks on this matter that I would not expect to hear in the lowest dive in this country. These remarks have been absolutely uncalled for and reprehensible, not to mention totally lacking in class.

Mr. Speaker, I would ask all Members on both sides of the aisle, let us not have any further comment on this subject.

□ 1110

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 729, LEAD EXPOSURE REDUCTION ACT OF 1994

Mr. GIBBONS. Mr. Speaker, I rise to a question of the privileges of the House.

Mr. Speaker, I offer a privileged resolution (H. Res. 486) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 486

Resolved, That the bill of the Senate (S. 729) to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore (Mr. WISE). In the opinion of the Chair, the resolution constitutes a question of privilege.

The gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. HANCOCK] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 486 returns to the Senate the bill, S. 729, because it contravenes the constitutional requirement that revenue measures originate in the House of Representatives.

S. 729 amends the Toxic Substances Control Act to restrict the levels of lead contained in various products, authorizes appropriations for lead testing, and contains other provisions to reduce lead exposure. Title I of S. 729 contains a number of provisions which prohibit the import of specific categories of products which contain more than specified quantities of lead as identified by the Administrator of the Environmental Protection Agency. The product categories potentially subject to the import ban are broad, including paints, toys and game pieces, curtain weights, inks, glass coatings, lead solder, and plumbing fittings and fixtures, as well as new motor vehicles or parts coated with a paint or primer exceeding the permitted lead content levels.

The import prohibitions are a change in our tariff laws and constitute a revenue measure in the constitutional sense, because they would have a direct and potentially significant effect on customs revenues.

There are numerous precedents for taking the action I am requesting. For example, on February 25, 1992, the House returned to the Senate S. 884, requiring the President to impose sanctions, including import restrictions against countries that fail to eliminate large scale driftnet fishing. On October 31, 1991, the House returned to the Senate S. 320, including provisions imposing, or authorizing imposition of, a ban on imports in connection with export administration. On June 16, 1988, the House returned to the Senate S. 1748, prohibiting all imports from Iran.

Mr. Speaker, adoption of this resolution is intended solely to protect the constitutional prerogative of the House to originate revenue matters. I want to make it clear to all Members that our action today does not constitute a rejection of the Senate bill on its merits. Rather, it makes clear to the Senate that the appropriate procedure for dealing with tariff measures that affect revenues is for the House to act first on a revenue bill and the Senate to add its amendments and seek a conference.

Mr. Speaker, I reserve the balance of my time.

Mr. HANCOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution.

I agree with the gentleman from Florida [Mr. GIBBONS] that the procedure we are following does not constitute a rejection of the provision in question on its merits.

The resolution simply tells the other body that we must insist on respecting the constitutional requirement that this and all other revenue measures originate in the House of Representatives.

The resolution is procedural in nature—not substantive. It is, however, an important procedure that preserves the responsibilities of the House of Represenatives on revenue matters.

Certainly the Senate sponsors are free to seek an appropriate vehicle for consideration of the provision which has caused us to take this action today.

In this form, however, we must insist on preserving the prerogatives of the House.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGES OF THE HOUSE—RETURNING TO THE SENATE S. 1030, VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1994

Mr. GIBBONS. Mr. Speaker, I rise to a question of privileges of the House.

Mr. Speaker, I offer a privileged resolution (H. Res. 487) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 487

Resolved, That the bill of the Senate (S. 1030) entitled the "Veterans Health Programs Improvement Act of 1994", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore. In the opinion of the Chair, the resolution constitutes a question of privilege.

The gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. HANCOCK] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 487 is a simple resolution returning to the Senate the bill (S. 1030) because it contravenes the constitutional requirement that revenue measures originate in the House of Representatives. S. 1030 contains a provision that would exempt from taxation certain payments made on behalf of participants in the Education Debt Reduction Program.

This provision constitutes a revenue measure in the constitutional sense, because it would have an immediate affect on revenues. Under the provision, Federal tax would not be collected on payments that otherwise would be taxable. Therefore, I am asking that the House insist on its constitutional prerogatives.

There are numerous precedents for taking the action I am requesting. For example, on October 22, 1991, the House passed House Resolution 251, returning to the Senate (S. 1241), which would have excluded certain police corps scholarships from gross income for tax purposes and would have made various other changes to tax laws. On November 9, 1989, the House passed House Resolution 287, returning to the Senate (S. 686), which would have allowed a credit against the oil spill liability tax for certain amounts transferred to the oil spill liability trust fund. On June 15, 1989, the House passed House Resolution 177, returning to the Senate (S. 774), which would have conferred tax-exempt status to two newly-created corporations that otherwise would have been taxable entities. On October 21, 1988, the House passed House Resolution 604, returning to the Senate (H.R. 1315), which would have imposed mandatory fees to finance a Federal uranium reclamation fund. On that same date, the House passed House Resolution 603, returning to the Senate (S. 2097), which contained similar mandatory fees for a uranium reclamation fund.

While the House, by adopting this resolution, will preserve its prerogative to originate revenue matters, I want to make it clear to all Members that our action does not constitute a rejection of the Senate bill on its merits. Our action today is merely procedural in nature. It makes it clear to the Senate that the appropriate procedure for dealing with revenue measures is for the House to act first on a revenue bill and the Senate to add its amendments and seek a conference.

Mr. Speaker, I reserve the balance of my time.

Mr. HANCOCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the privileged resolution offered by the chairman of the Ways and Means Committee.

As the ranking Republican member on the Select Revenue Subcommittee, I want to underscore the gentleman's comment that the procedure we are following does not constitute a rejection of the provision in question on its merits.

The resolution does not address the substance of the Senate amendment at all. It simply tells the other body that we must insist on respecting the constitutional requirement that this and all other revenue measures originate in the House of Representatives.

The resolution is truly procedural in nature—but it is an important procedure that protects the rights and responsibilities of the House of Representatives.

Adoption of this privileged resolution to return the amendment to the Senate should in no way prejudice its consideration in a constitutionally acceptable manner.

□ 1120

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4604, BUDGET CONTROL ACT OF 1994

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 484 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 484

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule and amendment in the nature of a substitute consisting of the text of the bill modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. No other amendment shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in part 2 of the report are waived. If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. (Mr. WISE). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 484 provides for the consideration of H.R. 4604, the Budget Control Act of 1994. The resolution allows up to 1 hour of general debate, with 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

Under the rule, after general debate the bill will be considered as read and considered for amendment as specified in House Report 103-614 accompanying the resolution.

Part 1 of House Report 103-614 makes in order, as an original bill for the purpose of amendment, an amendment in the nature of a substitute consisting of a modified H.R. 4604 which exempts Social Security from the provisions of the bill.

No amendments would be in order except the three amendments in the nature of substitutes printed in part 2 of House Report 103-614. The amendments would be considered in the following order under a king-of-the-hill procedure: first, the amendment by Representative KASICH or a designee; second, the amendment by Representative STENHOLM or a designee; and third, the amendment by Representative STUPAK or a designee. Should more than one amendment be adopted, only the last amendment adopted would be reported to the House.

Each amendment would be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent thereto. The amendments would not be subject to further amendment or to a demand for a division of the question in the House or the Committee of the Whole, and all points of order against the amendments would be waived.

Finally, the resolution provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Budget Control Act of 1994 is designed to improve the budget process and safeguard the deficit reduction achieved in last year's reconciliation act.

As the Members know, the 1993 Deficit Reduction Act has already reduced the Federal budget deficit dramatically in the mere 11 months since its passage.

A deficit that exceeded $290 billion in fiscal year 1992 fell to $255 billion in fiscal year 1993 and will fall to $200 billion or less this year, according to private economists and the Congressional Budget Office.

For the first time since the administration of Harry Truman, America is poised to enjoy 3 consecutive years of declining budget deficits. This is a great achievement. And let the record show that these declining deficits were made possible by the tough medicine administered by the President and the Democrats in this Congress.

Although the budget deficit is falling and all signs indicate that it will continue to fall over the next few years, Americans clearly want us to make additional deficit reductions, and we are doing so. In May and June of this year we passed appropriations bills for next year calling for spending nearly $11 billion less than the current budget freeze would allow.

Last week we passed another bill to give the President a modified line-item veto. That bill is now pending in the Senate, which I hope will act soon.

Health care reform legislation, which is a critical part of the President's deficit reduction program due to burgeoning growth in Federal health care programs, is under consideration.

Today, I bring to the House another deficit reduction measure to make process changes dealing with the largest category of Federal spending, so-called entitlements.

Mr. Speaker, H.R. 4604 will create a process whereby the President and Congress will review annually through fiscal year 1997 the entitlement portion of the Federal budget. This review will compare spending on entitlements in the previous year, the budget year, and the 4 succeeding years, to targets established pursuant to the bill.

The targets would be set by the Office of Management and Budget within 30 days of enactment and would be based on spending resulting from laws enacted as of 5 days before OMB set the targets. To set the targets OMB would use the assumptions underlying last year's budget resolution to the extent feasible.

OMB would adjust the targets each year to reflect changes in beneficiary populations, legislated net revenue increases, and spending resulting from legislation designated as emergency under the Budget Enforcement Act.

If the annual review reveals that entitlement spending exceeded or will exceed the target in any year by more than one-half of 1 percent, then the President would have to include in his budget recommendations for addressing the overage. To eliminate the overage, the President could recommend any combination of cuts in entitlements, reductions in discretionary appropriations, or revenue increases.

In the event the President finds an overage, the House Budget Committee must include, in a separate section of the budget resolution, provisions instructing the appropriate committees to report legislation cutting spending or increasing revenues. These instructions must call for savings equal to, or exceeding, the total recommended by the President for action, up to the full amount of the overage. In the event the Budget Committee failed to report a budget resolution addressing overages, then the President's recommendations could be brought directly to the floor for a vote.

If a budget resolution proposes to offset less than the full overage found by the President, the Budget Committee must report a resolution directing the Government Operations Committee to report legislation increasing the targets by the amount of the overage not offset. This mechanism is intended to create an opportunity for a separate vote on raising the targets if the Budget Committee does not fully address an overage. It would not be in order to consider a budget resolution addressing less than the full overage until the separate vote on raising the targets had occurred.

In addition, the bill contains other enforcement measures. First, a budget resolution conference report must fully address any overage found by the President either through spending cuts, revenue increases or target increases, or be subject to a point-of-order. Second, it would not be in order to consider any appropriations bills in the House until a budget resolution fully addressing any overages had been agreed to. These enforcement measures are designed to preclude Congress from shirking its responsibility to deal with any overages found by the President.

Mr. Speaker, as introduced, H.R. 4604 is identical to provisions included in the House version of last year's reconciliation bill. Due to parliamentary constraints in the Senate, the provisions did not appear in the Senate version of the bill or in the conference report. So the President imposed the requirements on himself by Executive order, and the House adopted House Resolution 235, which imposed procedural requirements on us similar to those contemplated by the bill.

The rule before us today would modify H.R. 4604 to improve it in one very important way: to exclude Social Security from the entitlement review and exclude benefit cuts from consideration as a recommended solution to an overage.

Given the large balances in the trust funds, Social Security could not cause an overage. Since Social Security could not cause the problem, it ought not be part of the solution. Including Social Security in this process would make no sense and frighten our senior citizens unnecessarily.

Mr. Speaker, passing this bill would codify and improve the process created by the Executive order and House Resolution 235. It would give the Senate another opportunity to add provisions allowing that body to consider remedial legislation if entitlement spending exceeds the levels contemplated in last year's budget. I urge all Members to support the bill.

I also urge Members to vote for the rule. It makes in-order all the substitutes the Committee on Rules was asked to make in-order, and provides for a king-of-the-hill procedure in the event more than one of the amendments is adopted. The rule will modify the base bill to exempt Social Security and allow for a full airing of the remaining issues involved.

□ 1130

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we take the next step in the majority leadership's elaborate plan to derail the A-to-Z spending cut proposal. For the A-to-Z experts, this legislation is a train wreck being passed off as a station stop. Last week, the House repassed a measure we had passed once before—the so-called expedited rescission bill—that died an uneventful death in the other body.

Today's bill was also passed once by this House, as part of last year's budget resolution—but it too died because of the other body. Yet, the majority leadership is bound and determined to block the commonsense A-to-Z plan for cutting spending, so we are taking valuable legislative time to cover this ground again, even though these measures will not ever reach the President's desk. As a member of the President's bipartisan Commission on Entitlement and Tax Reform, I am troubled that this issue is being rammed onto the House floor at this time. The 32 commissioners are working hard to study thoughtfully and specifically the whole entitlement picture and develop meaningful policy recommendations by the end of the year. So why undercut these serious efforts with a short-term political ploy? Could it be the elections in November? H.R. 4604 also represents the first real effort to divide and conquer comprehensive congressional reform. Everyone knows that, to pass the necessary changes in the way Congress operates, Members need to have some good news sweeteners to vote for to make the bitter medicine of real reform a bit easier to swallow. By breaking apart the joint committee package, the Speaker is practically ensuring that the tougher provisions of reform will not pass this House. It is especially frustrating that the only so-called reform provisions we are dealing with have little chance of being enacted and would accomplish little even if they were. It is just more hoops. Members should note that the so-called entitlement spending caps established by H.R. 4604 and set by OMB will likely have little impact on the explosion of entitlement spending—because the targets keep rising in the out years, just enough to stay above the estimated levels of direct spending. So, cap or no cap, this measure is unlikely to force politically difficult reductions in entitlement spending. But, if you read the fine print of this rule, which self-executes a change in language to H.R. 4604, you will find that the bill actually opens the door for higher Social Security taxes in the event that entitlement spending does ever exceed the caps. We are gratified that the majority belatedly recognized the need to protect Social Security benefits from cuts—Social Security is self-financing, should remain off-budget and should not be used to cover shortfalls in other programs. But the new and improved language may be worse than the original because it opens the door for higher Social Security payroll taxes presumably these can be used for other entitlements. Members who know that higher taxes are not the answer to our budget problems should recognize that this language provides a major opportunity for tax increases. Mr. Speaker, this rule also employs the unfair procedure known as King of the Hill to give Members' cover in their votes here today. It stacks the deck against the Kasich-McMillan-Kolbe substitute—which actually has real teeth, forces Congress to set and live with meaningful targets, and properly exempts the entire Social Security Program. Even if this House approves Kasich, the majority will have a shot to reverse that vote, by bringing the Spratt-Stupak text of H.R. 4604 back up at the end of debate for one more vote. Sandwiched in the middle is a third proposal, the Stenholm-Penny-Deal-LaRocco-Orton plan, which leaves Social Security benefits vulnerable and leaves the targets up to OMB. Under this rule, Members could vote for more than one option with the security of knowing the leadership's favorite will still prevail. We should do away with this disingenuous confusing procedure, and instead have clean votes on all proposals, with the highest vote getter winning the day. In closing, I urge my colleagues to support Mr. DREIER in his attempt to defeat the previous question so that he may offer a further amendment on comprehensive congressional reform. We have missed too many opportunities for reform already—vote no on the previous question.

Mr. Speaker, I include the following documents relating to open versus restrictive rules and rollcall votes;

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS TO PROPOSED RULE ON THE BUDGET CONTROL ACT, WEDNESDAY, JULY 20, 1991

1. Modified King-of-Hill.—It is moved that in lieu of the king-of-the hill language in the rule providing that the last amendment adopted be reported to the House, the amendment adopted receiving the most favorable votes shall be considered as the one finally adopted and reported back to the House. Rejected: 4–6. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall and Slaughter. Not Voting: Bonior, Wheat and Gordon.

2. Consideration of Legislative Reorganization Act.—It is moved that the text of H.R. 3801 (except for Subtitle E, "Budget Control") shall be considered as a further amendment at the end of the bill, following the disposition of other amendments made in order by the rule to the Budget Control Act. The text of H.R. 3801 would be considered as original text for further amendment under the five-minute rule if such amendments are offered by Reps. Hamilton, Dreir, or their designees, and confined to the specified subject areas of the bill. Points of order are waived against the amendment. Rejected: 4–6. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall and Slaughter. Not Voting: Bonior, Wheat and Gordon.

3. Motion to Report Rule.—Motion to report rule as originally moved, providing for one-hour of general debate, an amendment in the nature of a substitute as base text, three substitute amendments under king-of-hill procedure, 40 minutes debate each, and one motion to recommit, with or without instructions. Adopted: 6–4. Yeas: Moakley, Derrick, Beilenson, Frost, Hall and Slaughter. Nays: Solomon, Quillen, Dreier and Goss. Not Voting: Bonior, Wheat and Gordon.

ROLLCALL VOTES ON MOTIONS IN THE RULES COMMITTEE ON PROPOSED RULE FOR THE ENTITLEMENT BILL (H.R. 4604), THURSDAY, JULY 14, 1994

(1) Dreier Motion to Table H.R. 4604.—A motion that the Committee table H.R. 4604, the "Budget Control Act of 1994." Rejected: 3–4. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson and Slaughter. Not Voting: Frost, Bonior, Hall, Wheat, Gordon and Quillen.

(2) Dreier Motion to Postpone Consideration to a Date Certain.—A motion to postpone consideration of H.R. 4604, the "Budget Control Act of 1994," to a date certain, that date being the meeting date following the day after the Committee has disposed of consideration of H.R. 3801, the "Legislative Reorganization of 1994." Rejected: 3–4. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson and Slaughter. Not Voting: Frost, Bonior, Hall, Wheat, Gordon and Quillen.

(3) Dreier Motion to Commit With Instructions.—A motion to commit the bill H.R. 4604, the "Budget Control Act of 1994," to the Subcommittee on Legislative Process with instructions not to report back to the same to the Committee until it has conducted hearings and studies the provisions of the bill in the overall context of the need for comprehensive reform of the Congress and reported back to the Committee its findings

and recommendations thereon. Rejected: 3-4. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson and Slaughter. Not Voting: Frost, Bonior, Hall, Wheat, Gordon and Quillen.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	78	19	24	59	76

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 20, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I yield such time as he may consume to the distinguished ranking member, the gentleman from Glens Falls, NY [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Sanibel, FL, for yielding me the time.

Mr. Speaker, make no mistake about it, the previous question vote on this rule is where we draw the line between those who want to reform this House and those who do not.

A survey of House Members taken last year by the Joint Committee on the Organization of Congress revealed that 91.2 percent of House Members agreed that major procedural and organizational improvements are needed in the way Congress conducts its legislative business.

And that was an overwhelming bipartisan response—87.7 percent of the Democrats agreed we need major reform and 96.4 percent of the Republicans.

Well, here is your chance to put your vote where your heart and mind and mouth are. A "no" vote on the previous question on this rule is a vote to consider the joint committee's congressional reform bill under a fair and open amendment process at the end of this bill.

Mr. Speaker, the former chairman of the joint reform committee, LEE HAMILTON, has met with the Speaker and the chairman of the Rules Committee to urge that we consider the Legislative Reorganization Act of 1994 under a generous rule and that we keep that bill intact and not split it up into several pieces. That commitment has not been forthcoming.

Instead, today we are being asked by this rule to consider just one piece of the joint committee's bill relating to entitlement process review as a separate matter. This is the first installment of a 3-D strategy to divide, dilute and delay on real reform. That is why this is where we must make our stand and give a resounding "no" vote on the previous question.

Up until now, the leadership has only been hearing from the opponents of any meaningful reform—the committee bulls, the special interests, their in-House caucuses, and the appropriators. The leadership has not been getting equally strong signals from proponents of reform—rank and file members like you and me and our constituents.

Well, today is your chance to send that message by your vote on the previous question for this rule.

If your constituents are anything like mine, and I suspect they are, they do not think we are presently organized or operate in their best interests and they want us to change all that so that we are more open, representative, deliberative, and responsive.

This all boils down to a question of whose government this is, anyway: the people's or the professional politicians' and special interest groups'? Right now the people think they have been shut out of their own House and they want back in.

Mr. Speaker, do not mistake the lack of a groundswell for a special congressional reform bill for the lack of interest in reform.

Nothing could be more mistaken, foolish, or politically suicidal. The American people still want change, and they want change to begin at home—in the people's House. Ignore this at your own peril.

Mr. Speaker, I am continuously amazed at how out of touch some people in this House are about what the people they represent are thinking and saying.

The chairman of the Democratic caucus was quoted in the July 9 Congressional Quarterly as saying that, with the exception of the congressional coverage issue, the rest of the reform bill is inside baseball stuff that will not help to improve the poor public image of Congress.

Mr. Speaker, I must take strong exception to this cynical view that we only have an image problem, that can somehow be fixed with a little public relations job of bringing Congress under the laws we impose on others.

As important as that issue may be, that is not the main reason we have less than a 30-percent public approval rating.

We have an image problem because we do not work the way the Constitution and the people think we should work—and that is for the people. The people look at us and cannot relate what we are doing and how we are doing it to the real, workaday world in which they live.

They really think we are living on another planet if not in another universe. We are not connecting.

Reform of this House is overdue—long overdue. The people said that in the 1992 elections. So far we have ignored them. They are going to say it again in the 1994 elections if we do not act now.

Their concerns and demands for change are valid and deserve to be addressed. The time is at hand to restore the people's House to the people. If we do not respond to this demand for change now, the people will see to it that new people are elected to this House who are more responsive.

Here is your chance to show you are for change and congressional reform. Vote down the previous question so that we can consider the congressional reform bill under a fair and open amendment process.

□ 1140

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 5½ minutes to the distinguished gentleman from Texas [Mr. STENHOLM], a leading conservative in this body, I might add.

Mr. STENHOLM. Mr. Speaker, it is often confusing to those of us on the floor and those of us who read the CONGRESSIONAL RECORD what the subject of the debate was that we are here to talk about. It is the rule. It has nothing to do with congressional reform, because I will assure my colleague from New York that I will be joining him at the appropriate time in the appropriate place for a thorough consideration of the congressional reform bill. This is not the time to do it, and it just confuses the issue.

I was listening to my friend from New York and I was thinking that I think on these rules many times I could serve up the biggest, best dish of Blue Bell ice cream in Texas, and pour the chocolate on it, and spoon-feed it to the gentleman, and he would not be happy with the rule. But anyway, enough of that right now. Let us get back to the subject which we are talking about, the rule on the bill that we have to do, because I think I find this rule interesting.

Mr. Speaker, I rise today in support of the rule allowing for the consideration of H.R. 4604, the Budget Control Act of 1994. This rule makes in order the three leading approaches to controlling entitlement spending: First, a Kasich amendment which changes the current budget resolution into a joint resolution requiring a Presidential signature, in which entitlement caps are set without restriction at whatever level Congress selects every year, and cap overages are dealt with ultimately through categorical sequestration; Second, the Stenholm amendment which sets mandatory targets for the next 5 years, sets out a process by which Congress could reduce entitlement spending and set categorical caps, ultimately enforceable through sequestration; and third, the Spratt base bill which creates an entitlement control mechanism to monitor the total costs of direct spending programs and, in the event that actual or projected costs exceed targeted levels, requires the Congress and the President to address the overage, enforceable through House points of order.

Let me first commend our leadership for bringing this issue to a vote here in the House of Representatives. It is easy for each of us to make endless speeches about entitlement spending as the ultimate culprit in our national deficits. Far more difficult is creating the process whereby we will be forced to deal with that so-called uncontrollable spending, and more difficult still will be the specific policy changes that will be required to actually reduce entitlement spending.

For years I have called for an honest show of how Members of Congress will choose to move beyond the stump speech and into action. What I have found encouraging in this process this year has been the increasing willingness to deal with the entitlement issue.

There is a growing awareness among House Members that the only way we deal with deficit reduction is through entitlement spending restraint. That awareness extends from members of the Rules Committee to freshmen to the leadership and many spots in between. I am proud of our leadership, and particularly leader GEPHARDT, for providing us this opportunity today.

There are some who will complain about this rule because it is structured in a so-called king-of-the-hill fashion. While I agree that there might be other ways to structure this rule, I commend the Rules Committee for allowing up-or-down votes on each of the amendments that were brought before them. Members who are nervous about the substance of these amendments should not hide behind the skirts of procedural arguments for protection.

Many of the arguments which generally are lodged against king-of-the-hill rules are irrelevant in this case. This is not a case where the most extreme amendment is offered first and can then be covered by a weaker amendment offered second. As my opponents on the Republican side have gleefully and frequently pointed out, my amendment, which will be offered second, takes the harsh approach of including all programs in the potential sequestration. I believe this inclusion is, in truth, not dangerous as my opponents call it but, in fact, the only fair way to proceed. I will have more to say on that point later on. I make the point now, however, to say that the people who will complain about this rule are also the ones who talk about the harsher approach of this second amendment, a procedural position which theoretically is more protected under a king-of-the-hill rule.

Furthermore, my amendment, the second amendment to be offered, is the stronger one because it is the only amendment which CBO could actually score as creating savings over the next 4 years. Under the first amendment, the Kasich amendment, a CBO score is impossible because no one knows what cap Congress will come up with. It certainly would be the easiest option for Congress to set a cap which never would be breached and therefore no entitlement cuts were ever required. No wonder CBO couldn't score this amendment. But again, my point at this time is simply to say that from a deficit hawk's perspective, this second amendment—this amendment supposedly protected by king-of-the-hill—is the stronger one.

Therefore, I again would say to my colleagues, don't hide behind procedure as protection from expressing your true position on entitlement spending. Regardless of your approach on entitlement spending, regardless of whether you are HENRY WAXMAN or CHARLIE STENHOLM, the Black Caucus or the Conservative Opportunity Society, here is your chance to show where you stand on entitlements.

Vote "yes" on the rule and then show your true colors on entitlement spending.

□ 1150

Mr. GOSS. Mr. Speaker, I yield 3½ minutes to my distinguished colleague, the gentleman from greater San Dimas, CA [Mr. DREIER], who understands what this reform is about.

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Sanibel, FL, for yielding and for the excellent job he is doing on this rule as he does on all rules upstairs.

Mr. Speaker, let me say, having listened to the arguments provided by my friend from Texas, he did not offer me any ice cream or chocolate sauce at all. We do, on more than a few occasions, support rules, and we support them when they deal in an open way allowing for virtually every item that is considered to be debated here.

But he said that it really is not appropriate for us to deal with congressional reform on this, and I would say to him that H.R. 4604, what we are dealing with, is part of the congressional reform package which we have been promised would be coming forward here for the last, oh, about 10 months now, really since last fall. And so what we have decided is that since we have been promised time and time again that this measure will be brought forward that we would say, hey, when one of those items which is part of our reform package is being brought down from the Committee on Rules, we should simply move to include the reform package with that. That is the reason we are trying to defeat the previous question, so that we can include the Budget Control Act and a wide range of other provisions which this House and the American people desperately want us to pursue.

Now, I am sure many of us saw the Roll Call earlier this week in which an editorial described where we are going on the issue of congressional reform, and it was very unfortunate in this piece entitled, "Who Lost Reform"; they said that the Joint Committee on the Organization of Congress is a total failure, and they went on to say that the Speaker and other Democratic leaders were clearly never serious about reform.

Now, I know that there are Democrats and Republicans in this House who are serious about reform, but we all know that there are many people, committee chairmen and others, who thrive on the status quo and do not want us to shake up a half a century of a system that has been handled without the kind of reform that is necessary, nearly half a century since we have really brought about the kind of reform the American people and, I believe, a majority of this institution wants.

Now, we have been joined here by every Member on the minority who served on the Joint Committee on the Organization of Congress. We have got the gentlewoman from Washington [Ms. DUNN], the gentleman from Pennsylvania [Mr. WALKER], the gentleman from Missouri [Mr. EMERSON], and we have got the gentleman from Colorado [Mr. ALLARD] here and others, the gentleman from New York [Mr. SOLOMON], who worked for that period of a year trying to bring about meaningful reform, and tragically we have been shut out, and that is why we have been led to the point where we want to do everything that we can to bring H.R. 3801 up here under an amendment process which will allow all of the items that we had to be considered.

Let me just raise one other item specifically on the rule that I think bears touching on, and that is this king of the hill question. My friend said the king of the hill procedure under this rule will allow for the measure to consider different ideas.

Well, frankly, the king of the hill procedure that we have presently is very unfair. I believe, and a majority of the Members on our side clearly believe, that the king of the hill procedure that we have should require that the amendment that gets the largest number of votes is the one that stands, not the last one that passes. That is the way the king of the hill procedure should be offered.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Washington [Ms. DUNN], a member of the committee.

Ms. DUNN. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, we are told over and over and over again, even by Members whom we all respect like the distinguished gentleman from Texas, that it is not the time to argue on behalf of congressional reform.

Well, Mr. Speaker, I disagree. I think it is the time to argue for reform, and so I again rise to urge my colleagues to do the right thing, to defeat the previous question so that we can bring real congressional reform to the floor of the House this year.

Once again, we see a piecemeal approach to reform shaping up. Once again, we see a lack of desire to take on the kind of package of reforms that most of us promised the American people. Once again, I remind my colleagues that the House chairman of the Joint Committee on the Organization of Congress, the gentleman from Indiana [Mr. HAMILTON], and his cochairman, the gentleman from California [Mr. DREIER], have called for rejection of the piecemeal approach so that the House may consider a comprehensive package of reforms.

Mr. Speaker, the editors at Roll Call got it right on Monday when they wrote an editorial that Democrat leaders were clearly never serious about reform; they have stalled and stalled.

My colleagues, the time for stalling is past. We can take back the system and give this institution the kind of reform that it needs and that the people desire, if we simply defeat the previous question. Then we can take up the bill that the gentleman from California [Mr. DREIER] refers to that came out of all of the work that was put in by the members of the Joint Committee on the Organization of Congress.

And let me remind the House that package is hardly revolutionary. Quite the contrary; in fact, Roll Call called it a mouse, and I have described the reforms as pastel changes, nothing bold.

The bill, however, is at least a starting point, and under an open rule we can amend it and vote in bolder amendments.

Mr. Speaker, there are some here who will argue that a vote on congressional compliance will suffice for reform this year. I disagree strongly.

I refer my colleagues again to the insightful editorial by Roll Call, and I quote:

> What about other meaningful congressional reforms that the public was led to expect from the joint committee, changes like a more rational system of committee jurisdiction, like a family-friendly schedule, like strict new limits on the numbers of committee and subcommittee assignments? These apparently will fall by the wayside. They should not.

Mr. Speaker, I agree, let us get to real reform. Let us defeat the previous question. Let us not continue to build a voting record against even considering bold reform. Let us do the right thing, Mr. Speaker, because until we get real congressional reform to this floor, the real reformers around here are bound and determined never to give up.

Let us defeat the previous question.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my colleague, the distinguished gentlewoman from Florida [Mrs. FOWLER], who has helped lead the charge on congressional reform.

Mrs. FOWLER. Mr. Speaker, I rise in opposition to the rule.

Make no mistake about it, this vote is a litmus test on reform.

The Joint Committee spent an entire year conducting one of the most comprehensive studies of this institution. The result was a bill that addresses several areas of reform. The bill is not as strong as some of us would like, but there's no reason we should not bring it to the floor where we can improve it and pass it.

Most of what is in the Budget Control Act is in the joint committee bill. Bringing this bill up by itself marks the beginning of the end of our chance to pass comprehensive congressional reform in a single package.

A vote for this rule is a vote in support of the leadership's strategy of picking, choosing, and diluting what reform we will deal with this year.

A vote against this rule is a vote for real reform, the kind of reform the American people demanded in 1992 when they elected the largest freshman class since the 1940's.

As a Member of that freshman class who has been very active in the reform effort, I can tell you that this is a key vote. If you have talked about the need for reform, this is where your rhetoric meets up with your record.

Vote "no" on the previous question and let the hard work of Mr. DREIER, Mr. HAMILTON, and the rest of the Joint Committee see the light of day.

☐ 1200

Mr. GOSS. Mr. Speaker I yield 2 minutes to the distinguished gentleman from Colorado [Mr. ALLARD], a member of the Joint Committee on Reform.

Mr. ALLARD. I thank the gentleman for yielding this time to me to speak on this very important issue.

Mr. Speaker, I rise today to urge my colleagues to vote "no" on the previous question. The Budget Control Act is not new, and the intentions behind it are barely concealed by claims of fiscal responsibility.

H.R. 4604 is very similar to title III, subsection (e), of H.R. 3801, the Congressional Reform Act proposed by the Joint Committee on the Reorganization of Congress.

Within the context of this bill the Budget Control Act would be effective as one element contributing to the substantial reform package. By removing the Budget Control Act from H.R. 3801, the leadership has taken the first step in plucking the reform package apart. The obvious purpose is to allow the leadership to select the reforms that they deem appropriate and harmless.

Furthermore, the leadership has found a way to make reform even less effective. This bill lacks any significant enforcement measures. Considering this weakness, the reason for this proposal is puzzling unless we conclude that the only objective is to attack true, comprehensive reform.

If we support this rule, the leadership will continue to pick and choose reform issues and we will surrender our chance for meaningful reform.

Again, I urge you to vote "no" on the previous question to H.R. 4604, so that the Dreier amendment may be considered. The Dreier amendment opens the process to the consideration of true congressional reform.

Vote "no" on the previous question so that a "yes" vote can be voted for more meaningful budget reform and true congressional reform.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri [Mr. EMERSON], also a member of the Joint Committee on Reform.

Mr. EMERSON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I think we should vote down here today and I seriously urge the House to vote down the previous question so that we may consider the issue of congressional reform. I listened to the speech of the distinguished gentleman from Texas, my friend, about Republican disingenuity. I think that is what it boiled down to. The fact of the matter is I think the majority is disingenuous as to how they run this place.

In the earliest hearing of the Joint Committee on the Reorganization of Congress, Speaker FOLEY came to us and made a speech, which was received, I think, very well by the whole group, urging the majority to address the issues of congressional reform as though it were the minority, and he urged the minority to consider the issues of congressional reform as though it were the majority. The idea was that we could both understand where each other was coming from.

I think we in the minority have had a great deal of practice of imagining ourselves in the majority, which I think we will soon become, and I think we will become the majority because of the lack of fairness on the part of the current majority.

The public sees this; this congressional reform issues is one that has languished and has been torpedoed from every angle. What is really intended as congressional reform somehow does not wind up before us, but instead some other subject that gets the name of congressional reform but is not what the reform committee really produced.

A couple of us, Mr. DREIER and I, Republicans on the committee, voted with the majority to report a measure out with an understanding with Chairman HAMILTON that he would seek a generous rule so that this matter could be fully considered and the House could work its will and perhaps some comity could be restored in this body by everybody having a piece of the action.

Since that time, since we reported the measure of the joint committee there has been every effort to put it under the table, to not let it come forward, however you want to put it, the year-long efforts of the Joint Committee on the Reorganization of Congress. I do not know what the majority has to fear other than its leadership may lose the hammerlock hold it has on this body.

Vote "no" on the previous questions so we can get the legitimate subject of congressional reform before this body for debate and vote.

Mr. GOSS. Mr. Speaker, I yield myself a moment or two of the time remaining and then I will yield time to the gentleman from Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. DREIER] to close.

Mr. DERRICK. Mr. Speaker, I may possibly make a couple of remarks in closing, but other than that, at this time we have no additional speakers.

Mr. GOSS. Mr. Speaker, with that understanding, I yield myself such time as I may consume, and I simply would like to say what we have here is really two subjects we are talking about here. The first is the question about reform. And there is the potential for reform when we are talking about entitlements. It is an appropriate subject for reform. It is a subject that the Joint Committee on Reform dealt with and we missed an opportunity here. I think it has been characterized not only as a missed opportunity but it has been labeled outright stalling. This is not gridlock. This is a chance to do something, an appropriate chance to do something. We are not going to do anything.

So I think it is fair to characterize this as a major stall by the leadership, the majority leadership.

The second thing I wanted to talk about is this question of getting some kind of control on entitlement spending. We are talking about—we talked about expedited rescission, which is pending in the Senate, pending unto death in the Senate.

Now we have some talk, my distinguished colleague from South Carolina said, "Well, the deficit is under control." The operative words, "for the next few years."

Yes, the deficit may be only in the vicinity of $200 billion or so. If that is under control, that is your definition and not mine.

But we are going to be looking at a deficit going south after the next few years. It is not just going south, it is going south big time. We are talking about $6 trillion-plus after 1996, which is, incidentally, as everybody knows, the next Presidential election.

The point here is that we are trying to do something meaningful about entitlement spending. What we have come up with is a bunch of floating targets, a bunch of rubber triggers, in fact what is a decoy. My prediction is we will end up right back where we started from, pretend we have done something, and it is a decoy.

I am reminded of the New York Times article back in 1993 that took Mr. FOLEY, our Speaker, to task, saying, "The bill readying for the floor is a sham. It is only to protect incumbents and wealthy special interests at the expense of democracy and cleaner government." The New York Times using those harsh words about the Speaker was, of course, talking about campaign finance reform. But I think the word sham applies when we talk here today about we are getting control of entitlement spending. We simply are not.

Mr. Speaker, I yield 2 minutes to the gentleman from the Commonwealth of Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Speaker, the subject here today is really reform, and I too would suggest that we defeat the previous question. What we find out on the floor today is what kind of reforms we get when people are squeezed a little to get reform on the floor and who is willing to do the squeezing. Because what we have here is a process that brought us a reform bill that is included in the Hamilton-Dreier committee's platform or in their presentation, and yet the whole Hamilton-Dreier program cannot come to the floor because the pressure on the Democratic side of the aisle to squeeze for those kinds of reforms has not been there. Instead what we are getting is little bits and pieces paraded onto the floor that are called reform.

Today there has been enough of a squeeze to get the entitlement program out here; next week or the week after we may have enough of a squeeze to get congressional compliance out here to have us covered by the rest of the laws. But what about all the other reforms? Who on the Democratic side of the aisle is going to squeeze the process enough to get us real reform?

I do not think it is going to happen. The arrangement made yesterday indicates that we are going to leave some of those reforms until September and we all know what is going to happen then. In fact, if you believe we are going to get major reform here in September, I have some oceanfront property in Arizona I would be happy to sell to anyone who believes that.

Vote "no" on the previous question; let us get real reform on the floor right now.

☐ 1210

Mr. GOSS. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I join with my colleagues who have spoken saying that a no vote on the previous question is really our great opportunity to bring about congressional reform. We have talked about it for a long period of time. It began in the summer of 1992, 2 years ago, when we had all of those great scandals that were hovering over this place, the post office and the bank, and some people were not paying their restaurant bills downstairs, and in a bipartisan way the membership decided that we would spend a year and put into place a committee that would bring about reforms, the first time in nearly half a century reforms that would look at the committee structure, look at the budget process, look at the scheduling, look at all of the things that have been going on, and on, and on here for years that frankly need to be modified.

Why? Not just to make things go more efficiently, but so that this institution can become more accountable, more deliberative, the way the Founding Fathers envisaged the greatest deliberative body known to man. Now there are some who have said oh, yes, we are going to have an opportunity to bring about reform later on. We heard about this plan of bringing it up after the Labor Day break. But you know we were promised last fall that we would have this considered on the floor before the joint committee went out of existence on December 31, 1993. Then we were promised that it would come up in early spring of this year, then in late spring, then in early summer, and here we are at mid-summer, and we have been told now that some deal has been struck which is going to create what I believe is nothing more than a divide and conquer strategy, trying to separate out congressional compliance and say we will in the future, we will look at all the other items for congressional reform which the American people and a majority of this institution clearly wants to see implemented.

Well, frankly, Mr. Speaker, we are not moving in that direction in a positive way. We need to defeat the previous question so that we can make in order the package reported out, H.R. 3801.

I urge a "no" vote.

I thank the gentleman from Sanibel for yielding me this time and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, last Monday, the Capitol Hill newspaper Roll Call published an editorial that asked the question, "Who Lost Reform?" The editorial called the work of the Joint Committee on the Organization of Congress "a total failure." It said that the Speaker and "other Democratic leaders were clearly never serious about reform."

Given the obstacles put in the way of efforts this year by the cochairman of the Joint Committee, LEE HAMILTON, and me to bring the reform package to the floor as one package, the editorial painted a stark and accurate picture.

But being the eternal optimist that I am, I believe there is still time to prove the editors of Roll Call wrong. To do that, I urge my colleagues to join me in voting "no" on the previous question on this rule.

That vote will be the first test of whether the House intends to keep the recommendations of the Joint Committee intact, or kill reform by splitting it into little pieces for separate consideration.

As my colleagues know, language virtually identical to H.R. 4604 is contained in the Joint Committee's reform package. As the Joint Committee recognized, for this entitlement control provision to be effective, it must be addressed in the context of comprehensive budget process and congressional reform. A biennial budget process is one such coincidental reform contained in that package.

If the previous question is defeated, Mr. Speaker, I intend to offer an amendment to the rule that would provide for the consideration of a further amendment at the end of H.R. 4604 consisting of the text of H.R. 3801, the Legislative Reorganization Act of 1994.

It would allow for amendments in the areas of the budget process; the committee system; floor deliberations and scheduling; staff resources and support agencies; enforcement of ethical standards in Congress; application of laws to Congress; bicameral and legislative-executive branch relations; and the use of information resources and technology in Congress.

Defeating the previous question provides one of the best opportunities to prove our critics wrong and bring about real congressional reforms this year.

The debate yesterday on the insurance redlining bill showed how our present committee system breeds gridlock and undermines efforts to modernize our Nation's financial system. How many more contentious floor battles will be necessary before we recognize that the internal structure of the House undermines consensus, accountability, and public credibility?

Mr. Speaker, the work on the congressional reform bill is done and we're ready to go. As Chairman Hamilton said in a June 30 letter to Chairman Moakley, "It appears to me that work on the entire package is far enough along that splitting up the package is not necessary, and thus the whole package can be considered before the August recess."

[From Roll Call, July 18, 1994]

WHO LOST REFORM?

One week ago in this space, we confessed to being on the verge of declaring the reform effort to the Joint Committee on the Organization of Congress a total failure. Today, we are doing so. What happened in just a few short days? Two things.

First, Speaker Tom Foley (D-Wash) pledged to bring to a vote prior to the August recess one portion of the recommendations of the Joint Committee: the application of private-sector laws to Congress. The rest of the package, he acknowledged, would almost certainly have to be put off. Perhaps until after August recess. Perhaps until next year. Perhaps never. We don't know because he wouldn't say.

Second, and perhaps more significantly, was Foley's response—or lack thereof—to a plea from Reps. Lee Hamilton (D-Ind) and David Dreier (R-Calif), the House chair and vice chair of the reform panel, to keep the package in one piece rather than divide it. In a letter dated June 30, Hamilton told Foley, "If the Joint Committee's package is divided, the application of laws section will no longer function as a valuable sweetener for reforms that are less popular, but still necessary." Splitting up the reforms, Hamilton warned, "will kill the rest of the package." Foley never responded. His answer, we suspect, would be this: "Good."

The transparency of this reform end game doesn't make it any less upsetting to watch. Foley and other Democratic leaders were clearly never serious about reform. They've stalled and stalled (the Joint Committee, after all, finished its work last fall and was dissolved in December), and now that stalling isn't practical for much longer, they're preparing for a "reform vote" that will be nothing more than election-year window-dressing. A vote on applying OSHA and FOIA and a host of other fair labor laws to the Hill isn't the problem. The problem is what won't be voted on.

Congressional coverage is an idea whose time has already come. In recent years, both the House and the Senate have recognized that fact, including Congress in the Americans With Disabilities Act, the Family and Medical Leave Act, and other such bills. This year's Congressional coverage vote will merely speed up the process and—hopefully—provide for a more effective enforcement mechanism than the current House and Senate Offices of Fair Employment Practices.

But what about other meaningful Congressional reforms that the public was led to expect from the Joint Committee? Changes like a more rational system of committee jurisdiction than the current patchwork approach? Like a truly "family friendly" schedule that would enable Members to get their work done during regular hours? Or like strict new limits on the number of committee and subcommittee assignments?

These, apparently, will fall by the wayside. They should not. Congress had a chance to clean up its act on its own—responding to the clear message voters sent in 1992 that they wanted such change. Now that Congress has blown it, the voters may not be so charitable. Since when did changing work-place rules constitute meaningful reform of the legislative process?

"Gridlock" is a nasty word to many on the Hill, but we can't think of a better label for this sorry reform process.

The SPEAKER pro tempore (Mr. Bilbray). All time of the gentleman from Florida [Mr. Goss] has expired.

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, as I pointed out earlier, the Federal budget deficit is down—way down. For the first time since the Truman administration, the United States will experience—thanks entirely to the President and the Democrats in this Congress—3 years of declining Federal budget deficits. But we cannot rest; we must continue battling the deficit until victory is ours.

Mr. Speaker, entitlements are a huge portion of our budget. We cannot ignore them if we truly want to balance our budget. The process contemplated by the Budget Control Act is designed to force the President and Congress to consider trends in entitlement spending and if that spending exceeds the targets, decide consciously how to react. This process does not require any cuts in entitlements. The President could recommend no program changes if he found economic conditions warranted no reductions in the various programs, or no tax increases, at that point in time.

Now, Mr. Speaker, what the gentleman from California [Mr. Dreier] is proposing, that is, amending the resolution to make in order an amendment to the Budget Control Act consisting of the text of H.R. 3801, the Legislative Reorganization Act, is not permissible under House precedents. Such an amendment would not be germane to the resolution and would surely be ruled out on a point of order.

The gentleman well knows it is not in order to amend an order-of-business resolution to accomplish indirectly that which he cannot achieve directly. So let no Member of this House be fooled. Voting against the previous question in hopes of adding H.R. 3801 to H.R. 4604 simply will not work.

I urge all Members to support the rule so we can consider this important legislation.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DERRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a recorded vote, if ordered, may be taken on the question of adoption of the resolution if the previous question is ordered.

The vote is on ordering the previous question.

This will be a 15-minute vote, and it will be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 180, not voting 9, as follows:

[Roll No. 342]

YEAS—245

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto

Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—180

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Penny
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Brooks
Carr
Ford (MI)
Gallo
Gibbons
Ros-Lehtinen
Tucker
Velazquez
Whitten

☐ 1235

Mr. WYNN changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE HONORABLE PAUL E. KANJORSKI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PAUL E. KANJORSKI:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 20, 1994.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The purpose of this letter is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States Bankruptcy Court for the Middle District of Pennsylvania for materials related to a bankruptcy case.

This subpoena was issued to my office at 3:30 p.m. on July 19, 1994, seeking my presence and documents in Bankruptcy Court at 10:00 a.m., July 20, 1994, when I will be in Washington conducting official business.

After consultation with the General Counsel, he has determined that compliance with the subpoena at this time is not consistent with the privileges and precedents of the House. I acknowledge his determination and have agreed not to provide documents which might infringe on the rights of the House of Representatives.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

REPORT TO CONGRESS CONCERNING EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection referred to the Committee on Ways and Means and ordered to be printed.

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This determination allowed for the continuation of most-favored-nation (MFN) status and certain United States Government financial programs for Bulgaria without the requirement of a waiver.

As required by law, I am submitting an updated Report to Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in areas of emigration and human rights policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 21, 1994.*

BUDGET CONTROL ACT OF 1994

The SPEAKER pro tempore. Pursuant to House Resolution 484 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4604.

☐ 1239

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4604) to establish direct spending targets, and for other purposes, with Mr. VISCLOSKY in the chair.

☐ 1240

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from South Carolina [Mr. DERRICK] will be recognized for 15 minutes; the gentleman from Florida [Mr. GOSS] will be recognized for 15 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, I yield myself 6 minutes.

I am delighted today to bring to the floor H.R. 4604, the Budget Control Act of 1994.

Last year the Congress passed a landmark 5-year deficit-reduction program. That act was designed to reduce the Federal deficit by $500 billion over 5 years through a combination of revenue increases, entitlement cuts, and a freeze on discretionary spending.

Mr. Chairman, the 1993 Deficit-Reduction Act is working and working well. The deficit is on a downward path after rising steadily, year after year, since fiscal 1989. Some private economists and the Congressional Budget Office expect the budget deficit to fall to $200 billion or less in the current fiscal year. That figure is down from the record $290 billion in 1992, and down from $255 billion in 1993.

The 1993 deficit-reduction law included provisions reducing entitlement spending in future years. Obviously those provisions were based on certain assumptions about economic conditions and the resulting levels of entitlement spending that would occur in the future. Economic conditions can change very quickly driving entitlement spending—and the deficit—up sharply in a relatively brief period of time.

Mr. Chairman, the Budget Control Act of 1994 will establish a mechanism to safeguard the deficit reduction achieved in last year's reconciliation act.

H.R. 4604 will create a process whereby the President and Congress will review annually through fiscal 1997 the entitlement portion of the Federal budget, except for Social Security, net interest, and deposit insurance. This review will compare spending on entitlements in the previous year, the budget year, and the 4 succeeding years, to targets established pursuant to the bill.

The targets would be set by the Office of Management and Budget within 30 days of enactment and would be based on spending resulting from laws enacted as of 5 days before OMB set the targets. To set the targets OMB would use the assumptions underlying last year's budget resolution to the extent feasible.

OMB would adjust the targets each year to reflect changes in beneficiary populations, legislated net revenue increases, and spending resulting from legislation designated as emergency under the Budget Enforcement Act.

If the annual review reveals that entitlement spending exceeded or will exceed the target in any year by more than one-half of 1 percent, then the President would have to include in his budget recommendations for addressing the overage. To eliminate the overage, the President could recommend any combination of cuts in entitlements, reductions in discretionary appropriations, or revenue increases.

In the event the President finds an overage, the House Budget Committee must include in a separate section of the budget resolution provisions instructing the appropriate committees to report legislation cutting spending or increasing revenues. These instructions must call for savings equal to or exceeding the total recommended by the President for action, up to the full amount of the overage. In the event the Budget Committee failed to report a budget resolution addressing overages, then the President's recommendations could be brought directly to the floor for a vote.

If a budget resolution proposes to offset less than the full overage found by the President, the Budget Committee must report a resolution directing the Government Operations Committee to report legislation increasing the targets by the amount of the overage not offset. This mechanism is intended to create an opportunity for a separate vote on raising the targets if the Budget Committee does not fully address an overage.

Mr. Chairman, the bill contains enforcement measures to prevent Congress from circumventing its obligations. First, it would not be in order to consider a budget resolution addressing less than the full overage until the separate vote on raising the targets had occurred. Second, a budget resolution conference report must fully address any overage found by the President either through spending cuts, revenue increases or target increases, or be subject to a point of order. Third, it would not be in order to consider any appropriations bills in the House until a budget resolution fully addressing any overages had been agreed to.

Mr. Chairman, H.R. 4604 resembles provisions included in the House version of last year's reconciliation bill. However, parliamentary constraints in the Senate prevented the provisions from appearing in final version. So the President imposed the requirements on himself by Executive order, and the House adopted House Resolution 235, which imposed procedural requirements on us similar to those contemplated by the bill.

The President's fiscal 1995 budget submission included the review required under the President's executive order. For the Member's information, the review indicated that entitlement spending is well within the level assumed last year. In fact, if all goes well, entitlement spending will be $82.5 billion under the applicable target during the 1994-97 timeframe. That is good news for the American people; the 5-year deficit-reduction train is firmly on track.

Mr. Chairman, the bill before the committee today would codify the process created last year by the President and improve it in one important way. It would exclude the Social Security program from the entitlement review and exclude benefit cuts from consideration as a recommended solution to an overage.

Given the large balances in the trust funds, Social Security could not cause an overage. Since Social Security could not cause the problem, it ought not be part of the solution. Including Social Security in this process would frighten our senior citizens unnecessarily.

Mr. Chairman, the committee bill represents an improvement over the current situation, and it will give the Senate an opportunity to add its own procedures to the mix. I urge all Members to support the legislation and reserve the balance of my time.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself 7 minutes.

Mr. GOSS. Mr. Chairman, we have already discussed the various problems with the consideration of this bill from a procedural standpoint. Now I would like to point out the major substantive problems with the Spratt bill H.R. 4604, namely that it is ineffective, unwieldy, and it contains hidden pitfalls.

Our primary difficulty with the so-called Budget Control Act of 1994 is that control seems to be the one thing that is missing. As you can see from the charts next to me, the procedures established under this bill would likely never come into play. This first graph shows how the mandatory spending targets set by the administration are never exceeded by the steep growth in entitlement spending. In other words, this is a floating target. The second chart gives a more complete picture: We see that in August 1993, the first time mandatory spending targets were set, there was no discrepancy between the targets and the expected outlays. But 6 months later, we find that the targets, inexplicably, are raised while the expected outlays have dropped. Six months after that, we see more of the same.

Mr. Chairman, in August 1993, the mandatory spending target for this year is $746 billion; yet today this target has been increased by nearly $7 billion, while the expected outlays have actually decreased by $19 billion. In other words, the administration has created a $25 billion cushion out of thin air. Again, looking at 1997, the target has been revised upward by some $18.5 billion, while the expected outlays are actually down by $0.9 billion.

What these numbers clearly demonstrate is that the so-called budget process reforms in H.R. 4604 are meaningless—the cushion—now $80.2 billion and growing—between targets and outlays insures that the cuts will never be triggered.

Even in the unlikely event that the procedures under this bill are triggered, we can expect sound and fury—but little else, unless you can jump through meaningless hoops.

According to H.R. 4604, if the spending targets are breached, the President is expected to get the ball rolling by including recommendations in his budget message. These recommendations, which would carry little weight to begin with, do not even have to contain solutions. The President can recommend that we address the problem, address part of the problem, or do not address the problem at all.

It gets worse. The complex parliamentary procedures that the Spratt bill sets in motion via the President's recommendations would make a mockery of an already problematic budget process. In the end, the only teeth in the Spratt bill are a few points of order against the budget resolution and some appropriations bills if Congress chooses to ignore the requirements of the act. Since the House routinely waives all points of order against such bills anyway, we can see that these so-called teeth have no bite.

And one final note: The Spratt bill, even as modified, would throw Social Security back into the reconciliation mix. Even though Mr. Spratt said he fixed the Social Security problem—the fix itself is a big problem. In the unlikely event that we ever took action under this bill, we could be faced with the prospect of raising Social Security payroll taxes to pay for other entitlements. Given the efforts we have taken to separate the Social Security budget and make it self-financing, I do not think that this is an area into which we want to be venturing blindly.

A more responsible approach is the Kasich-McMillan-Kolbe substitute. It would increase Congress' level of accountability for the entitlement budget, while avoiding the problems associated with arbitrary spending caps. And it ensures the independence and integrity of the Social Security system.

As a member of the bipartisan Commission on Entitlement and Tax Reform, I recognize the real threat uncontrolled entitlement spending poses to our future generations. We are working on constructive, responsible solutions to this dilemma. The Spratt bill, H.R. 4604, is neither constructive nor responsible, and I urge Members to think twice before giving it their vote.

MANDATORY SPENDING TARGETS AND OUTLAYS, 1994–97

[In billions of dollars]

Month of estimate	1994	1995	1996	1997	1994–97
August 1993:					
Target	746.4	784.7	823.7	887.7	
Outlays	746.4	784.7	823.7	887.7	
Difference	0.0	0.0	0.0	0.0	0.0
January 1994:					
Target	752.0	792.7	833.7	901.7	
Outlays	734.6	774.7	826.3	887.6	
Difference	−17.4	−18.0	−7.4	−14.1	−56.9
July 1994:					
Target	753.1	794.6	837.2	906.2	
Outlays	727.7	769.7	826.0	886.8	
Difference	−25.4	−24.3	−11.2	−19.3	−80.2

Source: OMB.

☐ 1250

Mr. Chairman, I reserve the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I want to pose a question to the gentleman from Florida [Mr. GOSS], if he would respond, since he raised what I would regard as a red herring and the all-time improbability, the use of payroll taxes, social security taxes, to fund some other program.

Mr. Chairman, I would ask the gentleman if he can recall any time, 1977, 1978, or 1983, when payroll taxes have been raised except when there was a deficiency in existing or projected social security benefits and they had to be raised in order to make the program sound and solid again.

Mr. GOSS. Will the gentleman yield, Mr. Chairman?

Mr. SPRATT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I was not here at those times, and was not a Member of this distinguished body. I think it is important we be prospective in this rather than retrospective in it, or retroactive. I realize that they sometimes like to use retroactivity with taxation, but we do not like to do that, and we want to be prospective.

The fix the gentleman talked about talks about reducing benefits, protection against reducing benefits, and we say thank you for doing that after we pointed that out, because I think that is good news, because they have made that fix, but I think they did not make the whole fix. The whole fix goes to the rest of the question of not raising taxes.

Mr. SPRATT. Mr. Chairman, I would also ask the gentleman, since he talked about runaway entitlement spending, if he is aware of the extent to which entitlements have been tracked in the last fiscal year, the budget that was laid out for them, the base line amount that was projected for them in the Clinton reconciliation bill which we passed last night.

Is the gentleman aware of the fact that entitlement spending is actually below what was projected at that point in time?

Mr. GOSS. If the gentleman will yield further, I am very much aware of that, which is why I am so puzzled about why the targets keep going up. I recognize once we get to the turn of the century, or at least after 1996, that everything falls off the chart or climbs off the chart when we come to entitlement spending, because we are using all of the benefits to keep it under control now, and I admit that the plan has tried to keep that under control, and we are using those benefits well. We are basically burning out our brakes now.

I have to say, Mr. Chairman, why have the outlays gone up?

Mr. SPRATT. The point simply is that entitlements are below what was projected to be. So far the Clinton budget has worked in keeping them in tow.

Mr. CONYERS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we are once again in the Spratt-Kasich-Stenholm mode. What we have got to do is sort out these very ambitious proposals and determine which way we are going in budgetary reform. The complaint is generally there is not enough bite. We really want to tear into this entitlement subject and really do something about it, but wait, the General Accounting Office has now put out a study, within the last few days, in which they have identified some characteristics that suggest that there may be more difficulty in implementing alternative plans to that of the gentleman from South Carolina [Mr. SPRATT].

☐ 1300

What about the difficulty caused by fluctuations in program eligibility?

For entitlement programs, predicting eligibility, such as the number of beneficiaries and the amount of services, is frequently very difficult, especially where health, disability, and other services are involved.

What about benefits that are noncash in form? For example, there are Federal payments to States and private social service agencies, who then distribute vital health and social services. The distribution of these benefits are frequently uneven, varying with each individual's need for the particular service at specific times. A person might even experience massive health expenses under a Federal health care program in a short period of time or a person might remain healthy with no bills for years. You cannot take that into consideration with caps.

Another problem is program implementation, or financing shared with other entities such as the States. Listen to what the president of the American Federation of State, County and Municipal Employees says about this kind of proposal: "It would put Texas in a straitjacket when it comes to Medicaid claims. They could face $8 billion of additional costs over 8 years," according to the president, Gerry McEntee, of AFSCME.

We have another problem. Do these entitlement programs interact with other entitlement programs? What I am saying is that many entitlement programs target similar populations and address similar areas of need. The use of one program may increase if another program is reduced or removed from service.

So the programs which are the most difficult to cap and generate savings are also the programs experiencing the largest overage and posing the greatest budgetary risk. By contract, the programs which would be the easiest to cap and generate savings are the ones experiencing the smallest overage and pose the least budgetary risk.

That brings me to the Spratt proposal, which indeed makes a lot of good sense.

I would like to just cite the New York Times and the Washington Post editorials. They point out the Spratt proposal requires the President to propose a solution to Congress if total entitlement spending were to rise above target. Then Congress would have to vote on the President's proposal. It would force Congress to face up to the problem, but, unlike any other plans, it would allow Congress a full menu of responses, including tax hikes and cuts in discretionary spending. The Washington Post also observes: "Health care costs have risen from a bare footnote in the budget to more than one-sixth of all spending and are still rising."

The answer to that is not caps on entitlements but to enact health care reform that is meaningful. It is time that we get to the true problem and deal with health care reform instead of these artificial proposals that are, I say regretfully, incorporated in both the Stenholm and the Kasich proposals.

Support Spratt and the bill before the committee at this time.

Mr. CLINGER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I would like to begin by expressing my appreciation to our colleagues, the gentleman from South Carolina [Mr. SPRATT], the gentleman from Ohio [Mr. KASICH], and the gentleman from Texas [Mr. STENHOLM] for the extraordinary time, thought, and effort they have put into addressing one of the clearly most pressing problems confronting the Nation today. That is, the need for serious and substantive entitlement spending reform. We all know that entitlements are the root cause of the burgeoning deficit problem that we are dealing with and have been dealing with year in and year out.

According to the Bipartisan Commission on Entitlement and Tax Reform, in 1990 the net national debt was about $10,000 for every American man, woman, and child in the country. Today it is over $17,000, and the Bipartisan Commission projects that if tax and spending policies do not change, that debt will amount to $64,000 per American by the year 2030. Unfortunately, there are no easy answers to how we break this ever-escalating number.

Last week this body, the House, took an important first step toward addressing spending reform when it passed the Stenholm-enhanced rescission bill. That legislation is going to permit Congress and the President to strike wasteful spending and unfair tax benefits from the massive appropriations and tax bills which we regularly pass in this Chamber. I sincerely hope that it will be enacted and signed into law. However, discretionary spending restraints alone clearly are not going to be enough to solve our fiscal crisis. It is again the entitlement programs which are driving the deficit.

Last year all discretionary spending combined equaled less than 40 percent of total Federal outlays. We could eliminate every single dollar for every discretionary program in this country, including Head Start, environmental cleanup, job retraining, and even zero out the entire Department of Defense and still not come close to eliminating our national debt. To resolve our financial mess, we have to also address this extraordinary growth of entitlement spending.

Unfortunately, while very well intentioned, H.R. 4604, the bill of the gentleman from South Carolina [Mr. SPRATT] fails to provide the controls needed to contain runaway entitlements. The Spratt targets are designed to exceed expected spending and therefore impose on true restraints. Yet, assuming a target ever were to be triggered, the bill provides no reliable mechanism for enforcing reconciliation. It is well meaning, but H.R. 4604 is not enough.

The Stenholm approach sets real targets to controlling entitlement growth, but similar to H.R. 4604, the Stenholm plan lacks a genuine enforcement mechanism. Without that, I think anything we do here is going to be unavailing.

Finally, both approaches mistakenly bring Social Security back on line and open that trust fund to potential raids, a frightening prospect for America's seniors.

Of the three plans before us, Mr. Chairman, the Kasich amendment alone maintains the integrity and separateness of the Social Security trust fund, provides for yearly cap readjustments to realistically address entitlement spending constraints and offers a strong enforceable mechanism for encouraging Congress to meet its spending targets.

Because it alone sets the stage for substantive spending restraint, which we urgently need, I would urge my colleagues to support the Kasich substitute and cast their votes in favor of true entitlement reform.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT], the author of the measure before us.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. SPRATT. Mr. Chairman, I rise in support of H.R. 4604. This is a bill that has passed the House twice already. It first passed as part of the reconciliation bill on May 28, 1993. Unfortunately, there is something called the Byrd rule and as a consequence of the Byrd rule, it was stripped out of the reconciliation bill in the Senate. So we passed it as part of another self-executing rule when it was brought up in the budget conference report and made it a rule of the House. The President accepted the provisions. He finally agreed that they would be part of the budget process, and he imposed them on the executive branch by taking those parts that apply to the Presidency and executive branch and imposed them by Executive order. So in effect most of this bill is in place now but it does not apply to the Senate and it needs to be in statutory law.

This time the bill before us has one slight change. It would exclude Social Security benefits from direct spending adjustments. Otherwise it is the same bill we had before. In my opinion this bill adds an important procedure to the budget process. Almost all of the growth in Federal spending as every speaker here has acknowledged, has occurred in the entitlement programs and mainly in the health care entitlements, Medicare and Medicaid.

Discretionary spending, the money that we appropriate and spend so much time out here on the floor upon, 13 different bills, has been capped since 1991, it has hardly increased; it is unlikely to increase in the next several years because we have extended those caps on discretionary spending, freezing discretionary spending just above $540 billion for the next 4 fiscal years. That alone precludes more than $100 billion of spending increases that might otherwise occur just to keep pace with current services. But we have never capped the overall sum committed to entitlements until the past fiscal year. Actual entitlement costs as a consequence have overshot projected costs by a wide margin.

□ 1310

Last year, the good news is, as I noted earlier, entitlement spending is down. It is below what we projected to the extent of about $24 billion.

This bill would codify the entitlement spending targets for fiscal 1994, 1995, 1996, and 1997, and if actual or projected spending in any of these years exceeds the targets, this baseline that we are codifying, this bill would force the President and the Congress to address the problem, the overage, by adjusting direct spending.

Here is basically how the bill works:

First, it requires the Office of Management and Budget to establish a baseline budget for entitlement spending based upon the reconciliation bill we adopted last year, but updated in the light of economic events that have occurred since then.

It then requires the President each year in the budget process in the executive branch to track that baseline, and when there are overages, when we exceed the baseline, to deal with the problem, to confront the problem squarely in his annual budget that he sends to the Congress.

It gives the President three options. He can recoup all of the coverage or eliminate it. He can recoup or eliminate some of the overage or he can just say that in these circumstances and for these reasons, thus we should not deal with it at all. They can be recouped by spending cuts in discretionary spending, spending cuts in entitlement spending, or they can be recouped by tax increases. I think it is extremely unlikely that we would ever turn to payroll tax increases. I think this is a chimerical argument.

The President can decline to recoup the entire overage, as I said, and so can the Congress. But if we do so, first of all the President has to make the case for not addressing the problem. He has to make the explicit case in his budget message, and we have to vote upon it, because the process next requires that the budget committee, whenever it reports a budget resolution, as a first title in it, to address any reported overage in entitlement spending as reported to us by the President. The resolution itself has to recoup or eliminate at least some or part, or we can waive, we can punt, but we have to vote upon it.

So it adds to the budget process two things. Number one is visibility. It brings entitlement spending to the front burner, off the back burner. As all of us know who participate in the process we mainly deal with discretionary spending and we leave the entitlement spending on automatic pilot. This brings it up to the front burner and says as a first step in the budget process you have to deal with it. By dealing with it we have to vote on it, we have to be held to account. That is the other feature it adds to the process, as the gentlemen from Florida [Mr. GOSS] says. And I agree, there are various ways to get around these things, but it would take many cynical manipulations to pass a law like this and then to waive its application, particularly on something this critically important where we say we are going to deal with it and we are going to have a record vote upon it.

What we proposed in this bill brings to entitlement spending these two things, visibility and accountability.

For that reason I think, Mr. Chairman, this is an important addition to the budget process.

Mr. Chairman, I would like to address the argument quickly that those have made who say it does not have teeth, it just has hoops and loops to jump through.

If this bill had been in effect after the Budget Enforcement Act of 1990 was adopted, then it would have had a decided effect on 1991, 1992, and 1993, because in that particular case the technical assumptions for the cost of Medicare and Medicaid were off over 1991 through 1995 to the tune of $163 billion. Other major benefit programs were off by $99 billion. On technical assumptions alone, this bill would have required that each year before we did anything else in the budget process we deal with these overages in these two programs, and if we had been forced to confront them squarely, the budget projections made in 1990 were not realistic and this would have held us to a more realistic budget path. And we would have less of a deficit problem to deal with now.

Mr. Chairman, this is a good bill, and I urge support for it.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Glenn Falls, NY [Mr. SOLOMON], the ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I would say to the former speaker, if he wants to talk about cynical manipulations, I have here a record of all of the restricted rules that waive the budget act time after time after time. That is cynical manipulation.

Mr. Chairman, to call this bill the Budget Control Act of 1994 is misleading at best and counterproductive at worst.

I do not for a moment question the motives or sincerity of the author of this bill, Mr. SPRATT, for whom I have the greatest respect. I know he is genuine in his desire to get a better handle on the growth in entitlement spending.

But this bill is not the answer to that problem. Nor am I confident that any process will provide a "magic bullet" or shortcut to curbing entitlement growth other than the old-fashioned legislative process.

That old-fashioned process consists of having the committees of jurisdiction look at these programs one-by-one, on a periodic basis, and recommend legislation changes when the program is costing too much, or not working properly.

The reason I think this particular process may be counterproductive is because the floating targets allowed under this bill will never be breached during the 5 years it is in effect.

Consequently, congressional action to address entitlement growth will never be triggered under the terms of this act.

The fact is, Mr. Chairman, the process called for under this bill has been in effect since last August under Executive Order 12857 and House Resolution 235. The targets have already been set and adjusted in the President's January budget.

And guess what? According to this month's mid-session economic review, for the 4-year period covered by this bill, projected entitlement spending is $80 billion under the targets. We do not breach the target in any of the covered years.

So, all this bill does is to lull us into a false sense of budgetary control, when in fact it will do nothing to restrain entitlement spending.

But we can claim, as soon as we pass this bill, that we have magically saved $80 billion in mandatory spending over 4 years.

Now you know I know that is inside-the-beltway, baseline budget-speak. What is really happening over that 4-year period is that entitlement spending is increasing by $160 billion—a 22 percent increase.

The President's January budget estimates that entitlement spending will grow 34 percent or roughly 7 percent a year between fiscal 1995 and 1999 under current law. It will grow from $764 billion in 1995 to $1.02 trillion in 1999.

So Members, do not try to kid yourselves or anyone else that this passive process or any other process that has floating targets and rubber triggers will save us a dime.

In conclusion, Mr. Chairman, this is another one of those warm and fuzzy, feel-good but phony budget process fixes that does not fix a thing. It only gives us political cover to avoid making the real, hard choices of cutting spending until tomorrow—and, of course, tomorrow never comes.

Mr. Chairman, I yield back the balance of my time.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in general support of the bill. I will support one or more of the amendments to the bill today. But let us not lose focus in this debate. Today we are debating entitlement reform to lower the deficit.

I would ask my colleagues and the public to do the math on the budget. Without entitlement reform or tax increases, in order to balance the budget in 1999 we would have to cut $206 billion out of $290 billion of discretionary spending. That cannot be done.

Today's debate has to do with the process reform that is needed to actually accomplish that goal. The only real thing that has worked to lower spending in this decade has been spending caps. The problem is those spending caps have only been applied to discretionary spending.

This debate is whether to extend those caps to mandatory entitlement spending.

I think the House has shown in two votes its will to extend these caps to entitlement spending. Today's debate on the amendments will be how to set those caps and how to enforce those caps.

I believe to accomplish these goals the law that we enact today or the bill that we pass today should exempt nothing, should prohibit no action in the future, should bring the administration and Congress together to come to a solution that will work and must be enforceable.

□ 1320

Our shared goal has to be to take entitlements off autopilot and to give us the mechanisms to actually bring spending under control.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. McCANDLESS], the ranking member on the subcommittee.

Mr. McCANDLESS. Mr. Chairman, I rise in opposition to H.R. 4604, and in support of the Kasich substitute to control entitlement spending.

As we begin to debate this legislation, I urge my colleagues to consider the seriousness of our current fiscal situation and the pressing need for true entitlement reform. Keep in mind that total entitlement spending will equal $727 billion this year—over 47 percent of our Federal tax dollars. Consider that according to the Congress' own Bipartisan Commission on Entitlement and Tax Reform, entitlement spending and interest of the national debt will exceed 70 percent of all Federal spending by the year 2003. Recall the Bipatisan Commission's further projection that, if left unchecked, Medicare, Medicaid, Social Security, and Federal employee retirement programs will consume all Federal revenues by the year 2030. Consider the just released findings of the Bipartisan Commission that,

> If action is not soon taken, America will be forced to choose between doubling every federal tax or cutting more than half of every federal program and entitlement to balance total federal outlays and revenues.

With a warning that clear, I have to believe we will take heed and pass the most realistic, responsible and enforceable entitlement control plan before us; I have to believe we will pass the Kasich substitute.

Certainly Congressmen SPRATT and STENHOLM are to be commended for the considerable work they have put into their proposals. Both have done yeoman's work in bringing this issue before the House. However, despite their best efforts, their bills are flawed.

H.R. 4604, the Spratt bill, imposes no new restrictions or requirements on entitlement spending. H.R. 4604 merely codifies an existing Presidential Executive order and current House rules which provide a process for dealing with floating and generous entitlement targets. And however unlikely a breach might be, given the liberalness of the targets proposed, if a target were to be violated, H.R. 4604 would provide little enforcement. The bill merely directs the Budget Committee to direct the Committee on Government Operations to report out correcting legislation. Neither H.R. 4604 nor existing rules actually require Government Operations to act, and any violation of House rules could be easily waived. While well meaning and hopeful, H.R. 4604 would do little to reduce entitlement spending.

The Stenholm amendment, while offering much tighter caps, makes the mistake of including Social Security in the sequestration basket. Having spent many years protecting this privately funded trust fund from congressional raiding, I cannot support legislation to once again open it to congressional shenanigans.

The Kasich amendment alone establishes overall caps as part of our yearly budget resolution and provides for the suballocation necessary to encourage responsible planning. It recognizes and maintains the separateness of Social Security, and it imposes a real sequestration enforcement mechanism. It is a serious and honest approach to entitlement spending control, and I urge its adoption.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I come to the floor today pleased with the opportunity to discuss a critical issue not only for those of us who worry about today's deficits, and today's recipient of current entitlements but for also those who care about tomorrow's children and grandchildren and their ability to enjoy a standard of living which we have enjoyed.

Clearly, if we are to balance the budget, we must control all Government expenditures, including entitlement spending. Past deficit reduction efforts have not succeeded as we hoped because entitlements grew faster than expected and Congress did not respond with policy changes which would result in spending reductions. Experience has taught us that Congress takes action to reduce entitlement spending only under extraordinary circumstances.

While these increases in entitlement spending are explained as technical changes over which Congress has no control, this argument does not hold much weight with the public. The deficit is blind; increases in the deficit for technical reasons are just as harmful to the economy and the future of our children as increases caused by policy changes. Congress and the President should take greater responsibility for entitlement spending instead of blaming ballooning entitlement spending on technical corrections.

Since 1978, spending on entitlements has increased 286 percent, mcre than 1½ times the rate of inflation. Since the 1990 budget agreement, entitlement spending has increased $115 billion beyond projections—$18 billion in 1991, $43 billion in 1992 and $54 billions in 1993. Slightly more than half of the increase was in Medicare and Medicaid—$63 billion. Other major increases were in unemployment insurance—$30 billion; food stamps—$9 billion; student loans—$7 billion; and supplemental security income—$5 billion.

Entitlement spending is projected to be $270 billion higher in 1998 than it was in 1993—a 35.8-percent increase. Under current policies, entitlement spending will be $1.035 trillion by 1998 and nearly $1.5 trillion by 2003.

Because of my concern about the continued growth of entitlement spending, I was extremely disappointed the budget resolution we passed earlier this year did not call for a reconciliation bill which would make additional reductions in entitlement spending. While it is true that the deficit is projected to take a slight downturn over the next few years, we remain convinced that sustained deficits of $200 billion a year present a great economic hazard to our Nation's future.

I was pleased, however, that we were able to attach sense-of-the-Congress language to the budget resolution which called for the enactment of enforceable entitlement spending limits as well as other budget process reforms. I was also pleased that there was an agreement for the consideration of further budget process votes within the House of Representatives.

As a result of the commitment to allow the House to debate and vote on legislation to control the growth of entitlement spending, I began to study past legislation dealing with the growth of entitlement spending and canvass my colleagues regarding this issue. The legislation we are voting on today is a product of this effort.

I have never claimed that an entitlement cap is a replacement for the tough choices and specific policy decisions that we need to make. Next month, we will have an opportunity to make some of those tough choices when Mr. ORTON and others offer amendments to cut entitlement spending. That notwithstanding, I have concluded that we will not enact the policy choices necessary to control the growth of entitlement spending unless we have the hammer of an entitlement cap forcing us to do so. One of the tough decisions people are talking about today concerns social security.

You will hear some claims that my amendment will require draconian cuts. That simply is not the case. My amendment would require extremely modest reductions in entitlement spending in the initial years, none in fiscal year 1995 and $3.3 billion in fiscal year 1996, to allow for a gradual reduction in the growth of entitlement spending. Even when the cap begins to take effect in later years, the amendment allows for considerable growth in entitlement spending. Entitlement spending would be allowed to grow by 6.3 percent in fiscal year 1997, 6.0 percent in fiscal year 1998 and 5.1 percent in fiscal year 1999. The reductions required from 1996 through 1999 represent just slightly more than 2 percent of the amount we are projected to spend on entitlement programs over that period.

The reductions from CBO baseline required by this amendment are significantly lower than the entitlement reductions that would have been required by the Balanced Budget Enforcement Act introduced by then-Budget Committee Chairman Leon Panetta in 1992, even when the deficit reduction of the 1993 reconciliation bill is taken into account. The Panetta Balanced Budget Enforcement Act would have required $88.1 billion in entitlement savings beyond the cuts in last years budget from fiscal year 1994 to fiscal year 1998. Over the same period, the Entitlement Control Act would require just $39.3 billion in savings.

My amendment which will be voted on later today is the only amendment that places real, enforceable limits on spending. I commend our leadership for bringing us the opportunity for these votes today and I encourage my colleagues to support the Stenholm-Penny-Orton-LaRocco amendment if you truly want to take control of uncontrollable spending.

Mr. GOSS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. McMILLAN].

□ 1330

Mr. McMILLAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, we have three approaches to getting a rein on entitlement spending at issue today, all of which are important. It is highly unlikely that any of them will pass. But there is wide agreement that something must be done about entitlements and solid support among those here today as to essentially how. There is more agreement here than disagreement.

I would prefer those of us in agreement would be in unity today in offering amendments instead of offering separate amendments. But that is not the case. While the Stenholm and Kasich-McMillan-Kolbe bills disagree in some respects, I intend to vote for both of them because I think they are similar on the most important points. I would prefer both of them would be stronger in terms of the setting of caps, but I think that is beyond the realm of possibility. Why?

Both of these bills agree that to control mandatory entitlement spending, which constitutes 60 percent of the budget if you include interest, it is absolutely necessary to set a target spending level each year.

We are going to have to vote on it each year. So it does not make any difference to me whether it is 5 years or 1 year in the budget resolution. We already do that on discretionary accounts; why not entitlements? In fact, entitlements are even more important because that is where the problem is. So if we simply extend what we are doing on discretionary spending to entitlements, we will be making headway.

I do not accept the argument that entitlements are unpredictable. That is a copout. They are predictable. We just do not want to do it.

We should demand that authorization of entitlements, prospective and already enacted, be specific. Then we would get to dealing with the problem.

Second, both amendments agree that the budget resolutions on spending limits for mandatory as well as discretionary spending must be reconciled in the authorizing committees. That is the key. We do not do that now except on discretionary. Both involve the President in different ways. If Congress and the President, under both, fail to meet those targets, however, sequestration will do it for them. We can argue about the amounts, but both agree on a change in the process that could put a stop to runaway entitlement costs by forcing the Congress in its budget resolution, and the authorizing committees in reconciliation, to make specific decisions instead of authorizations of "such sums as necessary." Those are really a recipe for financial disaster, and have been.

This is not a copout, as some editors suggest. To do nothing is a copout. It is simply setting up a rational process, extending caps to all of the budget that now already apply on discretionary spending. It is what we would have to do if we had a balanced budget amendment, for those who would like to use that as an excuse—and I think it is a good one.

This, my colleagues, is no radical proposal; it is simply good common sense, and I urge you to take them seriously.

Mr. CONYERS. Mr. Chairman, I reserve the right to close.

Mr. CLINGER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I have no further requests. I yield myself my remaining minute in order to say that we have heard a lot of statements about whether this process is going to work or not and whether it is going to have the desired goals, the impact to achieve the goals we all agree on to get entitlements under some kind of control before they eat us alive, which they are in the process of doing.

This is not a process where we have any heroes. The gentleman from South Carolina [Mr. SPRATT] has talked about the need for visibility. I agree with him; we do need visibility, but as we raise expectations we need to make sure that we can deliver achievements, not just more disappointments and broken promises, because our track record on entitlements, frankly, when you go back to the beginning of entitlements—and the gentleman is the one who started the historical trend here—has not been good. They have grown like topsy, and it looks like they will continue to grow like topsy.

I agree the gentleman has used the words that we could abide by this process were it not for such things as cynical manipulation. I guess in our business the usual term, this is called end run, end running the regulations. In my view, this process, even the slowest running among us would be able to end run this process very easily. And that is my major concern with it.

Mr. Chairman, I yield back the balance of our time.

Mr. CONYERS. Mr. Chairman, I am proud to yield the balance of our time to the distinguished chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO].

Mr. SABO. I thank the chairman for yielding this time to me.

Mr. Chairman and Members of the House, let me commend the chairman of the Committee on Government Operations, the gentleman from Michigan [Mr. CONYERS], and the gentleman from South Carolina [Mr. SPRATT], for their work on the base bill that we have before us, and many others who participated in that process as we passed the basic form of this bill in the House Rules and, in part, by executive order last year.

It is a good bill. It does some things which I think are very helpful and very useful in the budget process.

What it does is require us each year to come back and look at entitlements and to see if they are staying within estimates that have been made of those programs. It deals with real dollars. It requires us to look back in the last year to see what has actually happened. It forces us to look at the estimates for the current year and for future years.

It is a process that deals with the reality of what is happening. If we then discover that entitlements are exceeding those estimates, it requires the President and the Congress to deal with that issue. It does not attempt to prescribe by formula what we have to do. It leaves legislators to be legislators and policymakers, and the President to be President. But it forces us to regularly come back and look at problems that are emerging. My observation has been that historically the Congress will ignore problems for a period of time and then as they grow and grow, we finally get to them. This bill and this process force us to come and examine the problems as they are emerging on an annual basis.

I think that is a very substantial step forward. We will debate other formulas later, and other proposals. This proposal does not turn Government over to simply a series of formulas, or another proposal that is before us today, which is very complex which I think accomplishes nothing on substance but simply makes the process much, much more complicated, in the proposal offered by my good friend, the gentleman from Ohio [Mr. KASICH].

So I commend the gentlemen; they have a very good basic proposal before us, and I would urge the House to adopt it.

Mr. LEWIS of Florida. Mr. Chairman, I believe we must get all Federal spending under control, including entitlements. However, none of the alternatives offered today to address entitlement spending is ideal. Although I voted for the Kasich substitute, I did so with grave misgivings about its exemption of Social Security from the entitlement review process. Exempting Social Security protects most retirees from cuts, but leaves Federal and military retirees vulnerable to sequestration and direct cuts. Social Security expenditures this year are estimated at $325 billion. It is unfair to leave such a large piece of the budget out of the review process, while subjecting Federal and military retirees' pensions to budgetary scrutiny. It is my hope that future attempts to address entitlement spending will treat all retirees equally, whether they receive Social Security or some form of Federal pension.

Mrs. LLOYD. Mr. Chairman, I rise in support of the Entitlement Control Act of 1994. This act is long overdue. We have taken major steps in the 103d Congress to control the escalating budget deficit. The 1994 deficit will be $55 million lower than last year's and $90 billion below the deficit just 2 years ago. From 1992 through 1996, deficits are projected to decline 4 years in a row. This is a positive start toward deficit reduction, however, we cannot rest on our laurels.

The deficit problem is not over and it is expected to increase to 3 percent of the gross domestic product [GDP] by the next decade if we do not address the root of the problem—entitlement spending. Entitlement spending consumes approximately half of all Federal outlays. About 16 percent of the budget is allocated toward paying the interest on programs such as Medicare and Medicaid. According to Congressional Budget Office [CBO] estimates, Medicare and Medicaid are not only expected to triple in size in dollar terms, but each will double as a percentage of GDP over the period.

Passage of an effective health care reform package will help curtail Medicare and Medicaid expenditures in the long run. However, outlays for all other mandatory programs are expected to increase at an average annual rate of 6.5 percent between 1994 and 1999, with discretionary programs accounting only for a 0.8-percent increase. The Stenholm substitute is inclusive and weighs all entitlement programs on a cost-benefit basis.

There is no question that entitlements are the main culprit for our national debt. The only way to contain unacceptably high budget deficits and decrease the national debt is by enacting a strong entitlement control process.

Mr. Chairman, the bill we have before us takes a major step in reviewing entitlement programs and setting spending Federal priorities. The bill creates an entitlement control mechanism to monitor the total costs of direct spending and sets caps on the entitlement spending. It would require cuts in spending of $150 billion over the next 5 years. Should these caps be exceeded the bill would require an automatic, across-the-board cuts for all entitlement programs.

This bill forces the Congress to make tough decisions on spending programs, but it is carefully crafted to adapt to health reform changes and at the same time restrain the growth of entitlement spending. The Stenholm substitute specifically provides for an adjustment in the caps to accommodate health care reform legislation. I urge my colleagues to support the Stenholm substitute.

Ms. ENGLISH of Arizona. Mr. Chairman, I rise today in opposition to the Kasich and Stenholm amendments to the Budget Control Act. Although there is no doubt that the growth of entitlements is a significant cause behind America's deficits, I believe these amendments are ill-timed and ignore the basic causes behind the growth of entitlements.

The first amendment we considered, by Representative KASICH and others, was a notable attempt to strengthen the intent of this bill. My primary concern, however, was that the entitlement caps required by this amendment might well lead to rationing of medical care for our Nation's senior citizens. Medical costs are increasing at an alarming rate. That's why health care reform is so vital. It would be unfair and unwise to exact cost containment by limiting the benefits to our seniors without regard to the several other causes of rapid health care inflation.

Additionally, the joint resolution on entitlement spending invites political gridlock in the event that the priorities by Congress and the President are different. The delay that this might cause is unnecessary and counterproductive.

But perhaps the most compelling reason that I voted against Mr. KASICH's amendment at this time was because there is currently a bipartisan commission studying ways to control entitlement spending. Since their final recommendations are expected by the end of this year, it does their work a disservice by enacting changes while they are developing proposals at the direction of the President.

The following amendment, by Congressman STENHOLM, was flawed by its inclusion of Social Security in the entitlement cap mechanism. For the foreseeable future, Social Security will continue to take in far more revenue than is currently needed by today's retirees. Because of this surplus, it would not be fair to cut Social Security, which might be required in the amendment's across-the-board cutting requirements.

Ten years ago, the Social Security system was reformed through a bipartisan effort which ensured that the system will remain solvent for decades to come. While other reforms may be needed in the future, these changes are best accomplished through a cooperative, bipartisan effort directed at the system's problems. A one-size-fits-all approach just won't work.

Finally, I voted in favor of the Spratt-Stupak amendment because it was consistent with language that was included in last year's deficit reduction measure. It requires that Congress and the President establish entitlement spending targets and directs them to propose ways to deal with any breach in the targeted spending levels.

Health care reform, if enacted with cost control provisions, will help cut the increases in entitlement spending. The bipartisan entitlement spending commission should be permitted to finish their important work for subsequent action by the President and Congress. I support these efforts and look forward to future congressional action on both.

Mr. FRANKS of Connecticut. Mr. Chairman, I had hoped that the House of Representatives would have been able to propose spending cuts under the A to Z spending cut plan this year. Unfortunately, a majority of the House does not want to give Congress the chance to eliminate the waste. We are offered instead the Budget Control Act. I will vote for the Budget Control Act, provided that Social Security is exempted from the bill, because it is better than what we have now. I am pessimistic about this bill ever being able to curb cost overruns by itself. Therefore, I will also support the Kasich amendment. It seems that the Kasich amendment could make the bill much more effective.

The Budget Control Act would make entitlement spending targets for the next 4 fiscal years and would create a process for adjusting direct spending to stay within the targets. Each year the President and Congress would have to address direct spending that exceed the targeted levels. The weakness of the Budget Control Act as written is that the level of entitlement growth allowed under this bill can be set at any number high enough to prevent any action on slowing this growth down. This bill provides no incentive to change the policy of entitlement programs, which is the real problem.

There are two alternatives offered to allow us to enforce limits on entitlement spending. The Stenholm amendment puts the burden of entitlement control on Social Security. Older Americans who have had money taken from their paychecks over the years do not want Congress to take it, especially if their sacrifice allows wasteful spending to continue. Another problem with this amendment is that it allows tax increases to be used to pay for unexpected entitlement growth.

I intend to support the Kasich substitute, which has the potential to instill much needed accountability into decisions about entitlement spending. The Kasich substitute requires authorizing committees to review entitlement programs annually and vote on funding levels for each one. These levels would be legally binding. In addition, the Kasich substitute exempts Social Security and does not allow Congress to raise taxes to cover excessive entitlement spending. I feel that the Kasich substitute may be the last real chance that the 103d Congress has to rein in Federal spending.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute, consisting of the text of the bill, modified by the amendment printed in part 1 of House Report 103–614, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 4604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Budget Control Act of 1994".

(b) PURPOSE.—The purpose of this Act is to create a mechanism to monitor total costs of direct spending programs, and, in the event that actual or projected costs exceed targeted levels, to require the President and

Congress to address adjustments in direct spending.

SEC. 2. ESTABLISHMENT OF DIRECT SPENDING TARGETS.

(a) IN GENERAL.—The initial direct spending targets for each of fiscal years 1994 through 1997 shall equal total outlays for all direct spending except net interest and deposit insurance as determined by the Director of the Office of Management and Budget (hereinafter referred to in this Act as the "Director") under subsection (b).

(b) INITIAL REPORT BY DIRECTOR.—

(1) Not later than 30 days after the date of enactment of this Act, the Director shall submit a report to Congress setting forth projected direct spending targets for each of fiscal years 1994 through 1997.

(2) The Director's projections shall be based on legislation enacted as of 5 days before the report is submitted under paragraph (1). To the extent feasible, the Director shall use the same economic and technical assumptions used in preparing the concurrent resolution on the budget for fiscal year 1994 (H. Con. Res. 64, One Hundred Third Congress).

(c) ADJUSTMENTS.—Direct spending targets shall be subsequently adjusted by the Director under section 6.

SEC. 3. ANNUAL REVIEW OF DIRECT SPENDING AND RECEIPTS BY PRESIDENT.

As part of each budget submitted under section 1105(a) of title 31, United States Code, the President shall provide an annual review of direct spending and receipts, which shall include (1) information supporting the adjustment of direct spending targets pursuant to section 6, (2) information on total outlays for programs covered by the direct spending targets, including actual outlays for the prior fiscal year and projected outlays for the current fiscal year and the 5 succeeding fiscal years, and (3) information on the major categories of Federal receipts, including a comparison between the levels of those receipts and the levels projected as of the date of enactment of this Act.

SEC. 4. SPECIAL DIRECT SPENDING MESSAGE BY PRESIDENT.

(a) TRIGGER.—In the event that the information submitted by the President under section 3 indicates—

(1) that actual outlays for direct spending in the prior fiscal year exceeded the applicable direct spending target, or

(2) that outlays for direct spending for the current or budget year are projected to exceed the applicable direct spending targets,

the President shall include in his budget a special direct spending message meeting the requirements of subsection (b).

(b) CONTENTS.—(1) The special direct spending message shall include:

(A) An explanation of any adjustments to the direct spending targets pursuant to section 6.

(B) An analysis of the variance in direct spending over the adjusted direct spending targets.

(C) The President's recommendations for addressing the direct spending overages, if any, in the prior, current, or budget year.

(2) The President's recommendations may consist of any of the following:

(A) Proposed legislative changes to reduce outlays, increase revenues, or both, in order to recoup or eliminate the overage for the prior, current, and budget years in the current year, the budget year, and the 4 outyears.

(B) Proposed legislative changes to reduce outlays, increase revenues, or both, in order to recoup or eliminate part of the overage for the prior, current, and budget year in the current year, the budget year, and the 4 outyears, accompanied by a finding by the President that, because of economic conditions or for other specified reasons, only some of the overage should be recouped or eliminated by outlay reductions or revenue increases, or both.

(C) A proposal to make no legislative changes to recoup or eliminate any overage, accompanied by a finding by the President that, because of economic conditions or for other specified reasons, no legislative changes are warranted.

(3) Except as provided by paragraph (4) any proposed legislative change under paragraph (2) to reduce outlays may include reductions in direct spending or in the discretionary spending limits under section 601 of the Congressional Budget Act of 1974.

(4) The President's recommendations may not consist of any proposed legislative changes to reduce benefits under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

(c) PROPOSED SPECIAL DIRECT SPENDING RESOLUTION.—

(1) PRESIDENT'S RECOMMENDATIONS TO BE SUBMITTED AS DRAFT RESOLUTION.—If the President recommends reductions consistent with subsection (b)(2)(A) or (B), the special direct spending message shall include the text of a special direct spending resolution implementing the President's recommendations through reconciliation directives instructing the appropriate committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays or increase revenues by specified amounts. If the President recommends no reductions pursuant to (b)(2)(C), the special direct spending message shall include the text of a special resolution concurring in the President's recommendation of no legislative action.

(2) RESOLUTION TO BE INTRODUCED IN HOUSE.—Within 10 days after the President's special direct spending message is submitted, the text required by paragraph (1) shall be introduced as a concurrent resolution in the House of Representatives by the chairman of the Committee on the Budget of the House of Representatives without substantive revision. If the chairman fails to do so, after the tenth day the resolution may be introduced by any Member of the House of Representatives. A concurrent resolution introduced under this paragraph shall be referred to the Committee on the Budget.

SEC. 5. REQUIRED RESPONSE BY CONGRESS.

(a) REQUIREMENT FOR SPECIAL DIRECT SPENDING RESOLUTION.—Whenever the President submits a special direct spending message under section 4, the Committee on the Budget of the House of Representatives shall report, not later than April 15, the concurrent resolution on the budget and include in it a separate title that meets the requirements of subsections (b) and (c).

(b) CONTENTS OF SEPARATE TITLE.—The separate title of the concurrent resolution on the budget shall contain reconciliation directives to the appropriate committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays or increase revenues by specified amounts (which in total equal or exceed the reductions recommended by the President, up to the amount of the overage). If this separate title recommends that no legislative changes be made to recoup or eliminate an overage, then a statement to that effect shall be set forth in that title.

(c) REQUIREMENT FOR SEPARATE VOTE TO INCREASE TARGETS.—If the separate title of a concurrent resolution on the budget proposes to recoup or eliminate less than the entire overage for the prior, current, and budget years, then the Committee on the Budget of the House of Representatives shall report a resolution directing the Committee on Government Operations to report legislation increasing the direct spending targets for each applicable year by the full amount of the overage not recouped or eliminated. It shall not be in order in the House of Representatives to consider that concurrent resolution on the budget until the House of Representatives has agreed to the resolution directing the increase in direct spending targets.

(d) CONFERENCE REPORTS MUST FULLY ADDRESS OVERAGE.—It shall not be in order in the House of Representatives to consider a conference report on a concurrent resolution on the budget unless that conference report fully addresses the entirety of any overage contained in the applicable report of the President under section 4 through reconciliation directives requiring spending reductions, revenue increases, or changes in the direct spending targets.

(e) PROCEDURE IF HOUSE BUDGET COMMITTEE FAILS TO REPORT REQUIRED RESOLUTION.—

(1) AUTOMATIC DISCHARGE OF HOUSE BUDGET COMMITTEE.—If a special direct spending resolution is required and the Committee on the Budget of the House of Representatives fails to report a resolution meeting the requirements of subsections (b) and (c) by April 15, then the committee shall be automatically discharged from further consideration of the concurrent resolution reflecting the President's recommendations introduced pursuant to section 4(c)(2) and the concurrent resolution shall be placed on the appropriate calendar.

(2) CONSIDERATION BY HOUSE.—Ten days after the Committee on the Budget of the House of Representatives has been discharged under paragraph (1), any Member may move that the House proceed to consider the resolution. Such motion shall be highly privileged and not debatable.

(f) APPLICATION OF CONGRESSIONAL BUDGET ACT.—To the extent that they are relevant and not inconsistent with this Act, the provisions of title III of the Congressional Budget Act of 1974 shall apply in the House of Representatives and the Senate to special direct spending resolutions, resolutions increasing targets under subsection (c), and reconciliation legislation reported pursuant to directives contained in those resolutions.

(g) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill reported pursuant to a concurrent resolution on the budget agreed to under section 301 or 304 or reconciliation legislation reported pursuant to directives contained in any special direct spending resolution, or any amendment thereto or conference report thereon, that contains recommendations to reduce benefits under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

SEC. 6. ADJUSTMENTS TO DIRECT SPENDING TARGETS.

(a) REQUIRED ANNUAL ADJUSTMENTS.—Prior to the submission of the President's budget for each of fiscal years 1994 through 1997, the Director shall adjust the direct spending targets in accordance with this section. Any such adjustments shall be reflected in the targets used in the President's report under section 3 and message (if any) under section 4.

(b) ADJUSTMENT FOR INCREASES IN BENEFICIARIES.—(1) The Director shall adjust the direct spending targets for increases (if any) in actual or projected numbers of beneficiaries under direct spending programs for which the number of beneficiaries is a variable in determining costs.

(2) The adjustment shall be made by—

(A) computing, for each program under paragraph (1), the percentage change between (i) the annual average number of beneficiaries under that program (including actual numbers of beneficiaries for the prior fiscal year and projections for the budget and subsequent fiscal years) to be used in the President's budget with which the adjustments will be submitted, and (ii) the annual average number of beneficiaries used in the adjustments made by the Director in the previous year (or, in the case of adjustments made in 1994, the annual average number of beneficiaries used in the Director's initial report under section 2(b));

(B) applying the percentage computed under subparagraph (A) to the projected levels of outlays for each program consistent with the direct spending targets in effect immediately prior to the adjustment; and

(C) adding the results of the calculations required by subparagraph (B) to the direct spending targets in effect immediately prior to the adjustment.

(3) No adjustment shall be made for any program for a fiscal year in which the percentage increase computed under paragraph (2)(A) is less than or equal to zero.

(c) ADJUSTMENTS FOR REVENUE LEGISLATION.—(1) The Director shall adjust the targets as follows:

(A) they shall be increased by the amount of any increase in receipts; or

(B) they shall be decreased by the amount of any decrease in receipts,

resulting from receipts legislation enacted after the date of enactment of this Act, except legislation enacted under section 5.

(d) ADJUSTMENTS TO REFLECT CONGRESSIONAL DECISIONS.—Upon enactment of a reconciliation bill pursuant to instructions under section 5, the Director shall adjust direct spending targets for the current year, the budget year, and each outyear through 1997 by—

(1) increasing the target for the current year and the budget year by the amount stated for that year in the reconciliation bill (but if a separate vote was required by section 5(c), only if that vote has occurred); and

(2) decreasing the target for the current, budget, and outyears through 1997 by the amount of reductions in direct spending enacted in that reconciliation bill.

(e) DESIGNATED EMERGENCIES.—The Director shall adjust the targets to reflect the costs of legislation that is designated as an emergency by Congress and the President under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 7. RELATIONSHIP TO BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT.

Reductions in outlays or increases in receipts resulting from legislation reported pursuant to section 5 shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 8. ESTIMATING MARGIN.

For any fiscal year for which the overage is less than one-half of 1 percent of the direct spending target for that year, the procedures set forth in sections 4 and 5 shall not apply.

SEC. 9. CONSIDERATION OF APPROPRIATION BILLS.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any general appropriation bill if the President has submitted a direct spending message under section 4 until Congress has adopted a concurrent resolution on the budget for the budget year that meets the requirements of section 5.

(b) WAIVER.—The point of order established by subsection (a) may only be waived for all general appropriation bills for that budget year through the adoption of one resolution waiving that point of order.

SEC. 10. MEANS-TESTED PROGRAMS.

In making recommendations under sections 4 and 5, the President and the Congress should seriously consider all other alternatives before proposing reductions in means-tested programs.

SEC. 11. EFFECTIVE DATE.

This Act shall apply to direct spending targets for fiscal years 1994 through 1997 and shall expire at the end of fiscal year 1997.

The CHAIRMAN. No other amendment to the bill is in order except the amendments printed in part 2 of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, is considered as read, shall be debatable under the terms specified in the report, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question.

If more than one of the amendments printed in part 2 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

It is now in order to consider amendment No. 1, printed in House Report 103–614.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, pursuant to the rule, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. KASICH:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Spending Control Act of 1994".

SEC. 2. ESTABLISHMENT AND ENFORCEMENT OF MANDATORY SPENDING LIMITS.

(a) DEFINITIONS.—Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in paragraph (3), by inserting "(A)" after "(3)" and by adding at the end the following new subparagraph:

"(B) The term 'mandatory spending breach' means, for any fiscal year, the amount (if any) by which estimated outlays for that year for mandatory spending exceed the mandatory spending limit for that year set forth in the most recently adopted joint resolution on the budget."; and

(2) by adding at the end the following new paragraph:

"(22) The term 'mandatory spending' means direct spending excluding—

"(A) social security;

"(B) net interest;

"(C) deposit insurance;

"(D) any program with projected annual spending of less than $50 million in outlays for the budget year;

"(E) payments from one direct spending account to another;

"(F) offsetting receipts and collections; or

"(G) other non-budgetary activities and prior legal obligations set forth in section 252B(u).".

(b) MANDATORY SPENDING LIMITS.—(1) Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 252 the following new sections:

"SEC. 252A. ENFORCING MANDATORY SPENDING LIMITS.

"(a) FISCAL YEARS 1996–1998 ENFORCEMENT.—

"(1) SEQUESTRATION.—Within 15 calendar days after Congress adjourns to end a session and on the same day as a sequestration (if any) under sections 251, 252, and 253, but after such sequestrations, there shall be a sequestration to eliminate a budget-year mandatory spending breach, if any, of the mandatory spending limit. OMB shall use current economic and technical estimates to carry out this section and in making its estimates of mandatory spending shall take into account any enacted legislation and any savings resulting from a section 252 sequestration.

"(2) ELIMINATING A MANDATORY SPENDING BREACH.—Each mandatory spending program (or accounts comprising a program) that exceeds its mandatory spending program cap established by law under section 310 of the Congressional Budget Act of 1974 for the budget year shall be reduced by the amount by which estimated outlays for that program exceeds its mandatory spending program cap. If that sequestration is insufficient to eliminate the mandatory spending breach, then each mandatory spending account for which no mandatory spending program cap was established by law under section 310 of the Congressional Budget Act of 1974 for the budget year shall be reduced by the uniform percentage necessary to eliminate the remaining budget-year mandatory spending breach of the mandatory spending limit.

"(3) LOOK-BACK.—If legislation is enacted providing mandatory spending that causes a mandatory spending breach for the current year that was not included in the final sequester report for that year, the mandatory spending limit for the next fiscal year shall be reduced by the amount of that breach.

"(b) SCOREKEEPING AND ADJUSTMENTS FOR EMERGENCIES.—

"(1) SCOREKEEPING.—OMB and CBO shall prepare estimates under this subsection in conformance with scorekeeping guidelines determined after consultation among the House and Senate Committees on the Budget, CBO, and OMB.

"(2) TREATMENT OF EMERGENCIES.—When OMB submits a sequestration report under section 254(g), the sequestration report shall exclude any provision of mandatory spending legislation that is enacted and that the President designates as emergency requirements and the Congress so designates in statute as an emergency.

"SEC. 252B. GENERAL AND SPECIAL SEQUESTRATION RULES.

"(a) PERMANENT SEQUESTRATION OF MANDATORY SPENDING.—

“(1) The rules set forth in this section apply only to sequestrations that occur under section 252A.

“(2) Obligations in sequestered mandatory spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years. Notwithstanding any other provision of this section, after the first mandatory spending sequestration, any later sequestration shall reduce mandatory spending by an amount in addition to, rather than in lieu of, the reduction in mandatory spending in place under the existing sequestration or sequestrations.

“(b) UNIFORM PERCENTAGES.—

“(1) In the case of a program for which a mandatory spending program cap has been established under section 310 of the Congressional Budget Act of 1974, the uniform percentage is the percentage reduction in spending required to reduce spending for that program to its cap level. In the case of a program for which no mandatory spending program cap has been established under that section, the uniform percentage is the percentage reduction in spending required to eliminate the remaining budget-year breach of the mandatory spending limit.

“(2) The sequestrable base for mandatory spending rules and activities is the total budget-year level of outlays for those programs or activities in the current policy baseline minus—

“(A) those budget-year outlays resulting from obligations incurred in the current or prior fiscal years, and

“(B) those budget-year outlays resulting from exemptions.

“(3) For any direct spending program in which—

“(A) outlays pay for entitlement benefits,

“(B) a budget-year sequestration takes effect after the 1st day of the budget year, and

“(C) that delay reduces the amount of entitlement authority that is subject to sequestration in the budget year,

the uniform percentage otherwise applicable to the sequestration of that program in the budget year shall be increased as necessary to achieve the same budget-year outlay reduction in that program as would have been achieved had there been no delay.

“(4) If the uniform percentage otherwise applicable to the budget-year sequestration of a program or activity is increased under paragraph (3), then it shall revert to the uniform percentage calculated under paragraph (2) when the budget year is completed.

“(c) GENERAL RULES FOR SEQUESTRATION.—

“(1) INDEFINITE AUTHORITY.—Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage or percentages.

“(2) CANCELLATION OF BUDGETARY RESOURCES.—Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled or repealed.

“(3) INDEXED BENEFIT PAYMENTS.—If, under any entitlement program—

“(A) benefit payments are made to persons or governments more frequently than once a year, and

“(B) the amount of entitlement authority is periodically adjusted under existing law to reflect changes in a price index,

then for the first fiscal year to which a sequestration order applies, the benefit reductions in that program accomplished by the order shall take effect starting with the payment made at the beginning of January or 7 weeks after the order is issued, whichever is later. For the purposes of this subsection, Veterans Compensation shall be considered a program that meets the conditions of the preceding sentence.

“(4) PROGRAMS, PROJECTS, OR ACTIVITIES.—Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

“(5) IMPLEMENTING REGULATIONS.—Administrative regulations or similar actions implementing the sequestration of a program or activity shall be made within 120 days of the effective date of the sequestration of that program or activity.

“(6) DISTRIBUTION FORMULAS.—To the extent that distribution or allocation formulas differ at different levels of budgetary resources within an account, program, project, or activity, a sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

“(7) CONTINGENT FEES.—In any account for which fees charged to the public are legally determined by the level of appropriations, fees shall be charged on the basis of the presequestration level of appropriations.

“(d) NON-JOBS PORTION OF AFDC.—Any sequestration order shall accomplish the full amount of any required reduction in payments for the non-JOBS portion of the aid to families with dependent children program under the Social Security Act by reducing the Federal reimbursement percentage (for the fiscal year involved) by multiplying that reimbursement percentage, on a State-by-State basis, by the uniform percentage applicable to the sequestration of nonexempt direct spending programs or activities.

“(e) JOBS PORTION OF AFDC.—

“(1) FULL AMOUNT OF SEQUESTRATION REQUIRED.—Any sequestration order shall accomplish the full amount of any required reduction of the Job Opportunities and Basic Skills training program under section 402(a)(19), and part F of title VI, of the Social Security Act, in the manner specified in this subsection. Such an order may not reduce any Federal matching rate pursuant to section 403(l) of the Social Security Act.

“(2) NEW ALLOTMENT FORMULA.—

“(A) GENERAL RULE.—Notwithstanding section 403(k) of the Social Security Act, each State's percentage share of the amount available after sequestration for direct spending pursuant to section 403(l) of such Act shall be equal to that percentage of the total amount paid to the States pursuant to such section 403(l) for the prior fiscal year that is represented by the amount paid to such State pursuant to such section 403(l) for the prior fiscal year, except that a State may not be allotted an amount under this subparagraph that exceeds the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

“(B) REALLOTMENT OF AMOUNTS REMAINING UNALLOTTED AFTER APPLICATION OF GENERAL RULE.—Any amount made available after sequestration for direct spending pursuant to section 403(l) of the Social Security Act that remains unallotted as a result of subparagraph (A) of this paragraph shall be allotted among the States in proportion to the absolute difference between the amount allotted, respectively, to each State as a result of such subparagraph and the amount that would have been allotted to such State pursuant to section 403(k) of such Act had the sequestration not been in effect, except that a State may not be allotted an amount under this subparagraph that results in a total allotment to the State under this paragraph of more than the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

“(f) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in payments under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under the program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

“(g) COMMODITY CREDIT CORPORATION.—

“(1) EFFECTIVE DATE.—For the Commodity Credit Corporation, the date on which a sequestration order takes effect in a fiscal year shall vary for each crop of a commodity. In general, the sequestration order shall take effect when issued, but for each crop of a commodity for which 1-year contracts are issued as an entitlement, the sequestration order shall take effect with the start of the sign-up period for that crop that begins after the sequestration order is issued. Payments for each contract in such a crop shall be reduced under the same terms and conditions.

“(2) DAIRY PROGRAM.—(A) As the sole means of achieving any reduction in outlays under the milk price-support program, the Secretary of Agriculture shall provide for a reduction to be made in the price received by producers for all milk produced in the United States and marketed by producers for commercial use. That price reduction (measured in cents per hundredweight of milk marketed) shall occur under subparagraph (A) of section 201(d)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(2)(A)), shall begin on the day any sequestration order is issued, and shall not exceed the aggregate amount of the reduction in outlays under the milk price-support program, that otherwise would have been achieved by reducing payments made for the purchase of milk or the products of milk under this subsection during that fiscal year.

“(3) EFFECT OF DELAY.—For purposes of subsection (b)(1), the sequestrable base for the Commodity Credit Corporation is the budget-year level of gross outlays resulting from new budget authority that is subject to reduction under paragraphs (1) and (2), and subsection (b)(2) shall not apply.

“(4) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this Act shall restrict the Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, or limit or reduce in any way any appropriation that provides the Corporation with funds to cover its net realized losses.

“(h) CONSERVATION RESERVE PROGRAM.—Multiyear contracts under the conservation reserve program shall be considered binding and not subject to sequestration, but any contract entered into after a sequestration applicable to that program takes effect shall provide for payments reduced by the uniform percentage or percentages applicable to that sequestration.

"(i) Extended Unemployment Compensation.—(1) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under any sequestration order by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

"(2) A reduction by a State in accordance with subparagraph (A) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1986.

"(j) Federal Employees Health Benefits Fund.—For the Federal Employees Health Benefits Fund, a sequestration order shall take effect with the next open season. The sequestration shall be accomplished by annual payments from that Fund to the General Fund of the Treasury. Those annual payments shall be financed solely by charging higher premiums. For purposes of subsection (b)(1), the sequestrable base for the Fund is the budget-year level of gross outlays resulting from claims paid after the sequestration order takes effect, and subsection (b)(2) shall not apply.

The premium increases under paragraph (2) shall begin with the open season that occurs nearest to September 30 of the fiscal year to which the sequestration first applies. If those premium increases take effect in the first fiscal year of a sequestration, the amount collected by the Fund in that fiscal year as a result shall be used to partially finance the payment to the Treasury required in that year, and the amount of the recall under paragraph (1) shall be diminished accordingly.

"(k) Federal Housing Finance Board.—Any sequestration of the Federal Housing Finance Board shall be accomplished by annual payments (by the end of each fiscal year) from that Board to the general fund of the Treasury, in amounts equal to the uniform sequestration percentage for that year times the gross obligations of the Board in that year.

"(l) Federal Pay.—

"(1) In general.—Except as provided in section 111(b)(3), new budget authority to pay Federal personnel shall be reduced by the uniform percentage calculated under section 252A, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

"(2) Definitions.—For purposes of this subsection:

"(A) The term "statutory pay system" shall have the meaning given that term in section 5302(1) of title 5, United States Code.

"(B) The term "elements of military pay" means—

"(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

"(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

"(iii) cadet pay and midshipman pay under section 203(c) of such title.

"(C) The term "uniformed services" shall have the meaning given that term in section 101(3) of title 37, United States Code.

"(m) Guaranteed Student Loans.—(A) For all loans under part B and part D of title IV of the Higher Education Act of 1965 made on or after the date of a sequestration, the origination fees shall be increased by a uniform percentage sufficient to produce the dollar savings in student loan programs for the fiscal year of the sequestration required by section 252A, and all subsequent origination fees shall be increased by the same percentage, notwithstanding any other provision of law.

"(B) The origination fees to which paragraph (A) applies are those specified in sections 455(c) and 438(c) of that Act.

"(n) Insurance Programs.—Any sequestration in a Federal program that sells insurance contracts to the public (including the Federal Crop Insurance Fund, the National Insurance Development Fund, the National Flood Insurance Fund, insurance activities of the Overseas Private Insurance Corporation, and Veterans' life insurance programs) shall be accomplished by annual payments from the insurance fund or account to the general fund of the Treasury. The amount of each annual payment by each such fund or account shall be the amount received by the fund or account by increasing premiums on contracts entered into after the date a sequestration order takes effect by the uniform sequestration percentage, and premiums shall be increased accordingly.

"(o) Medicaid.—The November 15th estimate of medicaid spending by States shall be the base estimate from which the uniform percentage reduction under any sequestration, applied across-the-board by State, shall be made. Succeeding Federal payments to States shall reflect that reduction. The Health Care Financing Administration shall reconcile actual medicaid spending for each fiscal year with the base estimate as reduced by the uniform percentage, and adjust each State's grants as soon as practicable, but no later than 100 days after the end of the fiscal year to which the base estimate applied, to comply with the sequestration order.

"(p) Medicare.—

"(1) Timing of application of reductions.—

"(A) In general.—Except as provided in subparagraph (B), if a reduction is made in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order. For purposes of the previous sentence, in the case of inpatient services furnished for an individual, the services shall be considered to be furnished on the date of the individual's discharge from the inpatient facility.

"(B) Payment on the basis of cost reporting periods.—In the case in which payment for services of a provider of services is made under title XVIII of the Social Security Act on a basis relating to the reasonable cost incurred for the services during a cost reporting period of the provider, if a reduction is made in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for costs for such services incurred at any time during each cost reporting period of the provider any part of which occurs after the effective date of the order, but only (for each such cost reporting period) in the same proportion as the fraction of the cost reporting period that occurs after the effective date of the order.

"(2) No increase in beneficiary charges in assignment-related cases.—If a reduction in payment amounts is made pursuant to a sequestration order for services for which payment under part B of title XVIII of the Social Security Act is made on the basis of an assignment described in section 1842(b)(3)(B)(ii), in accordance with section 1842(b)(6)(B), or under the procedure described in section 1870(f)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

"(3) No effect on computation of AAPCC.—In computing the adjusted average per capita cost for purposes of section 1876(a)(4) of the Social Security Act, the Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part.

"(q) Postal Service Fund.—Any sequestration of the Postal Service Fund shall be accomplished by annual payments from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States shall have the duty to make those payments during the fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each annual payment shall be—

"(1) the uniform sequestration percentage, times

"(2) the estimated gross obligations of the Postal Service Fund in that year other than those obligations financed with an appropriation for revenue foregone for that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Within 30 days after the sequestration order is issued, the Postmaster General shall submit to the Postal Rate Commission a plan for financing the annual payment for that fiscal year and publish that plan in the Federal Register. The plan may assume efficiencies in the operation of the Postal Service, reductions in capital expenditures, increases in the prices of services, or any combination, but may not assume a lower Fund surplus or higher Fund deficit and must follow the requirements of existing law governing the Postal Service in all other respects. Within 30 days of the receipt of that plan, the Postal Rate Commission shall approve the plan or modify it in the manner that modifications are allowed under current law. If the Postal Rate Commission does not respond to the plan within 30 days, the plan submitted by the Postmaster General shall go into effect. Any plan may be later revised by the submission of a new plan to the Postal Rate Commission, which may approve or modify it.

"(r) Power Marketing Administrations and T.V.A.—Any sequestration of the Department of Energy power marketing administration funds or the Tennessee Valley Authority fund shall be accomplished by annual payments from those funds to the General Fund of the Treasury, and the administrators of those funds shall have the duty to make those payments during the fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each annual payment by a fund shall be—

"(1) the direct spending uniform sequestration percentage, times

"(2) the estimated gross obligations of the fund in that year other than those obligations financed from discretionary appropriations for that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Annual payments by a fund may be financed by reductions in costs required to produce the presequester amount of power (but those reductions shall not include reductions in the amount of power supplied by the fund), by reductions in capital expenditures, by increases in rates, or by any combination, but may not be financed by a lower fund surplus or a higher fund deficit and must follow the requirements of existing law governing the fund in all other respects. The administrator of a fund or the TVA Board is authorized to take the actions specified above in order to make the annual payments to the Treasury.

"(s) URANIUM ENRICHMENT.—Any sequestration of the uranium enrichment program shall be accomplished through annual payments from that program to the general fund of the Treasury, and the program administrator shall have the duty to make those payments during the fiscal year to which the sequestration order applies and each succeeding fiscal year. The Secretary of Energy has the authority to reduce costs or increase receipts, or a combination, as necessary to finance those annual payments.

"(t) VETERANS' HOUSING LOANS.—(1) For all housing loans guaranteed, insured, or made under chapter 37 of title 38, United States Code, on or after the date of a sequestration, the origination fees shall be increased by a uniform percentage sufficient to produce the dollar savings in veterans' housing programs for the fiscal year of the sequestration required by section 252A, and all subsequent origination fees shall be increased by the same percentage, notwithstanding any other provision of law.

"(2) The origination fees to which paragraph (1) applies are those referred to in section 3729 of title 38, United States Code.

"(u) As used in section 250(c)(22), other non-budgetary activities and prior legal obligations mean the following:

(1) expenses to the extent they result from private donations, bequests, or voluntary contributions to the Government;

(2) nonbudgetary activities, including but not limited to—

(A) credit liquidating and financing accounts;

(B) the Pension Benefit Guarantee Corporation Trust Funds;

(C) the Thrift Savings Fund;

(D) the Federal Reserve System; and

(E) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

(3) payments resulting from Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

(4) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed—

Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–806);

Bureau of Indian Affairs, miscellaneous payments to Indians (14–2303–0–1–452);

Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

Claims, defense;

Claims, judgments, and relief act (20–1895–0–1–806);

Compact of Free Association, economic assistance pursuant to Public Law 99–658 (14–0415–0–1–806);

Compensation of the President (11–0001–0–1–802);

Customs Service, miscellaneous permanent appropriations (20–9992–0–2–852);

Eastern Indian land claims settlement fund (14–2202–0–1–806)

Farm Credit System Financial Assistance Corporation, interest payments (20–1850–0–1–351);

Internal Revenue collections of Puerto Rico (20–5737–0–2–852);

Panama Canal Commission, operating expenses and capital outlay (95–5190–0–2–403);

Payments of Vietnam and USS Pueblo prisoner-of-war claims (15–0104–0–1–153);

Payments to copyright owners (03–5175–0–2–376);

Payments to the United States territories, fiscal assistance (14–0418–0–1–801);

Salaries of Article III judges;

Soldier's and Airmen's Home, payment of claims (84–8930–0–7–705);

Washington Metropolitan Area Transit Authority, interest payments (46–0300–0–1–401).

(5) the following noncredit special, revolving, or trust-revolving funds—

Coinage profit fund (20–5811–0–2–803);

Exchange Stabilization Fund (20–4444–0–3–155);

Foreign Military Sales trust fund (11–82232–0–7–155);

(6)(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act);

(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act; and

(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, and funds appropriated or transferred to or otherwise deposited in such Account;

(7) the earned income tax credit (payments to individuals pursuant to section 32 of the Internal Revenue Code of 1986).".

(2) The table of contents set forth in section 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after the item relating to section 252 the following new items:

"Sec. 252A. Enforcing mandatory spending limits.

"Sec. 252B. General and special sequestration rules.".

SEC. 3. PRESIDENT'S BUDGET.

When the President submits the budget under section 1105(a) of title 31, United States Code, for fiscal year 1996, 1997, or 1998, the estimated actual mandatory spending set forth in that budget may not exceed a direct spending limit which shall also be set forth in that budget submission.

SEC. 4. CROSS-REFERENCE LIST OF MANDATORY SPENDING PROGRAMS AND ACCOUNTS.

UP-TO-DATE LIST OF PROGRAMS AND ACCOUNTS.—After consultation with the Directors of the Office of Management and Budget and of the Congressional Budget Office, when the President submits the budget under section 1105(a) of title 31, United States Code, beginning with fiscal year 1996, the budget submission shall contain a list of programs and corresponding budget accounts for purposes of establishing mandatory spending program caps under section 252A of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) MANDATORY SPENDING LIMIT, ALLOCATIONS OF MANDATORY SPENDING, AND PROGRAM SPENDING CAPS BASED UPON PRESIDENT'S LIST.—The mandatory spending limit established under section 301(a)(6) of the Congressional Budget Act of 1974, allocations of total mandatory spending made pursuant to section 602(a) of that Act, and the mandatory spending program caps under section 252A of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be predicated upon the most recent list submitted by the President under subsection (a).

SEC. 5. CONGRESSIONAL BUDGET.

(a) JOINT RESOLUTIONS ON THE BUDGET.—(1) Sections 3, 300, 301, 302, 303, 304, 305, 308, 310, and 311 of the Congressional Budget and Impoundment Control Act of 1974 are amended by striking "concurrent resolution" each place it appears and by inserting "joint resolution".

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Concurrent" in the items relating to sections 301, 303, and 304 and inserting "Joint".

(3) Clauses 4(a)(2), 4(b)(2), 4(g), and 4(h) of rule X, clause 8 of rule XXIII, and rule XLIX of the Rules of the House of Representatives are amended by striking "concurrent" each place it occurs and inserting "joint".

(4) Section 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking "concurrent" and by inserting "joint".

(b) DEFINITION OF MANDATORY SPENDING.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

"(11) The term 'mandatory spending' means direct spending excluding social security, net interest, and deposit insurance.".

(c) SECTION 602 ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended—

(1)(A) in paragraph (1)(A), by striking "and" at the end of clause (ii), by striking the semicolon and inserting ", and" at the end of clause (iii), and by inserting after clause (iii) the following new clause:

"(iv) total mandatory spending;"; and

(2) in paragraph (2), by striking "and" at the end of subparagraph (B), by inserting "; and" at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) total mandatory spending;".

(d) CONTENT OF JOINT RESOLUTION ON THE BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively, and by inserting after paragraph (5), the following new paragraph:

"(6) the total mandatory spending limit;".

(e) RECONCILIATION DIRECTIVES.—Section 310(a)(1) of the Congressional Budget Act of 1974 is amended by striking "and" at the end of subparagraph (C), by striking the comma and inserting "; and" at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

"(E) mandatory spending for such fiscal year for each mandatory spending program subject to section 252A and consistent with section 602(a) allocations;".

(f) ESTABLISHMENT OF MANDATORY SPENDING PROGRAM CAPS.—Section 310 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(h) ESTABLISHMENT OF MANDATORY SPENDING PROGRAM CAPS.—

"(1) Each committee of the House of Representatives or Senate that receives a mandatory spending allocation under section 602(a) for a budget year for the most recently enacted joint budget resolution shall propose a mandatory spending cap for each mandatory spending program within its jurisdiction for that year and include that as part of its recommendations submitted to the Committee on the Budget of its House for inclusion in the reconciliation bill or resolution. The total of all mandatory spending program caps within the jurisdiction of a committee for a budget year may not exceed the total mandatory spending allocation made to that committee for that year under section 602(a).

"(2) It shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution, or amendment thereto or conference report thereon, that establishes or increases a mandatory spending program cap established under section 310 for a budget year that, when combined with all other such caps for that year, would cause a breach of the mandatory spending limit.".

(g) COMPLIANCE WITH RECONCILIATION DIRECTIONS.—Section 310(c)(1) of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) by inserting "or of subsection (h)" after "of subsection (a)"; and

(2) in subparagraph (A), by adding at the end the following new clause:

"(iii) if that committee fails to include mandatory spending program caps for all mandatory spending programs within its jurisdiction or if the sum of the mandatory spending program caps for all mandatory spending programs within its jurisdiction exceeds the total mandatory spending allocation made to that committee for that fiscal year under section 602(a); and".

(h) CONFORMING CHANGES IN SCORING CONVENTIONS.—Section 310 of the Congressional Budget Act of 1974 (as amended by subsection (f)) is amended by adding at the end the following new subsection:

"(i) CONFORMING CHANGES IN SCORING CONVENTIONS.—The Committees on the Budget of the House of Representatives and the Senate, in consultation with the Directors of the Office of Management and Budget and of the Congressional Budget Office, may make such changes in scoring procedures as are necessary to ensure sufficient mathematical consistency between section 602(a) allocations, reconciliation directions, and the House and Senate-passed versions of any reconciliation bill or resolution.".

(i) CONFORMING CHANGE TO BYRD RULE.—Section 313(b) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(4) A provision or a reconciliation bill or resolution shall not be considered extraneous under this section if it proposes a mandatory spending program cap for any program pursuant to section 310(h).".

(j) SPECIAL RECONCILIATION PROCESS.—Section 258C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (a)(1), by inserting ", 252A," after "section 252";

(2) by inserting "or House of Representatives" after "Senate" each place it appears except for subsection (b)(4);

(3) in the second sentence of paragraph (3), by inserting "or in mandatory spending" after "deficit"

(4) in the second sentence of paragraph (4), by inserting "or mandatory spending reduction, as the case may be," after "deficit reduction"; and

(5) in paragraph (5), by inserting "or amount of mandatory spending" after "deficit for such fiscal year" and by inserting "or mandatory spending limit, as the case may be," after "maximum deficit amount".

SEC. 6. ENFORCING DEFICIT TARGETS.

Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (d)(1), by inserting "mandatory spending," before "deficit";

(2) in subsection (d), by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) MANDATORY SPENDING SEQUESTRATION REPORTS.—The preview reports shall set forth, for the current year and the budget year, estimates of the amount of reduction in mandatory spending, if any, required under section 252A."; and

(3) in subsection (g)(3), by inserting ", MANDATORY SPENDING," before "AND" in its side heading and by inserting ", mandatory spending, " before "pay-as-you-go" in the first sentence.

SEC. 7. PROTECTION OF SOCIAL SECURITY.

No reductions in benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act shall be made as a consequence of this Act.

SEC. 8. EFFECTIVE DATE.

(a) IN GENERAL.—Notwithstanding section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985—

(1) the expiration date set forth in that section shall not apply to the amendments made by this Act to the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) and all sections of that Act, including sections 252 and 252A, necessary to carry out the amendments made by this Act (but only for the purpose of carrying out those amendments) shall remain in full force and effect.

(b) TITLE VI OF CONGRESSIONAL BUDGET ACT OF 1974.—Section 607 of the Congressional Budget Act of 1974 is repealed.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. KASICH] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would like to, in a nutshell, describe what we are attempting to do with this proposal today. I believe that it is the realistic, first step in terms of establishing accountability when it comes to trying to deal with the growth of our entitlement programs.

□ 1340

Mr. Chairman, the chart that is placed next to me shows the two different kinds of spending that we have at the Federal level. One is the discretionary accounts, and the other one is the mandatory programs, and, as many colleagues can see, the discretionary accounts, since the period of 1962 all the way up to 1994, the amount of money that we are spending on discretionary programs has been consistently shrinking. Each and every one of these programs in the discretionary accounts go through a process of evaluation and appropriation on a year-to-year basis. The mandatory programs, which my colleagues can see are exploding, go through a process essentially; that means, it is nothing more than automatic pilot. We do not on a year-to-year basis reauthorize or reexamine these programs like we do the discretionary programs.

Mr. Chairman, the proposal that I bring before us today that is designed to create the first step in creating accountability is to say that these mandatory programs ought to be taken off automatic pilot, and on a year to year basis they ought to be reviewed and reauthorized the same way that we review and authorize the discretionary programs. What we suggest in this proposal is, at the beginning of the year the Congress gets together and decides how much money we want to spend on the mandatory programs, and that amount of money that we decide that we want to spend on the mandatory programs would be divided within each of the authorizing committees that must review and run these programs, and what we are suggesting is, on the basis of that process, we will have greater accountability, and on a year-to-year basis the Congress of the United States will decide how much we want to spend on entitlement programs, the same way that a family at the beginning of the year makes a decision about how much income they are going to have, and then they set their family budget. That is precisely what we are suggesting in this proposal, and for the first time we would take these mandatory programs off automatic pilot.

Now some will argue that this is not tough enough, that we do not have a cap on spending. Well, let me suggest to my colleagues that for a number of years we have gone back and forth in this Congress about the concept of caps. I have never been convinced that the caps are the way to go because it is an arbitrary ceiling that we place on these entitlement programs.

Let us take Medicare. If Medicare is going to go up in a year 12 percent, and we have a cap that permit it to only go up 6 percent, then somehow we have to find the magical route to cutting 6 percent because we did not get to our goal. My problem with that is that this has always eluded us. I want to see the road map before I am told where we want to go, and what I am suggesting is at the beginning of the year we, as a Congress, decide how many total dollars do we want to give to mandatory.

We can give as much as last year; we can give more than last year; we can give less than last year. We would decide that as a Congress. We would decide what our family budget was, and then we would give it to the various authorizing committees, and they would then design the programs to fit the amount of money we allocated at the beginning of the year, eliminating the concept of pay as you go. We are not only doing that, but, in addition to that, Mr. Chairman, we are also saying that we are not going to put up artificial caps on, which put us in a very difficult position of trying to determine how to reach those caps, particularly if those caps are, in effect, 2 or 3 or 4, 5 years out.

Now I respect the gentleman from Texas and his proposal. I think it is a legitimate position, and maybe at some point in this Congress we will feel we have no other way to go, but at this point in time, when we look at the explosion of health care costs, I cannot conceive of a plan, any plan that I have seen so far, that is going to be able to shove this spending and condense this spending in a rational way.

Our proposal is a first step that Republicans and Democrats should support toward establishing accountability. We will decide at the beginning of the year how much we are going to spend. We will give those amounts to the various people who will decide what those programs look like and how they ought to be run. We will get these programs off automatic pilot, and we will be able to decide on a year-to-year basis precisely how much we want to spend. It brings accountability, it brings credibility, and it is the first step that has been proposed that I think realistically can find its way into law because it allows us to work together, creates a rational process and allows us to set our budget on a year-to-year basis on the basis of what we think in America we can afford.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today in opposition to the amendment offered by Representative KASICH. The amendment is unwise and just puts more roadblocks in the way of meaningful health care reform.

Mr. Chairman, the amendment transforms the budget resolution from a congressional planning document into a joint resolution which must be signed by the President. This creates a powerful weapon for the executive branch which can be used, not for cutting the deficit, but to enforce the administration's policies against Congress. These battles do not have to be budget disputes and could include any policy difference, such as war and foreign affairs or defense spending. This proposal represents a dangerous power shift from Congress to the Presidency.

Further, this rigid procedure could cause unintended consequences that lock in place precisely the wrong policies. For example, if the President vetoed a budget resolution, an entitlement cap written into the previous year's resolution would remain binding, backed by the threat of sequestration. This earlier resolution would reflect the prior year's economic and unemployment data. This amendment could trigger a sequester based on out-of-date, irrelevant economic assumptions, not the current economic needs. Congress would be fighting last year's war while neglecting the urgent problems of today.

The amendment is also a prescription for the return of gridlock. The plan increases the political battle over the budget resolution, making it more contentions and drawn out. If Congress and the President differed, as during the 1980's and early 1990's, disagreement on the resolution could drag out for months and delay other critical issues.

Finally, I am very troubled by this proposal which could lock in preferences for programs which favor the very wealthy and prevent them from bearing their fair share of deficit reduction. Tax expenditures, the Tax Code's many deductions, exclusions, and exemptions, are overwhelmingly claimed by the Nation's wealthy. By contrast entitlements target the poor and middle class. Shielding tax expenditures, by barring current law options which permit tax expenditure and entitlement cuts to be used to meet an entitlement target hurts the poor and middle class disproportionately.

In summation, Mr. Chairman, this proposal is an unsound budget practice. This prescription will undermine both budget and health care reform. This is not what the doctor ordered.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

□ 1350

Mr. STENHOLM. Mr. Chairman, I regret that I must rise in opposition to the Kasich amendment. I do not do so lightly because I have a great deal of respect for the gentleman from Ohio and for his hard work and dedication in trying to deal with our budget problems. He and I have worked together on many efforts to bring fiscal responsibility to the Government. Once this debate is over, we will go back to work on building on our success last week in passing strong expedited rescission legislation by hopefully passing the remaining three proposals in the Stenholm-Penny-Kasich common cents bill. Today, however, we are on different sides of this issue.

The Kasich amendment has added to the debate, but I cannot support it because it will not force us to reduce the growth of entitlement spending and, in fact, will make our job of passing legislation to significantly reduce the growth of entitlement spending more difficult.

The Kasich amendment provides that Congress will establish entitlement caps each year as part of the budget resolution. In other words, Congress could continue to allow entitlement spending to grow as fast, or faster, than it is currently projected to grow. I would suggest that continued rapid growth of entitlement spending is not only a possible result, but is the most likely scenario. Congress would have every opportunity, if not incentive, to set the entitlement caps high enough so that it does not have to face the tough choices.

Although Congress has shown the ability to take some action in reducing entitlement spending when we are prodded into doing so by Presidential leadership, financial crisis, or some other external pressure, we generally leave this spending on automatic pilot. The primary goal of the entitlement cap that I will offer is to provide a hammer to force Congress to take actions to control the growth of entitlement spending. Nothing in the Kasich amendment would change the status quo of allowing entitlement spending to continue to grow out of control until a crisis forces us to take some action.

The Kasich amendment would require reductions in entitlement programs only if the budget resolution called for those reductions. Experience has shown that we generally achieve the reconciliation savings required by the process currently in place through the budget resolution. The problem is that too often the budget resolution does not call for entitlement reductions. My amendment would change that; the Kasich substitute would not.

The ability of the Kasich substitute is limited in another way. All three of the proposals before us today are statutory proposals and can be changed at any time by subsequent legislation. However, both the base bill and the Stenholm substitute require a separate vote on legislation raising the caps. The Kasich amendment would allow Congress to increase the spending caps as part of an omnibus bill without a separate vote on increasing the caps.

The primary reason that I oppose the Kasich amendment is that it takes the irresponsible step of exempting 40 percent of all entitlement spending from any review by excluding Social Security. I do not believe that we can honestly deal with our budget problem when be begin the business of exempting programs. We need only to look at the experience of Gramm-Rudman to see how providing special treatment to any program undercuts budget discipline.

There is room for an honest discussion about the best way to protect the integrity of the Social Security Program—something which I believe every Member of Congress is committed to. I feel that keeping Social Security in the framework of budget enforcement will ensure that we take the actions we all know are necessary to deal with the unfunded liability in the trust fund and preserve the long-term soundness of Social Security.

The Stenholm amendment maintains Congress' complete ability to protect Social Security. I have every expectation that the Social Security Program will continue to be a high priority not only for me but for all of my colleagues. Social Security will be treated accordingly when Congress sets budget priorities each year through spinoff legislation.

Whenever I speak to groups in the 17th District of Texas, I find that folks are willing to make sacrifices for deficit reduction if they are not singled out to bear an unfair burden and everyone is treated fairly. On the other hand veterans, military and civilian retirees, and other groups affected by entitlement cuts, are justifiably upset that Social Security is given special treatment while they are asked to make sacrifices. By granting special treatment to one program, the Kasich amendment will undercut our ability to obtain public support for entitlement reductions and will lead to greater public cynicism about Government.

I encourage my colleagues to vote against the Kasich amendment. But I would also say to my colleagues, regardless of how you vote on this amendment, all Members who believe that we need to control the growth of entitlement spending should vote for the Stenholm-Orton-Penny-LaRocco spending cap amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH], the distinguished whip.

Mr. GINGRICH. Mr. Chairman, I appreciate very much my friend from Ohio yielding.

Mr. Chairman, I want to say that I think there is a very fundamental difference between the Kasich approach and both the Stenholm substitute and the base bill as regards Social Security, and I think it is a debate that is worth engaging directly. I think it is a very fair debate, and I want to commend my friends who have the courage to take this on. I think it is a legitimate disagreement.

But I want to make the argument that there is a huge difference between entitlements which are funded by the taxpayer on behalf of some small segment of society, many times a transfer payment from people who work to people who do not, many times an economic decision to subsidize a particular part of society. I think all of those are what I think of when I talk about reforming entitlements and Social Security.

Let me explain the difference. Social Security is the one universal contract in this country which has almost overwhelming support and which has a virtually unanimous sense that it is attempting to do something legitimately for every American.

Most Americans, when they are paying Social Security, believe they are engaged in a collective self-insurance toward old age, which is a contract which works for everyone.

If you are young, it means your grandparents have a dignity and a freedom that you in fact are willing to pay for. If you are a senior citizen, having worked 30 or 40 years and paid into the Social Security trust fund, you have a sense that you have earned this benefit. This is not an entitlement given to you by others. This is something you have earned. That is part of a contract about how America deals with the question of aging.

I think there are legitimate reforms to be looked at. I think as we grow to live longer and longer, decisions made about the retirement age have to be revisited.

I strongly support the amendment of the gentleman from Illinois [Mr. HASTERT] to eliminate the penalties for working after a certain age. We want to encourage people to stay active. So I am willing to revisit Social Security in its own right to make sure it continues to work. But I think to lump Social Security in with entitlement programs that are essentially transfer programs from those who work to those who do not, is a fundamental disservice to what has been consistently the most successful self-insurance program in this country.

I think we should not mess with things that work, and that is why I urge a vote for Kasich.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. MICHEL], the wise Republican leader.

Mr. MICHEL. Mr. Chairman, I rise in support of the Kasich-McMillan-Kolbe amendment to H.R. 4604.

This amendment sets an annual review process for the Congress to reexamine all entitlement spending except for the Social Security Program.

Such programs now comprise about half of the entire Federal budget.

These programs grow automatically and do not get the annual scrutiny that the discretionary programs receive through the annual appropriations process.

I support the Kasich proposal over the Spratt and Stenholm proposals presented to us today for the following reasons:

First, the Kasich proposal requires that Congress and the President agree on spending priorities in law at the beginning of the process.

These priorities include levels for all programs, including entitlement and mandatory programs.

The committees of jurisdiction would have to make program adjustments to meet the levels that have been agreed upon by law.

We are not talking about arbitrary limits possibly enforced by across-the-board reductions.

We are talking about Members of Congress setting Federal spending priorities and making actual programmatic changes to meet those priorities.

Second, and more importantly, the Kasich amendment completely exempts the Social Security Program from the entitlement review process as the whip pointed out.

The Stenholm amendment, on the other hand, includes the entire Social Security Program in the entitlement limit and the Spratt bill would still allow Social Security taxes to be raised.

But, we have already voted to take the Social Security Program completely out of the Federal budget.

Are we now retracting that promise to the American people? We all know that the Social Security Program is currently running surpluses in the range of $60 billion to $100 billion per year from 1994 through 1999.

It is self-financing and is not contributing to the problem of runaway spending.

Therefore, neither Social Security benefits nor Social Security taxes should be part of any entitlement review process.

I urge my colleagues to vote for the Kasich-McMillan-Kolbe proposal to require Congress to take an annual look at entitlement and mandatory programs, just as we do with all other programs.

And let's leave alone the agreement we now have with the American people that the entire Social Security Program, both benefits and taxes, should be left outside of the Federal budget process.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I must point out in opposition to the Kasich amendment that there is a disingenuousness when it comes to the argument that the elderly will be protected under the Kasich amendment because Social Security will not be affected. But what will be affected that the elderly are concerned about is the Medicare program. If there is a cap on Medicare, and that cap is too low, because health care spending is increasing in our country, then the Medicare program is going to get whacked.

Now, we have cut back on Medicare. We have reformed and tightened down on payments to hospitals and insurance, which are now well below the rates that private insurance pays. We have raised the monthly premiums and cost sharing requirements for the program's 34 million elderly and disabled beneficiaries.

Now, what are we going to do in addition?

□ 1400

If we have this automatic sequestration under Kasich, we will be forced to cut payments to teaching hospitals again. We will cut payments to rural hospitals again, and many of them will not survive. We will be cutting payments to physicians, and a lot of them will say they do not want to treat the elderly under Medicare because the reimbursement rates are too low, the deductibles, the coinsurance, if the elderly have to pay, that will be forced to go up under this Kasich amendment.

Do not let the Republican argument that they are protecting the elderly fool anybody. They are going to hurt the elderly enormously with this Medicare cap under the Kasich amendment.

Medicaid is also capped. And what will that mean? When the States cannot find enough Federal dollars, they are going to have to carry that burden. The Governors know this is really what amounts to the mother of all unfunded mandates. They are going to have to come up with an enormous amount of money and they will not be able to do it.

Childrens hospitals around this country are going to not be able to stay open. Rural hospitals, public hospitals that serve the poor, they are not going to be able to make ends meet when the reimbursement rates are cut lower.

There is an alternative. It is health reform. The Kasich amendment makes health reform impossible, and a real disservice to the elderly and the poor will be the result.

I urge opposition to the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield myself 1 minute and 30 seconds.

That is to say that the statement that has just been made could not be further from the truth. What we do in our proposal is we say at the beginning of the year that Congress will decide how much we want to spend on mandatory programs. And I just think that statement is so far out of line and so far out of reality. That is precisely why we did not create a cap, because we would argue that we ought to do that at the beginning of the year. Just like a family decides how much they want to spend in their budget at the beginning of the year, that is the way the Congress ought to operate. I would say the gentleman knows better than to make those charges.

Frankly, we could be increasing spending in some of those areas, decreasing them in others, or leaving them the same. That is going to be a decision for the Congress to make.

What we are suggesting is that we take these spending programs off automatic pilot and when programs get in trouble, like SSI, where this Congress has agreed the program has been in trouble, we can make proper reforms. It will be up to us as a Congress to decide how much we want to spend in these areas.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from North Carolina.

Mr. McMILLAN. Mr. Chairman, I just want to say to the gentleman from California who just spoke, the problem is that Medicare has increased at 12 percent a year. That is the problem. A lot of this is done under authorizing legislation that simply specifies such sums as necessary. We are simply saying, we need to set a target so that the gentleman and I, who serve on the Subcommittee on Health and the Environment, can exercise fiscal responsibility. Because increasing at 12 percent a year, the whole program is going to be threatened. It is forcing the gentleman's President, for example, to have to propose 124 billion dollars' worth of Medicare cuts in his health care reform proposal.

How are we going to deal with that?

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I think that we are being misled in this argument. Unless we reform health care spending overall, we are not going to get these programs under control.

If we squeeze down on Medicare alone, there will be a cost shift to private payers.

But more importantly, if we are going to deny home health care benefits under Medicare, because the cap forced cuts in that program, we are going to push the elderly into nursing homes. We are not making rational decisions and we are going to do a lot of harm to the elderly in this country.

Do not make any mistake about it. We have to be thoughtful in health care reform and not arbitrary with the kinds of cuts that are going to be forced on the Medicare program, which will make that program unable to live up to the promises made to the elderly that they will have that security in their retirement years when they get sick and not forced to go to clinics that will have to stand them in line and not give them the services they need.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I thank the gentleman for yielding time to me.

I find the rhetoric on the Kasich amendment interesting. My good friend from Ohio described this amendment and describes the current reconciliation process and that is all. Because that is basically what the gentleman described, is what is potential for the Congress to do each year under reconciliation.

Unfortunately, his amendment does things more than simply reaffirm the reconciliation process.

I would argue that because it is a substitute and wipes out the base bill, it does less to require the Congress to examine entitlements every year than the base Spratt bill, because the very essence of the Spratt bill is that it does not deal with projections. It does deal with reality for the previous year and projections from the current year, to require the Congress and the President to reexamine entitlements, in fact, if they are exceeding estimates.

It is my judgment, if we take on face value what the Kasich bill does, versus the basic underlying bill introduced by our friend, the gentleman from South Carolina [Mr. SPRATT], it weakens the requirement on Congress to annually review what is happening with entitlements.

Unfortunately, the Kasich bill does more than simply reaffirm the existing reconciliation bill as described.

Let me speak to some red herrings and to some other complexities it does create.

We have had a couple of speeches by the Republican leaders on Social Security. That is a red herring. That is not involved in the base Spratt bill. Because current budget rules say that we cannot deal with Social Security in reconciliation so that is not an issue.

But it does do other things. It does increase the power of the President very substantially, as Congress tries to deal with the reconciliation in the budget process.

Maybe I should be for it. It does in some fashion increase the power of the Committee on the Budget in relationship to authorizing committees. How does it do that?

No. 1, Kasich changes the nature of the budget resolution from being a congressional budget resolution to being a joint resolution subject to Presidential veto. That fundamentally shifts the power away from Congress to the executive, as we deal with the budget.

I would remind Members, particularly as it relates to discretionary spending, the history has been the Presidents, whether it be Republican or Democrats, have wanted to spend more on discretionary spending than the Congress.

It also complicates how we deal with the specifics, if in the reconciliation process we decide to make budget cuts. And let me use Medicare as an example.

My good friend from Ohio has been a strong advocate of increasing premiums, increasing copays and a variety of methods like that for meeting budget targets. Under his proposal, as I understand it, and frankly, I have had to have several explanations to begin to think that I understand it, because what it clearly does is add substantial complexity and not much substance to the process.

If in the reconciliation process the budget resolution assumes certain savings to, let us take Ways and Means and Energy and Commerce, as it relates to Medicare programs, and we assume certain changes in expenditure levels and certain changes in premium payments, those committees could not increase the amount of premiums or copays above the level assumed in the Committee on the Budget.

As I understand the resolution, that would be the case. That flexibility for the committee would disappear. It would generally apply to any other proposal for use such as fees. If the committee decided to do that beyond the level assumed by the Committee on the Budget in achieving their savings, they would not have that option of doing it.

□ 1410

So I would suggest to the Members that what the Kasich amendment does is, it takes power from the Congress, gives it to the President for no good reason. It increases substantially the complexity of the budget process, limits the ability of authorizing committees to meet the targets set in a budget resolution under reconciliation instructions, and when we are through all of this, it provides less automatic review of entitlement spending than the proposal by our good friend, the gentleman from South Carolina [Mr. SPRATT].

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], the former Governor of the State.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I wonder how many of the people who are watching these deliberations today understand that 60 percent of the budget of the United States is automatic. Nothing that this body does changes that. Each year it increases. It is like the speeding bus which could not go below 50 miles an hour without blowing up. We cannot do the same thing with our budgeting here. It has to go up and up and up each year and every year.

Mr. Chairman, we are in a tremendous problem. By the year 2012 we will have only enough revenues to pay these so-called entitlements, these automatic programs. We have no way of shutting off exactly what those expenditures are going to be, and we continue to suffer, for all those reasons, in our budgeting process. We do not give the President the right to be involved in the budget process. This does that.

Mr. Chairman, I think we need to take that step as well. I support the Kasich amendment. It targets individual programs so that only individual programs suffer if our authorizing committees do not do their job properly. It does not rely on tax increases and it does protect Social Security.

Mr. Chairman, this is the best of these programs. It is a finely crafted amendment which could make a difference as far as budgeting process is concerned in the United States of America. It is time for this Congress to stand up and say, "We are going to start to do something about the budget deficit and protect not just our senior citizens, but all the citizens in this country, including our young people, who will one day inherit this budget."

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I think if we had a truth in labeling law for legislation that the Budget Control Act would fail the test. That is a misnomer, simply because the Budget Control Act does nothing to control entitlement spending. It does allow us to pretend that we have done that.

Mr. Chairman, I think it is useless speculation as to why this bill is here. There are some who say its purpose is to present a fraction of the real reforms that are desperately needed in this House, and it also provides cover for people who do not want to get within 10 feet of the A to Z spending cuts, but as I say, that is a fruitless speculation.

Mr. Chairman, this legislation, the Kasich-McMillan-Kolbe legislation, does something. It gives the budget resolutions the force of law. That is something new and interesting. It erects a process for setting annual spending for entitlements. Everyone agrees the entitlements are driving the problems we have with our economy. Also, it lets the authorizing committees limit the spending for their individual programs, sequestering only those programs which exceed their limits. It does not raise taxes to pay for higher spending, and it keeps Social Security out of it.

It seems to me, Mr. Chairman, to make a lot more sense at this juncture than to write into law the year-by-year spending amounts for the rest of the century. Best of all, this approach could work. It would actually result in programmatic changes that can control runaway entitlements. That is the rub. The rub is, of course, there may be some in this House who do not really want to tackle the entitlement monster. They assume if we keep feeding it, it will eat us last, but it will not. It keeps getting hungrier.

Most of us ran on a platform of cutting spending, controlling spending, but we have not done that. H.R. 4604 will not do that. It is beautifully complicated.

It has targets and caps and triggers and reports and recommendations and bells and whistles, but it does not do anything. The Kasich-McMillan-Kolbe substitute does. Therefore, it provides accountability on entitlements.

Mr. Chairman, we have to address, we have to step up to the plate on entitlements. This does it in a thoughtful, effective, reasoned way, and it is by far superior to the other proposals. I certainly hope that it receives the support of this House.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, last fall I helped a bipartisan coalition design, and then I voted for, the Penny-Kasich amendment to cut an additional $90 billion from the budget. Today I do something harder.

I stand as the only Democrat in the well of this House to speak for the Kasich substitute.

Mr. Chairman, today we have a rare opportunity to enact real change in our budget process and the way we spend taxpayers' dollars. Not incremental change. Not the lesser of three evils. Not an empty promise. Not even, as somebody once described the Gramm-Rudman amendment, "a bad idea whose time has come."

Too often in this body, we look at a flawed system and try to find modest repairs. That is the history of budget reform and deficit reduction: freeze this, study that, an automatic trigger here, a cap there. Some of these measures did help, and we have succeeded in cutting the deficit in fiscal year 1994 by $82 billion, with another $136 billion projected to be cut in fiscal year 1995. But we have gone as far as we can go with scissors and paste. The Kasich substitute does not try to repair a flawed system; it replaces it.

It makes the budget resolution a real, enforceable agreement, not just a statement of principle. It makes the President a real player, not just a cheerleader. It allows us to make cuts throughout the budget, not just in the 35 percent of the budget covered by the appropriations process. And it recognizes the special character of Social Security, treating it as an inalienable contract between the people and their government.

Mr. Chairman, too often we are forced to pick between bad alternatives. Today we have a chance to enact a truly good idea. Today we can make real change. I urge support for the Kasich substitute.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I must say, I am puzzled by particularly the statement of the gentleman from Georgia a moment ago. I am puzzled that it seems today that it is important that we take off of the table in the budget process the possibility that Ross Perot's or Charlie Stenholm's future cost-of-living adjustments might be reduced, that we take that off of the table and say that we are going to do that and put the poorest of the poor, the elderly, those who cannot help themselves, on the table at a greater risk. That is really and truly what we are voting on today if we accept that argument.

Mr. Chairman, many have misconstrued our amendment, let me repeat, the amendment that we talk about versus the amendment of the gentleman from Ohio [Mr. KASICH]. We include full demographic changes. We include an additional growth cushion of 1 percent in 1996, 1997, and 1998. We include the full cost-of-living adjustment.

Mr. Chairman, there is no way the Members can construe our amendment as being devastating to Social Security. It just will not float.

Mr. KASICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today to express my strong support for the Kasich-McMillan-Kolbe amendment. This is a real step toward solving the greatest threat to our Nation's fiscal solvency.

I am talking about entitlement spending, the Energizer bunny of the Federal budget, because it keeps going and going and growing and growing. This budgeting by autopilot cost America $770 billion in 1993 or 65 cents of every dollar the Federal Government spent. And it will only get worse. Ten years from now entitlement spending will account for 74 cents of every Federal dollar.

Even more insidious than the amount, entitlement spending simply passes through—without oversight and without foresight. Not only is it drowning us in a sea of red ink, but we are left with no inkling as to how to control it, what it will amount to, or any ability to redirect the Nation's resources to our Nation's priorities. Every year it further binds the arms of this Nation and this Congress to make reasoned decisions.

This amendment would end the insidious insanity of blindfolded budgeting. This amendment does two things that no one should be opposed to. It would place a ceiling on all entitlement spending except Social Security and it would subject entitlement programs to an annual review.

This amendment reserves the flexibility to adjust the cap as circumstances dictate but it firmly places on us a responsibility that has been too long shirked—the responsibility to set them. It also returns to us the responsibility to review these programs and insure that the money spent is going for what it should.

This amendment puts an end to the big lie that has been too long perpetrated on America—that we can afford to spend without restraint and that it is somehow more compassionate to benefit recipients to pretend that we can. There are those making their living feeding off the fears of the vulnerable, who will call this an attack on entitlement programs. Nothing could be less true. The real attack on these and every single program the Federal Government runs, comes from an unrelenting deficit that cannot be taxed away.

The deficit must be addressed now before it takes away our freedom to act tomorrow. This amendment will give us that freedom. It is a step we should have taken sooner, but one we must take now for the sake of tomorrow. I urge Members to join me in voting for this amendment.

Mr. KASICH. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Arizona [Mr. KOLBE], a member of the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, I am pleased to be here today and to offer this amendment on behalf of my colleagues, the gentleman from Ohio [Mr. KASICH] and the gentleman from North Carolina [Mr. MCMILLAN].

□ 1420

They are known for their work in taking tough stands on the budget, tough stands on appropriation bills, tough stands on cutting entitlements and spending. For that reason alone, I would question the statement of the distinguished chairman of the Committee on the Budget when he says that this amendment would weaken the underlying Spratt bill, because it is just not believable that we would be seeking to weaken it.

We seek rather to strengthen it, to put into place a system of accountability and controllability, in an area where our budget really has none today, that is, in the area of entitlements.

I speak as a member of the Committee on Appropriations, because in the Committee on Appropriations every year the Committee on the Budget gives us allocations and we are forced to go through a process of dividing that up in 602(b) allocations between subcommittees. But that never happens with the entitlements. The problem is, the entitlements are where the growth in spending has been. Several speakers already have pointed out that over 60 cents of every dollar, 65 cents when we include interest on the national debt, and interest is an entitlement, a correct one, to those who own our national debt, 65 cents goes out in what we call uncontrolled or entitlement spending. We need to get some way of getting a handle on that. Right now these programs just grow and grow. There is no check except a blank check. There is no balance, except a balance with a huge cipher that is in front of that.

We cannot be expected, the Congress, the President cannot be expected to get a handle on entitlements unless we change the system, unless we reform the way we do entitlements around here.

I listened to the distinguished chairman of the Health Subcommittee talk about why this would be irresponsible, that it would lead to irresponsible cuts in Medicare and Medicaid. It is precisely for that reason that we need to get control up front. We need to have this cap on entitlement spending at the beginning of the process, so that we can make a rational decision about what kinds of changes we are going to make. That is exactly what this proposal would do. It would say we would treat the authorizing committees the same way the Committee on Appropriations gets treated.

We would have a budget resolution and yes, a budget resolution that has the force of law, that is signed by the President. It gives it some real meaning. It has no meaning today when the President sends up a budget and we adopt something else and then we proceed to pay no attention whatsoever to that budget resolution. Let us get something that the executive and the legislative branch agree on. Once we have that agreement, we can stick with it, with this entitlement program.

We need to have the same kind of restrictions, the same kind of way of deciding how we are going to limit the growth of entitlements in a rational way that we do with discretionary spending that the Committee on Appropriations has to deal with every year. That is precisely what this bill does and this amendment and that is precisely why the Kasich-McMillan-Kolbe amendment should be supported.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise in reluctant opposition to the Kasich substitute. Reluctant, because I respect his leadership and his consistency on budget matters. The gentleman from Ohio [Mr. KASICH] fully understands that better than 50 percent of our Federal budget is now consumed by entitlement spending. It is for that reason that when he and I worked together to develop a major deficit reduction plan last fall, we included in that package significant spending restraint on entitlement programs totaling roughly 50 percent of our $90 billion spending cut package. So I know he understands that this is an area of spending that needs to be reined in. I oppose his amendment for two fundamental reasons.

First, in my view, he perpetuates the myth that somehow Social Security can be left alone. The myth exists that this is an individualized retirement account in which one is only drawing back his or her own money and by its explicit exemption in his amendment, he perpetuates that myth. Put simply, this program pays out to current retirees money being paid in by current workers. If one retired in 1980, within 4 years he or she got all their money back plus the interest earned. That payback will not be true for future generations. We are quickly sinking into bankruptcy in the Social Security system and we need to keep review of the Social Security Program on the table as we address entitlements now and in the future.

In addition, the Kasich plan, unfortunately, does not guarantee spending cuts in the entitlement area. Yes, there is an annual review, a year-by-year review, but you could argue that today we review entitlement programs every year and we do nothing to stop their growth. That is why we need real and enforceable spending caps on the entitlement agenda. The gentleman from Texas [Mr. STENHOLM] and I and others will propose an amendment later today that has a serious cap, inflation plus demographics plus 1 percent. That is plenty generous, but it will force significant reductions in the amounts that are likely to be spent on entitlements over the next several years. That will force the Congress to come back year by year and to make changes in these entitlement programs.

Mr. Chairman, this time the gentleman from Ohio [Mr. KASICH] falls short. Knowing him as I do, I doubt that it will ever happen again. I urge opposition to his amendment.

Mr. KASICH. I yield myself the balance of my time.

Mr. Chairman, I guess we have done something right. We have been accused in this debate of being both too weak and too strong. When we can get accused by the same side that is opposed to us, one side says we are too weak, the other side says we are too strong, it confuses everyone that is watching except us who know we must have gotten the formula correct.

The bottom line is if we want to end automatic pilot on entitlements, which is the problem we currently have, and force a review on a year-by-year basis, vote for this. If we want to begin to establish accountability, vote for it. If we want to treat entitlements like we do the way families put together budgets, vote for it. This is the first modest step in being able to do additional things down the road. Let no one question the ability of this side to put forward solid proposals to try to deal specifically with the problems of entitlements. This, however, is the best process step to be offered today.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, I think we are all agreed on this. We want to bring entitlements into the budget process. We want to increase the visibility of the entitlements problem because it is the biggest part of the problem when it comes to deficit reduction and we want more accountability because that is necessary in order to get discipline into entitlement spending. But I do not think the approach of the gentleman from Ohio [Mr. KASICH] is the best, or the most workable.

First, for reasons unrelated to his objectives, the gentleman from Ohio [Mr. KASICH] takes the whole budget process and throws it into a cocked hat at the very outset by requiring the budget resolution to be a joint resolution and not a concurrent resolution. He ties it into a Gordian knot, and those of us who served here in the 1980's know how far we would have gotten along with the budget process if we would have had to have gone to the White House and get a joint resolution before we could begin our work.

Second, the Kasich proposal, unlike mine and the proposal of the gentleman from Texas [Mr. STENHOLM], for reasons unclear to me, he professes frustration with setting long-term targets, says we will not have a long-time target. We will just have annual targets, we will just have annual caps and we will set them. He has an idea that has some merit, that is disaggregating the caps and taking them down to the microlevel, to the program level, but that radically restructures the relationship between the Committee on the Budget and the authorizing committees and is not well enough thought out or worked through in this particular bill. The far-reaching proposal has some merit but is not worked out in this bill. The idea of not having a long-term baseline is a bad idea and does not add discipline to the process. Then there are a couple of pseudostrengths in this bill that do not pan out when we look at them closely.

Let me give an example. In order to reconcile any overage, the gentleman from Ohio [Mr. KASICH] would deny any of the authorizing committees the ability to raise taxes or to raise offsetting receipts or to raise fees, user fees.

Let me give a good example. Penny-Kasich last year included an increase in the part B premium. Suppose we had a reconciliation requirement for the Committee on Ways and Means and Medicare. They could not turn to an increase in the part B premium for upperbracket taxpayers as a means of approaching that particular problem. He rules it out.

Second pseudomeasure. Sequestration. If sequestration is such a great idea, why has it not worked since March 1, 1986, the last time we had an across-the-board sequestration? The reason, we have all kinds of avoidance mechanisms in this place. The gentleman has accused us of likely pulling out some avoidance mechanisms to avoid these points of order. We know from past history that once sequestration breathes down our necks, we will have an alternative to avoid it. It does not work. Sequestration will not happen.

☐ 1430

Finally, knowing these weaknesses are in the bill, these deficiencies are there, I want to say that the gentleman has pulled out Social Security as a red herring in order to distract us from the real point in this debate. In order to keep us from looking too closely at this argument he has introduced Social Security. It is not part of the problem. Social Security spending is predictable, and the gentleman knows that Democrats are not going to raise payroll taxes, the most regressive tax there is, in order to fund other programs.

So, this is a bad proposal that has a camouflage over it to keep us from looking at it too closely. We should vote it down, vote it down thoroughly and move on to the other substitutes.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. KASICH].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 233, not voting 12, as follows:

[Roll No. 343]

AYES—194

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ewing
Fawell
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
Lazio
Leach
Levy
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lucas
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent
Tanner

Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—233

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hayes
Hefner
Hinchey
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—12

Burton
Carr
Everett
Faleomavaega (AS)
Ford (MI)
Gallo
Grandy
Hilliard
Ros-Lehtinen
Tucker
Underwood (GU)
Velazquez

☐ 1450

The Clerk announced the following pairs:

On the vote:

Mr. Burton of Indiana for, with Mr. Tucker against.

Mr. Everett for, with Ms. Velázquez against.

Mrs. VUCANOVICH and Mr. TAUZIN changed their vote from "aye" to "no."

Mr. DELAY changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2, printed in House Report 103–614.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute to H.R. 4604.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STENHOLM:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Entitlement Control Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Definitions and treatments.
Sec. 4. Establishment of direct spending targets.
Sec. 5. Special direct spending message by President.
Sec. 6. Congressional action required.
Sec. 7. Spin-off law.
Sec. 8. Targeted sequestration.
Sec. 9. Comprehensive sequestration.
Sec. 10. Exempt programs and activities.
Sec. 11. General and special sequestration rules.
Sec. 12. Estimating assumptions, reports, and orders.
Sec. 13. The current policy baseline.
Sec. 14. Relationship to pay-as-you-go.
Sec. 15. Judicial review.
Sec. 16. Application.
Sec. 17. Effective date.

SEC. 2. PURPOSE.

The purpose of this Act is to create a mechanism to control spending on mandatory programs and to increase accountability for mandatory spending.

SEC. 3. DEFINITIONS AND TREATMENTS.

As used in this Act:

(1) The terms "budget authority", "new budget authority", "entitlement authority", "outlays", and "deficit" have the meanings given to such terms in section 3 of the Congressional Budget and Impoundment Control Act of 1974.

(2) The term "account" means an item for which there is a designated budget account identification code number in the President's budget.

(3) The term "budget year" means, with respect to a session of Congress, the fiscal year of the Government that starts on October 1 of the calendar year in which that session begins.

(4) The term "budget-year session" means any session of Congress that starts in the calendar year in which that budget year starts.

(5) The term "CBO" means the Director of the Congressional Budget Office.

(6) The term "current policy baseline" means the projection (described in section 13) of current-year levels of new budget authority and outlays into the budget year and the outyears.

(7) The term "current year" means the fiscal year that immediately precedes a budget year.

(8) The term "deposit insurance" refers to the expenses of the Federal Deposit Insurance Corporation and the funds it incorporates, the Resolution Trust Corporation, the National Credit Union Administration and the funds it incorporates, the Office of Thrift Supervision; the Comptroller of the Currency Assessment Funds, the RTC Office of the Inspector General, and the deposit insurance activities of the Federal Reserve.

(9) The term "direct spending" means—

(A) budget authority provided by law other than appropriation Acts;

(B) entitlement authority; and

(C) the food stamp program.

If a law other than an appropriation Act alters the level of discretionary appropriations, that effect shall be treated as direct spending. If an appropriation Act alters the level of direct spending, that effect shall be treated as direct spending.

(10) The term 'legislative day' means, with respect to either House of Congress, any day of session.

(11) The term "OMB" means the Director of the Office of Management and Budget.

(12) The term "outyear" means any of the 4 fiscal years that follow a budget year.

(13) The terms "sequester" and "sequestration" mean the cancellation under section 8 or 9 of direct spending authority.

SEC. 4. ESTABLISHMENT OF DIRECT SPENDING TARGETS.

(a) COVERAGE.—The direct spending targets shall apply to all direct spending programs within the Federal budget except for net interest and deposit insurance.

(b) INITIAL REPORT.—Not later than 30 days after the date of enactment of this Act, OMB shall submit a report to Congress setting forth the direct spending targets for each of fiscal years 1995 through 2000 in accordance with this section.

(c) DETERMINING DIRECT SPENDING LIMITS.—In calculating the direct spending targets, OMB shall—

(1) calculate the projected level of direct spending outlays for fiscal year 1995;

(2) calculate the increase in the direct spending targets for each subsequent fiscal year through fiscal year 2000 to allow growth in direct spending outlays to reflect—

(A) changes in the Consumer Price Index;

(B) changes in the number of beneficiaries under direct spending programs for which the number of beneficiaries is a variable in determining costs;

(C) an additional growth allowance of—

(i) 1 percent in 1996;

(ii) 1 percent in 1997;

(iii) 1 percent in 1998; and

(D) for offsetting receipts, the calculation pursuant to this subsection shall allow offsetting receipts to decrease to reflect change in the Consumer Price Index.

(d) ADJUSTMENT FOR HEALTH CARE REFORM.—OMB shall calculate adjustments to the direct spending targets to reflect any increase in direct spending resulting from health care reform legislation, enacted into law by December 31, 1994, if such legislation would not increase the total deficit for the period of fiscal years 1995 through 1999.

(e) ANNUAL ADJUSTMENTS.—When the President submits a budget under section 1105(a) of title 31, United States Code, for a fiscal year, OMB shall calculate adjustments to the direct spending targets to reflect the following:

(1) Changes in inflation projections from the Director's initial report under section 4(b).

(2) Changes in projections of the number of beneficiaries from the Director's initial report under section 4(b).

(3) The costs of direct spending legislation to the extent that it is offset by revenue increases or designated as an emergency by Congress and the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) Legislation reducing direct spending to to the extent that it offsets the deficit impact of a tax cut under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 5. SPECIAL DIRECT SPENDING MESSAGE BY PRESIDENT.

(a) SPECIAL MESSAGE.—If the OMB sequestration preview report submitted under section 12(e) indicates that direct spending for the budget year or any outyear will exceed the applicable direct spending target, the budget submitted under section 1105(a) of title 31, United States Code, shall include a special direct spending message that includes proposed legislative changes to offset the net deficit impact of the excess identified by that OMB sequestration preview report for each such year through any combination of:

(1) Reductions in direct spending outlays.

(2) Increases in the direct spending targets, if the President has submits a written determination that, because of economic or programmatic reasons, only some or none of the excess should be offset.

(b) INTRODUCTION OF PRESIDENT'S PACKAGE.—Within 10 days after the President submitted a special direct spending message, the text referred to in subsection (a) shall be introduced as a concurrent resolution in the House of Representatives by the chairman of its Committee on the Budget and in the Senate by the chairman of its Committee on the Budget. If the chairman fails to do so, after the 10th day the resolution may be introduced by any Member of the House of Representatives or the Senate, as the case may be. A concurrent resolution introduced under this subsection shall be referred to the Committee on the Budget of the House of Representatives or the Senate, as the case may be.

SEC. 6. CONGRESSIONAL ACTION REQUIRED.

(a) IN GENERAL.—The requirements of this section shall be in effect for any year in which the OMB sequestration preview report submitted under section 12(e) indicates that direct spending for the budget year or any outyear will exceed the applicable direct spending target.

(b) REQUIREMENTS FOR SPECIAL BUDGET RESOLUTION IN THE HOUSE.—The Committee on the Budget in the House shall report not later than March 15 a concurrent resolution, either as a separate section of the concurrent resolution on the budget reported pursuant to section 301 of the Congressional Budget Act of 1974 or as a separate resolution, that includes reconciliation instructions instructing the appropriate committees of the House and Senate to report changes in laws within their jurisdiction to offset any excess in direct spending identified in the OMB sequestration preview report submitted under section 12(e) as follows:

(1) Reductions in direct spending programs.

(2) Increases in the direct spending targets, except that any increase in those targets may not be greater than the increase included in the special reconciliation message submitted by the President.

(c) PROCEDURE IF HOUSE BUDGET COMMITTEE FAILS TO REPORT REQUIRED RESOLUTION.—

(1) AUTOMATIC DISCHARGE OF HOUSE BUDGET COMMITTEE.—In the event that the House Committee on the Budget fails to report a resolution meeting the requirements of subsection (b), the committee shall be automatically discharged from further consideration of the concurrent resolution reflecting the President's recommendations introduced pursuant to section 5(b), and the concurrent resolution shall be placed on the appropriate calendar.

(2) CONSIDERATION BY HOUSE OF DISCHARGED RESOLUTION.—Ten days after the House Committee on the Budget has been discharged under paragraph (1), any member may move that the House proceed to consider the resolution. Such motion shall be highly privileged and not debatable. It shall not be in order to consider any amendment to the resolution except amendments which are germane and which do not change the net deficit impact of the resolution. Consideration of such resolution shall be pursuant to the procedures set forth in section 305 of the Congressional Budget Act of 1974 and subsection (d).

(d) CONSIDERATION BY THE HOUSE OF REPRESENTATIVES.—(1) It shall not be in order in the House of Representatives to consider a concurrent resolution on the budget unless that concurrent resolution fully addresses the entirety of any excess of the direct spending targets as identified in the OMB sequestration preview report submitted under section 12(e) through reconciliation instructions requiring spending reduotions, or changes in the direct spending targets.

(2) If the concurrent resolution on the budget proposes to eliminate or offset less than the entire excess for budget year and any subsequent fiscal years, then the Committee on the Budget shall report a separate resolution directing the Committee on Government Operations to report legislation increasing the direct spending targets for each applicable year by the full amount of the excess not offset or eliminated. It shall not be in order to consider any concurrent resolution on the budget that does not offset the full amount of the excess until the House of Representatives has agreed to the resolution directing the increase in the direct spending targets.

(e) TRANSMITTAL TO SENATE.—If a concurrent resolution passes the House pursuant to subsection (d), the Clerk of the House of Representatives shall cause the resolution to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the resolution is passed. The resolution shall be referred to the Senate Committee on the Budget.

(f) REQUIREMENTS FOR SPECIAL BUDGET RESOLUTION IN THE SENATE.—The Committee on the Budget in the Senate shall report not later than April 1 a concurrent resolution, either as a separate section of a budget resolution reported pursuant to section 301 of the Congressional Budget Act of 1974 or as a separate resolution, that shall include reconciliation instructions instructing the appropriate committees of the House and Senate to report changes in laws within their jurisdiction to offset any excess through any combination of:

(1) Reductions in direct spending programs.

(2) Increases in the direct spending targets, except that any increase in those targets may not be greater than the increase included in the special reconciliation message submitted by the President.

(g) PROCEDURE IF SENATE BUDGET COMMITTEE FAILS TO REPORT REQUIRED RESOLUTION.—

(1) AUTOMATIC DISCHARGE OF SENATE BUDGET COMMITTEE.—In the event that the Senate Committee on the Budget fails to report a resolution meeting the requirements of subsection (f), the committee shall be automatically discharged from further consideration of the concurrent resolution reflecting the President's recommendations introduced pursuant to section 5(b), and the concurrent resolution shall be placed on the appropriate calendar.

(2) CONSIDERATION BY SENATE OF DISCHARGED RESOLUTION.—Ten days after the Senate Committee on the Budget has been discharged under paragraph (1), any member may move that the Senate proceed to consider the resolution. Such motion shall be privileged and not debatable. Consideration of such resolution shall be pursuant to the procedures set forth in section 305 of the Congressional Budget Act of 1974 and subsection (h).

(h) CONSIDERATION BY SENATE.—(1) It shall not be in order in the Senate to consider a concurrent resolution on the budget unless that concurrent resolution fully addresses the entirety of any excess of the direct spending targets as identified in the OMB sequestration report submitted under section 12(e) through reconciliation instructions requiring direct spending reductions, or changes in the direct spending targets.

(2) If the concurrent resolution on the budget proposes to eliminate or offset less than the entire overage of a budget year, then the Committee on the Budget shall report a resolution increasing the direct spending target by the full amount of the overage not eliminated. It shall not be in order to consider any concurrent resolution on the budget that does not offset the entire amount of the overage until the Senate has agreed to the resolution directing the increase in the direct spending targets.

(i) CONFERENCE REPORTS MUST FULLY ADDRESS OVERAGE.—It shall not be in order in the House of Representatives or the Senate to consider a conference report on a concurrent resolution on the budget unless that conference report fully addresses the entirety of any excess identified by the OMB sequestration preview report submitted pursuant to section 12(e) through reconciliation instructions requiring direct spending reductions, or changes in the direct spending targets.

(j) WAIVERS.—The points of order established by subsection (d)(1), (h)(1), or (i) may be waived or suspended—

(1) in the House of Representatives only by a resolution devoted solely to the subject of waiving that point of order, or

(2) in the Senate only by an affirmative vote of three-fifths of the Members duly chosen and sworn.

SEC. 7. SPIN-OFF LEGISLATION.

(a) ALLOCATIONS OF DIRECT SPENDING.—The joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of direct spending budget authority and outlays for each major functional category.

(b) INTRODUCTION OF SPIN-OFF LEGISLATION.—On the third legislative day after adoption of a concurrent resolution on the budget, the chairman of the Committee on the Budget of the House of Representatives or the Senate, as the case may be, shall introduce legislation specifying the budget year amount of direct spending allowed by budget functional categories, based on the allocations set forth in the joint explanatory statement accompanying the conference report on such concurrent resolution. The total amount of direct spending under such legislation may not exceed the target set forth for that fiscal year by section 4 unless Congress has adopted a resolution directing an increase in the direct spending targets. Legislation introduced under this subsection shall be referred to the Committee on the Budget.

(c) PROCEDURE IN HOUSE OF REPRESENTATIVES.—

(1) AUTOMATIC DISCHARGE OF HOUSE BUDGET COMMITTEE.—In the event that the House Budget Committee fails to report legislation introduced pursuant to subsection (b) within 7 legislative days of the introduction of the bill in the House, the committee shall be automatically discharged from further consideration of such legislation.

(2) CONSIDERATION BY HOUSE OF SPIN-OFF LEGISLATION.—Three legislative days after the House Budget Committee has reported spin-off legislation described in subsection (c) or has been discharged under paragraph (1), it shall be in order to move that the House proceed to consider the resolution. Such motion shall be highly privileged and not debatable.

(3) DEBATE IN HOUSE.—General debate on any spin-off legislation in the House of Representatives shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion to further limit debate shall not be in order. It shall not be in order to consider any amendments which would cause the total amount of direct spending under the spin-off legislation to exceed the target set forth for the fiscal year under section 4.

(4) HOUSE CONSIDERATION OF CONFERENCE REPORT.—Debate in the House of Representatives on the conference report on spin-off legislation shall be limited to not more than 1 hour, which shall be divided equally between the majority and minority parties. A motion to further limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(d) PROCEDURE IN THE SENATE.—

(1) AUTOMATIC DISCHARGE OF SENATE BUDGET COMMITTEE.—In the event that the Senate Budget Committee fails to report legislation described in subsection (b), the committee shall be automatically discharged from further consideration of such legislation.

(2) CONSIDERATION BY SENATE OF SPIN-OFF LEGISLATION.—Three days after the Senate Budget Committee has reported spin-off legislation described in subsection (b) or has been discharged under paragraph (1), it shall be in order to move that the Senate proceed to consider the legislation. Such motion shall be privileged and not debatable.

(3) DEBATE IN SENATE.—Debate in the Senate on any spin-off legislation, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 25 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees. It shall not be in order to consider any amendments which would cause the total amount of direct spending under the spin-off legislation to exceed the target set forth for the fiscal year under section 4 or includes provisions on a subject other than the levels of budget year amount or direct spending allowed by budget functional categories.

(4) A MOTION TO FURTHER LIMIT DEBATE IS NOT DEBATABLE.—A motion to recommit (except a motion to recommit with instruction to report back within a specified number of days, not to exceed 3, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the legislation.

(5) MOTION TO PROCEED TO CONFERENCE IN SENATE.—A motion to proceed to the consideration of the conference report on any spin-off legislation may be made even though a previous motion to the same effect has been disagreed to.

(6) SENATE CONSIDERATION OF CONFERENCE REPORT.—Debate in the Senate on a conference report on spin-off legislation shall be limited to not more than 5 hours, which shall be divided equally between the majority leader and minority leader or their designees. A motion to further limit debate is not debatable. Debate on any debatable motion or appeal related to the conference report (or a message between House) shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

(7) REQUEST FOR NEW CONFERENCE.—Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to 1 hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to one-half hour, to be equally divided between, and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal or amendment, the time in opposition shall be under the control of the minority leader or his designee.

SEC. 8. TARGETED SEQUESTRATION.

(a) APPLICATION.—This section shall apply for any budget year only if a spin-off law as described in section 7 is in effect for that year on the date of the final sequestration report described in section 12.

(b) SEQUESTRATION IN EACH FUNCTIONAL CATEGORY.—(1) The purpose of this subsection is to ensure that total direct spending for each functional category is no more than allowed for the budget year.

(2) The amount to be sequestered for the budget year from direct spending programs in each functional category is the amount by which direct spending during the budget year results in a greater amount of direct spending than allowed in that functional category in the spin-off law.

(c) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session, there shall be a sequestration to reduce the amount of direct spending in the current policy baseline in any functional category by the amount specified in subsection (b)(2). The amount required to be sequestered from direct spending in a functional category shall be achieved by reducing each non-exempt direct spending account (or activity within an account) within that functional category by the uniform percentage necessary to achieve that amount.

SEC. 9. COMPREHENSIVE SEQUESTRATION.

(a) APPLICATION.—This section shall apply for any budget year unless a spin-off law as described in section 7 is in effect for that year on the date of the final sequestration report described in section 12.

(b) SEQUESTRATION BASED ON BUDGET-YEAR SHORTFALL.—The amount to be sequestered for the budget year is the amount (if any) by which direct spending exceeds the cap for that year under section 4.

(c) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session, there shall be a sequestration to reduce the amount of direct spending in the current policy baseline by the amounts specified in subsection (b). The amount required to be sequestered shall be achieved by reducing each direct spending account (or activity within an account) by the uniform percentage necessary to achieve that amount.

SEC. 10. EXEMPT PROGRAMS AND ACTIVITIES.

The following budget accounts, activities within accounts, or income shall be exempt from sequestration—

(1) net interest;

(2) deposit insurance and pension benefit guarantees;

(3) all payments to trust funds from excise taxes or other receipts or collections properly creditable to those trust funds;

(4) offsetting receipts and collections;

(5) all payments from one Federal direct spending budget account to another Federal budget account; all intragovernmental funds including those from which funding is derived primarily from other Government accounts;

(6) expenses to the extent they result from private donations, bequests, or voluntary contributions to the Government;

(7) nonbudgetary activities, including but not limited to—

(A) credit liquidating and financing accounts;

(B) the Pension Benefit Guarantee Corporation Trust Funds;

(C) the Thrift Savings Fund;

(D) the Federal Reserve System; and

(E) appropriations for the District of Columbia to the extent they are appropriations of locally raised funds;

(8) payments resulting from Government insurance, Government guarantees, or any other form of contingent liability, to the extent those payments result from contractual or other legally binding commitments of the Government at the time of any sequestration;

(9) the following accounts, which largely fulfill requirements of the Constitution or otherwise make payments to which the Government is committed—

Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–806);

Bureau of Indian Affairs, miscellaneous payments to Indians (14–2303–0–1–452);

Bureau of Indian Affairs, miscellaneous trust funds, tribal trust funds (14–9973–0–7–999);

Claims, defense;

Claims, judgments, and relief act (20–1895–0–1–806);

Compact of Free Association, economic assistance pursuant to Public Law 99–658 (14–0415–0–1–806);

Compensation of the President (11–0001–0–1–802);

Customs Service, miscellaneous permanent appropriations (20-9992-0-2-852);

Eastern Indian land claims settlement fund (14-2202-0-1-806)

Farm Credit System Financial Assistance Corporation, interest payments (20-1850-0-1-351);

Internal Revenue collections of Puerto Rico (20-5737-0-2-852);

Panama Canal Commission, operating expenses and capital outlay (95-5190-0-2-403);

Payments of Vietnam and USS Pueblo prisoner-of-war claims (15-0104-0-1-153);

Payments to copyright owners (03-5175-0-2-376);

Payments to the United States territories, fiscal assistance (14-0418-0-1-801);

Salaries of Article III judges;

Soldier's and Airmen's Home, payment of claims (84-8930-0-7-705);

Washington Metropolitan Area Transit Authority, interest payments (46-0300-0-1-401).

(10) the following noncredit special, revolving, or trust-revolving funds—

Coinage profit fund (20-5811-0-2-803);

Exchange Stabilization Fund (20-4444-0-3-155);

Foreign Military Sales trust fund (11-82232-0-7-155);

(11)(A) any amount paid as regular unemployment compensation by a State from its account in the Unemployment Trust Fund (established by section 904(a) of the Social Security Act);

(B) any advance made to a State from the Federal unemployment account (established by section 904(g) of such Act) under title XII of such Act and any advance appropriated to the Federal unemployment account pursuant to section 1203 of such Act;

(C) any payment made from the Federal Employees Compensation Account (as established under section 909 of such Act) for the purpose of carrying out chapter 85 of title 5, United States Code, and funds appropriated or transferred to or otherwise deposited in such Account;

(12) the earned income tax credit (payments to individuals pursuant to section 32 of the Internal Revenue Code of 1986); and

(13) the uranium enrichment program.

SEC. 11. GENERAL AND SPECIAL SEQUESTRATION RULES.

(a) PERMANENT SEQUESTRATION OF DIRECT SPENDING.—

(1) The purpose of any direct spending or receipts sequestration under this Act is to ensure deficit reduction in the budget year and all subsequent fiscal years, so that the budget-year direct spending cap in section 4 is not exceeded.

(2) Obligations in sequestered direct spending accounts shall be reduced in the fiscal year in which a sequestration occurs and in all succeeding fiscal years. Notwithstanding any other provision of this section, after the first direct spending sequestration, any later sequestration shall reduce direct spending by an amount in addition to, rather than in lieu of, the reduction in direct spending in place under the existing sequestration or sequestrations.

(b) UNIFORM PERCENTAGES.—

(1) In calculating the uniform percentage applicable to the sequestration of all direct spending programs or activities under section 9, or the uniform percentage applicable to the sequestration of nonexempt direct spending programs or activities within a functional category under section 8, the sequestrable base for direct spending programs and activities is the total budget-year level of outlays for those programs or activities in the current policy baseline minus—

(A) those budget-year outlays resulting from obligations incurred in the current or prior fiscal years, and

(B) those budget-year outlays resulting from exemptions under section 10.

(2) For any direct spending program in which—

(A) outlays pay for entitlement benefits,

(B) a budget-year sequestration takes effect after the 1st day of the budget year, and

(C) that delay reduces the amount of entitlement authority that is subject to sequestration in the budget year,

the uniform percentage otherwise applicable to the sequestration of that program in the budget year shall be increased as necessary to achieve the same budget-year outlay reduction in that program as would have been achieved had there been no delay.

(3) If the uniform percentage otherwise applicable to the budget-year sequestration of a program or activity is increased under paragraph (2), then it shall revert to the uniform percentage calculated under paragraph (1) when the budget year is completed.

(c) GENERAL RULES FOR SEQUESTRATION.—

(1) INDEFINITE AUTHORITY.—Except as otherwise provided, sequestration in accounts for which obligations are indefinite shall be taken in a manner to ensure that obligations in the fiscal year of a sequestration and succeeding fiscal years are reduced, from the level that would actually have occurred, by the applicable sequestration percentage or percentages.

(2) CANCELLATION OF BUDGETARY RESOURCES.—Budgetary resources sequestered from any account other than an entitlement trust, special, or revolving fund account shall revert to the Treasury and be permanently canceled or repealed.

(3) INDEXED BENEFIT PAYMENTS.—If, under any entitlement program—

(A) benefit payments are made to persons or governments more frequently than once a year, and

(B) the amount of entitlement authority is periodically adjusted under existing law to reflect changes in a price index,

then for the first fiscal year to which a sequestration order applies, the benefit reductions in that program accomplished by the order shall take effect starting with the payment made at the beginning of January or 7 weeks after the order is issued, whichever is later. For the purposes of this subsection, Veterans Compensation shall be considered a program that meets the conditions of the preceding sentence.

(4) PROGRAMS, PROJECTS, OR ACTIVITIES.—Except as otherwise provided, the same percentage sequestration shall apply to all programs, projects, and activities within a budget account (with programs, projects, and activities as delineated in the appropriation Act or accompanying report for the relevant fiscal year covering that account, or for accounts not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(5) IMPLEMENTING REGULATIONS.—Administrative regulations or similar actions implementing the sequestration of a program or activity shall be made within 120 days of the effective date of the sequestration of that program or activity.

(6) DISTRIBUTION FORMULAS.—To the extent that distribution or allocation formulas differ at different levels of budgetary resources within an account, program, project, or activity, a sequestration shall be interpreted as producing a lower total appropriation, with that lower appropriation being obligated as though it had been the pre-sequestration appropriation and no sequestration had occurred.

(7) CONTINGENT FEES.—In any account for which fees charged to the public are legally determined by the level of appropriations, fees shall be charged on the basis of the presequestration level of appropriations.

(d) NON-JOBS PORTION OF AFDC.—Any sequestration order shall accomplish the full amount of any required reduction in payments for the non-jobs portion of the aid to families with dependant children program under the Social Security Act by reducing the Federal reimbursement percentage (for the fiscal year involved) by multiplying that reimbursement percentage, on a State-by-State basis, by the uniform percentage applicable to the sequestration of nonexempt direct spending programs or activities.

(e) JOBS PORTION OF AFDC.—

(1) FULL AMOUNT OF SEQUESTRATION REQUIRED.—Any sequestration order shall accomplish the full amount of any required reduction of the job opportunities and basic skills training program under section 402(a)(19), and part F of title VI, of the Social Security Act, in the manner specified in this subsection. Such an order may not reduce any Federal matching rate pursuant to section 403(l) of the Social Security Act.

(2) NEW ALLOTMENT FORMULA.—

(A) GENERAL RULE.—Notwithstanding section 403(k) of the Social Security Act, each State's percentage share of the amount available after sequestration for direct spending pursuant to section 403(l) of such Act shall be equal to that percentage of the total amount paid to the States pursuant to such section 403(l) for the prior fiscal year that is represented by the amount paid to such State pursuant to such section 403(l) for the prior fiscal year, except that a State may not be allotted an amount under this subparagraph that exceeds the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

(B) REALLOTMENT OF AMOUNTS REMAINING UNALLOTTED AFTER APPLICATION OF GENERAL RULE.—Any amount made available after sequestration for direct spending pursuant to section 403(l) of the Social Security Act that remains unallotted as a result of subparagraph (A) of this paragraph shall be allotted among the States in proportion to the absolute difference between the amount allotted, respectively, to each State as a result of such subparagraph and the amount that would have been allotted to such State pursuant to section 403(k) of such Act had the sequestration not been in effect, except that a State may not be allotted an amount under this subparagraph that results in a total allotment to the State under this paragraph of more than the amount that would have been allotted to such State pursuant to such section 403(k) had the sequestration not been in effect.

(f) CHILD SUPPORT ENFORCEMENT PROGRAM.—Any sequestration order shall accomplish the full amount of any required reduction in payments under sections 455 and 458 of the Social Security Act by reducing the Federal matching rate for State administrative costs under the program, as specified (for the fiscal year involved) in section 455(a) of such Act, to the extent necessary to reduce such expenditures by that amount.

(g) COMMODITY CREDIT CORPORATION.—

(1) EFFECTIVE DATE.—For the Commodity Credit Corporation, the date on which a sequestration order takes effect in a fiscal year shall vary for each crop of a commodity. In general, the sequestration order shall take

effect when issued, but for each crop of a commodity for which 1-year contracts are issued as an entitlement, the sequestration order shall take effect with the start of the sign-up period for that crop that begins after the sequestration order is issued. Payments for each contract in such a crop shall be reduced under the same terms and conditions.

(2) DAIRY PROGRAM.—(A) As the sole means of achieving any reduction in outlays under the milk price-support program, the Secretary of Agriculture shall provide for a reduction to be made in the price received by producers for all milk produced in the United States and marketed by producers for commercial use. That price reduction (measured in cents per hundredweight of milk marketed) shall occur under subparagraph (A) of section 201(d)(2) of the Agricultural Act of 1949 (7 U.S.C. 1446(d)(2)(A)), shall begin on the day any sequestration order is issued, and shall not exceed the aggregate amount of the reduction in outlays under the milk price-support program, that otherwise would have been achieved by reducing payments made for the purchase of milk or the products of milk under this subsection during that fiscal year.

(3) EFFECT OF DELAY.—For purposes of subsection (b)(1), the sequestrable base for the Commodity Credit Corporation is the budget-year level of gross outlays resulting from new budget authority that is subject to reduction under paragraphs (1) and (2), and subsection (b)(2) shall not apply.

(4) CERTAIN AUTHORITY NOT TO BE LIMITED.—Nothing in this Act shall restrict the Corporation in the discharge of its authority and responsibility as a corporation to buy and sell commodities in world trade, or limit or reduce in any way any appropriation that provides the Corporation with funds to cover its net realized losses.

(h) EXTENDED UNEMPLOYMENT COMPENSATION.—(1) A State may reduce each weekly benefit payment made under the Federal-State Extended Unemployment Compensation Act of 1970 for any week of unemployment occurring during any period with respect to which payments are reduced under any sequestration order by a percentage not to exceed the percentage by which the Federal payment to the State under section 204 of such Act is to be reduced for such week as a result of such order.

(2) A reduction by a State in accordance with subparagraph (A) shall not be considered as a failure to fulfill the requirements of section 3304(a)(11) of the Internal Revenue Code of 1986.

(i) FEDERAL EMPLOYEES HEALTH BENEFITS FUND.—For the Federal Employees Health Benefits Fund, a sequestration order shall take effect with the next open season. The sequestration shall be accomplished by annual payments from that Fund to the General Fund of the Treasury. Those annual payments shall be financed solely by charging higher premiums. For purposes of subsection (b)(1), the sequestrable base for the Fund is the budget-year level of gross outlays resulting from claims paid after the sequestration order takes effect, and subsection (b)(2) shall not apply.

(j) FEDERAL HOUSING FINANCE BOARD.—Any sequestration of the Federal Housing Finance Board shall be accomplished by annual payments (by the end of each fiscal year) from that Board to the general fund of the Treasury, in amounts equal to the uniform sequestration percentage for that year times the gross obligations of the Board in that year.

(k) FEDERAL PAY.—

(1) IN GENERAL.—Except as provided in section 10(b)(3), new budget authority to pay Federal personnel from direct spending accounts shall be reduced by the uniform percentage calculated under section 8 or 9, as applicable, but no sequestration order may reduce or have the effect of reducing the rate of pay to which any individual is entitled under any statutory pay system (as increased by any amount payable under section 5304 of title 5, United States Code, or section 302 of the Federal Employees Pay Comparability Act of 1990) or the rate of any element of military pay to which any individual is entitled under title 37, United States Code, or any increase in rates of pay which is scheduled to take effect under section 5303 of title 5, United States Code, section 1009 of title 37, United States Code, or any other provision of law.

(2) DEFINITIONS.—For purposes of this subsection:

(A) The term "statutory pay system" shall have the meaning given that term in section 5302(1) of title 5, United States Code.

(B) The term "elements of military pay" means—

(i) the elements of compensation of members of the uniformed services specified in section 1009 of title 37, United States Code,

(ii) allowances provided members of the uniformed services under sections 403a and 405 of such title, and

(iii) cadet pay and midshipman pay under section 203(c) of such title.

(C) The term "uniformed services" shall have the meaning given that term in section 101(3) of title 37, United States Code.

(l) GUARANTEED STUDENT LOANS.—(A) For all student loans under part B of title IV of the Higher Education Act of 1965 made on or after the date of a sequestration, the origination fees shall be increased by a uniform percentage sufficient to produce the dollar savings in student loan programs for the fiscal year of the sequestration required by section 8 or 9, and all subsequent origination fees shall be increased by the same percentage, notwithstanding any other provision of law.

(B) The origination fees to which paragraph (A) applies are those specified in sections 428H(f)(1) and 438(c) of that Act.

(m) INSURANCE PROGRAMS.—Any sequestration in a Federal program that sells insurance contracts to the public (including the Federal Crop Insurance Fund, the National Insurance Development Fund, the National Flood Insurance Fund, insurance activities of the Overseas Private Insurance Corporation, and Veterans' life insurance programs) shall be accomplished by annual payments from the insurance fund or account to the general fund of the Treasury. The amount of each annual payment by each such fund or account shall be the amount received by the fund or account by increasing premiums on contracts entered into after the date a sequestration order takes effect by the uniform sequestration percentage, and premiums shall be increased accordingly.

(n) MEDICAID.—The November 15th estimate of medicaid spending by States shall be the base estimate from which the uniform percentage reduction under any sequestration, applied across-the-board by State, shall be made. Succeeding Federal payments to States shall reflect that reduction. The Health Care Financing Administration shall reconcile actual medicaid spending for each fiscal year with the base estimate as reduced by the uniform percentage, and adjust each State's grants as soon as practicable, but no later than 100 days after the end of the fiscal year to which the base estimate applied, to comply with the sequestration order.

(o) MEDICARE.—

(1) TIMING OF APPLICATION OF REDUCTIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if a reduction is made in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for services furnished after the effective date of the order. For purposes of the previous sentence, in the case of inpatient services furnished for an individual, the services shall be considered to be furnished on the date of the individual's discharge from the inpatient facility.

(B) PAYMENT ON THE BASIS OF COST REPORTING PERIODS.—In the case in which payment for services of a provider of services is made under title XVIII of the Social Security Act on a basis relating to the reasonable cost incurred for the services during a cost reporting period of the provider, if a reduction is made in payment amounts pursuant to a sequestration order, the reduction shall be applied to payment for costs for such services incurred at any time during each cost reporting period of the provider any part of which occurs after the effective date of the order, but only (for each such cost reporting period) in the same proportion as the fraction of the cost reporting period that occurs after the effective date of the order.

(2) NO INCREASE IN BENEFICIARY CHARGES IN ASSIGNMENT-RELATED CASES.—If a reduction in payment amounts is made pursuant to a sequestration order for services for which payment under part B of title XVIII of the Social Security Act is made on the basis of an assignment described in section 1842(b)(3)(B)(ii), in accordance with section 1842(b)(6)(B), or under the procedure described in section 1870(f)(1) of such Act, the person furnishing the services shall be considered to have accepted payment of the reasonable charge for the services, less any reduction in payment amount made pursuant to a sequestration order, as payment in full.

(3) NO EFFECT ON COMPUTATION OF AAPCC.—In computing the adjusted average per capita cost for purposes of section 1876(a)(4) of the Social Security Act, the Secretary of Health and Human Services shall not take into account any reductions in payment amounts which have been or may be effected under this part.

(p) POSTAL SERVICE FUND.—Any sequestration of the Postal Service Fund shall be accomplished by annual payments from that Fund to the General Fund of the Treasury, and the Postmaster General of the United States shall have the duty to make those payments during the fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each annual payment shall be—

(1) the uniform sequestration percentage, times

(2) the estimated gross obligations of the Postal Service Fund in that year other than those obligations financed with an appropriation for revenue foregone for that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Within 30 days after the sequestration order is issued, the Postmaster General shall submit to the Postal Rate Commission a plan for financing the annual payment for that fiscal year and publish that plan in the Federal Register. The plan may assume efficiencies in the operation of the Postal Service, reductions in capital expenditures, increases in the prices of services, or any combination, but may not assume a lower Fund surplus or higher Fund deficit and must follow the requirements of existing law governing the Postal Service in all other respects. Within 30 days of the receipt of that plan, the Postal Rate Commission shall approve the plan or modify it in the manner that modifications are allowed under current law. If the Postal Rate Commission does not respond to the plan within 30 days, the plan submitted by the Postmaster General shall go into effect. Any plan may be later revised by the submission of a new plan to the Postal Rate Commission, which may approve or modify it.

(q) POWER MARKETING ADMINISTRATIONS AND T.V.A.—Any sequestration of the Department of Energy power marketing administration funds or the Tennessee Valley Authority fund shall be accomplished by annual payments from those funds to the General Fund of the Treasury, and the administrators of those funds shall have the duty to make those payments during the fiscal year to which the sequestration order applies and each succeeding fiscal year. The amount of each annual payment by a fund shall be—

(1) the direct spending uniform sequestration percentage, times

(2) the estimated gross obligations of the fund in that year other than those obligations financed from discretionary appropriations for that year.

Any such payment for a fiscal year shall be made as soon as possible during the fiscal year, except that it may be made in installments within that year if the payment schedule is approved by the Secretary of the Treasury. Annual payments by a fund may be financed by reductions in costs required to produce the presequester amount of power (but those reductions shall not include reductions in the amount of power supplied by the fund), by reductions in capital expenditures, by increases in rates, or by any combination, but may not be financed by a lower fund surplus or a higher fund deficit and must follow the requirements of existing law governing the fund in all other respects. The administrator of a fund or the TVA Board is authorized to take the actions specified above in order to make the annual payments to the Treasury.

(r) VETERANS' HOUSING LOANS.—(1) For all housing loans guaranteed, insured, or made under chapter 37 of title 38, United States Code, on or after the date of a sequestration, the origination fees shall be increased by a uniform percentage sufficient to produce the dollar savings in veterans' housing programs for the fiscal year of the sequestration required by section 8 or 9, and all subsequent origination fees shall be increased by the same percentage, notwithstanding any other provision of law.

(2) The origination fees to which paragraph (1) applies are those referred to in section 3729 of title 38, United States Code.

SEC. 12. ESTIMATING ASSUMPTIONS, REPORTS, AND ORDERS.

(a) TIMETABLE.—The timetable with respect to this part for any budget year is as follows:

Date:	**Action to be completed:**
The President's budget submission.	OMB publishes sequestration preview report.
Within 10 days after end of session.	OMB and CBO issue final budget year sequestration reports.
5 days later	President issues sequestration order.

(b) SUBMISSION AND AVAILABILITY OF REPORTS.—Each report required by this section shall be submitted, in the case of CBO, to the House of Representatives, the Senate, and OMB, and, in the case of OMB, to the House of Representatives, the Senate, and the President on the day it is issued. On the following day a notice of the report shall be printed in the Federal Register.

(c) EXCHANGE OF PRELIMINARY CURRENT POLICY BASELINES.—On January 15, OMB and CBO shall exchange their preliminary current policy baselines for the budget-year session starting in January.

(d) SEQUESTRATION PREVIEW REPORTS.—

(1) REPORTING REQUIREMENT.—On January 31, whichever is later, OMB and CBO shall each submit a sequestration preview report.

(2) CONTENTS.—Each preview report shall set forth the following:

(A) MAJOR ESTIMATING ASSUMPTIONS.—The major estimating assumptions for the current year, the budget year, and the outyears, and an explanation of them.

(B) CURRENT POLICY BASELINE.—A detailed display of the current policy baseline for the current year, the budget year, and the outyears, with an explanation of changes in the baseline since it was last issued that includes the effect of policy decisions made during the intervening period and an explanation of the differences between OMB and CBO for each item set forth in the report.

(C) ADJUSTING DIRECT SPENDING TARGETS.—A determination of any adjustments to the direct spending targets under section 4 and an explanation of any adjustments.

(D) REQUIREMENTS FOR DIRECT SPENDING.—An estimate of the reductions in direct spending to be achieved for the budget year necessary to comply with the direct spending targets.

(E) DIRECT SPENDING SEQUESTRATION.—Estimates of the uniform percentage and the amount of comprehensive sequestration of direct spending programs that will be necessary under section 9.

(e) OFFICIAL SEQUESTRATION PREVIEW REPORT.—The OMB sequestration preview report shall be the official report for purposes of this Act. That report shall be set forth, without change, in the budget submitted by the President under section 1105(a) of title 31, United States Code, for the budget year.

(f) FINAL SEQUESTRATION REPORTS.—

(1) REPORTING REQUIREMENT.—Not later than 10 days following the end of a budget-year session, OMB and CBO shall each submit a final sequestration report.

(2) CONTENTS.—That report shall be based upon laws enacted through the date of the report and shall set forth all the information and estimates required of a sequestration preview report required by subsections (d)(2)(C) through (E). In addition, that report shall include for each account to be sequestered, the baseline level of sequestrable budgetary resources and the resulting reductions in new budget authority and outlays; and

(g) PRESIDENTIAL ORDER.—(1) On the day that OMB issues a final sequestration report, the President shall issue an order fully implementing without change all sequestrations actions required by the final sequestration report that requires the lesser total amount of direct spending sequestration under section 8 or 9 (as applicable). The order shall be effective on issuance and shall be issued only if sequestration is required.

(h) USE OF MAJOR ESTIMATING ASSUMPTIONS AND SCOREKEEPING CONVENTIONS.—In the estimates, projections, and reports under this subtitle, OMB shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31, United States Code. CBO shall use the same economic and technical assumptions as used in the msot recent report submitted by CBO under section 202(f)(1) of the Congressional Budget Act of 1974.

SEC. 13. THE CURRENT POLICY BASELINE.

(a) IN GENERAL.—For any budget year, the baseline refers to a projection of current-year levels of new budget authority, outlays, revenues, and the surplus or deficit into the budget year and the outyears based on laws enacted through, and discretionary regulations promulgated as final by, the applicable date.

(b) DIRECT SPENDING.—For the current year, the budget year, and each outyear, the baseline shall be calculated using the following assumptions:

(1) IN GENERAL.—Laws providing or creating direct spending are assumed to operate in the manner specified in those laws for each such year, funding for entitlement authority is assumed to be adequate to make all payments required by those entitlements, and funding for deposit insurance is assumed to be adequate to meet the costs of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 or successor laws.

(2) EXCEPTIONS.—Except as provided in paragraph (3):

(A) No program with estimated current-year gross new budget authority greater than $100 million is assumed to expire in the budget year or outyears. In carrying out the preceding sentence, expiring entitlement programs and programs financed by indefinite budget authority are assumed to continue as in effect just prior to their expiration, and other expiring programs are assumed to continue with new budget authority projected as equal to budget authority in the last year for which budget authority is enacted.

(B) The percentage increase for veterans' compensation for a fiscal year is assumed to be the same as that required by law for veterans' pensions unless otherwise provided by a law enacted in that session.

(3) CUTOFF DATE.—Programs that expire on or before December 31 and that have not been reauthorized by the date of the final sequestration report are assumed to expire. If an increase in veterans compensation has not been enacted by the date of the final sequestration report, it is not assumed.

(c) UP-TO-DATE CONCEPTS.—In deriving the baseline for any budget year or outyear, current-year amounts shall be calculated using the concepts and definitions that are required for that budget year.

SEC. 14. RELATIONSHIP TO PAY-AS-YOU-GO.

Reductions in outlays resulting in legislation enacted pursuant to section 6 shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, except to the extent necessary to achieve a balance in the paygo scorecard under such section 252(d).

SEC. 15. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any order that might be issued pursuant to section 12 violates the Constitution.

(2) Any Member of Congress, or any other person adversely affected by any action taken under this Act, may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief concerning the constitutionality of this Act.

(3) Any Member of Congress may bring an action, in the United States District Court

for the District of Columbia, for declaratory and injunctive relief on the ground that the terms of an order issued under section 12 do not comply with the requirements of this Act.

(4) A copy of any complaint in an action brought under paragraph (1), (2), or (3) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(5) Any action brought under paragraph (1), (2), or (3) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1), (2), or (3) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1), (2), or (3) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1), (2), or (3) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(d) NONCOMPLIANCE WITH SEQUESTRATION PROCEDURES.—

(1) If it is finally determined by a court of competent jurisdiction that an order issued by the President under section 12 for any fiscal year does not fully implement without change all sequestrations required by the OMB report, the President shall, within 20 days after such determination is made, revise the order in accordance with such determination.

(2) If the order issued by the President under section 12 for any fiscal year does not fully implement without change all sequestrations required by the OMB report which is the basis for the order on the claim or defense that the constitutional powers of the President prevent such sequestration or reduction or permit the avoidance of such sequestration or reduction, and such claim or defense is finally determined by the Supreme Court of the United States to be valid, then the entire order issued pursuant to section 12 for such fiscal year shall be null and void.

(e) TIMING OF RELIEF.—No order of any court granting declaratory or injunctive relief from the order of the President issued under section 12, including relief permitting or requiring the expenditure of funds sequestered by such order, shall take effect during the pendency of the action before such court, during the time appeal may be taken, or, if appeal is taken, during the period before the court to which such appeal is taken has entered its final order disposing of such action.

(f) PRESERVATION OF OTHER RIGHTS.—The rights created by this section are in addition to the rights of any person under law, subject to subsection (e).

(g) ECONOMIC DATA, ASSUMPTIONS, AND METHODOLOGIES.—The economic data and economic and technical assumptions and estimation of methodologies used by OMB or CBO in preparing any report issued under section 12 shall not be subject to review in any judicial or administrative proceeding.

SEC. 16. APPLICATION.

The application of provisions, procedures, and points of order under House Resolution 235, One Hundred Third Congress, agreed to August 5, 1993, shall not be effective for fiscal year 1995 or any later fiscal year.

SEC. 17. EFFECTIVE DATE.

Except as otherwise specified, this Act and the amendments made by it shall take effect on the date of its enactment and shall apply to fiscal years 1995 and subsequent fiscal years.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Mr. DERRICK. Mr. Chairman, I rise in opposition to the Stenholm amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the Chair.

Mr. Chairman, in order to accommodate my colleague, the gentleman from Colorado [Mr. SCHAEFER], I yield 2 minutes to the gentleman.

Mr. SCHAEFER. I thank the gentleman for yielding this time to me.

Mr. Chairman, this is a refreshing debate. We are doing something today that we should do every year: vote on proposals to control entitlement spending. Fortunately we have before us the Stenholm substitute, which provides the caps, the hammers, and the procedures needed to control the rapid and dangerous growth of entitlement spending.

And make no mistake, entitlement spending is skyrocketing, taking the budget deficit with it. Since 1978, spending on entitlements has increased 286 percent.

If growth continues on its current path, by 2030 entitlements will consume literally all Federal revenues. At that point a solution will become excruciating: We will either have to raise taxes to unimaginably high levels, or enact spending cuts that are truly draconian.

Now we can either ignore the problem, and hope that future generations have the wisdom and political courage that escapes us, or we can vote for a proposal that will help solve the problem.

The Stenholm substitute will put into place hard caps, tied to inflation, that are needed to arrest the growth of entitlement spending.

Only the Stenholm substitute contains a mechanism to force Congress to prioritize how it spends our limited resources on entitlements. The Congressional Budget Office estimates that if we comply with those caps, we will save the taxpayers $83.4 billion over the next 4 years.

Now, Congress can raise those caps, but that would require a separate vote, letting every taxpayer in America know if their Representative is serious about controlling spending.

Furthermore, the Stenholm substitute includes all entitlement programs. Now, I know that we are all committed to protecting the retirement incomes of Social Security recipients, but we cannot seriously address entitlement spending if we put the largest entitlement program off the table.

And we cannot protect Social Security recipients from the budget deficit and the rising interest payments on the debt, unless we start controlling entitlement spending—now.

Quite simply we have a choice: Keep the status quo by ignoring the problem, or make the first of the many tough choices needed to control entitlement spending. I encourage my colleagues, on both sides of the aisle, to make that first tough choice: Vote for the Stenholm substitute.

Mr. STENHOLM. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise today to offer a substitute amendment to H.R. 4604, the Budget Control Act of 1994. I am pleased to be joined today by my colleagues, Mr. PENNY, Mr. ORTON, and Mr. LAROCCO. I appreciate the statement of my colleague, the gentleman from Colorado [Mr. SCHAEFER].

The substance of our amendment was laid out in the bill we introduced last month, H.R. 4593, referred to as the Entitlement Control Act of 1994, establishing a formula for setting limits on the aggregate level of direct spending in each fiscal year. We believe that this amendment draws out the best provisions from the budget enforcement legislation developed last Congress by then-Chairman Leon Panetta, amendments offered by Senators NUNN and DOMENICI and the entitlement review procedure passed by the House last year and incorporated in an Executive order.

Our amendment requires the OMB Director to issue a report within 30 days of enactment, setting forth direct spending targets for fiscal years 1995 through 2000 using a calculation provided by the legislation.

□ 1500

The target for 1995 will equal projected baseline outlays for direct spending in that year, and the target for subsequent years must equal the 1995 target, and listen carefully, plus adjustments for, first, changes in the Consumer Price Index; second, demographic changes; and, third, an additional growth cushion of 1 percent in 1996, 1997, and 1998. If OMB determines that baseline direct spending for the upcoming year will exceed that target, the President's budget must propose legislative changes to offset the excess through reductions in direct spending programs, an increase in the target, or some combination of the two. Special procedures for congressional action are then laid out whereby Congress would set limits on direct spending for each functional category of the budget, restricted by the requirement that the sum of the function targets does not exceed the aggregate target. Congress would then have the entire year in which to make the policy decisions necessary to meet those targets.

Our amendment provides two alternative sequestration procedures intended to assure that direct spending does not exceed the targets if legislation to cut spending, or increase the targets, is not enacted. A targeted sequestration would apply if legislation establishing direct spending targets for each budget function has been enacted. For any function with projected spending in excess of the function target, the targeted sequestration would reduce spending in that function by the uniform percentage required to meet the target.

If function targets are not enacted, a comprehensive sequestration would apply. In that case, direct spending programs would be cut by the percentage required to meet the aggregate target.

CBO has estimated that the entitlement caps which are laid out by this amendment would require cuts of $83.4 billion through 1999.

One of the uncertainties in setting an entitlement cap that has been noted by its critics is the uncertainty of the increases in entitlement spending that would result from passage of health care reform. This problem would be resolved by allowing the entitlement caps to be adjusted to reflect any increased entitlement spending resulting from the reform package. This adjustment would only apply to health care reform legislation which is deficit neutral over 1995-99. The spending caps also would be adjusted for legislation increasing mandatory spending that was enacted under the existing pay-as-you-go requirements.

No programs would be exempt from the general entitlement sequester. By eliminating all exemptions to sequestration, this mechanism would give everyone a vested interest in reaching an agreement on budget priorities in order to avoid sequestration. It would also do a great deal to maintain a sense of fairness among Social Security beneficiaries, military retirees, civil service retirees, and all others receiving entitlement benefits.

It is true that the deficit is projected to take a slight downturn over the next few years, and I am pleased that such is the case. I remain convinced, however, that sustained deficits of $200 billion-plus per year present a great economic hazard to our Nation's future.

We will face many tough choices. This is one of them. I am hopeful that the Kerry-Danforth commission will produce constructive suggestions on steps that can be taken to deal with the growth of entitlement spending. That notwithstanding, I believe the hammer of an enforcable entitlement cap is necessary to provide Congress and the President with the necessary incentive to make the tough choices we all know we must make.

H.R. 4593, ENTITLEMENT CONTROL ACT OF 1994—SECTION-BY-SECTION SUMMARY

Section 1—Short title, table of contents.

Section 2—Purposes.

Section 3—Definitions.—Defines budget year, direct spending and other technical definitions.

Section 4—Establishment of direct spending caps.—Thirty days after the enactment of this legislation, the Director of OMB would issue an initial direct spending report setting forth projected mandatory spending for fiscal year 1995. All mandatory spending except deposit insurance and interest payments would be included in the targets. The Director of OMB shall establish caps for fiscal years 1995 through 2000 based on the projected mandatory spending for 1995 and allowing for growth each year to reflect:

a. Changes in the consumer price index;

b. Changes in the number of beneficiaries;

c. An additional growth allowance of 1 percent in 1996, 1 percent in 1997, 1 percent in 1998 and 0 percent in 1999.

The caps would be adjusted to reflect increased direct spending resulting from health care reform legislation enacted by the end of 1994 which is deficit neutral over 1995-1999.

Each year, the President's budget shall adjust the caps to reflect:

a. Actual inflation;

b. Actual beneficiary changes;

c. Direct spending legislation enacted under the PAYGO requirements, i.e. paid for by increased taxes or declared as emergency spending.

d. Legislation reducing direct spending to offset the deficit impact of a tax cut under PAYGO requirements.

Section 5—Special direct spending message by the President.—If OMB projects that mandatory spending will exceed the cap for that year, the President's budget must include a proposal to offset any projected excess of the caps for each fiscal year. The President would be allowed to propose to increase the levels of the caps to allow for all or part of the excess if he provided a written explanation justifying an increase in the caps.

Section 6—Congressional response required.—If OMB projects that entitlement spending will exceed the caps, Congress must pass a budget resolution that includes reconciliation instructions to offset the excess of the caps for each fiscal year or to increase the caps.

A budget resolution (including conference report) that does not deal with the spending above the caps would not be in order in the House.

If the House does not pass a budget resolution conference report that deals with the spending above the caps, it would not be in order to consider any appropriation bill in the House, unless a resolution devoted solely to the subject of waiving this requirement is passed on a recorded vote.

If the Budget Committee does not report legislation dealing with the excess, an expedited procedure would be established to bring legislation incorporating the President's recommendations for dealing with the excess directly to the House floor.

Section 7—Spin-off law.—Upon passage of the budget resolution conference report, the Chairman of the Budget Committee would introduce spin-off legislation allocating spending under the overall entitlement cap for that fiscal year among the budget functions and establishing individual caps for each budget function based on the levels set forth in the budget resolution.

Spin-off legislation introduced by the Budget Committee Chairman would be considered by the House and the Senate under expedited procedures similar to the procedures for consideration of a budget resolution.

If spin-off legislation is passed by the House and Senate, it would be sent to the President for signature. If the President signs the spin-off legislation, the individual caps would become binding in law.

Section 8—Targeted sequestration.—If legislation setting individual caps for each budget function for that year had been enacted, there would be a separate sequester for any function that exceeded its cap.

Section 9—Comprehensive sequestration.—If legislation establishing individual caps has not been enacted, there would be a comprehensive sequester with across-the-board cuts in all entitlement programs to eliminate any breech of the aggregate cap that had not been eliminated.

Section 10—Exempt programs and activities.—Provides a limited number of technical, non-policy exemptions from sequestration. Effectively eliminates all policy exemptions from sequestration under current PAYGO sequestration. (Taken from Panetta Balanced Budget Enforcement Act, H.R. 5676 in 102nd Congress)

Section 11—Sepcial sequestration rules.—Provides for the procedure for executing an across-the-board sequestration in all programs, with special guidelines for applying sequestration to unusual programs. These rules would be applied to both general and targeted sequesters. Provides that all sequestrations are permanent. (Taken from Panetta Balanced Budget Enforcement Act)

Section 12—Estimating assumptions, reports and orders.—CBO shall issue an estimate of the cap for the upcoming fiscal year and a sequestration preview report as part of the January Budget and Economic Outlook. The President's Budget shall include the adjusted caps as calculated by OMB and a sequestration preview report. The OMB report would be the official report for the purposes of ordering sequestration. OMB would be required to explain any difference between OMB and CBO estimates.

Ten days after the end of a session, CBO and OMB would be required to submit a final sequestration report. The OMB report would be the official report. OMB would be required to explain differences between the OMB and CBO reports.

On the day that OMB issues its final sequestration report, the President would be required to issue an order implementing the sequestration report without change.

Section 13—Current policy baseline.—Provides rules for determining current policy baseline for sequestration reports. (Taken from Panetta Balanced Budget Enforcement Act)

Section 14—Relationship to pay-as-you-go.—Provides that reductions in entitlements spending made to comply with the caps would not be entered on the PAYGO scorecard.

Section 15—Judicial review.—Provides for judicial review identical to the procedure established for Gramm-Rudman.

Section 16—Application.—Provides that the House rules changes enacted as part of the entitlement review process would not apply for 1995 and beyond.

Section 17—Effective dates.—Provides that the title will be effective for fiscal years 1995 and beyond.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 1994.

Hon. CHARLES W. STENHOLM,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN: At your request, the Congressional Budget Office has reviewed H.R. 4593, the Entitlement Control Act of 1994, introduced by you on June 16, 1994. That bill establishes a formula for setting limits on the aggregate level of direct spending (excluding net interest and deposit insurance) in each fiscal year, and provides a sequestration process to reduce spending to that level if legislation achieving the required reductions is not enacted.

H.R. 4593 requires the Director of the Office of Management and Budget (OMB) to issue a report within 30 days of enactment setting forth direct spending targets for fiscal years 1995 through 2000, calculated as provided in the bill. The target for 1995 is to equal projected baseline outlays for direct spending (excluding net interest and deposit insurance) in that year. The target for subsequent years must equal the 1995 target plus adjustments for (1) changes in the Consumer Price Index, (2) changes in the number of beneficiaries in programs affected by beneficiary levels, and (3) an additional growth allowance of 1 percent in 1996, 1997, and 1998. The targets are adjusted each year when the President's budget is submitted to reflect changes in inflation projections and estimates of beneficiaries. They are also adjusted to reflect newly enacted direct spending that is designated as an emergency or is offset by an increase or decrease in revenues under the pay-as-you-go procedures of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 4593 provides that, if OMB determines that baseline direct spending for the upcoming fiscal year will exceed the adjusted target, the President's budget must propose legislative changes to offset the excess through some combination of reductions in direct spending programs or an increase in the target. It also provides special procedures for Congressional consideration of such proposals and of legislation that would set limits on direct spending for each functional category of the budget, where the sum of the function targets is not greater than the aggregate target.

H.R. 4593 provides two alternative sequestration procedures intended to assure that direct spending does not exceed the targets if legislation to cut spending or increase the targets is not enacted. A "targeted sequestration" would apply if legislation establishing direct spending targets for each budget function has been enacted. For any function with projected direct spending in excess of the function target, the targeted sequestration would reduce each nonexempt direct spending program within that function by the uniform percentage required to reduce direct spending for the function to the target.

If function targets are not enacted, a "comprehensive sequestration" would apply. In that case, all nonexempt direct spending programs would be cut by the uniform percentage required to reduce total direct spending to the aggregate target. In either case, spending is not supposed to exceed the aggregate direct spending target.

CBO has calculated what the aggregate target would be for each year, 1995 through 1999, based on CBO's current baseline assumptions. In calculating the targets, CBO has assumed that the bill allows the implicit target for offsetting receipts (which represent negative outlays) to decline at the rate of inflation and the additional growth allowance, thereby increasing the aggregate target. The language currently included in H.R. 4593 could be interpreted instead to increase that target for offsetting receipts (thus lowering the aggregate target and requiring additional reductions from the baseline), but because the provision is ambiguous, we have assumed an interpretation consistent with your stated intent. No comparison is made for 2000 because CBO does not currently have a complete programmatic baseline for years after 1999 and, therefore, does not have assumptions about beneficiary levels that are needed to calculate a target for 2000. The table below compares the targets for 1995 through 1999 with CBO's baseline projections of direct spending, excluding net interest and deposit insurance expenditures.

[By fiscal year, in billions of dollars]

	1995	1996	1997	1998	1999
Target	770.2	820.5	872.5	925.1	971.8
Baseline	770.2	824.2	886.4	946.7	1,015.9
Target minus baseline	0	−3.7	−14.0	−21.6	−44.1

Enactment of H.R. 4593 would not directly affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further detail on this estimate, we will be pleased to provide them. The CBO staff contact is Jim Horney, who can be reached at 226-2880.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer,
Director).

Mr. DERRICK. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the committee ought to reject the Stenholm amendment for several reasons. First, the amendment proposes much more than the mere establishment of an entitlement-review procedure. In my opinion the Stenholm amendment proposes a train wreck. I do not know about your district, Mr. Chairman, but in my district a train wreck is definitely something we try to avoid, not cause.

The Stenholm amendment proposes to cap spending on virtually every entitlement except net interest and deposit insurance, for each fiscal year from now through the year 2000. The amendment would include Social Security under the caps along with Medicare, Medicaid, unemployment insurance, food stamps, veterans' benefits, Federal civilian and military retirement, supplemental security income, and farm subsidies, among others.

The caps would be established at levels based on 1995 spending, and would be adjusted upward each year for inflation, and up or down for beneficiary growth with an extra adjustment of 1 percent in 1996, 1997, and 1998 only. This formula for adjusting the caps virtually guarantees that entitlement spending will sooner or later exceed the caps, and I bet it would be sooner, rather than later. The proponent himself estimates that Congress would have to cut entitlement benefits by over $100 billion over the next 5 years to keep spending within the cap.

When the day arrives when entitlement spending exceeds the cap, the President will have to recommend Congress either cut benefits or raise the caps. If Congress did not pass legislation cutting benefits or raising the caps, automatic cuts would occur, permanently reducing the various entitlement benefits by whatever amounts were needed to eliminate the excess spending.

Mr. Chairman, we don't need the threat of a train wreck to prod a future Congress to deal with the root causes of the entitlement problem. Under the leadership of this President, this very Congress is working to solve the real problem driving Federal deficits, which is spending on the Federal health-care entitlements.

According to the Congressional Budget Office, over the next 10 years total spending for entitlements other than Medicare and Medicaid will not increase the projected deficit. We need to get health-care reform enacted this year, and if we can do that, much of our problem will have been solved. If we fail to enact health-care reform this year, the Stenholm amendment could actually make it harder to pass in the future.

Second, the Stenholm amendment would hamstring the reconciliation process in this context by restricting committees' prerogatives and policy choices for reducing spending. The amendment would require committees to reduce program totals within budget functions, rather than merely requiring them to achieve a total amount of budgetary savings as now required. It is difficult enough for committees to fashion reduction proposals that can pass Congress and be signed into law. To limit committees' range of options further in this or any other regard makes little sense.

Third, Mr. Chairman, by reviving a Gramm-Rudman-style threat of a train wreck, the Stenholm amendment would also likely revive the use of rosy economic assumptions, receipts speedups, outlay postponements, and all the other gimmicks developed and honed to perfection during the late 1980's. These kinds of gimmicks don't save any money, and they surely do not foster public respect for the integrity of the budget process.

Finally, a General Accounting Office report released this week questions the utility of entitlement caps enforced by sequestration as a device to reduce entitlement spending. According to the GAO, the characteristics that have made mandatory programs difficult to control would make sequestration difficult to administer. Moreover, because of how the various entitlement programs, work, one sequester would likely cause other sequesters, year after year since sequestration would not affect the underlying statutory eligibility criteria. GAO noted that these problems could be overcome by instead creating a mechanism to compare entitlement spending to targets and require a response if the targets are exceeded—in other words, the committee bill.

Mr. Chairman, if Members believe they want to cut entitlements in 1996 or 1997, then let's bring a bill to the floor to cut entitlements in 1996 or 1997. Let us not pass the buck to the 104th or 105th Congress to do it, and let us not create a cumbersome, inscrutable process deliberately and cleverly designed to try to force the 104th or 105th Congress to do it. We have been down that road with Gramm-Rudman, and it just does not work.

The committee bill will establish a procedure to monitor entitlement spending, and if it exceeds expectations then the President and Congress at that time can deal with it in whatever manner they see fit. Let's not try to confound them by defining their problems and limiting their solutions. All we will do by adopting the Stenholm amendment is frighten our Social Security beneficiaries, Federal military and civilian retirees, poor and hungry children, the unemployed, farmers, veterans, the poor elderly, and others, even including State and local governments, and for no good reason.

Mr. Chairman, I reserve the balance of my time.

☐ 1510

Mr. STENHOLM. Mr. Chairman, I am happy to yield 2 minutes to the gentlewoman from Pennsylvania [Ms. MARGOLIES-MEZVINSKY], one of the original and hardest working entitlement reformers in this Congress.

Ms. MARGOLIES-MEZVINSKY. Mr. Chairman, when we held our conference on the future of entitlements in Montgomery County last December, we began a dialog committed to taking an honest and serious look at our entitlement programs. We began this dialogue in the name of our children's future and to protect senior citizens.

This debate will secure the vitality of these programs, which have saved millions of Americans from poverty and helped to preserve their dignity. These very programs define our great Nation, a Nation that cares about its elderly and cares about those who have been left behind.

There were many in December who did not want us to begin this conversation, those who see danger when we move our Nation from what is politically popular to what is fiscally responsible and fundamentally right. Every day in the news, as new facts and reports reveal to us the reality of the situation, we realize we cannot wait and we must act now.

This is one major step in a long journey toward that goal. I ask my colleagues to support the Stenholm-Penny substitute. This plan achieves real deficit reduction in a reasonable and responsible fashion.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I rise in opposition to the Stenholm substitute to H.R. 4604. One of the main reasons is the Stenholm substitute will actually use sequestration if its targets are not met to enforce its entitlement caps.

When you use sequestration, which is really across-the-board cuts, that includes every program. There would be no entitlement program that would remain untouched, including Social Security, where in my district of northern Michigan, we have 130,000 beneficiaries under Social Security. For many of those people, 90 percent of their retirement income comes from Social Security, and further cuts or caps would be devastating for these individuals.

Further, I believe the Stenholm amendment or substitute would also limit our options. If I read the Stenholm amendment correctly, it appears that it would prohibit Congress from exercising its constitutional authority necessary to raise revenue or to actually get into discretionary spending cuts to offset any part of any excess entitlement spending.

Therefore, I believe that the Stenholm substitute would be not a responsible way to address entitlement caps. Later this afternoon we are going to have an opportunity to talk about H.R. 4604, but with the Spratt-Stupak substitute, which brings in some caps, but gives us the Congress the legislative authority and discretion to look at raising revenue, raising entitlement caps, or to cut spending in discretionary programs.

Mr. Chairman, I think if we look at the basis of some of the Stenholm substitute, enforcement relies entirely on projections of spending during a 5-year cycle. We all know what has happened when we have used projections before in spending cycles. Remember the Gramm-Rudman-Hollings. We used and projected into the future, which led to very rosy scenarios. When it came right down to it, they were not fulfilled and it left us with a greater budget deficit than what we had before.

Since our hands are more or less tied under Stenholm because it is based upon projections, some $150 billion over the next 5 years, I believe that true cutting of discretionary spending would not be achieved under Stenholm. Therefore, I urge my colleagues to vote no on the Stenholm substitute.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am amazed that we got 194 votes for the Kasich, McMillan, and Kolbe bill, but I said at the outset that I was also going to support the Stenholm amendment, because I think there are a lot of things in common here that really get at the heart of the problem that we are facing.

I actually introduced a bill very similar to this a year ago. It is probably a little stronger than either of the ones introduced or discussed here today, because it is a little stronger on caps, but it has the same enforcement mechanism.

I think that is the key, getting an early budget resolution, with the President in accord. But the important thing is that once we have adopted a budget resolution, we force reconciliation to the authorizing committees. And that is where the whole system is breaking down on mandatory or entitlement programs. We are passing legislation in the authorizing committees that provide for spending under the label "such sums as necessary."

That is an open-ended ticket to spend more money, and that is where we have got to get discipline into this process.

There are two things that Stenholm has been criticized for that I would like to address very briefly. One is that it does not exclude Social Security. I think the fact that it has within it a cap that includes COLA's plus 1 percent in effect renders that question moot. So those who are afraid of this because of Social Security should not be particularly concerned about that.

The other is this, and that is on the question of taxes. There is no way that we can exclude taxes from anything in this Congress. As soon as the gavel orders us into session, this place has the power to tax. I am against taxes, and I think the gentleman from Texas [Mr. STENHOLM] is against taxes. What we are trying to do here is to get control of spending so in fact we will not have to raise taxes. We need to get our priorities straight, and I think this is one among several things that is very constructive in that respect.

So I would urge my colleagues on both sides to again show support for this concept and support the Stenholm amendment.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCCO], an original cosponsor of the Stenholm-Penny-Orton-Deal-LaRocco amendment.

Mr. LAROCCO. Mr. Chairman, I thank the gentleman for yielding and for his leadership on this key issue.

Mr. Chairman, what are we doing here? We are trying to keep the deficit reduction budget process bandwagon rolling. This is another critical piece of the ongoing effort to reduce the deficit.

The folks back home in Idaho tell me that controlling the Federal spending and cutting the deficit is critical for the future economic health of our Nation, and I agree with my constituents.

Entitlements are the fastest growing portion of the Federal budget. We cannot address this problem without making some tough choices. In the past, Congress has avoided these tough choices by simply passing them on to future generations. In the 1980's, deficits exploded, the debt tripled, and we were promising everything to everyone. For the future of our children, this has to stop.

What is this substitute all about? It is an honest, straightforward proposal to get control of what we all recognize as the fastest growing portion of the Federal budget, entitlements. It takes entitlement spending off automatic pilot. It will force Congress to set its own entitlement spending priorities and make the tough choices.

The budget caps on the discretionary side of the budget have worked. If you do not think they have and that they are not real, then ask a member of the Committee on Appropriations. They will tell you.

When I tell people back in Idaho that we have frozen the discretionary part of the budget, they say that is good work, Congress, but you have got to do more. You have got to keep going. You have got to get the real problem, and that is entitlements.

This substitute amendment that we are debating right now and that I think we should pass adopts this very same approach as the discretionary side. It sets numerical caps.

Uncontrolled growth in entitlements spending represents the single largest threat to our economic health and the fiscal future of this Nation. It will be our children and grandchildren who will curse us if we do not address this problem.

If you support strong enforceable limits on spending, then I think there is only one choice. Do you think we should have a balanced budget? Do you want to cut spending? Do you want to cut the deficit? Do you want the Federal Government to meet its obligations in the present and in the future? If you do, vote for the Stenholm-Orton-Penny-Deal-LaRocco amendment.

Mr. Chairman, for the record I offer the following letter from the gentleman from Texas [Mr. STENHOLM].

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 21, 1994.

STENHOLM AMENDMENT PROVIDES
ENFORCEABLE SPENDING RESTRAINT

DEAR COLLEAGUE: The General Accounting Office released a study yesterday that was portrayed as critical of my entitlement cap amendment. After reviewing the report, I found that all of the criticisms did not apply to my amendment or missed the point about the reason for enacting an entitlement cap. The report makes four criticisms, none of which apply to my amendment:

1. It would be difficult to implement a sequester. While any effort to sequester entitlement programs is difficult, my amendment improves upon the existing PAYGO sequester for entitlement spending by drawing from the sequestration mechanism developed by former Budget Committee Chairman Leon Panetta. This sequestration formula broadens the base of sequestration by eliminating all of the exemptions in the PAYGO sequester and establishes specific guidelines for implementing a sequester.

2. It will be difficult to estimate the size of the breach. GAO notes that changing projections could make it difficult to know how much entitlement spending has to be reduced under some entitlement cap proposals. My amendment addresses that concern by providing that any sequestration will be based on the same assumptions used in the President's budget. In other words, the amount of a breach will be identified in the President's budget, and the rules of the game will not change again that year.

3. Sequestration may not reduce the base from which entitlement programs grow. GAO criticized entitlement cap proposals which provided for one-year sequesters for leaving an even greater problem in the subsequent year when entitlement spending bounces back to the higher, pre-sequester level. My amendment addresses that concern by providing that all sequesters are permanent.

4. An entitlement cap is not a substitute for making reforms to address the underlying reasons for growth in entitlement programs. I completely agree with this point, but do not believe that it is a reason not to establish an entitlement cap. A cap will provide a hammer to force us to address the underlying causes of growth. As GAO stressed, a sequester would be painful and unpleasant for all entitlement programs. Congress, Presidents and affected groups would all have a powerful incentive to work together to make the policy changes necessary to reduce the underlying growth in entitlement programs in order to avoid the threat of sequestration.

An entitlement cap is an admittedly crude device to control entitlement spending. Unfortunately, nothing else will force Congress to confront the growth of these programs. Vote for the Stenholm amendment to limit the growth of entitlement spending.

Sincerely,

CHARLES W. STENHOLM.

The CHAIRMAN. The Chair would advise Members that the gentleman from Texas [Mr. STENHOLM] has 8½ minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 11½ minutes remaining.

□ 1520

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the previous speaker, my good friend from Idaho, just said that if we want protection against uncontrolled entitlement spending, vote for Stenholm. And it will take us in that direction, but so will the base bill.

The proof of the pudding is simply to look in the report that was issued with this bill and look at the mandatory target report that was filed by the President this year. Members will see that entitlement spending is not uncontrolled at this point in time. Fortunately, it is coming down. It is $25 billion below the baseline for 1994 and predicted to be $24.9 billion below the baseline for 1995.

What we will do with the base bill, if it becomes law, is require a reformulation of the baseline to take into account current economic conditions and the current fiscal situation for entitlement spending per the latest projection. So we will reformulate it and we will codify a baseline that is potentially $70 billion below where we set out, because that is what we are tracking right now, a lower path of spending on entitlement programs with mandatory direct spending programs as a result of restraints that we are putting into law and improvements in the economy.

The base bill will do this. It will give us further controls and it will work. The Stenholm bill would take us even further. It would require us to notch down another, he says, $83.4 billion; according to the Congressional Budget Office, another $83 billion in entitlement spending reduction over the next 5 years. So our bill will take it down also; his bill will take us down even further.

The gentleman from Texas [Mr. STENHOLM] says we can go further, $83.4 billion lower in total entitlement spending and still have room to accommodate health care reform, still have room to make cuts in Medicare and cuts in Medicaid, because almost all of the reform proposals on both sides of the aisle from all of the committees involved to some extent self-financing, self-funding, internal funding through savings to be generated from Medicare, Medicaid, CHAMPUS, and the Federal health care entitlements. But it will be much, much more difficult if we are trying to squeeze $83 billion out in order to stay under this new cap, to squeeze even more out in order to siphon funds from these programs into the health care reform programs.

The gentleman from Texas [Mr. STENHOLM] also proposes or resurrects an idea that at one time seemed to be the salvation of the budget situation. That is the idea of sequestration.

As I said earlier, it is a notable idea, but it has proved so far to be illusory. It has only worked once on March 1, 1986. And whether it will work again is questionable indeed.

Basically, I think when we telescope the inevitable and ask what is going to happen if Stenholm passes or if Spratt-Stupak passes, we will probably have about the same thing. We are going to have to come to the floor and be accountable for entitlement spending.

If we have an overage, in both cases, if we have an overage, we will have to come here early in the budget process and deal with entitlements up front and we will have to be recorded and accountable for whatever we decide to do. If we wish to punt and avoid the problem, there will be a recorded vote to that effect. If we wish to deal with the problem, there will be a recorded vote to that effect.

Whether we have sequestration or have simply accountability in the budget process, the net result will be the same. We are not going to have across-the-board cuts. We will have some alternative to it, and the net result will be the same.

One other problem that I have with the Stenholm proposal is that it precludes the use of taxes, offsetting receipts, user fees, and other things. As I pointed out earlier in the debate, if we were to issue reconciliation instructions with respect to Medicare to the Ways and Means Committee, they could not go to part B and raise the premium as partial performance on the reconciliation requirements. They could not go to tax expenditures.

The gentleman from Texas [Mr. STENHOLM] supported a line-item veto which included tax expenditures but they would be precluded from using tax expenditures confined solely to spending cuts.

For all these reasons, I think what we have before us is workable and flexible and is a better proposal than this particular proposal.

Mr. STENHOLM. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. ORTON], another original cosponsor of the Stenholm-Penny-Orton-Deal-LaRocco amendment.

Mr. ORTON. Mr. Chairman, I thank all of my colleagues.

I would like to express my respect and thanks to the gentleman from South Carolina [Mr. SPRATT], who has worked long and hard on these issues; the gentleman from Texas [Mr. STENHOLM] and the gentleman from Ohio [Mr. KASICH], all of whom share the goal which I share, and that is to reduce deficit spending.

The way to do that is by placing a cap on entitlement spending.

These debates on this amendment versus that amendment really have to do with how we set that cap and how we enforce that cap. I hope that we can adopt the strongest mechanism that will help us set the strongest cap and the strongest enforcement mechanism so we have the greatest chance of achieving that goal.

In doing so, I would like to explain to my colleagues on both sides of the aisle, particularly those who just supported the Kasich amendment, why I believe they should be supporting this amendment as well as other Members of the House.

As we compare the Stenholm and Kasich amendments, the Kasich amendment would have set caps on entitlement by the committees year by year. Those caps could go up or down. There is no guaranteed savings, no guarantee that we actually would get to savings.

Under the Stenholm approach, however, caps are set by a formula. That formula takes the CPI plus growth in the number of beneficiaries, plus a 1-percent growth rate. We know that over the next 5 years we are going to save over $100 billion in entitlement spending under this formula. So that is a stronger approach.

Under Kasich, the caps are program by program. But under Stenholm also they would be program by program. They could be under section 7, the spinoff legislation, which deals with these things function by function. So we still get the strength of the Kasich but, in addition, we would have a forced vote by this body, if there is a desire, rather than cutting spending, increasing the cap, we would have to vote in this body to increase the cap.

Next when we get to sequestration, Kasich again would go function by function, which I think is a good idea. But under the Stenholm proposal, we also would have function-by-function reduction through reconciliation. If in fact we choose not to reconcile but to increase the caps, we have to have a vote on increasing the caps. If we cannot reconcile, if we cannot increase the caps, then and only then comes this last ditch attempt to really bring down spending. And that is the sequestration, which is the only safeguard in any of these, which I believe finally comes in if we fail to act.

Finally, in closing, there are a couple of points that I think in the Kasich proposal made it weak, the removal of revenue as an option to consider. Unfortunately, in the Stenholm proposal revenue is also removed, and that is an area that I personally would change. In the Kasich approach, it exempts Social Security, and this does not exempt anything.

Just in closing, I think we cannot ignore any portion of the budget. We are spending Federal dollars. We have to budget those dollars and budget the revenue.

In the Spratt approach I think there are a couple of strengths in that he has a real look-back provision that considers actual receipts of the previous year. That ought to be adopted. And also I think, however, there are weaknesses in that there is no sequestration, there is no specific formula for the caps, and it also exempts portions of the budget. I think once we start exempting those portions of the budget, then we will see, well, let us exempt veterans, how can we possibly not exempt Federal retirement? If we are exempting those, how can we not exempt Medicare, Medicaid. Well, if we exempt Social Security, Medicare, Medicaid, Federal retirement, veterans benefits, what else is there? We can eliminate all the rest of entitlements and we are not going to balance the budget.

So I would just urge my colleagues to adopt the strongest mechanism we have before us, the Stenholm amendment.

□ 1530

Mr. STENHOLM. Mr. Chairman, I would ask how much time I have remaining.

Mr. CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has 4½ minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 7½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this minute to respond to a couple of statements my colleagues from South Carolina have made. My colleague, the gentleman from South Carolina [Mr. SPRATT], is correct when he says that the sequestration under Gramm-Rudman has not worked. That is a very fair and accurate statement. That is why our amendment changes and improves on these procedures in three fundamental ways: We do not take anything off of the table, we include entitlements, not just discretionary spending, and we do not allow for any rosy scenarios.

The GAO has stated that our amendment, with the manner in which the first OMB reports, and then it has to be reconciled with CBO, that the chances of rosy scenario have been much reduced under our amendment.

The other thing that I would respond to to the gentleman from South Carolina [Mr. DERRICK] concerns the train wreck that my amendment would cause. I have to smile at that. Over the 5 years of our amendment we will spend $4.8 trillion. Under my amendment we will be forced to reduce that $4.8 trillion by 1.7 percent. If that is a train wreck, we have got different styles of train wrecks in Texas from South Carolina.

Mr. Chairman, I yield the remainder of my time to the gentleman from Minnesota [Mr. PENNY], another original cosponsor of the Penny-LaRocco-Orton-Stenholm amendment.

The CHAIRMAN. The gentleman from Minnesota [Mr. PENNY] is recognized for 3½ minutes.

Mr. PENNY. Mr. Chairman, a member of the first Congress, John Randolph of Virginia, once said, in observing the operations of the Congress of which he was a part, "We know our duty better than we discharge it." I do not think there is a comment that better describes our behavior here in the U.S. Congress.

Mr. Chairman, we all know that tough choices have to be made to rein in red ink, but we always find a way to dodge that bullet. We blame the appropriators, we blame the authorizers. We talk about entitlement spending, but when we put budget enforcement up for a vote, we exempt one program and then another, pretending that popular programs do not have to be part of the solution to our deficit problem.

Mr. Chairman, we all know our duty better than we discharge it. We have some unfinished business here. On my side of the aisle there is a lot of self-congratulation going on because of the economic plan which we approved a year ago. That plan does represent $500 billion worth of deficit reduction over a 5-year period, perhaps better, based on recent assessments of the budget and based on a continuing improvement in the economy.

However, when we passed that plan we knew it was not enough. We knew it was only a first step. Now we have to take the next step. The easy stuff, frankly, is behind us.

Last year's budget represented tax increases on the wealthy. Nothing terribly tough about that. And it included significant Pentagon spending cuts. Again, take a poll of the American public, and you will not find those cuts to be particularly troublesome as a budget choice, either.

The tough stuff lies ahead, Mr. Chairman. It includes entitlement spending. Better than half of our Federal budget is tied up in one entitlement program or another: Retirement programs, health care programs, and, yes, some of these are programs for the vulnerable among us.

When we tried to take an extra step last November with the Penny-Kasich budget reductions, half of our cuts were in the entitlement area, reflecting the reality that half of the spending in the Federal budget is in the entitlement area. But that plan was defeated on a close vote, in part because many Members said, "We do not want to take these health care related entitlement cuts now. Reserve them for health care reform."

We are on the eve of a health care reform vote now, and none of the committees in the House of Representatives had delivered to the Congress a health care reform package that takes one dime out of those health care programs. As you look at these plans, there is a no means testing of Medicare, there is no copayment on health care services. None of the cuts that we were told would be part of health care reform are in these plans.

In fact, in the first several years we need to raise taxes in order to pay for these health care reform plans. In its current form, there is no deficit reduction to be found in health care reform.

If Members are concerned about that, wait until they see the welfare reform plan. That costs more than the current welfare system. So, where are we going to get the savings out of our entitlement programs if we continue to follow businesses as usual? The savings are not there. Caps are the only way to force us to make the tough choices.

Mr. Chairman, speaker after speaker in the last several weeks has proven that point, because we have talked about our cuts in discretionary programs resulting from the caps that are in place. The only plan before us today that places a cap on entitlement spending and forces us to make cuts in the entitlement area is the Stenholm plan. I urge its adoption.

Mr. DERRICK. Mr. Chairman, I have one speaker remaining, and I reserve the right to close.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] has the right to close debate.

The gentleman from Texas [Mr. STENHOLM] has no time remaining.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment. First let me commend the gentleman from Texas [Mr. STENHOLM] for his amendment, and also say I know he is someone who would make the specific voting cuts to get his number, because I find many Members are great in the generalities and are never there when it comes to the specifics, and I know the gentleman from Texas [Mr. STENHOLM] would do that. I do not share that optimism about all his supporters.

Mr. Chairman, let me give a few reasons why I think there are real problems with the Stenholm proposal. There are always problems when we simply want to turn Government over to a formula for a number of years in the future. There are variations in entitlement programs to not necessarily reflect the type of formula that the gentleman from Texas [Mr. STENHOLM] is using. If one looks at agriculture programs, the variation in cost is likely to be governed by the weather, not by CPI or participants or a variety of other factors, but either weather or maybe imports will impact what the cost of that program is as deficiency payments go up and down with the cost of products.

There are other programs where the costs vary from year to year based on the calendar, because if a payment comes on Saturday, in some years we will make 11 payments and in other years we will make 13, and all those kinds of variations exist as we try and take a very complex system and make it fit a formula. However, I expect those kinds of things could even be worked out.

My fundamental problem, Mr. Chairman, with this proposal which would reduce entitlements by $150 billion over 5 years, $83 billion over 4 years, is they fundamentally have to come from health care. As we look to the future of whether growth is above CPI, above case load, it is fundamentally in health care.

Mr. Chairman, we are in effect prejudging the health care debate that hopefully will occur within the next 2 or 3 years, where this Congress faces some fundamental choices: Do we take some savings from health care, and all the proposals do, whether it is those that are to be merged from the various committees in the House or Senate, or the Chafee plan or the Dole plan, or I think the plan of the gentleman from Tennessee [Mr. COOPER], and I expect some other plans, all of them take savings from the existing health care programs to provide additional access to health care, whether it is universal or a partial expansion of coverage, particularly for those of us who are supporting universal coverage.

Fundamental to that belief is the belief that if we are going to control long-term health care costs, we need a system with everyone in it; that there are mechanisms, some of those supported by my friend, the gentleman from Texas, which might reduce health care costs somewhat in the short term but in the long term would not produce the fundamental savings we need, because in the long term we need to have much more comprehensive coverage of people in this health care system or the costs keep escalating, or when we make these savings we simply transfer costs from the public to the private sector, or we simply do not reduce costs of the plan but we simply switch costs from the public to the beneficiary sector.

Mr. Chairman, we are in effect prejudging what should be a very fundamental debate on health care in the next few weeks by passing this amendment today.

□ 1540

There are technical problems, but more importantly it would again prejudge the very important debate that we are going to have on health care and how we control the most fundamental entitlement cost that is growing faster than inflation in our program.

Mr. Chairman, I urge a no vote at this point.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 37, noes 392, not voting 10, as follows:

[Roll No. 344]

AYES—37

Andrews (NJ)
Bacchus (FL)
Barton
Bateman
Browder
Cardin

Deal
Dooley
Geren
Grandy
Hansen
Hutto
Inglis
Johnson (CT)
Johnson (GA)
Lambert
LaRocco
Lloyd
Long
Margolies-Mezvinsky
McHale
McMillan
Meehan
Minge
Montgomery
Orton
Parker
Penny
Pickle
Sangmeister
Schaefer
Shays
Skaggs
Stenholm
Torricelli
Valentine
Visclosky

NOES—392

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hyde
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lancaster
Lantos
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Traficant
Unsoeld
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Carr
Faleomavaega (AS)
Ford (MI)
Gallo
Huffington
Ros-Lehtinen
Thomas (CA)
Tucker
Underwood (GU)
Washington

□ 1559

Messrs. SMITH of Iowa, DE LA GARZA, ALLARD, McINNIS, HORN, PACKARD, SMITH of Michigan, and PAYNE of Virginia changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 103–614.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Budget Control Act of 1994".

(b) PURPOSE.—The purpose of this Act is to create a mechanism to monitor total costs of direct spending programs, and, in the event that actual or projected costs exceed targeted levels, to require the President and Congress to address adjustments in direct spending.

SEC. 2. ESTABLISHMENT OF DIRECT SPENDING TARGETS.

(a) IN GENERAL.—The initial direct spending targets for each of fiscal years 1994 through 1997 shall equal total outlays for all direct spending except net interest and deposit insurance as determined by the Director of the Office of Management and Budget (hereinafter referred to in this Act as the "Director") under subsection (b).

(b) INITIAL REPORT BY DIRECTOR.—

(1) Not later than 30 days after the date of enactment of this Act, the Director shall submit a report to Congress setting forth projected direct spending targets for each of fiscal years 1994 through 1997.

(2) The Director's projections shall be based on legislation enacted as of 5 days before the report is submitted under paragraph (1). To the extent feasible, the Director shall use the same economic and technical assumptions used in preparing the concurrent resolution on the budget for fiscal year 1994 (H. Con. Res. 64, One Hundred Third Congress).

(c) ADJUSTMENTS.—Direct spending targets shall be subsequently adjusted by the Director under section 6.

SEC. 3. ANNUAL REVIEW OF DIRECT SPENDING AND RECEIPTS BY PRESIDENT.

As part of each budget submitted under section 1105(a) of title 31, United States Code, the President shall provide an annual review of direct spending and receipts, which shall include (1) information supporting the adjustment of direct spending targets pursuant to section 6, (2) information on total outlays for programs covered by the direct spending targets, including actual outlays for the prior fiscal year and projected outlays for the current fiscal year and the 5 succeeding fiscal years, and (3) information on the major categories of Federal receipts, including a comparison between the levels of those receipts and the levels projected as of the date of enactment of this Act.

SEC. 4. SPECIAL DIRECT SPENDING MESSAGE BY PRESIDENT.

(a) TRIGGER.—In the event that the information submitted by the President under section 3 indicates —

(1) that actual outlays for direct spending in the prior fiscal year exceeded the applicable direct spending target, or

(2) that outlays for direct spending for the current or budget year are projected to exceed the applicable direct spending targets,

the President shall include in his budget a special direct spending message meeting the requirements of subsection (b).

(b) CONTENTS.—(1) The special direct spending message shall include:

(A) An explanation of any adjustments to the direct spending targets pursuant to section 6.

(B) An analysis of the variance in direct spending over the adjusted direct spending targets.

(C) The President's recommendations for addressing the direct spending overages, if any, in the prior, current, or budget year.

(2) The President's recommendations may consist of any of the following:

(A) Proposed legislative changes to reduce outlays, increase revenues, or both, in order to recoup or eliminate the overage for the prior, current, and budget years in the current year, the budget year, and the 4 outyears.

(B) Proposed legislative changes to reduce outlays, increase revenues, or both, in order to recoup or eliminate part of the overage for the prior, current, and budget year in the current year, the budget year, and the 4 outyears, accompanied by a finding by the President that, because of economic conditions or for other specified reasons, only some of the overage should be recouped or eliminated by outlay reductions or revenue increases, or both.

(C) A proposal to make no legislative changes to recoup or eliminate any overage, accompanied by a finding by the President that, because of economic conditions or for other specified reasons, no legislative changes are warranted.

(3) Except as provided by paragraph (4), any proposed legislative change under paragraph (2) to reduce outlays may include reductions in direct spending or in the discretionary spending limits under section 601 of the Congressional Budget Act of 1974.

(4) The President's recommendations may not consist of any proposed legislative changes to reduce benefits under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

(c) PROPOSED SPECIAL DIRECT SPENDING RESOLUTION.—

(1) PRESIDENT'S RECOMMENDATIONS TO BE SUBMITTED AS DRAFT RESOLUTION.—If the President recommends reductions consistent with subsection (b)(2)(A) or (B), the special direct spending message shall include the text of a special direct spending resolution implementing the President's recommendations through reconciliation directives instructing the appropriate committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays or increase revenues by specified amounts. If the President recommends no reductions pursuant to (b)(2)(C), the special direct spending message shall include the text of a special resolution concurring in the President's recommendation of no legislative action.

(2) RESOLUTION TO BE INTRODUCED IN HOUSE.—Within 10 days after the President's special direct spending message is submitted, the text required by paragraph (1) shall be introduced as a concurrent resolution in the House of Representatives by the chairman of the Committee on the Budget of the House of Representatives without substantive revision. If the chairman fails to do so, after the tenth day the resolution may be introduced by any Member of the House of Representatives. A concurrent resolution introduced under this paragraph shall be referred to the Committee on the Budget.

SEC. 5. REQUIRED RESPONSE BY CONGRESS.

(a) REQUIREMENT FOR SPECIAL DIRECT SPENDING RESOLUTION.—Whenever the President submits a special direct spending message under section 4, the Committee on the Budget of the House of Representatives shall report, not later than April 15, the concurrent resolution on the budget and include in it a separate title that meets the requirements of subsections (b) and (c).

(b) CONTENTS OF SEPARATE TITLE.—The separate title of the concurrent resolution on the budget shall contain reconciliation directives to the appropriate committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays or increase revenues by specified amounts (which in total equal or exceed the reductions recommended by the President, up to the amount of the overage). If this separate title recommends that no legislative changes be made to recoup or eliminate an overage, then a statement to that effect shall be set forth in that title.

(c) REQUIREMENT FOR SEPARATE VOTE TO INCREASE TARGETS.—If the separate title of a concurrent resolution on the budget proposes to recoup or eliminate less than the entire overage for the prior, current, and budget years, then the Committee on the Budget of the House of Representatives shall report a resolution directing the Committee on Government Operations to report legislation increasing the direct spending targets for each applicable year by the full amount of the overage not recouped or eliminated. It shall not be in order in the House of Representatives to consider that concurrent resolution on the budget until the House of Representatives has agreed to the resolution directing the increase in direct spending targets.

(d) CONFERENCE REPORTS MUST FULLY ADDRESS OVERAGE.—It shall not be in order in the House of Representatives to consider a conference report on a concurrent resolution on the budget unless that conference report fully addresses the entirety of any overage contained in the applicable report of the President under section 4 through reconciliation directives requiring spending reductions, revenue increases, or changes in the direct spending targets.

(e) PROCEDURE IF HOUSE BUDGET COMMITTEE FAILS TO REPORT REQUIRED RESOLUTION.—

(1) AUTOMATIC DISCHARGE OF HOUSE BUDGET COMMITTEE.—If a special direct spending resolution is required and the Committee on the Budget of the House of Representatives fails to report a resolution meeting the requirements of subsections (b) and (c) by April 15, then the committee shall be automatically discharged from further consideration of the concurrent resolution reflecting the President's recommendations introduced pursuant to section 4(c)(2) and the concurrent resolution shall be placed on the appropriate calendar.

(2) CONSIDERATION BY HOUSE.—Ten days after the Committee on the Budget of the House of Representatives has been discharged under paragraph (1), any Member may move that the House proceed to consider the resolution. Such motion shall be highly privileged and not debatable.

(f) APPLICATION OF CONGRESSIONAL BUDGET ACT.—To the extent that they are relevant and not inconsistent with this Act, the provisions of title III of the Congressional Budget Act of 1974 shall apply in the House of Representatives and the Senate to special direct spending resolutions, resolutions increasing targets under subsection (c), and reconciliation legislation reported pursuant to directives contained in those resolutions.

(g) LIMITATION ON CHANGES TO THE SOCIAL SECURITY ACT.—Notwithstanding any other provision of law, it shall not be in order in the Senate or the House of Representatives to consider any reconciliation bill reported pursuant to a concurrent resolution on the budget agreed to under section 301 or 304 or reconciliation legislation reported pursuant to directives contained in any special direct spending resolution, or any amendment thereto or conference report thereon, that contains recommendations to reduce benefits under the old-age, survivors, and disability insurance program established under title II of the Social Security Act.

SEC. 6. ADJUSTMENTS TO DIRECT SPENDING TARGETS.

(a) REQUIRED ANNUAL ADJUSTMENTS.—Prior to the submission of the President's budget for each of fiscal years 1994 through 1997, the Director shall adjust the direct spending targets in accordance with this section. Any such adjustments shall be reflected in the targets used in the President's report under section 3 and message (if any) under section 4.

(b) ADJUSTMENT FOR INCREASES IN BENEFICIARIES.—(1) The Director shall adjust the direct spending targets for increases (if any) in actual or projected numbers of beneficiaries under direct spending programs for which the number of beneficiaries is a variable in determining costs.

(2) The adjustment shall be made by—

(A) computing, for each program under paragraph (1), the percentage change between (i) the annual average number of beneficiaries under that program (including actual numbers of beneficiaries for the prior fiscal year and projections for the budget and subsequent fiscal years) to be used in the President's budget with which the adjustments will be submitted, and (ii) the annual average number of beneficiaries used in the adjustments made by the Director in the previous year (or, in the case of adjustments made in 1994, the annual average number of beneficiaries used in the Director's initial report under section 2(b));

(B) applying the percentages computed under subparagraph (A) to the projected levels of outlays for each program consistent with the direct spending targets in effect immediately prior to the adjustment; and

(C) adding the results of the calculations required by subparagraph (B) to the direct spending targets in effect immediately prior to the adjustment.

(3) No adjustment shall be made for any program for a fiscal year in which the percentage increase computed under paragraph (2)(A) is less than or equal to zero.

(c) ADJUSTMENTS FOR REVENUE LEGISLATION.—(1) The Director shall adjust the targets as follows—

(A) they shall be increased by the amount of any increase in receipts; or

(B) they shall be decreased by the amount of any decrease in receipts,

resulting from receipts legislation enacted after the date of enactment of this Act, except legislation enacted under section 5.

(d) ADJUSTMENTS TO REFLECT CONGRESSIONAL DECISIONS.—Upon enactment of a reconciliation bill pursuant to instructions under section 5, the Director shall adjust direct spending targets for the current year, the budget year, and each outyear through 1997 by—

(1) increasing the target for the current year and the budget year by the amount stated for that year in that reconciliation bill (but if a separate vote was required by section 5(c), only if that vote has occurred); and

(2) decreasing the target for the current, budget, and outyears through 1997 by the amount of reductions in direct spending enacted in that reconciliation bill.

(e) DESIGNATED EMERGENCIES.—The Director shall adjust the targets to reflect the costs of legislation that is designated as an emergency by Congress and the President under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 7. RELATIONSHIP TO BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT.

Reductions in outlays or increases in receipts resulting from legislation reported pursuant to section 5 shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 8. ESTIMATING MARGIN.

For any fiscal year for which the overage is less than one-half of 1 percent of the direct spending target for that year, the procedures set forth in sections 4 and 5 shall not apply.

SEC. 9. CONSIDERATION OF APPROPRIATION BILLS.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives to consider any general appropriation bill if the President has submitted a direct spending message under section 4 until Congress has adopted a concurrent resolution on the budget for the budget year that meets the requirements of section 5.

(b) WAIVER.—The point of order established by subsection (a) may only be waived for all general appropriation bills for that budget year through the adoption of one resolution waiving that point of order.

SEC. 10. MEANS-TESTED PROGRAMS.

In making recommendations under sections 4 and 5, the President and the Congress should seriously consider all other alternatives before proposing reductions in means-tested programs.

SEC. 11. EFFECTIVE DATE.

This Act shall apply to direct spending targets for fiscal years 1994 through 1997 and shall expire at the end of fiscal year 1997.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, for the benefit of the Members, I am trying to ascertain under the rule, this amendment that is being called up now, and as I understand it, this amendment is identical to the basic text of the bill.

The CHAIRMAN. That is the understanding of the Chair.

Mr. SOLOMON. And since the Kasich amendment was defeated and the Stenholm amendment was defeated, then there is no need to have this amendment called up and voted on since it is identical to what is already there, and it would be an act of duplication.

The CHAIRMAN. The amendment is in order under the rule, and the Chair would not offer comment on the gentleman's remarks.

Mr. SOLOMON. I hope the gentleman is not going to take up the time of the House to debate an amendment that is already there, because we would object to him withdrawing it if he attempted to.

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Pursuant to the rule, the gentleman from Michigan [Mr. STUPAK] will be recognized for 20 minutes, and the gentleman from Florida [Mr. GOSS] will be recognized for 20 minutes.

The Chairman recognizes the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. STUPAK. Mr. Chairman, I am pleased to join with my friend, the gentleman from South Carolina [Mr. SPRATT], to offer this Spratt-Stupak substitute. This substitute is a concept that this House previously debated and endorsed during the budget debate of 1993.

Although the vote may have been close back then, no one can deny the favorable reaction of the bond and stock markets to our tough but fiscally responsible vote.

Unfortunately the elements of the Executive order in the budget bill were knocked out in the Senate version of the budget deficit reduction package under the Byrd rule. Therefore, it is necessary that we, the House, once again bring back fiscal responsibility, fiscal control, to the budget process.

The Spratt-Stupak substitute will place budgetary growth caps on entitlement programs. Our substitute provides that growth in entitlement spending cannot exceed the target amount by one-half percent. Therefore, if the entitlement growth exceeds the target by one-half percent, then the President must make a recommendation to the Congress, and the Congress, under our substitute, has three options. We can cut spending including discretionary spending, we can raise revenue, or we can vote to increase the entitlement cap.

The Spratt-Stupak substitute will make each entitlement program subject to the entitlement cap except one program, and that program being Social Security benefits that provides old age, survivor, and disability benefits.

Under our substitute, we exempt Social Security, so let us make no mistake about it, that Social Security dependents, senior citizens, depend on their Social Security. In 1993, there were 42.2 million Social Security beneficiaries.

In my district alone in northern Michigan, there were 130,000 recipients. About 25 percent of all Social Security recipients rely on Social Security for at least 90 percent of their retirement income. For 60 percent of our older Americans, Social Security comprises at least one-half of their retirement income.

Social Security has significantly reduced the poverty rate for older Americans. Before Social Security, older Americans were the largest segment of our Nation's poor. Without Social Security, 8.4 million seniors would be pushed below the poverty line, and many more would be near the poverty line.

Social Security is different from the other entitlement programs that we seek to cap today. Social Security is not only a commitment to older Americans but a social compact at the core of our social insurance system. It is a long-term compact between every American citizen and the U.S. Government.

Every working American pays into the Social Security tax that contributes to the system. They have the right to expect that their investment will be there when they retire.

Congress must not threaten this compact with the American citizens in order to meet short-term budget requirements. Social Security is not an entitlement but, rather, it is an earned benefit; people work and pay into it with the promise that they will receive money back when they retire. We cannot, and we should not, renege on this promise. People plan their lives around Social Security and expect it to be there when they retire. They do not expect short-term budget hits or Washington budget games to tamper with Social Security. Social Security is a long-term program, and we need a long-term, phased-in solution to some of the problems that we do face in Social Security.

□ 1610

Unlike other mandatory programs, Social Security is a self-sustaining program. Presently, Social Security has over $400 billion in its reserves and is expected to grow an additional $55 billion next year.

Under our substitute, we want to keep Social Security out of the budget-driven reconciliation process, as Congress has done in the past under the Gramm-Rudman-Hollings Act of 1985, under the 1991 Omnibus Reconciliation Act and under the 1993 Omnibus Reconciliation Act.

If we do not pass this amendment, we create ambiguity about how we are going to treat Social Security in the process. This substitute will remove any ambiguity. This amendment would follow through with the Congress' commitment to keep Social Security off budget.

Mr. Chairman, let us remove Social Security benefits from the fickle budget process. Let us protect our senior citizens, with whom we have a sacred compact. Let us keep the trust of our seniors and our word to the American people that Social Security will always be there and not become a victim of a politically expedient budget debate.

Let us keep our trust in the faith of our seniors.

Mr. Chairman, I urge all of my colleagues to vote for the Spratt-Stupak amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is not much point in debating this again. We went through this in general debate.

Clearly, we are dealing with a process here that is pretty much toothless. What my colleague, Mr. STUPAK, is talking about here is a partial fix of a problem that was discovered up in the Committee on Rules by the minority, that we were getting into a serious problem with Social Security, both the benefits and the tax process, in putting it back in the mix of entitlements and removing the cloak of separateness and protection and special treatment that it has and deserves.

Unfortunately, the gentleman's proposal only fixes part of the problem.

We identified the whole problem for them, but they were only going to fix part of it. It is true that the benefits of the senior citizens are protected, but it is not true that we have fixed the taxation part. It is therefore possible that taxes can be raised in the area of Social Security, payroll taxes, and those dollars can be used for entitlement purposes that are not Social Security purposes.

Mr. Chairman, that is a very important point, and it is a point that apparently this body is sensitive to, judging from the outcome of the Stenholm vote which we just saw, which was just a little bit lopsided.

Mr. Chairman, this is a very, very important issue. I want to say that I have got here in my hands—I know people cannot see it—but this is a chart from the Entitlement Reform Commission, chart No. 18. It shows that in 2 generations if we do not do something about entitlement spending, that we will end up with our entitlement spending exceeding all of our total revenues available to the Government. That is not very far from now.

So we are right to be doing what we are doing, trying to deal with entitlements; but we are wrong to be doing it in this way, because the way we are doing it creates some exposure in Social Security and partially reneges on a commitment we have made there.

Second, it does not solve the problem of controlling the expenditure spending for entitlements. That is the problem.

That is what we have been talking about on this side of the aisle all day.

Now, I thought I had understood how this works, but I have got to say that perhaps I can get a little bit of illumination from the gentleman or any colleague on the other side of the aisle because I have here a statement from the office of the doorkeeper, the "Floor Today" statement, which I will read from, thinking that I had understood this process. It goes on to talk about the process.

> The process of monitoring would begin with the President. If the President finds direct spending outlays to be more than .5 percent over the target, she would have to make recommendations to Congress to address the excess spending.

Mr. SOLOMON. Mr. Chairman, will the gentleman repeat that?

Mr. GOSS. Yes. "If the President finds direct spending outlays to be more than .5 percent over the target, she would have to make recommendations to the Congress to address the excess spending." Perhaps the gentleman could illuminate. Have we missed something in this process that I did not understand?

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I am happy to yield to the gentleman from Michigan.

Mr. STUPAK. I thank the gentleman from Florida.

Mr. Chairman, because those of us on this side of the aisle are so advanced in our thinking, we realized that some day a lady would be the President of the United States, and I hope that the gentleman from Florida [Mr. GOSS] does not have a problem with that.

Mr. GOSS. I think that is a wonderful answer.

Reclaiming my time, I would like to address the gentleman and ask: Is it possible that none of this will be in effect until such time as we have our first lady President?

Mr. STUPAK. With the gentleman's positive vote, it will be effective much sooner.

Mr. GOSS. Mr. Chairman, I reserve the balance of my time.

Mr. STUPAK. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of the Spratt-Stupak substitute, of which I am a cosponsor. When the balanced budget amendment was considered by the House earlier this year, I joined in offering a version which would have explicitly put Social Security off limits.

We argued at that time that Social Security should not be cut to pay for overspending in other areas of Government.

Today's debate is very similar to that balanced budget debate. Social Security is not part of the deficit problem. This year alone, it will run a surplus of $60 billion. Huge surpluses, however, will continue to be built until into the next century, when every dime of that money, every dime will be needed to fund the draw by the future retirees upon the Social Security trust fund. Because the Social Security system is self-financing, we have no business putting in place today a mechanism that could result in benefits being cut. Consideration of cuts and benefits should only occur if the fund itself becomes actuarially unsound, not because of a raid by other spending programs.

Everyone here knows that the entitlement spending needs to be brought under control, but we also know that comprehensive health care reform still remains the single most important deficit reduction tool before us, particularly when dealing with entitlement spending.

Leaving the door open to using Social Security as a temporary artificial means to reducing the entitlement spending only makes it more difficult to truly reduce entitlement spending.

I applaud the sponsors of this Senate amendment and urge favorable consideration this afternoon.

Mr. GOSS. Mr. Chairman, it is my understanding that there remains just the two authors of the amendment to address this debate, and that being the case, I yield myself such time as I may consume and simply close on our side by saying that a "yes" vote for Spratt-Stupak means that you open the door for higher Social Security payroll taxes; a "yes" vote means that, and a "no" vote of course means the opposite.

Mr. Chairman, I yield back the balance of our time.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume in order to make one quick comment. Mr. Chairman, what a "yes" vote does is open up the opportunity for this Congress to address, if there is a shortfall in Social Security, through either cuts, through raising revenues, or raising entitlement cap. We are giving the options that were not, maybe, available in the last substitute, but we are at least having three options here.

It is not so narrowly defined as the gentleman insists.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman.

Mr. GOSS. I thank the gentleman.

Mr. Chairman, the reason I say that is because we plan to offer a motion to recommit on this subject which will make a full and complete remedy of the total problem. We think that is what is deserved. We think that is what the people who are interested in the Social Security issue want to hear.

Mr. STUPAK. Mr. Chairman, reclaiming my time, is the gentleman's motion to recommit then to raise taxes? Is that his motion to recommit?

Mr. GOSS. The motion to recommit will be basically to send this back to keep Social Security completely out of the direct spending reconciliation. We want to get it back to where we all though it was when we started this in the Rules Committee and only through the diligence of the minority staff were we able to find out, perhaps inadvertently and perhaps not, that Social Security had gotten involved in this process in the mix.

□ 1620

We think that is a terrible mistake, but I say to the gentleman, we congratulate you for fixing half the problem. We want to fix the whole problem, which is why we are offering the motion to recommit.

Mr. STUPAK. Mr. Chairman, to close debate I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Michigan [Mr. STUPAK] for yielding this time to me.

Mr. Chairman, I think, if we listen to this afternoon's debate, we will find more common ground than division despite some divisive debate. We all agree that the entitlement spending problem is the biggest part of the deficit problem left before us. We all agree that in the past we have tended to authorize and forget to put these on autopilot in that, when we have adopted reconciliation measures and set goals for ourselves for cost reduction, these goals have mostly been honored in the breach because they have not been attained. Fortunately, Mr. Chairman, this year we have had a change from that pattern, and our entitlement spending is below what we projected when we adopted the budget reconciliation bill in this House in May 1993, and that is positive change.

Mr. Chairman, this bill would strengthen the process. I would be the first to admit that this bill could be stronger than it is. But it is a good start on a very, very difficult problem, and I urge Members of the House to vote for this bill, and, as we operate under it, and I hope the other body will respond in kind and take it up before we adjourn, I will also be one of the first to come back here and offer solutions to it, improvements to it, to make it work better so we can get our hands around the entitlement spending problem, contain these costs, and use this measure and others to bring down the budget deficit. I have no problem with allowing some sort of provision to be put in the bill with respect to payroll taxes because I think it is the most far-fetched idea in the world to think that on this side of the aisle, or anywhere in this House, we would vote for a payroll tax increase to do anything, much less to settle our entitlement reconciliation problems.

So Mr. Chairman, with that said, I conclude my remarks.

Mr. SPRATT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. STUPAK].

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DURBIN) having assumed the chair, Mr. VISCLOSKY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4604) to establish direct spending targets, and for other purposes, pursuant to House Resolution 484, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOSS. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOSS moves to recommit the bill H.R. 4604 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendments:

In section 4(b)(4) strike the words "to reduce benefits".

In section 5(g) strike the words "to reduce benefits" and insert in lieu thereof the words "to make any legislative changes".

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 5 minutes in support of his motion to recommit.

Mr. GOSS. Mr. Speaker, the motion to recommit I have offered is quite simple and should be overwhelmingly adopted. All it does is to make sure Social Security remains secure and out of reach of cuts and taxes that might be triggered by this bill.

The Spratt-Stupak amendment went only part way in fixing the problem in H.R. 4604 which would have permitted the President to make legislative recommendations affecting Social Security to address any breach in the direct spending targets. And it would have permitted Congress to do the same in reconciliation legislation.

The Spratt-Stupak substitute changed this so that neither the President nor Congress could recommend changes in Social Security as part of any direct spending reconciliation legislation. But they left the door open for raising Social Security payroll taxes or borrowing from the trust fund to offset deficits in other entitlement programs.

Mr. Speaker, back in 1984, 1985, and 1990, we made a compact with the American people to take Social Security off-budget, to prohibit throwing it into the reconciliation process, and to build a firewall around it so it would be self-sustaining.

In short, we took it out of politics and out of the budget process games that are sometimes played in pitting one program against another. We knew that the current surpluses in Social Security would be an inviting target for some to use for other purposes, even though those surpluses are already spoken for in the next century when the baby boomers begin to retire.

My motion to recommit would ensure that we keep that commitment to the American people and to the soundness and integrity of the Social Security system—by keeping it out of this new direct spending reconciliation process. I urge the overwhelming adoption of my motion.

The SPEAKER pro tempore. Does any Member seek recognition in opposition to the motion?

Mr. SPRATT. Mr. Speaker, we have no objection to the motion and are willing to accept it so long as I can gain an understanding.

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina [Mr. SPRATT] for 5 minutes on the motion to recommit.

Mr. SPRATT. Mr. Speaker, we are willing to accept the motion to recommit so long as I can understand that it means that payroll taxes, Social Security payroll taxes, are precluded from being used for reconciliation in connection with the functioning of this particular bill if it is adopted.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, that is correct, and that would include not using those revenues currently available to the Social Security system to bail out any other entitlement programs. In other words, keeping the whole enterprise funded in the trust fund of Social Security intact, untouched, and fully protected from the spending and taxing side, both.

Mr. SPRATT. Mr. Chairman, we accept the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 345]

YEAS—424

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow

Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Carr
Ford (MI)
Gallo
Huffington
Lucas
McDade
Ros-Lehtinen
Tucker
Washington
Weldon

□ 1649

Mrs. SCHROEDER, Messrs. MARTINEZ, MURPHY, OWENS, and SKAGGS, Ms. WATERS, and Mr. OBERSTAR changed their vote from “nay” to “yea.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LUCAS. Mr. Speaker, during rollcall vote No. 345, I was unavoidably detained on official legislative business in the Senate, and was unable to make it to the House floor on time to vote. Had I been present, I would have voted “aye” on the motion to recommit the bill H.R. 4604, because of my desire to protect Social Security.

Mr. DERRICK. Mr. Speaker, pursuant to the instructions of the House, I report the bill, H.R. 4604, back to the House with an amendment.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Clerk will report the amendment.

The Clerk read as follows:

Amendment: In section 4(b)(4) strike the words “to reduce benefits”.

In section 5(g) strike the words “to reduce benefits” and insert in lieu thereof the words “to make any legislative changes”.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote. Members have 5 minutes to record their vote.

The vote was taken by electronic device, and there were—ayes 316, noes 107, not voting 11, as follows:

[Roll No. 346]

AYES—316

Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jacobs
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-
Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)

Miller (FL)
Mineta
Minge
Moakley
Montgomery
Moran
Morella
Murphy
Murtha
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Ravenel
Reed
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sangmeister
Santorum
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NOES—107

Abercrombie
Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Ballenger
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bunning
Burton
Buyer
Callahan
Coble
Combest
Crane
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Ewing
Fields (TX)
Fish
Franks (NJ)
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Grams
Grandy
Hancock
Hansen
Hastert
Hefley
Herger
Hinchey
Hobson
Hoekstra
Hoke
Hunter
Hutchinson
Hyde
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
King
Knollenberg
Kolbe
Kyl
Lazio
Levy
Lightfoot
Livingston
Lucas
McHugh
McKeon
McMillan
Mica
Michel
Mink
Molinari
Mollohan
Moorhead
Myers
Nadler
Nussle
Oxley
Packard
Paxon
Pombo
Porter
Portman
Pryce (OH)
Quillen
Rahall
Regula
Rohrabacher
Sanders
Sarpalius
Schaefer
Shuster
Smith (MI)
Solomon
Stearns
Stenholm
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thurman
Upton
Walker
Yates
Zeliff
Zimmer

NOT VOTING—11

Brown (FL)
Carr
Ford (MI)
Gallo
Huffington
Jefferson
Ros-Lehtinen
Tucker
Washington
Waters
Weldon

□ 1701

Mr. FISH, Mr. YATES, Mrs. JOHNSON of Connecticut and Mr. GONZALEZ changed their vote from "aye" to "no."

Mr. ROYCE changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4604, the bill just considered and passed, and on House Resolution 484.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 2243, FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1994

Mr. SWIFT submitted the following conference report and statement on the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-617)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243), to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION. 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Federal Trade Commission Act Amendments of 1994".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Trade Commission Act.

SEC. 2. AGRICULTURAL COOPERATIVES.

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating sections 24 and 25 as sections 25 and 26, respectively, and by inserting immediately after section 23 the following new section:

"SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled 'An Act to authorize association of producers of agricultural products', approved February 18, 1922 (7 U.S.C. 291 et seq., commonly known as the Capper-Volstead Act), is not a violation of any of the antitrust Acts or this Act.

"(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders.".

SEC. 3. COMPENSATION IN PROCEEDINGS.

(a) REPEAL.—Subsection (h) of section 18 (15 U.S.C. 57a) is repealed and subsections (i), (j), and (k) of section 18 are redesignated as subsections (h), (i), and (j), respectively.

(b) CONFORMING AMENDMENT.—Section 18(a)(1) (15 U.S.C. 57a(a)(1)) is amended by striking "subsection (i)" and inserting "subsection (h)".

SEC. 4. PROCEEDINGS SUBSEQUENT TO VIOLATIONS OF ORDERS.

(a) CONSENT ORDERS.—Section 5(m)(1)(B) (15 U.S.C. 45(m)(1)(B)) is amended by inserting ", other than a consent order," immediately after "order" the first time it appears.

(b) DETERMINATIONS OF LAW.—Section 5(m)(2) (15 U.S.C. 45(m)(2)) is amended by adding at the end the following: "Upon request of any party to such an action against such defendant, the court shall also review the determination of law made by the Commission in the proceeding under subsection (b) that the act or practice which was the subject of such proceeding constituted an unfair or deceptive act or practice in violation of subsection (a).".

SEC. 5. PREVALENCE OF UNLAWFUL ACTS OR PRACTICES.

Section 18(b) (15 U.S.C. 57a(b)) is amended by adding at the end the following new paragraph:

"(3) The Commission shall issue a notice of proposed rulemaking pursuant to paragraph (1)(A) only where it has reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent. The Commission shall make a determination that unfair or deceptive acts or practices are prevalent under this paragraph only if—

"(A) it has issued cease and desist orders regarding such acts or practices, or

"(B) any other information available to the Commission indicates a widespread pattern of unfair or deceptive acts or practices.".

SEC. 6. EFFECTIVE DATE OF ORDERS.

(a) ORDERS SUBJECT TO PETITION FOR REVIEW.—Section 5(g)(2) (15 U.S.C. 45(g)(2)) is amended to read as follows:

"(2) Except as to any order provision subject to paragraph (4), upon the sixtieth day after such order is served, if a petition for review has been duly filed; except that any such order may be stayed, in whole or in part and subject to such conditions as may be appropriate, by—

"(A) the Commission;

"(B) an appropriate court of appeals of the United States, if (i) a petition for review of such order is pending in such court, and (ii) an application for such a stay was previously submitted to the Commission and the Commission, within the 30-day period beginning on the date the application was received by the Commission, either denied the application or did not grant or deny the application; or

"(C) the Supreme Court, if an applicable petition for certiorari is pending.".

(b) ORDERS SUBJECT TO SECTIONS 5(m)(1)(B) AND 19(a)(2).—Section 5(g)(3) (15 U.S.C. 45(g)(3)) is amended to read as follows:

"(3) For purposes of subsection (m)(1)(B) and of section 19(a)(2), if a petition for review of the order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.".

(c) DIVESTITURE ORDERS.—Section 5(g)(4) (15 U.S.C. 45(g)(4)) is amended to read as follows:

"(4) In the case of an order provision requiring a person, partnership, or corporation to divest itself of stock, other share capital, or assets, if a petition for review of such order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.".

(d) TECHNICAL.—Paragraph (1) of section 5(g) (15 U.S.C. 45(g)(1)) is amended by striking "; or" and inserting a period.

SEC. 7. CIVIL INVESTIGATIVE DEMANDS.

(a) DEFINITIONS.—Section 20(a) (15 U.S.C. 57b–1(a)) is amended—

(1) in paragraph (2), by inserting "or in any antitrust violations" immediately after "section 5(a)(1))";

(2) in paragraph (3), by inserting "or any provisions relating to antitrust violations" immediately after "section 5(a)(1))";

(3) in paragraph (7), by inserting "or any antitrust violation" immediately after "section 5(a)(1))"; and

(4) by adding at the end the following new paragraph:

"(8) The term 'antitrust violation' means any unfair method of competition (within the meaning of section 5(a)(1)), any violation of the Clayton Act, any violation of any other Federal statute that prohibits, or makes available to the Commission a civil remedy with respect to, any restraint upon or monopolization of interstate or foreign trade or commerce, or any activity in preparation for a merger, acquisition, joint venture, or similar transaction, which if consummated, may result in such an unfair method of competition or violation.".

(b) ISSUANCE OF DEMAND.—(1) Section 20(c)(1) (15 U.S.C. 57b–1(c)(1)) is amended—

(A) by inserting "or tangible things" immediately after "documentary material" the first place it appears;

(B) by inserting "or to antitrust violations," immediately after "section 5(a)(1)),"; and

(C) by inserting "to submit such tangible things," immediately after "copying or reproduction,".

(2) Section 20(c) (15 U.S.C. 57b–1(c)) is amended—

(A) by redesignating paragraphs (4), (5), (6), (7), (8), (9), (10), (11), and (12) as paragraphs (5), (6), (7), (8), (9), (10), (11), (13), and (14), respectively;

(B) by inserting immediately after paragraph (3) the following new paragraph:

"(4) Each civil investigative demand for the submission of tangible things shall—

"(A) describe each class of tangible things to be submitted under the demand with such definiteness and certainty as to permit such things to be fairly identified;

"(B) prescribe a return date or dates which will provide a reasonable period of time within which the things so demanded may be assembled and submitted; and

"(C) identify the custodian to whom such things shall be submitted."; and

(C) by inserting immediately after paragraph (11), as so redesignated, the following new paragraph:

"(12) The submission of tangible things in response to a civil investigative demand shall be made under a sworn certificate, in such form as the demand designates, by the person to whom the demand is directed or, if not a natural person, by any person having knowledge of the facts and circumstances relating to such production, to the effect that all of the tangible things required by the demand and in the possession, custody, or control of the person to whom the demand is directed have been submitted to the custodian.".

(c) SECTION 20(g).—Section 20(g) (15 U.S.C. 57b–1(g)) is amended by inserting ", tangible things" immediately after "documentary material".

(d) APPLICABILITY OF SECTION 20.—Section 20(j)(1) (15 U.S.C. 57b–1(j)(1)) is amended by inserting immediately before the semicolon the following: ", any proceeding under section 11(b) of the Clayton Act (15 U.S.C. 21(b)), or any adjudicative proceeding under any other provision of law".

SEC. 8. COMMISSION CUSTODY OF TANGIBLE THINGS.

Section 21 (15 U.S.C. 57b–2) is amended—

(1) in subsection (a)(1), by inserting "tangible things," immediately after "documentary material,";

(2) in subsection (b)(1), by inserting ", tangible thing," immediately after "document";

(3) in subsection (b)(2)(A), by inserting "tangible things," immediately after "documentary material,";

(4) in subsection (b)(3)—

(A) in subparagraph (A), by inserting "tangible things," immediately after "documentary material,";

(B) in subparagraph (B), by inserting ", and may make tangible things available," immediately after "oral testimony"; and by inserting ", things," immediately after "such material";

(C) in subparagraph (C), by inserting "tangible things," immediately after "documentary material," and by inserting ", things," immediately after "material"; and

(D) in subparagraph (D), by inserting ", tangible things," immediately after "documentary material";

(5) in subsection (b)(4), by inserting "tangible things," immediately after "documentary material,";

(6) in subsection (b)(5), by inserting "tangible things," immediately after "documentary material,";

(7) in subsection (b)(6)—

(A) by inserting immediately after the first sentence the following new sentence: "The custodian of any tangible things may make such things available for inspection to such persons on the same basis."; and

(B) by inserting "results of inspections of tangible things," immediately after "Such documentary material,"; and

(8) in subsection (b)(7), by inserting "tangible things," immediately after "documentary material,".

SEC. 9. DEFINITION OF UNFAIR ACTS OR PRACTICES.

Section 5 (15 U.S.C. 45) is amended by adding at the end the following:

"(n) The Commission shall have no authority under this section or section 18 to declare unlawful an act or practice on the grounds that such act or practice is unfair unless the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition. In determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.".

SEC. 10. PROCESS.

(a) AUTHORITY.—

(1) ADVERTISEMENTS IN VIOLATION OF SECTION 12.—Section 13(a) (15 U.S.C. 53(a)) is amended by striking the last sentence and inserting the following: "Any suit may be brought where such person, partnership, or corporation resides or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code. In addition, the court may, if the court determines that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, cause such other person, partnership, or corporation to be added as a party without regard to whether venue is otherwise proper in the district in which the suit is brought. In any suit under this section, process may be served on any person, partnership, or corporation wherever it may be found.".

(2) PROVISIONS ENFORCED BY COMMISSION.—Section 13(b) (15 U.S.C. 53(b)) is amended by striking the last sentence and inserting the following: "Any suit may be brought where such person, partnership, or corporation resides or transacts business, or wherever venue is proper under section 1391 of title 28, United States Code. In addition, the court may, if the court determines that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, cause such other person, partnership, or corporation to be added as a party without regard to whether venue is otherwise proper in the district in which the suit is brought. In any suit under this section, process may be served on any person, partnership, or corporation wherever it may be found.".

(b) PROCEDURES.—Section 13 (15 U.S.C. 53) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting immediately after subsection (b) the following new subsection:

"(c) Any process of the Commission under this section may be served by any person duly authorized by the Commission—

"(1) by delivering a copy of such process to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served;

"(2) by leaving a copy of such process at the residence or the principal office or place of business of such person, partnership, or corporation; or

"(3) by mailing a copy of such process by registered mail or certified mail addressed to such person, partnership, or corporation at his, or her, or its residence, principal office, or principal place or business.

The verified return by the person serving such process setting forth the manner of such service shall be proof of the same.".

SEC. 11. INTERVENTION BY COMMISSION IN CERTAIN PROCEEDINGS.

(a) LIMITATION ON USE OF AUTHORIZED FUNDS.—The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal years 1994, 1995, and 1996 for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency or State legislative body concerning proposed rules or legislation that the agency or legislative body is considering unless the Commission advises the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding such action as soon as possible.

(b) CONTENTS OF NOTICE TO CONGRESS.—The notice required in subsection (a) shall include the name of the agency or legislator involved, the date of such action, and a concise statement

regarding the nature and purpose of such action.

SEC. 12. RESOURCE ALLOCATION STUDY.

The Federal Trade Commission shall conduct an evaluation of the level of its personnel resources and the manner in which such resources are allocated. The Commission shall study—

(1) whether overall resources at the Commission are adequate to fulfill the Commission's responsibilities in the areas of competition and consumer protection;

(2) the distribution of personnel to individual offices of commissioners, departments, bureaus, and other units within the Commission, and whether the current allocation of personnel most efficiently enables the Commission to fulfill its statutory mandate;

(3) the number of personnel in supervisory positions, contrasted with those personnel in nonsupervisory positions; and

(4) whether the amount of workyears devoted to research activities should be increased and what results (if any) such an increase would produce.

The Commission shall transmit the results of such study, together with any recommendations that the Commission determines appropriate, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives not later than 6 months after the date of enactment of this Act.

SEC. 13. FEDERAL-STATE COOPERATION.

The Federal Trade Commission shall review its statutory responsibilities to identify those matters within its jurisdiction where Federal enforcement is particularly necessary or desirable and those areas that might more effectively be enforced at the State or local level. In identifying such areas, the Commission shall—

(1) consider the resources available to the Commission and the States, as well as particular rules that have been promulgated by the Commission;

(2) consult with the attorneys general of the States, representatives of consumers and industry, and other interested parties; and

(3) consider such other issues as will result in more efficient implementation of the statutory responsibilities of the Commission.

Not later than 6 months after the date of enactment of this Act, the Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives the information identified in paragraphs (1) through (3), together with specific recommendations for methods of achieving greater cooperation between the Commission and the States.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

Section 25 (15 U.S.C. 57c), as so redesignated by section 2 of this Act, is amended to read as follows:

"SEC. 25. There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $92,700,000 for fiscal year 1994; not to exceed $99,000,000 for fiscal year 1995; and not to exceed $102,000,000 for fiscal year 1996.".

SEC. 15. EFFECTIVE DATE; APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsections (b), (c), (d), and (e), the provisions of this Act shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 5.—The amendment made by section 5 of this Act shall apply only to rulemaking proceedings initiated after the date of enactment of this Act. Such amendment shall not be construed to affect in any manner a rulemaking proceeding which was initiated before the date of enactment of this Act.

(c) APPLICABILITY OF SECTION 6.—The amendments made by section 6 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued before the date of enactment of this Act.

(d) APPLICABILITY OF SECTIONS 7 AND 8.—The amendments made by sections 7 and 8 of this Act shall apply only with respect to compulsory process issued after the date of enactment of this Act.

(e) APPLICABILITY OF SECTION 9.—The amendments made by section 9 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45), or to rules promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

And the Senate agree to the same.

JOHN D. DINGELL,
AL SWIFT,
T.J. MANTON,
CARLOS J. MOORHEAD,
M.G. OXLEY,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
WENDELL FORD,
RICHARD H. BRYAN,
JACK DANFORTH,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

1. SHORT TITLE

House bill

Designates short title as the "Federal Trade Commission Act Amendments of 1993."

Senate amendment

Identical provision.

Conference agreement

Conferees agree to designate title as "Federal Trade Commission Act Amendments of 1994."

2. UNFAIR METHODS OF COMPETITION

Senate amendment

Amends the Federal Trade Commission Act (the Act) to provide that State action antitrust immunity, as developed by courts in litigation under the Sherman Act, would apply equally to cases brought by the Federal Trade Commission (FTC) alleging unfair methods of competition.

House bill

No provision.

Conference agreement

Senate recedes.

3. AGRICULTURAL COOPERATIVES

House bill

Amends the Act by establishing restrictions on the FTC's authority to prosecute, investigate, or study agricultural cooperatives and to study and investigate agricultural marketing orders.

Senate amendment

Similar provision.

Conference agreement

House recedes to Senate amendment.

4. COMPENSATION IN PROCEEDINGS

Senate amendment

Repeals the FTC's authority under section 18(h) of the Act to compensate persons who participate in FTC rulemaking proceedings.

House bill

No provision.

Conference agreement

House recedes to Senate amendment.

5. PROCEEDINGS SUBSEQUENT TO VIOLATIONS OF ORDERS

House bill

Clarifies scope of FTC's authority under section 5(m)(1)(B) of the Act to obtain civil penalties against persons who engage in unfair or deceptive acts or practices as defined by prior Commission orders.

Senate amendment

Similar provision.

Conference agreement

House recedes to Senate amendment.

6. PREVALENCE OF UNLAWFUL ACTS OR PRACTICES

Senate amendment

Amends section 18(b) of the Act to permit the FTC to issue a notice of proposed rulemaking only where the FTC has reason to believe the challenged conduct is prevalent in the industry.

House bill

No provision.

Conference agreement

House recedes to Senate amendment with amendment to require indication of "widespread" pattern of unfair or deceptive acts or practices.

7. EFFECTIVE DATE OF ORDERS

House bill

Amends Act to make most FTC cease-and-desist orders effective 60 days after service, unless stayed by the FTC or a court.

Senate amendment

Similar provision.

Conference agreement

House recedes to Senate amendment. As provided in the Senate amendment, the conferees agree to retain the current mandatory stay requirements with regard to divestiture orders. To the extent such orders pertain to divestiture orders, as well as other activities, the conferees agree that the effect of the provision adopted is that only the specific provisions requiring divestiture in such orders are stayed automatically.

8. CIVIL INVESTIGATIVE DEMANDS

House bill

Amends section 20 of the Act to allow FTC investigations concerning methods of competition declared unlawful by a law administered by the FTC to be conducted pursuant to civil investigative demand procedures set out in such section.

Senate amendment

Similar provision.

Conference agreement

House recedes to Senate amendment with technical changes. The conferees agree that the authority made available to the FTC under this section is additional and not in lieu of other forms of process available in any FTC investigations.

9. CUSTODY OF TANGIBLE THINGS

Senate amendment

Conforms section 21 of the Act, which sets forth confidentiality requirements for materials the FTC receives as a result of a civil investigative demand (CID) or subpoena, to the CID provisions adopted by the conferees in section 7 of the conference substitute.

House bill

No provision.

Conference agreement

House recedes to Senate amendment.

10. DEFINITION OF UNFAIR ACTS OR PRACTICES

Senate amendment

Amends section 5 of the Act to limit unfair acts or practices to those that: (1) cause or are likely to cause substantial injury to consumers, (2) which is not reasonably avoidable by consumers themselves and (3) not outweighed by countervailing benefits to consumers or competition.

House bill

No provision.

Conference agreement

House recedes to Senate amendment with an amendment. The amendment retains the three-part test set forth in the Senate amendment but adds the following: "In determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered, with all other evidence. Such public policy considerations may not serve as a primary basis for such determination." The amendment is derived from the 1980 policy statement of the Commission regarding unfairness, the Commission's 1982 letter on the same subject, and from subsequent interpretations of and applications to specific unfairness proceedings by the Commission.

11. COMMERCIAL ADVERTISING

Senate amendment

Provides for permanent prohibition on the FTC's authority to initiate rulemakings regarding commercial advertising on the basis that such advertising constitutes an unfair act or practice.

House bill

No provision.

Conference agreement

Senate recedes.

12. PROCEEDINGS

Senate amendment

Amends section 13 of the Act regarding proceedings brought by the FTC.

House bill

No provision.

Conference agreement

House recedes with technical changes.

13. REPORT ON RESALE PRICE MAINTENANCE

Senate amendment

Requires the FTC to report to Congressional committees on enforcement activities relating to resale price maintenance.

House bill

No provision.

Conference agreement

Senate recedes.

14. PREDATORY PRICING PRACTICES

Senate amendment

Requires FTC to report to Congressional committees on its enforcement activities relating to predatory pricing practices.

House bill

No provision.

Conference agreement

Senate recedes.

15. INTERVENTION BY COMMISSION

House bill

Prohibits the expenditure of funds by the FTC, during the authorized period of time, for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency unless the FTC advises the Congressional committees of jurisdiction.

Senate amendment

Similar provision.

Conference agreement

House recedes to Senate amendment. The conferees agree that the provision adopted requires the FTC immediately to notify the Congressional committees of jurisdiction when the FTC has agreed to take action in any proceedings described in the provision.

16. RESOURCE ALLOCATION STUDY

Senate amendment

Requires the FTC to study the manner in which its resources are allocated and to report to Congressional committees of jurisdiction within 6 months.

House bill

No provision.

Conference agreement

House recedes to Senate amendment.

17. FEDERAL-STATE COOPERATION

Senate amendment

Requires the FTC to report to Congressional committees of jurisdiction on areas that are most appropriately enforced by the FTC and those that States might enforce more effectively.

House bill

No provision.

Conference agreement

House recedes.

18. CREDIT REPAIR ORGANIZATIONS

Senate amendment

Prohibits credit repair organizations from accepting fees or payments from consumers until the promised services are completed.

House bill

No provision.

Conference agreement

Senate recedes.

19. AUTHORIZATION OF APPROPRIATIONS

House bill

Authorizes appropriations to the FTC as follows: $88 million for fiscal year 1993; $92 million for fiscal year 1994; and $99 million for fiscal year 1995.

Senate amendment

Authorizes appropriations to the FTC as follows: $88 million for fiscal year 1994; $92 million for fiscal year 1995: and $95 million for fiscal year 1996. Additional sums as may be necessary are authorized for increases in salaries, pay, and other employee benefits provided by law.

Conference agreement

Authorizes appropriations to the FTC as follows: $92.7 million for fiscal year 1994; $99 million for fiscal year 1995: and $102 million for fiscal year 1996.

20. EFFECTIVE DATE

House bill

Sets forth effective dates for various provisions of the bill.

Senate amendment

Similar provision.

Conference agreement

Provides that provisions of the bill will take effect upon date of enactment except as otherwise set forth in subsections (b), (c), (d), and (e).

JOHN D. DINGELL,
AL SWIFT,
T.J. MANTON,
CARLOS J. MOORHEAD,
M.G. OXLEY,
Managers on the Part of the House.

ERNEST F. HOLLINGS,
WENDELL FORD,
RICHARD H. BRYAN,
JACK DANFORTH,
SLADE GORTON,
Managers on the Part of the Senate.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3222

Mrs. FOWLER. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 3222.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. BONILLA. Mr. Speaker, pursuant to rule XXVIII, clause 1(c), I offer a motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BONILLA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill HR 3355 be instructed not to agree to any provision having the effect of diminishing the amount of money made available to the United States Border Patrol Service from the amount provided in the House amendment.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BONILLA] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct the crime bill conferees as a necessity, but also as a tribute to the men and women who proudly wear the green uniform of the U.S. Border Patrol Service.

The primary mission of the Border Patrol is to stop illegal drugs and aliens from entering the United States.

Illegal drugs ruin the lives of too many Americans and are the scourge of our Nation. Illegal aliens burden the services of our local, State and Federal Governments.

Our mayors, county judges of both parties and Governors are calling out to Washington for leadership and assistance. We must help them, we must help our constituents. The best and most effective way to do this is to stop those who come into our country illegally at the border.

By stopping this traffic at the border, we would cut deeply into illicit activities. Every year the Border Patrol seizes tons of marijuana, heroin, cocaine and other deadly narcotics.

These drugs have a street value of well over a billion dollars. Since 1986, the value of Border Patrol drug seizures increased by over 700 percent.

Those drugs will never enter our communities, our school yards and playgrounds, thanks to the drug interdiction activities of the U.S. Border Patrol.

Our long borders with Canada and Mexico are largely unmonitored. There are more Capitol Hill Policemen—1,100—than agents in Texas' largest border patrol sector—the Laredo sector which only has 364 officers.

In fact, while the Capitol building and grounds are well protected, the Laredo sector, with an area of 101,439 square miles and 171 miles of riverfront with Mexico, is forced to spread its officers thinly. This is wrong. As a result, decent hardworking Americans pay the price in higher taxes, fewer services and increasing crime rates.

According to a Department of Justice report, an estimated 25 percent of all inmates in Federal prisons are criminal aliens. Too often these criminals are not deported but maintained at Government expense. This is also the case with alien criminals in our State and county facilities.

Very few of these criminals are deported and those who are, often return to our communities hunting law abiding Americans.

By increasing funding for the Border Patrol and adding agents and support staff, America's borders and heartland will be more secure.

This is not just a border problem, or a Texas problem, or even a California problem—it is an American problem.

The Border Patrol apprehended 1.25 million illegal aliens in 1993, a 4.4-percent increase from the previous year. This is the fourth consecutive year that apprehensions were above the one million arrest mark. This is significant because the U.S. Border Patrol Service makes the most arrests of any law enforcement agency—in the entire world. So just imagine what can be accomplished with more agents at work.

As the issue of crime is discussed, any solution would be incomplete without mention of the Border Patrol. The dramatic increase in nation-wide criminal alien activity and growth in illegal narcotics from our border area should be a prime example of the need for greater support measures for the Border Patrol.

The Hunter amendment would put 6,000 more agents on the border. The House approved this vital amendment. Please join me in instructing our conferees to stand firm in protecting our borders and keep this provision in the crime bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MAZZOLI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is not my position today to oppose the gentleman's motion to instruct, but I think it is important for the House to have before it some information about what really this does.

I would join the gentleman from Texas and all the Members of the House in saying that the Border Patrol is one of the most important agencies of the Immigration Service and of the Federal Government and for many years the Border Patrol has not had sufficient assets or resources both financial and personnel to get the job done. But I am happy to note that under the administration of President Clinton that there has been stronger efforts mounted in this regard than we have had in a number of years. In a moment, I will outline some of that data.

Mr. Speaker, I think it is also useful to note that while the gentleman's motion to instruct has as its final line the operative part which is that the House conferees would not agree to any provision which has the effect of diminishing the amount of money made available to the Border Patrol from the amount provided in the House amendment, and the House amendment, which is before the conference committee on the crime bill uses the term "such sums as may be appropriate." So that in reality of the House conferees do not have before them any specific sum of money for Border Patrol purposes.

□ 1710

They simply have the general admonition from this House appropriating such sums as may be necessary.

In connection with the amount of money actually appropriated, I am told that in his budget cycle that the House Appropriations Committee approved by this House has appropriated sufficient money for another 700 persons, men and women for the Border Patrol, so that if the appropriations bill is eventually approved, as we think it will be because the Senate is moving in the same direction, then we will have enough money within the year fiscal 1995 to have something up to one hundred new Border Patrol agents.

It is also instructive to note that just over a period of a number of years, as we know, the role and responsibility of the Border Patrol has increased. For example, in the fiscal year 1981 funds appropriated for the purpose of the Border Patrol, both agents and support personnel amounted to $87 million. In 1994 it is, roughly speaking, in the category of $350 million, up from $87 million. So there has been a recognition on the part of the Congress under several administrations, and particularly this one, the Clinton administration, that the Border Patrol does need to have additional funding. That is exactly what we have done.

There also has been as part of the immigration initiative announced by the Attorney General very recently in February some $327 million proposed and released, some $264 million of which will come from the crime control fund, which is the pending crime bill, and some $63 million to come from additional appropriations. If my figures are correct, something like $2,262,000,000 will be in the fiscal year 1995 budget authority for the Immigration Service. So in addition to the Border Patrol part, which the gentleman is pointing out, which is of absolutely great importance to his State and all of our States, the overall Immigration Service is also being shored up and being augmented by necessary appropriations to get the job done.

So again, I have no objection to the gentleman's motion to instruct. But it is important to point out that the conferees at this point of the part of the House do not have before them any specific sum of money for the Border Patrol. They have the general admonition, the general instruction of such sums as may be necessary, and that sum will be decided by the Committee on Appropriations.

Mr. Speaker, I reserve the balance of my time.

Mr. BONILLA. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just like to say I appreciate the gentleman's comments and also appreciate the bipartisan efforts he also pointed out have taken place on both sides of the aisle, but also by the administration that is interested in helping the Border Patrol in its efforts, and we just want to make sure that that continues. Again I just emphasize my appreciation of his support.

Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank my colleague, neighbor, and friend, the gentleman from San Antonio, TX, for yielding me the time. Mr. Speaker, I rise in support of the motion to instruct.

As a flood of illegal aliens pours through the gaps in our national borders, the administration cannot be trusted to deal with the problem without a little prodding.

Only 2 months ago, I was stunned when Doris Meissner, the Commissioner of the Immigration and Naturalization Service, told me at an Immigration Subcommittee hearing that she did not need—and did not want—the 6,000 new Border Patrol agents that the recently passed Hunter amendment would fund.

Mr. Speaker, my phone rings daily with calls from taxpaying constituents irate over the growing number of their tax dollars being spent on Government benefits for illegal aliens. And as bad as the problem is in Texas, it's even worse in States like California and Florida.

All across Texas, American citizens and legal immigrants—who play by the rules and in some cases have waited decades to enter the United States legally—are forced to compete for scarce jobs and social services with illegal aliens who have simply cut ahead in line.

That is fundamentally unfair. America was built on respect for the rule of law. Our job is to make sure the law is enforced. This motion to instruct demonstrates our determination to do so.

Every other civilized nation on the planet does a better job than the United States of protecting its borders. We have no need to apologize for enforcing our laws and requiring immigrants to enter legally, just as previous generations have for hundreds of years.

I urge my colleagues to support the motion to instruct.

Mr. MAZZOLI. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. BONILLA. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding the time. I want to congratulate the author of this motion to instruct, the gentleman from Texas [Mr. BONILLA], for his concern for the men and women of the Border Patrol and for his concern for the need to have law and order on our borders.

I want to congratulate my friend, the gentleman from Texas, Mr. LAMAR SMITH, who is the head of Republican Research Tax Force on Immigration who has put together an immigration package that I think is second to none. He has held national hearings really as the result of a great deal of work by many Members on the Republican side, and has taken testimony from Members on the other side of the aisle as well.

I want to thank the gentleman from California [Mr. MOORHEAD], my colleague, for sponsoring the amendment to add 6,000 Border Patrol agents, as well as my colleague from California [Mr. CUNNINGHAM], who is also a cosponsor of that very important amendment.

I want to thank a Member who is going be leaving us, the gentleman from Kentucky [Mr. MAZZOLI], who has dedicated a great deal of time and effort here in the House to working on the problems of controlling our border, and for the input that he had in this year's appropriation bill in urging the chairman to move forward on a higher mark. It is a mark in which we get about almost a thousand new agents this year. I want to thank him for all of the work he has done.

Mr. Speaker, I want to join my colleague, the gentleman from Texas [Mr. SMITH], for taking to task the INS commissioner who said they did not, at least at that time, support our amendment to add some 6,000 new Border Patrol agents. I hope the administration will reserve its position and come to the position of strength that his amendment and that of the gentleman from California, Mr. MOORHEAD, the gentleman from Texas, Mr. BONILLA, and the gentleman from California, Mr. CUNNINGHAM's amendment has led us to, and that is doubling the Border Patrol.

My colleagues, this amendment basically takes the Border Patrol from about 4,500 personnel to well over 10,000. We need that because on the southwest border of the United States there are 12 smuggling corridors where massive smuggling of illegal aliens and narcotics take place on a nightly basis. Those corridors occur any place where you have a population on each side of the border, San Diego-Tijuana, Calexico-Mexicali, to all the way in the east, Matamoros and Brownsville. They need a Grand Central Station effect. They need a lot of people and an urban area so the smugglers and the smuggled contraband can get lost in the crowds. They also have to have a logistical base in the smuggling corridors where there is a heavy population, and generally they also have freeways or highway arteries that come down close to the border. But once they get the contraband across, whether they are smuggling illegal aliens in a U-Haul truck, or smuggling cocaine, they can move it quickly on to the freeway and disperse it to their destinations.

If we want to have a real border, we need to have the political will to do essentially what was done in El Paso, TX. People have talked for years about how complex it is to have a real border. Let me tell my colleagues how complex it is. It is so complex that we basically took a bunch of border patrolmen at El Paso and every 100 yards we would walk down with a group and say "Stand here." Then we would walk another 100 yards and we would say to two more border patrolman, "Stand here." It is simply a matter of having the political will to have the personnel to line the border, so that you have a couple of agents every 100 yards or so in these smuggling corridors on a 24-hour basis. That is three shifts. You have to have reserves so that you can move to an area where massive smuggling is taking place or some of the so-called bonsai raids where 300 or 400 people will try to overwhelm a border patrol.

□ 1720

You have to have an ability to respond to that, and you have got to have enough personnel to run headquarters and also to handle the Canadian border. That requires, if you figure it out, about 10,000 agents. So we need to go from 4,500 agents, as the gentleman from Texas [Mr. BONILLA] has suggested to 10,000 agents. We need an increase of about 6,000 agents.

If you put that in the context of what this Government is doing, we are cashiering 1,700 young people a week out of the military, out of the uniformed services, so we are talking about 4 weeks' worth of uniformed terminations in the armed services and you could totally flesh out the Border Patrol.

So I want to thank the gentleman for his motion to instruct. I hope everybody will vote up to it.

You know, I had the honor the other day of giving out some awards for heroism to Border Patrol agents and their families in San Diego. These are wonderful people. They serve this country just as strongly and just as fervently as any of our people in the armed services, and they have not been given enough credit. What they would really like, I think, from us right now is reinforcements, and the motion to instruct offered by the gentleman from Texas [Mr. BONILLA] does that.

Mr. MAZZOLI. Mr. Speaker, I yield myself 2 minutes.

First, I would like to thank my friend, the gentleman from California

[Mr. HUNTER], for his nice remarks and to say that I think often of our very first meeting in 1981 at the Hotel Coronado. I think the gentleman was on the San Diego County Board of Supervisors at the time, and I was just newly appointed to this committee, and I remember our conversation, and I have happily served with the gentleman for these years of his time in Congress. I want to thank him.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his nice statement. You know, seeing you there at the border in San Diego, CA, was an early illustration to me that there are a lot of Members in this body who really work hard, who really give great credit to the body. I wondered, "Why is this guy out here going on these night patrols 3,000 miles from his own district and trying to help a cause that does not" at that time at least, "was not very popular," and it was because you thought it was right. I appreciate that.

Mr. MAZZOLI. I thank my friend for that. I also would endorse everything he said about the bravery and gallantry and dedication of the men and women of the Border Patrol. They certainly on a day-to-day basis have some of the toughest jobs in Federal service.

For them, the amendment like the gentleman is offering and the work that has been done by the gentleman from California, the gentleman from Kentucky, is starting to pay off dividends.

I would like to maybe make a couple of points. When Ms. Meisner came before the committee and suggested that maybe the number of 6,000, which is what the amendment by the gentleman from California calls for, might have been a little bit too generous, and I do not think maybe Ms. Meisner was thinking about that from the total needs of the Border Patrol as much as from the time it takes to train and deploy and sort of cycle people in there. So I think it probably was not a rejection of the concept as much as just how we could do it.

I would say this, and I have said this very often, and it gets back to Father Ted Hesburgh who, when I first met the gentleman from California, was ending up his work as chairman of that immigration committee which led to the eventual recommendations, which led to the 1986 act, but Father Hesburgh is very fond of saying unless you close the back door in the immigration setting you will not be able to keep the front door open. What Father means by that, and what I think the amendment offered by the gentleman from Texas gets to, or his motion to instruct, unless we close the back door which keeps out people who are seeking to enter illegally or come in with claims that are false of asylum or somehow use false documentation, we will not be able to keep the front door open, which is the door through which many people have come in legally because they are rejoining family, because they have job talents that this Nation needs, because they have an ability to create businesses to add to the economic growth of our Nation, and the more of what I see now happening, unfortunately, around the country is a kind of frustration, a kind of feeling that is growing of disquiet about immigration, not making the distinction between legal and illegal.

And so I really believe that our Nation, our Government, would make a great step forward by doing everything possible to curtail illegal immigration in order to maintain a generous and magnanimous program of legal immigration, and we suffer the loss of the one if we do not attend to the problems of the other.

Mr. Speaker, I reserve the balance of my time.

Mr. BONILLA. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to draw personal attention. There is one person in this entire House who has made this the tip of his spear when it was very unpopular to try and stop the problem we are talking about of illegal immigration, that is the gentleman from California [Mr. HUNTER]. He even told me about the gentleman from Kentucky [Mr. MAZZOLI]. I was still in the Navy when the gentleman from California [Mr. HUNTER] came and said, "DUKE, we need to stop the drugs coming across the border as well. Let's use F–14's." I was out at NAS Miramar, and I had to explain to my colleague an F–14 radar cannot see a low flier at 50 feet over the ground, and you are not going to find any F–14 driver flying down there with his lights out at night anyway.

The whole bill he and the gentleman worked in the House allowed the military to be able to participate in building a fence, helping us build a road, put up the lights, and that was all the gentleman from California [Mr. HUNTER], and on the Senate side Governor Wilson, who was then in the Senate, allowed that to happen.

I would like to thank the gentleman. Even when I was in the Navy, I know of his efforts. There are a few other people, the gentleman from California [Mr. MOORHEAD] the gentleman from California [Mr. GALLEGLY] who when this was not a popular issue fought hard, and there has been a lot of frustration, to try and get it done.

Why are we working so hard? I would also like to thank another individual, Gus Tellivini, who was on the border down there when the gentleman from Kentucky [Mr. MAZZOLI] came down, he was the head of the Border Patrol. It is like locusts coming across down there, and let me tell you a few things it is going to help. Unlike some of my colleagues, I think in the crime bill we need a balance. There should be strong education programs. There should be a strong rehabilitation system. Yes, even after going down in San Diego and talking to the night basketball thing, it does work. Day-night basketball does help with the kids. I support that. There should be some of those programs.

But let me tell you when we are putting new policemen on the street what it helps. If I could put Border Patrol up there, I could stop the million that are infesting the school systems in California from K through 12. That costs, the teachers are telling me, and that is one of the big problems. My wife is a teacher, and it is one of the big problems in our school systems in San Diego. We have 16,000 illegals in our jail system. That costs between $25,000 and $50,000 each just to house them depending on what kind of facility they are in. That money could well be used.

Up to two-thirds of all the children born in L.A. hospitals are to illegal aliens. They then go down, because that child is now an American citizen, and qualify for AFDC and welfare. That costs us millions of dollars just in the State of California.

We look at the other health care. When "20/20" and "60 Minutes" did a price on the emergency care that goes in, when we are talking about the elevation of health care costs, that also goes up. So if we can stop illegals at the border, if I can stop them from coming into international airports from other countries, losing their papers and filtering into the system, the same type of guy that blew up the World Trade Center which was an illegal alien, we can save a lot of money.

We are looking, and the President, and most of us, I think, support universal health care. We do not know how to pay for it. This Nation: It costs us $37 billion a year, the illegal immigration problem, $37 billion, and take that times 5 years, and say, "Well, DUKE, that is inflated." Let us take half of that. That is $93 billion a year that we could save ourselves and apply it to our schools or health care problems or wherever we want for additional coverage.

That is why, you know, I think the gentleman from Texas [Mr. BONILLA] in this resolution, to talk about Border Patrol, where we need 10,000 to cover from St. Louis all the way through the border States, and I think it is money well spent, because it saves money in the long run.

If we were going to invade Haiti because of the immigration problem that we have from Haiti, we would have invaded Mexico a long time ago if that was the logic. I mean, we have tens of millions of illegals coming into our country from all over the country, but here in San Diego, we have a special problem through ourselves that we need to stop.

□ 1730

So I laud the gentleman and appreciate the additional time.

Mr. MAZZOLI. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as a representative from the southern border, I can tell you that the men and women who risk their lives every day to patrol our border have not received a fair deal from Congress.

Currently, the San Diego sector accounts for 50 percent of all immigration arrests in the country. In 1992, there were more than 565,000 arrests—accomplished with only 1,035 agents. Though the San Diego sector carries out 50 percent of the arrests, it has only 30 percent of the agents and less than 15 percent of the operational budget of the agency.

Our Border Patrol officers are working in a dangerous environment with woefully inadequate resources. Let me give you just a few examples:

The body armor used by our agents has, in most cases, exceeded the life of the manufacturer's warranty. Outdated body armor offers virtually no protection to officers in the field.

Detention facilities are completely inadequate given the numbers being arrested. Recently, almost 2,000 illegal immigrants were arrested in a 24-hour period—and brought to a facility designed for only a few hundred. Conditions are unsafe for everyone.

The radio communications system is outdated and unworkable. With 20 or more agents sharing one frequency it is, at times, close to impossible to get on the air. Emergency responses are delayed—and routine operations are frequently interrupted.

How can we ask these men and women to protect our borders—and then fail to give them the minimal resources they need?

The helicopter fleet is almost 30 years old—and can't compare with the speed, air time, or other capabilities that are standard in other law enforcement agencies.

To add to the helicopter problem, there is a real shortage of pilots. In the San Diego sector, there are typically only 6 hours of helicopter flying time in every 12-hour shift—and that is on a good day. Within the next 5 years, almost all of the pilots now in the San Diego sector will be eligible for retirement.

Employees at the Imperial Beach Station perform maintenance out of a tent to keep their vehicles going. At the Brown Field Station the sector garage tries to service 700 vehicles from a building designed to support only 250. Because of this overload, the sector currently contracts out much of its own vehicle repair work, at a much higher cost to the taxpayer—thus wasting precious dollars that could be used to bolster enforcement.

Most facilities are small and overcrowded. Many of the agents do not have lockers for their equipment and must operate out of the trunks of their personal cars.

How can any of these men and women do the job that we in Congress are demanding.

I support the motion because we need additional agents to control the border. But the infrastructure—buildings, radio communications, safety equipment, helicopters and even phone lines—must be provided as well.

Like law enforcement agencies all over the country, the Border Patrol is asked to do a dangerous job. We have a responsibility to those officers and their families to give them the resources they need to do the job safely.

Mr. BONILLA. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I urge my colleagues to support the Hunter-Bonilla motion to instruct conferees to support authorizing the addition of 6,000 new Border Patrol agents over a 5-year period which is presently contained in the House-passed crime bill. I would like to commend the sponsors of this motion for their vigilance over this important issue.

In 1986, when Congress adopted my amendment to the Immigration Reform and Control Act authorizing a 50-percent increase in our border strength, our Border Patrol force included a total of 3,238 agents. Today, our current on-line force has reached 4,092, only 854 more agents than we had onboard 8 years ago. Congress cannot continue to refuse to give our Border Patrol the manpower and resources they need to tighten our wide-open borders. This inaction by Congress is resulting in a multibillion-dollar price tag for health care, education, and other benefits granted to illegal immigrants. It is the responsibility of the Congress to enforce the immigration laws of our country, and the Border Patrol is the very first line of defense against controlling illegal immigration and drug smuggling.

For decades we have heard assertions from special interest groups that the border is unenforceable. The effectiveness of Operation Blockade in the El Paso sector proves, of course, that this is nonsense. In El Paso, apprehensions of illegal immigrants have gone down by 81 percent and crime has been reduced by 46 percent. This successful blockade demonstrates the beneficial effects of an adequate number of Border Patrol agents.

Last year was a turning point for our Border Patrol force, when this body overwhelmingly passed the Hunter amendment, of which I am a sponsor, appropriating $60 million for 600 additional agents this year. The authorization before us today will continue this trend. Right now, we have a relatively small force of just over 4,000 dedicated and talented law enforcement officers performing a nearly impossible task in policing and protecting our land borders. Up to 4,500 undocumented aliens enter the southern California area each day. Last year the Border Patrol apprehended 1.25 million illegal aliens, marking the fourth consecutive year that apprehensions surpassed 1 million. Agents continue to put their lives on the line by intercepting 1.34 billion dollars' worth of narcotics in 1993 that would have otherwise found their way onto our streets and into the hands of gangs and pushers.

If we can put 100,000 new policemen on our streets, as the omnibus crime bill proposes, we can certainly expand our Border Patrol force by 6,000 over the same length of time. Of all Americans, 81 percent support an increase in our border force and it is important to retain that provision in whatever version of the crime bill is adopted by the conferees.

Mr. Speaker, I urge a "yes" vote on the motion to instruct.

Mr. BONILLA. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD].

Mr. PACKARD. I thank the gentleman for yielding this time to me.

Mr. Speaker, there is no issue that is more crucial to my district and to my part of the State of California than this issue of undocumented aliens. I think that is true in Texas and many of the other border districts along our Mexican-American border. The most significant thing we can do to stem the tide is to increase our efforts at the border. We can do lots of other things by reducing the attraction, and we are trying to do that in other ways and by strengthening our efforts at the checkpoints and a variety of other places, but to strengthen our effort at the border is where we can stop at tide of crossings illegally.

That means new personnel, additional personnel. I heartily endorse this motion to instruct, and I congratulate the gentleman from Texas and the gentleman from California for their efforts to make certain that we increase by 600 the number of Border Patrol agents which is in our bill.

I hope that the conferees will use the House version in this aspect rather than the Senate version.

Mr. MAZZOLI. Mr. Speaker, I yield myself the balance of my time.

I want to very briefly sum up to once again inform the House that the Committee on the Judiciary, the members of that committee, on the conference on the crime bill, have no objection to the gentleman's motion to instruct, and I therefore would not oppose it on their part.

I think it is, once again, important to just clarify that while the gentleman's motion to instruct demands that the House conferees not diminish the amount of money for the Border Patrol from the amount which has been provided by the House amendment, by the House bill, as we have said earlier there is no specific sum of money set by the House bill. The House bill provides such sums of money as would be necessary and those moneys, of course, are filled in by the Committee on Appropriations, which this year will provide up to 700 additional Border Patrol agents.

Having said that, it seems to me very important for us to recognize that the bulwark of our Nation's ability to prevent influxes of illegal immigrants is the Border Patrol, composed of the men and women who serve it. So it is very important that we from time to time both in the appropriation bill and the authorizing legislation and motions to instruct, as offered by the gentleman from Texas, make it very clear that this Congress, this House of Representatives, commends the work being done by the Border Patrol and recognizes the amount of work done by that agency and offers our services in trying to make that work done even more efficiently and effectively in the future.

□ 1740

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONILLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all I would like to once again thank the gentleman from Kentucky [Mr. MAZZOLI] for his remarks in support of this motion. I concur with his analogy that he drew about the front door/back door argument; the front door is legal immigration in this country, and there is no one who supports someone going through the legal process more strongly than my colleague from Kentucky and myself, and I wanted to make that point very clearly. But it is the back door, illegal immigration, that is causing problems for people, not only in the communities along the border, but for those who choose to try to go through the legal process, doing it the right way, trying to become a citizen of this wonderful country of ours. So, I appreciate those remarks and wanted to point that out.

I also would like to make a point, as we close, about the Border Patrol and the dedication. As my colleagues know, here in Washington today it is probably 90-some-odd degrees, and the humidity is roughly the same, about 90 percent, or it feels that way anyway, but along the border in many of these communities where the temperature is reaching a hundred degrees and the high humidities, these people that serve our country in a most dedicated way are out there working every day in climates that often never see anything but very hot temperatures every day, but nonetheless go out and face their job every day with the greatest dedication, and also never complaining, but always just wanting a little bit more help from us here in the Congress, and that point I would like to make very strongly.

I would also like to mention that the vote on the original Hunter-Cunningham amendment was passed by 417 to 12, and, if that is not a good show of bipartisan support, I do not know what is.

Mr. HUFFINGTON. Mr. Speaker, I rise in enthusiastic support of the motion offered by my distinguished colleague from Texas. No country can survive for long if its borders are not secure. Right now, a few brave guards stand alone in the desert, swamped by wave after wave of illegal immigration. I urge the conference to keep the measure we voted for in the House and provide funds for 6,000 new Border Patrol agents. California needs more Border Patrol agents and so does America.

Mr. KYL. Mr. Speaker, I rise in strong support of Representative BONILLA's motion to instruct crime bill conferees to maintain the House crime provision significantly increasing the number of U.S. Border Patrol agents. The House-passed crime bill contains the Duncan amendment to hire 6,000 additional Border Patrol agents and other services to apprehend illegal aliens.

In Arizona we are seeing first-hand the effects of inadequate resources for border patrol services. Illegal border crossings have increased significantly over the past year in Arizona. Recent Immigration and Naturalization Service reports show that illegal-immigrant apprehensions have increased 54 percent between the periods of October through April 1993 and October through April 1994. Increasing the number of Border Patrol agents in Arizona would go a long way toward helping to combat the problems resulting from this significant increase.

In June, I sent a letter to Attorney General Reno calling for an immediate reassessment of the fact that Arizona has been shut out of the administration's $40-million immigration enforcement plan, which added 1,000 border agents and other officers to the borders of California and Texas. Arizona, in contrast, received 33 support positions, and only at the urging of Arizona's and New Mexico's Senators.

Our Nation's immigration enforcement plan should be directed toward the entire Southwest border region, and should include proper resources for the State of Arizona. While the great States of Texas and California admittedly need extensive immigration enforcement resources, other States such as Arizona and New Mexico must continue to confront significant border problems. The Clinton administration must recognize that in order to control illegal immigration, smuggling and drug trafficking across the entire Southwest border, Arizona must be allocated its fair share of resources.

I am hopeful that this very necessary increase in funding for the Border Patrol will result in increases in Border Patrol personnel for the entire Southwest region. I urge my colleagues to support Representative BONILLA's motion to instruct crime bill conferees regarding this increase.

Ms. SCHENK. Mr. Speaker, I rise in strong support of the Bonilla motion to instruct.

In April I joined with the gentleman from San Diego, Mr. HUNTER, in successfully offering an amendment to the crime bill authorizing the expansion of the border patrol to 10,000 agents. This type of Federal commitment is overdue and sorely needed by the agents themselves and by those communities located on or near the United States-Mexico border.

Historically, the border patrol has not received funding commensurate with its tremendous responsibilities. Its primary responsibility is preventing illegal entry into the United States—in 1992 the border patrol apprehended 1,199,587 illegal aliens along the border. In addition, border patrol agents have primary responsibility for drug interdiction between ports of entry, and the border patrol conducts numerous interagency task force operations with other Federal, State, and local law enforcement agencies.

This issue is of particular interest to me, Mr. Speaker, because I represent the San Diego-Tijuana border region, the Nation's busiest and most violent border zone. Of those 1,199,567 apprehensions in 1992, more than 50 percent or 560,000, were apprehended in our region. 30 percent of all controlled substances seized by the border patrol in that year were confiscated in the San Diego area.

For years the political leadership in our country let the border leak like a sieve and nobody cared. And now our States and our localities are paying the price. Spending money on the border patrol is a cost-effective investment. If someone is prevented from crossing illegally, we do not incur potential medical, educational and law enforcement costs.

The Hunter/Schenk amendment is an opportunity for the Congress to do something besides talk about our border problems.

I urge my colleagues to instruct the conferees to accept this very important part of the crime bill.

Mr. BONILLA. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion to instruct offered by the gentleman from Texas [Mr. BONILLA].

The motion was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3838, HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 482 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 482

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking, Finance and Urban Affairs now printed in the bill. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 482 is an open rule providing for the consideration of H.R. 3838, the Housing and Community Development Act of 1994.

The rule waives all points of order against consideration of the bill.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance, and Urban Affairs.

Further, the rule makes in order the Banking, Finance, and Urban Affairs Committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered by title with each title considered as read. Points of order under clause 7 of rule XVI, which prohibits nongermane amendments, and clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill, are waived against the substitute.

The rule is an open rule which allows any amendment which does not violate the rules of the House to be offered.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 3838, the bill for which the Rules Committee has recommended this rule, reauthorizes for 2 years the much needed programs of the Department of Housing and Urban Development and the Farmers Home Administration. These programs provide vital housing and development assistance to our most vulnerable families and communities.

I commend Chairman GONZALEZ and his committee for crafting a bill which includes crucial reforms so that housing programs can more effectively and flexibly meet the needs of their beneficiaries.

Mr. Speaker, I ask my colleagues to support the rule so that we may proceed with consideration of the merits of this important legislation.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from New York [Ms. SLAUGHTER], my friend, for yielding this time to me.

Mr. Speaker, under the facade of an open rule, our friends on the other side are perpetuating business-as-usual. This rule waives points of order against H.R. 3838, the Housing and Community Development Act, for violating House rules regarding germaneness, appropriating in an authorization bill, and direct spending.

These waivers are granted by this rule despite a July 15 letter from the chairman of the Committee on Appropriations, the gentleman from Wisconsin [Mr. OBEY] to the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY] asking that all requests for waivers of clause 5(a) of rule 21 regarding appropriating in an authorization bill be rejected.

Despite these waivers, Mr. Speaker, I do want to commend the gentleman from Texas [Mr. GONZALEZ] for requesting an open rule. When we considered the rule for the last housing bill 2 years ago, it was the first time since Mr. GONZALEZ took over the chairmanship of the Housing Subcommittee in 1981 that we were faced with a closed rule on a major housing bill. I congratulate the chairman for returning to the fold.

I also want to commend the chairman, as well as the ranking Republican member of the Housing Subcommittee, the gentlewoman from New Jersey [Mrs. ROUKEMA] from a substantive perspective. I served on the Housing Subcommittee. During that time, I worked with Mrs. ROUKEMA and with the Reagan and Bush administrations to bring about many of the reforms that are contained in H.R. 3838.

These include public housing rent reform to help tenants become self-sufficient; correcting the failed policy of the one-for-one replacement rule that has caused the deterioration of the public housing stock; expediting the eviction of drug dealers from public housing; and giving local authorities more control over housing resources.

In previous years, we were blocked from making these important reforms. But it's never too late to open the shades and see the need to reform our scandal-plagued housing programs. This is a refreshing departure from the partisan gridlock that has characterized previous housing debates.

Of course, this does not mean that there are not serious problems with this housing bill. For example, the bill increases FHA loan limits to $172,675 in high-cost housing areas.

This is a gimmick to raise revenues for HUD in the short-run at the expense of undermining the long-term solvency of FHA's Mutual Mortgage Insurance Fund.

Accounting studies have found that FHA is losing money at an alarming rate, and raising FHA's loan limit to accommodate higher income homebuyers, while raising fees in the short-term, will lead to higher default rates 4 to 5 years down the road.

□ 1750

If these new lien limits stand, Congress may soon have to revisit another savings-and-loan-style debacle.

In addition, upper-income families have access to private mortgage insurance, and higher loan limits take away scarce housing resources from low- and moderate-income families, thus shutting many of them out of the housing market.

As an editorial in last Friday's New York Times entitled "Save FHA Loans for Needy Families" concluded:

> Despite high default rates, FHA-backed mortgages are an important tool for moving financially-strapped families into their first homes. For Congress to steer lenders of these mortgages from the needy toward upper-income families serves no public purpose.

Mr. Speaker, I hope that this FHA mistake will be reversed, and that other changes will be made that will allow me to end up supporting this bill.

Mr. Speaker, I am happy to congratulate my friend from New York [Ms. SLAUGHTER], for managing this rule so skillfully.

Mr. Speaker, I include the New York Times article referred to for the RECORD.

[From the New York Times, July 15, 1994]

SAVE F.H.A. LOANS FOR NEEDY FAMILIES

The Clinton Administration is backing legislation that would give more families Government-guaranteed mortgages. Put that way, the policy sounds enlightened. Why then do prominent community housing groups and consumer advocates oppose the legislation?

Their objections flow from a less flattering interpretation of the House and Senate bills: they authorize the Federal Housing Administration to help relatively high-income families. That would help mortgage lenders, whose loans to those families would become risk-free. But it would siphon mortgages from low-income home buyers whom the F.H.A. is supposed to protect.

Under the House bill, the F.H.A. would be allowed to provide Government-backed insurance to lenders who provide mortgages up to $101,575; the current limit is $67,500. In high-cost areas like New York City, the limit would be raised to $172,675.

But families would need to earn $70,000 a year or more to afford such mortgages. Most of these families already own houses and do not need help from the F.H.A., whose primarily mission is to make a family's first house affordable.

Community housing groups note that raising the F.H.A.'s limits does nothing to make a family's monthly mortgage payments more affordable. And the higher limits will steer lenders away from the less-profitable smaller mortgages that go to low-income families. The bill's sponsors counter by arguing that if the F.H.A. is permitted to cater to richer families, it will cut down defaults and generate profit that could be used to help the poor.

This proposition is dubious. True, the current default rate is high. Lenders of F.H.A.-backed mortgages, protected from default, provide loans with very low down payments. Low down payments invite foreclosure—and losses for the F.H.A.—because the families have little equity at stake and the lenders have little incentive to monitor their customers.

Last year over 80,000 families with F.H.A.-backed mortgages defaulted; in some areas, F.H.A. foreclosure rates reach nearly 30 percent. If legislation steers families into larger mortgages, it is likely to attract credit-risky families and trigger more foreclosures—dealing another blow to neighborhood economic revival.

Despite high default rates, F.H.A.-backed mortgages are an important tool for moving financially strapped families into their first homes. For Congress to steer lenders of these mortgages from the needy toward upper-income families serves no public purpose.

OPEN VERSUS RESTRICTIVE RULES 95TH–103D CONG.

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	78	19	24	59	76

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through July 20, 1994.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	O	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	O	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	O	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	O	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	O	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps. FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp. FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	O	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	O	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	O	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	
H. Res. 483, July 20, 1994	O	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 285–180 A: Voice Vote (July 21, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services.

To the Congress of the United States:

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 21, 1994.*

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to House Resolution 482 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3838.

☐ 1753

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes, with Mrs. THURMAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule the gentleman from Texas [Mr. GONZALEZ] will be recognized for 30 minutes, and the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, on behalf of my ranking minority members on the Committee on Banking, Finance and Urban Affairs and the Subcommittee on Housing and Community Development, the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from Iowa [Mr. LEACH] I am very proud to bring before the House for its consideration the Housing and Community Development Act of 1994. I thank all of my colleagues on the Committee on Banking, Finance and Urban Affairs on both sides of the aisle for their diligence and hard work during the 2 full days of a long markup of this bill. Virtually every member of the committee made a contribution and left his or her mark on this legislation, and it enjoys an overwhelming bipartisan support.

H.R. 3838 continues for 2 years, as was stated in the rule, the current HUD and Farmers Home programs. It finetunes many of them, resulting from many hearings that we have had in the past 2 years, not just last year. It creates a limited number of new programs, limited in accordance with that expressed desire on the part of the leadership, and particularly in consonance with the minority.

These programs provide housing and supportive services to our Nation's most vulnerable citizens and communities for low- and moderate-income and homeless Americans. Others enable thousands of American families for the first time to become homeowners. Still other programs help to stabilize neighborhoods by providing infill housing on vacant lots, neighborhood retail business enhancements, and large-scale site acquisition, clearance, and rebuilding. It is truly a housing and community development bill.

The bill streamlines a number of core housing and community development programs to provide regulatory and paperwork relief to HUD, the Farmers Home Administration, and program beneficiaries. Most initiatives proposed by the the administration are included within the current programs as eligible uses. The committee did this on a bipartisan basis in recognition of the concern of the HUD inspector general now and his predecessors, the inspectors general, for the growing number of HUD programs during a time of reduced HUD staffing and inappropriate skills mix.

This has been the question and the problem for some time, stretching back several administrations.

Important provisions of the bill include a broadening at both the low and the high end of the FHA mortgage limit, the preservation of the current affordable housing stock through a new cost saving section 8 contract renewal process, and this is in anticipation of what, if we are not handling it now as I have thanked the members of the subcommittee and full committee for anticipating, what would otherwise be a difficult problem to handle as we emerge into the next year and have many of the expiration dates coming around the horizon on some of these section 8 contract arrangements.

We have a merger of section 8 certificates and vouchers, which has been the result of at least some 6 or 8 years of effort to bring about, into some streamlined program. And here I want to compliment the HUD administration now in power for the excellent leadership they provided us in bringing a viable and a possible joinder of these two programs.

A block granting of six HUD homeless programs to achieve administrative efficiencies, rent reform for public housing residents, more flexibility for localities to meet the public housing one-for-one replacement, which I have from the very beginning been the advocate of.

In fact, I am the author of the one-for-one replacement amendments, going back to the beginning of the HUD period. I am also the author of the compensation programs in the case of eminent domain. In fact, in the charter legislation in 1965, I happen to be blessed with the privilege of having been serving on the Subcommittee on Housing and Community Development for the 32½ years that I have been here, and therefore was in on the creation of HUD in 1965, and the first and probably the most comprehensive and innovative and seminal act with respect to housing and urban development, as well as rural, in the 1966 comprehensive act.

Mindful of the cap on the domestic discretionary spending for the next 5 fiscal years, the bill authorizes $28.1 billion in fiscal year 1995, and $30 billion in fiscal year 1996 for HUD programs, and $3.1 billion in fiscal year 1995 and $3.2 billion in fiscal year 1996 for the Farmers Home programs administered by the Department of Agriculture.

☐ 1800

The bill reflects a bipartisan consensus on total program funding for each of departments. The managers' amendments will further reduce these totals to levels previously agreed to by both the majority and the minority, without reducing program levels below the appropriated levels.

The authorized levels for HUD programs, if fully funded by the Committee on Appropriations, will add 165,000 new units of affordable housing to the Nation's housing supply in fiscal year 1995 and another 174,000 units in fiscal year 1996.

This does not include new units generated through FHA mortgage insurance, the National Home Ownership Fund, or the Farmers Home Rural Housing programs.

I also intend to offer an en block amendment with the gentleman from Iowa [Mr. LEACH] and the gentlewoman from New Jersey [Mrs. ROUKEMA] particularly, as the minority leader of the Subcommittee on Housing, and myself in consultation with individual Members who have proposed further modifications and amendments to the bill. And we do this to expedite the consideration of the bill on sort of a consensual approach.

Madam Chairman, I include for the RECORD the following summary:

SHORT SUMMARY

H.R. 3838—THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Funding Levels: Authorizes $28.1 billion in FY 1995 and $30 billion in FY 1996 for HUD programs. Authorizes $3.1 billion in FY 1995 and $3.2 billion in Farmers Home Administration (FmHA) rural housing programs administered through the Agriculture Department.

The HUD authorized level for FY 95 is $2 billion less than that authorized by the Congress in FY 1994. The HUD funding authorized, if appropriated, would add 165,000 new units of affordable housing to the nation's housing supply in FY 1995 and another 174,000 units in FY 1996. These figures do not include new units financed through the FHA mortgage insurance programs, do not include units under the FmHA rural housing programs.

A chart detailing specific authorization levels for each program is attached.

Title I—Assisted Housing

Subtitle A: General Provisions—Provides that not less than one-fourth of the Commissioners on Public Housing Authority (PHA) boards must be residents of public housing. Clarifies certain definitions in current law. Makes the escrow account required for each Family Self Sufficiency participant an option for PHAs and families. Builds the cost of FSS Service Coordinators into the underlying section 8 contract and public housing development contract. Permits use of Headquarters Reserve to settle civil rights litigation such as desegregation of public housing.

Subtitle B: Public and Indian Housing—Provides rent reform for public housing residents by not counting all or part of their earned income for rent calculation purposes. Provides regulatory relief for "high performer" PHAs and Indian Housing Authorities (IHAs) that score well under the Public Housing Management Assessment Program (PHMAP). Permits PHAs to retain savings they achieve by operating more efficiently.

Directs HUD to include additional factors in its calculation of public housing operating subsidies.

Permits PHAs to use up to one-half their annual modernization grant to replace older public housing rather than remodel it, if such replacement is more cost effective. Reforms and rewrites current law requiring one-for-one replacement of public housing demolished or sold to permit a broader range of eligible replacement programs and joint ventures between a PHA and private developers.

Conforms two programs for severely distressed public housing into one.

Creates a five year demonstration program for 25 PHAs and resident management corporations to provide maximum flexibility in operating public housing through waivers of HUD regulations and statutes.

Permits PHAs to screen applicants for as well as current residents of public housing for prior criminal records. Such records may also be used for evictions.

Broadens the Public Housing Resident Management Technical Assistance and Training program to permit grants for resident organizing, resident council capacity-building, and resident business development.

Broadens Public Housing Family Investment Centers (FICs) services to include job training, employment referrals, job banks, apprenticeship training, business development start-up costs, job recruitment, supervision of trainees, funding of resident councils, RMCs, and other community-based organizations to inform residents about services provided by FICs.

Subtitle C: Section 8 Assistance—Merges the Section 8 certificate and voucher programs.

Establishes the Fair Market Rents (FMRs) at the 45th percentile of local rents; the 30 percent rent-to-income ratio, and federal preferences.

Deletes payment standards and "take one, take all"; permits families to pay up to 40 percent of their income for rent, subject to a rent reasonableness test by the PHA; and requires the PHA to survey its housing market if more than half its section families are paying more than 30 percent of their income for rent. Permits standard leases commonly used in the locality, including written notice requirements for evictions. Freezes the section 8 administrative fee for FY 1995 and FY 1996 at the FY 1994 level for PHAs. Permits limited fee increases, subject to appropriations, in some circumstances.

New features of the merged section 8 program include a "repair and deduct" feature permitting PHAs, and tenants in some circumstances, to repair long-standing code violations and withhold the requisite section 8 payment to the landlord. Debars landlords from participating in the program who are convicted drug dealers or if they have been suspended or debarred from other HUD programs by HUD. Permits a conditional approval of HQS by the PHA if the violation is minor and can be corrected within 15 days. If not corrected within 15 days, the PHA can repair and deduct.

Continues a program to attract pension fund investment in low rent, privately owned housing using section 8 project-based assistance.

Subtitle D: Renewal of Expiring Section 8 Contracts for Section 8 New Construction and Substantial Rehabilitation Projects—Provides a procedure to renew expiring 20 year project-based section 8 contracts while containing costs, protecting tenants, retaining landlords in the program, and preserving affordable housing.

Requires HUD to renew the section 8 assistance if the building's rents are within 110 percent of the area's FMRs, if requested and permits HUD to renew contracts on a budget basis, if rents are higher than 110 percent.

If the building's rents are not supported by the budget-based analysis, then HUD must negotiate with the landlord and can insist that he refinance the mortgage to take advantage of a lower mortgage interest rate, or reduced debt service, thereby reducing the rents and the cost of section 8 contracts.

If the owner opts out of the program, HUD can recapture the section 8 project-based assistance from his building and attach it to another building elsewhere in the community. Tenants displaced as a result of such an opt-out are entitled to tenant-based section 8 assistance to relocate elsewhere in the community.

Subtitle E: Homeownership Programs—Reauthorizes the HOPE Single and Multifamily Sale Programs which attach section 8 assistance to HUD-held foreclosed properties in order to resell them to low and moderate income renters and owners. Sets a 25 percent match for each program.

Continues and streamlines the National Homeownership Fund, permitting mortgage interest write-downs to one percent and grants to cover first-time homebuyer downpayments and closing costs. Second mortgage assistance is also continued as an eligible activity.

Broadens the section 106 Housing Counseling program to a Housing Counseling for Homeownership and Rental Housing Choice program. This incorporates HUD's proposed Choice in Residency proposal, focusing on public housing and section 8 renters to make them aware of housing opportunities throughout a metropolitan area.

Subtitle F: Other Programs—Expands the current Public Housing Drug Elimination Grant Program into a general crime deterrence and reduction program and provides the bulk of the funding in a formula grant to PHAs with 250 or more units of public housing that have crime problems. The new program is called Community Partnerships Against Crime (COMPAC).

Reauthorizes the current Low Income Housing Preservation program and the Flexible Subsidy programs.

Broadens the Youthbuild program to permit the employment of young adults in this job training program on new construction projects, certain community facilities, as well as the current rehabilitation of vacant housing. Targets 80 percent of funds to youths in families with incomes less than 50 percent of area median.

Requires HUD to provide section 8 assistance to tenants in HUD-held multifamily foreclosed properties if HUD finds, after the two year rent freeze provided in law, that they would be paying significantly more rent.

Directs HUD to provide guidance to PHAs and private landlords with section 8 tenants on proper methods of screening, admission, and eviction of current and former users of illegal drugs and alcohol abusers. Guidelines are to be based on the Public and Assisted Housing Occupancy Task Force report of April 7, 1994 and shall be issued no later than December 31, 1994.

Authorizes a three-year, three-city demonstration of consolidated waiting lists throughout a metropolitan region for applicants for public, section 8, HOME, and other federally-assisted housing. Waiting list to be managed by regional planning organizations, a designated PHA, a nonprofit entity, or consortia of local agencies. Provides incentives to owners to refinance high mortgage rate section 8 projects to today's lower rates.

Title II—HOME Investment Partnerships

Reauthorizes the HOME program for FY 1995 and 1996. Requires the Secretary to publish a notification of funding availability in the Federal Register no later than 90 days after appropriation for CHDO technical assistance. Clarifies that the costs of financing under the program include debt service reserves, credit enhancements and loan guarantees, and that eligible rental housing is housing with rents not greater than existing fair market rents. Requires that prevailing labor wage rates not be applied to HOME funds used to acquire land.

Title III—Supportive Housing Programs

Reauthorizes supportive housing programs for persons with special needs, including supportive housing for the elderly (section 202) and supportive housing for persons with disabilities (section 811); the housing opportunities for persons with AIDS (HOPWA) program; the revised congregate housing services program; and service coordinators in mixed populations buildings. Makes elder cottage housing a permanent eligible housing type for both the section 202 and 811 programs. Makes permanent the housing for elderly independence program. Makes other program improvements to the section 811, revised congregate services (revising the definition of frail elderly and reducing the match requirements) and HOPWA programs.

Title IV—Mortgage Insurance and Secondary Mortgage Market

Authorizes the Secretary to enter into commitments to insure mortgages under the National Housing Act for a reauthorized amount to be appropriated. Extends the date of termination for the Federal Housing Administration's Board to January 1, 1997.

Increases the maximum mortgage amount and the base floor amount for the FHA single family program to 85% and 50% of the conforming loan limit for FNMA and FHLMC, respectively, and allows for those limits to adjust annually.

Authorizes the Secretary to refinance HUD-held and HUD-assigned mortgages; in high cost areas to enter into arrangements with state or local agencies to share the risk in insuring mortgages; to delegate, under the direct endorsement program, the authority to insure mortgages involving single family dwellings; to insure a mortgage that secures a single family residence located on property owned by a community land trust; and, to insure a mortgage securing a single family property in which the effective rate of interest is fixed for not more than 5 years and is adjusted upon the expiration of that fixed period for the remaining term of the mortgage at a fixed or an adjusted rate.

Clarifies that the Secretary must approve point-of-use and point-of-entry water treatment equipment and water purification systems as acceptable water purification units. Strikes the provision which allows an increase in the amount of mortgage insurance if the increase is due to the installation of a solar energy system.

Extends the date of termination to September 30, 2000 for the home equity conversion mortgage demonstration program, and increases the number of mortgages insured under the program to 50,000. Makes technical changes to the energy mortgage pilot program.

Establishes a National Commission to recommend to Congress the appropriate future role of the Federal Housing Administration.

Extends the authorization to auction section 221(g)(4) multifamily mortgages through December 31, 2005. Provides that credit subsidy for refinanced FHA-insured multifamily housing mortgages shall be calculated based only on the amount which exceeds the outstanding principal balance of initial mortgage.

Extends authorization of the multifamily risk sharing demonstrations with the Federal National Mortgage Insurance Association, the Federal Home Loan Mortgage Corporation and other financial institutions for fiscal years 1995 and 1996 and extends the authorization for the risk sharing demonstration with state housing finance agencies for fiscal years 1995, 1996, and 1997.

Reauthorizes and extends the Emergency Homeowners Relief Act of 1975 for FY 1995 and 1996. Extends the authorization for the Indian Housing Loan Guarantee program through fiscal year 1996. Limits aggregate GNMA mortgage-backed security guarantee authority to $130 billion in each of fiscal years 1995 and 1996.

Requires the Secretary through the Federal Housing Commissioner to review the report issued by the Urban Institute, entitled "Performance of HUD Subsidized Loans: Does Cooperative Housing Matter?". Requires the Secretary to study the patterns of lending and insurance activity of private mortgage lenders and private mortgage insurers.

Title V—Rural Housing

Clarifies requirements for moratoria and for re-amortizing section 502 single family loans and makes the deferred mortgage program permanent.

Establishes a streamlined refinancing program for the section 515 rural rental housing program and provides permanent authorization for the section 515 program. Provides technical changes and reforms to the section 515 program including a prohibition on transfers and authority to provide loans for a term of 30 years.

Provides technical and clarifying changes and reforms for the rental housing prepayment program, including a prohibition on equity loans as incentives, unless necessary to prevent displacement or provide just compensation; and clarifies that incentives are available only for projects subject to the prepayment provisions at the 20 year mark, not before.

Extends the designation period for the targeted under-served areas program from 1 year to 2 years, except on tribal lands where the designation will be in place for 3 years, authorizes a set aside of up to 10 percent for communities with severe unmet housing needs, and extends the nonprofit set aside for the section 515 program.

Provides for operating assistance in lieu of rental assistance for migrant farmworker housing.

Establishes a rural community development initiative to attract foundation and other private funding for capacity building for nonprofit intermediaries in rural areas and establishes a delegated processing demonstration for section 502 loans in underserved areas. Establishes a technical assistance program for Native American areas to enable tribes and members of tribes to apply for rural housing program assistance.

Establishes a section 515 rural housing guaranteed loan demonstration of 25 projects with a total loan obligation not to exceed $50 million in each year.

Title VI—Community Development

Reauthorizes the following programs to be appropriated for FY 1995 and 1996: (1) the Community Development Block Grant (CDBG) program, (2) the section 108 loan guarantee program, (3) Special Purpose Grants for insular areas for technical assistance, for historically black colleges, for technical assistance for joint community development, for inner-city revitalization, for community adjustment, to purchase fire suppressing foam and to train fire fighters to use the foam in order to reduce fire-related deaths, and for work study grants for minority and economically disadvantaged students, (4) Neighborhood Reinvestment Corporation, and (5) John Heinz Neighborhood Development.

Expands the eligible activities for the CDBG loan guarantee program's economic development grant assistance to include the construction, rehabilitation or financing of retail and service facilities, mixed-use projects that link economic development activities and housing, community centers, farmers market and community business expansions.

Authorizes the Secretary to provide assistance directly to community-based and capacity-building organizations in order to conduct neighborhood community development as well as affordable housing, revitalization, and economic development activities. Creates a new program that will address the needs of border communities which have sub-standard housing.

Title VII—Regulatory and Miscellaneous Programs

Reauthorizes the following for FY 1995 and FY 1996: the Fair Housing Initiatives Program; HUD program monitoring and evaluation; HUD salaries and expenses; HUD research and development; the National Institute of Building Sciences; Residential lead-based paint hazard reduction grant program; New Towns demonstration program; National Institute of Building Sciences; National American Indian Housing Council; and the Housing Assistance Council.

Makes the following programmatic changes: permits HUD to transfer up to 10 percent from any technical assistance for HUD staff professional development training; requires HUD to report on authorized but unappropriated programs; requires HUD construction contractors to make a good faith effort to employ women; requires HUD, for each notice of funding availability, to provide an estimated date for notification of grant awards; removes Government National

Mortgage Association employees from HUD full time equivalent employment ceiling; requires wage matching with IRS records for residents of section 515 rural rental housing; requires 6 month GAO study of lead based paint detection technologies and tenant notification procedures; authorizes HUD to enforce compliance with Home Mortgage Disclosure Act reporting requirements through imposition of civil money penalties on nonsupervised lending institutions; extends the termination date for the Federal Deposit Insurance Corporation affordable housing program; and allows state agencies to qualify as sureties.

Title VIII—Housing Programs Under Stewart B. McKinney Homeless Assistance Act

Reatuhorizes and consolidates the Stewart B. McKinney homeless assistance programs and implements a formula-driven funding mechanism. Maintains as a competitive program the section 8 single room occupancy program. Moves the rural hopelessness program to the Department of Agriculture. Reauthorizes the Federal Emergency Management Agency Emergency Food and Shelter program and the HUD Innovative Homeless Demonstration program.

IMPORTANT PROVISIONS OF H.R. 3838—THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

1. FHA mortgage limits: A broadening, at both the low and high end.

2. Sec. 8 contract renewals: Preservation of the current affordable housing stock through a new, cost-saving section 8 contract renewal process.

3. Sec. 8 merger: A merger of section 8 certificates and vouchers into one streamlined program.

4. Homeless block grant: A block granting of six HUD homeless programs to achieve administrative efficiencies.

5. Public housing rent reform: Rent reform for public housing residents.

6. Demolition and replacement of public housing: More flexibility for localities to meet the public housing one-for-one replacement requirements of current law.

7. COMPAC crime grants for public housing: A broadening and formula funding of public housing crime reduction funds.

8. Enterprise-empowerment zone funding: Funding authorization for enterprise and empowerment zones.

9. Rural Housing Program reform: Reform of the section 515 Rural Rental Housing Program.

HUD PROPOSALS: WHAT HAPPENED TO THEM

The Department proposed 12 new programs and 6 program modifications.

1. McKinney homeless program block grant—Included in the bill (Title VIII) and authorized at $1.2 billion for FY 96 Transition year of FY 95 permitting consolidated application Programs combined: Emergency Shelter Grants; Transitional Housing; Shelter Plus Care; Safe Havens; Innovative Homeless Demonstration Programs left freestanding: Sec. 8 Single Room Occupancy and Shelter Plus Care rental assistance.

2. Sec. 8 Set-Aside for Homeless—Not included. Leave to local discretion. Too many set-asides of Sec. account at federal level already.

3. Enterprise and Empowerment Zone funding: $500 Million—Included in bill (Sec. 635). Authorized amount split $250 million in each of FY 95 and FY 96. HUD indicates initial designations will be made in September for approximately half the authorized number of zones.

4. Increase in FHA mortgage loan limits to $172,675—Included in bill along with an increase in the floor (lowest mortgage amount) which FHA may insure. Both ceiling and floor limits are indexed to secondary mortgage market's conforming loan limits.

5. National Homeownership Fund—funding—For the first time since this program, authored by myself, was authorized in 1990, HUD asked for funding. Bill authorizes $115 M in FY 95 and $215 M in FY 96.

6. FHA Single Family risk-sharing demonstration—Sec. 411 of the bill. Limited to high cost housing markets.

7. LIFT—Leveraged Investment for Tomorrow grants—Included within Economic Development Grants (Sec. 606), a discretionary grant program requested by the Department and authorized last year in the Hud Demonstration Act.

8. Community Viability Fund—Activities included within new consolidated program of capacity building for nonprofits and neighborhood based community development organizations (Sec. 633).

9. COMPAC—Community Partnerships Against Crime—Included in bill (Sec. 181) with five-yr. Formula funding for PHAs with 250 or more units that have crime problems in their public housing communities.

10. Public Housing Modernization Loan Guarantee—Managers' Amendment includes authority for PHAs to borrow up to five times their annual Mod grant amount to leverage private funds to build replacement housing and get ahead of their Modernization backlog by modernizing more units sooner.

11. Economic Opportunity Centers—Included within current public housing Family Investment Centers as one-stop job training, resident business development, and supportive service centers.

12. Tenant Opportunity Program—Replaces current public housing resident management technical assistance and training program. Expands eligible uses to include job training, and other self sufficiency activities beyond resident management of public housing.

13. Choice in Residency—Included with current sec. 106 Housing Counseling program. Counsels public housing and Sec. 8 residents and applicants to look for and move to housing outside pockets of poverty.

14. Metro-Wide Consolidated Waiting List Demonstration—Sec. 187 of bill.

15. Assistance to Impoverished Border Communities—Sec. 634 of bill (Colonias Assistance program).

16. HOME loan guarantee authority—Included as eligible use under HOME program.

17. Pension Fund Investment in Affordable Housing—Continued with 15 yr. project-based Sec. 8 assistance at $150 M in FY 95 and $200 M in FY 96.

Madam Chairman, I reserve the balance of my time.

Mrs. ROUKEMA. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise, as the ranking Republican on the Housing Subcommittee, to express my strong support for H.R. 3838, the Housing and Community Development Act of 1994.

In reviewing this legislation, my colleagues should know that the same commitment to produce a comprehensive, bipartisan bill which helped pass the 1990 and 1992 Housing Acts under the Bush/Kemp administration, has again guided our actions under the new administration.

In this respect, I want to commend HUD Secretary Cisneros for his total dedication and cooperation in working with us to achieve this legislation.

I also want to commend Chairman GONZALEZ for his sincere willingness to work with me and the other Members on the Republican side and for accepting many of the ideas, initiatives, and alternative housing polices which we presented. Without his total cooperation we could not have been successful.

This is in sharp contrast to past years when irreconcilable conflicts arose giving housing bills the reputation of being mired in controversy.

For my colleagues on this side of the aisle, I want to say that the Republicans were very much a part of the formulation of this bill with several provisions directly attributable to their efforts.

Just to name a few:

Mr. BEREUTER for his efforts on rural policy and surplus property.

Mr. RIDGE for his efforts on the homeless formula grant.

Mr. RICHARD BAKER for his efforts on public housing replacement.

Mr. KNOLLENBERG for his outstanding effort on rent reform.

Ms. PRYCE for her efforts on section 8 reform.

Mr. LAZIO for his amendment creating a public housing witness assistance program which will help fight crime in public housing.

Mr. GRAMS for his initiative on behalf of elderly persons living with the nonelderly.

And Mr. CASTLE for his efforts, which I strongly support although unsuccessful, to rid public housing of violent crime.

My colleagues, H.R. 3838 is a good bill.

H.R. 3838 balances the need for housing resources with the fiscal realities this Nation faces.

While the bill authorizes some $31 billion, this represents a modest 1.9 percent increase over the fiscal year 1994 appropriation for HUD and the fiscal year 1995 administration request.

And, compared to the fiscal year 1994 authorized funding levels approved by this House in 1992, this bill actually represents a reduction of approximately $2 billion.

Despite our tight-fisted funding approach, the committee was able to reverse several severe program budget reductions requested by the administration. These reversals were achieved because the committee felt the "Rob-Peter-to-pay-Paul or Pauline" approach was not acceptable and that funding for new programs could not come at the expense of existing programs.

One example was the committee increase for funding for the much needed, and popular, HOME investment partnership from the requested level of $1 billion to $1.5 billion.

The committee also restored the serious reduction in the section 202 program for the elderly from the administration request of $150 million to $1 billion.

H.R. 3838 also strikes the right balance between authorizing several of Secretary Cisneros' new programs without sacrificing existing effective programs.

In fact, 15 new programs were requested by the administration. However, because of the continuing management problems and staff shortages at HUD, as documented by both the GAO and the HUD IG, the committee agreed to create only three new programs. All of the other new initiatives were redesigned to fit into existing HUD programs.

H.R. 3838 also incorporates several housing and community development policies long championed by Republican members, including public housing rent reform, demolition and replacement of public housing, additional provisions to help address the mixed populations issue and the consolidation of Federal homeless assistance programs.

Madam Chairman, let me at this point take a moment to address just a few of the more significant issues addressed in this bill.

Perhaps the most notable of the changes made to housing policy was in the area of public housing reform.

H.R. 3838 takes action to help turn around public housing by reversing budget reductions in the operating and modernization accounts. The bill also allows modernization funds to be used for the replacement of obsolete and unlivable housing units.

H.R. 3838 makes great strides to remove the disincentives to work by initiating significant rent reforms which actually reward public housing residents who seek employment.

Here, I want to commend the work of our colleagues, Mr. KNOLLENBERG and Ms. WATERS for their hard work in shaping the rent reform provisions in this bill.

Among the changes, the bill provides a 20-percent earned-income deduction for those who work and allows residents whose children between the ages of 18 and 21 who work to discount their income for rent purposes.

And, the bill provides, at the option of the PHA the ability to freeze a resident's rent if that person finds a job after being unemployed for more than 1 year.

H.R. 3838 helps address the serious problems of crime and drugs in public housing by initiating a new anticrime program known as COMPAC and it allows public housing authorities to review the criminal records of housing applicants in order to help screen those who enter public housing.

Unfortunately, it was in this area that the Committee failed to enact the one important effort which could have made a significant impact on the lives of our residents. This unfortunate shortcoming involving guns in public housing is the singular failure of this legislation.

During subcommittee mark-up, the committee accepted an amendment sponsored by Mr. CASTLE, and BARRETT which would have permitted the residents of public housing to hold a referendum to ban guns in their housing complexes.

I supported this amendment as the one significant effort which could help stop the insanity of violent crime among our poor families.

My colleagues, 3.2 million Americans live in public housing. Unfortunately, we all are aware that, many of these developments are plagued with high rates of drug and other criminal activity.

And, most especially the residents of many of these developments are increasingly confronted with violence associated with the use of guns. One only needs to read the newspaper accounts of families in public housing forced to have their children sleep on the floor under their mattresses or in their bathtubs because they fear being shot, to fully appreciate the magnitude of this problem. Or instruct their children to lie on the floor while watching television to avoid possibility of ricocheting bullets.

The Barrett, Castle, Roukema amendment adopted in subcommittee took a reasoned and rational approach to this severe problem.

Regrettably, this much-needed amendment was deleted in full committee.

This was not an issue of constitutional rights to own a gun. This was an issue of the rights of the majority of the residents in a public housing development to live in a safe home.

This was not an issue of making residents in public housing second-class citizens subject to different standards of behavior or laws. This issue was brought to us by the very PHA's and residents who are most affected by this problem.

This was an issue of empowering poor people to act in their own best interest to provide a safe and decent environment to live in and to raise their children.

This was not an issue of gun control, this was an issue of crime control. This was an honest issue of keeping some sort of control over gun-related violence and preventing nonresidents from bringing guns into the developments.

Madam Chairman, for all the effort we are trying to make in this Congress to pass a crime bill to help our citizens feel safe and secure, the failure to keep this provision in the bill represents a major gap in our efforts.

Also for public housing, H.R. 3838 rewrites section 18 of the 1937 Housing Act making the most significant changes to the rules governing the demolition and replacement of obsolete public housing units. When fully implemented, these changes will go a long way in helping to rid the Nation of undesireable and mostly vacant high-rise housing.

Another provision in this bill would raise the loan limits for the FHA single family program.

As my colleagues are aware, I have had a long-standing position that no changes should be made to the operation of the FHA until the mutual mortgage insurance [MMI] fund met the capital levels mandated by the 1990 Housing Act.

Just before the committee mark-up, the results of the annual actuarial report and audit of the financial health of the MMI fund conducted by Price/Waterhouse and reviewed by the HUD IG, confirmed that the MMI fund had reached a capital level of 1.44 percent.

This was truly good news and allowed several of our members to support the proposed changes.

This is not to say that the FHA is out of the woods. The audit pointed out there are serious management weaknesses within the FHA especially with staff shortages. But these problems exist whether the FHA insures a $125,000 loan or a $172,000 loan.

While I will remain concerned about the long-term problems of the FHA, I do not feel the increase the high-cost area loan limit poses any risk to the MMI fund at this time. Of course, strict underwriting and constant diligence must continue.

Finally, through a strong bipartisan effort, and along the lines of an original Roukema/Ridge proposal, H.R. 3838 transforms the current six McKinney Homeless Assistance Act programs into a single, formula-driven grant program beginning on fiscal year 1996.

Under this revision, participating State and local jurisdictions will create local advisory boards which will be responsible for the development of a comprehensive homeless assistance strategy and a plan to carry out that strategy. The funding will be distributed on the basis of 70 percent allocated to the local communities and 30 percent to the States.

This change, by refocusing the effort to the State and local level, will help make the national effort to solve the problems of homelessness a much more effective and efficient program.

In conclusion, Madam Chairman, I again want to say that the Banking Committee has presented the House and the administration a good, balanced, bipartisan bill in which the Republicans played a major role in formulating.

I urge the Members of this House to vote "yes" on H.R. 3838.

Madam Chairman, I include for the RECORD the following article:

[From the Washington Post, July 20, 1994]

A PROMISING HOUSING BILL

Congress may be about to pass a housing bill that deserves more attention than it has received. The troubled public housing program in particular would be pointed in a new direction. The projects would be opened up to a slightly higher income group than now. The bill would also make it easier to replace and break up the concentrated inner-city projects that are the focal point of the program's problems.

These ideas bespeak a changed trend in the climate in which federal housing policy is made. The housing debate for most of the Reagan-Bush era was rigid and ideological. The administrations wanted mainly to cut the various subsidy programs for the poor on grounds they were too expensive, counterproductive and none of the government's business. The housing committees of Congress were just as determined to protect them. The two sides fought to a kind of lifeless draw in which there was little middle ground. The new administration has put the discussion back in the real world.

The rent rule now with regard to public housing is that tenants pay 30 percent of their adjusted incomes. The 30 percent becomes a kind of tax on extra earnings atop all other taxes (and in addition to the phaseout of other federal benefits as income rises). The effect is either to discourage earnings or to cause the upwardly mobile to leave. That adds in turn to the pressure on public housing.

Partly as a matter of policy—there are not enough units to serve all the poor, and Congress has said the poorest should be served first—the relative income of public housing tenants has declined in recent years. Because as a group they are poorer than they used to be, as a group they have more problems. The projects reflect it. The bill seeks modestly to reverse that trend by to some extent divorcing rent from income through a system of rent ceilings, partial income disregards and delays in what would otherwise be rent increases. The people in public housing will still be poor but as a group not as hopelessly so; that can't be bad.

To preserve an already insufficient stock of public housing in an era of budget cuts, it was also the rule that local housing authorities could only get rid of units if they replaced them. Much of the money for such replacements came through a modernization program. The result was that most replacements tended to be in the same configurations on the same sites.

The new rule still would mostly require replacement units, but not so much on the same site. The modernization money could be used to spread the units elsewhere, including, if the administration gets it way, into adjoining jurisdictions if they agree to receive them. The effort is to ease the heavy concentration of problems that comes with the concentration of subsidized housing for the poor. That could prove to be difficult or troublesome, but there's time to see how it goes, and its worth a try.

□ 1810

Madam Chairman, I reserve the balance of my time.

Mr. GONZALEZ. Madam Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. VENTO], the ranking member of the subcommittee.

Mr. VENTO. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, I rise in support of H.R. 3838, the Housing and Community Development Act of 1994, which authorizes $28.1 billion in fiscal year 1995 and $30 billion in fiscal year 1996 for HUD community development and housing programs. The bill also authorizes $3.2 billion Farmers Home Administration [FmHA] and rural housing programs administered through the Agriculture Department.

This bill has been a significant undertaking, pulling together the innovative initiatives and ideas of our Secretary at HUD, Henry Cisneros, and the new administration, members of the Banking Committee and others in Congress—for our important housing programs—in urban, suburban, and rural America.

I am especially pleased, as the chairman on the Speaker's task force on homelessness, that we are acting today upon an important revision of the HUD McKinney homeless assistance programs. Title 8 of this bill will create a new flexible grant program, consolidating several current programs—emergency shelter grant, supportive housing, safe havens, and shelter plus care—for formula allocation. These provisions were modeled on the comprehensive local and State planning for homelessness advocated by the Speaker's task force, by the Federal plan to end homelessness entitled "Priority Home," and of course, through the HUD legislation sent to us by Secretary Cisneros and his able Assistant Secretary, Andrew Cuomo. It is a major expansion of McKinney, nearly doubling the program and reforming it.

H.R. 3838 will also reauthorize the Interagency Council on the Homeless, maintain the current FEMA Emergency Food and Shelter Program at FEMA, and maintain section 8 SRO Program as a separate categorical program so that it can continue to provide the larger capital grants on annual basis to make permanent housing—some 2,000 units last year. Our bill also moves the rural homelessness assistance program to the Agriculture Department.

Our provisions incorporate many of the concepts put forth by the task force, the Federal plan and others, to embrace the nonprofits who carry much of the work load on this issue and to simplify and consolidate the Federal programs for homelessness assistance at HUD.

Of course, we are continuing to work out some of the differences between the various versions of the consolidation, including the possibility of speeding up the transition period for regulations and implementation and other formula matters such as holding harmless funding levels for communities.

I would like to comment on a couple of other provisions which I have worked on, and, of course, those programs that I support. I would like to draw my colleagues attention to our provision to expand the drug elimination program in public housing and the revised compac initiative which is crafted to address broadly crime in and around public housing areas.

The committee's bill is also creating several options for addressing equal opportunity and choice in housing in our communities. We are including demonstrations for joint waiting lists and providing guidance and flexibility where possible to assist with deconcentration issues.

Madam Chairman, our housing needs are great. Millions of Americans live in poverty and only about one-third of them receive any government housing aid. Almost 10 million Americans are unemployed. Millions of very low income renters live in substandard housing or pay well over 30 percent of their income for housing. Millions of our citizens are on our Nations streets over the course of a year. We need comprehensive housing and community development legislation to help us meet the promise of decent safe sanitary affordable housing for all Americans.

An essential component of our housing programs is the FHA Single Family Insurance Program which last year insured close to 1 million American homes. The accounting firm of Price Waterhouse has produced an audit of FHA, the MMI fund is doing fine and is predicted to exceed the interim capital standard of 1.25 percent by obtaining 1.44 percent and is currently projected to reach 3.41 percent by the year 2000, well over the required 2 percent capital ratio.

Our bill will raise the base loan limit from $67,500 to roughly $101,000—50 percent of the Freddie Mac/Fannie Mae conforming loan limit—bringing this limit back into the market. This base amount has not been adjusted since 1979 and FHA has not kept pace with the market. According to National Association of Realtors' figures the only source of important information; existing home sales show the median priced home in 1993 was $106,800.

Our bill also broadens the marketability of FHA by raising the ceiling loan limits and setting them at 85 percent of the conforming secondary FNMA/FM loan limit in high cost States. By broadening the market usefulness and appeal of the program, we can keep the FHA fund self-sustaining and serving middle-class families striving to achieve homeownership.

Madam Chairman, I would also like to speak in favor of a provision we have incorporated, as a result of the good work of our colleague, Congresswoman KAPTUR. Included in the bill is a version of the community viability fund proposed by the administration to help provide technical and other assistance to neighborhood groups and community development organizations at the local level to expand their capacity to serve. With this, we will be creating a Geno Baroni Recognition Award with a 10-percent set-aside of these capacity building funds to acknowledge the work of these organizations and to encourage them to do more. These recognition awards will allow us to pay tribute to the leadership and the vision of a former Assistant Secretary at HUD, Msgr. Geno Baroni. The monsignor was instrumental in drawing national attention to the plight of America's neighborhoods in the 1970's. His work led the grassroots of neighborhood development forward and also helped create organizations such as the successful Neighborhood Reinvestment Corporation, which carries out vital programs today in hundreds of cities around the country.

Mr. Speaker, I would conclude by thanking the chairman and the ranking minority Member, Congresswoman ROUKEMA, and their able staff members of the Banking Subcommittee for the their work on this important bill. I urge my colleagues to vote in favor and support the bill.

Mrs. ROUKEMA. Madam Chairman, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Madam Chairman, I thank the gentlewoman from New Jersey for yielding me this time.

Madam Chairman, this Member rises today in support of H.R. 3838, the Housing and Community Development Act of 1994, and commends the gentleman from Texas [Mr. GONZALEZ], the distinguished chairman of the Committee on Banking, Finance, and Urban Affairs, who continues his strong interest and leadership in housing and community development; the gentleman from Iowa [Mr. LEACH], the distinguished ranking member of the committee; and the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA], the ranking member of the Subcommittee on Housing and Community Development of the Committee on Banking, Finance, and Urban Affairs, all for their efforts in bringing this measure before us today.

Madam Chairman, there were excellent initiatives from both sides of the aisle, and despite debate on some very controversial issues, the subcommittee and the committee moved forward in the markup in a bipartisan, good-faith effort worthy of further emulation in this Congress.

Madam Chairman, this legislation, H.R. 3838, makes significant changes and improvements to a wide variety of the Nation's Federal urban, rural, and Indian housing policies and programs. However, for purposes of legislative intent, this Member will primarily address his remarks to programs on which he has had a special involvement in the legislative process this year.

□ 1820

It includes a demonstration program authored by this Member which will create a new loan guarantee program for the development of multifamily rural rental housing. Currently the only Federal program allowing development of this type of housing is an expensive direct loan program which has, unfortunately, been plagued with problems. H.R. 3838 addresses many of those problems, and does make that program better. This Member wants to be clear, that the 515 loan guarantee demonstration program proposed by the members is not intended to replace the existing program, but to augment it, at a lower cost, to reach a segment of our rural population which has been underserved by Federal housing programs. The demonstration program will provide a Federal guarantee on loans made by private lenders for the development of greatly needed rental housing rural areas. In each of fiscal years 1995 and 1996, 25 developments will be guaranteed by the Farmers Home Administration. Developers will bring 10 percent of the cost of the project to the table, and private lenders will make loans for the balance. The lenders will be given a 100 percent Federal guarantee on the loans they make. Unlike the current program, whose full costs are borne by the Federal Government, the only costs to the Federal Government under this program will be for administrative costs and potential defaults. It should be noted that this program is based on the very successful FmHA 502 Middle Income Loan Guarantee Program for home ownership. That program has a default rate of only 1.59 percent. As you can see, Mr. Chairman, loan guarantees are a much more effective use of limited Federal dollars. This Member thanks Chairman GONZALEZ, the gentlelady from New Jersey [Mrs. ROUKEMA], and the members of the Banking Committee for their cooperation in including this provision in H.R. 3838.

This Member is also pleased that this measure also reauthorizes the Indian Housing Loan Guarantee Program which this Member authored and saw authorized in 1992. This program is poised to provide tremendous opportunities in Indian country by making private lending available on trust land. Again, this is a loan guarantee program, so the costs to the Federal Government will be very low and the opportunities to our native American citizens will be great.

This measure makes significant improvements to the Nation's low-income housing programs as well. The regulatory relief for innovative public housing authorities included in H.R. 3838 will allow the Secretary of Housing and Urban Development to waive many of the burdensome, unnecessary and counter-productive regulations created by HUD over the years. While protecting the interests of low income tenants, this provision will give innovative public housing authorities the means to develop a plan for operation, management, maintenance and development which exempts them from the stifling regulations currently imposed by HUD. It's a good provision, and this Member is pleased to note that it includes many of the ideas included in this Member's legislation, H.R. 4165 and H.R. 4432.

Another positive feature of the bill is rent reform for public housing. This provision sets a more rational, fairer policy which encourages residents of public housing to work and improve their lives without penalizing them for their efforts as current rent policies do. The gentlelady from New Jersey [Mrs. ROUKEMA] and the gentleman from Michigan [Mr. KNOLLENBERG] are to be especially commended for their efforts on this provision and a proposal this member had drafted.

Perhaps one of the most positive features of this measure is the relaxation of the one-for-one replacement rules. This correction of a well-intended but failed policy will allow public housing authorities to develop safe, decent and livable housing to replace some of the worst projects in the nation. Currently, dilapidated, unsafe and badly designed housing cannot be demolished unless it is replaced on a one-for-one basis. Of course, with funding tight, many public housing authorities cannot replace this housing and so it sits, empty and dangerous, attracting criminal activity and demoralizing those who are forced to live near it. This measure allows less than one-for-one replacement and the development of better, scattered site, more livable housing. This is truly an important improvement to Federal policy.

Finally, Madame Chairman, H.R. 3838 contains a provision which allows public housing authorities to obtain the criminal records of adult applicants and residents of public housing. This provision will help to foster a safer, more secure environment for the residents of our Nation's public housing.

Madame Chairman, this Member strongly supports this bipartisan measure and urges his colleagues to vote for its passage.

Mr. GONZALEZ. Madam Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WATERS], a distinguished member of this subcommittee and of the committee.

Ms. WATERS. Madam Chairman, I rise in support of H.R. 3838. H.R. 3838 reauthorizes a number of important housing and community development programs for fiscal year 1995 and fiscal year 1996. As a member of the House Banking Committee and the Subcommittee on Housing and Community Development, I am proud to have been a participant in this legislative effort. I want to commend Chairman GONZALEZ and the ranking minority leader, Mrs. ROUKEMA, for their leadership in moving this bill through both the subcommittee and full committee.

I want to speak briefly on several measures that are included in this bill and tell you why I think they are so important.

H.R. 3838 makes several crucial reforms. First, it changes the manner in which HUD calculates rent for public housing residents, along the lines of H.R. 4159.

I introduced H.R. 4159 as a result of contact being made to me by another Member of this body, the gentleman from Georgia [Mr. BISHOP]. He came to me with some of his constituents from Georgia, and they had worked up a wonderful proposal for rent reform and I joined with them to make sure we implemented this idea, because I know a lot about what was going on in housing projects all over America. I recognized that there were many residents who tried to work, who tried to get a job so that they could mainstream their lives, only to find for every penny they earned, it was being taken away. They did not have the opportunity to accumulate any savings. They did not have the opportunity to realize the difference in income as a result of the job that they had gotten. So this rent reform is extremely important to empowering people. So I was fortunate at the initiation of the gentleman from Georgia [Mr. BISHOP] to introduce that legislation.

H.R. 3838 modifies rent requirements to exclude a portion of earned income from being considered for rent calculation purposes, thereby allowing public housing tenants to keep more of the money they earn and encourage them to work for additional income. The bill also excludes from a family's income calculation, the earned income of young adults between the ages of 18 and 21 that live with the family. This is real welfare reform, Mr. Chairman. If we are serious about welfare reform, we must provide opportunities and incentives for individuals to work like the ones contained in this bill.

Second, H.R. 3838 authorizes $212 million for fiscal year 1995, and $225 million for fiscal year 1996 for AIDS housing programs. The bill encourages additional input from AIDS service providers and affected communities in local planning and application activities.

H.R. 3838 also reauthorizes and reforms the Section 108 loan guarantee program. I have been and continue to be a strong supporter of the Section 108 loans because I truly believe they provide meaningful resources. This legislation would enhance the economic development aspect of the Section 108 program.

Other programs reauthorized by this legislation include the HOPE and HOME programs, Section 8 low-income rental assistance, public housing modernization and construction, elderly and handicapped housing, rural housing grants and loans, and Community Development Block Grants.

H.R. 3838 is a good package. I think it represents a shift in the housing discussion from one based on ideology to one based on the real life problems of people and communities and concrete, meaningful solutions to address those problems.

I support H.R. 3838 and I urge my colleagues to join me in passing this very important legislation.

Mrs. ROUKEMA. Madam Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER of Louisiana. I thank the gentlewoman for yielding me the time.

Madam Chairman, I rise to congratulate our leadership and that of the other side on a very important aspect of this legislation, dealing with a very troubling matter in our Federal housing policy known as the one-for-one replacement rule that was well intended when first passed to require that before any unit of public housing could be demolished, a similar unit should be constructed at another location to ensure that adequate housing inventory was maintained for all those in need. Unfortunately, the Federal Government has not been a very good housing manager. In fact, it is probably one of the poorer in the country, because resources are stressed, units often suffer in a dilapidated condition, we are not able to renovate properly or even do adequate maintenance.

In the case of a project in New Orleans, LA, known as the Desire Street project, we find frankly some of the most miserable housing conditions in America. Regretfully, although one of the largest housing units today, it is one of the lower in occupancy because the units have continued to deteriorate, the quality of life there is miserable and accordingly suffers from a very high rate of crime.

The most efficient and logical thing for us to do is not to continue to invest additional dollars in this very large and inefficient unit but to allow the housing authority there locally to use their best initiatives in using scarce taxpayer dollars to create quality housing opportunities for those who really need it. It will reduce the total number of housing units structurally available but, in fact, will increase more units for those who really need it in the New Orleans area.

This waiver provision for the one-for-one housing rule is a very important provision, and I wish to commend not only the chairman of the full committee, the gentleman from Texas [Mr. GONZALEZ], but the gentleman from Massachusetts [Mr. FRANK], who has been a strong advocate for housing in our Nation as well as the gentlewoman from New Jersey [Mrs. ROUKEMA] for her hard work in working this compromise language in the process. The result I believe is not only a gain for those in need of public housing but more importantly a significant gain for the American taxpayer, because it means scarce resources will be more effectively utilized to provide quality housing for those who need it and not to be constrained by artificial rules that force us to continue in a very inefficient and irresponsible manner.

I appreciate the leadership of those on the Committee on Banking, Finance and Urban Affairs for inclusion of this provision. I am happy to work with them in seeing its adoption.

Mr. GONZALEZ. Madam Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. KLEIN], a very distinguished member of the subcommittee, and, of course, the committee.

Mr. KLEIN. Madam Chairman, I rise in strong support of H.R. 3838, the Housing and Community Development Act reauthorization bill.

This 2-year authorization—which provides $31.2 billion in fiscal year 1995 and $33.6 billion in fiscal year 1996—is a carefully crafted bill that provides essential spending authority on a wide range of programs that fall under the jurisdiction of the Department of Housing and Urban Development.

I am sad to say that I believe this bill falls short of the amount of money needed to adequately address our housing needs across this country. But given the limited amount of funds that are available, I believe our committee has done a masterful job in striking a careful balance between existing programs and several of the new initiatives proposed by Secretary Cisneros.

This bill gives HUD and local housing authorities more flexibility in using Federal funds. It relaxes the rent ceilings on working families who live in public housing; it simplifies the administration of the subsidized private housing program known as section 8 by merging two forms of assistance; it modifies the current one-for-one public housing replacement rule; and it consolidates existing homeless programs to give States, localities, and nonprofit agencies greater latitude in combating homelessness.

This bill also contains a provision I sponsored which would increase the amount that can be insured by the Federal Government under the FHA's single-family mortgage insurance program.

As it stands now, the maximum amount that can be insured under this program is $151,725. My proposal raises that limit to $172,675.

It is proposed that is supported by the mortgage bankers, the homebuilders, the realtors, and the administration. And it is a proposal that has already been included in the fiscal year 1995 VA-HUD-independent agencies appropriations bill.

Why do we need to raise the current FHA loan limit? Because middle-income people in high-cost areas like northern New Jersey and California cannot get a loan through the FHA program that exceeds the current $152,000 limit. This is despite the fact that the average cost of a house in my State exceeds $179,000.

People in high-cost areas of this country should not be denied access to the lower downpayment requirements of an FHA loan simply because of where they live.

And let me set the record straight on one key point. I am not talking about rich people buying vacation homes with Government-guaranteed financing.

I am talking about moderate income people, firemen and factory workers, most of whom are first-time home buyers, who simply do not have enough cash on hand to meet the minimum 5-percent downpayment requirements set by most conventional lenders.

Will an increase in the FHA loan limit put the mutual mortgage insurance fund at risk?

Absolutely not. The recent actuarial analysis of the economic net worth of the FHA mortgage insurance fund prepared by Price Waterhouse concluded that the capital ratio requirements as established by law have been exceeded.

As with any insurance company, FHA must and should spread the risk of possible loss. High balance loans have much lower claim rates than lower balance mortgages. Increasing the loan limit will enhance lending and the financial standing of the insurance fund. This, in turn, will allow the FHA to undertake more outreach to underserved buyers. By strengthening the fund, it will give the FHA the ability to make more loans to low-income people as well.

The FHA has and will continue to serve low- and moderate-income home buyers throughout the United States. Increasing the loan limit will simply insure that home buyers in high-cost areas can finally participate in the FHA loan program. In areas where houses are more moderately priced, home buyers will benefit from a more solvent mortgage insurance fund.

H.R. 3838 is an excellent bill and it deserves your support. I urge all my colleagues on both sides of the aisle to cast an "aye" vote in favor of this legislation.

□ 1830

Mrs. ROUKEMA. Madam Chairman, I yield such time as he may consume to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

Mr. CASTLE. Madam Chairman, I congratulate all of the leadership for putting this bill together.

Madam Chairman, I rise in support of H.R. 3838, the Housing and Community Development Act of 1994. This legislation contains some important reforms to our Nation's housing policy, and I believe the majority and minority have made a solid effort to produce a bill that can win bipartisan support. I do not agree with every provision in the bill and I will be supporting some amendments to improve it, but overall, I think it does improve our Nation's housing policy and will help provide housing to low-income Americans in a cost-effective manner. There are a number of issues which I believe deserve particular emphasis.

VIOLENCE IN PUBLIC HOUSING

H.R. 3838 will help public housing authorities reduce the violence that plagues too many of our public housing developments. I strongly support the amendment adopted to permit PHA's access to the criminal conviction records of adult residents and applicants in public housing. This information is necessary to help the PHA's provide a safe living environment for the law-abiding residents of public housing.

I am disappointed that the committee failed to adopt an amendment to authorize the residents of public housing to conduct referendums to register, control, or ban guns from their public housing complexes. These referendums would be voluntary and would give the residents the ability to combat gun-related violence. The residents of public housing want to be involved in solving the problems which face them. We talk a lot about empowering residents to improve their lives. The gun referendum is a legitimate method to help them to do just that. I want to thank my colleagues, RON WYDEN, JOHN LEWIS, TOM BARRETT, MARGE ROUKEMA, and BOBBY RUSH for their leadership on the gun referendum and I will continue to work with them to give residents of public housing the ability to help rid their communities of gun violence.

HUD MANAGEMENT OF EXISTING PROGRAMS

Over the past year, the HUD inspector general has reported on serious problems in HUD's ability to manage its existing programs. While I appreciate Secretary Cisero's efforts to set new priorities and goals for the Department, it is critical that HUD concentrate on improving the management of the Department and its programs. The inspector general has identified major systemic and programmatic issues that make up HUD's top 10 management problems. The Department should make resolution of these problems an ongoing priority. I am pleased that the committee has directed that the majority of HUD's new program initiatives be addressed through existing programs. HUD and the Congress should concentrate on ensuring HUD can meet its current responsibilities before significantly expanding its mission.

REGULATORY RELIEF FOR HIGH PERFORMING PHA'S

I strongly support the provision in this legislation directing HUD to reduce the regulatory burden on well-run public housing authorities. I urge HUD to do as much as possible to provide regulatory relief and operational independence to high performing PHA's. HUD should consider increasing the financial incentives available to these PHA's. If public housing authorities are meeting the goals of Federal programs, they should be given increased flexibility to operate these programs.

MIXED POPULATIONS

Senior citizens in public housing continue to express their concern over the threat posed by the presence of young, disabled individuals in housing which should be reserved for the elderly. There is a particular problem with individuals with a drug or alcohol dependency. I support the provision adopted by the committee which will allow expedited eviction proceedings for residents who threaten the safety of other residents. I urge my colleagues to support an amendment which will be offered by PETER BLUTE to strengthen this provision. The Blute amendment will require the eviction of disruptive tenants after three documented infractions and improve the front-end screening process to prevent nonelderly drug and alcohol abusers from being admitted to senior housing. Let us help our low-income elderly citizens live in safety. Support the Blute amendment.

FHA LOAN LIMITS

Madam Chairman, I have strong reservations over the bill's provisions to increase the loan limits for the FHA's single family mortgage program. The Federal Government should not be in competition with the private mortgage industry. In addition, I am concerned that the increase in the FHA limits, particularly increasing the loan limit in high cost areas, may present a threat to the soundness of the mortgage insurance fund. I believe that this issue should be revisited in conference.

While I do not support every aspect of this legislation, in total it is a good piece of legislation and deserves approval by the House. I congratulate Chairman GONZALEZ, Mrs. ROUKEMA, and the members of the committee for their work on the bill.

Mrs. ROUKEMA. Madam Chairman, I yield 1 minute to the distinguished gentleman from Iowa [Mr. LEACH], the ranking member of the full committee.

Mr. LEACH. Madam Chairman, I am pleased to support H.R. 3838, the Housing and Community Development Act of 1994. The Republican Members have been active participants in the development of this legislation; in particular, I want to acknowledge the leadership of the ranking member of the Subcommittee on Housing and Community Development, Mrs. MARGE ROUKEMA, along with Representatives DOUG BEREUTER, RICHARD BAKER, TOM RIDGE, CRAIG THOMAS, DEBORAH PRYCE, JOE KNOLLENBERG, RICHARD LAZIO, ROD GRAMS, and MICHAEL CASTLE. It is with that bipartisan spirit and Chairman GONZALEZ's cooperation and comity that I ask my colleagues to support a bill that addresses pressing housing problems in a responsible manner. This legislation represents an impressive and welcome examination of significant housing reforms, which in the past have treated with unnecessary partisan debate. Most important, this legislation attempts to reach a balance that maximizes the investments made by the American taxpayers to sustain the rebuilding of our communities started by the President's predecessors.

In public housing we have made great strides in the area of rent reform, through a bipartisan provision that will, in effect, provide incentives for families residing in public housing to work or seek employment with higher wages. Current law has required public housing authorities to automatically adjust a tenant's rent calculation—based on the 30 percent of income rule—when a family's income increases. In certain circumstances, families who have struggled up the economic ladder find themselves penalized once they have succeeded in finding employment or improving their financial circumstances. The committee bill has responded to this issue by authorizing a public housing authority to not count, up to 18 months, earned income when a family member becomes newly employed. This response will hopefully be an impetus for families to empower themselves to improve their employment and financial condition. It is these types of improvements that will sustain a public housing development with an improved income-mixed population, which ultimately stabilizes a community.

One of the most significant accomplishments of this legislation is the committee's response to the "one-for-one" replacement rule, codified as section 18 of the National Housing Act of 1937. In effect, a waiver is provided, given certain conditions such as population trends and local housing conditions, which allows a Public Housing Authority to demolish dilapidated and uninhabitable public housing without replacing each unit with a unit. This long overdue provision allows PHA's to reduce density of very low and low-income minority residents and creates incentives for HUD to update and streamline the current demolition-disposition process with a time specific approval process. In addition, in attempts to respond in a fiscally prudent manner, this legislation allows PHA's authority to use modernization funds for replacement housing when they can show that it is more cost effective to replace the affected units as opposed to modernizing.

And, it appears that public housing issues continue to involve extensive debate on mixed populations. In the past, this issue was so controversial as to be a driving force behind passage of the housing and community development bill of 1992. I believe that the intent of title VI of the 1992 legislation was to allow public housing authorities and managers of federally assisted facilities flexibility in housing the elderly and young disabled in the most appropriate residential setting. The 1992 legislation provided for supportive services as needed, and permitted facilities for the elderly to continue to house principally the elderly. Further, the 1992 legislation ensured that the disabled received access to affordable housing equal to that available to the elderly, although there continues to be a problem with alcoholics and drug abusers. In an attempt to resolve those ongoing conflicts between two population groups with distinct needs, I am happy that the committee approved a measure that would allow expedited eviction proceedings if a resident's behavior "constitutes a threat to the health, safety, or right to peaceful enjoyment of the premises." Although this measure may not be a panacea for all the unresolved problems of what we call mixed populations, I am hopeful that HUD will develop regulations and policies sensitive and responsive to this issue. Otherwise, absent initiative by HUD, I may find it necessary to support additional legislation to effectuate an appropriate change.

In tackling crime in public housing, the administration's new program, the Community Partnership Against Crime [COMPAC], is a refinement of the previous administration's Public Housing Drug Elimination Program [PHDEP] by applying it to all types of crime, not simply crime that is drug-related. Although COMPAC will expand our efforts to combat crime, I am somewhat cautious because of the funding allocation formula that appears to be in favor of larger public housing authorities with 250 or more units. There are numerous small public housing authorities doing great work, in terms of crimefighting and prevention, that I have been reassured will receive appropriate funding.

To show how programs such as COMPAC can have an enormous impact, I want to highlight a partnership formed in Clinton, IA, between the Clinton Housing Authority and the Clinton Police Department to reduce the impact of drugs, gangs, and alcohol on the families in public housing. This partnership was funded by the public housing drug elimination grant program and enabled the Clinton Police Department to assign a police officer to the housing authority to do a variety of functions. The duties of this officer, Pat Cullen, include criminal background checks, tenant patrols, intervention services, developing service linkages, investigating crimes, creating youth and adult activities, and eliminating drugs and gangs. The success of this partnership has been phenomenal. The officer assigned to the Clinton Public Housing Authority, known as Officer Pat, not only serves as an authoritative figure, but interestingly a surrogate father-figure to many of the children in the public housing developments who lack a positive male role model. This type of program is necessary if we are to make these public housing developments decent and safe communities.

Under assisted housing, this legislation consolidates the section 8 certificate and voucher programs in order to provide needed rental assistance to low and moderate income families through the private sector rental market. I commend the committee's action, in this regard, because the merger of these two programs will bring administrative efficiency at the local level. This is particularly important in small- to medium-size urban areas, which I represent.

This legislation also corrects the system on which fair market rents for section 8 assisted housing are established. This issue came to my attention in the fall of 1993 when the fiscal year 1994 fair market rents were established by HUD. More than 1,200 market areas appealed the proposed lower rents, including my own city of Davenport. To address this situation, H.R. 3838 requires HUD to set fair market rents at no less than the 45th percentile of local market rents—the dollar amount below which 45 percent of the standard quality rental units in the locality are available for rent. In essence, the administration's request to use the 40th percentile is rejected. I am hopeful that this change will ensure an adequate supply of private rental units available for the section 8 rental assistance program. The cities of Davenport and Muscatine have been instrumental in bringing these issues to my attention.

In response to concerns of homelessness, I applaud the administration's proposal, which interestingly, is similar to past Republican initiatives by Mrs. ROUKEMA and Mr. RIDGE to consolidate the McKinney homeless programs into one block grant. This legislation will allow a more comprehensive approach to the homeless issue by granting communities flexibility to develop programs that address their local homeless needs. This is important, particularly in my district, which is less urban than others, but nonetheless, represents a unique homeless problem. This "bottom-up" approach, proposed in the legislation, is the type of Government initiative necessary to ensure that our programs achieve an intended impact on our communities plagued with this problem. Furthermore, I have been assured that the consolidation's formula will not have an adverse impact on any community; every community, under the new allocation formula, will receive at least the amount they received under the previous allocation system. I am hopeful that Iowa communities will fare better under this block grant approach rather than the previous hit-or-miss nature of the categorical HUD homeless assistance programs.

In terms of home ownership, this bill authorizes Chairman GONZALEZ' proposed national home ownerhship trust fund at $100 million, which will provide downpayment assistance, and in limited circumstances, interest rate buydowns, for first-time home buyers. In addition to the fund, the Federal Housing Administration's [FHA] maximum mortgage loan limits have been increased from $151,725 to $172,675 for high-cost areas and in all other areas, $101,575. These limits are tied to the GSE conforming loan limit and will change automatically as the conforming loan limit changes, thereby eliminating the need to debate every 2 years the increase in loan limits subject to FHA mortgage insurance. However, I would be remiss if I did not acknowledge the concerns of some Members who are apprehensive that FHA may be expanding at a faster pace than some would like, while not necessarily promoting home ownership among first-time home buyers, minorities, and inner-city residents, all of whom typically are characterized as excluded from the mortgage finance system, and who many argue, should be the focus of FHA's programs. Given the proposed National Commission on the Future of the FHA, I believe that a thoughtful and deliberative study on that agency's public policy mission, management, home ownership products, and financial projections, will give Congress a clear direction and recommendation for future debates, particularly on the issue of who FHA should be serving. I am confident that the Conference deliberations on this bill will result in setting FHA mortgage loan limits which we can all be comfortable and proud to support.

I would also like to acknowledge and commend Mr. BEREUTER for his proposed rural housing initiative to create a Farmers Home Administration Rural Rental Housing Loan Guarantee Program—also known as section 515 multifamily housing. This loan guarantee program, although implemented as a demonstration for fiscal years 1995 and 1996, will be the first step in exploring alternative methods of financing and development of affordable housing in rural communities. Furthermore, I am aware of many concerns raised by the April 21, 1994, Committee on Appropriations investigation report that revealed significant managerial and programmatic problems with the section 515 direct loan program. Reforms have been implemented, through this legislation, to address the investigation report and I am amendable to other suggestions that will make the section 515 direct loan program viable, cost efficient, and less susceptible to fraud and abuse.

Overall, Madam Chairman, the Housing and Community Development Act of 1994 is a positive step in the right direction. I urge passage of this legislation.

Mr. GONZALEZ. Madam Chairman, I yield 2½ minutes to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Madam Chairman, as a member of the Banking Committee, I rise in support of the Housing and Community Development Reauthorization Act, H.R. 3838. I commend Chairman GONZALEZ for his leadership in the crafting of this legislation which will certainly provide a new direction for housing and community development in this Nation. These new policies compliment the positive changes of reform which are taking place at HUD.

I am especially pleased by our committee's bipartisan efforts which resulted in a provision that revises the current one-for-one replacement policy in public housing. We learned from congressional hearings last spring that this policy has become somewhat inefficient and has placed an undue burden on providing decent and affordable housing in some cities. The goal of the new provision contained in H.R. 3838 is to resolve the vast number of vacant and uninhabitable public housing units. A large amount of our valuable housing resources are being devoted to heat and provide security for empty buildings.

As I have witnessed too many times, half-vacant buildings attract drugs, crime, and inhumane living conditions, especially for children. Therefore, a change in policy is warranted.

Essentially, this provision allows for a waiver of the one-for-one replacement rule. Currently, demolition of dilapidated and inhumane public housing is prohibited unless replacement housing is constructed on a one-for-one basis. The new provision allows PHA's to ask the Secretary of HUD to allow them to rebuild housing on less than a one-for-one basis. Of course, safety clauses are included and certain conditions must exist before the exception is allowed. This provision will allow local housing authorities, officials, and residents the necessary flexibility to determine how much and what type of public housing best suits their needs.

This provision will work in synch with the inclusion of the administration's proposal to permit the use of modernization funds for replacement housing if it proves to be more cost effective and reduce the density on site.

Waste, mismanagement, and distress in public housing is very disturbing to us all. In a time when we are cutting Federal programs and asking each citizen to tighten their fiscal belt, we cannot allow inefficiency in Government spending, especially in programs where many deserving people wait for assistance.

I urge my colleagues to support passage of this important legislation—it is a step in the right direction.

Madam Chairman, I think all of us are concerned about the deplorable conditions that exist in many of our public housing units. I would urge all of our colleagues to give their full support to this legislation. It moves us in a direction that I think all of us would want in terms of providing decent and affordable housing. Hopefully the day will come when we will see all of our citizens, not any of them living in homelessness, but everybody housed. This is the American dream.

Mr. GONZALEZ. Madam Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Madam Chairman, first I want to congratulate the chairman of the committee for doing an excellent job on this bill. I think he put together an excellent bill. I also want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA] for all of her help on the amendment that I tried to put in dealing with public housing conditions.

I rise today and want to thank Chairman GONZALEZ for including provisions that will include antipiracy provisions to this bill as part of the manager's amendment. It will prevent the use of CDBG funds from being used for activity that is intended or likely to facilitate the relocation of jobs from one area to another.

I asked the chairman to include this amendment in his amendment because of a situation that is occurring in my home community of Milwaukee where recently we had a major employer announce that it would be moving 2,000 jobs to a southern part of the United States. That is obviously a slap in the face to the workers of this company who have worked there for many, many years.

But they got a second slap in the face about 3 weeks or 4 weeks later when it was learned that some of the community development block grant funds were going to be used in the new community to help facilitate this move. That is adding salt to the wound, in my opinion, by telling the workers that they will not only be losing their jobs, but they will be helping to subsidize the move of those jobs to another community through their own tax dollars. That is something that should not happen in Wisconsin, it should not happen in Nebraska, it should not happen in California, it should not happen in any State in this country. I am pleased that the chairman has included in his amendment language that will prevent that from happening.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield briefly?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Madam Chairman, I want to thank the gentleman for his initiative. This is a problem existing in many areas, and I think it is an excellent initiative. I am pleased to support it and happy to defend it in conference with the gentleman.

Mr. BARRETT of Wisconsin. I thank the gentleman very much.

□ 1840

Mrs. ROUKEMA. Madam Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Madam Chairman, I rise today in support of H.R. 3838, the Housing and Community Development Act of 1994.

I want to start out by saying that, while far from perfect, this bill contains a host of solid, reform-minded policy provisions.

I am especially pleased that the distinguished ranking member of the Housing Subcommittee, Mrs. ROUKEMA, and I were able to include a comprehensive rent reform package that finally removes the disincentives that keep public housing residents from obtaining gainful employment.

I also want to thank Congressman RICHARD BAKER of Louisiana, who along with Mrs. ROUKEMA and I worked to get a waiver for the so-called one-for-one replacement rule.

I believe this provision will finally give housing authorities some flexibility in disposing of the vacant, crime-ridden buildings that have become a symbol of America's failed public housing policies.

Finally, I want to thank Chairman GONZALEZ for including the minority in every step of the process. H.R. 3838 is a good first step in reforming our various housing and community development programs and I urge its passage.

Having said that, I feel obligated to share my concerns about the problems that still exist at HUD.

The General Accounting Office has determined that the entire Department is at risk of waste and fraud.

Reports by HUD's inspector general also blast the Agency's practices, and I quote:

> HUD lacks certain good management practices, business area planning, resource management tools, and performance measurement systems.
>
> HUD currently has many separate, poorly integrated, and generally unreliable data systems.
>
> HUD does not have sufficient staff to carry out its operations nor does it have a plan for either acquiring additional competent staff or restructuring operations based on the resources it has.

Finally:

> Multifamily housing project owners and management agents continue to misuse or divert project assets, adversely impacting both HUD and low- and moderate-income persons through increased defaults and project deterioration.

Not to mention the impact on the American taxpayer's wallet.

At some point, we will have to address these and other problems by reassessing HUD's basic functions.

Again Madam Chairman, I ask my colleagues to join me in supporting this bill, but in doing so, realize that this is the beginning of a long journey.

I thank the Chair.

Mr. GONZALEZ. Madam Chairman, I yield such time as she may consume to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Madam Chairman, I would like to enter into a colloquy with the distinguished chairman of the committee.

Mr. Chairman, I would like to get your clarification on one point on this bill. Section 159 of H.R. 3838 discusses residual receipts in section 8 contracts. I would just like to clarify that section 159 in no way negates, obviates, or impinges upon an earlier section of the bill, section 144, and does not interfere with the ability of HUD to carry out the provisions of section 144.

Mr. GONZALEZ. Madam Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Texas.

Mr. GONZALEZ. Madam Chairman, the interpretation of the gentlewoman is correct, it does not. I would tell the gentlewoman from Oregon that the committee looks forward to HUD carrying out the very innovative model program that you authored and is referred to section 144 that you want to make sure is not interfered with, and I can assure the gentlewoman that that is not the case.

Ms. FURSE. I thank the chairman for that clarification. I also would like to thank him for his assistance and for the wonderful work of the ranking member, the gentlewoman from New Jersey [Mrs. ROUKEMA], and for the very able staff of the committee.

Mr. GONZALEZ. Madam Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Madam Chairman, I want to thank the chairman, the gentleman from Texas [Mr. GONZALEZ], and the ranking member, the gentlewoman from New Jersey [Mrs. ROUKEMA], for the tremendous work you have done on this bill. I also want to congratulate the gentleman from Minnesota [Mr. VENTO] on the fine work he has done on trying to deal with the tremendous confusion that has taken place over many of the homeless programs that our country runs.

I also feel that this bill is a bill that finally I hope the whole Congress will support, because it ensures a role for the community action agencies. It supports the youth program. It expands the lead abatement program that will allow cities to use their Federal funds more effectively to clean up the lead base that has caused so many problems in our schools and in our homes and to the most vulnerable of our society.

Madam Chairman, finally, I want to thank the gentlewoman from Ohio [Ms. PRYCE] for working so effectively to insure with me that hundreds of thousands of expiring section 8 affordable housing units will be preserved. I thank the chairman, and I congratulate you and the gentlewoman from New Jersey [Mrs. ROUKEMA] for the fine work that you have done on this bill.

Mrs. ROUKEMA. Madam Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. PRYCE], a distinguished member of our committee.

Ms. PRYCE of Ohio. Madam Chairman, I rise in support of H.R. 3838, the Housing and Community Development Act of 1994. During the committee process Republican members were able to work with the leadership, HUD, and various associations to draft this bipartisan legislation. This bill has several minority provisions to redirect housing and community development programs. In addition, this legislation is reasonable and fiscally responsible.

In the past few weeks I have had the opportunity to work with Mr. KENNEDY on an amendment regarding section 8 contract renewals. The major point to be made is that section 8 contracts beginning in fiscal year 1995 will expire with increasing frequency through the end of the decade. HUD estimates that contracts covering over half the housing units will expire over the next 5 years.

These section 8 properties represent thousands of units that successfully house low- and moderate-income families and elderly tenants. This means that several thousand people who are living in these units could be forced to move. It is my opinion that it is absolutely essential that we act now to provide clarity and structure to this process. This is a very complicated subject, but it is important to point out that a diverse constituency of housing groups representing owners of section 8 properties and resident advocates along with officials at HUD have worked to craft the compromise that my colleague Mr. KENNEDY and I offer as part of this legislation. Significant changes have been made since the committee markup of this legislation. I believe that the specific issues that concerned me during the markup have been improved such as giving the Secretary of HUD the option to increase rents up to comparable unassisted levels, language to protect the contract and economic rights of owners, and the definition of what is meant by the "remaining useful life" of the property.

It is my opinion that the overriding goal of the section 8 program is to make it operate as much like the conventional rental market as possible, while maintaining the essential purposes of the program. The section 8 program was designed for the purpose of aiding low-income families in obtaining a decent place to live and of promoting economically mixed housing. The section 8 program is a true partnership between government and local communities.

I support this provision in H.R. 3838 and encourage the continuation of further revisions during the conference. Madam Chairman, this proposal is not a perfect solution, it has involved compromise on the part of all parties. I myself have a number of ongoing concerns, for instance I believe that in order to attract more owners to the section 8 program, we must raise the 110 percent fair market rent limit.

But, it is my hope that we can continue to work to resolve the minor differences during the conference. In the end, this legislation will offer low-income housing to those who are most in need.

In closing, Madam Chairman, it has been a pleasure to work with the gentleman from Massachusetts, and I appreciate the assistance of HUD and others who had input into this important legislation. I urge my colleagues to support H.R. 3838.

Mr. GONZALEZ. Madam Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Madam Chairman, I rise in strong support of H.R. 3838, the Housing and Community Development Act of 1994. Chairman GONZALEZ and the ranking minority member, Representative ROUKEMA, are particularly deserving of recognition for their outstanding leadership in crafting a bill that meets the broad spectrum of our Nation's housing and community development needs.

This important legislation strengthens the new structure and direction of HUD, under the able leadership of Secretary Cisneros. For example, the bill provides the funding for important programs streamlined to improve services and reduce costs, such as the consolidation of the McKinney Homeless programs and the merger of the section 8 voucher and certificate programs.

The bill also includes funding for the National Homeownership Trust and FHA's mortgage insurance programs that will make housing more affordable to the middle-class and first-time homebuyers. In addition, funding for homeless assistance programs was substantially increased, to help remedy the homeless crisis in America.

Funding for the Community Partnerships Against Crime Program will help address the growing crime problem in public housing, and the rent reform provisions will allow public housing residents to obtain employment without increasing their rent, thereby encouraging work over welfare and promoting self-sufficiency.

Finally, I would like to thank the chairman and the full committee for allowing me to amend H.R. 3838 to establish a financial literacy counseling and English language instruction program to better prepare public housing residents for financial independence and future homeownership, and to improve their ability to qualify for meaningful employment opportunities.

These are just a few of the key provisions which make it critical to pass H.R. 3838, the Housing and Community Development Act of 1994, and I urge my colleagues to vote "yes" on final passage.

□ 1850

Mrs. ROUKEMA. Madam Chairman, I yield 3 minutes to the gentleman from New York [Mr. LAZIO], a member of the committee.

Mr. LAZIO. I thank the gentlewoman for yielding this time to me.

Madam Chairman, I rise today in support of H.R. 3838 and also extend my gratitude to the ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA], as well as the chairman, the gentleman from Texas [Mr. GONZALEZ], for their hard work on this bill.

This bill incorporates several public initiatives, such as rent reform and 1-for-1 replacement reform. H.R. 3838 stands in contrast to the Clinton administration's bill, H.R. 4310, which included poorly conceived new programs and reflected a lack of attention to successful current programs.

For example, the President's bill would have gutted the section 202 program. Section 202 is a successful program which provides housing for the elderly. It certainly makes no sense to wreck a program that not only works well but ensures that seniors are provided with decent and affordable housing. The Housing Subcommittee, under the leadership of our chairman and ranking member, reversed this error and restored funding for the 202 program.

In addition to the other initiatives I mentioned, H.R. 3838 contains three of my amendments, which I would like to discuss briefly.

The Federal housing programs are supposed to provide affordable and safe housing for the needy. However, Secretary Cisneros testified that crime rates in public housing are three times the national average.

My first amendment, which was adopted by the subcommittee, was a bill I introduced in the House. It provides for section 8 assistance to citizens who help local police arrest or convict criminals who live in public housing. My initiative, coupled with the proposal to allow local housing authorities to use criminal records in screening applicants and evicting troublesome residents, will help curb the crime problem that plagues public housing. It is time to take action.

My second amendment addresses the problem of the bureaucracy at HUD. Despite the rhetoric of reinventing Government, HUD is attempting to take on new initiatives for which it is ill-equipped to handle. It is in this spirit that I offered, and the subcommittee adopted, an amendment to begin streamlining HUD. My amendment simply requires HUD to submit legislation repealing programs which are authorized but do not receive an appropriation for 3 consecutive years. I hope this will provide Congress with the motivation to act and streamline the intricate maze that is HUD.

My final amendment instructs HUD to study housing quality standards in section 8. Housing quality standards are supposed to ensure minimum housing health and safety standards, but I fear they are not being used in an objective manner. In a town in my district, for example, I have heard instances where local social services agencies place section 8 residents in housing that does not meet local standards.

Madam Chairman, I want to conclude by thanking the Housing Subcommittee staff on both the majority and minority side for their work. I especially want to recognize the fine work of Joe Ventrone, who has helped me with my amendments, and the ranking minority member, Mrs. ROUKEMA.

Mr. GONZALEZ. Madam Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], chairman of a subcommittee of the Committee on Appropriations, who has been most helpful and supportive in the appropriating process of this subcommittee.

Mr. DURBIN. I thank the gentleman for yielding.

Madam Chairman, I want to salute the chairman as well as the ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA] for their hard work on this bill. Included in this bill are several programs administered by the Farmers Home Administration. One of them is in the section 515 program, which is a program on multifamily housing projects in rural areas, which has been on the books for many years. As a result of the investigation by our subcommittee, we made several recommendations to the Banking Committee for changes in this program. I would like to salute them for those reforms which they have adopted. I think they will tend to make the program more cost efficient in the future and still serve the very valuable purpose of providing housing for low-income housing individuals in rural areas, particularly senior citizens.

I also thank both sides for accepting an amendment which I have offered to this bill, which will be included in the en bloc amendment, which would eliminate the point system for designating areas for 515 housing. Unfortunately, our investigation has suggested that this point system is easily manipulated. Instead, we are going to ask the Farmers Home Administration to concentrate on the level of poverty, substandard housing, lack of mortgage credit, lack of affordable housing, and other criteria to select areas where housing is most needed. I hope this amendment results in increased competition among developers and may result in lower cost per unit to the Federal Government.

Let me conclude by saying that although the Committee on Banking, Finance and Urban Affairs has addressed the major part of this program, we are aware of the fact that there is concurrent jurisdiction in the Committee on Ways and Means for some tax credits and tax benefits available to developers under this program.

I sincerely hope, as part of this review of the section 515 program and others we can engage our friends in the

Committee on Ways and Means to look very closely to make sure that we provide only the necessary incentives for this housing to be built and make certain we do not overdo it at the expense of taxpayers.

I reiterate what the committee report says, this is a very valuable program. I am sure we will review it again in the future, and I hope these reforms will result in even better service for the taxpayers of this country. And I thank the chairman again.

Mrs. ROUKEMA. Madam Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. I thank the gentlewoman for yielding this time to me.

I want to thank the distinguished chairman of the full committee as well as the subcommittee, Mr. GONZALEZ, as well as the distinguished ranking member, the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from Iowa [Mr. LEACH] for all their hard work, along with the rest of the members of the committee, on this very important bill. I am very encouraged that the Banking Committee included many of the reforms contained in H.R. 4218, a bill that I sponsored that was the result of months of hard work of the housing task force of the Hispanic Caucus. The caucus, by the way, included much hard work by the gentlewoman from California, Congresswoman ROYBAL-ALLARD, among others. These reforms include modification of rent calculations for public housing, the merger of section 8 rental assistance programs, and the modification of the restrictive section 18 1-for-1 replacement of public housing policy.

I believe that we are clearly moving in the right direction by allowing more flexibility for public housing authorities to deal with obsolete buildings. Modification of 1-for-1 will also help the public housing authorities to use their dollars more efficiently to meet the needs of their particular constituencies.

Again I offer my congratulations on this breakthrough in public housing requirements and commend the fine work of the Banking Committee on this legislation.

Mr. GONZALEZ. I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT. Madam Chairman, there are some of us who are still idealistic enough to believe and aspire to a day when we will not need public housing or housing subsidies or programs for the homeless. But until that day, we must continue to reauthorize these programs. Our committee has done an outstanding job of crafting a bill which has strong bipartisan support. This is a good bill. I want to commend the chairman on his leadership and the leader of the minority, the gentlewoman from New Jersey [Mrs. ROUKEMA] for her leadership in crafting this bill. I want to commend this bill to our colleagues for their support.

Mrs. ROUKEMA. Madam Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Chairman, I thank the gentlewoman for yielding this time to me.

Madam Chairman, I rise today in support of H.R. 3838, the Housing and Community Development Act of 1994, and commend the distinguished chairman, Mr. GONZALEZ, ranking member LEACH as well as Congresswoman ROUKEMA the ranking member of the Housing Subcommittee for all of their hard work on this important bill. This measure which focuses on the reorganization of existing housing programs, and more importantly grants needed flexibility to our local housing authorities and municipalities, is an important step in providing clean, safe, and affordable housing for all.

In addition, Madam Chairman, to the many important programs authorized in H.R. 3838; I am pleased to note that under title I, section 103(A), the committee has included language which will exclude Rockland County, NY from the New York City metropolitan area for purposes of determining the median income level of low-income families. This language drawn from legislation I introduced earlier in the 103d Congress, H.R. 2423, will allow residents in Rockland County to benefit from important low-income housing and first-time homebuyer programs.

Since HUD's income levels are used in calculating eligibility for almost all State and Federal Housing Programs, inaccurate statistics severely limit access to many programs that could be beneficial to Rockland residents. Income caps for the State of New York mortgage agency, Fannie Mae/Freddie Mac, section 8, and a myriad of other beneficial programs are artificially low, and most of Rockland's residents, financial institutions, sellers and home builders are at a severe disadvantage compared to their counterparts in neighboring counties, whose statistics accurately reflect their population.

In fact, Westchester County, NY was successful in removing their median income from the PMSA, thus increasing their resident's participation in Government programs. This change was accomplished through an amendment in the National Affordable Housing Act of 1990.

Accordingly, Madam Chairman I strongly support the committee's bill and urge my colleagues to vote in favor of H.R. 3838.

□ 1900

Mr. GONZALEZ. Madam Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Madam Chairman, I wish to express my support for H.R. 3838 and the good work put into this legislation by Chairman GONZALEZ and members of the Committee on Banking, Finance, and Urban Affairs. This bill has been reviewed and debated by many housing groups and incorporates a variety of concerns—hopefully in the best possible form.

Earlier this session I introduced legislation to reform the Farmers Home Administration's 515 housing and to address several identified problems. I wish to acknowledge that H.R. 3838 speaks to most of those concerns.

The district which I represent is a very rural—very poor—district. Based on this fact, I have a special interest in the issue of Farmers Home Administration's targeted housing funds to underserved areas.

Currently the Farmers Home Administration must identify underserved areas—and this has been a successful operation. There are specific guidelines used in the selection of the geographical areas to receive funding under the targeted programs—based on the poverty level and the percentage of substandard housing. However, I believe that we must be mindful that while the geographical areas are being served, there may be groups of underserved applicants in these targeted counties who have received substantially less housing assistance than other applicants.

I hope the chairman will work with me and others in encouraging the Secretary to ensure that within those targeted areas, the needs of the poorest of the people are met. An entire county may be selected—a county with rich and poor people alike—I want to make certain that the funds are allocated to the poor people for which this program is intended. I believe this type of consideration will be a compliment to our President's Executive order which mandates that Federal agencies establish programs to affirmatively promote fair housing.

I am pleased to support this bill—very good changes have been made to support rural housing programs. I thank the chairman for his continued efforts.

The CHAIRMAN. The gentlewoman from New Jersey [Mrs. ROUKEMA] has 30 seconds remaining in general debate.

Mrs. ROUKEMA. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, I just want to say to the gentleman from Texas, "Thank you, Chairman GONZALEZ. I think we made more than a small step in the right direction. There are changes and reforms here, along with innovations, and I think they will serve the people of all the country well, and I thank you for your cooperation."

Mr. GONZALEZ. Madam Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Texas.

Mr. GONZALEZ. Madam Chairman, let me reply by saying that I am most grateful and indebted to the gentlewoman from New Jersey [Mrs. ROUKEMA] as I have been all through our partnership working on housing for several years, for making this a very, very happy and productive session.

Mrs. ROUKEMA. In addition, our colleagues on the committee have been most helpful. Everyone has worked in a constructive way.

Mr. GONZALEZ. I agree with the gentlewoman.

Mrs. UNSOELD. Mr. Speaker, the Housing and Community Development authorization bill breaks new ground in many areas. It stands as an example of what is possible when both the executive and legislative branches work together to adopt commonsense remedies to serve the common good. I give it a hearty "yes."

I want to focus however on one facet of this significant piece of legislation because I believe it has been criticized unfairly. H.R. 3838 calls for raising the FHA loan limit from its current $67,500. The change is long overdue and will allow middle-class Americans to again use FHA financing on home purchases. With recent reports that new home construction is dipping in most parts of the country, action in this area is well-timed.

By raising the loan limit to $101,575—and higher in areas where housing costs are above the national average—many middle-class families who have been denied their chance at home ownership will now get their shot at a key piece of the American dream. The higher limits will help not only these new home buyers, it will help all of us by fueling new home purchases and strengthening the economy.

Those who assert that the higher limit will direct limited FHA financing away from lower-income home buyers miss a key point; the FHA's reserves will be bolstered by the higher limits. Those higher reserves will in turn help provide financing for others, including the poor. Raising the limit is a winner for both lower and middle-income home buyers, it's a winner for the construction and real estate industries, and it's a winner for the American economy.

I encourage my colleagues to join me in supporting higher FHA loan limits. With these higher limits, new homes will bring new dreams for a new generation of American families.

Ms. SHEPHERD. Madam Chairman, I rise today to thank Chairman GONZALEZ for his dedication and hard work which have produced this valuable legislation before us today. I had originally planned to offer a noncontroversial technical correction, accepted by both the majority and minority, to this bill but Chairman GONZALEZ has graciously agreed to include it as part of the chairman's substitute.

My amendment is designed to correct a flaw in the 1990 Housing and Community Development Act, which is discriminating against cites previously determined to be municipalities eligible for community development block grant [CDBG] funding.

Under the 1990 Housing and Community Development Act, if metropolitan cities and urban counties meet their statutory requirements for at least 2 years, they are entitled to permanently retain their CDBG status. Urban county CDBG grants are awarded on a 3-year basis, however. As a result, a county which qualifies for funding once becomes permanently eligible. On the other hand, metropolitan cities which qualify once do not receive this same treatment. Metropolitan cities—which receive CDBG funding on an annual basis—must apply twice to be permanently eligible. In my district the city of West Jordan, UT, however, qualified for and received CDBG funding 1 year but was disqualified the next, without any prior notice, because of inaccurate population projections. One of the fastest growing cities in the Nation, this wreaked havoc with West Jordan's financial planning, robbing it of its ability to accurately plan for its economic development. A comparable city in California was almost placed in the same predicament. Other cities were at risk.

Under my amendment, municipalities will be treated the same as urban counties with regard to permanent eligibility for CDBG. This amendment will not result in a decrease of CDBG funding to any city, municipality, urban county, or State. It simply requires fair and honest treatment for cities.

Again, I thank the chairman for his generosity and urge adoption of the chairman's substitute.

Mr. ORTON. Madam Chairman, I understand my amendment will be included in the Chairman's in-bloc amendment.

I believe this is a noncontroversial amendment which deals with down payment calculations for mortgages under the FHA single family loan program. Under current law, borrowers and real estate professionals face a complex and confusing method of calculating the maximum loan amount which may be financed, and the down payment required.

My amendment provides for a simplification of this down payment calculation. It is done in a manner intended to mirror the general levels of down payment required under current law. Some homeowners may incur slight increases in down payment requirements, some slight decreases. However, the overall effect should generally be neutral with respect to down payment levels.

In fact, I have received a letter from HUD indicating their support for this proposal. HUD's analysis is that there would be "no significant impact" on the health of the FHA single family loan fund.

Briefly, my amendment would permit a simple loan-to-value calculation for maximum loan limits, as follows: For properties up to $50,000, 98.75 percent of the appraised value may be financed. For properties in the range of $50,000 to $125,000, the limit is 97.65 percent. And, for properties over $125,000, the limit would be 97.15 percent. Finally, for what we define as "high closing cost States," the maximum loan amount could be 97.75 percent. This provision is necessary to more closely mirror current law, in which a higher loan amount can generally be financed in high closing cost transactions.

The result is a clear simplification of the down payment calculation. It will make obtaining and processing an FHA home loan much easier. This means more home ownership.

Therefore, I urge adoption of my amendment.

Mrs. MALONEY. Thank you Madam Chairman.

There are few bills that this House will consider this year that are as important as the reauthorization of the fundamental housing and community development programs of the Federal Government.

I think sometimes that we lose sight of just how important these housing programs are to literally hundreds of thousands of families who look to HUD to make housing available and affordable.

In New York City, for example, more than 200,000 people—that's right, 200,000—are on the waiting list to get into public housing.

That is how difficult it is for working families to find affordable housing in that city.

So I deeply appreciate all of the work, done on a bipartisan basis, to see that the HUD budget continues to fund so many important programs, like public housing, like senior citizen housing.

It is my sincere hope that we will begin an expansion of these programs in the coming months to provide even more affordable housing so that New York City won't have to have a waiting list of nearly a quarter-million people.

In the midst of these large programs, addressing the massive housing needs of this country, I would like to briefly touch on two more modest programs that I included in H.R. 3838.

In late May, the Urban Institute issued a comprehensive study on cooperative housing.

The basic conclusion of the report is that co-op housing is one of the best and safest ways for HUD to promote home ownership among low- and moderate-income people.

H.R. 3838 will require HUD to study this important report and its conclusions, and report back to Congress its recommendations on how HUD can increase cooperative housing for low- and moderate-income people.

Some housing experts estimate that 100,000 people can become homeowners if all of the recommendations of the study are implemented.

As the proud representative of many happy co-op homeowners, I very much look forward to HUD's action plan.

H.R. 3838 will also allow community groups, under existing community development programs, to take vacant municipal lots and turn them into urban greenspaces like parks, gardens, and ballfields.

The contents of this program are based upon legislation, H.R. 4143, that I introduced this past spring. Currently, these vacant lots are either havens for human refuse like drug dealers or collection points for vast quantities of other, nonhuman garbage.

There are a number of examples in New York City, like the Success Gardens in East Harlem, where the refurbishment of such lots has provided positive outlets for community youth, increased property values, and made other types of investment in the communities more attractive.

I hope that by making this an eligible activity under existing programs that success can be duplicated in cities across America.

For both the big programs, and the small, I strongly urge my colleagues to vote yes on this bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

H.R. 3838

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Housing and Community Development Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Effective date.

TITLE I—HOUSING ASSISTANCE

Subtitle A—General Provisions

Sec. 101. Low-income housing authorization.
Sec. 102. Resident representation in public housing agencies.
Sec. 103. Determination of median income.
Sec. 104. Definition of families.
Sec. 105. Family self-sufficiency program.
Sec. 106. Use of amounts in headquarters reserve.

Subtitle B—Public and Indian Housing

Sec. 111. Public housing rent reform.
Sec. 112. Sale of public housing to non-profit intermediaries.
Sec. 113. Major reconstruction of obsolete projects.
Sec. 114. New construction of projects for disabled families.
Sec. 115. Recapture of public housing development amounts.
Sec. 116. Repeal of least-cost limitation on public housing new construction.
Sec. 117. Regulatory relief and paperwork reduction for high-performing public housing agencies.
Sec. 118. Standards for lease termination and expedited grievance procedure.
Sec. 119. Availability of criminal conviction information for screening and evictions.
Sec. 120. Designated housing.
Sec. 121. Public housing operating subsidies.
Sec. 122. Eligible uses of emergency modernization funds.
Sec. 123. Use of modernization funds for replacement housing.
Sec. 124. Demolition and disposition of public housing.
Sec. 125. Public housing resident opportunity.
Sec. 126. Public housing family investment centers.
Sec. 127. Revitalization of severely distressed public housing.
Sec. 128. Program monitoring and technical assistance.
Sec. 129. Applicability of public housing amendments to Indian housing.
Sec. 130. Early childhood development program.
Sec. 131. Indian housing childhood development services.
Sec. 132. Public housing one-stop perinatal services demonstration.
Sec. 133. Sale of certain scattered site public housing.
Sec. 134. Eligibility of certain public housing for demolition.
Sec. 135. Demonstration program for innovative public housing agencies and resident management corporations.
Sec. 136. Demonstration program for occupancy of otherwise vacant public housing units by moderate-income families.
Sec. 137. Study of adequacy of payment in lieu of taxes.

Subtitle C—Section 8 Assistance

Sec. 141. Community investment demonstration program.
Sec. 142. Merger of section 8 rental assistance programs.
Sec. 143. Incentives to refinance high interest mortgages for section 8 projects.
Sec. 144. Demonstration program for use of excess residual receipts.
Sec. 145. Treatment of certain projects.
Sec. 146. Study of extent of nonparticipation of owners and landlords in section 8 rental assistance program.
Sec. 147. Study of section 8 housing quality standards.

Subtitle D—Renewal of Expiring Contracts for Section 8 New Construction and Substantial Rehabilitation Projects

Sec. 151. Findings and purpose.
Sec. 152. Notices of contract expiration and intention to renew.
Sec. 153. Secretary's response to owner's proposal.
Sec. 154. Limitation on new contracts.
Sec. 155. Required terms of new contracts.
Sec. 156. Maximum monthly rent under new contracts.
Sec. 157. Actions in cases of failure to enter into new contract.
Sec. 158. Contract extension.
Sec. 159. Financing and restructuring underlying debt and treatment of residual receipts.
Sec. 160. Retention of program savings by Secretary.
Sec. 161. Supportive services.
Sec. 162. Delegation of authority.
Sec. 163. Definitions.
Sec. 164. Regulations.
Sec. 165. Authorization of appropriations.

Subtitle E—Homeownership Programs

Sec. 171. HOPE homeownership programs.
Sec. 172. National Homeownership Fund.
Sec. 173. Section 235 mortgage refinancing.
Sec. 174. Housing counseling for homeownership and rental housing choice.

Subtitle F—Other Programs

Sec. 181. Community partnerships against crime.
Sec. 182. Low-income housing preservation.
Sec. 183. Flexible subsidy program.
Sec. 184. Youthbuild program.
Sec. 185. Disposition of HUD-owned multifamily housing properties.
Sec. 186. Guidelines for screening, admission, and evictions in public and assisted housing.
Sec. 187. Metropolitan area-wide strategy demonstration.

TITLE II—HOME INVESTMENT PARTNERSHIPS

Sec. 201. Authorization of appropriations.
Sec. 202. Eligible uses of investment.
Sec. 203. Qualification as affordable rental housing.
Sec. 204. Repayment of investment.
Sec. 205. Matching requirements.
Sec. 206. Support for State and local housing strategies.
Sec. 207. Labor requirements.

TITLE III—SUPPORTIVE HOUSING PROGRAMS

Sec. 301. Funding for supportive housing for the elderly and for persons with disabilities.
Sec. 302. Supportive housing for the elderly.
Sec. 303. Supportive housing for persons with disabilities.
Sec. 304. Revised congregate services.
Sec. 305. Supportive housing assistance for elderly independence.
Sec. 306. Housing opportunities for persons with AIDS.
Sec. 307. Service coordinators.

TITLE IV—MORTGAGE INSURANCE AND SECONDARY MORTGAGE MARKET

Subtitle A—Mortgage Insurance and Loan Guarantee Programs

Sec. 401. Limitation on insurance authority.
Sec. 402. Federal Housing Administration Advisory Board.
Sec. 403. Maximum mortgage amount ceiling for single family mortgages.
Sec. 404. Maximum mortgage amount floor for single family mortgage insurance.
Sec. 405. Elimination of restrictions regarding new construction.
Sec. 406. Authority to use amounts borrowed from family members for downpayments.
Sec. 407. Indemnification for multifamily housing project managers.
Sec. 408. Extension of multifamily housing mortgage auction provisions.
Sec. 409. Streamlined refinancing for HUD-held mortgages.
Sec. 410. Home equity conversion mortgages for elderly homeowners.
Sec. 411. Single family risk-sharing mortgage insurance program.
Sec. 412. Delegation of single family mortgage insuring authority to direct endorsement mortgagees.
Sec. 413. Eligibility of mortgages on homes on leased land owned by community land trusts.
Sec. 414. Insurance of 2-step single family mortgages.
Sec. 415. Mortgage limits for multifamily projects in high-cost areas.
Sec. 416. Calculation of credit subsidy for FHA refinancings and offset of negative subsidies.
Sec. 417. Approval of point-of-use purification systems and testing of systems.
Sec. 418. Energy efficient mortgages pilot program.
Sec. 419. Extension of multifamily mortgage credit demonstrations.
Sec. 420. Indian housing loan guarantees.
Sec. 421. National Commission on the Future of the Federal Housing Administration.
Sec. 422. Action and report on cooperative homeownership for low- and moderate-income families.
Sec. 423. Study of activity of private mortgage bankers and insurers.

Subtitle B—Secondary Mortgage Market Programs

Sec. 441. Limitation on GNMA guarantees of mortgage-backed securities.
Sec. 442. Assessment collection dates for Office of Federal Housing Enterprise Oversight.

Subtitle C—Emergency Mortgage Relief

Sec. 461. Amendments to Emergency Homeowners' Relief Act.

Subtitle D—Nonjudicial Foreclosure of Defaulted Single Family Mortgages

Sec. 481. Short title.
Sec. 482. Findings and purpose.
Sec. 483. Definitions.
Sec. 484. Applicability.
Sec. 485. Designation of foreclosure commissioner.
Sec. 486. Prerequisites to foreclosure.
Sec. 487. Notice of foreclosure sale.
Sec. 488. Commencement of foreclosure.
Sec. 489. Service of notice of foreclosure.
Sec. 490. Presale reinstatement.
Sec. 491. Conduct of sale and adjournment.
Sec. 492. Foreclosure costs.
Sec. 493. Disposition of sale proceeds.
Sec. 494. Transfer of title and possession.
Sec. 495. Record of foreclosure and sale.

Sec. 496. Effect of sale.
Sec. 497. Computation of time.
Sec. 498. Separability.
Sec. 499. Deficiency judgment.
TITLE V—RURAL HOUSING
Sec. 501. Program authorizations.
Sec. 502. Eligibility of Native Americans for rural housing programs.
Sec. 503. Escrow fund.
Sec. 504. Section 502 homeownership loans.
Sec. 505. Loan guarantees.
Sec. 506. Prepayment of rural rental housing loans.
Sec. 507. Designation of underserved areas and reservation of assistance.
Sec. 508. Administrative appeals.
Sec. 509. Section 515 rural rental housing.
Sec. 510. Optional conversion of rental assistance payments to operating subsidy for migrant farmworker projects.
Sec. 511. Definition of rural area.
Sec. 512. Eligibility of manufactured home parks for building site loans for cooperatives.
Sec. 513. Rural housing assistance targeting report.
Sec. 514. Priority for rural housing voucher assistance.
Sec. 515. Native American rural housing capacity demonstration program.
Sec. 516. Rural community development initiative.
Sec. 517. Loan guarantees for multifamily rental housing in rural areas.
Sec. 518. Rural housing loan delegated processing demonstration.
TITLE VI—COMMUNITY DEVELOPMENT
Subtitle A—Community Development Block Grant Program
Sec. 601. Authorization of appropriations and guarantee authority.
Sec. 602. Management information systems.
Sec. 603. Eligible activities.
Sec. 604. Reallocations.
Sec. 605. Limitation on extent of use of loan guarantees for housing purposes.
Sec. 606. Economic development grants.
Sec. 607. Use of UDAG recaptures.
Sec. 608. Extension of certain CDBG assistance.
Subtitle B—Other Community Development Programs
Sec. 631. Neighborhood Reinvestment Corporation.
Sec. 632. John Heinz neighborhood development program.
Sec. 633. Capacity building for community development and affordable housing.
Sec. 634. Colonias assistance program.
Sec. 635. Grants for empowerment zones and enterprise communities.
Sec. 636. Use of grant amounts.
TITLE VII—REGULATORY AND MISCELLANEOUS PROGRAMS
Sec. 701. Fair housing initiatives program.
Sec. 702. HUD program monitoring and evaluation.
Sec. 703. HUD salaries and expenses.
Sec. 704. Use of technical assistance amounts by or for HUD staff.
Sec. 705. Annual report regarding repeal of unfunded programs.
Sec. 706. Requirements for participation of women in construction assisted under HUD programs.
Sec. 707. Notification of HUD funding awards.
Sec. 708. Exclusion of GNMA from HUD personnel ceilings.
Sec. 709. HUD research and development.
Sec. 710. Preventing fraud and abuse in rural rental housing program.
Sec. 711. National Institute of Building Sciences.
Sec. 712. Residential lead-based paint hazard reduction.
Sec. 713. GAO study of lead-based paint detection technologies and tenant notification procedures.
Sec. 714. Civil money penalties for violations of Home Mortgage Disclosure Act by nonsupervised mortgagees.
Sec. 715. Removal of regulatory barriers to affordable housing.
Sec. 716. New towns demonstration program for emergency relief of Los Angeles.
Sec. 717. Authorization of appropriations for public services facility.
Sec. 718. National American Indian Housing Council.
Sec. 719. Housing Assistance Council.
Sec. 720. Demonstration program for outreach to avoid disconnection of utilities.
Sec. 721. Federal Deposit Insurance Corporation affordable housing program.
Sec. 722. State agencies as sureties.
TITLE VIII—HOUSING PROGRAMS UNDER STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT
Sec. 801. Short title.
Subtitle A—Housing Assistance
CHAPTER 1—REORGANIZATION OF CERTAIN MCKINNEY ACT HOUSING PROVISIONS
Sec. 811. Flexible grant program.
Sec. 812. Regulations.
Sec. 813. Transition provisions.
CHAPTER 2—OTHER HOUSING ASSISTANCE PROGRAMS FOR THE HOMELESS UNDER MCKINNEY ACT
Sec. 821. Section 8 assistance for single room occupancy dwellings.
Sec. 822. Section 8 assistance for shelter plus care single room occupancy dwellings.
Sec. 823. Rural homelessness grant program.
Sec. 824. Clerical amendment.
CHAPTER 3—MISCELLANEOUS HOMELESS HOUSING PROVISIONS
Sec. 831. Innovative homeless program.
Sec. 832. FHA single family property disposition.
Subtitle B—Interagency Council on the Homeless
Sec. 841. Authorization of appropriations.
Sec. 842. Chairperson.
Sec. 843. Extension.
Subtitle C—Federal Emergency Management Agency Food and Shelter Program
Sec. 851. Authorization of appropriations.

The CHAIRMAN. Are there any amendments to section 1?

Mr. GONZALEZ. Madam Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect and shall apply upon the date of the enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

TITLE I—HOUSING ASSISTANCE

Subtitle A—General Provisions

SEC. 101. LOW-INCOME HOUSING AUTHORIZATION.

(a) AGGREGATE BUDGET AUTHORITY.—Section 5(c)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)(6)) is amended by adding at the end the following new sentence: "The aggregate amount of budget authority that may be obligated for assistance referred to in paragraph (7) is increased (to the extent approved in appropriation Acts) by the sum of the amounts provided in paragraph (7)(A) on October 1, 1994, and by the sum of the amounts provided in paragraph (7)(B) on October 1, 1995.".

(b) UTILIZATION OF BUDGET AUTHORITY.—Section 5(c)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)(7)) is amended by striking the paragraph designation and all that follows through the end of subparagraph (B) and inserting the following:

"(7)(A) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1995, the Secretary shall, to the extent approved in appropriation Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), not more than $861,000,000, of which amount not more than $263,000,000 shall be available for Indian housing;

"(ii) for assistance under section 8, not more than $2,674,000,000, of which not more than $75,000,000 shall be available for assistance under section 8 for family unification under subsection (q)(3) of such section;

"(iii) for assistance under section 5(j)(2) for substantial redesign, reconstruction, and redevelopment of existing obsolete public housing projects and buildings, not more than $114,000,000;

"(iv) for comprehensive improvement assistance grants under section 14(k), not more than $3,230,000,000;

"(v) for assistance under section 8 for property disposition, not more than $733,000,000;

"(vi) for assistance under section 8 for loan management, not more than $150,000,000;

"(vii) for extensions of contracts expiring under section 8, $5,092,000,000 which shall be for 5-year contracts for assistance under section 8 and vouchers under section 8(o) (as in effect before the date of the enactment of this Act) and for loan management assistance under such section;

"(viii) for amendments to contracts under section 8, such sums as may be necessary;

"(ix) for public housing lease adjustments and amendments, such sums as may be necessary;

"(x) for assistance under section 18(g) for replacement housing for units demolished or disposed of under section 18, not more than $333,450,000;

"(xi) for conversions from leased housing contracts under section 23 of this Act (as in effect immediately before the enactment of the Housing and Community Development Act of 1974) to assistance under section 8, such sums as may be necessary; and

"(xii) for grants under section 24 for revitalization of severely distressed public housing, not more than $500,000,000.

"(B) Using the additional budget authority provided under paragraph (6) and the balances of budget authority that become available during fiscal year 1996, the Secretary shall, to the extent approved in appropriation Acts, reserve authority to enter into obligations aggregating—

"(i) for public housing grants under subsection (a)(2), not more than $862,000,000, of which amount not more than $264,000,000 shall be available for Indian housing;

"(ii) for assistance under section 8, not more than $2,800,000,000, of which not more than

$75,000,000 shall be available for assistance under section 8 for family unification under subsection (q)(3) of such section;

"(iii) for assistance under section 5(j)(2) for substantial redesign, reconstruction, and redevelopment of existing obsolete public housing projects and buildings, not more than $120,000,000;

"(iv) for comprehensive improvement assistance grants under section 14(k), not more than $3,241,000;

"(v) for assistance under section 8 for property disposition, not more than $800,000,000;

"(vi) for assistance under section 8 for loan management, not more than $155,000,000;

"(vii) for extensions of contracts expiring under section 8, $6,000,000,000 which shall be for 5-year contracts for assistance under section 8 and vouchers under section 8(o) (as in effect before the date of the enactment of the Housing and Community Development Act of 1994) and for loan management assistance under such section;

"(viii) for amendments to contracts under section 8, such sums as may be necessary;

"(ix) for public housing lease adjustments and amendments, such sums as may be necessary;

"(x) for assistance under section 18(g) for replacement housing for units demolished or disposed of under section 18, not more than $273,600,000;

"(xi) for conversions from leased housing contracts under section 23 of this Act (as in effect immediately before the enactment of the Housing and Community Development Act of 1974) to assistance under section 8, such sums as may be necessary; and

"(xii) for grants under section 24 for revitalization of severely distressed public housing, not more than $550,000,000.".

SEC. 102. RESIDENT REPRESENTATION IN PUBLIC HOUSING AGENCIES.

(a) REPRESENTATION.—Section 2 of the United States Housing Act of 1937 (42 U.S.C. 1437) is amended—

(1) by inserting "(a) POLICY.—" after "SEC. 2.";

(2) by striking the last sentence; and

(3) by adding at the end the following new subsection:

"(b) GOVERNANCE OF PUBLIC HOUSING AGENCIES.—

"(1) PROHIBITION.—No person may be barred from serving on the board of directors or other similar governing body of a local public housing agency because of his or her tenancy in a low-income project.

"(2) RESIDENT MEMBERSHIP.—Each public housing agency shall have a board of directors or other similar governing body, of which not less than one-quarter of the members shall be residents of housing units administered or assisted by the agency.

"(3) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent conflicts of interest on the part of resident members of the board or directors or governing body of a public housing agency. Such guidelines shall ensure that resident members are able to participate fully in policy and financial matters within the control of the board or body.

"(4) FULL PARTICIPATION.—No public housing agency may limit or restrict the capacity or offices in which a member of such board or body may serve on such board or body solely because of the member's status as a resident member.

"(5) DEFINITION.—For purposes of this subsection, the term 'resident member' means a member of the board of directors or other similar governing body of a public housing agency who is a resident of a housing unit administered or assisted by the agency.".

(b) CONFORMING AMENDMENT.—The first sentence of section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)) is amended by inserting before the period at the end the following: "and complies with the requirements under section 2(b)".

SEC. 103. DETERMINATION OF MEDIAN INCOME.

(a) IN GENERAL.—Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) in the 4th sentence—

(A) by striking "County" and inserting "and Rockland Counties"; and

(B) by inserting "each" before "such county"; and

(2) in the last sentence—

(A) by striking "County" the 1st place it appears and inserting "or Rockland Counties"; and

(B) by striking "County" the 2d place it appears and inserting "and Rockland Counties".

(b) REGULATIONS AND EFFECTIVE DATE.—The Secretary of Housing and Urban Development shall issue regulations implementing the amendments made by subsection (a) not later than the expiration of the 90-day period beginning on the date of the enactment of this Act. The regulations may not take effect until after September 30, 1993.

SEC. 104. DEFINITION OF FAMILIES.

The first sentence of section 3(b)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)) is amended by inserting "or, in the case of disabled families, other household members" after "spouses".

SEC. 105. FAMILY SELF-SUFFICIENCY PROGRAM.

(a) SCOPE.—Section 23(b)(3) of the United States Housing Act of 1937 (42 U.S.C. 1437u(b)(3)) is amended to read as follows:

"(3) SCOPE.—Each public housing agency required to carry out a local program under this section shall make assistance under the program available in a fiscal year, subject only to the availability of amounts for such assistance, to a number of families who are assisted by the agency under section 8 or reside in public housing of the agency that is equivalent to the sum of—

"(A) the increase for such year in the number of families assisted under section 8 (as compared to the preceding year); and

"(B) the increase for such year in the number of public housing dwelling units made available by the agency (as compared to the preceding year).".

(b) VOLUNTARY ESCROW SAVINGS ACCOUNT.—Section 23(d) of the United States Housing Act of 1937 (42 U.S.C. 1437u(d)) is amended—

(1) in paragraph (2)—

(A) in the 1st sentence, by striking "shall" and inserting "may";

(B) in the 2d sentence, by inserting after "area median income" the following: "that choose to escrow amounts under this paragraph";

(C) in the 2d sentence, by striking "shall" and inserting "may"; and

(D) by striking the 3d and 4th sentences and inserting the following new sentence: "Amounts in the escrow account may be withdrawn by the participating family upon the successful performance of the obligations of the family under the contract of participation entered into by the family under subsection (c), as determined according to the specific goals and terms included in the contract, and under other circumstances, as determined by the public housing agency with the approval of the Secretary."; and

(2) by striking the 2d sentence of paragraph (3) and inserting the following new sentence: "The plan may require the establishment of escrow savings accounts under paragraph (2), a description of the procedures for release of escrowed amounts, and any other incentives designed by the public housing agency.".

(c) SERVICE COORDINATORS.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(1) in the last sentence of subsection (b)(1), by inserting "under section 671 of the Housing and Community Development Act of 1992" after "service coordinator"; and

(2) in subsection (h)—

(A) in paragraph (2), by striking "(including the costs of employing a full-time service coordinator)"; and

(B) by adding at the end the following new paragraph:

"(3) CONTRACT ADJUSTMENTS FOR SERVICE COORDINATORS.—If, in providing rental assistance under section 8 of the United States Housing Act of 1937 for a public housing agency carrying out a local program under this section in any fiscal year, the Secretary increases the amount provided for the agency so that the number of families assisted by the agency in the year is greater than the number of families assisted in the preceding year, the Secretary may increase the amount annually provided for the agency to provide for the costs of employing or otherwise retaining the services of one or more service coordinators referred to in subsection (b)(1) of this section. The Secretary may also, under any existing contract for assistance under section 8, include the cost of employing such service coordinators to the extent that amounts for amendments to such contracts are available.".

(d) REPEAL OF INCENTIVE AWARD ALLOCATION.—Section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsections (j) through (o) as subsections (i) through (n), respectively.

(e) TECHNICAL AMENDMENT.—Section 23(h)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437u(h)(2)) is amended by striking the last sentence.

SEC. 106. USE OF AMOUNTS IN HEADQUARTERS RESERVE.

(a) USE FOR FAIR HOUSING ACTIVITIES.—Section 213(d)(4)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 1439(d)(4)(A)) is amended—

(1) in clause (iii), by striking "and" at the end;

(2) in clause (iv) by striking the period at the end and inserting a semicolon; and

(3) by inserting after clause (iv) the following new clauses:

"(v) fair housing activities and cash payments, in connection with the settlement of civil rights litigation (excluding litigation brought by an employee or former employee of the Secretary); and

"(vi) in the case of financial assistance under the rental housing assistance program under section 8 of the United States Housing Act of 1937, providing assistance pursuant to section 8(q)(4) of such Act.".

(b) AVAILABILITY OF PUBLIC HOUSING AND SECTION 8 AMOUNTS.—Section 5 of the United States Housing Act of 1937 (42 U.S.C. 1437c) is amended by adding at the end the following new subsection:

"(m) USE OF AMOUNTS UNDER HEADQUARTERS RESERVE.—Any amounts appropriated for public housing development or assistance under section 8, that are retained by the Secretary in accordance with section 213(d)(4)(A) of the Housing and Community Development Act of 1974, may be used for any of the activities specified in clauses (i) through (v) of such section.".

(c) USE OF SECTION 8 ASSISTANCE FOR PORTABILITY AND NEIGHBORHOOD CRIME FIGHTERS.—Section 213(d)(4) of the Housing and Community Development Act of 1974 is amended by adding at the end the following new subparagraphs:

"(C) Of any financial assistance for the rental housing assistance program under section 8 of the United States Housing Act of 1937 that is reserved pursuant to subparagraph (A), 5 percent shall be reserved for use only for the purposes of

providing assistance pursuant to section 8(o)(6) of such Act.

"(D) In addition to any financial assistance for the rental housing assistance program under section 8 of the United States Housing Act of 1937 that is reserved pursuant to subparagraphs (A) and (C), the Secretary shall reserve not more than an additional $15,000,000 of any financial assistance that becomes available under such program during each of fiscal years 1995 and 1996 and such additional amounts may be used only for the purpose under clause (vi) of subparagraph (A).".

Subtitle B—Public and Indian Housing

SEC. 111. PUBLIC HOUSING RENT REFORM.

(a) Ceiling Rents.—Section 3(a)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and approved by the Secretary"; and

(B) by striking clause (iii) and inserting the following new clause:

"(iii) at the election of such agency, is—

"(I) not less than the average monthly amount of debt service and operating expenses attributable to dwelling units of similar size in public housing projects owned and operated by such agency;

"(II) not less than the reasonable rental value of the unit, as determined by the agency; or

"(III) not less than the local market rent determined by the agency for comparable units of similar size pursuant to the procedures prescribed by the Secretary for determining rent reasonableness under the program for rental certificate assistance under section 8(b).";

(2) by redesignating subparagraph (B) as subparagraph (D); and

(3) by inserting after subparagraph (A) the following new subparagraphs:

"(B) Any ceiling rents established by a public housing agency pursuant to this paragraph may be adjusted by the agency.

"(C)(i) Any ceiling rents established pursuant to subclause (I) or (III) of subparagraph (A)(iii) shall take effect at the discretion of the public housing agency.

"(ii) Any ceiling rents established pursuant to subclause (II) of subparagraph (A)(iii) may not take effect before the issuance of regulations to carry out such subclause, which shall be issued by the Secretary not later than 180 days after the date of the enactment of the Housing and Community Development Act of 1994.

"(iii) Before the effectiveness of regulations under clause (ii), an agency shall determine the reasonable rental value of unit for purposes of subclause (II) of subparagraph (A)(iii) based upon (I) in a project of 50 or more units for which such ceiling rents are being established, the 95th percentile of rents paid for all units in the project, (II) in a group of comparable projects for which such ceiling rents are being established that consists of a total of 50 or more units, all units in the projects, and (III) in a group of at least 50 comparable units for which such ceiling rents are being established, all units in the group.".

(b) Exclusions From Adjusted Income.—Section 3(b)(5) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(5)) is amended—

(1) in subparagraph (C)—

(A) by striking "and" before "(ii)"; and

(B) by inserting before the semicolon at the end the following; "; and (iii) to the extent documented by the family, the amount paid by the family for health insurance coverage and any other nonreimbursed out-of-pocket medical expenses for any members of the family residing in the household who, at the time, are not receiving or approved to receive any assistance for health care from the Federal Government or any State government, except that this clause shall apply only to families residing in public housing";

(2) in subparagraph (E), by inserting before the semicolon at the end the following: ", except that in the case of a family residing in public housing the amount excluded under this subparagraph shall be 20 percent of the earned income of the family remaining after excluding any amounts pursuant to subparagraph (H)";

(3) in subparagraph (F), by striking "and" at the end;

(4) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new subparagraphs:

"(H) in the case of a family residing in public housing, any earned income of any formerly dependent child who is a member of the family residing in the family's dwelling unit during the period beginning on the date of the first redetermination of the rent for and family composition of the family that occurs after the child reaches 18 years of age and ending upon the date of the first such redetermination occurring after he or she reaches 21 years of age; and

"(I) in the case of 2-parent families with children (as defined by the Secretary by regulation) who reside in public housing, an amount (in addition to any amounts excluded under subparagraphs (E) and (H)) not to exceed 10 percent of any earned income of the family.".

(c) Exclusion of Earned Income of Residents Who Obtain Employment From Rent Determinations.—

(1) In general.—Section 3(a) of the United States Housing Act of 1937 (42 U.S.C. 1437a(a)) is amended—

(A) in the third sentence of paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by adding at the end the following new paragraph:

"(3) Optional Exclusion of Earned Income From Rent Determination for Families Previously Unemployed.—Notwithstanding any other provision of law, a public housing agency may provide (at the option of a public housing agency) that, for all units in public housing administered by the agency, the rent payable under subsection (b) for any such unit occupied by a family whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years, may not—

"(A) be increased as a result of the increased income due to such employment during the period that begins upon the commencement of such employment and ends upon the second annual redetermination of the rent for and family composition of the family occurring thereafter;

"(B) during any 12-month period occurring during the 36 months succeeding the expiration of the period under subparagraph (A) for the family, be increased due to the continued employment of such family member by more than one-third of the difference between (i) the rent being paid by the family upon expiration of such period, and (ii) the amount of rent that the family would pay but for the applicability of this paragraph; and

"(C) in any case, exceed the amount determined under paragraph (1) or (2).";

(d) Exclusion From Income of Earnings From Job Training and Self-Sufficiency Programs.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a) is amended—

(1) in subsection (b)(4), by inserting before the period at the end the following: ", and except that the earnings of and benefits to any public housing resident resulting from enrollment and participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of this Act, the Job Training Partnership Act, Subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, part F of title IV of the Social Security Act, or any comparable Federal, State, or local law shall not be considered as income for the purposes of determining a limitation on the amount of rent paid by the resident during the period that the resident enrolls and participates in such program"; and

(2) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act).

(e) Applicability.—Notwithstanding the amendments made by this section, any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937 (as added by section 515(b) of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625; 104 Stat. 4199)), as such paragraph existed before the date of enactment of this Act, shall continue to be governed by such authority.

(f) Performance Funding System.—Section 9(a)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437g(a)(3)(B)) is amended—

(1) in clause (iv), by striking "and" at the end;

(2) in (v), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new clause:

"(vi) the amount of any reduced revenue resulting from the exclusion of income of public housing residents pursuant to section 3(b)(5)(E) shall be calculated and included in the amount of the payment received under this section by the public housing agency administering the public housing in which such residents reside;".

(g) Effective Date.—The amendments under this section shall take effect on the earlier of—

(1) date of the effectiveness of the regulations under subsection (i); or

(2) the expiration of the 120-day period beginning on the date of the enactment of this Act.

(h) Regulations.—The Secretary shall issue any final regulations necessary to implement the amendments made by this section, which shall take effect not later than the expiration of the 120-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedures under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

SEC. 112. SALE OF PUBLIC HOUSING TO NON-PROFIT INTERMEDIARIES.

The first sentence of section 5(h) of the United States Housing Act of 1937 (42 U.S.C. 1437c(h)) is amended by striking "its lower income tenants" and inserting: "low-income families residing in public housing or to non-profit organizations for resale to low-income families residing in public housing".

SEC. 113. MAJOR RECONSTRUCTION OF OBSOLETE PROJECTS.

(a) Assistance for Reconstruction.—Section 5(j)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437c(j)(2)) is amended—

(1) in subparagraph (A), by striking "Notwithstanding" and all that follows through "fiscal year" and inserting the following: "The Secretary may provide assistance under this paragraph";

(2) in subparagraph (C), by striking "reserved" and inserting "made available for assistance";

(3) in subparagraph (F)(i), by striking "reserved or"; and

(4) in subparagraph (G)(i), by striking "reserved under subparagraph (A)" and inserting "made available for use under this paragraph".

(b) Set-Aside for Disabled Families.—Section 5(j)(2)(G)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437c(j)(2)(G)(i)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal years 1995 and 1996".

SEC. 114. NEW CONSTRUCTION OF PROJECTS FOR DISABLED FAMILIES.

Section 5(j)(3)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437c(j)(3)(A)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal years 1995 and 1996".

SEC. 115. RECAPTURE OF PUBLIC HOUSING DEVELOPMENT AMOUNTS.

Section 5(k) of the United States Housing Act of 1937 (42 U.S.C. 1437c(k)) is amended by adding before the period at the end of the first sentence the following: ", unless the Secretary finds that there is no feasible way for the agency to begin construction or rehabilitation, or to complete acquisition, within such period".

SEC. 116. REPEAL OF LEAST-COST LIMITATION ON PUBLIC HOUSING NEW CONSTRUCTION.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by striking subsection (h).

SEC. 117. REGULATORY RELIEF AND PAPERWORK REDUCTION FOR HIGH-PERFORMING PUBLIC HOUSING AGENCIES.

(a) Waiver of Rules and Reports.—Section 6(j) of the United States Housing Act of 1937 (42 U.S.C. 1437d(j)) is amended by adding at the end the following new paragraph:

"(5)(A) Except as provided in subparagraph (B), the Secretary may, for public housing agencies designated pursuant to this subsection as high performing public housing agencies with respect to a fiscal year, waive (by regulation issued under subparagraph (C)) the applicability for the ensuing fiscal year of regulatory requirements otherwise applicable to public housing agencies to the extent appropriate, as determined by the Secretary, to facilitate more efficient operation of such agencies.

"(B) The Secretary may not waive the applicability of any provision—

"(i) limiting occupancy of public housing to low-income families;

"(ii) under section 18 requiring replacement of units in the case of demolition or disposition;

"(iii) under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

"(iv) that prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap, or that relates to fair housing or equal opportunity; or

"(v) under chapter 75 of title 31, United States Code.

"(C) During fiscal year 1995, the Secretary shall publish in the Federal Register a proposed rule providing for the waiver of the regulations to be waived pursuant to this paragraph and identifying such regulations. The Secretary shall publish such proposed rule at a time determined by the Secretary to be sufficient to provide notice and an opportunity for public comment before issuance of a final rule under this paragraph. Such final rule shall be issued not later than August 31, 1995.".

(b) Retention by PHA's of Savings From Efficient Management.—Section 6(e) of the United States Housing Act of 1937 (42 U.S.C. 1437d(e)) is amended to read as follows:

"(e) Treatment of Savings.—

"(1) In general.—Any income generated by a high-performing public housing agency that exceeds the income estimated by the agency to be generated, according to the agency's annual operating budget, shall be excluded in subsequent years in calculating the amount of the operating subsidy provided under section 9 to the high-performing public housing agency. Such savings shall be retained by the agency for other housing purposes.

"(2) High-performing public housing agency.—For purposes of paragraph (1), the term 'high-performing public housing agency' means, with respect to a year, a public housing agency that has been designated pursuant to subsection (j) as a high performing public housing agency for the last fiscal year ending before the commencement of such year.".

SEC. 118. STANDARDS FOR LEASE TERMINATION AND EXPEDITED GRIEVANCE PROCEDURE.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (k), in the first sentence of the matter following paragraph (6), by striking "criminal" the first place it appears; and

(2) in subsection (l)(5), by striking "criminal" the first place it appears.

SEC. 119. AVAILABILITY OF CRIMINAL CONVICTION INFORMATION FOR SCREENING AND EVICTIONS.

Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended by adding at the end the following new subsection:

"(q) Availability of Criminal Records.—

"(1) Availability.—Notwithstanding any other provision of Federal, State, or local law, upon the request of any public housing agency, the National Crime Information Center, police departments, and any other law enforcement entities shall provide information to the agency regarding the criminal convictions of applicants for, or residents of, public housing for the purpose of applicant screening, lease enforcement, and eviction. A public housing agency may pay a reasonable fee for such information.

"(2) Content.—The information provided under paragraph (1) shall include information regarding convictions for any felony and convictions for certain misdemeanors, including crimes of violence, destruction of property, use, sale, or distribution of controlled substances, illegal possession or use of firearms, and hate crimes. Such information may not include information regarding any criminal conviction of such an applicant or resident for any act (or failure to act) occurring before the applicant or resident reached 18 years of age or information regarding any criminal conviction of such an applicant or resident occurring more than 10 years before the request under this subsection is made by the public housing agency.

"(3) Use.—A public housing agency receiving information under this subsection may use such information only for the purposes provided in this subsection and such information may not be disclosed to any person who is not an officer or employee of the public housing agency. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided to a public housing agency under this subsection is used, and confidentiality of such information is maintained, as required under this subsection.

"(4) Penalty.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, public housing pursuant to the authority under this subsection under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term 'person' as used in this paragraph shall include an officer or employee of any public housing agency.

"(5) Civil action.—Any applicant for, or resident of, public housing affected by (A) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any public housing agency, which disclosure is not authorized by this subsection, or (B) any other negligent or knowing action that is inconsistent with this subsection, may bring a civil action for damages and such other relief as may be appropriate against any officer or employee of any public housing agency responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.".

SEC. 120. DESIGNATED HOUSING.

Section 7(e)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437e(e)(1)) is amended—

(1) in the first sentence, by striking "and the Secretary approves an application under this subsection for such designation"; and

(2) in the second sentence, by inserting before the period at the end the following: ", which shall provide that an application for a project (or portion of a project) shall be submitted and considered for approval in conjunction with submission and approval of the allocation plan for the project (or portion) under section 7(f)".

SEC. 121. PUBLIC HOUSING OPERATING SUBSIDIES.

(a) Authorization of Appropriations.—Section 9(c) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)) is amended—

(1) in paragraph (1), by striking "There" and all that follows and inserting the following new sentence: "There are authorized to be appropriated for purposes of providing annual contributions under this section $3,146,000,000 for fiscal year 1995 and $3,208,000,000 for fiscal year 1996.".

(2) in paragraph (2), by striking "1993 and 1994" and inserting "1995 and 1996"; and

(3) in paragraph (3), by striking "1993 and 1994" and inserting "1995 and 1996".

(b) Eligibility of Severely Distressed Public Housing.—Section 9(a)(2) of the United States Housing Act of 1937 is amended—

(1) by striking "one" and inserting "that is (A)"; and

(2) by inserting after "section 8," the following: "or (B) assisted under section 24 or the program authorized under (i) the third paragraph of the head, HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE GRANTS (HOPE GRANTS), of title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993, or (ii) the head, SEVERELY DISTRESSED PUBLIC HOUSING PROJECTS, of title II of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994;".

(c) Included Costs.—Section 9(a)(3)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437g(a)(3)(B)), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new clauses:

"(vii) the amount of the payment received under this section by public housing agencies shall be calculated to include—

"(I) benefits (including health care and pensions, annuities, and other retirement benefits) of employees of the agency;

"(II) the amount of any reduced revenue resulting from the amendments made by subsections (b) and (c) of section 573 of the Cranston-Gonzalez National Affordable Housing Act;

"(III) maintenance deferred;

"(IV) utility costs attributable to air conditioning; and

"(V) any increased costs of security for the public housing, attributable to increases in the number of incidents of vandalism and crime in the housing; and *"(viii) the amount of the payment received under this section by a public housing agency for a fiscal year shall be determined taking into consideration the actual expenses for the agency for the preceding fiscal year.".*

SEC. 122. ELIGIBLE USES OF EMERGENCY MODERNIZATION FUNDS.

Section 14(k)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437l(k)(1)) is amended—

(1) in the first sentence, by striking "$75,000,000" and inserting "$50,000,000"; and

(2) by adding at the end the following new sentence: "The Secretary shall make any amounts reserved under this paragraph for any fiscal year that remain unobligated on September 1 of such fiscal year available for modernization needs in connection with the settlement of litigation and desegregation of public housing. Of the amounts reserved each year under this paragraph, the Secretary shall make available to the Inspector General of the Department of Housing and Urban Development not more than $5,000,000 for cost in connection with efforts to combat violent crime in public housing. Using amounts made available pursuant to the preceding sentence during fiscal years 1995 and 1996, the Secretary shall provide amounts in each such fiscal year for the continuation of the drug elimination activities under Project Nos. IA05PO98003004 and IA05DEP0980193.".

SEC. 123. USE OF MODERNIZATION FUNDS FOR REPLACEMENT HOUSING.

(a) IN GENERAL.—Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is amended by adding at the end the following new subsection:

"(q) USE OF AMOUNTS FOR REPLACEMENT HOUSING.—

"(1) AUTHORITY.—A public housing agency may use assistance under this section to provide replacement housing as required by section 18 by developing additional housing under this Act, in accordance with requirements applicable to the development of public housing, but only if the cost of providing such housing (not including costs of demolition) is more cost effective than the cost of modernization of the housing proposed to be replaced.

"(2) LIMITATION ON AMOUNT.—In any fiscal year, a public housing agency may not use more than 50 percent of any assistance provided to the agency under this section for the fiscal year for providing replacement housing pursuant to this section.

"(3) REQUIREMENTS.—A public housing agency may use assistance under this section as provided in subsection (a) only if the replacement of units is included in the replacement plan of the agency.".

(b) AVAILABLE REPLACEMENT HOUSING.—Section 14(c)(1) of the United States Housing Act of 1937 is amended by inserting before the semicolon the following: "or, only in the case of assistance used as provided under subsection (q), housing or units in housing owned (or leased for a period to be determined by the Secretary) by a partnership of a public housing agency and other entity in which the agency has a controlling interest".

SEC. 124. DEMOLITION AND DISPOSITION OF PUBLIC HOUSING.

Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) is amended to read as follows:

"DEMOLITION AND DISPOSITION OF PUBLIC HOUSING

"SEC. 18. (a) CONDITION OF HOUSING.—The Secretary may approve an application by a public housing agency for permission to demolish or dispose of a public housing project or a portion of a public housing project only if the Secretary has determined that—

"(1) in the case of—

"(A) an application proposing demolition of a public housing project or a portion of a public housing project, the project or portion of the project is obsolete as to physical condition, location, or other factors, and it is more cost effective to replace the project or portion of the project than to rehabilitate the project or portion of the project; or

"(B) an application proposing the demolition of only a portion of a project, the demolition will help to assure the remaining useful life of the remaining portion of the project;

"(2) in the case of an application proposing disposition of real property of a public housing agency by sale or other transfer—

"(A)(i) the property's retention is not in the best interests of the tenants or the public housing agency because (I) developmental changes in the area surrounding the project adversely affect the health or safety of the tenants or the feasible operation of the project by the public housing agency, (II) disposition will allow the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as low-income housing and which will preserve the total amount of low-income housing stock available in the community or housing sufficient to address the needs of the community as described in the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act, or (III) because of other factors which the Secretary determines are consistent with the best interests of the tenants and public housing agency and which are not inconsistent with other provisions of this Act; and

"(ii) for property other than dwelling units, the property is excess to the needs of a project or the disposition is incidental to, or does not interfere with, continued operation of a project; and

"(B) the net proceeds of the disposition will be used for (i) the payment of development costs for the replacement housing and for the retirement of outstanding obligations issued to finance original development or modernization of the project, which, in the case of scattered-site housing of a public housing agency, shall be in an amount that bears the same ratio to the total of such costs and obligations as the number of units disposed of bears to the total number of units of the project at the time of disposition, and (ii) to the extent that any proceeds remain after the application of proceeds in accordance with clause (i), the provision of housing assistance for low-income families through such measures as modernization of low-income housing, or the acquisition, development, or rehabilitation of other properties to operate as low-income housing; or

"(3) in the case of an application proposing demolition or disposition of any portion of a public housing project, assisted at any time under section 5(j)(2)—

"(A) such assistance has not been provided for the portion of the project to be demolished or disposed within the 10-year period ending upon submission of the application; or

"(B) the property's retention is not in the best interest of the tenants or the public housing agency because of changes in the area surrounding the project or other circumstances of the project, as determined by the Secretary.

"(b) TENANT INVOLVEMENT AND REPLACEMENT HOUSING.—The Secretary may approve an application or furnish assistance under this section or under this Act only if the following requirements are met:

"(1) TENANT CONSULTATION AND EMPLOYMENT.—The application from the public housing agency—

"(A) has been developed in consultation with tenants and tenant councils, if any, who will be affected by the demolition or disposition;

"(B) includes a plan to employ public housing tenants in construction or rehabilitation to the extent practicable, pursuant to section 3 of the Housing and Urban Development Act of 1968; and

"(C) contains a certification by appropriate local government officials that the proposed activity is consistent with the applicable comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act.

"(2) RELOCATION ASSISTANCE.—All tenants to be relocated as a result of the demolition or disposition will be provided assistance by the public housing agency and are relocated to other decent, safe, sanitary, and affordable housing, which is, to the maximum extent practicable, housing of their choice, including housing assisted under section 8 of this Act.

"(3) REPLACEMENT HOUSING.—The public housing agency has developed a plan that provides for additional decent, safe, sanitary, and affordable dwelling unit for each public housing dwelling unit to be demolished or disposed under such application or provides additional dwelling units sufficient to address the needs and demographic characteristics of the number of applicants on the waiting list of the agency equal to the number of units to be demolished or disposed of or the needs of the community as described in the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act, which plan—

"(A) provides for the provision of such additional dwelling units through—

"(i) the acquisition or development of additional public housing dwelling units, which may be units in housing owned (or leased for a period to be determined by the Secretary) by a partnership of a public housing agency and other entity in which the agency has a controlling interest;

"(ii) the use of 15-year project-based assistance under section 8;

"(iii) in the case of an application proposing demolition or disposition of 200 or more units, the use of tenant-based assistance under section 8 having a term of not less than 5 years;

"(iv) units acquired or otherwise provided for homeownership (including cooperative and condominium interests) by public housing residents under section 5(h), subtitle B or C of title IV of the Cranston-Gonzalez National Affordable Housing Act, or other programs for homeownership that have program requirements substantially equivalent to the requirements established under section 605 of the Housing and Community Development Act of 1987;

"(v) affordable housing homeownership units assisted under title II of the Cranston-Gonzalez National Affordable Housing Act and sold to public housing residents;

"(vi) rental units that are (I) assisted under title II of the Cranston-Gonzalez National Affordable Housing Act (notwithstanding section 212(d)(2) of such Act), or (II) assisted under a State or local rental assistance program that provides for rental assistance over a term of not less than 15 years that is comparable in terms of eligibility and contribution to rent to assistance under section 8, except that this subclause shall only apply in cases provided under subparagraph (C);

"(vii) housing assisted by a tax credit under section 42 of the Internal Revenue Code;

"(viii) housing acquired from the Resolution Trust Corporation or the Federal Deposit Insurance Corporation;

"(ix) housing acquired under section 203 of the Housing and Community Development Amendments of 1978;

"(x) other manners approved by the Secretary; or

"(xi) any combination of such methods;

''(B) in the case of an application proposing demolition or disposition of 200 or more units, shall provide that—

''(i) not less than 50 percent of such additional dwelling units shall be provided through the acquisition or development of additional dwelling units or through project-based assistance; and

''(ii) not more than 50 percent of such additional dwelling units shall be provided through tenant-based assistance under section 8 having a term of not less than 5 years;

''(C) if it provides for the use of tenant-based assistance provided under section 8 or otherwise, may be approved—

''(i) only after a finding by the Secretary that replacement with project-based assistance is not feasible, and the supply of private rental housing actually available to those who would receive such assistance under the plan is sufficient for the total number of families in the community assisted with tenant-based assistance after implementation of the plan and that such supply is likely to remain available for the full term of the assistance; and

''(ii) only if such finding is based on objective information, which shall include rates of participation by landlords in the section 8 program, size, conditions and rent levels of available rental housing as compared to section 8 standards, the supply of vacant existing housing meeting the section 8 housing quality standards with rents at or below the fair market rental, the number of eligible families waiting for public housing or housing assistance under section 8, and the extent of discrimination against the types of individuals or families to be served by the assistance;

''(D) may provide that all or part of such additional dwelling units may be located outside the jurisdiction of the public housing agency (in this subparagraph referred to as the 'original agency') if—

''(i) the location is in the same housing market area as the original agency, as determined by the Secretary; and

''(ii) the plan contains an agreement between the original agency and the public housing agency in the alternate location or other public or private entity that will be responsible for providing the additional units in the alternate location that such alternate agency or entity will, with respect to the dwelling units involved—

''(I) provide the dwelling units in accordance with subparagraph (A);

''(II) complete the plan on schedule in accordance with subparagraph (F);

''(III) meet the requirements of subparagraph (G) of this paragraph and the maximum rent provisions of subparagraph (H);

''(IV) not impose a local residency preference on any resident of the jurisdiction of the original agency for purposes of admission to any such units; and

''(V) allow that preference for admission to any such additional units may be provided to residents of the severely distressed public housing dwelling units replaced under this subparagraph pursuant to section 24;

''(E) includes a schedule for completing the plan within a period consistent with the size of the proposed demolition or disposition and replacement plan, which—

''(i) shall not exceed 6 years, except that the Secretary may extend the schedule to not more than 10 years if the Secretary determines that good cause exists to extend the implementation of the replacement plan under this subsection; and

''(ii) the demolition or disposition under the plan can occur in phases necessary to provide for relocation of tenants under paragraph (2);

''(F) includes a method of ensuring that the same number of individuals and families will be provided housing;

''(G) provides for the payment of the relocation expenses of each tenant to be displaced and ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act; and

''(H) prevents the taking of any action to demolish or dispose of any unit until the tenant of the unit is relocated to decent, safe, sanitary, and affordable housing; and

''(I) permits the Secretary to intervene and take any actions necessary to complete the plan if the public housing agency fails, without good cause, to carry out its obligations under the plan.

''(c) LIMITATION ON DEMOLITION AND EXEMPTION.—

''(1) MAXIMUM PERCENTAGE.—Notwithstanding any other provision of this section, in any 5-year period a public housing agency may demolish not more than the lesser of 5 dwelling units or 5 percent of the total dwelling units owned and operated by the public housing agency, without providing an additional dwelling unit for each such public housing dwelling unit to be demolished, but only if the space occupied by the demolished unit is used for meeting the service or other needs of public housing residents.

''(2) SITE AND NEIGHBORHOOD STANDARDS EXEMPTION.—Notwithstanding any other provision of law, a replacement plan under subsection (b)(3) may provide for demolition of public housing units and replacement of such units on site or in the same neighborhood if the number of replacement units provided in the same neighborhood is fewer than the number of units demolished and the balance of replacement units are provided elsewhere in the jurisdiction or pursuant to subsection (b)(3)(D).

''(d) TREATMENT OF REPLACEMENT UNITS.—With respect to any dwelling units developed, acquired, or leased by a public housing agency pursuant to a replacement plan under subsection (b)(3)—

''(1) assistance may be provided under section 9 for such units; and

''(2) such units shall be available for occupancy, operated and managed in the manner required for public housing, and shall be subject to the other requirements applicable to public housing dwelling units.

''(e) APPROVAL OF APPLICATIONS.—

''(1) IN GENERAL.—The Secretary shall notify a public housing agency submitting an application under this section for demolition or disposition and replacement of a public housing project or portion of a project of the approval or disapproval of the application not later than 60 days after receiving the application. If the Secretary does not notify the public housing agency as required under this paragraph or paragraph (2), the application shall be considered to have been approved.

''(2) DISAPPROVAL AND RESUBMISSION.—If the Secretary disapproves an application, the Secretary shall specify in the notice of disapproval the reasons for the disapproval and the agency may resubmit the application as amended or modified.

''(3) ANNUAL REPORT.—The Secretary shall submit a report to the Congress annually describing for the year the applications under this section approved and disapproved, the number, general condition, and location of units demolished or disposed of, and the number, general condition, location and method of provision of units of replacement housing provided pursuant to this section.

''(f) ACTION BEFORE APPROVAL OF APPLICATION.—

''(1) PROHIBITED ACTION.—A public housing agency shall not take any action to demolish or dispose of a public housing project or a portion of a public housing project without obtaining the approval of the Secretary and satisfying the conditions specified in subsections (a) and (b).

''(2) ALLOWABLE RELOCATION.—A public housing agency may relocate tenants of public housing into other dwelling units before the approval of an application under this section for demolition or disposition or prior to implementing a plan for modernization under section 14 or 24, if units to be demolished or disposed of are not decent, safe, and sanitary, or if the units to be rehabilitated can not be maintained cost-effectively in a decent, safe, and sanitary condition.

''(g) ASSISTANCE FOR REPLACEMENT HOUSING.—The Secretary may provide assistance under this subsection for—

''(1) providing replacement public housing units pursuant to subsection (b)(3)(A) for units demolished or disposed of pursuant to this section; and

''(2) providing assistance under section 8 for replacement housing pursuant to subsection (b)(3)(A) for units demolished or disposed of pursuant to this section.

''(h) INAPPLICABILITY TO PUBLIC HOUSING HOMEOWNERSHIP PROGRAM.—The provisions of this section shall not apply to the disposition of a public housing project in accordance with an approved homeownership program under title III of this Act.

''(i) EXCEPTION TO REPLACEMENT RULE.—

''(1) REQUIREMENTS FOR WAIVER.—The Secretary shall waive the applicability of the provisions of subsection (b)(3) with respect to any application under this section by a public housing agency for the demolition or disposition of public housing dwelling units if—

''(A) the Secretary determines, based on information provided by the public housing agency in the application and the request under paragraph (2), that—

''(i) the requirements under subsection (b)(3) are preventing or interfering with the development or acquisition of new public housing dwelling units by the agency;

''(ii) the long-term goal of the agency in requesting the waiver under this subsection is to increase the number of habitable public housing dwelling units of the agency;

''(iii) maintaining and operating the dwelling units to be demolished or disposed of is not cost effective; and

''(iv) sufficient financial assistance is not, and will not be, available to the public housing agency to rehabilitate or replace all or some of the units;

''(B) the Secretary determines that replacing the dwelling units to be demolished or disposed under the application is unnecessary because other affordable housing is available in the area in which the units are located, and in making such determination the Secretary shall consider the assessment submitted by the public housing agency under paragraph (2)(C); and

''(C) the public housing agency requests a waiver under this subsection in accordance with the requirements under paragraph (2).

''(2) REQUEST FOR WAIVER.—To be eligible for a waiver under this subsection, a public housing agency shall submit to the Secretary a request for a waiver under this subsection that includes—

''(A) a comprehensive plan for demolition, disposition, and replacement that describes additional dwelling units to be made available by the public housing agency;

''(B) an identification of the dwelling units for which the waiver is requested; and

''(C) an assessment of the need of replacing such dwelling units including the unit size, age, general condition, and length of time such units have been vacant, the condition of the neighborhood in which the dwelling units are located, and the availability of dwelling units affordable to low-income families within the jurisdiction in which the dwelling units are located, during the implementation of the replacement plan.

"(3) SUBMISSION TO SECRETARY.—A request for a waiver under this subsection may be submitted at any time. The request shall be submitted to the Secretary by certified mail or any other equivalent means that provides notification to the public housing agency making the request of the date of receipt by the Secretary.

"(4) NOTICE OF DISPOSITION OF REQUEST.—Except as provided in paragraph (5), the Secretary shall notify a public housing agency requesting a waiver under this section of the approval or disapproval of the request not later than 45 days after receiving the request. If the Secretary does not notify the public housing agency as required under this paragraph or paragraph (5), the request for a waiver shall be considered to have been approved.

"(5) REQUEST FOR ADDITIONAL INFORMATION.—If the Secretary determines that more information is needed to make the determinations under paragraph (1) than has been provided by the public housing agency, the Secretary shall notify the agency in writing not later than 30 days after receiving the request for the waiver that additional information is necessary. Such notice shall describe specifically the additional information required for the determinations and establish a deadline for the submission of the information by the agency, which shall be determined based on the difficulty of obtaining the information requested. If the agency submits such additional information requested before the deadline established in the notice under this paragraph, the Secretary shall notify the agency requesting the waiver that the request is approved or disapproved not later than 30 days after the submission of such additional information.

"(6) STATEMENT OF REASONS FOR DENYING OR APPROVING REQUEST.—The Secretary shall include, in each notice under paragraph (4) or (5) of the denial or approval of a request for a waiver under this subsection, the specific reasons for denying or approving the request. The denial of any request for a waiver for public housing dwelling units shall not prejudice the consideration of any other subsequent request for such a waiver for any of such dwelling units.".

SEC. 125. PUBLIC HOUSING RESIDENT OPPORTUNITY.

Section 20 of the United States Housing Act of 1937 (42 U.S.C. 1437r) is amended—

(1) by striking the section heading and inserting the following new section heading:

"RESIDENT OPPORTUNITY PROGRAM";

(2) in the first 2 sentences of subsection (b), by striking "resident management program" each place it appears and inserting "resident opportunity program"; and

(3) in subsection (f)—

(A) by striking "RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING" and inserting "RESIDENT OPPORTUNITY ASSISTANCE";

(B) in paragraph (1), by adding at the end the following new sentence: "In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing.";

(C) in paragraph (2), by striking "$100,000" and inserting "$250,000";

(D) by striking paragraph (3) and inserting the following new paragraph:

"(3) FUNDING.—Of any amounts made available for financial assistance under section 14, the Secretary may use to carry out this subsection $25,000,000 for fiscal year 1995 and $25,000,000 for fiscal year 1996.";

(E) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(F) by inserting after paragraph (1) the following new paragraph:

"(2) OTHER USES OF ASSISTANCE.—The Secretary may use amounts available to carry out this subsection to enter into contracts with—

"(A) various entities for monitoring, evaluation, technical assistance, and information dissemination in connection with activities under this subsection; and

"(B) resident organizations and public or private entities for activities that support the economic development and increased self-sufficiency of public housing residents.

Eligible activities related to economic development and self-sufficiency may include programs for counseling, treatment for substance abuse, child care, remedial education, job training, and development of resident businesses.".

SEC. 126. PUBLIC HOUSING FAMILY INVESTMENT CENTERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 22(k) of the United States Housing Act of 1937 (42 U.S.C. 1437t(k)) is amended to read as follows:

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 1995 and $50,000,000 for fiscal year 1996.".

(b) PURPOSES.—Section 22(a) of the United States Housing Act of 1937 (42 U.S.C. 1437t(a)) is amended—

(1) in the matter preceding paragraph (1) by inserting before "to provide" the following: "to provide job training and employment services to public housing residents in connection with public and private sector jobs generated by construction, modernization, maintenance, and supportive service activities of public housing and other housing projects and programs assisted by the Department of Housing and Urban Development and";

(2) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4), and (5), respectively;

(3) by inserting after paragraph (1) the following new paragraph:

"(2) operating job banks, assisting employers to develop training and apprenticeship programs, assisting businesses of public housing residents, and other employment-related activities;"; and

(4) by adding at the end the following new flush sentence:

"The provision of services under this section shall be considered the provision of housing for purposes of section 3 of the Housing and Urban Development Act of 1968.".

(c) ELIMINATION OF SUPPORTIVE SERVICES CAP.—Section 22(c)(4) of the United States Housing Act of 1937 is amended by striking "not more than 15 percent of".

(d) ECONOMIC OPPORTUNITY ACTIVITIES.—Section 22 of the United States Housing Act of 1937 is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) GRANT AUTHORITY.—The Secretary may make grants to public housing agencies to adapt and provide sites in or near public housing for providing services to help families residing in the public housing gain better access to educational and job opportunities to achieve self-sufficiency and independence, and to provide such services. Assistance under this section may be made available only to public housing agencies that demonstrate to the satisfaction of the Secretary that supportive services (as such term is defined in subsection (j)) will be made available. Facilities assisted under this section shall be located in or near the premises of public housing.";

(2) in subsection (c)(3), by striking "the renovation of facilities located near the premises of 1 or more public housing projects" and inserting the following: "the acquisition of facilities located near the premises of 1 or more public housing projects, the acquisition and renovation of such facilities, or the renovation of such facilities,"; and

(3) in subsection (j)—

(A) in the first sentence, by inserting before the period at the end the following: "(including opportunities under a Family Self-Sufficiency program under section 23 of this Act, subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, and the Job Training Partnership Act) and to facilitating participation in such opportunities";

(B) in paragraph (5), by striking "and" at the end;

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (15), respectively; and

(D) by inserting after paragraph (3) the following new paragraph:

"(4) English language education for persons having no or limited proficiency in English;"; and

(E) by inserting after paragraph (6) (as so redesignated) the following new paragraphs:

"(7) providing a job bank of available employment positions;

"(8) assisting contractors, contractor associations, and joint labor-management committees to develop and assist training and apprenticeship programs;

"(9) funding start-up costs of business employing, or owned by, public housing residents;

"(10) providing coordination with related government and private programs;

"(11) carrying out job-related activities necessary to establish and operate a family investment center, including training, supervision of trainees, and job recruitment;

"(12) apprenticeship training of public housing residents in job skills used in the construction modernization, maintenance, and operation of public housing and other housing assisted by the Department of Housing and Urban Development;

"(13) employing public housing residents in modernization, maintenance, and operation of public housing and other housing assisted by the Department of Housing and Urban Development;

"(14) training and employing public housing residents in jobs providing supportive services to residents participating in the program for family self-sufficiency and other economic independence; and".

SEC. 127. REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING.

(a) PLANNING GRANTS.—Subsection (c) of section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v(c)) is amended—

(1) in paragraph (2) by striking "$200,000" and inserting "$300,000";

(2) in paragraph (3)—

(A) in subparagraph (G), by striking "designing a suitable replacement housing plan" and inserting "designing suitable relocation and replacement housing plans";

(B) by redesignating subparagraphs (E) through (I) as subparagraphs (F) through (J), respectively; and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) planning for community service activities to be carried out by residents, other members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community;";

(3) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D) to the extent the applicant is requesting amounts for community service activities, a description of the planning activities for community service to be carried out by residents, other

members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community;''; and

(5) in paragraph (5)—

(A) in subparagraph (F), by inserting before the semicolon at the end the following: '', taking into consideration the condition of the public housing of the public housing agency as a whole'';

(B) by striking subparagraph (E);

(C) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(D) by adding at the end the following new flush material:

''In making grants under this subsection, the Secretary may select a lower-rated application that meets the requirements pursuant to this section instead of a higher-rated application to increase the national geographic diversity among applications approved under this section.''.

(b) IMPLEMENTATION GRANTS.—Subsection (d) of section 24 of the United States Housing Act of 1937 is amended—

(1) in paragraph (2)—

(A) in subparagraph (I), by striking ''except that'' and all that follows and inserting the following: ''except that—

''(i) not more than 20 percent of any grant under this subsection may be used for such purpose; and

''(ii) an amount equal to 15 percent of the amount of any grant under this subsection used for such purposes shall be contributed from non-Federal sources, and may be in the form of cash, administrative costs, and the reasonable value of in-kind contributions, and may include funding under title I of the Housing and Community Development Act of 1974.'';

(B) by redesignating subparagraphs (E) through (I) (as so amended) as subparagraphs (G) through (K), respectively; and

(C) by inserting after subparagraph (D) the following new subparagraphs:

''(E) community service activities to be carried out by residents, other members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community;

''(F) replacement of public housing units;'';

(2) in paragraph (3)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following new subparagraph:

''(D) to the extent the applicant is requesting amounts for community service activities, a description of the community service activities to be carried out by residents, other members of the community, and other persons willing to contribute to the social, economic, or physical improvement of the community;''; and

(3) in paragraph (4)—

(A) by striking subparagraph (D) and inserting the following new subparagraph:

''(D) the quality of the proposed revitalization program and the suitability of the project for such a program;'';

(B) in subparagraph (F), by inserting before the semicolon at the end the following: '', taking into consideration the condition of the public housing of the applicant as a whole''; and

(C) by striking subparagraph (E);

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively; and

(E) by adding at the end the following new flush material:

''In making grants under this subsection, the Secretary may select a lower-rated application that meets the requirements pursuant to this section instead of a higher-rated application to increase the national geographic diversity among applications approved under this section.''.

(c) EXCEPTIONS TO GENERAL PROGRAM REQUIREMENTS.—Section 24(e) of the United States Housing Act of 1937 is amended—

(1) by striking the first sentence of paragraph (2) and inserting the following new sentence: ''For projects revitalized under this section, a public housing agency may—

''(A) in lieu of selecting tenants pursuant to the preferences specified under section 6(c)(4)(A)(i), select tenants pursuant to a local system of preferences;

''(B) in making dwelling units in such projects available for occupancy, disregard the order in which applications were made for residency in public housing dwelling units or any waiting lists established for such residency to provide for substantial variation in the incomes of families residing in the project, subject to the provisions of this Act relating to income eligibility in public housing projects (as modified under subparagraph (C));

''(C) notwithstanding section 16 of this Act, provide for low-income families to occupy not more than 50 percent of the dwelling units in a project, and

''(D) establish ceiling rents under section 3(a)(2).''; and

(2) by adding at the end the following new paragraph:

''(3) DEMOLITION AND REPLACEMENT.—

''(A) IN GENERAL.—Notwithstanding any other applicable law or regulation, a revitalization plan under this section may include demolition of public housing units and replacement of such units on site or in the same neighborhood if the number of replacement units provided in the same neighborhood is fewer than the number of units demolished as a result of the revitalization effort.

''(B) TENANT-BASED ASSISTANCE.—Notwithstanding the limitation in subparagraph (C) of section 18(b)(3), a public housing agency may replace not more than one-third of the units demolished or disposed of through a revitalization project under this section with tenant-based assistance under section 8, but only if the public housing agency demonstrates to the satisfaction of the Secretary that the local housing market in which the assistance is to be used has had a vacancy rate, among units whose rent does not exceed the fair market rental for the area established under section 8(e), of more than 3 percent for at least 6 consecutive months.

''(C) ALTERNATIVE METHODS OF REPLACEMENT.—A revitalization plan under this section may provide for replacement of public housing units in the manners under subparagraph (D) of this paragraph (and not subject to the requirements of subparagraph (B) of section 18(b)(3)) if the agency or corporation enters into such agreements as the Secretary considers necessary to ensure that the replacement units will remain affordable to families eligible for residency in public housing for the remaining useful life of the units, as determined by the Secretary.

''(D) CERTIFICATE AND NEW UNIT MIX.—Each such dwelling unit demolished, disposed of, or otherwise eliminated pursuant to this paragraph shall be replaced with an additional dwelling unit through any combination of—

''(i) additional public housing dwelling units;

''(ii) units or housing described in clause (iv), (v), (vii), (viii), or (ix) of section 18(b)(3)(A);

''(iii) rental units that are (I) assisted under title II of the Cranston-Gonzalez National Affordable Housing Act (notwithstanding section 212(d)(2) of such Act), or (II) assisted under a State or local rental assistance program that provides for rental assistance over a term of not less than 5 years that is comparable in terms of eligibility and contribution to rent to assistance under section 8; but this clause shall apply to a revitalization program only if the agency demonstrates to the satisfaction of the Secretary that the local housing market in which the assistance is to be used has had a vacancy rate, among units whose rent does not exceed the fair market rental for the area established under section 8(e), of more than 3 percent for at least 6 consecutive months; or

''(iv) other manners approved by the Secretary.''.

(d) DEFINITIONS.—Subsection (h) of section 24 of the United States Housing Act of 1937 is amended—

(1) by striking paragraph (5) and inserting the following new paragraphs:

''(6) SEVERELY DISTRESSED PUBLIC HOUSING.—The term 'severely distressed public housing' means a public housing project or building in a project that—

''(A) requires major redesign, reconstruction, or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems, and other deficiencies in the physical plant of the project;

''(B) is—

''(i)(I) occupied predominantly by families with children which have extremely low incomes, high rates of unemployment, and extensive dependency on various forms of public assistance; and

''(II) has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area; or

''(ii) has a vacancy rate, as determined by the Secretary, of 50 percent or more;

''(C) can not be revitalized through assistance under other programs, such as the programs under sections 9 and 14, or through other administrative means because of the inadequacy of available amounts; and

''(D) in the case of an individual building, the building is (in the determination of the Secretary) sufficiently separable from the remainder of the project of which the building is part to make use of the building feasible for purposes of this section.

''(7) SUPPORT SERVICES.—The term 'support services' includes all activities which will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing project involved, and shall include literacy training, job training, day care, and economic development activities. Support services may be provided to residents of the neighborhood in which the public housing project involved is located.'';

(2) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) COMMUNITY SERVICE.—The term 'community service' means services provided on a volunteer or limited stipend basis for the social, economic, or physical improvement of the community to be served, including opportunity for the upward mobility of participants providing the community service, through completion of education requirements, job training, or alternative methods of developing skills and job readiness.''.

(e) REPORTS.—Section 24(i) of the United States Housing Act of 1937 is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(f) REPEAL.—Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended by striking subsection (b).

(g) APPLICABILITY.—Section 24 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

''(j) APPLICABILITY.—Notwithstanding any provision of this Act, with respect to a public housing project that (1) has been selected for funding under this section 24 or through the urban revitalization demonstration program under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993 (Public Law 102–389, 106 Stat. 1579; 42 U.S.C. 1437l note) or the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1994 (Public Law 103–124, 107 Stat. 1285; 42 U.S.C. 1437l note), and (2) has an approved comprehensive plan under section 14 of this Act, the Secretary may apply any provision of this section and the regulations hereunder to all activities undertaken at such projects only during revitalization (including activities relating to demolition, modernization, reconstruction, site improvement, and replacement housing).''.

(h) CONFORMING AMENDMENT.—The first sentence of section 25(m)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437w(m)(1)) is amended to read as follows: ''The term 'eligible housing' means a public housing project, or one or more buildings within a project, that is owned or operated by a troubled public housing agency that has been troubled for not less than 3 years and that, as determined by the Secretary, has failed to make substantial progress toward effective management.''.

(i) APPLICABILITY TO CERTAIN PROJECT.—The amendments made by this section shall apply with respect to assistance provided before the date of the enactment of this Act under section 24 of the United States Housing Act of 1937 for the Desire Housing Development, located in New Orleans, Louisiana, but only to the extent that the Housing Authority of New Orleans submits to the Secretary of Housing and Urban Development a description of the revitalization program for such project describing the use of such assistance under the provisions of such section 24, as amended, which is approved by the Secretary.

SEC. 128. PROGRAM MONITORING AND TECHNICAL ASSISTANCE.

(a) DEFINITION.—Section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a), as amended by adding at the end the following new subsection:

''(e) TECHNICAL ASSISTANCE AND SERVICES.—As used in sections 5(c)(9) and 14(k)(1)(B), the term 'technical assistance and services' shall include any or all undertakings by the Secretary, directly using officials and employees of the Secretary, or indirectly under contract or otherwise, related to the inspection or oversight of project or program development or implementation, training and technical assistance, public housing agency or Indian housing authority program, project, or general management, crisis management and operations, survey research, and the preparation of reports or recommendations to the Secretary.''.

(b) AVAILABILITY OF DEVELOPMENT AMOUNTS.—Section 5(c) of the United States Housing Act of 1937 (42 U.S.C. 1437c(c)) is amended by adding at the end the following new paragraph:

''(9) Of any amounts appropriated pursuant to this Act in fiscal year 1995 for public housing development (including Indian housing development), the Secretary may use not more than 0.5 percent for technical assistance and services.''.

(c) AVAILABILITY OF MODERNIZATION AMOUNTS.—Section 14(k)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437l(k)(1)), as amended by the preceding provisions of this Act, is amended—

(1) by inserting ''(A)'' before the first sentence; and

(2) by adding at the end the following new subparagraph:

''(B) Of any amounts approved in appropriation Acts for grants under this section in fiscal year 1995, the Secretary may use not more than 1 percent for technical assistance and services.''.

SEC. 129. APPLICABILITY OF PUBLIC HOUSING AMENDMENTS TO INDIAN HOUSING.

(a) AMENDMENT.—Section 201(b) of the United States Housing Act of 1937 (42 U.S.C. 1437aa(b)) is amended to read as follows:

''(b) APPLICABILITY OF TITLE I.—Except as otherwise provided by law, the provisions of title I shall apply to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.''.

(b) APPLICABILITY OF AMENDMENT.—The amendment made by subsection (a) shall not affect provisions of the United States Housing Act of 1937 that were made applicable to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority in accordance with section 201(b)(2) of such Act, as such section existed before the effective date of this section.

(c) APPLICABILITY OF HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—The provisions of, and the amendments made by, sections 103(a)(1), 112, 114, 116, 118, 903, and 927 of the Housing and Community Development Act of 1992 and sections 301, 302, 303, and 304 of the Multifamily Housing Property Disposition Reform Act of 1994 shall apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

SEC. 130. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 222(g) of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note) is amended by striking the first two sentences and inserting the following new sentence: ''There are authorized to be appropriated to carry out this section $35,000,000 for fiscal year 1995 and $35,000,000 for fiscal year 1996.''.

(b) ELIGIBILITY FOR ASSISTANCE.—Section 222(b)(1) of the Housing and Urban-Rural Recovery Act of 1983 is amended by inserting before the semicolon at the end the following: '', except that the Secretary may make a grant to provide additional assistance for an existing child care center assisted under this section or to expand an existing child care center regardless of whether such center was previously assisted under this section''.

(c) ASSISTANCE FOR HOMELESS FAMILIES.—Section 222(a)(1) of the Housing and Urban-Rural Recovery Act of 1983 amended by inserting before the period at the end the following: ''(including, for purposes of this section, homeless families with children, as defined by the Secretary)''.

(d) CLERICAL AMENDMENT.—The heading for section 222 of the Housing and Urban-Rural Recovery Act of 1983 is amended to read as follows: ''EARLY CHILDHOOD DEVELOPMENT PROGRAMS''.

SEC. 131. INDIAN HOUSING CHILDHOOD DEVELOPMENT SERVICES.

(a) FUNDING.—Section 518(a) of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note) is amended by striking the first and second sentences and inserting the following new sentence: ''There are authorized to be appropriated to carry out the demonstration program under this section $6,000,000 for fiscal year 1995 and $6,000,000 for fiscal year 1996.''.

SEC. 132. PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.

Section 521(g) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note) is amended to read as follows:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out the demonstration program under this section such sums as may be necessary for each of fiscal years 1995 and 1996.''.

SEC. 133. SALE OF CERTAIN SCATTERED SITE PUBLIC HOUSING.

Section 131 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3712) is amended by adding at the end the following new sentence: ''During the term of the annual contributions contract relating to the scattered-site public housing originally sold under this section, any proceeds from the disposition of replacement scattered-site dwellings purchased with (1) the proceeds from such original disposition, or (2) the proceeds from the disposition of any replacement scattered-site dwellings, shall be used to purchase additional replacement scattered site dwellings, which shall be considered public housing for the purposes of such Act and for which the Secretary shall provide annual contributions for operation, using amounts made available under section 9(c) of such Act.''.

SEC. 134. ELIGIBILITY OF CERTAIN PUBLIC HOUSING FOR DEMOLITION.

Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213), is amended by striking ''George Loving Place, at 3320 Rupert Street, Edgar Ward Place, at 3901 Holystone, Elmer Scott Place, at 2600 Morris, in Dallas, Texas, or''.

SEC. 135. DEMONSTRATION PROGRAM FOR INNOVATIVE PUBLIC HOUSING AGENCIES AND RESIDENT MANAGEMENT CORPORATIONS.

(a) AUTHORITY.—The Secretary may authorize public housing agencies and resident management corporations to carry out demonstrations for public housing that—

(1) test the extent to which aspects of the public housing program may be exempt from certain statutory requirements while continuing to serve eligible families, and

(2) permit agencies and resident management corporations to establish policies for the operation, maintenance, management, and development (including modernization) of one or more projects, without regard to the requirements applicable to public housing in the United States Housing Act of 1937.

In establishing such policies, public housing agencies and resident management corporations shall be subject to any applicable State or local law.

(b) WAIVER OF PROVISIONS OF 1937 ACT.—For any demonstration authorized under this section, the Secretary may waive the applicability of any requirements of the United States Housing Act of 1937 that the Secretary determines are not consistent with the purposes of a demonstration, except requirements—

(1) limiting occupancy of public housing to low-income families, as defined in section 3 of the United States Housing Act of 1937;

(2) under section 18 of such Act requiring replacement of units in the case of demolition or disposition (except that the limitation on the use of tenant-based assistance to applications proposing demolition or disposition of 200 or more units may be waived); and

(3) relating to labor standards.

(c) REPLACEMENT HOUSING.—

(1) AUTHORITY.—In authorizing a demonstration under this section, the Secretary may authorize a public housing agency to demolish or dispose of public housing units and replace such units on site or in the same neighborhood if the number of replacement units provided in the same neighborhood is fewer than the number of units demolished under the demonstration.

(2) TENANT-BASED ASSISTANCE.—Notwithstanding the limitations in subparagraphs (A)(v) and

(C) of section 18(b)(3), a public housing agency may replace not more than one-third of the units demolished or disposed of under a demonstration under this section with tenant-based assistance under section 8, but only if the public housing agency demonstrates to the satisfaction of the Secretary that the local housing market in which the assistance is to be used has had a vacancy rate, among units whose rent does not exceed the fair market rental for the area established under section 8(e), of more than 3 percent for at least 6 consecutive months.

(3) ALTERNATIVE METHODS OF REPLACEMENT.—In authorizing a demonstration under this section, the Secretary may authorize a public housing agency to provide for replacement of public housing units in the manners under paragraph (4) of this subsection rather than in the manners specified under the various clauses of section 18(b)(3)(A) (and not subject to the requirements of subparagraph (B) of section 18(b)(3)) if the agency enters into such agreements as the Secretary considers necessary to ensure that the replacement units will remain affordable to families eligible for residency in public housing for the remaining useful life of the units, as determined by the Secretary.

(4) CERTIFICATE AND NEW UNIT MIX.—Each such dwelling unit demolished, disposed of, or otherwise eliminated pursuant to this subsection shall be replaced with an additional dwelling unit through any combination of—

(A) additional public housing dwelling units;

(B) units acquired or otherwise provided for homeownership (including cooperative and condominium interests) by public housing residents under section 5(h), subtitle B or C of title IV of the Cranston-Gonzalez National Affordable Housing Act, or other programs for homeownership that have program requirements substantially equivalent to the requirements established under section 605 of the Housing and Community Development Act of 1987;

(C) affordable housing homeownership units assisted under title II of the Cranston-Gonzalez National Affordable Housing Act and sold to public housing residents;

(D) rental units that are (i) assisted under title II of the Cranston-Gonzalez National Affordable Housing Act (notwithstanding section 212(d)(2) of such Act), or (ii) assisted under a State or local rental assistance program that provides for rental assistance over a term of not less than 5 years that is comparable in terms of eligibility and contribution to rent to assistance under section 8; but this subparagraph shall apply to a public housing agency only if the agency demonstrates to the satisfaction of the Secretary that the local housing market in which the assistance is to be used has had a vacancy rate, among units whose rent does not exceed the fair market rental for area established under section 8(e), of more than 3 percent for at least 6 consecutive months;

(E) housing assisted by a tax credit under section 42 of the Internal Revenue Code;

(F) housing acquired from the Resolution Trust Corporation or the Federal Deposit Insurance Corporation;

(G) housing acquired under section 203 of the Housing and Community Development Amendments of 1978; or

(H) other manners approved by the Secretary.

(d) WAIVER OF OTHER STATUTORY REQUIREMENTS.—For any demonstration authorized under this section, the Secretary may also waive the applicability of any provision of law that applies to the projects under the demonstration and that the Secretary determines is not consistent with the purposes of a demonstration, except that the Secretary may not waive any provision of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or any other provision of law relating to equal opportunity, nondiscrimination, or the environment.

(e) SELECTION OF DEMONSTRATIONS.—

(1) SCOPE.—The Secretary may select not more than 25 public housing agencies or resident management corporations (or a combination of both) to carry out not more than 25 demonstrations under this section. Not more than 5 of the agencies selected may be agencies designated pursuant to section 6(j) of the United States Housing Act of 1937 as troubled or troubled with respect to the public housing modernization program under section 14 of such Act.

(2) CRITERIA.—The Secretary shall select agencies and corporations based on selection criteria established by the Secretary, which shall include the following factors:

(A) The need for a range of project sizes.

(B) The need for a range of types of public housing agencies and resident management corporations.

(C) The potential effects and benefits that the variations proposed by the agency or corporation could have on the public housing program if the variations were adopted for the whole program.

(f) REQUIREMENTS.—The Secretary may authorize a demonstration program under this section only if the Secretary determines that the demonstration—

(1) would not, over the term of the demonstration, result in the Federal Government incurring greater costs than the government would otherwise incur if the demonstration were not authorized;

(2) is consistent with the overall purposes of the public housing program;

(3) is evaluated by an independent party; and

(4) is consistent with the Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the National Environmental Policy Act of 1969.

(g) AUTHORITY TO ESTABLISH ADDITIONAL REQUIREMENTS.—In authorizing a demonstration under this section, the Secretary may impose such requirements as the Secretary considers to be appropriate to further the purposes of the demonstration.

(h) REPORTS.—

(1) REPORT ON DEMONSTRATION.—For each demonstration site, the public housing agency or resident management corporation carrying out the demonstration shall submit an annual progress report to the Secretary. For each demonstration carried out under this section, the Secretary shall submit a report to Congress not later than 1 year after completion of the demonstration, describing the results of the demonstration and making any recommendations for legislation.

(2) REPORT ON WAIVER FOR NEW YORK CITY.—The Secretary shall conduct a study of the advisability, practicality, and effects of exempting the New York City Housing Authority from any provisions of law or regulation establishing requirements for the site on which, and neighborhood in which, public housing is developed. The Secretary shall submit a report to the Congress not later than 6 months after the date of the enactment of this Act describing the results of the study and making a recommendation with respect to such exemption.

(i) TERM OF DEMONSTRATIONS.—The authority to carry out a demonstration program under this section shall be effective only for the period specified by the Secretary in authorizing the demonstration program, which may not exceed 5 years.

(j) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The terms "public housing agency" and "agency" mean a public housing agency, as such term is defined in section 3(b) of the United States Housing Act of 1937.

(2) The terms "resident management corporation" and "corporation" mean a resident management corporation established in accordance with requirements of the Secretary under section 20 of the United States Housing Act of 1937.

(3) The term "Secretary" means the Secretary of Housing and Urban Development.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 for the evaluation of demonstrations under this section.

SEC. 136. DEMONSTRATION PROGRAM FOR OCCUPANCY OF OTHERWISE VACANT PUBLIC HOUSING UNITS BY MODERATE-INCOME FAMILIES.

(a) AUTHORITY.—The Secretary of Housing and Urban Development may carry out a demonstration program under which public housing agencies may lease units in public housing projects assisted under the United States Housing Act of 1937 to moderate-income families, as such term is defined by the Secretary.

(b) REQUIREMENTS FOR PARTICIPATION.—The Secretary may approve a request by a public housing agency to participate in the demonstration program only if the Secretary determines that—

(1) the units proposed for leasing to moderate-income families would otherwise remain vacant;

(2) the agency has demonstrated that it has actively marketed the units to eligible families and that eligible families are not available to fill the units covered by the application and are not expected to be available for at least 12 months; and

(3) the agency has agreed not to provide tenant-based assistance under the United States Housing Act of 1937 for unit sizes available for occupancy under the demonstration.

(c) DURATION.—The Secretary may authorize a public housing agency to participate in the demonstration for up to a 2-year term and may extend the term for additional periods of up to 2 years, if the agency submits another application that meets the requirements of this section.

SEC. 137. STUDY OF ADEQUACY OF PAYMENT IN LIEU OF TAXES.

The Comptroller General of the United States shall conduct a study of the payments made during recent years by public housing agencies to State and local governments in lieu of taxes, pursuant to section 6(d) of the United States Housing Act of 1937, to determine whether such payments adequately compensate for the amount of taxes foregone by such governments pursuant to such section. The Comptroller General shall submit a report to the Congress describing the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act.

Subtitle C—Section 8 Assistance

SEC. 141. COMMUNITY INVESTMENT DEMONSTRATION PROGRAM.

Section 6(j) of the HUD Demonstration Act of 1993 (42 U.S.C. 1437f note) is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—Of any amounts appropriated for incremental assistance under section 8 of the United States Housing Act of 1937, the Secretary may use not more than $150,000,000 in fiscal year 1995 and $200,000,000 in fiscal year 1996 to carry out this section.".

SEC. 142. MERGER OF SECTION 8 RENTAL ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended to read as follows:

"RENTAL HOUSING ASSISTANCE FOR LOW-INCOME FAMILIES

"SEC. 8. (a) AUTHORITY AND PURPOSE.—

"(1) IN GENERAL.—For the purposes of aiding low-income families in obtaining a decent place to live and promoting economically mixed housing, the Secretary may provide assistance payments with respect to existing housing in accordance with the provisions of this section.

"(2) ELDERLY HOUSING.—Notwithstanding any other provision of this Act, assistance payments under this section may be provided, in accordance with regulations prescribed by the Secretary, with respect to some or all of the units in any project approved pursuant to section 202 of the Housing Act of 1959 (as in effect before October 1, 1991).

"(b) ANNUAL CONTRIBUTIONS CONTRACTS FOR RENTAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may enter into annual contributions contracts under this subsection with public housing agencies to provide rental housing assistance under this section for low-income families. Such annual contributions contracts shall bind the Secretary to make such authority, and any amendments increasing such authority, available to the public housing agency for a specified period.

"(2) SECRETARY ACTING AS PHA.—In areas where no public housing agency has been organized or where the Secretary determines that a public housing agency is unable to implement the provisions of this section, the Secretary may enter into such contracts and perform the other functions assigned to a public housing agency by this section.

"(3) TREATMENT OF ASSISTANCE FOR SUPPORTIVE HOUSING FOR THE DISABLED.—The Secretary may not consider the receipt by a public housing agency of assistance under section 811(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, or the amount received, in approving assistance under this section for the agency or in determining the amount of such assistance to be provided to the agency.

"(c) ASSISTANCE CONTRACTS.—

"(1) IN GENERAL.—Each public housing agency that receives amounts under an annual contributions contract may enter into assistance contracts to make rental assistance payments to owners of existing dwelling units in accordance with the provisions of this section.

"(2) PHA ACTING AS OWNER.—A public housing agency may contract to make rental assistance payments under this section to itself (or any agency or instrumentality thereof) as the owner of dwelling units, and the agency shall be subject to the same program requirements as are applied to other owners. In such cases, the Secretary may establish initial rents within applicable limits.

"(3) INAPPLICABLE PROVISIONS.—Sections 5(e) and 6 and any other provisions of this Act that are inconsistent with the provisions of this section shall not apply to assistance contracts entered into pursuant to this section.

"(d) MAXIMUM MONTHLY RENT.—

"(1) IN GENERAL.—Each assistance contract entered into pursuant to this section shall establish the maximum monthly rent (including utilities and all maintenance and management charges) that the owner is entitled to receive for each dwelling unit for which rental assistance payments are to be made under the contract. Except as provided in paragraph (2), the maximum monthly rent shall not exceed by more than 10 percent the fair market rental under subsection (e) for the market area in which the dwelling unit is located. If units assisted under this section are exempt from local rent control while they are so assisted or otherwise, the maximum monthly rent for such units shall be reasonable in comparison with other units in the market area that are exempt from local rent control.

"(2) EXCEPTION.—The maximum monthly rent may exceed the fair market rental—

"(A) by more than 10 but not more than 20 percent, but only if the Secretary determines that special circumstances warrant such higher maximum rent or that such higher rent is necessary to the implementation of a comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; or

"(B) by such higher amount, only if requested by the low-income family assisted and approved by the public housing agency in accordance with subsection (f)(2).

"(3) ANNUAL ADJUSTMENTS.—Each assistance contract shall provide for adjustment in the maximum monthly rents for units covered by the contract not less than annually to reflect changes in the fair market rentals established under subsection (e) for the housing area for similar types and sizes of dwelling units or, if the Secretary determines, on the basis of a reasonable formula.

"(4) ADJUSTMENTS DUE TO EXPENSES.—Each assistance contract shall further provide for the Secretary to make additional adjustments in the maximum monthly rent for units assisted under the contract to the extent the Secretary determines such adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the units that have resulted from substantial general increases in real property taxes, utility rates, or similar costs that are not adequately compensated for by the adjustment in the maximum monthly rent authorized by paragraph (3). The Secretary shall make additional adjustments in the maximum monthly rent for units under contract (subject to the availability of appropriations for contract amendments) to the extent the Secretary determines such adjustments are necessary to reflect increases in the actual and necessary expenses of owning and maintaining the units that have resulted from the expiration of a real property tax exemption.

"(5) ADJUSTMENTS DUE TO CRIMINAL ACTIVITY.—If the Secretary determines that a project assisted under this section is located in a community where criminal activity is generally prevalent and the operating, maintenance, and capital repair expenses for the project have been substantially increased primarily as a result of the prevalence of such activity, the Secretary may (at the discretion of the Secretary and subject to the availability of appropriations for contract amendments for this purpose), on a project-by-project basis, provide adjustments to the maximum monthly rents, to a level not exceeding 120 percent of the project rents, to cover the costs of maintenance, security, capital repairs, and reserves required for the owner to carry out a strategy acceptable to the Secretary for addressing the problem of criminal activity. The Secretary may waive the applicability of any rent comparability standard required under this subsection to implement this paragraph.

"(6) ADJUSTMENTS DUE TO LEAD-BASED PAINT REDUCTION FOR HOUSING RECEIVING PROJECT-BASED ASSISTANCE.—The Secretary may (at the discretion of the Secretary and subject to the availability of appropriations for contract amendments), on a project-by-project basis for projects receiving project-based assistance, provide adjustments to the maximum monthly rents to cover the costs of evaluating and reducing lead-based paint hazards, as defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

"(7) LIMITATIONS ON ADJUSTMENTS.—

"(A) GENERAL COMPARABILITY RULE.—Adjustments in the maximum rents under paragraphs (3) through (6) shall not result in material differences between the rents charged for assisted units and unassisted units of similar quality, type, and age in the same market area, as determined by the Secretary.

"(B) COMPARABILITY STUDIES.—

"(i) To carry out subparagraph (A), the Secretary shall issue regulations to provide for conducting comparability studies for projects where the Secretary has reason to believe that the application of the formula adjustments under paragraph (3) would result in such material differences. The Secretary shall conduct such studies upon the request of any owner of any project, or as the Secretary determines to be appropriate by establishing, to the extent practicable, a modified annual adjustment factor for such market area, as the Secretary shall designate, that is geographically smaller than the applicable housing area used for the establishment of the annual adjustment factor under paragraph (3). The Secretary shall establish such modified annual adjustment factor on the basis of the results of a study conducted by the Secretary of the rents charged, and any change in such rents over the previous year, for assisted units and unassisted units of similar quality, type, and age in the smaller market area. Where the Secretary determines that such modified annual adjustment factor cannot be established or that such factor when applied to a particular project would result in material differences between the rents charged for assisted units and unassisted units of similar quality, type, and age in the same market area, the Secretary may apply an alternative methodology for conducting comparability studies in order to establish rents that are not materially different from rents charged for comparable unassisted units.

"(ii) If the Secretary or appropriate State agency does not complete and submit to the project owner a comparability study not later than 60 days before the anniversary date of the assistance contract under this section, the automatic annual adjustment factor shall be applied. The Secretary may not reduce the contract rents in effect on or after April 15, 1987, for newly constructed, substantially rehabilitated, or moderately rehabilitated projects assisted under this section (including projects assisted under this section as in effect prior to November 30, 1983), unless the project has been refinanced in a manner that reduces the periodic payments of the owner. Any maximum monthly rent that has been reduced by the Secretary after April 14, 1987, and prior to November 7, 1988, shall be restored to the maximum monthly rent in effect on April 15, 1987.

"(iii) For any project which has had its maximum monthly rents reduced after April 14, 1987, the Secretary shall make assistance payments (from amounts reserved for the original contract) to the owner of such project in an amount equal to the difference between the maximum monthly rents in effect on April 15, 1987, and the reduced maximum monthly rents, multiplied by the number of months that the reduced maximum monthly rents were in effect.

"(e) FAIR MARKET RENTALS.—

"(1) IN GENERAL.—The Secretary shall establish fair market rentals under this subsection periodically, but not less than annually, for existing rental dwelling units suitable for occupancy by low-income families assisted under this section. The Secretary shall establish the fair market rental by market area for various sizes and types of dwelling units. For a market area, the fair market rental for any size and type of dwelling unit shall be a dollar amount not less than the amount that results in the rents charged for 45 percent of the standard quality rental units of such size and type in the market area being less than such dollar amount. For purposes of determining the dollar amount under the preceding sentence, the Secretary shall consider only rental units occupied by households whose initial occupancy in their current units commenced not more than 15 months before the determination and shall not consider public housing units and units constructed less than 24 months before the determination.

"(2) EFFECTIVENESS AND ADJUSTMENT.—The Secretary shall publish proposed fair market rentals for each area in the Federal Register

with reasonable time for public comment, and such fair market rentals shall become effective upon the date of publication in final form in the Federal Register. Each fair market rental in effect under this subsection shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply, of rents for existing rental dwelling units, as the case may be, of various sizes and types in the market area suitable for occupancy by families assisted under this section.

"(3) CERTAIN AREAS.—The Secretary shall establish separate fair market rentals under this subsection for Westchester County in the State of New York. The Secretary shall also establish separate fair market rentals under this paragraph for Monroe County in the Commonwealth of Pennsylvania. In establishing fair market rentals for the remaining portion of the market areas in which Monroe County is located, the Secretary shall establish the fair market rentals as if such portion included Monroe County.

"(4) REQUIRED REVIEW.—If at any time, for any public housing agency, more than 50 percent of the families on behalf of whom assistance is provided under this section by the agency are paying as rent more than the amount specified under section 3(a) (as authorized in subsection (f)(2)), the agency shall review the fair market rentals established under this subsection for the market areas in the jurisdiction of the public housing agency.

"(f) AMOUNT OF MONTHLY ASSISTANCE PAYMENT AND DUE PROCESS RIGHTS.—

"(1) IN GENERAL.—The amount of the monthly assistance payment under this section with respect to any dwelling unit shall be the difference between the maximum monthly rent that the contract provides that the owner is to receive for the unit and the rent the family is required to pay under section 3(a).

"(2) INCREASED FAMILY PAYMENT.—A family on behalf of whom tenant-based assistance payments are made under this section may pay as rent for a dwelling unit assisted under this section more than the amount specified under section 3(a), but only if—

"(A) the family notifies the public housing agency of its interest in a unit renting for an amount that exceeds the permissible maximum monthly rent established for the market area under subsection (d);

"(B) such agency determines that the rent for the unit and the rental payments of the family are reasonable, after taking into account other family expenses (including child care, unreimbursed medical expenses, transportation, and other appropriate family expenses; and

"(C) such amount does not exceed 40 percent of the family's monthly adjusted income.

"(3) INCREASES IN ASSISTANCE PAYMENTS.—The Secretary shall take any action necessary, including making contracts for assistance payments in amounts exceeding the amounts required upon the initial renting of dwelling units, reserving annual contributions authority for the purpose of amending assistance contracts, or allocating a portion of new authorizations for the purpose of amending assistance contracts, to ensure that assistance payments are increased on a timely basis to cover increases in maximum monthly rents or decreases in family incomes.

"(4) REVIEWS OF FAMILY INCOMES.—

"(A) IN GENERAL.—Reviews of family incomes for purposes of this section shall be made annually and shall be subject to the provisions of section 904(e) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988. For families for whom an increased rental payment has been approved under paragraph (2), such review shall include determining whether the rent for the unit and the rental payments of the family continue to be reasonable, in accordance with subparagraphs (B) and (C) of paragraph (2).

"(B) PROCEDURES.—The Secretary shall establish procedures that are appropriate and necessary to ensure that income data provided to public housing agencies and owners by families applying for or receiving assistance under this section is complete and accurate.

"(C) CONFIDENTIALITY.—Any income information received pursuant to this paragraph shall remain confidential and shall be used only for the purpose of verifying incomes in order to determine eligibility of families for benefits (and the amount of such benefits, if any) under this section.

"(5) DUE PROCESS RIGHTS IN CASES OF ADVERSE ACTION.—In the case of any action proposed to be taken by a public housing agency, any family receiving assistance under this section adversely affected by such action shall have the right to at least the basic elements of due process with regard to such action, as follows:

"(A) Written notice of the intended adverse action and the reason for such action shall be provided to the family not less than 30 days before the action is to be taken, or, in a case where the health or safety of other families is threatened, a reasonable period of time considering the seriousness of the situation (but not to exceed 30 days).

"(B) The family shall have the right to request a hearing within 30 days after receipt of the notice.

"(C) The family shall have the right to a hearing before an impartial hearing officer.

"(D) The family shall have the right to be represented at the hearing by an attorney or other advocate.

"(E) The family shall have the right to examine the evidence supporting the action and all evidence that the public housing agency intends to use.

"(F) The family shall have the right to present testimonial and documentary evidence and to cross-examine adverse witnesses.

"(G) The hearing officer shall issue a written decision, which shall be based solely upon the evidence introduced at the hearing and which shall state the basis of the decision.

"(g) ELIGIBILITY OF UNITS FOR ASSISTANCE.—

"(1) OCCUPANCY STATUS.—Each assistance contract shall provide that assistance payments may be made only with respect to the following dwelling units:

"(A) OCCUPIED UNITS.—A dwelling unit under lease for occupancy by a family determined to be a low-income family at the time it initially occupies the dwelling unit or by a family that qualifies to receive assistance under this section pursuant to section 223 or 226 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

"(B) UNOCCUPIED UNITS.—An unoccupied dwelling unit, but only if—

"(i)(I) a family vacates the dwelling unit before the expiration date of the lease for occupancy, or (II) a good faith effort is being made to fill the unoccupied unit; and

"(ii) the costs of such vacancy are not charged to or paid by the family vacating the dwelling unit.

Payments for units referred to in this subparagraph may be made only for a period not exceeding 60 days, except that such payments may be made, in the case of a newly constructed or substantially rehabilitated project, after the expiration of such 60-day period in an amount equal to the debt service attributable to such an unoccupied dwelling unit for a period not to exceed one year, if a good faith effort is being made to fill the unit and the unit provides decent, safe, and sanitary housing. No such payment may be made after the expiration of such 60-day period if the Secretary determines that the dwelling unit is in a project which provides the owner with revenues exceeding the costs incurred by such owner with respect to such project.

"(2) OWNER'S STATUS.—A public housing agency shall not approve the rental of a dwelling unit if—

"(A) the owner—

"(i) is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations; or

"(ii) has been convicted of drug trafficking;

"(B) the owner owns any other dwelling unit in the same project, which is assisted under this section and at such time, such unit is not in compliance in any material respect with standards for housing quality for units so assisted, but the public housing agency shall provide an owner of any such dwelling unit a reasonable opportunity to correct the noncompliance before denying approval; or

"(C) the owner owns or has owned dwelling units in the same project, which are assisted under this section (or any other program of the Federal Government for housing assistance) and such units have repeatedly or regularly failed to comply with the housing quality standards applicable to such units.

"(h) OTHER PROVISIONS OF ASSISTANCE CONTRACTS.—Contracts to make assistance payments entered into by any public housing agency (or by the Secretary) with an owner of existing housing units shall meet the following requirements:

"(1) CONTRACT TERM.—Each assistance contract shall have a term of not less than one month nor more than 180 months. The Secretary shall permit public housing agencies to enter into assistance contracts having terms of less than 12 months to the extent necessary to avoid disruption in assistance to eligible families if the annual contributions contract for the agency under subsection (b) will expire within 1 year.

"(2) PREFERENCES.—Each assistance contract shall provide that, in making assistance available pursuant to the contract—

"(A) for not less than 70 percent of the families who initially receive project-based assistance, and

"(B) for not less than 90 percent of the families who initially receive tenant-based assistance in any 1-year period,

preference shall be given to families that (i) occupy substandard housing (including families that are homeless or living in a shelter for homeless families), (ii) are paying more than 50 percent of family income for rent, or (iii) are involuntarily displaced (including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978) at the time they are seeking assistance under this section.

"(3) SECONDARY PREFERENCES.—Each assistance contract shall provide that, for any assistance remaining in any 1-year period after assistance is made available pursuant to paragraph (2), preference for such assistance shall be given to families who qualify under a system of local preferences established by the public housing agency in writing and after public hearing to respond to local housing needs and priorities, which may include—

"(A) assisting very low-income families who either reside in transitional housing assisted under title IV of the Stewart B. McKinney Homeless Assistance Act or participate in a program designed to provide public assistance recipients with greater access to employment and educational opportunities;

"(B) assisting families in accordance with subsection (q)(1)(B);

"(C) assisting families identified by local public agencies involved in providing for the welfare of children as having a lack of adequate housing that is a primary factor in the imminent placement of a child in foster care, or in preventing the discharge of a child from foster care and reunification with his or her family;

"(D) assisting youth, upon discharge from foster care, in cases in which return to the family or extended family or adoption is not available;

"(E) assisting veterans who are eligible and have applied for assistance, will use the assistance for a dwelling unit designed for the handicapped, and, upon discharge or eligibility for discharge from a hospital or nursing home, have physical disability which, because of the configuration of their homes, prevents them from access to or use of their homes; and

"(F) achieving other objectives of national housing policy as established by law.

A public housing agency may not establish a preference for assistance that provides preference based on residency in the jurisdiction of the public housing agency.

"(4) TENANT SELECTION.—Each assistance contract shall provide that the selection of tenants for such dwelling units shall be the function of the owner, subject to any provisions of the annual contributions contract between the Secretary and the agency. The owner shall use tenant selection criteria, which shall provide as follows:

"(A) PROHIBITION OF PERSONS ENGAGED IN DRUG ACTIVITY.—The criteria shall prohibit any individual or family evicted from housing assisted under this Act by reason of drug-related criminal activity from having a preference under any provision of this paragraph for 3 years unless the evicted tenant successfully completes a rehabilitation program approved by the agency or owner. The agency or the owner may waive the application of the preceding sentence under standards established by the Secretary, which shall provide for such waiver for any member of a family of an individual prohibited from tenancy under this subparagraph who the agency or owner determines clearly did not participate in and had no knowledge of such criminal activity or when circumstances leading to eviction no longer exist.

"(B) OTHER REQUIREMENTS FOR PROJECT-BASED ASSISTANCE.—With respect only to project-based assistance, the criteria shall—

"(i) be consistent with the purpose of improving housing opportunities for very low-income families;

"(ii) be reasonably related to program eligibility and an applicant's ability to perform the obligations of the assisted lease;

"(iii) be established in writing; and

"(iv) provide for the owner to promptly provide to any rejected applicant (I) written notice of the grounds for the rejection, and (II) an opportunity to meet with the decision maker to evaluate the validity of the reasons for rejection and rectify any erroneous decisions.

"(5) LEASE PROVISIONS.—Each assistance contract shall provide that the lease between the tenant of any unit and the owner—

"(A) shall be for at least one year or the term of such assistance contract, whichever is shorter;

"(B) shall contain other terms and conditions specified by the Secretary, including provisions meeting the requirements of paragraphs (6), (7), and (8); and

"(C) shall be in a standard form which is used in the local housing market area by the owner and which applies generally to tenants in the property who are not assisted under this section, together with any addendum necessary to include in the lease the provisions required under subparagraph (B).

"(6) GENERAL GROUNDS FOR TERMINATION OF TENANCY.—Each assistance contract shall provide that the owner shall not terminate the tenancy of the tenant of any unit except for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause. The withholding of assistance payments for a dwelling unit pursuant to paragraph (10) shall not constitute good cause for termination of the tenancy of the tenant of the unit.

"(7) TERMINATION FOR ACTIVITY.—Each assistance contract shall provide that any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants, any activity that threatens the health, safety, or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises, or any drug-related criminal activity on or near such premises, engaged in by a tenant of any unit, any member of the tenant's household, or any guest or other person under the tenant's control, shall be cause for termination of tenancy.

"(8) NOTICE OF TERMINATION OF TENANCY.—Each assistance contract shall provide that before terminating the tenancy of any tenant, the owner shall provide written notice to the tenant specifying the legal and factual grounds for such action, which shall be provided in accordance with any requirements under State or local law.

"(9) MAINTENANCE AND REPLACEMENT.—Each assistance contract shall provide that maintenance and replacement (including redecoration) shall be performed in accordance with the standard practice for the building concerned as established by the owner and agreed to by the agency (or the Secretary). With the approval of the Secretary, the public housing agency administering a contract under this section with respect to existing housing units may exercise all management and maintenance responsibilities with respect to the units pursuant to a contract between such agency and the owner of such units.

"(10) ENFORCEMENT OF HOUSING QUALITY STANDARDS.—

"(A) IN GENERAL.—Each assistance contract shall provide for action under this paragraph if a unit assisted under this section fails to comply with the standards for housing quality for units so assisted.

"(B) NOTIFICATION.—If the agency (or the Secretary) determines that a unit assisted under this section fails to comply in any material respect with the standards for housing quality for units so assisted, the agency (or the Secretary) shall notify the tenant and owner of the unit of the noncompliance and the possible actions under this paragraph.

"(C) CORRECTION OF NONCOMPLIANCE.—The agency may approve the dwelling unit for assistance under this section, on the condition that the noncompliance is corrected, if (i) the agency determines that the noncompliance is minor and can be corrected within 15 days, (ii) the agency provides notice of the conditional approval to the owner, (ii) the owner provides a written commitment to the agency to correct the noncompliance within the time period required by the agency, not to exceed 15 days, and (iii) the conditional approval will expedite the occupancy of an eligible tenant with assistance under this section. The agency shall reinspect any unit for which conditional approval is made under this subparagraph within the period referred to in clause (ii) of the preceding sentence, and if the agency determines that the noncompliance is not corrected, the agency may take action under subparagraph (D).

"(D) FAILURE TO CORRECT SERIOUS NONCOMPLIANCE.—If any serious noncompliance with such standards is not corrected within a reasonable period of time after such notification, the agency (or the Secretary) shall withhold some or all of the assistance amounts under this section with respect to the unit and promptly—

"(i) use such amounts to make necessary repairs or contract to have such repairs made;

"(ii) release any withheld amounts to the owner after repairs are made by the owner, in an amount not exceeding the cost of the repairs;

"(iii) release any withheld amounts to the applicable State or local housing agency after repairs are made by such agency, in an amount not exceeding the cost of the repairs; or

"(iv) upon the request of the tenant, release any withheld amounts to—

"(I) the tenant to reimburse the tenant for the reasonable cost of any necessary repairs performed or paid for by the tenant; or

"(II) such person secured by the tenant and approved by the agency (or the Secretary) to make such necessary repairs.

If an agency (or the Secretary) withholds any assistance amounts pursuant to this subparagraph, the agency (or the Secretary) shall promptly notify the tenant of the unit for which assistance is withheld of the withholding and may not terminate the assistance contract unless and until the tenant has relocated to decent, safe, and sanitary housing.

"(11) STANDARDS AND OBLIGATIONS OF RESIDENCY IN HOUSING RECEIVING PROJECT-BASED ASSISTANCE.—Each assistance contract for project-based assistance under subsection (i) shall provide that the owner shall ensure and maintain compliance with subtitle C of title VI of the Housing and Community Development Act of 1992 and any regulations issued under such subtitle.

"(12) SERVICE COORDINATORS.—In determining the amount of assistance provided under an assistance contract for tenant-based assistance under this paragraph, the Secretary may increase the amount annually provided with respect to such project to provide for the costs of employing or otherwise retaining the services of one or more service coordinators under section 671 of the Housing and Community Development Act of 1992 to coordinate the provision of any services within the project for residents of the project who are elderly or disabled families.

"(13) OTHER.—Each assistance contract shall provide that the agency and the owner shall carry out such other appropriate terms and conditions as may be mutually agreed to by the agency and owner.

"(i) PROJECT-BASED ASSISTANCE.—

"(1) AUTHORITY.—Pursuant to an annual contributions contract entered into under subsection (b), a public housing agency may enter into a assistance contract providing for assistance payments under this section that are attached to a structure.

"(2) REQUIREMENTS.—Any public housing agency may approve project-based assistance under this subsection with respect to any or all of the assistance provided by the public housing agency if—

"(A) the owner agrees to rehabilitate the structure other than with assistance under this Act and the owner otherwise complies with the requirements of this section; and

"(B) in the case of any newly constructed structure, the owner or prospective owner agrees to construct the structure other than with assistance under this Act and otherwise complies with the requirements of this section.

"(3) LONG-TERM AFFORDABILITY.—

"(A) IN GENERAL.—In the case of an assistance contract for project-based assistance under this subsection, a public housing agency shall enter into a contract with an owner, contingent upon the future availability of appropriations for the purpose of renewing expiring contracts

for assistance payments as provided in appropriations Acts, to extend the term of the underlying assistance contract for such period or periods as the Secretary determines to be appropriate to achieve long-term affordability of the housing. The contract shall obligate the owner to have the extensions of the assistance contract accepted by the owner and the owner's successors in interest.

"(B) TERM OF ASSISTANCE FOR LOW-INCOME HOUSING PRESERVATION.—The contract for assistance may, at the option of the public housing agency, have an initial term not exceeding 15 years for any assistance that is attached—

"(i) to projects assisted under a State program that permits the owner of the projects to prepay a State assisted or subsidized mortgage on the structure; and

"(ii) for the purpose of providing incentives to owners to preserve such projects for occupancy by low- and moderate-income families (for the period that assistance under this subparagraph is available) and assisting low-income tenants to afford any increases in rent that may be required to induce the owner to maintain occupancy in the project by low- and moderate-income tenants.

Any assistance provided to low-income tenants in the manner described in this subparagraph shall not be considered for purposes of the limitation under subsection (h)(2) regarding the percentage of families that may receive assistance under this section who do not qualify for preferences under such subsection.

"(4) SERVICE COORDINATORS.—In determining the amount of assistance provided under an assistance contract for project-based assistance under this subsection or a contract for assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of this Act (as such section existed before October 1, 1983), the Secretary may increase the amount annually provided with respect to such project to provide for the costs of employing or otherwise retaining the services of one or more service coordinators under section 671 of the Housing and Community Development Act of 1992 to coordinate the provision of any services within the project for residents of the project who are elderly or disabled families.

"(j) TERMINATION OF ASSISTANCE CONTRACTS.—

"(1) TERMINATION OF TENANT-BASED ASSISTANCE.—

"(A) NOTICE BY OWNER.—Any owner terminating any assistance contract under this section for tenant-based assistance shall provide written notice to the public housing agency and the tenants involved of the proposed termination not less than 90 days before the termination of the contract. The notice shall specify the date of the termination and the reasons for the termination, with detail sufficient to enable the agency to evaluate whether the termination is lawful.

"(B) REVIEW OF NOTICE BY PHA.—The public housing agency shall review the notice and issue a written finding of the legality of the termination and the reasons for the termination. Within 30 days after issuance of the findings, the owner shall provide written notice to each tenant of the decision, together with the written findings of the agency regarding the termination.

"(2) TERMINATION OF PROJECT-BASED ASSISTANCE CONTRACTS.—

"(A) NOTICE BY OWNER.—Any owner terminating any assistance contract under subsection (i) for project-based assistance shall provide written notice to the Secretary and the tenants involved of the proposed termination not less than one year before the termination of the contract. The notice shall specify the date of the termination and the reasons for the termination, with detail sufficient to enable the Secretary to evaluate whether the termination is lawful and whether additional actions can be taken by the Secretary to avoid the termination. The notice shall include a statement that the owner and the Secretary may agree to a renewal of the contract, thus avoiding the termination.

"(B) REVIEW OF NOTICE BY SECRETARY.—The Secretary shall review the notice, shall consider whether additional actions can be taken by the Secretary to avoid the termination, and shall ensure a proper adjustment of the contract rents for the project in compliance with the requirements of subsection (d) and subparagraph (C) of this subsection. The Secretary shall issue a written finding of the legality of the termination and the reasons for the termination, including the actions considered or taken to avoid the termination. Within 30 days after issuance of the findings, the owner shall provide written notice to each tenant of the decision, together with the written findings of the Secretary regarding the termination. The Secretary and the owner shall complete the actions under this paragraph not later than the expiration of the 9-month period beginning upon the date that the owner provides written notice of termination under subparagraph (A).

"(3) ADJUSTMENT OF CONTRACT RENT.—If an owner provides notice of proposed termination under paragraph (1)(A) or (2)(A) and the contract rent is less than the maximum monthly rent for units assisted under this section, the Secretary shall adjust the contract rent based on the maximum monthly rent for units assisted under this section and the value of the low-income housing.

"(4) NOTICE OF RENT INCREASES.—Each assistance contract for assistance under this section shall require the owner to notify tenants at least 90 days before the expiration of the contract of any rent increase which may occur as a result of the expiration of such contract.

"(5) DEFINITION OF TERMINATION.—For purposes of this subsection, the term 'termination' means the expiration of the assistance contract or the refusal of the owner to renew an assistance contract, which shall include the termination of tenancy by an owner for business reasons.

"(k) RENTAL ASSISTANCE FOR MANUFACTURED HOUSING.—

"(1) IN GENERAL.—The Secretary may enter into contracts to make assistance payments under this subsection to assist low-income families by making rental assistance payments on behalf of any such family that utilizes a manufactured home as its principal place of residence. In carrying out this subsection, the Secretary may—

"(A) enter into annual contributions contracts with public housing agencies pursuant to which such agencies may enter into assistance contracts to make such assistance payments to the owners of such real property, if such owners agree to make good faith efforts to ensure that such property complies with local health and safety standards for water and sewage systems; or

"(B) enter into such contracts directly with the owners of such real property, if such owners agree to make good faith efforts to ensure that such property complies with local health and safety standards for water and sewage systems.

"(2) USE OF ASSISTANCE.—Rental assistance payments under this subsection may be made with respect to the rental of the real property on which is located a manufactured home that is owned by a low-income family or with respect to the rental by such a family of a manufactured home and the real property on which it is located.

"(3) ASSISTANCE FOR RENTAL OF MANUFACTURED HOME SITE.—

"(A) MAXIMUM MONTHLY RENT.—A contract entered into pursuant to this paragraph shall establish the maximum monthly rent (including maintenance and management charges) that the owner is entitled to receive for the space on which a manufactured home is located and with respect to which assistance payments are to be made. The maximum monthly rent shall not exceed an amount approved or established by the Secretary.

"(B) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of any monthly assistance payment with respect to any family that rents real property that is assisted under this paragraph, and on which is located a manufactured home that is owned by such family shall be the difference between the rent the family is required to pay under section 3(a) and the sum of—

"(i) the monthly payment made by such family to amortize the cost of purchasing the manufactured home;

"(ii) the monthly utility payments made by such family, subject to reasonable limitations prescribed by the Secretary; and

"(iii) the maximum monthly rent permitted with respect to the real property which is rented by such family for the purpose of locating its manufactured home;

except that in no case may such assistance exceed the total amount of such maximum monthly rent.

"(4) ASSISTANCE FOR RENTAL OF MANUFACTURED HOME AND SITE.—

"(A) MAXIMUM MONTHLY RENT.—Contracts entered into pursuant to this paragraph shall establish the maximum monthly rent permitted with respect to the manufactured home and the real property on which it is located and with respect to which assistance payments are to be made. The maximum monthly rent shall not exceed an amount approved or established by the Secretary.

"(B) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of any monthly assistance payment with respect to any family that rents a manufactured home and the real property on which it is located and that is assisted under this paragraph shall be the difference between the rent the family is required to pay under section 3(a) and the sum of—

"(i) the monthly utility payments made by such family, subject to reasonable limitations prescribed by the Secretary; and

"(ii) the maximum monthly rent permitted with respect to the manufactured home and real property on which it is located.

"(5) ADJUSTMENT OF MAXIMUM MONTHLY RENTS.—The provisions of paragraphs (3) through (7) of subsection (d) shall apply to the adjustments of maximum monthly rents under this subsection.

"(6) CONTRACT TERM.—Each contract entered into under the subsection shall be for a term of not less than one month and not more than 180 months; except that in any case in which the manufactured home park is substantially rehabilitated or newly constructed, such term may not be less than 240 months, nor more than the maximum term for a manufactured home loan permitted under section 2(b) of the National Housing Act.

"(7) APPLICABILITY.—The Secretary may carry out this subsection without regard to whether the manufactured home park is existing, substantially rehabilitated, or newly constructed.

"(8) LIMITATION ON SUBSTANTIALLY REHABILITATED AND NEWLY CONSTRUCTED MANUFACTURED HOME PARKS.—In the case of any substantially rehabilitated or newly constructed manufactured home park containing spaces with respect to which assistance is made under this subsection, the principal amount of the mortgage

attributable to the rental spaces within the park may not exceed an amount established by the Secretary which is equal to or less than the limitation for manufactured home parks described in section 207(c)(3) of the National Housing Act, and the Secretary may increase such limitation in high cost areas in the manner described in such section.

“(9) OTHER REQUIREMENTS.—The Secretary may prescribe other terms and conditions necessary for the purpose of carrying out this subsection and that are consistent with the purposes of this subsection.

“(l) SINGLE ROOM OCCUPANCY FACILITIES.—

“(1) AUTHORITY.—In making assistance available under this section and assistance under section 441 and part V of subtitle F of title IV of the Stewart B. McKinney Homeless Assistance Act, the Secretary may provide assistance with respect to residential properties in which some or all of the dwelling units do not contain bathroom or kitchen facilities, if the unit of general local government in which the property is located and the local public housing agency certify to the Secretary that the property complies with local health and safety standards.

“(2) WAIVER OF LIMITATIONS ON ASSISTANCE FOR SINGLE PERSONS.—The Secretary may waive, in appropriate cases, the limitation and preference in section 3(b)(3)(A) with respect to the assistance made available under this subsection.

“(m) HOUSING FOR ELDERLY AND DISABLED FAMILIES.—

“(1) SHARED HOUSING.—To assist elderly families and disabled families (as defined in section 3(b)) who elect to live in a shared housing arrangement in which they benefit as a result of sharing the facilities of a dwelling with others in a manner that effectively and efficiently meets their housing needs and thereby reduces their costs of housing, the Secretary shall permit assistance provided under this section to be used by such families in such arrangements. In carrying out this subsection, the Secretary shall issue minimum habitability standards for the purpose of ensuring decent, safe, and sanitary housing for such families while taking into account the special circumstances of shared housing.

“(2) PRIORITY FOR NONELDERLY DISABLED FAMILIES.—In allocating assistance under this section, a public housing agency that serves more than one unit of general local government may, at the discretion of the agency, give priority to disabled families that are not elderly families.

“(3) AUTHORITY TO PROVIDE PREFERENCES FOR THE ELDERLY AND RESERVE UNITS FOR THE DISABLED.—Notwithstanding subsection (h)(2) or (3), an owner of a covered section 8 housing project (as such term is defined in section 659 of the Housing and Community Development Act of 1992) may give preference for occupancy of dwelling units in the project, and reserve units for occupancy, in accordance with subtitle D of title VI of the Housing and Community Development Act of 1992.

“(n) ADMINISTRATIVE FEES.—

“(1) BASIC FEE FOR TENANT-BASED RENTAL PROGRAM.—The Secretary shall establish a fee for the costs incurred by a public housing agency in administering the program for rental assistance under this section, which shall be, together with other fees authorized under this subsection, included in any amounts provided to the public housing agency under the annual contributions contract for the agency. The amount of the fee for each month for which a dwelling unit is covered by an assistance contract shall be 8.2 percent of the fair market rental established under subsection (e) for a 2-bedroom existing rental dwelling unit in the market area of the public housing agency. The Secretary may increase the fee if necessary to reflect the higher costs of administering small programs and programs operating over large geographic areas.

“(2) OTHER FEES.—The Secretary shall also establish reasonable fees (as determined by the Secretary) for—

“(A) the costs of preliminary expenses that a public housing agency documents it has incurred in connection with new allocations of assistance under the program for rental assistance under this section, which shall not exceed $275 per unit assisted;

“(B) the costs incurred in assisting families who experience difficulty (as determined by the Secretary) in obtaining appropriate housing under the program; and

“(C) extraordinary costs approved by the Secretary.

“(3) BUDGET COMPLIANCE.—The Secretary may establish or increase a fee in accordance with this subsection only to such extent or in such amounts as are provided in appropriation Acts.

“(4) FEES FOR 1995 AND 1996.—Notwithstanding any other provision of this subsection, the basic fee for the costs incurred by a public housing agency in administering the program for rental assistance under this section during fiscal years 1995 and 1996 shall be equal to the fee determined for fiscal year 1994 under section 11(a) of the HUD Demonstration Act of 1993.

“(o) PORTABILITY OF ASSISTANCE.—

“(1) AUTHORITY.—Except as provided in paragraphs (3) and (4), any family on behalf of whom is provided tenant-based rental assistance under this section and who moves to an eligible dwelling unit located within the same State, or the same or a contiguous metropolitan statistical area, as the metropolitan statistical area within which is located the area of jurisdiction of the public housing agency approving the assistance for the family, may use such assistance to rent such eligible dwelling unit.

“(2) ADMINISTRATION.—The public housing agency having authority with respect to the dwelling unit to which a family moves under this subsection shall have the responsibility of carrying out the provisions of this section with respect to the family. If no public housing agency has authority with respect to the dwelling unit to which a family moves under this subsection, the public housing agency approving the assistance shall have such responsibility.

“(3) LOCAL OPTION TO ENSURE MINIMUM AREA RESIDENCY.—At the discretion of a public housing agency, the agency may provide that a family may use tenant-based rental assistance under this section to rent an eligible dwelling unit that is not located within the area of jurisdiction of the agency approving the assistance only if, before such use, the family has rented and occupied an eligible dwelling unit within such original jurisdiction for not less than 12 consecutive months using assistance provided by such agency.

“(4) PROHIBITION OF PORTABILITY IN CASES OF LEASE VIOLATION.—A family may not use tenant-based rental assistance as provided in paragraph (1) if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

“(5) ALLOCATIONS DUE TO PORTABILITY.—In determining the amount of rental assistance provided under an annual contributions contract for any fiscal year, the Secretary shall consider any reduction in the number of resident families incurred by a public housing agency in the preceding fiscal year as a result of the provisions of this subsection.

“(6) PROVISION OF RENTAL ASSISTANCE FOR PORTABILITY PURPOSES.—

“(A) AMOUNT.—To the extent amounts for assistance under this section that are reserved under section 213(d)(4) of the Housing and Community Development Act of 1974 are available in a fiscal year, the Secretary shall provide rental assistance under this section in accordance with this paragraph.

“(B) USE.—Amounts provided for use under this paragraph shall be used only to provide a public housing agency with additional amounts (as determined under subparagraph (C)) to provide assistance for families on behalf of whom assistance is provided under this section by another public housing agency and who move into an eligible dwelling unit located within the area of jurisdiction of the agency to receive assistance under this paragraph.

“(C) REQUIREMENT.—Amounts provided for use under this paragraph may be made available to a public housing agency in a fiscal year only if, during such fiscal year, the agency has provided assistance pursuant to the first sentence of paragraph (2) on behalf of families who have moved into eligible dwelling units located within the area of jurisdiction of the agency in an amount not less than the lesser of (i) 5 percent of total amount received by the agency for assistance under this section for the fiscal year, or (ii) the amount necessary to assist 25 percent of average annual number of families previously assisted by the agency who relinquish such assistance in a year (based on the preceding 3 calendar years).

“(p) PROHIBITION OF DISCRIMINATION.—In selecting families for the provision of assistance under this section, a public housing agency may not exclude or penalize a family solely because the family resides in a public housing project.

“(q) SPECIAL USES OF RENTAL ASSISTANCE.—

“(1) ASSISTANCE FOR RESIDENTS OF REHABILITATED PROJECTS.—In the case of low-income families living in rental projects rehabilitated under section 17 of this Act or section 533 of the Housing Act of 1949 before rehabilitation—

“(A) tenant-based rental assistance under this section shall be provided for families who are required to move out of their dwelling units because of the physical rehabilitation activities or because of overcrowding;

“(B) at the discretion of each public housing agency, tenant-based rental assistance under this section may be provided for families who would have to pay more than 30 percent of their adjusted income for rent after rehabilitation whether they choose to remain in, or to move from, the project; and

“(C) the Secretary shall allocate tenant-based rental assistance provided under this section to ensure that sufficient resources are available to address the physical or economic displacement, or potential economic displacement, of existing tenants pursuant to subparagraphs (A) and (B).

“(2) LOAN MANAGEMENT ASSISTANCE.—

“(A) IN GENERAL.—The Secretary may provide assistance under this section through a loan management program to assist financially troubled multifamily residential housing projects (i) subject to mortgages that are insured under the National Housing Act or mortgages that have been assigned to the Secretary, (ii) that were held by the Secretary and have been sold, and (iii) that were assisted under section 202 of the Housing Act of 1959.

“(B) ELIGIBILITY.—The eligibility of a multifamily residential project for loan management assistance under this paragraph shall be determined without regard to whether the project is subsidized or unsubsidized.

“(C) EXTENSION OF CONTRACT.—The Secretary shall extend any expiring contract entered into under this section for loan management assistance or execute a new contract for project-based loan management assistance, if the owner agrees to continue providing housing for low-income families during the term of the contract.

“(3) ASSISTANCE FOR FAMILY UNIFICATION.—

“(A) IN GENERAL.—The Secretary may provide assistance under this section to be used only in

connection with tenant-based assistance under this section on behalf of any family (i) who is otherwise eligible for such assistance, and (ii) who the public child welfare agency for the jurisdiction has certified is a family for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child or children in out-of-home care or the delayed discharge of a child or children to the family from out-of-home care.

"(B) ALLOCATION.—Any amounts made available under this paragraph shall be allocated by the Secretary through a national competition among applicants based on demonstrated need for assistance under this paragraph. To be considered for assistance, an applicant shall submit to the Secretary a written proposal containing a report from the public child welfare agency serving the jurisdiction of the applicant that describes how a lack of adequate housing in the jurisdiction is resulting in the initial or prolonged separation of children from their families, and how the applicant will coordinate with the public child welfare agency to identify eligible families and provide the families with assistance under this paragraph.

"(C) DEFINITIONS.—For purposes of this paragraph:

"(i) APPLICANT.—The term 'applicant' means a public housing agency.

"(ii) PUBLIC CHILD WELFARE AGENCY.—The term 'public child welfare agency' means the public agency responsible under applicable State law for determining that a child is at imminent risk of placement in out-of-home care or that a child in out-of-home care under the supervision of the public agency may be returned to his or her family.

"(4) NEIGHBORHOOD CRIME FIGHTERS ASSISTANCE.—

"(A) ASSISTANCE.—To the extent amounts for assistance under this section are reserved under section 213(d)(4)(A) of the Housing and Community Development Act of 1974 for use under this paragraph, the Secretary may provide such amounts to any public housing agency approved under subparagraph (C) to make assistance payments under this paragraph on behalf of any family described under subparagraph (B) for the rental of a dwelling unit for the family that, in the determination of the public housing agency (after consultation with law enforcement agency concerned) provides for the protection of the family.

"(B) ELIGIBLE FAMILIES.—A family referred to in subparagraph (A) shall be any family that—

"(i) contains a member that has provided information to any Federal, State, or local law enforcement agency that such law enforcement agency determines substantially contributes to the arrest, criminal prosecution, or conviction of any person for any criminal activity in or near the area or neighborhood in which the person providing the information resides;

"(ii) is likely, in the determination of such law enforcement agency, to be subject to a crime of violence directed at the family on account of providing the information referred to in clause (i);

"(iii) is legally residing, at the time such information is provided to the law enforcement agency, in a dwelling unit in a public housing project administered by a public housing agency meeting the requirements of subparagraph (C) or in a dwelling unit assisted under this section by such a public housing agency; and

"(iv) is not protected or assisted, or to be protected or assisted, under chapter 224 of title 18, United States Code.

"(C) ELIGIBLE PHA'S.—The Secretary may provide amounts reserved for use under this paragraph only to public housing agencies approved by the Secretary under this subparagraph. The Secretary may approve only agencies that the Secretary determines have—

"(i) established sufficient cooperation with local law enforcement agencies to make determinations to provide assistance under this paragraph; and

"(ii) coordinated with local law enforcement agencies to promptly inform the public housing agency and the Secretary of any determination that assistance under this paragraph is appropriate for a family, except that such coordination shall be subject to the procedures established under subparagraph (F)(iii) to ensure confidentiality.

"(D) GUIDELINES.—

"(i) DETERMINATION OF NEED AND COORDINATION.—The Secretary shall establish guidelines jointly with the Attorney General that—

"(I) describe the types of situations under clauses (i) and (ii) of subparagraph (B) in which assistance may be provided under this paragraph, which shall include situations in which the information referred to in subparagraph (B)(i) is information regarding any crime that is detrimental to the health, safety, peace, or security of the area or neighborhood in which the family providing the information resides; and

"(II) describe elements of sufficient cooperation between public housing agencies and law enforcement agencies for purposes of subparagraph (C)(i).

"(ii) PROCEDURES.—The Secretary shall establish procedures for public housing agencies approved under subparagraph (C)—

"(I) to apply for, obtain, and administer amounts reserved for providing assistance under this paragraph on behalf of families eligible under subparagraph (B); and

"(II) to provide for the termination of the tenancy of any family assisted under this paragraph from the dwelling unit in which the family is residing so that such assistance may be utilized.

"(E) PHA ACTIONS.—Each public housing agency approved by the Secretary under subparagraph (C) shall—

"(i) periodically notify Federal, State, and local law enforcement agencies in the area of jurisdiction of the public housing agency of the availability of assistance under this paragraph;

"(ii) take such actions as may be appropriate to inform residents of public housing projects administered by the agency and dwelling units assisted under this section by the agency of the availability of such assistance; and

"(iii) coordinate with such law enforcement agencies to promptly inform the public housing agency and the Secretary of any determination that assistance under this paragraph is appropriate for a family, except that such coordination shall be subject to the procedures established under subparagraph (F)(iii) to ensure confidentiality.

"(F) NOTICE AND CONFIDENTIALITY.—The Secretary shall—

"(i) periodically notify public housing agencies of the availability of assistance under this paragraph;

"(ii) encourage public housing agencies to cooperate and coordinate with law enforcement agencies to encourage residents of public housing projects and dwelling units assisted under this section to provide information to law enforcement agencies regarding criminal activity; and

"(iii) develop and implement procedures to ensure the confidentiality of the identity and new location of any family assisted under this paragraph.

"(G) OTHER ASSISTANCE.—A public housing agency that provides assistance under subparagraph (A) for a family and the law enforcement agency involved shall ensure that the family is provided access to other assistance and services appropriate to ensure that the relocation of the family to the dwelling unit assisted under subparagraph (A) and the neighborhood of such dwelling unit occurs with the minimum possible amount of disruption to the life of the family.

"(H) LIABILITY.—The United States, and its officers and employees, shall not be subject to any civil liability on account of any decision to provide or not to provide protection under this paragraph.

"(r) RENEWAL OF EXPIRING CONTRACTS.—

"(1) 5-YEAR PLAN.—Not later than 30 days after the beginning of each fiscal year, the Secretary shall publish in the Federal Register a plan for reducing, to the extent feasible, year-to-year fluctuations in the levels of budget authority that will be required over the succeeding 5-year period to renew expiring assistance contracts entered into under this section after the enactment of the Housing and Community Development Act of 1974. To the extent necessary to carry out such plan and to the extent approved in appropriations Acts, the Secretary is authorized to enter into annual contributions contracts with terms of less than 60 months.

"(2) NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION PROJECTS.—Subject only to the availability of budget authority to carry out this paragraph and to the absence of owners agreeing to enter into new contracts, the Secretary shall enter into new contracts under subtitle D of title I of the Housing and Community Development Act of 1994 to provide project-based assistance for qualified housing (as such term is defined in section 163 of such subtitle) to owners of such housing.

"(s) GENERAL PROVISIONS.—

"(1) PLEDGING ASSISTANCE CONTRACTS AS SECURITY.—An owner may pledge, or offer as security for any loan or obligation, an assistance contract entered into pursuant to this section, but only if such security is in connection with a project constructed or rehabilitated pursuant to authority under this section and the terms of the financing or any refinancing have been approved by the Secretary.

"(2) HOUSING COUNSELING FOR RENTAL CHOICE.—Each public housing agency that provides rental housing assistance under this section on behalf of low-income families shall notify such assisted families of the availability of any entity in the jurisdiction of the agency providing rental housing counseling under section 106(a)(4) of the Housing and Urban Development Act of 1968.

"(t) HOMEOWNERSHIP OPTION.—A public housing agency providing assistance under this section may, at the option of the agency, provide assistance for homeownership under this subsection as follows:

"(1) USE OF ASSISTANCE FOR HOMEOWNERSHIP.—A family receiving tenant-based assistance under this section may receive assistance for occupancy of a dwelling owned by one or more members of the family if the family—

"(A) is a first-time homeowner;

"(B)(i) participates in the family self-sufficiency program under section 23 of the public housing agency providing the assistance; or

"(ii) demonstrates that the family has income from employment or other sources (other than public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the fair market rental for the area established under subsection (e)(1) (or such other amount as may be established by the Secretary);

"(C) except as provided by the Secretary, demonstrates at the time the family initially receives tenant-based assistance under this subsection that one or more adult members of the family have achieved employment for the period as the Secretary shall require;

"(D) participates in a homeownership and housing counseling program provided by the agency; and

"(E) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

"(2) MONTHLY ASSISTANCE PAYMENT.—

"(A) IN GENERAL.—Notwithstanding any other provisions of this section governing determination of the amount of assistance payments under this section on behalf of a family, the monthly assistance payment for any family assisted under this subsection shall be the amount by which the fair market rental for the area established under subsection (e)(1) exceeds 30 percent of the family's monthly adjusted income; except that the monthly assistance payment shall not exceed the amount by which the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceeds 10 percent of the family's monthly income.

"(B) EXCLUSION OF EQUITY FROM INCOME.—For purposes of determining the monthly assistance payment for a family, the Secretary shall not include in family income an amount imputed from the equity of the family in a dwelling occupied by the family with assistance under this subsection.

"(3) RECAPTURE OF CERTAIN AMOUNTS.—Upon sale of the dwelling by the family, the Secretary shall recapture from any net proceeds the amount of additional assistance (as determined in accordance with requirements established by the Secretary) paid to or on behalf of the eligible family as a result of paragraph (2)(B).

"(4) DOWNPAYMENT REQUIREMENT.—Each public housing agency providing assistance under this subsection shall ensure that each family assisted shall provide from its own resources not less than 80 percent of any downpayment in connection with a loan made for the purchase of a dwelling. Such resources may include amounts from any escrow account for the family established under section 23(d). Not more than 20 percent of the downpayment may be provided from other sources, such as from nonprofit entities and programs of States and units of general local government.

"(5) INELIGIBILITY UNDER OTHER PROGRAMS.—A family may not receive assistance under this subsection during any period when assistance is being provided for the family under other Federal homeownership assistance programs, as determined by the Secretary, which shall include assistance under the HOME Investment Partnerships Act, the Homeownership and Opportunity Through HOPE Act, title II of the Housing and Community Development Act of 1987, and section 502 of the Housing Act of 1949.

"(6) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this subsection shall not be subject to the requirements of the following provisions:

"(A) Subsection (h)(5) of this section.

"(B) Any other provisions of this section governing maximum amounts payable to owners and amounts payable by assisted families.

"(C) Any other provisions of this section concerning contracts between public housing agencies and owners.

"(D) Any other provisions of this Act that are inconsistent with the provisions of this subsection.

"(7) REVERSION TO RENTAL STATUS.—

"(A) FHA-INSURED MORTGAGES.—If a family receiving assistance under this subsection for occupancy of a dwelling defaults under a mortgage for the dwelling insured by the Secretary under the National Housing Act, the family may not continue to receive rental assistance under this section unless the family (i) transfers to the Secretary marketable title to the dwelling, (ii) moves from the dwelling within the period established or approved by the Secretary, and (iii) agrees that any amounts the family is required to pay to reimburse the escrow account under section 23(d)(3) may be deducted by the public housing agency from the assistance payment otherwise payable on behalf of the family.

"(B) OTHER MORTGAGES.—If a family receiving assistance under this subsection defaults under a mortgage not insured under the National Housing Act, the family may not continue to receive rental assistance under this section unless it complies with requirements established by the Secretary.

"(C) ALL MORTGAGES.—A family receiving assistance under this subsection that defaults under a mortgage may not receive assistance under this subsection for occupancy of another dwelling owned by one or more members of the family.

"(8) DEFINITION OF FIRST-TIME HOMEOWNER.—For purposes of this subsection, the term 'first-time homeowner' means—

"(A) a family, no member of which has had a present ownership interest in a principal residence during the 3 years preceding the date on which the family initially receives assistance for homeownership under this subsection; and

"(B) any other family, as the Secretary may prescribe.

"(u) DEFINITIONS.—For purposes of this section:

"(1) ANNUAL CONTRIBUTIONS CONTRACT.—The term 'annual contributions contract' means a contract under subsection (b) between the Secretary and a public housing agency to provide amounts for rental assistance payments under this section to the public housing agency.

"(2) ASSISTANCE CONTRACT.—The term 'assistance contract' means a contract under subsection (c) between a public housing agency (or the Secretary) and an owner to make rental assistance payments under this section to the owner.

"(3) DEBT SERVICE.—The term 'debt service' means the required payments for principal and interest made with respect to a mortgage secured by housing assisted under this Act.

"(4) DRUG-RELATED CRIMINAL ACTIVITY.—The term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

"(5) OWNER.—The term 'owner' means any private person or entity, including a cooperative, an agency of the Federal Government, or a public housing agency, having the legal right to lease or sublease dwelling units, and such term shall include any principals, general partners, primary shareholders, and other similar participants in any entity owning a multifamily housing project (as such term is defined in subsection (p)(3)), as well as the entity itself.

"(6) PARTICIPATING JURISDICTION.—The term 'participating jurisdiction' means a State or unit of general local government designated by the Secretary to be a participating jurisdiction under title II of the Cranston-Gonzalez National Affordable Housing Act.

"(7) PROJECT-BASED ASSISTANCE.—The term 'project-based assistance' means rental assistance under this section that is attached to a structure pursuant to subsection (i).

"(8) RENT.—The terms 'rent' and 'rental' include, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

"(9) RENTAL ASSISTANCE.—The term 'rental assistance' means assistance provided under this section on behalf of low-income families for the rental of a dwelling unit.

"(10) TENANT-BASED ASSISTANCE.—The term 'tenant-based assistance' means rental assistance under this section that is not project-based assistance.".

(b) CONFORMING AMENDMENTS.—

(1) UNITED STATES HOUSING ACT OF 1937.—The United States Housing Act of 1937 is amended—

(A) in section 3(a)(1) (42 U.S.C. 1437a(a)(1)), by striking "(other than a family assisted under section 8(o) or (y) or paying rent under section 8(c)(3)(B))" and inserting "(other than a family assisted under section 8(t) or paying rent under section 8(f)(2))";

(B) in section 5 (42 U.S.C. 1437c)—

(i) in subsection (c)(7)(C), by striking "section 8(b)(1)" each place it appears and inserting "section 8";

(ii) in subsection (j)(1)(B)(i), by striking "section 8(o)(6)" and inserting "section 8"; and

(iii) in subsection (j)(1)(D), by striking "subsection (b) or (o) of";

(C) in section 6(p)(1)(B) (42 U.S.C. 1437d(p)(1)(B)), by striking "holding certificates and vouchers" and inserting "eligible and approved for assistance";

(D) in section 21(b)(3)—

(i) by striking "a certificate under section 8(b)(1) or a housing voucher under section 8(o)" and inserting "tenant-based assistance under section 8"; and

(ii) by striking "such certificate" and inserting "such assistance";

(E) in section 23—

(i) in subsection (a), by striking "assistance under the certificate and voucher programs" and inserting "tenant-based assistance";

(ii) in subsection (b)—

(I) in paragraph (1), by striking "assistance under subsection (b) or (o) of" and inserting "tenant-based assistance under"; and

(II) in paragraph (4), by striking "Assistance under the certificate or voucher programs" and inserting "Tenant-based assistance";

(iii) in subsection (c)(1), by striking "assistance under the certificate and voucher programs of" and inserting "tenant-based assistance from";

(iv) in subsection (d)(3) (as added by section 185(b) of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3747)), by striking "section 8(y)" and inserting "section 8(t)"; and

(v) in subsection (h)(1)—

(I) by striking "section 8(q) for the costs incurred in administering the provision of certificate and voucher" and inserting "section 8(n) for the costs incurred in administering the provision of tenant-based"; and

(II) by striking "section 8(q)(2)(A)(i)" and inserting "section 8(n)(2)(A)"; and

(G) in section 304(g)(3) (42 U.S.C. 1437aaa-3(g)(3)), by striking "section 8(b)(2) and section 8(o)(9)" and inserting "section 8".

(2) ALLOCATION OF ASSISTED HOUSING FUNDS.—Section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439) is amended—

(A) in subsection (d)—

(i) in paragraph (1)(A)(ii), by striking "section 8(b)(1)" each place it appears and inserting "section 8"; and

(ii) in paragraph (2), by striking "section 8(d)" and inserting "section 8(i)";

(B) in subsection (e), by striking "section 8(b)(1)" and inserting "section 8".

(3) SUPPORTIVE HOUSING FOR ELDERLY FAMILIES.—Section 801(d)(1)(B) of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701q note) is amended by striking "section 8(c)(1)" and inserting "section 8(e)".

(4) ELDERLY INDEPENDENCE.—Section 803 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012) is amended—

(A) in subsection (a), by striking "housing certificates and vouchers" and inserting "assistance under section 8 of the United States Housing Act of 1937"; and

(B) in subsection (b)—

(i) in the 1st sentence, by striking "not more than 1,500 incremental vouchers and certificates under sections 8(b) and 8(o) of the United States Housing Act of 1937" and inserting "incremental assistance under section 8 of the United States Housing Act of 1937 on behalf of not more than 1,500 frail elderly persons";

(ii) in the 3rd sentence, by striking "the housing certificate or voucher program of the agency" and inserting "the agency's program for assistance under such section 8"; and

(iii) in the last sentence, by striking "sections 8(b) and 8(o)" and inserting "section 8".

(5) REVISED CONGREGATE HOUSING SERVICES.—Section 802(k)(6)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(k)(6)(B)) is amended by striking "subsection (d)(2)" and inserting "subsection (i)".

(6) HOUSING FOR PERSONS WITH AIDS.—Subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act is amended—

(A) in section 859(a)(2) (42 U.S.C. 12908(a)(2)) by striking "section 8(p)" each place it appears and inserting "section 8(m)(1)"; and

(B) in section 860(a) (42 U.S.C. 12909(a)), by striking "section 8(n)" and inserting "section 8(l)".

(7) MC KINNEY ACT.—Section 441(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401(b)) is amended—

(A) by striking "section 8(n)" and inserting "section 8(l)"; and

(B) by adding at the end the following new sentence: "Moderate rehabilitation under this section shall be carried out in the manner provided under the provisions of section 8(e) of the United States Housing Act of 1937, as such section was in effect (pursuant to section 289(b)(2) of the Cranston-Gonzalez National Affordable Housing Act) immediately before the enactment of the Housing and Community Development Act of 1994.".

(8) FLEXIBLE SUBSIDY PROGRAM.—Section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) is amended—

(A) in subsection (m)(2)(A), by striking "section 8(b)(1)" and inserting "section 8"; and

(B) in subsection (o), by striking "section 8(v)" and inserting "section 8(q)(2)".

(9) HUD-OWNED PROJECTS.—Section 203 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11) is amended—

(A) in subsection (e)(1)(D)—

(i) in clause (i)(IV), by inserting before the semicolon the following: ", as such section was in effect (pursuant to section 289(b)(2) of the Cranston-Gonzalez National Affordable Housing Act) immediately before the enactment of the Housing and Community Development Act of 1994"; and

(ii) in clause (ii), by striking "section 8(b)" and inserting "section 8";

(B) in subsection (g)(2), by striking ", 8(d)(1)(A)(i), and 8(o)(3)(B)" and inserting " and 8(h)(2)(iii)"; and

(C) in subsection (h)(2), by striking "section 8(c)" and inserting "section 8(e)".

(10) HOUSING ACCESS.—Section 204 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–12) is amended by striking "to a holder of a certificate of eligibility under that section solely because of such prospective tenant's status as a certificate holder" and inserting "to a family that is approved for assistance under such section solely because of such the family's status as assisted under such section".

(11) ELIHPA OF 1987.—The references in sections 225(b)(3)(D), 226(a)(3), and 228(a)(4) of the Emergency Low Income Housing Preservation Act of 1987 (as in effect immediately before the enactment of the Cranston-Gonzalez National Affordable Housing Act) to section 8(b) of the United States Housing Act of 1937 shall be considered to refer to section 8(e) of the United States Housing Act of 1937 (as amended by the Housing and Community Development Act of 1994).

(12) L:HPRHA OF 1990.—Title II of the Housing and Community Development Act of 1987 (42 U.S.C. 4101 et seq.) is amended—

(A) in section 215(a)—

(i) in paragraph (1), by striking "section 8(c)" and inserting "section 8(e)"; and

(ii) in paragraph (2), by striking "section 8(c)(1)" and inserting "section 8(e)(1)";

(B) in section 220(d)(3)(B), by striking "section 8(c)" and inserting "section 8(e)";

(C) in section 222—

(i) in subsection (a)(2)(D), by striking "section 8(c)" and inserting "section 8(e)"; and

(ii) in subsection (d)(2)(C)(i), by striking "sections 8(b) and 8(o) of the United States Housing Act of 1937 (other than project-based assistance attached to the housing)" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937";

(D) in section 223(a), by striking "the certificate and voucher programs under sections 8(b) and 8(o)" and inserting "section 8"; and

(E) in section 226(b)(6)(B), by striking "sections 8(d)(1)(A) and 8(o)(3)" and inserting "section 8(h)(2)".

(13) DISASTER RELIEF.—

(A) TENANT-BASED ASSISTANCE.—Section 931 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is amended—

*(i) in the section heading, by striking "**certificates and vouchers**" and inserting "**tenant-based assistance**"; and*

(ii) by striking "assistance under the certificate and voucher programs under sections 8 (b) and (o)" and inserting "tenant-based assistance under section 8".

(B) MODERATE REHABILITATION ASSISTANCE.—Section 932 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437c note) is amended by inserting after "such Act" the following: ", as such section was in effect (pursuant to section 289(b)(2) of the Cranston-Gonzalez National Affordable Housing Act) immediately before the enactment of the Housing and Community Development Act of 1994,".

(14) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522(f)(6)(B) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended—

(A) by striking "assistance under section 8(b)" and inserting "tenant-based assistance under section 8"; and

(B) by striking "section 8(d)(1)(A)(i)" and inserting "section 8(h)(2)".

(15) PUBLIC HOUSING NEW CONSTRUCTION INCOME ELIGIBILITY.—Section 545(c)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended by striking "section 8(d)(1)(A)(ii)" and inserting "section 8(h)(3)".

(16) SECTION 8 EXCESSIVE RENT BURDEN DATA.—Section 550(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is amended—

(A) in paragraph (1), by striking "under the certificate and voucher programs established" and inserting "with tenant-based assistance";

(B) in the first sentence of paragraph (2), by striking ", for each" and all that follows through "participating in the program" and inserting "the percentage of families receiving tenant-based assistance"; and

(C) in paragraph (3), by striking "assistance under the certicate or voucher program" and inserting "tenant-based assistance under section 8 of the United States Housing Act of 1937".

(17) RURAL HOUSING PRESERVATION GRANTS.—Section 533(a) of the Housing Act of 1949 (42 U.S.C. 1490m) is amended by striking "assistance payments as provided by section 8(o)" and inserting "tenant-based assistance payments under section 8 (including assistance in accordance with section 8(f)(2)".

(18) FEDERALLY ASSISTED HOUSING OCCUPANCY STANDARDS.—Section 643(b)(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13603(b)(2)) is amended by striking "section 8(d)(1)" and inserting "section 8(h)".

(19) RESERVATION OF SECTION 8 UNITS FOR DISABLED FAMILIES.—Section 655 of the Housing and Community Development Act of 1992 (42 U.S.C. 13615) is amended by striking "section 8(d)(1)(A)(i) of the United States Housing Act of 1937 and the first sentence of section 8(o)(3)(B) of such Act" and inserting "section 8(h)(2) of the United States Housing Act of 1937".

(20) GAO REPORT ON LEAD EXPOSURE.—Section 1056(a) of the Housing and Community Development Act of 1992 (42 U.S.C. 4855) is amended by striking "subsections (b) and (o) of".

(21) NATIONAL HOUSING ACT.—The National Housing Act is amended—

(A) in section 203(v) (12 U.S.C. 1709(v)), as added by section 185(c)(1)(B) of the Housing and Community Development Act of 1992, by striking "section 8(y)" and inserting "section 8(t)"; and

(B) in section 236(f)(5)(A)(i) (12 U.S.C. 1715z–1(f)(5)(A)(i)), by striking "section 8(c)" and inserting "section 8(e)".

(c) APPLICABILITY.—The amendments under this section are made on the date of the enactment of this Act, but shall apply on and after October 1, 1995, only to assistance under section 8 of the United States Housing Act of 1937 provided pursuant to an assistance contract entered into or renewed on or after such date. Any such assistance provided pursuant to an assistance contract entered into before such date shall be subject to the provisions of such section 8 as in effect immediately before the enactment of this Act or otherwise applicable to such assistance.

(d) TRANSITION.—

(1) CONVERSION.—The Secretary may provide for the conversion of assistance under the certificate and voucher programs, as such programs existed before the date of the enactment of this Act, to the certificate program established under the amendments under this section.

(2) CONTINUATION OF ASSISTANCE.—The Secretary of Housing and Urban Development shall take any action necessary to ensure that the provision of assistance under section 8 of the United States Housing Act of 1937 to families receiving assistance under such section on the date of the enactment of this Act is not interrupted because of the amendments under this section.

(e) REGULATIONS.—The Secretary shall implement the amendments under this section by regulation issued after notice and opportunity for public comment.

SEC. 143. INCENTIVES TO REFINANCE HIGH INTEREST MORTGAGES FOR SECTION 8 PROJECTS.

Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new subsection:

"(v) REFINANCING INCENTIVE.—For a project that (1) was constructed, substantially rehabilitated, or moderately rehabilitated under this section, (2) is subject to an assistance contract under this section, and (3) was subject to a mortgage that has been refinanced under section 223(a)(7) or section 223(f) of the National Housing Act to lower the periodic debt service payments of the owner, the Secretary may pay the owner the amount of the up front costs to the owner of refinancing. The Secretary may make such payments only from savings in the amount of assistance payments, as determined

by the Secretary on a project-by-project basis and after application of amounts in accordance with section 1012 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, that result from the refinancing during the first year after the refinancing.".

SEC. 144. DEMONSTRATION PROGRAM FOR USE OF EXCESS RESIDUAL RECEIPTS.

(a) In General.—The Secretary of Housing and Urban Development shall carry out a demonstration program, in conjunction with State housing agencies, under which the Secretary, at the request of owners of qualified projects, makes amounts in the account for residual receipts or excess amounts for the qualified projects available for use under model programs to expand the supply of affordable housing.

(b) Limitation.—The Secretary may not make any amounts available for use under the demonstration program under this section from the account of a qualified project for residual receipts or excess amounts unless the amount remaining in the account, together with replacement reserves for the project, is sufficient (in the determination of the Secretary) to maintain, manage, and preserve the project as affordable housing.

(c) Qualified Projects.—For purposes of this section, the term "qualified project" means a housing project—

(1) assisted with project-based assistance under section 8 of the United States Housing Act of 1937; or

(2) constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as such section existed before November 30, 1983.

SEC. 145. TREATMENT OF CERTAIN PROJECTS.

(a) Conversion of Section 23 Project.—From amounts available for the conversion of the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, from a leased housing contract under section 23 of the United States Housing Act of 1937 to tenant-based assistance under section 8 of such Act, the Secretary of Housing and Urban Development shall, to the extent such amounts are made available in appropriation Acts, enter into an obligation for the conversion of the project to a project-based rental assistance contract under section 8 of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2) of such Act (as in effect before the date of the enactment of this Act) and subparagraph (A) of section 8(i)(2) of such Act (as amended by section 143 of this Act).

(b) Compliance With Rehabilitation Requirement.—Rehabilitation activities undertaken by E.T.C. Enterprises in connection with 16 scattered-site dwelling units that were rehabilitated to provide housing for low-income families and are located in Perth Amboy, New Jersey, are hereby deemed to have been conducted pursuant to an agreement with the Secretary of Housing and Urban Development under clause (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) and subparagraph (A) of section 8(i)(2) of such Act (as amended by section 143 of this Act).

SEC. 146. STUDY OF EXTENT OF NONPARTICIPATION OF OWNERS AND LANDLORDS IN SECTION 8 RENTAL ASSISTANCE PROGRAM.

The Secretary of Housing and Urban Development shall conduct a study—

(1) to determine the extent to which the requirements of section 8(p)(2) of the United States Housing Act of 1937 (as amended by this Act) and section 8(t) of such Act (as in effect before the enactment of this Act) cause owners of multifamily rental housing to abstain from entering into contracts for housing assistance payments under such section; and

(2) to identify other factors causing owners of such housing to abstain from entering into such contracts.

In conducting the study, the Secretary shall consult a significant number of owners in a wide range of areas. The Secretary shall submit a report to the Congress describing the results of the study not later than February 1, 1996.

SEC. 147. STUDY OF SECTION 8 HOUSING QUALITY STANDARDS.

The Secretary of Housing and Urban Development shall conduct a study of the existing standards for housing quality for dwelling units assisted under the program for rental assistance under section 8 of the United States Housing Act of 1937. The study shall determine—

(1) whether the standards are effective in ensuring decent, safe, and sanitary housing;

(2) how, and the extent to which, the standards are enforced; and

(3) how the standards or the enforcement of the standards may be improved.

The Secretary shall submit a report to the Congress not later than 2 years after the date of the enactment of this Act describing the results of the study and containing any recommendations of the Secretary to carry out paragraph (3).

Subtitle D—Renewal of Expiring Contracts for Section 8 New Construction and Substantial Rehabilitation Projects

SEC. 151. FINDINGS AND PURPOSE.

(a) Congressional Findings.—The Congress finds that—

(1) housing built or substantially rehabilitated pursuant to section 8 of the United States Housing Act of 1937 is an important national resource that has provided decent, safe, and affordable housing to hundreds of thousands of low-income families who otherwise would not have obtained affordable housing;

(2) the Federal Government is the steward of this assisted housing stock and has an affirmative obligation to preserve it as housing for low-income families, consistent with considerations of fairness to all interested parties, including owners, residents, property managers, the community in which the housing is located, and taxpayers;

(3) because section 8(e)(1) of the United States Housing Act of 1937 (as in effect prior to November 30, 1983) provided, for the most part, that contracts to make assistance payments to owners of newly constructed or substantially rehabilitated housing financed with assistance of a loan made by, or insured, guaranteed or intended for purchase by the Federal Government, other than pursuant to section 244 of the National Housing Act, could not exceed 20 years and because such housing was constructed or substantially rehabilitated during the period from 1975 to 1985, a substantial number of contracts that provide for such assistance will soon expire (with other housing constructed or substantially rehabilitated pursuant to such section of law supported through housing assistance contracts of longer duration, which will expire at a later time);

(4) failure to enter into new housing assistance contracts under equitable and financially sound terms and conditions will reduce the supply of decent, safe, and affordable housing for low-income Americans, while the demonstrated need for such housing remains great;

(5) in order for the urban and rural population centers of the United States to regain their viability, the housing stock in such population centers must be preserved, which includes preserving housing built or substantially rehabilitated under section 8 of the United States Housing Act of 1937;

(6) assisted housing projects located in areas of relative affluence can promote racial, social, and economic integration, and such projects should be maintained as part of the affordable housing inventory to the maximum extent practicable;

(7) the number of units of housing currently receiving project-based section 8 assistance should not be reduced as a result of the expiration of any current contracts; and

(8) the number of households currently assisted by reason of residence in housing projects receiving project-based section 8 assistance should not be reduced as a result of the expiration of any current contracts to provide project-based assistance, though some of the specific families currently living in such housing may either receive such assistance in another location or become recipients of tenant-based assistance under appropriate circumstances (with the preference, as a matter of public policy, to the continued assistance of such households through project-based assistance).

(b) Purpose.—It is the purpose of this subtitle to provide for the preservation of affordable housing constructed or substantially rehabilitated pursuant to section 8 of the United States Housing Act of 1937, and to provide affordable housing opportunities for at least the same number of families as are provided such housing by reason of their residence in housing projects receiving project-based assistance under such section, in a manner that is administratively efficient, cost-effective, and fair to all interested parties, including owners, residents, property managers and the communities in which the housing is located.

SEC. 152. NOTICES OF CONTRACT EXPIRATION AND INTENTION TO RENEW.

(a) Notice to Owner.—Not later than 27 months before the date of expiration of an expiring contract (or, in the case of a qualified project subject to an expiring contract for which the date of expiration occurs less than 27 months after the date of the enactment of this Act, not later than 6 months after the date of enactment of this Act), the Secretary shall notify the owner of the qualified project, in writing, that the owner has an affirmative obligation pursuant to subsection (b).

(b) Notice by Owner to Secretary.—Not later than 24 months before the date of expiration of an expiring contract (or, in the case of a qualified project subject to an expiring contract for which the date of expiration occurs less than 27 months after the date of the enactment of this Act, not later than 9 months after the date of enactment of this Act), the owner of the qualified project shall simultaneously—

(1) submit to the Secretary written notice stating whether or not the owner intends to enter into a new contract pursuant to this subtitle for project-based assistance for the qualified project; and

(2) submit a copy of the notice to the chief executive officer of the State or unit of general local government for the jurisdiction within which the project is located, any mortgagee of the project, the tenants of the project (including any resident council for the project), and such other individuals or entities as the Secretary may require.

(c) Submission of Proposal To Enter Into New Contract.—If in the notice required by subsection (b) the owner indicates an intention to enter into a new contract for assistance for the qualified project, not later than 3 months after submitting such notice to the Secretary, the owner shall simultaneously—

(1) submit to the Secretary a proposal specifying terms and conditions for the new contract, which shall comply with the requirements for new contracts under this subtitle; and

(2) submit a copy of the notice to the chief executive officer of the State or unit of general local government for the jurisdiction within which the project is located, any mortgagee of

the project, the tenants of the project (including any resident council for the project), and such other individuals or entities as the Secretary may require.

(d) Capital Needs Assessment.—

(1) Requirement.—Within a reasonable period of time after receiving a proposal under subsection (c) to enter into a new contract for a qualified project, the Secretary shall conduct a comprehensive assessment of the needs of the project to determine the rehabilitation needs and replacement reserves necessary to preserve the project during the ensuing 10-year period.

(2) Content.—The assessment shall obtain the same information regarding the qualified project that is required to be contained in a comprehensive needs assessment under section 403 of the Housing and Community Development Act of 1992 for a covered multifamily housing property subject to title IV of such Act, shall assess the management performance for the project, and shall obtain any other information as the Secretary considers appropriate for purposes of this subtitle regarding the project, tenants, and market area in which the project is located.

(e) Tenant and Community Participation.—

(1) Establishment of Procedures.—The Secretary shall establish procedures that provide an opportunity for tenants of a qualified project (including any resident council) and other affected parties to participate effectively in the process established under this section and section 153 to determine whether and under what terms and conditions a new contract will be provided for the project or other assistance will be made available.

(2) Content of Procedures.— The procedures established under this subsection shall include providing timely and adequate written notice of the proposed decisions of the owner and the Secretary regarding the qualified project, timely access to all relevant information (not including information determined to be proprietary under standards established by the Secretary), an adequate period to analyze such information and submit comments to the Secretary (which the Secretary shall take into consideration in carrying out this subtitle), and, if requested, arranging meetings with representatives of the Secretary and the owner.

(3) Applicability.—The procedures established under this subsection shall provide for the participation of tenants of a qualified project and other affected parties in at least the following actions:

(A) Physical inspection of the qualified property under section 155(b) and determination of capital needs of a property pursuant to subsection (d).

(B) Any determination under section 154 regarding the owner of the project.

(C) Review of notice and any proposal submitted by the owner under subsections (b) and (c) of this section.

(D) Determination of the response of the Secretary under section 153.

(E) Determination of the terms of any new contract for the project.

(F) Establishing and carrying out any plan for sale of the project under section 157(c)(1).

(G) Establishing and carrying out of any plan to provide assistance under subsection (d) or (f) of section 157.

(4) Minimum Period for Tenant Notification.—The Secretary shall notify tenants of a qualified project of any agreement to enter into a new contract for the project or of the failure to enter into a new contract for the project, as the case may be, not less than 12 months before the expiration of expiring contract. If, in the case of a failure to enter into a new contract for a qualified project, the Secretary fails to comply with the requirement under the preceding sentence, the Secretary shall (subject only to the availability of budget authority) provide such additional assistance as may be necessary to extend the contract for such 12-month period.

SEC. 153. SECRETARY'S RESPONSE TO OWNER'S PROPOSAL.

(a) Requirement.—Except in the case of an owner who submits a notice under section 152(b) stating an intention not to enter into a new contract and in the case of rejection of an owner's proposal under subsection (c), not later than 90 days after an owner submits a proposal under section 152(c) for a qualified project (or not later than 30 days after the expiration of the period under section 152(b), in the case of an owner failing to provide notice under such subsection), the Secretary shall take action under subsection (b) to enter into a new contract.

(b) Response to Owner's Proposal.—Subject only to the availability of budget authority, the Secretary shall take the following actions:

(1) Status Quo Contracts.—In the case of a qualified project for which the maximum monthly rents for units in the project that are assisted under the expiring contract do not (24 months before the date of the expiration of the contract) exceed 110 percent of the fair market rentals for dwelling units of the applicable sizes and types of dwelling units in the market area in which the qualified housing is located and a qualified project for which the owner agrees to reduce the maximum monthly rents so that the rents do not exceed 110 percent of such fair market rentals—

(A) if the owner's proposal under section 152(c) provides for establishing maximum monthly rents under the contract for dwelling units in the project pursuant to the procedure under section 156(a) and otherwise complies with the requirements of this subtitle, the Secretary shall agree to the owner's proposal and shall enter into a new contract for the project; and

(B) if the owner's proposal under section 152(c) does not provide for establishing maximum monthly rents under the contract for dwelling units in the project pursuant to the procedure under section 156(a) or otherwise fails to comply with the requirements of this title, or the owner has failed to submit a proposal, the Secretary shall make an offer to enter into a new contract for the project (by modifying the owner's proposal under section 152(c), if the owner has submitted a proposal) and, if the owner accepts, the Secretary shall enter into such a new contract for the project.

The Secretary may not offer or agree to enter into a new contract for a qualified project, or enter into such a contract, that establishes maximum monthly rents under the contract for dwelling units in the project pursuant to the procedure under section 156(a) unless the maximum monthly rents under the expiring contract for the project meet the requirements of the matter in this paragraph preceding subparagraph (A).

(2) Budget-Based Contracts.—In the case of a qualified project for which the maximum monthly rents for units in the project that are assisted under the expiring contract (24 months before the date of the expiration of the contract) exceed 110 percent of the fair market rentals for dwelling units of the applicable sizes and types of dwelling units in the market area in which the qualified housing is located—

(A) if the owner's proposal under section 152(c) provides for establishing maximum monthly rents under the contract for dwelling units in the project pursuant to the procedure under section 156(b) and otherwise complies with the requirements of this subtitle, the Secretary shall agree to the owner's proposal under section 152(c) and shall enter into a new contract for the project; and

(B) if the owner's proposal under section 152(c) does not provide for establishing maximum monthly rents under the contract for dwelling units in the project pursuant to the procedure under section 156(b) or otherwise fails to comply with the requirements of this title, or the owner has failed to submit a proposal, the Secretary shall make an offer to enter into a new contract for the project (by modifying the owner's proposal under section 152(c), if the owner has submitted a proposal) and, if the owner accepts, the Secretary shall enter into such a new contract for the project.

(3) Avoiding Overconcentration of Low-Income Housing.—Notwithstanding paragraphs (1) and (2), with respect to a qualified project for which the Secretary is to provide a new contract under either such paragraph, the Secretary may reduce the number of dwelling units otherwise required to be assisted under the new contract (pursuant to section 155(a)(3)) if—

(A) the Secretary determines that the project is located in a market area in which there is a high concentration of dwelling units occupied by or affordable to very low-income families;

(B) the Secretary consults with the owner of the project, the tenants of the project (including any resident council), and representatives of the community in which the project is located regarding such reduction and action under subparagraph (D);

(C) the owner and affected tenants consent to the reduction and action under subparagraph (D);

(D) the Secretary provides project-based assistance for a number of dwelling units that is not less than the difference between the number of units otherwise required to be assisted under the new contract and the number actually assisted under the new contract; and

(E) the dwelling units assisted under subparagraph (D) are located in market areas other than the area in which the qualified project is located and such areas do not have a high concentration of dwelling units occupied by or affordable to very low-income families.

The Secretary shall determine the maximum monthly rents for dwelling units assisted under subparagraph (D) using the procedures under paragraph (2) of this subsection and section 156. In determining the maximum monthly rents under the new contract for any dwelling units in the qualified project, the allowance under section 156(b)(1)(G) may be increased to reflect higher costs per unit assisted attributable to assisting less units.

(c) Rejection of Owner's Proposal.—The Secretary may reject a proposal submitted pursuant to section 152(c) only for a reason contained in the regulations issued under section 154.

(d) Notice of Secretary's Action.—The Secretary shall simultaneously—

(1) submit written notice of any action under subsection (b) or (c) to the owner of the qualified project for which such action is taken; and

(2) submit a copy of the notice to the chief executive officer of the appropriate State or unit of general local government for the jurisdiction within which the project is located, any mortgagee of the project, the tenants of the project (including any resident council for the project), and such other individuals or entities as the Secretary may require.

Notice under this subsection shall be submitted not later than the expiration of the period for the qualified project referred to in subsection (a). If the Secretary does not provide notice to the owner as required under this subsection, the proposal of the owner shall be considered to have been accepted without modification. Any notice rejecting a proposal by the owner shall clearly state the reason for rejecting the proposal.

(e) Modifications to Owner's Proposal.—The Secretary may propose modifications to an owner's proposal submitted pursuant to section

152(c) only to the extent necessary to make the proposal comply with the requirements under this subtitle for acceptance by the Secretary.

(f) LIMITATION ON SECRETARY'S AUTHORITY TO REJECT OR MODIFY.—The Secretary may not reject or propose modifications to a proposal submitted pursuant to section 152(c) because an enforcement action is pending against the owner. Notwithstanding any other provision of this subtitle, in such event, the Secretary shall, subject only to the availability of budget authority, extend the applicable expiring contract for the period until the enforcement action is concluded.

SEC. 154. LIMITATION ON NEW CONTRACTS.

(a) IN GENERAL.—The Secretary may refuse to enter into a new contract with the owner of a qualified project if the Secretary determines that the owner of the project submitting the proposal has committed—

(1) violations of laws, regulations, regulatory agreements, or other agreements for which the Secretary may impose suspension, debarment, civil money penalties, and such other major forms of enforcement action available to the Secretary under law; or

(2) other substantial and repeated violations of laws, regulations, regulatory agreements or other agreements that have not been cured within a reasonable period of time after notice was provided to the owner.

(b) REGULATIONS.—Not later than 45 days after the date of enactment of this Act, the Secretary shall publish for comment proposed regulations identifying the violations that, under subsection (a), prohibit the Secretary from entering into a new contract.

SEC. 155. REQUIRED TERMS OF NEW CONTRACTS.

(a) IN GENERAL.—The Secretary may accept the proposal of an owner (made under section 152(c) or negotiations pursuant to such a proposal), and may propose modifications to such a proposal and make an offer to enter into a new contract for qualified housing, only if the agreement provides for a new contract for the qualified housing that complies with the following requirements:

(1) RENEWAL FOR REMAINING USEFUL LIFE OF PROPERTY.—A new contract shall contain binding commitments necessary to ensure that—

(A) the contract shall be renewed as provided in paragraph (5) upon expiration for the entire remaining useful life of the qualified project subject to the contract, subject only to the availability of budget authority, the provisions of this subtitle, and the provisions of the contract or law regarding termination of the contract for cause; and

(B) renewal of the contract under paragraph (5) shall not alter or affect the terms of the contract.

(2) PROJECT-BASED ASSISTANCE.—A new contract shall provide that the Secretary shall provide project-based assistance under this subtitle for dwelling units in the qualified project subject to the contract based upon maximum monthly rents (including utilities and all maintenance and management charges) that the owner may receive for the dwelling units.

(3) LOW-INCOME OCCUPANCY.—A new contract shall provide that, during the term of the contract, the owner shall make available for occupancy only by families that (at the time of their initial occupancy) are low-income families or very low-income families (as the contract shall provide) the number of dwelling units in the qualified project subject to the contract for which assistance is provided under the expiring contract.

(4) MAINTENANCE OF HOUSING.—The new contract shall require the owner of the qualified project to maintain the housing in compliance with housing quality standards established by the Secretary for housing assisted under section 8 of the United States Housing Act of 1937.

(5) CONTRACT TERM.—A new contract shall have a term of 60 months and shall be renewable for additional 60-month terms without limitation.

(6) SECTION 8 REQUIREMENTS.—A new contract shall provide that the qualified project subject to the contract shall be subject to the requirements applicable to housing assisted under section 8(i) of the United States Housing Act of 1937.

(7) CAPITAL NEEDS.—A new contract shall contain such terms as the Secretary and the owner agree to regarding conducting rehabilitation and replacement activities for the project and may provide amounts to the owner for meeting immediate rehabilitation and replacement needs of the qualified project if the Secretary determines that providing such amounts would be more cost effective to the Secretary than financing such activities through increased project debt.

(8) MAXIMUM MONTHLY RENTS.—A new contract shall provide that the maximum monthly rents for the project under the contract shall be the amount determined under section 156 upon entering into the contract, and shall be adjusted annually as provided under such section, except that—

(A) the maximum monthly rents shall be redetermined in the manner provided under sections 153(b) and 156 upon each renewal of the contract; and

(B) the owner of the project may, at any time, submit a written request to the Secretary for a redetermination of the maximum monthly rents for the project using the procedure under section 156(b) and, after such request, the rents shall be determined using such method for the remainder of the term of the contract.

(9) CONSIDERATION OF TENANT CONCERNS.—A new contract shall provide that the owner of the qualified housing shall—

(A) establish and, in good faith, carry out a procedure, acceptable to the tenants (including any resident council) of the project, for tenants to submit to the owner comments, questions, and requests regarding any issues concerning the project (including the condition, management, and ownership of the project); and

(B) make a good faith effort to respond to such comments, questions, and requests within a reasonable period of time.

(b) PROPERTY INSPECTIONS AND MANAGEMENT REVIEWS REQUIRED BY SECRETARY.—The Secretary shall conduct an inspection of the physical condition of each qualified project for which a new contract is entered into under this subtitle and shall conduct a review of the management of each such qualified project, not less than once every 3 years. The Secretary may conduct such an inspection or review more often, as the Secretary considers appropriate, taking into consideration requests and comments from tenants of the qualified project (including any resident council) and from representatives of the unit of general local government for the jurisdiction in which the project is located.

SEC. 156. MAXIMUM MONTHLY RENT UNDER NEW CONTRACTS.

(a) STATUS QUO RENT DETERMINATION.—

(1) PROCEDURE.—If the maximum monthly rents under a new contract for a qualified project are to be established under this subsection, the rents shall be established at the amount equal to the maximum monthly rents under the expiring contract existing at the time 24 months before the date of the expiration of the contract (or an amount mutually agreed to by the Secretary and the owner that is less than such amount).

(2) RENT ADJUSTMENTS.—Annual increases in the maximum monthly rents for any qualified project for which the rents under a new contract are to be determined under this subsection shall be based on the application of the annual adjustment factor, pursuant to section 8(d)(3) of the United States Housing Act of 1937.

(3) SERVICE COORDINATORS.—Notwithstanding paragraph (1), the maximum monthly rents established (and adjusted) under this subsection for a qualified project shall be increased to the extent necessary to provide for the total costs of a service coordinator under section 161 for the project.

(b) BUDGET-BASED RENT DETERMINATION.—

(1) PROCEDURE.—If the maximum monthly rents under a new contract for a qualified project are to be established under this subsection, the rents shall be established at such a level or levels that would provide income sufficient to support the following actual and projected costs of operating the project:

(A) DEBT SERVICE.—The debt service on any federally-insured or assisted loans for the qualified project or any other loans for the project approved by the Secretary at the time the loans were entered into or subsequently, except that the Secretary may provide that such debt service shall not include—

(i) any debt service attributable to any equity loan insured under section 241(f) of the National Housing Act or any similar loan made for the purposes of liquidating the equity of the owner in the qualified project; and

(ii) if the Secretary requires refinancing of debt under section 159 and the owner does not refinance as provided in such section, any debt service relating to such debt in excess of the amount that the Secretary determines is appropriate under prevailing market conditions at the time such refinancing was required to occur.

(B) OPERATING EXPENSES.—Operating expenses for the qualified project, including costs of measures to reduce or control crime, and the total costs of a service coordinator under section 161 for the project.

(C) RESERVES.—Adequate reserves for the qualified project, as determined pursuant to a comprehensive needs assessment for the project prepared and approved in accordance with title IV of the Housing and Community Development Act of 1992 or in such other manner as the Secretary may require.

(D) ALLOWANCE FOR LOSSES.—An allowance for potential operating losses of the qualified project caused by vacancies and failure to collect rents, which shall be an amount equal to 5 percent of any rental income from the project (including any amounts paid in rent for utilities).

(E) DISTRIBUTION TO OWNER.—An allowance for a distribution to the owner of the qualified project, which shall be an amount per dwelling unit in the project per year that is determined by the Secretary taking into consideration the size, location, and amount of rents of the project. The allowance shall be adjusted upon any renewal of the new contract, in the manner determined by the Secretary, to provide for inflation.

(F) TENANT ORGANIZATION.—An amount for technical assistance to the resident council (if any) of the qualified project or for technical assistance in organizing or operating a resident council, which shall be an amount equal to $20 per dwelling unit in the project per year. The Secretary shall provide that such amounts shall not be made available to the owner but shall be accessible only by resident councils or by tenants for establishment or operation of resident councils.

(G) ALLOWANCE FOR UNIQUE COSTS.—An allowance for unique costs specific to and characteristic of qualified housing or other housing for low-income families receiving project-based assistance from the Secretary, in the amount agreed to by the Secretary and the owner.

(H) ALLOWANCE FOR HIGH-RENT AREAS.—If the Secretary determines that the prevailing rents in

the market area in which a qualified project is located exceed the fair market rentals for dwelling units of the applicable sizes and types of dwelling units in the market area in which the qualified housing is located—

(i) an allowance may be provided (at the discretion of the Secretary) in an amount necessary to provide maximum monthly rents under this subsection in an amount equal to the prevailing market rents in the area; and

(ii) an allowance in the amount referred to in clause (i) shall be provided if the Secretary determines that there is a lack of sufficient housing in the market area in which the project is located that is affordable to low-income families.

(2) RENT ADJUSTMENTS.—

(A) IN GENERAL.—Annual increases in the maximum monthly rents for any qualified project for which the rents under a new contract are to be determined under this subsection shall be based on the application of the operating cost adjustment factor, pursuant to section 8(d)(3) of the United States Housing Act of 1937.

(B) EXCESSIVE ADJUSTMENTS.—The Secretary may require the owner of a qualified project for which a new contract has been provided to submit a proposal in the manner provided under paragraph (3) for redetermination of maximum monthly rents for the project if—

(i) not less than 2 rent adjustments have been made pursuant to subparagraph (A) for the project;

(ii) an intervening redetermination of maximum monthly rents for the project pursuant to paragraph (1) has not occurred; and

(iii) the Secretary determines that the rents resulting from the rent adjustments are materially in excess of the rents necessary to support the costs for the project described in paragraph (1).

If pursuant to such a redetermination the Secretary determines that the rents for the project are greater than the amount described in clause (iii), the Secretary may reduce the maximum monthly rents for the project to the amount described in clause (iii), effective on the first day of the month following written notification by the Secretary to the owner of such new rents.

(3) TIMING.—If the Secretary requests an owner of a qualified project or a project for which a new contract is to be provided to submit a proposal for maximum monthly rents based on costs described in paragraph (1) and the owner fails to submit such a proposal during the 90-day period beginning upon receipt of such request, the Secretary may establish the maximum monthly rents for the project based on such information as is available to the Secretary from the owner's most recent audited financial statements, without the agreement of the owner.

(4) ADDITIONAL INFORMATION FROM OWNER.—The owner of a qualified project (including a project for which a new contract has been provided) may, at any time, submit to the Secretary information regarding prevailing rent levels for comparable dwelling units in the market area in which the project is located and the Secretary shall consider such information in making any determinations or agreements under this subsection regarding the project.

SEC. 157. ACTIONS IN CASES OF FAILURE TO ENTER INTO NEW CONTRACT.

(a) NOTICE.—If—

(1) the owner of a qualified project indicates, in the notice required under section 152(b), an intention not to enter into a new contract,

(2) the Secretary and the owner fail to agree to enter into a new contract after a reasonable period of negotiation, or

(3) the Secretary refuses to enter into a new contract with the owner pursuant to section 154,

the Secretary shall provide notice containing the information under subsection (b) to the owner, the chief executive officer of the State or unit of general local government for the jurisdiction within which the project is located, any mortgagee of the project, the tenants of the project (including any resident council for the project), and such other individuals or entities as the Secretary considers appropriate.

(b) CONTENTS OF NOTICE.—Notice under subsection (a) shall identify the qualified project, state the intention of the Secretary to enter into a new contract for the project with an owner of the project acceptable to the Secretary, state that the Secretary may take either of the actions authorized under subsection (c) with respect to the project, and propose maximum monthly rents for the project subject to the requirements of sections 153(b) and 156.

(c) ATTEMPTED SALE OF PROJECT.—After providing notice under subsection (b) for a qualified project—

(1) the Secretary shall negotiate with the owner and other interested parties to develop a plan for sale of the project in a timely manner to a new owner who agrees to enter into a new contract with the Secretary and who may be a nonprofit or for-profit entity, a State or local governmental entity, a tenant (or group of tenants) or a resident council; a new contract under this paragraph may be provided pursuant to the loan management program under section 8(q)(2) of the United States Housing Act of 1937 or a contract through a public housing agency for project-based assistance under section 8(i) of such Act; and

(2) notwithstanding paragraph (1), the Secretary may acquire the qualified project by condemnation, under judicial process, pursuant to the first section of the Act of August 1, 1888 (Chapter 728, 25 Stat. 357; 40 U.S.C. 257).

(d) FAILURE TO SELL PROJECT.—

(1) TRANSFER OF PROJECT-BASED ASSISTANCE TO OTHER HOUSING.—If, after providing notice under subsection (b) for a qualified project and making reasonable efforts under subsection (c)(1) the Secretary fails to enter into a new contract for the project (and determines that action under subsection (c)(2) is not appropriate), the Secretary shall, subject only to the availability of budget authority and the absence of qualified requests for such assistance, provide project-based rental assistance for at least the same number of dwelling units in housing located within the same market area as the qualified project as were assisted under the expiring contract for the project. Tenants of the qualified project shall be offered initial occupancy in dwelling units assisted pursuant to this paragraph.

(2) CONSULTATION.—In providing project-based assistance under this subsection, the Secretary shall consult with nonprofit and for-profit entities, State and local governmental entities, and tenants and any resident council of the project, regarding acquisition and operation of housing to be assisted under this subsection.

(e) TECHNICAL ASSISTANCE.—Using a portion of any amounts in an account for residual receipts established for a qualified project and any amounts made available for new contracts under this subtitle, the Secretary shall (subject to the availability of such amounts) provide for technical assistance for tenants of the project (including any resident councils), nonprofit organizations, nonprofit developers of affordable housing, and State and local governmental agencies to the extent necessary to—

(1) develop the capacity and ability of such entities to carry out activities pursuant to subsections (c)(1) and (d); and

(2) assist such entities in preparing submissions, proposals, and such other documents and entering into contracts, agreements, and other arrangements involved in such activities.

(f) ASSISTANCE FOR PROJECT TENANTS.—

(1) RIGHT TO RECEIVE ASSISTANCE.—If, in the notice required by section 152(b), the owner indicates a preference not to enter into a new contract or the Secretary fails to enter into a new contract for the project, the Secretary shall provide assistance under paragraphs (2) and (3), subject only to the availability of budget authority, for each family who on the date of the expiration of the expiring contract resides in a dwelling unit in the project that is assisted under the expiring contract.

(2) TYPE OF ASSISTANCE.—Assistance required under this paragraph shall be provided, as determined by the Secretary, in one of the following forms:

(A) TENANT-BASED ASSISTANCE.—Assistance may be provided as tenant-based rental assistance under the provisions of section 8(b) of the United States Housing Act of 1937, as in effect on June 1, 1994, except that in providing such assistance the Secretary may increase the maximum monthly rental amount to the extent necessary to permit families remain in the dwelling unit they occupy in the qualified project or to obtain a comparable dwelling unit in the same market area.

(B) OCCUPANCY IN A UNIT RECEIVING PROJECT-BASED ASSISTANCE.—The family may be offered occupancy of an available dwelling unit that is assisted under a contract pursuant to subsection (c)(1) or (d).

(3) RELOCATION ASSISTANCE.—Assistance required under this section is assistance to the tenant of a qualified project in the amount of the total cost of relocating to a unit assisted under paragraph (2).

SEC. 158. CONTRACT EXTENSION.

Subject to the availability of budget authority, the Secretary may extend any expiring contract in force on the date of enactment of this Act, under identical terms and conditions, for not more than 24 months if the Secretary determines that such extension is necessary to protect tenants of the qualified project subject to the contract or the General Insurance Fund established under section 519 of the National Housing Act, except that—

(1) the authority under this section may be exercised only once for any contract or qualified project; and

(2) such authority may not be exercised for a qualified project for which the owner has provided timely notification under section 152(b) indicating an intention not to enter into a new contract for the project, unless the owner expressly agrees to the extension or the Secretary is taking action pursuant to section 152(e)(5) or 153(f).

SEC. 159. FINANCING AND RESTRUCTURING UNDERLYING DEBT AND TREATMENT OF RESIDUAL RECEIPTS.

(a) IN GENERAL.—Before entering into a new contract with a present or future owner of a qualified project, the Secretary shall encourage and, subject to the exceptions in subsection (d), may require—

(1) the restructuring of debt if the costs to the Federal Government of such restructuring are less than the costs incurred by the Federal Government under a contract for assistance under section 8 of the United States Housing Act of 1937 at the project's current debt level; and

(2) the refinancing of all debt that is financed at a rate 250 basis points in excess of prevailing market rates for debt with a similar maturity.

Any project refinancing or debt restructuring shall be accompanied by a corresponding reduction in the maximum monthly rents for the project.

(b) FHA-INSURED PROJECTS.—Subject to the exceptions set forth in subsection (d), the Secretary shall require an owner of a project subject to a mortgage insured by the Secretary which is to be assisted under a new contract to certify that any debt that meets the conditions of paragraph (1) or (2) of subsection (a) will be restructured or refinanced, as applicable.

(c) STATE-FINANCED PROJECTS.—The Secretary shall establish procedures to inform State agencies that insure or finance mortgages of the provisions of this subtitle, and shall encourage such agencies to refinance or otherwise restructure debt which meets the conditions of paragraph (1) or (2) of subsection (a).

(d) EXCEPTIONS.—The Secretary shall not require the refinancing or debt restructuring of any project, if—

(1) the project was financed through obligations issued by a State or local housing agency or the Government National Mortgage Association and such refinancing or debt restructuring is inconsistent with applicable law or agreements governing such financing; and

(2) in the Secretary's determination, the refinancing will not result in significant savings to the Department of Housing and Urban Development or to the mortgagor.

(e) DISCRETIONARY ASSISTANCE.—To facilitate renewal consistent with this section and section 156(b), the Secretary may, from amounts appropriated under this subtitle—

(1) pay the owner's nonmortgageable transaction costs;

(2) provide the State insuring agency or the mortgagee with an equitable share of the savings recaptured from the refinancing;

(3) apply a share of the savings recaptured from the refinancing to the project's reserves or capital expenses;

(4) bifurcate the note to leave a first note serviceable within rents reflective of the local market; and

(5) assist in financing a project's rehabilitation needs through the provision of up-front grants from—

(A) residual receipts distributed to the Secretary;

(B) the budget authority provided for increases in new contracts to pay for rehabilitation, if the Secretary determines that the provision of such grants in addition to rental assistance under section 8 of the United States Housing Act of 1937 would be cost-effective; and

(C) savings resulting from refinancing or otherwise restructuring the debt.

(f) RESIDUAL RECEIPTS.—

(1) IN GENERAL.—Residual receipts distributed to the Secretary shall be retained by the Secretary for use under this subtitle.

(2) EXPEDITED ACQUISITION.—The Secretary may expedite the acquisition of residual receipts by entering into agreements with owners of housing covered by an expiring contract to provide such owner with a share of the receipts, not to exceed 15 percent, only if the share will be applied to the project or to its reserves.

SEC. 160. RETENTION OF PROGRAM SAVINGS BY SECRETARY.

Any savings achieved through implementation of the provisions of this Act, except for such savings made available to State or local housing agencies pursuant to section 159, shall be retained by the Secretary to increase affordable housing opportunities, in such manner as may be determined by statute, or as may be determined by the Secretary.

SEC. 161. SUPPORTIVE SERVICES.

(a) PROVISION OF SERVICE COORDINATOR.—Each owner of qualified project or a project for which a new contract has been provided shall provide, to the extent amounts are available pursuant to subsection (b) or another provision of this subtitle, that the project is served (on a full- or part-time basis in a manner approved by the Secretary) by a service coordinator under section 671 of the Housing and Community Development Act of 1992. The preceding sentence shall apply only after the expiration of the 270-day period beginning on the date of the enactment of this Act.

(b) PAYMENT OF COSTS.—Notwithstanding any other provision of law, the salary and other costs associated with employing a service coordinator shall be considered an eligible project expense for a qualified project which may be fully funded under the expiring contract, as provided by the Secretary.

SEC. 162. DELEGATION OF AUTHORITY.

The Secretary may delegate the authority of the Secretary under this subtitle, as the Secretary considers appropriate, to officials of States and units of general local government, who may also act as contract administrators under applicable law.

SEC. 163. DEFINITIONS.

For purposes of this subtitle—

(1) the term "expiring contract" means any contract for assistance under section 8 of the United States Housing Act of 1937 pursuant to the authority referred to in paragraph (4)(A) of this subsection;

(2) the term "fair market rental" means the fair market rental established pursuant to the authority under—

(A) section 8(c)(1) of the United States Housing Act of 1937, as such section existed before the date of the enactment of this Act; or

(B) section 8(e) of the United States Housing Act of 1937, as in effect after the date of the enactment of this Act;

(3) the terms "low-income family" and "very low-income family" have the meanings given the terms in section 3 of the United States Housing Act of 1937;

(4) the term "maximum monthly rents" means, with respect to a new contract for a qualified project, the maximum monthly rent that the owner is entitled to receive for dwelling units in the project assisted under the new contract;

(5) the term "new contract" means—

(A) a contract pursuant to this subtitle to provide project-based assistance for a qualified project; and

(B) a contract pursuant to the provisions of subsection (d) or (f)(2)(B) of section 157 or section 153(b)(3);

(6) the term "owner" includes the current or subsequent owner or owners of a qualified project;

(7) the terms "qualified project" and "project" mean a multifamily housing project that—

(A) was constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as such section existed before November 30, 1983; and

(B) is assisted under an expiring contract;

(8) the term "resident council" means any democratically operated organization of tenants of a qualified project; and

(9) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 164. REGULATIONS.

The Secretary shall issue any final regulations necessary to carry out this subtitle, which shall take effect not later than 6 months after the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle for which amounts are not provided under section 5(c) of the United States Housing Act of 1937.

Subtitle E—Homeownership Programs

SEC. 171. HOPE HOMEOWNERSHIP PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Section 402 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12870) is amended by striking subsections (a) and (b) and inserting the following new subsection:

"(a) HOMEOWNERSHIP PROGRAMS.—There are authorized to be appropriated for grants under this title $100,000,000 for fiscal year 1995 and $100,000,000 for fiscal year 1996, which shall be available for activities authorized under subtitles B and C. Any amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) HOPE II MATCHING REQUIREMENTS.—Section 423(c)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12873(c)) is amended by striking "33 percent" and inserting "25 percent".

(c) ELIGIBILITY UNDER HOPE III OF HOMES ON LEASED LAND OWNED BY COMMUNITY LAND TRUSTS.—Section 446(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12896(4)) is amended—

(1) by inserting "(A)" before "owned"; and

(2) by inserting before the period at the end the following: ", or (B) located on leased land owned by a community land trust (as such term is defined in section 233 of the HOME Investment Partnerships Act)".

SEC. 172. NATIONAL HOMEOWNERSHIP FUND.

Subtitle A of title III of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 note) is amended to read as follows:

"Subtitle A—National Homeownership Fund

"SEC. 301. SHORT TITLE.

"This subtitle may be cited as the 'National Homeownership Fund Act'.

"SEC. 302. AUTHORITY.

"The Secretary of Housing and Urban Development may make grants under this subtitle to States (including State housing finance agencies), local housing finance agencies, and nonprofit housing intermediaries to provide assistance, in accordance with the provisions of this subtitle, for the acquisition of principal residences for first-time homebuyers (including homebuyers buying shares in limited equity cooperatives).

"SEC. 303. ELIGIBLE ASSISTANCE.

"A grantee may use amounts received under this subtitle only to provide assistance to first-time homebuyers in the following manners:

"(1) DOWNPAYMENT ASSISTANCE.—Assistance payments to provide amounts for the downpayment (including closing costs and other costs payable at the time of closing) on a mortgage for the homebuyer.

"(2) SECOND MORTGAGE ASSISTANCE.—Assistance payments to provide loans that have such terms for payment of interest and principal as may be determined by the grantee.

"(3) CAPITALIZATION OF REVOLVING LOAN FUNDS.—To establish revolving loan funds (or to make grants to public organizations or agencies to establish such funds) to provide homeownership assistance to eligible first-time homebuyers in accordance with the provisions of this subtitle. Any grantee under this subtitle (and any subgrantee of such a grantee) shall provide an equal amount of local investment for such revolving loan fund and any proceeds or repayments from loans made under this paragraph shall be returned to the revolving loan fund established under this paragraph to be used for purposes related to this section.

"(4) INTEREST RATE BUYDOWNS.—Assistance payments so that the rate of interest payable on a mortgage by the homebuyer does not exceed 6 percent.

"SEC. 304. ELIGIBILITY REQUIREMENTS.

"(a) HOMEBUYER.—Assistance may be provided only to homebuyers meeting the following requirements:

"(1) FIRST-TIME HOMEBUYER.—The homebuyer is an individual who—

"(A)(i) (and whose spouse) has had no ownership in a principal residence during the 3-year period ending on the date of purchase of the property with respect to which assistance payments are made under this subtitle;

"(ii) is a displaced homemaker who, except for owning a home with his or her spouse or residing in a home owned by the spouse, meets the requirements of clause (i); or

"(iii) is a single parent who, except for owning a home with his or her spouse or residing in a home owned by the spouse while married, meets the requirements of clause (i); and

"(B) meets the requirements of subparagraph (A)(i), (ii), or (iii), except for owning, as a principal residence, a dwelling unit whose structure is not permanently affixed to a permanent foundation in accordance with local or other applicable regulations.

"(2) MAXIMUM INCOME OF HOMEBUYER.—The aggregate annual income of the homebuyer and the members of the family of the homebuyer residing with the homebuyer, for the 12-month period preceding the date of the application of the homebuyer for assistance under this subtitle, does not exceed 115 percent of the median income for a family of 4 persons (adjusted by family size) in the applicable metropolitan statistical area (or such other area that the Secretary determines for areas outside of metropolitan statistical areas). The Secretary shall provide for certification of such income for purposes of initial eligibility for assistance payments under this subtitle.

"(b) MORTGAGE.—Assistance may be provided only for mortgages meeting the following requirements:

"(1) PRINCIPAL RESIDENCE.—The property subject to the mortgage is a single-family residence or unit in a cooperative (including any manufactured home park owned by residents or owned by nonprofit organizations for future ownership by residents) or condominium, or a single family residence located on leased land owned by a community land trust, and is the principal residence of the homebuyer.

"(2) MAXIMUM MORTGAGE AMOUNT.—The principal obligation of the first mortgage and any second mortgage assistance provided under this subtitle does not exceed the principal amount that could be insured under section 203(b) of the National Housing Act with respect to a property having the same number of dwelling units.

"(c) MINIMUM DOWNPAYMENT.—For first-time homebuyers to receive downpayment assistance under section 303(a)(1), the homebuyer shall have paid not less than 1 percent of the cost of acquisition of the property (excluding any mortgage insurance premiums paid at the time the mortgage is insured), as such cost is estimated by the Secretary.

"SEC. 305. COUNSELING REQUIREMENTS.

"Each grantee under this subtitle shall ensure that each homebuyer receiving assistance under this subtitle from the grantee (or any subgrantee of such grantee) shall be provided prepurchase and postpurchase homeownership counseling from individuals certified by the Secretary under section 106(e) of the Housing and Urban Development Act of 1968.

"SEC. 306. ALLOCATION OF GRANT AMOUNTS.

"(a) IN GENERAL.—The Secretary may make a grant under this subtitle only to a State (including a State housing finance agency), local housing finance agency, or nonprofit housing intermediary that submits to the Secretary an application under this section that is approved by the Secretary. Applications shall be made in such form and in accordance with such procedures as the Secretary shall establish.

"(b) MINIMUM REQUIREMENTS.—An application under this section shall contain a plan that describes how the applicant will achieve the objectives of this subtitle. The application shall include—

"(1) a description of the geographic area, including the revitalization area included, to be covered by the program to provide assistance under this subtitle;

"(2) the characteristics of the households to be served by the program;

"(3) a description and evidence of the commitment of other public and private resources to be made available in the revitalization area and other areas in which homebuyers receive assistance under this subtitle;

"(4) a description of any secondary market and private mortgage insurance involvement and commitment in connection with assistance under this subtitle;

"(5) a description of how prepurchase and postpurchase counseling will be provided to homebuyers assisted under this subtitle;

"(6) a description of any restrictions on resale and profits;

"(7) a description of existing affordable housing programs and resources available to undertake rehabilitation of properties when needed;

"(8) a description of the process for award and disbursement of assistance to homebuyers; and

"(9) a description of the history of the applicant in undertaking similar projects.

"(c) SELECTION.—The Secretary shall allocate amounts available in any fiscal year for assistance under this subtitle to States (including State housing finance agencies), local housing finance agencies, or nonprofit housing intermediaries for homebuyers through a national competition in accordance with criteria established by the Secretary. The criteria shall include the extent to which the applicant has experience in providing homeownership opportunities for low- and moderate-income households.

"(d) TARGETING FOR REVITALIZATION AREAS.—Each grantee under this subtitle shall use not more than 50 percent of any amounts received under this subtitle for assistance under section 303(a) for homebuyers purchasing residences in revitalization areas using mortgages insured under section 203(b) of the National Housing Act.

"SEC. 307. REPORT.

"Not later than 18 months after the date of the issuance of final regulations pursuant to section 310, the Secretary shall submit to the Congress a report stating the amount of loans made in revitalization areas and in other areas, the amount of loans insured under the National Housing Act made in connection with assistance under this section and the amount of privately insured loans made in connection with such assistance, and an analysis of the effectiveness of such assistance in assisting first-time homebuyers.

"SEC. 308. DEFINITIONS.

"For purposes of this subtitle:

"(1) ASSISTANCE.—The term 'assistance' means—

"(A) any downpayment assistance provided under section 303(1);

"(B) any second mortgage loan provided under section 303(2);

"(C) any loan provided from a revolving fund established under section 303(3); and

"(D) any payment for buydown of an interest rate provided under section 303(4).

"(2) COMMUNITY LAND TRUST.—The term 'community land trust' has the meaning given the term in section 233 of the Cranston-Gonzalez National Affordable Housing Act.

"(3) DISPLACED HOMEMAKER.—The term 'displaced homemaker' means an individual who—

"(A) is an adult;

"(B) has not worked full-time, full-year in the labor force for a number of years, but has during such years, worked primarily without remuneration to care for the home and family; and

"(C) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

"(4) REVITALIZATION AREA.—The term 'revitalization area' means—

"(A) an empowerment zone or enterprise community approved under Subchapter U of Chapter 1 of the Internal Revenue Code of 1986, or an equivalent State-approved enterprise zone; and

"(B) a neighborhood that, in the determination of the Secretary, is targeted by a unit of general local government for revitalization using coordinated affordable housing programs and enhanced supportive services.

"(5) NONPROFIT HOUSING INTERMEDIARY.—The term 'nonprofit housing intermediary' means a nonprofit organization that the Secretary determines has among its principal purposes activities described in clauses (1) and (2) of section 802(a) of the Housing and Community Development Act of 1974.

"(6) SINGLE PARENT.—The term 'single parent' means an individual who—

"(A) is unmarried or legally separated from a spouse; and

"(B)(i) has 1 or more minor children for whom the individual has custody or joint custody; or

"(ii) is pregnant.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(8) STATE.—The term 'State' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(9) STATE HOUSING FINANCE AGENCY.—The term 'State housing finance agency' has the meaning given the term in section 802(b) of the Housing and Community Development Act of 1974.

"(10) LOCAL HOUSING FINANCE AGENCY.—The term 'local housing finance agency' means a housing finance agency of any city, county, town, township, parish, village, or other general purpose subdivision of a State, or of any combination of such political subdivisions recognized by the Secretary, or any other agency or instrumentality of such an entity that carries out activities described in section 303.

"SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for assistance under this subtitle $115,000,000 for fiscal year 1995 and $215,000,000 for fiscal year 1996. Any amount appropriated under this section shall remain available until expended.

"SEC. 310. REGULATIONS.

"Not later than 10 days after the date of the enactment of the Housing and Community Development Act of 1994, the Secretary shall issue an interim rule to implement this subtitle. The Secretary shall issue final regulations necessary to implement this subtitle not later than 90 days after issuance of such interim rule.".

SEC. 173. SECTION 235 MORTGAGE REFINANCING.

Section 235(r) of the National Housing Act (12 U.S.C. 1715z(r)) is amended—

(1) in paragraph (2)(C), by inserting after "refinanced" the following: ", plus the costs incurred in connection with the refinancing as described in paragraph (4)(B) to the extent that the amount for those costs is not otherwise included in the interest rate as permitted by subparagraph (E) or paid by the Secretary as authorized by paragraph (4)(B)";

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting after "otherwise)" the following: "and the mortgagee (with respect to the amount described in subparagraph (A))"; and

(B) in subparagraph (A), by inserting after "mortgagor" the following: "and the mortgagee"; and

(3) by amending paragraph (5) to read as follows:

"(5) The Secretary shall use amounts of budget authority recaptured from assistance payments contracts relating to mortgages that are being refinanced for assistance payments contracts with respect to mortgages insured under this subsection. The Secretary may also make such recaptured amounts available for incentives under paragraph (4)(A) and the costs incurred in connection with the refinancing under paragraph (4)(B). For purposes of subsection (c)(3)(A), the amount of recaptured budget authority that the Secretary commits for assistance payments contracts relating to mortgages insured under this subsection and for amounts paid under paragraph (4) shall not be construed as unused.".

SEC. 174. HOUSING COUNSELING FOR HOMEOWNERSHIP AND RENTAL HOUSING CHOICE.

(a) EXTENSIONS OF PROGRAMS.—

(1) EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1996".

(2) PREPURCHASE AND FORECLOSURE-PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(13)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1996".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended—

(1) in subsection (a), by striking paragraph (3)

(2) in subsection (c)—

(A) by striking paragraph (8); and

(B) by redesignating paragraph (9) (as amended by subsection (a)) as paragraph (8);

(3) in subsection (d)—

(A) by striking paragraph (12); and

(B) by redesignating paragraph (13) (as amended by subsection (a)) as paragraph (12);

(4) in subsection (f), by striking paragraph (7); and

(5) by adding at the end the following new subsection:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $62,000,000 for fiscal year 1995 and $65,000,000 for fiscal year 1996, of which amounts $30,000,000 shall be available in each such fiscal year to carry out subsection (c). Any amounts appropriated pursuant to this subsection shall remain available until expended.".

(c) OUTREACH.—Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)) is amended—

(1) in paragraph (1)—

(A) by striking "The" and inserting "ACTIVITIES.—The";

(B) in the matter preceding clause (i), by inserting "or consortia of organizations" after "organizations";

(C) in clause (iii), by striking "and" at the end;

(D) in clause (iv), by striking the period at the end and inserting a semicolon; and

(E) by inserting at the end the following new clauses:

"(v) the provision of outreach activities designed to improve the access of low- and moderate-income households to homeownership and sources of mortgage credit;

"(vi) the provision of counseling to applicants for and recipients of tenant-based assistance to enable such families to move to areas of mixed incomes; and

"(vii) counseling and advice to tenants and homeowners regarding understanding financial practices, matters, and transactions commonly engaged in by, or involving, tenants and homeowners, including activities and services provided by banks and other financial institutions, extension of credit, standard lending practices, checking accounts and check cashing, and savings accounts, which shall be made available in such manners and languages appropriate for low-income and disadvantaged families residing in the area in which the entity providing the counseling and advice is located.";

(2) in paragraph (2)—

(A) by striking "The" and inserting "ELIGIBLE HOMEOWNERS.—The"; and

(B) in the second sentence, by inserting "or consortia of organizations" after "organizations"; and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) HOMEOWNERSHIP COUNSELING.—The Secretary of Housing and Urban Development may contract with national, State, or community-based entities, and consortia of such entities, and local public or private organizations (including public housing agencies), to carry out activities under paragraph (1)(v). Contractors shall be selected on a competitive basis, in accordance with selection criteria determined by the Secretary. The contractors shall carry out activities prescribed by the Secretary, including activities such as—

"(A) assisting homebuyers by working with mortgage lending entities to make mortgage credit available to low- and moderate-income homebuyers;

"(B) leveraging Federal funds with other sources of funding to support activities under its counseling program, including leveraging private, community-based resources for the purpose of assisting prospective mortgagors achieve homeownership;

"(C) conducting outreach and marketing to prospective homebuyers, particularly homebuyers in targeted neighborhoods with a high proportion of low- and moderate-income and minority renter households;

"(D) coordinating a prepurchase homeownership strategy that includes linking other counseling providers and community-based organizations approved by the Secretary, assisting prospective homebuyers to repair credit, educating potential homebuyers on the requirements of homeownership, providing technical assistance, assisting in the packaging of mortgage loan applications, and matching a family's resources with appropriate government and private sector homeownership assistance programs; and

"(E) creating post-purchase counseling programs that include default-prevention counseling to assist homebuyers to retain their homes.

"(4) RENTAL COUNSELING.—The Secretary of Housing and Urban Development may contract with national, State, or community-based entities, and consortia of such entities, and local public or private organizations (including public housing agencies), to carry out activities under paragraph (1)(vi). Contractors shall be selected on a competitive basis, in accordance with selection criteria determined by the Secretary. The contractors shall carry out activities prescribed by the Secretary, including activities such as—

"(A) advising families on strategies for obtaining appropriate housing;

"(B) providing transportation assistance and other services to give families access to areas without high concentrations of persons living in poverty;

"(C) continuing advice and counseling to assist families after moving to areas without high concentrations of persons living in poverty; and

"(D) undertaking aggressive outreach to potential owners to expand the availability of housing in areas without high concentrations of persons living in poverty.

Each entity receiving assistance pursuant to this paragraph shall make counseling and assistance under this paragraph available to low-income families who are referred to the entity pursuant to section 8(s)(2) of the United States Housing Act of 1937, including counseling and assistance regarding housing opportunities in the area of jurisdiction of the public housing agency involved and assistance in obtaining new rental residences in areas within such jurisdiction not having high concentrations of persons living in poverty.".

(d) NOTIFICATION.—Section 106(c)(5)(C) of the Housing and Urban Development Act of 1968 is amended by adding at the end the following new flush sentence:

"Except as provided in clauses (i) and (ii), this subparagraph may not be construed to apply to any other loan for which the borrower is a veteran.".

Subtitle F—Other Programs

SEC. 181. COMMUNITY PARTNERSHIPS AGAINST CRIME.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1994'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) substantially expand and enhance the Federal Government's commitment to eliminating crime in and around public housing and other federally assisted low-income housing;

"(3) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related;

"(4) encourage the involvement of a broad range of community-based groups and residents of neighboring housing that is owned or assisted by the Secretary in the development and implementation of anti-crime plans;

"(5) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving;

"(6) provide training, information services, and other technical assistance to program participants; and

"(7) establish a standardized assessment system to evaluate need among public housing agencies and to measure progress in reaching crime reduction goals.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing. In designing the program for grants under this chapter, the Secretary shall consult with the Attorney General.".

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.".

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

"SEC. 5125. GRANT PROCEDURES.

"(a) PHA'S WITH 250 OR MORE UNITS.—

"(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

"(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection as the Secretary determines appropriate for timely and orderly allocation and disbursement of amounts made available for grants under this subsection.

"(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

"(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

"(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing and Community Development Act of 1994.

"(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing authorities and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered by such public housing agencies and the problem of crime in federally assisted low-income housing.".

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

"(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 3(b) of the United States Housing Act of 1937.".

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Housing and Community Development Act of 1994".

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "The Secretary" and inserting the following:

"(a) REPORTS BY GRANTEES.—The Secretary";

(2) by striking "drug-related crime in" and inserting "crime in and around";

(3) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable"; and

(4) by adding at the end the following new subsection:

"(b) REPORTS BY SECRETARY.—For each fiscal year in which the Secretary makes grants under this chapter, the Secretary shall submit a report to the Congress describing the progress achieved in crime deterrence and reduction in the public housing and federally assisted low-income housing for which such grant assistance has been provided. The report shall include any recommendations of the Secretary for changes in the program of assistance under this chapter.".

(g) TECHNICAL ASSISTANCE AND FUNDING.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new sections:

"SEC. 5130. TECHNICAL ASSISTANCE.

"(a) IN GENERAL.—To the extent amounts are made available under section 5131(c), the Secretary may provide training, information services, and other technical assistance to public housing agencies and other entities with respect to their participation in the program under this chapter, which shall include activities under subsection (b) of this section. Such technical assistance may be provided directly by the Secretary or indirectly pursuant to grants, contracts, or cooperative agreements.

"(b) USE.—The Secretary may use amounts available for use under this section—

"(1) to establish and operate the clearinghouse on drug abuse in public housing and the regional training program on drug abuse in public housing under sections 5143 and 5144 of this Act;

"(2) to obtain assistance in establishing and managing assessment and evaluation criteria and specifications and to obtain the opinions of experts in relevant fields; and

"(3) upon the request of a public housing agency, to assist the agency in evaluating the extent of the crime problem in any public housing administered by the agency and preparing a 5-year crime deterrence and reduction plan under section 5125(a) or an application and plan under section 5125(b)(1), which assistance may include providing personnel and funding to identify and secure local resources to assist in deterring and reducing crime.

"(c) PRIORITY.—In selecting entities to receive technical assistance under this section, the Secretary shall give priority to public housing agencies that have submitted applications and plans under section 5125 that the Secretary has determined do not meet the requirements for approval for assistance under this chapter.

"SEC. 5131. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this chapter $300,000,000 for fiscal year 1995 and $325,000,000 for fiscal year 1996. Any amount appropriated under this subsection shall remain available until expended.

"(b) ALLOCATION.—Of any amounts appropriated to carry out this chapter in any fiscal year that remain after reserving amounts for use under subsection (c)—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) SET-ASIDE FOR TECHNICAL ASSISTANCE.—Of any amount made available in fiscal years 1994 and 1995 to carry out this chapter, the Secretary shall use not more than $10,000,000 in each such fiscal year to provide technical assistance under section 5130.".

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new items:

"Sec. 5130. Technical Assistance.
"Sec. 5131. Funding.".

SEC. 182. LOW-INCOME HOUSING PRESERVATION.

(a) ASSISTANCE AND INCENTIVES.—Section 234 of the Housing and Community Development Act of 1987 (12 U.S.C. 4124) is amended to read as follows:

"SEC. 234. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for assistance and incentives authorized under this subtitle $400,000,000 for fiscal year 1995 and $450,000,000 for fiscal year 1996.

"(b) GRANTS.—Subject to approval in appropriation Acts, not more than $40,000,000 of the amounts made available under subsection (a) for fiscal year 1995, and not more than $40,000,000 of the amounts made available under subsection (a) for fiscal year 1996, shall be available for grants under section 221(d)(2).".

(b) TECHNICAL ASSISTANCE AND CAPACITY BUILDING.—The first sentence of section 257 of the Housing and Community Development Act of 1987 (12 U.S.C. 4147) is amended to read as follows: "The Secretary shall use not more than $20,000,000 of the amounts made available under section 234(a) for fiscal year 1995, and not more than $20,000,000 of the amounts made available under section 234(a) for fiscal year 1996, to carry out this subtitle.".

(c) REPEAL OF RENT LIMITATIONS.—The National Housing Act is amended—

(1) in section 221 (12 U.S.C. 1715l), by striking subsection (l).

(2) in section 236(f) (12 U.S.C. 1715z–1(f)), by striking paragraph (6).

(d) EQUITY LOANS.—Section 241(f)(2)(B)(ii) of the National Housing Act (12 U.S.C. 1715z–6(f)(2)(B)(ii)) is amended by inserting "(excluding the amount of rehabilitation costs required by the plan of action and related charges)" after "loan amount".

(e) TREATMENT AS ELIGIBLE HOUSING.—Notwithstanding section 229(1)(B) of the Housing and Community Development Act of 1987, the Northwest Towers project, located at 1170 West Erie, in Chicago, Illinois, shall be considered eligible low-income housing for purposes of title II of such Act, except that—

(1) the Secretary of Housing and Urban Development may approve a plan of action under such title for the project only if the plan of action (A) provides for transfer of the ownership of the project (i) in accordance with section 226 of such title to a resident council of the project, or (ii) in accordance with section 220 of such title to a community-based nonprofit organization approved by the residents of the project, and (B) otherwise complies with the requirements of such title; and

(2) the Secretary of Housing and Urban Development shall reduce the aggregate amount of any incentives otherwise to be provided under such title for the project by the amount of any outstanding indebtedness on the loan for the project under section 201 of the Housing and Community Development Amendments of 1978.

SEC. 183. FLEXIBLE SUBSIDY PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 201(j)(5) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(j)(5)) is amended to read as follows:

"(5) There are authorized to be appropriated for assistance under the flexible subsidy fund not to exceed $50,000,000 for fiscal year 1995 and $55,000,000 for fiscal year 1996.".

(b) ALLOCATION.—Section 201(n)(2)(B)(ii) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(n)(2)(B)(ii)) is amended by inserting "and federally assisted" before "mortgages".

(c) USE OF SECTION 236 RENTAL ASSISTANCE FUND AMOUNTS.—Section 236(f)(3) of the National Housing Act (12 U.S.C. 1715z–1(f)(3)) is amended by striking "September 30, 1994" and inserting "September 30, 1996".

SEC. 184. YOUTHBUILD PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12870), as amended by the preceding provisions of this title, is amended by inserting after subsection (a) the following new subsection:

"(b) YOUTHBUILD PROGRAM.—There are authorized to be appropriated for activities under subtitle D $50,000,000 for fiscal year 1995 and $50,000,000 for fiscal year 1996. Any amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) ELIGIBLE ACTIVITIES.—Section 454(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c(b)) is amended—

(1) in paragraph (2), by striking "Acquisition" and all that follows through "facilities" and inserting "Acquisition, rehabilitation, or acquisition and rehabilitation of housing and related facilities, or construction of new housing and related facilities (including community facilities designed to serve the needs of low- and very low-income families),";

(2) by striking paragraph (6); and

(3) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively.

(c) PRIORITY FOR APPLICANTS SUPPLEMENTING GRANT AMOUNTS.—Section 454(e) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899c(e)) is amended to read as follows:

"(e) PRIORITY FOR APPLICANTS WHO OBTAIN PROGRAM FUNDS FROM OTHER SOURCES.—The Secretary shall give priority in the award of grants under this section to applicants to the extent that they have obtained amounts or in-kind contributions, or commitments to provide such

amounts or contributions, from Federal, State, local, or private sources other than assistance under this subtitle in an amount constituting not less than 10 percent of the total budget of the applicant for the Youthbuild program, that will be used for carrying out any aspect of the Youthbuild program of the applicant.''.

(d) Residential Rental Housing Requirements.—Section 455(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899d(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting after ''subtitle'' the following: ''for costs such as construction, rehabilitation, and acquisition''; and

(2) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

''(A) at least 80 percent of the units shall be occupied, or available for occupancy, by individuals and families with incomes that do not exceed 50 percent of the area median income, adjusted for family size; and''.

(e) Reservation of Funds.—Section 458(d) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899g(d)) is amended by inserting before the period at the end the following: ''and not more than 1 percent of such available amounts to implement, pursuant to subsection (a) of this section, a management information system to gather and analyze information necessary to assess the quality and effects of the program under this subtitle and to monitor Youthbuild programs funded under this subtitle''.

(f) Program Name.—The heading for subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) is amended to read as follows:

''Subtitle D—Youthbuild''.

SEC. 185. DISPOSITION OF HUD-OWNED MULTIFAMILY HOUSING PROPERTIES.

Section 203(g) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z–11(g)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and'';

(3) by redesignating paragraphs (2) and (3) (as so amended) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) the following new paragraph:

''(2) upon the conclusion of the first year of such 2-year period, the Secretary shall examine the income and rent of the family and of other very low-income families who are preexisting tenants of the project and the rents charged for units in the project and for similar units in the market area in which the project is located, to determine whether upon the expiration of such 2-year period the rent charged for the unit occupied by the family and for similar units in the same market area will be significantly more than the amount charged for the unit occupied by the family during such 2-year period;''; and

(5) by adding at the end the following new paragraph:

''(5) if the Secretary determines pursuant to paragraph (2) that, upon the expiration of the 2-year period, the family will not be able to rent a unit in the project or a similar unit in the market area in which the project is located without paying in rent significantly more than the amount charged for the unit occupied by the family during such 2-year period, the Secretary shall, to the extent budget authority is available, provide tenant-based assistance on behalf of the family under a contract under section 8 of the United States Housing Act of 1937 having a 5-year term.''.

SEC. 186. GUIDELINES FOR SCREENING, ADMISSION, AND EVICTIONS IN PUBLIC AND ASSISTED HOUSING.

Not later than December 31, 1994, the Secretary of Housing and Urban Development shall issue guidelines for owners and managers of public and assisted housing with respect to screening applicants for occupancy in such housing, admissions to such housing, and evictions of residents of such housing who are users or former users of illegal drugs or who violate lease provisions because of alcohol use. The Secretary shall issue such guidelines based on the report to the Congress issued by the Public and Assisted Housing Occupancy Task Force on April 7, 1994, pursuant to section 643(a)(7) of the Housing and Community Development Act of 1992.

SEC. 187. METROPOLITAN AREA-WIDE STRATEGY DEMONSTRATION.

(a) In General.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall carry out, through consortia of units of general local government, a demonstration program to make assisted housing available in 3 metropolitan areas on a metropolitan, area-wide basis.

(b) Purpose.—The demonstration program under this section shall be designed to determine the most effective manner to—

(1) affirmatively further fair housing and address the problem of racial segregation in metropolitan areas;

(2) achieve the goal of overcoming spatial separation and segregation of families by race, which shall include testing the effect of filling vacancies in assisted housing by use of a consolidated waiting list;

(3) enlist cooperation of units of general local government, public housing agencies, and private owners of assisted housing in achieving such goals;

(4) make public housing facilitate social and economic mobility;

(5) eliminate housing discrimination; and

(6) accomplish related objectives determined by the Secretary.

(c) Eligibility of Consortia.—The Secretary shall select the consortia of units of general local government to participate in the demonstration program on a competitive basis and make a grant to each consortia selected. The Secretary may select only consortia that demonstrate to the Secretary, as the Secretary shall require, that a sufficient number of units of general local government, public housing agencies, and private owners of assisted housing are committed to participate in the demonstration to make the demonstration feasible, which shall include commitment to comply with alternative program requirements specified by the Secretary.

(d) Duration.—The demonstration program shall be carried out for a period of 3 years with respect to each site selected.

(e) Waivers.—The Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers if the Secretary finds that the waiver or alternative requirement (1) is necessary to facilitate the demonstration program, and (2) would not be inconsistent with the overall purpose of the statute or regulation affected. In no event may the Secretary waive, or specify alternative requirements for, statutory requirements related to nondiscrimination, fair housing, labor standards, or the environment, except that the Secretary may waive affirmative marketing requirements for participants in the demonstration program.

(f) Authorization of Appropriations.—There are authorized to be appropriated for the costs related to regional planning, housing counseling, development of a model consolidated waiting list, and administration under the demonstration established by this section, such sums as may be necessary for each of fiscal years 1995 and 1996.

TITLE II—HOME INVESTMENT PARTNERSHIPS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 205 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12724) is amended to read as follows:

''SEC. 205. AUTHORIZATION.

''There are authorized to be appropriated to carry out this title $1,775,000,000 for fiscal year 1995, and $2,000,000,000 for fiscal year 1996, of which—

''(1) not more than $25,000,000 for fiscal year 1995, and $25,000,000 for fiscal year 1996, shall be for community housing partnership activities authorized under section 233; and

''(2) not more than $22,000,000 for fiscal year 1995, and $22,000,000 for fiscal year 1996, shall be for activities in support of State and local housing strategies authorized under subtitle C.''.

(b) Notice of Funding Availability.—For each of fiscal years 1995 and 1996, the Secretary shall cause to be published in the Federal Register notice of the availability of any amounts made available under section 205(1) of the Cranston-Gonzalez National Affordable Housing Act (as amended by subsection (a)) that are available for community housing partnership activities authorized under section 233. Each such notice shall be published not later than the expiration of the 90-day period beginning on the date that amounts are appropriated for each of such fiscal years to carry out the program under title II of the Cranston-Gonzalez National Affordable Housing Act.

SEC. 202. ELIGIBLE USES OF INVESTMENT.

Section 212(a)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)(1)) is amended by striking ''financing costs'' and inserting ''costs of financing (including credit enhancements, loan guarantees, and debt service reserves)''.

SEC. 203. QUALIFICATION AS AFFORDABLE RENTAL HOUSING.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12742(a)) is amended—

(1) in paragraph (1)(A), by striking ''bears rents not greater than'' and inserting ''is occupied by tenants who pay as rent'';

(2) in paragraph (3), by inserting after the period at the end of the first sentence the following new sentence: ''A tenant occupying a rental unit assisted with amounts provided under this title shall be considered to be a very low-income family until the household's income increases to more than 140 percent of the applicable income limitation under paragraph (1)(B).''; and

(3) by adding at the end the following new paragraph:

''(6) Rental subsidies.—Notwithstanding paragraph (1), housing shall not be considered to fail to qualify as affordable housing under this title because it includes units for which—

''(A) payments are made under section 8 of the United States Housing Act of 1937 or any comparable rental assistance program; and

''(B) because of increases in the income of tenants of the housing, the rent paid by the tenants under the assistance program with respect to such unit exceeds 30 percent of the adjusted income of a family whose income equals 65 percent of the median income for the area.''.

SEC. 204. REPAYMENT OF INVESTMENT.

Section 219 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12749) is amended by adding at the end the following new subsection:

''(d) Repayment of Matching Amounts.—Amounts provided by a participating jurisdiction pursuant to section 220 for housing not assisted under this title shall be recognized for

purposes of section 220(a), notwithstanding that such amounts are not repaid to the jurisdiction's HOME Investment Trust Fund, if such amounts are drawn from an affordable housing program operated by the jurisdiction, repaid to the program, and available for use only for the program or for providing housing that qualifies as affordable housing.".

SEC. 205. MATCHING REQUIREMENTS.

Section 220 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12750) is amended—

(1) in the first sentence of subsection (a), by inserting "the participating jurisdiction certifies" before "qualifies"; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking "or";

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(C) is made with respect to housing that is substantially equivalent to housing that qualifies as affordable housing under section 215.".

SEC. 206. SUPPORT FOR STATE AND LOCAL HOUSING STRATEGIES.

Subtitle C of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12781 et seq.) is amended by adding at the end the following new section:

"SEC. 246. STRATEGIC PLANNING AND URBAN DESIGN.

"The Secretary may use amounts available under this subtitle to provide grants to States, units of general local government, and metropolitan, non-metropolitan, and regional planning agencies, for the following activities:

"(1) Urban design and the development of public amenities in low-income neighborhoods that serve as a catalyst for the renewal of the neighborhood.

"(2) Development and implementation of comprehensive plans that focus on local and metropolitan strategies which create sustainable community development at the neighborhood, city, and metropolitan level.

"(3) Expanding economic opportunities for low- and moderate-income families through areawide planning approaches that provide educational and employment opportunities for such persons.

"(4) Coordinated efforts that stimulate fair housing, further the deconcentration of the poor and minorities, reduce the isolation of income groups within communities, remove barriers to affordable housing development, and expand housing opportunities for low- and moderate-income families.

"(5) The conservation of important historic, visual, and cultural features.

"(6) The development and implementation of comprehensive approaches that integrate poorer, inner-city neighborhoods into the greater metropolitan region.

"(7) Any other activities the Secretary determines will further the purposes of this section.".

SEC. 207. LABOR REQUIREMENTS.

Section 286(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12836(b)) is amended by adding at the end the following new sentence: "Subsection (a) shall not apply in the case of housing for which a site is acquired, but which is not constructed, using funds made available under this subtitle.".

TITLE III—SUPPORTIVE HOUSING PROGRAMS

SEC. 301. FUNDING FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND FOR PERSONS WITH DISABILITIES.

Section 601 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3802) is amended by striking subsection (a) and inserting the following new subsection:

"(a) AGGREGATE FUNDING.—There are authorized to be appropriated for the purpose of providing assistance in accordance with section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act, $1,948,000,000 for fiscal year 1995 and $1,954,000,000 for fiscal year 1996.".

SEC. 302. SUPPORTIVE HOUSING FOR THE ELDERLY.

(a) ELDER COTTAGE HOUSING UNITS.—Section 202(b) of the Housing Act of 1959 (12 U.S.C. 1701q(b)) is amended by inserting after the second sentence the following new sentence: "Such assistance may also be used to finance the acquisition and installation of elder cottage housing units that are small, freestanding, barrier-free, energy efficient, removable and designed to be installed adjacent to existing 1- to 4-family dwellings and are used as supportive housing for the elderly in accordance with this section.".

(b) DEFINITION OF "FRAIL ELDERLY".—Section 202(k)(3) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(3)) is amended by striking the first sentence and inserting the following new sentences: "The term 'frail elderly' means an elderly person whose level of functional disability jeopardizes her or his ability to continue to live independently. The Secretary shall, to the extent possible, develop assessment measures of functional disability that are appropriate for purposes of this section and will provide for effective use of the program under this section with other programs providing supportive services.".

(c) REPEAL OF DEMONSTRATION.—Section 806 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701q note) is hereby repealed.

SEC. 303. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

(a) PHA'S AS ELIGIBLE SPONSORS.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in the first sentence of subsection (f), by inserting "and public housing agencies" after "private nonprofit organizations"; and

(2) in subsection (k)—

(A) in paragraph (5), by striking "private nonprofit organization" and inserting "eligible sponsor"; and

(B) by adding at the end the following new paragraph:

"(10) The term 'eligible sponsor' means—

"(A) in the case of capital advances under subsection (b)(2) and project rental assistance under subsections (b)(2) and (3)—

"(i) a private nonprofit organization; and

"(ii) a public housing agency, but only in the case of a jurisdiction for which the Secretary determines that, during the 3-year period ending upon the date of the application of the agency for assistance under subsection (b)(2) or (3)—

"(I) no private nonprofit organization has submitted an application under subsection (f) for assistance for a project located in such area; and

"(II) no private nonprofit organization has had such an application approved for a project located in such area; and

"(B) in the case of tenant-based rental assistance under subsection (b)(1)—

"(i) a private nonprofit organization; and

"(ii) a public housing agency, but only to the extent that such assistance is used for providing assistance in accordance with an allocation plan for the agency under section 7(f) of the United States Housing Act of 1937.".

(b) RENTAL ASSISTANCE FOR EXISTING BUILDINGS.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act is amended—

(1) in subsection (d)(2), by adding at the end the following new sentence: "The Secretary may enter into contracts with private, nonprofit organizations to provide project rental assistance for supportive housing for persons with disabilities, regardless of whether the housing is developed with capital advances under this section.";

(2) in subsection (e)(1), by inserting "with capital advances" after "assisted";

(3) by striking the first 2 sentences of subsection (e)(2) and inserting the following new sentences: "The initial term of a contract entered into under subsection (d)(2) shall be 240 months for housing developed with a capital advance, and shall be not more than 60 months for housing not developed with a capital advance. The Secretary shall, to the extent approved in appropriation Acts, extend any expiring contracts for a term of not less than 60 months.";

(4) in subsection (g)(1), by inserting "(if applicable)" after "develop";

(5) in subsections (g)(3) and (g)(5), by inserting "design or" before "proposed" each place it appears;

(6) in subsection (j), by striking paragraph (3) and inserting the following new paragraph:

"(3) SITE CONTROL.—

"(A) CAPITAL ADVANCES.—In the case of housing to be assisted with capital advances under this section, an applicant may obtain ownership or control of a suitable site different from the site specified in the initial application. If an applicant fails to obtain ownership or control of the site within 1 year after notification of an award for assistance, the assistance shall be recaptured and reallocated.

"(B) PROJECT RENTAL ASSISTANCE.—In the case of housing to be assisted only with project rental assistance, the applicant shall have ownership or control of a suitable site at the time of application. The Secretary may approve a change in site at any time from the date the application is submitted to the expiration date of the rental assistance contract.";

(7) in subsection (j)(4), by striking "The" and inserting the following: "In the case of housing assisted with capital advances under this section, the";

(8) in the second sentence of subsection (k)(1), by striking "the development of";

(9) in subsection (k)(5), by inserting before the period at the end the following: ", or that receives rental assistance under this section to operate a project for supportive housing for persons with disabilities"; and

(10) in subsection (m)(3), by striking "(1)" and inserting "(2)".

(c) AUTHORITY TO PROVIDE ASSISTANCE.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act is amended—

(1) by striking subsection (b) and inserting the following new subsection:

"(b) GENERAL AUTHORITY.—The Secretary may provide assistance to eligible sponsors to expand the supply of supportive housing for persons with disabilities. Such assistance shall be provided as—

"(1) tenant-based rental assistance on behalf of eligible persons with disabilities, in accordance with subsection (d)(4);

"(2) capital advances in accordance with subsection (d)(1), together with contracts for project rental assistance in accordance with subsection (d)(2); or

"(3) contracts for project rental assistance in accordance with subsection (d)(2).";

(2) in subsection (d)(1), by adding at the end the following new sentences: "Capital advances may be used to finance the acquisition, acquisition and moderate rehabilitation, construction, reconstruction, or moderate or substantial rehabilitation of housing, including the acquisition from the Resolution Trust Corporation, to be used as supportive housing for persons with disabilities and may include real property acquisition, site improvement, conversion, demolition, relocation, and other expenses that the Secretary determines are necessary to expand the

supply of supportive housing for persons with disabilities. Such assistance may also be used to finance the acquisition and installation of cottage housing units that are small, freestanding, barrier-free, energy efficient, removable and designed to be installed adjacent to existing 1- to 4-family dwellings and are used as supportive housing for the persons with disabilities in accordance with this section.";

(3) in subsections (d)(3), (e)(1), and (f), by inserting "or (3)" after "subsection (b)(2)" each place it appears; and

(4) by striking paragraph (4) of subsection (d) and inserting the following new paragraph:

"(4) TENANT-BASED RENTAL ASSISTANCE.—

"(A) ADMINISTRATION.—Tenant-based rental assistance that is provided under subsection (b)(1) shall be administered under the same rules governing rental assistance made available under section 8 of the United States Housing Act of 1937.

"(B) PUBLIC HOUSING AGENCIES.—A public housing agency may provide tenant-based rental assistance under subsection (b)(1) only if the public housing agency has submitted, and had approved, an allocation plan under section 7(f) of the United States Housing Act of 1937 and any such assistance made available to a public housing agency shall be provided by the agency in accordance with such allocation plan. In determining the amount of assistance provided under subsection (b)(1) for a public housing agency, the Secretary shall consider the needs of the agency as described in the allocation plan.".

(d) TECHNICAL CHANGES.—Section 811(k)(6) of the Cranston-Gonzalez National Affordable Housing Act is amended by striking subparagraph (A) and inserting the following new subparagraph:

"(A) that has received tax-exempt status under section 501(c)(3) or (4) of the Internal Revenue Code of 1986;".

SEC. 304. REVISED CONGREGATE SERVICES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 802(n)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(n)(1)) is amended by striking the matter preceding subparagraph (A) and inserting the following:

"(1) AUTHORIZATION AND USE.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 1995, and $26,000,000 for fiscal year 1996, of which not more than—".

(b) MEAL FEES AND MATCHING AMOUNTS.—Section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) is amended—

(1) in subparagraph (A) of subsection (d)(7), by striking "The fees for meals shall be in the following amounts:" and all that follows through the end of the subparagraph; and

(2) in subsection (i)(1)—

(A) in subparagraph (A)(i), by striking "50 percent" and inserting "25 percent";

(B) in subparagraph (A)(ii), by striking "40 percent" and inserting "65 percent"; and

(C) in subparagraph (C), by striking "10 percent" and inserting "25 percent".

(c) DEFINITION OF "FRAIL ELDERLY".—Section 802(k)(8) of the Cranston-Gonzalez National Affordable Housing Act is amended by striking the first sentence and inserting the following new sentences: "The term 'frail elderly' means an elderly person whose level of functional disability jeopardizes her or his ability to continue to live independently. The Secretary shall, to the extent possible, develop assessment measures of functional disability that are appropriate for purposes of this section and will provide for effective use of the program under this section with other programs providing supportive services.".

SEC. 305. SUPPORTIVE HOUSING ASSISTANCE FOR ELDERLY INDEPENDENCE.

(a) SECTION 8 ASSISTANCE.—The first sentence of section 803(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012(j)) is amended to read as follows: "The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8 of such Act is authorized to be increased by $25,000,000 on or after October 1, 1994, and by $25,000,000 on or after October 1, 1995.".

(b) SUPPORTIVE SERVICES AUTHORIZATION.—The first sentence of section 803(k) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012(k)) is amended to read as follows: "There are authorized to be appropriated for the Secretary to carry out the responsibilities for supportive services under the demonstrations under this section $7,000,000 to become available in fiscal year 1995, and $7,000,000 to become available in fiscal year 1996.".

(c) SUPPORTIVE SERVICES CONTRIBUTIONS.—Section 803(c)(1) of the Cranston-Gonzalez National Affordable Housing Act is amended—

(1) in subparagraph (A), by striking "40 percent" and inserting "65 percent"; and

(2) in subparagraph (B), by striking "50 percent" and inserting "25 percent".

(d) DEFINITION OF "FRAIL ELDERLY".—Section 803(g)(3) of the Cranston-Gonzalez National Affordable Housing Act is amended by striking the first sentence and inserting the following new sentences: "The term 'frail elderly person' means an elderly person whose level of functional disability jeopardizes her or his ability to continue to live independently. The Secretary shall, to the extent possible, develop assessment measures of functional disability that are appropriate for purposes of this section and will provide for effective use of the program under this section with other programs providing supportive services.".

(e) AMENDMENT TO HEADING.—Section 803 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8012) is amended by striking the section designation and heading and inserting the following:

"SEC. 803. SUPPORTIVE HOUSING ASSISTANCE FOR ELDERLY INDEPENDENCE.".

SEC. 306. HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 863 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12912) is amended to read as follows:

"SEC. 863. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $212,000,000 for fiscal year 1995 and $225,000,000 for fiscal year 1996.".

(b) TECHNICAL ASSISTANCE.—Section 854(c)(3) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12903(c)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) nonprofit organizations that provide technical assistance on a national, regional, or State-wide basis to nonprofit organizations carrying out eligible activities under section 855 for eligible persons, to provide such technical assistance, except that not more than 2 percent of the amounts available in any fiscal year for allocation under this paragraph shall be used as provided in this clause."; and

(2) in subparagraph (B), by striking "this paragraph" and inserting "clauses (i) and (ii) of subparagraph (A)".

(c) COOPERATION.—

(1) IN GENERAL.—Section 856(c) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12905(c)) is amended by striking "The recipient" and all that follows and inserting the following: "The recipient shall establish and implement a process for ensuring coordination and community input in planning for and providing services assisted with amounts provided under this subtitle. The planning process shall include consultation and coordination with the agencies of the relevant State and local governments responsible for services for eligible persons in the area served by the applicant and with other public and private organizations and agencies providing services for such eligible persons (including individuals with human immunodeficiency virus disease), including community-based and AIDS service organizations, providers of social services, providers of mental health care, providers of substance abuse treatment services, nonprofit providers of housing for eligible persons, and affected communities.".

(2) APPLICATION.—Section 854(d) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12903(d)) is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) a description of the activities to be undertaken in fulfilling the requirements under section 856(c); and".

(d) ADMINISTRATIVE EXPENSES.—Section 856(g)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12905(g)(2)) is amended—

(1) by striking "title" and inserting "subtitle"; and

(2) by striking ", including the costs of staff necessary to carry out eligible activities".

SEC. 307. SERVICE COORDINATORS.

(a) PUBLIC HOUSING.—Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) is amended in subsection (a)(1)(B)(ii)—

(1) in the 1st sentence, by striking "Annual" and all that follows through "such project," and inserting "To the extent amounts are made available pursuant to section 5(c) for carrying out this clause, the Secretary may increase the annual contributions provided under this section to any public housing agency for any project to provide"; and

(2) by striking the last 2 sentences.

(b) OTHER FEDERALLY ASSISTED MULTIFAMILY HOUSING.—Section 676(c) of the Housing and Community Development Act of 1992 (42 U.S.C. 13632(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for each of fiscal years 1995 and 1996.".

TITLE IV—MORTGAGE INSURANCE AND SECONDARY MORTGAGE MARKET

Subtitle A—Mortgage Insurance and Loan Guarantee Programs

SEC. 401. LIMITATION ON INSURANCE AUTHORITY.

Section 531(b) of the National Housing Act (12 U.S.C. 1735f–9(b)) is amended to read as follows:

"(b) Notwithstanding any other provision of law and subject only to the absence of qualified requests for insurance, to the authority provided in this Act, and to the limitation in subsection (a), the Secretary shall enter into commitments to insure mortgages under this Act with an aggregate principal amount of $105,000,000,000 during fiscal year 1995 and $91,000,000,000 during fiscal year 1996.".

SEC. 402. FEDERAL HOUSING ADMINISTRATION ADVISORY BOARD.

Section 202(b)(11) of the National Housing Act (12 U.S.C. 1708(b)(11)) is amended by striking

"January 1, 1995." and inserting "January 1, 1997.".

SEC. 403. MAXIMUM MORTGAGE AMOUNT CEILING FOR SINGLE FAMILY MORTGAGES.

Subparagraph (A) of the first sentence of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended by striking clause (ii) and inserting the following new clause:

"(ii) 85 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as adjusted annually under such section) for a residence of the applicable size;".

SEC. 404. MAXIMUM MORTGAGE AMOUNT FLOOR FOR SINGLE FAMILY MORTGAGE INSURANCE.

Subparagraph (A) of the first sentence of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended by striking "the dollar amount limitation in effect under this section for the area on May 12, 1992" and inserting the following: "50 percent of the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (as adjusted annually under such section) for a residence of the applicable size".

SEC. 405. ELIMINATION OF RESTRICTIONS REGARDING NEW CONSTRUCTION.

(a) In General.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the matter following subparagraph (B)—

(1) in the 1st undesignated paragraph, by striking "Notwithstanding any other provision of this section," and all that follows through "beginning of construction."; and

(2) by striking the 2d undesignated paragraph (relating to mortgage insurance amounts for residences having solar energy systems).

(b) Repeal of Authority to Expend Amounts From Insurance Fund to Correct Substantial Defects.—Section 518 of the National Housing Act (12 U.S.C. 1735b) is hereby repealed.

SEC. 406. AUTHORITY TO USE AMOUNTS BORROWED FROM FAMILY MEMBERS FOR DOWNPAYMENTS.

(a) In General.—Section 203(b)(9) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended by inserting before the period at the end the following: ": Provided further, That for purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, such lien shall be subordinate to the mortgage and the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection, and other fees in connection with the mortgage".

(b) Definition of Family Member.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsections:

"(e) The term 'family member' means, with respect to a mortgagor under such section, a child, parent, or grandparent of the mortgagor (or the mortgagor's spouse). In determining whether any of the relationships referred to in the preceding sentence exist, a legally adopted son or daughter of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), and a foster child of an individual, shall be treated as a child of such individual by blood.

"(f) The term 'child' means, with respect to a mortgagor under such section, a son, stepson, daughter, or stepdaughter of such mortgagor.".

SEC. 407. INDEMNIFICATION FOR MULTIFAMILY HOUSING PROJECT MANAGERS.

Section 207(l) of the National Housing Act (12 U.S.C. 1713(l)) is amended by inserting before the period at the end the following: ": Provided further, That, for properties acquired by the Secretary under this section and for properties secured by any mortgage assigned and transferred to or held by the Secretary, the Secretary may indemnify management contractors against claims by third persons for death, bodily injury, or loss of or damage to property on such terms as the Secretary determines appropriate".

SEC. 408. EXTENSION OF MULTIFAMILY HOUSING MORTGAGE AUCTION PROVISIONS.

The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act (12 U.S.C. 1715l(g)(4)(C)(viii)) is amended by striking "September 30, 1995" and inserting "December 31, 2005".

SEC. 409. STREAMLINED REFINANCING FOR HUD-HELD MORTGAGES.

(a) In General.—Section 223(a) of the National Housing Act (12 U.S.C. 1715n) is amended—

(1) in paragraph (7), by striking the colon preceding "Provided further," and all that follows through "and the mortgagee";

(2) by redesignating paragraph (8) as paragraph (9);

(3) by inserting after paragraph (7) the following new paragraph:

"(8) given to refinance a mortgage held by the Secretary, upon such terms and conditions as the Secretary may prescribe, covering property on which there is located a 1- to 4-family residence, or a 1-family unit in a condominium project, which mortgage was formerly insured under this Act and subsequently assigned to the Secretary: Provided, That the mortgagor has not previously refinanced a mortgage pursuant to this paragraph: Provided further, That the mortgagor has made all payments due under the note secured by the existing mortgage and all payments due under the note for at least the previous 6 months, or the mortgagor is under a forbearance agreement and has made all payments due under the note secured by the existing mortgage for at least the previous 6 months: Provided further, That the principal amount of the refinancing mortgage may not exceed the outstanding principal balance of the existing mortgage by more than additional amounts owed by the mortgagor due to the delinquency and to the receipt of assignment assistance under section 230: Provided further, That the monthly payment due under the refinancing mortgage may not exceed the monthly payment due under the existing mortgage: Provided further, That the refinancing mortgage may have a term not more than 12 years in excess of the unexpired term of the assigned mortgage: Provided further, That the refinancing mortgage may be insured under section 203(b) or 221(d)(2) of this Act, at the option of the mortgagee, or under section 234(c) of this Act in the case of a condominium: Provided further, That a refinancing mortgage insured under section 221(d)(2) shall involve a principal obligation in an amount not to exceed 50 percent of the applicable dollar limitation for a 1- to 4-family residence under section 203(b)(2): Provided further, That the authority under this paragraph to refinance a mortgage shall terminate 30 months after the date of enactment of this Act: Provided further, That the total number of mortgages refinanced under this paragraph may not exceed 20,000; or"; and

(4) by adding at the end the following new flush material:

"A mortgage of the character described in paragraphs (1) through (6) of this subsection shall have a maturity and a principal obligation not in excess of the maximums prescribed under the applicable section or title of this Act, except that in no case may the principal obligation of a mortgage referred to in paragraph (5) of this subsection exceed 90 percent of the appraised value of the mortgage property, and shall bear interest at such rate as may be agreed upon by the mortgagor and the mortgagee.".

(b) Implementation.—The Secretary of Housing and Urban Development may implement the authority to refinance a mortgage held by the Secretary under section 223(a)(8) of the National Housing Act, as added by the amendment made by subsection (a)(3) of this section, by notice published in the Federal Register setting forth such requirements as may be necessary.

SEC. 410. HOME EQUITY CONVERSION MORTGAGES FOR ELDERLY HOMEOWNERS.

(a) Extension of Program.—The first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "September 30, 1995" and inserting "September 30, 2000".

(b) Eligible Residences.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z–20(d)(3)) is amended to read as follows:

"(3) be secured by a dwelling that is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units;".

(c) Expansion of Program.—The second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) is amended by striking "25,000" and inserting "50,000".

(d) Reports.—Section 255(k) of the National Housing Act is amended by adding at the end the following new sentences: "Each biennial report shall also include the results of a survey conducted during the period since the most recent report under this subsection to determine (A) the financial and other needs of elderly homeowners that cause such homeowners to consider obtaining home equity conversion mortgages, and (B) the extent of consumer satisfaction regarding the program under this section and counseling provided pursuant to the requirements of this section. In conducting the survey, the Secretary shall consult a representative sample of mortgagors of mortgages insured under this section and of elderly homeowners who have expressed interest in obtaining, but did not obtain, such mortgages.".

(e) Avoidance of Preemption of State Law.—Section 255(b)(3) of the National Housing Act is amended—

(1) in clause (B), by striking ", notwithstanding any State constitution, law, or regulation"; and

(2) by adding at the end the following new sentence: "Notwithstanding any other provision of this section, the Secretary may not provide insurance for a home equity conversion mortgage in the State of Texas if under the State constitution, or a law or regulation of such State, such mortgages are prohibited or foreclosure or forced sale of the property subject to such a mortgage is prohibited.".

SEC. 411. SINGLE FAMILY RISK-SHARING MORTGAGE INSURANCE PROGRAM.

(a) In General.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SINGLE FAMILY RISK-SHARING WITH STATE AND LOCAL AGENCIES

"Sec. 256. (a) Purposes.—The purposes of the program under this section are (1) to increase the availability of single family mortgage financing in areas where there is need for mortgage insurance under this Act that cannot be met due to particularly high average median house prices in the area, and (2) to foster arrangements with State and local agencies to share the risk of mortgage insurance.

"(b) AUTHORITY.—Notwithstanding any other provision of this Act inconsistent with this section, the Secretary may insure and make commitments to insure under this section mortgages on single family properties under risk-sharing mortgage insurance programs established with 1 or more States or agencies. Under such programs, the Secretary shall insure a portion of the mortgage, and the State or local agency shall insure the remainder or (at the discretion of the agency) a portion of the remainder and provide for private mortgage insurance companies to insure any portion of the remainder not insured by the agency. The portion of the mortgage insured under this section by the Secretary and the State or local agency, in the aggregate, may not exceed 35 percent of the outstanding principal obligation of the mortgage (and such fees, interest, and other expenses determined by the Secretary to be appropriate).

"(c) ELIGIBLE MORTGAGES.—The Secretary may insure under this section, and make commitments to insure under this section, only mortgages that—

"(1) are executed—

"(A) in connection with the acquisition of a single family property; or

"(B) for the refinancing of a mortgage that was previously insured under this section; and

"(2) involve a property located in an area—

"(A) for which the amount under clause (ii) of section 203(b)(2)(A) is less than the amount determined under clause (i) of such section for a residence of the applicable size; and

"(B) that has a State agency that—

"(i) is fully authorized under State and local laws and is adequately capitalized, in the determination of the Secretary, to carry out this section; and

"(ii)(I) carries the designation of 'top tier' or its equivalent, as evaluated by Standard and Poors or any other nationally recognized rating agency; or

"(II) receives a rating of 'A' for its general obligation bonds from a nationally recognized rating agency.

"(d) APPLICATIONS.—

"(1) APPROVAL.—The Secretary may approve an application submitted by a State or local agency to establish a risk-sharing program under this section, only if the Secretary determines that the State or local agency has demonstrated that—

"(A) it has the legal authority under State law and, where applicable, local law, to participate in the program under this section;

"(B) it has carried out, or has the potential to carry out, a financially sound, efficient, and effective mortgage insurance program; and

"(C) it has the ongoing administrative and financial capacity necessary to carry out a program under this section.

"(2) CANCELLATION OF APPROVAL.—The Secretary may cancel approval of a State or local agency under this section for a violation of requirements and procedures under the risk-sharing agreement between the State or local agency and the Secretary or for other good cause, by giving notice to the State or local agency. The cancellation shall be effective upon receipt of the notice by the agency or at a later date specified by the Secretary. A decision by the Secretary to cancel approval shall be final and conclusive and shall not be subject to judicial review.

"(e) DELEGATION OF AUTHORITY TO INSURE TO STATE AND LOCAL AGENCIES.—Pursuant to a risk-sharing agreement with a State or local agency, the Secretary shall delegate the authority to insure and make commitments to insure the portion of mortgages to be insured by the Secretary under this section to the State or local agency. The risk-sharing agreement shall contain such other matters as the Secretary and the State or local agency agree.

"(f) UNDERWRITING STANDARDS AND LOAN TERMS AND CONDITIONS.—The State or local agency shall adopt underwriting standards and loan terms and conditions for purposes of underwriting loans to be insured under this section. Such standards shall be at least as stringent as the standards pursuant to this Act for mortgages insured under section 203 and shall be subject to review and approval by the Secretary.

"(g) MORTGAGE INSURANCE PREMIUMS.—

"(1) REQUIREMENT.—The State or local agency shall require the payment of mortgage insurance premiums by mortgagors.

"(2) SHARES.—The Secretary shall establish policies and procedures for the sharing of premiums between the Secretary and the State or local agency, based on the relative risk to, and administrative costs of, the Secretary and the State or local agency. The share paid to the Secretary shall not be less than an amount necessary to cover the risk to, and administrative costs of, the Secretary.

"(h) LIMITATIONS ON PRINCIPAL MORTGAGE AMOUNT.—

"(1) INSURED PORTION.—The portion of the mortgage insured under this section by the Secretary may not exceed an amount equal to the lesser of (A) 80 percent of the appraised value of the property, or (B) the maximum amount the Secretary may insure under section 203(b) of this Act for the area (but not including any amount for a mortgage insurance premium).

"(2) TOTAL PRINCIPAL AMOUNT.—The total principal amount of a mortgage insured under this section by the Secretary and the State or local agency (A) shall exceed the maximum amount the Secretary may insure under subparagraph (A) of the first sentence of section 203(b)(2) for the area, and (B) may not exceed the conforming loan limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a residence of the applicable size, as adjusted annually.

"(3) LOAN-TO-VALUE RATIO.—The principal obligation of a mortgage may not exceed an amount determined in accordance with subparagraph (B) of the first sentence of section 203(b)(2) plus the mortgage insurance premium.

"(4) REFINANCING MORTGAGES.—Notwithstanding paragraph (2)(A) or (3), in the case of refinancing of an existing mortgage that was previously insured under this section, the principal obligation of a refinancing mortgage may not exceed the outstanding principal balance of the existing mortgage plus any mortgage insurance premium.

"(i) INSURANCE CLAIMS.—

"(1) PROCEDURE.—In the case of a default and foreclosure of a mortgage insured under this section, the mortgagee may file a claim with the State or local agency for insurance benefits in accordance with requirements established by the State or local agency and approved by the Secretary. The agency shall pay the full amount of the claim owed to the mortgagee. If the loss on the insured mortgage exceeds the amount of insurance by the agency, the Secretary shall reimburse the agency for the difference.

"(2) MUTUAL MORTGAGE INSURANCE FUND.—The insurance of a mortgage under this section by the Secretary shall be an obligation of the Mutual Mortgage Insurance Fund created pursuant to section 205.

"(j) INAPPLICABILITY OF THE ASSIGNMENT PROGRAM.—Section 230 shall not apply to mortgages insured under the program authorized by this section.

"(k) RESTRICTION ON GNMA SECURITIZATION.—The Government National Mortgage Association shall not securitize any loans insured under this section.

"(l) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'local agency' means an agency of a unit of general local government, as defined by the Secretary, that has the authority to insure mortgages and to participate with the Secretary in the single family risk-sharing program under this section, or an agency or instrumentality of a local agency if the agency or instrumentality has such authority.

"(2) The term 'State agency' means an agency of a State that has the authority to insure mortgages and to participate with the Secretary in the single family risk-sharing program under this section, or an agency or instrumentality of a State agency if the agency or instrumentality has such authority.

"(3) The term 'single family property' means a property upon which there is located a dwelling designed principally for occupancy by 1 family, and includes a condominium and a cooperative.

"(4) The term 'State' means the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.".

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendment made by subsection (a).

SEC. 412. DELEGATION OF SINGLE FAMILY MORTGAGE INSURING AUTHORITY TO DIRECT ENDORSEMENT MORTGAGEES.

Title II of the National Housing Act (12 U.S.C. 1707 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"DELEGATION OF INSURING AUTHORITY TO DIRECT ENDORSEMENT MORTGAGEES

"SEC. 257. (a) AUTHORITY.—The Secretary may delegate, to one or more mortgagees approved by the Secretary under the direct endorsement program, the authority of the Secretary under this Act to insure mortgages involving property upon which there is located a dwelling designed principally for occupancy by 1 to 4 families.

"(b) CONSIDERATIONS.—In determining whether to delegate authority to a mortgagee under this section, the Secretary shall consider the experience and performance of the mortgagee under the direct endorsement program, the default rate of insured mortgages originated by the mortgagee compared to the default rate of all insured mortgages in comparable markets, and such other factors as the Secretary determines appropriate to minimize risk of loss to the insurance funds under this Act.

"(c) ENFORCEMENT OF INSURANCE REQUIREMENTS.—

"(1) IN GENERAL.—If the Secretary determines that a mortgage insured by a mortgagee pursuant to delegation of authority under this section was not originated in accordance with the requirements established by the Secretary, and the Secretary pays an insurance claim with respect to the mortgage within a reasonable period specified by the Secretary, the Secretary may require the mortgagee approved under this section to indemnify the Secretary for the loss.

"(2) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation was involved in connection with the origination, the Secretary may require the mortgagee approved under this section to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

"(d) TERMINATION OF MORTGAGEE'S AUTHORITY.—If a mortgagee to which the Secretary has made a delegation under this section violates the requirements and procedures established by the Secretary or the Secretary determines that other good cause exists, the Secretary may cancel a delegation of authority under this section to the mortgagee by giving notice to the mortgagee. Such a cancellation shall be effective upon receipt of the notice by the mortgagee or at a

later date specified by the Secretary. A decision by the Secretary to cancel a delegation shall be final and conclusive and shall not be subject to judicial review.

"(e) REQUIREMENTS AND PROCEDURES.—Before approving a delegation under this section, the Secretary shall issue regulations establishing appropriate requirements and procedures, including requirements and procedures governing the indemnification of the Secretary by the mortgagee.".

SEC. 413. ELIGIBILITY OF MORTGAGES ON HOMES ON LEASED LAND OWNED BY COMMUNITY LAND TRUSTS.

Title II of the National Housing Act (12 U.S.C. 1707 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"ELIGIBILITY OF MORTGAGES ON HOMES ON LEASED LAND OWNED BY COMMUNITY LAND TRUSTS

"SEC. 258. (a) ELIGIBILITY FOR INSURANCE.—In providing mortgage insurance under any provision of this title for a mortgage covering a 1- to 4-family residence, the Secretary may insure a mortgage covering such a residence which is located on property owned by a community land trust without regard to the extent to which the resale price of the residence is restricted or the manner in which such price is established.

"(b) LIMITATION ON RESTRICTIONS.—The Secretary may not, as a condition of such insurance, establish any requirements regarding the resale price of residences on land owned by a community land trust, except that the Secretary may require that a ground lease or other document establishing legally enforceable restrictions or limitations on the resale price provide that the restrictions or limitations be cancelable in the event of foreclosure or delivery of a deed in lieu of foreclosure (or assignment).

"(c) DEFINITION OF 'COMMUNITY LAND TRUST'.—For purposes of this section, the term 'community land trust' has the meaning given the term in section 233 of the Cranston-Gonzalez National Affordable Housing Act.".

SEC. 414. INSURANCE OF 2-STEP SINGLE FAMILY MORTGAGES.

Title II of the National Housing Act (12 U.S.C. 1701 et seq.), as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

"2-STEP SINGLE FAMILY MORTGAGES

"SEC. 259. (a) AUTHORITY.—After making the finding required under subsection (d), the Secretary may insure under any provision of this title a mortgage involving property upon which there is located a dwelling designed principally for occupancy by 1 to 4 families, where the mortgage provides that the effective rate of interest charged is—

"(1) fixed for the duration of a specified period that consists of not less than the first 5 years of the mortgage term;

"(2) adjusted by the mortgagee upon the expiration of the specified period referred to in paragraph (1) for the mortgage; and

"(3) for the term of the mortgage remaining after such adjustment—

"(A) fixed at the adjusted rate established pursuant to paragraph (2); or

"(B) periodically adjusted by the mortgagee.

"(b) REDETERMINATION OF RATE.—For each mortgage insured pursuant to this section, the adjustment of the effective rate of interest pursuant to subsection (a)(2) may be accomplished through adjustments in the monthly payment amount, the outstanding principal balance, or the mortgage term, or a combination of such factors, except that in no case may any extension of a mortgage term result in a total term in excess of 40 years. The adjustment in the effective rate of interest shall correspond to a specified national interest rate index that is approved in regulations issued by the Secretary and information on which is readily accessible to the mortgagors from generally available published sources.

"(c) LIMITATIONS ON SECOND-STEP PERIODIC RATES.—For each mortgage insured pursuant to this section for which the effective rate of interest charged pursuant to subsection (a)(3) is periodically adjusted under subparagraph (B) of such subsection, such adjustments in the interest rate—

"(1) may be accomplished through adjustments in the monthly payment amount, the outstanding principal balance, or the mortgage term, or a combination of such factors, except that in no case may any extension of a mortgage term result in a total term in excess of 40 years;

"(2) shall correspond to a specified national interest rate index that is approved in regulations issued the Secretary and information on which is readily accessible to the mortgagors from generally available published sources;

"(3) shall be made on an annual basis;

"(4) shall be limited, with respect to any single interest rate increase, to no more than 1 percent on the outstanding loan balance; and

"(5) be limited to a maximum increase of 5 percentage points above the initial contract interest rate over the term of the mortgage.

"(d) CONDITIONS ON INSURING AUTHORITY.—The Secretary may insure mortgages pursuant to this section only after determining that the risk posed by such insurance to the financial safety and soundness of the insurance fund of which the mortgage insurance is an obligation does not exceed such risk posed by insurance of mortgages of equivalent terms having fixed interest rates over such terms.

"(e) DESCRIPTION OF FEATURES.—The Secretary shall issue regulations requiring that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of the 2-step mortgage insured pursuant to this section.

"(f) LIMITATION OF TOTAL NUMBER OF MORTGAGES INSURED.—The aggregate number of mortgages and loans insured pursuant to this section in any fiscal year may not exceed 10 percent of the aggregate number of mortgages and loans insured by the Secretary under this title during the preceding fiscal year.".

SEC. 415. MORTGAGE LIMITS FOR MULTIFAMILY PROJECTS IN HIGH-COST AREAS.

(a) IN GENERAL.—Each of the provisions under subsection (b) is amended by striking "140 percent" and inserting "152 percent".

(b) PROVISIONS AMENDED.—The provisions under this subsection are the following sections of title II of the National Housing Act (12 U.S.C. 1707 et seq.):

(1) Section 207(c)(3).

(2) Section 213(b)(2).

(3) Section 220(d)(3)(B)(iii).

(4) Section 221(d)(3)(ii).

(5) Section 221(d)(4)(ii).

(6) Section 231(c)(2).

(7) Section 234(e)(3).

SEC. 416. CALCULATION OF CREDIT SUBSIDY FOR FHA REFINANCINGS AND OFFSET OF NEGATIVE SUBSIDIES.

(a) REFINANCING.—Paragraph (2) of section 542 of the National Housing Act (12 U.S.C. 1735f–20(2)) is amended by adding at the end the following new sentence: "In the case of a mortgage insured under this Act that refinances an existing insured mortgage, the cost to the Government shall not exceed an amount that is determined by applying the subsidy rate used for the insurance authority pursuant to which the refinanced mortgage was insured to the amount of the refinancing mortgage which exceeds the outstanding principal balance of the refinanced mortgage, which amount may be adjusted, if necessary, by reason of an extension in the remaining term of the refinanced mortgage.".

(b) OFFSETS.—Section 542 of the National Housing Act is amended by adding at the end the following new flush sentence:

"The cost, as defined in section 502 of the Congressional Budget Act of 1974, for any fiscal year of new insurance commitments and of modifications to existing loans, loan guarantees, or insurance commitments, shall be determined by subtracting the aggregate amount of negative subsidies from the aggregate amount of positive subsidies for the fiscal year.".

SEC. 417. APPROVAL OF POINT-OF-USE PURIFICATION SYSTEMS AND TESTING OF SYSTEMS.

(a) IN GENERAL.—Section 424 of the Housing and Community Development Act of 1987 (12 U.S.C. 1701z–15) is amended—

(1) in subsection (a), by inserting after the period at the end the following new sentence: "The Secretary of Housing and Urban Development shall provide for the approval under subsection (c) of both point-of-use and point-of-entry water treatment equipment and water purification systems that meet the standards established under this section.";

(2) in the first sentence of subsection (b), by striking "general standards recognized by the Department as modified for local or regional conditions" and inserting the following: "standards for testing using (1) industry-accepted product testing protocols, or (2) protocols that utilize technically valid methodology using analytical testing methods of the Environmental Protection Agency for drinking water quality and maximum contaminant levels or equivalent methods";

(3) by redesignating subsection (b) (as amended by paragraph (2) of this section) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

"(b) POINT-OF-USE EQUIPMENT.—For any property in which the water treatment or purification system in operation employs point-of-use equipment, the Secretary may not require that a treatment or purification system be employed on any water supply source serving the property that provides water that will not be used primarily for human consumption.".

(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue any regulations necessary to carry out section 424 of the Housing and Community Development Act of 1987, as amended by subsection (a) of this section, not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

SEC. 418. ENERGY EFFICIENT MORTGAGES PILOT PROGRAM.

Section 106 of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by inserting "(which may be an adjustable rate mortgage insured under section 251 of such Act and may be a mortgage for a property that is not the principal or secondary residence of the mortgagor to the extent provided in section 203(g) of such Act)" after "Act"; and

(B) by adding at the end the following new subparagraph:

"(D) RATING AND INSTALLATION.—The program shall provide that the person conducting the home energy rating report under subsection (c)(2) for the property subject to the energy efficient mortgage may also, subject only to the approval of the mortgagee and mortgagor, install the energy efficiency improvements."; and

(2) in subsection (c)—

(A) in paragraph (1), by inserting "(including an adjustable rate mortgage loan eligible for insurance under section 251 of such Act)" after "Act"; and

(B) in the first sentence of paragraph (2), by striking "the total present value cost" and all

that follows through the end of the sentence and inserting the following: "energy improvements that generate energy savings in the first year after improvement that are greater than the increase in the amount of the loan payment for such first-year due to the energy improvements. In the case of a base loan insured under section 251 of the National Housing Act, the interest rate used to determine the amount of such increase in the loan payment shall be the maximum allowable interest rate under the mortgage.".

SEC. 419. EXTENSION OF MULTIFAMILY MORTGAGE CREDIT DEMONSTRATIONS.

Section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended—

(1) in subsection (b)(5), by striking "1993 and 1994" and inserting "1995 and 1996"; and

(2) in subsection (c)(4), by striking "1993, 1994, and 1995" and inserting "1995, 1996, and 1997".

SEC. 420. INDIAN HOUSING LOAN GUARANTEES.

(a) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 (12 U.S.C. 1515z–13a(i)(5)(C)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal years 1995 and 1996".

(b) AUTHORIZATION OF APPROPRIATIONS FOR GUARANTEE FUND.—Section 184(i)(7) of the Housing and Community Development Act of 1992 (12 U.S.C. 1515z–13a(i)(7)) is amended to read as follows:

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Guarantee Fund to carry out this section $50,000,000 for fiscal year 1995 and $50,000,000 for fiscal year 1996.".

SEC. 421. NATIONAL COMMISSION ON THE FUTURE OF THE FEDERAL HOUSING ADMINISTRATION.

(a) PURPOSE.—The purpose of this section is to establish a national commission to develop recommendations regarding the appropriate future role of the Federal Government in providing mortgage insurance, for modernizing and improving the structure and operations of the Federal Housing Administration, for protecting the safety and soundness of the insurance funds of the FHA, and for serving families currently underserved by the mortgage finance system.

(b) ESTABLISHMENT.—There is hereby established a commission to be known as the National Commission on the Future of the Federal Housing Administration.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall consist of the Secretary of Housing and Urban Development and 16 members appointed, not later than 60 days after amounts to carry out this section are made available under subsection (h), as follows:

(A) 4 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate and 4 members shall be appointed by the Ranking Minority Member of such Committee.

(B) 4 members shall be appointed by the Chairman of the Committee on Banking, Finance and Urban Affairs of the House of Representatives and 4 members shall be appointed by the Ranking Minority Member of such Committee.

(2) QUALIFICATIONS.—The 8 members of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall include—

(A) 1 individual who represents the mortgage finance industry;

(B) 1 individual with knowledge and experience from a secondary mortgage market entity;

(C) 1 individual with knowledge and experience concerning home sales or multifamily housing management;

(D) 1 individual who represents the private mortgage insurance industry;

(E) 1 individual with knowledge and experience concerning single family or multifamily housing asset management;

(F) 1 individual who represents a State or local housing agency active in single family or multifamily housing activities;

(G) 1 individual who represents the interests of consumers or communities, in single family or multifamily housing; and

(H) 1 individual who represents or resides in an urban or rural neighborhood whose residents consist predominantly of members of minorities.

(3) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(4) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(5) VOTING.—Each member of the Commission shall be entitled to 1 vote, and all votes shall be given equal weight.

(6) VACANCIES.—Any vacancy on the Commission shall not affect the powers of the Commission and shall be filled in the manner in which the original appointment was made.

(7) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Commission.

(d) SUBCOMMITTEES.—In carrying out its duties under subsection (e), the Commission shall establish 2 subcommittees, 1 of which shall carry out such duties with respect to issues relating to mortgage insurance for multifamily housing and 1 of which shall carry out such duties with respect to issues relating to mortgage insurance for single family housing.

(e) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a study of the existing operations of the FHA and shall make recommendations regarding the future mission, organization, responsibilities, and function of the FHA. In conducting the study and formulating recommendations, the Commission shall—

(A) determine the most appropriate role for the Federal Government in extending the availability of mortgage credit and review various alternative mortgage products and, with regard to the mission and functions of the FHA, the appropriateness of the use of such products by the FHA;

(B) determine whom FHA programs are intended to serve;

(C) consider whether the FHA could function more effectively if organized as a government corporation, a government-sponsored enterprise, or with any other organizational structure different from the existing structure;

(D) consider whether the personnel, procurement, budgeting, and other requirements generally applicable to the Federal agencies should be modified in their applicability to the FHA;

(E) review the laws establishing and relating to the FHA and determine whether amendments to such law would be appropriate to restructure the FHA, or to provide new authority or increased flexibility for the operations of the FHA;

(F) determine ways in which the FHA can more effectively contribute to the revitalization of inner cities and increase housing opportunities for low-income families;

(G) determine ways to improve the management and sale of assets owned by the FHA;

(H) determine ways to reduce the risk of future insurance losses from the existing inventory of outstanding mortgages insured by the FHA; and

(I) determine ways to improve the private management of multifamily properties insured by the FHA.

(2) INTERIM REPORT.—Not later than the expiration of the 10-month period beginning upon the appointment of all of the members of the Commission under subsection (c), the Commission shall submit to the Secretary of Housing and Urban Development and to the Congress an interim report containing the preliminary information and evaluations specified in paragraph (1) and initial recommendations for legislative and administrative actions to carry out the determinations made pursuant to paragraph (1).

(3) REPORT.—Not later than the expiration of the 18-month period beginning upon the appointment of all of the members of the Commission under subsection (c), the Commission shall submit to the Secretary of Housing and Urban Development and to the Congress a report containing the information and evaluations specified in paragraph (1) and specific recommendations for legislative and administrative actions to carry out the determinations made pursuant to paragraph (1).

(f) POWERS.—

(1) HEARINGS.—The Commission may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the Commission considers appropriate.

(2) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(3) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—The Commission may secure directly from any department or agency of the United States such data and information as the Commission may require for the purpose of carrying out this section. Upon request of the Commission, any such department or agency shall furnish such data or information. The Commission may acquire data or information directly from such departments or agencies to the same extent that the Secretary may acquire such data or information.

(B) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, administrative support services requested by the Commission.

(C) PERSONNEL DETAILS.—Upon the request of the chairperson of the Commission, the Secretary shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this section.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(5) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this section.

(6) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act.

(7) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, but which may not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(B) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as the Commission considers appropriate, in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and

subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(C) LIMITATION.—This paragraph shall be effective only to the extent amounts are made available in appropriation Acts.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term "Commission" means the National Commission on the Future of the Federal Housing Administration.

(2) The term "FHA" means the Federal Housing Administration of the Department of Housing and Urban Development.

(3) The term "Secretary" means the Secretary of Housing and Urban Development.

(h) FUNDING.—Of any amounts appropriated pursuant to section 501 of the Housing and Urban Development Act of 1970, the Secretary shall set aside to carry out this section $1,000,000 for fiscal year 1995. Any amounts made available pursuant to this subsection shall remain available until expended.

(i) SUNSET.—The Commission shall terminate upon the expiration of the 18-month period that begins upon the appointment of all of the members of the Commission under subsection (c).

SEC. 422. ACTION AND REPORT ON COOPERATIVE HOMEOWNERSHIP FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) REVIEW.—The Secretary of Housing and Urban Development, acting through the Assistant Secretary who is the Federal Housing Commissioner, shall review the report of The Urban Institute, dated May 1994 and entitled "Performance of HUD Subsidized Loans: Does Cooperative Housing Matter?".

(b) ACTION.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall implement any recommendations made in the report referred to in subsection (a) that (1) the Secretary considers appropriate and feasible, (2) are within the jurisdiction of the Assistant Secretary referred to in subsection (a), and (3) the Secretary has authority under law to implement.

(c) REPORT.—The Secretary shall submit a report to the Congress not later than 9 months after the date of the enactment of this Act, which shall—

(1) evaluate the report referred to in subsection (a);

(2) describe any action taken under subsection (b);

(3) identify and propose the elimination of any Federal housing policies or programs that, in the determination of the Secretary, inhibit the development of cooperative homeownership for low- and moderate-income families; and

(4) recommend any legislative action necessary to eliminate the policies or programs identified under paragraph (3).

SEC. 423. STUDY OF ACTIVITY OF PRIVATE MORTGAGE BANKERS AND INSURERS.

(a) STUDY.—The Secretary of Housing and Urban Development shall conduct a study to determine the patterns of lending and insurance activity of private mortgage lenders and private mortgage insurers, respectively. The study shall be designed to determine—

(1) the geographical areas in which properties are located for which loans are made by private mortgage lenders and the characteristics of such areas;

(2) the extent of lending activity by private mortgage lenders, in terms of number of loans and principal amount, in areas having a low median income, a moderate median income, and other areas;

(3) the types of loans made by private mortgage lenders, and the extent of lending activity, in each of the areas described in paragraph (2), which shall include the types and extent of any lending activity made in connection with economic development of low- and moderate-income areas;

(4) the geographical areas in which properties are located for which mortgage insurance is provided by private mortgage insurers and the characteristics of such areas;

(5) the extent of insurance activity by private mortgage insurers, in terms of number of loans insured and principal amount insured, in areas having a low median income, a moderate median income, and other areas; and

(6) the types of loans insured and extent of insurance activity by private mortgage insurers in each of the areas described in paragraph (5), which shall include the types and extent of any insurance activity made in connection with mortgages or loans for economic development activity in low- and moderate-income areas.

(b) REPORT.—The Secretary shall submit a report to the Congress describing the results of the study under this section not later than the expiration of the 6-month period beginning on the date of the enactment of this Act.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "private mortgage insurer" means a person who provides insurance against the nonpayment of, or default on, a mortgage or loan for residential or commercial property that is not insurance made available under the National Housing Act, title 38 of the United States Code, or title V of the Housing Act of 1949; and

(2) the term "private mortgage lender" means any lender that is not subject to the supervision, approval, regulation, or insuring of the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, or any other Federal agency that regulates lending activity. The term does not include institutions engaged primarily in the purchase of mortgage loans.

Subtitle B—Secondary Mortgage Market Programs

SEC. 441. LIMITATION ON GNMA GUARANTEES OF MORTGAGE-BACKED SECURITIES.

Section 306(g)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1721(g)(2)) is amended to read as follows:

"(2) Notwithstanding any other provision of law and subject only to the absence of qualified requests for guarantees, to the authority provided in this subsection, and to the extent of or in such amounts as any funding limitation approved in appropriation Acts, the Association shall enter into commitments to issue guarantees under this subsection in an aggregate amount of $130,000,000,000 during fiscal year 1995 and $130,000,000,000 during fiscal year 1996. There are authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees issued under this Act by the Association such sums as may be necessary for each of fiscal years 1995 and 1996.".

SEC. 442. ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT.

Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1st and April 1st.".

Subtitle C—Emergency Mortgage Relief

SEC. 461. AMENDMENTS TO EMERGENCY HOMEOWNERS' RELIEF ACT.

(a) FINDINGS.—Section 102(a) of the Emergency Homeowners' Relief Act (12 U.S.C. 2701(a)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) certain homeowners in the United States are encountering severe economic hardships as a result of unemployment or a reduction in income;";

(2) in paragraph (2), by striking "adverse economic conditions" and inserting "economic hardships"; and

(3) in paragraph (3), by striking "economic conditions" and inserting "their economic conditions".

(b) MORTGAGES ELIGIBLE FOR ASSISTANCE.—Section 103 of the Emergency Homeowners' Relief Act (12 U.S.C. 2702) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6)—

(A) by inserting "a 1- to 4-family residence that is" after "is"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) the delinquency for which the holder of the mortgage intends to foreclose commenced after the date of the enactment of the Housing and Community Development Act of 1994.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Emergency Homeowners' Relief Act (12 U.S.C. 2708(a)) is amended by striking ", except that" and all that follows through "$500,000,000" and inserting "for fiscal years 1995 and 1996".

(d) EXPIRATION DATE.—Section 109(b) of the Emergency Homeowners' Relief Act (12 U.S.C. 2708(b)) is amended by striking "September 30, 1977" and inserting "September 30, 1996".

(e) NOTIFICATION.—Section 110 of the Emergency Homeowners' Relief Act (12 U.S.C. 2709) is amended—

(1) in paragraph (1) of the 1st sentence—

(A) by striking "October 1, 1977" and inserting "September 30, 1996"; and

(B) by inserting "single family" before "residential";

(2) in paragraph (2) of the 1st sentence, by striking "until one year from the date of the enactment of this title" and inserting "during fiscal years 1995 and 1996"; and

(3) in the 2d sentence, by striking "Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation" and inserting "Office of Thrift Supervision".

(f) REPORTS.—Section 111 of the Emergency Homeowners' Relief Act (12 U.S.C. 2710) is amended—

(1) by striking "Within" and all that follows through "Congress on" and inserting the following: "For fiscal year 1995 and each fiscal year thereafter that begins before the date in section 109(b), the Secretary shall submit a report under this section to the Congress. The report for a fiscal year shall be submitted not later than 60 days after the end of the fiscal year and shall describe";

(2) by striking "purposes" and inserting "purpose";

(3) by inserting "and" before "(4)"; and

(4) by striking "; and (5)" and all that follows and inserting a period.

Subtitle D—Nonjudicial Foreclosure of Defaulted Single Family Mortgages

SEC. 481. SHORT TITLE.

This subtitle may be cited as the "Single Family Mortgage Foreclosure Act of 1994".

SEC. 482. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) disparate State laws under which mortgages are foreclosed on behalf of the Secretary of Housing and Urban Development covering one- to four-family residential properties burden certain programs administered by the Secretary, increase the costs of collecting these obligations, and cause detriment to the community generally;

(2) long periods to complete the foreclosure of these mortgages under certain State laws lead to deterioration in the condition of the properties involved; necessitate substantial Federal holding expenditures; increase the risk of vandalism, fire loss, depreciation, damage, and waste with respect to the properties; and adversely affect the neighborhoods in which the properties are located;

(3) these conditions seriously impair the Secretary's ability to protect the Federal financial interest in the affected properties and frustrate attainment of the objectives of the underlying Federal program authority;

(4) the availability of a uniform and more expeditious procedure, with no right of redemption in the mortgagor or others, for the foreclosure of these mortgages by the Secretary will tend to ameliorate these conditions; and

(5) providing the Secretary with a nonjudicial foreclosure procedure will reduce unnecessary litigation by removing many foreclosures from the courts where they contribute to overcrowded calendars.

(b) PURPOSE.—The purpose of this subtitle is to create a uniform Federal foreclosure remedy for single family mortgages that (1) are held by the Secretary of Housing and Urban Development pursuant to title I or title II of the National Housing Act or (2) secure loans obligated by the Secretary under section 312 of the Housing Act of 1964.

SEC. 483. DEFINITIONS.

As used in this subtitle—

(1) the term "bona fide purchaser" means a purchaser for value in good faith and without notice of any adverse claim, who will, therefore, acquire the security property free of any adverse claim;

(2) the term "mortgage" means a deed of trust, mortgage, deed to secure debt, security agreement, or any other form of instrument under which any interest in property, real, personal or mixed, or any interest in property including leaseholds, life estates, reversionary interests, and any other estates under applicable State law, is conveyed in trust, mortgaged, encumbered, pledged, or otherwise rendered subject to a lien for the purpose of securing the payment of money or the performance of an obligation;

(3) the term "single family mortgage" means a mortgage that covers property on which there is located a one- to four-family residence, which mortgage—

(A) is held by the Secretary pursuant to title I or title II of the National Housing Act, or

(B) secures a loan obligated by the Secretary under section 312 of the Housing Act of 1964, as it existed before its repeal by section 289 of the Cranston-Gonzalez National Affordable Housing Act (except that a mortgage securing such a loan that covers property containing non-residential space and a one- to four-family dwelling shall not be subject to this Act);

(4) the term "mortgage agreement" means the note or debt instrument and the mortgage instrument, deed of trust instrument, trust deed, or instrument or instruments creating the mortgage, including any instrument incorporated by reference therein and any instrument or agreement amending or modifying any of the foregoing;

(5) the term "mortgagor" means the obligor, grantor, or trustor named in the mortgage agreement and, unless the context otherwise indicates, includes the current owner of record of the security property whether or not personally liable on the mortgage debt;

(6) the term "owner" means any person who has an ownership interest in property and includes heirs, devisees, executors, administrators, and other personal representatives, and trustees of testamentary trusts if the owner of record is deceased;

(7) the term "person" includes any individual, group of individuals, association, partnership, corporation, or organization;

(8) the terms "record" and "recorded" include "register" and "registered" in the instance of registered land;

(9) the term "security property" means the property (real, personal or mixed) or an interest in property (including leaseholds, life estates, reversionary interests, and any other estates under applicable State law), together with fixtures and other interests subject to the lien of the mortgage under applicable State law;

(10) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and Indian tribes as defined by the Secretary;

(11) the term "county" means county as defined in section 2 of title 1, United States Code; and

(12) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 484. APPLICABILITY.

Single family mortgages encumbering real estate located in any State may be foreclosed by the Secretary in accordance with this subtitle, or pursuant to other foreclosure procedures available, at the option of the Secretary.

SEC. 485. DESIGNATION OF FORECLOSURE COMMISSIONER.

A foreclosure commissioner or commissioners designated pursuant to this subtitle shall have a nonjudicial power of sale as provided in this subtitle. Where the Secretary wishes to foreclose upon a single family mortgage, the Secretary may designate a foreclosure commissioner and, with or without cause, may designate a substitute foreclosure commissioner to replace a previously designated foreclosure commissioner, by executing a duly acknowledged, written designation stating the name and business or residential address of the commissioner or substitute commissioner. The designation shall be effective upon execution. The foreclosure commissioner, if a natural person, shall be a resident of the State in which the security property is located and, if not a natural person, the foreclosure commissioner must be duly authorized to transact business under the laws of the State in which the security property is located. The foreclosure commissioner shall be a person who is responsible, financially sound, and competent to conduct the foreclosure. More than one foreclosure commissioner may be designated. If a natural person is designated as foreclosure commissioner or substitute foreclosure commissioner, such person shall be designated by name, except that where such person is designated in his or her capacity as an official or employee of a government or corporate entity, such person may be designated by his or her unique title or position instead of by name.

SEC. 486. PREREQUISITES TO FORECLOSURE.

Foreclosure by the Secretary under this subtitle of a single family mortgage may be commenced, as provided in section 488, upon the breach of a covenant or condition in the mortgage agreement for which foreclosure is authorized under the mortgage, except that no such foreclosure may be commenced unless any previously pending proceeding, judicial or nonjudicial, separately instituted by the Secretary to foreclose the mortgage other than under this subtitle has been withdrawn, dismissed, or otherwise terminated. No such separately instituted foreclosure proceeding on the mortgage shall be instituted by the Secretary during the pendency of foreclosure pursuant to this subtitle. Nothing in this subtitle shall preclude the Secretary from enforcing any right, other than foreclosure, under applicable Federal or State law, including any right to obtain a monetary judgment. Nothing in this subtitle shall preclude the Secretary from foreclosing under this subtitle where the Secretary has obtained or is seeking any other remedy available pursuant to Federal or State law or under the mortgage agreement, including, but not limited to, the appointment of a receiver, mortgagee-in-possession status, or relief under an assignment of rents.

SEC. 487. NOTICE OF FORECLOSURE SALE.

The notice of foreclosure sale to be served in accordance with this subtitle shall be subscribed with the name and address of the foreclosure commissioner and the date on which subscribed, and shall set forth the following information:

(1) The names of the Secretary, the original mortgagee (if other than the Secretary), and the original mortgagor.

(2) The street address or a description of the location of the security property, and a description of the security property, sufficient to identify the property to be sold.

(3) The date of the mortgage, the office in which the mortgage is recorded, and the liber and folio or other description of the location of recordation of the mortgage.

(4) The failure to make payment, including the due date of the earliest installment payment remaining wholly unpaid as of the date the notice is subscribed, or the description of other default or defaults upon which foreclosure is based, and the acceleration of the secured indebtedness.

(5) The date, time, and place of the foreclosure sale.

(6) A statement that the foreclosure is being conducted pursuant to this subtitle.

(7) The types of costs, if any, to be paid by the purchaser upon transfer of title.

(8) The amount and method of deposit to be required at the foreclosure sale (except that no deposit shall be required of the Secretary), the time and method of payment of the balance of the foreclosure purchase price, and other appropriate terms of sale.

SEC. 488. COMMENCEMENT OF FORECLOSURE.

(a) REQUEST.—If the Secretary as holder of a single family mortgage determines that the prerequisites to foreclosure set forth in section 486 are satisfied, the Secretary may request the foreclosure commissioner to commence foreclosure of a single family mortgage. Upon such request, the foreclosure commissioner shall commence foreclosure of the mortgage, by commencing service of a notice of default and foreclosure sale in accordance with section 489.

(b) SUBSTITUTE COMMISSIONER.—After commencement of a foreclosure under this subtitle, the Secretary may designate a substitute foreclosure commissioner at any time before the time of foreclosure sale, and the foreclosure shall continue without prejudice, unless the substitute commissioner, in his or her sole discretion, finds that continuation of the foreclosure sale will unfairly affect the interests of the mortgagor. If the substitute commissioner makes such a finding, the substitute commissioner shall cancel the foreclosure sale, or adjourn such sale in the manner provided in section 491(c). Upon designation of a substitute foreclosure commissioner, a copy of the written notice of such designation referred to in section 485 shall be served (1) by mail, as provided in such section 489 (except that the minimum time periods between mailing and the date of foreclosure sale prescribed in such section shall not apply), or (2) in any other manner which, in the substitute commissioner's sole discretion, is conducive to achieving timely notice of such substitution.

SEC. 489. SERVICE OF NOTICE OF FORECLOSURE.

The foreclosure commissioner shall serve the notice of foreclosure sale provided for in section 487 upon the following persons and in the following manner, and no additional notice shall *be required to be served, notwithstanding any notice requirements of any State or local law:*

(1) TIMING.—At least 45 days prior to the date of the foreclosure sale, the notice of foreclosure sale required by section 488 of this subtitle shall be filed in the manner authorized for filing a notice of an action concerning real property according to the law of the State where the security property is located or, if none, in the manner authorized by section 3201 of title 28, United States Code.

(2) NOTICE BY MAIL.—The notice of foreclosure sale shall be sent by certified or registered mail, postage prepaid and return receipt requested to the following:

(A) The current security property owner of record, as the record exists 60 days before the date originally set for foreclosure sale, whether or not the notice describes a sale adjourned as provided in this subtitle.

(B) All mortgagors of record or other persons who appear of record or in the mortgage agreement to be liable for part or all of the mortgage debt, as the record exists 60 days before the date originally set for foreclosure sale, whether or not the notice describes a sale adjourned as provided in this subtitle, except any such mortgagors or persons who have been released.

(C) All dwelling units in the security property, whether or not the notice describes a sale adjourned as provided in this subtitle.

(D) All persons holding liens of record upon the security property, as the record exists 60 days before the date originally set for foreclosure sale, whether or not the notice describes a sale adjourned as provided in this subtitle.

Notice under subparagraphs (A) and (B) of this paragraph shall be mailed at least 45 days before the date of foreclosure sale, and shall be mailed to the owner or mortgagor at the last known address of the owner or mortgagor, or, if none, to the address of the security property, or, at the discretion of the foreclosure commissioner, to any other address believed to be that of such owner or mortgagor. Notice under subparagraph (C) of this paragraph shall be mailed at least 45 days before the date of foreclosure sale. If the names of the occupants of the security property are not known to the Secretary, or the security property has more than one dwelling, the notice shall be posted at the security property at least 45 days prior to the foreclosure sale. Notice under subparagraph (D) of this paragraph shall be mailed at least 45 days before the date of foreclosure sale, and shall be mailed to each such lienholder's address as stated of record or, at the discretion of the foreclosure commissioner, to any other address believed to be that of such lienholder. Notice by mail pursuant to this subsection or section 488(b) shall be deemed duly given upon mailing, whether or not received by the addressee and whether or not a return receipt is received or the letter is returned.

(3) PUBLICATION.—A copy of the notice of default and foreclosure sale shall be published, as provided herein, once a week during three successive calendar weeks before the sale date. Such publication shall be in a newspaper or newspapers having general circulation in the county or counties in which the security property being sold is located. To the extent practicable, the newspaper or newspapers chosen shall be a newspaper or newspapers, if any is available, having circulation conducive to achieving notice of foreclosure by publication. A legal newspaper that is accepted as a newspaper of legal record in the county or counties in which the security property being sold is located shall be considered a newspaper having general circulation for the purposes of this paragraph. Should there be no newspaper published at least weekly which has a general circulation in one of the counties in which the security property being sold is located, copies of the notice of default and foreclosure sale shall be posted at the courthouse of any county or counties in which the security property is located and at the place where the sale is to be held at least 21 days before the date of sale.

SEC. 490. PRESALE REINSTATEMENT.

(a) IN GENERAL.—Except as provided in sections 488(b) and 491(c), the foreclosure commissioner shall withdraw the security property from foreclosure and cancel the foreclosure sale only if—

(1) the Secretary so directs the commissioner prior to or at the time of sale;

(2) the commissioner finds, upon application of the mortgagor at least three days before the date of sale, that the default or defaults upon which the foreclosure is based did not exist at the time of service of the notice of default and foreclosure sale; or

(3)(A) in the case of a foreclosure involving a monetary default, there is tendered to the foreclosure commissioner before public auction is completed the entire amount of principal and interest which would be due if payments under the mortgage had not been accelerated;

(B) in the case of a foreclosure involving a nonmonetary default, the foreclosure commissioner, upon application of the mortgagor before the date of foreclosure sale, finds that such default is cured; and

(C) there is tendered to the foreclosure commissioner before public auction is completed all amounts due under the mortgage agreement (excluding additional amounts which would have been due if mortgage payments had been accelerated), all amounts of expenditures secured by the mortgage, and all costs of foreclosure incurred for which payment from the proceeds of foreclosure is provided in section 492, except that the Secretary shall have discretion to refuse to cancel a foreclosure pursuant to this paragraph if the current mortgagor or owner of record has on one or more previous occasions caused a foreclosure of the mortgage, commenced pursuant to this subtitle or otherwise, to be canceled by curing a default.

(b) OPPORTUNITY TO SECRETARY.—Before withdrawing the security property from foreclosure in the circumstances described in subsection (a)(2) or (a)(3), the foreclosure commissioner shall afford the Secretary a reasonable opportunity to demonstrate why the security property should not be so withdrawn.

(c) EFFECT ON MORTGAGE.—In any case in which a foreclosure commenced under this subtitle is canceled, the mortgage shall continue in effect as though acceleration had not occurred.

(d) EFFECT ON SUBSEQUENT FORECLOSURE.—If the foreclosure commissioner cancels a foreclosure sale under this subtitle a new foreclosure may be subsequently commenced as provided in this subtitle.

(e) NOTICE OF CANCELLATION.—The foreclosure commissioner shall file a notice of cancellation in the same place and manner provided for filing the notice of foreclosure sale in section 489.

SEC. 491. CONDUCT OF SALE AND ADJOURNMENT.

(a) TIME AND LOCATION.—Foreclosure sale pursuant to this subtitle shall be at public auction, and shall be scheduled to begin between the hours of 9 a.m. and 4 p.m. local time. The foreclosure sale shall be held at a location specified in the notice of default and foreclosure sale, which shall be a location where foreclosure real estate auctions are customarily held in the county or one of the counties in which the property to be sold is located, or at a courthouse therein, or at or on the property to be sold. Sale of security property situated in two or more counties may be held in any one of the counties in which any part of the security property is situated. The foreclosure commissioner may designate the order in which multiple tracts of security are sold.

(b) SALE PROCEDURES.—The foreclosure commissioner shall conduct the foreclosure sale in accordance with the provisions of this subtitle and in a manner fair to both the mortgagor and the Secretary. Written one-price sealed bids shall be accepted by the foreclosure commissioner from the Secretary and other persons for entry by announcement by the commissioner at the sale. The Secretary and any other person may bid at the foreclosure sale, including the Secretary or any other person who has submitted a written one-price bid. The foreclosure commissioner or any relative, related business entity, or employee of such commissioner or entity shall not be permitted to bid in any manner on the security property subject to foreclosure sale, except that the foreclosure commissioner or an auctioneer may be directed by the Secretary to enter a bid on the Secretary's behalf. The foreclosure commissioner may serve as auctioneer, or, in accordance with regulations of the Secretary, may employ an auctioneer to be paid from the commission provided for in section 492(5).

(c) ADJOURNMENT OR CANCELLATION.—The foreclosure commissioner shall have discretion, prior to or at the time of sale to adjourn or cancel the foreclosure sale if the commissioner determines, in the commissioner's discretion, that circumstances are not conducive to a sale which is fair to the mortgagor and the Secretary or that additional time is necessary to determine whether the security property should be withdrawn from foreclosure as provided in section 490. The foreclosure commissioner may adjourn a sale to a later hour the same day by announcing or posting the new time and place of the foreclosure sale, or may adjourn the foreclosure sale for not less than 9 nor more than 31 days, in which case the commissioner shall serve a notice of default and foreclosure sale revised to recite that the foreclosure sale has been adjourned to a specified date and to include any corrections the foreclosure commissioner deems appropriate. Such notice shall be served by publication and mailing in accordance with section 489, except that publication may be made on any of 3 separate days before the revised date of foreclosure sale, and mailing may be made at any time at least 7 days before the date to which the foreclosure sale has been adjourned.

(d) DEPOSIT.—The foreclosure commissioner may require a bidder to make a cash deposit in an amount or percentage set by him and stated in the notice of foreclosure sale before the bid is accepted. A successful bidder at the foreclosure sale who fails to comply with the terms of the sale may be required to forfeit the cash deposit or, at the election of the foreclosure commissioner after consultation with the Secretary, shall be liable to the agency for any costs incurred by the agency as a result of such failure.

(e) PRESUMPTION.—Any foreclosure sale held in accordance with this subtitle shall be conclusively presumed to have been conducted in a legal, fair, and reasonable manner. The sale price shall be conclusively presumed to be reasonable and equal to the fair market value of the property.

SEC. 492. FORECLOSURE COSTS.

The following foreclosure costs shall be paid from the sale proceeds before satisfaction of any other claim to such sale proceeds:

(1) Necessary advertising costs and postage incurred in giving notice pursuant to sections 489 and 491.

(2) Mileage for posting notices and for the foreclosure commissioner's or auctioneer's attendance at the sale as provided in section 1921 of title 28, United States Code, for mileage by the most reasonable road distance.

(3) Reasonable and necessary costs actually incurred in connection with any necessary search of title and lien records.

(4) Necessary out-of-pocket costs incurred by the foreclosure commissioner to record documents.

(5) A commission for the foreclosure commissioner other than an employee of the United States for the conduct of the foreclosure to the extent authorized by the Secretary.

SEC. 493. DISPOSITION OF SALE PROCEEDS.

Money realized from a foreclosure sale shall be made available for obligation and expenditure—

(1) first, to cover the costs of foreclosure provided for in section 492;

(2) then, to pay valid tax liens or assessments if required by the notice of foreclosure sale;

(3) then, to pay any liens recorded before the recording of the mortgage which are required to be paid in conformity with the terms of sale in the notice of foreclosure sale;

(4) then, to service charges and advances for taxes, assessments, and property insurance premiums;

(5) then, to the interest;

(6) then, to the principal balance secured by the mortgage (including expenditures for the necessary protection, preservation, and repair of the security property as authorized under the mortgage agreement and interest thereon if provided for in the mortgage agreement); and

(7) then, to late charges.

Any surplus after payment of the foregoing shall be paid to holders of liens recorded after the mortgage in the order of priority under Federal law or the law of the State where the security property is located and then to the appropriate mortgagor. If the person to whom such surplus is to be paid cannot be located, or if the surplus available is insufficient to pay all claimants and the claimants cannot agree on the allocation of the surplus, or if any person claiming an interest in the mortgage proceeds does not agree that some or all of the sale proceeds should be paid to a claimant as provided in this section, that part of the sale proceeds in question may be deposited by the foreclosure commissioner with an appropriate official or court authorized under law to receive disputed funds in such circumstances. If such a procedure for the deposit of disputed funds is not available, and the foreclosure commissioner files a bill of interpleader or is sued as a stakeholder to determine entitlement to such funds, the foreclosure commissioner's necessary costs in taking or defending such action shall be deductible from the disputed funds.

SEC. 494. TRANSFER OF TITLE AND POSSESSION.

(a) DELIVERY OF DEED.—The foreclosure commissioner shall deliver a deed or deeds to the purchaser or purchasers without warranty or covenants to the purchaser or purchasers and obtain the balance of the purchase price in accordance with the terms of sale provided in the notice of default and foreclosure sale. Notwithstanding State law to the contrary, the commissioner's deed shall be a conveyance of property, and no judicial proceeding shall be required ancillary or supplementary to the procedures provided in this subtitle to assure the validity of the conveyance or confirmation of such conveyance.

(b) POSSESSION.—A purchaser at a foreclosure sale held pursuant to this subtitle shall be entitled to possession upon passage of title to the mortgaged property, subject to an interest or interests not barred under section 496. Any person remaining in possession after the passage of title shall be deemed a tenant at sufferance subject to eviction under local law.

(c) DEATH OF PURCHASER.—If a purchaser dies before execution and delivery of the deed conveying the property to the purchaser, the foreclosure commissioner shall execute and deliver the deed to the representative of the purchaser's estate upon payment of the purchase price in accordance with the terms of sale. Such delivery to the representative of the purchaser's estate shall have the same effect as if accomplished during the lifetime of the purchaser.

(d) BONA FIDE PURCHASER.—The purchaser of property under this subtitle shall be presumed to be a bona fide purchaser without notice of defects, if any, in the title conveyed to said purchaser if the purchaser would have been considered a bona fide purchaser without notice had the sale been made voluntarily and in person by the debtor.

(e) NULLIFICATION OF RIGHT OF REDEMPTION.—There shall be no right of redemption, or right of possession based upon right of redemption, in the mortgagor or others subsequent to a foreclosure pursuant to this subtitle. Section 204(l) of the National Housing Act and section 701 of the Department of Housing and Urban Development Reform Act of 1989 shall not apply to mortgages foreclosed under this subtitle.

(f) TAX.—When conveyance is made to the Secretary, no tax shall be imposed or collected with respect to the foreclosure commissioner's deed, whether as a tax upon the instrument or upon the privilege of conveying or transferring title to the property. Failure to collect or pay a tax of the type and under the circumstances stated in the preceding sentence shall not be grounds for refusing to record such a deed, for failing to recognize such recordation as imparting notice, or for denying the enforcement of such a deed and its provisions in any State or Federal court.

SEC. 495. RECORD OF FORECLOSURE AND SALE.

(a) RECORD.—To establish a sufficient record of foreclosure and sale, the foreclosure commissioner shall include in the recitals of the deed to the purchaser or prepare an affidavit or addendum to the deed stating—

(1) the date, time and place of sale;

(2) that the mortgage was held by the Secretary, the date of the mortgage, the office in which the mortgage was recorded, and the liber and folio or other description of the recordation of the mortgage;

(3) the particulars of the foreclosure commissioner's service of notice of default and foreclosure sale in accordance with sections 489 and 491;

(4) the date and place of filing the notice of foreclosure sale;

(5) that the foreclosure was conducted in accordance with the provisions of this subtitle and with the terms of the notice of default and foreclosure sale; and

(6) the sale amount.

(b) EFFECT OF STATEMENTS.—The statements set forth in subsection (a) shall be prima facie evidence of the truth of such recitals and statement of facts in any Federal or State court; and shall be a conclusive presumption in favor of bona fide purchasers and encumbrancers for value without notice. Encumbrancers for value include liens placed by lenders who provide the purchaser with purchase money in exchange for a security interest in the newly-conveyed property.

(c) RECORDATION.—The deed executed by the foreclosure commissioner, the foreclosure commissioner's affidavit and any other instruments submitted for recordation in relation to the foreclosure of the security property under this subtitle shall be accepted for recordation by the registrar of deeds or other appropriate official of the county or counties in which the security property is located upon tendering of payment of the usual recording fees for such instruments without regard to the compliance of those instruments with local filing requirements.

SEC. 496. EFFECT OF SALE.

A sale, made and conducted as prescribed in this subtitle to a bona fide purchaser, shall be an entire bar of all claims upon, or with respect to, the property sold, of each of the following persons:

(1) Any person to whom the notice of foreclosure sale was mailed as provided in this subtitle, and the heir, devisee, executor, administrator, successor or assignee claiming under any such person.

(2) Any person claiming any interest in the property subordinate to that of the mortgage, if such person had actual knowledge of the sale.

(3) Each person, claiming any interest in the property, whose assignment, mortgage, or other conveyance was not duly recorded or filed in the proper place for recording or filing, or whose judgment or decree was not duly docketed or filed in the proper place for docketing or filing, prior to the date on which the notice of sale was first served by publication, as required by section 489(2); and the executor, administrator, or assignee of such a person.

(4) Every other person claiming under a statutory lien or encumbrance created subsequent to the recording or filing of the mortgage being foreclosed, attaching to the title or interest of any person designated in any of the foregoing subsections of this section.

SEC. 497. COMPUTATION OF TIME.

Periods of time provided for in this subtitle shall be calculated in consecutive calendar days including the day or days on which the actions or events occur or are to occur for which the period of time is provided and including the day on which an event occurs or is to occur from which the period is to be calculated.

SEC. 498. SEPARABILITY.

If any clause, sentence, paragraph, or part of this subtitle shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid or invalid as applied to a class of cases, such judgment shall not affect, impair, or invalidate the remainder thereof and of this subtitle, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 499. DEFICIENCY JUDGMENT.

(a) IN GENERAL.—If after deducting the disbursements provided for in section 493 of this subtitle, the price at which the security property is sold at a foreclosure sale is less than the unpaid balance of the debt secured by the security property, resulting in a deficiency, the Secretary may refer the matter to the Attorney General who may commence an action or actions against any or all debtors to recover the deficiency, unless specifically prohibited by the mortgage. The United States is also entitled to recover any amount authorized by section 3011 of title 28, United States Code, and costs of the action.

(b) LIMITATION.—Any action commenced to recover the deficiency must be brought within 6 years of the last sale of the security property.

TITLE V—RURAL HOUSING

SEC. 501. PROGRAM AUTHORIZATIONS.

(a) INSURANCE AND GUARANTEE AUTHORITY.—Section 513(a) of the Housing Act of 1949 (42 U.S.C. 1483(a)) is amended to read as follows:

"(a) INSURANCE AND GUARANTEE AUTHORITY.—

"(1) IN GENERAL.—The Secretary may, to the extent approved in appropriation Acts, insure and guarantee loans under this title during fiscal years 1995 and 1996, in aggregate amounts not to exceed $3,231,103,950 and $3,360,037,069, respectively, as follows:

"(A) For insured or guaranteed loans under section 502 on behalf of low-income borrowers receiving assistance under section 521(a)(1), $1,802,500,000 for fiscal year 1995 and $1,856,575,000 for fiscal year 1996.

"(B) For guaranteed loans under section 502(h) on behalf of low- and moderate-income borrowers, $772,500,000 for fiscal year 1995 and $795,675,000 for fiscal year 1996.

"(C) For loans under section 504, $36,050,000 for fiscal year 1995 and $37,131,500 for fiscal year 1996.

"(D) For insured loans under section 514, $18,053,950 for fiscal year 1995 and $18,595,569 for fiscal year 1996.

"(E) For insured loans under section 515, $600,000,000 for fiscal year 1995 and $650,000,000 for fiscal year 1996.

"(F) For loans under section 523(b)(1)(B), $1,000,000 for fiscal year 1995 and $1,030,000 for fiscal year 1996.

"(G) For site loans under section 524, $1,000,000 for fiscal year 1995 and $1,030,000 for fiscal year 1996.

"(2) LIMITATION ON USE.—Notwithstanding any other provision of law, insured or guaranteed loan authority in this title for any fiscal year shall not be transferred or used for any purpose not specified in this title.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 513(b) of the Housing Act of 1949 (42 U.S.C. 1483(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 1995 and 1996, and to remain available until expended, the following amounts:

"(1) For grants under section 502(c)(5)(C)(i), $10,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

"(2) For grants under section 504, $31,000,000 for fiscal year 1995 and $31,930,000 for fiscal year 1996.

"(3) For purposes of section 509(c), $1,000,000 for fiscal year 1995 and $1,030,000 for fiscal year 1996.

"(4) For project preparation grants under section 509(f)(6), $5,688,278 for fiscal year 1995 and $5,858,926 for fiscal year 1996.

"(5) In fiscal years 1995 and 1996, such sums as may be necessary to meet payments on notes or other obligations issued by the Secretary under section 511 equal to—

"(A) the aggregate of the contributions made by the Secretary in the form of credits on principal due on loans made pursuant to section 503; and

"(B) the interest due on a similar sum represented by notes or other obligations issued by the Secretary.

"(6) For grants for service coordinators under section 515(y), $1,073,260 for fiscal year 1995 and $1,105,458 for fiscal year 1996.

"(7) For financial assistance under section 516—

"(A) for low-rent housing and related facilities for domestic farm labor under subsections (a) through (j) of such section, $15,000,000 for fiscal year 1995 and $18,000,000 for fiscal year 1996; and

"(B) for housing for rural homeless and migrant farmworkers under subsection (k) of such section, $10,269,230 for fiscal year 1995 and $11,407,307 for fiscal year 1996.

"(8) For grants under section 523(f), $14,918,314 for fiscal year 1995 and $15,365,863 for fiscal year 1996.

"(9) For grants under section 533, $33,056,408 for fiscal year 1993 and $34,048,100 for fiscal year 1994.

"(10) For grants under section 538, $10,000,000 for fiscal year 1995, which shall remain available until the end of fiscal year 1997.

"(11) For assistance under section 539, $10,000,000 for fiscal year 1995 and $12,000,000 for fiscal year 1996.".

(c) RENTAL ASSISTANCE PAYMENT CONTRACTS.—Section 513(c) of the Housing Act of 1949 (42 U.S.C. 1483(c)(1)) is amended by striking "(c)" and all that follows through the end of paragraph (1) and inserting the following:

"(c) RENTAL AND OPERATING ASSISTANCE.—(1) The Secretary, to the extent approved in appropriations Acts for fiscal years 1995 and 1996, may enter into rental assistance payment contracts under section 521(a)(2)(A) and contracts for operating assistance under section 521(a)(5), aggregating $454,079,620 for fiscal year 1995 and $467,702,009 for fiscal year 1996.".

(d) SUPPLEMENTAL RENTAL ASSISTANCE PAYMENT CONTRACTS.—Section 513(d) of the Housing Act of 1949 (42 U.S.C. 1483(d)) is amended to read as follows:

"(d) SUPPLEMENTAL RENTAL ASSISTANCE CONTRACTS.—The Secretary, to the extent approved in appropriations Acts for fiscal years 1995 and 1996, may enter into 5-year supplemental rental assistance contracts under section 502(c)(5)(D) aggregating $13,070,160 for fiscal year 1995 and $13,462,265 for fiscal year 1996.".

(e) RURAL HOUSING VOUCHER AUTHORITY.—Section 513(e) of the Housing Act of 1949 (42 U.S.C. 1483(e)) is amended to read as follows:

"(e) RURAL HOUSING VOUCHERS.—There are authorized to be appropriated for rural housing vouchers under section 542, $30,000,000 for fiscal year 1995 and $40,000,000 for fiscal year 1996.".

(f) RENTAL HOUSING LOAN AUTHORITY.—Section 515(b) of the Housing Act of 1949 (42 U.S.C. 1485(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 502. ELIGIBILITY OF NATIVE AMERICANS FOR RURAL HOUSING PROGRAMS.

Section 501(b)(6) of the Housing Act of 1949 (42 U.S.C. 1471(b)(6)) is amended by adding at the end the following new sentence: "In any case in which assistance made available under this title may be provided to a State or State agency or in which a State or State agency is eligible to participate in a program or activity under this title, such assistance may also be provided to Indian tribes and tribal agencies and Indian tribes and tribal agencies shall be eligible to participate, respectively.".

SEC. 503. ESCROW FUND.

Section 501(e) of the Housing Act of 1949 (42 U.S.C. 1471(e)) is amended by striking the third and fourth sentences and inserting the following: "The Secretary may establish in the Treasury of the United States an escrow fund for the deposit of such periodic payments. The Secretary may direct the Secretary of the Treasury to invest and reinvest amounts in the escrow fund in public debt securities with maturities suitable for the needs of the escrow fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Any interest earned shall be credited to the escrow fund. The Secretary shall disburse amounts at the appropriate time or times for the purposes for which the amounts were escrowed in the fund. The interest rate to be paid on escrowed amounts shall be determined annually based on the interest earned less an amount not to exceed 1 percent which shall be used for expenses in carrying out the provisions of this title."

SEC. 504. SECTION 502 HOMEOWNERSHIP LOANS.

(a) REMOTE RURAL AREAS.—Section 502(f) of the Housing Act of 1949 (42 U.S.C. 1472(f)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by adding at the end the following new paragraph:

"(2) SECURITY.—In making a loan under this section for housing located in a rural area that is a remote rural area (which shall include tribal allotted or Indian trust land) where the borrower resides or is employed, the Secretary shall consider the actual replacement cost of the property and structure for which the loan is made as adequate security for the loan required under subsection (b).".

(b) PERMANENT DEFERRED MORTGAGE PROGRAM.—Section 502(g) of the Housing Act of 1949 (42 U.S.C. 1472(g)) is amended to read as follows:

"(g) DEFERRED MORTGAGE PROGRAM.—With respect to families or persons otherwise eligible for assistance under subsection (d) but having incomes below the amount determined to qualify for a loan under this section, the Secretary may defer mortgage payments beyond the amount affordable at 1 percent interest, taking into consideration income, taxes and insurance. Deferred mortgage payments shall be converted to payment status when the ability of the borrower to repay improves.".

(c) REAMORTIZATION.—Section 505 of the Housing Act of 1949 (42 U.S.C. 1475) is amended—

(1) in the section heading, by inserting ", REAMORTIZATION," after "MORATORIUM";

(2) in subsection (a), by inserting before the last sentence the following: "The Secretary may not foreclose such a mortgage securing such a loan upon which a moratorium has been granted solely because the borrower does not have the ability to repay the loan. Upon the expiration of a moratorium, the Secretary shall enter into an agreement with the borrower providing to the borrower such assistance as the Secretary is authorized to provide under this title and may foreclose with respect to the loan only if the borrower fails to make 3 monthly payments required under such agreement.";

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

"(b) REAMORTIZATION.—

"(1) AUTHORITY.—With respect to a loan made under section 502, after a moratorium under subsection (a) of this section for the loan or at any other time the Secretary considers appropriate, the Secretary may reamortize the outstanding indebtedness, including principal and interest, under the loan for a period not to exceed 38 years from the date of the making of the loan, subject to the provisions of paragraph (2).

"(2) GRADUATED REPAYMENT AGREEMENT.—In reamortizing a loan pursuant to paragraph (1), the Secretary may lower the interest rate to the existing lending rate for loans under section 502 or establish a schedule of payments under the loan that provides, after the application of interest credit, for payments in an amount less than the amount of the payments originally provided for under the loan agreement for a period not exceeding that required to amortize the loan over its term, except that such period may not exceed 3 years.".

(d) ELIGIBILITY OF AREA.—Section 502 of the Housing Act of 1949 (42 U.S.C. 1472) is amended by adding at the end the following new subsection:

"(i) Notwithstanding section 520, the Secretary may make loans under this section for properties in the Pinewest Subdivision, located in Gibsonville, North Carolina, in the same manner as provided under this section for properties in rural areas.".

SEC. 505. LOAN GUARANTEES.

Section 502(h)(11) of the Housing Act of 1949 (42 U.S.C. 1472(h)(11)) is amended by adding at the end the following new sentence: "The Secretary may not pool or reallocate any authority to guarantee loans under this section that was allocated for use in any State before August 1 of the fiscal year in which such authority was allocated.".

SEC. 506. PREPAYMENT OF RURAL RENTAL HOUSING LOANS.

(a) Technical Assistance Grants and Loans for Nonprofit and Public Agency Purchasers of Prepayment Properties.—Section 502(c)(5)(C)(i) of the Housing Act of 1949 (42 U.S.C. 1472(c)(5)(C)(i)) is amended to read as follows:

"(i) to the extent provided in appropriation Acts, make a grant or predevelopment loan in an amount not exceeding $50,000 to the nonprofit organization or public agency whose offer to purchase is accepted under this paragraph to cover reasonable costs, as determined by the Secretary and not including the purchase price, incurred by the organization or agency in purchasing and assuming responsibilities for the housing and related facilities involved, which may include costs for pursuing acquisition, appraisals, financing fees, accounting, administration, consultants, legal assistance, architectural assistance, engineering assistance, application fees, overhead, and other expenses;".

(b) Equity Takeout Loans.—

(1) Authority and Limitation.—Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by inserting before the period at the end the following: "or under paragraphs (1) and (2) of section 514(j), except that an equity loan referred to in this clause may not be made available after the date of the enactment of the Housing and Community Development Act of 1994 unless the Secretary determines that the other incentives available under this subparagraph are not adequate to provide a fair return on the investment of the borrower, to prevent prepayment of the loan insured under section 514 or 515, or to prevent the displacement of tenants of the housing for which the loan was made".

(2) Approval of Assistance.—Subparagraph (C) of section 502(c)(4) of the Housing Act of 1949 is amended by striking the matter preceding clause (i) and inserting the following:

"(C) Approval of Assistance.—The Secretary may approve assistance under subparagraph (B) for assisted housing only if the restrictive period has expired for any loan for the housing made or insured under section 514 or 515 pursuant to a contract entered into after December 21, 1979, but before the date of the enactment of the Department of Housing and Urban Development Reform Act of 1989, and the Secretary determines that the combination of assistance provided—".

(3) Loan Terms.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

"(j) Equity Takeout Loans for Preservation of Low-Income Housing.—With respect to a loan insured under subsection (a), the Secretary may—

"(1) make or insure an equity loan in the form of a supplemental loan for the purpose of equity takeout to the owner of housing financed with a loan insured under this section pursuant to a contract entered into before December 15, 1989, for the purpose of extending the affordability of the housing for low-income families or persons and very low-income families or persons for not less than 20 years, except that such loan may not exceed 90 percent of the value of the equity in the project as determined by the Secretary;

"(2) transfer and reamortize an existing loan in connection with assistance provided under paragraph (1); and

"(3) make or insure a loan to enable a nonprofit organization or public agency to make a purchase described in section 502(c)(5).".

(4) Technical Correction Relating to Section 515 Housing.—Section 515(c)(1) of the Housing Act of 1949 (42 U.S.C. 1485(c)(1)) is amended by striking "December 21, 1979" and inserting "December 15, 1989".

(c) Phase-In of Rent Increases.—Section 502(c)(4)(B)(vi) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(vi)) is amended by inserting before the period at the end the following: ", except that any such increase in rents for current tenants (except for increases made necessary by increases in operating costs) shall (I) be phased in equally over a period of not less than 3 years, if such increase is 30 percent or more, and (II) be limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent".

(d) Treatment of Acceleration Upon Default.—Section 502 of the Housing Act of 1949 (42 U.S.C. 1472) is amended—

(1) in subsection (b)(2), by inserting "or any payment in the case of acceleration of the amount due under such a loan pursuant to any default," after "515"; and

(2) in subsection (c)—

(A) in paragraph (1)(A), by inserting before the 1st comma the following: ", accept any payment tendered in the case of acceleration of the amount due pursuant to any default on";

(B) in paragraph (1)(B), by inserting before the 1st comma the following: ", accept any payment tendered in the case of acceleration of the amount due pursuant to any default on";

(C) in paragraph (2)—

(i) by inserting after "prepaid" the following: ", paid in full pursuant to acceleration of the amount due resulting from default,"; and

(ii) by inserting ", payment," after "prepayment";

(D) in paragraph (4)(A), by inserting after "prepay," the following: "accepting any payment tendered in the case of acceleration of the amount due pursuant to any default on,"; and

(E) in paragraph (5)—

(i) in subparagraph (A)(ii), by inserting after "prepay," the following: "accept the payment tendered in the case of acceleration of the amount due pursuant to default on,";

(ii) in the 1st sentence of subparagraph (F), by inserting after "prepay," the following: "accept payment tendered in the case of acceleration of the amount due pursuant to default on,";

(iii) in the 2d sentence of subparagraph (F), by inserting after "prepay," the following: "payment tendered in the case of acceleration of the amount due pursuant to default,";

(iv) in the last sentence of subparagraph (F), by striking "offers to prepay," and inserting the following: "such offers to prepay, payments in the case of acceleration of the amount due pursuant to default,"; and

(v) in the matter in subparagraph (G) that precedes clause (i), by inserting after "prepay," the following: "any payment tendered in the case of acceleration of the amount due pursuant to default on,".

(e) Test for Allowable Prepayment.—Section 502(c)(5)(G)(ii) of the Housing Act of 1949 (42 U.S.C. 1472(c)(5)(G)(ii)) is amended to read as follows:

"(ii) the Secretary makes a written finding that—

"(I) prepayment, payment in the case of acceleration, or refinancing will not (a) materially increase economic hardship for current tenants, and (b) involuntarily displace current tenants (except for good cause), where comparable and affordable housing is not readily available at the time of displacement, determined without regard to the availability of Federal housing assistance that would address any such hardship or involuntary displacement; and

"(II) the supply of vacant, comparable housing is sufficient to ensure that such prepayment will not materially affect (a) the availability of decent, safe, and sanitary housing affordable to low-income and very low-income families or persons in the area that the housing could reasonably be expected to serve, (b) the ability of low-income and very low-income families or persons to find affordable, decent, safe, and sanitary housing near employment opportunities, or (c) the housing opportunities of minorities in the community within which the housing is located.".

SEC. 507. DESIGNATION OF UNDERSERVED AREAS AND RESERVATION OF ASSISTANCE.

(a) Reauthorization and Set-Aside.—Section 509(f)(4) of the Housing Act of 1949 (42 U.S.C. 1479(f)(4)) is amended—

(1) in subparagraph (A)—

(A) in the first sentence—

(i) by striking "5.0 percent in fiscal years 1993 and 1994" and inserting "not less than 5 percent or more than 10 percent for each of fiscal years 1995 and 1996"; and

(ii) by striking "514, 515, and 524" and inserting "and 515"; and

(B) in the second sentence, by striking "sections 514 and 515" and inserting "section 515"; and

(2) in subparagraph (B)(ii), by striking "5 percent" and inserting "10 percent".

(b) Poverty Level for Designation.—Section 509(f)(1) of the Housing Act of 1949 is amended—

(1) in subparagraph (A), by striking "20 percent" and inserting "15 percent"; and

(2) in subparagraph (B), by striking "10 percent" and inserting "5 percent".

(c) Poverty Level for Preference.—Section 509(f)(2) of the Housing Act of 1949 is amended—

(1) in subparagraph (A), by striking "28 percent" and inserting "20 percent"; and

(2) in subparagraph (B), by striking "13 percent" and inserting "7 percent".

(d) Additional Qualification as Underserved Area.—Section 509(f)(1) of the Housing Act of 1949 is amended by inserting after subparagraph (B) the following new flush sentence: "The Secretary may also designate a county or community as a targeted underserved area if the Secretary determines that the county or community has severe unmet housing needs, including needs caused by severe economic and social dislocation such as natural disasters, structural employment changes, or persistent poverty, or has experienced long-term population and job losses.".

(e) Geographical Diversity.—Section 509(f)(1) of the Housing Act of 1949 is amended by adding at the end the following: "In designating targeted underserved areas under this paragraph for any fiscal year, the Secretary may not designate more than 10 counties and communities located in any single State or in the Commonwealth of Puerto Rico. If more than 10 counties and communities in any single State or the Commonwealth of Puerto Rico qualify under this paragraph for designation as an underserved area, the Secretary shall designate the counties and communities for which the sum of the percentages under subparagraphs (A) and (B) are the greatest.".

(f) 2-Year and 3-Year Designations.—Section 509(f) of the Housing Act of 1949 (42 U.S.C. 1479(f)) is amended—

(1) in paragraph (1)—

(A) in the 1st sentence, by striking "in each fiscal year"; and

(B) in the 2d sentence, by striking "year in" and inserting "first year for";

(2) in paragraph (2)—

(A) in the first sentence, by striking "paragraph (4)" and inserting "paragraph (5)"; and

(B) by striking the last sentence;

(3) in paragraph (3)(B), by striking "paragraph (2)" and inserting "paragraph (3)";

(4) in paragraph (4)(A), by striking "paragraph (7)" and inserting "paragraph (8)";

(5) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(6) by inserting after paragraph (1) the following new paragraph:

"(2) TIMING AND DURATION OF DESIGNATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall redesignate the targeted underserved areas under this subsection once every 2 fiscal years and such designations shall remain in effect for a period of 2 fiscal years. The first such 2-year designation shall be made for fiscal years 1995 and 1996.

"(B) DESIGNATIONS FOR INDIAN AREAS.—The Secretary shall ensure that, at all times, not less than 5 counties or communities that contain tribal allotted or Indian trust land are included among the 100 counties and communities designated as targeted underserved areas. The Secretary shall redesignate the counties or communities designated as a targeted underserved area in compliance with this subparagraph once every 3 fiscal years and such designations shall remain in effect for 3 fiscal years. The first such 3-year designation shall be made for fiscal years 1995 through 1997. Upon designation, the Secretary shall specify any targeted underserved area designated in compliance with this subparagraph.".

SEC. 508. ADMINISTRATIVE APPEALS.

(a) APPEALS.—Section 510(g) of the Housing Act of 1949 (42 U.S.C. 1480(g)) is amended—

(1) by inserting after "termination and" the following: ", in the case of any eviction not related to any drug-related or criminal activity, nonpayment of rent, or activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents,"; and

(2) by inserting after "reverse the decision" the following: "and is mutually selected within a reasonable period of time by the person adversely affected by the reduction or termination of assistance and the person reducing or terminating assistance".

(b) ATTORNEYS.—Section 510(d)(1) of the Housing Act of 1949 is amended—

(1) in the matter preceding subparagraph (A), by inserting "or 515" after "502"; and

(2) in subparagraph (C)(ii), by inserting "with respect to litigation under section 502," before "representation".

SEC. 509. SECTION 515 RURAL RENTAL HOUSING.

(a) LOAN TERM.—Section 515(a)(2) of the Housing Act of 1949 (42 U.S.C. 1485(a)(2)) is amended by inserting before the semicolon the following: ", except that the Secretary may also make loans for a period of up to 30 years from the making of the loan".

(b) DEVELOPMENT COST.—Section 515(e)(4) of the Housing Act of 1949 is amended by inserting "franchise fees," after "impact fees,".

(c) LIMITATION ON PROJECT TRANSFERS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by inserting after subsection (g) the following new subsection:

"(h) PROJECT TRANSFERS.—After the date of the enactment of the Housing and Community Development Act of 1994, any interest in the ownership of a project for which a loan is made or insured under this section may be transferred only if the Secretary determines that such transfer would be in the best interests of the tenants of the housing for which the loan was made or insured and of the Federal Government.".

(d) EQUITY LOANS.—Section 515(t) of the Housing Act of 1949 is amended—

(1) by striking paragraphs (4) and (5); and

(2) by redesignating paragraphs (6) through (8) as paragraphs (4) through (6), respectively.

(e) SET-ASIDE FOR NONPROFIT ENTITIES.—The first sentence of section 515(w)(1) of the Housing Act of 1949 (42 U.S.C. 1485(w)(1)) is amended by striking "fiscal years 1993 and 1994" and inserting "fiscal years 1995 and 1996".

(f) AUTHORITY FOR STREAMLINED MORTGAGE MODIFICATIONS.—Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by adding at the end the following new subsection:

"(aa) MORTGAGE MODIFICATIONS.—

"(1) PURPOSE AND AUTHORITY.—In order to reduce the amount of debt service payments and operating costs of borrowers under loans made or insured under this section, reduce rents paid by residents of housing financed with such loans, and reduce the amount of rental assistance necessary for such housing, the Secretary may refinance the outstanding principal obligation of a loan made under this subsection in accordance with the provisions applicable (at the time of such refinancing) to loans made under this section that the Secretary determines are appropriate for purposes of this subsection and the terms and conditions of the original loan.

"(2) USE OF HOUSING.—Any terms of the original loan relating to use of the housing and related facilities for the purposes specified in this section shall continue to apply to the housing in the same manner as if the loan were not modified under this subsection.

"(3) TREATMENT OF MODIFIED MORTGAGE UNDER PREPAYMENT RESTRICTIONS.—Any loan modified under this subsection shall be considered a loan originally made under this section, for purposes of the limitations under subsection (c) on prepayment and refinancing under subsection (b)(3). For purposes of determining the financial status of the loan or the housing securing the loan, the Secretary may consider the terms of the refinancing.

"(4) TERMS.—The Secretary shall, by regulation, establish any requirements and conditions the Secretary considers appropriate to provide for refinancing under this subsection, including any limitations on term of the refinancing loan.

"(5) EXPEDITED PROCEDURE.—The Secretary shall establish an expedited procedure for providing refinancing under this subsection, which—

"(A) shall not require application under the same procedures applicable to loans made under subsection (a); and

"(B) shall take into consideration any information obtained by the Secretary in making and servicing the loan under subsection (a) for which refinancing under this subsection is requested.".

SEC. 510. OPTIONAL CONVERSION OF RENTAL ASSISTANCE PAYMENTS TO OPERATING SUBSIDY FOR MIGRANT FARMWORKER PROJECTS.

(a) IN GENERAL.—Section 521(a) of the Housing Act of 1949 (42 U.S.C. 1490a(a)) is amended by adding at the end the following new paragraph:

"(5) OPERATING ASSISTANCE FOR MIGRANT FARMWORKER PROJECTS.—

"(A) AUTHORITY.—In the case of housing (and related facilities) for migrant farmworkers provided or assisted with a loan under section 514 or a grant under section 516, the Secretary may, at the request of the owner of the project, use amounts provided for rental assistance payments under paragraph (2) to provide assistance for the costs of operating the project. Any project assisted under this paragraph may not receive rental assistance under paragraph (2).

"(B) AMOUNT.—In any fiscal year, the assistance provided under this paragraph for any project shall not exceed an amount equal to 90 percent of the operating costs for the project for the year, as determined by the Secretary. The amount of assistance to be provided for a project under this paragraph shall be an amount that makes units in the project available to migrant farmworkers in the area of the project at rates generally not exceeding 30 percent of the monthly adjusted incomes of such farmworkers, based on the prevailing incomes of such farmworkers in the area.

"(C) SUBMISSION OF INFORMATION.—The owner of a project assisted under this paragraph shall be required to provide to the Secretary, at least annually, a budget of operating expenses and estimated rental income, which the Secretary shall use to determine the amount of assistance for the project.

"(D) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) The term 'migrant farmworker' shall have the same meaning given the term in section 516(k)(7).

"(ii) The term 'operating cost' means expenses incurred in operating a project, including expenses for—

"(I) administration, maintenance, repair, and security of the project;

"(II) utilities, fuel, furnishings, and equipment for the project; and

"(III) maintaining adequate reserve funds for the project.".

(b) CONFORMING AMENDMENTS.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended—

(1) in section 502—

(A) in subsection (c)(1)(A)(i), by striking "or (a)(2)" and inserting ", (a)(2), or (5)";

(B) in subsection (c)(4)(B)(ii), by inserting before the period at the end the following: ", or additional assistance or an increase in assistance provided under section 521(a)(5)";

(C) in subsection (c)(4)(B)(iii), by inserting before the period at the end the following: ", or current tenants of projects not assisted under section 521(a)(5)";

(D) in subsection (c)(5)(C)(iii)—

(i) by striking the 2d comma; and

(ii) by inserting "or any assistance payments received under section 521(a)(5)," before "with respect";

(E) in subsection (c)(5)(D), by inserting before the period at the end the following: "or, in the case of housing assisted under section 521(a)(5), does not exceed the rents established for the project under such section";

(2) in the second sentence of section 509(f)(5) (as redesignated by the preceding provisions of this title), by striking "an amount of section 521 rental assistance" and inserting ", from amounts available for assistance under paragraphs (2) and (5) of section 521(a), an amount";

(3) in section 513(c)(2)—

(A) in the matter preceding subparagraph (A), by inserting "or contracts for operating assistance under section 521(a)(5)" after "521(a)(2)(A)";

(B) in subparagraph (A), by inserting "or operating assistance contracts" after "contracts";

(C) in subparagraph (B), by striking "rental" each place it appears; and

(D) in subparagraph (C), by inserting "or operating assistance contracts" after "contracts";

(4) in section 521(a)(2)(B)—

(A) by inserting "or paragraph (5)" after "this paragraph"; and

(B) by striking "which shall" and all that follows through the period at the end and inserting the following: ". The budget (and the income, in the case of a project assisted under this paragraph) shall be used to determine the amount of the assistance for each project.";

(5) in section 521(c), by striking "subsection (a)(2)" and inserting "subsections (a)(2) and (a)(5)";

(6) in section 521(e), by inserting after "recipient" the following: "or any tenant in a project assisted under subsection (a)(5)"; and

(7) in section 530, by striking "rental assistance payments with respect to such project under section 521(a)(2)(A)" and inserting "assistance payments with respect to such project under section 521(a)(2)(A) or 521(a)(5)".

SEC. 511. DEFINITION OF RURAL AREA.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by striking "city of" and inserting "cities of South Tucson, Arizona, and".

SEC. 512. ELIGIBILITY OF MANUFACTURED HOME PARKS FOR BUILDING SITE LOANS FOR COOPERATIVES.

The first sentence of section 524(a)(1) of the Housing Act of 1949 (42 U.S.C. 1490d(a)(1)) is amended by inserting before the period at the end the following: ", and for the acquisition and development of manufactured home parks owned by nonprofit organizations for future ownership by low- and moderate-income residents of the park".

SEC. 513. RURAL HOUSING ASSISTANCE TARGETING REPORT.

Section 532(a) of the Housing Act of 1949 (42 U.S.C. 1490l) is amended by adding at the end the following new flush material:

"The Secretary shall submit a report to the Congress for each fiscal year describing the geographical distribution of housing for which eligible loan applications for assistance under this title are submitted in such year and for which amounts are obligated in such year. The report shall describe the areas in which the housing to be assisted under the applications is located, the number of eligible applications received for housing in such areas, the number of eligible applications for housing in such areas that were approved and funded and the amounts of such funding, the extent of the rural character of such areas, and any actions taken by the Secretary to comply with the requirement under paragraph (3). The report for a fiscal year shall be submitted not later than 180 days after the conclusion of such fiscal year.".

SEC. 514. PRIORITY FOR RURAL HOUSING VOUCHER ASSISTANCE.

Section 542 of the Housing Act of 1949 (42 U.S.C. 1490r) is amended by adding at the end the following new subsection:

"(c) PRIORITY.—

"(1) REQUIREMENT.—In providing assistance under this section, the Secretary shall give preference to providing assistance for rental housing that—

"(A) is financed or assisted with a loan, guarantee, insurance, or other assistance provided under this title; and

"(B)(i) has a significant number of units, as determined by the Secretary, that have been vacant for extended periods; or

"(ii) is occupied by a significant number of families, as determined by the Secretary, who pay as rent for a unit in the housing an amount exceeding 30 percent of the family's monthly adjusted income.

"(2) PROJECT-BASED ASSISTANCE.—To provide assistance according to the preference under paragraph (1), the Secretary may enter into contracts with owners of housing described in paragraph (1) to provide voucher assistance payments that are attached to such housing on behalf of very low-income families who reside in such housing.".

SEC. 515. NATIVE AMERICAN RURAL HOUSING CAPACITY DEMONSTRATION PROGRAM.

Title V of the Housing Act of 1949 is amended by inserting after section 537 (42 U.S.C. 1490p–1) the following new section:

"SEC. 538. RURAL HOUSING CAPACITY DEMONSTRATION PROGRAM FOR NATIVE AMERICANS AND ALASKAN NATIVES.

"(a) AUTHORITY.—The Secretary shall carry out a program under this section to demonstrate the effectiveness of assisting Native Americans and Alaskan Natives in underserved areas to apply for, obtain, and use housing assistance under this title.

"(b) GRANTS.—Under the demonstration under this section, the Secretary shall make grants to technical assistance providers selected under subsection (f) to carry out activities under subsection (c) with respect to tribes selected under subsection (e) (and members of the tribes) in the selected areas. Of the amounts provided to a technical assistance provider under a grant under this section, 40 percent shall be disbursed to the technical assistance provider in fiscal year 1995, 30 percent shall be so disbursed in fiscal year 1996, and 30 percent shall be so disbursed in fiscal year 1997.

"(c) USE OF ASSISTANCE.—

"(1) ELIGIBLE ACTIVITIES.—Any amounts provided to a technical assistance provider under a grant under this section shall be used by the technical assistance provider only—

"(A) to train individuals for employment as local project coordinators under paragraph (2), which shall include training regarding the availability, application for, and use of housing assistance under this title with respect to tribes and members of tribes;

"(B) to provide ongoing technical assistance and training to local project coordinators;

"(C) to provide assistance to the tribes selected under subsection (e) in the selected areas, or to Native American or Alaskan Native housing organizations serving such tribes, to employ local project coordinators trained pursuant to subparagraph (A); and

"(D) to establish a revolving fund to provide loans to tribes and members of tribes for customary and reasonable costs incurred in preparing and submitting applications for housing assistance under this title to be used in the selected areas (including costs of credit reports), except that not more than $1,500 may be provided for the purpose under this subparagraph to any single tribe or Native American or Alaskan Native housing organization.

"(2) LOCAL PROJECT COORDINATOR.—For purposes of this section, a local project coordinator shall be an individual who—

"(A) is employed by a tribe selected under subsection (e) in, or Native American or Alaskan Native housing organization serving, the selected area;

"(B) provides advice and assistance to the tribe or the tribes served by the organization (and members of such tribes), regarding the availability, application for, and use of housing assistance under this title;

"(C) otherwise facilitates the use of such assistance by the tribes and their members; and

"(D) assists the tribes and their members in obtaining loans from the revolving fund established under paragraph (1)(D).

"(d) TRIBAL CONTRIBUTIONS TO DEMONSTRATION PROGRAM.—Each tribe selected under subsection (e) for participation in the demonstration program under this section shall enter into an agreement with the technical assistance provider to provide in-kind or financial assistance, in addition to amounts provided under this section, for activities under the demonstration program, in an amount determined by the tribe and the technical assistance provider. The assistance provided pursuant to such agreement may include assistance in the form of office space, equipment, transportation, salary enhancement, and fringe benefits, and other forms of assistance.

"(e) SELECTION OF TRIBES AND AREAS.—

"(1) ELIGIBILITY.—The Secretary shall provide for the technical assistance providers receiving grants under this section to select for participation in the demonstration under this section not more than a total of 15 tribes—

"(A) that are located in counties or communities—

"(i) that are eligible for designation as targeted underserved areas under section 509(f); or

"(ii) that include tribal allotted or Indian trust land; and

"(B) that—

"(i) have agreed to participate in the demonstration under this section by designating individuals for training as local project coordinators under subsection (c); or

"(ii) are located in a county or community within which is located a Native American or Alaskan Native housing organization that has so agreed to participate in the demonstration under this section.

"(2) CRITERIA FOR SELECTION.—Each technical assistance provider selecting tribes pursuant to paragraph (1) shall make such selections according to criteria that include—

"(A) the extent of substandard housing on the reservation of the tribe;

"(B) the extent of the waiting list for housing assistance under Federal housing programs in the community or community under paragraph (1)(A);

"(C) the extent of interest in and willingness to participate in the demonstration program under this section for a 3-year period; and

"(D) the extent of willingness to provide in-kind or financial assistance in addition to amounts provided under this section for activities under the demonstration program.

"(3) TREATMENT AS TARGETED UNDERSERVED AREAS.—Notwithstanding the designation of counties and communities as targeted underserved areas under section 509(f)(1) and the provisions of section 520, any selected area under this section shall be considered a targeted underserved area for fiscal years 1995, 1996, and 1997, for purposes of eligibility for assistance with amounts reserved under section 509(f)(4)(A).

"(f) SELECTION OF TECHNICAL ASSISTANCE PROVIDERS.—

"(1) ELIGIBILITY.—The Secretary may make a grant under this section only to a nonprofit organization having experience in providing training and technical assistance regarding the use of housing assistance under this title and in administering revolving loan funds for costs relating to housing assistance programs under this title.

"(2) APPLICATION.—The Secretary shall provide for nonprofit organizations meeting the requirements under paragraph (1) to submit applications for a grant under this section during a period of not more than 45 days that begins upon publication of the notice of funding availability under subsection (i).

"(3) SELECTION.—Not more than 30 days after expiration of such period, the Secretary shall select, to receive grants under this section, 1 or more nonprofit organizations submitting applications that are—

"(A) capable of carrying out the duties of technical assistance providers under this section;

"(B) knowledgeable and experienced regarding housing needs and issues of Native Americans and Alaskan Natives and housing assistance programs under this title; and

"(C) agree to comply with the provisions of this section.

"(g) REPORTS.—

"(1) LOCAL PROJECT COORDINATORS.—Each local project coordinator trained or assisted by a technical assistance provider with amounts from a grant under this section shall submit a report to the technical assistance provider for each of fiscal years 1995 through 1997, regarding the activities of the coordinator. The report shall be submitted not later than 30 days after the conclusion of the fiscal year for which the report is made.

"(2) TECHNICAL ASSISTANCE PROVIDERS.—Each technical assistance provider receiving a grant under this section shall submit a report to the Secretary for each of fiscal years 1995 through 1997, summarizing the information submitted under paragraph (1) for the fiscal year and describing the activities of the technical assistance provider under the demonstration under this section during the fiscal year. The report shall be submitted not later than 60 days after the

conclusion of the fiscal year for which the report is made.

"(3) SECRETARY.—The Secretary shall submit a report to the Congress for each of fiscal years 1995 through 1997 describing the demonstration under this section and the findings of the Secretary as a result of the demonstration. The report shall be submitted not later than 90 days after the conclusion of the fiscal year for which the report is made.

"(h) DEFINITIONS.—For purposes of this section:

"(1) ALASKAN NATIVE VILLAGE.—The term 'Alaskan Native Village' has the same meaning given the term 'Native village' in section 3 of the Alaska Native Claims Settlement Act.

"(2) NATIVE AMERICAN OR ALASKAN NATIVE HOUSING ORGANIZATION.—The term 'Native American or Alaskan Native housing organization' means a nonprofit organization that primarily serves a tribe or tribes, and includes Indian housing authorities and other housing entities of a tribe.

"(3) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any private, nonprofit organization that—

"(A) is organized or chartered under State, tribal, or local laws;

"(B) has no part of its net earning inuring to the benefit of any member, founder, contributor, or individual;

"(C) complies with standards of financial accountability acceptable to the Secretary; and

"(D) through its articles of incorporation or through resolution of the governing body of a tribe, has among its purposes significant activities related to the provision of decent housing that is affordable to low- and moderate-income families.

"(4) SELECTED AREA.—The term 'selected area' means, with respect to any tribe selected under subsection (e), the county or community meeting the requirements of subsection (e)(1) in which the tribe selected is located.

"(5) TECHNICAL ASSISTANCE PROVIDER.—The term 'technical assistance provider' means a nonprofit organization (including a tribe and an Indian housing authority) that is selected under subsection (f) to receive a grant under this section.

"(6) TRIBE.—The term 'tribe' means any Indian tribe, band, group, or nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, that is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

"(i) NOTICE OF FUNDING AVAILABILITY.—

"(1) PUBLICATION.—The Secretary shall cause to be published in the Federal Register notice of the availability of any amounts made available for grants under this section. Such notice shall be published not later than the expiration of the 90-day period beginning on the date that amounts are appropriated to carry out this section.

"(2) CONTENTS.—The notice referred to in paragraph (1) shall—

"(A) describe the requirements for eligibility to receive a grant, the purposes of the grant, and the permissible uses of grant amounts;

"(B) contain an address to which requests for additional information regarding the demonstration under this section may be made; and

"(C) state the deadline established by the Secretary pursuant to subsection (f)(2) for the submission of applications for a grant.".

SEC. 516. RURAL COMMUNITY DEVELOPMENT INITIATIVE.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by inserting after section 538 (as added by the preceding provisions of this title) the following new section:

"SEC. 539. RURAL COMMUNITY DEVELOPMENT INITIATIVE.

"(a) IN GENERAL.—The Secretary is authorized to provide assistance to develop the capacity and ability of community development corporations, community housing development organizations, and other nonprofit organizations to undertake community development and affordable housing projects and programs in rural areas.

"(b) FORM OF ASSISTANCE.—Assistance under this section may be used for—

"(1) training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations, community housing development organizations, and nonprofit organizations in rural areas;

"(2) loans, grants, or predevelopment assistance to community development corporations, community housing development organizations, and nonprofit organizations to carry out community development and affordable housing activities that benefit low-income families in rural areas; and

"(3) such other activities for rural areas as may be determined by the Secretary.

"(c) MATCHING REQUIREMENT.—Assistance provided under this section shall be matched from private sources in an amount equal to 3 times the amount made available under this section.

"(d) IMPLEMENTATION.—The Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this section. The notice shall take effect upon issuance.".

SEC. 517. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by inserting after section 539 (as added by the preceding provision of this title) the following new section:

"SEC. 540. LOAN GUARANTEES FOR MULTIFAMILY RENTAL HOUSING IN RURAL AREAS.

"(a) AUTHORITY.—The Secretary may make commitments to guarantee eligible loans for the development costs of eligible housing and related facilities, and may guarantee such eligible loans, in accordance with this section.

"(b) EXTENT OF GUARANTEE.—A guarantee made under this section shall guarantee repayment of an amount not exceeding 90 percent of the amount of the unpaid principal and interest of the loan for which the guarantee is made. The liability of the United States under any guarantee under this section shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

"(c) ELIGIBLE BORROWERS.—A loan guaranteed under this section may be made to a nonprofit organization, an agency or body of any State government or political subdivision thereof, or a private entity.

"(d) ELIGIBLE HOUSING.—A loan may be guaranteed under this section only if the loan is used for the development costs of housing and related facilities (as such terms are defined in section 515(e)) that—

"(1) consists of 5 or more adequate dwellings;

"(2) is available for occupancy only by low or moderate income families or persons, whose incomes at the time of initial occupancy do not exceed 115 percent of the median income of the area, as determined by the Secretary;

"(3) will remain available as provided in paragraph (2), according to such binding commitments as the Secretary may require, for the period of the original term of the loan guaranteed, unless the Secretary waives the applicability of such requirement for the loan only after determining, based on objective information, that—

"(A) there is no longer a need for low- and moderate-income housing in the market area in which the housing is located;

"(B) housing opportunities for low-income households and minorities will not be reduced as a result of the waiver; and

"(C) additional Federal assistance will not be necessary as a result of the waiver; and

"(4) is located in a rural area.

"(e) ELIGIBLE LENDERS.—

"(1) REQUIREMENT.—A loan may be guaranteed under this subsection only if the loan is made by a lender that the Secretary determines—

"(A) meets the qualifications, and has been approved by the Secretary of Housing and Urban Development, to make loans for multifamily housing that are to be insured under the National Housing Act;

"(B) meets the qualifications, and has been approved by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, to make loans for multifamily housing that are to be sold to such corporations; or

"(C) meets any qualifications that the Secretary may, by regulation, establish for participation of lenders in the loan guarantee program under this section.

"(2) ELIGIBILITY LIST AND ANNUAL AUDIT.—The Secretary shall establish a list of eligible lenders and shall annually conduct an audit of each lender included in the list for purposes of determining whether such lender continues to be an eligible lender.

"(f) LOAN TERMS.—Each loan guaranteed pursuant to this subsection shall—

"(1) provide for complete amortization by periodic payments to be made for a term not to exceed 40 years;

"(2) involve a rate of interest agreed upon by the borrower and the lender that does not exceed the maximum allowable rate established by the Secretary for purposes of this section and is fixed over the term of the loan;

"(3) involve a principal obligation (including initial service charges, appraisal, inspection, and other fees as the Secretary may approve) not to exceed—

"(A) in the case of a borrower that is a nonprofit organization or an agency or body of any State or local government, 97 percent of the development costs of the housing and related facilities or the value of the housing and facilities, whichever is less;

"(B) in the case of a borrower that is a for-profit entity not referred to in subparagraph (A), 90 percent of the development costs of the housing and related facilities or the value of the housing and facilities, whichever is less; and

"(C) in the case of any borrower, for such part of the property as may be attributable to dwelling use, the applicable maximum per unit dollar amount limitations under section 207(c) of the National Housing Act;

"(4) be secured by a first mortgage on the housing and related facilities for which the loan is made, or otherwise, as the Secretary may determine necessary to ensure repayment of the obligation; and

"(5) for at least 20 percent of the loans made under this section, the Secretary shall provide the borrower with assistance in the form of credits pursuant to section 521(a)(1)(B) to the extent necessary to reduce the rate of interest under paragraph (2) to the applicable Federal rate, as such term is used in section 42(i)(2)(D) of the Internal Revenue Code of 1986.

"(g) GUARANTEE FEE.—At the time of issuance of a loan guaranteed under this section, the Secretary may collect from the lender a fee equal to not more than 1 percent of the principal obligation of the loan.

"(h) AUTHORITY FOR LENDERS TO ISSUE CERTIFICATES OF GUARANTEE.—The Secretary may authorize certain eligible lenders to determine whether a loan meets the requirements for guarantee under this section and, subject to the

availability of authority to enter into guarantees under this section, execute a firm commitment for a guarantee binding upon the Secretary and issue a certificate of guarantee evidencing a guarantee, without review and approval by the Secretary of the specific loan. The Secretary may establish standards for approving eligible lenders for a delegation of authority under this subsection.

"(i) PAYMENT UNDER GUARANTEE.—

"(1) NOTICE OF DEFAULT.—In the event of default by the borrower on a loan guaranteed under this section, the holder of the guarantee certificate for the loan shall provide written notice of the default to the Secretary.

"(2) FORECLOSURE.—After receiving notice under paragraph (1) and providing written notice of action under this paragraph to the Secretary, the holder of the guarantee certificate for the loan may initiate foreclosure proceedings for the loan in a court of competent jurisdiction, in accordance with regulations issued by the Secretary, to obtain possession of the security property. After the court issues a final order authorizing foreclosure on the property, the holder of the certificate shall be entitled to payment by the Secretary under the guarantee (in the amount provided under subsection (b)) upon (A) conveyance to the Secretary of title to the security property, (B) submission to the Secretary of a claim for payment under the guarantee, and (C) assignment to the Secretary of all the claims of the holder of the guarantee against the borrower or others arising out of the loan transaction or foreclosure proceedings, except claims released with the consent of the Secretary.

"(3) ASSIGNMENT BY SECRETARY.—After receiving notice under paragraph (1), the Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interests of the United States. Assignment of a loan under this paragraph shall include conveyance to the Secretary of title to the security property, assignment to the Secretary of all rights and interests arising under the loan, and assignment to the Secretary of all claims against the borrower or others arising out of the loan transaction. Upon assignment of a loan under this paragraph, the holder of a guarantee certificate for the loan shall be entitled to payment by the Secretary under the guarantee (in the amount provided under subsection (b)).

"(4) REQUIREMENTS.—Before any payment under a guarantee is made under paragraph (2) or (3), the holder of the guarantee certificate shall exhaust all reasonable possibilities of collection on the loan guaranteed. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines appropriate.

"(j) VIOLATION OF GUARANTEE REQUIREMENTS BY LENDERS ISSUING GUARANTEES.—

"(1) INDEMNIFICATION.—If the Secretary determines that a loan guaranteed by an eligible lender pursuant to delegation of authority under subsection (h) was not originated in accordance with the requirements under this section and the Secretary pays a claim under the guarantee for the loan, the Secretary may require the eligible lender authorized under subsection (h) to issue the guarantee certificate for the loan—

"(A) to indemnify the Secretary for the loss, if the payment under the guarantee was made within a reasonable period specified by the Secretary; or

"(B) to indemnify the Secretary for the loss regardless of when payment under the guarantee was made, if the Secretary determines that fraud or misrepresentation was involved in connection with the origination of the loan.

"(2) TERMINATION OF AUTHORITY TO ISSUE GUARANTEES.—The Secretary may cancel a delegation of authority under subsection (h) to an eligible lender if the Secretary determines that the lender has violated the requirements and procedures for guaranteed loans under this section or for other good cause. Any such cancellation shall be made by giving notice to the eligible lender and shall take effect upon receipt of the notice by the mortgagee or at a later date, as the Secretary may provide. A decision by the Secretary to cancel a delegation shall be final and conclusive and shall not be subject to judicial review.

"(k) REFINANCING.—Any loan guaranteed under this section may be refinanced and extended in accordance with terms and conditions that the Secretary shall prescribe, but in no event for an additional amount or term that exceeds the limitations under subsection (f).

"(l) NONASSUMPTION.—The borrower under a loan that is guaranteed under this section and under which any portion of the principal obligation or interest remains outstanding may not be relieved of liability with respect to the loan, notwithstanding the transfer of property for which the loan was made.

"(m) GEOGRAPHICAL TARGETING.—

"(1) STUDY.—The Secretary shall provide for an independent entity to conduct a study to determine the extent to which borrowers in the United States will utilize loan guarantees under this section, the rural areas in the United States in which borrowers can best utilize and most need loans guaranteed under this section, and the rural areas in the United States in which housing of the type eligible for a loan guarantee under this section is most needed by low- and moderate-income families. The Secretary shall require the independent entity conducting the study to submit a report to the Secretary and to the Congress describing the results of the study not later than the expiration of the 90-day period beginning on the date of the enactment of the Housing and Community Development Act of 1994.

"(2) TARGETING.—In providing loan guarantees under this section, the Secretary shall establish standards to target and give priority to rural areas in which borrowers can best utilize and most need loans guaranteed under this section, as determined by the Secretary based on the results of the study under paragraph (1) and any other information the Secretary considers appropriate.

"(n) INAPPLICABILITY OF CREDIT-ELSEWHERE TEST.—Section 501(c) shall not apply to guarantees, or loans guaranteed, under this section.

"(o) TENANT PROTECTIONS.—The Secretary shall establish standards for the treatment of tenants of housing developed using amounts from a loan guaranteed under this section, which shall incorporate, to the extent applicable, existing standards applicable to tenants of housing developed with loans made under section 515. Such standards shall include standards for fair housing and equal opportunity, lease and grievance procedures, and tenant appeals of adverse actions.

"(p) HOUSING STANDARDS.—The standards established under section 515(m) for housing and related facilities assisted under section 515 shall apply to housing and related facilities the development costs of which are financed in whole or in part with a loan guaranteed under this section.

"(q) LIMITATION ON COMMITMENTS TO GUARANTEE LOANS.—

"(1) REQUIREMENT OF APPROPRIATIONS.—The authority of the Secretary to enter into commitments to guarantee loans under this section, and to guarantee loans, shall be effective for any fiscal year only to the extent or in such amounts as are or have been provided in appropriations Acts for such fiscal year.

"(2) LIMITATION ON PROJECTS AND OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitation in paragraph (1), the Secretary may enter into commitments to guarantee loans under this section for not more than 25 housing projects in each of fiscal years 1995 and 1996, having an aggregate outstanding principal amount not exceeding $50,000,000 in each of such fiscal years.

"(r) REPORT.—

"(1) IN GENERAL.—The Secretary shall submit a report to the Congress, not later than the expiration of the 2-year period beginning on the date of the enactment of the Housing and Community Development Act of 1994, describing the program under this section for guaranteeing loans.

"(2) CONTENTS.—The report shall—

"(A) describe the types of borrowers providing housing with loans guaranteed under this section, the areas served by the housing provided and the geographical distribution of the housing, the levels of income of the residents of the housing, the number of dwelling units provided, the extent to which borrowers under such loans have obtained other financial assistance for development costs of housing provided with the loans, and the extent to which borrowers under such loans have used low-income housing tax credits provided under section 42 of the Internal Revenue Code of 1986 in connection with the housing provided with the loans;

"(B) analyze the financial viability of the housing provided with loans guaranteed under this section and the need for project-based rental assistance for such housing;

"(C) include any recommendations of the Secretary for expanding or improving the program under this section for guaranteeing loans; and

"(D) include any other information regarding the program for guaranteeing loans under this section that the Secretary considers appropriate.

"(s) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(1) The term 'development cost' has the meaning given the term in section 515(e).

"(2) The term 'eligible lender' means a lender determined by the Secretary to meet the requirements of subparagraph (A), (B), (C), or (D) of subsection (e)(1).

"(3) The terms 'housing' and 'related facilities' have the meanings given such terms in section 515(e).

"(t) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 1995 and 1996 such sums as may be necessary for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of loan guarantees made under this section.

"(u) TERMINATION DATE.—A loan may not be guaranteed under this section after September 30, 1996.".

SEC. 518. RURAL HOUSING LOAN DELEGATED PROCESSING DEMONSTRATION.

(a) AUTHORITY.—Not later than the expiration of the 180-day period beginning on the date of enactment of this Act, the Secretary of Agriculture shall implement a system for making, processing, and servicing loans under section 502 of the Housing Act of 1949 that delegates such functions to nonprofit organizations approved by the Secretary of Agriculture. Under the system, the Secretary shall retain the authority to approve loan amounts and interest credit agreements and to execute binding loan commitments and credit agreements.

(b) USE IN TARGETED UNDERSERVED AREAS.—The Secretary of Agriculture shall carry out the delegated processing system under subsection (a) only with respect to loans for housing located in, and amounts reserved for use in, areas for which a designation under section 509(f) is in effect.

(c) REPORT.—The Secretary of Agriculture shall submit an interim report to the Congress not later than 12 months after the date of the initial implementation of the delegated processing system under this section describing the activities taken under the system and evaluating the effectiveness of the system.

(d) TERMINATION OF AUTHORITY.—The Secretary of Agriculture may not carry out the delegated processing system under this section after September 30, 1996.

TITLE VI—COMMUNITY DEVELOPMENT

Subtitle A—Community Development Block Grant Program

SEC. 601. AUTHORIZATION OF APPROPRIATIONS AND GUARANTEE AUTHORITY.

(a) COMMUNITY DEVELOPMENT BLOCK GRANTS.—The second sentence of section 103 of the Housing and Community Development Act of 1974 (42 U.S.C. 5303) is amended to read as follows: "For purposes of assistance under section 106, there are authorized to be appropriated $4,400,000,000 for fiscal year 1995 and $4,500,000,000 for fiscal year 1996.".

(b) LIMITATION ON LOAN GUARANTEES.—The fifth sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(a)) is amended to read as follows: "Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, to the extent approved or provided in appropriation Acts, the Secretary shall enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount of $2,054,000,000 for fiscal year 1995 and $2,054,000,000 for fiscal year 1996.".

(c) SPECIAL PURPOSE GRANTS.—Section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307) is amended—

(1) by striking "SEC. 107" and all that follows through the end of paragraph (1) of subsection (a) and inserting the following:

"SEC. 107. (a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 1995 and 1996, $60,000,000, for grants under subsection (b). Of such amounts—

"(A) $7,000,000 shall be available in each such year for grants under subsection (b)(1);

"(B) such sums as may be necessary shall be available in each such year for grants under subsection (b)(2);

"(C) $7,000,000 shall be available in each such year for grants under subsection (b)(3);

"(D) $28,000,000 shall be available in each such year for grants under subsection (b)(4);

"(E) $6,000,000 shall be available in each such year for grants under subsection (b)(5);

"(F) $2,000,000 shall be available in each such year for grants under subsection (b)(6);

"(G) $8,000,000 shall be available in each such year for grants under subsection (b)(7);

"(H) such sums as may be necessary shall be available in each such year for grants under subsection (b)(8);

"(I) $3,000,000 shall be available in each such year for grants under subsection (c); and

"(J) such sums as may be necessary shall be available in fiscal year 1995 for a grant to the City of Bridgeport, Connecticut, subject to binding commitments made by the City of Bridgeport and the State of Connecticut that the amount made available pursuant to this subparagraph will be supplemented with an additional amount equal to such amount under this subparagraph, which shall be provided by the city and the State in equal amounts."; and

(2) in subsection (b)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

"(8) to 10 metropolitan cities and urban counties that receive grants under section 106, have high rates of fire incidents, a substantial number of low-income residents, and a high rate of death and serious injury caused by fire among youth, elderly, and minorities, for obtaining a nitrogen enhanced, biodegradable, noncorrosive fire suppression liquid and for training firefighters to use such liquid; and in any year in which grants are made under this paragraph, the Secretary shall include in the report required under section 113 a description of the effectiveness of grants made under this paragraph in preventing loss of life and property; and".

SEC. 602. MANAGEMENT INFORMATION SYSTEMS.

Section 103 of the Housing and Community Development Act of 1974 (42 U.S.C 5303) is amended—

(1) by inserting "(a) IN GENERAL.—" after "103."; and

(2) by adding at the end the following new subsection:

"(b) RESERVATION FOR MANAGEMENT INFORMATION SYSTEMS.—Of the amount approved in an appropriation Act for each of fiscal years 1995 and 1996 under this section, the Secretary may reserve not more than 0.5 percent for improving management information systems used by the Secretary and recipients under this title.".

SEC. 603. ELIGIBLE ACTIVITIES.

(a) RECONSTRUCTION ACTIVITIES AND REMOVAL OF TOXIC MATERIALS.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4), by striking ", demolition, removal," and inserting "(including the removal of toxic materials and other contaminants from properties), demolition, removal, reconstruction,";

(2) in paragraph (8), by striking "fiscal year 1994" and inserting "fiscal years 1994, 1995, and 1996";

(3) in paragraph (13), by striking "and" at the end;

(4) by striking paragraph (19);

(5) in paragraph (24), by striking "and" at the end;

(6) in paragraph (25), by striking the period at the end and inserting "; and";

(7) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(8) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3905) as paragraph (25).

(b) HOMEOWNERSHIP ACTIVITIES.—Section 907(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 5305 note) is hereby repealed.

SEC. 604. REALLOCATIONS.

Section 106(c) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(c)) is amended by striking paragraph (4).

SEC. 605. LIMITATION ON EXTENT OF USE OF LOAN GUARANTEES FOR HOUSING PURPOSES.

Section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308) is amended by inserting after subsection (h) the following new subsection:

"(i) LIMITATION ON USE.—Of any amounts obtained from notes or other obligations issued by an eligible public entity or public agency designated by an eligible public entity and guaranteed under this section pursuant to an application for a guarantee submitted after the date of the enactment of the Housing and Community Development Act of 1992, the aggregate amount used for the purposes described in clauses (2) and (4) of subsection (a), and for other housing activities under the purposes described in clauses (1) and (3) of subsection (a), may not exceed 10 percent of such amounts obtained by the eligible public entity or agency.".

SEC. 606. ECONOMIC DEVELOPMENT GRANTS.

(a) ELIGIBLE ACTIVITIES.—Section 108(q)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)(2)) is amended by inserting before the period at the end the following: "and for the construction, rehabilitation, or financing of retail and service facilities, mixed-use projects, projects that link economic development and housing, community centers, farmers' markets, and community-based business expansions".

(b) ELIGIBLE PUBLIC ENTITIES.—Section 108(q)(1) of the Housing and Community Development Act of 1974 is amended by inserting after "eligible public entities" the following: ", and to eligible public entities in conjunction with community- or neighborhood-based organizations,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 108(q) of the Housing and Community Development Act of 1974 is amended by adding at the end the following new paragraph:

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this subsection $100,000,000 for fiscal year 1995 and $100,000,000 for fiscal year 1996.".

SEC. 607. USE OF UDAG RECAPTURES.

Section 119(o) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(o)) is amended by striking "October 1, 1993" and inserting in lieu thereof "April 11, 1994".

SEC. 608. EXTENSION OF CERTAIN CDBG ASSISTANCE.

(a) EXTENSION.—Section 916(f) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 5306 note) is amended by striking "1991" and all that follows through "1994" and inserting "beginning before the commencement of fiscal year 1998".

(b) ELIGIBILITY.—Section 916(e)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 5306 note) is amended by inserting "other than Riverside County, California," after "area".

Subtitle B—Other Community Development Programs

SEC. 631. NEIGHBORHOOD REINVESTMENT CORPORATION.

The first sentence of section 608(a)(1) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8107(a)) is amended to read as follows: "There are authorized to be appropriated to the corporation to carry out this title $35,000,000 for fiscal year 1995 and $35,000,000 for fiscal year 1996.".

SEC. 632. JOHN HEINZ NEIGHBORHOOD DEVELOPMENT PROGRAM.

Section 123(g) of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1995 and $10,000,000 for fiscal year 1996.".

SEC. 633. CAPACITY BUILDING FOR COMMUNITY DEVELOPMENT AND AFFORDABLE HOUSING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended by striking subsection (e) and inserting the following new subsection:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $60,000,000 for fiscal year 1995 and $60,000,000 for fiscal year 1996.".

(b) DELIVERY OF ASSISTANCE.—Section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in subsection (a)—

(A) by inserting "and directly to community-based organizations and capacity-building organizations" after "Initiative";

(B) by inserting "neighborhood" after "undertake"; and

(C) by striking "and affordable housing" and inserting ", affordable housing, revitalization, economic development, youth and family support, and community service";

(2) in subsection (b)—

(A) in paragraph (1), by striking "and community housing development organizations" and inserting ", community housing development organizations, and community-based organizations" before the semicolon at the end;

(B) in paragraph (2)—

(i) by striking "and community housing development organizations" and inserting ", community housing development organizations, and community-based organizations";

(ii) by inserting "neighborhood" after "carry out"; and

(iii) by striking "low-income" and inserting "low- and moderate-income"; and

(C) in paragraph (3), by inserting "or the community-based organization" after "Initiative";

(3) in subsection (c), by inserting "to the National Community Development Initiative" after "provided";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection:

"(d) SELECTION CRITERIA.—The Secretary shall select community-based organizations and capacity-building organizations to receive assistance under this section based upon selection criteria established by the Secretary, which shall include the extent to which the activities proposed to be conducted by the organization with assistance under this section will—

"(1) develop new community-based organizations in unorganized or underserved areas;

"(2) assist eligible private nonprofit community-based organizations located in low- or moderate-income neighborhoods or areas having a concentration of low- and moderate-income persons;

"(3) be targeted to areas in economic distress;

"(4) be conducted by an organization that provides for neighborhood resident participation in the activities of the organization (including participation of low- and moderate-income residents) and the extent to which the households and businesses in the area served are members of the organization;

"(5) benefit low- and moderate-income persons residing in the area served by the applicant;

"(6) encourage linking and coordinating housing, economic, and human development;

"(7) be coordinated with local law enforcement agencies, local public housing agencies, and local public housing resident management corporations and resident councils, with respect to anti crime initiatives; and

"(8) leverage contributions to support a wide variety of community development initiatives from the private sector, foundations, colleges and universities, civic groups, social, cultural, religious, and other institutions, and the national service program, in a manner that achieves the greatest long-term private sector support.".

SEC. 634. COLONIAS ASSISTANCE PROGRAM.

(a) GRANT AUTHORITY.—The Secretary may make grants in accordance with the provisions of this section to units of general local government, States, non-profit organizations, or entities or instrumentalities established under the authority of any of such entities, for use in addressing the community development and housing needs of colonias.

(b) ELIGIBLE ACTIVITIES.—Assistance under this section may be used only to carry out the following activities:

(1) Any activity eligible under section 105 of the Housing and Community Development Act of 1974 or section 212(a) of the HOME Investment Partnerships Act.

(2) Refinancing the existing debt of homeowners to convert existing land transactions and interests into mortgages.

(3) Constructing new housing, including self-help, energy-efficient, and innovative housing design initiatives.

(4) Developing new subdivisions for affordable housing.

(5) Re-platting and redeveloping existing subdivisions.

(6) Planning for and constructing infrastructure necessary for the development of housing, economic development, and community facilities and amenities.

(7) Such other activities as the Secretary deems appropriate to further the purposes of this section.

(c) MODEL PROGRAMS.—

(1) IN GENERAL.—Of amounts allocated under subsection (j)(2), the Secretary shall make grants under this subsection to the entities referred to in subsection (a) for the purpose of establishing model programs of assistance for addressing the community development, housing, and other needs of the residents of the colonias.

(d) SELECTION OF GRANTEES.—

(1) GEOGRAPHIC DISTRIBUTION.—The Secretary shall designate—

(A) at least one project in each State to receive a grant under this subsection; and

(B) at least one project within a metropolitan area in any State to receive a grant under this subsection.

(2) SELECTION PROCESS.—The Secretary shall select grantees under this subsection on a noncompetitive basis, through negotiation with the grantee.

(3) SELECTION CRITERIA.—In selecting projects for grants under this subsection, the Secretary shall consider—

(A) the extent of need in the colonia;

(B) the likely effectiveness of the proposed approach in addressing identified needs;

(C) the extent to which funding for the project is committed from sources other than under this section;

(D) the need to consider a variety of solutions to a variety of needs situations; and

(E) such other factors as the Secretary deems appropriate to carry out the objectives of this section.

(e) COMPETITIVE GRANTS.—

(1) PURPOSE.—Grants under this subsection shall be made, in accordance with paragraph (2), to the entities referred to in subsection (a) for the purpose of assisting the community development and housing needs of the residents of one or more colonias in an area or region.

(2) RESERVATION OF FUNDS.—Of amounts allocated under subsection (j)(2), the Secretary shall reserve a target amount for grants under this subsection for use in colonias in each State. The Secretary shall determine the amount be reserved based on such objective factors of need as the Secretary deems appropriate, which may include rates of poverty in, and the population of, colonias. The Secretary shall reallocate any amounts set-aside under this paragraph for which the Secretary determines there will not be sufficient approvable applications in a fiscal year.

(3) USE OF FUNDS.—Any amount not reserved or reallocated under paragraph (2) may be used in colonias in any State.

(4) APPLICATIONS.—Applications for grants under this subsection shall be submitted at such time and in accordance with such procedures, as the Secretary shall prescribe. Applications shall contain the following information, which the Secretary shall consider in selecting projects for grants under this subsection:

(A) The extent of need in the colonia.

(B) An estimate of the likely effectiveness of the proposed approach in addressing identified needs.

(C) A description of the extent to which funding for the project is committed from sources other than under this section.

(D) Any other information that the Secretary deems appropriate to carry out the objectives of this section.

(5) SELECTION OF GRANTEES.—The Secretary shall select grantees for grants under this subsection on the basis of a competition, following publication of a notice of funding availability in the Federal Register.

(f) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each grantee under this section shall keep such records as may be reasonably necessary to disclose the amounts and the disposition of grant amounts received under this section and to ensure compliance with the requirements of this section.

(2) GRANTEE REPORTS.—Each grantee under this section shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) describe the use of funds made available to the grantee under this section; and

(B) describe and analyze the effect of assisted activities in addressing the community development and housing needs of the residents of colonias.

(g) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of a grantee that are pertinent to assistance received in connection with, and the requirements of, this section.

(h) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records of a grantee that are pertinent to assistance received under, and the requirements of, this section.

(i) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The terms "colonia" and "United States-Mexico Border Region" have the meanings given the terms in section 916(e) of the Cranston-Gonzalez National Affordable Housing Act.

(2) The term "metropolitan area" has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974.

(3) The term "nonprofit organization" means—

(A) an organization—

(i) that is described in section 501(c) of the Internal Revenue Code of 1986; and

(ii) is exempt from taxation under section 501(a) of such Code; or

(B) an organization—

(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(ii) that in the case of a private nonprofit organization, has a voluntary board;

(iii) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

(iv) that practices nondiscrimination in the provision of assistance.

(4) The term "Secretary" means the Secretary of Housing and Urban Development.

(5) The term "State" means the States of California, Arizona, New Mexico, and Texas.

(6) The term "unit of general local government" means—

(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State; and

(B) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to provisions of this section.

The term includes a consortium of geographically contiguous units of general local government, if the Secretary determines that the consortium—

(i) has sufficient authority and administrative capability to carry out the purposes of this section on behalf of its member jurisdictions; and

(ii) meets such other requirements as the Secretary may prescribe.

(j) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section $100,000,000 for each of fiscal years 1995 and 1996. Any amount appropriated to carry out this section shall remain available until expended.

(2) ALLOCATION OF FUNDS.—Of the amounts appropriated under paragraph (1) for any fiscal year—

(A) 80 percent shall be available for grants to establish model programs under subsection (c); and

(B) 20 percent shall be available for competitive grants under subsection (e).

SEC. 635. GRANTS FOR EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.

(a) GRANT AUTHORITY.—The Secretary of Housing and Urban Development may make grants to units of general local government in which empowerment zones and enterprise communities have been designated pursuant to section 1391 of the Internal Revenue Code of 1986.

(b) USE.—Grants under this section may be used only to assist units of general local government in implementing the strategic plan for community revitalization required for each designated empowerment zone and enterprise community by expanding business opportunities and job creation through economic development activities and by stimulating the use of project-based rental assistance certificates and other activities to construct or rehabilitate rental housing, as follows:

(1) ECONOMIC DEVELOPMENT ACTIVITIES.—Grants amounts under this section used for economic development activities may be used only for activities eligible to be carried out with amounts provided under title I of the Housing and Community Development Act of 1974.

(2) ASSISTED HOUSING.—Grant amounts under this section used for housing activities may be used for—

(A) project-based assistance activities eligible under section 8 of the United States Housing Act of 1937 or similar State and local programs;

(B) activities eligible for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act or a similar local affordable housing program; and

(C) other housing activities that meet the requirements of this subsection, as the Secretary may approve.

(c) TECHNICAL ASSISTANCE.—From amounts reserved under subsection (i)(2), the Secretary shall carry out, directly or through contracts, training and information activities in connection with the program under this section.

(d) APPLICATIONS.—A locality in which an empowerment zone or enterprise community has been designated, which designation remains in effect, may submit an application to the Secretary for a grant under this section. The application shall contain such information and certifications as the Secretary may require, including a certification that the grant will be used in accordance with the approved strategic plan. Where a zone or community is within the jurisdiction of more than one unit of general local government, the application shall be submitted jointly by the units of general local government and shall specify whether and, if so, how the grant is to be divided among the units.

(e) FUNDING.—To the extent amounts are available to carry out this section, for applications approved by the Secretary the amount of a grant under this section for a fiscal year shall be —

(1) $50,000,000 for each urban empowerment zone;

(2) $20,000,000 for each rural empowerment zone; and

(3) $1,400,000 for each enterprise community.

(f) TERMS AND CONDITIONS.—Grants made under this section shall be subject to such terms and conditions as the Secretary may establish.

(g) USE IN CONJUNCTION WITH LOAN GUARANTEES.—Grants made under this section may be used in conjunction with loans guaranteed under section 108 of the Housing and Community Development Act of 1974 and the Home Investment Partnerships Act.

(h) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each grantee under this section shall keep such records as may be reasonably necessary to disclose the amounts and the disposition of grant amounts received under this subtitle and to ensure compliance with the requirements of this section.

(2) GRANTEE REPORTS.—Each grantee under this section shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) describe the use of amounts made available under this section; and

(B) describe and analyze the effect of assisted activities in addressing the objectives of this section.

(3) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of the grantee that are pertinent to assistance received in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the grantee that are pertinent to assistance received under, and the requirements of, this section.

(i) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of this section $250,000,000 for fiscal year 1995 and $250,000,000 for fiscal year 1996. Any amount appropriated to carry out this section shall remain available until expended.

(2) RESERVATION OF AMOUNTS FOR TRAINING AND INFORMATION ACTIVITIES.—Of the amounts appropriated pursuant to paragraph (1) for any fiscal year, the Secretary shall reserve not more than 0.5 percent for use only to carry out the training and information activities referred to in subsection (c).

SEC. 636. USE OF GRANT AMOUNTS.

(a) BUFFALO, NEW YORK.—Notwithstanding any other provision of law, the City of Buffalo, New York, may retain amounts provided under an urban development action grant under section 119 of the Housing and Community Development Act of 1974 for Project No. B–87–AA–36–0540 and use such funds for the Towne Gardens Plaza project, and may retain amounts provided under such a grant for Project No. B–87–AA–36–0521 and use such funds for the American Axle project, if such projects are commenced not later than 6 months after the date of the enactment of this Act.

(b) PITTSBURGH, PENNSYLVANIA.—Notwithstanding any other provision of law, the city of Pittsburgh, Pennsylvania, may retain any amounts provided under an urban development action grant for Project No. B–86–AA–42–0275 and use such funds for the Central Pittsburgh Plaza project, if such project is commenced not later than 6 months after the date of the enactment of this Act.

(c) RICHMOND, VIRGINIA.—The Secretary of Housing and Urban Development shall cancel the indebtedness of the city of Richmond, Virginia, relating to the categorical program settlement grant provided to the city to settle four urban renewal programs (Project No. B–78–UR–51–0019). The city of Richmond, Virginia, is hereby relieved of all liability to the Federal Government for such grant and any fees and charges payable in connection with such grant.

(d) LOCKPORT TOWNSHIP, ILLINOIS.—The Secretary of Housing and Urban Development shall cancel the indebtedness of Lockport Township, Illinois, relating to the public facilities loan for Project No. ILL–11–PFL0112. Lockport Township, Illinois, is hereby relieved of all liability to the Federal Government for the outstanding principal balance on such loan, the amount of accrued interest on such loan, and any other fees and charges payable in connection with such loan.

(e) BUDGET COMPLIANCE.—Subsections (c) and (d) of this section shall be effective only to the extent, or in such amounts, as are provided in appropriation Acts.

TITLE VII—REGULATORY AND MISCELLANEOUS PROGRAMS

SEC. 701. FAIR HOUSING INITIATIVES PROGRAM.

Section 561(g) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616 note) is amended to read as follows:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the provisions of this section $26,000,000 for fiscal year 1995 and $27,000,000 for fiscal year 1996, of which—

"(1) not less than $9,000,000 for fiscal year 1995 and $9,000,000 for fiscal year 1996 shall be for private enforcement initiatives authorized under subsection (b), divided equally between activities specified under subsection (b)(1) and those specified under subsection (b)(2);

"(2) not less than $3,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996 shall be for qualified fair housing enforcement organizations authorized under subsection (c)(1);

"(3) not less than $7,000,000 for fiscal year 1995 and $7,000,000 for fiscal year 1996 shall be for the creation of new fair housing enforcement organizations authorized under subsection (c)(2); and

"(4) not less than $7,000,000 for fiscal year 1995 and $7,000,000 for fiscal year 1996 shall be for education and outreach programs authorized under subsection (d), to be divided equally between activities specified under subsection (d)(1) and those specified under subsections (d)(2) and (d)(3).

Any amount appropriated under this section shall remain available until expended.".

SEC. 702. HUD PROGRAM MONITORING AND EVALUATION.

The first sentence of section 7(r)(6) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(r)(6)) is amended to read as follows: "There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal years 1995 and 1996.".

SEC. 703. HUD SALARIES AND EXPENSES.

Section 7(s) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(s)) is amended to read as follows:

"(s) AUTHORIZATION OF APPROPRIATIONS FOR SALARIES AND EXPENSES.—Notwithstanding any

other provision of law, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 1995 and 1996 for salaries and expenses to carry out the purposes of this section. There is also authorized to be appropriated for fiscal year 1996, $40,000,000, for the training, travel to training, continuing education, professional development, and improvement of skills of employees of the Department.".

SEC. 704. USE OF TECHNICAL ASSISTANCE AMOUNTS BY OR FOR HUD STAFF.

Section 7 of the Department of Housing and Urban Development Act (42 U.S.C. 3535) is amended by adding at the end the following new subsection:

"(t) USE OF TECHNICAL ASSISTANCE AMOUNTS.—The Secretary may transfer to any of the accounts of the Department for salaries and expenses from any other account from which amounts may be drawn for technical assistance such amounts as the Secretary determines are reasonable to reimburse such salaries and expenses account, but only if such reimbursement is made for expenditures for the costs of personal services, travel, and transportation, and other object classifications that are incurred for the technical assistance, training, and related activities provided by or to officials and employees of the Department for a program that is funded from such other account and in which the costs of technical assistance are otherwise eligible for expenditure. Up to 10 percent of the amount transferred may be used for technical assistance, training, travel, and related expenses provided to officials and employees of the Department. The authority under this subsection to transfer amounts shall be in addition to any other authority of the Secretary to transfer funds among accounts which exists on the date of the enactment of the Housing and Community Development Act of 1992 or is provided after such date.".

SEC. 705. ANNUAL REPORT REGARDING REPEAL OF UNFUNDED PROGRAMS.

Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended—

(1) by inserting "(a) IN GENERAL.—" after "SEC. 8."; and

(2) by adding at end the following new subsection:

"(b) UNFUNDED PROGRAMS.—In each annual report under this section, the Secretary shall—

"(1) identify each program under the jurisdiction of the Department for which amounts have been authorized to be appropriated for each of the 3 most recently completed fiscal years but for which, for all 3 of such years, amounts have not been appropriated; and

"(2) include proposed legislation repealing the provisions of Federal law authorizing the programs identified pursuant to paragraph (1) and providing requirements for the treatment, after such repeal, of any assistance provided under such provisions before the repeal.".

SEC. 706. REQUIREMENTS FOR PARTICIPATION OF WOMEN IN CONSTRUCTION ASSISTED UNDER HUD PROGRAMS.

The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended by adding at the end the following new section:

"SEC. 15. REQUIREMENTS FOR PARTICIPATION OF WOMEN IN CONSTRUCTION ASSISTED UNDER HUD PROGRAMS.

"(a) BIDS.—Except as provided in subsection (c), each contractor submitting a bid or contract proposal for a covered construction contract (and each applicant for construction assistance that will carry out construction) shall include in the bid or proposal (or application for construction assistance) documentation sufficient to ensure that the contractor will comply with the requirements of this section or certifications that the contractor will make a good faith effort to comply with such requirements. The Secretary shall, by regulation, establish standards for such documentation and certifications and shall provide for contractors (and applicants) making certifications to periodically provide to the Secretary evidence of such good faith efforts.

"(b) PARTICIPATION REQUIREMENTS.—Any contractor who enters into a covered construction contract (and any recipient of construction assistance carrying out construction), and any subcontractor thereof, shall employ and maintain the employment of construction trades workers in construction covered by the covered construction contract (or assisted with the construction assistance)—

"(1) for any contractor or subcontractor (or recipient of construction assistance) whose total number of employees is not less than 6 and not more than 19, not less than 1 woman; and

"(2) for any contractor or subcontractor (or recipient of construction assistance) whose total number of employees is 20 or more, a number of women that is not less than 10 percent of the positions in each of the construction trades performed by the contractor or subcontractor (or recipient of construction assistance).

"(c) EXEMPTION FOR SMALL CONTRACTORS.—Any contractor (or recipient) whose total number of employees is 5 or less shall not be subject to the requirements of this section.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'construction assistance' means any assistance provided under any program administered by the Secretary that is used for any construction, but does not include mortgage insurance under the National Housing Act.

"(2) The term 'construction trades workers' means workers in any construction trade, including—

"(A) brickmasons, stonemasons, and tile setters;

"(B) carpenters;

"(C) electricians and power transmission installers;

"(D) painters, paperhangers, and plasterers;

"(E) plumbers, pipefitters, and steamfitters;

"(F) carpet installers;

"(G) drywall installers and drywall finishers;

"(H) concrete and terrazzo finishers;

"(I) glaziers;

"(J) insulation workers;

"(K) paving, surfacing, and tamping equipment operators;

"(L) roofers;

"(M) sheetmetal duct installers;

"(N) structural metal workers;

"(O) power equipment operators (including truck drivers, and backhoe, bulldozer, crane, loader, and grader operators);

"(P) sprinkler installers;

"(Q) elevator installers;

"(R) laborers; and

"(S) landscapers.

"(3) The term 'contractor' includes firms, partnerships, corporations, and any other persons, and any combination thereof.

"(4) The term 'covered construction contract' means an agreement to provide labor and related materials, supplies, or services for any construction that—

"(A) involves any construction assistance; and

"(B) if such construction assistance is provided—

"(i) under the community development block grant program under title I of the Housing and Community Development Act of 1974 or the HOME Investment Partnerships Act, involves a total project cost of not less than $100,000; or

"(ii) under any other program administered by the Secretary, involves a total project cost of not less than $200,000.

"(5) The term 'subcontractor' means any firm, partnership, corporation, or any other person, or any combination thereof, who enters into a contract or agreement with a contractor to perform a substantial specified portion of a covered construction contract.".

SEC. 707. NOTIFICATION OF HUD FUNDING AWARDS.

Section 102(a)(1) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(a)(1)) is amended by adding at the end the following new sentence: "Each notice of the availability of assistance shall include an estimate of the date by which the Department will notify applicants for such assistance whose applications or requests for assistance are approved of such approval.".

SEC. 708. EXCLUSION OF GNMA FROM HUD PERSONNEL CEILINGS.

Section 502(a) of the Housing Act of 1948 (12 U.S.C. 1701c(a)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, employees of the Government National Mortgage Association Department in the Department of Housing and Urban Development shall not be considered employees of the Department for purposes of any limitation on the number of employees of the Department.".

SEC. 709. HUD RESEARCH AND DEVELOPMENT.

The second sentence of section 501 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1) is amended to read as follows: "There are authorized to be appropriated to carry out this title $40,000,000 for fiscal year 1995 and $42,000,000 for fiscal year 1996.".

SEC. 710. PREVENTING FRAUD AND ABUSE IN RURAL RENTAL HOUSING PROGRAM.

(a) IN GENERAL.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

*(1) in the heading for the section, by inserting "**AND RURAL RENTAL HOUSING PROGRAM**" before the period at the end;*

(2) by striking paragraph (1) of subsection (a) and inserting the following new paragraph:

"(1) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Housing and Urban Development, with respect to programs of the Department of Housing and Urban Development; and

"(B) the Secretary of Agriculture, with respect to the program for rural rental housing under section 515 of the Housing Act of 1949.";

(3) in subsection (b), in the matter preceding paragraph (1), by inserting after "income," the following: "and as a condition of initial or continuing eligibility for participation in the program for rural rental housing under section 515 of the Housing Act of 1949,";

(4) in subsection (c)(2)(A)—

(A) by inserting before "from the improper" the following: "or the program for rural rental housing under section 515 of the Housing Act of 1949"; and

(B) by inserting before "and (in" the following: "and the Department of Agriculture";

(5) in the last sentence of subsection (c)(3)(A), by inserting "an officer or employee of the Department of Agriculture," after "Development,";

(6) in subsection (e), by inserting after "Development" the following: "or the program for rural rental housing under section 515 of the Housing Act of 1949,";

(7) in subsection (a)(2), in the matter in subsection (b) that precedes paragraph (1), and in paragraphs (1) and (2) of subsection (b), by striking "the Secretary" each place it appears and inserting "the Secretary concerned"; and

(8) in subsection (b)(3)—

(A) by striking "the Secretary authorizing the Secretary" and inserting "the Secretary concerned authorizing the Secretary concerned"; and

(B) by striking "of the Secretary" and inserting "of the Secretary concerned".

(b) ACCESS TO RECORDS.—Section 303(i)(1) of the Social Security Act (42 U.S.C. 503(i)(1)) is amended—

(1) in subparagraph (A), in the matter preceding clause (i)—

(A) by inserting "or the Department of Agriculture, as applicable," before "and to representatives";

(B) by inserting "of Housing and Urban Development or in the program for rural rental housing under section 515 of the Housing Act of 1949" after "by the Department"; and

(C) by inserting "or the Secretary of Agriculture, as applicable" before the dash at the end; and

(2) in subparagraph (B), by inserting "or under the program for rural rental housing under section 515 of the Housing Act of 1949" before the period at the end.

(c) RETURN INFORMATION.—Section 6103(l)(7)(D)(ix) of the Internal Revenue Code of 1986 is amended—

(1) by inserting "and the program for rural rental housing under section 515 of the Housing Act of 1949" after "income,";

(2) by inserting "or the Secretary of Agriculture, as applicable," after "Secretary of Housing and Urban Development"; and

(3) by inserting "or the Department of Agriculture" before "with respect to".

SEC. 711. NATIONAL INSTITUTE OF BUILDING SCIENCES.

The second sentence of section 809(i) of the Housing and Community Development Act of 1974 (12 U.S.C. 1701j–2(i)) is amended to read as follows: "In addition to the amounts authorized to be appropriated under the first sentence of this subsection, there are authorized to be appropriated to the Institute to carry out the provisions of this section $2,000,000 for fiscal year 1995 and $2,000,000 for fiscal year 1996.".

SEC. 712. RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION.

(a) TARGET HOUSING HAZARD REDUCTION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 1011(p) of the Housing and Community Development Act of 1992 (42 U.S.C. 4852(p)) is amended to read as follows:

"(p) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this Act, there are authorized to be appropriated $100,000,000 for fiscal year 1995 and $110,000,000 for fiscal year 1996.".

(2) TECHNICAL ASSISTANCE AND CAPACITY BUILDING.—Section 1011(g) of the Housing and Community Development Act of 1992 (42 U.S.C. 4852(g)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting before the period at the end the following: ", by providing technical assistance, either directly, or indirectly under contracts or otherwise"; and

(ii) by striking the second sentence; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) SET-ASIDE.—Of the total amount approved in appropriation Acts under subsection (p), there shall be set aside to carry out this subsection $3,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.".

(b) HUD RESEARCH.—

(1) CONDUCTING OF RESEARCH.—Section 1052 of the Housing and Community Development Act of 1992 (42 U.S.C. 4854a) is amended by inserting after "other Federal agencies," the following: "either directly, or indirectly under contract or otherwise,".

(2) FUNDING.—Section 1053 of the Housing and Community Development Act of 1992 (42 U.S.C. 4854b) is amended to read as follows:

"SEC. 1054. FUNDING.

"Of the total amount approved in appropriation Acts under section 1011(p), there shall be set aside to carry out this part $5,000,000 for fiscal year 1995 and $5,000,000 for fiscal year 1996.".

(3) OTHER ACTIVITIES.—Part 1 of subtitle D of title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4854 et seq.) is amended by inserting after section 1052 the following new section:

"SEC. 1053. OTHER RESEARCH AND ASSISTANCE ACTIVITIES.

"The Secretary may use amounts available to carry out this part to undertake, either directly, or indirectly under contract or otherwise, pursuant to title V of the Housing and Urban Development Act of 1970, such studies, tests (including pilot tests of new or revised programs), evaluations, demonstrations, education of the public, and preparation of training materials, as are consistent with the purposes of this Act.".

SEC. 713. GAO STUDY OF LEAD-BASED PAINT DETECTION TECHNOLOGIES AND TENANT NOTIFICATION PROCEDURES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the lead-based paint detection and abatement programs of the Department of Housing and Urban Development, which shall include—

(1) analysis of existing lead-based paint detection technologies including an analysis of the effectiveness of x-ray fluorescence analyzers (in this section referred to as "XRF");

(2) evaluation of the qualifications of XRF contractors and whether national certification standards should be imposed;

(3) analysis of whether the 1.0 mg/cm^2 action level for lead paint, as directed in section 302 of the Lead-Based Paint Poisoning Prevention Act, is too high to adequately protect tenant health, and in conduction such analysis, the Comptroller General shall consult with the Consumer Product Safety Commission, the Department of Health and Human Services, and the Environmental Protection Agency; and

(4) evaluation of the effectiveness of tenant notification procedures of the Department of Housing and Urban Development pursuant to a finding of lead-based paint in public housing.

(b) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report describing the results of the study required by subsection (a).

SEC. 714. CIVIL MONEY PENALTIES FOR VIOLATIONS OF HOME MORTGAGE DISCLOSURE ACT BY NONSUPERVISED MORTGAGEES.

Section 305 of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2804) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting "and" at the end;

(B) in paragraph (3), by striking "; and" at the end and inserting a period; and

(C) by striking paragraph (4);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

"(c) POWERS OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this subsection referred to as the 'Secretary') shall enforce compliance with the requirements imposed under this title with regard to lending institutions not described in subsection (b).

"(2) CIVIL MONEY PENALTIES.—Pursuant to paragraph (1) of this subsection, the Secretary may impose a civil money penalty for failure to comply with the requirements of this title.

"(3) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Secretary, may not exceed $5,000 for each violation, except that the maximum penalty for all violations by any particular lending institution during any 1-year period shall not exceed $1,000,000.

"(4) VIOLATIONS FOR WHICH A PENALTY MAY BE IMPOSED.—A civil money penalty may be imposed for the late submission of a report, failure to submit a report, submission of an illegible report, submission of an erroneous report, and failure to submit a corrected report for a report that was illegible or erroneous.

"(5) AGENCY PROCEDURES.—

"(A) ESTABLISHMENT.—The Secretary shall establish standards and procedures governing the imposition of civil money penalties under this section. The standards and procedures shall provide for the Secretary to make the determination to impose the penalty or to use an administrative entity (such as the Mortgagee Review Board, established pursuant to section 202(c) of the National Housing Act) to make the determination; shall provide for the imposition of a penalty only after the lending institution has been given an opportunity for a hearing on the record; and may provide for review by the Secretary of a determination or order, or interlocutory ruling, arising from a hearing.

"(B) FINAL ORDERS.—If no hearing is requested within 15 days of receipt of the notice of opportunity for hearing, the imposition of the penalty shall constitute a final and unappealable determination. If the Secretary reviews the determination or order, the Secretary may affirm, modify, or reverse that determination or order. If the Secretary does not review the determination or order within 90 days of the issuance of the determination or order, the determination or order shall be final.

"(C) FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of a penalty under this subsection, consideration shall be given to such factors as the gravity of the offense, any history of prior offenses, ability to pay the penalty, deterrence of future violations, and such other factors as the Secretary may determine to be appropriate.

"(D) REVIEWABILITY OF IMPOSITION OF PENALTY.—The Secretary's determination or order imposing a penalty under this subsection shall not be subject to review, except as provided in this subsection.

"(6) JUDICIAL REVIEW OF AGENCY DETERMINATION.—

"(A) IN GENERAL.—After exhausting all administrative remedies established by the Secretary under this subsection, a lending institution against whom the Secretary has imposed a civil money penalty under this subsection may obtain a review of the penalty as may be addressed in the notice of determination to impose a penalty in the appropriate court of appeals of the United States, by filing in such court, within 20 days after the entry of such order or determination, a written petition praying that the Secretary's determination or order be modified or set aside in whole or in part.

"(B) OBJECTIONS NOT RAISED IN HEARING.—The court shall not consider any objection that was not raised in the hearing conducted pursuant to this subsection unless a demonstration is made of extraordinary circumstances causing the failure to raise the objection. If any party demonstrates to the satisfaction of the court that additional evidence not presented at the hearing is material and that there were reasonable grounds for the failure to present such evidence at the hearing, the court shall remand the matter to the Secretary for consideration of the additional evidence.

"(C) SCOPE OF REVIEW.—The decisions, findings, and determinations of the Secretary shall be reviewed pursuant to section 706 of title 5, United States Code.

"(D) ORDER TO PAY PENALTY.—Notwithstanding any other provision of law, in any such review, the court shall have the power to order

payment of the penalty imposed by the Secretary.

"(7) ACTION TO COLLECT PENALTY.—If a lending institution fails to comply with the Secretary's determination or order imposing a civil money penalty under this subsection, after the determination or order is no longer subject to review as provided by this subsection, the Secretary may bring an action in an appropriate United States district court to obtain a monetary judgment against the lending institution. In such an action, the validity and appropriateness of the Secretary's determination or order imposing the penalty shall not be subject to review. The monetary judgment may, in the court's discretion, include the attorneys fees and other expenses incurred by the United States in connection with the action.

"(8) SETTLEMENT BY SECRETARY.—The Secretary may compromise, modify, or remit any civil money penalty which may be imposed under this subsection.

"(9) REGULATIONS.—The Secretary shall issue such regulations as the Secretary deems appropriate to implement this subsection.

"(10) DEPOSIT OF PENALTIES IN TREASURY.—All civil money penalties collected under this subsection shall be deposited in the Miscellaneous Receipts Account of the Treasury.".

SEC. 715. REMOVAL OF REGULATORY BARRIERS TO AFFORDABLE HOUSING.

(a) PURPOSES.—Section 1202 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705a) is amended—

(1) in paragraph (1), by striking "State and local governments to further identify and remove" and inserting "the further identification and removal of"; and

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) to encourage the establishment of partnerships between local governments and builders and developers of affordable housing to facilitate development of innovative land use and building practices to overcome regulatory barriers.".

(b) GRANTS.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) IN GENERAL.—The amounts available for use under this Act may be used for grants under subsections (b) and (c), for evaluation of grantees, and for contracts with intermediaries for the administration of such grants.";

(2) in subsection (b)—

(A) in the heading for the subsection, by striking "GRANTS" and inserting "AND REGIONAL STRATEGIES FOR BARRIER REMOVAL";

(B) in matter preceding paragraph (1), by inserting after "States" the following: ", consortia of units of general local government, associations of units of general local government, and metropolitan or regional governments";

(C) in paragraph (3), by striking "a State program to reduce State and local" and inserting "State or regional programs to reduce";

(D) in paragraph (4), by inserting "or local" after "State";

(E) in paragraph (5), by striking "State"; and

(F) by striking paragraph (6) and inserting the following new paragraph:

"(6) developing proposed legislation or administrative policies for enactment by the State or local government addressing expanded housing opportunity and barrier removal, including implementation of active programs encouraging housing opportunities for low- and moderate-income families through activities such as comprehensive planning requirements, metropolitan fair-share requirements for affordable housing, inclusionary zoning legislation, establishment of new land development standards, and review of zoning standards and plans.";

(3) by striking subsection (c) and inserting the following new subsection:

"(c) BARRIER REMOVAL DEMONSTRATION.—The Secretary may make grants to units of general local government to encourage the establishment of partnerships between local governments and builders and developers under which the local government commits to modify existing land use and building practices and the builder or developer agrees to use innovative land planning and development approaches to build affordable housing in ways which would overcome regulatory barriers. Assistance under this subsection may be used to assist the builder or developer obtain additional architectural, engineering, and land planning services to build affordable housing and to provide assistance to the locality in providing specialized review and in meeting technical responsibilities resulting from the removal of the regulatory barriers. During and after completion of these demonstration projects, the Secretary may evaluate the cost impact of the modified regulations and the long-term impact of the project on regulatory reform.";

(4) by striking subsections (d) through (g) and inserting the following new subsection:

"(d) APPLICATION AND SELECTION.—

"(1) APPLICATION.—The Secretary shall provide for the form and manner of applications for grants under this section, which in the case of grants under subsection (c), shall include resolutions and other evidence by the applicable regulating bodies evidencing commitments—

"(A) to waive or modify existing applicable zoning, building code, site planning, and other related development requirements;

"(B) to approve the project based upon an individual review of the technical data, site plans, and architectural submissions of the project, utilizing the most recent research and practices of building engineering and land development; and

"(C) to accelerate development review and processing.

"(2) CRITERIA FOR APPROVAL.—The Secretary shall establish criteria for approval of applications under this subsection and for the competitive selection of grantees under this section.";

(5) in subsection (h), by striking "State and unit of general local government receiving" and inserting "recipient of"; and

(6) by redesignating subsections (h) and (i) as subsections (e) and (f), respectively.

(c) REPORTS.—Section 1207 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705a note) is amended by striking "this Act" and inserting "the Housing and Community Development Act of 1994".

(d) CDBG SPECIAL PURPOSE GRANTS.—Section 107(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(b)) is amended by inserting at the end the following new paragraph:

"(9) to eligible grantees, and for other purposes, under the Removal for Regulatory Barriers to Affordable Housing Act of 1992.".

SEC. 716. NEW TOWNS DEMONSTRATION PROGRAM FOR EMERGENCY RELIEF OF LOS ANGELES.

(a) INSURANCE AUTHORITY.—The first sentence of section 1104(d) of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended to read as follows: "To the extent provided in appropriation Acts, the Secretary shall use any authority provided pursuant to section 531(b) of the National Housing Act to enter into commitments to insure loans and mortgages under this section in fiscal years 1995 and 1996 with an aggregate principal amount not exceeding such sums as may be necessary to carry out the demonstration under this title.".

(b) SECOND MORTGAGE ASSISTANCE.—Section 1105(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 1995 and 1996 such sums as may be necessary for providing assistance under this section.".

(c) COMMUNITY DEVELOPMENT ASSISTANCE.—Section 1106(h) of the Housing and Community Development Act of 1992 (42 U.S.C. 5318 note) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 1995 and 1996 such sums as may be necessary for assistance under this section.".

SEC. 717. AUTHORIZATION OF APPROPRIATIONS FOR PUBLIC SERVICES FACILITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 1995 such sums as may be necessary for a grant by the Secretary of Housing and Urban Development to the City of Springfield, Massachusetts (in this section referred to as the "City"), for the redevelopment of a facility formerly used as a United States Post Office for use as a consolidated facility for city public services in accordance with the plans, budgets, and timetables for such facility developed by the City.

(b) CITY CONTRIBUTION.—Notwithstanding any other provision of this section, the Secretary may not make any amount provided pursuant to this section available to the City unless the City contributes for redevelopment of the facility referred to in subsection (a) an amount constituting not less than 25 percent of the total cost of the redevelopment project.

(c) AVAILABILITY OF AMOUNTS.—Of any amounts appropriated pursuant to this section, the Secretary shall provide $2,500,000 to the City in fiscal year 1995 and the remainder shall remain available until the end of fiscal 1996 and shall be provided to the City in such year.

(d) REPORTS.—The Secretary may require the City to submit such reports and other information as the Secretary considers necessary to ensure that the amounts provided under this section are used in accordance with this section and that amounts are provided by the City in accordance with subsection (b).

SEC. 718. NATIONAL AMERICAN INDIAN HOUSING COUNCIL.

There is authorized to be appropriated for assistance for the National American Indian Housing Council $1,000,000 for fiscal year 1995 and $1,000,000 for fiscal year 1996, for providing training and technical assistance to Indian Housing Authorities.

SEC. 719. HOUSING ASSISTANCE COUNCIL.

There is authorized to be appropriated for assistance for the Housing Assistance Council $5,000,000 for fiscal year 1995 and $5,000,000 for fiscal year 1996, for providing training, technical assistance, and financial assistance to develop affordable housing in rural areas.

SEC. 720. DEMONSTRATION PROGRAM FOR OUTREACH TO AVOID DISCONNECTION OF UTILITIES.

(a) ACTION OF SECRETARY.—The Secretary of Housing and Urban Development shall provide technical advice and assistance to Maryland Energy Advocates to establish and carry out a program under (b).

(b) OUTREACH PROGRAM.—The program under this subsection shall be a program, carried out by Maryland Energy Advocates, to—

(1) identify low-income families living in Baltimore, Maryland, and the surrounding areas, including low-income families residing in housing for which assistance is provided by the Federal Government, whose electricity or other utility services have been disconnected because of failure to pay amounts owed;

(2) provide counseling and advice to such families regarding utility payments, family budgeting, sources and programs of assistance for utility payments, and such other matters as may be necessary to avoid the disconnection of utility service in the future; and

(3) determine the most effective manners of identifying low-income families in need of advice or assistance to avoid disconnection of utility services and the most effective actions to help low-income families avoid such disconnection.

(c) REPORT.—After consultation with Maryland Energy Advocates regarding the implementation and results of the program under subsection (b), but not later than the expiration of the 18-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress that—

(1) describes the program and the activities carried out under the program;

(2) describes the extent to which the utility services of low-income families are disconnected; and

(3) identifies the most effective manners of identifying low-income families in need of advice or assistance to avoid disconnection of utility services and the most effective actions to help low-income families avoid such disconnection, including any such actions appropriate for the Federal Government.

SEC. 721. FEDERAL DEPOSIT INSURANCE CORPORATION AFFORDABLE HOUSING PROGRAM.

(a) REAUTHORIZATION.—Section 40(b) of the Federal Deposit Insurance Act (12 U.S.C. 1831q(b)) is amended—

(1) in paragraph (1), by striking "during" and all that follows through "paragraph (2)(A)" and inserting "until the end of fiscal year 1997";

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking "3-year"; and

(3) in paragraph (2)(C), by striking "3-year".

(b) FACILITATION OF PROGRAM.—Section 40 of the Federal Deposit Insurance Act is amended by adding at the end the following new subsection:

"(r) FACILITATION OF PROGRAM.—Notwithstanding any provision of this section or any other provision of law, the Corporation shall be considered to be in compliance with this section if (in the sole discretion of the Corporation) the Corporation at any time modifies, amends, or waives any provisions of this section to maximize the efficient use of amounts appropriated to carry out this section. The Corporation shall not be subject to suit for any failure to comply with the requirements of this section.".

SEC. 722. STATE AGENCIES AS SURETIES.

Section 9304 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) STATE AGENCIES.—A State agency, including any financing authority established by any State, which meets the requirements of paragraphs (2) and (3) of subsection (a) may be treated as a surety corporation for purposes of this chapter.".

TITLE VIII—HOUSING PROGRAMS UNDER STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Stewart B. McKinney Homeless Housing Assistance Amendments Act of 1994".

Subtitle A—Housing Assistance

CHAPTER 1—REORGANIZATION OF CERTAIN MCKINNEY ACT HOUSING PROVISIONS

SEC. 811. FLEXIBLE GRANT PROGRAM.

Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking subtitles A, B, C, D, and F;

(2) by striking the headings for subtitles E and G;

(3) by redesignating sections 441 (as amended by the preceding provisions of this Act), 491, and 592 (as added by section 1414 of the Housing and Community Development Act of 1992) as sections 451, 453, and 454, respectively;

(4) by striking sections 442 and 443; and

(5) by inserting after the heading for the title the following:

"Subtitle A—Flexible Grant Program

"CHAPTER 1—GENERAL PROVISIONS

"SEC. 401. PURPOSES.

"The purposes of this subtitle are to—

"(1) expand and reorganize the Federal commitment to alleviate homelessness by providing States, Indian tribes, and localities with the resources to more efficiently and effectively design a comprehensive system to address the shelter, service, and permanent housing needs of homeless individuals and families in the United States;

"(2) help very low-income families avoid becoming homeless;

"(3) meet the emergency shelter needs of homeless persons and families;

"(4) provide transitional or specialized permanent housing to facilitate the movement of homeless persons and families to independent living;

"(5) provide supportive services to help homeless persons and families lead independent and dignified lives;

"(6) encourage the cooperation and participation of the States and units of general local government, together with private nonprofit organizations, in planning and implementing comprehensive homeless assistance programs;

"(7) reduce the costs to States, units of general local government, and private nonprofit organizations in applying for and using Federal housing assistance for families and persons who are homeless; and

"(8) begin meeting the needs of most of the Nation's homeless population through the existing Federal programs providing basic assistance for low-income families and persons.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated—

"(1) $635,000,000 for fiscal year 1995 for grants in accordance with section 813 of the Housing and Community Development Act of 1994; and

"(2) $786,620,000 for fiscal year 1996 for grants under this subtitle.

Any amounts appropriated pursuant to this section shall remain available until expended.

"SEC. 403. DEFINITIONS.

"For purposes of this subtitle, the following definitions shall apply:

"(1) The term 'allocation unit of general local government' means a metropolitan city and an urban county.

"(2) The term 'applicant' means an eligible grantee that submits an application under section 408 for a grant under this subtitle.

"(3) The term 'disability' means—

"(A) a disability as defined in section 223 of the Social Security Act;

"(B) to be determined to have, pursuant to regulations issued by the Secretary, a physical, mental, or emotional impairment which (i) is expected to be a long-continued and indefinite duration, (ii) substantially impedes an individual's ability to live independently, and (iii) of such a nature that such ability could be improved by more suitable housing conditions;

"(C) a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or

"(D) the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome.

Subparagraph (D) shall not be construed to limit eligibility under subparagraphs (A) through (C) or the provisions referred to in subparagraphs (A) through (C).

"(4) The term 'eligible grantee' means—

"(A) an allocation unit of general local government, Indian Tribe, or insular area that elects to administer a grant under section 410(a)(1);

"(B) a public agency or a private nonprofit organization (or a consortium of such organizations) designated by the Secretary under section 410(a)(3) to administer grant amounts for an allocation unit of general local government, Indian tribe, or insular area;

"(C) an entity eligible to receive grant amounts from the Secretary under section 410(a)(4);

"(D) a State that elects under section 410(b)(1)(A) to administer a grant;

"(E) a unit of general local government selected under section 410(b)(5) to receive grant amounts from the Secretary; and

"(F) a private nonprofit organization selected under section 410(b)(4) to receive grant amounts from the Secretary.

"(5) The term 'families' has the same meaning given the term under section 3(b) of the United States Housing Act of 1937.

"(6) The term 'grantee' means—

"(A) an allocation unit of general local government, Indian Tribe, or insular area that receives a grant under this subtitle and administers the grant under section 410(a)(1);

"(B) an allocation unit of general local government, Indian tribe, or insular area that receives a grant under this subtitle and designates a public agency or private nonprofit organization (or a consortium of such organizations) to administer grant amounts for the jurisdiction under section 410(a)(2);

"(C) a public agency or a private nonprofit organization (or a consortium or such organizations) designated by the Secretary under section 410(a)(3) to administer grant amounts for an allocation unit of general local government, Indian tribe, or insular area, and that receives grant amounts under this subtitle;

"(D) an entity that receives grant amounts from the Secretary under section 410(a)(4);

"(E) a State that receives grant amounts under this subtitle and administers such amounts under section 410(b)(1)(A);

"(F) a unit of general local government that receives grant amounts from the Secretary under section 410(b)(5); and

"(G) a private nonprofit organization that receives grant amounts from the Secretary under section 410(b)(4);

"(7) The term 'homeless family' means a group of one or more related individuals who are homeless individuals.

"(8) The term 'Indian tribe' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act or was considered an eligible recipient under chapter 67 of title 31, United States Code, before the repeal of such chapter.

"(9) The term 'insular area' means the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(10) The term 'low-demand services and referrals' means the provision of health care, mental health, substance abuse, and other supportive services and referrals for services in a noncoercive manner, which may include medication management, education, counseling, job training, and assistance in obtaining entitlement benefits and in obtaining other supportive service including mental health treatment and substance abuse treatment.

"(11) The term 'metropolitan city' has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974.

"(12) The term 'operating costs' means expenses of operating any housing assisted under this subtitle with respect to—

"(A) the administration, maintenance, repair, and security of such housing;

"(B) utilities, fuels, furnishings, and equipment for such housing; and

"(C) the conducting of the assessments of and the provision of supportive services to the residents of such housing.

"(13) The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, case management services and child immunization.

"(14) The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(15) The term 'project' means a structure or a portion of a structure that is acquired or rehabilitated with assistance provided under this subtitle or with respect to which the Secretary provides technical assistance or annual payments for operation costs.

"(16) The term 'project sponsor' means an entity that—

"(A) provides housing or assistance for homeless individuals or families by carrying out eligible activities under chapter 2 that are assisted under this subtitle; and

"(B) meets such minimum standards as the Secretary considers appropriate.

"(17) The term 'recipient' means a grantee (other than a State distributing grant amounts to State recipients) and a State recipient.

"(18) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(19) The term 'State' means a State of the United States and the Commonwealth of Puerto Rico, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to provisions of this subtitle.

"(20) The term 'State recipient' means—

"(A) a unit of general local government within a State (other than an allocation unit of general local government) that receives grant amounts from the State under section 410(b)(3); and

"(B) a private nonprofit organization that receives grant amounts from a State under section 410(b)(4).

"(21)(A) The term 'supportive services' means assistance that—

"(i) addresses the special needs of homeless person, such as deinstitutionalized persons, families with children, persons with mental disabilities, other persons with disabilities, the elderly, and veterans intended to be served by a project; and

"(ii) assists in accomplishing the purposes of the different types of housing for the homeless eligible for assistance under this subtitle.

"(B) Such term includes—

"(i) food services, child care, substance abuse treatment, assistance in obtaining permanent housing, outpatient health services, employment counseling, nutritional counseling, security arrangements for the protection of residents of facilities to assist the homeless, and such other services essential for maintaining or moving toward independent living as the Secretary determines to be appropriate; and

"(ii) assistance to homeless persons in obtaining other Federal, State, and local assistance available for such individuals, including public assistance benefits, mental health benefits, employment counseling, and medical assistance.

"(C) Such term does not include the provision of major medical equipment.

"(D) All or part of the supportive services may be provided directly by the project sponsor or by arrangements with other public or private service providers.

"(22) The term 'unit of general local government' means—

"(A) a city, town, township, county, parish, village, or other general purpose political subdivision of a State;

"(B) the District of Columbia; and

"(C) any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction with regard to provisions of this subtitle.

The term includes a consortium of geographically contiguous units of general local government if the Secretary determines that the consortium—

"(i) has sufficient authority and administrative capability to carry out the purposes of this subtitle on behalf of its member jurisdictions; and

"(ii) will, according to a written certification by the State (or State, if the consortium includes jurisdictions in more than one State), direct its activities to alleviation of problems of homeless individuals or families within the State or States.

"(23) The term 'urban county' has the meaning given the term in section 102(a) of the Housing and Community Development Act of 1974.

"(24) The term 'very low-income families' has the same meaning given the term under section 104 of the Cranston-Gonzalez National Affordable Housing Act.

"SEC. 404. PROVISION OF GRANTS.

"(a) AUTHORITY AND USE.—The Secretary may make grants to eligible grantees in accordance with the provisions of this subtitle. Grants under this subtitle may be used only—

"(1) to carry out activities under chapter 2 for assisting homeless individuals and families that are conducted to provide comprehensive homeless assistance required under section 405; and

"(2) for administrative expenses, to the extent provided in section 436.

"(b) GENERAL RULE FOR AWARD OF GRANTS.—Except as provided in subsection (c), the Secretary shall make grants using amounts appropriated under section 402 in the manner provided in this subtitle.

"(c) INSUFFICIENT APPROPRIATIONS.—

"(1) TRIGGER.—If the amounts appropriated pursuant to section 402 for any fiscal year are less than 50 percent of the amount authorized to be appropriated under such section for the year, the Secretary shall use such amounts to make grants under the provisions of this title as in effect immediately before the enactment of the Housing and Community Development Act of 1994.

"(2) GRANT REQUIREMENTS.—The Secretary shall establish requirements for grants made under this subsection, as the Secretary considers appropriate, that are additional or alternative to the requirements under the provisions of this title as in effect immediately before the enactment of the Housing and Community Development Act of 1994.

"(3) GRANT CRITERIA.—The criteria for awarding grants under this subsection shall include—

"(A) the extent to which there is a need for assistance for homeless individuals and families in the jurisdiction in which the grant will be used;

"(B) the extent to which the activities proposed to be carried out with grant amounts will further the provision of comprehensive homeless assistance required under section 405(b)(1);

"(C) the extent to which private nonprofit organizations providing assistance to homeless individuals and families in the jurisdiction have been, and will be, included in planning for the receipt of assistance under this subtitle, the development of the application under section 408, and the execution of the proposed activities; and

"(D) such other criteria as the Secretary considers appropriate to further the purposes of this subsection and this subtitle.

"(4) SET ASIDE FOR INDIAN TRIBES AND INSULAR AREAS.—In making grants under this subsection, the Secretary may to set aside such amounts as the Secretary considers appropriate for grants for Indian tribes and insular areas.

"SEC. 405. COMPREHENSIVE HOMELESS ASSISTANCE.

"(a) ESTABLISHMENT AND MAINTENANCE.—Each applicant shall, based on information provided in the current comprehensive affordable housing strategy for the appropriate jurisdiction under section 105 of the Cranston-Gonzalez National Affordable Housing Act or such other plan as the Secretary may prescribe, use assistance provided under this subtitle in a manner that ensures that comprehensive homeless assistance is established and maintained within the jurisdiction of the applicant.

"(b) REQUIREMENTS.—For purposes of this subtitle, comprehensive homeless assistance required under this section shall include—

"(1) providing a system of outreach and assessment for—

"(A) determining whether an individual or family is homeless, needs assistance to avoid being homeless, or needs other assistance; and

"(B) ensuring that individuals and families so identified receive appropriate housing and supportive services;

"(2) providing assistance to the extent necessary to avoid eviction (or foreclosure) and termination of utility services of low- and very low-income families to prevent such families from becoming homeless;

"(3) making emergency shelters with appropriate supportive services available to the extent necessary to ensure that homeless individuals and families for which such housing is appropriate receive adequate shelter, including during any period in which an assessment referred to in paragraph (1) is performed for such an individual or family;

"(4) making transitional housing with appropriate supportive services available to the extent necessary to ensure that homeless individuals and families for which such housing is appropriate are prepared for increased responsibility and permanent housing, or permanent supportive housing, after the transition period;

"(5) making permanent supportive housing, available to the extent necessary to meet the long-term housing needs of all homeless individuals and families;

"(6) providing assistance to meet specific needs of various subpopulations of the homeless, especially the unique needs of homeless veterans; and

"(7) providing for coordination of assistance provided under this subtitle and assistance provided under other Federal, State, and local programs that may be used to assist homeless individuals and families, including—

"(A) assistance under the programs for public and Indian housing and section 8 rental assistance under the United States Housing Act of 1937 (including the program for section 8 assistance for moderate rehabilitation under section 451 of this Act and the shelter plus care program for such assistance under section 452 of this Act), the HOME Investment Partnerships Act, *the community development block grant program under title I of the Housing and Community Development Act of 1974, the program for supportive housing for the elderly under section 202 of the Housing Act of 1959, the program for supportive housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act, and the program for housing opportunities for persons with AIDS under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act;*

"(B) programs administered by the Director of the Federal Emergency Management Agency;

"(C) programs administered by the Secretary of Labor, including programs for employment and training;

"(D) programs administered by the Secretary of Health and Human Services, including programs for health care, mental health care, social services, income support services, runaway youth, and unfit transient facilities;

"(E) programs administered by the Secretary of Veterans Affairs (including programs for compensation benefits, health care, and mental health care, and other services and programs) that are specifically designed to assist homeless veterans;

"(F) programs administered by the Secretary of Education, including programs for adult education and education for homeless children and youth;

"(G) programs administered by the Corporation for National and Community Service, including programs for national service; and

"(H) such other assistance as the Secretary shall prescribe upon consultation with the Interagency Council on the Homeless.

"SEC. 406. MATCHING REQUIREMENTS.

"(a) IN GENERAL.—Except as provided in subsection (c), each recipient shall supplement the amount of grants provided under this subtitle to the recipient with an equal amount of funds from non-Federal sources, which shall include funds from project sponsors receiving assistance from the recipient.

"(b) SUPPLEMENTAL FUNDS.—Supplemental funds may include (1) the value of any donated material or building, the value of any lease on a building, (2) any salary paid to staff to carry out the program of a project sponsor, (3) the value of the time and services contributed by volunteers to carry out the program of project sponsor at a rate determined by the Secretary, and (4) the proceeds from bond financing validly issued by a State or unit of general local government, agency, or instrumentality thereof, and repayable with revenues derived from a project assisted under this subtitle, except that not more than 25 percent of the contribution required may be derived from the proceeds of such bond financings. Any State or local government funds used independently from the program under this title, or designated for such use, to assist the homeless by carrying out activities that would be eligible for assistance under this subtitle shall be considered supplemental funds under this section.

"(c) STATES.—

"(1) REQUIRED SUPPLEMENTATION.—Except as provided in paragraph (3), in the case of a State administering grant amounts under section 410(b)(1)(A), in each fiscal year, the State shall supplement the amount of grants provided under this subtitle with an amount of funds from sources other than this subtitle equal to the difference between the amount received under this subtitle and $100,000.

"(2) BENEFIT OF MATCH.—Each grantee that is a State shall obtain any supplemental amounts required under paragraph (1) from State recipients receiving amounts under the grant in a manner so that the benefit of the $100,000 subtrahend under paragraph (1) is appropriately divided among State recipients for which providing such supplemental amounts would—

"(A) create a significant hardship for the recipient; or

"(B) interfere with the overall purpose of the homeless assistance program of the recipient.

"(3) EXCEPTION.—If, in any fiscal year, a State receives $100,000 or less in grant amounts under this subtitle, paragraph (1) shall not apply to the State for the fiscal year.

"(d) CERTIFICATION.—Each recipient shall certify, to the satisfaction of the Secretary, its compliance with the provisions of this section, which shall describe the sources and amounts of supplemental funds provided pursuant to this section.

"SEC. 407. RESPONSIBILITIES OF RECIPIENTS AND PROJECT SPONSORS.

"(a) USE OF ASSISTANCE THROUGH PRIVATE NONPROFIT ORGANIZATIONS.—Each recipient shall make available more than 50 percent of the grant amounts it receives for any fiscal year to project sponsors that are private nonprofit organizations to carry out eligible activities under chapter 2, except that the Secretary may waive the applicability of this requirement if the recipient demonstrates to the Secretary that the requirement interferes with the ability of the recipient to provide assistance under this subtitle because of a paucity of qualified private nonprofit organizations in the jurisdiction of the recipient.

"(b) HOUSING QUALITY.—Each recipient shall ensure that housing assisted with grant amounts provided under this subtitle is decent, safe, and sanitary and, when appropriate, complies with all applicable State and local housing codes, building codes, and licensing requirements in the jurisdiction in which the housing is located.

"(c) PREVENTION OF UNDUE BENEFIT.—The Secretary may prescribe such terms and conditions as the Secretary considers necessary to prevent project sponsors from unduly benefiting from the sale or other disposition of projects other than a sale or other disposition resulting in the use of the project for the direct benefit of very low-income families.

"(d) CONFIDENTIALITY.—Each recipient shall develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project and to ensure that the address or location or any family violence shelter project assisted with grant amounts under this subtitle will, except with written authorization of the person or person responsible for the operation of such shelter, not be made public.

"(e) EMPLOYMENT OF HOMELESS INDIVIDUALS.—To the maximum extent practicable, the Secretary shall ensure that recipients involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted with grant amounts under this subtitle, in providing services so assisted, and in providing services for occupants of facilities so assisted.

"(f) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, provide that each recipient shall require each project sponsor receiving assistance under this subtitle from the recipient to provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy making entity of the project sponsor, to the extent that such entity considers and makes policies and decision regarding any project, facility, services, or other activities assisted with grant amounts under this subtitle. A recipient may grant waivers to project sponsors unable to meet the requirement under the preceding sentence if the project sponsor agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

"SEC. 408. APPLICATION.

"(a) REQUIREMENT.—Except as otherwise provided in section 404(c), the Secretary may make a grant under this subtitle only to an eligible grantee that submits an application under this section that is approved by the Secretary.

"(b) FORM AND PROCEDURE.—Applications shall be submitted in such form and in accordance with such procedures as the Secretary shall, by regulation, establish.

"(c) CONTENT.—An application under this section shall—

"(1) include a detailed description, based on information provided in the current comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the appropriate jurisdiction or such other plan as the Secretary may prescribe, of—

"(A) the existing population of homeless individuals and families for the jurisdiction of the applicant; and

"(B) the existing facilities and services designed to assist such population;

"(2) include a detailed description of the comprehensive homeless assistance under section 405 to be established and maintained within the jurisdiction of the applicant;

"(3) provide an assessment of what is required to establish and maintain the provision of comprehensive homeless assistance required under section 405 for the jurisdiction of the applicant;

"(4) set forth a multiyear strategy for establishing and maintaining the provision of comprehensive homeless assistance for the jurisdiction, as described pursuant to paragraph (2), and include timetables, goals, and budget estimates for accomplishing each element of the strategy;

"(5) set forth a 1-year action plan that identifies all activities to be carried out with assistance under this subtitle and demonstrates how such activities will further the strategy set forth pursuant to paragraph (4);

"(6) except in the case of an application by a State that elects under section 410(b)(1)(A) to administer grants under this subtitle, describe the means the applicant will use to distribute grant amounts to project sponsors and whether such amounts will be awarded on a competitive or noncompetitive basis;

"(7) contain certifications or other such forms of proof of commitments of financial and other resources from each public agency or private nonprofit organization that has a role in establishing and maintaining the provision of comprehensive homeless assistance for the jurisdiction of the applicant, required under section 405;

"(8) contain assurances satisfactory to the Secretary that activities carried out under chapter 2 with grant amounts under this subtitle will comply with the requirements of this subtitle;

"(9) in the case of an application by a State that elects to under section 410(b)(1)(A) administer grants under this subtitle, describe the method of distribution of such amounts to State recipients;

"(10) except with respect to an application by a State that elects to under section 410(b)(1)(A) to administer grants under this subtitle, contain a certification from the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act for the State or unit of general local government within which a project is to be located (or such other plan as the Secretary may require) that the proposed project is consistent with the approved housing strategy of such State or unit of general local government;

"(11) contain a certification that the applicant will comply with the requirements of the

Fair Housing Act, title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and will affirmatively further fair housing; and

"(12) contain a certification that the applicant will comply with the requirements of this subtitle and other applicable laws.

"(d) RELATIONSHIP TO CHAS AND CONSOLIDATED PLAN.—In establishing requirements for applications under this section, the Secretary shall provide that if an applicant includes in the application information also required under the comprehensive housing affordability strategy for the appropriate jurisdiction under section 105 of the Cranston-Gonzalez National Affordable Housing Act or such other plan as the Secretary may require, the requirements under such subsection regarding such information shall be considered to be fulfilled by the submission of the application.

"SEC. 409. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) INSULAR AREAS.—In each fiscal year, from any amounts appropriated for such year to carry out this subtitle, the Secretary shall allocate amounts to insular areas in accordance with an allocation formula established by the Secretary.

"(b) STATES AND ALLOCATION UNITS OF GENERAL LOCAL GOVERNMENT.—

"(1) FORMULA ALLOCATION.—

"(A) IN GENERAL.—For each fiscal year, of the amounts that remain after amounts are reserved for insular areas under subsection (a), the Secretary shall allocate assistance according to this paragraph.

"(B) FORMULA.—The Secretary shall allocate amounts under this paragraph using a formula established by the Secretary that allocates amounts for allocation units of general local government and States, and for Indian tribes, in a manner that provides that the percentage of the total amount referred to in subparagraph (A) for any fiscal year that is allocated for any State or allocation unit of general local government, or for Indian tribes, is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for the prior fiscal year that was allocated for such State or allocation unit of general local government, or for Indian tribes.

"(C) MINIMUM AMOUNT.—If, in any fiscal year, allocation under the provisions of subparagraphs (A) and (B) would result in any allocation unit of general local government receiving a grant of less than 0.05 percent of the amounts appropriated to carry out this subtitle for the fiscal year, such amount shall instead be reallocated to the State for use under section 410(b).

"(D) 70 PERCENT FOR UNITS OF GENERAL LOCAL GOVERNMENT.—In each fiscal year, the amount allocated under this paragraph for each allocation unit of general local government shall be the amount that results from increasing all of the amounts determined pursuant to the preceding subparagraphs for allocation units of general local government on a pro rata basis so that the sum of such amounts is equal to 70 percent of the remainder of the amount appropriated for the year to carry out this subtitle after amounts are allocated for insular areas under subsection (a).

"(E) 30 PERCENT FOR STATES.—In each fiscal year, the amount allocated under this paragraph for each State shall be the amount that results from decreasing all of the amounts determined pursuant to the preceding subparagraphs for States on a pro rata basis so that the sum of such amounts is equal to 30 percent of the remainder of the amount appropriated for the year to carry out this subtitle after amounts are allocated for insular areas under subsection (a).

"(2) GRANT AMOUNT FOR STATES AND ALLOCATION UNITS OF GENERAL LOCAL GOVERNMENT.—

"(A) IN GENERAL.—The amount allocated for a fiscal year under paragraph (1) for an allocation unit of general local government or a State shall be the maximum amount that the allocation unit or State may receive under this subtitle for the fiscal year.

"(B) REDUCTION.—In any fiscal year, the Secretary may provide a grant under this subtitle for a State or for an allocation unit of general local government in an amount less than the amount allocated under paragraph (1), if the Secretary determines based upon review of the application of the jurisdiction under section 408 or as a result of the annual performance review and audit under section 413, that the jurisdiction has failed to comply fully with the requirements under section 408 or 411 or that such action is otherwise appropriate.

"(c) REALLOCATIONS.—Any amounts that a State or an allocation unit of general local government is eligible to receive for a fiscal year under subsection (b) that are not received for use in the jurisdiction, as provided by subsections (a) and (b) of section 410, or that become available as a result of actions under section 413(b), shall be added to amounts available for allocation under this section for the succeeding fiscal year.

"SEC. 410. ADMINISTRATION OF PROGRAM.

"(a) GRANTS TO ALLOCATION UNITS OF GENERAL LOCAL GOVERNMENT, INDIAN TRIBES, AND INSULAR AREAS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), and (4), an allocation unit of general local government, Indian tribe, or insular area shall administer grant amounts for any fiscal year received under section 409 by such grantees.

"(2) ADMINISTRATION BY DESIGNEES OF JURISDICTION.—

"(A) AUTHORITY TO ELECT.—An allocation unit of general local government, Indian tribe, or insular area may elect for any fiscal year to designate a public agency or a private nonprofit organization (or a consortium of such organizations) to administer grant amounts under section 409 for the jurisdiction.

"(B) ELECTION REQUIREMENTS.—The Secretary shall prescribe the manner and time for making an election under subparagraph (A), and shall establish criteria for the approval of agencies and organizations designated, which shall require such agencies and organizations to demonstrate experience of the entity in providing assistance to homeless individuals and families in the jurisdiction.

"(C) DIRECT PROVISION OF ASSISTANCE.—The Secretary may, at the request of the jurisdiction, provide grant amounts directly to the agency or organization designated under this paragraph.

"(3) ADMINISTRATION BY DESIGNEES OF SECRETARY.—If an allocation unit of general local government, Indian tribe, or insular area, or (if appropriate) a public agency or private nonprofit organization designated by the jurisdiction under paragraph (2), does not receive a grant under section 409 for any fiscal year because of failure to meet the application requirements of section 408, the Secretary may designate an agency or organization meeting the criteria established under paragraph (2)(B) to receive the grant.

"(4) ADMINISTRATION BY SECRETARY.—If for any fiscal year the Secretary determines that the grant amounts allocated under section 409 for an allocation unit of general local government, Indian tribe, or insular area will not be used in the jurisdiction as provided by the preceding provisions of this subsection, the Secretary may administer such amounts for the jurisdiction. The Secretary shall prescribe such procedures and requirements as the Secretary considers appropriate for administering grant amounts under this paragraph.

"(b) GRANTS TO STATES.—

"(1) IN GENERAL.—To receive an allocation under section 409, each State shall elect—

"(A) to administer grant amounts received under section 409, as provided in paragraphs (2) and (3); or

"(B) to have the Secretary administer such grant amounts for the State, as provided in paragraph (5).

If a State elects to administer grant amounts under subparagraph (A), the election shall be irrevocable.

"(2) STATE PROGRAM.—A State administering grant amounts as provided in paragraph (1)(A)—

"(A) shall distribute the amounts remaining after use in accordance with subparagraph (B) to State recipients for use under this subtitle;

"(B) may use up to 15 percent of the grant amounts received under section 409 to carry out its own homeless assistance program under this subtitle, except that—

"(i) such amounts may only be used for eligible activities under chapter 2 for which States are eligible recipients under this subtitle; and

"(ii) the Secretary may increase the percentage limitation under this subparagraph in the case of any State homeless assistance program that is limited to providing assistance in areas of the State that are not allocation units of general local government; and

"(C) may retain not to exceed 5.0 percent of the amount to be distributed under subparagraph (A) to State recipients to defray the cost of carrying out its responsibilities under this subtitle.

Unless a State demonstrates to the satisfaction of the Secretary that the needs for assistance for activities under this subtitle in areas of the State that are not allocation units of general local government have been fulfilled, grant amounts received by State may only be used to carry out activities in areas of the State that do not include allocation units of general local government.

"(3) DISTRIBUTION OF AMOUNTS TO STATE RECIPIENTS.—

"(A) CHOICE OF ADMINISTRATION.—A State administering grant amounts as provided in paragraph (1)(A) shall, for each fiscal year, afford each such recipient the options of—

"(i) administering the grant amounts on its own behalf;

"(ii) designating a public agency or a private nonprofit organization (as provided by subsection (a)(2)) to administer the grant amounts for the jurisdiction; or

"(iii) entering into an agreement with the State, in consultation with private nonprofit organizations providing assistance to homeless individuals and families in the jurisdiction, under which the State will administer the grant amounts for the jurisdiction.

A recipient may choose to exercise such options at such time and in accordance with such criteria as the Secretary may prescribe.

"(B) DIRECT PROVISION OF ASSISTANCE.—A State may, at the request of the State recipient, provide grant amounts directly to the agency or organization designated under subparagraph (A)(ii).

"(C) DISTRIBUTION OF AMOUNTS.—The State shall distribute amounts to State recipients (or to agencies or organizations designated under subparagraph (A)(ii), as appropriate) on the basis of an application containing such information as the State may prescribe. Each application shall evidence an intent to establish and maintain the provision of comprehensive homeless assistance in the jurisdiction of the recipient, except that the State may waive this requirement with respect to one or more proposed activities, where the State determines that—

"(i) the activities are necessary to meet the needs of homeless individuals and families within the jurisdiction; and

"(ii) comprehensive homeless assistance is not necessary, due to the nature and extent of homelessness in the jurisdiction.

"(D) PREFERENCE FOR CERTAIN STATE RECIPIENTS.—In selecting State recipients and making awards under subparagraph (C), the State shall give preference to applications that demonstrate higher relative levels of homeless need and fiscal distress.

"(4) STATE OR HUD ADMINISTRATION OF GRANTS FOR INDIVIDUAL STATE RECIPIENTS.—If in any fiscal year a State distributes grant amounts to a State recipient, but the recipient fails to receive the amounts pursuant to paragraph (3)(A), the Secretary or the State, as the Secretary may provide, may distribute the amounts to private nonprofit organizations in the jurisdiction. If the Secretary distributes the amounts, the Secretary shall deduct the amounts distributed from the grant provided to the State for the fiscal year.

"(5) HUD ADMINISTRATION OF STATE PROGRAM.—If a State elects pursuant to paragraph (1)(B) to have the Secretary administer grant amounts for the State received under section 409, the Secretary may distribute grant amounts to State recipients for the State, in accordance with requirements and procedures prescribed by the Secretary. The Secretary shall establish criteria for selecting recipients and making awards under this paragraph, which shall include giving preference to applications that demonstrate higher relative levels of homeless need and fiscal distress.

"SEC. 411. CITIZEN PARTICIPATION.

"(a) IN GENERAL.—Each grantee who is not a State recipient shall ensure that citizens, and appropriate private nonprofit organizations and other interested groups and entities, participate fully in developing and carrying out the program for providing assistance under this subtitle in the jurisdiction of the recipient. The Secretary shall prescribe such requirements to carry out this section as the Secretary deems appropriate, which shall include requirements applicable to the homeless assistance planning boards referred to in subsection (b) and the citizen participation provisions of subsection (c), and the timing of, and sequence for, carrying out the requirements of such subsections.

"(b) HOMELESS ASSISTANCE PLANNING BOARDS.—

"(1) ESTABLISHMENT.—As a condition of a grantee who is not a State recipient receiving assistance under this subtitle, the chief executive officer of the appropriate unit government in the jurisdiction of the grantee shall establish a homeless assistance planning board under this subsection.

"(2) FUNCTIONS.—Each board under this subsection shall assist the recipient in—

"(A) determining whether grant amounts of the grantee should be administered by the grantee, a public agency or private nonprofit organization, or the State or the Secretary, under subsections (a) and (b) of section 410;

(B) developing the application under section 408;

(C) overseeing the activities carried out with assistance under this subtitle; and

(D) evaluating the performance of the grantee (and recipients of the grantee) in carrying out such activities.

"(3) MEMBERSHIP.—Each board under this subsection shall consist of members appointed by the chief executive officer referred to in paragraph (1) (subject to recommendations in accordance with paragraph (4)), and shall include—

"(A) not less than one member representing homeless individuals and families;

"(B) not less than one member representing homeless advocates;

"(C) not less than one member representing individuals and entities providing assistance to homeless individuals and families, including agencies of units of general local government providing Federal assistance;

"(D) not less than one member representing the business community;

"(E) not less than 1 member representing labor;

"(F) not less than one member who is a community representative;

"(G) not less than one member of the local board established for the jurisdiction for purposes of allocating amounts under the emergency food and shelter program of the Federal Emergency Management Agency;

"(H) not less than one member representing the grantee; and

"(I) in the case of a grantee that is a State—

"(i) one member representing the State agency or instrumentality dealing with mental health; and

"(ii) one member representing the State agency or instrumentality dealing with education.

"(4) DISTRIBUTION OF MEMBERSHIP.—Not less than 50 percent of the members of each board under this subsection (including the members required under subparagraphs (A), (B), (C), and (G) of paragraph (3)) shall be individuals who were recommended for membership by individuals and entities other than a unit of general local government or any agency thereof.

"(5) BOARD REVIEW.—

"(A) APPLICANTS.—No eligible grantee may submit an application to the Secretary under section 408, and no grantee may submit to the Secretary a performance report under subsection 413(a), unless the board under this subsection for the jurisdiction of the grantee has reviewed, and been provided an opportunity to include any comments of the board in, the application or report.

"(B) STATE RECIPIENTS.—No State recipient may submit an application under section 410(b)(3) or a performance report to a State, unless the board under this subsection for the jurisdiction has reviewed, and been provided an opportunity to include any comments of the board in, the application or report.

"(6) REVIEW BY SECRETARY.—A member or members of the board under this subsection for a jurisdiction or other members of the community may request the Secretary to review process for constituting or operating the board to determine whether the process is fair. If the Secretary finds that the process is unfair and submits a written justification to the board within 15 days of the request for review, the Secretary may disapprove the application under section 408 for the jurisdiction or refuse to accept a performance report under section 413(a).

"(7) CONFLICTS OF INTEREST.—The Secretary shall prescribe standards governing potential conflicts of interest under which members of boards under this subsection may participate in activities carried out under this subtitle.

"(c) INVOLVEMENT OF CITIZENS AND OTHERS.—

"(1) IN GENERAL.—Each recipient shall—

"(A) make available to its citizens, public agencies, and other interested parties information concerning the amount of assistance the jurisdiction expects to receive and the range of activities that may be undertaken with the assistance;

"(B) publish the proposed application in a manner that, in the determination of the Secretary, affords affected citizens, public agencies, and other interested parties a reasonable opportunity to examine its content and to submit comments on it;

"(C) hold one or more public hearings to obtain the views of citizens, public agencies, and other interested parties on the housing needs of the jurisdiction; and

"(D) provide citizens, public agencies, and other interested parties with reasonable access to records regarding any uses of any assistance the recipient may have received under this subtitle during the preceding 5 years.

"(2) NOTICE AND COMMENT.—Before submitting any performance report under section 413(a) or any substantial amendment to an application under section 408, a recipient shall provide citizens with reasonable notice of, and opportunity to comment on, the performance report or application.

"(3) CONSIDERATION OF COMMENTS.—A recipient shall consider any comments or views of citizens in preparing a final application, amendment to an application, or performance report for submission. A summary of such comments or views shall be attached when an application, amendment to an application, or performance report is submitted. The submitted application, amendment, or report shall be made available to the public.

"(4) AUTHORITY OF SECRETARY.—The Secretary shall establish procedures appropriate and practicable for providing a fair hearing and timely resolution of citizen complaints related to applications or performance reports under this subtitle.

"(d) REQUIREMENTS FOR CITIZEN PARTICIPATION FOR STATE RECIPIENTS AND RECIPIENTS OF AMOUNTS FROM THE SECRETARY.—

"(1) STATE RECIPIENTS.—The State may prescribe citizen participation requirements comparable (to the extent appropriate) to the requirements under the preceding provisions of this section for cases in which a State distributes grant amounts to State recipients, as provided in section 410(b)(2).

"(2) RECIPIENTS FROM SECRETARY.—The Secretary may prescribe citizen participation requirements comparable (to the extent appropriate) to the requirements under the preceding provisions of this section for cases in which the Secretary—

"(A) administers the grant amounts of an allocation unit of general local government, as provided in section 410(a)(4); or

"(B) distributes grant amounts to recipients, as provided in paragraph (3), (4), or (5) of section 410(b).

"(3) INAPPLICABLE LAWS.—The Federal Advisory Committee Act and section 12 of the Department of Housing and Urban Development Act shall not apply with respect to the actions of the Secretary referred to in paragraph (2). The Secretary shall establish appropriate standards under this paragraph to ensure the integrity of the process for awarding assistance.

"SEC. 412. APPLICABILITY OF OTHER PROVISIONS.

"(a) FLOOD ELEVATION REQUIREMENTS.—Flood protection standards applicable to housing acquired, rehabilitated, or assisted under this subtitle shall be no more restrictive than the standards applicable to any other program administrated by the Secretary.

"(b) ENVIRONMENTAL PROTECTION.—The provisions of, and regulations and procedures applicable under, section 104(g) of the Housing and Community Development Act of 1974 shall apply to assistance and projects under this subtitle.

"(c) GAO AUDITS.—Insofar as they relate to funds provided under this subtitle, the financial transactions of grantees and project sponsors may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files and other papers, things, or property belonging to, or in use by such grantees, and project sponsors pertaining to the financial transactions and necessary to facilitate the audit.

"SEC. 413. REPORTS, REVIEWS, AND AUDITS.

"(a) GRANTEE PERFORMANCE REPORT.—Each grantee shall submit to the Secretary a performance and evaluation report concerning the use of funds made available under this subtitle. The report shall be submitted at such time and contain such information as the Secretary shall prescribe, and shall be made available to the relevant boards referred to in section 411(b) and to citizens, public agencies, and other interested parties in the jurisdiction of the grantee in sufficient time to permit the board and the citizens, public agencies, and other interested parties to comment on the report before submission.

"(b) REVIEWS AND AUDITS.—The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

"(1) in the case of a grantee (other than a grantee referred to in paragraph (2)), whether the grantee—

"(A) has carried out its activities in a timely manner;

"(B) has made progress toward establishing and maintaining the comprehensive homeless assistance system in conformity with its application under this subtitle;

"(C) has carried out its activities and certifications in accordance with the requirements of this subtitle and other applicable laws; and

"(D) has a continuing capacity to carry out its activities in a timely manner; and

"(2) in the case of States distributing grant amounts to State recipients, whether the State—

"(A) has distributed amounts to State recipients in a timely manner and in conformance with the method of distribution described in its application;

"(B) has carried out its activities and certifications in compliance with the requirements of this subtitle and other applicable laws; and

"(C) has made such reviews and audits of the State recipients as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria contained in paragraph (1).

The Secretary may make appropriate adjustments in the amount of grants in accordance with the Secretary's findings under this subsection. With respect to assistance made available for State recipients, the Secretary may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Secretary's reviews and audits under this subsection, except that amounts already properly expended on eligible activities under this subtitle shall not be recaptured or deducted from future assistance to such recipients.

"SEC. 414. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

"(a) IN GENERAL.—No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual, as provided in section 504 of the Rehabilitation Act of 1973, shall also apply to any such program or activity.

"(b) LIMITATIONS.—

"(1) INDIAN TRIBES.—No grant may be made under this subtitle to an Indian tribe unless the applicant provides satisfactory assurances that its program will be conducted and administered in conformity with title II of Public Law 90–284. The Secretary may waive, in connection with grants to Indian tribes, the provisions of subsection (a).

"(2) HAWAIIAN HOME LANDS.—The provisions of this subtitle relating to discrimination on the basis of race shall not apply to the provision of assistance under this subtitle to the Hawaiian Home Lands.

"SEC. 415. CONSULTATION.

"In carrying out the provisions of this subtitle, including the issuance of regulations, the Secretary shall consult with other Federal agencies administering programs affecting homeless individuals and families through the Interagency Council on the Homeless established under title II.

"SEC. 416. RECORDS, REPORTS, AND AUDITS.

"(a) KEEPING OF RECORDS.—Any recipient (including a State distributing grant amounts to State recipients as provided in section 410(b)(2)) shall keep such records as may be reasonably necessary—

"(1) to disclose the amounts and the disposition of the grant amounts; and

"(2) to ensure compliance with the requirements of this subtitle.

"(b) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient specified in subsection (a) that are pertinent to grant amounts received in connection with, and the requirements of, this subtitle.

"(c) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient specified in subsection (a) that are pertinent to grant amounts received in connection with, and the requirements of, this subtitle.

"SEC. 417. REPORTS TO CONGRESS.

"The Secretary shall submit a report to the Congress annually, summarizing the activities carried out under this subtitle and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 4 months after the end of each fiscal year (except that, in the case of fiscal year 1995, the report shall be submitted not later than 6 months after the end of the fiscal year).

"CHAPTER 2—ELIGIBLE ACTIVITIES

"SEC. 431. HOMELESSNESS PREVENTION.

"(a) ELIGIBLE ACTIVITIES.—A recipient may use grant amounts under this subtitle for activities designed to help persons and families described in subsection (b) avoid becoming homeless, which shall include assistance for making mortgage payments, rental payments, and utility payments and any activities other than those found by the Secretary to be inconsistent with the purposes of this Act.

"(b) REQUIREMENTS FOR ASSISTANCE.—Assistance may be provided under this section only to very low-income persons and families who have received eviction (or mortgage delinquency or foreclosure) notices or notices of termination of utility services and who—

"(1) are unable to make the required payments due to a sudden reduction in income;

"(2) need such assistance to avoid the eviction or termination of services; and

"(3) have a reasonable prospect of being able to resume payments within a reasonable period of time.

"SEC. 432. EMERGENCY SHELTER.

"(a) ELIGIBLE ACTIVITIES.—A recipient may use grant amounts under this subtitle for—

"(1) the renovation, major rehabilitation, or conversion of a building or buildings to be used as emergency shelters;

"(2) the provision of supportive services, if such services do not supplant any services provided by the local government during any part of the 12-month period ending on the date of the commencement of the operation of the emergency shelter; and

"(3) maintenance, operation, insurance, utilities, and furnishings for emergency shelters.

"(b) DEFINITION.—A project shall be considered emergency shelter for purposes of this section if the project is designed to provide overnight sleeping accommodations for homeless persons. An emergency shelter may include appropriate eating and cooking accommodations.

"(c) PROGRAM REQUIREMENTS.—A recipient may use grant amounts under this subtitle for an emergency shelter project only if the project sponsor has agreed that it will—

"(1) in the case of assistance involving major rehabilitation or conversion of a building, maintain the building as a shelter for homeless individuals and families for not less than a 10-year period unless, within such 10-year period, the need for maintaining the building as a full-time shelter ceases to exist and the building is used for the remainder of such period to carry out other eligible activities under this subtitle;

"(2) in the case of assistance involving rehabilitation (other than major rehabilitation or conversion of a building), maintain the building as a shelter for homeless individuals and families for not less than a 3-year period; or

"(3) in the case of assistance involving only activities described in paragraphs (2) and (3) of subsection (a), provide services or shelter to homeless individuals and families at the original site or structure or other sites or structures serving the same general population for the period during which such assistance is provided;

"(4) comply with the standards of habitability prescribed under subsection (d) by the Secretary and (if applicable) the State or unit of general local government; and

"(5) assist homeless persons in obtaining—

"(A) appropriate supportive service, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living; and

"(B) other Federal, State, local, and private assistance available for homeless persons.

"(d) MINIMUM STANDARDS OF HABITABILITY.—The Secretary shall prescribe such minimum standards of habitability as the Secretary determines to be appropriate to ensure that emergency shelters assisted under this section are environments that provide appropriate privacy, safety, and sanitary and other health-related conditions for homeless persons and families. Grantees may establish standards of habitability in addition to those prescribed by the Secretary.

"SEC. 433. SUPPORTIVE HOUSING FOR THE HOMELESS.

"(a) ELIGIBLE ACTIVITIES.—A recipient may use grant amounts under this subtitle to provide assistance to a project sponsor of supportive housing in the following manners:

"(1) ACQUISITION AND REHABILITATION.—Assistance may be provided in the form of an advance in an amount not exceeding cost of acquisition, substantial rehabilitation, or acquisition and rehabilitation of an existing structure for use as supportive housing. The repayment of any outstanding debt owed on a loan made to purchase an existing structure shall be considered to be a cost of acquisition eligible for an advance under this paragraph if the structure was not used as supportive housing before the receipt of assistance.

"(2) MODERATE REHABILITATION.—Assistance may be provided in the form of a grant for moderate rehabilitation of an existing structure for use as supportive housing. Assistance under this paragraph shall not preclude assistance under paragraph (1).

"(3) OPERATING COSTS.—Assistance may be provided in the form of annual payments for operating costs of supportive housing (including

supportive housing that is newly constructed with assistance provided from sources other than this subtitle) in an amount not exceeding 75 percent of the annual operating costs of such housing.

"(4) TECHNICAL ASSISTANCE.—Technical assistance may be provided in—

"(A) establishing supportive housing in an existing structure;

"(B) operating supportive housing in existing structures and in structures that are newly constructed with assistance provided from sources other than this subtitle; and

"(C) providing supportive services to the residents of supportive housing (including supportive housing that is newly constructed with assistance provided from sources other than this subtitle).

"(5) EMPLOYMENT ASSISTANCE PROGRAM.—Assistance may be provided in the form of a grant for establishing and operating an employment assistance program for the residents of supportive housing, which shall include—

"(A) employment of residents in the operation and maintenance of the housing; and

"(B) the payment of the transportation costs of residents to places of employment.

"(6) SUPPORTIVE SERVICES.—Assistance may be provided in the form of a grant for costs of supportive services provided to homeless individuals. Any project sponsor, including program recipients under title IV of this Act before the date of the enactment of the Housing and Community Development Act of 1994, may reapply for such assistance or for the renewal of such assistance to continue services funded under prior grants or to provide other services.

"(7) CHILD CARE SERVICES.—Assistance may be provided in the form of a grant to establish and operate a child care services program for homeless families, which shall—

"(A) include—

"(i) establishing, licensing, and operating an on-site child care facility for the residents of transitional housing;

"(ii) making contributions for the child care costs of residents of transitional housing to existing community child care programs and facilities; and

"(iii) counseling designed to inform the residents of transitional housing of public and private child care services for which they are eligible; and

"(B) provide only child care services that comply with any applicable State and local laws and regulations.

A grant under this paragraph for any child care services program may not exceed the amount equal to 75 percent of the cost of operating the program for a period not exceeding 5 years.

"(b) SUPPORTIVE HOUSING.—Housing for homeless individuals shall be considered to be supportive housing for purposes of this section if—

"(1) the housing is safe and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located;

"(2) the housing is—

"(A) transitional housing;

"(B) permanent housing for homeless persons with disabilities; or

"(C) a particularly innovative project for, or alternative methods of, meeting the immediate and long-term needs of homeless individuals and families (or is part of such a project); and

"(3) supportive services are provided in connection with the housing to address the special needs of homeless individuals intended to be served by the housing.

"(c) TRANSITIONAL HOUSING.—For purposes of this section, the term 'transitional housing' means housing, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 24 months or such longer period as the Secretary determines necessary.

"(d) PERMANENT HOUSING FOR HOMELESS PERSONS WITH DISABILITIES.—For purposes of this section, the term 'permanent housing for homeless persons with disabilities' means community-based housing for homeless persons with disabilities that—

"(1) is a home designed solely for housing homeless persons with disabilities or dwelling units in a multifamily housing project, condominium project, or cooperative project;

"(2) in the case of a home, is located on a site that does not contain another home used for the same purposes and that is not contiguous to another site containing a home used for the same purposes; and

"(3) provides long-term housing and supportive services for not more than—

"(A) 8 such persons in a single structure or contiguous structures;

"(B) 16 such persons, but only if not more than 20 percent of the units in a structure are designated for such persons; or

"(C) more than 16 persons if the applicant demonstrates that local market conditions dictate the development of a large project and such development will achieve the neighborhood integration objectives of the program within the context of the affected community.

"(e) PROGRAM REQUIREMENTS.—

"(1) REQUIRED AGREEMENTS.—A recipient may use grant amounts under this subtitle for a supportive housing project under this section only if the project sponsor for the project has agreed—

"(A) to operate the proposed project as supportive housing for not less than 10 years;

"(B) to conduct an ongoing assessment of the supportive services required by the residents of the project;

"(C) to provide such residential supervision as the Secretary determines is necessary to facilitate the adequate provision of supportive services to the residents of the project; and

"(D) to comply with such other terms and conditions as the Secretary or recipient may establish for purposes of carrying out this program in an effective and efficient manner.

"(2) OCCUPANT CHARGE.—Each homeless individual or family residing in a project assisted under this section that provides supportive housing may be required to pay an occupancy charge in an amount determined by the project sponsor, which may not exceed the amount determined under section 3(a) of the United States Housing Act of 1937. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

"(f) SINGLE ROOM OCCUPANCY DWELLINGS.—A project assisted under this section may provide supportive housing or supportive services in dwelling units that do not contain bathrooms or kitchen facilities and are appropriate for use as supportive housing or in projects containing some or all such dwelling units.

"SEC. 434. SAFE HAVENS FOR HOMELESS INDIVIDUALS.

"(a) ELIGIBLE ACTIVITIES.—A recipient may use grant amounts under this subtitle for—

"(1) the construction of a structure for use in providing a safe haven or the acquisition, rehabilitation, or acquisition and rehabilitation of an existing structure for use in providing a safe haven;

"(2) the leasing of an existing structure for use in providing a safe haven;

"(3) operating costs of a safe haven;

"(4) costs of administering a safe haven program, in an amount not exceeding 10 percent of the amounts made available for activities under paragraphs (1) through (3);

"(5) conducting outreach activities designed to inform eligible persons about and attract them to a safe haven program;

"(6) the provision of low-demand services and referrals for residents of a safe haven; and

"(7) conducting other activities that further the purposes of this section, including the modification of an existing facility to use a portion of a facility to provide a safe haven.

"(b) DEFINITION.—For purposes of this section, the term 'safe haven' means housing for homeless persons who, at the time, are unwilling or unable to participate in mental health treatment programs or to receive other supportive services. Such a facility may provide—

"(1) 24-hour residence for eligible persons who may reside for an unspecified duration;

"(2) private or semiprivate accommodations;

"(3) common use of kitchen facilities, dining rooms, and bathrooms;

"(4) supportive services to eligible persons who are not residents on a drop-in basis; and

"(5) overnight occupancy limited to no more than 25 persons.

"(c) ELIGIBILITY FOR SSI AND MEDICAID.—

"(1) SUPPLEMENTAL SECURITY INCOME.—All provisions of the supplemental security income program under title XVI of the Social Security Act and of State programs in supplementation thereof shall apply to participants in the safe havens demonstration program under this subtitle, except that no individual living in a safe haven shall—

"(A) be considered an inmate of a public institution (as provided in section 1611(e)(1)(A) of such Act); or

"(B) have benefits under such title XVI reduced or terminated because of the receipt of support and maintenance (as provided in section 1612(a)(2)(A) of such Act), to the extent such support and maintenance is received as a result of participation in the safe havens demonstration program.

"(2) MEDICAID.—A safe haven shall not be considered a hospital, nursing facility, institution for mental disease as defined under section 1905(i) of the Social Security Act, or any other inpatient facility, for purposes of the programs under title XIX of such Act, and individuals shall not be denied eligibility for Medicaid because of residency in such residence.

"SEC. 435. SHELTER PLUS CARE.

"(a) ELIGIBLE ACTIVITIES.—A recipient may use grant amounts under this subtitle to provide shelter plus care for homeless persons with disabilities (primarily persons who have severe and persistent mental or emotional impairments that seriously limit a person's ability to live independently, have chronic programs with alcohol, drugs, or both, or have acquired immunodeficiency syndrome and related diseases) and the families of such persons.

"(b) DEFINITION.—For purposes of this section, the term 'shelter plus care' means rental housing assistance, in connection with supportive services funded from sources other than under this section. Such rental housing assistance may be tenant-based, project-based, or sponsor-based.

"SEC. 436. ADMINISTRATIVE AND CAPACITY-BUILDING EXPENSES.

"(a) AVAILABILITY OF GRANT AMOUNTS.—A recipient may use grant amounts under this subtitle for the following expenses:

"(1) ADMINISTRATIVE EXPENSES.—During—

"(A) the first year in which a recipient receives grant amounts under this subtitle, for administrative expenses in connection with planning the development of, and establishing, its program under this subtitle;

"(B) subsequent years, to defray the cost of administering the program; and

"(C) any year in which a recipient receives grant amounts under this subtitle, to defray the cost of establishing and operating the board referred to in section 411(b).

Not more than 5 percent of any amounts provided to a recipient under this subtitle for a fiscal year may be used for activities under this paragraph.

"(2) CAPACITY BUILDING FOR NONPROFIT ORGANIZATIONS.—For building the capacity of private nonprofit organizations to participate in the comprehensive homeless assistance system of the recipient, except that not more than 2 percent of any amounts provided to a recipient under this subtitle for a fiscal year may be used for activities under this paragraph.

"(b) PROVISION OF ADMINISTRATIVE EXPENSES FOR CERTAIN ENTITIES.—

"(1) PROVISION OF AMOUNTS.—Any recipient under paragraph (2) shall make available, to defray the administrative expenses of the designee or the State, not more than 5 percent from amounts eligible for this purpose under subsection (a)(1).

"(2) RECIPIENTS COVERED.—The recipients under this paragraph shall be—

"(A) any allocation unit of general local government, Indian Tribe, or insular area, that designates a public agency or a private nonprofit organization under section 410(a)(2);

"(B) any State recipient that designates a public agency or a private nonprofit organization under section 410(b)(3)(A)(ii); and

"(C) any State recipient that enters into an agreement under section 410(b)(3)(A)(iii) with a State.

"SEC. 437. OTHER APPROVED ACTIVITIES.

"The Secretary, in cooperation with grantees, recipients, and other appropriate parties, shall develop additional activities to carry out the purposes of this subtitle. A recipient may use grants amounts under this subtitle to carry out any such activities developed and approved by the Secretary.

"Subtitle B—Other Permanent Housing Assistance Programs for the Homeless"

SEC. 812. REGULATIONS.

Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall by notice establish any requirements necessary to carry out the provisions contained in the amendments made by this chapter. Based on such notice, the Secretary shall issue regulations to carry out such provisions not later than 12 months after the date of the enactment of this Act.

SEC. 813. TRANSITION PROVISIONS.

(a) IN GENERAL.—Notwithstanding the provisions of subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this chapter), during fiscal year 1995, the Secretary of Housing and Urban Development shall allocate homeless assistance made available under title IV of the Stewart B. McKinney Homeless Assistance Act in accordance with the regulations for such title in effect immediately before the enactment of this Act. Of any amounts appropriated to carry out section 2 of the HUD Demonstration Act of 1993 in fiscal year 1995, the Secretary may use not more than 10 percent for providing technical assistance to assist recipients under subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this chapter) to establish a program for providing homeless assistance in accordance with the provisions of such subtitle.

(b) REPORT ON SINGLE ROOM OCCUPANCY ASSISTANCE.—Not later than July 1, 1995, the Secretary shall submit a report to the Congress evaluating the effectiveness of combining the programs for assistance for single room occupancy dwellings under sections 451 and 452 of the Stewart B. McKinney Homeless Assistance Act (as so redesignated and amended by this Act) into the program for assistance under subtitle A of title IV of such Act and, if effective, describing how to provide such assistance under the program under such subtitle A.

CHAPTER 2—OTHER HOUSING ASSISTANCE PROGRAMS FOR THE HOMELESS UNDER McKINNEY ACT

SEC. 821. SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 451(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401(a)), as so redesignated by section 811(3) of this Act, is amended to read as follows:

"(a) INCREASE IN BUDGET AUTHORITY.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act (as in effect immediately before October 1, 1991) is authorized to be increased by $200,000,000 on or after October 1, 1994, and by $206,000,000 on or after October 1, 1995.".

(b) PROGRAM CHANGES.—Section 451 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401(a)), as so redesignated by section 811(3) of this Act, is amended—

(1) in the second sentence of subsection (c), in the matter preceding paragraph (1), by striking "containing" and inserting the following: "for the provision of assistance under this section that is specifically provided for in the comprehensive homeless assistance described in the application under section 408 of the relevant eligible grantee and that contains"; and

(2) in subsection (j)(1), by inserting "recipient under subtitle A," after "authority,".

SEC. 822. SECTION 8 ASSISTANCE FOR SHELTER PLUS CARE SINGLE ROOM OCCUPANCY DWELLINGS.

Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 451, as so redesignated by section 811(3) of this Act, the following new section:

"SEC. 452. SECTION 8 ASSISTANCE FOR SHELTER PLUS CARE SINGLE ROOM OCCUPANCY DWELLINGS.

"(a) PURPOSE.—The purpose of the program under this section is to provide assistance for the moderate rehabilitation of single room occupancy housing to be made available for rental, in connection with supportive services funded from sources other than this section, to homeless persons with disabilities (primarily persons who are seriously mentally ill, have chronic problems with alcohol, drugs, or both, or have acquired immunodeficiency syndrome and related diseases) and the families of such persons.

"(b) MODERATE REHABILITATION ASSISTANCE.—The Secretary may use amounts made available to carry out this section for moderate rehabilitation of single room occupancy housing described in section 8(l) of the United States Housing Act of 1937 for occupancy by eligible persons in accordance with this section. Such amounts may be used in connection with the moderate rehabilitation of efficiency units if the building owner agrees to pay the additional cost of rehabilitating and operating the efficiency units.

"(c) FUNDING LIMITATIONS.—

"(1) TARGETED POPULATIONS.—To the maximum extent practicable, the Secretary shall reserve not less than 50 percent of all amounts made available to carry out this section for homeless individuals who are seriously mentally ill or have chronic problems with alcohol, drugs, or both.

"(2) GEOGRAPHICAL LIMITATION.—Of the assistance made available under this section for any fiscal year, not more than 10 percent may be used for programs located within any one unit of general local government.

"(d) SUPPORTIVE SERVICES REQUIREMENTS.—

"(1) REQUIREMENT OF MATCHING AMOUNTS.—Each recipient of assistance under this section shall supplement the assistance provided under this section with an equal amount of funds for supportive services from sources other than this section. Each recipient shall certify to the Secretary its compliance with this paragraph, and shall include with the certification a description of the sources and amounts of such supplemental funds.

"(2) DETERMINATION OF MATCHING AMOUNTS.—In calculating the amount of supplemental funds provided under this section, a recipient may include the value of any lease on a building, any salary paid to staff to carry out the program of the recipient, and the value of the time and services contributed by volunteers to carry out the program of the recipient at a rate determined by the Secretary.

"(3) RECAPTURE.—If the supportive services and funding for the supportive services required by this subsection are not provided by a recipient, the Secretary may recapture any unexpended housing assistance provided under this section to the recipient.

"(e) CONTRACT REQUIREMENTS.—Each contract for annual contributions entered into by the Secretary with a public housing agency to obligate budget authority made available to carry out this section shall—

"(1) commit the Secretary to make the authority available to the public housing agency for an aggregate period of 10 years, and require that any amendments increasing the authority shall be available for the remainder of such 10-year period;

"(2) provide the Secretary with the option to renew the contract for an additional period of 10 years, subject to the availability of authority;

"(3) provide that, notwithstanding any other provision of law, first priority for occupancy of housing rehabilitated under this section shall be given to homeless persons; and

"(4) require installation in the housing assisted of a sprinkler system that protects all major spaces, hard-wired smoke detectors, and any other fire safety improvements as may be required by State or local law.

For purposes of this subsection, the term 'major spaces' means hallways, large common areas, and other areas specified in local fire, building, or safety codes.

"(f) APPLICATIONS.—

"(1) IN GENERAL.—An application for rental housing assistance under this section shall be submitted by an applicant in such form and in accordance with such procedures as the Secretary shall establish.

"(2) MINIMUM CONTENTS.—The Secretary shall require that an application identify the need for the assistance in the community to be served and shall contain at a minimum—

"(A) a request for housing assistance under this section specifying the number of units requested and the amount of necessary budget authority;

"(B) a description of the size and characteristics of the population of eligible persons;

"(C) an identification of the need for the program in the community to be served;

"(D) the identity of the proposed service provider or providers (which may be, or include, the applicant) and a statement of the qualifications of the provider or providers;

"(E) a description of the supportive services that the applicant proposes to assure will be available for eligible persons;

"(F) a description of the resources that are expected to be made available to provide the supportive services required by subsection (d);

"(G) a description of the mechanisms for developing a housing and supportive services plan for each person and for monitoring each person's progress in meeting that plan;

"(H) reasonable assurances satisfactory to the Secretary that the supportive services will be provided for the full term of the housing assistance under this section and a certification from

the applicant that it will fund the supportive services itself if the planned resources do not become available for any reason;

"(I) a certification by the public official responsible for submitting the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act that the proposed activities are consistent with the approved housing strategy of the unit of general local government within which housing assistance under this section will be provided; and

"(J) identification of the specific structures that the recipient is proposing for assistance.

"(g) SELECTION CRITERIA.—The Secretary shall establish selection criteria for a national competition for assistance under this section which shall include—

"(1) the ability of the applicant to develop and operate the proposed assisted housing and supportive services program, taking into account the quality of any ongoing program of the applicant;

"(2) geographic diversity among the projects to be assisted;

"(3) the need for a program providing housing assistance and supportive services for eligible persons in the area to be served;

"(4) the quality of the proposed program for providing supportive services and housing assistance;

"(5) the extent to which the proposed funding for the supportive services is or will be available;

"(6) the extent to which the project would meet the needs of the homeless persons proposed to be served by the program;

"(7) the extent to which the program integrates program recipients into the community served by the program;

"(8) the cost-effectiveness of the proposed program; and

"(9) such other factors as the Secretary specifies in regulations to be appropriate for purposes of carrying out the program established by this section in an effective and efficient manner.

"(h) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient of assistance under this section to provide for the consultation and participation of not less than one homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any housing assisted under this section or services for such housing. The Secretary may grant waivers to recipients unable to meet the requirement under the preceding sentence if the recipient agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

"(i) REQUIRED AGREEMENTS.—The Secretary may not approve assistance under this section for an applicant unless the applicant agrees—

"(1) to operate the proposed program in accordance with the provisions of this section;

"(2) to conduct an ongoing assessment of the housing assistance and supportive services required by the participants in the program;

"(3) to ensure the adequate provision of supportive services to the participants in the program;

"(4) to comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the program in an effective and efficient manner; and

"(5) to the maximum extent practicable, to involve homeless individuals and families, through employment volunteer services, or otherwise, in constructing or rehabilitating housing assisted under this section and in providing services required under this section.

"(j) HOUSING STANDARDS AND RENT REASONABLENESS.—

"(1) STANDARDS REQUIRED.—The Secretary shall require that—

"(A) before any assistance may be provided to or on behalf of a person, each unit assisted under this section shall be inspected by the applicant directly or by another entity, including the local public housing agency, to determine that the unit meets the housing quality standards under section 8 of the United States Housing Act of 1937 and that the occupancy charge for the dwelling unit is reasonable; and

"(B) the recipient shall make at least annual inspections of each unit assisted under this section during the term of the contract for such assistance.

"(2) PROHIBITION.—No assistance may be provided under this section for a dwelling unit (A) for which the occupancy charge is not reasonable, or (B) which fails to meet the housing standards, unless the owner promptly corrects the deficiency and the recipient verifies the correction.

"(k) TENANT RENT.—Each tenant of a dwelling unit assisted under this section shall pay as rent an amount determined in accordance with the provisions of section 3(a)(1) of the United States Housing Act of 1937.

"(l) ADMINISTRATIVE FEES.—From amounts made available to carry out this section, the Secretary shall make amounts available to pay the entity administering the housing assistance an administrative fee in an amount determined appropriate by the Secretary for the costs of administering the housing assistance.

"(m) OCCUPANCY.—

"(1) OCCUPANCY AGREEMENT.—The occupancy agreement between a tenant and an owner of a dwelling unit assisted under this section shall be for at least one month.

"(2) VACANCY PAYMENTS.—If an eligible person vacates a dwelling unit assisted under this section before the expiration of the occupancy agreement, no assistance payment may be made with respect to the unit after the month that follows the month during which the unit was vacated, unless it is occupied by another eligible person.

"(n) TERMINATION OF ASSISTANCE.—

"(1) AUTHORITY.—If an eligible individual who receives assistance under this section violates program requirements, the recipient may terminate assistance in accordance with the process established pursuant to paragraph (2).

"(2) PROCEDURE.—In terminating assistance under this paragraph, the recipient shall provide a formal process that recognizes the rights of individuals receiving such assistance to due process of law.

"(o) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'acquired immunodeficiency syndrome and related diseases' has the meaning given such term in section 853 of the Cranston-Gonzalez National Affordable Housing Act.

"(2) The term 'applicant' means a State, unit of general local government, Indian tribe, or public housing agency.

"(3) The term 'eligible person' means a homeless person with disabilities (primarily persons who are seriously mentally ill, have chronic problems with alcohol, drugs, or both, or have acquired immunodeficiency syndrome and related diseases) and the family of such a person.

"(4) The term 'Indian tribe' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"(5) The term 'nonprofit organization' has the meaning given such term by section 104 of the Cranston-Gonzalez National Affordable Housing Act, and includes community mental health centers established as public nonprofit organizations.

"(6) The term 'person with disabilities' has the meaning given such term in section 811 of the Cranston-Gonzalez National Affordable Housing Act.

"(7) The term 'public housing agency' has the meaning given such term in section 3(b) of the United States Housing Act of 1937.

"(8) The term 'recipient' means an applicant approved for participation in the program to provide assistance under this section.

"(9) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(10) The term 'seriously mentally ill' means having a severe and persistent mental or emotional impairment that seriously limits a person's ability to live independently.

"(11) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

"(12) The term 'supportive services' means assistance that the Secretary determines (A) addresses the special needs of eligible persons; and (B) provides appropriate services or assists such persons in obtaining appropriate services, including health care, mental health services, substance and alcohol abuse services, child care services, case management services, counseling, supervision, education, job training, and other services essential for achieving and maintaining independent living. Inpatient acute hospital care shall not qualify as a supportive service.

"(13) The term 'unit of general local government' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"(p) AUTHORIZATION OF APPROPRIATIONS.—For purposes of providing assistance under this section, there are authorized to be appropriated $75,000,000 for fiscal year 1995 and $75,000,000 for fiscal year 1996.".

SEC. 823. RURAL HOMELESSNESS GRANT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 453(l)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408(l)(1)), as so redesignated by section 811(3) of this Act, is amended to read as follows:

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $32,197,800 for fiscal year 1995 and $33,163,734 for fiscal year 1996.".

(b) TRANSFER TO DEPARTMENT OF AGRICULTURE.—Section 453 of the Stewart B. McKinney Homeless Assistance Act, as so redesignated by section 811(3) of this Act, is amended—

(1) in subsection (a), by striking "Secretary of Housing and Urban Development" and inserting "Secretary of Agriculture"; and

(2) in subsection (k), by striking paragraph (3) and inserting the following new paragraph:

"(3) The term 'Secretary' means the Secretary of Agriculture.".

SEC. 824. CLERICAL AMENDMENT.

The table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act is amended by striking the items relating to title IV and inserting the following new items:

"TITLE IV—HOUSING ASSISTANCE

"Subtitle A—Flexible Grant Program

"CHAPTER 1—GENERAL PROVISIONS

"Sec. 401. Purposes.
"Sec. 402. Authorization of appropriations.
"Sec. 403. Definitions.
"Sec. 404. Provision of grants.
"Sec. 405. Comprehensive homeless assistance.
"Sec. 406. Matching requirements.
"Sec. 407. Responsibilities of grantees and project sponsors.
"Sec. 408. Application.
"Sec. 409. Allocation and distribution of funds.

"Sec. 410. Administration of program.
"Sec. 411. Citizen participation.
"Sec. 412. Applicability of other provisions.
"Sec. 413. Reports, reviews, and audits.
"Sec. 414. Nondiscrimination in programs and activities.
"Sec. 415. Consultation.
"Sec. 416. Records, reports, and audits.
"Sec. 417. Reports to Congress.

"CHAPTER 2—ELIGIBLE ACTIVITIES

"Sec. 431. Homelessness prevention.
"Sec. 432. Emergency shelter.
"Sec. 433. Supportive housing for the homeless.
"Sec. 434. Safe havens for homeless individuals.
"Sec. 435. Shelter plus care.
"Sec. 436. Administrative and capacity-building expenses.
"Sec. 437. Other approved activities.

"Subtitle B—Other Permanent Housing Assistance Programs for the Homeless

"Sec. 451. Section 8 assistance for single room occupancy dwellings.
"Sec. 452. Section 8 assistance for shelter plus care single room occupancy dwellings.
"Sec. 453. Rural homelessness grant program.
"Sec. 454. Use of FMHA inventory for transitional housing for homeless persons and for turnkey housing.".

CHAPTER 3—MISCELLANEOUS HOMELESS HOUSING PROVISIONS

SEC. 831. INNOVATIVE HOMELESS PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2(f) of the HUD Demonstration Act of 1993 is amended to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 1995.

"(2) USE OF AMOUNTS.—Any amounts appropriated under paragraph (1) may be used only to carry out the comprehensive homeless initiative under subsection (c).".

(b) EXTENSION OF PROGRAM.—Section 2(g) of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note) is amended by striking "1994" and inserting "1995".

SEC. 832. FHA SINGLE FAMILY PROPERTY DISPOSITION.

Section 1407 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 4034) is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) IMMEDIATE AVAILABILITY.—In carrying out the program for disposition of single family properties acquired by the Department of Housing and Urban Development for use by the homeless under subpart E of part 291 of title 24, Code of Federal Regulations, the Secretary of Housing and Urban Development shall make any eligible property available for lease under such program without listing and making such property generally available for sale for any intervening period.

"(b) DISCOUNT.—Any property made available for sale under the program referred to in subsection (a) shall be made available at a price equal to the fair market value of the property less a 20 percent discount.".

Subtitle B—Interagency Council on the Homeless

SEC. 841. AUTHORIZATION OF APPROPRIATIONS.

Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,609,890 for fiscal year 1995 and $1,658,187 for fiscal year 1996.".

SEC. 842. CHAIRPERSON.

Section 202(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11312(b) is amended to read as follows:

"(b) CHAIRPERSON AND VICE CHAIRPERSON.—

"(1) CHAIRPERSON.—The Council shall elect a Chairperson from among its members, who shall have a term of 2 years. A member of the Council by reason of any of paragraphs (1) through (16) of subsection (a) who serves as Chairperson for a term may not be elected to serve as Chairperson for the succeeding term. The preceding sentence shall not apply to any member serving as Chairperson on the date of the enactment of the Housing and Community Development Act of 1994.

"(2) VICE CHAIRPERSON.—The Vice Chairperson of the Council shall have a term of 2 years and shall be—

"(A) the Secretary of Housing and Urban Development, if such Secretary is not elected as the Chairperson of the Council; or

"(B) elected by the Council from among its members, if the Secretary of Housing and Urban Development is elected as the Chairperson of the Council.".

SEC. 843. EXTENSION.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1994" and inserting "October 1, 1996".

Subtitle C—Federal Emergency Management Agency Food and Shelter Program

SEC. 851. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $193,186,800 for fiscal year 1995 and $198,982,404 for fiscal year 1996.".

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ:

Page 9, line 16, strike "$733,000,000" and insert "$691,000,000".

Page 13, line 7, after the period insert the following new sentence: "The requirement in the preceding sentence with respect to resident members shall not apply to any State or local governing body whose responsibilities include substantial activities other than acting as a public housing agency for purposes of this Act, but shall apply to any advisory committee or organization that is established by such a governing body and whose responsibilities relate only to the governing body's functions as a public housing agency for purposes of this Act.".

Page 18, after line 19, insert the following new subsection:

(f) USE OF COMMUNITY ACTION AGENCIES.—Section 23(b) of the United States Housing Act of 1937 (42 U.S.C. 1437u(b)) is amended by adding at the end the following new paragraph:

"(5) USE OF COMMUNITY ACTION AGENCIES.—A public housing agency may enter into agreements with any local community action agency receiving assistance under the Community Services Block Grant Act providing for such agency to carry out the local program of the public housing agency or to provide any supportive services under the local program.".

Page 24, line 17, before the semicolon insert the following: ", except that, effective during and after the first fiscal year that commences after the expiration of the 4-year period beginning on the date of the enactment of this Act, amounts earned by a child may not be excluded under this subparagraph unless (i) the child is enrolled in and attending high school (or a recognized equivalency program), or has received a high school diploma (or the recognized equivalent thereof), or (ii) the public housing agency has determined that requiring the child to comply with clause (i) would significantly interfere with the sole source of financial support of the family or would otherwise create a significant hardship for the family of the child".

Page 38, line 23, after "(vii)" insert "effective for fiscal year 1996 and thereafter,".

Page 39, line 15, after "(viii)" insert "effective for fiscal year 1996 and thereafter,".

Page 42, after line 2, insert the following new section (and redesignate subsequent sections and any references to such sections, and conform the table of contents, accordingly):

SEC. 124. AUTHORITY FOR PUBLIC HOUSING AGENCIES TO LEVERAGE AMOUNTS FOR REPLACEMENT AND MODERNIZATION.

Section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) is amended by adding after subsection (q), as added by the preceding provisions of this Act, the following new subsection:

"(r) AUTHORITY FOR PUBLIC HOUSING AGENCIES TO LEVERAGE AMOUNTS FOR REPLACEMENT AND MODERNIZATION.—

"(1) GENERAL AUTHORIZATION.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency (or a partnership including a public housing agency) to use grants provided under subsection (b) to leverage amounts which shall be used for financing housing to replace existing public housing dwelling units or for modernization of public housing, but only if the agency submits to the Secretary a plan for such leveraging that is approved by the Secretary.

"(2) REQUIREMENTS.—The Secretary may approve a plan for leveraging under paragraph (1) only if the Secretary determines that—

"(A) the public housing agency has the ability to use the leveraged amounts effectively, directly or through contract management;

"(B) of any land owned by the public housing agency upon the approval of the plan that is subject to the plan, and any land to be acquired by the agency under the plan, a portion equivalent in area to the portion used under the plan for providing housing to replace public housing dwelling units in accordance with section 18 is subject to binding covenants or commitments sufficient to ensure that the land will be used permanently for housing reserved for occupancy by low- and very low-income families;

"(C) any modernization to be carried out under the plan complies with the modernization plan submitted under this section by the public housing agency and any replacement of public housing dwelling units to be carried out under the plan complies with the requirements of section 18;

"(D) the plan provides permanent financing commitments from a sufficient number of additional sources, which may include banks and other conventional lenders, State housing finance agencies, secondary market entities, and other financial institutions;

"(E) the public housing agency submitting the plan has an acceptable rate of obligation of assistance provided under this section; and

"(F) the plan complies with any other criteria that the Secretary may establish.

"(3) OBLIGATION LIMITS.—

"(A) PER PHA.—The aggregate outstanding principal amount leveraged under this subsection by a public housing agency may not at any time exceed 5 times the amount of the most recent grant for a fiscal year provided under this section for comprehensive modernization.

"(B) FOR ALL PHAS.—The aggregate outstanding principal amount leveraged under this subsection by all public housing agencies may not, in any single fiscal year, exceed $2,000,000,000.

"(4) USE OF COMPREHENSIVE MODERNIZATION GRANTS AND OPERATING REVENUES.—Notwithstanding any other provision of this title, a public housing agency for which a plan is approved under this subsection may use amounts provided under this section to the agency for comprehensive modernization and amounts provided under section 9 to the agency for operating subsidies (including program income derived therefrom) for the payment of principal, interest, and fees due on any loans obtained pursuant to the plan.

"(5) REPORTS.—The Secretary shall submit a report to the Congress annually regarding the activities under plans for leveraging approved under this subsection and the status of loans, financing, and investments obtained under such plans.".

Page 61, line 25, strike "sentence" and insert "sentences".

Page 62, line 6, after the period insert the following new sentence: "Any resident management corporation or resident council may use such assistance to enter into agreements with any local community action agency receiving assistance under the Community Services Block Grant Act for such agency to carry out such activities.".

Page 63, line 4, after "entities" insert "(including local community action agencies receiving assistance under the Community Services Block Grant Act)".

Page 65, line 2, after "public housing agencies" insert ", and to local community action agencies that are receiving assistance under the Community Services Block Grant Act and are working in coordination with public housing agencies,".

Page 65, line 7, strike "to" and insert "for".

Page 67, after line 17, insert the following new subsection:

(e) USE OF COMMUNITY ACTION AGENCIES.—Section 22 of the United States Housing Act of 1937 is amended—

(1) in subsection (c)(4), by inserting ", including local community action agencies receiving assistance under the Community Services Block Grant Act" after "providers"; and

(2) in subsection (h), by striking "employ" and inserting "provide for the employment of".

Page 91, line 7, after "1970" insert ", any provision of the Internal Revenue Code of 1986,".

Page 106, line 18, after "by" insert "housing".

Page 107, strike "house-" in line 2 and all that follows through line 7 and insert "recent movers and shall not consider public housing units, units for which market rents cannot be determined, and newly constructed units.".

Page 108, line 18, strike "The" and insert "Except as provided in paragraph (2), the".

Page 109, line 14, strike "and" the second place it appears.

Page 109, line 16, strike the period and insert "; and".

Page 109, after line 16, insert the following:

"(D) the public housing agency has first exercised any authority under paragraphs (1) and (2)(A) of subsection (d) to increase the maximum monthly rent for the dwelling unit.

The amount of the monthly assistance payment under this section with respect to a dwelling unit for a family paying rent as provided in this paragraph shall be the difference between an amount based on the fair market rent and the rent the family is required to pay under section 3(a).".

Page 141, line 6, strike "1994" and insert "1993".

Page 142, line 6, after "family" insert "not living within the jurisdiction of a public housing agency at the time such family applies for or receives assistance from the agency". 0

Page 148, after line 7, insert the following:

"(D) REPORT.—The Secretary shall include in each annual report of the Secretary under section 8 of the Department of Housing and Urban Development Act information specifying the number of families assisted pursuant to this paragraph during the preceding 2-year period and the number of communities in which such assistance was used, describing the extent of cooperation between public housing agencies and public child welfare agencies in timely identifying families for which such assistance is appropriate and in providing such assistance, and describing any impediments to providing such assistance.

Page 179, line 18, after the second comma insert the following: "and rehabilitation activities undertaken by Pennrose Properties in connection with 40 dwelling units for senior citizens in the Providence Square development located in New Brunswick, New Jersey,".

Page 179, line 19, after "pursuant to" insert "the approval of and".

Page 179, line 21, strike "clause (ii)" and insert "clauses (i) and (ii)".

Page 190, strike line 19 and insert "relevant metropolitan market area".

Page 192, lines 10 and 11, strike "market area in which the qualified housing is located" and insert "relevant metropolitan market area".

Page 193, after line 8, insert the following new paragraphs:

(3) MARKET RENT CONTRACTS FOR HIGH-COST AREAS.—Notwithstanding paragraphs (1) and (2), in the case of a qualified project for which the Secretary determines that the maximum monthly rents for units in the project offered (or to be offered) by the Secretary under paragraph (1) or (2), as applicable, are less than the monthly rents for comparable units in comparable unassisted housing projects in the relevant metropolitan market area, the Secretary may offer to enter into a new contract for the qualified project that provides for the establishment of the maximum monthly rents at amounts not exceeding the monthly rents for such comparable units. Each new contract entered into under this paragraph shall provide that the maximum monthly rents for the qualified project shall be adjusted annually by applying the annual adjustment factor established by the Secretary under section 156(a)(2) to the entire amount of the maximum monthly rents.

(4) CONTRACTS FOR PARTIALLY ASSISTED PROJECTS.—Notwithstanding paragraphs (1) and (2), in the case of a qualified project for which assistance is provided under an expiring contract for some, but not all, of the dwelling units in the project, the Secretary may offer to enter into a new contract for the qualified project that provides for the establishment of the maximum monthly rents for units in the project assisted under the expiring contract at amounts not exceeding the sum of (A) the monthly rents for comparable unassisted units in the project, and (B) an allowance for unique costs as determined under section 156(b)(1)(G). Each new contract entered into under this paragraph shall provide that the maximum monthly rents for the qualified project shall be adjusted annually by applying the annual adjustment factor established by the Secretary under section 156(a)(2) to the entire amount of the maximum monthly rents.

Page 193, line 9, strike "(3)" and insert "(5)".

Page 199, strike lines 4 through 9 and insert the following new paragraph:

(4) MAINTENANCE OF HOUSING.—The new contract shall—

(A) require the owner of the qualified project to maintain the housing in compliance with housing quality standards established by the Secretary for housing assisted under section 8 of the United States Housing Act of 1937;

(B) provide that the provisions of section 8(h)(10) of such Act shall apply to the qualified project, except that in the case of a qualified project—

(i) any reference in such section to a public housing agency shall be construed to refer also to the Secretary; and

(ii) any reference in such section to assistance under section 8 shall be construed to refer to assistance under a new contract; and

(C) provide that upon a request by the owner, the Secretary shall provide for a review of any determination of a serious noncompliance of the project with such housing quality standards, which review shall—

(i) determine whether (I) a serious noncompliance has occurred, (II) the owner was permitted a reasonable period of time to correct the noncompliance, and (III) the owner has the responsibility to correct the noncompliance;

(ii) be conducted by an officer or employee of the Department of Housing and Urban Development who is not the officer or employee who made the initial determination of the noncompliance and is not subject to the supervision of such officer or employee; and

(iii) include a written decision of the finding pursuant to the review.

Page 200, strike lines 3 through 19, and insert the following new paragraph:

(8) MAXIMUM MONTHLY RENTS.—A new contract shall provide that the maximum monthly rents for the project under the contract shall be the amount determined under section 156 (or, in the case of a new contract entered into under paragraph (3) or (4) of section 153(b), the amount determined under such paragraph) upon entering into the contract, and shall be adjusted annually as provided under such section (or paragraph (3) or (4) of section 153(b), if applicable), except that—

(A) the maximum monthly rents shall be redetermined in the manner provided under sections 153(b) and 156 upon each renewal of the contract;

(B) the owner of the project may, at any time, submit a written request to the Secretary for a redetermination of the maximum monthly rents for the project using the procedure under section 156(b) and, after such request, the rents shall be determined using such method for the remainder of the term of the contract; and

(C) in the case of a project that is subject to a mortgage insured by the Secretary and for which the maximum monthly rents under the new contract are determined and adjusted under section 156(a), if at any time the

Secretary determines that such rents are not sufficient to provide for the sound operation of the project while maintaining payment of debt service for the project, the Secretary may require redetermination of the maximum monthly rents for the project using the procedure under section 156(b) and, after such request, the rents shall be determined using such method for the remainder of the term of the contract and the provisions of section 159(b) shall apply to the project.

Page 201, line 14, strike "The" and all that follows through line 20 and insert the following new sentence: "The Secretary shall also conduct such an inspection or review of a project when requested by the unit of general local government for the jurisdiction in which the project is located or by a petition signed by not less than 10 percent of the tenants of occupied units in the project.".

Page 202, strike lines 8 through 14 and insert the following new paragraph:

(2) RENT ADJUSTMENTS.—

(A) IN GENERAL.—The maximum monthly rents for any qualified project for which the rents under a new contract are to be determined under this subsection shall be adjusted annually by applying the annual adjustment factor established by the Secretary under subparagraph (B) to the entire amount of the maximum monthly rents.

(B) ANNUAL ADJUSTMENT FACTOR.—The annual adjustment factor shall—

(i) measure the annual change for a market area in the prevailing unsubsidized market rents for various sizes and types of dwelling units and shall be based solely on such measure;

(ii) provide for decreases and increases in the maximum monthly rents; and

(iii) not provide for adjustment in the maximum monthly rents based on any factor other than the factor described in clause (i).

The Secretary shall establish market areas for purposes of establishing annual adjustment factors under this paragraph.

Page 203, line 1, strike "support" and insert "cover the sum of".

Page 203, line 24, strike "Operating" and insert "The operating".

Page 204, line 4, strike "Adequate" and insert "An amount for adequate".

Page 204, strike line 18 and all that follows through page 205, line 2, and insert the following new subparagraph:

(E) DISTRIBUTION TO OWNER.—An allowance for a distribution to the owner of the qualified project, which shall be an amount for each dwelling unit in the project equal to the higher of—

(i) $350 per year; or

(ii) 6 percent of the fair market rental for dwelling units of the applicable size and type in the relevant metropolitan market area.

Page 206, lines 1 and 2, strike "market area in which the qualified housing is located" and insert "relevant metropolitan market area".

Page 206, strike lines 16 through 22, and insert the following:

(A) IN GENERAL.—The maximum monthly rents for any qualified project for which the rents under a new contract are to be determined under this subsection shall be adjusted annually by applying the operating cost adjustment factor established by the Secretary under subparagraph (B) to the entire amount of the maximum monthly rents.

(B) OPERATING COST ADJUSTMENT FACTOR.—The operating cost adjustment factor for any 12-month period shall be equal to—

(i) the percent increase or decrease, if any, in the Consumer Price Index published for the 6th month preceding the beginning of such period over such index published for the 18th month preceding such period, adjusted to the nearest 1/10 of 1 percent; or

(ii) any other equivalent measure of change in operating costs determined by the Secretary.

For purposes of this subparagraph, the term "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, United States City Average, Housing Component, prepared by the Bureau of Labor Statistics of the Department of Labor.

Page 206, line 23, strike "(B)" and insert "(C)".

Page 208, lines 15 and 16, strike "market area in which the project is located" and insert "relevant metropolitan market area".

Page 211, strike line 15 and all that follows through page 212, line 7.

Page 212, line 8, strike "(f)" and insert "(e)".

Page 212, line 16, strike "of" the 1st place it appears and insert "occurring 12 months before".

Page 213, line 2, strike "may" and insert "shall".

Page 215, line 6, after the period insert the following new sentence: "The authority of the Secretary under this section to restructure or refinance mortgages shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided for such costs in appropriation Acts for such fiscal year.".

Page 215, line 11, before "meets" insert ", in the determination of the Secretary,".

Page 217, strike lines 13 through 19 and insert the following:

(2) EXPEDITED ACQUISITION.—The Secretary may expedite the acquisition of residual receipts for a qualified project by entering into an agreement with the owner of the project that provides—

(A) for the owner to retain a portion of any residual receipts accumulated for the project, which shall not to exceed 15 percent of such accumulated receipts;

(B) for the Secretary to acquire the portion of the accumulated residual receipts for the project not retained by the owner not less than 12 months before the expiration of the expiring contract for the project, unless the Secretary provides otherwise; and

(C) for any residual receipts accumulated for the project after the date of the acquisition under subparagraph (B) to be distributed to the owner and the Secretary, and to be acquired periodically by the Secretary, in the same percentages as the residual receipts for the project are distributed pursuant to subparagraphs (A) and (B).

Page 218, strike lines 3 and 4 and insert the following (and conform the table of contents accordingly):

SEC. 161. SUPPORTIVE SERVICES AND TECHNICAL ASSISTANCE.

(a) PROVISION OF SERVICE COORDINATOR.—

(1) REQUIREMENT.—Each

Page 218, line 7, strike "subsection (b)" and insert "paragraph (2)".

Page 218, strike line 15 and insert the following:

(2) PAYMENT OF COSTS.—Notwithstanding any other

Page 218, after line 20 insert the following new subsection:

(b) TECHNICAL ASSISTANCE.—

(1) REQUIRED ASSISTANCE.—Using a portion of any amounts in an account for residual receipts established for a qualified project and any amounts made available for new contracts under this subtitle, the Secretary shall (subject to the availability of such amounts) provide for technical assistance for tenants of the project (including any resident councils), nonprofit organizations, nonprofit developers of affordable housing, and State and local governmental agencies to the extent necessary to—

(A) develop the capacity and ability of such entities to carry out activities pursuant to this subtitle; and

(B) assist such entities in preparing submissions, proposals, and such other documents and entering into contracts, agreements, and other arrangements involved in such activities.

(2) USE OF EXISTING PROGRAM FOR DELIVERY.—The Secretary may provide technical assistance under this subsection with respect to qualified projects through the program and procedures established under subtitle C of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (as added by section 312 of the Housing and Community Development Act of 1992) for technical assistance with respect to eligible low-income housing.

Page 219, line 8, strike "(4)(A)" and insert "(7)(A)".

Page 220, line 8, strike "(f)(2)(B)" and insert "(e)(2)(B)".

Page 220, line 9, strike "153(b)(3)" and insert "153(b)(5)".

Page 220, after line 19, insert the following new paragraphs:

(8) the term "relevant metropolitan market area" means, with respect to a qualified project, a standard metropolitan area established by the Director of the Office of Management and Budget or a portion of such an area determined appropriate by the Secretary for purposes of this subtitle, in which a project is located or, in the case of a project not located in a standard metropolitan area, which is the nearest such area to the project;

(9) the term "remaining useful life" means, with respect to a qualified project, the period during which the physical characteristics of the project remain in a condition suitable for occupancy, assuming normal maintenance and repairs are made and major systems and capital components are replaced as becomes necessary, as determined on the record after opportunity for a hearing, in accordance with standards for determining when the useful life of an eligible low-income housing project has expired that are established by the Secretary by rule under section 553 of title 5, United States Code;

Page 220, line 20, strike "(8)" and insert "(10)".

Page 220, line 23, strike "(9)" and insert "(11)".

Page 222, line 2, after the period insert the following new sentence: "Such amounts shall also be available for implementation grants under title III of the United States Housing Act of 1937, except that not more than $25,000,000 may be used for the purpose under this sentence and such amounts may only be used for implementation grants to applicants who have successfully completed planning grants under such title.".

Page 238, line 8, after "entities" insert "(including local community action agencies receiving assistance under the Community Services Block Grant Act)".

Page 239, line 18, after "entities" insert "(including local community action agencies receiving assistance under the Community Services Block Grant Act)".

Page 256, line 16, strike "appropriated" and insert "available, or that the Secretary is authorized to use,".

Page 257, after line 5, insert the following: Any other provision of law enacted before or after the date of the enactment of the Housing and Community Development Act of 1994 that limits the authority of the Secretary to use amounts to carry out this chapter upon the apportionment of such amounts in a manner not provided for in this subsection shall not be effective.

Page 258, line 8, strike "$400,000,000" and insert "$358,000,000".

Page 267, line 23, after "for," insert "any provision of the Internal Revenue Code of 1986, or".

Page 268, line 17, strike "$1,775,000,000" and insert "$1,700,000,000".

Page 268, after line 8, insert the following new section (and redesignate subsequent sections and any references to such sections, and conform the table of contents, accordingly):

SEC. 188. CERTAIN REVITALIZATION AND RELOCATION ASSISTANCE.

There is authorized to be appropriated for revitalization and relocation activities for the Windsor Park Subdivision in Las Vegas, Nevada, such sums as may be necessary for fiscal year 1995.

Page 273, line 24, before the first comma insert "or for which the homebuyer is assisted".

Page 293, line 20, before "The" insert "(a) Extension.—".

Page 293, after line 23, insert the following new subsection:

(b) Budget Compliance.—Section 221(g)(4)(C) of the National Housing Act (12 U.S.C. 1715l(g)(4)(C)) is amended by adding at the end the following new clause:

"(ix) This subparagraph shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year.".

Page 313, strike line 16 and all that follows through page 314, line 15 (and redesignate subsequent sections and any references to such sections, and conform the table of contents, accordingly).

Page 357, line 18, after "no tax" insert "of any State, county, municipality, or local taxing authority".

Page 368, strike "The" in line 17 and all that follows through the first period in line 20 and insert the following: "The Secretary shall pay a uniform rate of interest on escrowed amounts. The interest rate to be paid on such amounts shall be determined by the Secretary based on the interest earned less an amount not to exceed 1 percent to be used to offset expenses in carrying out the provisions of this title.".

Page 369, strike "Deferred" in line 20 and all that follows through the first period in line 22 and insert the following: "Deferred amounts shall not exceed 25 percent of the amount of the payment due at 1 percent interest and shall be subject to recapture.".

Page 370, line 9, after "shall" insert ", subject to the availability of amounts for assistance under this title,".

Page 371, line 3, after the period insert the following new sentence: "The authority of the Secretary under this subsection to modify loans shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided for such costs in appropriation Acts for such fiscal year.".

Page 385, line 23, after the period insert the following new sentence: "The authority of the Secretary under this subsection to modify loans shall be effective for any fiscal year only to such extent or in such amounts as are or have been provided for such costs in appropriation Acts for such fiscal year.".

Page 371, line 19, strike "Pinewest" and insert "Pine View West".

Page 399, line 16, after "experience in" insert "or capable of".

Page 405, line 1, after "corporations," insert "local community action agencies receiving assistance under the Community Services Block Grant Act,".

Page 406, line 9, strike "90 percent of" and insert "the total".

Page 407, line 6, after "unless" insert "the housing is acquired by foreclosure (or instrument in lieu of foreclosure) or".

Page 424, strike lines 18 through 20 and insert the following new paragraph:

(2) in paragraph (8)—

(A) by striking "and" after "under this paragraph,";

(B) by striking "fiscal year 1994" and inserting "fiscal years 1994, 1995, and 1996"; and

(C) by inserting before the semicolon at the end the following: ", and except that of any amount of assistance under this title (including program income) to the Cities of Vallejo and Benecia and to Napa County, in California, such cities and county may use not more than 20 percent in fiscal year 1995 and 25 percent in fiscal year 1996 for activities under this paragraph".

Page 425, after line 16, insert the following new section (and redesignate subsequent sections and any references to such sections, and conform the table of contents, accordingly):

SEC. 605. PROHIBITION OF USE OF CDBG ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following new subsection:

"(h) Prohibition of Use of Assistance for Employment Relocation Activities.—Notwithstanding any other provision of law, no amounts from a grant under section 106 made in fiscal year 1994 or any succeeding fiscal year may be used for any activity (including any infrastructure improvement) that is intended, or likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.".

Page 427, line 6, before the first period insert the following new sentence: "Using any amounts appropriated for grants under this subsection for fiscal years 1995 and 1996, the Secretary shall make a grant in the amount of $3,650,000 in each such fiscal year to the Earth Conservancy in Luzerne County, Pennsylvania, which shall be used for carrying out a demonstration of using innovative environmental technologies to reclaim land used for community and economic development purposes that has been damaged by anthracite coal mining activities.".

Page 429, line 1, strike "(f)" and insert "(g)".

Page 429, lines 22 and 23, after "organizations" insert "(including local community action agencies receiving assistance under the Community Services Block Grant Act)".

Page 430, lines 4 and 5, after "organizations" insert "(including local community action agencies receiving assistance under the Community Services Block Grant Act)".

Page 432, after line 7, insert the following new subparagraph:

(c) Geno Baroni Recognition Awards for Neighborhood Self-Help Organizations.—Section 4 of the HUD Demonstration Act of 1993 is amended by inserting after subsection (e) (as so redesignated by subsection (b) of this section) the following new subsection:

"(f) Geno Baroni Recognition Awards for Neighborhood Self-Help Organizations.—

"(1) Authority.—The Secretary shall establish an award to be known as the Geno Baroni Recognition Award for Neighborhood Self-Help Organizations, and shall select community-based organizations and capacity-building organizations for such award annually pursuant to the criteria under paragraph (3).

"(2) Purpose.—The purpose of the awards under this subsection shall be—

"(A) to focus attention on and provide monetary compensation to successful self-help organizations that have established and implemented effective strategies to restore economic vitality to neighborhoods in the United States; and

"(B) to facilitate training and other forms of capacity-building assistance to improve and expand the ability of community-based organizations to carry out activities referred to in subparagraph (A).

"(3) Criteria.—The Secretary shall prescribe criteria for the selection of community-based organizations and capacity-building organizations for the award as the Secretary considers appropriate, which shall include the extent to which the activities of an organization meet the criteria under subsection (d) and the extent to which an organization has—

"(A) promoted, implemented and supported self-help neighborhood activities that integrate poorer, inner-city neighborhoods into the greater metropolitan region;

"(B) furthered sustainable community development by expanding fair housing opportunities, furthering economic revitalization, reducing economic isolation of income groups within communities, expanding housing, education, and employment opportunities for persons of low or moderate income, and providing other amenities in low-income neighborhoods;

"(C) promoted and supported neighborhood leadership and responsibility;

"(D) leveraged private contributions to support a wide variety of community development initiatives on a long-term basis; and

"(E) established and enhanced the managerial, financial, and administrative capacity of the organization.

"(4) Monetary award.—In connection with each award made under this subsection to a community-based organization or capacity-building organization, the Secretary shall, to the extent amounts are available pursuant to paragraph (6), provide a monetary award to the organization in the amount of $50,000.

"(5) Use of funds for administrative purposes.—The Secretary may use amounts made available to carry out this subsection to defray the costs of the Secretary in connection with making awards under this section, including costs for—

"(A) printing and disseminating information;

"(B) holding conferences;

"(C) holding competition for awards, including travel and per diem costs; and

"(D) travel costs of award winners to attend follow-up conferences endorsed by the Secretary and to provide peer-to-peer assistance to other appropriate individuals and entities.

"(6) Funding.—

"(A) In general.—Of any amounts appropriated for fiscal year 1995 to carry out this section 4, 10 percent shall be used to carry out this subsection. Of any amounts appropriated for fiscal year 1996 to carry out this section, such sums as may be necessary shall be used to carry out this subsection. The provisions of subsection (c) shall not apply to any amounts used to carry out this subsection.

"(B) SET-ASIDE FOR ADMINISTRATIVE PURPOSES.—Of amounts available for any fiscal year to carry out this subsection pursuant to subparagraph (A), not more than 2 percent may be used for the purposes in paragraph (5).".

Page 441, after line 17, insert the following new paragraph:

"(3) PROHIBITION OF USE OF ASSISTANCE FOR EMPLOYMENT RELOCATION ACTIVITIES.—Notwithstanding any other provision of this section, no grant amounts under this section may be used for any activity (including any infrastructure improvement) that is intended, or likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.

Page 446, after line 7, insert the following new subsection:

(e) BINGHAMTON, NEW YORK.—Notwithstanding any other provision of law, the City of Binghamton, New York, may retain amounts provided under an urban development action grant under section 119 of the Housing and Community Development Act of 1974 for Project No. B–88–AA–36–0535 and use such funds for the High Technology Center project, if such project is commenced not later than 6 months after the date of the enactment of this Act.

Page 446, line 8, strike "(e)" and insert "(f)".

Page 455, line 19, strike "(a)IN GENERAL.— ".

Page 457, strike line 16 and all that follows through page 458, line 19.

Page 460, after line 9, insert the following new paragraph:

(3) ELIGIBLE HOUSING.—Section 1011 of the Housing and Community Development Act of 1992 (42 U.S.C. 4852) is amended—

(A) by striking subsection (a) and inserting the following new subsection:

"(a) AUTHORITY AND ELIGIBLE HOUSING.—

"(1) AUTHORITY.—The Secretary may provide grants to eligible applicants to evaluate and reduce lead-based paint hazards in housing that meets the requirements under paragraphs (2) and (3) and is not federally assisted housing, federally owned housing, or public housing, in accordance with the provisions of this section.

"(2) ELIGIBLE HOUSING.—Housing that meets the requirements under this paragraph is the following housing:

"(A) RENTAL HOUSING.—In the case of rental housing, housing in which at least 50 percent of the dwelling units are occupied by or available to households with incomes not exceeding 50 percent of the median income for the area, as defined by the Secretary, and the remainder of the dwelling units are occupied by or available to households with incomes not exceeding 80 percent of the median income for the area, as defined by the Secretary. .

"(B) OWNER-OCCUPIED HOUSING.—In the case of owner-occupied housing, a dwelling that is the principal residence of a household with an income not exceeding 80 percent of the median income for the area, as defined by the Secretary.

"(3) LIMITATIONS ON USE OF AMOUNTS.—

"(A) RENTAL HOUSING.—In the case of rental housing for which lead hazard reduction activities are conducted using grant amounts under this section—

"(i) notwithstanding paragraph (2)(A), for housing with 5 or more dwelling units, not more than 20 percent of such remaining dwelling units may be occupied by households with incomes exceeding 80 percent of the median income for the area, as defined by the Secretary; and

"(ii) all vacant dwelling units for which such activities have been conducted shall be made available only to households with a child or children under 6 years of age, and among such households priority shall be given to households with incomes not exceeding 50 percent of the median income for the area, as defined by the Secretary.

"(B) OWNER-OCCUPIED HOUSING.—In the case of owner-occupied housing for which lead hazard reduction activities are conducted using grant amounts under this section, 90 percent of the dwelling units for which such activities are conducted shall be dwelling units occupied by a household with a child or children under 6 years of age or dwelling units in which a child of such age regularly spends a substantial portion of his or her time.

"(4) EXCEPTION TO ELIGIBLE HOUSING REQUIREMENTS.—Notwithstanding paragraph (2), housing that qualifies as affordable housing under section 215 of the Cranston-Gonzalez National Affordable Housing Act (including housing that receives assistance under section 8 of the United States Housing Act of 1937) and for which activities assisted under this section are to be conducted using amounts made available to carry out this section for fiscal year 1993 shall be considered housing that meets the requirements of paragraph (2) and shall not be subject to the requirements of paragraph (3), but only if the recipient of such assistance elects, before commencing such activities with such assistance, to be subject to the provisions of this paragraph and the Secretary approves such election. Any such recipient making such an election may not use such assistance to carry out activities under this section with respect to housing that meets the requirements of paragraphs (2) and (3)."; and

(B) by striking "priority housing" each place it appears and inserting "housing that meets the requirements under subsection (a)".

Page 461, after line 12, insert the following new subsection:

(c) DEFINITIONS.—Section 1004 of the Housing and Community Development Act of 1992 (42 U.S.C. 4851b) is amended—

(1) by striking paragraph (20); and

(2) by redesignating paragraphs (21) through (27) as paragraphs (20) through (26), respectively.

Page 478, line 23, after the first period insert the following new sentence: "Notwithstanding any other provision of law, user fees collected by the Financial Management Services incident to sections 9304 through 9309 of this title shall be credited to the appropriation of that agency and may be retained without fiscal year limitation to carry out the provisions of such sections.".

Page 478, after line 23, insert the following new section (and conform the table of contents accordingly):

SEC. 723. INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION ACCESS TO FEDERAL HOME LOAN BANK ADVANCES.

(a) IN GENERAL.—Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended by adding at the end the following new subsection:

"(k) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION ACCESS TO ADVANCES.—Any insured community development financial institution (as defined in section 3(e) of the Community Development Banking and Financial Institutions Act of 1993) which meets the requirements of subparagraphs (A) and (B) of section 4(a)(1) may obtain advances from the appropriate Federal home loan bank in accordance with this section in the same manner and to the same extent as members of such bank without regard to any stock purchase requirement imposed on members under this Act.".

(b) INCREASE IN LENDING CAP.—

(1) IN GENERAL.—Paragraph (2) of the 1st subsection (e) of section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430(e)(2)) is amended by striking "30 percent" and inserting "40 percent".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply after October 1, 1995.

Page 481, line 13, strike "$635,000,000" and insert "$735,000,000".

Page 481, line 16, strike "$786,620,000" and insert "$925,000,000".

Page 483, line 3, after "area" insert ", or a consortium of such entities,".

Page 484, line 3, after "area" insert ", or a consortium of such entities,".

Page 499, after line 12, insert the following:

"(d) PROHIBITION OF SUBSTITUTION OF FUNDS.—Assistance provided under this subtitle may not be used to replace other public funds previously used, or designated for use, to assist persons who are homeless.".

Page 499, line 13, strike "(d)" and insert "(e)".

Page 508, after line 23, insert the following:

"(3) MINIMUM STATE ALLOCATION.—Notwithstanding paragraph (2), if, in allocating amounts for States under paragraph (1) for any fiscal year, the amount allocated for the year for a State is less than $2,000,000, the allocation for the State shall instead be $2,000,000 and the increase shall be deducted pro rata from the allocations of other States.

Page 517, line 1, after "establish" insert "and provide support for the operation of"

Page 519, line 8, after "shall" insert "be members of the board that represent homeless individuals and families, homeless advocates, or nongovernmental entities that provide assistance to homeless individuals and families. They shall".

Page 540, strike line 24 and all that follows through page 541, line 24.

Page 544, after line 10, insert the following:

"SEC. 437. INNOVATIVE HOMELESS INITIATIVES.

"(a) ELIGIBLE ACTIVITIES.—A recipient may use grant amounts under this subtitle for—

"(1) establishing innovative programs to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have the disease of acquired immunodeficiency syndrome or who are infected with HIV), through cooperative efforts in partnership with other levels of government and the private sector (including nonprofit organizations, foundations, and communities) and through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources; and

"(2) to obtain technical assistance in establishing a program for providing homeless assistance in accordance with the provisions of this subtitle, except that not more than 10 percent of the amount provided to a recipient under this subtitle for a fiscal year may be used under this paragraph.

"(b) REQUIREMENTS.—A recipient may use grant amounts to establish an innovative program under subsection (a)(1) only if—

"(1) the existing public and private systems for homelessness prevention, outreach, assessment, shelter, services, transitional services, transitional housing, and permanent housing available within the jurisdiction of the recipient would benefit from additional resources to achieve a comprehensive approach to meeting the needs of individuals and families who are homeless, or who are very low-income and at risk of homelessness;

"(2) the recipient works cooperatively with the Department of Housing and Urban Development, nonprofit organizations, foundations, other private entities, and the community, to the extent feasible, to design and implement the program; and

"(3) the recipient obtains a commitment from the jurisdiction to make necessary changes in policy and procedure to provide sufficient flexibility and resources as necessary to implement and sustain the program.".

Page 544, line 11, strike "437" and insert "438".

Page 545, strike "Of" in line 12 and all that follows through line 20.

Page 546, line 20, strike "$206,000,000" and insert "$200,000,000".

Page 560, line 9, strike "$32,197,800" and insert "$30,000,000".

Page 560, line 10, strike "$33,163,734" and insert "$30,000,000".

Page 561, after line 2, strike the item relating to section 437 and insert the following:

"Sec. 437. Innovative homeless initiatives.

"Sec. 438. Other approved activities.

Page 562, strike line 3 and all that follows through page 563, line 10, and insert the following new section (and conform the table of contents accordingly):

SEC. 831. FHA SINGLE FAMILY PROPERTY DISPOSITION.

Section 1407 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 4034) is amended by adding at the end the following new subsection:

"(d) DEMONSTRATION PROGRAM FOR IMMEDIATE AVAILABILITY.—

"(1) AUTHORITY.—Notwithstanding subsections (a) and (b), in carrying out the program referred to in subsection (a) in each of 3 States selected by the Secretary of Housing and Urban Development, during the 18-month period beginning on the date of the enactment of the Housing and Community Development Act of 1994 the Secretary shall make any eligible property available for lease under such program without listing and making such property generally available for sale for any intervening period.

"(2) DISCOUNT.—Any property made available for sale pursuant to this subsection under the program referred to in subsection (a) shall be made available at a price equal to the fair market value of the property less a 20 percent discount.

"(3) STATE AND LOCAL TAXES.—The provisions of subsection (c) shall apply to the demonstration program under this subsection.

"(4) REPORT.—Upon the expiration of the 18-month period referred to in paragraph (1), the Secretary of Housing and Urban Development shall submit a report to the Congress analyzing the extent to which single family properties are made available for use by the homeless under the program referred to in subsection (a), as carried out under subsections (a) and (b) and as carried out under this subsection. The report shall also analyze the effect of carrying out the program under each of such provisions on the Mutual Mortgage Insurance Fund.".

Page 563, after line 10, insert the following new section (and conform the table of contents accordingly):

SEC. 833. STRATEGY TO ELIMINATE UNFIT TRANSIENT FACILITIES.

Section 825(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11301 note) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) that States and units of general local government shall eliminate the use of unfit transient facilities as housing for homeless families with children not later than July 1, 1997, in the manner provided under the strategy.".

Page 565, line 10, strike "$193,186,800" and insert "$130,000,000".

Page 565, line 11, strike "$198,982,404" and insert "$130,000,000".

Page 565, after line 11, insert the following new subtitle (and conform the table of contents accordingly):

Subtitle D—Availability of Property at Military Bases for Redevelopment and Homeless Use

SEC. 861. AVAILABILITY OF PROPERTY AT MILITARY BASES FOR REDEVELOPMENT AND HOMELESS USE.

(a) AVAILABILITY OF MILITARY PROPERTY TO ASSIST THE HOMELESS.—Title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.) is amended by adding at the end the following new section:

"SEC. 503. SPECIAL PROCEDURES GOVERNING AVAILABILITY OF PROPERTY AT CLOSED OR REALIGNED MILITARY BASES TO ASSIST THE HOMELESS.

"(a) SOLE AUTHORITY FOR AVAILABILITY OF PROPERTY.—(1) Property at a military installation closed or realigned under a base closure law shall not be available for use to assist the homeless except as provided by this section.

"(2) Until after the appropriate time periods set forth in this section have expired, the Secretary of Housing and Urban Development shall neither request information concerning buildings or property covered by paragraph (1), nor identify such buildings or property as suitable for use to assist the homeless pursuant to section 501(a), other than under the procedures set forth in this section.

"(3) For purposes of this section:

"(A) The term 'base closure law' means the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(B) The term 'community' means the political jurisdictions that comprise the redevelopment authority established with respect to a military installation to be closed or realigned under a base closure law.

"(b) IDENTIFICATION AND NOTIFICATION OF PROPERTY FOR REDEVELOPMENT.—(1) Not later than the date on which the Secretary of Defense completes the final determination under a base closure law regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed or realigned under such base closure law, the Secretary of Defense shall—

"(A) complete any determinations or surveys necessary to identify whether any building or property described in paragraph (2) at such installation is excess property, surplus property, or unutilized or underutilized property;

"(B) submit to the Secretary of Housing and Urban Development written notice containing information on such buildings or property and specifying the redevelopment authority that exists with respect to the installation; and

"(C) submit to the redevelopment authority with respect to the installation written notice of the properties available for use in developing a reuse plan pursuant to subsection (d).

"(2) The buildings and property referred to in paragraph (1)(A) are any buildings or property located at the installation involved for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the final determination of transferability referred to in paragraph (1).

"(3) Notice submitted to the Secretary of Housing and Urban Development under paragraph (1)(B) regarding excess property, surplus property, or unutilized or underutilized property at a military installation shall be available only for the purpose of permitting the redevelopment authority with respect to the installation to develop a reuse plan for the property that makes available a reasonable amount of property or assistance to the homeless in the community.

"(4) Within 60 days after receiving a written notice under paragraph (1)(B), the Secretary of Housing and Urban Development shall publish in the Federal Register information regarding the property described in the notice and available for use to develop a reuse plan pursuant to subsection (d) and information specifying the redevelopment authority responsible for preparing the reuse plan under subsection (d).

"(c) PERIOD FOR DEVELOPMENT OF REUSE PLAN.—(1) The Secretary of Defense shall give each redevelopment authority that receives a written notice under subsection (b)(1)(C) a one-year period from the date of the receipt of the notice in which to develop a reuse plan under subsection (d) for the buildings and property identified in the notice.

"(2) The Secretary of Defense may extend the period provided under paragraph (1) for not more than an additional 6 months to permit a redevelopment authority to complete its reuse plan.

"(d) REUSE PLAN TO MEET THE NEEDS OF THE HOMELESS.—(1) Not later than the end of the period provided under subsection (c) to a redevelopment authority, the redevelopment authority shall submit in writing to the Secretary of Defense and the Secretary of Housing and Urban Development a reuse plan for the buildings and property identified in the written notice submitted to the redevelopment authority under subsection (b)(1)(C) at the military installation for which the redevelopment authority is established. The reuse plan may be a part of, or a supplement to, the redevelopment plan otherwise authorized under a base closure law for a military installation.

"(2) The reuse plan shall include provisions for use to assist the homeless, shall enumerate homeless providers and public agencies consulted regarding the plan, and shall include a commitment to enter into legally binding agreements to make available a reasonable amount of property or assistance to the homeless in the community. Such property may consist of buildings and property located at the military installation to be closed or realigned or off of the installation.

"(e) REVIEW OF REUSE PLAN BY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—(1) The Secretary of Defense shall consider a reuse plan submitted under subsection (d) for purposes of disposal of property at the military installation for which the reuse plan is developed unless the Secretary of Housing and Urban Development, within 60 days of receipt of the reuse plan, determines under paragraph (2) that the reuse plan does not make available a reasonable amount of property or assistance to the homeless in the community involved.

"(2) The Secretary of Housing and Urban Development shall determine that a reuse plan makes available a reasonable amount of property and assistance to the homeless within the community involved if—

"(A) the reuse plan includes a commitment to enter into legally binding agreements to provide assistance to the homeless within the community;

"(B) the reuse plan balances the need for providing property and assistance to the homeless with the overall reuse plan for the military installation;

"(C) the reuse plan was developed in consultation with local representatives of the homeless, including representatives of the applicable homeless assistance planning board established under section 411(b) and representatives of local nongovernmental homeless providers;

"(D) the reuse plan is consistent with the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

"(E) the reuse plan specifies the manner in which property or assistance will be made available for homeless assistance.

"(3) In making a determination under paragraph (2) with respect to a reuse plan, the Secretary of Housing and Urban Development shall—

"(A) consider the population of homeless in the community involved, the extent of current services to assist the homeless within the community, the extent of the commitment of resources by local governments in the community to assist the homeless within the community, the need for additional services to assist the homeless within the community, and the suitability of the property for serving the needs of the homeless; and

"(B) solicit and consider comments on the reuse plans from homeless persons or their representatives in the community.

"(f) EFFECT OF FAILURE TO MEET THE NEEDS OF THE HOMELESS.—If the Secretary of Housing and Urban Development determines under subsection (e) that a reuse plan does not make available a reasonable amount of property or assistance to the homeless in the community involved, the Secretary shall submit to the redevelopment authority submitting the reuse plan and to the Secretary of Defense a report containing the reasons for the determination. The Secretary of Housing and Urban Development shall submit the report within 30 days of making the determination.

"(2) A redevelopment authority shall have an additional 6 months from the date of receipt of a report under paragraph (1) to resubmit to the Secretary of Housing and Urban Development and the Secretary of Defense a final reuse plan which will reasonably address the needs of the homeless, as identified by the Secretary of Housing and Urban Development under paragraph (1).

"(3) If the Secretary of Housing and Urban Development determines that a final reuse plan submitted under paragraph (2) fails to reasonably address the needs of the homeless, the Secretary shall, within 30 days of making such determination, identify those buildings and other property covered by the reuse plan that are suitable and available for use to assist the homeless. The Secretary shall make such identification according to section 501(a). Buildings and property identified as suitable and available for use to assist the homeless under this paragraph shall be made available for such purposes under section 501.

"(g) EFFECT OF ABSENCE OF REDEVELOPMENT AUTHORITY OR EXCLUSION FROM REUSE PLAN.—In the case of buildings or property to be disposed under a base closure law, but for which no reuse authority is identified by the Secretary of Defense or which are not included in a final reuse plan submitted by a reuse authority, the Secretary of Housing and Urban Development shall determine the suitability of such buildings or property for use to assist the homeless according to section 501(a). Buildings and property identified as suitable and available for use to assist the homeless under this paragraph shall be made available for such purposes under section 501.

"(h) APPLICATION OF SECTION.—(1) Except as provided in paragraph (2), this section shall apply only with respect to property, at a military installation to be closed or realigned under a base closure law, that has not been included, as of July 1, 1994, in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A).

"(2) In the case of the military installations specified in paragraph (3), this section shall apply with respect to the disposal of all property at the installations regardless of the date on which property at such installations was included in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A).

"(3) The military installations referred to in paragraph (2) are as follows:

"(A) Cameron Station Military Garrison, Alexandria, Virginia.

"(B) Manhattan Beach, New York, New York.

"(C) Naval Station New York.".

(b) CONFORMING AMENDMENT TO BASE CLOSURE LAWS.—(1) Section 204(b)(6) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(H) This paragraph shall apply only with respect to buildings and property at a military installation to be closed or realigned under this title that has been included, before July 1, 1994, in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(1)(A)). This paragraph shall not apply to property at an installation specified in section 503(h)(3) of such Act.".

(2) Section 2905(b)(6) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(H) This paragraph shall apply only with respect to buildings and property at a military installation to be closed or realigned under this part that has been included, before July 1, 1994, in a list published by the Secretary of Housing and Urban Development under section 501(c)(1)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(1)(A)). This paragraph shall not apply to property at an installation specified in section 503(h)(3) of such Act.".

Mr. GONZALEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Chairman, the en bloc amendment, which I offer on behalf of myself, Mr. LEACH, and Mrs. ROUKEMA, represents a bipartisan effort of the committee to provide refining, clarifying, and other technical changes to the committee bill. I would like to thank Mr. LEACH and Mrs. ROUKEMA for their cooperation in this effort, and also for the assistance of those other Members who agreed to have their amendments consolidated into this amendment so that we might expedite consideration of this bill.

Among the principal changes made by the en bloc amendment are refining changes to subtitle D of the bill—the Renewal of Expiring Contracts for Section 8 New Construction and Substantial Rehabilitation. I particularly want to thank Mr. KENNEDY for his work on this important provision of the bill.

Other changes include an amendment to the Federal surplus property provisions of the McKinney Homeless Assistance Act as it relates to closure of military bases. The en bloc amendment establishes a collaborative process between the community and homeless providers in determining the use of military bases after closure to ensure that the best use of these bases is made for housing and community development.

The en bloc amendment also includes an amendment initially proposed by Mr. BARRETT, that would add an antipiracy provision to the CDBG and the Empowerment Zones and Enterprise Communities Grant Program established by the bill, and thereby prohibit the use of Federal funds to take jobs away from areas where those jobs are critically needed.

The amendment also includes a proposal by Mr. RUSH to enable PHA's to leverage modernization funds for moderization and replacement housing. This should greatly enhance the PHA's ability to finance housing for the thousands of families living in run-down public housing and on public housing waiting lists.

Finally, the amendment provides for modest reductions in the authorizations of various programs, and a modest increase in the authorization for the homeless consolidated grant program established by the bill. However, let me assure Members that our authorization levels for HOME, preservation and property disposition remain well above appropriated levels despite the reductions.

Mrs. ROUKEMA. Madam Chairman, I rise in support of the leadership amendment.

Madam Chairman, I once again want to commend the chairman for his willingness to work with the many Members who have brought these proposals to our committee's attention.

While many of the provisions in this amendment are technical in nature, I do want to single out just a few.

The first is the provision offered by our colleague from Georgia [Mr. COLLINS] which further adds to the public housing rent reform proposals included in the bill.

A second provision was offered by our colleagues Messers. RIDGE and KENNEDY, which clarifies that community action agencies may participate in the family self-sufficiency program through partnerships with PHA's.

A third provision offered by Mr. RUSH of Illinois would permit PHA's with severe vacancy problems to leverage a portion of their modernization funds to raise additional funds for the purpose of replacing units which are too old or obsolete to renovate.

A fourth amendment offered by Mr. BARRETT and Mr. KLECZKA would prohibit communities from using their CBDG funds to pirate businesses from other communities if such a move would result in large-scale unemployment in the affected area.

A provision offered by Ms. KAPTUR would provide funds for Geno Baroni Recognition Awards for outstanding community development activity.

Mr. BEREUTER for his efforts on surplus military property relative to the McKinney Homeless Act.

Again, Madam Chairman, these amendments are welcome additions to the base text and should be adopted.

□ 1910

Mr. SCHUMER. Madam Chairman, I move to strike the last word.

Madam Chairman, I rise in support of the en bloc amendments and the whole bill. Let me say the en bloc amendments touch on many different issues. They affect many communities, including my own, and I am appreciative to the chairman and the staff, as well as the ranking member and the staff, for dealing with the particular problem we have there.

But I would also like to talk a little bit about the bill which the en bloc amendment modifies, because time had run out here.

I am in strong support of this bill. In 1937, the Congress passed for the first Federal housing legislation, and today, in 1994, Congress has the opportunity to pass the best housing legislation in a very long time.

This important bill has wide support on both sides of the aisle. The gentleman from Texas [Mr. GONZALEZ], and the gentlewoman from New Jersey [Mrs. ROUKEMA], deserve a lot of credit, because they put together a bill that will do more for working families and more to rebuild public housing than any housing bill since I have come to Congress.

Over the past decade and a half, to put it bluntly, much of public housing has gone to the dogs. The projects have become a place of terror for their residents. Some projects have become an American Bosnia, where senseless, random, capricious violence strikes at any given instance. They have become a place of last resort for the perpetually unemployed.

Consider this: In 1983, 49 percent of the families in New York City public housing were employed; in 1993, only 32 percent were occupied by working families.

So, H.R. 3838 tries to reverse this ugly slide. There are new programs to help working families in public housing and keep working families in public housing. The new rent reform provisions will allow working families to keep 10 percent of their earned income, instead of forking it over to HUD. Unemployed families will have their rents frozen for 18 months once they find a job, giving greater incentive for families to struggle out of welfare and into employment. In high rent areas, like New York, San Francisco, Chicago, and Los Angeles, public housing rents will be capped at fair market level, so that families that do succeed will not have to pay more rent than somebody in fair market housing, in nonsubsidized housing, which is what has happened up to now in certain instances. And we do not want successful working families to leave public housing. Public housing has always succeeded when there has been a mix. We lost that vision in the eighties, and we are here to restore it.

I again want to thank the chairman and the gentlewoman from New Jersey for their leadership and vision in this. It is something we have worked for for a long time.

I am particularly proud of the new Community Partnership Act Against Crime. That is going to help fight crime in public housing. It could use more funding and the formula could be a little better for public housing authorities in high crime areas, but it is a lot better than the program we have now.

Other new programs in the bill will waive many PHA's from onerous laws, regulations, and paperwork.

Madam Chairman, it took many years to create the problems that public housing has. It is going to take many years to bring it back. Today we take the first and most important step. The bill encourages work and responsibility, with compassion and fairness. H.R. 3838 is a turning point for Federal housing programs, and deserves the support of every Member in the House.

Mr. BEREUTER. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, this Member rises in support of the en bloc leadership amendment and commends the distinguished chairman of the Banking Committee, Mr. GONZALEZ, and the distinguished ranking member of the Housing Subcommittee, Mrs. ROUKEMA, for their efforts in bringing H.R. 3838 and this amendment before the House today. This en bloc amendment includes this Member's proposed amendment to the McKinney Act. This Member's amendment would create a new section to the McKinney Homeless Act to govern military base closing redevelopment. This Member believes this amendment will provide greater benefit to the local community, the economy and the homeless than is currently available under the McKinney Act.

As many of this Member's colleagues know, under current provisions, the homeless providers are given priority for redeveloping all facilities made available by a base closure. While providing for the homeless is an honorable and needed mission, the current McKinney Act ignores the extreme economic hardship thrust upon a community when the military targets a base for closure.

With the passage of this amendment, communities and local redevelopment authorities will be given the first priority and the initial opportunity to develop a plan which accommodates all interests in the reuse of a military base facility. This amendment will provide an opportunity for local communities to renew the local economy, create jobs, provide for the homeless, and survive the economic devastation of a military base closing.

If the goals of this Member's amendment are met, the military bases which are closed by the Department of Defense will never be screened under the McKinney Act and instead will be placed into a reuse plan developed by the local community which will be to the benefit of all, instead of concentrating all available resources on one segment of the community—the homeless.

This Member's amendment reserves the property of a closing military base for 1 year while the local community develops a comprehensive reuse plan for the property which will include a reasonable level of property or other assistance to the homeless in the community. The plan is then submitted to the Department of Defense and the Department of Housing and Urban Development for approval.

HUD then has 30 days to determine if the needs of the homeless are reasonably met. If HUD determines that the plan does not adequately meet the needs of the homeless, the local redevelopment authority then has 6 months to alter the plan so that it does meet the needs of the homeless. The Department of Defense will then use this plan as the preferred redevelopment plan for a local community.

Once the successful reuse plan is in place and operating, the property will be transferred to the local entities designated under the reuse plan, completely eliminating the Federal Government from interfering with local development. Yet, this Member's amendment preserves the spirit of the McKinney Act. Local providers of homeless assistance will be guaranteed a role in the redevelopment plan which will provide for homeless assistance based upon the needs of the community. This Member believes this amendment will bring a fair, rational, and economically realistic approach to military base redevelopment and asks for your support of H.R. 3838.

Mr. VENTO. Madam Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Minnesota.

Mr. VENTO. Madam Chairman, I was going to commend the gentleman for his work on this, and I appreciate him withdrawing the amendment at the committee level, because it was very confusing. It was late in the day.

I want to thank the Committee on Armed Services and the Committee on Government Operations as well as our own staff and members for their work on it. I thank the gentleman for his positive contribution.

Mr. BEREUTER. Madam Chairman, I thank the gentleman. Because of the gentleman's history of working on homeless issues, his commendations are particularly appreciated.

Madam Chairman, I would like to engage in a colloquy with the chairman and the ranking member relating to the Durbin amendment that will be part of the en bloc.

The Durbin amendment kind of took this gentleman by surprise. It does relate to the direct loan program, the 515 program, for multi-unit housing, which is the only 515 program that exists. But also under this en bloc amendment is this gentleman's proposal to create a demonstration 2-year loan guarantee program under the 515 program.

Now, the gentleman from Illinois, Chairman DURBIN, properly pointed out that the abuses which were highlighted during the study that the Appropriations Subcommittee took only looked at the 515 program, and that is the direct loan program. That is the only one that exists at this point.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Madam Chairman, I am concerned that if the eligibility requirements which will be put in place through his amendment go into effect on the 515 demonstration program for the direct loan guarantee program, it will not permit the demonstration program to work.

It is my expectation, given short resources, that under the Durbin amendment, almost all of the existing 515 program will go only to low-income areas. That is appropriate, I suppose, given short resources. But it does seem to me the loan guarantee program, if we can show it works well in 2 years, can properly be then delegated to other areas of the country that are not economically depressed, since we will not be making a significant outlay of Federal funds, but will only be covering any defaults. And based upon the experience of the 502 program, the loan guarantee program, that default rate is only 1.58 and going down.

So I would ask the chairman, would it be his understanding that the Durbin amendment would not apply to the demonstration program that is also now being created by the same en bloc amendment?

☐ 1920

That is my understanding, that it does not. And whatever difficulties the gentleman, who let me say has considerable expertise in this area, feels, there is no problem that I can see we cannot work out.

Mr. BEREUTER. Madam Chairman, I thank the gentleman for that assurance.

Mrs. ROUKEMA. Madam Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Madam Chairman, I would be happy to concur with the chairman. That certainly is not the intention. The gentleman is quite correct in the point that he has made concerning the potential for conflict there. But it is my understanding that the language is such that that conflict would not come about. I would be happy to work with the gentleman in the future, if there should be any loophole. But I do not believe, I know for a certainty that that should not be a problem.

Mr. BEREUTER. I thank the gentlewoman for her assurances. Since the 515 Durbin amendment and this, an original initiative in the bill are being created now, they should be simultaneous and not affected.

Ms. KAPTUR. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Housing and Community Development authorization bill on the floor today and commend the gentleman from Texas for bringing forward this measure which addresses the housing and community development needs of our Nation.

Included in the en bloc amendment offered by the gentleman from Texas is an amendment which establishes Geno Baroni Recognition Awards. This amendment pays tribute to Msgr. Geno Baroni, a man of firsts.

Msgr. Geno Baroni, former Assistant Secretary to the Department of Housing and Urban Development, was the first Catholic priest ever to hold such an office in the Federal Government.

Msgr. Geno Baroni was also the first Catholic priest to march in the 1965 Selma, AL, civil rights demonstration.

Msgr. Baroni was a fighter for ordinary people, who believed passionately that real change begins with the people working at the community level. It was in the neighborhoods of America that he committed his life's work. Working with blacks, ethnics, Hispanics, and other groups, Msgr. Baroni urged people to celebrate their differences and work together to form coalitions to pursue their common agenda—creating a livable and sustainable community. His vision equated the possibility for urban revitalization with localizing efforts to preserve and revitalize America's neighborhoods. Msgr. Baroni well understood what the vital centers of our country were and are—America's neighborhoods. Involving neighborhood residents, in partnership with the public and private sectors, was essential in his community improvement vision—1994 marks the 10 year anniversary of his death. In commemoration of his lifetime commitment to working to preserve and improve America's urban communities, the establishment of the Geno Baroni Recognition Awards recognize and support organizations committed to Msgr. Baroni's vision of urban revitalization.

The Geno Baroni Recognition Awards in memory of their namesake would fund and facilitate neighborhood self-help. These awards would build upon the existing capacity building program under section IV of the HUD Demonstration Act of 1993. Capacity building funds currently provide direct assistance to community-based organizations, enabling them to enhance their technical and administrative capabilities. Building upon the goals of capacity building, the Geno Baroni Recognition Awards will recognize and commend the successes of nonprofit organizations who have been instrumental in community development. By providing $50,000 awards to selected community development organizations, the Geno Baroni Recognition Awards will implement the dual goals of Msgr. Baroni: First, facilitating neighborhood self-help; and second, supporting organizations who know best how to tackle neighborhood revitalization by involving the people who live in them.

A need does exist for urban neighborhoods and rural areas to become self-sustaining parts of a productive economy. And the Geno Baroni Recognition Awards will bring national attention and monetary compensation to successful self-help organizations that have not only addressed that need, but are working toward effective strategies to restore economic vitality to America's neighborhoods. The Geno Baroni Recognition Awards will facilitate training and other forms of capacity building assistance to improve and expand the ability of community organizations to carry out housing, economic development, youth development, family support, community service, and other eligible activities by people living in those neighborhoods.

Msgr. Geno Baroni was instrumental in drawing national attention to the plight of America's neighborhoods. He spent a lifetime working to build new self-help initiatives to ameliorate the intractable problems that stifle human potential in many of America's neighborhood communities. It is the value and needs of these neighborhoods that have long been neglected, and that neglect has resulted in neighborhoods and people who have been both alienated and unorganized. Msgr. Baroni challenged Government while at HUD "to work for and with people." He believed and asserted that "neighborhoods are the building blocks of cities and towns." I urge my colleagues to honor the vision of the this remarkable man to further open the door to neighborhood self-help, by recognizing those groups who work at the source of urban revitalization—those in the neighborhoods themselves. I urge you to support the passage of the en bloc amendment.

Mr. BAKER of Louisiana. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise to speak briefly to an important amendment included in the leadership provision which has been of extreme concern to me and to those who are involved in a relationship with the Federal Home Loan Bank System. The Federal Home Loan Bank is a credit window for many thrift savings and loans and small banks across the country who serve the credit needs of many rural communities and inner cities as well.

Under current regulatory provisions, there is a law which blocks the expansion of banking participation in the Federal Home Loan System. Simply stated, unless some regulatory relief is granted, there is the potential that access to credit important to those in need in rural and inner-city areas may be inhibited by the unfortunate effect of this regulatory provision.

Through the leadership of the chairman and the ranking member, an important amendment has been provided in this leadership proposal which will ensure that over the coming months, that this credit allocation will not occur. Further, the gentleman from California [Mr. McCANDLESS] has counseled with me on this important matter and pointed out some concerns about the effective date of the original Baker proposal.

Accordingly, we have made changes in that date to accommodate his observations and concerns.

With the effective change now made by the McCandless modification, I am confident that we are moving in the right policy direction, that the adoption of the Baker amendment will ensure continued access to credit in rural communities and inner cities, and I wish to commend the leadership for their cooperation and courtesies in making this procedural change necessary.

Mr. BISHOP. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the en bloc amendments and in support of the bill.

I would like to thank the chairman, the ranking member, the members of the committee for an outstanding work product in the form of H.R. 3838. I certainly support their efforts.

We often hear from persons who are working hard and doing the right things, yet somehow they cannot seem to get ahead. This is often caused by disincentives and unintended consequences that are built into the very systems that are designed to help those who need a hand up.

A few months ago, I met a woman in Georgia named Judy who told me of her frustrating experience with our Nation's system of public housing. In an attempt to improve herself, Judy earned her GED. She completed job training in the JPTA Program, and she completed the Georgia PECH Program, our Positive Employment in Community Help Program designed to help give job training to those on welfare.

She was thrilled when she began to work at a job after completing all of those programs. She was taking pride in her accomplishments, but unfortunately, when she went to work, her rent in public housing doubled. When it came time to pay the bills, she found that her paycheck did not come close to making up the rent increase and the other losses of benefits because she had started to work.

Judy was angry and discouraged. She was, not to mention, upset because of her difficulty in being able to pay the rent. She is not alone. Thousands of families are forced to remain in a cycle of dependence because the system not only fails to encourage but actually penalizes their choice of work.

Judy's story inspired me to join with the gentlewoman from California, Ms. WATERS, to introduce legislation that would remove one of the disincentives to work that is present in our public assistance system.

☐ 1930

Our legislation will restructure public housing rent schedules so working people like Judy will not suffer for their initiatives, and the funding agencies will begin to benefit from the savings that will be produced.

We would like to thank the committee, the chairman, and the ranking member for incorporating the provisions of this legislation into H.R. 3838.

Instead of the current system, which rewards unemployment with an unearned income credit, this proposal will give working families an earned income deduction of 20 percent of their rent. An additional 10 percent deduction will be given to two-parent working families, encouraging family stability.

There will also be ceilings on rent to keep them closer to fair market rates, and income exclusions for working children under 21 who live at home.

Finally, there is a provision for working families to set aside a portion of their earnings to save for a down payment on a home of their own.

In addition to empowering people, this proposal will save money at the local, the State, and the Federal levels, and provide benefits to the private sector as well. At the Federal level alone, savings resulting from an AFDC family taking a minimum wage job will be $801 a month and will affect many different programs. The cost will be only $44 a month, resulting in a savings-to-cost ratio of 18.2 to 1.

If residents of public housing are encouraged to work, it logically follows that there will be more working families in public housing. This is good for neighborhoods and communities, including the businesses that are located there.

In addition, Madam Chairman, rent paid by working people decreases the burden of public support for operation of our public housing authorities, a projected savings of $2 billion at the Federal level.

Without rent reform, this subsidy is expected to skyrocket in the coming years. Residents of public housing need empowerment, not penalties.

This proposal is the kind of reform that goes a long way toward erasing the image and the reality of welfare as we know it. This legislation provides a hand up and not a handout, but it is only one part of the puzzle.

We thank the committee, the chairman, for taking this and moving forward this very, very important piece of rent reform legislation.

Mr. MORAN. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I want to thank the chairman of this committee, the gentleman from Texas [Mr. GONZALEZ] for doing a terrific job; and also the new staff director of the Subcommittee on Housing and Community Development, Nancy Libson, who has done a wonderful job in responding to the Members' concerns; and the gentlewoman from New Jersey [Mrs. ROUKEMA], who I also had the privilege of working with when I was on the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs; and the gentleman from Nebraska [Mr. BEREUTER] too, if he is in listening distance. I want him to know I appreciate particularly the amendment he included in this bill, and the specific amendment the chairman has included with regard to title 5 of the McKinney Act.

Alexandria, VA, currently provides homeless shelters at a rate of four times what the average is for other jurisdictions in the Washington Metropolitan Area. Yet, title 5 of the McKinney Act would have usurped the local jurisdiction's authority over the land within their boundary, and have required them to accept any amount of homeless beds, even for organizations that proposed a project that was grossly disproportional to what Alexandria should have been expected to accept, and what its resources could have accommodated.

Madam Chairman, what will happen now is that the plan that the citizens of Alexandria have worked on for three years, which is a mixed use development, will be able to be implemented without interference, and it is clearly the kind of plan that is consistent with the objectives of the Federal Government and its deference to local prerogatives.

I am very pleased, Madam Chairman, that this is respected in this law, and particularly that Alexandria was specifically accommodated.

I want to thank the committee also for raising the FHA loan limits. That is going to provide more homes for thousands more families. There are some other changes, too, that deserve mentioning.

Broadening the income range under which the working poor may continue to reside in publicly assisted housing is important. I support the changes that were made to expand the grounds for eviction for criminal activity to any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents and public housing employees.

We had a specific situation in Alexandria when I was mayor where we lost a police officer tragically because of the prevalence of drug dealing in public housing, and it is something I am going to continue to push for, to clamp down on that. In fact, while we are addressing that, I wish we could address it to a greater extent.

I would hope that perhaps we could expand it to include publicly assisted housing, and also drop the language that restricts the application only to property that is on or near the premises, because drug dealers will find what those geographic boundaries are and then simply move across the street and deal drugs.

I understand the concerns that we have for civil rights, and we want to be fair, but it is an area where good, progressive people have very legitimate concerns that too often public housing is a haven for drug dealers, and it is not fair to the other residents.

In fact, I would hope maybe we could even have a field hearing sometime in Northern Virginia, which might not be too expensive. It is certainly accessible. Maybe we could hear from some people who are impacted, particularly by some of the publicly assisted housing, and get some of their recommendations and hear their concerns and frustrations.

Madam Chairman, this is a good bill. It does the right thing. It reflects the commitment of its chairman to good quality, safe and sanitary housing for who deserve it and more in need of it. I thank the gentleman from Texas [Mr. GONZALEZ] very much.

Mr. GONZALEZ. Madam Chairman, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from Texas.

Mr. GONZALEZ. The gentleman will recall that the subcommittee went to Alexandria at the time he was a mayor and had a very extensive, all-day hearing, and we were just waiting to get an invitation. We will be there again.

Even though we have lost the membership of this very valuable member of the Subcommittee of Housing and Community Development of the Committee on Banking, Finance and Urban Affairs, he has never ceased to be most cooperative and helpful, and constructive in his help.

Mr. MORAN. Mr. Chairman, I greatly appreciate those words.

I also appreciate the commitment to have a field hearing in Alexandria, VA. I thank the Chairman very much, and particularly for exempting Alexandria from Title 5 of the McKinney Act.

Mr. BARCIA of Michigan. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the en bloc amendments to the bill. Madam Chairman, I rise to discuss some of the problems that we are having with the operation of the Section 8 housing program, problems that I know that the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ], has tried to address in this bill.

In the City of Saginaw, there are Section 8 housing complexes known as the Bancroft and Eddy Buildings. They have been in service to their tenants since the early 1980s, and represent a deal that looked good at the time, but since have turned into a tremendously bad investment.

The people who live in these buildings live in conditions that no one should have to live in. Repairs and basic maintenance have been sorely lacking, and the attention that news reports have brought to this matter has enabled the Department of Housing and Urban Development and the Michigan State Housing Development Authority to take some action to correct these problems.

However, these buildings also charge rents that, while meeting the economic conditions that existed when the buildings were developed, require the taxpayer today to subsidize exorbitant rents at nearly three times the average in Saginaw County, three times the average rent for buildings that people would not live in if they had a choice.

The chairman of the committee and Deputy Assistant Secretary for Multi-Family Housing, Helen Dunlop, have been most understanding of our situation.

□ 1940

They have worked with me to try to find a solution to the problem that we have in Saginaw, that I dare say exists in other section 8 programs around the Nation.

This bill contains provisions that will require mortgages on section 8 properties to be refinanced at today's lower rates when such refinancing is in the best interests of the taxpayer. This will help reduce rents in section 8 properties. It remains to be seen whether this provision will help Bancroft-Eddy. I certainly am hopeful, but we need to continue to monitor and work with the committee on this matter.

The situation in Saginaw is so unacceptable to the public that the city of Saginaw has begun work on a proposal to buy out the complex and to run it themselves at a lower monthly rental rate. I have submitted the city's proposal to the committee and to HUD to find a way to make it happen. I am encouraged by the cooperation provided through Assistant Secretary Dunlap's leadership and am very encouraged by her willingness to meet with the appropriate State and local officials in the near future.

Madam Chairman, we have many programs that are well intended. Some work the way we want and others fail to effectively accomplish our goals. We have to admit these failures and move on. That is what I want to see happen with Bancroft-Eddy in my district and that is the goal towards which I will continue to work with HUD, local officials, the gentleman from Texas [Mr. GONZALEZ], the distinguished Chair of the Committee on Banking, Finance and Urban Affairs and the members of the House Committee on Banking, Finance and Urban Affairs. I would like to take a moment to express my gratitude to the gentleman from Texas [Mr. GONZALEZ], the distinguished Chair, for his sensitivity to our problem in the fifth district of Michigan and for the language which has been included in the en bloc amendments, which will help us address the exorbitant rent situation that we have in Michigan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GONZALEZ].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Madam Chairman, I offer several amendments which combine six of the amendments which would have been offered separately. They are noncontroversial.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. GONZALEZ:

AMENDMENT OFFERED BY MR. DURBIN

Page 387, after line 3, insert the following new subsections:

(g) REPEAL OF PROHIBITIONS.—Section 515 of the Housing Act of 1949 is amended by striking subsection (z).

(h) LOCATION OF PROJECTS.—Section 532 of the Housing Act of 1949 (42 U.S.C. 1490l) is amended—

(1) in subsection (a), by inserting "other than assistance under section 515" after "in making assistance"; and

(2) by adding at the end the following new subsection:

"(c) ALLOCATION OF SECTION 515 LOANS.—

"(1) PROCEDURE.—The Secretary shall make assistance under section 515 available pursuant to an objective procedure established by the Secretary, under which the Secretary shall identify counties and communities having the greatest need for such assistance and designate such counties and communities to receive such assistance. Under such procedure, the Secretary shall use objective measures to determine the need for rental housing assistance, which may include the incidence of poverty, substandard housing, lack of mortgage credit, lack or insufficient amount of affordable housing, and other factors demonstrating a need for affordable housing.

"(2) INFORMATION.—The Secretary shall use information from the decennial censuses of the United States, relevant comprehensive affordable housing strategies under section 105 of the Cranston-Gonzalez National Affordable Housing Act, and other reliable sources obtained by the Secretary which demonstrate the need for affordable rental housing in rural areas.

"(3) DESIGNATION.—A designation under paragraph (1) shall not be effective for a period of more than 3 years, but may be renewed by the Secretary under the procedure under paragraph (1). The Secretary shall cause to be published in the Federal Register a list of areas designated under paragraph (1) and a reasonable timetable for submission of preapplications. The Secretary shall take such other reasonable actions as the Secretary considers appropriate to notify the public of such designations.".

AMENDMENT OFFERED BY MR. ORTON

Page 291, after line 7, insert the following new section (and redesignate subsequent sections and any references to such sections, and conform the table of contents, accordingly):

SEC. 405. CALCULATION OF DOWNPAYMENT.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) except as otherwise provided in this paragraph (2), not in excess of—

"(i) in the case of a mortgage for a property with an appraised value equal to or less than $50,000, 98.75 percent of the appraised value of the property,

"(ii) in the case of a mortgage for a property with an appraised value in excess of $50,000 but not in excess of $125,000, 97.65 percent of the appraised value of the property,

"(iii) in the case of a mortgage for a property with an appraised value in excess of $125,000, 97.15 percent of the appraised value of the property, or

"(iv) notwithstanding clauses (ii) and (iii), in the case of a mortgage for a property with an appraised value in excess of $50,000 and which is located in a State for which the average closing cost exceeds 3.25 percent of the average, for the State, of the sale price of properties located in the State for which mortgages have been executed, 97.75 percent of the appraised value of the property,

plus the amount of the mortgage insurance premium paid at the time the mortgage is insured.";

(2) in the 1st sentence of the matter following subparagraph (B), by inserting before the period at the end the following: ", and the term 'average closing cost' means, with respect to a State, the average, for mortgages executed for properties that are located within the State, of the total amounts (as determined by the Secretary) of initial service charges, appraisal, inspection, and other fees (as the Secretary shall approve) that are paid in connection with such mortgages";

(3) by striking the 2d sentence of the matter following subparagraph (B); and

(4) in penultimate undesignated paragraph—

(A) in the 2d sentence, by striking "the preceding sentence" and inserting "this subsection"; and

(B) by striking the 1st sentence.

AMENDMENT OFFERED BY MS. SHEPHERD

Page 423, after line 20, insert the following new section (and redesignate subsequent sections and any references to such sections, and conform the table of contents, accordingly):

SEC. 602. DEFINITION OF METROPOLITAN CITY.

Section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) is amended—

(1) in the second sentence, by striking "2 years" and inserting "1 year after September 30, 1989,"; and

(2) by striking the fifth sentence and inserting the following new sentence: "Notwithstanding that the population of a unit of general local government was included, after September 30, 1989, with the population of an urban county for purposes of qualifying for assistance under section 106, the unit of general local government may apply for assistance under section 106 as a metropolitan city if the unit meets the requirements of the second sentence of this paragraph.".

AMENDMENT OFFERED BY MR. TRAFICANT

Page 240, strike line 23 and all that follows through page 241, line 4, and insert the following new subsection:

(d) NOTIFICATION.—Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(C) NOTIFICATION.—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).".

AMENDMENT OFFERED BY MR. GREENWOOD

Page 13, line 7, before the period insert the following: ", except that in the case of any public housing agency whose board of directors or other governing body consists of 5 members, not less than 1 member shall be a resident of a housing unit administered or assisted by the agency".

AMENDMENT OFFERED BY MR. TRAFICANT

Page 478, after line 23, insert the following new section (and conform the table of contents accordingly):

SEC. 723. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with amounts made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using amounts made available under this Act, the head of each Federal agency shall, to the greatest extent practicable, provide to such entity a notice describing the statement of the sense of the Congress under subsection (a).

Mr. GONZALEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Chairman, as I was saying, the first of the six is the amendment of the gentleman from Illinois [Mr. DURBIN], chairman of the Subcommittee on Appropriations on Rural Housing or the Farmers Home Administration housing programs, to allow the selection process of the section 515 program.

An amendment by the gentleman from Utah [Mr. ORTON], a very distinguished member of our committee and subcommittee, to simplify the down payment calculation for FHA insurance, a very constructive offer.

An amendment by the gentlewoman from Utah [Ms. SHEPHERD] for the eligibility for CDBG, the Community Development Block Grant Program, after 1 year for a community outside of Salt Lake, West Jordan, UT.

Two amendments by the gentleman from Ohio [Mr. TRAFICANT] one on home ownership counseling which he has long endorsed since his freshman year in the House, and the Traficant amendment known as "Buy American."

The last and sixth, an amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD] on residents on public housing authority boards.

Madam Chairman, these, as I repeat, are noncontroversial, they are constructive, they add to the strength of our program, and I am quite privileged to offer them en bloc.

Mrs. ROUKEMA. Madam Chairman, I move to strike the last word.

Madam Chairman, I support the en bloc amendments. I thank particularly the individual Members who have made these contributions, those as identified by the chairman: The gentleman from Ohio [Mr. TRAFICANT]; the gentleman from Utah [Mr. ORTON]; the gentleman from Illinois [Mr. DURBIN]; the gentlewoman from Utah [Ms. SHEPHERD]; and the gentleman from Pennsylvania [Mr. GREENWOOD].

Madam Chairman, I would like to make a reference, however, to one of the particular amendments which is the Orton amendment. I have had long-standing concerns about the FHA and the liability and the soundness of the program. I would like to note for the RECORD that Secretary Retsinas has send us a letter. By the way, for background for the Members, the gentleman from Utah [Mr. ORTON] proposed this amendment in committee and it was withdrawn because concerns were expressed about whether or not it would affect the safety and soundness of the Fund, the insurance fund.

Madam Chairman, I have a letter here from Assistant Secretary for Housing, Nicolas Retsinas, that is the basis for my concurrence here. I will continue to be a watchdog and as I know the committee will be on these issues, but with the concurrence with Secretary Retsinas and the concurrence of the advice they receive from Price-Waterhouse.

Madam Chairman, I include the letter from Secretary Retsinas as follows:

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, DC, July 21, 1994.

Hon. JIM LEACH,
Ranking Minority Member, Committee on Banking, Finance and Urban Affairs,
House of Representatives, Washington, DC.

DEAR MR. LEACH: We have been provided an opportunity by Congressman Orton to review his proposed amendment which sets forth a new method for calculating the loan-to-value ratios for the Department's basic home mortgage insurance program authorized under Section 203(b) of the National Housing Act.

We concur with his assessment that the new proposal will simplify the process for calculating the maximum mortgage amount available on single family properties and fully support it. We are advised by Price Waterhouse that they believe the implementation of these ratios would have no significant impact on capital accumulation in the Mutual Mortgage Insurance Fund and the Department's achievement of the FY 2000 target of two percent.

I have advised Chairman Gonzalez, Mrs. Roukema, and Mr. Orton of our support for this amendment.

Sincerely yours,
NICOLAS P. RETSINAS,
Assistant Secretary for Housing-Federal Housing Commissioner.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GONZALEZ].

The amendments were agreed to.

Mr. GONZALEZ. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOCHBRUECKNER) having assumed the chair, Mrs. THURMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes, had come to no resolution thereon.

U.S. FOREST SERVICE DELAYS RESCUE IN A PROTECTED WILDERNESS AREA

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. ROHRABACHER. Mr. Speaker, the motto of the Boy Scouts is: "Be prepared." Fortunately one young scout, lost in New Mexico in the wilderness, was prepared because the U.S. Forest Service felt that it was Federal policy not to help him.

After being separated from his group for 2 days, 14-year-old Scout Robert Graham was spotted by a police helicopter. But the Forest Service would not let the helicopter land.

You see, Robert was in a protected wilderness area. And, according to the Forest Service rules, mechanized vehicles are banned from such pristine places.

So, Robert was forced to spend another night abandoned in the wilderness until the Forest Service gave in and let him be rescued.

This from an administration that was elected on a theme of putting people first. Now we know the real priorities of the Clinton administration—environmental correctness first, the Boy Scouts last.

Mr. Speaker, with the atheists trying to force the Scouts to take "God" out of the Scout oath, he was lucky that, after he was rescued, he was not interrogated to see if he was not praying on public grounds.

[From the Washington Times, Wednesday, July 20, 1994]

BE PREPARED. BE VERY PREPARED

Can the U.S. government see the forest for the trees? It's not an idle question. Consider weekend news reports that the U.S. Forest Service actually prevented a helicopter search team from landing in New Mexican wilderness to pick up a teen-age Boy Scout who had been missing two days. The agency subsequently allowed the rescue one day later, but one can't help wondering if the service hasn't lost sight of whom it's serving.

The story goes something like this: A Chicago Boy Scout troop of 14 boys accompanied by eight adults set out for a weeklong wilderness survival hike in the mountains of New Mexico's Santa Fe National Forest. Along the way, three of the scouts somehow got separated from the rest of the pack. Two of the boys were found in short order. But 14-year-old Eagle Scout Robert Bruce Graham II was not.

Two days after Graham disappeared, a police helicopter spotted the missing boy and sought permission to land and pick him up. Back came the astonishing response from Forest Service officials: Request denied.

Why? Well, the "Forest Service decided that it wasn't a life-or-death situation," said a spokesman for the New Mexico Department of Public Safety, "and they wouldn't let us do what we thought we had to do. We treat every call as an emergency. But the Forest Service has its own way of seeing things."

The good news is that young Graham survived the experience, spending a third night alone in the wilderness in near-freezing temperatures with little more than ginger snaps and water, before the Forest Service relented and allowed another helicopter expedition to pick him up. But what exactly was the agency's "own way of seeing things" in this case?

It seems that the area in which the Boy Scouts were hiking is what's called a "wilderness area." According to rules concocted by the agency, that means "mechanized vehicles" are banned from the area unless it's a matter of life or death. The agency's rescue coordinator, Toby Gass, sought permission from her supervisor, Al Defler, to allow the helicopter to land. But a Forest Service spokesman told this editorial page that Mr. Defler was not available at the time. "I don't know where he was," said the spokesman. "You know how things happen."

Or don't happen. At any rate, Ms. Gass subsequently refused to allow the police to land, in part because a ground search party was supposed to be in the vicinity. So police could only drop the boy a note, telling him to stay where he was. But when the search party still could not find him, police called in a second helicopter to pick him up.

What exactly the Forest Service was so worried about isn't clear. Was the agency worried that the helicopter would somehow hurt one of its pristine trees or emit fumes into one of its pristine watersheds? Imagine another scenario: that the boy could have fallen down one of the agency's pristine ravines or been attacked by one of its pristine animals while the agency dallied. The situation is all the more ludicrous when one considers that if it had been a parent, rather than the federal government, who had left the boy in harm's way, everybody from Janet Reno on down would now be dragging the culprit into court on child-abuse charges.

Spokesmen for the Forest Service's parent agency, the Department of Agriculture, say the matter is being reviewed. In the meantime, lessons abound here. Hikers should be under no illusion about where they stand on their government's great chain of being: at the bottom. So, as Boy Scouts like to say, be prepared. Second, lawmakers who pass feel-good legislation that gives sweeping authority to federal agencies to "protect the environment" may not fully understand the mischief to which that authority may be put. Presume nothing. Get it in writing. Last, taxpayers who don't like the non-service they get for their money should expect more. If not, elections are a good time to ask for a refund.

DISARMAMENT IS A RISKY MISSION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I want to draw all of my colleagues' attention to an article in the Washington Post this morning entitled "If U.S. Invades, Plan Calls for Disarming Haitians."

According to this article by Daniel Williams of the Washington Post, Mr. Speaker, there would be an effort to go door to door in Haiti, gathering weapons from both the Haitian military and powerful military groups. It says, "Disarming soldiers and paramilitary groups in particular can be a daunting task. It sometimes requires searches in maze-like urban confines and risks hostilities. The administration expects the size of the U.S. intended force will be large enough to accomplish the deed."

Let me say there is no moral justification for this administration to risk a single American life by invading Haiti. Haiti is not morally superior to Cuba, to China, to Syria. The human rights problems are not greater than Rwanda, Angola, Sudan. The fact is that for domestic political reasons the Clinton administration is considering risking the lives of American men and women, and this article should alarm every Member of the Congress:

IF U.S. INVADES, PLAN CALLS FOR DISARMING HAITIANS

(By Daniel Williams)

If U.S. troops land in Haiti, they will disarm the Haitian army and paramilitary groups such as the Tons-tons Macoutes to pacify the country, according to the administration's current plans.

Disarmament would take place whether Haiti's military rulers step down voluntarily or are forced out by American invaders.

The program would be designed to avoid the kind of problems that erupted in Somalia, where competing militias were permitted to keep their weapons even after U.S. troops arrived to safeguard relief supplies. The guns were eventually trained on the Americans by followers of a militia leader whose quest for power was threatened by U.S. plans to rebuild the Somali government.

The disarmament plan was raised during talks between Undersecretary of State Peter Tarnoff, United Nations Ambassador Madeleine K. Albright and U.N. Secretary General Boutros Boutros-Ghali Tuesday. The U.S. officials were launching an effort to win U.N. Security Council blessing for U.S. forces to take "all necessary measures" to restore Haiti's exiled President Jean-Bertrand Aristide.

No deadline has been set for Haiti's military rulers, led by Lt. Gen. Raoul Cedras, to step down. A published interview with special envoy William H. Gray III, in which he said he expected the dictatorship to be out by October, was not meant as an ultimatum, Gray and other officials said yesterday.

"We think it is time for the military leaders to leave now," White House press secretary Dee Dee Myers said. "Not six months from now, not three months from now. We'd like to see them leave now."

Nevertheless, administration officials said pressure for a quick invasion has eased with the drop since early July in the numbers of refugees leaving Haiti by boat. No boat people were picked up at sea yesterday; the chance seems to be fading that the U.S. naval base at Guantanamo Bay, Cuba, where more than 16,000 refugees are living, will soon be overwhelmed.

Boutros-Ghali is already convinced that an initial American force ought to pacify Haiti before a U.N. peacekeeping force is sent in to keep order, protect Aristide and revamp the Haitian military and police force, one U.S. official said. Boutros-Ghali, too, wants to avoid the debacle of Somalia. He had urged the Bush administration to disarm the Somalis when troops first went in but was ignored.

"Unlike Somalia, in this case we will be saying it is our mission to disarm the Haitians. That will make it much easier to turn the country over to U.N. peacekeepers. One of the lessons we learned in Somalia is that it is easier to do such a thing earlier rather than later," said the U.S. official. He and other who discussed the peacekeeping operation spoke on condition of anonymity, on grounds that the topic was the subject of sensitive diplomatic consultations.

Disarming soldiers and paramilitary groups in particular can be a daunting task. It sometimes requires searches in maze-like urban confines and risks hostilities. The administration expects that the size of the intended U.S. force will be large enough to accomplish the deed and that the Haitian population, largely supportive of Aristide's return, will cooperate in uncovering arms caches and fingering renegades.

The plan may raise the anxiety not only of the Haitian army, but also the Haitian well-to-do who fear that Aristide's return will unleash a wave of retribution by angry mobs of the poor.

The decision to seek a U.N. resolution is designed both to display international support for what would look to be a traditional American intervention in the Caribbean, and to scare Cedras. The administration would prefer that the military regime step down without violence, and hopes a crescendo of invasion preparations and rhetoric may persuade it to go into exile.

No deadline has been set, but one could be proposed in the U.N. resolution, as happened in the lead-up to the liberation of Kuwait by American and allied forces during the Persian Gulf War. Albright, the U.S. ambassador at the United Nations, began to recruit support for a resolution among France, Venezuela, Canada and Argentina, a group informally known as the Friends of Haiti.

The administration holds back on setting a deadline because it is not yet prepared to be held to one. Gray said. "We believe when a deadline is set, you must be prepared to totally enforce it, to have credibility," he said. "We are working multilaterally, and it is agreed by all to continue on the course of diplomacy and economic pressure, at this time."

Gray said his comments on a deadline, in an interview with USA Today, were misunderstood. Calling Cedras and two other top Haitian military officials "the three stooges," Gray said in the interview, "By October, we expect them to be gone."

Instead, Gray said yesterday, the administration hope is that the three will step down as soon as possible, and October is not a formal deadline.

During a recent television interview, Gray indicated that the military had to leave within six months. He also said then that he had been misunderstood.

It appears that the administration will be able to follow the methodical approach it prefers for resolving the Haitian crisis without the added pressure of handling thousands of refugees picked up at sea. For a while the outflow seemed destined to make invasion both inevitable and something that would have to be considered soon.

But administration officials regard the dropoff in the numbers of boat people in recent days as no fluke. Rather, they said, the decision to keep Haitians at Guantanamo until they can be sent to temporary safe havens in other countries—in effect keeping them until they can be returned to Haiti when Aristide is restored—has deterred boat people from leaving Haiti because they no longer can hope for eventual emigration to the United States.

□ 1950

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HOCHBRUECKNER). Under the Speaker's announced policy of February 11, 1994, June 10, 1994 and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JULY 13 INTENTIONAL SINKING OF CUBAN REFUGEE BOAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes.

Mr. MENENDEZ. Mr. Speaker, last Wednesday, July 13, 1994, a group of approximately 72 people tried to escape from Cuba on the tug boat "13 de Marzo" 13th of March. Just after sailing from dock 06 at the Port of Havana, they were discovered and chased by the Castro regime's coast guard about 7 miles from the port. They were sunk by the regime's forces.

What follows that I want to share with my colleagues is testimony, living testimony of Janet Hernandez Gutierrez, 19 years of age, a survivor of the intentional sinking of the tug boat "13 de Marzo" that took place before dawn on July 13, 1994. She said:

When we set sail everything was going very well. There was no one, nothing in our way, no obstacle. When we were coming out of the bay we saw two tugboats at the mouth of the bay. They let us through.

When we reached the seven miles the cannons of water were high pressure, a terrible force. We were holding the children, fearful that they would fall. The men were with us, fearful that we would fall. But so that they would see that there were women and children aboard, we had to come out on deck, so that they would be certain of that and would not commit murder.

When we were at 7 miles, we see that they speed up and they pull up alongside of us. And then we could not see the Cuban coast, because we could see nothing; not the lights of the Malecon [Havana seawall] or of the lighthouse, nothing. They start hitting our boat, the tugboat "13 de Marzo". We were afraid, not for ourselves, but for the children.

Children from 5 months of age and up. When we lifted the children, they saw them—because they did see them—we started to scream, "please, please don't do this", but they did not listen. Even a young man who was with us, Roman, who is currently in prison, yelled at one of the ones in the other tugboat, "Chino, don't do that. Look, we have children", and he showed his three-year-old step-daughter. If he does not lower the child at that moment the little girl would have been killed with the cannon of water.

They simply let us exit the bay and they attack us at seven miles where there would be no witnesses. You know that in the open sea there are no witnesses, she says. "When they continue to hit our boat, a second tugboat comes up from behind. The biggest one

> of the tugboats. It was green with a red stripe, a red line. He hits us and breaks half of our boat from behind.
>
> It was sinking, with all of its weight in the middle from all those people who were in the hold. There were around 72 people, most of them women and children. Men made up the least fatalities. Then the whirlpool created by the tugboats swallowed them up. My sister-in-law, Pilar Almanza Romero and her son Yasel Perodin Alamanza were there. Uncle Gayol, Manuel Gayol, was in the hold of the boat. Those are three of my family that I lost.
>
> When my husband saw this, you can imagine, he went mad. My brother-in-law too, but he was trying to save the other boy. Then we both tried to reach the other boy. But when I tried to move I feel that my nephew, the one who drowned, is holding me by the foot. When I reach for him, he was clinging to my tennis shoe, and he was swept away. I could not reach him. It was terrible.
>
> When I boarded the "grifin" [The Cuban coast guard which subsequently came] I insulted them. I told them they were murderers, I told them everything I could think of. I told them they have no mercy with children, because here in Cuba they say that there are many privileges for children and the old. But they even let old people drown there. And many children. Nearly 23 children dead there.
>
> The town is in an uproar she is back in Cuba mind you with the will and courage to talk about this. People are desperate for a bit of information, anything that is known about the corpses that remain captive in the hold of that boat. Roberto Robaina [Cuba's Minister of Foreign Relations who lied to the world press about this tragedy], he says that we knew the boat had a malfunction when we left port. Do you really think that we would have risked the lives of children and women knowing there was a malfunction? Knowing that there is so much sea to cross?
>
> They called me every kind of name * * * "Worm, counterrevolutionary." And I accepted that because I am against this government. And I will say that anywhere. I know that I will be persecuted, because all of the survivors are under intense surveillance* * * But I asked them in Villa Marista," The National Headquarter for State Security "that what will become of those responsible for sinking us, the murderers of our children and relatives."

There is no answer.

Ladies and gentlemen, this is her lingering question. To those who want to lift the trade embargo against the Castro regime, those who want to do away with the Radio and TV Marti to those who want to do business with the Castro government, I say answer Janet Hernandez Gutierrez's question: What will become of the murderers of those children and relatives?

It is time to break the silence. It is time for those who stand up for human rights in this Congress to speak out, and it is time for the entire national and international press to end their deadly silence about the atrocities of Castro's Cuba.

INTENTIONAL SINKING OF CUBAN REFUGEE BOAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

Mr. DIAZ-BALART. Mr. Speaker, precisely on the subject that my colleague, the gentleman from New Jersey [Mr. MENENDEZ] was speaking about, I have a further portion of the transcript of the telephone conversations with Janet Hernandez Gutierrez, one of the survivors of the intentional sinking of the tug boat, which I think is very important, as is her entire conversation.

"The captain of this tug boat is Jesusito," the Polargo 5, that is the name of the tug boat. "He was the one who rammed us from behind and cracked the boat, then came to the front and sank us. This man [Jesus Martinez] coming with this horror, this cynicism, with that murder he committed, that he provoked, they call him the hero at his company, the Navegación Caribe," government's navigation, maritime company, that is the state, Castro's government navigation, maritime company. "They call him the hero. Then this Polargo 5," she goes on saying, and this is the tug boat that sank the vessel with the refugees, "this Polargo 5, they want to take it to Nuevistas," in another port, "to wait for everything to calm down, but what they don't known is that this isn't going to calm down." That is Janet Hernandez Gutierrez, and she is correct, this is not going to calm down.

I read today a press report of triple hearsay that supposedly a relative of a survivor had heard that a judge in Cuba has said that now Castro, or in other words the dictatorship apparently feeling the condemnation of the Pope, and perhaps other condemnations, despite the silence of the international press, even with that, apparently Castro now, according to this triple hearsay, is questioning whether it is in his interest to continue to consider Mr. Jesus Martinez a hero. He may very well put Jesus Martinez before the firing squad tomorrow and say that the hero is now in front of the firing squad because that is the nature of the due process that exists in the country where a vessel full of refugees is purposely sunk while the surrounding vessels are shooting high-pressured water with hoses on the women and children in the vessel. And they laugh while after having sunk the vessel the refugees are drowning. That is the nature of that regime.

□ 2000

That is the nature of that regime.

I do not understand. I do not understand the reasons for the lack of attention given this tragedy by the international press. I do not understand that.

But I do not understand the lack of attention to so many other incidents, and my plea is to the American people: What can we do to see if the media can obtain somewhat of a conscience and exercise its responsibility of objectivity with regard to the tragedy that is occurring in Cuba? What can we do?

There is a free press, but when a free press obviously has an agenda with regard to an issue, in this case an entire people oppressed by a regime that has clearly become a regime committed to genocide; when the media has an agenda with regard to that regime, what can we in a free society do to convince the media to exercise its requirements of objectivity?

Because this is not the only incident, this incident of the vessel that was sunk last week.

In Guantanamo Bay, where the American naval base is, in June of 1993, it was seen by eyewitnesses that Castro's thugs machine-gunned swimmers repeatedly who attempted to reach the American base, and then with fishhooks, after having thrown hand grenades at the swimmers, with fishhooks would pick up the cadavers.

Where was the reporting in the national networks with regard to that?

I ask the American people; perhaps I did not see it and you did. I did not see reporting, not only with regard to last week's tragedy, but the fishhooks and hand grenades at the swimmers in Guantanamo. I did not see that either.

When armed attacks occurred by the dictatorship on the people of the town of Cojimar in July of 1993, I did not see any reporting on that, of armed attacks on unarmed civilians in the town of Cojimar or Regla. I did not see that. Obviously there are many things that are occurring that we are simply not seeing because there is an agenda.

We need to continue speaking about this, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today and the balance of the week, on account of official business.

Mr. FORD of Michigan (at the request of Mr. GEPHARDT), for today, on account of business in the district.

Ms. ROS-LEHTINEN (at the request of Mr. MICHEL), for today, on account of her daughter's illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. MENENDEZ, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Ms. ROYBAL-ALLARD.
Mr. LANTOS.
Mr. LIPINSKI.
Mr. MANN.
Ms. ESHOO.
Ms. SCHENK.
Mr. HAMILTON in two instances.
Mr. MURTHA.
Mr. FAZIO.
Ms. KAPTUR.
Mr. VENTO.
Mr. HOYER.
Mr. ACKERMAN.
Mr. MCCURDY.
Mr. CLYBURN in four instances.
Mr. MOAKLEY.
Mr. VALENTINE.
Ms. MARGOLIES-MEZVINSKY.
Mr. MCDERMOTT.
Mr. BERMAN.
Mrs. MALONEY.
Mrs. COLLINS of Illinois.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. CLINGER.
Mr. SOLOMON.
Mr. LEWIS of California.
Mr. WELDON.
Mr. EMERSON.
Mr. HORN.
Ms. MOLINARI.
Mr. LUCAS.
Mr. GINGRICH.
Mr. CRANE.
Mr. SCHIFF.

(The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous matter:)

Mr. BURTON of Indiana.
Mr. ROHRABACHER.
Mr. PRICE of North Carolina.
Mr. ENGEL.

ADJOURNMENT

Mr. DIAZ-BALART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Friday, July 22, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3560. A letter from the Chairman, Federal Reserve System, transmitting its monetary policy report for 1994, a pursuant to 12 U.S.C. 225a; to the Committee on Banking, Finance and Urban Affairs.

3561. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of Presidential Determination No. 94–29 on the eligibility of South Africa to be furnished defense articles and services under the Foreign Assistance Act and the Arms Export Control Act, pursuant to 22 U.S.C. 2753(a); to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 3433. A bill to provide for the management of portions of the Presidio under the jurisdiction of the Secretary of the Interior; with an amendment (Rept. 103–615). Referred to the Committee of the Whole House on the State of the Union.

Mr. LAFALCE: Committee on Small Business. H.R. 4801. A bill to amend the Small Business Act, and for other purposes; with amendments (Rept. 103–616). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee of Conference. Conference report on H.R. 2243. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes (Rept. 103–617). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

Referral to the Committee on Ways and Means of H.R. 4003 extended for a period ending not later than July 28, 1994.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MCDERMOTT (for himself, Mr. APPLEGATE, Mr. FIELDS of Texas, Mr. GUTIERREZ, Mr. HORN, Mr. HUGHES, Mr. KING, Mrs. MINK of Hawaii, Mrs. MORELLA, Ms. PELOSI, Mr. ROMERO-BARCELO, Mr. SWIFT, and Mr. WASHINGTON):

H.R. 4809. A bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer; jointly, to the Committees on Energy and Commerce, Ways and Means, and Veterans' Affairs.

By Ms. SCHENK (for herself and Mr. LEHMAN):

H.R. 4810. A bill to amend title XIX of the Social Security Act to prohibit the Secretary of Health and Human Services from granting a waiver under the Medicaid Program to permit a State to require children enrolled in the program to receive medical assistance under the program through managed care plans unless such assistance is provided through an integrated child health care network, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TRAFICANT:

H.R. 4811. A bill to provide for an additional temporary and permanent district court judgeship for the northern district of Ohio; to the Committee on the Judiciary.

By Mr. MINETA (for himself and Ms. PELOSI):

H.R. 4812. A bill to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, CA, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HUFFINGTON (for himself, Mr. CALVERT, Mr. TORKILDSEN, Mr. DELAY, Mr. KNOLLENBERG, Mr. GREENWOOD, Mr. GOODLATTE, Mr. MCCOLLUM, Mr. BONILLA, Mr. POMBO, Mr. CUNNINGHAM, Mr. KINGSTON, Mr. LEWIS of California, Mr. GRAMS, Mr. PORTMAN, Mr. CONDIT, Mr. EVERETT, Mr. WALKER, Mr. KYL, Mr. MCKEON, Mrs. FOWLER, Mr. STENHOLM, Mr. BARCIA of Michigan, Mr. HERGER, Ms. DUNN, Mr. MCCANDLESS, and Mr. ARMEY):

H. Con. Res. 270. Concurrent resolution expressing the sense of Congress with respect to the use of racially based quotas designed to thwart the implementation of the death penalty; to the Committee on the Judiciary.

By Mr. GIBBONS:

H. Res. 486. Resolution returning to the Senate the bill S. 729; considered and agreed to.

H. Res. 487. Resolution returning to the Senate the bill S. 1030; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHAW introduced a bill (H.R. 4813) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Big Dad*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mr. HANCOCK.

H.R. 465: Mr. STEARNS.

H.R. 803: Mr. ACKERMAN, Mr. BOEHLERT, Mr. ENGEL, Mr. FISH, Mr. FLAKE, Mr. GILMAN, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. HOUGHTON, Mr. KING, Mr. LAFALCE, Mr. LAZIO, Mr. LEVY, Ms. LOWEY, Mrs. MALONEY, Mr. MANTON, Mr. MCHUGH, Mr. MCNULTY, Ms. MOLINARI, Mr. NADLER, Mr. OWENS, Mr. PAXON, Mr. QUINN, Mr. RANGEL, Mr. SCHUMER, Mr. SERRANO, Ms. SLAUGHTER, Mr. TOWNS, Ms. VELAZQUEZ, and Mr. WALSH.

H.R. 883: Mr. STEARNS.

H.R. 1627: Mr. WELDON.

H.R. 1921: Ms. MARGOLIES-MEZVINSKY.

H.R. 2147: Mr. HAMBURG.

H.R. 2227: Mr. WILLIAMS and Mr. TRAFICANT.

H.R. 2708: Mr. BOEHLERT.

H.R. 3261: Mr. HEFNER, Mr. KOLBE, Mr. BLACKWELL, Mr. LUCAS, Mr. MOORHEAD, Mr. KING, and Mr. SARPALIUS.

H.R. 3271: Mr. ANDREWS of New Jersey.

H.R. 3293: Ms. MOLINARI.

H.R. 3397: Mr. DIAZ-BALART, Ms. MARGOLIES-MEZVINSKY, Mr. ENGEL, and Mr. CLAY.

H.R. 3811: Mr. CALVERT.

H.R. 3846: Ms. MARGOLIES-MEZVINSKY.

H.R. 3871: Mr. ROHRABACHER.

H.R. 3951: Mr. GUNDERSON.

H.R. 3971: Mrs. VUCANOVICH and Mr. GINGRICH.

H.R. 3987: Ms. PELOSI.

H.R. 4050: Mr. BOUCHER.

H.R. 4088: Mr. BISHOP.

H.R. 4114: Mr. ROMERO-BARCELÓ and Mr. FARR.

H.R. 4115: Mr. ACKERMAN.

H.R. 4118: Mr. WILLIAMS.

H.R. 4124: Mr. BREWSTER.

H.R. 4183: Mr. RAHALL, Mr. FROST, and Mr. THOMPSON.

H.R. 4184: Mr. RAHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, and Mr. THOMPSON.

H.R. 4371: Mr. PETERSON of Florida and Mr. KING.

H.R. 4384: Mr. FISH and Mr. FIELDS of Louisiana.

H.R. 4386: Mr. LINDER, Mr. TORRICELLI, Mr. CALVERT, and Ms. FURSE.

H.R. 4394: Mr. FRANKS of New Jersey, Mr. BEVILL, and Mr. TORRICELLI.

H.R. 4404: Mr. BERMAN, Mr. FILNER, Mr. DELLUMS, Ms. ESHOO, Mr. MATSUI, and Mr. SANDERS.

H.R. 4412: Mr. KINGSTON and Mr. STRICKLAND.

H.R. 4507: Mr. CONYERS, Mrs. UNSOELD, and Mr. ABERCROMBIE.

H.R. 4520: Mr. STEARNS, Mr. PARKER, and Mr. FINGERHUT.

H.R. 4565: Mr. PORTMAN, Mr. HOAGLAND, Mr. PENNY, Mr. BEILENSON, and Mr. MCDERMOTT.

H.R. 4585: Mr. SMITH of Michigan, Mr. LINDER, Mr. YOUNG of Alaska, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. ROTH, and Mr. BURTON of Indiana.

H.R. 4616: Mr. FRANKS of New Jersey, Mr. BEVILL, and Mr. TORRICELLI.

H.R. 4643: Mr. CALVERT and Mr. KIM.

H.R. 4675: Mr. OBERSTAR and Mr. ROTH.

H.R. 4713: Mr. SWIFT, Mr. KREIDLER, and Mr. MCDERMOTT.

H.R. 4724: Mr. BISHOP.

H.R. 4734: Mr. YOUNG of Alaska, Mr. HOCHBRUECKNER, Mr. YATES, Mr. MEEHAN, Ms. PELOSI, Ms. ESHOO, Mr. MILLER of California, and Mr. EVANS.

H.R. 4768: Mr. BISHOP.

H.R. 4776: Mr. BISHOP.

H.J. Res. 90: Mr. SHARP, Mr. EDWARDS of Texas, Mr. TUCKER, Mr. SCHAEFER, Mr. STENHOLM, Mr. RIDGE, Mr. HOKE, and Mr. HALL of Ohio.

H.J. Res. 160: Mr. TALENT.

H.J. Res. 327: Mr. ABERCROMBIE.

H.J. Res. 363: Mr. YOUNG of Florida and Mr. FRANKS of New Jersey.

H.J. Res. 374: Mr. PICKLE, Mr. LEVIN, Mr. HALL of Ohio, Mr. KANJORSKI, Mr. DINGELL, Mr. DIXON, Mr. CLAY, Mr. HILLIARD, Mr. LAZIO, Mr. OXLEY, Mr. EHLERS, Mr. LANTOS, Mr. HOEKSTRA, Mr. FRANK of Massachusetts, Miss COLLINS of Michigan, Mr. MEEHAN, Mr. EVERETT, Mr. SMITH of Michigan, Mr. MAZZOLI, Mr. DE LA GARZA, and Mr. DICKS.

H.J. Res. 378: Mr. SHAYS.

H.J. Res. 381: Mr. CALLAHAN, Mr. RANGEL, Mr. WALSH, and Mr. WHEAT.

H.J. Res. 388: Mr. ANDREWS of New Jersey, Mr. SMITH of New Jersey, Mr. NEAL of Massachusetts, Mr. HASTINGS, Mr. MEEHAN, and Mr. BEILENSON.

H. Con. Res. 148: Mr. COLEMAN.

H. Con. Res. 166: Mr. FISH, Mrs. MEEK of Florida, Mr. TOWNS, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 179: Mr. REGULA and Mr. DEFAZIO.

H. Con. Res. 223: Mr. OWENS and Ms. VELÁZQUEZ.

H. Con. Res. 227: Mr. ARMEY.

H. Con. Res. 257: Mr. FRANK of Massachusetts, Mr. EVANS, Mr. GENE GREEN of Texas, Mr. KENNEDY, Mr. RAHALL, Mr. KREIDLER, Mr. HILLIARD, Ms. PELOSI, Ms. KAPTUR, Mr. OWENS, and Mr. GORDON.

H. Con. Res. 269: Mr. RAMSTAD, Mr. GALLEGLY, Mr. ROHRABACHER, Mr. SOLOMON, Mr. GEKAS, Mr. ROYCE, and Mr. BUYER.

H. Res. 430: Mr. BROWN of Ohio, Mr. MEEHAN, Mr. HOCHBRUECKNER, and Mr. JOHNSON of South Dakota.

H. Res. 434: Mr. MINGE and Mr. GINGRICH.

H. Res. 451: Mr. PORTMAN, Mr. HOAGLAND, Mr. SKAGGS, Mr. STRICKLAND, Mr. BARCIA of Michigan, Mr. DEAL, Mr. PENNY, Mr. BEILENSON, and Mr. MCDERMOTT.

H. Res. 485: Mr. ZIMMER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3222: Mrs. FOWLER.

SENATE—*Thursday, July 21, 1994*

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16:3.

God of truth and wisdom, our world suffers from the knowledge explosion which is fragmenting our society. There is so much to know, it is impossible for anyone to know everything on any single subject.

And Father, nowhere is this phenomenon more apparent than in the Senate. We are overwhelmed with a glut of information. Like an avalanche, data inundates the Senate and its committees, so that however long and hard staffs work and Senators try to process the material, they face an impossible task which would challenge the most sophisticated computers.

Gracious Father, give all who are involved in this information overkill Thy wisdom and discernment.

In the name of Him who is truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes.

The Senator from Alabama [Mr. HEFLIN] is recognized to speak for up to 10 minutes.

THE 50TH ANNIVERSARY OF THE LIBERATION OF GUAM

Mr. HEFLIN. Mr. President, with the instantaneous opening of a 2-hour bombardment by six battleships, nine cruisers, a host of destroyers and rocket ships laying their wrath on the wrinkled black hills, rice paddies, cliffs, and caves that faced the attacking fleet on its west side, liberation day for the Pacific island of Guam began 50 years ago today at 5:30 a.m., July 21, 1944. It was the first United States territory to be recaptured in World War II and its people liberated from Japanese occupation forces.

Guam's liberation from the Japanese was an important strategic victory in the Pacific during World War II. The Japanese navy was rendered powerless after the Battle of the Philippine Sea, and the Battle of Guam solidified the beginning of the demise of the Japanese domination of the Pacific. Today marks the 50th anniversary of the liberation. As a veteran of that battle, I was designated as the President's representative at the commemorative ceremonies in Guam being held this week, but as we all know, our Senate duties often conflict with events such as this, so I am unfortunately not able to be there. I did, however, want to discuss Guam—and the significance of the battle waged there 50 years ago—with my colleagues in the Senate.

Guam is the largest and southernmost of the Mariana Islands. The ancestors of the Micronesians first settled there and on the other Mariana Islands about 4,000 years ago. Members of a Spanish expedition under the Portuguese navigator Ferdinand Magellan were the first Europeans to discover Guam, visiting the island in 1521. It was claimed by Spain in 1565 and the first Jesuit missionaries arrived 100 years later.

The native Micronesian population is estimated to have fallen from 100,000 in 1521 to fewer than 5,000 by 1741, owing largely to a combination of massacres by the Spaniards and exposure to newly introduced diseases. The present-day Chamorro population are descendants of the Micronesians, whose blood was mingled with the genes of Spaniards and immigrant Filipinos. The Chamorros were and are a proud people—and proud of their American citizenship. Following the Spanish-American War, Spain ceded Guam to the United States, selling the other Mariana Islands to Germany. Japan obtained a League of Nations mandate over the German islands in 1919. Today, 50 years after its liberation, Guam remains a territory of the United States, and the island serves as an important strategic naval and air base with 6,500 U.S. service personnel stationed there.

Guam was captured by the Japanese on December 10, 1941, when the small and lightly armed United States garrison of less than 500 marines, sailors, and some native constabulary men were overwhelmed by the 5,000 Japanese troops who stormed ashore with the Guam invasion force. During the brief battle, the Americans lost 17 men and the Japanese 10.

The Americans did not return to Guam until the summer of 1944 with Operation Forager. Delayed over a month by the fierce Japanese resistance on Saipan and by the presumable need to obtain greater infantry assault strength, the 3d Marine Amphibious Corps finally landed on Guam July 21—W-day. That day 50 years ago began beautifully and peacefully, but it soon turned hazy as the violent clouds of smoke, dust, and fire spiraled skyward. The American spearhead forces consisted of my division, the 3d Marine Division, the 1st Provisional Marine Brigade, and the Army's 77th Infantry Division.

The Americans' preliminary air and naval bombardment, which lasted 2 weeks, was the longest and most sustained to that date—28,764 rounds were fired by warships alone. But their fortifications were formidable, allowing the Japanese garrison to retain a remarkable defensive capability, especially pronounced on the southern beaches around Agat Bay. Once ashore, the Americans repulsed wave after wave of powerful Japanese counterattacks against the northern sector at Asan on July 22 and 25.

By July 25, 1944, the stage was set for the fierce Battle of Fonte Ridge, fought hand-to-hand with casualties on both sides caused mainly by grenades and small arms at pointblank distances. The action proved decisive, with the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Japanese losing 3,500 men. Driven back to the rugged northern portion of Guam, the Japanese fought on in an organized fashion well into August. The defending Japanese commander of the island was killed in his command post on August 12.

It was during the Battle of Fonte Ridge that leadership doggedness, together with organizational skill under fire, merited the award of the Congressional Medal of Honor to the commanding officer of Company F of the striking 9th Marines, Capt. Louis H. Wilson, Jr., who later became the 26th Commandant of the Marine Corps in 1976.

Captain Wilson was wounded three times while leading his own attacks and defending the high ground in the intense fighting of the Fonte Ridge action. He organized and led the 17-man patrol which climbed the slope in the face of the continuous enemy fire to seize the critical high ground at Fonte and keep it. His Medal of Honor citation reads:

> Fighting fiercely in hand-to-hand encounters, he led his men in furiously waged battle for approximately 10 hours, tenaciously holding his line and repelling the fanatically renewed counterthrusts until he succeeded in crushing the last efforts of the hard-pressed Japanese * * * by his indomitable leadership, daring combat tactics, and valor in the face of overwhelming odds, Captain Wilson succeeded in capturing and holding the strategic high ground in his regimental sector * * * his inspiring conduct throughout the critical periods of this decisive action sustains and enhances the highest traditions of the United States Naval Service.

Another Medal of Honor recipient cited for gallantry during the liberation of Guam was Pfc. Frank Peter Witek, who sadly was struck down by an enemy rifleman. His citation reads, in part:

> * * * When his rifle platoon was halted by heavy surprise fire from well camouflaged enemy positions, Private First Class Witek daringly remained standing to fire a full magazine from his * * * automatic [rifle] at point-blank range into a depression housing Japanese troops, killing eight of the enemy and enabling the greater part of his platoon to take cover * * * his valiant and inspiring action effectively reduced the enemy's firepower, thereby enabling his platoon to attain its objective * * * he gallantly gave his life for his country.

Other Medal of Honor recipients were Pfc. Luther Skaggs, Jr., whose citation says that he "served as a heroic example of courage and fortitude to other wounded men and, by his courageous leadership and inspiring devotion to duty, upheld the high traditions of the United States Naval Service," and Pfc. Leonard Foster Mason, also killed in battle, whose citation says "his exceptionally heroic act in the face of almost certain death enabled his platoon to accomplish its mission and reflects the highest credit upon * * * the United States Naval Service. He gallantly gave his life for his country."

These are only four examples of the kind of bravery and dedication that was common among those who fought during the liberation of Guam, reflecting the highest credit upon themselves, their uniform, and their country. Most of us were lucky, and lived to tell of the heroism on the part of those Medal of Honor recipients and others we knew. But many—like Frank Peter Witek and Leonard Foster Mason—paid the ultimate price for freedom 50 years ago.

After Guam was liberated, sporadic resistance on the island continued until the end of the war—and for years beyond that. Only about 11,000 Japanese were accounted for by September 1, 1945. Another 8,500 were accounted for after that date. A Japanese Army lieutenant colonel and 11 men surrendered on September 4, 1945. Others gave up or were killed individually, and hundreds probably died in the brush from hunger, wounds, and disease. Incredibly, the last Japanese soldier was found there some 25 years after the battles in 1944, having hidden out in a cave for all that time. United States casualties in Guam amounted to 1,290 killed 5,648 wounded, and 145 missing—a total of 7,083 out of 54,891 engaged in the fighting. The pitched fighting of such famed battles as Peleliu, Iwo Jima, and Okinawa were yet to come for the Marines, but the end of the war was less than a year away by the time Guam was liberated.

It is right and fitting that we pause to remember and reflect upon the valiant fighting men who waged this fierce battle to liberate Guam from Japanese occupation and secure an American foothold in this part of the Pacific. Thousands of sailors, soldiers, airmen, and marines came to these islands. Some never returned. Those of us who did will never forget the friends we lost there. We were honored to have served with them.

As we pause today here and on the former battlefields at Guam to remember the bravery and supreme sacrifice on the part of our fallen comrades, may we resolve to never forget their service and the tremendous price paid by their families and loved ones. They gave themselves completely to the cause of defending our freedoms and democratic way of life. Indeed, they did uphold our highest traditions and ideals, and we will be forever grateful to them.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Tennessee [Mr. MATHEWS] is recognized.

Mr. MATHEWS. Madam President, I want to join with the Senator from Alabama in paying tribute to the brave men and women who retook the island of Guam. I have had a chance to visit and see the terrain and the territory over which this battle was fought, and it could have only been a very fierce battle.

I rise particularly to say that our colleague from Alabama, who is standing here paying tribute to others there—and I believe the record will show—also is a very well-decorated soldier of that battle and of World War II, and that at least on two occasions he was wounded in that battle. So he did not go through it without knowing the ravages of war and without knowing what it was like to carry on after a wound. I pay tribute to my colleague, and I thank to him on behalf of the Nation for the service he rendered.

Mr. HEFLIN. I appreciate those kind words.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Madam President, I first ask that it be in order to request the yeas and nays on the passage of a bill H.R. 4649, the D.C. appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. BREAUX. Madam President, I yield to the distinguished Senator from Delaware [Mr. ROTH].

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH and Mr. BREAUX pertaining to the introduction of S. 2301 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BREAUX. Madam President, let me yield to the Senator from Alaska. I think I am supposed to be controlling time.

Mr. ROTH. I am happy to yield to the distinguished Senator.

The PRESIDING OFFICER. The Senator controls 8 minutes.

Mr. MURKOWSKI. I appreciate that. I believe I have more time reserved.

The PRESIDING OFFICER. The Senator controls 10 minutes.

Mr. BREAUX. If I may yield back the remainder of my time to the Senator from Delaware.

Mr. ROTH. Yes. I thank the Senator. How much time do we have remaining?

Mr. BREAUX. Eight minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2303 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TAIWAN POLICY

Mr. MURKOWSKI. Madam President, we have a rather unusual set of circumstances surrounding United States policy toward our friends in Taiwan. The State Department has indicated that there would be an interagency review of our official policy toward Taiwan. The White House has said that it will come out any day now. It has been 1 year since the State Department advised us initially that the review of the policy was forthcoming.

The purpose of this statement is simply to remind the White House and State Department that more than a reasonable period of time has gone by. The revision of the policy is long overdue.

Taiwan deserves more diplomatic respect. It is an important, stable democratic, and loyal ally in the Asia-Pacific region. It is a model for emerging democracies. It has a strong and stable economy. It is now our fifth-largest trading partner and buys almost twice as much from the United States as the People's Republic of China—$14 billion in exports to Taiwan versus $8 billion to the PRC. It has among the largest foreign reserves of any nation. It has a much improved human rights record.

But, Madam President, rather than reward Taiwan for good behavior, we seem to be punishing it with diplomatic snubs. President Lee was blocked from staying overnight in Hawaii. His aircraft was allowed to land and refuel only. He was not greeted even by the base commander.

We have not had a Cabinet officer travel to Taiwan since Carla Hills back in 1991 under the previous administration. Taiwanese officials visiting the United States have been forced to hold meetings in a hotel room rather than in the State Department.

Taiwan's representatives have been forced to operate under a name that really does not identify the country. Taiwan is represented in Washington, DC by an agency called the Coordination Council for North American Affairs. What does that mean? There is no identification of the country. It is absolutely ridiculous. The representatives should be allowed to use an appropriate name, such as Taiwan or Taipei Representative Office. The American Institute in Taiwan, which is our presence in Taiwan, of course identifies the United States. But Taiwanese who go there to obtain a visa to come to the United States receive a Hong Kong stamp on their visa issued in Taiwan. What is the State Department going to do after 1997, with absolutely inconsistent policies with no explanation other than the sensitivity by the PRC?

We say that we are committed to providing for Taiwan's self-defense, but we arbitrarily limit our sales under a bucket agreement. It is very, very hard to determine just what the policy is that was reached initially with the People's Republic of China. Moreover, we have refused to help Taiwan gain a place in the United Nations.

So I would urge the President to make changes in these outdated policies in a new Taiwan policy. I do not think I am alone in my thinking. We have 54 colleagues who signed on the letter to the President urging him to send Cabinet-level officials to Taiwan.

Madam President, Ambassador James Lilley, the current director of Asian policy studies at the American Enterprise Institute has served both as Ambassador to the People's Republic of China in 1989 to 1991 and head of the American Institute of Taiwan from 1982 to 1984. He has written and spoken eloquently on the need for changing our relationships with Taiwan.

In a recent speech entitled "Who is 'Kow-Towing' Now" Ambassador Lilley observed:

> If the Clinton administration is serious about the enlargement of democracy and human rights, why not start with Taiwan where outstanding progress has been made in a short period of 10 years?

A further quote:

> The current administration should not be engaged in a zero-sum game between the PRC and Taiwan. That policy ended with the Taiwan Relations Act passed under President Carter in April 1979. Taiwan and China are getting along now better than they have since 1949. It is important to recognize that when the President receives Chinese vice-premier Zou Jia hua in the Oval office at the White House that he should also treat with dignity and respect the democratically elected president of Taiwan. Dr. Lee, a Ph.D. from Cornell University, and a devout Christian, demonstrates the best in family values as well. Humiliating him will only set back American policy, both in China and on Taiwan.

Madam President, I ask unanimous consent that the entire statement by Ambassador Lilley be printed in the RECORD, as well as an article from the New York Times joining this chorus. And I would note that the New York Times correctly points out that, "Taiwan is too important a factor in East Asian politics, economics and security to be left out of the new post-cold-war order now taking shape."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO IS "KOW-TOWING" NOW?

(By Ambassador James Lilley)

President Lee Teng-hui, the democratically elected leader of 21 million Chinese on Taiwan sat in his plane, on the tarmac in Hawaii for two hours while it was being refueled. He was enroute to celebrate democracy on two continents. But in Hawaii he saw no U.S. official, and he met no state official. He was treated this way because the Chinese protested his presence in the United States. Simply speaking: Washington caved-in to pressure from Beijing. In contrast to the U.S.'s mishandling of Lee, passing through Singapore on his way back from his triumphant trip for democracy, he was met with honor at the airport by Singapore Prime Minister Goh Chok Tong.

President Lee had left Taiwan on May 4th, on the anniversary of the May 4, 1919 movement in China—a democratic protest in Tiananmen Square against foreign imperialism and oppressive government. President Lee first travelled to Costa Rica, the longest running democracy in Central America, where he participated as a distinguished guest in the inauguration of the President. He then visited Nicaragua where he blessed the return of democracy to that beleaguered country. Most important, Lee Teng-hui attended the epic inauguration of Nelson Mandela in South Africa which marked the rise of democracy and freedom after centuries of apartheid and semi-colonialism. During his visits, everywhere except in the United States, he was treated honorably and respectfully.

Earlier this year, President Lee Teng-hui had visited Thailand, Indonesia, and the Philippines, all countries living in the shadow of the power of China. In each instance, he met the heads of state; the King in Thailand, President Suharto in Indonesia, and President Ramos in the Philippines. It was Lee's vacation diplomacy with a high level flourish. And though China protested, the leaders of the Southeast Asian nations all stood tall.

The Clinton Administration, has had a narrow and belligerent focus on human rights in China and has also insulted Taiwan in the process. This has begun to unravel the carefully constructed parallel approach to China and Taiwan carried out by five U.S. administrations—Nixon, Ford, Carter, Reagan, and Bush. In those administrations, the U.S. advanced American interests in China by increasing trade, promoting human rights, checking weapons proliferation and gaining China's cooperation on key international issues such as Desert Storm, Cambodia, and North Korea. At the same time, Taiwan visitors were treated with respect, defensive arms were sold to Taiwan and democracy and prosperity came to the people of China and Taiwan. Clinton has now begun to reverse his flawed policy in China, but his Taiwan policy is mired in the past.

Previously, with this enlightened continuity in U.S. policy, Taiwan and China had begun to work-out their own problems. Led by Lee Teng-hui's bold policies of rapprochement, trade and investment flowed across the strait from Taiwan to China, living standards were raised on the mainland, high quality products were produced, relatives were reunited, and athletic, cultural and academic relations expanded. Taiwan's economic miracle-makers advised China on macro-economic policies. President Lee has, by these moves, done more to help the people of China than half of the central leaders in Beijing.

But President Lee has problems, democracy on Taiwan has released voices which advocate extreme solutions; independence from China, and greater confrontation with China. Lee Teng-hui, as a moderate, has managed these challenges well, but when his government is humiliated and downgraded, opposition voices grow louder and gain strength. In addition, President Lee is taking-on a major industrial build-up. Taiwan is a huge market for American exports, double that of the PRC and some major billion-dollar sales are now coming-up for decision. Mishandling Taiwan's leadership is no way to win sales, especially when our European counterparts are doing a much better job courting Taiwan.

If the Clinton administration is serious about the enlargement of democracy and human rights why not start with Taiwan where outstanding progress has been made in the short period of ten years. I was in Taiwan as the head of a mission from 1982–1984 and was also there as a young officer in 1952. In my personal experience, which included a long trip around Taiwan with Governor Lee Teng-hui, democracy in Taiwan has made substantial progress, as rapidly as any other country in Asia. Despite this, China will try to use the United States to pressure Taiwan into compliance with China's goals on unification. We should not be susceptible to this kind of pressure and we do not need to be. President Bush sent cabinet-level official Carla Hills to Taiwan, welcomed Taiwan's ministers to Washington, sold defensive weapons to match the PRC's military buildup, and at the same time, gradually restored U.S. relations with China while achieving real progress on human rights and market-opening. The current administration should not be engaged in a zero-sum game between the PRC and Taiwan. That policy ended with the Taiwan Relations Act passed under President Carter in April 1979. Taiwan and China are getting along now better than they have since 1949. It is important to recognize that when the President receives Chinese vice-premier Zou Jia hua in the oval office at the White House that he should also treat with dignity and respect the democratically elected president of Taiwan. Dr. Lee, a Ph.D. from Cornell University, and a devout Christian, demonstrates the best in family values as well. Humiliating him will only set back American policy, both in China and on Taiwan.

[From the New York Times, July 17, 1994]

LOOK AGAIN AT TAIWAN

If buying $8 billion worth of American products entitles China to flout President Clinton's human rights requirements and still win renewal of its trade privileges, buying twice that amount should entitle Taiwan to a little diplomatic respect.

Taiwan has one of Asia's most developed economies, best armed militaries and most vibrant democracies. Yet Taiwan's President is not allowed to stay overnight on American soil, Taiwanese officials are not allowed to meet their U.S. counterparts in government buildings and Taiwan's diplomatic offices in this country cannot use any name that would identify the country they represent.

This charade reflects the long-held position of both Taipei and Beijing that there is only one China and that it includes both the mainland and Taiwan. Washington abided by this fiction both before and after it switched U.S. recognition from Nationalist Taiwan to the Communist mainland in 1979.

But in reality two distinct societies, economies and political systems have grown up on either side of the Taiwan Straits. And despite its official "one China policy," Taipei now seeks diplomatic recognition as a separate political entity.

That has prompted the Clinton Administration to undertake a cautious review of U.S. policy. The resulting recommendations await White House approval. They would ease some of the more humiliating diplomatic restrictions now in force. Cabinet-level visits in both directions would be permitted. Meetings could take place on official premises. Taiwan's unofficial representative offices could be renamed. These are useful steps, meant to make it easier for Americans to do business with the country's fifth-largest trading partner.

But recognizing reality should not stop there. Taiwan is too important a factor in East Asian politics, economics and security to be left out of the new post-cold war order now taking shape. It belongs in the new World Trade Organization. It ought to be included in the Asean Regional Forum on security being launched in Bangkok later this month. And ideally, it should be admitted to the U.N.

The main obstacle to Taiwan's inclusion in such organizations is the bellicose opposition of mainland China, which openly asserts the right to invade and annex Taiwan if the Government there acts too independently. Beijing claims that its relations with Taiwan are an internal matter to be resolved by the two sides alone without outside involvement.

It is not in America's interest to provoke China on this score. But shutting Taiwan out of international forums also carries risks for the U.S. Under present arrangements, if China made good on its threats to attack, other Asian countries would look the other way while the United States, alone, would find itself caught in the middle of the fray.

Last year, Washington helped arrange a compromise formula that let Taiwan participate in the Asia-Pacific economic summit meetings in Seattle. Now it should begin exploring ways to involve Taiwan in the new regional security forum as well.

Mr. MURKOWSKI. Finally, Madam President, I would refer my colleagues to a formal interview with President Lee which was conducted this spring by a leading Japanese publication, Asahi Weekly. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Asahi Weekly, May 6 to 13, 1994]

THE GRIEF OF BEING BORN A TAIWANESE

(Dialogue Between President Lee Teng-hui and Writer Ryotaro Shiba)

Lee Teng-hui, President of Taiwan: Born in 1923. Studied at Taipei High School (under the old education system) and Kyoto Imperial University and later, after the war, graduated from Taiwan University. Also studied in the United States (Ph.D. in agricultural economics, Cornell University, 1968). Assumed the office of Vice President of Taiwan in 1984. In 1988 became President of Taiwan following the death of Chiang Ching-kuo. Lee Teng-hui is a devout Christian.

Ryotaro Shiba, a writer: Born in 1923. Graduated from Osaka Foreign Language School, with a major in Mongolian language. "Travel Notes from Taiwan" was made possible by the encouragement of his former classmate and friend Chen Shun Chen.

At the conclusion of his book, "Travel Notes from Taiwan," Mr. Ryotaro Shiba wrote the following phrase: "the rain in my heart falls endlessly." The travel notes provoked a strong response from many readers, and it appeared the author Mr. Shiba still had left things unsaid that he wanted to express. Thanks to the help of many people, this special interview was arranged at the President's Official Residence in Taipei City. President Lee Teng-hui appeared alone and announced, "Mr. Shiba, I have a lot of things to discuss with you." The entire interview was conducted in Japanese.

AUTHOR'S PREFACE BY RYOTARO SHIBA

"You are really carried away by Taiwan, aren't you?" Mr. Fumio Anabuki, the editor-in-chief, said to me with a sense of amusement. As an individual sensitive to pain, or with a feeling of sympathy, I am anxious about the future of Taiwan. (Of course, I am more concerned about Japan, but I believe that someday Japan's politics can recover from its exhaustion.)

Taiwan since the 17th century, with the exception of its indigenous people, has been a land without a sovereign, populated by a group of "boat people." It was just like the Japanese islands before the time of Christ, which served as a land for Asian boat people. For 50 years after 1895, Taiwan was under Japanese rule. According to Mr. Tadao Umesao, Japan was a "multiracial nation" during this period. We almost forgot that, until the secession of Taiwan in 1945, those Taiwanese who were born and educated in Taiwan were really Japanese. Even Chiu Yong-han, who is very critical of modern Japan, refers to these 50 years in Taiwan history as a period "without which, Taiwan island would have been the same as nearby Hainan island."

After the separation from Japan, Taiwan was taken over by "the Republic of China." To our surprise, the Taiwanese were severely oppressed. Before long, a humanitarian organization headquartered in London designated the more than 10 million Taiwanese as an "ethnic minority" who were discriminated against and oppressed because of their ethnic origin. Although they were Chinese in origin, the 50-year period of Japanese rule transformed them into an ethnic group different from other Chinese, so different that they became the victims of Chinese oppressors.

"I want to make this a country where people can sleep at night in peace," said Dr. Lee Teng-hui, the first Taiwanese to be head of state. His wish has not changed.

For a period after the war, people were afraid of attack by their own state. That period is over. The era of the Chiang family came to an end and, to everybody's surprise, Dr. Lee Teng-hui took office as president.

It was almost a miracle that during this transition period, there were no bullets nor intrigues. As freely as shoppers in a department store move from one sales area to another, Lee Teng-hui as the vice president, with the death of Chiang Ching-kuo, assumed the presidency in conformity with the Constitution. That was in January 1988, only six years ago. If Clio (the goddess of history in Greek mythology) smiles only once on each country, this was Taiwan's time.

Previously, President Lee aspired to enter the ministry "to go to mountainous regions to preach the gospel." Things did not turn out that way.

Fortunately, Taiwan has a sophisticated head of state who has little desire for fame and wealth. Some wondered whether such a person could manage politics in a world in which mainlanders, outsiders from continental China, were granted special rights and privileges, and held control over Islanders. However, as Lee Teng-hui demonstrated his political management skills, such concerns disappeared.

This interview is intended as a supplement to "Travel Notes from Taiwan." I particularly want to see it read by mainland Chinese.

A CIVILIZED COUNTRY BORN OF AN ISLAND WITHOUT A RULER

SHIBA. This year at the banquet for my school reunion, I chatted about my trip to Taiwan with instructors of the Chinese, Russian, and German languages. My conclusion was that "Taiwan is a civilized country."

Taiwan has a lot of advanced technologies, of course, but they alone do not represent what I would call a civilization. Let me cite an age old metaphor. Every morning at 5, you find your milk in your milk box. You do not need to buy a cow and milk it every time you need milk. Without being killed by guerrillas on the way, a milkman can deliver milk safely. You can get a newspaper in the morning without any problem and can read information from all over the world. This is what I call "civilization."

Such a thing exists in Taiwan and is being further developed. But if France is considered a mature country, like a 100-something-year old person, then democratic Taiwan is still a baby country, like a five- or six-year old child. Compared to Mr. Mitterand, I suspect, you, Mr. Lee Teng-hui, should be enjoying more and at the same time suffering more because you were born in Taiwan.

LEE. When I asked my wife what topic I should be talking about with Mr. Shiba, she told me to talk about "the grief of being born a Taiwanese." We then talked about "the Exodus" of the Old Testament.

SHIBA. It is God who decides where we will be born. Today I would like to talk with the president about the "suffering caused by location." For instance, it would be very hard to be born in Bosnia today. However, I believe that human dignity can be found in the efforts made by those who are born in Bosnia to improve the situation.

LEE. Yet there is also the pain of not being able to do anything for Bosnia. There used to be the grief of being born a Taiwanese and not being able to do anything for Taiwan.

SHIBA. By the way, the island of Taiwan was once considered to belong to no one.

I believe that colonizing other countries is a really absurd thing to do. In Meiji 7 [1874] there was an incident in which an Okinawan was killed on the east coast of Taiwan. The Meiji government wondered which country owned Taiwan. Boisonard, a French attorney who was working for the Japanese government, reported that the island of Taiwan belonged to no one. Long before this, an American diplomat, Townsend Harris, visited Taiwan and wrote a letter to the president of the United States. He stated that no one owned its eastern half and therefore the United States should make it an American territory.

LEE. After being defeated by the Japanese in the Sino-Japanese War, the first thing China under Li Hong Zhang ceded to Japan was Taiwan. For the Chinese, Taiwan was considered a barbarous land. If Japan got it, she might even have trouble controlling it. Such was the prevailing attitude.

SHIBA. At that time the Japanese government notified the inhabitants that those who were not content could move out. For Japan, at a time of violence in her history, it was a relatively civil gesture to the residents.

LEE. Those who wanted to obtain Japanese nationality were told they could stay. Individual property would be recognized as such. Those not satisfied were told to return to the mainland within a year.

Then came the end of World War II. In accordance with the Declaration of Cairo, all the territories that Japan received from China, including Taiwan, were to be returned to China.

SHIBA. That's curious when you consider that Taiwan was built by people who had come from Fujian and Guangdong in the 17th century.

LEE. I must answer that question cautiously because I am the President of the Republic of China. The Japanese government returned Taiwan to the government of the Republic of China. The government of the Republic of China was defeated in the civil war on the mainland and, therefore, came to Taiwan. It lost everything except Taiwan. The Chinese Communist Party insists that the province of Taiwan is just one of the provinces comprising the People's Republic of China. What a weird fantasy. Taiwan and the mainland have different governments. I can only say this for now.

SHIBA. There is no other word as confusing as the word "Zhonghua" [China].

LEE. The word "Zhongguo" [China] is confusing too.

SHIBA. Also the word "Zhongguoren" [Chinese] is confusing. When Singapore's leader, Lee Kuan Yew went to Australia, he was reported to have said that "just as today's Australians do not consider themselves British, we are not Chinese. We are Singaporeans."

Germans and Swedes are both of Germanic origin. But when Germans go to Sweden they do not sell goods by saying, "you and I are both of Germanic origin, aren't we?" Spanish people do not go to France and claim friendship based on their shared Roman origin. Taiwan is the country for Taiwanese, even though we are Han people.

BEIJING'S ORIENTALISM AND THE CONCEPT OF "PUBLIC"

LEE. It must be for Taiwanese. This is the fundamental idea.

Since the 19th century the notion of sovereignty has been discussed. However, the word sovereignty is a dangerous word. The mainland insists that the People's Republic of China has the right to Taiwan because it succeeded the Republic of China.

SHIBA. Considering the size of the country, the Beijing government has done pretty well. However, the People's Republic of China has not had the experience of being a civil society or governed by rule of law. That is why the Tiananmen Square incident happened. China claims Taiwan as its own. This represents an oriental style of thinking dating back to the 19th century when no distinction was made between a territory and a land of mixed residents.

LEE. If I have a chance to meet Mr. Jiang Ze Ming, I would like to say to him, "before you raise the questions of Taiwan policy and national integration, try studying to find out what Taiwan is all about." If you are thinking of governing the Taiwanese people in the style you used in the old days, you would see another 2.28 [February 28, 1947] Incident.

SHIBA. It seems that Chinese leaders have not thought, within the context of world history, what Taiwan is all about.

It does not make sense from the residents' point of view for China to keep Tibet and Inner Mongolia as part of its territory. Mr. Mao Ze Dong's policies for minorities were good as an idea. But in reality, I hear that residents in Inner Mongolia and Tibet are going through a tough time. If that is repeated in Taiwan, it will be a calamity of human history and of world history.

LEE. It is constantly said that if Taiwan becomes independent, China will attack and crush us.

SHIBA. I hope that the good life led by the people in Taiwan will not be destroyed suddenly by outside forces.

LEE. If Taiwan declares independence, Beijing should be scared because Tibet or Xinjiang might then act for independence as well.

SHIBA. The Ming dynasty's China was a country purely of Han people. You could find no Xinjiang Uighur autonomous district, no Tibet, no Inner Mongolia in China's territory. It was during the Qing dynasty, the one ruled by a non-Han people, when China expanded to today's territorial stretch.

The government on the mainland should have asked the will of the residents from the beginning. It should have listened to the Tibetans, the Mongolians, and the Uighurs. Without the strength or the idea to ask the will of these residents, it simply inherited and kept the territory of the Qing dynasty.

There is an appropriate size for a nation state. It is probably about the size of France, which is about the size of the province of Sichuan. France has created a civilization. It is impossible for one government in Beijing to control a territory larger than all of Europe. It tends to become ruthless and domestically imperialistic.

LEE. On the mainland now, they are advocating nationalism. It is called the five ethnic groups, and Xinjiangs, Mongolians, and Tibetans are categorized as Chinese. I am concerned that if Beijing tries to create a great Chinese ethnic group or a Great Chinese Empire, Asia can face serious problems.

SHIBA. According to that idea, it would not be contradictory for the Great Chinese Empire to include Japan, which uses Chinese characters, and Thailand and Indonesia, which have a lot of overseas Chinese. By the way, Sung and Ming were representative dynasties ruled by the Han race. Later dynasties were created by people other than Han such as the ancient Tang, Yuan, and Qing dynasties. There were always groups of opposition in the periphery, and when China became corrupt from the inside, the non-Hans took over to create a new dynasty to bring reform. Today there are no opposition groups. Where can we find China's ability to renew itself? If China relies on the Great Chinese Empire, it will definitely collapse by itself.

In addition, the Chinese do not believe the world belongs to the public. Even those who came after Mao Ze Dong do not have that concept. Every emperor in Chinese history was convinced that the world belonged to himself or herself. Mr. Mao Ze Dong could not have even begun an absurdity such as the Proletarian Great Cultural Revolution without thinking that the world belonged to himself [i.e., the world obeyed his decrees].

Deng Xiao Ping is trying to establish a socialist market economy, which is a queer combination of two different systems. I think he is a great politician, but the socialism he advocates, after all, seems to imply that China belongs to Mr. Deng Xiao Ping.

We could say that it is the greatness of the Chinese people that enables them to practice such a contradiction without hesitation. Yet, on the other hand, it shows that Sun Yat-sen's idea "all land under heaven belongs to the public" has not been well rooted in China.

By the way, I learned something that really surprised me when talking to young Taiwanese. In the primary and junior high schools, they must memorize the names of all the emperors, starting from the ancient San-Huang-Wu-Di (three emperors and five kings) to the last emperor of the Qing dynasty, Emperor Xuan Tong. They recite them all. I found it meaningless.

LEE. Today we are increasing the importance of local history education. We are trying to incorporate the history of Taiwan, the geography of Taiwan, and the search of the individual's roots in the curriculum of the elementary schools. What an absurd educational system it was that made students memorize facts regarding the mainland without teaching them about Taiwan.

TAIWANESE LANGUAGE AND SHAKESPEARE

SHIBA. We could not make such a statement in Taiwan five years ago. Taiwan has really been transformed into a new country.

LEE. It was even difficult to speak Taiwanese. When my son was in school, a student would be punished for speaking Taiwanese, just like when people were punished for speaking Taiwanese during Japanese rule. Only Chinese was allowed to be spoken.

Now I take the lead in speaking Taiwanese. It is necessary to do so. When I traveled during the election campaign, I always spoke in Taiwanese.

SHIBA. You mean in Minnan [Southern Fukienese, Taiwan's local language]?

LEE. Yes. That is what the Taiwanese want to hear. For instance, if you go to Yunlin prefecture, the people there have their own local dialect. If you make a speech in their own dialect, everyone can understand. Try speaking in Chinese, it is Greek to them. But if you speak in Taiwanese they believe you are a person who is close to them.

SHIBA. More than 70 percent of English words are actually of French origin. But it is said that poetry using too many French words sounds affected. On the other hand, if you write a poem using only the ancient original English, it can be very moving.

LEE. Just like Shakespeare.

SHIBA. In Japan, for instance, the dormitory song for the Third High School in Kyoto, "Red Flowers in the Bud," was written in the Yamato language [native style Japanese] whereas the song for the First High School, "Oh, the Jewel Sake Cup with a Flower Leaf," was written in the Chinese classical style of Japanese. Some say it is the "Red Flowers in the Bud" that appeals to them more and is harder to forget. For Taiwanese people, the Taiwanese language is just like the Yamato language and thus appeals to people's feelings.

LEE. Taiwan has always been ruled by power that came from abroad. Today I say this kind of thing without hesitation. Even the Nationalists are a foreign power. They are nothing more than a political party that came to rule the Taiwanese. We must make this a Taiwanese Nationalist Party. Once there was a time when we, my generation who are in our seventies, could not sleep well at night. I do not want my descendants to face the same situation.

SHIBA. Mr. Lee Teng-hui, your nationality changed from Japanese to Chinese [a national of the Republic of China] at the age of 22.

In those days, I heard, intellectuals could not sleep at night in peace. Military policemen made raids. You heard them banging the door. If you wondered who they were, you were too late. You just had to run away immediately. Even with all these hardships, Taiwan has finally achieved a high standard of freedom and a system governed by law that, to our delight, is unprecedented in the history of the Han people.

LEE. Mainlanders are also Han people. It is just a matter of who came to Taiwan earlier. We should work together. There is no need for Taiwanese to reject these people, but this is difficult. For instance, this issue is related to the question of why the previous head of the Executive Yuan had to be replaced.

SHIBA. You are talking about Mr. Hau Pei-tsun [the former premier]. He is an old fox of a politician who was previously in the military. He seems to have always been a tough bird to cook. I was always nervous watching someone like you, someone who is almost like a clergyman. I wanted to keep that kind of man away from the world of power. But, in your case, it has worked.

LEE. I still have two years and three months in my term of office. I aspire to build a nation state and a society for "the public."

When I spoke to the minister of transportation, he told me that the expansion work of Chung-cheng International Airport was not progressing satisfactorily. If we proceed with the second phase of construction, we may face the same sorts of problems as Narita Airport. There is the noise pollution problem, and opposition from the residents in the neighborhood is increasing. What should we do?

In Taiwan today, people are very enthusiastic about community activities. I want to see the residents, who have been oppressed for a long time, participate in building the country and the society voluntarily. To do that, people should talk about the various problems of daily life in their communities: about homes, about women's participation in the society. They also cooperate to prevent burglary in the neighborhood.

As for the airport issue, I have had several discussions with local residents. There are two villages surrounding the airport. The urban planning of the villages has to be redrawn and the interior of the airport has to be redesigned. We will let the local residents decide on the issues ranging from airport cleaning and luggage handling to the restaurant operations. The important thing is that the airport belongs to the people.

Amending the constitution, democratic reform and holding a popular and direct presidential election will satisfy the Taiwanese. If these things are realized, then Taiwan's major political problems are over.

There are three problems concerning Taiwan that are bothering Beijing's political leaders. First is the democratization of Taiwan. If we rigorously pursue democratization, it will become impossible to govern the country through talks between the leaders of the Nationalist and the Communist Parties. It will become impossible to ignore the people at large on both sides. There are shameless people who write to Deng Xiao Ping asking him to use the military against Taiwan.

ASTONISHING THE WORLD BY THE COUNTRIES I CHOOSE TO VISIT

SHIBA. I often heard that a country is marketable just like a commodity, which can be bought and sold. Things are not easy for Taiwan, are they?

LEE. My foreign policy is the second issue. Not only have I been to three countries in Southeast Asia, I am going to visit more countries, even countries that the world will be totally surprised to see me visit. But I will save Japan and the United States for last.

Although I am the head of state now, I was originally an economist and agricultural expert. I can provide financial aid, but I can also hold a discussion. For example, both President Ramos of the Philippines and President Suharto of Indonesia are having the most difficult times on rural issues. I am a professional in dealing with agricultural issues. No one in Taiwan can talk about pork better than I. [Laughter] Therefore, I can talk to them not as President Lee but as Dr. Lee. Titles do not matter. Through such pragmatic diplomacy, we can promote in a natural manner international understanding of Taiwan's role.

A third issue. Previously we used to advocate "the large army principle," which depended solely on tanks. Recently we purchased quite a few fighter helicopters and fighter planes. Because our air force capability has been greatly strengthened, Taiwan's air force will not have to worry for another 30 years. The Chinese Communist Party is distressed by this structural change of our military strategy.

SHIBA. Tanks are old fashioned, particularly to protect such a rice paddy country as Taiwan, unsettling as it may sound.

LEE. We hold a military meeting once every two weeks. Some professionals were amazed and said, "How can President Lee Teng-hui learn military issues and knowledge so quickly." They even call me a military genius. [Laughter]

SHIBA. What kind of books do you like to read in your spare time?

LEE. Recently I ordered from Iwanami [publisher] a series of books call "The Methods of Social Sciences." I always think about whether the work I am pursuing now is theoretically sound and historically significant. It is biology that I really want to study. I would like to audit a class at Taiwan University. I am also interested in further study of philosophy and history.

When I retire, I am not going to be dependent on the government. I will live in my own house because I have some money saved and because my wife brought a dowry.

BEFORE SUCCEEDING CHIANG CHING-KUO

SHIBA. You still have not spent it all? [Laughter]

LEE. Because my wife received a Japanese education, she is good at managing household accounts so I can relax and concentrate on my work.

[Editorial staff member]: Are you saying that the Japanese education was actually useful?

LEE. What the Japanese left in Taiwan at the end of the colonial era was enormous. In addition to criticizing it, we also have to analyze it from a more scientific viewpoint to understand our history better.

[Editorial staff member]: Was it by chance that someone like Mr. Lee Teng-hui entered the stage?

SHIBA. It was Chiang Ching-kuo who took advantage of a chance.

LEE. I was called to participate when there were serious agricultural problems. I was a man who thought only about Japan's academic and agricultural issues; I guess I appeared to be uninterested in political affairs.

SHIBA. Mr. Chiang Ching-kuo is someone I did not understand too well, but it seemed definite that, at last, he thought of installing Mr. Lee Ten-huo as vice president.

LEE. For three years and nine months he was the president and I was the vice president. I saw him once or twice a week and, later, when he became sick, there were times when I only saw him once a month. I have a notebook in which I recorded our conversations. I couldn't possibly make it public yet. Still, it is not clear whether Chiang Ching-kuo wanted me to succeed him.

SHIBA. I see.

LEE. Although he suffered from a severe illness, he did not believe that the end was coming, therefore, he did not leave last words like a dying parent would leave for a son.

SHIBA. It was ambiguous.

LEE. It was ambiguous. However, in that kind of political situation, if Mr. Chiang Ching-kuo had given even the slightest indication, I would have been destroyed. Even I am not going to mention whom I will pick for the next president. I will not even mention whether I will run for election. Mr. Chiang Ching-kuo, too, had such consideration, I believe.

SHIBA. It is amazing how you have developed political know-how, having been a scholar previously. Not only being a statesman, but also dealing with those political matters that are not straightforward.

LEE. I have been perceptive since my childhood. I have always thought about how to restrain my sensitivity. You know that saying, "Spongers ask for the third bowl of rice quietly."

SHIBA. This is a story from the time of the Cultural Revolution on mainland China. Bellboys at the Beijing Hotel were divided into two groups and started to fight against each other by occupying the staircase or corridors. Then came Mr. Zhou Enlai. Because China is not a country governed by law, strange things can happen. The Premier of the country came to solve the dispute between two fighting parties in a hotel. Mr. Zhou Enlai listened to what they had to say and then told them that both sides made sense. Then he said there was one thing in which they were both wrong. They asked, "What is it?" "The guests have not been served their dinners yet." Seeking a solution after pleasing both contenders—this is what politics is about.

THE EXODUS AND THE FATE OF THE TAIWANESE

LEE. Even without guns, without clenched fists, without any supportive group in the Nationalist Party, I believe the reason I have been able to come so far is because the voices of the people are in my heart. The people of Taiwan look to me with expectation. Thus I feel I have to produce results.

SHIBA. Political scientists should choose Mr. Lee Teng-hui as an academic theme. In other words, just as you, Mr. Lee Teng-hui, have said, you have no faction in the party, nor money to offer. There is nothing else but Mr. Lee Teng-hui. Political scientists, however, say that politics cannot be practiced by theories alone because it is so dirty. If you leave a good record after another two and half years, you will be seen as a new model for political science in the world. You are a rare case.

[Editorial staff member]: At the beginning of this interview, you mentioned "the Exodus." Were you trying to say that Taiwan has started a new era?

LEE. Yes, we have. From now on, Moses and the people are going to face a tough time. However, they did start a new journey. Yes, when I think about the 2.28 incident in which many Taiwanese became victims, "the Exodus" is one conclusion.

SHIBA. There was something I was thinking about while writing the "Travel Notes from Taiwan." In the last days of the Shogunate era, there was a chief retainer for the feudal clan of Nagaoka in Echigo called Tsugunosuke Kawai. It was a small clan whose taxes amounted to only 70,000 bushels of rice a year. Kawai searched for a way to revitalize the fiefdom for a new era. He traveled throughout Japan in search of a master. He finally found Hokoku Yamada, a former chief retainer, who was retiring from the world in the deep mountains in Okayama prefecture; he asked for instruction for a couple of months. When he was leaving for Nagaoka, he praised the master by saying, "you can become a head clerk of Mitsui." The praised one [the master] was happy to hear that. In other words, in the very end of the Edo period in the mountains of Okayama, the master and his disciples had discussed the fact that the Samurai era was over and the bourgeoisie era was coming. After Kawai returned, he tried to reform the feudal clan's Grand Duchy of Luxembourg. He tried not to take part either on the Tokugawa side nor for Satsuma or Choshu; he pursued armed independence. But he was pushed away by the violent flow of history—a great loss in Japanese history.

Although, in those days, Keinosuke Kawai was almost the only person (there is another person, Ryoma Sakamoto) who had an idea of a blueprint for a new nation state, history has forgotten about him. I always write with the hope that Taiwan's fate will be different and that it will become a model state for human beings.

Mr. MURKOWSKI. This interview, entitled "The Grief of Being Born a Taiwanese," sheds light on positive new directions taken by the people of the Government of Taiwan.

I urge the administration to move to take positive steps as well in its policy review.

I personally discussed this matter with Secretary Christopher, who told me at a recent hearing that, while he could not foreshadow the results of the policy review, he said that he thought there would be adjustments in the direction I want to see.

Well, I would hope so, since it has been a year in coming out. Let us get it out now.

I thank the Chair and I wish her a good day.

I yield the floor.

Mr. GRAMM. Madam President, under the previous order I had 10 minutes and I ask unanimous consent, notwithstanding the previous order, to speak for 10 minutes in morning business. I see neither the chairman or ranking member is here.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas is recognized.

HEALTH CARE COSTS

Mr. GRAMM. Madam President, for the last 10 days I have been talking about health care. I want to continue that process today. I started yesterday by focusing on cost, the untold part of the story.

For anyone who heard my speech yesterday, the point I was making was that in this whole debate about health care, relatively little debate has occurred on the issue of cost. I talked at some length yesterday about the so-called moderate plan which has come out of the Senate Finance Committee. While there has been endless discussion of the benefits that will be provided to the 110 million Americans—almost half the population of the United States—who will get Government-funded health care under the Finance Committee bill, and while there has been a great deal of focus on the benefits, there has been relatively little discussion of the cost.

Most Americans would be shocked to discover that under the Senate Finance Committee bill there is not one but two taxes on health insurance. Every American will pay an excise tax on his or her insurance premiums. At a time when the whole debate is supposed to be about holding down the cost of premiums, we are going to be debating next week a health care plan that has an excise tax that every American family will have to pay, raising the cost of its insurance. Most people will also be shocked at the fact that that bill imposes a 25-percent tax on 40 percent of all American families who have the best health insurance benefits.

My point is that we are not having a balanced debate on health care, because we go on endlessly about the benefits and nobody is talking about the two excise taxes on health insurance benefits—no one is talking about the increase in the Medicare tax. These are very real costs that are involved. If we are going to have a rational debate, we have to tell the American people the truth.

The truth is that there is a set of benefits being promised, but along with those benefits are very substantial taxes that are being imposed, and middle-class Americans—under the Senate Finance Committee bill, which is the health care bill that will come to the Senate floor for a vote—are going to be paying two new taxes on their health insurance benefits, one of them a 25-percent tax. That is something that should give us pause.

But today I want to talk about another problem in the debate about cost, and that is a problem that people are not being leveled with. This is the whole issue of employer mandates. When you ask the American people if it sounds like a good idea to have employers pay for your health insurance, not surprisingly—since there are many employees and relatively few employers—the almost universal answer is, "Yes." In fact, we all want benefits to be paid for by somebody else.

What is interesting to me is that there is an extensive body of research on who actually pays for employer-provided benefits. I am going to be referring, today, to a study by the Congressional Budget Office, and I want to remind my colleagues that this is not PHIL GRAMM speaking. This is the Congressional Budget Office. The Director of the Congressional Budget Office is appointed by the Democratic chairman of the Budget Committee in the House and the Democratic chairman of the Budget Committee in the Senate. And the whole foundation, on this issue of employer mandates, comes from studies done by the House Ways and Means Committee, studies that were used in the Clinton campaign and the "Putting People First" document that the President himself used in his campaign.

The point I want to make is that everybody knows when you make employers provide benefits, the employees actually pay for the benefits. Everybody knows that. Every study shows it. But what is happening is, for political purposes in this debate, a myth is being perpetuated that employers can be forced to provide a benefit and it does not affect the worker's wage.

I want to give you a couple of quotes—three of them—on the issue of employer-provided benefits. As I am saying this, just think about health care benefits provided by the employer. This is the Congressional Budget Office, in their study on the tax treatment of employer-based health insurance. This is a Democratic study. The first quote is this:

> An often overlooked point is that the employer share of the cost of "employer provided" health insurance is ultimately passed on to workers in the form of lower wages and

> reductions in fringe benefits other than health insurance.

Second quote:

> Why must employers pass on their share of health insurance premiums to workers? The answer is that in a competitive industry, employers must pass on those costs in order to stay in business * * * for that reason, employers adjust compensation to the level needed to stay in business.

The last quote:

> At least in the long run, then, the employer is simply acting as the employee's agent. The employee—not the employer—pays for health insurance.

Madam President, this is not me talking. This is the Congressional Budget Office. The Director is appointed by the Democratic chairman of the House and Senate.

Why is this relevant? It is relevant because when talking about the 9.5-percent payroll tax that funds the Clinton health care plan, at least in part, we are perpetuating a myth that everybody knows is a myth. The myth is that the employer is actually paying for these health insurance benefits, when everybody knows, when every study shows, that ultimately the employee is going to pay these costs in terms of lower wages and reductions in other fringe benefits.

So the relevant question is, Are employees willing to pay a 9.5-percent tax on their wages to have the Government take over and run the health care system? I think the answer to that question is no. Especially when you look at the fact that under the President's plan, 43.5 percent of all workers who currently have private health insurance will be paying more for a Government-run system than they are paying for private health insurance.

So, as we talk about this debate, let me express my frustration. My frustration is this. If we want to make an informed decision, we have to tell the American people the truth. If people really believe that the Government ought to take over and run the health care system, that we ought to have a Government-run system, and that it ought to cover everybody, I think logic and honesty dictate that we tell the American people how we are going to pay for it; that we actually have a viable program to pay for it.

I want to conclude with two points:

First, employer mandates ultimately are passed on to workers, and we are talking about lowering wages of American workers to pay for these benefits. Maybe American workers support that. I do not believe they do. But we ought to tell them the truth.

Second, we all know, based on the initial studies, that every one of these health care plans is grossly underfunded—grossly underfunded. That allows us in the debate to promise all of these glorious benefits without having to say how we are going to pay for them. We cannot have a rational debate, nor can we serve the public interest, unless we are willing to be honest with people and say, "Here is what the Government is going to give you, but here is what the Government is going to take away from you."

I want to warn my colleagues as we enter into this debate—because we are shooting with real bullets—if we have the Government take over the health care system, we are not going to be able to go back and take those promises back. I do not believe we are ever going to be able to pay for it, and we are setting ourselves up for a financial disaster.

At least let us tell the American people the truth as to what these programs are going to cost as we enter into this debate next week. If we do that, we will make better law, people will end up being happier, and at least if a mistake is made, we can say to the American people, "Well, we told you the truth."

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

BOSNIA

Mr. DOLE. Madam President, we had our debate just a few weeks ago on the amendment I offered, along with my distinguished colleague from Connecticut, Senator LIEBERMAN, a bipartisan amendment, to lift the arms embargo on Bosnia. Administration officials argue that a peace settlement was at hand. We were told that this time, if the Serbs rejected the 51 to 49 percent settlement, the situation would be different. We were told that if the Bosnian Serbs rejected the settlement, as they did the Vance-Owen plan, this time there would be tough consequences. So after high-level, intense, administration lobbying including a number of phone calls by the President himself to individual Senators who supported our amendment, we lost the vote on a tie. And, for the time being, everyone's attention shifted to the so-called contact group's activities in Geneva.

Well, what we see today is that, once again, the Bosnian Government has signed a peace settlement under pressure from the United States, Europe, and Russia. And, once again, the Bosnian Serbs are playing deadly games of defiance at the expense of the Bosnian people and the credibility of the international community. I hope that the House-Senate conferees on the Defense authorization bill are taking a close look at this situation as they begin to discuss the arms embargo provision—which was passed by a substantial bipartisan margin in the House.

Cleverly, the Bosnian Serbs did not publicly say "no." They brought a secret pink envelope to Geneva. But, any way you package their unacceptable conditions, their response is a rejection and not the unconditional "yes" the contact group expected. Some of the news reports indicate that the Russians see something positive in that the Bosnian Serbs are still willing to negotiate. Sure, the Bosnian Serbs would like to continue negotiations. Negotiations are always handy to divert the international community's attention from their activities, such as ethnic cleansing in Banja Luka, or their refusal to allow supplies into Goradze.

The fact is that the Bosnian Government—the victim of aggression—signed an unjust settlement. The fact is that instead of peace we have Serbian intransigence and defiance. Let us face it, the Bosnian Serbs are still committed to a greater Serbia and they are trying to call the contact group's bluff.

Today, there was news of several planes delivering humanitarian aid being hit on their way into Sarajevo airport, including a U.S. C–141—reportedly an American was injured and the airlift was shut down for the second day in a row. This is no surprise to me, nor should it be to anyone who has watched the course of this brutal war. After 2½ years of diplomatic handwringing by the so-called great powers and the absence of American leadership, we can expect no less. Serbian leaders and their forces are getting away with attacks on U.N. forces and international relief workers, with ethnic cleansing, and with creating a greater Serbia for one reason: because the international community is letting them do so—and indeed sanctioning it, albeit in a modified form through international negotiations.

So the real question before us today is whether this time is really different, as administration officials claimed before we voted on lifting the arms embargo. Can the international community muster enough resolve to act decisively? Or will we again see the international community sweep Bosnian Serb defiance under the carpet and do what is easiest: Pressure the victims into further concessions and ultimately into surrender. I am skeptical. So far, what we have heard from the U.S. mediator, Chuck Redman, is that the United States is "disappointed," that the contact group will meet by the end of the month to consider the next move—this is déjàvu.

The United States and the other contact group countries made clear on numerous occasions, including during the G–7 summit, that there would be tough consequences if the Serbs rejected their proposal, including a vigorous enforcement of the exclusion zones in Bosnia, which are now being blatantly violated by the Serbs, and lifting of the arms embargo on the Bosnians.

Madam President, this vicious circle of denying the Bosnians the right to self-defense under the pretense of defending them needs to be broken. The administration's credibility is on the line. There is no need for further negotiations. What there is need for is United States leadership in doing the right thing—in immediately lifting the arms embargo on the Bosnians.

UNITED STATES POLICY ON HAITI

Mr. DOLE. Madam President, the Washington Post ran an article this morning with the headline "Haitian Military Rulers Bank on Support in Washington." Unfortunately, it appears that a paper as sophisticated as the Post fell victim to an obvious disinformation campaign. The Post article accepts at face value statements made by Haitians the article attempts to discredit.

Let me make it clear: If the thugs running Haiti's illegal government are banking on support from me or the Republican Party, they will not get it. If any Haitians think they have a back channel to me, they are delusional.

I have repeatedly and unequivocally condemned the military regime in Haiti, calling them "bloodthirsty killers," "despicable," "cowardly," and "thugs and murderers." I ask consent that excerpts from my statements be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. DOLE. Let us put the facts on the record. First, neither I nor any member of my staff has met or communicated with any representative of the Haitian Government.

Second, I have not met or talked to any Haitian Parliamentarians. I received an unsolicited letter on July 1, 1994—almost 2 months after I first formally proposed a fact finding commission to look at policy toward Haiti on May 5. That was the first time we proposed that idea. I first suggested such a commission on October 20, 1993. This idea was not made in Haiti.

Third, the 47 Haitian Deputies who signed the letter I received were duly elected in the same electoral process as President Aristide—a general election on December 16, 1990, and a run off election on January 20, 1991. According to the State Department, four deputies were elected in sham elections in 1993—but none of them signed the letter. And, I might say, the letter went to me and other leaders, Republican and Democratic leaders, in the House and Senate. Some of the 47 Deputies may have supported the coup. Some of the 47 Deputies may have supported mob violence when Aristide was in power. But the fact remains that a majority of the Chamber support a bipartisan commission—and they are just as legitimate as Aristide.

I have never endorsed any Haitian politician or faction. I note, however, that at least seven of the signatories of the July 1 letter were elected as members of Aristide's own leftist political party—the FNCD. Some of the others are Socialists, Social Democrats, and Christian Democrats. One signatory was exiled as an opponent of the Duvalier dictatorship. Many of them opposed the October 1991 coup and supported the Governors Island accord. Maybe that is not centrist enough for the Washington Post reporter, but I would not dismiss their views if I were making Haiti policy.

Madam President, Haiti is deeply divided. Efforts to build a political center have been abandonded by the administration. As ousted special envoy Lawrence Pezzullo noted in the Washington Post,

> The administration's inability to stay the course on something as fundamental as building a political coalition in a parliamentary democracy does not provide much hope that it will be able to stay any course.

The White House claims it may invade Haiti to restore democracy. I do not know how you can restore democracy while ignoring the democratically elected Parliament.

There are a lot of news stories that could be written about United States-Haiti policy—about seeking a U.N. resolution authorizing an invasion this week, or about the one-half billion dollars necessary to rebuild Haiti thanks to our scorched earth sanctions policy. I hope we quit hyping up the disinformation and look at the real issues in Haiti—and whether we should risk American lives in support of the administration's failed Haiti policy.

EXHIBIT 1

SENATOR DOLE ON THE ILLEGAL HAITIAN MILITARY REGIME

Finally, I want to make crystal clear that nothing in my amendment should be read as any comfort to the bloodthirsty killers running wild in Haiti. I condemn, as I am sure every member of this body condemns, political murder and intimidation in Haiti—and everywhere else.—October 20, 1993.

Yes, the thugs and murderers running the country have committed horrible human rights violations * * *.—May 5, 1994.

Haiti's military regime is despicable * * *.—May 23, 1994.

I join with the international community in condemning Haiti's expulsion of United Nations human rights observers—it is a cowardly and deplorable act.—July 13, 1994.

Let me clear up one issue: I do not care what General Cedras or the other thugs running Haiti think about this or any other proposal. I do not check with Cedras, Aristide or any other Haitians on my view of American national interests.—July 14, 1994.

CRIME

Mr. DOLE. Madam President, although violent crime is America's No. 1 concern, the jury is still out on whether Congress is up to the crime-fighting challenge.

Although the crime conference has been delayed and delayed and then delayed some more, it appears the conferees are trying to resurrect last year's defeated stimulus package, pouring billions and billions of dollars into a hodgepodge of at least 15 so-called prevention programs.

If you read the fine print of these programs, here is what you might find:

The $2 billion Local Partnership Act would favor cities with high unemployment rates and high per capita tax rates. So, if you are a city like Wichita, KS, that has managed to keep its economic house in order, you are out of luck.

Another program, the ounce of prevention council, would advise the Secretary of Health and Human Services on how to administer and coordinate all the other prevention programs established by the crime bill. In other words: a program—I think it is $125 million—to coordinate other programs.

Also, $40 million would be devoted to midnight sports leagues run by the Department of Housing and Urban Development. Each player in the league would be required to attend employment counseling, job training, and other educational classes "to be held in conjunction with league sports games at or near the site of the games." Perhaps HUD officials will be called into service as referees.

The Model Cities Intensive Grant Program, with a $900 million price-tag, would address a whole range of urban problems, including the "deterioration or lack of public facilities" and "inadequate public services such as public transportation." Maybe it is something we ought to be debating on the bill before us today, but certainly not the crime bill.

Then $80 million would be spent on community-based justice grants for prosecutors. This new program envisions prosecutors working side-by-side with social workers in order to "focus on the offender, not simply the specific offense," and to impose "individualized sanctions" such as "conflict resolution, treatment, and counseling" for young people who have committed violent crimes.

And let us not forget the Employment-and-Skills Crime Prevention Program, which would spend $900 million of taxpayer funds on such activities as "apprenticeship programs linking work and learning," "entrepreneurial and microenterprise development," "transportation links to jobs in the labor market area," and "job placement and related case management, followup and other supportive services."

Worthwhile programs? Who knows?

Most of them did not even have a hearing. They just put in $900 million, $2 billion, $1.5 billion—somebody else is going to pay the bill, the taxpayer is going to pay for it. If it does not work, we will find out in 5 or 10 years after we have spent $30, $40, $50 billion.

But I do not believe they belong in legislation that calls itself a crime bill.

In the crime bill we want tough sentences for those who use a gun in the commission of crime, mandatory sentences, truth in sentencing, more prisons built. We want to lock up criminals, violent criminals. We know if they are locked up they are not committing crimes.

These days there are almost as many theories on how to stop violent crime as there are criminals. But, when all is said and done, no one can dispute that the most effective deterrent to crime is not the pork barrel, but the prison cell. A violent criminal, kept behind bars, cannot terrorize a single law-abiding citizen with rape, with murder, with battery, with assault—they cannot do it.

So, if—and when—the crime conference resumes, it is critical for the conferees not to shortchange the American people. The American people are not interested in crime pork. They are interested in crime control. And the best way to achieve this goal is to give the States and the cities the resources to put violent criminals exactly where they belong—behind the bars of a prison cell.

Finally, it appears the administration is backing off from the so-called Racial Justice Act.

Although I have not been a party to the negotiations, it is critical for the crime conferees to keep a wary eye on any alternative proposals, such as a Presidential directive or a Federal commission.

Like the Racial Justice Act, these proposals could end up becoming nothing more than a back-door way of gutting the Federal death penalty.

TRIBUTE TO LINDA M. SMITH

Mr. REID. Madam President, on August 3, 1994, Linda M. Smith, a resident of Logandale, NV, will retire after 37 years of Federal service. In those 37 years she rose from a position of clerk-typist for the U.S. Air Force to head of administration for the Department of Energy operations in Nevada.

I have known Linda since we were in high school. We graduated in the same class at Basic High School in Henderson, NV. It was apparent then, and has been demonstrated many times since then, that she is a person of the highest integrity and one who would succeed at whatever she attempted to do.

Linda's career has been marked by sustained growth and contribution to the organizations in which she worked. She has been a leader and mentor for women in the Federal Government. She has been a committed public servant. And we must not forget the importance of public service and those who choose to enter it. Our Government depends on attracting the best people and giving them a chance to make a difference and to serve their country. Linda has done both with distinction.

Her contributions to public service were recognized in part in 1991 when she received the Department of Energy's Meritorious Service Award in recognition of her outstanding leadership, integrity, and professional excellence.

Linda started her career in Nevada at Nellis Air Force Base as a civilian employee. As she rose through Government service she served in the Atomic Energy Commission, the Energy Research and Development Agency, the Department of Energy, and the Department of the Interior. In 1985 Linda returned to Nevada, and the Department of Energy, where she quickly rose to become the assistant manager for administration in the Nevada Operations Office.

As assistant manager for administration, Linda has been a model of administrative leadership, guiding the administrative arm of the organization so that it is fully integrated into the vision and goals of the organization and fully contributing to the achievement of the organization's mission.

Her talent has attracted other talent and together they have worked to lead the organization in a changing world. In recent years, she has been a champion of the quality movement in the Nevada Operation Office and has lead the efforts to improve the efficiency and effectiveness of the organization in a period of increasing budget constraints and external oversight. Once again, she is making a difference.

I wish to extend my recognition, and personal friendship, to Linda M. Smith, who has served her Nation and her community so well.

TRIBUTE TO COL. KENNETH D. BURMAN ON HIS RETIREMENT FROM THE U.S. ARMY

Mr. REID. Madam President, today I want to congratulate Col. Kenneth Dale Burman, Medical Corps, U.S. Army on the occasion of his retirement from the Army.

During his 22 year career, Colonel Burman has distinguished himself as an internationally known expert on thyroid disorders and has published over 160 articles in the medical literature. His accomplishments have brought acclaim and recognition to him and the Walter Reed Army Medical Center and as a result, many other outstanding scientists have been attracted to work with him, thereby further enhancing his medical specialty. Colonel Burman is one of only three members of the prestigious American Society of Clinical Investigation in the military and has won achievement awards from the American Federation of Clinical Research and the Society of Uniformed Endocrinologists. He has served on the editorial boards of several prestigious journals, while productively publishing his own research. As a full professor of medicine at the Uniformed Services University, he regularly taught both in the classroom and on the medical wards and has won the Chennault Outstanding Teacher Award. Colonel Burman has served as consultant endocrinologist to patients from Army privates to Members of Congress, Supreme Court Justices, and the President of the United States. His commitment to his patients and dedication to duty are unsurpassed.

I ask my colleagues to join me in congratulating Colonel Burman and his wife, Molly, on their transition to civilian life. I am pleased to note that they have chosen to remain in the area of Washington DC and Dr. Burman will continue to contribute his many talents in his new role as the chief of endocrinology at the Washington Hospital Center. I know all of us thank him for his dedicated, professional and selfless service to the United States of America and to the men and women of our U.S. Army.

HEROISM IN THE SOUTH SEAS

Mr. COHEN. Madam President, each year hundreds of United States citizens visit the waters of New Zealand by yacht to escape the cyclone season in the South Pacific region. In return, the people of New Zealand generously extend their protection and watchful eye to voyagers of all nations. This was evident when two constituents from Maine were caught in a violent and deadly South Pacific storm.

During the first week of June 1994, Barbara Parks and Greg Forbes of South Harpswell, were voyaging across the South Pacific Ocean from New Zealand to the island of Tonga. Though initial weather reports indicated good sailing conditions, two days into the trip their yacht suddenly sailed into a tropical depression with winds exceeding 103 mph. Although Greg and Barbara were qualified sailors who could handle adverse weather conditions, there was little that could be done against this treacherous storm.

As time progressed and the storm strengthened, Barbara and Greg's yacht was slowly being decimated. Greg at this time was in the early stages of hypothermia and was losing strength. Fortunately, the Royal New Zealand Air Force had by this time been on a search and rescue mission.

As the storm began to dwindle somewhat, Barbara was able to notice an F-3 Orion plane that was passing by overhead. She sent two parachute flares into the sky but the Orion crew did not notice them. Barbara proceeded to put on a search light which the plane was able to locate. Members of the plane crew proceeded to contact the Royal New Zealand Navy and notify them of the whereabouts of the destroyed yacht. While the Navy was on their way to rescue Barbara and Greg, the Orion plane flew above making sure that they did not lose sight of the boat. Eventually the Naval ship located the yacht and escorted Barbara and Greg aboard where they received food and medical attention.

Madam President, both Greg and Barbara are extremely grateful to the New Zealand Royal Air Force and Navy for rescuing them from a near fatal boating trip. I would like to pay tribute to these heroic men and women who saved these lives and offer my deepest appreciation for their commitment to others.

TRIBUTE TO ROBERT L. NEFF

Mr. WARNER. Madam President, I rise today to pay tribute to an outstanding individual who has served his country with distinction for over 30 years in the U.S. Army, CWO4 Robert L. Neff.

Chief Warrant Officer (W-4) Neff began his career in the Army as an enlisted soldier. For 4 years, Neff served in the Republic of Vietnam, culminating as the non-commissioned officer-in-charge, enlisted personnel management, 44th Medical Brigade. Following this assignment, he was appointed a Warrant Officer, and served 5 years in Germany supporting V Corps, U.S. Army Europe. Throughout his tours of duty, Chief Warrant Officer (W-4) Neff's service has been invaluable. He received recognition from the commander, U.S. Army Enlisted Records and Evaluation Center for establishing various innovative procedures to improve timeliness and accuracy of evaluation reports. As chief, officer records, military district Washington [MDW] he was instrumental in moving MDW from 40th to 1st place in the Army's project to increase data accuracy. He also helped integrate new systems and procedures within the European theater.

More recently, as the military personnel management officer, Chief Warrant Officer (W-4) Neff has been responsible for the establishment of a comprehensive military personnel management program for the Army Acquisition Executive Support Agency [AAESA]. His ability and professionalism, knowledge and skills have earned him the admiration and respect of all those who have been privileged to work with him, including the 10 general officer and senior executive service PEO's that AAESA supports.

I extend my sincere congratulations to CWO4 Robert L. Neff on this occasion of his retirement.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Madam President, before we ponder today's bad news about the Federal debt, let's have a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Wednesday, July 20, the Federal debt stood—down to the penny—at $4,626,395,216,597.95. This means that every man, woman, and child in America owes $17,745.30, computed on a per capita basis.

Madam President, to answer the question—how many million in a trillion?—there are a million/million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

REGARDING THE MARKET PROMOTION PROGRAM, H.R. 4554

Mr. LEVIN. Madam President, I am supportive of the goals of the Market Promotion Program, which include helping American growers and agricultural commodity processors to gain entry into closed or difficult to access foreign markets. However, I want to echo concerns voiced by Senator BUMPERS, chairman of the Senate Agriculture Appropriations Subcommittee, earlier this week. The program should be more targeted to assist groups and firms that do not otherwise have sufficient resources to gain a foothold in overseas markets, especially where nontariff barriers are significant. Many Michigan firms and groups that have received MPP funds fall into this category.

Also, the committee amendment to H.R. 4554, funds the MPP by reducing 27 other accounts at the Department of Agriculture by 1.5 percent. This may not seem to be a large number, but at a time when the Clinton administration is requesting only the bare minimum for Federal agencies to conduct their business, rearranging funds in this blanket fashion makes management inefficient.

Madam President, until we have free and open markets around the world for American agricultural products, the Federal Government should support American private sector efforts to combat unfair foreign trade practices. We should fund these efforts directly and not through indiscriminate cuts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4649, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4649) making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Mr. GRAMM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Madam President, over 200 years ago, the United States fought its revolution because the colonists of that era wanted the chance to govern themselves. This bill, however, in its attempts to dictate to the people and the government of the District of Columbia, seems to say that King George was right, and our revolution was wrong.

This legislation, it seems to me, is wrongheaded on three counts. First, it cuts the Federal payment in lieu of taxes to the District by $20 million. Given the tough budget climate the Federal Government is facing, I can understand not increasing that payment, but a cut is another matter altogether. After all, the District is facing its own budget crisis, and while major spending cuts are no doubt needed to address that crisis, the District is not acting to make its situation even worse by giving any of its taxpayers at tax cut. Yet that is what the Senate is, in effect, doing. It is creating a tax cut for itself, one that the District has no saying.

This appropriations bill does not stop there, however. It also orders $75 million in spending cuts by the District. If the Capitol was located in Illinois or California, or in a State with a relatively small population, like Wyoming or New Hampshire, the kinds of provisions that are in this bill would never have gotten out of the committee. They certainly would not be before the Senate now. And there is no way provisions like these would have passed the House.

But they did pass the House, and the reason they did is because the District is not a State, it does not have a vote in either the Senate or the House, and so Congress feels free to micromanage the District's budget.

I think that is wrong, Madam President. I think that it is inconsistent with our democracy, and that it must be fixed. The only permanent fix is D.C. statehood, and I strongly support that initiative. Until that happens, however, it seems to me that the least the Congress should do is to permit D.C. residents to exercise the limited power that the home rule statute gives them—but this bill does not meet even that limited statute.

Instead, it goes deep into entirely local D.C. affairs to dictate to the District of Columbia that its law school be closed. Now, I do not pretend to know whether D.C. should be funding a law school or not, and I am aware of the accreditation issue. These issues are not Federal issues, however. They are entirely local issues, and they should be decided locally—by the residents of the District of Columbia.

Residents of the District are permitted to vote for President, which means they have at least a limited voice in the largest issues of war and peace that our country faces. Yet, this bill suggests, implies, and virtually outright states that District residents are not competent to decide local issues that they have to live with every day—that instead, Congress should decide those issues for them.

No Member of this body, or of the House, could go back to her or his State or district, and tell her or his constituents that Congress should decide State and local issues for them. No Member of this body, or of the House, could get away with telling their constituents that their Governors, their State legislators, their mayors, and their other elected officials are not capable of making decisions on State or local issues, and that the Congress should decide those issues for them. Yet that is exactly what is going on here today, and the only reason it is happening is that the District does not have any representation.

Madam President, I support solid congressional oversight of the District, just as I support congressional oversight of any local where Federal money is being spent. Oversight and antidemocratic micromanagement are two entirely different things, however, a fact that this bill seems to miss.

What is needed is a bill that honors home rule. What is needed is a bill that respects the District, as every State in this Union is respected. Unfortunately, this is not that kind of bill. I, therefore, cannot support it, and I strongly urge my colleagues to join me in opposing H.R. 4649.

VOTE

The PRESIDING OFFICER. The question is, Shall the bill, H.R. 4649 pass, as amended?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. FEINGOLD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 32, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—68

Akaka
Bennett
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Biden
Bingaman
Gorton
Graham
Harkin
Hatch
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mack
Mathews
Metzenbaum
Mikulski
Bond
Boren
Mitchell
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Simpson
Stevens
Warner
Wellstone
Wofford

NAYS—32

Baucus
Brown
Burns
Campbell
Coats
Coverdell
Craig
DeConcini
Dole
Domenici
Faircloth
Gramm
Grassley
Gregg
Heflin
Helms
Hutchison
Kempthorne
Leahy
Lott
Lugar
McCain
McConnell
Moseley-Braun
Nickles
Pressler
Roth
Shelby
Smith
Specter
Thurmond
Wallop

So the bill (H.R. 4649), as amended, was passed.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, and requests a conference with the House of Representatives on the disagreeing votes of the two Houses on H.R. 4649, and the Chair is authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. FEINGOLD) appointed Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BYRD, Mr. BURNS, Mr. MACK, and Mr. HATFIELD conferees on the part of the Senate.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4556, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995 and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Secretary, $58,094,000, of which $3,962,000 shall remain available until expended; and of which not to exceed $25,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: *Provided,* That notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this Act may be used for business opportunities related to any mode of transportation.**]**

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, $1,280,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, $583,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $7,876,000.

OFFICE OF THE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY

For necessary expenses of the Office of the Assistant Secretary for Transportation Policy, $2,309,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,887,000.

OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $5,100,000, including not to exceed $60,000 for allocation within the Department of official reception and representation expenses as the Secretary may determine.

OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,284,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $23,385,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, $1,458,000.

EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, $932,000.

CONTRACT APPEALS BOARD

For necessary expenses of the Contract Appeals Board, $630,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $1,779,000. In addition to this amount and notwithstanding any other provision of law, of the funds provided in this or any other Act for the Department of Transportation, the Secretary may transfer not to exceed $8,104,000 from accounts otherwise available for carrying out civil rights functions within the Department of Transportation to this account for additional necessary expenses of a consolidated Departmental Office of Civil Rights within the Office of the Secretary: Provided, That of the amount transferred $385,600 shall be available for the Office of General Counsel to provide legal support to a consolidated Departmental Office of

Civil Rights: Provided further, That in addition, for transfer of civil rights and legal support activities related to the Federal Highway Administration $3,283,000 to be derived from "Federal-aid Highways" subject to the "Limitation on General Operating Expenses."

OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $936,000.

MINORITY BUSINESS RESOURCE CENTER

For necessary expenses of the Minority Business Resource Center, $4,000,000, of which $3,962,000 shall remain available until expended: Provided, That, notwithstanding any other provision of law, funds available for the purposes of the Minority Business Resource Center in this or any other Act may be used for business opportunities related to any mode of transportation.

OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, $1,000,000.

OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, $1,050,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, [$2,693,000] *$8,293,000.*

OFFICE OF COMMERCIAL SPACE TRANSPORTATION

OPERATIONS AND RESEARCH

For necessary expenses for operations and research activities related to commercial space transportation, $6,060,000, of which [$2,000,000] *$3,833,000* shall remain available until expended: *Provided, That notwithstanding any other provision of law, there may be credited to this account up to $200,000 received from user fees established for regulatory services.*

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund not to exceed [$88,750,000] *$94,855,000* shall be paid, in accordance with law, from appropriations made available by this Act and prior appropriations Acts to the Department of Transportation, together with advances and reimbursements received by the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under section 419 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Department of Transportation, [$25,600,000] *$33,423,000*, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of [$25,600,000] *$33,423,000* for the Payments to Air Carriers program in fiscal year 1995: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under section 419 of the Federal Aviation Act of 1958, as amended, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further*, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States [and Hawaii] that are located fewer than seventy highway miles from the nearest *large or medium* hub airport, or that require a rate of subsidy per passenger in excess of $200 *unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport*: *Provided further*, That of funds provided for "Small Community Air Service" by Public Law 101–508, [$13,000,000] *$4,000,000* in fiscal year 1995 is hereby rescinded.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space and related services assessed by the General Services Administration, $144,419,000: *Provided*, That of this amount, [$1,872,000] *$1,976,000* shall be derived from the Highway Trust Fund, [$38,728,000] *$39,426,000* shall be derived from the Airport and Airway Trust Fund, [$678,000] *$713,000* shall be derived from the Pipeline Safety Fund, and [$172,000] *$181,000* shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, [$17,688,000] *$18,044,000*, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed fifteen passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; [$2,580,000,000] *$2,600,000,000*, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $25,000,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and eighteen, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839[: *Provided further*, That none of the funds in this Act shall be available for special and incentive pay under section 301 of title 37, United States Code, to any Coast Guard member assigned to a skill, rating, or specialty to which special separation benefits under section 1174 of title 10, United States Code, or voluntary separation benefits under section 1175 of such title will be paid].

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, [$385,200,000] *$370,400,000*, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which [$201,750,000] *$185,400,000* shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 1999; [$14,900,000] *$11,800,000* shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1997; [$31,500,000] *$40,700,000* shall be available for other equipment, to remain available until September 30, 1997; [$93,050,000] *$87,800,000* shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1997; and [$44,000,000] *$44,700,000* shall be available for personnel compensation and benefits and related costs, to remain available until September 30, [1995] *1996*: *Provided*, That funds received from the sale of [the VC–11A] *VC–11A and HU–25* aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, [$22,000,000] *$24,000,000*, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $562,585,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; [$66,000,000] *$64,981,000: Provided*, That funds provided under this head shall support a selected reserve force of 8,000 members.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $20,310,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92–75, as amended, $25,000,000, to be derived from the Boat Safety Account and to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development, [the payment of obligations for the Aircraft Purchase Loan Guarantee Program required pursuant to guarantees issued under Public Law 85–307, as amended (49 U.S.C. 1324 note),] establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of the Airport and Airway Improvement Act of 1982, as amended, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, [$4,585,000,000] *$4,591,440,000*, of which $2,450,250,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of aviation services, including the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: [*Provided further*, That, of the funds available under this head, $23,000,000 is available only for permanent change of station moves for members of the air traffic workforce:] *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. [5546(a)] *5545 (a), (b), or (d), or 5546* to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay[: *Provided further*, That none of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program the obligations for which are in excess of $9,970,000 during fiscal year 1995].

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized by the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, [$2,176,700,000] *$2,086,941,000*, of which [$1,968,200,000] *$1,878,441,000* shall remain available until September 30, 1997, and of which $208,500,000 shall remain available until September 30, [1995] *1996*: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That none of the funds under this head for the Advanced Automation System may be obligated until the Federal Aviation Administration submits to the House and Senate Committees on Appropriations and the House Committee on Public Works and Transportation and the Senate Committee on Commerce, Science, and Transportation a comprehensive program plan and up to date estimate of the fiscal year 1995 budget requirement for this program.

[(RESCISSION)

[(AIRPORT AND AIRWAY TRUST FUND)

[Of the total unobligated balance from appropriations under this head for fiscal year 1994 and prior years, $51,700,000 are rescinded.]

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, in accordance with the provisions of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1301 et seq.), including construction of experimental facilities and acquisition of necessary sites by lease or grant, [$254,000,000] *$264,440,000*, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs under the Airport and Airway Improvement Act of 1982, as amended, and under other law authorizing such obligations, $1,500,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the commitments for which are in excess of [$1,500,000,000] *$1,450,000,000* in fiscal year 1995 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 506(e)(4) of the Airport and Airway Improvement Act of 1982, as amended.

AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to section 1306 of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under title XIII of the Federal Aviation Act of 1958.

AIRPORT PURCHASE LOAN GUARANTEE PROGRAM

The Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to any guarantee issued under the Act of September 7, 1957, Public Law 85–307, as amended (49 U.S.C. 1324 note). None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $9,970,000 during fiscal year 1995. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purposes for which securities may be issued under such Act are extended to include any purchase of notes or other obligations issued under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchases, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed [$524,021,000] *$539,798,000* shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed [$216,805,000] *$232,615,000* of the amount provided herein shall remain available until September 30, 1997.

HIGHWAY-RELATED SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, [$10,000,000] *$11,500,000*, to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of [$10,000,000] *$11,500,000* in fiscal year 1995 for "Highway-Related Safety Grants"*: Provided further, That of the funds authorized for section 402 highway safety programs in section 1003(a)(7) of Public Law 102–240, $20,000,000 in unobligated contract authority is rescinded.*

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$17,160,000,000] *$17,543,150,000* for Federal-aid highways and highway safety construction programs for fiscal year 1995.

FEDERAL-AID HIGHWAYS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $17,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND
(LIMITATION ON DIRECT LOANS)
(HIGHWAY TRUST FUND)

During fiscal year 1995 and with the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed $42,500,000.

MOTOR CARRIER SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of section 402 of Public Law 97–424, $73,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of [$74,000,000] *$75,000,000* for "Motor Carrier Safety Grants".

SURFACE TRANSPORTATION PROJECTS

For up to 80 percent of the expenses necessary for certain highway and surface transportation projects and parking facilities, including feasibility and environmental studies, that advance methods of improving safety, reducing congestion, or otherwise improving surface transportation, [$299,862,000] *$352,055,000*, to remain available until expended.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[OPERATIONS AND RESEARCH

[For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended), the National Traffic and Motor Vehicle Safety Act, (Public Law 89–563, as amended) $74,352,000, of which $38,327,000 shall remain available until September 30, 1997.

[(RESCISSIONS)

[Of the amounts provided under this heading in Public Law 102–388, $103,929 are rescinded.

[Of the amounts provided under this heading in Public Law 101–516 and Public Law 101–164, $3,268,700 are rescinded.]

OPERATIONS AND RESEARCH
(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under *the Motor Vehicle Information and Cost Savings Act (Public Law 92–513, as amended) and the National Traffic and Motor Vehicle Safety Act, (Public Law 89–563, as amended)*, 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991, to be derived from the Highway Trust Fund, [$46,997,000] *$128,887,000*, of which [$29,891,000] *$70,000,000* shall remain available until September 30, 1997.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, section 211(b) of the National Driver Register Act of 1982, as amended, and section 209 of Public Law 95–599, as amended, to remain available until expended, $151,000,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1995, are in excess of $151,400,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $123,000,000 shall be for "State and community highway safety grants", $3,400,000 shall be for the "National Driver Register", and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $5,153,000 of the funds made available for section 402 may be available for administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 may be available for technical assistance to the States.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, [$13,650,000] *$16,421,000*, of which [$1,300,000] *$1,508,000* shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and that no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

LOCAL RAIL FREIGHT ASSISTANCE

For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $17,000,000, to remain available until expended.

RAILROAD SAFETY

For necessary expenses in connection with railroad safety, not otherwise provided for, [$47,067,000] *$48,079,000*, of which [$2,500,000] *$2,623,000* shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses *including grants* for railroad research and development, [$17,145,000] *$20,985,000*, to remain available until expended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, [$165,000,000] *$230,000,000*, to remain available until [September 30, 1997] *expended*.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1995: *Provided further*, That, notwithstanding any other provision of law, for fiscal year 1989 and each fiscal year thereafter all amounts realized from the sale of notes or securities sold under authority of [this section] *title V of such Act* shall be considered as current year domestic discretionary outlay offsets and not as "asset sales" or "loan prepayments" as defined by section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any underwriting fees and related expenses shall be derived solely from the proceeds of the sales.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

NEXT GENERATION HIGH SPEED RAIL

For necessary expenses for Next Generation High Speed Rail studies, corridor planning, development, demonstration, and implementation, $20,000,000, to remain available until expended: *Provided*, That funds under this head may be made available for grants to states for high speed rail corridor design, feasibility studies, [and] environmental analyses *and track and signal improvements*.

TRUST FUND SHARE OF NEXT GENERATION HIGH SPEED RAIL
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(HIGHWAY TRUST FUND)

For grants and payment of obligations incurred in carrying out the provisions of the High-Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, including planning and environmental analyses, $3,400,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $5,000,000.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 45 U.S.C. 601, to remain available until expended, [$771,700,000] *$622,000,000*, of which [$526,700,000] *$392,000,000* shall be available for operating losses incurred by the Corporation, [for mandatory passenger rail service payments,] and for labor protection costs, and of which [$245,000,000] *$230,000,000*, not to become available until July 1, 1995, shall be available for capital improvements: *Provided*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status: *Provided further*, That of the funds provided under this head for operating losses, $8,000,000 is available only for the National Railroad Passenger Corporation's share of short-term avoidable [costs] *losses* for state-supported rail services authorized under section 403(b) of the Rail Passenger Service Act, as amended.

MANDATORY PASSENGER RAIL SERVICE PAYMENTS

To enable the Secretary of Transportation to pay obligations and liabilities of the National Railroad Passenger Corporation, $150,000,000, to remain available until expended: Provided, That this amount is available only for the payment of—

(1) tax liabilities under section 3221 of the Internal Revenue Code of 1986 due in fiscal year 1995 in excess of amounts needed to fund benefits for individuals who retired from the National Railroad Passenger Corporation and for their beneficiaries;

(2) obligations of the National Railroad Passenger Corporation under section 358(a) of title 45, United States Code, due in fiscal year 1995 in excess of its obligations calculated on an experience-rated basis; and

(3) obligations of the National Railroad Passenger Corporation due under section 3321 of the Internal Revenue Code of 1986.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

For grants to the National Railroad Passenger Corporation, $40,000,000, to remain available until expended, for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center: Provided, That the Secretary may retain from these funds such amounts as the Secretary shall deem appropriate to undertake the environmental and historic preservation analyses associated with this project: Provided further, That none of these funds may be expended for construction activities (except, for emergency and short-term and related repairs and environmental restoration) until the participants have entered into a binding agreement satisfactory to the Secretary that contains financial and related commitments from the participants sufficient to ensure the completion of the project: Provided further, That no funds provided under this head shall be available for construction until the Secretary submits a report to the House and Senate Committees on Appropriations regarding the financing of necessary improvements to the existing Pennsylvania Station and the financing of the operating and capital costs accruing to the commuter rail authorities operating in said station as a result of this redevelopment project.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by the Federal Transit Act and 23 U.S.C. chapter 1 in connection with these activities, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $43,060,000.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 9, 16(b)(2), and 18 of the Federal Transit Act, to remain available until expended, [$1,356,050,000] *$1,350,000,000*: *Provided*, That no more than [$2,506,050,000] *$2,500,000,000* of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants no more than [$700,000,000] *$730,000,000* may be used for operating assistance under section 9(k)(2) of the Federal Transit Act: *Provided further*, That of the funds provided under this head, $16,000,000 shall be available for grants for the costs of planning, delivery and temporary use of transit vehicles for special transportation needs of the XXVth Summer Olympiad and the Xth Paralympiad for the Disabled, to be held in Atlanta, Georgia, of which $5,600,000 shall be available for the Paralympic Games: *Provided further*, That in allocating the funds designated in the preceding proviso, the Secretary may make grants to any public body the Secretary deems appropriate, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act: [*Provided further*, That none of the funds made available for the XXVth Olympiad or the Xth Paralympiad for the Disabled shall be expended before October 1, 1995] *Provided further, That of the funds made available under this head, $10,000,000 shall be transferred to the Federal Transit Administration's Transit Planning and Research account and be administered in accordance with section 26(b) of the Federal Transit Act, as amended: Provided further, That 10 percent of the funds apportioned to each grantee under section 9 of such act shall be available for obligation only after the grantee certifies to the Secretary that that portion of its funds will only be used for eligible projects that will contribute to decreased traffic congestion in urban areas.*

UNIVERSITY TRANSPORTATION CENTERS

For necessary expenses for university transportation centers as authorized by section 11(b) of the Federal Transit Act, to remain available until expended, $6,000,000.

TRANSIT PLANNING AND RESEARCH

For necessary expenses for transit planning and research as authorized by section 26 of the Federal Transit Act, to remain available until expended, $92,250,000.

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21(a) of the Federal Transit Act, $1,150,000,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $1,150,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,725,000,000 in fiscal year 1995 for grants under the contract authority in section 21(b) of the Federal Transit Act: *Provided*, That notwithstanding any provision of law, there shall be available for fixed guideway modernization, [$725,000,000] *$760,000,000*; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, [$353,330,000] *$370,000,000*; and there shall be available for new fixed guideway systems, [$646,670,000] *$595,000,000*, to be available as follows:

[$48,000,000 for the South Boston Piers transitway project;

[$50,000,000 for the Chicago central area circulator project;

[$33,770,000 for the Dallas South Oak Cliff LRT project;

[$5,000,000 for the DART North Central light rail extension project;

[$6,000,000 for the Dallas-Fort Worth RAILTRAN project;

[$20,000,000 for the Florida Tri-County commuter rail project;

[$60,000,000 for the Houston Regional Bus Plan program;]

$165,000,000 for the Los Angeles Metro Rail (MOS–3) project;

[$2,000,000 for the Miami Metrorail north corridor extension project;

[$500,000] *$146,000,000* for the New Jersey Urban Core project;

[$10,000,000 for the New Orleans Canal Street Corridor project;

[$45,000,000] *$62,540,000* for the New York Queens Connection project;

[$2,400,000 for the Cincinnati Northeast/Northern Kentucky rail line project;

[$10,000,000 for the Orange County Transitway project;

[$10,000,000 for the Pittsburgh Busway projects;

[$73,500,000] *$111,700,000* for the Portland Westside LRT project;

[$10,000,000 for the Salt Lake City light rail project:] *Provided*, [That such funding may be made available for related high-occupancy vehicle lane and intermodal corridor design costs: *Provided further*,] That notwithstanding the provisions of Public Law 103–122, funds provided for the Salt Lake City light rail project in that Act may be used for final design;

[$40,300,000 for the San Francisco BART Extension/Tasman corridor project;

[$10,000,000 for the San Juan, Puerto Rico Tren Urbano project;

[$4,700,000 for the Seattle-Renton-Tacoma commuter rail project;

[$19,500,000] *$4,690,000* for the St. Louis Metro Link LRT project;

$10,000,000 for the Maryland Central Corridor LRT project;

$37,300,000 for the Boston, Massachusetts to Portland, Maine Transportation Corridor Program, of which $3,600,000 shall be available for the Boston to Portland element of the Program, and $33,700,000 shall be available for the Central Artery Rail Link element of the Program;

$24,000,000 for the MARC Commuter Rail project;

[$1,000,000 for the Tampa to Lakeland commuter rail project;

[$10,000,000 for the Twin Cities central corridor project;

[$5,000,000 for the Wisconsin central commuter project; and

[$5,000,000 for the Whitehall ferry terminal, New York, New York]

$1,100,000 for the Boston metropolitan "Urban Ring" project;

$8,320,000 for the Burlington to Charlotte, Vermont commuter rail project;

$2,500,000 for the Burlington to Gloucester, New Jersey line;

$6,000,000 for the Dulles Corridor rail project;

$750,000 for the New Bedford and Fall River, Massachusetts commuter rail extensions;

$10,000,000 for the New Orleans Riverfront LRT downriver extension; and

$5,100,000 for the West Shore Line, New Jersey.

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out section 21 (b) of the Federal Transit Act, administered by the Federal Transit Administration, $1,500,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

INTERSTATE TRANSFER GRANTS—TRANSIT

For necessary expenses to carry out the provisions of 23 U.S.C. 103(e)(4) related to transit projects, [$48,030,000] *$38,530,000*, to remain available until expended[: *Provided*, That notwithstanding the formula for apportionment under 23 U.S.C. 103(e)(4)(J), of the amount made available under this head, only $9,500,000 shall be available for the substitute transit project approved under section 1045 of Public Law 102-240].

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, [$10,271,000] *$10,150,000*, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, [$26,074,000] *$26,738,000*, of which $185,000 shall be derived from the Pipeline Safety Fund, and of which $2,468,000 shall remain available until September 30, 1997: *Provided*, That up to $1,000,000 in fees collected under section 106(c)(11) of the Hazardous Materials Transportation Act, as amended (49 U.S.C. App. 1805(c)(11)) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That there may be credited to this appropriation funds received from user fees established to defray the costs of obtaining, preparing, and publishing in automatic data processing tape format the United States International Air Travel Statistics data base published by the Department.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended, and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, [$32,967,000] *$38,877,000*; of which $2,432,500 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 1997; and of which [$30,534,500] *$36,445,500* shall be derived from the Pipeline Safety Fund, of which [$14,323,000] *$17,876,000* shall remain available until September 30, 1997: *Provided, That from amounts made available herein from the Pipeline Safety Fund not to exceed $1,500,000 to be available until expended, the Secretary may make grants to States as well as operators of one-call notification systems and non-profit organizations for development, establishment, and promotion of pipeline damage prevention programs and one-call notification systems.*

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $400,000 to be derived from the Emergency Preparedness Fund, to remain available until September 30, 1997: *Provided*, That not more than [$10,550,000] *$11,200,000* shall be made available for obligation in fiscal year 1995 from amounts made available by section 117A (h)(6)(B) and (i) (1), (2) and (4) of the Hazardous Materials Transportation Act, as amended: *Provided further*, That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation or his designee.

[ALASKA PIPELINE TASK FORCE

[(RESCISSION)

[(OIL SPILL LIABILITY TRUST FUND)

[Of the funds made available under this heading in Public Law 102-388, $544,000 are rescinded.]

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, [$40,000,000] *$40,500,000*.

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,350,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), [$37,392,000] *$37,046,000*, of which not to exceed $1,000 may be used for official reception and representation expenses.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), and not to exceed $1,500 for official reception and representation expenses, $30,302,000: Provided, That joint board members and cooperating state commissioners may use government transportation requests when traveling in connection with their official duties as such: Provided further, That $8,300,000 in fees collected in fiscal year 1995 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701 shall be made available to this appropriation in fiscal year 1995.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $50,030,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That none of these funds may be used for the planning or execution of nonadministrative and capital programs the obligations for which are in excess of $540,000,000 in fiscal year 1994 *1995*: *Provided further*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed forty-three passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,500 per vehicle.

[DEPARTMENT OF THE TREASURY

[REBATE OF SAINT LAWRENCE SEAWAY TOLLS

[(HARBOR MAINTENANCE TRUST FUND)

[For rebate of the United States portion of tolls paid for use of the Saint Lawrence Seaway, pursuant to Public Law 99-662, $9,319,000, to remain available until expended and to be derived from the Harbor Maintenance Trust Fund, of which not to exceed $132,000 shall be available for expenses of administering the rebates.]

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

INTEREST PAYMENTS AND REPAYMENTS OF PRINCIPAL

For payment of obligations incurred pursuant to Public Law 96-184 and the Initial Bond

Repayment Participation Agreement, $664,666,667, to remain available until expended, which shall be used only to repay principal to the Federal Financing Bank for the Washington Metrorail construction loan; and in addition, such amounts as are necessary for payment to the Federal Financing Bank, of accrued interest and premium, if any, for such loan.

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. None of the funds in this Act shall be available for the planning or implementation of any change in the current federal status of the Volpe National Transportation Systems Center, and none of the funds in this Act shall be available for the implementation of any change in the current federal status of the Turner-Fairbank Highway Research Center: *Provided*, That the Secretary may plan for further development of the Volpe National Transportation Systems Center and for other compatible uses of the Center's real property: *Provided further*, That any such planning does not alter the federal status of the Center's research and development operation: *Provided further, That employment at the Center shall not exceed 536 full time equivalent staff years in fiscal year 1995.*

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1995 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1994, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 15 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State[, except in those instances in which a State indicates its intention to lapse sums apportioned under section 104(b)(5)(A) of title 23, United States Code];

(2) after August 1, 1995, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, 144, of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240;

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), Title 23 U.S.C., the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024, of Public Law 102–240: *Provided*, That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act; and

(4) notwithstanding subsection (a), the Secretary shall withhold from initial distribution the fiscal year 1995 Federal-aid highways obligation limitation set aside for Interstate Construction Discretionary projects: *Provided*, That the Secretary shall distribute only after August 1, 1995, such obligation limitation withheld in accordance with this section to those States receiving Interstate *Construction* Discretionary allocations.

(d) During the period October 1 through December 31, 1994, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $325,155,150.

(e) During the period August 2 through September 30, 1995, the aggregate amount which may be obligated by all States pursuant to paragraph (d) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1995 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1995, has the amount distributed to such State under paragraph (a) for fiscal year 1995 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. Not to exceed $850,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees.

SEC. 313. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under section 21 of the Federal Transit Act, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

[SEC. 314. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.]

SEC. 314. For the purpose of carrying out a demonstration of the construction of highways in high priority corridors, authorized by section 1105(f) of Public Law 102–240, there is hereby appropriated $6,000,000 for the Secretary to enter into an agreement to make a loan or loans not to exceed $40,000,000 to the public entity or entities with the statutory duty to construct such facilities: Provided, That such loan or loans shall be repaid by direct repayment no later than the fifth Federal fiscal year following the year in which a loan was made. Funds made available by this section shall not be subject to any limitation.

SEC. 315. Such sums as may be necessary for fiscal year 1995 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act *or from available unobligated balances.*

SEC. 316. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to Federal Aviation Administration design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by the Federal Aviation Administration in accordance with agency criteria.

SEC. 318. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the federal government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 319. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

[SEC. 320. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102–240.]

SEC. 320. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other Office of the Office of the Secretary: Provided, That no appropriation shall be increased or decreased by more than 12 per centum by all such transfers: Provided further, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 321. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1997, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of the Federal Transit Act, as amended, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. (a) Of the budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995, $65,120,000 are permanently canceled.

(b) The Secretary of Transportation shall allocate the amount of budgetary resources canceled among the Department's accounts (excluding the Maritime Administration) available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

[SEC. 324. Of the funds appropriated in Public Law 103–122 for railroad-highway crossings projects, $20,000,000 shall be available for costs, not to exceed 80 percent, of a project to reduce rail-highway conflicts on M-59 near Pontiac, Michigan, and a project on Bristol Road near Flint, Michigan, including $500,000 which shall be made available to improve and upgrade Maple Road at Bishop Airport, Michigan: *Provided*, That of the funds appropriated in Public Law 94–387 for railroad-highway demonstration projects, $486,000 in unobligated balances shall be made available for the rail relocation project in Lafayette, Indiana.]

SEC. 324. For necessary expenses to carry out a pilot project to provide direct financial assistance by contract, to a community group incorporated for the purpose of protecting the scenic qualities of a designated scenic byway, to demonstrate the effect of alternative highway designs on the scenic and historic qualities of a scenic byway, a sum of $100,000: Provided, That such amount be derived from moneys available for contract programs for a national scenic byways study made available by Public Law 101–164 (Federal Highway Administration Limitation on General Operating Expenses) as further referenced by Conference Report 101–315 and not expended as of the date of this Act.

[SEC. 325. None of the funds provided by this Act shall be made available to any State, municipality or subdivision thereof that diverts revenue generated by a public airport in violation of the provisions of the Airport and Airway Improvement Act of 1982, as amended.]

SEC. 325. None of the funds provided in this Act for the United States Coast Guard shall be available for the inspection of Department of Defense vessels excluding those under the Ready Reserve Force and the National Defense Reserve Fleet after January 1, 1995.

SEC. 326. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

[SEC. 327. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.]

SEC. 327. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 328. None of the funds provided by this Act shall be made available for any airport development project, or projects, proposed in any grant application submitted in accordance with title V of Public Law 97–248 (96 Stat. 671; 49 U.S.C. App. 2201 et seq.) to any public agency, public authority, or public airport that imposes a fee for any passenger enplaning at the airport in any instance where the passenger did not pay for the air transportation which resulted in such enplanement, including any case in which the passenger obtained the ticket for the air transportation with a frequent flyer award coupon.

[SEC. 329. None of the funds in this Act may be used to continue the federally-funded research and development center (FFRDC) relationship between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development after March 31, 1995: *Provided*, That the Federal Aviation Administration may continue this work after March 31, 1995 only by full and open competition among all interested parties, including the Center for Advanced Aviation Systems Development.]

SEC. 329. (a) The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation.

(b) The authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 330. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by [$13,253,000] *$6,105,000*, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than [$88,750,000] *$94,855,000*: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included from each account for the working capital fund.

SEC. 331. Funds provided in this Act for bonuses and cash awards for employees of the Department of Transportation shall be reduced by [$6,012,680] *$5,169,000*, which limits fiscal year 1995 obligational authority to no more than $25,500,000 *$26,344,000*: *Provided*, That this provision shall be applied to funds for Senior Executive Service bonuses, merit pay, and other bonuses and cash awards.

[SEC. 332. Section 127(a) of title 23, United States Code, is amended by adding at the end the following: "With respect to the State of Maryland, laws and regulations in effect on June 1, 1993, shall be applicable for the purposes of this subsection.".]

SEC. 332. The Federal Aviation Administration is directed to install a Terminal Doppler Weather Radar at Charlotte, North Carolina in fiscal year 1995, and to commission that radar no later than December 31, 1995.

SEC. 333. Funds received *by the Research and Special Programs Administration* from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

SEC. 334. Funds received *by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration* from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited *respectively* to the Federal Highway Administration's "Limitation on General

Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to section 206 of the Federal Railroad Safety Act of 1970.

[SEC. 335. (a) Subsection (b) of section 1045 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1994) is amended to read as follows:

["(b) ELIGIBILITY FOR FEDERAL ASSISTANCE.—

["(1) GENERAL RULE.—Upon approval of any substitute project or projects under subsection (a)—

["(A) the costs of construction of the eligible transitway project for which such project or projects are substituted shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

["(B) a sum equal to the amount that would have been apportioned to the State of Wisconsin on October 1, 1994, under section 104(b)(5)(A) of title 23, United States Code, if the Secretary had not approved such project or projects shall be available to the Secretary from the Highway Trust Fund to incur obligations for the Federal share of the costs of such substitute project or projects.

["(2) AVAILABILITY.—Amounts made available under paragraph (1)(B) shall be available for obligation on and after October 1, 1994. Amounts made available under paragraph (1)(B) shall remain available until expended and shall be subject to any limitation on obligations for Federal-aid highways established by law.

["(3) APPLICABILITY OF TITLE 23 U.S.C.—Amounts made available under paragraph (1)(B) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out with such funds shall be determined in accordance with section 103(e)(4)(D) of such title.".

[(b) CONFORMING AMENDMENTS.—

[(1) SUBSECTION (c).—The second sentence of subsection (c) of section 1045 of such Act is amended by striking "the authority of section 103(e)(4) of title 23, United States Code," and inserting "section 21(a)(2) of the Federal Transit Act".

[(2) SUBSECTION (d)(1).—Subsection (d)(1) of section 1045 of such Act is amended by striking "project for" and all that follows through the period at the end thereof and inserting "transit project.".

[(3) SUBSECTION (d).—Subsection (d) of section 1045 of such Act is amended by striking paragraph (3) and by redesignating paragraph (4) as paragraph (3).

[(c) REDUCTION OF INTERSTATE CONSTRUCTION AUTHORIZATION.—Section 108(b) of the Federal-Aid Highway Act of 1956 is amended by striking "$1,800,000,000 for the fiscal year ending September 30, 1996" and inserting "$1,800,000,000, reduced by the amount made available under section 1045(b)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, for the fiscal year ending September 30, 1996".]

SEC. 335. Section 12(c)(1) of the Federal Transit Act is amended by inserting "payments for the capital portions of rail trackage rights agreements," after "rights-of-way,".

SEC. 336. (a) FEDERAL LINE OF CREDIT.—For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by section 129(d) of title 23, United States Code, there is hereby appropriated $8,000,000 for the Secretary to enter into an agreement to make a line of credit available, with a principal amount not to exceed $120,000,000 to the public entity or entities with the statutory authority to construct such facilities.

(b) EFFECTIVE PERIOD.—The line of credit under this section shall be available for draws during the period beginning on the date of completion of construction and ending on the last day of the tenth calendar year following the date construction of the facilities is completed.

(c) PURPOSES.—The line of credit under this section shall be available to pay the costs of extraordinary repair and replacement of the facilities, unexpected Federal or State environmental restrictions, operation and maintenance expenses of the facilities, and debt service on tax-exempt or taxable obligations financing the facilities.

(d) LIMITATIONS.—

(1) CAPITAL EXPENDITURES.—With respect to capital expenditures, draws on the line of credit under this section shall only be made if and to the extent proceeds from the sale of the obligations issued by the public entity or entities which otherwise would be available for such purposes are exhausted, or are otherwise unavailable for the payment of such capital expenditures.

(2) EXPENSES.—With respect to expenses, including operation and maintenance expenses and debt service, a draw on the line of credit under this section shall only be made if revenues from toll operations and capitalized interest are insufficient (or are otherwise unavailable) for such purposes.

(3) PER YEAR.—No more than 10 percent of the total principal amount of the line of credit under this section shall be available for draws in any one year.

(4) THIRD PARTY CREDITOR RIGHTS.—No third party creditor of the public entity or entities shall have any right against the Federal Government with respect to draws on the line of credit under this section.

(5) AVAILABILITY FOR PARTICULAR COSTS.—There is no guaranteed availability of proceeds of the line of credit under this section for the payment of any particular cost of the public entity or entities which might be financed under this section.

(e) INTEREST RATE AND REPAYMENT PERIOD.—Any draws (except for operation and maintenance expenses) on the line of credit under this section shall accrue interest at the 30-year United States Treasury bond rate beginning on the date such draws are made and shall be repaid in not more than 30 years; except that any draws under the line of credit for operation and maintenance expenses shall accrue interest at the 3-year United States Treasury note rate beginning on the date such draws are made and shall be repaid in not more than 3 years.

[SEC. 337. The amount otherwise provided by this Act for "DEPARTMENT OF TRANSPORTATION—OFFICE OF THE SECRETARY—Salaries and Expenses" is hereby increased by $26,300,000, of which amount $8,300,000 shall be derived from amounts provided for in this Act under the heading "INTERSTATE COMMERCE COMMISSION—Salaries and Expenses".]

SEC. 337. In addition to amounts otherwise provided by this Act, $5,425,000 shall be available for "Interstate Commerce Commission, Salaries and Expenses" solely for the discharge of liabilities, including severance pay, under title 5 of the United States Code to employees separated from the Interstate Commerce Commission on or after October 1, 1994.

SEC. 338. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 339. SAINT LAWRENCE SEAWAY TOLL COLLECTION.—(a) Section 13 of the Act of May 13, 1954, ch. 201 (33 U.S.C. 988a), added by section 805(a)(4) of Title XIV of the Water Resources Development Act of 1986, Public Law 99–662 (100 Stat. 4272), is amended to read as follows:

"SEC. 13. WAIVER OF COLLECTION OF CHARGES OR TOLLS.

"(a) Notwithstanding section 12 of this Act or any other provision of law, the Corporation shall not collect any charge or toll established pursuant to section 12 of this Act with respect to a commercial vessel (as defined in section 4462(a)(4) of the Internal Revenue Code of 1986).

"(b) The Corporation will maintain a record of the annual amount of each charge or toll that would have been collected with respect to each such commercial vessel if it were not for paragraph (a) of this section.".

(b) The table of sections at the beginning of chapter 19 of title 33 is amended by striking:

"Sec. 988a Rebate of charges and tolls.
"(a) Transfer of revenues to Harbor Maintenance Trust Fund.
"(b) Certifications to Secretary of the Treasury."

and adding in lieu thereof:

"Sec. 988a Waiver of Collection of Charges or Tolls.
"(a) Waiver of collection of charges or tolls.
"(b) Record of annual amount.".

SEC. 340. Notwithstanding any other provision of law, the unspent balance of funds previously appropriated for the Meadowbrook Parkway project shall be available for the Loop Parkway Bridge rehabilitation project.

SEC. 341. Not more than $1,707,000 of funds provided for Coast Guard Operating Expenses under this Act shall be available for Voluntary Separation Incentive, Special Separation Benefit, early retirement, and other separation and transition benefits under Chapter 58 of title 10, U.S.C. for active duty members in fiscal year 1995: Provided, That funds for such benefits shall only become available if authorized in law.

SEC. 342. Notwithstanding any other provision of law, funds made available under Public Law 103–122, the Fiscal Year 1994 Transportation Appropriations Act, for the domestic fuel cell development program under the Federal Transit Administration's Discretionary Grants account shall be transferred to that agency's Transit Planning and Research account and be administered in accordance with section 6 of the Federal Transit Act, as amended.

SEC. 343. Notwithstanding any other provision of law, $33,700,000 of funds provided in this Act for the Portland to Boston Transportation Corridor Program shall be made available to the Massachusetts Executive Office of Transportation and Construction for construction of excavation support walls and right-of-way for the Central Artery Rail Link connection between North and South Stations. This element of the Program is separate and distinct from the Transportation Corridor element, and shall not affect the environmental, financial, or construction work performed in connection with that element of the Program.

SEC. 344. Section 211(b) of the National Driver Register Act of 1982 as amended, (23 U.S.C. 401 *note), is further amended by inserting after "1994" "and $2,550,000 for fiscal year 1995."*

SEC. 345. Notwithstanding 15 U.S.C. 631, et seq. and 10 U.S.C. 2301, et seq. as amended, the United States Coast Guard acquisition of 47-foot Motor Life Boats for fiscal years 1995 through 2000 shall be subject to full and open competition for all U.S. shipyards. Accordingly, the Federal Acquisition Regulations (FAR) (including but not limited to FAR Part 19), shall not apply to the extent they are inconsistent with a full and open competition.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1995".

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I would like to proceed with H.R. 4556, the transportation appropriations bill for 1995.

This bill is very tight this year because of the freeze in discretionary spending in the fiscal year 1995 budget.

The bill, however, makes investments in our infrastructure that are essential. This spending creates jobs, it improves and expands our transportation networks, and helps the economy. It helps our country be more competitive since investments in infrastructure helps move people and goods in the most efficient manner, and permits us to produce and to deliver our goods at lower cost.

This type of spending has both short- and long-term benefits. The safe and efficient movement of our goods and people make for a more vibrant and competitive economy, that improves our standard of living and keeps us internationally competitive.

This subcommittee had a discretionary spending ceiling of $13.734 billion in budget authority and $36.6 billion in outlays. As scored by CBO, any amendment changing budget authority and outlays in the bill will require offsets.

In this bill, the committee attempted to move forward on some of the President's transportation priorities. He had called for increased investment in a number of areas: Increases in the highway obligation ceiling; the capital part of the mass transit formula grants; the FAA's facilities and equipment account; Coast Guard capital expenses; and Amtrak capital assistance. This bill makes a downpayment on many of these investments.

The bill is more than simply bricks and mortar. It invests in a better tomorrow. Research funding is provided in a number of new and exciting technologies that will have American companies in the forefront in such areas as intelligent vehicle/highway systems; alternative-fuel transit vehicles; composite materials for bridge construction; high-speed rail development; new radars and air traffic control systems; and new defense technology conversion.

The bill rejects, however, some of the President's proposals. He recommended deep cuts, for example, in transit operating assistance. We turned that recommendation down and, within very tight overall funding limits, we restored most of the cuts. It is important that we keep transit affordable, to help relieve urban congestion, to reduce air pollution, and to reduce fuel consumption.

Now I would like to present a few highlights of the bill. For example, for the Coast Guard, the bill provides $3.67 billion in new budget authority. The House-passed bill cut the Coast Guard's request for operating expenses by more than $50 million. I am greatly concerned about the potential impact of this cut on the Coast Guard's ability to execute its many critical missions.

Mr. President, over the years, we continue to expand the obligations for the Coast Guard, to ask them to deal with the refugees from Haiti, to deal with pollution control, to deal with drug interdiction, to deal with maintaining an ever busier marine industry. So, Mr. President, we could not abide the cut in operating expenses, and the bill before you restores roughly three-quarters of this cut.

Total new funding for Coast Guard acquisition will be $370 million. That is in order to help the Coast Guard restore its deteriorating shore facilities and replace aging vessels and aircraft. And we also rejected the President's request to eliminate the boat safety program and to reduce the Coast Guard Selected Reserve below 8,000 members. We need that Reserve to be able to call upon in times of crisis. They are a very valuable asset.

In the Federal Highway Administration, I would like to note that the bill before us has an obligation ceiling of $17.5 billion, not including the programs that are exempt from the obligation ceiling, which adds another $2.3 billion. In total, this is an increase of approximately $104 million over last year's level. I believe that this demonstrates the committee's ability, while working within a tight funding environment, to make the needed investments in our Nation's crumbling roads and bridges. The net result of our work should help relieve congestion and provide an efficient, safe highway system. This obligation ceiling is distributed according to the prescribed formula contained in the Intermodal Surface Transportation Efficiency Act, better known as ISTEA. Thus, the increased spending will benefit every State in the country.

Amtrak. For Amtrak, the bill contains $392 million for operations, $150 million in mandatory payments, and $230 million for capital grants. The bill also includes funding for improvements to the Northeast corridor, including the electrification of the final segment from New Haven to Boston. That electrification should result in taking about 2 hours off of the train ride from Boston to New York and should permit them to render the kind of service that is expected to increase riders substantially.

For the FAA, the bill provides an increase of approximately $11 million for operations over the 1994 enacted level. This includes funding for the hard-to-staff air traffic controller locations, and it fully funds the requested levels for safety inspectors, certification personal, and civil aviation security staff. In the facilities and equipment area, the bill provides approximately $2.1 billion, and most of this is going to go to the modernization and expansion of our national air space system by upgrading our air route traffic control centers, airport towers, and flight service facilities. In the FAA research program, the bill provides $264 million, which will support research and development in such areas as automated explosive and sabotage detection systems, aging aircraft review, satellite technologies, aviation weather technologies, pilot fatigue, and capacity management.

For the airport improvement grants, the bill contains $1.45 billion.

Finally, for the transit area, the bill contains transit operating assistance at $730 million, $595 million for new starts in transit, $760 million for modernization of our older transit systems, and $370 million for discretionary bus purchases and facilities.

The distribution of section 9 funds in the rail modernization account follows the prescribed formulas contained in ISTEA. My proposal has earmarked less than half of the bus funding, leaving the majority to the discretion of the Secretary of Transportation.

Mr. President, as many of the Members know, the House voted to eliminate funding for the Interstate Commerce Commission by more than 40 votes. The bill before us does not propose the elimination of the ICC. However, it does propose a substantial reduction in the agency's overall budget. There are several proposals currently under consideration by the appropriate authorizing committees to reduce certain functions of the ICC. In addition, I believe there are opportunities for substantial streamlining in the agency staffing, while maintaining the agency's most critical mission. As such, the bill before us cuts the agency's operating budget by $13.525 million; it is a reduction of 31 percent. The bill also calls for a staffing reduction at the agency of 31 percent. A staffing cut of this kind is going to require the committee to separately appropriate roughly $5.4 million solely for severance pay for these people who retire or are terminated.

Mr. President, all Members should know that this is a very frugal allocation for the ICC. It will no longer be business as usual at the Interstate Commerce Commission. Substantial changes must be made, and the authorizing committees will need to implement serious reforms.

I thank all Senators for their support and forbearance through this very difficult process. We received about 700 requests from 84 Senators. We received over $1.7 billion in requests for specific highway projects, for which we could only provide $350 million worth of funding.

I want to stress that point, Mr. President: We received requests from 84 Senators amouting to over $1.7 billion in requests for particular highway projects in their States, but we could only provide $350 million in funding.

Additionally, we received over $2 billion in requests for designated transit projects, for which we could provide only $700 million.

Once again I thank my colleagues for their forbearance and for their understanding. Most of these are worthwhile projects that need attention, and we have been unable to develop the funding to support them.

As we have done in the past, we were required to generally limit the allocation of funds to those projects that were not funded in the House appropriations bill. As other appropriations subcommittee chairmen and ranking members know, this is often the only way to give standing in conference to the Senate's priority projects. Members need to know that projects that were included in the House bill were not deleted with any prejudice or malice intended toward the projects. We did not, in our bill, fund those programs that were already in the House bill, with rare exception.

There is language in the committee report that clearly states our expectation to give all projects in both the House and the Senate bill consideration in conference. It will be a contentious debate, but that is what we have to do with the spare resources that we have. We will be consulting with all Senators to identify their priorities as we approach conference.

However, the Transportation Subcommittee, like all other appropriations subcommittees, simply does not have enough money to repeat the projects funded in the House bill and also at the same time to be able to fund additional projects of concern and interest to the Senate.

Once again, Mr. President, I thank all of the Senators for their assistance with this bill. I particularly want to thank my colleague and friend from the State of New York, Senator D'AMATO. He is the ranking member of the Transportation Subcommittee and his input was invaluable, his support essential. I look forward to continuing to work with him as we shepherd this bill through conference and get it to the President's desk.

I also want to thank the chairman and the distinguished ranking member of the full committee, Chairman ROBERT BYRD and Senator MARK HATFIELD, for all of their help at the full committee in seeing to the expeditious consideration of this bill.

I would again note that the bills, as scored by the Congressional Budget Office is at its 602(b) allocation for both budget authority and outlays. As such, any amendment affecting funding levels in this bill will have to be fully offset in both budget authority and outlays.

At this time, Mr. President, I yield to my colleague, Senator D'AMATO, for any statements that he might want to make.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, first of all, let me say that I thank the chairman, Senator LAUTENBERG, for his cooperation and for his efforts in attempting to deal with a very difficult situation. I support H.R. 4556, the fiscal year 1995 appropriations bill for the Department of Transportation and related agencies.

H.R. 4556 completely exhausts the 602(b) transportation budget allocation of $13.734 billion in discretionary budget authority and $36.6 billion in discretionary outlays.

Our committee strove to meet the department's basic funding needs while supporting Senate initiatives as best we could.

Let me say that this was a tough, tough bill. It is illustrated by the fact that some deep cuts were made, cuts in programs that I have fought for over the years and that are important and many that are essential.

For example, a 9-percent cut was made in transit operating aid, reducing it from $802 million last year to $730 million. A 14 percent cut was made in airport improvement grants, down from $1.69 billion to $1.45 billion, and a $183 million cut in Federal Aviation Administration air traffic modernization efforts.

Let me stress that the Interstate Commerce Commission budget was cut by 31 percent. The chairman, Senator LAUTENBERG, and his staff were very, very supportive of this effort. We worked on this together. The House zeroed it out. But we thought we had to deal with this in a manner that would provide for an orderly transition of responsibilities. After we have done our work, it is the the responsibility of the Committee on Commerce to write authorizing legislation to provide the details of this transition. We expect Senator EXON to offer legislation later on during this session of the 103d Congress. But the ICC was cut by 31 percent, a substantial amount.

So, this is not an easy budget. We have made some very deep cuts and tried to meet the essential programs and needs of our Nation's transportation systems.

I have to say that anyone can second-guess our funding decisions, but the fact of the matter is that we have done the best we can with scarce resources. We have moved to enhance safety, mobility, accessibility, and to reduce congestion and pollution.

We provided $13 million to continue the air traffic controllers' pay demonstration project that has succeeded in attracting and retaining fully qualified controllers in hard-to-staff locations.

Try to get an air traffic controller to come to New York, one who is fully qualified. Or try to get one to come to Chicago, or Los Angeles or San Francisco. These are high-cost areas, very high-cost areas. Why would you want to work in an area where the cost of living is 30 to 40 percent higher, where the stress factor is 100 percent or 200 percent higher. These controllers have to administer incredible volumes of traffic in complex airspace. They deserve to be recognized with a pay differential reflecting the type of work performance the public demands of them.

I have to tell you Senator LAUTENBERG has done a great job on this issue. Maybe the fact is because we fly into one of those busy air corridors, in the metropolitan New York/New Jersey area, and we understand the problem firsthand.

You know, when you are up there in an air traffic holding pattern and your life is on the line, you want to know that you have a fully qualified controller down there handling traffic; one who is not angry, who is not having trouble making his or her mortgage payments or finding a place to live, and who does not feel he or she is being taken advantage of. Maybe it is somewhat of a parochial interest that that has stirred us to recognize the plight of these people, but we do. We do.

Senator LAUTENBERG has been a leader on air traffic controller matters. I am pleased that we have provided these funds, and sometimes you have to fight for it. It is something the American public does not recognize, but you want to make sure when you are talking about safety that you recognize and pay people for the direct, tremendously difficult, and trying tasks they perform often under extraordinary circumstances.

We did not just come and simply cut programs. We tried to make dollars available for programs that are essential and that make sense.

One of the areas that we funded, which will be the subject of an amendment later by one of my colleagues, was the James A. Farley Post Office Building in New York City that will be the site of a new Amtrak station and commercial center.

Why do we provide a new rail hub through these dollars?

We are going to find that if we fail to act, then Amtrak is going to have to spend about $400 million of its own funds to improve the current Penn Station to accommodate the increased passenger volumes that will be created by 3-hour service between New York City and Boston. Amtrak would have to take those funds out of its capital budget. I do not see how that realistically can take place.

So I just mention that to those who say, "Well, you have undertaken some new programs and projects"; those who say, We must cut out highway demonstration projects, et cetera, because you are taking funds away from formula programs.

Let me say, the House has provided $299 million for highway demonstration projects. The Senate must take care of the needs of its Members throughout the country, and recognize that all of the programs and projects that we have funded have either been authorized and/or are in the midst of being completed—there are no new starts here. Again, these are projects that have been authorized or they are programs and projects that we are completing.

And so I say that this is a tight fiscal situation that we deal with. We have done our best under difficult circumstances.

I want to commend not only the chairman but all the members of the subcommittee. And, in addition, I want to thank both the majority and minority staff. They have been extraordinary and diligent in their efforts. We are deeply appreciative.

I intend to support this bill to the utmost.

Thank you, and I yield the floor.

STATEMENT ON THE TRANSPORTATION APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4556, the Transportation appropriations bill and has found that the bill is under its 602(b) budget authority allocation and under its 602(b) outlay allocation.

I compliment the distinguished manager of the bill, Senator LAUTENBERG, and the distinguished ranking member of the Transportation Subcommittee, Senator D'AMATO, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Transportation appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4556; FISCAL YEAR TRANSPORTATION APPROPRIATIONS—SENATE-REPORTED BILL

[In millions of dollars]

Bill summary	BA	Outlays
Discretionary totals:		
New spending in bill	13,734	12,038
Outlays from prior years appropriations	....	24,595
Permanent/advance appropriations	0	0
Supplementals	0	−34
Subtotal, discretionary spending	13,734	36,600
Mandatory totals	571	574
Bill total	14,305	37,174
Senate 602(b) allocation	14,305	37,174
Difference	0	0
Discretionary totals above (+) or below (−):		
President's request	522	−6
House-passed bill	156	158
Senate-reported bill	....	....
Senate-passed bill	....	....
Defense	0	0
International Affairs	0	0
Domestic Discretionary	13,734	36,600

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

PRIVILEGES OF THE FLOOR

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that during the Senate consideration of H.R. 4556, Mr. Craig Bone, a detailee to the subcommittee from the Department of Transportation, be granted the privileges of the floor both during consideration of the bill making appropriations for the Department of Transportation for fiscal 1995, and the conference report thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I also ask unanimous consent that the privileges of the floor be granted to Sara Smith, from the staff of Senator D'AMATO, during the review and the consideration of H.R. 4556.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. As usual, Mr. President, Senator D'AMATO is right on target when he talks about programs affecting transportation. When he talks about the New York area, he is not simply referring to those who live in or near New York or New Jersey. Senator D'AMATO is also referring to those who pass through the very active aviation centers like Chicago or Los Angeles. Invariably, because of the nature of the communities, living costs are higher. The one thing we want to do is to attract and keep quality controllers at these hard-to-staff locations.

I often am in the second seat of a small airplane. I listen to the radio and talk on the radio to the towers and the en route flight service centers. You can hear the level of concern that is expressed in the voices of the people as they manage all that traffic. The last thing we want to do is to add to their concerns by not taking into consideration the difficult conditions under which they must work and the high cost of living in the hard-to-staff areas.

So I thank Senator D'AMATO for his comments.

Mr. President, we are at a point in time when we are asking any of our colleagues who have amendments to please come to the floor and offer them.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that they be considered as original text for the purpose of further amendments.

Mr. D'AMATO. Mr. President, I ask that the chairman consider modifying his request so that two of the amendments would be kept open. On page 22, line 3, if we could hold that amendment open; and on page 30, line 9, if we could hold that open, as well; and on page 31, line 7, if we could keep that open.

That is, on pages 30 and 31, line 9 through line 7 on page 31. It is entitled "Pennsylvania Station Redevelopment Project." I understand Senator MCCAIN wants to offer an amendment on that.

And on page 22, if we could hold that open, as I mentioned, starting on line 3. Those two amendments.

Senator GRASSLEY has an amendment to offer on the inspector general. I do not believe we have to keep any amendments open for him on that. Both the majority and minority are going to accept that amendment.

But with the exception of those two amendments, I would have no objection.

The PRESIDING OFFICER. Does the Senator modify his request?

Mr. LAUTENBERG. I so modify my request.

The PRESIDING OFFICER. Is there objection to the request, as modified? If not, it is so ordered.

So the committee amendments were agreed to en bloc, with the following exceptions:

On page 22, line 3; and on page 30, line 9, through page 31, line 7.

Mr. LAUTENBERG. I further ask unanimous consent that no points of order be waived herein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. We ask our colleagues, any of those who have amendments, to please come to the floor so that we can address them.

The public is anxious to see us get our work done. They want to know what is going to happen with transportation funding in their communities. This is an essential bill to every State in the country. The last thing we need to do is contribute to the notion that things move here at a snail's pace.

It is time to deal with this part of our agenda so we can talk up other bills waiting to receive consideration by the full Senate.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CAMPBELL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2331

(Purpose: To require air carriers and foreign air carriers to notify the Secretary of Transportation of the aircraft disinsection practices of foreign countries)

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. There is a pending committee amendment.

Mr. LEAHY. I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2331.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 346. (a)(1) Notwithstanding any other provision of law, an air carrier or foreign air carrier may not engage in foreign air transportation from the United States unless the carrier has notified the Secretary of Transportation of the aircraft disinsection practices, if any, in which the carrier engages as a result of requirements imposed by a foreign country.

(2) The prohibition set forth in paragraph (1) shall take effect on the date that is 15 days after the date of the enactment of this Act.

(b)(1) An air carrier or foreign air carrier shall notify the Secretary of any change in the aircraft disinsection requirements of the carrier not later than 5 days after the date on which the carrier first has knowledge of such change.

(2) If the Secretary determines that a carrier has not complied with the requirement set forth in paragraph (1), the Secretary may prohibit the carrier from engaging in whole or in part in foreign air transportation from the United States. The Secretary shall determine the period of any prohibition imposed under this paragraph.

(c) In this section, the terms "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings given such terms in paragraphs (3), (22), and (24), respectively, of section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(3), (22), and (24)).

Mr. LEAHY. Mr. President, I would like to take a few moments of my colleagues' time to explain what this amendment is about.

It involves the spraying of pesticides on airplanes. Those are airplanes that we board—Americans and others in our country—in the United States, but then face spraying when they land in another country.

Unless you have actually experienced it, you cannot imagine just how scary it is when you are sitting there waiting to disembark from your plane and somebody comes through spraying a very potent insect killer.

Let me just give a word of advice to American travelers. The next time you are traveling to the Caribbean, you may want to pack an air mask along with your bathing suit and suntan lotion. In fact, you might want to bring it if you fly anywhere internationally because sometimes even the U.S. Department of Transportation does not know if you are going to be sprayed with a pesticide during that flight.

What happens is the flight attendants will come through and spray over your heads these cans of insecticide, or sometimes they send them right out through the plane ventilation system so that you have to breathe it. It is not some kind of air freshener, it is not something to welcome you to the sunny island you are going to, it is a pesticide, and it is commonly known as Black Knight Roach Killer. That is what they are spraying on you, roach killer. It is not a gesture of, "Welcome, tourists, to our country," it is a "You better watch out because you are getting sprayed."

A lot of people experience only a mild discomfort from this welcoming spritz. But for people with breathing problems or chemical sensitivities, it can be far more severe. Philip Murphy was one of the more sensitive individuals. He had emphysema. He asked to leave the plane before the pesticide was sprayed. They denied his request, even though he had emphysema. Eighteen hours later, he was dead.

There are at least 53 million people in the United States with chronic breathing conditions like Philip's. Incidentally, that is about 20 percent of the U.S. population. It is a serious problem, and it has to be addressed.

My amendment would require all carriers flying to and from the United States to tell the Department of Transportation what countries they fly to that require spraying. Then you can make the choice of whether you want to travel there or not.

Basically we say, alert us, let American travelers know before they get on the plane whether they are going to be sprayed with something like Black Knight Roach Killer.

The irony is that in most instances, this spraying does nothing to protect the country doing the spraying. There are far better and far less intrusive ways of protecting those countries from bugs or insects or anything else that might come in and affect their agricultural crops.

What this does is actually two things. First, it probably sells a lot of roach killer. And it may make the department of agriculture in the particular country feel good, although it does very, very little, if anything, to stop insects from coming in. But it can also endanger the health of the travelers.

As a practical matter, these countries have to post that fact. If they see their tourism traffic drop off, they are going to realize very quickly that they are not doing anything to protect their agriculture or protect their country from insects. What they are doing is creating an enormous economic problem for their country and they will stop requiring spraying.

That is what I would like. Every country should have the right to quarantine incoming fruits and vegetables. Every country should have the right to stop insects or infestations that might come into their country and wipe out a crop. They should not be able to just spray poison on unsuspecting passengers when they come into that country. We, as the public getting on the plane, ought to have some idea what we are facing. We post notices in airports when there is a terrorist threat in such-and-such a country, in such-and-such an airport. We ought to also post very clearly that there is this problem: If you fly to this country, you are going to be sprayed with roach killer.

Mr. President, I have been pushing the Department of Transportation since February to protect American travelers from the spraying of pesticides on airlines. I have written to the Department, I have written to countries that require spraying on airlines, I have written to the President. But 6 months later, little has changed for American travelers.

Today the Department of Transportation will be releasing a list of countries that require spraying. Unfortunately, despite three letters from the State Department requesting this information, a number of countries have still not responded.

The amendment that I offered would give those countries that have not yet responded an incentive to do so. My amendment would bar carriers from flying out of the United States until they have provided the Department of Transportation with information on the countries they fly to that require spraying, as well as any changes in those spraying requirements as they are made.

This amendment would not require those countries to change their disinfection practices, although I hope that they will. What it would do is provide American air travelers with the information they need to make safe travel choices.

I know that the Senator from New Jersey shares my concern about this issue. He joined me in writing to President Clinton earlier this year urging changes in the international guidelines that endorse in-flight aircraft disinfection.

I think that three things need to happen if the health of American travelers is to be protected. First, the Department must have a complete list of countries that require spraying. Second, that list must be provided to consumers when they need it—that is, when they are purchasing tickets and making their travel plans. Finally, the list must be kept accurate and up to date, so that passengers can count on the information they are given.

As I mentioned earlier, the Department of Transportation will be releasing a list of countries requiring spraying today. The Department has also assured me that they will develop regulations to ensure that this information is provided to travelers purchasing tickets. I am also working to include information on countries that require inflight spraying on the Federal Aviation Administration's Consumer Safety Hotline.

The Department of Transportation has now assured me that they have received information on countries requiring spraying from foreign and domestic carriers which are representative of most destinations served from the United States.

I understand that the Department has also committed to continue pursuing those countries that have not yet responded to their request, and to follow up on that information to ensure that the list is kept accurate and up to date. Is that the case?

Mr. LAUTENBERG. Mr. President, yes, that is my understanding as well, and I would like to commend the Senator for his hard work and efforts to protect air travelers.

Mr. LEAHY. I want to thank the Senator for his assistance in resolving these concerns and for his interest in this issue. In light of the Department's new assurances, I will withdraw my amendment. However, I sincerely hope that the Department does not experience the kinds of delays that we have seen so far on this issue in its efforts to complete the list of countries that require spraying and get that information to consumers.

If the Department is unable to meet these commitments then I believe it is the responsibility of Congress to step in to protect airline passengers. American travelers have waited long enough for this information.

Mr. President, I now withdraw my amendment. I believe I have that right.

The PRESIDING OFFICER. The Senator has that right.

The amendment (No. 2331) was withdrawn.

Mr. LEAHY. Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I think the Senator from Vermont brings up an excellent point. I was astonished to hear the story of the person, though not totally surprised, who reacted so negatively to that spray, that it took his life.

I appreciate the fact that the Senator from Vermont has presented his concern. I agree we have to figure out a way to protect passengers from being sprayed with insecticides when they travel to other countries.

I thank the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from New Jersey and appreciate his usual courtesy in such matters.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. LAUTENBERG. I withdraw that.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. McCAIN. Mr. President, it is my understanding the parliamentary situation is that we are considering two committee amendments, the second of which is the one on which I intend at the appropriate time to offer a tabling motion. So I ask unanimous consent to set aside the first amendment and at this time move to the second committee amendment, which has to do with the Pennsylvania Station redevelopment project.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The pending question is the committee amendment on page 30, line 9.

Mr. McCAIN. Mr. President, I intend at the appropriate time to offer a tabling motion on this committee amendment, but I would want to do it at such time as my friends from New York, Senator D'AMATO and Senator MOYNIHAN, want to speak on it. So I will withhold my tabling motion at this time.

I say to the distinguished managers of the bill I only intend to talk for a few minutes here and then I would be more than happy to offer the tabling motion at their convenience, what they think would not only be at their convenience but for the convenience of the body.

Mr. President, I rise in opposition to the committee amendment directing funding for the Penn Station redevelopment project in New York City. I have serious reservations about the project, and I urge the Senate to reject the committee amendment and save the taxpayers $40 million.

As my colleagues are aware, the committee amendment would provide Federal funding for the Pennsylvania Station redevelopment project. Specifically, this money would be used to fund engineering, design, and construction activities necessary to convert the James A. Farley Post Office in New York City into an intercity railroad passenger station and commercial center.

Let me read from the House Appropriations Committee report, Mr. President. I quote:

> The committee recommends no funding for grants to Amtrak to redevelop Pennsylvania Station in New York City in fiscal year 1995. The Committee believes that in such tight budgetary times a project of this uncertainty and magnitude is simply not justified. The project was not requested by Amtrak this year, even though Amtrak is stated by proponents to be the primary beneficiary. It was not included in the internal budget request of either the Federal Railroad Administration or the Department of Transportation. The project is not authorized, and the administration's proposed authorizing legislation only covers one part of the project. Although the administration proposes bill language fencing the Federal funds until a "binding commitment" is signed for the non-Federal share, evidence in the committee's hearing this year indicates that not all parties are expected to sign a binding agreement, and for those that do sign, the commitment would be reflected only in a memorandum of agreement, which does not legally bind any of the non-Federal parties.

Mr. President, I do not think the reasons for voting against this amendment could have been stated any more clearly. I ask my colleagues to listen to the other body and vote against funding for this unauthorized project.

As the report says, Penn Station redevelopment project is not included in the budgets prepared by the relevant agencies. In other words, the professionals who know the needs and concerns of their agencies best did not feel this project was enough of a priority.

The House committee report also points out that the project has not been authorized. Surely a project of this magnitude should be properly and fully authorized.

Congress did consider this matter in October 1992 during debate on the Amtrak Authorization Act. This measure directed Amtrak to develop a plan for new or redeveloped station facilities in New York City with Pennsylvania Station as its focal point. Congress at that time stated, "The plan shall be predicated upon completing the project without Federal funds appropriated for the corporation." Nevertheless, we are here today considering a $40 million appropriation for this project.

If my colleagues need more justification to vote against this provision, I direct them toward last year's House Appropriations Committee report. In reference to the Penn Station project, they wrote:

> The committee specifically denies all funding for this project * * * Given the austere budget situation facing this country, it is extremely doubtful that taxpayers should contribute to such a project.

Mr. President, obviously, I do not believe we should always follow the lead of the other body, but, clearly, I believe our colleagues across the Capitol have it right.

Even the Senate committee's amendment raises a question about the wisdom of this appropriation. The committee sets certain conditions on the use of this money which prevent the expenditure of funds unless a "binding agreement" has been reached with the other participants regarding financial commitments and the Secretary of Transportation reports to the Appropriations Committee on financial arrangements to improve the existing facility.

I am sure, Mr. President, the proponents of this project will point to this as evidence that we are protecting the taxpayer. Well, Mr. President, my question is, if these conditions are so important, why have they not already been met before we appropriate the money? I am afraid that this may appear to be fiscally responsible when in reality we are, once again, giving away too much money.

We often have debates in this body about cutting wasteful projects after they have been funded for several years only to hear opponents say, "It's too late. We can't stop funding now. It would be more expensive to kill the project than it would be to finish it." They also say, "In retrospect, if I knew then what I know now, I would never have allowed the project to start."

In summary, the committee amendment earmarks $40 million for the Pennsylvania Station redevelopment project, a practice which I strongly oppose. I will be proposing a sense-of-the-Senate amendment concerning Federal highway aid earmarks later. The House specifically recommended no funding for this project in both this year's and last year's Transportation Appropriations Committee reports. In 1992, when Congress considered the Amtrak Authorization Act, we directed the corporation to develop a plan for a new or redeveloped Penn Station. Congress at that time stated:

> The plan shall be predicated upon completing the project without Federal funds appropriated for the corporation.

The project was not included in the internal budget request of Amtrak, the Federal Railroad Administration or the Department of Transportation. A commitment has not been reached with the other parties financing the project as to the extent of the Federal share. And, again, the Pennsylvania Station redevelopment project is unauthorized.

Before yielding the floor, I ask the distinguished managers of the bill, especially on the Republican side, when they would like me to propose a vote on this tabling motion.

Mr. D'AMATO. Mr. President, I thank my colleague for his courtesy. I hope that we can stack these votes, taking the first one, then the second one, and then go to a vote on final passage. If we do the three votes together, we can minimize inconvenience to our colleagues. It would be our desire to move in that manner.

Mr. MCCAIN. I say to my friends from New York and from New Jersey, I will be glad to at any time. I remind them that I do have an additional sense-of-the-Senate resolution that I would like to propose at the appropriate time.

Mr. D'AMATO. Would that require a vote? Does the Senator know?

Mr. MCCAIN. Yes.

Mr. D'AMATO. Well, that would indicate that we should stack all four votes together.

Mr. MCCAIN. Mr. President, I yield the floor.

Mr. D'AMATO. Might I ask——

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO] is recognized.

Mr. D'AMATO. My friend is now looking to strike this particular section of the bill, is that correct?

Mr. MCCAIN. This committee amendment.

Mr. D'AMATO. Yes. And the Senator says that he would offer a tabling motion?

Mr. MCCAIN. It is my understanding that the proper procedure is to make a motion to table this committee amendment.

Mr. D'AMATO. Oh, the committee amendment.

Mr. MCCAIN. Yes.

Mr. D'AMATO. All right. I just wanted to make an inquiry. I thank my friend.

Mr. President, this bill does contain $40 million for the redevelopment of the James A. Farley Post Office in New York City as a new gateway station for Amtrak. It gets down to a rather simple matter. Either we provide the funds for this project or we are going to have to provide $400 million or thereabouts for Amtrak to undertake it at a later time. And I say how, when and where? How are they going to get the resources? When? How long will it take for them? They do not have that kind of capital resource funding to undertake such a project. And yet the need is clearly going to be there as it relates to the Northeast Corridor Improvement Program funds that we have invested, hundreds of millions of dollars, for the improvement of service from New York to Washington, for the improvement of service from Boston to New York to Washington.

It is estimated that passenger traffic, as a result of the institution of 3-hour Amtrak service between New York City and Boston, is going to increase many times over. It is absolutely essential that we have the rail facility that is being planned, and that these moneys are earmarked—yes, it is earmarked—for where the funds will be spent. The American taxpayers are going to pay for this for about a third of the total project. If we are going to take it from Amtrak, I will suggest that wherever Amtrak serves, you are going to see drastic, drastic cutbacks in terms of service and modernization, in terms of equipment, in terms of facilities, in terms of necessary renovation—as a result of such a step.

If we are not going to earmark funds for this important project, then all the money that we have invested in improving the corridor between New York and Boston, improving the corridor between Washington and New York, is really wasted; hundreds of millions of dollars.

As it relates to which projects are funded and which are not funded, I say this is not anything new. This project was included in the President's budget. He asked for a total of $100 million: $10 million in fiscal year 1994 and $90 million in fiscal year 1995. We are going forward in a modest way. We are providing $40 million. I believe in fiscal year 1994 we provided $10 million. This is not something new that we invented at the committee. Moreover, this committee has set aside some $9 million to do basically the same kind of thing, as it relates to Union Station in Kansas City, MO.

If we do not take care of our Nation's infrastructure, we eventually will pay the price of our neglect. We hear all of this yelling and screaming, that moving people by way of rail is cheaper, more efficient, and environmentally better than other transportation modes. In the past, we have neglected rail transportation.

If you want to move large numbers of people, particularly in urban corridors, should we pay for more rail facilities, or close the rail systems down? Let passengers commute by airplane? I guess people can afford $150. I do not know if they can: But that is what it costs to fly between Boston and New York or between Washington, DC, and New York. So, if we continue to neglect rail transportation we will force more people into the air traffic system or onto the overburdened highways. There already is tremendous congestion in terms of highway and air traffic going in and out of these urban areas. Neglecting rail travel will cost the Government even more money because we subsidize the aviation and highway systems to a far greater extent than we subsidize our national passenger rail infrastructure.

This project is a good investment. We should undertake it now, not later. If we delay it, it is going to cost us a lot more. If we delay it, we will have spent tens and tens of millions of dollars unnecessarily. That is why I support the utilization of these funds, because it is a very important program.

Senator MOYNIHAN has been a leader in this effort. I know he wants to add his comments on this matter. The station project is included in the President's budget. It is an investment in our future, and in our Nation's transportation system, and it is being undertaken in an environmentally sound manner. This project helps to support and enhance the hundreds of millions of dollars of effort that we have already put into Amtrak. Amtrak cannot do it alone. That is why we are choosing this method of funding this important program.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. LAUTENBERG. Mr. President, I see our colleague from Iowa is on the floor. We have an amendment pending. I have no problem with the Senator making a request to put this aside, to consider what he has to say.

The PRESIDING OFFICER. The Senator from Iowa [Mr. GRASSLEY] is recognized.

Mr. GRASSLEY. I will follow the chairman's suggestion, and ask that the amendment be set aside to take up my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2332

(Purpose: To provide for the use of funds for the employment by the Inspector General of independent legal counsel at the Department of Transportation)

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2332.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 26, strike out the period at the end and insert in lieu thereof: "*Provided*, That of such amount, $180,000 shall be available for employment by the Inspector General of independent legal counsel at the Department of Transportation.".

Mr. GRASSLEY. Mr. President, my amendment, if adopted, would give the inspector general or IG at the Department of Transportation $180,000 to hire independent legal counsel.

Independent legal counsel for the IG can and must be achieved at no additional cost to the taxpayer.

Toward that end, my amendment would authorize the IG to use $180,000 appropriated in this bill to hire independent legal counsel.

My amendment would not increase the funding level in the bill.

The office of the general counsel currently provides the IG with legal support services under a memorandum of understanding or MOU. Those services would no longer be needed.

With the IG doing her own legal work, the general counsel's force of 62 attorneys should be cut. I am not proposing that, but that question needs to be examined by the committee.

Mr. President, my amendment is almost identical to a proposal in the House bill. The House gave the IG $180,000 "to hire two in-house attorneys."

The House sent this message with the money.

I quote: "There is a 'need for independence and a history of delays in the general counsel's office.'"

Mr. President, the general counsel's office at Transportation has a track record for foot dragging on thorny investigative issues.

The House decision to give the IG money to hire independent legal counsel is authorized by the law.

Section 6(a)(7) of the Inspector General Act of 1978 authorizes the IG's to hire all necessary personnel, including independent legal counsel.

There is no question about that. The intent of the law is crystal clear.

Senator GLENN, the chairman of the Committee on Governmental Affairs that has primary jurisdiction over the inspectors general, has repeatedly stated that the IG's have the authority in law to hire independent legal counsel.

As recently as June 8, 1994, during consideration of the procurement reform bill, Senator GLENN stated:

> If they [the IGs] feel their independence is being compromised in any way, shape, or form, they have the authority to hire their own independent counsel and their own independent staffs.

Well, Mr. President, the IG at the Department of Transportation feels like her independence is being threatened and compromised.

The IG at Transportation is Mrs. Mary Schiavo. She is on maternity leave until December. Mr. Mario Lauro, the Deputy IG, is running the office in her absence and speaks with her authority.

Mr. Mario Lauro has communicated with and visited my office on several occasions recently. I can tell you one thing, Mr. President. Mr. Mario Lauro is fiercely independent, and he speaks for Mrs. Schiavo.

Both think they need independent legal counsel. They are very unhappy with the current setup.

But the Secretary of Transportation, Mr. Ferderico Peña, and his general counsel, are opposed to the idea of having an IG with independent legal counsel.

Why is there so much opposition to the IG having independent legal counsel? Why all the fuss?

It cannot be concern over having too many lawyers at the Department of Transportation.

I hear no complaints where there should be complaints.

The Department is already loaded up—top heavy—with lawyers—524 in all.

The FAA, for example, has 190 attorneys; the Federal Highway Administration has 66; the General Counsel has 62; the Coast Guard—61. But the IG has zero.

The new attorneys for the IG is small potatoes when compared to that vast army of Transportation lawyers. One or two more IG lawyers cannot be the problem.

The real issue has to lie elsewhere.

This is the real issue, Mr. President: How can the Department maintain control over the IG? A strong, independent IG is the problem.

An independent IG able to reach independent legal opinions on important issues is a grave threat to the Department.

That is why the Secretary of Transportation does not want the IG to have independent legal counsel.

It is as simple as that.

Mr. President, I would now like to briefly examine current MOU arrangements that govern legal decisions within departments.

The IG and general counsel at Transportation signed an MOU in October 1993.

Mr. President, I ask unanimous consent that the MOU be printed in the RECORD along with a table showing how the 524 attorneys are spread around the Department.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION REIMBURSABLE AGREEMENT

Reimbursing organization:

Department of Transportation, Office of the Inspector General, 400 7th Street, S.W., Washington, D.C. 20590.

Organization to be reimbursed:

Department of Transportation, Office of the Secretary, Office of the General Counsel, 400 7th Street, S.W., Washington, D.C. 20590.

Effective date: October 1, 1993.

Amount: 98,000.

SUMMARY

Purpose: This agreement will transfer funds to pay the cost of an Attorney-Advisor (GM–15) who will devote substantially full time to providing legal assistance to the Office of the Inspector General (OIG). This will include (1) researching legislative histories of statutes applicable to DOT programs; (2) interpreting provisions of grants, contracts, laws, and regulations; (3) issuing formal and informal legal opinions; (4) reviewing proposed legislation and regulations, as required by the Inspector General Act; and (5) determining the legal implications of audit and investigative reports.

Funding: The transfer of funds will be made by the OIG upon receipt of an SF 1081 prepared by the Office of the Secretary referencing the above Document Control Number and the appropriate chargeable.

Limitation: No change in the dollar amount of this agreement is valid without a written amendment.

Modification: The agreement may be modified by amending the initial agreement.

COTR: Glenda Somerville, Financial Manager, Telephone Number (202) 366–1976, is the Contracting Officer's Technical Representative within the Department of Transportation for technical direction within the scope of this agreement. All correspondence should make reference to this agreement.

Approved for reimbursing organization: Robert B. Frey III, Director, Planning and Resources.

Approved for organization to be reimbursed: Charlotte S. Boeck, Administrative Officer.

FINANCIAL ADDENDUM

Billing Office: Accounting Operations Division, M–86.

Bill to Address: Department of Transportation, Office of the Inspector General.

DOT Project Officer: Charlotte S. Boeck.

Project Beginning Date: October 1, 1993.

Ending Date: September 30, 1994.

DEPARTMENT OF TRANSPORTATION—ATTORNEYS IN THE DOT OPERATING ADMINISTRATIONS

Operating administration	Number of attorneys	Percentage of total
FAA	190	36.3
FHWA	66	12.6
OST	62	11.8
USCG	61	11.6
MARAD	34	6.5
FRA	34	6.5
NHTSA	30	5.7
FTA	26	5.0
RSPA	19	3.6
SLSDC	2	0.4
OIG	0	0.0
Total	524	100.0

Mr. GRASSLEY. The MOU at Transportation is not unique.

Four other IG's have negotiated similar arrangements with their general counsels. The four others are: Defense, EPA, FEMA, and HHS.

The vast majority of the IG's, by comparison, have independent legal counsel.

There are 28 major IG establishments altogether.

Of those, 21 have independent legal counsel. Two more are in the process of getting it.

That leaves five that do not have it, including the IG at Transportation.

Those five IG's have no capability to reach independent legal judgments. They must rely on the general counsels at their parent agencies for legal advice. That is just not healthy.

The MOU's make the general counsel the final arbiter or judge in any dispute between agency lawyers and the IG.

Under the MOU's, the IG's legal staff is controlled by agency general counsels.

Transportation is no exception to the rule.

The IG at Transportation has been given one staff attorney, who is assigned by the general counsel. This person is physically located in the general counsel's office space. This person's performance is evaluated by general counsel but paid by the IG. And, I am told, this person never renders an opinion without checking with the general counsel.

Last year, the IG at the Department of Transportation attempted to break the MOU but failed.

Then this year there was an attempt to force the IG to sign a letter that said, in effect: "I am happy with the legal support provided by the general counsel. I don't need independent legal counsel. The general counsel gives me all the independent legal advice I need."

Despite intense pressure, Mr. Mario Lauro refused to sign the letter. They could not ram it down his throat. That is to his credit. He deserves a medal.

The MOU arrangement is not a very good deal for either the taxpayer or the IG.

The IG's were set up to guarantee that there was frugal use of the taxpayers' money and that the laws are executed as intended by Congress.

Well, Mr. President, the IG's must be independent to make that guarantee work—to make it real.

Well, Mr. President, the IG at the Department of Transportation cannot provide that guarantee.

The IG cannot give the guarantee so long as the Department's general counsel has a stranglehold over her legal decisions.

Keeping the stranglehold is very important to the Department.

Most sensitive investigative issues boil down to a legal question.

The current MOU arrangement gives the agency's general counsel authority to shape the legal issues and in this way control the outcome of investigations.

It allows the agencies to conduct effective damage control operations.

It allows them to block investigations directed against senior officials.

It places the agency's attorneys in conflict-of-interest situations.

And worst of all, it compromises the IG's ability to render independent judgments on controversial issues.

It is a loser all the way around.

Mr. President, I think we should give the IG at the Department of Transportation the tools she is entitled to have under the law to do her job.

Mr. President, I understand the committee is prepared to accept my amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. LAUTENBERG. Mr. President, I think the distinguished Senator from Iowa makes an excellent point. It is already provided for, as he noted. We have no problem accepting the language that he has recommended to put the two attorneys in the inspector general's department.

Mr. GRASSLEY. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the Grassley amendment.

The amendment (No. 2332) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The question is now on the committee amendment on page 30.

The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise to address the remarks made earlier by the Senator from Arizona. I would like, first, to thank my dear friends and colleagues, the managers of the legislation, the Senator from New Jersey and my particular friend, the Senator from New York, who have earlier spoken against this proposal.

I would now like to do so. If I am brief, Mr. President, it is only because it appears to me that the case is succinct and overwhelming.

We have a situation of great importance to rail transportation in the United States, which is to say that essentially a Government-owned building, the general Post Office in the city of New York, named for that eminent Postmaster General James A. Farley, is being vacated by the Post Office. It happens that this building is directly across the street from the original Pennsylvania Station demolished in 1963 and the very inadequate subterranean substitute placed there.

The capacity of the existing facility is already fully used, as Senator D'AMATO stated and as Senator LAUTENBERG stated. Nearly 40 percent of Amtrak passengers pass through Pennsylvania Station—40 percent. It is also the terminal for the Long Island Railroad and for the New Jersey Transit. An enormous number of people use this already inadequate facility.

By a stroke of fortune you could not have anticipated—it happens once in awhile, you get lucky—across the street there is a magnificent building sitting atop the very same tracks which pass under Pennsylvania Station, for the very same reason. It was the general Post Office, and in the 1900's the mail moved by rail. Now that building is being vacated by the Post Office for the simple reason that the mail is no longer handled in the way it was at the beginning of the century.

The State of New York in the person of the Governor in his annual message to the legislature, the State of the State, Governor Cuomo, the mayors of the city of New York, first Mayor Dinkins, now Mayor Giuliani, have committed to paying a third of the cost of recreating this Pennsylvania Station. The President of the United States in his budget said the Federal Government would pay for a third and Amtrak will arrange for the remaining third. About $315 million is involved. Amtrak will arrange for it by simply emulating the experience of Union Station just 500 yards from where we sit.

Mr. President, that building was derelict, near derelict. In the late 1970's, Senator CHAFEE and I and members of the Committee on Public Works got some money to fix the roof so it would not deteriorate, as buildings will do, to the point beyond recovery.

Then with one thing and another a whole Union Station complex was built, and it thrives. I believe ridership went up 20 percent and stayed up. Any hour of the night or day you will find it is a shopping concourse, an entertainment center. It is a great bit of urban activity over there and a hub. You have rail, you have bus, you have taxi, you have subway, all those things that make a city work. The same thing would be true in New York City.

We can act now. We have the city, the State, the Federal Government, and the Amtrak Corporation saying, "Do it now."

Mr. President, if we do not do it today, if the Federal Government does not put up $90 million as will be authorized any moment now by S. 2002, introduced by Mr. EXON, authorizing appropriations for the National Railroad Passenger Corporation, if we do not act now, in 20 years time we will be looking for $1 billion from the Federal Government because this structure once abandoned will deteriorate beyond the point of recycling it. That is the term that is used for these buildings, and someone will stand up and say why could not we have had the sense to do what was necessary before a crisis developed, a crisis of New Jersey, New York, and of passengers in the Northeast corridor, a crisis of 40 percent of all the passengers in Amtrak?

This is a constructive, useful, timely measure. If we want a crisis to develop in our transportation systems, and then decry the crisis with much cost and recrimination, that will not be difficult.

That is the choice we make today. Do this today and in 5 years' time we will have a structure that the Nation will be proud of, that will generate economic growth and avoid an absolutely avoidable crisis which, if we do not act now, will be upon us and unavoidable.

I urge my colleagues—and I say this with fervor—not to accept the motion to table this amendment.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

Mr. LAUTENBERG. Mr. President, I thank my distinguished colleagues from New York, the distinguished chairman of the Finance Committee, and the ranking member of this subcommittee, for their comments regarding this national facility.

This is not simply a New York regional project, Mr. President. This is the chance to confirm the fact that we are interested in a balanced transportation network.

We are now in the process of electrifying the remaining unelectrified portion of the Northeast corridor between New Haven and Boston that will give us electric train service from Boston to Washington.

Right now, Mr. President, the number of flights between New York and Washington is probably somewhere in the area of 80 flights a day, and between Boston and New York somewhere around 50 flights a day, for a total of 130.

Mr. President, that total would be even higher if we were to consider the trips that go direct Boston-Washington, Washington-Boston.

We think our aviation system is terrific. As a matter of fact, it is by far the best in the world. It is very safe. It is very efficient.

But we are crowding the skies, Mr. President, and all you have to do is talk to people over whose houses the airplanes fly to learn they do not like the volume of traffic that takes place there. As the distinguished Senator from New York said earlier, some are forced by virtue of price to find another way to travel between Washington-New York, Boston-Washington, and Boston-New York. Unfortunately, many in this situation choose their cars.

A train offers a wonderful alternative. Is Amtrak's new Penn Station redevelopment project an essential factor in the development of our high-speed rail capability? The answer is absolutely yes, Mr. President. It is not simply a station that will serve travelers from New Jersey or Philadelphia or Washington, but also from Delaware, from New Haven—you name it. When I go to New York, I use the train because it is far better than sitting in traffic waiting for the tunnels or the bridges to open up. We often have delays at the bridges and tunnels that are longer than the drive was to get to the bridge or tunnel. Even without the additional service Amtrak is going to be offering between Boston and New York, Penn Station will continue to be ever more crowded.

Mr. President, when you walk into that station, unless you are an experienced traveler in Penn Station, you are bewildered by the number of signs, the number of sounds, the number of people that are just jammed together in that station. It is totally inadequate, and it is unfair to the rail traveling public. I think that Senator MOYNIHAN made the point very clearly.

When we improved Washington Station, we improved the whole world of rail travel. When we improved the 30th Street Station in Philadelphia, we created a positive attitude for the traveler and the area. It is no longer a hangout for those who would obstruct traffic. It is no longer the place that derelicts accumulate. It is no longer an unpleasant experience. The renovated station has shops and more are opening. It is a pleasurable experience to take the train to that location now.

So, Mr. President, when I look at this expenditure, I recognize and acknowledge the fact that the administration requested $90 million. We did put in $40 million. We could not do more. We have done the maximum we can. This project will add to the general transportation efficiency of our country. I think, Mr. President, that we ought to move expeditiously to get this project started, to begin construction before the increase in costs associated with inflation outrun the total package that we are looking at here today.

The Federal Government will not be constructing this project on its own. New York State and New York City are going to contribute to the project. Amtrak will contribute as well.

Mr. President, I thank the Senator from Arizona for the courtesy and the manner in which he disagreed with us. While we disagreed, it was not disagreeable.

He has consented, as I understand it, if he chooses to have a rollcall here, that we will be able to put it at the end of the debate and before the final passage of the bill.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to pose a sense-of-the-Senate resolution in the form of an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2333

(Purpose: Expressing the Sense of the Senate that Highway Trust Funds should be allocated to the State under a fair and equitable allocation formula)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2333.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE—

The Senate finds that: Federal-Aid Highway funding is subject to a formula based allocation process;

States are best able to determine the priorities for allocating Federal-Aid highway funding within their jurisdiction;

Funding for demonstration projects diverts Highway Trust Fund money from the priorities established under the formula allocation process, and deprives states of the opportunity to determine how Federal-Aid highway funds should be spent within their jurisdiction;

Federal Transit Administration funding is critical to cities and states across the nation and the Senate supports the fair and equitable distribution of federal transit aid to the eligible recipients;

The Department of Transportation has criteria for allocating federal transit aid based on need, and taking into consideration the requirements of the Clean Air Act and the Americans with Disabilities Act;

The Administration's National Performance Review indicates that congressional earmarks are restrictive and counter-productive;

The administration's fiscal year 1994 budget request urges Congress to allow funding for demonstration projects to be distributed under the formula allocation process;

It is the sense of the Senate that Congress should refrain from authorizing and appropriating money for new demonstration or earmarked highway and transit projects and allow such funds as would otherwise be required to be spent for specific projects, to be distributed to the states for transportation projects under the applicable merit-based allocation formulas and procedures.

Mr. McCAIN. Mr. President, on this amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the yeas and nays take place at the pleasure of the managers of the bill when they propound a unanimous-consent agreement concerning the tabling motion and this sense-of-the-Senate resolution.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. McCAIN. Mr. President, I will be brief. This amendment is very simple. It expresses the sense of the Senate that Congress should allow Federal highway aid to be distributed equitably among the States according to the Department of Transportation's allocation formula, and refrain from the practice of legislative earmarking.

The problems associated with diverting highway trust fund money to congressionally earmarked highway projects has been debated before. But, regrettably, the practice continues and it demands our attention. This bill and the accompanying report contains $300 million in highway earmarks—$300 million that would otherwise be distributed to the States to fund their priorities, has been set aside and carved up by Congress for favored projects.

I would like to read from an editorial from the Orlando Sentinel last February that sums up the issue, perhaps not totally accurately, but sums up the issue in the view of the American people. I quote from the February 6, 1994, article from the Orlando Sentinel:

WASHINGTON.—They are called "highway demonstration projects," but the main thing they demonstrate is the power of the pork-barrel kings of Congress.

If you live near a place like Altoona, Pa., you might think of these projects as manna from heaven. If you live someplace else—Florida, say—you might call them highway robbery.

Since 1987, demonstration projects—intended to stimulate innovative road building—have become a wildly popular way for Congress to spend billions of taxpayers' dollars without going through the regular highway program.

And this year, against the advice of their expert accountants, lawmakers are preparing to spend still more.

The money used for demo projects amounts to less than 5 percent of the $20-billion-a-year federal highway program. But transportation experts—including those at the General Accounting Office—say this is money not well spent.

"In 1991 we found that about half of the demonstration projects we reviewed did not appear on state or regional transportation plans," GAO official Kenneth Mead told a congressional committee last year. As such, the demo projects leapfrogged what local transportation officers had set as priorities.

The demo projects give individual lawmakers, generally the most powerful ones, a chance to circumvent established road-building priorities and channel money directly to pet projects in their home states or districts.

The dealing is done out of the public eye, and the results eventually wind up in the fine print of multiyear highway bills and annual spending bills. Powerful lawmakers on committees that control those bills either insert the demo projects for themselves or in a horse trade with a colleague.

Mr. President, I will not quote the entire article, but that is the flavor of it, and that is what the American people believe.

The American people believe that deals are done behind closed doors which have nothing to do with the priorities of the States who are sending these tax dollars to Washington.

Mr. President, I think it is a wrong practice. I think that earmarking has been abused. I think there may be times, very few, rare examples, where a situation may arise where it is called for. But I think the overall process is one which has grown and one which is not acceptable and one which deprives the residents, the citizens of certain States, of the benefits of the tax dollars that they send to Washington, DC. They have every right to expect those tax dollars to be spent on an equitable basis, according to the formula set up by the Federal Highway Administration and the Department of Transportation.

Mr. President, we are all guilty of this practice. I know that many of the demonstrations authorized under the highway bill have already been started and that it may be too late to turn back. But at some point it must stop. A vote for the resolution I have offered is a vote to stop this obsolete practice.

I reiterate to my colleagues that the problem of highway project earmarking is not a regional or a partisan issue. It's not about east versus west, urban versus rural, nor should it be Republican versus Democrat. It's a matter of better government.

President Clinton, in his budget request this year, asked Congress to stop diverting highway trust funds to pay for special projects—a practice that skews priorities, and favors some States at the expense of others.

He urged Congress to allow highway aid to be distributed fairly according to the established formula so that taxpayers' dollars could be spent according to the priorities established with such great care and expertise by those best qualified to do so—the individual States.

To those who pay public tribute to the concept of reinventing government, and I'm quite certain that includes every Member of this body, I urge you to keep in mind that the administration's blueprint for better government requests that we refrain from tying the hands of administrators with mandated spending on site-specific projects.

Allowing highway aid to be equitably distributed and spent on the highest priorities doesn't seem like a lot to ask. It sounds like good government. It sounds like good government because it is. But, this bill with $300 million diverted for special projects just perpetuates the tired status quo.

Many of these projects, I'm certain, are vital. Many of them may even be State priorities. I'm sure that the members of the Appropriations Committee are well intentioned and do their best to try and screen the projects as best they can. But, it just isn't working. Many of the projects on the earmark list might not appear on a State priority list for many years. To those who would disagree, I ask simply, if the contrary were true, why do we need the earmark.

This bill also contains numerous earmarks for bus and rail transit projects. The Department of Transportation has allocation criteria for awarding projects which take into consideration the Clean Air Act and the Americans with Disabilities Act. Again, rather than earmark future projects we should adhere to the process.

Mr. President, as sure as I'm standing here today, I can see the press releases that will go out when this bill passes. Congressman "fill in the blank" announces he has won funding for this bridge or that road. And, it will sound impressive. It will sound like effective legislating. He's bringing home the goods. They may even name the highway after him. What a guy. But, guess what? Oddly enough, there will never be a press release about the priority project that didn't get funded because of the "pork factor"—the vital bridge that will just have to wait, or the critical road improvement that just won't get done.

In my opinion, the good government argument should be compelling enough. But for those hopelessly enamored with earmarks and the congressional way of doing business, I offer a word of caution and I suggest that a little math might be in order. Each Senator might measure what his State would receive if the $300 million in earmarks were divided according to the formula, against what their State might receive for a congressionally awarded demonstration. I suspect many Senators, particularly those not on the right committees, might reconsider just how wonderful the practice of earmarking is.

So, Mr. President, the resolution I have offered is very simple. It says let's bring order, priorities, and principle to the process. It says let's defer to merit. It says let's do as the President and our Governors request—let's adhere to process rather than the catch as catch can free for all of congressional earmarks.

A vote for the resolution is a vote for good government, merit-based process, and State empowerment. A vote against the resolution is a vote for business as usual and the worn out politics of pork.

It is a simple amendment. One of the reasons I propose this as a sense-of-the-Senate resolution is because I am not interested in going back and revisiting what has happened. I do not think to kill these projects at this time would be an appropriate move, nor, by the way, a successful one.

But I think we should express our sense that earmarking is a practice that has outlived its usefulness and one that should be done away with.

I say that not reflecting any aspersions on the character and integrity of the managers of the bill. I know that they do the very best job that they can and that they are committed to the best and most efficient use of taxpayers dollars.

My point is that the process of earmarking is one which I think is an abuse whose correction is long overdue.

Mr. President, I appreciate the indulgence of my colleagues on both of these issues. I yield the floor and look forward to perhaps hearing from the distinguished managers of the bill as to when we might expect a vote on both of these.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, we are considering two amendments which have been offered by the distinguished Senator from Arizona. We have an informal agreement, which I am happy to confirm on the floor before I make my remarks. With his permission, we will ask unanimous consent to delay the votes on the two amendments that the Senator has proposed until just before we go to final passage, so that the vote will be in order at that time.

Mr. MCCAIN. Can I ask the distinguished manager about what time that might be, for the benefit of Members?

Mr. LAUTENBERG. Well, with the good spirit evolving around here, while I cannot be precise, my guess is that we are probably talking something less than an hour.

Mr. MCCAIN. I thank the Senator.

Mr. LAUTENBERG. Mr. President, I want to respond to the Senator's comments and explain why I oppose his proposal.

The fiscal 1995 transportation appropriations bill continues a commitment that I made when I assumed the chairmanship of the Transportation Subcommittee. That commitment is principally to increase investment in our infrastructure.

Mr. President, that is a mission of mine. It is a place where the United States is deficient compared to our competition, compared to our allies, compared to other developed nations around the world. We are woefully short of making the kinds of investments in infrastructure that we should be making—for all the reasons I stated earlier when I introduced the House transportation funding bill. Transportation funding is important because it has the short-term benefits of putting people to work. It has the long-term and intermediate benefits of reducing congestion, of reducing pollution, and of making us more competitive by moving goods and people to places they have to be in expeditious fashion.

I sought the chairmanship of this committee, although I come from the computer industry, because I had experience at the Port Authority of New York and New Jersey. I saw how vital it was to continue to improve our transportation facilities to be able to move the masses of people and the volume of goods as this country has to in order for us to stay economically vibrant.

So with that in mind, and thanks to the support of the full committee chairman, ROBERT BYRD, the obligation ceiling for Federal highways has steadily increased from 1988, when it was $11.78 billion, to the $17.5 billion figure contained in the fiscal 1995 bill.

In the years I have been chairman of this subcommittee, we have seen a 48 percent improvement in the funds available for highway investment. I do not believe that any of the 7-year period in the highway programs has ever seen this kind of increase in investment. I did it with the aid and assistance and participation of my colleague from New York, Senator D'AMATO.

In addition to the funding that falls within the obligation ceiling, there is an additional $2.3 billion that benefits projects that were identified in ISTEA to receive funding outside the normal formula distribution.

Thus, the total Federal-aid highway trust fund account stands at $19.8 billion. When ISTEA was first considered on the Senate side, it was the full committee chairman, ROBERT C. BYRD, who found an additional $8 billion that could be used in the highway program over the 6-year life of the ISTEA legislation.

This funding has translated into raising the minimum share that every State receives from the highway trust fund. Funds are allocated in a fair and equitable manner and the gap between "donor" and "donee" States, which has been discussed on this floor for many years, is narrowing. In other words, the amount of money a State receives back from the Federal Government is much closer to 100 percent for everybody than it has ever been.

In addition to the funding which has been provided for the regular Federal-aid highway program, the bill also contains general funds that are not taken from the highway trust funds—general funds. These funds are appropriated for individual highway projects that are either specifically authorized in existing law to receive general fund appropriations or that have already received general funds from the committee in the recent past.

In last year's bill, funding was only provided for those projects specifically authorized to receive general funds. However, this had a peculiar effect. It meant that projects which had been started in the past by the Appropriations Committee would have been left, in some cases, only half finished.

A project in Arkansas provided a very dramatic example in the half-built bridge known as "lock and dam No. 4." Senator NICKLES, from Oklahoma, also allowed that through funding in the past, a road over a reservoir in Oklahoma had been completed, yet the access roads to that viaduct bridge had not been built.

It is not fair to the States that engage in these projects to suddenly find out that what they thought was a full-term commitment has been abandoned midstream. So we endeavored in this funding category to further advance those projects which had already been started, to aid projects that had demonstrated local support, that had the necessary matching funds, and that could obligate additional funds.

In the highway projects area, the subcommittee received funding requests of $1.7 billion, when in fact there was something like $350 million available. So we had requests for six times the amount available. That came from a large number of Senators from States across the country who wanted to see projects funded that they knew were important to their States and to the transportation system.

It should be pointed out that there is no specific annual authorized level for general highway fund projects, nor does this category of funding derive its funding from the regular Federal-aid trust fund highway program. The funds that are recommended came from the committee's overall general fund budget authority, and thus it competes with other general fund accounts, like Coast Guard operations, the salaries and expenses for the Office of the Transportation Secretary, and the Federal Aviation Administration's operation. So we are really placing ourselves at a distinct disadvantage when we throw all of this in one pot and we have it argued out in a debate on the floor. It is not orderly. It is not consistent with good practice.

It is only after the usual examination is done, given the administration's budget request, that an estimate can be sensibly made on the amount of funding that will be available for the general fund appropriated highway projects.

It is worth repeating. The general funding provided to these highways does not compete with nor does it detract from the funds provided under the Federal-aid Highway Trust Fund Program, which is distributed to all States through different formulas contained in ISTEA, which was negotiated, debated, argued and shaped in both bodies of the Congress and finally agreed to and signed into law by President Bush in December 1991.

So there is a long history of the way this has operated, getting ever more efficient. I hope our colleagues will defeat this sense-of-the-Senate resolution because it does not really add anything to the quality of the structure of these accounts nor does it permit us to get on with the work that has been started, or those projects that are already in law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York [Mr. D'AMATO], is recognized.

Mr. D'AMATO. Mr. President, I see my colleague from New Hampshire has been patiently waiting and he has an amendment to offer. I simply state we have provided $352 million for highway demonstration projects. Every one of those projects has been either authorized or is in the process of being completed. Republicans and Democrats have requested them. First, these projects are authorized or have already been started or are in the process of being completed.

Second, I would rather see, as it relates to some of these projects, that there be some congressional earmarking. I do not care which party we are from, we oftentimes identify essential programs and projects in our States. I do not care whose administration is in the White House, Republican or Democratic—the Transportation Department simply is not going to recognize these same needs. That is why we are elected. We are elected and accountable to our constituents. We may see a two-lane highway that has been authorized for reconstruction for 30 years but does not get funded—30 years, and all the while people are getting killed. Then a Congressman comes and says, "My God, do something." That Congressman, he or she comes and goes. Democratic Congressmen, Republican Congressman, another Congressman—finally one Member is able to get, by way of his or her colleagues and by way of the Appropriations Committee, some relief. I have been through those situations. I have seen them. So I have to tell you, if we want to say wipe out all earmarking, we will be a bunch of darned fools.

The House is not going to give up their prerogatives. Do you want to say in the Senate we should give up our prerogatives when it comes to authorized projects, priority projects and providing the funding for them? Is that what you want to say? OK, delude yourself, leave it to the bureaucracy. Oh, they really understand, do they not? How many times do you go over there and fight and scream with them? That is what we are getting down to in this debate.

This is not an esoteric issue. Understand what we are talking about. Do you want to take those prerogatives away? When you have a desperate situation, don't you want to retain the hope that maybe some of your colleagues—Republicans or Democrats—can come together and say, "Let's address it, let's do what is right. Let's do what is meaningful."

I yield the floor. I know my colleague has an amendment to offer. He has been very, very patient. I apologize to him.

The PRESIDING OFFICER (Mr. PELL). The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I do have a motion to offer in a moment. I do want to speak in support of Senator MCCAIN's sense-of-the-Senate resolution. It takes a lot of courage to take on the system around this place. Senator MCCAIN has done that.

I think to his credit he is not looking back at projects that are in the process of being completed, as the Senator from New York has just referred to, he is looking ahead.

Basically, his point is that earmarking is wrong, it is not good policy, it is not in the best interest of all the taxpayers and all the voters in America, if the tax dollars are not spread truly equitably on a per capita basis or, for that matter, on the basis of good prioritization of projects. That is his point.

It is a nonbinding sense of the Senate, but those Senators who vote for the McCain resolution are basically saying we ought to change this policy; that this is not good policy, it is not properly prioritizing these projects, whether they be highway, as in this case highway projects, transportation projects, or anything else.

I see it in other committees in the Senate. I do not think it is good policy.

So the question really is, do you want to change things, do you want to reform? When we hear the negatives and the criticisms that are directed at us in Congress, oftentimes it is because of the back-room, closed-door decisions that are made. It does not necessarily mean that someone on the Appropriations Committee, in a room of appropriators, who makes a decision to direct some money to a particular project in some State, always makes a bad decision. But what it does mean is that the appropriators have a tremendous amount of power. Sometimes they make good decisions, sometimes they do not.

The point is, all of us—all 100 Senators—do not have an input into those decisions on the basis of the way the process is conducted. That is wrong. Earmarking is wrong. The American people know it is wrong. Members of the Senate know it is wrong. Those of us on the authorizing committees who see what the appropriators do, know it is wrong. But the problem is when we get down here on the floor, we have to take on the appropriators and we do it at great personal, political risk, because there is a tendency around here to say, "Well, if they don't want to support the appropriations process, these Senators, we can take care of them when it comes time for something to come due in their State."

I can tell you—I think I speak for the majority of the people in my State. Certainly I have taken this position every year I have run, and I have won, so I assume I speak for the majority people in my State—they did not send me here to see how much pork I can get for the State of New Hampshire. They sent me here to be fiscally responsible, which is leading to my next motion.

I do not think it always works out that every one of these projects that comes through this earmarking is justified, and there ought to be a prioritization. It should not be how much seniority you have here, or what committee you are on, that determines whether or not a project goes to your State. It ought to be on the basis of fairness, equity.

There are 250 million Americans. I daresay, if you look carefully at the projects that are—let us just use the transportation bill and look at who is on the Appropriations Committee and the States they are from, in both political parties—I am not trying to be political about it—you will find a disproportionate amount of those projects going to the States of those on the Appropriations Committee. That is not fair to the rest. A highway project in California is just as important as a highway project in New York or New Jersey. Certainly it is to the people who use the highway or the transportation project in that State.

I think Senator MCCAIN said he was under no illusions that this sense-of-the-Senate resolution would be adopted. I am not either. But I will say for the RECORD that the Senator from Arizona [Mr. MCCAIN] is absolutely correct. He is right. It is a bad process, it is bad policy, and it ought to be changed.

I hope that Senators will reflect very carefully before the vote and think about it. It is all right when you are on the receiving end, I suppose, but when you are on the losing end, it is not all right, especially for people in your State who lose more often than not if you are not a member of the Appropriations Committee. I think that is wrong.

At this point, Mr. President, I ask unanimous consent to add myself as a cosponsor to Senator MCCAIN's resolution.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. SMITH. Mr. President, I have a motion that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the motion for the information of the Senate.

The legislative clerk read as follows:

> The Senator from New Hampshire [Mr. SMITH] moves to recommit H.R. 4556 to the Committee on Appropriations with instructions to report the bill to the Senate, within 3 days (not counting any day on which the Senate is not in session), with an amendment reducing the total appropriation provided therein to a sum not greater than its fiscal year 1994 level.

Mr. SMITH. Mr. President, this is a very simple motion. It asks that we recommit the bill to come back with the same amount of money that was spent last year. That is all it does. There is nothing complicated about it.

Oftentimes I come down here and pick up the reports and the documents and the bills, the resolutions, off my desk. For most, sometimes this is the first chance we get to look at it because it is printed so late. But in this particular case, we do not have to go past the front page of the report.

The report says that last year, fiscal year 1994, we spent $13,589,113,194 and that the amount of the bill that we have before us in the Senate is $414,330,109,000.

That means, doing my own math, that we are spending $740,995,806 more on this appropriations bill than we did last year. That is the bottom line; that is what we are doing.

Given the debate that we hear day after day around here about fiscal responsibility and fiscal restraint, frankly, this bothers me. We heard from some of our very distinguished colleagues during the vote for a balanced budget amendment to the Constitution, that a balanced budget amendment to the Constitution was unnecessary because all we have to do when the time comes, when the appropriations bills come, and spending bills come before us, is vote no; we have the authority to do that, we can do that and we do not need an amendment.

True, we do have the authority to do it, but we do not do it.

So if you think back to how close that balanced budget amendment vote was, it was, I think, less than a half dozen votes—three, I believe—three votes was the difference between adopting that amendment or not.

So here we go again, as President Reagan used to say. We wonder why the debt gets bigger. There is no secret. We should not have to wonder. The American people watching this debate should realize there is not anything complicated about it. As long as you send an appropriations bill in here that spends $740 million-plus more than last year, you are going to add to the deficit. When you add to the deficit, you add to the debt, which is already $4.5 trillion.

The truth of the matter is we do not really care about that. We are perfectly willing to take this $740 million and pass it on to our kids and our grandchildren. I have said before in this Chamber that my preference would be to leave the assets that I have, if I have any when I die, to my children, not my debts.

Is that not the way most people in America feel? But it is easy, is it not? Spend $740 million. You will hear all the good things that this bill does, all these wonderful, worthwhile projects. They are all great, all necessary, all needed, all going to help people out there somewhere, employ people to build something somewhere. All great.

There is only one catch to it. We do not hear about it. We do not hear about it here, OK. And this is the catch. We are borrowing every dollar of that $740 million increase over last year. We are borrowing it. It is not sitting in an account somewhere in the Federal Government. The $740 million increase in this bill over fiscal 1994 is borrowed money. And if we are lucky, we will borrow it at about 7 percent. The way things are going now with the Federal Reserve, that is probably going to go up, but let us just assume it is 7 percent. If we borrow it at 7 percent, we are going to pay $51 million in interest just on the $740 million that we are adding to this bill.

Now, where I went to school, that is a lot of money. But does anybody really care? If any of my colleagues think we care, or if the American people who are watching this debate think we care, watch the vote. Watch the vote. It is coming shortly. It will be here within an hour or two. We will have a vote on this amendment, and it will be defeated, the same way the amendment that I offered on legislative appropriations was defeated when I asked then in the Chamber of the Senate a few weeks ago to bring it back to the current level.

I am not cutting a nickel. I am not cutting anything out of this bill. I am simply asking us to come back with last year's level, live within last year's level. That is all I am doing. I am not cutting a dime. I tried it on the legislative appropriations bill, and I lost. I think I got 37 or 38 votes. I tried it on the Treasury-Postal bill, and I lost. And I am going to lose on this one. I know it. But sometimes you have to stand up for principle around here. The principle is that this is wrong. It is morally wrong to continue to do this.

Now, we have 13 appropriations bills, and to the credit of some of those managers who have brought these bills in—foreign ops, military construction, Agriculture, and D.C. Appropriations—we are either equal to or less than last year's appropriations, and I commend them for that. That is a good, positive step. But this one is not one of those.

We will still lose, but I am hopeful. I am hopeful that someday reason will prevail, because if we do not, if we are not willing to come in at least at current levels, if we do not cut, then there should not be any surprise when the debt goes up. If you borrow more money to run your business or your home than you did last month, it is going to cost you more. You are going to owe more. Is that any big surprise?

Why are we so surprised when we hear that the debt goes up? Why are we so surprised when we hear that the balanced budget amendment is defeated? The bottom line is because we do not want to control spending around here, pure and simple. We just do not.

Now, there will be plenty of reasons given, as I said, as to why this is a great bill and why we should spend the money. I could think of a lot of things I would like to have, and I am sure many of the American people listening to this debate would like to have, but they cannot have it because they do not have the money to buy it, No. 1 and, No. 2, if they wanted it badly enough, they could borrow it, but they could only borrow so much money and then they would be stopped. Everybody has a cap on that credit card. Everybody has a cap on that credit.

You can only borrow so much except here in the Congress of the United States—unlimited credit cards; borrow whatever you want; spend whatever we want; pass it on to our kids. Day after day, month after month, year after year, we have been doing it here. And some of us stand up here and say it. I have been saying it for 10 years, the 10 years I have been in Congress. I am almost exhausted. Day in and day out, I see the headlines in my State every time I have one of these things: "SMITH Defeated on Appropriations Bill"; "SMITH Defeated on Spending Cut"—day in and day out.

But we heard headlines back in the 1860's about slavery, too. That was wrong. And sometimes those abolitionists lost, but eventually they won. And someday, common sense is going to prevail in this place, I believe. Otherwise, it will be the total economic ruin of the United States of America. Just like good prevailed on the slavery issue, I hope and pray that good and right will prevail on what we are doing to the economy of the United States of America. We are now a debtor nation and it is getting worse.

Everybody says, well, we brought the deficit down. Yes, we did a little bit, but it is going to go up again before the budget balances. We are going to look at a deficit of $160 billion or $170 billion this year, maybe more. Well, that adds to the debt every time you deficit spend.

So just remember, on this very bill, we are going to spend $51 million in interest on what we are borrowing just to fund the increase—not what we are borrowing for the entire bill. We are borrowing that, too. I am just talking about what we are borrowing to fund the increase—$51 million, 7 percent of $740 million.

So that is what we are doing.

Now, OMB estimates that the Federal Government will spend more than $1.5 trillion in the upcoming fiscal year. That breakdown is not complicated. Mandatory entitlements—that is, we have to spend it because the law says we have to spend it—will consume $752 billion unless we change the law. And I know that the Senator from Nebraska, who is in the chair at the moment, is chairing the task force to look at that. I commend his leadership for it. Lord knows, it is necessary.

The net interest on the debt—an item that is very difficult to reduce—will total approximately $224 billion in fiscal year 1995. The net interest on the debt alone will be $224 billion. And this is not a stable figure. This figure is going up. Every year we deficit spend, every year we add to the debt, we add interest. We are going to add $51 million just on the increase to that interest figure that I just gave you of $224 billion.

So if you are concerned about that, you ought to vote to recommit this bill and send it back and say bring it back with $740 million less. And, oh, you will hear the screaming. Oh, boy, you will really hear it. There will be a billion different excuses, more excuses than we have dollars in the Federal Treasury, about why we should not do it.

But we should. Now, going down the list, again, $752 billion in entitlements, $224 billion in interest, about $270 billion in defense spending, and last but by no means least, we will spend $271 billion in the so-called nondefense discretionary category.

So let me recap: Total spending, $1.5 trillion this year; total revenue, $1.35 trillion; total deficit, $167 billion; and the bottom line is total disaster, total disaster. That is a recipe for disaster, my colleagues, and we are right here now, we are right here now in the Senate adding, adding to the problem, presiding over the economic disaster of this country.

Now, granted, this is a very small portion of it. It is not directed at the managers of the bill. But it is a very small portion. There are 13 appropriations bills. We can make a start in that discretionary spending if we would just bring those 13 bills in at last year. But we do not do it.

Now, people say, with the greatest respect for the Senator from Nebraska, who is in the chair, if we are not willing to cut $740 million out of a $14 billion bill, how in the world are we going to reform entitlements? Who is going to come down here and vote to reform entitlements?

Mr. President, our spending addiction has to end. Sooner or later it has to end. And I certainly hope it ends sooner rather than later.

I do get tired of coming down here and offering these amendments and losing, quite frankly. Nobody likes to lose, least of all somebody in politics.

I do not like it. But I do not care in the sense that I am willing to take that abuse time after time because it is right just the same way being opposed to slavery was right. This is right. Being opposed to economic disaster is right. Being fiscally responsible is right. Speaking out on fiscal responsibility is right. I know that our spending problem is not isolated in just the appropriations area. But these happen to be the bills that the Senate considers every year. This is a chance in discretionary spending. This is our chance to say that we want to control.

I mentioned fiscally responsible appropriations bills that have come through here already. But let me briefly tell you where you are on the ones that were not. Already, let us add the legislative branch, which was over; the Treasury-postal appropriations bill which is over; and the one today, transportation, which is over. Those three appropriations bills which the Senate deals with every year about this time as we get the appropriations bills before us, add those three up, and we will get just in the amount over last year, over last year—not the total amounts for the three bills, just the total of what we spent over last year—$1.84 billion. I did not do the math. But take 7 percent of that. You will see how many million more in interest we are adding to the debt just on that increase.

I ask my colleagues with the greatest respect—some of you have been here a lot longer than I have—what signal does that send to the American people? What good does that do the United States of America to continue to spend more money than we take in; to always have an excuse when you come down on the floor for adding money to every program, every appropriations bill that comes through here? What signal does that send? They laugh at us. That is the signal it sends. They laugh at us because we do not have the courage to go back to our State and tell people the truth.

Is that what it has come to? Go back to your State and say honestly, you know, "We cannot give you that bridge or that highway. We don't have the money." We are deficit spending. We are borrowing. We are borrowing too much. We are now a debtor nation. We need to do the opposite.

I had not planned to speak this long. But I am just hoping against all hope that someday, one of these days, when one of us who brings this up, as Senator McCain has done time and time again and others, someday maybe the message will get through. If it does not get to those of us here, hopefully, it will get through to the American people who send us here and who will send people here who are fiscally responsible.

When I hold town meetings in New Hampshire to discuss this problem and talk about the need for reform, I do not hear a lot of constituents who say to me, "I don't want to make any sacrifices." I hear the opposite. I hear people tell me, "I want the budget balanced." I say, "You know, you cannot balance it if you don't cut spending." They say, "We know." Obviously, nobody likes to take the hit. But what people do say to me is, "OK. You can do it on this condition, we will accept the cuts. We are willing to look at limits perhaps in some of our entitlements, not cuts but limits, limits on the increases, maybe tagged to inflation and other programs. But we want it done fairly. We don't want to read that you gave the civil service retirees a COLA and you did not give the military retirees a COLA or you delayed one and you did not delay the other. That is not fair."

I agree with them. That is absolutely right. They do not want to read about some pork project, some museum, something out someplace that nobody ever heard of. They do not want to hear about money wasted on something and then find out that they are going to lose a 3-percent Social Security COLA. They do not want that. I do not blame them.

So we have to start here. It is a small start, $740 million. That is a lot of money where I grew up. But it is a heck of a little amount of money compared to what we spend out of $1.5 trillion. We cannot even cut that. And we will not. Watch the vote. Watch them. If we get 39, I will be surprised. That will be a big win.

So I am issuing a challenge out there to my colleagues for once. Bring this thing in as other appropriations bills have done. Bring this thing into a reasonable appropriation. Do not listen to the excuses. Do not listen to all of the reasons we should spend that $740 million. Forget it. Let it go in one ear and out the other, my colleagues, and just come in and, say, "I am going to do what is right. We will send it back." That is all we are doing. I am willing to sit down with anybody on that committee or anyplace else to work out where the cuts can come from to get us back to where we were last year. That is all I am willing to do. And it is not a cut. This is an increase. We are trying to drop back to last year's level.

That is the funny thing that goes on around this place. What happens is all this baseline stuff. There are all of these buzz words here in Washington that do not mean anything to the average guy on the street. The average guy on the street knows we are spending more than last year. That is wrong. We want a balanced budget. The Senate said they wanted a balanced budget. But they are not doing it. They are not going to do it here. Are they going to balance the budget? No. It is not even going to come close. But you have to walk before you can run. We are not walking. We are not even getting off the chair, let alone walk.

Should Federal spending on the Department of Transportation and related agencies be increased from last year's levels, or should it be exactly what it was last year? That is the question before the Senate with this amendment. There is nothing complicated about it. That is it; no secrets, no shenanigans, just that.

Should we spend more or should we spend what we spent last year as the District of Columbia did and as the other bills that I cited did? Or put it another way: Do we owe the American people at the very minimum our vote to hold the line on spending? You know someday, it might be 25, 30, or 40 years from now, long after I will be out of this place because I do not expect to stay here anywhere near that long, somebody is going to ask us, maybe our grandchildren, maybe one of my grandchildren, and say, "Hey, grandpa, where were you in the Senate when they destroyed the economic viability of the United States of America?" I am going to tell them where I was, standing right here losing votes that we should have won. That is what I am going to tell them. My conscience is going to be very clear about it.

Let me conclude on this point, Mr. President. I made the point pretty clearly. My motion is simple. It sends the bill back. It is called recommit. It sends it back, and says bring it out at last year's level. That is the least we can do. We saw the celebration of the moon landing. "One small step for man, one big step for mankind." This is one small step in the budget process, but, boy, it is a big symbolic step. Let us do what is right just for once and exercise some fiscal responsibility.

Mr. President, in the ensuing debate on my motion to recommit, there were some statements made about how much money New Hampshire received and I would like to set the record straight on that.

This is called the Northeast-Midwest Report put out by the Northeast Midwest Institute, the center for regional policy on Federal spending in fiscal year 1992.

The State of New Hampshire received $4.28 billion in total Federal spending in fiscal 1992, bringing in $3,853 for every man, woman, and child in the State. This level equaled only 86 percent of the U.S. per-capita average of $4,464, placing New Hampshire 43d in the Nation in amounts of per-capita Federal spending. This low level of per-capita spending is not unusual for New Hampshire.

And it goes on to point out that this has been the case in the past decade.

Incorporation of the level of Federal taxes paid by residents of New Hampshire into the analysis worsened the spending picture for the State. On per-capita basis, each State resident paid an average of $4,558 in taxes to the Federal Government in 1992. The average U.S. per-capita tax burden was $4,150. Not only did New Hampshire receive less than its share of spending, it also paid more than its share in taxes. After adjustment for deficit spending, the return on the Federal dollar to New Hampshire residents was 79 cents for every $1 paid in taxes.

Mr. President, I submit that for the RECORD, and I also ask unanimous consent to print that portion, which is a couple of brief paragraphs, in the RECORD that applies to New Hampshire from this report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Northeast-Midwest Report]

FEDERAL SPENDING IN THE NORTHEAST AND MIDWEST: FISCAL 1992

The state of New Hampshire received $4.28 billion in total federal spending in fiscal 1992, bringing in $3,853 for every man, woman, and child in the state. This level equaled only 86 percent of the U.S. per-capita average of $4,464, placing New Hampshire 43rd in the nation in the amount of per-capita federal spending. This low level of per-capita spending is not unusual for New Hampshire. In the past decade, New Hampshire only twice (1982 and 1984) exceeded the national per-capita spending average by small margins. The mid-80 percent range dominated the last seven years. New Hampshire ranked particularly low in salaries and wages paid by the federal government and in direct payments to individuals. The state placed last in spending per person for child nutrition programs and Supplemental Security Income (SSI) payments.

Incorporation of the level of Federal taxes paid by residents of New Hampshire into the analysis worsened the spending picture for the state. On a per-capita basis, each state resident paid an average of $4,558 in taxes to the federal government in 1992. The average U.S. per-capita tax burden was $4,150. Not only did New Hampshire receive less than its share of spending, it also paid more than its share in taxes. After adjustment for deficit spending, the return on the federal dollar to New Hampshire residents was only $0.79 for every $1.00 paid in taxes. This return placed the state 46th among all states in return on the federal tax dollar. If New Hampshire had received federal spending at the same percent it paid in taxes, the state would have received an additional $1.17 billion, or 27.3 percent more. As with per-capita spending, the historical return on the federal dollar in New Hampshire remained below average.

Mr. SMITH. Thank you, Mr. President.

I yield the floor.

I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I listened with, as you can imagine, intense interest as our colleague from New Hampshire took the position that we are fiscally irresponsible. That is what our colleague from New Hampshire said. He said, "Why is not this bill fiscally responsible like some of the others?" Well, the reverse of "responsible" is "irresponsible."

We will deal with the whole litany and the whole argument presented by our colleague in the few minutes that we have.

I guess it feels good to be the only one in this body who is principled. You heard the statements: We give away the store; we saddle our kids with debt; we do terrible things to people. Perhaps that is the view of the Senator from New Hampshire. I think we work pretty darn hard here, and I think we are a responsible body. If he wants to isolate a few who are irresponsible, he ought to name them. But to listen to this diatribe about how principled someone is, while the rest of us go lurking around corners trying to hide our faces from the shame and disgrace of our performance here—not this Senator, nor the Senator in that chair. We have each done our part for our country—the three people in this room—I in World War II, and the two of you in Vietnam. I try to serve as well as I can, and if I make mistakes, I make mistakes. But if I make a mistake, it is a genuine missed opportunity.

I want to point out something, Mr. President. The State of New Hampshire is a donee State. You do not have to be a Member of the U.S. Senate to understand what is a donee State. But in case you do not understand I will explain it for the benefit of my colleague, who wants everything cut and refuses to recognize the good that has been done here. We are only talking about the evil that lurks through these Chamber Halls. A donee State is a State that gets more Federal aid highway apportionments than it sends down to Washington. For the benefit of my colleagues' review, I want to tell them that New Hampshire gets $1.40 in Federal aid highway apportionments for every dollar in Federal gas taxes they send down. I ask the citizens of this country, is that a good deal? Send down a dollar and you get a $1.40 back. You do not have to take a chance on the lottery. Since 1956, New Hampshire has been willing to take $1.45 for every buck they send down to Washington.

Send the money back and be responsible. Tell them you do not need it, you do not want it, you are content with the congestion on your roads in New Hampshire. We did not need the bridge we set aside money for in Nashua. Tell them that when Senator Rudman was here and appealed for funds for the Pease Air Force Base conversion and that money was made available, but it is time to return it. Be responsible. Stand up and do your duty.

Mr. President, I think it might be worth just a quick review of where we are going. The Senator accuses us of being casual, irresponsible, unconcerned, saddling our kids with debt. But I would like to make the record clear that in fiscal year 1990, Mr. President, the deficit for this country, under the leadership of President Bush, was $221 billion. He managed to push it up in fiscal year 1991 to $269 billion. By fiscal year 1992, he was really on a roll, up to $292 billion. In fiscal year 1993, his last year, the deficit was $254 billion. In fiscal year 1994, it started coming down. That was the first year of President Clinton's budget. It was $220 billion. In fiscal year 1995, it is estimated to be $156 billion. I think that is pretty responsible, Mr. President. Only if you want to turn the arithmetic the other way does it become irresponsible.

Is it not our responsibility as Representatives of the people of our States to make sure that we concern ourselves with the priorities for this Nation and try to move those things that are priorities to the top of the ladder? There are programs I can agree with that ought to be cut dramatically. But where do we cut in this bill? Just look at the number of requests that we get on things. In one category of projects requested by Senators, 84 Senators put in requests for funds for their States. I guess they are the irresponsible ones, Mr. President. They must be the irresponsible ones. Only 84 out of 100. That leaves 16 good, clean, hardy souls, but 84 are bad guys and women.

Mr. President, we have heard these speeches before, and we will hear them some more. I agree that total Federal discretionary spending ought to be frozen or reduced. I voted for something that the Presiding Officer proposed as a deficit cutting program, over a period of 5 years. That is why I voted for a cut of over $20 billion when the Senate considered the budget resolution. It is why I voted against the final budget resolution when it did not contain the same level of savings. I do not agree that spending in each area of the Federal activity ought to have the same priority. I would like to know where the Senator from New Hampshire would have us cut drug enforcement agents, maybe FBI—yes, we can cut them. How about border patrols; let us cut them. He said, "cut everything you can." Let us cut them. Stand up here and ask for cuts in those sensitive programs. Ask for cuts in some of the education funds. Ask for cuts in crime fighting. Ask for cuts in community policing. Name the specifics, take the tough ones first. Do not just give that blanket sweep of cut, cut, cut, because "I am the only principled Member of this body."

No, Mr. President, it does not wash. As a matter of fact, even this motion to recommit does not require a freeze on all accounts. The motion does not say that spending in each area of this bill—transit, FAA, highways, Coast Guard—ought to be the same as last year. The motion allows increases in some areas, as long as total spending in all areas is constant. Well, that is precisely what we have done with overall discretionary spending. It is frozen. But we have made priority judgments about various activities within that freeze. Those priorities were reflected in the 602(b) allocations made by the full Appropriations Committee. Some subcommittees were given more money than last year and some were given less. But the total spending of all subcommittees combined was frozen. That is the only way we can establish priorities, and that is to address increased needs and reduce spending for less critical programs.

This is not esoteric Washington budget talk. It is what families do every day. Families in New Jersey and families in Nebraska are no different than families in New Hampshire. They are just as concerned about the well-being of their offspring and the passing along of values to them. There is no State that has a priority on good example.

Suppose a family's income stays constant from one year to another. Let us say that the family had $30,000 in 1993 and $30,000 in 1994. But between 1993 and 1994 one child went off to college.

The family's budget must reflect that new fact. The family has to increase spending on education and decrease spending somewhere else.

It would be absurd if the family was forced to tell the child that he or she could not go to college next year because that would require more spending on education than they did last year.

That is what we are seeing here. It is equally absurd to say that we cannot spend more on transportation this year than we did last year if we agree that it is a priority and if we keep total spending constant.

That is precisely what is being recommended.

The motion to recommit is based on a static view of deficit reduction. It does not recognize changing priorities, the need to address problems and to make new investments.

Again, I tell my colleagues that this bill is consistent with a freeze in total Federal spending. It is consistent with the priorities established in the budget. It is consistent with our need to modernize our infrastructure.

For these reasons, Mr. President, when we take up the vote, I am going to move to table the motion. I ask if the Senator from New Hampshire will agree to having the vote stacked with the other votes on the two McCain amendments that will come just before final passage of the transportation bill. If that is the case, then I ask unanimous consent that that be the order.

Mr. SMITH. The Senator from New Hampshire has no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, we have an amendment by the distinguished Senator from North Dakota [Mr. DORGAN]. It has been, to my understanding, cleared by the Republican manager.

Mr. D'AMATO. We have no objection.

Mr. LAUTENBERG. And we ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending question will be set aside in order for the Senator to offer the amendment.

AMENDMENT NO. 2334

(Purpose: To require and provide, from existing funds, funds for a follow-up study to the vision waiver study program initiated by the Secretary of Transportation in fiscal year 1992)

Mr. LAUTENBERG. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for Mr. DORGAN, proposes an amendment numbered 2334.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 346. (a) Notwithstanding section 31136(e) of title 49, United States Code, and in order to further substantiate research carried out by the Secretary of Transportation in fiscal year 1992 under the Vision Waiver Study Program, the Secretary shall use funds available to the Secretary in the Highway Research Development and Technology account of the Federal Highway Administration to carry out a follow-up study to such study program.

(b) In carrying out the follow-up study, the Secretary shall apply the same criteria and conditions to the study as the Secretary applied in carrying out research under the Vision Waiver Study Program.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

So the amendment (No. 2334) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that at 1:20 p.m. the Senate resume consideration of the committee amendment on page 33, line 9; that Senator McCAIN be recognized to make a motion to table that committee amendment; that upon disposition of that amendment the Senate turn to the McCain amendment, No. 2333, and vote on or in relation to that amendment; that upon disposition of that amendment the Senate vote on or in relation to the Smith motion to recommit; that upon disposition of that motion, the remaining committee amendment be agreed to and that no other amendments be in order prior to the disposition of the amendments and the motion.

The PRESIDING OFFICER. Without objection, it is so ordered. Who seeks recognition?

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 30, LINE 9, THROUGH PAGE 31, LINE 7

Mr. McCAIN. Mr. President, I move to table the committee amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the committee amendment on page 30, line 9. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 77, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—23

Baucus
Bennett
Brown
Burns
Coats
Craig
Dole
Faircloth
Glenn
Gramm
Gregg
Hatch
Helms
Jeffords
Kempthorne
Kohl
McCain
Nickles
Smith
Specter
Thurmond
Wallop
Warner

NAYS—77

Akaka
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Wellstone
Wofford

So the motion to table the amendment was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON EXCEPTED COMMITTEE AMENDMENT AT PAGE 30, LINE 9, THROUGH PAGE 31, LINE 7

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment (page 30, line 9, through page 31, line 7) was agreed to.

VOTE ON AMENDMENT NO. 2333

The PRESIDING OFFICER. Under a previous unanimous-consent agreement, the question is now on the McCain amendment No. 2333.

Is there further debate?

Mr. LAUTENBERG. Mr. President, I move to table the McCain amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—63

Akaka
Baucus
Bennett
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Faircloth
Feinstein
Ford
Harkin
Hatch
Hatfield
Heflin
Hutchison
Inouye
Jeffords
Johnston
Kempthorne
Kennedy
Kerrey
Lautenberg
Leahy
Levin
Lott
Lugar
Mathews
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wofford

NAYS—37

Bond
Bradley
Brown
Campbell
Coats
Cohen
Conrad
Dorgan
Durenberger
Exon
Feingold
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Helms
Hollings
Kassebaum
Kerry
Kohl
Lieberman
Mack
McCain
Metzenbaum
Murkowski
Nickles
Nunn
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner
Wellstone

So the motion to lay on the table the amendment (No. 2333) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

MOTION TO RECOMMIT

Mr. LAUTENBERG. I want to be sure what the next order of business is. Would the Chair respond, please?

The PRESIDING OFFICER. The question pending is on the motion of the Senator from New Hampshire to recommit the bill.

Mr. LAUTENBERG. I move to table the Smith motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Smith motion.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 72, nays 28, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—72

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini

Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—28

Bradley
Brown
Burns
Coats
Coverdell
Craig
Dole
Faircloth
Grassley
Gregg
Helms
Jeffords
Kassebaum
Kempthorne
Kohl
Lugar
Mack
McCain
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner

So the motion to lay on the table the motion to recommit was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRESERVATION OF RAIL FREIGHT SERVICE

Mr. PELL. Mr. President, I wish to emphasize a matter of extreme importance to my State of Rhode Island, namely the preservation of rail freight service.

As many of my colleagues know, I have long been and continue to be a strong supporter of high speed rail, particularly along the Northeast corridor. The Senator from New Jersey and manager of this bill has been of great help in shepherding this vision to reality, and I thank him for his leadership.

When I started this crusade in the 1960's, I lamented the fact that passenger rail service was the stepchild of freight service. Now with the institutionalization of Amtrak and high speed passenger service, the former stepchild frequently finds itself in conflict with its parent, sometimes to an overwhelming degree.

In Rhode Island, it is becoming increasingly clear that an unintended consequence of the electrification project will be to impede existing freight operations. The plans to electrify the corridor pose numerous operational and structural difficulties to the current freight operations. The proposed solution entails the construction of a 22-mile track, some 10 miles of which already exists, which would be dedicated to freight and light rail operations.

This freight rail project is the single most important project for the future of Rhode Island and there is I believe a legitimate question as to how much help we can reasonably expect from other sources. Amtrak has a statutory obligation to assure that its work along the corridor does not interfere with current freight rail operations, and I believe that Amtrak has a clear obligation to allow for the planning and eventual introduction of modern freight services to the area. The Federal Railroad Administration, similarly, recognizes the impact caused by electrification and has been striving to develop a solution which will be acceptable to both Amtrak and Rhode Island. By whatever means, it is crucial that this project be designed and built in conjunction with the electrification project in order to ensure both proper engineering and cost savings.

Additionally, Mr. President, from the perspective of safety, I know Amtrak would prefer to separate their fast-moving passenger trains from the slower-moving freight trains. I strongly believe that we should be moving more vigorously to implement a national policy of separating the two to avoid future disasters on our Nation's tracks.

For all these reasons, I am very pleased that the House of Representatives saw fit to provide $10 million for design and construction of Rhode Island's third track project, and I will be frank to say that I am very disappointed the Senate bill does not have a comparable provision. I fervently hope the conferees will accept the House provision.

Through the series of meetings and conversations that I have had with my colleague from New Jersey, I know that he is acutely aware of my concerns regarding this project. As New England continues to struggle out of a prolonged recession, this project could have a great beneficial impact on our region.

Mr. President, passenger and freight rail service are not mutually exclusive. As a national policy, we must ensure that freight rail operations are not disrupted or hampered in the process of electrification. We can little afford passenger rail service at the expense of freight operations, which are of immense importance to the economic future of our country. Rail transportation—both passenger and freight—offers our country significant economic and environmental benefits that would be lost if there were to be a further shift of traffic from the tracks to our already congested highways. Thus, as we work to improve our country's passenger rail system, we must take necessary steps to prevent the deterioration of our freight operations. Indeed, passenger and freight rail service have previously coexisted and, with proper coordination and cooperation, can continue to do so and prosper.

So from that perspective, I hope that Rhode Island's experience, and the remedy which we envision, can be instructive in the evolution of national policy.

The PRESIDING OFFICER (Mrs. BOXER). The question is on the remaining committee amendments.

Mr. LAUTENBERG. Madam President, I urge the adoption of the remaining committee amendments.

VOTE ON EXCEPTED COMMITTEE AMENDMENTS ON PAGE 22, LINE 3 AND ON PAGE 31, LINE 7

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the committee amendments were agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MINISTERIAL ROAD

Mr. CHAFEE. Madam President, I want to take this opportunity to thank the chairman, Senator LAUTENBERG, and the ranking member, Senator D'AMATO, of the Subcommittee on Transportation and Related Agencies of the Appropriations Committee for including funds in H.R. 4556 that I requested for Ministerial Road in Rhode Island. Section 324 of H.R. 4556 provides $100,000 of existing funds that has already been appropriated for scenic byways to provide assistance to a community group incorporated for the purpose of protecting the scenic qualities of a designated scenic byway. The intent of this provision is to provide the existing $100,000 to the Ministerial Road Preservation Association for the purpose of developing and evaluating alternative design standards for Ministerial Road in Rhode Island. I would ask the distinguished chairman and ranking member if they agree with my characterization of section 324?

Mr. LAUTENBERG. The Senator from Rhode Island is correct. The intent of section 324 is to direct the Federal Highway Administration to provide these funds to the Ministerial Road Preservation Association in Rhode Island.

Mr. D'AMATO. The Senator from Rhode Island is correct.

Mr. CHAFEE. I thank the Senators for their response, and again thank them for including these funds for Ministerial Road.

SPRINGFIELD-NIOBRARA BRIDGE PROJECT

Mr. DASCHLE. Madam President, I would like to call upon the distinguished chairman of the Transportation Appropriations Subcommittee, Senator LAUTENBERG, to discuss a matter related to the Springfield-Niobrara Bridge project, a joint venture between the states of Nebraska and South Dakota.

Mr. LAUTENBERG. I would be pleased to discuss this matter with the Senator from South Dakota.

Mr. DASCHLE. Before I begin discussing the Springfield-Niobrara

Bridge, I would like to compliment the Senator from New Jersey for the outstanding leadership he has provided the Senate with an appropriations bill that, once again, recognizes the importance of a quality infrastructure to our country's economy and balances the large number of requests offered by individual Senators.

Mr. LAUTENBERG. I thank the Senator for his kind remarks.

Mr. DASCHLE. I want to take just a brief portion of the Senate's time to point out my strong support for the Springfield-Niobrara project and to encourage the members of the conference committee to afford it every consideration during its proceedings. This project did not receive funding on the Senate side, but did receive a $2 million appropriation in the House version of the fiscal year 1995 Transportation appropriations bill.

As the distinguished chairman knows, the Springfield-Niobrara Bridge originally was authorized in the Surface Transportation and Relocation Act of 1987. It enjoys broad-based local support and has been on the priority lists of both the South Dakota and Nebraska Departments of Transportation.

Once completed, this bridge will have a positive impact on economic development in the Niobrara and Springfield areas. Over the course of the past couple of years, I have heard from a number of small business people, including the managers of farm cooperatives, who have indicated the benefits this bridge will provide for local commerce.

Just as important is the increased access this will provide to area health care facilities. A couple of years ago, the Indian Health Services [IHS] constructed a hospital in Wagner, SD. The completion of the Springfield-Niobrara project will significantly increase the number of people who can be served by that facility, including a number of people from the Santee Sioux Reservation in Niobrara, NE. Enhancing access to quality health care is an extremely important concern for rural America. Clearly, the Springfield project will help meet this challenge.

Again, I thank the distinguished chairman of the subcommittee for his assistance and urge his consideration of this important project as the appropriations process works its way to the conference committee.

Mr. LAUTENBERG. I appreciate the Senator from South Dakota bringing his concerns to my attention. As I have stated, the conference committee plans on incorporting projects that were funded in the House side in the final version of the fiscal year 1995 Transportation appropriations bill.

Mr. DASCHLE. I thank the Senator from New Jersey for his support and attention to this project.

ROANOKE REGIONAL AIRPORT, VA

Mr. ROBB. Madam President, I rise for the purpose of engaging the distinguished subcommittee chairman in a brief colloquy pertaining to terminal air traffic control facilities at the Roanoke Regional Airport.

Mr. LAUTENBERG. I would be pleased to engage my good friend and colleague from Virginia.

Mr. ROBB. The committee has graciously included language in its report directing the FAA to provide first phase funding for the construction of terminal air traffic control facilities at the Roanoke Regional Airport in Roanoke, VA. However, the committee report includes conflicting language in the narrative section—page 78—which defers funding for the Roanoke Airport project. I understand this contradiction is due to an editing oversight and that you intend to correct the language for the final report.

Mr. LAUTENBERG. The Senator from Virginia is correct. The sentence, on page 78 of the report will be edited to delete the reference to Roanoke, VA.

Mr. ROBB. I thank the chairman for correcting the oversight, and I yield the floor.

WESTCHESTER COUNTY AIRPORT

Mr. D'AMATO. Madam President, I rise to discuss a significant aviation issue with the distinguished chairman of the Aviation Subcommittee, Senator FORD.

As the Senator may know, the county of Westchester has sought my support for enactment of a provision to ensure that the Airport and Airways Improvement Act is clear that the exemption in 49 United States Code, section 2210(a)(12) with respect to provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, included the provisions of the Laws of Westchester County, NY, in effect on September 3, 1982, regarding airport finances for the Westchester County Airport.

Mr. FORD. Yes, I appreciate the Senator bringing to my attention the issues affecting Westchester County Airport. As we have discussed, many other airports find themselves in similar situations. This issue, particularly for airports like Westchester with longstanding financing commitments in effect prior to September 3, 1982, apparently was raised as a result of a recent DOT IG review of airport financing.

Mr. D'AMATO. I understand that S. 1491, the Federal Aviation Administration Authorization Act of 1993, which passed the Senate in June, contains provisions that would satisfy the concerns of Westchester County and clearly "grandfather" in the provisions in their governing statutes in effect on September 3, 1982, controlling airport revenues. Does the Senator agree that S. 1491 would resolve this matter?

Mr. FORD. Yes, that is clearly our intent. The Aviation Subcommittee did not intend for airports like Westchester County Airport to have to vitiate longstanding financing practices which were in effect prior to September 3, 1982, and which could unravel carefully crafted agreements that enable airports to coexist as good neighbors in the community.

Mr. D'AMATO. I also understand that it is the Senator's intent to bring this matter to closure in a conference with the House before the Senate adjourns for the summer.

Mr. FORD. Yes, as soon as the House appoints conferees to its companion bill, H.R. 2739, we will work together to resolve this matter.

Mr. D'AMATO. I thank the chairman.

SIDNEY LANIER BRIDGE

Mr. COVERDELL. Madam President, I rise today to express my appreciation to Senator D'AMATO and Senator LAUTENBERG for their willingness to address my concerns regarding H.R. 4556, the fiscal year 1995 Transportation appropriations bill. I had hoped that funding for the Sidney Lanier Bridge would have been recommended within the approximately $352 million provided for such projects under the Surface Transportation Projects Program by the Senate Appropriations Committee. Rather, the committee instead directed the Secretary of Transportation to give priority designation to the Sidney Lanier Bridge for funding from the Secretary's bridge discretionary funds. Unfortunately, the Sidney Lanier Bridge is ineligible for funding under the Discretionary Bridge Program. The bridge has a rating of over 300 under the rating formula used by the Federal Highway Administration, and only projects with a rating factor of 100 or below are eligible.

Consequently, in order for this bridge to receive vital replacement funds, it must receive funding as a surface transportation project. I have deep concerns regarding the safety of the existing bridge. Ten people have lost their lives in ship collisions involving the Sidney Lanier Bridge. Congress declared the bridge a navigational hazard and authorized its replacement in the 1990 Federal Maritime Commission Authorization Act of 1990, title II, section 302. Because of this extreme safety concern, I wonder if my friends from New York and New Jersey could give me some assurance about the possibility of the Senate accepting the House's provision of $4,000,000 for the Sidney Lanier Bridge as a surface transportation project?

Mr. D'AMATO. I understand the extreme safety concerns that exist at the Sidney Lanier Bridge in Brunswick, GA, and in fact, as the Senator knows, the committee included the bridge as a priority under the Secretary's Discretionary Bridge Program. The committee was unaware at the time, though, that the bridge would not qualify for funds under the Discretionary Bridge Program. I want to assure the distinguished Senator from Georgia that I will do everything I can to include funding for the Sidney Lanier Bridge as a surface transportation project during the conference on this bill.

Mr. LAUTENBERG. Let me add my assurances that I am also aware of the severe safety concerns that the Senator from Georgia has regarding the Sidney Lanier Bridge, and we will do our best to provide every consideration for the bridge as a surface transportation project during conference.

Mr. COVERDELL. I thank the distinguished Senators from New York and New Jersey, and yield the floor.

FAA'S CONTRACT TOWER PROGRAM

Mr. MACK. Madam President, prior to passage of H.R. 4556, I would like to seek clarification from the Senator from New Jersey [Mr. LAUTENBERG] regarding language affecting the Federal Aviation Administration's Contract Tower Program. In this legislation, the Appropriations Committee specified that Grand Prairie, TX, Municipal Airport, and the Anoka County Airport in Minnesota be included in the Contract Tower Program from existing resources.

I say to the distinguished Chairman I am concerned over the impact this might have on other airports in the program in fiscal year 1995. In particular, I have been told the Naples Municipal Airport is very high on the FAA's priority list for inclusion into this program. Accordingly, I ask the Chairman if it is his intention for the FAA to go forward and continue to provide funds for additional airports to be included in the Contract Tower Program.

Mr. LAUTENBERG. I say to my friend from Florida that I appreciate his concerns with respect to the Naples Municipal Airport, and his interest in the FAA's Contract Tower Program. It is my expectation the FAA will continue to provide funds to include additional airports in the Contract Tower Program. In addition, should the Naples Municipal Airport fail to be included in the program in the upcoming fiscal year, I would be pleased to work with my good friend next year to ensure this airport is a participant in the program in fiscal year 1996.

Mr. MACK. I thank the chairman for his clarification and assurances.

TUCSON VAN TRAN PARATRANSIT FACILITY AND SUN TRAN ALTERNATIVELY FUELED REPLACEMENT BUSES

Mr. DECONCINI. Madam President, it is my understanding that the pending bill does not include any discretionary funding for projects that were included in the House Committee on Appropriations Report on H.R. 4556, the Department of Transportation and related agencies appropriations bill for fiscal year 1995, under the Federal Transit Administration [FTA] bus and bus facilities section.

Mr. LAUTENBERG. The Senator from Arizona is correct.

Mr. DECONCINI. It is also my understanding that the House report did include $10 million in funding two city of Tucson mass transit projects.

Mr. LAUTENBERG. That is also correct.

Mr. DECONCINI. Mr. President, I would like to bring to the attention of the Senate and the bill manager that these two projects are consistent with the mass transit, alternative fuel, and disability/access goals of the Senate, and the whole Congress, as authorized under the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], the Americans With Disabilities Act [ADA] and the Clean Air Act [CAA]. The first project would provide funds to assist in the construction of a new Van Tran paratransit facility. The Federal Transit Administration [FTA] reviewed the Van Tran paratransit facility project and determined that the project was highly justified, and encouraged the city to pursue discretionary funding for the paratransit facility. To further improve Tucson's fixed route transit system, Sun Tran, the second project would replace aging buses with 24, full-size, fully accessible, alternatively fueled buses.

These two projects will utilize innovative state-of-the-art technologies to increase mass transit ridership and improve community air quality goals, as well as to support accessibility and mobility of persons with disabilities in Arizona's Pima County—one of the Nation's fastest growing metropolitan areas.

I urge that my colleagues give every consideration in conference to both the Tucson Van Tran Paratransit Operations and Maintenance facility and Tucson Sun Tran alternative-fuel bus replacement project.

Mr. LAUTENBERG. The Senator has my assurance that the Van Tran Paratransit facility and the Sun Tran buses will be fully considered during conference on the final bill. I will also note for the RECORD that the subcommittee included $6.5 million for an alternative fuel bus replacement project for the city of Phoenix in its recommendations to the full committee, and the committee subsequently approved the recommendations of the subcommittee.

Mr. DECONCINI. I thank the chairman very much for his willingness to consider these city of Tucson projects and again thank him for his support for the city of Phoenix project. As this will be my final year in service with my very good friend from New Jersey, I want to take this opportunity to also extend to him my sincerest gratitude for his friendship and counsel and support over the past 12 years. Without Senator LAUTENBERG's assistance, the State of Arizona would have been at a great disadvantage in securing its fair share of Federal highway dollars given its status as a donor State in terms of highway funding. Under his stewardship, the citizens of Arizona have been treated very generously. For that, all Arizonans are in his debt.

I would add that a great deal of my praise for Senator LAUTENBERG is due to the extraordinary work of his subcommittee staff. Pat McCann, Peter Rogoff, and Joyce Rose are among the most professional and amiable congressional staffers I have ever had the pleasure of working with or knowing. Together with the fine work of Anne Miano of Senator D'AMATO's minority staff, his entire subcommittee staff exhibits the best work ethic and produces the best work product in Congress. I know my friend from New Jersey is, and should be, very proud of each of them.

KUAKINI STREET IMPROVEMENT PROJECT

Mr. INOUYE. Madam President, my distinguished colleagues from New Jersey, Senator LAUTENBERG, as chairman of the Appropriations Subcommittee on Transportation, and Senator D'AMATO, as ranking minority member, have been most sensitive and accommodating in addressing the unique concerns of my State. I wish to thank them for this consideration.

While I understand that because of the budgetary problems we must all acknowledge, some projects that are most worthy have had to be set aside and not funded, I wish to bring to my colleague's attention a particular project of importance not only to Hawaii's transportation needs, but also Hawaii's health care needs—the Kuakini Street Improvement Project, a public-private initiative to reduce traffic congestion around the Kuakini Medical Center in Honolulu, HI.

Currently, Kuakini Street operates as a two-lane—one lane in each direction—roadway fronting Kuakini Medical Center, with parking permitted on both sides of the street. Under present conditions, a vehicle attempting to enter Kuakini Medical Center causes an instant queue behind it until an acceptable gap in the opposing traffic occurs. Kuakini Medical Center's planned facilities expansion, already approved by the Honolulu City Council, will further exacerbate the traffic demands on Kuakini Street. Further, to accommodate the projected increase in traffic demands, the road must be widened, and as a result, on-street parking on Kuakini Street must be permanently removed.

The road widening initiative and construction of the new parking facility is critical for Kuakini Medical Center to continue to provide the full spectrum of hospital and health care services in the State of Hawaii and to accommodate Kuakini Street's growing traffic burden.

This project is among those authorized by the House-passed National Highway System authorization bill.

I hope the Senator from New Jersey will include funding for this worthy project during the conference committee's consideration of this bill.

Mr. LAUTENBERG. I am pleased to assure my friend from Hawaii that this project will receive my careful consideration and attention as this legislation is addressed in conference with the House.

(At the request of Mr. LAUTENBERG, the following colloquy was ordered to be printed in the RECORD):

TRANSIT PLANNING AND RESEARCH

• Mrs. BOXER. Mr. President, I would like to ask the distinguished chairman of the Appropriations Subcommittee on Transportation and Related Agencies a question of a clarifying nature. This question is with regard to the committee's provision of $10 million to augment the Federal Transit Administration's [FTA] transit research program.

Mr. LAUTENBERG. I would be pleased to respond to the Senator from California.

Mrs. BOXER. As the chairman knows, my State of California has been in the forefront of developing electric and alternative fuel technology for application in transit systems nationwide. The U.S. Department of Transportation has been a leader in promoting these efforts through its funding of the Advanced Transportation Technology and Electric Transit Program, as authorized by section 6071 of the Intermodal Surface Transportation and Efficiency Act [ISTEA]. As the chairman knows I have requested assistance to ensure that this vital program, which funds alternative fuel transit programs in Maryland, New York, North Carolina, and California, will receive continued FTA funding.

I am pleased that the committee has increased the amount of funding for the National Transit Planning and Research Program. It is my understanding that the committee expects that the funding available under this substantially increased program should be sufficient to advance the administration's transit research projects as well as those transportation technology projects identified by the committee in its report accompanying the bill and that these projects would include those authorized by section 6071 of the ISTEA.

I ask the chairman if that understanding is consistent with the intent of the committee?

Mr. LAUTENBERG. Yes, that is my understanding as well.•

AMENDMENT NOS. 2335, 2336, 2337 AND 2338, EN BLOC

Mr. LAUTENBERG. Madam President, I have four technical amendments that have been cleared on both sides. I send these amendments to the desk, and I ask unanimous consent that these amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes amendments numbered 2335, 2336, 2337 and 2338, en bloc.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2335

(Purpose: To provide funds for a rail relocation project in Lafayette, IN)

Mr. LAUTENBERG offered amendment No. 2335 for Mr. COATS.

The amendment is as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 346. Of the funds appropriated in the Department of Transportation and Related Agencies Appropriation Act, 1977 (Public Law 94-387; 90 Stat. 1171) for railroad-highway demonstration projects, $486,000 in unobligated balances shall be made available for the rail relocation project in Lafayette, Indiana.

AMENDMENT NO. 2336

Mr. LAUTENBERG offered amendment No. 2336 for himself.

The amendment is as follows:

SEC. . The Eastport Port Authority facility at Estes Head in Eastport, Maine, is eligible for funding under section 1064 of Public Law 102-240.

AMENDMENT NO. 2337

(Purpose: Technical and conforming changes)

Mr. LAUTENBERG offered amendment No. 2337 for himself.

The amendment is as follows:

On page 35, line 20, delete: "*Provided*,".

On page 35, line 22, restore: "*Provided further*,".

AMENDMENT NO. 2338

Mr. LAUTENBERG offered amendment No. 2338 for himself.

The amendment is as follows:

On page 41, line 14, strike "That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation or his designee" and insert: "that such amounts shall only be available to the Secretary of Transportation and the National Institute of Environmental Health Sciences".

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

So the amendments (Nos. 2335, 2336, 2337, and 2338) were agreed to, en bloc.

The PRESIDING OFFICER. Are there further amendments?

Mr. MURKOWSKI. Madam President, we are awaiting clearance on an amendment that may require a vote if it is not accepted. I anticipate knowing in a very short period of time.

We have a meeting going on in the Cloakroom. It will be just a matter of moments before we will have a decision. I leave it up to the floor managers to either suggest the absence of a quorum or continue.

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I rise today to propose an amendment to the Department of Transportation appropriations bill. On March 17 of this year, the Federal Aviation Administration and the National Park Service jointly published in the Federal Register an Advanced Notice of Proposed Rulemaking concerning overflights of National Park Service units.

Section 104 of the Federal Aviation Act of 1958 provides every citizen a public right of transit through navigable airspace of the United States. Section 306 of this act requires the Administrator of the FAA to give full consideration to the requirements of national defense, commercial, and general aviation.

In addition, the Alaska National Interests Land Act protects the rights of pilots to fly over and land on public lands. My amendment protects those rights.

My home State of Alaska depends upon air transportation for access to many of its towns and villages. A road system similar to the lower 48 does not exist. Alaska has 70 percent of all National Park Service acreage. This represents 15 percent of all the land in Alaska.

In Denali National Park which is one of the most desirable destinations for tourists, the road into Denali is a 90 mile trail, mainly of dirt. A limited number of tourists and Alaskans can board a bus to enter Denali. Some tourists leave disappointed after having traveled so far and then being denied entry. Commercial airtours provide more opportunities for visitors to see Denali. Disabled tourists often utilize these commercial airtours as their only way of seeing the park.

In addition, units of the Pacific Air Force depend upon Alaska for training operations that require large expanses of open areas with little or no resident population. Airspace over national parks in Alaska and elsewhere has been used by the military in the past on numerous occasions.

The Notice of Proposed Rulemaking concerns noise levels which may or may not impact National Park System units in Alaska and elsewhere. As the notice states, "No studies that evaluate long-term effects on wildlife have been conducted." Question No. 2 of the notice then asks "Should action pertaining to aircraft overflights in national parks be considered only for air-tour sightseeing operations? What circumstances would include other categories of overflights?"

Madam President, I have no intention or desire of interfering or restricting the FAA's mandate to provide for safe airspace. There are restrictions and requirements such as monitoring a specific frequency near Denali driven by safety concerns. I support these safety requirements as do many, if not all, of my colleagues.

Madam President, in closing I ask my colleagues three questions. Will visitors to parks be deprived of seeing large amounts of Alaska? Will inholders not be able to access their homes? And will the military not be allowed to train its pilots? I certainly hope not and I urge my colleagues to support this amendment.

I wish to thank my colleague, Senator FORD, in particular for accepting my amendments.

Mr. LAUTENBERG. The managers' report has already been sent up and approved. We have these two simple amendments that have been agreed to by both sides, if the Senator wants to offer them; otherwise, I will just send them up.

Mr. MURKOWSKI. I will just offer it.

AMENDMENT NO. 2339

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2339.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert. "No money may be expended by the Department of Transportation in Fiscal Year 1995 to implement or enforce regulatory actions to restrict overflights and landings on National Parks system units, National Forest systems, Fish and Wildlife refuges, and other public lands in the State of Alaska. The term aircraft refers to fixed wing aircraft and helicopters of general, commercial, or military nature."

Madam President, the amendment has been approved by both sides.

I thank the managers and I thank my colleagues for accepting the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there is no further debate, the question is on agreeing to the amendment.

So the amendment (No. 2339) was agreed to.

Mr. MURKOWSKI. Madam President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2340

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. I have one other amendment I send to the desk and ask for its immediate consideration. It has been cleared on both sides. It has to do with flight service. I offer it on behalf of Senator MURKOWSKI.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for Mr. MURKOWSKI, proposes an amendment numbered 2340:

The amendment is as follows:

At the appropriate place in the bill insert the following: "No funds under this act for fiscal year 1995 may be used to implement recommendations of the Flight Service Modernization Program to close or reduce services in flight service stations in Alaska."

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

So the amendment (No. 2340) was agreed to.

Mr. HATCH. Madam President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, the Transportation appropriation bill contains critical funding for the Nation's transportation infrastructure programs for all modes of transportation—from highways and bridges, to mass transit capital and operating grants, to Amtrak, to airport construction, and to the Coast Guard's capital and operating costs.

As we all are aware, there has been a large shortfall in all areas of transportation funding for a number of years. We have all seen the reports of backlogs that exist in repair and maintenance of our Nation's highways and bridges. The failure adequately to repair and maintain our transportation infrastructure is very costly to the Nation—in terms of higher costs caused by delays in getting products to their destinations as well as in getting people to and from work, and, tragically, in terms of lives that are lost when a bridge collapses or when some other failure to adequately maintain our transportation system results in a tragic accident.

In addition to these reasons for my strong support of transportation funding, the fact is that transportation construction projects are very effective in putting people to work. For every $1 billion spent on highway construction, for example, 10,640 direct jobs are created, as well as 13,660 additional, so-called ripple effect jobs that are indirectly created throughout the economy.

For these reasons, Madam President, I have done my best each year to allocate the greatest possible amount of funds to the Transportation Subcommittee. This year, for example, the Transportation Subcommittee's allocation is $150 million in budget authority and $155 million in outlays above the House allocation.

Madam President, many tough decisions had to be made by the chairman of the subcommittee, Mr. LAUTENBERG, and the ranking member, Mr. D'AMATO, to meet our unmet and critical infrastructure needs, and they are to be highly commended for their hard work.

Mr. KOHL. Mr. President, I am very concerned that this bill is sending mixed messages to Americans regarding public transportation. At the same time that the bill makes significant commitments to transit capital funding, it includes significant cuts in transit operating assistance.

Mr. President, it makes no sense to be building new buses, if our communities can no longer afford to operate those buses. Transit operating assistance is exactly what is needed to keep fares low, so that passengers can continue to use public transportation.

This funding is particularly important for my State of Wisconsin, which relies exclusively on bus service as the only mode of public transportation. Further, the most populous areas of Wisconsin also happen to be nonattainment areas under the Clean Air Act. At the same time that we are encouraging the people of southeastern Wisconsin to reduce their use of automobiles through the Clean Air Act, we are also undercutting their efforts to do so by reducing their transit operating assistance.

As the fiscal year 1995 Transportation appropriations bill goes to conference, I will be working with conferees to fund transit operating assistance at the highest possible level.

Mr. EXON. Mr. President, I congratulate Senator LAUTENBERG for his excellent leadership in guiding a sound transportation appropriations bill through the Senate Appropriations Committee and on to the floor of the U.S. Senate.

As chairman of the Subcommittee on Surface Transportation of the Commerce Committee, I have enjoyed working closely with Chairman LAUTENBERG on many transportation safety issues. I would like to make a few comments regarding funding of the Department of Transportation [DOT] Office of Pipeline Safety [OPS]. This agency has needed increased resources for inspectors and research to do the job that the Congress and American people have asked them to do over the years. The Colonial Pipeline accident in Virginia last year and a natural gas pipeline accident in Edison, NJ, reminded the Nation of the importance of

OPS' work. In light of that responsibility, OPS requested a $16.2 million increase in its budget for fiscal year 1995.

Next year Congress will reauthorize the Pipeline Safety Act. As the chairman with oversight responsibility for OPS I look forward to getting a full report on the use of these increased appropriations, the priorities of the office, and how many staff functions have been filled. In this time of fiscal restraint, the American people expect a full accounting of even worthy expenditures.

I am pleased to note that the Transportation Appropriations Committee report requests that OPS coordinate with Federal and State agencies, the pipeline industry, and other interested parties to organize a technical conference on OPS' mapping proposal. I expect OPS to come before the Surface Transportation Subcommittee next year prepared to present options for mapping initiatives and the proposed total cost for each option. The subcommittee must be assured that OPS is spending its budget wisely. OPS should not duplicate efforts that are already being done by other agencies or overlook opportunities to use readily accessible existing State, local, and private sector map data. Mr. President, I commend Chairman LAUTENBERG for his leadership. As always it is a pleasure to work closely with him to advance transportation safety.

A BILL VITAL TO OUR INFRASTRUCTURE

Mr. KERRY. Mr. President, I want to express my compliments to the chairman of the Transportation Appropriations Subcommittee, the distinguished Senator from New Jersey [Mr. LAUTENBERG], his subcommittee, and his staff, especially Pat McCann and Peter Rogoff, for having brought to the Senate a bill that I believe does the best job it is possible to do in caring for our Nation's transportation infrastructure needs under the fiscal constraints imposed by our efforts to reduce the budget deficit.

Of special interest to me is the funding provided for vital national programs, including Transit Operating Assistance on which so many cities depend in order to move the great numbers of people to and from their work and for other purposes on a day-in, day-out basis, and Next Generation High Speed Rail which is of such tremendous potential importance to our Nation both to improve the mobility of our population and to retain leadership in this key industry.

Of tremendous importance to the entire Northeastern region of the Nation is the Northeast Corridor Improvement Program often called NECIP. This program already had reduced the time of rail transit between Boston and New York and between New York and Washington and cities in between, and further improvements will assure even faster transit time with greater safety and reliability. This is of inestimable importance to millions of Americans—certainly those who have occasion to travel through the region, but also to all who live there. Rail travel in many cases is faster and more convenient than travel by any other mode of transportation. And every passenger carried by rail reduces the burden on other transportation modes, particularly air transportation, which already is dealing with near saturation in many respects: airports that are at or near capacity; an air traffic control system that often must delay flights to ensure safety in the very congested airspace of this region; et cetera. And rail travel has a less harmful impact on the environment and is a more efficient energy consumer per passenger mile than almost all other means of transportation. This bill continues the progress on NECIP.

In addition to these matters of national significance, I want to thank the chairman, the subcommittee, and its staff for their assistance with several key transportation projects of special significance to Massachusetts. The legislation includes important funding for the New Bedford/Fall River commuter rail line, for the Boston Urban Ring, and for work pertaining to the Boston central artery enabling a decision to be made at a later point to link the North and South Stations to permit through-rail traffic. All of these will make a great difference in moving people in the areas they will serve, and thereby will affect both the economy and the quality of life in those areas.

I am pleased to support the bill presented by the Appropriations Committee, and I compliment the chairman and the subcommittee for producing a bill that does so much of what we need to do even while it complies with the very stringent funding limit imposed by the subcommittee's allocation of the fiscal year 1995 discretionary budget.

Mr. BUMPERS. I rise to comment on an issue addressed in the report accompanying the fiscal year 1995 Department of Transportation appropriations bill.

In the section of the report dealing with the Federal Transit Administration, there is a paragraph addressing the processing of transit grants by the Department of Labor. The language contends that there are no problems in the 13(c) processing of grants at DOL, and that delays in the receipt of transit funds are rare.

This language, quite frankly, does not adequately reflect the experience in my State and, I am sure, many others. The Senate language stands in stark contrast to the House report which indicates that numerous transit grants have been delayed due to 13(c), and that "(t)hese delays frustrate the effectuation of the committee's spending priorities and allocation of scarce resources for important transit projects."

The large backlog of grants has also been recognized by the Department of Labor itself which recently identified close to $300 million in grants being held up by 13(c) issues. In Arkansas, 13(c) delays recently threatened the loss of $4 million in funds for the Central Arkansas Transit Authority slated for the purchase of new buses to increase service to the community and to create jobs.

One of the fundamental problems in the 13(c) program is the lack of timeframes for the negotiation or development of 13(c) protections or for certification action by the Department of Labor.

Would my distinguished colleague agree?

Mrs. KASSEBAUM. I agree with the Senator from Arkansas. It is simply incorrect to say that there are no problems in the 13(c) processing of grants at the Department of Labor. In my own State of Kansas, we have experienced lengthy delays in the receipt of transit funds.

Most recently, Johnson County, KS, and the Kansas City Area Transportation Authority applied for a grant to fund, among other things, the acquisition of 10 to 14 buses. Because of a labor dispute on the Missouri side of Kansas City, Johnson County's portion of the grant was delayed, even though the dispute was wholly unrelated to Johnson County. Although the union involved agreed that the Johnson County funds should be released, it was almost a year before the Department of Labor finally granted 13(c) approval to release the funds.

This is just one of many examples of delays we have experienced in the State of Kansas with the 13(c) process. The current process is not working, and our local transit systems simply cannot afford these needless and costly delays.

Mr. BOND. I share the views of my colleague from Arkansas. In the State of Missouri, City Utilities of Springfield has suffered considerable delays in receiving critical transit funding in the past. In fact, the Department of Labor has issued determinations of questionable validity which directly conflict with Missouri State law, and with the meet-and-confer process established under Missouri statutes and court decisions. In addition, the delays in 13(c) processing make financial planning, capital investment, and budgeting by public transit authorities considerably more difficult and, as the House has articulated, also frustrates Congress' spending priorities as reflected in DOT appropriations bill being considered today. For the Senate report to say that the 13(c) program is working well simply ignores these very real and considerable problems.

AIP FUNDING

Mr. PRESSLER. Mr. President, I would like to offer my congratulations to the managers of this bill for their efforts to allocate scarce Federal resources to the wide variety of transportation modes. With the burgeoning needs of our Nation's transportation system, coupled with very limited funding resources, the Senate appropriators' job is difficult indeed. Again, I commend the managers for their leadership.

I would, however, like to bring to my colleagues attention one particular section of the bill that concerns me greatly. That is, the funding provision for the Federal Aviation Administration Airport Improvement Program. This program is marked to take a drastic cut.

As ranking member of the Aviation Subcommittee, I know well the importance of the Airport Improvement Program, commonly referred to as AIP. The AIP program provides grants to fund the capital needs of the Nation's commercial airports and general aviation facilities. AIP grants for airport development and planning help in maintaining a safe and efficient nationwide system of public use airports.

AIP grants are funded out of the aviation trust fund, a dedicated revenue stream generated primarily from the imposition of a 10-percent tax on airline tickets. Although the unobligated balance in the aviation trust fund sits idle at over $4 billion, funding for the AIP program has steadily declined over the past several years.

Mr. President, estimates of capital construction needs at airports range from $7 billion to $10 billion a year over the next 5 years. Obviously, substantial improvements are necessary. Yet Congress is continually slashing the AIP funding. Is this sound Federal aviation policy?

The highest funding level for AIP was just under $2 billion, which, I might add, occurred during a Republican administration. Unfortunately, funding for AIP has declined steadily over the past several years. AIP has gone from $1.9 billion to $1.8 billion to a level of $1.69 billion in 1994. Now, the Senate is proposing to further cut this program—down to a level of $1.45 billion. This is nearly one-half billion dollars a year below the funding levels of a few years ago.

I cannot help but note the irony of the Clinton administration proclaiming itself to be strongly in support of infrastructure investment, while standing silently by as funding for the AIP program has been allowed to erode precipitously away in the past 2 years. Such an erosion in funding has a dramatic impact on the ability of airports to fund needed safety projects at their facilities. Shouldn't our aviation safety agenda deserve greater attention?

Annually, airports receive funds from the AIP program based on the number of enplanements at their facilities. For many of the smaller airports in the country, this is the only realistic source of Federal funds available to them. They are not large enough to qualify for letters of intent [LOI's], which commit multiyear funding. They rarely rate high enough for FAA priority consideration for discretionary funds. As a result, the enplanement funds they receive each year are absolutely critical.

Mr. President, the moneys available under the enplanement formula for distribution to small airports would be cut by a staggering 20 percent if the proposed $1.45 billion is enacted. If this doesn't immediately alarm you, perhaps some examples would illustrate more clearly the problem. Consider the impact on some South Dakota airports.

At the Sioux Falls Regional Airport, enplanement funds would be lowered from $1,094,127 to an estimated $908,125—a loss of over $186,000 or a 17-percent reduction. At Rapid City Regional Airport, funds would decline $873,966 to an estimated $725,391—a loss of over $148,000 or 17 percent. At Aberdeen and Pierre, airports which receive the minimum level of enplanement funds available, funding would be cut from $488,000 this year to $395,000 next year, a loss of $93,000 for each of these airports, or a 19-percent reduction. These examples alone total over half a million dollars, which is a very sizable amount of money to my State's airports.

In addition to the cuts in enplanement funds, significantly less money will be available to general aviation airports through the State set-aside. That fund will lose $37 million dollars next year under the proposed $1.45 billion level.

These examples from my State are not unique. Every airport in the county will immediately feel the squeeze of such drastic AIP reductions. Within the next few weeks, Congress should agree to a multiyear AIP reauthorization bill with authorization levels in excess of $2 billion each year. I should remind my colleagues that even at the $2 billion level, we are far short of fully funding the needs of the airport community. However, at the $1.45 billion appropriations level, we are not only falling short of our goal, we are shortchanging the traveling public. Let us not forget it is the air traveling public who are paying into the aviation trust fund, which is supposed to be dedicated to funding airport improvements.

Mr. President, I had considered offering an amendment to increase the AIP funding allocation; however, I know my efforts would be a lesson in futility. Plus, I do not advocate taking from Peter to pay Paul. However, it is my hope the Senate would agree to the level proposed in the House-passed version, which is $50 million higher than the Senate bill.

In the future, I urge my colleagues to increase AIP funding up to the authorized levels in conformance with the legislation that should be enacted soon. We should keep the faith with those who are paying into the aviation trust fund. After all, its intended purposes is not for budgetary smoke and mirrors.

Mr. CHAFEE. Mr. President, I was pleased to hear the distinguished chairman mention his interest in attempting to accommodate those transportation projects that were not included in the Senate version of this bill but were funded in the House-approved legislation. As the Senator from New Jersey knows, I strongly support a provision in the House bill providing $10 million for freight rail improvements along the Northeast corridor in Rhode Island.

The House provision is intended to mitigate the adverse impacts of the Northeast corridor improvement project in Rhode Island. Although I strongly support the Northeast corridor electrification project, I am concerned that as currently envisioned it will inhibit Rhode Island's economy recovery and limit freight rail service.

Accordingly to Amtrak's proposed electrification plans, the speed and volume of passenger rail traffic in Rhode Island would increase dramatically. Unfortunately, this modernization would reduce the opportunity for freight rail trips along the Rhode Island corridor. In addition, the current electrification design may even preclude the introduction of modern triple-level rail cars on Rhode Island's tracks.

In an effort to address what I consider this unintended consequence of electrification, the State of Rhode Island has devised a plan and funding mechanism to accommodate the needs of both high-speed passenger rail and freight rail service. The solution involves the construction of a dedicated third track for freight transportation.

The key to the plan, of course, is timing. It is imperative that funding be provided now so that Amtrak can incorporate the necessary design modifications in the overall electrification program. Once the electrification moves forward in Rhode Island, there will be no going back. The time to address the problem is now.

So, as the Appropriations Committee completes action today, I want to state for the record that I intend to work with the Senator from New Jersey, and Senator D'AMATO to ensure that funding for this freight rail initiative is retained in conference.

The PRESIDING OFFICER. Are there further amendments to the bill?

Mr. LAUTENBERG. Madam President, I know of no further amendments to be offered. I ask for third reading.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. LAUTENBERG. I ask for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—91

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—9

Brown
Faircloth
Gregg
Helms
Kohl
McCain
Roth
Smith
Wallop

So the bill (H.R. 4556), as amended, was passed.

Mr. LAUTENBERG. Madam President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG. Madam President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two bodies, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. D'AMATO, Mr. DOMENICI, Mr. HATFIELD and Mr. SPECTER, conferees on the part of the Senate.

Mr. LAUTENBERG. Madam President, we conclude the business on the transportation bill before the Senate now. I want to take a minute to thank all of my colleagues. You can see from the votes that were cast that our colleagues have largely supported the view of the committee. I am grateful for that support. The vote seen here today confirms the fact that transportation is such an essential part of our structure. It was a very tough job because the resources were spare. We continue to shrink the pot, but we adapt and learn to work within the funds that we have.

So I want to pay particular thanks to my colleague, Senator D'AMATO from New York. The fact that we are in the same region makes it easier to work on things because what is good for New York and New Jersey is often very good for the other States. I say thank you to Senator D'AMATO. We have worked together for several years on this, and we have a degree of comity and unity that gets this difficult job done.

As you see, we have had the full support of the Senate, with some small exceptions. This bill would have been impossible to construct without the effort, the creativity and application of our respective staffs. They did a superb job. I am talking about the committee staff, Pat McCann, Peter Rogoff, Anne Miano, Joyce Rose, Russell Houston, Dorothy Pastis, Craig Bone. All of them have worked long hours under very difficult conditions. We had to respond so quickly when amendments were offered so we could make adjustments to satisfy our colleagues. It was done with dispatch and, I must say, with a degree of skill that is confirmed by the votes we have seen.

So I say to all of them that I am deeply in debt for their service and that we are going to be ready to go to conference with the House knowing what our colleagues expect of us and in making sure that we support their needs to the fullest extent possible.

Mr. D'AMATO. Madam President, let me thank the chairman for his kind words. Let me also reiterate—and he said it well—as it relates to the incredible work of our professional staff on the Democratic side and Anne Miano on the Republican side. They have done an extraordinary job. These are difficult times. We maximize our utilization of scarce resources, and I am pleased to have had the opportunity to work with the distinguished chairman in bringing us to this point.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. HOLLINGS. Madam President, I ask unanimous consent that the distinguished Senator from Hawaii, Senator AKAKA, be recognized to speak for up to 5 minutes, and the distinguished Senator from Minnesota, Mr. WELLSTONE, for 5 minutes, and after completion of their remarks, that the Senate proceed to the consideration of H.R. 4603, the Commerce, State, Justice appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

THE 50TH ANNIVERSARY OF THE LIBERATION OF GUAM

Mr. AKAKA. Madam President, I rise today to ask all of my colleagues—all the people of our Nation—to commemorate, with patriotic pride and solemn remembrance, the 50th anniversary of the liberation of Guam.

As of July 21, 1944, the people of Guam had been under the control of the Japanese forces for 2½ years. Naturally, life had been austere and restrictive under the occupation. However, beginning in early 1944, it became even worse. Social activities, limited as they already were, were terminated. Schools were closed. Though their pay had been minimal before Guamanian men, women and children were now forced to work without any compensation at all—toiling on farms, constructing and repairing airfields and defense installations, and digging shelter caves for the Japanese soldiers.

During the final weeks before the invasion, most of the population was moved to concentration camps on the eastern side of the island. In an extreme irony, although this imposed great hardship on the people, it is arguable that it preserved the viability of Chamoros as an ethnic group. The American invasion took place on the western coast, and it began with one of the longest and heaviest naval bombardments of World War II. Without question, untold numbers of civilians would have perished in the pre-assault shelling and the crossfire of the massive attack itself.

A half-century ago this morning, 55,000 men of the 3d Marine Division, 1st Provisional Marine Brigade, and 305th Regimental Combat Team of the 77th Army Division simultaneously hit the beaches at Agat and Asan. In spite of determined resistance by an entrenched force of 18,500 Japanese defenders, both beaches were secured by the end of the day.

The liberation of Guam had begun. By the time it was complete—some three weeks later—the casualty count had reached 7,000 Americans and 17,500 Japanese. Our own colleague, the gentleman and hero from Alabama, Senator HOWELL HEFLIN, was twice wounded on Guam and received the Silver Star. It was a costly conflict, but it was a watershed battle of the American triumph in the Pacific. Coupled with the recapturing of Saipan, the enemy's grip in the Marianas had been broken, and ultimate victory was a little more than a year away.

THE 50TH ANNIVERSARY OF THE LIBERATION OF GUAM

Mr. INOUYE. Mr. President, I wish to take this opportunity to observe the 50th anniversary of a most important event—the liberation of the island of Guam from Japanese rule during World War II.

As the only American community occupied by the enemy during World War II, the people of Guam endured great hardships during the 2½ years that imperial Japanese forces controlled the island. Within days of the bombing of Pearl Harbor, Japanese forces raided the tiny island, overwhelming its small defense forces and forcing Guam's Governor to give up his position. Its liberation, 50 years ago today, was the result of fierce battles between American forces, who recognized Guam's strategic location, and the Japanese.

Guam, held by the United States since 1898, felt its American influence. During the 2½ years the small island was occupied, the native Chamorros, a courageous and resilient people, maintained faith in their American allies. This faith helped them through what must have been a long series of frightening and humiliating experiences at the hands of their captors. They endured terrible conditions, poor food, and were made to perform back breaking work on enemy airfields and planes, unwillingly helping the Japanese in their efforts to retain control of Guam.

While neighboring Saipanese suffered bloody battles and United States forces watched in horror as terrified Japanese civilians hurled themselves over "Banzai Cliff," the Guamanians never lost hope. Shortly after the invasion of Saipan, American forces landed on Guam. A fierce battle ensued, but in the end, Guam was restored to the United States and the Governor reestablished in his post.

Fifty years later, the spirit of Guam, and the Guamanian people, is more alive and vital than ever. Emotional reunions will take place today between the Guamanians and some of the 55,000 marines who liberated Guam 50 years ago. There are many who believe that this battle was the turning point of World War II in the Pacific.

Today, I wish to honor the memory of those who died during the liberation of Guam. They made the ultimate sacrifice in the allied pursuit of freedom for all. I also wish to express my deep gratitude as a citizen of this country to those men who, in the face of intense fire from enemy forces, landed on the beaches of Guam.

It is with great pride that I join my colleagues in the Senate in honoring the distinguished senior Senator from the State of Alabama, HOWELL HEFLIN, who, on that day 50 years ago as a marine first lieutenant, led the first wave of marines on the island. In this battle he shed much blood, having been wounded two times. A true hero, Senator HEFLIN received a Purple Heart for his courageous actions during the liberation of Guam.

I am pleased to join my Senate colleagues in saluting a distinguished friend, Senator HOWELL HEFLIN.

The PRESIDING OFFICER (Mr. REID). The Senator is yielded time under the previous order.

The Senator from Minnesota.

ON THE REPORTED SERB REJECTION OF THE BOSNIAN PEACE PLAN

Mr. WELLSTONE. Mr. President, I rise to express my bitter disappointment and frustration with the Bosnian Serbs' apparent rejection of the peace plan put forward by the U.N.-sponsored contact group.

This plan had been accepted unconditionally by the Croats and Moslems, despite some real concessions that they were required to make. Even the brutal Serb leader Milosevic had urged the Bosnian Serbs to accept the plan. This was in spite of the take-it-or-leave-it message from the contact group when they presented this plan to the parties.

Mr. President, several weeks ago, I voted against the amendment requiring the President to immediately and unilaterally lift the arms embargo against the Bosnian Moslems. It was an extremely difficult vote. The reason I voted against it—even though for several years I have said that there needs to be a stronger international effort to stop the genocidal violence there—is that I thought the vote several weeks ago was based more upon the schedule of the Senate than upon what was happening on the ground in Bosnia. I thought it was important to at least give the contact group the opportunity to present this proposal to the warring parties, and I hoped and I prayed that the Serbs would accept it.

Before casting my vote, which may have been the decisive vote, I did ask the majority leader to include in the alternative Nunn-Warner amendment some language which made it clear that the President should promptly propose a resolution to the Security Council if this peace plan was rejected to end the arms embargo, and that if that effort failed should immediately consult with the Congress about lifting the embargo unilaterally.

In addition, I asked for a letter from the administration, signed by Acting Secretary of State Strobe Talbott, clarifying the administration's intention regarding the arms embargo, and committing itself to consulting with Congress about unilaterally lifting the embargo. I ask unanimous consent that that letter be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. WELLSTONE. Mr. President, a key commitment made in this letter, from my perspective, was the unprecedented agreement to consult with the Congress immediately regarding the unilateral termination of the embargo should the peace negotiations collapse due to continuing Serb resistance, and should the administration's effort to end the embargo in the Security Council again fail. If the administration pursued that course, and failed to achieve passage of a new resolution at the Security Council to lift the embargo, then the administration would consult with the Congress about lifting the embargo unilaterally.

It was with that assurance that I cast my vote last time against requiring the President to immediately and unilaterally lift the embargo, and in favor of the Nunn-Warner amendment. Though I had some real reservations and doubts that this peace process would work, I wanted to give it a chance.

Mr. President, the Serbs have apparently rejected the plan. It is not yet completely clear what conditions they may have imposed in their response, territorial or constitutional or otherwise, but it appears to be a rejection. If so, and if the international community is unwilling to lift the embargo and is unwilling to intervene more forcefully, then it seems to me we have to act alone to lift the embargo. We have to at least provide the Bosnian Moslems an opportunity to defend themselves.

So, Mr. President, I just want to make it crystal clear that several weeks ago I agonized over that vote. I cast the vote that I believed in. I wanted to see whether or not there was a chance that this peace process would work.

It seems, based upon the reports we have read, that it could very well be collapsing, and if the Serbs have in fact rejected this plan, then I certainly would call upon the administration, as essentially was said to me in the letter from Strobe Talbott, to move promptly to develop a forceful response, including lifting the embargo. I think this can be done with the foreign ministers meeting in Geneva scheduled for next week. I believe the administration should respond to a clear Serb rejection of the plan as they have said they would—by seeking a resolution in the U.N. Security Council to end the embargo. If that effort fails, then the administration should immediately come to Congress to consult about unilaterally ending that embargo, and we should act to do so.

And the next time this issue comes to the Senate floor, if the Security Council continues to refuse to lift the embargo, I intend to vote accordingly.

Mr. President, I yield the floor.

EXHIBIT 1

DEPARTMENT OF STATE,
Washington, DC, July 1, 1994.

Hon. GEORGE J. MITCHELL,
U.S. Senate.

DEAR SENATOR MITCHELL: I am writing to reaffirm the Administration's support for lifting the international arms embargo on the former Yugoslavia imposed by United Nations Security Council Resolution 713 of September 25, 1991. It has been our long-held view that the arms embargo has unfairly and unintentionally penalized the victim in this conflict and that the Security Council should act to remedy this injustice. At the same time, as you know, there has been no international consensus to take this step and acting unilaterally to lift the embargo would have grave policy implications that we would all have to be prepared to live with, were we to take this course.

That said, in recent days the efforts of the Contact Group have helped to move us significantly closer to an international consensus for lifting the embargo in the event the Bosnian Serbs remain the obstacle to a peace settlement. While there are still some very minor refinements to be made, they will be ironed out early next week, and the peace proposal will be reviewed by foreign ministers in Geneva on July 5 and presented to the parties very shortly afterward as a reasonable basis for a peaceful settlement. Along with this proposal, it is expected that the parties will be presented with a package of incentives and disincentives designed to maximize the chances of their accepting the proposed compromise.

This package embodies a phased approach that seeks to steadily escalate pressure on the Serbs to agree to the major territorial concessions required by the Contact Group proposal. Due to our very strong insistence, this package includes lifting the arms embargo as one of the possible consequences of a Bosnian Serb rejection of the territorial proposal. In this regard, if we determine after consulting with our Allies and Russia that the Contact Group negotiations have not produced the results we seek, you can be sure that we will take the lead in pressing for implementation of this part of the incentives package. To this end, we would take immediate steps to propose or support a resolution at the United Nations Security Council to terminate the arms embargo on Bosnia and Herzegovina. Further, if the Security Council for some reason fails to pass such a resolution, the Administration would consult with Congress immediately thereafter regarding possible further action, including unilateral termination of the arms embargo as called for in the Mitchell amendment to S. 2042 of May 12, 1994.

I hope this clarification of the Administration's intentions regarding the arms embargo on the former Yugoslavia is helpful to you as the Senate considers the implications of unilateral action on the Bosnian arms embargo. The Administration strongly prefers the alternative you have introduced with Senators Nunn, Warner, Kassebaum and Robb to that introduced by Senator Dole and others.

Sincerely,

STROBE TALBOTT,
Acting Secretary.

COMMERCE, JUSTICE, STATE APPROPRIATIONS ACT OF 1995

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 4603, which the clerk will state by title.

The bill clerk read as follows:

A bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, State, the Judiciary and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken as shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, **[**$94,100,000**]** *$96,600,000,* to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $750,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate the "Safe Return" Program.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, **[**$68,500,000**]** *$68,000,000,* to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which: (a) $50,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; (b) $12,000,000 shall be available to carry out the provisions of chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants; (c) $6,000,000 shall be available for implementation of the Federal Bureau of Investigation's National Instant Background Check System**[**; and (d) $500,000 shall be available to carry out the provisions of the Anti Car Theft Act of 1992 (Public Law 102–519), for grants to be used in combating motor vehicle theft, of which $200,000 shall be available pursuant to subtitle B of title I of said Act, and of which $300,000 shall be available pursuant to section 306 of title III of said Act: *Provided,* That of the funds made available in fiscal year 1995 under chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended: (a) $2,000,000 shall be available for the activities of the District of Columbia Metropolitan Area Drug Enforcement Task Force; and (b) not to exceed $500,000 shall be available to make grants or enter contracts to carry out the Denial of Federal Benefits program under the Controlled Substances Act, as amended by the Crime Control Act of 1990 (21 U.S.C. 862)**]***: Provided, That funds made available in fiscal year 1995 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs for the prosecution of driving while intoxicated charges and the enforcement of other laws relating to alcohol use and the operation of motor vehicles: Provided further,* That funds made available in fiscal year 1995 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions.

In addition, for grants, contracts, cooperative agreements, and other assistance, to be allocated and distributed in accordance with section 506(a) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3756), notwithstanding the provisions of section 511 of said Act, **[**$804,280,000**]** *$423,000,000,* to remain available until expended, to carry out the provisions of—

(1) subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for grants to States under the Edward Byrne Memorial State and Local Law Enforcement Assistance **[**Programs,

[(2) section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), to reimburse States for costs of incarcerating illegal aliens, and

[(3) section 106(b) of the Brady Handgun Violence Prevention Act of 1993, Public Law 103–159 (107 Stat. 1536) to upgrade State criminal history records**]**

Programs in addition, for grants, contracts, cooperative agreements, and other assistance authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, Public Law 103–159 (107 Stat. 1536), $100,000,000, to remain available until expended, to upgrade State criminal history records.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, **[**$146,500,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102–586, of which: (a) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) $7,500,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) $15,000,000**]** *$144,000,000,* *to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of said Act, as amended by Public Law 102–586, of which: (a) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) $10,000,000* shall be available for expenses authorized by section 285 of part E of title II of said Act; (d) $4,000,000 shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (e) $20,000,000 shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, [$11,250,000, to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) $500,000 shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) $2,000,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) $2,000,000 shall be available for technical assistance and training, as authorized by section 214A of said Act, of which $1,500,000 is for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse, and of which $500,000 is for a grant to the National Network of Child Advocacy Centers] *$9,750,000, to remain available until expended, as authorized by sections 214B, 218, and 224 of said Act, of which: (a) $500,000 shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) $1,000,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; (c) $1,500,000 shall be available for technical assistance and training, as authorized by section 214A of said Act, of which $1,500,000 is for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse*; (d) $1,000,000 shall be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; (e) $5,000,000 shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and (f) $750,000, notwithstanding section 224(b) of said Act, shall be available to develop and distribute model technical assistance and training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

[COMMUNITY POLICING

[For grants, contracts, cooperative agreements, and other assistance authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, for the Cops on the Beat Program, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $1,332,000,000, to remain available until expended.]

STATE CORRECTIONAL GRANTS

For grants to States to develop, construct, or expand correctional facilities, including military style boot camp prison programs and regional prisons, in order to provide secure prison space for the confinement of violent and non-violent offenders, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $175,000,000, to remain available until expended.

DRUG COURTS

For grants, contracts, cooperative agreements, and other assistance to implement drug court programs which combine intensive probationary supervision and mandatory drug testing and treatment as an alternative punishment for young, non-violent drug offenders, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $100,000,000, to remain available until expended.

GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN

For grants, contracts, cooperative agreements, and other assistance to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women, and to develop and strengthen victim services in cases involving crimes against women, as authorized in the Violence Against Women Act contained in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $86,000,000, to remain available until expended.

COMMUNITY SCHOOLS SUPERVISION GRANTS

For grants to community-based organizations to provide year-round supervised sports programs, and extracurricular and academic programs for children in order to promote the positive character development of such children, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $40,000,000, to remain available until expended.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,072,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, [$119,904,000] *$121,267,000*; of which not to exceed $3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That of the offsetting collections credited to this account, $37,000 are permanently canceled.

In addition, for expenses necessary to implement the President's Immigration Initiative as authorized in [H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, or similar legislation, $24,069,000] *H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $24,300,000*, of which not to exceed $6,000,000 shall remain available until September 30, 1996.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,500,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation: *Provided*, That of the offsetting collections credited to this account, $24,000 are permanently canceled.

COMMUNITY POLICING

For grants, contracts, cooperative agreements, and other assistance authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, for the Cops on the Beat Program, including salaries and expenses in connection therewith, $1,300,000,000, to remain available until expended: Provided, That the funds appropriated in this paragraph may also be available to carry out the provisions of section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365).

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, [$13,150,000] *$13,456,000*, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

WORKING CAPITAL FUND

Of the offsetting collections credited to this account, $387,000 are permanently canceled.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $7,451,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; [$411,786,000] *$428,664,000*; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $50,099,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding 31

U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1995: *Provided further*, That of the offsetting collections credited to this account, $99,000 are permanently canceled.

In addition, for expenses necessary to implement the President's Immigration Initiative as authorized in [H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, or similar legislation, $4,695,000] *H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $2,000,000*, of which not to exceed $1,250,000 shall remain available until September 30, 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,500,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–509 (104 Stat. 1289).

CIVIL LIBERTIES PUBLIC EDUCATION FUND

For research contracts and public education activities, and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to section 106(b) of the Civil Liberties Act of 1988 (Public Law 100–383), $5,000,000, to remain available until expended.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, [$75,655,000: *Provided*, That notwithstanding any other provision of law, not to exceed $35,460,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $40,195,000: *Provided further*, That any fees received in excess of $35,460,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995:] *$85,155,000: Provided, That notwithstanding any other provision of law, not to exceed $33,460,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $51,695,000: Provided further*, That of the offsetting collections credited to this account, $155,000 are permanently canceled.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, [$820,177,000] *$832,723,000*, of which not to exceed $2,500,000 shall be available until September 30, 1996 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That of the offsetting collections credited to this account, $180,000 are permanently canceled.

[In addition, for expenses necessary to implement the President's Immigration Initiative as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, or similar legislation, $6,799,000, of which not to exceed $2,000,000 shall remain available until September 30, 1996.]

In addition, for reasonable and necessary expenses to implement the Attorney General's Violent Crime Task Force Initiative, $25,000,000, including the reasonable and necessary expenses of intergovernmental, interlocal, cooperative and task force agreements, however denominated, and contracts with State and local prosecutive and law enforcement agencies engaged in the investigation and prosecution of crimes of violence and drug trafficking crimes.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, [$100,469,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), of which $61,593,000 shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed $38,876,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended by section 111 of Public Law 102–140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the $100,469,000 herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $61,593,000: *Provided further*, That any of the aforementioned fees collected in excess of $38,876,000] *$104,889,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), of which $64,292,000 shall be derived from the United States Trustee System Fund: Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, not to exceed $40,597,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended by section 111 of Public Law 102–140 (105 Stat. 795), shall be retained and used for necessary expenses in this appropriation: Provided further, That the $104,889,000 herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $64,292,000: Provided further, That any of the aforementioned fees collected in excess of $40,597,000* in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995: *Provided further*, That of the offsetting collections credited to this account, $218,000 are permanently canceled.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; [$390,185,000] *$403,055,000*, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses: *Provided*, That of the offsetting collections credited to this account, $95,000 are permanently canceled.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; [$299,465,000] *$298,216,000*, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $78,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $20,379,000, of which not to exceed $10,001,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section

501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96–422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $55,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

Amounts otherwise available for obligation in fiscal year 1995 are reduced by $92,000.

Radiation Exposure Compensation

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

Interagency Law Enforcement

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, [$383,250,000] *$369,943,000*, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

Federal Bureau of Investigation

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; [$2,178,218,000] *$2,210,511,000*, of which not to exceed $35,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1996; of which not to exceed $14,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which $84,400,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That of the offsetting collections credited to this account, $572,000 are permanently canceled.

Drug Enforcement Administration

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,265 passenger motor vehicles, of which 1,115 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; [$742,497,000] *$760,801,000*, of which not to exceed $1,800,000 for research shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1996, and of which not to exceed $50,000 shall be available for official reception and representation expenses: *Provided*, That of the offsetting collections credited to this account, $439,000 are permanently canceled.

Immigration and Naturalization Service

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed [346] *813* of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; [$1,098,602,000] *$1,164,856,000*, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the Training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 *during the calendar year beginning January 1, 1995*: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That of the offsetting collections credited to this account, $1,240,000 are permanently canceled.

In addition, for expenses, not otherwise provided for, necessary to implement the President's Immigration Initiative as authorized in [H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1994, or similar legislation, to include purchase of uniforms and not to exceed 467 passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year, $251,157,000, of which not to exceed $116,842,000] *H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $264,200,000, of which not to exceed $199,000,000* for procuring automation, communications and technical systems and equipment shall remain available until expended.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $100,000,000, to remain available until expended.

IMMIGRATION EMERGENCY FUND

For necessary expenses of the immigration emergency fund as authorized by section 404(b) of the Immigration and Nationality Act, $8,500,000, to remain available until expended.

Federal Prison System

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 736 of which 383 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; [$2,356,404,000] *$2,354,104,000*: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1996: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That any unobligated balances available for the care of Mariel Cuban detainees under the heading, "Salaries and Expenses, Community Relations Service" are transferred to this heading, and shall remain available until expended.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of

Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, [$10,344,000] *$10,144,000*, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; [$238,094,000] *$243,324,000*, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That unless a notification as required under section 605 of this Act is submitted to the Committees on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds $50,000, and in addition, any cooperative agreement with a cost per bed space that exceeds $25,000 must remain in effect for no less than 15 years: *Provided further*, That of the total amount appropriated, not to exceed $9,903,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,463,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to subsection (b) of section 102 of the Department of Justice and Related Agencies Appropriations Act, 1993, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way, the performance of any abortion.

SEC. 104. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 105. Pursuant to the provisions of law set forth in 18 U.S.C. 3071–3077, not to exceed $5,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 106. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 107. In fiscal year 1995 and thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Commissary Fund.

SEC. 108. (a) Of the budgetary resources available to the Department of Justice during fiscal year 1995, $23,830,000 are permanently canceled.

(b) The Attorney General shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 109. Notwithstanding 31 U.S.C. 3302 or any other law, in litigation involving unusually high costs, the Department of Justice may receive and retain reimbursement for salaries and expenses, for fiscal year 1995 and thereafter, from any other governmental component being represented in the litigation.

SEC. 110. Paragraph 524(c)(9) of title 28, United States Code, is amended by amending subparagraph (D) to read as follows:

"(D) Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) above, any excess unobligated amounts remaining in the Fund on September 30, 1994 shall be available to the Attorney General, without fiscal year limitation, for any federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this section may be used under authorities available to the organization receiving the funds. For purposes of this paragraph, 'excess unobligated amounts' means total unobligated amounts in the Fund on September 30 less the sum of amounts unavailable for obligation except by court order, amounts previously declared as a surplus available to the Attorney General for obligation, and amounts required to be reserved to ensure the availability of funds in the next fiscal year for purposes authorized under paragraph (1).".

SEC. 111. Public Law 103–121 (107 Stat. 1161) is amended by inserting the words "and California" after the phrase "for projects on the northern border of the United States".

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, [$9,500,000] *$8,413,000*: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner [whose compensation shall not exceed the equivalent of 150 billable days at the daily rate of a level 13 salary under the General Schedule]: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities

Act of 1990, and the Civil Rights Act of 1991; [$238,000,000] *$240,000,000*: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, $242,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structures; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; [$166,832,000, of which not to exceed $300,000 shall remain available until September 30, 1996, for research and policy studies: *Provided*, That $116,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at $50,432,000: *Provided further*, That any offsetting collections received in excess of $116,400,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995] *$198,232,000, of which not to exceed $300,000 shall remain available until September 30, 1996, for research and policy studies: Provided, That $116,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at $81,832,000*: *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, $197,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2)*: Provided further, That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86–484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(d) of title 47 of the Code of Federal Regulations, other than to amend policies with respect to waivers of the portion of section 73.3555(d) that concerns cross-ownership of a daily newspaper and an AM or FM radio broadcast station.*

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; $18,569,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; [$95,428,000: *Provided*, That notwithstanding any other provision of law, not to exceed $35,460,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $59,968,000: *Provided further*, That any fees received in excess of $35,460,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995: *Provided further*, That section 605 of Public Law 101–162 (103 Stat. 1031), as amended, is further amended by striking "$25,000" and inserting in lieu thereof "$45,000"] *$98,928,000: Provided, That notwithstanding any other provision of law, not to exceed $33,460,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1995, so as to result in a final fiscal year 1995 appropriation estimated at not more than $65,468,000: Provided further, That section 605 of Public Law 101–162 (103 Stat. 1031), as amended, is further amended by striking "$25,000" and inserting in lieu thereof "$40,000"*: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285): *Provided further*, That of the budgetary resources available in fiscal year 1995 in this account, $145,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2)] *: Provided further, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96–252; 94 Stat. 374), except that this proviso shall cease to be effective upon enactment of an Act authorizing appropriations for the Federal Trade Commission for fiscal year 1995.*

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

[For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $900,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided*,] *For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $57,856,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to* *exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: Provided further, That such fee increase shall be repealed upon enactment of legislation amending the Securities Exchange Act of 1934 to establish a new fee system in fiscal year 1995 for full cost recovery of Commission expenses: Provided further,* That of the budgetary resources available in fiscal year 1995 in this account, $902,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

In addition, upon enactment of legislation amending the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), and subject to the schedule of fees contained in such legislation, such fees may be collected and shall be deposited as an offsetting collection to this appropriation to recover the costs of registration, supervision, and regulation of investment advisers and their activities: *Provided*, That such fees shall remain available until expended: *Provided further*, That any such fees collected in excess of $8,595,000 shall not be available for obligation until October 1, 1995.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $13,550,000 to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1995".

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, [$279,420,000] *$260,000,000*, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership, the Advanced Technology Program and the Quality Program of the National Institute of Standards and Technology, [$495,960,000, to remain available until expended, of which $315,000,000 shall not be available for obligation until May 1, 1995; and of which not to exceed $1,600,000 may be transferred to the "Working Capital Fund"] *$554,000,000, to remain available until expended, of which not to exceed $1,710,000 may be transferred to the "Working Capital Fund": Provided, That notwithstanding the time limitations imposed by 15 U.S.C. 278k(c)(1) and (5) on the duration of Federal financial assistance that may be awarded by the Secretary of Commerce to Regional Centers for the Transfer of Manufacturing Technology ("Centers"), such Federal financial assistance for a Center may continue beyond six years and may be renewed for additional periods, not to exceed three years each, at a rate not to exceed one-third of the Center's total annual costs, subject before any such renewal to a positive evaluation of the Center and to a finding by the Secretary of Commerce that continuation of Federal funding to that Center is in the best interest of the Regional Centers for the Transfer of Manufacturing Technology Program.*

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $64,686,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 439 commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; [$1,792,978,000] *$1,850,000,000*, to remain available until expended: *Provided*, [*That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, in addition to fees currently being assessed and collected, additional fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering living marine resources, marine sanctuary, and aeronautical charting programs: Provided further*, That the sum herein appropropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1995, so as to result in a final general fund appropriation estimated at not more than $1,751,978,000: *Provided further*,] That any such additional fees received in excess of $41,000,000 in fiscal year 1995 shall not be available for obligation until October 1, 1995: *Provided further*, That in addition, $55,500,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": [*Provided further*, That hereafter all receipts received from the sale of aeronautical charts that result from an increase in the price of individual charts above the level in effect for such charts on September 30, 1993, shall be deposited in this account as an offsetting collection and shall be available for obligation]: *Provided further, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,200,000 and shall not be less than $500,000: Provided further, That of the total amount appropriated in this paragraph, $22,000,000 shall be available for the integrated program office for convergence of civilian and military polar-orbiting meteorological satellites: Provided further*, That of the offsetting collections credited to this account, $123,000 are permanently canceled.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, [for purposes set forth in 16 U.S.C. 1456a(b)(2)] *of which not to exceed $3,671,000 may be used for program administration costs and of which $4,129,000 shall be used for the purposes set forth in 16 U.S.C. 1455.*

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, [$52,000,000] *$100,000,000*, to remain available until expended: *Provided*, That subject to the availability of appropriations provided in advance for these purposes, the Secretary of Commerce is granted approval to enter into a contract with Florida State University which shall: (1) provide the University with funds to assist in the construction and associated expenses, including parking, of a meteorological sciences building on its Tallahassee, Florida, campus; and (2) include a space agreement with the University at no cost to the Government, other than for operational expenses, for space in this building for use as the Weather Forecast Office: *Provided further*, That if the Secretary of Commerce determines that the property that was transferred to the United States by the City of Clovis, California, by a deed dated November 20, 1984, for use as a weather forecasting office, is no longer needed for such use, title to that property, and improvements thereto, shall revert to the City of Clovis, California.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, construction, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $23,040,000, to remain available until expended.

[FISHING VESSEL OBLIGATIONS GUARANTEES

[For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $459,000.]

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,273,000 to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000 to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention

Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $400,000, to remain available until expended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $36,510,000: *Provided*, That of the offsetting collections credited to this account, $17,000 are permanently canceled.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), **[**$16,900,000**]** *$17,250,000.*

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, **[**$141,272,000**]** *$135,000,000*: *Provided*, That of the offsetting collections credited to this account, $225,000 are permanently canceled.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, **[**$142,576,000**]** *$145,000,000*, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, **[**$48,615,000**]** *$46,937,000*, to remain available until September 30, 1996: *Provided*, That of the offsetting collections credited to this account, $2,000 are permanently canceled.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

There is hereby established the Economics and Statistics Administration Revolving Fund which shall be available without fiscal year limitation. For initial capitalization, there is appropriated $1,677,000 to the Fund: *Provided*, That the Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account as offsetting collections, to be available for carrying out these purposes without further appropriation.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms to include a grant of $9,000,000 for the National Textile Center University Consortium, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; **[**$268,723,000, to remain available until expended**]** *$262,000,000, to remain available until expended*: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; **[**$38,823,000**]** *$36,161,000*, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, **[**$42,428,000, of which $30,300,000 shall remain available until expended**]** *$44,000,000, of which $31,872,000 shall remain available until expended.*

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703, including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for official representation expenses abroad; **[**$14,907,000**]** *$17,907,000*, to remain available until expended: *Provided*, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended: *Provided further, That in addition to fees currently being assessed and collected, the Administration shall charge users of its services, products, and information, fees sufficient to result in an additional $3,000,000, to be deposited in the General Fund of the Treasury.*

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; **[**$88,329,000**]** *$75,000,000*, to remain available until expended, to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, **[**$10,000,000**]** *$11,237,000*, of which not to exceed $2,000,000 shall remain available until September 30, 1996.

[NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

[For expenses necessary to implement the American Technology Preeminence Act, $12,000,000, to remain available until expended: *Provided*, That of the offsetting collections credited to this account, $140,000 are permanently canceled.]

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, **[**$21,056,000**]** *$20,981,000*, to remain available until expended: *Provided*, That of the offsetting collections credited to this account, $2,000 are permanently canceled: *Provided further, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph and such funds received from other Government agencies shall remain available until expended.*

PUBLIC BROADCASTING

FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$26,000,000] *$30,000,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of said Act: *Provided further*, That notwithstanding the provisions of section 391 of said Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further*, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed [$700,000] *$1,500,000* appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT).

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$70,000,000] *$52,000,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $5,000,000 shall be available for program administration and other support activities as authorized by section 391 of said Act *including support of the Advisory Council on National Information Infrastructure*: *Provided further*, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of such Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants and administrative expenses, $2,500,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, [and for trade adjustment assistance, $338,524,000] *$412,198,000*: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, [$32,205,000] *$36,000,000*: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Of the budgetary resources available to the Department of Commerce during fiscal year 1995, $12,355,000 are permanently canceled.

(b) The Secretary of Commerce shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account: *Provided, That not to exceed $6,177,000 may be allocated to the National Oceanic and Atmospheric Administration.*

(c) For the purpose of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, [$24,157,000] *$24,323,000*.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), [$3,000,000] *$3,045,000*, of which $260,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, [$13,438,000] *$13,362,000*.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, [$11,685,000] *$11,765,000*.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, [$2,323,455,000] *$2,399,318,000* (including the purchase of firearms and ammunition); of which not to exceed $14,454,000 shall remain available until expended for space alteration projects; of which not to exceed $11,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National

Childhood Vaccine Injury Act of 1986, not to exceed $2,250,000 to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $250,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That not to exceed $19,800,000 shall be available for Death Penalty Resource Centers.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); [$62,692,000] *$56,000,000*, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); [$97,000,000] *$97,532,000*, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, [$46,500,000] *$47,734,000*, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, [$18,828,000] *$19,739,000*; of which $1,800,000 shall remain available through September 30, 1996, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $21,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,900,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $575,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [$8,468,000] *$9,200,000*, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 612(l) of title 28, United States Code, is amended by deleting "1994" and inserting "1999".

SEC. 306. Section 377 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(p) Upon an election by a bankruptcy judge or magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund as defined under section 8348 of title 5, United States Code, shall be transferred to the fund established under section 1931 of title 28, United States Code: Provided, however, That if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, Public Law 100–659, to receive a retirement annuity under both this section and title 5, United States Code, only the accrued employer contributions and accrued interest on such contributions made on behalf of the bankruptcy judge or magistrate judge for service credited under this section may be transferred.".

This title may be cited as "The Judiciary Appropriations Act, 1995".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $214,356,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, [$76,100,000] *$78,000,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

(INCLUDING RESCISSION)

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and for related programs, [$179,415,000] *$120,000,000*, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program.

[Of the amounts made available under this heading in Public Law 103–121, $27,000,000 are rescinded: *Provided*, That of the total amount rescinded, $9,000,000 shall be derived from amounts proposed to be reprogrammed from funds appropriated for Fleet Additions to Maintenance and Operations.]

Of the unobligated balances available under this heading, $158,000,000 are rescinded.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $25,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $2,000,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, [$1,494,000] *$1,894,000*, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by section 5209 of the Omnibus Trade and Competitiveness Act of 1988, $1,000,000 to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, [$1,320,000] *$1,384,000*.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,949,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101–574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, [$258,900,000] *$233,468,000*: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administraton; certain loan servicing activities; and installing and servicing the agency's computer-based electronic bulletin board; *and to help defray the cost of the Small Business Development Center Program*: *Provided further*, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriation. Of the total amount appropriated in this paragraph, [$73,300,000] *$72,000,000* shall be available for grants for performance in fiscal year 1995 or fiscal year 1996 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended, *of which $5,000,000 shall be available to carry out Defense economic transition technical assistance as authorized by 15 U.S.C. 648(c)(3)(G)*: *Provided further*, That not more than $500,000 of the total amount in this paragraph shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse Centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act.

[None of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee for the Small Business Development Center Program.]

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,500,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, [$8,500,000] *$9,221,000*, and for the cost of guaranteed loans, [$321,067,000] *$277,143,000*, as authorized by 15 U.S.C. 631 note, *of which $1,216,000 shall be for the micro-loan guarantee program and shall be available until expended, and* of which $30,000,000 shall be used to pre-pay the Federal Financing Bank for debentures guaranteed by the Administration pursuant to section 503 of the Small Business Investment Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $97,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $52,153,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds provided in this or any other Act may be used for the cost of direct loans to any borrower under section 7(b) of the Small Business Act to relocate voluntarily outside the business area in which the disaster has occurred.

In addition, for administrative expenses to carry out the direct loan program, $78,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

In addition, for the cost of emergency disaster loans and associated administrative expenses, $125,000,000, to remain available until expended: *Provided*, That these funds, or any portion thereof, shall be available beginning in fiscal year 1995 to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under the Budget Enforcement Act of 1990: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D).

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $5,369,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 401. [None of the funds provided by this Act for the Small Business Administration may be used to guarantee any participating securities authorized by Public Law 102–366 until legislation has been enacted which directly or indirectly prohibits the filing of a petition under the Bankruptcy Code by a small business investment company licensed under subsection (c) or (d) of section 301 of the Small Business Investment Act of 1958 or regulations implemented to reduce risks to the Small Business Administration from companies licensed under section (c) or (d) of section 301 of the Small Business Investment Act of 1958.

[Sec. 402.](a) Of the budgetary resources available to the Small Business Administration during fiscal year 1995, $1,021,000 are permanently canceled.

(b) The Administrator of the Small Business Administration shall allocate the amount of budgetary resources canceled among the agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and close-out, as specified in 41 U.S.C. 403(2).

SEC. 402a. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, [$415,000,000; of which $350,700,000 is for basic field programs; $9,390,000 is for Native American programs; $13,830,000 is for migrant programs; $1,435,000 is for law school clinics; $1,305,000 is for supplemental field programs; $870,000 is for regional training centers; $10,800,000 is for national support; $11,585,000 is for State support; $785,000 is for client initiatives; $1,145,000 is for the Clearinghouse; $655,000 is for computer assisted legal research regional centers; and

$12,500,000] *$400,000,000; of which $341,865,000 is for basic field programs; $8,950,000 is for Native American programs; $12,759,000 is for migrant programs; $1,402,000 is for law school clinics; $1,274,000 is for supplemental field programs; $795,000 is for regional training centers; $9,611,000 is for national support; $10,564,000 is for State support; $100,000 is for client initiatives; $1,101,000 is for the Clearinghouse; $651,000 is for computer assisted legal research regional centers; and $10,928,000* is for Corporation management and administration.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

SEC. 403. (a) Funds appropriated under this Act to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1995, pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area, shall be distributed in the following order:

(1) Grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) of the Legal Services Corporation Act, as amended, shall be maintained in fiscal year 1995 at not less than the annual level at which each grantee and contractor was funded in fiscal year 1994 pursuant to Public Law 103-121.

[(2) 50 percent of new basic field funds shall be awarded to grantees and contractors funded at the lowest levels per-poor-person (calculated for each grantee or contractor by dividing each such grantee or contractor's fiscal year 1994 grant level by the number of poor persons within its geographical area under the 1990 census) so as to fund the largest number of programs possible at an equal per-poor-person amount.

[(3) 50 percent of new basic field funds shall be allocated to grantees and contractors in an amount that is proportionate to the number of poor people in such grantee or contractor's service area as enumerated in the 1990 census.]

(b) None of the funds appropriated under this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of—

(1) section 607 of Public Law 101-515, and that all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions as set forth in section 607 of Public Law 101-515, except that the funding formulas and provisos 15, 20 and 22 shall not apply, and all references to "1991" in section 607 of Public Law 101-515 shall be deemed to be "1995", unless subparagraph (2) applies; and

(2) authorizing legislation for fiscal year 1995 for the Legal Services Corporation that is enacted into law.

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration [$1,700,200,000] *$1,780,439,000*[: *Provided*, That notwithstanding any other provision of law, during fiscal year 1995 the Secretary of State is authorized to charge a fee for processing passports on an expedited basis: *Provided further*, That in order to control workload demands on passport facilities, expedited passport processing will be available only to those applicants who can demonstrate and document the need to travel on an urgent basis and that such documentation would normally include already-purchased tickets and a formal itinerary: *Provided further*, That fees allocated under this provision shall be used to fund the cost of providing expedited passport processing and to enhance the quality and efficiency of consular services: *Provided further*, That the Secretary shall deposit such fees as an offsetting collection to this appropriation account, to remain available until expended, and shall expend not to exceed $18,000,000 in such fee collections during fiscal year 1995. Of the funds appropriated in this paragraph: not to exceed $3,000,000 shall be available for grants, contracts, and other activities to conduct research and promote international cooperation on environmental and other scientific issues; not to exceed $500,000 shall be available to carry out the activities of the Commission on Protecting and Reducing Government Secrecy; $300,000 shall be available for recruitment of Hispanic American students and for the training of Hispanic Americans for careers in the Foreign Service and in international affairs; and not to exceed $300,000 shall be available to carry out the activities of the Office of Cambodian Genocide Investigations. None of the funds appropriated in this paragraph shall be available to carry out the provisions of section 101(b)(2)(E) of Public Law 103-236]*: Provided, That hereafter all receipts received from a new charge for expedited passport processing shall be deposited in this account as an offsetting collection and shall be available until expended: Provided further, That of the total amount made available in this paragraph, not less than $5,000,000 shall be available only for payments to the Federal Bureau of Investigation pursuant to section 505 of this Act.*

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 502 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: [*Provided further,*] *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, [$385,000,000] *$391,373,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), $23,850,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $9,579,000: *Provided*, That none of the funds appropriated in this paragraph shall be available to carry out section 101(b)(4)(A) of Public Law 103-236: *Provided further*, That of the funds appropriated in this paragraph, not to exceed $500,000 shall be available to carry out section 101(b)(4)(B) of Public Law 103-236.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), [$396,000,000] *$421,760,000* to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies. Of the funds made available in this paragraph [$92,864,000] *$117,864,000* shall be available for Maintenance of Buildings and Facility Rehabilitation.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e) $6,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c)[, of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.]

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96-8 (93 Stat. 14), $15,465,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $129,321,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, [$913,941,000, of which not to exceed $40,719,000 is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization] *$873,222,000*: *Provided*, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure pursuant to section 401(a)(2) of Public Law 103–236 until a certification is made under section 401(b) of said Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, [$533,304,000, of which not to exceed $288,000,000 is available to pay arrearages accumulated in fiscal year 1994 and not to exceed $23,092,000 is available to pay other outstanding arrearages] *$500,000,000, of which not to exceed $277,788,000 is available to pay arrearages: Provided, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.*

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, [$13,947,000] *$12,858,000*.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, [$6,644,000] *$7,733,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $15,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 503. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 504. (a) Of the budgetary resources available to the Department of State during fiscal year 1995, $5,566,000 are permanently canceled.

(b) The Secretary of State shall allocate the amount of budgetary resources canceled among the Department's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

SEC. 505. Section 140 of Public Law 103–236 is amended—

(1) by inserting after subsection (d)(3) the following new subsection (e):

"(e) FINGERPRINT CHECKS.—

"(1) Effective not later than March 31, 1995, the Secretary of State shall in the ten countries with the highest volume of immigrant visa issuance for the most recent fiscal year for which data are available require the fingerprinting of applicants over sixteen years of age for immigrant visas. The Department of State shall submit records of such fingerprints to the Federal Bureau of Investigation in order to ascertain whether such applicants previously have been convicted of a felony under State or Federal law in the United States, and shall pay all appropriate fees.

"(2) The Secretary shall prescribe and publish such regulations as may be necessary to implement the requirements of this subsection, and to avoid undue processing costs and delays for eligible immigrants and the United States Government."; and

(2) in subsections (d)(4) and (d)(5), by changing the word "procedure" to "procedures", by changing the words "this subsection" each time they appear to "subsections (d) and (e)", and by redesignating paragraphs (d)(4) and (d)(5), respectively, as subsections (f) and (g).

SEC. 506. (a) Section 212 of the Immigration and Nationality Act, as amended (U.S.C. 1182), is amended by adding at the end thereof the following new subsection (o):

"(o) An alien who has been physically present in the United States shall not be eligible to receive an immigrant visa within ninety days following departure therefrom unless—

"(1) the alien was maintaining a lawful nonimmigrant status at the time of such departure, or

"(2) the alien is the spouse or unmarried child of an individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986 at any date, who—

"(A) as of May 5, 1988, was the unmarried child or spouse of the individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986;

"(B) entered the United States before May 5, 1988, resided in the United States on May 5, 1988, and is not a lawful permanent resident; and

"(C) applied for benefits under section 301(a) of the Immigration Act of 1990.".

(b) Section 245 of the Immigration and Nationality Act, as amended (8 U.S.C. 1255), is amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General may accept such application only if the alien remits with such application a sum equalling five times the fee required for the processing of applications under this section as of the date of receipt of the application, but such sum shall not be required from an alien who is the spouse or unmarried child of an individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986 at any date, who—

"(i) as of May 5, 1988, was the unmarried child or spouse of the individual who obtained temporary or permanent resident status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986;

"(ii) entered the United States before May 5, 1988, resided in the United States on May 5, 1988, and is not a lawful permanent resident; and

"(iii) applied for benefits under section 301(a) of the Immigration Act of 1990. The sum specified herein shall be in addition to the fee normally required for the processing of an application under this section.

"(2) Upon receipt of such an application and the sum hereby required, the Attorney General may adjust the status of the alien to that of an alien lawfully admitted for permanent residence if—

"(A) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

"(B) an immigrant visa is immediately available to the alien at the time the application is filed.

"(3) Sums remitted to the Attorney General pursuant to paragraphs (1) and (2) of this subsection shall be disposed of by the Attorney General as provided in sections 286 (m), (n), and (o) of this title.".

(c) The provisions of these amendments to the Immigration and Nationality Act shall take effect on October 1, 1994.

(d) The Immigration and Naturalization Service shall conduct full fingerprint identification checks through the Federal Bureau of Investigation for all individuals over sixteen years of age adjusting immigration status in the United States pursuant to this section.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control and disarmament activities, $54,500,000, *of which not less than $9,500,000 is available until expended only for payment of United States contributions to the Preparatory Commission for the Organization on the Prohibition of Chemical Weapons, and* of which not to exceed $100,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.): *Provided*, That of the budgetary resources available in fiscal year 1995 in this account, $122,000 are permanently canceled: *Provided further*, That amounts available for procurement and procurement-related expenses in this account are reduced by such amount: *Provided further*, That as used herein, "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, **[**$44,200,000**]** *$43,500,000*, to remain available until expended.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, **[**$1,247,000**]** *$1,000,000*; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); **[**$476,362,000**]** *$480,362,000*: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $1,000,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further*, That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535–1536: *Provided further*, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That not to exceed $2,000,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,300,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, Congress-Bundestag Exchange, and other educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), **[**$237,812,000**]** *$242,388,000*, to remain available until expended as authorized by 22 U.S.C. 2455: *Provided*, That of the funds appropriated in this paragraph, **[**$500,000 is for the American Studies Collections program**]** *$600,000 is available for the Institute for Representative Government and $500,000 is available for the Mike Mansfield Fellowship Program.*

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For payment to the Eisenhower Exchange Fellowship Program Trust Fund as authorized by the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), **[**$2,100,000**]** *$2,500,000*, to remain available until expended.

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated to be derived from interest and earnings from the Eisenhower Exchange Fellowship Program Trust Fund as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), $300,000 to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1995, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; **[**$476,796,000**]** *$475,478,000*, of which not to exceed $10,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3) and not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Informational and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes: *Provided*, That $239,735,000 shall be transferred to the Board for International Broadcasting and shall remain available until expended for expenses authorized by the Board for International Broadcasting Act of 1973, as amended, of which not to exceed $45,000 shall be available for official reception and representation expenses: [*Provided further*, That none of the funds appropriated in this paragraph for the Board for International Broadcasting may be used to relocate the offices or operations of RFE/RL, Incorporated from Munich, Germany:] *Provided further*, That such amounts appropriated to the Board for International Broadcasting in fiscal year 1994 as are certified by the Office of Management and Budget to the Congress as gains due to the fluctuation of foreign currency, may be used in fiscal year 1995 and thereafter either to offset foreign currency losses or to offset unfunded RFE/RL costs associated with the implementation of Public Law 103-236: *Provided further*, That obligated but unexpended balances appropriated in fiscal year 1990 to fund planned transmitter modernization expenses may be expended in fiscal year 1995 for unfunded RFE/RL costs associated with the implementation of Public Law 103-236.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, [$85,314,000] *$93,165,000*, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

[RADIO FREE ASIA

[(INCLUDING TRANSFER OF FUNDS)

[For expenses necessary to carry out the Radio Free Asia program, $10,000,000, to be derived from amounts provided in this Act for "Radio Construction".

[BROADCASTING TO CUBA

[RADIO BROADCASTING TO CUBA

[For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), including the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $8,625,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).]

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.), and the International Broadcasting Act of 1994 (title III of the Foreign Relations Authorization Act of 1994, Public Law 103-236), including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000, to remain available until expended.

RADIO FREE ASIA

For expenses necessary to carry out the Radio Free Asia program as authorized by section 309 of the International Broadcasting Act of 1994 (title III of the Foreign Relations Authorization Act of 1994, Public Law 103-236), $18,000,000, to remain available until expended, of which $8,000,000 is for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054-2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, [$20,500,000] *$24,500,000*: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

[NORTH/SOUTH CENTER

[To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $5,000,000, to remain available until expended.]

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, [$33,000,000] *$35,000,000*, to remain available until expended.

ADMINISTRATIVE PROVISION—UNITED STATES INFORMATION AGENCY

(a) Of the budgetary resources available to the United States Information Agency during fiscal year 1995, $1,440,000 are permanently canceled.

(b) The Director of the United States Information Agency shall allocate the amount of budgetary resources canceled among the Agency's accounts available for procurement and procurement-related expenses. Amounts available for procurement and procurement-related expenses in each such account shall be reduced by the amount allocated to such account.

(c) For the purposes of this section, the definition of "procurement" includes all stages of the process of acquiring property or services, beginning with the process of determining a need for a product or services and ending with contract completion and closeout, as specified in 41 U.S.C. 403(2).

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1995".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. (a) None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

(b) None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), conversion, or modernization of aircraft for the National Oceanic and Atmospheric Administration in facilities located outside the United States and Canada.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds provided by this Act may be used to approve any export license applications for the launch of United States origin satellites on launch vehicles of the People's Republic of China or Russia unless—

(1) there exists an agreement between the United States and the People's Republic of

China or Russia dealing with commercial launch services, and

(2) the United States Trade Representative certifies, in this case, that the People's Republic of China or Russia is in full compliance with the terms of that agreement with regard to the respective satellite, components or technology related thereto for which the export license request is pending.

Titles I through VI of this Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995".

TITLE VII—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, and for other purposes, namely:

CHAPTER I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans for the Northridge earthquake and other disasters and associated administrative expenses, $400,000,000, which shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, to remain available until expended: *Provided*, That of this amount, not to exceed $135,000,000 is for administrative expenses of such loans, *including not to exceed $2,500,000 for the Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program, and said sums may be transferred to and merged with appropriations for "Salaries and expenses" and "Office of Inspector General": Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

Under the head, "Federal-Aid Highways, Emergency Relief Program (Highway Trust Fund)" in title I of Public Law 103-211, delete beginning after "$950,000,000;" through "by the President to the Congress, all".

CHAPTER II

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING OPERATIONS

For an additional amount for "Contributions for International Peacekeeping Operations", $670,000,000 to be available for obligation and expenditure through September 30, 1994: *Provided*, That 50 percent of this amount shall be withheld from obligation and expenditure pursuant to section 401(a)(3) of Public Law 103-236 until a certification is made pursuant to section 401(b) of said Act.

[TITLE VIII—ADDITIONAL GENERAL PROVISIONS

[SEC. 801. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).]

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Jeffery Goldstein, on detail to our Senate Appropriations Committee from the Defense Logistics Agency, be granted privileges of the floor during consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, this State, Justice, Commerce bill is significant in one major degree. This is a crime bill. But let me comment overall.

Mr. President, I am pleased to present the fiscal year 1995 Commerce, Justice, and State appropriations bill.

In total, this recommended bill includes $27.8 billion in budget authority. Discretionary appropriations total $26.6 billion, which the Congressional Budget Office estimates will result in $25.1 billion in outlays.

The bill is $3.9 billion above fiscal year 1994. The Department of Justice and the Judiciary account for $3.1 billion, or about 81 percent, of that increase. The bill is $580.7 million below the President's budget request and $610.8 million above the House-passed bill. The recommended bill is at our 602(b) allocation in outlays. Any increases proposed by my colleagues will require offsets.

The priority in this bill is law enforcement—State and local assistance as well as Federal. We have fully funded $2.4 billion in budget authority and $702.6 million in outlays for programs authorized in the Senate-passed crime bill. This includes programs like Cops on the Beat, boot camps, drug courts, and restoration of the Byrne Formula Grant Program to $423 million. And, if the Attorney General so chooses, she may allocate some of the Cops on the Beat funding to reimburse States for the cost of housing criminal aliens. The committee report provides that these funds, however, should not be used for that purpose unless and until it is determined by the Immigration and Naturalization Service [INS] that the foreign born inmates held in these State prisons are, in fact, in this country illegally. As the Commissioner of the INS confirmed for the committee last month, we know the foreign born count held in these prisons, but identifying their legal status could take an additional 12 to 24 months.

For Federal law enforcement, we have provided $350 million above the President's budget request to restore critical on-board agent strength to the FBI, DEA, U.S. attorneys, and to address unmet court security requirements of the U.S. Marshals Service. Also included in the bill is a major new immigration initiative.

We also have included an oceans initiative under the Department of Commerce to get the "O" back in NOAA. We have recommended increases totaling $134.9 million for NOAA programs like Sea Grant, coastal zone management, marine sanctuaries, fisheries, and ocean remote sensing. Half of America's population lives within 50 miles of the coasts, yet the ocean remains largely unexplored and NOAA's ocean and coastal programs have yet to meet the potential that was envisioned when we created the agency in 1970.

Now the priority in the bill, as I have stated, is law enforcement. There has been much discussion, Mr. President, about a crime bill and whether or not one is passed. The fact of the matter is that, appropriations-wise, this is it. We have kept in touch with the conferees on our crime bill and we have got in lockstep the various measures under consideration there as new initiatives already funded. This is State and local assistance as well as Federal.

We fully funded the $2.4 billion authorized in the Senate-passed crime bill. This includes the Cops on the Beat Program, at $1.3 billion; the Bryne Grants Program, at $423 million; the immigration initiative, at $299 million; the violence against women, at $86 million; the drug courts, at $100 million; the boot camps, at $175 million; the community schools, at $40 million; and the incarceration of aliens that came up at the very end after the bill was submitted by the President of a request of $350 million without the money. There is no better way to say it.

Some $57 million was suggested as Federal communication spectrum fees. We raised the spectrum fees last year over the objection of almost everyone, but we finally got it passed to the tune of $95 million. It would be next to impossible, in a political sense, to get any further fees right now.

And, otherwise, they cut the matter of law enforcement. Now, they cut it some $270 million. And I want to outline how we replace that in the full amounts. And to avoid confusion, we can call off the list and you can see why we call this the crime bill.

JUSTICE DEPARTMENT

For U.S. attorneys, $857.7 million, which is $43.9 million over 1994. We have proposed an increase of $30.6 million over their request, and $30.7 million over the House bill to restore 123 assistant U.S. attorney positions and support staff base cut and funds $25 million for a Violent Crime Task Force Program.

For U.S. marshals, $402 million, which is $63.2 million over 1994. The committee recommends an increase of $38 million over the budget request, and $12.9 million over the House bill to address critical, unmet court security requirements.

For the FBI, $2.211 billion, which is $151.8 million over 1994. We have provided an increase of $79.4 million over the request, and $32.3 million more than the House to restore agent strength to the peak 1992 level (+436 agents) and headquarters lab and attorney positions.

For DEA, $760 million, which is $38.8 million over 1994. This is an increase of $40.5 million over the request, $18.3 million over the House. This level restores agent strength to the peak 1992 level, plus 311 agents, and restores base cuts in domestic enforcement and State and local task forces.

For INS, $2.222 billion, which is $547 million over 1994. This is an increase of $126 million over the request and $188 million over the House. It fully funds the President's immigration initiative in the crime fund, adds a new $100 million construction program, 700 new Border Patrol agents, 220 new land border inspectors, and $8.5 million for Immigration Emergency Fund.

Federal prison construction, $243 million, which is $404 million over 1994. The recommendation of $105 million will expand the capacity of the Federal Prison System by 4,160 beds and an additional $30 million will address the high priority detention needs of the U.S. Marshals Service.

Mr. President, that is a crime bill. That is authorizing and hoping for and talking about. That is appropriating the money to get the job done. It is a bipartisan approach.

And in emphasizing that, I at this point cannot thank the distinguished ranking member, the Senator from New Mexico [Mr. DOMENICI], enough. He has been outstanding in his cooperation and leadership; and John Shank on his staff.

Of course, Dorothy Seder on our staff, working primarily with the prisons but more the overall staff director, Scott Gudes. We worked closely with Jim English of our Appropriations Committee, who has been very helpful, and, of course, under the leadership of our distinguished full committee chairman, the Senator from West Virginia [Mr. BYRD]. We are indebted to them, and the heads of all of these particular departments, because Senator DOMENICI and I went to the departments and said, "Look, time is awasting. We talked last year about crime. We talked this year. Now is the time to put up." And we have put it up.

COMMERCE DEPARTMENT

In total, we have recommended $4.240 billion for Commerce. That is $210 million above the House bill and $33 million above the President's budget request.

For NOAA, $1.983 billion, which is $58 million over 1994. This is an increase of $171 million over the budget request and $146 million over the House. We have not raised fees on fishermen and marine sanctuaries as proposed in the budget and the House bill. In addition to enhancing ocean and coastal programs, we have continued to modernize the National Weather Service to get Nexrad, tornado detecting, and Doppler radars deployed in the field.

For NIST, $878.7 million, which is $358 million over 1994. The committee recommends a decrease of $56 million below the budget and $39 million over the House. We have not funded internal laboratory research and construction as high as the budget proposes, but we have increased funding for manufacturing technology centers. In total, the bill provides $85 million for these centers, an increase of $47 million above the request.

For EDA, $448 million, which is $98 million over 1994. We have recommended an increase of $36.7 million above the budget and $77 million above the House. We have restored the President's request of $140 million for Defense conversion which the House proposed to cut. The House crowd believes that Defense and Energy layoffs and base closures are a California problem and that the Federal Government does not have a responsibility to help these communities recover. We do not agree. We also have increased funds for public works grants and title IX programs to help areas hit by other economic impacts—like the crash of the fisheries in New England, or private sector plant closures. And we have followed the lead of the Clinton administration and have proposed no funding for the Trade Adjustment Assistance Program.

We also have recommended the following amounts for other bureaus in Commerce: $262 million for the International Trade Administration; $105 million for the National Telecommunications Administration; and $11 million for Dr. Mary Good and the Technology Administration.

THE JUDICIARY

This bill provides the big courts account with an increase of $243 million, or 9 percent over last year. And, we are also $73 million over the House. Savings from their request totaling $60 million have been taken to account for revised projections in judicial vacancy rates, a reduction in projected court workload, and slippage in delivery of new space in 1994. Similarly, the defenders request has been reduced by $40 million and the fees of jurors request has been reduced by $18 million due to downward revisions of projected representations and juror days.

STATE DEPARTMENT AND INTERNATIONAL PROGRAMS

For State operations, $2.173 billion, which is $71 million over 1994. We funded the budget request, which is $86 million above the House. I am quite concerned about the impact the House bill would have on our men and women working overseas in the Foreign Service. They really are our front line troops in the post-cold war world. We have provided increases over the House for immigration reform—most people focus on the Immigration and Naturalization Service when they talk about controlling immigration, but the State Department has a major role too. We have also increased export assistance to U.S. businesses in countries where Commerce is not located. The Foreign and Commercial Service is in 70 countries, but everywhere else, it is left to the State Department to help American business.

For State buildings, $422 million which is $12 million over 1994. The committee funded the budget request, which is $26 million above the House. We have taken out new construction projects, and instead we have funded real property maintenance projects and buyouts of uneconomic leases which will save funds in the long term. The current backlog of maintenance and repair at our embassies overseas is over $413 million. We have some real historical treasures overseas, like our facilities in Buenos Aires and Florence, that are falling apart because of lack of real property maintenance.

For international peacekeeping, $1.170 billion. Our recommendation is $33 million below the budget and the House. We have provided a supplemental of $670 million and $500 million in new appropriations in fiscal year 1995. We have fully funded annual requirements requested in the budget of $222 million, and in total the bill provides $947 million for peacekeeping arrearages. That is enough. The past administration and this administration are funding peacekeeping like it is an entitlement. It is not and they better get a handle on it.

For international organizations, $873 million. The committee recommendation is $41 million below the budget request and the House. We have fully funded annual requirements for the United Nations and other international organizations, but have not provided $41 million in arrearages.

For Voice of America/Radio Free Europe, $475 million. These programs are funded at $1 million below the House. We have struck the restrictive language in the House bill that keeps Radio Free Europe from moving to Prague. We also have provided $18 million for Radio Free Asia to get that service going and get surrogate broadcasting into China.

For TV and Radio Marti, $24.8 million. Our recommendation is $2.8 million below the budget and $16 million over the House. The House bill terminates funding for TV Marti and significantly reduces Radio Marti. Now, what happened here is that we agreed in conference with the House to task an independent advisory panel to review the effectiveness and mission of Radio and TV Marti. The panel came back in March and after months of hearings and technical studies unanimously endorsed continuation of both services. But the House bill this year ignored the panel they themselves requested and proposed significantly cutting Radio Marti and shutting down TV Marti. The House apparently does not get it. The only problem that TV and Radio Marti have in reaching their audience is Fidel Castro's determination to pay any price to keep the Cuban people from getting uncensored information. The jamming is a reminder of the true nature of the Castro regime. For 40 years we never pulled the plug on Radio Free Europe when it was jammed by the Soviets. And we are undertaking efforts in this bill to get a new Radio Free Asia up and running to get unbiased information to the Chinese and North Korean people. This subcommittee is not going to turn its back on the Cuban people.

INDEPENDENT AGENCIES

For SBA, $760.3 million which is $107 million above 1994. The bill provides $107 million in discretionary appropriations more than 1994, which is a 16 percent increase. We are $55 million below the budget and $69 million below the House. For business loans we have recommended $382 million to guarantee $10.3 billion in credit. Included in that number is $65 million for microloans and $30 million for section 503 refinancing as requested by Senator BUMPERS. We have not included any tree planting funds or university and economic development earmarks as proposed in the House bill. We have assumed the same fees as proposed by the administration. In addition, the committee has recommended a $400 million supplemental for SBA disaster loans to deal with the increased activity in Los Angeles resulting from the earthquake and floods in the southeast.

For Maritime Administration, $225 million. We have provided the Maritime Administration's operations and training account with $78 million to restore funding for State maritime academies and to fully fund the U.S. Maritime Academy. We have also provided $27 million for a loan guarantee to build ships in American shipyards. This program was part of the defense appropriations bill last year. We have kept operational funding for the ready reserve force at $120 million rather than provide the large increases requested in the budget, and we have proposed rescinding $158 million in unobligated balances proposed for the acquisition of foreign ships, which would subsidize foreign shipbuilders.

For the Securities and Exchange Commission, we have provided $58 million in appropriations, which, when combined with offsetting collections, provides the Commission with a total of $305 million in budgetary resources. The House bill provides no funding for the SEC and would force the Commission to shut down on October 1.

For the Federal Communications Commission, we have recommended $81 million in appropriations. When combined with offsetting collections, this provides the FCC with $198 million in budgetary resources, or $37 million more than this year, and $31 million above the House and the budget. The budget proposed to wipe out all direct appropriations support for the Commission and to fund the Agency with new fees that require authorizing legislation. The administration wants to turn that "information super highway" into an "information toll road". Congress keeps giving the FCC new responsibilities, and we all know that the Agency is critically important to fostering the development of new communications industries. We need to give the FCC the resources to do its job.

At Chairman BYRD'S request, we have included two legislative changes pertaining to immigration. The first amends the Foreign Relations Act to require the State Department to start taking fingerprints of immigrant visa applications to ensure that they do not have State or Federal felony convictions in the United States. The State Department stopped performing any checks on these people in 1990. The amendment will require a fingerprinting test in the 10 countries with the highest volume of visa applicants. The bill provides $5 million for the State Department to reimburse the FBI for performing these background checks. The second amends the Immigration and Nationality Act to allow immigrant visa applicants to adjust their status in the United States with the immigration service rather than going overseas and adjusting status at an overseas post. This amendment is also supported by Senators KENNEDY and SIMPSON, who chair the Immigration Subcommittee on the Judiciary Committee.

Mr. President, I believe that Chairman ROBERT BYRD deserves a lot of credit for helping many of the initiatives in this bill come about. In his allocation of discretionary spending, pursuant to section 602(b) of the Budget Act, Chairman BYRD assigned priority to this Commerce, Justice, and State bill. I believe that this was because of his recognition that over 82 percent of Federal law enforcement spending, budget function 750, is under this bill. Chairman BYRD is a strong supporter of Federal law enforcement programs, and of efforts to combat violent crime and the war on drugs. We have been able to provide for the crime bill and many law enforcement initiatives in this bill, including improvements in the Immigration and Naturalization Service, due to his efforts on our behalf.

I also would like to thank Senator DOMENICI and his staff director, John Shank, for their help in putting together this bill. And, of course, I want to recognize our subcommittee majority staff: Scott Gudes, Dorothy Seder, Lula Edwards, and Jeff Goldstein.

Finally, Mr. President, when we took up the Commerce, Justice, and State bill last year, I noted the absence of the Appropriations Committee staff director, Jim English, who had recently undergone heart surgery. Mr. President, I am very pleased to note that Jim is back at the committee and at Chairman BYRD'S side helping us get this bill, and all the appropriations bills through the Senate, to conference with the House, and to the President for his signature.

I yield to my distinguished ranking member who has led the fight.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me first say that this is truly a bipartisan bill. I heard what Republican Senators were saying about fighting crime. Senator HOLLINGS heard what Republican Senators were saying. I heard what Democrat Senators were saying, and so did my chairman. Essentially, I will repeat a few things he said but do them in my way.

For about a year everybody in the country has been saying the biggest issue around is crime. I regret to say we are still talking about a crime bill. That is a crime bill that talks about new crimes, it talks about three strikes and you are out, it talks about illegal use of guns. But more than anything that has happened here in years, this is a crime bill.

When we presented this in the Appropriations Committee, after my good friend, the chairman, and I had reviewed it with committee members on both sides, we heard not just one but from a number of Senators that this is precisely what we ought to be doing with any new money that we have in the appropriations process. That is, putting money first to improve and enhance the Federal law enforcement capacity—and we will go through that in a moment. We did that. So we are not going to have an FBI that is less strong next year than it was 3 years ago while we are telling the American people we are fighting crime.

Mr. HOLLINGS. That is right.

Mr. DOMENICI. We are not going to tell the American people we will have fewer drug enforcement agents who have become experts and are doing a real job. We are not going to tell the American people we will have fewer than a year ago who have to do more—and while we are at it, we are going to ask the U.S. attorneys to try more people. Whether that new crime bill passes or not, they are involved in literally hundreds and hundreds of new felonies in their courts. They have to prosecute them.

We are not bringing this bill here to tell the American people we are going to have fewer Federal prosecutors next year than 2 years ago. In fact, we are very proud to say we are providing more money, new money, in excess of $30 million over the House bill in terms of U.S. attorneys and substantially more than the President asked for in his budget, which on all three of those he had cut rather than increased.

Having said that, let me suggest that a bill like this does not just come out by accident. It comes when a chairman, like Senator HOLLINGS, and his staff and the staff that helps this Senator, and this Senator, get committed to fight crime.

So 80 percent of all the new money we have in this bill—if anybody wants to go through it, they will say you increased this or that—but 80 percent goes to fighting crime.

There are a lot of times when some are not sure that the appropriations process, when it allocates money to the various subcommittees—many times it is questioned, did the subcommittee get a right allocation?

I think in this case we have to salute the chairman, Senator BYRD, and the Appropriations Committee because they, too, in the very initial stages said, "What is the most important subcommittee around to give some money to that they did not have last year?" That is, increase it. And they said with an overwhelming, unanimous vote, "Put it in this subcommittee so long as they fight crime with it." That is what we are doing.

Frankly, I am very proud of this bill. In fact, I hope Senators come to the floor this time, since they have been very quick—and I compliment them for it—over the past year to talk about more things to help fight crime, and vote aye eventually.

They might take a look and compliment the Senate for working the will of our people. We get a lot of complaints about this appropriations process. We ought to be down here today saying they are doing it right.

Having said that, I kind of summarize this approach this way:

Mr. President, this bill represents three strikes against crime and illegal immigration. But in this case, we have actually hit a home run because, as to crime and illegal immigration, we have put those right in front, hit them with a bat right in the strike zone and hit home runs.

We are funding to a very, very significant, new, high-level America's activities against illegal immigration or, let us put it positively, America's efforts to patrol our borders and regularize and put some order into immigration so that we restrain the illegality of immigration to a maximum extent.

I believe next to crime itself, the second highest concern of our people is why are we unable to control our borders as to illegal immigration? We stand forthrightly on this bill and proud of having put substantial new money into this American effort.

So, in summary, on just the crime part, we rejected the administration's attempt to cut Federal law enforcement agents. Instead, we added $171 million above the President for the FBI, the DEA, the U.S. marshals and U.S. attorneys.

I might say, Mr. President, I am very hopeful that when we go to conference with the House that the administration will not send letters up saying we have overfunded these or that they want to spend it somewhere else. We have gone through all this "spend it somewhere else-itis," and we have decided that we are not going to spend it somewhere else. We are not going to be telling our States, "You're not funding crime fighting enough." And then we come up here and spend less than we should on our crime fighting—the FBI, the U.S. courts, the DEA agents, and the U.S. marshals.

Second, we provide $2.4 billion for crime programs authorized in the Senate version of the crime bill. Mr. President, they are over in conference, the year is drawing to an end, and we are all hopeful they will come out with a crime bill. But we took it upon ourselves in this bill, since the appropriators had given us extra money to spend—we thought they were serious about us funding that crime bill, that new so-called crime bill.

The $2.4 billion is for programs or projects authorized therein. When they bring that bill back and everybody says "Alleluia, we have a new crime bill," we are very hopeful that they will also be able to say and, "Yes, that Senate Appropriations Committee already funded most of the crime prevention activities in it," and I think we have.

Third, Immigration and Naturalization Service, $446 million in program increases to both control illegal immigration and to modernize the agency. Frankly, I know how Senator HOLLINGS feels—and I agree—that we do not want to come back here in a couple years and still have our Immigration Service saying they do not have the right computers, they do not have the ability to take fingerprints, we do not know when we are letting illegal aliens in that have felony records. We want them to be as modern as the problem, and the problem is a big problem: Illegal immigration and immigration in its documentation.

So we put money into modernization, and we do not want anymore excuses 2 years from now, or so, that they do not have this agency right up to snuff when it comes to using the best of American ingenuity, talent, et cetera.

In addition, the committee is $3.4 billion in discretionary budget authority over 1994, and over $3 billion of this, as I indicated—80 percent—is committed to either criminal prevention and crime prevention that is in the new bill, not yet completed, or for existing programs that are crime-fighting programs.

In addition, a few areas of interest: $54 million for 700 additional Border Patrol agents. I am certain that all the Western States and the border States would have come down here and asked us for this, but we knew that we had to spend money for the right things, and there are 700 new Border Patrol agents.

In fact, Mr. President, if they modernize as we expect, they are going to release another 240 that are now doing work as agents or part of the administration. They will be in the field also, so we will have over 940 new Border Patrol agents by the end of next year.

In addition, we established a fund of $100 million to establish a new construction account to replace Border Patrol stations and Border Patrol facilities along the Southwest border. We identify a number of projects, but we do not earmark. We set up the fund and say we hope the money will be used expeditiously to improve certain facilities, and it is high time. I want to thank the chairman in particular for taking that request of the Southwest that I made, the Southwestern States seriously and agreed to that $100 million.

I am not going to go through the FBI increases, the DEA, the U.S. attorneys. The chairman has done that, and I have done it in a general way. I only want to say to the Senators who are going to vote soon on this bill, we are fully aware that we are asking our Federal law enforcement people to do more to help the States and cities and counties to go after drug crimes, to go after those who are engaged in using firearms in the commission of crimes with more strength and more resources, and so we gave them more resources to do it.

Also, within the programs authorized in the Senate crime bill, the subcommittee is recommending $1.3 billion for Cops on the Beat. And I will say to the Senate, we put language in that says the Administrator has the authority to use Cops-on-the-Beat money to reimburse States for incarcerating illegal aliens. Let me repeat. We did not give the President the $1.7 billion for Cops on the Beat. We gave him $1.3 million, but we also said:

> Mr. President, since you have told the public you want very much to help these border States like California, and Texas, and Florida, with the heavy cost of incarcerating illegals, we give you authority to use a portion of the Cops-on-the-Beat money, up to $325 million, for that purpose if you think it is important enough.

Speaking for myself—not for the committee and not for the subcommittee—I actually do not believe Cops on the Beat is a very good program. I do not believe that I would fund it to $1.3 million, much less to $1.7 million the President asked for. I believe it is kind of a showboat program that is not going to accomplish a lot.

First of all, in 3 years, all those cities are going to have these few extra policemen, they are not going to have the money to pay for them and will have to let them go. So we made a kind of commitment that we will give you extra policemen at our expense for 3 years and that is a maybe, because it is appropriated and is not an entitlement.

I think after we get through all the brush and rhetoric on this, cities are going to be helped so little by this that they would have much preferred to have direct aid, discretionary in nature to help them in whatever way would best suit their crime-fighting needs.

So I say to the President, "Use it for Cops on the Beat, but if you want, use parts of it to reimburse States like California, and Texas, and Florida, and some others."

And also I must close on this issue by saying the President in his initial budget in order to make room for new programs had zeroed out one of the best crime fighting programs we had, the so-called Byrne Grant Program.

Now, it did not take very long, after it was zeroed out, before the hue and cry was so fierce that they sent up an amendment and said, "Well, let's spend $125 million on Byrne grants," which was a reduction from $350 million.

We thought that was good; we thanked them very much, but essentially we funded it fully and added a few million dollars more. In fact, we added $65 million more than last year. Why? Because this is a real program for the local law enforcement people. Senators can think, in their own States, how it is used, but I can just refresh my own recollection. The DARE Program was funded by the Byrne grants. If we had zeroed it out, there would be no DARE Programs.

Now, some would say they could have found the money somewhere else, but that is where the DARE Program came from.

In addition, in our State and others, under the Byrne grants there are a number of local law enforcement agencies and prosecutors that have formed task forces, multijurisdictional enforcement task forces that are funded by this program, and they are doing a great job for the local communities. Without this money, they would not be able to do it.

Now, there are many other ways to look at crime fighting, but I just want to suggest to the Senators who are not with us but who are going to vote that if you want a crime fighting bill, vote for this appropriations bill. That is what it is.

Permit me to make just two other points. First, the State Department. I believe there is a certain premise about this bill that deserves being expressed in a couple of sentences. We spend a considerable amount of money on foreign activities—foreign assistance, foreign aid—but frequently we shortchange the embassies of America around the world. Well, this subcommittee, supported by the full Committee of Appropriations, has established that we want our embassies, which are America out there in other countries, to be funded fully, and so we gave the full request of the Secretary, I believe, Mr. President, for embassy funding around the world.

I think they are doing a better job all the time in this changing world, even in the field of economic activity, spreading of the American economic advantages in behalf of American companies in these foreign countries. So I do not think we ought to have a foreign aid program that is fully funded and have embassies that are half funded. So we have fixed that in a very good way.

Now, I am sure that some will come to the floor, having heard our distinguished chairman refer to the United Nations funding that is in this bill. We have to do that. We owe this money. If we want to cut back on peacekeeping commitments of America—and we have had a foreign aid authorizing bill. That was a chance to give the President some instructions if we wanted. I think we are getting more concerned as a body about the peacekeeping activity that is growing and growing in terms of America's involvement without us really knowing how much it is going to cost.

Many think that the United Nations does not take care of its money properly, it is not financially audited properly, and so they may ask us: Are you giving the United Nations money without any strings attached?

And I would say, by reference in this bill, we have said for the U.N. funding there is a 20-percent withholding until they have an inspector general, and that is because we referred to the authorization bill, and there is a 50-percent withholding of peacekeeping until they have an inspector general. Those are both by referring to the authorizing legislation. I think that is good.

We explored that in this bill last year and started that momentum. I think we are very, very close to getting the United Nations having some kind of an audit system so we know whether they are wasting money or using it properly. If they do not do it right, we will be back here again—if they do it in some way that is just a charade, just kind of putting something on paper.

So I believe, speaking for an overwhelming number of Senators, these withholdings are serious and that they mean setting up a real inspector general or we will withhold the money. I hope those who handle the money once it leaves here will see to it that these commitments to take care of the financial commitments through an inspector general are properly done and not in some paperwork mode.

Last, I thank the chairman for his support under small business for a special section of the Small Business Administration which pertains to women in business. We did provide $5 million for grants through the Office of Women's Business Ownership of the Small Business Administration. We provided $2 million for this program in 1994. The administration had proposed to virtually terminate this program. We took it from 2 to 5. We really believe women in business are being helped immensely by this SBA program, and we want to keep it well focused and well funded because women are taking a more and more vital role in the ownership of business and running businesses in the United States, and we want to be helpful.

Mr. President, H.R. 4603 as reported from the Senate Appropriations Committee provides funding for a number of important programs and agencies. I would like to describe a few of them.

PROTECTING FEDERAL LAW ENFORCEMENT

While the administration proposed major increases for certain grant programs in its 1995 budget request, there were significant reductions proposed for many Federal law enforcement programs. Under the administration's budget, the Federal Bureau of Investigation would have lost 861 positions; the Drug Enforcement Administration would have lost 93 positions; the U.S. attorneys would have lost 123 positions; the Criminal Division would have lost 28 positions; and the FBI and the DEA would have lost 102 positions as part of the Organized Crime Drug Enforcement account.

We have rejected efforts by the administration to cut Federal law enforcement, and have enhanced funding for these agencies. For instance, the FBI and the DEA would each receive sufficient funds to attain the peak agent strength year of 1992 that was achieved under the Bush administration.

The FBI would receive an increase of $79.4 million to hire 436 new agents; the DEA would receive an increase of $40.5 million to hire 311 additional agents; the U.S. attorneys would have their positions restored and receive $25 million for violent crime task forces; and the U.S. marshals would receive an increase of $38.3 million for increased law enforcement and courtroom security activities.

ADMINISTRATION POSITION ON LAW ENFORCEMENT ENHANCEMENTS

Sadly, the administration does not seem to support our efforts, and those of the House, to provide sufficient funds for Federal law enforcement. The House has provided funds above the budget request for most of these important agencies as well, but has not provided as high a level overall as the Senate.

In a letter dated June 14, 1994, the former Director of the Office of Management and Budget, Leon Panetta, sent a letter to the Congress commenting on the House appropriations bill for

Commerce, Justice, and State. He stated his concerns that the House had provided insufficient funds for the Maritime Administration and the Legal Services Corporation, and that "both of these programs could be funded. * * * if the Committee were to eliminate"—I stress the word "eliminate"—"increases of $140 million that the Subcommittee has provided for four Department of Justice bureaus."

What are those bureaus that should not be receiving enhancements, according to the administration? The FBI, the DEA, The Border Patrol, and Organized Crime Drug Enforcement.

Indeed, other than the Border Patrol, each of these important law enforcement agencies would receive significant cuts under the administration's budget. In other words, the administration is opposing both the restoration of cuts they proposed for Federal law enforcement, and the enhancements proposed by the House and the Senate for these public safety activities.

This is no way to fight the war on crime, and we have rejected the administration's approach.

RESTORATION OF BYRNE GRANTS

As part of his budget for fiscal year 1995, the President originally proposed to eliminate funding for the Byrne formula grant program for the States. Later, after a storm of protest, the administration proposed a partial restoration of $125 million.

We have rejected efforts to terminate this important program. Instead, the committee has restored funding for Byrne formula grants to $423 million, an increase of $65 million over the 1994 level.

This formula grant program is used by the States for a variety of law enforcement purposes. Over 950 task forces and drug units have been established or expanded throughout the country with these funds.

In New Mexico during 1993, 11 multijurisdictional law enforcement task forces were funded through this program. These task forces integrate Federal, State, and local law enforcement agencies and prosecutors in attacking drug crime in the State.

In addition, New Mexico has used these funds to establish 23 Drug Abuse Resistance Education programs, or DARE. In this program, State and local police officers are trained to instruct grade school students about the dangers of drug abuse.

New Mexico also uses the funds provided through the grant program to help fund a court improvement program; to provide treatment for drug offenders; and to enhance prosecution efforts.

We have not allowed the administration to kill this vital program.

Funding for Byrne grants can also be used for the prosecution of laws related to driving while intoxicated, pursuant to a legislative provision in our bill. This provision is identical to legislation that I introduced last year along with Congressman STEVE SCHIFF of New Mexico.

IMMIGRATION AND NATURALIZATION SERVICE

The Appropriations Committee has provided an increase in funding of $446.1 million for the programs of the Immigration and Naturalization Service. This includes $54.5 million for the hiring of 700 additional Border Patrol agents; $55 million for Border Patrol automation and technology enhancements resulting in the deployment of 240 additional Border Patrol agents; $10 million for 220 additional land border inspectors; and additional funds to automate and modernize the INS.

We've also included funding of $100 million for a new construction account of the INS. This account will provide $59.8 million for infrastructure improvements for the Border Patrol, including new stations and highway checkpoints. In my own State of New Mexico, this will result in a new Border Patrol station in Santa Teresa, as well as new highway checkpoints in Alamogordo, Las Cruces, and Truth or Consequences.

We've also indicated in the committee report that the INS should assign top priority in the assignment of new Border Patrol agents to those areas that have experienced an increase in illegal alien apprehensions. For instance, the Deming, NM, Border Patrol station has had a 50-percent increase in apprehensions this year, primarily due to the fact that as Operation Hold the Line in the El Paso area has successfully reduced illegal border crossings, they have moved to less heavily manned areas of the border.

The construction account also includes funds for two new service processing detention centers along the border. These centers would have 400 beds each.

WOMEN'S BUSINESS PROGRAM OF THE SBA

This bill also includes $5 million for grants through the Office of Women's Business Ownership of the Small Business Administration. We provided $2 million for this program in 1994, but the administration had proposed to virtually terminate the program at a level of $500,000.

This program provides grants for centers to train and counsel women in the skills necessary to launch their own businesses. In particular, the program targets socially and economically disadvantaged women.

In my own State of New Mexico, the WESST Corp. of Albuquerque has received funding through this program and has facilitated the startup of 250 small businesses. They have established a long fund that has made 52 loans, and they have trained and counseled over 2,700 women.

I believe this is an important investment using a very small amount of Federal funds, and I'm proud the committee has included my recommendation to enhance this program.

SECURITIES AND EXCHANGE COMMISSION SAFEHARBOR REGULATIONS

The committee report includes report language on safeharbor rules at the SEC. I would like to discuss that issue in some detail.

Our securities regulation system is based upon disclosure—that if the investors have all of the pertinent, accurate information they will make prudent investment decisions and our capital markets operate efficiently and fairly. To that end, the SEC encourages companies to disclose information voluntarily beyond the minimum required by the Federal securities laws.

Unfortunately, the system isn't working as it should. To quote SEC General Counsel Simon Loren, "because of the litigation risk, corporations are refraining from making projections that they otherwise would like to make." For example, an American Stock Exchange survey found that 75 percent of corporate CEO's limit the information disclosed to investors out of fear that greater disclosure would lead to meritless lawsuits. Similar results were obtained by the National Investor Relations Institute, the National Venture Capital Association, and Professor Eccles of the Harvard Business School.

Without complete information, the market price does not reflect the true value of a stock. And all investors, especially individual investors without the resources to develop their own information, are significantly handicapped.

For almost 20 years, the Securities and Exchange Commission has had a policy of encouraging publicly traded companies to make forward-looking or predictive statements. Because the future is inherently unpredictable, however, the SEC has also, for nearly as long, recognized that companies will not voluntarily make forward-looking statements unless they are given some degree of protection against civil liability arising out of such statements.

In May, 1994, when the SEC Chairman Arthur Levitt appeared before the State, Justice, and Commerce Subcommittee, I asked him to investigate administratively revising its safe harbor rule to better achieve its purpose. Currently, it provides little incentive for companies to make the predictive statements available and it guarantees insufficient protection for companies that do. Under the current rules when a publicly traded company has a reasonable basis for its forward-looking statement and believes that it has the prediction in good faith it may, nevertheless, be subject to costly litigation and exposed to enormous damages or forced to settle.

Companies are even being sued for not making public statements. Recently, Mesa Airlines, operating in my

State, was sued because the company's silence was somehow construed by the class action lawyers as having, adopted the Wall Street analysts' predictions. The company missed the analysts' earnings projection, the stock price dropped, and the company was sued.

The current safe harbor is too narrow because it generally applies only to statements made in documents filed with the SEC or in annual reports to shareholders. The safe harbor affords no protection to forward-looking statements made in communications with financial analysts, to name just one important example.

I am pleased that the SEC has requested interested parties to present alternatives for making the current safeharbor rules more effective. The committee report requires the SEC to report their progress in 6 months.

Mr. President, I appreciate this opportunity to discuss the major issues addressed in this appropriations bill, and I yield the floor.

STATEMENT ON THE COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4603, the Commerce, Justice, State appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $230 million and under its 602(b) outlay allocation by $1 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the Commerce, Justice, State Subcommittee, Senator DOMENICI, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Commerce, Justice, State appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4603—FISCAL YEAR 1995 COMMERCE, JUSTICE, STATE APPROPRIATIONS—SENATE-REPORTED BILL

[Dollars in millions]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	26,618	18,777
Outlays from prior years appropriations	....	6,322
Permanent/advance appropriations	0	0
Supplementals	2	−0
Subtotal, discretionary spending	26,620	25,099
Mandatory totals	527	515
Bill total	27,147	25,614
Senate 602(b) allocation	27,377	25,615
Difference	−230	−1
Discretionary totals above (+) or below (−):		
President's request	−611	−482
House-passed bill	581	289
Senate-reported bill	....	....
Senate-passed bill	....	....
Defense	45	282
International affairs	5,546	5,567
Domestic discretionary	21,030	19,250

Mr. HOLLINGS. Mr. President, I have a couple of motions to make, but prior thereto, our distinguished colleague has mentioned the United Nations and the matter of the inspector general. We started on this year's and years back, and I had not had an opportunity to confer with Senator DOMENICI but I only momentarily talked—wondering just exactly where we were and wondering about this bill coming up because I have a similar concern. And I have just conferred with the Under Secretary of State, Richard Moose, who is a professional. He long since had staff and ran the Senate Foreign Relations Committee. He has been in the private sector. He has been in more roles of responsibility. We are very fortunate to have him over there administering in large measure many of these programs.

On the inspector general, he related how Secretary Christopher and Ambassador Albright got on Boutros-Ghali, the distinguished Secretary General of the United Nations.

And finally, Mr. President, on Tuesday they got what we all have been asking for. They adopted in formal language the U.N. inspector general. Secretary Moose assured me that it has all the features in that motion, all the independence for the inspector general. He cannot be removed unilaterally and that kind of thing. We have worked with a team from McKenzie to make sure it was set out just exactly right. So I think we have good news on that particular score.

With respect to the Department of State, it should be mentioned—and perhaps it could be in some of the amendments that may be submitted—that is our front line of defense. People do not understand. It was brought out in one of the amendments proposed in the full Appropriations Committee markup of additional people to be assigned to a particular locale overseas. Now, this has gotten to be a fever and a virus and what happens here. I mentioned it down in Venezuela. I had recently talked to the Ambassador down there, Jeffrey Davidow.

He was telling me how he had nine State Department officials to administer some 141 others from the various departments. I know. I have the FAA authorization. And I had to agree with the Ambassador. There is no reason for an FAA assignee to be sent down to Caracas. He could do his work, and he had been doing it effectively, there in Miami.

Similarly, with many of the other departments, I could mention them. But that is a pretty good practice, if you want to have the top personnel travel. The Department of State still has to house them and administer them. They get a little bit of compensation back from the State Department attaché and the Agriculture attaché. But it does not go free of cost. We still have to pay in this particular budget.

There should be a better understanding of this particular problem. I understand that the Department of State in these various roles is working around the clock and at a tremendous disadvantage with the devaluation of the dollar because, even with the local employee, they are catching a bit trying to make their budgets fit. We are trying to be sensitive to that, Senator DOMENICI, in this particular regard.

Mr. President, I have two unanimous-consent requests, one with respect to technical amendments that have been cleared on both sides, and then one with respect to the committee amendments with some five exceptions.

AMENDMENT NO. 2341

(Purpose: To make technical corrections to the bill)

Mr. HOLLINGS. So let me first send to the desk the technical amendments on pages 5, 16, 34, 43 and 102 to correct certain printing and drafting corrections which have been cleared on both sides.

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 2341.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 2, strike "provisions" through the period at the end of line 21 and insert: "provisions of subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for grants to States under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

"In addition, for grants, contracts, cooperative agreements, and other assistance authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, Public Law 103–159 (107 Stat. 1536), $100,000,000, to remain available until expended, to upgrade criminal history records."

On page 16, on line 13, after "$51,695,000" insert the following: ": *Provided further*, That any fees received in excess of $33,460,000 collected during fiscal year 1995 shall be available until expended".

On page 34, on line 15 after "1995" strike "and thereafter".

On page 43, on line 15 after "$65,468,000" insert the following: ": *Provided further*, That any fees received in excess of $33,460,000 collected during fiscal year 1995 shall be available until expended".

On page 102, on line 8 after "from" insert the following: "a child under the age of seventeen, or".

Mr. HOLLINGS. Mr. President, I ask unanimous consent for the adoption of these technical amendments.

The PRESIDING OFFICER. Is there debate?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 2341) was agreed to.

COMMITTEE AMENDMENTS, WITH EXCEPTIONS, AGREED TO EN BLOC

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the committee amendments to H.R. 4603 be considered and agreed to en bloc, with the exception of amendments appearing on page 50, lines 6 through 7; page 85, line 5 through line 23; page 94, line 2 through line 7; page 96, line 14; page 99, line 9 through line 23 on page 103; provided, that no points of order are waived thereon, and that the measures, as amended, be considered as original text for the purpose of further amendment.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Hearing no objection, the amendments are agreed to.

Mr. HOLLINGS. Mr. President, we want to talk for just one second about the urgency, and ask for the cooperation of colleagues.

I have here a letter from the U.S. Small Business Administration. It is from Administrator Erskine Bowles.

I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
Washington, DC, July 20, 1994.

Hon. ERNEST HOLLINGS,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding the Small Business Administration's (SBA) request for supplemental funds for disaster assistance loans and program administration. The Administration submitted a request to the Congress for supplemental disaster funds to enable SBA to meet the continuing needs of victims of the Northridge, California earthquake. This natural disaster has greatly exceeded all original projections of the number of loans and the level of administrative support required.

The House has attached that supplemental request to its FY 1995 Appropriations Bill, H.R. 4603 and, the Senate is in agreement with the House. Since both the House and the Senate appear to be in agreement to include $400 million for SBA's disaster assistance program, I am requesting any action you can take to help expedite the FY 1995 Appropriations Bill.

We are now at a critical point in meeting the needs of these disaster victims. We need to be able to assure continued funding of the program or we will have to begin planning to reduce and eventually cease disaster assistance for the remainder of FY 1994. The recent flooding in Georgia, Alabama, and Florida has created an additional demand on the program, and we now project that disaster loan funds will be completely exhausted by mid-August.

I would be happy to discuss the urgency of this request at your convenience, or provide additional information to assist in your deliberations.

Sincerely,

ERSKINE B. BOWLES,
Administrator.

Mr. HOLLINGS. Mr. President, two things: One, the most important, of course, is: "We are now at a critical point," says Administrator Bowles, "in meeting the needs of these disaster victims."

He talks in the early part of the letter about how we provide it. But he says:

> We are now at a critical point in meeting the needs of these disaster victims. We need to be able to assure continued funding of the program or we will have to begin planning to reduce and eventually cease disaster assistance for the remainder of FY 1994. The recent flooding in Georgia, Alabama, and Florida has created an additional demand on the program, and we now project that disaster loan funds will be completely exhausted by mid-August.

That is by Erskine Bowles, who, incidentally, is an outstanding administrator. I have been through a dozen of them. He is really—I use the word "professional" again, but there is no better word. He has been in the loan business and the banking business. He understands it way better than anybody here in the Congress. And it is real.

I will momentarily yield.

The distinguished Senators from Georgia, Senators NUNN and COVERDELL, of course, were anxious. I think we may shortly have an amendment. But I think this takes care of the colloquy, because there is a serious concern there that we move.

But you can see that unless we move this bill, which we have to get to conference and get the conference report back before early August, they will run out of money. And then we will all be home, and everybody will be talking about, "Yes, Washington has gone off on a vacation talking about how they are going to help and help, and they did not attend to their business before they left town."

So at least the five amendments that were recently accepted, I hope the sponsors of those amendments will please come to the floor. We are ready to receive them.

I yield the floor.

Mr. DOMENICI. Frankly, I was unaware of the letter.

Mr. HOLLINGS. We just got it.

Mr. DOMENICI. I would like a copy for my record.

Mr. President, let me say that I hope the distinguished Senator from Georgia presented amendments to take care of this problem.

As I understand it, we appropriated for the SBA for emergency loans for the earthquake disaster $400 million, which triggered and permits about $1.8 billion. All of this, the $400 million is not within the caps under the Budget Act because it is emergency money. The President asks for it as an emergency. We send it to him as an emergency. Frankly, I think it fits the definition anyway you look at the definition of emergency under the Budget Act. It fits. For those who wonder whether it all goes to emergency or whether it can be used for SBA normal purposes, by definition these are emergency SBA loans, guarantees, and otherwise.

So whatever the reasonable amount is—and hopefully our friends from Georgia will come down here and discuss it with us—speaking for this Senator and, I am sure, for this side, we are going to be supportive of this and anxiously await presentation of the amendment.

I note the Senator from Texas is on the floor. I assume that he has an amendment.

I wonder if I could take 1 minute before the Senator from Texas proceeds.

Mr. President, while I have the floor, I thought I might, since both the chairman and myself have been talking about crime money in this bill, just recap for one moment the money in this bill that is for local law enforcement.

There is $423 million for the Byrne grants. That all goes to local communities, and it is a $65 million increase. The President originally thought we did not need this. I think it is urgent and very good in terms of our helping our cities, counties, and States; $100 million for drug enforcement. Clearly, our States are asking that we provide some resources to help them alleviate caseload, and this is going to do that; $86 million for Violence Against Women Act grants, and that is State and local; $40 million for the Community Schools Program. That is one of the prevention programs that was adopted in the Senate crime bill that passed. This gets us started using public property, particularly our schools, as a community—communities at large using that for after-school and weekend activities for our young people. And there is $175 million for State and regional prisons, including boot camps; and, yes, $100 million in grants to States to implement the Brady law.

So I think, even though we have beefed up our Federal crime prevention activities, we have shown a significant concern for local areas where the fights are really in the trenches and right there on the streets and byways by this additional amount of resources for them.

I yield the floor.

Mr. HOLLINGS. Mr. President, since publishing the Committee Report 103–309, accompanying H.R. 4603, we have found several errors. This statement is intended to correct these sections of the report as follows:

First, on page 52, regarding the Federal Communications Commission and Low Earth Orbit Technology, the adoption of the report and order in this docket should be October 15, 1994, rather than October 1, 1994, as currently appears in the report;

Second, on page 52, regarding Federal Communications Commission prohibitions, the section of the Code of Federal Regulations cited should be 73.3555(d) as appears in the bill rather than 73.3555(c) as currently appears in the report;

Third, on page 59, in the table regarding NIST extramural research, the President's budget request for manufacturing extension centers should be $38,065,000, not $37,105,000 as currently appears in the report, and the total for the budget request for the entire account should be $518,960,000 not $518,000,000 as currently appears in the report.

Fourth, on page 78, regarding NOAA construction, the report should note that the Committee has recommended including House bill language regarding meteorological sciences at Florida State University and weather service property at Clovis, CA; it has not been proposed for deletion as is currently noted in the report;

Fifth, on page 122, regarding the Department of State immigration initiative/controlling borders, the report should read "while the Department of State's role has been overlooked" rather than "which the Department of State's role has been overlooked" as currently appears in the report.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator is advised that there are amendments pending.

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The first committee amendment is set aside.

Mr. GRAMM. Mr. President, I ask unanimous consent that this amendment to the committee amendment be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2342 TO EXCEPTED COMMITTEE AMENDMENT ON PAGE 85

(Purpose: To prohibit the Legal Services Corporation from using taxpayer funds to undermine welfare reform)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

> The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 2342.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> In the Committee amendment beginning on page 85, line 5; after the word "$400,000,000;", insert the following:
>
> *Provided*, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be made directly or indirectly available to any grantee to file or maintain in any Federal or State court any action that would have the effect of nullifying any provision of Federal or State law which seeks to reform welfare;".

Mr. GRAMM. Mr. President, this is a very, very simple amendment. The amendment says:

> None of the funds appropriated in this act made available to the Legal Services Corporation may be made directly or indirectly available to any grantee to file or maintain in any Federal or State court any action that would have the effect of nullifying any provision of State or Federal law which seeks to reform welfare.

Mr. President, basically, let me outline a case I am trying to deal with and talk about what I perceive to be the philosophical issue involved here, talk about the nature of the suit that this amendment is directed at, and then I will yield the floor and, hopefully, this can be a very short debate.

There has always been a debate about what Legal Services is trying to do. As I look at the statute and listen to many of its proponents, the argument is made that the Legal Services Corporation is supposed to provide funding for poor people to carry out their legal functions related to their everyday life, principally in areas related to contracts, dealings with landlords, and their interpersonal relationships that ultimately end up in court, such as divorce.

We have always had a very difficult time differentiating between those functions and the Legal Services Corporation being engaged in promoting a political agenda at taxpayers' expense. I want to make it very clear, Mr. President, that if somebody wants to file a lawsuit opposing welfare reform, this is a free country and they ought to have a right to do it. What my amendment says is that you cannot do it with taxpayer funding under Legal Services.

Here are the facts: On December 1, 1993, five federally funded legal services organizations sued the U.S. Government and the New Jersey Department of Health and Human Services in the U.S. District Court of New Jersey, trying to overturn New Jersey's welfare reform program. Basically, what I am trying to do is, beginning in October when this new funding goes into effect, I want to deny funding for that purpose and for any similar lawsuit.

Basically, this New Jersey law, which is called the Family Development Act, does something that the President has proposed for welfare reform in America that many Members of both the House and the Senate favor. And that is New Jersey's Family Development Act, which was passed in 1992, contains a provision that denies increased AFDC welfare benefits for a child that was conceived while the mother was on welfare. It does not deny payment for existing children or children conceived prior to this welfare bill passing in New Jersey. But what the New Jersey law says is that, on a prospective basis, if a child is conceived while the mother is on welfare—and certainly any person has a right in America to conceive a child if they choose to do it; it is a free country—what the New Jersey law said was that we are not going to give you more welfare for doing it. They are not proposing taking away welfare benefits, but they are saying we are not going to continue to subsidize the birth of children under the welfare law.

This is very important, Mr. President, because Arkansas, California, Georgia, and Wisconsin have all gotten waivers from the Federal Government so that they can engage in exactly this kind of activity.

So what I am trying to do is basically say this: If somebody wants to go out and file a lawsuit against New Jersey, or if somebody wants to file a lawsuit against the Federal Government saying you cannot reform welfare, you cannot in welfare make people go to work, you cannot in welfare refuse to give additional subsidies in rewarding people for having additional children; they have every right to do that. It is a free country, and they have every right to do it. What I am saying in this amendment is that I am trying to prevent them from taking the taxpayers' money to fund their effort to basically circumvent the will of the American people, which has been manifested in a welfare reform law in New Jersey and which, if we do get to welfare in the Congress—and I hope we will—it will become the national law of the land.

It can make no sense, Mr. President, for the American people to want to reform welfare and for us to be taking tax money from those same people and have that tax money be used to try to overturn the very laws that they want to see adopted.

I could go into the arguments made in these lawsuits. They argued that the law is arbitrary and capricious. They argued that the law is tantamount to compulsory family planning. They argued that to set work requirements and to refuse to give additional benefits for additional children makes welfare recipients unwilling human subjects in a research experiment.

Well, Mr. President, I personally believe all these arguments are ridiculous. But the point is, if they want to file this lawsuit, let them do it, but let them do it with their money. I personally believe that unless we stop these kinds of lawsuits, we are going to totally undermine the public's support for the Legal Services Corporation. I have to admit that we have pretty well, based on what I have seen the Legal Services Corporation do, had the effect of undermining my support for Legal Services. But I believe this is exactly the kind of thing that the American public finds very distasteful.

What I am trying to do is to focus Legal Services on the function which the American people perceived it was carrying out, which is helping poor people by providing them the ability to have the legal services they need in carrying out their everyday life. But funding lawsuits to try to overturn welfare reform in the State of New Jersey is not what the public had in mind with Legal Services. It is something that I am adamantly opposed to. When we now have States like Arkansas, California, Georgia, and Wisconsin that are trying to do the same thing, I think it is important that we not allow the taxpayers' money to be squandered in trying to fight the will of the taxpayers.

I remind my colleagues, in closing, that we are going to pass a very similar law—it seems to me, if I listen to the President, if I listen to my Republican colleagues, and listen to my Democratic colleagues—and we are going to have a mandatory work requirement. I think the probabilities are very high at the Federal level that we are going to set some limits on the ability of people to acquire more welfare benefits by having more children. And when we are trying to do this, in promoting the public interest, it cannot be wisdom to fund groups who promote a political agenda that is against the will of the vast majority of the people, at the expense of the people who do the work, pay the taxes, and pull the wagon in America.

So I submit this amendment. I am very hopeful it will be adopted. I hope it will become the law of the land.

I am sure there are many supporters of the Legal Services Corporation who will oppose it, but I personally believe that amendments like this will guarantee that the Legal Services Corporation gets more funding in the future than it would have gotten if amendments like this end up being rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me ask the distinguished Senator from Texas with respect to his amendment by way of what I have in my own mind. But let me see what the Senator had in his mind when he said "or indirectly available." What is the occurrence of moneys of the Legal Services Corporation becoming indirectly available of these moneys we appropriate?

Mr. GRAMM. Mr. President, let me give you an example. Let us say that you had this facility—well, I better not.

What I am saying is this: If the Legal Services Corporation grants one of these entities money, that entity receiving the money cannot take any money it has and go out and file this suit, because the problem you run into is that these entities are funded in two ways, both by the taxpayer and by gifts.

So what you end up with is sort of like you have this facility, and they say, "Well, we do not sell alcohol here," and then you have this room in the back that is rented out to someone else and they are selling whiskey in there. They say, "Well, wait a minute. That is their room in the back but up here in the front we are not doing it."

All I am saying is that in that analogy I do not want the whiskey in the house. If the taxpayer is going to provide assistance, one of the things they have to decide if they want this taxpayer funding is that they are not going to engage in this type of activity—and this is very narrowly defined—of filing lawsuits in State and Federal courts to oppose welfare reform.

Mr. HOLLINGS. I thank the distinguished colleague.

Mr. President, if there is any opposition to this amendment, I hope momentarily they will hasten to the floor, because I know the distinguished Senator from New Mexico looks with favor on the amendment.

As reluctant as I am to look with favor on the amendment coming from the Senator from Texas—and the distinguished Senator from Texas came to South Carolina 6 times and said they ought to get rid of me year before last, and I sort of hesitated agreeing with him on anything—I have to agree with him on this.

I just listened. You have the Hawaii plan. Let us say they have small business mandates in Hawaii. Should they go to legal services and sue the State of Hawaii because they do not like their health plan? You have Oregon with a plan. The States are now trying to get exemptions for the payment of Medicaid to cut back on the expenses of Medicaid, and incidentally they are working and have gotten waivers from the Department of Health and Human Services.

So in that light, you are back to the States being the incubator of the Federal policy in testing various policies to see their workability, their effectiveness and the economy thereof.

The Federal system really calls for it. As to the legal services, I was here, and we had a difficult time under President Nixon because at that particular time when we first started they were paying the legal services to everybody who would stand on the steps outside and tell us what a bunch of murderers and killers we were in here in the Senate, and we certainly were not going to have the stupidity of financing folks to come up and tell us how stupid we were or how we were murderers.

So getting right to the point, the distinguished Senator says that any Federal or State court action would nullify any Federal or State law. If you want to nullify the Federal law or State law, the entity is here, the national Congress or the State legislature, and let us do it at that particular level. But let us not finance lawyers to get into that.

We have enough demand on legal services and we restricted it at that time. I remember Senator Javits was the leader in the initiative. And we had to finally put restrictions, because I served on this subcommittee for years, and we had restricted to landlord and tenant cases, employment cases, domestic cases and a few of them, and now we are into consumer cases, income maintenance, housing, family law, health and employment, individual rights, juveniles, education. That is all for the individuals.

But if we do not like a law, there is enough money being spent by the taxpayers now to attack the law in the regular normal course of events through the legislatures, through the Congress, and various other lawyers that maybe feel like they have been prejudiced by it.

So I think it is a valid and a good amendment, and I think the distinguished Senator from Texas is correct. I am ready to accept the amendment, and maybe this is the way to test Members coming to the floor because if you accept it, I say to the Senator from New Mexico, we will have accepted it in the next few minutes and maybe later on they will hasten to the Chamber and they cannot come and complain.

Mr. DOMENICI. Mr. President, I summarize my position in this way: I cannot conceive that the Board of Directors, the Chairman of the Board, and the current President of the Legal Services Corporation knew that the money was being spent this way. Together, they set the policy, and I believe they should welcome this amendment.

Frankly, it is very narrowly drafted, as the distinguished Senator from Texas said. We are not engaged here tonight in a big philosophical debate about how to use legal aid money. What we do know is there are plenty of deserving legal aid cases that go unfunded. And we have in the State of New Jersey a case of taxpayer's money being used to challenge the very law proposed by the legislature and the Governor. And frankly, I just think it is not a very prudent thing for groups funded by the Legal Services Corporation to do. It is not very wise.

I would hope that the national Board that governs LSC would already be on notice from the hearings we held and the presentation the Senator from

Texas made in committee. I would hope that my sensitivity about this is right, and that the LSC Board have already set in motion some procedure to inhibit the use of LSC money for this case anyway, even if we did not consider this amendment tonight. But I think it sends an appropriate signal, and I have no objection, and nobody has advised me to object for anyone on this side. If there is a Republican Senator who wants me to object, I have not heard from them. I have no objection to accepting the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

Mr. GRAMM. Mr. President, I would like a rollcall vote on this, but I do not see any need to do it now. What I would like to do is to offer to see if I could get the vote ordered and then let it occur after the next vote, and then in the interim if someone who did not know about the amendment wanted to come over and say something about it, it would give them an opportunity to do it, and if my trusty staff member believes it merits a response, I can come back. But I do not want, since the bill is now moving, and it is not my objective to try to have a vote at this moment.

So what I would like to do is ask unanimous consent that the vote on this amendment occur immediately after the next vote that is ordered unless Senators would like to move things along by having a vote now. I am just trying to accommodate Senators.

Mr. HOLLINGS. Mr. President, I join in the request. I am just notified that one of our distinguished colleagues is momentarily at the White House and is on the way, I think, returning. But let us set it aside and see if there is something else.

Does the Senator from Alabama want to talk on this amendment?

Mr. SHELBY. Not on this amendment. I have an amendment.

Mr. HOLLINGS. All right.

Mr. GRAMM. Mr. President, may I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. Is there objection to the Senator's request?

Without objection, it is so ordered.

The question on the GRAMM amendment No. 2342 to the committee amendment on page 85, line 5, will occur under the provisions of the unanimous consent agreement.

Mr. DOMENICI. I was going to ask about second-degree amendments, but I am mistaken. This is a second-degree amendment, so it is not amendable.

Mr. HOLLINGS. Mr. President, to clarify an understanding on the parliamentary procedure. It could be that someone would want to move to table. Could you say "on or in relation" to your amendment?

Mr. GRAMM. I have no objection.

Mr. HOLLINGS. I ask that the request be modified accordingly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair would note for the benefit of anyone who may be contemplating offering business here that the pending question is the committee amendment on page 85, line 5.

Mr. HOLLINGS. Mr. President, I understand our distinguished colleague from Minnesota wishes to be heard on the Gramm amendment. We appreciate his promptness in coming to the floor so it can be debated.

Let me yield the floor to the distinguished Senator. I yield the floor.

Mr. WELLSTONE. Mr. President, I thank the distinguished Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

First of all, Mr. President, I want to give just a little bit of context. And I would like to say to my colleagues that these remarks will be basically, with the exception of these charts, off the top of my head, because I really just now realized this amendment would be on the floor.

But just a little bit of background on welfare, since I think this amendment has a lot to do with cultural stereotyping and, I believe, bashing of welfare recipients, and I will get to that in a moment.

There is so much mythology, Mr. President. The reason I start out with these charts is to give this discussion about this amendment a little bit of context. Unfortunately, when we constantly hear about all of the money that is spent on welfare, and all of the women that could be working, and all the cheaters that are on the rolls, and all the rest of it, welfare mothers do not exactly have the resources to buy ads on ABC, CBS, and NBC and fight some of these stereotypes.

Mr. President, actually when we talk about welfare, we talk about three categories. We talk the supplementary, the SSI program. And we are now talking about two categories which combine aid for those people who are older and low income with those people with disabilities. Then we talk about the Aid to Families with Dependent Children. That is the program that has generated all of the controversy, the AFDC program.

Since 1985, AFDC spending for benefits and administration has been less than 1 percent of all Federal outlays.

In 1970, Mr. President, it was 1.40 percent and now it is less than 1 percent of all Federal outlays.

Source: 1993 Green Book, House Ways and Means Committee.

So the argument is,

> We really need to get serious in cutting back on all these welfare expenditures. That is really what has caused the deficit. That is what has run up the annual deficits. That is the reason we have problems in the economy.

These are the facts.

The second chart. Average Monthly Benefits Per Family in 1992 Dollars. Mr. President, from 1970 to 1992, the value of AFDC benefits fell 45 percent.

Let me repeat that, since this amendment seems to be the beginning of the debate about welfare reform and since we are going to be talking about whether or not welfare recipients are able to have some representation vis-a-vis Legal Services, and since sometimes I do not think they have very good representation in the Senate.

Let me make sure that colleagues understand this. I am quite willing to debate this point with anybody on the floor.

From 1970 to 1992, the value of AFDC benefits fell 45 percent. Average monthly benefits per family in 1992 dollars, $388. Aid to Families with Dependent Children—that is almost always families with one parent, almost always a woman and her children—average monthly benefits, $388.

The argument is, "Oh, we have to do something about these welfare expenditures. They are way too high. We have to cut back on the benefits."

This is below the official definition of poverty. There is not one State in the United States of America that has welfare benefits even up to what we define the poverty level income.

So, on the one hand, we have a definition of poverty: What amount of income does it take a family to purchase a minimum amount of goods and services? And then, with welfare benefits, we do not even provide the benefit of what we say you need to purchase the minimum amount of goods and services.

I say to the Senator from South Carolina and the Senator from Alabama, you figure out what you need to live on for a month for a family—$388 average monthly benefit per family.

Total number of AFDC recipients from 1970 to 1993, adults and children. The number of AFDC recipients as percent of population: 1970, 4.1 percent; 1993, 4.9 percent.

You would think, from all this discussion that we have heard, there would be an explosion of welfare recipients as a percentage of population, as a percentage of the Federal expenditures, or that we have seen huge increases in benefits of AFDC families. None of this is true. Let me repeat it again. None of this is true. Source: Green Book Overview of Entitlement Programs, House Ways and Means Committee.

Percent of poor children who are on AFDC: In 1970, it was 59 percent; 1975, up to 72 percent. In 1992, 63 percent of the poor children in the United States of America are on AFDC. The AFDC program is not even that comprehensive that it provides for all the poor children in this country. One would think, from some of the discussion that we have had, that we are spending huge amounts of money on welfare recipients and all we need to do is drive the cheaters off the rolls and the slackers back to work and we would have our economy doing fine and no one would have to pay the taxes they pay.

But, as a matter of fact, these women and these children constitute the tiniest percentage of our Federal expenditure. But, Mr. President, are they a convenient scapegoat. Do you want to know why? Because they do not have the economic or political clout. No better group of people to make the scapegoats, which is what I think this amendment is about.

Finally, just in case some of my colleagues would say, "Well, Paul, you talked about the monthly benefits, but what if you figure in food stamps?"

AFDC and food stamps, as percent of the poverty line for a family of three, 1970 to 1993. Actually in 1970, it was 73 percent and then in 1985, it was 83 percent. In 1993, 67 percent. If you take the AFDC average monthly benefit in our country and add food stamps, it does not even add up to 67 percent of what we, by definition, have said a family needs to purchase a minimum amount of goods and services.

Now I go to this amendment which, as I understand it, is an amendment to prevent Legal Services from representing people with regard to welfare reform issues.

Mr. President, why would it be that welfare recipients—who, by the way are mostly women and children—why would it be that we would want to argue, whatever our political party affiliation, that they should be denied representation? I mean, the reason we decided that there was a place for Legal Services in our country is we made a decision—and I think there is bipartisan support for this—that poor people, since they do not have the economic resources, and since all too often they come out on the short end of some of the decisions that we make, since they are not exactly well represented always in legislative bodies—should have access to due process; access to our courts. And we know if people have a lot of money they can buy legal talent. They can get the best lawyers to represent them. So Legal Services was a wonderful idea. It has had bipartisan support.

Welfare recipients, those mothers and those families, they are poor people, low-income people. To say that they are not entitled to legal representation strikes me as being unconscionable.

Yes, it is true that Legal Services lawyers will, from time to time, challenge some of the decisions that are made in legislative bodies, be those decisions at the State level or the Federal level. But that is why we voted for Legal Services in the first place. I cannot believe that this amendment is on the floor and I certainly hope my colleagues will vote against it.

I did not hear all of the discussion from the Senator from Texas and I would be pleased, certainly, to engage in any kind of debate he wants. But I take it his argument was that we represent people individually but there is no place to challenge a State law or any kind of welfare reform law. I would say to my friends that it is those laws that have dramatic consequences on the lives of women and children all across the country. Do we really want to say, through this amendment, that these women and these children are not going to have Legal Services representation? I hope we pass good welfare reform. But what if we pass welfare reform legislation which is called reform which is punitive? What if it has harmful consequences on children? Are we going to deny mothers and children the right to Legal Services representation? Because they certainly are not going to have the ability to go out and purchase high-priced lawyers to represent them.

Mr. President, I feel strongly about this amendment because much of my past experience, before I was in the U.S. Senate, was as a college teacher but also I did a lot of community organizing and did a lot of work with low-income people, both rural and urban. I can just tell you that I am horrified—and that is the correct word—I am horrified about some of the stereotypes of these women and children.

Some people think that you have families of 8 or 9 children. By the way, I think large families are wonderful for those people who make those decisions. I would not speak against a large family for any reason in the world. It just so happens that the typical welfare family I think is two children—two children. You would think that these women do not want to work: 75 percent of the welfare mothers in this country within 2 years go to work. Do you know what then happens, I say to my colleagues? Many of them go back to welfare. Do you know why? Because the combination of not being able to afford child care, and jobs that do not pay high enough wages, and then the health care costs that they now incur that they did not incur with Medicare, make them worse off.

I say to my colleagues, sometimes legislative bodies—and we have had a history of this—have passed welfare laws that have been punitive, that have essentially been a violation of the 14th amendment: Equal protection under the law. When that happens—and I certainly hope it will not happen—but if it does happen, we do not want to deny a group of citizens the right to have lawyers representing them. And for these women and these children, Legal Services lawyers are the only lawyers that are going to be able to represent them because they sure are not going to be in a position to hire the kind of lawyers that people with the economic means can hire.

This amendment is mistaken. This amendment in and of itself is punitive. This amendment undercuts the very reason we have such bipartisan support for Legal Services in our Nation. I hope my colleagues will not support this amendment.

I yield the floor.

Mr. HOLLINGS. Mr. President, I have the greatest respect for the Senator from Minnesota. What happened is not about welfare recipients. It is about the State of New Jersey. The State of New Jersey has passed a welfare reform plan. You may agree or disagree. I may agree or disagree. But it certainly was formally presented, debated, and everything else. I am sure they have people in New Jersey who feel just as strongly as the Senator does about the general welfare problem, the stereotyping, and what have you.

I have been in this field as long as any and worked in it and instituted Women, Infants, and Children's feeding. So I feel with the strength you feel, relative to the stereotyping of the welfare recipient and the poor who need help.

But I do not know of anything better to really cut off help to them than the Senator's approach. We have struggled with Legal Services in administrations here, now, for the past, 12, 13 years. They have put in less money and less money. This Senator, as chairman of this subcommittee, has put in more money than recommended by any administration I know for the past 13 years.

The distinguished Senator from New Hampshire, Senator Warren Rudman, worked in it very strongly. And surprising to many, in a critical year in the early 1980's when we really were in trouble, the program was saved by a wonderful conservative Supreme Court Justice, Justice Powell. Lewis Powell came over from Richmond, Virginia. It so happened that Legal Services was started by the American Bar Association when he was the chairman and head of it—head of the whole effort.

You are talking about stereotyping. You know we were bleeding hearts and just looking for things and everything else, but here we had this most respected jurist and most credible individual to come forward. He changed the atmosphere in the subcommittee markup. I will never forget it. I had just said, "We are going to have a hard time saving it."

So I have been in the struggles and I know the problem of saving Legal Services. Yes, there is a feeling that poor folks should have representation.

At the present time we have the Legal Services breakdown, how they receive it, in the field of consumerism, income maintenance, housing, family law, employment, individual rights, juvenile cases, education cases, and otherwise. And that is a pretty good breakdown for the individuals.

But when it comes to a formal assault on an act of a State or the Federal Government—let us assume, for example, we pass this particular appropriations bill and the President signs it into law. Let us say that Legal Services in the Senator's backyard or my backyard does not like the amount of money that they got. So what they do is use their legal talent and moneys of the taxpayers to sue the United States of America over the State, Justice, Commerce Department appropriation.

If that is the road we are going to start down, I can tell the Senator, if we start down that, not those pertaining individually, we are going to have welfare reform and we are going to discuss the individual welfare recipient—but I am talking about the State of New Jersey. They have the right, title and interest to pass their own laws, their own health reform laws, in this instance the welfare reform laws.

Whether I agree with it or not, I do not think that we are going to have a legal services program if we are going to authorize the Legal Services lawyer entities to start suing the different States on behalf of individuals with respect to the particular benefits.

Mr. WELLSTONE. Will the Senator yield?

Mr. HOLLINGS. Yes. In fact, I am glad to yield totally because I see now the distinguished Senator is back from the White House. You folks debate. I do not know how strongly you feel, but I feel just as strongly about the Legal Services Corporation. And I can tell you now, we are not going to save the moneys or the budget or this particular program. There have been all kind of assaults on Legal Services every year, and we have it above what has ever been provided.

Mr. WELLSTONE. The Senator from South Carolina is somebody I enjoy working with as much as anybody in the Senate for all sorts of reasons. But I believe him when he says he cares about legal services for poor people, I do not understand his argument in the following respect:

What this amendment says, as I understand it, is that there will not be Legal Services representation on "welfare reform issues."

See, the Senator might agree or disagree with the challenge in New Jersey. I might agree or disagree. But that is beside the point. To adopt such an amendment and to say that when it comes to whatever welfare reform policies are passed, welfare mothers and their children cannot be represented by Legal Services lawyers in challenging that policy, I think, takes the heart and soul out of what Legal Services is about.

It is not up to us to decide. We do not even know what laws are going to be passed. Are we going to say a priori, before any law is passed, that we will deny Legal Services lawyers from being able to represent these families in challenging this policy? That is the position you are taking.

Mr. HOLLINGS. You bet your boots I am. The Senator got it straight, and we are going to vote because what I am saying is, if you want to attack these policies and everything else with these kinds of funds, then they will cut them back, I can tell you here and now, on the landlord tenant cases, employment cases, individual domestic cases—you can go right on down the list of cases that we represent individually.

But if you want to use the battery of Legal Services lawyers to really go out to clients and the clients not coming in and saying, "I am in trouble," but the lawyers are going out and saying, "We don't like the policy of the State of New Jersey and we can use these Federal funds to attack the State of New Jersey," I do not think we are going to maintain Legal Services long under that. The Senator is exactly right.

Mr. WELLSTONE. First of all, Mr. President, let me just simply respond. I start out with context because, quite frankly, I think much of what is underway right now is based upon—I am not now talking about my colleagues on the floor—but much of the discussion about welfare, I think, is scapegoating. And, again, it just so happens to be this is probably politically the weakest and most vulnerable group of citizens in this country; not weak as individuals, but I mean politically.

I went from that context in talking about the importance of Legal Services, but now I want to focus on what I think is at issue here. The way this amendment reads:

> None of the funds appropriated in this act made available by the Legal Services Corporation may be directly or indirectly available to any grantee to file or maintain in any Federal or State court any action that would have the effect of nullifying any provision of Federal or State law which seeks to reform welfare.

We are saying before we even know what laws States might pass, some of which might be punitive, degrading and, I say to the Senator, downright unconstitutional, before we know what kinds of Federal laws we are going to pass, that a priori, we are saying Legal Services lawyers cannot represent mothers and children in challenging that policy.

I say to the Senator, he has just taken the heart and soul out of Legal Services. He has. He is on the floor deciding before any of these issues come up that a whole group of citizens are going to be disenfranchised, and if we want to talk about Legal Services, of course, these are not women and children who are hiring private lawyers. We know why we have Legal Services.

This amendment, I think, is a huge step backward—a huge step backward. I ask the Senator from South Carolina how can he, before he even knows what laws are passed, say he is going to prevent Legal Services lawyers from representing families and challenging those laws?

Mr. HOLLINGS. Mr. President, we are discussing whether or not, as the amendment reads, we are taking the heart out of welfare. We are talking about the welfare reform policies and programs, plans in the Federal Government or the State governments. That is what we are talking about.

Mr. WELLSTONE. That is correct.

Mr. HOLLINGS. That is exactly right, and they are going to have welfare reform plans. It is a limited source. The Senator does not think we fully fund everybody with a lawyer with the $400 million. That would not take care of the Washington crowd that he and I know just around here on communications, as I am working on communications.

So the $400 million does not give everybody a lawyer and cuts the heart—whatever you are talking about. I am trying to get as much money as I can for the poor in welfare, in hunger, in housing and in health care and in every regard. Do not tell me about taking the heart out of welfare because we know it way better in our poor State than the Senator knows it up there in his backyard. I have been into it, I have walked the walk with the hungry. I have written a book on it. I will send the Senator an autographed copy, incidentally.

We are talking about the heart of the people. Mr. President, I can tell you here and now what we are trying to say to the State governments, the Federal Government, "Go ahead, pass your welfare reform plans, but we are not going to fund Legal Services lawyers directly or indirectly to get into the cases against them." They have plenty of work to do. There is not a shortage of work.

I can tell you they really need some lawyers maybe to attack some of these plans, but not under this particular program, or, I say to the Senator from Minnesota, he is going to ruin the program, I can tell you right now. We have had a hard time saving it and getting the votes for it.

Mr. WELLSTONE. Mr. President, I know the Senator from Massachusetts is here as well, but let me just say to the Senator from South Carolina—I am going to repeat my argument one more time because I think it goes to the heart of this issue. I am really frightened by this amendment and what we are doing here. I say to the Senator from South Carolina, this is not a personal debate we are having. I do not doubt his feelings for people and especially for those who are hard pressed. That is not the issue. No one can doubt his support for Legal Services.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. WELLSTONE. I will be pleased to.

Mr. HOLLINGS. Mr. President, did he not just say this would take the heart out of——

Mr. WELLSTONE. Yes, let me go on.

Mr. HOLLINGS. He is saying anybody who votes for this would be taking the heart out of welfare.

Mr. WELLSTONE. That is correct.

Mr. HOLLINGS. Then do not talk about individual——

Mr. WELLSTONE. I am talking about the heart and soul of welfare policy; I am not talking about the Senator's heart. Let me go on, OK?

Mr. President, let me put it in context again. You have a group of citizens—what did I do before? Average monthly benefits something like $388, nowhere even near poverty level income. You have all the scapegoating going on right now. These are women and children—let us be clear who we are talking about when we are talking about 14 million or thereabouts women and children.

What I am saying is, as I read this amendment—and this is where we have the disagreement—I say to my good friend from South Carolina, what we are saying is that we do not even know what kind of welfare laws are going to be passed yet. They will all be called "reform." I will put that in quotes. We do not know what laws are going to be passed at the State level. We do not know what laws we are going to pass, but I will tell you, given the climate and given some of what has happened to women and children over the years, which is why Legal Services representation has always been there for them, I think it would be a terrible mistake to say before we even know what these laws are that we are going to adopt an amendment that is going to prohibit Legal Services lawyers from representing these women and children in passing those laws.

That is where I say we just take the heart and soul out of what Legal Services is. I just cannot believe that that is really what we want to do. That is my argument.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Chair indicates to the Senator that the Senator from Massachusetts has asked the Chair to enter a courtesy objection to the quorum call being called off for a short period of time.

Mr. GRAMM. Mr. President, all I intend to do is debate. I would not offer any motion; I would not undertake any official or final action. But I would be willing to withhold.

The PRESIDING OFFICER. Do I hear objection?

Mr. WELLSTONE. Mr. President, I think I will have to object to honor the request of the Senator from Massachusetts.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The bill clerk continued to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. WELLSTONE. Mr. President, reserving the right to object, and I will not object. I think we should go ahead and move forward the debate, I say to my colleague who probably wants to do this within a reasonable period of time. I take it the Senator from Massachusetts wants to move on.

The PRESIDING OFFICER. The Chair indicates that the Senator has no right to object.

Mr. WELLSTONE. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. I think I can make my response pretty short. I heard the speech of the Senator from Minnesota when I was back over in my office. I think the Senator from Minnesota is making the same mistake that Legal Services is making. I think the Senator from Minnesota is confusing legal rights and political rights.

When the Senator from Minnesota says that poor people have the right to be represented, I agree, but not at taxpayer expense. I am not disagreeing that they have the right to go into court to see that they get the fullest protection of the law. What I am saying in this amendment is that it is not the intention of the Legal Services Corporation to use the taxpayer money to try to overturn the law and to try to circumvent the political process where the State—in this case the State of New Jersey—after considerable deliberation and debate has decided to reform welfare and decided to move toward requirements like a mandatory work requirement and has taken the step to try to limit the ability of people to acquire more benefits by having more children.

I believe it is clearly within the purview of Legal Services to represent people in seeing that they get their rights protected under the law. What I am saying here, however, is that the action in New Jersey goes further than that; that is, it is trying to overturn the law.

What we are guaranteeing under Legal Services is not political services but legal services. It is one thing to say under this law, "I am due a benefit that I am not getting." It is another thing to say, "I disagree with this law." And if you look at the lawsuit that these five Legal Services-funded entities have filed, they are saying that this waiver that was granted was arbitrary and capricious. They are saying things like it makes welfare recipients unwilling human subjects in a research experiment.

I mean these are arguments that would be made on the floor of the Senate. These are arguments that I am sure were made on the floor of the New Jersey Senate. But they were wisely rejected on the floor of the New Jersey Senate. And I do not believe that we ought to be giving taxpayer money to try to help people change the law through the courts.

Again, if people want to file a lawsuit, they have every right to do it. We are not talking here about rights. We are talking about taxpayer money and what the taxpayer chooses to pay for. I am saying I do not believe the taxpayers of America, the taxpayers that in huge numbers support welfare reform and mandatory work requirements, want their tax money used to try to overturn State and Federal law that is asking more people to get out of the wagon and to help the rest of us pull it.

So if people want to file those lawsuits, they have every right to do it, and I encourage them to do it, fully exercising their constitutional or legal rights. What I am saying is we are voting here on what the American taxpayer should fund. I am saying that I do not believe the American taxpayer wants to fund lawsuits that have the objective of overturning legislative action aimed at reforming welfare.

So I am adding to this bill a prohibition that says no funds for Legal Services can go to an entity which is engaged in that activity. If they want to do it, great. But taxpayer money should not go for that purpose.

My response to the Senator from Minnesota is a very simple response. This is not political services. This is legal services. There is a difference. But we decide what the difference is.

So here we are not talking about a legal distinction. We are talking about a political distinction. And the political distinction that I have made in this amendment—and I hope that the majority will concur in that distinction—is when we are trying to reform welfare in our National Government, when we are granting waivers to State governments to reform welfare, when the American people by huge numbers support welfare reform, when perhaps we have found something that the President and Republicans can agree on, why do we want to use taxpayer money to stop it? That I do not understand. That is what my amendment is aimed at stopping.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I would like to respond briefly to the Senator from Texas.

First of all, I do not really know where in the world the distinction between political representation and legal representation comes from. Legal representation is reaching every citizen and includes the rights to challenge laws which citizens deem to be unconstitutional. That is legal representation. We all know that. I do not know where that distinction comes from.

Mr. President, so there is no confusion on my part at all, I would like to quote from a letter from Marian Wright Edelman, who is the director of the Children's Defense Fund, that I think speaks to this issue in a very eloquent and direct way. I hope all my colleagues will have an opportunity to look at this letter.

I quote:

> Two-thirds of all beneficiaries of Aid to Families With Dependent Children, AFDC * * * are children. Representation of AFDC children and their families by Legal Services programs is essential to ensure that our Nation's poorest and most vulnerable children are treated fairly in accordance with the basic legal process and substantive rules and receive the benefits to which they are legally entitled. In the absence of such representation, AFDC children and families will have no assurance that actions by State, county, or local welfare agencies are consistent with the rules and protections that Congress has established to provide an effective safety net for them. Equally important, agencies which have fewer inhibitions about ignoring the law and agency managers will have less ability to make staff comply with law.

I might add, by the way, Mr. President, that from the very beginning Legal Services lawyers have been willing and have been able to challenge welfare policy. That has always been a part of Legal Services. When the Legal Services Corporation was set up, President Nixon said:

> The program is concerned with social issues and is thus subject to unusually strong political pressures. If we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

Legal Services lawyers have always been in the position to challenge laws if those laws were punitive and hurt children or were unconstitutional. And the whole ideal was to be able to represent low-income families.

I go on to quote Marian Wright Edelman.

> I know there is great interest in welfare reform. The Senate will have the opportunity in the near future to consider changes in the AFDC Program in that context. However, the Gramm amendment does not address the substantive issues involved in welfare reform. Instead, it eliminates the only effective source of legal representation that poor children have on these issues in the States. This amendment, if passed, will deny equal access to justice to our Nation's poorest children.

I want to repeat that.

> This amendment, if passed, will deny equal access to justice to our Nation's poorest children.

Again, I say to my colleagues this an amendment which says that the Legal Services lawyers cannot challenge any welfare reform laws that might be passed by States or the Federal Government, before we even know what those laws are, before we know whether the laws are constitutional or unconstitutional, before we know whether or not they are going to severely harm children, the poorest and the weakest citizens in this country. We are saying that Legal Services lawyers cannot represent these women, these children and these families in court.

If we do that, they have no ability to challenge these laws. Every citizen in our country has the ability to go through the legal system to challenge laws. That is not political representation. That is legal representation.

Mr. President, it just so happens that these mothers and these children do not have the money to hire counsel. They do not have the money to hire high-priced lawyers. That is why we have Legal Services.

This amendment essentially takes the heart and soul out of the Legal Services Corporation and Legal Services as originally set up. It simply undercuts the very mission of the Legal Services Corporation. Make no bones about it.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I sought recognition a few moments ago to ask my distinguished colleague from Texas a few questions. As I heard about the pendency of his amendment on the floor, I decided to come over to see precisely what the scope of the consideration was because, as a matter of principle, it is my view that once we authorize the Legal Services Corporation with a given sum of money, the discretion for that expenditure ought to reside with the Legal Services Corporation.

I think back to the experience I have had as a district attorney, and before that as an assistant district attorney, when no funds were provided for the representation of indigent defendants in criminal cases until the case of Gideon versus Wainwright in 1963.

Before that time, the law had required, under the cases of Powell versus Alabama and Betts versus Brady, as I recollect, that the State had to provide counsel only in capital cases. But aside from capital cases, a defendant could stand for trail without even having a lawyer at his side.

Then in the celebrated case Gideon versus Wainwright, Mr. Justice Black made the famous pronouncement that when you are haled into court you are entitled to have a lawyer, and that was on the criminal side.

When I was a member of the National Advisory Council of the Peace Corps, there was a dispute in Palau about whether a Peace Corps lawyer could represent Palauans who were formulating a constitution which had provisions contrary to the interest of the United States Air Force, as viewed by the commanding general. I was asked to go arbitrate that dispute. I had been in the Air Force.

I went and talked to the Peace Corps lawyer and the commanding general, and stated the basic proposition that even where you have someone accused of murder, the State pays for the lawyer for that individual even though that lawyer is arguing against the State's interest. Take the case of Commonwealth of Pennsylvania versus John Doe, defendant, and the commonwealth is trying to convict the defendant of murder. But we pay for the lawyer to represent the interest of that client. And it seemed to me that those Peace Corps lawyers had standing to represent the interests of Palauans even though the general thought it was contrary to the interests of the U. S. Air Force.

When I hear an argument, and I just caught the tail end of what the distinguished Senator from Texas was saying, about how you cannot go to court to dispute the public policy of what the general assembly says, I agree with him about that. That is a fundamental proposition.

It is the legislature of New Jersey which decides what their welfare laws will provide, and it is the Congress of the United States which decides what our policy is as to what our national welfare laws should be. But we cannot make a law which conflicts with the U.S. Constitution. And it is a little hard for me to understand how at this stage we are in a position to tell Community Legal Services that they cannot go to court to challenge a law which has not been enacted. It may be that there will be a solid constitutional argument as to that law. Frequently, in the Congress we enact legislation which has a considerable constitutional issue underlying it and leave it to the courts to decide.

When my colleague from Texas was arguing in response to the Senator from Minnesota, that Community Legal Services should not go to court to argue about public policy, I agree with what Senator GRAMM has said as a matter of principle. But as I take a look at this complaint under the prayer for relief, there are issues raised that the New Jersey welfare law conflicts with Federal statutes, specifically a series of provisions of title 42 of the United States Code, which take precedence over New Jersey law under the supremacy clause of the Constitution under which Federal law governs if in fact there is a conflict.

I do not know if there is a conflict, but it seems to me that is precisely why you have the courts; to decide whether there is a conflict.

There is a later issue raised in this complaint about whether the New Jersey welfare law violates Federal law under the Administrative Procedures Act, 5 United States Code, and later whether the New Jersey law violates the New Jersey Constitution.

So you have issues which are presented here which are legal issues.

We are allocating substantial sums of money, some $400 million, to Community Legal Services, and I think it is very difficult for the Congress to undertake to tell the board of directors of Community Legal Services what their priorities ought to be because we do not know all of their cases and we do not know all of their priorities.

That board is appointed in accordance with law, and that is not something that we can micromanage or macromanage. We just do not know all the factors that are involved and what they are considering.

As I look at the amendment, I understand and sympathize with what the distinguished Senator from Texas seeks to do here to have the reform of the welfare laws. But I do not know in advance how we can tie the hands of the Legal Services Corporation before any law is passed where there may be a matter of statutory interpretation which requires judicial action or there may be a matter of constitutional law which requires judicial action, and the public policy matters have yet to be thrashed out by the Congress, and there are very, very complicated issues to be determined. There is no way, in my judgment, that we can anticipate whether or not there will be any valid contest to go to the court to challenge.

I think that the issue of legal representation for the poor is well founded in our society and that is a principle which we have stood by. It took us a long time to get there, even to have counsel in a murder case. I was a prosecutor on the other side, but I acknowledged the right of a defendant in a murder case to have counsel.

I think it was about 1932 before the Supreme Court required counsel in capital cases, but as recently as 1942 it held that the State did not have to provide counsel to criminal defendants in other criminal cases. It was not until 1932 and 1936 that the Supreme Court of the United States, in Powell versus Alabama and Brown versus Mississippi, decided it had anything to say about what happens in State criminal trials. Now we have recognized the very basic proposition that counsel is constitutionally mandated in criminal cases. It is hard to understand how it took us until 1963 to require that counsel be provided in all criminal cases. Once someone is haled into court or needs to protect his rights by going to court—and $400 million is a substantial sum of money—but there are a tremendous number of issues and complicated matters that the poor people of American need to have litigated.

My own sense is that at this stage of the proceeding, we ought to leave it to the Legal Services Corporation to allocate its resources and not really try to anticipate what the law is going to be. It may be that when we pass a Welfare Reform Act, we are so confident at that stage there is no constitutional issue, maybe we ought to consider a prohibition at that time, as the Congress has the authority to limit the jurisdiction of the courts to take up statutory issues.

I learned to my chagrin recently, that inferentially the courts may be denied jurisdiction in a statute. And when we pass the law, maybe at that time we will want to a take some stand as to the question of jurisdiction. But in advance of the passage of the law, it seems to me that this amendment is premature at best, and it is hard to see in any event how we could anticipate whether there would be any question of statutory interpretation of constitutional law to be litigated.

In any event, I think we ought to await the events until we see what happens before we legislate on this important issue of welfare reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

Mr. President, I rise to oppose this amendment. I think it is a very important amendment which, in many respects, does implicate the constitutional rights of our citizens—in many respects the most vulnerable citizens in this country—primarily the children of our Nation.

The concern that Legal Services programs should be insulated from amendments of this kind was expressed, as I know the Senator from Minnesota has pointed out, by President Nixon. At the time he introduced the Legal Services Corporation Act, he said:

> The program is concerned with social issues and thus subject to unusually strong political pressure. To preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

And our good friend and colleague, Senator Warren Rudman, made the statement and comment not long ago in the fall of 1993. In his statement on the legal services program, he pointed out:

> I recognize there have been periods where Federal Legal Services programs has been controversial. Much of the criticism has been unjustified. When migrant workers and other poor individuals assert their legal rights, they can offend powerful interests in our society. That does not mean there is something wrong with the program; it means that it is doing its job.

Mr. President, I ask unanimous consent that the text of former Senator Rudman's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR WARREN RUDMAN ON THE NOMINEES TO THE BOARD OF THE LEGAL SERVICES CORPORATION

Mr. Chairman, Senator Kassebaum, Members of the Committee. Last month, I was asked by the White House to introduce President Clinton's nominees to the Board of Directors of the Legal Services Corporation. Knowing several of the nominees personally, and after reviewing the excellent qualifications of the remainder, I was pleased to agree and I am honored to be appearing before this Committee today.

The Legal Services Corporation exists for a very noble and, in our society, a necessary purpose—to ensure that the neediest families and individuals in this country have access to a basic level of legal services. The phrase "Equal Justice Under the Law," which is engraved on the Supreme Court building two blocks from here, is one of the sources of strength upon which our nation is built. Yet, that phrase has no meaning to a person who cannot obtain the legal assistance necessary to get inside the court room.

We want and we expect all Americans to solve their disputes through peaceful and legal means. But whether we are dealing with a landlord-tenant dispute, a family conflict, or the myriad of problems that individuals too often must face in their daily lives, peaceful and legal resolution is impossible without legal help.

This is what the legal services programs funded by the Corporation do throughout the country. Notwithstanding the controversy that sometimes surrounds a particular case, the vast majority of legal assistance funded through the federal legal services program involves family matters such as divorce and child custody, housing, consumer disputes, and other bread-and-butter kinds of cases. These cases garner little attention, but they are of critical importance to the individuals involved.

I recognize there have been periods when the federal legal services program has been controversial. Much of the criticism has been unjustified. When migrant workers and other poor individuals assert their legal rights, they can offend powerful interests in society. That does not mean there is something wrong with the program; it means that it is doing its job.

On the other hand, there was some concern a number of years ago that the program was moving away from what Congress had originally intended: that it was de-emphasizing basic, day-to-day legal services in favor of lobbying and what has in some circles been called social reform litigation. Congress addressed those concerns more than a decade ago with a series of legislative provisions which placed controls on lobbying, established a process before class action suits could be brought against units of government, increased the private bar's involvement in the program, required that potential fee-generating cases be referred to private attorneys, and so forth. These reforms have worked. In fact, I cannot recall a single, legitimate criticism regarding alleged political activism or social engineering that has emerged during the last decade.

Turning now to the nominees appearing today, I will say that I was truly impressed with the backgrounds and experience of the individuals selected by President Clinton. Each of the nominees has had experience with Legal Services, many of them devoting considerable time and energy to making the Corporation or their local program a more effective and efficient deliverer of services to the poor.

I would like to say a couple of words about the nominees I personnally know the best. John Broderick is one of the leading attorneys in New Hampshire and the former President of our State Bar Association which, I should note, operates one of the most successful pro bono programs in the country. A leader in the New Hampshire Democratic Party, his law partner was Steve Merrill until he was elected Governor last November. I have known John for many years, and know he will be a superb LSC Board member.

I met Tom Smegal when President Reagan appointed him to the Legal Services Board. In the mid-1980's he probably worked harder, for no pay, than anyone else in the country to maintain a strong and viable federal legal services program. The contribution he made was critical in keeping the program alive and in as good shape as it is today.

Bill McCalpin has also devoted considerable talent and energy on helping the poor obtain legal services since before the federal program even existed. He served as the Corporation's Chairman under President Carter and until recently was President of the National Legal Aid and Defenders Association. Both Tom and Bill are active Republicans, and are living proof that this is a program with broad, bipartisan support. I would note that from 1983 on, each Senate vote on legal services was a bipartisan affair, with a majority of each party voting the same way. That is a record I would hope is continued.

Bucky Askew spent 20 years in public service working for the Legal Services Corporation and its predecessor. In 1983, he joined NLADA until leaving Washington three years ago to work for the Georgia Supreme Court as Director of Bar Admissions and Executive Director of the Chief Justice's Commission on Professionalism. Bucky knows as much about the legal services program as anyone in this country and is highly qualified for this position.

A review of the record of the other nominees clearly establishes that they are all eminently qualified for the Board, and I believe they should be expeditiously confirmed by the Senate. They have talent, experience, and perspective. They will not only ensure that the legal services program will be run in accordance with federal laws and LSC regulations, but they have the knowledge that enables them to assist programs to run more efficiently and effectively. They can work with programs as well as oversee them, and in a period which will be marked by continued tight budgets and insufficient funding, that is critically important.

Finally, in closing, I would like to say something about George Wittgraf, the outgoing Chairman of the Board. As some of you know, George was one of the earliest supporters of President Bush, and ran his Iowa campaigns in both 1980 and 1988. In 1989, he could have had practically any job in Washington that he wanted, but what he asked for was the opportunity to serve on the Legal Services Board. As its Chairman, I believe he had done an exceptional job over the last four years under sometimes difficult circumstances. What he did is public service at its best, and I would like to commend him for all his work as he prepares to leave office.

Mr. Chairman, thank you.

Mr. KENNEDY. Mr. President, let us look over the period of recent years when the issue of constitutional rights and liberties that were related to welfare were raised at the grassroots levels—in some of these instances, by legal services lawyers; I believe the majority were, and some by others, by public interest lawyers—we can look at the Shapiro versus Thompson case, where States had set very arbitrary periods of time before an individual could travel from one State to another State and still be eligible for benefits.

What the Supreme Court effectively ruled there is that the right to travel is respected in the Constitution; that there is a responsibility, if someone moves to a new State, they will have to be able to establish residency. The State does have flexibility in establishing a period of time to demonstrate the bona fide residency of that individual, but that State cannot provide an unreasonable period of time which effectively is punitive to vulnerable children. And that case established a broad principle of constitutional rights that were related, in that instance, even though it was for families and children that were receiving assistance, tying that to the right to travel.

In the Goldberg versus Kelly case, the Supreme Court established that there could not be a termination of benefits for children without giving them at least a hearing. That sounds pretty reasonable. The Supreme Court said that denying children that hearing is a denial of due process and therefore that particular statute was unconstitutional. Again, this claim was raised by legal services lawyers, and it established a principle of constitutional protection again for vulnerable individuals, children in this case.

In the case of Califano versus Westcott, this is a case that involved the AFDC Program that had been developed in one State to permit families to be able to receive some benefits if one of the parents in that family had been working and lost a job. It so happened that if the mother was the sole breadwinner and lost her job, the children were denied any of the benefits; while if the father lost the job, they were eligible—a distinction between the father and the mother in terms of the statutory law. And that particular provision was struck down under the equal protection clause.

And the list goes on, Mr. President.

This really is not about welfare reform; we will have an opportunity to debate that—we are talking about constitutional rights and liberties.

We do have an interest in assuring that welfare programs are run in accordance with the law because the Federal Government provides, in most instances, about half of the money and, therefore, if it is being provided by the American taxpayers, we ought to be able to ensure that it is not being provided in a way which is going to violate the basic and fundamental constitutional rights of individuals, which in these cases are, for the most part, children that do not have high-priced lawyers.

Now I respect those that have fought for the Legal Services Program. The Senator from South Carolina, we saw an important increase in the Legal Services Program last year after the program had been cut back. And I respect the others who are in support of this proposition.

But I think we also ought to know that when there are rules and regulations that affect the major powerful interests in any State, any corporation, that affects their interests at all, let alone their constitutional rights, they are represented in the various hearings that are taken by these boards by, in most instances, the best lawyers that those companies or corporations can hire. And they go in there and they represent them, as they should.

And those expenses are tax deductible. Make no mistake about it. The Federal taxpayers are paying for those, as well. We are paying for those, as well.

And we have made a judgment, in terms of the legal system, that we are going to respect that fact; that that is very legitimate. And I certainly support those companies and corporations that are going into our complex system, whether it is at the Federal level or whether it is at the State level or whether it is going to be at the local level, that there is going to be representation and that those matters are going to be charged, and they are going to be tax deductible and we are going to find out that the taxpayers are going to pay those amounts. And they can spend enormous, enormous amounts of money. We all know about that.

What we are talking about is approximately $400 million across this country for the Legal Services Program.

The studies in my own State show that only 15 percent of poor persons with legitimate cases are represented. It is a constant challenge for many of us who believe in this program to try and call on the private sector to pick up part of the responsibilities. We do find that many good law firms respond to that; too many others do not.

I think that we are also very mindful that at other times in our history lawyers in this country have responded to national and important interests. I think of the Lawyers Committee for Civil Rights and other activities where lawyers have been very responsive in terms of particular needs.

Mr. President, I am not going to take much more time. I see many of my colleagues here on the floor.

We have had an opportunity, my colleague, Senator KERRY and I, we have formed a committee to try to select outstanding individuals to serve on our judiciary. And we had an outstanding group that was recommended to us.

We both took considerable periods of time to talk to these individuals. I made a point of asking them about the quality of those who work for legal services programs and public interest firms.

It was really inspiring, because each of the nominees that we considered, who had been recommended to us, were very familiar with both the work of the legal service programs and those involved, as well as the public interest lawyers. All of these outstanding members of the bar, and in some instances State judges, had the highest compliments as to the integrity and the ability and the commitment of these, for the most part young but in many instances older individuals, who are trying to make sure that the Constitution is going to be available not just to those who have resources but that equal justice under the law is going to apply to the needy as well.

These individuals we are talking about are making $20,000, $30,000, $40,000—in a few instances maybe somewhat above it. They are men and women who spend an enormous amount of time in the pursuit of rights and liberties. It seems to me wrong, with all respect to our colleagues, to deny the opportunity for legal services programs to raise issues related to constitutional rights, and to pursue and ensure the statutory obligations—which are there in terms established at the national level by the Congress and signed into law—are going to be accurately interpreted.

That is what I think they should be doing, protecting and ensuring individual rights and liberties, constitutional rights and liberties, and ensuring that the statutory provisions at the Federal level are going to be observed. To deny the legal services programs the opportunity to provide that kind of protection I think is unwise policy, and I hope the amendment will not be accepted.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think I can respond to all these things briefly.

First of all, as to the argument that we ought to let the Legal Services Corporation decide how it wants to spend the taxpayers' money, I would say to my colleague that every appropriation bill is full of amendments that say, "no funds appropriated by this bill shall be used for such and such a purpose." When we are spending the taxpayers' money, as opposed to people spending their own money, we have a different set of standards.

I want to make it very clear, because one of the previous speakers talked about limiting access to the courts, I am in no way interested in limiting access to the courts. I urge people to go into courts to protect their rights, to challenge the constitutionality of anything. What I am saying is the Congress clearly has the right on behalf of the American people to say there are some activities that we do not choose to fund. And challenging welfare reform through taxpayer funding as opposed to private funding is one of those activities. So, as far as the Legal Services deciding how it wants to spend its money, we constantly impose limitations on Government agencies and this seems to me to be an eminently reasonable limitation.

I do not agree with the idea which was presented earlier that there is some parallel here between public defenders for murder and the issue we are debating here. It is my understanding that we certainly provide funding for public defenders for people who are accused of terrible crimes. The example used was murder. But we do not provide funds for murderers to go out and challenge our laws against murder. It is a question of a person protecting their rights under the law and basically trying to change that law.

In terms of constitutional rights, in this issue we are not talking about constitutional rights. We are talking about the taxpayers' money. We have an agency which has a long history of taking the taxpayers' money and engaging in its chosen social and political causes. What we are saying is we are not going to take the taxpayers' money on this issue, welfare reform, and use that money to circumvent the will of the taxpayer.

In terms of people not having money to challenge welfare reform, I have here an article from the Washington Post which was published on May 27, 1994. This is when the President had talked about including in his welfare reform plan a proposal to allow the States to deny additional benefits to women who have children while they are on welfare.

This is a proposal that President Clinton has made and I would like to say, in advance of seeing that bill, that I am in favor of it and I want to support the President. I hope his views are for real on welfare reform.

But here is the second paragraph in this Washington Post story.

> Immediately an unusually broad coalition of 85 civil rights and religious organizations, including abortion rights and anti-abortion groups, said it will challenge the child exclusion policy in Federal court.

I am in no way saying that they do not have a right to do that. I am saying they do have a right to do it. I want them to lose in Congress and in court, but they have every right to do it.

What I am saying in my amendment is they do not have the right to promote their social and political agenda at the taxpayers' expense. They do not have a right to do that.

And what I am saying in my amendment on behalf of the American taxpayer, on behalf of the people that do the work and pay the taxes and pull the wagon in this country: We do not want our money used to fight welfare reform legislation in State or Federal court; pure and simple. I assert that the American people do not want their money used to oppose welfare reform.

We are having a debate about whether or not the taxpayers' money, which after all was extorted—I mean we put people in prison for not giving their money to the Government—so I am saying because we do that, because these are not willing givers, they are not generally happy givers, what I am saying is this is an abuse, in my opinion, one Senator's opinion, of the taxpayers to take their money and spend it for this purpose.

So we are going to have a vote to determine whether or not the majority agrees with my opinion as to what the American public wants. But clearly we have every right to do this. People have a right to promote their own agenda, to promote their own political views, to undertake all kinds of activities. But they do not have the right to do it at taxpayers' expense, and that is really what this whole debate is about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I wonder if the Senator will give me just a moment to respond to some of the arguments of the Senator from Texas? I ask the Senator from Ohio if that would be all right?

Mr. METZENBAUM. Take as long as you want.

Mr. WELLSTONE. I thank the Senator.

Mr. President, I will tell you there have been some arguments made on the floor, and all of us are going to have to vote soon—or maybe not too soon—but let me try to focus again on what this amendment says and what the issue is.

When the Senator from Texas says that the people in our country, the American taxpayers, do not want to see Legal Services lawyers working with women and their children in challenging any kind of "welfare reform"—it depends upon—that is the point—it depends upon what we are talking about.

The people in this country are full of good will. I will tell you one thing, Mr. President, the people in the United States of America do not want to see a situation where a State or a county, by way of implementation of some rule, or maybe the Federal Government—I certainly hope not—either passes a law or in the actual administration of that law does something which is punitive, does something which hurts children, does something which violates people's basic constitutional rights.

Poor people have constitutional rights. Low-income women and children have those rights. Do not tell me that people in the United States of America want to see a group of citizens, women and children, without legal representation.

Mr. President, we can debate the New Jersey law. That is not what is at issue. This amendment is not about the child exclusion law. This amendment says:

> Provided, that none of the funds appropriated in this act made available by the Legal Services Corporation may be made directly or indirectly available to any grantee to file or maintain in any Federal or State court any action that would have the effect of nullifying any provision of Federal or State law which seeks to reform welfare.

Anything that is passed anywhere in the country, whether it is constitutional or not, whether it hurts women and children or not, cannot be challenged by the very legal services that we set up to represent poor people, including, I might add, yes, women and children.

So, Mr. President, let me get back one more time to the key part of the letter that Marian Wright Edelman has sent to each and every one of us. I will not go through the whole letter again. I do ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> CHILDREN'S DEFENSE FUND,
> *Washington, DC, July 21, 1994.*
>
> DEAR SENATOR: Later today, the Senate will consider the Commerce/State/Justice Appropriations bill. I am writing to urge you to oppose the Gramm amendment, which would bar legal services progams from representing children and their parents in matters related to receipt of welfare benefits.
>
> Two-thirds of all beneficiaries of Aid to Families with Dependent Children (AFDC), the major federal-state welfare program, are children. Representation of AFDC children and their families by legal services programs is essential to ensure that our nation's poorest and most vulnerable children are treated fairly, in accordance with basic legal process and substantive rules, and receive the benefits to which they are legally entitled. In the absence of such representation, AFDC children and families will have no assurance that actions by state, county, or local welfare agencies are consistent with the rules and protections that Congress has established to provide an effective safety net for them. Equally important, agencies will have fewer inhibitions about ignoring the law, and agency managers will have less ability to make staff comply with the law.
>
> I know that there is great interest in welfare reform. the Senate will have the opportunity in the near future to consider changes in the AFDC program in that context. However, the Gramm amendment does not address the substantive issues involved in welfare reform. Instead, it eliminates the only effective source of legal representation that poor children have on these issues in the states. This amendment, if passed, will deny equal access to justice to our nation's poorest children.
>
> Our justice system is built upon the premise of effective legal representation for all Americans, including poor children and their families. It would be unconscionable for Congress to cripple poor children's ability to secure representation on issues that are so basic to their survival. Please vote against the Gramm amendment. If we can provide you with additional information on this important issue, please contact either Deborah Weinstein (662-3565) or Eileen Sweeney (662-3586) at CDF.
>
> Sincerely yours,
> MARIAN WRIGHT EDELMAN.

Mr. WELLSTONE. Let me just quote two relevant sections:

> In the absence of such representation, AFDC children and families will have no assurance that actions by State, county or local welfare agencies are consistent with the rules and protections that Congress has established to provide an effective safety net for them. This amendment, if passed, will deny equal access to justice to our Nation's poorest children.

"This amendment, if passed, will deny equal access to justice to our Nation's poorest children."

"This amendment, if passed, will deny equal access to justice to our Nation's poorest children." That is what is at issue, that is what this vote is on.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, it is a rather sad day in the Senate, as I see it, because this amendment is going to be adopted; it is going to be adopted because it says something about welfare reform, it says something about whether lawyers can defend the poor and whether the poor have a right to have their say in court when somebody comes along, in any one of 50 States or the Federal Government, and says, "This is welfare reform."

You can cut off all the welfare recipients and say it is welfare reform, and that would probably be unconstitutional. But the fact is you could not get a lawyer to go into court to defend the poor because the language of the amendment, which is as broad as anything could possibly be, says very simply:

> * * * That none of the funds appropriated in this act made available by the Legal Services Corporation may be made directly or indirectly available to any grantee to file or maintain in any Federal or State court—

What?

> . . . any action that would have the effect of nullifying any provision of Federal or State law which seeks to reform welfare.

I do not know how you define reforming welfare. Maybe if you cut it off entirely, that is reforming welfare. Or maybe if you say only a certain number of people, certain women, certain children, certain men can have welfare, maybe that is reforming welfare. But there is not a single word in this proposed amendment that gives any idea, any indication of what you are talking about when you say reforming welfare.

The President of the United States wants to reform welfare; the Senator from Texas wants to reform welfare. I guess that everybody in the country wants to reform welfare. As a matter of fact, I think we could get our violin out and make a tune about it: "Let's Reform Welfare."

But what does it mean to reform welfare? Some people think the way to reform welfare would be to eliminate welfare. Some people think to reform welfare we can say everybody can have a piece of the cake. That is a term that has no definition and, yet, if any poor person wants to go into court to argue, "Please, court, this is unconstitutional, this is discriminatory, this is unfair, this violates any one of my personal rights," that individual cannot get a lawyer unless that individual is wealthy enough to go out and hire a lawyer.

The whole concept of Legal Services was to make it possible for those who do not have the wherewithal to hire a lawyer themselves to be able to get one. I cannot believe that the U.S. Senate is debating whether or not the poor in this country are entitled to basic legal services.

The bill before us is an appropriations bill. It is not about welfare reform. I think that is a proper subject for the Senate to address, the whole subject of welfare reform. But that is not what this bill is about. This is not a bill about Legal Services authorization. That is a fair issue to debate.

But why are we debating whether poor people are entitled to equal access to our courts? Because some in the Senate spend their time figuring out how to make it a little bit more difficult for those who do not have a voice in our society today to be able to participate fully in our society.

I will tell you why we are here. We are here because of the politics of welfare. Some of us cannot pass up any opportunity to beat up on those terrible welfare recipients. All those welfare recipients must be a bunch of goofs, they do not want to work, they just want to have babies, they want to stay home, they are terrible people. That is what some in this Senate would believe.

This Senator does not believe that, and those who have some logic to their thinking know that is not the case. There are people in this country who cannot make it on their own, who want to work, who cannot make it on their own either because they do not have the education, they do not have the training, they have too many children, they cannot get to work, and there are those who would like to take away from them such benefits as we provide under the law. Some of those people are at the Federal level; some of those people are at the State level.

But this amendment says that if anything comes down the pike that is called welfare reform—no definition of what that is—and the poor want to be able to get their say in the courtroom, they cannot have equal justice under the law. The Senator from Texas can have equal justice under the law. He can afford it. The Senator from Ohio can have equal justice under the law. I can afford it. But the poor cannot.

If there is some inequitable, unfair provision of State or Federal law, and you call it welfare reform, then no matter how bad it is and the poor need a lawyer to represent them, they cannot get that lawyer.

Instead of our addressing the many tough issues before us, some of us always go for the easy targets. Oh, such easy targets, poor women and children, those who have no economic or political clout and, unfortunately, not too many of them vote either.

I do not claim that the welfare system is not in need of reform. I will buy that. It punishes the poor who want to work and the poor who want to marry. So there should be some reform. It fosters an almost never-ending cycle of poverty, and clearly there is bipartisan support for some type of welfare reform.

But as much as the welfare system needs reforming, no one should want to achieve welfare reform at the expense of basic constitutional rights, the right to have your day in court.

Basic principles of fairness and justice require that any welfare reform proposals be implemented in accordance with the law. No person, no agency, no government body is above the law, and to suggest that the President or Congress or State governments or welfare agencies should be given free rein to trample on the most basic rights of people, all in the name of so-called welfare reform, is unconscionable, just unconscionable.

There is not any indication whatsoever of a definition of what we are talking about. All the amendment says is that it is called welfare reform, and if there is some State law or Federal law to that effect, you cannot go to the Legal Services Corporation, you cannot get public lawyers to help you, and not one penny will be spent in order to protect you. That is unfair; that is discriminatory.

But this body will adopt it because they will think it is something having to do with welfare reform, and they will be afraid to stand up to the amendment offered by the Senator from Texas.

Some may think that limiting Legal Services participation in welfare reform will not greatly affect Legal Services caseload. Such thinking ignores the fact that 17 percent of Legal Services cases involve welfare, 33 percent of the cases involve family law issues, and a significant proportion of those cases involve child support enforcement.

Welfare reform, depending on how that broad-based term is interpreted, could mean anything from cutting off benefits to instituting child care. Limiting participation in welfare reform issues could, therefore, impact on many types of cases which Legal Services attorneys properly handle.

I know some will always believe the Legal Services Corporation has a political agenda. But working to achieve equal protection and due process under the law for all people is not a political agenda. In my opinion, it is one of the most noble of professions and is in the finest American legal tradition. Why some of my colleagues are so afraid that some overworked and underpaid attorney will undermine their precious political agendas is truly puzzling to me.

I say to my colleagues, read this amendment and tell me, if you decide to vote for it, what does it mean to say that you would cut off funding for any Legal Services organization that would have the effect of nullifying any provision of Federal or State law which seeks to reform welfare.

What does that mean? What does it mean? The Senator from Texas may have his definition, or the Senator from South Carolina may have his definition. The Senator from Hawaii may have his definition. The Senator from New Mexico may have his definition. We may have 100 different definitions, and all the courts in this country can have a different definition. But with this broad-based prohibition, we are saying, "No, poor people, you do not have a right to go into the court. You may have a right. But you do not have a remedy. You do not have a chance to get a lawyer. We are going to cut you off."

We call this welfare reform. You may not think it is welfare reform. But we think cutting off 50 percent of your benefits is welfare reform. We may think that cutting off all mothers who have one, two, or three children is welfare reform. We may think that saying that a man who is the father of a child and not supporting that child is welfare reform. I do not know what the definition is. Maybe the Senator from Texas does.

But I say to my colleagues, read the language. You are intelligent people. You would not be here in the U.S. Senate unless the people of your State thought that you were intelligent. Read the amendment. When you read the amendment, you conclude and say to yourself, what does this really mean? What does welfare reform really mean? I am prohibiting the poor from having a lawyer to represent them in any matter in which there is a claim that the action of the State or the Federal Government is welfare reform.

This amendment should be defeated.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I will not go all night back and forth. I understand we will have a unanimous consent request, and we will vote at 9 o'clock on this amendment. Then the Senator from Alabama, Mr. [SHELBY], will offer an amendment. But I just want to respond very briefly to some of the points. First of all, it is an interesting argument to say that if you are for more welfare, it is not political. But if you want people on welfare to be responsible for their actions and to work and if you do not want to reward people on welfare for having more children, that somehow that is political.

I am not going to make the charge because one of the things I try never to do is to try to look into the heart or the head of my colleagues and try to impugn motives. But it does seem to me, while I would never do it, that one could argue that perhaps there are people who support more welfare because they think it is going to get them votes. But the suggestion that this is only politics, if you believe there are too many people riding in the wagon and not enough pulling it, I think is very hard to sustain, and I reject it.

Second, I am always amazed at how much passion there is for the people that are benefiting from government and how little passion there is for the people that are paying for the Government.

It is almost as if once you put your hand on the Bible and swear to uphold, protect and defend the Constitution, that suddenly your heart is softened to everybody that wants something from the taxpayer but it is hardened to the taxpayer.

Congress has the right to eliminate welfare. Let us get one thing straight. The Constitution did not say you have to give people welfare. Some people need help, and Congress decided to provide it, and if Congress decided tomorrow, and if the States decided tomorrow, to stop it, they could do it. They have a right to do that. We are not violating people's constitutional rights by asking them to work if they are receiving public benefits.

Finally, let me talk about Legal Services. We have not authorized Legal Services since 1980. For 14 years we have not reauthorized this agency. Why? Because it cannot be reauthorized because there are so many grievances against it that Congress will not reauthorize it. If we had a bill, if we had a sunset law that said that if you do not reauthorize things, you cannot fund them, Legal Services would be dead.

One of the things that I am trying to fix here is to eliminate one of the clear abuses that people see that induces them to believe that maybe this is not an agency out to help poor people settle their disputes with their landlords or their disputes with their mates, but it is instead taxpayer funding for a political agenda. People have a right to a political agenda. But they have a right to pay for it.

The final point, if we reject this amendment, the odds are—and everybody here knows it—that with health care reform, the odds are that we are not going to pass the welfare reform bill this year. I would love to pass one this year. I am strongly in support of welfare reform. I would love to pass it this year. But the odds are we will not. It may very well be that this is the only vote on welfare reform this year.

This is a vote on whether or not the taxpayer should be funding an effort to stop welfare reform. So it may very well be that when we adjourn and we go back home that the only action we will have taken on welfare reform will have been a vote on whether or not taxpayer funds should be expended to try to stop welfare reform.

So I think this is a very relevant issue. We could go back and forth all night long. Obviously, I would be happy to do that if people want to do it. But the points are very, very simple. I am not trying to limit people's rights. Everybody has a right to constitutional protection. Everybody has a right to promote their own political cause. What I am saying is the taxpayer, in my opinion, does not want taxpayer funds used to try to block State work requirements for welfare recipients, State welfare reform bills.

If people want to go out and lobby against them, if they want to vote against the people who vote for welfare reform, if they are outraged, as many of our colleagues are, that people would have a requirement in welfare that says you have to work to get welfare benefits, or you do not get more money for having more children once you are on welfare, if people are outraged about that, they have every right to speak against it, campaign against it, vote against people who vote for it.

All I am saying is, in all of this righteous indignation, do it on your own dollar. Do it with your own money. Do not take the taxpayers' money when the taxpayers in overwhelming numbers support this reform program. Do not take the taxpayers' money to promote an agenda that is not the taxpayers'. That is my point. We clearly have a right to restrict funding. We do it every day. We have done it on many occasions.

One of my colleagues brought me a list of restrictions we have imposed in the past on Legal Services. Some of these restrictions are the law of the land today. I am simply trying to add another one, I think an eminently reasonable one.

I think the American people support this. I hope my colleagues will support it.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I know the Senator from Iowa wants to speak, but really there are a couple of points to which I have to respond.

As to the argument that Senators here are saying that welfare mothers and their children ought to have legal representation because we are doing it for political reasons, I guess I would just ask all of my colleagues to think about whether that argument is credible.

Mr. GRAMM. Will the Senator yield?

Mr. WELLSTONE. No, I will not yield at the moment.

Mr. GRAMM. It was the Senator from Ohio who made that statement.

The PRESIDING OFFICER. The Senator from Minnesota has not yielded the floor.

Mr. WELLSTONE. I do not yield. I am simply responding. I was not in the Chamber during the whole debate. I am just responding to what I heard the Senator from Texas say.

As to the argument, Mr. President, that there are Senators who come to the floor who feel strongly that it is a terrible, terrible mistake to pass an amendment that says that women and children cannot have Legal Services representation in challenging any kind of State or local or Federal law that might be passed even before we know what those laws are, which are called reform—so, for example, if a law is passed that black children cannot receive welfare and it is called reform. There cannot be Legal Services representation. How about children with disabilities? No family with children with disabilities can challenge the law because it is welfare reform. Maybe we will have midnight raids, go into homes and find out whether there are men there and pull them out. It is probably an invasion of some kind of right to privacy. It cannot be challenged. That is really the argument we are making.

Second of all, as to the argument about taxpayers' money, again, a little education. I know there are Senators in the Chamber, who are for a lot of big weapons systems; they are for lots of big technology programs; they want to see tax expenditures. Do not take away tax expenditures for wealthy, high-income families. All sorts of subsidies, they are for that. That is taxpayers' money, too. I will not get into specific projects because it gets too personal, Mr. President, but I think everybody understands my point.

AFDC spending as to the total of Federal outlays, .98 percent, taxpayers—.98 percent. Average monthly benefits per family, 1992, $388.

(Ms. MIKULSKI assumed the chair.)

Mr. WELLSTONE. And finally, Madam President, as to this argument that if we should pass this amendment we will deny equal justice to our Nation's poorest children.

As to the argument that if this amendment is rejected, there will not be any welfare reform, I have to say, Madam President, in all due respect, it is simply illogical.

I am for welfare reform. I see nothing inconsistent about my standing in this Chamber and arguing that poor children and mothers should have equal access to justice, represented by Legal Services lawyers, and my being interested in welfare reform, which by the way means that women—because it is almost always, I am sad to say, the women who often have the responsibility for the children—so that women may be able to move to work, in jobs that they can support their children on. If that is welfare reform, I am all for it. Affordable child care, I am all for it. Making sure that mothers do not lose their health care benefits because, presumably, we are going to pass a health care reform bill so we can have real welfare reform, I am all for it.

Madam President, this argument that if this amendment is rejected we will not pass welfare reform makes me wonder what some have in mind when they are talking about welfare reform.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I would just like to at this point in this debate narrow it down and discuss just exactly what we are talking about here.

When I first came to the Senate, we had a little case up in Montana. We raise sugar beets in the Yellowstone Valley in Montana, and we hire a lot of migrant labor every year to thin those beets. And a farmer in the lower Yellowstone Valley usually hired two families. And those families, after they get their work done, because it is contract labor, they go back to Texas.

The Senator from Texas remotely remembers this case as we were trying to go through it and put it all back together, and here is what we are talking about and the inequity that we face every year with people who produce something, who pay taxes, who contribute to a community, who pull the wagon. This is one instance. It is not an isolated instance, by the way. There have been other cases.

But anyway, one of these families that usually works for this particular farmer in Montana goes back to Texas. He tells a third party that if he would go to Montana next spring, I think this farmer might hire you. And so he went.

Well, the farmer said I can only use two of you, but I will do this: I will let you stay here—they provide housing for these folks who work there—but I cannot use you, and you might check around the rest of the farms and you may find work. He never did. So when the season was all over, all three of them then go back to Texas.

Well, this one who did not get hired told Texas Legal Services. Texas Legal Services said, well, they should have hired him. And they sued the farmer in Montana, without even notifying him, in a Texas court and received a judgment, and the court advises the farmer in Montana to come up with the money.

Well, my farmer did not even realize it even happened. So he goes to Texas, and he appeals it. He borrows money against his farm. He puts it in debt—it was free and clear—and at risk. In fact, he put it so far in debt getting this thrown out of court that he could not get an operating loan to put in next year's crop.

He finally got it thrown out, but the worker never risked anything. And this young person who works for Texas Legal Services, he got a lot of experience, but he cost a man his farm. This is not an isolated case. I have others in Montana.

That is what we are talking about here—whenever you go outside and do things with taxpayers' money against taxpayers because they can dry up a small farmer or a small businessman. They cannot stand those legal fees.

If you think health care costs a lot of money, go to court. I am not real sure, but the cost per hour of our doctors might match up with some of these folks who represent us. That is what we are talking about here, and that is why I support in principle this particular amendment. In some way or other, we use our own money to beat ourselves. I do not think that is a thing that was guaranteed in the Constitution.

I wanted to narrow it down to some cases that really happened and why it is important that we take a look at this particular amendment and this particular instance, and bring people, real faces, real lives, especially those people who contribute to the system and contribute to pulling this wagon.

So I rise in strong support of this amendment. Although it would not apply to this particular case, it is a case in point, in principle. I thank the distinguished Senator from Texas for bringing it up. I support it.

I yield the floor.

Mr. HARKIN. Madam President, I have tried to listen to most of the debate. I have read the amendment, so I am aware of what the amendment seeks to do. It almost seems like we are debating whether or not there ought to be a Legal Services Corporation rather than debating this amendment.

Obviously, the story the Senator from Montana told would not be affected by this amendment. This amendment has nothing to do with that case whatsoever. I see the Senator from Montana still on the floor. If I might just ask the Senator from Montana if he would provide me with a cite for that Texas case. I would like to take a look at that. If, in fact, the man in Montana did not receive notification, someone ought to look at the notification provision in the Texas law on what due notification is, if you are being sued in court.

However, I am here to discuss the amendment offered by the Senator from Texas. This is not the first time that the Senator from Texas has attacked the Legal Services Corporation or, in essence, attacked the right of low-income people to secure representation through the Legal Services Corporation of America. I have been here several years, and it seems like every year we have this up in one way or another. The Senator from Texas generally has some amendment that would cut the funding for Legal Services.

I think the Senator from Texas has been quite forthright in his amendments. But I think that he would admit that he thinks there is no real reason for Legal Services. If an amendment came on the floor to cut all funding for Legal Services and draw it to zero, I would guess that the Senator from Texas would support it.

So we have to look at where the Senator from Texas is coming from on this issue. Usually, the Senator from Texas just tries to cut funding for Legal Services in an open, frontal manner, which has not worked in the past. Now the Senator from Texas has raised the issue of welfare reform to cleverly cover another attack on Legal Services. So be it. But I think when we look at the amendment, it really puts us on a very slippery slope toward doing away with fundamental constitutional rights, not just of low-income people but of a lot of people in this country.

The Senator said, for example, in his remarks earlier that there is no constitutional right to welfare. The Senator is correct. There is no constitutional right to welfare in this country. We could, by law, eliminate all of welfare. Perhaps the Senator from Texas would like to do that; I do not know. Perhaps we could become a country where people who are down and out on their luck, or out of a job, could just starve; or perhaps we can be like a Third World country where if you do not have a job, or you are down and out, or maybe have a disability, you can go out on the nearest street corner and beg. We can have every street lined with beggars, with their limbs severed and bellies extended, and they can be out there panhandling in Dallas, Houston, Austin, Des Moines, and every place else. Maybe that is what we want to become as a Nation. I do not really think so.

Again, he said we could eliminate welfare. Well, we can have a debate on that if we want to. That will come up when we have welfare reform proposals. Some of us sincerely want to reform the welfare system in America. As I have said many times, the welfare system in America is unfair to the people who are on it and to the taxpayers of this country. No one wants to reform welfare more than this Senator. In fact, I, along with a Senator from the other side, Senator BOND from Missouri, have introduced the first bipartisan welfare proposal. In fact, if I am not mistaken, I think we now have more Republicans than Democrats on it. That proposal is based upon what we did in the State of Iowa. It does provide for more responsibility on the part of people who receive welfare, but it has provisions for people to get off welfare and become self-sufficient.

So I commend the Senator from Texas if he is really interested in welfare reform—not doing away with it but reforming the system and making it into a system that truly enables people to become self-sufficient. I commend him and ask him to look at the Iowa welfare reform proposal. I know the Senator from Texas is spending a lot of time in Iowa these days, and perhaps he might want to look at what they have done.

I point out to the Senator from Texas that the welfare reform proposal in Iowa passed the Iowa legislature with only one dissenting vote. It was supported by conservative Republicans and liberal Democrats and moderates in between, and it was signed into law by a conservative Governor of Iowa, a Republican, Governor Branstad. Perhaps the Senator from Texas, if he is truly interested in welfare reform, might want to look at what we did in Iowa and look at the welfare reform proposal Senator BOND and I have introduced.

I agree that there is no constitutional right to welfare; but if we do in fact provide welfare, then we must do it in accordance with the Constitution of the United States. That is where the Senator from Texas loses his argument. Again, we can debate whether we should have welfare or not. We will do that later. But if in fact we provide welfare, it must be done in accordance with the Constitution. Surely, the Senator from Texas would not say we can trample on the Constitution, throw all the constitutional protections and rights out the window in providing welfare.

For example, could we provide welfare to whites and not to blacks, as the Senator from Minnesota said? Of course, we could not do that. Could we say, "You can only get welfare if you are over 21 and if you have a high school education, but other people cannot?" No, we could not do that. So, again, if we provide welfare, we must do it in accordance with the Constitution, in accordance with the equal protection clause and the due process clause. I do not believe the Senator from Texas could argue that we can trample on the due process clause or the equal protection clause of the Constitution in providing welfare.

I see the distinguished majority leader is on the floor and would like to have some time. I wonder if I could yield to the majority leader without losing my right to the floor, and I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator's right is protected.

Mr. MITCHELL. I thank my colleague for his courtesy.

I discussed this matter with the distinguished chairman; the ranking member, the Senator from Texas; the Senator from Iowa; the Senator from Minnesota; and others. I will now propound a unanimous consent request to govern the proceedings on this bill during this evening.

UNANIMOUS CONSENT REQUEST

Mr. MITCHELL. Madam President, I ask unanimous consent that the time between now and 7:20 p.m. be equally divided between Senators GRAMM and WELLSTONE, or their designees; that at 7:20 p.m. Senator SHELBY be recognized to offer his amendment regarding child support enforcement; that there be a time limitation of 20 minutes on Senator SHELBY's amendment and that Senator SHELBY control that time; and that upon the use or yielding back of that time, Senator SHELBY's amendment be laid aside; that at 9 p.m. the Senate vote on Senator SHELBY's amendment; that upon the disposition of Senator SHELBY's amendment, Senator WELLSTONE, or his designee, be recognized to move to table Senator GRAMM's amendment, and, if the amendment is not tabled, the amendment continue to be debatable; and that no amendments be in order to Senator SHELBY's amendment.

The PRESIDING OFFICER. Is there objection?

Senator HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I do reserve the right to object. I have been waiting some time to speak. I have a lot I want to speak on this amendment. I do want to read from the actual case in New Jersey that is the subject of the ongoing amendment. I would like to read from this and a few other documents to make the case against this amendment.

I am not certain that I can finish that in a half-hour and that would be all the time that would be allotted to this side.

I see the Senator from California wishes to speak. I would assume the Senator from Texas probably wants to respond to what the Senator from Iowa has said, and I may want to rebut that later on after he speaks.

Certainly 1 hour is not going to permit that to happen. I hope that we might have more time than that.

I understand the majority leader's interest in moving on, but I believe this issue is one of the more important issues that we will confront here on the floor. It has to do with constitutional rights. We are receiving letters and communications from the administration even as we are on the floor regarding this amendment.

So I really do not think that a half-hour is going to be enough time.

The PRESIDING OFFICER. Does the Senator object?

Mr. HARKIN. I am talking so maybe the majority leader might extend the time a little.

Mr. MITCHELL. Let me make a few points.

The PRESIDING OFFICER. The Senator has reserved the right to object.

Mrs. BOXER. I object at this point.

Mr. GRAMM. Madam President, reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRAMM. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I just have a question.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Wait. The Senate must come back to order.

The Senator from Iowa was recognized. He yielded to the majority leader for the purpose of propounding a unanimous consent request, reserving his right to the floor. That consent request was agreed to.

The majority leader just propounded a unanimous consent request. The Senator from California objected.

So the Senator from Iowa now has the floor.

Mr. MITCHELL. Madam President, I would like to ask if the Senator will permit me to determine why it is that Senators are objecting so that I might accommodate their concerns in doing this as I do.

Mr. GRAMM. Madam President, will the Senator yield?

Mr. HARKIN. I reserve the right to the floor, Madam President.

Mr. GRAMM. Will the distinguished Senator from Iowa yield for 1 minute so I may respond?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent to yield such time as he may want to the majority leader as long as this Senator from Iowa reserves his right that upon the ending of the time the majority leader has I reserve my right to the floor. Of course, if the majority leader wants to yield to the Senator from Texas for a colloquy, that is fine with me. I want to reserve my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Will the distinguished leader yield?

Mr. MITCHELL. Yes.

The PRESIDING OFFICER. Without objection, the majority leader has the floor.

Mr. MITCHELL. Madam President, I am pleased to yield to the Senator from Texas.

Mr. GRAMM. Madam President, I say to my colleagues as I look to the unanimous consent request, we would go on this amendment until 7:20. Then Senator SHELBY would be recognized and that debate would be limited to 20 minutes. So at 7:40 we would be back on this amendment or on other amendments and we would still have an hour and 20 minutes before we vote.

Either other amendments could be offered or we could go back to this amendment. So the Senator would not be limited, as I understand the unanimous consent request, from debating this amendment after the hour of 7:20 had been reached.

I would like to ask him to please reconsider the majority leader's proposal. We will still have an hour and 20 minutes left if someone wanted to use it for this purpose after Senator SHELBY has presented his amendment. I think I am right.

Mr. MITCHELL. Madam President, I would like to point out that we have been on this amendment now for more than 2½ hours. It is an important amendment, as is every amendment, and every Senator's comments are important. But we are talking about 30 minutes ago when I got what I thought was an agreement to have an hour and half of debate. While we were trying to get everybody to agree to it and get it typed up, 30 minutes elapsed, and so the consent provided for 1 hour.

Now, if the Senators would like some additional time, tell me what they would like, and then we will try to accommodate them.

The Senator from California would like how much time?

Mrs. BOXER. Fifteen minutes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. MITCHELL. Madam President, I am trying to find out what people want because I cannot accommodate anybody if I do not know what they want.

Maybe I can do this, Madam President. Why do I not suggest the absence of a quorum and everybody come down and tell me what they want and then we will get the agreement.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the time between now and 7:40 p.m. be equally divided between Senators GRAMM and WELLSTONE, or their designees, but out of that time Senator BOXER be recognized for 15 minutes of Senator HARKIN's time and Senator HOLLINGS be recognized for 5 minutes of Senator GRAMM's time; that at 7:40 p.m. Senator SHELBY be recognized to offer his amendment regarding child support enforcement; that there be a time limitation of 10 minutes on Senator SHELBY's amendment, and that Senator SHELBY control that time; and that upon the use or yielding back of that time, Senator SHELBY's amendment be laid aside; that at 9 p.m. the Senate vote on Senator SHELBY's amendment; that upon the disposition of Senator SHELBY's amendment, Senator WELLSTONE, or his designee, be recognized to move to table Senator GRAMM's amendment and, if the amendment is not tabled, the amendment continue to be debatable; and that no amendment be in order to Senator SHELBY's amendment.

Madam President, I think I misspoke. I believe I said the time should be divided between Senators GRAMM and HARKIN, and I should say the time should be divided between Senators GRAMM and WELLSTONE. That is the control of the time on this side of the aisle.

The PRESIDING OFFICER. That is what the majority leader said.

Is there objection to the majority leader's request?

Mr. HARKIN. Madam President, reserving the right to object, I just want to ask, at 8 o'clock, between 8 and 9, then the floor is open for anything? Anybody can talk about anything? Or are we coming back on the Gramm amendment at 8 o'clock?

Mr. MITCHELL. It is my hope that we can get another amendment up in that time, debate another amendment, and vote on that as the third vote in succession after 9 o'clock. That is our hope and intention.

Mr. HARKIN. So the majority leader is saying really that in 1 hour and 10 minutes we are done with this amendment?

Mr. MITCHELL. We are done with the current debate. But I point out to the Senator that a vote occurs at approximately 9:20. If the Senator's side prevails, we are done with it. If the Senator's side does not prevail, he retains the right to debate further.

Mr. HARKIN. I appreciate that.

I have no objection.

The PRESIDING OFFICER. Without objection, the majority leader's request is agreed to.

Mr. MITCHELL. I thank my colleagues.

The PRESIDING OFFICER. Under the previous unanimous-consent request, the Senator from Iowa has the floor.

Mr. MITCHELL. Madam President, will the Senator yield for just a moment?

Mr. HARKIN. Yes.

Mr. MITCHELL. Senators then should be aware that there will be no votes between now and 9 p.m., but at 9 p.m., there will be at least two votes and possibly a third if the managers are able to get another amendment up and debate it during that time.

I thank my colleagues again for their cooperation, and I thank the Senator from Iowa for his cooperation.

Mr. HARKIN. I thank the distinguished majority leader.

The PRESIDING OFFICER. Who yields time to the Senator from Iowa?

Mr. WELLSTONE. Madam President, I yield 15 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa may proceed for 15 minutes.

Mr. HARKIN. Madam President, I believe where I left off—and I will correct the RECORD to show this—I was saying that we cannot indeed have a welfare system if in fact we do it unconstitutionally.

The Senator from Texas said that people might want to challenge welfare reform or the constitutionality of it, but the taxpayers should not have to pay for it.

Well, if there is indeed a right to challenge laws passed by Congress or State legislatures on constitutional grounds, but the courthouse door is effectively blocked since the challenger cannot hire an attorney and cannot pay the fees, then, indeed, that legal right becomes a very hollow right.

Madam President, I would refer back in history to voting rights. Certainly we had the right to vote under the Constitution of the United States. But, as we know, many States set up barricades to voting—poll taxes that people could not pay, reading tests that people could not pass. And so, in 1965, the Congress passed the Voting Rights Act to ensure that the right to vote in America was not just a hollow right.

The same is true of civil rights; and the Americans With Disabilities Act, guaranteeing the rights of people with a disability. All of these things we have done to ensure the constitutional rights that people have are not just indeed hollow rights.

But the Senator from Texas went on to say that taxpayers should not pay for it. He says taxpayers do not want their money to be used to challenge work rules. Well, I believe—that might be right, unless taxpayers really knew what was at stake.

I believe that taxpayers just as strongly do not want peoples' constitutional rights trampled on—theirs or anybody else's. Because if we trample on the constitutional rights of one individual today, tomorrow it may be you, and next week it may be me.

So I think taxpayers understand full well that people ought to be constitutionally protected in their constitutional rights. And if a person does not have the means to hire an attorney to protect those constitutional rights, I believe taxpayers would say the Government ought to provide that to people so they can protect their constitutional rights and then it does not become a hollow right.

I believe the establishment of a Legal Services Corporation has been well supported by the people of this country. We have had amendments to constrict it and change it, which is fine. But the underlying premise of Legal Services to protect people's constitutional rights, is something I think the taxpayers would not want to change.

I would ask the Senator from South Carolina, the distinguished chairman of the subcommittee—if we say we should not use taxpayers' money to allow a low-income person to challenge the constitutionality of a law that we pass, why do we not say that corporations and law firms cannot use tax deductions to challenge tax laws that we pass?

Mr. HOLLINGS. Do you want me to answer that?

Mr. HARKIN. I yield to the Senator, if he wants to answer that, sure.

Mr. HOLLINGS. You asked if taxpayers could challenge the constitutionality of the laws we pass. I am glad you asked it that way, because we might get back to what is at issue.

No law that we passed is constitutionally being challenged. What law is being challenged is the law in the State of New Jersey.

Mr. HARKIN. Precisely; the Senator is right.

What is being challenged is a State law.

Mr. HOLLINGS. That is right.

Mr. HARKIN. So I would direct the attention of the Senator from South Carolina to the language of the amendment. What is at issue is indeed a State law. But the amendment says Federal or State law. It does not just say State law. So the amendment reaches to laws passed by the Congress, does it not?

Mr. HOLLINGS. Let me get right to the point. You folks over there on Labor and Human Resources, the labor and human services department of Government is very capable and full of lawyers. All of you who serve on this committee are running around here questioning the thing. You do not need the limited Legal Services Corporation to get involved in suing the States of America.

Now that is what this is about. They are suing the State of New Jersey. I can well see where it is coming from. Many Senators are interested in this, and I respect them.

But I am trying to save Legal Services. This is not about welfare reform. This is about saving the Legal Services Corporation in this particular appropriations.

When you get off away from these cases for the poor—I can tell you right now, I really love one sentence. The distinguished Senator from Massachusetts said, "Only 15 percent of the demand is cared for in Massachusetts"; 15

percent of the demand is cared for. That means 85 percent are not getting what you are talking about—their constitutional rights protected.

And the distinguished Senator from Minnesota says, "Don't tell me there are people that want to see women and children denied their right to be represented."

There are. Us. We are not giving them enough money for the 85 percent in the State of Massachusetts. We are the ones denying them. That is your theory.

I am trying to save this department. You all are way off on a toot relative to welfare, stereotypes, who is for the Legal Services Corporation, who is against it, fundamentally, and all those other things.

So the answer to your question is: If you will leave us alone, we will be able to provide for the Legal Services Corporation and go ahead and debate welfare reform at another time.

Mr. HARKIN. Madam President, I appreciate what the chairman has said.

Mr. HOLLINGS. Yes.

Mr. HARKIN. I think what we really have to do is take a look at the case in point.

Mr. HOLLINGS. That is right.

Mr. HARKIN. C.K., et al., Plaintiffs versus Donna Shalala, Secretary, United States Department of Health and Human Services, et al., Docket 93-5354. Here is what it is about. It is about the impact of child exclusion on plaintiffs.

The State of New Jersey has passed a law saying that a woman who has received AFDC for any month within the 10 months preceding the birth of any child shall be excluded from receiving benefits for that child if in fact she had been on welfare before. She would be denied benefits.

There is a lot of talk about women who have extra children should not be given those benefits. We can discuss that in welfare reform.

What happened, then, in New Jersey? Let us look at this case, the parents receive AFDC, and they had more children. "Most of the women plaintiffs did not intend or plan to have additional children when they became pregnant."

Let us read some of the cases:

B.C. was brutally raped in front of her sons. Q.A. became pregnant when the father of her first child, who had previously left her, overpowered and forced himself on her when she went to his apartment to retrieve some personal items.

Then we list a whole bunch of other women—they are using their initials—who became pregnant even though they were using birth control regularly. It goes on and on about all of these people:

B.B. became pregnant despite correctly using a 99 percent effective contraceptive prescription.

B.C., who became pregnant by rape, felt very depressed and could not decide what to do about her pregnancy. She decided against an abortion because she believes it is wrong.

We talk a lot, but we do not talk about the real facts in the case in front of us. As I said before, if we are going to provide welfare, can we just say to a woman: We do not care. You may have been using contraceptives, you may have been raped—we do not care. If you have another child, you do not get any welfare for that.

That is, in my opinion, unconstitutional. But who is going to fight for that woman unless it is Legal Services.

The Senator from South Carolina says he is fighting to save Legal Services—for what? To do what? To just do nothing? To my way of thinking, Legal Services is there to fight for people who believe that their constitutional rights have been trampled on. Why do you want to save Legal Services if they cannot fight for low-income people?

I might add here, Madam President—maybe I am the only Senator here who was a Legal Services attorney. I take great pride in that. In fact, one of the proudest periods of my life, except for serving in the military, was when I was a Legal Services attorney.

I will tell you, Madam President, as a Legal Services attorney you see some pretty tough cases. I saw these cases. When I hear all this talk about Legal Services—I have seen the tightening down of Legal Services that has happened since I was a Legal Services attorney. A lot of it I did not agree with, but that was the mood of the Congress at the time. I think to pass this amendment would be the most egregious trampling on the constitutional rights of people in this country—not just poor people—that we have seen at least since I have been in the Senate.

So again, if we want to save Legal Services, we ought to ask what are we saving them for? If they cannot even take these kinds of hard cases, where a State law has blatantly trampled on the constitutional rights of people? If Legal Services cannot even represent them, do away with Legal Services. Then it becomes a sham. So we might as well do away with it.

The Senator from South Carolina says he wants to help save it but I ask, what for, if they cannot even take these kinds of cases and help people who have been raped and made pregnant through no fault of their own? Again, we have to look at the actual case in front of us and not talk about something that is not real. This is a real case. It is real people. You can read it in the docket that has been filed in the U.S. District Court of New Jersey.

Madam President, again, this amendment is one that puts us on a slope. What next?

I ask the Senator from Texas, what next? Do we then say to veterans: We are going to carve veterans out. If you are a veteran and you are low income, sorry, Legal Services cannot represent you?

We could do that, could we not? Of course we could. We could say, if we have a change in veterans benefits laws and veterans who put their lives on the line for their country, who are down on their luck, who are out of work, who may be on welfare, who are low income, and who want to challenge the constitutionality of what we did or what the State did—sorry, you cannot do it. Why do we not do that? Why do we not just take this amendment and extend it to veterans, and say that no veteran can challenge any State or Federal law that seeks to terminate or in any way change veterans benefits?

How many votes do you think that would get around here?

So, again, I think when we start doing this kind of exercise, we put ourselves in a terrible position of moving on to other groups and excluding other groups from their constitutional rights.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from Attorney General Janet Reno in opposition to the amendment offered by Senator GRAMM. Also, a letter from the Iowa State Bar Association, a resolution in support of the Legal Services Corporation.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, July 21, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that the Department of Justice opposes the amendment offered by Senator Gramm (R-TX) to the FY 1995 Commerce, Justice, State and Judiciary Appropriations bill that would restrict the use of funds of the Legal Service Corporation from being used in lawsuits concerning the Federal Government's or a State's distribution of an individual's welfare benefits.

This Administration strongly supports reforming the welfare system. However, we are also concerned with protecting the legal rights of our citizens. Legal Service Corporation programs defend the rights of low-income people by providing them representation for issues of vital importance to them and their families. Any restrictions on legal services programs in providing this representation would severely limit poor people from obtaining legal counsel to resolve welfare and family law issues.

I urge you and your colleagues to oppose this amendment. Thank you for considering the Department's views on this matter.

Sincerely,

JANET RENO.

IOWA STATE BAR ASSOCIATION

RESOLUTION

Whereas, equal access to our system of justice is essential to all Americans, including those unable to afford legal assistance, and

Whereas, since 1965 federally funded legal services programs have played a major role in providing legal assistance to low income Americans, and

Whereas, the availability of legal services has helped promote a faith in our system of government and respect for the rule of law, and

Whereas, federally funded legal services programs are vastly under-funded to carry out its essential functions and in today's dollars is funded at only 48% of the level funded in 1981, and

Whereas, the number of legal services offices serving the poor nationally has declined by 36% since 1980 and the number of lawyers has fallen from 6,559 in 1980 to 4,651 in 1993, while in Iowa there are five fewer offices and at least twenty-five fewer lawyers. Now therefore be it

Resolved, that the Board of Governors of The Iowa State Bar Association joins with the American Bar Association and bar associations from all over the country, in calling for Congressional support of the $500 million federal legal services appropriation included in President Clinton's budget.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mrs. BOXER. Madam President, under the unanimous-consent agreement, at this point am I entitled 15 minutes?

Mr. WELLSTONE. Madam President, I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I rise not as a member of the Labor Committee but as a Member of the U.S. Senate and an American citizen, to strongly oppose the Gramm amendment.

Before I make my comments, I ask unanimous consent that a letter dated July 21, 1994 from Janet Reno, Attorney General, in opposition to the Gramm amendment be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, July 21, 1994.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that the Department of Justice opposes the amendment offered by Senator Gramm (R-TX) to the FY 1995 Commerce, Justice, State and Judiciary Appropriations bill that would restrict the use of funds of the Legal Service Corporation from being used in lawsuits concerning the Federal Government's or a State's distribution of an individual's welfare benefits.

This Administration strongly supports reforming the welfare system. However, we are also concerned with protecting the legal rights of our citizens. Legal Service Corporation programs defend the rights of low-income people by providing them representation for issues of vital importance to them and their families. Any restrictions on local services programs in providing this representation would severely limit poor people from obtaining legal counsel to resolve welfare and family law issues.

I urge you and your colleagues to oppose this amendment. Thank you for considering the Department's views on this matter.

Sincerely,

JANET RENO.

Mrs. BOXER. I think Attorney General Reno puts her finger right on the issue when she says, "This administration strongly supports reforming the welfare system." Indeed, I might say to you, Madam President, it is the Clinton administration that recommended reforming the welfare system. She goes on to say:

> However, we are also concerned with protect the legal rights of our citizens. Legal Service Corporation programs defend the rights of low-income people by providing them representation for issues of vital importance to them and their families. Any restrictions on legal services programs in providing this representation would severely limit poor people from obtaining legal counsel to resolve welfare and family law issues.

She closes with these words:

> I urge you and your colleagues to oppose this amendment. Thank you for considering the Department's view on this matter.

I commend Senator HARKIN for his comments. He has been in the trenches. I am not an attorney but I did volunteer for a Legal Services Corporation in my home county many years ago. Senator HARKIN is right. There are a lot of tough situations out there: People dealing with difficult and abusive relationships; people dealing sometimes with agencies that do not treat them fairly because they are poor. These people need an advocate and that is the reason the Legal Services Corporation was set up and that is why I think this amendment does a great trauma to the Legal Services Corporation Act. I would like to read in part from title 10, Legal Services Corporation Act in the Statement of Findings and Declaration of Purpose.

> The Congress finds and declares that—
>
> (1) There is a need to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances.
>
> (2) There is a need to provide high-quality legal assistance to those who would be otherwise unable to afford adequate legal counsel and to continue the present vital Legal Services program.
>
> (3) To preserve its strength, the Legal Services program must be kept free from the influence of or use by it of political pressures;
>
> (4) Attorneys providing legal assistance must have full freedom to protect the best interests of their clients in keeping with the code of professional responsibility, the canons of ethics and the high standards of the legal profession.

Madam President, when you tamper with the spirit and the letter of this act, it seems to me you are, in essence, reversing the purposes of the act. The act does not say help poor people except where they need it most, and when it comes to their survival.

I think if we vote for the Gramm amendment, we turn our backs on the mandate of the Legal Services Corporation, a corporation that was established to "provide equal access to the system of justice for individuals who seek redress of grievances."

I agree with the Senator from Iowa when he says he believes the true motive behind this amendment is to do away with the Legal Services Corporation. Why do I say that? I say that because one-third of Legal Services cases deal with family issues, and many of these involve child support, one of the cornerstones of the welfare reform debate. I think it is very important to note that welfare reform initiatives target a wide range of programs from health care to nutrition, to disability benefits, to child care. This amendment would not allow Legal Services to assist these Americans on the issues that matter to them the most.

I ask my colleagues to think about a real situation. Let us say one of the States adopts a welfare reform program that is very sound, very good, very fair and very just, except it has one part of it that may not be so fair, and that part might deal with, for example, child care.

It may say in a particular State that people who are in this program have to send their children to a particular child care provider.

Mrs. BOXER. So you have a welfare reform system in a State that is pretty good, but it has one part that requires children to be sent to a certain type of child care center, let us say a child care center that has no rules or regulations about the child care provider.

Let us say they do no check on whether the people who work in this child care center have criminal records, perhaps records where they have abused children, perhaps records that we feel would be detrimental to those children, creating a situation where they may be harmed, physically or mentally.

Let us say that a mother sues because she wants to stop this type of abusive situation from continuing, and wants to get the child out of this child care center. Under the Gramm amendment, that mother or that father would not have the right to counsel. That is just one example.

There are other examples. Suppose another State has a terrific welfare system, except one part of it says that people have to work 15 hours straight. Subsequently, the individual who is in this program wants to make the case that this is unconstitutional, that it is against the law.

That individual would not have the ability to seek redress through the Legal Services Corporation. We are not talking about people, Madam President, who can fly into Washington in their pinstripe suits and knock on the doors of Senators or Members of Congress, and have expensive lawyers and lobbyists to speak for them. We are speaking about people who are struggling to put food on the table, people who are concerned about their survival. They do not have the ability to pay for an attorney.

So, yes, we can imagine welfare reform as we would like to imagine. I am anxious to get to welfare reform. I believe people should work, and I believe we need to be tougher on some of our rules, but I do not want to take away the rights of a recipient to say, "You know what, this State is violating my rights, or is harming my child," and that is what this would do.

It really hits to the core issues here because Legal Services Corporation is about helping people where they need help. It is not about helping them on some abstract issue. It is about the real issues they face, issues of life and death, survival, child care for their children, working conditions, food on the table.

I cannot imagine why any Senator—I really cannot—would want to take away the right for any American to be heard in the court. The America that I know says we have a level playing field, that we have a level playing field for all our people.

That is why we have a public education system that I am happily a product. Without it, I would not have been able to go to college. My mother never even graduated from high school. But I was able to get a free public education because of the wisdom of people in the Senate and the House and in the Presidency who understood the fact that what makes America great is that we have a level playing field for all our people. And that, Madam President, should not be cut off at the courthouse door.

In closing, I will just say if we bar Legal Services from handling these kind of welfare reform cases today, what will there be tomorrow? Maybe we will come back and say they cannot handle wife-beating cases. Maybe we will come back and say they cannot handle child-abuse cases or cases of environmental hazards which result from some fatal fumes that come into some of our neighborhoods.

I hope that we will not adopt this amendment. I hope that we will recognize that what we are doing today, if we adopt the Gramm amendment, is essentially harming all Americans because we are all as strong as the sum of our parts.

I thank you, Madam President, for this opportunity to participate in this debate.

I yield the remainder of my time to my friend, Senator WELLSTONE.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Madam President, first of all, let me thank the Senator from California for her powerful and eloquent remarks.

I wonder whether I could ask the Senator from South Carolina, I have a situation where the Senator from New Jersey wants 5 minutes to speak, but the Senator from Maine also wants 5 minutes to speak. Could I ask unanimous-consent to get to 10 additional minutes?

Mr. DOMENICI. You can have 5 minutes of Senator GRAMM's time.

Mr. WELLSTONE. I thank the Senator from New Mexico. I give the Senator from New Jersey 5 minutes and the Senator from Maine 5 minutes, if I only have 10 minutes left.

The PRESIDING OFFICER. The Senator from Minnesota has 6 minutes and 5 seconds left.

Mr. WELLSTONE. My understanding is, Madam President, the Senator from New Mexico will yield me an additional 5 minutes.

Mr. DOMENICI. That is correct.

The PRESIDING OFFICER. Is that a unanimous-consent request?

Mr. DOMENICI. I just yield Senator GRAMM's time.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). Then the Senator from Minnesota has a total of 11 minutes.

Mr. WELLSTONE. A total of 11 minutes. Then I give the Senator from New Jersey 10 minutes and the Senator from Maine 1 minute.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. I thank the distinguished Senator from Minnesota and the distinguished Senator from Maine.

Madam President, I rise in strong opposition to the amendment of my colleague from Texas. I understand that the Senator from Texas, both in the subcommittee and on the floor, has mentioned welfare reform efforts in my State of New Jersey to support his proposition that Legal Aid lawyers should be prohibited from challenging State welfare reform efforts. I would like to talk a little bit about New Jersey law, because I think my colleague from Texas will realize that this amendment will actually make it more difficult, not easier, for Congress and the States to experiment with real welfare reform.

Three years ago, the New Jersey Legislature passed five bills that put our State far ahead of others in testing some new ideas to get people off welfare and into the work force. Most people have heard of only one of those bills, the one which says if you conceive a child while you are on welfare, you will not receive the additional benefits that a larger family would normally receive. It has been called the $64 question because that is the difference between what a family with two kids receives in New Jersey and what a family with three kids gets. I looked at that provision in the light of the rest of the welfare reform initiative. It would take away $768 a year from a family that already does not have enough money to live on. But it also might encourage people to realize that bearing additional children while on welfare hurts the life chances of all their children. And it was balanced with incentives, such as allowing people on welfare to marry someone who earns up to about $16,000 without losing benefits, or to earn more through part-time work without losing benefits.

I looked at the whole package, and I decided to support it, including the family cap, as a matter of policy. A lot of people disagree with me. Some people I respect believe that it is always wrong to hurt a child because of the actions or irresponsibility of his or her parents. Others would support a family cap even with no other incentives. Those are the questions we were elected to resolve. Although this was a State law, it required a Federal waiver and the State asked for my help. I helped because I decided it was a policy worth testing.

But there was another question raised about the New Jersey family cap: Is the law constitutional? No State had ever done anything like this before. There was no line of clear legal precedent. The State was saying that if a family of three—a single mother with two children—is entitled by law to benefits of $440 a month, it would deny part of that benefit to some families because their second child was born after the mother began receiving AFDC. Does that constitute discrimination against some families? Does it unconstitutionally push people to choose to have an abortion? Does it violate the equal protection clause of the U.S. Constitution or provisions of the State constitution? Did the Federal waiver violate Federal administrative law? Is there due process in the denial of benefits?

Those are legitimate questions of constitutional and statutory interpretation. But I did not have to consider them. I would remind my colleague from Texas that these are not the questions that we were elected to resolve. These are questions for courts and judges to resolve. The Senator from Texas said in the subcommittee that those arguments are "going to be laughed out of the courthouse." He may be right. Certainly the case in California was not laughed out of court. But if he is right about the New Jersey case, I do not understand why my colleague would want to bar the door to that courthouse. If there is laughing to be done, let the judge do it, not us.

Suppose the amendment of the Senator from Texas was law in 1991. I have to decide whether to support the family cap in New Jersey. I have to weigh all the policy considerations just as I did at the time. I want to leave the questions of legal interpretation to a court. But if the Senator's amendment prevails, then I have the knowledge that the people with standing to challenge the law may never get access to a court. I have to make the decision myself. And I am naturally going to be very cautious. I do not want to be responsible for an unconstitutional law that cannot be tested. Neither do our counterparts in State legislatures. The end result will be less experimentation, less innovation, and more of the same on welfare.

Welfare is not a right. It carries with it a responsibility to care for one's family, to plan sensibly for the future, and to make every effort to become economically self-sufficient through work or marriage. That principle will be at the heart of every serious welfare reform initiative. But that means every welfare reform initiative is likely to raise new questions about rights and responsibilities. Many of those questions will have to be resolved in court. But instead of condemning those who bring those challenges in court, we ought to thank them. They free us to innovate and experiment, without being restrained by the fear that our policy might be unconstitutional.

If the Senator from Texas is serious about welfare reform, is serious about constitutional rights, and is serious about respecting the distinction among the branches of our Government, frankly, I think he should withdraw the amendment because it offends on all of those grounds. It will, in my view, be a wrong direction for us to take. There will be less reform. Whether you are for or against the family cap, standing alone, which I would not be, whether you are for the family cap as a part of a five-package State welfare reform proposal that had an upside potential of $16,000 more and a downside potential of losing $768, you will be less likely to take these kinds of innovative chances, if people who have standing but who are poor cannot have Legal Services represent them to bring their case that might differ in their view of the Constitution.

So, Madam President, I strongly oppose this amendment offered by the distinguished Senator from Texas. I think a lot of points have been made about the New Jersey law. The New Jersey law might never have been passed had this amendment been in existence in 1991, and there would be less experimentation in welfare reform, not more. We need more experimentation, not less, in order to get people off welfare and into jobs.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I think we all agree that the welfare system is broken and needs to be fixed. And the States in fact are experimenting and want to continue that experimentation to reform the system in a way that will break the cycle of dependency. But we should want our States to pass laws that are consistent with Federal policy and consistent with the Federal Constitution.

We are now saying that, if we accept the Gramm amendment, the poor may have their rights violated, but they no longer have the keys to the courtroom. It reminds me of a similar argument made in this Chamber in the past. When you do not like a Supreme Court decision, you simply try to limit the jurisdiction of the Supreme Court. Time after time we have rejected that approach.

It is similar in this particular case because now we are saying we do not like court decisions in New Jersey or California, and so we will just prevent the poor from getting to court to raise these kinds of issues.

Madam President, I think this amendment contravenes the declaration engraved on the pediment over at the Supreme Court: "Equal Justice Under Law."

This amendment is not consistent with that declaration, and we ought to defeat it.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Who yields time?

Mr. DOMENICI. I yield such time off Senator GRAMM as he needs.

Mr. HOLLINGS. I will take that time.

Madam President, right to the point. This thing has gotten into a welfare argument, which is not the case at all. You would think listening to all of these folks around that there were no lawyers in this city. We have lawyers coming out of our ears in the Department of Health and Human Services. And I can tell you and guarantee you that—and these distinguished Senators have oversight in the committee—if those lawyers are not protecting the rights of AFDC recipients, all the rest of them, these particular programs, SSI, Supplemental Security Income, and the welfare women and children and everything else like that—we know all these lawyers.

The Legal Services Corporation never was organized for this particular purpose. We have to try to do what they are talking about, getting individual poor people into the courthouse to get equal justice under the law. I can tell you this is a questionable program. I have had the dickens of a time holding up the budget.

So we come right to the point of the amendment of the Senator from Texas. He is saying let us not use the money from Legal Services to sue the States who are out there trying to put in these particular programs. I cannot understand the logic that, if you pass this amendment, it is going to be, as the Senator from New Jersey says, less innovation. I tried to listen as closely as I could. But I can tell you now that, to go home and start saying that they are suing the States and they are not looking out for the poor people, they just have special interest groups and the special interest groups want to use the Federal till to help in these cases, is assuming we did not have lawyers to sue States.

Madam President, I agree with what she said. But that is not to the point. Janet Reno says here that:

> We are concerned with protecting the legal rights of our citizens. Legal Services Corporation programs defend the rights of low-income people by providing them representation for issues of vital importance to them and their families. Any restrictions on Legal Services programs in providing this representation would severely limit poor people from obtaining legal counsel to resolve welfare and family law issues.

Amen. We can agree on that. Why? Here is the booklet that was read from by the distinguished Senator from Massachusetts. I read from it. He was quoting Senator Rudman. He did not read this part. And this is the problem:

> While poor people's needs for legal services have grown dramatically over the past decade, the resources available to address those needs have continued to decline. Federal funding for legal services is about 52 percent less now than it was in 1981 when adjusted for the increased cost of services and a growing client population. Far fewer neighborhood law offices exist today than in 1980, and those remaining see many more clients coming through their doors. Whereas, the general population enjoys the ratio of 305 people per attorney, for poor people that ratio soars to over 10,000 to 1. Even with the increased pro bono efforts of the private bar, recent studies in several States all point to the same dismal truth. Only a small percentage of the legal needs of the poor——

Senator WELLSTONE.——

> ——can be met with the current level of funding.

Then another little paragraph. I will skip over to another page:

> Federally funded Legal Services programs throughout this country are the best hope America has of utilizing its promise of equal access to justice for all citizens. But today those programs, and their partners in the private bar, are able to meet only a fraction of the legal needs of the poor people.

That is what I am trying to hold the money for, the poor people and for welfare. Do not say these people around here never worked. Do not come around here and lecture me on how it is going to ruin them, and every woman with the constitutional rights, and all of that. That is exactly what we are trying to do. When the Senator from Minnesota asks—do not tell me that there are people who want to see women and children denied their rights to be represented. The answer is they are people; you and I. We are not giving them enough money, is the point. If you go off and allow them to join in these super-duper cases where there are plenty of lawyers to sue the States on their welfare reform programs when everybody in the Congress is saying we need welfare reform and the States try to put it in, whether you agree or disagree, that is up to the States.

But let us not use this good money for poor people to start suing the several States of America. That is really what is going to ruin Legal Services Corporation. I can guarantee it. If you have any sensibility at all, this has nothing to do with welfare reform. It has to do about suing the States with limited resources that we have here in the Legal Services Corporation.

Anybody that says otherwise does not know what they are talking about because I have worked this thing. I have defended the thing. I continue to defend it. I fight for increases. I know them intimately, and everything else of that kind. But do not get them into suing, or they have health reform or welfare reform or anything else that comes through in the formal legislative process, where they have a Governor and a legislature. And the State of New Jersey has acted. Whether I agree or disagree with it, it does not give a hoot about that.

I want to save that money for the poor, for that 85 percent that the Senator from Massachusetts says are not being served. We ought to be serving more. You all act like we have unlimited funds and there is the money.

We have the Attorney General. Tell her of the constitutional rights you talk about and bring charts about, and tell her to go to work. That is what we have here. By George, we got us a crime bill and a Legal Services bill and an attorneys general bill. They can get lawyers out of their ears now, U.S. attorneys and everything else, in the Department of Justice. That is what we have provided for. Tell her to go to work, but do not come in here and mess up the Legal Services Corporation, because that is what you are doing.

Mr. WELLSTONE. I thank the Senator. I know he feels very strongly about what he is saying. Would the Senator agree with me that those of us who have raised serious questions about the Gramm amendment, from the Senator from New Jersey, the Senator from Iowa, and the Senator from California and others, certainly we are not—I mean, I think we are all well known as advocates, as is the Senator from South Carolina, of as much funding as possible for the Legal Services Corporation; would you, Senator, agree?

Mr. HOLLINGS. I do not know, because you have taken away the money to sue States. I am trying to get the money to the hungry poor of this land.

Mr. WELLSTONE. Would the Senator not agree that what the amendment says is that none of the——

Mr. HOLLINGS. If you want to nullify a law, we are not going to give that money to Legal Services to get it nullified.

Constitutional rights and privileges are fine business, but if there is a law—and particularly here we are talking about welfare reform—if you want to nullify that, do not use Legal Services. You have the Labor, Health and Human Resources Committee. In fact, Donna Shalala is a party to this case. She can join in and agree right now. Do not worry about that. You have lawyers and the taxpayers and act like you do not have the rights.

They have lawyers coming out of their ears over there trying to protect the hungry poor, as we are both talking about, but not for Legal Services Corporation. You know it and I know it. If you are going to use money to sue all the States on all the laws, it says you should not go around nullifying laws.

But under the laws—and that is the rights; now you are talking. Under the Federal law, under the State law, there are rights and, by cracky, use Legal Services Corporation. But when you want to attack and nullify the law itself, use the Attorney General, the Department of Health and Human Services. They have SSI and they have the AFDC, Aid for Dependent Children. That is who they are looking out for. Are you telling me those lawyers are not going to look out for those children?

Mr. HARKIN. I think that most of them will. There are not enough of them there to take all these individual cases.

Mr. HOLLINGS. You mean to say Health and Human Services does not have enough money to handle all the cases there? Now you are talking my point. We do not have enough money to handle our cases over here for the hungry poor.

Mr. HARKIN. I cannot believe the Senator would want us to use the Federal Government to trample on States rights.

Mr. HOLLINGS. Yes, sirree.

Mr. HARKIN. We do not want to trample——

Mr. HOLLINGS. Well, you use the word "trample." They can certainly question State policies.

Mr. HARKIN. I do not think the Federal Government ought to be used to trample on States rights.

I ask the Senator this question: If a person that is eligible for legal services goes into a welfare office and the worker there, the staff person, says: no, you are not eligible for welfare, you are black, an African-American, and I do not like you, get out of here, you are not going to get welfare, and she goes to Legal Services; do you believe that Legal Services ought to be able to represent her in court because she was denied that by a worker? That is an individual case.

Mr. HOLLINGS. I would rather listen again to your case because——

Mr. HARKIN. A woman goes in to get——

Mr. HOLLINGS. I will give you the answer. You said you did not believe the Federal Government ought to use moneys to trample on States rights. When you use Legal Services Corporation's money, you are using the Federal Government and the Federal money to trample on States rights, to turn away the law. So you have to listen to what you are asking about. Give me that individual case.

Do not look puzzled. You said you do not believe that the Federal Government ought to be using money to trample on States rights, namely, to turn aside laws. When you use Legal Services Corporation Federal moneys to set aside the New Jersey law, to nullify it—and that is what this amendment is about—then you are trampling on the State of New Jersey with Federal money, which you say you do not believe in.

Mr. HARKIN. No, I was responding to another point the Senator made on using Health and Human Services.

The point I want to make is that the Senator very strongly said he supports the right of Legal Services attorneys to go into court on behalf of individual rights. So let us take an individual, a woman, who goes into the welfare office, applies for welfare, and she is otherwise eligible; but the staff person there, the interviewer, says: "No, I am not going to qualify you for welfare; I do not like you. You have talked back to me. I do not like your attitude. Besides that, you are an African-American, and I think there are too many African-Americans on welfare, get out of here." Let us say she goes——

Mr. HOLLINGS. May I respond?

Mr. HARKIN. I want to know, do you think Legal Services ought to be able to represent her in local court? This is an individual case.

Mr. HOLLINGS. There is no question about the individual rights. In fact, under the Reagan administration, they appointed some that did not believe in the Legal Services Corporation. It was not just the color; they did not believe in the program. I mentioned early on that I brought Lewis Powell over here from the Supreme Court and said, "Justice, you were President of the American Bar Association, come over here and save me. They are about to do away with it." We saved it.

Yes, they go in and get the individual rights—housing cases, consumer cases, family law, employment cases, juvenile cases, education cases. Here is a documentary of all the cases they handle. We believe in that, and we want more money for those, rather than going around bringing States, sovereign States, into the court of law. Well, they wasted $2 million of the money I could have gotten to the hungry poor. They did not agree with the policy.

Mr. HARKIN. So the Senator believes that in the case I proffered, indeed Legal Services could represent that individual.

Mr. HOLLINGS. Should.

Mr. HARKIN. And should. But what if the State passes a law that says no African-Americans can get welfare in this State, and that excludes a whole class of people? A Legal Services lawyer cannot then take that case to court? You can do an individual, but not for more than an individual? I do not understand that dichotomy.

Mr. HOLLINGS. You gave a fanciful case and an erroneous conclusion. If you had a State that said no African-

American would receive something, we have the Civil Rights Division in here. Yes sirree, they would love to come in on a case like that against the State of South Carolina, or Iowa, or wherever else. You do not need Legal Services Corporation. We have this under President Nixon.

Mr. HARKIN. I say to the Senator that you are right. But what if the State of New Jersey says no woman on welfare that has another child can get additional welfare benefits—which is the case in point—regardless of how she got pregnant, whether she was raped or not, and you are saying that in that case, Legal Services cannot take that case?

Mr. HOLLINGS. If we had enough money, yes. Let Health and Human Services and AFDC put up the money, and go ahead and bring the case. Let SSI handle that. If they want to attack a State policy—you make it sound pretty about the individual. That individual is not being denied. It is a policy question; I can tell you that right now. You are attacking the State's policy. You are not doing it for that individual. You might agree or disagree with it, but the Legal Services Corporation never envisioned other than individual cases here for the hungry poor.

Mr. GRAMM addressed the Chair.

Mr. HARKIN. I will report that the charter of the Legal Services Corporation——

The PRESIDING OFFICER. The Senator from Texas has reclaimed his time. Our rules require that the time be given him. If the Senator from Minnesota and the Senator from South Carolina and the Senator from Iowa would like to conclude their colloquy, the Senator from Texas would like the floor.

Mr. GRAMM. Madam President, I would be happy to yield. The Senator from South Carolina was speaking. If he has anything further to say, I would be willing to yield him part of my time.

The Senator from Iowa and others had all their time and part of my time while I was off doing some other task. I want an opportunity to respond.

If the Senator from South Carolina wants to complete his point and has anything he wants to say, I am happy to yield.

Mr. HOLLINGS. I thank the distinguished Senator, and all time has expired over here.

The PRESIDING OFFICER. That is correct.

Mr. HOLLINGS. I yield my 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator controls 11 minutes.

Mr. GRAMM. Madam President, we have had a large number of speakers here, and I am afraid we drifted a little bit off the subject. I hope people who are following this debate heard it earlier when most of the speakers were in favor of the amendment.

Let me review what the amendment is about. The amendment simply says that funds provided to the Legal Services Corporation cannot be used to fund institutions where money from that institution is being used to challenge welfare reform at either the State or the Federal level in State or Federal court.

There are many people who want to say, look, people have a right to go into court to oppose welfare reform. They have a right to come picket the Capitol to oppose welfare reform. They have a right to contribute their money to candidates who oppose welfare reform. They have innumerable rights that enable them to oppose welfare reform. We are not talking about those rights.

We are talking about the taxpayers' money. We are talking about the use of the taxpayers' money today in Legal Services where five federally funded Legal Services organizations are suing the U.S. Government and suing the government of New Jersey to try to overturn a welfare reform proposal in New Jersey that is aimed basically at doing what the President says we want to do in the whole country, work requirements for welfare recipients and refusing to provide more benefits to people on welfare who have more children.

Madam President, people have the right to go into court any time they want to. But they do not have the right to use the taxpayers' money for that purpose if the taxpayer says we do not want our money used for that purpose.

Now, Legal Services was supposed to help poor people basically engaged in lawsuits that were related to family disputes, disputes involving their jobs, disputes involving their housing. It was never intended to engage in political crusades. It was never intended to fund not legal services but political services.

I have talked earlier about arguments that were made by these five Legal Services organizations in New Jersey against the welfare reform bill adopted by the legislature in New Jersey and signed by the Governor. Let me just read you one of these arguments that is made, the argument against welfare reform and why it ought to be overturned.

Their argument is that they find and declare that child exclusion, which is you provide benefits for children that a welfare recipient already has but you say to them from this day forward any child conceived and born after this date you do not get more welfare. That is child exclusion. Their argument is that this is a research experiment funded by HHS on human subjects that represents a danger to the physical, emotional, and mental well-being of the plaintiffs and the members of their class and that HHS has failed to comply with the Human Subjects Protection Act.

Madam President, if someone wants to go into court and make those arguments, it is a free country. They have a right to do it. But they do not have a right to take the taxpayers' money and use it for that purpose.

So what my amendment says is this: The Legal Services Corporation cannot expend money where the money is used directly or indirectly to try to overturn State or Federal welfare reform.

The American people are for welfare reform. We have bipartisan support for welfare reform. We may not vote this year on welfare reform. The only vote we cast this year on welfare reform may be on this amendment. And the issue here is, are we going to permit taxpayer money to be used to oppose the will of the taxpayer? This amendment says no. Those who oppose the amendment say yes.

Finally, when Doug Eakeley, who is the chairman of the board of Legal Services, was asked before our subcommittee about these lawsuits in New Jersey that were aimed at overturning the will of the people of New Jersey as manifested through their legislature and through the actions of their Governor, trying to win in the court what they could not win in the legislature, Doug Eakeley responded as follows:

> That is one element of the welfare reform provision that is not supported by the Legal Services program, and they believe that this is not appropriate.

Basically what the chairman of the board is saying is that Legal Services organizations have the right to determine the appropriateness of welfare reform laws and to use taxpayer dollars to fight those laws in court.

Now, here is the point: We clearly have the right in expending the taxpayers' money to say we do not want the money spent for this purpose. There are literally hundreds of amendments in our appropriations bills that say no money appropriated under this bill shall be used for this purpose.

What I am saying in this amendment is that we are not going to use the taxpayers' money to go into court to try to prevent the States and the Federal Government from engaging in welfare reform which the public supports. We are not denying people the right to go into court. Nobody's constitutional rights are being taken away here. We are simply saying that if you want to oppose welfare reform, do it on your own dollar. Do not take the taxpayers' money and use that money for that purpose.

A lot of arguments have been made here today. Some of them I have had an opportunity to respond to earlier. Some of them I have not heard. But the purpose of this amendment is very, very simple. It is trying to take the limited amount of money the taxpayer has, that the taxpayer is putting up to help poor people with their legal needs, and it is saying help the poor people;

do not take this money to engage in a political cause at the taxpayers' expense.

Many people have questioned whether or not people have a right or say that somehow this amendment is questioning the right of people to go into court to try to stop the State of New Jersey from requiring a mandatory work requirement or changing other facets of welfare. I am not making that argument. All I am saying is this Congress has the power and the right and I believe the obligation to deny the use of taxpayers' money for a purpose that we do not agree with, a purpose that we believe circumvents the will of the people. That is basically what this argument is about.

Finally, we have had a lot of argument about all of the people and their needs and their feelings who are receiving benefits. I think that is appropriate, but I think we have to look at the other side of the equation as well. We have to look at the people who are paying for these benefits. I simply go back to a point that I made earlier in this debate.

It always amazes me how much passion there is for the rights of the people who are beneficiaries but how little passion there is in these debates for the people who are making the payments. And if we apply any real test, where we find some real, honest, flesh and blood, working person in America and we said to him or her, do you want your tax money that is being taken away from you against your will—because you put people in jail for not paying taxes—do you want your tax money to be used in the courts to try to block welfare reform that is aimed at trying to force the people in the wagon to get out of the wagon and help you pull it, my feeling is that the vast majority of American workers would say, no, I do not want my money used for that purpose.

So I am asserting in this amendment that the people who do the work, pay the taxes, pull the wagon in America do not want their tax money used in the courts opposing welfare reform.

We are going to test in this amendment whether the Congress agrees with that assertion or not, whether the Congress wants to take taxpayers' money and continue to allow that money to be used to try to overturn welfare reform in the courts, remembering that in no way are we saying to people you cannot go into court to try to overturn welfare reform. We are simply saying you cannot do it with the taxpayers' money.

Last point. The Washington Post, on May 27, had an article about the President proposing exactly this amendment for the Federal Government and how 85 organizations were going to file a lawsuit to overturn it. There are plenty of people who want to engage in political activity with their own money. Let them do it.

Mr. FAIRCLOTH. Madam President, I wholeheartedly support the amendment offered by Senator GRAMM. It only makes common sense that you shouldn't use Government money to sue the Government. But common sense is an uncommon thing in Washington.

I have introduced a welfare reform bill, cosponsored by Senator GRAMM, that would place a cap on the growth of welfare spending, reduce illegitimacy, and establish serious, sensible workfare. This is exactly the kind of welfare reform that would likely be a target of the liberal Legal Services Corporation.

This is what my bill would do: I propose we place a cap on the growth of welfare entitlement spending. We must restrict the long-term aggregate rate of growth of welfare spending to 3.5 percent per year. This would prevent welfare spending from growing faster than inflation.

Some individual programs would be permitted to grow by more than 3.5 percent. Others would grow by less. But the total growth for 76 welfare programs, excluding Medicaid, must be held collectively at or below 3.5 percent per year. It is estimated that this will save $80 billion over 5 years.

President Clinton's welfare proposal will increase spending anywhere from $9.5 to $58 billion. Serious reform means spending less money, not more money. I call on President Clinton to endorse my plan for placing a cap on welfare spending. If he truly wants to end welfare as we know it, then the President should endorse this bill.

These 76 programs would be converted into a single discretionary block grant to the States, thereby allowing the States the authority to increase or decrease funding in particular programs, based on the program's success.

Madam President, if we are going to begin a real reform of the system, we must address the root cause that has been fueling the welfare bureaucracy for 30 years: illegitimacy. We must limit benefits to unwed teenage mothers in order to take away the current cash incentive to have more and more out-of-wedlock children.

This is why this bill would eliminate direct payments, except medical aid, to unmarried women under 21 who have children out of wedlock. All welfare money which would have gone directly to the unwed mother is converted into a block grant to the State.

This allows States the opportunity to develop new and innovative programs to combat illegitimacy while taking away the cash incentive for young women to have more out-of-wedlock children. Currently, 30 percent of all American children are born to single mothers. That's wrong. We need to promote and reward the institution of marriage. That is why our bill provides a tax credit to low-income married couples with children.

It is only common sense to expect that people who are being given a helping hand by the working people of America should be expected to at least do a day's work themselves.

The bill establishes serious but sensible work requirements, while requiring far more welfare recipients to work than any other proposals. We target work requirements on those welfare recipients who have the least justification for being out of the labor force.

All single, able-bodied adults without children who receive food stamps would be required to perform community service work. We would also require half of all single mothers receiving AFDC benefits to work for their benefits with the priority going to women with children over age 5. This allows the children to reach school age before the mothers are required to work and thereby avoids high day care costs.

Madam President, the working taxpayers who struggle every day with no guarantees should not be expected to guarantee a way of life for those who choose not to work.

As I have said many times before, we need workfare not welfare.

Senator GRAMM's amendment is a strong step in the direction of real welfare reform, and I encourage my colleagues to support it.

Mr. LAUTENBERG. Madam President, I rise in opposition to the amendment offered by the distinguished Senator from Texas.

The issue presented by this amendment is whether all Americans, regardless of their financial condition, can have access to justice.

Madam President, the United States of America is the greatest country in the world largely because our Constitution ensures that each and every American is entitled to certain inalienable rights: The right to equal protection under the laws; the right to due process; and, the right to be free from unreasonable searches and seizures. These basic rights are at the foundation of our democracy. They are what distinguish the United States from the tyrannies of other nations.

The whole premise of our constitutional system is that if the State tramples on an individual's rights—any individual's rights—that individual can go to court, and those rights will be vindicated. The little guy—the ordinary American—can prevail, even when confronted with the awesome power of the State. At least that is the theory.

But Madam President, the most cherished of our constitutional rights mean absolutely nothing if, in the real world, they cannot be enforced. And, in the real world, unfortunately, it is often not so easy. In the real world, all too often, you need a lawyer to get justice. Maybe you do not need a star attorney like F. Lee Bailey or Robert Shapiro, but you need some basic level of legal representation. Otherwise, maneuvering your way through the intracies of litigation is virtually impossible.

But, Madam President, most legal services are expensive. Very expensive. And, for many ordinary Americans, they just cannot afford it.

For these Americans, if a bureaucrat refuses to give them the Social Security check to which they are entitled, they cannot just go out and hire a private lawyer to seek redress.

For these Americans, if their ex-spouse refuses to provide child support, they cannot just call up their attorney and get a court order.

For these Americans, if State politicians enact a law that unconstitutionally denies them benefits without due process, they cannot just put an attorney on retainer to challenge the law.

Now let me make clear that I'm not making a judgment about the constitutionality of any particular law, or any type of law. These are questions for the courts to decide. But to get such a determination, an aggrieved person needs a lawyer to help challenge the law.

Unfortunately, when it comes to people with low incomes, the lack of money often means a lack of an attorney. The lack of an attorney means a lack of redress. And a lack of redress means a lack of justice. That is why the Legal Services Corporation is so important. By providing legal representation to those otherwise unable to afford an attorney, the legal Services Corporation helps make constitutional rights a reality for all Americans.

Madam President, we should not be picking and choosing among the rights that lower income Americans can enforce. And, therefore, we should not be picking and choosing the types of situations in which Legal Services Corporation lawyers are allowed to defend people's legal rights.

This amendment, unfortunately, violates that principle. That is a mistake. And it sets a dangerous precedent.

Madam President, we simply cannot afford to go down the road of saying that some people can get legal redress in some situations, and others cannot. The Constitution belongs to all Americans. No matter how rich. No matter how poor. No matter their race. No matter their religion. And all Americans should be able to enforce their rights, no matter how politically unpopular those rights might be. That is what makes this Nation the great country that it is. And it is what makes this amendment the terrible proposal that it is. I urge my colleagues to oppose the amendment.

Mr. DURENBERGER. Madam President, I rise to explain the reasons I will oppose the amendment by my distinguished colleague from Texas, Senator GRAMM.

This amendment would prohibit Legal Services Corporation grantees from representing low income clients who challenge welfare reform laws at the State or Federal level. Legal services programs would not be able to use Federal LSC funds or their own privately raised funds for this purpose.

Let me be clear: No one in this Congress is more committed to reforming our welfare system than I am. I feel a special urgency for passing national welfare reform because I believe that health care reform and welfare reform should move forward together. I also support the efforts of States to implement innovative ideas and act as laboratories for welfare reform.

But I cannot support this amendment as wise policy. State legislatures and the Congress do not always realize the impact of their policies on individuals, and occasionally constitutional rights are violated. Denying legal services programs the opportunity to vindicate the constitutional rights of the poorest Americans tramples on the very people welfare laws were designed to help.

Helping clients on income maintenance issues is at the heart of the mission of legal services programs in my home State of Minnesota. The Legal Services Corporation was formed to provide equal access to our justice system for Americans who could not otherwise afford legal representation. This amendment has the potential of denying access to justice for people who need it most—for people who may literally need it to survive and feed their children.

A historic role for our courts has been to ensure that the laws States pass don't violate Federal law, and that the laws Congress passes don't violate the Constitution. But this amendment might effectively prohibit any welfare reform law from being reviewed by a court, because it would deny welfare recipients—the people with the legal standing to test the law—access to the courts.

I want welfare reform to go forward. But I also want us to do it right, without unintentionally violating constitutional rights. Allowing welfare recipients access to our justice system will help us achieve that goal.

I urge my colleagues to join me in voting against this amendment.

Mr. BAUCUS. Madam President, I want to address the amendment offered by the Senator from Texas. My colleague from Montana spoke in favor of this amendment. In so doing, he releated a story about a Montana racher who saw the worst side of our legal system. His experience with the Legal Services Corporation in Texas was absolutely horrible, and my sympathy goes out to him.

I also believe this type of abuse is an aberration, at least as far as the Montana experience with the legal services program goes. The men and women who work for Montana legal services are committed to helping those who desperatley need help but just cannot afford it. These are battered women, the elderly, and disabled citizens.

For example, in Helena, legal services recently represented a woman who was being sued for custody of her children by her estranged husband. The husband had initiated this lawsuit from his prison cell where he was serving time for raping and beating her. In another case, legal services took the Social Security Administration to court to force them to do the required tests on a client with fetal alcohol syndrome so that client could receive the benefits she was entitled to.

These are just two examples of what the Legal Services Corporation is all about—helping Montanans who can not otherwise afford it to fight for their most basic rights. It is for this reason that I am a strong supporter of the Legal Services Corporation and why I am oppoosing this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Alabama is recognized for 20 minutes.

AMENDMENT NO. 2343

(Purpose: To express the sense of the Senate that the Attorney General of the United States should address the deficiencies in the enforcement of criminal provisions relating to the willful avoidance of child support payments, and for other purposes)

Mr. SHELBY. Madam President, I have an amendment I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. KOHL, Mr. D'AMATO, Mrs. FEINSTEIN, Mr. GRAMM, Mr. BRYAN, Mr. COATS, and Mr. BROWN, proposes an amendment numbered 2343.

Mr. SHELBY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . (a) The Senate finds that—

(1) $14,000,000,000 is owed to over 9,000,000 children as a result of interstate child support evasion;

(2) chapter 11A of title 18, United States Code, effective since October 25, 1992, makes willful avoidance of child support payments across State lines a Federal crime;

(3) chapter 11A of title 18, United States Code, is a useful Federal tool to assist in the collection and enforcement of interstate child support cases;

(4) the President has committed to improve interstate child support enforcement as a part of his welfare reform initiative;

(5) despite such commitment, only five cases have been tried or filed under chapter 11A of title 18, United States Code;

(6) custodial parents with legitimate cases for prosecution seeking to bring charges under chapter 11A of title 18, United States Code, are being turned away by local Federal law enforcement officials or referred back to State child support agencies; and

(7) despite Justice Department guidelines, many local Federal law enforcement agencies continue to display a fundamental lack

of knowledge concerning the existence and means of enforcement of chapter 11A of title 18, United States Code.

(b) It is the sense of the Senate that the Attorney General of the United States should immediately address the deficiencies in the enforcement of chapter 11A of title 18, United States Code, to make local Federal law enforcement agencies more responsive to the needs of custodial parents owed interstate child support and to significantly increase the number of cases filed and prosecuted under chapter 11A of title 18, United States Code.

Mr. SHELBY. Madam President, I rise tonight to offer an amendment on behalf of myself and Senators KOHL, D'AMATO, FEINSTEIN, GRAMM, BRYAN, COATS, and BROWN.

Madam President, on October 25, 1992, President Bush signed the Child Support Recovery Act into law. The passage of this law was hailed as a major victory for advocates of improved child support collection and for the millions of children who are owed interstate child support payments. This law, now chapter 11A of title 18 of the United States Code, makes the willful flight across State lines to avoid child support payments a Federal crime.

Unfortunately, the hope given to the custodial parents and their children that are owed some $14 billion in interstate child support payments has been steadily dashed since the law's effective date.

President Clinton made child support enforcement, particularly interstate enforcement, a major theme of his campaign 2 years ago. As a result, I, along with Congressman HENRY HYDE, the coauthor of this legislation, wrote the President shortly after his inauguration to request that the Justice Department make any enforcement guidelines for the Child Support Recovery Act as responsive as possible to custodial parents who had legitimate cases for prosecution. In July of last year, the Justice Department issued guidelines for the preparation and prosecution of these cases. These guidelines have had little practical effect.

Rather, because the guidelines suggested that State child support agencies be used as a resource for case information and referral, most U.S. attorney's offices are turning away custodial parents who are not referred by State agencies even though there is a legitimate case for prosecution.

Furthermore, there is little evidence that State agencies are aware of, or are even in the business of making these referrals. As a result, custodial parents seeking help under the law are caught in a continuing cycle of rejection, bouncing between the Federal and State authorities without satisfaction.

Madam President, alarmed by this situation, Congressman HYDE and I wrote the Attorney General last year and expressed our concerns about the lack of enforcement and the difficulties that custodial parents are facing in bringing charges under the law. I received a response in April of this year from Assistant Attorney General Sheila Anthony. The letter indicated that the Justice Department believes the State referral system to be the best method available for initiating and handling cases.

Madam President, this amounts to buck passing by the Justice Department. I cannot remember many cases where the Federal Government has seen fit to defer to State agencies to enforce Federal criminal statutes.

Furthermore, Madam President, anyone who has dealt with the issue of child support as long as I have will learn that many custodial parents live in continuing frustration with State agencies. In fact, one of the main reasons for passing this law was that many State agencies are unwilling or are simply unable to pursue interstate child support orders. Many custodial parents turn to U.S. attorney's offices because of frustration with the State agencies only to be sent back to the same agency.

Madam President, do not think that cases that are being turned away by Federal prosecutors do not have merit. They do. I have several letters here from U.S. attorneys referring parents back to State agencies even though the case meets the criteria for prosecution and other rejected cases that have come to my attention. In particular, I would like to briefly mention a couple of the case rejections.

A mother in Florida whose two children are owed $50 thousand in support dating back to 1980 was referred back to the very State agency that could not solve her problems for over a decade although the local U.S. attorney believes the case qualifies for prosecution.

A mother of three in New York who is owed nearly $47 thousand in child support has tried unsuccessfully for over a year to have the U.S. attorney bring charges against her husband only to be ultimately informed that the Justice Department was not interested in pursuing the case.

These are just two of the many cases that have come through my office in the last year and a half—cases of desperate parents being turned away or sent back to the source of their problems.

Madam President, child support reform is a major component of the President's welfare reform initiative. Yet, we have an existing Federal statute that can be a valuable weapon in the fight to collect interstate child support that is being virtually ignored by the Department in charge of its enforcement.

Madam President, millions of children do not and should not have to wait until the next Congress for child support reform. They need to see a tangible commitment to enforcing the Child Support Recovery Act rather than becoming a pawn in a political football game called welfare reform. I hope our commitment to enforcing reforms in child support collections under welfare reform will be greater than our effort to enforce the current law.

Madam President, the Senate can send a message today. This body can say that we care about the welfare of our children after the debate ends and the press releases are issued. Otherwise, we will be saying that children's issues are good politics but unimportant policy. This amendment simply puts the Senate on record by calling on the Attorney General to rectify the deficiencies in the law's enforcement and to increase the number of cases filed and prosecuted under the statute. This amendment is supported by the Association of Children for the Enforcement of Support, better known as ACES. This is a simple but important statement and I urge my colleagues to support the amendment.

Madam President, I ask unanimous consent that my letter to President Clinton, my subsequent letter to Attorney General Reno and Assistant Attorney General Anthony's response, letters from U.S. attorney's offices regarding State referral, and a letter to Attorney General Reno from Ms. Diana Berner of New York be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 9, 1993.

President BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As the chief sponsors of The Child Support Recovery Act of 1992, Public Law 102-521, we would like to express our desires relating to the enforcement of this law.

Given your commitment to child support enforcement, we are sure that you share our desire that the law is vigorously enforced by the appropriate federal law enforcement agencies. The passage of this law has given hope to thousands of custodial parents not receiving child support payments because of the woeful interstate enforcement mechanisms available to them. On a daily basis they confront an often hostile bureaucracy that is unwilling to take even the most rudimentary steps toward the enforcement of an order.

For this reason, we ask that any guidelines issued by the Justice Department be as "user friendly" as possible. We ask that no undue burden of proof of arrearage, avoidance of payment, location of the non-custodial parent or the failure of local enforcement be placed on any individual wishing to pursue charges under the statute. In addition, we ask that the procedures for filing charges be as clear and as simple for the custodial parent as possible.

We are aware that officials within the Justice Department are preparing guidelines to present to the new Attorney General for approval. We would request that you have your new Attorney General carefully review these guidelines and consider appropriate revisions based on these recommendations before approving the directive.

We appreciate your commitment to child support enforcement and are grateful for your willingness to focus public attention on this vital issue. We look forward to working with you on future reforms of our child support system and appreciate your immediate consideration in this matter.

Sincerely,
HENRY HYDE.
RICHARD SHELBY.

CONGRESS OF THE
UNITED STATES,
Washington, DC, February 7, 1994.
Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: One of our greatest rewards in the 102d Congress was seeing the enactment of the Child Support Recovery Act of 1992 (Pub. L. #102-512). We all had met many single parents in our districts struggling to get by and make a new life for themselves and their children whose efforts were imperiled by their ex-spouses' flight across state lines to avoid making child support payments. In talking with state officials, we found that interstate collection was the most difficult kind for the states to perform and that they needed federal help. The Child Support Recovery Act was the result—it established the Federal crime of willful failure to pay child support to a child living in another state. We put our hearts into this bill, and were delighted that our efforts were ultimately successful with the help of so many our colleagues in the House and Senate.

We were very appreciative of your quick release last July of the written guidelines and procedures needed by United States Attorneys to begin enforcement. However, we are frustrated and distressed by an apparent lack of serious enforcement efforts following your action. We know of no case in preparation—more than a year after the bill was enacted into law—and a constant stream of custodial parents inform us of getting indifferent responses or worse from their U.S. Attorneys' offices. We find this lack of activity hard to square with the high priority President Clinton has placed on child support enforcement (most recently in his State of the Union address). If vigorously enforced, the Child Support Recovery Act will help us realize the President's hope that "[p]eople who bring children into this world can't just walk away."

We would greatly appreciate learning what the Department believes the enforcement strategy to be for the Child Support Recovery Act and whether any prosecutions are planned in the near future. To the many parents contacting us for whom the Child Support Recovery Act is a last hope, we would like to be in the position of giving an encouraging answer. We look forward to hearing from you soon.

Sincerely,
HENRY HYDE.
RICHARD SHELBY.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 25, 1994.
Hon. RICHARD C. SHELBY,
U.S. Senate, Washington, DC.

DEAR SENATOR: This is in response to your letter to the Attorney General regarding the Child Support Recovery Act (CSRA), in which you requested information regarding the Department's enforcement strategy for the CSRA and whether any prosecutions are planned in the near future. I hope the following information is helpful.

Shortly after enactment of the statute, a working group was formed to develop policy and procedures to ensure the most effective enforcement of the CSRA. The group considered various issues, including those matters referenced in your correspondence to the President. The group's proposal was signed by the Attorney General and distributed to United States Attorneys' offices in July 1993.

The prosecutive guidelines and procedures secure effective enforcement by providing means for United States Attorneys to find the most egregious cases, which the states are unable to handle because of the interstate nature of the case. The guidelines encourage United States Attorneys' offices to coordinate enforcement efforts with the state and local child support enforcement agencies.

Title IV–D of the Social Security Act, 42 U.S.C. §651 et seq., requires states to establish programs for the enforcement of child support, and the agencies operating these programs are known as IV–D agencies. These agencies must pursue child support on behalf of individuals who are receiving public assistance, as well as at the request of individuals who are not. Because of the expertise of IV–D agencies and the information available to them, the guidelines suggest that the United States Attorneys arrange for the IV–D agencies or their designees to screen potential violations and refer appropriate cases for Federal prosecution. The IV–D agency is to prepare a referral package for each case containing information pertinent to Federal prosecution, including whether all reasonably available remedies have been exhausted.

In August 1993, a two-day training seminar for Assistant United States Attorneys was held to address issues relating to the enforcement of the CSRA. The training included detailed discussion of the prosecutive guidelines and policies, and extensive information regarding existing state and interstate remedies, as well as information relating to ethical issues, pre-trial and trial matters, and legal and practical concerns.

The Department of Justice intends to enforce the CSRA through effective prosecution of egregious cases. The enforcement strategy is to deter non-payment of child support by identifying the worst offenders which the states cannot bring to justice because of the interstate nature of the case, prosecuting these offenders to the fullest extent of the law, seeking maximum penalties upon conviction, and publicizing the case to assure wide public attention. The Department does not intend to use the CSRA as a mere mechanism to collect child support.

The Department realizes, however, the importance of Federal involvement in interstate cases, and is coordinating enforcement efforts with the states to identify appropriate cases for Federal prosecution. The United States Attorneys' offices are currently working with their respective IV–D agencies, or other state agencies, to establish procedures to be used to screen and refer appropriate cases. The United States Attorneys in some districts have established task forces or committees to implement procedures, and others are meeting directly with appropriate personnel within the state agency.

In 1993, United States versus Lewis was successfully prosecuted in the Eastern District of Virginia. On March 12, 1993, Lewis entered a guilty plea to a one count information and was sentenced to restitution in the amount of the arrearage, three years probation conditioned on payment of child support, payment of $75 a week directly to the mother, wage assignment with any employer the defendant may have, and a special assessment of $10. In South Carolina, an indictment was filed on December 8, 1993, in the case United States versus Bell. Bell remains a fugitive. In South Dakota, there is one case pending, United States versus Duke. The case was transferred to Florida under Rule 20 and is pending for plea and sentencing. There is also a case pending in the Southern District of Texas.

The Department and the United States Attorneys share your commitment to this important effort. We are now considering how best to educate the public on how to proceed under this program to maximize its effectiveness. While the IV–D referral system does not prevent the public from directly contacting Federal prosecutors, the best enforcement plan is to have all complaints go through the appropriate IV–D agency. This will assure that the complainants have exhausted reasonably available state and interstate remedies, assist in identifying the most egregious cases, and provide information necessary to establish a violation of the CSRA, all of which will facilitate Federal prosecution and prevent unnecessary duplication of effort and resources.

Your concern in this matter is appreciated. Please do not hesitate to contact me if you have additional questions concerning this or any other matter.

Sincerely,
SHEILA F. ANTHONY,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF THE DIRECTOR,
Washington, DC, August 2, 1993.
MS. GERALDINE JENSEN,
National President, Association for Children for Enforcement of Support, Toledo, OH.

DEAR MS. JENSEN: I am responding to your letter to the Attorney General dated March 19, 1993 concerning the implementation of the criminal penalties enacted by the Child Support Recovery Act of 1992.

As you know, the Attorney General is particularly interested in addressing the needs of the children of our society, especially with regard to the prevention of their entry into criminal activity. She has long been an advocate for them. In that spirit, we are working with her to develop guidance for the United States Attorneys concerning the implementation of the new federal crime. As you know, the Child Support Recovery Act makes it a crime to willfully fail to pay court-ordered child support payments when the child and the debtor parent reside in different states and when the debt owed is at least $5,000 or delinquent for at least one year.

We are aware that Title IV–D of the Social Security Act, 42 §§651 et seq. requires states to establish programs for the enforcement of child support. These state agencies, the experts in the field, are know as "IV–D agencies" (Four D agencies). To achieve maximum success in this program, the United States Attorneys' offices will most likely coordinate their efforts closely with these state agencies. We expect that most specific guidance to the United States Attorneys will be issued shortly.

Thank you for your interest in this important issue. Please do not hesitate to contact us again if we can be of further assistance.

Sincerely yours,

ANTHONY C. MOSCATO,
Director.

U.S. ATTORNEY,
NORTHERN DISTRICT OF OHIO,
Cleveland, OH, May 9, 1994.

MS. JULIA RAY,
Findlay, OH.

DEAR MS. RAY: Our office is in receipt of your inquiry regarding Federal prosecution of Darrell M. Ray for willful failure to pay child support. Please be advised that the Office of the United States Attorney for the Northern District of Ohio coordinates its criminal enforcement efforts with County Child Support Enforcement Agencies and County Prosecutors. Direct referrals for prosecutive determination are accepted only from these agencies.

Please direct your request to evaluate your case for possible Federal prosecution to the appropriate CSEA agency. We are notifying the Director of the Hancock County CSEA that you will be contacting that agency for a review of your case.

Please be further advised that the State of Ohio, Office of Child Support Enforcement, has provided a toll-free hotline for resolution of any child support related difficulties you may experience with your case. The number is 1-800-686-1556.

Sincerely,

PHILLIP J. TRIPI,
Assistant U.S. Attorney.

U.S. ATTORNEY,
DISTRICT OF MASSACHUSETTS,
Boston, MA, May 26, 1994.

Re Child Support Recovery Act of 1992.

LESLIE SOUVE,
President of ACES of Massachusetts,
Centerville, MA.

DEAR MS. SOUVE: In response to your letter dated May 18, 1994, I am pleased to advise you and other members of ACES as to the procedures this office follows in enforcing the Child Support Recovery Act of 1992.

Please be advised that the Massachusetts Department of Revenue (DOR), as the designated "IV-D" agency (IV-D refers to Title IV-D of the Social Security Act), is charged with primary enforcement of child support obligations. The U.S. Attorney's Office accepts referrals from DOR for possible criminal prosecution. The decision whether to prosecute a particular case referred to this office by DOR is the U.S. Attorney's.

When this Office receives a complaint from a member of the public, the caller is referred to DOR. The U.S. Attorney's Office does not have the resources to investigate cases referred by the public without first requiring the complainant to exhaust the remedies DOR may pursue. Once DOR has concluded that the remedies available to it are exhausted, and that the matter appears suitable for criminal prosecution, then they may refer the matter to this Office.

This procedure is in keeping with Department of Justice guidelines for the enforcement of the Child Support Recovery Act. Indeed, the Department of Justice encourages U.S. Attorney's Offices to work with the state IV-D agency to develop referral procedures, and recommends that cases should be accepted only when referral makes clear that all reasonably available remedies are exhausted.

Thank you for your inquiry.

Very truly yours,

JONATHAN CHIEL,
Chief, Criminal Division
(For Donald K. Stern, U.S. Attorney).

U.S. ATTORNEY,
NORTHERN DISTRICT OF OHIO,
Cleveland, OH, June 16, 1994.

PATRICIA A. BROWN,
Perrysburg, OH.

DEAR MS. BROWN: Our Office is in receipt of your inquiry regarding Federal prosecution of Charles Allen Brown for willful failure to pay child support. Please be advised that the Office of the United States Attorney for the Northern District of Ohio coordinates its criminal enforcement efforts with County Child Support Enforcement Agencies and County Prosecutors. Direct referrals for prosecutive determination are accepted only from these agencies.

Please direct your request to evaluate your case for possible Federal prosecution to the appropriate CSEA agency. We are notifying the Director of the Wood County CSEA that you will be contacting that agency for a review of your case.

Please be further advised that the State of Ohio, Office of Child Support Enforcement, has provided a toll-free hotline for resolution of any child support related difficulties you may experience with your case. The number is 1-800-686-1556.

Sincerely,

PHILLIP J. TRIPI,
Assistant U.S. Attorney.

MAY 21, 1994.

To: Janet Reno, Attorney General of the United States of America

From: Diana Berner, a mother, abandoned in 1986 and left with three minor children. Please note: I have resumed the use of my maiden name.

Re: Debtor: Richard D. Unanue, Social Security Number: [redacted], and the failure of the United States Justice Department to act to enforce the Child Support Recovery Act of 1992.

Abandoned. Abandoned, first by a father and husband, deadbeat, runaway dad and debtor Richard D. Unanue (pronounced OOO-NON-WAY) in December 1986, just before Christmas. Abandoned, now, by the United States Justice Department (May 1994).

DEAR MS. RENO: I would like you to know that I am very sympathetic to you and your work and the overall work of the Justice Department. But I would also like you to know that I am afraid of being abandoned once again by a civil justice system that doesn't give a hoot about the rights of mothers and their dependent children. What you will read in the following letter is an expression of my fear and frustration as a single parent, a mother who was abandoned seven and a half years ago with three minor children to support and bring up . . . who had to start out at the age of forty-four with no business skills or college education and go out and earn enough to pay the mortgage, the school and local taxes and clothe and feed four people. We survived, but not because of any assistance from the civil justice system, that only aided and abetted every means to grind me into the ground! I was afraid then that we might not make it, but we did. Once again, I am afraid that I am about to be abandoned! This time it is the Federal government, the Justice Department of the United States that is acting to abandon mothers and dependent children. No diabolical spouse is delivering the abuse this time. This time, it appears that the Justice Department is delivering the abuse to abandoned mothers and dependent children. That's what causes me to write to you at this time. Are you there to listen? Are you there to back up your many high-sounding principles with action? We'll see.

I understand fear. How would you feel if your husband walked out and disappeared for six months leaving you with no means of ongoing support? I was scared almost to death, but I made it through. How would you feel if you were forced back into the work force at the age of forty-four with three dependent children to house, clothe and feed and provide for their education, and medical, dental and psychiatric care? How would you feel being thrown back into the work force, as a woman, already discriminated in the workplace with lower wages and lower benefits and lowered opportunities, with no special skills other than housewifery, washing the dishes and the clothes, changing diapers, driving the children back and forth to school and to the school yard and to their friends' house to play?

How would you feel years later, as the runaway deadbeat dad is still failing to pay court-ordered child support? He has consistently failed to pay the bare necessity needed to pay the mortgage and the school taxes (the children think that the "public" schools in Scarsdale are "free") and the real estate taxes and the dog and cat food and the veterinary care? Should I have put the dog and the cat to death immediately? I was plenty scared that we wouldn't make it!

How would you feel when a runaway deadbeat put you through one court test after another forcing you to pile up a hundred thousand dollars in legal fees just to get divorced, all the while not sending enough funds to keep a roof over your head for yourself and your three children or to supply them with food and schooling? I was scared! How would you feel when an opposing lawyer tells the Judge that you are too stupid to get into college and certainly not smart enough to pass any courses and certainly not smart enough to go to a "real" college like he did (Yale). I was outraged and sick over this ad hominem outburst, and so was Judge Nastasi. But I survived even those despicable personal attacks and bested them in the short run by getting into New York University and making the Dean's list regularly and will finish my Sophomore college year at the end of this year, going to school at night and on weekends and working a full-time job during the day. I should have my Bachelor's degree by 1996 or 1997 at the age of fifty-three or fifty-four.

How would you feel if you were getting physically sick from working two jobs, back to back, putting in sixteen hours a day because your deadbeat runaway sent only $1,830 (of a court-ordered $46,928) as "child support" and not one penny more for the whole year of 1989? Scared. Frightened! Fearful that my children would be denied their education and their health care! But I found ways to support them and myself.

I was physically overwhelmed and emotionally devastated when for the entire year of 1990 I didn't receive a single penny in child support or one cent in alimony, all the while being additionally thrashed about by lawyers and lawyers bills. Scared! But my children have survived and I have survived although the emotional cost has been severe. I have survived and my children have survived although the psychiatric costs are still extreme. In the end, it is the entire society that loses. The society gets mentally sick children and worn out adults as a reward for their not having the time or inclination to carry out the laws that are being put in place to stop this thievery against mothers and children.

I don't need to tell you that the State IVD system is sick, almost beyond repair. That is common knowledge. But I do have an obligation to tell you that we now have Federal law to supplement the State system and so far all that I see is that the Federal Justice system is just as cruel and unwilling to carry out their mandate in favor of mothers and children. A mandate to defend and speak for helpless mothers and children was given to the Justice system by Congress in the form of the Child Support Recovery Act of 1992. But it seems clear to me that it is time to be scared and frightened again, that I will be abandoned once more, by a civil justice system that only gives lip service to "saving the society" and that refuses to act even when the means to act are put directly into their hands. Tell me it isn't so. Show me by your actions that you will defend the abandoned mothers and children. I hope that you will understand from my vantage point, why I am sending this letter to you at this time and why it may sound so angry.

Talk is cheap when it is never backed up with action and I am sorry to say that, as much as I would like to believe what you say about saving our society and saving the children in our society, all I see now is that your Department, the Justice Department of the United States, is about to abandon me and all the other mothers and dependent children even though you have been given the tools to defend us.

Why I am afraid of being abandoned once again? I do not have to explain to you that the Child Support Recovery Act, signed into law on October 25, 1992, made it a federal crime for a parent to fail to pay child support with arrears up to $5,000, or up to one year, if they have willfully removed themselves from their children's venue to avoid child support payments. However, it may be necessary for me to inform you that it appears certain that the Department of Justice, of which you are the titular head as Attorney General of the United States, has done everything possible not to enforce the law embodied in the Child Support Recovery Act! That is a crime that only you can rectify. And I appeal to you to review this matter in general and in particular in the case of debtor Richard D. Unanue. No person exemplifies the crime against dependent children, intended to be prosecuted under the statutes of the Child Support Recovery Act of 1992 more perfectly than debtor Richard D. Unanue. You will be able to understand this fully when you yourself have the opportunity to review the extensive record of the willful, deceitful activities debtor Richard D. Unanue has engaged in over the past seven years with the express purpose of not paying court ordered child support! This record is currently in the office of the Southern District of New York under the care of Gloria Calabrese, legal aide acting for U.S. Attorney Mary Jo White. You will not find a more perfect example than debtor Richard D. Unanue as a person in flight from his child support responsibilities that the Child Support Recovery Act was intended to catch. Furthermore, and more upsetting to our generally law-abiding society, you will not find a person like debtor Richard D. Unanue more certain of his ability to flee from the law and get away with it. The example that debtor Richard D. Unanue has set has only made his own children absolutely sure that the law has no teeth and that cheating and stealing is both profitable and certain! If that is the lesson you plan to leave the children of the United States of America as your legacy as Attorney General, then so be it.

According to Lincoln Caplan (The New York Times Magazine May 15, 1994) you [Janet Reno] have "set for yourself a restorative role, reviving confidence in the integrity of the Justice Department", but is it happening? On your favorite subject, concerning the family and the rights and needs of children, considering how your Justice Department has acted towards me and other mothers and children, it is my impression that you have failed miserably.

Fact: The Justice Department is not interested in women's rights or children's rights. When it comes to the issue of prosecuting dead-beat dads under Federal law, the Child Support Recovery Act of 1992, the Justice Department has not acted with integrity.

Fact: In July 1993 an Assistant U.S. Attorney by the name of Roger S. Hayes was sent extensive data concerning one of the most flagrant deadbeat dads in the United States named Richard D. Unanue. The Justice Department chose to throw all of the data into the garbage and make believe they never received it.

Fact: When a follow-up letter was sent to U.S. Attorney Hayes in November 1993, to the Justice Department of the Southern District of New York (after letting more than enough time go by to have the Justice Department act on the information sent to them in July 1993) * * * no response was forthcoming.

Fact: Another follow-up letter was sent to Attorney Hayes of the Justice Department of the Southern District of New York in December 1993.

Fact: A telephone response was finally received on January 31, 1994, from Ms. Calabrese, a legal assistant to U.S. Attorney Mary Jo White. Ms. Gloria Calabrese indicated that "they had never received any data from ACES (the Association for Children for Enforcement of Support) on behalf of Diana Berner and against debtor Richard D. Unane. Their excuse was that lawyer Hayes didn't work there anymore and his [Hayes' former] secretary "confirmed" that the Justice Department had not received any data concerning the prosecution of a debtor under the Federal Child Support Recovery Act, that had been sent to them by ACES in July 1993.

Ms. Calabrese, under orders from her superiors, then proceeded to inform me of the "guidelines" of the Justice Department. Apparently you have ordered your attorneys to refer cases of child support abuse back to the states' IVD agencies (even though they fulfill the criteria for immediate prosecution under Federal Law). Counsel for Anthony C. Moscato, Director of the Executive Office of the United States Attorneys of the U.S. Department of Justice, Washington, D.C. wrote to Congresswoman Carolyn Maloney explaining: "* * * In order to make maximum use of Federal resources to prosecute egregious offenders under the National Child Support Recovery Act, these cases are referred to the appropriate State IVD Agency for evaluation and work up as set forth in the Attorney General's guidelines* * *." What madness. You are just passing the buck. Women, mothers and their children have been messed around by IVD agencies for periods of one to three to nine years or more and have never received a penny in child support by runaway deadbeat fathers. It's common knowledge. Then a private collection agency is hired, taking as a fee 30% or more of the amount owed in child support, finds the out-of-state father in a few days, collects the child support and takes the hefty fee out of the children's mouths.

I had already been taken over the ropes with IVD and they are still trying. But, IVD has State rules. The Federal rules are different and in my opinion stand separate from any action taken by IVD. That's why a "national" Child Support Recovery Act was passed by Congress. The Federal rule is about a Federal crime and the United States Department of Justice should not be hampered in any way by what a State Agency is doing. Certainly, in the case of debtor Richard D. Unanue, he has proved repeatedly that no State agency is going to get him to pay child support. Furthermore, presuming that your "guidelines" have been followed over the past eighteen months (since the Child Support Recovery Act was signed into law) is there a single case yet to be prosecuted by the Justice Department against "egregious" or even not so "egregious" runaway deadbeat dads, as long as they just fulfill the simple "guidelines" of the Federal law? Or, have you devised your set of "guidelines" merely to stall and prevent any action on the part of the Justice Department against runaway deadbeat dads?

Despite the fact that deadbeat dads constitute one of the major criminal elements undermining and destroying our society by failing to support their minor children and despite the fact that it is estimated that billions of dollars go unpaid in child support because these deadbeat dads merely run to another State to avoid payment of child support and despite the fact that a clear and succinct federal law was passed to attempt to catch up with these deadbeats your department, the U.S. Justice Department spends its effort doing everything conceivable not to prosecute anyone under the Child Support Recovery Act. I hope that you will review your instructions to your attorneys before the Child Support Recovery Act becomes a symbol of a mockery of justice rather than a true means of achieving justice for the children in the United States of America.

Ms. Calabrese sent me a copy of your "guidlines": Clearly, the Justice Department has developed their own "Guidelines" that supercede the simple conditions set down under the Child Support Recovery Act of 1992.

The fact that the deadbeat debtor Richard D. Unanue was in arrears by more than $5,000 for one year and had fled the State of New York to avoid payment of Court Ordered Child Support was insufficient evidence for the Justice Department. A simple Federal Law was being arbitrarily "adjusted" by the U.S. Attorney's office. The Justice Department, in order to avoid their responsibility in upholding Federal law had made up their own "guidelines" as to whether or not they will prosecute cases under the Child support Recovery Act of 1992. "O.K.," I thought, "send me your 'guidelines' and I will comply fully with your 'guidelines' and leave hostility, and stonewalling to others.

Fact: The Child Support Recovery Act of 1992, passed by the Congress and signed into law on October 25, 1992, an act sponsored by Senator Shelby and Congressmen Hyde and Schumer has been in effect since October 1992 and, as far as I know, not one single case, has ever been prosecuted by any member of the United States Justice Department.

Fact: I have been stonewalled for almost a full year since we first submitted data to the

Southern District office in July 1993 concerning debtor Richard D. Unanue who abandoned his wife and three minor children in December 1986.

Fact: Although I complied with the letter of the "guidelines" I am being stonewalled again by the United States Justice Department.

Fact: Debtor Richard D. Unanue is a millionaire debtor who hides his cash in offshore banks, washes his money and other people's money through a hundred phony corporations in New York State, North Carolina, Florida, Panama, Colombia and Switzerland and England who knows where else and avoids paying any income tax to any State or to any authority of the Federal Government.

Fact: Debtor Richard D. Unanue, in attempting to bring his first wife to both financial and emotional ruin, in 1989 paid only $1,830, of that year's $46,982, due in court ordered child support for the entire year of 1989. In addition, he vowed never to pay one penny in Court Ordered "equitable distribution" of other assets or one penny in "alimony" (maintenance) and he has held to that vow while avoiding prosecution under both State Law and now under Federal Law.

Fact: During the entire year of 1990, debtor Richard D. Unanue compounded his assault against me and our children by not sending us one red cent (neither one penny in child support or one penny in alimony)! Instead, debtor Richard D. Unanue committed bigamy, committed fraud to obtain "health" insurance to pay for his new wife's pregnancy, repeatedly lied to the Internal Revenue Service about his income and his home address, failed to pay one penny in taxes to either the United States Internal Revenue Service or any State or local Government.

Fact: Debtor Richard D. Unanue ran from an IVD subpoena in 1992 in Buncombe County, North Carolina to reside temporarily in Costa Rica for about six months but then returned to North Carolina where he has been living ever since.

Fact: Debtor Richard D. Unanue is now in arrears of his child support payments to the tune of $218,358, as of January 1994. (How's that for "egregious"?)

Fact: In compliance with the "Guidelines" of the Justice Department of the Southern District of New York and complying in every way with the instructions of Ms. Calabrese, legal aide to U.S. Attorney Mary Jo White in March 1994 I sent Justice the extensive data they requested, fulfilling in every way all of the "Guidelines" arbitrarily set up by the Justice Department. (I have enclosed an outline of the extensive data that was sent and received by the Justice Department for your review. If you want to see a complete record of the data ask Ms. Calabrese to send you copies)

Fact: Ms. Calabrese received the data and responded immediately by phone call to indicate to me that she was overwhelmed by the completeness of the data and that if it was up to her she would have sent out a "target letter" immediately to debtor Richard D. Unanue through his multiple numbers of personal lawyers. But she was not a lawyer and that would have to wait the decision of the "lawyers" in Justice. She informed me that a lawyer, a Mr. James Johnson, was returning from his holiday vacation in a few days and he would look over the material and let me know what Justice would do.

Fact: April 1994. With still no response from Justice, Attorney Johnson, Attorney White, or Ms. Calabrese, I wrote a note asking what was going on.

Fact: May 20, 1994. Still no response from Justice, so I called Ms. Calabrese. She indicated that the probability was that Justice would not be bothered with cases concerning the adjudication of the Child Support Recovery Act of 1992. That has prompted me to write to you now and let you know what your Department plans to do for the mothers and children you speak so much about.

I guess, Ms. Reno, all of your personal concern and public pronouncements concerning the importance of children's rights means very little to your Justice Department, and your tens of thousands of words and hundreds of speeches on the matter of the importance of the family and children is no more than "pap" for the public. Certainly, that is the way I am left to feel and understand when it is almost a full year (!) since we first informed the Justice Department of debtor Richard D. Unanue and your Justice Department has done nothing but throw the data into the garbage and/or stonewall Americans who not only feel disenfranchised by the system, but who are disenfranchised by the system!

Fact: Although I have complied with all the "guidelines" set up by the Justice Department and although I had supplied the lawyers of the Justice Department, namely Mary Jo White, with enough data to prosecute debtor Richard D. Unanue, and certainly with enough data to allow them to begin the process of attempting to collect the past-due child support funds, by sending out their first "target" letter to the debtor, I am now led to believe that the Justice Department has no interest or intent to proceed with the prosecution of any cases brought against debtors such as Richard D. Unanue who live in defiance of all moral rules of decency and in defiance of the Federal Law, the Child Support Recovery Act of 1992, passed by the Congress of the United States and signed into law one and a half years ago!

I am sorry to say that I see the problem with the actions of the Justice Department on this matter of the enforcement of Federal Law as outlined in the Child Support Recovery Act of 1992 as an issue of failed integrity of our system of justice: Is Lincoln Caplan wrong when he says (The New York Times Magazine, May 15, 1994): "Reno had announced that the test of her leadership would be her ability to turn ideas into action." And is it true that in the beginning you were "clueless" as to how to make this happen, but now you know what to do? Is Lincoln Caplan right when he says that "Reno likes spreading the word about the law's power to solve real problems of real people" * * * but you, according to some sources, "* * * regularly make promises [you] don't keep". Is Lincoln Caplan right when he points to the lack of integrity and downright illegal activities of lawyers in the Justice Department who intimidate witnesses, manipulate grand juries, fail to disclose evidence favorable to a defendant * * * and I will add * * * throw evidence into the garbage and then make believe they never received it!

I, as a woman, a housewife, a mother of three children, have been sufficiently debased, abused, intimidated, by enough lawyers, and a dead-beat millionaire ex-husband to know when I am being spat on once again by a legal system that only gives lip service to women's rights and children's rights and needs. The fact that I have complied in every way with the laws of the State of New York, the laws of the Federal Government, the wishes of every order of every Court and pay all of my taxes to support my local, State and Federal Government, the highways, the public parks, the Federal debt, welfare payments to the indigent, etc., etc., etc. apparently makes no difference to the Justice Department of Janet Reno. Integrity is not rewarded. It is spit upon, stonewalled and while I am made to feel debased and ignored, by the very forces that are supposed to be my legal supporters * * * the deadbeat dads, the debtors, the runaways like Richard D. Unanue who cheat, lie, and commit fraud against the U.S. Government, various insurance companies, multiple States of the United States, never hesitating to steal from me or our children, is allowed to go scot free while the Justice Department armed, finally, with Federal Law to back them up against his thievery, refuses to act. Integrity and the Justice Department's unwillingness to fight for women's rights, mothers' rights and children's rights. That is the issue. The United States Justice Department, when it comes to defending the rights of abandoned mothers and their dependent children appears to be acting no differently than the deadbeat dads, the debtor runaways. As long as the Justice Department of the United States and its lawyers are willing to toss evidence into the garbage, stonewall against the rights of children and mothers, then justice will not be served and Janet Reno will end her term as Attorney General unable to fulfill her goals and her life-long commitment to justice, integrity and service to the people.

Dear Ms. Reno: Say it isn't so. Say that my fears of being abandoned once again should be allayed. Say that Justice's role in defending women, mothers and children is not a sham, and not "Too Bad. Tough! Bye. Bye."

Have a happy Memorial Day Holiday. I anxiously await your response.

Sincerely,

DIANA BERNER.

Mr. SHELBY. Madam President, I yield as much time as she wants to consume to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank my colleague, Senator SHELBY, for taking the leadership on this issue. Child support is an issue in which I am very interested because, particularly from the California perspective, it is a major issue. I give my strong support to this amendment.

Nationwide we have a big problem. Only $13 billion out of $48 billion in court-ordered child support is actually collected each year. In California, about $3 billion goes uncollected. In 1990, only about 39 percent of child support orders tracked by district attorneys have resulted in any payment, and that figure has only improved slightly since then. Nearly one-third of child support cases involve out-of-State fathers.

My State, the State of California, has targeted 11,600 non-custodial parents. These are the most egregious examples of people, living outside the State, who owe child support to their families. There is no reason for the Federal Government not to aggressively pursue each and every option to recover these funds.

Just yesterday, in testimony before the Senate, the GAO was critical of the Federal Government's role in collecting child support. At that same hearing the Children's Defense Fund testified that, while in 1992 the default rate for used car loans was less than 3 percent in this Nation, the delinquency rate for child support was 49 percent in 1990. This goes to show you that people pay their car loans and they do not necessarily support their children. One out of four children in this Nation today is born in poverty. It is shameful that the largest single reason for this, is the absence of child support, people who earn a living, who walk away from their family, and leave one parent with a child without child support. It is time to get tough on irresponsible parents. Even if they walk away from their families, and their obligations, they should not be permitted to walk away from the law.

In yesterday's hearing also, Mary Jo Bane, Assistant Secretary for Health and Human Services, acknowledged that a substantial increase in child support collections would yield a reduction of 25 percent in AFDC payments. The annual cost of AFDC, to Federal and State governments, is $22 billion. So if we collect child support we can cut back on AFDC costs by 25 percent. It seems to me this in fact would be a good start to welfare reform.

But this problem is not limited just to AFDC recipients. The Children's Defense Fund also reports that the nonwelfare caseload of child support enforcement agencies quadrupled from 1.7 million nationally in 1983 to 6.5 million in 1992. While an estimated $14 billion is owed as a result of interstate flight, the Justice Department has filed only 5 cases, as Senator SHELBY has pointed out, against deadbeat parents since the Child Support Recovery Act was enacted in 1992. It simply has not been a priority for Justice.

What we say in this sense-of-the-Senate resolution is that it should be a priority for Justice. I am pleased to join with my colleagues. I think it is time to get tough on irresponsible parents.

You know, no child says before the fact, "I want to be brought into this world." The fact is, parents bring children into the world. And the inescapable fact must be that parents have a responsibility and that you cannot walk away from your kids and you cannot avoid child support by crossing State lines.

Along with Senator BRADLEY, I and others in this body are cosponsoring the Interstate Child Support Enforcement Act, which includes establishment of paternity very early on, and then, through a new W-4 form which would be filed with the Federal Government, would enable authorities to garnishee wages from an individual who leaves the State to avoid child support. The legislation also contains other tough enforcement measures requiring States to enact criminal penalties as well as suspend drivers and professional licenses of parents in default.

Let me summarize. In my State, one in four youngsters grows up in poverty. A major reason for this is the absence of child support. There are $3 billion in unpaid court-ordered child support in California, and one-third of all child support cases involve out-of-State fathers.

So in the United States we have $48 billion owed, according to court judgments, and only $13 billion collected. We ask by this sense-of-the-Senate, please, Department of Justice, for the U.S. Senate, this is a priority. Begin to enforce the Child Support Recovery Act of 1992, of which Senator SHELBY was author in this distinguished body.

I yield the floor.

Mr. KOHL. Madam President, I rise today as a cosponsor of the sense-of-the-Senate offered by my colleague from Alabama.

Two years ago, Senator SHELBY and I worked together to pass legislation that sent a stern message to deadbeat dads—and moms: Pay up or go to jail. As chair of the Senate Subcommittee on Juvenile Justice, I held hearings on our bill, and moved it through the Judiciary Committee.

Sadly, the message of our measure has not been heeded. Deadbeat parents continue to evade their responsibilities. Our Nation's children continue to suffer. We passed the law, but the Department of Justice failed to enforce it. In fact, after almost 2 years, Justice has prosecuted only five cases. This gulf between rhetoric and reality in unconscionable.

Our legislation was simple, effective and straightforward: We made it a Federal criminal offense to willfully avoid paying support for a child who lived in another State. And we established a system of stiff penalties for noncustodial parents who refuse to support their children.

The "deadbeat parents" measure was meant to help kids. But it has not. According to the most recent statistics, 23 million of our Nation's children are not receiving child support. Of these 23 million children, 40 percent have a delinquent parent who lives in a different State. So by some estimates, our legislation could reach more than 9 million children—and more than 4 million parents who are not paying child support.

But how many children have been helped by this law? Five. Not 5 million; not even 5,000; just 5. By the nearly 95,000 Justice Department employees.

To be fair, we know that not all out-of-State delinquent parents can be caught, prosecuted, and made to pay or punished. But no parent should be allowed to abandon their child simply because that child lives in another State. And no parent should be allowed to shirk their financial responsibility and pass it off to the taxpayers.

Our Nation can not afford that, and our children do not deserve that.

And so, with this sense-of-the Senate, we ask the Justice Department to get going. I know that Janet Reno and President Clinton care about this problem. There is no question about that. But we want—and our children need—the Justice Department to move forward on this matter.

We in the Congress fulfilled our part of the bargain in passing the law. Now we ask Justice to do its part by enforcing the law. And so I urge my colleagues to join us in supporting this resolution.

Mr. SHELBY. Madam President, I yield what time remains to the Senator from Texas, Senator GRAMM.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, how much time is remaining?

The PRESIDING OFFICER. Five minutes.

Mr. GRAMM. Madam President, I, too, want to start by congratulating our dear colleague from Alabama. I want to be sure if I understand these facts, if I could ask a question?

As I recall, on October 25, 1992, we passed a bill that gave the Justice Department the right to go into court and to force these deadbeat dads, I think the debate called them at that point —we are great with catchy phrases around here—

Mr. SHELBY. That is right.

Mr. GRAMM.—To pay child support. It is also my understanding that the Attorney General, Janet Reno, has now gone into court and prosecuted in only five cases in 18 months. Is that right?

Mr. SHELBY. If the Senator will yield for an answer on that, the Senator from Texas is exactly right.

In October of 1992, this law was signed by the President of the United States as part of the U.S. Criminal Code. Today it is a crime to go from State to State to avoid child support. It used to not be a crime to do that. We had to go State by State. The Justice Department, to our knowledge, has only tried to prosecute 5 cases nationwide. Yet there are billions and billions of dollars at stake here. What we are trying to do is say, "Do your job."

Mr. GRAMM. Does the Senator believe that perhaps there are only five delinquent fathers in the country who have crossed State lines to avoid paying child support?

Mr. SHELBY. If the Senator will yield further, there are thousands of cases; 40 percent of the child support cases in America, I understand, are interstate cases that fall into this category that would be subject to the criminal statute. And there are billions and billions of dollars owed.

Just think, if we could collect for the children, the children of America, something that is already owed to them. And most of these people are gainfully employed.

Mr. GRAMM. And we could save the taxpayers' money.

Mr. SHELBY. Absolutely.

Mr. GRAMM. I simply want to make an obvious point.

Mr. SHELBY. If the Senator will yield for one quick statement? There are 9 million children who are owed this billions of dollars in the United States, already on court decrees—9 million children.

Mr. GRAMM. If the Clinton administration wants to understand why it has a credibility problem, look at this. The President stands up and says let us have welfare reform. Let us get these deadbeat dads. His Attorney General, in 18 months, has tried to get 5 of them.

I offered an amendment tonight to try to stop taxpayer funding to fight welfare reform, and the Attorney General of the United States writes that the Clinton administration opposes this amendment.

The President talks about three strikes and you are out, yet the Justice Department of the Clinton administration has spent every hour since they have been empowered, when the President put his hand on the Bible, from that moment on they have been trying to overturn minimum mandatory sentencing for drug felons who are trying to sell drugs to our children.

So, my point is this. You cannot very well have credibility when you say one thing and you do another. What the Shelby amendment is saying to the Clinton administration is, put your actions where your mouth is. We passed the law. It is the law of the land that the Justice Department can go after these deadbeat dads, as we called them in this debate. The President does not have to wait on welfare reform. He can do it. If he is so anxious to do it, why only 5 cases in 18 months? If we really want welfare reform, if we really want to require welfare recipients to work, and if we want to cut off economic incentives for people on welfare to have more children, why are we opposing an amendment which is trying to deny taxpayer funding, or the use of it, to try to fight exactly what we claim to be for?

And if we are for grabbing violent criminals by the throat, why is the Justice Department trying to overturn minimum mandatory sentencing?

The answer to all these questions, obviously, depends upon the eye of the beholder but, in my opinion, the answer is there is a huge gulf between the rhetoric of the Clinton administration and the reality of their program. The rhetoric is tough on welfare reform. The reality is it tries to kill probably the only welfare reform amendment we are going to vote on this year. They have had an opportunity on deadbeat dads and they have only gone to court five times.

I thank the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2344

(Purpose: To provide additional funding for small business disaster loans in areas affected by the flooding in Georgia, Alabama, and Florida)

Mr. COVERDELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself and Mr. NUNN, proposes an amendment numbered 2344.

The amendment is as follows:

Beginning on page 118, line 25, strike "and other" and all that follows through page 119, line 1 and insert the following: ", the flooding and other damage caused by Tropical Storm Alberto in Georgia, Alabama, and Florida, and other disasters and associated administrative expenses, $470,000,000, which shall be".

Mr. COVERDELL. Madam President, I rise on behalf of myself and the distinguished Senator SAM NUNN, of Georgia, to offer this amendment to the main bill. The original legislation provided $400 million to the Small Business Administration to collateralize loans in the California earthquake.

Subsequent to the legislation, we have had the most significant disaster in Georgia in contemporary history. That disaster spilled over into the States of Alabama and Florida.

This amendment adds $70 million to the $400 million so that the Small Business Administration can extend disaster loans in a greater degree in the States of Georgia, Alabama, and Florida.

The amendment has been negotiated with the Small Business Administration, with the floor managers on both sides and, to my knowledge, there is no disagreement about the need of this important legislation as one more assistance and one more flexibility to be made available in the face of this grave disaster in our State.

This $70 million will collateralize almost $300 million in disaster loans to, again, add to what we have been doing in the last few days: To try to bring relief and diminishing of anxiety in the path of this great flood of 1994.

Madam President, I yield the floor. I know the other Senator from Georgia, Senator NUNN, would like to speak on this amendment and has perhaps another amendment to offer.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I am pleased to join my friend and colleague, Senator COVERDELL, in presenting this amendment. I want to express my appreciation to the Senator from South Carolina, the Senator from New Mexico, and their staffs for working with us on this amendment and giving us advice on the amendment and working with the SBA on the amendment.

As Senator COVERDELL, the junior Senator from Georgia, has already said, this amendment will increase the lending authority of the Small Business Administration by between $250 million and $300 million, which we believe is essential and which the Small Business Administration has verified in terms of helping those who have been the victims of the storm we call Alberta which struck Georgia, Alabama, and Florida.

So this involves three States. Of course, the money can be used in the broad category to which it is attached, but we believe this amount of money will be a minimum that may be required. It may be more than that. No one can really appropriately assess the damage as yet.

There has been an unprecedented flood in Georgia. We have never had anything with this devastation since the Civil War. It, basically, wrecked many small communities, and a number of large communities are still struggling to dig out of the mud and debris in the aftermath, including a town near my hometown of Perry, called Macon. About 200,000 people still do not have water as we speak here tonight. They still do not have water.

Americus, GA, has been hit very hard. We had some 31, 32 deaths. Some of them were in Americus, and Montezuma, GA, in Macon County has been hit very hard.

Senator COVERDELL and I, the Governor and others flew over the area a number of times, and that town was literally under water. I was there this Monday and walked the streets and went in the stores. They are having to gut all the stores, take everything off the walls, take out anything remaining and, in effect, start over with nothing but the frames of the buildings, and even the frames of the buildings, in many cases, are also going to have to be replaced.

Almost every merchant in Montezuma, GA, lost their entire inventory. They are struggling with that. It is going to be difficult for them to make it. The SBA loans are speedy, and they are needed. We want to make sure there is enough money to cover it. So we appreciate very much the efforts of the Senator from New Mexico and the Senator from South Carolina in this regard.

I will also have another amendment. I will discuss that one very briefly after this one. I hope that one will also be accepted. That will add $50 million to the Economic Development Administration, because we are informed that they will need this kind of money to play their role in this disaster.

In small towns, particularly like Montezuma, GA, and Newnan, GA, the merchants are going to have a very hard time, even if someone makes them a loan and even if the loans are interest free, because they simply do not have the wherewithal to be able to replace all the inventory and the buildings because those are very small towns without a very robust economic base.

They are determined people, and I believe they will make it. I am confident they will make it, but it is going to take some help.

Both of these amendments offered on behalf of myself and Senator COVERDELL, we believe, are very important. We appreciate very much the Senator from South Carolina and the Senator from New Mexico working with us on this important matter to meet the tragedy that has occurred in our State.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, it has been a privilege to work with the distinguished Senators from Georgia, Senator NUNN and Senator COVERDELL, and also with the distinguished Presiding Officer, Senator GRAHAM, and the other Senators from Florida and Alabama, to work out this amendment. We all have been shocked at the devastation caused in the three States, particularly right around Macon, GA, as the Senator from Georgia, Senator NUNN, has pointed out.

The good thing about this first amendment is it does not have to be offset. It has to be within the emergency sections of the Small Business Administration, and the Small Business Administration is administered by none other than Mr. Erskine Bowles who is an outstanding financial executive. He was in this particular discipline for years in Charlotte, NC, before President Clinton enticed him to come to Washington.

With SBA, where we have had some problems sometimes in the disaster loans and how they were allocated, I go particularly back in my experience when they had the fault out in California—not the earthquake last year, but the one that was caused some 15 years ago where some took advantage of it.

We do not have that problem. That is the one thing that concerned us.

So the aim here is to do what is intended by the disaster loan program, to take care as expeditiously, in as orderly a process as we possibly can. We thought it was $470 million, but that has gone up. With the $400 million, we were going to be able to finance some $1.8 billion in disaster loans. So with the $470 million, it will be over the $2 billion amount, which is really, in our estimation, going to be needed.

The committee is ready to accept it, and I will yield in a minute to my ranking member to confirm that.

With respect to the Economic Development Administration, the $50 million to remain available and the $5 million also for the administration, that has to be declared an emergency, under the particular amendment, by the President. So if that is needed, that, too, avoids the scoring problem that Senator DOMENICI and I have had since the very beginning working on this bill.

So I have looked them over, and the Senator from Georgia is correct. We have worked with their staffs and everything, and we would be prepared to accept them.

I yield the floor.

Mr. DOMENICI. Mr. President, first of all, let me indicate to the Senators from the affected States, in particular Senator NUNN and Senator COVERDELL, whom I visited with at length on the disaster, I think it is good for us to see how concerned both Senators are about this kind of event in their States.

I have noticed that both Senators have been extremely diligent in going home, going to see the disaster, seeing the people, and then reporting back to us who have to try to get the money in the best way possible.

I congratulate the Senators. This Senator comes from a State where we have not yet had one of these disasters, but I had a little experience with it because my first assignment in the Senate was the Subcommittee on Disaster Relief, Mr. President. I think they assigned disaster relief then to the least senior person around, and so I was supposed to have nothing to do.

But it turned out hurricane Agnes came. Do you remember hurricane Agnes? That was a big one. It came in from the northeast, got a big piece of New York, Pennsylvania, and right through here. And so I had my first field hearings, and they were in the midst of a disaster. I learned a lot, and I learned a lot about the laws, and I think we have improved the law since.

Frankly, I am hopeful that we do not have any more. We have had our share this year as Americans. But when we have them, when we have them, in the tradition of the Senate and our National Government and, I think, in behalf of all of our people, the people of the country, we, indeed, must come to the help of States like Georgia and Florida. I for one wish we did not have them in the midst of these States, but since we do, I think it is good to help right now. And we are going to do that as far as I am concerned.

The loan program is working. I hope it continues to work in these States, and I know in some instances where it will not work, I say to the Senator from Georgia, we do not have a catch-all disaster relief that will cover everybody, and I think the people of Georgia probably know that. But a very substantial portion of the assistance will come by virtue of these loans which are geared to helping people that are in disastrous situations.

I am also pleased that when we drafted the laws and the rules regarding budget restraint, we did provide in the case of a real emergency we could break the budget caps and spend money that was needed as declared by the President and concurred in by the Congress. I am sure that is the case with reference to this SBA loan at $70 million in new money. It can only be used in disaster areas anyway so it is kind of self-policing in that respect.

Frankly, on many occasions I have struggled, as one familiar with that agreement, on permitting disaster money to exceed the caps and spend it over the budget, so to speak. I have been on the floor sometimes when I had to really argue that people were seeking money for things that were not a real disaster. But this one obviously fits what we had in mind, and so even that is going to work to the benefit of the three States affected, with obviously the predominant damage in Georgia.

I am hopeful that the EDA amendment will be accepted. I intend to accept it on this side, I say to the Senators from Georgia, and I gather that when the President does declare this is needed and it is for emergency purposes, there will be some effort to tailor it to the needs of the disaster area. And that may not be easy, but we hope it works.

So I am very pleased, on behalf of our side of the aisle, to say to both Senators from Georgia, it is almost a responsibility of the Senate to do this, and I am glad we are in the Chamber saying we are going to do that and do it as fast as we can.

I yield the floor.

Mr. NUNN. Mr. President, I hope we could vote on the first amendment, but perhaps it would facilitate everyone if I went ahead and explained the second amendment and then perhaps we could vote on it. I will send it to the desk after the first one is approved.

This second amendment, which I will withhold at the moment but will send to the desk, has already been described by the Senator from South Carolina and the Senator from New Mexico. I will make my information very brief. This, too, will be on behalf of myself and Senator COVERDELL.

This amendment would appropriate $50 million for the Economic Development Administration to help communities and businesses cope with the aftermath of the tropical storm Alberto. An additional $5 million is included to cover the administrative expenses involved in overseeing the funding. So it is a total of $55 million.

The release of these moneys, as has already been referred to, would be contingent upon a request from the administration that the spending is for emergency purposes as outlined in section 251(b)(2)(D)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985. Unless the administration makes this request, these moneys would not be available to be spent. These emergency restrictions are similar to those imposed upon use of emergency EDA moneys for floods in the Midwest and the Northridge earthquake.

As yet, we do not have damage estimates from the flood in Georgia and Alabama and Florida. This appropriation is in anticipation of requests, if this amendment passes, for assistance for communities in the three affected States to help replace damaged infrastructure and assist businesses that were displaced by the flood.

Mr. President, I hope we can vote on the first amendment, and after that is approved, I will send the second one to the desk.

I appreciate the voices of support that have already been given by the managers to both amendments.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 2344.

Is there any objection to amendment 2344?

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Without objection, amendment 2344 is agreed to.

So the amendment (No. 2344) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2345

The PRESIDING OFFICER. The question is on agreeing to the second amendment.

Mr. NUNN. Mr. President, I do not believe the second amendment has been sent to the desk. On behalf of myself and Senator COVERDELL, I send that amendment to the desk. It already has been described. I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. COVERDELL, proposes an amendment numbered 2345.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, after "Emergency Supplemental Appropriations" on line 20, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" pursuant to the Public Works and Economic Development Assistance Act of 1965 as amended, to be used for grants to assist States and local communities in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters, $50,000,000 to remain available until expended; and in addition $5,000,000 to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses": *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

Mr. NUNN. Mr. President, I believe the floor managers have already indicated they would accept this amendment, so I hope we can vote on it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, is there any objection to adoption of the amendment? Without objection, the amendment is agreed to.

So the amendment (No. 2345) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, again I wish to thank the Senator from South Carolina and the Senator from New Mexico. They have been most cooperative. Their staffs have been terrific. They understand the devastation that has taken place, and they have been a tremendous help to Senator COVERDELL and myself and all the people in Georgia, Florida, and Alabama who are the victims, the continuing victims of the flooding.

The most severely damaged counties in Georgia are Bibb County, Macon County, Dooly County, Sumpter County, Lee County, Dougherty County, Mitchell County, Baker County, and Decatur County.

There are a number of others that are severely damaged, including Pulaski County. There are about 43. I am sure the people in all of those counties will be very grateful for the Senate's action this evening.

I thank the Chair.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I would like to echo the remarks of the senior Senator with regard to the management on both sides of the aisle. At an appropriate time, it is my intention to thank each distinguished Senator. There are so many of our colleagues who have come forward on their own volition, out of concern for so many thousands of people that have been ravaged by the flood. But in particular this evening I want to thank the Senators from South Carolina and New Mexico for their assistance.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished Senator from California [Mrs. FEINSTEIN], has been working diligently with us in the committee, Senator DOMENICI and myself, around the clock from the beginning of the year, to tell you the truth. Immigration is a real problem nationally. If you hit the bull's eye, it would be the State of California, as well as the State of the distinguished presiding officer, the State of Florida.

We have worked in every regard. The first order of business, of course, is stop the flow as best we can. We have done that in this particular bill by putting in $100 million, $60 million for the Border Patrol for the construction of the Border Patrol stations, check points, and the physical border features.

We have also included $54.5 million to hire 700 additional Border Patrol agents. That is above the President's request. So there is a total increase of 940 Border Patrol agents for next year over this year's budget, and $10 million is provided to hire 220 land border inspectors. We put that in at the instance of Senator FEINSTEIN, and some other measures down there.

We have a work force down at Tijuana coming to San Diego. For them to do their work, the flow needs to be expedited so that we can distinguish between the legal and the illegals, and rather give passage to those who are working. We have quite a work force over in Tijuana coming up into the State of California. We have many other initiatives in here.

I express the gratitude of the committee to the distinguished Senator from California for her leadership on this score.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I want to thank the chairman and the bill manager for those very generous comments. But I think those comments really should be directed toward the committee. Chairman HOLLINGS and Senator DOMENICI, the ranking member, have really produced a very fine bill.

I have taken the time to tab the bill, and really go through it. As all Members should know, this bill is provides more than $12 billion in discretionary funds to the Department of Justice, actually 31 percent more than last year. It includes more than $2 billion from the crime bill trust fund, funds for State and local police hiring grants, an expanded Byrne Grant Program, 300 new agents for the Drug Enforcement Agency, more than 430 new FBI agents, and greatly expanded resources for U.S. attorneys' offices across the country, including almost $44 million for implementation of the Attorney General's Violent Crime Task Force.

I might say that those of us in California, where the Los Angeles U.S. attorney's office has been substantially understaffed for a very long time, are really particularly grateful for the latter.

So there is real money in this bill. Funds that I believe will make a real difference in fighting crime on our streets, in our communities, and in every State of this Nation.

There is also money in this bill to fight illegal immigration, Mr. President. A problem that I know from personal experience to be substantial and of tremendous importance to my State.

I know that a year ago that a year and a half ago, the Immigration and Naturalization Service was a very demoralized agency. I visited the border and saw and heard for myself why. The Border Patrol in San Diego was at that time overwhelmed on the Southwest border by better than 60 to 1.

Since then, the Appropriations Committee and Congress have expanded the size of the Border Patrol by 600 agents. I went back to the border and saw the difference that this infusion of funds made. The first 40 of the new agents underwritten were on the job and had increased the sector's efficiency from 50 percent to 60 percent in just a few months. New infrastructure, including 14 miles of reinforced fence, new lighting, new vehicles and other equipment were making a difference. On the night of my visit less than a month ago, the Border Patrol arrested 2,000 people.

In this bill, as the ranking member and chairman have pointed out, funds are made available for 700 new, and 240 redirected, agents that will be added to our borders where necessary—North, South, East, West. I believe that this new complement of agents, once fully deployed, will really begin to stem the flow of illegal immigrants into our country in a substantial way.

This bill, and the funds it provides, are important: $54.5 million for the 700 new agents; $55 million more for automation technology that I have actually seen tested on the border and which will free up the those additional 240 agents; $100 million for INS construction projects, including nearly $60 million for new or improved border check points; 220 new land border inspectors to speed legal border crossing; $55 million for expedited deportation of illegal aliens; and $55 million for reform of the overburdened asylum process.

I also want to point out that there is money in this bill to help create counterfeit-proof work authorization documents. Three weeks ago, in Los Angeles, I could have bought, on three occasions, counterfeit drivers' licenses, counterfeit green cards, and other forged documents for anywhere from $10 to $60. In the INS office, I saw literally thousands of these cards that had been confiscated. I saw a demonstration of sophisticated counterfeiting methods, and I went to a hotel right across the street where these documents are produced in less than 1 hour's time from the time of purchase. This issue needs to be addressed.

Finally, Mr. President, I do have some questions about the funds made available under this bill for Federal reimbursement of costs incurred by States in incarcerating criminal aliens. Congress acknowledged its responsibility in 1986 to provide such reimbursement, but no appropriations bill before this one actually made real money available to the States for this purpose. Chairman HOLLINGS has graciously offered to engage me in a colloquy for the RECORD on this subject. I also know that you and I, Mr. President, my colleague from Florida, hope to meet soon with the Attorney General to discuss this subject in depth. I ask unanimous consent at this time, Mr. President, that colloquy to which I referred appear in the RECORD immediately following my remarks.

In conclusion, I want to make clear that there is no bill other than this one that will do what needs to be done with respect to fighting illegal immigration and fighting crime. This is the bill that makes the promises real, that provides the funds to do what—otherwise—we will simply have talked about.

So people may talk, but if they do not vote for this bill, they will be voting against putting resources where they are needed for more police, more border patrol agents, more FBI agents, more DEA agents, better border infrastructure, and asylum reform—to name just a few of the many programs funded by this bill. A vote against this bill, is a vote against all that and more.

Mr. President, I salute the subcommittee, and thank the Chairman and his staff very much. Thank you, too, Mr. President.

Mr. President, I wonder if the distinguished chairman of the Commerce, Justice, State and Judiciary Subcommittee of the Appropriations Committee, would be kind enough to discuss the pending bill with me for a few moments?

Mr. HOLLINGS. I would be pleased to engage my colleague from California in a colloquy, Mr. President.

Mrs. FEINSTEIN. Thank you, Mr. President, and I thank my friend from South Carolina.

Having reviewed this bill and the accompanying report carefully, and having listened carefully to the Chairman's opening remarks on this crime bill, it is certainly my impression that the Appropriations Committee has in many ways concurred that the control of illegal immigration to the United States must—and is in this bill—a national priority.

Is that a fair characterization of the committee's thinking in establishing funding priorities for the Department of Justice and Immigration and Naturalization Service?

Mr. HOLLINGS. The short answer is, absolutely.

As I highlighted in my opening comments, this bill fully funds the President's $300 million immigration initiative announced this winter: $181 million for border control—critically needed automation initiatives that will free up 240 Border Patrol agents who can be deployed to the line; $55 million for expedited deportation of illegal aliens; another $55 million for asylum reform; and $8.5 million for the immigration emergency fund.

There is also $100 million in this bill, almost $60 million of it for the Border Patrol, for the construction of Border Patrol stations, checkpoints, and physical border features and $40 million for INS processing centers.

And we have also included $54.5 million to hire 700 additional Border Patrol agents—above the President's request—increasing agents on the line by 940 in fiscal year 1995. And, $10 million is provided to hire 220 land border inspectors to ensure that traffic moves more quickly through their ports of entry.

Mrs. FEINSTEIN. I thank the chairman. It is very gratifying to have the committee's support for the proposition that I have advanced since I arrived in the Senate; namely, that we can and must control our borders.

Let me address another issue of tremendous concern, Mr. President: the cost to California—and to six other States which together are home to 85 percent of the American people—of incarcerating aliens in this country illegally who commit crimes and wind up in State and local prisons and jails.

As the chairman knows better than anyone, immigration is—without question—solely a Federal prerogative and responsibility. Accordingly, Congress acknowledged its obligation to reimburse States for the costs associated with criminal aliens in 1986 when it authorized the State Criminal Alien Assistance Program in "IRCA"—the Immigration Reform and Control Act. Before this bill, however, virtually no budget request or appropriation to effectuate Congress' intent has been made.

As a direct result, the States have born an estimated $600 million burden annually to imprison individuals deportable under Federal law, according to the Congressional Budget Office.

I noted in the committee's report and in the chairman's remarks that the bill before us—in effect, for the first time—makes it possible for states affected by criminal alien incarceration to apply to the Attorney General for funds to offset the cost of imprisoning illegal aliens.

Mr. President, could the chairman detail for me, please, what portion of the $1.3 million in community policing funds will be available to the Attorney General out of which to make criminal alien reimbursement grants?

Mr. HOLLINGS. The committee estimates that—nationwide after the individual State minimum awards of $6.2 million are made—approximately $900 million will be available for both community policing and criminal alien incarceration grants. I want to emphasize, however, that the committee makes clear in its report that the Attorney General must assure, before awarding any criminal alien incarceration grant to any State applying for such aid, that the legal status of all foreign-born inmates housed in its jails has been determined as required by section 501(b) of the Immigration Reform and Control Act (Public Law 99-603).

This grant authority is not intended to reimburse States for people in prison who are foreign born, or on whom the INS has placed a hold, but prisoners who are, in fact, here illegally for reasons independent of the conviction that put them in prison. It is critical that this money not be awarded in a vacuum, or based on speculative estimates of alien prison populations.

Mrs. FEINSTEIN. I thank the chairman. I want to say for the record, as well, that I completely agree with you that no State should receive any alien incarceration funds unless their prison census is accurate. Is it the chairman's understanding that the Attorney General will be responsible for promptly publishing a methodology, or set of methodologies, for making acceptable estimates of this kind?

Mr. HOLLINGS. That is my understanding, but let me say that the Commissioner of INS, Doris Meissner, testified before the Appropriations Committee on June 22, 1994 that such verification could take 12 to 24 months.

Mrs. FEINSTEIN. Is it also the Chairman's understanding that—once the Attorney General does publish acceptable accounting methods—that she must notify the committee of her intention to reprogram community policing moneys for the purpose of making criminal alien incarceration grants?

Mr. HOLLINGS. That is also true, Mr. President.

Mrs. FEINSTEIN. I thank the Chairman. Once that reprogramming notice is filed, however, is further action by the committee or Congress required to begin the flow of funds to States that have made successful applications for reimbursement?

Mr. HOLLINGS. The Senator is correct, and I refer her and others to section 605 of the bill for details on reprogramming in general under the bill.

Mrs. FEINSTEIN. I appreciate that. Finally, I just want to make clear this Senator's deep appreciation to Chairman HOLLINGS, Chairman BYRD, and their excellent staffs for speaking at length with me over the past several months regarding the critical need to reinvigorate the INS and begin to truly enforce our borders.

This bill overall, in my view, increases the momentum generated by the Appropriations Committee last year in making fiscal year 1994 appropriations for 600 new Border Patrol agents. I hope that we can maintain and, if necessary, increase that momentum and commitment further next year.

Mr. HOLLINGS. I thank the Senator. She has been a force on the Appropriations Committee and—while we will deal with next year when it comes—I am very proud of this bill and appreciate the support of the Senator from California.

Mrs. FEINSTEIN. I thank the chairman. I yield the floor, Mr. President.

Mr. DOMENICI. Mr. President, before the Senator from California leaves the floor, might I just say, from my standpoint, as part of this team of the chairman and ranking member, I thank her for her compliments about the bill. I do believe we have heard what the people of the country really want, and I believe we have heard what Senators on both sides of the aisle speaking for the people want. They want the new money we get in this year's budget for crime fighting and to control our borders. Frankly, they are tied together. It is very tough for the border States to control time if our borders are wide open. We tied those together, and we think we made a giant step and a real commitment to try, within the limitations of the current agencies of Government, to better control our borders. We are not going to kid anybody; it is such a giant problem and we may not succeed with 924 new border patrol and modernization and $100 million for new kinds of facilities needed on the border to make their jobs easier. But we are sure trying.

I do not think anybody can say, for those who are talking about fighting crime, that this committee has not joined with them and said we are going to pay for some of that. So we are very pleased that some of this will go to your State. Your State has big problems in that regard—bigger than mine, and I come from a border State. They will all get help. We are hopeful that the border States with these problems, including the State of the occupant of the chair and that of the Senator from Texas who raises questions about this, they are going to be helped, including Arizona, in this very serious American problem. We ought to be doing this as well as we can. I think we are going to make a giant step when this bill becomes law.

Mr. HOLLINGS. Mr. President, I join in my gratitude for the leadership and support of the distinguished Senator from California.

I have four amendments that have been cleared on both sides of the aisle.

AMENDMENT NO. 2346

(Purpose: To provide funds for staff personnel for the Broadcasting Board of Governors)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. BIDEN, proposes an amendment numbered 2346.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 110, line 9, add the following after the word "expenses":

"*Provided further*, That on the date upon which the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, *et seq.*) is repealed, as provided for by Section 310(e) of the Foreign Relations Authorization Act, Fiscal years 1994 and 1995 (Public Law 103-236; 108 Stat. 442), funds made available for expenses of the Board for International Broadcasting shall be made available until expended only for expenses necessary to enable the Broadcasting Board of Governors to carry out the authorities provided in Section 305(a) of P.L. 103-326, including the appointment of staff personnel as authorized by Section 305(a)(11) of P.L. 103-236:"

Mr. BIDEN. Mr. President, the amendment I am offering is simple and straightforward. It provides that funds made available for the expenses of the Board for International Broadcasting [BIB] shall be made available for the new Broadcasting Board of Governors established in the U.S. International Broadcasting Act of 1994, once the BIB ceases to exist.

Under that act, which is Title III of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995, all of the international broadcasting entities funded by the U.S. Government—the Voice of America, Radio Free Europe and Radio Liberty, Radio and TV

Marti, and the soon-to-be established Radio Free Asia—will be consolidated under the supervision of a new "Broadcasting Board of Governors." Once that new Board is appointed and confirmed by the Senate, the Board for International Broadcasting—which currently oversees Radio Free Europe and Radio Liberty—will go out of operation.

In enacting the U.S. International Broadcasting Act, Congress made clear that the new Broadcasting Board of Governors would have sufficient independence and authority to direct and supervise all broadcasting activities funded by the U.S. Government. It should go without saying that the Board, which will not be full-time, cannot carry out these tasks unless it has sufficient staff personnel to assist them.

This amendment is designed to enable the Board to carry out the tasks assigned to it by providing funds for staff personnel and administrative expenses. This is consistent with the provisions of the Foreign Relations Authorization Act, which provide the Board with its power and authority. Section 305(a) of that act sets forth the authorities of the Broadcasting Board of Governors. Section 305(a)(11) provides that the Board shall have the authority to "appoint such staff personnel for the Board as the Board may determine to be necessary."

It is clear that the plain language of the statute leaves it to the discretion of the Board to determine the size of the staff that it needs to carry out its tasks. Additionally, section 305(a)(10) provides that the Board shall have the authority, "to the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property."

But the Foreign Relations Authorization Act made no express provision for a separate budget for the Board. The funds made available in this amendment would provide such funds.

I want to make clear to my colleagues that this amendment adds no funds to this bill. My amendment simply provides that funds in this bill appropriated for the administrative expenses of the Board for International Broadcasting [BIB], which will cease to exist when all the members of the Broadcasting Board of Governors are confirmed by the Senate, shall then be made available for the expenses of the new Board. It is likely that the new Board will be fully constituted in fiscal 1995—hence the need to make these funds available to the new Board.

I also want to stress that I do not intend by this amendment that these funds shall be the only funds available for the Board. As I stated earlier, the authorization statute clearly provides that the Board has the power to determine how much staff personnel it requires.

In closing, I would like to express my appreciation to the chairman and ranking member of the subcommittee, Senators HOLLINGS and DOMENICI, for their assistance with this amendment. I urge my colleagues to support it.

Mr. DOMENICI. We have no objection, Mr. President.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2346) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2347

(Purpose: To express the Sense of the Senate regarding the Southwest border.)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. MCCAIN, proposes an amendment numbered 2347.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

"SEC. . Sense of the Senate—It is the Sense of Senate that the Attorney General should:

(a) Evaluate the number of individuals illegally crossing the U.S.-Mexico border;

(b) Develop and implement a policy that seeks to curb the number of illegal border crossings;

(c) Ensure that any policy developed seeks to curb the number of crossings equally along the entirety of the Southwest border; and

(d) Ensure that such policy enables law enforcement officials to shift resources to address any increases in the number of illegal border crossings wherever they may occur."

Mr. MCCAIN. Mr. President, this amendment is very simple. It expresses the Sense of the Senate that the Attorney General should: Evaluate the number of individuals illegally crossing the United States-Mexico border; develop and implement a policy that seeks to curb the number of illegal border crossings; ensure that any policy developed seeks to curb the number of crossings equally along the entirety of the Southwest border; and ensure that such policy enables law enforcement officials to shift resources to address any increases in the number of illegal border crossings wherever they may occur.

Mr. President, much of what this amendment calls for is already being done. The Attorney General is already monitoring illegal border crossings and taking steps to stop such crossings.

I applaud the Attorney General for her efforts.

However, there still does not appear to be any plan to address the entire border situation.

For the record, I want to note that the committee has included language in its report echoing my concerns regarding this subject. The purpose of this amendment is to send a clear and strong signal to the Attorney General that the full Senate believes that problems along the Southwest border must be addressed in a comprehensive manner.

Let me recount the facts regarding this issue.

On February 3, the Attorney General made a significant announcement regarding the border patrol and our nation's priorities. Ms. Reno and Immigration and Naturalization Service Commissioner Doris Meissner outlined their plan to strengthen enforcement of our immigration laws and "to safeguard her borders."

The highlight of this plan, as it was announced, was strengthening the Border Patrol. Specifically, for 1994, San Diego border patrol strength was increased by 40 percent, the equivalent of some 300 agents and 97 support staff.

The Attorney General stated that such action will "stop the revolving door on the border * * * by a strategy of deterrence through prevention."

This localized plan—in lieu of a national plan—caused others and myself great concern.

After the Senators from Arizona and New Mexico publicly noted this unfair, irrational distribution of agents, the Border Patrol took steps to change its original policy.

The Border Patrol told my staff that Arizona "need not worry" about increased illegal immigration because if it were to occur—and they admitted it will—and the facts now prove it is—that agents could be moved to Arizona. Unfortunately, these are simply hollow words.

Mr. President, when my staff asked Border Patrol officials what criteria would be used to determine when agents would be shifted from one region to another—for example from California to Arizona—my staff was told there was no official criteria and that such moves would be made at the policy level when determined to be appropriate. In other words, when the politics of the situation merit a shift in agents, the Attorney General's office will comply.

Mr. President, the people of Arizona have a right to know when our Border Patrol problems merit the concern of Border Patrol officials. I expect that the Attorney General's office will be forthcoming with specifics regarding this issue.

Under the Attorney General's plan the revolving door at San Diego will be closed. Nothing, however, will be done at this time in Arizona. This appears to be a shortsighted, politically expedient solution to our immigration problems.

It is the political aspect of this solution that particularly concerns me.

Mr. President, for the information of those at the Attorney General's office and the Border Patrol, the Southwest border is comprised of four States: Arizona, New Mexico, California, and Texas. The Arizona-Mexico border is three times the length of the California-Mexico border and has more border crossing stations. I would hope that the Attorney General and all other officials concerned with that border would remember that each State on the border has equal concerns that must be addressed.

The needs of the people and of this country must be put ahead of what appears to be a political agenda. It is discouraging and disheartening that the Attorney General's office and the Department of Justice is acting in such a overtly political fashion. Of all Federal agencies, the Department of Justice should be above politics.

This sense of the Senate amendment would direct the Attorney General to implement a border-wide policy. It is drafted as a sense-of-the-Senate so as not to tie the hands of the Attorney General. Simply, it sends a message to the Attorney General that the U.S. Senate expects her to put policy above politics—in other words, to implement a national plan that addresses the needs of the entire Southwest border.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2347) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2348

(Purpose: To express the sense of the Senate that certain appropriations made available to the National Institutes of Justice be allocated to research on the crime of stalking, and for other purposes)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. COVERDELL, proposes an amendment numbered 2348.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, insert between lines 22 and 23 the following:

It is the sense of the Senate that of the funds appropriated under this title that are made available to the National Institute of Justice for criminal justice research funds should be allocated for research on the crime of stalking and strategies to protect the victims of such crimes.

Mr. COVERDELL. Mr. President, It is estimated that: over 200,000 Americans are currently being stalked; five percent of the female population of the United States will become stalking victims; and 90 percent of all women killed by husbands or boyfriends were stalked before being murdered.

Stalking is an offense that affects a substantial number of innocent victims, with women disproportionately terrorized. Stalking often leads to violence resulting in serious injury or death. At a minimum the crime has a catastrophic effect on the lives of the victimized.

One victim, for example, indicated that her ex-husband had, for four years, aggressively pursued her through threatening telephone calls, letters, horrifying late-night visits, and bizarre messages—such as a simulated grave placed on her front porch with a tombstone bearing her name. The woman, in fear of her life, moved four times, changed her telephone number countless times, changed jobs twice, and rarely did anything without looking over her shoulder. For this victim, stalking removed any trace of her former, normal lifestyle.

While all 50 States and the District of Columbia have passed anti-stalking legislation, the ineffectiveness of existing statutes and legal remedies has undermined the public confidence in the criminal justice system. Victims are afraid to report the crime for fear the abuse will become more violent.

Maria Navaro, for example, obtained a protective order against her estranged husband in an effort to end a long history of threats and harassment. She called to report to police that her husband had called her and was on his way over to kill her. The police told her there was nothing they could do until he actually arrived at her home. She was instructed to call police at that time. The next call the police received was from Ms. Navaro's neighbor reporting that Mr. Navaro had just killed Ms. Navaro and two of her friends. The entire crime was witnessed by Navaro's two young children.

Another victim was quoted as saying "Until he rapes or kills me, the police can't do anything. When I'm a statistic of some kind, they'll put every man they have on it."

Mr. President, this is unacceptable. We must do everything possible to protect Americans from this abuse.

The amendments I am offering today are a small step toward improving our research and response to the crime of stalking. Hopefully, the more we learn about the crime and its perpetrator, the more we can protect the victim from harassment and violence. In addition, law enforcement and victim service provider training will ensure that our professionals understand the need to intervene at the earliest stage and not wait for a catastrophe.

I urge my colleagues to support passage of this amendment.

Mr. DOMENICI. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2348) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2349

(Purpose: To express the sense of the Senate that certain funds appropriated for discretionary grants should be granted to the National Victim Center for research on the crime of stalking, and for other purposes)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. COVERDELL, proposes an amendment numbered 2349.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, insert between lines 21 and 22 the following:

It is the sense of the Senate that $200,000 of the funds appropriated under this title to the Department of Justice for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs should be granted to the National Victims Center to conduct criminal justice and victim service provider training on the crime of stalking.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2349) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I wish, if I may, to address a subject with the distinguished managers of the bill which is of great importance to me and, I understand, to the Senator from South Carolina, as well.

The weed and seed program has, in my view, been one of the most extraordinary and successful marriages of a number of attempts to deal with crime in a few areas in the cities of the United States from the point of view of the sociology of the crime and of the people, especially the young people living in these communities, together with strong and vigorous law enforcement.

The Department of Justice suggested $13.5 million for the fund. The House of Representatives gave it the same amount that it has in the current year—$13.2 million. The Senate subcommittee in this bill have the $13.5 million recommended by the Department of Justice, with the understanding that an additional $10 million will be available from discretionary money at the Department of Justice, raising the total amount to almost $25 million. Even this figure, I feel, underfunds this important program, which exists only in 20 or 22 cities across the United States. I know that a number of other smaller cities in the State of Washington would like to join in what has been so successful an experiment in Seattle. I know this is true all across the United States.

As a result, I was seriously considering an amendment to try to find additional money in this bill, perhaps from some of the functions of the Department of State, to add to weed and seed; but I felt that the justifications for those programs were high. And as I said privately and publicly to the two managers of the bill, I am not sure that in my years on the Appropriations Committee I have seen any subcommittee do a better job weighing priorities among a wide range of really good programs across a disparate group of departments than have the distinguished Senators from South Carolina and New Mexico in this case.

So I was very reluctant to try to interfere with the set of priorities they came up with as strongly as I do feel about the importance of this program.

Just 2 weeks ago, I joined in the middle of the morning with a number of Seattle police officers in visiting a neighborhood in the heart of the weed and seed area of the city of Seattle, the center of drug trafficking in the city just a couple years ago.

The remarkable part about that visit was it was like visiting any other neighborhood. Nothing was happening. Arrests were not taking place. Kids were playing in the parks and in the streets and in a number of other enterprises funded partly by weed and seed programs. The neighborhood had been recovered. It is a wonderful program.

But what I would really like to ask a response from the two managers is, since I have not felt it appropriate to ask for even more money in the form of an amendment because of all of the difficulties under which they operated, I certainly hope I can get their agreement as to the vital and successful nature of weed and seed and their undertaking to do the very best they possibly can to really struggle to see to it that we get the Senate level and not retreat from that level, not just so that this program may be continued in Seattle and in a number of other cities across the country but so that it can be extended to other cities and towns which can utilize the success which those who have already utilized these funds have shown are possible.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the distinguished Senator from Washington for his support and enthusiasm for this program.

We started this program here in 1991, just 3 short years ago. We started it up in Philadelphia, really in the poverty section there.

I know firsthand. It has been extended to one in my own backyard. I had a similar experience that the distinguished Senator has had. Everyone has been interested recently in soccer. I went to an area where there was nothing but youth crime and drugs and everything else of that kind. It is now all cleaned up with a field and a volunteer who took over and got 284 of the kids in that area in a soccer program. One team won the State championship here this past year.

So I have seen a dramatic change from weed and seed. I have been trying to impress on the administration that we need more funds there. They are about to announce, I think, an additional 10 sites. They only have 21 right now. And they assured me that they will. But they should have put more money into it.

At the Senator's request—I am sure Senator DOMENICI would agree with me—we are going to do our dead-level best to keep this right here just under the $25 million level. We do not want to yield on this. In fact, if we find some elbow room in that conference and find some more money, there is nothing it could be spent on better than enhancing this particular program.

I thank the Senator for his leadership in the program and particularly for his nice remarks relative to the work of the subcommittee, because we did work hard, and we are pretty proud of it. I think we did come out with a crime bill.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to say to Senator GORTON, first "thank you" for the accolades regarding the bill.

As I said before, it was easy for us to do the work because I believe we were doing what the people of the country want and also what we heard from Senators on our side of the aisle and that side of the aisle as to where we ought to be spending our money, and that is for crime prevention and a serious attack on crime.

I thank the Senator for concurring in that and for the support you have given us.

Second, with reference to the weed and seed, we are not as privileged as the Senator is. We do not have a major weed and seed program in our State, although I am very familiar with it. It was initiated in one of our cities and did not quite reach fruition for one reason or another.

But I think it is a good concept, and from what I understand its achievements in the cities where it is working are truly admirable. You get in and get rid of the crime, but you do not leave. You bring right back in the seeds and you bring in the tools to assist that area so that those who have been committing crimes and making it a neighborhood not worth living in find new ways to make it a good place to live, including organized efforts, principally for young people but not singularly.

So I understand the Senator's enthusiasm and congratulate him for it.

From my standpoint, we are going to do everything we can to keep our level, which is the highest level, and if we can find some money that we do not need elsewhere, we might even increase it over the budget request which we have fulfilled here.

I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I deeply appreciate the comments and the enthusiasm of the two managers of the bill. They make me feel very good about my own efforts and about their ability to set priorities under very difficult circumstances. As I say, I understand the intense difficulties and the intense priority setting which has been required of them.

I find this assurance to be most welcome and most reassuring.

I do not intend to offer an amendment on this subject but having their attention and their support and their commitment to do the best possible job for what I believe to be the best combination of approach toward law enforcement and the betterment of our communities in the country today I regard myself as satisfied with their commitment both in what they have done in this bill and what they will attempt to do in conference with the House.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, I rise in support of the pending State, Justice, Commerce appropriations bill that is before us. I want to commend Senator HOLLINGS and Senator DOMENICI and their staffs for their effort to report an appropriations bill that makes combating undocumented immigration one of its top priorities.

This bill contains most of the administration's immigration initiatives. For example, the committee included funding for: New Border Patrol stations and border checkpoints; the hiring of additional border patrol agents, land border inspectors, and support personnel; border patrol automation and technology enhancements, which will result in the redeployment of additional border patrol agents; automation initiatives at ports of entry and overseas, to prevent entry of terrorists; removal of criminal alients; and enhanced asylum processing.

Senator DOMENICI, being from the Southwest and having served with him on the Treasury Committee, which has authority over Customs, knows so well the problem that we face. I really appreciate Senator DOMENICI and Senator HOLLINGS for paying attention to this problem that goes way beyond the borders of just those States.

Senator DOMENICI, I want you to know we miss you on our committee, but I am so glad you are where you are.

I am most appreciative of Senators HOLLINGS' and DOMENICI's efforts to enhance resources for Southwest border enforcement to stop unauthorized entries. At the same time, I believe it is important to ensure that those legal immigrants, who have followed our immigration laws, and who pay taxes, are able to become fully participating members of our society. I regret, therefore, that the $30 million for Naturalization that was requested for the administration's immigration initiatives was not included in this bill. Perhaps that can be addressed in conference.

Protecting our borders has been an issue of concern to me throughout my Senate career. For many years, I have expressed concern that the Border Patrol, one of the lead agencies in this country's war on drugs and undocumented immigration, has been treated like the stepchild of the Justice Department.

Time and time again, I have raised this question in hearings and in correspondence directed to current and former Attorneys General and INS Commissioners, in an effort to focus their attention on the needs of the Border Patrol. And time and time again Senator HOLLINGS—who has been chairman or ranking member for as long I have been in the Senate—has added Border Patrol funds only to see them reprogrammed or not used. And this time, the administration has asked for those funds, and once again Senator HOLLINGS and Senator DOMENICI have responded to a very important need. Their attention to the needs of the border are appreciated. Let me tell them both, if they come to Arizona, they will be heroes to the people on the Southwest border. I welcome them there any time.

Despite assurances that steps were being taken to address the problems of staffing and equipment, I was disturbed by reports that Border Patrol sectors along the Southwest border did not have the resources necessary to operate effectively and safely.

This bill moves us in the right direction. It is the first time that we have seen an administration offer something. They did not offer enough, in my opinion, but they actually have asked in their budget request for additional Border Patrol. And, obviously, this committee and this Senate is going to respond to that.

In 1990, I asked the General Accounting Office to conduct a study into the changing mission of the Border Patrol and its ability to carry out that mission along the Southwest border with existing staff and equipment. Results from their survey of the nine Border Patrol sectors along the Southwest border underscored many of the concerns which I had expressed.

This report stated that while the mission of the Border Patrol had expanded considerably in the last 5 years, their budgets had failed to keep pace with the new demands on staff and resources. Despite these circumstances, the men and women of the Border Patrol continued to respond admirably to the challenge of protecting our country's borders.

Since 1986, the amount of time spent on border enforcement activities along the Southwest border had declined 11 percent. Time spent on other activities, such as enforcement of the provisions of the Immigration Reform and Control Act of 1986 [IRCA], increased from 29 percent in fiscal year 1986 to 40 percent in fiscal year 1991. I seriously question the need for increased time spent on nonborder activities given the Border Patrol's diminished resources.

The results of this report confirmed much of what I suspected. Beginning with Attorney General Thornburgh and continuing until today, I have continued to pursue adequate resources for the Border Patrol. I am especially concerned about what is happening in my State of Arizona due to an allocation of resources to Texas and California.

Once again, I commend the managers of the bill for their efforts to control our borders. I also commend this administration for focusing their attention on this important issue.

Mr. President, Senator HOLLINGS and Senator DOMENICI are to be commended for their efforts to report an appropriations bill that makes combating undocumented immigration one of its biggest priorities.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the very first Senator who ever brought the Border Patrol really to our attention—we had the budget, we worked on it, but really in the context of the need and getting in behind it, years ago, and he has kept it, pursued it, is the distinguished Senator from Arizona, Senator DECONCINI. We are very grateful to him for his leadership on this score.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2343

The PRESIDING OFFICER (Mrs. FEINSTEIN). Under the previous order, the question occurs on amendment No. 2343, offered by the Senator from Alabama, Mr. SHELBY.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—100

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

So the amendment (No. 2343) was agreed to.

AMENDMENT NO. 2342

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota, or his designee, is to be recognized.

Mr. SPECTER. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2342 offered by the Senator from Texas [Mr. GRAMM] to the committee amendment on page 85, line 5. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Exon
Feingold
Feinstein
Glenn
Graham
Harkin
Hatfield
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Specter
Warner
Wellstone
Wofford

NAYS—44

Bennett
Bond
Breaux
Brown
Burns
Byrd
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Johnston
Kempthorne
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

So the motion to table the amendment (No. 2342) was agreed to.

VOTE ON EXCEPTED COMMITTEE AMENDMENT ON PAGE 85

The PRESIDING OFFICER. The question occurs on the committee amendment on page 85.

The committee amendment on page 85 was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPORTANCE OF ECONOMIC STATISTICS

Mr. SARBANES. Madam President, the Joint Economic Committee has a longstanding interest in the quality and integrity of the Federal statistical infrastructure. As vice chairman of the committee, I would like to take this opportunity to raise an important issue with respect to the Commerce, Justice, State, and Judiciary appropriations bill, which is being considered on the Senate floor today.

It is my understanding that the Senate Appropriations Committee recommended funding for both the Bureau of the Census periodic program and current program at levels which are $13 million and $12 million below the President's request respectively. The bill also includes funding for the Bureau of Economic Analysis which is $7.5 million below the President's request.

Madam President, these may seem like very small reductions, but for statistical agencies these cuts are devastating. The Census Bureau has not had any increase for economic statistics in the last two budgets. The committee bill does not fund the increases requested for economic statistics at the Census Bureau. The major program increase requested by the Census was for developing new industry classification system which more accurately represents the current reality of the American economy. In addition, the committee bill does not include funding for initiatives to improve service, construction, and environmental statistics.

The committee reported bill also does not fund any new initiatives at BEA—the most important being the program to reengineer the data collection and processing system. Nor does the bill include funding for the new International Trade in Financial Services Survey, part of BEA's effort to improve statistics on services and international accounts, or proposals to revamp the reporting system of international capital flows.

Madam President, if we fail to make the needed investment in our statistical infrastructure, it will be even more difficult to make the necessary policy decisions to keep pace with rapid changes in the economy. Two articles in Business Week from July 18 entitled "Uncle Sam's Stats: Call Them Unreliable" and "Bad Policy Starts With Bad Numbers," emphasize this point.

In "Uncle Sam's Stats: Call Them Unreliable," the author states:

> In a classic example of shortsightedness, Uncle Sam has been starving its statistical agencies for more than a decade, denying funding to improve data collection and analysis.

Also in the article, Janet Norwood, the former Commissioner of Labor Statistics pointed out that "The economy doesn't stand still * * * we need a statistical system that can change with it."

In "Bad Policy Starts With Bad Numbers" the author asks "how can policymakers take the Nation in a new direction when they do not have a good grasp on current reality?"

Madam President, these quotes show how extremely important it is to have adequate funding for our statistical infrastructure. Without adequate funding, the Census Bureau and the BEA will be unable to produce and disseminate important information to inform the Nation about the economy's progress. These efforts are crucial in our current circumstance, when economic change is rapid and new policy initiatives require sophisticated and up-to-date information.

I understand the constraints that my distinguished colleague from South Carolina was under due to the very tight committee allocations; however, this is one place where a little money makes a very large difference. I urge the chairman to accept higher levels for these programs in conference.

NOAA OCEAN INITIATIVE

Mr. GORTON. Madam President, as I have said before, Chairman HOLLINGS and ranking Republican Senator DOMENICI have done an outstanding job in the funding priorities in this bill. I was pleased so many initiatives which I have already mentioned that were funded in the Justice section. But, I wanted to take this opportunity to also mention another new initiative that is reflected in this bill—the NOAA ocean initiative.

Our Nation has always depended on its coasts and is illustrated by the fact that over half the population lives in coastal areas. Yet, the degradation of our marine environment is something that hurts all citizens. Fish catches are declining worldwide and more than one-third of the planet's fish stocks are over or fully exploited. On the Pacific coast, dozens of salmon stocks are in severe decline, harming commercial fishing and charter fleets, as well as vacation plans of hundreds of thousands of anglers. Coastal resources and communities have withstood pressures of overharvest, loss of habitat, poor hatchery practices, excessive development and pollution. It is imperative that job creation and economic growth in coastal areas be promoted while preserving quality marine and nearshore environments. This requires solid partnerships and innovative new management initiatives.

It is for this reason that I commend the subcommittee leaders for providing the funding necessary to enhance key ocean and coastal programs within NOAA. The targeted programs may be small but they have a significant impact on our coastal economy. Our ability to properly understand, manage, and protect our marine environment is crucial to our economy. For example, commercial and recreational fishing accounts for $50 billion in domestic economic activity; coastal tourism accounts for tens of billions more. These important industry sectors support vast numbers of direct and indirect jobs.

Washington State and Puget Sound are heavily impacted by our ability to properly manage our marine environment. Washington has the largest commercial fishing fleet in the country, harvesting over 50 percent of the domestic seafood catch in the United States since the late 1980's. Recent decline in salmon stocks and Puget Sound marine fish stocks have been substantial creating grave concern for the health of the fishery resource and severely impacting coastal communities. According to the U.S. Department of Commerce, Washington has the highest oyster production in the country. Yet, invasion of nonindigenous species into our estuaries threatens our most productive oyster populations.

The NOAA programs supported by this bill offer support for needed innovation in science and management and sound policy that will aid us in addressing these pressing coastal problems. The National Sea Grant College Program deserves special attention. It currently receives fewer dollars for its core research program than it did in 1981, yet it has still been able to make impressive advances in research areas such as marine biotechnology and nonindigenous species which could prove extremely important in solving the problems facing Washington's marine fish and oyster population. The funding provided in this bill for the Sea Grant Program will allow it to significantly increase its research efforts in these and other areas, thus helping to address both present and future problems facing our marine waters. Sea Grant's unique role in focusing on the interplay between the human community, marine resources, and the marine ecosystem has allowed it to maximize productive use of marine resources for human benefit while preserving, and, if need be, helping to restore, the essential qualities of a healthy environment. Creating jobs while promoting a healthy environment must be one of our Nation's highest priorities.

In conclusion, Madam President, I offer my strong support for the committee's recommendation for the NOAA ocean initiative and I hope that the committee will continue to press the Senate's position in conference with the House.

PATENT AND TRADEMARK OFFICE

Mr. DECONCINI. Madam President, today I rise to address an ongoing problem concerning the funding of the Patent and Trademark Office [PTO]. As chairman of the Subcommittee on Patents, Copyrights and Trademarks, I have been working for a number of years now to make sure this important office is adequately funded.

Beginning with the Omnibus Budget Reconciliation Act of 1990—1990 Budget Act—the funding scheme for the Patent and Trademark Office changed significantly. Prior to this act, the PTO was partially federally funded. Funds were received from both appropriations and also from direct user fees. In 1989, the PTO generated 64 percent of its total funding from user fees and received 36 percent or $109,000,000 through appropriations. In 1990, the last year in which the PTO received any significant Federal funding, the PTO generated 72 percent of its total funding from user fees and received 28 percent or $85,900,000 through appropriations. The 1990 Budget Act required the PTO to raise patent fees 69 percent, which made the PTO effectively fully user-fee funded.

Higher fees were agreed to so that the PTO would not require Federal funds and be able to provide better service. User fees currently generate all funding for the PTO and are not supplemented in any manner by Federal funding. However, the 1990 Budget Act requires that the PTO deposit a specified amount of fee income into a special account, the Patent Surcharge Fund, in the Treasury. The funds in the special account are not available to the PTO for expenditure until appropriated by Congress.

The goal of the 1990 Budget Act was to reduce the Federal deficit. As a technical matter, the new PTO fees had to be classified as offsetting receipts in order to qualify as savings in future years. As offsetting receipts, the fees generated had to, in turn, be subject to the appropriations process. It was always the intention of this Senator and others involved that the total fees generated would be appropriated to the PTO.

THE PROBLEM: CONGRESS FAILS TO APPROPRIATE ALL OF THE FUNDS GENERATED BY USER FEES

The problem I call to your attention today is that Congress has failed since 1992 to appropriate all of the money raised by the user fees. The Commerce, Justice, State appropriations bill before us today only provides $75 million of the $107 million required to be deposited into the patent surcharge fund. If the bill passes in its current form, then users of the Patent Office will have paid, since 1992, $67 million for services they will not receive.

Needless to say, those who use the Patent Office and pay these fees are outraged. This lack of funding will place a significant strain on the PTO. Pendency rates are likely to increase, efforts to automate will be restricted, and the hiring of qualified examiners is likely to be affected. This Senator believes that Congress can no longer justify taking from American inventors. The effect of this action is that users of the PTO are paying for entirely unrelated Government services.

How much money are we talking about here? The amount of appropriations withheld from the PTO for each year since 1992 has continually risen. In 1992, we failed to appropriate over $8 million. In 1993, we failed to appropriate over $12 million. In 1994, we failed to appropriate nearly $15 million. In the bill before us today, the Senate recommends withholding $32 million from the PTO for fiscal year 1992. That is $32 million that will not be used to improve the U.S. Patent System, yet we charge the American innovator anyway. How can we justify to the small inventor that higher fees are needed and that he or she cannot expect any better services for this increase?

The number of applications filed at the PTO continue to increase every year. In 1991, the PTO's workload consisted of 298,448 patent, design, and trademark applications. In 1992 and 1993, this number rose to 310,683 and 327,834 respectively. In 1994 and 1995, the number is estimated to be 341,500 and 357,000 respectively. Patent applicants can expect fewer services if this trend of not appropriating all of the money generated by user fees continues. The PTO cannot be expected to keep up with its workload, provide the necessary services to users, and implement technological advances if Congress continues to withhold larger amounts of money.

Some people have suggested that we just increase the fees if more money is needed to provide better services. This argument misses the mark entirely. American innovators already pay their taxes to support programs that require Federal funding. What we are doing here amounts to double taxation on American inventors. On top of their regular taxes which go into the treasury, we are asking them to also pay for services that they will never receive because the money has been spent on other programs. We cannot possibly justify raising fees when users currently do not receive the services for which they pay.

HOW DID THIS PROBLEM DEVELOP?

Users of the patent system vigorously fought against the increase in fees that was incorporated into the 1990 Budget Act. The filing fee for a patent increased from $370 in 1990 to $630 in 1991. This represented a 69 percent surcharge on the filing fee for a patent. Users agreed to the fee increase with the understanding that the PTO would become self-funded and would be able to provide better services. Clearly, the users had no idea that the PTO would not receive all of the funding generated by user fees.

This year, efforts were made to remedy the problem. The PTO and the Office of Management and Budget [OMB] believed a workable solution had been found. The proposed solution was to reclassify the funds in the special account as offsetting collections rather than offsetting receipts making all of the fees available for expenditure. Thinking this would solve the problem, the administration submitted its fiscal year 1995 budget requesting no discretionary appropriations for the PTO. However, the Congressional Budget Office [CBO] declared that the proposal violated the budget enforcement act and that the reclassification of fees from offsetting receipts to offsetting collections must be accompanied by new treasury revenues under the jurisdiction of the Judiciary Committee.

Users of the PTO should not have to suffer for what has happened. Although the administration's efforts were technically flawed, the intention to have all of the fees available to the PTO is clear. To satisfy the technical requirements of the 1990 Budget Act, new revenue sources to take the place of the PTO's special fee account must be identified. I am hopeful that all interested parties will work together to find a long-term solution to this problem.

This Senator would like to thank the chairman of the Subcommittee on Commerce, Justice, State, and the Judiciary for his efforts to see to it that the PTO receive some funding in light of the administration's request. However, I would urge that in conference, the House recommendation of just over $88.3 million be adopted. The House recommendation would appropriate the same amount as the PTO received from the special account for fiscal year 1994. A funding level equal to last year would at least minimize the damage to the services that users receive. Congress can then look to find a long-term solution to this problem. A permanent fix must be found so that the PTO and everyone involved will not again be faced with this technical problem imposed by our commitment to deficit reduction under the 1990 Budget Act.

The United States and American inventors need a patent system which encourages rather than taxes innovation. The PTO needs all of the funds generated by user fees to keep the U.S. Patent System unparalleled in the world and American innovation at its best. I would look to my colleagues for support in reaching a permanent solution to a problem which seriously jeopardizes the spirit of innovation in this country and urge the conference committee on this bill to accept a higher funding level during conference.

OCEAN INITIATIVE IS MOST WELCOME

Mr. PELL. Madam President, I would like to thank my colleague, the chairman of the Commerce, State, and Justice Appropriations Subcommittee and manager of this bill for his work to increase funding for coastal and ocean programs through a "NOAA Ocean Initiative" within the Department of Commerce.

As an author of the Sea Grant College Program Act, I have long supported small but effective programs, which serve the majority of our nation's citizens who live and work in coastal areas.

Regrettably, ocean and coastal programs have not kept pace with the rate of growth for NOAA as a whole, and I commend Senator HOLLINGS and his fellow committee members for acting to correct this imbalance.

Our Nation's marine and coastal resources are at great risk today. The marine environment has undergone great stress. Many of our productive fisheries have all but collapsed and the great potential of the oceans for new products and resources has barely been explored.

The programs which comprise the "NOAA Ocean Initiative" directly address these problems and can play a significant role in improving our coastal economy. For example, while our fisheries are in crisis, one of the major elements of our trade imbalance is the importation of seafood from abroad.

Promising new areas of ocean use, such as marine biotechnology, are the focus of major funding initiatives in other countries. Senator HOLLINGS deserves great credit for helping to ensure that we do not lose this promising new technology to our international competitors.

The NOAA programs supported in this bill provide the scientific innovation and support for sound management and policy that will help us to deal with our coastal problems. I particularly want to single out the National Sea Grant College Program.

The National Sea Grant College Program plays a major role in improving the coastal economy through applied marine research. The funding provided in this bill will allow Sea Grant to significantly increase its efforts in marine biotechnology.

Sea Grant's important work not only addresses the problems of today but enables our nation to compete effectively in the global marketplace with new products, drugs, and industrial processes from the sea.

Sea Grant's marine advisory service allows new technologies and scientific advances to be transferred directly into applications that help the coastal economy while protecting the marine environment.

Sea Grant's focus on job creation and economic growth, consistent with a sound environment, responds directly to the Clinton administration's highest priorities.

Again, I commend the Senator from South Carolina and his colleagues on the committee for their "NOAA Ocean Initiative," and I urge them to make this a high priority in their subsequent discussions with the House of Representatives on a final bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I ask unanimous consent that the following amendments, as contained in a list which I will send to the desk, be the only floor amendments remaining in order to H.R. 4603, the Commerce, State, Justice appropriations bill; that they may be offered in the first or second degree, if offered to a committee amendment; that second-degree floor amendments be in order provided they are relevant to the first-degree amendment to which offered; and provided further that the listed amendments must be offered by 2 p.m. on Friday, July 22.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object. I have no objection to any of it other than a time certain of 2 o'clock tomorrow afternoon. I do not see how we can do that with the list we have. So I object to that portion of the request.

Mr. MITCHELL. Madam President, I modify my request to delete the last clause relating to the time certain.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The list of amendments is as follows:

Byrd—(1) Relevant; (2) Relevant.

Bumpers—Cut NED.

Bradley—Relevant.

Ford—(1) Relevant; (2) Relevant.

Dodd—Funding for Ounce of Prevention.

Biden—VOCA Small State minimum.

Baucus—TV Marti.

Pell—Relevant.

Hollings—(1) Relevant; (2) Relevant.

Wofford—(1) Relevant; (2) Relevant.

Lautenberg—Relevant.

Levin—Great Lakes Fisheries.

Feinstein—Relevant.

Mitchell—(1) Relevant; (2) Relevant; (3) Relevant.

Murray—Northwest salmon.

Kerry—Northwest salmon.

REPUBLICAN AMENDMENTS TO STATE/JUSTICE/COMMERCE

Hutchison—Immigration.

Stevens—International Passengers Fees; Relevant.

Kempthorne—NMF; NMF; Relevant.

Danforth—Refugees.

Pressler—U.N. IG; IAEA; Buy America; U.N. contributions.

Gregg—Law of the sea.

Smith—Motion to recommit.

Brown—Taiwan; NED; Relevant; Terrorism; Relevant.

Helms—Satellite; ACDA report; Visas; CSCE; Relevant; Relevant.

Dole—Immigration; Funding; Death Penalty.

Coats—Peacekeeping.

Gramm—Relevant; Relevant.

McCain—Crime victims.

Lugar—Exchange program.

Dole—Relevant; Relevant.

Craig—Arms embargo.

Domenici—SOS/Mexican relations, Relevant; Relevant.

Roth—SOS/Child pornography.

Nickles—Relevant.

Hatfield—Relevant; Relevant.

SCHEDULE

Mr. MITCHELL. Madam President, let me state that we will return to consideration of this bill at 9 a.m. tomorrow. There is a long list of amendments. As has become the practice here, I expect that most of them will not be offered. But we will remain in session tomorrow to finish this bill.

There will be votes tomorrow, including procedural votes, if necessary. Any

Senator who leaves in the expectation that he or she will be protected from votes by other Senators who remain runs the risk of missing several procedural votes, if necessary, to obtain the presence of Senators tomorrow.

I thank my colleagues.

Mr. DOMENICI. Madam President, might I say to the distinguished majority leader that we have every intention to cooperate with the leader. But that does not mean that we can guarantee anybody that we will be finished with all of these amendments by 5, 6, 7, 8, or even 10 o'clock tomorrow night. But we will do our best to be cooperative. There is a long list of amendments, and I hope the majority leader is aware that the list is very long.

Mr. MITCHELL. I am indeed aware of that. Of course, we will take that into account. I simply say that we are in a very difficult legislative period. We had no votes on Monday, no votes prior to 2:30 or after six on Tuesday, no votes after an early hour on Wednesday; and this is Thursday, the one evening we were supposed to work. But I understand that, and I will do my best to accommodate as many Senators as I can.

What happens when we do not have votes on Mondays, Tuesday, and very few on Wednesdays, then we have votes on Friday. We will do the very best we can. I did not mean to suggest in my remarks that the Senator would not be cooperative. He has been cooperative, and I know he will be further. We will do the best we can. I thank my colleagues.

Mr. SIMPSON. Madam President, on behalf of the minority leader, I say that we are here ready to cooperate in any way and feel that we have been very cooperative. We have done now 9 appropriations bills out of the 13. In my experience, we have never dealt with that many at this time of the legislative year. So I just want to be certain that we recognize that we are certainly all doing our share here. But I understand the need to move. You have been fair enough to warn that on Fridays there will be votes, and there is no question about that. I think it should be evidence that we are doing the Nation's business, and especially insisting on that cause from this side of the aisle.

Mr. MITCHELL. Madam President, of course, I did not state nor imply any lack of cooperation. I do appreciate that we have made good progress on the appropriations bills, and it simply takes time because Senators have amendments they want to and have a right to offer. It means that we have to stay in session on a Friday for longer than any of us would like in order to get it done. But I do appreciate both the manager and the ranking Member for their cooperation, especially to enable us to get this list, as a result of which there will be no further rollcall votes this evening.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, may I say to Republican Senators I have a list of all their amendments but in many cases I do not have the amendments. I have the list of what they intend. I hope they bring the amendments to us by the morning so we can begin to ask some of them to start offering them.

About half of the amendments that are listed are actually here in the form of an amendment. I urge Senators to help us in that regard, and we will be helpful to Senators on scheduling them appropriately.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The majority leader.

Mr. MITCHELL. Madam President, I further ask unanimous consent that upon the disposition of the last of the amendments the amendments be agreed to, the bill read a third time, and the Senate vote on passage of the bill; that upon disposition of the bill, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees, with the above occurring without intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Madam President, may I make inquiry of the majority leader?

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. If I could have the attention of the majority leader, the majority leader indicated he intended to continue tomorrow until we finish the bill. Assuming that that is the case, has the majority leader made any decision on Monday's schedule?

Mr. MITCHELL. Yes, I made a decision a month ago when I wrote to every Senator and said there would be votes next Monday.

Mr. MURKOWSKI. I thank the majority leader for clarifying that issue. It is my understanding there will be votes on Monday?

Mr. MITCHELL. Unless an agreement to the contrary is offered and announced on the Senate floor. That is true of every day. I wrote to all Senators a month ago and placed my letter in the CONGRESSIONAL RECORD.

Mr. MURKOWSKI. I got the memorandum. We will then expect votes on Monday?

Mr. MITCHELL. Yes. But as the Senator knows, it is a common practice for the minority leader, or others, to propose a schedule which would facilitate the business in a way that does not require votes on a day certain—Monday, Tuesday, Wednesday, Thursday, or Friday. I always consider those suggestions when making a decision on a schedule as of now, and that is why I say in my letter and in my many public statements that there will be votes on those days unless an agreement is reached to the contrary and announced from the floor.

As of now, no such agreement has been reached, but for one thing we do not know what bill we will be on. And unless there is an agreement to the contrary announced there will be votes on Monday.

Mr. MURKOWSKI. I thank the majority leader and I trust he will make every effort to keep us advised in advance as much time as possible.

Mr. MITCHELL. Yes, I will assure the Senator.

Mr. MURKOWSKI. I thank the Senator.

Mr. MITCHELL. I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

AMENDMENT NO. 2350

(Purpose: Relating to the use of funds for the relocation of RFE/RL, Inc., from Munich to Prague)

Mr. HOLLINGS. Madam President, I send an amendment to the desk and ask the clerk to report it.

The PRESIDING OFFICER. If there is no objection, the committee amendments are set aside, and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. FEINGOLD, proposes an amendment numbered 2350.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 110, line 25, after Public Law 103-236: add the following: "*Provided further*, That funds appropriated under this Act used by the Board for International Broadcasting or the Broadcasting Board of Governors to relocate offices or operations of RFE/RL, Incorporated, from Munich, Germany to Prague, Czech Republic, shall be made available only from funds provided for the Board for International Broadcasting in this paragraph.

"*Provided further*, That not less than the amount appropriated by this Act for the Office of Inspector General, Board of International Broadcasting shall be available for semiannual reviews of RFE/RL, Inc. and that on-site review is maintained at the current level throughout the duration of the relocation transition."

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, we have no objection to the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2350) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2351

(Purpose: Study on the USIA Au Pair Program)

Mr. HOLLINGS. Madam President, I send to the desk an amendment by the distinguished Senator from Vermont, Senator LEAHY and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. LEAHY proposes an amendment numbered 2351.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. . REPORT ON AU PAIR PROGRAM.

The Director of the United States Information Agency shall submit a report to the Committees on Appropriations, within 90 days of enactment of this Act, containing the following:

(1) The number of persons accepted and the number of persons rejected each year for admission to the United States under a J Visa as part of the au pair program;

(2) The guidelines and/or a summary of the procedures used by each au pair agency regarding screening of prospective au pairs for prior criminal activity and other relevant information;

(3) The guidelines and/or a summary of the procedures used by each au pair agency regarding training of au pairs in child care and in relevant United States laws;

(4) The procedures used by each au pair agency to ensure that au pairs abide by local, state, and federal laws, and the United States Information Agency's policies and procedures for dealing with au pairs who violate such laws;

(5) The mechanisms available to the United States Information Agency to enforce compliance with au pair agency guidelines and procedures;

(6) The contractual relationship between au pair agencies and individuals located overseas who select and screen prospective au pairs, and the guidelines and standards which apply to these individuals;

(7) The procedures used by each au pair agency to check personal character and employment references for each prospective au pair; and

(8) The procedures used by each au pair agency to deal with au pairs who are determined by their host family to be unsuitable.

Mr. HOLLINGS. Madam President, this is a study on the USIA Au Pair Program.

I urge adoption of the amendment. It has been cleared on both sides.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, we have no objection to the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

There being none, the question is on agreeing to the amendment.

The amendment (No. 2351) was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WOFFORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WOFFORD. Madam President, I ask unanimous consent to proceed for no more than 3 minutes in morning business.

The PRESIDING OFFICER. Without objection, the Senator from Pennsylvania is recognized for 3 minutes in morning business.

A SALUTE TO SENATOR SPECTER

Mr. WOFFORD. Madam President, I rise today to salute my colleague, the senior Senator from Pennsylvania, ARLEN SPECTER.

It is one of the paradoxes of politics that those who most distinguish their parties are the men and women who put principles above parties.

On a number of recent occasions Senator SPECTER has done just that. His actions, I believe, provide an example for all of us.

Earlier this week in Philadelphia, Senator SPECTER announced that he was introducing legislation to enact Mayor Ed Rendell's ambitious and constructive agenda to rejuvenate America's cities.

Mayor Rendell's urban agenda includes a number of creative ideas I have been advocating and some that are already moving forward in Congress.

But I think it is a very important and helpful step for one of our colleagues from the other side of the aisle to stand up for the needs of our cities, just as I think it was an important and helpful step for Senator SPECTER to host the Republican policy retreat this past spring in Philadelphia, looking first hand at the problems of cities, because the job of rebuilding our Nation's cities should be above party labels. The problems are deep and difficult and we will never solve them without working together.

I also commend Senator SPECTER for his courage in speaking out on behalf of that essential American virtue: tolerance.

Our diversity is what makes America great and strong. But our diversity extracts a certain price. It demands that we be tolerant of each other.

Some people today say that price is too high. Instead of celebrating our differences, they condemn them. Instead of allaying our fears with real solutions, they exploit them for political gain.

In speaking out against these corrosive, extremist forces, Senator SPECTER is following the guidance of the original Republican, Abraham Lincoln, who urged us to embrace "the better angels of our nature."

I salute my senior Senator for embracing those better angels. And I look forward to working with him on these and many other issues that matter to the people of Pennsylvania and the people of this country.

COMMERCE, JUSTICE, STATE APPROPRIATIONS ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2352

(Purpose: To provide a base amount for crime victim assistance grants for fiscal year 1995)

Mr. HOLLINGS. Madam President, I send an amendment to the desk on behalf of Mr. BIDEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. BIDEN, Mr. DOMENICI and Mr. HOLLINGS proposes an amendment No. 2352.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, between lines 18 and 19, insert the following:

SEC. 112. Section 1404(a)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(5)(B)) is amended by striking "1994" and inserting "1995".

Mr. HOLLINGS. Madam President, on September 30, 1994, the $200,000 minimum authorized for States in Victims of Crime Act assistance funds will expire, resulting in a loss of funding to 38 States.

The amendment I send to the desk on behalf of Senator BIDEN, Senator DOMENICI, and myself, removes the sunset year thereby assuring that States will continue to receive a base amount of victim assistance payments, regardless of the size of the State's population.

This amendment has been cleared and I ask for its adoption.

Mr. BIDEN. Madam President, I rise to offer an amendment to H.R. 4603, the Commerce, State, Justice and Judiciary appropriations bill. This amendment will serve to continue the existing formula distributing dollars to the

States under the Victims of Crime Act. As my colleagues know, I have long supported the Victims of Crime Act and I was among the original authors of this legislation in 1984.

The Victims of Crime Act provides millions of dollars each year to provide crisis intervention services, counseling, victim/witness assistance, and short-term child care services to those Americans who have been victims of crime.

In my home State of Delaware, thousands of victims of crime have been assisted through this fund. The purpose of this amendment is to ensure that these vital funds—more than $60 million this year—continue to our States unabated. I am pleased that Chairman HOLLINGS and the ranking member, Senator DOMENICI, will be able to accept this amendment on behalf of the committee.

Without this amendment, my home State of Delaware will lose $170,000 in aid for its victims of crime. While we can never fully restore the loss of property and humanity to any victim of a terrible crime, it seems the absolute least we as a society can do is to provide any modest comfort we can. This is the intent of this amendment, and this will be the effect of the amendment for the citizens of Delaware should the amendment be passed into law. I urge its immediate adoption.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the distinguished Senator from New Mexico and myself be added as cosponsors.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, we have no objection to the amendment Senator BIDEN sent to the desk and we have no objection to its adoption.

Mr. HOLLINGS. I ask that the amendment be agreed to.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2352) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 1091. John R. Schmidt, to be Associate Attorney General;

Calendar 1094. Joseph F. Vivona, to be Chief Financial Officer, Department of Energy;

Calendar 1095. Patricia Fry Godley, to be an Assistant Secretary of Energy.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

John R. Schmidt, of Illinois, to be Associate Attorney General.

DEPARTMENT OF ENERGY

Joseph F. Vivona, of New Jersey, to be Chief Financial Officer, Department of Energy; and

Patricia Fry Godley, of Texas, to be an Assistant Secretary of Energy (Fossil Energy).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE EMIGRATION LAWS AND POLICIES OF THE REPUBLIC OF BULGARIA—MESSAGE FROM THE PRESIDENT—PM 135

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This determination allowed for the continuation of most-favored-nation (MFN) status and certain United States Government financial programs for Bulgaria without the requirement of a waiver.

As required by law, I am submitting an updated Report to Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in areas of emigration and human rights policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 21, 1994.*

REPORT ON THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT—PM 136

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

As required by section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986, I am transmitting a report on the National Security Strategy of the United States.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 21, 1994.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:35 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 572. An Act for the relief of Melissa Johnson.

H.R. 1346. An Act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building".

H.R. 1873. An Act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for the amount of benefits or services based on need.

H.R. 2532. An Act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse".

H.R. 3770. An Act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building".

H.R. 3840. An Act to designate the Federal building and United States courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse".

S. 537. An Act for the relief of Tania Gil Compton.

S. 832. An Act to designate the plaza to be constructed on the Federal Triangle property in Washington, DC as the "Woodrow Wilson Plaza".

S. 1880. An Act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

At 3:56 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 8. An Act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1998.

H.R. 1188. An Act to provide for disclosures for insurance in interstate commerce.

H.R. 3499. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act.

H.R. 4299. An act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent and referred as indicated:

H.R. 1188. An act to provide for disclosures for insurance in interstate commerce; to the Committee on Commerce, Science, and Transportation.

H.R. 3499. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar on July 20, 1994:

H.R. 2411. An act for the relief of Leteane Clement Monatsi.

The following measures were read the first and second times by unanimous consent and placed on the calendar on July 21, 1994:

H.R. 8. An act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to extend certain authorities contained in such Acts through the fiscal year 1998.

H.R. 4299. An act to authorize appropriations for fiscal year 1995 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, without amendment:

S. 2309. An original bill to amend title 38, United States Code, to provide for reform of the health care benefits furnished by the Department of Veterans Affairs and the administration of health care benefits by the Department, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH (for himself, Mr. BREAUX, Mr. FORD, Mr. DOLE, Mr. SIMPSON, Mr. BOREN, Mr. RIEGLE, Mr. GRASSLEY, Mr. WALLOP, Mr. HATCH, Mr. LAUTENBERG, Mr. COATS, Mr. SHELBY, Mr. WARNER, Mr. SMITH, Mr. JOHNSTON, Ms. MIKULSKI, Mr. BOND, Mr. CRAIG, Mr. HELMS, Mr. PRESSLER, Mr. STEVENS, Mr. FAIRCLOTH, Mr. BROWN, Mr. COCHRAN, Mr. LOTT, Mr. THURMOND, Mr. BENNETT, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUYE, Mr. HATFIELD, Mrs. FEINSTEIN, Mr. BURNS, Mr. D'AMATO, Mr. MACK, Mr. HOLLINGS, Mr. NICKLES, Mr. SPECTER, Mr. EXON, Mr. SIMON, Mr. DODD, Mr. MURKOWSKI, Mr. DECONCINI, Mr. LIEBERMAN, Mr. BRYAN, Mr. ROBB, Ms. MOSELEY-BRAUN, Mr. AKAKA, Mr. MCCONNELL, Mr. NUNN, Mr. GRAMM, Mr. KOHL, Mr. PELL, Mr. HEFLIN, Mr. BIDEN, and Mr. KEMPTHORNE):

S. 2301. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. DECONCINI):

S. 2302. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old San Francisco Mint; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2303. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRADLEY (for himself and Mr. WALLOP):

S. 2304. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feedstocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

By Mr. AKAKA:

S. 2305. A bill to provide that members of the Board of Veterans' Appeals be referred to as veterans law judges, to provide for the pay of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. METZENBAUM:

S. 2306. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL (by request):

S. 2307. To make technical corrections to the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 (P.L. 103-236); to the Committee on Foreign Relations.

By Mr. LIEBERMAN:

S. 2308. A bill to establish a Commission on Retirement Income Policy; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER:

S. 2309. An original bill to amend title 38, United States Code, to provide for reform of the health care benefits furnished by the Department of Veterans Affairs and the administration of health care benefits by the Department, and for other purposes; from the Committee on Veterans Affairs; placed on the calendar.

By Mr. CONRAD (for himself and Mr. INOUYE):

S. 2310. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes; to the Committee on Finance.

By Mr. RIEGLE:

S.J. Res. 212. A joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH (for himself, Mr. BREAUX, Mr. FORD, Mr. DOLE, Mr. SIMPSON, Mr. BOREN, Mr. RIEGLE, Mr. GRASSLEY, Mr. WALLOP, Mr. HATCH, Mr. LAUTENBERG, Mr. COATS, Mr. SHELBY, Mr. WARNER, Mr. SMITH, Mr. JOHNSTON, Ms. MIKULSKI, Mr. BOND, Mr. CRAIG, Mr. HELMS, Mr. PRESSLER, Mr. STEVENS, Mr. FAIRCLOTH, Mr. BROWN, Mr. COCHRAN, Mr. LOTT, Mr. THURMOND, Mr. BENNETT, Mr. GREGG, Mrs. HUTCHISON, Mr. INOUYE, Mr. HATFIELD, Mrs. FEINSTEIN, Mr. BURNS, Mr. D'AMATO, Mr. MACK, Mr. HOLLINGS, Mr. NICKLES, Mr. SPECTER, Mr. EXON, Mr. SIMON, Mr. DODD, Mr. MURKOWSKI, Mr. DECONCINI, Mr. LIEBERMAN, Mr. BRYAN, Mr. ROBB, Ms. MOSELEY-BRAUN, Mr. AKAKA, Mr. MCCONNELL, Mr. NUNN, Mr. GRAMM, Mr. KOHL, Mr. PELL, Mr. HEFLIN, and Mr. BIDEN):

S. 2301. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes; to the Committee on Finance.

SAVINGS AND INVESTMENT INCENTIVE ACT OF 1994

Mr. ROTH. Mr. President, I rise today to announce the reintroduction of the now well-known Bentsen-Roth IRA plan. The former chairman of the Finance Committee, and now Secretary of the Treasury, Lloyd Bentsen, joined with me to offer his leadership on this bill during the last session of Congress—and now I believe we have to continue with the work that he and I started.

I am proud to be joined by my friend, JOHN BREAUX, in introducing this bill today. I believe now, as I did last Congress, that this bill is extremely well conceived and promotes the two most important issues facing us today: the family and the future of our economy. Never has strengthening the family and our economy been more important than it is today—at a time when, once again, the family is being recognized as the most valuable unit of our society, and when the global community is redefining the nature of superpowers by the strength of their economies, and not by the size of their arms.

It is clear, after passing the Bentsen-Roth IRA twice in 1992, that Congress not only understands these changes, but is willing to advance—in a strong bipartisan way—this proposal that addresses the needs of our changing environment. As many will remember, the Bentsen-Roth IRA was vetoed by President Bush for other reasons in 1992.

THE NEED FOR SAVINGS

There is a growing consensus in Congress that demonstrates Members agree Americans must save their money and become self-reliant. The lack of savings in this country has reached crisis proportions—there is a savings crisis. The Chairman of the Federal Reserve, Alan Greenspan, has said that the single most important long-term economic issue for this country is that of national savings. There is a growing consensus that it is the responsibility of Congress to help Americans save, to empower our families toward self-reliance. And I strongly believe that the Tax Code is the best way to increase this Nation's savings rate and self-reliance.

We all know the statistics: the Japanese save at a rate approximately three times that of our countrymen, largely—I believe—because of their tax incentives. Consequently, Japan has the highest personal saving rate among advanced nations, and ample funds needed to finance capital investment in the best and most productive equipment. Thus Japanese business and workers have the most advanced tools available in the global marketplace. Meanwhile, the U.S. Government levies a heavy tax burden on saving and capital. Though the American economy has many strengths, our tax policy hampers our ability to compete with the advantages offered by Japan. Our punitive anti-savings and anti-investment Tax Code is crippling our competitiveness at a turning point in economic history. We must remember that we cannot tax ourselves into prosperity. By suppressing saving and capital investment now, we are crippling our economy for the challenges of the future.

ENCOURAGING SAVINGS

One of the most important questions is how to encourage Americans to save more. That is why we have crafted this bill to bring new savers into the act. We must recognize that there are other important reasons for Americans to save long term, besides the pressing economic needs of our country and the need for retirement. For example, our young people today have an almost impossible time scraping together a downpayment for their first home. Our families find it more and more difficult to save for their children's college education. And, our older Americans worry about their security as retirement approaches.

Consequently, the best answer to meet our savings needs is to allow Americans to save for what they need most. And that is the approach that we have taken in drafting this legislation. This legislation allows savers the chance to use the IRA to help them pay for a college education, buy their first home, pay for financially devastating health costs or cover family costs during an extraordinary period of unemployment. By allowing Americans the ability to withdraw IRA savings—savings once reserved for retirement only—for these four additional purposes, without a penalty for early withdrawal, we have greatly enhanced the flexibility of the IRA and strongly encouraged Americans to put more savings away. One of the primary benefits of this new withdrawal feature is that parents and grandparents would be allowed to draw down their IRA without penalty to pay their children's college education, or contribute toward their children's first home. This is what real empowerment is all about—empowerment for the family—empowerment because once again Americans can save for their own, and their family's own, self-reliance.

This is what personal responsibility is all about. The individual should provide for his or her family, and should not rely on the limited hand of Government for their support. This Government cannot continue the course it is on by creating more and expenditures to pay for every need, but it can afford to encourage individuals to provide for themselves.

INCREASING U.S. COMPETITIVENESS

I mentioned earlier, this new IRA offers a renewed opportunity to increase America's competitiveness in the emerging global economy. It's an opportunity born by the fact that savings equal investment, investment equals jobs, and jobs equal a strong, vibrant economy. It has been estimated that after the first year this legislation is enacted, IRA deposits will increase by as much as $40 billion. This represents long-awaited capital that the United States needs for investment, manufacturing, education, infrastructure, and other important goals. With a Japanese savings rate of about three times the United States rate, and a cost of capital of about one-fourth that of the United States, it is no wonder that we are lagging behind in the international race to compete in the world.

Added savings of $40 billion and more from increasing annual IRA deposits is likely to be the best solution. And don't forget the benefit to the already weakened financial infrastructure in this country. The estimated additional deposits in U.S. banks in the first year alone from this legislation would be about $16 billion—money needed to provide productive loans and investment in this country for years to come. I recognize the President's efforts to bring relief to small businesses by easing the credit crunch, and I believe the IRA will go a long way toward helping our financial institutions provide the loans to business that they must.

Perhaps with the added savings from IRA's we can further our own investment in the United States rather than U.S. investments by others. In fact, in recent years, over half of net domestic investment has been financed by capital from abroad. While this foreign saving has contributed to U.S. economic growth over the years, we are beginning to see why continued reliance on these inflows is not a viable policy. Over long periods, for advanced countries, the rate of domestic investment tracks closely the supply of domestic saving. Ultimately, the United States must move from a position of current account deficit to surplus and capital outflow, as foreigners receive the returns on their investment in the United States. If that is to happen without a relative reduction in U.S. living standards, U.S. productive capacity must be increased and so must U.S. savings.

THE MOST IMPORTANT REASON TO SAVE

It's clear to see why this is a bill whose time has come, however, the most important reason to pass it is to meet the needs of the most basic unit of our society. It's time we get back to the family. Only by allowing American families the opportunity—and even the right—to strengthen themselves can we expect society to be strengthened as a whole. We've tried to work around this elementary truth for years now—some thinking that Government programs can replace the basic family unit. Well, we've come full circle—back to the understanding that it was family and community values that built a strong America. The aging of our citizens brings an ever-increasing urgency to the need to encourage national savings. As the baby-boom bulge grows older and reaches retirement, the family cost of long-term care and other health costs as well as leisure activities during retirement will grow dramatically. At the same time the size of the working population will be declining. Our children cannot continue to pay the cost of our retirement—the answer is to begin planning now. Recent statistics show that the average American family is ill-prepared for retirement. For example, in 1985 the median financial assets for all American families headed by persons between 45–54 was only $600; for ages 55–64 the median was only $5,250.

A detailed study by two Princeton economists, and released by Merrill Lynch, shows that members of the baby-boom generation are saving at just one-third the rate needed to provide them with a secure retirement at age 65. The baby-boom index was determined to be 33.79 percent. This index measures the rate at which the oldest baby boomers, those born between 1946 and 1956, are accumulating the savings they will need to retire at age 65, and maintain a standard of living consistent with preretirement years. This study makes it absolutely clear that unless the 76 million baby boomers begin to save and invest at a far higher rate in the next few years, they will face an insecure retirement, that could last as long as the time they spent in the work force. This generation of baby boomers will begin to retire in just 18 short years. President Clinton, a baby boomer himself, should be acutely aware of this problem, and it is crucial that he address it.

The fact is, this study understates the severity of the baby-boom savings shortfall. First, it assumes that all of a household's financial assets will be available to help pay for retirement, but in reality, these funds will be used for other things, like a child's education or a parent's health care. Second, baby boomers are expected to live longer in retirement than earlier generations and, therefore, will need more savings at the outset.

SUMMARY

So there are really two primary reasons to increase our country's national savings rate. First, it will allow the American family to provide for themselves through their own resources, and second, it will allow our children and our children's children to become more productive because of badly needed new capital. The national crisis we face because of a decade of low savings rates will only grow worse if we fail to act—particularly as foreign investors begin to withdraw their funds for their own country's needs and as our ever-increasing aging population continues. We must agree that increasing our saving rate will lower interest rates, cut the cost of capital, reduce our reliance on foreign investment and improve our standard of living.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Savings and Investment Incentive Act of 1994".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—RETIREMENT SAVINGS INCENTIVES

Subtitle A—Restoration of IRA Deduction

SEC. 101. RESTORATION OF IRA DEDUCTION.

(a) IN GENERAL.—Section 219 (relating to deduction for retirement savings) is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 219 is amended by striking paragraph (7).

(2) Paragraph (5) of section 408(d) is amended by striking the last sentence.

(3) Section 408(o) is amended by adding at the end the following new paragraph:

"(5) TERMINATION.—This subsection shall not apply to any designated nondeductible contribution for any taxable year beginning after December 31, 1994."

(4) Subsection (b) of section 4973 is amended by striking the last sentence.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 102. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT.

(a) IN GENERAL.—Section 219, as amended by section 101, is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) COST-OF-LIVING ADJUSTMENTS.—

"(1) DEDUCTION AMOUNT.—

"(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, the $2,000 amount under subsection (b)(1)(A) shall be increased by an amount equal to the product of $2,000 and the cost-of-living adjustment for the calendar year.

"(B) ROUNDING TO NEXT LOWEST $500.—If the amount to which $2,000 would be increased under subparagraph (A) is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500.

"(2) RELATED AMOUNTS.—Each of the dollar amounts contained in subsection (c)(2) shall be increased at the same time, and by the same amount, as the increase under paragraph (1).

"(3) COST-OF-LIVING ADJUSTMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The cost-of-living adjustment for any calendar year is the percentage (if any) by which—

"(i) the CPI for such calendar year, exceeds

"(ii) the CPI for 1994.

"(B) CPI FOR ANY CALENDAR YEAR.—The CPI for any calendar year shall be determined in the same manner as under section 1(f)(4)."

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(j) is amended by striking "$2,000".

SEC. 103. HOMEMAKERS ELIGIBLE FOR FULL IRA DEDUCTION.

(a) SPOUSAL IRA COMPUTED ON BASIS OF COMPENSATION OF BOTH SPOUSES.—Subsection (c) of section 219 (relating to special rules for certain married individuals) is amended to read as follows:

"(c) SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS.—

"(1) IN GENERAL.—In the case of an individual to whom this paragraph applies for the taxable year, the limitation of paragraph (1) of subsection (b) shall be equal to the lesser of—

"(A) $2,000, or

"(B) the sum of—

"(i) the compensation includible in such individual's gross income for the taxable year, plus

"(ii) the compensation includible in the gross income of such individual's spouse for the taxable year reduced by the amount allowable as a deduction under subsection (a) to such spouse for such taxable year.

"(2) INDIVIDUALS TO WHOM PARAGRAPH (1) APPLIES.—Paragraph (1) shall apply to any individual if—

"(A) such individual files a joint return for the taxable year, and

"(B) the amount of compensation (if any) includible in such individual's gross income for the taxable year is less than the compensation includible in the gross income of such individual's spouse for the taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 219(f) (relating to other definitions and special rules) is amended by striking "subsections (b) and (c)" and inserting "subsection (b)".

(2) Paragraph (2) of section 219(g), as added by section 102, is amended by striking "Each of the dollar amounts" and inserting "The dollar amount".

(3) Section 408(d)(5) is amended by striking "$2,250" and inserting "$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 104. CERTAIN COINS AND BULLION NOT TREATED AS COLLECTIBLES.

(a) IN GENERAL.—Paragraph (3) of section 408(m) (relating to exception for certain coin) is amended to read as follows:

"(3) EXCEPTION FOR CERTAIN COINS AND BULLION.—For purposes of this subsection, the term 'collectible' shall not include—

"(A) any coin certified by a recognized grading service and traded on a nationally recognized electronic network, or listed by a recognized wholesale reporting service, and—

"(i) which is or was at any time legal tender in the country of issuance, or

"(ii) issued under the laws of any State, and

"(B) any gold, silver, platinum, or palladium bullion (whether fabricated in the form of a coin or otherwise) of a fineness equal to or exceeding the minimum fineness required for metals which may be delivered in satisfaction of a regulated futures contract subject to regulation by the Commodity Futures Trading Commission under the Commodity Exchange Act,

if such coin or bullion is in the physical possession of a trustee described under subsection (a) of this section.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

Subtitle B—Nondeductible Tax-Free IRAs

SEC. 111. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. IRA PLUS ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this section, an IRA Plus account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) IRA PLUS ACCOUNT.—For purposes of this title, the term 'IRA Plus account' means an individual retirement plan which is designated at the time of establishment of the plan as an IRA Plus account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to an IRA Plus account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all IRA Plus accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year, over

"(B) the amount so allowed.

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—No rollover contribution may be made to an IRA Plus account unless such contribution consists of a payment or distribution out of another IRA Plus account.

"(B) COORDINATION WITH LIMIT.—A rollover contribution shall not be taken into account for purposes of paragraph (2).

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of an IRA Plus account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of an IRA Plus account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(C) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from an IRA Plus account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Under regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(3) ROLLOVERS.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred to another IRA Plus account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the IRA Plus account to which any contributions are transferred from another IRS Plus account shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the account from which transferred."

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t), as amended by section 201(c), is amended by adding at the end the following new paragraph:

"(8) RULES RELATING TO IRA PLUS ACCOUNTS.—In the case of an IRA Plus account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A)."

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A."

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. IRA Plus accounts."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

TITLE II—PENALTY-FREE DISTRIBUTIONS

SEC. 201. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES OR TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii)—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (6)), or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (7)) of the taxpayer for the taxable year."

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking "(B),".

(2) CERTAIN LINEAL DESCENDANTS AND ANCESTORS TREATED AS DEPENDENTS.—Subparagraph (B) of section 72(t)(2) is amended by striking "medical care" and all that follows and inserting "medical care determined—

"(i) without regard to whether the employee itemizes deductions for such taxable year, and

"(ii) by treating such employee's dependents as including—

"(I) all children and grandchildren of the employee or such employee's spouse, and

"(II) all ancestors of the employee or such employee's spouse."

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 72(t)(2) is amended by striking "or (C)" and inserting ", (C) or (D)".

(c) DEFINITIONS.—Section 72(t) is amended by adding at the end the following new paragraphs:

"(6) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual, the spouse of such individual, or any child, grandchild, or ancestor of such individual or the individual's spouse.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

"(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 2-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

"(II) subsection (a)(6), (h), or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A)(ii).

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(7) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) any child (as defined in section 151(c)(3)), grandchild, or ancestor of the taxpayer or the taxpayer's spouse,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(d) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) is amended by adding at the end the following new subparagraph:

"(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year.

To the extent provided in regulations, a self-employed individual shall be treated as meeting the requirements of clause (i) if, under Federal or State law, the individual would have received unemployment compensation but for the fact the individual was self-employed."

(e) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or distributions for qualified higher education expenses (as defined in section 72(t)(7)) are made, and".

(2) Section 403(b)(11) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for qualified first-time homebuyer distributions (as defined in section 72(t)(6)) or for the payment of qualified higher education expenses (as defined in section 72(t)(7))."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

TITLE III—AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 301. DISREGARD OF INCOME AND RESOURCES DESIGNATED FOR EDUCATION, TRAINING, AND EMPLOYABILITY.

(a) DISREGARD AS RESOURCE.—Section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 602(a)(7)(B)) is amended—

(1) by striking "or" before "(iv)", and

(2) by inserting ", or (v) at the option of the State, in the case of a family receiving aid under the State plan (and a family not receiving such aid but which received such aid in at least 1 of the preceding 4 months or became ineligible for such aid during the preceding 12 months because of excessive earnings), any amount not to exceed $8,000 in a qualified asset account (as defined in section 406(i)) of such family" before "; and".

(b) DISREGARD AS INCOME.—

(1) IN GENERAL.—Section 402(a)(8)(A) of such Act (42 U.S.C. 602(a)(8)(A)) is amended—

(A) by striking "and" at the end of clause (vii), and

(B) by inserting after clause (viii) the following new clause:

"(ix) shall disregard any interest or income earned on a qualified asset account (as defined in section 406(i)); and".

(2) NONRECURRING LUMP SUM EXEMPT FROM LUMP SUM RULE.—Section 402(a)(17) of such Act (42 U.S.C. 602(a)(17)) is amended by adding at the end the following: "; and that this paragraph shall not apply to earned or unearned income received in a month on a nonrecurring basis to the extent that such income is placed in a qualified asset account (as defined in section 406(i)) the total amount in which, after such placement, does not exceed $8,000;".

(3) TREATMENT AS INCOME.—Section 402(a)(7) of such Act (42 U.S.C. 602(a)(7)) is amended—

(A) by striking "and" at the end of subparagraph (B),

(B) by striking the semicolon at the end of subparagraph (C) and inserting "; and", and

(C) by adding at the end the following new subparagraph:

"(D) shall treat as income any distributions from a qualified asset account (as defined in section 406(i)(1)) which do not meet the definition of a qualified distribution under section 406(i)(2);".

(c) QUALIFIED ASSET ACCOUNTS.—Section 406 of such Act (42 U.S.C. 606) is amended by adding at the end the following:

"(i)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distributions' means distributions for expenses directly related to one or more of the following purposes:

"(A) The attendance of a member of the family at any education or training program.

"(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

"(C) The purchase of a home for the family.

"(D) A change of the family residence."

(d) STUDY OF USE OF QUALIFIED ASSET ACCOUNTS; REPORT.—The Secretary of Health and Human Services shall conduct a study of the use of qualified asset accounts established pursuant to the amendments made by this section, and shall report on such study and any recommendations for modifications of such amendments to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than January 1, 1998.

(e) REPORT ON AFDC ASSET LIMIT ON AUTOMOBILES.—Within 3 months after the date of the enactment of this section, the Secretary of Health and Human Services shall submit to the Congress a report on—

(1) the need to revise the limitation, established in regulations pursuant to section 402(a)(7)(B)(i) of the Social Security Act, on the value of a family automobile required to be disregarded by a State in determining the eligibility of the family for aid to families with dependent children under the State plan approved under part A of title IV of such Act, and

(2) the extent to which such a revision would increase the employability of recipients of such aid.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1995, with respect to accounts approved on or after such date and before October 1, 1998.

Mr. BREAUX. Madam President, I thank my good friend for his persistence and determination in trying to achieve the goal of increasing the opportunity for savings for all Americans. It is very clear that this is a subject matter in this country that is deserving of the attention that my colleague has given to it with his various proposals over the past several years. He mentioned his cooperative work with the former chairman, now the distinguished Secretary of the Treasury, Lloyd Bentsen, in the last Congress, and in previous Congresses, in trying to really create a system that encourages individuals and families to do something that we in America do not do very well—that is, save money.

It seems that particularly more and more of our young people, and more and more people in the so-called "baby boomer generation" really just live from day to day, from month to month. No matter how much they make, it seems that at the end of the month they end up with the same amount—zero. The more you make, the more you spend, the less you have.

I think that what the distinguished Senator and I are presenting to the Congress today is an effort to change that way of thinking for all Americans. If you look at what other countries are doing, you will find they are way ahead of us in this particular area. Even countries that the United States may consider a little backward, or not as progressive as we are, do a lot better in this area than we as a country do. They save money, plan for the future, and plan for their children's education, and they plan for potential medical problems they may have, so that they may have a small nest egg from which they can take care of those needs. The bottom line is that they save money. We in America do not.

Statistics, I think, are pretty frightening, and they are getting worse. The United States has dropped in the rate at which we save money very significantly since the 1980's.

Today personal savings in other major countries is something like 2 to 3 times greater than we have here in the United States, which is supposed to be a Nation that has a very strong economy, that has people who are wage earners who have a great deal of disposable income. The problem is we are disposing of it too fast, and we are not trying to save any of it for those rainy days which are becoming more and more frequent and more and more potentially catastrophic to the families that are faced with rainy days that actually become monsoons and floods that end up wiping out families because we are not prepared for that rainy day.

I say that the legislation that the Senator from Delaware has very carefully outlined is a way of trying to encourage something that other countries already do and to encourage something that really we should be doing in the United States.

I think that the plan that is presented is one that has a great deal of support. I only wish other legislation that we would bring to the Senate floor had this much support when the bill is introduced.

I think of the health care bill that my colleague from Delaware and I are working on. If we could find 55 votes to support that as we have on this bill the day of introduction, what a major achievement that would be.

Yet this bill is being introduced today, without a single hearing, with 55 Members of the Senate who said "This is something that I can support; this is something that is a good idea and this is something that would be good for the constituents that I represent."

So 55 cosponsors to start with I think indeed is a very major accomplishment.

I say to the Presiding Officer, who is in the Chair, it is also important to note the way these programs treat individual home workers. A number of families are penalized when there is one parent working in the home from being able to save in the same manner in which there happens to be two parents working outside the home. At a time in our society when more and more families find themselves with a single income, it is more and more important for us to make sure that we do not discriminate against that wife or husband who chooses to work in the home.

What we want to do is to make sure that homemakers are given the same opportunity to save money.

So the legislation we are offering corrects those inequities in a way that I think is good for the people of our Nation.

I urge additional colleagues to take a look at what we have planned and to join with us in cosponsoring this legislation. I would like to see it done this year, but if it is not done this year, there will come a time when it will be done. It is right. It is important. It is necessary. It is something that will be good for this country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I wonder if I would ask my friends to include me. I would like to be included as an original cosponsor, if I may.

Mr. ROTH. Madam President, as my distinguished colleague and I pointed out earlier, the Roth-Breaux super-IRA is good for the country and it is good for the family.

As we have indicated, the United States faces a savings crisis. Alan Greenspan, the Chairman of the Federal Reserve, has stated that the lack of savings in this country is a critical problem of our long-term growth and prosperity.

Unfortunately, the figures show that the U.S. national savings rate for the past decade has been worse than at any time since World War II. As a matter of fact, in the last quarter of this year, our savings dropped to roughly 3.5 percent. The U.S. personal savings dropped from 6 percent to 4.3 percent immediately after the 1986 tax reform, which, unfortunately, limited those that could participate in the full IRA.

Madam President, this chart here illustrates what happened as to total annual IRA contributions in the period from 1982 to 1991.

In 1986, the personal savings under IRA contributions was $38 billion. That $38 billion dropped in 1991 to $12.1 billion. That is a loss of savings that this country cannot afford.

Just let me point out that where the U.S. consumers save less than 5 cents out of every dollar, the Japanese save something like 16 cents, three times as much. That is of critical importance if we are going to compete with Japan. In our industrial facilities, our ability to manufacture, for example, if we are going to have the necessary research and development to make our products the best, we need the capital to create those assets. But, unfortunately, the Japanese are outsaving us 3 to 1, so there is no question where the advantage is. And that must be changed.

That is one of the reasons we are introducing the Roth-Breaux super-IRA today. We think is is critically important for this Nation's welfare, both long and short term, that we do something about savings.

Madam President, this is an important initiative for the American family. It is important that American families save for the future.

Let me point out that a study was just recently made by a distinguished Stanford professor that shows for the baby boomers, when they are 65 years old and ready to retire, that if something is not done to promote savings on their part, they are only going to have one-third of the capital necessary to maintain their standard of living. That is deplorable. Something must be done about it, and that is what we propose to do through the IRA.

There are a number of initiatives as part of the super-IRA that I think are worthwhile spelling out.

First of all, we not only will have the front-ended IRA, where a family can contribute $2,000 tax free and then later on when the funds are withdrawn taxes will be paid on the earnings—that is one choice, the front-ended IRA—but we have a new initiative that would permit a back-ended IRA. In a back-ended IRA, you do not get any tax advantage when you make the contribution, but when you withdraw the earnings from that IRA, it is tax free. That is particularly important because that means those earnings are tax free and can be withdrawn upon retirement when most people have the greater need.

But a family has a choice. They can go either way or a combination of the two, so there is tremendous flexibility built in.

Another aspect of this legislation that is critically important is that it takes care of the housewife. Many years back, in the 1970's, I felt strongly that housewives, who work just as hard as anyone does here in the Senate or elsewhere, were entitled to an IRA. I proposed that they be entitled to the full IRA. Unfortunately, as the legislation worked its way through, it was limited to $250 for the spouse.

I am happy to say that this legislation would once again establish the full allotment of $2,000 to a housewife or, for that matter, a househusband. This follows and is in keeping with the legislation introduced sometime ago by several women Senators who specifically proposed that housewives be granted this right. I think this is a very, very important initiative.

Madam President, I would just like to point out some other flexibility we have built into this legislation. We know that families have differing needs as they start out as a young couple and grow older, so we provide a number of instances where a family may withdraw funds from their IRA for important needs.

For many families, the most important first need is buying a home. Under our proposal, funds can be withdrawn after 5 years without penalty to buy that first home.

I might point out that that is good for the economy, Madam President, because it is estimated that something like 50,000 houses a year ultimately would be built through these savings and that would create as many as 200,000 jobs a year.

We would also permit funds to be withdrawn without penalty for higher education. Again, this is critically important because, as we all know, college education costs are skyrocketing.

It is said to give a baby born today 4 years of college, it will cost something like $60,000 in a public institution; $200,000 in a private institution.

Mr. HATCH. Mr. President, I rise to express my support for the Roth-Breaux super-IRA legislation. This bill is designed to counter the dangerously low saving rate we have been experiencing over the last few years in America. I believe our low saving rate is one of the key domestic economic problems of this country.

In this time of growing concern about America's economic future, I believe much of our focus should be on the national saving rate and the personal saving rate. There are many reasons why we should take immediate action to incite a national movement to stimulate savings and investment. This can be accomplished through establishing a prosaving tax policy. The super IRA should be an important part of that policy.

Mr. President, it is no secret that the United States is experiencing anemic savings rates. In testimony before the Senate Banking Committee yesterday, Dr. Alan Greenspan, Chairman of the Federal Reserve, was optimistic about the economy in the short term, but expressed concern that the long-term outlook for growth is troubling because of the dangerously low saving rate.

Today's national saving rate is at a historic low, a miserable 3.6 percent. This rate is one-fifth the current rates of some of our economic competitors. It is significant to note that our saving rate averaged 6.7 percent in the 1960's and 7.8 percent in the 1970's. Beginning about 1985, however, the rate began a steady slide toward today's low rate.

I would like to discuss some of the factors contributing to this saving rate, which are simultaneously burdening taxpayers' propensity to save. To begin with, the Federal Government has been a continually poor example of a saver. With the national debt exceeding $4.5 trillion, representing a burden to each American of roughly $17,000, many taxpayers are feeling the blissful ease of spending beyond their means without fully comprehending the consequences. Abraham Lincoln once said, "You cannot keep out of trouble by spending more than you earn." Yet, by continuing to spend more than we earn, the U.S. Government is establishing an attitude toward consumption and away from saving that will harm our efforts to instill in our citizens the value of saving for the future.

Another factor is that Americans prefer debt to savings, and our current tax policy encourages this. For example, recent years have shown a tremendous increase in home equity loans. Individuals can deduct interest on debt secured by a primary residence as an itemized deduction, thus helping to reduce their taxable income. Consumers can enjoy current consumption that is subsidized by the tax code. Conversely, taxpayers who attempt to save for future consumption are penalized with taxes on interest earned, dividends received, or capital gains made. Is it any wonder our national saving rate is at a record low?

Unfortunately, we have seen the attitude of our Nation about saving change over the last two decades. Those who have lived through the Depression and the World War II years truly know the value of hard work and the importance of thrift and saving for the future. The attitude in our society today is more one of free-spending and saving complacency.

Mr. President, today's workers cannot count on Social Security alone to carry them financially in their older years. Too many of our families are ignoring the need to begin now to save for retirement. In today's environment, private retirement saving is needed more than ever. The super-IRA legislation introduced today would provide the vehicle to prompt many citizens to begin to see the way to put away a portion of today's earnings for the future.

Reinstating the universal deduction for contributions to an IRA would give the American people an incentive to save. As people save more, interest rates will decline and the United States will not be so dependent on foreign capital. There is evidence that the American people want this deduction reinstated. Many taxpayers in my home State of Utah were extremely upset when the Tax Reform Act of 1986 repealed the universal deduction for contributions to an IRA. In 1986, two-thirds of all taxpayers claiming an IRA deduction were individuals or families with adjusted gross incomes of under $50,000 a year. IRA's accounted for nearly a fourth of all personal savings in the United States. In 1987, under the new restrictions, IRA contributions fell by 67 percent, or $24 billion, with a third of the decline, or $8 billion, coming from taxpayers with annual incomes below $15,000.

Mr. President, under the Roth-Breaux plan, taxpayers will be encouraged to save. Today's tax code is punitive and antagonistic when it comes to saving. We need to ensure our tax policy encourages taxpayers to save for the future.

This bill would allow a family to choose from a "front-loaded" or "back-loaded" IRA. The bill would also allow a penalty-free withdrawal from the IRA for college education expenses, first-time home purchases, medical emergencies, and long unemployment periods. Thus, taxpayers would have flexibility to plan for the future without the fear of penalties or of tying up their money where it cannot be reached in an emergency.

Mr. President, this legislation is long overdue. It has previously passed both Houses of Congress, but the tax bill which contained it was vetoed by President Bush for reasons unrelated to the super-IRA provision. The time is now to take hold of our national and personal saving by giving Americans an incentive to save. I congratulate Senators ROTH and BREAUX for their leadership on this bill, and I urge all of our colleagues to support it.

Mr. SHELBY. Mr. President, I am pleased to join the Senators from Louisiana and Delaware today in supporting IRA tax relief that is long overdue.

Giving Americans the opportunity to save and invest for their future and for their children's futures without penalty is vital to improving the well-being of the American family and this country.

Mr. President, this is the kind of stimulus and investment package the American people want to see. Let the American people make their own choices and give them the opportunity to save and spend their own money without taxing them every time they do.

That's what our Tax Code does right now—it penalizes individuals in this country for setting aside a little something for the future, for putting away something to fall back on in case of emergency or unemployment, or for saving for college or a first home.

These are all valuable and important things that we want Americans to be able to afford, to be able to do—and yet we penalize them—we tax them—every time they try to do these good things. Every time they take money out of their individual retirement accounts to pay for a child's unexpected illness—every time they withdraw funds to pay for a better education, a better future—the tax collector is there to ensure they don't spend too much in one place and that they contribute their fair share to Uncle Sam.

Rather than empowering American families, Mr. President, our tax policy and social policy would make them dependent on the Government for these important expenses. We would tax families' ability to pay for college, or a home, or medical expenses—and then, turn around and encourage them to accept Government vouchers, Government loans, or Government insurance to pay for them.

Why not let families choose for themselves and abstain from penalizing their choices—choices, Mr. President—which everyone agrees are important policy goals.

Health care, education, housing, jobs. These are all very important issues to the American family and to this country. And every year, Congress tries to find ways to help families who can't afford these things. This body's answer is usually a handout rather than a hand up—another opportunity to force Government solutions to family needs.

This bill is about a hand up, Mr. President and it is a real and meaningful one for many American families.

I thank my colleagues from Louisiana and Delaware for offering this important legislation and urge the Senate to act quickly in removing one of the many tax penalties we currently place on efforts to make a better life in this country.

Ms. MIKULSKI. Mr. President, I rise today in support of the Breaux-Roth super-IRA legislation, which I am proud to cosponsor. I support this bill because it reflects our good values: rewarding those who practice self-help, encouraging all Americans to save, and acknowledging those who work as homemakers.

The super-IRA legislation will expand the availability of Individual Retirement Accounts [IRA's] to all Americans, including those spouses who work in the home. It will also allow for penalty-free withdrawals for downpayments on first homes, education costs, emergency medical care expenses, and in cases of long-term employment.

Mr. President, this legislation is good for America. It is getting harder and harder for working Americans to save money for their retirement, college expenses, or a first home. Moms and dads are struggling to give their kids a good education, and they should not be penalized for staying at home. Young families want to buy a home but cannot afford a downpayment. All Americans are facing skyrocketing medical expenses. The super-IRA bill will give these Americans an incentive to save, not only for retirement, but also for their children's education, their homes, and for unforeseen emergency medical care costs or expenses that build up during long-term unemployment.

Super-IRA legislation will also help increase America's overall savings. This will contribute to lower interest rates, increased investments, and productivity growth in the economy. As a super-IRA cosponsor, I am pleased to join the bipartisan effort working for passage of this important legislation. I urge my colleagues to join our efforts.

Mrs. FEINSTEIN. Mr. President, I rise today to join Senators BREAUX, ROTH, and others in introducing this super IRA bill.

This legislation expands the existing individual retirement account program and makes the IRA more flexible by allowing penalty-free withdrawal for: first-time home purchases; college education expenses; catastrophic medical costs; and for periods of long and unusual unemployment.

It also provides equity in the treatment of spouses who work in the home.

I believe that our Nation's economic well-being and our citizens' standard of living depend on increasing national savings. The U.S. net national savings rate has fallen in half from the 1960's to the 1980's, from 8.8 to 4.3 percent of net national product. In the 1990's, it has been even worse, falling to just 1.8 percent.

From World War II until 1973, the living standard of Americans was doubling every 25 years. At post-1973 growth rates, it will take 80 years to double our standard of living. In a nutshell, that is our economic

The Director of the Congressional Budget Office, Robert Reischauer, testified just last month that America's low national savings rate "* * * pose[s] an increasing, cumulative threat to the growth of living standards for the people of the United States."

Economist Alan Auerbach testified that

> * * * a higher rate of national savings translates into greater national wealth and hence a higher standard of living and competitiveness. The U.S. savings rate, which even in past decades was very low compared to the rates of other developed nations, represents an obstacle to maintaining a competitive international position.

Savings is the pool of money from which businesses borrow and invest to create jobs. Without it, our Nation must either invest less or borrow more from abroad. According to economists at the Federal Reserve Bank of New York, the decline in national savings from our 1970's level had, by 1989, already resulted in a shortfall in output of nearly $240 billion.

In the last two decades, America's two greatest economic rivals—Germany and Japan—have significantly closed the economic gap. How have they done it? For one thing, they have saved more. Germany saved at a rate nearly twice as high as the United States and Japan nearly 3 times as much.

Clearly the United States must save more too; the difficult question is how to do it.

One important way to increase national savings is to give Americans a greater incentive to save. That is what the super IRA legislation does.

It would restore the widespread availability of the fully tax-deductible IRA. Every American worker will be able to contribute up to $2,000 on a tax-deductible basis annually for their retirement.

Since the IRA program was limited by Congress in 1986, the number of Americans taking advantage of the IRA has fallen dramatically from 16.2 million in 1985 to just 4.7 million in 1991. Under this legislation, millions of Americans would be eligible to participate in a tax-deductible IRA plan. In California alone, more than 10 million people would be eligible to participate.

This bill would also provide equity to nonworking spouses. The current tax law is biased against spouses who do not work outside the house. Under the law, if both spouses in a household bring home a paycheck, then each is permitted a deductible IRA contribution of up to $2,000 annually—$4,000 in total. However, if only one spouse works outside the home, then the married couple is limited to a deductible IRA contribution of just $2,250 annually.

This legislation corrects this inequity and permits spouses that work in the home to contribute up to $2,000 just like their working spouse. For a family with one working spouse, this bill could mean an increase of savings in retirement funds of nearly $300,000 over 40 years. In California alone, 200,000 spouses are affected by the current Tax Code inequity and another 2 million would become eligible for greater IRA participation.

This legislation would also make important and needed changes to the treatment of individual retirement accounts. Under this bill, penalty-free withdrawals from IRAs, and 401K plan, would be allowed for: college education expenses; first-time home purchases; financially devastating medical expenses; and during periods of long and unusual unemployment.

In California, where the average house costs more than $188,000, nearly $82,000 more than the national average, and particularly in the urban areas of Los Angeles and San Francisco where the average house costs $200,000 and $250,000 respectively, one of the greatest difficulties for hard working families is to save the down payment to buy their first home.

America's home ownership rate is dropping. Two million more people would have owned a home at the end of the last decade had the ownership rate remained constant from the beginning of the decade. In California, the problem is even greater than the Nation as a whole. The U.S. home ownership rate is 64.5 percent. In California, however, it is just 56.8 percent. By helping people save for a down payment, this IRA bill will give countless Californians the opportunity to buy a home and live part of the American dream.

This will be good news for California's economy too. The real estate slump in the State has significantly harmed the economy. In 1989, housing was directly and indirectly responsible for more than 813,000 jobs. In 1993 that fell to fewer than 365,000 jobs.

The other great concern for average families is paying for their children's college education. The cost of both private and public college education has risen dramatically in the last two decades. By allowing penalty-free withdrawals for college education expenses, average families will have a better opportunity to afford their children's education.

In short, I do not believe that Californians should be penalized for saving for their retirement, for their first home, or for their child's education. I also do not believe that Californians should be penalized for using their IRA funds to pay for catastrophic medical expenses or during long periods of unemployment.

I have no doubt that this legislation will boost the Nation's savings rate. Best of all, it will promote greater investment in our economy making America more competitive internationally and creating desperately needed new jobs.

I am proud to be a cosponsor of this important piece of legislation. I urge my colleagues to support it.

Mr. BURNS. Madam President, I rise today as an original cosponsor of this bill. I know that Senator ROTH and Senator BREAUX have worked on this issue for a number of years. And Secretary of the Treasury Bentsen, when he was a Member of this body, also strongly supported this initiative.

I am pleased to be among the many supporters of an expanded IRA here in the Senate.

I think most folks know how important it is to save for a rainy day. But America's national savings rate is nothing to write home about.

Many folks would like to save more for their retirement because, let's face it, it's tough to make ends meet on Social Security.

But tying up that money in a traditional IRA means that early withdrawals for emergencies is subject to a penalty.

Other folks would like to save with a traditional IRA but don't because they cannot make a tax-deductible contribution.

I am concerned about this situation and think that more needs to be done to help Americans save.

This bill would open eligibility to IRA's to everyone. This plan allows folks to choose a traditional IRA with tax-deductible contributions, or a super IRA, where contributions are taxed but withdrawals are not.

The super IRA has a special feature which allows folks to take out money, without penalty, for a down payment on a home, college tuition, medical expenses, or living expenses when they are unemployed. And, homemakers—male or female—could have their own IRA on an equal basis, for the first time.

Again, I strongly support this bill and urge my colleagues to become cosponsors.

Mr. DODD. Mr. President, I rise in support of super-IRA legislation being introduced today by Senators BREAUX and ROTH. I am pleased to join them as a cosponsor of this important bill.

The Breaux-Roth super-IRA bill would meet several critical national needs. It would increase personal savings, contribute to greater capital formation, and help Americans finance their family's college education, first-time home purchases, and devastating medical illnesses.

The super-IRA bill would permit all Americans to benefit from IRA contributions. And, it would provide greater options and flexibility to those choosing to participate. The bill would provide all Americans the option of making a tax-deductible contribution of up to $2,000 per year to a traditional IRA or a new backloaded IRA in which contributions would not be deductible, but earnings would not be taxed when withdrawn.

When Americans think of savings they think of IRA's. Yet, since the restrictions on IRA eligibility were imposed by the 1986 Tax Reform Act, IRA contributions have fallen by almost 70 percent.

During consideration of the 1986 bill, Senator D'AMATO and I led a floor effort to eliminate provisions limiting IRA eligibility 47 of our colleagues voted in favor of the restoration. Since then, I have introduced legislation in two Congresses to restore the full deductibility of the IRA and have joined in cosponsoring this bill and its predecessor, introduced by former Senator and now Treasury Secretary, Lloyd Bentsen.

This important legislation is needed to increase personal savings, and raise our dangerously low national savings rate. Our national savings dropped substantially in the 1980's, and has declined further since, falling far below the levels of our competitors. Low national savings translate into reduced investment, decreased productivity, increased trade deficits, and a lower standard of living.

The decline in public savings and investment has been matched by a corresponding decline in private savings. While the Federal Government quadrupled our national debt, many American families, too, were living far beyond their means. As a nation, we have experienced a record low rate of personal savings and a record high rate of personal debt.

I commend Senators BREAUX and ROTH for their leadership on this important issue, and am hopeful that we can soon enact legislation restoring IRA eligibility, and returning this important investment tool to all Americans.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. DECONCINI):

S. 2302. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Old San Francisco Mint; to the Committee on Banking, Housing, and Urban Affairs.

THE OLD SAN FRANCISCO MINT COMMEMORATIVE COIN ACT

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Old San Francisco Mint Commemorative Coin Act. I am pleased to be joined in this effort by Senator BOXER.

This legislation would direct the Secretary of the Treasury to mint a million each of a specially designed silver dollar and a half dollar. The coins would sell for $10 and $2 respectively. Proceeds from this commemorative coin set would be earmarked for the preservation of the Old Mint and all that it represents in the emergence of the United States as a world economic power.

The site for the mint was acquired in 1869 during the time of President Andrew Johnson's turbulent administration. The building itself was completed in 1874 and represents, with its solid stone exterior, the strength and endurance of our Nation. It was patterned after the columned Greek Revival architecture of many of the post-Civil-War buildings in Washington, DC, providing through its unique architecture the transcontinental reach of the reunited United States.

It was one of the first stone buildings in San Francisco and remains now the city's oldest, having survived the devastating earthquakes of 1906 and 1989. Through its coin presses came the gold from the Mother Lode and silver from the Comstock, the mines of the West producing the bullion and wealth that helped finance this Nation's transition from wilderness to world power.

It remained an active mint until 1937 when a new, larger, and more modern structure was built. The old building's high ceilings and historic architecture became home for one of the most complete and historic collections of the coins and artifacts of that national emergence from the backwoods to industrial giant.

In the collection are scales more than a century old but so amazingly accurate that they can discern so much as a pencil mark in weighing one sheet of paper against another. Along with coins that date back to the Indian pennies of the 19th century to the Kennedy dimes today are cases of military medals from the Civil and Indian wars of almost a century and a half ago to those from the battles in the Pacific and in Europe of 50 years ago to Vietnam and Desert Storm.

School children by the hundreds flock to the museum each day to be immersed in the marvelous history of the American struggle from the days when covered wagons groaned across the Rockies to today when rockets soar into the heavens. Its cavernous rooms, with their turn-of-the-century velvet drapes, are alive with the stateliness of a nation no longer with mud on its boots, but with aspirations of greatness, a democracy fulfilling itself.

The Old San Francisco Mint is located in the heart of the city's downtown. It is a 120-year-old architectural treasure and national historic landmark and now a museum of distinction.

This landmark, at the very hub of attractions for tourists and visitors from all parts of the United States and from around the world, is worth preserving.

A block from Yerba Buena Gardens, the recently completed urban park that fronts on the Moscone Convention Center, which each year hosts tens of thousands of visitors from around the Nation, and across the street from the San Francisco Center, a new retail development, the Old Mint is vitally located as a major attraction in its own right.

Since December, when the Department of the Treasury decided to close the mint because of the need for extensive seismic and other structural improvements, a groundswell of support has developed for keeping it open. In the forefront are numismatic societies from the Atlantic to the Pacific, which view the Old Mint as a hallmark of the Nation's economic development.

San Franciscans have organized Friends of the Mint privately to raise money for its renovation, and San Francisco's two major newspapers, located directly across the street, are in strong editorial support.

With the cooperation of the Department of the Treasury, the museum has been kept open while a detailed study was undertaken by a special task force appointed by San Francisco Mayor Frank Jordan on how the building could be upgraded and sustained as a major museum. The museum itself has a range of irreplaceable exhibits on the history of coins and on the dramatic growth of the West as center of finance and commerce and as gateway to the burgeoning economies of the Pacific rim. Studies by various architectural and museum experts conclude that the museum can attract upward of 350,000 visitors a year and can, with careful management, operate in the black without need of ongoing Federal funding.

Heretofore the museum has operated 5 days a week and without any effort to publicize the uniqueness of its collections and promote attendance. The mayor's task force, after studying other museums around the United States, recommended a careful management plan, under a nonprofit trust. That attendance that last year fell below 100,000 can be more than tripled by keeping the museum open at least 1 day on weekends, actively promoting it in guides and tourbooks and charging nonstudents a modest admission fee.

Cafes would be added and would bring in additional revenues, and the present small store would be expanded to sell commemorative coins and memorabilia of our Nation's history. As an indication of its national worth, the Smithsonian Institution has shown interest in providing special exhibits of historic significance. In fact, so important is the building as a historic landmark, the National Trust for Historic Preservation, has put it on its list of the 11 Most Endangered Historic Places in the United States. As Richard Moe, the president of the Historic Trust has pointed out, the Old Mint, fondly known as the Granite Lady was once the Nation's busiest mint "thanks to abundant gold and Comstock silver."

An essential element to assuring the museum can be brought up to modern standards and operated in the black would be the issuance of the special commemorative coin set celebrating the long and rich history of the Old Mint. At minimum, these historic coins, based on the average revenues from other commemoratives, should bring in $8 to $10 million. But authorities from numismatic societies in California and nationally, pointing out that it would be the first set specifically dedicated to their principal interest, estimate proceeds will be $15 million.

San Francisco will play its part in raising the needed funds. The mayor's office is planning to incorporate the Old Mint into neighboring redevelopment areas through which financing can be authorized through the sale of revenue bonds. Additionally, Mayor Jordan will be working closely with Friends of the Mint to raise funds privately to help finance reconstruction and continued maintenance of the building.

Treasury Secretary Lloyd Bentsen has been extremely helpful and accommodating in keeping the museum open to the public while plans were developed for its continued operation. The planning process has been extensive and exacting, with a number of solid proposals for enhancing the museum into a world class attraction.

Senator BOXER has secured an authorization of $18 million through the Environmental and Public Works Committee, of which she is a member, toward the needed seismic upgrade and other improvements needed to insure public safety. But other improvements for the construction of cafes and more attractive display place will depend on additional revenues as described earlier in this statement.

The building is more than an impressive presence in downtown San Francisco. It is an irreplaceable part of the dynamic history of our Nation from a frontier society to superpower. It was the fountainhead through which the riches of the gold and silver fields were converted into the coins that financed the transition from wilderness to powerhouse.

The commemorative coin set will proclaim this splendid history and will provide funding vital to the future of this remarkable building. After all the promising progress that has been made toward preserving the Old Mint, it would be tragic to see the effort brought to a halt and the fine old building closed to the public and boarded up and possibly demolished, denying future generations this link with our early history.

I urge my colleagues to support and cosponsor this bill.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2303. A bill to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes, to the Committee on Energy and Natural Resources.

THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1994

• Mr. MURKOWSKI. Mr. President, I introduce, along with Senator STEVENS, the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1994.

The legislation I am introducing today would prevent conflict between Federal officials and Alaska Natives exercising their subsistence hunting rights. The land to be affected will remain in the national park, merely redesignated from a wilderness status so as to allow the residents of Anaktuvuk Pass to continue a lifestyle they have known for generations.

The Nunamiut people are the indigenous inhabitants of the Anaktuvuk Pass area and have traditionally depended upon the natural resources of their surroundings for physical and cultural survival. As inland Eskimos who once were able to roam the Endicott Mountains following the caribou, the Nunamiut through the passage of time settled in a village at Anaktuvuk Pass.

While adopting elements of a contemporary lifestyle, the caribou culture of the Nunamiut remains very much alive. Because of this, traditional hunting in this area is authorized by law for subsistence purposes.

In 1980, Anaktuvuk Pass found itself in a position all too familiar to many rural Alaskans—being surrounded by the Federal Government in establishment of wilderness and national parks, in this case, the Gates of Arctic.

The unique siting of Anaktuvuk Pass now faced a new challenge to preservation of native culture. This village differs from most Native villages in that it is not located on a major river system, lake or coastline. Absent these usual avenues of transportation, the Nunamiut utilized dogs in their caribou hunt as transport of the meat back to Anaktuvuk Pass. But, when the feeding of game meat to dogs was outlawed, they found the only alernative was to use all terrian vehicles to convey food from the hunt.

With the designation of wilderness in portions of Gates of the Arctic National Park, the use of all terrain vehicles was restricted, severely impacting the subsistence hunting rights of the Nunamiut.

The State of Alaska currently has almost 56 million acres of land under National Park Service control. This legislation will only deauthorize approximately 73,000 acres within the park boundaries as wilderness, a small and practical solution to the problem that has arisen for the Nunamiut.

Mr. President, this legislation is supported by the Native community of Alaska. I urge my colleagues to support this legislation.•

• Mr. STEVENS. Mr. President, I support my colleague in the introduction of the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1994 to resolve the conflicts between the National Park Service and the indigenous people of the Anaktuvuk Pass area.

The Nunamiut lived and hunted in the northern reaches of Alaska for thousands of years before the Gates of the Arctic National Park and Preserve was created by the Alaska National Interest Lands Conservation Act [ANILCA] in 1980. The Nunamiut people settled in Anaktuvuk Pass to take advantage of the unique geography which brings the migration of the caribou close to their village.

They relied on dog sleds for transportation to hunting areas until the feeding of game meat to dogs was restricted. Since then, they have relied on snowmobiles in the winter and all terrain vehicles [ATV] in the summer.

The intent of authors of ANILCA was to specifically preserve the rights of rural Alaska residents to continue access for subsistence purposes on public lands. Section 811(b) of ANILCA provided that "the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats and other means of surface transportation traditionally employed for such purposes by local residents * * *."

The National Park Service interprets that provision to exclude the use of ATV's in national parks in Alaska. The Native landowners, and I, disagree with that interpretation. That is the crux of the dispute.

However, the Nunamiut Corp. [the Anaktuvuk Pass Village Corp.], the city of Anaktuvuk Pass, the Arctic Slope Regional Corp., and the National Park Service have negotiated an agreement to finally resolve the dispute. This legislation would ratify that agreement which will guarantee dispersed ATV access on specific areas of the park and improved public access across Native lands.

The agreement would also exchange land and interests in land between the Native landowners and the Park Service and allow for ATV use in some of the nonwilderness acres of the park.

This legislation and the agreement do not attempt to determine whether ATV's are permitted under ANILCA for subsistence access on conservation units in Alaska. It merely attempts to settle the dispute between the Anaktuvuk Pass residents and the National Park Service relating to subsistence access in the Gates of the Arctic National Park and Preserve. I ask that my colleagues join us in support of this important legislation.•

By Mr. BRADLEY (for himself and Mr. WALLOP):

S. 2304. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feedstocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

THE CLEAN FUELS EQUITY ACT OF 1994

• Mr. BRADLEY. Mr. President, I introduce legislation aimed at restoring some level of financial equity in the marketplace for clean automotive fuels. My bill will phase out certain, targeted tax subsidies given to an industry that has too long received unique and favorable treatment under the tax code: the domestic ethanol industry. In this effort, I am very pleased to have as a cosponsor a fellow member of the Senate Finance Committee, Senator WALLOP.

The Clean Fuels Equity Act will phase out the ethanol tax subsidy for ethanol produced from feedstocks that are eligible for price and income support from the Department of Agriculture's programs. The phaseout would occur over 3 years to allow the existing industry an orderly transition to a less-sheltered marketplace. My legislation would continue to allow the tax credits for special energy crops, waste products, and other biomass that do not benefit from the USDA price support programs. These energy crops hold some promise of environmental and energy benefits. Furthermore, they still represent a technically immature industry, for which additional Federal support might be justified.

As most people know, the bulk of the ethanol produced in the United States is derived from corn, and processed and sold in the midwest; 20 years ago, there was no fuel ethanol industry. But, born from the crisis concerns of the late 1970's, this business grew from nothing, built by an array of special and substantial tax privileges. However, unlike many of the questionable policies developed during that period of energy crisis—from the Synfuels Corp. to the Fuel Use Act and plans for gas rationing—the ethanol subsidies continue to survive.

When the credits were initiated over 15 years ago, they were intended to jumpstart an industry that would not otherwise exist. This policy has obviously succeeded. The ethanol industry is no longer a small, fledgling industry. It now produces in excess of a billion gallons of ethanol per year and consumes roughly one-half billion bushels of corn yearly. It is an industry that now benefits from a special tax credit worth roughly $700 million per year—a number that is growing.

Recently, the ethanol industry succeeded by Federal regulation in securing a guaranteed market share for its product in some of the largest gasoline markets in the United States. My attitude toward this mandate is well-known: It does nothing positive for the environment, it is irrelevant with respect to energy security issues, and it will cost taxpayers and industry a fortune.

In view of this latest policy, it seems the ethanol industry's attitude to subsidies can be characterized by the phrase "never enough." Why worry what it costs to produce a product when you get a targeted tax credit, soon to be worth nearly $1 billion per year? Why worry about competition when you have a guaranteed market for your product?

The cost to taxpayers and the cost to consumers are real. These subsidies take money out of Americans' pockets. Even without the mandate, I question a continued, substantial tax break to a single, well-established industry. But, in combination with a market guarantee, a tax subsidy is indefensible. By creating this market share for ethanol, the Government has instantly given a bill worth hundreds of millions of dollars to taxpayers and consumers.

Ethanol competes in the marketplace with other chemicals that have no special tax break or guaranteed market share. These alternatives must compete based on price and performance. This legislation is not intended to be punitive to ethanol. Rather, it is an attempt to allow the markets a better chance to work for the benefit of all consumers, taxpayers, and the environment. Furthermore, it is acknowledgement that you cannot have it both ways. If there is to be a sheltered, guaranteed market for this fuel, there is no need for a tax credit to keep an industry afloat. It is that simple.

I urge my colleagues to consider this legislation carefully. Although I have not yet received a revenue industry from the Joint Tax Committee, it seems clear to me that this bill will raise between $3 and $5 billion over a 5-year period. In these times when we are struggling to reduce the deficits, to pay for health care reform, to pay for the GATT and other initiatives, it makes sense to reduce unneeded subsidies whenever possible.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHASE-OUT OF TAX SUBSIDIES FOR ALCOHOL FUELS PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.

(a) ALCOHOL FUELS CREDIT.—Section 40 of the Internal Revenue Code of 1986 (relating to credit for alcohol used as a fuel) is amended by adding at the end the following new subsection:

"(g) Phase-Out of Credit for Alcohol Produced From Feedstocks Eligible To Receive Federal Agricultural Subsidies.—

"(1) In general.—No credit shall be allowed under this section with respect to any alcohol, or fuel containing alcohol, which is produced from any feedstock which is a subsidized agricultural commodity.

"(2) Phase-in of disallowance.—In the case of taxable years beginning in 1995 and 1996, paragraph (1) shall not apply and the credit determined under this section with respect to alcohol or fuels described in paragraph (1) shall be equal to 67 percent (33 percent in the case of taxable years beginning in 1996) of the credit determined without regard to this subsection.

"(3) Subsidized agricultural commodity.—For purposes of this subsection, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(b) Excise Tax Reduction.—

(1) Petroleum products.—Section 4081(c) of the Internal Revenue Code of 1986 (relating to taxable fuels mixed with alcohol) is amended by redesignating paragraph (8) as paragraph (9) and by adding after paragraph (7) the following new paragraph:

"(8) Phase-out of subsidy for alcohol produced from feedstocks eligible to receive federal agricultural subsidies.—

"(A) In general.—This subsection shall not apply to any qualified alcohol mixture containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

"(B) Phase-in of disallowance.—In the case of calendar years 1995 and 1996, the rate of tax under subsection (a) with respect to any qualified alcohol mixture described in subparagraph (A) shall be equal to the sum of—

"(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

"(ii) 33 percent (67 percent in the case of 1996) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

"(C) Subsidized agricultural commodity.—For purposes of this paragraph, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(2) Special fuels.—Section 4041 (relating to tax on special fuels) is amended by adding at the end the following new subsection:

"(n) Phase-Out of Subsidy for Alcohol Produced From Feedstocks Eligible To Receive Federal Agricultural Subsidies.—

"(1) In general.—Subsections (b)(2), (k), and (m) shall not apply to any alcohol fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

"(2) Phase-in of disallowance.—In the case of calendar years 1995 and 1996, the rate of tax determined under subsection (b)(2), (k), or (m) with respect to any alcohol fuel described in paragraph (1) shall be equal to the sum of—

"(A) the rate of tax determined under such subsection (without regard to this subsection), plus

"(B) 33 percent (67 percent in the case of 1996) of the difference between the rate of tax under this section determined with and without regard to subsection (b)(2), (k), or (m), whichever is applicable.

"(3) Subsidized agricultural commodity.—For purposes of this subsection, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(3) Aviation fuel.—Section 4084(c) (relating to reduced rate of tax for aviation fuel in alcohol mixture) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) Phase-out of subsidy for alcohol produced from feedstocks eligible to receive federal agricultural subsidies.—

"(A) In general.—This subsection shall not apply to any mixture of aviation fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

"(B) Phase-in of disallowance.—In the case of calendar years 1995 and 1996, the rate of tax under subsection (a) with respect to any mixture of aviation fuel described in subparagraph (A) shall be equal to the sum of—

"(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

"(ii) 33 percent (67 percent in the case of 1996) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

"(C) Subsidized agricultural commodity.—For purposes of this paragraph, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(c) Effective Dates.—

(1) Credit.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.

(2) Excise taxes.—

(A) In general.—The amendments made by subsection (b) shall take effect on January 1, 1995.

(B) Floor stock tax.—

(i) In general.—In the case of any alcohol fuel in which tax was imposed under section 4041, 4081, or 4091 of the Internal Revenue Code of 1986 before any tax-increase date, and which is held on such date by any person, then there is hereby imposed a floor stock tax on such fuel equal to the difference between the tax imposed under such section on such date and the tax so imposed.

(ii) Liability for tax and method payment.—A person holding an alcohol fuel on any tax-increase date shall be liable for such tax, shall pay such tax no later than 90 days after such date, and shall pay such tax in such manner as the Secretary may prescribe.

(iii) Exceptions.—The tax imposed by clause (i) shall not apply—

(I) to any fuel held in the tank of a motor vehicle or motorboat, or

(II) to any fuel held by a person if, on the tax-increase date, the aggregate amount of fuel held by such person and any related persons does not exceed 2,000 gallons.

(iv) Tax-increase date.—For purposes of this subparagraph, the term "tax-increase date" means January 1, 1995, and January 1, 1996.

(v) Other laws applicable.—All provisions of law, including penalties applicable with respect to the taxes imposed by sections 4041, 4081, and 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subparagraph, apply with respect to the floor stock taxes imposed by clause (i).

THE CLEAN FUELS EQUITY ACT OF 1994

Senator Bradley's legislation would phase out the existing tax credits for ethanol produced from certain feedstocks. The tax will be phased out for ethanol if it is produced from feedstocks, such as corn, that are eligible for various price and income supports under the programs of the U.S. Department of Agriculture. If the ethanol feedstock is a specialized energy crop, not supported by USDA, or a waste product, the tax credit will still be allowed.

The phase-out will occur over 3 years. Unless exempt, ethanol would be allowed: the full tax credits for calendar year 1994; 67 percent of the existing credits for 1995; and 33 percent of the existing credits for 1996. No special tax subsidies would be allowed for ethanol, unless exempt, after December 31, 1996.

The principal federal incentive for ethanol is a 6-cent exemption from the federal motor fuel excise tax. Each gallon of gasoline blended with at least 10 percent ethanol is eligible for the exemption. Using a blend, each gallon of ethanol can be blended with nine gallons of gasoline to make ten gallons of a blended fuel. All ten gallons are eligible for the exemption, which equates to a total exemption of 60 cents on each gallon of ethanol.

Also, an equivalent 60-cent-per-gallon federal blenders' income tax credit or refund is available to fuel distributors that blend ethanol into motor fuels. The tax credit or refund can be taken in lieu of the excise tax exemption described above.

Because of these tax subsidies, ethanol can be offered at a dramatically lower price than would be the case otherwise. The U.S. ethanol industry produces approximately 1.2 billion gallons of ethanol for blending into fuel each year. This equates to a total subsidy value in excess of $700 million annually. It is estimated that the EPA ethanol mandate recently approved will add at least another $300 million annually to the tax subsidy total.

Ethanol is produced today almost exclusively from feedstocks that are eligible for USDA support.●

By Mr. AKAKA:

S. 2305. A bill to provide that members of the Board of Veterans' Appeals be referred to as veterans law judges, to provide for the pay of such member, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS LAW JUDGE ACT OF 1994

● Mr. AKAKA. Mr. President, I am today introducing legislation that would increase the pay, and establish certain procedures relating to the reappointment, of members of the Board of Veterans' Appeals [BVA], the highest adjudicatory body within the Department of Veterans Affairs [VA] for veterans benefits claims.

The Veterans Law Judge Act of 1994 would do three things. First, it would provide that Board members would also be known as veterans law judges [VLJ's]. Second, it would provide for pay equity between Board members and administrative law judges [ALJ's], their counterparts in other executive branch agencies. Third, the measure would protect Board members from arbitrary dismissal at the expiration of their statutory terms, unless they do not meet objective standards established by the Secretary.

Together, these provisions are designed to help forestall the imminent departure of potentially dozens of the most experienced Board members at a time when VA is experiencing a crisis in its adjudication system.

Mr. President, the BVA is the highest adjudicatory body within the VA. Each year the Board renders decisions on tens of thousands of appeals for benefits claims. These cases span the range of veterans benefits, including claims for entitlement to service connection, increased disability ratings, pensions, insurance benefits, educational benefits, home loan guaranties, vocational rehabilitation, and dependency and indemnity compensation.

The Board is comprised of 63 members—plus a chairman, vice chairman, and two deputy vice chairmen—who, until recently, sat in 21 3-member sections that held hearings in every VA regional office throughout the Nation. Board members must have the experience and skills to be able to handle all types of appeals, regardless of their complexity.

Because of the varied and specialized requirements associated with the job, BVA members are necessarily selected through a highly exacting, competitive process. In fact, it takes between 7 and 10 years to adequately train someone for the position, according to BVA Chairman Charles Craigin. Because of the overriding need for individuals trained in BVA procedures and familiar with VA statutes, regulations, and practice, members are almost always chosen from among the ranks of experienced staff counsels to the Board sections.

From its inception more than 60 years ago until recently, the BVA has processed appeals in a relatively timely and efficient manner. Today, however, the story is markedly different. The work of the BVA, while always difficult, has grown in complexity, which has resulted in additional delays and a rapidly increasing backlog of unadjudicated cases.

In 1988, the Board rendered 43,792 decisions, with an average response time of 146 days, and a backlog of undecided cases of 16,642. By 1993, however, the number of decisions had dropped to 26,400, with average processing time increasing to 466 days and the case backlog to 51,078. This year, 1994, the projected number of decisions will be 19,650, less than half what it was in 1988, with an average response time of 830 days and a backlog of 51,078 cases. In fact, the 1994 processing time figure may be misleading, since a new method of measuring response time was recently instituted for 1994. Under the previous system, the average response time would have been estimated at 1,843 days and 2,397 days by the end of 1995.

The drastic decline in timeliness and the increase in case backlog are directly attributable to the additional administrative and legal burden imposed on the Board by the Veterans' Judicial Review Act [VJRA], Public Law 100-687, and decisions adopted by the new U.S. Court of Veterans Appeals [COVA] created by the act.

Mr. President, the VJRA is rightfully considered a milestone in veterans affairs. It provided veterans with the fundamental right—enjoyed by all other Federal beneficiaries—to appeal decisions to an entity outside of the granting agency. Judicial review added legal rigor to the adjudication process, and ensured that a veteran could have his day in court, in this case the Court of Veterans Appeals.

Unfortunately, judicial review, while giving the veteran access to the courts, also fostered radical changes in the adjudication process that imposed significant additional demands on the BVA. For example, the act established a new, statutory duty to develop the record for judicial review. Further, the Board must be satisfied that the Department has fulfilled its new statutory duty to assist the claimant. This duty has been expansively interpreted by COVA, which has mandated not simply a mechanical, but a truly imaginative effort to locate all possible evidence, not only in the possession of the Government, but also evidence held by private institutions or parties.

In addition, COVA has imposed a formidable standard for providing detailed reasons or bases for BVA decisions. Under this standard, it is no longer sufficient simply to arrive at the correct substantive decision; rather, a decision of the Board must now explain in detail the complete thought processes behind the decisions. The VJRA and COVA has also imposed intricate new procedural standards for determining whether a claim is "well grounded or whether a previously denied claim has been reopened. As a result of these requirements, the individual decisions of the Board are typically two or three times as long as they were before judicial review and the number of remands has increased by similar proportions to permit regional offices to develop the factual record or to address new procedural mandates.

As the foregoing suggests, the work of the Board has become vastly more difficult and onerous as a result of judicial review; the VJRA has significantly hampered the ability of the Board to quickly and efficiently adjudicate claims. To its credit, Congress has attempted to resolve this problem by adopting this year legislation, authorized by Senator ROCKEFELLER, that lifts the 65-member limitation on the number of Board members that may be appointed and permits decisions on claims to be made by a single Board member, rather than the 3-person section as required under previous law. According to VA, the authority to issue single-member decisions alone would increase Board productivity by 27 percent.

Unfortunately, Mr. President, while the legislation we enacted this year is certain to provide VA with additional tools to fix the adjudication crisis, the legislation does not address a fundamental problem that could ultimately offset any advantages offered by single-member decisional authority or lifting the 66-member limit.

I am referring, of course, to the potential for dozens of the most experienced Board members to leave the Department to take up positions as administrative law judges in other Federal agencies. This is a real and imminent problem that, if left unresolved, could lead to the evisceration of BVA ranks precisely at a time when the VA can least afford to lose experienced members. This problem is driven by two egregious issues: the higher pay and additional job security enjoyed by ALJ's vis-a-vis Board members.

As my colleagues recall, the Federal Pay Comparability Act of 1990, the Pay Act, converted the pay of all administrative law judges in Federal service from the General Schedule to a new ALJ compensation between ALJ's and Board members.

By elevating the pay of ALJ's, the Pay Act set them apart and above Board members, who continue to be paid at the GS-15 level. The difference is significant. For fiscal year 1994, the pay range for a GS-15 is approximately $69,400 to $90,300. The pay of administrative law judges currently ranges from approximately $78,400 to $108,500 for most judges, with some supervisory judges receiving as much as $120,600. Thus, in general, ALJ's make between $9,000 and $18,200 more than Board members at comparable levels of seniority, and as much as $30,300 more in special circumstances.

Yet, Mr. President, it is clear to all knowledgeable observers that the duties and responsibilities of ALJ's and Board members are virtually identical in every important respect; indeed, some, including several former Board members who are now employed as ALJ's, would argue that the work of Board members is much more difficult and complex than that of ALJ's.

In addition to pay inequity, Board members enjoy less job security than their ALJ counterparts. As yet another, perhaps unintended, result of judicial review, the VJRA imposed terms of appointment on Board members for the first time, presumably to render them more accountable to political authority. VJRA established a standard 9-year term, with provision for reappointment at the Secretary's discretion. This action made Board members the only Federal workers under the General Schedule to have their civil service career positions converted to terms of appointment; their professional counterparts, ALJ's, are not subject to term restrictions.

In addition to imposing term limits, the VJRA did not provide any standard or criteria for reappointment, leaving Board membership open to manipulation and possible politicization. This shortcoming has serious implications. According to Richard Frank, president of the BVA Professional Association, who testified at a Senate Veterans' Affairs Committee hearing on adjudication issues on March 24:

> The imposition of terms of appointment on these previously career appointments has profoundly negative ramifications for appellants as well as the Board. For sixty years, the reality and perception has been that members of the Board have decided cases by applying the law to the facts found, regardless of any other considerations. The creation of what is effectively a term at whim opens the adjudication process to politicization and manipulation. While any single Administration may find satisfaction in the belief in, or the reality of, its ability to tug the substantive outcome of appeals in any direction, once this process starts it will be hard, if not impossible, to check. Tides that rise, also fall. When individual merits no longer control the outcome of appeals, we will have a lottery, not an adjudication process and their dependents will lose both justice and faith.

Mr. President, the practical effect of pay inequity and term limits is that BVA faces a potentially catastrophic loss of its most experienced members, a problem that has profound, negative implications for fair and timely adjudication of veterans' claims. Because of the compensation/ term limit problem, many BVA members have either left, or are planning to leave, the Board to become ALJ's.

Since July 1993, nine Board members have been selected to be ALJ's. This figure represents 16 percent of the 55 attorneys who have held Board member positions since last July. Of the 46 current Board members—not including the 7 physician members whose terms expire in July 1994 who will not be reappointed—36, or 78 percent, have applied or intend to apply for ALJ positions. Eleven members—24 percent—are already on the register maintained by the Office of Personnel Management and subject to hiring at any time. Seven have actually submitted written applications; nine are currently working on their applications. Of the 10 members who have indicated they do not intend to apply, at least 3 are at or very near retirement age.

The value attached to the experience and skills of Board members is even more striking than these numbers indicate. Despite the fact that only 20 Board members are or were on the register of approximately 1,000 individuals maintained by OPM, 9 of the 160 Social Security ALJ's hired in the past year were Board members. In other words, Board members are three times as likely as the average applicant to be selected to become an ALJ. Indeed the Board has also lost one of its senior attorneys, who provide the cadre from which Board members are selected, during this last year to the ALJ ranks. According to the best information now available, the Office of Hearings and Appeals of the Social Security Administration is gearing up for a class of another 54 ALJ's in September; in addition, it projects hirings in excess of another 100 ALJ's during fiscal year 1995.

The implications are clear. At a time when the duties of the Board are becoming more complex and onerous as a result of judicial review, an increasing number of Board members, including the most experienced among them, have either accepted positions, or are actively seeking employment, as ALJ's. The effect on the adjudication process will be enormous. Again, in the words of Richard Frank:

> The departure of experienced Board members will cause irreparable damage to the claims adjudication process and severely aggravate the timeliness crisis. Without a high level of experience among Board members, literally thousands of claimants will not receive every benefit due. Without a high level of experience among Board members, every appellant bringing a claim to the Board will be directly affected because inexperienced Board members will not be able to operate with the high productivity required to maintain timeliness. We believe that the loss of large numbers of experienced Board Members will more than offset any productivity gains through automation, single member decisional authority or administrative reforms. At least a quarter of the veterans' population is 65 or over. Thus, where claims for veterans' benefits are involved, the phrase "justice delayed is justice denied" has a special sting, for the grim reality is that ever more protracted delays in claims adjudication mean that many claimants will literally die before they receive an answer to their appeals.

In addition to retention problems, it is clear that pay inequity and term limits must cause recruitment difficulties for the Board as well. All factors being equal, those most suited for Board employment would naturally seek employment as ALJ's first, given the higher pay and employment security guaranteed to ALJ's. Those who are generally selected to become Board members—staff attorneys who have served years of apprenticeship at the Board—are usually at the midpoint in their careers, probably with significant family obligations. In these circumstances, given a choice between a lower paying job with no guarantee of employment beyond 9 years, and a higher paying job with essentially career long tenure, few can doubt which career path would be more enticing to a prospective Board candidate.

Mr. President, the bill I am introducing today, the Veterans Law Judge Act of 1994, directly addresses the recruitment and retention problems facing the Department as a consequence of pay comparability and term limits.

Section 2 of the bill would permit Board members to be called veterans law judges. There is a widespread misperception, fueled by disparities in pay and term limits, that Board members are somehow inferior to administrative law judges in duties, authorities, and qualifications; allowing Board members to be called veterans law judges could help eliminate this negative misperception by underscoring the fact that the responsibilities of Board members, or VLJ's, are on a par with those of ALJ's, and bolster veterans' confidence in Board decisions.

Section 3 would stipulate that Board members receive compensation and other benefits comparable to those provided ALJ's. This provision is based on legislation I introduced in the last Congress and is similar to the pay comparability provisions in H.R. 69 and H.R. 3240, introduced by Representative MIKE BILIRAKIS and Representative LANE EVANS, respectively. Judging from its testimony at a recent House hearing on these measures, VA strongly supports this initiative. According to the latest Congressional Budget Office estimate for H.R. 69 and H.R. 3240, this provision has no pay-as-you-go implications and would cost only $5 million over 5 years; moreover, because Board member pay would be phased in over several years, there is no budget cost associated with this provision in either fiscal 1994 or fiscal 1995.

Section 4 does several things. First, it would permit the chairman of the BVA and other Board members, at the discretion of the Secretary, to serve beyond the expiration of their terms until reapproved or until a successor is approved. The purpose of this provision is to ensure Board continuity in the event that a successor is not approved at the time a member's term expires.

Second, it would require automatic reappointment of a Board member unless the Secretary specifically provides 120 days notice of nonreappointment and affords the member an opportunity to a hearing before the Secretary no later than 60 days prior to the expiration of the member's term. Also, the Secretary would be required to develop objective standards for reappointment, so that a Board member would be reasonably cognizant of the standards he or she must meet in order to secure reappointment. Together, these provisions would help relieve the anxiety that Board members' careers could expire without notice or reason, an anxiety that is impelling many of them to leave or consider leaving BVA ranks for more lucrative and secure employment as ALJ's. At the same time, term limits and the principle of accountability would be retained, as under current law.

Third and finally, for those Board members who were career or career-conditional civil servants prior to their appointment, Section 3 would allow them to revert to their original grade and step in the event that they were not reappointed.

Mr. President, I urge my colleagues to support this important legislation. Unless we act soon to address the issues of pay equity and employment security for Board members, VA's ability to render quality decisions on claims in a timely fashion will be seriously compromised for many years to come. While adoption of my legislation would not necessarily improve BVA productivity or substantially reduce the already enormous backlog of veterans' claims, it would assuredly prevent these problems from becoming far worse. The Veterans Law Judge Act of 1994 represents a reasonable, cost-effective approach to these matters, which threaten to eviscerate the membership of the Board of Veterans' Appeals.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Law Judge Act of 1994".

SEC. 2. AUTHORITY TO REFER TO MEMBERS OF BOARD OF VETERANS' APPEALS AS VETERANS LAW JUDGES.

Section 7101(b) of title 38, United States Code, is amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), A member of the Board, including the Chairman and the Vice Chairman, shall be referred to as a veterans law judge.

"(B) Subparagraph (A) shall not apply to temporary member of the Board.".

SEC. 3. CLASSIFICATION AND PAY OF MEMBERS OF BOARD OF VETERANS' APPEALS.

(a) IN GENERAL.—Section 7101(b) of title 38, United States Code, as amended by section 2, is further amended by adding at the end the following:

"(6) A member of the Board (other than the Chairman and Vice Chairman) shall receive compensation under the provisions of section 5372 of title 5 and other benefits equal to those payable to an administrative law judge.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first pay period beginning after the date of the enactment of this Act.

(c) SAVINGS PROVISION.—The rate of basic pay payable to an individual who is a member of the Board of Veterans' Appeals on the date of the enactment of this Act may not be reduced by reason of the amendment made by subsection (a) below the rate payable to such individual on the day before the effective date specified in subsection (b).

SEC. 4. CONTINUATION OF SERVICE AND REAPPOINTMENT OF BOARD MEMBERS.

(a) CHAIRMAN.—Paragraph (1) of section 7101(b) of title 38, United States Code, is amended to read as follows:

"(1)(A) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, for a term of six years.

"(B) Notwithstanding subparagraph (A), the Chairman may, upon the approval of the Secretary, serve after the expiration of the term of the Chairman under that subparagraph. The Chairman may serve under this subparagraph until—

"(i) the confirmation of the Chairman under subparagraph (A) for an additional term to which the Chairman is appointed under paragraph (3); or

"(ii) the confirmation of the successor to the Chairman.

"(C) The Chairman may be removed by the President for misconduct, inefficiency, neglect of duty, or engaging in the practice of law or for physical or mental disability which, in the opinion of the President, prevents the proper execution of the Chairman's duties. The Chairman may not be removed from office by the President on any other grounds. Any such removal may only be made after notice and opportunity for hearing.".

(b) OTHER MEMBERS OF BOARD.—Paragraph (2) of such section is amended to read as follows:

"(2)(A) The other members of the Board (including the Vice Chairman) shall be appointed by the Secretary, with the approval of the President and based upon recommendations of the Chairman, for a term of nine years.

"(B) Notwithstanding subparagraph (A), a member of the Board may, upon the recommendation of the Chairman and the approval of the Secretary, serve after the expiration of the term of the member under that subparagraph. A member may serve under this subparagraph until—

"(i) the appointment of the member to an additional term under paragraph (3); or

"(ii) the appointment of the successor to the member.

"(C)(i) The Secretary shall notify a member of the Board under this paragraph if—

"(I) the Chairman decides not to recommend the member for appointment under paragraph (3) to an additional term; or

"(II) the Secretary decides not to appoint the member to an additional term under that paragraph.

"(ii) The Secretary shall notify a member of the Board under clause (i) not later than 120 days before the expiration of the member's term.

"(iii) A notification under clause (i) shall include an explanation of the Chairman's decision not to recommend the member for appointment or the Secretary's decision not to appoint the member, as the case may be.

"(iv) The Secretary shall provide a member of the Board who receives a notice under this subparagraph an opportunity for a hearing on the matters in the notice. The hearing shall occur not later than 60 days before the expiration of the member's term.

"(v) Upon completion of a hearing in the case of a member of the Board under clause (iv), the Secretary shall determine whether or not to appoint the member to an additional term under paragraph (3). The Secretary's decision shall be final and shall not be subject to judicial review.

"(D)(i) Except as provided in clause (ii), if the Secretary fails to notify a member of the Board covered by clause (i) of subparagraph (C) by the time specified in clause (ii) of that subparagraph, the member shall be deemed appointed by the Secretary to an additional term under paragraph (3).

"(ii) The President may disapprove the appointment of a member of the Board to an additional term under clause (i). A member whose appointment is so disapproved shall not be deemed appointed to such term under that clause.

"(E) Upon the expiration of the term, including any service after such expiration under subparagraph (B), of a member of the Board (other than the Chairman) who was a career or career-conditional employee in the service before commencement of the term, the member shall revert to the civil service grade and series held by the member immediately before the appointment of the member to the Board.

"(F)(i) Reversion of a member of the Board under subparagraph (E) shall not affect the taking against the member of an action referred to in clause (ii) if the action was initiated before the expiration of the term of the member.

"(ii) Clause (i) refers to the following actions:

"(I) Removal of a member of the Board.

"(II) Suspension of a member.

"(III) Reduction in grade of a member.

"(IV) Reduction in pay of a member.

"(V) Furlough of a member for 30 days or less.

"(VI) A reduction-in-force under section 3502 of title 5.

"(VII) An action initiated under section 1215 of title 5.".

(c) CRITERIA FOR REAPPOINTMENT OF BOARD MEMBERS.—(1) The Secretary of Veterans Affairs shall prescribe criteria applicable to the appointment of members of the Board of Veterans' Appeals to a term on the Board under section 7101(b)(3) of title 38, United States Code.

(2) The criteria prescribed under paragraph (1) shall not apply to the Chairman of the Board.

(3)(A) The criteria prescribed under paragraph (1) shall take into consideration the timeliness of a member of the Board, the case management of a member, the extent to which substantive errors appear in the decisions of the Board issued by the member, and the conduct of a member as a member of the Board.

(B) Such criteria shall not provide for an evaluation of a member of the Board in accordance with the granting or denying of appeals by the member.

(d) APPLICABILITY.—Subparagraph (B) of section 7101(b)(2) of title 38, United States Code, as amended by subsection (b), shall apply to members of the Board of Veterans' Appeals appointed under section 201(d) of the Veterans' Judicial Review Act (division A of Public Law 100-687; 38 U.S.C. 7101 note).

SEC. 5. BOARD MEMBERS HOLDING APPOINTMENTS IN THE SENIOR EXECUTIVE SERVICE.

Notwithstanding any other provision of law, any member of the Board of Veterans' Appeals who, on the date of the enactment of this Act, is a member of the Senior Executive Service shall—

(1) continue as a member of the Senior Executive Service while serving as a member of the Board; and

(2) during the term of office of the member under section 7101(b) of title 38, United States Code, receive the pay, leave, and other benefits (including benefits relating to reassignment) to which members of the Senior Executive Service are entitled.●

By Mr. METZENBAUM:

S. 2306. A bill to amend the Securities Exchange Act of 1934; to the Committee on Banking, Housing, and Urban Affairs.

THE SECURITIES EXCHANGE ACT OF 1934 AMENDMENT ACT OF 1994

• Mr. METZENBAUM.

Mr. President, the purpose of this legislation is to amend the Securities Exchange Act of 1934 to reverse the decision in Central Bank of Denver versus First Interstate Bank of Denver, which held that a private plaintiff may not maintain an aiding and abetting fraud action under section 10(B) and to restore the status quo ante.

I firmly believe that if allowed to stand, the Central Bank of Denver case will weaken the Federal securities laws more than any other case in the 60-year history of those laws.

The Supreme Court's bizarre legal reasoning in this case will cause a great deal of damage. It gives clearly fraudulent behavior the green light. It immunizes those who have clearly helped others to commit securities fraud. It says to those who assisted S&L executives, BCCI, and Drexel Burnham in committing securities fraud—people like Michael Milken who have caused innocent investors to lose hundreds of millions of dollars—"go home, you're protected from liability, sorry to have bothered you, feel free to do this again".

The surprising 5 to 4 ruling is shocking because it overturns 25 years of established Federal court precedents that have permitted private investors to sue aiders and abettors of securities fraud. That includes 11 circuit courts of appeal—every single circuit that has addressed the issue. But much more than just a bad decision, this case undermines fundamental protections for investors and the securities markets.

Investors have long had the right to sue lawyers, accountants, bankers, brokers, and others who assist others in committing securities fraud. This right of action has played a vital role in compensating swindled investors in the major financial frauds of the last three decades.

Innocent victims who lose money, and sometimes their life savings, in fraudulent securities schemes have recovered hundreds of millions of dollars from aiders and abettors. Just recently, 23,000 bond holders successfully sued the lawyers and accountants in a savings and loan case and recovered $275 million. If this ruling had been on the books at that time, it might have wiped out the recovery.

Unless the Court decision is reversed by Congress, most defrauded investors will not recover their losses because, typically, the perpetrator of the fraud is insolvent by the time the case is filed or completed. For example, the cheated investors who recovered the $275 million in the case I just referred to had won a $1.5 billion judgment against the executives directly responsible, but the judgment was uncollectible because they had no money left.

In addition, this case also casts doubt upon the SEC's own ability to go after aiders and abettors. About 15 percent of the SEC's enforcement actions include charges of aiding and abetting. In those cases, the established right to proceed against aiders and abettors is critical to effective enforcement.

Finally, the Central Bank decision severely weakens the deterrence of securities fraud. It sends a dangerous signal to the securities markets that a primary enforcement tool has been eliminated—and that includes all the independent bankers, accountants, and attorneys. This not only hurts defrauded investors, it hurts all investors.

It is imperative that Congress act swiftly to rectify this situation because the Central Bank decision already is having immediate implications in a huge number of fraud claims. As we speak, people are writing up motions to dismiss and reopen cases. At least one major fraud case has already been dismissed. A judge has thrown out a $70 million lawsuit by the shareholders of the bankrupt Bonneville Pacific Corp. against the accountants for the company, who allegedly misrepresented the company's financial condition and are now off the hook.

A former general counsel of the SEC who now is a prominent securities defense lawyer has said: "I am recommending to clients that if they've settled a case in the past with the SEC under aiding and abetting, they could get out of any injunctions." A major defense law firm has alerted its clients in a special dispatch: "There are reports that legislation will be introduced in Congress in response to the Court's decision. Therefore, those clients who are defendants in section 10(B) cases involving private claims that allege aiding and abetting should *immediately* seek a final judgment dismissing those claims to minimize the impact of new legislation." Another major securities defense firm has sent an alert to clients to reopen SEC injunctions based on aiding and abetting, move to dismiss current SEC aiding and abetting cases, and take the position that *Central Bank* wipes out all forms of secondary liability under all provisions of the Federal securities laws.

Obviously, the *Central Bank* decision has opened a Pandora's box of securities fraud and we must slam it shut.

We must act immediately to amend the Securities Exchange Act of 1934 to restore the right of private plaintiffs, and preserve the right of the SEC to sue aiders and abettors of securities fraud.

In addition, I firmly believe that a logical extension of the Supreme Court's rationale in *Central Bank* could have a devastating impact upon the U.S. Treasury.

One likely interpretation of that decision is that all Federal enforcement actions based upon aiding and abetting—or indeed any form of secondary liability—are now wiped out unless the relevant statute expressly provides for such liability. This would affect not only the SEC, but also the FDIC and RTC in their actions against failed savings and loans, the FTC, and other agencies who recover moneys for the Treasury based on aiding and abetting and other forms of secondary liability.

This Supreme Court decision could end up costing the Federal Government billions of dollars. I hope that all of my colleagues will agree that this potential drain on the Treasury is a compelling reason to move forward as expeditiously as possible to rectify this situation.•

By Mr. PELL (by request):

S. 2307. To make technical corrections to the Foreign Relations Authorization Act for fiscal years 1994 and 1995—Public Law 103-236; to the Committee on Foreign Relations.

FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEARS 1994 AND 1995 AMENDMENTS ACT

• Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to make technical corrections to the Foreign Relations Authorization Act for fiscal years 1994 and 1995, Public Law 103-236.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SECTION 102(g) OF PUBLIC LAW 103-236.

Section 102(g) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended—

(1) by inserting "for the United Nations and its affiliated agencies in" before "'Contributions for International Organizations'";

(2) by striking "reduced" and inserting "withheld";

(3) by striking "each of the fiscal years 1994 and" and inserting "fiscal year";

(4) by striking "unless" and inserting "until";

(5) by inserting ", to the best of his knowledge," after "that";

(6) by striking "States" and inserting "Nations"; and

(7) by striking the comma after "promotes" and inserting "and".

SEC. 2. SECTION 121 OF PUBLIC LAW 103-236

Section 121 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended in subsection (d)(1)—

(1) by striking "and the Director of the United States Information Agency" and inserting ", the Director of the United States Information Agency or the Administrator of the Agency for International Development"; and

(2) by striking "or the United States Information Agency" and inserting ", the United States Information Agency or the Agency for International Development".

SEC. 3. SECTION 123 OF PUBLIC LAW 103-236.

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710, as recently amended by section 123 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236)) is amended in subsection (c) by inserting "personal and" before "other support services".

SEC. 4. SECTION 127 OF PUBLIC LAW 103-236.

The Act entitled "An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (44 Stat. 887, 22 U.S.C. 211a, as recently amended by section 127(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995) is amended—

(1) by inserting "such" before "other employees"; and

(2) by striking the comma after "United States".

SEC. 5. SECTION 129(b) OF PUBLIC LAW 103-236.

Section 129 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended in subsection (b) by striking "of" after "attendance" and inserting "at".

SEC. 6. SECTION 139 OF PUBLIC LAW 103-236.

Section 139 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended—

(1) in subsection (20) by striking "2349aa" and inserting "4858(b)";

(2) by striking subsection (25); and

(3) by redesignating subsections (26) and (27) as subsections (25) and (26) respectively.

SEC. 7. SECTION 140(c) OF PUBLIC LAW 103-236.

Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended in paragraph (2) of subsection (c) by striking "serious loss of life or property" and inserting "serious injury, loss of life, or significant destruction of property".

SEC. 8. SECTION 142(a) OF PUBLIC LAW 103-236.

Section 142 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended—

(1) in paragraph (2) of subsection (a) by striking the comma after "not"; and

(2) in paragraph (3) of subsection (a) by inserting a comma after "because".

SEC. 9. SECTION 161(a) OF PUBLIC LAW 103-236.

Section 1 of the State Department Basic Authorities Act of 1956 (as recently amended by section 161(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236)) is amended in paragraph (2) of subsection (a) by inserting "and the Deputy Secretary of State" after "Secretary".

SEC. 10. SECTION 161(b) OF PUBLIC LAW 103-236.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (b) by striking "133" and inserting "162".

SEC. 11. SECTION 161(f)(2) OF PUBLIC LAW 103-236.

Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in paragraph (2) of subsection (f)—

(1) by striking "the principal duty of negotiations for";

(2) in clause (A) by striking "Increased" and inserting "The principal duty of negotiating increased"; and

(3) in clause (B) by striking "recoupment" and inserting "In consultation with the Department of Defense, assist in negotiations with the host governments for the recoupment".

SEC. 12. SECTION 162(g) OF PUBLIC LAW 103-236.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (as recently amended by section 162(g) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236)) is amended—

(1) in subsection 103(a)(2) by striking "operations" and inserting "operation";

(2) by redesignating sections 106 and 107 as sections 104 and 105 respectively.

SEC. 13. SECTION 162(q) OF PUBLIC LAW 103-236.

Section 162 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (q) by striking "2655" and inserting "2655a".

SEC. 14. SECTION 179 OF PUBLIC LAW 103-236.

Section 179 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended in subsection (b) by striking "individual holding a career or career candidate appointment" and inserting "individuals holding career or career candidate appointments".

SEC. 15. SECTION 180(a) OF PUBLIC LAW 103-236.

The Foreign Service Act of 1980 (as recently amended by section 180(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995) is amended—

(1) in section 311—

(A) by striking the title of the section and inserting "United States Citizens Hired Abroad."; and

(B) in subsection (d) by inserting "by reason of such employment" after "eligible".

(2) in section 610(a)(2) by inserting "(other than a United States citizen employed under section 311 who is not a family member of a United States government employee assigned abroad)" after "A member of the Service".

SEC. 16. SECTION 181(c) OF PUBLIC LAW 103-236.

Section 181 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended in subsection (c) by striking the ")" after "system" and inserting ")" after "that agency".

SEC. 17. SECTION 182(a) OF PUBLIC LAW 103-236.

Section 182 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended in subsection (a) by striking "has" and inserting "have".

SEC. 18. SECTION 409(d) OF PUBLIC LAW 103-236.

Section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended by striking subsection (d).

SEC. 19. SECTION 506 OF PUBLIC LAW 103-236.

Part 1 of title 18, United States Code (as recently amended by section 506 of P.L. 103-236) is amended in paragraph (1) of section 2340 (relating to the definition of torture) by striking "with" and inserting "within his".

SEC. 20. SECTION 564 OF PUBLIC LAW 103-236.

Section 564 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended in subsection (a) by striking "primary or secondary" and inserting "secondary or tertiary".

SEC. 21. EXTENSION OF PILOT VISA WAIVER PROGRAM.

Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended in subsection (f) by striking "1994" and inserting "1995".

SEC. 22. TRANSFER OF FUNDS.

The Secretary of State is authorized to transfer from the Department of State's "Diplomatic and Consular Programs" appropriation up to $2,500,000 of the amount appropriated in Title XI, Chapter 2 of the Dire Emergency Supplemental Appropriations Act, 1992, including disaster assistance to meet the present emergencies arising from the consequences of Hurricane Andrew, Typhoon Omar, Hurricane Iniki, and other natural disasters, and additional assistance to distressed communities (P.L. 102-368) to appropriations available to the General Services Administration which shall be obligated and expended by that agency for the purchase of real property for use by the Department of State for its Miami Regional Center, and shall be available for the same time period as the appropriation from which transferred.

SEC. 23. SECTION 315 OF PUBLIC LAW 103-236.

a. Section 315 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103-236) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b) respectively.

b. Section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463) is hereby expressly revived.

SEC. 24. USIA RESTRUCTURING—AMENDMENT TO FULBRIGHT-HAYS ACT.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2460), is amended—

(1) in subsection (a) by—

(A) striking "The Bureau" at the beginning of the second sentence and inserting "Except as provided in subsection (f), the Bureau";

(B) striking paragraph (4); and

(C) renumbering paragraphs (5) through (9) as (4) through (8), respectively; and

(2) by inserting the following new subsection at the end:

"(f) The American Cultural Centers and Libraries Program and the Academic Specialists Program, which are established pursuant to this Act, shall be managed, coordinated, and overseen by the Bureau of Information in the United States Information Agency.".

SEC. 25. APPROPRIATIONS AUTHORITIES.

Subsection (f) of section 701 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476 (f)) is amended—

(1) in paragraph (1)—

(A) by striking "the second" and inserting "either"; and

(B) by striking "such second" and inserting "such"; and

(2) by striking paragraph 4.

SECTIONAL ANALYSIS

Sec. 1. Amendment to section 102(g):

Section 102(g) requires that the amount authorized to be appropriated for "Contributions for International Organizations" be reduced by a certain amount each year unless the President makes certain certifications aimed at ensuring that United Nations agencies are not affiliated with organizations that promote pedophilia. The proposed amendment removes the inadvertent reference to "United States agencies" and replaces it with "United Nations agencies". It also changes the effective date of the provision from fiscal year 1994 to fiscal year 1995, a change needed because the provision was not enacted until more than halfway through fiscal year 1994. Finally, it also makes several other technical corrections to clarify the provision's intent.

Sec. 2. Amendment to section 121:

Section 121 sets limits on the number of Foreign Service Officers and Senior Foreign Service Officers at the Department of State, the United States Information Agency and the Agency for International Development. The limits can be waived under certain conditions. The purpose of this technical correction is to include the Agency for International Development in the waiver authority provided under section 121(d).

Sec. 3. Amendment to section 123:

Section 123 gives the State Department the authority to obtain support services (e.g., experts, printing) for international claims and proceedings without regard to competitive procurement procedures. (Several other U.S. government agencies have similar authority for litigation support services. The authority is necessary in order to obtain these services in a timely manner.) The proposed amendment would give the Department the authority to obtain such services by means of personal services contracts. This would permit the Department, for example, to hire a retired accountant to work on a particular project, rather than retaining an accounting firm at greater cost to perform the same task.

Sec. 4. Amendment to section 127:

This proposed amendment corrects the inadvertent omission of the word "such" in section 127.

Sec. 5. Amendment to section 129:

This proposed amendment corrects a typographical error.

Sec. 6. Amendment to section 139:

This proposed amendment corrects an erroneous citation, and deletes subsection (25), which is a duplicate of subsection (7).

Sec. 7. Amendment to section 140(c)(2):

This section was intended to apply the same criteria ("serious injury, loss of life, or significant destruction of property") to the decision to convene an Accountability Review Board as is applied in section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986. Instead, the phrase "serious loss of life or property" was inadvertently included. The proposed amendment corrects the error.

Sec. 8. Amendment to section 142(a):

This proposed amendment corrects typographical errors.

Sec. 9. Amendment to section 161(a):

This section inadvertently failed to refer to the Deputy Secretary's position. The proposed amendment corrects the error.

Sec. 10. Amendment to section 161(b):

The proposed amendment replaces an erroneous reference to section 133 with the correct reference to section 162.

Sec. 11 Amendment to section 161(f)(2):

Section 161(f)(2)(B) adds a new responsibility to the position of Ambassador for Burdensharing, namely the responsibility for recoupment of residual value of United States facilities in foreign countries when the United States relinquishes such facilities to such countries. This new provision appears to have the effect of transferring the responsibility for such negotiations to the Ambassador for Burdensharing, and away from the Department of Defense, which currently has primary responsibility for such negotiations. The proposed amendment makes it clear that the decision as to which residual value negotiations will be conducted by the Department of State will continue to be a matter dealt with through consultations between the two departments.

Sec. 12. Amendment to section 162(g)(2)(G):

The proposed amendment would correct typographical and numbering errors.

Sec. 13. Amendment to section 162(q):

The proposed amendment would correct an incorrect statutory citation.

Sec. 14. Amendment to section 179:

The proposed amendment would correct grammatical errors.

Sec. 15. Amendment to section 180(a):

The proposed amendment addresses three technical problems. First, section 180, dealing with United States citizens hired abroad, excludes some persons hired under the authority created by the section from Civil Service or Foreign Service retirement benefits (because those persons will be eligible for such benefits under local law). The proposed amendment clarifies that persons hired under this section who are otherwise eligible for Civil Service or Foreign Service retirement benefits will not lose such eligibility as a result of their employment under this section.

Second, the proposed amendment would change the title of section 311 of the Foreign Service Act of 1980 (FSA) to conform to the changes in the text of that section made by section 180.

Third, section 180 excludes those U.S. citizens hired at posts abroad who are not family members of U.S. government employees assigned abroad from coverage under Chapter 11 of the FSA (which establishes the grievance system). Such employees will instead be covered by the laws of the host country. The proposed amendment is a conforming change to section 610 of the FSA, which also mentions the grievance system.

Sec. 16. Amendment to section 181(c):

The proposed amendment corrects a typographical error.

Sec. 17. Amendment to section 182(a):

The proposed amendment corrects a grammatical error.

Sec. 18. Amendment to section 409(d):

This section inadvertently reestablishes a reporting requirement that was repealed in section 139 (because the information required in the report is already submitted in another format). The proposed amendment corrects this error.

Sec. 19. Amendment to section 506:

The proposed amendment inserts a phrase that was inadvertently omitted from this section.

Sec. 20. Amendment to section 564:

This section was intended to be identical to Senate section 903, which refers to the "secondary or tertiary" boycott of Israel; instead section 564 incorrectly refers to the "primary or secondary boycott". The proposed amendment corrects the error.

Sec. 21. Extension of pilot visa waiver program:

The proposed amendment would extend (from September 30, 1994 to September 30, 1995) the expiration date of a pilot visa waiver program established by section 217 of the Immigration and Nationality Act.

Sec. 22. Transfer of funds:

This provision authorizes the Secretary of State to transfer to the General Services Administration funds previously appropriated to the State Department for, among other purposes, the repair of a building in Miami that was damaged by Hurricane Andrew. The building could not be repaired, and the Department is now faced with relocating its Miami Regional Center (MRC) for the second time since Hurricane Andrew. The Department has reviewed several options, including an extensive review of excess military property in the Miami area, and has been unable to locate suitable Government-owned property.

The transfer of funds will enable GSA to acquire for the Department a permanent building to house the MRC personnel displaced by Hurricane Andrew. The MRC requires approximately 45–50,000 square feet of space in the Miami/Fort Lauderdale area, near the Miami International Airport, in order to provide support services to the Caribbean missions and Central American embassies. The purchase of a building will result in an annual rent savings to the United States Government in the range of $700,000 to $1,000,000. The Department's current temporary space arrangement with the Navy Department expires in September 1994, with an option to extend monthly. This extension cannot be long term due to the Fort Lauderdale airport's interest in the Navy site.

Sec. 23. Amendment to section 315 of Public Law 103–236:

This provision reinstates the Voice of America Charter (22 U.S.C. 1463), which was repealed by Section 315(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. Since 1977 the Charter has been a highly visible and valued statutory embodiment of the voice of America's journalistic integrity which should be kept in law.

Sec. 24. USIA restructuring—amendment to Fulbright-Hays Act:

USIA is in the process of streamlining and restructuring various information and cultural support functions in Washington, and so notified Congress in a reprogramming letter dated March 28, 1994. The Agency received no adverse replies to that reprogramming letter. Part of the restructuring involves the creation of a new technologically-advanced Bureau of Information. Certain programs of the Bureau of Educational and Cultural Affairs are being shifted into the new Bureau of Information. Certain provisions of the Mutual Educational and Cultural Exchange Act of 1961 need to be revised in order to align the provisions of that Act with the new organization. Three Bureau of Educational and Cultural Affairs programs are being transferred to the Bureau of Information: the American Cultural Centers and Libraries Program, the book program, and the Academic Specialists Program.

This provision would effect this correction.

Sec. 25. Appropriations authorities:

The House-passed version of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (H.R. 2333), contained a Section 235, which would expand and make permanent for USIA certain authorization transfer authorities that were previously extended to the Department of State. Such authorities would facilitate the accommodation of specific exchange programs within the various exchange funding categories set forth in section 201 of P.L. 103–236. Conference Report 103–482 states that the conferees adopted House section 235, but the provision was inadvertently not included in P.L. 103–236. The proposed amendment would correct this error.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 18, 1994.
Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: This is to transmit draft legislation to make technical corrections to the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 (P.L. 103-236). This draft legislation constitutes the Administration's official request with respect to a technical corrections bill, including legislative requests from the Department of State, the United States Information Agency, and the Agency for International Development. I understand that the Committee hopes to move a technical corrections package in the near future, and we support your desire to consider this legislation in a timely fashion.

In addition, in signing P.L. 103-236 the President noted constitutional and practical problems with section 824, which prohibits assisting nuclear proliferation through financing. The Administration has prepared language to correct these problems for use during consideration of the Export Administration Act reauthorization.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this legislation.

We appreciate your consideration of these provisions, and stand ready to provide further information on any portions thereof as you may require. Please do not hesitate to call if we can be of further assistance.

Sincerely,
WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.●

By Mr. LIEBERMAN:

S. 2308. A bill to establish a Commission on Retirement Income Policy, to the Committee on Labor and Human Resources.

COMMISSION ON RETIREMENT INCOME POLICY ACT OF 1994

● Mr. LIEBERMAN. Mr. President, I am pleased today to introduce S. 2308, which would establish a Commission on Retirement Income Policy. This Commission would examine the patchwork of laws and systems that make up our retirement system, would examine trends in retirement savings, existing Federal incentives and programs to encourage and protect retirement savings, and whether new Federal incentives and programs are needed to encourage such savings. This Commission would be required to complete its report by December 31, 1995, and then would terminate. This bill is a companion measure to H.R. 199, which was introduced by Congressman HUGHES and which is cosponsored by Congresswoman NANCY JOHNSON of Connecticut.

It is critical, Mr. President, that we as a nation review our plan for ensuring that our citizens have a financially secure retirement. This is an especially pressing concern as the baby-boom generation reaches retirement age. For example, while there are currently 3.1 workers for every retiree, by the year 2030, we could be as low as 2.1 workers for every retiree. We also know, however, that coverage under private qualified pension plans dropped during the 1980's.

There can be no doubt what this growth in retirees means in terms of our Federal budget. One in three Federal dollars is already spent on programs for retirees. But we will not be able simply to slash these payments without evaluating the impact on retirees and on people's retirement plans. We need to get a much better handle on how we can address this problem of ensuring adequate retirement security for all Americans.

Private financial advisers always tell you that you need to plan far ahead in order to be able to ensure yourself of a financially secure retirement. We need to begin this national planning process now, before it is too late. The longer we wait, the more costly our options will become.

Mr. President, this bill passed the Congress in 1992 as a very small part of H.R. 15. Because H.R. 15 was vetoed for reasons unrelated to this Commission, it did not become law. I urge my colleagues to pass this legislation once again.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Retirement Income Policy Act of 1994".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the Commission on Retirement Income Policy (in this Act referred to as the "Commission").

SEC. 3. DUTIES.

(a) IN GENERAL.—The Commission shall conduct a full and complete review and study of—

(1) trends in retirement savings in the United States;

(2) existing Federal incentives and programs that are established to encourage and protect such savings; and

(3) new Federal incentives and programs that are needed to encourage and protect such savings.

(b) SPECIFIC ISSUES.—In fulfilling the duty described in subsection (a), the Commission shall address—

(1) the amount and sources of Federal and private funds, including tax expenditures (as defined in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622)), needed to finance the incentives and programs referred to in subsection (a)(2) and any new Federal incentive or program that the Commission recommends be established;

(2) the most efficient and effective manner, considering the needs of retirement plan sponsors for simplicity, reasonable cost, and appropriate incentives, of ensuring that individuals in the United States will have adequate retirement savings;

(3) the amounts of retirement income that future retirees will need to replace various levels of preretirement income, including amounts necessary to pay for medical and long-term care;

(4) the workforce and demographic trends that affect the pensions of future retirees;

(5) the role of retirement savings in the economy of the United States;

(6) sources of retirement income other than private pensions that are available to individuals in the United States; and

(7) the shift away from insured and qualified pension benefits in the United States.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Commission shall formulate recommendations based on the review and study conducted under subsection (a). The recommendations shall include measures that address the needs of future retirees for—

(A) appropriate pension plan coverage and other mechanisms for saving for retirement;

(B) an adequate retirement income;

(C) preservation of benefits they accumulate by participating in pension plans;

(D) information concerning pension plan benefits; and

(E) procedures to resolve disputes involving such benefits.

(2) EFFECT ON FEDERAL BUDGET DEFICIT.—A recommendation of the Commission for a new Federal incentive or program that would result in an increase in the Federal budget deficit shall not appear in the report required under section 7 unless it is accompanied by a recommendation for offsetting the increase.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 18 members appointed not later than 90 days after the date of the enactment of this Act. The Commission shall consist of the following members:

(A) 4 individuals appointed by the President.

(B) 7 individuals appointed by the Speaker of the House of Representatives.

(C) 7 individuals appointed by the President pro tempore of the Senate.

(2) CONSULTATION WITH MINORITY LEADERS.—three of the appointments made under paragraph (1)(B) shall be made in consultation with the minority leader of the House of Representatives. Three of the appointments made under paragraph (1)(C) shall be made in consultation with the minority leader of the Senate.

(3) QUALIFICATIONS.—The individuals referred to in paragraph (1) shall be Members of the Congress, leaders of business or labor, distinguished academics, or other individuals with distinctive qualifications or experience.

(b) TERMS.—Each member shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled not later than 90 days after the date of the creation of the vacancy in the manner in which the original appointment was made.

(d) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) QUORUM.—10 members of the Commission shall constitute a quorum, but 6 members may hold hearings, take testimony, or receive evidence.

(f) CHAIRPERSON.—The chairperson of the Commission shall be elected by a majority vote of the members of the Commission.

(g) MEETINGS.—The Commission shall meet at the call of the chairperson of the Commission.

(h) DECISIONS.—Decisions of the Commission shall be made according to the vote of not less than a majority of the members who are present and voting at a meeting called pursuant to subsection (g).

SEC. 5. STAFF AND SUPPORT SERVICES.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission. The Commission shall fix the pay of the executive director.

(b) STAFF.—The Commission may appoint and fix the pay of additional personnel as it considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates the Commission determines to be appropriate.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of the agency to the Commission to assist it in carrying out its duties under this Act.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

SEC. 6. POWERS.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(2) PUBLIC HEARINGS.—The Commission may hold public hearings to receive the views of a broad spectrum of the public on the status of the private retirement system of the United States.

(b) DELEGATION OF AUTHORITY.—Any member, committee, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) INFORMATION.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the Commission, the head of the Federal agency shall furnish the information to the Commission.

(B) EXCEPTION.—Subparagraph (A) shall not apply to any information that the Commission is prohibited to secure or request by another law.

(2) PUBLIC SURVEYS.—The Commission may conduct the public surveys necessary to enable it to carry out this Act. In conducting such surveys, the Commission shall not be considered an agency for purposes of chapter 35 of title 44, United States Code.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACT AND PROCUREMENT AUTHORITY.—The Commission may make purchases, and may contract with and compensate government and private agencies or persons for property or services, without regard to—

(1) section 3709 of the Revised Statutes (41 U.S.C. 5); and

(2) title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(f) GIFTS.—The Commission may accept, use, and dispose of gifts of services or property, both real and personal, for the purpose of assisting the work of the Commission. Gifts of money and proceeds from sales of property received as gifts shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission. For purposes of Federal income, estate, and gift taxes, property accepted under this subsection shall be considered as a gift to the United States.

(g) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 7. REPORT.

Not later than December 31, 1995, the Commission shall submit a report to the President, the majority and minority leaders of the Senate, and the majority and minority leaders of the House of Representatives. The report shall review the matters that the Commission is required to study under section 3 and shall set forth the recommendations of the Commission.

SEC. 8. TERMINATION.

The Commission shall terminate not later than the expiration of the 90-day period beginning on the date on which the Commission submits its report under section 7.●

By Mr. ROCKEFELLER:

S. 2309. An original bill to amend title 38, United States Code, to provide for reform of the health care benefits furnished by the Department of Veterans Affairs and the administration of health care benefits by the Department, and for other purposes; from the Committee on Veterans Affairs; placed on the calendar.

THE VETERANS HEALTH CARE REFORM ACT

Mr. ROCKEFELLER. Mr. President, I am enormously proud today to report S. 2309, the proposed Veterans Health Care Reform Act, which is an original bill ordered reported by the Committee on Veterans' Affairs on July 14, 1994. This measure would vastly strengthen VA's ability to improve access to quality health care for all of our Nation's veterans and would enable VA to continue to function as an independent health care system. Veterans deciding about their health care in a reformed health care environment would have all the options that other Americans would have under national health care reform. Veterans would also have the option of joining a VA health care plan.

Mr. President, in addition to the proposed Veterans Health Care Reform Act, during our July 14 meeting the committee approved three other items: A slightly modified version of the proposed Veterans Health Care Reform Act with brackets identifying cross references which will have to be modified as we learn the final shape of the overall health care reform legislation; a list of areas in the non-VA sections of a larger health care reform bill where veterans' needs must be addressed; and a list of proposals that may be necessary if a general health care reform bill does not include the economic mechanisms necessary to support major reform of the VA medical system.

Mr. President, due to financial constraints, it has not been possible for the Department of Veterans Affairs to provide medical services for all the veterans who need and deserve those services. Indeed, there are millions of veterans who are not currently eligible for health care services at VA facilities and do not have access to adequate health care at other facilities. This situation is simply unacceptable.

The proposed Veterans Health Care Reform Act would provide all veterans with access to health care, either through a VA health plan or through a non-VA plan, depending on which option they choose. Veterans who choose a VA plan would remain eligible for extra services that other Americans would not have in their standard benefit package, such as custom prosthetics and better access to long-term care. Furthermore, VA health care services would not be limited to VA facilities—access would be expanded by having outpatients services located more conveniently in the communities where veterans live.

The proposed Veterans Health Care Reform Act would be able to improve medical care for veterans by increasing the financial resources available to VA medical facilities. For the first time, Medicare would pay VA to provide services to higher income, nonservice-connected veterans who are eligible for Medicare but decide to enroll in a VA health plan instead. In addition, employers who contribute to the cost of employees' health care would also contribute to the cost of health care provided to veteran employees through VA plans.

These additional resources would be used to improve the quality of all medical care, and especially prevention services and outpatient care. VA medical care would be more conveniently located, because VA would pay for services provided at selected non-VA medical centers and doctors' offices. In addition, dependents of veterans are likely to be eligible for care under their local VA health plan.

Another feature of the proposed Veterans Health Care Reform Act is the health care investment fund. This $3.525 billion fund is enormously important because it would enable VA medical centers to expand services, improve facilities, and enhance the quality of care provided to veterans.

I truly believe that health care reform provides a great opportunity to expand veterans' access to medical care. However, there is still much to be done. If Congress does not pass a health care reform bill, then meaningful reform of the VA health care system will be very difficult, if not impossible. And if we don't make health care reform a reality, we will have squandered the best opportunity we have to make these desperately needed changes.

The VA system desperately needs to simplify eligibility criteria for medical care, to make the system more cost effective and more generous at the same time. It desperately needs to move away from a system of care that focuses on hospitals, to one that makes a wide range of services available in the communities where veterans live. It needs to become more oriented to providing care for veterans, rather than deciding which veterans deserve care.

Mr. President, I will now summarize the provisions of the bill.

SUMMARY OF PROVISIONS

VA PARTICIPATION

The Veterans Health Care Reform Act provides for the Department of Veterans Affairs to maintain an independent VA health care system and for that system to be a full participant in national health care reform.

The bill would add to title 38, United States Code, a new chapter 18 for the operation of VA programs in the context of a new national system. Under chapter 18, VA would establish VA health plans as an enrollment choice for all veterans, and the Secretary would prescribe regulations establishing standards for the operation of facilities under VA health plans.

ENROLLMENT

All veterans would be eligible to select a VA health plan for guaranteed, comprehensive coverage. CHAMPVA beneficiaries—certain dependents of veterans who have service-connected disabilities rated totally and permanently disabling, and survivors of those who died either while so disabled or as a result of service-connected disabilities—would also be eligible to enroll in VA. Also, the Secretary would be authorized to enroll family members of veterans and of CHAMPVA beneficiaries who choose to enroll in the VA.

BENEFITS

VA will provide to all veterans who choose a VA health plan all services included in the comprehensive benefit package. This will ensure that all veterans receive a full continuum of inpatient and outpatient care that is not available to many veterans under current law.

In addition, veterans will retain the VA eligibility that they have under current law for benefits not included in the comprehensive benefit package—for example, long-term mental health care, nursing home care, and eyeglasses in certain cases. VA will also be able to offer, in exchange for premium payments, supplemental benefits not included in the comprehensive package.

FREE CARE

All compensable, service-connected, disabled veterans, low income veterans, veterans who are ex-POW's, and veterans who have been exposed to Agent Orange, radiation, or unknown toxins in the Persian Gulf, who choose a VA health plan will receive the comprehensive benefits package totally free; they will not pay premiums, copayments, or deductibles.

Other enrollees, including family members, would be required to pay cost shares, including any balance of premiums, copayments, and deductibles.

FISCAL MATTERS

VA will continue to receive appropriations to its medical care account. In addition, VA will retain payments from third parties and be able to use those funds to provide health care. VA will receive a premium payment for each veteran and dependent who chooses to enroll in a VA plan. In the case of a self-employed, service-connected veteran, VA would provide for a reduction in any premium payment if he or she enrolls in a VA plan. To the extent that VA appropriations actually cover the costs of care for a veteran for whom VA has received a premium, VA would remit the excess premium to the U.S. Treasury.

VA will also retain the premiums, copayments, and deductibles it receives from higher income, nonservice-connected veterans and dependents, the premiums VA collects from the sale of supplemental benefits, and the payments it receives from other plans for the furnishing of care to other plans' patients.

VA would also retain Medicare reimbursement for care furnished to higher income, Medicare-eligible veterans who have no service-connected disabilities, and dependents. VA health plans would be considered to be Medicare HMO's.

All collections and reimbursements would be credited into a revolving fund. The Secretary would establish a separate account for each facility of the Department that is operating as or within a VA health plan.

VA health plans would also be eligible, on the same basis as other plans and providers, to apply for grants from programs conducted by the Department of Health and Human Services.

In addition, the proposed Veterans Health Care Reform Act authorizes a $3,525 billion investment fund—$1.225 billion in fiscal year 1995, $0.6 billion in fiscal year 1996; and $1.7 billion in fiscal year 1997—which would be authorized to help fund VA health plans.

ADMINISTRATIVE MATTERS

VA health plans would have expanded authorities to enter into contracts and sharing agreements for the furnishing of services to enrollees. Also, certain statutory restrictions on VA administrative reorganizations and contracting for services at VA facilities would be made inapplicable to VA health plans.

VA would have the authority to appoint, promote, and advance personnel to positions in facilities operating as or within a health plan.

VA health plans would have expanded authority to expend funds available to the facility. The exception to this budget autonomy would be for the programs funded on a regional basis, such as spinal cord injury services, PTSD, blind rehab, and other congressionally designated programs that are offered through a specific VAMC to an entire region.

VA will also have express authority to carry out promotional, advertising, and marketing activities.

VA facilities not operating as part of a VA health plan would continue to furnish health care services under current law—that is, chapter 17 of title 38.

AMENDMENTS TO NON-VA SECTIONS OF HEALTH CARE REFORM BILL

Mr. President, I will now discuss the outline of issues relating to VA which will have to be included elsewhere in the final health care reform bill.

Grant moneys and loans—VA should have the option of competing for grant moneys and loans from a revolving fund for grants and loans for certain entities to develop community health groups and expand delivery sites, or for other projects. VA should be added to the list of those eligible for loans and grants.

Graduate medical education—VA should be considered in the allocation of residency positions and in all sections of a reform bill pertaining to medical education. VA should also receive the payment from any medical school fund for its current pro bono role in student teaching.

Research—VA should be eligible to receive a premium surcharge for veterans enrolled in a VA plan from any research trust fund provision.

Representation on various boards-advisory councils—VA should be represented on any national boards and other advisory councils-commissions for which VA participation is necessary.

Revenue provisions—VA should be exempt from any requirement to contribute to a guarantee fund or to maintain reserve funds, and from the requirement to purchase reinsurance, although VA should have the flexibility to purchase such insurance. Companies that self-insure their employees should be required to pay VA for employees enrolling in VA health plans, at the same annual rate they would pay for their own enrollees.

DESCRIPTION OF ALTERNATIVE PROPOSALS

Mr. President, I now would like to describe alternative proposals which might have to be considered, if health care reform legislation does not provide for comprehensive health care for all Americans, mandated employer contributions, and/or mandatory alliances. These additions will enable VA to provide quality health care under health care reform.

VA participation—VA health plans must be offered as an enrollment choice to veterans and their dependents, whether through a health insurance purchasing cooperative, voluntary mandatory alliances, the Federal Employees' Health Benefit Plan, or directly to the individual. VA plans must be listed as an option, or purchasing groups would be required to provide information on VA plans to consumers.

States which implement their own version of health care reform should be required to offer VA health plans. If States legislate some type of purchasing groups, VA would have to be included as a choice to veterans through the group.

VA should be authorized to participate in State-enacted reforms.

VA should be authorized to participate as a provider in States which have enacted payor reform plans. VA would be authorized to offer a comprehensive benefits package to veterans and their dependents, and to receive the same type of reimbursement as other providers.

Revenue provisions—VA should receive any Federal risk-adjusted payments for all enrollees who qualify. Low income individuals and disabled individuals usually require more costly health care services compared to other individuals. As a result, several health care reform bills would provide federally funded subsidies to providers who serve individuals who receive AFDC or SSI, or have other risk factors. If risk-adjusted payments are available as part of health care reform, VA should be eligible for AFDC and SSI risk-adjusted payments for veterans and their dependents who enroll in a VA health plan and any other such payments.

Most health care reform bills recognize that low income individuals cannot afford to pay the entire cost of a health plan. If premium and cost-sharing subsidies are available for low income individuals enrolling in qualifying health plans, VA should receive these for veterans and dependents who enroll in VA health plans if those individuals satisfy the income criteria.

If the health care reform legislation enables individuals who are enrolled in one health plan to use other providers under certain circumstances, VA should be eligible to collect payments for medical care provided to veterans who are enrolled with other health plans but also choose VA facilities for some of their medical care.

Also, if there are no employer mandates, or if employer contributions are less than 80 percent of the premium, VA should be authorized to collect and retain collections from Medicare and other health plans for nonservice-connected medical services that are provided to core veterans.

Eligibility reform—If there are no employer mandates, or if employer contributions are below 80 percent, the eligibility reform envisioned in the Veterans Health Security Act may have to be revised due to inadequate financial resources.

CONCLUSION

The proposed Veterans Health Care Reform Act is intended to be only the VA section of a larger health care reform bill. The committee anticipates that conforming amendments will be made during Senate debate in order for the committee bill to integrate with whatever bill passes the Senate. Because we do not know the details of a final national health care reform bill, various other parts of the overall bill will have to be amended later to assure VA participation and to conform with changes in overall policy.

The committee's goal is to be flexible, while meeting our responsibility to our Nation's veterans. That seems to be the best we can do; we should do no less.

In closing, Mr. President, I thank all the committee members who voted unanimously to approve these bills and the two proposals. In doing so, the committee has assured veterans that not only will the VA health care system be included in a final health care reform bill, but that the VA will make the improvements necessary to provide comprehensive health care to all veterans, men and women.

I ask unanimous consent that the text of the bill and additional material be inserted in the RECORD. I will be providing a Congressional Budget Office cost estimate on this bill as soon as it becomes available.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Reform Act of 1994".

SEC. 2. BENEFITS AND ELIGIBILITY THROUGH DEPARTMENT OF VETERANS AFFAIRS MEDICAL SYSTEM.

(a) DEPARTMENT OF VETERANS AFFAIRS AS A PARTICIPANT IN HEALTH CARE REFORM.—

(1) IN GENERAL.—Title 38, United States Code, is amended by inserting after chapter 17 the following new chapter:

"CHAPTER 18—ELIGIBILITY AND BENEFITS UNDER HEALTH SECURITY ACT

"SUBCHAPTER I—GENERAL

"1801. Definitions.

"SUBCHAPTER II—ENROLLMENT

"1811. Enrollment: veterans.
"1812. Enrollment: CHAMPVA eligibles.
"1813. Enrollment: family members.

"SUBCHAPTER III—BENEFITS

"1821. Benefits for VA enrollees.
"1822. Chapter 17 benefits.
"1823. Supplemental benefits packages and policies.
"1824. Limitation regarding veterans enrolled with health plans outside Department.

"SUBCHAPTER IV—FINANCIAL MATTERS

"1831. Premiums, copayments, and other charges.
"1832. Medicare coverage and reimbursement.
"1833. Recovery of cost of certain care and services.
"1834. Health Plan Fund.

"SUBCHAPTER I—GENERAL

"§ 1801. Definitions

"For purposes of this chapter:

"(1) The term 'health plan' means an entity that has been certified under the Health Security Act as a health plan.

"(2) The term 'VA health plan' means a health plan that is operated by the Secretary under section 7341 of this title.

"(3) The term 'VA enrollee' means an individual enrolled under the Health Security Act in a VA health plan.

"(4) The term 'comprehensive benefit package' means the package of benefits required to be provided by a health plan under the Health Security Act.

"SUBCHAPTER II—ENROLLMENT

"§ 1811. Enrollment: veterans

"Each veteran who is an eligible individual within the meaning of section 1001 of the Health Security Act (including a veteran who is a medicare-eligible individual as defined in section 1902 of that Act) may enroll with a VA health plan. A veteran who wants to receive the comprehensive benefit package through the Department shall enroll with a VA health plan.

"§ 1812. Enrollment: CHAMPVA eligibles

"An individual who is eligible for benefits under section 1713 of this title and who is eligible to enroll in a health plan pursuant to section 1001 of the Health Security Act may enroll under that Act with a VA health plan in the same manner as a veteran.

"§ 1813. Enrollment: family members

"(a) The Secretary may authorize a VA health plan to enroll members of the family of an enrollee under section 1811 or 1812 of this title, subject to payment of premiums, deductibles, copayments, and coinsurance as required under the Health Security Act.

"(b) For purposes of subsection (a), an enrollee's family is those individuals (other than the enrollee) included within the term 'family' as defined in section 1011(b) of the Health Security Act.

"SUBCHAPTER III—BENEFITS

"§ 1821. Benefits for VA enrollees

"The Secretary shall ensure that each VA health plan provides to each individual enrolled with it the items and services in the comprehensive benefit package under the Health Security Act.

"§ 1822. Chapter 17 benefits

"The Secretary shall provide to a veteran the care and services not included in the comprehensive benefits package that are authorized to be provided under chapter 17 of this title in accordance with the terms and conditions applicable to that veteran and that care under such chapter.

"§ 1823. Supplemental benefits packages and policies

"(a) As part of a VA health plan, the Secretary may offer to veterans—

"(1) supplemental health benefits policies for the care and services described in subsection (b); and

"(2) cost-sharing policies consistent with the requirements of part 2 of subtitle E of title I of the Health Security Act.

"(b) The care and services referred to in subsection (a) are care and services that—

"(1) are not available under the comprehensive benefit package; and

"(2) can be provided by the Secretary at reasonable cost.

"§ 1824. Limitation regarding veterans enrolled with health plans outside Department

"A veteran who is residing in a regional alliance area in which the Department operates a health plan and who is enrolled in a health plan that is not operated by the Department may be provided the items and services in the comprehensive benefit package by a VA health plan only if the plan is reimbursed for the care provided.

"SUBCHAPTER IV—FINANCIAL MATTERS

"§ 1831. Premiums, copayments, and other charges

"(a)(1) Except as provided in paragraph (2), the Secretary may not impose on or collect from a veteran described in subsection (b) who is a VA enrollee a cost-share charge of any kind (whether a premium, copayment, deductible, coinsurance charge, or other charge) for items and services in the comprehensive benefit package that a VA health plan provides. The Secretary shall make such arrangements as necessary with health alliances in order to carry out this subsection.

"(2) The Secretary shall collect from a veteran referred to in paragraph (1) an appropriate cost-share charge for any items and services that are available to the veteran through the VA health plan but which the veteran obtains from a health care provider other than a VA health plan network provider.

"(b) The veterans referred to in subsection (a) are the following:

"(1) Any veteran with a compensable service-connected disability.

"(2) Any veteran whose discharge or release from the active military, naval or air service was for a disability incurred or aggravated in the line of duty.

"(3) Any veteran who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such a veteran's continuing eligibility for such care is provided for in the judgment or settlement provided for in such section.

"(4) Any veteran who is a former prisoner of war.

"(5) Any veteran of the Mexican border period or World War I.

"(6) Any veteran who is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

"(7) Any veteran referred to in subparagraph (A), (B), or (C) of section 1710(e) of this title.

"(c)(1) Except as provided in paragraph (2), in the case of a VA enrollee who is not described in subsection (b), the Secretary shall charge premiums and establish copayments, deductibles, and coinsurance amounts for care and services provided under this chapter. The premium rate, and the rates for deductibles and copayments, for each VA health plan shall be established by that health plan based on rules established by the health alliance under which it is operating.

"(2) The Secretary may not charge a veteran referred to in paragraph (1) a premium for any care or service that the Secretary provides the veteran under a supplemental benefits policy offered under section 1823 of this title if the Secretary is required to provide such care or service under chapter 17 of this title.

"(d) In the case of a veteran with a compensable service-connected disability who is enrolled in a VA health plan and who has net earnings from self-employment, the Secretary shall, under regulations prescribed by the Secretary, provide for a reduction in any premium payment (or alliance credit repayment) owed by the veteran under section 6126 or 6111 of the Health Security Act by virtue of the veteran's net earnings from self-employment.

"§ 1832. Medicare coverage and reimbursement

"(a) For purposes of any program administered by the Secretary of Health and Human Services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), a Department facility shall be deemed to be a Medicare provider.

"(b)(1) A VA health plan shall be considered to be a Medicare HMO.

"(2) For purposes of this section, the term 'Medicare HMO' means an eligible organization under section 1876 of the Social Security Act.

"(c) In the case of care provided under this chapter to a veteran (other than a veteran described in section 1831(b) of this title), or to a family member of a veteran, who is eligible for benefits under the Medicare program under title XVIII of the Social Security Act, the Secretary of Health and Human Services shall reimburse a VA health plan or Department health-care facility providing services as a Medicare provider or Medicare HMO in the same amounts and under the same terms and conditions as that Secretary reimburses other Medicare providers or Medicare HMOs, respectively. The Secretary of Health and Human Services shall include with each such reimbursement a Medicare explanation of benefits.

"(d) When the Secretary provides care to a veteran, or a family member of a veteran, for which the Secretary receives reimbursement under this section, the Secretary shall require the veteran to pay to the Department any applicable deductible or copayment that is not covered by Medicare.

"§ 1833. Recovery of cost of certain care and services

"(a) In the case of an individual provided care or services through a VA health plan who has coverage under a supplemental health insurance policy pursuant to part 2 of subtitle E of title I of the Health Security Act, a Medicare supplemental health insurance plan (as defined in the Health Security Act), or any other provision of law, the Secretary has the right to recover or collect charges for care or services (as determined by the Secretary, but not including care or services for a service-connected disability) from the party providing that coverage to the extent that the individual (or the provider of the care or services) would be eligible to receive payment for such care or services from such party if the care or services had not been furnished by a department or agency of the United States.

"(b) In the case of a veteran referred to in section 1831(b) of this title who is enrolled in a health plan other than a VA health plan and who is provided care or services for a service-connected disability by a VA health plan, the Secretary has the right to recover or collect charges for such care and services from the party operating the health plan to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services from such party if the care or services had not been furnished by a department or agency of the United States.

"(c) The provisions of subsections (b) through (f) of section 1729 of this title shall apply with respect to claims by the United States under subsection (a) or (b) in the same manner as they apply to claims under subsection (a) of that section.

"§ 1834. Health Plan Fund

"(a) There is hereby established in the Treasury a revolving fund to be known as the 'Department of Veterans Affairs Health Plan Fund'.

"(b)(1) Subject to paragraphs (2) and (3), amounts collected or recovered by the Department under this subchapter by reason of the furnishing of care and services to an individual by a VA health plan or the enrollment of an individual with a VA health plan (including amounts received as premiums, premium discount payments, copayments or coinsurance, and deductibles, amounts received as third-party reimbursements, and amounts received as reimbursements from another health plan for care furnished to one of its enrollees) shall be credited to the revolving fund.

"(2) Premiums collected by the Department under this subchapter during fiscal year 1996 or 1997 by reason of the furnishing of care and services under a VA health plan to a veteran referred to in section 1831(b) of this title shall be credited to the revolving fund established under subsection (a) only if the amount of funds appropriated to the Veterans Health Care Investment Fund established under subsection (a)(1) of section 7346 of this title for the fiscal year concerned is less than the amount specified to be credited to that fund for that fiscal year under subsection (c) of such section 7346.

"(3) Premiums received by the Department under this subchapter in any fiscal year after fiscal year 1997 by reason of the furnishing of care and services under a VA health plan to a veteran referred to in paragraph (2) shall be credited to the revolving fund established under subsection (a) only if the cost of providing such care and services is not covered by appropriations. The amount so credited shall be the amount of such premiums received that is necessary to cover the difference between the cost of such care and services and such appropriations.

"(c) The Secretary shall establish in the revolving fund a separate account for each VA health plan. The Secretary shall credit any amount received under subsection (b) by reason of the furnishing of care and services in or through a VA health plan or the enrollment of an individual with a VA health plan.

"(d) Amounts credited to the account of the revolving fund for a VA health plan under subsection (b) are hereby made available to the VA health plan for the expenses of the delivery by the VA health plan of the items and services in the comprehensive benefit package and any supplemental benefits package or policy offered by the VA health plan.".

(2) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part II of such title, is amended by inserting after the item relating to chapter 17 the following new item:

"18. Benefits and Eligibility Under Health Security Act .... 1801.".

(b) PRESERVATION OF EXISTING BENEFITS FOR FACILITIES NOT OPERATING AS HEALTH

PLANS.—(1) Chapter 17 of title 38, United States Code, is amended by inserting after section 1704 the following new section:

"§ 1705. Facilities not operating within health plans; veterans not eligible to enroll in health plans

"The provisions of this chapter shall apply with respect to the furnishing of care and services—

"(1) by any facility of the Department when it is not operating as or within a health plan certified as a health plan under the Health Security Act; and

"(2) by any facility of the Department (whether or not operating as or within a health plan certified as a health plan under the Health Security Act) in the case of a veteran who is not an eligible individual with the meaning of section 1001 of the Health Security Act.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1704 the following new item:

"1705. Facilities not operating within health plans; veterans not eligible to enroll in health plans.".

SEC. 3. ORGANIZATION OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES AS HEALTH PLANS.

(a) IN GENERAL.—Chapter 73 of title 38, United States Code, is amended—

(1) by redesignating subchapter IV as subchapter V; and

(2) by inserting after subchapter III the following new subchapter IV:

"SUBCHAPTER IV—PARTICIPATION AS PART OF NATIONAL HEALTH CARE REFORM

"§ 7341. Organization of health care facilities as health plans

"(a)(1) The Secretary shall organize health plans and operate Department facilities as or within health plans under the Health Security Act.

"(2)(A) The Secretary shall prescribe regulations establishing standards for the operation of Department health care facilities as or within health plans under that Act. In prescribing such standards, the Secretary shall ensure that they conform, to the maximum extent practicable, to the requirements for health plans generally set forth in part 1 of subtitle E of title I of the Health Security Act.

"(B) Not later than 30 days after prescribing such standards, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report describing the differences, if any, between such standards and the requirements for health plans generally referred to in subparagraph (A).

"(b) Health care facilities of the Department located within an area or region may be organized to operate as a single health plan encompassing all Department facilities within that area or region or may be organized to operate as several health plans.

"(c) In carrying out responsibilities under the Health Security Act, a State (or a State-established entity)—

"(1) may not impose any standard or requirement on a VA health plan that is inconsistent with this chapter or any regulation prescribed under this chapter or other Federal laws regarding the operation of this chapter; and

"(2) may not deny certification of a VA health plan under the Health Security Act on the basis of a conflict between a rule of a State or health alliance and this chapter or regulations prescribed under this chapter or other Federal laws regarding the operation of this chapter.

"§ 7342. Contract authority for facilities operating as or within health plans

"(a) The Secretary shall designate a health plan director for each VA health plan organized and operated under this subchapter.

"(b) The health plan director of a VA health plan may enter into contracts and agreements for the provision of care and services to be provided under the VA health plan and contracts and agreements for other services (including procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) that are necessary for the provision of care and services under the VA health plan.

"(b) Contracts and agreements (including leases) under subsection (a) shall not be subject to the following provisions of law:

"(1) Section 8110(c) of this title, relating to the contracting of services at Department health-care facilities.

"(2) Section 8122(a)(1) of this title, relating to the lease of Department property.

"(3) Section 8125 of this title, relating to local contracts for the procurement of health-care items.

"(4) Section 702 of title 5, relating to the right of review of agency wrongs by courts of the United States.

"(5) Sections 1346(a)(2) and 1491 of title 28, relating to the jurisdiction of the district courts of the United States and the United States Court of Federal Claims, respectively, for the actions enumerated in such sections.

"(6) Subchapter V of chapter 35 of title 31, relating to adjudication of protests of violations of procurement statutes and regulations.

"(7) Sections 3526 and 3702 of such title, relating to the settlement of accounts and claims, respectively, of the United States.

"(8) Subsections (b)(7), (e), (f), (g), and (h) of section 8 of the Small Business Act (15 U.S.C. 637(b)(7), (e), (f), (g), and (h)), relating to requirements with respect to small businesses for contracts for property and services.

"(9) The provisions of law assembled for purposes of codification of the United States Code as section 471 through 544 of title 40 that relate to the authority of the Administrator of General Services over the lease and disposal of Federal Government property.

"(10) The provisions of the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), relating to the procurement of property and services by the Federal Government.

"(11) Chapter 3 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), relating to the procurement of property and services by the Federal Government.

"(12) Office of Management and Budget Circular A–76.

"(c)(1) Contracts and agreements for the provision of care and services under subsection (a) may include any contract or other agreement that the health plan director of a VA health plan determines appropriate in order to provide care and services under the VA health plan.

"(2) Contracts and agreements under this subsection may be entered into without prior review by the Central Office of the Department.

"(d)(1) The entry into a contract or agreement under this section for services other than the services referred to in subsection (c) (including contracts and agreements for procurement of equipment, maintenance and repair services, and other services related to the provision of health care services) shall not be subject to prior review by the Central Office if the amount of the contract or agreement is less than $250,000.

"(2)(A) The Central Office may conduct a prior review of a contract or agreement referred to in paragraph (1) if the amount of the contract or agreement is $250,000 or greater.

"(B) If the Central Office fails to approve or reject a contract or agreement referred to under subparagraph (A) within 30 days of its submittal to the Central Office, such contract or agreement shall be deemed approved by the Central Office.

"§ 7343. Resource sharing authority

"(a) The Secretary may enter into agreements under section 8153 of this title with other health care plans, with health care providers, and with other health industry organizations, and with individuals, for the sharing of resources of the Department under a VA health plan.

"(b) The Secretary may enter into agreements with other departments and agencies of the Federal Government for the sharing of resources of the Department and such departments and agencies in order to provide care and services under a VA health plan.

"§ 7344. Administrative and personnel flexibility

"(a) Notwithstanding any other provision of law, the Secretary may—

"(1) appoint health care personnel to positions in any facility of the Department operating as or within a VA health plan in accordance with such qualifications for such positions as the Secretary may establish; and

"(2) promote and advance personnel serving in such positions in accordance with such qualifications as the Secretary may establish.

"(b) Subject to the provisions of section 1404 of the Health Security Act, the Secretary may carry out appropriate promotional, advertising, and marketing activities to inform individuals of the availability of VA health plans.

"§ 7345. Expenditure authority

"(a)(1) Except as provided in subsection (b) and notwithstanding any other provision of law, the director of a VA health plan may expend funds available to a VA health plan (including funds available under section 1834(c) of this title, funds available under section 7346(d)(2)(B) of this title, and funds otherwise made available to the VA health plan by the Secretary) for any purpose, and in any amount, that the director determines appropriate in order to ensure that the VA health plan meets the requirements and the requirements of furnishing care and services to veterans under chapter 17 of this title.

"(2) Funds may be expended under this subsection in order to cover the following costs:

"(A) The costs of marketing and advertising under a VA health plan.

"(B) The costs of legal services provided to a VA health plan by the General Counsel of the Department.

"(C) The costs of acquisition (including acquisition of land), construction, repair, or renovation of facilities.

"(3) The exercise by a health plan director of the authority provided in paragraph (1) shall not be subject to prior review by the Central Office of the Department.

"(b) Subsection (a) shall not apply to expenditures of funds provided to a facility by the Central Office of the Department exclusively for the purpose of the provision of the following services:

"(1) Services relating to post-traumatic stress disorder.

"(2) Services relating to spinal-cord injuries.

"(3) Services relating to substance abuse.

"(4) Services relating to the rehabilitation of blind veterans.

"§7346. Veterans Health Care Investment Fund

"(a)(1) There is hereby established in the Treasury of the United States a fund to be known as the Veterans Health Care Investment Fund (in this section referred to as the 'Fund').

"(2) The Fund shall be added to the list of accounts that are considered mandatory for the purposes of scoring appropriations bills.

"(b) There is hereby authorized to be appropriated to the Department, in addition to amounts otherwise authorized to be appropriated to the Department for VA health plans, such amounts as are necessary for the Secretary of the Treasury to fulfill the requirement of subsection (c).

"(c) For each of fiscal years 1995, 1996, and 1997, the Secretary of the Treasury shall, subject to the availability of appropriated funds, credit to the Fund an amount in that fiscal year as follows:

"(1) For fiscal year 1995, $1,225,000,000.

"(2) For fiscal year 1996, $600,000,000.

"(3) For fiscal year 1997, $1,700,000,000.

"(d)(1) Subject to paragraph (2), amounts in the Fund shall be available to the Secretary only for the VA health plans organized and operated under this subchapter.

"(2)(A) For each of fiscal years 1996 and 1997, the Secretary shall estimate the total amount to be collected or recovered under sections 1831, 1832, and 1833 of this title by reason of the provision of care and services through VA health plans under chapter 18 of this title or the enrollment of individuals in such plans under that chapter. The Secretary shall estimate the amount to be so collected or recovered with respect to each VA health plan and with respect to all VA health plans.

"(B) For each such fiscal year, the Secretary shall make available to each VA health plan an amount that bears the same relationship to the total amount available in the Fund for the fiscal year as the amount estimated to be collected or recovered by the VA health plan during the fiscal year bears to the total amount estimated to be collected or recovered by all VA health plans during that fiscal year.

"(e) Not later than March 1, 1997, the Secretary shall submit to Congress a report concerning the operation of the Department of Veterans Affairs health care system in preparing for, and operating under, national health care reform under the Health Security Act during fiscal years 1995 and 1996. The report shall include a discussion of—

"(1) the adequacy of amounts in the Fund for the operation of VA health plans;

"(2) the quality of care provided by such plans;

"(3) the ability of such plans to attract patients; and

"(4) the need (if any) for additional funds for the Fund in fiscal years after fiscal year 1997.

"§7347. Funding provisions: grants and other sources of assistance

"The Secretary may apply for and accept, if awarded, any grant or other source of funding that is intended to meet the needs of special populations and that but for this section is unavailable to facilities of the Department or to health plans operated by the Government if funds obtained through the grant or other source of funding will be used through a facility of the Department operating as or within a health plan.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by striking out the item relating to the heading for subchapter IV and inserting in lieu thereof the following:

"SUBCHAPTER IV—PARTICIPATION AS PART OF NATIONAL HEALTH CARE REFORM

"7341. Organization of health care facilities as health plans.

"7342. Contract authority for facilities operating as or within health plans.

"7343. Resource sharing authority.

"7344. Administrative and personnel flexibility.

"7345. Expenditure authority.

"7346. Veterans Health Care Investment Fund.

"7347. Funding provisions: grants and other sources of assistance.

"SUBCHAPTER V—RESEARCH CORPORATIONS".

COMMITTEE ON VETERANS' AFFAIRS DESCRIPTION OF CHAIRMAN'S ALTERNATIVE PROPOSALS

In the event that the health care reform legislation does not provide for comprehensive health care for all Americans, mandated employer contributions, and mandatory alliances, the chairman proposes that the following additions be considered, in order to enable VA to provide quality health care under health care reform:

I. VA PARTICIPATION

A. VA health plans must be offered as an enrollment choice to veterans and their dependents, whether through a Health Insurance Purchasing Cooperative, voluntary/mandatory alliances, the Federal Employees' Health Benefit Plan, or directly to the individual. VA plans must be listed as an option, or purchasing groups would be required to provide information on VA plans to consumers.

B. States which implement their own version of health care reform should be required to offer VA health plans. If States legislate some type of purchasing groups, VA would have to be included as a choice to veterans through the group.

C. VA should be authorized to participate in State-enacted reforms.

D. VA should be authorized to participate as a provider in States which have enacted single payor reform plans. VA would be authorized to offer a comprehensive benefits package to veterans and their dependents, and to receive the same type of reimbursement as other providers.

II. REVENUE PROVISIONS

Additional Federal payments

A. Risk-adjusted payments. Low income individuals and disabled individuals usually require more costly health care services compared to other individuals. As a result, several health care reform bills would provide federally funded subsidies to providers who serve individuals who receive AFDC or SSI, or have other risk factors. If risk-adjusted payments are available as part of health care reform, VA should be eligible for AFDC and SSI risk-adjusted payments for veterans and their dependents who enroll in a VA health plan. VA should receive any other risk-adjusted payments for all enrollees who qualify.

B. Subsidies for low income individuals. Most health care reform bills recognize that low income individuals cannot afford to pay the entire cost of a health plan. If premium and cost-sharing subsidies are available for low income individuals enrolling in qualifying health plans, VA should receive these for veterans and dependents who enroll in VA health plans if those individuals satisfy the income criteria.

Other sources of revenue for VA health plans

A. Payments for veterans enrolled in other health plans. If the health care reform legislation enables individuals who are enrolled in one health plan to use other providers under certain circumstances, VA should be eligible to collect payments for medical care provided to veterans who are enrolled with other health plans but who choose VA facilities for some of their medical care.

B. Payments for veterans enrolled in VA health plans. If there are no employer mandates, or if employer contributions are less than 80% of the premium, VA should be authorized to collect and retain collections from Medicare and other health plans for nonservice-connected medical services that are provided to core veterans.

III. ELIGIBILITY REFORM

If there are no employer mandates, or if employer contributions are below 80%, the eligibility reform envisioned in the Chairman's mark may have to be revised due to inadequate financial resources.

COMMITTEE ON VETERANS' AFFAIRS AMENDMENTS TO NON-VA SECTIONS OF HEALTH CARE REFORM BILL

I. GRANT MONEYS AND LOANS

VA should have the option of competing for grant moneys and loans from a revolving fund for grants and loans for certain entities to develop community health groups and expand delivery sites, or for other projects. VA should be added to the list of those eligible for loans and grants.

II. GRADUATE MEDICAL EDUCATION

A. VA should be considered in the allocation of residency positions and in all sections of a reform bill pertaining to medical education.

B. VA should receive the payment from any medical school fund for its current pro bono role in student teaching.

III. RESEARCH

VA should be eligible to receive a premium surcharge for veterans enrolled in a VA plan from any research trust fund provision.

IV. REPRESENTATION ON VARIOUS BOARDS/ADVISORY COUNCILS

VA should be represented in any national boards and other advisory councils/commissions for which VA participation is necessary.

V. REVENUE PROVISIONS

A. VA should be exempt from any requirement to contribute to a Guarantee Fund or to maintain reserve funds.

B. VA should be exempt from the requirement to purchase reinsurance; VA should have the flexibility to purchase such insurance.

C. Companies that self-insure their employees should be required to pay VA for employees enrolling in VA health plans, at the same annual rate they would pay for their own enrollees.

By Mr. CONRAD (for himself and Mr. INOUYE):

S. 2310. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of payment under part B of the medicare program relating to anesthesia services furnished by certified registered nurse anesthetists, and for other purposes; to the Committee on Finance.

NURSE ANESTHETISTS FAIR TREATMENT ACT OF 1994

Mr. CONRAD. Mr. President, today I rise to introduce a bill to resolve three major problems facing certified registered nurse anesthetists [CRNA's] who serve Medicare patients.

The 26,000 CRNA's in our country administer two-thirds of the 26 million anesthetics given to patients each year. They are the sole anesthesia providers in 85 percent of rural hospitals, and make an invaluable contribution to the health care system in North Dakota and around the Nation.

But despite their qualifications and State laws enabling them to practice, CRNA's face barriers to practice because of Medicare regulations that were intended to serve other purposes. My proposal seeks to remedy three of the most basic problems facing CRNA's today.

The first section of my bill calls on Medicare to defer to State laws relating to supervision requirements. It eliminates Medicare's hospital and ambulatory surgical center rules that CRNA's be supervised by a physician and defers instead to State law. Put simply, the bill states that payment may be made for anesthesia services furnished in a hospital or ambulatory surgical center by a CRNA who is permitted to administer anesthesia under the law of the State in which the service is furnished. These decisions should be made at the State, not the Federal level.

The second section requires the Health Care Financing Administration to review the medical direction rules that were put in place due to enactment of the Tax Equity and Fiscal Responsibility Act of 1982. Those rules, which delineate the conditions of payment for medical direction by anesthesiologists, were intended to be used for payment purposes rather than as quality of care criteria. Unfortunately, they have had the unintended consequence of preventing CRNA's in many situations from practicing within the full scope of their training.

The rules also increase costs. In order for an anesthesiologist to be paid for medical direction, he or she must personally participate in the most demanding procedures in the anesthesia plan, including induction and emergence—the processes by which patients are put to sleep and awakened. The requirement that the anesthesiologist personally participate in the induction and emergence often disrupts the flow of cases through a surgery schedule, requiring the entire surgical team to wait for the availability of an anesthesiologist to start or end a case. Such delays cost money, and make little sense when a CRNA is perfectly capable of performing the same procedures.

The third major provision of my proposal involves the situation where Medicare reimburses CRNA's and anesthesiologists jointly involved in a single case. Current Medicare policy treats CRNA's unfairly by placing them at risk of nonpayment if, after the fact, the Medicare carrier determines the participation of both providers was not medically necessary. If the Medicare carrier makes a finding of no medical necessity, only the anesthesiologist is paid. This policy is unjust and should be changed.

My proposal provides that when a CRNA and an anesthesiologist jointly provide a service to a patient, instead of the anesthesiologist receiving 100 percent of the payment and the CRNA nothing, each provider would receive a percentage of the payment based on his or her contribution to the case. The percentage of the fee schedule amount paid to the anesthesiologist combined with the percentage of the fee schedule amount paid to the CRNA would not exceed the 100 percent payment amount that an anesthesiologist would have received for performing the anesthesia service alone.

Mr. President, I believe these proposals are fair and reasonable. At the same time, I am open to suggestions on how they might be improved. As we look toward reforming our health care system, we should do our best to change policies that inhibit trained health professionals from practicing within the full scope of their training, particularly when those policies increase health care costs. These are policies that I believe fall squarely within that category, and I hope my colleagues will look favorably on this legislation.

ADDITIONAL COSPONSORS

S. 839

At the request of Mr. HOLLINGS, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 839, a bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

S. 1415

At the request of Mr. PRYOR, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1539

At the request of Mr. INOUYE, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1539, a bill to require the Secretary of the Treasury to mint coins in commemoration of Franklin Delano Roosevelt on the occasion of the 50th anniversary of the death of President Roosevelt.

S. 1690

At the request of Mr. PRYOR, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1690, a bill to amend the Internal Revenue Code of 1986 to reform the rules regarding subchapter S corporations.

S. 1727

At the request of Mr. COHEN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1727, a bill to establish a National Maritime Heritage Program to make grants available for educational programs and the restoration of America's cultural resources for the purpose of preserving America's endangered maritime heritage.

S. 2056

At the request of Mr. DECONCINI, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 2056, a bill to amend the National Security Act of 1947 to improve the counterintelligence and security posture of the United States, and for other purposes.

S. 2061

At the request of Mr. BUMPERS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2061, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 2073

At the request of Mr. SMITH, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2073, a bill to designate the United States courthouse that is scheduled to be constructed in Concord, New Hampshire, as the "Warren B. Rudman United States Courthouse", and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2183

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Wyoming [Mr. WALLOP], the Senator from Virginia [Mr. WARNER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the signing of the World War II peace accords on September 2, 1945.

S. 2247

At the request of Mr. GORTON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2247, a bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 191

At the request of Mr. BURNS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 191, a joint resolution to designate Sunday, October 9, 1994, as "National Clergy Appreciation Day."

SENATE JOINT RESOLUTION 193

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 193, a joint resolution to designate May 1995 "Multiple Sclerosis Association of America Month."

SENATE JOINT RESOLUTION 196

At the request of Mr. SMITH, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alabama [Mr. SHELBY], the Senator from New York [Mr. D'AMATO], the Senator from Mississippi [Mr. LOTT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alaska [Mr. STEVENS], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 196, a joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. AKAKA], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Tennessee [Mr. MATHEWS] were added as cosponsors of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, as "National Health Information Management Week."

SENATE CONCURRENT RESOLUTION 72

At the request of Mr. GREGG, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Montana [Mr. BURNS], the Senator from Arizona [Mr. MCCAIN], the Senator from Utah [Mr. HATCH], the Senator from Texas [Mr. GRAMM], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from South Dakota [Mr. PRESSLER], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of Senate Concurrent Resolution 72, a concurrent resolution expressing the sense of the Congress that the President should refrain from signing the seabed mining agreement relating to the Convention on the Law of the Sea.

AMENDMENTS SUBMITTED

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS ACT FOR FISCAL YEAR 1995

LEAHY AMENDMENT NO. 2331

Mr. LEAHY proposed an amendment to the bill (H.R. 4556) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 346. (a)(1) Notwithstanding any other provision of law, an air carrier or foreign air carrier may not engage in foreign air transportation from the United States unless the carrier has notified the Secretary of Transportation of the aircraft disinfection practices, if any, in which the carrier engages as a result of requirements imposed by a foreign country.

(2) The prohibition set forth in paragraph (1) shall take effect on the date that is 15 days after the date of the enactment of this Act.

(b)(1) An air carrier or foreign air carrier shall notify the Secretary of any change in the aircraft disinfection requirements of the carrier not later than 5 days after the date on which the carrier first has knowledge of such change.

(2) If the Secretary determines that a carrier has not complied with the requirement set forth in paragraph (1), the Secretary may prohibit the carrier from engaging in whole or in part in foreign air transportation from the United States. The Secretary shall determine the period of any prohibition imposed under this paragraph.

(c) In this section, the terms "air carrier", "foreign air carrier", and "foreign air transportation" have the meanings given such terms in paragraphs (3), (22), and (24), respectively, of section 101 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(3), (22), and (24)).

GRASSLEY AMENDMENT NO. 2332

Mr. GRASSLEY proposed an amendment to the bill H.R. 4556, supra; as follows:

On page 41, line 26, strike out the period at the end and insert in lieu thereof ": *Provided*, That of such amount, $180,000 shall be available for employment by the Inspector General of independent legal counsel at the Department of Transportation.".

MCCAIN (AND SMITH) AMENDMENT NO. 2333

Mr. MCCAIN (for himself and Mr. SMITH) proposed an amendment to the bill H.R. 4556, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE.

The Senate finds that:

Federal-Aid Highway funding is subject to a formula based allocation process;

States are best able to determine the priorities for allocating Federal-Aid highway funding within their jurisdiction;

Funding for demonstration projects diverts Highway Trust Fund money from the priorities established under the formula allocation process, and deprives states of the opportunity to determine how Federal-Aid highway funds should be spent within their jurisdiction;

Federal Transit Administration funding is critical to cities and states across the nation and the Senate supports the fair and equitable distribution of federal transit aid to the eligible recipients;

The Department of Transportation has criteria for allocating federal transit aid based on need, and taking into consideration the requirement of the Clean Air Act and the Americans with Disabilities Act;

The Administration's National Performance Review indicates that congressional earmarks are restrictive and counter-productive;

The administration's FY 1994 budget request urges Congress to allow funding for demonstration projects to be distributed under the formula allocation process;

It's the Sense of the Senate that Congress should refrain from authorizing and appropriating money for new demonstration or earmarked highway and transit projects and allow such funds as would otherwise be required to be spent for specific projects, to be distributed to the states for transportation projects under the applicable merit-based allocation formulas and procedures.

DORGAN AMENDMENT NO. 2334

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the bill H.R. 4556, supra; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 346. (a) Notwithstanding section 31136(e) of title 49, United States Code, and in order to further substantive research carried out by the Secretary of Transportation in fiscal year 1992 under the Vision Waiver Study Program, the Secretary shall use funds available to the Secretary in the Highway Research Development and Technology account of the Federal Highway Administration to carry out a follow-up study to such study program.

(b) In carrying out the follow-up study, the Secretary shall apply the same criteria and conditions to the study as the Secretary applied in carrying out research under the Vision Waiver Study Program.

COATS AMENDMENT NO. 2335

Mr. LAUTENBERG (for Mr. COATS) proposed an amendment to the bill H.R. 4556, supra; as follows:

On page 70, between lines 10 and 11, insert the following:

SEC. 346. Of the funds appropriated in the Department of Transportation and Related Agencies Appropriation Act, 1977 (Public Law 94–387; 90 Stat. 1171) for railroad-highway demonstration projects, $486,000 in unobligated balances shall be made available for the rail relocation project in Lafayette, Indiana.

LAUTENBERG AMENDMENTS NOS. 2336–2338

Mr. LAUTENBERG proposed three amendments to the bill H.R. 4556, supra; as follows:

AMENDMENT NO. 2336

At the appropriate place, insert: "SEC. . The Eastport Port Authority facility at Estes Head in Eastport, Maine, is eligible for funding under section 1064 of Public Law 102–240."

AMENDMENT NO. 2337

On page 35, line 20, delete: "*Provided,*".

On page 35, line 22, restore: "*Provided further,*".

AMENDMENT NO. 2338

On page 41, line 14, strike "That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation or his designee" and insert: "That such amounts shall only be available to the Secretary of Transportation and the National Institute of Environmental Health Sciences".

MURKOWSKI AMENDMENT NO. 2339

Mr. MURKOWSKI proposed an amendment to the bill H.R. 4556, supra; as follows:

At the appropriate place insert: "No money may be expended by the Department of Transportation in Fiscal Year 1995 to implement or enforce regulatory actions to restrict overflights and landings on National Parks system units, National Forest systems, Fish and Wildlife refuges, and other public lands in the State of Alaska. The term aircraft refers to fixed wing aircraft and helicopters of general, commercial, or military nature."

MURKOWSKI AMENDMENT NO. 2340

Mr. D'AMATO (for Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4556, supra; as follows:

At the appropriate place in the bill insert the following: "No funds under this act for fiscal year 1995 may be used to implement recommendations of the Flight Service Modernization Program to close or reduce services in flight service stations in Alaska."

* * *

COMMERCE, JUSTICE, STATE, JUDICIARY APPROPRIATIONS ACT FOR FISCAL YEAR 1995

HOLLINGS AMENDMENT NO. 2341

Mr. HOLLINGS proposed an amendment to the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these Departments and agencies for the fiscal year ending September 30, 1994, and for other purposes; as follows:

On page 5, line 2 strike "provisions" through the period at the end of line 21 and insert: "provisions of subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for grants to States under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.

"In addition, for grants, contracts, cooperative agreements, and other assistance authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, Public Law 103–159 (107 Stat. 1536), $100,000,000, to remain available until expended, to upgrade criminal history records."

On page 16, on line 13 after "$51,695,000" insert the following: ": *Provided further,* That any fees received in excess of $33,460,000 collected during fiscal year 1995 shall be available until expended".

On page 34, on line 15 after "1995" strike "and thereafter".

On page 43, on line 15 after "$65,468,000" insert the following: ": *Provided further,* That any fees received in excess of $33,460,000 collected during fiscal year 1995 shall be available until expended".

On page 102, on line 8 after "from" insert the following: "a child under the age of seventeen, or".

GRAMM AMENDMENT NO. 2342

Mr. GRAMM proposed an amendment to the bill H.R. 4603, supra; as follows:

In the Committee amendment beginning on page 85, line 5; after the word "$400,000,000;", insert the following: "*Provided,* That none of the funds appropriated in this Act made available by the Legal Services Corporation may be made directly or indirectly available to any grantee to file or maintain in any Federal or State court any action that would have the effect of nullifying any provisions of Federal or State law which seeks to reform welfare;".

SHELBY (AND OTHERS) AMENDMENT NO. 2343

Mr. SHELBY (for himself, Mr. KOHL, Mr. D'AMATO, Mrs. FEINSTEIN, Mr. BRYAN, Mr. COATS, Mr. BROWN, Mr. LAUTENBERG, and Mr. GRAMM) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place insert the following new section:

SEC. . (a) The Senate finds that—

(1) $14,000,000,000 is owed to over 9,000,000 children as a result of interstate child support evasion;

(2) chapter 11A of title 18, United States Code, effective since October 25, 1992, makes willful avoidance of child support payments across State lines a Federal crime;

(3) chapter 11A of title 18, United States Code, is a useful Federal tool to assist in the collection and enforcement of interstate child support cases;

(4) the President has committed to improve interstate child support enforcement as a part of his welfare reform initiative;

(5) despite such commitment, only five cases have been tried or filed under chapter 11A of title 18, United States Code;

(6) custodial parents with legitimate cases for prosecution seeking to bring charges under chapter 11A of title 18, United States Code, are being turned away by local Federal law enforcement officials or referred back to State child support agencies; and

(7) despite Justice Department guidelines, many local Federal law enforcement agencies continue to display a fundamental lack of knowledge concerning the existence and means of enforcement of chapter 11A of title 18, United States Code.

(b) It is the sense of the Senate that the Attorney General of the United States should immediately address the deficiencies in the enforcement of chapter 11A of title 18, United States Code, to make local Federal law enforcement agencies more responsive to the needs of custodial parents owed interstate child support and to significantly increase the number of cases filed and prosecuted under chapter 11A of title 18, United States Code.

COVERDELL (AND OTHERS) AMENDMENT NO. 2344

Mr. COVERDELL (for himself, Mr. NUNN, Mr. HEFLIN, and Mr. GRAHAM) proposed an amendment to the bill H.R. 4603, supra; as follows:

Beginning on page 118, line 25, strike "and other" and all that follows through page 119, line 1 and insert the following: ", the flooding and other damage caused by Tropical Storm Alberto in Georgia, Alabama, and Florida, and other disasters and associated administrative expenses, $470,000,000, which shall be".

NUNN (AND OTHERS) AMENDMENT NO. 2345

Mr. NUNN (for himself, Mr. COVERDELL, Mr. HEFLIN, and Mr. GRAHAM) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 118, after "Emergency Supplemental Appropriations" on line 20, insert the following:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs" pursuant to the Public Works and Economic Development Assistance Act of 1965 as amended, to be used for grants to assist States and local communities in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters, $50,000,000 to remain available until expended; and in addition $5,000,000 to remain available until expended, which may be transferred to and merged with the appropriations for "Salaries and expenses"; *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b) (2) (D) (i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.

BIDEN AMENDMENT NO. 2346

Mr. HOLLINGS (for Mr. BIDEN) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 110, line 9, add the following after the word "expenses": "*Provided further*, That on the date upon which the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, *et seq.*) is repealed, as provided for by section 310(e) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 108 Stat. 442), funds made available for expenses of the Board for International Broadcasting shall be made available until expended only for expenses necessary to enable the Broadcasting Board of Governors to carry out the authorities provided in section 305(a) of Public Law 103-326, including the appointment of staff personnel as authorized by section 305(a)(11) of Public Law 103-236:".

McCAIN AMENDMENT NO. 2347

Mr. HOLLINGS (for Mr. MCCAIN) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC.   . SENSE OF THE SENATE.—It is the Sense of Senate that the Attorney General should:

(a) Evaluate the number of individuals illegally crossing the U.S.-Mexico border;

(b) Develop and implement a policy that seeks to curb the number of illegal border crossings;

(c) Ensure that any policy developed seeks to curb the number of crossings equally along the entirety of the Southwest border; and

(d) Ensure that such policy enables law enforcement officials to shift resources to address any increases in the number of illegal border crossings wherever they may occur.

COVERDELL AMENDMENTS NOS. 2348–2349

Mr. HOLLINGS (for Mr. COVERDELL) proposed two amendments to the bill H.R. 4603, supra; as follows:

AMENDMENT NO. 2348

On page 2, insert between lines 22 and 23 the following:

It is the sense of the Senate that of the funds appropriated under this title that are made available to the National Institute of Justice for criminal justice research funds should be allocated for research on the crime of stalking and strategies to protect the victims of such crimes.

AMENDMENT NO. 2349

On page 5, insert between lines 21 and 22 the following:

It is the sense of the Senate that $200,000 of the funds appropriated under this title to the Department of Justice for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs should be granted to the National Victim Center to conduct criminal justice and victim service provider training on the crime of stalking.

FEINGOLD AMENDMENT NO. 2350

Mr. HOLLINGS (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 110, line 25, after "Public Law 103-236": add the following: "*Provided further*, That funds appropriated under this Act used by the Board for International Broadcasting or the Broadcasting Board of Governors to relocate offices or operations of RFE/RL, Incorporated, from Munich, Germany to Prague, Czech Republic, shall be made available only from funds provided for the Board for International Broadcasting in this paragraph.

"*Provided further*, That not less than the amount appropriated by this Act for the Office of Inspector General, Board of International Broadcasting shall be available for semiannual reviews of RFE/RL, Inc. and that on-site review is maintained at the current level throughout the duration of the relocation transition."

LEAHY AMENDMENT NO. 2351

Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, add the following section:

SEC.   . REPORT ON AU PAIR PROGRAM.

The Director of the United States Information Agency shall submit a report to the Committees on Appropriations, within 90 days of enactment of this Act, containing the following:

(1) The number of persons accepted and the number of persons rejected each year for admission to the United States under a J Visa as part of the au pair program;

(2) The guidelines and/or a summary of the procedures used by each au pair agency regarding screening of prospective au pairs for prior criminal activity and other relevant information;

(3) The guidelines and/or a summary of the procedures used by each au pair agency regarding training of au pairs in child care and in relevant United States laws;

(4) The procedures used by each au pair agency to ensure that au pairs abide by local, state, and federal laws, and the United States Information Agency's policies and procedures for dealing with au pairs who violate such laws;

(5) The mechanisms available to the United States Information Agency to enforce compliance with au pair agency guidelines and procedures;

(6) The contractual relationship between au pair agencies and individuals located overseas who select and screen prospective au pairs, and the guidelines and standards which apply to these individuals;

(7) The procedures used by each au pair agency to check personal character and employment references for each prospective au pair; and

(8) The procedures used by each au pair agency to deal with au pairs who are determined by their host family to be unsuitable.

BIDEN (AND OTHERS) AMENDMENT NO. 2352

Mr. HOLLINGS (for Mr. BIDEN for himself, Mr. HOLLINGS, and Mr. DOMENICI) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 36, between lines 18 and 19, insert the following:

SEC. 112. Section 1404(a)(5)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)(5)(B)) is amended by striking "1994" and inserting "1995".

NOTICE OF HEARING

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Monday, July 25, 1994, beginning at 2 p.m., in 106 Dirksen Senate Office Building on S. 2230, the Indian Gaming Regulatory Act Amendments Act of 1994.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet in closed session on Thursday, July 21, 1994, at 9:30 a.m., in SR-222, to receive testimony on the situation in Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, July 21, 1994, at 2:30 p.m. in open session, to receive testimony on health care reform in the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 21, beginning at 10:30 a.m. to conduct a hearing on the Treasury Department's latest report to Congress on international economic and exchange rate policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on July 21, 1994, at 10 a.m. on international fisheries.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 21, 1994, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today, July 21, 1994, at 10 a.m., to continue considering its recommendations for legislation to implement the Uruguay round of multilateral trade negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 21, 1994, at 10 a.m., in room 226, Senate Dirksen office building, on the nominations of José A. Cabranes, to be U.S. circuit judge for the second circuit, Blanche Manning, to be U.S. district judge for the northern district of Illinois, and Mark W. Bennett, to be U.S. district judge for the northern district of Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Senator SIMON, chairing, be authorized to meet for a hearing on the nominations of Gilbert Casellas, Paul Igasaki, and Paul Miller to the Equal Employment Opportunity Commission, during the session of the Senate on July 21, 1994, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, RESEARCH AND DEVELOPMENT

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, July 21, beginning at 9:30 a.m. to conduct a hearing on S. 1545, the Environmental Research, Development and Demonstration Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EQUITABLE ESCHEATMENT ACT

• Mr. DECONCINI. Mr. President, on November 23 of last year I became one of 80 cosponsors of S. 1715, the Equitable Escheatment Act. This bill would overturn the unreasonable decision of a divided Supreme Court in Delaware versus New York and would allow Arizona and 46 other States to receive their fair share of more than $100 million of unclaimed dividends and interest annually that New York and Delaware are now escheating.

On March 30, 1993, the Supreme Court held that the State of incorporation of the holder—rather than the issuer—of owner unknown unclaimed securities distributions is entitled to escheat such distributions. I believe that the Court recognized the incongruity of this position and that is why they invited those States adversely affected by the ruling to appeal to Congress for a just resolution. S. 1715 provides just such a resolution.

Virtually all large brokerage firms are incorporated in Delaware; the largest depository is incorporated in New York; and most money center banks are rechartered in New York. Consequently, taxes paid by Arizonans to pay interest on Arizona State bonds, and dividends paid by companies headquartered in Arizona are escheated by Delaware and New York—not Arizona.

It is my understanding that negotiations are ongoing to resolve this matter. However, I am somewhat frustrated that progress with New York is apparently slow. I encourage all States involved to reach a swift compromise and work out an equitable settlement. If such a settlement cannot be reached I believe that the Senate should and will impose such a settlement.•

TAIWAN'S MEMBERSHIP IN INTERNATIONAL ORGANIZATIONS

• Mr. ROTH. Mr. President, I rise today to call this body's attention to an important editorial appearing in last Saturday's New York Times. The editorial calls for the admission of the Republic of China, more widely known as Taiwan, into the Asian Regional Forum. ARF is a new organization created to address the numerous serious security problems facing the Asia-Pacific region.

For example, six nations—China, Taiwan, Malaysia, Vietnam, Brunei, and the Philippines—dispute, and occasionally fight over, the Spratly Islands in the South China Sea. Those islands, as well as the contested Parcels to the north, lie in crucial sealanes and in the middle of what may be among the richest untapped oil fields in the world. Japan and Russia both lay claim to the Northern Territories, as they are called in Japan, the Kurile Islands as they are referred to by the Russians. Peace in Cambodia remains tenuous. The country experienced a coup attempt earlier this month and faces ongoing threats from the Khmer Rouge. Malaysia and Indonesia confront separatist movements. Armed rebels plague the southern islands of the Philippines. Burma's government, the State Law and Order Restoration Council, brutalizes its population and thrives on the drug trade. Most dangerous of all, of course, is North Korea's nuclear program and its precariously positioned regime.

The Asian Regional Forum, which will conduct its first meeting later this month, holds at least some promise for resolving these and other problems through negotiation rather than confrontation.

We should recognize how crucial the Asia Pacific's relative stability over the years has been to its spectacular growth. With the end of the cold war, the region's many latent security problems pose a direct challenge to the stability undergirding economic success. That success, moreover, has benefited not just the people of East Asia. It has also directly benefited the citizens of the United States. More American exports are sent to the Asia Pacific than to any other region of the world. And we all know that exports mean jobs. Therefore, it is in America's interest, as well as the interest of the Asia Pacific region, that peace and stability be maintained.

Asia never has had institutions comparable to those of Europe which did so much to foster that continent's stability. Recently, however, a number of efforts have been undertaken to create new post-cold war institutions for the Pacific Basin. APEC, the Asia Pacific Economic Cooperation process, is the most important of these new bodies. Though still in its infancy, APEC has begun to play a meaningful role in fostering more open trade and investment in the region. The Asian Regional Forum has the potential for playing a similarly important role in addressing Asia Pacific security problems.

Last year, Beijing finally allowed Taiwan's admission to APEC when Taiwan agreed to call itself "Chinese Taipei" and consider itself an economic rather than political entity in the organization. Since the PRC maintains that there is only one China—which encompasses Taiwan—it asserts that Taiwan cannot have a seat at the table of organizations such as ARF, which address issues involving nations rather than economies. As we all know, however, in the real world, Taiwan functions independently of China. Taipei has a vibrant economy, thriving democratic institutions and impressive defense capabilities.

As I have mentioned, Taiwan and China both hold claims to the Spratly Islands. China also asserts the right to invade Taiwan at any time that Taipei behaves overly independently. Both these issues pose a serious threat to the peace and security of the region as well as the vital interests of the United States.

These two issues, as well as many others involving China and Taiwan, deserve open discussion. The Asian Regional Forum could foster such discussion—but obviously only if Taiwan were able to participate. Mr. President, the time has come for China to acknowledge reality and permit Taiwan a voice in the Asian Regional Forum.

I might add that I have a certain amount of personal experience in dealing with the problems Taiwan faces in joining international organizations. For the past 3 years, I have been actively involved in the establishment of the Asia Pacific Parliamentary Forum, a group designed to bring together parliamentarians from the Asia Pacific to consider the political ramifications of APEC activities, trade and investment issues, and regional security problems. APPF has bipartisan support in this country and has been enthusiastically endorsed by the administration.

Unfortunately, China has been successful in keeping Taiwan out of APPF thus far, despite the fact that most all APPF participants support Taiwan's membership. There is wide agreement among members of APPF that China's intransigence has made it more difficult for the group to accomplish its goals.

I should also add that I have long been a supporter of Taiwan's entry into the GATT and now the World Trade Organization. I believe it essential that the world's most important multilateral trade body include Taiwan as it constitutes the 13th largest trader. In addition, Taiwan's manifest global clout and influence make it vital, in my opinion, that it become a member of the United Nations.

Mr. President, I ask that the New York Times editorial of last Saturday appear at the end of my remarks in the RECORD.

The editorial follows:

LOOK AGAIN AT TAIWAN

If buying $8 billion worth of American products entitles China to flout President Clinton's human rights requirements and still win renewal of its trade privileges, buying twice that amount should entitle Taiwan to a little diplomatic respect.

Taiwan has one of Asia's most developed economies, best armed militaries and most vibrant democracies. Yet Taiwan's President is not allowed to stay overnight on American soil, Taiwanese officials are not allowed to meet their U.S. counterparts in government buildings and Taiwan's diplomatic offices in this country cannot use any name that would identify the country they represent.

This charade reflects the long-held position of both Taipei and Beijing that there is only one China and that it includes both the mainland and Taiwan. Washington abided by this fiction both before and after it switched U.S. recognition from Nationalist Taiwan to the Communist mainland in 1979.

But in reality two distinct societies, economies and political systems have grown up on either side of the Taiwan Straits. And despite its official "one China policy," Taipei now seeks diplomatic recognition as a separate political entity.

That has prompted the Clinton Administration to undertake a cautious review of U.S. policy. The resulting recommendations await White House approval. They would ease some of the more humiliating diplomatic restrictions now in force. Cabinet-level visits in both directions would be permitted. Meetings could take place on official premises. Taiwan's unofficial representative offices could be renamed. These are useful steps, meant to make it easier for Americans to do business with the country's fifth-largest trading partner.

But recognizing reality should not stop there. Taiwan is too important a factor in East Asian politics, economics and security to be left out of the new post-cold war order now taking shape. It belongs in the new World Trade Organization. It ought to be included in the Asean Regional Forum on security being launched in Bangkok later this month. And ideally, it should be admitted to the U.N.

The main obstacle to Taiwan's inclusion in such organizations is the bellicose opposition of mainland China, which openly asserts the right to invade and annex Taiwan if the Government there acts too independently. Beijing claims that its relations with Taiwan are an internal matter to be resolved by the two sides without outside involvement.

It is not in America's interest to provoke China on this score. But shutting Taiwan out of international forums also carries risks for the U.S. Under present arrangements, if China made good on its threats to attack, other Asian countries would look the other way while the United States, alone, would find itself caught in the middle of the fray.

Last year, Washington helped arrange a compromise formula that let Taiwan participate in the Asia-Pacific economic summit meetings in Seattle. Now it should begin exploring ways to involve Taiwan in the new regional security forum as well.●

ORDERS FOR TOMORROW

Mr. HOLLINGS. Mr. President, on behalf of the majority leaders, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Friday, July 22, that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately following the Chair's announcement, the Senate resume consideration of H.R. 4603, the commerce, State, Justice appropriations bill, under the conditions and limitations of a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER AND SPEAKER OF THE HOUSE

The PRESIDING OFFICER. The Chair, on behalf of the majority leader of the Senate and the Speaker of the House, after consultation with the Senate Republican leader and the House minority leader, pursuant to Public Law 102–375, as amended by Public Law 103–171, appoints the following individuals as members of the Policy Committee to the White House Conference on Aging: Madeleine Freeman, of Maine; Bea Gwin Bacon, of Kansas; Thomas H.D. Mahoney, of Massachusetts; and Maralee I. Lindley, of Illinois.

RECESS UNTIL 9 A.M. TOMORROW

Mr. HOLLINGS. Mr. President, if there is no further business to come before the Senate today, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:11 p.m., recessed until Friday, July 22, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1994:

DEPARTMENT OF AGRICULTURE

JOSE M. AMADOR, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE DUANE ACKER, RESIGNED.

ROGER C. VIADERO, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF AGRICULTURE, VICE LEON SNEAD, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

WILLIAM A. NITZE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE TIMOTHY B. ATKESON.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

BILL ANOATUBBY, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES FOR A TERM OF 6 YEARS. (NEW POSITION.)

TERRENCE L. BRACY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES FOR A TERM OF 4 YEARS. (NEW POSITION.)

MATT JAMES, OF CALIFORNIA, TO BE MEMBER OF THE BOARD OF TRUSTEES FOR A TERM OF 6 YEARS. (NEW POSITION.)

NORMA UDALL, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES FOR A TERM OF 6 YEARS. (NEW POSITION.)

CONFIRMATIONS

Executive nominations confirmed by the Senate July 21, 1994:

DEPARTMENT OF ENERGY

JOSEPH F. VIVONA, OF NEW JERSEY, TO BE CHIEF FINANCIAL OFFICER.

PATRICIA FRY GODLEY, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN R. SCHMIDT, OF ILLINOIS, TO BE ASSOCIATE ATTORNEY GENERAL.

EXTENSIONS OF REMARKS

ISRAELI TERRORIST GROUPS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. HAMILTON. Mr. Speaker, I wish to draw to the attention of my colleagues my recent correspondence with the Department of State on the subject of Israeli terrorist groups operating within the United States. Earlier this year, I wrote the Department to inquire about United States policy towards two Jewish settler organizations, Kach and Kahane Chai, which have been outlawed by the Israeli Government. Despite their outlaw status in Israel, these groups continue to operate and raise funds freely in the United States. I am including the State Department's preliminary response as well as its final response. I hope my colleagues find this correspondence of interest.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 18, 1994.

Hon. WARREN M. CHRISTOPHER,
Secretary, Department of State,
Washington, DC.

DEAR SECRETARY CHRISTOPHER: I write to inquire about U.S. policy toward the activities, including fundraising, in the United States of Israeli groups identified by the Government of Israel as terrorist organizations.

As you know, on March 13, Israel outlawed two Jewish settler organizations, Kach and Kahane Chai, which have been responsible for a number of violent incidents in the West Bank. Many members of these organizations are U.S. immigrants to Israel, and I understand these groups maintain offices and significant fundraising operations in this country. We may now find ourselves in a situation in which groups defined by the Israeli Government as terrorist organizations and prohibited from operating in Israel, have safe haven and can organize and fundraise here in the United States.

I would like to know your views on this issue, the status of interagency discussions on this matter, and where you see United States policy heading. In addition, I would appreciate your responses to the following questions:

1. What is U.S. policy on activities in the United States of groups who advocate violence overseas?

What are the implications for U.S. policy to have certain groups which operate in the United States designated as terrorist organizations by Israel?

2. Which agencies are involved in the interagency working group that is looking at this issue?

How are these various agencies coordinating their efforts?

Which agency has primary jurisdiction over this matter?

3. What are the preliminary findings of the interagency working group?

What current laws can be applied against these groups to curtail any activities inconsistent with U.S. policy?

What legislation, if any, is needed?

Is there any precedent for action in the United States against groups which espouse terrorism overseas?

What effect would the proposed ban on providing material support to terrorists, currently pending in the Senate Amendment to H.R. 2333, the State Department Authorization bill, have on efforts to curtail these groups' fundraising activities?

What other groups might be affected by the adoption of this legislation?

Are there potential First Amendment problems with restricting the fundraising activities of these groups?

To what extent would such restrictions involve curtailing the ability of members of these organizations to enter the United States?

4. What consideration has been given to curtailing or targeting: violations of the Foreign Agents Registration Act; violations of certain organizations' tax-exempt status; illegal transfers of funds overseas; or immigration infractions.

I appreciate your consideration of this matter and your response to these questions. I look forward to your early reply.

With best regards,
Sincerely,

LEE H. HAMILTON,
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 31, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of March 18, regarding U.S. policy toward activities in the United States by Israeli groups identified by the Government of Israel as terrorist organizations.

We are working to provide a full response to the many issues and questions you raised, some of which are still under study and require coordination with the Justice Department and other agencies. We will get back to you quickly with as comprehensive a response as possible. If in the meantime we can be of further assistance on this issue, please do not hesitate to contact us.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 16, 1994.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This is in further response to our March 31 letter regarding your questions of March 18 about the implications for U.S. policy and laws of Israel's designation of Kach and Kahane Chai as terrorist organizations. I am responding on behalf of the Secretary and we also have discussed this response with the Departments of Justice and Treasury.

In your letter you accurately observed that many members of these organizations are U.S. immigrants to Israel. We would also note that many maintain American citizenship, and this does have a bearing on some of the issues you raised.

We would like to make clear that the U.S. Government strongly opposes not only terrorism, but activities in support of terrorist groups, regardless of the professed cause or the nationality or ethnic background of the groups and their supporters. The extent to which the U.S. Government can deal with some of these activities, however, is limited under existing law.

In response to your specific questions:

1. We oppose activities in the United States in support of terrorist violence overseas. Attacks by terrorists are crimes regardless of the motivations of the terrorists.

We take seriously the Israeli government's designation of these groups and others as terrorist organizations, just as we do when other governments reach similar conclusions about groups operating in their countries. Of course we make our own assessments and we are currently reviewing the matter with other agencies to determine what steps can be taken under U.S. law.

2. The federal agencies involved in these matters include the Departments of State, Justice, and Treasury, and the Internal Revenue Service. Although there is no working group per se, all appropriate elements of the Executive Branch are in close cooperation on this matter. The State Department, which is the lead agency in international terrorism matters, has taken the initiative in starting these particular interagency consultations. Insofar as the enforcement of U.S. domestic laws is concerned, the Justice Department has the lead. Other federal agencies with an interest are the Treasury Department, in connection with overseas and domestic financial transactions, and the Internal Revenue Service, in connection with the enforcement of U.S. tax laws.

3. Federal agencies are considering all available laws, including those relating to the activities mentioned in your fourth question. The Foreign Agents Registration Act may be of limited utility in combating terrorism because of its various limitations and also because it can be complied with through the simple acts of registration and reporting. Other laws, such as those involving the illegal transfers of funds or immigration infractions, are potentially more useful law enforcement tools in this context, but depend on law enforcement officials being able to detect violations and develop evidence sufficient to support prosecutions.

The Administration has not yet determined what, if any, new legislation would be useful, and is therefore not proposing any new initiatives at this time. In this regard, as reflected in one of your sub-questions under Question #3 which asked about potential First Amendment problems with legislation restricting the fund raising activities of these groups, we are conscious that any legislation in this area must take into account relevant First Amendment considerations.

The Senate amendment to the State Department Authorization Bill, mentioned in your question, would make it a federal offense to provide, within the United States, funds, financial services, weapons, documents, or the other forms of material support for *specific* acts of terrorism which violate U.S. law. It was carefully drafted in that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

manner to minimize disputes over potential First Amendment problems that could arise from broader efforts to ban fund-raising on behalf of particular organizations or types of organizations. Working with congressional staff, State Department representatives discussed and helped refine the scope of this amendment with House staff members before it was first passed by the House in 1991. We believe the amendment would be a very useful step in our efforts to counter support for terrorist activities and strongly urge its early adoption. The amendment is also contained in the Senate version of the 1994 crime bill and we appreciate any support for its adoption in the conference on that legislation.

Regarding the effectiveness of existing legal restrictions in preventing entry into the United States by members of terrorist organizations, Section 212(a)(3)(B) of the Immigration and Nationality Act renders excludible from the United States aliens when there is reason to believe they have engaged in terrorist activity, or are likely to engage in terrorist activity in the United States. "Terrorist activities" and "engage in terrorist activity" as defined for the purposes of this provision, include fund-raising, training, and providing financial services and weapons. These immigration restrictions would not apply to persons who have American citizenship, as do a good number of Kach and Kahane Chai members.

4. The options mentioned in your fourth question, such as dealing with possible violations of tax-exempt status, are all potential tools to combat terrorism. Their effectiveness in particular cases may be limited, in part because these laws were not primarily intended or designed to inhibit the activities of terrorist organizations. Nonetheless, in cases where U.S. law enforcement authorities can develop evidence sufficient to bring civil or criminal actions under these laws, the Department of Justice has assured us it will not hesitate to bring such prosecutions where warranted.

As the questions you raise illustrate, this is a complex issue, especially when American citizens are involved. We will continue to explore ways of utilizing existing legal measures and developing new ones if possible. We appreciate your interest and if you have further questions or suggestions, please do not hesitate to contact us.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

MR. AND MRS. HAZEL C. STOKES—50TH WEDDING ANNIVERSARY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to salute Mr. and Mrs. Hazel C. Stokes of Florence, SC, on the occasion of their 50th wedding anniversary.

Mr. and Mrs. Stokes' half century of devotion to each other was celebrated at a June 4, 1994 reception at St. Paul United Methodist Church, hosted by their children, grandchildren and in-laws.

The couple were married June 1, 1944 in Florence. Mrs. Stokes, the former Ethel Cockfield of Pamplico, is a retired secretary from McLeod Informary. Mr. Stokes is retired from the railroad.

Mr. Speaker, I join the Stokes' family and friends in wishing them many more happy years together.

IN HONOR OF ROBERT D. METZGAR

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. CLINGER. Mr. Speaker, I rise today to congratulate Mr. Robert D. Metzgar on being named to the Council of Fellows at The Pennsylvania State University Erie, The Behrend College.

Mr. Metzgar's nomination was accepted earlier this month by University President Joab Thomas. Mr. Metzgar will be joining the advisory board which is comprised of 60 business, industrial, and professional leaders from the surrounding area.

Mr. Metzgar spent 1½ years at the Penn State Behrend Campus, before graduating from the University Park Campus. This nomination testifies to the pride Mr. Metzgar feels for the university, not to mention his dedicated service. From covering his office walls with Penn State memorabilia to having the pleasure of seeing both his daughters graduate from the university, he has always held a great fondness for Penn State. As a member of the Penn State Alumni Association and a member of both the University's Nittany Lion Club and the President's Club, Mr. Metzgar is involved with the university on a business level as well a recreational one.

Mr. Metzgar also contributes to Pennsylvania's business community holding positions with various boards and organizations in the Warren area. He presently sits on the board of directors and is treasurer of the Pennsylvania Oil and Gas Association while also serving on the advisory board for the PNC bank in Warren. He is currently president and owner of North Penn Pipe & Supply, Inc. in Warren.

Mr. Speaker, it is my distinct honor to congratulate Robert D. Metzgar of Warren, PA, for having been named to the Council of Fellows at the Penn State University, Behrend Campus. It is my privilege to recognize Mr. Metzgar's dedication to his alma mater and wish him luck in his newly appointed position.

A TRIBUTE TO FORMER RALEIGH, NC MAYOR, AVERY UPCHURCH

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. VALENTINE. Mr. Speaker, the recent death of former Raleigh, NC, Mayor Avery Upchurch has left all citizens of my State's capital area poorer.

Avery Upchurch was a remarkable public servant. In a political era that too often rewards style over substance, Avery was a worker who cared much more about making government work for the people than about grabbing headlines for himself.

Under his leadership, the Raleigh city government reached out to every group and segment of the community. Avery never shirked his responsibility to lead and to make the tough choices, but he always made sure that all citizens had the opportunity to be heard and to have their views and interests considered seriously.

Moreover, during the Upchurch administration, city government operated in the full light of day. Whether individuals or groups agreed with his decisions or not, they at least had confidence in the process that produced those decisions.

Although Raleigh is not in the congressional district I represent, I came to know Avery Upchurch well during the past 12 years because of his intense interest in the people of the entire research triangle area. He worked hard and effectively to promote economic development and job growth throughout the triangle, and his advice on transportation matters was especially valuable to me.

Avery Upchurch was always determined but never ill-tempered, always inclusive but never indecisive, and always a leader but never arrogant. He will be missed by everyone who cares about Raleigh and North Carolina.

The News & Observer perhaps said it best in an editorial about Avery Upchurch's career and legacy:

> He was not flashy, nor was he a fiery orator who left volumes of colorful quotes in his public wake. He was more a worker, a do-er, an achiever. The city he served was better for his service. The friends he knew were richer for his friendship. No more satisfying epitaph can be written.

I hope that my State will be fortunate enough to have more leaders like Avery Upchurch in the future.

A TRIBUTE TO FORMER RALEIGH, NC MAYOR, AVERY UPCHURCH

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. PRICE of North Carolina. Mr. Speaker, I want to take a few moments today to pay tribute to Avery Upchurch, mayor of Raleigh, NC from 1983 to 1993, an exemplary public servant with whom I worked closely and from whom I learned much, a constituent whom I was honored to represent, and a friend. Mayor Upchurch died recently after a brave bout with cancer, and I want to remind my colleagues of just how much he contributed to Raleigh and to North Carolina.

Avery Upchurch grew up in southwestern Wake County and moved to Raleigh when he was in high school. From the time he opened his well-known gas stations on Glenwood Avenue and Peace Street as a young man, he was active in trying to foster business opportunities in the area. Indeed, a great part of the success Raleigh and the research triangle have enjoyed in recent years can be attributed to Mayor Upchurch.

Mayor Upchurch presided over the city at a pivotal time—when it was undergoing the transformation from a government town to a growing, thriving, diversifying American city—and he knew that it could not grow without adequate infrastructure and a vision of economic development. He championed critical elements in Raleigh's growth, from the World Trade Center at Research Triangle Park, to mass transit and highway improvements, to downtown revitalization, to major water supply projects at Falls of the Neuse and Jordan Lake. Ultimately, these efforts spearheaded by Major Upchurch earned the research triangle area the designation by Fortune magazine as the number one place in the country to do business. And they will have a lasting impact not only on the triangle, but on our State as a whole.

I found in Mayor Upchurch an affable and able colleague who never shirked a demanding task and constantly sought Federal, State, and local cooperation to accomplish common goals. His constituents admired his folksy style and accessibility, referring to him as the "drive in Mayor" because of his willingness to listen to those visiting his gas station about issues of importance to the city. They elected him to an unprecedented five terms as mayor.

Avery Upchurch was a model public servant. With modesty and quiet good humor, he served the city of Raleigh and its environs with vision, dignity, and grace. His is a legacy we will long value and remember, and from which we will benefit for generations to come.

Mr. Speaker, I request that the July 2 editorial tribute from the Raleigh News & Observer be reprinted at this point in the RECORD.

THE PEOPLE'S MAYOR

Avery Upchurch was a nice man, a really nice man. If ever there were proof that life isn't fair, it is in his premature death from cancer, after he had completed 10 years of good leadership as Raleigh's mayor. Upchurch had earned some years at the beach, some relaxation. Instead, he spent these last months battling a fearsome disease.

Many memories, many emotions now wash over those he touched in his years of public service.

And service is what was most important to Upchurch. He really saw his positions on the City Council, and later as mayor, as a trust bestowed by his friends, the citizens. Some—thousands—he knew from his gas stations, where he was known to work even in his mayoral days. Others got to know the mayor through his civic work. All came away impressed with the ruddy, stocky Upchurch.

He wore authority well—with command, but with no arrogance. That was evident in council meetings, and in the many hundreds of community meetings in which he was involved each year. Upchurch was aware of being in charge, and he could get fed up, but he recognized that the responsibility of his position compelled him to bend over backward to balance order with fairness. Everyone felt that at least they had a say.

The mayor also was a champion of better race relations. He did not wait for crisis—he sought to involve people from all neighborhoods and backgrounds and social stations in decision-making. Some would quarrel with his decision; few would claim the decision was made in a vacuum.

Nor were decisions made in secret. One reason that Raleigh's City Council remains comfortable operating in the spotlight today is Avery Upchurch. Though he at times would have been more at ease behind closed doors, the mayor recognized that government simply can't work that way. So he demanded openness of himself and others—and he did not tolerate secrecy in city agencies.

He was not flashy, nor was he a fiery orator who left volumes of colorful quotes in his public wake. He was more a worker, a do-er, an achiever. The city he served was better for his service. The friends he knew were richer for his friendship. No more satisfying epitaph can be written.

TRIBUTE TO FRANK H. OGAWA

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Frank Ogawa—a dedicated public servant, outstanding civil rights leader, and loving husband and father—who passed away earlier this month in Oakland, CA. Having been friends with Frank and having served with him on the Bay Area Air Quality Management District Board for many years, I know he will be sorely missed. But I also know that his contributions to the city of Oakland, the bay area, and the Asian-American community will endure for generations to come.

Frank Ogawa was a remarkable person because he could take personal misfortune and turn it into a positive learning experience for himself and others. When Frank and Grace Ogawa were forced to sell their belongings and live in internment camps during World War II, they had to sleep on straw mattresses in horse stalls for 6 months before being shipped to a camp in Utah to spend another $3\frac{1}{2}$ years in confinement. Despite this mistreatment and injustice, he never lost faith in the United States. Just the opposite—he strived to prove his loyalty to his country and became an internationally recognized champion of Asian-Americans in the process.

After World War II, Frank Ogawa returned to Oakland and succeeded in breaking a series of social and racial barriers. When local residents objected to him moving into an exclusive neighborhood, he responded by becoming an integral part of their community and joining a host of previously all-white organizations like the Rotary Club.

Having served 5 years on the Oakland Parks Commission, Frank Ogawa was elected to the city council in 1966, making him the first Japanese-American to hold a council seat in a major city in the continental United States. He held that position for 28 years until his passing—the longest tenure in Oakland's history.

From his council seat, he earned a reputation as an even-handed leader who worked diligently to improve cultural awareness, enhance Oakland's economy, expand its port facilities, and establish relations between Oakland and other countries, especially Japan. In fact, Frank Ogawa was largely responsible for establishing a sister city relationship between Oakland and Fukuoka, Japan.

Mr. Speaker, Frank Ogawa was one of the finest individuals I have ever had the privilege to know and his passing is a great loss for his family, his community, and our Nation. I ask my colleagues to join me at this time in paying tribute to him, the life of purpose he led, and extend our deepest sympathies to his wife Grace and the family he loved so much.

A TRIBUTE TO PATRICIA LARSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the outstanding citizenship of Patricia "Corky" Larson of Riverside County, CA. Corky, who has demonstrated a remarkable dedication to her family, career, and community throughout the years, will be honored on August 11, 1994, by the California Inland Empire Council, Boy Scouts of America "The Distinguished Citizens Award."

Corky graduated from my alma mater the University of California at Los Angeles with a bachelor of science degree in 1949. Over the years she has been committed to her six children, and in recent years she attended the Citrus Belt Law School in Riverside, CA. In 1990 Corky earned her juris doctorate and was admitted to the California Bar.

The field of education has been the focus of Corky's efforts in her community, and throughout the years she has been committed to serving the schools of Riverside County. Corky has demonstrated outstanding leadership by serving as former president of the Palm Springs Board of Education, and the Riverside County School Board Association. Following this she was elected as the fourth district supervisor for the Riverside County Board of Supervisors, and she is currently serving as the board chairman.

Corky's dedication to her community goes far beyond her career. She is currently serving as a member of many organizations including the executive committee of the Coachella Valley Association of Governments, the Riverside County Housing Authority, and the Riverside County Transportation Commission.

Mr. Speaker, I ask that you join me, our colleagues, Corky's family, and her community by honoring this special woman for her extensive and dedicated service. Corky has and she continues to serve the people of her community and it is only fitting that the House recognize her today.

A PERFECT TEAM SCORE

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. McCURDY. Mr. Speaker, I would like to take a moment to commend the six U.S. high school students who recently won the International Math Olympiad in Hong Kong.

By defeating nearly 70 other teams from all around the world; by achieving an unprecedented perfect team score, and by reversing years of domination by teams from China and Russia, these young Americans—from Illinois, Maryland, Massachusetts, and New York—have shown all of us what can be achieved through investments in math and science education.

Their challenge was to win an international competition, and they succeeded brilliantly.

Our challenge in Congress is to make this kind of excellence in science and math, for boys and girls alike, the norm rather than the exception. That will only happen if we recognize the importance of these subjects to our national economy. It will only happen if we make the commitment that all American young people should have access to the best science and math education in the world.

Inspired by the example of these young scholars, let us make that commitment.

MR. AND MRS. CALIPH FONVILLE LEWIS—25TH WEDDING ANNIVERSARY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to salute Mr. and Mrs. Caliph Fonville Lewis of Florence, SC, on the occasion of their 25th wedding anniversary.

Mr. and Mrs. Lewis reaffirmed their vows before family and friends on June 18, 1994, in Christ Prayer Chapel in Mullins. The couple was honored later with a luncheon reception.

Mrs. Lewis, the former Ina Harrelson, works at Champus of Florence. Mr. Lewis works in the maintenance department of McLeod Regional Medical Center.

Mr. Speaker, I join the family and friends of the Lewis' in wishing them many more happy years together.

TRIBUTE TO LIBRARIAN BARBARA LYDON

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. MOAKLEY. Mr. Speaker, Barbara Lydon, a long time resident of South Boston and librarian at the William E. Russell School for the past 13 years, was honored on June 21, 1994, for her many years of service to the children of Boston. Mrs. Lydon has had the newly renovated library named in her honor.

Over the years, Mrs. Lydon has worked tirelessly to instill a sense of curiousity and love for learning in students from kindergarten until the fifth grade. Her undying sense of service has gained her respect and love from parents, students, and teachers alike.

I am proud to represent Mrs. Lydon and those like her who unselfishly serve their community with dedication and happiness.

I would like to include the following article, dated June 30, 1994, from the South Boston Tribune.

SOUTH BOSTON WOMAN HONORED

(By Brian Wallace)

In 1981 Barbara Lydon, a lifelong resident of South Boston, accepted a position as Librarian at the William E. Russell School. Thirteen classes have graduated since that September day in 1981. And, for thirteen years their librarian, Barbara Lydon, has filled those young minds with a love for reading and a love of life.

Now, I have written stories about politicians, athletes, organizations and even parades. I have never before written about a librarian. The problem is that often times we prioritize the wrong professions. We glamorize those people who can hit a baseball until its cover comes off. We glamorize the guy whose only claim to fame is that he knocks other people out with a single punch. And many of those whom our Society sees fit to glamorize can not live up to Society's expectations. We have seen that over and over again. But a librarian? Absolutely. And not just any librarian.

Barbara Lydon has dedicated her life to this admirable profession. She has molded hundreds of young boys and girls minds to the importance of books and of learning. Which to parents is a lot more important than learning the batting average of 3 twenty year old millionaires whose only concession to young boys and girls is that they might only charge them $5 for an autograph, instead of the $10 they usually charge.

So, why am I writing this? Because on Tuesday June 21st the graduating students and the staff at the William E. Russell School put up a bronze plaque honoring the contribution that Barbara Lydon has made to the children of the Russell School. The newly renovated Library at the Russell, will now and forevermore be known as the Barbara F. Lydon Library. Quite an honor for quite a lady and the very first time such an honor has been bestowed on an active staff member. I would personally like to congratulate Barbara Lydon and silently wish that our Society had a lot more like her.

TRIBUTE TO RYAN GLASS OF CHAPEL HILL

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. VALENTINE. Mr. Speaker, I rise to recognize the achievements of an outstanding young North Carolinian, Ryan Glass of Chapel Hill.

Ryan, who is 11 years old, recently won an essay contest at his school, Durham Academy. His excellent essay on the Pledge of Allegiance earned him invitations to present his work before several Exchange Clubs in Durham, where it was warmly received.

Ryan has made such a deep impression on those who have heard his essay that he was invited to read it at the National Exchange Club's annual convention. He is scheduled to appear at the club's "One Nation Under God" breakfast in Boston this Friday.

I believe that all Members of the House will agree that Ryan's accomplishment is especially noteworthy, particularly for an 11-year-old whose family only came to the United States several years ago.

Ryan's essay certainly demonstrates his understanding of the history of his adopted country, the role of the Pledge of Allegiance, and the meaning of citizenship in our Nation. I hope that it will inspire all who read or hear it, especially those of Ryan's generation.

It is also important to recognize the contribution of those Exchange Club members who have provided a forum for Ryan to present his tribute to the Pledge of Allegiance. I am particularly grateful to my friends in the Durham Exchange Club, Ed Bumann and Aubrey Wheeler, for their efforts on behalf of Ryan.

Mr. Speaker, I commend Ryan Glass for his patriotism as well as his superb essay. I recommend his essay highly, and I ask that it be printed in the RECORD.

THE PLEDGE OF ALLEGIANCE

"I Pledge Allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

Imagine how moving it must have been on the 12th of October 1892, on the 400th anniversary of the discovery of America, when 6,000 public school children in Boston first recited this solemn promise of loyalty to our country!

I wonder how much money American children today would manage to raise if they were asked to help buy United States flags for their schools? Well, in 1888 the children must have liked the idea, because they collected enough money to buy 30,000 flags after reading about this project in their weekly magazine, The Youth's Companion! This magazine had more ideas for the children. It wanted to celebrate the 400th anniversary of Christopher Columbus's arrival. Two men from the magazine, Francis Bellamy and James Upham planned a school celebration called "Columbus Day" where children across the country would raise their new American flags over their schools and together say something to honor the flag. The president, Benjamin Harrison liked the idea and made Columbus Day a national holiday.

Francis Bellamy wrote his salute. It was one sentence long and it read: I pledge allegiance to my flag and to the Republic for which it stands, one Nation indivisible, with liberty and justice for all.

What do you think some of these difficult words mean? Well, a pledge is a promise. But what do you think allegiance means? It means to love and be true to something, and that something was this nation or country. Indivisible refers to the fact that this country could not be broken apart even during the civil war 30 years earlier. After the war even the slaves had liberty, and there was supposed to be justice for all.

In a short time this pledge was being said every morning at school and it became known as the Pledge of Allegiance.

In the next 20 years the country changed a lot. Automobiles—the Wright Brothers' Flier—new states joining the nation—the 1st World War—and now the pledge also needed a change. In 1923 it was decided to add to the first line so that it would read: I pledge Allegiance to the flag of the United States of America.

Now no one could wonder which flag they meant. It was also decided that everyone should say the pledge with their right hand against their hearts.

In 1939, after a lot of arguing the United States Flag Association declared that Francis Bellamy was the official writer of the Pledge.

In 1942 on its 50th birthday Congress made the pledge official. It couldn't be changed by anyone but the government.

Sadly some people did not like to have to pledge allegiance to anyone but God and so in 1943 the Supreme Court ruled that no one could be forced to say it.

In 1954 a congressman wanted to add the words "under God" to the pledge, the way Abraham Lincoln had spoken about the United States in the Gettysburg Address. The words "one nation under God" were added and this was the pledge's last change.

501 years have passed since Columbus discovered America.

217 years ago the United States was born.

101 years ago the pledge was written.

A lot has changed but one thing has not and that is that people across this Nation still promise to love and protect this wonderful country of ours, the United States of America.

CONGRATULATING JOHN C. STUBENRAUCH

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. MANN. Mr. Speaker, I take this opportunity today to congratulate Mr. John C. Stubenrauch as he prepares to retire after 35 years of service to the citizens of Hamilton County.

Mr. Stubenrauch graduated from Xavier University in 1958 and began working as a caseworker with Hamilton County Human Services that September. John began his career as a caseworker and rose through the ranks to his current management position as area supervisor in the income maintenance division of the department. Most of John's career has focused on the disabled and the elderly. His expertise in the area of Medicaid and nursing home vendor payments will be sorely missed.

I join John's family, friends, and colleagues in congratulating him on a job well done. I wish him all the best in retirement.

THE LAWMAN'S LAWMAN: SHERIFF NORMAN COPELAND

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. EMERSON. Mr. Speaker, I rise to pay tribute to the much decorated sheriff of the largest county in the Eighth District of Missouri. Norman Copeland has dutifully served his neighbors in many capacities for nearly a half-century, but now the time has come in his opinion for the Cape Girardeau County Sheriff to move on to personal endeavors and enter the life of retirement. Norm Copeland's life and service illustrates how an individual's integrity and unwavering principles come together to make them a born leader.

His dedication to public service began when he was only 20 years old. In 1948, Norman Copeland joined the U.S. Army. He served in Germany where he earned the Army Occupation Medal. His tour of duty continued in Korea where he earned the Korean Service Medal with two Bronze Service Stars, the Bronze Service Medal, the United Nations Service Medal, and the National Defense Service Medal.

Following military service, Norm made the transition with his "hands on" experience with the Army Highway Patrol, military police, and artillery detachments to law enforcement. During a 29-year career with the Missouri Highway Patrol, he received a citation for bravery from the National Police Officers Association in May 1968. As a corporal in the patrol, he heroically rescued a woman from a burning airplane—saving her life, while risking his own.

In March 1986, another challenge awaited Norm Copeland. At that time, high employee turnover and internal problems plagued the Cape Girardeau County Sheriff's Department. County commissioners turned to the Army veteran and distinguished highway patrol officer, made him sheriff with the mandate to turn things around. He did. In Sheriff Copeland's 8 years of leadership, the department has regained the respect of the community, county officials, and others around the State. In fact, I would put the Cape Girardeau County Sheriff's Department professionalism and diligence up against any other law enforcement unit, rural or urban.

Norm has helped to computerize the entire department, a must in this instant communications and high technology day and age. The 911 emergency phone system is in place. The county jail also has been modernized and new administration procedures are in place; included in that is ongoing training for state-of-the-art law enforcement and investigation.

While serving the citizens of Cape County for nearly a decade, Sheriff Copeland has made a name for himself around the State. He's a member of the Missouri Sheriff's Association, Missouri Police Chiefs Association, president of the southeast Missouri Drug Task Force, president of the Cape-Bollinger County Major Case Squad, director of the Cape County Narcotics Enforcement Unit. In addition to his professional development and leadership in these various law enforcement organizations, Sheriff Copeland also has contributed his services to a number of social and civic organizations. One of his very special causes is in service to the handicapped.

As crime continues to be one of the top concerns of all Americans, we need more role models and effective leaders in law enforcement like Norm Copeland. Through his tireless efforts and selfless dedication, Cape Girardeau County and southeast Missouri has become a safer place to work and live.

While all of us who had the opportunity to work with Norm through these years will truly miss him, we want to personally thank him for putting his duties to his fellow Americans and neighbors above himself. Sheriff Norman Copeland's commitment to his department and his colleagues is unsurpassed. I wish him all the best in health and happiness, and the full enjoyment of his family as he now passes his badge and enters retirement.

TRIBUTE TO DANNY MURTAUGH

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to Danny Murtaugh, a baseball hero from Delaware County, PA. Danny, born and raised in Chester, PA, was one of Major League Baseball's all-time great managers.

Danny managed the Pittsburgh Pirates for a total of 15 seasons, in the 1950s, 1960s, and 1970s. Under his careful leadership the Pirates compiled an impressive record of 1,115 wins and 951 losses, a .540 winning percentage. His teams were so powerful and so productive at the plate that they were given the nickname the Pittsburgh Lumber Company.

Simply winning games, however, wasn't enough for Danny Murtaugh. In 1960 and 1971, he managed the Pirates to two World Championships. His hard work and talent as a manager were twice recognized by Major League Baseball when he was named Manager of the Year in 1960 and 1970.

In 1977, the Pittsburgh Pirates retired the number forty (40) in honor of Danny Murtaugh and his remarkable career. Through all of this fame and success, however, Danny remembered his roots. When his storied career ended, Danny returned to Delaware County where he became a longtime resident of Ridely Township.

Recently, Danny Murtaugh's accomplishments have been recognized by the baseball fans of Delaware County. Fans young and old are circulating petitions urging the Veterans Committee of the Baseball Hall of Fame to induct Danny into his rightful place in Cooperstown, NY among baseball's greatest heroes.

Throughout his career, Danny Murtaugh was a quiet but effective leader. A motivator who moved men to accomplish great deeds, he was truly one of the game's great managers.

Today, I join my fellow baseball fans in the Delaware Valley in urging the Baseball Hall of Fame Veteran's Committee to honor Danny Murtaugh with his induction into this elite class of baseball great.

MR. AND MRS. GUY VASSY DAVIDSON—50TH WEDDING ANNIVERSARY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to salute Mr. And Mrs. Guy Vassy Davidson of Effingham, SC, on the occasion of their 50th wedding anniversary.

Mr. and Mrs. Vassy renewed their vows on June 5, 1994, at Elim Baptist Church and were honored with a reception after the ceremony.

The couple were married on June 9, 1944. Mrs. Davidson, the former Frances Ruth Hill, and Mr. Davidson are both retirees of Florence Public School District 1.

Mr. Speaker, the Davidsons' half century of devotion to each other should be commended and I join their family and friends in wishing them many more happy years together.

CELEBRATION OF CAPTIVE NATIONS WEEK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. LIPINSKI. Mr. Speaker, I rise to recognize this week, July 17–23, as the 35th Anniversary of Captive Nations Week.

Once again, we celebrate the anniversary of President Eisenhower's proclamation that our country and its citizens value democracy, freedom, and national self-determination. This week represents the importance we place on these principles and sends a strong message to countries that remain captive of suppressive governments.

Captive Nations Week was first commemorated in 1959, but remains relevant to our geopolitical interests today as well as our Nation's security in the future. Foreign powers who do not respect the basic liberties of their people must come to realize that this country intends to achieve real stability in our international community. This stability requires placing value in human rights, free market economies and political freedom.

This week we are reminded that the freedoms we take for granted are still being sought by the peoples of the remaining captive nations under communist party dictatorship. As an Advisory Committee supporter of Captive Nations Week, I urge my colleagues to join me in recognizing this very important commemoration.

A TRIBUTE TO THE FIREFIGHTERS WHO DIED

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. VENTO. Mr. Speaker, I would like to commemorate the 14 firefighters who died on the South Canyon fire near Glenwood Springs, CO, on July 6. These brave men and women, 13 of them employees of the Forest Service and one of them an employee of the Bureau of Land Management, died to protect lives, homes, and natural resources. They were experienced firefighters, some of the very best in the world, and for years they had contributed to our Nation by risking their lives to fight fire. They made the ultimate sacrifice for their cause. In this time of mourning, we should remember to appreciate the dedication, courage, and hard work that they gave to our country over the years.

Because of this tragedy, Don Mackey, Roger Roth, James Thrash, Robert Browning, Jon Kelso, Kathi Beck, Scott Blegha, Levi Brinkley, Bonnie Holtby, Rob Johnson, Tami Bickett, Doug Dunbar, Terri Hagen, and Richard Tyler are no longer with us, but they certainly will live on in the hearts of all who knew them. Furthermore, they will live for generations to come in the positive changes in how we manage fire that will come about as a result of their sacrifice. The best tribute we can give to them is to work diligently to understand why this tragedy happened and to grow from what we learn. This was the most significant single incident loss of Federal forest firefighters in over 40 years. Regrettably this past week three additional Federal firefighters lost their lives in a helicopter mishap. As we start what threatens to be a serious forest fire year it is with great concern that I recognize the significant risk and potential loss of life that is faced throughout the 1995 fire season by the professional Federal and State firefighting teams on the lands.

We must rededicate ourselves to improving the way we fight fires. We need improvements in fire safety, in fire leadership, and in integrating fire into the ecosystem. These deaths can prevent future deaths and can result in stronger, more ecologically sound fire management. We owe this commitment to those who died and to the friends and families they leave behind.

TRIBUTE TO PETE LICARI

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. FAZIO. Mr. Speaker, I rise today to recognize Mr. Peter Paul Licari, a long-time associate in government and community affairs as well as a long-time friend. Pete recently lost his battle with cancer. Amazingly, as he battled cancer, he continued to remain active to the end as a supervisor for the third district in Sutter County, part of the district which I represent.

Pete was elected to the county board in 1990 following a long career in education. He was noted as a unifying and calming force on the board, bringing together diverse viewpoints and establishing a positive rapport among members. Pete was a dedicated worker and committed public servant. He never gave less than 100 percent of himself to his work and for the people of Sutter County and its progress and well-being.

His commitment to the community was evident in the many extra responsibilities he assumed. Pete served on the Board of the Sacramento Area Council of Government and was an active member of the Yuba City Kiwanis Club, Seniors in Retirement, and the Amici Italani Club.

While Pete Licari brought dedication and skill to his work with Sutter County, he made a further contribution to the community and to children during his many years as an educator. Pete was a popular teacher with the Yuba City Unified School District, 12 years as an industrial arts instructor, and 17 years as a vocational education coordinator. During his early years with the district he also doubled as a school bus driver. Pete would take on any task with his usual good nature and great willingness to do the job. His commitment to education extended to active involvement in the California Teachers Association. Pete served as president of the Yuba City Unified Education Association and also with various regional education groups.

Pete Licari, born in Biwabik, MI, was foremost a devoted husband, father, and grandfather. Following service in the Army Air Corps during World War II and earning a BA degree from San Jose State University, Pete and his wife Lois settled in the Yuba-Sutter area. Pete and Lois stayed here together for the next 37 years as they reared three daughters, Barbara, Karen, and Shirley, and two sons, Paul and Douglas. He cherished the time that he spent with his grandchildren. He had a close extended family of three brothers and three sisters. Nowhere was the family love more evident than at the memorial service for Pete this past May which was highlighted by words of love and remembrance from one of his sisters and a grandchild.

Pete's death has left a void in the community, which will feel the loss of a great public servant and a loyal friend. Pete was a special person and he has left an indelible mark on the lives of the many people he touched.

SOCIAL SECURITY SOLVENCY ACTS OF 1994

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, when we held our conference on the future of entitlements in Montgomery County back in December, we began a dialog, a dialog committed to taking an honest and serious look at our entitlement programs and revisiting each program to make sure that it is meeting its designed purposes and serving the people in the best possible way.

We began a dialog in the name of our children's future and, equally as important, in the name of securing the very programs which define us as a great nation, a nation that cares about its elderly and cares about those that have been left behind, and in the name of securing the vitality of those programs which have saved millions of Americans from poverty and preserved their dignity.

There were many then who did not want us to begin this conversation. Those who see danger when we move our Nation from what is politically popular to what is fiscally responsible.

In April of this year, the Social Security trustees reported, that unless Congress acts, the Social Security trust fund will not be able to meet its commitments in 2013. The trustees said that Congress should take action now, not wait until it's too late. Instead of passing an even greater problem on to the next generation.

The purpose behind my most recent legislative proposals is to act on my commitment to securing the vitality of the Social Security system today and insuring that a solvent Social Security system is in place for our children and our children's children.

I, along with Representative TIM PENNY of Minnesota, am sponsoring four pieces of legislation being referred to as "The Social Security Solvency Acts of 1994."

Our plan calls for four specific proposals, two designed to protect the Social Security system and put faith back in the system, and two designed to create an environment of truth in our Social Security system.

The first two proposals make the monetary adjustments necessary to achieve financial solvency for the program.

We do this in two ways.

Our first bill extends the retirement age, very gradually, beginning in 1999 at 4 months each year, until reaching 70 in the year 2013.

Our second bill creates a flat-rate COLA, or cost-of-living adjustment. This simply creates a COLA that is equal for most of those receiving benefits, while protecting those at the bottom of the benefit ladder.

These proposals will restore stability to a system teetering on the edge of financial disaster and enable the trust fund to have sufficient money to meet its commitments when our children enter into the system.

Our next two proposals restore truth to the way we report the Social Security trust fund. The Federal Government has been less than truthful with the American people concerning the Social Security trust fund for too long.

Bringing truth to the way we talk about the system and more information to those receiving benefits will lead to a more informed and honest debate and result in better public policy and a more secure and solvent Social Security system. These next two proposals are designed to help us do just that.

Our third bill will inform beneficiaries how much they have received in Social Security benefits compared to their contribution. We will require that the Federal Government send earnings statements not only to those contributing to the Social Security system now, but also to those persons as they begin to collect their benefits. These earnings statements will compare contributions to actual benefits received thus far.

Our fourth bill will bring truth to the concept that the Social Security trust fund is off-budget, or off-line. We have been depleting the Social Security trust funds to pay the operating expenses of our Federal Government for quite some time. This uses the trust fund to mask the true budget deficit and hides the truth concerning the trust fund * * * that it just isn't there.

These four proposals, the Social Security Solvency Acts of 1994, provide a reasonable solution to a very serious problem that if not addressed now, will leave us with no Social Security system in the future. Our proposals do nothing that will jeopardize those currently retired or soon to retire.

While some are proposing to once again raise payroll taxes to fix the system, our proposals contain no tax increases. Rather they make modest adjustments to put the Social Security system back on firm footing in a fair, equitable, and gradual manner.

Back in December at our "future of entitlements" conference: I said that we must be honest with the American people concerning these programs which are so important to all of us. We must also be honest with ourselves: only a bipartisan effort will enable us to enact real entitlement spending reform. We must face the issue of entitlement spending now so that our children do not have to pay the price for our lack of action. This is one step in a long journey toward that goal.

INTRODUCING THE INTEGRATED CHILD HEALTH CARE NETWORKS ACT OF 1994

HON. LYNN SCHENK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Ms. SCHENK. Mr. Speaker, I rise today with my good friend and colleague from the State of California [Mr. LEHMAN] to introduce the Integrated Child Health Care Networks Act of 1994.

Mr. Speaker, across our Nation there is great change in health care delivery. More and more Americans are enrolled in health care networks based on capitated managed care. However, because children account for only 11 percent of national health care spending, financial incentives often lead health plans to focus on the needs of adults. Parents are left to ask the question: "How can we ensure that our children have access to the full range of appropriate health care?" The Integrated Child Health Care Networks Act seeks to answer that question.

The American Academy of Pediatrics and the National Association of Children's Hospitals and Related Institutions have issued a joint statement describing their vision of integrated child health networks—networks that bring together pediatricians, family physicians, children's hospitals and others to focus on the special needs of children.

We need to encourage the development of these integrated networks both as part of larger health plans and as independent networks. The Integrated Child Health Care Networks Act takes three steps in this direction. It would require the Secretary of Health and Human Services to define integrated child health care networks. It would require health plans in which children are enrolled under Medicaid to demonstrate how they fulfill this definition. And, it would authorize funds for demonstrations across our country.

Both the Ways and Means Committee's and the Education and Labor Committee's health care reform proposals include requirements that health plans give children access to both pediatric primary and specialty care providers. These provisions are consistent with the intent of my legislation.

Mr. Speaker, I think we can all agree that children should be made a priority in our health care system. Regrettably, this is not the case today. Children are captive consumers of health care—they can not receive health insurance on their own, and they truly have no voice in the quality of the care they receive. In my hometown of San Diego, we are blessed with a wonderful children's hospital which thrives despite an enormous burden of uncompensated care. Children's Hospital of San Diego offers a wide range of general and speciality care to all children—regardless of their ability to pay. I wish that every community could have providers of this quality—unfortunately many do not because there is insufficient financial incentive.

Mr. Speaker, let me say that in general I do not favor broad mandates or restrictions on managed care delivery systems. Over the past few months, we have seen successful efforts in various committees to place enormous, burdensome restrictions that would threaten the viability of managed care. I do not support efforts to unravel the managed care networks which are fast becoming the rule, rather than the exception across our country.

However, I do believe that the Federal Government has a responsibility to ensure that these networks serve the very special needs of those who can not speak for themselves—our children. Children can not demand that their health plan offer a sufficient number of pediatric specialists; they lack the raw purchasing power to demand access to the broadest range of services. And, sadly, parents are often incapable of exercising such influence on behalf of their children. The Integrated Child Health Care Networks Act represents a narrowly drawn effort to ensure that children's needs are not ignored by our health care system.

As I mentioned, Mr. Speaker, both the Ways and Means Committee and the Education and Labor Committee have included provisions in their versions of health care reform legislation that are consistent with the intent of my legislation. I urge all my colleagues to pay special attention to our children in our national debate on health reform.

Mr. Speaker, I yield back the balance of my time.

UCSF MEDICAL CENTER NAMED SEVENTH-BEST U.S. HOSPITAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. LANTOS. Mr. Speaker, I rise to bring recognition to the University of California at San Francisco Medical Center on the occasion of being ranked one of the Nation's top hospitals according to the July 18, 1994 issue of U.S. News & World Report's survey. I applaud the efforts of the chancellor, Joseph Boyd Martin, UCSF researchers, doctors, and all health professionals whose efforts made UCSF one of our country's greatest medical institutions.

To qualify for the best of the best, hospitals had to place within the top 10 in at least 4 of 16 specialities. Membership on the elite list also required that a hospital must be affiliated with a medical school, be a member of the Council of Teaching Hospitals, have a ratio of interns and residents to beds of .25 or more, or score nine or higher on a technology index that represents one of the nine objective indicators of quality. UCSF has passed these tests with flying colors.

The University of California at San Francisco Medical Center was named as the seventh-best hospital in the United States, and the UCSF-affiliated San Francisco General Hospital was named as the best center for AIDS care for the third year in a row. UCSF is cited as one of the top 10 hospitals in AIDS, cardiology, endocrinology, gastroenterology, neurology, and ophthalmology. UCSF was also recognized as one of the top 40 for its excellence in geriatrics, gynecology, pediatrics, orthopedics, otolaryngology, rheumatology, and urology.

The University of California at San Francisco has been a leading academic health science institution in the fight against AIDS since the discovery of the disease in 1981. Many of the important developments in basic science, clinical treatments, and health policy are the result of the tremendous efforts of UCSF researchers. UCSF is credited, along with two other laboratories, with the isolation of the AIDS virus in 1983. The University is also credited with the 1982 discovery that the deadly disease could be transmitted through blood transfusions.

The UCSF Center for AIDS Prevention Studies sponsors many programs that range from primary prevention among middle school children to coping effectiveness training among HIV-positive people in the hope of slowing the disease's progression. Many of the UCSF medical students teach high school students about AIDS, participate in Balboa High School Teen Clinic on AIDS, and volunteer their time to teach sex and health education.

I am confident that Dr. Joseph Martin, with the expertise he has brought to UCSF, will continue this fine tradition of excellence in the practice of medicine.

Mr. Speaker, I extend my most heartfelt congratulations to Dr. Martin and the UCSF Medical Center for their outstanding achievement in becoming one of the Nation's top 10 hospitals.

MR. AND MRS. WINSTON SAWYER—50TH WEDDING ANNIVERSARY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. CLYBURN. Mr. Speaker, I rise today to salute Mr. and Mrs. Winston Sawyer of Darlington, SC, on the occasion of their 50th wedding anniversary.

Mr. and Mrs. Sawyer's half century of devotion to each other was celebrated during a June 11, 1994 cookout, hosted by their children. The Sawyers were married on May 24, 1944.

Mr. Speaker, I join the Sawyers' family and friends in wishing them many more happy years together.

LET'S NOT KILL OUR TECHNOLOGICAL LEADERSHIP

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. ROHRABACHER. Mr. Speaker, as drafted, the GATT implementing legislation includes a provision that will fundamentally change our present patent system. Today U.S. patents are protected 17 years from the time they are granted. The GATT proposal is to make this 20 years from the time of filing. This seemingly benign change would supposedly harmonize our system with Japan and Europe.

This is not as simple or benign as it seems. Changing the beginning of the term from the grant date to the filing date will have a tremendously adverse and unintended effect on small inventors and U.S. competitiveness.

Achieving patent harmonization to meet the GATT does not necessitate the proposed changes. GATT only calls for a minimum of 20 years from filing patent term. Therefore, the GATT goals can be met by increasing the length of the patent term to 20 years from the date of grant. Alternatively, the law could also be changed so that it protects the inventor for 20 years from filing or 17 years from grant, whichever is longer.

Mr. Speaker, 50 distinguished inventors, 15 of whom are members of the National Inventors Hall of Fame, have written a letter to President Clinton expressing their fears concerning the proposed changes in U.S. patent law. I commend to my colleagues the following letter from these inventors. If, after reading this letter, you agree that the U.S. patent law should not be effectively shortened to "20 years from filing" you may contact my office or Congresswoman BENTLEY to sign a letter to President Clinton to make U.S. patent terms 20 years from the time of grant.

AN OPEN LETTER TO PRESIDENT CLINTON FROM AMERICA'S INVENTORS

Hon. WILLIAM JEFFERSON CLINTON,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: We represent a cross section of inventors who have developed inventions ranging from simple consumer products to breakthrough technologies all of which have contributed to our country's economic growth, standard of living, health, and technological leadership. Most of us are not only inventors but technology entrepreneurs. We share your concerns about the growth of the U.S. economy and your vision for America's continued greatness, but we are concerned about unnecessary changes being proposed to the patent laws in the GATT enabling legislation.

The U.S. patent system was established in the Constitution by our founding fathers. It is a unique and crucial part of our free enterprise system. It has made the U.S. the world leader, not just in pioneering new product concepts and technologies, but bringing them to market. It is not a coincidence that some of those who framed our form of government were inventors: Benjamin Franklin, a founder of the science of electricity, invented bifocals and the Franklin stove. Thomas Jefferson, the first Patent Commissioner, invented a cryptographic system that was used by the United States during World War II. Lincoln, the only president to be issued a patent, a patent litigator, and a technology president who promoted several new technologies into use in the civil war, declared "patents added the fuel of interest to the fire of genius."

Nobel Laureate Robert Solow estimated that 90 percent of the U.S. economic growth is the result of technological advances. Whole industries have sprung up from the inventions of Edison, Bell, and the Wright brothers. A review of the signatories of this letter demonstrate that today inventors are still creating new companies and new industries. U.S. technological leadership is based on American inventors' willingness to challenge the conventional wisdom and our patent system which supports them in that effort. The loss of the vitality of our patent system will threaten our technological leadership.

It is the people of the U.S. who benefit from the high growth, high paying industries which are created by inventors and technology entrepreneurs.

We understand that the enabling legislation for the General Agreement on Tariff and Trade (GATT) includes administration language that would change the present patent term from 17 years from the date of issuance to 20 years from the date of filing. While most patents take 2 or 3 years to issue, important patents, especially those in new technologies, take longer—often a decade or more. One of Gordon Gould's laser patents took 29 years to issue. The proposed change would start the clock ticking before the patent issues, thus encouraging delaying tactics by those who don't want the patent to issue, penalizing inventors for patent office delay, and significantly reducing the worth of the patent and the incentive to invest in developing the invention.

The patent system, like the First Amendment, is a critical element of the Constitution, designed to protect and encourage those who advocate change. The proposed modifications to the patent law appear to have been inserted in response to requests from those threatened by technological change they can't control.

President Clinton, you yourself understand the difficulty innovators face. Indeed, you quoted Machiavelli on the subject:

There is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit from the old order and only lukewarm defenders in those who would profit by the new order * * *

The proposed patent changes would rob the U.S. of its technological leadership by tilting the playing field even more against pioneers and in favor of the copiers.

It is crucial that any proposed patent law changes be in a separate bill, apart from GATT. Such proposals should be voted on ONLY after OPEN Congressional hearings. Congress should have the benefit of testimony from not just patent lawyers but inventors—especially those who have founded companies based on their inventions. If Congress is to change the patent laws, it must understand how the patent system works from the perspective of not just big companies and patent lawyers, but from inventors such as us.

Passing GATT requires a minimal change to the current patent system. GATT makes no reference to filing or issuance dates. The U.S. patent system would comply with GATT by making the patent term expire 20 years from issue. We adamantly oppose any part of the proposed "TRIPS" legislation that is not absolutely required by GATT. We urge you to ask Congress to hold hearings on any on how to strengthen the patent system.

Sincerely yours,

PAUL HECKEL
(for Intellectual Property Creators
and the Inventors listed below).

Members of the National Inventors Hall of Fame and some of their inventions: Dr. Frank Colton, Enovid, The first oral contraceptive; Raymond Damadian, M.D., The Magnetic resonance imaging scanner; Gertrude B. Elion, D.Sc., leukemia-fighting & transplant rejection drugs. Nobel Laureate; Dr. Jay Forester, Random access computer core memory; Gordon Gould, Optically pumped laser amplifiers; Dr. Wilson Greatbatch, The cardiac pacemaker; Leonard Greene, Aircraft stall warning device; Dr. Robert Hall, High-voltage, high-power semiconductor rectifiers; Dr. William Hanford, Polyurethane; Dr. James Hillier, Electron Lens Correction Device; Jack Kilby, Monolithic integrated circuit; Robert Ledey, M.D., The full body cat scanner; Dr. Irving Millman, Hepatitis B vaccine & test to detect hepatitis B; John Parsons, Numerically controlled machine tools, and Dr. Robert Rines, High resolution image scanning radar, internal organ imaging.

Members of the American Collage of Physician Inventors: Dr. Arnold Heyman, Bard/Heyman urethral instrument system; Dr. Charles Klieman, Surgical Staplers; Dr. Robert Markison, Sailboard hand rip for windsurfing and surgical instruments; Dr. Lloyd Marks, Cardiac patient monitoring detector, and Dr. Leo Rubin, Implantable defibrillator combined with a pacemaker.

Other Inventors: Ron Ace, Lightweight photochromic eyeglass lenses; Dr. Sail Aisenberg, Ion assisted deposition of diamond-like thin films; Dr. Paul Burstein, Rocket motor inspection, system; Tom Cannon, Computer Kiosk for selecting and printing greeting cards; Charles Fletcher, The Hovercraft; Dr. Richard Fuisz, Rapidly dissoluble medicinal dosage unit; Elon Gasper, Speech synthesis with synchronous animation; Charles Hall, Waterbed; Paul Heckel, Card and rack computer metaphor; Dr. A Zeer Hed, Freeze ablation catheter; Anthony Hodges, RSI preventing computer keyboard; Walter Judah, Ion exchange membrane; Ron Lesea, Telecommunications equipment and electronic ballasts; Michael Levine, Magistrate thermostat, One screen programming used in VCR Plus; Lawrence B. Lockwood, Interactive multimedia information system; Wallace London, Clothes hanger lock for suitcases, (*London v. Carson Pirie Scott*); Edward Lowe, Kitty Litter; Cordell Lundahl, Stakhand Hay Handler and other Farm Machinery; Paul MacCready, The Gossamer Condor and Gossamer Albatross airplanes; Jacob Malta, Musical bells (*Multa v. Schulmerich*); George Margolin, Microfiche readers, folding pocket calculators; Stan Mason, Shaped disposable diaper, microwave cookware, granola bar; Kary Mullis, Polymerase Chain Reaction, Nobel Laureate; Tod Nesler, Non-fogging goggles for sport and the military; John Paul, Electronic ballasts; Bob Polata, Composite masking for high frequency semiconductor devices; Dr. Richard Pavelle, Method for increasing catalytic efficiency; Peter Theis, Automated voice processing; Coye Vincent, Ultrasonic Bond Meter, and Paul Wolstenholme, Self erecting grain storage system.

The Intellectual Property Creators Coalition: ALPHA Software Patentholders, Paul Heckel President; American Collage of Physician Inventors, Dr. Klieman, President, Donald Banner, Patent Commissioner under President Carter; The Inventors Voice, Steve Gnass, President; National Congress of Inventors Organization, Cordell Lundahl President and United Investors Association of the USA, Dr. Jenny Servo President.

CAPTIVE NATIONS WEEK PROCLAMATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. SOLOMON. Mr. Speaker, I rise once again to commemorate America's observance of Captive Nations Week.

During the past few years, the world has seen unprecedented ideological and political changes across the European and Asian landscapes. Totalitarian governments and empires have collapsed, igniting the sparks of democracy and freedom. However, despite these immense strides of political and ideological progress, the world has not yet been completely purged of the evils of totalitarian dictatorship. As stated in the proclamation below, the people for 14 nations of the world still remain under the manipulative bureaucracies of communist dictatorships.

As Americans, who ardently espouse and cherish those exact freedoms being withheld from these nation's citizens, it is imperative that we, as a nation, continue to strive for their realization of democracy.

It is in this spirit of patriotism, democracy, and responsibility that States and cities across America declare the week of July 17–23, 1994, to be Captive Nations Week and issue the following captive nations proclamation:

CAPTIVE NATIONS WEEK PROCLAMATION

Whereas, the dramatic changes in Central and Eastern Europe, Central Asia, Africa and Central America have fully vindicated the conceptual framework of the Captive Nations Week Resolution, which the United States Congress passed in 1959, President Eisenhower signed as Public Law 86–90, and every president since has proclaimed annually; and

Whereas, the resolution demonstrated the foresight of the Congress and has consistently been, through official and private media, a basic source of inspiration, hope, and confidence to all the captive nations; and

Whereas, the recent liberation of many captive nations is great cause for jubilation, it is vitally important that numerous other captive nations remain under Communist dictatorship and the residual structure of Soviet Russian imperialism: among others, Cuba, Mainland China, Tibet, Vietnam, Idel-Ural (Tatarstan etc.) the Far Eastern Republic (Siberyaks); and

Whereas, the freedom-loving peoples of the remaining captive nations (well over 1 billion people) look to the United States as the citadel of human freedom and to its people as leaders in bringing about their freedom and independence from Communist dictatorship and imperial rule; and

Whereas, in 1993, reaffirming P.L. 86–90, the Congress passed the Friendship Act that authorizes the construction of an international memorial honoring the Victims of Communism in our Nation's capital, which President Clinton signed as P.L. 103–199; and

Whereas, the Congress by unanimous vote passed P.L. 86–90, establishing the third week in July each year as Captive Nations Week and inviting our people to observe such a week with appropriate prayers, ceremonies and activities, expressing our great sympathy with and support for the just aspirations of the still remaining captive peoples.

Now, Therefore, I ——— do hereby proclaim that the week commencing July 17–23, 1994 to be observed as Captive Nations Week in ——— and call upon the citizens of ——— to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of the remaining captive nations.

In Witness Whereof, I hereunto set my hand caused the Seal of the ——— to be affixed this ——— day of July ———, 1994.

As of today, July 21, 1994, the following States have issued proclamations: Kansas, Illinois, Tennessee, Texas, Florida, South Carolina, Kentucky, Alaska, New York, Connecticut, Mississippi, Idaho, Louisiana, and Massachusetts.

CRITICIZING CUBA'S SINKING OF A BOAT FILLED WITH REFUGEES

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. ENGEL. Mr. Speaker, once again, Castro has shown his stripes. In one of the most brutal assaults on innocent civilians in this hemisphere, a boat-load of 72 Cuban refugees was sunk 8 days ago when Cuban Government ships rammed their vessel and fired high-pressure water cannons at them.

According to the Miami Herald, the ship, the *Marzo 13,* had sailed for 45 minutes and was 7 miles from Cuban shores, when the boat was met by the Cuban fire-fighting vessels. Reports indicate that people were sent flying overboard and slamming against walls and railings as powerful hoses shot their water against the tugboat.

Although the refugee passengers pleaded with their pursuers to end the assault and spare their lives, the Cuban ships continued the attack. In the end, more than 30 people had died before the survivors were rescued.

This tragedy represents only the latest offense against basic standards of human rights committed by Castro's government. I applaud President Clinton for correctly characterizing this act as just "another example of the brutal nature of the Cuban regime."

Mr. Speaker, there are those in Washington who continue to oppose the stiff sanctions imposed on the Cuban Government by the Cuban Democracy Act. Let this ruthless act be a lesson to them: Only clear and firm pressure by the United States will bring about long-awaited change in Havana.

APOLLO, PA, CELEBRATES FIRST MOON LANDING

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. MURTHA. Mr. Speaker, 25 years ago today Americans sat glued to the flickering images of Neil Armstrong and "Buzz" Aldrin taking their first tentative steps on the Moon. Nowhere was this historic event celebrated more than in the town that shared its name with the missions that took man to the Moon—Apollo, PA.

In commemoration of the 25th anniversary of the first Moon landing, Apollo, PA, is holding a week-long celebration. The hard-working people of Apollo may not get the recognition of the astronauts who thrilled us with their courage and daring on these space adventures, but their everyday efforts to improve their community and raise their families also make them American heroes, because it's the patriotic spirit of the citizens of Apollo, and so many other small communities across the United States, that make our Nation great.

Twenty-five years after Neil Armstrong took "one small step for man—one giant leap for mankind" on the *Apollo 11* mission, I'd like to salute the people of Apollo, PA, who are celebrating their community spirit at the same time they celebrate the anniversary of man's first steps on the Moon.

AUTHENTICATING DOCUMENTS CONCERNING A STATEMENT MADE BY JOHN TAYLOR OF THE FOOD AND DRUG ADMINISTRATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. ACKERMAN. Mr. Speaker, I have requested that the Committee on Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs authenticate, without waiving its privileges, documents concerning a statement made by Mr. John Taylor of the Food and Drug Administration at a hearing held by the subcommittee on May 28, 1986. I thank the subcommittee for the enclosed response:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 20, 1994.

Hon. GARY L. ACKERMAN,
U.S. Representative,
Washington, DC.

DEAR CONGRESSMAN ACKERMAN: You have asked that the Subcommittee, without waiving its privileges, authenticate the documents in its file concerning a statement made by Mr. John Taylor of the Food and Drug Administration at a hearing held by the Committee on Government Operations Subcommittee on Commerce, Consumer, and Money Matters. Federal Efforts to Identify and Remove Contaminated Wines: Hearing before a Subcommittee of the Committee on Government Operations, House of Reps., 99th Cong., 2d Sess., (May 28, 1986).

The Subcommittee's documents on file reflect the following:

1. The following statement by Mr. Taylor, in response to a question, is found on page 129–130 of the unedited transcript:

Mr. HORTON * * *.

One question I wanted to ask was that your testimony on page 4 implies that you evaluated the health risk in choosing the method of testing foods by concentrating on those most likely to contain residues. Don't you think that BATF should have acted similarly in targeting the most highly contaminated wines rather than refusing to establish any priorities in the matter?

Mr. TAYLOR. Based upon what was in the BATF testimony and the impression they got from what we had said regarding health hazards, and we could have done a better job on our original assessment to them, what Mr. Drake assumed we were saying that everything was contaminated to the point at which we required a recall, they acted improperly with the information we had given them.

2. Mr. Taylor's unedited testimony was sent to him, on June 4, 1986, together with a Subcommittee memorandum form (sent routinely to all witnesses) which stated: "Only minor or technical corrections for the purpose of improving clarity or correcting obvious misstatements of fact are permitted. Changes which alter meaning are not permitted." (Original emphasis).

3. A document in our file, page 130 of the unedited testimony of Mr. Taylor's response, quoted above, with his proposed changes, reflects the following at lines 3021–24 (the proposed changes are in brackets [ ]): "original assessment to them, where [what] Mr. Drake assumed we were saying that everything was contaminated to the point [at which] we had [required] a recall, they acted improperly [properly] with the information we had given them." Also, a little yellow 3M "self-stick removal note", which is adhered to page 130, is addressed to me from Steve McSpadden, counsel to the Subcommittee, and states: "Faye—Let me know if Taylor tries to change this page and the next one (pp. 130–31). Thanks S." Finally, on the same page, there is a notation in writing in ink pen, with an arrow drawn pointing to Mr. Taylor's proposed change striking the "im" from "improperly," the following: "Change disallowed. Rewording changes meaning and alters it. Original transcript reflects accurately what was said by witness. S. McSpadden, 7/1/86."

Under the Rules of the House the documents referred to herein are Subcommittee documents on file in the Subcommittee's offices.

Sincerely,

DORIS FAYE BALLARD,
Clerk.

FIRST, SAVE THE SCHOOLS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. GINGRICH. Mr. Speaker, I would like to commend the following editorial by former Assistant Secretary of Education Diane Ravitch to all of my colleagues. I strongly agree with the author that instead of simply providing more money for unnecessary and wasteful education programs we must replace the current failing education system with a framework which gives parents a greater role in their child's education as well as the freedom to choose where to send children to get the best education possible, and at the same time allows local education authorities the flexibility and freedom from burdensome overregulation so that they can be creative and innovative in introducing reforms.

We must change the focus of current education reform effort from supporting the education bureaucracy to actually helping America's children establish a pattern of lifetime learning and becoming the best and the brightest in the world.

[From the New York Times, June 27, 1994]

FIRST, SAVE THE SCHOOLS

(By Diane Ravitch)

New York City's public school system needs to be reinvented from the ground up. Organized a century ago and never seriously revamped since then, it has become a bureaucratic monster that wastes vast sums that should be spent on instruction. But what is worse than wasting money is wasting lives.

Five years ago, the State Commissioner of Education reported that 63 of the state's 77 worst schools were in New York City. This year Chancellor Ramon Cortines identified 40 schools as "educationally bankrupt." Too many of New York's poorest children spend their days in huge buildings designed in an era when factory method of production was much admired; today, reformers agree that schools need to be on a smaller, human scale, capable of meeting the needs of students from diverse and often adverse backgrounds.

The educational results bear the reformers out. Fewer than half the city's ninth graders graduate within four years. Of those who do, nearly 40 percent enter the City University of New York, and only a quarter of those pass all three of its tests of minimal reading, writing and math skills.

Now Mr. Cortines plans to send specialists to the 40 failing schools once a week, retrain the teachers and even replace principals if necessary. And Edward Costikyan, Mayor Rudolph Giuliani's special adviser on schools, is proposing that much of the system's sclerotic central bureaucracy be dismantled.

All this is good, but much more must be done, and soon. Even an energetic, hands-on Chancellor like Mr. Cortines lacks the tools to bring about the dramatic changes that are needed to overhaul bad schools. The goal of school reform must be to ensure that every child gets a good education, now.

To make that happen, the system's very structure must be drastically altered. The city's borough presidents favor a plan to create borough school boards; others would redistribute power among the central board and community school boards. But such proposals ignore a simple fact: boards don't educate children; schools do.

The following four reforms, taken together, would allow better schools to flourish and would close the doors of bad ones.

Good schools should be allowed to become independent public schools by a majority vote of parents and staff. Though the school system spends an average of $7,500 per pupil, only $2,500 goes to classroom instruction. The creation of independent schools would shift dollars away from the bureaucracy.

As independent schools, they would control their budget and personnel. Every school would get an allocation based on enrollment, and schools with poor and handicapped students would get extra Federal and state funds. Schools would buy goods and services at the best price, either from the Board of Education or elsewhere. If a window was broken, the principal could hire a local glazier for prompt repairs. (The board is currently 40,000 work orders behind.)

Each school would be accountable for its performance, and each would regularly be audited and evaluated by educational authorities with the power to cancel the school's independent status if it was misused.

Britain started this reform in the late 1980's, and hundreds of British schools are now free to make repairs, buy their food services and manage their budgets, while accepting responsibility to prepare students for the national curriculum and tests.

As a result of efforts by reformers like Deborah Meier, principal of Central Park East in East Harlem, and former Chancellor Joseph Fernandez, New York City has nearly 50 small schools that operate with unusual autonomy because they have temporary waivers from the United Federation of Teachers. But these schools do not control their budgets, and they have only a tiny fraction of the city's students.

Nine states, including California, Massachusetts and Michigan, have already passed legislation to encourage "charter" schools—public schools exempt from most rules and regulations. A dozen more are considering similar measures. New York's State Legislature should, too.

The Board of Education should be permitted to award contracts to run schools and create new ones where needed. Potential contractors—colleges and universities, successful public or private schools, museums, hospitals, businesses, unions, community groups, groups of teachers—could bid to manage schools identified as educationally bankrupt. In other schools, dissatisfied parents, by majority vote, could petition the board to solicit outside managers.

Prospective contractors would present their plans and goals to the community, which would then make recommendations to the chancellor. And contractors could compete to offer new kinds of schools for dropouts or children with special needs.

Neither the state commissioner nor the city chancellor now has the resources or personnel to do much more than offer technical assistance to low-performing schools. Under this proposal, either official could invite successful contractors to bid for the management of failing schools.

Children in educationally bankrupt schools should be offered scholarships to use in any accredited school—public, private or sectarian. Schools accepting these scholarships would have to meet city educational standards. Would it be constitutional to include religious schools in a public scholarship program? Probably, as long as the choice of school was made by the family or student. Parochial schools already get public funds to educate the handicapped and to run Head Start programs.

The role of the public authorities must change. The State Legislature should reconfigure the role and functions of the city Board of Education. The integrity and effectiveness of the overall scheme depends on it.

Instead of running everything, the educational authorities would evaluate the quality of education provided by others. They would set citywide standards and administer tests. They would audit and monitor independent public schools and contractors.

They would have the power to award management contracts and the power to cancel them. They would negotiate a citywide contract with the unions so that each school could select its own team and shape its own program without infringing the rights of teachers.

They would provide information and research to help parents and students make good choices. They would manage a corps of inspectors to help improve schools. They would represent the city school district in seeking funds from Washington and Albany. They would continue to manage schools that were neither self-governing nor managed by contract.

This strategy, with its complementary parts, aims to reinvent public education. The idea is not to privatize education but to allow public authorities to engage every resource, public and private, in the quest for good schools for all children. It encourages bad schools to close or change managers. It enables good schools to be self-governing, free of wasteful bureaucracy. It allows students and parents to choose their schools. It gives the central or borough authorities plenty to do, while withdrawing from them the power to control what happens in every school. And it promises to replace a moribund, rule-bound system with innovation, diversity and cooperation between the public and private sectors.

The basic principles of renewal in this approach are autonomy, choice and quality. In each school, the adults are personally and professionally responsible for the success of every student. Furthermore, everyone who works in or attends a school would be there by choice. Forced assignments—whether of teachers or pupils—destroy the morale of a school. A school functions best when everyone wants to be there.

The best way to assure equality of opportunity is not by imposing one model on everyone but by insisting on a high level of performance from a diversity of providers, subject to watchful pubic authorities. The system we have serves adults, not children. Let's reverse that formula.

THE FOUNDING OF A CITY: CELEBRATING THE BIRTH OF SIGNAL HILL

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. HORN. Mr. Speaker, I am going to take you back to a time when oil was the true king. I am going to talk of the year 1924, when a community took its destiny by the reins and became a separate city.

I have often been impressed with the tenacity and scrappiness that this city has shown, and now I am glad to introduce it to you. I am talking of a city that built itself almost overnight and, in 1994, 70 years later, still proudly looks over the hill onto the Pacific Ocean.

The city: Signal Hill in California's 38th Congressional District. The occasion: its 70th anniversary. Signal Hill did not develop out of mass planning. A combination of people and luck transformed this former unincorporated part of Los Angeles County surrounded by the city of Long Beach into one of the Nation's leading producers of oil.

Signal Hill was first inhabited by native Americans. The major tribe whose descendants live into this century are the Gabrielinos. They recognized its great advantages as a site for observing the coast and surrounding areas and for sending smoke signals.

The land was next occupied by the Spanish, and, in particular, by two Spanish landgrants, Rancho Los Alamitos—29,000 acres—and Rancho Los Cerritos—27,000 acres.

In the mid-1860's, Rancho Los Cerritos was sold to Flint, Bixby & Co., a partnership made up of Thomas and Benjamin Flint and their first cousin, Lewellyn Bixby. In 1883, the partnership combined with Lewellyn's younger brother Jotham and John Bixby, his first cousin, to purchase Rancho Los Alamitos in partnership with I.W. Hellman, a Los Angeles banker.

In 1896, Flint, Bixby & Co. was dissolved. The Flints took over the northern California land holdings. On June 13, 1896, the Bixby Land Co. was incorporated. Descendants of the original Bixbys—led by Llewellyn Bixby, Jr.—developed many commercial properties, including area around the traffic circle in the late 1940's.

During this period, and up until the early 1920's, the area which is now Signal Hill remained largely agricultural. Meanwhile, William Willmore, the man credited with founding the neighboring city of Long Beach, envisioned Signal Hill as an affluent community with panoramic views of the Pacific Ocean. However, his dreams failed to match reality and only a few expensive homes were built.

Signal Hill's population remained small until oil was discovered there in June 1921. This strike gave wings to Willmore's dream, and it would be oil—the black gold—not vistas, that would lead Signal Hill to cityhood.

The search for oil in Signal Hill began with the growing national dependence on petroleum. Companies such Union, Standard, and Shell searched for it in various parts of our Nation. In 1917, the Union Hill Co., drilled a 3,449-foot-deep well north of what is now the intersection of Long Beach Boulevard and Wardlow Road. However, the company came up dry. Later, it was found that Union Hill had missed one of the world's richest pockets of oil by about 150 feet. Fate was stalling the establishment of this city.

After another unsuccessful attempt by Standard Oil in 1919, the Royal Dutch Shell Oil Co. geologist, D.H. Stromberg, urged his company to drill on Signal Hill. Shell began drilling and struck oil on June 23, 1921. It took 2 days to cap the resulting oil gusher. The Signal Hill oil boom was underway, and Signal Hill was about to become a city.

Signal Hill crude quickly became a prime export for southern California. Locally produced oil was shipped around the world to such nations as Chile, Colombia, El Salvador, and Nicaragua in Latin America, and the Philippines and New Zealand in the far Pacific. meanwhile, with oil revenue wealth as the payoff, a political tug-of-war began between Long Beach officials and Signal Hill area residents, landowners, and oil companies.

Long Beach announced a planned barrel tax on all crude and other petroleum products produced within the city limits. Upon learning of this, the oil producers organized an independence movement to incorporate Signal Hill as a city under the laws of the State of California. They achieved success on April 26, 1924, and the city of Signal Hill had arrived.

Like other cities, Signal Hill has had it ups and downs. On its 70th birthday, it is coming into its own. In 1974, Signal Hill adopted a formal redevelopment plan which included about 60 percent of the city. And in 1982, the city redirected its redevelopment effort to focus on economic growth. Today, its commitment is to maintain quality residential and retail development, with personalized service remaining paramount. William Willmore would be extremely pleased to see his dreams realized in the community that Signal Hill has become.

Mr. Speaker, I ask you and the rest of the House to join me in wishing Signal Hill a great 70th anniversary. Happy Birthday, Signal Hill.

DON'T CRY FOR ME, BRAZIL

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Ms. MOLINARI. Mr. Speaker, I rise today to congratulate and console soccer fans in an important and vibrant section of my district, the Borough of Brooklyn.

Truly, we sport aficionados from Brooklyn have much about which we can rejoice. First, the Rangers championship, and the Knicks razor-close finish made us proud to be New

Yorkers. And, contrary to expectations, the United States did itself proud by hosting a terrific World Cup, with great enthusiasm and much participation from American fans.

And this year, before viewers from all corners of the globe, Team USA made every American proud by beating the odds and going significantly further than even the most optimistic among us could have hoped.

But also, Mr. Speaker, I would like to join my Brooklyn constituents in applauding another amazing team. Another team which beat the odds to get further than was thought possible. The team from Italy, former Motherland to so many of us here in Congress as well as Brooklyn, made us proud in their attempt to be the first team ever to win four World Cup championships.

After a dramatic one-goal victory over Bulgaria in the semifinals, the residents of Brooklyn poured into the streets to celebrate the valiant and emotional victory of Team Italia. The celebration expressed the passion for Europe's most famous team that has earned them one of soccer's greatest heritages. Pride and joy filled the streets as the "Forenza Italia" rallying cry was shouted by the spontaneous gathering. Freedom of expression was never better exemplified than during this outpouring of emotion.

Unfortunately, the valiant team from Italy, like the courageous team from America before it, fell to Brazil. One kick separated both teams from the glory of winning, but both teams will for ever be in our hearts.

Even though World Cup 1994 is finished and the team from Brazil was crowned champions, the applause for both Team Italia and Team USA's underdog efforts will be recognized long past World Cup 1998.

So, don't cry for us, Brazil—or even Argentina.

Unless, of course, you are crying: "Go USA and Forza Italia."

TRIBUTE TO DR. CHARLES GRICE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Ms. KAPTUR. Mr. Speaker, I rise today to pay homage to a man in my community who has retired after spending his career uplifting the lives of others. I speak of Dr. Charles Grice of Toledo, OH.

Having pursued his undergraduate, masters, doctoral, and postdoctoral degrees in education, Dr. Grice served as a university professor, and in the fields of mental health and child and family welfare. I have known him for several years, and value his counsel on issues in these areas.

Throughout his career, Dr. Grice has served as a mental health counselor for families in crises, and as a clinical therapist with the community mental health system. He also managed the Lucas County Children Services Board, and developed many innovative programs to better the lives of the children under his care including the organization of the Annual Foster Parent Recognition Program, self esteem programs for the children, adoption mixers and Operation Thunderbolt to maximize the adoption and foster parent selection processes, and the establishment of an agency outreach center with the express purpose of minority recruitment.

After honing his skills at the Children Services Board, Dr. Grice took on a great challenge—that of executive director of the Toledo Community Service Center, a homeless shelter for families. Under his compassionate direction, the center has flourished. During 7 years of leadership at the center, Dr. Grice has expanded residential capacity significantly, developed a preschool program, established health care services including mental health services for residents, implemented a preoccupancy counseling program which resulted in nearly all residents being able to obtain adequate housing, established pre-employment counseling so that 60 percent of the residents obtained employment, coordinated therapeutic health care and group counseling through local health care and educational institutions, implemented in-kind service programs with the National Black Caucus on Aged, Foster Grandparents Program, and the Girl Scouts, and instituted a parent-child-relationship program to increase self-esteem and promote positive role models for children. All the while he was creating new programs, he moved the center forward through staff development as well as building on the foundation of more conventional assistance programs so that the Toledo Community Service Center is truly a beacon of hope for families in need. It is quite likely that homeless families in northwest Ohio would have no place to go were it not for the efforts of Dr. Grice. The shelter is a warm and inviting temporary home where thousands of families have been helped to get back on their feet and remain productive members of our community. The Toledo Community Service Center is the only family shelter in northwest Ohio.

Dr. Charles Grice, while a man of distinguished letters, is more importantly a man of distinguished character. He is a community leader in the truest sense of the word. He builds coalitions of people and he instills pride and hope in the adults and children whose lives he touches. We thank him for the years he gave to us in northwest Ohio. We wish him the very best in retirement, and hope that he has the time to do all of the things put off until tomorrow. We wish him peace, solace, and the enjoyment of family and friends.

TAIWAN: AN ISLAND ON THE MOVE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. HAMILTON. Mr. Speaker, Bill Bridges, a good friend and former constituent of mine has just returned from a year in Taiwan. On leave from the journalism department of Franklin College, Bill worked as a senior copy editor for the Free China Journal. Before his return to the United States, his paper published an essay in which Bill discusses the ignorance and misperception with which Americans view the exciting changes that have occurred on Taiwan in the last decade. I think that Bill Bridges' observations are worthy of Members' attention and ask that his essay be printed in the CONGRESSIONAL RECORD.

[From the Free China Journal, July 1, 1994]

TAIWAN IS NOT EXACTLY WHAT THE FOLKS AT HOME MAY THINK

(By William Bridges)

Westerners, especially Americans, ought to like Taiwan, for reasons that have little or nothing to do with its economic prowess.

But to like anything, you have to know about it. And mail from home suggests that many Americans are a few years behind in their perceptions of this place.

Item: A correspondent writes to say that he has the "perhaps stereotypical picture of a tiny country, suffering from overwhelming pollution at the hands of a rapacious military-political complex." But he adds later on that Taiwan citizens probably take better care of their public places than Americans do. This picture of Taiwan as both rapacious and tidy is somewhat off the mark on both counts.

Item: Another correspondent, who worked in Taiwan a few years ago, advised me to stock up on cheap, pirated literature. Sorry, Steve, the day's of building a library for next to nothing are gone. Taiwan is tough these days on copyright violators.

Item: A veteran newspaper friend writes to ask if there is any press freedom in Taiwan. Answer. You bet, with only a few lingering hangovers from the martial-law era that ended in 1987. But tough, accurate and investigative journalism seems in somewhat shorter supply.

I don't blame my correspondents for not being fully informed. The Republic of China on Taiwan leads a strange and isolated life internationally. Since the United States and many other nations refuse officially to admit its existence, the ROC's representatives are never seen at the United Nations. Its highest leaders never address Congress or speak at U.S. university commencements.

And because it is peaceful, prosperous and increasingly democratic, the world media find little to report. That little tends to be sensational—an earthquake or a slapping match involving a fistful of parliamentarians.

Here are a few things I'd like to tell friends back home about this exciting and endlessly absorbing place.

First, the energy. This is a country constantly on the go—tearing down, building up, going to school, zooming past on motor scooters, talking endlessly on cellular phones or the public ones that seem to be spotted every 20 feet along the sidewalks.

The traffic, which everybody deplores, is part of that energy. This foreigner had no trouble with it once he realized that he was a small, bipedal vehicle, often chugging along elbow to side-mirror with a car or motor scooter.

Taipei's taxi system is like an endless people-mover belt—wave your hand, hop in, and be whisked wherever you want to go. Close your eyes if you don't like close encounters of the vehicular kind.

The pollution is terrible—very close to that of Athens, which also lies in a basin that traps all the junk.

Tidy? No. This is not Switzerland or Tokyo. And Taipei is made messier by its effort to build an 85-kilometer subway all at once.

People. There are more of them per block than an Indianapolis native can imagine.

They are friendly, outgoing, helpful when approached. Stories about being elbowed out of the way in queues are exaggerated. Most people seem to be enjoying life—and certainly enjoying the endless variety of Taipei eating establishments.

Politics. Rambunctious, a little nutty at times—though maybe no more so than big-city ward politics in the United States. The democracy is genuine if imperfect.

Law and order. This is an interesting paradox. Taiwan streets are remarkably crime-free. But citizens routinely disregard inconvenient laws. As I waited for a bus to the opera the other night, a gray Mercedes parked 6-feet out in the street, blocking both a crosswalk and the bus stop. The driver ambled off to do a little shopping; nobody seemed to think anything of it.

Culture. The opera was an excellent concert production of Verdi's "Nabucco," with a local orchestra and chorus. It was followed a couple of nights later by the New York Philharmonic presenting Mahler's Ninth Symphony. The orchestra opened with a nice touch, playing both the ROC national anthem and "The Star-Spangled Banner."

I'm aware of being a partisan—that not every visitor would find all the things listed above endearing. I also could write a litany of complaints—the ways in which this is not like home.

But by and large, I think my countrymen would like Taiwan—if they had a chance to know about it.

IN HONOR OF A FILIPINO-AMERICAN WHO STRUGGLED FOR THE UNIONIZATION OF FARM WORKERS

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Ms. ROYBAL-ALLARD. Mr. Speaker, I would like to take this time to honor the life of Philip Vera Cruz, a founding member of the United Farm Workers. With his death on June 10, 1994, Vera Cruz left behind a legacy of commitment and dedication to social justice.

Vera Cruz immigrated to the United States in 1926 from the Philippines with ambitions for a higher education and a career as a lawyer. He sacrificed those ambitions and chose to dedicate himself to supporting his family by working in the fields on the Pacific Coast.

In 1965, Vera Cruz joined the Agricultural Organizing Committee of the AFL–CIO and led a successful Filipino sit-down strike in the Coachella vineyards. Later that same year he joined forces with Cesar Chavez to form the United Farm Workers [UFW].

Vera Cruz held the position of vice president in the UFW and was the highest ranking Filipino officer. Upon his retirement from the UFW, Vera Cruz moved to Bakersfield and lectured frequently to college students on labor and social issues.

I wish to extend my sympathy to the Vera Cruz family. The spirit of Philip Vera Cruz lives on in the work of grassroots organizers all across the country. We are eternally grateful for his efforts.

NASA GODDARD SPACE FLIGHT CENTER: THE EYES AND EARS TO THE UNIVERSE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. HOYER. Mr. Speaker, 25 years ago, as man placed his first steps on the Moon the people of NASA Goddard Space Flight Center in Greenbelt, MD were there. Twenty-five years later as the planet Jupiter is pummeled by pieces of the Shoemaker-Levy 9 Comet, the Goddard Space Flight Center employees are there again. And as Spaceship Columbia circles the Earth, those at Goddard Space Flight Center are the first to hear of the new life spaceship cabin.

Goddard Space Flight Center is the eyes and ears to the universe, Mr. Speaker. As Astronaut Neil Armstrong placed the American flag on the Moon's surface and spoke of "one small step for man, one giant leap for mankind," the images and the words of that historic moment were first relayed to NASA Goddard even before going to Houston or our own television sets.

NASA Goddard serves as the communication link to all our space efforts—be they the Hubbel telescope, Voyager One and Two, the Apollo Project, the Clementine Spacecraft and the space shuttle, Columbia.

As we today commemorate the 25th anniversary of the Lunar walk, let me commend the dedicated employees of the NASA Goddard Space Flight Center for the outstanding work they do—they are truly the eyes and the ears of the universe.

A COMMENDATION TO NEW MEXICO'S FINEST STUDENTS OF THE FIRST CONGRESSIONAL DISTRICT

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. SCHIFF. Mr. Speaker, I rise today to honor the winners of the Congressional Certificate of Merit. These students, from the First Congressional District, are recent high school graduates honored for their outstanding academic, community and personal achievements. It gives me great honor to announce them to you today. Representing the following schools are:

Albuquerque Academy: Nancy Kaup; Albuquerque Evening High School: Joffre Junqueira; Albuquerque High School: Alexis Stanke; Albuquerque School on Wheels: Julie C de Baca; Bernalillo High School: Aaron Silva; Cibola High School: Devin Jelinek; Del Norte High School: Claire Gogal; Eldorado High School: Odelia Herrmann; Estancia High School: Tami Sue Wells; Freedom High School: Coryann Helms; Highlands High School: Michael Johnson; Hope Christian School: Averill Sciumbato; La Cueva High School: Hayley Beth Melloy; Los Lunas High School: Talaya Blythe; Menaul School: Bryce Ramsey Quillin; Mountainair High School: Tammy Barber; Paradise Christian School: Adam Wolf; Rio Grande High School: Marc W. Ahlen; St. Pius X High School: Jerome A. Hands; Sandia High School: Christina Walker; Sandia Preparatory School: Angela Campbell; Valley High School: Andrea Sigala; West Mesa High School: Christopher J. Carroll.

As a Member representing the First Congressional District of New Mexico, I, along with all New Mexicans, am proud of these individuals and wish them the very best in their future endeavors. Thank you, Mr. Speaker.

BOB BENBOW—A CARING AND COMPASSIONATE VETERANS ADVOCATE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. HORN. Mr. Speaker, I rise today to honor a caring and compassionate veterans advocate and a dedicated public servant. Sadly, this past month, the Los Angeles area veterans community lost this champion. But the legacy of his work remains as an inspiration for all of us.

Robert V. "Bob" Benbow was the congressional liaison representative at the Los Angeles regional office of the Department of Veterans Affairs [VA]—a position which he had held since March of 1985 and a position in which he set an example for all public servants.

Bob served all the congressional offices in the Los Angeles VA region and their constituencies—not an easy job. But his dedication to his responsibilities, as well as his commitment to service, earned him the respect and the admiration of all. Once at a congressional seminar held by another Federal agency, the complaint was made that the host agency was not as effective as it could be. When that agency's representative asked for an example of an effective agency, the audience responded spontaneously in unison, "like Bob Benbow!"

Bob understood that the VA is often a very confusing agency, even for seasoned congressional staff members, and he worked hard to make it more accessible and less intimidating. Bob established the congressional seminars that have become annual events at the Los Angeles VA office. The purpose of these seminars reflects the kind of service that Bob prided himself and his agency on delivering: comprehensive information about the VA's programs and easy access to key VA staff members. According to the case workers on my staff, after attending one of Bob's seminars, "you could discuss a VA problem with a veteran and know what he was talking about."

Bob also implemented his own computer program to respond to congressional inquiries in a timely manner. As a result, congressional offices in the Los Angeles region have had a marked increase in their ability to serve their veterans constituency.

Bob's understanding of the VA came from his personal experience as a veteran. After graduating from San Diego State University in 1964 with a bachelor's degree in social sciences, he joined the Air Force and served on active duty from October 20, 1964 through October 13, 1968. His service included a tour in Vietnam.

Bob began his career with the VA in 1974 as a Veterans representative on campus at San Bernadino Valley College in southern California. In 1976, Bob was reassigned to the Veterans services division in the Los Angeles regional office as Veterans Benefits Counselor. In 1985, he became the Los Angeles VA's Congressional Liaison Representative.

We mourn Bob's passing and the loss that it means to the many he served. But we celebrate his spirit and enthusiasm. He defined service to others in a way that inspires us all. He will be missed.

INTRODUCTION OF NATIONAL GANG VIOLENCE PREVENTION WEEK

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mrs. COLLINS of Illinois. Mr. Speaker, in Chicago on December 7, 1983, 17-year-old Ginneria Major was murdered when she was caught in the crossfire between two brothers fighting over 85 cents. Since then, her mother, Betty Major-Rose, has founded "Parents Against Gangs" and has led a unrelenting war against this growing phenomenon of youth gangs that plagues our country and our young people. Other parents have followed her example and have started Parents Against Gangs chapters across the country. Mrs. Major-Rose has targeted gangs because the twisted, violent mentality that leads a teenage boy to spray a carload of family and friends with bullets is nurtured in gangs. The city of Chicago and our Nation owes her a great deal of thanks for her work and inspiration.

In Chicago, gang related homicides rose from 38 in 1980 to 101 in 1990. These startling statistics are similar in cities and towns throughout the Nation. Sadly, gangs are everywhere and gang recruitment knows no boundaries. A young person's race, sex, or ethnic background does not hamper their eligibility to join a gang. It does not matter if a child lives in a structured or broken home, or if she or he is rich or poor. All young people are at risk of falling prey to gang activity.

Clearly, gang activity is a national problem of drastic proportion and gang prevention strategies are greatly needed. Parents Against Gangs is devoted to combating gang problems by working with parents, churches, schools, neighborhood organizations, and the police. While the group sponsors school programs and support group meetings throughout the year, it has also sponsored "Gang Awareness Week" for the past 3 years.

Congressional interest in the problem of gangs is high but has lacked a unified national plan or policy. Today, I am introducing a bill to designate the week of September 12, 1994 as "National Gang Violence Prevention Week." During this commemorative week, we can focus on prevention initiatives that divert youth away from joining gangs and encourage participation in positive activities at school and within communities.

It is my hope that this commemorative will help bring communities and parents together to support our Nation's young people and help them to succeed in their lives and in school. We cannot afford to let America's children linger in the streets looking for something to do because if we do, trouble surely will find them and this would be a tragedy. I urge my colleagues to support this effort and cosponsor "National Gang Violence Prevention Week."

TRIBUTE GERARD C. SMITH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. BERMAN. Mr. Speaker, Gerard C. Smith, one of America's principal architects of arms control policy, passed away earlier this month. Gerard Smith was a man who dedicated much of his life to the creation of a more peaceful and stable world in the various positions he held during a long and distinguished career: Director of the Arms Control and Disarmament Agency, Ambassador at Large for Nuclear Nonproliferation, Chief U.S. Negotiator of the Strategic Arms Limitation Talks [SALT], Director of the Anti-Ballistic Missile Treaty negotiations, and U.S. Governor on the Board of the International Atomic Energy Administration.

Through Mr. Smith's insights, leadership, and dedication much of America's arms control and disarmament policy was created. It was his idea in the early 1960's to establish a hotline between Moscow and Washington. His efforts paved the way for the flourishing of arms control measures in the 1980's. Under his leadership ACDA was a strong, vital voice for arms control and disarmament. Mr. Smith was a devoted public servant, and his efforts to foster a more peaceful world places the country in his debt.

I would like to insert in the RECORD the comments of ACDA's current Director, John Holum, a worthy successor to Gerard Smith:

> Gerard Smith was an outstanding public servant with an unsurpassed commitment to the cause of arms control, nonproliferation and disarmament.
>
> As a former Director of ACDA and the Chief U.S. Negotiator of the Strategic Arms Limitation Talks (SALT) and the ABM Treaty, Ambassador Smith lead U.S. Government efforts to reduce tensions between the United States and the former Soviet Union, and paved the way for all the significant arms control and disarmament actions taken since.
>
> His dedication to nonproliferation over the years and his work with the International Atomic Energy Agency helped inspire our focus on proliferation, which dominates world concerns in the current era.
>
> We are forever grateful and indebted to Gerard Smith for believing in a strong Arms Control and Disarmament Agency (ACDA) and the contribution it has and must continue to make to world peace and stability. His enduring contribution to the agency and to arms control, nonproliferation and disarmament will not be forgotten.

AMNESTY INTERNATIONAL EXPOSES INDIAN HUMAN RIGHTS ABUSES

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. BURTON of Indiana. Mr. Speaker, repression in Indian-occupied Khalistan continues. On July 7, Amnesty International issued its annual human rights report. In it, Amnesty strongly censured India's ongoing denial of basic liberties in the Sikh homeland, Khalistan. The report belies India's claim that there is "peace" in Punjab, Khalistan. The only "peace" there is enforced by the barrels of guns wielded by half a million occupying troops.

According to the report, "in Punjab [Khalistan], officials continued to falsely attribute deaths under torture to 'encounters' between armed militants or to 'escapes'."

The report also states that "in Punjab most 'disappearances' were carried out by the police." A recent case in point is that of Sukhwinder Singh Bhatti, a lawyer practicing in the district court at Sangrur. On May 12, Mr. Bhatti was abducted from a bus by men in plain clothes in an unmarked van with no numbered plates, the usual method of the Indian police. Mr. Bhatti has not been seen since. Efforts by family members and friends to locate him have been unsuccessful. The attorneys at the Sangrur court have gone on strike to protest Mr. Bhatti's disappearance. Mr. Bhatti's "crime" was that he defended Sikh youths brought to trial on political charges. He is the fourth attorney to disappear. Twenty-eight more lawyers who are in imminent danger of disappearing just like Mr. Bhatti have filed a complaint. I am including that complaint and the names of these 28 attorneys in the RECORD.

I have spoken previously about the case of Kanwar Singh Dhami, the Sikh activist whose wife was tortured and lost her unborn baby after Mr. Dhami refused to read a scripted "surrender" the regime had written for him. Unable to break Mr. Dhami any other way, the brutal Indian occupiers have now gone after his ex-wife, Surinder Kaur, seeking her testimony against Mr. Dhami. Mrs. Kaur is a language teacher in the government school in Dhamian Kalan in the district of Hoshairpur. She has been harrassed and pressured so much by the regime that she suffered a nervous breakdown.

Gurdev Singh Kaonke, the Jathedar of the Akal Takht, or high trustee of the Sikh religion, was murdered by Indian police last January. The Indian regime alleges that Jathedar Kaonke "escaped" from police custody, yet he never returned home. Jathedar Kaonke died as the result of brutal torture by the Punjab police. Yet calls to clean up the Punjab police were rejected by Punjab's chief minister on the specious grounds that it would hamper "anti-terrorist operations." The Amnesty report says that "no prosecution for human rights violations took place in Punjab [Khalistan]." The State Department reports that between 1991 and 1993, 41,000 cash bounties were paid to police officers for killing Sikhs.

Mr. Speaker, this is the true face of Indian "democracy."

Amnesty International also criticized India's National Human Rights Commission, which was created under heavy pressure from the U.S. Congress. The Commission's effectiveness is negated, the report says, by the fact that "the Commission's mandate effectively excludes investigation of particularly widespread violence committed by army and paramilitary forces."

India is being exposed as one of the most oppressive regimes in the world. Its continuing pattern of torture has caused the world to sit up and take notice.

On October 7, 1987, the free and proud Sikh nation declared itself the independent country of Khalistan. The leadership of the 21-million strong Sikh nation has declared their movement to be peaceful, democratic, and nonviolent. Yet India's brutal repression continues unabated.

On July 4, Afghanistan recognized Khalistan's independence. This country has come to the conclusion that real liberty for the Sikh nation will be restored only when Khalistan is free. Under the current repression in India, Khalistan appears to be the last viable option for achieving true liberty for the Sikhs. America looks forward to celebrating the day when Sikhs have this freedom. It is time for India to recognize the inevitable and end its brutal occupation of Khalistan.

ANNEXURE—A. LIST OF LAWYERS OF PUNJAB WHO ARE VULNERABLE TO POLICE WRATH

CHANDIGARH HIGH COURT

1. P.S. Hundal.
2. A.S. Chahal.
3. Ranjan Lakhanpal.
4. Rajvinder Singh Bains.
5. Balwant Singh Guliani.
6. Navkiran Singh.
7. Prof. Bhupinder Singh.
8. Harbhajan Singh.
9. Baldev Singh Brar.
10. Daljit Singh Rajput.
11. Ashok Chauhan.
12. Arunjeev Singh Walia.
13. Harshinder Singh.

PATIALA

1. Jagmohan Singh Saini.
2. Birjinder Singh Sodhi.

ROPAR

1. Santokh Singh Gill.
2. Sarbjit Singh.

SANGRUR

1. Gurjeevan Singh.

LUDHIANA

1. G.S. Bal.

KAPURTHALA

1. Harjit Singh Sandhu.

MANSA

1. Ajit Singh Bhangoo.

JALANDHAR

1. Amarjit Singh Shergill.
2. Balbir Singh Cheema.

KHANNA

1. Jagmohan Singh.

ANAND PUR SAHIB

1. Gajjan Singh.

HOSHIARPUR

1. Harjinder Singh Dhami.

KHARAR

1. Anil Kaushik.

NABHA

1. Nikka Singh.

This list is inclusive not conclusive please.

COUNCIL OF KHALISTAN,
Washington, DC, July 8, 1994.

AMNESTY EXPOSES INDIAN TYRANNY AGAINST SIKH NATION

WASHINGTON, DC, July 8, 1994.—In its annual report released yesterday, Amnesty International censured ongoing human rights violations by the Indian government in the Sikh homeland, Punjab, Khalistan. The report strongly disputes the idea that there is "peace" in Punjab, Khalistan.

The report said that "in Punjab, most 'disappearances' were carried out by the police." This past December, Amnesty published a special report, *An Unnatural Fate: Disappearances and Impunity in the Indian States of Jammu and Kashmir and Punjab*, which detailed 80 cases of 'disappearances' in the Sikh homeland, Punjab, Khalistan. According to journalists in occupied Khalistan, "for every case documented by a human rights organization . . . there are thousands which go unreported."

Yesterday's report also stated that deaths officially attributed to police "encounters" with so-called "militants" were mostly caused by police torture of Sikh political detainees. Notably, the report cited the case of Gurdey Singh Kaonke, the Jathedar of the Akal Takht or high trustee of the Sikh religion, who was brutally murdered by police in January after he allegedly "escaped" from police custody. He never returned home.

"Today India is under an international microscope," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "Amnesty's report flies in the face of everything the Indian government maintains about Khalistan. There is no peace in the Sikh homeland. This report proves that there is only peace enforced by the barrel of a gun."

Amnesty International also criticized India's National Human Rights Commission, which human rights activists have called an "eyewash". It said that the commission's effectiveness is negated by the fact that "the Commission's mandate effectively excludes investigation of particularly widespread violations committed by army and paramilitary forces . . ."

"India cannot expect to spill the blood of Sikhs with impunity," said Dr. Aulakh. "There is one human rights standard, and India is being exposed as one of the most bloodthirsty regimes in the world. The world community sees the brutality India inflicts on the Sikh nation. Afghanistan has just recognized Khalistan. Support for Khalistan is growing."

INTRODUCTION OF THE PROSTATE CANCER AND TREATMENT ACT OF 1994

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1994

Mr. MCDERMOTT. Mr. Speaker, the Prostate Cancer Diagnosis and Treatment Act of 1994, which I am introducing today, is an important part of the campaign to reverse the rising incident of prostate cancer in American men.

Prostate cancer is not some unusual disease that you rarely hear about—it is the most commonly diagnosed cancer among men, and the second leading cause of cancer death among men. As many as one in three men over 50 have a latent form of it. Look around this chamber—every third male member is a candidate. We all know a number of our colleagues who have been treated for prostate cancer, some of whom lost their lives to it.

Despite recent improvements in diagnosis and treatment, we are falling behind in our efforts to stop the spread of this disease. Already, prostate cancer is as prevalent and as deadly for men as breast cancer is for women. Experts are projecting a troubling growth in both the number of diagnosed cases and deaths per year. By the year 2000 researchers are predicting increases of 90 percent in diagnosed cases and 37 percent in deaths per year.

Mr. Speaker, we are improving our diagnostic and treatment capabilities with prostate cancer, but unfortunately we are not making these advances available to the population at highest risk—men age 65 and older.

Let me explain what is happening. Doctors have been doing digital rectal exams for prostate tumors for 50 years. These exams can detect some tumors as early as the second stage of growth, but often do not detect tumors until the disease has spread outside the prostate gland. Two-thirds of the prostate cancers detected today have spread beyond the prostate. When the disease is still confined to the prostate, you can remove the gland surgically and prevent its spread. If you do not catch the cancer until its late stages you can slow its growth with hormonal treatment, but you cannot eliminate it.

In recent years, researchers have developed a simple, inexpensive blood test that detects signs of prostate cancer in the blood. This prostate specific antigen or PSA test can detect cancers in the early stages when they are well-confined to the prostate, and when surgical removal of the prostate or radiation treatment can eliminate or shrink the tumor and prevent the spread of the disease. Some of our colleagues are with us today because they had a PSA test and sought early treatment. In recognition of its success in spotting early tumors, all the major specialty societies—including the American Cancer Society and American Urological Association—now recommend at least an annual screening with the PSA test for men over age 50.

Over 13 million American men are at the highest risk for prostate cancer and will not be screened with the most effective test when they show up for their annual physical. Why? Because we do not cover screening of this test under Medicare. Millions of veterans who use our system of veterans medical centers for their care are also not covered.

For advanced stage prostate cancer, Medicare and veterans programs do not cover a full course of hormonal therapy either, or the oral drugs that are part of the therapy. This bill would correct the problem and make sure that people get the standard treatment whether they are a veteran or a Medicare retiree.

Finally, the bill increases the amount of money we are spending on prostate cancer research—to search for causes and new treatments, and to identify the most effective treatments on the basis of patient outcomes and survival rates.

As pervasive as prostate cancer is among men, it is hard to believe that this cancer has been the neglected stepchild of cancer research. Despite similar incidence and death rates, this bill does not begin to match the level of funding for breast cancer, although it would increase the amount spent on prostate cancer research.

In all of our health reform discussions nowhere have we heard the words "prostate cancer" mentioned. Look in the President's or in other committee bills—you will find immunizations, mammograms, pap smears, cholesterol tests—everything but screening for prostate cancer. It is not there.

The bill we are introducing today is the adjunct to national reform. It is the bill that rounds out the diagnostic picture and makes national reform work for men, too.

I think we all tend to look away when the subject of prostate cancer comes up, but this is a serious disease that has already struck a number of Members in this Chamber, and will strike a lot more of us before long. It is time for us to do our job and provide quality care and treatment for the most commonly diagnosed cancer among men.

HOUSE OF REPRESENTATIVES—*Friday, July 22, 1994*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that we will respond to the suffering of so many in our world and in our own communities, who know not the security or freedoms that we enjoy and who are defenseless in the face of fear, oppression, or illness. We see the tragedy of refugees and the violence against the innocents. As we have been blessed with resources, remind us of our responsibility to help ease the pain of those who suffer and to witness to the unity of mind and spirit that binds us together as one people. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Washington [Ms. DUNN] lead the House in the Pledge of Allegiance.

Ms. DUNN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TIME FOR UNIVERSAL HEALTH CARE COVERAGE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, yesterday 50 large corporations stepped forward and told the Nation the cost of not doing universal health care coverage. That is, some of the largest employers in the Nation will not continue to be able to provide health care coverage to their employees if those they have to compete against can still be irresponsible and not provide health care coverage, and shift the cost to those corporations who are responsibly providing for it.

Safeway Stores in California said they would have to consider withdrawing health care coverage from employees because they simply are in such a competitive part of the market in the grocery business that they will not be able to continue to compete with those stores that do not provide it to their workers.

Mr. Speaker, we see the automobile companies coming forward and explaining that they are spending $6 billion a year in health care coverage, and yet they are finding out that in many instances health care costs are lower to their competitors around the world because they again have to pick up the cost of health care in the United States that is not paid for by employers who are irresponsibly denying that coverage to their employees.

Mr. Speaker, the time has come for us to put an end to these inequities in the American marketplace, to put an end to the inequities in the international marketplace, and have universal coverage for all of America's workers, and to provide them the kind of coverage that they can rely on, coverage they know will never be taken away from them. The time has come to provide universal health care coverage.

WHAT COULD HAVE BEEN

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, as the Democrats come to the floor to talk about economic growth, Republicans and the American people can only wonder what could have been. Certainly the economy has grown at a modest pace over the last 20 months, and for this we are glad, but it could have done better. Like driving a car with the parking brakes on, Democrat taxes and mandates have slowed economic growth for no good reason.

Mr. Speaker, had the majority not blocked our efforts to cut spending first and keep taxes low, our economy's performance could be outstanding. Instead, because of bigger taxes, bigger spending, our economic future is in peril. Interest rates have increased, the dollar has crashed, inflation threatens, and still the Clinton team dreams up new taxes and new mandates for its health care bill and its GATT proposal.

Mr. Speaker, the President's party comes to the floor and talks about the limited gains of our economy. I urge the American people to think of what could have been. We can do better and we should, and we should work together to do those things which are proven to make our economy grow and not those things which stagnate it.

APPOINTMENT AS MEMBERS OF THE BOARD OF DIRECTORS OF THE NATIONAL URBAN AIR TOXICS RESEARCH CENTER

The SPEAKER. Pursuant to the provisions of section 112 of the Clean Air Act (42 U.S.C. 7412), the Chair appoints the following members to the Board of Directors of the National Urban Air Toxics Research Center on the part of the House: Mr. Gerald Van Belle of Seattle, WA; Ms. Devra Lee Davis of Washington, DC; and Dr. M. David Low of Houston, TX.

APPOINTMENT AS MEMBERS OF THE POLICY COMMITTEE OF THE WHITE HOUSE CONFERENCE ON AGING

The SPEAKER. Pursuant to the provisions of section 204 of the Older Americans Act Amendments of 1987, as amended by section 834 of Public Law 102-375, the Chair and the majority leader of the Senate jointly select the following members to serve on the Policy Committee of the White House Conference on Aging: Mr. Thomas H.D. Mahoney of Cambridge, MA; Ms. Maralee I. Lindley of Springfield, IL; Ms. Madeleine R. Freeman of Orono, ME; and Mrs. Bea Gwin Bacon of Olathe, KS.

THE FBI'S FIELD OFFICE IN MOSCOW

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, let us see if we can figure this out. There are 25,000 murders in America every year, approaching 25,000. Cities become war zones in many areas. Streets are sometimes shooting galleries. America is literally being strangled by drugs and narcotics, and the FBI is opening up a field office in Moscow; that is right, Moscow.

The FBI said, and I quote, "Crime is running rampant in Russia." Beam me up, Mr. Speaker, While the FBI complains they do not have money and manpower to do anything about the problems on American streets, the FBI finds money to open up a field office in Moscow? This is unbelievable. If the FBI wants to do something about international crime, they should stay in America and investigate the Central Intelligence Agency, who is screwing the whole world up and causing America an awful lot of problems.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CLINTON BUSCAPADE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, here comes the Buscapade.

That is right. The President and Mrs. Clinton are leading a bus full of big-government special interest groups across the country, trying to sell the American people on a health care plan that is in critical condition.

This is not just any old bus tour. Pay 5,000 bucks, that will buy 1 day. Pay 20,000 bucks, you're sponsoring an entire route. Maybe the President's special interest friends can afford this plan, but the average American cannot.

The White House and the Democrats are up in arms about the President's health care plan. One day the President says he will veto a plan that is not to his liking. Then, this week he says he is willing to give up on job-killing employer mandates. But 5 minutes after he said that, the White House says the President did not mean what he said.

Mr. Speaker, the White House needs direction. Polls this week show that nearly 60 percent of the American people disapprove of how the President is handling health care and the economy. A buscapade across America is not going to help those numbers, especially when the bus is traveling on the far left side of the road.

CONGRESS SHOULD LOWER PAC CONTRIBUTION LIMITS

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, last month Massachusetts passed a campaign finance law that limits gubernatorial candidates to $150,000 a year in PAC money, with no more than $500 from any single PAC. If Massachusetts can agree to these limits, candidates for Congress could certainly run robust campaigns with an overall PAC limit of no more than $200,000—as provided in the House bill—and a single-PAC limit of $1,000.

Reducing the size of each PAC contribution would be healthy for the political process, not to mention extremely helpful in getting a campaign finance bill passed into law. President Clinton campaigned on a specific promise to lower the PAC limit, and Congress ought to follow through by helping him live up to that pledge.

The Massachusetts bill applies to races for Governor in a State with almost 6 million people and five major media markets. Candidates for Congress typically face a far less daunting challenge in communicating with voters.

□ 1010

ABUSE OF CONGRESSIONAL PERKS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, yesterday's Washington Times attacked Congress for abuse of still another perk that other workers do not enjoy. According to the article, some Members of the House and their staff have been exploiting a little-known loophole in House rules by taking frequent-flier coupons earned from Government trips and using them for family vacations and personal trips.

Where and when will it end, Mr. Speaker. There is an airfare price war and still Members of the House abuse a privilege of office for their own gain. The Senate and the rest of the Government prohibit employees from converting business travel benefits to personal use.

My congressional reform bill, H.R. 4444, puts our travel on the same guidelines as the rest of Government. It also makes our retirement plan the same as other Federal employees. The Post attacked us for this Sunday.

The final attack will be at the polls on the first Tuesday in November. Many of us will lose the office we worked so hard to attain because we refuse to lose the perks and privileges of the office. We need total congressional reform, Mr. Speaker. Support H.R. 4444, the one-stop shop for congressional reform.

DOMESTIC VIOLENCE

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, the tragedy of the murder of Nicole Simpson has focused attention on the serious crime of domestic violence. The victims of these crimes are brutalized behind closed doors, and are left to suffer alone. These crimes are often not reported and go unnoticed by the rest of the world. Two cases told to me by the Passaic County Women's Center demonstrate this point.

First let me tell you about Lisa, who was beaten by her husband while she was pregnant. When she attempted to leave her husband after repeated abuse, he threatened to kill her. She fled to the Women's Center where she received help and freedom from her husband.

Others are not so lucky. Mary's husband also threatened to kill her if she left him, and his violence increased each time she tried to break up with him. The Women's Center helped her obtain a restraining order, but her life is in constant danger.

These are only two of the many women who are affected daily by the scourge of domestic violence. We, as legislators, must tell the country that we cannot and will not allow victims of domestic violence to suffer alone.

UNIVERSAL COVERAGE REDEFINED

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, is the President retreating from his own health care plan?

Earlier this week President Clinton seemed to retreat from his threat to veto any health care plan that did not include universal coverage. However, as we have learned, Mr. Speaker, with President Clinton things are not always what they seem to be.

It appears the President is now redefining how he looks at universal coverage, saying "You cannot physically get to 100 percent."

Hopefully the President will also redefine the rest of the bill, especially his employer mandates. After all, it is the employer mandates that will kill jobs, that will close many small businesses and that will hurt the economy of our country. Let us hope he also redefines his global budgets. They will promote rationing and lower quality of health care coverage.

While we are at it, Mr. Speaker, let us hope he redefines the place of government in health care reform. His original plan would give the Government control of the Nation's health care system. This is an option few Americans can support.

The President has taken the first steps away from his own bill. Let us hope he continues to walk away from his own bad ideas.

WE NEED HEALTH CARE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, on Monday, I visited with several people in my New Haven, CT, office who are the latest victims of our health care system—retirees who worked for decades for a local tire manufacturer only to have their retirement health benefits canceled when the company was sold. For these people, the health care debate is much more than a political gambit.

Julius Ruskin worked for Armstrong Rubber Co. for 26 years. Now, a sufferer of respiratory illness, he requires a continuous intake of oxygen—at a cost of $565 per month. His retirement benefits helped cover the costs of the lifesaving gas—until last Wednesday, that is.

When Armstrong Rubber was purchased by a foreign company, the new owner announced immediate plans to restructure. But, what restructuring means for more than 3,000 retirees on fixed incomes is they are left out in the cold.

Medicaid and Medicare will cover half the costs of Julius Ruskin's oxygen. That leaves him with a $3,390 tab. And, he can only pray that he will not need hospital care, as he did earlier this year at a cost of $36,711. For Julius Ruskin and thousands of American retirees, employer obligations to retirees must be spelled out in the final health care bill.

As we make the final turn and head down the health care reform stretch, we must pay attention to the practical needs of real people.

THE RIGHT OF THE AMERICAN PEOPLE TO BE INVOLVED IN HEALTH CARE REFORM

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, when the going gets tough for those on the side of nationalized health care, the so-called tough among them, get going behind closed doors.

Just as it was in the beginning with Hillary Clinton's secret health care task force meetings, so it appears it will be in the end. You need only harken back to the battle over the budget and recall the Democrat leadership's last-minute back room deals.

Will we have another 2,000-page bill dropped on our door step at 4 in the morning? Will we be granted just 24 hours to digest a massive health care bill before having to cast our final vote? Will the American people be denied a say in a reform process which will directly affect one-seventh of our Nation's economy?

Mr. Speaker, the American public has a right to know what is in the final health care plan the Democrat leadership drags out of the closet. Please do not deny them that right.

HEALTH CARE REFORM AND THE UNINSURED

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, as we continue to debate the various health care plans floating around the Congress, we should be reminded that our goal in achieving health care reform is to provide coverage for Americans who have no insurance today. We are not here to continue business as usual. We are here to enact meaningful health care reform and its time we stopped listening to the special interests and started listening to our constituents.

Yesterday, the Houston Post reported that the district I am honored to represent has the largest number of uninsured persons of any district in the State of Texas. 178,000 people in the 29th Congressional District are without health coverage. The size of the uninsured is surprising, especially since over 83 percent of these people are from working families. These people are not on the welfare rolls, they are hard working men and women who cannot get health benefits. Many of the businesses these people work for would like to offer coverage but the prices are far too high for small businesses to offer insurance.

We have to enact a health care reform plan that will lower the costs for small businesses so that they can afford to offer coverage. And most importantly, we must pass a plan that ensures that everyone has health coverage. Universal coverage is the key to cost reductions through the elimination of cost shifting.

People all over the country are waiting for this Congress to act on health care reform. I ask my colleagues to remember those waiting in the clinics for health care rather than the special interest groups waiting outside the doors of our offices.

JUSTICE DELAYED IS JUSTICE DENIED

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, when I think of the Whitewater affair, I am reminded of the saying, "Justice delayed is justice denied." Because that is what the Government has done to the American people by holding back the truth about what really happened with Whitewater.

Why even now, with less than a week to go before the hearings begin, invitation letters to witnesses have yet to go out. That's right, Banking Committee Chairman HENRY GONZALEZ is finally holding a Whitewater hearing, but almost no one has been invited to attend.

Well, I have just one thing to tell the folks who run the coverup shop here in Washington: You may try to lull the American people to sleep on Whitewater, but you will not succeed. If there is one characteristic people prize the most, it is honesty. And our constituents expect their representatives in Government to be as honest with them as they are with us.

So I urge those involved at the White House to give up the charade and come clean on Whitewater next week. By working together to uncover the truth, we might persuade the American people to give their government one more chance.

Justice delayed is justice denied. Let us show the people we have nothing to hide.

ANTIDUMPING WAIVER IN GATT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, a major loophole in our trade laws has been included in the GATT implementing language which I think my colleagues should be aware of. The administration has proposed to allow economies in transition—that is, countries like Russia—to dump their products into the United States without being subject to the same rules as all other foreign producers.

In effect, the administration has granted a waiver from our antidumping rules to the Russians and East Europeans at the expense of American industries. Any industry that the Russians or East Europeans have excess capacity in—let's say steel or natural resources—is going to be allowed in for 5 years with the administration holding the door open for their products. And not only are they granting this waiver, but the administration has further included this controversial proposal in a trade agreement which Congress cannot amend.

Congress should reject these sleight-of-hand tricks by the administration on GATT. What does a waiver like this have to do with GATT? The GATT implementing legislation has become the biggest dumping ground on Capitol Hill. And GATT is really beginning to sink under the weight of it all.

□ 1020

AARP ADVISED TO OPPOSE CLINTON HEALTH CARE PLAN

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, yesterday, myself and 29 of my colleagues—including the entire Republican leadership—sent a letter to the AARP urging them to keep off of the Clinton administration's health care bus. That is one bus trip that would prove particularly hazardous to the health of AARP's membership, America's senior citizens.

I represent the district with the largest number of senior citizens in the entire country. The seniors in the 13th District of Florida want no part of President Clinton's government takeover of health care. They well understand that many of the provisions in the Clinton-like bills would harm the quality of care senior citizens currently receive. The President has proposed—and all major Democrat versions contain—massive, unprecedented Medicare cuts that are used to finance universal coverage; provisions that allow States to force Medicare patients to enroll in untested State plans rather than remain in Medicare; and, global budgets and price controls that will lead to a rationing of health care.

If the final bill contains these same provisions, we would hope the AARP would join us in opposing a plan that would harm senior citizens.

TRIBUTE TO VERNON JARRETT

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise today to honor Vernon Jarrett, outstanding Chicago journalist, community leader, and crusader for civil rights on the occasion of his retirement as a columnist for the Chicago Sun-Times.

For the last 48 years, Vernon Jarrett has shown a strong and unwavering commitment to the African-American community and to the Nation at large. Through his activist actions and elegant dialogs, he helped build bridges toward such historic and empowering moments as the election of Chicago's first African-American mayor, the late Harold Washington.

One of Vernon's great contributions to this Nation was the founding 17 years ago of ACT-SO, the Afro-Academic Cultural, Technological and Scientific Olympics. Youngsters from all over the country participate in ACT-SO, which is sponsored by the NAACP. ACT-SO is the product of Vernon's genius in making us understand that we must find ways to help new generations gain a foothold on the future.

Mr. Speaker, we all owe Vernon Jarrett special thanks and appreciation for his noble efforts. He is to be congratulated for his many past successes and his continuing contributions to bettering our society.

THE AMERICAN PEOPLE DESERVE A THOUGHTFUL HEALTH CARE PLAN

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, the "special interest express" boards today. The Clintons have staged a huge media event in an attempt to create support for their failing health care plan.

The only people who are getting behind the President's plan are the special interests.

These lobbying groups are paying $20,000—not for a seat on the bus, but for a seat at the table where Democrat leaders are doling out the goodies and recrafting the Clinton plan in secret.

This media stunt purports to speak for the little guy in grassroots America. But in reality the Democrats do not care what the American people think.

I believe it was Senator JAY ROCKEFELLER who said, "We're going to push through health care regardless of the views of the American people."

Despite the Senator's opinion, the American people deserve a thoughtful health care plan that is not simply a Clinton retread—thrown together at the last minute.

HEALTH CARE COVERAGE FOR ALL AMERICANS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, in my southern Ohio district, there are over 100,000 men, women, and children who do not have health care insurance. For that reason, when I was elected to Congress, I made the decision that my wife and I would not accept the generous congressional health coverage until the people that I represent have access to affordable health care.

We have gone out into the open market and purchased private insurance, for which we pay 100 percent of the cost.

Mr. Speaker, I am not saying that other Members should do as I have done. But, I am saying that those Members who oppose universal coverage for all citizens, paid for in part by employers, should in the name of fairness give up their congressional health care benefits which exist, in part, as the result of employer contributions—contributions from the taxpayers of this country.

Mr. Speaker, this is simply a matter of practicing what we preach. If affordable health care, partially paid for by employers, is something we would deny the ordinary American, then it ought not be available to Members of Congress. The average American citizen deserves what we've got.

CALLING FOR GAO INVESTIGATION OF HIGH COST TO PROTECT CABINET MEMBERS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Mr. Speaker, with a $4.4 trillion debt, a recent news report is shocking and incredible. It seems that our big shot bureaucrats and Cabinet members are taking crime fighting in their own hands and spending millions of dollars to protect themselves. That is right, even though only one Cabinet member in the history of our country has been the subject of an assassination attempt, and that was in 1865, our tax dollars, millions of them are going to protect Cabinet members who most Americans cannot even name, much less identify when they see a picture.

In this report it was shown that the Secretary of Agriculture spent $20,000 to send security agents to Switzerland. The Secretary of Energy spent $8,000 to send a security detail to Paris. The Secretary of Health, not to be outdone, used her to get her car washed.

This time of egotistical and frivolous, wasteful spending is an absolute outrage in a time when we are trying to cut the cost of government as much as possible.

Fellow Members of Congress, please join me and over 100 of your colleagues in writing the GAO for an investigation and report on this wasteful spending.

VIOLENCE AGAINST WOMEN ACT

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I rise today to bring attention to an issue that could not possibly hit closer to home—domestic violence. This problem does not discriminate by age, ethnicity, or economic status. It affects young and old, rich and poor, alike.

Most of us have heard the ghastly statistics: 3 to 4 million women are battered each year by their husbands. Thirty percent of women who come into emergency rooms across the Nation are there as a result of domestic violence.

But these women are not just statistics. They are our coworkers, our friends, mothers, and daughters. They are women from my district and from yours.

Mr. Speaker, I would like to tell you about one of these victims who happens to be from my district. Susan, a San Jose resident and mother of two, came into the emergency room in September 1990 with a smashed jaw. She said she slipped while mopping. She was treated, and left.

In January 1991, the police received a 911 call from Susan's residence. When the police arrived, Susan's husband said it was a private matter and sent the police away, as Susan stood in the doorway watching with a split lip and bruised face.

In November 1991, Susan became one of a growing number of domestic violence fatalities. She became one of the 30 percent of women in this Nation who are murdered each year by their husband or boyfriend.

Later people said: "If only the doctor had been trained to recognize a smashed jaw as a sign of domestic violence, maybe he could have helped Susan. If only the police had been taught to regard domestic violence not just as a private matter, maybe they could have helped Susan. If only Susan had a national domestic violence hotline to call or a battered women's shelter to go to, maybe Susan could have helped herself."

Under the Violence Against Women Act, all of these avenues of help would have been available. I urge the crime bill conferees to include the strongest form possible of this act into the crime bill.

SENIORS WOULD FACE MORE CUTS UNDER HEALTH CARE REFORM

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, $480.7 billion. Almost half a trillion dollars.

That is the amount the Ways and Means Committee approved cutting out of Medicare over the next 9 years to pay for a health care reform bill patterned after the President's.

Mr. Speaker, it is no surprise the Democrats are running and hiding from this plan. Last night's declaration that the President's plan is dead should shock no one who is familiar with how it is financed—by slashing spending on seniors' health care services.

Medicare has already been cut to the bone, and if the Medicare cuts promised in the Ways and Means plan go through, Medicare would be an even poorer payer than Medicaid is now. Under their plan, by the year 2000, Medicare would pay only 55 cents on the dollar for seniors' health care services. Try finding anyone in any line of business who is willing to take 55 cents for a dollar's worth of work.

When the majority leadership goes back to the drawing board in the next few days, they should heed a little advice—you cannot pay for health care for all Americans on the backs of seniors. It just will not work, and it will not pass this House.

☐ 1030

LITTLE SUPPORT NOTED FOR INVASION OF HAITI

(Mr. LAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAZIO. Mr. Speaker, I recently contacted the President regarding the tragic situation in Haiti. While I remain concerned about the political repression and human rights violations going on there, I cannot, at this time, support an invasion by the U.S. military.

Our military success in an invasion is likely, but there are currently no clear national security interests at stake in Haiti, there is no definable objective for an invasion, there is no estimate on how long an invasion and the ensuing occupation would take, and there is little support of an invasion by the American people.

The last thing the United States needs is to fight another public sentiment battle at home, while putting the lives of our service men and women at risk overseas. Nor should we repeat the experiences of our last military involvement in Haiti, which took 19 years and failed to yield long-lasting results.

The Constitution clearly gives Congress the power to declare war. Before committing U.S. forces into combat, Congress must have the opportunity to fully debate the issues involved and to vote on whether to authorize it.

The President must provide Congress with clear, definable, obtainable military objectives, and a strategy for withdrawal once those objectives are achieved. Additionally, the American people must be convinced that our national interests are at stake in Haiti. Otherwise, it would be unacceptable to ask our military forces to risk their lives.

THE WARNING SIGNS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, over the last several days, we have heard our colleagues from the other side of the aisle come down here and take credit for every ounce of economic growth that the country has seen over the past several months.

Well, like everyone else, I am extraordinarily hopeful we will be able to see economic growth sustained and continue into my part of the country, southern California, where, tragically, it is not yet been felt.

But, frankly, I think that our colleagues on the other side of the aisle should pause before they take credit for all of this economic growth and look at some warning signs that are out there. The first warning sign comes with interest rates. The President promised that his budget would lower interest rates. Interest rates have increased, not decreased, since that deal was completed.

The second warning sign comes with the value of the dollar in currency markets. Since Mr. Clinton became President, the dollar has steadily plummeted and has been crashing all summer.

The third warning sign comes with inflation. There are indications inflation will soon make a comeback as the administration continues with its ruinous economic policies.

Mr. Speaker, I urge my colleagues on the other side of the aisle to heed these warning signs. The economy is not as healthy as they would like us to believe.

A PROPOSAL FOR THE HEALTH CARE REFORM BILL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, there is a very alarming story in the Washington Post this morning about how the Democratic leadership is trying to write the health bill.

Apparently in a series of meetings at the White House and a series of meetings with different groups of Members, the Democratic leadership is trying to draft a bill which will be dramatically different from the bills already written in the Committee on Ways and Means and the Committee on Education and Labor.

I know, from having cochaired the health task force on the Republican side since July 1991, that health care is a very complicated issue. It affects the lives of every American.

I think it is guaranteed to have major mistakes if this bill is written in secret, brought to the floor at the last minute, and rammed through by a political machine without hearings, without understanding, without a chance to clarify things.

So I want to make the following proposition to the Democratic leadership: If they cannot produce, as the gentleman from Illinois [Mr. MICHEL] and I have asked in a letter, a copy of the legislative language of their bill at least 10 days before they plan to vote on it, I propose that the Democratic leadership, the single-payer group, and the bipartisan group working on a bill produce a bill before the August recess, and that we vote on it the first week we come back in September.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 482 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3838.

☐ 1035

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes, with Ms. KAPTUR, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Thursday, July 21, 1994, the amendment offered by the gentleman from Texas [Mr. GONZALEZ] had been disposed of and the bill was open for amendment at any point.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. BLUTE

Mr. BLUTE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLUTE: Page 36, line 23, insert "(a) APPLICATIONS.—" before "Section".

Page 37, after line 10, insert the following new subsections:

(b) LIMITATION ON OCCUPANCY IN PUBLIC HOUSING DESIGNATIONS FOR ELDERLY FAMILIES.—

(1) IN GENERAL.—Section 7(a) of the United States Housing Act of 1937 (42 U.S.C. 1437e(a)) is amended—

(A) in paragraph (1), by striking "Notwithstanding any other provision of law" and inserting "Subject only to the provisions of this subsection";

(B) in paragraph (4), by inserting ", except as provided in paragraph (5)" before the period at the end; and

(C) by adding at the end the following new paragraph:

"(5) LIMITATION ON OCCUPANCY IN PROJECTS FOR ELDERLY FAMILIES.—

"(A) OCCUPANCY LIMITATION.—Notwithstanding any other provision of law, a dwelling unit in a project (or portion of a project) that is designated under paragraph (1) for occupancy by only elderly and disabled families shall not be occupied by—

"(i) any person with disabilities who is not an elderly person and whose history of use of alcohol or drugs constitutes a disability; or

"(ii) any person who is not an elderly person and whose history of use of alcohol or drugs provides reasonable cause for the agency to believe that the occupancy by such person may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.

"(B) REQUIRED STATEMENT.—A public housing agency may not make a dwelling unit in such a project available for occupancy to any person or family who is not an elderly family, unless the agency acquires from the person or family a signed statement that no person who will be occupying the unit—

"(i) uses (or has a history of use of) alcohol, or

"(ii) uses (or has a history of use of) drugs,

that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.".

(2) LEASE PROVISIONS.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) provide that any occupancy in violation of the provisions of section 7(a)(5)(A) or the furnishing of any false or misleading information pursuant to section 7(a)(5)(B) shall be cause for termination of tenancy; and".

(c) EVICTION OF NONELDERLY TENANTS HAVING DRUG OR ALCOHOL USE PROBLEMS FROM PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.—Section 7(c) of the United States Housing Act of 1937 is amended to read as follows:

"(c) STANDARDS REGARDING EVICTIONS.—

"(1) LIMITATION.—Except as provided in paragraph (2), any tenant who is lawfully residing in a dwelling unit in a public housing project may not be evicted or otherwise required to vacate such unit because of the designation of the project (or a portion of the project) pursuant to this section or because of any action taken by the Secretary of Housing and Urban Development or any public housing agency pursuant to this section.

"(2) REQUIREMENT TO EVICT NONELDERLY TENANTS HAVING DRUG OR ALCOHOL USE PROBLEMS IN HOUSING DESIGNATED FOR ELDERLY FAMILIES.—The public housing agency administering a project (or portion of a project) described in subsection (a)(5)(A) shall evict any person whose occupancy in the project (or portion of the project) violates subsection (a)(5)(A).

"(3) REQUIREMENT TO EVICT NONELDERLY TENANTS FOR 3 INSTANCES OF PROHIBITED ACTIVITY INVOLVING DRUGS OR ALCOHOL.—With respect to a project (or portion of a project) described in subsection (a)(5)(A), the public housing agency administering the project shall evict any person who is not an elderly person and who, during occupancy in the project (or portion thereof), engages on 3 separate occasions (occurring after the date of the enactment of the Housing and Community Development Act of 1994) in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of alcohol or drugs.

"(4) RULE OF CONSTRUCTION.—The provisions of paragraphs (2) and (3) requiring eviction of a person may not be construed to require a public housing agency to evict any other persons who occupy the same dwelling unit as the person required to be evicted.".

Mr. BLUTE (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BLUTE. Madam Chairman, I have an amendment at the desk.

Senior citizens in America are living in fear, not just because of crime on the streets, but because of crime in their own homes—public senior housing complexes.

When this House changed Federal law to allow young drug and alcohol abusers into senior housing facilities, we brought terror into the everyday lives of elderly Americans across the country who deserve to live out their retirements in peace.

Not only are our parents and grandparents subjected to loud music and all-night parties. They are being shaken down for loans, harassed, robbed, assaulted, and raped. Prostitutes are setting up shop in apartments and turning tricks in common areas. And there is no end in sight to this outrageous situation. We all hear about it—especially Members with large cities in their districts—when we travel back home. And just this Sunday I read an article in the Boston Herald headlined: "Fear Holds Elderly Tenants Hostage in Homes."

Police who have never had to respond to a call at a senior housing building in 10 years now find themselves there on a regular basis. And cities and towns find themselves faced with the prospect of having to pay for private security guards to maintain order in elderly residences.

Today, we have the opportunity to help end this injustice which terrifies senior citizens across America and ruins their golden years. My amendment would strengthen provisions included in the Housing and Community Development bill by forcing local housing authorities to evict violent and troublesome nonelderly tenants. Blute-Grams would prevent nonelderly former drug and alcohol addicts from being accepted into senior housing developments from now on, thus helping to stem the tide of young drug and alcohol addicts who may soon be the majority in facilities that are supposed to be for the elderly.

I commend the Committee on Banking, Finance and Urban Affairs for recognizing this problem and trying to address it in this bill, but I believe that we need to go further. To take an extra, commonsense step which will help to ensure the safety of American seniors.

Elderly Americans took the extra step for us. In World War II, in Korea, by working hard all their lives to make this country great. We owe it to them to help them live their lives in peace and security.

Just recently in my district, an elderly woman living in a public housing facility was shaken down for a $1,000 loan by a 38-year-old former drug abuser who lived in her complex. She was harassed constantly by this man until her daughter and grandsons were forced to go to the facility and confront him, at which time this menace threatened their lives with a knife.

But horror stories like this are commonplace.

In Boston, a 92-year-old woman was raped in her public elderly housing apartment by a 38-year-old resident of her building, and another 91-year-old woman who resides in a different facility told the Boston Globe that: "I used to love it here, but not any more. I'm afraid to go out in the hall."

What have we done.

In Franklin, MA, an elderly resident was set on fire by a 42-year-old resident.

In Worcester, MA, court records published in the local newspaper show defendants charged with crimes such as assault with a dangerous weapon, drug possession, and assault and battery listing their home address as one of the city's many elderly housing complexes.

Our seniors deserve better.

I have visited many senior housing facilities and heard from frail, aged residents who cannot use the rec room in the lobby without fear of being harassed or attacked.

I have seen the terror in the eyes of senior women who must call each other on the phone and meet at the same time in the hallway so that they can travel in a group down the elevator.

And I have, unfortunately, read of the litany of violent crimes nationwide perpetrated on seniors by their own neighbors who have relapsed into a life of crime and drug abuse or were not properly screened in the first place; 15 years ago, senior housing buildings were safe havens. Now they are war zones.

As one 70-year-old man recently told a columnist at my local newspaper, "I don't know why the people who put this country together are dropping us by the wayside. I guess it's because we're old and used up, and we're just not important anymore."

☐ 1040

Mr. GONZALEZ. Madam Chairman, I move to strike the last word, and I rise in opposition to this amendment.

Madam Chairman, I have listened to the gentleman. However, since a reading of his amendment was suspended, I think the Members are entitled to know what they will be voting on.

I also realize and appreciate the concern expressed by the Congressman, but we have had hearings on this issue, known as the mixed population issue, ever since the amendment to the Basic Housing Act with respect to the elderly housing amendment that had to do with the disability or disabled, and the definition of such, which then gave rise to the mixed population issue, which has been a very excruciating and difficult one.

Madam Chairman, the subcommittee has had hearings from Milwaukee and California to Texas and the District of Columbia on this issue for the last several years.

Madam Chairman, the gentleman from Wisconsin [Mr. KLECZKA], who has left the Committee on Banking, Finance and Urban Affairs since then but is present here this morning, was the one who finally broke the ground and set the first viable language that we adopted in the previous Congress, in the 1992 Comprehensive Housing Act.

The main thing here is that it is a heavyhanded, far-reaching approach which, incidentally, we entertained this amendment when a member of the minority side, the gentleman from Minnesota [Mr. GRAMS], offered the identical amendment. He withheld it in light of the debate that we had during that hearing and the consideration by the subcommittee.

He then consulted with HUD and then came forth with the amendment which is part of the law now. This is in the bill.

It already provides for the eviction for any tenant in any public or assisted housing if the activity of that tenant threatens the health, safety, or peaceful enjoyment of other residents.

This was Mr. GRAMS' amendment after considering and withholding the amendment that the gentleman now is offering.

The bad thing about this amendment is that it does not provide for any distinction between an illegal drug user or alcohol user. It simply says drug or alcohol use which threatens the health, safety, or quiet enjoyment of other residents, as being grounds for summary eviction.

This means that a senior citizen who occasionally imbibes and turns up the television in his or her own apartment or the common room or who talks louder than needed would be a candidate for eviction. So too would be the diabetic senior citizen, dependent on regular insulin injections would be a candidate for evictions under the language of this amendment.

So the fact is that the amendment makes no accommodation for, for instance, a successfully rehabilitated individual and it permits the eviction of the entire household, irrespective of which member or members are affected.

Fifth, the amendment does not address where the excluded and evicted disabled persons are to be housed. In all likelihood they will become homeless, creating yet another problem for the communities involved, a problem that is far more costly than proper screening and lease enforcement of current residents of public and assisted housing, which is contained in our bill as we have it before the House now.

Mr. GRAMS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Blute-Grams amendment to improve the safety of senior citizen housing.

Under the current bill, expedited eviction proceedings are allowed in cases where a resident's behavior constitutes a threat to the health, safety or right to peaceful enjoyment of senior citizen housing units.

I offered this language during markup in the Banking Committee in response to the many concerns raised by senior citizens across America who are worried for their own personal safety in housing reserved specifically for them. These concerns have centered around the tight eviction standards found in title VI of the 1992 Housing Act which allow young people with drug or alcohol problems to live in the same housing units as senior citizens.

Since enactment of the 1992 housing bill, we have heard numerous complaints from senior citizens about the behavior of some of their nonelderly neighbors, including allegations of criminal or drug-related activity. The language I inserted in H.R. 3838 will make it easier for such troublesome residents to be evicted quicker and more efficiently. It will ensure that our senior citizens can live in public or assisted housing without the fear of dangerous or disturbing next-door neighbors.

But, Madam Chairman, while this language is a positive step in the right direction, there is still more we can—and should do—to protect the safety of our senior citizens. That is why I am proud to offer this amendment with my colleague from Massachusetts which will help augment the language currently in H.R. 3838. By adding a "three strikes, you're out" provision, we can guarantee senior citizens that they will be safe from repeat, nonelderly troublemakers.

The right to safety in one's home is our most basic right as citizens and its enforcement should be the top priority of government. And there is no group more deserving of this protection than America's senior citizens. H.R. 3838, coupled with this amendment, will provide these safeguards and will reassure elderly residents that Congress is on their side.

For these reasons, I urge my colleagues to support the Blute-Grams amendment today. Let us do everything possible to guarantee that America's senior citizens can live in peaceful, trouble free surroundings. We owe them at least that much.

Mr. VENTO. Madam Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Madam Chairman, I rise in opposition because I think it is redundant in many respects in terms of the language and the law that has been prescribed with regard to mixed population. In fact, this legislation regarding mixed populations provides an orderly way to provide the type of elderly only population, that would avoid some of the conflicts that are occurring with serious problems in our Nation's public housing. As the chairman indicated, this was enacted over 4 years ago. I think the administration has not been timely in implementing the rules and regulations. But just this past year such rules and regulations are now proximate and ready to be put into place to provide the type of protection accorded by the then-Kleczka amendment supported by my colleague from Minnesota [Mr. SABO].

☐ 1050

The fact is that the litany of concerns that have been expressed are common concerns, but they do not just evolve from the people living within public housing. They, in fact, are very often coming from the total neighborhood around the public housing where nonresidents of the public housing actually gain access. We cannot assure the elderly of the type of security that the proponents of this amendment advocate in the absence of an overall program dealing with the total community or the neighborhood within which that senior-citizen-only housing exists. We have to deal, not just with what is going on in the building, but in the immediate surrounding and those that do not have rightful access to that building that gain access to it.

Madam Chairman, that is one of the reasons that this legislation includes the community partnerships against crime measure that was advocated by the administration and introduced by, and supported by, the committee; so it is in this legislation to try and in a sense be proactive in working with and limiting the access to the building and the activities that are going on around the building in this instance, and so those individuals gain access. They have no right to be there.

Furthermore, as I said, I think that the mixed population policies need to be implemented where we are trying to provide for senior-only housing where there are conflicts between various groups in housing. Furthermore, HUD has significant authority beyond just the narrow parameters that are prescribed here with regards to illegal drug use and alcohol use and the history or pattern of problems in the signature that they are prescribing. In fact, of course, they have a responsibility to deal with a whole host of different types of behaviors that are disruptive and disconcerting to those that live in public housing, not just in senior-only public housing, but in all public housing, and I think it is important that they begin to do a more rigorous job in terms of screening. So, they already have that particular responsibility.

I think the problem with this legislation is the problem with an effort to try to take an issue which may be appealing on the surface, and we have the law of unintended consequences that takes place. As the chairman has indicated, the likelihood here is to try to have an uneven effect in terms of those individuals. The literal reading of the language would bar anyone with a disability that is a nonelderly person that has a history of use of alcohol or drugs and constitutes a disability. Well, the fact is there are numerous individuals in our society that have gone through rehabilitation but are still interpreted and diagnosed as being addicted, addicted to alcohol or addicted to some other drug, but, in fact just because they have the addiction does not mean, in fact, that they are any problem in terms of behavior. The fact is that those that have not been diagnosed would constitute the greater problem and the greater issue and obviously would not be as affected by this amendment.

"Any person who is not elderly," the amendment reads, "and whose history of use of alcohol or drugs provide reasonable causes for the agency to believe the occupancy by such person may interfere with the health, safety or right." So, reason to believe; in other words, simply judging and making a judgment that has no bearing, in fact, with regards to the conduct of the individual in requiring the signing of such statements and so forth I think simply puts people in a position where they really are compromising the integrity of the screening process, and of course entire families would be if one individual in that family, and if that is the primary person that is qualified for the benefit, there is no provision made here to deal with it. So, I think—already has the authority to do this and much more.

Madam Chairman, I would urge the amendment be defeated.

Mr. CASTLE. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of this amendment. I listened very carefully to the arguments of both the distinguished chairman of the committee and the gentleman from Minnesota because I think they make some very valid points. There are probably methods by which HUD, under its present makeup by which this legislation, as we know it today, could indeed address some of these problems, but I have also had the experience of going out into housing authorities in my State, the State of Delaware, and talking to the senior citizens who live in what was intended originally to be senior housing, and I can tell my colleagues that there is absolutely no issue whatsoever that even comes close, or maybe in the aggregate which comes close, to their concern with the problem of mixed populations. It is a tremendous problem preying on the lives of these senior citizens.

Madam Chairman, these places were created basically to aid those who are older or who are disabled who needed a place to live. Suddenly we came along some a few years ago, and we stated that we are going to put other people in there, we are going to mix the populations, and a lot of those people had problems. Even if they did not have problems, they were young. They tended to live different life styles, if my colleagues will. But we add and compound it with the problems which they had, and all of a sudden we had a situation which was explosive and which has created tremendous problems in senior housing complexes throughout the United States of America, and I think that this, hopefully, is the law of intended consequences and not unintended consequences. The intended consequences I hope that the Blute-Grams amendment has is to make sure that we keep these populations as separate as possible, or, if they are going to be together and there are disruptions, we have a mechanism by which we can create the eviction. If nothing else, maybe that will be the control mechanism that we need to be able to go to these people and simply say, "You must cease and desist what you're doing to being so disruptive to the life styles of all the other people."

Now, when I toured the facilities in Wilmington and looked at this, I was with a number of members of our housing authority and with the executive director, and they unanimously felt this was a tremendous problem. Other than, perhaps, weapons and crime in some of the lower income housing, they thought it was the single greatest problem which they face.

So, yes, maybe there are answers out there in what HUD is doing. Maybe there are answers in the existing legislation, but, quite frankly, they have not worked very well, and I do not think this is an unreasonable amendment. I think it is a well reasoned, well thought out amendment, well crafted by the two authors, and I would rise in strong support of it unless we are shown something to the contrary which I have not yet heard here today. I would suggest that we should pass as rapidly as we possibly can on into the Senate and on into action so these senior citizens can live their lives in the peace and order that they thought they had when they moved into that housing to begin.

Mr. KLECZKA. Madam Chairman, I rise in opposition to the amendment.

Madam Chairman and Members, first of all let me acknowledge the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ]. He did offer a chairman's en bloc amendment yesterday which included a provision which is very important to the workers of Wisconsin. It seems that under the community development block grant program one of our neighboring States took it upon themselves to use some of those dollars to pull employees and an employer down to their State. Clearly that is not the intent of the development block grant program. It is one which should be used to create jobs in our own neighborhoods and not steal those jobs from other neighborhoods, and so I thank the chairman for including that.

Madam Chairman, I do rise in strong opposition of the amendment. To listen to the proponents of the amendment one would think that Congress never addressed this issue at all, and that is the furthest thing from the truth. Let me recite for some of the new Members some background on this issue. I say:

The tales you tell today of disruption in senior housing were told to us over the years, especially 2 to 3 years ago, so the members of the Housing Committee and the Banking Committee, like Chairman GONZALEZ, Mr. FRANK of Massachusetts, MARGE ROUKEMA, BRUCE VENTO, and I got together, and we crafted legislation to resolve the mixed population problem. Did we do this in a vacuum? Did we pop an amendment onto the floor of the House one day with little thought or no thought? The answer to that is no. What we did, we met with the various groups concerned. We met with the senior citizens. We met with the disabled groups. We recited to them the problems that are coming into our offices day by day.

Madam Chairman, we tried to work on a solution to the problem, and I think the solution to the problem was found, and it was passed back in 1992, and the solution involves such things as having our housing authorities come up with a plan, a plan which would include not only mixing the population, but also separating them with an eye on the fact that there are those who are in public housing who deserve to be there, and it was not our desire to kick them out in the street, but we wanted to give the public housing authorities the flexibility to separate these people, to provide separate facilities for these people, to provide for an eviction process when somebody became very unruly.

Madam Chairman, to my young friends who are new to the Congress, those are the things that are done, and that is the law. Why is it the problems have not ceased? Because over the last 2 years we have been fighting, and pulling, and scratching with the Department of HUD to come up with the rules to implement that legislation, and the rules are now on line, and if my colleagues would take the time to check with their housing authorities, they will find that under those rules and under the mixed population legislation on the books those housing authorities are now providing HUD with their allocation plan. The city of Milwaukee that I hail from has done so, and they have submitted their allocation plan to HUD. HUD had some problems with it. They are trying to work it out now.

□ 1100

But in the city of Milwaukee we are going to have designated buildings for the disabled versus the elderly. We are going to have elderly only. So I ask my colleagues, what is the need and the necessity for this amendment, knowing full well that the bill before us already contains strengthened eviction processes? But if you go to the amendment before us, we are asking younger disabled persons applying for admission to sign an oath that they will not use drugs or alcohol. That is presuming they are guilty before we have even charged them with anything. Surprisingly, there is one Member of Congress who is asked to sign an oath before we even take our oath of office.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding.

Furthermore, it does not mean that if you happen to be diabetic and taking insulin that that means you are using drugs. You may have a problem, an instance of medical necessity, or you are insulin deficient. You may have a pattern of behavior that is interfering with a person's problems.

This amendment did come up in committee, and yet it is presented here on the floor with the same sort of defects and problems, and it would knock out people, not just someone who is an alcohol abuser or a drug abuser or an addict, but people who take medically legal drugs, and that may constitute a problem.

Mr. KLECZKA. Mr. Chairman, the objection I have is that just on its face, if I were a disabled person applying for public housing, I would have to sign an oath. Do other residents or occupants or people who apply have to sign an oath? If I were elderly, would I have to sign an oath? Clearly not.

Mr. BLUTE. Mr. Chairman, will the gentleman yield on that point?

Mr. KLECZKA. Let me finish my statement first.

Mr. Chairman, another portion of the amendment which I think is obnoxious provides for three strikes and you are out.

The CHAIRMAN pro tempore (Mr. CONDIT). The time of the gentleman from Wisconsin [Mr. KLECZKA] has expired.

(By unanimous consent, Mr. KLECZKA was allowed to proceed for 2 additional minutes.)

Mr. KLECZKA. Mr. Chairman, this portion of the amendment which provides for three strikes and you're out is very popular lingo around here today. It is almost as popular as bashing illegal immigrants. We have provided for three strikes and you're out in the crime bill, and now we are going to have that in public housing.

Under the current law the public housing agencies around the country will come up with an eviction type program which will provide the same thing. I do not know if it is going to be three strikes and you're out; it may be one strike and you're out. At least there will be due process for the person who is in the public housing and who is going to be evicted.

So I say to the Members that we have already addressed the problem. The rules have now been promulgated by the agency, and it is now up to the public housing authorities in Minnesota, in Massachusetts, and Wisconsin and all others to submit to the Department of HUD an allocation plan and set up a rational system for dealing with this problem.

Mr. BLUTE. Mr. Chairman, will the gentleman yield now?

Mr. KLECZKA. I yield to the author of the amendment.

Mr. BLUTE. Mr. Chairman, I thank the gentleman for yielding, and I certainly recognize his leadership in this area prior to my coming to this Congress. But I must say that whatever has happened before I came to the Congress has not begun to provide the type of safety for senior citizens in public housing that we all believe they should have.

Mr. KLECZKA. Reclaiming my time, Mr. Chairman, perhaps the gentleman did not hear me, but as I indicated, it took awhile for the rules to be promulgated. All of us, including members of the committee, badgered the Department, and they now are finished. It is up to the public housing authority to provide the allocation plan for the Department.

Mr. BLUTE. Mr. Chairman, will the gentleman further?

Mr. KLECZKA. I yield to the gentleman from Massachusetts.

Mr. BLUTE. Mr. Chairman, I thank the gentleman very much for yielding further.

Yesterday the Massachusetts Chapter of the National Association of Housing and Redevelopment officials endorsed this amendment. At least in the State of Massachusetts those people who have to oversee these housing complexes support this amendment because they believe that the Federal regulations do not go far enough.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the amendment.

Mr. Chairman, I am really quite stunned by the position the gentleman from Wisconsin [Mr. KLECZKA] has taken on this. The gentleman from Wisconsin and I worked together for years on this problem of mixed populations, and I agree to him to a certain extent that much was done under the reforms of our legislation in the 1992 Housing Act. And, yes, it did take much too long for HUD to come through with the regulations.

But I must say to my colleague, who is no longer on the committee, by the way, and did not have the benefit of the hearings which we held on this subject, that when I pressed this very question with the officials who came before us to testify, not only as to the delay in the rules but as to why the rules were not adequate enough to deal with this problem of alcoholics and former drug addicts in mixed populations. I must say as the author and the coauthor of the 1992 amendment and as a supporter of the gentleman from Minnesota [Mr. GRAMS], a distinguished member of our committee who pushed through the reforms that are in the bill and that did take us further than the 1992 bill, but these changes did not strengthen the provision to the effect that we really intended.

This is what we are doing in this amendment: The gentleman from Minnesota and the gentleman from Massachusetts [Mr. BLUTE] are in my opinion fulfilling in real legal terms the intentions of the reforms of 1992 in this legislation that is before us today. And, by the way, there was a reference by one of our committee members that this may be involved: That you have to affirm that you are not taking any drugs, and there was reference to insulin. Please, let me assure the Members that that is not part of this problem.

That is a red herring of an issue, and we all know what we are talking about. We are talking about drug addicts and alcoholics who may be reverting to their previous problems.

This provides for three infractions, where they are literally not only violating their own terms and conditions of parole or treatment, but they are also violating the peaceful living arrangements of our senior citizens. I just find this to be plain common sense. I do not understand how anyone in this Congress can turn their backs on senior citizens and say, "No, your housing authority should not have the right to evict drug addicts and alcoholics who have on three separate occasions violated the terms and conditions under which they were even permitted to qualify as tenants in the housing project."

That, I say to my colleagues, is what we are talking about. Yes, these people are disabled, and I am the first to give every person in this world a chance for reformation and rehabilitation, but if they go back on their rehabilitation regimen and they are actually violating the terms and conditions under which they were permitted as a tenant to begin with, frankly I think three strikes is too many. If it were up to me, I would say one strike. But this amendment is so generous to the disabilities of those people here that we are giving them three strikes.

I am sorry, but as the coauthor of the amendment of 1992, as one who worked very diligently with the gentleman from Minnesota [Mr. GRAMS] on the committee, I am saying that the gentleman from Massachusetts [Mr. BLUTE] and the gentleman from Minnesota [Mr. GRAMS] are today bringing us full circle to the point of actually identifying exactly what is needed to make the intention clear, what we have stated as our intention actually to be fulfilled, without getting more lawyers from HUD involved.

☐ 1110

The gentleman from Wisconsin [Mr. KLECZKA] and I had this discussion when we were waiting more than a year for the rules. The lawyers over at HUD were the ones that tried desperately to violate the intention of the law.

One other point that I want to make, because the gentleman from Wisconsin [Mr. KLECZKA] did refer quite correctly to, is the fact that we are concerned about alternative housing, and there are needs for housing these kinds of disabled.

I do want to point out that in this bill we have made a concerted effort to increase our commitment for alternative housing for people exactly like these, who need rehabilitation and are disabled in these ways. In H.R. 3838 we have authorized a level of $595 million for the Section 811 Program. Also, the VA-HUD appropriations for this year appropriates $174.4 million for the Section 8 Program for the disabled, and homeless assistance set-aside for disabled to the tune of $514 million.

So I think we are balancing this in many ways to help these unfortunate people, but certainly they should not continue to be terrorizing the elderly in their home complexes.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of this amendment. I would like to make a point that has not been made. Why do we have these senior citizens complexes? We have them because it is a portion of our population that is over their earning years. They are frail, and they need assistance. They need a special place to live, and we have provided it, and we have done a pretty good job of it.

But I would like to bring up two points. One needs to be underscored, and the other really has not been brought up yet and we need to talk about it.

The first one is you take people who are potentially violent, who use drugs, who abuse alcohol. The drug users have violated the law. Most of them have been guilty of felonies at one time or another, whether they have been convicted or not. And you take them and mix them in with a population of our elderly.

That makes absolutely no sense. I cannot believe that we are not getting a stream of speakers from the other side of the aisle to come down and give us assistance in passing this amendment. This is a most important amendment.

The other point that I think needs to be made is that we have a shortage of elderly housing in this country. With this shortage, why in the world would we set a portion of it aside and say that we are going to put people in here who have abused drugs and alcohol? They have placed this afflication on themselves by their abuse of a legal and illegal substance.

So why in the world would anybody object to this amendment? This is a very good, common sense amendment. It should be a bipartisan amendment, and I would urge its passage.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to begin by praising the authors of this amendment, the gentleman from Massachusetts [Mr. BLUTE] and the gentleman from Minnesota [Mr. GRAMS], for bringing to the floor an issue which in all of our communities, those of us who have been out in our public housing projects know, is a very real issue.

It seems to me in listening to the debate the difference is between those of us who have gone in and listened to what some of the officials at our public housing authorities have told us, as well as some of the residents, and those who want to stick with policies of the past simply because they had some merit at some point in the past. Things have changed here and we ought to recognize the change.

The gentleman from Massachusetts [Mr. BLUTE] and the gentleman from Minnesota [Mr. GRAMS] have listened in their communities. What they are bringing to the floor here today is a case of having listened and wanting us to legislate on that which the communities want to have done, and I think they deserve our great praise for having done this.

The suggestion here a little while ago was that some Members have been around here longer and know more about this. Believe me, from everything I know, what is going on out there in the communities right now suggests that this amendment is the right amendment at the right time.

Mr. BLUTE. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Massachusetts.

Mr. BLUTE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I believe it is the right amendment at the right time. That is why the seniors coalition, one of the largest senior advocacy groups in the country, have endorsed this amendment, because they know from listening to their constituency out there in the real world, that current policies are not working to protect our senior citizens in senior housing.

The fact is that 10 years ago, 15 years ago, these senior complexes were places that were quiet, serene, places where we would like our parents or our grandparents to live out their lives. But because of Federal policies, that has changed, and it has changed dramatically. It is fast becoming a crisis in our senior housing, where seniors are being abused. These news reports are the real world, and we need to take some real world action here in the Nation's Capital to protect these individuals who have worked hard all their lives. And all they ask from us is some assistance and the ability to live out their lives in peace and quiet. I think it makes a lot of sense that we take this action.

Mr. WALKER. Mr. Chairman, I thank the gentleman for his statement, because he is absolutely right.

Mr. Chairman, I point out one other thing. Let us assume that there is no maliciousness here whatsoever. Let us assume that all of the people we are housing in these projects are people who are fully recovered, who are living even model lives.

What you have done here though is still created a bad situation. These tend to be young people, our younger people. But they are young people who have a life style that is different than older people. They are people who are in the housing complex, who have their friends come in. They party late. They are not doing anything which is wrong. They are not doing the kinds of things that maybe the management feels they should be evicted for as such. But nevertheless, it is disruptive to the older citizens in the same building.

It is the kind of thing that just does not mix very well, and that is the problem. So even if you assume the best in all of this, the fact is that it is still a mixed population that does not work for the elderly clientele in these apartments, and that is what we are attempting to get at.

The problem is it is not always the best situation. As the gentleman pointed out, some of these people are literally being terrorized in some of these apartment houses, and that is absolutely wrong.

Mr. VENTO. Would the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I do not think we disagree on the mixed population issue and the solutions in terms of better screening. I think the concern here is the amendment being offered only addresses two facets of alcohol and drug addiction. If you have had that particular problem, it may not be a problem in the future.

As an example, having worked in our own communities at a complex that has a lot of individuals with brain injuries, they are residing there and the senior citizens are upset with that. It points out the very fact the gentleman is raising with regard to mixed populations. For instance, this deals with no past record of criminal behavior, whether it is violent or others. I just think the idea of striving to focus on this and limiting this, and there are some unintended consequences, contrary to the statement of my colleague from New Jersey [Mrs. ROUKEMA] it does not make clear. I know it is not the intention to deal with people who are using legal drugs or substances such as insulin. But the literal reading of the language does not indicate that. I know the gentleman does not want to do that. But that is the effect of it.

I think what we have here is an effort to try to micromanage this from the standpoint of the rules and regulations, which is not going to have the intended consequences. The administrations have been tardy coming to this. They have been reluctant because of the discrimination issue.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, I thank the gentleman for his point. I just wanted to say that in talking to the people at the public housing authorities, the problems are largely arising because of the fact that the disability has been defined as including drug and alcohol abusers. Disability defined in that way has put large numbers of these people into elderly housing projects, and they are indeed the source of many of the problems within it.

So the narrower amendment does make sense as a first step in trying to solve the problem. What we have here is a fairly narrow amendment aimed at trying to solve the bulk of the problem that exists.

Again, I thank the gentleman from Massachusetts [Mr. BLUTE] and the gentleman from Minnesota [Mr. GRAMS]. They have done the Congress a favor by having the courage to bring forward this amendment.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Blute amendment. This amendment improves the Housing and Community Development Authorization Act by strengthening the so-called mixed populations provisions. The mixing of the elderly and handicapped in public housing has created problems in numerous housing authorities nationwide, including one in Torrington, CT. The incompatibility of the elderly and recovering addicts who now qualify for disability has resulted in an atmosphere of fear and distrust in public housing units such as Torrington Towers.

While I am pleased that the Banking, Housing, and Urban Affairs Committee adopted language that allows expedited hearings for noncriminal matters and directs the Department of Housing and Urban Development to publish a concise booklet that explains what Public Housing Directors can and cannot ask to prospective tenants. I do not believe, however, that these provisions go far enough to protect the safety and well-being of public housing residents.

The Blute amendment would simply require the disabled to sign a statement that he or she will not abuse drugs or alcohol in such a way that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants; violation of this written promise would be grounds for eviction. The amendment also requires the eviction of any nonelderly person who, on three separate occasions, engages in a criminal or disruptive activity that threatens the health, safety, or right to peaceful enjoyment of the premises by the other tenants.

The problem the Blute amendment addresses is one that we helped to create by changing the disability laws. We have actually passed in this House an amendment of those disability laws that will limit eligibility for disability benefits to 3 years for drug and alcohol recovering addicts. That is a step forward and will help in addressing this problem.

But changing our disability laws is not enough, and the solutions adopted by the Department of Housing and Urban Development are not adequate. Publishing a concise booklet better describing how to select good tenants is nice. But, after all, most of our housing directors already know how to interview tenants. Most of them have had responsibility for this kind of work over many years.

□ 1120

While the new booklet may help, it will not help a lot.

Expedited hearings for noncriminal matters are useful as well, but we all know how long even this process takes.

The bottom line here is that housing, in our senior housing buildings, is not just about a roof over one's head. In my part of the country, where there is ice and snow on the ground much of the year, a roof over your head is only part of housing. These buildings are communities. They are places where people have tea together; they have community events together.

It is truly tragic when elderly citizens have to come to me, and I had a meeting with them recently, and share their real fear about what is happening in what used to be a really wonderful, not only senior housing building, but also a senior community. Members of that community stood up at my recent meeting and said, "I am afraid. I am afraid to go down to our teas. I am afraid to go down to our afternoon coffees." That is wrong. We owe it to the seniors of America to make sure that they are not afraid to get together in their own buildings.

Mr. Chairman, in fact their fear is the consequence of our rather unthoughtful action in making a whole population not only eligible for benefits but eligible also to share senior housing.

The Blute amendment is very simple and will help. It would only require tenants to sign a statement that they would not abuse drugs and alcohol in a way that would interfere with the health, safety, or right of peaceful enjoyment of the premises by other tenants. Violation of that agreement would be grounds for eviction. that is not a big deal. Tenants should not be acting in a way that threatens the health, safety, and well-being of our senior tenants.

The Blute amendment goes on to say that if there are three separate occasions of disorderly conduct, that that is also grounds for eviction. We owe it to those who run our senior housing buildings in America to give them a clear standard and an effective way to deal with some of the tenant problems that they now face.

In speaking with constituents from northwestern Connecticut, it has become painfully clear to me that the mixed populations issue needs to be addressed aggressively by Congress. Our senior citizens living in public housing should not be forced to live in fear of their neighbors, but rather, should be able to enjoy a community atmosphere in their public housing building. For these reasons, I rise in support of the Blute amendment.

The CHAIRMAN pro tempore (Mr. Condit). The question is on the amendment offered by the gentleman from Massachusetts [Mr. Blute].

The amendment was agreed to.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to take this opportunity to thank the chairman, the gentleman from Texas [Mr. Gonzalez], and the gentleman from Minnesota [Mr. Vento], for their very strong help in the fight against homelessness in America. I especially want to thank them for their support of a provision that I first introduced at the committee level and which was incorporated into this bill as part of the manager's amendment.

As Members know, this provision provides that every State in the country, no matter how small, receives at least $2 million under the new McKinney block grant program. This is extremely important to the small States of America and to the rural States of America, like Vermont, which will now be able to receive the necessary funding that they require in order to run an effective State-wide program to combat homelessness.

Mr. Chairman, I think we know that the media focuses on the crisis of homelessness which takes place in many of the urban centers in America, and we all know that is in fact a terrible problem. Sometimes, however, we overlook the fact that States like Vermont and small cities and towns like Burlington, VT, or Brattleboro, or Bennington, also have problems of homelessness.

Mr. Chairman, what this legislation will enable us to do is, not only in Vermont but in other rural States throughout America, to begin to have Federal resources in order to combat that problem. I very much want to thank the gentleman from Texas [Mr. Gonzalez] and the gentleman from Minnesota [Mr. Vento] for all of their help in this area.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I want to praise and compliment my colleague, the gentleman from Vermont. There is nothing I feel more pleasure in doing than assisting this very able Representative of the Green Mountain State, which is a State I have visited, and one of the most beautiful in our country, and yet very historic.

What the gentleman has done, he has, on 99 percent of the occasions, and the only time I took exception to one of his moves was when he wanted to tax the Texans for the S&L debacle, but other than that I can recall on every single occasion that the gentleman has been creative, he has been constructive, he has offered measures, either through amendment or through bills, that add to the substance of our country. In no way do they destroy the substance, but they add to it.

Mr. Chairman, I want to compliment the gentleman and assure him that it was our privilege to work on behalf of his cause.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman for his work in representing the small States. It is always difficult when we are dealing with formulas and the effect they have, the uneven effect, on States like Vermont and many others. Therefore, as we struggle with that, I appreciate the patience of the gentleman from Vermont and other Members that have given us the latitude to work on this as we try to rectify whatever the inequities are in it. The gentleman has been positive and constructive. I appreciate his strong support for the McKinney Act and his work on housing and community development. I thank the gentleman.

Mr. SANDERS. Mr. Chairman, once again, I just want to thank the chairman, the gentleman from Texas [Mr. Gonzalez], and the chairman of the subcommittee, the gentleman from Minnesota [Mr. Vento], for all of their work. Together we are going to defeat homelessness in America.

Mr. CONDIT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all I would like to commend the chairman of the committee for his fine work on this bill and for his efforts in trying to assist us in our problem we had with Castle Air Force Base. I would like to ask if I could join in a colloquy with him for some clarification on a problem that we may or may not have. This concerns Castle Air Force Base and other bases whose properties have been published in the Federal Register prior to July 1, 1994.

What we are concerned about, Mr. Chairman, and I know the gentleman from Texas [Mr. Gonzalez] and his staff have worked very hard on it, is whether or not local communities will have some input and some jurisdiction over these properties, and take into consideration community interest, economic impact, so on and so forth, before decisions are made by us here on the Federal level with these properties. I have been assured that that is the case. I would like to ask the gentleman to comment on this, if I may, Mr. Chairman.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I am happy to yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I want to reaffirm that assurance, and say that thanks to the very good spirit of cooperation and bipartisanship, and the excellent work by the staff on both sides, that what our amendments en bloc that we offered last night contain is language that will be very helpful to the gentleman's case of the Castle base in his district, and in no way would be detrimental or contrary to his community's desire to utilize this abandoned base, displaced base, for the purposes of the homeless.

I want to thank the gentleman for his work in that respect, but reassure him that our language will help and in no way detract.

Mr. CONDIT. Reclaiming my time, Mr. Chairman, I would just like to thank the chairman and his staff for their fine work and assistance in this. We appreciate it very much.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, I appreciate the cooperation of the gentleman and of the Committee on Government Operations, and specifically my colleague, the gentleman from Minnesota, Collin Peterson, who chaired the Subcommittee on Employment, Housing, and Aviation of the Committee on Government Operations, and who worked with us, as well as the Committee on Armed Services, in developing revisions of title V which are key to the gentleman and many who have base realignment and closing and other Federal properties that are subject to the provisions of the McKinney Act.

AMENDMENT OFFERED BY MR. KIM

Mr. KIM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kim:

Page 565, after line 11, insert the following new section (and conform the table of contents accordingly):

SEC. 852. PROHIBITION OF ASSISTANCE TO ILLEGAL ALIENS.

Section 313 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11343) is amended by adding at the end the following new subsection:

"(c) Prohibition of Assistance to Illegal Aliens.—

"(1) In general.—Notwithstanding any provision of law other than paragraph (2), no amounts provided to carry out this title may be used to provide shelter, food, supportive services, or any other assistance to any person who, at the time the person applies for, receives, or attempts to receive any assistance from a program assisted under this title, is not a citizen or national of the United States, a permanent resident alien, an asylee or asylee applicant, a refugee, a parolee, a nonimmigrant in status under the

Immigration and Nationality Act, or admitted with temporary protected status, a temporary resident, or a person granted family unity protection status under such Act.

"(2) EXCEPTION.—The Director may authorize the use of amounts provided to carry out this title for providing shelter, food, supportive services, and other assistance for persons described in paragraph (1) in such instances as the Director considers appropriate and such use shall be subject to any rules or guidelines established by the Director, except that—

"(A) such assistance may not be provided for such a person for a period that exceeds 7 days; and

"(B) any local government, private nonprofit organization, or other service provider providing such assistance under this paragraph to such a person shall notify the Immigration and Naturalization Service of the identity and location of the person during the 7-day period beginning upon the initial provision of such assistance for the person.".

□ 1130

Mr. KIM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KIM. Mr. Chairman, I rise today to offer an amendment to clarify and help complete action on the issue of illegal immigrants receiving Federal homeless assistance.

Like many of you, I am deeply disturbed about the effects that illegal immigration is having on our country. Illegal aliens cost our Nation billions of dollars every year in Federal handouts. Through fraud and loopholes in Federal law, illegals continue to obtain benefits that Federal policy intends to deny them.

I remind my colleagues that illegal immigration is a Federal responsibility that requires Federal solutions, and this amendment that I offer here today will go a long way toward cutting off the pipeline through which this illegal aid flows.

No one in this Chamber can dispute the fact that we have a continuing homeless problem in America.

But we are in a time of tight budgets and as elected Representatives we must be prepared to make the hard decisions. Do we spend our scarce Federal dollars on our own homeless citizens, or do we squander it on people who are illegally residing in our country? The answer is simple. To put the interests of any illegal immigrant ahead of one of our own is a betrayal, this body must start putting American citizens and legal residents first.

This amendment gives the Members of this Chamber the opportunity for an up or down vote on the subject of taxpayer-funded handouts for illegal immigrants.

We are dealing with people who have no legal right to be here. We should not feel guilty and uncompassionate because we want to put Americans first. We should not feel guilty and uncompassionate because we expect and want our laws to be enforced.

We must put a stop to the magnets that draw poor people from around the world who see our hard earned Federal tax dollars as a means to improve their standard of living.

Until we act to stop this flow of money to illegals, we cannot solve the problem of illegal immigration. Unless we act to remove this magnet once and for all this problem will continue to plague us.

This amendment, however, also allows emergency assistance such as food and shelter to illegal immigrants for a period of 7 days at least. At the end of 7 days of free assistance the INS would be responsible for the illegal immigrants.

While some may question why FEMA should be required to determine if someone is legally in our country, I ask, why should FEMA not be required to do no less than any American businessman?

The question we must ask ourselves here today is, do we want to continue to try and stretch already scarce dollars to cover all applicants, or do we want to provide our own citizens with the aid they deserve?

I say it is time to place Americans in need first. I ask my colleagues to join me in support of this amendment.

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. KIM. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Kim amendment. Obviously, as we look at this issue, this is one that is not a new one to us here on the House floor. In fact, it was addressed just last week by our colleagues with an overwhelming vote of 289 to 121 on a motion to instruct conferees on the crime bill. We all acknowledge that the resources of the Federal Emergency Management Agency are obviously very scarce. We have a serious fiscal crisis in this country. To allow for the continuation of funding for those who are in this country illegally obviously takes dollars away from those who are in this country legally and desperately need them.

I think this amendment is very worthwhile. I strongly support it and urge my colleagues to join with us.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. I would like to suggest to the gentleman from California that he has not thought through what he is offering today. There is not a Member on the floor who stands and suggests that any services or resources of the United States should be provided to someone who is here undocumented or illegally for the vast majority of programs offered by this Federal Government. I have voted, as I am sure the gentleman who offers this amendment has voted, to restrict those services to undocumented aliens. But the gentleman has gone absolutely too far with this amendment when he denies emergency services in the midst of a disaster to a person who may be an illegal alien. Virtually every amendment that has been offered on this subject has specifically exempted emergency food, shelter, and medical assistance for those who may be illegal aliens for the very real reason that if one has an ounce of humanitarianism in his system, he would not turn down clean drinking water to a person in the midst of a disaster because that person may not be legally in the United States. If one has any concern for any person in this world whether they live in Rwanda or live in Los Angeles, he would not turn down medical services to a person bleeding to death on the chance that they might not be legally in the United States.

Let us step aside from the humanitarian aspect and just suggest that perhaps the gentleman does not buy that argument. Let me give the gentleman another argument. Last year I represented an area hit hard by flooding. Many of your colleagues in California represent areas hit hard by the recent earthquake. People dispossessed from their homes, thrown out on the street, absolutely nowhere to turn, who went to shelters provided by FEMA to try to keep their families together and survive through the worst experience of their life. Because of the amendment which the gentleman offers, these people will be required to bring with them proof of citizenship before the U.S. Government will provide any service for them. That is ridiculous. It is the ultimate in bureaucracy. The gentleman is putting a mandate on this agency which would require them before they provide services in the midst of a disaster to verify the person receiving them is a citizen of the United States.

I might tell the gentleman from California, many of my constituents could not have done that because every earthly possession they owned was knee-deep in water and mud. To ask them to sort through their papers and find a birth certificate, for goodness sake. Is the gentleman really suggesting that?

This amendment is a mistake from start to finish. If the gentleman cannot accept the humanitarian argument, at least fight the bureaucracy which the Kim-Rohrabacher amendment would instill.

Mr. KIM. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. KIM. Mr. Chairman, in response, there are two things the gentleman's statement misstates. First, as I mentioned earlier, we do have 7 days free assistance provided on this provision. Seven days. I feel that is enough. After 7 days, then these people will be forwarded to INS. INS will take over and continue sheltering them until such time. We are not talking about cutting off immediately. Seven days, FEMA will continue support and given them free assistance.

Mr. DURBIN. Reclaiming my time, does the gentleman have any idea how long the flood in the Midwest lasted? It went on for weeks and weeks and weeks. People were losing their homes, coming in begging for help, for a meal, for medical service, for a roof over their head for their children. And this gentleman is saying that at the end of 7 days, we will say, "We're sorry, you have to leave now"?

Mr. KIM. Mr. Chairman, if the gentleman will continue to yield, we are talking about illegal aliens only, not American citizens.

Mr. DURBIN. At the end of 7 days, the gentleman would ask for proof of citizenship?

Mr. KIM. If the gentleman will continue to yield so I can answer his second question about the proof of citizenship.

Mr. DURBIN. Certainly.

Mr. KIM. As the gentleman knows, under current law the private business owner must verify the citizenship of the applicants. If they do not, they are going to be severely penalized anyway. I do not see why Federal agencies are excluded.

Mr. DURBIN. Mr. Chairman, does the gentleman realize he is talking about giving someone a drink of water, of clean, pure water for his children? The gentleman is prepared to deny that unless the individual asking shows proof of citizenship? Honest to goodness, has the gentleman been through a disaster?

Mr. KIM. Mr. Chairman, if the gentleman will continue to yield, the private businesses do it all the time. If they do not do that, they are going to be penalized. Why are government agencies excluded?

□ 1140

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, obviously there is a concern with undocumented individuals in our society. The fact is, the gentleman is putting the responsibility, as the gentleman from Illinois [Mr. DURBIN] pointed out, putting the responsibility on the nonprofit agencies. These agencies are operating on overload. They have no ability. They are providing services very often with volunteers and charity dollars and the very small amount of money that comes from the Federal Government, from FEMA to help these nonprofit groups is, of course, vitally needed. But the fact is it is a very small amount of money, and they are doing a lot of work with volunteers.

They have no records. Very often these benefits are provided in a time when they could not even make a phone call to make a determination. The institutions and others who have the background records are closed. We are dealing with an emergency situation.

There may be a lot of cases where we can fight an instance or make a case that we should look into the citizenship of individuals before they get benefits. But this is the least likely place that we would do that.

This is an extreme amendment in the sense it would simply cut off those individuals immediately and force them into the streets. In fact, most of the money used in the FEMA Program, as far as I know, 45 percent of it goes for food and soup kitchens, 15 percent for shelter, 30 percent to pay utilities and rent, 5 percent on equipment, and a very small amount for administrative costs.

So the gentleman is trying to say he is putting this on the Federal Government and why should FEMA not go through this. FEMA is in fact dispensing this, and it goes out through the charitable Council of Nonprofit Groups set up at the local community and the national board. It is a very, very successful program with very low overhead. What the gentleman would suggest is that we take these scarce dollars, in fact a little over $100 million in the appropriations bill and spend it and begin to spend it on the Immigration and Naturalization Service that we have a problem with.

I would suggest other remedies are much better than trying to do it in this particular case where we are trying to meet a problem head on in our communities. These nonprofits are spending their own dollars. They have their own shelters, their own kitchens, and they are getting a small amount of money that they desperately need because they are on overload and because there are literally tens of millions of people over the course of the year who are in fact homeless in our society at one time or another, sometimes for emergency reasons, sometimes for other reasons.

I would urge that the gentleman's amendment be defeated on the basis that it may be good intentioned in terms of dealing with the undocumented in our society, but the truth is this amendment is unworkable and costly. And it is the wrong place to put this type of solution. We should not put on the backs of the nonprofit organizations trying to deal with the very humanitarian needs in or society the responsibility to deal with the job that belongs to the INS.

Mr. KIM. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from California to speak for 5 additional minutes?

Mr. SERRANO. Regular order.

Mr. DIXON. Regular order.

The CHAIRMAN pro tempore. The gentleman from California cannot offer a pro forma amendment to his own amendment. The gentleman has already spoken for 5 minutes.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words, and I am happy to yield to my friend, the gentleman from California.

Mr. DIXON. Regular order.

Mr. FIELDS of Louisiana. Regular order.

The CHAIRMAN pro tempore. This is the regular order. The gentleman from California [Mr. DREIER] has not as yet been recognized for 5 minutes on this amendment. The gentleman from California [Mr. DREIER] controls the time and may yield to whomever he chooses.

Mr. DREIER. Mr. Chairman, I yield to the gentleman from California [Mr. KIM].

Mr. KIM. Mr. Chairman, I thank the gentleman for yielding. Again, I resent that I have been portrayed as almost cold-blooded and having no feeling for these people. That is not the case. That is why we have an emergency assistance to illegal aliens for 7 days, and after that this will be taken over by the INS. They will organize these people and send them back to their country.

We are talking abut illegal aliens coming up here illegally. We have limited funds, and we have to make a decision today on how we are going to continue to help them, providing them all of the free shelter and food, and free assistance. We have to draw the line somewhere.

That is why I feel that 7 days is sufficient enough for them to at least be treated on an emergency basis.

I thank the gentleman for yielding.

Mr. DREIER. I thank my friend for his contribution and his effort. I think he has made a very good point.

Mr. Chairman, it seems to me that as we look at this issue, the gentleman from California [Mr. KIM], has very accurately pointed out that there are very limited resources and funding for the Federal Emergency Management Agency.

The gentleman from California [Mr. KIM] is a person who came to this country legally and happens to be very concerned about the flow of illegal immigrants coming into the United States. That is the reason he is offering this amendment.

The gentleman from Minnesota [Mr. VENTO] indicated earlier that we are going to immediately deprive people of this assistance that is necessary, and in fact that is not the case in the Kim amendment. The amendment provides for a 7-day period whereby assistance can be provided to these people who are in the country illegally, and then at the end of that 7-day period the Immigration and Naturalization Service takes over responsibility for dealing with this situation.

We all are very concerned about any victims during a disaster that takes place, and we in California have suffered from more than just earthquakes, as was mentioned earlier. We have had a wide range of disasters in our State, and frankly we have seen the cost to deal with providing services to people who have entered our State illegally range from some have said $3 billion to as high as $8 billion. That is a cost which is incredibly high, and it is one which our State cannot continue to handle. Obviously with the debt crisis that we face here at the Federal level we cannot handle it in programs like these emergency services.

But the gentleman from California [Mr. KIM] has no interest whatsoever in depriving people of emergency services for at least a 7-day period. Then let the Immigration and Naturalization Service step in and provide the assistance that is necessary for people who are not in this country legally.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend, the gentleman from California.

Mr. DIXON. Mr. Chairman, I thank my friend from California for yielding. The fact of the matter is the Kim amendment goes even further than the gentleman is suggesting.

The McKinney Homeless Assistance Act provides money to private, voluntary organizations for soup kitchens. The Salvation Army, Catholic Charities and a variety of organizations are administering money through FEMA for the Homeless McKinney Act. The Kim amendment would cause volunteer organizations to make inquiries as to the status of a person, and ultimately, after providing soup for a homeless person for 7 days, they would have to be cut off and the volunteer organization would have to report to Immigration.

The gentleman from California should not be taking soup out of the mouth of a homeless person.

Mr. DREIER. If I can reclaim my time, as my friend knows very well I have no interest, and my colleague, Mr. KIM, has no interest in taking soup from people who are victimized by a disaster.

Let me say that our friend, who is the ranking Republican on the Housing Subcommittee, plans to offer an amendment to address just the concern that has been raised, and I know that the gentleman from California [Mr. KIM] and I will certainly join in support of that amendment, which will clarify the problem that has been raised by my friend.

Mr. DIXON. It may clarify it, but it is not before the House at this time. And the Kim amendment does exactly what I said.

Mr. DREIER. But the point I am making is that we are sympathetic with the concern on this side, and we plan to support the efforts by the gentlewoman from New Jersey [Mrs. ROUKEMA] to address the concern.

I thank my friend for his contribution, and I thank him for clarifying this issue for us.

AMENDMENT OFFERED BY MRS. ROUKEMA TO THE AMENDMENT OFFERED BY MR. KIM

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment to the amendment.

□ 1150

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA to the amendment offered by Mr. KIM: page 2, after line 23 of the amendment, insert the following:

"(3) INAPPLICABILITY.—This subsection shall not apply in the case of any disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.".

The CHAIRMAN pro tempore. The gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for 5 minutes in support of her amendment to the amendment.

Mrs. ROUKEMA. Mr. Chairman, I was concerned about some of the same issues that have been raised by the majority here, namely, the questions of what do you do in the middle of a flood or the middle of an earthquake. Is the 7-day period, as defined in the amendment presented by the gentleman from California [Mr. KIM], adequate enough?

And the bureaucratic questions that were raised by our colleague, the gentleman from Illinois [Mr. DURBIN], certainly did concern me, and yet it is a question of many of us feeling that there is right on both sides of this issue.

We certainly do not want this to be interpreted as carte blanche for illegal immigrants to be getting extensive services, and I think some of the questions here that have been raised are perhaps misunderstandings of the law and what is actually done or not done under FEMA.

But the gentleman from California [Mr. DIXON] was quite correct in terms of pointing out the soup kitchen problem, and before he brought that up, I was trying to have an amendment that you now have at the desk written up that would clarify precisely what would be appropriate under these circumstances, and the language is as read,

This subsection shall not apply in the case of any disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

What that means is you would not have to ask all of these questions in the middle of a disaster. That is what it means, nor would it mean that if someone is inadvertently dealing with soup kitchen situations that they would have to be denied this kind of assistance under FEMA.

I think this solves the problem on both sides.

I will be happy to first hear from the sponsor of the amendment if this would be acceptable to him, and I understand it is.

Mr. KIM. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from California.

Mr. KIM. Yes. Mr. Chairman, I am more than happy to accept the amendment to my amendment.

The CHAIRMAN pro tempore. Does the gentleman from Texas wish the gentlewoman from New Jersey to yield to him? The gentlewoman from New Jersey controls the time.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Chairman, I would like to interpose the fact that there is a parliamentary question here.

The CHAIRMAN pro tempore. Does the gentlewoman from New Jersey yield for a parliamentary question to the gentleman from Texas? The gentlewoman from New Jersey controls the time.

Mrs. ROUKEMA. Yes, I would.

Mr. GONZALEZ. Mr. Chairman, I want to be timely as I can be in interposing a point of order against this amendment.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GONZALEZ. I want to be protected in my right, as timely as I could be, to interpose a point of order against this amendment on the basis of it is going beyond the scope of the act. It is going beyond the scope of the act. It is going beyond the scope of the act and the germaneness since it addresses another——

The CHAIRMAN pro tempore. The chair wishes to advise the gentleman from Texas that a germaneness point of order would come too late at this point.

Mr. GONZALEZ. That is the reason I am interjecting myself now, because how could I offer a point of order if we had not seen this amendment?

Mr. WALKER. Regular order; regular order.

Mr. GONZALEZ. Remember, this amendment is hastily written, Mr. Chairman.

The CHAIRMAN pro tempore. It would have been in order for the gentleman to have reserved his point of order prior to the debate on the amendment. The debate has begun on the amendment at this point, and the gentlewoman from New Jersey does control the time. The amendment is pending, the amendment offered by the gentlewoman from New Jersey.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mrs. ROUKEMA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the intent of the amendment obviously is to deal with the disaster declared by the President. The point would be that insofar as the disasters are not insofar as somebody lost their home or other events of less consequence that would result in the same loss of identity, the loss of information and background to demonstrate your citizenship, you have cured it insofar as the magnitude of the disaster is adequate enough, but it is not cured with regard to problems where there is not a Presidentially declared disaster.

Would that be your interpretation? In other words, in the sense you are suggesting if there is a Presidentially declared disaster and someone has lost their ability to demonstrate their citizenship which often falls obviously on people of color in terms of their problems, Hispanics and others, that they would still have the same problem. Is that correct?

Mrs. ROUKEMA. Well, I would think, if I understand the gentleman's question, and I am not sure that I do——

Mr. VENTO. Well, I would try to repeat it again.

Mrs. ROUKEMA. Well, let me give my response, and then maybe that will clarify where there is understanding or lack of understanding between us.

I would think the 7-day period would cover that problem, would it not?

Mr. VENTO. I do not think that it would. My interpretation would be that, first of all, it does not affect any of the FEMA money that is provided under McKinney. That would still be all subject to the requirements that we have been talking about of the nonprofits and various groups that the gentleman from California [Mr. DIXON] pointed out would have difficulty. They would be completely liable, because these are not declared disasters, so they would be completely under the rigors of this particular amendment in terms of requirements in demonstrating citizenship and going through that particular matter.

The CHAIRMAN pro tempore. The time of the gentlewoman from New Jersey [Mrs. ROUKEMA] has expired.

(At the request of Mr. VENTO and by unanimous consent, Mrs. ROUKEMA was allowed to proceed for 2 additional minutes.)

Mrs. ROUKEMA. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I just wanted to give the gentlewoman back the time that I used. I will not use additional time because of that.

But this section would apply to disasters that are not Presidentially declared. This subsection would apply to the entire FEMA McKinney program; in other words, these nonprofits that would be forced to try to go through a documentation process.

Mrs. ROUKEMA. Yes.

Mr. VENTO. As someone said, we are going to hand it over to the INS at the end of 7 days. What does that mean? I do not think they have an emergency program. It means we are requiring FEMA, I might point out, I am certain, and these nonprofits are to fully cooperate insofar as they can with the INS. There is no suggestion they do not.

Mrs. ROUKEMA. Yes.

Mr. VENTO. The only question is we do not expect the Catholic charities, the Salvation Army, and so on to take on the job of the INS. I think that is unfair. I think that is misdirected.

The CHAIRMAN pro tempore. The time of the gentlewoman from New Jersey [Mrs. ROUKEMA] has again expired.

Mrs. ROUKEMA. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There being no objection, the gentlewoman is recognized.

Mr. GUTIERREZ. I object; I object.

The CHAIRMAN pro tempore. The gentleman must be standing. The gentleman was not standing at the time. The Chair heard no objection.

The gentlewoman from New Jersey [Mrs. ROUKEMA] is recognized for an additional 2 minutes.

Mrs. ROUKEMA. Mr. Chairman, obviously this amendment is not going to satisfy everybody, but I say to my friend, the gentleman from Minnesota, and he is my friend, we work frequently together, but in terms of the natural disaster question that was raised and the fact that obviously the amendment offered by the gentleman from California [Mr. KIM] did not anticipate the problem, this will satisfy that problem.

Now, if we are going to go on to the whole question of how we verify illegal immigrants, that is a different one, and the amendment offered by the gentleman from California [Mr. KIM] does allow that 7-day period, and I think that should take anyone who is at all open-minded about how we deal with the horrendous costs and problems that the flood of illegal immigrants is causing in certain areas of our country, but to be fair, I think my amendment does fairly address the question of the disaster. I think the gentleman from Illinois [Mr. DURBIN] was absolutely correct in terms of his analogy to the flood and earthquakes in Los Angeles, and I think we have done a straightforward job of dealing with that part of the issue.

Mr. KIM. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from California.

Mr. KIM. The intent is not to harm any individual's emergency needs in a crisis. The question is if you think the 7 days' free assistance to illegal aliens is inhumane, then how many days would not be?

☐ 1200

We cannot have indefinite assistance to illegal aliens, knowing that they are illegals, while we are having budget problems here. We are cutting back all kinds of programs for our own citizens.

The CHAIRMAN pro tempore (Mr. MORAN). If there is no further debate, the question is on the amendment offered by Mrs. ROUKEMA to the amendment offered by Mr. KIM.

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

Mr. KIM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently, a quorum is not present.

Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call and, further, pursuant to rule XXIII, on the underlying amendment to the pending amendment if there is no intervening debate or business.

Members will record their presence by electronic device.

The call was taken by electronic device

[Roll No. 347]

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte

Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1221

The CHAIRMAN pro tempore (Mr. MORAN). Three hundred ninety-three Members have answered to their names, a quorum is present, and the Committee will resume its business.

Mr. KIM. Mr. Chairman, I withdraw my demand for a recorded vote and, instead, ask for a vote by division.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Chairman, I have a parliamentary inquiry. Would the Chair clarify the situation for us?

The CHAIRMAN pro tempore. The gentleman from California [Mr. KIM] has requested a vote by division, and the vote will be taken by division. The vote is on the Roukema amendment to the Kim amendment.

On a division (demanded by Mr. KIM) there were—ayes 235; noes 0.

So the amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. KIM], as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KIM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will state that pursuant to the Chair's prior announcement, this will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 176, not voting 43, as follows:

[Roll No. 348]

AYES—220

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Cramer
Crane
Crapo
Cunningham
Darden
Deal
DeLay
Deutsch
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fingerhut
Fowler
Franks (CT)
Franks (NJ)
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klink
Klug
Knollenberg
Kolbe
Lambert
Lancaster
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manzullo
Margolies-Mezvinsky
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Myers
Nussle
Orton
Packard
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rose
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Thurman
Torkildsen
Traficant
Upton
Valentine
Volkmer
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—176

Abercrombie
Ackerman
Andrews (ME)
Bacchus (FL)
Baesler
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bishop
Blackwell
Bonior
Borski
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Danner
de la Garza
DeLauro
Dellums
Derrick
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hilliard
Hinchey
Hochbrueckner
Hoyer
Hughes
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kreidler
LaFalce
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickle
Pomeroy
Poshard
Price (NC)
Reed
Reynolds
Richardson
Roemer
Rostenkowski
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (IA)
Stark
Stokes
Strickland
Studds
Swift
Tejeda
Thompson
Thornton
Torres
Torricelli
Unsoeld
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—43

Barton
Boucher
Brown (CA)
Bryant
Carr
Chapman

Clay
de Lugo (VI)
DeFazio
Dornan
Faleomavaega (AS)
Ford (MI)
Frost
Gallegly
Gallo
Hansen
Harman
Huffington
Hutto
Kyl
Lloyd
McCandless
McCollum
McKeon
Oberstar
Oxley
Parker
Rangel
Ridge
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Slattery
Smith (NJ)
Sundquist
Synar
Thomas (CA)
Towns
Tucker
Underwood (GU)
Washington
Whitten
Wyden

□ 1236

The Clerk announced the following pairs:

On this vote:

Mr. Barton for, with Mr. Rangel against.
Mr. McCollum for, with Mr. Towns against.
Mr. McKeon for, with Mr. Tucker against.

Mr. GLICKMAN changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to the bill?

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to engage in a colloquy with the gentleman from Texas [Mr. GONZALEZ], the chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. Chairman, I rise to ask the chairman of the Committee on Banking, Finance and Urban Affairs a point of clarification regarding rent recalculations under subtitle (d) of title I of the bill. That subtitle deals with the refinancing of high interest rate mortgages now 20 years old on rental buildings in which some or all of the units are assisted with section 8 rental assistance.

□ 1240

The question I have concerns section 156 dealing with Maximum Monthly Rent under New Contracts and subsection (G), Allowance for Unique Costs.

As the chairman and the other Members of this body know, some of these buildings provide special services, known as congregate services for frail, elderly, and disabled persons. These specially designed buildings often include an institutional-type kitchen with a common dining area where meals are prepared and served to those who are ambulatory but unable to fix their own meals. Congregate housing management may also deliver meals to individual units within the building to others who are homebound. Other special services in such congregate housing can include health services, assistance with grooming, dressing, and 24-hour support staff.

My question is this, Mr. Chairman. Was it the committee's intent that the operating cost of these specialized services and facilities be included in the recalculation of rents as an "allowance for unique costs" as referenced in this section?

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Texas.

Mr. GONZALEZ. Yes, the gentleman from Ohio is correct. Under the subsection (G) of section 156, it is intended that these costs be taken into account, known as special services and facilities.

Also, they would include those buildings currently providing congregate housing services to frail, elderly, and disabled persons as the gentleman's question concerning that aspect of the program.

The answer is in the affirmative. It is.

Mr. SAWYER. Mr. Chairman, let me thank the chairman for that clarification. I would also like to extend my thanks to the chairman and his staff, in particular Marion Morris and Nancy Libson, whose help on this issue has been superb and timely. I am particularly grateful.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman very much. We appreciate his keen interest in these programs.

AMENDMENT OFFERED BY MR. KENNEDY

Mr. KENNEDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY:

Strike line 21 on page 544 and all that follows through line 23 on page 545 and insert the following:

SEC. 812. REGULATIONS AND TRANSITION PROVISIONS.

(a) IN GENERAL.—Not later than April 1, 1995, the Secretary of Housing and Urban Development (hereafter, "the Secretary") shall publish final regulations to implement the amendments made by this chapter. The final rule shall be published after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

(b) TRANSITION PROVISIONS.—

(1) EMERGENCY SHELTER GRANTS PROGRAM.—Notwithstanding any other provision of law, during fiscal year 1995, the Secretary shall allocate grants from amounts available for such year under subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this Act) in accordance with the provisions of subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Emergency Shelter Grants), as such provisions existed immediately before the enactment of this Act.

(2) FAILURE TO PUBLISH REGULATIONS.—

(A) IN GENERAL.—If the Secretary fails to publish final regulations as provided by subsection (a), the Secretary shall distribute the amounts available for fiscal year 1995 under subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this Act) (excluding amounts allocated under paragraph (1)) in accordance with the following provisions of title IV of the Stewart B. McKinney Homeless Assistance Act, as such provisions existed immediately before the enactment of this Act—

(i) subtitle C (Supportive Housing);

(ii) subtitle D (Safe Havens); and

(iii) subtitle F (Shelter Plus Care).

(B) PROCEDURE.—For purposes of awarding assistance under this paragraph, the Secretary may, as appropriate—

(i) provide for use of a single application; and

(ii) publish a single notice of funding availability.

(3) MINIMUM AMOUNTS.—The Secretary shall determine the amount to be allocated for each of the programs referred to in this subsection, but the amount so allocated for each such program shall not be less than the amount appropriated for the program for fiscal year 1994.

(c) TECHNICAL ASSISTANCE.—Of any amounts appropriated to carry out section 2 of the HUD Demonstration Act of 1993 in fiscal year 1995, the Secretary may use not more than 10 percent for providing technical assistance to assist recipients under subtitle A of title IV of the Stewart B. McKinney Homeless Assistance Act (as amended by this chapter) to establish a program for providing homeless assistance in accordance with the provisions of such subtitle.

SEC. 813. REPORT ON SINGLE ROOM OCCUPANCY ASSISTANCE.

Not later than July 1, 1995, the Secretary shall submit a report to the Congress evaluating the effectiveness.

On page 481, line 14, strike "813" and insert "812(b)".

Mr. KENNEDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. KENNEDY. Mr. Chairman, in offering this amendment I want to acknowledge the help and support of TOM RIDGE, who is unable to be here today. He has been a longtime advocate of the kind of changes to homelessness programs the Housing and Community Development Act of 1994 contains.

I've also worked with and gotten agreement from Chairman GONZALEZ; MARGE ROUKEMA, the ranking member; BRUCE VENTO, chairman of the Speaker's Task Force on Homelessness; and HUD.

The bill before us overhauls the whole Federal approach to attacking homelessness. It requires local communities, including local officials, nonprofits, veterans, social service providers and others to work together to develop a comprehensive strategy for attacking the homeless problem.

The plan will turn the present McKinney grant programs into one flexible formula grant so that local communities can use the money where those communities have determined it is needed most, whether that is in supportive services such as alcohol and drug abuse counseling job search assistance, or transitional housing.

This amendment gives HUD the opportunity to accelerate the implementation of the new federal homeless plan by giving that agency until April 1, 1995, to develop, take comment on, and publish the final regulations.

If HUD is not successful, then the fiscal year 1995 funds will be disbursed as they have been for the past several years.

I believe we ought to give Secretary Cisneros and his staff the opportunity to take on this challenge. All agree that the new plan goes in the right direction. This amendment simply allows HUD to get us there faster, if they are up to the challenge.

It's become quite popular to bash the Federal Government. Here's a case where a Federal agency is asking to be given a chance to perform better. We ought to comply.

I urge my colleagues to support this amendment.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I rise to speak to the amendment.

In H.R. 3838, the committee authorized the Department of Housing and Urban Development to transition the McKinney Homeless Assistance Program from a six-program categorical grant to a single formula block grant. And this is a very good change. Again, it puts more emphasis and latitude to the local officials and homeless providers.

However, in an effort to make sure that the States, counties, local governments, and all of those who provide homeless assistance under the McKinney Act had sufficient time to transition to the block grant, the committee delayed the implementation of the grant program to fiscal year 1996.

The block grant does require a good deal of preparation on the part of the potential eligible communities including the creation of local boards, the development of a comprehensive community-wide strategy and a very detailed implementation plan.

Quite frankly, I believe the jurisdictions will need an entire year to prepare for this. However, HUD feels many communities could implement the block grant as early as next year, and this amendment would give the Department an opportunity to publish rules to effect that implementation. This amendment would give HUD until April 1, 1995, to publish its final rules, or they are to issue the notice of funds availability for the regular McKinney grants.

While the minority will not oppose this amendment at this time we do wish to express our concern that HUD can meet this requirement, and we will continue to review the issue in conference and test how realistic this effective date is.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me and commend him for his work. This follows the outlines of an informal discussion that we have had with HUD. There is a lot of concern about the benchmarks to be hit in terms of establishing the rules and regulations and requirements of the Consolidated Grants Program and hence the idea of some transition time. I think this gives them an opportunity to in fact hit those benchmarks and to implement the new program in fiscal year 1995.

I certainly support the amendment and will work in conference to try and refine and perfect it, along with other provisions of this new Consolidated Grant Program.

Mr. KENNEDY. Reclaiming my time, Mr. Chairman, I want to thank the chairman of the task force whose work allowed these changes to take place, the gentleman from Minnesota [Mr. VENTO], who has just done outstanding work in terms of trying to coalesce all the various and conflicting homelessness programs across our country. The gentleman from Minnesota [Mr. VENTO] deserves a very strong vote of confidence for the fine work that he has done.

I want to also thank the gentlewoman from New Jersey for the fine work that she has done in allowing us to get these program changes implemented.

Mr. SWETT. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from New Hampshire.

Mr. SWETT. Mr. Chairman, I want to express my support for the amendment. I think making Government user friendly, improving the grant program, consolidating it is a good purpose and ultimately, we are going to see a lot of improvement in the program.

Mr. GONZALEZ. Mr. Chairman, I move to strike the last word, and I rise to accept the Kennedy amendment.

Mr. SWETT. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from New Hampshire.

Mr. SWETT. Mr. Chairman, I appreciate the time to have a colloquy with the gentleman. As I have raised to the gentleman's attention before, I feel that my State of New Hampshire is not receiving its fair share of funding under the McKinney Consolidation Act. I spoke favorably about the purpose and the intent of the consolidation.

My concern is that of all 50 States, New Hampshire is the State that is not being adequately compensated.

New Hampshire's homelessness population has grown considerably in recent years. Social workers who provide services to this population in my State are working on a shoestring budget, as it is. The Community Development Block Grant formula that will now be used to allocate funds provides, on average, less money per year than New Hampshire has traditionally received.

The change will create a difficult challenge for the service providers in my State.

I supported the $2 million minimum State grant language that the House has included in the amendment offered here today. However, I also support the hold harmless language that the Senate Banking Committee has included in its version of the bill.

I hope the gentleman and his colleagues will consider New Hampshire's position when they review the McKinney Consolidation Act in the conference committee.

Mr. GONZALEZ. Mr. Chairman, let me assure the gentleman that that is our intention, when we go to conference. We can solve our differences. I agree with the gentleman. I, for one, have always been distressed to find that in the allocation under the formulas that we have attempted, sometimes successfully, sometimes not so successfully to formulate on a statutory level, are not being carried out with congressional intent by the administrator.

□ 1250

However, in this case I agree with the gentleman. I think we can find an accommodation to protect New Hampshire's rightful and just claims.

Mr. SWETT. I thank the chairman very much.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BACHUS OF ALABAMA

Mr. BACHUS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACHUS of Alabama: Page 478, after line 23, insert the following new section (and conform the table of contents accordingly):

SEC. 723. AFFORDABLE HOUSING PROGRAM SEMI-ANNUAL OVERSIGHT.

No funds authorized under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 or section 21A of the Federal Home Loan Bank Act may be used by the Resolution Trust Corporation for any purpose, unless the Thrift Depositor Protection Oversight Board has fully complied with the requirements of section 21A(k)(6) of the Federal Home Loan Bank Act, including providing testimony before the required Committees of the Congress concerning the operations of the affordable housing program of the Resolution Trust Corporation. This section shall cease to apply upon the appearance by the Thrift Depositor Protection Oversight Board before the Committees of the Congress specified in section 21A(k)(6) of such Act.

Mr. GONZALEZ. Mr. Chairman, I wish to reserve a point of order on this amendment.

The CHAIRMAN pro tempore (Mr. MORAN). The point of order of the gentleman from Texas [Mr. GONZALEZ] is reserved.

The gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes on his amendment.

Mr. BACHUS of Alabama. Mr. Chairman, I thank the gentleman from Texas [Mr. GONZALEZ] for reserving his point of order.

Mr. Chairman, we will recall that back in November of last year we appropriated $18.2 billion, and let me repeat that, $18.2 billion to the Resolution Trust Corporation. According to FIREA, which is in title V, the Oversight Board is supposed to appear before the Committee on Banking, Finance, and Urban Affairs each 6 months to report on the activities of the RTC, on both the operation and the expenditures of funds. I will also remind this body that that law was passed in 1989.

From its passage, Mr. Chairman, the Oversight Board, the Thrift Depositor Protection Oversight Board, to be specific, appeared before the Committee on Banking, Finance, and Urban Affairs each 6 months to explain to the committee and to the American taxpayers exactly how that money was spent.

Mr. Chairman, I have raised on this floor several objections to how they are spending our money. Members may recall articles which came out in the media in the past few months that say that the RTC is spending $4 of taxpayers' money for every dollar that they recover, $4 spent for every $1 recovered. Members may also recall that I have spoken on this floor at least three or four times concerning the fact that we have 3 million Federal employees, and each of these 3 million Federal employees is paid according to one pay scale.

Then we have RTC employees. They are paid 10 percent more than other Federal employees, and then they get a cost-of-living adjustment. What is that cost-of-living adjustment? Other Government employees, Social Security, Department of Energy, working here in Washington, get a 4 percent regional pay increase. How about RTC? What are they giving their employees? They are giving them 22 percent in regional pay covered, 22 percent on top of the 10 percent. They are being paid 32 percent more. Then back off the 5 percent that other employees are getting.

How about in San Francisco? In San Francisco they get 10 percent more and then they vote, and they have another 32 percent regional pay difference. What do other employees of the Federal Government working in San Francisco get? Eight percent. Why this 24 percent difference on top of 10 percent? It costs millions of dollars.

Mr. Chairman, we have missed three statutory deadlines. The Committee on Banking, Finance, and Urban Affairs and this House is not above the law. It is time for the Committee on Banking, Finance, and Urban Affairs to require the Oversight Board to come before it. We need accountability on this $18.2 billion.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BACHUS of Alabama. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, if I understand the gentleman's amendment correctly, all he is trying to do is to get us to obey the law with regard to the RTC coming in to Congress and reporting on its activities, is that correct?

Mr. BACHUS of Alabama. That is correct.

Mr. WALKER. If the gentleman will continue to yield, I would ask, by law they are supposed to do that every six months, is that correct?

Mr. BACHUS of Alabama. That is right.

Mr. WALKER. The fact is that we have not been requiring them to come in, because evidently the majority thinks it would be embarrassing to have them testify before the committee.

Mr. BACHUS of Alabama. Mr. Chairman, I wrote the gentleman from Texas [Mr. GONZALEZ], the chairman, on January 25, again on February 9, again on March 21, again on May 18, appealing for him to call the RTC oversight board before us so that I could ask important questions. We have not had a hearing. We had a hearing in January 1990. We had one in June 1990. We had one in January 1991. We had one in July 1991. We had one in February 1992. We had one in July 1992. We had one in March 1993. About every 6 months we had one. Then we ended.

The Senate recently held an oversight hearing. They complied with the very same law, but we are not. I have also written to the Speaker appealing to him to comply with the law.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BACHUS] has expired.

(By unanimous consent and at the request of Mr. WALKER, Mr. BACHUS of Alabama was allowed to proceed for 3 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield further?

Mr. BACHUS of Alabama. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, if I understand the gentleman, every 6 months for a period of several years we were holding these hearings. Now all of a sudden, because it appears as though such a hearing would be embarrassing, we have decided that we are above the law in the House of Representatives and we will not comply with what the law requires. Is that what the gentleman is telling us?

Mr. BACHUS of Alabama. That is exactly the clear situation.

Mr. WALKER. And the gentleman's amendment is aimed at seeing to it that we comply with the law?

Mr. BACHUS of Alabama. That is correct. I will say this, and I am reading from the law, a report is filed, and that report was filed by the RTC. They are to come before us no later than 30 days after that report.

I would say to the gentleman from Pennsylvania [Mr. WALKER], they have filed three reports, and the last report that they filed, they filed a report in October of 1992 under the Bush administration, and we had an oversight hearing called by the chairman. Since then there have been three reports filed. The last of those was April of 1994. We have yet to have an opportunity, as the Committee on Banking, Finance, and Urban Affairs, to question the RTC on the $18 billion.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BACHUS of Alabama. I am glad to yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time.

The gentleman may recall, Mr. Chairman, this mirrors something we attempted to do on the floor not too long ago on an appropriation bill on a recommittal motion, so the gentleman has approached it from the authorizing committee that he serves on, the Committee on Banking, Finance, and Urban Affairs, and the Subcommittee on Housing and Community Development, but the same thing applies in the Committee on Appropriations.

In the Committee on Appropriations, none of these agencies were called before the RTC Inspector General, the FSLIC Board. None of them were called before the subcommittee of the Committee on Appropriations to testify this year on their budget request, their own budget request, the administration's submission of their budget request, because there was the fear that perhaps in the subcommittee some questions about their operations might be asked that might in some way relate to this investigation.

Mr. Chairman, we have to only not complied with the law, but in the area of the appropriations, we have appropriated money without ever calling these agencies to justify their budget requests. I find it not only strange but absolutely incredible, absolutely incredible that we are doing this kind of thing, that we are spending money for these agencies, allowing them to go ahead and operate and spend the moneys without ever coming before this body to justify their budget requests.

Mr. Chairman, I think the gentleman's point here is one that needs to be taken very seriously by this body.

Mr. BACHUS of Alabama. I thank the gentleman, Mr. Chairman. I will point out that each month we find a new revelation from the RTC, and we are the body and the Committee on Banking, Finance, and Urban Affairs is the committee. We had salaries, when people were getting salary bonuses, of tens of thousands of dollars. We have an agency that is going out of existence by law in about 2 years, but they are spending $300,000 to renovate. We owe it to the American people to call them in. I would like to ask them some very serious questions about their operations and their expenditures.

□ 1300

POINT OF ORDER

Mr. GONZALEZ. Mr. Chairman, I would like to speak on the point of order I have reserved.

The CHAIRMAN pro tempore (Mr. MORAN). The gentleman will state his point of order.

Mr. GONZALEZ. Mr. Chairman, the amendment offered by the gentleman is beyond the scope of the bill, as well as not being germane. Even the brief discussion here should indicate that.

Under the amendment, conditions are made against appropriations provided in a completely different law. In addition, the amendment affects operations, programs and policies that are not addressed in the pending bill. Accordingly, the amendment does not meet the test of germaneness, it violates rule 16 of the rules of the House, and let me add that it also violates Cannon's Precedents, volume 5, section 5932.

Mr. Chairman, I insist on my point of order.

The CHAIRMAN pro tempore. Does the gentleman from Alabama wish to be heard on the point of order?

Mr. BACHUS of Alabama. Mr. Chairman, I would like to speak to the point of order.

The CHAIRMAN pro tempore. The chair will hear the gentleman's explanation.

Mr. BACHUS of Alabama. Mr. Chairman, when I offered this amendment before the Subcommittee on Housing and Community Development, a point of order was raised. Prior to offering my amendment, an amendment was offered and that amendment amended FIRREA, called for expenditures, and dealt with affordable housing and with appraisals.

I raised the point of order knowing that I was going to amend FIRREA which the gentleman now says that I cannot do under his point of order.

My point of order to an amendment amending FIRREA was overruled by the gentleman from Texas. The gentleman made his ruling, and I asked him, I said to the gentleman in making my point of order, I raised an objection saying that the amendment was an amendment to FIRREA. I asked him if it was appropriate to amend FIRREA. The gentleman responded that it was.

I in return said, "Because it deals with appraisals and affordable housing?"

The gentleman's response was yes. And because the general subject matter of appraisal is a subject matter in various sections of this bill.

He went on to say that amendments dealing with affordable housing and with appraisals were in order. I had my amendment read at length, because, in fact, what I am asking the Oversight Protection Board to do is to come before the Committee on Banking, Finance and Urban Affairs and explain the operation of their Affordable Housing Program and their appraisal process, an amendment to FIRREA.

I would simply say to the gentleman, if we are going to allow amendments even though they are an amendment to FIRREA because they deal with affordable housing and appraisals, let us allow both amendments, not simply one amendment.

I would also say to the gentleman from Texas [Mr. GONZALEZ], I respect that he has given me the right, that the gentleman has reserved his point of order. I want to thank him. I want to thank him for giving me that opportunity to speak about what I consider to be a very important issue. I would simply say to the gentleman from Texas [Mr. GONZALEZ], if I am out of order and if the Parliamentarian tells me that I am out of order, I will respect the decision of the Parliamentarian. But in doing so, I would urge the gentleman from Texas [Mr. GONZALEZ] to bring the Committee on Banking, Finance and Urban Affairs into compliance with the law.

We have now missed three important dates in calling the RTC to accountability. The $18.2 billion we appropriated last November. Absolutely no accountability. That is evidenced by news stories reaching us daily and weekly about absurd spending practices, the American taxpayer being charged over $1 for copying per page. Let us call the RTC to accountability. If it is not here today through my amendment, then by the call of the gentleman from Texas [Mr. GONZALEZ] to have them appear before us.

The CHAIRMAN pro tempore. Is there further argument on the question of the point of order?

Mr. GONZALEZ. Mr. Chairman, I insist on my point of order for the reasons stated, and fail to see where any argument has been made other than to actions taken on the committee level in which I ruled in accordance with the rules of the House and the committee. The gentleman, let me say for the record, appealed the ruling of the chair. I was upheld by a strictly party line vote. But I think that has nothing to do with the pending issue here. I must insist on my point of order.

Mr. BACHUS of Alabama. Mr. Chairman, I would ask the chairman of the Committee on Banking, Finance and Urban Affairs, I would urge the gentleman to call the RTC Oversight Board before the Committee on Banking, Finance and Urban Affairs and remind the gentleman of the law and ask the gentleman from Texas [Mr. GONZALEZ] either in response to my letters or to this body to give some explanation of why that RTC Oversight Board has not been called before us.

The CHAIRMAN pro tempore (Mr. MORAN). The Chair is prepared to rule.

The bill currently before the Committee authorizes funding for a broad range of public housing programs. The amendment seeks to restrict funding provided under other acts for the resolution of failed financial institutions and to condition that availability on congressional hearings in part on a different subject.

As such, the amendment is not germane. The point of order is sustained.

Mr. BACHUS of Alabama. Mr. Chairman, I respect the point of order. I would point out to the Members that the very act which you say is not now germane, there was an attempt to amend that act in committee and my point of order to that attempt was overruled.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BERMAN. Am I correct in understanding that there are no further amendments known to the Chair to be offered to this bill?

The CHAIRMAN pro tempore. There are no further amendments at the desk at this time.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Is the gentleman asking to speak under your prerogative, recognized for 5 minutes, or is the gentleman offering an amendment? Because in order to answer his question, I have no knowledge of any pending amendment or at least any brought to my attention. If the gentleman is going to offer an amendment, I would want to be timely reserving a point of order pending my review of that amendment.

Mr. BERMAN. If I may reclaim my time, what we are trying to do, using my time under my motion to strike the last word, we are trying to deal with the imperfections in the Kim amendment as amended by the Roukema amendment which was adopted by the House. Those imperfections include the fact that the way the amendment was written covers people who are here in lawful status. It seeks just to deal with people who are here illegally, but its language covers classifications of people who are here under lawful status. I would have brought that point to this body except that I was in a committee hearing at the time of the debate and when I got here, there was already a quorum call.

Second, the language fails to contain the provisions which we have always provided, whether it was the employer sanctions language in the 1986 bill or whether it was the language in the earthquake relief bill or any other disclaimer bills, which made sure as we ought to differentiate between the people who are here lawfully and the people who are not here lawfully that there was no discrimination based on national origin or citizenship status. In other words, there are many categories of people who are here legally. There are many categories of people who may appear to an agency, private or public, to be immigrants, and we do not want that mere fact of language, of national origin, of ethnic group, of surname, to be a basis for denying the assistance provided in this act.

□ 1310

So we are trying to see if there is a way of addressing the imperfections in the Kim amendment which was adopted without redoing the fight about the basic question of whether or not that assistance should be provided. It is for that reason that I have made the motion to strike while we are getting that language ready.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I have no copy of anything that relates to the gentleman's amendment or the issue he is raising. But I think it would be more appropriate at this point in time if we considered this in conference. Certainly the complexity of what the gentleman has outlined here cannot be taken up here on the floor without prior consultation and having all of us study the issue. So I think it would be most appropriate for those issues to be raised in conference.

Mr. BERMAN. If I may reclaim my time, I am not sure why the other side needs more time for prior consultation than this side had for prior consultation on the Kim amendment.

But the problem with the conference committee strategy is that were the other body to include the same language, there would be no issue in the conference committee. These are important subsidiary questions to the fundamental question raised by the Kim amendment which must be cleaned up.

Mrs. ROUKEMA. The only part of what the gentleman has said that I disagree with is that the Kim language, formerly known as the Roukema language, was well known and out there for days, and everybody had every opportunity to go over it at that time.

Mr. BERMAN. The gentlewoman's point is well taken, except it was the Rohrabacher language then.

Mr. Chairman, I yield back the balance of my time.

Mr. MFUME. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say to my distinguished friends on the other side, particularly the gentleman from Kentucky [Mr. BUNNING], the gentleman from New York [Mr. SOLOMON], and others who I have enjoyed a good relationship with that, as the other side has often used the move to strike the requisite number of words to allow time to do what the Senate refers to as a filibuster, we then in the process are trying to bring about some clarification on this side, and I have been given the dubious responsibility to do that. So I would ask that the Members indulge me and Members on this side as those who are very concerned about this go about the task that they are in the remaining 4 minutes to find a way to quickly bring to conclusion their efforts.

I will say this, however, because I do see the gentlewoman from New Jersey [Mrs. ROUKEMA], who has had a distinguished career in this House, and who has worked well on many matters. I would suggest to her and to others who are part of the Committee on Banking, Finance and Urban Affairs, who serve on the minority staff, what a pleasure it has been over the years to work with them, and to try to bring to cloture a number of issues that have come before this body, oftentimes issues that sometimes divide the House. So her leadership and the leadership of others in that regard is greatly appreciated.

I am also happy that our chairman, the gentleman from Texas [Mr. GONZALEZ], has worked through this process and moved us to the point we are today. The distinguished gentleman from New York [Mr. SOLOMON] has often made the case of the distinction between the two Houses and how there is no filibuster here. So in this 5-minute period I am attempting, while my distinguished colleagues in the Hispanic Caucus move toward a conclusion of their efforts, not to filibuster this issue, but certainly to allow them the time under this rule to strike the requisite number of words to do that. It has been a pleasure, I know, on behalf of all on this side to try to find a working arrangement, and I am getting indication now that perhaps there is some cloture being brought to the discussion.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to thank the gentleman because his remarks have been as substantive as many I have heard on this floor, but delivered much more politely. So I would like to congratulate the gentleman for the civility with which he has carried out this task.

Mr. MFUME. I thank the very distinguished gentleman and all others who wish to speak, but in this 5-minute timeframe do not have the time to speak.

May I ask the Chair how much time is remaining under my motion to strike?

The CHAIRMAN pro tempore [Mr. MORAN]. The gentleman from Maryland has 2 minutes remaining.

Mr. MFUME. Mr. Chairman, looking at the other side, I do notice that some more distinguished Members of the minority party have joined us who realize also the need to try to find a way out of this slight impasse that we have come into. There is a desire by many on this side to try to do that.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I am happy to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I recall not so long ago the gentleman rising on the floor saying I know if you shorten this conversation that some of us are going to vote with you.

Mr. MFUME. The gentleman reminds me of a conversation I once had with him.

However, I am being told to continue my discussion on this side, and I will attempt to do that.

I also see the distinguished gentleman from California [Mr. CUNNINGHAM] has joined us, and it has been a pleasure in the last 18 months trying to work with him on a number of issues.

The gentleman from Ohio [Mr. TRAFICANT], who always reminds us how important it is to buy American has joined us in this debate, and we certainly welcome his presence and all that he has brought to this matter. We will be bringing it to a cloture soon, I think.

I would like to ask the chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The Chair would advise the gentleman from Maryland that he has 1 long minute remaining.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I am happy to yield to the distinguished gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, at this time on a Friday afternoon, I have to rise and congratulate the gentleman, who is a good colleague on our committee, and I have to say that I have never heard anyone speak so long and say nothing in a long time.

Mr. MFUME. I thank the gentlewoman for her kind remarks.

Mr. Chairman, I see we have been joined by the distinguished gentleman from New York [Mr. LAFALCE], who has worked so hard on this measure, a Member of our party who has helped Chairman GONZALEZ and others through his chairmanship to get that done. I expect that very soon we will have some conclusion to the discussions on this side.

The CHAIRMAN pro tempore. Does the gentleman from Maryland yield back the remainder of his time?

Mr. MFUME. Mr. Chairman, I am happy to yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to ask the chairman of our committee, the gentleman from Texas [Mr. GONZALEZ], if he might respond to some questions.

Mr. Chairman, if this bill passes in its present form, certain categories of legal residents will be excluded from receiving assistance under the McKinney Homeless Assistance Act. I would like to ask the chairman if he thinks this issue can be clarified in the conference committee so that no one who is in this country legally would be precluded from applying for that assistance?

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I had been trying to seek the attention of all of those concerned to say that rather than shadow boxing here, not knowing exactly what we are getting concocted at the last minute, that there is nothing I had heard to date by those proposing a correction on a technical basis that we cannot take care of as we proceed in regular order in going to conference. There is no question of that.

I think the gentleman's concern is well expressed. The reason I had attempted to be heard and intervene with a point of order at the time the gentlewoman from New Jersey [Mrs. ROUKEMA] offered her amendment was precisely for that reason. So we have had a vote and the will of the House has been expressed. I think at this point if the gentleman will take my assurances, and I think the gentlewoman from New Jersey [Mrs. ROUKEMA] would add to that, thus far we have been able to work that way when it comes to a matter of technical improvement which I think this involves. In other words, I do not think that it was the intention of the authors of the amendment, the gentleman from California [Mr. KIM] or the gentlewoman from New Jersey [Mrs. ROUKEMA] to deprive and legal resident or American citizen.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, let me observe, and I really repeat in another way way what I said earlier, that certainly this would be something that we would be happy to consider in conference.

□ 1320

The chairman has said it is of a technical nature. I repeat and reiterate that as long as you bring to us with specificity, with some specificity, the concerns and we have it in advance, I would be more than happy to consider it.

Mr. BERMAN. Given the hour, given the assurances of the Chair and the ranking member and given the hope that the issue of lawful status, of nondiscrimination, and of the appropriate standard to apply can be dealt with in a conference committee so that we can really make the intentions of the author only apply to the people he intended them to apply to in his own expressions, I will not offer an amendment at this particular time.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, I rise to offer an amendment.

Just some time ago during the passage of the Kim provision, we spoke about the denying of services to people who are here unless they can prove that they are citizens. My amendment would speak to that issue in the following fashion.

PARLIAMENTARY INQUIRIES

Mr. SENSENBRENNER. Mr. Chairman, I have a parliamentary inquiry.

Is the gentleman from New York speaking on striking the last word——

The CHAIRMAN pro tempore. Does the gentleman from New York yield for a parliamentary inquiry?

Mr. SENSENBRENNER. Or offering an amendment? He cannot do both.

The CHAIRMAN pro tempore. The time is controlled by the gentleman from New York. The gentleman from New York must yield to the gentleman for a parliamentary inquiry.

Mr. SENSENBRENNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman has not been yielded to for that purpose.

Mr. GONZALEZ. Mr. Chairman, do we have an amendment offered at this point, or, as the gentleman from Wisconsin [Mr. SENSENBRENNER] properly points——

The CHAIRMAN pro tempore. There is a pro forma amendment offered when the gentleman rises to strike the last word, and the gentleman from New York has the time, the remainder of the 5 minutes that was accorded.

Mr. GONZALEZ. The gentleman is not responsive. The gentleman has not been responsive to my parliamentary inquiry. My parliamentary inquiry is——

The CHAIRMAN pro tempore. The gentleman from Texas will suspend. The time is controlled by the gentleman from New York.

Mr. GONZALEZ. I am raising a parliamentary inquiry that the Chair has not been responsive to, and that is, is it understanding——

The CHAIRMAN pro tempore. The gentleman will suspend. The gentleman from New York will determine whether he yields for a parliamentary inquiry. There is no amendment pending.

Mr. GONZALEZ. OK. That is what I wanted to know.

Mr. SERRANO. I would ask a parliamentary inquiry as to the procedure for proposing my amendment which I have in front of me.

The CHAIRMAN pro tempore. The gentleman must yield back his time on the pro forma amendment. Then the gentleman will be recognized to offer an amendment which the Clerk can then read.

Mr. SERRANO. I will be recognized for how long?

The CHAIRMAN pro tempore. The gentleman will be recognized for 5 minutes on any amendment to the bill.

Mr. SERRANO. Well, under that understanding, I yield back the pro forma time, and would ask to strike the last word or whatever the language is so that I can propose this amendment.

The CHAIRMAN pro tempore. The gentleman has yielded back his time on the pro forma amendment. The gentleman will now offer his amendment.

AMENDMENT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Chair would advise the gentleman from Texas that the Clerk must first read the amendment before any further inquiry is in order.

Mr. GONZALEZ. I understand.

The CHAIRMAN pro tempore. The Clerk will read the amendment, if possible.

Mr. GONZALEZ. Oh, the Clerk cannot read it?

Mr. SERRANO. Is it in order for me to ask unanimous consent to waive the reading so I can explain my amendment?

The CHAIRMAN pro tempore. The Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. SERRANO: Insert at the end, the following new title: Assurance against lost shifting—Notwithstanding Sec. 852 of this Act—None of the funds made available in this may be used to implement, administer, or enforce any requirement or restriction established in this section when the requirement or restriction—

(1) is based on immigration status; and

(2) either—

(A) imposes any additional administrative burden on (i) the Federal Government; (ii) any State or local government; or (iii) any contractor or grantee receiving such funds; or

(B) shifts the cost of providing any service from the Federal Government to (i) any State or local government; or (ii) any contractor or grantee receiving such funds.

Mr. SERRANO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. GONZALEZ. I object.

The CHAIRMAN pro tempore. Objection is heard.

The Clerk will continue reading.

Mr. GONZALEZ. Mr. Chairman, we have no copy of this amendment, Mr. Chairman. I want it read.

The CHAIRMAN pro tempore. The gentleman will suspend. That is the purpose of the Clerk reading the amendment. There has been objection to the request to suspend the reading of the amendment and, because of that objection, the Clerk will now complete the reading of the amendment.

The Clerk completed the reading of the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order against the amendment.

Mr. GONZALEZ. Mr. Chairman, I reserve a point of order on this amendment, pending the chance to review it.

The CHAIRMAN pro tempore. The point of order will be reserved.

Mr. SENSENBRENNER. Mr. Chairman, I also reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The reservation would extend to all Members. The point of order is reserved.

The gentleman from New York [Mr. SERRANO] is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, it really is not my intent to cause such discord in the House, but a very important amendment, in my opinion, was passed before which speaks to the people, people who are in this country and who have to prove their citizenship prior to getting emergency aid.

In order to accomplish this, localities, State, city, county governments, in order to accomplish this, FEMA, and in order to accomplish this, not-for-profit organizations, would have to conduct a study, as has been discussed on other similar amendments on the floor before, would have to conduct a study and research every individual that comes up during an emergency situation.

We feel that this would add a burden to local governments and to organizations, and funds to provide for that burden are not addressed in this bill at all. So what my amendment speaks to is to say that if, in fact, as we know it will, these burdens are added, and since no provisions have been made to pay for them, then that provision should not take effect, because we have made no provision for that payment to be made to the local governments.

Now, it would seem to me that this is not such an unreasonable statement. After all, it is the people from the other side of the aisle who spend hour after hour after hour telling us about unfunded mandates. But the only time, it seems to me, that they put aside the issue if it is an unfunded mandate or not is when they have the opportunity to beat up on someone who may be in need of some food or shelter and who may not be able to prove at that point whether they are a citizen or not.

I have said on many occasions here that I do not carry with me any papers that indicate the fact that I was born an American citizen, and during a flood in the Bronx or an earthquake in the Bronx, I would not want the Federal or local agency to ask me to prove that I am a citizen.

Therefore, in view of the desire of the other side to forgo their usual argument against expenditures of money and to forgo their usual argument against unfunded mandates, then let them live up to their word and support this amendment which I have proposed today that says, and I repeat for the last time, if it costs money, since we have not provided moneys for it, we should not carry it out.

Keep in mind, as a last point, that our records indicate that FEMA is an agency that spends only 2 percent of its budget on overhead and administration. It is an agency that makes dollars directly go into solving some of these problems, these humane problems that we face. So if we could not convince some people from a humane point of view not to approve the Kim amendment, as amended by the gentlewoman from New Jersey, then let us at least speak to what we always speak about: If you do not have moneys to pay for it, then do not have it go into effect.

Mr. Chairman, I yield back the balance of my time.

□ 1330

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore (Mr. MORAN). Does the gentleman from Texas [Mr. GONZALEZ] continue to insert on his reservation of a point of order?

Mr. GONZALEZ. At this point, Mr. Chairman, I move to strike the requisite number of words in order to enter into a colloquy and get the author's intent of this amendment, as we have just been given a chance to read it.

The CHAIRMAN pro tempore. Then the gentleman continues to reserve his point of order.

Mr. GONZALEZ. I continue to reserve my point of order.

The CHAIRMAN pro tempore. The gentleman will be recognized for 5 minutes.

Mr. GONZALEZ. Mr. Chairman, I would ask the gentleman from New York [Mr. SERRANO], as I gather from his remarks, the thrust of this amendment is to make sure that under the new section 852, the Kim amendment, the cost of providing the identification is not laid on the contract service providers, the nonprofit and the like, is that correct? Is that the main thrust of the gentleman's amendment?

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from New York.

Mr. SERRANO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is partly correct. It is my belief that the Kim amendment, as amended, would place a burden on Government agencies and private providers, and, since there is nothing in this bill that provides for recapturing those dollars, then my amendment says that that provision should not take effect when it causes a burden.

Mr. GONZALEZ. Mr. Chairman, in that case, I am prepared to accept the amendment and not proceed on reserving my point of order.

The CHAIRMAN pro tempore. Does any other Member insist on a point of order on the amendment?

Does any other Member insist on reserving a point of order?

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The point of order will continue to be reserved.

The gentlewoman from New Jersey is recognized for 5 minutes.

Mrs. ROUKEMA. Mr. Chairman, it would seem to me, and let me ask, because there is no indication of the amounts that we are talking about here, would it not be appropriate to add as line 18 of what I have, and what I assume is the same copy that the gentleman from Texas [Mr. GONZALEZ] is reading from, if we add on that line, "authorize such sums as necessary."

Mr. SERRANO. Mr. Chairman, would the gentlewoman repeat the question?

Mrs. ROUKEMA. Mr. Chairman, if we added to line 18 of the copy that the gentleman from California [Mr. SERRANO] has given us, "authorize such sums as necessary," to implement this provision.

Mr. SERRANO. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from New York.

Mr. SERRANO. I thank the gentlewoman for yielding.

Mr. Chairman, I think we want to leave that to the agencies that deal with this. Incidentally, I realize that I gave the gentlewoman a draft.

Mrs. ROUKEMA. Well, then the gentleman does not have the authorization, and that is fine; that is fine with me.

Mr. Chairman, I accept it.

Mr. KIM. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. If the gentleman would suspend, the Chair must inquire if any Member insists upon reserving a point of order? Otherwise the point of order will be withdrawn.

The point of order is withdrawn.

The Chair will recognize the gentleman from California [Mr. KIM] for 5 minutes.

Mr. KIM. I thank the Chairman.

Mr. Chairman, I would like to clarify this amendment that we passed a while ago and to which we are now coming back and adding another amendment to the amendment already passed.

Mr. Chairman, the cost of identification, in my opinion, is really ridiculous, because to place a burden to prove the citizenship or legal residenceship of two Government agencies, that is what you are talking about. But it already happens to private enterprise. If you are a private business owner, it is your duty to ask the applicant whether they are legal residents. If you do not comply with that, you are going to be seriously penalized by the Government agency.

Why does the Government agency have to be exempted? They should follow the same law as private enterprises, they should ask the same question as private enterprises are asking. I do not see where that is an additional burden to ask the applicant whether they are or are not legal residents.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. KIM. I yield to the gentleman from New York.

Mr. SERRANO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from California [Mr. KIM] should really be supportive of my amendment because it is the Governor from the gentleman's State of California who is saying he does not want the Federal Government not to help them with the immigration situation in his State.

During one of the amendments of the gentleman from California [Mr. ROHRABACHER] we established that in California and New York the identification of everybody who may be here legally or not, but asking all people who may be suspected of not being here legally would cost anywhere from $5 to $10 per head. That was established on the floor here during the education debate on Mr. ROHRABACHER's amendment.

So this amendment, really, if you analyze it, would be right in line with the request made by the Governor of the State of California.

Mr. KIM. This amendment applies to FEMA's loan application process. Again, it is exempted from the situations when the President declares an emergency; then the whole amendment does not apply. It is only in the case with individual applications coming in the Government that the agency is obligated to ask them whether they are a legal resident. I just do not follow the gentleman's argument.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. KIM. I yield to the gentleman from Maryland.

Mr. MFUME. I thank the gentleman for yielding.

Mr. Chairman, I think what the gentleman from New York [Mr. SERRANO] was saying succinctly is that this is another unfunded mandate that we are putting on States, and, as such, he argues that the gentleman from California [Mr. KIM] should be supportive in that regard.

Mr. KIM. Mr. Chairman, reclaiming my time, if that is the case, I think we have to fund the private enterprises also, because they have to prove citizenship also.

Mrs. ROUKEMA. Mr. Chairman, if the gentleman will yield, if that is indeed the intent of the amendment, and I doubt that it is, but if that is the intent of the amendment, then they should be perfectly willing to accept my amendment to the amendment, which indicates a way of funding which is "such sums for implementing the provision." If that is the intent, then I would propose that I have an amendment to the amendment.

Mr. KIM. If that is the intent, I have no objection.

Mr. Chairman, I yield back the balance of my time.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is a late hour, but especially for the State of California I would like to remind the House that this is a very, very important amendment. It will kill the gentleman from California's amendment. When they talk about unfunded mandates, in the State of California, especially in the border States, the Government, this Government, under OBRA 1986, demanded and set into law that we fund for illegal immigration into the United States, we fund it. But to date we have not funded it, and that is the unfunded mandate. The Governor, when he speaks of the Governor, the Governor of California has requested billions of dollars to pay for that unfunded mandate and, to date, has been denied. We are talking billions and billions of dollars of unfunded mandate for illegal immigrants, and every time we try to bring it on the House floor, except for the border patrol, we are denied, "This is not the place to do it."

What we are asking is just like in business, before you receive Federal services, the gentleman and I, for example, some day are going to have to apply for another job, and when we do, I do not mind walking up and saying, "Yes, I am a legal resident of this country. I, under FEMA or other emergency, request Federal assistance that I deserve because I am an American citizen."

□ 1340

That is all we are asking. There is a blatance of abuse of the system, not only in education, but in health care, and in the criminal system as well, and ever under the emergency services. It is not too much to ask that someone identify themselves as an American citizen.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from California [Mr. CUNNINGHAM], my friend, for yielding. I would think that he would want to accept this amendment for the very reasons he just stated.

Mr. Chairman, what we have done through this amendment that just passed, the Rohrabacher-Kim amendment, is imposed upon State, city, county, local governments, but not just them, but also now nonprofit charitable agencies like Red Cross, the Catholic Charities, any religious organizations, the requirement that they do the administrative task that the INS does. If we are going to tell them to do this before they can get the Federal funds, let us at least have the decency to give them the moneys with which to pay for the administrative burden of doing that.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, the problem is that, even when we come for money for the unfunded mandate for illegal immigration—let me finish with what I am saying—the problem is that there is not enough money in the Government to fund an unfunded mandate that we have laid on the States today, and, when we talk about unfunded mandates, the Brady bill is an unfunded mandate, the motor-voter is an unfunded mandate, illegal immigration is an unfunded mandate. What we are asking, before we force the States to give out money, whether it is emergency or anything else, that they identify themselves as an American citizen. That is not too much to ask.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I appreciate it.

My understanding is some people here offer an amendment, the gentleman from New Jersey offered an amendment to an amendment, they agree, everybody agrees. I do not doubt our capacity to fall further into disagreement, so I ask, "Why don't we vote already; just stop because everybody agrees?"

Mr. CUNNINGHAM. Mr. Chairman, I reclaim my time just to yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, I ask unanimous consent that there be added to the amendment offered by the gentleman from New York [Mr. SERRANO] the language drafted by the gentlewoman from New Jersey that such sums, as necessary, be authorized for the purposes of this amendment.

The CHAIRMAN. The Chair advises the gentleman from California [Mr. BERMAN] that the amendment must be submitted in writing.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. How much time?

The CHAIRMAN. The time is controlled by the gentleman from California.

Mr. FRANK of Massachusetts. My parliamentary inquiry, if the gentleman would yield, without violating the rules, is this: Mr. Chairman, how much time would the gentleman have to write that down before we would be in violation of the rules and not proceeding promptly? I mean obviously we could not wait an hour. As I understand the ruling, the gentleman has to write that down. My question is how much time he would have to write it down before we would be in violation of the rules because I know the gentleman does not want to be.

The CHAIRMAN. The Chair would advise that the time is controlled by the gentleman from California [Mr. BERMAN].

The Chair wishes to advise particularly the gentleman from Massachusetts [Mr. FRANK] that he did not state a parliamentary inquiry.

POINT OF ORDER

Mr. FRANK of Massachusetts. Mr. Chairman, I have a point of order.

Mrs. ROUKEMA. Will the gentleman yield?

The CHAIRMAN pro tempore. The gentleman from California [Mr. BERMAN] controls the time.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, I would like to ask the gentleman from Massachusetts if he would just assist me and have a brief colloquy for just a moment.

Would the gentleman please, for the purposes of this gentleman, restate what it is that he was stating in his parliamentary inquiry which was ruled out of order?

Mr. FRANK of Massachusetts. No, because he is finished writing, and the Chair hurt my feelings.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MRS. ROUKEMA TO THE AMENDMENT OFFERED BY MR. SERRANO

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment to the amendment:

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA to the amendment offered by Mr. SERRANO: At the end of the text proposed to be inserted by the amendment, insert the following: There are authorized to be appropriated such sums as may be necessary to carry out section 852 of this Act.

Mrs. ROUKEMA. Mr. Chairman, I am going to abbreviate everything I have to say here. I think it is obvious to everyone who has been in on this, although I would like to have the comments from the gentleman from California who has been working with me on this. We are dealing here with the essence of the problem that the gentleman from New York [Mr. SERRANO] has raised. That is the question of whether or not there were unfunded mandates, and it is my understanding now that it is recognized that this will authorize the sums necessary so that it will both protect what an overwhelming majority of this House voted for in terms of the amendment offered by the gentleman from California [Mr. KIM] as amended by Mrs. ROUKEMA, and at the same time deal with the possible confusion over the unfunded mandate or the possible strain on the localities and the private service providers.

Mr. BERMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I support the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] because the modest and ill-advised majority that adopted the amendment offered by the gentleman from California [Mr. KIM], surely the amendment offered by the gentleman from New York [Mr. SERRANO] should authorize the Federal Government to provide the funds, and, therefore, I urge everyone to accept the gentlewoman's amendment.

Mrs. ROUKEMA. Mr. Chairman, yet again politics made strange bedfellows.

Mr. Chairman, this housing bill and the many issues the committee had to confront could not have been achieved in this timely fashion without the fine work of our committee staffs.

I would like to thank: Vince Morelli, my subcommittee staff member, as well as Joseph Ventrone, Clinton Jones, Valerie Baldwin, and Becky Winborn, our minority professional housing staff members.

In addition I would like to personally thank Chairman GONZALEZ' fine staff: Nancy Libson, staff director; Paul Ceja, Marion Morris, Angie Garcia, Rosa Garay, June Lawrence, Buffy Bromberg Allen, and Annie Dupee.

Finally, I would like to thank our legislative counsel, Paul Callen, for his tireless efforts in drafting this bill.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] to the amendment offered by the gentleman from New York [Mr. SERRANO].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SERRANO] as amended.

The amendment, as amended, was agreed to.

Mr. MACHTLEY. Madam Chairman, I rise today to support the amendment offered by my colleague from Massachusetts [Mr. BLUTE].

This amendment is vital to ensuring safe and peaceful living conditions for our seniors who reside in federally assisted housing.

Congress enacted the mixed population provision of the Housing and Community Development Act of 1992 in response to the increasing conflicts between seniors and younger disabled residents occurring in public housing facilities. This body realized that this was a growing problem, and I was pleased to support that legislation.

But even though that legislation was signed into law in 1992, the problem has not yet been solved, and many would argue that the conflict between the seniors and the disabled is growing worse.

The bill before us today makes strides toward solving its dilemma. By consolidating the eviction process, local housing authorities will have greater ability to remove drug abusers and alcoholics from mixed population housing units.

But the bill does not go nearly far enough. And that is why the Blute amendment is necessary.

Why shouldn't we require that alcoholics and drug abusers sign an oath to the effect that they will not continue to abuse substances as a condition of residing in a mixed population facility?

And why shouldn't we require that after three documented infractions, the housing authority be required to evict the offender?

These are necessary rules to protect our seniors who are dependent on federally assisted housing.

During March of this year, my office received letters from local public housing authorities from throughout Rhode Island, as well as hundreds of signatures from residents of housing complexes, demanding that the mixed population housing controversy be resolved.

The Blute amendment works toward that goal. It gives teeth to the rhetoric that has been circulating between Congress and HUD for more than 2 years.

It is time that we send a strong message to young drug and alcohol abusers that their disruption and harassment of seniors will no longer be tolerated.

I urge my colleagues to support this much needed amendment.

Mr. FRANKS of Connecticut. Madam Chairman, I rise today to express my support for the Blute amendment of which I am a cosponsor to H.R. 3838, the Housing and Community Development Act of 1994. This amendment will help end the terror that our senior citizens are currently facing in elderly public housing facilities.

The mixing of elderly and disabled individuals in senior housing facilities has had disastrous results. Part of the problem is that the definition of disabled has come to include recovering alcoholics and drug abusers. The lifestyles of these younger individuals often serve to disrupt the quality of life in elderly public housing. Too often these younger disabled individuals are harassing the elderly residents and making life miserable for them. This amendment offers us a vehicle to end this terrible injustice.

Elderly public housing should only house the individuals that are willing to promote the greater good of the community. This provision will require the eviction of individuals who commit crimes or cause disruptions on a continuing basis. I am proud to have cosponsored this amendment which will help us rid housing that is designed for the elderly of troublemaking nonelderly former substance abusers and alcoholics. This amendment goes further than the existing bill language by mandating the eviction of these rule breakers. I am also pleased that this language will strengthen the front-end screening process so that these individuals are not placed in elderly housing to begin with.

We owe it to our seniors to provide them with public housing that is safe, peaceful, and quiet. Let's support this amendment and put an end to the loud music, muggings, shakedowns, prostitution, and drug deals that are terrorizing seniors today.

Ms. WOOLSEY. Thank you, Madam Chairman. I rise today in support of the Housing and Community Development Act of 1994, and to commend the Banking Committee for adding provisions which will expand home ownership opportunities through the Federal Housing Administration [FHA] single family mortgage insurance program.

Madam Chairman, there has been much public debate about the merits of increasing FHA loan limits. Opponents of raising limits contend that doing so would undermine the ability of low-income families to obtain loans. I take issue with this assertion. To the contrary, increasing the cap on loan amounts would do two important things: One, it would shore up FHA's insurance fund reserve, thus expanding loan services to many who would otherwise be unable to own a home. Two, it would bring service to hard-working middle-income Americans who live in areas with particularly high-cost housing.

Madam Chairman, my district, the sixth district of California, is just such an area. Marin and Sonoma Counties comprise one of the highest cost housing markets in the United States, where owning a home is becoming terribly difficult for my constituents. Increasing FHA's loan limits for high-cost areas, like mine, would make the American dream of home ownership a reality for many of my constituents.

This important legislation raises the FHA's maximum loan ceiling from $151,250 to $172,678, serving families with combined incomes of $63,000. In my district, those amounts constitute neither high-cost housing nor high income. Increasing the limit simply allows more of my constituents to use the FHA program on the same basis as borrowers in more moderately priced markets. I will continue to press for changes in this program that will make it more sensitive to the high costs of housing in many local areas such as the sixth district of California.

I urge my colleagues to join me in supporting this critically important bill which will increase the opportunity of homeownership for millions of working families.

Ms. HARMAN. Madam Chairman, I rise to support the housing and community development reauthorization bill, and applaud provisions to involve local communities earlier in the process of determining uses for surplus military property.

Numerous communities, including San Pedro in my district, are experiencing the painful human consequences of defense downsizing. In a well-intended effort to put surplus military property to good use, the Congress passed the 1987 Stuart B. McKinney Act and President Reagan signed it.

But 1987 was another time—before the cumulative impact of two rounds of base closures. And the McKinney Act failed, in my view, to provide adequately for community input.

The result is that communities are polarized when, apparently out of nowhere, they learn that applications have been awarded to provide homeless housing, sometimes in massive numbers, in the midst of established residential neighborhoods.

There is need to house and otherwise help the homeless, but those efforts, to succeed, must be community-based.

Language in this bill creates a new process to follow the announcement of closed bases for redevelopment and use. In essence, it gives local authorities a year to develop a reuse plan which would reasonably meet the needs of the homeless in the community. DOD would use this plan as the preferred alternative for disposing of the property unless HUD determines it is inadequate. Only after a negative finding by HUD would the more draconian procedures of the present McKinney Act come into effect.

Madam Chairman, these changes are a real victory for neighborhoods, and much credit is owed to my colleague from Nebraska [Mr. BEREUTER].

We must do more. I will soon introduce another amendment to the McKinney Act to provide additional notice and community involvement at later stages in the process. I am grateful to the members of the San Pedro Area Reuse Committee and its chairman, Doane Liu, for their input, and to the Governor's California Military Base Reuse Task Force.

Government must be a partner with communities on redevelopment decisions. The provisions I've described begin to build a new partnership and undo the adversarial relationship that now exists.

Mr. KLECZKA. Madam Chairman, I rise today in support of the amendment offered by Chairman GONZALEZ since it includes an effort to right a serious wrong and ensure that Federal CDBG funds are not used for piracy.

The Briggs and Stratton Corp., of the Milwaukee area has recently announced that it will be moving 2,000 jobs out of Wisconsin in order to expand its operations into Missouri, with the help of a $209,000 community development block grant. Therefore, the sad irony is that Wisconsin taxpayers have unknowingly played a role in the loss of their own jobs.

We all know the purpose of the community development block grant: to spur economic growth and improve life for low- and moderate-income residents of an area. There are many examples of the positive use of these funds in the Milwaukee area alone. In a typical year, examples include improvements to more than 4,000 housing units, jobs training or placement assistance to several hundred residents, and expansion or improvements to approximately 100 Milwaukee businesses.

The list continues: The Walkers Point Development Corp., was recently awarded a grant to aid in housing acquisition, rehabilitation, and disposition to first-time homebuyers. The Milwaukee Christian Center was the recipient of a $500,000 community development block grant. These funds will be used to operate an owner-occupied rehabilitation program for low-income homeowners. Last year, the program was able to improve almost 50 units with CDBG funds. Journey House, a youth center in Milwaukee, was provided $85,000 for its programming for inner-city youth.

So, you can see that the community development block grant program is indeed a worthy, commendable program that assists our communities in providing much-needed neighborhood services and clearly betters the lives of many residents. That is why it is so outrageous to me that CDBG funds could be distorted to lure jobs from State to State. The program was meant to create jobs, not to steal them.

In fact, I have already been contracted by several constituents who will personally suffer due to this move. They are angry that Wisconsin taxpayer funds are being used to take jobs away from Wisconsin. I agree with my constituents that this is clearly not an appropriate use of this commendable program. The amendment we are offering today is a clear, honest attempt to right this wrong and to disallow future use of CDBG funds to lure companies.

What should we tell those loyal employees who will clearly suffer as a result of Federal funds being spent in this manner? What about their families who will suffer?

Madam Chairman, I ask my colleagues on both sides of the aisle to support this amendment and let our constituents know that we recognize the worthiness of the community development block grant program and are committed to ensuring that Americans are benefited by the program, not harmed by it.

Mr. SANTORUM. Madam Chairman, I rise to commend my colleague from Maryland [Mr. MFUME] for his efforts on this bill, particularly regarding the issue of payments made by local housing agencies in lieu of taxes. During subcommittee consideration of H.R. 3838, Mr. MFUME offered a provision to authorize a study of the adequacy of these payments, also known as PILOTs. This amendment was accepted with the support of Mrs. ROUKEMA, the subcommittee's ranking minority member.

Hundreds of public housing authorities make payments in lieu of taxes rather than paying full property taxes to local governments. Under section 6 of the Housing Act of 1937, these payments are calculated by taking 10 percent of the total annual shelter rents minus the cost of utilities and maintenance. Normally, these payments are divided between local governments and schools.

Unfortunately, for many communities, the PILOT allotments are no longer sufficient to meet the costs of schools and public services such as police and fire protection. Nationwide, recent PILOT payments have averaged about $57 annually per unit of public housing. In my district, several communities with large concentrations of public housing have received even less from local housing authorities. McKeesport, a city with more than 1,200 units of public housing, received a total PILOT of $480.53 in 1992. This was less than $0.40 per unit.

Madam Chairman, the inadequacy of the PILOT formula greatly harms communities like McKeesport. As long as insufficient payments continue, schools must be closed, policemen will be laid off, and fire alarms will be left unanswered. Equally important, underfunding the PILOT makes it difficult for citizens to accept and support public housing in their communities. This must be remedied.

I have introduced legislation, the Community and Education Investment Act, to require public housing agencies to make minimum payments to municipalities and school districts. While this measure will not completely reimburse communities for the services provided, it is a start. Similar legislation has also been introduced by Mr. SHAYS and Mr. MFUME.

I am confident that the study authorized by H.R. 3838 will arrive at the same conclusion that Mr. MFUME, Mr. SHAYS, and I have all reached. Quite simply, the PILOT formula is outdated and needs to be reformed to more properly compensate local communities for the costs of public housing. I look forward to the results of the study, and I hope Congress can use this work to embark on an ambitious reform of the PILOT program next year.

Ms. ESHOO. Madam Chairman, I rise today in support of H.R. 3838, the Housing and Community Development Act of 1994. In my view, this legislation provides critically needed reforms for many of our Nation's core housing programs by making them more flexible and easier for homeowners to use.

I am particularly pleased with changes H.R. 3838 makes to the Federal Housing Administration's single-family mortgage insurance program. Today mortgage interest rates are heading up while housing starts are going down, meaning that many Americans are finding it harder than ever to realize the dream of buying their own homes. H.R. 3838 addresses this situation by raising the maximum FHA loan limit in high-cost areas from $151,750 to $172,675. This change is especially helpful to potential buyers in California cities, including the San Francisco Bay area, where home prices are far higher than elsewhere around the country. Even though the U.S. median existing-home price was $106,800 last year, in 1993 the median price for an existing home in San Francisco was $250,200.

In addition, H.R. 3838 increases the FHA base amount—the loan limit in areas not designed as high-cost—from $67,500 to more than $100,000. Raising the FHA base loan amount to $100,000 will allow 1.5 million more families to buy homes.

I applaud both of these steps to boost single-family home ownership and revitalize the FHA. Many people work hard and play by the rules find themselves locked out of the market for modest-sized homes. The FHA is the key to unlocking this market for these potential buyers. It has ensured single-family homes for over 21 million borrowers since its creation in 1934 and will be able to do an even better job to make the American dream of home ownership come true if we pass H.R. 3838.

Madam Chairman, I urge my colleagues to support the Housing and Community Development Act of 1994.

Ms. SCHENK. Madam Chairman, I rise today in support of H.R. 3838, the Housing and Community Development Reauthorization. This bill, which increases FHA-insured loan limits, is clearly a win-win proposition. H.R. 3838 would increase the FHA base loan amount. In lower-cost housing markets, the loan limit would be increased from $67,500 to over $100,000. And in higher-cost markets, the loan limit would increase from $151,725 to $172,675. This bill is a winner for the 1.5 million middle-income families whose mortgage needs will be met by FHA-insured loans. In San Diego County, a high-cost housing area, it is estimated that under this legislation an additional 4,100 homebuyers would be served by FHA financing.

This bill is also a winner for the financial integrity of the FHA, whose insurance fund reserves will be strengthened by the higher loan limits. According to a GAO study, larger loans perform better. Higher FHA loan limits will mean a lower default rate and expanded loan availability, enabling HUD to better serve low- and middle-income families.

For too long, hard-working, middle-income families who wish to purchase homes have fallen between the cracks. Private mortgage insurance is available to higher-income families, but is too often unavailable to middle-income families. Yet the current FHA loan limits are too low to meet the needs of middle-income families. They are caught in a gap between private financing and FHA financing, and they are effectively shut out of housing opportunities.

As the cost of the average home has steadily risen over the years, FHA loan limits have not been increased to keep pace. H.R. 3838 would provide a long-overdue, upward adjustment to FHA loan limits to reflect current home prices. In my home State of California, the median home price for 1993 was reported at $188,870. Yet the FHA high-cost area loan limit is $151,725. H.R. 3838 will raise this limit to $172,675, bringing it within the range of the median home cost, and putting the program at the service of the average home buyer. H.R. 3838 will provide a boost in FHA program accessibility at a time when financing costs are increasing and housing starts are down.

I urge my colleagues to vote in favor of H.R. 3838. Let us put homeownership within the reach of every hard-working American family.

Mr. RUSH. Madam Chairman, I rise today in strong support of H.R. 3838, and I commend Chairman GONZALEZ for putting together this far-reaching housing bill. I would like to highlight one of the provisions in the Chairman's managers amendment which incorporates legislation which I recently introduced; the Public Housing Funding Flexibility Act of 1994, or H.R. 4735. I authored this proposal in conjunction with Chairman GONZALEZ, HUD Secretary Henry Cisneros and Chicago Housing Authority Chairman Vince Lane. Mr. Speaker, as the landlord of our Nation's public housing residents, the Federal Government has been an appalling failure. Despite the possible good intentions of some, the Federal Government in the 1940's, 1950's, and 1960's willingly participated in the economic and racial segregation of our Nation's poor population. We sometimes forget that the infamous Robert Taylor Homes, which is in my district and which has become a national example of what is dead wrong with public housing, is stepchild of this very Congress.

The time has come to right these historic wrongs.

The proposal will help to rectify the seemingly unsolvable dilemmas which public housing residents face every day by allowing public housing authorities to use half of their annual modernization grants more innovatively. They will be allowed to forge comprehensive plans to use these funds not just for new construction, but to leverage additional funds from private and other sources for both renovation and replacement housing. Just as importantly, it will ensure that land which is used for replacement housing is permanently protected for that purpose. Chairman Lane already has devised a mixed-income, public-private venture called Orchard Park Place Townhomes in Chicago on which I helped him break ground this past Monday. This provision will give him and other public housing directors the capacity to put together many more developments like Orchard Park Place which will change the very face of America's public housing.

Our Nation's public housing residents deserve no less.

Mr. COLLINS of Georgia. Madam Chairman, I want to take the opportunity to commend the members of the Committee on Banking, Finance and Urban Affairs, and especially the members of the Subcommittee on Housing and Community Development, for the provisions in this bill for public housing rent reform. There are many reforms in the legislation which are long overdue; but the areas of public housing and section 8 housing are of particular interest to me.

The Georgia housing authorities have been very active in working to obtain reforms on the State and Federal levels. I am pleased that several of the proposals are similar to those proposed and supported by our State.

The provisions of H.R. 3838 which I most strongly endorse are those which encourage individuals to become self-sufficient and productive citizens. Helping individuals to get off welfare, out of public housing, and away from crime requires that we provide incentives in every possible area which, taken together, will enable them to become responsible members of society. But there is no single answer. We must work in every instance to create an environment which rewards responsibility, rather than dependency, and this is clearly the goal of the public housing rent reform provisions of H.R. 3838.

Current HUD policies in this area actually provide disincentives for residents of public housing to obtain gainful employment. Since 30 percent of any new income must go toward rent, obviously, many individuals are discouraged from seeking employment or even a better job, with so much of their income deducted.

H.R. 3838 addresses this in several ways:

It provides for currently employed residents, that 20 percent of their earned income will not be counted for rent calculation purposes. As an incentive to keep both parents in the household and avoid a marriage penalty for working, for two-parent working families, 30 percent of earned income many be excluded.

The bill freezes the rent for unemployed residents who have been unemployed for 1 or more years and get a job. The freeze begins with employment and ends at the second annual redetermination of rents.

The family's cost of private health insurance is not counted toward rent if the family is not covered by a Federal or State health care plan.

The earned income of young adults between the ages of 18 to 21 residing with their families would also be excluded from rent calculation. Since individuals of these ages are just starting work, which is generally on the low-end of the wage scale, and frequently even minimum wage, if these meager funds are calculated against the rent, it is hardly worth the work.

For those young adults between the ages of 18 and 21, the committee added at my request, a provision that for the income to be excluded, these individuals must have a high school diploma or equivalent or be working toward either. This is one more facet of the larger universe of providing the tools to equip government-dependent individuals to be able to obtain employment that will be self-sustaining, and I greatly appreciate the committee accepting this provision.

In short, Madam Chairman, I am encouraged by many of the steps that have been taken in the housing area, and I hope my colleagues will continue to address all of the areas welfare, crime, education, and housing to provide more incentives for government-dependent individuals to become productive, responsible and self-sustaining members of our communities.

Mr. MINETA. Madam Chairman, I rise today in strong opposition to the amendment offered by the gentleman from California [Mr. KIM].

Madam Chairman, we have a lot of priorities in this country today—and a number of urgent issues with which this Congress must deal.

So, I am somewhat surprised that Mr. KIM is concerning himself today with the fear that—somewhere in this country—a soup kitchen might provide some food to a hungry person without first grilling them about their citizenship status.

I realize, and strongly agree, that enforcement of our immigration laws is a priority, but somehow I don't think that a bowl of soup or a hot meal being provided to a person in need places the Union in imminent danger.

But, Madam Chairman, there is another issue that greatly concerns me in this debate. It is one which I fear many of my colleagues simply may not understand, or unfortunately, are all too willing to ignore.

Not too long ago, in Mountain View, CA, an INS agent appeared at a meeting with the Mexican-American community in the area.

One gentleman rose at that meeting to say that, despite the fact that he legally resides in this country, he had recently been dragged out of a drugstore in handcuffs—simply because he acknowledged to an INS agent that he originally came to this country from Mexico. It took about 30 minutes for him to convince the INS agent to look in his wallet to find his green card.

The response of the INS agent at the community meeting was that he was sure the gentleman's story was accurate—since it is INS policy to immediately handcuff anyone who says they originally came to this country from Mexico. In other words, handcuff them first and ask questions later.

Most of my colleagues, I am sure, would be horrified to have that happen to one of their constituents. Incidents like this are humiliating and genuinely frightening.

But for all too many Hispanic-Americans and Asian-Pacific-Americans, this is simply a part of routine life in America. I suspect that the situation is somewhat different for immigrants from England, or Canada, or any of the Nations of Europe.

But in Mountain View, CA, Mexican-American residents—legal residents—are afraid to walk down the street these days.

If you're a native born citizen, what do you do when an INS agent demands your green card? You don't have one because you're a citizen—you simply have to hope that the INS agent believes you.

If he has any doubts, you could easily find yourself hustled off to jail.

If you are a legal immigrant, the simple mistake of forgetting your wallet at home could lead to a trip to jail and hours of interrogation.

That is bad enough in and of itself, Madam Chairman, but adding insult to injury is the fact that being treated like this by the INS is largely a function of race.

If you are caucasian, you don't really have to worry about anything like this happening to you or your children. But if you are Hispanic- or Asian-Pacific-American, you have to worry about it a lot.

Now on top of this situation, which is already a horrible problem, the Kim amendment would subject people to the same kinds of questions about their immigration status if they are in need of emergency food assistance.

The social services agencies the Kim amendment would transform into INS agent will be forced to inquire of every person who walks through their doors exactly what their immigration status is.

And once again, we know that it will be Hispanic- and Asian-Pacific-Americans who are subjected to extra scrutiny. And if, by some chance, they don't happen to have the documentation the agency thinks they should have, then they'll have to live in fear of a knock on the door from the INS. In all likelihood, they won't ask for help at all—no matter how much they need it.

Madam Chairman, the situation that would be created by the Kim amendment is simply un-American.

As I said before, I agree that we need to ensure that our immigration laws are enforced quickly and effectively. However, I also firmly believe that there must be some way to enforce those laws without forcing entire communities to live in fear.

Unfortunately, I am extremely concerned that so few of my colleagues seem inclined to give equal consideration to both principles.

This places Members like myself in the untenable position of having to choose which of these princples we consider to be more important. I, for one, am heartily tired of being forced into making that false choice.

But if I am forced to make a choice between, on the one hand, ensuring that an undocumented immigrant is prohibited from getting a hot meal from a soup kitchen or, on the other hand, ensuring that legal residents and citizens of Hispanic- or Asian-Pacific origin are free from harassment if they are in need of emergency food and housing assistance, then my choice and my conscience are clear.

Make no mistake—that is the choice presented to us by Mr. KIM's amendment. I urge my colleagues to join me in rejecting it.

Vote "no" on the Kim amendment.

Mr. KLECZKA. Mr. Chairman, while I rise in support of the bill, H.R. 3838, I would like to take a moment to share with my colleagues my frustrations with the Department of Housing and Urban Development.

I am sure we all remember the problem of mixed populations in our Nation's public housing facilities. In many cities, younger residents with substance abuse or mental health problems have made drugs, guns, and fear a part of daily life for seniors living in these facilities.

As you may remember, the Housing and Community Development Act of 1992, which is now law, addressed the mixed populations issue. Several provisions I authored, included in this legislation aim to end conflicts between seniors and their younger neighbors by allowing them to live separately in public housing facilities. Public housing authorities were given flexibility to cope with the problems of mixing populations. After months and months of delay, HUD finally issued regulations which will hopefully resolve the mixed populations issue. However, another closely related matter has not been appropriately dealt with.

The Housing and Community Development Act of 1992 created the position of service coordinator, whose purpose is to provide the health and social services residents so desperately need. The law authorized $30 million for this position. That amount was then appropriated.

After the Housing Authority of the city of Milwaukee contacted me back in April about this funding, I called HUD to find out what was going on. At that time, I found out that HUD was scheduled to publish a notification of funding availability [NOFA] on April 29. As we all know, a NOFA would let the public housing authorities know that they can apply for available funding.

After April 29 had come and gone with no NOFA, I called HUD again. On May 4, I was told by HUD that the NOFA had to go through OMB and should be out by the end of May.

A few weeks later, I was told by HUD that there would no longer be a NOFA. Instead, HUD had decided to hold a geographical lottery which would take place in November. Under the lottery system, public housing authorities would be divided into geographical regions which would then each receive an amount of money based on the number of eligible housing authorities in that region. In order to be considered eligible, a housing authority had to have at least 500 elderly and disabled units.

In June, I again contacted HUD about this matter. At this point, I wanted clarification and the rationale for what was going on. At that time, I was told that HUD had determined that there was not enough money to fund service coordinators, and it would be too time-consuming for housing authorities to apply for money they probably wouldn't get. As a result, HUD had decided to give the service coordinator money only to those housing authorities that got HOPE for Elderly Independent, a tenant-based program which uses section 8 in the neighborhood.

While HUD's actions have been extremely frustrating to those of us trying to help our housing authorities out, I would like to take a moment to applaud the committee's efforts to address this situation. Under H.R. 3838, the service coordinator position will be a part of the operating subsidy budget; it will not be a separate line-item. Instead, the position of service coordinator will be a regular cost of business, as it should be.

Madam Chairman, our housing authorities desperately need this money to implement the provisions of the Housing and Community Development Act of 1992. They also need to plan ahead, something they cannot do it HUD keeps changing the rules of the game. Congress recognized the importance of the service coordinator position when it passed the 1992 Housing Act, and it is about time that HUD stop playing games and realize this importance as well.

Mr. HOAGLAND. Mr. Chairman, today I would like to express my support for H.R. 3838, the Housing and Community Development authorization which includes a provision that increases the FHA base loan limit. The base limit has not been raised since 1979 and it is a long overdue opportunity for young families across the Nation.

Increasing the base loan limit would allow approximately 480,000 additional households to qualify for an FHA loan in Nebraska alone. This is an incredible opportunity for middle class families who may exceed the limit to qualify for an FHA loan at the current levels, but who do not qualify for conventional loans. In the Second Congressional District of Nebraska, the median price of a home is reaching the $100,000 price range. Increasing the base loan limit can only help those families in my district where one or two individuals are working hard to afford an investment in a home.

The Housing and Community Development authorization bill helps the poor as well as the working middle class, and I urge my colleagues to support the bill, including the increase in the FHA base loan limit.

Mr. BEREUTER. Mr. Chairman, this Member wants to re-state his strenuous opposition to a provision included in H.R. 3838 regarding the makeup of Public Housing Authority boards.

This measure requires 25 percent Public Housing Authority board representation by tenants. While the en bloc leadership amendment clarified that this requirement does not apply when the county board of supervisors is acting as the Board of Commissioners for the PHA, this Member still believes the requirement is an unwarranted intrustion by the Federal Government into local decision making.

Nearly all the housing authorities in this Member's district are municipal housing authorities, not county housing authorities. Therefore the en bloc amendment does nothing to relieve them of this inappropriate Federal mandate.

The make up of local boards and agencies is a matter best left at the local level. Government should be from the bottom up, not the top down. This provision flies in the face of the American tradition of leaving local decisions at the local level. This Member opposes it and hopes to see it removed from any conference report agreed to by the House and Senate.

Mr. POMBO. Mr. Chairman, today I would like to express my support for H.R. 3838, the "Housing and Community Development Act of 1994", that expands home ownership opportunities to the Federal Housing Administrations', Single Family Mortgage Insurance Program. In 1979, when the $67,500 limit was adopted, the average home price was $65,237. In 1993, the average home price was $135,255, in the past 15 years there hasn't been an increase in the FHA loan limit.

I supported provisions in the House and Senate housing bills which would raise the maximum FHA loan limit from $67,500 to $100,000 in base designated areas, and $151,750, to $172,675 in high cost areas. Raising the FHA base loan limit to $100,000 would allow 1.5 million more families to buy homes, and raising the maximum loan limit to $172,675 would allow another 250,000 families to buy homes using FHA insured mortgages.

With H.R. 3838 the FHA could insure home mortgages for up to $101,575. A family with a combined household income of $42,000 would qualify. These are not high income families, they are people who work hard, follow the rules, and deserve an opportunity to own a house. Increasing the loan limits for the FHA would allow them to strengthen their insurance fund reserves, while increasing HUD's ability to serve millions who otherwise would have little hope of becoming homeowners. Likewise, last year FHA's national foreclosure rate was less than 1 percent, a solid accomplishment by the FHA and the new homeowners of America.

I am pleased to see that the House of Representatives passed H.R. 3838 220–176, on July 22, 1994. In a time of political and economic uncertainty, the change for the American people should be to assure equality of opportunity.

The CHAIRMAN. Are there further amendments to the bill?

If there are no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SABO) having assumed the chair, Mr. MORAN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3838) to amend and extend certain laws relating to housing and community development, and for other purposes, pursuant to House Resolution 482, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

It is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 345, nays 36, not voting 53, as follows:

[Roll No. 349]

AYES—345

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Hutto
Hyde
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez

Matsui
Mazzoli
McCloskey
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Obey
Olver
Ortiz
Orton
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Snowe
Spence
Spratt
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—36

Archer
Armey
Bentley
Boehner
Bunning
Cox
Crane
Dreier
Duncan
Ehlers
Ewing
Fawell
Fields (TX)
Gekas
Goss
Hancock
Hefley
Hunter
Inglis
Miller (FL)
Moorhead
Oxley
Paxon
Penny
Petri
Quillen
Roberts
Roth
Royce
Schaefer
Sensenbrenner
Shuster
Solomon
Stearns
Stump
Walker

NOT VOTING—53

Applegate
Baker (CA)
Ballenger
Barton
Brown (CA)
Bryant
Carr
Chapman
Clay
Cramer
DeFazio
DeLay
Doolittle
Dornan
Dunn
Ford (MI)
Frost
Gallegly
Gallo
Hansen
Huffington
Inhofe
Kopetski
Kyl
Lloyd
McCandless
McCollum
McCurdy
McKeon
McNulty
Mica
Miller (CA)
Oberstar
Owens
Parker
Pombo
Rangel
Ridge
Rohrabacher
Ros-Lehtinen
Shaw
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Stark
Sundquist
Synar
Thomas (WY)
Tucker
Washington
Wheat
Wyden

☐ 1408

The Clerk announced the following pair:

On this vote:

Mr. McNulty for, with Mr. DeLay against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. DUNN. Mr. Speaker, I was unavoidably detained during rollcall vote No. 349. Had I been present for final passage, I would have voted "yea" for H.R. 3838, the Housing and Community Development Act of 1994.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, I was absent for roll call vote number 349. Because H.R. 3838, the Housing and Community Development Act of 1994, does not heavily rely on authorizing new programs, streamlines many existing assistance programs, and generally reflects our current budget constraints, had I been present, I would have voted "aye" on final passage of the bill.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Speaker, the House of Representatives considered the bill H.R. 3838, housing and community development authorization for fiscal year 1995 and fiscal year 1996, and my vote was not recorded on the Kim amendment as amended and on final passage.

During the consideration of this important legislation, I was attending several meetings in Minnesota to announce the resumption of work at National Steel Pellet Co. in my congressional district.

Had I been present, I would have voted "nay" on the Kim amendment as amended, rollcall vote 348, and I would have voted "aye" on final passage for H.R. 3838, rollcall vote 349.

INCLUSION IN THE RECORD OF REPORT OF THE CONGRESSIONAL BUDGET OFFICE ON H.R. 3838

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that a report of the Congressional Budget Office on H.R. 3838, the bill just approved, along with a chart showing the funding levels authorized by the Housing and Community Development Act, be printed in the RECORD at this point.

Mr. Speaker, H.R. 3838 was marked up by the Committee on Banking on June 16 and reported on July 15. We were, of course, concerned with identifying any direct spending which may have inadvertently crept into the bill.

We received the CBO report late Wednesday, July 20. It found three instances of direct spending in the bill: Section 159, financing and restructuring underlying debt for projects with extiring section 8 contracts, section 408, extension of multifamily housing mortgage auction procedures; and section 416, calculation of credit subsidy for FHA refinancings and offset of negative subsidies.

To cure these direct spending provisions, the managers amendment which was accepted yesterday, struck from the bill section 416; and made sections 159 and 408 subject to appropriations.

All three of these provisions are intended to help HUD and the American taxpayer save costs by refinancing high interest rate mortgages, continuing a mortgage auction program, and permitting savings from refinanced HUD-insured mortgages offset losses under other FHA programs in both the general insurance and mutual mortgage insurance funds. The committee thought it was doing the right thing in all three instances. But, obviously, under CBO scoring, that was not the case.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Speaker, the report to which I just referred is as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 20, 1994.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for H.R. 3838, the Housing and Community Development Act of 1994.

Because H.R. 3838 would affect direct spending and receipts, it would be subject to pay-as-you-go procedures under the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,
JAMES L. BLUM,
(For Robert D. Reischauer).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: H.R. 3838.

2. Bill title: Housing and Community Development Act of 1994.

3. Bill status: Reported by the House Committee on Banking, Finance and Urban Affairs on July 15, 1994.

4. Bill purpose: H.R. 3838 would amend and extend certain laws that relate to the federal government's housing and community development programs and would authorize appropriations for these programs. Procedures would also be established for the renewal of Section 8 new construction rental assistance contracts. In addition, this bill includes a number of changes to the Federal Housing Administration's (FHA's) single-family and multifamily mortgage insurance programs.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
AUTHORIZATIONS OF APPROPRIATIONS					
Estimated authorization level	31,772	33,829	1,016	1,669	2,998
Estimated outlays	3,449	10,377	13,265	10,882	9,047
DIRECT SPENDING					
Title I—Refinancing high interest multifamily mortgages:					
Estimated budget authority	−2	−27	−27	−27	−27
Estimated outlays	−2	−27	−27	−27	−27
Title I—Restructuring multifamily mortgages:					
Estimated budget authority	230				
Estimated outlays	230				
Title IV—Single-family mortgage insurance:					
Estimated budget authority	−45	−53	−52	−52	−48
Estimated outlays	−45	−53	−52	−52	−48

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Title IV—Multifamily mortgage insurance:					
Estimated budget Authority		220			
Estimated outlays		220			
Title IV—Single-family mortgage foreclosure act:					
Estimated budget authority	−10	−4	−5	−5	−5
Estimated outlays	−10	−4	−5	−5	−5
Total direct spending:					
Estimated budget authority	173	136	−84	−84	−80
Estimated outlays	173	136	−84	−84	−80
REVENUES					
Receipts from civil penalties	(1)	(1)	(1)	(1)	(1)

[1] Less than $500,000.

The costs of this bill fall within budget functions 370, 450, 600, and 750.

Basis of Estimate: CBO assumes that H.R. 3838 would be enacted by October 1, 1994, and that the authorized funds would be appropriated for each year. For existing programs, outlays are estimated based on historical spending rates.

TITLE I—HOUSING ASSISTANCE

Rental assistance and public housing programs: Title I would authorize the appropriation of an estimated $9.6 billion for the Department of Housing and Urban Development's (HUD's) low-income rental assistance and public housing programs in 1995. Another $9.8 billion would be authorized for 1996. Of these amounts, $2.7 billion in 1995 and $2.8 billion in 1996 would provide Section 8 rental assistance for previously unaided units. The bill also would authorize about $4.7 billion in 1995 and $4.8 billion in 1996 for HUD's public housing program. Most of the public housing funding would be for the modernization and renovation of existing units. In addition, the bill would authorize the appropriation of such sums as may be necessary in 1995 and 1996 for currently underfunded Section 8 and public housing contracts. This estimate includes about $1 billion in each year for this purpose, based on the 1994 appropriations.

Title I also would authorize appropriations of over $5 billion for 1995 and $6 billion for 1996 to renew Section 8 contracts that apply to existing housing and that will expire in those years. In addition, the bill would establish procedures and authorize the appropriation of funds for renewing Section 8 contracts for new construction and substantial rehabilitation assistance that will expire in 1995 and later years. Spending for renewing these latter contracts would be small initially, but would grow significantly as more and more contracts reach the end of their terms.

Public housing operating subsidies: The bill would authorize appropriations of $3.1 billion for 1995 and $3.2 billion for 1996 for public housing operating subsidies. In addition, the bill would authorize the appropriation of such sums as may be necessary to offset the funding reductions proposed in HUD's budget submission to reflect certain cost savings anticipated by the Administration. CBO has included the department's fiscal year 1995 budget estimate for this amount in 1995 and the same amount adjusted for inflation for 1996—an increment of about $0.1 billion in each year. This estimate also includes another $0.2 billion for each of the years 1995 and 1996 to cover the costs of the changes in public housing rents that are mandated in the bill. These amounts are based on information received from HUD.

Other authorizations: Title I would authorize appropriations totaling $1.2 billion for 1995 and $1.4 billion for 1996 for several other programs. Principal among these are HUD's subsidized housing preservation program and a new anti-crime program.

Refinancing high interest multifamily mortgages: The bill would allow HUD to pay the up-front costs of refinancing FHA-insured multifamily housing mortgages, thus encouraging more owners to refinance their mortgages. Because many of the outstanding mortgages were financed at interest rates higher than those currently available, refinancing would permit lower rents and thus reduced federal costs for Section 8 rental assistance associated with these projects. Savings for 1995 would be small, but we estimate that savings totaling $110 million in outlays for Section 8 assistance would be achieved over the 1995–1999 period. Because this provision would affect spending from previously appropriated funds, the savings would be considered direct spending.

Restructuring multifamily mortgages: Section 159 would require the owners of certain FHA-insured multifamily properties to restructure and refinance their mortgages prior to receiving Section 8 assistance under a newly executed contract. CBO estimates that the restructuring of such debt would result in increased costs to the General and Special Risk Insurance (GI/SRI) liquidating account because FHA would have to pay to the original lender any shortfall between the new principal and the old balance. We expect that Section 8 contracts for about 400,000 FHA-insured multifamily units will expire over the next 30 years. Under credit reform procedures, the costs for buying down debt over this period are measured on a present value basis. CBO estimates that such costs to the GI/SRI fund would total about $230 million and would be reflected as direct spending outlays in fiscal year 1995.

The table on page 5 displays CBO's estimate of the budgetary impact of title I.

TITLE II—HOME INVESTMENT PARTNERSHIPS

Title II would authorize appropriations of $1.8 billion for 1995 and $2.0 billion for 1996 to fund HUD's Home Investment Partnership program. The estimated budgetary impact of this title is summarized in the following table.

ESTIMATED BUDGETARY IMPACT OF TITLE II

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
AUTHORIZATIONS OF APPROPRIATIONS					
HOME investment partnership:					
Authorized level	1,775	2,000			
Estimated outlays	35	206	832	1,132	955

ESTIMATED BUDGETARY IMPACT OF TITLE I

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Authorizations of appropriations					
Low-income housing authorizations:					
Estimated authorization level	9,584	9,817			
Estimated outlays	22	983	2,602	3,176	3,065
Existing section 8 contract renewals:					
Authorization level	5,092	6,000			
Estimated outlays	354	1,080	1,586	1,755	1,802
Section 8 contract renewals—new construction and substantial rehabilitation:					
Estimated authorization level	45	220	952	1,671	3,000
Estimated outlays	3	20	96	273	593
Public housing operating subsidies:					
Authorization level	3,454	3,522			
Estimated outlays	1,589	3,423	1,901	63	0
HOPE program:					
Authorization level	100	100			
Estimated outlays	1	31	55	42	28
National home ownership fund:					
Authorization level	115	215			
Estimated outlays	1	83	184	62	0
Partnerships against crime:					
Authorization level	300	325			
Estimated outlays	21	173	291	140	0
Preservation:					
Authorization level	400	450			
Estimated outlays	4	40	97	119	119
Miscellaneous authorizations:					
Authorization level	254	261			
Estimated outlays	2	101	175	111	42
Total authorizations—title I:					
Estimated authorization level	19,344	20,910	952	1,671	3,000
Estimated outlays	1,997	5,934	6,987	5,741	5,649
DIRECT SPENDING					
Refinancing and restructuring multifamily mortgages:					
Estimated budget authority	228	−27	−27	−27	−27
Estimated outlays	228	−27	−27	−27	−27

TITLE III—SUPPORTIVE HOUSING PROGRAMS

The bill would authorize appropriations totaling about $1.95 billion for each of the years 1995 and 1996 for HUD's housing assistance programs for the elderly and disabled. These programs provide both construction grants and rental assistance for the benefit of low-income individuals and households eligible under the provisions of section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable housing Act (NAHA). CBO estimates that the amounts authorized for 1995 and 1996 would support 9,000 housing units and 8,600 housing units, respectively. The estimate of outlays assumes funding would be provided for both the construction of housing units and rental assistance for the tenants who eventually would live there.

Appropriations of $212 million and $225 million would be authorized for 1995 and 1996 respectively to fund HUD's housing program for persons with AIDS. The program provides direct rental assistance and funding for other housing-related costs. Based on recent HUD experience, this estimate assumes that 20 percent of available funds would go towards rental assistance commitments and the balance would provide for the other uses authorized in title VIII of NAHA.

The bill also would authorize appropriations for two other programs, congregate services and elderly independence. In addition, it would authorize such sums as may be necessary for service coordinators in certain multifamily housing projects. For the purposes of this estimate, the amount appropriated for service coordinators for 1994 ($10 million), adjusted for inflation, was used. These three items are included in the "Other" category in the following table, which summarizes the budgetary impact of title III.

ESTIMATED BUDGETARY IMPACT OF TITLE III

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
AUTHORIZATIONS OF APPROPRIATIONS					
Supportive housing:					
Authorization level	1,948	1,954			
Estimated outlays		78	275	531	970
AID assistance:					
Authorization level	212	225			

ESTIMATED BUDGETARY IMPACT OF TITLE III—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
Estimated outlays	4	77	140	87	43
Other authorizations:					
Authorization level	67	69			
Estimated outlays	1	17	34	33	26
Total authorizations—title III:					
Authorization level	2,227	2,248			
Estimated outlays	5	172	448	651	1,039

TITLE IV—MORTGAGE INSURANCE AND THE SECONDARY MORTGAGE MARKET

Single-family mortgage insurance: The bill would increase the limit on FHA-insured loans to $172,678 in high-cost areas and to $101,575 for all other areas. This change would generate additional offsetting receipts because FHA would insure more single-family mortgages. Guarantees of such mortgages result in offsetting receipts on the budget because the credit subsidies are estimated to be negative. CBO estimates that, over the 1995–1999 period, this provision would result in a net outlay reduction, and a decrease in direct spending, of about $215 million.

In addition, the bill would extend and expand the Home Equity Conversion Mortgage Program, thus adding about $1 billion in insurance mortgages to the FHA portfolio over the next five years. These mortgages also carry negative subsidies. Therefore, CBO estimates that this provision would result in a reduction in direct spending of about $35 million over the 1996–1999 period.

The bill also would allow certain loans from FHA's assignment portfolio to be refinanced through private lenders with insurance from FHA's single-family insurance program. Reinsuring loans from the assignment portfolio would reduce HUD's administrative costs for servicing those loans. (Under current law, HUD can reduce interest rates on certain single-family mortgages in order to prevent foreclosure, but these adjusted loans remain in HUD's assignment program until completion of their term.) CBO estimates that this provision would result in no net savings in subsidy costs, but would enable HUD to redirect some of its administrative resources towards other loan servicing activities.

This title also would enable HUD and state or local governments to insure jointly up to 35 percent of the outstanding principal balance of a mortgage. This provision would apply to mortgages with a principal balance above the FHA limits, but not exceeding $203,150. The program would be targeted at areas where the FHA insurance limit is not sufficient to meet the needs of homebuyers. The bill would require the Secretary to establish policies and procedures for sharing premiums with states or local agencies so as to take into account the extent to which they share in the risk. CBO expects that HUD would seek to operate an actuarially sound program. If the agency is accurate in assessing the risks, we anticipate that the program would operate at no net cost to the government. The new program's true actuarial soundness and any potential cost cannot be assessed until the details of the joint arrangements are defined clearly.

Multifamily insurance programs: The bill would extend from September 30, 1995, to December 31, 2005, HUD's authority to sell mortgage loans it acquires as the result of mortgage insurance issued under section 221 of the National Housing Act. Under current law, lenders can assign these loans to FHA after 20 years and receive full payment of the outstanding principal. HUD has the option of auctioning such loans instead of keeping them in the assignment program. The successful bidder receives a monthly subsidy from FHA reflecting the difference between the government's cost of borrowing and the market interest rate established through the auction.

CBO expects that about 680 mortgages with a total outstanding balance of about $1 billion would be assigned to and auctioned by HUD over the 1996–1999 period. In accordance with credit reform scorekeeping procedures, the cost associated with exercising the auction option are measured in terms of increased credit subsidies for the difference between the government's cost of money and the market rate, estimated on a present value basis. CBO estimates that about $220 million in additional subsidy costs from the auctioning of these notes would be attributed to FHA's General and Special Risk Insurance liquidating account. This amount would be scored as direct spending in fiscal year 1996.

Single-Family Mortgage Foreclosure Act: Enactment of the Single Family Mortgage Foreclosure Act of 1994 would enable HUD to foreclose on properties in a more expeditious and efficient manner and without judicial action. As a result, HUD expects that the foreclosure process would be shortened by about eight months and its holding costs would decrease. In accordance with credit reform scorekeeping procedures, the savings associated with decreased holding costs are measured in terms of decreased credit subsidies, estimated on a present value basis. CBO estimates that savings of about $1 million would be attributed to the GI/SRI liquidating account and $9 million would be attributed to the Mutual Mortgage Insurance (MMI) liquidating account. These amounts would be reductions in direct spending in fiscal year 1995.

This provision also would affect property that HUD may obtain in the future as the result of FHA guarantees made starting in fiscal year 1996. With the ability to make more rapid sales each year, recoveries would increase, resulting in a lower subsidy rate for the single-family programs. As a result, CBO estimates that the GI/SRI single-family program would generate additional receipts of $7 million over the 1996–1999 period, which would apply to discretionary spending. The MMI single-family program would generate an additional $20 million in receipts over this same period; these receipts would be considered direct spending savings.

Authorizations of appropriations: This bill would authorize FHA to insure $105 billion of mortgages in 1995 and $91 billion in 1996, subject to appropriations acts. CBO estimates that HUD would require appropriations of about $140 million in 1995 and about $40 million in 1996 to cover the subsidy costs associated with these commitment levels. These costs could vary depending on how HUD eventually distributes commitment authority among its programs.

H.R. 3838 would extend HUD's risk-sharing pilot program through fiscal year 1996 and its housing finance agency pilot program through fiscal year 1997. CBO estimates that extension of these two programs would cost $80 million over the next three fiscal years. This assumes that 4,375 units in fiscal year 1995, 14,375 units in fiscal year 1996, and 10,000 units in fiscal year 1997 would be insured under these programs, and that the subsidy rates would be approximately 2 percent for the risk-sharing pilot program and approximately 9 percent for the housing finance agency pilot program. Estimated outlays would equal budget authority because all of the funding would be used each year. These costs are measured on a present value basis and would need to be funded in future appropriation acts.

The bill also would authorize appropriations of $1 million in fiscal year 1995 to create a National Commission on the Future of FHA and $50 million in each of the fiscal years 1995 and 1996 for Indian housing loan guarantees.

Calculation of credit subsidies: Section 416 would change procedures for calculating the credit subsidy for FHA refinancings and for guarantees made by FHA's General Insurance Fund. For refinancings, the bill specifies that the subsidy cost or savings be determined by applying the subsidy rate only to any increase in outstanding principal. (Under current law, the subsidy estimate has to be based on the full principal balance of the refinanced loan.) CBO believes that this provision could provide FHA with direct spending authority above that provided under current law, but we do not yet have sufficient information to estimate the budgetary impact.

The bill also would permit FHA to calculate subsidy costs by subtracting the aggregate amount of negative subsidies from the aggregate amount of positive subsidies for that fiscal year. This may cause FHA to use an aggregate subsidy rate instead of individual rates for specific components of its programs. As a result, it is possible that the appropriated subsidies would understate the costs of FHA's mortgage insurance programs.

ESTIMATED BUDGETARY IMPACT OF TITLE IV

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
DIRECT SPENDING					
Changes in FHA programs:					
Estimated budget authority	−55	163	−57	−57	−53
Estimated outlays	−55	163	−57	−57	−53
AUTHORIZATIONS OF APPROPRIATIONS					
Subsidy authorization:					
Estimated authorization level	140	40			
Estimated outlays	96	72	12		
Other authorizations:					
Authorization level	55	88	34	−2	−2
Estimated outlays	39	88	50	−2	−2
Total authorizations—title IV:					
Estimated authorization level	195	128	34	−2	−2
Estimated outlays	135	160	62	−2	−2

TITLE V—RURAL HOUSING

This title would authorize 1995 appropriations to cover $3.2 billion of mortgage loans made or guaranteed by the Farmers Home Administration (FmHA). Of this amount, $1.8 billion would be available to assist low-income home buyers and about $0.6 billion would finance low-income rental housing. Almost $0.8 billion would be allocated for unsubsidized single-family guaranteed loans. The balance would be distributed among several much smaller loan programs. Appropriations of another $3.4 billion would be authorized for use in 1996. Again, over half, $1.9 billion would be loans for low-income home buyers. Over $0.6 billion is meant for low-income rental units, $0.8 billion for unsubsidized single-family guaranteed loans, and the remainder distributed among the smaller programs.

A portion of the authorized funds would be used for a new program of FmHA guarantees of private loans made to finance multifamily housing. These loans would carry market interest rates. Twenty percent of these loans would receive an interest subsidy sufficient to reduce the effective cost to that of the federal government's long-term borrowing.

The amounts in the table below for the rural housing loans program are estimates of the subsidy appropriations necessary to cover the federal costs of the direct and guaranteed loan programs discussed above. The subsidy rates for the major programs range from about 20 percent to about 55 percent of the gross loan amounts.

This title also would authorize appropriations for 1995 and 1996 to fund FmHA's housing support grants program, rural rental assistance program, and vouchers, another form of rental assistance. The following table shows the estimated budgetary impact of title V.

ESTIMATED BUDGETARY IMPACT OF TITLE V

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
AUTHORIZATIONS OF APPROPRIATIONS					
Rural housing loan program:					
Estimated authorization level	705	773			
Estimated outlays	363	673	345	63	21
Rural support grants:					
Authorization level	142	141			
Estimated outlays	37	87	86	43	14
Rural rental assistance:					
Authorization level	467	481			
Estimated outlays	23	82	125	133	137
Rural vouchers:					
Authorization level	30	40			
Estimated outlays	0	0	6	13	13
Total authorizations—title V:					
Authorization level	1,344	1,435			
Estimated outlays	423	842	562	252	185

TITLE VI—COMMUNITY DEVELOPMENT

Title VI would authorize appropriations of approximately $5 billion a year in fiscal years 1995 and 1996 for community development programs. Most of these funds would be for the Community Development Block Grant (CDBG) program. Within CDBG, $60 million per fiscal year 1995 and 1996 would be authorized for special purpose grants, such as for technical assistance, insular areas, and a fire-suppression program in ten metropolitan areas. The bill also would provide for $2.1 billion a year in fiscal years 1995 and 1996 for CDBG Section 108 loan guarantees. CBO estimates that these guarantees would be made at no budgetary cost to the federal government because they are considered to have no subsidy cost associated with them.

Along with authorizations for the CDBG program and the Section 108 loan guarantees, subtitle A of title VI would authorize funding of $100 million per year in fiscal years 1995 and 1996 for economic development grants. This program would provide communities with grants to be used in tandem with Section 108 guaranteed loans for economic revitalization projects.

Subtitle B of title VI would create and authorize funding for several new programs as well as authorize funding for the existing Neighborhood Reinvestment Corporation (NRC), the National Community Development Initiative (NCDI), and the John Heinz Neighborhood Development programs. Title VI would authorize $35 million a year for fiscal years 1995 and 1996 for the NRC, $60 million a year in 1995 and 1996 for the NCDI, and $10 million a year for 1995 and 1996 for the John Heinz program. CBO estimates that these funds would be spent at historical spending rates for these programs, or, in the case of the John Heinz Neighborhood Development program, at a rate similar to the CDBG program.

New programs would include grants given to units of local government that are designated as either Empowerment Zones or Enterprise Communities, and would be authorized at $250 million a year for fiscal years 1995 and 1996. The Colonial Assistance Program, authorized at $100 million a year for 1995 and 1996, would provide grants to organizations and state and local governments within the states of California, Arizona, New Mexico, and Texas that address the housing and community development needs of communities along the United States-Mexico border.

The final section of title VI would allow four cities to either use their urban development action grants for another purpose or cancel their indebtedness to HUD relating to the urban renewal and public facilities programs. While the transfer of grant funds requires no authorization of funds, the bill would authorize the appropriation of approximately $3 million to implement the cancellation of indebtedness.

ESTIMATED BUDGETARY IMPACT OF TITLE VI

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
AUTHORIZATIONS OF APPROPRIATIONS					
Community development block grants:					
Authorization level	4,400	4,500	....	....	
Estimated outlays	176	1,984	3,649	2,461	630
Economic development grants:					
Authorization level	100	100	....	....	....
Estimated outlays	4	45	82	55	14
Neighborhood reinvestment corporation:					
Authorization level	35	35	....	....	....
Estimated outlays	35	35	....	....	....
National community development initiative:					
Authorization level	60	60	....	....	....
Estimated outlays	6	30	48	30	6
Neighborhood development program:					
Authorization level	10	10	....	....	....
Estimated outlays	1	4	8	6	1
Empowerment zone/enterprise community:					
Authorization level	250	250	....	....	....
Estimated outlays	1	9	20	30	43
Colonias assistance program:					
Authorization level	100	100	....	....	....
Estimated outlays	4	45	82	55	14
Total authorizations—title VI:					
Authorization level	4,955	5,055	....	....	....
Estimated outlays	227	2,152	3,889	2,637	708

TITLE VII—REGULATORY AND MISCELLANEOUS PROGRAMS

Fair housing: Section 701 would authorize appropriations of $26 million for fiscal year 1995 and $27 million for fiscal year 1996 for HUD's fair housing activities.

Administrative expenses: Section 703 would authorize such sums as may be necessary for each of fiscal years 1995 and 1996 for salaries and expenses of HUD. CBO estimates this amount to be $478 million in fiscal year 1995 and $505 million in fiscal year 1996, reflecting the 1994 appropriation adjusted for projected inflation.

In addition, $40 million is authorized in fiscal year 1996 for training and professional development of HUD employees.

Research and development: Section 709 would authorize $40 million in fiscal year 1995 and $42 million in fiscal year 1996 for HUD research and development. CBO assumes these funds would be spent at the historical rate for research and development.

Affordable housing: Section 721 would extend the current $30 million authorization for the affordable housing program at the Federal Deposit Insurance Corporation (FDIC) for two more years—1996 and 1997. The program allows the FDIC to sell suitable properties in its inventory to qualified, low-income buyers at below-market prices. The 1994 appropriation is $7 million, and the President has requested $15 million for 1995.

Lead-based hazard reduction: Section 712 would authorize the appropriation of $100 million for each of the fiscal year 1995 and 1996 to fund HUD's lead-based hazard reduction program.

Other programs: Section 702 would authorize appropriations of such sums as may be necessary for each of fiscal years 1995 and 1996 for program monitoring evaluation. CBO estimates this cost to be $8 million each year.

Section 711 of title VII would authorize $2 million for each of fiscal years 1995 and 1996 for the National Institute of Building Sciences (NIBS).

Section 716 would authorize appropriations of such sums as may be necessary for the New Towns Demonstration Program for fiscal years 1995 and 1996. CBO estimates that this title would authorize about $32 million each fiscal year. Section 717 would authorize a grant of $2.5 million for the city of Springfield, Massachusetts, in fiscal year 1995 for the redevelopment of a former U.S. Post Office building. In order to receive these funds, the city must contribute at least 25 percent of the total cost of the project. CBO estimates that these programs would spend out at rates historically similar to other HUD community development programs.

Sections 718 and 719 would authorize the appropriation of $6 million for both fiscal years 1995 and 1996 for the National American Indian Housing Council and the Housing Assistance Council.

Section 720 would authorize the Secretary of HUD to provide technical advice and assistance to Maryland Energy Advocates to carry out a demonstration program. CBO estimates that this program would cost the federal government no more than $300,000, to be spent over fiscal years 1995 and 1997.

Civil penalties: Section 714 would provide for civil penalties against non-supervised lending institutions that fail to comply with the Home Mortgage Disclosure Act reporting requirements. Payments of these civil penalties would be recorded as miscellaneous receipts to the Treasury. CBO expects that any increase in penalty collections would be insignificant.

ESTIMATED BUDGETARY IMPACT OF TITLE VII

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
AUTHORIZATIONS OF APPROPRIATIONS					
Fair Housing:					
Authorization level	26	27	....	....	....
Estimated outlays	0	9	22	17	5
Salaries and expenses:					
Authorization level	478	505	....	....	....
Estimated outlays	397	501	86	....	....
Research and development:					
Authorization level	40	42	....	....	....
Estimated outlays	16	37	25	4	....
Affordable housing:					
Authorization level	....	30	30	....	....
Estimated outlays	....	23	30	7	....
Lead-based hazard reduction:					
Authorization level	100	100	....	....	....
Estimated outlays	0	10	41	53	42
Other programs:					
Authorization level	51	48	....	....	....
Estimated outlays	19	26	19	16	13
Total authorizations—title VII:					
Authorization level	695	752	30	....	....
Estimated outlays	432	606	223	97	60
REVENUES					
Receipts from civil penalties	(1)	(1)	(1)	(1)	(1)

[1] Less than $500,000.

TITLE VIII—HOUSING PROGRAMS UNDER STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

This title would establish a new grant program through which much of the homeless housing assistance associated with the McKinney homeless programs would be administered. Grants could be provided to states, Indian tribes, local governments, public agencies, and others designated by HUD.

The bill would authorize the appropriation of $0.6 billion for use in 1995 and $0.8 billion for 1996. Outlays shown in the table below are based on a general mix of the activities specified in the bill.

The Innovative Homeless Program was established in the HUD Demonstration Act of 1993. The estimated outlays shown below reflect the time necessary to develop, implement, and carry out the innovative strategies required by the program.

The bill would authorize appropriations for several other programs, as shown in the table below.

ESTIMATED BUDGETARY IMPACT OF TITLE VIII

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999
AUTHORIZATIONS OF APPROPRIATIONS					
Flexible grant program:					
Authorization level	635	787			
Estimated outlays	0	83	204	297	377
Innovative homeless program:					
Authorization level	100				
Estimated outlays	0	12	25	25	15
Section 8 single room occupancy:					
Authorization level	275	281			
Estimated outlays	0	6	22	37	43
Federal emergency management agency food and shelter program:					
Authorization level	193	199			
Estimated outlays	193	199			
Other authorizations:					
Authorization level	34	35			
Estimated outlays	1	6	10	14	17
Total authorizations—title VIII:					
Authorization level	1,237	1,301			
Estimated outlays	195	305	261	374	453

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Several provisions in the bill would affect direct spending, resulting in a net increase of $141 million in outlays over the 1995–1998 period. Any change in receipts resulting from civil penalties established by the bill would be negligible.

The following table summarizes CBO's estimate of the pay-as-you-go impact of H.R. 3838. These estimates do not include the effects of section 416, which would modify the procedures for calculating credit subsidies for FHA programs. CBO does not yet have an estimate of the impact of that section.

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998
Change in outlays	173	136	−84	−84
Change in receipts	0	0	0	0

7. Estimated cost to State and local governments: None.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Susanne S. Mehlman, Rachael Robertson, and Brent Shipp.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

Mr. GONZALEZ. Mr. Speaker, the chart showing the funding levels authorized by the Housing and Community Development Act to which I referred is as follows:

FUNDING COMPARISON—HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994 (H.R. 3838), HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS

Programs	Fiscal year 1994 authorization	Fiscal year 1994 enacted	Fiscal year 1995 budget request [2]	Increment units	H.R. 4624 HUD/VA/IA	Increment units	H.R. 3838 fiscal year 1995 (rptd 6/15/94	Increment units	H.R. 3838 fiscal year 1996 (rptd 6/15/94	Incremental units
HUD										
Public and Indian housing and resident services:										
Public housing development	$597,671,194	[1] 478,800,000	[1] $150,000,000	1,754	$598,000,000	6,994	$598,000,000	6,994	$598,000,000	6,994
Indian housing development	268,127,440	[1] 263,000,000	[1] 263,000,000	2,715	[1] 263,000,000	2,715	263,000,000	2,715	264,000,000	2,715
Operating subsidy	2,378,298,312	2,620,808,000	2,496,000,000		2,900,000,000		3,146,000,000		3,208,000,000	
Modernization	3,230,200,000	[1] 3,230,000,000	[1] 2,886,000,000		[1] 3,600,000,000		3,230,000,000		3,241,000,000	
Resident opportunity program			[1] [85,000,000]		[1] [85,000,000]		[25,000,000]		[25,000,000]	
Emergency modernization							[50,000,000]		[50,000,000]	
Severely distressed public housing	312,600,000	778,240,000	500,000,000		500,000,000		500,000,000		550,000,000	
MROP	(20%PH Dev.)	[1] 119,200,000					114,000,000		120,000,000	
One-for-one replacements							333,000,000		274,000,000	
Comm. partner. against crime (COMPAC)	182,350,000	265,000,000	265,000,000		265,000,000		300,000,000		325,000,000	
Family investment centers	26,050,000	[1] 25,675,000	[1] 26,342,000		[1] 26,342,000		50,000,000		50,000,000	
P.H. child care centers	[5,210,000]	[15,000,000]	[35,000,000]		[35,000,000]		35,000,000		35,000,000	
Indian child care centers							6,000,000		6,000,000	
One-stop perinatal services	208,400						(such sums)		(such sums)	
Youthbuild	41,680,000	[48,000,000]	50,000,000		50,000,000		50,000,000		50,000,000	
Evaluation of 25 innovative PHA's							1,000,000		1,000,000	
Total, public and Indian housing	7,173,728,656	7,924,436,000	6,661,242,000	4,469	8,277,242,000	9,709	8,626,000,000	9,709	8,722,000,000	9,709
Section 8 rental housing assistance:										
Incremental assistance	2,060,724,554	[1] 1,326,865,000	[1] 2,643,000,000	69,028	[1] 2,643,000,000	69,028	2,674,000,000	80,000	2,800,000,000	80,000
Family unification/foster child care	104,200,000	[1] 77,401,000			[1] 77,401,000	2,146	[75,000,000]	[2,324]	[75,000,000]	[2,300]
Pension fund	100,000,000	[1] 100,000,000		[4,028]	[1] [414,275,000]	[4,028]	[150,000,000]	[1,458]	[150,000,000]	[1,458]
Homeless certificates					[514,275,000]	[15,000]				
Disabled units					[171,425,000]	[15,000]				
Sec. 8 contract amendments	1,406,700,000	[1] 875,000,000	[1] 2,202,100,000		[1] 1,202,100,000		(such sums)		(such sums)	
Sec. 8 contract renewals	7,029,473,670	5,278,106,000	5,092,000,000		4,505,000,000		5,092,000,000		6,000,000,000	
Lead-based paint	250,000,000	[1] 150,000,000	[1] 100,000,000		[1] 150,000,000		100,000,000		110,000,000	
Capacity building							[3,000,000]		[3,000,000]	
Research							[5,000,000]		[5,000,000]	
Total, section 8 rental assistance	10,951,098,224	7,931,372,000	10,037,100,000	69,028	8,577,501,000	71,174	7,866,000,000	80,000	8,910,000,000	80,000
Preservation of affordable housing:										
Preservation	665,059,401	[1] 541,000,000	[1,3] [439,400,000]		[1] 100,000,000		358,000,000		450,000,000	
Technical assistance							[20,000,000]		[20,000,000]	
Preservation grants							[40,000,000]		[40,000,000]	
Flexible subsidy program	54,392,400	35,747,000	50,000,000		50,000,000		50,000,000		55,000,000	
Property disposition	96,939,344	[1] 555,000,000	[1,4] [733,425,000]		555,000,000		691,000,000		800,000,000	
Loan management	210,484,000	[1] 93,650,000	[1] 150,000,000		[1] 150,000,000		150,000,000		155,000,000	
Sec. 23 conversions	13,303,214	[1] 3,960,000	[1] 3,960,000		3,960,000					
Relocation/replacement	(10% Sec. 8/30% or $150 m. PH)	[1] 82,916,000	[1] 82,916,000		82,916,000					
Total, preservation	1,040,178,359	1,337,273,000	286,876,000		941,876,000		1,333,000,000		1,460,000,000	
Homeownership:										
National homeownership fund	542,533,555		100,000,000				115,000,000		215,000,000	
HOPE I, II, III	894,061,000	(140,810,000)	100,000,000		100,000,000		100,000,000		100,000,000	
Housing counseling	6,278,050	12,000,000	50,000,000		50,000,000		62,000,000		65,000,000	
Rental housing choice counseling							[30,000,000]		[30,000,000]	
Total, homeownership	1,401,192,506(1)	(222,810,000)	256,875,000		156,875,000		277,000,000		380,000,000	
Loan guarantees/secondary mortgage market:										
Limit on FHA insurance authority (MMI)	[68,673,868,600]	[119,564,645,000]	[100,000,000,000]		[100,000,000,000]		[105,000,000,000]		[91,000,000,000]	
Limit on FHA insurance authority (SKI)	(inc. in above)	[18,436,205,000]	[20,885,072,000]		[20,885,072,000]		(inc. in above)		(inc. in above)	

FUNDING COMPARISON—HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994 (H.R. 3838), HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS—Continued

Programs	Fiscal year 1994 authorization	Fiscal year 1994 enacted	Fiscal year 1995 budget request [2]	Increment units	H.R. 4624 HUD/VA/IA	Increment units	H.R. 3838 fiscal year 1995 (rptd 6/15/94	Increment units	H.R. 3838 fiscal year 1996 (rptd 6/15/94	Incremental units
FHA mortgage limitation increase			(40,000,000)		(40,000,000)					
Limit on GNMA guarantee of MBS's	[91,696,000,000]	[185,000,000,000]	[142,000,000,000]		[142,000,000,000]		[130,000,1000,000]		[130,000,000,000]	
Indian housing loan guarantees	[50,000,000]	[25,000,000]	[22,388,000]		[22,388,000]		[50,000,000]		[50,000,000]	
Emergency homeowners relief act							(such sums)		(such sums)	
Future of the FHA committee							[1,000,000]			
Supportive housing for elderly and disabled:										
Elderly and Disabled:										
Supportive housing—Sec. 202 elderly	955,406,778	[1]1,158,000,000	[1]150,000,000	1,156	[1]1,158,000,000	8,742	1,353,000,000	10,214	1,356,000,000	10,237
Supportive housing—Sec. 811 disabled	409,460,048	[1]387,000,000	[1]387,000,000	2,915	[1]387,000,000	2,915	595,000,000	4,482	598,000,000	4,504
Congregate service	21,882,000	25,000,000	6,267,000		6,267,000		25,000,000		26,000,000	
Elderly indep.—rental assistance	39,896,096						25,000,000		25,000,000	
Elderly indep.—service	[10,420,000]						7,000,000		7,000,000	
Housing opportunity for persons with AIDS	156,300,000	[1]156,000,000	[1]156,000,000	888	[1]156,000,000	888	212,000,000	1,207	225,000,000	1,281
Total, elderly/disabled	1,658,844,922	1,816,400,000	762,867,000	4,959	1,784,567,000	12,545	2,217,000,000	15,903	2,237,000,000	16,022
HOME:										
Invest. partner. program	2,173,612,000	1,275,000,000	1,100,000,000		1,275,000,000		1,700,000,000	60,016	2,000,000,000	68,500
Community housing partnership	[25,000,000]	[25,000,000]	[25,000,000]				[25,000,000]		[25,000,000]	
State/local strategies	[22,000,000]	[22,000,000]	[22,000,000]				[22,000,000]		[22,000,000]	
Total, HOME	2,173,612,000	1,275,000,000	1,100,000,000		1,275,000,000		1,700,000,000		200,000,000	
Community development:										
Community develop. block grants (CDBG)	4,168,000,000	4,400,000,000	4,400,000,000		4,600,000,000		4,400,000,000		4,500,000,000	
Special purpose grants	[60,000,000]	[45,000,000]	[60,000,000]		[61,500,000]		[60,000,000]		[60,000,000]	
Sec. 108 loan guarantees	[2,000,000,000]	[2,054,000,000]	[2,054,000,000]		[2,054,000,000]		[2,054,000,000]		[2,054,000,000]	
Enterprise/empowerment zones			[1]500,000,000				250,000,000		250,000,000	
Economic development grants			[1]100,000,000				100,000,000		100,000,000	
Community viability fund			[1]100,000,000							
Capacity building for comm. dev. & affordable hsg.	[25,000,000]	20,000,000	[incl. above]				60,000,000		60,000,000	
Neighborhood development (John Heinz)	[3,000,000]	[1][5,000,000]	[1][10,000,000]		[1][10,000,000]		10,000,000		10,000,000	
Neighborhood LIFT program			[1][200,000,000]							
Colonias assistance program			[1]100,000,000				100,000,000		100,000,000	
Total, community development	6,352,032,000	6,235,000,000	6,200,000,000		5,875,000,000		4,920,000,000	60,016	5,020,000,000	68,500
Homeless assistance:										
Homeless block grant	NA	NA	1,250,000,000		1,120,000,000		735,000,000		925,000,000	
Emergency shelter grants	143,796,000	115,000,000								
Transitional housing	212,568,000	334,000,000								
Safe havens	64,604,000									
Sec. 8 SRO	109,410,000	150,000,000					200,000,000		206,000,000	
Innovative homeless initiatives demo. program	200,000,000	100,000,000					100,000,000			
Shelter plus care program	277,745,100	123,747,000					75,000,000		75,000,000	
Interagency council on the homeless	1,563,000						2,000,000		2,000,000	
Total McKinney homeless assistance	1,009,686,100	822,747,000	1,250,000,000		1,120,000,000		1,012,000,000		1,208,000,000	
R&D, D, fair housing, other:										
Fair housing initiatives program	26,000,000	20,481,000	26,000,000		26,000,000		26,000,000		27,000,000	
Grants for economic development centers			[1]25,000,000							
Moving to opportunity	52,100,000	[1]171,250,000	[1]149,100,000		[1]149,100,000					
Metropolitan area-wide assisted housing program			[1]9,000,000							
Research and policy development	36,470,000	35,000,000	40,000,000		40,000,000		40,000,000		42,000,000	
HUD staff training, tech assistance							NA		40,000,000	
Total, HUD	30,928,806,866	26,430,111,000	25,786,078,000	78,456	26,793,784,000	93,428	28,017,000,000	165,628	30,046,000	
Other programs and adjustments:										
National institute of building sciences							2,000,000		2,000,000	
Neighborhood reinvestment corp.	30,713,992	32,000,000	38,667,000				35,000,000		35,000,000	
FEMA homeless assistance grants	187,560,000	[130,000,000]	[130,000,000]				130,000,000		130,000,000	
American indian housing council					[500,000]		1,000,000		1,000,000	
Housing assistance council					[4,000,000]		5,000,000		5,000,000	
Total, other programs	218,273,992	32,000,000	38,667,000				43,000,000		43,000,000	
Farmers Home—Rural Housing										
Rural loan programs:										
Sec. 502 homeownership direct loans	1,746,896,328	1,750,000,000	1,800,000,000		1,323,339,000		1,802,000,000		1,856,000,000	
Sec. 502 unsubsidized guaranteed loans	(such sums)	750,000,000	1,300,000,000		1,000,000,000		[772,000,000]		[795,000,000]	
Sec. 504 home improvement loans	12,920,800	35,000,000	35,000,000		35,000,000		36,000,000		37,000,000	
Sec. 514 farm labor loans	17,528,107	16,300,000	16,482,000		15,915,000		[18,000,000]		[19,000,000]	
Sec. 515 rental housing loans	770,559,000	540,107,000	220,000,000		220,000,000		600,000,000		650,000,000	
Sec. 523 mutual/self-help loans	883,600	622,000	603,000		603,000		1,000,000		1,000,000	
Sec. 524 site loans	885,700	600,000	632,000		632,000		1,000,000		1,000,000	
Subtotal, loan programs	2,549,673,535	3,092,629,000	3,372,717,000		2,595,489,000		2,440,000,000		2,545,000,000	
Rural grant programs:										
Sec. 502 security grants	1,146,200						10,000,000		10,000,000	
Sec. 504 home improvement grants	21,986,200	25,000,000	25,000,000		24,900,000		31,000,000		32,000,000	
Sec. 509(c) construction defects grants	625,200	500,000	500,000		495,000		1,000,000		1,000,000	

FUNDING COMPARISON—HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994 (H.R. 3838), HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS—Continued

Programs	Fiscal year 1994 authorization	Fiscal year 1994 enacted	Fiscal year 1995 budget request [2]	Increment units	H.R. 4624 HUD/VA/IA	Increment units	H.R. 3838 fiscal year 1995 (rptd 6/15/94	Increment units	H.R. 3838 fiscal year 1996 (rptd 6/15/94	Incremental units
Sec. 509(f) project preparation grants	5,522,600	0					6,000,000		6,000,000	
Sec. 515 service coordinators	1,042,000	0					1,000,000		1,000,000	
Sec. 516 farm labor grants	22,611,400	11,000,000	11,000,000		10,900,000		15,000,000		18,000,000	
Sec. 516(k) migrant homeless program	10,941,000	0					10,000,000		11,000,000	
Sec. 523 mutual/self-help grants	14,483,800	12,750,000	12,750,000		12,650,000		15,000,000		15,000,000	
Sec. 533 preservation grants	32,093,600	23,000,000	23,000,000		22,000,000		33,000,000		34,000,000	
Sec. 538 Indian/Alaska capacity bldv.							10,000,000			
Sec. 539 rural comm. devel. initiative							10,000,000		12,000,000	
Rural homeless							30,000,000		30,000,000	
Subtotal, grant programs	110,452,000	72,250,000	72,250,000		70,945,000		172,000,000		170,000,000	
Rental assistance programs:										
Rental assistance payments (RAP)	431,492,200	446,694,000	523,008,000		523,008,000		454,000,000		468,000,000	
Rural prepayments/supp. RAP	12,689,476	[5,840,000]	[5,900,000]		[5,900,000]		13,000,000		13,000,000	
Rural housing vouchers	140,000,000		25,000,000				30,000,000		40,000,000	
Subtotal, rental assistance							497,000,000		521,000,000	
Total, rural housing	3,244,307,211	3,611,573,000	3,992,975,000		3,189,442,000		3,109,000,000		3,236,000,000	

[1] Funding included within Annual Contributions account.

[2] 1995 Budget as amended on May 16, 1994.

[3] Program to be funded with carryover balances in 1995.

[4] Proposed as mandatory Budget Authority starting in 1995.

Note: Farmers Home programs reflect House-passed 1995 appropriations.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3838, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I would inquire of the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader, if we might ascertain the schedule for the upcoming week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, obviously votes are finished for today. On Monday, July 25, the House will meet at 10:30 for morning hour. The House will meet at noon and will have 10 bills on suspension which are listed on the sheet which the gentleman, I believe, has in front of him. I would suspect votes will not begin until 5 p.m. on Monday, and I would expect three or four votes. There will be votes on suspensions expected.

There are likely to be two votes, one vote on a motion to instruct and a motion to close in conference.

On Tuesday, July 26, and the balance of the week, the House will meet at 10 a.m. On Tuesday the House will recess immediately and reconvene at approximately 11 a.m. to receive His Majesty, Hussein I, King of the Hashemite Kingdom of Jordan, and His Excellency, Yitzhak Rabin, Prime Minister of Israel, in a joint meeting.

Following the joint meeting, Mr. Speaker, the House will reconvene for legislative business, and the business we will consider on that day and the rest of the week is the California Desert Protection Act, the Export Administration Act, the Environmental Technologies Act, and the National Park Concessions Policy Reform Act; a bill to provide for the management of The Presidio, the Small Business Reauthorization Act of 1994, the Social Security Administrative Reform Act of 1994, the Community Development Financial Institutions Interstate Bank Branching Conference Report, subject to a rule, and the Omnibus Crime Control Act Conference Report, subject to a rule.

Also, Mr. Speaker, motions to go to conference on appropriation bills are expected and, obviously, other conference reports could be brought up at any time.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his explanation. I do have a couple of questions.

Mr. Speaker, it does not appear to me as though there is probably enough on the schedule on Monday to get us to 5 o'clock when voting would start. Is it the intention of the House to recess at some point Monday afternoon in order to get there?

Mr. GEPHARDT. If the gentleman will yield, it would be our intent to go to special orders if that happens, or to talk with the other side about a recess or whatever would be needed to get us to that time. We obviously want to start at that time to allow Members from the faraway areas to be able to get here.

Mr. WALKER. A further question, Mr. Speaker. On Tuesday evening it has been related to me that there are a couple of events going on, including a state dinner at the White House. Is there an intention of getting the House out in reasonably good time on Tuesday evening so Members can help with those events?

Mr. GEPHARDT. That is correct.

Mr. WALKER. Also, Mr. Speaker, the Environmental Technologies Act of 1994 is out of my committee. Is that something where once we take it up, we are going to take it up and go through to completion on it? I have been told that that might be used as filler. Can the gentleman from Missouri give me some idea of what the intention is on that bill?

Mr. GEPHARDT. If the gentleman will continue to yield, the gentleman knows that that is an important piece of legislation. It would never be characterized as filler. We are going to try to get it done.

Mr. WALKER. We are going to try to get it done. I thank the gentleman.

Mr. Speaker, I have a couple of other issues. The gentleman has the Omnibus crime report or Omnibus crime control bill on the calendar. Does that mean that the contentions with regard to racial justice and some of those issues are now worked out and we can count on that bill coming up next week?

Mr. GEPHARDT. If the gentleman will yield further, the gentleman knows the conference has to work its will on that and a variety of other issues. I hope they can do that successfully and produce legislation that can pass on the floor of both Houses. We hope that will happen.

Mr. WALKER. However, there is some degree of confidence that all that has been worked out? That is the reason why it is on the schedule?

Mr. GEPHARDT. If the gentleman will yield, we have wanted for some time to bring a crime conference report. We feel we are close to that point. We feel sometime next week that ought to be able to be accomplished.

Mr. WALKER. Mr. Speaker, I see nothing on here relating to anything moving on a health care bill. It is not on the schedule for next week. Is that something that might get up in the near future? There are a number of us who believe that we ought to be able to at least see something on that before we vote on it.

Mr. GEPHARDT. If the gentleman will yield, we still believe and hope that a health care bill can be brought to the floor of the House in the second weekend in August, and we obviously will be consulting with the other side about that eventuality and about how that might occur.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, as the distinguished majority leader knows, the gentleman from Illinois [Mr. MICHEL] and I sent a letter to the gentleman from Missouri [Mr. GEPHARDT] and to the Speaker about 2 weeks ago, asking that there be 10 legislative days from the time the gentleman completes the bill until he wants to bring it to the floor, and suggesting that any bills that would be made in order ought to be printed at the same time and have time for the country to look at them. There are articles in the Wall Street Journal and in the New York Times and in the Washington Post this morning that are of concern to people who want to know the details.

I guess, Mr. Speaker, my question to the gentleman would be, can we get a commitment that either the actual legislative language might be printed by, say, Monday a week before the vote, or that we would consider some other process, one which I will suggest in a special order, which would be that we bring the bill to the floor and get a rule voted on just before we leave, but then vote on the bill the week we come back in September?

My concern is, Mr. Speaker, that I am just now discovering things that are in the bill from the Committee on Ways and Means that we did not even know about, and I think it would be very inappropriate to bring life and death for every American and 14 percent of our Gross National Product to the floor without people having had a chance to read it and study it, and without the country looking at it.

Mr. Speaker, I would ask the gentleman if he could assure the House that we would have actual legislative language, at least 10 days before the bill would be voted on, so experts could look at it around the country, so people could look at it? It there any assurance the gentleman can give us about actual legislative language, not just principles, and how much lead time we would have before the vote?

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, we have had this conversation. We did receive the letter. We hope to have a meeting with the gentleman from Georgia [Mr. GINGRICH] and the distinguished minority leader at the earliest possible moment to discuss how to do this.

The general idea that the gentleman from Georgia is presenting, I believe, is a sound idea. There is no intention here to bring to the floor something that people have not had a chance to read and understand and discuss, and we will try to meet that kind of a schedule. I cannot tell the gentleman a guarantee today that it will actually be 10 days, but the general idea of what he is expressing is appreciated by this Member.

Mr. GINGRICH. Mr. Speaker, if the gentleman from Pennsylvania [Mr. WALKER] will yield further let me just ask, I know you cannot make policy on the floor today, but I do think there is some virtue to the concept that if we cannot get the bills reported out in a way that everybody can look at them in an orderly manner, that we seriously consider reporting the various bills, locking them in place by passing a rule, then giving the country a break so that Members could go home with a commitment to vote the first 2 days we come back. After all, there are not going to be any conference meetings. There is nothing going to be done during the break. I am very worried, because this bill is so complex. I say this on both sides. I think we should have an obligation to produce a bill on the same date, and we should have our bill locked in, just as yours would be. I do not think that this should be setting you up for us to try to write a different bill.

☐ 1420

I am just very worried that this is all going to slide, that writing the language, getting Congressional Budget Office scoring, knowing what we are going to be doing is going to be impossible, we are going to end up in a mess here.

I do want to suggest, and I will do a special order on this, in terms of the dignity of the House and protecting the American people—offering the bills, getting them printed, making them available and locking them in the last 2 or 3 days before the recess, then voting as soon as we come back—something like that, I would just say if we cannot get the bills out the first 2 or 3 days of the week before, we might consider something in order to ensure the American people actually know the technical details of what is in the bill. I just offer that as an idea.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, the distinguished majority leader knows I have asked this question a couple of times before, and I will continue to ask it until we finally get it resolved.

In 1993 we established the Joint Committee on the Reorganization of Congress. It was our hope that before the committee went out of existence on December 31, 1993, that we would have voted on that package here on the House floor and we were promised when that did not take place that we would have it voted on early spring of this year, late spring, early summer, and here we are charging toward the Labor Day break and we have had indications that we might be doing what the gentleman from Indiana [Mr. HAMILTON] and I virulently oppose, breaking up the legislation, which many of us feel in a bipartisan way should be maintained intact.

We all know that the issue of congressional compliance is a real hot button with a lot of people out there and so the prospect of breaking that out from the reforms that I believe are very important and that the American people want to see us support is very, very sad news for me. I wondered if my friend could enlighten us as to where we stand on the issue of congressional reform.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, it may be an attempt to break out part of it and have it considered first but then have a date certain in September when the rest of it would be considered and it would all be joined up into one piece of legislation.

Mr. DREIER. I ask the gentleman, what is the advantage of that? A number of us have said we want to keep the issue, H.R. 3901, of congressional reform in one single package. If we are not talking about bringing it up until after the Labor Day district work period, I do not see any reason for us to address it in that manner.

Mr. GEPHARDT. If the gentleman will yield, as the gentleman knows, certainly with the California desert bill, we have had bills that are considered in different time phases. This is a large bill, it has a lot of different parts to it. I am not suggesting we make it part of the California desert bill.

Mr. DREIER. Although I suspect some of my colleagues might want to send my congressional reform package out to the California desert.

Mr. GEPHARDT. It may bloom in the desert, who knows. In any event, there is no intent here to break things up and jettison things. There may be an attempt to do this in a phased way and to get the whole thing done. We are committed to getting the whole package up and decided.

Mr. DREIER. We have pretty well concluded that breaking it up is no more than a divide-and-conquer strategy. We all know there are many people here who thrive on the status quo, who do not want to have meaningful reform. That is why I continue to be disturbed about the prospect of breaking it up.

Mr. SAM JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. SAM JOHNSON of Texas. Mr. Speaker, if I may inquire of the distinguished majority leader, I believe the rules indicate that in a joint session Tuesday, all committee action stops. Is that true?

Mr. GEPHARDT. That is correct.

Mr. SAM JOHNSON of Texas. Does that mean that the Whitewater hearings, so-called, in the Committee on Banking, Finance and Urban Development would stop as well?

Mr. GEPHARDT. We will consult with the chairman. My understanding generally is that we will have a break in the action in committees during the joint session for the King of Jordan and the Prime Minister of Israel. The distinguished chairman of the committee is here.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, let me reply to the distinguished leader and my colleague from Texas.

My understanding of the rules is that both in the case of joint sessions as well as meetings of the respective caucuses of the party, we suspend committee meetings or hearings pending the ability of the members of the caucuses to attend the committee hearing.

So we would—under the rule as I understand it—recess, or maybe happily adjourn, as of 11 a.m. Tuesday, July 26. But it would be our intention that we would comply with the rules and allow the members of the committee to attend the joint session.

Mr. SAM JOHNSON of Texas. Mr. Speaker, if the gentleman will yield, I would hope we would not adjourn. I would hope that we would be able to make up the lost time. I am sure that is the objective, to put everything out in the open.

Mr. GONZALEZ. If the gentleman will yield, I think the gentleman realizes, for instance, on the markup in full committee of this bill we just passed out, it lasted from 9:30 in the morning until 10:30 at night. We got the bill out.

In this case, we do not know. Because we are scoping out the proper dimensions under the House-passed resolution, I think it is House Resolution 694, and the agreement of the leaders, which agreement reflects predominantly the minority leader's decisions with respect to scope, whether we want to call it narrow or broad, it would be my intention that we would expedite the hearings, proceed in regular order and in accordance strictly with the rules and with no intent to either delay, obstruct, or hinder other than carrying out the mission that has been entrusted to this committee.

Let me assure the gentleman, he is a member of the committee, he realizes that we have always been respectful of every member, whether he is a senior member or the brand-new member, and his right to participate. We also have the mandated requirement under rule X of the 5-minute rule where every member will have 5 minutes to ask questions. I hope I have answered that.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his explanation. I would just say when the gentleman used the word "adjourn," I think some of us would find it to be a very troubling situation if the committee because of the joint session were to adjourn and then not go back to its work on the Whitewater investigation later on in the day.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, let me allay the gentleman's fear. That is not what I meant by adjournment. I meant hopefully, given good will, comity and harmony, we could terminate that first session by 11 a.m. If not, we proceed as long as necessary.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Two other questions. On campaign reform, we do not see any indication on the schedule that a campaign reform bill is moving. Have the differences been worked out in such a way that a campaign reform bill might find its way or a conference report might find its way to the floor?

Mr. GEPHARDT. If the gentleman will yield, we are working hard on that conference. We hope to bring it to a conclusion soon. It may be on the schedule soon thereafter.

Mr. WALKER. As I understand it, there is not a conference even meeting at this point.

Mr. GEPHARDT. I understand it. We are having preconference meetings and trying to get ready for a conference.

Mr. WALKER. Mr. Speaker, finally on appropriation bills, there are a number of those that I think are eligible at this point to go to conference.

Are we likely to see appropriation bills with potential motions to instruct before the House next week?

Mr. GEPHARDT. If the gentleman will yield, it is our expectation, and there are seven passed House and Senate at this point: Treasury, energy, foreign operations, military construction, agriculture, District of Columbia, transportation. They are all eligible to be called up.

Mr. WALKER. Would the gentleman expect some of those might come to the floor before going to conference next week?

Mr. GEPHARDT. Yes.

Mr. WALKER. I thank the gentleman.

ADJOURNMENT TO MONDAY, JULY 25, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, JULY 26, 1994

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, July 25, 1994, it adjourn to meet at 10 a.m. on Tuesday, July 26, 1994.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1430

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, JULY 26, 1994, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS MAJESTY HUSSEIN I, KING OF THE HASHEMITE KINGDOM OF JORDAN, AND HIS EXCELLENCY YITZHAK RABIN, PRIME MINISTER OF ISRAEL

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, July 26, 1994, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Majesty Hussein I, King of the Hashemite Kingdom of Jordan and his excellency Yitzhak Rabin, Prime Minister of Israel.

The SPEAKER pro tempore (Mr. MORAN). Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3838, HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3838 just passed by the House, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 3838.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NOTIFICATION OF PLANS OF COMMITTEE ON RULES REGARDING CONSIDERATION OF H.R. 4801, SMALL BUSINESS REAUTHORIZATION ACT OF 1994, AND H.R. 3433, PROVIDING FOR MANAGEMENT OF THE PRESIDIO

(Mr. GORDON asked and was given permission to address the House for 1 minute.)

Mr. GORDON. Mr. Speaker, I would like to notify members of the Rules Committee's plans regarding H.R. 4801, Small Business Reauthorization Act of 1994 and H.R. 3433, to provide for the management of the Presidio under the jurisdiction of the Secretary of the Interior.

The Rules Committee is planning to meet the week of July 25, to consider both bills. In order to assure timely consideration of each bill on the floor, the Rules Committee may report rules that limit the offering of amendments.

Any Member who is contemplating an amendment to either H.R. 4801 or H.R. 3433 should submit, to the Rules Committee in H-312 in the Capitol, 55 copies of the amendment and a brief explanation of the amendment no later than 12 noon on Wednesday, July 27, 1994.

Amendments should be drafted to each bill as reported. The reported bills will be available in the Document Room on Monday, July 25.

We appreciate the cooperation of all Members in this effort to be fair and orderly in granting these rules.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I hope that Common Cause, the New York Times, the Washington Post, were paying attention recently. They should have been listening when Speaker FOLEY admitted the truth about the Democratic majority campaign finance bill, a bill which Common Cause, the New York Times, and the Washington Post, had endorsed.

The Speaker said that the House Democrats "can't agree with the Senate position which is to eliminate all PAC's, political action committees, or to substantially reduce them."

Let me repeat that, the Speaker opposes campaign finance reform that would substantially reduce political action committees, also known as PAC's.

I recall that during the debate on lobbying reform many Members of Congress cited the public cynicism toward Congress. I now ask those members of Congress who supported the gift ban because of influence: If a $20 lunch might buy influence, what does a $5,000 campaign contribution buy?

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the Speaker for a question.

Mr. FOLEY. Mr. Speaker, the gentleman used my name personally, so I think in courtesy the Member ought to yield.

I would ask that the gentleman be informed that his statement needs clarification. What I have said publicly is that it would be difficult for us to agree with the Senate position to abolish, abolish all political action committees, and that I did not feel that we could agree with the Senate position to reduce the maximum contribution level, the maximum contribution level of political action committees.

In the bill adopted by the House we have supported the reduction in percentage terms of those receiving political action committees from their total spending limits. It is limited to one-third of the Members' total campaign level. That is a significant reduction over Members' receipts of political action committees, and I think the RECORD should correct the gentleman's statement.

Mr. HORN. Will the gentleman yield for a question?

Mr. FOLEY. Yes.

Mr. HORN. Mr. Speaker, I would simply ask, as you know, we had the Synar-Livingston bill prepared, a bipartisan effort, five Democrats, including a member of the Rules Committee, five Republicans that would cut PAC money from $5,000 to $1,000, individual contributions from the present $1,000 to $500. We were not permitted a vote on that.

Would the gentleman be willing to instruct the Rules Committee and his colleagues there to permit a vote?

Mr. FOLEY. The House, if the gentleman will yield further, the House has acted on the legislation. The question is now the conference committee's action. At this juncture we have already undertaken to decide this question on the floor and the House has spoken.

Mr. HORN. The House never had an opportunity to act on the Synar-Livingston bill. We were prohibited.

Mr. FOLEY. No; that is true. But my point to the gentleman is we have, in the action taken by the House, significantly reduced the role of political action committees in campaigns. If this legislation is enacted, legislation vetoed by President Bush, which was widely hailed by a number of outside groups, now somewhat critical, as very substantial campaign reform, this will significantly reduce the role of political action committees in the total spending of campaign expenditures by Members.

I do not personally feel that political action committees are a bad way for Americans to have an opportunity, particularly in small contributions, to participate in the political process. But that is another issue I do not propose to debate with the gentleman today. What I just want the gentleman to do is recognize that I have never said, and indeed would not agree with the statement that the legislation passed by the House does not reduce the role of political action committees, or we are not in fact willing to have them reduced in terms of overall spending of many Members. That in fact is what the legislation does. I thank the gentleman.

Mr. HORN. Am I correct that the Speaker's statement is that if the legislation approved by the House were approved, the proportion of PAC money in political campaigns would be less than it is now, the total amount?

Mr. FOLEY. Yes.

Mr. HORN. The PAC money? That is the argument. I would simply say, with all respect to the Speaker, that the loopholes in that bill permit us to have increased spending on campaigns in this country, which are already a national scandal, and would go up to easily $1 million once one asserts all of the loopholes.

Mr. FOLEY. I do not propose, if the gentleman will yield, to interrupt his statement any longer. It would not be my purpose to do that normally, but since he was using my name and quoting me as someone who said we were not in favor of reducing in any way the political action role in campaigns, that is not technically correct, that is not what the legislation did, that is not my position, and I thank the gentleman for allowing the clarification.

□ 1440

Mr. HORN. I thank you for entering into the dialog.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I just thought it was fascinating.

The SPEAKER pro tempore (Mr. MORAN). The gentleman's time has expired, and under the order, the Chair is not allowed to recognize for requests to extend the time. However, the Chair would advise if both the gentleman from California and the gentleman from Georgia are accorded 60 minutes each—

Mr. DREIER. I ask unanimous consent that my friend, the gentleman from California, be given an additional 5 minutes.

Mr. WALKER. Mr. Speaker, I ask unanimous consent that I be permitted to address the House for 5 minutes on a special order.

The SPEAKER pro tempore. Under the regular order, the Chair would complete reading of the list of those Members who have requested 5 minutes. Then the gentleman could be recognized. The Chair advised the gentlemen, both the gentleman from California and the gentleman from Georgia, under a previous order would be recognized for 60 minutes each, but the Chair will now continue reading the list of those who have been given 5 minutes.

Mr. HORN. If I might, Mr. Speaker, since I was about a third of the way through my remarks, if I might have the remainder to finish the statement, I would appreciate it, and I ask unanimous consent that the 3 minutes or so—

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania can be recognized for 5 minutes at this point, and then the gentleman could yield to the gentleman from California if he chose to.

CAMPAIGN REFORM

Mr. WALKER. Mr. Speaker, I ask unanimous consent to proceed on a special order for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, I was simply going to make the point to the gentleman that the Speaker, a moment ago, indicated that the reforms that he was talking about could not be brought up because the House has already passed the bill and so, therefore, we cannot consider anything the House has not passed, but as the gentleman well knows, we just heard from the majority leader, a few minutes ago, when we discussed campaign reform as a part of the schedule that there are preconference meetings taking place where they are designing the legislation that may, or may not, come out of the conference. Those preconference committees, of course, include no bipartisan representation, because the conference is not meeting. The conference is not engaged in that action. These things are being done all by Democrats behind closed doors.

It seems to me that it is a rather outrageous way to be designing a campaign reform plan, and that the gentleman's point with regard to some of our concerns is entirely legitimate.

I will be happy to yield to the gentleman for his reply and for him to complete his statement.

Mr. HORN. I thank the gentleman.

The key question I was on before this dialog occurred, and I am happy to get back to it, and I am happy to have the dialog, it is that if Members were concerned about the cynicism toward Congress and those of us who voted for the so-called $20 lunch limit of a lobbyist and think that buys influence, I simply ask the obvious: How do they feel and what do they feel a $5,000 per election political action committee can buy? If $20 is evil, what is $5,000?

It seems to me what is going on behind the scenes is sort of nonsense. The fact is, this House would be willing to limit PAC's. The Republican Conference has overwhelmingly voted to abolish PAC's, abolish soft money from corporations, for voter registration, all the rest of those party-building activities, and to require that over half the money that is contributed to a candidate for Congress come from one's constituency.

That is trying to get Congress and its Members back in touch with its constituency, long overdue.

Mr. Speaker, it is time for real reform, and every Representative, together with the editorial writers and the good-government groups who have called for that reform, should demand that the Democratic leadership drop this empty shell of a bill and support a bipartisan overhaul of our campaign finance reform.

That is exactly, if I might in just a moment finish this short statement, that is exactly what we had available last year headed by the gentleman from Oklahoma [Mr. SYNAR], a key Democrat subcommittee chairman in the House, the gentleman from Louisiana [Mr. LIVINGSTON], a key figure on the Republican side, and five of us Republicans, five Democrats, where we would have reduced PAC contributions from $5,000 to $1,000, individual contributions from $1,000 to $500.

That bill was not permitted to be voted upon on this floor, because the Committee on Rules stopped it, and they stopped it at the direct order of the leadership.

The fact is they do not want reform. They like business as usual. Let us face it, if the House were free to vote, I think they would support the Synar-Livingston reform if only the Democrat leadership would let the House work its will.

But I am not surprised. It has stopped time and time again real reform in this Chamber, and it continues to do so, and it shows what 40 years of rule by one party can do.

Mr. Speaker, I am including at this point in the RECORD an editorial from the June 30, 1994, Washington Post, entitled "Standing Firm on Campaign Reform" as follows:

[From the Washington Post, June 30, 1994]

STANDING FIRM ON CAMPAIGN REFORM

It's almost at that point in the congressional session when bills start crashing into each other, when leaders start looking for ways out of controversy and when each party begins to calculate every move for its impact on the fall elections. For this reason, the behavior of Senate Majority Leader George Mitchell and Sen. David Boren (D-Okla.) on the campaign finance issue is worthy of note.

Many Democrats in the House, including some in the leadership, seem eager to find a way to kill campaign finance reform in a way that would let them heap blame for its defeat on Republicans in the Senate. The sticking point right now is whether to toughen the limits on how much political action committees can contribute to candidates. The House members want to keep the current high limit of $10,000 per election cycle. A group of reform-minded Republicans in the Senate whose support is crucial to get the bill past a filibuster want to ban PACs altogether. But they appear ready to settle on a compromise that would cut the PAC limit, perhaps to $5,000.

Many Democrats in the House would like Sens. Mitchell and Boren to cooperate by agreeing to move on a bill that would do nothing about the PAC limit. Such a bill would surely lose, but the House could pass it and then blame the Senate Republicans for its death. This would be perfect for many in the House: The current system stays as is, but the Democrats would, on paper, have appeared to support reform and be able to beat up on the Republicans for the lack of action.

But to their credit, Mr. Mitchell and Mr. Boren are refusing to play their assigned roles in this charade. They won't move a bill that has no chance of becoming law and insist that their House colleagues strike a reasonable compromise. Both men are leaving the Senate this year, and both have long records of support for real campaign reform. They should stand firm and keep their reform credentials intact.

The fact is that even in partisan terms, Sen. Mitchell and Sen. Boren have it right: It would be foolish for Democrats to hand the Republicans this issue. Do Democrats really want to be the party that blocked reform because they insisted on defending the PACs and refused to accept even modest limitations on their power? A principled stand by Senate Democrats is the only hope for bringing their allies in the House around to a sensible position. It's also the best way to keep the Senate's reform-minded Republicans from bolting. Congress should not blow the best opportunity it has had in years to clean up the election process.

Mr. WALKER. Mr. Speaker, I thank the gentleman for his statement, and I thank him for helping this debate out here.

It is too bad the gentleman did not take a 1-hour special order. I think he has engendered some interest on the floor.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. I just want to remark briefly, speaking of cynicism and partisan politics and manipulation, would the gentleman acknowledge that in the previous Congress this House of Representatives passed a campaign reform bill that was not a Democratic bill, a bill endorsed by Common Cause and a whole range for reform organizations, League of Women Voters and so on, which was then, in fact, vetoed by President Bush and your party helped uphold that veto? So in terms of passage of meaningful campaign reform legislation, that has already transpired in this House, and because of the veto, we are back again having to take another run at it. We are going through the process now.

The conference report will, in fact, involve both political parties. Hopefully we can find some bipartisan consensus. I do not think that partisan bomb-throwing and finger-pointing and blame-placing is all that constructive to the ongoing bill.

Mr. WALKER. Reclaiming my time, I remember well the campaign reform bill that President Bush vetoed. He vetoed it because it had a public financing mechanism in it. It had a public financing mechanism in it that was not paid for.

That is typical of what happens around here. There is a cynical ploy to call it campaign reform, and what you do is end up putting in public financing, but you find no way to pay for the public financing.

That bill was a total phony from the word go, and the President should have vetoed it, and it is exactly what the American people are concerned about when it comes to cynical behavior.

Mr. JOHNSON of South Dakota. If the gentleman will yield, it was amazing it had such a broad base of support from such a wide range of reform organizations, nonpartisan reform organizations in this country.

Mr. WALKER. The gentleman says they are reform organizations. A lot of the so-called reformer organizations are actually liberal Democrat organizations that were trying to parade forth credentials that many of us do not believe they have.

The fact is the one person who stood up for the American people to stop the American people from having to pay for the reelections of Members of Congress through their tax dollars was President Bush. I think he should be congratulated for what he did.

Mr. HORN. If the gentleman will yield further, I think your question is a good one, and it deserves comment.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired

Mr. HORN. I want 20 seconds or so.

The SPEAKER pro tempore. There is no further time. Under the rule, it is not in order to extend a Member's time.

A RESPONSE TO CLAIMS OF A STRONGER ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, I rise today in response to my colleagues on the other side of the aisle, many of whom have taken the well in the past week to laud recent economic reports as success symbols for the Clinton administration's economic policies. It is extremely important that the American people understand the entire economic picture and not just a praised and isolated economic statistic extracted from the reality of the overall economy.

First, last week the Office of Management and Budget released its midsession review of the budget, citing new deficit level figures of $220 billion in 1994 and $167 billion in 1995. Immediately, Democrats took the floor and touted the success of the President's 1993 tax bill. However, this assertion of success demands further examination. First, the new 1994 projected defect level is down $15 billion from $235 billion projected earlier this year. As has been extensively discussed, this is largely due to lower than expected financing for deposit insurance, lower interest rates and lower spending in the Medicaid program. Nevertheless, the 1994 deficit will still be $200 billion. Second, the revised projections for 1995 actually represent an increase in the deficit from $165 to $167 billion. While this increase in actual dollars may only be $2 billion it still is an increase and mirrors the perpetual increase in future deficits stretching from 1995 to as far as the eye can see. Even more fundamental, claiming that the U.S. Government will only add $200 billion to our Nation's debt this year as success, is flawed. While every drop in the deficit is noteworthy, it is more noteworthy to understand just what these newly adjusted deficit levels continue to symbolize.

Third, Democrats continue to applaud the perceived increase in the total amount of deficit reduction resulting from the President's 1993 budget. However, it would be more honest to point out that the amount of cumulative deficits remaining to be eliminated is twice as much as the amount of deficit reduction the Democrats wish to take credit for reducing. Yes, even if the 1993 budget reduces the deficit by $700 billion between 1993 and 1998—as some of my colleagues on the other side have claimed—there will still be well over $1.4 trillion in projected cumulative deficits remaining in those years. In simple layman's terms this means that over $1.4 trillion will be added to the $4.5 trillion debt between now and 1998. Are my Democrat colleagues taking credit for this increase in the debt? Clearly, praising only minor reductions of the deficit is shortsighted.

Fourth, the administration and my Democrat colleagues continue to applaud the strength of our economy based on its awesome job growth. To assess this assertion, I think it pertinent to stand back and examine this administration's job growth in comparison with that of previous Democrat and Republican administrations. During the 1992 campaign, President Clinton promised to create 8 million new jobs by 1996. At that time the economy was slowly and weakly emerging from a recession. However, it must be remembered that every recovery from a recession results in job growth. Consequently, the real question must be one that asks what is the real ability of this administration's economic program to create jobs? According to a study done by the Milken Institute for Job and Capital Formation, when viewed in total, this promise represents an increase of only 7.4 percent from the final quarter of 1992. In fact, except for the first Eisenhower recovery of June 1954 to June 1957, the brief recovery between the end of the Carter recession in September 1980 and the beginning of the Reagan recession in July 1981, and the Bush recovery, the job creating ability of Mr. Clinton's promised economic program will be worse than that of any President since 1950. Furthermore, many of the new jobs that have been created are low-paying, devoid of fringe benefits and often temporary or part-time. According to the Los Angeles Times "about 15 percent of all jobs created in the U.S. since the beginning of the recovery have been at temporary help services, even though they account for only 2 percent of U.S. employment overall." I know the true impact of this administration's growth program from personal experience. Despite the President's great revelations concerning job growth and expansion, the unemployment rate in my home State of New York in April of this year was 7.6 percent, up .6 percent from April of last year. Even more importantly, the April unemployment rate in my hometown of Glens Falls was 9.1 percent up 1.5 percent from April 1993. Clearly, the President's lauded economic growth program, passed almost a year ago, has not benefited families in my district. Mr. Clinton's promise of 500,000 new jobs per quarter and a 0.45 percent per quarter employment growth rate contrasts unfavorably with a post-1950 recovery average to date of 570,000 jobs per quarter and a 0.75 percent average quarterly growth rate. Moreover, if predictions concerning the President's health care reform proposal ring true, the elimination of 3.7 million jobs would place the President's job creation efforts in the negative. In this light, President Clinton's economic program is much less of a prized possession.

Besides the flaws in both the President's deficit reduction and job growth claims, there are many other economic indicators that bare disclosure. First, last week the dollar skidded to a new 50 year low of 96.6 yen and 1.5 marks. This drop in the dollar has been prefaced for over a year by President Clinton's threatening the Japanese with a weaker dollar. Well, now we have it—the weakest dollar in 50 years. The response from both foreign and domestic investors has been one of flight. Yes, investors anxious about their holdings of dollar dominated assets are diversifying their investments into assets dominated in other currencies. As long as the dollar's exchange value continues to erode, this currency portfolio shift and the lower American investment that comes with it, will continue. Consequently, the stock and bond markets have and will continue to lurch in uncertainty.

Next, we have interest rates which have been on the rise for months, due to the upswing in economic growth earlier this year. This has, in turn, resulted in an increase in the interest the Government pays on the Federal debt which has already been projected to top $200 billion in 1995. Furthermore, increases in interest rates results in higher costs for loans, capital and opportunity for the family-owned business and the young entrepreneur seeking to create new jobs and long-term economic growth. Moreover, the increase in interest rates by the Federal Reserve may have been justified, if the Clinton administration's economic program has resulted in an overheated spark of economic strength soon to be followed by a wave of inflation.

Any discussion of economic indicators cannot overlook the basic rate of economic growth which the Clinton administration itself has projected, with the passage of its 1993 budget plan, to have stagnant growth rates for 1995, 1996, 1997 and declining growth rates in 1998 and 1999. Most recently, the Council of Economic Advisors has championed its forecasts of an anemic 2.6 percent a year growth rate for the rest of the 1990's. For the record, this is significantly lower than the 2.8 percent average of the 1980's, when the economy experienced annual growth rates of 4, 5, and 6 percent in its boom years.

In conclusion, the Clinton administration presently holds an economy with $4.5 trillion in Government debt, continuous annual deficits in excess of $165 billion well into the next century, the slowest job growth since 1950, the weakest dollar in 50 years, rising interest rates, and well below average annual economic growth. This is in addition to the $330 billion in new deficit spending, $260 billion in new taxes and a 1994 Federal Register containing 69,688 pages of Government regulations surpassed only by the last 2 years of the Carter administration. If my Democrat colleagues wish to claim credit for the success of the Clinton economic policy, they must take credit for the entire and true Clinton record. Once they do, the American people will see the realities of Clintonomics and the fallacies of Democrat rhetoric. The entire economic package speaks for itself in the numbers. Should my Democrat friends seek to brandish this economy honestly before their constituency, I am afraid many of them may find themselves searching for a new means of employment come November 8.

GIVING THE AMERICAN PEOPLE A VOICE IN THEIR HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGRICH. Mr. Speaker, I want to speak today on giving the American people a voice in their health care.

It is increasingly obvious, as I alluded in the earlier discussion with the majority leader in discussing the schedule, that we are running out of time to write, expose to the public, debate, and pass a health care bill before the August recess. Currently the House is to recess on August 12, a Friday.

Now, that means if we worked all of next week in writing a bill, if the legislative staffs were to work all weekend, and these are very complex bills running 1,500 pages, that we would only have from Monday, August 1, to Friday, August 12, to look at the bill if, in fact, it was released.

Now, I do not believe that schedule will be kept. I do not believe it is technically possible to get the bills agreed to, drafted, and produced in final form by August 1.

So what normally happens in the House, and I have seen this happen on major bill after major bill, deals are done, final agreements are made, rewrites are ordered, something is printed up and Xeroxed, and it comes to the floor at the last minute. Members do not have time to read it. Experts do not have time to read it. The country does not know what is in it.

And then we are told, "You must vote now."

Well, I want to propose today a much better procedure. I want to suggest to the Democratic leadership that if they cannot get their bill written, if the Clinton bill that will be offered by the Democratic leadership cannot be printed by August 1, that rather than try to rush this through, that we take a step to reestablish the dignity and the integrity of the House by bringing to the floor a rule on August 11 or 12 which will make in order two votes, the Clinton bill and a bipartisan bill.

□ 1450

Pass the rule which will lock the two rules in, have the Government Printing Office print the two bills in sufficient numbers that anyone who wants to read them can read them, and then go on recess from August 12 until Labor Day; allow the American people to read both bills, allow people to compare the two bills, allow them to talk with their Members who will be back home, allow them to have a chance to make their voice heard, to speak out.

And let me say I am so confident of the comparison between the bipartisan bill and the Clinton bill that I would invite the President to come to my district to stand side by side and let us compare the two bills during August and let the people see both choices during August. And I would be delighted for the President to make his case and I would be glad to make the case for a bipartisan bill and let people then choose and have a sense of what is in them. And then the very first week we come back, let us have a vote.

But let me say I was led to make this speech because of articles today in the New York Times, the Wall Street Journal, and the Washington Post.

The New York Times reports on page 1 an article entitled "Health Care Bills Bring Benefits for Some Specific Constituents." That is, the same old one-sided pork-barrel insider deal is coming down the road on health.

Let me quote from this, an article by Robert Pear of the New York Times:

> A hospital in Representative Dan Rostenkowski's neighborhood in Chicago is getting Federal aid for a $580 million construction project. Representative Charles B. Rangel has secured similar assistance for a hospital on the upper east side of Manhattan. And Representative Barbara B. Kennelly of Connecticut has obtained special dispensation for the Hartford Life Insurance Company.
>
> Those are a few of the little-noticed provisions tucked into health care legislation for the benefit of specific hospitals, drug companies, and insurance companies.
>
> The highly contentious health care bills moving through Congress are chock-full of such narrowly focused provisions, and they illustrate how shrewd lobbyists or sympathetic Members of Congress on strategically important committees try to write law for clients and constituents.

Let me make clear what has happened: In the Committee on Ways and Means, marking up the Clinton health program, in the middle of a massive effort to increase the Government's control over health care, hospitals and insurance companies and drug companies who had the right person on the committee wrote in their particular special provision.

So the things that might affect everybody else in America will not affect them. So that they will not pay the same taxes or they will not pay the same drop-in cost of benefits or they will not be taken care of like everybody else; they will get a special deal.

You will notice that it has taken even a publication as sophisticated as the New York Times several weeks to go through 1,500 pages to find these little goodies.

Now, it is wrong, and it is wrong for us to have a bill that affects the life and death of every American, and it is wrong for us to have a bill which will affect 14 percent of our gross national product, the largest bill of economic impact in history goes through this House without having time to study it and without having independent experts to analyze it.

And yet this is a pattern. Let me quote further from the New York Times:

> Michael D. Bromberg, executive director of the Federation of American Health Systems, a trade group for 1,400 hospitals, said the manipulation of Federal largess would become more common if the Government gained control over a larger share of the Nation's health spending.
>
> "Once you give Congress the power to play with a trillion dollars a year, it will be tempted to shift money around in pork-barrel fashion," he said.
>
> And there may be unforeseen consequences. "If you do a special deal for hospital A," said Mr. Bromberg, "hospital B across the street will be hurt."

So this is not just taking care of friends but it is taking care of friends in a way which lowers their costs so they can put out of business some other hospital which does not have a political protector, which is not taken care of by some powerful politician.

Let me go further, from the New York Times:

> This provision, sought by Mr. Rostenkowski, would make Federal aid available only for construction projects that cost $500 million or more, were approved before June 1, 1994, and will be finished by December 31, 2002. In practice, it benefits only a small number of hospitals.

The paper goes on to say that,

> One institution that would qualify for the interest rate subsidies is Northwestern Memorial Hospital in downtown Chicago, which has a $580 million project to replace most of its existing beds. Joseph K. Dowley, a Washington lobbyist who was chief counsel of the Ways and Means Committee from 1985 to 1987, helped Northwestern land this prize.
>
> Another beneficiary of the same provision is New York Hospital, on the upper east side, which has an $820 million project. New York Hospital got assistance from Mr. Rangel, a Manhattan Democrat who serves on the Ways and Means Committee, and from Mr. William Signer, a lobbyist who used to work for Mr. Rangel.

Now, this kind of relationship of the former staffer back to the specialized committee to get a special deal for one institution is exactly what makes America mad. But I want to raise the warning that a bill brought to the floor without adequate scrutiny, a bill brought to the floor without adequate public involvement, a bill brought to the floor quickly without anybody having had a chance to look at it and take it apart, that kind of bill is going to be filled with these special deals. What does it mean?

It means every other hospital in Chicago has a higher cost of its new beds than does the one hospital that got its special deal. It means that every other hospital in New York is going to have a higher cost of its beds than the one hospital that got a special deal.

But it is not just hospitals.

Let me read further from the New York Times, and I quote:

> Here are other provisions that address the concerns of specific constituents: Hartford Insurance. All the major health care bills would establish Federal standards for private health insurance. Insurers could not cancel or deny coverage for a person who became sick or had an illness or disability, and they would have to offer a standard package of health benefits to all applicants.
>
> In general, the bill says, "A carrier may not refuse to enroll, refuse to renew the enrollment of, or terminate the enrollment of, an individual or employer in an insured health benefit plan." But there is an exception for companies leaving the health insurance business, "pursuant to a joint marketing agreement entered into prior to January 1, 1994."
>
> That obscurely worded provision applies to only one case: Hartford Life Insurance Companies, subsidiaries of the ITT Corporation, is leaving the health insurance market and transferring most of its group-medical business to the Massachusetts Mutual Life Insurance Company of Springfield, Massachusetts, which uses the trademark MassMutual.
>
> John E. Shelk, federal affairs counsel for the ITT Hartford Insurance Group, a unit of the ITT Corporation, said he had secured this provision after laying out his concerns to Mrs. Kennelly, a Democrat from Hartford, who is a member of the Ways and Means Committee.
>
> "We are fortunate that our congresswoman is on the committee," said Mr. Shelk. "She did a good job and helped us get a technical clarifying amendment."

Well, it would be terrific if every American and every business and every insurance company and every hospital had somebody on the Ways and Means Committee to write in their particular special interests. But what you are going to get, when the effort comes down to passing a bill and the Democratic leadership recognizes that the Clinton bill will not pass in a straight up, open public policy issue-oriented bill is you suddenly get special deals. For example, one particular company, a drug company, got a special deal which will lower for it the amount it has to cut the cost of its drugs to Medicare by 50 percent. That is, other drug companies on other drugs will have a 50 percent higher rebate from Medicare than this one company. This company was very lucky. It had a member on the Ways and Means Committee who wrote in a special bill.

Or consider this problem: Group Health Inc., a company in New York State of doctors and hospitals, competes aggressively with Blue Cross and Blue Shield. So it enlisted the help of Geraldine A. Ferraro, and I will quote from the New York Times:

> So it enlisted the help of Geraldine A. Ferraro, the former New York congresswoman. They persuaded the Ways and Means Committee to stipulate, as part of the health care bill, that Group Health shall be treated the same as a Blue Cross and Blue Shield organization in the future and for tax years back to 1987.

□ 1500

The Senate Finance Committee approved a similar provision, close quote, and of course the Senate Finance Committee is chaired by a Senator from New York. But notice what this does. Of all the insurance companies competing in New York State, the only insurance opportunity which will get the same tax treatment as Blue Cross and Blue Shield is Group Health. No other insurance company in that competitive market will have the same tax advantage, and notice they do not just get it for the future. If this bill passes, they get it for the last 7 years, and one of the question I will be submitting to the Committee on Ways and Means is to know how many dollars will this one provision benefit that one special interest? How much will the rest of America have to pay in extra taxes—now this is a Congress Member which retroactively raised taxes last year, and now they are going to give a retroactive tax cut for the last 7 years to a firm smart enough to have hired a former Vice Presidential candidate as their advocate.

There are other examples of what is going wrong. Paul Gigot in a very powerful column this morning in the Wall Street Journal entitled, quote, "What Universal Coverage Really Means to You"—this is what Paul Gigot writes:

> President Clinton may not know what universal coverage means, but Dan Rostenkowski certainly does, the former Ways and Means chairman of the University of Chicago. And coverage means a 3-percent interest rate subsidy to help Northwestern Memorial Hospital with its $630 million construction program. Rosty managed to slip that lapidary, multimillion-dollar freebie into the 1500-page ways and means health bill.

Now notice what we are talking about here is 1,500 pages that have not had a single day of public hearings, that have not had experts read them, and remember this is only one bill. This is the Ways and Means bill. There is a second 1,200-page bill from the Committee on Education and Labor. The Democratic leadership is now trying to take all these pages, and they are trying to politically put together a pork barrel special which they can write in a closed room, rush to the floor before anyone has read it, and try to squeeze enough Democrats to vote for it.

Let me go a stage further. And this is what is wrong about the way Washington is working today, and I want to read these two paragraphs about the sellout of American doctors by the American Medical Association. This is what Paul Gigot writes.

> To the American Medical Association meanwhile universal coverage means a congressional vote to exempt doctors from antitrust laws. That is what everyone here assumes is the AMA's expectation, if not explicitly its price in return for joining the AFL–CIO this week in endorsing use of universal coverage and the employer tax to pay for it. Right now doctors cannot collude on prices unless they share risk, as in a clinic, but if government is going to set America's health care budget, the doctors' lobby wants doctors to be able to fix their own, too. I am told the AMA chief negotiator really is not Dr. Faustus, but I wonder.

Let me say I have yet to have a single doctor in my district come to see me and say that their No. 1 goal is to be in alliance with the AFL–CIO to get government-controlled health insurance. Every doctor I have talked to in my district is angry at the American Medical Association because its Washington lobbyists are selling out the doctors on behalf of some kind of Washington deal cut in a back room. So, if the average doctor got a chance to read this bill, my guess is they would want new representation from the AMA to replace what has been done to their association, which is, in fact, caving to the back room Washington power structure.

But let me go a step further and read Paul Gigot further. Quote:

"Isn't last-minute legislating fun? Here in health care's final bacchanal universal coverage has become whatever gets Democrats 280 votes in the House and 50 plus Al Gore in the Senate. Raw self-interest rules the day."

Let me repeat that because I think Paul Gigot caught what we are going to see over the next 3 weeks in its absolute closest form. Quote: "Raw self-interest rules the day," close quote.

Now frankly this is bad legislation. We normally expect a fair amount of pork barrel, we normally expect a fair amount of things to go on, but we are talking about a bill which is designed to give the American people a radically different approach to health, to transfer the power of their health care over to the government, to raise their taxes, to change the entire structure of health to affect the life and death of every American, and it is being done, as Paul Gigot says, with raw self-interest and with political power. But let me carry on further in the column.

Principle and policy sense, if they ever existed, have vanished in the mad scramble to cobble together enough votes for liberal Democrats to claim another historic expansion of the welfare state. These are the same liberals, by the way, who bemoan the declining prestige of government. It is all remarkable specially because never in American history has one party attempted to make so much social policy with so little support. The Clintons like to compare their effort to Social Security and Medicare, but those were military parades compared with this political riot.

On April 5, 1935, the Committee on Ways and Means passed Social Security 17 to 0 with 17 Republicans abstaining. It passed the full House 372 to 33. Thirty years later, on March 23, 1965, the Committee on Ways and Means passed Medicare 17 to 8. It passed the House 313 to 115. Both programs succeeded in the first year of a historically liberal Congress.

Let me make this point here:

Notice the margins, 17 to 0 in the Committee on Ways and Means, 17 to 8 in the Committee on Ways and Means. That is for Social Security and Medicare. Notice that both came after landslide Presidential victories. Franklin Roosevelt was elected by a huge margin in 1932. Lyndon Johnson was elected by a huge margin. In 1992 we had a split election with a minority President getting 43 percent of the vote. There is no mandate for social engineering to turn America's health care over to the government.

Now let me go on to quote from Paul Gigot:

> In 1994 Democrats again have huge majorities, but nothing like a national consensus reflected in wide victory margins. A Clinton-like plan passed Ways and Means with only the barest majority, 20 to 18, and then only this month, with just weeks left in the second year of the most liberal Congress since the 1960s.

Notice in the Committee on Ways and Means, after taking care of everybody with all the special interests that the New York Times reports on this morning, they could only get a 20 to 18 majority.

Gigot goes on to say:

> Every poll shows support for anything like ClintonCare down near 40 percent. The Clintonians claim weakness as strength.
>
> Going from 55 percent to 42 percent is no big deal, said presidential pollster Dan Greenberg last week. The voters have merely been gulled by critics. Yet there was another Democratic test done in California in 1992 when a Clinton-like plan with an employer mandate ran as a ballot proposition. It lost by more than two to one in the same year Mr. Clinton carried the State easily.

Let me drive home this point.

The President of the United States, President Clinton, came to this building, stood in this House in September of last year and outlined his plan. When the people first heard about it, they sort of liked it. It was at about 55 percent approval. Week by week, month by month, there have been hearings, there have been speeches. Mrs. Clinton has been on Good Morning America for 2 hours with no one to answer her. NBC spent 2 hours in a shamelessly one-sided propaganda piece. The weight of barrage has been overwhelming, and with every passing day more Americans are opposed to the Clinton plan, and more Americans want the Congress to do something different. Today 55 percent of the country is opposed to the Clinton plan, and about 40 percent favors it. So, by public polling, after having now 9 months of speeches, and advertising, and public affairs, and hearings, by 55 to 40 the country rejects it, and the only vote that has been taken on a mandate in California, it lost by two to one.

Now, what has happened? As the plan breaks down, every powerful Democratic politician looks for little ways to get more goodies to take care of their own. For example, the Senate bill now has a 1.75 percent tax on insurance premiums. That is every American who has insurance in the country will pay a tax of 1.75 percent which will go to academic medical centers, which argues what? Most of them are in New York.

□ 1510

So the New York Senator adds a tax to every American to send money to New York. And that is in the bill coming out of the Senate, or at least coming out of the Finance Committee.

But it goes deeper. The fact is, we do not know what is going on. Let me quote from Paul Gigot:

> No one knows how much this little beauty will cost, but a spokesman for the Senator says that $40 billion over 5 years is probably in the ballpark.

Think about that. Here is a brand new tax on every American who has insurance, every American is going to have a tax increase of 1.75 percent on their insurance. They don't even know what it is going to raise. They don't have a clue, because they are moving so fast, they are trying to get this bill through before anybody can read it, that nobody has even made the calculations. So maybe it is $40 billion.

Now, is that any way to handle the Nation's health, to deal with a bill that covers every American?

But Mr. Gigot goes further. When asked during a Senate Finance Committee markup about the cost of another provision, he replied in what ought to be the epitaph for this entire debate, "I don't believe we have the least idea."

Notice, let me repeat that, because it is so wild. When asked how much something would cost, the answer was "I don't believe we have the least idea."

Now, if that is true in a committee markup, what is the truth going to be about some bill written in a back room by the Democratic leadership to prepare a Clinton administration proposal for the House floor?

The truth is, we are not going to have any idea what it costs. We are not going to have any idea whether it is technically right or what loopholes exist or what pork barrel is involved, if it is rushed to the floor.

Finally, to quote Paul Gigot one last time:

> All of this is more than the NAFTA type logrolling. Opening up health care choices to politicians is in fact what the Clinton plan is all about. Congress suddenly gets vast new power to decide what is covered and what isn't, who gets subsidies and who doesn't. The Members get vast new clout.

Now, what that means is the more you put health care in Washington, the more you take it away from the American people's own choices, the more difficult it is going to be for us to be in a position for you to have control, because power will shift to Washington, and in Washington, you are going to see an awful lot of logrolling and an awful lot of corruption.

Now, the fact is that at the present time, there is no bill in either the House or Senate which is the Clinton final version. There is no bill which has been scored by the Congressional Budget Office which could come to the floor. There is no bill which has been drafted.

In fact, the resistance to a Clinton bill is so great that apparently, according to the Washington Post, page 1 story, the Democratic leadership had to go down to the White House last night and admit that they could not put together a bill. This is what the Washington Post reports this morning:

> Democrats Plan Longer Phase-In To Full Coverage—Leaders Try "New Approach" In Health Reform Strategy
>
> Democratic congressional leaders told President Clinton last night that they will write new health care legislation that will phase in universal coverage over a longer period than the White House wants and with a "bureaucratic approach," officials said.

> The statement by the leaders and explanations by White House officials indicate an acceptance of the reality that there are not enough votes to pass Clinton's plan. But Senate Majority Leader George J. Mitchell (D-Maine), House Speaker Thomas S. Foley (D-Wash.), and House Majority Leader Richard A. Gephardt (D-Mo.) said the president and Democratic leadership remain committed to covering all Americans and continue to believe that some sort of system that requires individuals, businesses or a combination to provide insurance, will be at least the House legislation.
>
> Harold Ickes, deputy chief of staff at the White House and coordinator of health care policy, said last night that the leaders told the president, First Lady Hillary Rodham Clinton and their senior advisers that after assessing voter preferences and the votes in Congress, they were committed to coming up with "a new approach" in a new spirit.

Let me stop for a second. It says, understand this, with 3 weeks to go, the Democratic leadership has gone to the White House and said we need a new approach and a new spirit.

I just wanted to say up front, I have served as the co-chairman with Congressman MICHEL of the House Republican Task Force on Health since July 1991. We have met every Thursday. We have 25 Members in the room.

If you came into this group, who have now spent 3 years on this, and you said let us have a new approach and a new spirit, and let us write a technically correct bill and get it to the floor in 3 weeks, we cannot do it. We don't want to try to match the Democratic leadership in bringing to the floor a badly thought out bill, without adequate scoring, without technical examination. And yet they are downtown last night saying they are going to a brand new bill with "a new approach and a new spirit."

Let me go on and quote from the Washington Post:

> Foley, speaking outside the White House, said the legislation the House will write under its new approach would likely have mandates.

Notice, 3 weeks out they do not even know whether or not they will have a major provision which changes the whole nature of the bill.

They go on to quote, "Mitchell was more oblique about the Senate version's provisions."

In other words, the House may be asked to vote on mandates, while the Senate is specifically not asked to vote on mandates.

Now, finally, there is a comment in here about the majority leader meeting with some of the Democratic Members and promising them that they would have a chance to come back and talk to them again. In other words, meetings will go on in secret, a draft will be written, some selected Members will be invited in, they will have a chance to consult, and then other Members will come in, they will have a chance to consult, and then finally a draft which could get 218 votes will be written, and the result is that they will then rush to the floor and try to get the 218 votes before anybody has had a chance to see it.

Let me outline what I think would be a more honest, a more honorable, and a more positive approach, and more worthy of the American people, when you are dealing with an issue the size of the health of every American, life and death for every American, medical insurance, insurance coverage, pharmaceuticals, a huge, complex, enormously difficult issue.

I want to propose that the Democratic leadership, on behalf of the Clinton administration, draft their bill over the next 2 weeks; that the bipartisan group that is working draft a bill over the next 2 weeks; that those two bills go to the Committee on Rules the last week before the August recess; that we print both bills; we bring a rule to the floor; and we propose both bills at that point; and we pass a rule the last few days we are in session, probably around August 11 or 12.

We then go home. We make enough copies available. We might ask the New York Times, which earlier published the Clinton plan as a paperback, to publish both bills as a side-by-side comparison, and make it available in paperback to the whole country. And we spend the August recess listening to the American people.

We go back home, and we allow every group to analyze the bills, to learn what is inside them. We allow the news media to have enough time to examine them.

Then we come back here in the first week of September after Labor Day, and we vote, and we choose between a market-oriented, private sector, group insurance approach, that eliminates preconditions for the insured, that creates tax fairness for the self-employed and the unemployed, that has malpractice reform, the basic provisions which a variety of groups, Cooper-Grandy, Rowland-Bilirakis, Michel-Lott, a whole series of bills that move in that direction, and they are gradually coming together into a common broad bipartisan coalition.

On the other side, we would have whatever version of the Clinton bill that the Democratic leadership thinks has the best chance to pass.

But the country would have had 3 weeks to look at the bills, to talk with the Members, to make up their mind.

On talk radio, people would have had 3 weeks to discuss the actual printed documents. And among experts across the country, they would have had 3 weeks to study the bills, to write their op-ed pieces, to be on talk shows, to come and see Congressmen, so when we came back to vote, we would, first, know what was in the bills, we would, second, know what they did to people, and we would, third, know how the American people feel about them.

Let me say, as I said earlier, I am so confident that this is the right approach, that I would be willing to invite the President or the Speaker or the majority leader to come to my district to stand side-by-side. They can present the Clinton bill, I will present the bipartisan approach, and let people ask questions.

I would be willing to go to any Democratic Member's district to stand side-by-side, to have a dialog with the liberal Democrats. I think on a bipartisan basis, Republicans and Democrats who favor the more market-oriented approach would be willing to stand up and have comparisons done, and to live by the comparisons.

□ 1520

I think that approach would be so much healthier, so much better for the country, so much more correct that that is the direction we ought to go in.

I think it will be a great tragedy if this administration takes a bill—and here are some examples. These are thick bills. This one is a health bill, which is 382 pages long. Here is another health bill which is 292 pages. And these are the small ones. The Ways and Means bill is 1,500 pages. It is thicker than these four bills combined. The Education and Labor bill is 1,200 pages.

It is impossible, physically impossible for the legislative staffs to write technically correct legislation, to have them looked at by experts, to have them scored by the Congressional Budget Office and to bring them to the floor between now and August 12. And it is a disservice to the American people to try to ram through, by political logrolling, and pork barrel a bill which has not been studied, has not been examined and has not been criticized.

I will close by repeating my proposal: Let us have a Clinton bill. Let us have a bipartisan bill. Let us print them. Let us bring a rule to the floor. Let us commit to a vote the first week we come back. Nothing will be lost. Nothing is going to happen during August. There is no artificial reason. There is no reason to artificially rush to pass anything before the break.

If we pass it the first week, whatever we pass the first week, when we come back, can go to conference immediately. We will not have lost a day. But the American people will have gained knowledge. The American people will have gained power. The American people will have gained a chance to talk to their representative. And America and the Congress will be healthier for having approached the issue of health in an honest and an honorable and a respectable manner.

CONGRESSIONAL REFORM

The SPEAKER pro tempore (Mr. MORAN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, I have taken out this time this afternoon to talk about another reform issue. Our distinguished whip has been talking about health care reform.

There is another reform that has been, frankly, swept aside, unfortunately. It is an issue which played a key role in the election of nearly all of the 117 freshman Members of the House of Representatives and the 13 new Members of the U.S. Senate. And that is whether or not we can step up to bat and bring about meaningful reform of this institution, both houses of the U.S. Congress.

In August 1992, by an overwhelming vote here in the House, with only four members in opposition, virtually unanimous, we established the Joint Committee on the Organization of Congress. The committee was put into place because, Members will recall, the scandals of the House bank and the post office and the restaurant, those items which led to a high degree of anger among the American people and, as the election in 1992 was approaching, Members of this institution felt very strongly that we step forward and put into place a committee that will be able to deal with the kind of institutional reform that has not been addressed for nearly half a century. Not since 1947, as a joint bipartisan, bicameral, equal number of Republicans, equal number of Democrats, equal number of Senators, equal number of House Members, has a committee been established to deal with overall reform of the Congress.

As I said, the resolution that established this joint committee passed nearly unanimously, with only four Members in opposition. The committee was put into place for only 1 year. That was something that was very appealing about it. The committee was established to meet for 1 year, from January 1, 1993, and it was scheduled to go out of existence on December 31, 1993.

During that year, there were many hearings held; in fact, 37 hearings. Our committee heard from 243 witnesses: Members of Congress, former Members of Congress, outside groups, individuals who had been involved in the issue of reform. And time and time again we heard, all the way across the board, from many Members of this institution and from the outside, that we needed to bring about reform of things like the antiquated committee structure, which just this week played a role in creating a great deal of confusion over legislation that we addressed on the redlining question, a battle between the Banking Committee and the Committee on Energy and Commerce that could be addressed if we put into place the reforms that the joint committee would like us to bring forward under an open amendment process.

And then we have seen a wide range of other things that unfortunately have been ignored, things that the American people would like to see us do. Proxy voting is one of those key items which is unfortunately ignored in the recommendations of our committee but could be addressed if we were to bring our package that was reported out under an amendment process that would allow that and other ideas to be considered.

As I said, we had 37 hearings; 243 witnesses came before us. We had participation from, I should say on the minority side, almost unanimously. We had Members there on a regular basis. One of those was my very good friend, the chief deputy whip, who participated on the joint committee, the gentleman from East Petersburg, PA [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding. I think he makes a very important point about the splitting up of this congressional reform package. It is very disturbing, given where we came from to where we are ending up.

The reform committee was put together in large part because of problems here in the House of Representatives. They were problems that have led to scandal. They were management problems. They were functional problems in the House of Representatives.

There was an understanding that something had to be done to correct that situation. When the reform committee, the Hamilton-Dreier committee, was put together, it was clear at that point that everybody was committed to the idea that we were going to do substantive reform.

The Speaker himself testified before the committee. Nearly all the committee chairmen, most of the ranking Members came in before our committee to talk about the need for reform and to give their suggestions for reform. Spent literally weeks and months sorting through that and came up with a package that included a lot of things, some of which are controversial, some of which are things that most Members of Congress would think that we should do.

Mr. DREIER. And many that need to be amended.

Mr. WALKER. Yes, that really need to be done.

Well, now the leadership, which committed itself to a reform process just a few months ago, has decided instead to cherry pick a few items out of the reform report and bring those to the floor, rather than doing the tough reforms. And that is what we see really happening here. What we see happening is a few items that they know that they have got to do for political saliency being brought to the floor, but the real reform agenda, the real need to reform the House of Representatives is going to be left in the lurch.

Mr. DREIER. If I could just underscore the way it was put in a letter from my cochairman, the gentleman from Indiana [Mr. HAMILTON], just a few days ago, actually a couple of weeks ago, when he wrote the Speaker saying:

> If the Joint Committee's package is divided, the Application of Laws section will no longer function as the sweetener for reforms that are less popular but still necessary. I believe that separating off the compliance proposal will kill the rest of the package.

□ 1530

I am very saddened that the night before last my very good friend, the gentleman from Indiana [Mr. HAMILTON], did decide to go along with the Speaker's request to break off the issue of congressional compliance, which every Member of this House knows is a real hot button out there, because whenever we have town hall meetings, whenever we talk to constituents in any other fora, we find that when we say that Congress exempts itself from the laws that are imposed on the American people, there is real outrage. They know that we are hearing about that on a regular basis.

The desire of the leadership is to break that off. I was asking the majority leader just a little while ago, in our exchange here on the floor, about their need to break it off. He likened the congressional reform bill to the very controversial California Wilderness bill. It seems to me that we are at a point where the leadership, because they thrive on the status quo in the majority, would just as soon cast our entire reform package out to the California desert and virtually ignore it.

Mr. Speaker, I think that, frankly, the gentleman from Indiana [Mr. HAMILTON] has done a real disservice, and I told him I believe it was a real mistake to agree with the idea of breaking it up, because it is little more than a divide and conquer strategy.

We know, as we look towards the very few weeks that we will have between the Labor Day district work period and the adjournment sine die for the election time, that it will be virtually impossible for us to bring up the reform issue.

Mr. WALKER. If the gentleman will continue to yield, what disturbs me as well, as the gentleman knows, the reform package we reported from the committee was one that a number of us regarded as much too weak and we did not think went far enough.

The gentleman from California [Mr. DREIER] was, I think, extremely gracious in what he did in voting for a package that he had concerns about in order to move the process forward and to assure that we would get consideration on the floor.

The gentleman's bipartisan spirit has been taken by the Democratic leadership, and basically what he did was ignored, and I find that disturbing, because we did not get a vote, then, on the full package that he agreed to move forward out of a sense of bipartisan spirit.

Mr. DREIER. Of course, Mr. Speaker, I did that based on the assumption that we would have a generous rue that would allow each of the items that had been debated in the Joint Committee on elimination of proxy votes, congressional compliance, budget process reform, committee structure reform.

Mr. WALKER. That is what I wanted to come to, if the gentleman will continue to yield. There were certain assurances made with regard to what was done by the gentleman from California [Mr. DREIER] in order to move the process forward. Now what we see is, the package is being split up, and it is not clear to me, Mr. Speaker, that some of the things that we want to do will then be in order when the reform package actually comes to the floor.

As the gentleman knows, many, many substantive reforms failed in the committee on a 6-to-6 tie. They were absolute tie votes.

Mr. DREIER. Twenty-five amendments.

Mr. WALKER. Twenty-five amendments failed on a 6-to-6 tie vote. At the very least, the House should be given the opportunity to consider those issues.

Mr. Speaker, I am very concerned that the process that is now being used, and particularly loading this thing into September, when we all know there is going to be a huge schedule, we will be told in September that we will get a vote up and down on the reform package that has been stripped down, but, "Oh, by the way, you are not going to get a vote on any of those amendments, because to consider 25 amendments would take far too long for the House of Representatives to consider."

That means that substantive reforms that should be considered by this House will be left behind. We will not get a chance to even consider them, let alone vote on them. That to me, Mr. Speaker, will be a terrible failure of the reform process, and I hope the American people will hold accountable those people who took the steps that killed congressional reform in the House of Representatives.

Mr. DREIER. I thank my friend. I would say that maybe he and I and a number of the rest of us were rather naive, because I have been reminded by my staff here of a couple of the things that were said throughout the process and shortly after it.

Then on the issue of proxy voting, the gentleman from Wisconsin [Mr. OBEY], the distinguished chairman of the Committee on Appropriations, said in talking about proxy voting, "That is something that I am certainly willing to consider and probably swallow, but only in the context of your willingness to help us eliminate the Senate filibuster," which clearly was never part of the jurisdiction of the House committee, but in fact has been used as a way to try and defeat the measures here, to hold that up as really hostage.

Then shortly after we met, this was an article in the Seattle Times. Our colleague, the gentleman from Seattle, WA [Mr. SWIFT] said, "I raised the issue of establishing a basic goal for our congressional reform just once in our Joint Committee deliberations. It was ignored. Hence, the reforms we finally proposed are a conglomeration of suggestions for change that only by purest flattery might be called serious reform." I should add that the gentleman from Washington did not offer one single amendment in our joint committee markup.

Mr. WALKER. In fact, and then voted, was part of the six votes that were always against the reform amendments that were being offered by the other side.

Mr. DREIER. Designed to improve the measure.

Mr. WALKER. If the gentleman will yield further, when we got to the question of whether or not people ought to actually show up in committee to cast their votes, there were six Democrats who voted to say no, we ought to continue proxy voting where Members of Congress do not have to show up to cast votes on serious issues.

It just seems to me that we have not seen a process of good faith being used within this whole reform process, and that we really are down to the point now where we will get a vote on one feature of reform sometime before we break here in August, but that the real reform bill stands little chance of moving forward, and particularly the real reforms that should come in amendments stand little chance of being heard on the floor.

I wonder if the gentleman from California would discuss with us what he thinks is going to be in the bill that we get sometime before the August recess.

It is going to be called a congressional compliance bill. I think he shares my suspicion that we are not really going to get congressional compliance, that that is going to be weak as water.

Mr. DREIER. Let us refresh our colleagues' memories on the congressional compliance section of H.R. 3801. The bill that we reported out, which especially in the area of congressional compliance is extraordinarily weak, calls for the establishment of a joint—of an Office of Compliance, and that Office of Compliance is designed to make recommendations back to us in the Congress as to what regulations we might consider complying with, and only when we make the decision that we should comply with those laws are they actually put into effect. So basically, it is riddled with loopholes which creates all kinds of opportunity for us to continue to exempt ourselves from the laws that we impose on the American people.

Mr. WALKER. If the gentleman will continue to yield, in other words, if what they do is bring to the floor the congressional compliance section of the bill which emerged from the Hamilton-Dreier committee, the only thing we will determine is that at some point in the future we are going to determine whether or not we have to comply with laws?

Mr. DREIER. If that is what they bring forward under suspension of the rules, there would be no opportunity for amendment, and virtually nothing could be done.

Mr. WALKER. It will not even include any congressional compliance, because all we will be voting on is whether or not at some point in the future we may act on recommendations of someone that may require us to comply with some laws at some point.

Mr. DREIER. That is what was reported out of our joint committee in the area of compliance, unfortunately.

Mr. WALKER. This is what we are being told is the featured reform of the House of Representatives, Mr. Speaker, if the gentleman will continue to yield. The fact is there are a number of our colleagues, like the gentleman from Connecticut [Mr. SHAYS] who has in a real compliance bill, and one wonders whether or not the gentleman from Connecticut is going to be given his opportunity to offer a real compliance bill as a part of the process, or whether or not this is going to be slam-dunked in a way that says up-or-down on this phony compliance measure, and the real compliance measure of the gentleman from Connecticut [Mr. SHAYS] cannot be offered on the House floor.

Mr. DREIER. Even if the proposal of the gentleman from Connecticut is allowed to be offered and passes here on the floor, I am convinced it will be used as a way to completely eliminate the other very important items that the gentleman from Indiana [Mr. HAMILTON] mentioned in the letter I read just a few minutes ago.

Mr. WALKER. No doubt about it. I think the gentleman is absolutely correct, what they intend to do is get congressional compliance out here, pass that, say we have taken care of that, no one has to go back home now and explain why we do not live under the same laws everybody else does.

We will have done something entirely phony. It will take several months for people to find out if we have done something totally phony. Meanwhile, we have a bunch of candidates running around the country telling people we have done something real.

Also, it will take that item out of the congressional reform agenda, and it will mean there will be very little in the way of pressure to bring the other reforms to the floor. I think the gentleman is absolutely right. This is being used as a way to kill off reform. I have seen this too many times in the House of Representatives.

Mr. DREIER. I was wondering if my colleague might have seen the July 18 editorial in one of our favorite reads on Capitol Hill here, a publication called "Roll Call," in which their editorial section said:

> The transparency of this reform end game doesn't make it any less upsetting to watch.
>
> The Speaker and other Democratic leaders were clearly never serious about reform. They've stalled and stalled and now that stalling isn't practical for much longer. They're preparing for a reform vote that will be nothing more than election year window dressing. Gridlock is a nasty word to many on the hill but we can't think of a better label for this sorry reform process.

□ 1540

That is done by the very independent Roll Call which often criticizes us on our side and they have looked at this thing.

I also should say that I have had a chance over the last few days to talk with more than a few very cynical reporters, some of whom have even admitted to me they are registered Democrats, but they are enraged over what has happened here on this issue because many of them spent a great deal of time following the process, and they believed as I did and as I know my friend did that we would actually have a reform process put into place so that we could in fact make this institution more accountable and deliberative.

Mr. WALKER. And the way in which this has been done is a very, very artful political move. But you will remember when the House was really under scandal after scandal, everything from the restaurant to the post office, to the bank, and all of these kinds of things, the assurance of the Democratic leadership was, "Oh, but we're going to reform, we're going to do something good. We're going to clean up our act." And the first thing that they did was create the new Director of Administrative Services to take care of some of these things. We only found out later on after we passed that so-called reform bill that the Director of Administrative Services did not even have all the things turned over to him that he was supposed to get in the bill that was passed; that leaders around here suggested that, "Oh, that was a reform bill passed in the last Congress, it has no effect on this Congress, so we're not going to turn over things to him we don't like."

In other words, even after the reform is passed, it is not necessarily implemented. Then when we suggested there was something still wrong in the legislative process and there was an outcry amongst the American people to do something real on congressional reform, Democratic leaders once again assured us, we are going to have a reform process, we are going to have this Committee on Congressional Reform, the Hamilton-Dreier committee. Then they even strung it out further by coming before the committee, testifying, getting good headlines, nice stories on the evening news about the Speaker and majority leader and committee chairmen coming before us saying all these good things about the need for congressional reform and how we were going to be united to do all this. They strung us out and strung us out and the scandals moved further and further away. Then when it comes to really doing something, what happens, well, they abandon the process.

It is the art of politics practiced the wrong way for all the wrong reasons. I guess I am just enough of an idealist to believe that when you commit to doing some of these things, that you know there is real wrong to be corrected, you ought to at least follow through. Perhaps there is no place left for that kind of idealism in the House of Representatives. Perhaps the House of Representatives has developed such cynical leadership that they believe that they can fool all of the people all of the time. Maybe the only correction for that is to replace that leadership in total by putting a new majority in charge of the House. I am at least convinced at that point that I would have an opportunity as the gentleman would have a force a reform agenda upon that majority and that we really would act. As a matter of fact, some of the reforms that we are talking about would be enacted on the very first day a Republican majority took control of the House of Representatives.

Mr. DREIER. What would be the opportunity to make that change? Is that going to be coming up sometime this fall?

Mr. WALKER. Absolutely. If the American people were decided that they were disgusted enough at what went on in this body to elect some republicans in Congress to replace those that are consistently against reform.

Mr. DREIER. When does that take place?

Mr. WALKER. That takes place in November. It will be an amazing chance for the American people to replace a lot of Democrats who have consistently been opposed to reform. In fact, a couple of the principal Democratic leaders in the House have some fairly tough challenges they are facing. They could knock off some of the main leaders of the House of Representatives if they chose to do that. But the point is that this ought not be a partisan issue.

Mr. DREIER. It has not been. I think my friend has pointed out very wisely, I stood with the Democrats along with the gentleman from Missouri [Mr. EMERSON], the two of us voted to report out this legislation so we could keep the issue of reform moving. But the amazingly frustrating thing now is that in my opening remarks here, I mentioned the 117 freshmen Members of the House and the 13 freshmen Members of the Senate, most of whom ran on this issue of reform and yet when you look at the fact that our colleague from Florida, TILLIE FOWLER, has offered legislation to move this reform package to the floor, she has been one of those working diligently on reform, she has not gotten one Democrat.

Mr. WALKER. Not even one?

Mr. DREIER. Not even one Democrat.

Mr. WALKER. Not even one of the Democratic freshmen who ran on that issue of reform has signed on to that bill?

Mr. DREIER. Not a single one. In fact the leadership of the Democratic freshmen reform group supports the idea of breaking up the legislation, I am told, and they are really not pursuing what they claim was a priority item for them in the election of 1992.

Mr. WALKER. In other words, the reform Democrats, those reform freshmen that we heard about have simply bought into their entire leadership's strategy of delaying this bill, of then splitting it up and then forcing it off into oblivion?

Mr. DREIER. They have this sense that if they do not do that, we will not get congressional compliance.

Mr. WALKER. But the congressional compliance they are going to get is phony.

Mr. DREIER. Right. But they believe they can get congressional compliance and claim victory on the issue of congressional reform when we are not addressing the meaningful institutional changes that the American people want us to bring about so that the institution can become more accountable and more deliberative.

Mr. WALKER. The reform Democrats are going to go back home and suggest that they have won the battle of congressional reform by getting a compliance section adopted that forces Congress to at some point in the future vote on the recommendations of some commission that may recommend that we have to comply with some of the laws that other people have to comply with. Is that what I am understanding?

Mr. DREIER. That is what was reported out of the joint committee. That is the package that was reported out.

Mr. WALKER. It does not sound like they got much.

Mr. DREIER. It certainly does not to me, either. I do not think the American people are getting much from those who promised to reform when day after day over the past few weeks whenever we have brought up items like the enhanced rescission measure which we already addressed last year and this budget control act this week, we provided every Member of this House a chance to move forward with the issue of congressional reform by defeating the previous question and making our bill, H.R. 3801, in order. They turned it down. We had 10 Democrats who voted with us last week when we did it, but unfortunately this week we had very few.

Mr. WALKER. They are probably under a good deal of pressure from their leadership.

Mr. DREIER. They are under a great deal of pressure. In fact, one of the things, as we looked at the committee structure reform, we found that if you look at those who oppose real reform in that area, the committee chairmen strongly oppose any jurisdictional or procedural reforms.

Mr. WALKER. These are the same committee chairmen that appeared before the committee and told us they were committed to reform?

Mr. DREIER. Absolutely.

Mr. WALKER. But just if it does not touch them.

Mr. DREIER. Absolutely. The Committee on Appropriations Democrats strongly oppose the biennial budget process, one of those items we think is very important. The Black Caucus strongly opposes committee and subcommittee assignment limitations. And the Democratic Study Group has vowed to kill any House reform until the Senate abolishes the filibuster.

It seems to me that as we look at those hurdles that have been laid down, it is going to be very tough to bring about meaningful reform and most people have predicted that with this decision that was made day before yesterday, that it will virtually kill the process of reform.

Mr. WALKER. So the only thing left open to the American people, then, if they want real reform, is to put some new people in charge who will either produce reform or they can throw them out.

One of the things, it seems to me, that can be done is that the American people can take a look at two different agendas and maybe measure what they do with regard to Congress on the basis of who is willing to reform. We know now that the Democrats are not willing to reform. That is clear. So if the Republicans offer a reform package, it will be a clear choice for the American people. They know one group that has been in charge for 40 years is not willing to reform. They like the way they have run the place for 40 years. They are not willing to change. There may be another group that will offer a reform package, they can measure that. In my view, I think we are going to have the kind of leadership in the Republican party that will not only offer a reform package but we will tell the American people that many large elements of that package we will enact on the very first day that we take control of the House of Representatives. Why is that important? Because it will allow the American people to measure our performance. They do not have to watch for the entire year to figure out whether or not we have done what we have promised They can look at the very first day and they can look at whether or not the reforms we promised to enact on that day do in fact get reformed. They can check it off, if you will, they can have a check list and check if off to see whether or not we eliminate proxy voting, whether or not we do something with complying with the laws of the land, whether or not we change the rules to allow more open debate. We can provide that to them the very first day if they elect a new majority to the House of Representatives.

Mr. DREIER. I should say that it is no secret that there are a number of us who have been working on the plans for that very first day. The word is out that we are going to be ready to hit the ground running with a new majority here.

□ 1550

Lord Acton said it most accurately when he said power corrupts, and absolute power corrupts absolutely.

As we look at four decades of one-party control, it creates a situation which is very corrosive. And as we said earlier, we have worked in a bipartisan way to try and bring about this reform package. We could have killed the package ourselves in the joint committee because there were an equal number of Republicans and Democrats on that committee. But we said to them we want to help you keep the process of reform moving, so we will vote to put it out. So with the votes of the gentleman from Missouri [Mr. EMERSON] and I providing the majority, they were able to bring this process forward. Here we are with them now killing what we have tried to desperately assist them in bringing about.

Mr. WALKER. You kept the process moving right into the pigeon holes of the Democratic leadership where they are now strangling this pigeon to death.

Mr. DREIER. Unfortunately, that is the case. It seems to me that it is a real fraud to inflict on the American people for them to claim in any way that we have brought about the meaningful congressional reform that was promised with the establishment of this.

Mr. WALKER. I am disappointed that the process has come to this. It really is a sad day, because this was supposed to be the reform Congress. When those freshmen arrived at the beginning of this Congress they were heralded as the new wave that was going to force these kinds of reforms to take place. The Reform Committee, in fact, was supposed to be something that gave them their opportunity to bring their reforms in and, in fact, a lot of those freshmen appeared before our committee to talk about their reform agenda.

But when it came to actually doing the work of enacting it, everybody ran away, and particularly the Democratic leadership ran away. It appears to me that the only way that middle-class America is going to get a Congress they can be proud of, and a Congress that does reform itself, and bring itself in line with the hopes and wishes of the American people is to change the leadership of the House, because this leadership does not appear to be willing to reform the House of Representatives.

Mr. DREIER. I thank my friend for his contribution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCKEON (at the request of Mr. MICHEL), for today, on account of official business in Santa Clarita, CA.

Ms. ROS-LEHTINEN (at the request of Mr. MICHEL) for today and Wednesday, July 20, on account of her daughter's illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GORDON) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes, today.

(The following Member (at the request of Mr. GORDON) to revise and extend his remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. ZIMMER.

Mr. CRANE.

Mr. SOLOMON, in two instances.

Mr. MANZULLO.

Mr. PACKARD.

Mr. SANTORUM.

Mr. ROTH, in two instances.

Mr. HORN.

(The following Members (at the request of Mr. GORDON) and to include extraneous matter:)

Mr. LANTOS.

Mr. FOGLIETTA.

Mr. MCNULTY.

Mr. SYNAR.

Mr. BROWN of California in two instances.

Mr. SKELTON.

Mrs. LOWEY.

Mr. DEUTSCH.
Mr. ANDREWS of Texas.
Mr. MENENDEZ.

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Ms. ENGLISH.
Mrs. BENTLEY.
Mr. LUCAS.
Mr. TORRICELLI.
Mr. GIBBONS.
Mr. MOAKLEY.
Mr. BAKER of California.
Mr. GORDON.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4322. An act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes.

SENATE ENROLLED JOINT RESOLUTION

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 172. Joint resolution designating May 29, 1995, through June 6, 1995, as a "Time for the National Observance of the fiftieth Anniversary of World War II."

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until Monday, July 25, 1994, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3562. A letter from the Deputy Secretary for Economic Security, Department of Defense, transmitting the biannual report on efforts to promote the standardization of equipment with NATO members, pursuant to 10 U.S.C. 2457(d)(1); to the Committee on Armed Services.

3563. A letter from the Secretary of Health and Human Services, transmitting the 1993 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control, pursuant to 42 U.S.C. 242m(a)(2)(D); to the Committee on Energy and Commerce.

3564. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1993 annual report of the voluntary organizations participating in the Reception and Placement Program for the initial resettlement of refugees, pursuant to 8 U.S.C. 1522 note; to the Committee on the Judiciary.

3565. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation to amend chapter 30 of title 35 to afford third parties an opportunity for greater participation in reexamination proceedings before the U.S. Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

3566. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting a draft of proposed legislation to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a United States Government corporation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

3567. A letter from the Secretary, Department of Agriculture, transmitting the report for fiscal year 1993 on wildfire rehabilitation needs for lands administered by the U.S. Department of Agriculture, Forest Service, pursuant to Public Law 101-286, section 202(1) (104 Stat. 174); jointly, to the Committee on Agriculture and Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3600. A bill to ensure individual and family security through health care coverage for all Americans in a manner that contains the rate of growth in health care costs and promotes responsible health insurance practices, to promote choice in health care, and to ensure and protect the health care of all Americans; with amendments (Rept. 103-601, Pt. 2). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 3960. A bill to provide for health care for every American and to control the cost and enhance the quality of the health care system; with an amendment (Rept. 103-618, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DURBIN (for himself, Mr. BAESLER, Mr. YATES, Mr. BARLOW, Mr. HASTERT, Mr. COSTELLO, Mr. EWING, Mr. SANGMEISTER, Mr. HYDE, Mr. PORTER, Mr. FAWELL, Mr. MICHEL, and Mr. MANZULLO):

H.R. 4814. A bill to grant the consent of the Congress to amendments to the Central Midwest Interstate Low-Level Radioactive Waste Compact; jointly, to the Committees on Energy and Commerce and Natural Resources.

By Mr. INHOFE (for himself, Mr. TRAFICANT, Mr. NUSSLE, and Mr. HALL of Texas):

H.R. 4815. A bill to provide that pay for Members of Congress shall be reduced whenever total expenditures of the Federal Government exceed total receipts in any fiscal year, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Rules.

By Mr. TALENT:

H.R. 4816. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to obtain cost savings through provider incentives and removal of regulatory and legislative barriers, to encourage greater private sector participation and personal responsibility in financing such services, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. JOHNSON of South Dakota (for himself, Mr. EMERSON, Mr. SLATTERY, Mr. MINGE, Mr. EWING, Mr. ROBERTS, Mr. SARPALIUS, Mr. POMEROY, Mr. BARLOW, Mr. GRANDY, Mr. GLICKMAN, Mr. DURBIN, Mr. LIGHTFOOT, Mr. PETERSON of Minnesota, Mr. SKELTON, Mr. VOLKMER, Mr. DICKEY, Mr. BISHOP, and Mr. NUSSLE):

H.R. 4817. A bill to promote the use of vegetable oils derived from soybeans and other oilseeds in industrial products and to authorize the Secretary of Agriculture to undertake certain activities to increase domestic and export demand for such vegetable oils; to the Committee on Agriculture.

By Mr. WALKER (for himself, Mr. BROWN of California, and Mr. BAKER of California):

H.R. 4818. A bill to revise the Land Remote Sensing Policy Act of 1992; to the Committee on Science, Space, and Technology.

By Mr. COX (for himself, Mr. TRAFICANT, and Mr. GOODLING):

H.J. Res. 392. Joint resolution designating September 5, 1994, Labor Day, as "Try American Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

453. The SPEAKER presented a memorial of the Legislature of the State of Illinois, relative to the railroad retirement system; jointly, to the Committees on Energy and Commerce and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LANCASTER:

H.R. 4819. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Joan Marie*; to the Committee on Merchant Marine and Fisheries.

By Mr. MOAKLEY:

H.R. 4820. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Lady Helen*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. ROHRABACHER.

H.R. 106: Mr. WELDON.

H.R. 123: Mr. GOODLING, Mr. EHLERS, Mr. LEWIS of Kentucky, Mr. DEAL, and Mr. ZIMMER.

H.R. 124: Mrs. VUCANOVICH and Mr. CRAPO.

H.R. 146: Mr. HANCOCK.

H.R. 654: Mr. CARR.

H.R. 1500: Mr. SERRANO, Mr. HASTINGS, and Mr. TORRICELLI.

H.R. 1519: Mr. RAVENEL.

H.R. 1622: Mrs. BYRNE.

H.R. 1793: Mr. WELDON.

H.R. 2050: Ms. MARGOLIES-MEZVINSKY.

H.R. 2305: Ms. VELÁZQUEZ.

H.R. 2641: Mr. HAMBURG.

H.R. 2758: Mrs. MEEK of Florida.

H.R. 2859: Mr. BLUTE and Mr. DEAL.

H.R. 3224: Mr. FALEOMAVAEGA, Mr. HOYER, and Mr. KOLBE.

H.R. 3270: Mrs. CLAYTON, Mrs. LLOYD, Mrs. MORELLA, Mr. HILLIARD, and Mr. BONIOR.

H.R. 3440: Mr. FALEOMAVAEGA, Mr. HOYER, and Mr. KOLBE.

H.R. 3513: Mr. HAMBURG.

H.R. 3560: Mr. ZIMMER.

H.R. 3706: Ms. LOWEY, Mr. MEEHAN, and Ms. VELÁZQUEZ.

H.R. 3714: Mr. MONTGOMERY, Mr. PARKER, Mr. TAYLOR of Mississippi, and Mr. THOMPSON.

H.R. 3780: Mr. ZIMMER.

H.R. 3797: Mr. MILLER of Florida and Mr. OXLEY.

H.R. 3949: Mr. STEARNS, Mr. PAYNE of Virginia, Mrs. FOWLER, Mr. MOORHEAD, and Mr. CHAPMAN.

H.R. 4142: Ms. PELOSI, Mr. BLILEY, Ms. LOWEY, Mr. CLAY, and Ms. ESHOO.

H.R. 4289: Mr. GILCHREST, Mr. BEILENSON, Mr. ANDREWS of Maine, Mr. MORAN, Mr. HASTINGS, Mr. KOPETSKI, Ms. SCHENK, Mr. SERRANO, and Mr. FARR.

H.R. 4371: Mr. TAYLOR of Mississippi.

H.R. 4399: Mr. LEVIN.

H.R. 4411: Mr. ABERCROMBIE and Mr. PASTOR.

H.R. 4412: Mr. LIGHTFOOT and Mr. PACKARD.

H.R. 4514: Mr. ABERCROMBIE, Mr. WILLIAMS, and Mr. ANDREWS of New Jersey.

H.R. 4517: Mr. BORSKI.

H.R. 4521: Mr. FINGERHUT.

H.R. 4527: Mr. HEFNER and Mr. DURBIN.

H.R. 4675: Mr. DURBIN.

H.R. 4737: Mr. JEFFERSON.

H.R. 4739: Mr. ROMERO-BARCELÓ, Mr. MAZZOLI, and Mr. COPPERSMITH.

H.R. 4767: Ms. WOOLSEY, Mr. FARR, Mr. HASTINGS, and Mr. YATES.

H.R. 4789: Mr. MILLER of California and Mr. STUDDS.

H.R. 4805: Mr. YOUNG of Alaska.

H.J. Res. 332: Mr. MAZZOLI, Ms. DANNER, Mr. GEKAS, Ms. KAPTUR, and Mr. RAMSTAD.

H.J. Res. 347: Mr. GEKAS, Mr. BROOKS, Mr. COLEMAN, Mr. PETERSON of Florida, Mr. HAMILTON, Mr. HOLDEN, Mr. YOUNG of Alaska, Ms. BROWN of Florida, Mr. HYDE, Mr. HASTINGS, and Mr. KINGSTON.

H.J. Res. 382: Mr. SLATTERY, Mrs. ROUKEMA, Mr. MARTINEZ, Mr. FROST, Mr. WILSON, Mr. YATES, Mr. YOUNG of Florida, Mr. ROMERO-BARCELÓ, Mr. MCDADE, and Mr. THOMPSON.

H.J. Res. 388: Mr. MCNULTY, Mr. FROST, and Mr. SAXTON.

H. Con. Res. 49: Mr. ACKERMAN, Mr. SCHUMER, Mr. SMITH of New Jersey, and Mr. MCHUGH.

H. Con. Res. 243: Mr. HUTTO.

H. Con. Res. 269: Mr. BUNNING, Mr. WALSH, Mr. SHAYS, Mr. GINGRICH, Mrs. VUCANOVICH, Mr. DORNAN, Mr. BEREUTER, Mr. REGULA, Mr. LEVY, and Mr. SCHIFF.

H. Res. 430: Mr. HASTINGS, Mr. HORN, and Mr. TOWNS.

H. Res. 434: Mr. BALLENGER.

H. Res. 472: Mr. THOMAS of California, Mr. SCHIFF, Mr. BARRETT of Nebraska, Mr. KYL, Mr. GILCHREST, Mr. HORN, and Mr. PETRI.

H. Res. 476: Mr. LANCASTER, Mr. SCHIFF, Mr. WOLF, Mr. LEVY, Mr. PETE GEREN of Texas, Mr. FROST, and Mr. EMERSON.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Mr. RAMSTAD on House Resolution 247.

Petition 12 by Mr. TRAFICANT on the bill H.R. 3261: Joseph M. McDade.

Petition 15 by Mr. BILIRAKIS on House Resolution 382: Karen L. Thurman.

Petition 17 by Mr. SHAW on House Resolution 386.

Petition 18 by Mr. HASTERT on House Resolution 402: Dan Schaefer.

Petition 19 by Mr. EWING on House Resolution 415: Andrew Jacobs, Jr., Michael N. Castle, James P. Moran.

Petition 22 by Mr. INHOFE on House Resolution 409.

Petition 23 by Mr. TAUZIN on the bill H.R. 3875: Fred Grandy, Roscoe G. Bartlett, Deborah Pryce, Peter G. Torkildsen, James A. Barcia, John R. Kasich.

Petition 24 by Ms. SNOWE on House Resolution 459: Ralph Regula.

SENATE—*Friday, July 22, 1994*

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God, on this 104th birthday of Mrs. Rose Kennedy, we remember the words of one of the wisest men who ever lived, King Solomon. "Who can find a virtuous woman? for her price is far above rubies."—Proverbs 31:10.

Eternal God, giver of life and "every good and perfect gift," we express our gratitude for the strength, the wisdom, the fortitude, the faithfulness of Mrs. Kennedy as a wife and mother, despite many family tragedies. Thank Thee for the leadership her children have given America and the world. May this day be one of special blessing and honor for her and all her loved ones.

Creator God, as we remember this gracious lady, we are reminded that the first man, Adam, was not complete until You gave him a woman. The Bible and human experience reveal the fact that men need women far more than women need men. We thank Thee for their intuitive wisdom, their courage, their perseverance, their indispensability to social order. We ask for Your special blessing upon all the women who labor in the Senate and the women of America, without whom our Nation could not fulfill its destiny.

In the name of the Prince of Peace we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 22, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMMERCE, JUSTICE, STATE APPROPRIATIONS ACT OF 1995

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4603, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my colleagues for their cooperation and willingness to come in early and start, once again, on some 60 amendments. Obviously, if we try to handle all 60, it will never be done in 1 day. Perhaps at least half of those will fall by the wayside, we hope. But we do appreciate the cooperation.

This is the crime bill. There is no question. When you add some 436 FBI agents, 311 DEA agents, 123 U.S. attorneys, some 900 Border Patrol—you can just go right on down the litany. Everything that is talked about and debated about with respect to crime authorization, now hung up in conference, is actually accounted for, provided for in this particular appropriations.

We want to move this ahead under the emergency of the Small Business Administration, not just the crime features, because the crime bill's provisions are long overdue, but particularly with respect to SBA and the first 10 days of August. We have the emergency flooding down in the Southeast sector and unfunded needs now, and still the California earthquake. The Administrator of the Small Business Administration has put us on notice. So we have to move, we have to get this bill to conference and come back and get a measure to the President.

I see the distinguished Senator from South Dakota on the floor, so I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

AMENDMENT NO. 2353

(Purpose: To require advance notification to Congress of any Presidential determination that the United Nations has established an independent Office of Inspector General)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 2353.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 94, line 12, before the colon insert the following: ": *Provided further*, That certification under section 401(b) of Public Law 103–236 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives are notified of the steps taken to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification.

Mr. PRESSLER. Mr. President, I offer an amendment today which would protect the progress Congress has made regarding the establishment of an independent inspector general office at the United Nations. I wish to thank my distinguished colleague from New Mexico, Senator DOMENICI, for his comments earlier on the floor regarding language I authored on section 401 of the Foreign Relations Authorization Act.

As he knows, we have expended great efforts in this body to establish section 401. In fact, my colleagues voted 93 to 6 to accept my original amendment. My friend, Senator DOMENICI, understands the great importance of creating a management and reform system at the United Nations which would be responsible independently for ending the rampant waste, fraud, and abuse which are now policy at the world body.

Last week, I offered an amendment to the Foreign Operations Appropriations bill which my colleagues adopted

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

by unanimous consent. That amendment reaffirms section 401 of the Foreign Relations Authorization Act, now Public Law 103-236. The language in section 401 makes portions of U.S. assessed contributions to the regular U.N. budget contingent upon the U.N. creation of an independent Office of the Inspector General, [OIG].

I urged my colleagues to reaffirm the language of section 401, because the U.N. General Assembly, as my colleagues noted earlier, is considering currently the adoption of a resolution which would create a reform office subject to the authority of the U.N. Secretary General. Under the current General Assembly draft resolution, the Office of Internal Oversight Services [OIOS] would not be independent in all respects. This is an unequivocal violation of the language in section 401, language which is now public law.

According to the State Department and to Victor Morrero, chair of the U.N. group charged with the drafting of the current resolution, the OIOS will meet the standards pursuant to section 401 after the United Nations puts procedures in place to meet certain provisions in the resolution. In other words, the President would not be able to certify today that the OIOS meets all provisions in section 401. However, the State Department maintains that by September 30, the last day of the fiscal year and the point at which the President must make a certification to prevent a withholding of a portion of assessed contributions to the United Nations, all necessary procedures will be in place at the United Nations to meet the requirements of section 401.

The State Department maintains that there is not a problem with the independence of the OIOS. They say the General Assembly, through the OIOS annual report, would be able to receive information about all investigations and recommendations, not just those approved by the Secretary General.

I disagree with this interpretation of independence. The General Assembly must be able to receive all reports, approved or not, for the office to have true independence. Additionally, I am very concerned about the budgetary independence of the proposed office. As of now, the Secretary General, in his overall budget request, will determine if the OIOS will receive funds. If the Secretary General does include a budget request for the OIOS, it would then go before the General Assembly for approval. I believe the OIOS should be able to submit its budget request directly to the General Assembly. The OIOS needs a separate line item, similar to the appropriations for inspector generals in large U.S. Federal agencies.

Furthermore, the OIOS will receive the budget and the personnel from what is currently the Office of Inspections and Investigations. I strongly disagree with this transfer because it does not allow the head of the OIOS to hire his own staff. Rather, he merely takes on a staff of current U.N. auditors and bureaucrats. To have true independence, the head of the OIOS should be able to hire his own staff without the approval of the Secretary General.

In the pro forma U.N. resolution, there are two provisions which address the whistleblower requirements in section 401 of the Foreign Relations Authorization Act. According to the mandate in section 401, the United Nations must have procedures in place "to protect the identity of, and prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by the Inspector General."

The recent statement by the Belgian Ambassador at the United Nations to the chair of the draft resolution committee, however, indicates that staff-providing "false accusations transmitted to the office according to the procedures established should also be considered as cases of wrongdoing." This statement seems to indicate a contradiction between what is outlined in section 401 and the U.N. resolution, in that section 401 seeks to protect staff who provide any information of misconduct, even if that information is not relevant to a particular investigation or if that information turns out to be false.

The State Department claims that the Belgian Ambassador's statement on behalf of the draft committee is referring to those staff who maliciously provide false information. However, this is subject to interpretation. The State Department claims also that this provides a safeguard against receiving rampant foreign misconduct reports from the U.N. staff.

Currently, procedures are not in place at the United Nations to provide adequate whistleblower protection. The State Department, however, claims that such procedures will be in place prior to the Presidential certification called for in section 401. Nevertheless, the effect of the Belgian Ambassador's statement in conjunction with the provision of the U.N. resolution may serve to dissuade U.N. staff from coming forward should the information of the staff turn out to be false. This cuts into the ability of the oversight office to gather the needed data to conduct adequate investigations. It decreases the chance of the office developing a pool of sources who could provide misconduct information.

My amendment today would require a notification and explanation 15 days prior to the President's certification that an independent U.N. reform office is in place. The amendment would allow the appropriate committees, House and Senate Foreign Relations and Appropriations Committees, to determine if the resolution and the created office meet all stipulations of section 401.

My amendment would not create outlay and scoring problems in this appropriations bill. Nor does it move the goal posts of section 401. I am not trying to alter the intent of section 401, nor am I attempting to place an unfair burden on the President to provide certification information a mere 15 days prior to his official certification.

This amendment simply affords Congress the ability to advise the President prior to a false certification. We have come this far. We cannot turn behind now and potentially have the President make an inaccurate certification. So, Mr. President, my amendment simply affords Congress the ability to advise the President to prevent a certification that is improper.

While I believe the United Nations recent action is a good first step, I am very concerned about the current U.N. resolution. I only want to make sure that all stipulations in section 401 are met. I am not Ambassador Albright's nor the State Department's enemy on this issue. I want the United Nations to get all of its assessed U.S. funds. However, I do not want to release U.S. money unless I am absolutely certain that an independent inspector general office is in place. We have come too far in this body to stop just short of our goal. I do not believe the President would act on anything but good faith regarding the certification. Nevertheless, I do not want this body to be without recourse in the event a false certification were made.

This amendment is only a safety guard for Congress. I am trying to do Ambassador Albright and the State Department a favor by helping to assure that all procedures for this office are in place. I wish to make sure our permanent representative to the United Nations has the strength of this reform office to back our U.S. efforts to end U.N. malfeasance.

This amendment is by no means an indication that I believe the State Department, Ambassador Albright, and President Clinton have not made every attempt to act in good faith to comply with section 401. I support their efforts. I will continue to support their efforts. I do not want my colleagues to view this amendment as an attempt to discredit the administration. Rather, it is an attempt to maintain and continue the progress made on behalf of the administration regarding U.N. reform.

I urge my colleagues to take one last step today to ensure that an independent U.N. reform office is established. As a friend and critic of the United Nations, I firmly believe this amendment is necessary to help guarantee U.N. reform.

Mr. President, let me state some things that my amendment does and does not do.

First of all, my amendment does not move the goal posts of section 401. All it would do is give Congress 15 days advance notice of the President's certification pursuant to section 401 of the Foreign Relations Authorization Act.

My amendment would not change the intent of section 401. I am not trying to give Congress the ability to withhold funds until the President fully certifies that a U.N. reform office is in place. In fact, I wish to see the funds released if I am assured that all procedures are in place to create a functioning, effective, independent U.N. oversight and reform office. All this amendment would do is require the President to report to appropriate congressional committees 15 days before he certifies, if he certifies, that a U.N. reform office has been established and meets the specific criteria of section 401.

In this advance report to Congress, the President simply would need to provide an explanation of how his proposed certification meets section 401. According to my amendment, if the President cannot indicate to Congress in his advance notification that a certification meets all the requirements of section 401, Congress would not be able to withhold any obligation or expenditure of U.S. peacekeeping, assessed or supplemental funds. All the amendment does is to ask for an advanced notification and explanation. I have faith in the President to make a proper and legitimate certification, one that indicates that all stipulations in section 401 are met. My amendment in no way implies that the President would act in bad faith just to make the certification. This is not the intent of my amendment.

The intent of my amendment is to give Congress notification of the certification process and to give Members an explanation of how mandates in section 401 are being complied with. My amendment offers Congress one last opportunity to ensure that adequate steps are being taken to end flagrant U.N. waste, fraud and abuse so that our U.S. tax dollars are no longer wasted on mismanaged and fraudulent U.N. practices.

Mr. President, I conclude by saying that I am a strong supporter of the United Nations. I want it to succeed. I want it to be able to deliver medical supplies without having them stolen or lost along the way. I want the United Nations to be able to do its job, to be able to deliver food and services, to have a good management system, and to have a good personnel system that will enable it to accomplish its goals. That is the goal of this administration and of this Senator.

But we have found that our taxpayers have been reading stories over and over of waste, fraud, and abuse. We now learn that after this Congress has threatened to withhold a portion of U.S. contributions to the United Nations unless there is an independent inspector general to clean up some of that waste, fraud, and abuse, the United Nations is moving toward adopting an inspector general that is really not an inspector general as we know it. There are indications that our President will certify on September 30 that this is OK. But that will not satisfy this Senator at least, and it will not satisfy the American taxpayers.

My amendment will give the appropriate congressional committees 15 days in which to comment or give feedback to the White House. Otherwise, we will have lost another year. We are finally on the verge of having an independent inspector general at the United Nations. We are finally on the verge of being able to say to American taxpayers, who provide most of money for the United Nations, that there is some system of checks and balances, that there is some system to account for personnel abuses, some system that allows whistleblowers within the United Nations to point out fraud and abuse, some system that allows the U.N. unbiased audits. We are on the verge of having such an office in place at the United Nations.

The adoption of section 401 and the reaction at the United Nations proves that the U.N. bureaucracy will respond to the United States if we ask. But we have not even asked. And if we allow an inspector general to be put in place as they have now defined it according to the committee, the will of Congress will have been circumvented. That is the purpose of this amendment, and I urge its adoption.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield? As I understand the Senator from South Dakota, assuming the President now has given the 15-day notice to the various committees, what action or penalties or process is taking place? He gives notice. Then what happens? Is there any penalty if we do not like the notice?

Mr. PRESSLER. The committees make their views known. But constitutionally we cannot add any force of law to it. As I understand it, constitutionally the President could still go forward. But it would give the committee a chance to comment on it 15 days before.

Mr. HOLLINGS. I thank the distinguished Senator.

I have read the amendment several times. The Department of State objects to the amendment. I understand that the distinguished Senator from Massachusetts [Mr. KERRY], has some concern about it, and was momentarily detained. I do not want to rush forward. To this Senator it seems like the amendment is not engaged in mischief.

I have been informed that this could be some Foreign Relations Committee politics. Mr. President, they say over in the House it is the "Foreign Affairs Committee," but over here in the Senate it is the "Foreign Relations" because we do not have any affairs.

This Senator is not aware of any untoward interest or intent, and I think the Senator from South Dakota has expressed himself very well. I keep reading the amendment and trying to learn why others object. I think perhaps because the Department of State and the Clinton administration and Madeleine Albright, our Ambassador to the United Nations, have done an outstanding job. I think that is what maybe disturbs them, because rather than gratitude they are receiving formal legislation asking for reports when on Tuesday of this week, July 19, the Fifth Committee of the United Nations General Assembly adopted this resolution, a landmark resolution establishing an office with the function, responsibility, and powers of an independent inspector general to conduct investigations, audits, and inspections of the U.N. system along the lines of the IGs within the U.S. Government.

It will be known as the Office of Internal Oversight Services, and the office will be at the rank of undersecretary general, the second highest level rank within the U.N. system.

Incidentally, I understand this idea is even of a more stringent restrictive nature than the present IG system that we have here in the U.S. Government. That is just the committee, Mr. President, and then they have to go to the full assembly for approval. But having worked this out, it represents a major achievement for both the administration and Congress.

The Congress said here in our peacekeeping funds that they are fenced so to speak or conditioned upon the establishment of an inspector general. This Senator as the chairman of the State, Justice, Commerce appropriations subcommittee has been urging this now for the past 5 or 6 years. What was going on up there came out in the previous administrations. We are paying an inordinate amount, and they ought to be paying double the amount. As we look at it, the truth of the matter is they have had no real auditing and accounting for the moneys expended.

So I congratulate the Senator from South Dakota on his concern and leadership in this score. The members of our Foreign Relations Committee, Chairman PELL, Senator KERRY and others—let us make sure and understand that an independent inspector general has been the centerpiece of the United States reform efforts to improve the United Nations' management and its accountability to member States. It is part of a process by which the United States and other members of the United Nations can satisfy themselves that resources are not wasted, and that limited taxpayer dollars are well spent.

We are particularly pleased about the extent of the independence of the new office in the Secretary General of the United Nations, similar to the offices of Inspector General of the United States. The Clinton administration has fought hard to ensure that the resolution contains the provisions that will provide independence.

I talked yesterday to Under Secretary of State Richard Moose on this matter. He said that there is no question about the independence. It has all the features of independence, for instance that they cannot be removed unilaterally. But the independence of that office has been assured.

For example, the resolution assures qualified candidates appointed to the undersecretary general post by the Secretary General with the approval of the general assembly. It provides for the removal of the office head by the Secretary General only for cause; that is, malfeasance or corruption, and only with the approval of the General Assembly. It requires that the annual report and other reports deemed useful to provide insight into U.N. management effectiveness and the protection of assets will be forwarded unchanged to the U.N. General Assembly through the Secretary General.

The resolution provides for prompt and effective implementation of the recommendations made by the office. It protects the whistle blowers by establishing a mechanism that is designed to ensure due process and facilitate reporting by staff members without fear of reprisal. It mandates resources adequate to ensure the independent action of the office, and enables the undersecretary general to comment on the sufficiency of the office's budget resources.

Moreover, Mr. President, the implementing procedures and regulations for the office will be put in place by the Under Secretary General of Administration and Management, an American, Joe Connor, who used to be with McKenzie. We are confident that this reform package will meet the certification requirements set forth in the State Department authorization bill.

In this respect we will be working closely with Joe Connor and other U.N. officials to ensure that they will meet our understanding of how the new office will function. With the adoption of the resolution by the General Assembly, we look forward to an expeditious appointment of a highly qualified independent to fill the purpose.

This is a major achievement, Mr. President, for both the Congress and the administration. An independent inspector general at the United Nations similar to the U.S. Government inspectors general was a goal which both branches sought, and soon will achieve.

As I say, the amendment of the distinguished Senator from South Dakota just asks for the 15-day notice of what I am reiterating here now relative to what has been adopted just Tuesday of this week. No doubt when it passes the General Assembly, the President would be ready, willing and able to easily give the 15-day notice provided for in the Foreign Relations authorization bill.

Mr. PRESSLER. Will my friend yield?

I praise the statement just made by my friend from South Carolina. I agree that Ambassador Albright is trying very hard. She has run into an immense amount of bureaucracy at the United Nations.

I thank my friend for yielding. The State Department believes my amendment will allow Congress to withhold funds after a Presidential certification. My amendment does not do that. It just does not give the committees this power. It is a matter of notification and explanation.

I twice served on the Fifth Committee as a delegate to the United Nations. They were talking about getting an office of inspector general as early as 1986. Nothing has happened. This is 1994; 15 years have passed.

Now, we are on the verge of getting an inspections office, and it seems the United Nations is not taking it very seriously. They just want the U.S. money. We want to send them another signal that we are serious about this. This Office does not have budgetary independence. The funding can be taken away from the Secretary General on a moment's notice. That is quite different from our inspectors general. There are a lot of other differences. I am rising in frustration. This amendment is a reminder to everybody that nothing has happened, nothing has changed at the United Nations. This was first proposed in 1986 by the U.S. Government. I was critical of the Bush and Reagan administrations for delaying actions. The Third World runs the United Nations, and they see it as a way to get money out of the United States. Our taxpayers are up in arms.

Mr. HOLLINGS. You and I are in agreement. This is the first administration that has really done it. It started in the late days of President Carter, and then Reagan and Bush, and now we are getting it done. I think the notification is well taken so long as there is an understanding that we do not put in a roadblock to the funds. As you say, you can point to the Belgian Ambassador or delegate. We can pass bills, but we will never pass measures to change personalities. There are all kinds of personalities in the Congress and in the United Nations. Comments are made, and sometimes they are not appropriate. But the fact of the matter is that this effort on Tuesday was really a resolution and a victory for the U.S. efforts to get that independent inspector general.

Mr. PRESSLER. Let me say that the Senator from New Mexico has done a great deal of work on this, as has the Senator from South Carolina. I thank them both.

Mr. DOMENICI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. First, let me say to the Senator from South Dakota, your amendment is just a continuation of our excellent work in trying to make the United Nations responsive. That is responsive in terms of how it uses money that is contributed to them. Although we are the biggest contributor, all contributing nations should be concerned.

It seems to me that the sponsor of this amendment and others have been on the right track in trying to get some fiscal accountability in New York. I put it this way. At this moment, it would seem that the United States is going to rely on the United Nations more than it ever has before. It looks like peacekeeping is going to be involving the United Nations and some of their people more than ever before. That is now our President's policy.

All we need to turn the American people against these multilateral efforts is for a scandal to arise involving waste, fraud, abuse, or using assessments for unpropitious activities. We want to continue supporting the United Nations The American people seem to want to support the United Nations But let some reporter come forth and show the United Nations has been throwing money away, and that support will evaporate.

Some U.N. officials have been totally unaccountable to anybody. From this distance, it looks like there is somebody there playing games with our payments and those of Japan and Europe. I am not alleging that, although there seems to be some reason to be suspicious. We don't want that perception to become a reality.

The United States, through efforts like the managers of this bill undertook and efforts in the appropriations bill of last year, has tried to make the United Nations accountable. Last year, I asked our chairman and he wholeheartedly agreed, to put a condition on funds to the United Nations In fact, the United Nations had to have begun working on an inspector-general-type arrangement in order for moneys withheld to be released. That was followed up by more severe restraint in the Foreign Relations authorizing bill, which increased the percentage to be withheld.

Yesterday, when the amendment was presented as an idea by our distinguished colleague from the Foreign Relations Committee, who is here this morning proposing this amendment, obviously we recognized that the initial draft of his amendment was a second bite at the apple by Congress in terms of reprogramming of money. In other words, the administration could meet all of the congressional conditions, and the Senate could still have another opportunity to deny them funding.

Obviously, the State Department objected to that. The letter they have sent to us is based on the ideas incorporated in a draft amendment, not in the amendment that the Senator is offering here today. I believe the State Department ought to accept this amendment. Frankly, it is nothing more than the U.S. Senate saying that we have been working on this for so long, we are kind of "Doubting Thomases." Will it really happen?

The President is doing everything possible. Our Ambassador, Ambassador Albright, is doing a tremendous job on this matter, in order to secure the $670 million in title VII before the authority expires at the end of September.

What is wrong with asking the administration to send a notification 15 days before they intend to certify that they have complied with the law we passed here earlier this year? Ambassador Albright tells us that she must have certain things in the procedures and regulations governing the inspector-general-type agency or department before she will recommend to the President that he issue the certification and release the supplemental money.

The President is going to have to certify that the conditions in the law have been met regarding a United Nations inspector general. Why can he not tell us precise how those conditions in the checklist have been met by the U.N. at least 15 days before certification?

At present, Congress has no rights and committees have no rights to review and understand the new U.N. procedures and regulations that will make the difference between substance and sham in the new inspector general's office. With this amendment, the President will just notify the committees, say here is how the United Nations is empowering the new inspector general, and 15 days later they certify, and $335 million is released to pay our assessment. I think it is a way of making sure that Congress is on board.

If I were advising the President, this is what I would say: "Let us do it the way the Senate recommends. Because that way, Congress can take a look at it, and they cannot do anything, legally, to stop the release of the supplemental money withheld. But it would be good to have them totally on board."

So, I recommend to those who are sending the messages for the administration to us who are managing the bill, that they will see that this is a dramatically different approach than the ideas encapsulated in the draft amendment yesterday. This is a simple, forthright and, I think, fair-to-the-Congress approach. While admitting that Ambassador Albright is doing a good job, let us help her through this effort by saying we are standing ready to accept this certification when the United Nations has done what it told her it will do with the procedures. We just want to look at them, and then you can go right on ahead with the certification.

I yield the floor.

Mr. HOLLINGS. Mr. President, perhaps I will ask for a quorum, but first I wonder if it would be all right with the leadership on the other side and the Senator from South Dakota if we accept this amendment on the understanding that if the Senator from Massachusetts, who has been detained, wants it back up, I do not mind moving to reconsider. Is that all right?

Mr. PRESSLER. That is fine with me.

Mr. HOLLINGS. He was unavoidably detained.

Mr. PRESSLER. The managers can accept it now without moving to reconsider, and later in the day we can move to reconsider.

Can we have the understanding that if he does strongly object, I can get a rollcall vote on this amendment?

Mr. HOLLINGS. Sure.

Mr. President, there being no further debate, I urge adoption of the amendment.

Mr. HELMS. Mr. President, I am delighted to co-sponsor amendment No. 2353 of the able Senator from South Dakota, which inserts a 15-day notification process into the President's decision to certify whether or not the United Nations has established an independent office of an inspector general. I worked with the minority leader and with Senator PRESSLER, during consideration of the Foreign Relations Authorization Act this year, to push the United Nations into setting up an inspector general. Time and time again U.N. agencies and affiliated groups are found to be wasteful and fraudulent in their actions.

Regardless of these findings, the United States continues to pump hundreds of millions of dollars up to New York every year. One would think that an organization with a monthly spending budget of $310 million would have established some sort of internal control mechanism years ago—but not the United Nations.

In this year's State Department bill, Congress finally got tough. As a result, if the United Nations doesn't have an independent inspector general in place by September 30, it stands to lose up to $400 million. That's some incentive.

The U.N. General Assembly is expected to vote this week on a resolution that would move toward establishing an IG. From what the administration says, this resolution is a first step in a many-step process at the end of which it is expected that the United Nations will have created an office that meets up to the requirements for an office as were set forth in section 401 of our bill this year.

The administration has also promised that it will not certify these requirements have been fulfilled until, among other things, the resolution has passed, the inspector general's budget has been adopted, the Secretary General has promulgated regulations and guidelines governing the new office, and the inspector General has been nominated and confirmed by the General Assembly. That is a lot to accomplish by September 30 but the administration thinks it can do it by then.

Four hundred million dollars is a lot of money. If the United Nations doesn't get everything done it says it's going to in a short 2 months, then the President will be unable to certify and they won't get our money. My colleague's amendment ensures that the Congress is allowed to scrutinize the President's determination for 15 days before we release the money. If we are talking that amount of money, that's the least Congress is entitled to.

Before I close, I want to reiterate the fact that Senator PRESSLER's amendment does not move the goal posts we have already identified in law. All it does is inject a bit more congressional leverage in a process that involves the transfer of a lot of money and, therefore, needs some legislative oversight.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 2353) was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, Chairman HOLLINGS and the Senator from New Mexico have been besieged by requests from fellow Senators that we expedite this matter. Many senators do not want to be here in Washington late into the day or into the night.

We do have more than 30 amendments. We have been looking through the list and we note that there are four or five that obviously, from past experience and what we have heard yesterday, are going to be debated at length with rollcall votes.

TV Marti, about which we understand Senator BAUCUS has an amendment, seems to us to be one of those. There is a Bumpers-Brown amendment on the National Endowment for Democracy. Senator CRAIG's amendment on law of the seas and the Northwest salmon issue, which is Senator KEMPTHORNE's amendment, will take time to discuss.

The Senators who are the proponents of those amendments might be helpful to the managers and to the Senate if they would come here to the Senate floor as soon as possible and offer their amendments. We stand ready to talk with the Senators or their representatives to do some scheduling so we do not have all of them waiting in line.

But as of now, we do not have word from any Senator that she or he is planning to come down and offer one of these controversial amendments.

I repeat: Would the Senators who have the amendments that I have just described, begin to carry on a conversation with those who are managing this bill, so we can begin to allot some time to them and get these amendments before the Senate?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I tell the manager I am prepared to offer one of those amendments in a few minutes. I know the difficulty managers have trying to keep things going. I will be happy to start off, and ask my staff to do that.

I wonder in the meantime if I might use my leader's time. Was leader time reserved?

The ACTING PRESIDENT pro tempore. Leader time is reserved.

Mr. DOLE. OK. Could I use my leader time, and my statement not interfere with the ongoing debate?

The ACTING PRESIDENT pro tempore. The leader may proceed.

TRIBUTE TO ROSE KENNEDY

Mr. DOLE, Mr. President, I am proud to share my birthday with my colleagues, Senator ROTH, and Senator HUTCHISON. But all three of us know that today really belongs to the mother of our colleague from Massachusetts, Senator KENNEDY.

Rose Kennedy is 104 years old today. Her lifetime has spanned almost one half of our history as a Nation. And, of course, her lifetime has included witnessing and making quite a bit of history on her own.

She and her family have experienced great triumphs, and even greater tragedies.

Through it all, Rose Kennedy's courage, grace, and grit, have earned the admiration and respect of many Americans.

Rose Kennedy is a true American treasure, and I know all Members of the Senate join with me in extending our best wishes through Senator KENNEDY.

PIZZA HUT

Mr. DOLE. Mr. President, while I continue to believe that the health care debate is all about the search for solutions, there are some who think it is about a search for villains.

The American Medical Association, the insurance industry, hospitals, pharmaceuticals, all have had their motives questioned by the White House or their supporters.

Maybe the American Medical Association is off the hook now since they apparently made their deal with the White House, unfortunately.

And now something called the Health Care Reform Project has launched a misleading and mean-spirited campaign against Pizza Hut. You heard me right. Pizza Hut.

What is Pizza Hut's crime? Why do they deserve to be singled out, dragged before a Senate committee this morning, and attacked in today's New York Times?

Well, Pizza Hut operates in Europe. And some European countries require by law that businesses must pay for health insurance to all of their employees. So Pizza Hut complies with the law. I assume that is the appropriate thing to do.

American law is a little bit different, at least for now. The Government does not mandate that all employers pay for health insurance for all employees.

The Health Care reform project claims that Pizza Hut "Thrives in Germany and Japan where health care taxes are mandated by law. Therefore, mandates will work here, too."

Let me take a minute to introduce the folks over at the project to something they are not too familiar with, the facts.

Now and then it is hard to talk about facts. It is not required around this place.

The fact is that the expense of the mandates in Europe have helped to prevent Pizza Hut from expanding, and helped to prevent them from hiring more workers.

With mandates, Pizza Hut has built less than 50 restaurants in Japan and Germany combined in the last 5 years, less than 50 in both those big countries.

Without mandates, Pizza Hut has built over 1,700 restaurants in the United States in that same time period.

With mandates, Pizza Hut added only 224 jobs in Germany, between 1992 and 1993. In the United States, they added 14,652 jobs.

With mandates Pizza Hut is forced to charge $19 in Germany for a pizza that costs $11 in the United States. In Japan, that same pizza would cost $25.

It is also worth noting that Pizza Hut has been a leader in bringing health care reform to the U.S. restaurant industry. It offers health insurance to all of its employees in the United States, full time and part time. It was the first restaurant chain to offer health care coverage to all its part-time workers.

Rather than a one-size-fits-all policy, however, Pizza Hut operates on a novel theory called choice.

You know, you ought to have a choice in what you buy. A full-time employees have a choice among benefit programs that fit their individual or family needs. Some choose health care coverage. Some do not.

In fact, when Pizza Hut offered health insurance to its part-time employees, who comprise 95 percent of their payroll, less than 10 percent signed up. Seventy percent said they already had coverage from parents, spouses, or schools, 10 percent said they did not need insurance; and 10 percent just were not interested.

I know the health care reform project is itching to make some more accusations, so let me save them the trouble. Yes, as the New York Times pointed out, Pizza Hut is headquartered in Kansas. Yes, some Pizza Hut executives are my friends, and probably have contributed to my campaigns. In fact, some have suggested that this may explain why Pizza Hut and not another member of restaurant industry has been singled out for attack. I hope that is not the case.

But I defend Pizza Hut not because it is headquartered in Kansas or because I know some of their executives and some of their employees. They are all their employees. I defend them because they are an outstanding corporate citizen. And I defend them because they are right.

I do not know what company or industry will be next to be attacked by the White House, the Democrat National Committee, or their allies, but from the arguments they use, I know that they like their pizzas with a lot of baloney. And that is precisely what we are hearing today.

COMMERCE, JUSTICE, STATE APPROPRIATIONS ACT OF 1995

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments are set aside.

The Chair recognizes the Senator from Indiana [Mr. COATS].

AMENDMENT NO. 2354

(Purpose: To transfer funds to the Department of Defense to reimburse accounts out of which international peacekeeping activities have previously been supported)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 2354.

Mr. COATS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> On page 95, line 9, before the period insert the following: "*Provide further*, That the amount appropriated under this heading shall be transferred to the appropriate appropriations accounts of the Department of Defense to reimburse the Department for amounts expended out of such accounts in support of international peacekeeping activities".

Mr. COATS. Mr. President, during the past weeks and months we have spent many hours in this Chamber debating various aspects of administration defense and international security policy, especially with regard to peacekeeping and peacemaking, which is the intellectual centerpiece of the President's foreign policy.

We have haggled over funds. We have attached various strings or restrictions to aspects of the President's policy that represent causes for concern in this body.

Yet, in my view, we have not significantly questioned the underlying premise of a policy that fundamentally alters the way the United States has historically viewed questions of international security and vital national interests.

Frankly, with all the concerns that have been raised about the conduct of our foreign policy in Somalia, in Bosnia, and now in Haiti, I am surprised that the premise underlying the administration's policies has been accepted with so little question, without congressional hearings, with no focused debate on the particular underlying question, the premise underlying that policy. And I intend to question that premise now.

Mr. President, the President's policy, we have to understand, is a drastic departure from foreign policies of the past.

It assumes that all international conflicts pose or will pose a threat to U.S. national security. It assumes that all peacekeeping, in the President's own words, "serves United States interests by promoting democracy, regional security, and economic growth." It believes that all peacekeeping operations are good; that they will be ongoing and that they will grow in number and scope. The only decisions that we need to make, and I quote again from the President, are "about which operations to support." Not whether we should support, not whether we should be engaged, but which ones we want to be engaged in.

And it believes that since multilateral peace operations are in our national interests, the capacity to conduct them must be part of our national military security strategy.

Mr. President, I believe that that premise which underlies those assumptions is flawed.

It is flawed because, while sometimes necessary or useful, multilateral peace operations seldom represent a matter of vital national interests to the United States.

The real question that must be addressed is whether or not our foreign policy should continue to be guided by considerations of vital national interests or, as the administration seems to suggest and as many would have us believe, that our policies should be guided by a policy that says we need to keep the peace in places of war, wherever those places of war occur.

Mr. President, the cold war, for all of its attendant fears and problems, had a marvelous way of concentrating the national mind on our vital national interests. It neatly divided the globe into two camps—the free world and the unfree clients of communism. And that dictated pretty much what our vital interests were and what our policy ought to be.

But today, the picture is much less clear.

Since the fall of the Berlin Wall and demise of the Soviet Union, nations no longer stand simply behind or beyond the Iron Curtain. Each day, it seems new factions, new alliances, or countries struggle to assert their dominance or independence—often with violent result.

Since the end of World War II, more than 160 wars have been waged around the world. In this year alone, according to Jane's Defense Weekly, there are at least 70 hot spots—countries either engaged in full-blown conflict or on the verge of becoming so engaged.

And if current projections of future conflicts hold true, it will get worse before it gets better, if indeed it ever does get better.

Mr. President, rather than the peace and explosion of democracy many envisioned as a result of the fall of the old world order, the new world is a bloody place, and order, still a dream to be realized.

Not surprisingly, the United Nation's demand for peace operations has grown accordingly—and so has its budget. Since 1991, the annual price for peacekeeping has skyrocketed from $700 million to more than six times that amount today. Nineteen peacekeeping operations are currently underway; a half dozen more have been proposed in many places that many Americans probably are not all that familiar with—the Sudan, Sri Lanka, the Solomon Islands, Zaire, Burundi, and Afghanistan.

The number of troops required for these missions has more than quadrupled, and if all of its new missions are accepted, the total number of U.N. troops deployed will rise to approximately 168,000, requiring an increase in annual outlays of more than $8.6 billion.

Yet, we are told, it is still not enough.

While the White House's request for an additional $175 million contingency fund for unanticipated future peacekeeping was canceled by Congress—and I think wisely so—15 countries have agreed to set up an exclusive force of 54,000 troops, which the U.N. can call up—under its own command—for the express purpose of keeping the peace in places of war.

During the last 9 months, 170 United Nations peacekeepers were killed, 30 of them Americans.

Mr. President, it is time to ask, not only where are we headed with this policy, but what should that policy be and where might it end.

How many of those 19 missions will Americans be asked to protect or defend? How often will American men and women be called upon to fight and die in foreign lands for reasons that have nothing to do with America's vital national interest?

Mr. President, perhaps in the post-cold-war world it is inevitable that the use of multilateral force will increase. Maybe it should.

I am not arguing that there are not situations where the use of multilateral force is necessary or important or constructive in resolving a conflict.

But the United States should not drift into situations in which American forces are automatically incorporated into multilateral military forces without our having clearly assessed whether or not such action is in our own national interest.

VITAL NATIONAL INTEREST AND THE USE OF FORCE

Frederick the Great had a maxim for his generals: "He who defends everything, defends nothing." We would do well to remember that wise injunction.

The United States cannot, and should not, defend everything. The question then remains: What should our policy be? What should be our criteria for military intervention?

In 1984, former Secretary of Defense Caspar Weinburger said:

> We cannot assume unilaterally the role of the world's defender * * * We have learned that there are limits to how much of our spirit and blood and treasure we can afford to forfeit in meeting our responsibility to keep peace and freedom.

"We should only engage our troops," Weinburger said, "if we must do so as a matter of our own vital national interest."

Weinburger also had a list of essential tests which he said must be met before any U.S. combat troops are committed abroad:

Number one, action should be taken only to meet a threat to vital national interests.

Number two, political and military objectives must be clearly defined, and strategies developed to accomplish them, prior to any deployment.

Number three, ample force must be committed, not only to fight but to win.

Number four, such a course must have the support of the Congress and the American people.

"These tests can help us avoid being drawn inexorably into an endless morass," Weinburger said, "where it is not vital to our national interest to fight."

The question we have to ask then is, what then constitutes a "vital or major national interest?"

Well, certainly defense of U.S. territory is a vital interest; defense of our allies or treaty obligations; support for historic commitments and interests, such as Israel, Taiwan, or the Monroe Doctrine; protection of economic interests, international waters, or U.S. citizens and operations abroad; aggressive challenges to regional stability in areas important to the United States; and the prevention of nuclear proliferation, particularly where it threatens democracy or regional stability such as in North Korea.

These are not all inclusive, but they are instructive and perhaps the heart of what we should use as criteria to define our vital national interests.

Mr. President, the situations we have recently witnessed in Bosnia, Rwanda, and other places are tragic. They offend our sensibility. They stir our passion. But they do not constitute a vital national interest.

It does not mean that we should not be engaged in humanitarian relief. I am proud of the many actions the United States has taken, supported by the Congress and supported by the American people, to provide help and human assistance, food and medicine, in times of crisis.

(Mr. CAMPBELL assumed the chair.)

Mr. COATS. These have been important contributions that we have made and these must continue. And we currently are, obviously, engaged in one in Rwanda just as we speak.

Mr. President, while moral force can be an important factor in war, moral judgment is not a substitute for wise statecraft and moral outrage is not a substitute for wise, sound policy. In the world of moral polity, any policy that is dominated not by strategic considerations but by absolute moral judgment is, by definition, indifferent to success. What matters most is not victory, but that it is right to intervene.

Let me quote military strategist Colin Gray who said:

> Public debate on foreign policy is frequently cast in moral terms * * * In our personal judgment, we are all authorities about behavior, but few of us are experts in the means-end issues that pertain to those judgments.

Gray goes on to say:

> Public discourse is littered with the claim that Policy X is morally wrong, and by the way it will not work. Rare, indeed, is the claim that Policy Y is morally right—and by the way it will not work.

Until we establish clear, national interest before any international involvement, and rigorously apply the Weinberger criteria before any U.S. combat troops are committed abroad, we will continue to find ourselves in situations with questionable purposes and tragic results.

Oliver Wendell Holmes wrote, "A page in history is worth a volume of logic."

When we examine a page of the peacekeeping history in just our recent time, we realize the truth of that statement.

On August 20, 1982, in the aftermath of Israel's invasion of Lebanon, the United States, Britain, France, and Italy dispatched an international peacekeeping force to Beirut to protect its citizens and help the fragile Lebanese Government secure the evacuation of hostile forces from Beirut.

Later, on September 29, 800 United States marines were deployed to the Beirut Airport to facilitate the restoration of the Lebanese Government's sovereignty and authority.

Their mission, as described in President Reagan's formal notification to Congress, was "to provide an interposition force at agreed location * * * a multinational presence."

"American forces," he said, "would not engage in combat," and there was "no intention or expectation that U.S. Armed Forces will become involved in hostilities * * *." Accordingly, U.S. military personnel were not equipped with any offensive capability, only M-16 rifles and other light weapons.

President Reagan also advised Congress that United States military personnel would be "withdrawn from Lebanon within 30 days."

Mr. President, on October 23, 1983, 241 American marines died on that "mission of presence" while they slept—by a terrorist bomb. That small 30-day mission simply to establish a presence lasted 17 months.

In describing the deployment of American forces to Lebanon, the President said:

> We must continue to search for peace and stability in that deeply troubled country * * *. You need only see the pain and suffering in the eyes of the Lebanese people, and particularly the children, to understand that we have a moral obligation not to abandon those people.

I voted to support that mission in Beirut—which is why, in 1983, I made a trip to the Beirut Airport where our marines were stationed, to see for myself just what kind of mission I had asked our men to undertake. I found that out in a very dramatic way.

Their position was so hazardous, their situation so dangerous, the limitations on their abilities so circumscribed, that when the helicopter carrying myself and Congressman WOLF set us down on the tarmac, not one marine would venture across that runway to escort us to a place of safety. We, like themselves, were targets for snipers, those with mortars, those with intent to do anything they could to kill Americans and disrupt that presence.

I stood before that barracks that was bombed, where those Marines were killed, and I vowed that day never again to vote to send U.S. troops on a mission where there were no clearly defined objectives, no clearly defined strategy, and no means to secure their safety and reduce their risk.

The United States had no vital national interest in Lebanon, nor did we meet any of the other criteria justifying the use of force in that situation. Political and military objectives were unclear. There was no defined strategy to guide the military mission. And clearly we had no intention at the time of using whatever force was necessary to accomplish our stated goal. And the result, 240 young men needlessly lost their lives.

To paraphrase Senator HOLLINGS who is here on the floor: If they were there to fight, there were too few. And if they were there to die, there were too many.

Desert Storm is probably the best example of how to do it right. We acted out of vital national interest. Not only was Kuwait a friendly country and Saudi Arabia an old ally, but 25 percent of the world's oil was clearly threatened and the world's economy was clearly threatened by the actions of Saddam Hussein. We developed and we articulated a clear, achievable political and military goal. We built a coalition around those goals. We followed through with clarity and consistency. We acted decisively. Our coalition partners knew they could count on us to commit the forces necessary to fight and win. We had a plan to withdraw, and once our objectives were achieved, we did so.

President Bush defined why the United States needed to commit its might. He focused the American people on the issue, and he assembled an international coalition to accomplish the task. Most important, our actions met the criteria for a successful operation. These facts are the single most important lesson to be learned from the Persian Gulf war.

As my colleague Senator MCCAIN observed, it is the same important lesson which we and other countries have been learning and relearning since earliest history. Unfortunately, today in the conduct of United States foreign policy, it seems to be a lesson that we have once again forgotten.

Somalia was the opposite of the Desert Storm in almost every respect and a clear example of why U.N. military missions are inclined to fail. In national undertakings, military objectives generally flow naturally from stated political objectives. The two work in tandem. In United Nations operations where the mission is primarily political, and thus subject to intense political pressure, military action is usually imprecise for the very same reason. Invariably, this lack of definition results in U.N. forces taking only minimal symbolic action in an effort to avoid action on a larger scale. When this timidity of action fails to produce the desired result, the mission's mandate as well as the nature of the force inevitably goes through a series of incremental changes.

In Somalia these changes lead to the death of 18 Americans. Even though the Bush mission of providing food and medicine to all starvation-threatened areas had been successfully concluded months before, the Clinton administration changed the political objective, or at least allowed it to be changed, broadened the military mission, yet at the same time drastically reduced our military presence.

Under President Bush, Somalia began as a tightly defined, humanitarian mission to be executed by the military. However after President Bush left office, the humanitarian mission became a nation-building mission; a nation-building mission dissolved into a combat mission; and no one in the current administration seemed to understand or define the difference.

Today, 4 months after the majority of United States forces were pulled out of Somalia, and almost 1 month after the remaining 58 American marines were scheduled to depart on June 30, we have learned not only that the administration decided to extend their deployment until the end of the diplomatic mission next year, but that the situation in Somalia has, once again, deteriorated to the point where another outbreak of hostilities is imminent.

According to the Defense and State Department officials who briefed the Armed Services Committee yesterday, peace negotiations have broken down with no chance of a political settlement in sight. U.S. FAST marines have already been subjected to small arms fire, mortar, and rocket attacks, and large-scale interclan fighting is expected with a high probability of spillover violence against U.S. and U.N. facilities and personnel.

This situation has not gone unnoticed by the military forces of General Cedras in Haiti who, according to published reports in today's papers, is organizing paramilitary fighters to attack United States military personnel in the event we are foolish enough to invade that country under another questionable U.N. resolution.

How did we get to this place? Let us look at Bosnia, as an example. While the mere presence of United States troops in Lebanon was viewed as sufficient to deter violence, today our mere involvement seems to have the opposite effect with regard to aggression.

In Bosnia, thanks to a series of foreign policy blunders; wishful thinking, and empty rhetoric, we failed to convince either our allies or our adversaries of our resolve.

The Serbs, on the other hand, clearly understand vital national interest. In fact, from the beginning, the Serbs have been the only ones with a clear, consistent policy; not a policy I agree with, but a policy that, they have followed consistently. They know exactly what their goals are, and they are moving relentlessly forward in pursuit of them—establishment of a Greater Serbia.

One top administration adviser was recently quoted as saying, "We believe in the limited use of force for something short of total victory. I'm not uncomfortable at all with a good deal of adhockery in our foreign policy."

Mr. President, I do not have a problem with an hoc component to our foreign policy, if it means that we will remain flexible enough to match our resources and political will to the circumstances of each unique situation.

But I am very concerned if adhockery is the policy itself, especially when it concerns the use of force in the conduct of foreign policy. And that seems to be the case in Bosnia.

As President Nixon once so aptly pointed out: "A riot is a spontaneous outburst. A war is subject to advance planning."

We all know that this administration prefers domestic policy, over foreign policy.

But what troubles me is the fact that it does not seem to realize that while mistakes in domestic policy may result in a rise in interest rates, increased inflation, or prolonged joblessness, mistakes in foreign policy cost lives, American lives.

The truth is that U.N. peacekeepers serve very little purpose; they are merely observers of aggression. U.S. air strikes can achieve only limited results; they will not resolve any conflict. And neither this Congress nor the American people will permit the commitment of U.S. ground troops to a cause for which neither the President nor the Congress can demonstrate any vital national interest.

President Bush said:

> Force is justified only where and when force can be effective, where its application can be limited in scope and time, and where the potential benefits justify the potential costs and sacrifice.
>
> The fact that America can act does not mean that it must. A nation's sense of idealism need not be at odds with its interest, nor does principle replace prudence.

What we face today in Bosnia—and other places—is an open-ended situation, very much reminiscent of past situations—and past mistakes.

It is time we determined what types of peace-related missions deserve U.S. participation. It is time we defined under what circumstances U.S. troops will be committed to these undertakings. And it is time we decided what limits should be placed on both the tangible and the intangible costs of these endeavors.

UNITED NATIONS: THEN AND NOW

ARTICLE 42 VERSUS 51

Mr. President, prior to the war in the Persian Gulf, all U.N. military operations were founded upon article 51, which enunciates the right of states to protect themselves, and permits third countries to participate if requested by the country under attack.

Desert Storm was the first military operation to invoke article 42, which states that when economic sanctions fail—as was determined in the case of Iraq—the United Nations "may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security."

Under article 42, authority rests with the U.N. Security Council. It also forms the basis of a justification for a unified U.N. command structure.

At the time, Britain Prime Minister Margaret Thatcher expressed reservations about invoking article 42. She believed it would not only limit what individual member States could do in their own interests and restrict rules of engagement, but she also suggested that sovereign states lacked the moral authority to act on their own behalf. Out of similar concerns, President Bush insisted that the operation be carried out under national, not U.N., flags.

However, since the successful invocation of article 42 during the gulf war, reliance upon its provisions has become routine—with three unanticipated results:

First, it has fundamentally changed the way the United States deals with the Security Council of the United Nations;

Second, it has altered the way the United Nations builds and justifies military operations; and

Third, it has laid the groundwork for this administration's current foreign policy.

REINVENTING THE UNITED NATIONS

Mr. President, America has always been reluctant to put U.S. troops in harm's way, which is why U.S. Presidents have always had to build strong public support before sending any armed personnel overseas. They did this by establishing that the vital national security interests of the United States was at stake.

But under U.N. Secretary General Boutros Boutros-Ghali and our current President, however, the gulf war/article 42 precedent has become an ominous new vehicle for a new generation of U.N. peacekeeping functions, priorities, operations, and costs.

In fact, in foreign policy, the administration's only consistent theme has been its effort to upgrade U.N. military capabilities and to institutionalize U.S. participation in U.N. peacekeeping operations.

While many may believe that only U.N. actions are justified—that U.N. operations somehow represent a higher moral ground—I continue to believe that the United States is capable of determining for herself, and acting wisely to support, her own vital national interests.

And I do not believe that what the administration likes to refer to as "assertive multilateralism" should be the new standard for sending U.S. military men and women into conflict.

Trying to justify this approach, Mr. Clinton's Ambassador to the United Nations, Mrs. Albright, has said:

> We are facing increased ethnic and subnational violence. Wherever we turn, someone is fighting or threatening someone else. These disputes may be far removed from our borders, but in today's global environment, chaos is an infectious disease.

America's task, Mrs. Albright said, is "to reform or isolate the rogue states * * * to contain the chaos and ease the suffering."

Mr. President, I respectfully disagree with that assessment of what our foreign policy should be. That is not America's task. While I do agree that we cannot live totally apart from all the world's problems righting all the world's wrongs is not our responsibility. Nor is it our capability.

That is not to say that there are not situations deserving of international intervention. But that is far different proposition than making U.S. troops mere mercenaries for the United Nations.

In April of this year, during a visit to the NATO air base in Aviano, Italy, I received an outstanding operational briefing on the Allied air campaign taking place over Bosnia.

The brief described in detail the confused process of command during U.N.-directed operation. The procedure is literally a two-headed monster under which the United Nations, NATO, and U.S. forces are required to operate.

One head is the U.N. command structure which suffers from a lack of military experience in operational matters. The other is the NATO/U.S. structure which has performed operations together in and around Europe for 40 years.

This U.N.-imposed method of command has caused delays and confusion, and even direct vetoing of U.S. direction of its own operational forces.

As a direct result, the goals have changed, and the efforts of our forces have been looked at as indecisive and weak.

PRESIDENT AND NATIONAL SECURITY TEAM MUST GET BACK TO BASICS ON FOREIGN POLICY

Mr. President, the burgeoning ethnic conflicts that are erupting throughout the world make it more likely that, in the future, we will be facing challenges that looks a lot more like Bosnia than Iraq.

Will we keep drifting from one international crisis to another? Will we have a foreign policy that defines our priorities clearly and consistently? Or will the new litmus test for U.S. intervention be whatever the United Nations determines to be the priority of the moment?

In other words, Mr. President, will our foreign policy be defined by the United States or the United Nations?

There was no United Nations in 1825, but the sixth President of our Republic, John Quincy Adams, clearly understood the importance of limiting the conduct of U.S. foreign policy to America's vital interests:

> Wherever the standard of freedom and independence has or shall be unfurled there will be America's hearts, her benedictions and her prayers. But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.
>
> She will recommend the gentle cause by the countenance of her voice, and the benignant sympathy of her example. She well knows that by once enlisting under banners other than her own, were they even the banners of foreign independence, she would involve herself, beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice, envy, and ambition, which assume the colors and usurp the standard of freedom.

Of course, since President Adams' time, the United States has committed herself to the defense of many allies, and to the support of various treaty obligations. But his point is no less apt today than it was in 1825.

Today, more than at any other time in our Nation's history, we face wars of "interest and intrigue, individual avarice, envy, and ambition." And today, more than at any other time, we risk involving ourselves "beyond the power of extrication."

At the funeral of President Nixon, former Secretary of State Henry Kissinger noted that, after Vietnam, America as a nation passed from the position of one that could win by sheer dominance to one that must win by leadership.

For decades after Vietnam, America—like Nixon—rebuilt her credibility, and finally demonstrated both leadership and strength in the Persian Gulf.

That leadership and that strength have not been squandered. In its place is a policy of "adhockery."

As a result, Members of this Chamber, and others, are demanding that we now must intervene in the Bosnian conflict to preserve U.S. credibility; to challenge Serbian aggression; or because it is the right thing to do.

Mr. President, no one—most particularly, this administration—has yet made a convincing argument that intervention in Bosnia or Haiti is in America's vital national interest, although with each new day's batch of blunders, it could be argued, that is becoming more the case.

Mr. President, it is time our President and his national security advisers stopped running foreign policy as if it were a campaign issue to be improvised on a daily basis, according to the latest polls.

It is time they realized that foreign policy is not just another item to be successfully navigated in daily press briefings, or avoided by holding a "summit," or abdicated by passing it off to the United Nations.

Most of all, it is time they realized that foreign policy must, in fact, be a predetermined "policy", not an ever-changing set of positions.

And they must realize that when America decides to act, America must lead.

QUESTIONS MUST BE ANSWERED

Mr. President the present course that this administration is following in foreign policy is no longer acceptable. Not in Bosnia, not in Haiti, not anywhere else.

While oversight of the executive branch is the responsibility of Congress, the formulation of foreign policy and the development of strategic national goals is not our prerogative. It is the administration's prerogative.

We are not the Department of State. We are not the National Security Council. We do not speak for the United States at the United Nations.

Yet, because this administration has refused to live up to its responsibilities in these areas, we are now forced to deal with these matters, and to ask questions the administration has never even raised, let alone answered.

With each new diplomatic initiative, with each new foreign intervention, with each new proposal for multinational missions, Congress is forced to ask:

What is in the national interest?

Where do our allies stand?

What are our political objectives?

Is force necessary?

Should that force be multilateral or unilateral?

What are the likely consequences of military intervention?

How do we achieve success?

What are the risks and costs?

How is it likely to conclude?

These are questions the administration needs to ask. These are propositions they need to put to us so that we can assess them and evaluate them and give them our best advice and consent. These are not the questions we should be asking of the administration. These are the questions they should be providing us their answers to and asking our advice and consent.

What we need is insightful analysis, decisive action, and strategic vision. What we have gotten out of this administration is bluster, bombast, and blunder.

Mr. President, what we have is ambiguity. What we need is leadership.

Before the United States commits herself to any more missions—before the President decides to intervene militarily in Haiti, build a nation in Rwanda, or ask American soldiers to stand sentry on the Golan, the questions that have been raised must be answered.

Mr. President, we need more than a half-hearted nonpolicy. In the words of my colleague, Senator LUGAR, America needs "a game plan, and the world is looking at the President of the United States to provide one."

It is time that he did

Mr. President, I thank the Chair for this lengthy period of time. In that we are dealing with an appropriations bill for the Department of State, I thought it appropriate to raise these questions and this issue. I have decided not to pursue my amendment at this time, but I hope that we can engage with this administration in formulating a foreign policy which clearly defines our national interests and which answers the vital questions which need to be answered.

And so at this time I ask unanimous consent to withdraw my amendment, and I yield the floor.

The PRESIDING OFFICER. Without objection, the Senator's amendment is withdrawn.

The amendment (No. 2354) was withdrawn.

Mr. DOMENICI. Mr. President, might I say to the junior Senator from Indiana that I listened attentively to his remarks, and I congratulate him on the thoroughness and thoughtfulness of the remarks he made here before the Senate today. Obviously, he knows what he is talking about and he has spent a great deal of time and effort in this field. And once again, this is going to be very helpful to a lot of people and, hopefully, to the President of the United States.

I yield the floor.

Mr. HOLLINGS. Mr. President, I have the greatest respect for the distinguished Senator from Indiana and some of his comments, but there are some differences. I think we are going to have to move along here to the next measure. I thank the Chair.

Mr. DOLE. Mr. President, first, let me thank the distinguished Senator from Indiana [Mr. COATS] for his well-defined and interesting comments, which I think clearly lays out some of the concerns many people have and have had over the years and not just this administration. So I thank him for that.

AMENDMENT NO. 2356

Mr. DOLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 2356:

The amendment is as follows:

At the appropriate place, add the following: "Provided further, of the funds appropriated in Title V and in Chapter II of Title VII, up to $100,000,000 may be transferred, at the discretion of the President and subject to the regular notification procedures of the Appropriations Committees of the House of Representatives and the Senate, to support humanitarian relief in and around Rwanda."

Mr. DOLE. Mr. President, the scenes of the flood of Rwandan refugees are heartbreaking: husbands watching their wives die; children alone on the side of the road, next to their dead parents. The situation in Zaire is a humanitarian catastrophe of staggering proportions. Around 2 million Rwandans have crossed the border into Zaire, only to find severe shortages of food and water. And now, we hear news of an outbreak of cholera which could make the current death tolls skyrocket.

The international relief organizations were clearly not prepared for this massive flood of Rwandan refugees. And I certainly welcome the action taken by the Clinton administration to send AID Administrator Brian Atwood to assess the situation and the decision to commit an additional $41 million to provide assistance to needy Rwandans. However, looking at our experience with the humanitarian crisis in Somalia and in Bosnia, these funds will be rapidly expended and more assistance will be needed. We are talking about nearly 2 million refugees in Zaire—with little food, little water, no shelter, and no sanitation.

And so, Mr. President, my amendment is intended to provide the administration with sufficient resources to respond to this colossal—and I underscore the word "colossal"—crisis. These funds could be used for any type of humanitarian assistance—food, water, water purification supplies, sanitation equipment, or medicine and medical supplies.

It seems to me that America has a responsibility to respond quickly and appropriately to this humanitarian nightmare. I have no doubt that the American people care about suffering, and support the U.S. Government providing the aid they so desperately need. I hope that all of my colleagues will support this amendment.

I might just add, as an aside, that I discussed, not this amendment but the general attachment with the President of the American Red Cross. The Red Cross is now attempting to raise the money because they understand. I think we can all try to think about when a calamity like this occurred last. Was it 10, 15, or 20 years ago when so many people died? So many people have been slaughtered, and so many people have been threatened with the loss of life and loved ones.

I have notified other of my colleagues who have primary responsibility dealing with Africa: Senator SIMON, Senator JEFFORDS, Senator KASSEBAUM, Senator CAROL MOSELEY-BRAUN, and others who have a direct interest in this.

I hope that, if they wish to make statements, their statements will follow mine later in the RECORD today.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, we are prepared to accept this amendment. It is in the spirit of a humanitarian effort. We all commend it. We are all disturbed about what we see happening in Rwanda.

I counsel that this is not a foreign aid bill, when we take money from the peacekeeping. The amendment of the distinguished Senator is really a discretion given to the President of the United States for emergencies of this kind. Perhaps discretion of that kind is in order.

So in that light, we are prepared to accept the amendment. But I counsel our colleagues that we are getting into different things. I was delighted that the previous amendment was withdrawn because it was taken from the State Department appropriations peacekeeping and put over to the DOD. It is a swapping between departments.

We put up walls, as you remember, budgetarily now have been removed relative to defense and domestic. Now we are coming with the matter of aid itself.

I just did not want the chairman to come down on the floor here later on and say you are getting into my particular bill. I think he would understand the amendment of the Senator from Kansas.

We are prepared to accept it.

Mr. DOMENICI. Mr. President, we are prepared to accept it.

As I understand, this amendment is calculated to give the President another tool, if he needs it, with reference to this catastrophe and calamity, as the distinguished minority leader indicated. He can, if he desires—I assume that means if he does not have enough resources elsewhere—he can use $100 million out of the funds, as the distinguished minority leader, Senator DOLE, indicated—up to that amount.

We accept the amendment on this side.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. DORGAN. Mr. President, the goal of the distinguished minority leader, Mr. DOLE, is to help those poor people who are the victims of such an enormous tragedy in Rwanda, and now refugees in Zaire. These are goals that are critically important.

The minority leader suggests that we shift peacekeeping funds to pay for Rwanda relief. But the fact is we need funds. Our world is a troubled world. And the famine and human misery abroad in the world tend to come from conflict. So we need to use peacekeeping funds. And moving them—even to a laudable humanitarian purpose—is a concern.

As was pointed out just a moment ago by the minority leader, Mr. DOLE, and as the President himself has stated yesterday, this is a tragedy unlike any we have seen in our lifetimes.

There are now over 2 million refugees in Rwanda and Zaire. Half a million people have died due to the ethnic strife in Burundi and Rwanda. And because a million people have descended on Goma, Zaire, a town of 13,000, in only 10 days, cholera is breaking out in the refugee camp there.

The scale of this disaster, which developed so quickly, is without parallel. The world cannot look into the eyes of these victims and say that it does not matter. It matters to all of us.

This morning we saw a young man holding his dying wife in his arms. She will probably die of cholera. There is not enough medicine and food for the million refugees.

No one on this Earth can say it does not matter. It does. If we are, in fact, going to help the refugees, we have to mobilize resources for this purpose.

The amendment of the minority leader, Mr. DOLE, would do that. He would devote $100 million to help alleviate the misery in Zaire and Rwanda. People may say we have people here at home who need help. Of course, we do. But we cannot ignore what is happening in other parts of the world. We will forever regret it if we do not help with the means that we have. As the free world has substantial resources to help in this matter, we should do everything we can to save lives. I certainly share that goal of helping by transferring money.

I compliment Senator DOLE.

I yield the floor.

Mr. DOLE. Mr. President, I thank the chairman and the ranking member. I thank the Senator from North Dakota.

It is up to $100 million. It is at the discretion of the President. It will come out of not only peacekeeping funds but all of the funds in this bill.

So we did not try to raise the peacekeeping funds. We say, OK, if the President needs $30 million, $40 million, $50 million—he may come in at $41 million—certainly we may need additional money. Hopefully we can get more money. I assume there will be a supplemental, also.

I thank my colleague.

I yield the floor.

Mr. HATCH. Mr. President, I rise as a cosponsor of the Dole amendment that provides the President with the discretion to transfer up to $100 million in peacekeeping funds and use these funds for humanitarian assistance in Rwanda.

The current situation in Rwanda is a tragedy on a scale that is simply hard to imagine. Of the 8 million people that live in Rwanda, approximately half a million were killed in April and almost 2.5 million are refugees. The arrival of nearly a million refugees in a week crossing into Zaire constitutes the largest human migration ever in that time period. Cholera is rampant. Temporary shelters are needed, and proper sanitation is all but nonexistent.

We need to take some action as soon as possible. In this context, I am pleased to see that the Clinton administration decided today to speed up humanitarian relief operations as part of a multinational effort. It would have been helpful if the administration had moved more quickly in the early phases of the crisis, but it is imperative that we carry out this vital work as rapidly and effectively as possible at this stage. The most immediate health problem is to provide clean water to refugees in Goma, Zaire.

Providing humanitarian relief on this scale will be a large and complex undertaking. It will be difficult in terms of logistics and infrastructure, but there is no time to lose because the human costs is simply too high.

I thank the Chair and the distinguished Republican leader for offering this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2356) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I am going to offer an amendment on behalf of my distinguished colleague from Texas [Mrs. HUTCHISON]. I know the managers want to get this thing moving. She will be here very shortly.

It might be appropriate if I could offer the amendment, make a very brief statement, and lay aside the pending amendment, if that is satisfactory with the chairman.

AMENDMENT NO. 2357

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mrs. HUTCHISON (for herself and Mr. DOLE) proposes an amendment numbered 2357.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following: "*Provided further*, of the funds appropriated by this Act for Contributions to International Organizations and Contributions for International Peacekeeping Activities in title V, and for Contributions for International Peacekeeping Operations in title VII, not less than $350,000,000 shall be made available until expended to carry out the provisions of section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), to reimburse States for the cost of incarcerating illegal aliens."

Mr. DOLE. Mr. President, I understand this amendment may be controversial. I hope it is not controversial. But understand that it may be. We will hear from the managers. But I think it is a sound amendment. I hope there will be some agreement that it is a responsible amendment.

It fully funds the administration's request of $350 million, which is not funded directly in the bill. There can be little doubt that the needs are great. The administration's official communication on this legislation says:

> The Senate is urged to support the separate request for the State Criminal Aliens Assistance Program to ensure that States most affected by the cost of incarcerating criminal aliens receive as much as possible of the $350 million in requested Federal assistance.

That is the official communication from the administration. That is exactly what the amendment does.

We are here in an effort to support the administration's position. The administration may not like the source of the transfer of more than $2 billion of the United Nations in this legislation. That is where we are going to get the $350 million, out of that $12 billion.

I have been told by the distinguished ranking member on the committee that this is sort of making up some of the arrearages. I think some of us at least—I am certain the managers do not disagree that $2 billion from what most people agree is already a bloated, unaccountable bureaucracy, may be acceptable in a time of no budget constraints.

But when five vital programs, like Federal imprisonment of for illegal aliens are not funded, we need to make some tough choices. And I know the United Nations is having difficulty and we owe money that probably ought to be paid. We should support the States that are incurring the costs. This is important to the States of Texas, California, Arizona, Florida, and probably others I may not be aware of. I know that the Governor of California, Governor Wilson, is prepared to talk to anybody. He said he would get on the phone and stay on the phone all day to indicate how important this is to the State of California.

In fact, they are incurring the costs on a daily basis. You can imagine the burden placed on all of these States. The following organizations have endorsed full funding for this program: National Governors Association, National Council of State Legislatures, National Association of Counties, National Association of State Budget Officers, International Association of

Chiefs of Police, California Police Chief Association, and the California District Attorneys Association.

Mr. President, I think the Senator from North Dakota is prepared to offer an amendment. Does the manager want to set this amendment aside until Senator HUTCHISON arrives, or whatever may be the desire of the managers?

Mr. DOMENICI. I have no objection to setting the amendment aside. Does the chairman agree?

Mr. HOLLINGS. Yes. I think that is in order.

What we need is not only the distinguished Senator from Texas, but we will all have to be heard. With respect to the $350 million requested by the President for the incarceration of illegal aliens, the money was not provided. The best recommendation that was made was about $75 million, which comes from additional fees, spectrum fees in the broadcast section, and another $270 million in law enforcement, FBI agents, DEA agents, and all. We listed those things.

On the matter of the spectrum fees, we raised last year, on a very close vote, $95 million. We found that was not going to fly in any manner or means of increasing taxes. Otherwise, with respect to the alternatives, this is the crime bill, and we were not going to take it out. The House, faced with the same dilemma, put in, with respect to policemen on the beat—they set an increased amount for policemen on the beat, and that the money alternatively could be taken from that source. We decided, rather, that they got it out of the Byrne grants. We decided, on the matter of the policeman on the beat, the new initiative yet to be adopted in the conference on the crime bill.

So you can see that we were all looking for money, trying to find it, and the best judgment of the subcommittee and the Senate Appropriations Committee is that here was a new initiative of $1.7 billion for policemen on the beat, to actually gear up the bureaucracy and hire the policemen. If there was any flexibility within the amount, it could be better found in that particular item rather than, let us say, the peacekeeping, or some of the other measures that we feel deserve higher priority.

I say that for the understanding of the colleagues, as we set this aside and wait for the Senator from Texas to come, so we can move on to the next amendment.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to laying aside the amendment?

Without objection, the amendment will be laid aside.

Mr. BUMPERS. Mr. President, if there is an agreement over there about hte order of amendments, I do not want to interrupt, but I do not see anybody else wishing to offer an amendment.

Mr. DOMENICI. We had agreed, and I passed it on to Senator BUMPERS, that the Hutchison amendment would be set aside temporarily, and Senator SMITH would be next, and you would follow that with your NED amendment. Obviously, Senator SMITH is not available now.

Mr. BUMPERS. May I go ahead and let Senator SMITH follow me?

Mr. DOMENICI. Why do we not do that, and we will send word to Senator SMITH that he need not hurry.

AMENDMENT NO. 2358

(Purpose: To eliminate the authorization of appropriations for the National Endowment for Democracy)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2358.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At page 113, strike lines 16 through 21.

Mr. BUMPERS. Mr. President, I come to the Senate floor once again to try to torpedo the biggest boondoggle in the history of the Republic. By the standards of this bill, it is not very much money—$35 million—but when I consider the benefits we get for the $35 million, which is point blank zip, I ask why are we doing it and why do we continue to do it?

Here is the National Endowment, designed to spread the joys of democracy around the world. We have just passed a $13 billion foreign aid bill, and most of it goes to countries that we want to be friends with; it goes essentially to countries that are democracies. It is intended, virtually all of that $13 billion, not only to promote democracy but to keep it and to preserve our friendship with those nations. We have the U.S. Information Agency, which broadcasts the joys of democracy all over the world. I will come back to that in a moment.

Within the foreign aid bill, we have the Agency for International Development. Hundreds of millions of dollars go to spread the joys of democracy around the world.

Here we have "poor, pitiful Pearl," the National Endowment for Democracy, with $35 million to democratize the world.

Mr. President, the $35 million is bad enough. But I will tell you what compounds the insult; that is, who gets that $35 million. Well, the CIPE gets it. They get 13.5 percent. The FTUI gets almost 30 percent. IRI gets 11.2 percent. NDI gets 11.2 percent.

The people who are watching this or listening to this are saying, "Who are those people? What is he talking about? CIPE? I never heard of that. I never heard of FTUI."

Well, let me tell you who they are. Let us start here with FTUI. Mr. President, those are the initials for the Free Trade Union Institute. Who is that? Why, that is the AFL-CIO. That is right. The AFL-CIO gets 30 percent of this $35 million. But we are not going to favor labor in a manner such as that. We are not going to give just labor over $10 million of this $35 million. We have to provide balance. So do you know what CIPE is? Why, CIPE is the Center for International Private Enterprise. Do you know who that is? That is the U.S. Chamber of Commerce. So the AFL-CIO gets 30 percent, and the chamber of commerce gets about $5 million, or 13.5 percent.

What else is funded by NED? NDI. NDI gets 11.2 percent. What is NDI? That is the National Democratic Institute. Do you know who that is? That is the Democratic Party. That is right; $3.5-plus million of this is going to go to the Democratic Party.

But that would not be fair, Mr. President, would it? If we are going to balance labor and the chamber of commerce, we have to balance the Democratic Party with somebody else.

So IRI gets 11.2 percent. What is IRI? That is the International Republican Institute. Do you know who that is? Why that is the Republican Party.

So here you have $35 million of the taxpayers' hard-earned money, and 65 percent of it is going to labor, the chamber of commerce, the Democratic Party, and the Republican Party to spread democracy. Can you not see the head of the AFL-CIO and the head of the chamber of commerce sitting down with Deng Xiaoping and giving him their version of democracy? Can you not just see the Democratic leadership or the Republican leadership sitting down with Kim Chong-il, the new leader of South Korea, and telling him about the merits of democracy?

If that is not an absurdity on the face of it, I have never seen one since I have been in the U.S. Senate.

Mr. President, this whole thing started in 1983. It started in 1983 with a paltry appropriation of $18 million. It was designed to attract private money. It was supposed to be balanced with private money.

You will be happy to know this thing has been such a howling success in attracting private money that last year six-tenths of 1 percent of their budget was contributed by private donors not 50 percent, as we envisioned in 1983—six-tenths of 1 percent. You cannot stop anything around here.

The fact is the whole thing is a disaster. It is not being carried out the way we intended, and all these so-called core grantees of labor, the chamber of commerce, the Democratic Party, the Republican Party, what do they do to get the money? They wait until we appropriate it and it is handed to them. They do not even have to compete for it. There is no competition. The minute we pass this bill and October 1 arrives, we call these folks up and say "Come and get it." We don't even ask, "What are you going to do with it?"

Look at this chart. NED started out with $18 million that was supposed to be matched by private contributions. We are all the way up to six-tenths of 1 percent in private contributions and look where the appropriation is. This huge increase is what has happened to it—the same thing that happens to every Government program.

If I had not stood on this floor and cut the authorization of this program back from $45 million to $35 million in January, we would be sitting here debating not $35 million but $45 million. Every single chairman of every single Subcommittee on Appropriations has labored endless hours and days trying to figure out how we were going to fund necessary, worthwhile programs and nobody even looks or questions this ineffective, useless program.

Some people might be listening and asking themselves, why? Why does Congress just routinely continue to appropriate this money with no accountability?

After the debate on the authorization for NED in January, I received an anonymous letter that said, "Please do not let up on NED. You ought to go down and look at that new suite of offices they just redecorated."

I have not been down to look at their offices, but I know how that works, too. But you ask yourself, how can a program like this survive when it has no merit? Here is the answer to that question.

You have $35 million which is like a bird's nest on the ground. What do you do? Why you get every big name in Washington on the board. Those Senators are not about to cut a $35 million appropriation for an organization with board members like these: Madeleine Albright, John Brademas, former Congressman; Bill Brock, former Senator; Zbigniew Brzezinski, former adviser to Jimmy Carter; Henry G. Cisneros; Lynn Cutler; Frank Fahrenkopf; Dante Fascell; Malcolm Forbes, Jr.; David Gergen; our very own Senator ORRIN HATCH; STENY HOYER, Congressman; Fred C. Ikle, former State Department official under George Bush and Ronald Reagan; former Governor of New Jersey Tom Kean; Lane Kirkland, head of AFL-CIO; Henry Kissinger; Winston Lord; our very own Senator DICK LUGAR; Charles T. Manatt, a fine man, former chairman of the Democratic National Committee; Walter Mondale; our very own former Senator, Ed Muskie; Stephen Solarz, recently long time member of the House of Representatives; Albert Shanker, head of the American Federation of Teachers; and Paul Wolfowitz.

Mr. President, I did not read all the names. I just read the names that I know every Member of the Senate will recognize.

If you have not had a letter from at least one of those people, you are a nobody in the U.S. Senate. If you have not been lobbied by at least one of those people, you ought not to even be voting on this; you do not amount to anything. Every year just before this appropriation comes up, that crowd goes to work and everybody in the U.S. Senate gets lobbied. And here we go again—$35 million of taxpayers' money right down the old tube.

It is incredible to me that this program has been able not only to survive but to prosper.

Thirty-five million dollars is not much. I had a terrible time cutting $600,000 out of the foreign operations bill the other day, $600,000 to democratize China. It was said some of the Chinese dissidents in Tiananmen Square favored that $600,000, but I could not help wonder how Li Peng and Deng Xiaoping felt about it. I could not help wonder who in America was going to take this $600,000 to China and be permitted to teach one of the great authoritarian governments of the world the joys of democracy.

You could throw that $600,000 off the top of the Washington Monument and while you are at it gather up this $35 million and throw it off the monument too, and I promise you that you will do as much to democratize the world as you do by spending this money the way it is being spent.

Mr. President, I am not going to belabor this. We are trying to finish this bill. I would like to get out of town myself.

Thirty-five million dollars is not much money. We do not pay much attention to appropriations of $35 million around here. But when you add it all up, it comes to the tidy sum of a quarter billion dollars that we have sunk into this rat hole since 1983.

Do not talk to the folks back home about what a great budget balancer you are and how you would spend the taxpayers' money the way you would if it were your own. You can ask the Members of the Senate in their heart of hearts if they had all the money in the world how much of it would they put in this, and I can tell you the answer is zip.

I yield the floor, Mr. President,

The PRESIDING OFFICER. The Senator from South Carolina, Mr. HOLLINGS, is recognized.

Mr. HOLLINGS. Mr. President, I wonder if the distinguished Senator from Arkansas would enter into a time agreement. We talked last evening about the time agreement. I am not trying to cut anybody off. But if we could get a time agreement I say to the distinguished Senator, it would be helpful to all of us.

Mr. BUMPERS. Let me say this to the Senator from South Carolina. We are going to wrap this up shortly. I am reluctant to do so at this very moment. I will discuss this privately with the Senator in a moment. I am reluctant at this time to enter into a time agreement.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2359

(Purpose: To reduce the appropriation for the National Endowment for Democracy)

Mr. DORGAN. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. Is the Senator from North Dakota amending the pending amendment?

Mr. DORGAN. Mr. President, for clarification, I would say the Senator from North Dakota is amending the underlying language that the Senator from Arkansas is attempting to strike.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. BROWN, and Mr. BUMPERS, proposes an amendment numbered 2359.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be stricken by the Bumpers amendment the following:

NED

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $25,000,000, to remain available until expended.

Mr. DORGAN. Mr. President, this amendment is very simple. While I support the amendment offered by the Senator from Arkansas which would strike all funds, I have offered an amendment that will strike $10 million in funds for the program.

I would like to strike all the funds in this program this second, immediately. The Senator from Arkansas and I have strategized this morning. We would like to win. We would like to cut some money. We think we probably cannot get a favorable vote to cut this program out entirely, but perhaps we can make a start today and save $10 million. And I would hope the Senate will act favorably on this approach in my amendment.

Let me add to some of the discussion offered by the Senator from Arkansas. The chart offered by the Senator from

Arkansas shows authorizations and appropriations for the National Endowment for Democracy.

It is interesting that at a time when virtually everything else is being cut, virtually every other program in the discretionary area is subject to belt-tightening and greater public scrutiny, that the National Endowment for Democracy is growing. Over the past 4 years, it has doubled in size.

I would suggest that any Member of the House or the Senate who is worrying about spending the taxpayers' money go to a cafe anyplace in the Member's district. Find a small diner someplace and sit down and talk to the nearest group of people you meet who are having a hot beef sandwich with some gravy and potatoes and coffee and talking a little bit about life and probably complaining about politics, and more likely complaining about the politicians, and ask them: "What do you think of this proposition? What do you think of the notion of taking $35 million and dividing it up, like cutting an apple pie in four pieces? We will give part of the it to the National Democratic Party. We will give another piece to the Republican Party. And we will give a piece to the AFL-CIO, the labor union. And then we will give a piece to the Chamber of Commerce." We will say, "You all take these millions of dollars and go around the world with a little program in which you promote democracy. We will not watch over your shoulder too closely. You just take this money and do good things with it. We have just divided it all up and you get it."

My guess is that almost anybody sitting across the booth in the restaurant from you is going to say: "Are you daft? Have you lost your senses? What are you talking about? We have got all kinds of problems, enormous deficits, the need to cut budgets in virtually every area, and you are talking about cutting $35 million four ways and giving it to the Republicans, the Democrats, and the labor unions, and the Chamber of Commerce and telling them to send folks around the world to promote democracy? What on Earth are you thinking about? What kind of waste is this?"

Now, do I support promoting democracy? Yes. There is $2.7 billion now spent in the Federal budget to promote democracy, spent by AID, spent by the State Department, spent by other agencies—$2.7 billion is already spent promoting democracy in many, many different ways.

What about this notion of the idea of democracy and its need for promotion?

Does anybody here remember a young man who wore a white shirt one day in Tiananmen Square in China? When a line of five tanks came down the road, this young man in a white shirt stood in front of the front tank and would not let them cross. The tank driver decided not to run over this young man.

I watched that happen on television. We all remember it. I wondered what on Earth exists in the breast of that young man that gave him the courage to stand in front of a line of tanks and as if to say, "Kill me, if you must. I'm going to stand up for freedom and democracy."

What is it that compels someone to do that? Nobody knows who that young man is, but he stands as a symbol of courage on behalf of liberty. He stands as a symbol of someone willing to die for freedom.

Does he need somebody to tell him he ought to be concerned about freedom? No, not that young man in China. Not the people in Tiananmen Square who built a papier-mache Statue of Liberty and were butchered for it. They understood freedom. They understood democracy. They did not need somebody from our Chamber of Commerce or our Democratic or Republican Party to go over on a plane someplace trying to convince them this is the right thing to do.

Look, the desire for freedom, the desire for self-government and democracy exists around the world. Lech Walesa taught us that. We do not need to concoct some wasteful expenditure of money to an organization like this to somehow alert people that this opportunity exists.

I mentioned last week Lech Walesa, who came and gave one of the most memorable speeches I have heard in the House of Representatives to a joint meeting of Congress. This guy walked down the aisle—he is a short, little guy, with a big mustache and kind of a ruddy face—he walked down the aisle and stood up, and wave upon wave of applause washed over him. What he said to us was one of the most powerful things I have had heard in a joint session of Congress.

This man was not a diplomat. This was not a statesman. This was not an intellectual who comes from the academic circles. He had been, 10 years previous, an unemployed electrician who on a Saturday was beaten senseless by the Communists in Poland. They threw him over a fence into the dirt because he was trying to lead a strike for democracy in Poland.

He told us that he lay there and thought about what to do next. He pulled himself back up, bloodied, climbed back over the fence, and marched back into the shipyard to continue. Ten years later, he came to this country as the President of Poland.

He said, "You know something? We didn't even break a window pane. They had all of the guns. They had all of the bullets, the Communists had all the arms, and we were armed with an idea, the idea of democracy, the idea that people ought to be free to make their own choices."

He did not need the Chamber of Commerce or the Republicans to tell him how important this idea was. He knew. All around the world people know.

Lech Walesa began a chain of events that led to a largely free Eastern Europe. There is no Warsaw Pact. The Soviet Union is gone. The Berlin Wall is down.

The fact is, we had not in our lifetime expected to see what has happened in the last 6 or 8 years.

Now, why has all of that happened? Is it because we have concocted some mechanism by which we provide money to people in the two political parties and the Chamber of Commerce and the AFL–CIO to go spread the word this would be a desirable thing? Of course not.

The fact of the matter is, while others exhibit enormous courage around the world to strive for what we have, to strive for freedom and democracy, we have plenty of problems here in this, the oldest democracy.

We hold an election, and half the people do not bother to vote. Maybe if we want to endow democracy, maybe if we want an endowment about how to improve democracy, we need to figure out how we improve ours as well. A democracy in which half the people say, "No, I do not care, I will not show up, it does not matter to me," is one that has real problems.

Contrast our democracy with democracies where people have just gained the very thing that we have always had, and have stood in lines for hour after hour to cast their first votes in their first election.

I describe all of that because I understand the stakes when it comes to democracy. The world needs it, the rest of the world wants it, some people are willing to risk their lives to get it. Today we are talking about $35 million. It does not seem like very much.

But you cannot decide that it does not matter when you pick up the Washington Post this morning and look at the picture on the front page, at the eyes of a young Rwandan man holding his wife, who is dying of cholera, in his arms. We must find the resources to respond to that. We need to find the resources to give food to those who are starving and to give medicine to those who are sick and to help people in human misery.

Something of enormous proportions is unfolding in front of our eyes at this moment—probably one of the largest human tragedies in our lifetime right now in Rwanda and Zaire—and it is going to cost money. We just had a discussion a moment ago about where that money is going to come from. We do not have a lot of money, not discretionary money. Here is $35 million of discretionary money that is being wasted.

The Senator from Arkansas has made the case persuasively. This program has spent a quarter of a billion dollars over the past decade. God bless the people who volunteer to serve on NED's board. The people on that board have called me too. Some are good friends of mine. Some have gotten very angry because I do not see the light, I do not understand why they should not have this money.

I suppose if the Senator from Arkansas and I had our own foundation, maybe a National Endowment for Freedom—the Congress might fund it. That is a pretty persuasive name. It is hard to resist names like that.

The National Endowment for Democracy. How can you stand up and be against democracy? How about a National Endowment for Freedom? Is that not as good as democracy? How about a National Endowment for the Reduction of Crime in America? How about a National Endowment for the Improvement of Education in our country? How about a National Endowment to End Hunger in the world?

Do you want to promote democracy in the world? Then end hunger in the world. I guarantee there will be nothing more effective in promoting democracy than ending hunger. And $25 million will essentially take the first big step to eliminating hunger in our time. But we do not have the money.

Now, opponents of my amendment will say that we do not see over the horizon, we do not get it, we do not understand foreign policy. This is wonderful spending. God love them, they have every right to make their case.

I just make this case. We have an enormous deficit. We have kids in this town cowering in closets, victims of child abuse, being starved, as a child testified before a field hearing that I held recently. We have plenty of needs.

But when it comes to NED, they say the sky is the limit. Tighten our belt in every other area of the budget, but let us double the amount of money that goes into this program.

I am sorry. I do not get it. This ought to be cut. It ought to be eliminated, but at the very least we ought to agree to my amendment that cuts it by $10 million this year.

I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, after consultation with the chairman, our efforts now would be to try to get a time agreement on the Dorgan amendment. I want to list the Senators who have told either the chairman or myself they want to speak: Senator McCAIN wanted 10 minutes; Senator BROWN, 5; Senator John KERRY, 10; Senator HOLLINGS——

Mr. HOLLINGS. Senator SARBANES, 5; Senator HOLLINGS, 5.

Mr. DOMENICI. Senator DOMENICI, 5, and Senator LUGAR, 5. Senator DORGAN would like some additional time?

Mr. DORGAN. Mr. President, I would say I am sure the Senator from Arkansas would feel, as I do, we would want some time to respond. Yes, I would like some time. Five minutes will be sufficient.

Mr. DOMENICI. Senator BUMPERS, 5.

Mr. HOLLINGS. The Senator from North Dakota, 5.

Mr. DOMENICI. All right.

Maybe we can just try that right now?

Mr. President, I ask unanimous consent that on the Dorgan amendment, Senator McCAIN be given 10 minutes; Senator BROWN, 5; Senator JOHN KERRY, 10; Senator HOLLINGS, 5; Senator SARBANES, 5; Senator LUGAR, 5; Senator DORGAN, 5; and Senator SARBANES, 5; and Senator DOMENICI, 5; and Senator BUMPERS, 5.

I ask unanimous consent that be all the time on the Dorgan amendment and it be allotted to the Senators as described in this consent agreement, and vote at 12:30.

Mr. HOLLINGS. How about the vote occurring at 12:45, because the leadership is going to be at a meeting here and we want to convenience that particular demand?

So I ask unanimous consent the Dorgan amendment vote be set on an up-or-down vote at 12:45.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I need to add Senator SPECTER for 5.

Mr. HOLLINGS. Add Senator SPECTER, 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. At 12:45.

Mr. President, I ask for the yeas and nays on the Dorgan amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, we need to ask unanimous consent we preclude second-degree amendments or amendments to the language to be stricken.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Colorado [Mr. BROWN].

Mr. BROWN. Mr. President, I yield myself such time as I may consume.

Mr. President, this issue has been debated over the years to a great extent, perhaps far more than other expenditures of money of this amount. I rise out of a concern for what I think is some waste in this area and in support of the Dorgan amendment. I commend both Senator DORGAN and Senator BUMPERS for their efforts here to save the taxpayers' money.

There are three points I would like to make.

One, some Members will believe a subsidy program of this kind is going to be effective in promoting democracy. I do not share that belief. If travel, if conferences, if jobs for former politicians are effective in promoting democracy around the world, Members will want to vote for this funding. But if they believe democracy embodies something much more deep, much more solid, much more of substance than simply a travel budget for retired politicians, then they are going to want to be concerned about this kind of spending.

My own belief is that conferences in Switzerland or in Paris or in London or in the Caribbean are not the way to build democracy. I do not mean to imply that is the only place where these moneys are spent, and I would readily acknowledge that some of the expenditures have been good and helpful. But this is an insiders' ball game. It is a mistake to think that this is the way to build democracy.

Point No. 2. Whether you are for NED or you are against it, whether you like more money for this or less, one has to acknowledge that this is a very expensive and administratively burdensome process. The figures on the spending for last year indicate $4.4 million of the $35 million was spent simply in administrative costs alone, on offices, phones, and things that do not have a direct impact on promoting democracy. This is a very expensive and, I believe, inefficient way to promote the program.

Third, anyone has to acknowledge it duplicates other efforts. It is out of the ball game or out of line with our Secretary of State, and the people who advocate this acknowledge it readily. In fact, they believe it is one of its strengths. But it provides a duplicative effort that is not coordinated with our other efforts, and I think it should be.

Last, let me suggest my primary concern, which has always been the case, and that is funds that are administered in a noncompetitive way.

The conference committee last year on H.R. 2519 included in their report specific language that indicated that they expect NED to move toward a more competitive process.

What are the facts? Through the life of NED, only 29 percent of the money that they have handed out has been handed out in a competitive manner, and that is the problem. This is not a program to promote democracy, this is a program to channel money to insiders.

That is an unpleasant truth. The figures are in. It covers more than a decade. Only 29 percent go in competitive bidding.

The vast majority of the money is handed out to people who have either been directly represented on the board of directors or indirectly represented on the board of directors. This money has not been handed out to the projects that are the most helpful, the most effective, the most productive in promoting democracy. It has been a travel fund for insiders, and we ought to be ashamed of it.

Last year was the best year they have had. Thirty-four percent went in competitive bidding and the balance to noncompetitive bidding, but that is my concern. If people are sincerely concerned about promoting democracy, let us give it to the projects that the board determines are the best at promoting democracy, but let us not hand it out to insiders. Let us not make this a travel fund for political retirees. Let us not make this an effort to hand out money to our friends. If we are really sincere to make this a project that promotes democracy, then let us hand it out in a competitive fashion with proper safeguards.

Now that is the nub of it. That is the nub of all of this. If you want to go with the political insiders, with the Democratic Party, with the Republican Party, with the AFL–CIO, with the chamber of commerce, if you want a cozy relationship where they do not compete for the money, then you are going to want to fully fund this. But if you believe that the best way to bring about an effective program is to compete for the money and look for the best alternative, then you have to be concerned with the way NED operates.

We have talked for more than a decade about the problem with insider funding, the failure to have competitive bidding, the failure to have the proper administrative followup, the failure to make sure the funds are spent efficiently, the failure to look for other projects by other groups that could be more effective, and each year gets lipservice.

Mr. President, one thing stays the same, and that is every year the vast majority of this money ends up getting handed out to the leaders of the Republican and Democratic Parties and to the chamber of commerce and the AFL–CIO. How long does it take for people to realize that what we are doing is not promoting democracy, but promoting those four organizations?

That is wrong. It is wrong for them to take advantage of the enormous leverage they have over the political process. It is wrong for them to take advantage of their political contacts. It is wrong for them to take the public money in the guise of promoting democracy when instead what they promote is a travel fund. If we are really serious about competitive bidding, if we are really serious about promoting democracy, this ought to be changed and ought to be changed so that any projects that are awarded are awarded on a competitive basis. That is the nub of it. That is the heart and the soul of it.

Members have to decide whether they want money handed to insiders or they want it handed out for purposes of democracy. My belief is that it should be competitive.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes Senator SARBANES from Maryland.

Mr. SARBANES. Mr. President, I must say, it is almost like two ships passing in the night here. We hear what I regard as outrageous attacks on NED and assertions about their program and what they are doing with the money, and yet it is directly contradicted by the comments of people abroad who are the recipients or beneficiaries of the NED programs in what they say about it. Let me just quote from a few of them.

Lech Walesa's advisor and the parliamentary leader in Poland, Bronislaw Geremek says:

> During the years of the underground activity when the struggle for Polish freedom was at stake, the National Endowment for Democracy provided the assistance to the free trade union movement, Solidarity, the independent press and underground cultural organizations.

NED, because it is structured as it is in a private way and because it can move quickly as it can, because it is a nongovernmental organization, it is able to work with grassroots movements abroad to promote democracy, removed from or free of day-to-day foreign policy concerns. In fact, it has been able to work in some of the most dictatorial countries in the world and is able to do it without, in a sense, being an official governmental organ.

It has been responding to legitimate requests for assistance from Democrats all across the political spectrum. It is committed to democracy. The substance of the party's position is for them to determine within the country. So it does not get involved in internal politics of a country. That is prohibited both by its charter and by law. Again and again throughout the world, you have people who have, in effect, been able to move democracy forward under very difficult and trying circumstances.

I must say, I find it disturbing. We live in a democratic society. We have had it for more than two centuries, and we tend to take it for granted. I do not think we fully appreciate the pressures and the dangers and, indeed, the oppression that committed people to achieving democracy in totalitarian or authoritarian societies confront.

Abdul Oroh, the executive director of the civil liberties organization in Nigeria says:

> For us in Nigeria who are struggling to enthrone democracy and permanently end military dictatorship, the National Endowment for Democracy is like oxygen. If it is scrapped, the democratization process in Africa would be seriously in danger.

This is the lifeline for many of these people struggling against incredible odds in order to try to advance democracy in their societies. Obviously, we all benefit if they succeed. I do not know anyone who would disagree with the proposition that a democratic world would be a more peaceful world.

The Dalai Lama, who has been here on a number of occasions, honored by Members of the Senate and Members of the House, says:

> The National Endowment for Democracy furthers the goals of your great nation and has provided moral and substantive support for oppressed peoples everywhere. Its unique independent mission has brought information and hope to people committed to peace and freedom, including the Tibetans.

The chief of staff of former Chile President Aylwin, who is the one who accomplished the transition from the Pinochet dictatorship to a democratic society in Chile, says:

> The Chilean people's struggle for democracy was sustained and enhanced by the timely, nonpartisan support of the National Endowment for Democracy. Your contribution was all the more welcome because you never pretended to influence our political decisions in any way.

All they sought to do was to help them achieve a democratic society. Within that context, the decisions on the politics of the day were, of course, to be made by the people of the country.

NED has the flexibility to move quickly, to gain advantage of transitional situations. Some say, "Well, that overlaps the programs of AID and USIA." I indicated why we needed a nongovernmental organization to work. There are many places where, in fact, government organizations cannot go in.

NED's efforts have been strongly supported by both Bryan Atwood, the administrator of AID, and Joseph Duffy, the director of USIA. I urge my colleagues to continue to support it.

The President asked for $45 million. The committee gave him $35 million. And I hope we will stay with the committee mark and allow this very important work, which has made a significant difference across the face of the world in moving towards democracy, let this important work continue.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona, Mr. [McCAIN], for 10 minutes.

Mr. McCAIN. I ask unanimous consent that I be given an additional 10 minutes if necessary.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, it is very interesting to me that we are again addressing this issue of the National Endowment for Democracy. In little more than a year, we will now have addressed this issue six times in both Houses. I guess there will be another amendment from my colleague from Colorado which will make it the 4th time in this body this year.

Perhaps the Senator from Arkansas might even have to get some new charts. I am always intrigued, of course, by one of his charts which shows the people who have served in the National Endowment for Democracy. In fact, I do not think there is a better advertisement, a better testimonial than the leaders of this country in both parties, Republican and Democrat, who have willingly served with no compensation, without pay, to further democracy.

I would like to address, first of all, some claims that are being made, although it is certainly not possible to address them all because they flew like snowflakes in a blizzard. Some of them I will not dignify with responses. Some of the characterizations of the people and the aspects of the National Endowment for Democracy I will not dignify with a response.

Claim: National Endowment for Democracy programs are ineffective. On one side, of course, is the Senator from Arkansas, the Senator from North Dakota, and the Senator from Colorado. Disagreeing with them are Presidents Reagan, Carter and Clinton, Lech Walesa, former President Landsbergis of Lithuania, Vaclav Havel, Benazir Bhutto, Oscar Arias, Fang Lizhi, Sein Winn, Sali Berisha, George Will, David Broder, A.M. Rosenthal, and others. You can make your own judgment as to who is right and who is wrong.

Claim: NED duplicates AID and USIA democracy programs.

Fact: According to the leaders of AID and USIA:

> NED fulfills a critical role in promoting Democratic development. NED has a distinctive capability for providing early and critical [aid to] institutions and business and labor groups. There are some nations where assistance is desired, needed, and can have a measurable effect but where restrictions in law bar activities by USAID and USIA. NED is often the only organization that can establish a presence in such countries.
>
> Given the sudden and dramatic changes of the last five years, it is understandable that there is an appearance of overlap in the work between NED and AID and USIA.
>
> The NED is required by law to consult executive branch on any NED-funded program prior to its implementation. This procedure ensures that such programs are not duplicative of other efforts and do not contradict U.S. national interests.
>
> Funding NED is an extremely cost-effective investment for the United States, our allies and the cause of freedom.

Claim. NED money pays political consultants. False. IRI, for example, used over 300 volunteer political trainers in the past year. Not one was paid for their services.

Claim: The foreign operations China provision was an attempt to circumvent Congressionally-imposed NED funding limits by earmarking money for NED.

Fact: NED's core institutes for years have been able to bid on competitive AID funding. The China provision removed by the Senate would allow AID to work in China. No where was the National Endowment for Democracy mentioned.

Claim: NED money goes to the Republican and Democratic Parties.

Fact: National Endowment for Democracy is prohibited by law from giving money to the Republican or Democratic parties.

Two of NED's core institutes have Republicans and Democrats as volunteer board members and trainers but neither gets or gives money or direction from either party.

Claim: NED has its own uncontrolled foreign policy.

Fact: By law, NED must consult the State Department before beginning any program.

In practice, NED has refused to fund programs unless changes wanted by the State Department are made.

And finally, we have dragged up the old chestnut about NED being used to fly first class.

Fact: NED only allows an upgrade to business class if the flight is over 14 hours. At least one of the institutes pays only coach class fare for staff, trainers, and board members.

So much of this is repetitious, Mr. President, that it grows tiresome.

Now, Mr. President, as I said, we can take the word of the Senator from Arkansas, who is a renowned expert on foreign policy and national security issues, and the Senator from Colorado and the Senator from North Dakota, or we can listen to the following from Vytautas Landsbergis, former President of the Lithuania:

> National Endowment for Democracy played a critical role in support of Lithuania's drive to reestablish democracy and national independence * * * Lithuania's democratic forces need NED's assistance today as much as they needed its help in 1989 and 1990.

Yelena Bonner, widow of Andrei Sakharov, that renowned person who, according to the sponsors of this amendment, gets into the trough and wants to get American money:

> Material support for the new social structures on which civil society will be built is very important. Only a society that is mature, altruistic, and has an understanding of the inevitability of difficulties connected with rebuilding a new type of government on the former structure can render real and serious support for its Democratic leaders.

Yelena Bonner:

> Practically speaking, the Endowment is the only grant-giving organization which focuses its activities in the post-totalitarian countries directly on supporting the work of nongovernmental organizations.

His Holiness, the Dalai Lama, another renowned politician who is associated with both the Democrat and Republican Party. The Dalai Lama:

> The National Endowment for Democracy furthers the goals of your great nation and has provided moral and substantive support for oppressed peoples everywhere. Its unique independent mission has brought information and hope to people committed to peace and freedom including the Tibetans.

That is His Holiness, the Dalai Lama.

It goes on and on, Mr. President. From Iraq, a letter signed by Kanan Makiya, Iraqi author of "Republic of Fear and Cruelty of Silence":

> I wish to convey to you my strong and deeply felt support for the work done by NED to promote democracy around the world, and in particular Iraq, the country of my birth.

Fang Lizhi, who is a Chinese astrophysicist, also one of the leading dissidents in China, who, by the way, again, my colleagues know better than because they are so intimately familiar with the situation in China:

> The pro-democracy movements of many countries, including China, are directly encouraged by NED's efforts. It is true that the Cold War is over, but that does not mean that democracy has been achieved. In fact, many countries in today's world are still ruled by oligarchic dictatorships, still lack freedom of speech, still have no meaningful elections and still hold political prisoners. Therefore, NED's functions are still absolutely necessary.

President Que Me, Vietnam Committee on Human Rights:

> The NED is unique in recognizing the necessity for democratic political development as a global and long-range project.
>
> NED supports a wide spectrum of programs, large and small, provided that they are dynamic and original efforts which make a positive advancement toward the democratic progress.

The President of Albania, the President of that poor country Albania:

> Countries making the transition to a democratic system of government—for many this being undertaken simultaneously with a move toward a market-oriented economy—face numerous obstacles which must be overcome. I have personally been involved in this struggle in Albania, where the National Democratic Institute and the International Republican Institute have been active since 1991. They were in fact the first democrats from outside our long isolated country to arrive to help us. They have proven to be the most reliable friends. Their activities and support have been extremely valuable in Albania's continuing emergence from communism to democratic governance. * * *
>
> I again urge you to continue support of the National Endowment for Democracy and the extremely important work its resources accomplish around the globe.

The President of Albania, according to the sponsors of this amendment, does not know what he is talking about.

The Prime Minister of Pakistan:

> The National Democratic Institute for International Affairs (NDI) has become an invaluable political resource in my country, helping us through these very difficult days of our transition from autocracy to democracy. I have spoken to my colleagues in other countries, notably Mrs. Corazon Aquino in the Philippines, and our experiences with NDI track almost perfectly. All around the world, from the emerging democracies of Central and Eastern Europe to the fragile democracies of South and Southeast Asia, NDI has proven to be an invaluable asset.

That is Benazir Bhutto, the Prime Minister of Pakistan.

Mr. President, the list goes on and on, from everywhere in the world where there have been representatives of the National Endowment for Democracy and the International Republican Institute and the other three organizations that are associated with the National Endowment for Democracy. People like John Brademas and Harry Barnes and Zbigniew Brzezinski and Senator RICHARD LUGAR, Lynn Cutler, Malcolm Forbes, Fred Ikle, Tom Kean, Congressman PAYNE, Stephen Solarz, Paul Wolfowitz, and others, who have agreed to serve at no compensation on the Board of the National Endowment for Democracy, as well as the other boards, are obviously, again according to the sponsors of this amendment, in it for some kind of personal gain.

Mr. President, I would hope that we can dispense of this issue this year, although I am not that optimistic. But the fact is that this organization, the National Endowment for Democracy, conceived in the Reagan years, now supported by President Clinton and every credible person that I know of in the media, ranging from George Will to David Broder, is an important organization and the funding for this organization obviously, although significant, is not a gigantic factor in a bill that is now going to obligate $27 billion.

So, Mr. President, I reserve the remainder of my time which I probably will not use. If I sound a little weary of debating this issue, it is because I am. But I really regret more than anything else the impugning of the reputations and the character of the people who have been involved in this effort.

I do not mind if the Senator from Arkansas attacks the program itself. I do not mind if the Senator from Colorado on the basis of principle and philosophy opposes it. But to make allegations that somehow people in both parties are in it for some kind of personal gain or some kind of monetary association with people who have been associated with it, I resent that strongly. I grow very tired of it. I am sure that those people who have devoted so many countless hours on behalf of furthering democracy throughout the world resent it as well.

Mr. President, I reserve the remainder of my time.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts [Mr. KERRY] for 10 minutes.

Mr. KERRY. Mr. President, I join my colleague from Arizona and others in opposing both the amendment of the Senator from North Dakota, Senator DORGAN, and also the Senator from Arkansas. Senator SARBANES and Senator MCCAIN have both cited some of the important international figures, ranging from Oscar Arias, Nobel prize winner, to the Dali Lama, Yelena Bonner, to Vaclav Havel, and others, who have each of them signaled the importance of need.

It is interesting that our colleague from North Dakota talks about the impression and importance of Dr. Havel and of that effort, and yet he ignores the fact that Vaclav Havel supports the National Endowment for Democracy, and what it did for their movement for freedom. I would like to ask my colleagues to focus on a couple more specific examples of how NED works and why it is important so we can really bring this down to less than just testimony always from major figures, and think about how it really works. But I also ask my colleagues to measure this $35 million expenditure against the overall budget reality in this area.

In the State Department authorization and appropriations effort, we cut over $500 million. So it is not as if we are looking at the NED expenditure in a vacuum of some avoidance of responsibility to deal with the deficit. In fact, because the President of the United States asked the Congress to put more money into NED, we looked elsewhere in the budget to find cuts so that we could turn around and in fact put that money in. In the end, we did not put more money into it. Mr. President, we flat funded it, we level funded it.

So the President came to us, and said, "I believe in NED and believe its work is so important to what we are trying to accomplish that I would like to put $50 million into it." But the committee said, "No, we don't think we can do that this year. We are going to fund it at $35 million."

This year they came to us and asked for $45 million, and again we said, "No, we don't think we can do that. But we are going to fund it at $35 million, level funding." In order to justify putting the $35 million into NED, which we made a judgment was an important effort, we cut in a host of other areas within our budget for a total of $500 million.

So I ask the Members of the Senate, as they are so often asked to do when one committee makes judgments about the overall budget in 602(b) expenditures that we get, to at least allow some respect for the process of the committee that already cut $500 million in order to fund this program.

Why did we want to fund this program? What does this program really do? Let us go beyond the testimonials that we heard from the Dali Lama, or others, and examine what it does.

I ask colleagues to remember that while the cold war is over, or in some judgment is over, in many ways it is not over as we may determine in other regards. In most people's broad, sweeping judgment we are certainly not in the same tension and confrontation that we were in, but we obviously are living in a world that is a lot more complicated, and perhaps equally, if not more, dangerous.

So democracy building and the kinds of efforts that a nongovernmental organization can involve itself in becomes even more important.

I ask colleagues to really focus on that distinction about NED. We are not talking about Government expenditure directly where Congress has to specifically appropriate the program per se. We are talking about an independent organization that decides quickly and flexibly where a particular crisis may need response that the Government cannot respond to. So indeed, in NED expenditures there are a series of examples of places that NED has been able to respond because it can move quickly. Let me give you an example.

NED was able to get timely support in the long time grantees in Russia leading up to the 1993 referendum in April. We all know how critical that referendum was. That referendum helped to ensure the democratic transition in Russia. In fact, it was the IRI, the Republican Institute, that sponsored an observer mission to the Russian referendum. The IRI recommended changes in the process. Those changes were adopted in the Russia referendum for the 1993 election. And they also picked 30,000 Russian poll watchers.

A lot of colleagues here traveled to the countries for the purpose of election observer. I can remember being deeply involved in the transition process in the Philippines. I was the only Democrat appointed by President Reagan to be part of that observer group that went to the Philippines. I remember the questions that were asked us by members of the National Movement for Free Election in the Philippines. How do you have poll watchers? How do you organize the selection so it is beyond reproach? How do we guarantee that we know the people who are legitimately voting, and they only vote once? How do we guarantee that the polls are manned properly and opened?

These are fundamental questions, Mr. President. We take them for granted. But you cannot just go out and talk about moving democracy to countries just like that, and merely by the naming of an election anticipate that you are going to have an election that is either acceptable or even feasible. It takes an enormous amount of instruction.

I will say to you, Mr. President, that very few events in my life have impressed me the way that election day impressed me when the Filipino citizens stood in line in the hot tropical Sun for 12 hours, as we just saw, in fact, in South Africa where also there was help by NED. You understand the joy and the extraordinary commitment of people who are voting for the first time and exercising what we try so hard to market to other countries in the world. That is what NED does. But that is not all that NED does in a very practical and direct way.

Let me share a couple of other examples with my colleagues. A couple of years ago, the total funding that NED was able to allocate to programs in Burma—one of the most repressive countries in the world, a country where it is in our interest to try to see the government change, where we have enormous drug trafficking taking place, repression, oppression, one of the world's harshest dictatorships—was $225,000. That funding was used to provide the infrastructure to support the National League for Democracy, the exiled democracy movement headed by Nobel Prize laureate Aung San Sun Kyi. It was also able to support human rights transmissions on the radio. It was also able to support assistance to help the exiled National Coalition of the Union of Burma to inform the international community about conditions in the country.

I cannot believe that the Senator from North Dakota or the Senator from Arkansas cannot see, or will not believe, that $225,000 to help the exiled community create and foster democracy in Burma is a worthwhile expenditure.

Mr. President, just recently, NED has begun to implement a two-tier program to assist in the development of democratic institutions and practices among Palestinian residents in the West Bank and the Gaza. Are we to believe that a $246,000 investment in helping the Palestinians make a transition to democracy and to respect the law and to be able to govern themselves is not a worthwhile expenditure, after the billions we have been called on to spend to help Israel defend itself at war?

So when my colleagues come to the floor and say $35 million is an excess expenditure, and somehow want colleagues to believe that this is a travel expenditure, they are misleading the colleagues of the Senate, and they are turning their eyes against the reality of what this program does. This is not a travel fund for "x" diplomats or public servants. Most of the money—$19 million or 57 percent of it—goes to direct grants to the four core institutions. Another 30 percent of it goes into direct grants that are paid out by NED itself. Those are the types of grants that I have just cited.

Here is another example of that kind of grant: NED was able to put $484,000 into supporting newspapers and publications in Russia and the Ukraine, independent of the old party apparatus. The reason it was so important to be independent of the old party apparatus is that the old party apparatus had the money, had the ability to control the media, television and newspapers, and therefore was able to actually put out news that was counter to the very efforts of the revolution and of the reform effort. Yelena Bonner, Andre Sakharov's widow, wrote about the impact of that money. She said:

> In Russia and the other countries which emerged following the collapse of the Soviet Union, an economic and ideological battle is being fought between the old Communists, or *Nomenclatura, and the newly formed organizations of civil society. In this process, the former group has the advantage of vast experience working in society, as well as financial means accumulated in various ways during the cold war period. In this context, literally within a period of 1½ to 2 years, several publications that had proven to be democratic during the growth of perestroika changed their positions. The most typical example is "Nez Avisimaya." This newspaper began as one of the most democratic publications, but today is barely discernible from reactionary ultranationalist ones. In Russian television, changes are taking place which are not quite so overt but nonetheless definite.

I will skip through this. She says:

> Under these conditions, support for the new social structures on which civil society will build is very important—possibly even more important than support for democratic leaders or politicians at other levels.

So I say to my colleagues that there are many examples in the Middle East or elsewhere of how NED, the National Endowment for Democracy, and the core institutions, serve our interests. So we have a choice. We can strip away these grants which our colleagues label as somehow the tools of the ex-foreign policy establishment, which has people who, I might add, most of us respect enormously, and people who have vast experience and who donate their time to this effort. There is nobody on that great chart the Senator shows who is being paid. They are not paid for this. They volunteer their experience and expertise. And there are countless examples of the ways in which they have been able to impact the lives of other human beings. There are countless examples in the way these programs have been able to enhance elections where they might not have otherwise been held.

It does not behoove us to invest billions of dollars in the defense of this Nation, to constantly be out in the world proselytizing about democracy, and then quibble about efforts that have been proven as viable as these efforts of NED for $35 million, to enhance the very democracy that we encourage people to embrace.

Mr. President, person after person has articulated the importance of this program, from Fang Lizhi, who we all know as perhaps the most notable dissident in China. He said the following:

> It is true the cold war is over, but that doesn't mean that democracy has been achieved. In fact, many countries in today's world are still ruled by oligarchic dictatorships, still lack freedom of speech, still have no meaningful elections and still hold political prisoners. Therefore, NED's functions are still absolutely necessary for the leadership of the U.S. in international affairs.

This is a dissident whose life has been on the line, Mr. President. Who are we to question when that dissident says this money makes a difference to their lives?

Vytautas Landsbergis said:

> If the U.S. House of Representatives had voted to abolish NED because it is convinced of the triumph of democracy in Eastern Europe and the former Soviet Union, then it is making a tragic mistake. * * * One need only look at the current situation in Lithuania to understand that the battle for democracy is only half complete.

I urge my colleagues, as they have in the past, to reject this effort to strip back the ability to help those in need for democracy.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, it is in our national interest to support the National Endowment for Democracy. It promotes programs to assist democratic development abroad because democracies lead to a safer and more secure world for the United States and its friends and allies, a world better suited to human rights, to economic development, and to better trade relations. A more democratic world is a world in which we could devote and redirect more of our own resources and energies away from weapons and defense and toward economic growth and social programs.

I make that point, Mr. President, because an impression is given, as we have in these debates each year, that somehow the pursuit of democracy is a boondoggle, that somehow those who pursue the building of democratic institutions must have some nefarious motive for doing so. The majority of the Senate has never felt that way, and I find it very difficult to understand why this debate persists each year.

Those of us who promote democracy can never be weary. Let those who try to attack the program every year know that a majority of us believe in democracy, believe that it is a good thing for Republicans, Democrats, business, and labor, to come together in something that we find not only a common interest, but a central focus of our being.

That is the genius of the National Endowment for Democracy, a way to bring volunteers to assist in democracy building from all four of these groups. This is not a power-sharing group of people dividing money. As a matter of fact, as the distinguished Senator from Massachusetts pointed out, all of the members serve on the NED board for no compensation and, as a matter of fact, consider it a great honor. I do. I have served on the board for the last 2 years. I can testify that a very small but talented staff, buttressed by hundreds of volunteers who spend their own vacation time and their own money to go to countries in behalf of the United States of America and our foreign policy, are inspiring.

This is something to shout and to celebrate about, not to apologize about and to suggest cuts.

Let me just suggest, Mr. President, there must be a critical misunderstanding on the part of many of our colleagues about the activities that the distinguished Senator from Massachusetts described, for example, in the Philippines. I was there on that occasion with him. I saw the impact that Republicans, Democrats, labor, and business was able to make in a transition of government there. That was historically very important for all of us.

There is no way we could have appropriated money to have achieved that kind of historic foreign policy result. Other positive results have happened again and again in over 75 countries.

I would just say, let us once again affirm our belief that these four core groups can work together as Americans for ideals that we cherish. Let us reject the idea of a penny-wise-pound-foolish cut. Let me say also, Mr. President, because again in the annual ritual we have on this subject, that we have three issues here—the first amendment before the Senate is to abolish the whole business, the second is to nibble it down in some fashion, and the third will be to try to micromanage the process. An amendment may be offered by the distinguished Senator from Colorado, as it annually is, to try in some way to get more open bidding in the process.

Mr. President, this is a very competitive process. The board, on which I sit, reivews over 100 different proposals each quarter. They are reviewed, scrubbed, and changed before we see them by other staffs and specialists. We reject many as unworthy of support. We rewrite many. We support many. That gives additional impetus and quality to whomever brought the grant to the fore, whether it be Democrats, Republicans, labor, or business. It is an open process, open to the public, open to scrutiny, and fortunately open to the applauds of people around the world who have testified through the speeches of Senators this morning about the results for them and, more importantly for us, our security, our future, and our idealism.

Mr. President, I hope that Senators will once again reaffirm their support for democracy by giving a very strong vote on behalf of the National Endowment for Democracy and rejecting the cuts and rejecting the micromanagement.

I thank the Chair.

The PRESIDING OFFICER. (Mr. MATHEWS). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I want to use the time. Of course, I was going to use my 5 minutes in the wrap-up.

But as chairman of the subcommittee, I enjoyed the luxury of these expressions that I have been noting down—money down a rathole, money handed out, not competitive.

You would think this was a bureaucracy. This entity is not bidden. It is mostly volunteer. And the criticism that I had in its early stages 10 years ago was, yes, it was a sort of party luxury, as I saw it. They were convening down in the Bahamas and the warm places in the wintertime when we had ice and snow. They would get a good meeting.

Madeleine Albright came in our office about 3 years or 4 years ago. We were going to have that election in Budapest. I will never forget it. And she was trying to get the money to get 13 printing presses from a newspaper that had changed over their equipment from what they considered used, old, unuseful and unproductive equipment. She needed that to print the fliers to help with that election. They did not have, of course, any telephones. They did not have any real radio contact. They did not have any way to broadcast and get the word out for a free election.

We worked on that, and I said: You know, I have been very critical of Carl Gershman directing this National Endowment for Democracy and Brian Atwood, incidentally, the Democratic Institute, who is now the head of AID. But it sounds like with the fall of the Wall we have a real role. She said we have, and it is working.

Now, the Senator from Arizona, the Senator from Maryland, the Senator from Massachusetts, and others, have quoted how useful it has been. I saw it again firsthand down in Chile at the beginning of this year and the end of last year when I talked to the ones handling that election from the changeover from Pinchot, and the head then had gotten their moneys, incidentally, from the chamber of commerce and said, as they characterize it: "We were the ones that sort of kept the peace and the calm and the stability during that particular changeover. Had it not been for NED, we never could have done the job."

So it is. They are doing an extremely useful job, and it is not money down a rat hole. You can look and debate and talk casually. Let us talk about Somalia. I mean, there it is. We went in there for a highly motivated initiative—to feed the hungry poor. We found out that the hunger was politically caused. We got run out of town. Maybe they talked then about billions that went down a rathole.

But for the present time that initiative has been sound and this initiative is becoming more sound every day.

The President asked for an increase of some $10 million from $35 million up to $45 million. We could not do it. I had spoken and said what we ought to do now with the fall of the Wall is double the budget if we possibly can for the effective work. You cannot send in the Peace Corps. They have to do it. You cannot send in your State Department. This is a unique entity that really does their job.

And when the criticism comes about the AFL–CIO—look at one time, after I talked and watched this 3 years ago, and rather than opposing I started supporting. I said I would give all of the money to the AFL–CIO. And when they talk about Poland, talk to Lech Walesa. The international labor organizations of the AFL–CIO have done more to produce world peace and democracy than any other individual private entity that I know of in American society.

I come from a right-to-work State, and I voted against cloture on striker replacement. So I am not a patsy for labor. But I admire them. And I can tell you here and now I would have given double the money and everything else for the work they do.

So they have been out there working for the past 50 or 60 years, and it is working now, and we should not come, as the Senator from Arizona said, with these wise references about look at who they are, and everything else, like since they are public servants they are rag babies, or whatever. These are very, very highly motivated people doing it free of charge, and it is working. I wish we could give more money to it.

So in my 5 minutes' time, let me say that it is audited. I do not have the full GAO report. This is the last result. In brief, this is the entire paragraph:

> The Endowment has initiated a number of steps to implement our recommendations to improve planning, evaluation, monitoring and financial controls. It also has plans to initiate others. These actions will take time to fully implement. Therefore, it is too early to evaluate the impact on the management of grants at this time. However, we believe that the Endowment effectively carries out the actions it has begun and plans to begin. Endowment planning, evaluation, monitoring and financial controlling capability should be improved.

That is January 1992.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. McCAIN. I ask the Senator from South Carolina if he would like to have a couple minutes on my time to finish up. I yield 2 minutes to the Senator.

Mr. HOLLINGS. I thank the Senator.

It is accountability to the U.S. taxpayers. We have annual audits by the USIA inspector general, periodic audits by the General Accounting Office, and an annual audit by a CPA firm published in the annual reports; annual budget review by the Office of Management and Budget; annual hearings before four congressional subcommittees with the frequent consultation with the State Department prior to implementation of programs and coverage under the Freedom of Information Act. This is not a political lark of a lot of politicians being funded and partying. This is the real work with the falling of the Wall and spreading democracy.

And someone said, one of our colleagues, "But the idea is there." The idea is there in sum, but there is no way to implement it. There is no way to foster that idea except with an entity like our National Endowment for Democracy.

So I thank my distinguished colleague.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to start out by thanking my colleague from South Carolina for a very eloquent statement. I voted as he did.

But I would also make the same argument that the AFL–CIO has played an incredible role in the furtherance of democracy and freedom throughout the world, ranging in countries from Poland to El Salvador to Nicaragua to Hungary, all over the world.

And I also share his view that one of the ways that they have been able to do that is through the National Endowment for Democracy.

Mr. President, I am not going to go over the arguments again. I would just like to use the remainder of my time by telling a story that I think best illustrates what the National Endowment for Democracy is all about. It concerns this tiny country called Albania.

Mr. President, I think all of us remember that Albania was such an oppressive, repressed country, and that the leader of Albania, whose name is Hoxha, broke relations with China after Chairman Mao's death because of the evil influence of freedom and westernization that had crept into China.

Perhaps the most isolated country on this planet was Albania under the rule of Hoxha, whose statues, not unlike Ho Chi Minh, not unlike Kim Il-song, was everywhere throughout that country. This ruler was so insane that he spent about one-fourth of the gross national product building these concrete pillboxes that looked like rows of mushrooms all over that country. There was no concrete in Albania because of the fear. And this is the beloved, respected leader Hoxha who warned of an imminent United States imperialist invasion of Albania. There was only one radio station. Everyone was under the scrutiny of national security Gestapo-like forces. It was a terribly repressed country.

With the end of the cold war, with the tide of freedom and democracy that spread throughout the world, the people of Albania, after his death, rose up and demanded free and fair elections. The first elections were held. And, as happens so many times in these former Communist countries, the leadership of the Communist Party was elected in a so-called democratic election, which it was not.

Sali Berisha, then in the opposition party, could not get his message out to the countryside in Albania, where 70 percent of the population of Albania lives outside of the capital of Tirana. The National Endowment for Democracy provided him and his party with six Jeep Cherokees, six Jeep Cherokees, with which he and his party were able to carry their message to the people of Albania. They won an overwhelming victory and they are now on the road to democracy and freedom in still one of the most impoverished countries on this planet.

But there is hope, there is joy, there is optimism, and there is freedom in Albania. And it is there, in the words of the President of Albania, because of six Jeep Cherokees which he got from the National Endowment for Democracy.

Mr. President, all the stories about what the National Endowment for Democracy does is not that gripping or spectacular. But that is, I think, a telling and gripping example of what can be done by an organization of this sort.

And it still befuddles me as to why we should continue to have to go through this drill year after year. I hope that, after this ends, we could put it aside for awhile.

I note my colleague from North Dakota is here, who said in his remarks that the organizations with names that begin with national endowment always get votes. I notice that cuts in the National Endowment for the Arts, the Senator from North Dakota has consistently voted against those cuts. So not every organization that the Senator voted against has "national endowment" in the first words of it.

Mr. President, I yield back the remainder of my time.

Mr. DORGAN. Will the Senator yield to me?

Mr. MCCAIN. If I have any time remaining.

Mr. DORGAN. I would observe that my record on voting on the National Endowment for the Arts in 14 years would not suggest I voted against all cuts. The Senator ought to amend that. I am sure you have votes in instances where I have voted against it. But I would expect if you looked at my entire record over 14 years in Congress, you would not make that statement.

Mr. MCCAIN. The Senator's record from 1993 and 1994, three different votes, most recent votes were opposed to any cuts in the National Endowment for the Arts.

And the Senator is saying, of course, you have to vote for anything that says "national endowment," then obviously he would not have voted the way he did in the last three votes.

Mr. President, I yield back the balance of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, my recollection is that I have 5 minutes; is that correct?

The PRESIDING OFFICER. The Senator from New Mexico is correct. He has 5 minutes.

Mr. DOMENICI. Mr. President, if anybody watches these debates outside of Washington—and I think they do—I am sure they are wondering what we are doing this afternoon, because we have debated this endowment issue over and over the past few years.

Last year, we spent a full day debating the National Endowment for Democracy when this bill was on the floor. After all that debate, the Senator from Arkansas got 23 votes in his effort to eliminate funding for the National Endowment.

Now, perhaps doing it last year justifies doing it again this year on the same bill. But I think people are asking: What did we do on the State Department authorization bill? We had a full debate just a few months ago. We were talking about what should we authorize for 1994 and 1995. We had a full debate and, indeed, we put a ceiling on this program, which is $10 million less than the President asked for. And that turns out to be a freeze. So in a sense we have already reduced it from what the President asked for, which was a modest increase, and now we are saying, even though it is a good program—and, indeed, it is—let us freeze it at last year's level.

I do not think we ought to cut NED any more. So I believe the Dorgan amendment appears to be less draconian because it is only a $10 million cut in place of the total elimination proposed by the gentleman from Arkansas. I think a vote for it is a real vote against the endowment. I do not think anybody ought to think it is anything different than that.

Now, essentially, there are no other American programs like this one. What the Agency for International Development does is utterly different, although they occasionally use the NED to implement AID democracy programs. So to anybody that says, "This is duplication; we are doing the same thing in many different programs," I would respond that we are not.

I believe that the American people, contrary to what has been said here if they are listening, understand that a great nation like the United States has reason to spend $35 million to support democracy in the world through this unique endowment. After all, our biggest claim to fame as a people is the attraction of our representative democracy.

Freedom is spreading in many parts of the world because of our holding to our ideals during the cold war. Capitalism, in its many local variations, is spreading, along with democracy, as a competitive system to produce wealth. We do not have any vision that the

United States wants to take over the world with armed might; 49 years ago we could have done that for a few years, but we didn't. We just encourage others to be free and develop their own democracy like we have.

Now, why would we not support a program, small as it is—$35 million—that has been working? There are some who say it is too small for the giant job it has. And what is wrong with having the chamber of commerce undertake part of this task, and the AFL–CIO to use its decades of experience abroad in this endeavor? What is wrong with that? Does that mean anybody voting for NED is unequivocally supporting the Chamber? No. Does it mean Americans are unequivocally supporting the AFL–CIO? No. What it means is they, together with other cooperating institutions, have a proven way of getting grassroots programs going to support freedom and democracy.

It is pretty simple, a basic question. If we cannot do this, it seems to me, we cannot do anything in terms of helping democracy in an organized way and helping freedom abroad in an organized institutional way. I believe we can and I believe we should.

Various successes have been cited and I just want to tell the Senate of a success I participated in. Frankly, 5 years ago, the endowment—and I think it was under the auspices of the Democratic Party's portion of this—had an innovative program underway in Poland. The Poles were just moving toward democracy. Fritz Mondale went there as the leader of a delegation to meet privately for several days with the newly elected members of the Polish Parliament, their Senate, and their Sejm or lower house.

The National Democratic Institute, a part of NED, invited Senators Howard Baker and PETE DOMENICI to go. Baker was not a Senator then, but he had recently ended a tour as President Reagan's chief of staff. Other people from America who are familiar with the role of the legislature in a representative democracy went there, including Jim Jones, who is now our ambassador in Mexico City. Dick Spring, who is now a leader of Ireland was there, as were parliamentarians from Germany and France. And the exchange of views and the enthusiasm of those new, democratic Polish leaders was incredible.

As a matter of fact, from that little visit, the first important parliamentary exchange with Poland occurred. In fact, we came back to America, I say to Senator MCCAIN, and I introduced a resolution: America's gift to Poland's democracy. What we did was supply their parliament with training and with computers that we were not going to use in our offices anymore. Instead of turning them in and throwing them away, we started a major program for very little money to put computers in their new libraries they were forming, and in their parliamentary offices. Joe Stuart, our recently retired Secretary of the Senate, and his staff and the Rules Committee staff made it work over several years.

All of this happened because the endowment spent a few thousand dollars of this NED money for a small, productive, and timely meeting with an inexperienced parliament in a emerging democracy.

That is going on in dozens of countries. Young men and women are representing NED and the institutes in some places with very difficult living conditions, at salaries that are a fraction of what our aid agency pays its contractors in the same places. David Nummy, a young friend and former Treasury official and staffer of mine, is in Ukraine. Probably much better examples are available everywhere. But we are not talking about a lot of money when the greatest democracy in the world, with a budget of $1.5 trillion, says let us allocate $35 million to this Endowment for Democracy.

I think we should defeat the Dorgan amendment. That will pull down the Bumpers amendment. And at least for a few months, we will have put this matter to rest.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I believe I was to be recognized for 5 minutes.

Let me first say to my friend from Arizona that I guess he misunderstood the point I was making. I was not making a point at all about the word "endowment." I talked about the Endowment for Democracy, and I talked then about how difficult it is to oppose a title that has "Endowment for Democracy." Maybe one could construct another endowment, Endowment for Freedom? How would one stand up and oppose that? So I think the Senator misunderstood. He thought I was using the word "endowment." I was actually using the words "democracy" and "freedom" to explain the point.

Mr. MCCAIN. I thank my friend for correcting that. I was under a misimpression.

Mr. DORGAN. My voting record on other endowments is something he and I could discuss. I have voted to cut other endowments.

Second, I understand the larger point he has been making. And I respect those who disagree strongly with us. I hope they will respect our position. I view this as a duplication; you say no. I say we spend $2.7 billion through AID, through State, through a dozen other agencies, to build democracy around the world. I could spend a few minutes going down the list of these programs.

Some would say the National Endowment for Democracy is more flexible than other agencies. Yes, it probably is more flexible. It is smaller; it uses many volunteers. I am sure it is more flexible.

We've heard testimonials for NED from all over the world. NED has all kinds of endorsements. I would endorse almost anybody who gave me money, I guess. If they spend $35 million this year and cannot get endorsements from the people who got the money, these folks do not deserve to get any money. I can get endorsements from people I give money to.

Ten million dollars is not much, but the fact is we have an enormous Federal deficit. The Senator from Arizona has quite a record on dealing with deficit issues. I know he does not believe this is waste so he is not going to support this amendment.

I happen to view it as waste. I happen to view it as a duplication of public spending. I think one of the real ways to endow democracy in America is to effectively deal with this deficit. We are spending money we do not have every day. It used to be $1 billion a day, 7 days a week, every week, every month, all year; $1 billion a day we did not have. We were borrowing it from somebody else: Our kids and grandkids. Now it has been reduced. Now it is only going to be a half a billion dollars a day we are going to spend that we do not have. Every little opportunity we have, we ought to take a look at what we are spending and say, do we need this? Can we afford this? In this instance, I think the answer is we already spend this money elsewhere.

Somebody would say, this does not go to the political parties. This does not go to the Republican Party or the Democratic Party. That is the position that was taken a few minutes ago.

Literally speaking, no, it does not. The money goes to an institute created by the Democratic and the Republican Parties an institute. That is like saying if I create some sort of political action committee, the Byron Dorgan Leadership PAC—right? Then I give money to somebody from this PAC, and they say that is not BYRON DORGAN, that is his leadership PAC; that is different, that is separate. Well, that's ridiculous.

Look, this money goes to four sources. It effectively goes to the chamber of commerce, to the AFL–CIO, and to the two political parties. They have set up institutes and they have spent the money through the institutes. The position Senator BUMPERS and I take is that it is duplication and waste.

Are there good people, well-intentioned people, doing work they think is important? Yes, there are. There are good people, well intentioned, using this money in some ways that are effective, I am sure. But an enormous amount of this money is being wasted.

My point is it duplicates what we are doing elsewhere. You know the U.S. Information Agency broadcasts more than 1,000 hours a week in more than 40 languages? Do my colleagues know that it has a program named Democracy In Action, a 173-part series of 5-minute shows carried in all languages? That is promoting democracy. I support that. I think that makes sense.

But to hand over $35 million to the Democratic and Republican parties and AFL–CIO and the Chamber and say go ahead and travel around the world and do your thing—I think that is waste. The fact is, at a time when we are tightening our belts on virtually all funding programs, we are doubling this one.

I think it is perfectly fair to look at our needs and our spending in various areas. I just held a hearing in North Dakota a few weeks ago on the subject of child abuse. There was a young girl on an Indian reservation who actually started drinking at age 9 and was a confirmed alcoholic at age 14. She was locked in the closet without food, and she knew she was going to be beaten when her mother came home.

Another young woman named Tamara, age 2, was put in a foster home. Her foster parents broke her arm, broke her leg, and pulled her hair out by the roots. Do you know we do not have enough money to respond to that? People beat 2-year-old Tamara because there was only one social worker working on 200 cases, and that social worker put this 2-year-old girl in a home and had no idea whether this home was safe; and this young girl was beaten severely.

Why do I raise that? Because we do not have enough money in this country to protect Indian children on reservations. We do not have enough money to do that. And $10 million would go a long way in helping those children; $10 million is what I propose we cut out of here.

And I am not saying we take it and use it for that purpose. I am just saying we have enormous needs in this country. We have people in this country whose needs are not being met, children whose needs are not being met, and we are off here doubling a budget to $35 million for the National Endowment for Democracy, which duplicates spending we already have in other areas? When NED gives the money in turn to the two political parties, the chamber of commerce, and the labor unions?

We may see it differently. I respect those who do. But to me, this is a waste of money. This $10 million ought to be cut. We ought to endow democracy in this country by taking a step, every opportunity we get, to reduce this Federal deficit and especially to meet critical human needs of people here at home.

Mr. President, I hope Members of the Senate will respond and vote in favor of my amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HATCH. Mr. President, I am disappointed to see that we are once again debating the merits of NED and that we are undercutting a valuable organization whose sole mission is to advance American democratic ideals and free enterprise around the world.

Yet, if we are to debate this issue on the floor, I welcome the opportunity to speak on behalf of this important and effective organization and urge my colleagues to support full funding for NED.

I have heard for years Members of this Chamber speak on the need to promote democracy overseas. Members on the left and the right of the aisle have argued forcefully for human rights, democratic values, and market reform in countries around the world.

No one in this Chamber would dispute the fact that the spread of democracy is among the most important foreign policy objectives of the United States. Continuing the worldwide spread of democracy is in the interest of the United States and will ultimately pay important dividends at home.

To the extent that we foster the establishment of democratic states, we promote a more stable international environment. In the process, we are able to lower defense spending, reduce regional conflict, and limit the need to place American troops in harms way.

The democratic revolutions in East Europe and the former Soviet Union are instructive in this regard. Political reforms in these States ushered in a period of lower defense spending at home. By 1995, the defense budget adjusted for inflation will be less than half the level of the 1985 defense budget. That is a tangible savings that benefits all of us and made possible by the democratic revolutions that we applauded—and that NED supported.

While communism lost the cold war, the West has not yet won it. We can only claim victory after democracy and free market institutions are firmly entrenched around the globe.

The fundamental issue is that the battleground has shifted away from direct superpower confrontation and toward the subtle consolidation of democratic institutions in East Europe, Russia, and the Third World. The weapons used in this conflict are not tanks, but the free exchange of ideas and information.

The future of East Europe depends less on how many divisions that NATO is capable of mobilizing—although that it is vital—and increasingly on whether East European political reformers can mobilize voters at the ballot box. Only through the establishment of viable political parties, free trade unions, and private enterprise will these countries flourish. Only through continuing political reform can these States move away from a history of internal authoritarianism. The democracy movement in East Europe is extremely fragile, and if we do not act now, we run the risk of providing revanchist leaders with an opportunity to move back into the political fray.

If we agree on the virtues of advancing democracy—and I do not believe that this issue is in dispute—then we have an obligation to provide the resources and institutional framework necessary to address these problems. NED is the organization tailored to meet this challenge.

I ask my colleagues: "What government agency has the ability to marshal the resources to forcefully advocate democracy around the world?" The answer is none.

The State Department lacks the independence and autonomy to consistently press for democracy around the world. In fact, editorials on the Voice of America expressing hope that someday Iraqis would live in freedom were shelved after the State Department received complaints from Saddam Hussein in 1990.

USIA is overly bureaucratic and does not have the ability to identify pro-democracy groups or finance these groups.

AID can only operate in countries with permission and it has enough problems trying to streamline development assistance.

Let us face facts: the U.S. Government lacks the experience and expertise in the field and there is not a single agency, either public or private, that is exclusively devoted to carrying this fight forward. The National Endowment for Democracy was created precisely because this vacuum existed in private and public sectors.

NED has a comparative advantage in the fight for democracy. NED can operate with freedom and flexibility overseas; and it can do so without apology to regimes that have little regard for individual freedom or pluralism. NED can also accomplish its mission without risking government to government contacts.

Lech Walesa was among the first to point out that NED was instrumental in keeping Solidarity alive during the 1980's, and notes that NED enabled him to make a bid for political power when the opportunity arose. Walesa told me personally in 1990 that NED played an indispensable role in breaking the Communist stranglehold on political power in Poland. I ask my colleagues whether it was a bad idea for NED to provide material support to Solidarity after the imposition of martial law in Poland.

Prior to the establishment of NED, the U.S. Government had only one serious option: to funnel covert assistance to prodemocracy groups. Such aid is still important where circumstances warrant. Yet, the goal of democracy building is something that the United States should not attempt to do in the dark.

With respect a common criticism of NED, I have listened to my colleagues talk about the nefarious collusion of special interests that exists allegedly among the grantees that comprise NED, specially labor, the political parties, and the chamber of commerce. Critics assert that such collusive behavior among these groups is unhealthy. This smacks of conspiracy theory and the point is simply wrong. It ignores the fact that every single core group associated with NED possesses extensive experience in the grassroots institutions that serve as the building blocks of the democratic process.

Each of the core grantees have unique skills to bring to the task. I would like to just touch on two of the grantees briefly. All of us agree that you need political parties to function in a vibrant democracy. There was no dissent and no other party to join. It therefore makes eminently good sense to have the Republican—International Republic Institute—and Democratic parties—International Democratic Institute—through their international institutes, train groups in the grassroots organizations and other skills.

Mr. President, if we continue to undermine this organization, we will profoundly hurt a unique opportunity to shape the world in which we live. The stakes around the world are simply too high. I urge my colleagues to vote against this amendment and to support full funding for NED.

Mr. HOLLINGS. Mr. President, as I understand now, the distinguished Senator from Arkansas has 5 minutes, if I have checked correctly, and the distinguished Senator from Pennsylvania [Mr. SPECTER], has 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. Mr. President, while the Senator from Arkansas is momentarily approaching, we do have a time set at 12:45 for an up-or-down vote on the Dorgan amendment. The Senate voted 74 to 23 last year to continue the funding for the National Endowment for Democracy. On June 27, just a few weeks ago, the House of Representatives, after full debate, similarly voted 317 to 89 to retain the funding.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I have a resolution that I want to attach to this bill that Senator HOLLINGS has agreed to accept. I ask unanimous consent that the pending matter be set aside temporarily while the amendment containing the resolution is presented to the Senate for adoption.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2360

(Purpose: To express the sense of Congress that President Clinton should meet with the next President of Mexico to discuss immigration)

Mr. DOMENICI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 2360.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

SEC. . SENSE OF CONGRESS—It is the Sense of Congress that the President of the United States and the President-elect of Mexico should meet as soon as possible following the August elections in Mexico to discuss bilateral issues of mutual concern with the objective of depending and strengthening the ties between the two neighbors, with emphasis on cooperation to establish equitable and effective regulation of the flow of citizens across the border between Mexico and the United States.

Mr. DOMENICI. Mr. President, this is a very simple proposition. There has been a lot of talk about illegal immigration, and much of it centers around Mexico's border with the United States. We have considered amendments about incarcerated illegals at the State's expense, and we have had amendments for more Border Patrol. We have a constant turmoil on the border.

We have entered into a broadened trade arrangement with Mexico that has shown the affirmative side of our relationship. We have a much better relationship between our two countries than perhaps we have ever had.

This amendment is a sense of the Congress that urges the President of the United States and the President-elect of Mexico, whoever that is, to meet as soon as possible following the August elections to discuss bilateral issues of mutual concern, with the objective of deepening and strengthening the ties between these two neighbors, with a special emphasis on cooperation to establish equitable and effective regulation of the flow of citizens across the border between Mexico and the United States.

Essentially this says we would hope that our President and the new Mexican President will join together in some kind of a summit. We are asking them to talk together and see if we can reach an accord on some better ways of handling the illegal traffic on our common border.

There is an editorial in the Los Angeles Times that says: "Anyone for Adult Solutions to the Mexico-U.S. Border Problem?" A number of suggestions are included therein as to what the two countries might do to make this control of illegal immigration a much more practical and reasonable thing between the two countries.

I am convinced, until something like this summit occurs, we will continue to beef up our borders—and we have done that in this bill—until we get a better accord as to how we handle some of the underlying mutual problems. Both presidents need to do something to reduce the financial costs of illegal aliens from Mexico and elsewhere who come here through Mexico, who have committed felonies in the United States. They might ask, "is there some better arrangement between the two countries to incarcerate them in California's jails or Texas' jails or Florida's?" They might try to reduce the constant, dangerous, illegal crisscrossing of our borders by individuals who come back many, many times. There must be some way Mexico might be more cooperative and we might be more helpful to them and their needs.

It is not prescriptive. This amendment merely states a sense of Congress resolution that our President and the newly elected President of Mexico should meet shortly after their next election.

Mexico/United States border problems did not disappear with the passage of NAFTA. In some areas they are worse. In California and other States, and here on the Senate floor, the costs of illegal immigration have become a major issue. That has already been discussed here.

A new factor in United States/Mexico relations is the increasing number of Chinese and other third-country nationals being smuggled into the United States through Mexico. Some Mexican officials work with the smugglers. In return for cracking down on third-country illegal immigrants, Mexico wants better treatment of Mexican nationals who go north from time to time for temporary work; of course, many of our own citizens oppose any revival of a legal guest-worker program.

These immigration issues are real and immediate. We have provided a lot of money in this bill already for the Border Patrol. That is not enough. President Clinton has a lot of other issues on his place during the rest of this year, but illegal immigration is a problem that cannot wait. As soon as possible after the August elections in Mexico, our President should meet with the new leader of Mexico to discuss the issue.

It is not enough to brag about the NAFTA agreement. While NAFTA was under consideration, many of these other problems were put aside. For the relationship contemplated by the supporters of NAFTA to work, it is time to reduce the tension on both sides of the border as a result of border regulations that just are not working.

This is simple. It is something the President may already want to do. I urge Members to support my amendment calling for a United States/Mexico summit on immigration.

I ask unanimous consent that the Los Angeles Times editorial to which I referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ANYONE FOR ADULT SOLUTIONS TO MEXICO-UNITED STATES BORDER PROBLEM?

Two recent investigations have confirmed fears that corrupt Mexican officials are cooperating with sophisticated smuggling rings that import illegal immigrants into the United States. To their credit, Mexico City authorities have begun a crackdown: But however successful that effort proves to be, it won't address the larger challenge—true and effective regulation of the flow of people across the open border.

Ominous corruption: According to a recent article by Times staff writer Sebastian Rotella, the regional chief of the Mexican immigration service in Tijuana and two of his deputies have been dismissed and charged with corruption. A dozen other Mexican border officials are also under investigation by the Mexican Interior Ministry, which oversees that country's immigration agency. The government probe grew out of an independent investigation by the respected Tijuana-based Bi-National Center for Human Rights.

That activist group documented what one of its leaders called a "scandalous and ominous" pattern of corruption in which regional immigration officials not only tolerated people smugglers but, in some instances, actively aided them in delivering groups of non-Mexican illegal immigrants across the U.S. border.

Non-Mexicans account for only about 10% of the illegal immigrants detained by the U.S. Border Patrol in its San Diego sector. But they are the most lucrative clientele for smugglers. Chinese pay up to $30,000 for illegal entry to this country, for example, compared to the $300 or so charged an illegal Mexican immigrant.

One can only hope that the crackdown by Mexico City will nip this sleazy but profitable enterprise in the bud before it becomes as entrenched as drug smuggling.

The larger issue: Mexico City and Washington could help enormously by noting that the illegal traffic in non-Mexicans is a problem for both nations—because the despicable activity not only flouts U.S. immigration laws but also undermines President Carlos Salinas de Gortari's effort to end official corruption in Mexico. That understanding should propel them to cooperate more closely on combatting the people smugglers.

It should, but it might not. Getting any Mexican agency to cooperate with the U.S. Immigration and Naturalization Service these days is highly problematic. The revival of illegal immigration as a political issue in the United States has led some U.S. politicians to be downright demagogic, and that has Mexican nerves raw. Even as popular and progressive a leader as Salinas would risk infuriating Mexicans if cooperation with the INS were seen by his countrymen as an accommodation to the anti-immigrant bandwagon.

What Washington could do for Salinas is to discuss a complex and admittedly controversial Mexican proposal that has gotten scant attention in the U.S. immigration debate, yet could be a solution to perhaps 50% of the problem: a treaty to legalize and then regulate the flow of Mexican workers into—but also eventually out of—the United States.

Call it a guest-worker program, a new bracero program—whatever. U.S. officials have been reluctant to discuss it in recent years, even as the historic North American Free Trade Agreement was being negotiated with Mexico and Canada, because of political opposition from organized labor and some of our more strident immigration restrictionists.

The real challenge: Yet experts who have studied the flow of people between Mexico and the United States have long argued that it is largely, if not entirely, an economically motivated migratory flow of workers seeking jobs, not immigrants seeking U.S. residency or angling for social service or health benefits. If some way could be found to regulate that flow—making it aboveboard and legal, eliminating the exploitation that predictably comes with criminality—then it could be as efficient as the cross-border flow of goods and capital now regulated by NAFTA.

Sure, it's a provocative proposal. But certainly it is no more controversial than some of the proposals put forward in this country to "solve" the illegal immigration problem, such as ill-conceived notions of denying health care, education and even citizenship to the U.S.-born children of illegal immigrants. Indeed, a bilateral labor pact has a far better chance of working than some of those far-fetched ideas.

At a minimum a "North American Free Labor Agreement" could help the United States control that part of its immigrant flow originating from Mexico—anywhere from 50% to 60% of the problem, if INS arrest statistics are accurate. Surely this is a goal well worth pursuing as a start on crafting a rational immigration policy.

If is not pursued, all we have are divisive anti-immigrant panaceas and periodic crackdowns on officials on both sides of the border who succumb to the temptation of easy profit in the trafficking of desperate human beings. The laws of economics and human nature being what they are, that approach is likely to prove only partially successful at best. And that is just not good enough.

Mr. HOLLINGS. Mr. President, I want to join in the sense-of-the-Senate amendment of the distinguished Senator from New Mexico. That is, after the election in August we should get together and move forward, now that NAFTA has been adopted with respect to free trade.

In fact, I am tempted to try to amend it to say let us get together ahead of that particular election because the concern at the moment is for a free and open election. We were concerned about this even earlier last year when I wrote the President of the United States suggesting that former President Carter be appointed as head of a delegation of observers to ensure a free election. We have had that work successfully in Panama, El Salvador, Nicaragua, the Philippines, South Africa, the Dominican Republic and other places.

Mexico, I think, under President Salinas has said they will have free and open elections and will have observers. I will not amend his amendment. I want to see them get together before as well as after the election.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2360) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Utah [Mr. HATCH], and the Senator from Vermont [Mr. JEFFORDS], be added as original cosponsors to the amendment on Rwanda offered by the distinguished minority leader heretofore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2358

Mr. BUMPERS. Mr. President, is the agreement now the vote will occur at 12:45 on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. Mr. President, there are only 5 minutes left, and I probably will not take that. But I listened to various Senators read what Yelena Bonner said, what Lech Walesa said, what Oscar Arias said.

I want to ask the Senators, how many times a week do you get a letter from somebody saying, "Would you be willing to sign a letter supporting this?" Sometimes you do, and sometimes you do not.

Oscar Arias at one time thought the National Endowment for Democracy was the biggest disaster he had ever seen. So they dumped a bunch of money on him and, of course, he changed his mind. All of a sudden he sends a letter saying the National Endowment is the greatest thing since night baseball.

I do not criticize any of these people. Above all, I do not even criticize the board members, above all. They are very prestigious people. What I said about the board was not designed to impugn the members' integrity. It was simply to demonstrate that when you get people of national stature on your board like that, funding comes almost automatically. They put those people on their board so they can write letters to Senators. Who would not be flattered getting a letter from Henry Kissinger?

The Senator from Arizona has flattered me unnecessarily as being an expert on foreign policy. I am not an expert on foreign policy. I appreciate the fact that he thinks I am. But I will tell you what I am an expert on. I am an expert on Government waste. I can spot a Government boondoggle as far as I can see. I spotted this one 5 years ago and have been trying to kill it ever since.

Mr. President, in 1989, the National Endowment made a grant to help the Federation of Korean Trade Unions improve their influence on government policy in Korea.

That grant was to help this trade union improve its influence on government policy. Now, that grant was probably made with the money that the AFL-CIO got from NED. Interestingly, just 1 year prior to that the State Department had commended the Government of Korea for breaking the monopoly of that same trade union group. Now, you talk about the left hand not knowing what the right hand is doing.

I think that the National Endowment may be doing a better job of whatever it is they do than they did initially. But I am going to make two points. No. 1, if you were to debate this issue before the American people on national television and everybody in America got a chance to vote as to whether they wanted to continue spending 65 percent of this $35 million appropriation by doling it out without competition to the chamber of commerce, or their subsidiary, the AFL-CIO or their subsidiary, or the Democratic Party or the Republican Party, or their subsidiaries, if you were to ask the American people how they feel about giving those millions to the chamber of commerce, the AFL-CIO, the Democratic National Committee and Republican National Committee, 95 percent of the people would say "no".

Mr. President, unhappily, we do not get a chance to debate issues like this on national television. It is one of the reasons we have a $4 trillion national debt, one of the reasons the people of this country are upset. They know something is wrong up here, and they cannot pinpoint it. This $35 million may seem like small potatoes, but NED has received $250 million since 1983.

Do you think the political parties in this country and the chamber of commerce and AFL-CIO do not know how to lobby this $35 million through here? I doubt very seriously if the Senator from North Dakota will prevail on his amendment to cut $10 million out of the NED. I know I probably would not get 30 votes to kill it. It is one of the most unbelievable expenditures the Federal Government makes.

And finally, the Senator from Colorado is going to offer an amendment, which I certainly intend to support, to require at least 50 percent of this money to be granted out on a competitive basis.

We have $35 million here, 65 percent of which is going to be handed to those 4 core grantees with no questions asked. What other program enjoys that luxury? To promote democracy, this bill gives $35 million to the National Endowment for Democracy. We spend $13 billion on foreign aid to promote democracy, about $700 million of which is in the Agency for International Development. We have the U.S. Information Agency. We have Radio Marti. We are spending billions and billions trying to develop democracy around the world without a lot of success, but here we have to come with $35 million more going to labor, the Chamber of Commerce and the two political parties. Sheer nonsense.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question occurs on amendment No. 2359 offered by the Senator from North Dakota [Mr. DORGAN]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Texas [Mr. GRAMM] are necessarily absent.

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—39

Baucus
Bingaman
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Conrad
Daschle
DeConcini
Dorgan
Exon
Faircloth
Feingold
Feinstein
Grassley
Gregg
Harkin
Helms
Kerrey
Kohl
Leahy
Lott
Mathews
Murray
Nickles
Pressler
Pryor
Reid
Roth
Sasser
Smith
Thurmond
Warner

NAYS—57

Akaka
Bennett
Biden
Bond
Bradley
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Ford
Glenn
Gorton
Graham
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Lautenberg
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Nunn
Packwood
Pell
Riegle
Robb
Rockefeller
Sarbanes
Shelby
Simon
Simpson
Specter
Stevens
Wallop
Wellstone
Wofford

NOT VOTING—4

Boren
Durenberger
Gramm
Metzenbaum

So the amendment (No. 2359) was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2358) was withdrawn.

Mr. HOLLINGS. Mr. President, we are trying to move along. The Senator from New Hampshire has a motion to recommit. I think that is next. He has been waiting on the floor, but is not here now.

While the Senator from New Hampshire is coming, we have a long list of amendments. I thank the colleagues because we have not really had to have any quorum calls. We will have, of course, the Dole-Hutchison amendment on incarcerated aliens. We have the Baucus amendment. We have the Gregg amendment and, of course, we have the motion to recommit of the Senator from New Hampshire. I understand there are also a couple of Helms amendments, a Dole amendment on racial justice, and another Senator Brown amendment on the National Endowment for Democracy. So we are moving them in as best we can. While we await the Senator from New Hampshire, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

Mr. KERREY. Mr. President, I have a statement that I would like to make on the bill itself.

Mr. HOLLINGS. Mr. President, if the Senator will yield, we need that statement on the bill itself because pending is the motion to recommit. Anything the Senator can say in behalf of the measure itself we will appreciate.

Mr. KERREY. I thank the distinguished chairman of the committee. I will speak against the motion to recommit and will speak in favor of this bill and hope that my colleagues will join me in committing ourselves to this piece of legislation.

Mr. President, the distinguished Senator from New Mexico, the ranking member of the subcommittee, came to me, I believe a couple days ago, and said essentially, "This is the crime bill." I mean, this is where we have the opportunity to put our money where our mouths are. This is an opportunity for us to stand, essentially, and be counted. Are we going to fight the war on crime, or are we going to simply talk about fighting the war on crime?

I believe that the chairman and the ranking member have brought forward an extraordinary bill that provides law enforcement officers not only with the tools to get the job done—that is to say, the tools to get the criminals off the streets, the tools to make the prosecution, the tools to make the convictions, the tools in fact to build the prisons we need in order to put the bad guys away—but this bill also provides resources to do the preventive work.

I will give this statement, Mr. President, but I would like to point out something as well.

There has been a lot of controversy over the Brady bill. I myself supported the Brady bill, but I must say I did so saying at the time and still today that we have to prove it up. I hope we provide the resources so that instant check can be done, because I believe in the end it is a lot more cost effective and a lot more reasonable way. We want to make sure, in short, that this new law gets to the people who are violating the people, not the people who are not violating the people. There are a lot of people out there who are concerned that all that Brady is going to do is make it a nuisance for law-abiding citizens to purchase guns and yet it will not do much in the way of getting people who would use those guns in an illegal fashion.

Mr. President, I ask unanimous consent that a story that appeared in this morning's Omaha World Herald be printed in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

Brady Bill Indictment State's First—Penalties Stiffened for Firearms Theft

(By Joy Powell)

In Nebraska's first prosecution under new federal gun legislation known as the Brady Bill, a federal grand jury indicted six men in connection with stealing guns from federally licensed firearms dealers, U.S. Attorney Tom Monaghan said Thursday.

Monaghan said he will use a provision in the Brady Bill to help fight the rising rate of violent crime in Nebraska.

"The weapons play a significant role in that," Monaghan said. "So we want to take a strong prosecutorial attitude in terms of violent crime, areas that U.S. attorneys have not gotten into much before."

The federal prosecution is aimed at people who steal guns intending to sell them to other people. The new statute is one attempt to get guns off the streets, Monaghan said.

Stealing guns from firearms dealers is now a federal offense under a provision of the 8-month-old Brady Bill. Until these indictments Wednesday, gun shop burglaries were prosecuted under state laws in Nebraska.

Federal sentencing guidelines and penalties typically are stronger than state sentences, Monaghan said.

Under the Brady Bill provision, the offense of taking guns from a licensed firearms dealer is punishable by up to 10 years in prison, a fine up to $250,000 or both.

"There is no parole," Monaghan said of federal sentences, "so whatever time they are going to get, they'll serve."

President Clinton signed the law Nov. 30. It institutes a waiting period of five business days for all handgun purchases as well as time to check the buyer's background. Nebraska law already provided a waiting period and background check, so Nebraska was exempt from those provisions.

The provision making it a federal crime to steal guns from licensed dealers, however, would make a difference in prosecution in Nebraska.

"It covers anything from a theft to a flat-out robbery to a night-time burglary," said Michael Norris, an assistant U.S. attorney who is prosecuting the gun cases under the new law.

A grand jury Wednesday indicted four Omaha men in connection with one gun shop burglary and two other men in connection with a separate investigation.

The Omaha case involved the burglary of P.J.'s Jewelry and Loan Inc., 4860 S. 137th St., on Jan. 26. The Omaha Police Department and Federal Bureau of Alcohol, Tobacco and Firearms investigated the burglary, in which 16 of 23 stolen guns were recovered.

Four Omahans in their late teens and early 20s were indicted on two counts each of suspicion of taking guns and conspiring to take guns. They are Kerry P. Conner of 13828 W. Circle; Gary T. Hughes of 14121 Margo St.; and Eric R. Cox, and Jamie D. Jones, both of 4873 Marshall Drive.

In the second, unrelated investigation, the grand jury on Wednesday returned an indictment charging two men with the July 11 burglary of Old West Guns in Kearney.

Kaneung Southivongnorath, 20, of Fort Smith, Ark., and Singto Poukhouanc, 21, of Nashville, Tenn., were indicted on suspicion of stealing the guns and conspiring to do so.

Poukhouane also is charged with the May 13 burglary and removal of guns from Wolfe's Cycle, a federally licensed firearms dealer in Hastings.

Mr. KERREY. Mr. President, the story is a story about a Federal grand jury bringing an indictment on a number of individuals, and the U.S. attorney in this case is using the new law in this case, the so-called Brady law, to bring the indictment. These individuals will be prosecuted under the new law that we passed.

This is a situation where individuals have acquired guns illegally. These are the criminals, the alleged criminals, the charged criminals. It is a case where we are using this new law to make our community safer. It is a piece of evidence, Mr. President, that the legislation in fact is working.

For those, and there are many in Nebraska, who asked me, Is this thing going to work? Is it going to be effective? Is it just a figleaf that you politicians have put over yourselves to provide some cover? Or is it in fact something that is going to get the job done? It is a piece of evidence, by no means all the evidence, but a piece of evidence that we are making progress.

Mr. President, Nebraskans, like most Americans, are increasingly very anxious about crime. A majority of us are old enough to remember when the playgrounds were safe for playing, when the schools were safe for learning, and when the streets were safe for strolling. Too often today that sense of safety in one's own neighborhood is evaporating, and for many it is already gone. Our grip on the basic right to feel safe in our own home and neighborhood is weakening. Today, with this piece of legislation, we are taking action to restore it.

Because crime is a community problem, I believe we must look for solutions in our communities as well. When Congress first began to formulate the crime bill, many of whose provisions, as I said, are found in the bill before us today, I went to these communities, to their citizens, to their leaders and to their law enforcement officials simply to ask them what could we do to help. We are taking up a piece of legislation. We are going to authorize changes in the law. We appropriate the money. But you tell me. I will be the one elected politician, elected representative.

People will ask me: "Senator, what are you doing?" I would like to be able to say what I am doing is trying to help local communities solve their problems on their own.

Mr. President, our community leaders, as you know well, have creative, innovative ideas for fighting crime, but they need our help. They need a reliable Federal partner, a partner that helps them implement their own plan. This bill, Mr. President, gives them the partner they need.

Because this bill is only an appropriations measure, it solves only part of the problem, but a very big part of the problem. While crime is not going to be stopped by money alone, at least at some point we have to put our money where our mouths are.

Let me discuss a few ways in which Nebraskans plan to fight crime with the help that is contained in this piece of legislation.

First, Mr. President, the city of Lincoln received a $1.1 million Federal grant to put 15 new police officers on the street to extend the city's community policing program. Mr. President, it seems like a small number, I assume, to many of my colleagues who represent States with large metropolitan areas, but 15 new officers in Lincoln, NB, makes a big difference. It translates into a lot more safety for each citizen of the city of Lincoln.

While that grant marked important progress, it must also be pointed out that another 15 Nebraska communities that applied for community-policing funding were turned away due to a lack of funds. To those individuals, we are not able to provide a Federal partner. To those communities this bill falls far short of what they need.

Many will come to the floor, and, indeed, the distinguished Senator from New Hampshire is asking that money be stripped away. But in this particular case for community policing there are 15 communities in Nebraska who have plans who are ready to go. I guarantee that all and every one of these individuals are conservative, red-blooded Americans who are concerned about their tax dollars. They want to make sure their tax dollars are being well spent. And their requests for funding are being denied.

This bill provides, as well, the means for us to put another 100,000 policemen on the beat across our country in communities everywhere.

At the same time we put more cops on the street, we must give them the means to take more criminals off the street. This bill declares that our communities need our help to implement the tough anticrime measures they have crafted. It contains $175 million to help build and expand prisons so that criminals can be put away where they can no longer threaten our neighborhoods. It contains $25 million to implement a violent crime task force initiative that will see that the FBI, the DEA, and the ATF work with local authorities to fight violent crime. The bill provides another $171 million above the budget request of the President to replenish the ranks of overburdened and overstretched Federal law enforcement officials.

Citizens across Nebraska are also alarmed, and saddened, by the shocking rate of increase in juvenile crime in our State. While the total numbers of arrests in our State have actually declined in 1993 and 1994, arrests of juveniles for violent crimes have increased by 10 percent. Nineteen percent more kids were arrested for robbery, 10 percent more for weapons violations, and other 21 percent more for drug crimes. From 1982 to 1992, arrests of our children for felony assaults skyrocketed a staggering 121 percent, while arrests of adults for the same crimes increased just 40 percent.

In Omaha, car thefts have risen from 1,000 in 1988 to 6,000 in 1994.

Increasingly, our citizens are not only afraid for their children, Mr. President; increasingly, we are finding ourselves afraid of them, as well.

Communities across Nebraska have crafted initiatives to help prevent violence before it happens and punish it when it does, but they cannot implement them without resources. This bill provides much-needed funding.

For example, the Edward Byrne Memorial Grant Program, which was cut in the President's initiative, provides States with formula grants to use as they see best to fight crime. The program recognizes that citizens at the community level know best how to use Federal resources to fight crime. Last year, Byrne program dollars provided Omaha with the Bigs in Blue Program, a project that provides youth with mentors from law enforcement.

In Lincoln, it provided the funds for a program under which inmates tell kids firsthand the perils of crossing the law. Across Nebraska, it funds multijurisdictional task forces that fight drugs. The administration budget had targeted the formula grant program for elimination, but the committee wisely—and I thank sincerely the chairman and the ranking member, the distinguished Senators from South Carolina and New Mexico. They recognized the importance of this program and restored its funding at $423 million.

Mr. President, again I point out, I have gone to community leaders and to law enforcement leaders in the State of Nebraska and this program leads the list. These are conservative individuals. These are not individuals that have a desire to waste money. These are individuals that know they have to get results. They are willing to hold themselves accountable. They are out there on the front lines. They not only have ideas, Mr. President, but they have courage to get the job done and the Edward Byrne Grant Program gets that done.

Again I say to the Senator from New Mexico and the Senator from South Carolina, I appreciate your response essentially to community leaders all across this country, to law enforcement officials all across this country, to making sure this funding was restored.

Mr. DOMENICI. Will the Senator yield?

Mr. KERREY. I am glad to yield.

Mr. DOMENICI. Mr. President, first let me thank the Senator for the analysis he made of the bill and the indication that he has given here to the Senate about what this bill really does. I thank you for your kind words.

On the Byrne grants, is it not true, in addition to keeping the program, we added $65 million over last year's funding level, which sets this up as a very high-priority program, because the local law enforcement people really use it. It is their program money. It is that kind of thing that is right there at the grassroots.

So you support the $65 million new funding for this program as we put it in this bill?

Mr. KERREY. I absolutely do, Mr. President, in answering the question of the Senator from New Mexico directly.

I appreciate that budget times are tough. I appreciate that we are being squeezed, in my judgment, as a consequence of rapid growth in entitlement programs. But this committee was able to provide $65 million more. And I daresay that I suspect that my friend from New Hampshire, even though he is trying to recommit this bill, I suspect this is a program that works very well in New Hampshire, as well.

It is not one that even the distinguished Senator from New Hampshire is likely to be criticizing. It is one that, in fact, has met the tests of citizens who are concerned about how their money is being spent, who are increasingly being critical of those expenditures, who are asking us for results. They want to know not just that we are putting out a press release. They want to know, are we putting out the fire of crime that is lapping up around almost every single community in our State.

This year, Nebraska plans to use Byrne funds to fight, in particular, juvenile crime. The funding in this bill means that many of Nebraska's ideas about youth violence can be converted into Nebraska's initiatives against youth violence.

The bill will help fight youth violence in another critical way. Many of the children committing crimes on our streets and threatening our neighborhoods—or being threatened themselves, it must be said, in fairness—are doing so because they leave school and enter an unsupervised world in which they lack controls, role models and structure. The Community Schools Program, funded in this bill at $40 million, helps schools and communities in Nebraska and across the Nation provide kids a haven from the streets after schools.

Rather than let them roam the streets to commit crimes or fall victim to them, communities under this bill will be empowered to provide supervised academic, sports and other programs for our kids after school.

The problem of youth violence is particularly potent in Omaha. Many of the relatively quiet streets that we once knew are now roamed by gangs of youth armed to the teeth with weapons and lacking the values that prevent the rest of us from using them. One group of dedicated citizens is helping to make a difference.

And I pointed them out, Mr. President. They have recently received substantial funding from the private sector. This bill will help them more. It is an organization called the North Omaha Bears. It is an academic and athletic program that is targeted at youth at risk of committing crimes.

Again, it is the sort of thing that, if you bring a flashlight to it, if you drag it out here on the floor of the Senate, every single one of us would say we are getting our money's worth.

Here is something you do not need to hire academics to come in and study. You do not need to have people come in and poke around and prod around, Mr. President. You can look at it.

There are 200 children—and I will say with certainty that unless this program is operating, were it not for the heroes that are extending themselves to these young people, there is no question a very high percentage of these kids would end up not only in trouble with the law but probably, in fact, indeed likely, causing us a considerable amount of money to incarcerate, as well.

Mr. President, we cannot put a price on the life of a child. But if we could, I believe we would find that the investments that we are making, the expenditures we are making in this bill, not top down expenditures but bottom up expenditures, are expenditures driven by the needs, the dreams, the desires, and aspirations of the local community.

Mr. President, I believe that Members should be proud of this appropriations bill. The Senator from South Carolina and the Senator from New Mexico have produced a piece of legislation that have Republicans and Democrats alike saying, "Finally, we are able to stand with pride and say to community leaders, we are responding to your desires. You told us of the problem. You asked us to do something. Now we have something more to offer than merely the paper of press releases."

Mr. President, 2 weeks ago, I was given a packet of letters from a gentleman who runs a program called the Chicano Awareness Center in Omaha.

These young children had sent letters actually to the President of the United States. The individual who ran the program asked me if I would read them and respond to the letters. I wrote handwritten notes to each of these children that had written in. These are 9-, 10-year-old children in south Omaha. And I suspect that every single Member of this body has a similar kind of event to describe.

Well, Mr. President, these children would say to me, "Senator, what are you going to do? We are afraid to go out on the street." These are 9-year-olds that say, "I had a friend that was killed last week." These are 10-year-olds who say they are afraid to sleep in their bed. They prefer to sleep on the floor. These are children that are concerned in Omaha, NE, about walking home from school after school is out.

Every single one of these letters said, "Please do something."

I have to tell you that after reading the letters—I put the letters down after I had answered them—in my own heart, I said I do not know what I can do to help. I have been in elected politics for 9 years now and I have heard my own words over and over, talking about the problems of crime. And I wonder sometimes whether or not those words have been translated into action.

Mr. President, this bill translates words into action. This bill gives every single Member of this body the opportunity to go and talk to a 9- or a 10-year-old child in their community and say, "We have given your law enforcement officers the resources to make your streets safe." We are not going to tolerate violent criminals, drug pushers, preying upon you, whether that violent criminal is 16 years old or 36 years old. We have given your law enforcement officials and we have given your U.S. attorney, and we have given your local people the resources they need to make your streets safe. In addition, we can say with confidence, we are providing community leaders with the resources they need to prevent crime from happening in the first place.

Again, I am proud of the work that has been done by the distinguished Senator from South Carolina and the Senator from New Mexico and I urge my colleagues, in as expeditious a fashion as possible, to enact this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

MOTION TO RECOMMIT

Mr. SMITH. Mr. President, on behalf of myself and the Senator from Delaware, Senator ROTH, I send a motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the motion for the information of the Senate.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire [Mr. SMITH], on behalf of himself and the Senator from Delaware [Mr. ROTH], moves to recommit H.R. 4603 to the Committee on Appropriations with instructions to report the bill to the Senate, within 3 days (not counting any day on which the Senate is not in session), with an amendment reducing the total appropriation therein to a sum not greater than its Fiscal Year 1994 level; provided, however, that such reduction in the total appropriation shall be achieved only from agencies funded under Titles II through VII of the bill.

Mr. DOMENICI. Will the Senator yield for a moment?

Mr. SMITH. Certainly.

Mr. DOMENICI. We are trying to get time agreements where we can. I have spoken to the two Senators who are cosponsors of this and I believe they are agreeable to 20 minutes on a side, with Senator SMITH being in control of the time of the proponents and Senator HOLLINGS being in control of the opposition. I so put that unanimous-consent request to the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, first of all I thank my colleague from Delaware, Senator ROTH, who has been such a leader in the fight for deficit reduction and debt reduction in the Congress. Unfortunately, we lose most of these battles, which is why the debt keeps going up and the deficit is not improving very much either. But he has been a leader in his advice and counsel, not only on this motion but on other matters. He is very much valued and I welcome his support on this motion.

I also say to my friend from Nebraska, who spoke so eloquently a few moments ago about the need for some of the crime provisions in this bill, I agree with him 100 percent. Which is why Senator ROTH and I have exempted title I of the bill in the motion to recommit. We are not taking any of this money that we are trying to take out of this legislation out of that section at all. The crime prevention, immigration, the prison construction—it is all there. We do not take a nickel of that. We exempt that. So I appreciate the statement of the Senator from Nebraska which, frankly, supports what we are trying to do rather than opposes it, ironically.

But what this motion does, very simply, is to send the bill back, to recommit it, to come back in at last year's levels. That is all it does. And it exempts title I of the bill.

So I have been down here on the floor now, this is the fourth time on the fourth different appropriations bill that has been over budget, offering a motion to recommit it back to committee to come out with the same amount of money we spent last year. The first three times we have done that I have lost. I expect to lose again.

I feel a bit like the swimmer out in the river who gets in trouble and needs help and flails wildly with his arms, trying to get somebody's attention on the shore for help before he or she goes under the second or third time and then never comes up. That is what we are doing now. Swimming in red ink, we flail and make noise and try to get somebody's attention but nobody listens. Everybody ignores us. And sooner or later America will sink under the water, under the sea of red ink, just as that swimmer would if no one could help.

But I will again make another attempt, along with the support of my colleague from Delaware. Let me point out here is the bill. I will not take much time.

Last year it was, fiscal 1994, $23,665,631,000. This year as reported out from the Senate, $27,817,141,000, for a net increase of $4,161,510,000. Here we go again.

You will hear all these eloquent reasons why we should not cut a nickel of this. It is all needed. It is just what we said on every one of these appropriations bills. We cannot possibly cut a dime. We never can, which is why the debt keeps growing. It is now $4.5 trillion. We are going to add another $4 billion on this vote. And we are not going to cripple the crime fighting because Senator ROTH and I have exempted that.

But we, again, if we get 30 votes we will be very fortunate. I realize that. But somebody has to get the information out there. Somebody has to try to get the attention of our colleagues to what we are doing to America and what we are doing to the future of our kids.

Let me give the numbers. I had a motion to recommit on the legislative appropriations bill. It was $91 million over last year and we lost on a voice vote.

I came up with the Treasury, Postal bill, that was $1 billion over budget, and we lost. I think I got 38 votes on that one.

We came to the transportation bill, $740 million over budget of last year. We lost on that. We got 28 votes yesterday.

Today, Commerce, Justice, State, $4.1 billion over budget and we will lose again today. And when you add it up just on these four appropriations bills—four—it is $6 billion over last year.

We are going to hear all these eloquent statements in the future, perhaps from some of the people—definitely from some of the people who vote for these—about how we have to reduce the deficits. Reduce the debt. We cannot let America continue on this track. But when push comes to shove and it comes down to cut, nobody does it. We could not possibly do without this $4 billion.

The interesting thing, I pointed it out on all three of the other votes, this is borrowed money. This is not $4 billion sitting up there. The whole bill is $27 billion. This is $4 billion over—$4.1. This is not sitting up there in a fund somewhere so we just reach out and spend it. This is borrowed money. We are borrowing it and we are borrowing at approximately 7.5 percent. If we take 7.5 percent of just this $4.1 billion we are going to add $307 million in interest on the increase—not on the whole bill. We are borrowing that money, too. Just the increase, $307 million.

Let us do the math a little further. Let us add all those: $91 million, $1 billion, $740 million, and $4.1 billion and you come up with $6 billion; and 7.5 percent of $6 billion is $450 million.

One of our former colleagues, Everett Dirksen, would say: A million here and million there, sooner or later you get real money. We amended that to a billion here and a billion there. Now it is a trillion here and a trillion there—I do not even know what comes after trillion. That is where we are headed. We are headed for economic ruin. That is where we are headed and nobody—nobody will come up here. We need 51 votes to stop this insanity. We do not have them. I know it, but that does not mean, as I pointed out yesterday, that we cannot point out it is wrong.

I am going to continue to do it, day in and day out. I am going to stand here on the floor of the Senate and tell the American people and my colleagues how much we are spending every time we overspend one of these appropriations bills. If we cannot stop an appropriations bill that is anywhere from $91 million to $4 billion over budget, how are we going to reform entitlements? That is the biggest joke I have heard around here. "We are going to do some entitlement reform." Entitlement reform? You have to be kidding me. Who is going to reform entitlements if you cannot even cut $91 million out of the legislative appropriations that we use to fund ourselves around here? You must be kidding.

Again, that is the scorecard. That is the bad news. Unfortunately, there is not any good news. I hope at some point in time before America goes down the economic drain we will find some way to bring ourselves to some fiscal sanity in this place. I know when the opposition speaks, you will hear it—everything is worthwhile. We are going to ruin everything. We would probably decimate the entire U.S. Government if we do not pass this bill. I will hear that I am irresponsible.

Let me tell my colleagues when the clock keeps ticking and those people who receive those entitlements in the future, our grandchildren, when they do not have anything, somebody is going to stand up and say: Where were you guys? Where were you 20, 30, 40 years ago when you bankrupted America? I am going to be able to look my grandchildren in the eye and tell them where I was. I was on the floor of the U.S. Senate trying to exercise some fiscal restraint.

At this point, I yield whatever time remains of the 20 minutes to my friend and colleague, the Senator from Delaware, Senator ROTH.

Mr. ROTH. Mr. President, I thank my distinguished friend and colleague, the Senator from New Hampshire. Just let me say, there is one bit of good news, and that good news is that there are leaders like Senator SMITH, who are willing to take what many consider an unpopular position. I thank him for his strong interest and what he is trying to do in this area of budget responsibility.

I rise as an enthusiastic cosponsor of the amendment to recommit the Commerce, State, Justice appropriations bill to committee with instructions to return all programs to their 1994 enacted levels, except for title I, the critical funding contained in the bill for all crime programs.

This pending bill is over 17 percent higher than the fiscal 1994 levels. All non-crime-related increases are 9 percent higher than the 1994 levels, or $1.3 billion. These non-crime-related increases are unacceptable to this Senator. I agree that it is essential to fully fund the Senate-passed crime bill. However, Senators should not be forced to accept these dramatic increases in the Commerce Department, 16.8 percent over this year's level. Let me repeat, it is 16.8 percent over this year's level, and that is an increase of $609 million. The Federal Judiciary, 8.1 percent over this year's level, or a $222 million increase. The State Department, 4.6 percent over this year's level, or a $185 million increase.

The amendment recognizes that crime is an area of specific concern where increases in funding are, indeed, justified. The American people are concerned about crime, and legitimately so. In my home State of Delaware, violent crime has increased 55 percent from 1983 to 1992. Forceable rape was up 158 percent. Delawareans want tough action, not just tough talk, about crime, and the pending legislation does take some good steps in that direction.

The bill includes, for example, $299 million for initiatives to protect our borders and enforce our immigration laws. I can tell you, based on hearings I conducted last year in the Permanent Subcommittee on Investigations, the criminal aliens are contributing substantially to our overall crime problem. We certainly need to fix the system to ensure that criminal aliens are promptly deported and that they do not come back.

My investigation found that only about 4 percent of the deportable criminal aliens in this country last year were actually deported. Investigating, prosecuting, and incarcerating criminal aliens cost the American taxpayers at least $750 million each year. We have enough of our own criminals. We do not need to import more.

It is, of course, true that crime, especially violent crime, is primarily the responsibility of State and local officials. But at the Federal level, we can and should provide assistance where we can for community policing, drug courts and State correctional grants.

Mr. President, the Smith-Roth amendment allows for the first critical funding installment for the crime bill and highlights the need to set priorities and restrain funding in other areas.

I, therefore, urge the adoption of this amendment and yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I congratulate the distinguished Senator from New Hampshire, not on his particular amendment but on his election. I went up to New Hampshire and talked about a budget freeze. That is what the Senator from New Hampshire is talking about. He is just saying, take next year what you have this year. I tried that on, and roamed up and down at my expense for months on end. I had a delightful time, incidentally.

I talked about a budget freeze, and one of the opponents was talking about a nuclear freeze. And he won out. I told him, of course, down home they thought a nuclear freeze was a dessert.

But, in any event, I know the feeling that the distinguished Senator has. I have tried various initiatives, in addition to trying to cut, as we have to do, and hold up on the space station, and we all know about the super collider, the Osprey and all these other particular pieces of weaponry. I voted against the National Service Program. Everybody was in heat about voluntarism. You cannot start these new super-duper spending programs. I helped initiate the Peace Corps. I know about voluntarism, but I conscientiously voted against that particular bill because I knew this was another unfunded initiative. And, on target, here is another unfunded mandate, namely health care.

I went to the President last February with a value-added tax, and we have introduced a value-added tax to pay the bill of health costs, the deficit, and the debt.

I only say that because these statements are not eloquent, they are just factual. I feel just as keenly as he does, and I hope that our colleagues will realize the sincerity of my comments.

Listening to him in round figures, of course, he talks about a $4 billion increase. Three of it is what he has exempted, namely the Department of Justice. He did not exempt judiciary. You do not have 120,000 prisoners tried, probation officers, courts to try them in, and everything else of that kind at the judiciary—that is $222 million; $1 billion left.

I am certain the Senator does not want to cut that out because he felt very sensitive, and I agree with him, on this being a crime bill.

You can go to the disaster loans and pick up another 500 million of that $1 billion and go right on down. Everybody agrees that we cannot control disaster—earthquakes on the west coast, floods in the Midwest or Southeast. So we have the disaster loans taken care of.

Yes, there is the Department of State. The Department of State is our front line of defense. With the fall of the Wall, we have many programs now aimed at democratizing former Communist countries. We are trying to get free elections in places around the world.

Right in the midst of it, my budget, when I look at it, is cut 10 percent by devaluation of the dollar abroad. I have only been able to give an increase—it is an increase—but it does not amount to a net increase, it amounts to a net cut. That is when I think of persons like the distinguished Barbara Shale, the Foreign Service officer, when she was trying to administer the program out there with the Kurds; when I think of the Ambassador David Dow, with only 9 people to administer 121 others that had been superimposed on him to administer from Agriculture and the IRS and the Federal Aviation Administration—a veritable disease at our foreign Embassies that are trying to get by without additional money. It looks like the State Department, and no one wants to support it. We have to; we should. Those increases in there are well conceived.

We have new initiatives in there with respect to Radio Free Asia and Radio Free Europe. I saw Lech Walesa when he visited the United States and he was asked about the value of Radio Free Europe. He said: "What is the world without a Sun?" It worked. We will get into that with respect to Radio and TV Marti later on.

Now we are trying to communicate in Haiti with a plane flying around with a radio broadcast into Haiti.

Otherwise, we are trying to institute the Radio Free Asia, which has been so successful in the fall of the Wall.

We can go to the defense conversion funds in Commerce, not just the weather. They put in Nexrad, a modernized Doppler radar against wind shear in Houston yesterday where they are about a month late from my particular backyard, Charlotte, NC, where 376 of them got killed from one city in South Carolina, Columbia, on account of wind shear. These things cost, and we put them in, and they should be financed and they should be paid for.

And, yes, I go along with a lot of these cuts, and I go along with withholding. And, yes, I had a conference yesterday with the distinguished President. And I said, Mr. President, when you get the money, for whatever suggestion, whether it is overall, super-duper health reform with 100 percent coverage or portability, previous conditions, catastrophic illness and some cost containment, I am going to be looking at that bottom line. And if it is paid for, then I am going to look at it a second time and may support it. But unless I look at the bottom line, the first step, and find out it is paid for, it is out of the window, no matter how much—because I am not going to take a government that is suffering under the auspices of unfunded mandates and say the solution to the problem is another unfunded super-duper mandate.

So that is the way I stand with respect to spending, and I stand with the Senator from New Hampshire on that score.

But this is the wrong approach. We worked on these things. We did not come around and just cut and everything else. We denied; we cut. Senator DOMENICI and I worked around the clock. We worked with the staff. We had a 602(b) allocation, $1/2 billion less than what the President had assigned us. We got a budget with no appropriation for the Securities and Exchange Commission. The President had red lined Byrne grants.

We could get into all of those things. The distinguished Senator has exempted the Byrne grants, but all these others are in a similar situation, and they were not casually included. I can tell you that the amendment should be defeated. When you look at the initiatives—defense conversion, they had a 14-member Republican task force on defense conversion. Now, we have fleshed that out in Appropriations just exactly how they said—and under Senator PRYOR, the Democratic defense conversion task force. I look at my backyard where they have cut out some 20,000 jobs; they closed the navy yard; they closed the naval base.

And there are two ways to go at that particular problem, Mr. President. You can put them all under welfare and let us pick it up under the unfunded mandate, or you can put in some initiatives for economic development and conversion so that they can become productive. The workers themselves are productive, but the installation has got to become productive. And so we put some money in here on defense conversion under EDA and some of the other programs. I can go down all of these particular programs. It is not the case that since we have increased it, we cut out the increase and let them go on welfare and let some other committee pick them up. I do not think the Senator from New Hampshire wants that done.

I hope his motion will be defeated. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH. Mr. President, is there any time remaining on our side?

The PRESIDING OFFICER. Six and a half minutes remaining.

Mr. SMITH. Mr. President, I do not intend to use all of that time unless Senator ROTH might be interested.

I would just say to my friend from South Carolina we have now had nine appropriations bills. This is the ninth one, I believe. Some of them were under last year or equal to. This is one of those that is over.

The Senator said that my approach is the wrong approach. The national debt is now $4.5 trillion. We have added $6 billion with just these four bills—$2 billion of it is out of this bill.

What is the right approach? If we are not willing to look at cutting, or at least freezing, the appropriations bills that come down before us, that is the only—that is the discretionary spending. We have a commission now set up to look at entitlements, as I indicated in my remarks. I do not know how anybody would want to deal with that, if they are not willing to deal with a very few billion dollars here on 13 appropriations bills. I just do not know what the right approach is.

The Senator mentioned walking the streets of New Hampshire, the communities of New Hampshire, when he ran for President, and people did not know—I think the implication was they did not support the Senator because he was talking about a budget freeze. I walked those same streets in those same towns and supported a budget freeze and got 65 percent of the votes. So maybe it was just the communicator. I am not sure.

But I think people in New Hampshire and people across America want the budget balanced. And I realize that there are worthwhile programs here, which is why Senator ROTH and I exempted the crime portion, the justice portion. But I think, also, as the Senator well knows better than I do, in the Appropriations Committee that is the job, to shift moneys around, to prioritize certain things, and if crime becomes a priority, then make some adjustments somewhere else. That is the job of the appropriators. And, frankly, to the consternation of many of us in the authorizing committees, you do it frequently and sometimes we do not like the priorities. But somebody has to prioritize.

My only point is it would be great if we as Senators could sit down in a room and make one very basic premise, which we have never done, and that is that we are willing to balance the budget. Let us just make that decision. Then we will fight about what we do to balance it. And I may lose on some things that I would like to see remain, but so be it. We will balance the budget.

But we have not made that decision. We defeated a constitutional amendment to balance the budget in the Chamber of this Senate earlier this year by 3 or 4 votes because, the reason was given, well, we can do it; we do not need an amendment to do it. Well, here is an opportunity to take $4 billion, and we are not cutting a nickel. We are going back to last year's level, that is all. We cannot even do that. So I think the point is made.

Mr. President, I am going to yield back the remainder of my time, but before doing that I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, I say to the distinguished Senator from New Hampshire, that is why I congratulated him, because he did get 65 percent of the vote. I carried Dixville Notch, but I did not carry the Manchester Leader. The Senator probably had her support.

I do admit to a communications difficulty. I remember up there when "E.F. HOLLINGS" spoke, nobody listened. I knocked on a door up in Massachusetts—I never will forget it—in Woosta. I kept calling it "Warchester." And the lady said, "Who are you?" I said, "FRITZ HOLLINGS." She thought it was a German trucking company.

But in any event, the Senator is probably right; it was a communications problem.

But there is not a right approach or a wrong approach. It is every approach. The Senator and I have used freezes. I used Gramm-Rudman-Hollings until they repealed that here at 1 o'clock in the morning. I raised a point of order on it. And that is when we started going up to $400 billion. And actually we are now at a $4.7 trillion debt. The annual cost is $1 billion a day except Sunday—$311 billion interest costs. So I call them "interest taxes." And those people who pride themselves on not increasing taxes are doing exactly that. That is exactly what we are doing. We are raising $1 billion in taxes that have to be paid. We are putting it on future generations. But we are putting it on the debt, so that in turn increases again the interest cost on that national debt. So we have worked our way into a position of having to increase taxes as well as cut spending.

You can eliminate all nine of these appropriations bills and you would still be in a deficit. So let us understand that. Just eliminate them, do not just cut them or whatever it is. So with that, you need not only spending cuts but you need some revenues. That is what I hope to do, is cut the spending and raise some revenues and start us down the road toward fiscal responsibility again.

Let me yield the floor.

Mr. DOMENICI. Will the Senator yield?

Mr. HOLLINGS. I yield whatever time necessary.

Mr. DOMENICI. How much time does Senator HOLLINGS have?

The PRESIDING OFFICER. Eight minutes 44 seconds.

Mr. DOMENICI. I yield myself 4 minutes of that 8.

Might I first say to the Senator from New Hampshire, my hat is off to the Senator and my good friend, Senator ROTH, from Delaware, for all you try to do to reduce the deficit around here.

I can say that the Senator does not appear to me, based on his voting record, 1 day to be for a lot of spending and then another day for cutting. I think he is very consistent, and I compliment him for that.

First of all, I regret to tell the Senator that if this was adopted and we recommitted this as recommended, let me be sure that everybody understands what I am saying. We would not save one penny. Let me suggest why. Frankly, we saved some money when both Senators voted for the Exon-Grassley amendment. I assumed they both did. That took the caps that bind us in terms of spending, and it lowered them. The two Senators should have taken full credit for all those appropriated accounts that could no longer be funded, and I think it was $19 billion over 5 years. It went to conference. That was cut in half. So the two Senators can take credit for $12 billion in savings. Those are real savings because the Senate and the House cannot spend above those caps. So that reduced the total amount of money available to be spent, and there were real savings.

But I regret to tell you that if this occurred, the money that was purported to be saved was not saved. It goes right back into the large chunk of appropriated accounts to be appropriated at a later time.

So anybody that really thinks you get savings, the only way to do that is to add to this amendment caps that reduce by the amount that you want to save. I am not being critical. The Senators' intentions are absolutely forthright. But essentially it will not save any money. That is not all the argument.

If you want to know how to cut the budget, you have to get started on the entitlements, and I think both of my friends who offered this amendment know that. The entitlements are still growing at a pace that will bankrupt the country. We will be back up to $450 billion in deficits, if we freeze all the domestic accounts for the next 4 or 5 years, we will be up to a $450 billion deficit because of entitlements.

So your question is, If this is not the right way, what is? Lower the caps is the right way, and have an amendment down here and vote on it, and lower them. Then you really save money.

Second, get after the entitlements, and whenever we collectively bring some amendments to the floor, if you choose to, obviously reduce that entitlement spending.

Let me make one last point. This is a crime fighting bill, and I have to remind Senators that $222 million of the reduction proposed comes from the Federal judiciary. It will be $367 million below their request. It seems to me that we ought to help our Federal district courts and circuit courts who are engaged these days in the heaviest dockets of criminal cases that we have ever had, and we would be reducing the Federal judiciary over the request by $367 million.

I also say that, in order to fund crime in this bill, we have already reduced the so-called related agencies by $468 million in order to spend that money on crime. You will take another chunk out of that under this proposal.

So again, I understand this is a consistency issue with the Senator from New Hampshire, and he has been joined by one who takes a back seat to no one on deficit cutting. But I do not believe sending it back to committee with these kinds of cuts is the right way to do it. I am sorry that I cannot be supportive.

Mr. ROTH. Mr. President, may I ask the Senator, it is true that we could make the savings by lowering the caps and addressing entitlements; is it not also true that if we were successful in reducing this appropriation by $1.6 billion, if we could get those votes, then maybe we could keep future appropriations from spending it? I realize that there is always the risk that someone else will try to spend it. But if this Senate would just show once that it has the courage to take these steps, then there is a third approach.

I ask my distinguished colleague.

Mr. DOMENICI. Mr. President, I say this knowing full well what the Senator has in mind, and the sincerity of his approach. But we have already in the past 3 years cut programs on the floor of the Senate without reducing the caps, and we have never saved a penny. Some of the Bumpers amendments have passed where we have cut this program or that, and if you did not reduce the caps, if you look at the year, we did not save any money.

So I do not believe you will ultimately save money that way.

Mr. ROTH. Nevertheless, it is a possibility?

Mr. DOMENICI. Of course, it is possible. I grant you that.

Mr. SMITH. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 3 minutes and 28 seconds.

Mr. SMITH. I yield 3 minutes and 28 seconds to Senator LOTT.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Mississippi [Mr. LOTT], is recognized.

Mr. LOTT. Mr. President, I wish to thank the distinguished Senator from New Hampshire for yielding me this time. I rise in support of his amendment. I know that bill managers have a tough job, and I know they work hard to do a good job. In fact, they did a good job; however, this amendment will make a significant improvement on their efforts. It ensures that the reductions are real and that they occur to other than the crime fighting provisions of this legislation. This makes sense.

Specifically, the motion says that any reductions in the total appropriation shall be achieved only from agencies funded under titles II through VII of the bill. So the way I read that, the Department of Justice, and related agencies would be exempted. I want to repeat; it would excluded the crime fighting portion of this bill. They would not be included under the motion by the distinguished Senator from New Hampshire.

But, even if that were not true, I mean, how many of you in this room think that the American people will shed tears because the bureaucracy within the Department of Justice does not get more money? Not very many. Granted, the Department of Justice may have a heavy load; however, the solution is to work a little harder; not spend more money.

I know of certain instances where the case backlog could be resolved if the Federal judges would just come in and really go to work. Dockets could be cleaned up. I am not particularly impressed by the argument regarding workload.

I did not intended to speak on this topic today. However, I read the bill and listened to the effort of the Senator from New Hampshire and was compelled to participate in the dialog on this bill. In my reading of the legislation, I found some interesting things which need to be highlighted and challenged. If our Government's budget is tight, why do I see an appropriations bill filled with spending increases for a whole handful of Federal agencies. For instance, the Equal Employment Opportunity Commission, will get an increase of $10 million above last year; the National Institute of Standards and Technology will get an increase of $358 million over the previous year; the National Oceanic and Atmospheric Administration [NOAA], an organization that I generally like and support, gets a $58 million increase; and $98 million more for the Economic Development Administration. How about $42 million more for the Bureau of the Census, and we are nearly a half a decade away from the next census. The list goes on and on, and it is starting to add up to real money. The index of agencies and accounts showed that 22 either increased or remained constant while only 7 were reduced. The appropriation increased by nearly 18 percent when compared to last year—this is not just keeping up with inflation—this is spending more.

One last thought on spending. It is just as interesting to examine what agencies were cut and ask why. The Small Business Administration's budget went down by $147 million. To me small business is entrepreneurial America, and it should not be short changed at the expense of an international agenda.

The American people are not excited about what the State Department does. And yet, the State Department got an increase of $185 million over last year. This bill recommends $4.2 billion for the Department of State. I do not believe, if a vote were taken on this one item, that you could get 10 Senators to support this increase for the State Department.

Let us pause and examine one element within the State Department account, and ask the simple question—what is that? The Committee for International Organizations and Conferences, that is a strange sounding name. It gets well over $1.3 billion annually. That is more than this administration budgeted for the Drug Enforcement Administration and the Small Business Administration put together. Put together. I ask you; are the priorities right?

I would like to conclude on the issue I started with—crime fighting. We all know this bill is not about crime fighting it is about spending at the Department of Justice. There is no other agency in this city that is so over populated with tons of lawyers, who ought to be out doing genuine work in the private sector. Do my colleagues think we cannot cut its bureaucracy? We are not talking about the Federal workers who deal with the criminal element on a day-to-day basis, those making our streets and homes safer.

I know the job of an appropriator is tough. I know the bill managers have made an excellent attempt in many respects, but I would like to see some priorities challenged and more money invested in real crime fighting.

I urge adoption of the Senator's motion.

Mr. BIDEN. Mr. President, I rise in strong opposition to the motion offered by Senator SMITH and others that would recommit the Commerce, Justice, State, and Judiciary appropriations bill. I must oppose this motion for one overriding reason—this motion would be devastating to my home State of Delaware. Chairman HOLLINGS and the members of the Appropriations Committee have brought to the floor a tough and efficient bill, to recommit the bill at this late hour will have one result, and one result only—this bill will fall apart. Can we be sure that Chairman HOLLINGS and the other members of the Appropriations Committee will be able to start anew with a bill that is as complete, particularly for my home State of Delaware? Of course not.

The House of Representatives has already passed this bill, the Senate appropriations Justice Subcommittee has already passed this bill, and the Senate Appropriations committee has already passed this bill. And, I have been working with Chairman HOLLINGS for months throughout this process.

Chairman HOLLINGS and ranking Member Senator DOMENICI have been most responsive to my efforts to fight for the citizens of Delaware. Chairman HOLLINGS and Senator DOMENICI worked with me to adopt an amendment I sponsored that continues funding for Delaware's victims of crime. All told, I am gratified that our efforts will more than triple Federal crime-fighting dollars in Delaware, from $3.5 million today, to at least $10.9 million next year. These efforts will serve Delawareans who are victims of crime, particularly women victimized at the hands of a brutal spouse, Delaware law enforcement, Delaware's judicial system, and Delaware children who are at risk of falling prey to drugs and crime.

Make no mistake, adopting the Smith motion will destroy the sound, bipartisan efforts of the appropriations committee, And I urge all my Senate colleagues to vote against this motion.

The PRESIDING OFFICER. All time has been yielded. The question is on agreeing to the motion of the Senator from New Hampshire to recommit. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from California [Mrs. FEINSTEIN], and the Senator from Ohio [Mr. METZENBAUM], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Texas [Mr. GRAMM], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—24

Bennett
Bradley
Brown
Coats
Craig
Dole
Faircloth
Feingold
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Kohl
Lott
McCain
Nickles
Pressler
Roth
Simpson
Smith
Wallop
Warner

NAYS—71

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Exon
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Thurmond
Wellstone
Wofford

NOT VOTING—5

Boren
Durenberger
Feinstein
Gramm
Metzenbaum

So, the motion was rejected.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we are ready to move to the Dole-Hutchison amendment. The yeas and nays have been ordered.

Before we do that, we have one minor item here with respect to the Senator from Pennsylvania, [Mr. WOFFORD], and the Senator from Vermont. We are ready to accept that.

So if I could yield the floor and they be recognized, I think we could move that one along and then get to the other.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2361

(Purpose: To restore funding for Trade Adjustment Assistance Centers)

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the pending amendment be set a side for the purpose of offering an amendment. The amendment that I will be offering is the Wofford amendment that is set forth in the unanimous-consent request. The amendment is at the desk.

The PRESIDING OFFICE (Mr. KERREY). Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for Mr. WOFFORD, for himself, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. SPECTER, Mr. MOYNIHAN, Mr. RIEGLE, Mr. DANFORTH, Mr. LEVIN, Mr. ROCKEFELLER, and Mr. KOHL, proposes an amendment numbered 2362.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 64, line 20, after "realignment," insert ": *Provided further,* That of the total amount appropriated in this paragraph, $10,000,000, shall be available for the trade adjustment assistance program and $174,000,000 shall be available for grants pursuant to Title I of the Public Works and Economic Development Act of 1965 as amended".

Mr. JEFFORDS. Mr. President, I am pleased to sponsor, along with the junior Senator from Pennsylvania, an amendment to restore funding for Trade Adjustment Assistance Centers [TAAC's]. It is also cosponsored by Senators LAUTENBERG, SPECTER, MOYNIHAN, RIEGLE, DANFORTH, LEVIN, ROCKEFELLER, and KOHL.

Our amendment shifts $10 million from the title I public works grant program under the Economic Development Administration [EDA] to fund the 12 regional Trade Adjustment Assistance Centers at their fiscal year 1994 level.

Even with the shift, title I is funded at $174 million, which is $14 million more than current funding, and $42 million more than the administration's request.

Trade adjustment assistance is authorized under the Trade Act of 1974 to help manufacturers who have lost sales and jobs to imports. Affected firms undergo a certification process in which they document injury from imports. Once certified, they become eligible for cost-shared technical assistance to improve their competitive position.

Mr. President, Trade Adjustment Assistance Centers work. The 12 regional TAAC's have assisted 454 firms in the past 5 years, helping these firms to reverse declining sales and job losses.

Two years prior to entering the Trade Adjustment Assistance Program, these firms employed 55,737 people, and had cumulative sales of $4 billion.

At the time of certification, their employment levels had dropped by 14 percent, to 48,070—a loss of 7,667 jobs. Their sales had declined by $391 million—a 10-percent decline.

Since receiving TAAC help, these firms have boosted sales by $804 million—a 22-percent increase. And they have hired back 3,369 workers.

Most important, productivity as measured by sales per employee has increased significantly, averaging $72,499 prior to certification and $86,572 since certification. Profitable firms stay open for business; they continue to employ people and hire new people.

In the last 3 years alone, 59 companies employing 8,930 workers have received approval for technical assistance projects totaling nearly $6 million. The Federal Government will provide 58 percent of that amount; the firms themselves will foot the bill for the remainder. The Federal Government's cost per employee for this assistance is only $380—an amount equal to a few weeks of unemployment compensation.

The New England TAAC currently is providing assistance totaling $205,000 to 6 companies in Vermont that employ 206 workers. One of these companies, the Stowe Canoe and Snowshoe Co., has introduced a new aluminum snowshoe since receiving NETAAC assistance. It has doubled its work force to 30 employees and captured 30 percent of the growing metal snowshoe market.

An article appearing in the February 1994 issue of Nation's Business magazine highlight the Stowe turnaround and other TAAC successes. I ask unanimous consent that the article, entitled "Getting Help to Fight Back," appear following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JEFFORDS. Other Vermont firms helped include Moot Wood Turnings in Northfield Falls, Polymers, Inc. in Middlebury, Pulmac Ventures in Montpelier, Ski Tuner in Waitsfield, and Snow River Wood Products, Inc., in Brattleboro.

Mr. President, I will close by making a few observations. First, the administration zeroed out funding for the TAAC's because it intends to revamp and consolidate all of our adjustment assistance efforts. While I am not necessarily adverse to such action, I think it is imperative that we continue to fund the TAAC's until a satisfactory replacement is up and running.

Second, many argue that TAAC's only help dying industries. Two points there: First, look at the rebound our auto manufacturers have made. Trend does not have to be destiny. But also, the argument simply isn't true. TAAC's are providing assistance to several high-technology industries, including medical equipment and supplies, electronics, and communications.

Third, this program delivers a lot of bang for the buck. Each project is heavily cost-shared; each firm has to be viable enough to invest its own capital. So Federal funds leverage private capital.

Finally, the program saves money. If firms regain their competitiveness, they don't lay off employees. The best social program, as we all know, is a good-paying job. And manufacturing jobs are good-paying.

One analysis suggests that the Federal investment in trade adjustment assistance has a return of nearly 700 percent in terms of the Federal and State revenue each job saved or created generates.

Mr. President, I ask unanimous consent that the analysis appear in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. JEFFORDS. All in all, I think a $10 million Federal investment in keeping the 12 TAAC's operating is prudent and fiscally responsible. I urge my colleagues to support this important amendment to maintain our manufacturing base.

EXHIBIT 1

GETTING HELP TO FIGHT BACK

(By Robert Sullivan)

Low-cost Canadian snowshoes threatened to drive Ed Kiniry's company, Stowe Canoe and Snowshoe Co., in Stowe, Vt., out of business. "We were being undercut by inferior-quality imports," he says. "Canadian maple was underselling our ash frames at 60 percent of our lowest price."

Rather than give up, Kiniry got help. He turned to a federal program designed to help small manufacturers recover business lost to imports. The Department of Commerce's Economic Development Administration, through 12 regional Trade Adjustment Assistance Centers, pays up to 75 percent of the cost of consulting services needed to turn around small firms adversely affected by foreign competitors. The regional trade centers can deliver help in as little as 60 days after a company applies.

The New England Trade Adjustment Assistance Center, in Boston, helped Kiniry get a $40,000 grant from the Commerce Department to hire consultants. Upon their recommendation, Stowe Canoe and Snowshoe developed an aluminum showshoe that became an instant market hit. Since introducing the product last year, the company has doubled its work force to 30 employees and has captured 30 percent of the growing metal-snowshoe market, which is projected to reach sales of $5 million this year.

"If the business needs help, we provide it directly or contract with independent consultants for the expertise," says Richard McLaughlin, director of the New England Trade Adjustment Assistance Center.

Although the center covers only "the soft costs," such as consultants' fees, and does not pay for equipment or inventory, Kiniry says the $40,000 grant made it easier for his company to spend $110,000 of its own money to sell the showshoe.

Under the program, participating companies are required to pay at least 25 percent of the cost of the consulting services. McLaughlin says New England area companies that complete the program realize an average 120 percent increase in profitability, a 10 percent increase in sales, and a 5 percent increase in employment.

The centers provide three levels of service: certification of a company's injury from imports, consulting services to prescribe a remedy, and help in implementing consultants' recommendations.

Certification is free. A company must demonstrate that imports threaten its sales, production, and jobs. The center handles all of the paperwork, and the program is confidential. In 1993, 249 small manufacturers nationwide received Trade Adjustment Assistance Center certification, clearing the way for the next level of assistance.

Once a company is certified, professionals spend two to four weeks determining the firm's strengths and weaknesses. A result is an "adjustment proposal," which is similar to a business plan. It outlines a strategy for recovery and includes a grant proposal for consulting services submitted to the Department of Commerce for approval. Proposal review takes about two weeks.

Last year, the Department of Commerce funded 143 adjustment proposals. Congress appropriated $10 million for the program in 1994, down $3.7 million from the previous year.

Once a grant request is approved, the company and the Trade Adjustment Assistance Center select consultants through competitive bidding.

A $50,000 grant for trade adjustment assistance helped revive Roger Leib's ailing company, Add Interior Systems Inc., a Los Angeles manufacturer of upholstered institutional seating. In 1990, import competition cost Leib's firm more than $750,000 in potential sales, and the company lost money for the first time in its 13-year history.

With help from the Western Area Trade Adjustment Assistance Center, in Los Angeles, Add Interior was able to redesign its production layout, install an incentive-pay system, nearly triple the pace of production, increase overall quality, integrate its management-information system, and enhance customer responsiveness. It also streamlined its product line.

"It was amazing how many cost and waste factors were identified and changed," Leib says.

He says sales have climbed 100 percent since he implemented the center's recommendations. Employment has risen to 73 from 52.

"During the past few years, our return on investment of federal funds has been 320 percent," says Dan Jimenez, director of the Western Area center. "Fiscally, socially, and practically, this program works."

For more information or to obtain the address and phone number of the center nearest you, call the Trade Adjustment Assistance Division of the U.S. Department of Commerce in Washington, D.C., at (202) 482-3373.

EXHIBIT 2

Return on investment—Trade Adjustment Assistance Centers

Investment per job:	
Funding, Federal fiscal year 1989, 1990, 1991, 1992, 1993[1]	[2]$54,200,000
Total jobs impacted:[3]	51,439
Investment per job	$1,053.67
Economic impact per job:	
Income, average manufacturing job	$25,000
Federal, State revenue on manufacturing job @ 22%	5,500
Income, multiplier jobs[4]	8,000
Federal, State revenue on multiplier jobs	1,760
Annual Federal and State Revenue, per manufacturing job[5]	7,260
Return on investment	689.02%

[1] Funding covers 60 months of federal fiscal years 1989–1993, and includes only federal government expenditures.

[2] Includes the administrative costs of the Department of Commerce, as well as the funding for the 12 Trade Adjustment Assistance Centers.

[3] Jobs impacted are those jobs retained and generated at firms completing at least one assistance project by September 30, 1993. It does not include the impact of assistance at firms that entered the program since mid-1993.

[4] Multiplier jobs are those generated in providing the goods and services required by the employed manufacturing workers. Although often estimated at 2 or 2.5 for the purposes of this analysis a very conservative multiplier of 0.5 was used. Service job revenue is calculated at an average hourly rate of $8, annual income of $16,000, multiplier income per manufacturing job is $16,000 x 0.5.

[5]) Annual revenue per job disregards local income or property tax revenue.

Mr. JEFFORDS. I yield to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. Mr. President, I thank Senator JEFFORDS and other colleagues on both sides of the aisle for joining in supporting this effort to help our country's small- and medium-sized manufacturers compete with increasing imports. And I thank Senator HOLLINGS for his help.

The rules of international trade are changing dramatically. U.S. companies face increasing international competition for even their traditional markets here at home. Although these changes can lead to benefits in the long run, they will only be realized if firms and workers have the tools to adjust to a rapidly changing world.

The trade adjustment assistance centers funded by the Economic Development Administration have a record of success in helping these firms across the country.

For example, the center in Pennsylvania has helped companies in a variety of industries, including apparel, textiles, wood products, metal casting. Since 1988, its estimated that this program has helped save 8,000 jobs and helped create 2,000 jobs. And right now, 15 firms are currently certified or awaiting certification for assistance. The funds made available by this amendment, will make it possible for 24 additional firms to be helped.

This success is in large part because the needs of business drive the program. Firms have to invest some of their own money in order to get the program's benefits. Because of this private match, we have assurance that public funds will focus on what the market needs not what some bureaucrat decides.

Mr. President, I urge my colleagues to support this amendment that means jobs and opportunity for American workers and American companies. If American businesses and their workers have access to the tools to compete, they will be able to thrive—rather than fear—an increasingly competitive world.

Mr. HOLLINGS. Mr. President, I ask that the amendment be agreed to.

Mr. DOMENICI. Mr. President, this amendment is found in the House bill. We have no objection.

Mr. MOYNIHAN. Mr. President, I rise to cosponsor the amendment of the Senators from Pennsylvania and Vermont to maintain funding for the Trade Adjustment Assistance firm program.

This amendment provides funding for the critical component of the Trade Adjustment Assistance program that aids companies by granting them technical help to improve their manufacturing, marketing, and other capabilities in the face of import competition. This program has been with us for more than 30 years.

First outlined in 1954 by United Steel Workers president David MacDonald, Trade Adjustment Assistance was enacted as part of the Trade Expansion Act of 1962. As Luther Hodges, President Kennedy's Secretary of Commerce, told the Finance Committee during consideration of that legislation:

> Both workers and firms may encounter special difficulties when they feel the adverse effects of import competition. This is import competition caused directly by the Federal Government when it lowers tariffs as part of a trade agreement undertaken for the long-term economic good of the country as a whole. The Federal Government has a special responsibility in this case. When the Government has contributed to economic injuries, it should also contribute to the economic adjustments required to repair them.

The Trade Adjustment Assistance program for firms has done just that. In the past 5 years, it has helped more than 450 small- and mid-sized manufacturers suffering from layoffs and lost sales due to import competition. I have received numerous letters from New York companies urging us to continue funding the Trade Adjustment Program for firms. My State is home to one of the 12 assistance centers that administer this program. That facility, at the State University of New York at Binghamton, has helped New York companies increase their sales by more than $110 million since 1989. Those added sales are all the more impressive considering that the same companies' sales had fallen $8 million in the 2 years before the Trade Adjustment Assistance Program began.

Nationwide, the story is the same. The program's administrators calculate that it has created at least 3,000 jobs and saved another 45,000 nationwide since 1989—all at firms that had laid off thousands of employees before the aid commenced. It has meant $800 million in added sales—a 20-percent increase—for companies that had lost almost $400 million in sales in the 2 years before getting the help. Quite a record of achievement for a $10 million program.

In fact, as we face intense and growing economic competition from Europe, Asia, and Latin America, the need for a human side to our trade policy is even greater than it was 30 years ago.

For all of the above reasons, I urge my colleagues to support this amendment.

Mr. LAUTENBERG. Mr. President, I rise today with my colleagues, Senators WOFFORD and JEFFORDS to introduce an amendment to restore funding for trade adjustment assistance for firms.

Only trade adjustment assistance centers [TAAC] provide manufacturing firms with an effective strategy to help them compete with foreign companies. The 12 TAAC's located throughout our country provide assistance in the form of individualized turnaround strategic plans to small- and medium-sized manufacturing firms.

Over the last decade, my State has lost over 200,000 manufacturing jobs. Many of these jobs went overseas to countries that pay their workers a fraction of what our workers earn. Because of the lower labor costs, many foreign firms are able to import and sell their product at price below what a New Jersey company must charge. The New Jersey TAAC works with such import-impacted companies to devise effective plans under which the companies are able to again compete and thus, survive. The Federal Government's return on investment in the New Jersey TAAC is almost 400 percent Mr. President.

TAAC funding for fiscal year 1994 was $10 million—which is the level that the House provided TAAC for fiscal year 1995. I know there is significant support for the TAAC program in the Senate and I hope that our colleagues will see the merit and cost-efficiency of this program and vote to restore TAAC's funding.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2361) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. I now yield to the distinguished Senator from Texas.

Mr. DOMENICI. Will the Senator from Texas yield for just a moment?

Mrs. HUTCHISON. I will.

Mr. DOMENICI. This is the regular order. Senator DOLE had introduced this amendment in your behalf. We had temporarily set it aside. It is pending.

I would ask Senators on our side that have amendments that are listed by name if they could bring us the text of some of the amendments so we would know whether we can negotiate some of them out or not. There are about 15 on our side that still do not have the text accompanying the proposal. I wish they would do that. It surely would be helpful to us.

I thank the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield 5 minutes to the Senator from North Carolina for the purpose of a couple of amendments that I am told are acceptable, and he just wants to make a statement.

Mr. HELMS. I thank the distinguished Senator from Texas.

AMENDMENT NO. 2353

Mr. HELMS. Mr. President, may I ask the status of Amendment No. 2353?

The PRESIDING OFFICER. Amendment No. 2353 was adopted earlier today.

Mr. HELMS. And the motion to reconsider was tabled, is that so?

The PRESIDING OFFICER. The motion to reconsider was not made.

Mr. HELMS. I move to reconsider the vote.

Mr. HOLLINGS. Is this the Pressler amendment?

Mr. HELMS. Yes.

Mr. HOLLINGS. The reason, Mr. President—if the Senator would yield—we kept it open for the Senator from Massachusetts. But I have checked with him now and he was trying to get momentarily to the floor.

So the Senator has moved to reconsider, and I move to table.

The PRESIDING OFFICER. If the Senator would suspend. Did the Senator from South Carolina ask that the motion to reconsider be tabled?

Mr. HELMS. He did.

The PRESIDING OFFICER. Without objection, the motion to reconsider is tabled.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2362

(Purpose: To prohibit funding for the issuance of visas to aliens who illegally confiscate property of a United States person)

Mr. HELMS. Mr. President, I have two amendments which have been cleared on both sides.

I send the first one to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2362.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . INELIGIBILITY TO RECEIVE VISAS AND EXCLUSION FROM ADMISSION TO THE UNITED STATES.

None of the funds appropriated by this Act may be used to issue a visa to any alien who illegally confiscates or has confiscated or has directed or overseen the illegal confiscation of the property of a United States person, or converts or has converted for personal gain property otherwise illegally confiscated from a United States person.

Mr. HELMS. Mr. President, this amendment proposes that if an alien illegally confiscates the property of a U.S. citizen in a foreign country, that alien should not be given a visa to come to the United States. There are scores of cases—more than 1,500 in Latin America alone—where foreigners have unlawfully taken property from American citizens without compensation. Some of these people are government officials, but others are merely petty thieves who bribe local officials to oversee the illegal confiscation of Americans' property.

Mr. President, U.S. officials who are helping Americans to resolve property claims have begged for the authority to deny visas to aliens who have confiscated property from U.S. citizens. They have told me that in many cases they can easily determine who has stolen an American's property making them ineligible to receive a visa. And they have told me that nothing will get the attention of these foreign offenders more than to pass this amendment.

I offer an example, Mr. President. In 1990, Sherril Haylock, the mayor of a small town in Honduras, confiscated without compensation land owned by George Drucker of California. Mr. Drucker traveled to Honduras on numerous occasions and spent endless hours with United States Embassy officials trying to resolve his case. Meanwhile, Mayor Haylock, traveled frequently to her vacation home in Tampa, Florida. If the U.S. Embassy could have prevented Sherril Haylock from traveling to the United States by denying her a visa, Mr. Drucker would have had his land returned long ago.

It is a nightmare for people like Sherril Haylock to be told by the U.S. Embassy that there will be no more shopping sprees in the United States. If you don't return property confiscated from U.S. citizens, you cannot come to the United States. It's that simple and that is exactly what this amendment enables State Department officials to do.

Mr. HOLLINGS. Mr. President, this has been cleared on both sides. I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2362) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair will advise that the motion to reconsider the previous amendment is still pending.

Mr. HELMS. I so move.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2363

(Purpose: To state additional conditions for the approval of exports of United States-origin satellites on launch vehicles of the People's Republic of China or Russia)

Mr. HELMS. Mr. President, the second amendment has been accepted by both sides. I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2363.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 118, line 3, strike "and".

On page 118, line 9, strike the period and insert ", and".

On page 118, between lines 9 and 10, insert the following new paragraphs:

(3) the Secretary of State, in consultation with the Secretary of Commerce, certifies that none of the entities dealing with the commercial launch service or their subsidiaries have been found by the United States Government to have engaged in any missile-related transfer prohibited by the Arms Export Control Act or the Export Administration Act of 1979, and

(4) the Secretary of State certifies that none of the equipment or technical data acquired by Chinese or Russian entities as a direct result of providing commercial launch services for United States-origin satellites will enhance the military capabilities of the People's Republic of China or Russia.

Mr. HELMS. Mr. President, this amendment proposes to close two loopholes in the current United States satellite export policy regarding Communist China and Russia. It does not ban the licensing of commercial United States-origin satellites for launch on Chinese or Russian rockets. Rather, this amendment ensures that the Communist Chinese and Russian militaries as well as foreign companies that violate missile-proliferation controls are denied benefits from such commercial launch services.

The pending amendment accomplishes this objective by adding two new conditions to section 609 of the bill. Section 609, as drafted by the Senate Appropriations Committee, prohibits any funds in this act to be used to approve any export license applications for the launch of United States-origin satellites on Communist Chinese or Russian launch vehicles unless certain conditions are met. The Helms amendment adds two more clarifying conditions.

Recent events underscore the need for clarifying and strengthening the statutory controls governing satellite exports to Communist China and Russia.

A year ago, the Clinton administration determined that Red China had sold restricted missile technology to Pakistan in direct violation of Beijing's own agreement to abide by MTCR standards. United States law required specific sanctions be imposed against both the Communist Chinese Government and the individual Chinese entities involved in this illegal transfer. As a result, exports to Red China of MTCR-listed equipment and technology, including satellite components and technology, have been prohibited for 2 years. Or so Congress and the American public have been led to believe.

In reality, United States satellites are being exported to mainland China and to the same Communist Chinese Government-owned entities sanctioned for violating the missile proliferation agreement. Four export licenses have been approved this year alone. Mr. President, how can this be?

The reason is that through a very questionable legal interpretation of the MTCR sanctions law, the Clinton administration has determined that satellites that are exported through the Commerce Department's licensing process are considered not to be MTCR listed items. Therefore, the above sanctions do not apply.

However, satellites that must be exported through the State Department's licensing process are considered MTCR listed items and are prohibited from transfer to Red China. This is confusing and makes no sense.

The result is that entities in Communist China, like the Great Wall Industrial Group, that have been found guilty of violating missile proliferation controls are receiving new, lucrative contracts for serving and launching United States-origin satellites. Instead of paying the price for illegal proliferation activities, these entities are laughing all the way to the bank with new contracts for activities supposedly banned by the MTCR sanctions imposed against them.

How can missile proliferation controls be effective if those who violate them are rewarded with the very activities they are supposed to be denied? If MTCR sanctions are to have any deterrent value and meaning, this loophole must be closed.

Let met be clear, the pending amendment does not prohibit satellite exports to China. It does, however, prohibit Communist Chinese entities that have violated MTCR controls from importing MTCR-controlled items and from receiving profitable contracts to launch American satellites.

The second part of this amendment requires the Secretary of State to certify that none of the technical data or equipment acquired by Communist Chinese or Russian entities as a direct result of servicing and launching and American-made satellite will enhance the military capabilities of Red China or Russia.

There is concern that some of the technology that might be given to Communist China in order to connect the American satellite to the Chinese rocket booster has significant military applications. It has been reported that some of this kind of satellite integration data may provide Beijing with the know-how it very much wants to acquire in order to develop highly accurate MIRV—multiple nuclear warhead—capability for Communist Chinese strategic missiles.

In no way should the United States help the Communist Chinese military modernize and improve its nuclear warfighting capability. The certification contained in the pending amendment ensures that American national security interests are protected.

Clearly, the pending amendment does not impose onerous conditions on American satellite exports. And, had the Clinton administration not undercut the MTCR law through its questionable interpretation of MTCR sanctions, this amendment may not have been necessary. However, since the administration is unwilling to support the missile proliferation controls that are already on the books, Congress must do so. That is all the pending amendment does and I urge my colleagues to support it.

Mr. HOLLINGS. Mr. President, this language is relative to the Chinese transfer in accordance with the Arms Export Control Act and the Export Administration Act. It clarifies the language in the committee bill. We are prepared to accept it. It has been cleared on both sides.

I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2363) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2357

Mrs. HUTCHISON. Mr. President, I rise to speak to the Dole-Hutchison amendment. What the amendment will do is to provide $350 million from the present international peacekeeping operations portions of the budget and put it, instead, for the Federal contribution to the States for the expenses of incarcerating illegal aliens. This is a problem that our border States have been dealing with. It is a Federal issue. The Federal Government once again passes mandates to the States but we just do not pass the money to pay for these mandates.

I have a letter from Gov. Pete Wilson in support of this amendment. He says, "The annual cost of incarcerating illegal alien felons in California alone is nearly $400 million." We are talking about $350 million to be allocated to the States affected, and California alone is spending $400 million.

I ask unanimous consent the Governor's letter be printed in the RECORD.

I also have the Budget Resolution of the Governors Association signed by two Republican and two Democrat Governors, saying it is time for the Federal Government to step up to the line and take over the responsibility for payment for incarceration of illegal aliens.

I ask unanimous consent that be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE CAPITOL,
Sacramento, CA, July 22, 1994.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: I am writing to express my strong support for your amendment to H.R. 4603, the Fiscal Year 1995 Commerce-Justice-State Appropriations Bill, which would provide at least $350 million to reimburse state and local governments for the costs of incarcerating illegal alien felons.

As you well know, the states of California, Texas, Florida, New York, Illinois, Arizona and New Jersey have engaged in a bipartisan campaign to get the federal government to take responsibility for the costs of illegal immigration. Immigration is a federal responsibility. Yet, federal policy continues to shift financial responsibility for illegal immigrants from the federal government to the states and localities. As a result, taxpayers in our states have been forced to bear a disproportionate share of the costs of this federal policy.

A key component of that effort is securing federal responsibility for the costs of incarcerating criminal aliens in state and local correctional facilities. Though almost every state prison contains illegal alien felons, California's prisons are home to the vast majority. By the end of my state's current fiscal year, California's illegal immigrant felon population is projected to exceed 18,000 inmates—five times more than any other state, and a population that would fill eight state prisons at design capacity.

The annual cost of incarcerating illegal alien felons in California alone is nearly $400 million. The Congressional Budget Office estimated that the annual cost for all state and local governments is at least $600 million. Clearly, the growing numbers of illegal alien felons in state and local facilities is having a direct and negative impact on state and local law enforcement efforts to put police on our streets and keep violent criminals behind bars.

This is not a new issue. The Immigration Reform and Control Act of 1986 authorizes reimbursement to the states for these costs. In addition, both the House and Senate crime bills contain language calling for full federal responsibility for the costs of incarcerating illegal aliens. In fact, the House bill would make reimbursement mandatory. Even the President recognized the need for federal responsibility when he called on Congress to provide $350 million to state and local governments for the costs of incarcerating illegal alien felons.

Senator, I appreciate your taking the initiative on this issue of critical importance to the people of Texas, California, New York, Florida and other states impacted by the tremendous fiscal burden of illegal immigration. You clearly understand that unless the federal government assumes responsibility for illegal immigration, affected state and local governments would have to make cuts in much-needed services to legal residents.

The time has come for the federal government to establish a new illegal immigration policy based on federal responsibility and fairness to state and local governments. Your amendment represents an important step toward that goal.

Thank you for your attention to this matter of critical importance to our states.

Sincerely,

PETE WILSON.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, April 15, 1994.

To Conferees on the Fiscal 1995 Budget Resolution:

We are writing to express our support for Section 32 of the Senate-passed version of H. Con. Res. 218, the fiscal year 1995 budget resolution. Specifically, Section 32 says "it is the sense of Congress that funding should be provided to reimburse the costs associated with undocumented immigration and refugee policy."

The nation's Governors have been in strong agreement that immigration policy must be based on federal responsibility and fairness to state and local governments. As you well know, immigration policy is solely a federal concern. Yet federal law mandates the states to provide emergency health care and education to undocumented immigrants who reside in our states. State governments also are forced to pay for the costs of incarcerating undocumented alien criminals.

The policy of the National Governors' Association affirmed in February calls for the federal government to assume financial responsibility for the cost of providing health care and public education to undocumented immigrants, and for the costs of incarcerating undocumented immigrants in state prisons. We believe that Section 32 of the Senate-passed budget resolution is consistent with these policies, and we urge you to retain this language in the final version of H. Con. Res. 218.

Thank you for your consideration in this matter.

Sincerely,

GOV. CARROL A. CAMPBELL, Jr.,
Chairman,
GOV. PETE WILSON,
Chairman, Committee on Human Resources,
GOV. HOWARD DEAN, M.D.,

Vice Chairman,
GOV. DAVID WALTERS,
Vice Chairman, Committee on Human Resources.

Mrs. HUTCHISON. Mr. President, in my State the cost last year was $56 million to keep over 2,000 felons who are illegal immigrants. We have a problem here. I believe the administration understands that we have a problem because they have said that they would agree to $350 million that might be taken out from some other portion of the bill. The problem here is priorities. I think we really have two issues. We have the issue of illegal aliens, which is a Federal issue. Yet the costs are borne by the taxpayers of the States that are affected. Those States include California, Arizona, New Mexico, and Texas, and also Florida, Illinois, New Jersey, and New York. Many States have illegal immigration. Much of the time it is because the Federal Government has failed in its responsibilities to make sure that only legal immigrants come into our country. So it really is a Federal responsibility and we have yet to see the Federal Government step up to the line for these enormous costs.

In my State, the overall cost, estimated by a Rice University study, is $1.2 billion. That takes into account taxes that are paid by these illegal aliens. That is the net, $1.2 billion. That is a lot from a State budget.

The situation in California is even worse. Governor Wilson has asked for this amendment. He has asked repeatedly that we look at this problem. The State of California and the State of Florida have both sued the Federal Government, and rightfully so. I am an amicus curiae brief signer for that lawsuit, because the State of Florida is right, the State of California is right, as is the State of Texas. These taxpayers in our State should not have to bear this Federal burden.

So I hope my colleagues will take this opportunity to make things right. We do tend to step up for people who are in emergencies in other States. We have seen the emergencies with the earthquakes in California; we have seen the flooding in Georgia; we have seen the flooding in Missouri and the Midwest, where the Mississippi river was flooded earlier this year. We have seen so many instances—a hurricane in Florida. This, too, is an emergency, a crisis. The illegal alien costs are burdening not only our States but the cities on the border that are educating the children of illegal immigrants. It is a very costly burden. I think we need to begin to set a policy here that the Federal Government realizes this is their responsibility and the time has come to give equity to the taxpayers of the States that have really borne this cost for so long. But it has not gotten better, it has in fact gotten worse.

That is one issue. There is another issue here. Of course it is always difficult when you are trying to transfer money from one pot to another because then, of course, what you have to do is set priorities. What is the priority? It is very difficult, sometimes, if two programs are very good programs. But I think the priority is clear in this instance because we are asking it be taken from U.N. peacekeeping funds. I think, frankly, that the U.N. peacekeeping has really gone beyond what many of us in the Senate, many of us in Congress have felt it should do; just how much we should be putting into the U.N. peacekeeping when sometimes it has gone beyond what we thought the peacekeeping mission should be.

I think it really came home to me when I was approached by a man on a flight going back to my home of Dallas, as I do every weekend. He came up to me and said,

"I am Larry Joyce and I used to be from Texas."

I said, "Hi, Larry, how are you doing? What were you doing in Washington?"

He said, "I was burying my son in Arlington National Cemetery."

I said, "Did he die in Somalia?"

And he said, "Yes, he did."

And as a tear streamed down his cheek he told me about the fact he had been to Vietnam twice and he had come out without a scratch, and yet his only son, Casey, had gone to Somalia on his very first mission for the United States, his first foreign mission. He was very proud. And Casey was killed in his very first mission.

We talked and it became very clear that Colonel Joyce really did not understand why his son died. Had he understood, it would have made it so much easier. But in fact we have a situation where our young men and our young women were over there, under a mission to feed the starving people. That was a U.S. mission. But somewhere along the way the U.S. mission changed to a U.N. mission, and our young men and women became policemen. I think the second issue here is very important. That is, just what is our role in the U.N. peacekeeping missions? I think everybody wants to understand, before we spend our taxpayer dollars and before we spend the precious lives of our young men and women, that we know that those precious lives are being spent when we have a mission that is a U.S. mission that the people of this country understand and have a good feeling about. That is not the case. It was not the case in Somalia.

I have to say that I think the United Nations really does have a clear focus on just what is the peacekeeping role. How many times are we going to go into foreign civil conflicts and decide that we are the peacekeepers?

I had the experience of seeing the Vice President of Bosnia come and beg us to lift the arms embargo so they could fight, fully armed, for their country. And yet our peacekeeping mission does not really want that to happen.

So here we are trying to help that country, and yet we are keeping the people of that country from fighting with all the equipment that they need to fight to save their own country.

So I think we really do have a question here, and I just come down on the side right now of saying that as between an ill-defined peacekeeping mission versus a true crisis in this country that our taxpayers are living with every day and our States and our local governments are living with every day, my priority is with the States that are bearing the burden of this high cost of illegal immigration.

The time has come for us to say, if the peacekeeping mission can be clear and if we can understand it, then let us discuss it and let us know exactly what we are funding and how our money is going to be used. We do not need to keep getting bills in after things have happened, after we have gone in without approving a change in mission. I think we need a little more clarification for the taxpayers of America.

So I am offering this amendment with Senator DOLE to try to bring about equity for the States that are bearing their unfair share of the burden and, at the same time, say, "Look, if we are going to fund the peacekeeping operation, let us understand what it is and let us understand what our role is and let us make sure that we know what the role of our young men and women in the military is before we go forward and just give a blank check to the United Nations."

So I ask my colleagues to think about this very carefully. It is a matter of prioritizing. We have the money and we can take it from many different accounts. But I think this should be the priority. I would have liked to have it come out in a different way, but that was not possible.

So I hope my colleagues will support me on this. It is a very important vote. It is a very important precedent to set that the Federal Government will step up to the line, just as they do in earthquakes, just as they do in hurricanes. These States that are hard hit deserve a break and they deserve the help of the Federal Government, which is, in fact, responsible for illegal immigration.

Thank you, Mr. President. I suggest the absence of a quorum.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold her request?

Mrs. HUTCHISON. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, as Senator HUTCHISON said or implied, California is very much in a tier by itself when it comes to the problems of illegal immigration. The numbers are so much larger. I have been working with the committee, with the chairman, Senator HOLLINGS, and with others.

Yesterday, we entered into a colloquy that set us upon a course of trying to solve this problem. However, this amendment is here today, and as a Senator from California, I feel it is incumbent upon me to vote for every way that I possibly can to solve the problem.

I would like, if I might, to enter into the RECORD specific Department of Finance statistics which show that, according to the California Department of Corrections, there is an estimate of 17,900 illegal immigrants in California's State prison system in fiscal year 1994–1995, at a total cost of $372 million. We have about 129,000 felons incarcerated in more than two dozen State prisons across the State.

It also points out that about 20 percent of the parole population is illegal immigrants as well.

I ask unanimous consent that the Department of Finance, plus the California Department of Corrections analyses of INS holds that are positive and then potential INS holds be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the California Department of Finance, June 1994]

METHOD FOR CALCULATING CALIFORNIA'S COSTS OF INCARCERATION AND PAROLE FOR ILLEGAL IMMIGRANT FELONS

The State cost of incarcerating illegal immigrant felons in the California Department of Corrections (CDC) is calculated by multiplying the projected average daily institution population by the percentage of U.S. Immigration and Naturalization Service (USINS) potential and actual holds by the average per capital incarceration costs.

According to CDC, using Spring 1994 Population Projections, it is estimated that there will be 17,958 illegal immigrant inmates in California's state prison system in FY 1994–95. That number is then multiplied by the average annual per capita cost to incarcerate an inmate in the California prison system, which is $20,761, for an annual total cost of approximately $372.8 million.

Based on October 31, 1993 data, CDC incarcerated 118,995 inmates, and the undocumented population was 16,577. Of this population, 12,435 inmates had actual USINS holds. Additionally, CDC estimated that 65 percent (4,142) of the 6,372 inmates identified for potential holds would receive actual USINS holds. The combined potential and actual holds represent approximately 13.90 percent of the average daily population. This is the percentage that is applied to projected inmate populations to estimate the number of illegal immigrant inmates. However, the USINS has indicated informally that 85 percent of CDC's potential holds are likely to become actual USINS holds. CDC potential holds are defined as those inmates who have an indication that they are foreign-born, either by self-statement, the probation report, the Department of Justice's Bureau of Criminal Identification and Information (CI&I), or another source.

According to the California Youth Authority (CYA), using Spring 1994 Population Projections, it is estimated that there will be 1,079 illegal immigrant wards in CYA facilities in FY 1994–95 with actual or potential USINS holds. The average annual per capita cost to incarcerate a ward in a CYA facility is $32,500, for an annual total cost of approximately $35.1 million.

According to CDC, over five percent of all parolees in California's adult population are illegal immigrants. Based on a total projected parole population of 92,943, CDC estimates the number who are illegal immigrants to be 4,889. This number is then multiplied by the average annual parole supervision cost ($2,271), for an annual cost of approximately $11.1 million. Next, the annual cost for the projected number of parolees who have been deported and are assigned to a CDC USINS Unit for monitoring (7.01 percent of the total projected population) is calculated by multiplying 6,515 by the average cost ($179), for an annual cost of approximately $1.2 million. The total annual cost for parole supervision is $12.3 million.

According to CYA, approximately 4.4 percent of all parolees in California's ward population are illegal immigrants. Based upon a projected parole population of 6,293, CYA estimates the number who are illegal immigrant wards to be 277. This number multiplied by the average annual parole supervision cost of ($4,041), for an annual cost of $1.1 million for 1994–95.

Using CDC's estimates that 13.9 percent of the prison population are illegal immigrants, we assume that 13.9 percent of the cost of 1994–95 facility debt service ($358.5 million), or $51.2 million should be included in the annual cost of incarceration. Similarly using CYA's estimate that 12.1 percent of the youth authority population are illegal immigrants, the 1994–95 facility debt service ($19.2 million) or $2.3 million should be added to the cost of incarceration.

CDC's incarceration, parole costs and facility debt service, added to CYA's incarceration, parole and facility debt service costs, equal a 12-month State cost of approximately $474.7 million.

The following costs are not included in this Reimbursement Request: State and local costs associated with arrest, prosecution, court proceedings and housing in county jails for illegal immigrants convicted of a felony.

DEPARTMENT OF CORRECTIONS FISCAL IMPACT OF INCARCERATION AND PAROLE SUPERVISION OF OFFENDERS WHO HAVE USINS HOLDS OR ARE ILLEGAL IMMIGRANTS (May Revision, With Three Strikes)

ASSUMPTIONS

1. Projected costs include both the cost of housing the institution population with actual or potential USINS holds and the cost of supervising the USINS parole population, based on the latest cost figures available from CDC Office of Budget Management for Fiscal Year 1993–94.

2. Potential USINS holds are defined as those inmates who have an indication that they are foreign-born; either by self-statement, the probation report, the CI&I, or another source. These inmates are designated potential holds until they are reviewed by USINS agents who then either assign an actual hold or release the potential hold. This estimate assumes that 65 percent of inmates with potential USINS holds will eventually receive a hold.

3. Currently Eligible:

Factor	Parole population, Oct. 31, 1993	Institution population, October 31, 1993
Total population	84,771	118,995
USINS parole population	5,296	
USNIS Institution actual holds		12,436
USINS Institution potential holds		4,142
USINS as percent of total	6.25	13.93
	FY 1993–94	FY 1994–95
ESTIMATE		
Institution impact:		
Institution ADP [1]	119,947	129,195
Percent USIN	13.90	13.90
Eligible ADP	16,673	17,958
Costs/inmate year	$20,525	$20,761
Total institution costs	$342,213,325	$372,826,038
	FY 1993–94	FY 1994–95
ESTIMATE OF PAROLE IMPACT		
Parole impact:		
Total parole ADP [2]	85,843	92,943
Percent under active parole supervision	5.26	5.26
Net eligible ADP	4,515	4,889
Costs/parolee year [3]	$2,132	$2,271
Subtotal	$9,625,980	$11,102,919
Percent under USINS unit supervision	7.01	7.01
Net eligible ADP	6,018	6,515
Costs/parolee year [4]	$179	$179
Subtotal	$1,077,222	$1,166,185
Total parole costs	$10,703,202	$12,269,104
Combined fiscal costs	$352,916,527	$385,095,142

[1] Spring 1994 population projections.

[2] Spring 1994 population projection.

[3] Average annual cost of parole supervision in the respective fiscal years.

[4] Adjusted cost of supervision based on 500:1 supervision ratio.

NOTE: Estimating the number of active parolees who have USINS holds or are undocumented illegal aliens is hindered due to incomplete data regarding this population. In some instances, offenders were not deported even though they may have been released with an active USINS hold. There is no disposition information available as to why they were not deported. Others who would be eligible for deportation were never reviewed by USINS.

For example, of the offenders released to USINS custody from 1986 through 1993, there are 6,728 who are assigned to regular California parole caseloads. Of these, 1,927 were actually deported and were subsequently returned to a regular parole caseload.

The process of identifying and tracking undocumented illegal aliens once they are referred to USINS is not well established and lacks a clearly defined communication cycle between State and Federal officials.

DEPARTMENT OF THE YOUTH AUTHORITY BUDGET SERVICES BUREAU, MAY 12, 1994

FISCAL IMPACT OF INCARCERATION AND PAROLE SUPERVISION OF YOUTHFUL OFFENDERS WHO HAVE USINS HOLDS, OR HAVE BEEN REFERRED TO THE USINS FOR SCREENING

General Assumptions

1. Projected costs include both the cost of housing the institution population with actual or potential USINS holds and the cost of supervising the USINS parole population, based on the 1994–95 Governor's Budget (including the May Revision).

2. Potential USINS holds are defined as those youthful offenders who have an indication that they are foreign born; either by self-statement, the probation report, court documents, or another source. These youthful offenders are designated potential holds

until they are reviewed by USINS agents who then either assign an actual hold or release the potential hold. This estimate assumes that 65 percent of youthful offenders with potential USINS holds will eventually receive a hold (estimate based on USINS information).

Institution Population Assumptions

1. On April 13, 1994, there were 1,466 foreign born youthful offenders in the institutions (per OBITS data). INS had placed holds on 340 cases. Of the remaining 1,126 cases, it is assumed that 732 (65%) will eventually receive a hold. The total of actual and estimated potential holds is 1,072.

2. The number of illegal aliens (1,072) as a percentage of the total institution population (8,850) was determined to be 12.1 percent.

Parole Population Assumptions

1. On April 13, 1994, there were 1,015 foreign born youthful offenders on parole. Through a case file review it was determined that there were 261 parolees with Immigration and Naturalization (INS) numbers under active parole supervision.

2. The number of parolees with INS numbers under active parole supervision (261) as a percentage of the total parole population (5,952) was determined to be 4.4 percent.

Calculation of Fiscal Impact

Factor	Institutions and camps population, March 30, 1994	Parole population, March 30, 1994
Total population	8,850	5,952
USINS I&C actual holds	340	
USINS I&C potential holds	732	
USINS parole population		261
USINS as percent of total	12.1	4.4
	1993–94 FY	1994–95 FY
Institutions and camps impact:		
Institutions and camps ADP[1]	8,731	8,920
Percent USINS	12.1	12.1
Eligible ADP	1,056	1,079
Cost per year	$31,600	$32,500
Total I&C costs	33,369,600	35,067,500
Parole impact:		
Total ADP[1]	6,027	6,293
Percent eligible	4.4	4.4
Eligible ADP	265	277
Cost per year	$4,159	$4,041
Total parole costs	1,102,100	1,119,400
Total departmental costs	34,471,700	36,186,900

[1] Spring 1994 population projections.

Mrs. FEINSTEIN. Mr. President, to make a long story short, I will continue to work with the chairman of the committee and with the Appropriations Committee to try to enable some recompense—I know I am joined by my colleague, Senator BOXER, on that—some recompense to the State of California. If it has to come from peacekeeping, it has to come from peacekeeping. If it has to come from some other account, so be it.

But I think it is clear to most of us that illegal immigration, in fact, is a Federal responsibility. It is also clear that this bill is a giant step forward in terms of meeting the need of border enforcement. If we take last year's addition of 600, plus this year's addition of 940 net new Border Patrol agents, about a 30-percent increase, and that is not too bad over a 2-year period of time, there is no way—and I stress no way—outside of voting for this bill that anyone is going to put an additional Border Patrol agent on the border.

So I am happy to support the DOLE-HUTCHISON amendment. I also urge an aye vote on this bill and, hopefully, sooner rather than later. I yield the floor.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator SMITH be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I also ask unanimous consent to be listed as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this, of course, is not the first time that the issue of Federal responsibility for the incarceration of criminal aliens has come before the U.S. Senate.

As we will recall, during the consideration of the crime bill, this Senate passed a provision very similar to one which was adopted by the House of Representatives stating that it is a Federal responsibility to assume jurisdiction for criminal aliens in our State and local corrections facilities. The Federal Government can discharge that responsibility either by actually accepting custody and responsibility for those individuals or reimbursing the States for their cost of incarcerating criminal aliens.

Why did the Senate take this position on the crime bill? It did so, I think, primarily in recognition of an issue of constitutional fairness. The Constitution of the United States, in article I, section 8, outlines the responsibilities of the Federal Government. These are the responsibilities which the original 13 States agreed to confer to the Federal Government and which the Federal Government accepted and, in accepting, accepted the responsibility to see that they would be faithfully discharged.

Two of those responsibilities which the Federal Government accepted as part of the United States Constitution were: "To establish an uniform rule of naturalization."

Since that time, it has been the total responsibility of the Federal Government to establish our naturalization and immigration policy. The State of Texas, the State of Nebraska, and the State of Florida do not have the equivalent of the Immigration and Naturalization Service because they are constitutionally prohibited from doing so. It is totally a Federal responsibility to carry out that function.

Also, in various sections of section 8 of article I, the Federal Government has accepted the responsibility for the protection of our borders.

The Federal Government, for instance, has the responsibility to regulate commerce with foreign nations, and among the several States, and with Indian tribes. The Federal Government has twice accepted the key obligations which relate to the control of our borders, particularly the control of our borders in terms of the flow of human beings. Border protection and immigration are Federal obligations.

Now, what does a State do when the Federal Government, having accepted a responsibility which entails the denial of the individual State to protect itself against that particular venal activity or to engage affirmatively in a positive activity, then fails to fully carry out its obligation?

What is happening today, Mr. President, as it relates to illegal immigration, is that the States, and particularly those such as the State of California, the State of Texas, my own State, and others which are particularly affected by this, are forced to accept and pay the very substantial financial obligation that comes with large numbers of undocumented aliens in our population.

There are many ways in which that reflects itself—in schools, in hospitals, in housing, in social services. But one of the most dramatic ways is the number of people who are here as illegal aliens who then commit crimes, further perpetuating the difficulties which their presence entails, and are prosecuted and sentenced to our State and local correctional institutions.

This Senate decided in the crime bill that fundamental fairness was that the Federal Government, whose failure to enforce laws had allowed this flood of illegal aliens, should then accept the responsibility for the financial cost of that portion of illegal aliens who ended up as criminals.

Mr. President, I believe that this is a basic issue of fairness between the Nation and communities affected by the Nation's failure to enforce the law.

Mr. President, I am pleased to be listed as an original cosponsor of this amendment, and I urge its adoption, both because it will carry out the commitment which this Senate has already made, and because it will represent a statement of fundamental fairness in terms of how we treat our States within this Federal unit.

I thank the Chair.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. I thank the Chair.

First, I ask unanimous consent that I be included as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. I thank the Chair.

Much of what has been said today covers the subject sufficiently, but I feel compelled to add a few comments of my own in support. First of all, I think that President Clinton's initiative earlier this year indicated his recognition of the responsibility and the role of the Federal Government with respect to reimbursing States for the costs related to the incarceration of illegal aliens.

Second, several months ago, the Governor of the State of Florida filed suit against the Federal Government on the entire issue of its responsibility to reimburse States for costs related to illegal aliens.

Just last week, I introduced a brief in support of this suit in the southern district Federal court.

Finally, I would make the comment that Federal law prohibits States from being able to control their own borders. The Federal Government has assumed this responsibility for itself and has failed to do an adequate job. It is then logical to assume that it falls on the Federal Government to pick up the expenses related to that failure. So I support this amendment. I think it is an important initiative. It will only go a portion of the way of reimbursing States for the costs related to the incarceration of illegal aliens.

I thank the Chair.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, let us walk through this particular problem and you will understand the opposition to the amendment.

The President said all right, as an afterthought in the budget, we ought to pay out $350 million for the incarceration of illegal aliens, principally in California, Texas, Florida, and otherwise, and suggested to the Office of Management and Budget that we take $72 million, raise that with fees, spectrum fees of the Federal Communications Commission, and some $285 million from the Justice Department.

We first quickly looked at and understood that that was a nonstarter with respect to the FCC. We had great difficulty last year raising those fees. We could tell immediately they were beginning to characterize fees as taxes, and there is a disciplined opposition ready, willing, and able to fight to the death, and Senators viscerally opposed to any kind of thing that smells like a tax, like a fee, and it was not going to do anything. That was just $70 million.

We looked at the $285 million that was in the Justice Department and we said, well, we made this a crime bill so let us look at the amounts that we raise over and above the President and over and above the House, which was substantial amounts and intentionally provided for. And we said if we got the $350 million by taking back what we had given, so to speak, as we worked this appropriation, we asked the staff to work it out and see how we best could try to suffer that particular cut and not quite raise that much more than the President or quite raise that much more than was provided from the House.

And so they came back with a worksheet, as suggested by the administration: Taking it out of the Justice budget, you would have to cut $126 million from the Immigration and Naturalization Service that hired 550 new Border Patrol agents, 220 new land border inspectors, two 800-bed detention facilities and $50 million in the new border facilities. You would have to cut $79 million from the FBI which hired 436 new FBI agents and 550 support staff, which was to restore the agent strength back to 1992's peak year. You would have to cut $40 million from the Drug Enforcement Administration, which provided for 311 new DEA agents, restoring agent strength to the 1992 peak year, and it restored a cut in the domestic enforcement and State and local task force program. You would have to cut $13 million from the 123 assistant U.S. attorneys and support staff. And going right on down, the Bureau of the Prisons, $52 million to expand the capacity of the Federal prisons, and then for security of the courts, $38 million from the U.S. Marshal Service to meet the critical needs there in courthouse security.

Well, when we saw that, we went back to the boards again and said we really ought to quit debating; we ought to do it. And so now we are doing it. So we were not going to cut it and we looked at the other appropriations and said where is the elbow room, flexibility, and what have you.

And with respect to the new programs, we looked at $1.3 billion that we had appropriated for community policing, and we know how these appropriations go and we would be lucky to get this one all approved and to the President's desk by the beginning of the new fiscal year. Here we are in August. So put out the guidelines, rules, bids, and everything else to be administered by the attorneys general, the communities, to qualify for the payout. It is a lot of money, and we said maybe that whole $1.3 billion would not necessarily be expended during the fiscal year, maybe we had some running room on that particular measure. And we otherwise said to ourselves it would not be the entire $350 million, because I wished to call the attention to everyone to the hearing that the distinguished chairman of our Appropriations Committee, Senator BYRD, had. I am quoting from the testimony of Commissioner Meissner, Chairman of the Immigration and Naturalization Service.

On page 67, she says:

> Well, we are working a very active agenda. We are running on several parallel tracks. So the effort to put forth the proposal where reimbursement for States are concerned in incarceration costs depends also on our being able to take a set of measures within our other criminal alien programs to be able to identify who the prisoners are. As you have pointed out, we do know among the prisoners who are the foreign born, and we then need to determine from the foreign born who actually are illegal aliens and, therefore, subject to deportation.
>
> We are working with each of the seven large States to develop a mechanism to do that matching, and we have worked out . . .

Then I asked a question:

> Senator HOLLINGS. I do not mean to be interrupting. But let us assume it has been done. When will that happen, so we will know?

Answer by Mrs. Meissner:

> We are doing that State by State as we speak. A great deal of our ability to do that quickly depends on the funding package that we have given you for the next year which will automate the data bases that we use to check the States' data. So what we are doing at the present time is a much more labor-intensive process and takes more of our resources to complete. Next year, as we bring our data systems up into a more automated atmosphere, we would be able to be doing that much more efficiently.
>
> Senator HOLLINGS. And can you give the committee some idea then when the automation will be completed, and when will the . . . Illegal aliens in prisons otherwise be identified?
>
> Mrs. MEISSNER. I would have to give that to you State by State. It will be a gradual process, and it will not be a totally automated activity from the INS standpoint until about a year from now.

Then her deputy seated at the witness table, his answer: "I would say closer to 24 months."

We have been saying that necessarily under the inspector general's order and the Comptroller's exercise that we just could not put out the money because State X said we have so many. We had to identify them. Here we had the realistic practical problem of the agency itself saying, wait a minute, it is going to be 12 months to 24 months.

We hope, in the Congress handling this particular emergency, that it is going to be much closer. We have the amounts in here for the automation. But if you gave them the $350 million this afternoon, it will not start paying out tomorrow morning. They still have to go and get this automation in. They still have to identify to make the checks valid so they can properly reimburse the States for the incarceration of illegal aliens.

There is a little bit of what I call elbowroom or flexibility in the INS needs there. There is a little bit. Perhaps the cops on the beat is how we solve the problem.

Now, with respect to the Dole-Hutchison amendment and their solution, they go right to what has been most sensitive.

We have a letter here from the distinguished President. I ask unanimous consent that the letter, dated July 22, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 22, 1994.
Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to express my strong support for peacekeep-ing funding in the Fiscal Year 1995 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Bill.

As you know, this bill contains funds to pay a substantial portion of our peacekeeping arrears to the United Nations along with assessed contributions for peacekeeping operations in Fiscal Year 1995. Without this money, the UN will face a serious cashflow problem and find it increasingly difficult to continue current peacekeeping operations in such places as Bosnia, the Golan Heights, Kuwait, Cyprus, El Salvador and Lebanon.

UN peacekeeping, as one element of the broader foreign policy, is an important tool to help prevent and resolve conflicts before they directly threaten our national security. UN peacekeeping is also valuable as a means to ensure that the costs and risks of maintaining international order do not fall unfairly upon the United States.

I am committed to reforming UN peacekeeping so that it is used selectively and more effectively. My administration is working hard to achieve important cost-saving reforms at the UN, including the immediate establishment of an independent UN inspector general and a reduction in the U.S. peacekeeping assessment to 25%. However, it will become considerably more difficult to achieve such reforms if we do not pay our bills. For the UN to function effectively in service of U.S. interests, it must remain solvent.

The funds for UN peacekeeping in the Commerce, Justice, State bill are essential to that purpose. I ask that you and your colleagues defeat any effort to condition or eliminate peacekeeping funding from this legislation.

Sincerely,
BILL CLINTON.

Mr. HOLLINGS. Mr. President, I also have a letter from the Director of the Office of Management and Budget, Alice Rivlin, dated also July 22. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 22, 1994.
Hon. ERNEST F. HOLLINGS,
Chairman, Commerce, Justice, State, the Judiciary Subcommittee, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate considers H.R. 4603, the Commerce, Justice, State, and the Judiciary Appropriations Bill, I wanted to provide you with the Administration's views on the Hutchinson-Dole amendment. The Administration strongly opposes the amendment.

The Hutchinson-Dole amendment would provide $350 million for the State Criminal Alien Assistance Program. On April 22, 1994, President Clinton asked Congress to provide $350 million to help States pay for their costs associated with incarcerating illegal aliens convicted of a felony.

Regretably, the Hutchinson-Dole amendment pays for this amendment by reducing funds for United Nations Peacekeeping. By the end of FY 1994, the United States will have accumulated about $1 billion in unpaid UN peacekeeping assessments. The FY 1994 supplemental of $670 million provided in the Committee bill will pay a significant portion of these arrears.

Without the $670 million payment, the UN will face a serious cashflow problem and find it increasingly difficult to continue current peacekeeping operations, many of which were initiated by previous administrations, with bi-partisan support. These operations are in such places as Bosnia, the Golan Heights, Kuwait, Cyprus, El Salvador and Lebanon. A $350 million cut to this supplemental could force the UN to begin eliminating or scaling back operations that serve important American interests.

The Administration remains committed to working with the Congress to identify offsets for funding the State Criminal Alien Assistance Program.

Sincerely,
ALICE M. RIVLIN,
Acting Director.

Mr. HOLLINGS. The letters will be available.

So you can see already this morning, Mr. President, with the Senator from South Dakota, and the particular concern that we had with peacekeeping, we also had the concern with the United Nations and the inspector general. So we say to Ambassador Albright, let us get going. Let us do a better job. We say to the Secretary of State, let us start bringing the pressure. And then with an amendment of this kind in a way we just cut the ground from under them because we are trying to get up to our arrearages and at the same time pay our dues to the tune of $1.1 billion. About the time we are ready to do it and get an inspector general and start moving down from our 31 percent to about 25 percent as committed for our portion of the United Nations funds and everybody moving down in the same direction, then we come from behind and with this particular amendment take the money away.

But I think that is significant. We did not just casually say, here it is. The majority might feel otherwise disposed to take the money out of peacekeeping. But therein I think would really be a bad initiative. We have not been able, as chairman of the subcommittee—and I know it better than any as the Senator from Kansas, Senator KASSEBAUM was here. That is one thing I always feared because I knew I had not given all the amounts. And the Senator from Kansas, Senator KASSEBAUM, would come with an amendment that we live up to our commitments, and there would be a modicum of an increase but not quite the full amount. And so we are very sensitive about the feelings of leading Senators like Senator KASSEBAUM and others, saying, "Mr. President, get yourself a foreign policy. Lead, lead, get yourself a policy." And when the poor President tries to get a policy going, we come here and cut the money out.

I do not think we want to do that this afternoon. I want to make it clear, pending the attendance of the distinguished chairman of the committee, that this is the rationale. We went through and worked, and the House, to sum up, took it from Byrne grants. We took it from the community policing program. We think that is the better way to approach this particular program.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I oppose the pending amendment. This amendment attempts to reimburse the States for the cost of incarcerating illegal criminal aliens by transferring money from the account to pay overdue U.S. assessments to the United Nations. The President attempted to accomplish the same effect by offering an amendment to his proposed budget.

The Appropriations Committee looked into the President's request very carefully. His amendment required offsets to fund the $350 million in reimbursement moneys, which the administration suggested come from a combination of $73 million to be generated from additional FCC fees and from cuts totaling $285 million in the judiciary. The committee reviewed that proposal. Senator HOLLINGS, in subcommittee hearings and then in full committee hearings, pointed out the problems and the unfairness of funding the reimbursement to the States by raising FCC fees or by cutting the judiciary.

Additionally, I chaired a lengthy, day-long, full-committee hearing on the costs of illegal immigration to the States and on what steps the Federal Government was taking to reduce illegal immigration. That hearing was well attended by Senators from both sides of the aisle. In that hearing, Miss Doris Meissner, the Commissioner of the Immigration and Naturalization Service, responded to questions that were posed by Senator HOLLINGS and by me concerning the ability of the INS to discriminate between the numbers of illegal aliens incarcerated and the statistics on those who were simply counted as foreign born incarcerated in State prisons. That hearing has been published and is available to any Senator who wants a copy. I would like to read from that hearing this question and Commissioner Meissner's reply:

On page 159 my questions begin:

On April 26, in testimony before our Subcommittee on Commerce, Justice, State and the Judiciary, you indicated that the INS has information on whether or not criminals

> incarcerated in State prisons are foreign born, but not whether they are illegal aliens. Has that ability changed?

The Commissioner replied:

> We cannot do the matching yet on an automated basis, but we are, through working with the individual States, developing programs whereby our people are located in the State prisons where the foreign born are incarcerated. And, in turn, the States are agreeing to consolidate their foreign-born prisoners in a few locations so that we can efficiently work there. Our people then go through all of those records with corrections officials, interview when the need be to determine who is illegal, and that really constitutes the front end of what we call the institutional hearing program, because that information that is then developed on who is illegal is the basis for the deportation hearing in the State prison. That is a much more efficient process than has been the case before. Nonetheless, it is, as I say, a labor-intensive process, and it can be done on an automated basis in the future as we bring up our automation plan.

So what this means, Mr. President, is that neither the States nor the INS is yet in a position to accurately estimate the numbers of illegal criminal aliens in State prisons. Section 501 of title V, State Assistance for Incarceration Costs of Illegal Aliens and Certain Cuban Nationals, in the Immigration Reform and Control Act of 1986 carefully defines illegal aliens for the purposes of State reimbursement. This definition is as follows:

> Any alien convicted of a felony who is in the United States unlawfully and, (1) whose most recent entry into the United States was without inspection, or (2) whose most recent admission to the United States was as a nonimmigrant and, (3) whose period of authorized stay as a nonimmigrant expired, or whose unlawful status was known to the Government before the date of the commission of the crime for which the alien was convicted.

Legal immigrants—legal immigrants—who are foreign born and who commit crimes are not included in this definition; nor are foreign-born U.S. citizens who commit crimes. Most States only keep statistics on the place of birth of their prisoners, not on their immigrant status. This is why the Immigration and Naturalization Service must go through the time-consuming process described by Ms. Meissner to discriminate between foreign-born criminals at the State level. Ms. Meissner stated in the full committee hearing that I referred to earlier, that it might take up to 2 years before the Immigration and Naturalization Service had statistics that will support any implementation of this legislation.

Thus, just as the President's request was premature, so, I believe, is the request embodied in the amendment offered by the distinguished Republican leader and the distinguished Senator from Texas.

In short, the accuracy of these numbers is in dispute. The accuracy is in dispute. We should not get into the business of doling out Federal dollars on the basis of disputed evidence. If we are going to appropriate moneys, we should know what we are talking about here.

The administration, despite its support for reimbursement to the States for the costs of incarcerating illegal aliens, opposes this amendment, as the distinguished chairman of the subcommittee, Mr. HOLLINGS, has stated. I have a letter from Alice Rivlin, the Acting Director of OMB, which the distinguished chairman of the subcommittee has already read into the RECORD.

Finally, Mr. President, I note that the amendment before us would pay for the costs of reimbursement by transferring the money out of the amounts allocated to pay the United States' current and past-due peacekeeping assessments to the United Nations. This is the wrong way to do it. It is the wrong way to do this. If the real intent of the sponsors of this amendment is to cut funds from the peacekeeping, they should attempt up front to keep the United States or the United Nations from getting involved in peacekeeping operations.

I have been on their side on that. I am sympathetic with such an attempt. But once the United States has assumed a debt, I believe that we should pay that debt.

By the end of this fiscal year, the United States will owe the United Nations almost $1 billion in overdue peacekeeping assessments.

I did not sign on to the international adventures, wherever they took place. But Uncle Sam's name is signed on—not through my fault, but his name is signed on—and we have to honor that commitment.

This bill appropriates these funds so that we are not faced with emergency supplemental requests that add to the deficit in order to pay for peacekeeping arrearages.

I thank Senator HOLLINGS and Senator DOMENICI for their painstaking work. This is not an easy job. It is a tough job. There are plenty of ways to spend the money if we had it. But I congratulate them on their workmanship, and I congratulate them on the steps that they have taken to deal with illegal immigration. They beefed up the Border Patrol, and they would put more money, if they had it, where it counts most. I am very supportive of that effort. But in this case, Mr. President, I think it is premature.

I can appreciate the problems that the States are having. The Governors came before the committee and made their statements. Governor Chiles himself spoke of the inaccuracy of data, the lack of certitude that he could speak with respect to the data as to this population we are talking about. And he was very up front and stated it honestly. His State needs the money. He has a real problem. But he said, "I am not sure of the data with respect to the population that we are talking about."

So there is a real problem. Senator HOLLINGS and Senator DOMENICI have bent over backwards and utilized their best judgment based on their long experience in the subcommittee dealing with this problem and based on their desire, which is equal to the desire of any of us, to deal with this problem, to bring it under control.

I hope, Mr. President, that the Senate will reject the amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. DECONCINI). Is there further debate on the amendment?

Mrs. HUTCHISON. Yes.

Mr. President, I am happy to yield to the Senator from California, who is an original cosponsor of this amendment and a very strong supporter, and then I would like to be recognized.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I listened very carefully to the distinguished chairman of the Appropriations Committee, on which I am proud to serve. I do not believe, and I hope he is not saying, that there are no illegal immigrants convicted of felonies serving in State prisons, because there are. The documentation that I submitted earlier for the RECORD shows that, if there is a problem it is an INS problem, because INS is very spotty in their interviewing. And, as this documentation will show, sometimes inmates are released that the INS has not even interviewed.

The fact of the matter is that, according to the California State Department of Finance, if you look at actual INS holds in 1993, there were 12,436. Now that is when the INS had actually interviewed the inmate and made a judgment that the individual was likely to be illegally present in the country. There are also what are called potential holds. That is another category. And if you take 1993 in California, there were 4,142 identified as potential holds.

If I understand the data correctly, there were 12,435 California inmates with actual INS holds on them, which means when they are released they will be deported, if the INS, of course, cares to do so.

So I do not think we are talking about the fact that there are no inmates serving time. That is absurd. Everybody knows that there are illegal immigrants serving time in State prisons.

The only issue is how do you precisely define that they are here illegally and, therefore, that the State is due to be reimbursed. The only way we have to do it at the present time is for INS to come in, interview the inmate, make a precise finding, and identify those individuals.

I certainly take Chairman BYRD's point—and agree with it—that Congress should not allocate resources to problems that have not been shown to exist. That is not, however, an accurate description of California's—and I expect a half dozen other States'—situation. The real issue here is not—or at least should not be—what size California's illegal felon population is.

The State of California's numbers make that clear. Even if we assume that the State's estimated alien felon population is only half of what it was estimated to be in 1993, Mr. President, we're still talking about almost 8,300 prisoners maintained in State prison at State taxpayer expense, more than $172 million. Indeed, going further, even if the State's estimate turned out to be off by 90 percent, California's cost in 1993 alien felons in State prison would be $34.4 million.

Frankly, I don't think the numbers, once refined by the Urban Institute and others will go that low, but the point is made. California's criminal alien costs at the State level are at least large and more likely enormous. That does not, of course, factor in county or local costs, which add million and millions more to the total.

I say with respect and admiration to the Chairman, the real issue in this debate, on this amendment, is whether Congress—through the appropriations process—will finally honor with actual appropriations the commitment made in law in 1986 to reimburse States for the Federal Government's failure to control our borders. I believe that the answer must, as a matter of law and as a matter of equity, be a resounding yes and urge my colleagues to support this critical amendment.

I thank you, Mr. President.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from California has stated that she hopes that I am not saying that there are no illegal aliens serving in the State prisons. Of course, I am not saying that. She knows I am not saying that.

What I am saying is we do not have the accurate data on which to base this decision at this time. I am saying it is premature to take this action.

I yield the floor.

Mr. HOLLINGS. If we could move to the vote.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. DOMENICI. Will the Senator yield me 2 minutes?

Mrs. HUTCHISON. I am happy to yield 2 minutes to the Senator.

Mr. DOMENICI. Mr. President, I understand we are in a hurry and I will be very brief.

I really wish I could be supportive of this amendment, I say to my good friend, the junior Senator from Texas, and the senior Senator from California, but I really cannot.

I just do not think this is a way to pay for a new program that is reoccurring. If we do this once, we have to continue to do it.

We really are taking a whole different part of our American budget and applying it to this activity. Frankly, $947 million of the funds that can be used are arrearage payments due by the U.S. Government—$947 million. $670 million, I say to Senator BYRD, are from 1994 supplementals for that purpose incorporated in this bill which, if it passes before the end of the year, we use the end of 1994 money and 1994 to catch up.

There is only $222 million in this bill for future peacekeeping. So for those who think we are really putting peacekeeping of the future in and shortchanging these border States, $222 million is what is in this bill which is surely not a major new commitment on our part.

So I think the Senators who are seeking this have their States' best interests at heart and it is clearly understood by this Senator. But I do not believe this is the right way to do it. I hope we do not do it this way.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to say that I listened to the distinguished chairman of the Appropriations Committee, the distinguished ranking member from New Mexico, and the distinguished chairman of the subcommittee from South Carolina. And they are right. This is not the way to do this.

I respect the Senator from West Virginia. I ask his advice and counsel. I voted with the Senator on all of the Somalia amendments. I believe that the Senator from West Virginia and I agree totally on our philosophy about our role with the United Nations. I support him on that and I respect him greatly, greatly, for the very tough job that being chairman of the Appropriations Committee is.

I also respect the members of the committee, who have always that wish of where are we going to get the funds for all of the things that we need to do.

This is not the way to do it, but it is the only way we have.

We have to pay our bills. There is no question about that. We have budgeted, I think, over $400 million. We have supplemental budgets for peacekeeping operations. We will put the money in that we owe once it is determined that we really do owe it.

But maybe, just maybe, we will think before we do a supplemental appropriations in the future about what our role is with the United Nations, and is the United Nations doing what we expect for our very substantial contribution. And, you know, there are some disagreements about what our contribution should be right now. So I think we have to iron that out.

I do very much respect their position. But the fact of the matter is, if you put a priority of paying for the illegal aliens in prison or putting police on the streets, I do not know what my priority would be there. But putting the $350 million out of police on the streets is not going to be an option I am going to be willing to make. That is very difficult.

So I went the route that I thought was an easier route, because I do not think we have a clue about the U.N. peacekeeping mission.

I think it is time for us to say, as between these two priorities, the priority should be making it right with the States that have borne this Federal burden long enough. I hope that in the future we will not have to do it this way, because I do respect the committee process and I respect the very difficult job the committee has.

But when you are backed against the wall and you see your taxpayers, year after year after year, being saddled with this Federal responsibility and not getting the relief for it, you just ask where in the budget can I find something that I think is a reasonable place to take this money from, and let us do start the policy and make it right with our States.

Mr. DECONCINI addressed the Chair.

Mr. HOLLINGS. Madam President, I move to table the amendment.

Mr. DECONCINI. Will the Senator yield me 2 minutes?

Mr. HOLLINGS. One?

Mr. DECONCINI. Will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. DECONCINI. Madam President, I almost hesitate to come to the floor in opposition to the distinguished Senator from South Carolina because he has, indeed, as has the Senator from New Mexico, given plenty of understanding and concern to the Southwest border, and this is the best year we have ever had.

Quite frankly, the Senator from West Virginia pointed out that our Uncle Sam's name is on the line on the U.N. obligation, and I do not disagree with that. But Uncle Sam's name is also on the line on our borders.

Whose responsibility is it to stop the flow of undocumented people into the United States? Not the State of Arizona; not the State of Texas; or the States of West Virginia, or South Carolina. It is the Federal Government's obligation, and they have not met this obligation.

Although States like Arizona may get the brunt of this undocumented flow first—we are only the first. Undocumented immigrants come to Minnesota; they come to Illinois; they come to West Virginia. Some undocumented immigrants take jobs from Americans, some commit crimes, and some are incarcerated. And who pays for that? The State of West Virginia, the State of Arizona, the State of Texas.

The Federal Government's name is on the line. That is why we are here. We are not here to be critical at all of the Senator from South Carolina for his very fine effort. But we are stuck.

The Senator from West Virginia held hearings on this issue. He heard from the Governor of my State and from the Governor of Florida about just how costly undocumented immigration is to some States.

The State of Arizona just does not turn around and sue the U.S. Government on a whim. It does it out of desperation. It does not have the money. It does not have the space to incarcerate these people. That is why I have to rise in support of the amendment of the Senator from Kansas and the Senator from Texas.

I thank the Senator from South Carolina.

Mr. HOLLINGS. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Will the Senator yield for a unanimous-consent request?

The PRESIDING OFFICER. This is a nondebatable motion.

Mr. HOLLINGS. Yes.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that Senator BRYAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. The question occurs on the motion to lay on the table the amendment (No. 2357).

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Ohio [Mr. METZENBAUM], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Texas [Mr. GRAMM] are necessarily absent.

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—44

Akaka
Baucus
Biden
Bumpers
Byrd
Chafee
Conrad
Dodd
Domenici
Dorgan
Exon
Feingold
Ford
Glenn
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Lugar
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Riegle
Rockefeller
Sarbanes
Simon
Specter
Wellstone

NAYS—52

Bennett
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dole
Faircloth
Feinstein
Gorton
Graham
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lautenberg
Lott
Mack
Mathews
McCain
McConnell
Mikulski
Murkowski
Nickles
Pressler
Reid
Robb
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wofford

NOT VOTING—4

Boren
Durenberger
Gramm
Metzenbaum

So, the motion to lay on the table the amendment (No. 2357) was rejected.

The PRESIDING OFFICER (Mr. REID). The question recurs on amendment No. 2357. The yeas and nays have been ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 2357.

The amendment (No. 2357) was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The amendment now recurs on the committee amendment on page 50, line 6 and 7.

Mr. HOLLINGS. Mr. President, we will momentarily have an amendment of the Senator from Delaware, which will be agreed to, and then we are going to take up the TV Marti amendment of the Senator from Montana.

We have amendments that will take us into the evening. The majority leader said that is his will. We will move right along to try to complete this bill tonight so we can present the Interior appropriations on Monday. That is the intent of the managers of the bill, and we will continue to move right along.

AMENDMENT NO. 2364

(Purpose: Expressing the sense of the Senate regarding the case of United States versus Knox)

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I send an amendment to the desk for myself, Senator GRASSLEY, and Senator HEFLIN and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Delaware is advised there is an amendment now pending.

Mr. ROTH. Mr. President, I move to set aside the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. GRASSLEY, and Mr. HEFLIN, proposes an amendment numbered 2364.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE CASE OF UNITED STATES V. KNOX.

(a) DECLARATIONS.—The Congress declares that—

(1) the Congress has passed legislation to protect children against the evils of child pornography, including the Child Protection Act of 1984, and provided for the enforcement of those laws;

(2) on November 4, 1993, the Senate, by a vote of 100-to-0, and on April 20, 1994, the House of Representatives, by a vote of 425-3, rejected the Justice Department's new, narrow interpretation of the Federal child pornography statutes as delineated by the Solicitor General in the case of United States v. Knox and implored the Justice Department to properly enforce the law and protect our Nation's children;

(3) on June 9, 1994, the United States Court of Appeals for the Third Circuit in the case of United States v. Knox rejected the Justice Department's narrow interpretation of the Federal child pornography statutes and reaffirmed the conviction of Stephen Knox; and

(4) the Court of Appeals for the Third Circuit properly interpreted the Child Protection Act of 1984.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Justice Department should accept the decision of the United States Court of Appeals for the Third Circuit in the case of United States v. Knox;

(2) the Justice Department should vigorously oppose any effort by the defendant in that case, or any other party, to overturn the decision in that case; and

(3) in the future the Justice Department should exercise its prosecutorial discretion in accord with that decision.

Mr. ROTH. Mr. President, the amendment I am offering today states the sense of the Senate in urging the Department of Justice to accept as binding the recent decision by the Third Circuit Court of Appeals protecting children and rejecting the administration's attempt to weaken Federal child pornography laws.

Last November, the Senate by a vote 100 to zero passed the Roth-Grassley amendment to the crime bill. In that amendment, we denounced the Justice Department's proposed new narrow interpretation of the Federal child pornography statute in the case of United States versus Knox. We implored the Justice Department to enforce the law and to protect our children. The House of Representatives passed a similar amendment by a vote of 425 to 3, but the Justice Department did not listen to us. Fortunately, the third circuit has stepped up where the Justice Department fell short. In a decision handed down on June 9, 1994, the third circuit rejected the Justice Department's narrow interpretation of the Federal child pornography statute and reaffirmed the conviction of Stephen Knox.

Having now heard from both the court of appeals and the Congress as to the proper interpretation of the Federal child pornography laws, I sincerely hope the administration gets the message and recognizes that we need to protect children, not pedophiles and pornographers.

To underscore the importance of the third circuit decision in this case, the amendment I am introducing today urges the Department of Justice to accept as binding the third circuit's persuasive opinion in the Knox case and to vigorously oppose all efforts by this convicted child pornographer to overturn this decision. Since such an appeal is likely, I would urge my colleagues to support this amendment to ensure the administration gets the message when it needs it, which is now.

Mr. President, I yield.

Mr. HEFLIN. Mr. President, the Department of Justice, in my judgment, has made a mistake and is not carrying out the intent of the Child Protection Act that we passed back in 1984. The act is designed to protect children from pornography.

This man Knox was convicted, and then it went up, and there was a change of position by the Department of Justice. Then the Third Circuit Court of Appeals, however, upheld the decision to convict Stephen A. Knox.

This amendment by Senator ROTH seems to me to express the intent that we have already expressed back in 1984, and to express the idea that children should be protected from pornographers. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. I urge adoption of the amendment.

Mr. GRASSLEY. Mr. President, I am pleased to be a cosponsor of the amendment offered by the Senator from Delaware. This amendment follows an amendment that he and I offered in November concerning the Justice Department's unduly narrow interpretation of the child pornography laws.

That amendment rejected by a 100–0 vote two Justice Department arguments regarding those laws. First, we rejected the view that nudity was required for depictions of children to be illegal. And, second, we repudiated the notion that the child herself must act lasciviously.

The amendment arose from the Government's changed position in the case of United States versus Knox. That case concerned the conviction of a repeat child pornography offender for knowing possession and receipt of child pornography. The depictions for which he was charged showed scantily clad girls as young as 10 in various poses.

More than 200 members of Congress, including 40 Members of this body, filed an amicus brief in the court of appeals where the Knox case was pending. We argued that the Government's litigation position ignored congressional intent. And the third circuit agreed. It rejected every facet of the Government's argument—by a unanimous vote.

The Knox litigation is not over. Since the Supreme Court agreed to hear his appeal before, it can certainly be expected that Knox will file for review in the Supreme Court again. That will present the Justice Department with a choice. It can continue to argue an interpretation of the statute contrary to congressional intent and support Knox's petition. or it change back to the original Bush Justice Department view that supports the conviction.

The amendment before us expresses the sense of the Senate that the Justice Department should vigorously oppose any effort by Knox to overturn his conviction.

When Knox files his petition in the Supreme Court, the Justice Department should oppose it. If that petition is granted, the Department should strongly support the conviction and argue for the interpretation of the statute that comports with congressional intent.

Moreover, there will be future cases where the illegal child pornography involves children who are not completely naked. The amendment of the Senator from Delaware will put the Senate on record—and the Department of Justice on notice—that we expect that Knox will govern the exercise of prosecutorial discretion in future cases involving scantily clad children.

Mr. President, all children deserve protection from exploitation. The Department of Justice still has not agreed with that proposition. It has not stated that it will accept the ruling of the third circuit in the Knox case.

We should make clear that we expect the department to recognize that its change in position was wrong, and that it must act in the future in accordance with congressional intent.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 2364) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2365

(Purpose: To prohibit the use of funds for TV Marti)

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Montana is advised there is an amendment pending.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. DORGAN, and Mr. FEINGOLD, proposes an amendment numbered 2365.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. 610. (a) Notwithstanding any other provision of this Act, no funds appropriated in title V of this Act under the heading "UNITED STATES INFORMATION AGENCY" under the subheading "BROADCASTING TO CUBA" may be used for any activities relating to the provision of the TV Marti program or otherwise to broadcast TV Marti.

(b) The amount appropriated in title V of this Act the heading "UNITED STATES INFORMATION AGENCY" under the subheading "BROADCASTING TO CUBA" is hereby reduced by an amount equal to the amount otherwise appropriated under such subheading for activities referred to in subsection (a).

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time on this amendment be 25 minutes and equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I would like to object until we determine the number of persons who will be interested in speaking on this amendment. I know of at least two persons who wish to speak on this amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, let me begin by making clear exactly what this amendment is and what this amendment is not.

This is an amendment to eliminate funds for TV Marti—only TV Marti. This is not an amendment that in any way touches funds for Radio Marti. Radio Marti is entirely distinct and separate from TV Marti.

Mr. President, to simply get to the point here, I believe that we are wasting money today on TV Marti. Why?

This bill budgets about $12 million a year for TV Marti.

What is TV Marti money spent on? It is spent on a big balloon hanging up in the air off the Florida coast to receive signals, TV signals—not radio, just TV signals—and then sending them down into Cuba.

Who benefits from any of these signals? Who watches any television as a consequence of this? Mr. President, virtually no one. No one. Why? Very simple. What time do you suppose these TV signals are beamed? What time of the day do you suppose? Between 3:30 in the morning and 6 o'clock in the morning.

That is the only time TV Marti is on the air, 3:30 in the morning and 6 in the morning. I ask you how many people in the world are up at that hour of the day watching television in Cuba between 3:30 in the morning and 6 in the morning?

Second point. What about those few insomniacs who happen to be up watching television, trying to watch television, between 3:30 in the morning and 6 in the morning? They cannot see anything either. They cannot see any TV Marti. Why? Because Cuba jams TV signals.

Radio Marti is different. Radio Marti is around the clock. There are about 10 million people in Cuba. They listen to the radio. They can hear Radio Marti. It is more difficult to jam the radio. TV is different. We are spending $12 million down a TV rat hole. Nobody is watching it between 3:30 and 6 in the morning. It does not take much effort to jam TV, and TV Marti is effectively jammed.

Is that my opinion? Yes. It is my opinion. Is it also the opinion of others? Yes. An independent advisory panel appointed by the director of USIA studied TV Marti. Let me just read what that panel has concluded:

> The Cuban Government jamming prevents TV Marti broadcasts from being received by any substantial number of Cubans.

TV Marti cannot now be considered cost effective. That is what the panel concluded. An independent panel concluded that it is not received by any substantial number of Cubans because of jamming; and, second, it is not cost effective.

Mr. President, you might hear some say, "Well, gee, the panel made another recommendation. The panel recommended moving from VHF, very high frequency, to ultrahigh frequency." What do you think the consequence of that is going to be? More wasted money down a rat hole. Why? Let me give you a couple of reasons.

First, most TV sets in Cuba are Soviet TV sets. They are Soviet-made TV sets. Guess how many channels are on Soviet TV sets? They go up to channel 13. Guess which channels are very high frequency, and which are ultrahigh frequency. Channel 13 is very high frequency. Ultrahigh frequency is above channel 13. These are Russian TV sets in Cuba that do not have ultrahigh frequency. It will not work.

Second, the Association for Maximum Service Television, an independent group of TV broadcasters, reaches this conclusion:

> Proposed use of ultrahigh frequency channels by TV Marti will cause serious interference to presently received domestic television service.

So, if Cuba tries to jam, it takes more power to jam ultrahigh frequency, according to the independent group of TV broadcasters. It is going to start to have an adverse effect on domestic TV. Cuban television reception will be very low grade, if received at all. If service is available, it would be susceptible to jamming user lower power, unsophisticated transmitters, and the ongoing effort to provide the U.S. public with superior television service will be adversely impacted to a substantial degree.

That will not work. Why? By and large, what this comes down to is a feel-good $12 million annual expenditure. It sort of feels good to beam these TV signals up in space, and then hope that somehow they come down and somebody in Cuba is watching. Nobody is watching because few people are awake in the middle of the night between 3:30 in the morning and 6 in the morning. They cannot watch anyway because it is jammed.

Moving to ultrahigh frequency is even more money down a bigger rat hole.

It really galls me, Mr. President, that we are spending this money. I know it is kind of an old sort of Communist relic that we are doing this. But if we really want to get the American message to Cuba, we could still do it with Radio Marti. Radio is effective. TV Marti is not effective. It is a waste.

I can think of a lot of programs in our country for Americans where we could spend $12 million. Think of the American programs we have cut. I can think of just in my own State, just yesterday or a few days ago, an agricultural research station, $750,000 a year for agricultural research, was cut, eliminated while we spend $12 million down a TV Marti rat hole. It does not make any sense.

Mr. President, I strongly urge the Senate to come to its senses. We have to tighten our belts where it should be tightened. Let us not forget. There are some decisions that are tough to make whether to spend money on certain programs or not. We become anxious over them. Is this a good use of money? Is it not a good use of money?

Then there are others which are very simple to make, very simple, black and white decisions where it makes no sense. This is one of those. There is one of those cases where it makes no sense to spend money.

Again, I remind my colleagues, this is not Radio Marti. There is TV Marti. USIA will still beam radio signals to Cuba around the clock to 10 million Cubans, and probably most of them have radio sets and can hear them. TV does not work. It is a waste.

I submit that Fidel Castro would think that we would be kind of smart to stop wasting money. Let us stop wasting $12 million a year. He might respect us a little more. I have to think that he does not respect us very much now when we are spending money down a rat hole. He knows Cubans are not watching it, cannot watch it, and do not watch it.

I think, therefore, Mr. President, it is just a little bit, this $12 million, but it is a very proper reduction to make in spending.

I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Thank you, Mr. President.

Let me first say to my friend and colleague from Montana that I appreciate the opportunity to speak on this issue today. I do not appreciate his amendment, but I appreciate the opportunity, frankly, to be able to focus the Senate once again on the tyranny of Fidel Castro.

Is it not somewhat ironic that 9 days after a massacre is committed at sea by Fidel Castro and his henchmen on a tugboat filled with 72 refugees seeking freedom in the United States that the Senate is being asked to cut off the lifeline of information to the people of Cuba. Feel good? Insomniacs? I suggest to my colleague that, if the only pipeline to the voice of freedom occurred at 3:30, 4:30, 5:30, or 6:30 in the morning, he, too, might be awake. He, too, might be trying to hear true information about freedom and opportunity in the world.

Let me address some of my comments first to the issue of TV Marti. I think most people around the world have understood that one of the most significant things that happened with respect to the former Soviet Union is that in an information communications age, the dictators and the tyrants of the world no longer can control information. And as that information flowed across their borders, they found that their foundations were rocked, and it ultimately led to the demise of the regime. Information is a dagger to the heart of totalitarian regimes.

There was a special commission that was referred to a moment ago which made recommendations to improve TV Marti, which strongly endorsed the concept. But I would say, probably more importantly, is the understanding that TV Marti along with Radio Marti is in fact a message for hope and that freedom is the message of hope. There were many people over the years that indicated the problems that we had with Radio Liberty and Radio Free Europe, the attempts to jam those radios. How fortunate it is that the Congress of the United States did not listen to those siren sounds that we could save money by eliminating those radios and not continue to deliver the message that the message of freedom is the message of hope.

Mr. President, it is my intention, in a few moments, to offer a perfecting amendment. But before I do that, I want to return to the comment that I made a moment ago with respect to a massacre at sea. I would like to read an editorial from the Miami Herald entitled "Murder at Sea."

> Has our hemisphere grown so used to the Cuban regime's savagery that it cannot summon a cry of outrage for the nearly 40 Cuban refugees sent to their watery deaths by Fidel Castro's government? The "prudent" silence over Cuba's murderous sinking of a tugboat loaded with escapees is without justification.
>
> Would this complicitous silence greet the murder of innocent men, women, and children fleeing other places? The murdered refugees' only crime was to make a desperate attempt to flee Cuba. Soon after the group of 72 began their escape aboard a decrepit tug, Cuban fire fighting boats attacked them. According to eyewitnesses, the refugees signaled their readiness to surrender and to return to port. The escapees even held up some of the small children for the attackers to see, screaming that more than 20 children were on board.
>
> Such pleas did not deter Castro's men, who turned potent fire hoses on the refugee vessels, sweeping passengers overboard. The pursuit craft then rammed the tugboat repeatedly, capsizing it. Tragically, all of the children hiding in the tug's hold, apparently died. The adult survivors are in jail. Where on Earth is a mute world's conscience?

Where is the conscience of the U.S. Senate? I think the conscience of the U.S. Senate is saying that this kind of action should be condemned.

I am also going to take a moment to read from the testimony of one of the witnesses, an individual, the age of 19, that was on that vessel:

> When we set sail, everything was going very well.
>
> * * * When we were at 7 miles, we see that they speed up and they pull up alongside of us. And then we could not see the Cuban coast, because we could see nothing; we saw no lights, we were out of sight of shore. They started hitting our boat, the tugboat *"13th of March."* We were afraid, not for ourselves, but for the children.
>
> * * * When we lifted the children, they saw them—because they did see them—we started to scream, "please, please don't do this," but they did not listen. Even a young man who was with us, Roman, who was currently in prison, yelled at one of the ones in the other tug boat, "Chino, don't do that. Look, we have children," and he showed his three-year-old stepdaughter. If he does not lower the child at that moment, the little girl would have been killed with the cannon of water.

In referring to when they left the harbor she said:

> They did not fire weapons at us, but they never said "stop" with their loud speakers or nothing. They simply let us exit the bay and they attack us at seven miles, where there would be no witnesses. You know that in the open sea there are no witnesses.
>
> When they continued to hit our boat, a second tugboat comes up from behind. He hits us and breaks half of our boat from behind. * * * By then we knew we were going to sink, because it was something I just knew; I had a feeling they were going to kill us.
>
> * * * The tugboat that breaks our stern comes around the front. In other words, there was no way that the boat was going to stay afloat. It was sinking, with all of its weight in the middle from all of those people who were in the hold. There were around 72 people, most of them women and children. Men made up the least fatalities. But those men, those survivors, did what they could to save us. But the tugboats reversed and moved back some meters. But they did not throw us lifesavers, nor did they offer any type of assistance.
>
> * * * Then the whirlpool created by the tugboat swallowed them up. My sister-in-law * * * and her son * * * were there. My uncle was in the hold of the boat. Those are three of my family that I lost.
>
> When my husband saw this, you could imagine, he went mad. My brother in law, too, but he was trying to save the other boy. Then we both tried to reach the other boy. But when I tried to move, I feel that my nephew, the one who drowned, is holding my foot. When I reached out for him, he was clinging to my tennis shoe, and he was swept away. I could not reach him. It was terrible.

Maybe to some, the expenditure of $12 million is too great an amount of money to try to deliver a message to people who have, for generations now, been fighting for freedom. Yes, there have been problems with TV Marti, but we are working to correct them. As I said before, thank goodness we did not give up in the fifties, sixties, and seventies with respect to getting our message to the former Soviet Union.

Mr. President, the perfecting amendment that I will be sending to the desk in a moment basically is a sense-of-the-Senate resolution that condemns the Cuban Government for deliberately sinking the *13th of March*, causing the deaths of about 40 Cuban citizens, including about 20 children. It also urges the President to direct the United States permanent representative to the United Nations to seek a resolution in the U.N. Security Council that: First, condemns the sinking of the *13th of March*, and second, provides for a full internationally supervised investigation of the incident, and urges the Cuban Government to release from prison and cease intimidation measures against all survivors of the sinking of the *13th of March*.

One last comment I want to make with respect to TV Marti—the comment that maybe Fidel Castro is laughing at us. Fidel Castro has been quoted as saying how difficult radio and TV Marti are making it for him; that the amount of money that is being spent on the part of the Government to effect this radio and TV Marti is very damaging, and it is using up important reserves.

AMENDMENT NO. 2366

Mr. MACK. Mr. President, I send a perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Florida [Mr. MACK] proposes an amendment numbered 2366.

Mr. MACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all after the word "SEC." and insert the following:
>
> (A) Findings.—
>
> (1) There are credible reports that on July 15, 1994 Cuban government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.
>
> (2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban government actions, including most or all of the twenty children aboard.
>
> (3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."
>
> (4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban government.
>
> (5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.
>
> (6) The Cuban government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.
>
> (B) It is the Sense of the Senate to—
>
> (1) condemn the Cuban government for deliberately sinking the "13th of March", causing the deaths of about 40 Cuban citizens, including about twenty children;
>
> (2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that—
>
> (a) condemns the sinking of the "13th of March";
>
> (b) provides for a full internationally supervised investigation of the incident; and,
>
> (c) urges the Cuban government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is an amendment which has very strong emotions on both sides. I think it would be more appropriate if I were not to press the amendment at this time. And at the appropriate time, I will ask that the amendment be withdrawn, and that would include the perfecting amendment which has been added.

I respect the views of the Senator from Florida very much. I know how deeply he is involved in this subject, as well as the other Senator from Florida, and I know, Mr. President, that the

Senator from Wisconsin would like to speak on this subject.

I might say to my colleagues from Florida that when the Senator from Wisconsin finishes his statement on this subject, at that time I will ask consent that the amendment be withdrawn.

The PRESIDING OFFICER (Mr. WELLSTONE). Who seeks recognition?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, first of all, I thank the Senator from Montana for bringing up this amendment. Although it will be withdrawn, it is something that needs to come up again until we accomplish the goal of eliminating TV Marti.

I am proud to be a cosponsor of this. I do not think this is a debate today, as the Senator from Florida seemed to suggest, about the merits of TV Marti, if it were working; if, in fact, it had the impact of informing people who are concerned about what is happening in Cuba, about what is happening, and allowing the Cuban people to hear the broadcast. That is not what is going on.

The problem is, this is simply a story of a program funded by the Federal Government that is not working. It is a story about the waste of Federal funds, anywhere from $12 to $15 million a year.

I introduced a similar bill as soon as I got here to the Senate that would have done the same thing in January 1993: Eliminate this TV Marti. It is a very, very good program for people who are concerned about the deficit to bring up because it is such an easy case for saying that it does not make sense.

Senator BAUCUS is right in suggesting that this is really a classic case of a boondoggle.

Last year, Congressman SKAGGS had an amendment in the House—and the House, by the way, has noted and voted on several occasions that this should not be continued—he had an amendment which established an independent advisory panel on both Radio and TV Marti to evaluate the effectiveness of the services. It seemed like it would be an easy call.

This is in part because, as the Senator from Montana has suggested, the program from a programmatic point of view is a lightweight program when it is airing, on air 7 days a week, but, as the Senator from Montana pointed out, it is from 3:15 in the morning to 6 o'clock in the morning. Occasionally, apparently, it airs from 1:30 p.m. to 3 p.m. as well. Even then, of course, they are not really in prime time. But this only happens periodically.

Even if the programming was not jammed, as the Senator from Montana points out, all it consists of is a couple of newscasts, when it is working, a 30-minute segment and a 15-minute segment. But most of it is telecasting baseball which, as we know, is even more popular in Cuba than it is here; sitcoms like "Kate and Allie," "Fame," and something called "Cape Hostage-USA," a show about Cuban-American families adapting to Miami, a source apparently of inspiration, that the Senator from Florida is talking about.

Even more troubling to me than the programming, since presumably the programming could be changed, is that this is really a technically flawed program. This is not just a minor problem. There have been very, very serious problems with the technical workings of TV Marti. It is essentially inoperable.

The chart that we just put together indicates how it is set up. It is broadcast outside of Washington. As we found out, it is jammed when the signal reaches Cuba. The transmission is faulty most of the time.

The programs for the broadcast are produced each day by a small company in Maryland called Technical Arts, and beamed up by the Voice of America in Washington and relayed to an aerosat balloon, indicated here, and this balloon actually has a name. It is called, apparently, Fat Albert. It hangs on a tether 10,000-feet above Jungle Cay, and from there is projected 120 miles to Havana.

The Miami Herald reported because of inclement weather the film of Fat Albert could only be shown half the time in the summer. Often, volatile weather conditions broke off the tether and the blimp came down in 1992. The blimp was found in the Florida Everglades, and they had to do a $35,000 search for it and it had to lay there in a damaged condition for many months.

Again, in January 1993, just after I introduced my bill to eliminate this, Fat Albert broke off again from the tether, and TV Marti was forced to go off the air again.

This is not really a boondoggle, this is a balloondoggle that costs the U.S. Government about $15 million a year. It has already cost the taxpayers $60 million since 1988.

Yet, disappointedly, the panel that I mentioned with regard to the congressional amendment concluded unbelievably that TV Marti is a vital service, but that we should pay $1 million to move it up to the UHF ban to avoid jamming.

This seems to be the only study that has really concluded this. The other studies, including the President's Advisory Commission on Public Diplomacy and the President's Task Force on International Broadcasting both recommended it be shut down. Even the Miami Herald has said a sign-off time for TV Marti has arrived.

The GAO has also grilled TV Marti, finding the station had a low level of compliance with broadcasting standards and international agreements, and the panel this year found that the GAO findings of May 1992 have not even been fully resolved at this point.

I want to comment also finally on what the Senator from Montana said about the fact this is about TV Marti; it is not about Radio Marti. Radio Marti apparently concededly is somewhat more effective. It has a significant Cuban audience with some studies suggesting that Radio Marti may be the most popular station in Cuba.

So this amendment does not suggest any lack of concern or sympathy for the message getting through. We just want it to get through effectively.

Apparently, the radio station is not jammed. Cubans do rely on it for news and analyses that may be otherwise twisted on a Cuban state-controlled media.

But TV Marti is a black sheep in relation to Radio Marti, as the Commission on Public Diplomacy correctly perceived. They said TV Marti is simply not cost effective when compared with other public diplomacy programs.

That is what this is about, not a lack of concern for changing the order in Cuba and the fact that people need freedom of information. But what this is about is fiscal responsibility.

During this last year, we did reform overseas broadcasting in Radio Free Europe and Radio Liberty and began the process of consolidating.

This is just another part of that important effort. It is not an act of lack of sympathy toward the type of people that the Senator from Florida was discussing very eloquently.

Terminating TV Marti would be consistent with that consolidation. I think the goal of opening communication with the people of Cuba is very commendable, but let us do it with the program that works, with Radio Marti, and let us not waste any more of our precious public tax dollars for a program that is functioning very, very poorly.

I thank the Senator from Montana and I thank the Chair.

The PRESIDING OFFICER. The minority leader is on the floor.

Mr. DOLE. I yield to the manager.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I know I have been yielding all day and I am delighted that my colleagues wish to debate, and I will let them debate first.

But I cannot listen any longer to the misinformation. The expression was made "tighten the belt." We had better tighten our intellect and get the facts, because this has been in debate with not only strong feelings but strong facts.

I never forget, with respect to the statements just made, the distinguished Senator from Montana starts off immediately saying nobody listens. Well, if nobody listens, then why does the Cuban Government jam? That is next.

Then he goes on to describe how they are jamming; how they are jamming. Necessarily, they are jamming because the people are listening. And while 3 o'clock in the morning might seem a surprise to someone and sounds casual, and not many of us Senators are going to be awake at 3 o'clock, I have been on the "Larry King Show" at 3 o'clock. That is how he originally made his fame, right in the middle of the night. A lot of people listen to this, particularly in an incarcerated entity like Cuba, trying to listen to freedom.

They came in my office a year ago, or so. I have forgotten the exact date. But I can see Mrs. Amos, the widow of John Amos from Columbus, GA, of Cuban origin. She said, "Senator, I understand you are close to Ted Turner."

Well, not all that close. I admire Ted Turner. I think he has done an outstanding job. Yes, he does have a plantation, Hope Plantation right near Charleston, SC. We have been there, and I have had the pleasure of introducing him at various speeches. He has two or three sons who are expert sailors and, incidentally, beat Ted, the cup winner, out in front in the Atlantic Ocean, in front of my home. They attended the Citadel, the same college.

To get to the point, she said, "I want to get an appointment with him." I got her the appointment, but it was not successful, with respect to trying to get freedom for the family of a pilot who had escaped with a plane and landed right down there in Florida. But he had his wife and two children still in Cuba. She asked Mr. Turner to talk to Castro because she realized that Mr. Turner was on good speaking terms with Fidel Castro.

She bought the rescue plane herself. I found that out later. I turned on my TV, I guess around Christmastime or something, and the pilot flew it and landed on a highway in Cuba and picked up the wife and 2 children and came on back out.

He came by my office a few days later and I chatted with him. And when they get to talking about jamming, and it did not cost anything, he said, it is very costly to jam. And that is one thing Castro is shy of—technology, manpower, pilots. And it takes two planes flying back and forth, very expensive to do the jamming.

So we knew that the jamming was working. The hours were not the best.

We got a study last year. Yes, the distinguished Congressman from Colorado, Mr. SKAGGS, has been particularly opposed, and opposed with some of the misinformation that has been handed out here relative to TV Marti.

He said that, for example, "Well, they don't have UHF." Wrong. I will read from the report.

> The most recent estimate from the U.S. Interests Section in Cuba is that 25–35 percent of Havana's residents have TV sets or VCRs with UHF capability.

Now, let us talk a minute about that report, because that is where we got into a dogfight. We have taken this matter back in true disagreement. The House has overwhelmingly voted it back in. The Senate has overwhelmingly maintained it ever since I have been chairman of this subcommittee on the basis of the merit of the program.

Let us begin. You have Radio Free Europe, and you have Lech Walesa. And when he comes and he is asked about it, what is Voice of America and Radio Free Europe, he says, "What is the world without a Sun?" I will never forget that expression when we were having lunch. Lech Walesa comes from Poland and he immediately wants to meet the Voice of America, Radio Free Europe authorities because he said that is the only voice that really gave him sustenance many times in his imprisonment and in his work to try to bring freedom to Poland.

We know not only that the programs work to bring freedom, they bring the voice of democracy. And so we are moving that Munich station over to Prague. We are embellishing it and working it further.

And what are we doing in this bill? We say since it works so well, let us go to Radio Free Asia. But now when it comes to Cuba, just when we are going to suffer success down there in Cuba, they want to pull the plug.

I do not know who was quoted, but I can see Everett Dirksen. He was a friend, because when I was a freshman Senator I got two Golden Gavel Awards for presiding for 200 hours, and handled all of what we call "Dirk's work," the minority leader at that particular time.

He said, "The sands of history bleach the bones of countless thousand, who on the eve of victory hesitated and, having hesitated, died."

On the eve of victory—that is not me, that is somebody else.

But here we are on the eve of victory, the rest of the communist world is in ruins. We have even been talking to the North Koreans. We have extended most-favored-nation status to the Communist Chinese.

Find me out a country we are not in touch with somehow, somewhere, other than the little island of Cuba and Castro.

And here we are, moving forward there and the plan is working and we try to just get the foot in the door, and some Members of Congress want to destroy the program because they do not like the Cubans down in Florida.

Now, they do not vote for me down there. I took this up because I believe in them, and I believe that the support is strong. I believe the Cuban refugees that we have had in this country have made a magnificent contribution to American culture and American citizenry in the leadership. I have seen slum areas that have been turned into gardens down in Miami, FL. So that is the kind of people I am going to fight for.

Politically, they are not necessarily bent my way. They incline toward the Republican side. There are some people around that want to say they are more Republican than Democrat. But I think you will find some Democratic sponsorship, other than the Senators from Florida on this particular score.

Amongst all the wrangling, we finally agreed, let us stop the wrangling. And the record has to be made, because they want to continue it. I think they are trying to bring it over here. So let us get an advisory panel appointed and let them objectively study and report back.

And who was on that particular panel?

First, Mr. President—and these are distinguished folks that were appointed by Dr. Joe Duffey, the head of the United States Information Agency, under the particular compromise that we made in this bill. And Director Duffey appointed R. Peter Straus, who was a visiting Professor at the Woodrow Wilson School, Princeton University; a member of the faculty at Johns Hopkins School of Advanced International Studies, more recently the Director of the Voice of America from 1977 and 1980.

I ask unanimous consent that his biographical sketch be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH FOR R. PETER STRAUS

R. Peter Straus was Director of the Voice of America from 1977–1980. He is currently President of Straus Communications, a media group in the Eastern U.S., which includes weekly newspapers and radio stations. He is the chairman and founder of CONDUCT (The Committee on Decent Unbiased Campaign Tactics).

Mr. Straus was a charter member of the National News Council on which he served between 1973 and 1977. From 1970–1977, Mr. Straus was president of Radio WMCA in New York City. Between 1967–70, Mr. Straus served as Assistant Secretary of State, Administrator, U.S.A.I.D., Africa. Mr. Straus was a Special Consultant on Latin America for the U.S. Information Agency in 1966. Previously Mr. Straus served as Director of the U.S. Office, International Labor Organization, 1955–1958 and as Executive Assistant to Director General, International Labor Organization in Geneva, Switzerland.

During World War II, Mr. Straus was pilot and flight leader of a B–17 Flying Fortress Squadron, flying 50 missions over Germany between 1943 and 1945 for which he received the Air Medal.

Mr. Straus has been a Visiting Professor at the Woodrow Wilson School, Princeton University and a member of the faculties of the Johns Hopkins School of Advanced International Studies and of the Boston University School of Public Communications. He graduated Cum Laude from Yale University in 1944 and speaks French, Spanish, Russian, German, and Portuguese.

Mr. HOLLINGS. We had Mr. William C. Doherty, who again was the executive director of the American Institute for Free Labor Development. He was the United States Labor Delegate to the United Nations International Labor Organization; represented the AFL–CIO at many international conferences; served on the United States election observation missions in El Salvador, Honduras, Guatemala. He had been president of a 1,000-member local union of Government employees; very objective, very successful, very highly respected.

I ask unanimous consent that this biographical sketch be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF MR. WILLIAM C. DOHERTY

William C. Doherty is the Executive Director of the American Institute for Free Labor Development (A.I.F.L.D.). As Executive Director, Mr. Doherty is in charge of all the Institute's programs: trade union education, and social projects such as housing, workers' banks, campesino service center, small "impact" projects and community services. Before becoming Executive Director Mr. Doherty served as the Director of the Institute's Social Projects Department.

Before joining the staff of A.I.F.L.D., Mr. Doherty was Inter-American Representative of the Postal, Telegraph, and Telephone International (PTTI) from 1955 to 1962. During that time he lived in Mexico and in Rio de Janeiro and traveled throughout Latin America. Previously Mr. Doherty had been President of the 1,000 member local Union of Government Employees (AFGE #32)—AFL–CIO.

During World War II, Mr. Doherty served with the U.S. Air Force in Italy and Germany. He is a native of Cincinnati, Ohio, married, with eight children. He graduated from Catholic University with a B.A. in Philosophy. He also attended the Georgetown School of Law and attended the Georgetown School of Foreign Service. He is fluent in Spanish.

Mr. Doherty was a member of the President's Labor Advisory Committee on Foreign Affairs and is a member of the Council for Foreign Relations. He has written many articles for labor publications and has lectured at Harvard, Yale, Princeton, and many other universities and institutes.

He is a member of the U.S. Labor Delegation to the United Nations' International Labor Organization and also has represented the AFL–CIO in many international conferences and meetings. He served on the official U.S. election observation missions to El Salvador, Honduras, and Guatemala, in 1987 to Suriname and in 1988 as an AFL–CIO observer to the Chilean Plebiscite.

Mr. HOLLINGS. They had Mrs. Sydnee Guyer Lipset. Sydnee Guyer Lipset has 17 years experience in television and radio production and strategic media planning. She is currently a press relations consultant at the Woodrow Wilson Center for Scholars.

I ask unanimous consent that her biographic sketch be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF SYDNEE GUYER LIPSET

Sydnee Guyer Lipset has seventeen years experience in television and radio production and strategic media planning. She has produced programs for KRON–TV and KPIX–TV in San Francisco and for radio stations and universities and has been a radio talk show host.

Ms. Lipset is currently a press relations consultant at the Woodrow Wilson Center for Scholars. She has served in a similar position at the Graduate Schools and Research Centers of George Mason University and at the Center for the Study of Families, Children and Youth of Stanford University. Between 1976 and 1988 she served as the Director of the Mass Media Project of the Jewish Community Relations Council of San Francisco.

Mr. HOLLINGS. Mr. Robert S. Leiken. He is an author and a foreign policy analyst, a visiting scholar and research associate with the Harvard University Center for International Affairs. From 1981 to 1983, he was Director of the Soviet-Latin American Project at the Georgetown Center for Strategic and International Studies. And we can go on and on with the things he has authored. He graduated in the early days magna cum laude, Phi Beta Kappa, all from Harvard, and also a Ph.D. from Oxford. More than qualified.

I ask unanimous consent that his full biographical sketch be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF ROBERT S. LEIKEN

Robert S. Leiken, an author and foreign policy analyst, has been a Visiting Scholar and a Research Associate at the Harvard University Center for International Affairs. From 1981 to 1983 he served as Director of the Soviet-Latin American Project at the Georgetown Center for Strategic and International Studies (CSIS). From 1983–1987 he was a Senior Associate at the Carnegie Endowment for International Peace (CEIP) where he established the Latin American Media Round Table. He has been a member of the faculty at Harvard University, the Massachusetts Institute of Technology, Boston University and Boston College. Mr. Leiken lived and worked for a decade in Mexico where he was Professor of Economic History at C.I.D.E. (Centro de Investigacion y Docencia Economia) and at the National Agricultural University.

Mr. Leiken is co-editor of The Central American Crisis Reader (Summit 1987) and the editor of Central America: Anatomy of a Conflict (Pergamon/Carnegie, 1984). He is the author of Soviet Strategy in Latin America (Praeger, 1982) and has published articles in Current History, Foreign Policy, The Washington Quarterly, The Political Science Quarterly, The National Interest, The New York Review of Books, The Times Literary Supplement, Journal of Democracy and The New Republic as well as in major national newspapers. He has appeared on all major television news programs and has testified frequently before House and Senate Committees. He has recently completed a manuscript dealing with the American media and intelligentsia and the Nicaraguan revolution.

Mr. Leiken graduated Harvard College Magna Cum Laude and earned Phi Beta Kappa. He will receive his Ph.D. from Oxford University in 1994.

Mr. HOLLINGS. After their study, which was submitted in March, they went over the entire issue. And here it is, just by reference to it, a very, very thorough study by these experts who went into it objectively and not with any heated feelings or constituent feelings about it. And they never talked to me. I just never have had contact with them.

I just refer to the executive summary which refutes the assertions we have heard here that it is a boondoggle and a balloon-doggle, all the other kind of doggles. It says here on TV Marti, and I quote.

TV Marti broadly meets the established Government standards for quality and objectivity. However, the problems identified by, among others, the General Accounting Office in May, 1992 do not appear to have been fully resolved.

The report offers further measures for dealing with them.

2. TV Marti's broadcasts are technically sound and contain essential information not otherwise available to the Cuban people. However, Cuban Government jamming prevents broadcasts from being received by a substantial number of Cubans.

Hence, 3:

By the usual economic criteria, TV Marti cannot now be considered cost effective.

But, No. 4:

It is clear nonetheless that the Cuban people have an ardent desire and a genuine need to receive the programming produced by TV Marti. Furthermore, such broadcasting could prove vital to the United States interests and to the welfare of the Cuban people now and in the future.

Next:

The time has come to convert TV Marti from VLF to UHF transmission. The efforts to probe this new approach will require approximately 1 year and $1 million. Savings elsewhere during the year will more than offset this investment.

Next:

TV Marti should use the intervening months to restructure its operation to achieve the objectives described in the report.

I could go into it more thoroughly. But right now I just have a letter dated July 22, from the Director of the United States Information Agency, Joseph Duffey.

I ask unanimous consent that it be printed in the RECORD in its entirety.

U.S. INFORMATION AGENCY,
Washington, DC, July 22, 1994.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Commerce, Justice, State, and Judiciary, Committee on Appropriations, U.S. Senate.

DEAR CHAIRMAN HOLLINGS: As the Senate considers the Commerce, Justice, State and Related Agencies 1995 Appropriation bill, I wanted to convey the Administration's strong support for the continuation of funding for TV Marti as proposed in the Committee bill.

In accordance with the 1994 Congressional appropriation, a study of radio and TV broadcasting to Cuba was conducted this year by an Advisory Panel on Radio Marti and TV Marti. That panel engaged in a process of wide consultation and deliberation in making recommendations on these issues.

I have reviewed that study carefully. I have certified to the Congress that the interests of the United States are being served by maintaining TV broadcasting to Cuba. Our TV broadcasts provide news, commentary, and other information about events in Cuba, in accordance with standards of independent broadcast journalism.

Television broadcasting to Cuba is technically sound and effective. Our engineers have developed and tested a system that allows us to deliver a grade-A signal directly into the City of Havana without violating international telecommunications policies, and without interfering with US domestic broadcasters.

Though this signal is jammed by the current government of Cuba, TV Marti broadcasting is being received by a sufficient Cuban audience to warrant its continuation. Jamming is a constant reminder to the Cuban people of the nature of dictatorship and of censorship of news and commentary.

I urge the Senate to continue to support these efforts to provide a source of objective news and commentary through the use of this limited television broadcasting.

Sincerely,

JOSEPH DUFFEY,
Director.

Mr. HOLLINGS. Now, Mr. President, I have a similar letter, dated July 22, from the President of the United States, which I will read in its entirety at this point:

THE WHITE HOUSE,
Washington, DC, July 22, 1994.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my support for Radio and TV Marti.

During my campaign for President I actively supported the good work of Radio and TV Marti. And as President, I have made sure that my Administration fully backs the Office of Cuba Broadcasting in its efforts to bring the truth to Cuba.

I believe that both Radio and TV Marti make genuine contributions to the cause of human rights and democracy in the hemisphere. Both help promote short and long term U.S. foreign policy goals. Supporting both will send important signals to those everywhere who struggle against tyranny.

I want to thank you for your support in advancing our national interests by insuring that the Cuban people will have free access to unbiased news and information which their own repressive regime tries to deny them. I urge Congress to approve my request for Radio and TV Marti.

Sincerely,

WILLIAM J. CLINTON.

The distinguished Senator from Florida [Mr. MACK] has pointed out the repressive nature, as of this week, down there in Cuba, where they just swamped a boat and drowned these children unmercifully. It is just unheard of. But it continues and this crowd up here that runs around thinking they are saving money ought to sober up.

The truth of the matter is this works. It does not work perfectly. We have been on to it. That is why we asked for the GAO study. Senator DOMENICI and I have been working on it. Throughout the years—I worked earlier with Senator Laxalt and Senator Rudman. We have urged them to improve the balloon he is talking about. We have it working, but we can work it better with a UHF signal.

So while the Senator from Florida has an amendment in the second degree, and the Senator from Montana has already ordered a rollcall on his particular amendment, and they say they will withdraw it, but they say they can come right back—I think the better part of procedure is to go ahead and vote on the fundamental amendment.

Perhaps the Senator from Florida will withdraw his. But I oppose the withdrawal of the amendment of the Senator from Montana because I have some broadcaster friends who have been cutting up, some shenanigans, I can tell you that. We are tired of this intramural fight that I cannot catch hold of. You give them GAO studies, you give them special committee studies, you give them USIA studies, you bring support in from a Republican administration, then the Democratic administration, the Democratic President supports it—that still does not satisfy these maneuvers. So I am confident the distinguished minority leader will have even more to say on this particular point.

At this time I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, I will just follow on what the Senator from South Carolina said.

There could be no worse time to propose this amendment. Just over 1 week ago, the Cuban Government brutally murdered up to 40 refugees who were trying to flee Castro's tyranny. Innocent men, women, and children were forced overborad—after trying to surrender and trying to return to port. That act is the just the latest example of Fidel Castro's continuing, crushing stranglehold on the Cuban people.

The amendment before this body would cut off funds for television Marti. The subcommittee, under the leadership of Senator HOLLINGS, wisely restored funding for TV Marti which was cut by the House. This is not a partisan issue. The administration wants money for radio and TV Marti. The administration's advisory panel on radio Marti and TV Marti concluded:

> The United States interest is served by [radio and TV Marti] continuing to air.

I want to support the President and support TV Marti.

Why should we cut off TV Marti? Some say Castro is jamming the signal. In my view, the fact Castro is scared enough of TV Marti to devote scarce resources to interfere with its signal is important. It shows just how much Castro fears objective news and independent information.

Let us not send a signal to Castro that his resistance is reason to end our efforts to support freedom. We did not end Radio Free Europe or Radio Liberty because the Soviet Union jammed their signals. Radio and TV Marti are the only way the Cuban people can hear about how their countrymen were killed trying to reach freedom last week. Let us not shut the channel down. Let us not hand Castro a victory a week after the murder of innocent Cuban women and children.

I urge my colleagues to oppose the Baucus amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico, [Mr. DOMENICI].

Mr. DOMENICI. Mr. President, I just have a couple of minutes. I do not know how many more Senators want to speak. I assume the senior Senator from Florida wants to speak. Does he have any idea how much time he requires? Senators are calling and wondering when we are going to finish.

Mr. GRAHAM. Mr. President, I think I would take approximately 5 minutes.

After the Constitutional Convention, Ben Franklin was asked what type of Government was created, and he responded: "A Republic, if we can keep it." As we remember Hugh Scott, we can also remember that here was a man who gave his all to ensure that our Republic remains strong and free.

The PRESIDING OFFICER. The Senator from New Mexico retains the floor.

Mr. DOMENICI. Mr. President, obviously, much has been said already about the need for Radio and TV Marti. I am not going to address that. I am just going to address the catastrophe that occurred at sea off Cuba recently, when more than 40 Cubans were slaughtered. I want to speak about the dire impact of that massacre on the State of New Mexico, a place far, far away from Florida.

DAGO RUIZ AND HIS FAMILY

We have a distinguished Cuban-American group in our State. One of its leaders is my long-time friend, Dago Ruiz. He has a very large family. He reported to my office, and I discussed it with him on the telephone from the Senate Cloakroom earlier today, the terrible reality that among those 40 Cubans that were slaughtered at sea, 11 of them were his relatives, or relatives of his family. Some of those most closely related to the victims now live in California, some live elsewhere, but from among his extended network of relationships and relatives, 11 of them were slaughtered at sea on Castro's orders. Of those, one was 2½ years old and one was 5 years old.

Frankly, I think it is the worst of times when we tie up the Senate over

$12 million and an approach to Cuban broadcasting that worked in most of the other Communist countries—at least we thought it did.

During the cold war, we put radio and, rarely, TV wherever we could to spread the message of freedom. We tried to get the Voice of America and Radio Liberty to transmit where people could hear some reason to hope for change. Now we are doing the same in Cuba. Clearly, it is a place where the people have not succeeded in breaking the chains, leaving Castro as the last of the major Communist dictators.

I believe we ought to pursue this program and pay for it. There is a little work to be done in perfecting it. We ought to do that. Now is not the time to take any of the heat off Fidel Castro. All of the Cuban broadcasting ought to be kept there, alive and burning and tough in its message.

Sooner or later Fidel is going to have to relinquish his stranglehold over these marvelous people in Cuba. We know they are wonderful people because look at what happened in the United States when they have settled into life in our country. They prospered and contributed to our great Nation. Many left right ahead of Castro's takeover or as they filtered out little by little over the years and decades since 1960.

So I say to that family, the Dago Ruiz family in my home town of Albuquerque, with 11 of its people slaughtered off the shore of Cuba, I do not want to be part today of sending a signal to Fidel Castro that we have anything but the most intense indignation for the way he governs his people.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. GRAHAM].

Mr. GRAHAM. Mr. President, I do not wish to be repetitious of the excellent remarks that have been made by my colleagues. I believe that there would be some serious adverse consequences to the United States of America if we were to adopt this amendment with its proposal to terminate Television Marti. This is not a debate about balloons or about television frequencies or about the mechanics. It is a debate about the American commitment to the restoration of democracy in countries which have seen it lost. Cuba and Haiti are the only two countries now in the Western Hemisphere which do not operate with a government that has its legitimacy drawn from the vote of the citizens of those countries.

I believe that among the adverse consequences of the adoption of this amendment would be to terminate an effective national tradition. The Senator from South Carolina, the chairman of the subcommittee, has placed in the RECORD numerous statements that underscore the effectiveness of this initiative.

I was particularly impressed with the letter of July 22 by the Director of the U.S. Information Agency, Mr. Joseph Duffey, in support of the recommendations made by the study commission which this very Congress authorized to review the operations of Television Marti, a study commission which reported favorably for its continuation, making a series of recommendations as to how it might be more effective.

Second, Mr. President, this would be to abandon a strategy which has proven to be effective in other regions of the world. We stuck it out for 45 years in Central Europe and in the Soviet Union. There were times during that 45-year period that I imagine there were colleagues in this body who said we have waited too long, our strategy of containment has proven to be ineffective; we have not been able to roll back communism from nations and regions which it had taken over by force. But we stayed the course through Democratic and Republican administrations, and we achieved eventual success. The people of those former Central European nations, as well as the former Soviet Union itself, are now free.

One of the fundamental parts of that strategy was isolation, politically and economically, while information was poured into those countries. Talk to the Republics of Poland, Hungary and Czechoslovakia. They will tell you of the degree to which they received reassurance, how their sometimes flagging confidence that they would ever be released from the grip of tyranny was reassured by the Voice of Radio Free Europe and the other methods of communication which were made available.

That strategy, I think, is particularly appropriate now as we look for nonlethal means by which we might accomplish our objectives of the promotion of democracy.

Third, Mr. President, most of the debate is focused on the issue of Television Marti today. There is going to be an important period—we hope an important period soon—in which Cuba is going to undergo a major transition. It is at exactly that time that the opportunity to make available to the people of Cuba an independent channel of communication and news and information as to what is occurring during that time will be especially valuable in advancing the cause of freedom and democracy in Cuba.

To abandon this now and to have it unavailable at that critical time, I think, would be a great disservice to United States interests and even a greater disservice to the people locked in Cuba.

Finally, this would be a tremendously negative symbol and statement to the people of Cuba as well as to free people around the world. It has been argued that the fact that this signal is jammed for many hours of the day is a reason to abandon it. I would argue that the fact it is being jammed, Mr. President, is a reason to continue.

First, that jamming is very costly to the Cuban Government. It is estimated that the 15 to 20 fixed jammers which are being employed in the Havana area, supplemented by 40 full-time soldiers who operate helicopter-borne jammers and mobile land jammers represent a substantial commitment of Cuban resources to this purpose.

What greater signal could it be to the people of Cuba to turn on their television sets to this channel and to see a faint figure in the background with the jamming lines overimposed. If there could ever be a statement of a regime which had lost confidence in its ability to lead by legitimacy and by convincing the people that it had their interest as its primary guiding force, nothing could be more of a statement of the authoritarian regime than those wavy lines over the signal of TV Marti.

So, Mr. President, I believe that it would be extremely detrimental to U.S. interests, to our pursuit of democracy within this hemisphere if we were to take the action suggested today.

I urge a strong vote "no" for the amendment to terminate Television Marti, and with it the corollary, a strong vote "yes" for the earliest possible restoration of democracy and freedom to the people of Cuba.

Mr. LAUTENBERG. Mr. President, I oppose this amendment which would eliminate funding for TV Marti.

This bill includes $24.8 million for both TV and Radio Marti. The House version of the bill eliminated funding for TV Marti and reduced funding for Radio TV to $8.6 million.

The $24.8 million is a small investment to make for the people of Cuba and the future of democracy in that country.

I am not alone in this belief. The U.S. Information Agency advisory panel recently recommended continued support of TV and Radio Marti. The panel concluded that despite the obstacles, interference and shortcomings which have hampered the program, the U.S. interest is served by their continuing to air. In light of the panel's conclusion that both programs are meritorious and deserve support, I hope my colleagues will vote against this amendment.

Both programs provide a credible source of news to the Cuban people. They help foster the free flow of information which is critical to further democratic ideals in Cuba. Castro's government consistently and deliberately hides information from its own people. Radio and TV Marti provide valuable and independent sources of information about social, economic, and political issues in Cuba and United States policy. For the Cuban people, they provide a critical link to the world outside Cuba.

The programs help Cubans to more fully understand the truth about events that the Cuban Government tries to hide. We should fully support this effort.

The people of Cuba deserve to have the benefit of the important news provided by both Radio and Television Marti. I hope my colleagues will reject this amendment.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I have discussed this matter with the senior Senator from Montana who offered the amendment and with the junior Senator from Wisconsin who spoke in behalf of the amendment. Senator BAUCUS announced earlier his intention to withdraw the amendment. Both he and Senator FEINGOLD have indicated to me and authorized me to represent that if the amendment is withdrawn, they will not bring it up again during this session of Congress.

Therefore, Mr. President, I would hope that we could get consent to withdraw the amendment, for which I will shortly make the request, and then we can proceed to other matters. So in behalf of Senator BAUCUS, I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the amendment (No. 2365) was withdrawn.

AMENDMENT NO. 2367

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Senator DOLE.

Mr. DOLE. Mr. President, I agree with the Senator. I talked with Senator BAUCUS myself and that was his intent. What I would like to do is just offer a sense of the Senate which condemns the Cuban Government for deliberately causing the death of 40 people, and also ask the United States Permanent Representative to seek a resolution in the United Nations condemning the sinking of the *13th of March* and provide for an investigation.

I do not think there is any objection to that. It is an amendment that had been offered by Senator MACK, and I would offer it on behalf of anybody who wants to join me and Senator MACK, Senator DOMENICI, and, I think, Senator GRAHAM, and others, and Senator HATCH. I will send it to the desk. I think Senator HOLLINGS has seen that amendment.

Mr. MITCHELL. Mr. President, I think it likely that almost all Senators would wish to associate themselves with the amendment. So we could permit a period following its adoption to the close of business so Senators could sign on as original cosponsors. I think most Senators would like to do that.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HOLLINGS].

Mr. HOLLINGS. Mr. President, let me thank the majority leader and minority leader for the withdrawal of the amendment.

As I understand it—I came in the Chamber after trying to do some other things—an amendment in the second degree by the Senator from Florida was up. I asked that he set his aside so we could get an up and down vote on the amendment of Senator BAUCUS. We were all prepared, and the Senator from Montana, I think, informed the desk up here that he wanted to withdraw the amendment.

The Senator from Florida asked, now, wait, if you are withdrawing the amendment, does that mean you are going to come back or is it withdrawn for this session? He said, I am not making any commitment, as I understand it, from the Senator from Florida. I was not party to it. But I did hear our distinguished colleague from Wisconsin say we would be back if it was withdrawn.

So that disturbed me, and I was prepared to object to the withdrawal, because we are ready for an up or down vote. But the record has been made, and I do thank the distinguished majority leader and the minority leader for reconciling this, which could have developed into a misunderstanding.

I do not think we ought to be able to put up an amendment, get the yeas and nays, and then when you find it is second degreed and the second degree might capture the vote and your basic amendment fail, then you leave town and say I have withdrawn it but I am coming back.

I might have misunderstood, but that is the way I understood it, and that is the way the other Senators in the Chamber understood it, and that is why the slight difference here. I do appreciate all the cooperation.

I ask unanimous consent that I be a cosponsor of Senator DOLE's amendment, along with the distinguished Senator from New Jersey [Mr. LAUTENBERG]. I yield the floor.

The PRESIDING OFFICER. The majority leader, Senator MITCHELL.

Mr. MITCHELL. May I suggest, if there is no objection, that the clerk report the Dole, et al amendment and the Senate proceed to adopt it.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mr. DOLE], for himself, Mr. MACK, Mr. GRAHAM, Mr. HATCH, Mr. HOLLINGS, Mr. COVERDELL, Mr. GRASSLEY, Mr. LAUTENBERG, and others, proposes an amendment numbered 2367.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

(A) Findings—

(1) There are credible reports that on July 16, 1994 Cuban government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban Government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.

(B) It is the Sense of the Senate to—

(1) condemn the Cuban government for deliberately sinking the "13th of March", causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that—

(a) condemns the sinking of the "13th of March";

(b) provides for a full internationally supervised investigation of the incident; and,

(c) urges the Cuban government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

The PRESIDING OFFICER. Is there further debate? If not, the question occurs on agreeing to the amendment offered by the Republican leader and others.

The amendment (No. 2367) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2368

(Purpose: To prevent appropriated funds from being used to implement the objectives of the so-called Racial Justice legislation)

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending committee amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. D'AMATO, Mr. HATCH, and others, proposes an amendment numbered 2368.

At the appropriate place, add the following:

"No funds appropriated under the Act to the Department of Justice shall be used to implement any policy, regulation, guideline, or executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

Mr. DOLE. Mr. President, I am offering this amendment on behalf of myself, Senator HATCH, Senator D'AMATO, and others.

I would just say that we have seen the crime bill has been stalled in the conference for a number of weeks. It may have been worked out since. I am not certain what has happened because I am not certain Republicans have been invited.

The Racial Justice Act mocks our system of individual justice by allowing capital defendants to challenge their sentences using statistics alone—if the numbers do not add up, then the sentence should be overturned. The Supreme Court of the United States has properly rejected this fuzzy-headed reliance on statistics. And the Senate, to its credit, has voted thumbs-down on the Racial Justice Act every time we have considered it.

Not surprisingly, prominent law enforcement agencies like the National Association of Attorneys General, the National District Attorneys Association, and the National Troopers Coalition have all publicly opposed the act.

As a compromise solution to the conference logjam, the administration is apparently willing to drop the racial justice provisions and, as a substitute, adopt a different approach—perhaps even a Presidential directive instructing the Justice Department to develop procedures to prevent discrimination in Federal death penalty cases.

Of course, Mr. President, I abhor racial discrimination in all its forms, whether it be in employment or in education or in criminal sentencing. Unfortunately, our system of criminal justice is not perfect. Mistakes are made. Racial Factors may come into play in individual situations.

Nevertheless, I am concerned that a Presidential directive could be used as a back-door way of introducing into Federal capital decisions the statistical evidence approach that is the hallmark of the Racial Justice Act.

Under the Racial Justice Act, a convicted murderer sentenced to death can challenge the capital sentence simply by offering evidence that "at the time the death sentence was imposed, race was a statistically significant factor in decisions to seek or to impose the sentence of death in the jurisdiction in question." This includes "evidence that death sentences were being imposed significantly more frequently * * * upon persons of one race than upon persons of another race."

The practical effect of all this is to prohibit the death penalty unless it is carried out strictly by the numbers, according to rigid death-penalty quotas. Under the Racial Justice Act, all a death row inmate must do is show a statistical disparity based on his or her own race or the race of the victim, regardless of the specific facts of the specific case. One the presumption of racial discrimination is raised through statistics, the Government must rebut the presumption that race was a factor in sentencing by a preponderance of the evidence. The bottom line is that the Government would then have the burden of proving a negative—that racial factors had nothing to do with the capital sentence.

This amendment would not prohibit the Justice Department from implementing a policy that seeks to prevent racial discrimination in Federal capital cases. However, it would bar the Department from promoting a policy that encourages the use of statistical evidence to show racial bias. The bottom line is that each capital case should be judged on the merits, on the specific facts of the specific case.

The amendment reads:

> No funds appropriated under this act to the Department of Justice shall be used to implement any policy, regulation, guideline, or Executive order with respect to the death penalty which permits the consideration of evidence that a race was a statistically significant factor in the decision to seek or impose the sentence of death on any capital case.

So, Mr. President, this amendment is simply an insurance policy. If the conferees drop the racial justice provisions, the Justice Department should not seek to resurrect these provisions under the guise of implementing a Presidential directive.

That is the sole purpose of the amendment. I do not know any reason it should not be adopted. We have had this debate before on the Senate floor. I yield to my colleague from Utah.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I compliment the distinguished minority leader for sending this amendment to the desk on his behalf, myself, Senator D'AMATO, and others. This is an amendment to the pending bill that would bar the use of appropriated funds for any policy that adopts the racial quota approach taken by the so-called racial justice legislation.

For months now, the crime bill has been blocked by the gridlock on the other side of the aisle over the so-called Racial Justice Act which would permit convicted murderers to manipulate racial statistics from unrelated cases to bring an end to the death penalty nationwide. Because the legislation would permit death penalty statistics to be selected, and, of course, manipulated across an endless number of variables, it is inevitable that in virtually every case a supposed "expert" could concoct a statistical disparity from a numerical quota.

Prosecutors from around the country have vigorously opposed this death penalty abolition act. The National Association of Attorneys General, the National District Attorneys Association, and countless groups of State and local prosecutors have strongly condemned permitting convicted murderers to make claims based on manipulated statistics from unrelated cases.

Let us just be honest about it. This is a serious, serious matter. This Senate with bipartisan majorities has repeatedly rejected the so-called Racial Justice Act, including just 2 months ago, when we voted by a 58 to 41 margin in favor of the sense-of-the-Senate resolution that the crime conferees "should totally reject the so-called Racial Justice Act provisions." Now it appears that the Clinton administration is trying to do through the back door what it dares not do through the front door.

According to news reports, the Clinton administration will rely on Executive orders or Department of Justice regulations to appease supporters of the so-called Racial Justice Act. The Dole-Hatch-D'Amato amendment would shut this back door and lock it firmly. This amendment would bar the use of appropriated funds to implement any policy that uses racial statistics from unrelated cases to block the death penalty. Every Senator who voted for the sense-of-the-Senate resolution last month should support this amendment.

Let me emphasize that the fact that an Executive order or Department of Justice regulation providing for the use of statistics from unrelated cases might be limited to the Federal death penalty does not lessen the concern that this racial quota approach raises. Rather, this is a false compromise under which the death penalty would ultimately be abolished in several steps rather than one. Several questions demand answers.

Why is the Clinton administration working to undermine the Federal death penalty at the very time that it is purported that it is trying to support it? Does anyone here believe that Attorney General Reno has been motivated by race discrimination in making decisions on the death penalty? Of course not. I certainly do not. But according to a recent article, Attorney General Reno has approved seeking the Federal death penalty against nine defendants, all of whom are black. Again, I do not believe for a second that Attorney General Reno has been acting in a racially discriminatory manner.

But the statistical approach that the Clinton administration is being urged to adopt would compel this faulty inference as a matter of law. Does anyone believe that the States can take any comfort in the statistical quota system that would apply for the time being only to the Federal Government? This unstable accommodation should give States no more comfort than the German invasion of Belgium gave the French. It simply sets the stage for a later full-scale assault on the death penalty in the States. We must oppose the back-door repeal of the death penalty.

AMENDMENT NO. 2369 TO AMENDMENT NO. 2368

(Purpose: To prevent appropriated funds from being used to implement the objectives of the so-called Racial Justice legislation)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. THURMOND, and Mr. DOLE, proposes an amendment numbered 2369 to amendment No. 2368.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all after the first word and add the following:
>
> "No funds appropriated under the Act to the Department of Justice, or any other agency shall be used to implement any policy, regulation, guideline, or executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, this amendment is a second-degree amendment that is basically the same as what I have been talking about except for some changes.

We have tried to accommodate those who feel strongly on this issue. But we simply cannot allow this type of statistical disparity to really make the determination whether or not the death penalty is carried out in those cases where it is very clear that it must be carried out.

Mr. President, we should be concerned about the type of crime that is involved, rather than the statistical aspects of the death penalty. We are for language in the bill that upholds the 14th amendment to the Constitution, and the 5th amendment to the Constitution, as well. We do not believe there is any reason for anybody to discriminate on the basis of race with regard to the death penalty.

Mr. President, in all honesty, this is not the way to do it. We know that if the Racial Justice Act in any form, even applied only to the Federal Government, is put into law either through regulations or Executive order or, as it should not be, because of the votes of the Senators on this floor through legislative enactment, that it would result in such a quagmire of appeals and cross appeals and cross litigation that it would cost the American people billions of unnecessary dollars.

It is an ingenious approach, I have to admit, for those who hate the death penalty, for those who are totally opposed to the death penalty, because it would ultimately lead to such a quagmire and such cost and such stultification of the implementation of the policy that people in this country probably would throw their hands in the air and say, "Well, we will never be able to implement the death penalty. We might as well give up rather than keep throwing billions of dollars into the frivolous lawsuits that are brought one right after the other."

If you think the Federal habeas corpus proceedings in this country are out of whack and that these repetitive appeals by these death-row inmates and others—which I might add are just never-ending—then wait until you see this thing in action.

That is why it is defeated constantly in the U.S. Senate, because we all understand it. We know that it is an ingenious liberal approach to do away with the death penalty. I have to give my colleagues credit for that who support it. It is ingenious. But that is not what the American people want; it is not what good criminal law should be; and it is certainly not what we ought to have on the floor at this time.

I ask unanimous consent that Senator THURMOND be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have no real desire to prolong the debate on this. This amendment should be adopted because the Senate has voted on it repetitively. There is no question but that a majority of Senators do not believe that it should be implemented either by legislation, regulation, Executive order, or otherwise. I personally am happy to end the debate by having it accepted, or we can vote on it, whichever is the case.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, the ingenuity of my Republican friends never fails to amaze me. They will do anything at all to keep the President of the United States from getting credit for passing the crime bill. They have spent the last 3 weeks talking about this red herring, about if the racial justice provision as passed by the House or offered in the Senate became part of the crime bill, it would bring down the Nation; it would eliminate the death penalty; it would go on and on and on and on. Although I am a supporter of the Racial Justice Act, they won that debate in the court of public opinion and on this floor.

So it was my dubious task to spend the last 3 weeks, as my friend from Utah knows, trying to talk the House of Representatives out of insisting it be part of the crime bill. Just when I succeeded, and maybe had snatched defeat from the jaws of victory, from our Republican friends who do not want a crime bill, they came up with a new ingenious idea. How do we keep this racial justice thing alive? And I know what they did. They decided to do something that would prevent the Attorney General of the United States from in any way assuring everyone that there was no racial discrepancy in the application of the death penalty and put, for the first time that I know of in the history of the United States, a prohibition on the Attorney General of the United States from being able to exercise discretion.

It says:

> No funds appropriated under the * * * act shall be used to implement any policy, regulation, guideline, or Executive order—

And I might add, there are none now—

> which permits the consideration of evidence that race was a statistically significant factor * * *.

They play their little games. They second degree this amendment. I do not know what the second degree of this amendment says.

They probably changed a period or a comma, I am not sure, to make sure that we could not do anything. Gamesmanship is something I believe the Republicans are much better at than we are. It is clear to me that they are. The one thing, if you read today's paper, Mr. Barbour, the chairman of the Republican Party, is talking about unity in the Republican Party, and the gains in the meeting they had, and the gains they are going to make. They acknowledged that the one thing that might change that around is if the crime bill passes. They have blocked the crime bill for 6 years. Now we are about to pass the most comprehensive crime bill in the history of the United States of America—one the American people are desperately waiting for—and this is designed to put not only a spike and a spur in the saddle of the folks on the House side, but this is designed, very effectively, to confuse the living devil out of the situation.

The one thing I say to my colleagues on the Democratic side who would be inclined to vote for this mischievous amendment, if they vote for this amendment, the likelihood is that you will have racial justice in the crime bill. It will be back here in a crime bill, because essentially what we have is a tentative agreement on now to take racial justice out of the crime bill completely. But this takes away the discretion of the Attorney General even to look at whether or not a rogue prosecutor working for her is misapplying the death penalty. Think of that for a minute. When have we eliminated prosecutorial discretion ahead of time on a matter that my Republican friends feign an interest in—and that is, that they do not want the death penalty applied on a racist basis.

Who is talking about statistics? I am surprised they did not mention quotas. That is usually a buzzword they like to bring up. I imagine they will mention that next. Nobody has mentioned this. It is not going to be in the crime bill. It is not in any legislation now. I support the Racial Justice Act. But I want to make it clear to my friends who oppose the legislation that the amendment offered by Senators DOLE and HATCH goes far, far beyond rejecting the Racial Justice Act. Indeed, it sets a dangerous precedent. Let me take a moment to explain how the Racial Justice Act and Senator HATCH's amendment are different. The Racial Justice Act would permit a capital defendant—that is somebody accused of murder, convicted of murder, and sentenced to death—to present a claim to a court challenging his or her death sentence on the grounds that the sentence was sought or imposed because of the defendant's race.

This amendment would have a very different and quite radical effect. It would preclude the U.S. Justice Department from performing a prosecutorial function, the prosecutor's most basic obligation—making sure that the law is upheld consistently, so that like defendants are treated alike.

In this particular case, it would prevent the Department from even looking at its own track record in Federal death penalty cases. Consider what that means. It does not go to whether the defendant could use statistical evidence to challenge his or her own sentencing court. Any Attorney General guidelines they put down would not give a cause of action to the defendant in court. It only goes to whether or not the prosecutor says, "I am going to ask for the death penalty" or "I am not going to ask for the death penalty." They want to know all of the relevant facts.

Consider what it means. It does not go to whether the defendant could use statistical evidence to challenge his or her own sentence in court. It does not go to whether lawyers would battle over the meaning of statistics in court. It does not go to whether the court could use such evidence to reject the death sentence in a particular case.

What it would do is prohibit the Attorney General—our Federal chief prosecutor—and those prosecuting who work for her, from reviewing death penalty cases to ensure the consistent application of the law.

For example, under the drug kingpin legislation, if I am black and the other defendant is white, and the prosecutor in a particular jurisdiction gets a conviction and asks for the death penalty for the black man and not the white man, in the same exact case, in the same exact situation, why should the Attorney General of the United States, who is required to sign off on that, not know that? But this would prevent the Attorney General of the United States from being able to do that.

As racist as some in our past history have been, I refuse to believe that anybody in this Chamber would not want the Attorney General being able to determine whether or not a prosecutor was doing that. The same facts, same case, two defendants, one black, one white. But even there, it would not require the Attorney General to do anything. It would just allow her the facts. It may be that the prosecutor in that case says, "the reason I asked for the death penalty for the black defendant is because he committed murder on two other occasions, and the reason I did not ask for the death penalty for the white defendant is because of these mitigating circumstances. He led an exemplary life up to now," in which case the death penalty would go forward for the black and not for the white. But, my Lord, to deny the Attorney General the ability to look at whether or not a prosecutor in a particular jurisdiction was asking for the death penalty only when the person is white as opposed to when they are black, or vice versa, I cannot believe they really mean this. This is a political sham.

Assume for a moment that a particular jurisdiction had a rogue prosecutor, who bases his or her decision on whether to seek the death penalty based upon the race of the defendant. As a result, in that jurisdiction, as I said, a white drug kingpin gets a life sentence, and a black drug kingpin gets the death penalty. Under this amendment, the Attorney General could not even consider evidence of the rogue prosecutor's track record. She could not even investigate to find out whether the Federal prosecutor was discriminating on the basis of race in that jurisdiction.

This is not the court, this is the Attorney General, the one who decides whether or not to ask for the death penalty. If she were confronted with the clear evidence that the prosecutor was discriminating on the basis of race, she could not do anything under this amendment.

The laws of our Nation condemn racial discrimination in all contexts. But with this amendment, we are tying the hands of the Attorney General and telling her she cannot make sure that race does not determine who gets the death sentence and who does not. Do we not want the Attorney General to have the ability to see that Federal prosecutors are acting consistent with the law? Will we tell the Attorney General that she cannot look into the charges that a particular U.S. atorney was investigating or bringing public corruption charges only against Republicans and never against Democrats?

It seems to me that I remember in this body similar charges being made. So we passed a piece of legislation here. The Attorney General cannot look into whether or not local U.S. attorneys are bringing criminal charges based upon political party. What would you do if she said that? The American public would rise and say what in the devil are you doing? Should the Attorney General not be able to say, look, you are not allowed to go out and use an indictment for political purposes. Well, that is what we are doing here.

Think about it for a minute. Those of you who vote against the Racial Justice Act for your own good reasons, this has nothing to do with the Racial Justice Act. This is a political ploy designed to do something that, to the best of my knowledge, we have never done in our history: tie the prosecutorial hands of the chief prosecutor to even determine whether or not the law is being applied fairly.

By the way, there is no such Executive order out there. Even if there were—the Senator made his own case—you were tying the hands of the Attorney General in this administration, who is against the death penalty but kept her commitment, and thus far has signed off on the death penalty of nine people, and they have all been black.

What a bunch of political chicanery.

Like I said, when we tell the Attorney General she cannot look into charges that a particular U.S. attorney was investigating and bringing public corruption charges only against Republicans and never against Democrats or she could not do anything about it if there was evidence that such a practice was underway—what is the difference?

I believe it is terribly bad precedent to say that our Nation's chief prosecutor cannot learn about and consider all relevant evidence in making decisions of who to charge, what to charge, and what penalty to seek.

It is also a key part of a prosecutor's duty to apply the law consistently so that the defendants who commit like crimes receive like treatment.

This amendment prevents the Attorney General from ensuring fairness and consistency in Federal death penalty cases.

I received a letter from the Attorney General addressed to the majority leader, Senator MITCHELL. It says:

> Dear Senator MITCHELL:
>
> I understand that Senator Dole and Senator Hatch may offer an amendment to the Commerce, Justice, State, and Judiciary appropriations bill which would prohibit the Department of Justice from reviewing its own decisions.

This is not prohibiting the court from reviewing anybody's decision. This is not prohibiting the Attorney General from reviewing someone's decisions. This is the Attorney General reviewing their own decisions.

> * * * would prohibit the Department of Justice from reviewing its own decisions to seek the death penalty to ensure that those decisions were free of racial bias.

I strongly urge that such amendment be defeated. If adopted, such an amendment would ensure that there would be a continuing claim that the Justice Department is applying capital punishment in a racially discriminatory manner. Such criticism could seriously undermine the confidence of the Department's fairness, which is essential to maintaining confidence and support for capital punishment.

The Dole amendment should not be confused with the issue prevented in the Racial Justice Act, as originally drafted. That act creates a judicial proceeding subsequent to trial, conviction, and appeal where statistical evidence could be a dispositive factor in determining whether or not a defendant gets the death penalty. Even opponents of that act should not embrace the DOLE amendment, which forbids me in our already existing and internal review proceedings from ever considering as probably one of many factors that a particular Federal prosecutor may not have treated all defendants who have committed the same offense the same.

As the official in the Federal Government personally responsible for the final decision to seek the death penalty in all cases, I am confident the racial basis has played no role in those decisions. Nevertheless, I believe that it is imperative that I have available all possible means to review those decisions to ensure continuing nondiscrimination and to make the absence of discrimination clear to all Americans. The Department of Justice has nothing to hide. However, adoption of this amendment would ensure that no one would believe that what I have just said is true.

Again, I urge the proposed amendment be defeated.

JANET RENO.

Let me point out. If we go on record as saying the Attorney General of the United States does not have the authority and is prohibited from implementing any policy, any regulation, any guideline, any Executive order, to determine whether or not race is influencing the outcome of the request for death, what do you think that does for credibility of an Attorney General and the Justice Department and, more importantly, the U.S. Government and the court system, when in fact you have nine of the nine death penalties this administration has sought against black people, not one against white?

If they really care about making sure that race does not play a role and also that phony statistics do not play a role, for Lord's sake what are we doing, to tell the Attorney General that the Attorney General cannot even check her own prosecutors? Do you think that emboldens people to believe that any one out of nine black defendants for whom the death penalty was asked and no white that it was not based on race?

This is chicanery. This is a political ploy, the last desperate one—I guess not the last desperate one. I predict there will be another desperate one. We will get through this. The next desperate one will be guns again, guns again.

We have a $30 billion crime bill, 100,000 police, and they are so fearful that we are going to pass it and that this President who strongly supports it will get some credit for it, that they will stop at close to nothing here on a bill. If they are wondering whether I got the message about racial justice, we got the message. The message is it is not going to be in the crime bill. It should be in the crime bill. But it is not going to be. They win.

In 22 years I have learned how to count. But in 22 years I have never gotten used to this kind of malarkey.

Mr. President, I say to my colleagues, to deny the Attorney General of the United States the right to set out guidelines or an Executive order telling her prosecutors what they must consider to make sure they, in fact, apply the death penalty fairly—and you would think, I might note parenthetically, that my colleagues would understand that black Americans are somewhat suspect about the system. If they do not want to read our history as a Nation as to why black Americans should be suspect about the system, just let them take a look at the news every night. Just ask them, why do you think black Americans are prepared in the polling data you read to distrust the system so much? Are they going to convince you that 90 percent of all black Americans or 60 percent are all procriminal? The reason they distrust the system is because of this kind of stuff.

We are not creating, and the Attorney General has done nothing but what she is being prohibited here from doing. She is not being prohibited here from creating a cause of action in the court. She has no authority to do that. She and future Attorneys General are being prohibited from exercising their responsibility of determining that the law is applied equally.

I am ashamed that we are having this stupid debate and so many red herrings raised here, so let me conclude by making three things, as one famous American used to say, perfectly clear.

No. 1, what is attempting to be prohibited here has nothing to do with the Racial Justice Act, which was designed to create a cause of action that the defendant could go before a Federal court and say, "Do not put me to death, judge, for the following reasons," and the judge be required to look at that and say, well, yes or no. This has nothing to do with that.

What this is designed to stop is the Attorney General of the United States, like past Attorneys General, when a local prosecutor in Delaware or North Dakota or Louisiana or Utah says "I want the death penalty for this defendant"—right now the procedure is that local prosecutor, that local U.S. attorney, sends a note to the Attorney General of the United States of America and says, "I want to ask for the death penalty," and the Attorney General says: "Are you meeting the guidelines here? Are you applying it fairly? Why are you asking for it in this case? Tell me."

And then the Attorney General signs off, as she has done nine times. If this were designed, as my friends I guess are really worried about, to give black defendants life instead of death, why would she have signed it nine times so far for black Americans?

What this prevents is the Attorney General from looking at the prosecutor from Illinois and saying, now, wait a minute. You had four drug kingpin cases. On three of them you wrote me a note saying you want life and one of them you wrote me a note and you said you want death. Three of them were white where you wanted life. The one you wanted death for was the black man. Tell me why.

Why should she not be able to ask that question? This is preposterous. Now, because I refuse to believe that my colleagues who are raising this amendment are doing so based on race, I can only conclude they are doing it based on politics. It is a more generous interpretation and one I choose to believe.

But how, how are we benefiting justice by suggesting the Attorney General of the United States cannot review whether her own prosecutors or his own prosecutors are asking for the death penalty in a fair and equitable manner?

And the third point I will make perfectly clear: If this amendment prevails, I predict to you that the racial justice provision passed by the U.S. House of Representatives, which is going into conference with us, some version of that will become part of the crime bill. And then all of you who are opposed to racial justice for good and sound reasons will be faced with the dilemma of having to vote with the Republicans on a filibuster, which they have announced they will do; they will filibuster the crime bill.

They are very good at that. They have done that for 4 years. They are very adept at that. That is one thing I know they do much better than we do. They will filibuster and all of those who want a crime bill will be faced with the dilemma of having to vote with the Republicans to sustain their filibuster, killing the crime bill, or voting for the crime bill with a racial justice piece of legislation in it that you do not support.

That is what they are hoping. That is what this is designed to do. That is what this is all about.

So, please, I say to the staff who is listening of the 21 Democratic Senators who have a different view than I do on racial justice and who voted against racial justice as a piece of legislation, please, listen to what I am saying. This is not a piece of legislation designed to defeat a piece of legislation called the Racial Justice Act. That is a red herring.

This is a piece of legislation to take away the discretion, for the first time, to the best of my knowledge, of the Attorney General of the United States to be able to set up a formula by which she looks or he looks at whether or not the death penalty—which the President of the United States supports and is adding 50-some additional death penalties—whether or not it is being done fairly.

And the last point I will make at this point is the following: One of the reasons the Supreme Court in the past concluded that the death penalty was unconstitutional was not that it was per se a violation of the eighth amendment, the cruel and unusual clause of the eighth amendment. It was where they concluded the State laws were unconstitutional. It was unconstitutional because it was misapplied, because it was not applied fairly to blacks and whites.

Now, it is true that later cases, when they came back, concluded that that determination cannot rest solely upon statistical data. But it is an ever-present concern of the Supreme Court whether or not it is being applied fairly.

I am a death penalty supporter. I am the guy who wrote this bill, a presumptuous thing to say. But I wrote this bill with my own little hands. And I added into the bill more than 50 death penalties. I support the death penalty. This President supports the death penalty.

Now, if we want the death penalty applied where it is warranted, are we going to embolden a Court that may change to continue to apply the death penalty by saying to them, "By the way, we are not going to let the Attorney General determine whether or not her prosecutors are doing it fairly?" Does that help us?

There is no logic here. There are scare tactics here. I have been around long enough to know that when someone includes the words "statistically significant factors," everybody here goes, "Wow, I ain't for statistically significant factors. That means I'm a liberal. That means I'm bad."

Or, the better one is, they kind of miss. You know, their ingenuity is not quite as good as it was, because they would have put in quotas. As soon as you say "quotas," you go, "Quotas? Wow."

There are not any quotas. But it is like that old thing: "Are you still beating your wife?" "Oh, yeah—no."

I mean, are you for quotas? No one is for quotas. And no one is suggesting that. The Attorney General is not suggesting that she is going to employ the death penalty based upon whether or not there is a statistic. For if that is their worry, I ask them the rhetorical question: Why has she signed off on nine deaths, all black?

This is bizarre, with all due respect to my learned colleagues, but it is politically brilliant. And for that, I compliment them. I just hope my colleagues in this Chamber on both sides of the aisle are not taken in. I have gotten the Racial Justice Act, which I support, out of the crime bill. This is not about the Racial Justice Act. This is about politics.

Mr. SIMON. Will my colleague yield?

Mr. BIDEN. I am happy to yield for a question.

Mr. SIMON. You mentioned during your remarks that you have served here 22 years. Counting my time in the House, I have been up here 19 years.

One other phrase that is very interesting here is it "prohibits"—and I am quoting—"the consideration of evidence."

Have you, in your 22 years here, ever seen an amendment that prohibits the Justice Department from looking at evidence?

Mr. BIDEN. If I may, to answer my friend's question, the only time I have ever observed people on this floor not wanting to consider evidence is because they do not want to be confused with the facts. And I occasionally find Democrats and Republicans who do not want to be confused with the facts.

But I have never in my life found anyone that is going to tell a prosecutor that they do not want the prosecutor to consider evidence. No, I never have.

Mr. SIMON. I think it is unprecedented, and obviously unwarranted.

I thank my colleague for standing up.

Mr. BIDEN. But it is ingenious.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania, [Mr. SPECTER].

Mr. SPECTER. Mr. President, I have listened to the argument by the distinguished Senator from Delaware. I take exception to his characterization of the political motivation. He and I agree a bit more than we disagree. It is pretty hard to be disagreeable on a ride on Amtrak from here to Wilmington, where he lives, and I go on to Philadelphia.

I hope he has some time to stay for a bit to perhaps discuss some of the points of the amendment.

I start with an analysis of the language of the amendment, Mr. President, as I think that it does not prohibit the Department of Justice from compiling statistics for what internal use they may choose. But it does prohibit the Department of Justice from using the statistics to implement any policy, regulation, guideline, or Executive order with respect to the death penalty.

The actual language of the amendment is brief. It is worth reading. "No funds appropriated under the act to the Department of Justice, or any other agency"—in the second degree—"shall be used to implement any policy, regulation, guideline, or Executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or to impose the sentence of death in any capital case."

As I read that language, it prohibits statistics from being the basis of a policy or regulation or a guideline or an Executive order. If the Attorney General wants to take a look at the statistics and raise a question with what an individual prosecutor has done, I think the Attorney General is free to do that.

Mr. ROCKEFELLER assumed the chair.

Mr. BIDEN. Will the Senator yield at that point? It is very important. Just yield at this point?

Mr. SPECTER. I have never seen a brief yielding to you, Senator BIDEN, but I shall.

Mr. BIDEN. Ten seconds. If they will stipulate that is what it means, I will be for the amendment.

Mr. SPECTER. I do not know what they will stipulate to. I do not think they have to stipulate to anything. I think the amendment stands on its face.

The amendment on its face precludes the use of statistics for a policy—for "any policy, regulation, guideline or Executive order with respect to the death penalty."

I believe that it is sound to say that there will not be any determination of the application of the death penalty based on statistics. Because in my view the death penalty ought to be imposed where it is warranted under the facts of a given case and the background of the defendant, so that there is individualized justice, which is the essence of the American judicial system.

What did the defendant do? What is the nature of the act? The death penalty ought to be reserved for the really heinous, outrageous kinds of murder—not barroom killings, not hot blood. And, what is the background of the defendant? What has the defendant done in the balance of his life? What other crimes, if any, has the defendant been convicted of? That is the way the death penalty ought to be imposed, or any punishment ought to be imposed.

I think the decision by the Supreme Court of the United States in McCleskey versus Kemp, which precluded the use of a statistical analysis to invalidate the death penalty, was correct. And there is a lengthy, erudite opinion by Justice Powell in the case. The essence of it appears on page 1,764, of 107 Supreme Court Reporter, where Justice Powell notes:

> The Baldus study is actually two sophisticated statistical studies that examine over 2,000 murder cases that occurred in Georgia during the 1970's.

I think it is unsound as a matter of constitutional law or as a matter of public policy to take a look at 2,000 collateral cases and decide what ought to be done in an individual case. As is well known, I had the job of district attorney of Philadelphia for 8 years, 500 homicides a year, and I made the determination that it would be my responsibility to decide before any death penalty would be requested. That decision was based on what the defendant did and what the background of the defendant was.

When Senator BIDEN says—and I wrote down his statement—that if a white man and a black man under the same circumstances committed the same offense—same facts, same case—there ought not to be the death penalty for the black man and not for the white man, I agree with Senator BIDEN on that. I agree with him on that because it is an analysis of the facts of the case. He did not mention the background of the defendant, but I think that is implicit in what he says.

Mr. BIDEN. It is.

Mr. SPECTER. If they are the same—nothing is exactly the same—but if they are substantially the same there ought not to be the death penalty for a black man, an African-American, and none for the white man. I agree. I agree with that totally. But I think that is determined on what happened, on the facts of the case.

There has been recently a very significant opinion handed down by Judge Rambo, in the middle district of Pennsylvania in a case captioned United States versus Bradley. In this opinion, Judge Rambo ordered the Department of Justice to articulate objective standards for when the death penalty was sought. And I believe that is a sound proposition.

I have written to the Attorney General about that case and I have drafted legislation. I think there ought to be a requirement that the Department of Justice have objective standards. They ought to write them out in advance as to when they are going to ask for the death penalty. It is not easy to do because the facts of individual murders are very different. But I think there can be a factual analysis and standards articulated as to when the Department of Justice is going to look for the death penalty—in advance. And those standards ought to take into account the issue of background of the defendant.

But where you have an analysis of 2,000 cases, as they did in Georgia, and seek to extract statistics as to how the death penalty was imposed, that moves away, in my opinion, from individualized justice which we need to have.

The record of the United States has not been good—I say this as emphatically as I can—on the way African-Americans have been treated in the criminal justice system. Or the way African-Americans have been treated generally. There is a lot of racism in our country and we know it exists. And there is a very heavy burden on the criminal justice system to correct that.

I believe we have some very important provisions in the crime bill on providing counsel in capital cases, and a requirement finally to do that. We had a little argument on the floor yesterday about whether there could be representation by the Legal Services Corporation in cases arising out of welfare reform. That led me to make a few comments about the history of the right to counsel generally.

I think people would be surprised to know that it was not until Powell versus Alabama, the Scottsboro boys case, in 1932 that there was a constitutional requirement that a defendant had to have a lawyer where he faced the death penalty, but in 1942 in Betts versus Brady the Supreme Court refused to extend that right to other criminal cases. But that happens to be the fact. And it was not until Powell versus Alabama and 1936, in a case captioned Brown versus Mississippi, that the Supreme Court of the United States took supervisory jurisdiction over the States and what they did in their criminal proceedings. In that case a man named Brown in Mississippi was taken across the State line to Alabama, a rope was placed around his neck, and they went through a simulated lynching. Finally Brown confessed. And the United States Supreme Court said in that case, that States did not have total control over their own criminal process and that the due process clause of the 14th amendment was violated on a coerced confession, which is a blood-curdling decision to see what the law enforcement officers of Mississippi did to Brown.

When I started to practice law, one of my first assignments was to spend a month in the voluntary defender's office. This was in 1958. It is shocking in 1994 to think that as late as 1958, defendants in criminal cases did not have counsel. It was not until 1963, in Gideon versus Wainwright that Justice Black articulated the standard that you got counsel when you were hauled into court on a felony charge. So we have a very bad record in America as to what we have done.

I was very concerned yesterday that we would pass an amendment which would leave out poor people from challenging welfare reform by denying them lawyers. The Congress articulates public policy, but a constitutional right does not exist in midair. A constitutional right exists when someone goes to court and says, "I have suffered a constitutional wrong," and it takes a judicial determination that there is a constitutional right. You do not get that unless there is a lawyer in the case.

I think we need welfare reform and need it badly in this country. But it is not a matter which will be resolved with total clarity by the Congress. There may be a necessity for interpretation, statutory interpretation. Or there may be a constitutional issue. It is not unknown to have the Congress ride a little roughshod over the constitutional questions, saying we will leave it up to the court.

So we do have a great deal to make up for in America in terms of justice, in terms of adequate representation, in terms of racism, in terms of fair treatment for minorities, including African-Americans. But I do not think you get there—and I am putting politics aside, and the distinguished Senator from Delaware has done extraordinary work in the 14 years I have been here, and the last 8 years he has been chairman of the Judiciary Committee. We have a crime bill. I hope it passes. And it ought to pass regardless of who gets the credit for it.

That is not what we are really up to around here. But when we are going to look to 2,000 cases, as they wanted to, in this Supreme Court decision, McCleskey, I think that is wrong. I think it is also inappropriate—this is not an easy matter, because when you seek to limit the discretion of a prosecutor, you are on pretty tough ground. There may be a separation of powers issue as to whether we can really do this, even in an appropriations bill.

Mr. BIDEN. You are going to do that anyway.

Mr. SPECTER. Well, we are not the final word on it. The courts may say we do not have the authority to do this on the ground of separation of powers.

But as I look at this amendment, I do not want a policy, a regulation, a guideline, or an Executive order with respect to the death penalty which comes out of any statistical analysis. I do not think this amendment bars the Attorney General from using statistics as a red flag, but it does bar the Attorney General from using statistics to do something in a formal sense, like a policy, like a regulation, like a guideline, or like an Executive order. Maybe not like those things specifically. The prosecutor could do other things.

I think we are making some progress. I think Judge Rambo in the middle district made progress in articulating standards in discovery in a capital case to require the Justice Department to produce objective standards. I think that is the way to go about it, to have objective standards.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. SPECTER. I have not finished my statement, Mr. President.

The PRESIDING OFFICER. The Senator has the floor, there is no question about that.

The Chair does not have the right to cause a yielding, so the Senator from Pennsylvania has the floor.

Mr. BIDEN. Will the Senator yield for a question?

Mr. SPECTER. I do.

Mr. BIDEN. Mr. President, I would like to ask the Senator how he reconciles, one, that the Attorney General could combine statistics; two, should set out guidelines as to what conditions the death penalty would be sought under; and three, be able to vote for this amendment? How would that be allowed through this amendment?

Mr. SPECTER. I will be glad to respond to that question, Mr. President. And the answer is that the Attorney General does not use statistics to determine any policy or any standards. The statistics are not relevant to the standards.

The Attorney General establishes standards defining the nature of the act without a reference to statistics. What do statistics have to do with it?

You look at a lot of murder cases and you see what men and women do to each other and you articulate a standard. You try to define what a heinous act means, like a contract killing, which would be a standard, or an assassination of an American President, which is a grotesque act having far-reaching implications, or the murder of a prison guard by someone serving a life sentence where there is no way to contain someone with a life sentence if you are going to give that person another life sentence. You can define conduct in an objective way which warrants consideration for the death penalty.

Mr. BIDEN. Will the Senator yield for another question?

Mr. SPECTER. I do.

Mr. BIDEN. Does the Senator have any evidence that the Attorney General is suggesting that they use 2,000 cases in Georgia—he keeps bringing it up—2,000 cases in Georgia where the death penalty has been applied? Does any part of setting up guidelines to determine whether or not there is a misapplication of the death penalty?

Mr. SPECTER. No, I do not have any such evidence.

Mr. BIDEN. May I ask——

Mr. SPECTER. If I may finish the answer. You and I know what evidence means, and that is if I have seen something which is competent in a court of law to be introduced, and the answer is "No." But I make the reference to the 2,000 cases because that is the basis of this Baldus study which was at the core of the Supreme Court challenge. I note that the Attorney General said that the administration was neutral on the so-called Racial Justice Act. I do not like that name any more than I like the quota name. I like to call it a statistical analysis issue.

Mr. BIDEN. Will the Senator yield for another question?

Mr. SPECTER. I do.

Mr. BIDEN. If this Attorney General is opposed to the death penalty but has been asking for it where it is appropriate, if the Senator had evidence that there were 40 or 50 cases where U.S. attorneys had requested of main Justice the authority to ask for the death penalty and in all 30 or 40 cases the Justice Department refused to allow the U.S. attorneys to seek the death penalty, would that be enough evidence to allow us or an impartial body to look at those cases to determine whether or not the Attorney General was just thwarting the law or, in fact, whether those 40 decisions in a row were based upon lack of sufficient evidence to ask for the death penalty?

Mr. SPECTER. Mr. President, my response is, if those statistics would be appropriate to look behind the facts of the cases.

Mr. BIDEN. So, my last question—and I appreciate the Senator being so forthcoming—would the Senator be willing to talk to his distinguished friends on the Republican side and have them amend their language to say something to the effect—the way this reads:

> No funds appropriated under this act shall be used to implement any policy, regulation, guideline, or Executive order which permits the consideration of evidence——

Would they be willing to talk my learned friend from the State of Utah into using language which says:

> No funds appropriated in this act shall be used to implement any policy, regulation, guideline, or Executive order which requires that decisions to seek or impose the sentence of death in any Federal capital case shall be based solely upon consideration of evidence that race is statistically significant.

Would that not be totally consistent with the way in which the Senator from Pennsylvania now reads the legislation and the way in which I do not because it says "which permits"—the present language says permits, does not even permit the Attorney General to have guidelines which would allow her, based upon overwhelming statistical evidence, to look behind that evidence to determine whether or not it was applied.

If I can make an analogy, just like if there were 50 cases in a row and the Attorney General of the United States said, "I refuse to accede to the request of my prosecutors who are seeking the death penalty," the Senator from Pennsylvania would say, and I would concur, that we should be able to look behind that and say that at least raises an issue of whether or not she is employing her bias and not applying the law. So let us take a look and be able to look behind those 50 cases to determine on an individual basis whether or not she was being capricious in refusing to employ the law.

So if we change from "permits" to "requires," what you all seem to be worried about is the Attorney General, who has not written anything along these lines and has asked the death penalty of 50 black people in a row, that same Attorney General is going to require that U.S. attorneys not be able to employ the death sentence unless for every one black there is a white and for every one white there is a black. That is not what anybody is saying. That seems to be your concern.

So why do we not change it, if this is being done in good faith and I always assume things are being done in good faith around here, to say "guideline or Executive order which requires that the decision to seek or impose the sentence of death in any Federal capital case shall be based solely upon consideration of evidence that race was a statistically significant factor"? Because I for one do not want us to be able to have the Attorney General essentially obviate the death penalty by saying that she is requiring her U.S. attorneys to only ask for death for a black person if they can go out and find a white person to ask it for. That I do not want to have happen.

So my question is, will the Senator be willing to support our effort to convince our learned colleague from Utah to change the language from "permits" the consideration of to "requires" that the decision to seek or impose the sentence of death in any Federal capital case shall be based solely on consideration of evidence?

Mr. SPECTER. Mr. President, I have to think about it just a little. I would like to look at the language.

Mr. BIDEN. I will send it over, and I appreciate that.

Mr. SPECTER. Our distinguished colleague from Utah has been listening closely, and I think that what the distinguished Senator from Delaware suggests is a good idea, to see if we can find a combination which does not allow a policy to be based on statistics but gives as much latitude as we can to an indicator for follow-up investigation by the Attorney General to see what the facts are, and I think the facts have to govern rather than have the statistics govern.

So, after yielding the floor, I will take a look at the language and see if that can be done.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. If we put the word "requires" in there, that would give the Attorney General total discretion to do whatever she wants to do, statistically or otherwise.

But let me ask unanimous consent, without losing my right to the floor because I would like to answer the distinguished Senator from Delaware, I be permitted to yield 4 minutes to the distinguished Senator from Georgia and the distinguished Senator from Idaho for a special presentation and then get the floor back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I thank Senator HATCH and others for being willing to yield. This is an important matter; otherwise, I would not interrupt this debate.

On July 21 our Armed Services Committee had a hearing on Somalia. We have a number of marines left in Somalia as well as diplomatic personnel. We came to the conclusion that the security situation has deteriorated there, and the United States personnel are increasingly in danger. And we believe that the closure of the liaison office and the withdrawal of all U.S. military and diplomatic personnel is time urgent and essential.

We have written a letter to the President to that effect. A majority of the committee has signed it. I think most Members will sign it. It is I think an urgent matter. I know the Senator from Idaho has strong feelings on it.

The bottom line is we are not able to accomplish anything now, but the security situation is deteriorating, and the danger to our personnel is increasing. That danger can be accepted when accomplishments are being undertaken or are on the horizon, but I think that danger at this stage is not a danger that should be accepted, because there is nothing that is being done or no likelihood that anything being done in terms of our presence is going to make a significant difference there on the ground.

So I do thank the Senator for being willing to yield. I know the Senator from Idaho would like to make a brief statement.

I ask unanimous consent that this letter that has been transmitted to the White House today be part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, July 22, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to you to express our concern over the threat to U.S. diplomatic and military personnel in Mogadishu, Somalia.

The Armed Services Committee conducted a hearing on July 21, 1994, most of which was open to the public, to receive testimony from senior representatives of the Department of State and Department of Defense on the security situation in Somalia, the prospects for national reconciliation, the rationale and justification for the continued presence of the United States Liaison Office in Mogadishu and the Marine Fleet Antiterrorism Security Team (FAST) temporarily providing security for that office, and the targeting of United States and United Nations personnel by the warring factions.

In the course of the hearing, we learned the following:

The process of political reconciliation is moving at a glacially slow pace and prospects of reconciliation are bleak;

The security situation, particularly in Mogadishu, has continued to deteriorate, and large scale interclan fighting is expected in that city;

United States and United Nations personnel are increasingly in danger and are apparently being targeted; and

United Nations Operation in Somalia (UNOSOM) forces are not providing the necessary perimeter security at the United States Liaison Office compound.

The primary function of the United States Liaison Office (USLO) is to support the United Nations in its efforts to promote political reconciliation in Somalia. The Marine FAST team deployed to provide security for USLO is scheduled to depart August 14, and no substitute force has been arranged. The fact that political reconciliation is not advancing and the prospects for future progress are bleak would, standing alone, recommend the closure of the Liaison Office. When coupled with the fact that the security situation has deteriorated and United States personnel are increasingly in danger, we believe that the closure of the Liaison Office and the withdrawal of all United States diplomatic and military personnel from Mogadishu is essential.

Accordingly, we urge you to direct the withdrawal of all United States Government personnel from Somalia by August 14 or sooner, if possible.

Sincerely,
Strom Thurmond; Daniel Coats; Dirk Kempthorne; Trent Lott; Kay Bailey Hutchison; Sam Nunn; Richard Shelby; Carl Levin; Bob Smith; Bob Graham; Bill Cohen; and John McCain.

Mr. KEMPTHORNE. I thank the Senator from Utah, and I thank Chairman NUNN for scheduling a meeting. I had requested that briefing because I had been following what has taken place in Somalia.

If anyone doubts that we should totally withdraw all U.S. diplomats and marines, I would encourage them to have a briefing from the State Department and the Department of Defense. The conclusion is very clear. And I would like to just briefly give you the assessment of the Joint Chiefs of Staff of the current situation in Somalia: high threat of attacks; banditry and looting of all unsecured movements and facilities; no political settlement in sight; large-scale interclan fighting expected; high threat of spillover violence against U.S. and U.N. troops; United Nations and United States selectively targeted.

That is the situation. Right now Somalia is not on the front pages, but if we do not pull all of our personnel out of there now, I think there is a tragedy waiting to happen where we will be back on the front pages.

So I appreciate so much the leadership that Senator NUNN and Senator STROM THURMOND have taken in urging the President to withdraw our troops and our diplomats immediately.

I yield the floor.

Mr. HATCH. Mr. President, let me just say that I do not want to prolong this this evening. Basically, all this amendment says is, "No funds appropriated under the act to the Department of Justice or any other agency shall be used to implement any policy, regulation, guideline, or Executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

Now, I wish to answer the distinguished Senator from Delaware, because he is my friend and we have worked hard together on these crime bills. And I intend to continue to work hard on it side by side with him. And I call to his attention that the bill which passed the Senate is called the Biden-Hatch bill. I have not been part of any effort to filibuster or stop the bill or of gridlock. In fact, the gridlock has come from the other side, and it has come over this racial justice provision.

We have been sitting here pleasantly waiting now for months to get this bill up here, and it has been stopped because Members of the House and Black Caucus want the racial justice provision in. The Senate wants it out. And I am following the lead of the Senate.

But what we do not want is a secret, back room, back door deal as reported in the newspapers and the other media. And that is what gets us worked up on this, because we have been directed by the Senate to not allow racial justice to be in the crime bill. I honor that direction. Frankly, we now hear that there is a way around it. The media that I have read says that they are going to either have a commission to study this matter and either have regulations or guidelines or a Presidential Executive order to do exactly what the Senate has said we should not do. And there is good reason for that. The gamesmanship is not on this side. It is on the other side.

I felt a little bit badly that my colleague from Delaware called this legitimate amendment political chicanery. I do not agree with him on that. We are not playing games on this. We are trying to keep a provision out that will absolutely nullify the death penalty in this country.

Now, you are looking at a Senator who does not want the death penalty issued very often, or implemented for that matter very often. I think it is essential we have it. Most Americans do. We are tired of the crime that is going on, and there are certain people who deserve the death penalty—but very few. And I would be very loathe to use it except in the most heinous cases where there is no question of guilt and where there is no racial discrimination.

I can speak for the Members on this side. We do not want racial discrimination in sentencing, but we know that if you use a statistical analysis as a sole reason to determine whether or not, or there is a reason at all to determine whether or not there will be a death penalty, there will never be the implementation of the death penalty.

Now, I give credit to the ingenuity of the more liberal thinkers on this subject who have come up with this. They do not like the death penalty; they do not want it, and if the Racial Justice Act—or this statistical analysis act, which is what it really is—passes, there will not be any more death penalty, but there will be a number of years and billions of dollars of unnecessary costs through frivolous lawsuits and all kinds of requisites of proof that make it tougher on the whole of society.

Now, let me just answer a few of the questions that the distinguished Senator from Delaware mentioned. He is concerned that this amendment will block the Attorney General from looking into misconduct by prosecutors. Nothing in this amendment blocks the Attorney General of the United States from looking into the misconduct of prosecutors. It simply does not allow the Attorney General to implement a policy that relies on statistics. It does not stop the Attorney General from considering any facts in the matter. And if there is any indication that there has been racial discrimination in that determination to go forward in a prosecution for the death penalty, that Attorney General can say, no, you are not going to do it. We would be the first to stand up for that Attorney General in that regard.

We do not stop the Attorney General from reviewing any policy. We simply stop the implementation of such policy, regulation, guideline, or Executive order that we have read about in the newspapers as an ingenious way around this and around the direction that we in the Senate have given.

Now, I have to say this. There is nothing confusing about this. This is not a political decision. This is a legal decision trying to implement what the majority in the Senate have said we should do. This does not eliminate prosecutorial discretion. You will just have to look at the language.

If there are not going to be any regulations—and the distinguished Senator from Delaware indicates that there are not going to be—then why would he not agree with this, since this implements what the Senate has asked us to do?

This does not waive any rights of defense lawyers to make any claims they want to make, including statistical claims, which the Supreme Court says they are not going to listen to, but they can make them if they want. But any other claims that they can make based upon the facts, they have every right to do so. This does not stop them. This just stops the Justice Department from backdooring the process which a majority of the Congress has repeatedly upheld, and that is do not pass this statistical analysis act.

Mr. SPECTER. Will my colleague yield for a question?

Mr. HATCH. Sure. I am happy to. I want to say in yielding that I have appreciated the lucid comments of my friend from Pennsylvania who, of course, has been a prosecutor and understands these matters as well as, if not better than, anybody here. I myself agree with most all of the comments that he has made.

Mr. SPECTER. Mr. President, I thank my distinguished colleague for those very generous remarks.

I have taken a look at the language suggested by the distinguished Senator from Delaware. I do not think that it answers the basic issue, because if you essentially substitute language of requiring the "consideration of evidence that race was a statistically significant factor in the conditions to seek or impose a sentence of death in any Federal capital case," you are saying that the Attorney General does not have to, but you are saying that she could.

I do not think the Attorney General ought to be able to establish any policy, regulation, guideline, or an Executive order which is based on statistics, because it contradicts individualized justice, which I commented about before of.

My question to the distinguished Senator from Utah is, would he agree with my analysis that this language would permit the Attorney General to have statistics which would leave a yellow line, a cautionary line, or a red flag, and that based on these statistics the Attorney General could then approach an individual prosecutor to look at the facts of the case so long as the statistical basis cannot be the way to establish a policy, a regulation, a guideline, or Executive order as to whether you are going to have the death penalty?

Mr. HATCH. That is not the language in my amendment.

Mr. SPECTER. Would the Senator agree that they collect statistics as long as it does not lead to a policy regulation, guideline, or Executive order which is what the amendment says, but the statistics could be a red flag to bring the prosecutor to say, "Are you using objective standards?"

Mr. HATCH. Yes. The Attorney General can make sure that the prosecutors are acting in an appropriate manner. She just cannot use statistics to do it. But she does not have to ignore statistics if they do bear on the facts of the matter.

Mr. SPECTER. She can use statistics. Senator BIDEN says if there are 50 cases in a row, and they are African-Americans and no whites, she can use the statistics to say what is going on behind it, and look to the facts of the individual cases to see whether or not the facts warrant the death penalty?

Mr. HATCH. I do not think the statistics make a difference. She can say, "Here are 50 cases. I am concerned. Do the facts justify the death penalty in these cases?" Certainly she can use statistics to ascertain the 50 straight black cases. She can say, "I am concerned about it. So I am going to look at the underlying facts to see if there is discrimination or prosecutorial indiscretion."

Sure she can do that.

Mr. SPECTER. I thank the Senator for the answer.

Mr. HATCH. Let me say this. I do not see any reason for the big fight over this. We have been directed by the Senate to resolve this problem. We just do not want any back door approach to it by the President, the Justice Department, or anybody else for that matter.

This is the reason why the National District Attorneys Association, the National Association of Attorneys General, the Fraternal Order of Police, the National Sheriffs Association, the International Association of Chiefs of Police, the National Law Enforcement Council, and the victims groups all in this country all oppose the so-called statistical analysis bill, or the use of statistics in death penalty determinations.

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Sure.

Mr. BIDEN. The Senator is not suggesting that any of those groups endorse this piece of legislation.

Mr. HATCH. No. But I am suggesting that all of these groups support what we are trying to do in stopping the use of statistical analysis in determining whether the death penalty will be implemented. That is what our amendment does.

Mr. BIDEN. Will the Senator yield for a question? Is it not correct that what they did do is said they were against the Racial Justice Act? They did not say anything about what the good Senator from Utah is attempting to do. You can infer or imply. But they did not say anything about the statistics.

Mr. HATCH. They are against the Racial Justice Act, and therefore, I think by implication would probably support this amendment because this prevents the implementation by any kind of policy or guideline or regulation or rule or Executive order.

Look, all we are saying—let me make one comment—is that you cannot rely on aggregate statistics. But you can red flag matters to look at individual facts of the case. You can use statistics to red flag things. But you just cannot use statistics to stop the implementation——

Mr. BIDEN. Will the Senator yield for a question?

Mr. HATCH. Could I make one more point, and I would be happy to yield for a question.

If you look at this carefully, we are talking about if you actually use the Racial Justice Act. We are talking about Robert Altman Harris, the white murderer who was executed recently who killed white people. We are talking about John Wayne Gacy, who killed white people. We are talking about people like Gary Gilmore out in Utah, a white person who killed white people. You are talking about Ted Bundy, a white man who killed white people. Every one of those people, had the Racial Justice Act been in effect, could have prevented the death penalty being implemented, and everybody knows they did what they did—heinous murders.

There were no racial problems involved, there was no discrimination in any sense of that term. And, yet every one of those, if the Racial Justice Act had been passed, would be able to use that act to prevent the implementation of the death penalty in every one of those cases. That is what it comes down to.

I know that my colleague from Delaware is very sincere in trying to get a crime bill. I am very sincere in trying to help him. I intend to try to help him. There are things that I will just not do. There are things, if they are in the bill, I just will not accept. The fact is, this is one of them. But I accepted the Senate bill as it was passed.

All I can say is, if we passed that, it would become law tomorrow. I am hopeful that we can. I intend to help the distinguished Senator fight for it. But I think to say that this side is playing political games or political chicanery is an excessive statement. I do not think it should have been made.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Ms. MOSELEY-BRAUN]. She was on her feet, and sought recognition first.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President. I say to the Senator from South Carolina that I will only take a minute. I am going to actually reference the Senator in my remarks. Again, thank you, Mr. President for recognizing me.

I would like to start by noting for everyone who may be listening, the bill we are considering right now. This is an appropriations bill. This bill is not a crime bill. This bill is not the Racial Justice Act. This is the Department of Commerce, Justice, State, the judiciary, and related agencies appropriations bill for 1995, and the supplemental appropriations bill for 1994.

I want also to bring this debate back into reality, and read the pending amendment, because I know there are a lot of people in the gallery, people watching television, the pages sitting here listening to this debate, who want to focus in on what we are really talking about here. The amendment says:

> No funds appropriated shall be used to implement any policy, regulation, guideline, or Executive order which permits the consideration of evidence that race was a statistically significant factor in the decisions to seek or impose the sentence of death in any Federal capital case.

That is what the amendment says. My distinguished colleague from Delaware referred to this amendment as an ingenious attempt to raise a political issue. I think he is right, but I have to defer and disagree with his characterization of it as being ingenious. I think, if anything, it is embarrassing and the sponsors—or rather the spin doctors—that came up with this ought to be ashamed of themselves. It is in my opinion—and I am not being personal, and I would not say anything personal about my friend ORRIN HATCH, because we have worked closely together on the Judiciary Committee on many issues, and on this we simply disagree. But the amendment is a cynical and misleading and outright inflammatory amendment. Why? Because it is politics and not policy. It has nothing to do with the Racial Justice Act.

The Racial Justice Act is out of the crime bill, gone, zippo, it does not exist anymore. The Racial Justice Act has been a subject of great controversy. It has been cut back, watered down, piecemealed, and taken out. It is no more. The opponents of the Racial Justice Act won. I supported the crime bill as it passed the Senate without a Racial Justice Act, and I also supported the Racial Justice Act. Supporters of the Racial Justice Act lost. It will not be a part of the crime bill, a bill which we hope will make a real difference in America, which we would like to get passed, Mr. President.

But removing the Racial Justice Act from the crime bill apparently was not enough. It was not enough to get the credit on the talk shows, to get righteous indignation and to push the hot buttons. Here you have the ultimate hot button issue. The ultimate in the politics of division, Mr. President, is embodied in the pending amendment. Why do I call it the "politics of division?" Any time you put together a stew that combines race, crime, the death penalty—and I heard one of my colleagues even referencing welfare—when you put all of those issues together, you will come up with a formula that will divide even families, not to mention our Nation; and people will argue and fuss about it and passions will be inflamed until the cows come home. That is why this amendment was offered today. It was not enough for opponents of the Racial Justice Act to simply remove the provision on the crime bill. They want to keep stoking that flame, keep pushing those buttons, and keep passions inflamed about that.

I say to you, Mr. President, that I want to pose a hypothetical, since we are talking about the politics of this issue. Suppose for a minute that this was South Africa, and suppose that in South Africa a white person was 80 percent more likely to be sentenced to death than a black person. Everybody in this room would want to say, "What is wrong with this picture? What is going on here?" Possibly, we might want to consider evidence and examine what is going on with our imposition of the sentence of death in capital cases.

Well, I do not want to talk about hypotheticals. Let us talk about facts for a moment. This amendment says the Attorney General—in Federal cases only—cannot ever consider evidence showing that race was a factor in the decision to charge a defendant with a capital crime. That is not even reasonable, Mr. President. That takes away prosecutorial discretion. It seems to me that, as legislators, we have an obligation to search for that which is reasonable, and to say that the Attorney General of the United States cannot even consider evidence on an issue defies reasonableness—or actually, if anything, it pulls the cover off and exposes the cynical nature of this amendment.

It seems to me, Mr. President, that if we talk about fairness and about the facts, we cannot ignore the evidence of discrimination in the Federal death penalty. You cannot get around the facts. The facts are what they are. So let us examine the facts in Federal cases, because we are only talking about Federal cases; the President's Executive order would not affect State cases. We are not talking about Georgia, Illinois, or Utah; we are talking national. Nationally, this Congress in 1988 passed a Drug Kingpin Act, which included a Federal death penalty. Seventy-five percent of the people convicted under the Drug Kingpin Act have been white people. However, out of the people who have been charged with death under that same act, 90 percent have been black and Hispanic. It does not take a rocket scientist to say, wait a minute, what is wrong with this picture? What is going on here? When out of 37 people charged with death, 33 are black and Hispanic, something is not right here.

That is not to deny individual responsibility. I am a former Federal prosecutor. Certainly, individuals should be responsible for what they do. An ax murderer, whether black, white, Hispanic, Asian, or whatever, is still an ax murderer. But if you look up and out of all the people who have been ax murderers, only Asians get the death penalty, you have to say: What is wrong with this picture?

The supporters of this amendment state that the Senate is on record in opposition to the Racial Justice Act, to giving criminal defendants the right to go into court and use statistics to challenge death sentences imposed in a discriminatory manner. They say the crime bill is going to come out of conference, and the Racial Justice Act, which said statistics could be used, and which I supported—will not be a part of that bill. It is out of the conference, out of the bill.

So we are going to come around now through the back door and use an appropriations bill to say, well, you know, it was not enough that we got it out of the crime bill; let us go a step further and say the Attorney General cannot ever consider whether or not racial discrimination was involved, or at least we are going to deny you any money if you consider it. I guess that is the point. That is what this amendment says. This is legislating on an appropriations bill, but more to the point, it says we are going to use the lever—the back door—of your money. And if in sitting in her office the Attorney General even considers the issue of discrimination, we will cut off her funding. This does not make sense. This is not reasonable. This amendment is bad policy and bad law.

We are legislators. I think we have an obligation to look at what this does legislatively. We have established that it does not amend the Racial Justice Act, and we have established that it is offered to an appropriations bill, not the crime bill. I voted for the crime bill before, as I said. We know when the crime bill comes back, it will not have the Racial Justice Act in it. So the question becomes: Should this appropriations bill prohibit the Attorney General from doing anything to consider evidence of racial discrimination in capital cases? Well, Mr. President, I have to believe that the reasonable response from any person would be that, yes, the Attorney General should consider a whole host of things. That is what prosecutorial discretion is about. We should not limit the attorneys general's consideration of a whole host of factors in making a critical decision about whether somebody is going to live or die, even if that person is a criminal. That is up to the prosecutor, and we are not going to use an appropriations bill to create brand new law and say we support prosecutorial discretion, except in these cases.

That is what this amendment seeks to do. I think it is inappropriate. Merely because an individual rejects the Racial Justice Act, Mr. President, does not mean he or she should reject reason or simple common sense. Reason suggests that we do not legislate in this way on an appropriations bill with regard to a matter that has already been concluded, already been decided. Reason suggests, Mr. President, that we allow the Attorney General the ability to consider all the evidence before her. The issue of the Racial Justice Act having been won, should the Attorney General decide to take numbers and statistics into account, she should have that right. How do you get around numbers in this world? We use them in housing discrimination cases and in employment cases. A whole host of factors, in addition to statistics. I do not know. But whatever goes into her prosecutorial discretion, it seems to me, should not be limited on Senator HOLLINGS' bill.

I will conclude my remarks, Mr. President, on this cynical amendment—and I do call it cynical, and I do not mean to question the motivation of the sponsors in any personal way, but rather to say that the language of the amendment really misses the point altogether and pushes hot buttons unnecessarily, and divides us unnecessarily—by saying that all of us, everyone of us, no matter what our race, have an obligation to support our criminal justice system, to inspire confidence in our criminal justice system, because when people feel that the rules work fairly for everybody, then there is really no excuse for disobeying those rules.

But we have a problem, Mr. President, when a whole sector of our community thinks criminal justice is for just us. We have a problem when people look at the fact that 90 percent of the people given the death penalty under the Drug Kingpin Act have been black or Hispanic. All nine of the ones where the Attorney General sought the death penalty already have been black. People look at that and say, wait a minute, that is not fair.

I will digress for a minute before I conclude and call on my colleagues to oppose this amendment. I saw a cute cartoon today in the newspaper about the case of the century that everybody has been talking about—the O.J. Simpson case—and why black people look at the case and come to different conclusions than whites do. It was a cartoon that juxtaposed the opinion about the case. One of the reasons that blacks and whites come to different opinions about the O.J. Simpson case, Mr. President, is cynical debates like this. We feed into a lack of confidence in our system when we say the Attorney General cannot even consider evidence of racial discrimination when the facts stare us in the face and suggest maybe, possibly, there is something wrong in the way that the death penalty is administered.

So, for those people who support the death penalty, I would strongly suggest the best thing you can do if you supported the death penalty to have universal confidence that the laws of these United States were executed fairly and that the death penalty was imposed fairly and that everybody could stand up and cheer together when axe murders of like kind got like sentences.

That is what we should be doing, inspiring confidence in our system and not playing cynical political jokes to manipulate symbols, push hot buttons, inflame people's passion and make them think for a moment on the appropriations bill we are debating the Racial Justice Act. That is not the case.

I hope Senator HOLLINGS will get the bill out of here before the year 2000.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I listened attentively to the distinguished Senator from Utah, and the others, debating this particular measure. I do not wish to engage in the politics or the maneuvers that have been ongoing relative to the crime bill.

However, I was asked just 2 days ago, the day before yesterday, I guess it was, by the distinguished Attorney General and the distinguished Congressman DON EDWARDS of California who came to my office and wanted to know how I would vote with respect to a provision for racial justice in the crime bill.

I said it had no place in the crime bill, whatever. We already have equal justice under law, not unequal justice under law. And the law is required to be impartial with respect to race, religion, sex, previous condition of servitude, 14th amendment.

I had learned firsthand that the law is color blind. I was admitted to practice, Madam President, some 42 years ago, in 1952 when the case of Brown versus the Board of Education was argued before the U.S. Supreme Court. The lead case was really Briggs versus Elliott. Thurgood Marshall did not argue the Brown case. He argued the Briggs case, the South Carolina case.

It was incidentally, by the way, maneuvered to happen in these situations. The NAACP was close to the solicitor general, and just before we got to town on the weekend before arguments they moved the Brown case ahead of the Briggs versus Elliott case because the State of Kansas had local option. It was some 21 counties that were integrated and 17 counties that were segregated—it might have been vice versa, as I remember it.

The Governor of Kansas had not even sent a lawyer to argue the particular Kansas case. It was at the pleading of the former Senator from South Carolina, and former associate justice of the Supreme Court, then-Governor Jimmy Byrnes of South Carolina, who got on the telephone and got the Governor to Kansas to send a lawyer. We met him and brought him down to the old Wardman Park Hotel and briefed him all the night, that Sunday afternoon, and into the wee hours of Monday morning before we appeared at 10 o'clock on the particular case when I was admitted.

Madam President, I can see Associate Justice Frankfurter leaning across the bar, and he said, "Mr. Marshall, Mr. Marshall, assuming you win. Now what happens?"

And Marshall said, "Well, if your Honor pleases, if the State-imposed policy of separation by race is removed, the children of America would be free to choose whatever school they wanted to attend, they could associate with each other, and the only reason they did not associate with any particular school was the State-imposed policy of separation by race, and we would have freedom of choice."

He went on to argue that the law should be color blind.

So I have learned at the feet of the best of the best, so to speak, Thurgood Marshall himself. The law is color blind. And the motto on the building itself of the Supreme Court structure across the park says "equal justice" not "unequal justice," and we are not about to write laws around here to establish a so-called racial justice test. That would be totally out of order.

And I admonished the Attorney General. I said, "Heaven's above," when I looked at Congressman EDWARDS' amendment. I said: "Wait a minute. You folks have gone from the frying pan of habeas corpus into the fire of racial justice. And they had a 5 or 6 page agreement that would only apply the test to Federal cases. So, I feel very strongly that there not be included any kind of so-called racial justice provision; it will lead to unequal justice under law.

But I feel just as strongly, Madam President, that this particular amendment is really overstepping the bounds with respect to policy, and I can understand the policy in an advised fashion.

It so happened that Councilman E.W. Cromartie, a black councilman from the city of Columbia, was in my office this week, and we were talking. I referred to the space program and how we were celebrating the 25th anniversary, and I told a story about Chuck Bolden.

In fact, if this particular amendment were adopted for me in my office I could not carry forward the policy I have had for several years now.

I was the speaker in 1968, shortly after the assassination of Martin Luther King, at C.A. Johnson High School, a predominately black high school. Necessarily the air was tense, and I was determined to make a good talk. I thought I did, but even a better talk was made by a young midshipman, a black midshipman from Annapolis, a senior there at the U.S. Naval Academy, Chuck Bolden.

I turned to the principal as we were seated on the stage. I said, "Who appointed this young midshipman to Annapolis?" He did not answer. Walking down past the seats on the side, I thought he did not hear, and I asked him, tapped him on the shoulder, and I said, "Who appointed Bolden to the Naval Academy?" He just walked along. I got outside the high school. I never forget it.

I said: "Mr. Bolden, you are the principal and the coach. That was your son, who I know you are proud about. Maybe you do not understand Charleston geechee up here in Columbia, SC. Who appointed Bolden to the Naval Academy?"

He was embarrassed. He said: "Well, Senator, I did not want to answer. But we could not get any Senator or any Congressman from South Carolina to appoint a black to any of the military academies, and certainly not my son to the Naval Academy. We had to go to your friend, Judge Bennett."

I said: "Do you mean Judge Bennett, formerly from Charleston, up there in Minneapolis, MN?"

He smiled. He said: "That is right. He is your friend and thinks the world of you." I said, "Yes, I remember in the law work when he was down in Charleston."

He said: "Judge Bennett talked to your colleague Senator Hubert Humphrey, and Senator Hubert Humphrey of Minnesota appointed Chuck Bolden, the astronaut, to the Naval Academy."

I just thought to myself that was a hell of a note. So I went back to the office. I told my staff I to make a special effort to seek out young blacks.

This presented a problem, given the substandard schools provided to black South Carolinians at that time. Those applying to the service academies were nearer to around 1,200 and 1,300 in their SAT scores. I said if we can find a young black graduate near 1,000 and I can talk to his teachers and principal and they think he can succeed, we are going to try to make the nomination.

That is an affirmative action policy that I instituted myself, but I would oppose such a policy if it were written into law. I am just making up for the past history of discrimination and in a studied fashion that has worked. No one has objected to it. It has worked extremely well.

Someone looked it up, and I think I have appointed for my particular region of the country far more blacks to all the academies: Air Force, Naval, and the U.S. Military Academy. Now, that is a policy. That is not a law.

And here comes the Attorney General. In that discussion, I said, "Madam Attorney General," and I said to DON EDWARDS, "Come on. Where did you all get all of this from?" I said, "I've been at the bar for 50 years, just about, and I never have seen this kind of prejudice."

I have tried murder cases, including blacks charged with murder. In one case, in a poker game where there were eight blacks in the game, the one that was murdered was Big Boy Cutler. The defendant charged as the murderer was Charlie White. The other six black defendants testified against Charlie White. But he got a not guilty verdict.

Mr. JOHNSTON. Will the Senator yield?

Mr. HOLLINGS. No; I do not want to yield. I have been waiting all day long to express this.

And so I said, "I never have had a judge really prejudiced. I have gotten leniency. I have gone in chambers with that district judge, Federal judge, otherwise; really, at the State level, murder and crime cases. I said, "Look. This poor individual, he never had a mama, he never had a daddy; he never had a chance, judge. You have to do something for him. You can't send him away," and that kind of thing. And that occurred. And I said, "I don't believe that has ever happened."

I looked up the record on death sentences and executions over the period since I became Governor. And the actual record since 1958, in the southern State of South Carolina, 12 people have been executed. Seven were white and five were black.

Now, there was a suspension under that Furman versus Georgia case of death sentences, death penalties, between 1972 and 1985. But in the last 9 years now, since 1985, when the death penalty was reinstituted in the southern State of South Carolina, there have been four executions, I say to the Senator. Four white, zero black.

I said, "I never had that happen with a judge." And so the Attorney General turned to me and said, "Well, the U.S. attorneys would be asking for the death sentence in an inordinate fashion against blacks in certain areas."

I said, "Madam Attorney General, that is your job. Fire them. Let's get rid of that crowd that does it."

Now, here comes an amendment that says she cannot do that. She cannot consider it. How else do you consider it, except statistically? Heavens above.

When we say here, in my particular case, my statistic was zero.

The Attorney General, in looking at the practice as to whether or not there is prejudice—and we want this equal justice, and that is what the minorities want and they should want it, and we should be granting it, certainly, by policy. We put it in fair housing. We put it in with set-asides, minority business things, and various other practices of that kind of policy.

When it comes to the criminal law, do not write on the face of it that you have to have equal justice, because then you have really different crimes, different offenses.

I really feel it would be unconstitutional, on the one hand. Otherwise, you could not have had an Executive order by Harry Truman that integrated the Armed Forces. You could not have the Attorney General do what I asked her to do.

While I oppose the racial justice provision, I told her, "Let's clean out these U.S. attorneys that are running around asking for the death penalty." I had not seen it.

I am looking at the amendment of the Senator from Utah. It is cleverly written, because you cannot use the evidence. It says, well, anyone could refer to any evidence about racial matters and say it is statistical, because you would say the numbers, you would not say the individuals, or whatever it is. That is how you would prove your case.

In essence, what he is saying is, "You can go in swimming, but you cannot get wet." You can use the evidence, but it cannot be statistical.

Come on. That is double talk here. This is mischief. This is overkill. This is a wrong step. It is an amendment that should be defeated. And I think very much that we should reject this amendment.

So, Madam President, Senators should understand this particular amendment without getting into the cross-fire about its politics, about the crime bill, or anything else.

When you say affirmatively that none of the moneys can be spent by the Attorney General for any kind of policy, any kind of finding, any kind of action where she would bring in her U.S. attorneys and say, "Look, I am very sensitive about this. President Clinton, the administration, is very sensitive about this. We have assured the Black Caucus and others we are sensitive about it. I am going to be looking at you," and when you get to the measure, they say, "No, you can't have a measure. That is statistical evidence"; that is playing games. That is, as I say, "You can go swimming, but do not get wet."

I think it is a bad amendment, and I think it should be rejected.

SEVERAL SENATORS. Vote.

Mr. HOLLINGS. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second

The yeas and nays were ordered.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. The second-degree amendment offered by the Senator from Utah.

Mr. SHELBY. I seek recognition to speak on the amendment.

The PRESIDING OFFICER. Is there objection? The Senator is recognized.

Mr. SHELBY. Madam President, I want to offer my strong support to the amendment offered by the Republican leader. The so-called compromise struck by the proponents of the Racial Justice Act and the administration is no compromise at all—there is no compromise on this issue. I do not see how there can be.

If the Racial Justice Act, in whole, in part or in fraction is included in the crime bill, if one letter of its provisions is found in the final language of the bill—I will vote against the entire $22 billion package and urge my colleagues to do likewise.

However, Mr. President, whether proponents succeed in including the provisions in the crime bill or they seek to implement them by executive order, regulation or policy—the substance, the ends are still the same, only the means have changed. And the end which the Racial Justice Act seeks to achieve is the end of the death penalty—nothing more, nothing less.

The Racial Justice Act has nothing to do with racial justice and everything to do with eliminating capital punishment. It is simply a backdoor way of repealing the death penalty in this country. Even though a majority of the American people overwhelmingly support the death penalty, the Racial Justice Act would subvert that will by allowing convicted murderers to appeal their death sentence based on statistics—the Racial Justice Act is, therefore, anathema to fighting crime, and contrary to basic mores of our justice system.

Mr. President, the Racial Justice Act is a misnomer because it would do nothing to promote racial justice. Instead, it would simply provide yet another avenue of appeal for convicted murderers, regardless of their race.

It would allow a convicted murderer to challenge his death sentence based on statistical data that has nothing to do with his or her own particular case. A threshold showing of statistical disparities from other capital cases would be sufficient to warrant an additional appeal, and a further stay of executing the sentence, under the Racial Justice Act.

Whatever happened to the concept of individual justice, the concept of safeguarding individual liberty by being judged on your own facts and circumstances rather than some set formula? Under the Racial Justice Act, this concept is completely up-ended. You would think that compelling reasons would have to justify such a usurpation. But the Racial Justice Act provides none.

For although it proclaims Racial Justice as its purpose, it would not matter what race the defendant was. This new avenue of appeal would be available to any and all comers who choose to make a showing of some statistical disparity. So the Racial Justice Act does not even achieve its purported ends—and yet we would sacrifice a primary cornerstone of our justice system just to create another avenue of appeal for convicted murderers.

I say, Mr. President, that is a rotten deal, and one that we should not enter into on behalf of the American people.

The Racial Justice Act is not about enforcing the death penalty against an innocent man or woman. The Racial Justice Act has nothing to do with guilt or innocence.

So the Racial Justice Act basically says to the American people that the content of the crime, the seriousness of the crime does not matter. What really matters in the final analysis, what really amounts to justice in our courts, is the race of the victim and the defendant when it comes to sentencing. I believe, and a majority of the American people believe that if you are guilty of a capital crime, you should receive the appropriate sentence, regardless of race or sociological statistics.

The most appalling aspect of the arguments in favor of the Racial Justice Act, however, deals with finding evidence of disparities by looking at the race of the victim. Proponents of the Racial Justice Act rely on studies that have found that while disparities are not calculable when just looking at the race of the defendant, they can be identified if you look at the race of the victim.

I have two things to say about this. One, recent study, including one conducted by the Rand Corp., have shown that these disparities can be explained by the nature of the relationship between the victim and the defendant and therefore the circumstances of the crime. So, statistics showing a lower percentage of death sentences when the victim is the same race as the defendant can be correlated in some instances to a familial or relative relationship between the defendant and the victim and vice versa.

My second point is this. Whatever happened to the principle—you take your victims as you find them? Talk about adding insult to injury. It is the physical characteristics of the victim that forms the basis for the perpetrators appeal. The victim is victimized yet again—justice being forestalled while their murderer appeals his or her sentence because he or she chose to kill a white or a brown or a black person. What is going on in this country when we would reward a murderer with another appeal just because his victim happens to be a certain race. I do not care what race you are, if you kill another human being—you should pay the price and not benefit somehow from your choice of victims.

I do not care how you slice it, the Racial Justice Act is unacceptable in any shape or form. It would still be unacceptable if it were only limited to Federal cases. Having worked my entire career to rebuild an effective Federal death penalty, I cannot support its repeal.

Making the Racial Justice Act prospective is similarly unacceptable. It would say that future murders aresome how less heinous, less wrong, than past ones—that if you kill the right victim, you can elude the death penalty.

The Racial Justice Act morally wrong, against the will of the American people and more than that—it is ineffective in its stated purpose.

I oppose it in any form and I submit, Mr. President, that throwing a cloak over it in the form of an executive order fails to disguise its destructive purpose. I urge my colleagues to support the amendment offered by the Republican leader.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, during the course of two debates over the misnamed Racial Justice Act, I found myself very much on the other side from the distinguished Senator from Delaware. I feel very strongly that once a jury has determined that a death penalty is appropriate, that considerations totally irrelevant to guilt or innocence, totally irrelevant to the rules of evidence, totally irrelevant to whether or not the trial was fair should not be considered; that the so-called Racial Justice Act was a profound perversion of the American justice system, which aims at the individual.

In spite of that fact, I intend to vote against this amendment which I believe firmly confuses two entirely separate sets of considerations with respect to criminal prosecutions. First, what a prosecuting attorney can do in determining whether or not he or she should seek the death penalty; and determining whether or not a death penalty, duly voted by a jury, should be imposed.

In the latter case, no such considerations, no considerations set out in the Racial Justice Act, should be a part of an appellate determination whatsoever. And should the crime bill come back with such a provision in it, no matter how limited, this Senator would do all he could do to defeat the entire crime package.

But this Senator does not propose to limit the discretion of the Attorney General of the United States in the way in which that Attorney General administers the criminal law in any way other than the restrictions which are already contained in the Constitution. I think it would be a serious mistake, should this Attorney General decide to include such considerations. It would be another reason to replace this administration. But I will not limit the discretion that the Attorney General has in making those preprosecution decisions, and for that reason I cannot support the amendment.

Mr. THURMOND. Mr. President, I rise in support and as a cosponsor of the amendment offered by the Senator from Utah [Mr. HATCH].

Despite Senator BIDEN's assertion that this amendment is solely about politics, I want to state unequivocably that this amendment is to discourage any consideration of race in death penalty cases. It is not about politics, it is about maintaining a criminal justice system based on individual cases, not unrelated statistics.

It is my firm belief that death penalty cases be void of any consideration of race by use of statistical evidence from unrelated cases or otherwise. An individual facing the death penalty should be tried on the facts of his or her own case. Statistical evidence from unrelated capital cases have nothing to do with establishing the innocence or guilt of the defendant at trial.

The amendment which we are now considering is consistent with Supreme Court decisions which find that statistical evidence of this nature is unreliable. In fact, the Supreme Court, in McCleskey versus Kemp stated that statistical premises of discrimination in capital cases "throw into serious question the principles that underlie our entire criminal justice system."

Again I say Mr. President, death penalty cases must be race neutral, free from statistical inferences of unrelated cases, and tried on the facts in the case before the court at the time. Our amendment is to ensure that race is not a factor in death penalty cases. This amendment is not political, rather it is based on sound legal principle and seeks to maintain the integrity of the criminal justice system. I urge adoption of the amendment and yield the floor.

Mr. SIMPSON. Mr. President, I commend our fine Republican leader, the ranking member of the Senate Judiciary Committee, Senator HATCH, our most senior Republican colleague Senator THURMOND, and the always staunch advocate of a Federal death penalty, Senator D'AMATO for bringing this amendment to the floor today. I, too, would ask unanimous consent to be added as a cosponsor.

I have a strong interest in this legislation because it has become a major hurdle as to whether or not we are going to give Americans what they want most from this Congress, and that is not a health care reform bill, or the whole panoply of other things we have on our legislative plate—but rather Americans mostly want a strong Federal crime bill. Personal security is the most important issue according to all recent polls.

Mr. President, I am a conferee on the crime bill, and I want to see us enact tough crime legislation this year. A tough crime bill includes a Federal death penalty, and that is what a vast majority of Americans want. The chairman of the Judiciary Committee has accused Senate Republicans of playing games with this issue. I would assert that nothing could be further from the truth. It is curious that there is a direct relationship between those who oppose a Federal death penalty, and those who support this so-called Racial Justice Act. I wish that those proponents of the Racial Justice Act would be more candid. Step up to the plate and say "I oppose the Federal death penalty, and I know that the Racial Justice Act will kill it, and the whole crime bill." The Senate has rejected the Racial Justice Act with bipartisan majorities on several occasions. I would submit that we are representing the majority of Americans in our opposition to those provisions in the crime bill. So we are not playing any games here. We are seeking to implement the will of most Americans.

If a heinous crime is committed, and a defendant is convicted in a fair trial—the punishment allowed by law should not be based on the color of the defendant's skin. The Racial Justice Act is an insult to the integrity of our jury system. In addition, I believe that the last four persons to be executed in this country were caucasians. The jury system does work. The Racial Justice Act is an effort to undermine the death penalty, and to undermine the strong Federal crime bill most of us are working to achieve. It is not about race. It is not about justice. It is an effort to kill the death penalty.

I strongly support this amendment which would prohibit the expenditure of funds to implement such a flawed idea as the so-called Racial Justice Act.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Oklahoma [Mr. BOREN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Ohio [Mr. METZENBAUM], the Senator from Washington [Mrs. MURRAY], the Senator from Arkansas [Mr. PRYOR], and the Senator from Michigan [Mr. RIEGLE], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Texas [Mr. GRAMM], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 33, nays 54, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—33

Bennett
Bond
Brown
Burns
Coats
Cochran
Coverdell
Craig
Domenici
Faircloth
Grassley
Gregg
Hatch
Helms
Hutchison
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NAYS—54

Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold

Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Nunn
Packwood
Pell
Reid
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—13

Baucus
Boren
Bumpers
Campbell
D'Amato
Dole
Durenberger
Gramm
Metzenbaum
Murray
Pryor
Riegle
Wallop

So, the amendment (No. 2369) was rejected.

Mr. BIDEN. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2368

The PRESIDING OFFICER. The question occurs on the underlying amendment.

The amendment (No. 2368) was rejected.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL WEATHER SERVICE OFFICE IN HUNTSVILLE, AL

Mr. HEFLIN. The Senator from South Carolina knows about the community of Huntsville, AL, and about the high incidence of severe weather systems, especially tornadoes, which this community experiences. He also knows that the National Weather Service has proposed closing the Huntsville office of the National Weather Service in 1996, with preliminary steps taken in 1994 and 1995. Because of a number of serious concerns which remain among the Alabama congressional delegation and in the Huntsville community as to the ability of the NEXRAD in Shelby County, AL, to effectively cover the Huntsville area, I prepared an amendment to prohibit any funds from being spent to transfer, reduce, or terminate the functions or warning responsibilities from the Huntsville office. I realize that such an amendment on this appropriations bill can only affect the period from October 1, 1994, to September 30, 1995.

In connection with this proposed amendment, my office met this morning with Elbert W. Friday, Director of the National Weather Service. At that meeting, Dr. Friday outlined the National Weather Service's current plan to transfer the warning responsibility of the Huntsville office to Birmingham in January 1995, to decommission Huntsville's radar in March 1995 and to significantly decrease staff at the Huntsville office in June 1995—all activities which would have been prohibited by my amendment during fiscal year 1995. Does the Senator from South Carolina share my understanding of the situation relative to the Huntsville National Weather Service Office?

Mr. HOLLINGS. I agree with the understanding of the Senator from Alabama.

Mr. HEFLIN. It is also my understanding, based on conversations with Dr. Friday this morning that he has offered to delay the decommissioning—the shutting down—of the radar and the significant decrease in staff at the Huntsville National Weather Service Office through the end of fiscal year 1995, September 30, 1995. The National Weather Service does, however, reserve the right to transfer the warning responsibilities of the Huntsville office to Birmingham in or after January 1995. In effect then, the Huntsville office would be able to operate as an additional and backup radar service system for the Huntsville area and would keep its Doppler radar system in operation at least until September 30, 1995.

Mr. HOLLINGS. I share that same understanding.

Mr. HEFLIN. I thank the Senator from South Carolina for his assistance in this matter. Mr. President, I do believe that the Huntsville Weather Service Office should be kept open and fully operational. I am very concerned about the Weather Service's plan to begin dismantling this office in fiscal year 1995 by decommissioning the radar and transferring significant number of staff persons. I believe that this offer by Dr. Friday to delay the bulk of these two activities until after fiscal year 1995 provides Huntsville with greater short-term assurance that their weather needs will be provided for. However, I want it clearly understood that I intend to do all that I can to protect the area's long-term needs. To both of these ends, I appreciate the interest and assistance of the Senator from South Carolina.

GREAT LAKES PROGRAMS FUNDED IN H.R. 4603

Mr. GLENN. Madam President, I rise to commend my colleague, the distinguished Senator from South Carolina, for his continuing efforts on this bill and his consideration of programs related to the needs of the Great Lakes.

As the cochairman of the Senate Great Lakes Task Force, I have worked with my colleagues from the region to protect and restore both the environment and the economy associated with this priceless resource. I want to thank my colleagues on the task force for their work, and I want to sincerely thank the Senator from South Carolina and his staff for working with us during the writing of this bill.

I am very pleased that this bill provides the necessary funding for several national programs that help us in our efforts to understand and manage the Great Lakes. At first glance, funding for NOAA programs such as the National Sea Grant College Program and National Coastal Zone Management Grants may not seem important to the Great Lakes. However, each of the eight Great Lakes States has a strong Sea Grant Program that helps its citizens directly, by conducting critical research and outreach efforts on such diverse problems as exotic species and contaminated sediments. By the end of next year, six Great Lakes States—Ohio, Michigan, Minnesota, New York, Indiana, and Wisconsin—should have coastal zone management plans to aid in the wise development of their lakeshores. In every sense, the Great Lakes are our north coast, important at the national level. That is not to say, however, that we do not have some unique problems that require special consideration.

One of our most troublesome problems is the introduction of devastatingly harmful exotic species such as the zebra mussel. Since they were discovered in 1988, zebra mussels have profoundly impacted every lake except Superior. They have altered the makeup of our native flora and fauna, destroying populations of endangered native clams. They cost municipal and industrial facilities millions of dollars in cleanup and control costs. They disrupt recreation, causing thousands of dollars of damage to boats, docks, buoys, and beaches. Scientists estimate that over the next decade the zebra mussel could cost users of the Great Lakes over $5 billion. But the problem is not confined to the Great Lakes. In the last year, zebra mussels have become newly entrenched in the States of Tennessee, Alabama, and Mississippi. I know my colleague from South Carolina is aware of the magnitude of the problem. I thank the Senator for his support of the Sea Grant Program and the Great Lakes Environmental Research Laboratory, a NOAA facility, both of which lead the charge in the battle against the zebra mussel.

The sea lamprey is another exotic pest with which we have to contend in the Lakes. The lamprey literally sucks the life-blood from Great Lakes sport and commercial fisheries, fisheries which generate annual economic activity of between $2 and $4 billion and support in excess of 75,000 jobs. Controlling the sea lamprey is solely the responsibility of the Great Lakes Fishery Commission. The Fishery Commission, established by international treaty in 1955, coordinates United States and Canadian management of Great Lakes fishery resources. Over the last 39 years, we in the United States have upheld our end of the treaty and appropriated enough money to the Fishery Commission for it to maintain its basic sea lamprey chemical control program.

However, the cost of the chemical control measures undertaken by the Commission has substantially risen in recent years. Without research into alternative nonchemical control measures our options continue to be limited. In a very recent development, the Canadian Government has increased its monetary contribution to the Fishery Commission budget. My hope is that, when all is said and done, we will be able to match that contribution with an additional appropriation of $450,000. My colleague from Michigan, Senator LEVIN, has authorized an amendment for that purpose.

My colleagues on the Great Lakes Task Force and I strongly support efforts to ensure adequate funding for exotic species research in the Great Lakes.

In summary, Madam President, I support the committee's recommendations for funding of the National Coastal Zone Management Act and the National Sea Grant Program and I urge my colleague from South Carolina to make exotic species programs a high priority in the conference with the House.

RADIO FREE EUROPE/RADIO LIBERTY, INC.

Mr. FEINGOLD. Madam President, yesterday the Senate adopted an amendment I offered relating to the proposed relocation of Radio Free Europe, Radio Liberty, Inc., from Munich, Germany, to Prague, Czech Republic.

The President is intending to notify the Congress at the beginning of next month that a move of RFE/RL, Inc., to Prague is not only in the significant national interest of the United States, but also can be achieved within the international broadcasting budget caps we worked so hard last year to establish.

This is a move which I view with skepticism, Mr. President, because I have studied the numbers and do not see how they add up. Nevertheless, the administration has repeatedly pledged to make the move within the appropriation for the Board for International Broadcasting, and insist that it will not ask for additional funds to finance the relocation. Thus, the first part of my amendment simply requires the move to be financed solely out of the account for BIB, and will protect other broadcasting accounts from being raided to fund RFE/RL's move. Certainly, other programs should not suffer if this move does indeed prove to be misguided.

The second part of my amendment practically restates current law, which apparently needs to be clarified. It is the intent of Congress that the inspector general at the Board for International Broadcasting continue its work in Munich, particularly as RFE/RL, Inc., downsizes. This amendment also lays out the intent of the Congress that the inspector general continue its valuable work with onsite inspections wherever RFE/RL, Inc., is located—Munich, Prague, and throughout the transition. RFE/RL, Inc., should be on notice that if it tries to impede the work of the inspector general, the Congress will protect the IG's authority.

Finally, Madam President, while I have many questions about the financing of this move to Prague, there is one particular issue which recently arose which I find particularly unsettling. It involves a question of retroactive payments to the Czech Government by the United States Government for operating costs on a building the United States does not occupy. I am particularly concerned because I know the history of RFE/RL, Inc., and know that in the past, repeatedly, they have made questionable payments in a broad range of areas and charged it to the grant agreement. I am joined by my good friend, the Senator from Delaware [Mr. BIDEN], in a colloquy today about such commitments, and hope we can work together to ensure that so much unauthorized payments are made.

Obviously, I am concerned that without close oversight, thousands and thousands of taxpayer dollars are likely to be squandered during the proposed process of relocation from Munich to Prague. This amendment is intended to instill some fiscal constraints on the move—completely consistent with what the administration and RFE/RL, Inc., contemplate. I thank the managers for their cooperation in accepting this amendment.

As negotiations have progressed on a proposed relocation of Radio Free Europe/Radio Liberty, Inc. from Munich, Germany, to Prague, Czech Republic, the National Security Advisor, Tony Lake, has received a letter from the Czech Prime Minister's chief of staff, Dr. Igor Nemec, stating that RFE/RL representatives had pledged to make retroactive payments for operating costs of the Federal Parliament Building in Prague from April 1, 1994, as part of RFE/RL's lease of the building. I understand that these payments would run between $70,000 and $100,000 a month, thereby costing the U.S. Government at least $350,000 for rent on a building before it ever agreed to lease it.

I have been assured by the president of RFE/RL, Inc., Mr. Kevin Klose, that no such commitments were made by RFE/FL to the Czech Government, and that RFE/RL made it very clear that the move to Prague, and thereby any lease arrangement involving retroactive payments, would be subject to approval by the United States Government and Congress.

I, for one, have serious problems with any such arrangement. It is not right that the U.S. Government would be liable to pay operating costs on a building before it even agreed to move into that building. I intend to monitor the situation very closely to ensure that such unauthorized payments are not made. I must also add that I am particularly concerned because RFE/RL, Inc., is an agency which has a particularly bad track record of committing U.S. taxpayer dollars for things we should not be paying for.

Mr. BIDEN. I have worked closely with the Senator from Wisconsin on this issue. I have received the same assurances he has from RFE/RL that it has made no commitments to pay retroactive operating costs of the former Czechoslovak Federal Assembly building, and that any such payment would be subject to congressional scrutiny and approval. I expect to examine closely any arrangement reached by RFE/RL, Inc., before any move to Prague takes place, and I will work with the Senator to ensure that taxpayer dollars are used wisely by RFE/RL, Inc.

FREIGHT AND LIGHT RAIL SERVICES IN RHODE ISLAND

Mr. PELL. Madam President, I wonder if I might ask a question of my colleague from South Carolina, Senator HOLLINGS.

Mr. HOLLINGS. I would be delighted to respond to my colleague from Rhode Island.

Mr. PELL. On page 96 of the committee report, in the section dealing with the Economic Development Administration, I see where the committee has listed some 11 proposals which have been brought to its attention and which it hopes the EDA will evaluate. I understand that the committee requests EDA to individually consider these proposals and, where warranted, to provide grants. Is that correct?

Mr. HOLLINGS. My colleague is correct.

Mr. PELL. I wish to bring to the attention of my colleague a project which is a natural fit for the purpose and mission of the EDA which we in Rhode Island hope the EDA will view favorably. This project would entail the construction of a railroad track to accommodate freight and light rail services. This project is the single most important economic development project in our State. Further, the construction of this track will not only sustain Rhode Island's current freight operations, which will be disrupted by the ongoing electrification of the Northeast corridor, but it will enhance and modernize its freight services. As my colleague knows, Rhode Island, as is New England, has been struggling out of a prolonged recession. This project will also incorporate the constructive use of some 900 acres of prime real estate which previously housed the Naval Construction Battalion station which was closed during the 1991 round of BRAC. Some of this land is currently used for a deep-draft shipping port which we hope to enlarge. In order to make this transition from a former military site to a successful shipping facility, we need to build the track that I have previously mentioned which would connect the port with the main train tracks.

I want to assure my colleague that Rhode Island has already committed to funding 50 percent of this project and we will seek funds from the various Federal sources. It seems to me that EDA is an ideal source and, since Rhode Island plans to pursue this matter with the EDA, I wanted to bring this project to the attention of my colleague, Senator HOLLINGS.

Mr. HOLLINGS. I thank my colleague for bringing this matter to my attention. I believe that this project would be an ideal fit with respect to EDA's programs. I would certainly encourage the EDA to give this project as careful consideration as those listed in the committee report and, if warranted, to provide a grant.

As my colleague knows, we in South Carolina have also been impacted by the ongoing BRAC process. He is quite correct to state that EDA's role in these communities should be to help transition the community as well as enhance its infrastructure to brighten its economic future. I wish my colleague all success as Rhode Island proceeds with this project.

CONGRESS-BUNDESTAG YOUTH EXCHANGE PROGRAM

Mr. LUGAR. Madam President, I would like to engage the managers of the bill in a brief colloquy on the Congress-Bundestag Youth Exchange Program. I would like to hear their thoughts about German-American student exchanges and why the bill before the Senate reduces appropriations for these extremely important exchanges.

Let me say that I am a strong supporter of the Congress-Bundestag exchange program which has been in existence now for 11 years. I recall the enthusiasm on the floor of the Senate when in 1983 the late Senator Heinz introduced the bill authorizing the Congress-Bundestag Youth Exchange Program. Many of us rose to endorse it and the legislation received unanimous support.

The exchange initiative was inspired by and coincided with events surrounding the monumentally important agreement by the German Government to deploy United States Pershing-II missiles in Germany—a decision that in my judgment accelerated the end of the cold war. At the time, it became very evident there were fundamental misunderstandings within Germany of United States intentions and equally shallow perceptions in the United States about Germany. We felt it imperative that United States-German understanding must be deepened and strengthened among young people.

The German Government felt the need for correcting misperceptions about the United States most acutely and initiated the process of establishing and funding a youth exchange program with the United States. The Congress-Bundestag Program that emerged from this period was not just another bilateral exchange program. Rather, it became a fundamental part of United States foreign policy administered by the U.S. Information Agency with a valuable ally whose cooperation was and is vitally important to United States interests in Europe. As part of crucial foreign policy developments in 1983, the Congress-Bundestag Youth Exchange Program was launched jointly by the United States Congress and the German Bundestag and has been funded by both governments in roughly equal amounts ever since.

The Congress-Bundestag program has special foreign policy significance. It ought not be grouped with other exchanges. It is different, it has special importance, and it should not be weakened.

Many of us on both sides of the aisle who were in the Senate and the House at the time of its creation understood its significance and spoke passionately in support of these exchanges. Those of us who have followed its evolution or who have met with the thousands of students involved continue to believe strongly that this program is an important element of our overall international exchange effort and a critical component of our foreign policy.

These exchanges were designed to strengthen ties between two great countries by expanding awareness of German and American institutions, while extending mutual friendship across the Atlantic. Apart from this, many students have found their overseas experience and their increased fluency in a foreign language a valuable asset in their continuing education and community life.

One of the unique features of the Congress-Bundestag program is that the German Government matches our contribution virtually on a dollar-for-dollar basis. They match the number of students they send to the United States to that which we send to Germany. Indeed, they are so enthusiastic about this program, they would like to send more students to the United States. An increase or decrease in our funding leads to an increase or decrease in their funding. When we decrease our funding, as the bill before us does by almost 25 percent, there is, in effect, a double hit because the German funding will be reduced also and the number of students will be decreased by twofold. That would be devastating and we should not do it.

Because of this parity funding, thousands of young people from Germany and from the United States are able to spend a year in the other country, live with host families and learn from their cross-cultural experiences. Thousands of students have become young ambassadors for their country and carriers of understanding and tolerance of the other country and its people. Our relations have been strengthened and our mutual interests better understood.

President Clinton recently spoke of the unique partnership with Germany. Germany is one of our most important allies. Its strategic importance in Europe is self-evident, it enjoys the strongest economy in Europe and has been cooperative in extending the European Union and NATO towards the east, a role we have welcomed and encouraged. It is poised to play an even greater international role in peacekeeping and out-of-area challenges to international security. Moreover, there are nearly 60 million Americans who trace their heritage to German origins. According to Stephen Rosenfeld of the Washington Post, Americans of German background may constitute the largest single ethnic group in the United States.

As we reduce our military presence in Germany and in Europe, we should not be reducing our student exchange program. That would send the wrong message, a message of indifference, of withdrawal, and disinterest. Rather, this is an appropriate time to increase our exchanges, or at least maintain them at current levels. This is not the time to reduce our contacts or diminish our close ties and long-standing commitments to Germany.

Could I ask the managers if the proposed appropriation in the bill for the Congress-Bundestag exchanges in fiscal year 1995 is at or below the current level of appropriation for fiscal year 1994?

Mr. HOLLINGS. The recommended appropriation mark in the bill for the Congress-Bundestag Youth Exchange Program is at $2.1 million for fiscal year 1995. The House bill recommends $2.25 million. The current level for fiscal year 1994 is $2.75 million.

Mr. LUGAR. It is also my understanding that the appropriations for this program has been funded at $2.75 million for the past several years. Is that correct?

Mr. DOMENICI. Yes, it has been at $2.75 million since at least fiscal year 1992.

Mr. LUGAR. By my calculation, a reduction to $2.1 million would amount to a 23 percent cut in one of our most valuable exchange programs. I know the two distinguished managers of this bill are supporters of the Congress-Bundestag exchanges. Could they explain why this program has been reduced so severely in the committee bill?

Mr. HOLLINGS. I share the Senator's support for this program and we would very much like to provide appropriations for this and other exchange programs at a steady, if not larger, funding level. Unfortunately, stringent budgetary limitations made this impossible.

As the senior Senator from Indiana knows, the number of international exchange programs has proliferated over the past several years. Members of the Congress have been so enthusiastic about international exchange programs that they have created many new programs. Unfortunately, the appropriations available to fund them have not increased at the same rate. Pressures to reduce spending have been greater than pressures to increase spending.

As the demands for funding increase and the supply of resources remain static or even shrink, the regrettable result is that some programs must be reduced. This is essentially what is proposed for the Congress-Bundestag exchange program.

Mr. LUGAR. I thank the managers of the bill and appreciate their explanation. I am prepared to introduce an amendment that would set the funding level for the Congress-Bundestag program at the current level of $2.75 million but I am reluctant to burden the legislation with a specific earmark. I am most interested in restoring funds to this program through any means available. Could the managers give assurances that they will do all they can to support a shift of funds to restore German-American exchanges to the current appropriation level? If they do, I will withdraw my amendment from consideration.

Mr. HOLLINGS. I thank the Senator for his consideration and I share his support for this program. I want to give you my assurances that I will support efforts both in conference with the House and in communications with the U.S. Information Agency to maintain the funding level at the current level of $2.75 million.

Mr. DOMENICI. Senator LUGAR has offered the strongest argument on behalf of this program that I have heard. As usual, he makes good sense. I want to join Senator HOLLINGS in giving my firm assurances that I will support and encourage efforts to keep the German-American youth exchanges at the fiscal year 1994 funding level.

Mr. LUGAR. I appreciate the strong assurances from the managers of this bill. Their support offers comfort that they will fend off additional cuts in conference and argue for appropriations as close to the current program funding level as possible. I will therefore withdraw my amendment.

Mr. President, I would like to offer some additional comments on the Congress-Bundestag Youth Exchange Program for the record.

The annual funding for the Congress-Bundestag exchanges permits some 400 American and 400 German youths to live with host families and attend schools every year in the other country. Nearly 4,000 participants have been funded by this program since its inception. The largest number of students in the program is administered by the Youth for Understanding [YFU] International Exchange which is one of several organizations that administers this program for the U.S. Information Agency. Roughly three-fourths of these students are juniors and sophomores in high school. The standards are high. To be eligible, American students must have a 3.0 grade point average and be a citizen or permanent resident of the United States.

At least two students are selected from each State. Those States with large populations tend to have more participants. After their year abroad, the American students are expected to make a presentation on their experiences in Germany to their classmates and/or to interested community and schools audiences.

Madam President, let me repeat my concern that a reduction in funding for the Congress-Bundestag Program will send an untimely, unwanted, and unwarranted signal to our German friends that we value our relationship less now than we have in the past. President Clinton has just gone to great pains to reassure the Germans that the reduction of the American military presence in Germany does not signal a diminution in the importance as we attach to the German-American partnership. We should reinforce that message. Cutting this German-American exchange program regrettably contradicts the President's message.

The Congress-Bundestag Program, despite its comparatively small funding, is a highly visible program. German Chancellor Helmut Kohl was personally involved in setting it up and he has retained his interest ever since. He has visited American exchange students sponsored by it. Last year, Rita Süssmuth, the president of the German Bundestag, personally presided over a warm celebration of the 10th anniversary of the program. Indeed, many members of the German Bundestag personally adopt United States scholars who come to their electoral districts, invite them into their homes and arrange events for them.

There is no corresponding active involvement or interest in the United States. It is one lightly funded program that gets lost in the welter of international programs which have proliferated over the years. Our German counterparts value this program very highly. They want to send more German students to the United States. They actively promote it. Many members of the Bundestag directly participate in it. The German embassy is dismayed by this proposed cut and so should we. We should restore the funding to the current level of $2.75 million. We should do so because it is in our interest to preserve and protect programs important to our national interest. The Congress-Bundestag Youth Exchange Program is unmistakably one of those programs.

Once again, I want to thank the distinguished managers of the bill before us. They have a difficult task of balancing growing and competing needs with fewer resources. I appreciate their understanding and courtesy.

RECOGNIZING THE SERVICE OF ELIZABETH K. BLEVINS

Mr. HOLLINGS. Madam President, Liz Blevins recently left the Commerce, Justice and State Subcommittee to join the full Appropriations Committee staff and work directly with Chairman BYRD and JIM ENGLISH. This bill represents the first time since 1989 that Liz Blevins is not out here on the floor of the Senate supporting me as a member of our subcommittee staff.

In the Senate we do not often enough recognize the people who work so hard to support us and make this institution run. I would like to just take a minute to salute Liz Blevins and commend her for the contributions she made to this Commerce, Justice and State Subcommittee.

Liz Blevins is a true professional. She came to the subcommittee after serving several years with the Federal Energy Regulatory Commission. She had previously served with the Senate Democratic Policy Committee, the Department of Energy, and Department of the Navy and she also had served in the White House Office of Media Liaison under President Carter. She came to the Nation's Capital from Michigan in 1963, and she often has used her annual leave to visit that State or her husband Gypsy's home State of West Virginia.

Liz was responsible for making this subcommittee run. She organized our hearings and markups, and helped ensure that agencies responded to data calls and committee requests in a timely manner. She also kept track of the blizzard of paper—from reprogrammings to hearing transcripts—which pass through our subcommittee office. She always carried out her responsibilities with dedication and she helped contribute to the team spirit and esprit that so typifies our 13 appropriations subcommittees.

While we wish Liz the best in her new position, we cannot help but say that we miss her. Almost every agency funded in our bill—and we oversee 3 Cabinet departments and 24 independent agencies—has called to wish Liz the best and to say they will miss seeing her smiling face.

And, Madam President, that is the point. Liz Blevins truly is one of those people in life who makes a special effort to brighten up everyone's day. She made every visitor to our subcommittee—each Senator, staff person, agency official, or tourist—feel special. Countless times she has gone out of her way to ensure that visitors wandering around the Capitol get to the location they are trying to find, or obtain tickets to visit the House and Senate Chambers.

I know that her husband Gypsy, and daughter Shannon are very proud of her. We all are. We are proud of her for her professional achievements and of who she is.

Madam President, in conclusion, as chairman of this subcommittee, I just want to thank Liz Blevins for a job well done.

H.R. 4603, THE COMMERCE JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS BILL

Mr. BIDEN. Madam President, I rise today in strong support for this bill. Through the work of subcommittee chairman HOLLINGS, ranking member Senator DOMENICI and the other members of the Appropriations Committee the Senate has before it a tough—and smart—bill. Indeed, this bill implements the first step of the Biden crime bill by appropriating the first year of the violent crime reduction trust fund. Unlike any other crime bill that has ever passed into law, the Biden crime bill—because of the efforts of Appropriations Committee chairman ROBERT BYRD—actually pays for what it promises. And, today, with the appropriation of $2.423 billion from the first year of the trust fund the Senate sees the first evidence of this fundamentally new approach to combating crime and violence in America.

Due to the efforts of Senators HOLLINGS and DOMENICI, this appropriations bill spends the first year of the trust fund on the Nation's top crime-fighting priorities:

First, $1.3 billion for community policing efforts, enough to add 14,000 police officers to our Nation's streets, and the first step to adding 100,000 police officers over the next five years;

Second, $299 million to enhance the Federal efforts to control our borders, dollars that will hire 700 new Border Patrol agents, redeploy 240 more Border Patrol agents to the front-lines through enhanced computerization, in addition to several other necessary reforms;

Third, $86 million for State grants to combat violence against women—increasing the enforcement, prosecution, and victim services for those who fall prey to the scourge of violence at the hands of a brutal spouse;

Fourth, $423 million to restore the Byrne drug enforcement grants to State and local law enforcement—equal to the greatest appropriation the Byrne Program has achieved since its creation in 1988;

Fifth, $100 million to undertake a greatly needed drug court program, taking up to 50,000 offenders who are today simply walking the streets on probation, unsupervised and uncontrolled, and holding them accountable through drug testing and drug treatment backed up by the certain threat that drug abuse will be detected and punished;

Sixth, $175 million for State grants for corrections programs, including military-style boot camp prisons for up to 18,000 prisoners—one of the most cost-effective ways of punishing first-time, nonviolent offenders—160,000 of whom are now behind bars in a prison cell that should be used for violent criminals; and

Seventh, $40 million for the Community Schools Program—an effort crafted by Senators BRADLEY, DOMENICI, DANFORTH, and DODD that will take a commonsense approach to keeping children away from crime and drugs by keeping schools open in the afternoon, evening, on weekends, and during the summer. This will mean safe haven for a significant number of the hundreds of thousands of children who must literally dodge bullets as they walk the streets and playgrounds of their neighborhoods.

In addition, this appropriations bill provides $100 million for the Brady law effort to assist in the development of a nationwide instant criminal background check that has proven so successful in my home State of Delaware. In fact, in just the first few months since taking effect in February, the Brady law stopped 23,610 convicted felons from buying a gun over the counter at their local gun shop.

When combined with $144 million for the Justice Departments' juvenile justice programs, these and other efforts mean that through the crime bill trust fund and the efforts of Chairman HOLLINGS and the appropriations mean that the Federal Government will provide nearly $2.3 billion in aid to State and local law enforcement.

State and local law enforcement are the real front lines of the Nation's battle against violent crime, and the $2.3 billion in greatly needed aid represents a more than 300-percent increase over last years' level. In other words, for the first time in years we are actually living up to the support for State and local law enforcement that is so often voiced on the floor of the Senate.

This bill does not stop there—for Chairman HOLLINGS has made great strides in boosting Federal law enforcement as well. The bill before the Senate

Gives us the chance to:

Boost funding to the FBI by more than $150 million, that will hire 436 new FBI agents—restoring FBI agent strength to the 10,475 peak level reached in 1992;

Boost funding to the DEA by about $40 million, that will support 311 more DEA agents—restoring DEA to its 3,702 peak reached in 1992;

Boosting funding to U.S. attorneys by more than $12 million, so that no reduction will be necessary from this year's level; and

Increasing the Federal prison budget by $404 million above this years' level—to fully fund the expected increase of more than 8,400 Federal prisoners—raising the total number of Federal prisoners to nearly 93,000—the greatest total in our Nation's history.

In yet another high priority area—the Weed and Seed Program—Chairman HOLLINGS and the Appropriations Committee have continued funding at $23 million. This will ensure that weed and seed sites, such as Wilmington, DE, will be maintained—and expanded to even more neighborhoods in Wilmington and the other weed and seed sites.

Now I would like to take a moment to discuss the funding for Radio Free Asia provided by this bill. As the author of the legislation to establish this new service, I am extremely grateful to the chairman, Senator HOLLINGS, for providing $18 million to begin Radio Free Asia broadcasts.

As my colleagues will recall, in the Foreign Relations Authorization Act, enacted into law earlier this year, Congress authorized the establishment of a Radio Free Asia.

This proposal rests on a concept that has been central to U.S. foreign policy for 40 years: the dissemination of accurate news and information to people suffering under Communist rule. For four decades, Radio Free Europe and Radio Liberty have broadcast to the nations that once constituted the Soviet empire. The radios, as they are known, were an important instrument in promoting political pluralism and spurring dissidents across the Soviet bloc.

A similar broadcasting service to China and the other Communist nations in East Asia could catalyze democratic development in those nations.

In each country—China, Cambodia, Loas, North Korea, and Vietnam—press freedom is virtually nonexistent, and the media are used largely as instruments of state policy. Radio Free Asia will fill this information gap by providing information about local developments, and thus complement the Voice of America, which concentrates largely on U.S. and international news.

It is often claimed that Radio Free Asia is unnecessary, because China's reform process has caused an unprecedented openness that will inevitably yield still greater political freedom. To be sure, Western investment, economic reform, and greater prosperity among the masses will all have a subversive effect on the regime's tyrannical powers. But economic liberalism does not guarantee political openness. There is simply no evidence that the Chinese Government plans to abandon Mao's dictum that power comes from a barrel of a gun. Indeed, Beijing recently expanded the powers of the police—already extensive—to detain and restrict activities of dissidents. And as a recent edition of the Far Eastern Economic Review reported, China continues to jam Voice of America broadcasts—despite claims to the contrary.

The dynamism of the Asian market demands that the United States, in its own self-interest, remain deeply engaged in the region. But pursuit of profits and economic prosperity does not require us to be morally comatose. Radio Free Asia is a modest and cost-effective means to advance our democratic ideals. We should not shrink from the challenge. I look forward to working with the chairman and ranking member of the subcommittee to assure continued funding for Radio Free Asia.

This bill will do all this and much more. Chairman BYRD, Subcommittee Chairman HOLLINGS, Senator DOMENICI, and every member of the Appropriations Committee have offered the Senate a strong, effective, efficient bill, and I urge every Senator to support this bill.

Mr. KERRY. Madam President, I am pleased to support the Commerce, Justice, State, and Judiciary appropriations bill before us today and I want to recognize Chairman HOLLINGS' efforts in bringing this bill to the floor and applaud the broad-based support this package has received from a majority of subcommittee and full committee members. I believe the committee reached an acceptable compromise given the nearly overwhelming challenges of putting together a bill that fairly distributes funding for an array of important and critical programs within a budgetary framework of extremely limited resources.

While I have some reservations about individual measures and particular programs, as I suspect many of us may, I want to take this opportunity to highlight what I view as the most important areas that the committee has addressed.

I am privileged to serve as the vice chair of the Commerce Committee's National Oceans Policy Study and as such I know and value Chairman HOLLINGS deep commitment to the adequate funding of the important marine mammal and living marine resource programs that are administered by the National Oceanic and Atmospheric Administration [NOAA] and other agencies. Despite the austere budget environment that we are laboring under, I am pleased to see the continuation of many vital marine and coastal programs.

I am encouraged that the bill gives priority to National Oceanic and Atmospheric Administration's infrastructure and ocean, coastal and fisheries programs. I approve of the effort to put the "O" back in NOAA and balance NOAA programs by emphasizing increases for ocean, coastal, and fisheries programs, including the National Sea Grant Program and the Coastal Zone Management Program.

The additions for fisheries programs without imposing fishing fees as a financing mechanism is especially laudable and reflects the importance of this vital national resource.

I am very appreciative that the bill includes a $2.5 million increase in the Northwest Atlantic Ocean Fisheries Reinvestment Program that addresses restoration of the New England groundfish fishery.

For over 20 years, through the unique Federal/State partnership established by the Coastal Zone Management [CZM] Act, the coastal states and NOAA have worked in a cooperative and productive effort to "preserve, protect, develop and, where possible, restore or enhance our Nation's coastal resources." The national CZM program is a vital defense against the constant pressures on the fragile and finite coastal zone. Twenty-three Senators joined me in sending a letter supporting increased funding for this small but extremely effective program that seeks to protect our coastal resources. This is a welcome increase for this vital program.

Many excellent programs were included in today's bill. However, some beneficial programs did not receive the funding I believed they merited, and I remain optimistic that it will be possible to address some of these as we move to conference with the House.

One program I believe falls into this category is the New England Aquarium study of bluefin tuna. The bluefin tuna is the most valuable finfish in the world and its value has driven the fishery to the brink of collapse. The Atlantic bluefin tuna research program conducted by the New England Aquarium includes important studies of the biology, physiology and reproduction of this extremely valuable highly migratory species about which very little is known. I hope that the Senate will concede to the House request of $300,000 to fund this important research.

As chairman of the Foreign Relations Subcommittee on Terrorism, Narcotics and International Operations, I commend the chairman and ranking member for the excellent work that they have done in following the funding levels set forth in the authorization act for the Department of State, the U.S. Information Agency, international broadcasting, and other functions. I was particularly pleased that the bill as reported by the Appropriations Committee contained $1.170 million for peacekeeping assessments, including a supplemental appropriation of $670 million for fiscal year 1994.

I cannot overemphasize the importance of meeting our financial obligations to various international bodies. Consequently, I am deeply disappointed that the Senate voted today to ignore those obligations and cut $350 million from the appropriation for international organizations and peacekeeping assessments. These cuts are doubly troublesome coming at a time when Ambassador Albright is working so diligently to bring about management and financial reform at the United Nations. Those who stood in this Chamber and demanded the creation of an independent inspector general, and then complained that the truly astonishing work of our delegation at the United Nations to bring about that creation was insufficient, should understand clearly that this cut serves to undermine the reforms which they so vociferously support.

I would also point out to my colleagues, who may have thought that they were voting to cut funds for peacekeeping operations which they do not support, that in fact the Dole-Hutchison amendment cuts funds for all international organizations. In addition to U.N. assessments, the cuts will affect funding levels for the North Atlantic Council, the Organization of American States and other international institutions on which we are placing ever greater demands. This $350 million cut will have a devastating impact on our ability to use the United Nations and these other organizations to foster our foreign policy goals. Fortunately, I have confidence that the chairman and ranking member will work diligently in conference to minimize the damage.

In closing, I would again like to express my appreciation to Chairman ERNEST F. HOLLINGS and ranking member PETE DOMENICI for their tireless efforts on behalf of this legislation. Without their help, none of this would be possible. I would also like to thank the talented staff of both the Senators, with a special thanks to John Shank and Scott Gudes who toiled countless hours to make this bill a reality.

DOLE-HUTCHISON AMENDMENT NO. 2357

Mr. JEFFORDS. Madam President, I oppose the Dole-Hutchison amendment, which seeks to further reduce our contributions and payment of arrears to the United Nations in order to reimburse States for the cost of incarcerating illegal aliens.

While I certainly support the intent of the amendment to relieve the States of the onerous financial burden resulting from our immigration policies, I do not believe that we should undermine a key element of our foreign policy to achieve it.

We have already agreed to withhold a portion of our U.N. contributions until the President certifies that the U.N. Secretary General has created an office of Inspector General with broad oversight responsibilities. The Secretary General has begun to address our concerns. We should work with the United Nations to implement these reforms, and pay our debts to the institution to ensure that progress will be made.

I have heard many of my colleagues assert that the United States is the only remaining superpower and, as such, the world leader. Yet if we truly hope to be a leader in world affairs, we cannot constantly shrink from our commitments.

I say commitments because the United States is part of the decisionmaking process in the United Nations. We are a permanent member of the Security Council. The decision to commit the United Nations, and, by extension, the United States, to peacekeeping operations and humanitarian relief efforts is taken by the Security Council, over which we have a veto.

Our failure to fund peacekeeping and humanitarian operations—which we have approved with our vote in the Security Council—casts doubt upon our own policy process and places an unfair financial burden on our Third World partners in peacekeeping endeavors.

Increasingly, we have called for greater multilateral and regional resolution of conflicts. We have grown reluctant to condone the presence of U.S. personnel in U.N. peacekeeping operations. In fact, U.S. personnel comprise less than 2 percent of all U.N. peacekeepers worldwide.

Nowhere has this emphasis on regional management of crises been more evident than in Africa. Yet African nations do not have the financial or material resources to fund such operations without the help of the United States and other Western nations.

Our practice of withholding funding for peacekeeping operations has not only hampered current operations, but jeopardizes future efforts to rapidly deploy peacekeeping forces to gain control over conflicts before they get out of hand.

One need look no further than Rwanda to see the aftershocks of our fiscal delinquency. In May of this year, the UNAMIR forces commander in Rwanda, General Dallaire, indicated that between 5,500 and 8,000 U.N. troops would be necessary to gain control over the reign of terror and put an end to the genocide. After much debate and delay, the Security Council approved a force level of 5,500. Several African nations pledged troops, on the condition that the United Nations or Western donors provided them with equipment and logistical support. Understandably, these and other financially strapped African nations—some of which still have not been reimbursed for their participation in prior peacekeeping operations—are now reluctant to commit troops and equipment to Rwandan relief efforts without assurances that they will be reimbursed by the United Nations. But the United Nations cannot promise that repayment, when the United States continues to withhold significant portions of its obligations. These arrears are expected to top $1 billion dollars by the end of this year. One billion dollars!

Meanwhile a half million Rwandans have been massacred, two-thirds of the remaining population has been displaced, and more than a million people are at risk of starvation and disease.

I agree that we must continue to aggressively press the United Nations to reform its management procedures and operational practices, especially in regard to peacekeeping. But we should not continue to look to this account as a limitless source of funding for other underfunded needs.

We have in the past criticized U.N. peacekeeping operations, and often rightly so. But further delaying payment of our commitments will certainly not serve to strengthen this institution nor its capacity to manage peacekeeping.

Madam President, doctors used to believe that they could cure illness by bloodletting. But the treatment was worse than the disease, serving merely to further weaken the patient and hasten death. In the same way, the adoption of this amendment would weaken the United Nations and undermine the reforms we have been seeking.

I believe that the United Nations is a patient worth saving. I therefore urge my colleagues to reject this amendment.

FUNDING FOR THE RADIATION EXPOSURE COMPENSATION TRUST FUND

Mr. HATCH. Madam President, Congress established the Radiation Exposure Compensation Act [RECA] trust fund in 1990 to compensate victims of radiation caused by our nuclear weapons testing program. There is no new funding proposed in this appropriations bill for the radiation exposure compensation trust fund for fiscal year 1995. I understand that this is so because there will once again be more than enough moneys in the trust fund to meet the needs of the program for the coming fiscal year.

As a chief sponsor of the program, as is my distinguished friend from New Mexico, I have been concerned that, since Congress finally acknowledged the Government's fault so many years after causing such harm and suffering to citizens of Utah and other Western States, there be sufficient funds to pay for the compensation promised in the law throughout the trust fund's life.

The issue of radioactive harm caused by the Government has been much in the news this year. I want to be certain that, as we and the administration continue to review harms caused by some of our nuclear programs, this compensation program remain fully viable over its intended life. And because I know that my colleagues, the distinguished managers of this bill, are strong supporters of this compassionate program, I wanted to clarify a few points and enlist their continued support for the trust fund.

Am I correct in my understanding that there are still sufficient moneys in the RECA fund to fully pay all claims now pending as well as all claims projected to be filed in 1995 so that no RECA claimant will be harmed by this funding proposal?

Mr. DOMENICI. Yes. Our information from the Justice Department is that more than $73,00,000 will be available for use in 1995. We have been assured that this is more than sufficient to cover all outstanding claims.

Mr. HOLLINGS. We have been assured that this amount, $73,000,000, is sufficient to cover all pending and future claims through fiscal 1995.

Mr. HATCH. If it should happen that part way through the fiscal year the RECA trust fund should fall short of funds to make these compassionate payments, would the Senator from South Carolina and the Senator from New Mexico commit to working with me to ensure that the victims of radiation caused by our Government are paid the sums owed to them under present law?

Mr. DOMENICI. Absolutely. As one of the chief sponsors of the program, I am committed to its success.

Mr. HOLLINGS. The Senator can count on my assistance.

Mr. HATCH. Will my colleagues further commit to working with me to ensure that sufficient funds are appropriated then and in subsequent years in which the trust fund exists to meet the obligations of the Government to the radiation victims as required under the current law?

Mr. HOLLINGS. Yes.

Mr. DOMENICI. Again, I will do everything in my power to ensure that all claims are paid according to the law.

Mr. HATCH. And, do my colleagues agree that simply because no new funds have been appropriated for fiscal year 1995 no presumption will be raised about the level of funding necessary in future years?

Mr. HOLLINGS. The Senator is quite right. No presumptions will be raised against future appropriations.

Mr. DOMENICI. I agree with my colleagues. We will work together to ensure that the necessary funding is available over the life of the trust fund.

Mr. CHAFEE. Madam President, I note in the report on H.R. 4603 that the committee requested the Economic Development Administration [EDA] to evaluate several worthwhile proposals for projects which may be eligible for funding under the various EDA programs.

Mr. HOLLINGS. That is correct. The committee listed eleven such proposals.

Mr. CHAFEE. I would like to make the Senator from South Carolina and the ranking member, Senator DOMENICI, aware of a particularly meritorious project from my home State of Rhode Island. The proposal calls for the expansion of the historic Providence Performing Arts Center in downtown Providence. The building is the second largest indoor theater in New England and is listed on the National Register of Historic Places.

The expansion and theater renovation will afford Providence the opportunity to attract major theater productions and lead to the creation of hundreds of new jobs in the surrounding arts and entertainment district. It is just the type of project the Economic Development Administration is trying to encourage in our Nation's downtown, central business district areas.

I ask the managers of the bill, if the Providence project is similar to those listed in the Senate report.

Mr. HOLLINGS. It is.

Mr. DOMENICI. I agree, the proposal certainly appears to accomplish the goals of the Economic Development Administration's mission.

Mr. CHAFEE. That being the case, I ask the managers if they would deem the Providence project part of the Senate committee's recommendation to the EDA and the conferees when the bill goes to conference.

Mr. HOLLINGS. Although we cannot amend the Senate report at this point, I speak for this side of the aisle in requesting that EDA evaluate the Providence Performing Arts Center project along with the other projects listed in the committee report. Like the committee recommended projects, the Providence proposal should be given every consideration by the Economic Development Administration.

Mr. DOMENICI. I concur with the Chairman. There is no objection on this side of the aisle to the Senator from Rhode Island's request.

Mr. CHAFEE. I thank the Senators and look forward to working with the committee and EDA to make the Providence proposal a reality.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Madam President, I would like to yield to the majority leader. I think we have an understanding on both sides here with respect to further disposition and that we can handle these amendments. I know the distinguished Senator from New Mexico is talking about one particular amendment. If that can be cleared, then all the rest of them—when I say "the rest of them," there are about 11 of them that can be handled by voice vote and accepted on both sides. Then we can pass the bill by a voice vote rather than a rollcall.

Let me yield to the majority leader.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Madam President, we are attempting to complete action on the bill without the necessity of any further rollcall votes.

Mr. DOMENICI. Yes. Madam President, we have talked with Senator HELMS. He has no further action that he desires.

Mr. MITCHELL. Madam President, let me inquire of Senators now present on the floor. We have no request for a rollcall vote on final passage. I hope there is none. If that is the case and no other amendment is to be offered which will require a rollcall vote, then I will be able to say that there will be no further rollcall votes tonight.

Madam President, no Senator having expressed a view to the contrary, I take that as acquiescence in the proposal made; that is to say, there will be no further amendments offered that require a rollcall vote. The managers have a list of the amendments which have been agreed to and which will be accepted. There will not be a rollcall vote on final passage. So there will be no further rollcall votes this evening.

I will have to have a brief consultation before announcing the schedule for Monday. I will do so shortly.

Mr. DOMENICI. Madam President, will the leader please concur that we have all agreed that there will be an up-or-down vote on the conference report?

Mr. MITCHELL. That is correct.

Mr. DOMENICI. So those who are not having a vote on some issues will have a chance there.

Mr. MITCHELL. That is correct. There will be a vote on the conference report when it returns to the Senate. So there will be no further rollcall votes this evening. I must await a brief period of consultation before making an announcement with respect to Monday. I will do that as soon as possible, which I hope will be shortly and within a matter of minutes.

Madam President, in the meantime I hope the managers will proceed to complete action on this bill.

I thank my colleagues. I especially want to thank, if I may have their attention, the Senator from South Carolina, the chairman, and the Senator from New Mexico, the ranking member, for an extremely diligent effort on this bill. I thank all my colleagues for their cooperation on this matter.

Mr. HOLLINGS. I thank the distinguished leader for his leadership and the minority leader for his leadership in getting this together expeditiously.

AMENDMENT NO. 2370

(Purpose: To add funds to the Great Lakes Fishery Commission to match the proposed increase in Canadian funding for the Commission)

Mr. HOLLINGS. Madam President, I send an amendment to the desk on behalf of the distinguished Senator from Michigan, [Senator LEVIN], and Senators GLENN, D'AMATO, KOHL, RIEGLE, WOFFORD, and LUGAR, an amendment relative to the National Marine Fisheries Service, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. And the clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. LEVIN (for himself, Mr. GLENN, Mr. D'AMATO, Mr. KOHL, Mr. RIEGLE, Mr. WOFFORD, and Mr. LUGAR), proposes an amendment numbered 2370.

Mr. HOLLINGS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, line 9, after the sum "$500,000" insert: ": *Provided further*, that of the total amount included in this paragraph for the National Marine Fisheries Service, $450,000 shall be made available for payment to the Great Lakes Fishery Commission within 90 days of enactment of this Act, as part of the United States' match to the increased Canadian contribution pursuant to the Convention on Great Lakes Fisheries. This sum shall not affect other appropriations provided for the Commission under this Act".

Mr. LEVIN. Madam President, I am pleased that the managers of the bill have agreed to accept my amendment to increase funds for the Great Lakes Fishery Commission in fiscal year 1995.

As those Senators from the Great Lakes are fully aware, the sea lamprey population in the Great Lakes continues to grow, threatening the world's largest freshwater ecosystem and a multi-billion-dollar commercial and recreational fishing industry. This parasitic fish's predation is checked only by the Commission's efforts.

The cosponsors of this amendment and I are appreciative that the fiscal year 1995 bill reported by the Appropriations Committee includes $8.323 million for the Great Lakes Fishery Commission, and that the fiscal year 1994 bill provided extra funds to pay lampricide reregistration costs. The additional $450,000 provided in our amendment for the Commission are necessary because Canada has indicated its intention to provide an increase in its contribution in the Canadian fiscal year 1994–95—spanning part of our fiscal year 1994 and part of fiscal year 1995—to the bilateral Commission and the United States needs to match that contribution.

The traditional cost-sharing ratio for the activities of the Commission is 69:31, United States to Canada, pursuant to the Convention on Great Lakes Fisheries. To take full and immediate advantage of Canada's offer to increase its annual contribution by about 34 percent, the United States has to increase its total contribution in fiscal year 1995 by using $852,000 in fiscal year 1994 funds and the additional $450,000 provided by this amendment. The amendment explicitly states that these funds should be turned over to the Commission within 90 days. The Commission's lamprey control activities are vital and should not be deferred, and the reregistration funds provided by Congress should not be used by the State Department as a cushion to leverage funds for the control effort.

Madam President, this amendment provides a small increase, but a necessary one. Without it, our lamprey control and lampricide reregistration costs would end up being even higher than currently estimated. We need to get this money to the Commission so it can get the lampreys out of the lakes in the most efficient way, and so we can meet our international obligation.

Mr. DOMENICI. Madam President, I think we are going to work out all of the amendments. If Senators want to stay, fine. But I think we have agreed to amendments that Senators have submitted to us.

Could I, Madam President, take 3 minutes and engage in a bit of conversation with Senator BIDEN?

Mr. HOLLINGS. Can we get the amendment of the Senator from Michigan agreed to?

The PRESIDING OFFICER. Is there further debate on the amendment. If not, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2370) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. DOMENICI. Madam President, I see the distinguished chairman on the floor. I just wanted to tell him first that I want the Senate to know that even though we are not engaged these days in a lot of legislation together, the new Senators would not believe how we arrived in the Senate and what the Senate did for us when we arrived.

You see, Senator BIDEN was elected at the same time I was. But he decided to wait a few months because of some very serious problems, domestic problems where there had been an accident in his family. But when he arrived, the Senate decided in its wisdom that we did not have enough room for both of us.

So they put us both in the same room. So Senator BIDEN and I, I think, maybe have a record for any Senators that are currently Senators in that we had one suite for two Senators, one from New Mexico and one from Delaware. It was so cramped that staff used to walk over the desks.

So when Senators think things are so bad these days, they might hark back to the days when Senators BIDEN and DOMENICI came.

Senator, having said that, that is just to make sure everybody knows that we are good friends. Nonetheless, I wanted to share with you, Senator, a couple of things that I did not do before because I wanted to let that vote occur. Everybody wanted to get on with it. But even when you arrived way back 22 years ago, when we came together to the Senate, you had a tendency to get excited. In fact, I thought I was the most excitable one because of my Italian vintage. But obviously, your Irish culture caused you to be very excited.

I think today, when you spoke about Republicans and crime bills, that maybe I might just tell you my version of why crime bills did not pass in the past. I think there have been five. Everyone had your name on it. One was you and Senator HATCH. One was the distinguished Senator, Senator BIDEN, and Senator THURMOND. But I believe the real reason they failed was not because of Republicans. I believe they cleared this Senate in good shape.

I think certain liberal elements in the House, every time you took one of those bills there, would take out things that the Republicans in this body thought very, very important, like death penalty, or modifications to habeas corpus, or the like.

I really think you overstated the case to say that the Republicans killed crime bills in the past. Having said that, you also used the word chicanery, and you wonder what kind of chicanery we were all up to.

I might just say to my good friend, Senator BIDEN, I am confident that you have something up your sleeve, too. I do not know that I want to call it chicanery. But it seems to me that if you are going to get a crime bill, and there is not going to be a quota in it——

Mr. BYRD. Madam President, will Senators please address other Senators through the Chair and in the third person?

Mr. DOMENICI. Madam President, excuse me. I am sorry. And the Senate will vote that day on the consideration of the Interior bill. I encourage Senators who want to offer amendments to do so as early in the day as possible. They can begin to do so as early as shortly after 10 a.m. and not wait until the end of the day to offer amendments, which means votes in the late evening and dead time during the day.

I thank my colleagues for their cooperation. Senator BYRD will be present to manage the bill at that time. The next vote will occur at noon on Monday. I thank my colleagues, and I thank the Senator for his courtesy.

I will continue with Senator BIDEN. The distinguished Senator from Delaware indicated that the Republicans had chicanery behind this amendment of some sort or another. I do not want to use that word, but I want to suggest that, clearly, if you have been able to strike the quotas-for-murders provision, you have been able to strike that, and there is going to be nothing in the crime bill, then it seems to me that you have made some kind of a deal with somebody. I submit that I do not know who it is, and I do not want to call that chicanery, but clearly there must be something in mind to take its place. Maybe it is an executive function, or an Attorney General function.

I just wanted to make sure that from this Senator's standpoint, at least, and put on the record, the fact that the Republicans did not kill the crime bills in the past, and that there must be something that you agreed to that satisfied those who think we must have some kind of racial justice or quotas. I do not say that in any disparaging way. It is an observation, and if I am wrong, I would be pleased to hear it from the Senator from Delaware.

Mr. BIDEN. Madam President, first, I yield to the majority leader.

Mr. MITCHELL. Mr. President, if I could comment further, I do not want to get involved in the middle of this debate going on. I do want to say something about the Senator from Delaware. As far as I am concerned, there is no more effective Senator, there is no better chairman, there is no more efficient manager of legislation in the Senate. He is very well able to speak for himself, and I do not suggest that any implication to the contrary was made in the remarks made. I want to say from my standpoint as majority leader, and before that, as a Senator, he is extremely effective, and I think he has done an outstanding job in his position. I thank the Chair. I suppose he did not mind yielding for that statement.

Mr. BIDEN. I did not mind yielding for that. I thank my colleagues. I disagree with my colleague from Maine, and I agree with my colleague from New Mexico on one point: We are friends. We have been friends for a long time and will continue to be friends.

One of the things my friend from New Mexico said—to demonstrate how people who have not had the great honor and privilege to serve in this body, it is always difficult for them to understand how we can be so vigorous in our disagreements and still be friends. As evidence of that, while the vote was going on, he came up to me in the well and he said: "JOE, look, will you hang around after the vote so I can tell everybody how much I disagree with you and how much I think you have inappropriately and/or inaccurately characterized the Republican position." As he would have done for me, I indicated to him I would stand here so he would have an opportunity to tell me how wrong he thought I was, and so I offer that as evidence of the nature of our friendship.

We are going to have plenty of time to debate whether or not anyone did, or who stopped what bill, and when and under what circumstances. For this evening, out of deference to all of the Senators here and, quite frankly, because it probably would not be particularly enlightening to anybody in America to know what my view of who stopped what bill in the past was, let me suggest only that as to the last rhetorical question raised by my friend—that is, what agreement did I make in order to move this crime bill along in the House to get it to conference—we have an expression my Grandfather Finnegan used to use: "The proof is in the pudding."

Hopefully, I am going to be able to, as one of the many players in this arena, bring back to the U.S. Senate a bill that will, in fact, have all the major elements of what the distinguished Senator from New Mexico has been for. There will be significant elements of it that will reflect the Republican Senate's contribution to that bill, and elements with which I disagree but with which I feel bound as a U.S. Senator and as chairman of the caucus on the Senate side to bring back to the Senate. But I do not, in any way, resent, nor do I think it inappropriate, for my friend from New Mexico to wonder how we were able to get to the point where the incredibly contentious issue—the Racial Justice Act—which had been preventing us, until now, from getting to conference, has been moved so we are able to get to the conference. The proof will be in the pudding.

I thank my friend for his friendship, and I also appreciate the vehemence with which he shares a disagreement with me about the bill.

(Mr. GRAHAM assumed the chair.)

Mr. BYRD. Will the distinguished Senator yield?

Mr. BIDEN. Yes.

Mr. BYRD. Mr. President, I will just take 2 minutes so that I can characterize my own position. I am very much opposed to the language in the crime bill, even with the so-called Racial Justice Act. I am opposed to that because I think the practical effect of it would be to eliminate corporal punishment and capital punishment. So I am very much opposed to it.

I was opposed to it on this bill. I do not want to bog down this appropriations bill. That is the reason why I did not vote for the amendment offered by Mr. DOLE and Mr. HATCH. I do not want to see it bogging down the bill. I do not want anyone to read into that vote any indication that I am not opposed to the so-called racial justice language.

I hope that the White House and Justice Department do not implement a back-door entry somehow with respect to the same subject. I, too, congratulate the distinguished Senator, the chairman of the Judiciary Committee, for his leadership. I thank him for his friendship.

Mr. HOLLINGS. Mr. President, on behalf of the distinguished Senator, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2371

(Purpose: To reallocate $3,000,000 of the Community Schools Supervision Grant appropriation to the Ounce of Prevention Council)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of Senator DODD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. DODD proposes an amendment numbered 2371.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, strike line 24 and all that follows through page 10, line 5, and insert the following:

COMMUNITY SCHOOLS SUPERVISION GRANTS

For grants to community-based organizations to provide year-round supervised sports programs, and extracurricular and academic programs for children in order to promote the positive character development of such children, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $37,000,000, to remain available until expended.

OUNCE OF PREVENTION COUNCIL

For grants by the Ounce of Prevention Council, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $3,000,000, to remain available until expended.

Mr. HOLLINGS. Mr. President, this amendment by the distinguished Senator from Connecticut [Mr. DODD], is on community school supervision grants.

The PRESIDING OFFICER. Is there further debate?

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2371) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2372

Mr. HOLLINGS. Mr. President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 2772.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51 of the bill on line 8 strike the sum "$2,200,000" and insert the sum "$2,000,000".

Mr. HOLLINGS. Mr. President, my amendment is quite simple. We have for years included a maximum and minimum funding level for section 306 and 306(a) coastal zone management grants. This is to ensure that small States and territories receive adequate funding to assist them in managing their coastal zone areas and to ensure that larger States do not deplete all funding for the program. I was the principal author of the Coastal Zone Management Act, and it was never our intention to create a program that was dominated by larger States.

Now in this Commerce, Justice, and State appropriations bill, we have significantly increased NOAA coastal zone management grants. These amounts and bill language were included only after reaching agreement with the coastal zone States through their representative organization to accommodate the interests of all States, including those with larger coastal zone areas. This agreement provided more funding for the program and an increase in the maximum grant to $2,200,000. Now I am informed that some larger States have decided that they do not intend to live up to their part of the agreement and have started lobbying for a greater maximum grant at the expense of small and mid-size States.

This subcommittee doesn't do business that way. Accordingly, my amendment restores current law and places minimum and maximum grants at fiscal year 1994 levels. Also, it is our intention to redistribute our directed funding levels for NOAA programs as is shown in the table on pages 61 through 67 of the committee report. Specifically, the amount for CZM grants as shown on page 61 of the report should now be $49,000,000 instead of $52,000,000 as currently appears. That provides for a $3,000,000 reduction in the Senate level for CZM grants. The amount for National Marine Fisheries Service resource information is intended to increase by $3,000,000 for a total of $64,473,000, instead of $61,473,000 as currently appears in the report. This increase should be used for the management of highly migatory species, such as bluefish and yellowfin tuna, swordfish, and marlin, including $62,000 to support the activities of the advisory committee to the International Commission for the Conservation of Atlantic Tunas.

Mr. DOMENICI. Mr. President, we have no objection to the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2372) was agreed to.

Mr. HOLLINGS. Mr. President, Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2373

(Purpose: Relating to United States assessed contributions to United Nations peacekeeping operations)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator PRESSLER and others and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. PRESSLER (for himself, Mr. HELMS, Mr. BROWN, and Mrs. HUTCHISON) proposes an amendment numbered 2373.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

PAYMENTS-IN-KIND AS ASSESSED CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States assessed contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

Mr. DOMENICI. Mr. President, this amendment permits in kind contributions to the United Nations where it is consistent with their policies and where they agree to it.

The PRESIDING OFFICER. Is there further debate?

Is there objection to the amendment?

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 2373) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2374

(Purpose: To require a report on the technical cooperation activities of the International Atomic Energy Agency)

Mr. DOMENICI. Mr. President, I send a second amendment in behalf of Senator PRESSLER to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. PRESSLER proposes an amendment numbered 2374.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 103, after line 23, insert the following new section:

SEC. 507. (a) No later than March 1, 1995, the Secretary of State shall submit to the appropriate congressional committees a report describing the technical cooperation activities of the International Atomic Energy Agency with countries on the list of terrorist countries.

(b) As used in this section—

(1) the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives; and

(2) the term "list of terrorist countries" means the list of countries the governments of which have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

IAEA TECHNICAL ASSISTANCE TO TERRORIST NATIONS

Mr. PRESSLER. Mr. President, during my December 1993 visit with Mr. Hans Blix, Director of the International Atomic Energy Agency [IAEA], he mentioned that countries which join the Nuclear Non-Proliferation Treaty regime are eligible for IAEA technical assistance for their nuclear programs. I have now received disturbing allegations that this technical assistance may have been extended to North Korea and perhaps some other nations on the list of terrorist countries. The assistance in question may have included design and equipment purchases for research facilities which we suspect to be weapons related.

It is my understanding the U.S. contribution to the IAEA is in excess of 25 percent of the IAEA's total budget. Consequently, if these allegations are true, the American taxpayer has made a sizable contribution to these programs.

Therefore, I am asking the State Department to report to the Committees on Appropriations, Foreign Relations, and Foreign Affairs on the extent to which IAEA technical assistance may contribute to nuclear weapons research or production in terrorist countries.

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2374) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2375

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator CRAIG and Senator DECONCINI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. CRAIG (for himself and Mr. DECONCINI) proposes an amendment numbered 2375.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

"SEC. . No funds appropriated herein, or by any other Act, shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to deny or refuse entry into the United States of any goods on the U.S. Munitions List manufactured or produced in the People's Republic of China, for which authority had been granted to import into the United States, on or before May 26, 1994, and which were, on or before May 26, 1994, in a bonded warehouse or foreign trade zone, in port, or, as determined by the United States on a case-by-case basis, in transit.

Mr. CRAIG. Mr. President, on May 26, 1994, President Clinton issued an order "banning the import of munitions, principally guns and ammunition, from China." The Secretary of State interpreted the decision as encompassing firearms and ammunition for which licenses had already been issued and which were in transit or even in port or already in the United States.

The U.S. importers of those firearms and ammunition had no prior notice of the President's action or the Secretary's interpretation of it. The firearms and ammunition cannot be returned to China—due to the no-refund policy of the manufacturers. As a result, goods are in limbo, and U.S. companies are being forced to breach purchase agreements, suffer unnecessary financial harm and undermine ongoing commercial relationships.

The proposed amendment is intended to release these goods for import only if they were in transit, in port, or in the United States and licenses had already been issued on the date of the order.

The amendment is being offered in the interests of simple fairness. It does not reverse or erode the President's order or his authority to effect foreign policy.

This amendment is also supported by precedent. In the past, U.S. companies have been given notice or granted concessions for in-transit goods before such policy changes were implemented—in order to minimize unnecessary financial harm and honor commercial relationships and agreements. Examples include the implementation of the ban on Nicaraguan imports and the ban on purchases from Toshiba and Kongsburg Vaapenfabrikk under the Trade and Competitiveness Act of 1988.

Mr. HOLLINGS. No objection.

The PRESIDING OFFICER. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 2375) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2376

AMENDMENT NO. 2377

(Purpose: To ensure the exclusion from the United States on the basis of membership in a terrorist organization)

AMENDMENT NO. 2378

(Purpose: To require that any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment)

Mr. DOMENICI. Mr. President, I send 3 amendments to the desk on behalf of Senator BROWN and ask they be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments en bloc numbered 2376, 2377, and 2378.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2376

At the appropriate place in the bill, insert the following new section:

SEC. . HIGH-LEVEL VISITS FOR TAIWAN.

Section 2(b) of the Taiwan Relations Act (22 U.S.C. 3301(b) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end of the following new paragraph:

"(7) to establish regular, cabinet-level contacts with Taiwan through exchanges of visits between cabinet-level officials of Taiwan and the United States."

AMENDMENT NO. 2377

At the appropriate place in the bill, add the following new section:

"SEC. . MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

"Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) is amended—

"(1) in clause (i)(II) by inserting 'or' at the end;

"(2) by adding after the clause (i)(II) the following:

'(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity,'; and

"(3) by adding after clause (iii) the following:

'(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Secretary of State, in consultation with the Attorney General.'".

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

BROWN-HEFLIN AMENDMENT

Mr. BROWN. Mr. President, I rise today to offer an amendment on behalf of myself and Mr. HEFLIN. The amendment is directly similar to a sense-of-the-Congress amendment which was unanimously adopted by this body last night (94–0) concerning the Equal Employment Opportunity Commission's [EEOC] proposed guidelines concerning religious harassment in the workplace (29 CFR Part 1609).

The sense-of-the-Congress amendment to the Airport and Airways Improvement Act, S. 1491, expresses the sense of Congress that the EEOC should take the following actions related to the religion category of the proposed guidelines:

First, the category of religion should be withdrawn from the proposed guidelines at this time, that is, immediately;

Second, any new guidelines for the determination of religious harassment should be drafted so as to make it explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act for 1993 are not to be restricted and do not constitute proof of harassment;

Third, the Commission should hold public hearings on such new proposed guidelines; and

Fourth, the Commission should receive additional public comment before issuing similar new regulations.

In addition to the action taken by the Senate, the House of Representatives followed the Senate action concerning the proposed religious harassment guidelines by adopting, 366–37, the Taylor-Lancaster-Wolf amendment to the Commerce, and State, the Judiciary, and Related Agencies Appropriations Act for 1995, H.R. 4063, prohibiting the EEOC from using funds to implement the proposed guidelines as now drafted.

These actions clearly indicated the overwhelming sense of Congress that actions consistent with these provisions should immediately be taken by the EEOC.

However, as of this date we, unfortunately, have not received any response whatsoever from the EEOC indicating actions the Commission intends to take in light of these expressions. We fear that the EEOC may not be as sensitive to the concerns as expressed by Congress, and therefore submit the Brown-Heflin amendment which will codify the sense-of-the-Congress amendment into law. The EEOC now must expressly comply with the provision unanimously adopted by this body.

Mr. HEFLIN. Mr. President, we have proposed this amendment with the belief that it is important for all of us to recall the importance that we have put on religious freedom throughout our history. This amendment will solidify the unanimous position taken by the Senate on June 16 and require the EEOC to withdraw the guidelines proposed on October 1, 1993.

As a body, we agreed that the overall impact of the proposed EEOC guidelines, specifically as they relate to religion, could lead to a business environment in which religious freedom is stifled and employers are put into an untenable position. Beyond the Senate's position there is a consensus on all sides of the political and religious spectrum that these guidelines, as currently worded, are seriously flawed at best.

Yesterday, the three nominees to the EEOC testified before the Labor and Human Resources Committee and, as I understand it, would not give a statement as to whether or not they agreed with the position taken by the Senate in the June 16 resolution. Now, I understand that the new commissioners will have to deliberate over this issue after their confirmation. Nonetheless I think it is valuable and worthwhile to send the message to the Commission that any guidelines concerning religious harassment cannot prohibit speech and expressions that are consistent with the first amendment and the Religious Freedom Restoration Act.

It is also worth noting that the House, by a vote of 366 to 37, supported an amendment to this appropriation bill prohibiting the EEOC from further promulgation of these proposed guidelines. This House resolution was supported by a diverse group including the American Jewish Congress and the Family Research Council. The amendment we are proposing today calls on the EEOC to take no action inconsistent with the Constitution and laws passed by Congress.

To be sure, we all want to do whatever is possible to prevent harassment of any kind in the workplace. However, we cannot do this as a tradeoff for religious freedom. While the EEOC probably had good intentions in promulgating these guidelines, the Commission should take notice of the enormous public outcry over this issue, the unanimous position taken by the Senate, and the overwhelming opinion of the House and realize that the constitutional protection of the free exercise of religion requires the immediate withdrawal of the proposed guidelines and the commitment by the EEOC to freedoms supported throughout our history.

The PRESIDING OFFICER. Is there debate?

Mr. HOLLINGS. We approve the amendment.

The PRESIDING OFFICER. Is their objection to the amendments approved en bloc?

Without objection, the amendments are agreed to en bloc.

So the amendments (Nos. 2376, 2377, and 2378) were agreed to, en bloc.

AMENDMENT NO. 2379

(Purpose: To express the sense of the Senate that certain criminal aliens who are being deported should be escorted abroad by Federal agents, and for other reasons)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mrs. HUTCHISON proposes an amendment numbered 2379.

The amendment is as follows:

On page 36, between lines 18 and 19, insert the following new section:

SEC. 112. It is the sense of the Senate that—

(1) any alien who is being deported upon release from imprisonment for committing an offense which is an aggravated felony, as defined under immigration laws, should be escorted out of the United States by a federal law enforcement official or employee of the Service; and

(2) the Attorney General must take adequate safeguards and determine that there is no threat to the public health and safety in deporting any alien described in paragraph (1) where the Attorney General knows or has reason to know that the alien has a communicable disease of public health significance (as determined by the Secretary of Health and Human Services).

ON THE DEPORTATION OF CRIMINAL IMMIGRANTS

Mrs. HUTCHISON. Mr. President, imagine that you and your family are aboard a commercial airline flight, and a passenger refuses to take a seat, and shouts at and threatens bodily harm to the flight crew and the airplane. Who wouldn't be frightened?

A recent article in the Houston Chronicle described just such an incident, one that ended with the disruptive passenger being removed from the airplane. Not too much news there, you say? What if I told my colleagues that the problem passenger's reservation had been made by the U.S. Immigration and Naturalization Service?

That is right. The INS. Was this person an INS employee? No, he was an illegal immigrant. What is more, he had just been released from a Texas jail for having committed the crime of indecency with a child after he had come across the border into our country. As the law calls for, the INS took him into custody after his release from prison, for the purpose of deporting him back to his native country. But then to put this criminal—unescorted—on a regularly scheduled commercial flight to Mexico is, in my view, the height of callousness and irresponsibility.

The same Houston Chronicle article, entitled "Criminal immigrants deported unescorted," discloses that it is the policy of the INS to dispatch illegal immigrants via commercial flights without escort. In fact, the INS deports scores of unescorted illegal immigrants via air each year, including those who have just finished prison terms for offenses like child molestation and armed robbery.

If it is not bad enough for the INS to put into the seat next to you on an airplane a deportee, who has just been released from prison and would do anything to escape deportation, the INS also puts aboard illegal aliens who have very serious communicable diseases.

Of the 300 or so illegal aliens the INS deports each month, it seems that more than one-half are carrying very serious germs or viruses. For instance, according to the medical director at the U.S. Immigration and Naturalization Service in Houston, some 40 percent of deportees test positive for tuberculosis—10 percent are active and contagious. It is no wonder the INS does not want its people cooped up on airplanes with aliens being deported. They would be exposed to infection with tuberculosis or some other dread disease.

Mr. President, it is an outrage that our Government subjects unsuspecting American air travelers to potential disruptions of the flights, physical danger, and serious threats to their health. The INS won't state definitively how many illegal aliens are deported by air each year, but we know that among them are a large fraction of the released convicts, who are flown home after their release from jail. We also know that many of them came to the United States infected with diseases that have been largely known for decades. We know, therefore, many of the unescorted aliens are potentially dangerous, probably desperate to avoid deportation, and perhaps contagious with some disease.

The costs, human, and otherwise, of even one major incident on a large aircraft are incalculable—and certainly much more than what the INS might claim to save by simply dropping those in its custody off at the airport.

Mr. President, I propose that the Senate put itself on record as demanding that the Immigration and Naturalization Services cease these irresponsible practices.

The amendment I introduce today expresses the sense of the Senate that criminal illegal immigrants being deported should be escorted by a Federal agency, and any criminal immigrant who is deportable and is known to be carrying an infectious disease which would endanger the health and safety of the general public should not be deported through commercial means that would expose the general public to risk.

I urge all of my colleagues to support this legislation, and put this body on record—unequivocally—that the INS should not continue to endanger innocent citizens. I hope that simply because we serve notice here the INS will see the error of its ways and change its policies and procedures. If not, Mr. President, I intend to take other steps to ensure that the INS corrects its practices.

Mr. President, I ask unanimous consent that a copy of the Houston Chronicle article I referred to earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRIMINAL IMMIGRANTS DEPORTED UNESCORTED—AIR TRAVELERS AT RISK FOR VIOLENCE, TB

(By Jo Ann Zuñiga)

The federal government is deporting unescorted criminal immigrants, most of whom have served their prison sentences, alongside paying passengers on commercial flights out of Houston Intercontinental Airport.

A government memo confirmed one incident last year in which a detainee, reportedly a convicted rapist, attempted to assault a flight attendant aboard a plane awaiting takeoff.

In addition to the potential for violence, unsuspecting travelers aboard these flights are also exposed to an increased threat of tuberculosis, an airborne disease transmitted by the coughing of an actively infected person.

The medical director at the U.S. Immigration and Naturalization Service detention center here said up to 40 percent of the 300 or so deported out of the facility each month test positive for tuberculosis, with up to 10 percent of those becoming active and contagious. Physicians called those numbers "a significant threat" to passengers in an enclosed plane.

Most of those deported each month out of the detention center at 15850 Export Plaza near the airport have committed a crime, been convicted, served time in state prison and are then returned to their country aboard public planes.

The INS memo concerning the April 8, 1993, assault said the Continental Airlines attendant was rescued by fellow crew members after she was grabbed by the man. She then "advised the pilot . . . that she had just been attacked by the INS detainee."

The man was taken off the flight and driven by an INS employee to his destination.

Continental Airlines spokesperson Peggy Mahoney confirmed the incident, saying: "There was a report from our flight attendant."

But she said the deportee had a mental problem and called the attempted assault "an isolated incident."

"We do have procedures in place to ensure the comfort and safety of our employees and customers," Mahoney said. She declined to specify the procedures because of security reasons.

In one deportation witnessed April 7 of this year, two government vans with the U.S. eagle insignia drove onto a Houston Intercontinental Airport runway where a TACA International Airline plane was preparing to leave for Belize City and San Salvador. Three INS officers loaded 20 deportees onto the plane and departed.

Paying passengers then boarded and flew with the unescorted immigrants, some of whom had criminal records, sources said.

"I've had some folks on their vacation on the way to Belize to scuba dive ask me who the passengers were, but I basically had to lie," said a source, who asked to remain anonymous.

"The government doesn't want people to know what's going on," the source said.

The group of deportees had flown earlier that morning from Los Frespos detention facility in the Texas valley to Houston on Continental flight 1076. They were taken off the plane by INS officers and transported by van to the INS detention center.

After lunch, the group returned to the airport and was loaded directly onto the TACA plane on the runway.

TACA declined comment.

INS local district director Robert Wallis said, "We cannot release specific flight information and numbers because of national security. This is a safety issue that could put our officers in danger if people have information about known criminal aliens."

Sources claim these unescorted deportations occur almost daily, although INS policy generally calls for reported immigrants with criminal, violent backgrounds to be escorted by officers.

INS officials acknowledged that unescorted flights do occur, but said in those instances they inform airline security in advance.

"Most of the people we are sending back come from our sanitized environment, have been searched and have no weapons," said Houston INS detention center manager Emilio Saenz.

Those immigrants considered a danger are handcuffed and escorted, he said. But he acknowledged immigrants with criminal records were reported unescorted as well.

In a separate flight that same day at 2:40 p.m., INS officers placed four illegal immigrants with criminal records aboard Continental flight 711 to fly unescorted on a direct flight to Bogota, Colombia.

"We clear that Continental 711 with security. There are only a very few who go unescorted with criminal records," Saenz said.

He added: "We have a wonderful working relationship with all the airlines."

The Houston INS office spends $15,000 to $18,000 a month in air fare for deporting these immigrants, Saenz said.

He estimated the center deports as many as 300 immigrants a month. While Mexicans are taken back to the border via INS buses, about 150 or more Salvadorans, Colombians, Nigerians and others from farther away are flown back on commercial airlines.

A former Continental employee said of the deportation practices, "It was an everyday thing. Every day we were shipping them out.

"We just went by their (INS) policy because they were government," he said. "They would bring some of these guys in handcuffs, then the handcuffs were removed and the officers left the plane."

Although saying the potential for danger exists, the ex-employee said he was not aware of any dangerous incidents occurring during any unescorted trips.

"If INS thinks they have someone who could hurt someone while in flight, they should escort. But most of the immigrants just come into the country illegally and have done nothing criminal and are not a threat," the former employee said.

Paying passengers are never informed that a deportation is occurring, he said.

"They are not (aware of) what's going on because 99 percent of the time the aliens are already on board."

INS spokesman Duke Austin in Washington, D.C., said providing INS escorts with all criminal immigrants would be too costly. And switching from commercial airlines to military or government planes would be even more exorbitant in equipment and manpower, he said.

"Can you imagine the cost to us if you started flying an escort with every deportee? And I don't think the military wants to get involved in these procedures," Austin said.

"If we had enough private planes perhaps, but there are some things that realistically and common sense-wise can't be done.

"We don't have a mountain of policy to deal with every situation. If someone posed a significant threat to public safety, then we escort him. The policy is very generic," Austin said.

"It doesn't say, if a rapist, yes; if an arsonist, no; if convicted of assault with a deadly weapon, yes.

"We can't say citizens convicted of violent crimes can't fly on commercial airlines. So why should we treat alien and citizen convicts any differently?" Austin said.

Announcing or informing passengers that a deportation was occurring also would not be an effective way of ensuring public safety, he said.

"That could be really productive. 'Excuse me, ladies and gentlemen but on this flight we have rapists, burglars, arsonists,' I could see them bailing out. The Bureau of Prisons doesn't announce it so why do you expect INS to?" Austin asked.

In regard to exposing airline passengers to tuberculosis and other infectious diseases, Austin said, "There's a big difference between active TB and testing positive for it.

"We could say 'let's put every person testing HIV-positive in a camp,' but there are human rights and individual rights to be considered," he said.

The INS detention center clinic manager, Guadalupe Rivera, said, "Up to 30 to 40 percent of INS detainees test positive.

"But there's such a high turnover, there's no time for follow-up.

"They are told what we're testing for and what to look for," said the nurse, describing a hard, red skin reaction forming a bump.

Federal sources stated deportees with active cases of tuberculosis, some taking medication and others not yet treated, have been placed on public airline flights.

Kathy Barton, Houston Health Department spokeswoman said only those who have active tuberculosis are contagious and they are no longer infectious after taking medication for about two weeks.

"Testing positive only means that you were infected in your lifetime and you may or may not come down with an active case," she said.

But Dr. Robert Awe, associate professor at Baylor College of Medicine, said: "Because the air conditioning and circulation in an enclosed airplane is so inadequate, if someone had active tuberculosis and was coughing hard, it would pose a significant threat.

"I wouldn't want to be on a plane with someone with active tuberculosis," he said.

A fellow physician concurred. Dr. Jeffrey Starke, also an associate professor at Baylor College of Medicine, said about 10 percent of adults who test positive for tuberculosis actually come down with an active case.

"From a strictly public health point of view, it would be highly desirable not to put a person who is potentially infected or known to have active tuberculosis in a public airplane until they have been taking the medication for at least two weeks," he said.

Maria Jimenez, local director of American Friends Committee which advocates for immigrants, said that using private government planes rather than commercial airlines may be the best solution to ensure public safety as well as the rights of the people being deported.

"Once they (criminal immigrants) finish their sentence after they committed a felony and served, they are then deported," she said.

"I can't take the position that they're still dangerous," she said. "But with the immigrant hysteria as well as the criminal hysteria, I'm sure some people could perceive that.

"But theoretically, those who serve their terms have completed their debt to society."

For quick deportation of criminal immigrants or felons, the federal government "needs to give resources to transport the aliens within government-owned planes," Jimenez suggested.

"That would ensure the public safety as well as the rights of the persons being deported."

The PRESIDING OFFICER. Is there further debate?

Mr. HOLLINGS. We approve the amendment.

The PRESIDING OFFICER. Is there objection to the amendment?

Without objection, the amendment is agreed to.

So the amendment (No. 2379) was agreed to.

AMENDMENT NO. 2380

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and Senator DOMENICI and I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for himself and Mr. DOMENICI proposes an amendment numbered 2380.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 24, on line 4, strike the sum "$2,210,511,000" and insert "$2,230,511,000";

On page 28, on line 18, strike the sum "$2,354,104,000" and insert "$2,400,104,000";

On page 69, on line 7, strike the sum "$2,399,318,000" and insert "$2,409,318,000";

On page 76, on line 10, strike the sum "$120,000,000" and insert "$138,000,000".

Mr. HOLLINGS. Mr. President, I send an amendment to the desk which has been cleared on both sides. I ask unanimous consent that the amendment be adopted and that the motion to reconsider be considered tabled.

This amendment amends the amounts in the bill for several priority programs.

First, the amendment provides an additional $20 million for the Federal Bureau of Investigation to conduct digital telephony research. Our FBI Director Freeh considers this a priority, and this provides the resources to move ahead.

Second, the amendment provides an additional $46 million for the Federal Bureau of Prisons for operations and to open new prisons that are coming online.

Third, the amendment provides an additional $10 million for the Federal Judiciary. It enhances operational funding for new courts and court security personnel.

Fourth, it provides $18,000,000 for the Maritime Administration's Ready Reserve Force and provides operations and maintenance funding at last year's appropriation of $138 million.

Mr. DOMENICI. We have no objection to the amendment. I support it.

The PRESIDING OFFICER. Is there further debate?

Is there objection?

Without objection, the amendment is agreed to.

So the amendment (No. 2380) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I sent an amendment to the desk on behalf of Senator BROWN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] for Mr. BROWN (for himself and Mr. HEFLIN) proposed an amendment numbered 2381.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression, even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government instrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines published in the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to the religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

Mr. HOLLINGS. Mr. President, I withdraw the amendment.

The amendment (No. 2381) was withdrawn.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the pending excepted committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, the pending excepted committee amendments are agreed to en bloc.

So the excepted committee amendments were agreed to, en bloc.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4603), as amended, was passed.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses on H.R. 4603, and the Chair is authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. GRAHAM) appointed Mr. HOLLINGS, Mr. BYRD, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, Mr. SASSER, Mr. KERREY, Mr. DOMENICI, Mr. STEVENS, Mr. HATFIELD, Mr. MCCONNELL, Mr. COCHRAN, and Mr. GRAMM on the part of the Senate.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, as we finish this amendment, might I first thank the distinguished chairman for all the cordialities that have been extended to me and indicate for the RECORD the Senator from New Mexico considers it a pleasure to have worked with him on this bill.

I repeat that I believe this is an excellent bill. We have had a lot of amendments. Some have passed. Some have not. But I believe we will take to the conference with the House a real crime bill. In fact, I think this is the crime bill.

We have put substantial money in new programs and substantially beefed up the Federal criminal agencies that needed it overall. I believe we could not have done better.

We could not have done this without the support of an excellent bipartisan staff. They worked together on most matters in the bill unless there is real disagreement, and then we choose sides, and we do the best we can.

I thank Scott Gudes, Dorothy Seder, Jeffery Goldstein, Loula Edwards, and John Shank for all the work they have done to make this job doable at least from this Senator's standpoint. It could not be done without them.

Mr. HOLLINGS. Mr. President, I would also just immediately make certain I thank Scott Gudes, Dorothy Seder, Jeff Goldstein, John Shank, and other staffers, on the Senator's side of the aisle.

Let me start at the beginning and that was where we started with our distinguished chairman of the overall Appropriations Committee. Senator DOMENICI and I conferred with the distinguished chairman, Senator BYRD, and he was very, very considerate of our 602(b) allocation. It is just like a mother getting the children together and wanting to help all the children and deal fairly and impartially.

Yet the distinguished Senator from West Virginia understood that there were a lot of conversations in which something had to be done about crime.

We get a little bit more than our share, I think. Even though it was less than the President had allocated us. It was a job. It was still, as committees were assigned, I can tell you Senator BYRD started us off on the right foot. Jim English, of the staff, has been in constant consultation and a help to us.

And then, of course, you get with the Senator from New Mexico, and you can tell just by his comments just a minute ago with the distinguished Senator from Delaware that he is very sensitive, very helpful, very cooperative, and very determined; very determined. That is just topflight in my book.

We do not give up. We fought to get these amounts in there in that crime bill. It was not easy. And you can see a lot of amendments would have come. And I could enumerate the ones we typically receive from this particular special interest and that.

It was the general interest and concern of the American public on crime that really motivated this bill.

I do not want to mislead by saying if nothing happens even on the other side with respect to that conference, because I am vitally interested in the conference and in that crime bill.

But, be that as it may, this is the crime bill. This is the money. This is where the rubber meets the road, as they say.

We are particularly proud and we are going to fight strongly, and I am sure we will be receiving every cooperation on the House side.

So my thanks to the distinguished Senator from New Mexico.

And for the floor staff here, I can tell you that Marty Paone and Lula Davis and all these folks here just work around the clock to keep us straight parliamentarily and help us get the Senators to the floor, and everything else.

I think in this bill there was the least amount of quorum calls and sitting around waiting of any bill that I have been associated with.

I thank the distinguished Senator from New Mexico.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico

Mr. DOMENICI. Mr. President, I thought I was finished a while ago, but I did not know the distinguished chairman of the committee was going to arrive.

Might I say I, too, recall the consideration that the distinguished chairman gave to us as we talked about how we would handle what was obvious, that we were going to need some new money. Some of the money available to allocate over and above last year's had to come to this subcommittee or we could not fund the crime measure that everybody knew we ought to do.

I said in my remarks when we began this bill that oftentimes Senators question the allocation process that the appropriators make. Obviously, everybody has a job around here, and that is the Appropriations Committee's job, to allocate the resources among its subcommittees.

But I do not believe in this case, even though we received substantial money over last year, that anyone can complain about the allocation by the Appropriations Committee under the leadership of Senator BYRD on this bill, because that is where the new money had to go. It went there. We believe it is going to do some good for everybody in this country.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senators who have managed this bill so proficiently and so skillfully for their kind references to me.

We are all concerned about the greatest priority, and right now that is fighting crime. It is getting worse. That is why so many of us feel so very strongly with respect to any language that might have the practical effect of eliminating the death penalty. I hope that will never happen.

I hope that the administration and the Justice Department will not misunderstand this vote today. I hope they will understand that those of us who are opposed to that language, so-called racial justice language that is in the crime bill, are still opposed to it. We are opposed to it on any legislation.

But I did not want to see our appropriations bill bogged down in conference, and so for that reason I voted as I did. I have already explained that.

But I want to commend the chairman and ranking member for their efforts in crafting this bill. While there may be some who would like to see one particular program increased over another, this bill addresses critical national priorities under this subcommittee's jurisdiction in a very balanced and comprehensive way.

The 602(b) allocations are different in the Senate from what they are in the House. Specifically, I chose to provide the Commerce, Justice, State Subcommittee with $282 million in outlays above the House allocation for the same subcommittee. I took this action because this bill truly is a crime bill. It represents over 82 percent of the Federal spending for law enforcement. It is this bill that supports the Federal court system, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, U.S. attorneys, the U.S. Marshals Service, the Federal Prison System, the Weed and Seed Program, Byrne formula grants to States, and community policing.

Without an adequate allocation of resources, we would be kidding ourselves and our constituents if we expected the subcommittee to draft a bill that actually did something about combating crime. The distribution of 602(b) allocations placed a priority, and I intended for it to place a priority, on the Commerce, Justice, State Subcommittee. In turn, the bill places a priority on fighting crime. It deserves the strong support of the Senate, and I hope it will have strong support in conference.

I thank both Senators, and I thank the members of their staffs. They have excellent staffs.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

HUGH SCOTT

Mr. SPECTER. Mr. President, I have awaited the conclusion of the Senate's business to comment about the passing last night of a great American, a very distinguished Pennsylvanian, Senator Hugh Scott, who would have celebrated his 94th birthday this November.

Senator Scott served in this body as the Republican leader and was the first U.S. Senator elected from Pennsylvania for 3 terms. He was succeeded by my late colleague, Senator Heinz, who was in his third term when he suffered the tragic accident which took his life in April of 1991. I have the honor now to be serving Pennsylvania in my third term.

Senator Scott was a native of Virginia, and moved to Pennsylvania to follow his uncle, Edwin O. Lewis, who was a very distinguished judge in the Court of Common Pleas No. 2 in Philadelphia. He was instrumental in the redevelopment of the Independence Mall section and had the mall named as the Edwin O. Lewis Mall.

Hugh Scott was an instant success in Pennsylvania. He had a very distinguished career as an assistant district attorney. He was elected to the Congress, where he served in the House for some 16 years, and later in the U.S. Senate for 18 years.

In the Senate, he was the Republican leader and was able to coalesce the minority forces with great skill. He served at a difficult time during the Vietnam war and during the Watergate incident, and I think was able to combine integrity and independence with the very great demands of leadership in the U.S. Senate.

I had the opportunity to know Senator Scott when I first ran for district attorney of Philadelphia back in 1965. Senator Scott was very generous to me, providing his chief of staff, Robert L. Kunzig, who later became a distinguished Federal judge on the Federal circuit, to assist me in the campaign, and Gene Cowen, to help on public relations matters. That was a notable campaign, where Senator Scott, a resolute Republican, was dancing on election night on the table of ADA, the Americans for Democratic Action.

Senator Scott was a giant in Pennsylvania politics. In 1962, when he was dissatisfied with what the Republican Party in Pennsylvania was doing, he declared for Governor himself and through that approach was able to secure the nomination and ultimately the election of William Scranton as Governor of Pennsylvania.

Sometimes, Mr. President, I think we may forget, to some extent, the great privilege and great honor it is to be a U.S. Senator, as we come to this Chamber day after day, week after week.

And while I have not been here as long as either of the two distinguished Senators on the floor—Senator HOLLINGS from South Carolina, who came here in, I believe, 1966; and Senator DOMENICI was elected in 1972. But I recall at the time the thrill I had the first time I came to the Senate dining room as the guest of Senator Scott. I remember the wave of excitement that passed through Bart's Barbershop in the PSFS building in Philadelphia when Senator Scott placed a telephone call to me in 1965 to ask if I would be the Republican candidate for district attorney.

I had not known Senator Scott personally before that time, and there was a wave of excitement. I think sometimes we forget when we are Senators and do the work day in and day out, perhaps looking more at the difficulties as opposed to the honor of serving, what it means to be a U.S. Senator. But Hugh Scott was a giant in every sense of the word.

When my oldest son Shanin wanted to be an intern, he was welcomed with open arms in Senator Scott's office and learned a tremendous amount. He spent 6 weeks in Washington, DC, and came back a different young man. When Shanin heard of Senator Scott's passing, he called me this morning and said, "Dad, I hear the memorial services will be next Thursday." He is a practicing lawyer and he has to be in Cumberland County and Williamsport. "Can we arrange a memorial service for Senator Scott in Philadelphia?" Which we will try to do.

Senator Scott was the mentor of a whole generation of Pennsylvanians, Pennsylvania politicians and Pennsylvania elected officials. He was for Senator Richard Schweiker, he was for Senator John Heinz, he was for Governor Dick Thornburgh, and he was for me. In effect, he wrote the play book in Pennsylvania politics for Republicans.

Pennsylvania is a very complicated State. As was recognized by Senator Scott and some of the rest of us, it is really an amalgam of some six States. If you contrast the farmlands in Lancaster County with the inner city of Philadelphia, there are two States. Then go to the steel mills of Pittsburgh, it is a totally different State; really a different State. Then the Allegheny National Forest, it is a fourth State. The coal mines in Wilkes-Barre and Scranton are a fifth State. And then the bend in the river around the Philadelphia Route 202, the industrial parks, it is a sixth State.

Senator Scott mastered the art of accommodating many conflicting interests. He was elected as a Republican Senator from Pennsylvania as against a popular sitting Governor, George M. Leader, in 1958, and he won re-election, although Pennsylvania is predominantly Democratic in registration with very heavy labor union representation which customarily backs Democratic candidates, because he was able to accommodate many, many conflicting interests.

I think one of the unfortunate factors is that Senator Scott left the Senate in 1977 and has been away for some 17 years. I think people tend to forget him. When he passed away, I heard a number of people say they did not know that Senator Scott was still living.

He had an extraordinary relationship with his wife Mary. They were very, very devoted to each other. And he leaves many friends and many who admired him and have tried to emulate his courage and his tenacity and his integrity.

So I wanted to make these few comments, Mr. President. He lived to a ripe old age. He would have been 94, as I say, in November, but the time is never right.

So I commemorate a great Pennsylvanian, really a great American, Senator Scott of Pennsylvania.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

HUGH SCOTT

Mr. HOLLINGS. Mr. President, there is no necessity, obviously, to commend the Senator from Pennsylvania. But Senator SPECTER has been so tasteful and appropriate in his comments on Senator Hugh Scott. And that is one of the reasons I hung back.

When I came here as a freshman Senator in 1966, already Senator Scott was a leader. The fact is, we had Tommy Kuchel as the whip, and Senator Everett Dirksen as the minority leader on that side. But it was not long before Senator Scott took over.

I had the occasion, amongst other things, to get to know him and know various things about him, particularly with respect to his expertise in Chinese culture. I can see us both traveling in that regard and in that country. He was veritably a lecturer to me, going around and pointing out different things. He was a brilliant man. He was a giant. He was a leader. He was an outstanding friend.

It was not that I did not know he was still alive; I did not know he was sick, and I was sorry to hear it during the debate this morning. I join in the sentiments of sympathy expressed so eloquently by Senator SPECTER.

ROSE KENNEDY

Mr. HOLLINGS. Mr. President, momentarily, of course, our distinguished President pro tempore will also make comments relative to Mrs. Rose Kennedy. I heard some earlier, but I did not want to interrupt the debate at that particular time. I have known and been with her on various occasions; 104 years of age and all the family experiences that this lady has enjoyed and has suffered and has lived through with such charm and with such dignity.

I join with the many, many others in wishing her a happy birthday. There could be no finer tribute than to have her wonderful son, the Senator from Massachusetts, serving here in a leadership position.

So I join in that. I know the Senator from West Virginia will be far more eloquent in that context.

MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

JULY 20, 1944—THE PLOT TO KILL HITLER

Mr. PELL. Mr. President, 50 years ago this week we learned of the unsuccessful attempt by a group of German officers to kill Adolf Hitler. At the time there was little information as to what had happened. That the attempt was unsuccessful was clear after a few hours when Hitler was heard broadcasting to the German people in his distinctive, guttural voice.

At that period the war appeared to be going well, but it was by no means over, and the thought that German military officers joined in a plot to kill Hitler was electrifying. Until that moment German propaganda had proclaimed an image of invincibility and unity for the German war effort led by Hitler. After July 20, that war effort seemed less invincible, less unified.

The horrors that followed for the plot leaders and the families are well known. Some of the finest officers of the German military were put to death for their complicity in the plot. Even a hint that someone had been involved was enough to have him killed, with an estimated 5,000-7,000 put to death by Hitler's forces in retaliation for this attempt.

For Germans, July 20, 1944, has long conveyed a mixed message. For many it has provided a convenient symbol of resistance to Hitler that unfortunately did not appear to have a substantial basis in the public at large. For others, including some who opposed the Nazis, it was ill conceived and unlikely to succeed. Helmut von Moltke, of a distinguished German family, who was one of those killed after the July 20 attempt, had thought it better to have Hitler live and bear responsibility for Germany's defeat.

Much has been written about the July 20, 1944 plot. A particularly poignant essay appeared in yesterday's Los Angeles Times, written by Beate Ruhm von Oppen, a distinguished scholar of German affairs who teaches at St. John's College in Annapolis, MD.

Professor von Oppen recalls that on July 20, 1944, she was working in the Political Intelligence Department of the British Foreign Office when the first reports of the assassination attempt were received. Later that night she listened to Hitler's broadcast as he denounced the coup plotters whom he had ordered to be exterminated so cruelly.

Ms. von Oppen concludes her essay about the July 20, 1944 attempt with these words about its significance:

> There were people who tried to end the abomination, though there was hardly any chance of success; and the sacrifice of their lives was a demonstration of the spirit of humanity in an inhuman age.

To help us remember this date and the event that it marks, I ask that the article by Professor von Oppen entitled "A Gift to Humanity at Large" be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 21, 1994]

A GIFT TO HUMANITY AT LARGE

(By Beate Ruhm von Oppen)

When the first news fragments about the failed attempt to kill Adolf Hitler came over the ticker tape in the afternoon of July 20, 1944, it was almost unbearably exciting. I was working in the Political Intelligence Department of the British Foreign Office. We had a machine that gave us intercepts of the German news agency.

I listened to Hitler's midnight broadcast. There was, alas, no doubt about it—it was his voice. He denounced the "tiny clique" of traitorous, ambitious and stupid officers who had tried to rob the German people of its leadership and way of life. The stab in the back of the embattled nation had failed. The traitors would be exterminated mercilessly.

Ten years later, in July, 1954, Theodor Heuss, the first president of the Federal Republic, called the desperate and costly attempt to overthrow the Nazi regime a "gift to Germany's future." It was, I should say, a gift to humanity at large. For, despite the sometimes obvious diplomatic use made of "other Germans" who laid down their lives for a better Germany and a better Europe, despite the usefulness of "the German resistance" as fig leaf after the war, there is more involved than Germany and its image in the world.

It was not a foregone conclusion that killing Hitler was the best thing to do—though it would free the soldiers from the oath of loyalty they had sworn to him personally. Thus, Helmuth James von Moltke thought it better to let Hitler live and bear the responsibility for the defeat. Moltke was an international lawyer working in the Abwehr, the military intelligence service, as legal adviser to the German High Command. He helped save many lives. He was one of the victims of the purges carried out after the July 20 assassination attempt.

The judge saw Moltke as at least as dangerous to the regime as those who had taken violent steps to end it. Moltke had opposed the Nazis from the beginning, but had argued against the assassination and coup attempts. He did not think they would bring about the necessary change in the German mentality.

The young Protestant theologian, Dietrich Bonhoeffer, held the opposite view. He thought that killing Hitler would be an "act of liberation," freeing the Germans from their stupefaction with the Nazi display of power. So he and his brother-in-law, Hans von Dohnanyi, were part of the circle of plotters. They were both members of the Abwehr, too, protected by its head, Adm. Wilhelm Canaris, and in league with his most active righthand man and plotter, Hans Oster.

Although the Cold War and the division of Germany and Europe are over, their after-effects are still with us. Divisions between left and right, even of East and West, persist, straining German commemorations of the anti-Hitler resistance. Social Democrats didn't want Chancellor Helmut Kohl to be the main speaker at the ceremonies marking the 50th anniversary of the assassination attempt. Some of the people connected with the permanent center of commemoration at the Stauffenbergstrasse in Berlin were worried that the military establishment is muscling in. Conversely, others objected to including exhibits representing Moscow-sponsored groups. Yet, the decision seems right not to censor them, but to let people make up their own minds about the likely motives and relative merits of the diversity of Germans who opposed the Nazi regime.

The Allies called the events of July 20 a "Generals' Plot." It was a misnomer. Obviously, generals were needed if there was to be any chance of overthrowing the Nazi regime. But the literature on the German resistance to the Nazis has made it clear how hard it was to recruit more than a few generals to the cause.

The cost in lives was terrible. Peter Yorck von Wartenburg, the cofounder, with Moltke, of the Kreisau Circle that worked on plans for a better future, joined in the conspiracy after Moltke's arrest in January, 1944, as did other Kreisauers. Yorck was one of the accused in the first of the ghastly People's Court trials that followed the assassination attempt.

His last letter before his execution speaks of atonement for "the guilt we all bear." He gave his life in expiation of the crimes of the regime he had fought. And that, surely, is the significance of the attempt of July 20, 1944: There were people who tried to end the abomination, though there was hardly any chance of success; and the sacrifice of their lives was a demonstration of the spirit of humanity in an inhuman age.

(Beate Ruhm von Oppen teaches at St. John's College. Her publications include "Helmuth James von Moltke: Letters to Freya 1939–1945" (Knopf).)

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,628,451,509,457.37 as of the close of business Thursday, July 21. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,753.19.

THE 20TH ANNIVERSARY OF THE INVASION OF CYPRUS

Mr. SARBANES. Mr. President, this week marked the 20th anniversary of the Turkish invasion of Cyprus, a tragic and brutal event whose legacy remains with us to this day. On July 20, 1974, Turkish troops assaulted Cyprus, forcing hundreds of thousands to flee their homes and villages. Less than a month later, after a cease-fire had been accepted and negotiations toward peaceful resolution of the conflict were proceeding under United Nations auspices, Turkey sent another, even larger occupation force of 40,000 troops and 200 tanks, seizing more than a third of the island. For the two decades that have followed, until this very day, Turkish military forces have illegally occupied the northern part of the island, forcibly dividing it, with the north under Turkish military domination and control. Communities have been splintered, lives shattered, a nation deprived of its cultural heritage and the opportunity to live in peace.

One of the most tragic consequences of the invasion was the destruction of families, torn asunder in the terrifying weeks of aggression. Husbands and wives, mothers and fathers, sons and daughters, sisters and brothers disappeared before each other's very eyes, never to be seen or heard from again. Even today, five American citizens and 1,614 Greek Cypriots remain missing and unaccounted for. In an appeal for an investigation into the disappearances and an end to the division of Cyprus, this week five brave Fasters for Freedom subjected themselves to tremendous suffering in order to bring public attention to this continuing tragedy.

In other respects, the incalculable toll from 20 years of occupation and division continues. Hundreds of thousands of Cypriots who fled advancing troops remain refugees in their own land, unable to return to the homes and the communities they inhabited for generations. Others have been stranded in tiny enclaves, deprived of the ability to travel or worship freely. The beautiful coastal resort of Famagusta lies empty, bearing silent witness to what once was an economic and cultural center of the island. Barbed wire fences run through the capital, physically and psychologically severing the island. The historical, religious, and cultural heritage of the northern part of the island has been plundered, with churches desecrated and icons destroyed. An entire generation has grown up in the shadow of military occupation, knowing only division and despair.

Unlike some other longstanding conflicts, there is no lack of international consensus on what must be done to resolve the situation on Cyprus. The U.N. Security Council has consistently reaffirmed that the status quo on Cyprus is unacceptable, and has endorsed a settlement based on a state with single international personality, sovereignty and citizenship, whose independence and territorial integrity should be assured. The Secretary-General has provided his good offices to negotiate such a settlement, yet such negotiations have been repeatedly frustrated by Turkish Cypriot intransigence. After a full year of negotiations on a package of confidence-building measures designed to inject new momentum into the talks, we find ourselves—as the May 30, 1994, report of the Secretary-General to the Security Council concludes—"faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side."

This is not the first time there has been a lack of political will on the Turkish side. It reflects a pattern of behavior. For example, a year ago in June Mr. Denktash refused to return to the negotiating table just as agreement on the confidence-building measures was imminent. Turkish Cypriot refusals to move toward a settlement have, again to quote the Secretary-General's report, "consistently flouted the wishes of the international community, as represented in the Security Council."

Given continuing Turkish Cypriot intransigence, it is time to begin considering alternative options to bring progress toward a just resolution of the Cyprus question. In that regard, I would note that President Clerides submitted in December 1993, a new proposal for the total demilitarization of Cyprus, including disbanding the National Guard, handing all its arms and military equipment to the custody of the United Nations Peacekeeping Force, and depositing in the United Nations account all money saved from disbanding the National Guard and from stopping the purchase of arms, coupled with the parallel withdrawal and disbanding of Turkish and Turkish Cypriot military forces. This is a serious, constructive and thoughtful proposal that merits careful consideration.

Mr. President, for 20 years the people of Cyprus have endured profound injustice, working for the day when division and frustration would give way to harmony and cooperation. As we commemorate this tragic anniversary, let us pledge to redouble our efforts to encourage progress toward a just, comprehensive and permanent settlement that ends the current injustice and brings long-awaited peace to the people of Cyprus.

STATISTICS AND JUSTICE

Mr. D'AMATO. Mr. President, I offered an amendment on Thursday, May 12, 1994, that expressed the sense of the Senate that the conferees on the crime bill, H.R. 3355, should totally reject the so-called Racial Justice Act. The Senate adopted my amendment by a vote of 58 to 41.

In recent weeks, we have seen much maneuvering as proponents of the use of statistics to block imposition of the death penalty on convicted killers struggled to keep that provision in the crime bill conference report. The White House has lobbied many who voted for my amendment, asking them to change their minds. According to published reports, the White House was not persuasive.

Proponents have apparently floated various different versions of this provision, described as compromise language. I have seen several of those so-called compromise drafts, and all are unacceptable. They all retain the main flaw in the original provision—they allow convicted killers to use statistics about what happened in other criminal cases to block imposition of the death penalty on them.

This core concept of the so-called racial justice act is what the Senate rejected—the disconnection between the individual and the crime. The most basic concept in criminal justice is that the punishment must fit the crime. This provision, if adopted, would shatter the foundation of our entire criminal justice system, not just make death penalty administration subject to racial quotas.

In today's New York Post, Ed Koch, my friend the former mayor of New York City, has a column entitled "Many flaws in racial argument against execution." In this column, he analyzes and rebuts many of the contentions of supporters of the so-called racial justice act. He points out some of the games supporters of the provision have played with numbers. I commend this column to my colleagues, especially those who may be tempted to support some compromise on this issue.

Mr. President, I ask unanimous consent that this Ed Koch column be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANY FLAWS IN RACIAL ARGUMENT AGAINST EXECUTIONS

(By Ed Koch)

Last Friday, The New York Times demanded that President Clinton "take a stand for racial justice in administering the death penalty." They were calling for the president to support the mislabeled racial-justice act as part of the crime bill.

The Times' editorial disingenuously went on to say, "The racial-justice bill would permit convicted murderers in some jurisdictions to show a pattern of racial bias in sentencing those eligible for the death penalty. It would not be enough to show that black defendants suffer more than their population's share of executions, which is generally true but not at issue."

The United States Supreme Court has rejected the racial-bias argument. In McClesky vs. Kemp, it ruled that statistical evidence covering all murder sentences in a jurisdiction could not support a charge of discrimination in a particular case. Every case is different with respect to the aggravating and mitigating circumstances required to be considered by each separate jury. How could it be otherwise, since the evidence the jury considers in each case is different, as are the jurors themselves?

In its PC editorial, the Times tries to convey to those not familiar with the facts that our justice system is disproportionately and, therefore, unfairly sentencing and executing black murderers.

But, rather than looking at executions based on population totals, shouldn't the Times be looking at who commits the crimes? Forty percent of those executed since 1977, when the death penalty was resumed, have been black, and 55 percent have been white. In 1992, 55 percent of the murders in this country were committed by black perpetrators.

If you press an opponent of the death penalty who seeks to make the erroneous argument that more blacks are executed than whites, they will ultimately confess that what they really mean is that fewer murders of black victims are executed than are murderers of white victims.

To satisfy such an argument, one should demand that more blacks be executed than is currently the case, since blacks are overwhelmingly murdered by other blacks. We know no opponent of the death penalty would favor that even though it is a logical extension of his or her argument.

Rep. John Conyers (D-Mich), a prominent member of the Congressional Black Caucus and a leading sponsor for the so-called racial-justice act, was quoted in early May in the Times as saying, "Since 1976, of the 236 executions for murder and the 2,800 inmates now on death row, blacks account for 40 percent, while they account for only 12 percent of the nation's population."

In effect, Conyers is for execution by quota. Implicitly, he apparently is saying that the death penalty, like the many other affirmative-action programs he favors, should also be ruled by the numbers.

Noted columnist William F. Buckley illustrated the absurdity of such arguments during a recent "Firing Line" debate on the death penalty in which I participated. Buckley said. "Consider Japanese-Americans. They kill practically nobody * * * That means that if, to use round figures, there are 1 million Japanese, 20 million blacks, 200 million whites, that unless on execution day we have in mind one Japanese convicted to death, 20 blacks and 200 whites, you can't execute anybody. Proponents of capital punishment are going to end up having to bribe Japanese to kill more people, to say nothing of whites."

To make their case, death-penalty opponents like Conyers and Rep. Don Edwards (D-Calif.) point to the fact that, our of the 37 defendants selected by Attorney General Janet Reno and other members of the Justice Department to be subject to the death penalty under the 1988 drug-kingpin law, all but four were African-American or Hispanic. And, further, out of those 37, all 10 of the defendants selected by Reno personally were African-American.

Does anyone believe Janet Reno is a racist? We all know she's an arch-liberal. Federal Chief Judge Sylvia Rambo was asked to examine the decision-making process of the department in capital prosecutions. She, in fact, found they contained no evidence of racially based prosecution motives.

The person who has stood up against the efforts—led by Conyers, Edwards and Sen. Ted Kennedy—to impose the so-called racial-justice act on the crime-bill legislation is Sen. Al D'Amato. He proposed a resolution directing the Senate conferees on the crime bill to reject the racial-justice provision. D'Amato's resolution passed 58 to 41.

White House Chief of Staff Leon Panetta said last weekend, "If we don't get the votes to break a filibuster, then we are not going to let one issue bring down the enactment of the crime bill." You don't have to be a seer to predict that both the House and Senate will vote for a conference crime bill that omits the so-called racial-justice act. And so they should.

TRIBUTE TO HUGH SCOTT

Mr. DOLE. Mr. President, from the days of Benjamin Franklin until today, Pennsylvanians have contributed a great deal to the history of the United States.

Few Pennsylvanians—and few Americans—gave more of themselves to public service than Hugh Scott.

I join with all Members of the Senate, in mourning the loss of Senator Scott, who passed away last night at the age of 93.

Hugh Scott's public service career began in World War I, when he enrolled in the Students' Army Training Corps. And after serving for 15 years as an assistant district attorney in Philadelphia, Hugh Scott took time from his career to serve for 2 years on active duty with the U.S. Navy during World War II.

During that same time, he was elected for the first of eight terms in the U.S. Congress. During his service in Congress, Hugh Scott also served for 2 years as chairman of the Republican National Committee.

In 1958, Pennsylvanians promoted Hugh Scott to the Senate, where he would remain for 18 years—the last 8 of which he would serve as Republican Leader.

Senator Scott was leader during the administrations of President Nixon and President Ford. While there were Republicans in the White House, the Democrats controlled the Senate. I know first hand what a challenge that can be. And Senator Scott was respected by all for his abilities to advance his President's agenda.

One of Senator Scott's many special interests was the Far East. And along with then majority leader Mansfield, Senator Scott will be remembered for leading the first congressional delegation visit to China.

After the Constitutional Convention, Ben Franklin was asked what type of Government was created, and he responded, "A Republic—if we can keep it." And as we remember Hugh Scott, we can also remember that here was a man who give his all to ensure that our Republic remained strong and free.

RURAL HEALTH CARE

Mr. DOLE. Mr. President, with the health care debate taking on more force and intensity, I would like to say a few words about the importance of not losing sight of the special needs of rural Americans.

Rural Americans make up about 20 percent of the population. And contrary to what some may believe, rural Americans are as diverse a group as Americans living in any other part of the country. That's why when proposing health care reforms, rural Americans are no more likely to adapt to a one-size-fits-all model than are Americans living in any other part of the country.

Mr. President, when Senator PACKWOOD and I crafted our health reform plan, which I am proud to say enjoys the support of 40 Senators, we gave special consideration to rural Americans.

Access to health care providers can be just as much of a challenge in rural America as is cost. That is why the Dole-Packwood bill has special provisions to improve access to health care in rural America. Many of these provisions are quite technical, but let me just summarize what they would accomplish.

More primary care: The way Medicare reimburses medical education would be changed so that young physicians can be trained in places like community health centers, or other outpatient settings, where more primary care providers are likely to be trained.

Improved reimbursement for nurse practitioners and other nonphysician providers to encourage more of these providers to practice in rural areas.

Better access to rural hospitals by extending payments for Medicare-dependent hospitals through 1998. The Dole-Packwood proposal recognizes that these payments may make the difference between a hospital keeping its doors open or not.

Establishment of telecommunication grants in rural areas, so that providers practicing in these areas have better information and the ability to communicate with providers in distant areas.

Mr. President, these are just a few of the specific rural provisions in the Dole-Packwood proposal. In addition, many of the insurance market reforms and tax changes contained in the proposal will go a long way toward helping rural Americans.

For example, rural Americans are more likely to be self-employed or work for a small business that does not provide health insurance. In fact, over 90 percent of the businesses in my home State of Kansas have fewer than 10 employees.

Under current law, individuals who purchase their own insurance are not able to deduct the cost of that insurance. The Dole-Packwood proposal would phase in full deductibility of health insurance so that those who are self-employed or who buy their own insurance are treated the same as those employed by large businesses.

Mr. President, the Dole-Packwood proposal contains a number of insurance reforms which make insurance more readily available to individuals and small businesses. For example, we provide for the elimination of pre-existing condition exclusions and we require that insurers guarantee coverage to everyone. Additionally, we provide Government subsides for individuals with incomes up to 150 percent of poverty.

Finally, Dole-Packwood does this without a single mandate, without a single cent of new taxes or an increase in existing taxes, and without a single penny added to the deficit. All Americans—rural or otherwise—know that the price of health care should not be jobs or the endangerment of our children's future.

I would like to submit for the RECORD a more detailed listing of some of the provisions in the Dole-Packwood proposal that are specifically targeted to rural areas.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROVISIONS IN DOLE-PACKWOOD PROPOSAL SPECIFICALLY TARGETED TO RURAL AREAS

1. Extend Essential Access Community Hospital Program and Rural Primary Care Hospital Program (E.A.C.H./R.P.C.H.) to all States. Currently only 7 States have these grants available to them. The purpose is to enable these smaller hospitals to continue in their mission to provide primary care services to the residents of rural areas.

2. Better access to rural hospitals by extending payments for Medicare dependent hospitals through 1998. The Dole-Packwood proposal recognizes that these payments may make the difference between a hospital keeping its doors open or not.

3. Expand the medical assistance program to all States. Currently, this program is limited only to the State of Montana—a State which has had a lot of success assisting small rural communities to establish medical facilities.

4. Non-refundable tax credits for health care personnel who establish practices in medically underserved communities.

5. Improved reimbursement for nurse practitioners and other non-physician providers to encourage more of these providers to practice in rural areas.

6. Federal funds available for the development of health care networks in underserved rural communities. Grants and low-interest loans would assist with resources needed to develop rural health care facilities.

7. States may designate medically underserved areas which will then receive special considerations, including service from health plans in adjoining geographic areas, increased compensation for health services, and Federal assistance for development of health care services.

8. Establishment of telecommunication grants in rural areas, so that providers practicing in these areas have better information and the ability to communicate with providers in distant areas.

9. Provides resources for medical transportation for rural and frontier areas.

10. Upgrades the Federal Office of Rural Health to increase the attention to rural health care needs in the Federal establishment.

11. More primary care: The way Medicare reimburses medical education would be changed so that young physicians can be trained in places like community health centers, or other out-patient settings, where more primary care providers are likely to be trained.

12. Increased Federal support for primary care services for groups most likely to be uninsured or high risk: childhood immunization, maternal and child health, breast and cervical cancer prevention, HIV early detection, tuberculosis prevention, and health care for the homeless.

13. Increase support for public health service programs, including community health centers, migrant health centers, and federally qualified health centers.

14. Prospective Payment Assessment Commission [PROPAC] will conduct studies and make recommendations on ways to improve access to health care for vulnerable populations in rural areas.

THE MASSIVE HUMAN TRAGEDY IN RWANDA

Mr. KENNEDY. Mr. President, the entire world has been horrified by the immense human tragedy taking place in Rwanda.

Of the 8 million people who once lived in peace in that nation before the brutal civil war that suddenly erupted in April, it is estimated that half a million are dead, 2.4 million are refugees in neighboring countries, and 2.5 million are now refugees in Rwanda itself. The current situation ranks as one of the country's greatest human tragedies, and the United States should be doing all it can to end it.

Unfortunately, the human toll is escalating daily. It has exploded in ways that no one in the international community could have anticipated. Our Government, the U.N. High Commissioner for Refugees, the International Red Cross, and voluntary agencies are all struggling to cope with it. Some of the worst obstacles to easing the desperate plight of the massive number of refugees have been logistical: the difficulty of outside help in reaching the remote areas of eastern Zaire where the airstrip is small and narrow, the road system is remote, and few supplies are accessible.

The initiative announced yesterday by President Clinton in cooperation with the UNHCR and the Red Cross offer real hope that these obstacles to relief will be overcome as rapidly as possible. An airlift has begun, the amount of food will double and redouble in the coming days, medical supplies are being urgently distributed; and additional shelter is being provided.

But the horror still continues. And it will only be resolved when a meaningful cease-fire and peaceful settlement of the civil war in Rwanda are achieved and the refugees able to return to their homes in peace, without fear.

Now, however, the sudden new refugee city in Goma, Zaire, is being overwhelmed by disease and death, and our hearts go out to the victims of this enormous tragedy.

Time is of the essence, and I commend the Clinton administration, especially the Agency for International Development and its Administrator, J. Brian Atwood, and the Department of Defense, including my former assistant Micheal Myers, for their leadership in marshalling resources to meet this immense and unprecedented human crisis.

I ask unanimous consent that Mr. Atwood's announcement of the new initiative and other material be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENTS BY J. BRIAN ATWOOD, ADMINISTRATOR, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT AND SPECIAL PRESIDENTIAL ENVOY TO RWANDA, JULY 22, 1994

We continue to be gravely concerned about the rapidly evolving situation in and around Rwanda. Yesterday, I briefed President Clinton on my journey to the region, and we discussed immediate actions necessary for our emergency response. I continue to be engaged in intensive discussions with the President, the Department of Defense, the National Security Council, and international donors.

Tragically, the flood of refugees is continuing as we speak. Another 250,000 people have flowed into Bukava and Kamonyola. We fear these numbers will continue to swell in the days to come, taxing an already gargantuan task of humanitarian relief.

There are some encouraging developments from the donor community. Both the United States and other donors have announced additional commitments, and teams from the U.S. Agency for International Development and the Department of Defense are scrambling around the clock—to get these supplies to the people who so desperately need them.

Again, I must stress that the international community has never been faced with a refugee crisis of such proportions in such a short period of time. The Clinton administration, working closely with the United Nations, is taking the lead in meeting this immense challenge.

NEW U.S. FUNDS ANNOUNCED

Yesterday, President Clinton announced an additional $41.4 million of U.S. assistance in response to the Rwandan crisis.

This is in addition to the $35 million that had been announced earlier this week, and brings the total of new U.S. monies added to the crisis to $76 million.

THE CHALLENGE

In Zaire, 1.2 million refugees have fled to Goma; 800,000 to Bukava and Kamanyola.

In addition, there have been 350,000 to 400,000 refugees into Tanzania; 135,000 into Burundi; and 10,000 into Uganda.

The total number of refugees is approximately 2,670,000. There are approximately 2.5 million people that are internally displaced. Of Rwanda's pre-crisis population of 8 million, more than 500,000 have been killed and today almost 5 million are refugees or displaced.

People are dying to dehydration, disease, malnutrition and exhaustion and there is an increasing risk of endemic diseases such as cholera. They lack the most basic of life's necessities—food, water, shelter, and sanitary facilities.

THE U.S. RESPONSE

The U.S. is shipping massive humanitarian supplies to Rwanda.

One hundred relief flights have already taken place and the U.S. government is stepping up the pace and volume of these flights.

These flights are providing: water bladders; 135 tons of plastic sheeting for shelter; 120 tons of blankets; 20 million packets of oral dehydration salts needed to deal with dehydration and diarrhea diseases; tens of thousands of tons of food; storage facilities; trucks; and, large quantities of cholera kits, antibiotics and syringes.

The U.S. Department of Defense is helping us meet this humanitarian crisis. It should be stressed that they are being involved in a humanitarian effort, not a military one.

USAID is sending a team of cholera experts from the International Center for Diarrhea Disease Research in Bangladesh to Goma immediately. The team will organize, manage, and coordinate the logistics in dealing with the cholera epidemic.

Improving the air facilities at Goma is the first step in building up its capacity to be able to handle the needed flow of humanitarian supplies.

The DOD has sent a team to Goma to address the needs at the Goma airport, including air traffic control, supplies, materials distribution, water purification, and needs for infrastructure improvements.

There is a clear need to open up a truck route from Kampala to get larger quantities of food in within the next two weeks.

POLITICAL ELEMENTS

To move beyond the crisis, political solutions will have to be achieved in Rwanda.

Getting people to return home is the very core of our humanitarian mission.

The political condition in the country will have to be one that is stable and conciliatory enough to give people the faith they need to return to their homes.

The formation of a new government, one that embraces the involvement of moderate Hutus and is based on the rule of law, is essential to restoring order.

The U.S. government worked very hard with the UN Secretary General representative in Kigali to bring about a cease fire. This cease fire must be honored.

The Rwanda Patriotic Front swore in an interim government headed by two moderate Hutus on Tuesday. These two Hutus, President Pasteur Bizimungu and Prime Minister Faustin Twagiramungu, can play an important role in establishing credible examples that Hutus can play a peaceful role in rebuilding their nation.

The RPF must begin to let people out of the camps they have established within Rwanda. Few Hutus will want to return to Rwanda if that prospect entails being placed in detention camps. Their return is essential so that they can harvest the crops now rotting in the fields.

Former Rwandan government forces in Goma and elsewhere must be disarmed and a tribunal to administer justice and try war crimes should also be established.

The international community must also move with urgency to get UNAMIR forces in the country to help stabilize the situation. We should encourage the United Nations to move the 5,500 peacekeepers into Rwanda as soon as possible. The UN Secretary General plans on the possibility 2,000 men by the end of August.

All of these measures must be part of the larger effort to deliver assistance and distribute food in such a way that it will keep more people from leaving their homes, and encourage those that have already done so to return home.

THE INTERNATIONAL RESPONSE

Other donors, including Canada, France, Germany, Italy, the Netherlands, Sweden and South Africa, have also announced either food/in-kind or cash contributions. These contributions exceed $110 million.

The UNDHA is planning to host a donors conference on August 1 in Geneva to follow-up on a $434 million appeal. This appeal is for urgent humanitarian needs in Rwanda.

The EU has approved $28 million and is planning to reprogram another 172.5 million. The French have proposed that 2,000 of the 18,000 UNOSOM troop contingent in Somalia be shifted to Rwanda and requested U.S. support in getting the UN to respond to French proposals for action.

U.S. and French officials have agreed that a UN group is needed to handle airport management in Kigali.

THE ROOTS OF THE CRISIS

The roots of the disaster in Rwanda are roots that are spreading perniciously through pockets of the developing world. At its heart, the crisis in Rwanda is an almost Malthusian scenario of too many people competing for too few resources.

Exploding population pressures, declining per capita agricultural production, a failure to establish viable democratic institutions as a means to ensure power sharing, and a lack of economic opportunity combined to spawn the horrors in Rwanda that we are now confronted by.

THE LESSON OF RWANDA

We must move beyond simply responding to crises. By addressing their root causes and promoting lasting development, we will advance a foreign policy based on prevention. Development assistance must play a vital role in containing humanitarian and security threats before they burgeon into more serious problems.

Rwanda refugees and displaced people as of July 22, 1994

Rwanda—internally displaced:	
RPF territory (NE/SE)	726,000
Northwest	500,000
French safe zone	1,300,000
Kigali	50,000
Total	2,576,000
Surrounding countries—refugees	
Zaire:	
Goma	1,200,000
Bukavu	150,000
Kamanyola	650,000
Burundi	200,000
Tanzania	460,000
Uganda	10,000
Total	2,670,000

It is estimated that another 1.3 million people are on the move in the southwest.

Of Rwanda's pre-crisis population of 8 million, it is estimated that between 200,000 to 500,000 have been killed and today almost 5 million are refugees or displaced.

TERRORIST ATTACK IN ARGENTINA

Mr. LAUTENBERG. Mr. President, I rise to condemn the vicious, brutal, terrorist attack on the headquarters of Argentina's main Jewish organization that occurred earlier this week.

The perpetrators of this heinous act must be brought to justice. Violent fundamentalist organizations must not be permitted to continue unleashing their terror on innocent civilians.

I commend the President of Argentina, Carlos Menem, for mobilizing forces to investigate this heinous act. The Government of Argentina must be vigorous in its pursuit of the perpetrators of this heinous act.

I commend the U.S. Government as well for sending an international response team comprised of bomb experts to help with the investigation. This is an important and positive step. The murderers of these innocent civilians must be brought to justice.

Mr. President, my sorrow goes out to the family and friends of the victims of this act of terror. To each of them, I send my condolences. For their sake, and for the sake of the victims, justice must be served so all terrorists learn that in a civilized world, violence can never succeed.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 101–549, appoints the following individuals to the board of directors of the Mickey Leland National Urban Toxics Research Center: Dr. Patricia A. Buffler, of California; Dr. Joseph H. Graziano, of New York; and Dr. Philip J. Landrigan, of New York.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4322. An Act to amend the Small Business Act to increase the authorization for the development company program, and for other purposes.

S.J. Res. 172. Joint Resolution designating May 29, 1995, through June 5, 1995, as a "Time for the National Observance of the fiftieth Anniversary of World War II."

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that pursuant to the provisions of section 112 of the Clean Air Act (42 U.S.C. 7412), the Speaker appoints the following individuals from private life to the Board of Directors of the National Urban Air Toxics Research Center on the part of the House: Mr. Gerald van Belle of Seattle, WA, Ms. Devra Lee Davis of Washington, DC, and Dr. M. David Low of Houston, TX.

The message also announced that the House has agreed to House Resolution 486 stating that the bill of the Senate (S. 729) to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The message further announced that the House has agreed to House Resolution 487 stating that the bill of the Senate (S. 1030) entitled the "Veterans Health Programs Improvement Act of 1994", in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4604. An Act to establish direct spending targets, and for other purposes.

MEASURES REFERRED

The following measure was read the first and second times by unanimous consent and referred as indicated:

H.R. 4604. An Act to establish direct spending targets, and for other purposes; referred jointly, pursuant to the order of August 4, 1977, to the Committee on Budget, and to the Committee on Governmental Affairs.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on July 22, 1994 she had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 172. Joint Resolution designating May 29, 1995, through June 6, 1995, as a "Time for the National Observance of fiftieth Anniversary of World War II."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2311. A bill to exempt a foreign holding company from the application of the provisions of the Public Utility Holding Company Act of 1935; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DASCHLE:

S. 2312. A bill to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NICKLES (for himself and Mr. BOREN):

S.J. Res. 213. A joint resolution to provide for the payment of fair and equitable consideration in satisfaction of the claims of certain Kaw Indians; to the Committee on Indian Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 2311. A bill to exempt a foreign holding company from the application of the provisions of the Public Utility Holding Company Act of 1935; to the Committee on Banking, Housing, and Urban Affairs.

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 EXCEPTION ACT OF 1994

Mr. LEAHY. Mr. President, today I am introducing legislation to clarify a technical ambiguity in the Public Utility Holding Company Act of 1935 [PUHCA]. I am pleased that Senator JEFFORDS is joining me today as an original cosponsor. For the last 7 years, Vermont Gas Systems, Inc. [Vermont Gas], the only natural gas utility in Vermont, has traveled on an odyssey to resolve this technicality. Let me explain.

In late 1986, Gaz Metropolitain, Inc. [Gaz Metropolitain], one of the largest distributors of natural gas in Canada, acquired Northern New England Gas Corp. and its subsidiary Vermont Gas. Vermont Gas is the sole source of natural gas in Vermont, which is an environmentally sound and competitively priced energy source for many Vermonters. Gaz Metropolitain's acquisition has greatly benefited Vermont Gas and its customers—the people of Vermont—for 2 reasons.

First, the acquisition has given Vermont Gas a reliable source of natural gas. Vermont is not served by any U.S.-based natural gas company and depends on its natural gas from the Canadian natural gas pipeline. Through its affiliation with Gaz Metropolitain, Vermont Gas has increased its bargaining position to acquire competitively priced natural gas. In 1991, for example Vermont Gas negotiated a groundbreaking 15-year supply contract with Western Gas Marketing Ltd. of Canada. For the first time, Vermont Gas was able to negotiate a partial requirements contract, leaving Vermont Gas free to pursue other suppliers on a competitive basis.

Second, the acquisition has given Vermont Gas, a small company, extensive financial, managerial, and technical expertise. With the help of Gaz Metropolitain's affiliates, Vermont Gas has successfully renegotiated its existing debt at favorable rates. The substantial savings from this refinancing has kept Vermont Gas customer rates low and has strengthen its financial base. Experts from Gaz Metropolitain also have provided Vermont Gas with invaluable advice on insurance management, regulatory guidance and internal audit procedures.

Despite the benefits of Gaz Metropolitain's indirect ownership of Vermont Gas, this acquisition has yet to receive regulatory approval. Under the PUHCA, the Securities and Exchange Commission [SEC] must approve acquisitions of public utilities based in the United States. In 1987, Gaz Metropolitain applied to the SEC for PUHCA approval to indirectly own Vermont Gas. This application, however, was put on hold until the SEC determined if an acquisition by a foreign company like Gaz Metropolitain may be approved under the PUHCA. The PUHCA, first enacted in 1935, fails to adequately address public utility holding companies located outside the United States that are adjacent to U.S. utilities.

To aid the SEC in its review process, I introduced legislation in 1989, which was almost identical to today's bill, that would clarify the PUHCA to explicitly permit Gaz Metropolitain to indirectly own Vermont Gas. The Senate passed that legislation as section 501 of the Securities Acts Amendments of 1989, H.R. 1396. Section 501, however, was dropped in the House-Senate conference committee on H.R. 1396 because some conferees felt the legislation was premature since the SEC had not finished reviewing Gaz Metropolitain's PUHCA application.

For various reasons, Gaz Metropolitain's PUHCA application is still pending before the SEC. I understand that the SEC's Division of Investment Management [Division] recently filed a brief with the commission recommending against approval of Gaz Metropolitain's acquisition of Vermont Gas. While the Division acknowledges the benefits of the acquisition, it has interpreted PUHCA to not permit foreign ownership of a U.S. public utility. The Division went on to say that "[l]egislation may * * * provide a satisfactory response in this matter."

The Division's recommendation against approving Gaz Metropolitain's acquisition of Vermont Gas and its call for legislation has prompted me to introduce this bill. This legislation would clarify the PUHCA to allow Gaz Metropolitain to indirectly own Vermont Gas. It provides an exemption to Gaz Metropolitain from the registration requirements of the PUHCA. This exemption is limited solely to Gaz Metropolitain and would not exempt any other public utility holding company from the PUHCA.

The highest Government official and the chief public utility regulators from the State of Vermont strongly support this legislation. I have received letters testifying to the benefits from Gaz Metropolitain's indirect ownership of Vermont Gas and the need for this legislation from the Honorable Howard Dean, Governor of Vermont; Richard H. Cowart, the chairman of the Vermont Public Service Board; and Richard P. Sedano, the commissioner of the Vermont department of public service.

This bill ensures that Vermont Gas and the people of Vermont will continue to reap the many benefits of Vermont Gas' affiliation with Gaz Metropolitain.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2311

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUBLIC UTILITY HOLDING COMPANY EXEMPTION.

(a) IN GENERAL.—The provisions of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) shall not apply to a foreign holding company that has a gas utility subsidiary company in a foreign country contiguous to the United States and the State of Vermont, solely as a result of the acquisition, directly or indirectly, by the holding company of all the voting securities of a gas utility company that—

(1) is organized and operating under the laws of Vermont; and

(2) has its service territory contiguous to the gas utility operations of the holding company.

(b) APPLICABILITY TO AFFILIATES.—The exemption under subsection (a) also applies to a person or company that—

(1) is an affiliate (as defined in section 2(a)(11)(A) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79b(a)(11)(A)) of the holding company described in subsection (a); and

(2) is not an affiliate of any other public utility company organized and operating in the United States.

(c) INAPPLICABILITY TO OTHER ACQUISITIONS.—The exemption granted by subsection (a) shall not apply to the acquisition or retention by any holding company of voting securities of a public utility company organized or operating within the United States except as provided in subsection (a).

STATE OF VERMONT,
OFFICE OF THE GOVERNOR,
Montpelier, VT, May 31, 1994.

Re: Proposed Legislation Approving the Indirect Acquisition of Vermont Gas Systems, Inc. ("Vermont Gas") by Gaz Metropolitain & Company, Limited Partnership ("Gaz Metropolitain"), and Exempting Gaz Metropolitain and Its Affiliates from Regulation under the Public Utility Holding Company Act of 1935 (the "Act")

Hon. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR PAT: I write in support of legislation that would approve Vermont Gas acquisition by Gaz Metropolitain and exempt Gaz Metropolitain and its affiliates from regulation under the Act. You recently received letters from Richard H. Cowart, Chairman of the Vermont Public Service Board, and Richard Sedano, Commissioner of the Vermont Department of Public Service, explaining in more detail the Board's and Department's support for the legislation.

I have always viewed natural gas to be an environmentally sound and competitively priced energy source, one that is very important to Vermont's economic recovery. As you probably know, Vermont Gas is dependent upon a single pipeline located in Canada for delivery of its natural gas supply.

For that reason, the State of Vermont has viewed acquisition of Vermont Gas by Quebec's largest natural-gas distribution company to be valuable. As Chairman Cowart's and Commissioner Sedano's letters point out, we are confident that our Public Service Board and Department of Public Service can regulate Vermont Gas to ensure that its acquisition by Gaz Metropolitain will not disadvantage Vermont customers.

In short, the State of Vermont continues to believe that the acquisition will be a positive component of Vermont's strategy to promote economic growth through trade with Quebec and Canada.

Sincerely,

HOWARD DEAN, M.D.,
Governor.

• Mr. JEFFORDS. Mr. President, today Senator LEAHY and I introduce legislation that will go a long way toward providing Vermont homes and businesses with a reliable source of natural gas for years to come. This measure will allow Gaz Metropolitain, a Canadian-based firm, to purchase Vermont Gas Systems, a Vermont gas company. Such action is strongly supported by the Governor of Vermont, the Vermont Public Service Board and the Commissioner of the Vermont Department of Public Service.

In 1987, Gaz Metropolitain acquired Northern New England Gas and its subsidiary, Vermont Gas Systems. Regulatory action regarding approval of the purchase was delayed for a number of years for a variety of reasons. While recognizing the benefits of the acquisition of Vermont Gas by Gaz Metropolitain, the Security and Exchange Commission's Division of Investment Management recently recommended that the application for approval of full acquisition be denied. The Division argued that the Public Utility Holding Company Act of 1935 [PUHCA] does not allow foreign ownership of a domestic utility.

This legislation would clarify that nothing in PUHCA precludes the Quebec utility, Gaz Metropolitain, or its affiliates, from fully owning the Northern New England Gas Corp. and its subsidiary, Vermont Gas Systems, Inc. The measure does not allow an exemption for any other holding company owning a public utility, but solely provides the exemption for Gaz Metropolitain and its affiliates.

Mr. President, this step will bring substantial benefits to Vermont. Gaz Metropolitain is one of the largest distributors of natural gas in Canada. Vermont Gas Systems supplies natural gas to communities throughout Northern Vermont, along the Canadian border. Vermont Gas Systems, a small utility, is completely dependent on gas from Canada to supply its customers. For this reason, the ownership of Vermont Gas Systems by Gaz Metropolitain has allowed Vermont gas customers to save money and provided these customers energy security.

Codifying the merger will allow Vermonters to continue to enjoy the economic clout of a larger utility, and maintain a strong bargaining position with Canadian suppliers of Vermont's sole source of natural gas. Gaz Metropolitain has negotiated competitively priced, reliable gas contracts. Integration of the two firms will result in more effective insurance and risk management, and allow for a safe, steady supply of natural gas. In addition, the State of Vermont will exercise full oversight of Vermont Gas Systems' supply contracts, rates and physical expansion consistent with the interests of Vermont consumers.

When Congress authorized PUCHA, it intended to promote integration of gas companies. As we move to a global economy, with passage of international trade agreements such as the United States/Canada Free-Trade Agreement and NAFTA, we should begin to think in terms of movement of commerce without borders. Vermont's close proximity to Quebec allows it to maintain a strong trade relationship. This is true in a number of areas, including energy. Here is an opportunity to prove we are serious about free trade, by allowing the integration of two gas companies that are largely interdependent.

Mr. President, gas is an important component of Vermont's energy mix. Gas is a clean fuel, and vital to Vermont's economy. This simple legislation will allow for a reliable, reasonably priced supply of natural gas to Vermont for years to come. I hope my colleagues will work with us and support this important legislation.●

By Mr. DASCHLE:

S. 2312. A bill to maintain the ability of U.S. agriculture to remain viable and competitive in domestic and international markets, to meet the food and fiber needs of United States and international consumers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURE COMPETITIVENESS LEGISLATION

● Mr. DASCHLE. Mr. President, as my colleagues from farm States are painfully aware, agriculture is going through a major transformation. The market in which agriculture must compete is no longer a largely domestic one, but an international one.

The global market is characterized by fierce competition and, unfortunately, inconsistent rules.

The final Uruguay round agreement concluded under the auspices of the General Agreement on Tariffs and Trade seeks to bring some fairness to the rules in global agricultural trade. Considering the fact that agriculture has never before been subject to multilateral disciplines of this nature, this is a significant and important step. It wasn't easy getting to this point.

If the Uruguay round agreement is approved by Congress, I have no doubt that the United States will live up to its obligations under the agreement. Historically, that has been the pattern. We have sought in good faith to uphold the validity of international agreements, which can only be valid if all countries comply. Most of us agree that it is better to have such agreements than not.

I am equally convinced that our major trading partners who will be members of the new World Trade Organization will seek to do the same.

What I am more concerned about is the ways in which they will seek to legitimately circumvent the restrictions of the Uruguay round agreement.

Under this agreement, agricultural export subsidies must be reduced 21 percent by volume and 36 percent in terms of budget outlays by the end of 6 years. These reductions must be made from the 1986–90 base period. Export subsidies specifically do not include, however, spending on such nontrade distorting measures as export promotion, foreign market development, food assistance programs, and programs for developing alternative uses of agricultural commodities.

Mr. President, we are kidding ourselves if we think that our trading partners will not simply transfer the savings from cuts in export subsidies to these other so-called green box categories.

Our farmers can compete against any in the world. They should not, however, be forced to compete unarmed against foreign governments. The ink on this agreement is not even dry, and already we hear reports of the European Union devising schemes to circumvent it. If we do not recognize the almost-inevitable approach that our trading partners will take with respect to the agricultural provisions of the Uruguay round agreement, farmers in those countries will have an unfair advantage over our farmers.

That is why I am introducing today a measure that would address this concern. It is a proposal that I hope will be included in the legislation to implement the Uruguay round agreement.

This proposal, which was initiated by Representative JILL LONG in the House of Representatives, would ensure that the net savings from agriculture cuts under the Uruguay round agreement are retained for use in the nontrade distorting areas mentioned above, areas of government spending that are permissible under the agreement.

Members of this body who care about agriculture know that, once these funds are cut from the agricultural portion of the budget, they will be nearly impossible to restore. The measure will ensure that these funds can be used for such programs as the Emergency Food Assistance Program [TEFAP], General Sales Manager [GSM] export credit guarantees, and Public Law 480. Moreover, they could be used to development of such alternative uses of agricultural commodities as making biodiesel fuel from oilseeds.

In addition, the proposal continues support for export subsidies to the extent permitted under the Uruguay round agreement, providing that these programs should be funded to the maximum extent allowable under the agreement. Any excess would be directed to nontrade distorting programs.

I encourage my colleagues to consider this measure carefully and support a fair global trading environment for our agricultural producers.

Mr. President, I ask that a copy of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to maintain the ability of United States agriculture to remain viable and competitive in domestic and international markets, the Secretary of Agriculture, consistent with the obligations of the United States to limit agricultural export subsidies as set forth in the Uruguay Round Agreement and notwithstanding any other provision of law, shall—

(1) make available and aggressively utilize in each fiscal year the funds and commodities of the Commodity Credit Corporation in the maximum amounts allowed under the Agreement for the export enhancement program, the dairy export incentive program, the cottonseed oil assistance program, and the sunflowerseed oil assistance program; and

(2) make available additional funds and commodities in each fiscal year in an amount equal to the total of the reductions below the amounts made available in fiscal year 1994 for the programs described in paragraph (1) that are made as a condition of compliance with the budgetary outlay or volume restrictions on agricultural export subsidies under the Agreement, in addition to any funds or commodities that may be authorized, appropriated, or otherwise made available, for authorized export promotion, foreign market development, export credit guarantee, and international food assistance programs, for commodity purchases under the Emergency Food Assistance Program, and to promote the development, processing, commercialization, and marketing of products resulting from alternative uses of agricultural commodities, including vegetable oil.●

By Mr. NICKLES (for himself and Mr. BOREN):

S.J. Res. 213. A joint resolution to provide for the payment of fair and equitable consideration in satisfaction of the claims of certain Kaw Indians; to the Committee on Indian Affairs.

KAW HALF BREED LEGISLATION

Mr. NICKLES. Mr. President, I rise today to offer legislation on behalf of myself and Senator BOREN which would provide full and fair compensation to resolve the land claims of the half breed members of the Kaw Indian Tribe. The claims are the result of the illegal taking of lands allotted the Kaw half breeds and the failure of the Federal Government to protect their ownership rights. In 1992, I introduced similar legislation, Senate Joint Resolution 346, which was not considered before adjournment of the 102d Congress. The legislation was referred to the Senate Indian Affairs Committee.

This history of the Kaw half breed claim began with the treaty of June 3, 1825, which allotted 23 reservations of 1 square mile each to the Kaw half breed Indians. The half breed members of the Kaw Tribe were the offspring of full bloods that intermarried with French fur traders. As a result of their intermarriages, the half breed members were estranged from the full blooded members of the tribe and their allotments were established separated from the Kaw Reservation.

The basis of the half breed claim dates back to the non-Indian settlement of Kansas territory. The Kaw half breeds were defrauded by squatters into giving up legal title to their property. Despite the requests of the Federal Indian agent in charge of native Americans in the area, the U.S. Government did not prevent the actions of the non-Indian settlers against the allottees. Aside from simply taking illegal possession of the Indian allotments, squatters shot and killed Indian-owned livestock, burned their housing, and harvested the valuable timber on the property.

Congress, recognizing the failure of the Federal Government to uphold its trust responsibility to the Kaw half breeds, passed legislation on May 26, 1860, declaring all prior contracts for lands within the Kaw Reserve null and void. Legal ownership via a fee title of the lands was returned to the original allottees or their heirs.

However, on July 17, 1862, before the Secretary of the Interior had finished determining the appropriate heirs as required by the 1860 act, Congress repealed those provisions which vested title in the heirs of the original reservees. Also repealed were provisions which authorized the Secretary to sell the lands of the deceased original reservees who had died without heirs and distribute the proceeds to surviving original allottees.

On August 8, 1968, Congress passed Private Law 90-318 which recognized the failure of the U.S. Government to protect the Kaw half breed allotments and provide for the compensation of the heirs. The compensation provided for in private law 90-318 was based on a value of $5 per acre for 14,720 acres resulting in a total award of $73,600. Unfortunately, this award did not comply with the fair and honorable dealing standards as required of the United States and set forth in the Indian Claims Commission Act of 1946.

The Indian Claims Commission Act required the payment of fair market value for the land plus interest and damages. As a result, shortly after passage of the 1968 law, the U.S. Claims Court ruled that the treaty of June 3, 1825, guaranteed in article 10 the full indemnification for property stolen from the allottees.

As a result, the bill I am introducing today would provide the heirs of the Kaw half-breed reservees or their assigns with a payment formulated from the estimated 1858 value of the lands and includes damages for the removal of timber and simple interest of 5 percent. The 1968 award of $73,600 would be subtracted from the final award.

The 1858 land value was estimated at $32.50 per acre by the Indian agent in charge at the time. Thus, the total value of the 14,720 acres in this legislation is set at $478,400. Estimated timber loss is $280,963 as determined by the 1860 Walsh-Coombs Report filed with the Secretary of the Interior. Total estimated value for the loss of land and timber is $759,363. The 5-percent interest will be calculated from October 1, 1855, until the payment of the claim for an estimated total value of approximately $6 million.

The formula divides the award into 23 equal shares of about $260,000 each; 23 represents the tracts of land originally owned by the Kaw half breeds. Each tract has a different number of identified heirs ranging from 2 to 127 and total about 730. The bill limits the maximum any one heir can receive to 10 percent the value of any one tract. Any funds in excess after the per capita payments have been made will be put into a charitable trust to be administered by a board of directors consisting of lineal descendants of the original reservees.

These descendants include enrolled members of the Kaw, Osage, Otoe-Missouria, Pottawatomie, and Ponca tribes. Also included on the board will be one lineal descendant who is not a tribal member and one employee of the Bureau of Indian Affairs as appointed by the Secretary of the Interior.

Upon the establishment of the account and payment of funds by the Treasury Department, the Secretary is required to publish notice in the Federal Register that any and all claims arising out of the treaty of June 3, 1825, which allotted the Kaw lands, shall be extinguished. Extinguishing the claims will allow the State of Kansas to clear title on the former Kaw lands and resolve this centuries-old injustice. Today it remains a common practice in Kansas to institute a quiet title action on lands within the original Kaw Reserve to prevent problems from arising in the conveyance of ownership of these lands.

Mr. President, as a member of the Senate Indian Affairs Committee I am hopeful that this legislation can be considered and enacted before Congress adjourns. This issue is important to the Kaw half breed heirs and is an issue which they have pursued for many years. In particular I would like to recognize Tom Dennison, former chairman of the Kaw Tribe, whose tireless effort on this issue is responsible for the legislation that I am presenting today.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1288

At the request of Mr. AKAKA, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1288, a bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture commercialization research program, and for other purposes.

S. 1676

At the request of Mr. MACK, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Alaska [Mr. MURKOWSKI] were withdrawn as cosponsors of S. 1676, a bill to provide a fair, nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

S. 1695

At the request of Mr. MACK, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 1695, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 25th anniversary of the Apollo 11 Moon landing.

S. 1836

At the request of Mr. DOLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1836, a bill for the relief of John Mitchell.

S. 1863

At the request of Mr. COHEN, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1863, a bill to amend title II of the Social Security Act to institute certain reforms relating to the provision of disability insurance benefits based on substance abuse and relating to representative payees, and for other purposes.

S. 1887

At the request of Mr. BAUCUS, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Tennessee [Mr. SASSER], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 2007

At the request of Mr. WOFFORD, the names of the Senator from Virginia [Mr. ROBB], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 2007, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the end of World War II and Gen. George C. Marshall's service therein.

S. 2301

At the request of Mr. BREAUX, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2301, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

SENATE JOINT RESOLUTION 157

At the request of Mr. SASSER, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Arizona [Mr. MCCAIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 157, a joint resolution to designate 1994 as "The Year of Gospel Music."

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 191

At the request of Mr. BURNS, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 191, a joint resolution to designate Sunday, October 9, 1994, as "National Clergy Appreciation Day."

SENATE JOINT RESOLUTION 196

At the request of Mr. SMITH, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 196, a joint resolution designating September 16, 1994, as "National POW/MIA Recognition Day" and authorizing display of the National League of Families POW/MIA flag.

SENATE JOINT RESOLUTION 206

At the request of Mr. WOFFORD, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 206, a joint resolution designating September 17, 1994, as "Constitution Day."

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Rhode Island [Mr. PELL], the Senator from Hawaii [Mr. AKAKA], the Senator from Maryland [Mr. SARBANES], the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Washington [Mr. GORTON], the Senator from South Carolina [Mr. THURMOND], the Senator from Montana [Mr. BURNS], the Senator from Louisiana [Mr. BREAUX], the Senator from Mississippi [Mr. COCHRAN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Tennessee [Mr. SASSER], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE CONCURRENT RESOLUTION 69

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Concurrent Resolution 69, a concurrent resolution expressing the sense of the Congress that any legislation that is enacted to provide for national health care reform should provide for compensation for poison control center services, and that a commission should be established to study the delivery and funding for poison control services.

AMENDMENTS SUBMITTED

COMMERCE, JUSTICE, STATE, JUDICIARY APPROPRIATIONS ACT FOR FISCAL YEAR 1995

PRESSLER AMENDMENT NO. 2353

Mr. PRESSLER proposed an amendment to the bill (H.R. 4603) making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies programs for the fiscal year ending September 30, 1995, and making supplemental appropriations for these departments and agencies for the fiscal year ending September 30, 1994, and for other purposes; as follows:

On page 94, line 12, before the colon insert the following: ": *Provided further*, That certification under section 401(b) of Public Law 103-236 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives are notified of the steps taken to meet the requirements of sec. 401(b) of Public Law 103-236 at least 15 days in advance of the proposed certification.

COATS AMENDMENT NO. 2354

Mr. COATS proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 95, line 9, before the period insert the following: "*Provided further*, That the amount appropriated under this heading shall be transferred to the appropriate appropriations accounts of the Department of Defense to reimburse the Department for amounts expended out of such accounts in support of international peacekeeping activities".

WOFFORD (AND JEFFORDS) AMENDMENT NO. 2355

(Ordered to lie on the table.)

Mr. WOFFORD (for himself and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the bill H.R. 4603, supra; as follows:

On page 64, line 1, after "Provided," insert "That of the funds appropriated herein, $10,000,000 shall be available for trade adjustment assistance: *Provided further*,".

DOLE (AND OTHERS) AMENDMENT NO. 2356

Mr. DOLE (for himself, Ms. MOSELEY-BRAUN, Mr. HATCH, and Mr. JEFFORDS) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following: "*Provided further*, of the funds appropriated in Title V and in Chapter II of Title VII, up to $100,000,000 may be transferred, at the discretion of the President and subject to the regular notification procedures of the Appropriations Committees of the House of Representatives and the Senate, to support humanitarian relief in and around Rwanda."

HUTCHISON (AND OTHERS) AMENDMENT NO. 2357

Mr. DOLE (for Mrs. HUTCHISON for herself, Mr. DOLE, Mr. SMITH, Mr. GRAHAM, Mr. PRESSLER, Mr. MACK, Mr. BRYAN, Mr. REID, Mr. GRAMM, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following: "*Provided further*, of the funds appropriated by this Act for Contributions to International Organizations and Contributions for International Peacekeeping Activities in Title V, and for Contributions for International Peacekeeping Operations in Title VII, not less than $350,000,000 shall be made available until expended to carry out the provisions of section 501 of the Immigration Reform and Control Act of 1986, as amended (8 U.S.C. 1365), to reimburse States for the cost of incarcerating illegal aliens."

BUMPERS (AND OTHERS) AMENDMENT NO. 2358

Mr. BUMPERS (for himself, Mr. BROWN, and Mr. DORGAN) proposed an amendment to the bill H.R. 4603, supra; as follows:

At page 113, strike lines 16 through 21.

DORGAN (AND OTHERS) AMENDMENT NO. 2359

Mr. DORGAN (for himself, Mr. BROWN, and Mr. BUMPERS) proposed an amendment to the bill H.R. 4603, supra; as follows:

In lieu of the language proposed to be stricken by the Bumpers amendment, insert the following:

"NED

"For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $25,000,000, to remain available until expended."

DOMENICI (AND OTHERS) AMENDMENT NO. 2360

Mr. DOMENICI (for himself, Ms. Moseley-Braun, Mr. Hatch, and Mr. Jeffords) proposed an amendment to the bill H.R. 4603; supra; as follows:

At the appropriate place in the bill, and add the following new section:

Sec. . Sense of Congress.—It is the Sense of Congress that the President of the United States and the President-elect of Mexico should meet as soon as possible following the August elections in Mexico to discuss bilateral issues of mutual concern with the objective of deepening and strengthening the ties between the two neighbors, with emphasis on cooperation to establish equitable and effective regulation of the flow of citizens across the border between Mexico and the United States.

JEFFORDS (AND OTHERS) AMENDMENT NO. 2361

Mr. JEFFORDS (for himself, Mr. Lautenberg, Mr. Specter, Mr. Moynihan, Mr. Riegle, Mr. Danforth, Mr. Levin, Mr. Rockefeller, Mr. Lugar, Mr. Glenn, Mr. Lieberman, Mr. Leahy, Ms. Moseley-Braun, Mr. Simon, and Mr. Kohl) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 64, line 20, after "realignment," insert: "*Provided further*, That of the total amount appropriated in this paragraph, $10,000,000, shall be available for the trade adjustment assistance program and $174,000,000 shall be available for grants pursuant to Title I of the Public Works and Economic Development Act of 1965 as amended".

HELMS AMENDMENTS NOS. 2362–2363

Mr. HELMS proposed two amendments to the bill H.R. 4603, supra; as follows:

Amendment No. 2362

At the appropriate place in the bill, insert the following:

SEC. . INELIGIBILITY TO RECEIVE VISAS AND EXCLUSION FROM ADMISSION TO THE UNITED STATES.

None of the funds appropriated by this Act may be used to issue a visas to any alien who illegally confiscates or has confiscated or has directed or overseen the illegal confiscation of the property of a United States person, or converts or has converted for personal gain property otherwise illegally confiscated from a United States person.

Amendment No. 2363

On page 118, line 3, strike "and".

On page 118, line 9, strike the period and insert ", and".

On page 118, between lines 9 and 10, insert the following new paragraphs:

(3) the Secretary of State, in consultation with the Secretary of Commerce, certifies that none of the entities dealing with the commercial launch service or their subsidiaries have been found by the United States Government to have engaged in any missile-related transfer prohibited by the Arms Export Control Act or the Export Administration Act of 1979, and

(4) the Secretary of State certifies that none of the equipment or technical data acquired by Chinese or Russian entities as a direct result of providing commercial launch services for United States-origin satellites will enhance the military capabilities of the People's Republic of China or Russia.

ROTH (AND OTHERS) AMENDMENT NO. 2364

Mr. ROTH (for himself, Mr. Grassley, Mr. Heflin, and Mr. Coats) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE CASE OF UNITED STATES V. KNOX.

(a) Declarations.—The Congress declares that—

(1) the Congress has passed legislation to protect children against the evils of child pornography, including the Child Protection Act of 1984, and provided for the enforcement of those laws;

(2) on November 4, 1993, the Senate, by a vote of 100-to-0, and on April 20, 1994, the House of Representatives, by a vote of 425–3, rejected the Justice Department's new, narrow interpretation of the Federal child pornography statutes as delineated by the Solicitor General in the case of United States v. Knox and implored the Justice Department to properly enforce the law and protect our Nation's children;

(3) on June 9, 1994, the United States Court of Appeals for the Third Circuit in the case of United States v. Knox rejected the Justice Department's narrow interpretation of the Federal child pornography statutes and reaffirmed the conviction of Stephen Knox; and

(4) the Court of Appeals for the Third Circuit properly interpreted the Child Protection Act of 1984.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Justice Department should accept the decision of the United States Court of Appeals for the Third Circuit in the case of United States v. Knox;

(2) the Justice Department should vigorously oppose any effort by the defendant in that case, or any other party, to overturn the decision in that case; and

(3) in the future the Justice Department should exercise its prosecutorial discretion in accord with that decision.

BAUCUS (AND OTHERS) AMENDMENT NO. 2365

Mr. BAUCUS (for himself, Mr. Dorgan, and Mr. Feingold) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 118, between lines 9 and 10, insert the following:

Sec. 610 (a) Notwithstanding any other provision of this Act, no funds appropriated in title V of this Act under the heading "United States Information Agency" under the subheading "broadcasting to cuba" may be used for any activities relating to the provision of the TV Marti program or otherwise to broadcast TV Marti.

(b) The amount appropriated in title V of this Act the heading "United States Information Agency" under the subheading "broadcasting to cuba" is hereby reduced by an amount equal to the amount otherwise appropriated under such subheading for activities referred to in subsection (a).

MACK (AND DOMENICI) AMENDMENT NO. 2366

Mr. MACK (for himself and Mr. Domenici) proposed an amendment to amendment No. 2365 proposed by Mr. Baucus to the bill H.R. 4603, supra; as follows:

Strike all after the word "Sec." and insert the following:

(A) Findings.—

(1) There are credible reports that on July 15, 1994, Cuban Government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban Government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban Government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban Government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.

(B) It is the sense of the Senate to—

(1) condemn the Cuban Government for deliberately sinking the "13th of March", causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that

(a) condemns the sinking of the "13th of March";

(b) provides for a full internationally supervised investigation of the incident; and,

(c) urges the Cuban Government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

DOLE (AND OTHERS) AMENDMENT NO. 2367

Mr. DOLE (for himself, Mr. Mack, Mr. Graham, Mr. Hatch, Mr. Hollings, Mr. Coverdell, Mr. Grassley, Mr. Robb, Mr. Pell, and Mr. McCain) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, insert the following:

(A) Findings.—

(1) There are credible reports that on July 15, 1994 Cuban government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the "13th of March" drowned as a result of Cuban government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the "13th of March" as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the "13th of March" have been imprisoned by the Cuban government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban government, by jamming TV and Radio Marti, denies the Cuban people the right of free access to information, including information about this tragedy.

(B) It is the Sense of the Senate to—

(1) condemn the Cuban government for deliberately sinking the "13 of March", causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that

(2) condemns the sinking of the "13th of March";

(b) provides for a full internationally supervised investigation of the incident; and,

(c) urges the Cuban government to release from prison and cease intimidation measures against all survivors of the sinking of the "13th of March".

DOLE (AND OTHERS) AMENDMENT NO. 2368

Mr. DOLE (for himself, Mr. HATCH, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following: "No funds appropriated under the Act to the Department of Justice shall be used to implement any policy, regulation, guideline, or executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

HATCH (AND OTHERS) AMENDMENT NO. 2369

Mr. HATCH (for himself, Mr. D'AMATO, Mr. DOLE, Mr. SIMPSON, and Mr. THURMOND) proposed an amendment to amendment No. 2368 proposed by Mr. DOLE to the bill H.R. 4603, supra; as follows:

Strike all after the first word and add the following: "No funds appropriated under the Act to the Department of Justice, or any other agency shall be used to implement any policy, regulation, guideline, of executive order with respect to the death penalty which permits the consideration of evidence that race was a statistically significant factor in the decision to seek or impose the sentence of death in any capital case."

LEVIN (AND OTHERS) AMENDMENT NO. 2370

Mr. HOLLINGS (for Mr. LEVIN, FOR HIMSELF, Mr. GLENN, Mr. D'AMATO, Mr. KOHL, Mr. RIEGLE, Mr. WOFFORD, and Mr. LUGAR) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 51, line 9, after the sum "$500,000" insert: ": *Provided further*, That of the total amount included in this paragraph for the National Marine Fisheries Service, $450,000 shall be made available for payment to the Great Lakes Fishery Commission within 90 days of enactment of this Act, as part of the United States' match to the increased Canadian contribution pursuant to the Convention on Great Lakes Fisheries. This sum shall not affect other appropriations provided for the Commission under this Act"

DODD AMENDMENT NO. 2371

Mr. HOLLINGS (for Mr. DODD) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 9, strike line 24 and all that follows through page 10, line 5, and insert the following:

COMMUNITY SCHOOLS SUPERVISION GRANTS

For grants to community-based organizations to provide year-round supervised sports programs, and extracurricular and academic programs for children in order to promote the positive character development of such children, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $37,000,000, to remain available until expended.

OUNCE OF PREVENTION COUNCIL

For grants by the Ounce of Prevention Council, as authorized in H.R. 3355, the Violent Crime Control and Law Enforcement Act of 1993, as passed by the Senate, $3,000,000, to remain available until expended.

HOLLINGS AMENDMENT NO. 2372

Mr. HOLLINGS proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 51 of the bill on line 8 strike the sum "$2,200,000" and insert the sum "$2,000,000".

PRESSLER (AND OTHERS) AMENDMENT NO. 2373

Mr. DOMENICI (for Mr. PRESSLER, for himself, Mr. HELMS, Mr. BROWN, and Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, insert the following new section:

PAYMENTS-IN-KIND AS ASSESSED CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

SEC. . It is the sense of the Congress that—

(1) United States assessed contributions to peacekeeping operations conducted by the United Nations may consist of contributions of excess defense articles or may be in the form of payments made directly to United States companies providing goods and services in support of United Nations peacekeeping activities; and

(2) such contributions should be made in consultation with the Secretaries of State and Defense.

PRESSLER AMENDMENT NO. 2374

Mr. DOMENICI (for Mr. PRESSLER) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 103, after line 23, insert the following new section:

SEC. 507. (a) No later than March 1, 1995, the Secretary of State shall submit to the appropriate congressional committees a report describing the technical cooperation activities of the International Atomic Energy Agency with countries on the list of terrorist countries.

(b) As used in this section—

(1) the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives; and

(2) the term "list of terrorist countries" means the list of countries the governments of which have repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.

CRAIG (AND DECONCINI) AMENDMENT NO. 2375

Mr. DOMENICI (for Mr. CRAIG, for himself, and Mr. DECONCINI) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place, add the following:

SEC. . No funds appropriated herein, or by any other Act, shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to deny or refuse entry into the United States of any goods on the U.S. Munitions List manufactured or produced in the People's Republic of China, for which authority had been granted to import into the United States, on or before May 26, 1994, and which were, on or before May 26, 1994, in a bonded warehouse or foreign trade zone, in port, or, as determined by the United States on a case-by-case basis, in transit.

BROWN (AND OTHERS) AMENDMENT NO. 2376

Mr. DOMENICI (for Mr. BROWN, for himself, Mr. SIMON, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . HIGH-LEVEL VISITS FOR TAIWAN.

Section 2(b) of the Taiwan Relations Act (22 U.S.C. 3301(b)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

(7) to establish regular, cabinet-level contacts with Taiwan through exchanges of visits between cabinet-level officials of Taiwan and the United States.

BROWN (AND D'AMATO) AMENDMENT NO. 2377

Mr. DOMENICI (for Mr. BROWN, for himself, and Mr. D'AMATO) proposed an amendment to the bill H.R. 4603, supra; as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . MEMBERSHIP IN A TERRORIST ORGANIZATION AS A BASIS FOR EXCLUSION FROM THE UNITED STATES UNDER THE IMMIGRATION AND NATIONALITY ACT.

"Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) is amended—

"(1) in clause (i)(II) by inserting 'or' at the end;

"(2) by adding after the clause (i)(II) the following:

"'(III) is a member of an organization that engages in, or has engaged in, terrorist activity or who actively supports or advocates terrorist activity,'; and

"(3) by adding after clause (iii) the following:

"'(iv) TERRORIST ORGANIZATION DEFINED.—As used in this Act, the term 'terrorist organization' means an organization which commits terrorist activity as determined by the Secretary of State, in consultation with the Attorney General.'".

BROWN (AND HEFLIN) AMENDMENT NO. 2378

Mr. DOMENICI (for Mr. BROWN, for himself, and Mr. HEFLIN) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

HUTCHISON AMENDMENT NO. 2379

Mr. DOMENICI (for Mrs. HUTCHISON) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 36, between lines 18 and 19, insert the following new section:

SEC. 112. It is the sense of the Senate that—

(1) any alien who is being deported upon release from imprisonment for committing an offense which is an aggravated felony, as defined under immigration laws, should be escorted out of the United States by a federal law enforcement official or employee of the Service; and

(2) the Attorney General must take adequate safeguards and determine that there is no threat to the public health and safety in deporting any alien described in paragraph (1) where the Attorney General knows or has reason to know that the alien has a communicable disease of public health significance (as determined by the Secretary of Health and Human Services).

HOLLINGS (AND DOMENICI) AMENDMENT NO. 2380

Mr. HOLLINGS (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 24, on line 4, strike the sum "$2,210,511,000" and insert "$2,230,511,000";

On page 28, on line 18, strike the sum "$2,354,104,000" and insert "$2,400,104,000";

On page 69, on line 7, strike the sum "$2,399,318,000" and insert "$2,409,318,000";

On page 76, on line 10, strike the sum "$120,000,000" and insert "$138,000,000".

BROWN (AND HEFLIN) AMENDMENT NO. 2381

Mr. HOLLINGS (for Mr. BROWN, for himself, and Mr. HEFLIN) proposed an amendment to the bill H.R. 4603, supra; as follows:

On page 118, between lines 9 and 10, insert the following:

SEC. . RELIGIOUS LIBERTY.

(a) FINDINGS.—The Congress finds that—

(1) the liberties protected by our Constitution include religious liberty protected by the first amendment;

(2) citizens of the United States profess the beliefs of almost every conceivable religion;

(3) Congress has historically protected religious expression even from governmental action not intended to be hostile to religion;

(4) the Supreme Court has written that "the free exercise of religion means, first and foremost, the right to believe and profess whatever religious doctrine one desires";

(5) the Supreme Court has firmly settled that under our Constitution the public expression of ideas may not be prohibited merely because the content of the ideas is offensive to some;

(6) Congress enacted the Religious Freedom Restoration Act of 1993 to restate and make clear again our intent and position that religious liberty is and should forever be granted protection from unwarranted and unjustified government intrusions and burdens;

(7) the Equal Employment Opportunity Commission has written proposed guidelines to title VII of the Civil Rights Act of 1964, published in the Federal Register on October 1, 1993, that expand the definition of religious harassment beyond established legal standards set forth by the Supreme Court, and that may result in the infringement of religious liberty;

(8) such guidelines do not appropriately resolve issues related to religious liberty and religious expression in the workplace;

(9) properly drawn guidelines for the determination of religious harassment should provide appropriate guidance to employers and employees and assist in the continued preservation of religious liberty as guaranteed by the first amendment;

(10) the Commission states in its proposed guidelines that it retains wholly separate guidelines for the determination of sexual harassment because the Commission believes that sexual harassment raises issues about human interaction that are to some extent unique; and

(11) the subject of religious harassment also raises issues about human interaction that are to some extent unique in comparison to other harassment.

(b) CATEGORY OF RELIGIOUS HARASSMENT IN PROPOSED GUIDELINES.—For purposes of issuing final regulations under title VII of the Civil Rights Act of 1964 in connection with the proposed guidelines published by the Equal Employment Opportunity Commission on October 1, 1993 (58 Fed. Reg. 51266), the Chairperson of the Equal Employment Opportunity Commission shall ensure that—

(1) the category of religion shall be withdrawn from the proposed guidelines;

(2) any new guidelines for the determination of religious harassment shall be drafted so as to make explicitly clear that symbols or expressions of religious belief consistent with the first amendment and the Religious Freedom Restoration Act of 1993 are not to be restricted and do not constitute proof of harassment;

(3) the Commission shall hold public hearings on such new proposed guidelines; and

(4) the Commission shall receive additional public comment before issuing similar new regulations.

NOTICES OF HEARINGS

CHANGE IN HEARING SCHEDULE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce two changes to a previously announced hearing to be held by the Subcommittee on Public Lands, National Parks and Forests on August 4, 1994, beginning at 9:30 a.m. The subcommittee will not receive testimony on S. 1250, a bill to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado.

H.R. 2620, an act to authorize the Secretary of the Interior to acquire certain lands in California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, and for other purposes, has been added to the hearing schedule.

For further information regarding the hearing, please contact Kira Finkler of the subcommittee staff at (202) 224–7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, July 22, beginning at 10 a.m. to conduct a hearing on the nominations of Janet Yellen, to be a member of the Board of Governors of the Federal Reserve System and Julie Belaga, to be a member of the Board of Directors of the Export-Import Bank of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 22, 1994, to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 22, at 9:30 a.m. to hold nomination hearings on Robert Pastor to be Ambassador to Panama and Curtis Kamman to be Ambassador to Bolivia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources Committee be authorized to meet for a hearing on Dual Standard: Health Insurance for American and Foreign Employees of Multinational Corporations, during the session of the Senate on July 22, 1994, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISABILITY

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Disability Subcommittee be authorized to meet for a hearing on S. 2140, the Access to Medical Treatment Act, during the session of the Senate on July 22, 1994, at 9:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPER-IRA—S. 2301

• Mr. McCONNELL. Mr. President, I rise today to address a situation facing this Nation that is particularly troubling. I am talking about America's lack of individual savings. The United States, with a 4-percent rate of savings, falls far behind all other developed countries, and as a result, this Nation faces a capital shortage and a declining savings rate. I strongly support S. 2103, the Roth super-IRA, as a means of boosting individual savings needed to secure the long-term economic health of this nation.

Mr. President, this legislation encourages investment by creating universal access to individual retirement accounts. This bill also allows individuals to take a tax deduction on their contribution, or to contribute to a back-loaded IRA. Under this back-loaded arrangement, contributions would not be deductible, but earnings would be allowed to grow tax-free. In addition, this legislation permits an individual to make penalty-free withdrawals when used to cover expenses associated with funding higher education, placing a down payment on a first home, and coping with long periods of unemployment.

Mr. President, we are rapidly approaching a time when problems associated with savings shortfalls will come home to roost. As our population ages, they will begin to dip into their retirement savings and frankly, Mr. President, there is nothing there.

In the year 2000, 35 million people in this country will be age 65 or older. By the year 2030 that number will nearly double increasing to 65 million. This will put an even greater burden on Social Security and other retirement programs including Medicare. The Social Security Administration estimates that the current surplus will be exhausted by 2013.

This Nation's low level of savings is not entirely the fault of American's who fail to save, but the fault of the Tax Code that discriminates against savings. Already, individuals must pay tax on their income when it is earned. If an individual saves any amount, the earnings gained are also taxed. Therefore, taxpayers already facing higher tax bills are encouraged to spend rather than save. This, Mr. President, is poor public policy which hurts our long-term economic potential.

Prior to the Tax Reform Act of 1986, similar legislation was in place that created an incentive to save through an IRA. Leading up to the 1986 tax reform, individuals savings grew steadily. In 1985, 1 in 5 families contributed to individual retirement account compared to the 1 in 20 that contributes today. Between 1981 and 1985, the national savings grew from $3.4 to $16.2 million, and according to David Wise, a Harvard economist, half of that money was from new savings. Since the elimination of universal access in 1986, savings has steadily declined.

Mr. President, I am an avid proponent of boosting individual savings, especially when applied to meeting the needs of higher education costs. Earlier this year, I introduced S. 1787, the Higher Education Trust Fund Savings Act. My legislation would allow individuals to contribute to a back-loaded State-sponsored education savings plan that would be expressly used for meeting higher education costs.

Mr. President, fewer and fewer parents can afford to write out a check to cover the rising costs of education. In fact, I had to take a second mortgage on my home to cover my two daughters' college expenses. Mr. President, with college tuition costs continuing to grow at 8 percent annually, more and more students will be forced to burden themselves with thousands of dollars in loans or simply forego a college education.

Recently, the National Association of State Treasurers held their annual meeting and a resolution was passed supporting my bill S. 1787. I value this endorsement since State treasurers are the administrators of these savings programs and are the on the front lines of higher education funding.

Like the super-IRA bill, S. 1787 encourages savings and investment in our nations most important resource, education, through the vehicle of tax reform. Mr. President, I encourage my colleagues, who share my concerns regarding access to higher education, to cosponsor this legislation so we can ensure an educational future for our children and grandchildren.

Mr. President, in closing, I urge my colleagues to add their names to Roth super-IRA proposal. This legislation will help strengthen this Nation's economic outlook, and will help families provide for their own future.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise once again in my effort to put a face on the health care crisis in our country. Today, I would like to share the story of Carol Chapman of Rogers City, MI. Carol testified at a Senate Special Committee on Aging hearing that I held in Lansing, MI, last May.

Carol is 63 years old and has Grave's disease, a life-threatening disorder in which the body's immune system attacks the thyroid. She is facing this rapidly advancing illness without medical insurance coverage.

In January 1993, Carol was not feeling well, and went to see her family doctor. Although her physician found that Carol had arthritis and some problems with her thyroid, she did not suggest any treatment.

Four months later, Carol was experiencing chronic diarrhea, nausea, rapid heart rate, and felt weak and shaky. She had lost 30 pounds and was beginning to lose muscle strength in her arms and legs. She could no longer work at her job as an in-home care provider for an elderly woman. Carol returned to her physician, who ran tests and found that she had a hyper-thyroid goiter problem. An operation for the condition was ruled out by a surgeon, who referred her then to a specialist in thyroid problems. He diagnosed Carol as having Grave's disease. He prescribed a course of treatment that included taking seven types of medications daily. Her condition also requires regular office visits for medical monitoring.

In September 1993, the Grave's disease began to affect Carol's eyesight. She experienced double vision, light sensitivity, and constant irritation in her eyes. The following January, Carol began to experience extreme pain in her right eye. Specialists found that she had excessive pressure on the optic nerve which required expensive surgery. Because of Carol's low income level, the $4,300 cost for the procedure was paid by the State of Michigan. Although her field of vision has improved somewhat, Carol's sight is so deteriorated that she can no longer drive her car.

Carol desperately wants to be independent once again. She wants to be able to drive, and to work in order to support herself. But at this point Carol needs a talking clock, a large-numbered phone, and a large faced watch, all of which her family and friends have provided. She relies totally on them for transportation, shopping and doctors visits.

Understandably, Carol's biggest fears are that she will need to go back into the hospital and that she will lose her sight completely. Her physicians are monitoring her thyroid and are now considering surgery.

Because she does not have health insurance, Carol's disease has placed her in an extremely poor financial situation. She lives on the $589 a month she has received from Social Security since her former husband died, and also receives $30 per month in food stamps. But Carol must pay $138, or one quarter of her small income, for prescription drugs and payments on her medical debts, which now total over $3,100. She has an equal amount of credit card debt built up from the cost of transportation and lodging during her visits to physicians in Ann Arbor and Alpena. Every doctor's visit adds another $100 to $200 to her overall medical debt, plus expenses for the trip.

Carol has not always been without health insurance. While married, she was covered by her husband's policy, but she lost that coverage when they divorced. After that Carol moved to Florida to be near her ill mother, and her father. There, she worked as a bookkeeper and her employer provided her with comprehensive health care coverage.

But when Carol returned to Michigan in 1990, after her parents died, she was unable to find work in her field. So she took what part-time jobs she could find as a caregiver to the elderly, most of which paid minimum wage and none of which provided health benefits. Her last job, as a private home health aide, paid $140 a week and she held this job until April of last year, when she became too ill to continue.

While working as a caregiver, Carol looked into buying private health insurance coverage. But her various preexisting conditions meant that the premiums were not affordable. The best rate she was offered was set at $272 a month, nearly three-quarters of her monthly wages at the time.

At age 63, Carol is not old enough to be covered by Medicare, and she has been denied Medicaid because she is not yet totally disabled.

Mr. President, no one should face financial ruin because they suffer from a disabling disease. Carol Chapman has raised three children, cared for her parents, and supported herself throughout her adult life. Yet she is now burdened with growing medical debts as well as the fear of how she will take care of herself should her condition worsen. Americans like Carol should have access to affordable health insurance coverage. Mr. President, I will work with my colleagues in the Senate to pass health care reform legislation that guarantees all Americans affordable, comprehensive insurance coverage.●

CHARLES W. COLSON ARTICLE ON PUTTING NONVIOLENT CRIMINALS TO WORK

● Mr. SIMON. Mr. President, the Washington Post recently carried an article by Charles Colson, who once was on President Nixon's staff and spent some time in prison, and since that time has been doing very constructive work heading a group called, Prison Fellowship.

His article in the Washington Post had a title I don't like, "Let's Get Soft On Criminals!" but it is designed as an attention-getter, and what he is really saying is, "Let's get smart about how we deal with criminals."

The reality is that we in politics, to much too great an extent, are demagoguing on this issue because it is so easy to pander to public opinion rather than to lead public opinion to come up with responsible answers.

I ask to insert the Charles Colson article into the RECORD at this point, and I urge my colleagues to read it.

The article follows:

[From the Washington Post, July 17, 1994]

LET'S GET SOFT ON CRIMINALS!—PUT THE NONVIOLENT TO WORK

(By Charles W. Colson)

I was once federal prisoner 23226: a resident of Dormitory G at the Maxwell Federal Prison Camp in Alabama. I was surrounded by 45 criminals—I should say other criminals—a collection of human beings as pathetic and forlorn as I've encountered anywhere.

To be sure, the camp contained a handful of stereotypical thugs: burly, tattooed men who had committed violent crimes. But most were like Cecil, a white-haired, Kentucky mountaineer who could not write and could scarcely read. Cecil's chosen occupation was making whiskey. It was an altogether honorable profession in his part of the country, but the revenuers took a different view of it. And so Cecil was quietly doing his time, as had several of his friends and an older brother before him.

Then there was Pete. He was doing his third stint for passing bad checks and other penny-ante scams. Pete was a pudgy-faced fellow with a wonderful laugh. He pursued his illicit profession apparently out of sheer enjoyment. "I can't help myself," he told me. "It's so easy—and fun." After my release I kept in touch with Pete for a while; like a compulsive gambler, he kept returning to prison.

One of the brighter personalities I met was Jerry, a handsome young man who had been raised by his mother and a succession of her male companions. Jerry managed to land a scholarship to a state junior college, where he was caught transporting $30,000 worth of drugs. A first offense, it got him three years. Jerry was typical of many young men behind bars: not smart enough to be a successful crook, not bold enough to do any big-time stuff and not rich enough to snare a good lawyer to get him off the hook.

None of the boys of Dormitory G would have committed a violent crime. Night after night, I listened as they replayed their cases, fervently protesting their innocence. Many received Dear John letters from wives or girlfriends. They lost touch with their children. Those who had careers saw their life's work slip through their fingers. And over time they grew bitter. Many talked about getting even with "the system" when they got out, or outsmarting it the next time around.

I served my sentence nearly 20 years ago, but today's prisons are still filled with the same kind of low-level criminals I knew. The dirty little secret of the American prison system is that two out of three prison inmates are sentenced for nonviolent offenses. The cost of their incarceration is high. Taxpayers shell out an average of $20,000 per year per inmate in State prisons, roughly $30,000 in the more modern and humane Federal prisons.

Looking around at my prison mates, I wondered at the time why our system fails to distinguish between the hardened, dangerous criminal and the nonviolent offenders I was rubbing shoulders with. Yes, society must punish lawbreakers; justice requires it. But is prison really the most effective way to punish nonviolent offenders who pose no direct threat to the community? Many states have strictly supervised, successful, community-based programs where offenders can work, support their families and compensate their victims. Why can't many more?

In prison I manned the laundry alongside a man named Doc Crenshaw. Doc had been an eminently successful obstetrician, a former chairman of the American Medical Association. A cultured man in his late fifties, his big mistake was to serve on the board of a bank that misused depositors' funds. The entire board went down. Behind bars, Doc repeatedly begged to be allowed to work in the local hospitals, which suffered from a shortage of obstetricians. He was told to shut up and do his time. So taxpayers footed the bill for a trained obstetrician to spend two years folding undershorts.

Doc Crenshaw is the quintessential example of an offender who should have been sentenced to community service. Alternatives to prison save money and reserve prison space for truly dangerous offenders. They also serve a powerful redemptive function. My group, Prison Fellowship, runs scores of community service projects that put nonviolent prisoners to work with hammer and nails, renovating houses for poor families. I've talked with hundreds of inmate patients who say they feel good about the chance to help others, to contribute in a positive way to society, instead of sulking in a cell like the men I knew in Dormitory G.

Sensible as these policies may sound, they are not likely to strike a chord in today's climate of panic over crime. In response to the public's fear of crime, politicians are doing what politicians always do: talking tough and proposing tough new laws. Therefore we have the budget-busting, billion-dollar omnibus crime bill.

In a perverse way this bill may compound our current prison problem, producing a lot more places like Dormitory G. While some funds are earmarked for alternative forms of punishment, the overall thrust is for more police, more prisons, longer sentences. For example, the Senate version expands mandatory minimum sentencing. But mandatory minimums toss people into prison with no regard for individual circumstances. Take the case of Richard Anderson, a 48-year-old longshoreman with no previous record, no evidence of drug use and 24 years of employment. In return for $5 in gas money, Anderson drove a friend to a fast-food restaurant where the friend sold drugs to a DEA agent. Under a mandatory sentencing law, the judge had no choice but to give Anderson a 10-year prison sentence with no possibility of parole.

Later, Anderson's sentence was reduced; not all prisoners are as lucky. Even the chairman of the U.S. Sentencing Commission, Judge William Wilkins, has said mandatory minimums lead to "unfair sentences." Under current Federal law, every year 3,200 first-time offenders are given minimum sentences of five years or longer. Do we really want to increase the number of laws that impose such draconian sentences? If so, we'd better be prepared to build a lot more versions of Dormitory G.

Still, the most dangerous aspect of the proposed crime bill is the brazen Federal takeover of State systems. The bill provides for 10 new regional prisons for violent offenders. That sounds good until you read the fine print. To transfer inmates to the regional prisons, states must first qualify by bringing State sentencing policies in line with Federal practices—precisely the kind that put people away 10 years for a $5 offense.

Today the Federal system holds a much higher percentage of nonviolent offenders than do the states. But under the new system, the feds will require states to follow suit, filling their already glutted prisons with Cecils, Jerrys and Docs. A study conducted for the National Legal Aid and Defender Association found that the new regional prisons will absorb an average of 375 prisoners from each State—but the State will have to add 12,000 new prisoners to its own system. The upshot is that for every $1 of Federal help, states will have to shell out $30. Not much of a bargain.

Since serving my own sentence, I have worked in prisons for 20 years, visiting 600 prisons in 35 countries, and I have discovered that the old strategies for getting tough on crime don't do the job, no matter how politically attractive they may be. For far less money, we could create tough, supervised community work programs for nonviolent offenders—programs with teeth, holding offenders accountable and requiring them to pay compensation to their victims. As for the real predators in our communities, we'd then have the prison space to keep them locked up for a good long time.

Take it from Prisoner 23226. If the House and Senate conferees want to break their deadlock and produce an effective crime bill, they should talk with the boys in Dormitory G.•

ORDERS FOR MONDAY, JULY 25, 1994

Mr. HOLLINGS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Monday, July 25, that following the Prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator JEFFORDS recognized to speak for up to 30 minutes; that at 10 a.m., the Senate proceed to the consideration of Calendar No. 498, H.R. 4602, the Department of the Interior appropriations bill, and at 1 p.m., Monday, the Senate vote on a motion to instruct the Sergeant-At-Arms to request the presence of absent Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I now ask that it be in order to request the yeas and nays on the motion to instruct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I thank the Chair and the staff and the distinguished President pro tempore of our Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from South Carolina [Mr. HOLLINGS].

PROGRAM

Mr. MITCHELL. Mr. President, the Senate will return to session at 9:30 a.m. on Monday to begin consideration of the Interior appropriations bill. There will be a procedural vote at noon on Monday. I repeat. There will be a rollcall vote at noon on Monday.

Mr. President, I have just been advised that at noon on Monday, a number of Senators will be participating in an important ceremony involving the visit to the United States of the Prime Minister of Israel and the King of Jordan and, therefore, after consultation with the chairman, I have concluded that the vote on Monday will occur at 1 p.m. as opposed to noon.

I repeat, the Monday vote will occur at 1 p.m. That will be the next vote, and that will allow Senators who wish to do so to participate in the welcoming ceremony to the Prime Minister of Israel and the King of Jordan.

HAPPY 104TH BIRTHDAY, MRS. ROSE KENNEDY

Mr. BYRD. Mr. President, in the annals of our country, few families can lay claim to such a record of distinguished public service as can the Kennedys of Massachusetts.

During just my own career, I have been privileged to serve here in the United States Senate with John F. Kennedy, Robert F. Kennedy, and our distinguished colleague, the senior Senator from Massachusetts, the Honorable EDWARD M. KENNEDY.

Currently serving in the House of Representatives is Representative JOSEPH P. KENNEDY II, the son of the late Senator Robert F. Kennedy.

And in other public positions, younger members of the Kennedy family have followed the path of public service and public leadership.

I remind our colleagues of this well-known record as a preface to extending my own greetings to the lady who, on the occasion of her 104th birthday today, Friday, July 22, stands as the matriarch of this incomparable family of patriots and public servants, Mrs. Joseph P. Kennedy, known with the deepest affection to millions upon millions of Americans and other people around the world simply as "Rose."

Mr. President, I know of no other woman in American history who can lay claim to having been the mother of three men who reached the United States Senate and one son who served as President of the United States.

If for no other reason, that would merit our attention here as Mrs. Kennedy celebrates her 104th birthday.

But for an added reason, Mrs. Kennedy deserves our attention on the occasion of her birthday.

Just as Mrs. Kennedy deserves the gratitude of our country for the contributions that her sons have made to our national life, just so, Mrs. Kennedy deserves our admiration for the nobility with which she has carried herself as a cruel Fate struck blow after blow after blow against her in the loss of her sons in service to our national life, including her oldest son, Joe, who lost his life in military service during World War II.

The loss of one such son—cut down in his prime and at the moment of such unexcelled promise—might be sufficient to push one beyond the limits of endurance. But Rose Kennedy lost three sons.

> The benediction of these covering heavens
> Fall on their heads like dew! for they are worthy
> To inlay heaven with stars.

Rose Kennedy is a woman of deep and genuine religious faith—a woman whose vision stretches beyond temporality into eternity. Buoyed by that faith, Rose Kennedy bore her grief and her losses with a hope touched by the Love of God and blessed by a Comforting Spirit.

> Was never mother had so dear a loss!

* * * * *

> Alas, you three, on me, threefold distress'd,
> Pour all your tears! I am your sorrow's nurse,
> And I will pamper it with lamentations.

Mr. President, with her strong faith, against all odds, Rose Kennedy prevailed and shared her victory with her fellow countrymen and women to the point of inspiration.

Mr. President, with fascination, we oftentimes study the biographies and careers of the great men and women who peopled the histories of other mighty nations and past empires. Usually these biographies feature the lives of renowned personages—Alexander the Great, Julius Caesar, Queen Elizabeth I of England, Louis XIV of France, George Washington, and Abraham Lincoln, to name but a few.

But in the history of every nation are men and women who have made their contributions to their countries with perhaps less fame—those men and women who, through their own faithfulness, character, resolve, and courage, have helped to forge the character of those whom they loved—their mates, their offspring, or their friends—thereby leaving their own imprint on history.

Certainly, Rose Kennedy is one of these—those known best to those whom they have loved most dearly, but who, at the same time, is admired by others who understand the contributions that her steadfastness has meant to those nearest to her.

So, on this special day for Rose Kennedy, I know that I speak for our colleagues who are proud to serve with her illustrious son whom we know as TED KENNEDY, and I know I speak for Mrs. Kennedy's admirers and well-wishers everywhere in saying, "Happy Birthday, Happy Birthday, Happy Birthday Mrs. Rose Kennedy."

RECESS UNTIL MONDAY, JULY 25, 1994, AT 9:30 A.M.

Mr. BYRD. Mr. President, at the request of the distinguished majority leader, I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 9:30 a.m. on Monday next.

The motion was agreed to, and at 8:47 p.m., the Senate recessed until Monday, July 25, 1994, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate, July 22, 1994:

THE JUDICIARY

FREDERIC BLOCK, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE EUGENE H. NICKERSON, RETIRED.

JOHN GLEESON, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE JACK B. WEINSTEIN, RETIRED.

ALLYNE R. ROSS, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE I. LEO GLASSER, RETIRED.

DEPARTMENT OF JUSTICE

EDWARD JOSEPH KELLY, JR., OF NEW YORK, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF 4 YEARS, VICE FRANCIS K. PEO.

ROBERT MOORE, OF ILLINOIS, TO BE U.S. MARSHAL FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF 4 YEARS, VICE JAMES L. FYKE.

DEPARTMENT OF DEFENSE

JOSEPH NYE, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE GRAHAM T. ALLISON, JR.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION.)

PAUL L. HILL, JR., OF WEST VIRGINIA, TO BE CHAIRPERSON OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF 5 YEARS. (NEW POSITION.)

EXTENSIONS OF REMARKS

SAVE THE 800 NUMBER—COSPONSOR H.R. 4802

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. GORDON. Mr. Speaker, I have just introduced a bill that will close a regulatory loophole that has allowed misuse of 800 telephone numbers.

It may come as a surprise to many of my colleagues, but 800 numbers are not always free for the caller. In fact, a major national problem is apparently developing that could cause the public to lose faith in 800 numbers and seriously damage the multi-billion-dollar business that has built up around them.

Businesses throughout the country depend on 800 numbers to bring them customers over the telephone lines. If we don't move to make sure that 800 toll free numbers really are just that—free to the caller—then customers may grow wary of calling businesses.

Many people may even start blocking 800 numbers, so that 800 numbers cannot be called from their telephones. Obviously, this would be an expensive disaster that would cause major losses to businesses and the telecommunications industry as well as inconvenience to consumers.

My legislation simply closes a loophole left in current law by preventing 800 number charges from appearing on a telephone bill.

Two years ago, after years of hard work especially by Congressmen MARKEY, SWIFT and DINGELL, and myself, Congress passed the Telephone Disclosure and Dispute Resolution Act, a bill that protected consumers from fraud and misleading practices by marketers of 900 numbers. The FCC and the FTC issued regulations that put the law into effect this year.

One of the goals of the 1992 law was to stop scams where people were induced to call 800 numbers, only to be switched to a 900-type pay-per-call number that could cost $10 or more a minute. In order to make sure that legitimate information providers were not shut out, we allowed for an exemption where credit cards or presubscription agreements were in place.

But ever creative scam artists have devised a scheme that allows people to put their expensive calls, such as to dial-a-porn lines, on others' bills.

A caller calls an 800 number advertised somewhere. The caller says they want to use the service. The caller is given a numerical PIN code. But here's the catch. The dial-a-porn or psychic line or other information provider will bill all future calls using that PIN code to the telephone used to make the first call, even if the caller is calling from another telephone number.

The result is that some businesses report receiving large bills for calls made in this fashion, where the original call to the 800 number of the dial-a-porn service was made from the business' telephone.

Another problem has arisen from young people using their parents'—or a friend's parents'—phone to call dial-a-porn numbers. Many parents have blocked 900 numbers from being called from their phones to avoid this kind of problem, but calls to an 800 number are much more difficult to block at this time. In addition, other services avoid 900 blocking by moving off shore, to The Netherlands Antilles, for example.

One of my constituents who wanted to block international calls was told it would cost her $53.

I have just introduced a bill, H.R. 4802, that should help stop these problems. This bill simply bans charging for 800 calls on a telephone bill.

The FCC probably could have taken care of this problem under its broad existing authority to regulate the telecommunications industry and to stop misleading practices in this industry, including the pay-per-call industry. In addition, AT&T, Bell South and other telephone companies have taken steps to stop charges for calls to 800 numbers.

But the FCC has not acted to stop this problem. Something needs to be done now, and this bill will do it.

I ask my colleagues for support in trying to move this legislation quickly to stop the abuses and save the 800 number.

IN HONOR OF THE VOLUNTEERS AND PARTICIPANTS OF PROJECT CHILDREN FOR PROVIDING COMFORT TO THE CHILDREN OF NORTHERN IRELAND

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to recognize the work of some very special people who have given so much of themselves and their time to an organization known as Project Children. These people open their homes to children from Northern Ireland in order to provide them with some respite from the fighting which takes place in their homeland. I also commend the young people from Northern Ireland who have the courage and strength to endure living in such a hostile environment.

Project Children was founded in 1975 by Denis Mulcahy. Since then, the organization has continued to grow and prosper. Thanks to the many volunteers and contributors, Project Children has been able to bring 9,000 children to the United States. This year, Project Children has flown 840 youngsters from Northern Ireland to the United States. I am proud to say that 250 of those children are coming to the State of New Jersey. Under the very capable direction of John and Joan Hughes, area coordinators, the Clifton Chapter, which is the largest in the State of New Jersey, received 42 children this year.

I would like to extend a warm welcome to all of our guests from Northern Ireland, especially, Emma Murphy, Lisa Toner, Jerrod Toner, Seadhna Billings, Cailin McKnight, Thomas Tracey, John Hoey, Keith Rea, and Padraig O'Hara. The events of the past few months have given these children and their friends and family reasons to hope. The Downing Street declaration, which was proposed in December, could be a step in the right direction, toward peace in Northern Ireland. For their sake, I certainly hope so.

I would also like to thank the host families who have opened their hearts and their homes to these children, especially Kevin and Kathleen Drennan, Robert and MaryAnn McAdams, Brian and Lorri McGorty, Richard and Carolyn Malizia, Joseph and Marie Masterson, John and Mary Brunn, Thomas and Peggy Dreker, and James and Beverly Aibel.

I am sure my colleagues join me in wishing these children and their families the best in the future. We also commend their host families for their caring and generosity. Furthermore, we hope that in the coming year, they will no longer have to endure the kind of violence they have been living with for so many years.

TRIBUTE TO WISCONSIN ENTREPRENEURS OF THE YEAR

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. ROTH. Mr. Speaker, I rise today to praise two of the most successful and dynamic businessmen I know on the 25th anniversary of a remarkable partnership.

It is only fitting that Wally Hilliard and Ron Weyers were recently honored as Wisconsin Entrepreneurs of the Year.

Wally and Ron, as they are known by all of their employees at American Medical Security, first met as rival insurance agents over 25 years ago. However, they recognized immediately that they shared the same vision of what it takes to make a successful business—originality, hard work, perseverance, and a willingness to take risks.

They launched Wisconsin Employers Group in 1970 from the kitchen of Wally's house. In 1988, after selling their company, the entrepreneurial spirit still burned bright.

So Wally and Ron founded their second health insurance company, American Medical Security, and now serve as its president and vice president, respectively.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American Medical Security is a remarkable success story, growing almost 5,000 percent in the last 5 years.

In fact, AMS is the fastest growing employee benefits company in the world. Inc. magazine, one of the national sponsors of the Entrepreneur of the Year Award, has listed American Medical Security as the 21st fastest growing company in the U.S.

AMS has also been recognized for its accomplishments by the Wall Street Journal, Forbes magazine, the Washington Post, and National Public Radio.

Wally and Ron, through American Medical Security and their former companies, have created over 5,000 jobs in the Fox Valley economy. Their insurance policies are sold in 28 States and benefit nearly 1 million people.

The responsibility they feel toward their community is, in my view, their greatest achievement. Ron and Wally have never faltered from their commitment to the people of Green Bay, the people of the State of Wisconsin, and the health insurance industry of America.

I congratulate both of them on the 25th anniversary of their partnership and on being named Entrepreneurs of the Year. But more importantly, I salute them for embodying those personal characteristics, namely, hard work, diligence, honesty, and vision, which have made this country great.

RESEARCH SAYS THAT POOR DID NOT GET POORER

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. SOLOMON. Mr. Speaker, it is a common misconception that during the 1980's the lower classes increasingly grew poorer. The media and the President have pushed the idea that during the Reagan-Bush years, income inequality increased dramatically.

The July 25, 1994 issue of U.S. News & World Report contained an article entitled, "The Poor aren't poorer" which detailed the results of a study on income inequality during the 1980's conducted by sociologists Christopher Jencks of Northwestern University and Susan Mayer of the University of Chicago.

This article points out that the assertions made by the media and President Clinton are untrue. The author writes that the tax changes and domestic-program cuts of Ronald Reagan and George Bush did not increase inequality; in fact, income inequality and poverty levels are significantly lower today than earlier in the century.

The author reports that in 1988–89, the poorest 10th of all households with children reported a mean income of $5,558. Jenck's and Mayer's analysis of government data, however, shows that the same households acknowledged spending an average of $13,558—more than twice their reported income. By 1990, households in the lowest 10th were more likely to have a complete bathroom, air conditioning, central heat, telephone service, a dishwasher and a clothes dryer.

As the author states, "The good news is that there is a substantial mobility out of the bottom of the income distribution, and the poor, on the whole, have tended to get richer over time." In other words, Reaganomics worked. This is only a brief summary of the valuable information in the article. I strongly urge my colleagues to read this article, and I have inserted it for your perusal.

[From U.S. News & World Report, July 25, 1994]

THE POOR AREN'T POORER

(By David Whitman)

America, land of opportunity, is fast becoming America, land of inequality—at least according to the conventional wisdom now enshrined in news stories, government reports and campaign speeches. Bill Clinton has said that "I believe with all my heart that I was elected on a commitment to bring an end to . . . an economic policy that makes the rich richer [and] the poor poorer." In the past five years, reporters cited the fear that the rich are getting richer while the poor grow poorer in more than 600 stories, and a poll in December confirmed 81 percent of adults share that belief.

As is often the case with the conventional wisdom, it is half right. Over the past two decades, the rich generally have prospered and the annual incomes reported by Americans have become more unequal. But research by a number of prominent scholars—most notably sociologist Christopher Jencks of Northwestern University—suggests that much of the accepted wisdom about the poorest households is wrong. The revisionists, many of whom share Jencks's liberal leanings, contend that the tax changes and domestic-program cuts of Ronald Reagan and George Bush did little to increase inequality; in fact, income inequality and poverty levels are significantly lower today than earlier in the century. In a series of forthcoming studies, Jencks and his colleague from the University of Chicago, Susan Mayer, show that in many respects the material lot of poor families actually improved during the past two decades. "Rich families with children do seem to have grown richer," says Jencks. "But poor families with children did not necessarily grow poorer."

MISLEADING NUMBERS

At first glance, census statistics on poverty appear to refute him. In 1969, 13.8 percent of American children lived below the official poverty line; that figure rose to 21.9 percent in 1992. Moreover, families with children at the bottom of the U.S. income distribution experienced a 22 percent decline in inflation-adjusted income from 1973 to 1987. Yet as Jencks points out, such oft cited numbers are at best incomplete—and at worst misleading—since they are based on annual incomes reported by the poor.

One reason the numbers lie is that the poor often receive in-kind aid (particularly food stamps) that is not counted as income in official poverty statistics. On average, food stamps provided about 16 percent of the total family income of poor children in 1989. And as most consumers know, two families with the same reported income one year may live quite differently over time because their extended families—and their borrowing, saving and taxes—differ.

Above all, annual income is a misleading measure of well-being because of a nettlesome little secret: Many poor families substantially underreport their incomes. Often, the poorest families conceal money they earn at odd jobs or receive from friends and family to ensure that they remain eligible for welfare benefits and to reduce tax liability. In fact, Jencks and Mayer's research documents that for more than a quarter of a century, America's poorest households have spent far more each year than the total income they have reported receiving, and the gap between consumption and reported income has grown in recent decades. In 1988–89, the poorest 10th of all households with children reported a mean income of $5,588, but Jencks and Mayer's analysis of government data shows that the same group of households acknowledged spending an average of $13,558—more than twice their reported income.

By looking beyond the official poverty statistics, Jencks and other scholars present a fuller picture of the poor. Their research answers a number of fundamental questions:

Has the material well-being of poor families with children deteriorated in the past two decades? No—on the whole. Consumption and income among low-income households went in opposite directions during the 1980s. The mean income of the poorest 10th of households with children fell 4 percent in real terms, from $4,935 in 1979 to $4,745 in 1989. But the mean amount consumed by these households during the Reagan-Bush years rose 13 percent, from $12,022 in 1980 to $13,558 in 1988–89.

The disparity is especially important, says Jencks, because consumption and living conditions of low-income Americans provide a more realistic assessment of the material well-being of the poor than does income. The Jencks-Mayer research shows that consumption among the poorest 10th of households with children has edged upward a hair since the early 1970s; their living conditions and access to medical care also mostly improved. By 1990, households in the lowest decile were more likely to have at least one room per person, a complete bathroom, air conditioning, central heat, telephone service, a dishwasher and a clothes dryer (table). And members of low-income households actually saw doctors more often than did middle-class individuals throughout the 1980s. In 1989, members of households making less than $10,000 a year averaged 6.8 doctor visits; those making more than $35,000 a year averaged 5.4. However, most such improvements in material well-being took place from 1969 to 1979.

Is there less upward mobility among the poor today than two decades ago? No. During the past two decades, the rate of upward mobility has essentially remained constant. The good news is that there is substantial mobility out of the income distribution, and the poor, on the whole, have tended to get richer over time. One analyst, Isabel Sawhill, who now works in the Clinton administration, co-authored a study that found individuals who started in the lowest fifth in 1977 increased their average family income 77 percent by 1986; those who started in the top fifth increased average family income by 5 percent. She concluded it was "simply not true" that "the poor were literally getting poorer over the last decade or two [or] that the incomes of the rich were skyrocketing."

But there is also bad news. First, the rate of upward mobility has not improved; second, very low income households tend not to move very far out of poverty. Research by Thomas Hungerford of the General Accounting Office shows that after averaging incomes, 60 percent of those in the bottom 10th in 1979 were still in the lowest decile in 1986; 9 in 10 had climbed no higher than the 30th percentile. "Rags-to-riches success stories," he concludes, "are fairly rare, as [are] riches-to-rags sob stories."

Other studies, such as those by Greg Duncan at the University of Michigan, have failed to find any net change in persistent poverty among black or white children from 1967-72 to 1981-86. More recent research by Duncan and two analyses in the May American Economic Review indicate there may have been a slight uptick in long-term dependence on welfare in the late '80s, notably among black children and young women. But for poor families, the big picture is that the big picture didn't change. In the '80s, dependence, persistent childhood poverty and upward mobility were nearly the same as in the '70s.

Did most of the growth in income inequality in the 1980s stem from tax breaks for the rich and cuts in social programs? No—although Reagan's tax-and-spending policies made matters somewhat worse. The rise in income inequality started in the mid-1970s and took place Canada in and some European nations, too. Most of it was due to "increased inequality in pretax earnings, and it is hard to blame that increase on any deliberate government policy," says economist Paul Krugman in his new book, "Peddling Prosperity." Krugman, a U.S. News contributing editor, claims that Reagan and Bush should be blamed "only a little bit" for the rise in inequality.

The truth is that no one has a really compelling explanation for why wages have become more unequal since the energy crisis of 1973. Most economists cite trends such as the spread of technology and the globalization of world trade as factors that placed a premium on well-educated workers. Still, if the Republicans' policies had little impact on wage inequality, an important corollary is that Clinton-administration fiscal policies—including last year's tax increase on the wealthy—may do little to narrow the gap.

Are inequality and poverty at unprecedented levels? No, far from it. A recent study by Eugene Smolensky and Robert Plotnick for the Institute for Research on Poverty at the University of Wisconsin suggests that income inequality peaked around 1932. They conclude that "inequality was greater in the first three or four decades [of the century] than any period since." Yet the public has a tendency, as Jencks puts it, to mistakenly believe "that the rise in inequality is an inexorable trend line, with everything ultimately leading up to us."

One illustration: In 1992, 14.5 percent of the U.S. population lived below the official poverty line. Yet Smolensky and Plotnick found that at the turn of the century, 70 to 80 percent of all Americans lived in poverty, and half did so by the end of the 1920s. Only after the economic boom of World War II did the poverty rate fall below 30 percent. Those numbers are so high that the authors confess they seem "unreasonable"; Americans today, they assert, have greater expectations than their forefathers about standards of living. Even so, they conclude, the standard of living among the poor plainly rose in the long term.

Does underreporting of income by the poor mean that the extent of poverty in America is grossly exaggerated? Not necessarily. Jencks and Mayer's results pertain only to households with children, so they say nothing about what has happened to the poorest of the poor—the homeless—or about changes in the lives of one especially troubled group, impoverished single males. As it turns out, even among households with children, homeownership in the bottom decile has plummeted; 37.8 percent of families owned their homes in 1970, but 23.9 percent did in 1990. The Jencks-Mayer data also capture only part of children's living environments; they do not quantify how today's poor child differs from his predecessor in terms of what he learns from his parents, television and music, or in his prospects for encountering street crime and growing up without a father at home.

Jencks himself explains his findings by saying that "poor households may have more income than we thought, but the poverty line ought to be substantially higher, too. In 1989, he says, the bottom 10th of households with children reported they had a mean per capita income of $4.11 a day to cover expenses.

It's important to remember, too, that not all income is created equal. In the case of poor children, more and more family income comes in the form of a welfare check and less in the form of mom's or dad's paycheck. A study last year by Leif Jensen and his colleagues at Pennsylvania State University found that in 1969, poor children lived in families that drew 63 percent of their mean income from earnings and only 18 percent from public assistance. By 1989, the proportion of family income derived from earnings had fallen to 46 percent and the proportion derived from welfare had doubled. As more poor children become dependent on welfare, more may also run the risk of being isolated from middle-class communities and mores.

The truth is that voters have often shown a fatalism about the nation's economic system. While 81 percent of American adults currently believe that the rich are getting richer as the poor get poorer, an almost identical proportion (76 percent) held the same conviction in 1980—before Ronald Reagan took office and the so-called decade of greed began. For better and worse, the fairness and inequality of the American economy are still gauged partly through the eye of the beholder.

IN HONOR OF THE 10TH ANNIVERSARY OF INROADS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today before the House of Representatives to pay tribute to an organization known as INROADS, which is celebrating its 10th anniversary at its annual awards banquet on July 26, 1994. It is very important that we take time out today to acknowledge the significant contributions this organization and its staff have made to the lives of minority youth throughout our great Nation.

INROADS strives to prepare minority students for professional and managerial careers in business and industry. It gives special attention to above average students of Hispanic, African-American, and American-Indian heritage. College students are placed in 2- to 4-year internships with sponsoring organizations. These internships are year around and require a great deal of participation in training workshops, staff coaching, and community service. The students who participate in this program must meet high academic standards, as well as possess a strong desire to pursue a college degree in the field of business or technology.

INROADS came to life in Chicago in 1970 and has undergone a major nationwide expansion. From one city with only 25 college student interns and 17 sponsoring corporations, INROADS has grown to 40 affiliates with over 6,000 students and 750 client corporations in 32 States and the District of Columbia.

I am proud to have an organization in my district which has taken such a concerned interest in the youth of our country, especially those who might have otherwise been at a disadvantage because of their socioeconomic background. Many minority children face enormous hurdles, including substandard housing, inadequate educational opportunities, and crime-infested neighborhoods. INROADS attempts to even the score by giving some of the most talented minority students a chance to work their way up. These students are not handed a job, they must earn it with their sweat and dedication.

The future of our country rests with our youth. That future can only be a promising one if our young adults have the guidance and support that is lacking in many communities.

INROADS deserves to be commended for their efforts. They have played a key role in molding our Nation's youth into responsible and independent citizens. They deserve our praise and recognition.

THE 100TH ANNIVERSARY OF THE LITTLE RAPIDS CORP.—SHAWANO MILL

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. ROTH. Mr. Speaker, I rise today to commemorate the 100th anniversary of the Little Rapids Corp.—Shawano Mill in Shawano, WI.

The Shawano Mill was founded in 1894 by Frank D. Naber, Joseph J. Wirtz, William C. Zachow, and Kleber M. Phillips under the name of the Wolf River Paper and Fiber Co. In its early years the company specialized in manufacturing groundwood and sulfite pulp, and had one paper machine that could utilize purchased fiber. Today there are three paper machines in operation at the Shawano Mill, taking the company to new heights.

Production capacity has been expanded, and their product line has grown to cover speciality tissue needs of a wide variety of customers. In fact, continued expansion and updating of equipment and support facilities have made the mill a leading supplier of speciality tissue products throughout the United States. Though the mill was started as a small venture, it has evolved into one of northeastern Wisconsin's most significant manufacturers and employers.

On July 1, 1993, the mill was renamed Little Rapids Corp.—Shawano Mill. It currently employs approximately 230 people whose skills and dedication to excellence produce the highest quality specialty tissue products, engineered to fit each customer's needs.

The company's commitment to quality was further demonstrated by its recent construction of a state-of-the-art wastewater treatment facility. It is truly dedicated to the environment and the community.

I congratulate the Little Rapids Corp.—Shawano Mill for a century of excellence and hope that their prosperity continues for many years to come.

A BILL TO DESIGNATE THE HONEY SPRINGS AND WASHITA BATTLEFIELDS AS NATIONAL PARKS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. SYNAR. Mr. Speaker, it is with great pleasure that I and my colleague from Oklahoma, the Honorable FRANK LUCAS, introduce this bill to designate the Honey Springs and Washita battlefield sites as national parks. Oklahoma is rich with history and natural beauty, and, if enacted, these battlefield sites would be the first national parks in our great State.

For many years, Oklahoma has recognized the historical importance of these sites and considered them to be of value to the Nation, as well. In 1993, the Oklahoma Legislature created the Oklahoma Battlefield Commission to identify and promote the preservation of notable battlefield sites in our State. The commission found that the battles of Honey Springs and Washita were particularly important and worthy of inclusion within the National Park System.

The Battle of Honey Springs, which is in my district, was fought on July 17, 1863. Honey Springs may have been the most racially diverse battle of the Civil War and led to Union control over Indian territory in our area of the country for the rest of the war. Indeed, the Civil War Sites Advisory Commission's recent Report on the Nation's Civil War Battlefields includes Honey Springs among the major campaigns not currently represented in the National Park System.

The Battle of the Washita, on November 27, 1868, was one of the largest engagements between Plains tribes and the U.S. Army on the Southern Great Plains. Lt. Col. George A. Custer, leading the 7th U.S. Cavalry, attacked the sleeping Cheyenne village of Chief Black Kettle and inflicted more than 150 Indian casualties, many of them women and children. The Battle of Washita symbolizes the struggle of the Southern Great Plains tribes to maintain their traditional ways of life and not to submit to reservation confinement.

Before introducing this legislation, both Mr. LUCAS and I held public information meetings in our districts to seek input from representatives of local communities, Indian tribes, affected landowners, and concerned citizens on the proposal to include these battlefield sites within the National Park System. As we move forward with this legislation, we remain committed to a process that guarantees full public disclosure and public input. We want national parks that all Oklahomans and other citizens of this country can take justified pride in, and which enjoy the continued strong support of the local communities.

At this time, I would also like to recognize several people who have endeavored for years to designate Honey Springs battlefield as a national park. In particular, I would like to thank Dr. Leroy Fisher, the historian on Honey Springs; Lee Stidham, president of the Friends of Honey Springs; Emmy Scott Stidham, and all the other members of the Friends; Dr. Bob Blackburn and Mr. J. Blake Wade of the Oklahoma Historical Society; Governor David Walters; State Senator Frank Shurden; State Representative Chester "Dusty" Rhodes; State Representative John Bryant; Checotah Mayor Mike Earlywine; Cherokee Chief Wilma Mankiller and Deputy Chief John Ketcher; Creek Chief Bill Fife; and the many, many others that have labored long and hard to make this dream a reality. In addition, I would like to thank officials of the National Park Service, including Director Roger Kennedy, Edwin Bearss, Chief Historian, and Doug Faris, Associate Regional Director, southwest region of the National Park Service and members of their staffs for their valuable assistance and support in this endeavor.

Mr. Speaker, I urge all our colleagues to join Congressman LUCAS and me in support of this important legislation.

PATENT SYSTEM UNDER ATTACK

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mrs. BENTLEY. Mr. Speaker, inventors across the country are concerned about the proposed changes to the patent system which go beyond the General Agreement on Tariffs and Trade [GATT] terms and are being proposed by the administration. The cry to defend our patent system from these changes has erupted from a cross section of inventors. Included in the signers of the letter are 15 inductees into the National Inventors Hall of Fame and two Nobel Laureates.

The letter written to President Clinton by Paul Heckel, for Intellectual Property Creators and the investors who signed this letter expresses the genuine concern about these changes.

INTELLECTUAL PROPERTY CREATORS,
Los Altos, CA, July 18, 1994.

Re an open letter to President Clinton from America's inventors.

Hon. WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: We represent a cross section of inventors who have developed inventions ranging from simple consumer products to breakthrough technologies all of which have contributed to our country's economic growth, standard of living, health, and technological leadership. Most of us are not only inventors but technology entrepreneurs. We share your concerns about the growth of the U.S. economy and your vision for America's continued greatness, but we are concerned about unnecessary changes being proposed to the patent laws in the GATT enabling legislation.

The U.S. patent system was established in the Constitution by our founding fathers. It is a unique and crucial part of our free enterprise system. It has made the U.S. the world leader, not just in pioneering new product concepts and technologies, but bringing them to market. It is not a coincidence that some of those who framed our form of government were inventors; Benjamin Franklin, a founder of the science of electricity, invented bifocals and the Franklin stove. Thomas Jefferson, the first Patent Commissioner, invented a cryptographic system that was used by the United States during World War II. Lincoln, the only president to be issued a patent, a patent litigator, and a technology president who promoted several new technologies into use in the civil war, declared "patents added the fuel of interest to the fire of genius."

Nobel Laureate Robert Solow estimated that 90% of the U.S. economic growth is the result of technological advances. Whole industries have sprung up from the inventions of Edison, Bell, and the Wright brothers. A review of the signatories of this letter demonstrate that today inventors are still creating new companies and new industries. U.S. technological leadership is based on American inventors' willingness to challenge the conventional wisdom and our patent system which supports them in that effort. The loss of the vitality of our patent system will threaten our technological leadership.

It is the people of the U.S. who benefit from the high growth, high paying industries which are created by inventors and technology entrepreneurs.

We understand that the enabling legislation for the General Agreement on Tariff and Trade (GATT) includes administration language that would change the present patent term from 17 years from the date of issuance to 20 years from the date of filing. While most patents take 2 or 3 years to issue, important patents, especially those in new technologies, take longer—often a decade or more. One of Gordon Gould's laser patents took 29 years to issue. The proposed change would start the clock ticking before the patent issues, thus encouraging delaying tactics by those who don't want the patent to issue, penalizing inventors for patent office delay, and significantly reducing the worth of the patent and the incentive to invest in developing the invention.

The patent system, like the First Amendment, is a critical element of the Constitution, designed to protect and encourage those who advocate change. The proposed modifications to the patent law appear to have been inserted in response to requests from those threatened by technological change they can't control.

President Clinton, you yourself understand the difficulty innovators face. Indeed, you quoted Machiavelli on the subject:

"There is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all those who profit from the old order and only lukewarm defenders in those who would profit by the new order. . . ."

The proposed patent changes would rob the U.S. of its technological leadership by tilting the playing field even more against pioneers and in favor of the copiers.

It is crucial that any proposed patent law changes be in a separate bill, apart from GATT. Such proposals should be voted on ONLY after OPEN Congressional hearings. Congress should have the benefit of testimony from not just patent lawyers but inventors—especially those who have founded companies based on their inventions. If Congress is to change the patent laws, it must understand how the patent system works from the perspective of not just big companies and patent lawyers, but from inventors such as us.

Passing GATT requires a minimal change to the current patent system. GATT makes no reference to filing or issuance dates. The U.S. patent system would comply with GATT by making the patent term expire 20 years from issue. We adamantly oppose any part of the proposed "TRIPS" legislation that is not absolutely required by GATT. We urge you to ask Congress to hold hearings on any on how to strengthen the patent system.

Sincerely yours,

PAUL HECKEL,
For Intellectual Property Creators and the inventors listed below.

Members of the National Inventors Hall of Fame and some of their inventions:

Dr. Frank Colton, Enovid, The first oral contraceptive
Raymond Damadian, M.D., The Magnetic resonance imaging scanner
Gertrude B. Elion, D.Sc., leukemia-fighting & transplant rejection drugs, Nobel Laureate
Dr. Jay Forester, Random access computer core memory
Gordon Gould, Optically pumped laser amplifiers
Dr. Wilson Greatbatch, The cardiac pacemaker
Leonard Greene, Aircraft stall warning device
Dr. Robert Hall, Hight-voltage, high-power semiconductor rectifiers
Dr. William Hanford, Polyurethane
Dr. James Hillier, Electron Lens Correction Device
Jack Kilby, Monolithic integrated circuit
Robert Ledey, M.D. The full body cat scanner
Dr. Irving Millman, Hepatitis B vaccine & test to detect hepatitis B
John Parsons, Numerically controlled machine tools
Dr. Robert Rines, High resolution image scanning radar, internal organ imaging

Members of the American Collage of Physician Inventors:

Dr. Arnold Heyman, Bard/Heyman urethral instrument system
Dr. Charles Klieman, Surgical Staplers
Dr. Robert Markison Sailboard hand rip for windesurfing and surgical instruments
Dr. Lloyd Marks, Cardiac patient monitoring detector
Dr. Leo Rubin, Implantable defibrillator combined with a pacemaker

Other Inventors:

Ron Ace, Lightweight photochromic eyeglass lenses
Dr. Sail Aisenberg, Ion assisted deposition of diamond-like thin films
Dr. Paul Burstein, Rocket motor inspection system
Tom Cannon, Computer kiosk for selecting and printing greeting cards
Charles Fletcher, The Hovercraft
Dr. Richard Fuisz, Rapidly dissoluble medicinal dosage unit
Elon Gasper, Speech synthesis with synchronous animation
Charles Hall, Waterbed
Paul Heckel, Card and rack computer metaphor
Dr. A Zeer Hed, Freeze ablation catheter
Anthony Hodges, RSI preventing computer keyboard
Walter Judah, Ion exchange membrane
Ron Lesea, Telecommunications equipment had electronic ballasts
Michael Levine, Magistat thermostat, One screen programming used in VCR Plus
Lawrence B. Lockwood, Interactive multimedia informative system
Wallace London, Clothes hanger lock for suitcases, (London v. Carson Pirie Scott)
Edward Lowe, Kitty Litter
Cordell Lundahl, Stakhand Hay Handler and other Farm Machinery
Paul MacCready, The Gossamer Condor and Gossamer Albatross airplanes
Jacob Malta, Musical bells (Malta v. Schulmerich)
George Margolin, Microfiche readers, folding pocket calculators
Stan Mason, Shaped disposable diapers, microwave cookware, granola bar
Kary Mullis, Polymerase Chain Reaction, Nobel Laureate
Tod Nesler, Non-fogging goggles for sport and the military
John Paul, Electronic ballasts
Rob Polata, Composite masking for high frequency semiconductor devices
Dr. Richard Pavelle, Method for increasing catalytic efficiency
Peter Theis, Automated voice processing
Coye Vincent, Ultrasonic Bond Meter
Paul Wolstenholme, Self erecting grain storage system

The Intellectual Property Creators Coalition:

ALPHA Software Patentholders, Paul Heckel President
American College of Physician Inventors, Dr. Klieman, President
Donald Banner, Patent Commissioner under President Carter
The Inventors Voice, Steve Gnass, President
National Congress of Inventors Organizations, Cordell Lundahl President
United Inventors Association of the USA, Dr. Jenny Servo President

---

TRIBUTE TO BILL LICKISS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. PACKARD. Mr. Speaker, I rise to pay special tribute to Bill Lickiss from Temecula, CA, who recently received fourth place in the National History Day competition. Bill is a 15-year-old student at Temecula Valley High School.

Bill Lickiss' project for the competition focused on the battle to bring water from the Owens Valley to Los Angeles. His project consisted of photographs of Highway 395 and of the Los Angeles Aqueduct. He showed the effects that diverting the water had on Mono Lake and the Owens Valley. With the help of his teacher, Nita Grantham, Bill spent approximately 1 year researching, writing, and editing his project.

His slide presentation "Stretching the Supply" earned him second place in the county competition and the State competition. His continual efforts to improve his project for the national meet showed dedication and commitment.

I salute the young men and women of today for their extraordinary efforts in academics. Youth, such as Bill Lickiss, who contribute to the betterment of society through hard work and perseverance are positive role models to all of us. These talented individuals are the backbone of America's future.

Mr. Speaker, I hope you and my colleagues will join me in recognizing Bill Lickiss on his achievements in the National History Day competition.

TAKINGS AND THE FIFTH AMENDMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. BROWN of California. Mr. Speaker, there has been a considerable amount of discussion recently in committee and on the House floor about the protection of individual property rights under the fifth amendment. Some of my colleagues recently have advocated an interpretation of one portion of the fifth amendment which would justify bankrupting the Federal Treasury, eliminating all Government regulation of private property owners, and create precedent for Federal interference in State and local affairs.

If a community adopts an ordinance requiring their residents to maintain their property, fence-off swimming pools, or to deny them the right to dispose of trash or keep zoo animals on their property, do these ordinances constitute a taking of those properties? Should local communities then be required to purchase at fair market value an individual's home and property if that individual does not agree to comply with the ordinance?

We, all of us, are members of a community. The challenge that has always existed for us in this democracy is to find a balance between individual desires and rights and community responsibility.

The fifth amendment does many things, including protecting individuals from being deprived of live, liberty, or property without due process of law, and having their private property taken for public use, without just compensation. It was never intended to prohibit the protection of our common and community properties of air, water, and other biological resources or the protection of a community from the misuse of property by one owner.

It should be noted that the U.S. Supreme Court ruled recently by the narrowest of margins, 5–4, in Dolan versus Tigard, to incrementally expand the scope of the "takings" clause, where the property owner is actually required to cede title to a portion of his property to the public in return for favorable action by the public body on the owner's request for a development permit. This action should give very little comfort to those who would expand the takings doctrine to include compensation for any adverse economic impact resulting from public regulation to protect broad community interests.

I urge this Congress to support the protection of all property rights and to reject the narrow interpretation of the Bill of Rights represented by the takings legislation, proposed by some of our colleagues.

I include below the full text of the fifth amendment to the Constitution:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger;

nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in an Criminal Case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

TRIBUTE TO FRANCIS LIZ THOMPSON-WALTON

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the outstanding and admirable contributions of Ms. Francis Liz Thompson-Walton, to her church, the community, Jersey City State College, the college community, and the State of New Jersey.

I would like to pay tribute to Ms. Thompson-Walton for her many accomplishments. She has distinguished herself by her service to her community and her Nation. Ms. Thompson-Walton excelled in her undergraduate and post graduate academic career at Jersey City State College, by graduating with honors. She completed a 4-year program in only 2½ years, quite an accomplishment.

Ms. Thompson-Walton became a public servant for the people. Time and again, she has demonstrated her dedication to helping those less fortunate. Her sincerity, integrity, and wisdom soon became widely recognized and admired. She is especially known for founding the Action for Sickle Cell Anemia, Inc. of Hudson County. This organization is designed to promote awareness of the disease. Ms. Thompson-Walton generously took her vacation time to visit local schools and agencies where she made films and gave lecture presentations about sickle cell. In addition, she founded other establishments and programs that grant funding for research on the disease.

Ms. Thompson-Walton was appalled about the myths surrounding the sickle cell disease and the lack of information available to persons wanting to know about the disease. As a result, she met with Dr. William G. Wilkerson, and other interested parties in order to sort out the facts about the disease. A concerned group of laymen and medical persons became the nucleus for the organization known as Action for Sickle Cell Anemia, Inc. of Hudson County. Ms. Thompson was elected president in 1971 and each year thereafter, until she resigned in 1994 for health reasons.

Ms. Thompson-Walton is a great leader. She has sought to educate the community about sickle cell anemia through her many activities. She established the Pre-Mother's Day Dinner—Sojourner Truth Award, the Pre-Father's Day Breakfast—Adam Clayton Powell, Jr. Award, the J. Randolph Johnson M.D. Research Fund, The Reginald O. Coleman, M.D. Medical Scholarship Fund, and the Francis Liz Thompson-Walton Education Scholarship Fund. Her dedication, demonstrated by establishing these awards and funds, is exemplary.

To summarize, Ms. Thompson-Walton has touched the lives of many and has improved the quality of those lives. The awards she has received to date are not enough to express the community's gratitude. I'm proud to have the opportunity to recognize Ms. Francis Liz Thompson-Walton before the House, and I ask my colleagues to join me in thanking her for her service to the community and commending her for her achievements.

LIFESAVING EFFORT BRINGS TODD FOLMSBEE HIGHEST HONOR OF AMERICAN RED CROSS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. SOLOMON. Mr. Speaker, I was pleased to learn today that Todd W. Folmsbee of Stuyvesant, NY, will be awarded the American Red Cross Certificate of Merit for his extraordinary efforts to save the life of another district resident.

This Tuesday, July 26, Mr. Folmsbee will receive the certificate and a lapel pin for his humanitarian act of November 29, 1993.

On that day, Arthur Cassinera of Coxsackie was driving his wife, Mae, to Albany Medical Center Hospital when she began suffering chest pains. On the way he enlisted the help of State Trooper Carlos Cuprill, who decided to transport Mrs. Cassinera in his troop car.

Mr. Folmsbee, a New York State thruway employee, helped Trooper Cuprill put Mrs. Cassinera in the troop car and continued administering CPR on her until reaching the hospital's emergency room. Unfortunately, Mrs. Cassinera died 1 hour after reaching the hospital.

The American Red Cross commends both Trooper Cuprill and Mr. Folmsbee, and so should we all. The certificate Mr. Folmsbee will receive is the highest award given by the American Red Cross to someone who saves or sustains a life by using skills and knowledge learned in a Red Cross health and safety courses.

Mr. Folmsbee's reaction reflects well on that training, as well as on the thruway authority. But it also exemplifies an example of the human spirit at its best, and that is the instinct to rise to the occasion when another human being is in danger.

Mr. Speaker, I would ask all Members to join me in praise of that spirit, and specifically the selfless humanitarian act of Todd Folmsbee of Stuyvesant, NY.

TRIBUTE TO ROBERT M. LEVY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. SKELTON. Mr. Speaker, today I pay tribute to an outstanding Missourian, Robert M. Levy, who passed away recently at the age of 71. He was an extraordinary citizen and a great asset to the Lexington community.

Bob devoted his life to the service of others. Following World War II, where he served as an Army captain, he moved to Lexington where he worked for both Mattingly's Stores and Guy's Foods. He was a member of the Immaculate Conception Catholic Church. Additionally, he was an active member of the Lexington Lions Club and served for a time as district governor of district 261.

Above all else, however, Bob will be remembered for his leadership in the Boy Scouts of America. As a youth, Bob earned his Eagle Scout in Troop 22 in Kansas City, and as an adult leader was a Medicine Man of the tribe Mic-O-Say. Throughout his adult life he dedicated countless hours as Scoutmaster of Troop 318 in Lexington acting as a guide and model for our future leaders.

He is survived by his wife, Dorothy, one son, two daughters, seven grandchildren, and three great-grandchildren. Bob Levy will be missed not only by his family, but also by his many friends whose lives he touched.

TRIBUTE TO ROBERT W. BOGLE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. FOGLIETTA. Mr. Speaker, I rise to salute Robert W. Bogle, president/CEO of the Philadelphia Tribune. Mr. Bogle has been honored with the National Newspaper Publishers Association's Publisher of the Year Award. Mr. Bogle, who is also president of the NNPA, received the award during the organization's 54th national convention held in Minneapolis.

The Philadelphia Tribune, founded in 1884, is the nation's oldest African-American newspaper. The newspaper, founded as a forum for progress, has been a leader in making change in both the political and social arenas, and continues to do so today. Under the leadership of Robert Bogle, the Tribune introduced a three-times weekly publishing schedule, four-color format, a monthly magazine, and a weekly television insert. Mr. Speaker, I join with friends and family in congratulating Robert Bogle and the Philadelphia Tribune for this laudable accomplishment.

WAIVER TO THE MERCHANT MARINE'S JONES ACT OF 1886

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. MOAKLEY. Mr. Speaker, I rise in support of legislation that I introduced today, which is essential to the business of my constituent from Boston, Mr. Charles Moretto. Mr. Moretto is the owner and operator of Fleet Yacht Charters, Inc., which provides chartered boat tours of Boston Harbor and the surrounding areas.

This legislation would grant Mr. Moretto a waiver to the Merchant Marine's Jones Act of 1886, for one of his vessels, the *Lady Helen*. Because the *Lady Helen* was previously owned by a foreign corporation, the provisions of the Jones Act will not permit the Coast

Guard to allow Mr. Moretto to use the boat commercially. However, the boat was built in the United States and is, therefore, eligible for a waiver of the restrictions. Once Mr. Moretto's vessel receives this exclusion from the Jones Act, the Secretary of Transportation will be authorized to issue the boat the proper documentation, allowing Mr. Moretto to use the boat for charter service.

As I stated previously, the commercial use of the *Lady Helen* is essential to the success of Fleet Yacht Charters, Inc. In this day when small businesses often struggle to stay afloat, we need to provide them with all the support that we possibly can. This legislation will go a long way toward meeting that end, by providing Mr. Moretto with the proper authorization to run his charter service at full strength.

THE RULE ON H.R. 3396, THE RETIREMENT PROTECTION ACT OF 1993

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. GIBBONS. Mr. Speaker, pursuant to the rules of the Democratic caucus, I wish to serve notice to my colleagues that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration by the House of Representatives of the bill, H.R. 3396, the Retirement Protection Act of 1993, as amended.

RECOGNIZING THE PARTICIPANTS OF THE 11TH ANNUAL NATIONAL NIGHT OUT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the National Association of Town Watch in New Jersey for their participation in the 11th annual National Night Out on August 2, 1994.

Among the participating cities are Bayonne, East Newark, Elizabeth, Guttenberg, Harrison, Hoboken, Jersey City, Newark, North Bergen, Perth Amboy, Union City, Weehawken, West New York, Woodbridge, and Kearny.

I am proud to have such concerned citizens in my district. This outstanding organization is a national project supported by 8,650 communities throughout our 50 States. Their aim is to bring attention to the ever-rising crime and drug rate, which endangers every neighborhood in our Nation. With the combined efforts of law enforcement agencies, citizens, businesses, neighborhood organizations and local officials, the National Association of Town Watch has been able to successfully send a simple message to criminals: "We are organized and fighting to take our streets back."

The participating cities celebrated National Night Out with various events such as block parties, parades, contests, and public safety demonstrations, as well as the traditional display of outdoor lights and front porch vigils. This kind of community involvement heightens crime and drug awareness and strengthens police-community relations.

The National Association of Town Watch aims to mobilize our communities against crime and the criminal element. For too long, honest, hard-working citizens have lived in fear behind locked doors. The events commemorating national night out are symbolic of our resolve to live in fear no more.

The National Association of Town Watch as well as each of the participating cities are to be commended for their efforts. Their dedication and concern for a safer nation is admirable. The benefits our Nation will receive from National Night Out will most certainly extend beyond one night. I salute them today and wish them luck in their future endeavors.

IN HONOR OF JOHN AND JOAN HUGHES, COORDINATORS OF PROJECT CHILDREN'S CLIFTON CHAPTER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to John an Joan Hughes, area coordinators for the Clifton chapter of Project Children. This organization, which is in its 20th year of offering hope to the children of Northern Ireland, is truly exemplary. Mr. and Mrs. Hughes have generously given their time and are dedicated to helping to further the cause and the mission of Project Children.

Although there appears to be hope for the future, the violence in Northern Ireland rages on. The children in the Emerald Isle are forced to live in fear everyday of their lives. That is where Project Children comes in. This year, the Clifton chapter of Project Children, under the very capable direction of John and Joan Hughes, welcomes 42 children to our area. Their voyage to the United States and their placement in the homes of host families, would not have been possible without the efforts and hard work of John and Joan Hughes.

Thanks to John and Joan Hughes, these children are given the opportunity to escape their war-torn nation, even if just for a short while. I am sure they are grateful for such a reprieve. Mr. and Mrs. Hughes have taken on the responsibility of giving some of these children a chance to live in peace for a few weeks.

I know my colleagues will join me today in honoring John and Joan Hughes for their devotion to the children. I am confident that their efforts will not be in vain. In the meantime, we hope and pray for peace to be reached in Northern Ireland.

CAPT. JAMES F. WHITTAKER, DENTAL CORPS, U.S. NAVY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to a dedicated serviceman to the U.S. Navy, Capt. James F. Whittaker. Captain Whittaker has committed his efforts, talents and time to the Navy through his many years in the Dental Corps and is now preparing for a well-deserved retirement.

Captain Whittaker came to the U.S. Navy with an educational background in both the arts and sciences, with an undergraduate bachelor of arts degree from Ohio Wesleyan University and a doctor of dental surgery degree from New York University College of Dentistry. After entry into active duty, Captain Whittaker continued his education with a dental internship at St. Alban's Naval Hospital, followed by a masters degree in Special Studies from George Washington University.

Throughout his years of service, Captain Whittaker has exhibited extraordinary dedication to his country and to the U.S. Naval Dental Corps, while also demonstrating his abilities as a dentist and a leader. He has served in positions ranging from senior dental officer on both the U.S.S. *Hunley* [AS–31] and the U.S.S. *L. Y. Spear* [AS–36], to department head, general dentistry at the Naval Dental Clinic in Norfolk, VA, to his current position as branch director of the Washington Navy Yard.

For his years of practice in the Dental Corps, Captain Whittaker has been decorated repeatedly, earning several military distinctions: the Meritorious Service Medal, Navy Meritorious Unit Commendation with two bronze stars, and the National Defense Service Award with one bronze star.

It gives me great pleasure to recognize a man whose life has been a symbol of the honor of the medical profession and of dedication to the U.S. Navy.

GATT AGREEMENT IS GOOD FOR TEXAS AND FOR NATION

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. ANDREWS of Texas. Mr. Speaker, I am pleased to speak in support of the implementing legislation for the General Agreement on Tariffs and Trade [GATT] that will soon be before the House of Representatives. This historic agreement represents over 45 years of trade negotiations between the United States and other member countries and the administration should be highly commended.

For States such as Texas, the Uruguay round opens important foreign markets to our products. Being the Nation's third largest exporter of merchandise, Texas' economy will be bolstered by the GATT's creation of significant export and employment opportunities.

This can only be good for my State's economy. From 1987 to 1993, Texas merchandise exports almost doubled, rising by 97 percent. This rise was the second largest among all the United States. Texas' leading export industries of industrial machinery, computers, electronic equipment and chemical products together accounted for 57 percent of our State's exports in 1993. Texas is uniquely positioned to build on past successes to benefit from the Uruguay round and the opportunities the GATT will create.

In negotiating the Uruguay round agreement, the administration was immensely successful in achieving United States trade objectives. They successfully reduced trade distortions for agricultural and industrial goods, created regulations for new areas, such as services and intellectual rights, and established an improved process for resolving trade disputes.

Under the GATT, tariffs will be reduced on manufactured items by an average of one-third, mostly by zeroing out tariffs in selected product categories. For the United States and most other developed countries, these categories will include steel, construction and agricultural machinery, furniture, paper, toys, medical equipment, drugs, as well as beer and distilled spirits.

Industrialized countries will also phase out their quotas on textiles and clothing in four stages over a 10-year period. However, for the first time, developing countries will also eliminate their textile import barriers.

Agriculture goods have been fully implemented into the GATT framework after the Uruguay round agreements. Subsequently, agricultural tariffs will be reduced approximately one-third over 6 years. The effect will be seen in increased U.S. agricultural exports and increased farm income.

Important provisions regarding nontariff barriers, trade in services, foreign investment, and protection of intellectual property rights have also been added. The final GATT accord will modify or establish new world trading orders by creating the World Trade Organization to facilitate implementation of the agreements as well as strengthen trade dispute procedures. The final agreements also include antidumping procedures and contain subsidies provisions.

The GATT negotiations have made historic strides in reducing tariff barriers. For industrial countries, tariff barriers have been lowered from an average of 40 percent in the early 1950's to an average of less than 4 percent at the completion of the Uruguay round.

In particular, I would like to thank the administration for their work to improve regional industry import concentration provisions within the Statement of Administrative Action [SAA]. In the past, interpretations of antidumping laws have made it difficult for regional industries to prevail in pursuing fair treatment. I commend the administration for recognizing the unique nature of regional industries and providing regional industries with a fair remedy to respond to unfair trade practices.

However, while the agreement offers many opportunities, there are still some provisions that require improvement. That is why I offered an amendment which would grant the Department of Commerce authority to suspend dumping duties only in exceptional cases.

The necessity for this provision is clear, considering the problem many of our domestic industries face: The need for an effective means of securing access to the right quantity and quality product in times when domestic supply is inadequate.

Under my amendment, authority would only apply if a specified product under a dumping order is not available in the domestic market. This means that either a domestic producer does not currently produce the merchandise, or a domestic producer cannot fill a request for the product.

Let me offer an example to demonstrate the need for this provision: In 1992, Northern Natural Gas Co. undertook a large expansion project to provide clean burning natural gas to homes from Nebraska to Iowa.

The product they need—large diameter steel pipe—was in short supply here in the United States. After purchasing all domestic supply available, they petitioned Commerce under the steel VRA program—from which our amendment is modeled—for short supply. They were granted a short supply waiver and were able to import the steel they needed without having to pay a 55-percent duty. This exemption allowed them to complete the project on time and saved them millions of dollars in potential contract penalties that would have been assessed by the Federal Energy Regulatory Commission.

This happy ending could not happen today. Instead this company will have lost the right to petition for short supply and will be forced to pay huge penalties as they wait for up to a year for domestic industry to supply their needed product. Without my provision, hundreds of companies like Northern Natural Gas will see their costs doubled and themselves placed at a serious competitive disadvantage.

Mr. Speaker, I and the cosponsors of this amendment believe that antidumping and countervailing duty remedies are an appropriate response to injury caused by unfair import practices in most market situations. However, in some circumstances these remedies can prove excessive and may work to the detriment of consumers of a product. That is why we have drafted our amendment to model the successful steel voluntary restraint program [VRA], thereby giving the Department of Commerce broad authority to review petitions. Under my proposal, the domestic producer holds all the cards. If they can supply the needs of the customer, there is no grounds for a temporary suspension of duties. If they can supply 80 percent of the customers' needs, then the petition may be granted a waiver for the remaining 20 percent of the order.

Mr. Speaker, the need for a temporary suspension of duties arises from the realities of today's marketplace. In our increasingly global marketplace, we must not tie the hands of American companies. We believe that our amendment guarantees a balance between the legitimate interests of producers and consumers. For the sake of fairness, balance and a competitive America we urge the adoption of a short supply provision to the GATT implementing legislation.

I think this amendment will go a long way toward improving the GATT and strengthening the competitive advantage of American business. These landmark opportunities to stimulate our economy, promote U.S. exports, and create new, high paying U.S. jobs is a credit to the Clinton administration.

THOMAS SWAIN BARCLAY—A GREAT TEACHER, A GREAT FRIEND

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. HORN. Mr. Speaker, recently a memorial service was held for a great teacher and friend who encouraged over three decades of Stanford students to love American history and politics and to serve their community, their State, and their Nation.

Thomas Swain Barclay was a son of Missouri, a graduate of its State university, who then went east to Columbia to secure his doctorate in political science. He returned to his alma mater, the University of Missouri, and in a few years was called to Stanford University where he joined the faculty in 1927 and served as professor of political science until his compulsory retirement at age 65 in 1957. He died at 101 on December 21, 1993, 5 weeks short of his 102d birthday.

Five of Professor Barclay's students became U.S. Senators; at least another five served in the House of Representatives. A number of his students became captains of industry with a keen understanding of American politics. Among the latter were Najeeb Halaby, former chief executive officer of Pan American Airways; Rudy Munzer, chief executive officer of Petrolane, Inc.; and George Egan, an entrepreneur in southern California.

Because of the legislative schedule, neither Senator MARK O. HATFIELD nor I could participate in the beautiful memorial service at the Stanford Memorial Church which was arranged by Messrs. Egan, Halaby, and Munzer. The moderator was Dr. Dennis Bark, whose father, professor of history William Bark, was one of Dr. Barclay's close friends.

To provide a perspective on the life of Professor Barclay, I include the remarks of Dr. Dennis Bark, Senator HATFIELD, and myself.

REMARKS OF DR. DENNIS L. BARK, THE HOOVER INSTITUTION, IN TRIBUTE TO THOMAS SWAIN BARCLAY

Thomas Swain Barclay was left-handed and loved baseball. As my brother and I were growing up, we learned about baseball from Uncle Tom; and we learned a lot of other things also, because we first met him when I was five.

He was always, for Jed and me, Uncle Tom; and that's what we called him all his life.

We thought one of the remarkable things about Uncle Tom was his memory. He remembered everything! That included facts, and stories, and poetry, and good, old-fashioned, straight forward adages—none of which would have sounded the same from anyone else. In the next few minutes I want to recite some of them, because they describe Uncle Tom the way many of his Stanford friends knew him.

Often he would begin a conversation—at "The Frenchman's House," at 721 Alvarado Row, at his cottage at Miss Gardner's, at l'Ommies, at the Bohemian Club, at his home on Mayfield Road, or at Webster Street—with, "Here is the batting order." So, here it is.

My father and Uncle Tom met in 1927/28. Uncle Tom joined the Stanford Faculty in 1927, and may father arrived at Stanford as a

Freshman that same year. That friendship continued almost sixty-five years, until December 21, 1993.

Along the way there were many milestones.

Uncle Tom and my father loved football games, and all of us went together. We discussed the "Old Alma," and listened to Dink Templeton on the radio.

When my brother and I were teenagers he decided my brother had special talents, because he was left handed and played first base. So every time Uncle Tom went home on Sundays, after dinner at our house, he would remind Jed: "Stay on first base."

Uncle Tom was regularly at our house for dinner. He always brought my mother a one pound box of See's candies, because they were the best. He presented the candy to mother, and said to me and my brother: "We're in clover; your mother's cooking dinner."

Part of Uncle Tom's life was Stanford, and another part was St. Louis, where he went every year. We took him to the train after we got our driver's licenses—he never drove a car—and picked up his mail while he was away, which included the freshly laundered shirts sent from St. Louis.

Later, in the 1970's and early 1980's, after I was married and Uncle Tom had moved to Webster Street, our children took him his mail every Saturday morning on their bicycles, and always stayed a while to, as Uncle Tom used to say, "review the situation." He kept in touch with Dwight, Matthew, and Samuel, and he knew until December 21 where they were in school and what they were studying.

When I was a student at Stanford I saw him not only for Sunday dinners, but also for lunch at the Old Union, for a drink at the cottage, and then later across the street at 619 Mayfield. In 1964, when I was in my senior year, and Uncle Tom had been retired since 1957, he came back to teach a Senior Colloquium on the 1964 elections—so we could say that he had been both my father's and my teacher.

During those years at Stanford, and later on, I made notes, here and there, of what he said. Not only did I save them, but I use a lot of them myself.

One of his favorites was, "Politeness costs nothing and buys everything," often followed by "Never look at the mantle when you're stoking the fire." I didn't know what he meant exactly, but I think I figured it out in due course.

Another one, whose value I saw right away, was, "Never write a letter to a woman you couldn't chill beer on." That was one which particularly annoyed my mother; but it sounded reasonable to me at age 21.

Then, there were some which did make a lot of sense, but which an undergraduate at Stanford really had a tough time appreciating until later on. Such as: "She knows the difference between a parlor and a drawing room." And two more that go together particularly well: "Just remember, you don't have to tell everything you know." If that wasn't clear enough, he added, "You don't have to explain anything you didn't say."

The one I liked best, in some ways, was one which I am still not sure I understand completely: "Never change barrels while going over Niagara Falls."

Of course, Stanford was often a topic of conversation, and the only time I think I saw Uncle Tom really become annoyed was when there was discussion about Stanford's being on the edge of greatness. It was a phrase intended to raise money for Stanford's PACE campaign of the early 1960's. When this talk started it was shortly after Uncle Tom's retirement, and he did not like the implication. So he inverted the intention, and told his friends, more than once: "Stanford is on the edge of greatness; the question is can it climb back to the top?" In more sanguine moments he would say, solemnly: "There isn't anything I can do about it." And if we ventured a comment, especially when we were young, he always welcomed it with: "Well, another county heard from!"

Whenever he thought of it, he would often say in this latter context of being unable to do anything about it, "If you can't find someone in your own country to marry, stay where you are." Well, I was fortunate to find someone in my own country. The result was that France and Uncle Tom became fast friends for twenty years.

His legendary memory included the ability to recite poetry and verses, which he often did. They would just sort of roll out, and we all would listen. Our favorite, and I think, his too, was always recited around Thanksgiving and Christmas, which Uncle Tom often spent with us. It comes from "Love's Labours Lost": I quote:

When icicles hang by the wall,
And Dick, the shepherd, blows his nail,
And Tom bears logs into the hall,
And milk comes frozen home in pail,
When blood is nipp'd and ways be foul,
Then nightly sings the staring owl, Tu-who;
Tu-whit, tu-who—a merry note.
While greasy Joan doth keel the pot.
When all aloud the wind doth blow,
And coughing drowns the parson's saw;
And birds sit brooding in the snow,
And Marion's nose looks red and raw * * *
Then nightly sings the staring owl, Tu-who
Tu-whit, tu-who—a merry note.

Following this service there is a reception at the Hoover Institution. A reception there is especially appropriate, for several reasons. Uncle Tom admired the Institution under Glenn Campbell's direction, and he appreciated Glenn's kindnesses to him, of which there were many. Moreover, the courtyard where we will toast Uncle Tom following this service, is named the "Mark Hatfield Court," in honor of Uncle Tom's former student with whom he remained friends all his life.

Apropos the reception later this afternoon, several additional comments are, as Uncle Tom would phrase it, "in order." There was a unique side to Uncle Tom which all of his friends knew and loved, and which we all recognized with great affection. He loved to talk with people. He was good at it. He remembered everyone, and everybody knew him. And those who didn't, wanted to. One, of many reasons, was that he always followed his own adage: "Leave them laughing when you say goodby."

Uncle Tom loved laughter, held Stanford in great affection, believed that America was beautiful for good reasons, was dedicated to the principles of democracy, considered ethical standards and moral values of major importance; and was a gentleman.

There was, in addition, the value of good bourbon whiskey.

Uncle Tom had strong views on this latter subject, and he communicated them to us in no uncertain terms. His advice to me when I went away to college was: "Never have your picture taken with a drink in your hand." With this observation firmly and clearly delivered, he wisely counseled something which seemed very obvious to him: "You must always drink the wine of the country, and the wine of this country is bourbon."

And that is one of the reasons why he was so fond of l'"Omelette," when Andre and Pierre Frelier ran it. The first time he took me there I wrote down his opening line: "Andre, it's Jack Daniels." It was also at l'Ommies that he gave real meaning to one of his favorite phrases, from Henry the Eighth: "Good company, good wine, good welcome, can make good people."

When he had enjoyed good company, good wine, and a good welcome, he always wrote a thank you note. My mother received many of them and so did my wife. In all of them there was certain to be one particular phrase. I want to turn this phrase around, as I conclude, and say to Uncle Tom what he wrote so unfailingly to us: "What answer can I make, but 'thanks—and thanks—and ever thanks.'"

REMARKS OF MARK O. HATFIELD, U.S. SENATOR

In remembering Professor Thomas Barclay, I was unsure at first how to refer to him. Was he a teacher? Was he a mentor? Was he both?

Webster's dictionary defines a teacher as "one whose occupation it is to instruct"—a rather bland image.

The term "mentor," however, is defined as "a trusted counselor or guide." True, Thomas Barclay was my teacher. But he was more. He was a trusted advisor and was truly a mentor to me.

During my years as a graduate student at Stanford, I was considering a career in public service and was solidifying my Republican roots. Yet there I was studying political parties under the tutelage of a centrist Democrat. As a good teacher will, he did not attempt to impose his opinions on his students. He sought merely to ensure that my understanding of history was thorough and that my reasoning was solid.

At times, however, his Democratic leanings were evident. One such occasion in particular stands out in my mind.

Under his guidance, I was writing my thesis on the subject of the labor policies of Herbert Hoover as they evolved during the years leading to Hoover's election in 1928. As you know, Hoover defeated Democrat Al Smith, the long-time governor of New York, for the presidency.

This campaign was the earliest in United States history to be influenced significantly by the advent of radio. For the first time, Americans could hear the voice of each candidate. I contended that this development was a significant factor in Hoover's victory. His voice was deep and resonant. Al Smith's, suffice it to say (remember he was a New Yorker), was not.

In my thesis, I had labeled Smith's voice "unpleasant." Professor Barclay, however, crossed out "unpleasant" on my draft and inserted "unusual." I kept the change, knowing a protest was futile.

One of my fondest memories of Professor Barclay is the image I have of him sitting at a table at a favorite restaurant of students of my time, L'Omlettes, a place we had affectionately dubbed "L'Ommie's". An impeccable dresser, Professor Barclay would sit calmly at a table, sipping his Park and Tifford, surrounded by enthusiastic students pumping him for comments. Warm and kind yet commanding respect, he was the image of Edwardian sartorial splendor. Professor Barclay was a true gentleman, one of the last of a fading breed.

Thomas Barclay was to the students of Stanford University more than simply an instructor. He was never one to blindly impart his knowledge to an audience of anonymous faces. Instead, Professor Barclay was a mentor in the richest sense of the word. He engaged each student individually and challenged us to evaluate, to be critical, and to form well-reasoned opinions of our own.

It has been said that a teacher affects eternity. With Professor Barclay, this is certainly the case. I feel extremely fortunate to have studied under his guidance. His influence on me and on every student he taught was powerful and lasting. He will be sorely missed.

REMARKS OF STEPHEN HORN, MEMBER OF CONGRESS

"A STUDENT'S PERSPECTIVE ON THOMAS SWAIN BARCLAY"

There are so many memories of Thomas Swain Barclay over four decades of knowing him: first as an undergraduate in political science 1, American Government, fall 1950. He took an interest in those of us who were in student government and who also cared about national issues. His course in political parties coincided with the 1952 Presidential campaign. He made the study of politics and power exciting. No wonder five of his students became United States Senators and several became Members of the House of Representatives.

In 1953, in political science 400, a graduate seminar on methodology, Professor Barclay's historic opening words to the group of apprentice professionals was: "Grasp life by the throat rather than by the tail."

He also urged us: "Don't praise or condemn theories of institutions: understand them."

We all saw in TSB a friend, a mentor, a great teacher, and the epitome of a gentleman, whether we were political science majors, pre-med—or even engineers. He cared about us and what we did.

He cared about relationships and families. Given his amazing memory for maiden names and who was who when and where, I often thought that he might become a previously untapped source for the great collection on genealogy of the Church of Latter Day Saints in Salt Lake City.

In between the seriousness of a lecture I recall him saying:

1. "Being a Democrat or a Republican is the most casual thing in the world."
2. "Political parties are like football games—the teams have the same rules, just different colored sweaters."
3. Recalling that President Eisenhower appropriated the "100% of farm parity issue" from the Democrats in 1952, TSB summed it up: "You find your opponent in swimming and steal his clothes."
4. "Roosevelt talked 'prettier' about civil rights, but Truman tried 'to do' something about them."

His lectures were sprinkled with the wisdom and humor of some of the great political scientists of his era. As a Columbia doctorate, he was particularly influenced by the works of Charles A. Beard, one of that institution's great teacher-scholars. In his 100th year, I asked TSB to remind me of a Beard quote for a speech. Without a moment's pause, he rattled it off as he had 40 years before.

I recall his favorite story about Beard being a gadfly to Columbia's imperious president Nicholas Murray Butler. After one of Beard's many books was published, a faculty member asked President Butler, "Have you seen Beard's last book?" To which President Butler replied, "I hope so!" as he walked on.

When TSB was not writing notes to Stanford presidents reminding them that the alumni were coming in two weeks and that a pile of trash in the inner quad should be removed, or urging that the expenditures on the medical school were shortchanging undergraduate education, or trying to get the provost—an engineer—to require more liberal arts for undergraduate engineering majors, he was keeping his lectures up to date by reading the books in his great personal library on American politics.

His students respected him not only because he was a friend but because he was a professional. He integrated constitutional law, American history, and political science. He took us through the processes and excitement of a campaign. He actually liked politics and had practicing politicians to the class to share their knowledge and discuss their problems. He never imposed his political views on his students.

When Professor Barclay retired in 1957, his retirement celebration was a mock political convention. He was nominated for the office of President of the United States by Stanford president J.E. Wallace Sterling. He was overwhelmingly elected! A Thomas S. Barclay fund to aid Stanford undergraduates was established at that time.

Tom Barclay loved Stanford. He fondly recalled Missouri. He cherished the Stanford chapter of Phi Beta Kappa for which he served as its long-time secretary. But most of all he valued his circle of past students who shared the common bond of devotion and respect for a great teacher and a true friend.

CUBA'S BRUTALITY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. DEUTSCH. Mr. Speaker, on July 13, 1994, Fidel Castro's henchmen deliberately and cruelly sank the tugboat of 72 fleeing refugees, causing the death and disappearance of approximately 40. Twenty of those sent to their watery graves were young children.

The episode is one that has become all too familiar to those who monitor the plight of individuals fleeing Cuba's brutality. The group of 72 freedom seekers hopped aboard a tugboat with the ambition of reaching freedom and safety. Once 7 miles offshore, the refugees were barraged by three Cuban tug boats which rammed their ship attempting to sink it. Castro's men then turned powerful water hoses on the refugees instantly clearing some off the decks. Hoping that the presence of children would deter Castro's men, the refugees pointed to the children on board only to have them knocked from their arms with the force of the water.

Nearly as tragic as the massive loss of human life is the silence that has proceeded this brutal act. The survivors have spoken out, but the world has largely ignored them. Sadly, this is only one of many acts that Cubans have come to expect from the maximum leader, an inhuman dictator that makes a common practice of murder.

Unfortunately, there are those who continue to embrace the Castro regime while conveniently overlooking these ruthless acts. They perpetuate this romantic notion of a charismatic leader who descended from the hills. Yet, if this act alone is not enough to thwart this notion, how many more corpses will it take until Castro's allies are convinced that his stranglehold on Cuba must end? As freedom loving Americans, we cannot allow these lives to have been lost in vain. We must force the world to confront the gross violation of human rights and outright murder in Cuba.

TRIBUTE TO DR. LEROY CHIAO

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. BAKER of California. Mr. Speaker, I rise on the week of the 25th anniversary of the *Apollo 11* Mission, when man first walked on the moon, to recognize one of my constituents, Dr. Leroy Chiao. For over 2 weeks, Dr. Chiao has been living out his childhood dream of being an astronaut.

On July 8, 1994, Dr. Chiao lifted off in the space shuttle *Columbia,* serving as its mission specialist. *Columbia* is scheduled to touch down tomorrow, July 23, 1994, at the Kennedy Space Center.

Dr. Chiao and I share the same hometown, Danville, CA. He is a graduate of Monte Vista High School in Danville and received a B.S. in chemical engineering from the University of California at Berkeley. He earned his masters and doctoral degrees in chemical engineering from the University of California at Santa Barbara and now works as a chemical engineer at the Lawrence Livermore National Laboratory.

As the first full Chinese-American NASA astronaut, Dr. Chiao is running the shuttle's space systems while in flight and is participating in nearly 80 different biological and materials-science experiments with other top scientists from around the world. He is also one of two astronauts on board trained to perform space walks outside the shuttle and will do so if needed. Dr. Chiao trained for this flight for 21 months, but has been preparing to be an astronaut for a lifetime.

I commend Dr. Chiao for his dedication to space exploration and the world of science, and I look forward to meeting with him upon his return to Earth.

His contributions have helped the United States maintain its role as the world's leader in science and technology, and instill a great sense of pride in all Americans.

THE ALEXIS DE TOCQUEVILLE INSTITUTION IS A VALUABLE SOURCE OF INFORMATION ON ENVIRONMENTAL RISK

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. ZIMMER. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding policy research efforts by the Alexis de Tocqueville Institution in building intellectual support for enhanced cost-benefit analysis and risk assessment for environmental decisions. All too often, billions of dollars are wasted on environmental problems that are not really dangerous, leaving little for others that pose far more serious human and ecological risks. The Alexis de Tocqueville Institution has undertaken an aggressive public information campaign to build support for cost-benefit and risk analysis initiatives that would focus environmental regulation on the most serious risks.

The Environmental Risk Reduction Act, which I have introduced with Representative JIM SLATTERY in the House and which Senator DANIEL PATRICK MOYNIHAN has introduced in the Senate, would ensure that policymakers and the public are aware of the true dangers posed by health and environmental risks, and the costs and benefits of reducing such risks. Only in this way can we rationalize environmental decisions and reduce the burden of environmental regulations on businesses, State and local governments and individual citizens.

Clearly there has been a dramatic shift in the congressional debate over environmental questions toward requiring more stringent cost-benefit analysis and risk assessments. The Senate has twice passed Senator J. BENNETT JOHNSTON's cost-benefit amendment by large bipartisan majorities. The Senate's version of the Safe Drinking Water Act would require more comprehensive risk assessments before new regulatory requirements are imposed on State and local governments. Here in the House, there has been a similar upsurge of support for risk assessment and cost-benefit analysis. In my view, the de Tocqueville Institution's writings have played a major role in educating Members, the press and the general public about the need to rationalize environmental policy and reduce excessive regulatory costs.

I would ask that an article by Cesar V. Conda, executive director of the Alexis de Tocqueville Institution concerning the Moynihan-Zimmer-Slattery Environmental Risk Reduction Act be entered into the RECORD for review by my colleagues.

[From the Journal of Commerce, May 5, 1994]

TIME TO RATIONALIZE EPA RULES

(By Cesar V. Conda)

The cost of complying with environmental regulation has exploded—currently $150 billion and projected to rise to $185 billion by the year 2000. Now more than ever, the science behind environmental decisions is being questioned.

The New York Times summed it up best: "In the last 15 years, environmental policy has too often evolved largely in reaction to popular panics, not in response to sound scientific analysis of which environmental hazards present the greatest risks. As a result, billions of dollars are wasted each year in battling problems that are no longer considered especially dangerous, leaving little money for others that cause far more harm."

As Sen. Daniel P. Moynihan, Democrat of New York, put it, "Truth be told, I suspect that environmental decisions have been based more on feelings than on facts."

In response to the explosion in the cost of environmental regulation, and the government's practice of spending enormous amounts of money to reduce small risks instead of big risks, Sen. Moynihan, Rep. Richard Zimmer, R–N.J., and Rep. Jim Slattery, D–Kan., have introduced the Environmental Risk Reduction Act. This bill would ensure that the billions spent by the American people for environmental protection is better targeted at reducing the most serious and probable risks.

The Moynihan-Zimmer bill is designed to sharpen the public debate over risk assessments and require the Environmental Protection agency to set risk reduction priorities based on sound scientific analyses.

Specifically, the bill would create two expert commissions that would provide the EPA with advice on ranking relative risks and on estimating the quantitative costs and benefits of reducing risks to human health and natural resources. The bill also creates a Risk Reduction Research Program that would improve the data, methodology and accuracy of the government's risk assessments.

Every two years, the EPA administrator would be required to submit a report to Congress—based on the new research findings and recommendations of the risk assessment advisory panels—that would prioritize health, safety and ecological risks, estimate the costs and benefits of reducing these risks and identify the public awareness of likelihood, seriousness, magnitude and irreversibility of each risk.

Ensuring that the general public is aware of the relative risks they face is crucial to setting environmental priorities. The 1990 Reducing Risk report by the EPA's science advisory board states the "relative risk data and risk assessment techniques should inform (the public) judgment as much as possible."

For example, if the public knew that an average-sized plate of shrimp contains trace arsenic levels of 30 parts per billion, would the people choose to continue paying for a costly EPA water quality rule limiting arsenic to no more than two to three parts per billion? Similarly, would the public agree with some environmentalist's hope of banning the commercial use of all pesticides (thereby raising prices of fruits and vegetables) if they knew that there are more known carcinogens consumed by drinking one cup of coffee than the amount of potentially carcinogenic pesticide residues consumed by the average person in a year?

All too often, EPA selectively uses risk assessments to dictate environmental policy to the public instead of to inform them of their choices. For example, the EPA's recent finding that "environmental tobacco smoke"—or second-hand smoke—is dangerous to human health is based on a threshold of risk assessment two times lower than what the agency normally uses for other substances. All too often, politics get in the way of sound science.

Upgrading the scientific methods behind EPA's risk assessments and explaining to the public the health risks of certain substances or activities relative to the risks they normally face in their everyday lives would result in more rational—and perhaps less costly—environmental decisions. For instance, the public might decide that the millions spent by local governments to monitor trace levels of drinking water contaminants that pose no serious health risk would be better spent on building new roads, improving local schools or hiring more police.

Right now, however, the people aren't aware that they have such a choice. "Relative risk ranking and cost benefit analyses are tools," said Sen. Moynihan. "Crude tools today, yes, but perhaps sufficient in some cases to rank activity A as more risky than activity B. If the costs or political realities dictate that we should control B before A then great.

Today, the Clinton administration and many environmentalists have vehemently opposed measures to expand the use of cost-benefit tests and risk assessments for environmental regulations and programs; they argue that such requirements are "unreasonable" and would add unnecessary costs for the EPA. But what about the "unnecessary" and "unreasonable" costs imposed by environmental regulatory agencies on state and local governments, small business entrepreneurs, consumers, landowners?

The issue of risk assessment and cost benefit analysis has built up a tremendous head of political steam on Capital Hill. Last April, an amendment proposed by Senator J. Bennett Johnston, D-La., implementing risk assessment and cost-benefit analysis into the policy-making process at EPA passed 95–3 in the Senate when it was offered to the EPA cabinet bill. Sen. Johnston plans to offer his amendment again during the forthcoming U.S. Senate debate over legislation to reauthorize the Safe Drinking Water Act. In addition, Sens. Moynihan, Joe Lieberman, D-Conn., and Harry Reid, D-Nev., Plan to advance a version of Sen. Moynihan's Environmental Risk Reduction bill.

Politicians on both sides of the aisle are responding to the public's desire to rationalize the government's environmental decisions. The Environmental Risk Reduction Act is a workable, bipartisan approach that would help both the environment and society by setting priorities for environmental problems and lessening excessive environmental regulatory burdens.

TRIBUTE TO ALVIN UNGERLEIDER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. LANTOS. Mr. Speaker, this year marks the 50th anniversary of the greatest undertaking in the history of war: the D-day landing on the beaches of Normandy. I rise today to honor one of the soldiers of democracy who went ashore at Omaha Beach on the morning of June 6, 1944.

Alvin Ungerleider was a second lieutenant, just 22 years old, when he led a platoon of 50 men onto Omaha Beach and up the gully the Allies had named E–1. When their assault was slowed by German mines, Lieutenant Ungerleider led his men of Company L, 3d Battalion of the 115th Regiment, 29th Division, through the minefields to join the battle to free the town of St. Laurent-sur-Mer.

For his valor at Normandy, Lieutenant Ungerleider was awarded the Bronze Star. Later that summer, he would receive his second Bronze Star while fighting to liberate the French city of Brest.

Al Ungerleider was wounded twice during the first month of the Allied invasion, yet he fought on through France and Germany. when the German Army fell, he brought freedom to the inmates of a Nazi death camp he liberated near Nordhausen.

Al Ungerleider had been raised in the bitter realities of the Depression, then was drafted from his hometown of Carbondale, PA. At first a citizen soldier, Al Ungerleider then stayed on in the Army for 36 years. He served first as an Infantry officer, later in Armor.

He fought again in both Korea and Vietnam. In Vietnam, while commanding the Bien Hoa Tactical Unit, he spent his free time working with a Vietnamese orphanage.

Throughout his military career, he served not only his country, but his religion. In 1955, while stationed at Monterey, CA, he started its first Sunday School for Jewish children. During his military career, he was dedicated to Jewish life wherever he lived.

He rose to the rank of colonel and retired in 1978 after commanding the Aberdeen Proving Grounds in Maryland. During his military service, he was the recipient of three Legions of Merit.

At Aberdeen, he received awards from both the Secretary of the Army and the NAACP for establishing Equal Opportunity programs.

On June 6, 1994, Al Ungerleider was selected from among the thousands of D-day veterans to escort President Clinton at the American Cemetery at Colleville. Colonel Ungerleider walked alongside the President on the 50th anniversary of D-day. They laid a wreath to honor all who fought and died in the battle to liberate Europe. As President Clinton said that day, "When they were young, these men saved the world."

A leader of the 29th Division Association, Alvin Ungerleider believes that it is his responsibility to teach us all the lessons of D-day, that nothing worth having is given freely. He hopes his generation, and particularly those who fought to liberate France and the world, has taught young Americans that when the choice is between fighting for freedom or abandoning freedom, we must fight.

BRETTON WOODS REMEMBERED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. CRANE. Mr. Speaker, 50 years ago this past month, a very important agreement was made at Bretton Woods that stabilized the U.S. economy for decades. This agreement was the convertibility of most major currencies around the world into a gold standard. Unfortunately in 1971, President Richard Nixon suspended gold payments to foreign governments ending an era of economic stability.

From 1944 through 1971, consumer prices only increased an average annual rate of 3.2 percent, the lowest since World War I. Since the destruction of the gold standard by President Nixon, the average annual consumer price increase has been 6 percent. This unreasonable rate has slowed domestic production and international trade. Returning to the gold standard will create new international trade ventures with the former Soviet Union and South Africa.

I urge my fellow Members of Congress to read the following article. I would like to submit the following article written by Lewis Lehrman and John Mueller. I believe to stabilize our country's economy once again, the dollar must again be associated with the gold standard.

REDEEM US WITH A CROSS OF GOLD

(By Lewis Lehrman and John Mueller)

Fifty years ago this month, the Allied nations met at Bretton Woods, N.H., to create the postwar monetary system. Bretton Woods re-established international convertibility of the major currencies into gold or gold-convertible dollars. The system lasted until Aug. 15, 1971, when President Nixon suspended gold payments to foreign governments.

Measured against the period since 1971, Bretton Woods seems almost a golden age. Consumer prices more than doubled between 1944 and 1971, an average annual rise of 3.2%; but after the Korean War the average rise was 2.3%. By contrast, since 1971 prices have multiplied 3.5 times, an average annual rise of 6%.

In broader historical perspective, however, Bretton Woods is a distant second best. The record of price stability under the classical gold standard, from 1834 to 1862 and 1879 to 1913, is without parallel. U.S. consumer prices varied in a 26% range in those 62 years, and stood at almost exactly the same level at the beginning and end of both periods. Average inflation was zero, while the average annual variation of prices in either direction was 2.2%. From 1879 to 1913, when the U.S. and most other major nations shared the gold standard, U.S. consumer prices ranged only 17% in 34 years. Average inflation was again zero, and the average annual variation of prices, up or down, was 1.3%. This stands in sharp contrast to the average price gyrations during and after the Civil War (6.2%), the period from World War I to Bretton Woods (5.6%) and the period since Bretton Woods (6%).

AFTER THE BREAKDOWN

What accounts for the difference? The level of consumer prices has always mirrored a measure we have named the World Dollar Base—the sum of "high-powered money" including U.S. currency, bank reserves and foreign official dollar reserves. In our chart, the World Dollar Base is shown relative to growth (for our calculations we used an annual trend of 1.9% growth per capita, the average growth rate of real income as far back as we have records). The supply of dollars exploded after the breakdown of Bretton Woods.

Let's take a moment to review the reasons for this change. The fluctuations in the chart reflect changes in the standards by which money is issued. High-powered money is simply the standard (gold or paper) money in circulation, plus any official monies convertible into standard money. Before 1914, high-powered money meant metal and paper currency held by banks and the public. In 1914, the Federal Reserve system added a new form of high-powered money—bank deposits at the Fed, which substitute for vault cash. Then, after World War I, foreign central banks created a third category of U.S. high-powered money when they began to accept foreign exchange—chiefly dollar or sterling assets—in lieu of gold.

This "gold-exchange standard" was formalized in the Bretton Woods agreement. Since 1971, official reserves have mostly been in foreign exchange. It might seem that this would not affect the high-powered money of a reserve-currency country like the U.S. Foreign central banks typically convert their dollar holdings in U.S. Treasury securities. But this is the whole point—just like bank deposits at the Federal Reserve, these dollar reserves substitute for official payment in standard money. They behave as a form of U.S. high-powered money, and fuel the kind of growth the chart reflects.

Gold itself stabilizes. Under an international gold standard, the supply of gold coins or bullion responds to the level of prices generally. For an individual country, a rise or fall in prices relative to other gold-standard countries leads to an outflow or inflow of gold money. A world-wide rise in wages and prices discouraged gold production (it raised mining costs), while a fall in prices stimulated gold production. So, absent sharp expansions or contractions of credit, the price level varied within narrow limits.

Gold convertibility also regulates the supply of paper money. But swings in credit permit sharper price fluctuations than would otherwise have been possible. Without convertibility, this constraint is removed altogether. A detailed analysis shows that all major inflations and deflations, under every U.S. monetary standard, have involved credit. They have been driven by variation in the "fiduciary" part of the World Dollar Base, the part based on credit rather than precious metals.

In fact, the Bretton Woods system contained in the seeds of its own destruction. Like the interwar gold-exchange standard, Bretton Woods differed from the gold standard in one essential respect: the use of foreign exchange along with gold as international reserves. And this turned out to be its fatal flaw. Steady expansion of dollar reserves contributed to rising prices, and rising prices steadily diminished the supply of new gold. In 1960, Jacques Rueff and Robert Triffin, economist-statesmen, predicted the eventual run on the dollar. This would lead to either deflation or suspension of gold payments and continued inflation.

The world had stumbled into deflation under similar circumstances in the 1930s, with foreign exchange playing a key role. From negligible levels in 1913, official sterling and dollar reserves mushroomed to more than 60% of the value of world gold reserves in 1928. From 1929 to 1932, during runs first on sterling and then on the dollar, almost all these foreign-exchange reserves were liquidated, sucking prices down toward their prewar levels. A surge of gold money, which accelerated to a flood after the dollar's devaluation in 1934, was what stopped the deflation.

Yet in 1971, the U.S. chose to suspend dollar-gold convertibility, and the world moved onto today's loose "dollar standard." This was not merely throwing the baby out with the bathwater—it was a case of throwing out the baby and keeping the bathwater. Gold was always the element of price stability and foreign-exchange reserves the element of instability in the international monetary system. We kept foreign-exchange reserves and got rid of gold.

A stable system could have been re-established—and still could be—if the major countries restored a gold standard without foreign-exchange reserves. This would be, basically, Bretton Woods minus dollar reserves. Of course, the gold value of convertible currencies must be properly chosen to avoid any deflation. The proposal was in fact made in the 1920s and 1960s but rejected. The experts had other ideas. Yet over the years, all the arguments against returning to gold have withered and dropped like leaves in autumn.

It used to be claimed that inflation is necessary to keep unemployment down, but we've learned from bitter experience that this simply isn't true. It was said that the gold standard caused deflation, but as we have seen, all the major inflations and deflations were due to paper, not gold. It was said that adjustments under floating exchange rates would be smooth and gradual, but this hasn't happened either.

There are also the celebrated predictions that if gold were delinked from money, its price would plunge to $6 an ounce from $35—proving that paper money "supported" gold. Yet the dollar now trades for less than a tenth of its former gold value. Finally, it was argued that a return to gold was unthinkable because it would benefit the Soviet Union and South Africa; today, of course, we want to integrate both countries into the world trading system. It has been said—including on this page—that we could manage the current system just fine by targeting the money supply or commodity prices. But the quantity of foreign-dollar reserves cannot be targeted and commodity prices respond after a good two years—too late. There is no argument left against gold except "you can't turn back the clock."

Credit has continued to be the problem here. Since the Civil War, nearly all of the credit behind the World Dollar Base has gone to the U.S. Treasury. The nontechnical answer as to why prices have risen nearly fourfold since 1971 is that the (mutated) financial system has absorbed (monetized) over $2 trillion in Treasury debt since then. This is what has permitted ever larger federal deficits.

POLITICAL DANGERS

Some think this arrangement is just fine—financial and commodity speculators say so all the time. To judge by President Clinton's first appointments to the Fed, he, too, is partial to inflation. Yet, like President Bush, Mr. Clinton is about to learn the political dangers of monetary instability.

Back in 1988, we correctly predicted that U.S. consumer price inflation, then 4%, would peak between 6% and 7% in mid-1990, followed by a mild recession. That combination was enough to cost Mr. Bush re-election. Based on a similar analysis, we now predict a rise in consumer price inflation from 2.3% over the past 12 months to a peak of 4% to 5% by mid-1996. The rise of inflation should be associated with a slowdown of real economic growth, from almost 4% over the past year to near zero in 1996. This may not, by itself, do in Mr. Clinton, but it will make the 1996 election interesting.

Perhaps one day even politicians, who made the wrong choice in 1971, will get fed up. They will reject the "cross of paper" and return us to the only money that has worked: gold.

HONORING TEACHERS

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 22, 1994

Mr. DEUTSCH. Mr. Speaker, it is my privilege to rise today in order to congratulate two members of my constituency for their efforts toward improving the quality of education in America. In our ongoing quest to lower the level of illiteracy, eliminate violence and drugs from the lives of our youth, and increase the number of teens graduating from high school, excellence in education is essential. The efforts of teachers both inside and outside the classroom are in intricate part of these efforts. For these reasons it is my distinguished pleasure to commend the teaching team of Claudia A. Fournier and Herman E. Veith, Jr. from Chaminade-Madonna College Preparatory in Hollywood, FL, which was recently awarded one of 60 GTE Growth Initiatives for Teachers (GIFT) grants for their combined efforts in developing a proposal involving the subjects of mathematics and science for both the enrichment of their students and professional advancement of the teachers.

The student enrichment portion of the proposal developed by Ms. Fournier and Mr. Veith, which will include 150 students studying physics and advanced math, gives the students a comprehensive mathematical and technical foundation for exploring their own individual interests in electronics.

Both of these teachers have committed themselves to professional advancement programs. Ms. Fournier proposes to get her certification in advanced placement calculus and spend 5 days at the Space Academy for Educators. Mr. Veith will participate in NASA's Capital Area Space Orientation Program as well as take four graduate courses at Barry University to begin work on a master's degree in computer science.

The grant received, worth $12,000, comes from a pool of $6.5 million funded entirely by GTE. The money is to be spent on the proposal submitted, $5,000 for the professional improvement of the teachers, and $7,000 for student enrichment programs.

Claudia Fournier has a bachelor of science degree in math from the University of Alaska. Recently she has completed an M.Ed. in educational leadership. She has taught at schools in Ohio, Virginia, and Florida before coming to Chaminade-Madonna in 1992. Outside of teaching, she was worked for the Army Corps of Engineers and B.F. Goodrich.

Herman Veith has a bachelor of science and 30 graduate credits in electrical engineering. He registered as a professional engineer in Pennsylvania, with extensive industrial experience before beginning his teaching career. He has been at Chaminade-Madonna for the past 4 years.

The support of educational advancement programs such as this is essential in creating a strong and secure future for American education. The efforts of both the recipients and GTE should to be applauded, and their example followed in order to improve our educational standards.

SENATE—*Monday, July 25, 1994*

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thou art worthy, O Lord, to receive glory and honour and power: for thou hast created all things, for thy pleasure they are and were created.—Revelation 4:11.

Gracious God, the Founders of our Republic understood this fundamental truth and, upon it, based their conviction of human equality, human rights, and a government whose purpose was to secure these rights and whose authority was derived from the people. Grant us to see, O God, that as we forsake the foundation of our Government, we jeopardize the superstructure which was built upon it. As we forsake the root of our national uniqueness, we forfeit the fruit.

Help us to comprehend, dear God, that this is one explanation for the futility which besets our best efforts. We are struggling to preserve the benefits of a belief we no longer hold to be true. We have abandoned the foundation and are striving to prevent the superstructure from collapsing.

Deliver us from secularism, the antisupernationalism which has replaced the faith in a Creator God which inspired and guided our Founding Fathers. Restore unto us their beliefs that we may recover the riches of the legacy they transmitted to us before it is too late.

We pray in the name of Jesus who is truth. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 o'clock with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Oregon is recognized for 5 minutes.

Mr. PACKWOOD. I thank the Chair.

ATTORNEY GENERAL'S AWARD FOR DISTINGUISHED SERVICE

Mr. PACKWOOD. Mr. President, I rise today to congratulate Reid M. Figel, the deputy chief of the securities and commodities fraud task force, U.S. Attorney's Office in the Southern District of New York, for being awarded the 42d annual Attorney General's Award for Distinguished Service.

Reid was selected by Attorney General Janet Reno to receive this award as a result of his excellent work in prosecuting the Banco National del Lavoro—BNL—case in Atlanta, GA, last year. Attorney General Reno will present Reid with the award at a ceremony in Washington, DC, on Thursday, July 28.

I also want to mention that Reid is a graduate of New York University School of Law, an excellent law school which also happens to be my alma mater.

Reid is a great lawyer, and he exemplifies the hard work and dedication which exists in U.S. attorney offices throughout the country. I applaud Attorney General Reno on her selection and want to congratulate Reid on his distinguished service award and for a job well done. I thank the Chair.

The PRESIDENT pro tempore. Under the previous order, the Senator from Vermont [Mr. JEFFORDS] is recognized to speak for up to 30 minutes and the time for morning business will be extended accordingly. The Senator from Vermont.

PRIVILEGE OF THE FLOOR

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Colleen Tynan, a fellow of the Health Care Financing Administration, be allowed to assist me on the floor during the period of my presentation.

The PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. JEFFORDS. Mr. President, I am here today to address my colleagues on the issue of health care. As we all know, we have difficult weeks ahead.

First of all, I wish to praise President Clinton for his leadership in this area. Without him, I do not believe we would be in the position where we can hope for constructive improvement in our health care system. I am the sole Member of this side of the aisle who has signed on to his bill, and I did so because I believe it is a constructive step forward in providing us with a chance for universal coverage and meaningful health care reform. I am still a supporter of his goals.

I also am a supporter of the Kennedy mark because, in my opinion, it makes significant, if not substantial, improvements in the Clinton health care bill. I also will continue to work with others in order to reach the goal of universal coverage within a reasonable length of time. In addition, I will work with others to redesign the delivery system to ensure good health care reform.

I would also like to praise Senator DOLE, for he has stepped forward and provided a plan for those who feel it would be better to let time pass so that the system can correct itself. I do not agree with this approach, but I do believe it was important for him to step forward. He has done an admirable job in allowing those—some 40 Members—to have a position they can support to help them as we move forward in the health care area.

I would also like to commend Senator CHAFEE. I have attended faithfully his Republican health care task force meetings for a considerable length of time. He is working hard with the mainstream group of Democrats and Republicans trying to bring about health care reform. Finally, I am looking toward Senator MITCHELL and his mastery to be able to provide the Senate with a package that will gain the necessary 51 votes. I worked with him on the Clean Air Act and so I have confidence he can do that. It is a difficult time to find a consensus, especially on the financing issue of this debate. I intend to spend most of my time talking about how that can be done.

There is a likely consensus that significant if not substantial changes can and will be made in the delivery system, so that we can take advantage of the concepts of managed competition and insurance reform. We find though that when we try to do that, we get into serious problems because of the difficulties we are having with the present system which relies primarily upon the fee-for-service system. Thus, we have been moving—and it appears we will be successful—toward a system that encourages wellness rather than one that merely treats illness. This is important because presently, especially with the dual role of the Federal Government and the States, as well as the private sector, we have found that the present system provides for gaming. The current system has resulted in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

cost shifting. The fact that we have so many who are uncovered, their costs get shifted to those of us who do pay for our health care system. This results in the private sector paying an additional 40 percent of the cost, making up the difference from Medicare or Medicaid or from those who are not covered in the private sector.

I will be suggesting a plan that will take care of this inequitable situation. But we are going to have to look very carefully at anything we do because if we do not take care of the cost shifting, the cost to the Federal Government to fund employer and individual subsidies within any health care plan can skyrocket into hundreds of billions of dollars if we are not careful how we reform the system.

It also appears at this time, because of cost shifting of Medicare and Medicaid, it is highly unlikely we can get financing in order to cover all Americans at reasonable rates but also to get over the concepts of mandates, et cetera, which prevent us at this point from moving forward on any kind of consensus building to finance a health care plan.

However, there does seem to be a consensus—and a main point of my discussion here this morning—is that we should allow State flexibility. States should have options to try themselves to find the financing answers. There are answers in my mind which can allow us to reach the goal of universal coverage far before the year 2002, some 8 years from now. I am sure, purely coincidentally, that it happens to be 2 years after the reelection of any of our present Members. I remain hopeful, and I believe that we can bring about universal coverage long before that time. This will only come about if we set that goal, and if we allow the States the flexibility to move forward. Right now we have between 8 and 14 States who are presently trying to redesign their health care system in order for us to be able to see how this can be done.

I come from the State of Vermont. The State of Vermont almost made it this year. But my State failed not for effort, but because it could not finance it with its own tax structure and because of the inflexibility built into the present Federal tax structure. I will be suggesting a plan which is very close to that which was suggested in Vermont, which, if allowed to proceed forward, will bring us out of this financing dilemma. Right now, the problem with the present bills is that they provide only waiver authority with respect to the States with respect to Medicare and Medicaid. But without the utilization of the Federal Tax Code, States would not be allowed to move forward.

We need to establish clear goals of what we will allow the States to do and what the Federal Government should do.

First of all, the Federal Government should provide the support and the authority for an innovative financing system. We should provide, as the present bills do, for waiver guidance for innovative use of Medicare and Medicaid funds in hopes that we can utilize that kind of flexibility to create a "seamless system." This is a word of art with respect to health care reform, but if we had everyone covered under one umbrella system, all the costs of cost shifting due to age, ability to pay, and sickness would go away.

Also, we could and should provide guidance to ensure uniformity in the delivery system. State reform must be consistent with respect to what we are trying to accomplish in the national bill that we will pass. We must assure that multi-State regional formation and cooperation are included in any State flexibility.

Further, we must provide guidance to obtain tax equity, and this is extremely important. The present system is filled with tax inequity. We should provide tax equity, and that can be done.

Finally, we should provide assistance for the calculation of what the potential Federal cost would be, as suggested by any progress within these areas. We must, of course, be consistent with the goals of the final bill.

Now, let me just go through the goals that should be looked at from the total perspective of a Federal system.

First of all, universal coverage. There are very difficult problems, Mr. President, with obtaining universal coverage. They are potentially daunting problems. On the other hand, every industrialized nation, other than this Nation, has been able to provide universal coverage with a per capita cost, as a percentage of their GDP, about half of what this Nation presently spends. In other words, we spend twice as much per capita as other nations do. Yet, we have nothing to show for it other than extending life expectancy with sophisticated medical practice for weeks or months or years. This indicates to me a strong probability that we had some systemic changes that are necessary in order for us to reach our goals.

Second—this is important to remember—that few people in this country go without acute care. But the costs of the uninsured are shifted to those that presently have insurance. This creates a problem as to how to increase insurance coverage with the present cost shifting in place. We have added to our present costs, the cost of acute care, which hospitals look to individuals to pay for. If we start dumping money in, if we add financing and subsidies to this system, what happens, until it finally works itself out with managed competition, is that the system becomes bloated for the providers. It will not only have cost shifting under the present system with established costs, but it will have new money to take care of those that they may no longer have to cover. That is a very difficult problem, it seems to me, to get around. However, the system I will talk about shortly can do that.

Another problem we have is how do you cover the uninsured? Do you mandate the employers to cover all employees? Do you buy them all a plan and contribute toward a premium? On the other hand, the Vermont Retail Association suggested this year, to have an income-sensitive approach, which would take into consideration the ability of people to pay. They determined that employers can cover employees with nothing more than a small increase in the minimum wage for those small businesses that have low-wage employees.

Mr. President, I believe very strongly that we can reach universal coverage and universal responsibility. That is, if everyone is going to get health care, they should also contribute to the cost of it according to their ability to pay. We need universal responsibility, where all individuals and businesses contribute to the cost of financing health care.

We also must reduce the Federal deficit that is due to spiraling health care costs. This is critical to the Nation. I will go into that in more depth. But I will just say at this point, this plan that I recommend could get total health care costs under control in about 2 years and save up to $1.5 trillion over the next decade.

Tax equity, flexibility, and consistency. We need to have tax equity for everyone. We have been dancing around that issue with all the various bills. But the one I recommend will show how it can be done so everybody gets a chance to pay with present tax income. State flexibility as I have discussed, and the delivery system reform as I have discussed.

Mr. President, I would like to suggest that what we need to do is just to take a look and say, What will happen if we start over now? We have a tendency in this body when we look at things to take a look at the present system and say, "Wow, we have to fiddle with this and fiddle with that." In my mind, we suffer from Tax Code constipation. We are so involved in this situation that we cannot think beyond it. What would happen if we said, "Let us not do that. Let us take a look at what we could do if we started over; take a look at a good, basic tax philosophy; take a look at good health care philosophy."

First of all, we must remove all the cost shifting. Second, we should have everyone pay according to their ability to pay by a flat rate. It gets to the conservative approach of taxation, which they have advocated for years. For instance, they have said if we have a flat rate on the income tax, we would raise the same amount of revenue with about a 12-percent tax and do away with all the complexities of the present Tax Code. We have had serious problems with implementing this approach in the past. With the problems of obtaining tax fairness among different individuals and employers. But for health care, if we are trying to get to universal responsibility, would it not make sense to find a system that would allow everyone to pay in accordance with their ability to pay? A flat rate would do just that.

Also, the big cry is do not burden the private sector; do not burden businesses. Suppose we were to have a plan that raised no more additional funds from the private sector than the private sector presently contributes. Would not that sound pretty good?

Let me now turn to the mechanism that can do it. I am doing this just to show that one State or any State, if they get a chance, can show how this can be done. And I point out that, if a simple financing mechanism, which I suggest Vermont would like to do, I believe, from looking at what they did—of course, we will have a new legislature next year, and I cannot guarantee anything. But I can say that the system that I am suggesting was endorsed by the Vermont Retail Association. That is, 20 percent of our work force in Vermont is mostly a low-income work force, minimum wage, et cetera. They endorse this effective approach.

Also, I would say, just to give you a little bit of confidence in what I am going to do, that the Wharton Business Group at the University of Pennsylvania, which is studying health care reform, wrote this about my plan:

> As I mentioned, until last week I was unfamiliar with your plan. However, I read it with increasing interest and enthusiasm. It is, in my opinion, the best plan that I have seen currently being discussed in Washington. The finance system is admirably transparent, designed to bring together all present resources in the system and allocate additional burdens equitably.

Mr. President, I will just say to take a look at my plan. All I am really asking is to give the State of Vermont and any other State the flexibility they need in order to bring about a health care reform system which can help all of us define what needs to be done.

It makes some assumptions which, as I indicated, seem to be correct. Current expenditures now are enough to cover everybody for all necessary health care. There is no indication that we have any significant number of people who receive no health care. The problem is that you have to go bankrupt oftentimes in order to get Federal or State assistance. Plus there are other presumptions that you can make, I think, reasonably.

There are studies which indicate that 50 percent of the health care that is presently delivered in this country is either nonproductive or counterproductive. That indicates that we ought to have a lot of flexibility in being able to meet our goals using current spending. That does not even take into consideration all of the other aspects of excessive paperwork, malpractice reform, and all of the things that add excessive costs to our system.

So I am confident that the amount of money raised by this system would be enough to help reform the system. Suppose we were to have a system of using a flat 6 percent of adjusted gross income in order to bring about the money to do this. This would be financed mostly through the present employer/employee system. Employees would pay 2 percent and the employer 4 percent of earned wages, but we would allow individuals to deduct from their taxes for what they paid.

In other words, you will be paying with pretax income. The idiosyncrasies which have come to us since World War II left us with a very inequitable tax system, because employees, due to the fact that during World War II, in order to keep the wages under control, we kept them under control; but to allow businesses to help their employees and attract employees, we allowed them to give them a benefit by having their health care premiums considered as pretax income, and it would not be income to the employee. It would treat everybody the same. The figures we got from Joint Tax indicate that that will raise the necessary revenue to cover the cost.

We just took, again, the 6 percent, which is half of the flat rate utilized to raise all the revenue. In other words, 6 percent will raise about half of it. Again, I point out, the Vermont Retail Association endorsed this concept. Presently, if you have a $10,000 employee and you have to provide a $4,000 or $5,000 plan, this would be a 40 or 50 percent increase in your payroll cost. That, obviously, is unacceptable.

So what are we trying to do under the current plans? We are trying to subsidize business so they can afford the additional costs. But when you get into subsidies, you get into all sorts of administrative problems. What about the two-worker family? What about the worker with two jobs? What about part-time employees? How do you handle those situations? If you implement this system, we finance reform as a percentage of current AGI, and all of the administrative problems are eliminated.

Is it equitable to distribute the financial burden? If it is distributed in accordance with the ability to pay, and if you phase it out for those at the low-income level, then you have a system which will provide an equitable method of distributing the financial burden.

Let me give you an example of the impact upon individuals, because that is obviously what we are all interested in. First of all, take a poor family making $13,000. Their present yearly cost, if they try to purchase a plan, would be something like $4,000. If you go with the system where you phase them out for being low-income, then you find that the total comes from what they would have to pay, and they may not have to do this during Medicaid. If they had to pay for copayments or coinsurance, or if they had out-of-pocket expenses, it would go from $4,000 to $1,400.

If you take a family up in the $52,000-a-year category, again, under the present system, their costs are about $4,034 a year. Under the shared-responsibility plan, their cost would be only $1,835 a year.

You may say, how can that be? I know that before the Finance Committee, some of the Members said, "That is just impossible; it is too good to be true." Well, my figures come from Joint Tax, from CBO, and from HCFA. That goes to show how much cost shifting there is and how many people there are that should be contributing to the system and are not doing it.

Let us look at a self-employed family of four under the present system. Right now, they have a $6,000 cost, and it would go down to about $2,800. Let us look at businesses very briefly. A small business of under 20 employees, under the present plan, would pay about $55,000. Under the shared responsibility plan, it would pay about $13,000. A company with about 500 employees would pay almost half of what they presently pay. The same for other companies of different size.

I think what I have proven is that we can do it. These are the figures which have been verified by Joint Tax, CBO and HCFA. I urge anybody that is interested, as I am, in finding a system which will help us get to universal coverage in a fair and equitable way, to look at my plan. Not only do we raise enough to cover all of the costs presently being spent in the health care system, but we may even have a surplus. What this means is that we can finance health care reform.

It is necessary for us to get the health care cost in the Federal Government under control. By creating a seamless system and merging everybody, including Medicare and Medicaid, into a single private system would do the job. We would cap Federal spending at current levels, plus adjustment for growth. We would give a block grant back to the States. The Medicare and Medicaid funds they have now will be increased by improvements and increases in the GDP, and the States would have the burden of keeping things under control.

With all of these excess costs presently in the system, which I talked about earlier, my State says they can do it. I asked Blue Cross and Blue Shield, "If we give you this much money, could you take care of Vermont?" They said, "Yes." My plan is flexible. It can accommodate the single payer or managed competition approach to reform.

Mr. President, this ought to be interesting. If my proposal is implemented, we could save the Federal Government, over 10 years, $1.4 trillion. That is half of the present Federal deficit. If we can do that, then the deficit that now seems to be impossible to balance can be brought under control.

Finally, I want to review the goals that we said should be established and point out that this plan accomplishes them all. It will provide universal coverage; it will spread the costs fairly; it will keep Federal health care costs under control; it will give you tax equity. Everybody pays with pretax income. States will be given an option in the ability of what they want to do—managed competition, single payer, or other approaches. The delivery system would be reformed in a way that will keep our costs under control.

Mr. President, I am hopeful that as we move forward, we remember that an important goal for us to reach the kind of health care reform we need is to allow those States who are out front now to have the capacity to do what they can do well, take care of their own financial problems, and to give us a delivery system which will result in equity and fairness to all and allow this Federal Government to finally get its deficit under control.

A SUGGESTED PLAN TO ADDRESS THE PROBLEMS OF UNIVERSAL COVERAGE, EMPLOYER MANDATES, TAX EQUITY, THE FEDERAL DEFICIT, AND STATE FLEXIBILITY—THE SHARED RESPONSIBILITY 6 PERCENT SOLUTION

The problems of going to universal coverage are daunting. The following is a suggested method of solving these problems as well as others associated with health care reform. It may look too good to be true. But computations from Joint Tax, CBO, and HCFA give it validity.

Other industrialized nations have universal coverage and yet their costs as a percentage of GDP are about half of ours, with little statistical proof that we have a better health system, other than extending our lives a few months or years when acutely ill. This raises the possibility that we have systemic difficulties.

Few people in the United States go without acute care, but the costs of the uninsured are shifted to those that presently have insurance. This creates a problem as to how to increase insurance coverage with all the cost-shifting presently in place, without creating windfalls by providing universal payment for all services rendered. That is, if your present fees have been adjusted up to include cost-shifting and the fees remain the same, when you get paid for all care, your income will jump. Further, total national health care costs will jump substantially. Eventually, if there is competition, premiums should go down. However, the system described below will take care of this problem immediately.

How you do cover the uninsured? Do you mandate employers to cover all employees? Or do you require individuals to get their own coverage and pay for it? If by this you mean that each employer or employee must buy a conventional policy, substantial political and economic problems exist. How do you enforce it? How do you subsidize employers or employees that need financial help? How do you take care of part-time workers? Workers with two jobs? Families with two or three workers?

What does the term "mandate" mean? Does it mean only that a "plan" must be purchased? But if a plan were designed that each individual contributed a general premium based on ability to pay, a percentage of income, these daunting problems are substantially alleviated or removed. I would note that the Vermont Retail Association endorsed such a plan this year when Vermont was facing this issue. The "mandate" issue was not raised. To them it was a solution, not an obnoxious "mandate." They noted that businesses with low-income employees can better afford a small percentage hourly increase than a $4,000 mandated plan. The latter would be a 40-percent increase in compensation, the former a small increase in the minimum wage.

If you have a premium based on 6 percent of adjusted gross income of individuals, paid with pretax income, and phased out for low-income people, you can raise all the money presently being spent by the private sector in health care, after deleting unnecessary care and 15 percent for deductibles or copayments. If the employer picks up two-thirds of the 6 percent then it's a pretty good deal for everyone. Furthermore, 4 percent—employer share—or 6 percent—total cost—is about one-third of what most employers are paying now. As the attached charts show, most everyone, except high-income people, would pay less. Even the bulk of Medicare people will pay less; thus, you can phase in Medicare and create a seamless system with no need for subsidies or age adjustments.

By phasing in Medicare and Medicaid, you can cap Federal costs and bring the health care portion of the deficit to a screeching halt. Funds would be distributed through block grants to each State, which would include premium contributions collected by the Federal Government from State and Federal Medicare and Medicaid payments from the previous year—adjusted for inflation and GDP growth. This block grant, added to what the State and local governments are presently paying, will give the State all that was paid out for health care in the previous year. These funds could finance a managed competition plan or a single payer system.

Several explanatory sheets and charts are attached. Also attached is a letter from the Wharton School of Business group that examined each of the plans introduced in Congress and noted that this one was the best.

The figures used came from HCFA, CBO, and Joint Tax. Copies of the Joint Tax letters are attached.

A plan that meets all our goals is worth reviewing.

THE SHARED RESPONSIBILITY 6 PERCENT SOLUTION

TAX EQUITY

Due to anachronisms from the days of wage controls during and after World War II, the cost of health care benefits are treated differently among various groups. Employees' costs are treated as tax-free income. Others pay mostly with after-tax income. The shared responsibility [SR] plan allows everyone to pay for basic benefits with pretax income. Tax equity is established.

FEDERAL GOVERNMENT COSTS

A major reason for health care reform is to bring Federal health care expenditures under control. Unless this happens, balancing the budget is virtually impossible. CBO estimates that if we do not cap expenses, the debt will grow by $1.5 trillion by the beginning of the next century due to health care costs alone. The SR plan will bring Federal costs under control almost immediately by bringing Medicare and Medicaid into a seamless system. Federal costs will be increased only by the rate of inflation and GDP growth. The budget problems are solved, billions are saved.

HEALTH CARE COSTS, IMPACT ON PENSIONS, EARLY RETIREES

One serious impact of increasing health care costs is the decrease in employer contributions to pension benefit plans. This fact combined with the increase in life expectancy resulting from better health care raises serious quality of life standards for our aging population. The chart attached demonstrates well the impact. In 1980 health and pensions were split 50–50. Now it is 79 percent health and 21 percent pensions. Employers only have a limited amount of money for benefits. If we can control health care costs and decrease the employer share by getting rid of shifted costs, a better quality of life can be obtained. Few want to extend their life a few years if it means living on a shoestring in a shack. Reducing payroll costs to 4 or 6 percent would free up substantial funds for pensions and other employee benefits.

Another difficult problem encountered with health care reform is how to handle early retirees. Some are covered by contracts guaranteeing them coverage until they are entitled to Medicare. Others are left uncovered and find they cannot obtain coverage because of preexisting conditions, and/or the cost of a plan at their age is too high to afford on their fixed incomes.

The SR plan reduces the health premium to 6 percent of income, making room available for increasing pension benefit levels to early retirees to cover this 6 percent premium cost to the retiree. Businesses who have current early retiree health care lability would be relieved of their responsibility since this class would be covered by the new program. Furthermore, since billions would be saved by those businesses, a recoupment of some share of that windfall should be appropriate.

At a hearing before the Labor and Human Resources Committee, unions, businesses and individual retirees endorsed the SR plan in a slightly different form.

STATE FLEXIBILITY

For many reasons, it is better to get the States more involved in the health care delivery system.

The closer the overseer of expenditures is to the receiver and giver of health care, the more likely the money will be spent wisely. This is especially true with a fee-for-service system. Medicare cost increases demonstrate that when the payer is a deep pocket in Washington, there is a tendency to want to keep hospital beds full, and to provide additional services. Control of service costs without utilization control allows gaming. This is especially true when Medicare and Medicaid cut reimbursements below cost.

Fourteen or more States are considering their own reforms. They want choices for how their system will be structured. If they want a single payer system with Federal guidelines, they should have that option. If they wish to use a managed competition system with Federal guidelines, they should have that option.

Variations in health care spending and overall cost of living among States make it necessary to provide options subject to Federal guidelines. The SR 6-percent solution provides these options. We must remain sensitive to the large multistate employers' needs for uniformity; therefore, an opt-out from a pure single payer system should be considered.

RISK SCREENING AND AGE ADJUSTMENTS

Any fair reform system must address the problems of risk screening. With increasing health care costs, there are incentives for employers to hire only healthy young people. This tends to shift the cost of the older, sicker workers to themselves, other employers, or society. On the other hand, community rating, requiring all to pay the same rate, makes insurance for young individuals much more expensive. Under the present system, this results in fewer individuals buying policies and higher costs must be absorbed by the remaining purchasers. Thus, a variation or age adjustment has been used to phase in the cost increases to the young and healthy in States like New York when a community rate is used.

Under the Clinton and Kennedy plans, this risk screening problem was handled by creating large purchasing pools to make the universe reasonably well-balanced. This would be more effectively accomplished by creating one seamless system with universal coverage and funding under the SR 6-percent solution.

MEDICARE IN THE SEAMLESS SYSTEM

Medicare has been a very successful program for providing good health care to our senior citizens. However, it has proven extremely expensive and inefficient from a cost control perspective. Because the aging population is going to grow due to age groups such as the baby boomers, and increasing life expectancies, changes are needed if Federal budget costs are to be brought under control. Cost-shifting from Medicare and Medicaid has resulted in an increase of some 20 percent in the premiums of those presently buying policies in the private sector.

However, if we were to merge Medicare into one seamless, universal system, the costs of all individuals would be lowered. With universal participation, the additional payers not presently paying would reduce the average costs. Another 20 percent of present premiums is estimated to be caused by uncompensated care. The SR 6-percent cures these problems.

The creation of a seamless, universal system is critical as we move into the future with an aging population.

TOTAL PRIVATE SECTOR COSTS

An analysis of the total present private sector health care costs clearly indicates that if a seamless, universal system is created, health care becomes much more affordable. As can be seen by the attached schedules, total private sector health care costs, after deducting nonessential care and 15 percent for deductibles and copayments equals approximately $260 billion. This is approximately half of what the often talked about flat tax rate of 12 percent of personal income would raise, $534 billion. As shown on the attached schedules, this 6-percent premium, combined with deductibles and copayments, would raise enough funds to cover private sector health care costs. Thus, although a substantial sum is raised by the 6-percent premium, there is no significant additional money spent by the private sector. The burden is shared more equitably.

The result also reduces premiums for most individuals, even senior citizens. These figures assume individual's portion of the premium, which is 2 percent of the 6-percent contribution, is capped on high incomes and phased out for low-income persons. Furthermore, it would result in a reduction of 40 percent or more for most employers' health care costs. For small employers with minimum wage employees, the cost would be similar to a small increase in the minimum wage.

The ability to obtain these reductions is largely due to the elimination of cost-shifting, which will occur with universal payer participation. This system also eliminates the costly administrative problems and subsidies required by other plans.

PROBLEMS WITH ALTERNATIVE PROPOSED FINANCING SYSTEMS

Other plans try to rely on the existing premium system, but requiring employers to buy an entire plan for a worker creates many problems. The emotional adverse reaction to "a payroll tax" and a "Federal" mandate has made it politically dangerous to talk in these terms. But if you gets over that barrier and sees the advantages of such an approach, my experience indicates the plan gets serious favorable consideration.

Alternative plans have to talk in terms of subsidies to employers and individuals, social taxes to cover the uncovered, et cetera. In addition, the administration burden created by part-time workers, two-worker families, and workers with two jobs creates many other problems not associated with a universal premium and coverage as in the SR plan.

Most importantly, the cost to small employers with low-wage employees is staggering. In the case of minimum wage employees, it is a 50 percent increase in pay against a 20 to 30 cents an hour increase, less than a small minimum wage increase.

Finally, this is basically an extension of the way employers presently pay for Medicare. The 6 percent is accomplished by increasing the present Medicare tax.

THE SHARED RESPONSIBILITY, UNIVERSAL 6 PERCENT PREMIUM SOLUTION

The financing system is relatively simple. Every individual that has taxable income would participate, but it is phased out for low-income persons and capped for higher income individuals. This would be paid for with pretax income. Each business would pay a 6-percent payroll tax, 4 percent by the employer and 2 percent by the employee. The total 6 percent premium would be available as a tax deduction to the employee. Thus, in most cases an individual would have no additional cost. As noted below, this system allows the participation by the self-insured through having a tax deduction against the payroll premium for most of the cost of the self-insured plan. Also, for most of the self-employed, a tax deduction for the 6 percent could be used for the purchase of a major medical program and a medisave system. This feature should broaden supprt. The premiums would be collected by the Federal Government, and they would be distributed back to the States where they were collected.

STATE BLOCK GRANT PROGRAM

Above, we set forth the amount paid for the private sector. This amount would be collected by the Federal Government and placed in a trust fund. The amount collected from each State would be set aside. A comparison of the revenue that would be collected and the per capita costs of health care in each State shows a close correlation. To that amount would be added the Federal share paid to the State in the previous year for Medicare and Medicaid, adjusted for economic growth. After setting aside a small percentage for reinsurance and administration at the Federal level, the balance would be paid to the State as a block grant.

The block grant would be supplemented by the current health care expenditures by State and local governments. Through vouchers or a similar means, these funds would be transferred through cooperatives to health care providers. Any shortfall would have to be made up by the States from the withheld funds or their own funds. This block grant would work within either a managed competition system or a single payer system.

MANAGED COMPETITION AND THE SR 6-PERCENT SOLUTION

Since managed competition relies on a capitated system, it will work well with the SR 6-percent solution. Each State would have available the funds in a block grant to pay for coverage by a capitated system. Federal expenditures would be the same amount that was spent in the State the previous year. The State would receive the money collected under the 6 percent AGI premium from its citizens. The State will have its own contributions as well as those of present local programs. In addition the State has the option to provide additional subsidies if it desires but would have to fund these subsidies.

Private plans would compete for business from cooperatives or employers by offering better services, by including additional benefits, or by reducing deductibles or copayments—subject to Federal limits. Further, a cash rebate could be allowed but only if it was used for a qualified employee pension fund.

Plans would set premium rates. The value of the vouchers or tax credits—as, noted below—could be set by the marketplace. The average premium in the market would dictate the value of any individual's voucher. Individuals, such as self employed or independently wealthy would remain price sensitive because if they purchase a plan that is less than the average they would receive a tax credit of tax-free income. But if they purchased a plan greater than the average cost they would have to pay the additional cost with after-tax income.

Purchasing cooperatives could either be multiple and competing or the State could certify one per region and negotiate with plans, similar to the way California has set up its small employer cooperative.

SELF-INSURED EMPLOYERS AND THE 6 PERCENT SOLUTION

In order to allow self-insured companies to continue to be active purchasers in the marketplace, a credit would be allowed for the money paid for services in the State from a provider up to the amount of the 6 percent premium, or slightly less, in order that these plans contribute to costs that should be allocated throughout the State. If costs exceed the credit they would be tax deductible. Any amount owed for the system allocation fund would be owed however.

Mr. President, I ask unanimous consent to print in the RECORD the letter from the Wharton school and the letter from the Joint Tax Committee, indicating the figures verifying our revenue, and excerpts from the retailers of Vermont as endorsing a similar type plan, in order to allow people to understand the validity of the concepts which I have discussed here today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHARTON SCHOOL OF THE
UNIVERSITY OF PENNSYLVANIA,
Philadelphia, PA, March 10, 1994.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: I would like to reiterate my pleasure in sitting down with you Tuesday to discuss health care reform. It was a pleasure to find one so involved in the reform debate yet so willing to stop beyond the usual stereotypes and labels to examine creative solutions to our problems.

As I mentioned, until last week I was unfamiliar with the Medicore plan. However, I read it with increasing interest and enthusiasm. It is, in my opinion, the best of the plans I have seen currently being discussed in Washington. The financing system is admirably transparent, designed to bring together all the present resources in the system and allocate additional burdens equitably.

In fact, I believe it is quite compatible with the key concepts of a reform model developed through the systems analysis by the Institute for Interactive Management (INTERACT), with which I am associated. We share, for example, the idea of periodically adjusting the benefit package to reflect the revenue stream available.

The INTERACT proposal is built on an extensive series of incentives with which, based on our conversation, I believe you agree, and many of which are already reflected in Medicore. In particular, numerous facets of its design could be adapted to the Medicore plan to flesh out its health care delivery side. I would welcome the opportunity to work together with you to merge into the Medicore plan the vision and incentives of the INTERACT approach.

I look forward to continuing the discussion with you and your staff.

Sincerely yours,
SHELDON ROVIN, D.D.S., M.S.,
Professor, Healthcare Systems.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, February 9, 1993.

Hon. JAMES M. JEFFORDS,
U.S. Senate,
Washington, DC.

DEAR SENATOR JEFFORDS: This letter is in response to your request for revenue estimates of two proposals related to your MediCORE project.* The estimates have been updated to reflect revised Congressional Budget Office forecasts.

The first proposal would impose a payroll tax of 4 percent on employers and 2 percent on employees for compensation up to $100,000 (indexed) per year. An additional payroll tax of 4 percent of compensation greater than $100,000 would be imposed on employers only. Self-employed individuals are treated as both an employer and employee. These taxes would apply only to the compensation of employees under the age of 65.

The value of employer-provided health insurance benefits would be included in the gross income of the employee. This amount would be subject to individual income tax as well as the payroll tax described above.

In addition, a surtax would be imposed on the adjusted gross income (AGI) of taxpayers under the age of 65. The AGI surtax would be based on the following rate structure:

Tax rate (percentage)	Adjusted gross income	
	Joint return	Single and head-of-household returns
1	$10,001–$11,000	$7,001–$8,000
2	11,001–12,000	8,001–9,000
3	12,001–13,000	9,001–10,000
4	13,001–14,000	10,001–11,000
5	14,001–15,000	11,001–12,000
6	15,001–162,000	12,0001–109,000

The employee's share of the payroll tax would be deductible from the gross income of employees. The employer's share of the payroll tax on compensation up to $100,000 would be credited against the AGI surtax imposed on individuals up to the amount of the AGI surtax. The employer's payroll tax on compensation would not be deductible by the employer.

The second proposal is identical to the first, except that, in addition to the taxes described above, a tax of 6 percent would be imposed on all otherwise tax-exempt interest received by individuals.

The following estimates assume the proposed taxes are effective for compensation paid and taxable years beginning after December 31, 1993. Estimated changes in FICA receipts are shown separately.

Item	Fiscal years [billions of dollars]					
	1994	1995	1996	1997	1998	1994–98
Proposal 1:						
Income tax	200.8	323.5	345.9	369.2	394.1	1,633.5
FICA	21.9	33.6	37.1	40.8	44.9	178.1
Proposal 2:						
Income tax	202.7	326.9	349.5	373.1	398.3	1,650.6
FICA	21.9	33.6	37.1	40.8	44.9	178.1

Note.—Details may not add to totals due to rounding.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,
HARRY L. GUTMAN.

---

*This project has been renamed SHARED RESPONSIBILITY: The 6% Solution.

Mr. JEFFORDS. Mr. President, I yield whatever time I have back.

TRIBUTE TO A.W. "GUS" KUHN

Mr. HEFLIN. Mr. President, Mr. A.W. "Gus" Kuhn is retiring after serving 37 years as the executive director of the Bessemer, AL, Housing Authority. During his distinguished career, Gus was responsible for significantly reducing the percentage of substandard housing in Bessemer by developing almost 2,000 public housing units for the people of that community. As the first and only executive director of the Bessemer Housing Authority, he has set an extremely high standard of hard work and expertise in the realm of public service.

Gus's record of service extends far beyond his 44 years in public housing. During World War II, he served over 3 years in the Air Force. Later, he earned a bachelor of science degree in banking and finance and a master's degree in economics from the University of Alabama. Gus also contributed to the development of the business curriculum at the inception of the University of Alabama in Hunstville as the head of that department. From Huntsville, he moved on to Atlanta as a professionally appointed economist with the public housing administration, where he proved his ability to envision change and meet tough challenges.

In 1957, the newly formed Bessemer Housing Authority welcomed Gus and his expertise to their community. The housing situtation in Bessemer needed attention badly; at that time, Bessemer had a higher percentage of substandard housing than any other city in the southeast. Gus took up the challenge and began by planning and building housing under three urban renewal program projects. His efforts proved successful, and as a result, many struggling families were able to find affordable housing.

As director of community development, Gus developed a much needed citywide sanitary sewer system for the city of Bessemer. He also contributed to the building of a municipal golf course, the beautification of a central city park, and the opening of the Bessemer Hall of History. Gus has assisted in bringing in over $65 million to Bessemer for local development and has served as president of the Alabama Association of Redevelopment Authorities.

It is my hope that Gus remains active even in retirement. His vision, diligence, and commitment make him an outstanding example for his successor and for all citizens. Gus Kuhn has shown, through many aspects of his work and his life, that he represents the true spirit of public service.

THE SERB MILITANTS HAVE CHOSEN WAR

Mr. DECONCINI. Mr. President, in the face of the Serbian aggression and genocide in former Yugoslavia, if anything, we have been patient, the United States and Europe. We have been patient with the former Yugoslavian Republics, particularly Serbia. We have been patient with our European allies and NATO allies. And we have been patient with the Russians, Moscow.

Since 1991 when Yugoslavia's violent disintegration began, the international community tried to reason with Belgrade and its militant Serb puppets in Croatia and Bosnia and Herzegovina. We regularly postponed or opposed action deemed "confrontational," action that might "jeopardize" mediation efforts, action that would have, in fact, stopped the militants, in my judgment.

Now the international community has proposed a plan that awards those who have instigated conflict with half of a country that did not need to be divided in the first place. Imagine, a proposal has been made by the international community to divide a sovereign country and to permit 49 or 50 percent of it to be part of Serbia, or an independent Serbia and Bosnia and Herzegovina.

That plan was offered on a take-it-or-leave-it basis by the United States, Russia, and the European countries. The Bosnians took it, surprisingly, and they have everything to lose and perhaps something to gain if it wauld stop the genocide and the murder.

The Serbs, however, refused. This is the result of the ill-advised patience of the United States. This is outrageous and unacceptable.

As former United States Ambassador to Yugoslavia Warren Zimmermann recently put it, the Serb militants surely know our weaknesses; it is now time that they know some of our strengths. Clearly, these are people with whom you cannot reason, at least not until they are made aware that they must face the consequences of their actions.

These consequences are increased NATO involvement and action in Bosnia and Herzegovina; lifting the arms embargo on the Bosnians. Can you imagine a sovereign nation not being able to defend themselves? We have had votes and discussions on that, and I will not rehash that, but it is hopeful that now that the Serbs have thumbed their nose at the world, now taken 50 percent of a country in a legal treaty or division sanctioned by the international community, that the Bosnians could be able to defend themselves without an arms embargo against them.

The Serbs were informed of these consequences, and to make them empty threats means the complete destruction of international credibility, not to mention additional Bosnian lives.

The Serbs expect our threats of resolute action yet again to be meaningless, yet again to be thwarted by objections from our ally, our friend, Moscow, and yet again to be sacrificed along with the principles we and our allies nevertheless espouse.

They not only reject a proposed settlement giving them more than they deserve, in my judgment, but they mock us by shooting at the relief flights coming into Sarajevo and by renewed ethnic cleansing in areas under their control.

Are we going to confirm their expectations yet again? Are we going to cower in the face of their mockery?

We must immediately, Mr. President, launch NATO airstrikes against Serb supply lines and bases, including their homebase of Pale, which would incapacitate the Serb militants. The Bosnians should immediately be enabled to arm themselves so that they can defend their people and, if need be, liberate territory the Serbs are required to give up under the agreement. And, of course, the sanctions on Serbia must stay.

Finally, Mr. President, to Russia I must also say that our patience is wearing thin. Moscow called what everyone else clearly recognized as a poorly camouflaged Serb rejection of the peace plan as, in fact, a positive response. This is ridiculous. Every effort is made to include Russia in the peace process as a partner, and I compliment the President and our Western allies for including Russia.

We went along with the plan; now Moscow must go along with the consequences of the Serbs' rejection of that plan. Russia must make up its mind whether it is with the democratic West and the principles it represents or yet, again, against them. Moscow cannot have it both ways. Either we are going to have a world based on commonly held principles, or we are going to have a world based on force. If the people of Bosnia and Herzegovina are not finally protected, then our own values and our own credibility are at risk, also. We cannot, Mr. President, let this aggression stand.

TRIBUTE TO REV. GEORGE "ED" RIDDICK

Ms. MOSELEY-BRAUN. Mr. President, it is with great sadness that I note the death of a friend and crusader for human causes, Rev. George Edward Riddick.

Reverend Riddick was known as the voice of Operation PUSH for the past 21 years. He was the host announcer for their Saturday Morning Forum. He also worked closely with the Reverend Jesse Jackson, as well as a vast list of other religious and social leaders in the city of Chicago, who helped encourage Reverend Riddick's ministry to enhance mankind through education, labor, and human services. Over the years, Reverend Riddick served as vice president, vice president at large, and senior vice president for Operation PUSH.

Reverend Riddick was a humanitarian and a spiritual leader, as well as a civil rights activist. Born in Denver, CO, Reverend Riddick attended the University of Wisconsin and then graduated from the University of Chicago Divinity School. He went on to serve as the pastor of Blackwell Memorial AME Church in Chicago.

Reverend Riddick received numerous accolates in his lifetime, including the Wisconsin Scholars Award and the Baptist Student Center's Belle Kinney Wright Award for his work in human relations. "Reverend Riddick was known for doing so many great things in the Black Community," Chaplain Franklin F.W. Williams said in a testimonial to him. Others knew him as "the Dean of Digits" for his command of facts and figures. He was an integral player in the 1960's in Selma, AL, during the racial unrest there and worked closely with the Reverend Martin Luther King, Jr., while in Chicago. Among the many causes he championed were finding jobs for minorities, the Head Start Program, and attacking discrimination in real estate.

Reverend Riddick was part of a committee of ministers who helped successfully resolve the A&P supermarket chain boycott and negotiated covenants with A&P and other food retailers to foster more minority hiring business development, philanthropic gifts and grants and policy development. From 1961 to 1964, he worked for the Cook County Department of Public Aid and later for the Church Federation of Greater Chicago.

Reverend Riddick's concern for humankind stretched from concrete streets to corporate suites, earning him recognition, and praise among the downtrodden as well as the strong-willed across the city and Nation. He will be sorely missed.

TRIBUTE TO ABRAHAM PATTERSON JACKSON

Ms. MOSELEY-BRAUN. Mr. President, it is with great sadness that I note the death of Abraham Patterson Jackson, one of Chicago's most respected religious leaders.

Reverend Jackson may be most missed at Liberty Baptist Church in Chicago, but we are all deprived of his leadership, his humanity, and his service to all people.

Reverend Jackson was born in Batesville, MS, and came to Chicago during his adolescent years. He attended DuSable High School in 1937, went on to graduate from Morehouse College and later Garret Evangelical Theological Seminary in 1945. Following in his father's footsteps, Jackson became pastor of Liberty Baptist Church in 1951. During his tenure as pastor, Jackson was actively involved with such organizations as the National Association for the Advancement of Colored People, Operation PUSH, Morehouse College Alumni Association, and the Morehouse College Board of Preachers.

Reverend Jackson was instrumental in the building of Liberty Commons, a senior citizen and handicapped facility next to Liberty Baptist Church in 1991. Throughout his life, Jackson received several awards for his accomplishments in the community. He was honored by the Freeman Chapel CME Church in Hopkinsville, KY, the DuSable High School Hall of Fame, the Adoption Information Services of Chicago, the Mahogany Foundation, the Boy Scouts of America, and Morehouse College.

Reverend A.P. Jackson will be truly missed. His voice carried weight, as well as wisdom, in many venues, and his absence leaves more than just silence.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, as of the close of business on Friday, July 22, the Federal debt stood at $4,629,650,492,223.25. This means that on a per capita basis, every man, woman, and child in America owes $17,757.79 as his or her share of that debt.

FOR BOBBY MUELLER, OF WASHINGTON STATE

Mr. GORTON. Mr. President, when tragedy strikes our own life or the life of a loved one, it brings excruciating pain and sorrow. Recently a young man from my home State of Washington was tragically injured in a car accident. Today my heartfelt thoughts are with Bobby Mueller, his family, and friends.

Bobby Mueller, 23, grew up in Bothell, WA, and attended Westhill Elementary and Bothell High School. He went on to attend the University of Washington, where he graduated recently. Bobby's strong foundation of home—of family and friends and support—are what he wanted to provide to others: Bobby sought out teaching as his noble profession. But, tragically, his dream is a little farther away.

Mr. President, Bobby Mueller was visiting family recently in Indiana when he was tragically injured in a car accident after returning home from a Pittsburg Pirates baseball game. Bobby now lies in the Neuro-Critical Care Unit of Methodist Hospital, in Indianapolis, IN.

Bobby wanted to become a school teacher and to help make a difference in the lives of others. His positive attitude and presence continue to affect many lives. My thoughts and prayers go out to Bobby for a speedy recovery, and to his family, friends, and community, who will provide strength and stand by his side throughout this struggle.

(Later the following occurred. It appears at this point by unanimous consent.)

THE HANDIWORK OF GOD

Mr. BYRD. Madam President, recent images shown on television nationally have moved me to some reflection.

One of those images was related to the observance of the 25th anniversary of the landing on the Moon in 1969 of American astronauts.

That particular image was of the booted footprint of a man, planted deep in the soft dust that reportedly covers the barren, mostly monotonous surface of the Moon. That footprint was perhaps of a size 10 or size 11 human foot—the footprint of one of the first Americans—indeed, one of the only human beings ever—to set foot on our nearest celestial neighbor.

How properly proud we were as we sat in our living room, dens, and kitchens on that July 1969 evening, fascinated to be following American astronauts as the supposed vanguard of Earth travelers to other celestial bodies, smug perhaps that we had fulfilled President John F. Kennedy's pledge to land a man on the Moon before the end of the decade of the 1960's. I do not intend by my reflections to denigrate that achievement.

I was in the House of Representatives on the day he spoke and I listened to President Kennedy issue that challenge and state that pledge. What a marvel it was of fulfilling a dream as old as mankind himself. For centuries man has stood on this planet and gazed lovingly at the Moon. And America put men on the Moon and brought them back to Earth safely again. That was mankind's dream and it was America's dream.

De Tocqueville, when he was in our country a century and a-half ago, said that the incredible American, "the incredible American believes that if something has not yet been accomplished it is because he has not yet attempted it."

That dream, of a man's actually setting foot on that gleaming, shimmering globe that has added for thousands of years to our species' experience of nighttime; that shimmering ball that has lighted lovers in their romance; that mass of "green cheese" that has delighted children in their nursery tales and that has inspired fantasy writers, both profound and silly—that was a centuries-old dream.

But compare the image of that revisited footprint with the other celestial images that have played across our television screens and consumed space in our newspapers during the past few days—the images of fragments of Comet Shoemaker-Levy 9 splashing against the amorphous surface of the planet Jupiter—Jupiter, the largest-body-save-one in our solar system.

We are informed that Jupiter is, in mass, 318 times the mass of our Earth.

We are informed that Jupiter is, in total volume, 1,324 times the volume of earth.

We are informed that Jupiter is, in diameter, 11½ times the diameter of earth.

We are informed that Jupiter is currently 480 million miles away from Earth.

We are informed that Jupiter is carrying through space 18 satellites—moons, if you will—to keep it company as it spins its vast course around our Sun, around Mars, around Venus, and around Earth herself.

Currently, according to astronomers, mountain-sized fragments of Comet Shoemaker-Levy 9 are hurling into Jupiter at a speed of 130,000 miles per hour, that the contact explosions were reaching 600 miles into space above Jupiter, and that the circles of impact on the surface of Jupiter were estimated by Spanish and Chilean astronomers to be equivalent to those of an impact fireball 1,200 miles wide.

Compare all of those statistics, Madam President, with a human footprint of an American astronaut made by a size 10 or 11 boot on the dusty surface of that silvery orb, the Moon.

Perhaps we can now better comprehend the words of the Psalmist:

When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained;
What is man, that thou art mindful of him? and the son of man, that thou visitest him?—Psalm 8: 3-4.

What, indeed?

Compare, Madam President, the immense size of Jupiter with the size of a man boasting a size 11 foot.

Compare, Madam President, the immense size of Jupiter to a planet but a fragment of its size—the Earth.

Compare, Madam President, the current distance of Jupiter from Earth—roughly 480 million miles—with the total distance east-to-west of the United States.

From here in Washington, DC, to the State of Washington, from which the current Presiding Officer comes—and who presides over this great body with a degree of dignity, ability, and skill that is so rare as a day in June, I might add—it is roughly 3,000 miles from east to west, from the Atlantic to the Pacific.

Indeed, what is man, that God should be mindful of him?

I have often wondered how it would be to stand on the Moon and look at this tiny speck, this globe, and then to imagine man on this tiny globe. What an infinitesimal piece of creation is man!

What is man, that God should be mindful of him?

But, indeed, what kind of God Who could create the planet Jupiter might be mindful of a creature capable of leaving a pitiful size 10 or 11 footprint on the surface of the Moon?

We heard it said, by way of questions perhaps: What if Jupiter should come hurtling towards the Earth? Or what if the comet should hit the Earth in this area; how it would destroy Baltimore, Washington, DC, the Nation's Capital, and everything in between. What if the Moon should suddenly—suddenly—start hurtling towards the Earth? What if the Sun itself should somehow be moved from its place and, if we can imagine, rush toward the Earth?

Those words from Shakespeare come to mind:

* * * The great globe itself,
Yea, all which it inherit, shall dissolve
And, like this insubstantial pageant faded,
Leave not a rack behind.
We are such stuff
As dreams are made on, and
Our little life is rounded with a sleep.

Some years ago, a trick survey randomly asked whether the subjects of the survey believed that God would understand space travel.

We human beings can be rather silly, can we not?

An overwhelming number answered no; God would not understand space travel.

What kind of idea did those respondents have of a deity?

The Judaeo-Christian concept of the formation of the Universe is rendered in Latin *creatio ex nihilo*—that is, the Creation is formed out of Nothingness, *creatio ex nihilo*. According to Judaeo-Christian thought, before the beginning of Creation, Nothing existed—no space, no matter, no vacuum, no blackness, no distance, no electrons, no neutrons, no protons, no dark, no light, no thought, no imagination, no mind—not even an empty void into which created things might be placed. More profoundly, the Creator Himself did not "exist," for that would have subjected the Creator to the Creation, an utter impossibility. Indeed, in Judaeo-Christian thought, to say that "God exists" is to utter an ignorant blasphemy. In Judeao-Christian thought, "God" is beyond "existence." In Judeao-Christian thought God creates existence; He can in no way be conditioned by existence. In Judaeo-Christian thought, God is not subject to the limits of the Universe, of the galaxies, of "black holes," of quasars, or of any feature of reality with which we might be familiar, now or ever. "Creation out of Nothing" means that absolutely Nothing was before Creation began, and that from beyond all existence, God initiated existence.

In order to begin to fathom even a particle of the reality that we have witnessed on the surface of Jupiter in recent days, we must fathom the absolute unfathomability of the One Who creates comets, planets, Jupiter, the Moon, Earth, and man.

I am not one of those who believe that man is an animal. We are taught that in schools. But, I do not believe it. We are told in Genesis that God created man in his own image out of the dust of the ground, and breathed into his nostrils the breath of life. God had already created the beasts of the field. The beasts of the field are animals—but not man. Man is not an animal. We must fathom that God the Creator is more immense, more profound, more incomprehensible by our little creature minds than any—than *any*—entity that our little minds and imaginations might conjure up.

Indeed, how can the mind of the creature—how can the mind of tiny man, ever grasp the mind of the creator?

I have been reading Darwin's works recently.

Darwin, in "The Origin of Species," asks the same question, "Have we any right to assume that the Creator works by intellectual powers like those of man?" That is Darwin.

But the omniscient mind of the Creator has not left himself without witness, as the events in recent days occurring on the surface of planet Jupiter testify. Once again, let us return to the Psalmist, as he muses on Man:

For thou hast made him a little lower than the angels, and hast crowned him with glory and honour.
Thou madest him to have dominion over the works of the hands: thou hast put all things under his feet * * *

Not under an animal's feet, under man's feet.

* * * thou hast put all things under his feet:
All sheep and the oxen, yea, and the beasts of the field * * *

These are animals.

The fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas.
O Lord our Lord, how excellent is thy name in all the earth!—Psalm 8: 5-9.

Madam President, those are words from the King James Bible, the 8th Psalm.

And if the events taking place on Jupiter in recent days signify anything, they signify that the Creator has not completed His Creation—that our Universe is still being molded, that the Destiny of the Creation is not set, and that we as a species are being borne on toward higher purposes than even the most prescient of our kind can comprehend.

At this point, reason fails.

At this point, sense fails.

At this point, even imagination itself fails.

Which leaves us, perhaps, with faith alone—faith that the One Who set Jupiter in its place, and faith that the One Who has hurled Comet Shoemaker-Levy 9 toward the countenance of the most massive body in our solar system—that the One Who is doing all of these things is, indeed, "mindful" of Humanity.

Permit me to close with a poet's affirmation of faith:

THE PILGRIM

Man comes a pilgrim of the universe,
Out of the mystery that was before
The world, out of the wonder of old stars.
Far roads have felt his feet, forgotten wells
Have glassed his beauty bending down to drink.
At alter-fires anterior to Earth
His soul was lighted, and it will burn on
After the suns have wasted on the void.
His feet have felt the pressure of old worlds,
And are to tread on others yet unnamed—
Worlds sleeping yet in some new dream of God.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, the hour of 10 a.m. having arrived, morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of H.R. 4602, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 4602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, **[**$596,349,000**]** *$599,230,000*, to remain available until expended, including $1,462,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)): *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors; and in addition, $21,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than **[**$596,349,000**]** *$599,230,000*: *Provided further*, That in addition to funds otherwise available, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and shall remain available until expended.

FIRE PROTECTION

For necessary expenses for fire use and management, and fire preparedness by the Department of the Interior, $114,968,000, to remain available until expended.

EMERGENCY DEPARTMENT OF THE INTERIOR FIREFIGHTING FUND

For emergency rehabilitation, severity presuppression, and wildfire operations of the Department of the Interior, $121,176,000, to remain available until expended: *Provided*, That such funds also are available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That only amounts for emergency rehabilitation and wildfire operations that are in excess of the average of such costs for the previous ten years shall be considered "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $13,435,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, **[**$3,836,000**]** *$12,186,000*, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901–07), $104,108,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, **[**$17,060,000**]** *$12,055,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; **[**$100,860,000**]** *$97,383,000*, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,350,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to **[**$250,000**]** *$100,000* for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, **[**$514,650,000**]** *$502,936,000*, of which $11,732,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which **[**$3,000,000**]** *$2,500,000* shall be provided to the National Fish and Wildlife Foundation for endangered species activities: *Provided*, That the amount provided to the National Fish and Wildlife Foundation shall be matched by at least an equal amount by the National Fish and Wildlife Foundation: *Provided further*, That sums may be made available to the States of Washington, Oregon, and California to conduct monitoring activities related to the President's Forest Plan.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; **[**$25,264,000**]** *$45,525,000*, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $6,700,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, any amounts appropriated or credited in fiscal year 1992 and thereafter, may be transferred to any account to carry out the provisions of negotiated legal settlements or other legal actions for restoration activities and to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337) for damage assessment activities: *Provided further*, That sums provided by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, and for activities authorized under Public Law 98–244 to be carried out by the National Fish and Wildlife Foundation, **[**$62,300,000**]** *$63,700,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $9,000,000 for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $12,000,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $1,169,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $12,000,000.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $1,000,000, to remain available until expended, to be available for carrying out the Partnerships for Wildlife Act only to the extent such funds are matched as provided in section 7105 of said Act.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 127 passenger motor vehicles, of which 106 are for replacement only (including 44 for police-type use); not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

For authorized expenses necessary for scientific research relating to species biology, population dynamics, and ecosystems; inventory and monitoring activities; technology development and transfer; the operation of Cooperative Research Units; and for the general administration of the National Biological Survey, **[**$167,209,000**]** *$166,358,000*, of which **[**$166,909,000**]** *$166,058,000* shall remain available until September 30, 1996, and of which $300,000 shall remain available until expended for construction: *Provided*, That none of the funds under this head shall be used to conduct new surveys on private property unless specifically authorized in writing by the property owner.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,599,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408,

[$1,083,973,000] *$1,061,276,000*, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $79,900,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203: *Provided*, That should any increase in fees be enacted after enactment of this Act but prior to September 30, 1995, that would be available for the programs under this heading, the Secretary of the Interior shall make available under this heading an amount equal to the amount collected by such fee increase to the [resource stewardship program] *"Operation of the National Park System" account for purposes approved by the Secretary and subject to the reprogramming guidelines of the House and Senate Committees on Appropriations: Provided further, That these funds shall be used for one-time, non-recurring purposes only*.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, [$36,946,000] *$43,228,000*.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), [$41,000,000] *$40,000,000*, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1996.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, [$171,417,000] *$170,503,000*, to remain available until expended: *Provided*, That not to exceed $4,500,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989[: *Provided further*, That $256,000 for rehabilitation of the William McKinley Tomb shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a]: *Provided further, That $3,000,000 for the Metropolitan Museum of Art, New York and $1,000,000 for the Penn Center shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided further, That notwithstanding any other provision of law, a single procurement for the construction of the vessel exhibit at Salem Maritime National Historic Site may be issued which includes the full scope of the project: Provided further, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18*.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501–2514), [$10,000,000] *$5,000,000*, to remain available until expended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1995 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, [$88,596,000] *$82,259,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended, *of which $4,800,000 is provided for Federal assistance to the State of Florida pursuant to Public Law 103–219, and* of which [$29,500,000] *$28,000,000* is for the State assistance program including $3,250,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States $415,000 shall be available in 1995 for administrative expenses of the State grant program.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 467 passenger motor vehicles, of which 338 shall be for replacement only, including not to exceed 360 for police-type use, 12 buses, and 5 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That the first proviso under this head in Public Law 102–381 [(106 Stat. 1386)] *(106 Stat. 1384)* is amended by inserting ", not to exceed [$500,000] *$250,000*," after the word "funds" *and by inserting ": Provided further, That any exercise of this authority must be replenished by a supplemental appropriation which must be requested as promptly as possible" after the word "System"*.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; [$576,775,000] *$565,316,000*, of which $62,130,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: *Provided further*, That of the offsetting collections credited to this account $546,000 are permanently canceled.

WORKING CAPITAL FUND

The first paragraph under this head in Public Law 101–512 is amended as follows: in the second sentence after "work," insert "facilities,"; and in the third sentence after "include" insert "laboratory modernization and equipment replacement,", after ["operations," insert "maintenance,",] *"operations" insert ", maintenance,"*, and after "replacement of computer," insert "publications, scientific instrumentation,".

The second paragraph under this head in Public Law 101–512 is amended as follows: in the second proviso after "depreciation of equipment" insert "and facilities,".

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; [$190,206,000] *$189,034,000*, of which not less than [$68,434,000] *$67,934,000* shall be available for royalty management activities; and an amount not to exceed [$7,400,000] *$8,800,000* for the Technical Information Management System of Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: *Provided*, That $1,500,000 for computer acquisitions shall remain available until September 30, 1996: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases: *Provided further*, That the fifth proviso under the heading "Leasing and Royalty Management" for the Minerals Management Service in Public Law 101-512 (104 Stat. 1926) is amended by striking the words "or payment of civil penalty" after the words "result of the forfeiture of a bond or other security" and striking the words "or imposition of the civil penalty" after the words "rendered necessary by the action or inaction that led to the forfeiture": *Provided further*, That where the account title "Leasing and Royalty Management" appears in any public law, the words "Leasing and Royalty Management" beginning in fiscal year 1995 and thereafter shall be construed to mean "Royalty and Offshore Minerals Management".

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,452,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law, **[**$152,269,000**]** *$152,389,000*, of which **[**$99,365,000**]** *$100,265,000*, shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to The University of Alabama; and in Rolla, Missouri, to the University of Missouri-Rolla.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; **[**$110,206,000**]** *$109,773,000*, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1995: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1995 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, **[**$172,404,000**]** *$193,831,000* to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That grants to minimum program States will be **[**$1,000,000**]** *$2,000,000* per State in fiscal year 1995: *Provided further*, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for **[**Federal**]** emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, **[**$1,527,786,000**]** *$1,523,399,000*, of which $199,000 shall be for cyclical maintenance of tribally owned fish hatcheries and related facilities; and of which $297,000 shall be for a grant to the Close Up Foundation; *and of which not to exceed $103,323,000 shall be for payments to tribes and tribal organizations for indirect costs associated with contracts or grants or compacts authorized by the Indian Self-Determination Act of 1975, as amended*; and of which not to exceed $330,111,000 shall be for school operations costs of Bureau-funded schools and other education programs which shall become available for obligation on July 1, 1995, and shall remain available for obligation until September 30, 1996; and of which not to exceed **[**$72,680,000**]** *$72,580,000* shall be for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), which shall remain available for obligation until September 30, 1996; and of which **[**$75,902,000**]** *$75,735,000* shall remain available until expended, including $16,206,000 for trust funds management, $19,083,000 for housing improvement, **[**$30,169,000**]** *$30,002,000* for road maintenance, $2,332,000 for attorney fees, $1,983,000 for litigation support, $4,934,000 for self-governance tribal compacts, and $1,195,000 for the Navajo-Hopi Settlement Program: *Provided*, That payments of funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on October 1 and January 1 of each calendar year: *Provided further*, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1995 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act: *Provided further*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That to provide funding uniformity within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: *Provided further*, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: *Provided further*, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: *Provided further*, That any such change must be part of a comprehensive tribal plan for reducing the long-term need for general assistance payments: *Provided further*, That any such tribal plan must incorporate, to the greatest extent feasible, currently existing social service, educational training, and employment assistance resources prior to changing general assistance eligibility or payment standards which would have the effect of increasing the cost of general assistance: *Provided further*, That any net increase in costs to the Federal government which result solely from tribally increased payment levels and which are not part of such a comprehensive tribal plan shall be met exclusively from funds available to the tribe from within its tribal priority allocation: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1995, may be transferred during fiscal year 1996 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 1996: *Provided further*, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1995: *Provided further*, That within the funds contained in this Act, only the following new schools may receive initial funding pursuant to the provisions of 25 U.S.C. 2001(k) or 2505(a)(1)(C) and (D): Trenton and Sault Ste. Marie*: Provided further, That except for these initially funded new schools, for which current enrollment data shall be used, the amount made available for the Indian school equalization program may be allocated based on the number of weighted student units for the previous school year, with adjustments as approved by the Secretary: Provided further, That funds made available, in this Act and hereafter, for schools funded by the Bureau of Indian Affairs shall only be available to the 187 schools which will be in the Bureau of Indian Affairs school system as of September 1, 1995.*

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, **[$131,030,000]** *$123,230,000*, to remain available until expended: *Provided*, That $1,500,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: *Provided further*, That not to exceed $6,000,000 of contract authority and liquidating cash available in fiscal year 1995 from the Federal Highway Trust Fund may be used for the acquisition of road construction equipment*: Provided further, That funds currently obligated for rehabilitation and construction on the Gila River Indian Reservation may be used to purchase and pump water during fiscal year 1995: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR Part 12 as regulatory guidance, including but not limited to the provisions relating to the application and payment procedures, to implement new construction or facilities improvement project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended: Provided further, That the Secretary shall evaluate applications to determine whether there is sufficient organizational management, engineering and financial management capabilities to assure that the construction project will conform to appropriate Federal, tribal, State and local building standards and requirements including 25 USC 2005(a): Provided further, That the costs will be fair and reasonable: Provided further, That where these capabilities are determined by the Secretary to be insufficient, the Secretary may provide technical assistance subject to the availability of appropriations, or will follow the procedures in Public Law 93–638, as amended, in Section 105(a): Provided further, That the Secretary is to insure that personnel authorized to award and administer new construction or facilities improvement project grants in excess of $100,000 under Public Law 100–297 are properly trained and qualified.*

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, **[$82,896,000]** *$77,096,000*, to remain available until expended; of which **[$78,851,000]** *$73,051,000* shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 101–618, 102–374, 102–441, 102–575, and 103–116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $1,045,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580; and of which $3,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, including any interest on these amounts that may have been earned, but was not because of the default, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93–531, as amended (25 U.S.C. 640d–30), including necessary administrative expenses, $2,466,000, to remain available until expended.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $1,970,000.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, $2,484,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $10,890,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,784,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed $46,900,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $906,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 255 passenger carrying motor vehicles, of which not to exceed 210 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, **[$83,139,000]** *$77,339,000* of which (1) **[$78,962,000]** *$72,962,000* shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, drug interdiction and abuse prevention, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) [$4,177,000] *$4,377,000* shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, [shall] *may* be audited by the General Accounting Office, *at its discretion*, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99–396: *Provided further*, That $1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; [$2,900,000] *$900,000*, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, [shall] *may* be audited by the General Accounting Office, *at its discretion*, in accordance with chapter 35 of title 31, United States Code.

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, [$25,102,000] *$20,602,000*, to remain available until expended, as authorized by Public Law 99–239; and in addition, for special assistance as authorized by Public Law 101–219, and for economic assistance and necessary expenses for the Republic of Palau as provided for in Sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $7,556,000, to remain available until expended, as authorized by Public Law 99–658.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, $62,599,000 of which not to exceed $7,500 may be for official reception and representation expenses: *Provided*, That of the offsetting collections credited to this account, $1,184,000 are permanently canceled.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, [$35,374,000] *$32,548,000*.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,985,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $2,000,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 18 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 111. None of the funds in this Act may be used to publish a National final rule defining the term "valid existing rights" for purposes of section 522(e) of the Surface Mining Control and Reclamation Act of 1977 or to publish a final rule disapproving any existing State definition of valid existing rights.

[SEC. 112. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

SEC. 113. The provisions of section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.]

SEC. 114. Of the offsetting collections credited to public enterprise fund numbered 14–4053 in fiscal year 1995, $38,000 is permanently cancelled as a result of procurement cost savings.

[SEC. 115. None of the funds available to the National Park Service in this Act may be used to process permits necessary for construction of a bridge to Ellis Island.]

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, [$201,780,000] *$198,076,000*, to remain available until September 30, 1996.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, [$158,664,000] *$161,511,000*, to remain available until expended, as authorized by law.

EMERGENCY PEST SUPPRESSION FUND

For necessary expenses for emergency suppression of pests, $17,000,000, to remain available until expended: *Provided*, That these funds, or any portion thereof, shall be available in fiscal year 1995 only to the extent that the President notifies the Congress of his designation of any or all of these amounts as emergency requirements under section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That Congress hereby designates these amounts as emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INTERNATIONAL FORESTRY

For necessary expenses of international forestry as authorized by Public Laws 101–513 and 101–624, $7,000,000, to remain available until September 30, 1996.

NATIONAL FOREST SYSTEM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Fire Protection", "Emergency Forest Service Firefighting Fund", and "Land Acquisition" [$1,348,162,000] *$1,322,857,000*, to remain available for obligation until September 30, 1996, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1994, shall be merged with and made a part of the fiscal year 1995 National Forest System appropriation, and shall remain available for obligation until September 30, 1996: *Provided further*, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed: *Provided further*, That funds in the amount of $12,000,000 provided under this head in prior years' appropriations Acts for fire management are rescinded: *Provided further, That timber volume authorized or scheduled for sale during fiscal year 1994, but which remains unsold at the end of fiscal year 1994, shall be offered for sale during fiscal year 1995 in addition to the fiscal year 1995 timber sale volume to the extent possible.*

FOREST SERVICE FIRE PROTECTION

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and presuppression on National Forest System lands, [$160,590,000] *$156,908,000*, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated for this purpose under the heading "Forest Service Firefighting", Forest Service, may be transferred to and merged with this appropriation and accounted for as one appropriation for the same time period as originally enacted.

EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For necessary expenses for emergency rehabilitation, presuppression due to emergencies or economic efficiency, and wildfire suppression activities of the Forest Service, $226,200,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriation accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, [$191,740,000] *$219,234,000*, to remain available until expended, of which [$70,341,000] *$68,893,000* is for construction and acquisition of buildings and other facilities; and [$121,399,000] *$150,341,000* is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1994 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, [$61,131,000] *$60,541,000*, to be derived from the Land and Water Conservation Fund, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,252,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $89,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 156 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 148 shall be for replacement only; acquisition of 79 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 14 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advanced approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the report accompanying this Act.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

[None of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.]

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

None of the funds made available in this Act shall be used for timber sale planning or scoping using clearcutting in the Ouachita and Ozark-St. Francis National Forests in Arkansas, except for sales that are necessary as a result of natural disaster or a threat to forest health, or for maintaining or enhancing wildlife habitat, or habitat for endangered and threatened species, or for research purposes.

Pursuant to section 405(b), and section 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $1,000,000 for matching funds shall be available for the National Forest Foundation.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

The Secretary of Agriculture, acting through the Forest Service, shall reimburse the Agricultural Stabilization and Conservation Service for administrative costs incurred under the Stewardship Incentive Program for the actual cost of services provided by the Agricultural Stabilization and Conservation Service, except that the total costs shall not exceed 10 percent of the total annual appropriation for the program.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

The first paragraph under this head in Public Law 101–512, as amended, is further amended by striking the phrase "$100,000,000 on October 1, 1994, and $50,000,000 on October 1, 1995" and inserting "$18,000,000 on October 1, 1994, $100,000,000 on October 1, 1995, and $32,000,000 on October 1, 1996"; and by striking the phrase "$275,000,000 on October 1, 1994, and $100,000,000 on October 1, 1995" and inserting "$19,121,000 on October 1, 1994, $100,000,000 on October 1, 1995, and $255,879,000 on October 1, 1996": *Provided*, That not to exceed $18,000,000 available in fiscal year 1995 may be used for administrative oversight of the Clean Coal Technology program.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, [$445,544,000] *$436,451,000*, to remain available until expended, of which $17,000,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account": *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1994, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, [$193,956,000] *$189,956,000*, to remain available until expended: *Provided*, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply in fiscal year 1995.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, [$824,585,000] *$743,741,000*, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1995 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided*, That [$283,199,000] *$265,024,000* shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: [$230,800,000] *$212,800,000* for the weatherization assistance program, [$23,339,000] *$23,164,000* for the State energy conservation program, and $29,060,000 for the institutional conservation program, *which shall be reduced by their proportionate share of the general reduction to be applied on a pro rata basis against every program, project, and activity within this account: Provided further, That funds provided in this Act for the weatherization assistance program in excess of $206,800,000 shall be distributed only according to a new formula developed pursuant to Public Law 101–440.*

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $12,437,000, to remain available until expended.

EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, $8,249,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $244,011,000, to remain available until expended, of which $90,764,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account": *Provided*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 700,000,000 barrels.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided*, That outlays in fiscal year 1995 resulting from the use of funds in this account shall not exceed $9,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, [$84,728,000] *$84,507,000*, to remain available until expended: *Provided*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to the Indian Health Service, [$1,706,102,000] *$1,715,052,000*, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $351,258,000 for contract medical care shall remain available for obligation until September 30, 1996: *Provided further*, That of the funds provided, not less than $11,603,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1996: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVII and section 208 of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, [$253,892,000] *$253,767,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That notwithstanding any other provision of law a single procurement for the construction of the Fort Belknap, Montana health center and satellite clinic and a single procurement for construction of the White Earth, Minnesota health center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by Title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under Title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations: *Provided further*, That in fiscal year 1995 and thereafter (a) the Secretary may enter into personal services contracts with entities, either individuals or organizations, for the provision of services in facilities owned, operated or constructed under the jurisdiction of the Indian Health Service; (b) the Secretary may exempt such a contract from competitive contracting requirements upon adequate notice of contracting opportunities to individuals and organizations residing in the geographic vicinity of the health facility; (c) consideration of individuals and organizations shall be based solely on the qualifications established for the contract and the proposed contract price; and (d) individuals providing health care services pursuant to these contracts are covered by the Federal Tort Claims Act*: Provided further, That notwithstanding any other provision of law, the Indian Health Service clinic in Stilwell, Oklahoma shall be known and designated as the "Wilma P. Mankiller Indian Health Clinic": Provided further, That any reference in a law, regulation, document, record, map, or other paper of the United States to the clinic referenced in the preceding proviso shall be deemed to be a reference to the "Wilma P. Mankiller Indian Health Clinic"*.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title VI of the Elementary and Secondary Education Act of 1965, [as amended by the Improving America's Schools Act as passed by the House of Representatives on March 24, 1994,] $83,500,000: *Provided*, That $1,735,000 available pursuant to section 6203 of the Act shall remain available for obligation until September 30, 1996.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, [$26,936,000] *$24,936,000*, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99–498, as amended (20 U.S.C. 56, Part A), [$12,713,000] *$9,812,000*: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; [$314,454,000] *$312,755,000*, of which not to exceed $32,000,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, [$5,000,000] *$3,050,000*, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $24,000,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian

Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, [$30,000,000] *$29,300,000*, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of the National Museum of the American Indian Cultural Resources Center may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $53,003,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized $4,431,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,343,000.

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $9,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,878,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, [$141,950,000] *$133,903,000* shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1996.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, [$29,150,000] *$27,693,000*, to remain available until September 30, 1996, to the National Endowment for the Arts, of which [$12,750,000] *$12,113,000* shall be available for purposes of section 5(l): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

[REDUCTION OF FUNDING

Each amount appropriated or otherwise made available by this title for "National Endowment for the Arts" is hereby reduced by 2.0 percent.]

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $151,420,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1996.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $25,963,000, to remain available until September 30, 1996, of which $14,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $28,770,000.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, [$7,500,000] *$6,648,000*.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89–665, as amended, [$2,967,000] *$2,947,000*: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,655,000: *Provided*, That all appointed members will be compensated at a rate equivalent to the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $48,000, to remain available until September 30, 1996.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92–578, as amended, $2,738,000 for operating and administrative expenses of the Corporation.

PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92–578, as amended, $4,084,000, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, [$26,660,000] *$21,679,000*.[; of which $2,700,000 shall be for repair and rehabilitation projects and shall remain available until expended.]

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. The Forest Service and Bureau of Land Management may offer for sale salvageable timber in the Pacific Northwest in fiscal year 1995: *Provided*, That for public lands known to contain the Northern spotted owl, such salvage sales may be offered as long as the offering of such sale will not render the area unsuitable as habitat for the Northern spotted owl: *Provided further*, That timber salvage activity in spotted owl habitat is to be done in full compliance with all existing environmental and forest management laws.

SEC. 309. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1994.

SEC. 310. None of the funds appropriated in this Act may be used to implement any increase in government housing rental rates in excess of 10 per centum more than the rental rates which were in effect on September 1, 1994, for such housing.

SEC. 311. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1995".

(Mrs. MURRAY assumed the chair.)

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I bring before the Senate today the fiscal year 1995 Department of the Interior and related agencies appropriations bill. The comanager of the bill, Senator NICKLES, will not be on the floor until around noon or 12:30. I spoke with him about this matter last Friday, at which time he told me that he would not be able to be here until around noon. But it is with his approval that I proceed now to the open the discussion on the bill.

I should call attention to the fact that the able ranking member of the Appropriations Committee, a member also of the Interior Appropriations Subcommittee, Senator HATFIELD, is on the floor and available if any questions arise or if a need presents itself. And I thank him for his presence.

RECOGNITION OF FEDERAL FIREFIGHTERS

Before proceeding with the specifics of this appropriations bill, I think it appropriate for the Senate to take a moment to reflect upon the extraordinary dedication and commitment of the men and women who comprise the Federal firefighting force, a function which is funded largely out of this appropriations bill. In recent weeks, we have been reminded all too tragically of the dangers associated with the efforts these crews undertake in order to protect the lives and property of others.

I wish to read into the RECORD the names and duty stations of the brave men and women who died in recent days while on duty with fire crews of either the Forest Service or Bureau of Land Management. Fourteen of these men and women perished on Wednesday, July 6, as they sought to fight a raging firestorm that had engulfed a portion of Storm King Mountain near Glenwood Springs, CO. Three more individuals—two firefighters and a pilot under contract—died on July 12 in a helicopter crash while being transported between two different fires near Silver City, NM. They deserve our thanks, our respect, and their families deserve our commiseration and sympathy and our thanks:

Kathi Beck; Prineville, Oregon.
Tami Bickett; Prineville, Oregon.
Scott Blegha; Prineville, Oregon.
Robert Boomer; Van Nuys, California.
Levi Brinkley; Prineville, Oregon.
Robert Browning; Grand Junction, Colorado.
Doug Dunbar; Prineville, Oregon.
Anthony Sean Gutierrez; Silver City, New Mexico.
Terri Hagen; Prineville, Oregon.
Bonnie Holtby; Prineville, Oregon.
Rob Johnson; Prineville, Oregon.
John Kelso; Prineville, Oregon.
Don Mackey; Missoula, Montana.
Roger Roth; McCall, Idaho.
Samuel Smith; Las Cruces, New Mexico.
James Thrash; McCall, Idaho.
Richard Tyler; Grand Junction, Colorado.

Madam President, I think we often take for granted the sacrifices that men and women make on our behalf as they perform their public duties. As we begin consideration of this bill, I feel it appropriate for us to recognize the contribution that these men and women made on the people's behalf and to honor their deeds. To the families and loved ones left behind by these brave firefighters may I express on behalf of the Senate our profound sorrow for your loss and our gratitude that these individuals chose to serve so selflessly on our behalf. Their efforts will not be forgotten.

INTERIOR BILL SUMMARY

Madam President, I will now turn to the specifics of the legislation before us today.

This bill, as reported by the Appropriations Committee, totals $13,391,647,000 in discretionary budget authority, which is $133,353,000 below the subcommittee's 602(b) allocation.

The outlay scoring totals $13,866,825,000, which is just $175,000 below the 602(b) allocation. When compared to the President's budget, the recommendations represent a decrease of $322,500,000 in budget authority and $207,030,000 in outlays.

The amounts of budget authority recommended in the fiscal year 1995 Interior bill represent a decrease of some

$336 million below last year's enacted level for these same programs. So while there may be many programs that individual Senators would like to see funded at a higher level, I remind Senators of the constraints under which this bill was formulated. The reductions are very real—very real. It is in appropriations bills, such as this one, that specific decisions have to be made about funding for competing interests within a limited allowance.

Let me stress that. We operate on the Appropriations Committee within a limited allowance. We do not "bust," to use a familiar term, budgets on the Appropriations Committee. We have a level of allocation. That level comes within the budget mandate that Congress passes, and we do not exceed the limit. The Appropriations Committee does not exceed the caps.

Any amendments to increase spending in one area of this bill must be offset by reductions elsewhere for the bill to remain within the 602(b) allocation.

Total funding for some of the large agencies funded in this bill, such as the Fish and Wildlife Service, the National Park Service, the Geological Survey, the Bureau of Mines, the Bureau of Indian Affairs, the Forest Service, and the Department of Energy is below last year's level. Let me repeat, nearly every major agency funded in this appropriations bill will have less money to spend in fiscal year 1995 than they had in fiscal year 1994.

As a matter of fact, it was formulated in a nonpartisan manner, which is nothing new for the Appropriations Committee. On the Appropriations Committee, we do not know any difference between Republicans and Democrats. It does not make any difference. We do not talk politics. We do not get into politics. We do not resolve any political matters. We do not hem and haw and argue and fuss around about politics. There is no partisanship in the Appropriations Committee. And I thank my colleagues on that committee, both Democrats and Republicans, for observing that axiom. It is an axiom we take for granted and we hew to the line in that respect.

I thank my colleague, Senator HATFIELD, who for several years was chairman of the Appropriations Committee. I thank him and his colleagues on his side of the table for their unfailing cooperation, courtesy, and consideration and assistance. There is teamwork on that committee and on the subcommittees.

I thank Senator NICKLES and his staff for their cooperation in drafting the bill. It was no easy task. The subcommittee received over 1,600 requests for projects of interest to the Senate. We had a good many requests from Members of the other body, the House of Representatives. Nearly all of these requests presumed enactment of the amounts proposed in the President's budget and then proposed to add above that. Simple math precludes this from happening.

Madam President, may we have order in the gallery.

The PRESIDING OFFICER. The gallery will be in order.

There will be order in the gallery.

Mr. BYRD. Madam President, slide rules and logarithms and old math or new math, take it all.

Simple math precludes this from happening, since the allocation is below the President's budget. So, even without considering a single item brought to our attention by interested parties, we had to make reductions from the amounts requested in the budget.

Madam President, some Senators may be less than satisfied with the funding allocations in this bill, either in general or as it relates to a specific project or program of interest to them. I would remind those Senators, we have now reached the point where the rhetoric must become the reality. When we vote for $13 billion in outlay reductions for discretionary spending, as was done with this year's budget resolution, we have to be prepared to accept the consequences. This year's share of that reduction was $500 million. And a good many Senators have already had calls to reflect on their actions in supporting that cut which took place in the Budget Committee. And as President Reagan used to say, "You ain't seen nothing yet." Wait until next year.

The situation will be even worse next year when the Appropriations Committee will have $5.4 billion less—not $500 million, not a half billion less, but $5.4 billion less—to allocate than would have been available within the caps set in the reconciliation bill last year.

Madam President, I would like to highlight some of the items of interest in the Interior bill.

The subcommittee has attempted to protect the operational base of the agencies funded in the bill. When adjusting for one-time transfers and current year reprogrammings, the National Park Service operating account is increased by $44 million over last year. Many parks are struggling with the consequences of the Federal work force reductions, and these funds will help to maintain critical programs that serve the visitors to our 368 national park units.

Total funding in the bill for Federal land acquisition and State outdoor recreation grants is $219 million. This amount is $35.7 million below both the fiscal year 1994 level and the President's request for fiscal year 1995. The subcommittee received requests for increases totaling $423 million above the amounts contained in the budget request for land acquisition.

Total funding for construction in the land management agencies amounts to nearly $447.4 million. This total is about $91.1 million, or 17 percent, below the fiscal year 1994 appropriation for these same construction accounts. It should be noted that budget constraints have contributed to a reduction in Park Service construction funding of $100 million since fiscal year 1992.

Let me say that again. It should be noted that budget constraints have contributed to a reduction in Park Service construction funding of $100 million since fiscal year 1992. The request from Senators for increases above the budget for construction totaled $558 million—just for 1995, just for fiscal year 1995. So the requests from Senators for increases over the budget for construction totaled $558 million.

Funding for energy conservation programs grows by $53.4 million, or 8 percent, over the fiscal year 1994 enacted level. This includes $36.5 million to fund the highest priority climate change initiatives requested by the administration to begin implementing the President's Climate Change Action Plan.

Indian programs are funded at a total of $3.8 billion, which includes significant increases for education, health care, and contract support. The committee has attempted to restore funds to maintain existing program levels and to address the impact of opening new facilities.

The bill includes $161.6 million for the National Endowment for the Arts, a reduction of 5 percent from the budget request.

And, the bill includes approximately $146 million in funding for the President's plan for the Pacific Northwest, and $42.5 million for the South Florida/Everglades initiative.

Madam President, I ask unanimous consent that I include in the RECORD at this point a statement clarifying several provisions in the committee report, Senate Report 103-294, accompanying this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. REPORT 103-294 CLARIFICATION

On page 113 in the section dealing with Indian education, the amount shown in the table for grants to local education agencies should be $60,300,000 rather than $59,800,000. Also on page 113 in the same table, the amount shown for special programs for Indian children should be $8,500,000 rather than $9,000,000. The accompanying text is correct.

On page 30 of the report, there is language under the National Biological Survey regarding ongoing funding for the Hawaii biodiversity joint venture project. This reference applies to the Fish and Wildlife Service, not the NBS.

On page 65, under Administration of Territories, the reference to American Samoa high school should be to Tafuna High School, in American Samoa.

With respect to funds provided to the Indian Health Service for facilities and environmental health support, because of the fluctuating nature of the workload in this program, the funds should be distributed in accordance with a methodology which addresses overall workload annually and maintains parity among the areas and tribes as the workload shifts.

The funds referenced on page 39 for the Chesapeake and Ohio Canal NHP are to be applied to the preliminary engineering requirements since the project will be furthered with that technical data at the earliest possible date.

Mr. BYRD. Madam President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. First, I wish to thank and compliment my friend, the chairman of the committee, Senator BYRD, for his leadership and also for his cooperation; as well as his staff, Sue Masica, who has worked very well with me; and, also, on my staff, Cherie Cooper.

Mr. President, we bring before the Senate today the Department of the Interior and related agencies appropriations for fiscal year 1995.

I might just mention at the outset, Mr. President, this has not been an easy appropriations bill. We have managed a few over the years, but this one has a significant reduction from the previous year—$324 million less than what we had last year and a 2.4-percent reduction in budget authority compared to last year.

So we have a lot of agencies, as a matter of fact the strong majority of agencies, that we fund in this budget receiving less money than they had last year.

I just mention this to my colleagues because it is not easy, when you are trying to do this, when you have a lot of demands, a lot of requests, some very legitimate requests that we are simply not able to fund.

Let me just summarize this. I know Senator BYRD did this in his excellent presentation, but I just want to touch on a few things so our colleagues have some kind of idea of the scope of the decisions that have been made in the bill.

The Bureau of Land Management is increased by 3 percent; the Fish and Wildlife Service is decreased 3.8 percent; the National Biological Survey, a slight reduction, about a half percent; the National Park Service, a 3.1-percent reduction; the Geological Survey, a reduction of 3.3 percent.

Madam President, these are all in relation to the actual figures that we are looking at for fiscal year 1994, so it is comparing 1994 to 1995, not compared to the administration's request because, by and large, many of these requests are far below that proposed by the administration.

The Bureau of Indian Affairs, a 2.1-percent reduction; the Office of Surface Mining Reclamation, a 10-percent reduction. The total of all for the Department of the Interior is a 2.2-percent reduction.

Related agencies: The Forest Service has a six-tenths of 1 percent reduction; the Department of Energy, a total of 13.7 percent reduction; naval petroleum and oil shale reserves, down 11.6 percent; the strategic petroleum reserve down 25.9 percent, Indian Health Services, an increase of only 1.3 percent.

I might mention, Madam President—I know the Chair is familiar with this in the State of Nebraska—the Indian Health Service is not doing a very good job. Certainly it needs more money and 1.3 percent does not remedy all the problems or even come close to remedying the problems we have in the Indian Health Service.

Indian education, no increase whatsoever. The Institute of American Indian and Alaska Native Culture had a reduction of 21.9 percent.

I will just mention a couple of others. The National Endowment for the Arts, a 5-percent reduction. I could go on. The National Capital Arts and Cultural Affairs Council, 11.4 percent reduction. The Holocaust Memorial Council received the same amount as last year, $21.7 million.

The total of all the related agencies, funds from the Forest Service, Department of Energy, Indian Health and many other related agencies, a 2.7-percent reduction. If you add it all together, it is a net 2.4-percent reduction from 1994 levels, a total of $326 million less than what we had authorized in the 1994 level.

I mention that just from the outset to let our colleagues know I know there are some thoughts from many people in this body who are saying we need more money for a lot of different agencies, for a lot of different programs. I will just say we did the best job that we could and we did come up with a slight reduction, I think a fair reduction.

Finally, I encourage my colleagues to bring their amendments to the floor. I know it is scheduled, we are supposed to have what we commonly called—or is referred to as—a bed-check vote, a live quorum vote, at 1 o'clock. But I encourage my colleagues, if they have amendments, to bring them to the floor, let us dispose of those amendments and finish this bill as soon as possible.

Madam President, to reiterate, I am pleased to support the chairman's remarks, and his introduction of the committee recommendations for the fiscal year 1995 Interior appropriations bill. I also want to recognize the dedication of the 17 individuals who lost their lives while performing firefighting activities in Colorado and New Mexico earlier this month, and to express our sympathy to their families and friends. It is through the commitment and expertise of the firefighters, who are funded primarily out of this appropriations bill, that we are able to minimize the resource damage and protect private properties when wildfires sweep through our Nation forests and rangelands.

I want to thank the chairman for his efforts in bringing the Interior bill to the Senate floor. I compliment the Senator from West Virginia for the excellent work he has done in compiling this bill and appreciate the bipartisan manner in which this bill was assembled.

Madam Chairman, the Interior bill is a complex bill to put together. This bill provides funding for a variety of agencies with very diverse programs including land management activities, Indian programs, energy research and development, arts, and museums. The Interior bill receives a great deal of Member attention, with 1,600 Member requests coming to us for consideration. Many difficult choices are reflected in this bill. To add to the complexity of the bill, we are grappling with the reality of work force reductions. The Interior bill reflects our efforts to maintain agency operations activities.

The subcommittee has kept within the 602(b) discretionary allocations of $13.525 billion for budget authority and $13.867 billion for outlays. The Interior appropriations bill outlay allocation is $76 million under the House allocation. It is evident that the chairman and his staff have done an excellent job of meshing the competing demands. The committee's recommendations will contribute to a balanced Federal budget while continuing to provide the expected Government services.

The Interior appropriations bill for fiscal year 1995 discretionary funds is $336 million below—2 percent—the fiscal year 1994 enacted level. To name a few of the 41 agencies funded by the Interior bill: the Bureau of Land Management is increased by 3 percent, primarily due to the new central hazardous material fund and the Pacific Northwest forest plan; the Fish and Wildlife Service is decreased by 4 percent due to large decreases in construction and land acquisition; the National Park Service is decreased by 3 percent, due to construction and land acquisition; the Bureau of Indian Affairs is decreased by 2 percent; the Forest Service is decreased by 1 percent; fossil energy is decreased by 3 percent; Indian Health Service is increased by 1 percent; and energy conservation is increased by 8 percent, the largest increase of the major agencies funded in the bill. Only 6 of the 41 agencies are provided increases over the fiscal year 1994 levels. The other agencies are either at last year's levels or at decreased levels.

The totals for construction and for land acquisition are below the fiscal year 1994 enacted levels. Both of these items contribute to substantial future funding requirements. As lands are added to the Federal land base and as new facilities are constructed, managers are faced with making decisions on shortening park hours, closing campgrounds, enforcing road restrictions, and adjusting organizations to meet the new operations and maintenance needs. The construction accounts for the land management agencies total $447.4 million, which is a decrease of $91.1 million, −17 percent, from the fiscal year 1994 enacted level of $538.6 million. The land acquisition accounts for these same agencies total $218.6 million, which is a decrease of $35.7 million, −14 percent, from the fiscal year 1994 enacted level of $254.3 million.

The Indian activities, which are funded under the Interior bill, require 29 percent of our allocation resources, while still not meeting the needs of the Indian population. The demands for Indian activities continue to increase yearly using more of the Interior bill's limited resources. We are increasing the Bureau of Indian Affairs operating account by 2 percent and the Indian Health Service operating account by 4 percent, restoring on-going programs.

The timber sale program is an area of great concern to many Members of the Senate. The timber sale program, which because of House action was reduced to a 2.8–3.2 billion board foot program, is restored to 4.3 billion board foot program and fits without our allocations.

The funding for the National Endowment for the Arts is $161.6 million which is a 5-percent decrease from the fiscal year 1994 enacted level.

Madam President, again I wish to thank the Chairman.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD] is recognized.

Mr. HATFIELD. Madam President, as the chairman of the Senate Appropriations Committee, the Senator from West Virginia, has indicated, Senator NICKLES, the ranking member of this committee, is detained for about an hour. So he cannot be here on the floor at the present time to make his opening statement until he gets out of the committee.

Madam President, at this moment, I would like to rise to thank the chairman of the committee, Senator BYRD, for his tribute he paid to the firefighters who lost their lives in the terrible forest fires in Colorado. As he enumerated those names—he listed them one by one, both men and women who were part of this team—9 of the 14 were from a little community in Oregon by the name of Prineville. Of course, as you know, in a small community that is 5,625 members or citizens, when you have a tragedy that strikes one family, it is felt throughout the community. You can imagine what the impact was when such a tragedy was impacted on 9 families in this town of a little over 5,000.

Madam President, I have entered in the RECORD before on occasion to speak on behalf of our appreciation and deep gratitude to those who sacrificed their lives, all 14 of them, and particularly the 9 from my State.

I just want to again take this opportunity to make a few extemporaneous remarks about the sacrifice made by these young men and young women. For any way you look at this action, it was a true act of heroism. These young men and young women are true heroes and heroines in any sense of the word.

Oftentimes, we tend to forget those who put their lives on the line daily in their professions and in their work—our policemen, our firefighters, and many others in the civilian area of life. We think mostly of the military who, like all who are serving their country, put their lives on the line when they are in areas of turmoil, hostility, and military action. But surely, as well, these who fight forest fires and who train in that very, very dangerous work daily put their lives on the line when they are called into action.

Madam President, coming from the State of Washington, my neighboring State, you, like many of us, have witnessed forest fires. There is really nothing I can think of that creates more of that sense of horror and sense of weakness and futility than the light of such a forest fire. I have seen them skip along the tops of these magnificent forests, burning the tops of these trees as the wind blows and blows the flames. I have heard them explode, literally explode, because you can imagine in a heavy forest with the flammable material of a fresh tree that is full of sap, and all of the other flammables, that they literally at times will explode like a cannon as this fire is moving through these forests.

When you put men and women into the pathway of such an awesome power as a forest fire, and they are given the assignment to stop the fire, they use all sorts of techniques. I will not go into all of them. Sometimes they make a back fire to create a swath of burnt land so that the fire will not move over it because the material has been removed.

But again, I refer back to the fact that these are so dangerous because no one knows about the drafts that they create in the heat of that fire. It can be dead still as far as the wind is concerned out from the fire, but there can be tremendous gusts of wind created by drafts and updrafts in the heat mixing with the colder air.

So the fire may be moving one direction and you think that you can get behind it. But, on the other hand, sometimes very instantaneously, the fire will shift and move right into your own position, and you are caught or you are endangered in some very serious way.

So it is that these young people—and they were in their twenties, the women and the men who responded voluntarily—responded to go to Colorado and help fight that fire.

(Mr. KERREY assumed the Chair.)

Mr. HATFIELD. So, again, I want to issue my personal—and I am sure on behalf of all of my colleagues—sympathy to those families who suffered that loss, and my sympathy to the community which found a great void in their community life because these young people were all part of that community. And, again, I recognize the tremendous sacrifice they made and the willingness to give of their lives in their positions, in that type of job, that type of profession, to give of their lives if circumstances happened in which lives are taken. I pray that those circumstances will not happen in the future. But we never can control that or know about it.

So I thank Senator BYRD for his opening presentation of the Interior Subcommittee appropriations, for his thoughtfulness and his sensitivity in paying tribute to these young people, all 14 of them, and their families. I merely want to affirm the same tribute and the same sympathy on my behalf.

Mr. President, I would like to just make one or two brief comments about the bill itself. I am on this particular subcommittee serving with Senator BYRD and Senator NICKLES as our leaders on the subcommittee. I, too, can state that these committees that are bringing the bills to the floor in this particular session are under tremendous pressure, under tremendous focus of providing money for important programs on a diminishing basis; that is, the resources are diminishing rapidly, and the needs are increasing, in many instances.

We have just taken action this session on the California desert bill, just to give you an illustration. I cosponsored the bill, supported the bill, voted for the bill. Yet, it is merely an authorization. Someone once said that an authorization is but "a hunting license for an appropriation." We on the Appropriations Committee and this subcommittee will be called upon, once this bill passes the conference committee and is then signed into law by the President, to fund the actual existence of the California desert. But you see the California desert bill is merely lining up—there is a long line out there of projects that we have authorized that have not been funded within just this one account of our Interior appropriations bill.

We have added two national parks. We have added two other such set-asides that are important for the public, but unfunded. We know from studies that some of our national parks are dangerous. They have had to close certain areas of our national parks because we have not been able to maintain the safety of those parks. The operation and maintenance accounts of those national parks have been diminishing. Yet, there is a greater use, greater demand for national parks all the time. The public's demand is expanding; the resources to maintain them are diminishing. So that is within the existing commitments. So here we are adding more commitments, which I think are important; but I want to use that as one illustration of the difficulty this committee functions under. So I think that all of us could say it is not what we would like, but it is certainly, I must say, the best I think that can be achieved under these circumstances.

Senator BYRD also mentioned about the bipartisan character of the committee, and I want to affirm that from the Republican side of the aisle. I not only have sensed this as a unique characteristic of this committee, not that all authorizing committees are partisan, but there are those moments and those issues that divide the parties, divide honest differences of philosophy.

In fact, I cannot remember it happening in the Appropriations Committee. Senator BYRD, our chairman, referred to the time when I was chairman for 6 years and we had 15 Republicans and 14 Democrats at that time. I must say, as I have previously, that we had some of the most conservative and some of the most liberal from both parties on that committee. There was not a controversial issue that committee faced in those 6 years that we did not have to craft a coalition of Democrats and Republicans to make a decision. It was constantly a matter of crafting coalition between Democrats and Republicans to achieve the work of that committee.

We continue to see that reflected in our work. But it also is reflected through the staff and this again is, I think, somewhat unique, in my time of the Senate, to the Appropriations Committee. I must say I have never seen staff on any committee I have served on that has not been responsive to any request that I as a minority member and as a majority member—I have been in both situations, and I prefer the majority status. Nevertheless, I must say that from my illustration I have never noted any distinction from my personal experience and requests made to the staff of either side of any committee, where I have been turned down or treated shabbily in any way or in a partisan way. I must say, I believe that in creating and crafting these bills, the staffs of the Appropriations Committee from the majority and minority sides work more intimately, more collaboratively in their efforts to represent the product of the committee than any committee I serve on.

In part, it is because we do not shift staffs in the shift of power. I recall vividly when we faced a situation of finding ourselves in the majority, much to my surprise—and I think most of the pundits were somewhat surprised in the 1980 election—as I recall, we had five new members on our committee on the majority side, four of which had never served a day in the Congress, and all of a sudden four of those five were subcommittee chairmen. It was a very great responsibility to take on those positions of subcommittee chairmen.

We, in our collective judgment, at my urging, said let us not deny ourselves of the continuity and expertise of those staff persons who had been on those subcommittees for many years, hired by then the majority. And we continued them on, and through attrition, as they saw fit in their decisions to leave the committee, we replaced them. Some of those replacements now are still on the committee, acting on behalf of the majority side. So our staffs do not reflect changes of majority and minority status of that committee, and they serve the full committee. That is the way in which I feel our committee is somewhat unique.

So I pay tribute to the staffs for helping to create this product, as difficult as it was, as well as the leadership of the Subcommittee on Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia, the President pro tempore, is recognized.

Mr. BYRD. I thank the Chair. I thank the distinguished Senator from Oregon for his timely and appropriate remarks. They are always incisive, to the point, and useful.

This request has been cleared with the Senator from Oregon.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, that the bill, as thus amended, be regarded for the purpose of amendment as original text, provided that no point of order shall have been considered to have been waived by agreeing to this request, and that the following committee amendments be excepted from this en bloc request:

Page 48, line 16 through page 49 line 7; page 49, lines 12 through 14; page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendments were agreed to en bloc, except the following:

Page 48, line 16 through page 49 line 7; page 49, lines 12 through 14; page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, today we begin the discussion of this significant appropriations bill for the Department of the Interior and related agencies. As we do so I realize that there will be a number of amendments and votes on controversial issues. I also realize, however, that there will be one issue falling within the jurisdiction of this subcommittee on which apparently there will not be a debate or a vote. I wish to speak to that briefly for the moment.

On a number of occasions, this appropriations bill has been the vehicle for a discussion of harvest levels in the national forests of the Pacific Northwest. In fact, specific amendments providing temporary relief were passed as part of the bill in 1989 for the 1990 appropriations bill.

Since then, while there has been controversy, there have been no further votes on such proposals. During that course of time, harvest levels in the forests of region 6 of the Pacific Northwest has declined from something like 5 billion board feet a year almost to zero.

During the course of his campaign in 1992, then candidate Bill Clinton promised the people of the Northwest a timber summit in the first year of his Presidency and an equitable and fair solution to the controversy over harvest levels and preservation. That timber summit was held in Portland in the spring of 1993 and, after an extensive delay, resulted in what the President denominated option 9. This option called for an average of 1.2 to 1.3 billion board feet of harvest in those forests.

From the perspective of this Senator and his colleague, the distinguished senior Senator from Oregon, and others in the Pacific Northwest, this was an utterly inadequate and unfair compromise. The harvest levels in the President's plan represented a cut which was itself below the rate at which the forests regenerated themselves. Nevertheless, it did appear to many in the Pacific Northwest to be better than nothing.

Another year elapsed and option 9 became option 9 minus, down to an average of 1.1 billion board feet per year, each step announced with great fanfare. But it now becomes increasingly evident the harvest levels under option 9 itself will never be realized. The administration now talks about 2 or 3 or 4 years from now before these meager harvest levels are reached.

But litigation not only with respect to the forests in general but with respect to every individual proposed timber sale seems absolutely endless. And so even the utterly inadequate promise of the administration for the forest communities of the Pacific Northwest is simply not going to take place.

Occasionally, an individual in this administration, realizing this fact, now begins to mutter that at some point or another perhaps a legislative solution would be important. In fact, in a hearing before the subcommittee, the Secretary of the Interior said that at some future time legislative action might be recommended by the administration. But with the passage of this bill, any opportunity to have effect during the course of the next year will have passed by.

Another year of unnecessary suffering on the part of timber communities in the Pacific Northwest will be, for all practical purposes, guaranteed, simply because the administration cannot get its act together, cannot operate with a sufficient degree of courage to recommend to the Congress that its own promises actually be kept.

Once again, I need to emphasize that I do not believe that those promises are adequate by any stretch of the imagination, but they are clearly better than the situation in those rural areas at the present time. So the administration, lacking that courage, sentences our people in timber communities to at least another full year of suffering. It is, of course, pointless for those who champion their cause to put up amendments which would be fought by the administration and by the majority and almost certainly defeated in a Congress like this without the encouragement and support of the administration.

But I could not let this opportunity go by without expressing my extreme disappointment in an administration which not only cannot come up with an adequate and fair answer to the problem, but lacks the courage to enforce the solution that it does advocate and refuses even to ask for the degree of congressional relief which would allow it to keep those inadequate promises.

I have every hope that, long before this time next year, with the new Congress and different attitudes on the part of the administration, it may reverse itself and carry out the promises which President Clinton made when he was candidate Clinton.

STATEMENT ON THE FISCAL YEAR 1995 INTERIOR APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 4602, the Interior appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $133 million and under its 602(b) outlay allocation by $175 thousand.

I compliment the distinguished manager of the bill, Senator BYRD and the distinguished ranking member of the Interior Subcommittee, Senator NICKLES on all their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Interior appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 4602, FISCAL YEAR 1995 INTERIOR APPROPRIATIONS—SENATE-REPORTED BILL

[In millions of dollars]

Bill summary	Budget authority	Outlays
Discretionary totals:		
New spending in bill	13,017	8,803
Outlays from prior years appropriations		5,058
Permanent/advance appropriations	375	0
Supplementals	0	6
Subtotal, discretionary spending	13,392	13,867
Mandatory totals	61	54
Bill total	13,453	13,921
Senate 602(b) allocation	13,586	13,921
Difference	−133	−(*)
Discretionary totals above (+) or below (N):		
President's request	−323	−207
House-passed bill	−123	−72
Senate-reported bill		
Senate-passed bill		
Defense	0	0
International Affairs	0	0
Domestic Discretionary	13,392	13,867

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia, the President pro tempore of the Senate, is recognized.

Mr. BYRD. Mr. President, the following request has been cleared on the other side. Senator NICKLES is here and may or may not wish to speak to it.

I ask unanimous consent that at an appropriate time, Senator BUMPERS be recognized to offer an amendment, regarding mining patent moratoria, to the committee amendment on page 48, line 16 through page 49, line 7; that there be a 1-hour time limit for debate on the amendment with the time equally divided and controlled in the usual form; that upon the use or the yielding back of the time, Senator BUMPERS be recognized to withdraw his amendment and without intervening action the committee amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while I have the floor, the staffs have put together a list of amendments of which we have been notified by the proposed sponsors, and it is my hope that Senator NICKLES and I, through our respective staffs, may be able to go through these amendments and determine which of them might be agreeable on both sides so that we may proceed by unanimous consent or otherwise to get Senate action on them.

This is an important bill. I believe this is the 10th appropriations bill to be acted upon by the Senate in addition to any supplemental or supplementals. As Juliet said to Romeo, ". . . in a minute there are many days." And it is to be hoped that we might use our minutes profitably. There will be a vote today at 1 p.m. It will be a procedural vote. But in the meantime, Mr. NICKLES and I would hope to encourage Senators who have amendments to come to the floor and call them up so that we may have action on them by voice vote or, if a rollcall is required, stack them for action this afternoon.

Tomorrow will be a day in which, because of the joint meeting with the House of Representatives, we will see an interruption of the action on this bill if we are still on it. I hope that we can dispose of most or all amendments today. I am also advised that there may be an important meeting at the White House this evening at 7 o'clock.

I am not apprised as yet as to how many Senators may be attending those meetings. I presume the Senate leadership, the elected leadership of the Senate, will be in the meeting. Therefore it is important that we use the time upon our hands as conveniently and profitably as possible.

"We burn daylight." On Mondays especially, the average citizen, I suppose, like Menenius in "Coriolanus," is "one that converses more with the buttock of the night than with the forehead of the morning." Senators are probably not much different in this respect, but there are Senators who are in town. I urge them to come to the floor. We have a list of amendments, as I have already indicated.

They can use the time now to their advantage if they will just come and call up the amendments.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DORGAN). Without objection, it is so ordered.

AMENDMENTS NOS. 2382–2393

(Purpose: To adjust the amounts provided for construction)

AMENDMENT NO. 2394

(Purpose: To allow Alaska Native Claims Settlement Act villages to be eligible to participate in the Indian Health Service sanitation facilities program)

Mr. BYRD. Mr. President, certain amendments have been discussed with the other side, Senator NICKLES. The two sides have agreed on the following:

Senator BYRD, technical correction amendment; Senator BYRD, technical correction amendment; Senator BYRD, technical correction amendment; Senator BYRD, title III general provision, language regarding research work orders and ongoing funding for cooperative research units; Senator BYRD, title I, section 6, Senator BURNS' psychology program, Indian Health Service; Senator BYRD, territorial and international affairs; Senator BYRD, territorial and international affairs; Senator DECONCINI, Indian Health Service, to allow the use of funds collected from food service to be retained at the facility where the service is provided; Senator DORGAN, BIA child abuse; Senator KASSEBAUM, National Park Service, historic Kansas forts; Senator MURRAY, with Senator GORTON as a cosponsor, to reallocate funds provided for Mount St. Helens between road and facility construction; Senator STEVENS, Indian Health Service, eligibility of a community in Alaska, Craig, AK, for Indian Health Service services.

I ask unanimous consent that these amendments be considered en bloc and agreed to en bloc and the motion to reconsider en bloc be laid on the table.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes amendments numbered 2382 through 2394, en bloc.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed these amendments and we have no objection to them being considered en bloc and would urge their adoption.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. BYRD. Mr. President, I ask unanimous consent that the pending committee amendment be set aside for the consideration of the amendments en bloc and that appropriate statements be included in the RECORD in explanation of the various and sundry amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendments (Nos. 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, and 2394) were agreed to, as follows:

AMENDMENT NO. 2382

On page 51, line 5, strike "$1,322,857,000" and insert in lieu thereof "$1,334,857,000".

FOREST SERVICE TECHNICAL CORRECTION

Mr. BYRD. Mr. President, the purpose of this amendment is to correct the number in the National Forest System appropriation account to comport with the funding level recommended by the committee. In a technical error, the number currently printed on page 51, line 5 reflects the "net" appropriation after a rescission of $12,000,000. The correct number should be the "gross" number since the rescission is identified separately on page 51, lines 19–22.

AMENDMENT NO. 2383

On page 28, line 18, change the roman number from "$199,000" to "$208,000".

Mr. BYRD. Mr. President, the amendment corrects the amount provided for cyclical maintenance of tribally owned fish hatcheries and related facilities.

AMENDMENT NO. 2384

On page 29, line 29, strike "on July 1" and insert in lieu thereof "not later than July 31".

Mr. BYRD. Mr. President, the amendment corrects the date by which payments are to be made for grants to operate Bureau of Indian Affairs schools, pursuant to Public Law 100–197. The change is necessary because funds become available for obligation on July 1 and it is not possible to actually make payments on the same day. The amendment allows payments to be made as soon as possible, but not later than July 31.

AMENDMENT NO. 2385

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, in fiscal year 1995 and thereafter, appropriations made to the Department of the Interior in this Title may be used to fund incrementally research work orders for cooperative agreements with colleges and universities, state agencies, and non-profit organizations that overlap fiscal years: *Provided*, That such cooperative agreements shall contain a statement that "the obligation of funds for future incremental payments shall be subject to the availability of funds".

Mr. BYRD. Mr. President, the purpose of this amendment is to clarify that the Interior Department may fund research work orders incrementally, so long as the agreement makes clear that the obligation of funds for future incremental payments is subject to the availability of funds. The types of projects covered by these research work orders are usually multiyear efforts, and the funding is provided usually over the course of the project, rather than in total at the start of the project. Questions have surfaced in reviews by the Comptroller General about the use of these types of agreement, and the language will allow current methods of funding multiyear research to continue.

AMENDMENT NO. 2386

On page 47, line 7 linetype: "by the General Services Administration".

Mr. BYRD. Mr. President, this amendment will allow service and rental contracts to be executed for a 12-month period at any time during the fiscal year, and for the funds used for such purposes to be available for obligation over the course of the 12-month contract. Similar authority in the past had been limited to contracts with the General Services Administration. The language will also help to distribute the workload for the processing of contracts over the course of the fiscal year.

AMENDMENT NO. 2387

On page 69, line 12 after the colon add the following: "*Provided further*, That within the funds provided, $250,000 shall be available for the recruitment and training of American Indians for graduate training in the field of psychology, as authorized in section 217 of the Indian Health Care Improvement Act of 1992, Public Law 102–573."

Mr. BURNS. Mr. President, I thank the managers of the bill for the acceptance of the amendment that was sponsored by Senator DORGAN and Senator INOUYE and myself.

This amendment that we have proposed and was accepted by both sides will not add any money to the bill and it is for an authorized purpose. The amendment sets aside $250,000 from within available travel funds for the recruitment and training of Native Americans for graduate training in the field of psychology. The Indian Health Service already trains its own employees and recruits and trains health professionals for service on the reservations so this is not a new purpose. This activity is authorized by section 217 of the Indian Health Care Improvement Act so these funds would be spent for an authorized purpose.

Mr. President, the need for additional mental health services among the Native American population is well known and well documented. The suicide rate of young adult male American Indians on the reservation is three times the Nation's average. The death rate from injuries and alcoholism are both over two times the national average and both appear to be related to the high incidence of depression in Indian communities. Depression is often complicated by the use of alcohol and other substance abuse which contribute to a high incidence of violent behaviors, including child physical and sexual abuse, assault, and homicide.

Mr. President, Chairman BYRD and the committee have recognized these problems by adding $2,000,000 for mental health services within the Indian Health Service "to begin" and I quote from our report "implementing programs to address the significant needs in the areas of child sexual abuse and prevention." This is exactly the kind of problem my amendment will further address.

Psychologists are exactly the kind of health care professional that can intervene and prevent these behavioral problems. Native American psychologists can tailor make these services to be culturally appropriate. The non-Indian psychologists may not be aware of the cultural values, lifestyles, family practices, developmental progressions, and the needs of their American Indian clients.

Mr. President, there are only 27 American Indian psychologists in the clinical counseling area. My amendment would help address this shortage and help address the pervasive and devastating mental health needs of our Native Americans.

I appreciate the Chair's support in this and, of course, he knows how to address his problems in his home State.

Again, I thank the managers of this bill for the acceptance of this amendment and thank the Senator from West Virginia for his efforts and leadership in this area.

I yield the floor.

AMENDMENT NO. 2388

Linetype beginning on page 40, line 23 through page 41, line 11, and insert in lieu thereof the following:

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions, $19,838,000 to be available until expended, including $18,464,000 for operations of the Government of Palau: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1995, except for $692,000 for special programs, shall be credited as an off-set against fiscal year 1995 payments made pursuant to the Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1995: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

Mr. BYRD. Mr. President, the purpose of this amendment is to provide for ongoing operations of the Government of Palau in the event the Compact of Free Association for Palau is not implemented prior to the start of fiscal year 1995. The budget assumed that the Palau Compact would be implemented prior to fiscal year 1995, but delays to date suggest that this might not occur. The Congressional Budget Office and Office of Management and Budget have indicated that there will be no scoring implication if this language is adopted.

AMENDMENT NO. 2389

On page 41, line 18 before the semi-colon, insert the following: ": *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219".

And, on page 41, line 23 strike "$7,556,000" and insert "$1,490,000".

Mr. BYRD. Mr. President, the purpose of this amendment is to provide for ongoing operations of the Government of Palau in the event the Compact of Free Association for Palau is not implemented prior to the start of fiscal year 1995. The budget assumed that the Palau Compact would be implemented prior to fiscal year 1995, but delays to date suggest that this might not occur. This amendment reduces funding in the Compact account in order to provide funding in the Trust Territory appropriation. The Congressional Budget Office and Office of Management and Budget have indicated that there will be no scoring implication if this language is adopted.

AMENDMENT NO. 2390

On page 74, line 13, before the period insert the following: ": *Provided, further*, That money collected for meals served at Indian Health Service facilities will be credited to the appropriations from which the services were furnished and shall be credited to the appropriation when received".

Mr. DECONCINI. Mr. President, the Indian Health Service [IHS] cannot retain cash collected from occasional meals served at IHS facilities to offset the cost of food prepared because it's statutory authority to retain payments for meals is limited to payments made by employee payroll deductions. This amendment authorizes IHS to retain cash payments for meals on the same basis as payroll-deduction meal payments.

AMENDMENT NO. 2391

On page 28, line 18, add $2,000,000 to the italicized number.

On page 62, line 21, reduce the amount by $2,550,000.

Mr. DORGAN. Mr. President, the amendment increases funding for the operation on Indian programs by $2,000,000 and reduces funding for the naval petroleum and oil shale reserves by $2,550,000. Within the funding provided for the operation of Indian programs, the increase of $2,000,000 is included for the Indian Child Protection and Family Violence Prevention Act which is part of Human Services under other recurring programs. The reduction for the naval petroleum and oil shale reserves of $2,550,000 is to be derived from prior year unobligated balances for naval petroleum reserve No. 1.

AMENDMENT NO. 2392

On page 18, line 12, reduce the amount by $1,500,000.

On page 16, line 19, increase the amount by $900,000.

Mrs. KASSEBAUM. Mr. President, the purpose of the amendment is to reduce the amount provided for emergencies and hardships in the National Park Service land acquisition account to the same amount as included in the House bill. A portion of the reduced funds would then be transferred to the national recreation and preservation account for an initiative to establish an inter-connected network amongst a series of eight historic frontier military forts in Kansas. While the budget authority transferred is different, the outlays remain neutral and are offset fully.

AMENDMENT NO. 2393

On page 53, line 1, strike out "$68,893,000" and insert in lieu thereof "$70,367,000".

On page 53, line 3, strike out "150,341,000" and insert in lieu thereof "$148,867,000".

Mrs. MURRAY. Mr. President, this amendment shifts $1,474,000 from increased funding provided in the bill for road construction at the Mount St. Helens National Volcanic Monument to facility construction at the same location. This reallocation will contribute toward completion of the Johnston Ridge Observatory.

AMENDMENT NO. 2394

On page 74, line 13, before the period, insert the following: ": *Provided further*, That notwithstanding any other provision of law, any locality qualified to select land as a Native village under the Alaska Native Claims Settlement Act (Public Law 92-203 as amended) shall be eligible to participate in the sanitation facilities program: *Provided further*, That such villages shall apply consistent with the sanitation facilities priorities process: *Provided further*, That any funds provided pursuant to such authority shall not exceed the pro rata share of the cost of the project commensurate with the percentage of Alaska Natives in the population of the affected community".

Mr. STEVENS. Mr. President, the Public Health Service [PHS] in Alaska has recently adopted a policy of exclusion from its service programs of any Alaska Native Claims Settlement Act [ANCSA] village which does not presently have a majority of Natives as residents.

This amendment would require the PHS to consider as eligible, on a pro rata share commensurate with the percentage of Alaska Natives in the community, any village which was qualified as an ANCSA village. The combination of two ANCSA provisions, core township selection and ANCSA village tax exemption, essentially leave these villages without a tax base. This lack of a tax base occurs regardless of whether the Native population is in the majority or the minority.

The city of Craig is an example that has recently experienced non-Native population growth. The city is comprised of approximately 4,200 acres, of which the Native corporations own approximately 4,000 acres. The tax base, however, remains the approximately 200 acres not owned by the Native corporations within the municipality.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 48, LINE 16, THROUGH PAGE 49, LINE 7

The PRESIDING OFFICER. The question now recurs on the committee amendment on page 48, line 16.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending excepted committee amendment be set aside and I be permitted to call up an amendment for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2395

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2395.

The amendment is as follows:

At the end of title III of the bill, insert the following new section:

SEC. . Notwithstanding any other provision of law in fiscal year 1995 and thereafter, appropriations made available to the Department of the Interior or Forest Service, Department of Agriculture shall be available to reimburse the representative (as that term is defined by applicable law) of employees who die in the line of duty in the last quarter of fiscal year 1994, and in subsequent fiscal years, for burial costs and related out-of-pocket expenses: *Provided*, That the amount of such reimbursement may exceed the $800 limitation in 5 U.S.C. 8134(a).

Mr. BYRD. Mr. President, the purpose of this amendment, as we might understand from the reading thereof, is to provide authority to the Department of the Interior and the Department of Agriculture to pay the burial costs and related out-of-pocket expenses for employees who died in the line of duty.

The current limit of $800 for such expenses was established in 1960 and has not been raised subsequently.

The amendment will provide compensation to the families of the firefighters who have died in recent weeks.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment to provide compensation to the families of firefighters occur today at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that no amendments in the second degree be in order to the amendment dealing with firefighters compensation which amendment will be voted on shortly at 3:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, may I comment on the amendment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, if I may comment on the amendment for the firefighters, and I thank the chairman of the Appropriations Committee for recognizing what these families have to go through.

I want to just remind this body and this committee that when I first went West back in 1953, I was on a firefighting crew on the fire up in Houston, MT, at the 9-mile ranger station. We lost a firefighter on that fire. I have been on two or three of those things and have seen the devastation they can cause to the families of those lost.

There was a young man from Hamilton, MT, Mr. Mackey, who was lost in that fire.

Yes, there will be a lot of questions that will be asked and there will be a lot of questions that cannot be answered. But those men and women who take on the task in our national forests for not only fire prevention but fire suppression are all on the front lines today.

We have fires raging in northern California, in Oregon, and Washington. We are dry in Montana. We are just a tinderbox right now in Montana. If we have any really strong lightning, we are going to be in trouble in our State. In fact, we are drier now than we were in 1988, and I think the Chair and this body remembers the fires of 1988 across Montana.

So I thank the chairman for his thoughtfulness and his leadership on this. I congratulate those men and women who put their lives on the front line of these fires, which are going on now in the Western United States, for the protection of our forests.

I yield the floor and I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. The yeas and nays have been ordered.

VOTE

The PRESIDING OFFICER. The Senator is correct. Under the previous order, the question occurs on agreeing to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 13, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—74

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Hatfield
Heflin
Hollings
Hutchison
Jeffords
Johnston
Kassebaum
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Warner
Wellstone
Wofford

NAYS—13

Breaux
Craig
Faircloth
Gramm
Helms
Lott
Mack
McCain
Murkowski
Nickles
Pressler
Smith
Wallop

NOT VOTING—13

Bennett
Boxer
Chafee
D'Amato
Harkin
Hatch
Inouye
Kempthorne
Kennedy
McConnell
Metzenbaum
Specter
Thurmond

So the motion was agreed to.

The PRESIDING OFFICER. The pending business is H.R. 4602, the Interior appropriations bill. The pending question is a committee amendment on page 48 line 16.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, this would be a good time for a Senator to call up an amendment. There will be a rollcall vote at 3:30 p.m. on an amendment. But there are several amendments on the list by Senators, and it is not inconceivable that if Senators would come over and call up their amendments, some of the amendments might be accepted. It is easily also very conceivable that a number of the amendments that are on the list may indeed not be called up.

So it is likewise easy to imagine that we might be able to finish this bill today by going into the evening. Tomorrow there are going to be some interruptions during the day, brought about by the visit of Mr. Rabin and King Hussein and a joint session of the House and the luncheon. It is, therefore, necessary that we make as much progress as we possibly can this afternoon. It is my understanding that the leader has no desire to go out early or to provide a window. So as far as I am concerned, with my colleague, Mr. NICKLES, we could plow right on through and make as much progress today as we possibly can.

May I inquire of the distinguished Senator from North Carolina [Mr. HELMS] if he plans to call up an amendment momentarily?

Mr. HELMS. Mr. President, I say to my good friend from West Virginia that I do. I have an amendment to the committee amendment on page 81. Would the Senator like me to call it up?

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Chair would indicate to the Senator from North Carolina that there are three committee amendments on page 81. Will the Senator please specify which particular amendment?

Mr. HELMS. I was busily adjusting my hearing aid. Would the Chair repeat that?

Mr. NICKLES. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2396 TO THE EXCEPTED COMMITTEE AMENDMENT ON PAGE 81 LINE 7

(Purpose: To prohibit the use of National Endowment for the Arts funds to provide financial assistance for projects or works involving the mutilation of living or dead human beings, or the drawing or letting of blood)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2396.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following:

"SEC. . Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings dead or alive; or

(b) the drawing or letting of blood.".

The PRESIDING OFFICER. The pending question is the Helms amendment to the committee amendment on page 81, line 7.

Mr. HELMS. Page 81, line 7 is correct, Mr. President.

Mr. President, I have tried, without success, to establish in my own mind when, if ever, the liberal news media of America have engaged in more distortions of the truth than in the public discussion of the National Endowment for the Arts. The media have, in fact, been obsessed for at least 5 years, to my knowledge. They have been obsessed with trying to prove that black is white and white is black, and that disgusting, insulting, revolting garbage produced by obviously sick minds is somehow art, and that this art is worthy of being subsidized and rewarded by and with grants of Federal funds—the taxpayers' money, mind you—distributed by the National Endowment for the Arts.

This has been going on, as I say, Mr. President, for at least 5 years, and longer, I am confident, than that.

The Washington Post and similarly oriented newspapers around the country all get their big guns to pulverize anybody who suggests that filth should not be subsidized and rewarded with the taxpayers' money. These newspapers have mocked and ridiculed Senators and Congressmen who have tried to restore some degree of reason to the NEA process. Salvos of accusations have proclaimed that these Members of Congress—and particularly JESSE HELMS—are engaged in nefarious censorship. But how self-righteous they are when they write about censorship. They accuse us of censorship at even the slightest suggestion that the Federal funds authorized and appropriated to and for the National Endowment for the Arts should not be spent on such things as photographs of a naked homosexual with a bull whip protruding from his rear end, or a naked woman on a stage, her body covered with chocolate, or photos of mutilated human corpses, or blood soaked towels dispatched on a pulley over the heads of an unsuspecting audience terrorized by such a surprising development.

This is art, say the media. The Washington Post insists that it is art, and so do newspapers all across the country, many in my own State of North Carolina. They publish sophomoric editorials and stamp their little feet. But, the public disagrees with the editors. The public disagrees with the National Endowment for the Arts.

Now I tried a little experiment back during the Mapplethorpe era. The editors at Greensboro, Winston-Salem, and Raleigh spoke with one voice in condemnation of JESSE HELMS because he did not understand art.

So I sent a little telegram to each of the editors at Charlotte, Winston-Salem, Greensboro, and Raleigh. I said, "I'll tell you what. Let me send to you by Federal Express—I'm not going to send them through the mail because you would complain about that—but let me send you some of Mapplethorpe's photographs and you put a little notice in your paper that people sincerely and genuinely interested are invited to come by your paper and take a look at the pictures—paid for by the taxpayer—of the homosexual with the bullwhip protruding from his rear end, for example."

The Greensboro Daily News editor said, "We're not an art gallery. We're a newspaper." What a pious—well, I shall not finish the sentence.

But this is the way the news media have operated. And they are not going to tell the truth about this debate today, either.

Much of the public has no specific idea of what is afoot, but I can tell you this: Thousands upon thousands of Americans, indeed, millions of them, I believe, have gotten enough of the message—despite the coverup by the news media and by some of the self-proclaimed experts in the art community.

The self-proclaimed art experts pretend that even if the art is gross and even if it is vulgar and offensive, it is art, and it ought to be financed and subsidized by the American taxpayer.

Every time I hear that, I think of Abraham Lincoln, who was asked one time: "Mr. Lincoln, if you count a cow's tail as a leg, how many legs does a cow have?"

And Mr. Lincoln replied: "The cow has four legs, because calling a cow's tail a leg, doesn't make it a leg."

And calling this art—which I am going to display an example or two of in just a minute—calling it art does not make it art.

So the news media's intellectual dishonesty in calling this perverse, filthy and revolting garbage, calling it art does not make it art. It is still filth; it is still perverse—and it is still unworthy of being subsidized with the American taxpayers' money.

And if you do not believe the American people agree with that, ask them a specific question.

Nobody in the Senate, nobody in the House of Representatives, has ever once suggested censorship of the National Endowment for the Arts. If homosexual or otherwise perverse mentalities want to produce such garbage, they are free to spend their own money and their own time doing it—then let them try to sell it in whatever marketplace they choose.

Now another ploy by the defenders of such filth is to contend—now just listen to them, they probably will in this debate, they probably will contend that, "Well, after all, only a few such grants have been made." And think of the thousands upon thousands of other grants. They prate on and on about thousands of grants being made for symphony orchestras, choral groups, public school art forms of all kind.

I remember one Senator in this Chamber a couple of years back, he rolled his eyes to the heavens and said, "not many controversial NEA grants have been made"—so what is the big deal?"

Not many? Well, then, Mr. President, how many are too many? And I guess that is the fundamental question.

Mr. President, in a friendly exchange with that delightful lady, Jane Alexander, I posed that very question. As I have stated many times to Mrs. Alexander, who, of course, is the Chairman of the National Endowment for the Arts, I have never heard one complaint, let alone made one myself, about any grant to a symphony orchestra or a choral group or a program to teach young people how to play instruments or sing songs and that sort of thing.

As a matter of fact, I was pretty active in a group, an opera group, before I came to the Senate.

Now, there have been complaints for years and years about filth and perversion being rewarded time and time again with sizable grants of the American taxpayers' money. And, yes, I have voiced some of those criticisms and complaints and I shall continue to do so as long as there is breath in me.

I asked NEA Chairman Jane Alexander if just one cockroach in a pot of soup would be enough, too many, or not enough. The dear lady sort of avoided that question. She responded that, as a matter of fact, she and her husband had, on one occasion, found a cockroach in their soup served in a restaurant, and that the manager of the restaurant had quickly not charged them for their meals, to make amends for the cockroach in their soup.

Now that is all very interesting, and one can assume that one cockroach in one soup is one cockroach too many. I feel the same way about the National Endowment for the Arts.

But how about those human cockroaches who have repeatedly bullied their way into the pocketbooks of American taxpayers who pay the taxes to provide the money for the National Endowment for the Arts to hand out? We are going to get specific here in just a moment.

You are darn right; if a poll could be taken, I suspect that the vast majority of America's taxpayers would be totally opposed to subsidizing that figurative human cockroach masquerading as an artist.

So, Mr. President, what can be done to remedy the situation, in light of the fact that Congress has been manipulated, year after year, into refusing to prohibit subsidies for obscenity defined in any broad sense? Maybe the amendment which I now have sent to the desk will enable the Senate to address at least one specific obscenity that the taxpayers have been forced to subsidize to the tune of $20,000.

Now let me, Mr. President, read the text of the pending amendment once more. This amendment, when it is voted upon, will establish precisely how each Senator feels about using tax funds to subsidize and reward an artist who used NEA funds to mutilate the cadavers of human beings.

The amendment at the desk provides:

> Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:
>
> (a) human mutilation or invasive bodily procedures on human beings, dead or alive; or
>
> (b) the drawing or letting of blood.

Mr. DODD. Will my colleague yield on that point?

Mr. HELMS. I would rather finish my statement, if the Senator will permit me to do so.

Now, as I said, Mr. President, when I first proposed some years ago that some standard of decency be required of the National Endowment for the Arts, the Senate was supplied some examples of the art that the American taxpayers were being forced to subsidize at that time. There was the bullwhip, which I mentioned earlier. There was the crucifix that another artist had submerged in a jar of his own urine and photographed and submitted to the NEA. And he got paid for it. There were other sickening, blasphemous and obscene so-called art.

These were supported and defended by newspaper editors. They have said, "Well, this is just one out of many. You should not be worried about just a few examples."

Well, why should the taxpayer not be worried? Why is there even one example?

Last year, there was the artistry of an NEA beneficiary named Joel-Peter Witken, who the NEA art experts knew at the time had a 20-year track record of mutilating, dissecting, and dismembering human corpses and then photographing them.

For one photograph he submitted while seeking tax funds Congress had appropriated for the NEA, Joel-Peter Witken had severed the head from a corpse, skinned it, and scooped out the brain and transformed that mutilated head into a flower vase.

And those watching on C-SPAN can view the flowers in that artistic flower pot.

He then photographed it and he submitted, as I say, the photograph to the NEA. His cash reward from the NEA for that was $20,000, taxpayers' money.

In another example of his unique artistry, Joel-Peter Witken twisted a human head off of a corpse in a way to assure that a jumble of veins and muscles protruded from the neck.

Maybe the C-SPAN cameras can focus on what developed after that. Mr. Witken then sawed the head of that cadaver in half, beginning at the top of the forehead, down, through the nose to the lip and the chin, and then he placed the two halves together in a fashion that made it appear that the cadaver was kissing himself. This is one-half of the guy's head, this is the other half. That is what you call beautiful art, and I am sure it was worth $20,000 to somebody, but I do not think you will find many American taxpayers who will agree that their money ought to be used to pay or reward the guy who did that.

By the way, Mr. Witken titled his award winning photograph "The Kiss."

Speaking of depravity, this past March brought reports of yet another NEA-subsidized performance by one of these artists, a man named Ron Athey. It is spelled A-t-h-e-y, but he insists that it be pronounced like "A-thee", Ron "A-thee," and I will try to remember to call him Ron "A-thee," as I refer.

That is his picture, a very handsome man, if you like that kind of man. But let us talk about it. He appeared as a part of the Minneapolis Walker Art Center's Celebration of the Fifth Annual Minneapolis Lesbian, Gay, Bisexual, and Transgender Film Festival. I do not need to identify it further, it was a homosexual film event which the NEA supports annually with your money.

Here is how Mr. Athey's performance went. He informed his audience that he has the AIDS virus. Then he begins his bloody performance, but he tells them nothing about the HIV status of the other performers whom he later slashes and slices on the stage. He keeps that a secret.

Mr. Athey himself described the NEA-supported performance in the Los Angeles Weekly—a homosexual newspaper. He described the three different sets of three parallel lines arranged in a stair-step fashion that he sliced onto, and into, another man's back, and then he carved a triangle, which he called, appropriately, "The Symbol of Queerness."

Just so the RECORD will be complete about the artistic talents of Mr. Athey, I think I should quote his own description of his performance, which was subsidized, do not forget, by whom? The National Endowment for the Arts.

Mr. Athey said of his own performance:

> Bleeding is always heavy at first, but it slows down. Paper towels are pressed against the wound, making an imprint, then they are alternately passed to two assistants, who clip prints to the line and send them out over the audience. The prints are not touching any heads. They only come close to a couple of people, mostly over the aisles or completely stage right.

Then he continues to describe his act:

> This act has been performed for at least 2,000 people: Three nights at Highways, one night at Los Angeles Theater Center, three club nights.
>
> When the lines are full, the factory workers and three trained tech dykes strike the lines keeping them taut so they don't droop or brush anyone, although this happened once the first night at Highways.

Highways is a so-called performance arts venue in Santa Monica, CA. But that is Mr. Athey's own description of his great moment of artistry in a performance subsidized by the National Endowment for the Arts.

According to the Walker Art Center, at least two members of the audience in Minneapolis fainted. I do not doubt that. Another member of the audience was quoted as saying:

> The bloody towels were most upsetting to the audience. It appeared that the towels were going to drip or fall apart because they appeared to be paper towels. People knocked over the chairs to get out from under the clothesline.

I know what some of the supporters of the NEA are going to say, "Oh, that report is false." To say that that report is false is false itself, and I will demonstrate that when the defenders of the NEA try to downplay the significance of this so-called artistry in Minneapolis.

There has been a concerted, unfair, and unfounded effort by the NEA and its obsessive defenders in the news media to discredit descriptions of the performance by a reporter in the Minneapolis Star-Tribune. But Mr. Athey is remarkably boastful about his performance. He said:

> The individual chemical reactions people have toward demonstrations of pain, blood and mutilation are involuntary. One or two people usually faint.

Mr. Athey also acknowledges that one or two people usually leave each performance.

Of the Walker Art Center, the organization that used part of its NEA grant to support the Athey performance, he says:

> They knew exactly what I did and wanted to present me.

But back to Mr. Athey's performance. After sending those bloody towels over the audience, he then proceeded to stick acupuncture needles and other sharp objects through the skin, the scalp, the cheeks, and other body areas on himself and his cohorts on stage.

The Washington Blade, another homosexual newspaper, described the performance this way:

> Two assistants allow Athey to pierce their cheeks with slender barbs; he in turn stands immobile while they weave spinal tap needles through the skin of his shaved head and then wind them with wire to create a "crown of thorns."

Mr. President, during her confirmation hearings, Jane Alexander pledged that under her watch the National Endowment for the Arts would be guided by what she described as "a commitment to funding only the best art America has to offer."

And knowing Jane Alexander, I do not doubt her sincerity in this commitment. She frequently has stated good music and good theater and good painting elevate us all and, of course, nobody disagrees with that. And I told her so.

But something is seriously amiss, Mr. President. In a larger sense, the pending amendment reaches beyond the work of Mr. Athey and his admirers at the National Endowment for the Arts and around the editorial offices and the country.

The broader issue, if any, is the sober realization that for the past two decades, an unmistakable decadence has saturated American society. A furious assault on the traditional sensibilities of the American people has taken its toll. So many have become afraid to stand up and declare the difference between right and wrong, what is ugly and what is destructive and what is noble and what is degrading. No wonder—no wonder—Mr. President, there has been a cultural breakdown.

Is it not time for millions of Americans, the people more than one President has referred to as the great silent majority, to go on the offensive to regain control of their social and cultural institutions? Taking this small step to put those at the National Endowment for the Arts who have abused and ridiculed our most deeply held beliefs in their place, I think, is a good beginning.

British Prime Minister Margaret Thatcher and President Ronald Reagan said the same thing essentially. They said: If not us, then who? If not now, then when?

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. DODD. I will be glad to yield to the distinguished chairman.

Mr. BYRD. Mr. President, I ask unanimous consent that a vote occur on or in relation to the amendment by Mr. HELMS immediately following the vote which will occur at 3:30 p.m. on an amendment, the vote which was ordered earlier today.

Mr. DODD. Reserving the right to object, I thought that vote was going to occur at 3? Was it 3:30?

Mr. BYRD. The other vote was to occur at 3:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank all Senators and I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I had not intended to become involved in a debate on this particular amendment because I had heard that it would be accepted and that it was a relatively harmless amendment that would do no significant damage to the National Endowment for the Arts. And therefore it seemed that Members might just accept it. I was prepared, frankly, to depart the Chamber. I have a conference committee meeting on the House side involving interstate banking and a number of other issues.

But I guess I made the mistake that we should not engage in too often around here. I read the amendment.

I want to read the amendment aloud because I want Members to pay close attention to exactly what this amendment says and recognize the implications, if this amendment were to be adopted, as innocuous as it may seem to some.

> Nothwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:
>
> (a) human mutilation or invasive bodily procedures on human beings dead or alive; or
>
> (b) the drawing or letting of blood.

That is the amendment.

"Any activity or work involving human mutilation or invasive bodily procedures."

Mr. President, it does not take much imagination for anyone, even looking around this building to see where this would apply. I have just been casually going through a book here called "Art Of The United States Capitol." There are countless examples in this book of art in this very building which involve human mutilation or invasive bodily procedures—people being shot, people being knifed, the Battle of Lexington, the Battle of Concord, Daniel Boone, and the Indians. The standard incorporated in this amendment, would preclude that art from being supported by the National Endowment for the Arts.

Even the most casual observer of art will certainly recall some of the great paintings in religious art over the centuries. The crucifixion of Christ, done in even the simplest of ways, is the mutilation of a human being in an invasive procedure. A representation of the nailing of Jesus Christ to a cross would be prohibited under this amendment as I read it, from receiving funds from the National Endowment for the Arts. And this list would go on: The stoning of Mary Magdalen, Saint Sebastian, the decapitation of John the Baptist. I presume people here could add to the list of examples of great works of art that would be prohibited from receiving support under the language of this amendment.

All of us know, I think, what the Senator from North Carolina is driving at here. I think he goes beyond what most Members are interested in doing. What he wants to accomplish is the elimination of any funding for the National Endowment for the Arts. But for those who are interested in sending a reasoned message to the Endowment about the kinds of activities we would like to see supported and not supported, to adopt this amendment would be a mistake. It goes far beyond sending a signal about those particular examples that are highly offensive to people—and the Senator from North Carolina has identified several—and far beyond, I think, what anyone of us here ought to be adopting as part of the law. "Any activity?" It is not just performance art in question here, it is painting, it is music. There is religious music, about the horrors of martyrdom in the history of various religions, that would be potentially an excluded activity.

So I urge my colleagues that, in an effort to deal with this issue, we work to be reasonable in our desire to deal with one set of problems, and not go way overboard. And, in my view, this particular amendment goes way overboard.

Let me cite some examples here in our own building of what we are talking about. Here is the Battle of Lexington. We have soldiers shooting, people lying on the ground being shot and killed. Below it is the Boston Massacre, which hangs in this building.

As I read this amendment, "any work," "any activity," "human mutilation"—certainly the killing of people in those great, heroic conflicts that gave birth to this Nation, I presume, would qualify under a strict reading of this amendment.

The great frieze which hanging in the Rotunda of this building depicts further examples of what people might call rather invasive art. The battle of Lexington again is here. The death of Tecumseh, at the battle of Thames in 1813 is rather graphic, I suppose. According to a strict reading of this amendment, one could argue that Brumidi would be prohibited from painting that frieze today with the support of the NEA.

This is how ridiculous it can get. I point out to my colleagues there are times, when budgeting, that we consider egregious examples of improper behavior or conduct. But to take a broadax to a problem is not the way we ought to deal with these issues.

So, there may be those who assume this is a rather innocuous proposal who would like to do something about sending a signal to the National Endowment about the kinds of art that is being funded. But this is not it.

I strongly urge Senators to read this amendment carefully and understand its implications. It is anything but innocuous. It is a very serious effort to restrict support for legitimate and worthwhile art endeavors, whether they be in music, in painting, performance art or whatever else. This goes far beyond what anyone would ever intend.

I have here a book on the history of art. I may leave this here for people to go through. You will find numerous examples of art I think a lot of us appreciate and that we would like to see more of, that we encourage and support—but art that certainly would not meet the standard invoked by the Senator from North Carolina with this proposed amendment.

So we will, perhaps, not have much of a debate on this. Maybe this is the only Senator who cares about this. But in our effort to deal with one problem it seems to me we are going to be creating a far greater one and doing damage to an institution, in my view, that deserves better support than it is getting with this proposal.

I understand there are some Members here who just would like to get rid of the Endowment altogether. I disagree with them, but at least I understand that. That is an argument. It is the point of view of those who believe there is no rationale whatsoever to have Federal funding to support the arts. It is a legitimate point of view. I disagree with it, but this is not ostensibly what we are talking about here. This amendment, however, is one way to achieve that goal, it seems to me, without facing the issue directly.

So I strongly urge the rejection of this amendment, and at an appropriate time I will either offer to table this amendment or urge my colleagues to reject it. This goes far too far. To me it is a dangerous—dangerous language that does not help in our efforts to deal with legitimate concerns some have raised about art that has received funding from the Endowment. That is a debate we may have a little later. But this language and this amendment, it seems to me, ought to be soundly rejected.

So, Mr. President, I will be a part of this debate. I strongly urge Members read the amendment and then think, if you would, about the examples of art in this building and elsewhere that would have been precluded from receiving any support from the National Endowment. Then decide whether or not that is a standard we would like applied to those who are trying legitimately to enrich our culture through their artistic endeavors, excluding many who are in no way interested in the kind of art that the Senator from North Carolina has talked about.

Regardless of how one feels about the National Endowment, particular artists or particular performance art, this amendment ought to be soundly rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the Senator from Connecticut who expressed very articulately the thoughts that we share. As one who minored in art many years ago in college, I think back through all the paintings I studied. Many, many of those involved Jesus on the cross, Saint Sabastian, the Rape of the Sabines, various mythological or actual events that occurred. Many of these would have been prohibited under this amendment.

I think we all want to achieve very much the same objective. The question is merely how to get there. The way to achieve our objective of not having revolting paintings is by making sure the people who make the grants are well chosen and have good judgment. In this regard I think Mrs. Alexander has done very well in her choice of panels and we ought to give her a real chance to succeed.

On a broader scale, I would like to point out that the arts activities are an economic bounty for our Nation, worth many billions of dollars every year. The arts fostered by the National Endowment encourage national and international tourism, attract and maintain business in our communities, stimulate real estate development, and contribute to the tax base.

Studies have shown that for every dollar the endowment invests in the arts, it has created literally a tenfold return in jobs, services and contracts. San Antonio, TX, Greenville, MS, Oklahoma City, and Birmingham are among the cities whose impact studies have shown the enormous economic contribution of the arts.

In fiscal years 1992 and 1993, Arts Endowment grants of about $120 million each year drew matching grants of $1.1 to $1.4 billion, and an estimated 1.3 million full-time jobs.

Mr. President, the tiny proportion of the Federal budget set aside for supporting arts and culture in our society is one of the foremost examples of Federal investment in the U.S. economy. European nations understand this fact. I think if we adopt this amendment we must realize that we encourage other nations to do the same; we will then redo, overhaul the Sistine Chapel? No. Nor should portraits of Jesus on the cross be prohibited.

I hope that we will not vote that way.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first let me ask the Senator from Rhode Island if he had concluded.

Mr. PELL. I had concluded.

Mr. WELLSTONE. The Senator had concluded.

Mr. President, I was listening with great interest to the remarks of my colleague from Connecticut. I have not even had a chance to look at this amendment very carefully, but, Mr. President, I come to the floor as a Senator from Minnesota to talk a little bit about the Walker Art Center, to try to provide some information to my colleagues because I think it is extremely important for me to defend a very, very important institution.

First, Mr. President, I am going to ask unanimous consent that a letter that I received from Kathy Halbreich, who is the director of the Walker Art Center; Tom Crosby, Jr., chairman of the board of directors of the Walker

Art Center; and Lawrence Perlman, president of the board of directors of the Walker Art Center, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> WALKER ART CENTER,
> *Minneapolis, MN, June 21, 1994.*
>
> Hon. PAUL WELLSTONE,
> *Washington, DC.*
>
> DEAR SENATOR WELLSTONE: The Walker Art Center is one of the nation's most esteemed museums of modern and contemporary art. Its programs in the visual, performing, and media arts are uniquely international, multidisciplinary, and diverse. Since 1879, the Walker has supported innovative artists ranging from painter Pablo Picasso to choreographer Merce Cunningham to film director Clint Eastwood. Several Walker-organized exhibitions are now touring worldwide.
>
> Most recently, a retrospective of works by artist Bruce Nauman, who was called by Art in America "the best—the essential—American artist of the last quarter-century," was co-organized by the Walker and the Hirshhorn Museum and Sculpture Garden, Smithsonian Institution, Washington, D.C. It will be seen in Madrid, Minneapolis, Los Angeles, Washington, D.C., New York City, and Zurich.
>
> This year, the Walker and the Minneapolis Sculpture Garden expect to serve nearly 700,000 people through exhibitions, films, performances, and educational programs. Each year the Walker brings more than 3,000 artists and scholars from across the globe to work and perform in Minnesota. Over 40,000 school children visited the Walker last year, and the Walker's new programs for teens are seen as a national model.
>
> Tomorrow the U.S. House of Representatives begins floor debate on FY 1995 appropriations for the National Endowment for the Arts. Minnesota's Walker Art Center has become a focus in this discussion.
>
> As reported in this morning's Washington Times, the Walker Art Center has come under scrutiny because of a single performance in early March 1994. Unfortunately, much of the media attention related to this performance has been inaccurate and highly sensationalized.
>
> Because of the high level of misinformation, we wanted to make you aware of this situation which affects one of the nation's most respected museums. The facts are these:
>
> 1. On March 5, an audience of no more than 100 people viewed a performance by the Ron Athey theater troupe. The performance, which also has been seen in other communities such as Los Angeles and Chicago, dealt with the difficult issues surrounding AIDS. Such a performance is consistent with the Walker Art Center's mission to examine the issues that shape, inspire, and challenge us as individuals, cultures, and communities. This was a one-time performance, one of more than 400 events the Walker will present this year. This season, the Walker will present more than 150 performance events ranging from the classical to the experimental.
>
> 2. This performance drew on centuries-old traditions from around the world and included a ceremony related to the African tradition of scrafication which involved the drawing of a small amount of blood.
>
> 3. Because of the nature of this performance, the Walker took all appropriate precautions as developed by the U.S. Centers for Disease Control and provided to the Walker by the Minnesota AIDS Project. The Minnesota Department of Health has publicly concurred that appropriate precautions were taken. We confirmed this position again today in conversations with the Department of Health.
>
> 4. Some media reports suggest that "many" members of the audience "fled." This is not accurate. While approximately 10 of the 100 audience members left during the performance, we have personally heard from numerous members of the audience who said that they found the performance "affirming," "moving," and "enlightening." In fact, to our knowledge this entire situation was generated by a single complaint.
>
> 5. Approximately $150 of a $104,500 National Endowment for the Arts grant to the Walker Art Center for its seasonal programming was used to fund this performance.
>
> The Walker Art Center is one of the most prestigious institutions in the country and has earned an international reputation. The NEA has played a crucial role in helping the Walker Art Center provide these services to Minnesota. Indeed, after New York and California, Minnesota arts and cultural organizations, both large and small, receive the largest amount of NEA funding. It is extremely disturbing that the NEA, which has made such enormous contributions to the educational and cultural vitality of our state, would be placed in jeopardy by a single event.
>
> We urge you to support the Walker Art Center and the NEA. We encourage you to call us with your questions, comments or concerns.
>
> Sincerely,
>
> KATHY HALBREICH,
> *Director, Walker Art Center.*
> LAWRENCE PERLMAN,
> *President, Walker Art Center Board of Directors.*
> THOMAS M. CROSBY, Jr.,
> *Chairman, Walker Art Center Board of Directors.*

Mr. WELLSTONE. In this letter—and I will just simply summarize it—there are a couple of relevant sections about what did and what did not happen at the Walker Art Center. This pertains in part to the amendment, but I intend to talk for a while about what happened in Minnesota and about this art center, which is a real treasure not just for people in Minnesota, but for people around the world.

I quote from this letter:

> Facts: On March 5, an audience of no more than 100 people viewed a performance by the Ron Athey Theater Troupe. The performance, which also has been seen in other communities such as Los Angeles and Chicago, dealt with difficult issues surrounding AIDS. Such a performance is consistent with the Walker Art Center's mission to examine the issues that shape, inspire and challenge us as individual cultures and communities. This was a one-time performance, one of more than 400 events the Walker will present this year. This season the Walker will present more than 150 performance events ranging from the classical to the experimental.

Just a couple of other facts:

> This performance drew on centuries-old traditions from around the world and included a ceremony related to the African tradition of scarification which involved the drawing of a small amount of blood. Because of the nature of this performance, the Walker took all appropriate precautions as developed by the United States Centers for Disease Control and provided to the Walker by the Minnesota AIDS project. The Minnesota Department of Health has publicly concurred that appropriate precautions were taken. We confirmed this again today in conversations with the Department of Health.

Just another fact:

> Approximately $150 of the $104,500 National Endowment for the Arts grant to the Walker Center for its seasonal program were used to fund this performance.

Out of a total grant, Mr. President, of $104,500, $150 was used.

Some facts about the Walker, because I fear my colleague sometimes may decontexturalize—focusing on one example—from what the Walker Art Center is all about, and for that matter what the arts and humanities is all about.

> The Walker is a uniquely multidisciplinary, diverse, and international museum with programs in visual programming and media arts that reach nearly 700,000 visitors each year. Several Walker-organized exhibitions currently are touring worldwide. In addition, during an 18-month period Walker exhibitions will be seen in New York at the Whitney Museum of American Art, the Zumwalt-Guggenheim Museum, and the Museum of Modern Art. Each year over 3,000 artists, scholars and critics from around the world visit the Walker to share their experience and work with a wide variety of audiences, young and old.
>
> These facts do not come out: last year approximately 40,000 school children toured the Walker. Each summer the Walker sponsors a summer institute for elementary and secondary schoolteachers, helping them prepare for an Interdisciplinary approach to incorporate the arts in their curriculum.

And the Walker, Mr. President, has reached out in all sorts of wonderful ways to young people and communities of color in my State of Minnesota.

These are the facts about the Walker Art Center, but as Frank Rich said in his New York Times editorial of June 26, 1994, "Why let the facts stand in the way of a cause?"

I do not know what the cause is, but if the cause is to essentially go after the National Endowment for the Arts, to go after the arts community and the enormous enriching contributions that that community makes to our communities in Minnesota and South Dakota, urban and rural, white and African-American and Native American and Southeast Asian and Hispanic, I think we would be making a terrible mistake.

Mr. President, as many have said, a child who picks up a paintbrush, a pen, or clarinet—and these will be words dear to my colleague from Connecticut who cares so much about children—will be less likely to pick up a gun or a needle. A child who picks up a paintbrush, a pen or clarinet will be less likely to pick up a gun or a needle.

Before there was a National Endowment for the Arts, President KENNEDY in a speech at Amherst College in 1963 said the following:

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunity for all of our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but for its civilization as well.

Mr. President, I have to tell you that whether it be this particular amendment or whether it be efforts to cut into this budget—cuts I really believe will end up with too broad a stroke of the brush, really being counterproductive and denying so many of our citizens what is so enriching about the arts—I have to be clear about what did happen and what did not happen in my State of Minnesota.

Most important of all, I am not here to debate the work of Mr. Athey. I am not even interested in the debate about the merits of his work. What I am interested in, Mr. President, is making sure that my colleagues understand the Walker Art Center, that my colleagues understand the enormous importance of the arts in my State of Minnesota and in this country. I am interested in making sure that my colleagues understand that in anger about one particular production—which many of us may not like or some of us may say is controversial but is part of what has to be done by way of generating discussion and thought—that is not the point. The point is this: let us not pass amendments which are way off the mark and let us not react in such a way that we undercut the very importance of the arts community.

I would also say that as I see what Jane Alexander is now doing—instituting reforms to increase accountability at the Endowment—I think it would be a huge mistake for us to rush forward in the Chamber of the Senate and pass amendments that are counterproductive, pass amendments that go against the very grain of what arts and community in our country are about.

Mr. President, let me be crystal clear. I do not want to let any Senator—whether I agree or disagree with that Senator on some of the specifics about this particular production—I do not want to let any Senator decontexturalize—and that is the right word—what the Walker Art Center does in my State of Minnesota, in our country and our world. I want Senators to understand the whole range of contributions of this institution. I want my colleagues to understand the full importance of what people at the Center have done and continue to do, and I want my colleagues to understand the full importance of the arts to the community.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, briefly, let me commend my colleague from Minnesota for his fine statement.

Just again going through some of the art here in the Capitol that in my view would be precluded from ever receiving any funding from the National Endowment for the Arts if the Helms amendment were to be adopted—the wonderful painting painted by one of the great Western artists in this country, Seth Eastman, called Death Whoop. Mr. President, I do not have charts, tables or graphs, but here is a picture of a native American with a bow and arrow in one hand, a knife in the other, and a scalp of a Western pioneer who faced that horrible death.

If I read the Helms amendment correctly, which says "any activity"—painting—"where human mutilation or invasive bodily procedures on human beings dead or alive; or the drawing or letting of blood"—certainly scalping—it is clear by this standard, Mr. President, if this amendment were applicable and Seth Eastman had sought some funding from the National Endowment for the Arts, that painting would not hang as it does today in the Longworth House Office Building. Nor would the magnificent bronze doors on the entrance to the House, one of the great treasures of the Capitol.

These doors, designed by Thomas Crawford, are composed of bronze panels. Two of those panels—the massacre at Wyoming, PA, a rather brutal portrayal of what happened in Wyoming, PA, on July 3, 1778; and the Battle of Lexington on April 19, 1775—are included as panels of the Crawford bronze doors. Again, bodily mutilation and invasive procedures, the drawing or letting of blood.

I think I understand what our colleague from North Carolina is driving at with his amendment when he talks about some of the more egregious examples. But in an effort to deal with those, the language encompasses more and you can very quickly become ensnared by your own words.

I think every Member has received a copy of "Art in the United States Capitol." I invite you to take a look at it before you come over here to vote. You will find examples, as I have, here on numerous pages where the language of the Helms amendment would apply, as I read it.

So I again urge my colleagues to read this amendment and consider the clear implications of what this amendment would provoke. As I said, again it removes all funds to any activity or work involving human mutilation or invasive bodily procedures on human beings, dead or alive, with the drawing or letting of blood. Clearly, there are some examples where people would think that standard would apply. I am sure most Members, as I said a while ago, can think of wonderful examples of some of the great art of the world that would have been denied support or funding if that language had been applicable at the time those masterpieces were created.

Others may find this to be harmless. I do not at all. I think this amendment is anything but harmless.

I hope at some point people will start having a sense of proportion when it comes to the National Endowment for the Arts. It is like any other agency. When it does something wrong, it ought to be criticized. And people can think of ways in which to express that criticism. But this goes way overboard in my view. This goes far too far in trying to deal with the problem. This kind of language would do irreparable damage to the Endowment.

So despite what my colleagues may feel about later amendments that may come from other Members of this body, this amendment ought not to be adopted, Mr. President.

I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, several times during his discussion the Senator from Connecticut has speculated about what I am driving at. There is no question about what I am driving at. The question is, when did he drive over the cliff in his assessment of what this amendment does? He says "Read the amendment." Let us do that. I take the Senator from Connecticut at his word. Let us read it because he apparently has not read it.

It says,

> Notwithstanding any other provision of law, none of the funds made available under this act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward or award financial assistance to any activity or work involving—

And this is what he did on stage.

> human mutilation or invasive bodily procedures on human beings, dead or alive; or the drawing or letting of blood.

The Senator from Connecticut is going far afield. He brought the crucifixion of Christ into it. Let me tell you something. If this amendment would have stopped the crucifixion of Jesus Christ, I would say let us vote for it twice. It is the same argument that you hear every time anybody suggests doing something to bring reason to the distribution of funds by the National Endowment for the Arts.

I have said many times on this floor, today and previously, that Jane Alexander is a fine lady. I think her intentions are good. But she has been overwhelmed. She has been overwhelmed.

Then the Senator from Minnesota was talking about how much he knows about the performance that went on in Minneapolis. However, the Minnesota Department of Health said,

> We were contacted after the fact. Had we been called in prior to the performance to evaluate the methods and procedure, we would not have been in a position to endorse the performance. The bottom line is that you did have towels with blood on them, and applying public health guidelines, you would not use items like that as props in a theatrical performance. If for some reason a towel fell, or something went wrong, it could be troublesome.

You bet it would be.

Mr. President, we have this kind of reaction every time an amendment comes up suggesting some reason be applied to the distribution of NEA funds. They say, "Oh, well, there are just a few of them."

How many cockroaches are too many, as I said, in a bowl of soup? The thing about getting rid of the cockroaches is to not put up with the cockroaches in the first place.

Instead of holding the NEA accountable, the newspapers around the country have been attacking the lady—Mary Abbe—who wrote the original story about Ron Athay's performance. She protested to the Chairman of the National Endowment for the Arts, Ms. Alexander. I think it is worthwhile for her side of the story to be put in the RECORD. I am not going to read it all, but I am going to read part of it.

Mary Abbe, who is an art critic and art news reporter for the Star Tribune of Minneapolis-St. Paul, wrote the following in a letter to NEA Chairman Alexander:

> In a letter of 15 June 1994 to the members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of article.
>
> Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.
>
> Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and his assistants pierced his scalp with acupuncture needles."

Further down, she continues,

> In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or 'ritual scarification' and "erotic torture," as the institution describes it. The NEA must defend its decision to endorse that program.

Mr. President, the point is that if we do not do something to indicate to the NEA that we are not going to put up with this sort of thing, it is going to go on and on and on. You will have the kind of inane Senate debate that you had this afternoon about the crucifixion of Jesus, Custer's Last Stand, and so forth.

I want to go through that catalog that the Senator from Connecticut referred to earlier and have him show me which one got a grant from the National Endowment for the Arts. Not one of them, I'll bet. He raises all sorts of specters, and you will hear more of them. I see another good Senator from the Republican side, who always takes the position that we must not interpose the judgment of the U.S. Senate into the expenditures of the National Endowment for the Arts. Well, if we are not supposed to do that, what are we supposed to do?

That is the point of this amendment. Senators can vote for it or against it. I am amazed that time after time, this sort of thing happens, with all of the frivolous arguments that are made against an amendment designed—and designed correctly, I might add and insist—to do something about a situation that needs attention.

I ask unanimous consent that the entire letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STAR TRIBUNE,
Minneapolis-St. Paul, MN, June 21, 1994.

Chairman JANE ALEXANDER,
Office of the Chairman, National Endowment for the Arts, The Nancy Hanks Center, Washington, DC.

DEAR CHAIRMAN ALEXANDER: In an article published 24 March 1994 in the Minneapolis Star Tribune, I reported public complaints about a performance by Los Angeles artist Ron Athey that was staged by Walker Art Center in Minneapolis. That event and subsequent reports about it have generated considerable debate here in the Twin Cities, including letters to the editor of this newspaper expressing both appreciation for and revulsion at Mr. Athey's activities and the Walker's presentation of them.

In a letter of 15 June 1994 to members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of the article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art Center officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and assistants pierced his scalp with acupuncture needles. "The head thing actually did bleed, the arm did not," said John Killacky, the Walker's curator of performing arts who booked Mr. Athey and staged the event.

Like you and Walker director Kathy Halbreich, I did not attend this event. In the course of reporting on it, however, I have conducted extensive interviews with five individuals who witnessed Mr. Athey's performance.

They all agree that these things occurred. They differ only in what they thought of the activities and how they and others responded to them.

I am disturbed that you now, in the U.S. Congress, charge the Star Tribune with "erroneous reportage" and disseminating "false reports." If there are errors in our accounts, please notify Mr. Lou Gelfand, the Star Tribune's ombudsman who will investigate the charges.

I am also disturbed that you imply that the only letters received by this newspaper were those objecting to alleged "inaccurate coverage" and "trivialization." The paper received and published a wide variety of responses to the event, some expressing the views you indicate, and others critical of the event and its presentation by the Walker.

As you note in another context, "These people are taxpayers too."

On 3 June 1994 you met for about an hour with members of the Star Tribune's editorial board and others here in Minneapolis. I was at that meeting. At no point in the discussion was Mr. Athey's performance even mentioned. If you were concerned about erroneous reportage and false reports, surely that would have been an appropriate time to discuss them.

In your letter to Congress you note that you have devoted the first year of your chairmanship to "turning around the reputation of the NEA by engaging people all over the country in a dialogue about all of the very good projects" the agency supports. Then you say it was in that context that you gave them "the facts regarding the performance at the Walker Art Center."

You did not give them the facts.

In my capacity as the Star Tribune's art critic and art news reporter for the past decade, I have previously written commentaries in support of the National Endowment for the Arts. I expect to have occasion to do so again in future because, like you, I recognize that the NEA has made—and doubtless will continue to make—important contributions to the cultural and artistic life of the United States.

The organization's good work, however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, Walker Art Center and this newspaper are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or "ritual scarification" and "erotic torture" as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

Cordially,

MARY ABBE,
Art Critic/Art News Reporter.

Mr. BYRD. Mr. President, I will take a minute.

Might I ask the Senators if we could agree to, say, 10 minutes remaining on this amendment, and go to another amendment? The vote on this amendment will not occur until after the vote on the amendment which was previously ordered, and that will occur at 3:30. Then there will be a vote on or in relation to this amendment.

Could we close debate on this one so we can get on with another amendment?

Mr. WELLSTONE. Mr. President, I say to the Senator that I probably only need 2 minutes to respond. I am not even here so much to debate the amendment. I want to talk about what happened in Minnesota.

I will be pleased to have just 2 minutes.

Mr. HELMS. Mr. President, I do not intend to say anything further. The amendment speaks for itself.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that further debate on this amendment not exceed 5 minutes and that when the Senator from Minnesota completes his statement, the Senator from Vermont [Mr. JEFFORDS] be recognized to call up an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Senator from West Virginia.

Mr. President, just for the record, I actually will have the article that the Senator from North Carolina referred to in the Star Tribune, and I will need to look at it to get the full context. But my understanding of that article, one more time, is that this was an interview with somebody from the Department of Public Health who speculated that had they known in advance of this performance, they might have advised the Walker not to go forward, or this particular person might not have.

Again, one more time, for the Record, I refer to the letter I have already included in the RECORD. The Walker Art Center took all appropriate precautions as developed by the U.S. Centers for Disease Control and provided to the Walker Center and the Minnesota AIDS project. And what I have here in my document is that the Minnesota Department of Health—I do not think this individual in the story was speaking for the whole Department of Health—concurred that appropriate precautions were taken.

Mr. President, one more time, I am not even arguing the merit of this particular performance. I wanted to make it crystal clear that this performance is a part of a much larger program that the Walker offers, and I wanted to talk about the importance of the Walker Art Center and the importance of the arts to the community, and I wanted to talk about the unique importance of the arts to young people. I wanted to make sure that in responding to a performance that many may not like, many may find repulsive—and each and every Senator can have their own view—that we do not slash budgets and go overboard and undercut the importance of the arts.

I want to be clear about what the RECORD shows in regard to what happened in Minnesota. I ask unanimous consent that the Star Tribune article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star Tribune, July 25, 1994]

WALKER SURVIVES DISPUTE, REMAINS ON NEA GRANT LIST

(By Mary Abbe)

The National Endowment for the Arts today announced $31.5 million in grants to organizations nationwide—with $80,000 going to Walker Art Center out of Minnesota's take of nearly $1.5 million.

The federal agency made clear in its announcement that the grants were intended, in part, to remind the public—and especially Congress—that the vast majority of its activities are not controversial. Agency Chairwoman Jane Alexander said that grants for arts education, public television, community museums, theaters and "underserved" rural and urban areas represented the NEA's real work. They are the kind of grants that "don't make headlines and are all-too-often overlooked in the debate over federal funding of the arts," she said in a statement.

Minnesota organizations received $1,476,300 in awards, including $475,000 in two grants to Twin Cities Public Television, $250,000 to the Guthrie Theater Foundation and $122,900 to Arts Midwest, a regional agency. The Minnesota State Arts Board received $80,200 and the Walker Art Center's film and video department got two grants totaling $80,000.

The NEA has been struggling since March to quell a national furor that erupted after the Walker used $150 of NEA money for a body-piercing and bondage event in which Los Angeles performer Ron Athey made 12 incisions into the scarred back of a colleague and suspended blood-stained paper towels over the audience on clotheslines.

The event became fodder for radio talk shows and the subject of newspaper editorials and articles across the country. A Boston Globe columnist said it was an "abomination" and called for the NEA to be shut down. The Los Angeles Times, however, dismissed it as a "minor scandal" that should not imperil the NEA's existence. Last week, Newsweek described Alexander as "clearly shaken by the agency's fragility in the face of the Athey tempest."

Alexander and the Walker have defended the performance, but Congress hasn't been mollified. In June, the House voted a 2 percent cut in the NEA's proposed $170.2 million budget. This week, the Senate is expected to vote on a proposed 5 percent cut targeted at specific programs that previously have caused trouble for the agency.

The Walker incident took a twist last week when the Minnesota Health Department said it would not have sanctioned the Athey performance if it had been notified that the public would be exposed to blood-stained towels. When the Star Tribune first reported the event in March, health officials said it did not appear that audience members were endangered. The Health Department's assessment was cited by NEA defenders during the June debate in the House. Alexander also has written to Sen. Robert Byrd, D-W.Va., who chairs the appropriations committee that proposed the 5 percent budget cut, insisting that the Walker had followed proper health and safety precautions.

In the Twin Cities Reader last week, however, Buddy Ferguson, public information officer for the Health Department, said, "had we been called in prior to the performance and evaluated the methods and procedures [for handling blood], we would not have been in a position to endorse the performance."

"The bottom line is that you did have towels with blood on them," Ferguson told the Reader. "And applying public health guidelines, you would not use items like that as props in a theatrical performance. If for some reason a towel fell, or something went wrong, it could be troublesome."

The NEA apparently hopes that today's grant announcements will distract Congress' attention from such details.

Other Minnesota organizations and individuals getting NEA money include: Minnesota Public Radio ($30,000), Jerome Foundation ($45,000), the Minnesota Orchestral Association ($46,000), Theatre de la Jeune Lune ($47,500), Children's Theater Company and School ($45,000), Mixed Blood Theatre Company ($50,000), filmmaker Garret C. Williams ($35,000) and the Loft ($36,500).

Grants ranging between $5,000 and $20,000 also went to: Minnesota Composers Forum, Penumbra Theatre Company, Illusion Theater and School, Jungle Theater, Playwrights' Center, Cricket Theatre Corp., Heart of the Beast Theatre, Adaptions (theater), Red Eye Collaboration, American Public Radio, Intermedia Arts of Minnesota, the St. Francis Music Center in Little Falls and Angela L. Bies of Morris.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, to modify the chairman's request, I ask unanimous consent to speak on this amendment for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise in support of my colleague's amendment. I echo some of the concerns he has about some of the misinterpretations of the reading of the amendment. I have read it two or three times, and I think it is pretty plain.

I think the Senator from North Carolina is basically saying he wants to stop the type of art that he has exhibited on the floor, that has been referred to, and that has been very offensive. We are not talking about historic art or battlefields; we are talking about people mutilating their bodies and calling that art. I might include in the RECORD a copy of the letter that was written by the reporter from the Minneapolis newspaper, the Star Tribune, a letter dated June 21, 1994. It is written to Chairman Jane Alexander and also copied to Senator BYRD and myself. I will read three of the last paragraphs.

The organization's good works—

Talking about the NEA—

however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, the Walker Art Center, and this newspaper, are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human bloodletting and mutilation—or "ritual scarification" and "erotic torture," as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STAR TRIBUNE,
Minneapolis-St. Paul, June 21, 1994.

Chairman JANE ALEXANDER,
Office of the Chairman, National Endowment for the Arts,
The Nancy Hanks Center, Washington, DC.

DEAR CHAIRMAN ALEXANDER: In an article published 24 March 1994 in the Minneapolis Star Tribune, I reported public complaints about a performance by Los Angeles artist Ron Athey that was staged by Walker Art Center in Minneapolis. That event and subsequent reports about it have generated considerable debate here in the Twin Cities, including letters to the editor of this newspaper expressing both appreciation for and revulsion at Mr. Athey's activities and the Walker's presentation of them.

In a letter of 15 June 1994 to members of Congress, you take issue with my reportage in particular and the Star Tribune's coverage of that event in general. I object to your characterization of my work and the paper's coverage. In fact, you have misread the article. It does not say that "blood was dripping from towels," as you claim. See enclosed copy of the article.

Nor was the article "erroneously reported" or a "false report" as you assert. Walker Art Center officials have privately expressed dismay about the way in which Mr. Athey's performance was described in the article and deplored the response of individuals who objected to the performance. But they do not deny that Mr. Athey cut an abstract design into the flesh of another man, blotted the man's blood on paper towels, attached the towels to a revolving clothesline and suspended the blood-stained towels over the audience.

Nor do they dispute the fact that Mr. Athey, who is HIV-positive, pierced his arm with hypodermic needles and drew blood when he and assistants pierced his scalp with acupuncture needles. "The head thing actually did bleed, the arm did not," said John Killacky, the Walker's curator of performing arts who booked Mr. Athey and staged the event.

Like you and Walker director Kathy Halbreich, I did not attend this event. In the course of reporting on it, however, I have conducted extensive interviews with five individuals who witnessed Mr. Athey's performance.

They all agree that these things occurred. They differ only in what they thought of the activities and how they and others responded to them.

I am disturbed that you now, in the U.S. Congress, charge the Star Tribune with "erroneous reportage" and disseminating "false reports." If there are errors in our accounts, please notify Mr. Lou Gelfand, the Star Tribune's ombudsman who will investigate the charges.

I am also disturbed that you imply that the only letters received by this newspaper were those objecting to alleged "inaccurate coverage" and "trivialization." The paper received and published a wide variety of responses to the event, some expressing the views you indicated, and others critical of the event and its presentation by the Walker.

As you note in another context, "These people are tax payers too."

On 3 June 1994 you met for about an hour with members of the Star Tribune's editorial board and others here in Minneapolis. I was at that meeting. At no point in the discussion was Mr. Athey's performance even mentioned. If you were concerned about erroneous reportage and false reports, surely that would have been an appropriate time to discuss them.

In your letter to Congress you note that you have devoted the first year of your chairmanship to "turning around the reputation of the NEA by engaging people all over the country in a dialogue about all of the very good projects" the agency supports. Then you say it was in the context that you gave them "the facts regarding the performance at the Walker Art Center."

You did not give them the facts.

In my capacity as the Star Tribune's art critic and art news reporter for the past decade, I have previously written commentaries in support of the National Endowment for the Arts. I expect to have occasion to do so again in future because, like you, I recognize that the NEA has made—and doubtless will continue to make—important contributions to the cultural and artistic life of the United States.

The organization's good work, however, does not exempt it from criticism when its grant money is used in support of events that some find objectionable. Nor does what you call Walker Art Center's "overwhelming support" exempt its activities from public discussion.

In a society founded, as ours is, on free speech and open public debate, the activities of your agency, Walker Art Center and this newspaper are all open to discussion. That discussion is not furthered by pointing fingers at the press and lodging false charges of inaccuracy.

In the end, Walker Art Center must defend its decision to stage a performance involving human blood-letting and mutilation—or "ritual scarification" and "erotic torture" as the institution describes it. The NEA must defend its decision to endorse that program.

Your attempts to blame the press for criticisms of your agency merely trivialize the issues and obscure the facts.

Cordially,

MARY ABBE,
Art Critic/Art News Reporter.

Mr. INOUYE. Mr. President, I rise in defense of the National Endowment for the Arts and its chairperson, Jane Alexander.

Though I feel that some discretion must be used in the grant awards process, I do not support the funding cuts for the NEA as reported out of the Committee on Appropriations. The performance to which many have objected, by performance artist Ron Athey at the Walker Art Center in Minneapolis, MN, was not directly funded by the NEA. Only $150 of NEA money awarded to the center before Ms. Alexander was confirmed as NEA chair was used for the performance in question.

Further, the NEA, under the leadership of Chairperson Alexander, is in the process of reforming its procedures so that institutions and individuals receiving grants are held accountable for the appropriate use of NEA funds. It is just not responsible governance to cut the NEA's funding at a time when it is already acting to respond to the concerns of those who question the artistic merits of some grant recipients.

Federal investment in the arts through the auspices of the NEA is invaluable to our Nation. A national institution such as the NEA is critical to encourage artistic development. I have always believed that every penny spent on the arts enriches our lives immeasurably.

Mr. President, I have every confidence in Chairperson Alexander's ability to lead the NEA in fostering and promoting artistic and cultural excellence. Let us not undercut her efforts. Let us instead allow her the latitude she needs in order to carry out her mission.

Ms. MOSELEY-BRAUN. Mr. President, art, its performance and appreciation, can change a life. It certainly can make your day. There is nothing like going to the museum or a concert. All of your worries melt right away. The music immediately calms you down. Walking through a room filled with beautiful paintings soothes your soul. And a theater performance takes you to another world.

Art is the emancipator of the spirit. It is the way that we propagate our culture from generation to generation. It reflects the development of our civilization, while anchoring us in the beauty and wisdom of the past. It is as essential to our well being as a people as it is to our personal enjoyment. It educates; it expands our horizons; it enhances us as individuals and as a community.

Here in Washington, we can walk right over to the Smithsonian and the Kennedy Center, and have access to world class exhibitions, the best American art in the country, and musicians from all over the world. Many other major metropolitan areas also attract the best names and exhibitions, giving their residents access to the world's artistic treasures.

But not everybody lives in a big city, Mr. President. And because of the National Endowment for the Arts, Americans do not have to live in big cities to have access to art, because the NEA brings art and artists to small communities. It brings performances to places not on the international circuit. And these performances and exhibitions touch people who would otherwise often have no access.

The NEA brings art to children through countless program in schools across Illinois, at a time when school budgets are cutting art programs to save money. It brings art to disadvantaged communities—to people who live in Chicago, one of the centers of art in the United States, but who have never set foot in the great art institutions on Michigan Avenue.

I want to take a few minutes to tell you about how the NEA contributes to countless communities in Illinois.

The NEA grants money to the Quad City Arts, for example, for their visiting artist series. The Quad Cities is made up of four cities that straddle the Mississippi River in northern Illinois—two in Iowa and two in Illinois. The total population is about 400,000 people. It's a 3-hour drive from Chicago.

The visiting artist series brings nationally known artists to perform in the schools, hospitals, factories, malls, prisons, and mental health centers of the Quad Cities. They perform free public concerts, which draw 500 to 700 people each. One mother told the Quad City Arts how the visiting artist series had affected her son. A musician had performed in his school class using computers. Her son never knew that computers could make music. It was a turning point for him, and his grades have improved and his interest in school has increased.

Kids who saw artists perform at school ask their parents to take them to the free public concerts. Their parents are then also exposed to the performances. Most of these people don't often have the chance to drive the 3 hours to Chicago to go to a museum or a concert. But because of the NEA, they don't have to. Quad City Arts brings it to them.

Quad City Arts funded a mural project at a shelter for children who have been pulled out of their families due to abuse or other problems. There was a big common room at the shelter that was never used because the young people did not feel comfortable there. Quad City Arts came in with paints and brushes and the youngsters and staff started painting a mural in the common room. They made the room their own—at a time in their lives when they had just lost their home, their family, and their self-confidence. Now the kids are painting every room in the shelter, and when they've painted every room, they'll paint over the existing murals and start again. These youngsters are proud again. They have found a voice to express their hurt and frustration. And they feel at home.

Why is the NEA money so important? The Quad City Arts uses it to raise private money through matching grants. The NEA lends credibility to art institutions when they ask private foundations and corporations for funding. The NEA dollars multiply money for the arts exponentially.

I also want to talk about the Krannert Center in Urbana, in east-central Illinois. The Krannert Center is affiliated with the College of Fine and Applied Arts at the University of Illinois. Urbana is 2½ hours south of Chicago, 2 hours west of the Indianapolis, and 3 hours northeast of St. Louis. Communities around Urbana average 3,300 people. Every one in the region is underserved by virtue of the size of the communities and their location within the State. The Krannert Center provides access.

The NEA helps fund the Sunday salon series, which presents emerging artists and ensembles, who are national and international competition winners. The audience is given the opportunity to meet the artists, discuss the building of their careers, their experiences as musicians, and their performance. The series brings together the humanness of the artists, and the realness of the patrons on a very immediate level.

The Krannert's youth series is its most successful outreach program. Over 20,000 students—grades pre-K through 12—attend daytime performances of theater, modern dance, ethnic music and dance, puppetry, mask/mime, and classical music. The center also provides curriculum materials allowing teachers to integrate the performance into their lessons.

The popularity of this program led the center to establish the Krannert Caravan. It takes artists into area schools for 1 to 5 weeks, allowing even the smallest schools with the smallest resources the opportunity to experience the performing arts. The Krannert Caravan serves an additional 6,500 students in schools within 45 miles of Champaign-Urbana.

And finally, I'd like to talk about a program of the Old Town School of Folk Music in Chicago. With NEA's help, they sponsored the Festival of Lain Music at Orchestra Hall. The program brought people of all races and communities together to appreciate each others cultures. For the vast majority in attendance, it was the first time they had ever been in Orchestra Hall.

Mr. President, I mention this program because it is an example of art bringing people together and breaking down barriers. Chicagoans who might never wander into a Latino neighborhood were introduced to Latino culture and mingle with city residents they might not otherwise approach.

Mr. President, the rich will always have access to art. They can get on a plane to Rome and see Michelangelo's Sistine Chapel. The not-so-rich in big cities will also always have access to art. Private donations and ticket sales maintain fine art museums, orchestras, and theaters in major metropolitan areas all over the country. But the NEA reaches further. It gives small rural communities access; it gives children access; it gives disadvantaged communities access. It introduces immigrants to the arts of all of the cultures that make up this country, and makes them feel at home at a cultural event of their native land. Art brings people together across cultures, races, and politics. It fosters communication and understanding between communities. In short, the NEA is an example of a Government agency making an important difference in the lives of people. I support it, its leadership, and all of its good work.

Mr. BINGAMAN. Mr. President, I rise today to address the issue of funding for the National Endowment for the Arts. In the past several weeks, there has been a great deal of discussion about that funding, and the uses of that funding. Once again, this debate has focused on the very small percentage of funded projects that are objectionable to many of us here in Congress. However, in this debate, I believe that it is equally important to discuss the vast majority of projects funded by the NEA that are an overwhelming success. I therefore would like to spend a few minutes discussing a few of the many successful NEA efforts in my home State of New Mexico in the last few years.

One of the most successful efforts receiving funding in New Mexico is the Center for Contemporary Arts [CCA] in Santa Fe. Important activities funded by the NEA through CCA include the operation of the teen project in Santa Fe, the only arts facility initiated by an art museum and totally devoted to teens in the country. The teen project provides a safe environment for teens from all backgrounds to explore any or all forms of art. CCA also runs a variety of other programs, including the Deep West Program. This program, which receives both Lila Wallace-Readers Digest fund and NEA presenting and commissioning support, allows an average of five companies a year to establish residency projects in various Deep West sites, which include rural communities as well as Indian pueblos. The NEA funding has been instrumental in that it has enabled CCA to leverage private money for this project at a 6-to-1 ratio.

In addition to these activities, CCA also sponsors a variety visual arts exhibitions and lectures. For example, CCA sponsored Richard Long's "New Mexico and Colorado, 1993" exhibit, which included art highlighting his walking tour along the Rio Grande, as well as a lecture by Leo Castelli on the art of Roy Lichtenstein. Many of the projects sponsored by CCA bring to the community prominent Hispanic American, South American, and native American artists. These projects are especially important in a community like Santa Fe, where people of diverse cultural backgrounds strive to live harmoniously in one community. In 1993, CCA received $80,000 in NEA visual arts and presenting and commissioning funding, which supported the full spectrum of CCA's activities.

Another organization receiving NEA funding for 1993 was the Western States Arts Federation, or WESTAF. WESTAF serves a total of 13 States in the West, including New Mexico. In New Mexico, NEA presenting and commissioning funding helped bring a variety of tours to our schools, many of which have had to scale back their own arts education activities. For instance, WESTAF teamed with the New Mexico Very Special Arts Program to fund a Dance on Tour Program in New Mexico. In places like Roswell, NM, elementary students were given a chance to explore dance as a forum of communication and art. Without programs like this, many students would have very limited access to art. Mr. President, it exactly this sort of programming that is jeopardized by the targeted cuts to NEA funding proposed in the committee-reported bill. WESTAF, for example, received $190,000 in presenting and commissioning grants to support programs like this one throughout the West in fiscal year 1993.

Mr. President, I chose to talk about these projects today not only because they represent a variety of excellent projects and individuals funded by the NEA. I also chose to discuss them because each of these grants would have been jeopardized by the targeted cuts proposed in the committee-reported Interior appropriations bill before us or by efforts to end individual grants.

In New Mexico, the targeted cuts would have been devastating. In all likelihood, some of the projects I just mentioned would not have been funded. It is impossible to tell. At best, however, if we assume that each of these projects's funding had been cut at the same level as the NEA program funding them, funding in New Mexico would have dropped by $159,325 dollars. In a State where our total NEA State formula funding was only $472,000, these cuts would have been disastrous.

I should mention, Mr. President, that although our NEA State formula grant is rather small, the New Mexico Arts Division works wonders with it. Grants from the National Endowment to the Arts Division have helped provide significant support for arts organizations, culturally diverse arts projects, and folk arts programs. The arts division has also funded local arts councils, rural and culturally underserved areas, folk arts apprenticeships, and training for presenters of dance companies in rural communities throughout New Mexico.

As I have said in the past, New Mexico is a State known for its arts. Without the NEA, however, art would not be accessible to many New Mexicans. Many would therefore not have access to the ideas communicated by art, to the education and community building facilitated by art, or to the simple pleasures derived from attending a dance performance, hearing a chamber orchestra, or viewing an art exhibit. In many ways, the true value of a society is judged by the diversity and quality of its art. I urge that we not turn our backs on our responsibility to ensure that art continues to flourish in our Nation.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the present amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2397

(Purpose: To restore funding to the National Endowment for the Arts)

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself, Mr. PELL, Mr. DURENBERGER, Mr. METZENBAUM, and Mr. DODD, proposes an amendment numbered 2397.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81, line 7, strike "133,903,000" and insert "140,950,000".

On page 81, line 16, strike "27,693,000" and insert "29,150,000".

On page 81, line 18, strike "12,113,000" and insert "12,750,000".

On page 89, between lines 13 and 14, insert the following new section:

SEC. 312. Each amount appropriated under this Act is reduced by the uniform percentage necessary to offset the total appropriations under this Act by $8,505,000.

Mr. JEFFORDS. Mr. President, I am going to raise the issue with this amendment of exactly what is in the bill, No. 1, of which I have deep concern. However, I also am hopeful that the House version will eventually prevail. Second, it is related to the whole concept of problems that we are dealing with in those situations, as referred to by the Senator from North Carolina, that we have had and have with the Endowment over the years.

First of all, my amendment would, instead of the cuts of 40 percent to specific very important parts of the bill, it would restore funding to the NEA, and specifically to those programs which the bill cuts—those probably that are most important to the States—having to do with challenge grants and grants for theaters, for example. Cutting these programs grieves me deeply. In fact, programs in the NEA are the best programs we have for our schools and elsewhere.

I also want to relate it to the amendment by the Senator from North Carolina, because I think the misunderstanding of what has happened at the Endowment, and how you can come up with such situations as referred to by the Senator from North Carolina, make it important that we understand what we are dealing with. We have had these concerns over and over again, year after year.

I want to first put in perspective what we are talking about in terms of the years of the Endowment, many, many years now, 30 years or so. There have only been 10 instances out of 100,000 such grants where any question has been raised about the kind of problems that have been referred to by the Senator from North Carolina. That is less than about one-one-hundredth of 1 percent.

Take into consideration the tremendous good that has occurred because of the NEA and realize that it has such an excellent record. In fact, it is a record which is getting better all the time. That is No. 1.

Now, second, I want to go into this again—I am sure this has been done prior to my speaking today—about the particular instance with which we are involved here.

One way we always get the headlines is for someone to do something which raises the attention of the public by things which may be very disturbing and in some cases, disgusting to the general public. We then find there is this incredible imagination by some who attempt to attribute it to the National Endowment for the Arts.

Let me refer you to last year when the Senator from North Carolina was raising questions about art. When all was said and done, the particular photographs in that case to which he was referring, were not produced with an Endowment grant. Rather, the artist who created those photographs was a previous recipient of an NEA grant, and probably would be again.

So the stretch by the Senator from North Carolina was to say that those who were reviewing new grant applications should have known that the artist took those photographs and, therefore, should be denied a grant because he did something, not with NEA money, but he did something which some would consider offensive. Therefore, they should not give him another grant because he might somehow again do something considered offensive.

If one takes that particular approach to things, one can imagine that any time anybody did anything out of the ordinary in their life, they would not be allowed to get an Endowment grant.

(At the request of Mr. MITCHELL, the following statement was ordered to be printed at this point in the RECORD:)

• Mr. METZENBAUM. Mr. President, I strongly support this amendment to restore the funds for the National Endowment for the Arts which were cut by the Appropriations Committee.

The bill as reported by the committee would cut the endowment by 5 percent. This would reduce the NEA's budget to $161.6 million—a lower funding level than the agency received a decade ago in 1984.

Moreover, the cuts are focused on four endowment programs, apparently on the grounds that these programs have been the sources of so-called controversial grants.

One of these is the endowment's Theater Program—which would be cut by a whopping 42 percent. In other words, nearly half of all theater grants will have to be eliminated next year.

In my own State, grants to the Ensemble Theater of Cincinnati, the Great Lakes Theater Festival, the Cincinnati Playhouse, the Mad River Theater Works, the Cleveland Playhouse, and other fine theaters throughout Ohio would all be jeopardized if these cuts go through.

Theaters in virtually every State will lose out, including community theaters in rural areas and in inner cities.

The bill would also drastically cut the Endowment's Visual Arts Program by almost 42 percent. How are we going to have a National Endowment for the Arts without a theater or a visual arts program?

The visual arts program provides vital support to museums and cultural institutions, artists, community art projects, and education programs across the Nation.

In my own State the program has recently provided funds for a number of fine institutions, as well as for a very interesting program featuring Ohio designer craftsmen.

The presenting and commissioning program would also be slated for a huge cut of over 40 percent. In Ohio, this will mean less support for some wonderful tours and festivals. Endowment presenting and commissioning funds have recently funded, for example, performances by the National Theater of the Deaf, as well as an Ohio tour by the Ballet Hispanico.

Mr. President, the Senate unanimously confirmed Jane Alexander 9 months ago. Since that time she has held town meetings in more than 30 States. She is talking to the people. She is finding out what kind of art people want. She is committed to bringing only the best art to the most people.

Yet here she is 9 months later, facing attacks on her agency and a budget cut of $8.5 million. And all this is apparently in respoonse to a performance that cost $150—and was not even approved on her watch.

Jane Alexander did not approve that grant to the Walker Art Center, Mr. President. It was approved by the former administration.

I have read Ms. Alexander's response to concerns raised about the Walker performance. I believe she is trying to be honest and responsive.

What is clear is that she is making every effort to make the Endowment accoutable to the taxpayers. She has taken steps to tighten up reporting requirements by grant recipients. She has prohibited grantees from changing projects without advance approval from the Endowment.

She is doing a good job. She has been there only 9 months. I believe she deserves a chance to move her program forward.

Mr. President, unfortunately what's happening to Ms. Alexander is what seems to happen every year around appropriations time. Opponents of Federal funding for the arts find some controversial grant which they can use to beat up on the Endowment and further their own political ends. It's a cheap, cynical hit.

It's just not right that one controversial grant should be allowed to overshadow the enormous contributions which the endowment makes to the cultural life of our Nation—bringing theater, dance, symphonies, public television shows and great works of art to millions of Americans in their own communities.

And let there be no misunderstanding. This budget cut will be devastating. It is going to hit every State in the country. Theaters, symphonies, dance companies, education programs, concert halls and museums in every State are going to be hurt.

Mr. President, an excellent article by Harry Belafonte which recently appeared in the Washington Post points out exactly what will be lost if we impose these severe cuts on the Endowment. I ask unanimous consent that the article entitled "Don't Cut the Arts Fund" appear in the RECORD at the conclusion of my remarks.

From his perspective as a renowned American artist, Mr. Belafonte talks movingly about how Government help opened a whole new world for him and many others and the ways in which the arts can help bridge the differences among poeple and provide positive outlets for our young people. He says, "for 29 years the national Endowment for the Arts has helped young generations of American citizens find and nurture their creative muses. Can we as a Nation turn the clock back?"

I believe the answer to his question must be a resounding "No." I urge my colleagues to support this amendment.•

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 15, 1994]

DON'T CUT THE ARTS FUND—GOVERNMENT HELP OPENED A NEW WORLD FOR ME—AND MANY OTHERS.

(By Harry Belafonte)

Many of our distinguished elected representatives are perilously close to being hijacked by a point of view that most Americans don't share: the termination of federal support for the arts. The coming Senate vote on appropriations for the National Endowment for the Arts can already be viewed as a clear victory for those who have never wanted the federal government involved in supporting art and culture. They have succeeded in reducing the issue of NEA appropriations to a debate on single issue: Should the federal government support only "decent" art?

The Senate Appropriations Committee, headed by Robert C. Byrd, has allowed the enemies of the NEA to trot out their most recent example of art that strains or offends mainstream sensibilities and to use the minuscule financial role the NEA played in its presentation as a litmus test for support of the entire agency. The committee voted to cut the arts endowment's budget by $8.5 million, a 5 percent reduction, because some members objected to a performance that occurred at the Walker Art Center in Minneapolis, which the NEA indirectly supported with $150.

That performer and his performance are not the issue here. The issue is that responsible and level-headed elected officials have swallowed the hook baited by Sen. Jesse Helms, which seeks to create controversy from the work of a few contemporary artists while ignoring the enormous public benefits the agency creates and stimulates. Lost in the scramble for this righteous political high ground is the fact that cultural organizations—both large and small, and in every region of the country—have benefited from the support provided by the arts endowment.

It is a recognized fact that groups affiliated with Sen. Helms, which oppose federal support of the arts, conduct active research on any and all NEA-supported projects that might be elevated to the status of the "controversy of the month." They often distort the content or context of the performance or art work and use each "incident" effectively in direct-mail fund-raising efforts for their organizations. This well-organized campaign has succeeded in drawing the media's attention to the periodic controversies. The net result is that the positive NEA work has been eclipsed by the controversies.

As one who has performed across the land, I can tell you that our country and our youth need more of what the arts have to offer. When performers like Anna Deavere Smith created great theater works out of the racial acrimony she found in Williamsburg, Brooklyn and Los Angeles, the endowment was there lending financial support. Smith's performances have helped communities that are racially polarized bridge some of their differences.

This is one of the great attributes of the arts—the ability to transcend boundaries and reduce differences. Few people in this country knew anything about the Caribbean until they started singing "The Banana Boat Song." As an artist, I put America in touch with its neighbor, and I put people in the Caribbean in touch with America, and in doing this helped to stimulate an exchange that was beneficial to both.

When I see thousands of young people participating in NEA-supported dance, theater and arts workshops around the country, I know that they are being given tools that help them resist the violence and drug scourge that permeates many of their communities. My principal frustration is in recognizing that as a society, we are not reaching enough of our youth with these positive programs.

In the 1950s, after being exposed to the work of the American Negro Theater in Harlem, I decided to pursue a life in the theater.

Because I was a veteran, I had rights to the GI Bill. It meant that the federal government would pay for this luxury of going to a school of drama to do this thing that had opened my heart and opened my mind.

I went to the New School of Social Research, and in that class I looked upon the faces of a number of young men and women, most of whom were being supported by the government because they were returning veterans. In my class were Marlon Brando and Rod Steiger, Walter Matthau, Bea Arthur and Tony Curtis. And the head of the school took this (then) boy who was struggling with an ability to read, trying to overcome dyslexia, having an enormous appetite to know more, and exposed him to Jean Paul Sartre, to Shakespeare and to Tennessee Williams, Steinbeck and Langston Hughes.

By the end of my course of study, I had come to know that there was nothing more inspiring than art, nothing more moving than words, nothing more powerful than an individual who is in the service of all of that. For 29 years the National Endowment for the Arts has helped younger generations of American citizens find and nurture their creative muses. Can we as a nation turn the clock back?

Mr. JEFFORDS. Mr. President, today we are considering funding for the National Endowment for the Arts [NEA], a modest agency by budgetary standards, but large in terms of its effect on the lives of Americans. The NEA was created in 1965, as a result of the efforts and vision of my colleague from Rhode Island, Senator PELL. Since that time, the NEA has provided in the neighborhood of 100,000 grants to artists, theaters, dance companies, and State and local arts agencies. The contributions of the arts have reached into every corner of this Nation, from the most destitute inner city, to the most remote rural area.

Despite the wonderful work of the NEA, every year the agency comes under attack from certain segments of our society, who focus on one or two objectionable grants. The NEA brings art and culture to parts of our Nation that, without Federal support, would otherwise do without. In my mind, this is one of the most important missions of the NEA. The arts are not a frill, they are a fundamental part of our society.

The controversy that surrounds these few grants always spills onto the floors of the Senate and House of Representatives and masks what the NEA is really about. This is an unfortunate situation because only 10 of the 100,000 grants given by the NEA have been controversial, according to the agency. That is one one-hundredth of 1 percent, Mr. President.

However, because of these controversies, the bill before us cuts the NEA's budget by 5 percent, or $8.5 million, reducing total appropriations for the program to $161.6 million. But these cuts are not across the board. They target four selected programs of the NEA: Theater, presenting and commissioning, visual arts, and challenge grants. The theater, presenting and commissioning, and visual arts would be cut by a whopping 40 percent each. Reductions of that magnitude will essentially decimate those programs. That is the effect of a 5-percent cut of the total appropriations level targeting only four programs.

Mr. President, I think these cuts are far too drastic. The NEA has suffered major funding cuts over the last few years, cuts which have severely hampered the agency's effectiveness to bring the arts to all Americans. As many of my colleagues know, I have long fought against cuts to the NEA because I strongly believe its activities have enriched America.

Today I am proposing an amendment, along with Senators PELL, DURENBERGER, METZENBAUM, and AKAKA to restore NEA funding to the President's budget request and last year's level. This means restoring the cut proposed in the chairman's mark, or about six one-hundredths of 1 percent of the total spending in this bill. To offset the restoration, every program in the bill will face an equal cut of approximately six one-hundredths of 1 percent, including the NEA.

The committee recommendation for the Interior appropriations bill before us is just over $13 billion. The share of that proposed for the NEA is $161.6 million or 1.2 percent. That is lower than the President's budget request and fiscal year 1994 appropriations. In nominal numbers, this figure is less than Congress appropriated for the NEA in fiscal year 1984. Taking inflation into account, it is even lower. Since 1992 alone, the NEA's funding has decreased by over $5 million.

I offer this amendment today as a staunch, steadfast supporter of the National Endowment for the Arts. The arts means so much to so many in this country. They are important to Americans in the same way as national parks are important to Americans. To direct a 5-percent cut to the NEA fails to recognize this.

In my mind, this is one area where I think the cuts go too far. What bothers me more than the overall 5-percent cut is the targeting or earmarking of the cuts to certain programs.

Where would the cuts hit if the current language were enacted? The Presenting and Commissioning Program, formerly called Inter-Arts, faces a 40.5-percent cut. The program helps institutions that serve multiple artistic disciplines: presenting organizations, artists' communities, and presenter service organizations. It focuses on presenting the performing arts and commissioning new work.

The Theater Program encourages the advancement of theater arts. It supports performances, assists professional theater programs in single projects and entire seasons, as well as individual artists. In the chairman's mark, theater faces a 42-percent cut.

Visual arts funds the creation of new work by artists and supports presenting these works in wide varieties of media including sculpture, painting, and crafts. It faces a 41.7-percent cut.

The Challenge Program supports, and stimulates private support, of the best quality programs aimed at advancing artistic excellence in the arts. It helps secure long term financial stabilization of arts organizations. Grants are essentially venture capital, underwriting significant projects. Challenge grants, which must be matched 3 to 1, face a 5-percent cut.

Presenting and commissioning has been a fundamental part of the support of the arts in my State. The Flynn Theater in Burlington would be the hardest hit. For fiscal year 1995, the Flynn will receive a $250,000 challenge grant out of presenting and commissioning. A 40-percent cut would devastate much of what the Flynn brings to Vermonters including extensive residencies and performances by nationally renown dance companies, a family theatre series, a nationally recognized student matinee series, and the annual Discover Jazz Festival. It uses the funds to do community outreach and participation and programs for at-risk youth. The Flynn forms model arts partnerships with schools, including schools in rural and low-income city areas like the Barnes and Wheeler schools in the old north end of Burlington. The money the Flynn Theater receives from the NEA has made a significant difference in the Burlington area; in its schools, and in its vibrant downtown—socially, culturally, and economically.

Indeed, the effects of presenting and commissioning are felt all over Vermont. Many other arts organizations in Vermont rely on small grants of $5,000 to $10,000. For example, Catamount Film and Arts in the Northeast Kingdom uses NEA money to bring the arts to those who have never been exposed to a live theater or dance performance. The Mawry Dance Co. of New Zealand, the Japan Festival, and a vibrant series of family programming have been enjoyed by the people of this most rural area of my State because of support from the NEA.

The Onion River Arts Council in Montpelier uses presenting money to bring the Ying Quartet into local schools, and the National Theater of the Deaf and various concert series to central Vermont.

The Vermont Folklife Center is using a $250,000 challenge grant to preserve and present the traditional arts of Vermont through exhibitions, radio programs, and film tours. Among the projects is one of special interest to me. A radio show titled, "Life in Vermont: The Generai Store" aired on National Public Radio's series, "Horizons." This program featured Pierce's General Store, just up the road from my home in Shrewsbury. The store, a true Vermont landmark which closed earlier this year, was arguably one of the oldest country stores in my State. It was truly characteristic of life in Vermont.

These directed cuts will hurt my State. But that is not the only reason I am offering this amendment. These cuts will hurt the arts in the country as a whole. It will reduce the money that local arts agencies will have to bring nationally known performances to their communities. It will hamper their ability to leverage private support for the arts. It will hurt our Nation's schools, of which the arts should be an integral part. The dollars provided by these programs are, like all other NEA money, critical seed money which leverages substantial private support.

In that respect, the arts mean business. According to the National Association of Local Arts Agencies, nonprofit arts activities, stimulated by the NEA, have a $36.8 billion impact on our national economy, generating $3.4 billion in Federal tax revenues. It seems to me that those revenues more than pay for the $170 million we provide for the NEA.

Mr. President, when contemplating the proposed cuts, I wonder who would really bear the brunt of them. It would undoubtedly be smaller arts organizations that bring the arts to less visible places, including rural schools. This troubles me, for the arts should be a part of everyone's lives, not just those in larger cities and suburban areas.

I am also troubled by a possible reasoning for the cuts. It seems that the cuts are directed to NEA programs which have recently given out grants which have stirred controversy, one of which involved the Walker Art Center in Minneapolis which hosted a performance by an HIV-positive artist.

Granted many of us believe that the work was distasteful. However, I find it totally unbelievable that we are proposing to gut an entire program—indeed more than one—because of this performance which has grabbed headlines around the country. Should we be punishing artists, arts organizations, and millions of schoolchildren and art-loving Americans because of a performance a few did not like, or considered offensive? What kind of standard will we be setting if we slice a huge chunk out of a well-performing program because of one grant?

Mr. President, the NEA has responsibility to fulfill its statutory obligations and base funding decisions on artistic excellence and artistic merit. It is doing that. But what needs to be made known here is that the decision to host the performance at the Walker was a local one. It was a decision made by the Walker Arts Center, and not by the Arts Endowment. Above all, I strongly believe—let me reiterate—strongly believe—that it is not for us, as elected officials, to determine what is obsence or not obscene. That is to be decided in a court of law of the United States. Congress went through this whole censorship-obscenity debate a few years ago and I think we struck a reasonable compromise then. Why must we revisit this same issue year in and year out? To satisfy a small political constituency?

Mr. President, I think the NEA is adequately responding to criticisms it has received in recent times. In her first year on the job, Jane Alexander has instituted many changes in process and procedure with regard to grants. According to the Agency, grantee reporting requirements have been changed. New procedures exist for consideration of project changes. The advisory panel process is being reviewed. Changes are being made in the leadership of the various programs. The Agency's program structure and operation are under review. In other words, Mr. President, Jane Alexander is making grantees more accountable for their work and more often. This, in turn, is making the Agency more accountable to the American people. I do not think many envy the difficult job she has, but I think she is doing a fantastic job as chairman, working to promote the Agency, and bring the best art to the most people.

We should allow her to do her job. We should resist attempts to change the operating structure of the Agency. We should not be suggesting content restrictions, limiting grants to individuals, or drastically altering program funding allocations. Many of these efforts are being promoted by a small, politically active segment of our population.

Despite what its critics say, the NEA has been an important force in the cultural life of America. The American people support it, and Congress has repeatedly echoed that support.

That is why it bothers me to see the Agency come under attack. The critics select an NEA grant they find objectionable, or a performance supported with NEA moneys decided on the local level, or even some work performed by an artist who may have previously been a grant recipient. In fact, they often choose things that were not even funded by the NEA. The critics barrage the press and Capitol Hill with information whose truth is questionable. The grant or performance becomes the center of their annual fundraising campaign to undermine the NEA and the work it does. Then every kind of argument is made about obscenity, family values, Federal subsidies to the wealthy, or handouts to artists. Mr. President, this is the farthest from the truth.

I do admit that there are things funded by the NEA which I do not like. But it is not my job, nor that of any Member of the Senate, to approve of everything the NEA funds, nor to oversee every decision made at the local level. The NEA has funding guidelines and procedures, which Jane Alexander is sticking to and improving. We are not here to be the Agency's big brother, art critic, judge, or supreme panel. Regretfully, that seems to be what the annual appropriations process is becoming.

This year is no different. The NEA is facing targeted cuts in programs which have funded objectionable art in past years. It is a shame that the U.S. Senate is prepared to pass judgement on an entire NEA program because of maybe one or two grants out of that program. Are we so blind as to not see what the NEA is really about?

Mr. President, I realize that many of my colleagues may have concerns about my amendment for one reason or another. Nevertheless, I am offering it because I believe in the work of the NEA, that it is valuable, meritorious, and worthy of Federal support. If only the arts touched more Americans, maybe our country would be a better place with less crime, fewer drugs, and more self-esteem. As founder and vice-chair of the congressional arts caucus, I see the effects the arts have on children around the country with our annual art competition. Those children strengthen my believe in the arts, and the work of the NEA. I urge my colleagues to reject further cuts to the NEA, and support my amendment.

Mr. AKAKA. Mr. President, I rise today in support of the National Endowment for the Arts [NEA]. Founded in 1965, NEA has greatly contributed to the cultivation and restoration of our Nation's cultural treasures. For nearly three decades, NEA has successfully created greater access to the arts for millions of Americans, enriched the lives of our young people, stimulated private contributions to the arts, and preserved our treasured cultural traditions. This tiny agency has had a profound impact on the quality of cultural and arts activities in America.

The Endowment has awarded over 100,000 grants—grants that have led to a virtual cultural renaissance in America. Thanks to NEA support, the arts have grown beyond the major metropolitan hubs into rural towns and communities throughout our Nation. As a result, not only can such arts groups as the Hawaii Opera Theater and the Honolulu Academy of Arts thrive in small States like Hawaii, but arts organizations are also provided with resources to tour less populated areas.

Since the Endowment's creation, the number of symphony orchestras has doubled, the number of opera and dance companies has grown exponentially, and where there were only five State arts agencies 29 years ago, today every State has one. The Endowment has brought the arts closer to our citizens, making the best of our culture available to more and more Americans. The

Federal-State government funding partnership has supported arts events that were attended by over 335 million people over the past 5 years.

Endowment grants also help bring the arts into the lives of our young people. The NEA supports after-school arts programming for at-risk youth, providing them with creative outlets for self-expression. It assists professional groups, such as the Honolulu Theater for Youth, and funds model K to 12 curricula with the goal of integrating the arts in schools in every State in America. Working through State arts agencies, the Endowment helps provide arts education to close to 20 million students each year.

Because of its matching requirements—that each Federal dollar to an organization be matched with at least one non-Federal dollar—grants from the National Endowment for the Arts have had an impact far beyond their face value. This modest support from the Federal Government helps symphonies, museums, and theaters leverage private support many times more than the required match. In 1992, for example, Endowment grants totaling $123 million helped leverage private funding for arts activities worth some $1.37 billion. How many other Federal agencies can give us that kind of return on the Federal dollar?

Mr. President, the arts help define us as a nation, and NEA has been absolutely vital in helping to preserve our diverse cultural traditions. In Hawaii, the NEA supports the Waianae Coast Culture and Arts Society, whose workshops in traditional crafts, dance, and music perpetuate many of the ethnic cultures and art forms of our multicultural community. Over the years, the Endowment has also awarded several of its prestigious National Heritage Fellowships to Hawaii artists—hula masters, lei makers, and singers among them—those who preserve and pass on our unique cultural legacy.

Mr. President, of all of our Nation's greatest natural resources, none is more impressive and bountiful than the creativity and imagination of our people. The National Endowment for the Arts has helped to tap this creativity. It has made our Nation a leader in the realm of ideas and of the spirit. It is an agency that has made America a richer and better place for people. It deserves our support.

Mr. JEFFORDS. At this point, Mr. President, I will yield to the Senator from Connecticut for the purposes of making his statement. I know he has another engagement.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me thank my colleague from Vermont. I am due in a conference on the Banking Committee. So I apologize for interrupting his comments.

Mr. President, let me begin by stating the obvious to my colleagues. That is, the distinguished chairman of the Appropriations Committee, the Senator from West Virginia, does not only understand the arts, but I believe he may be appropriately called one of the only artists in this body. As someone who has contributed significantly to the history of this institution in his volumes on the history of the Senate, with his ability to recite voluminous poems, a great student of history and, I would say, an accomplished fiddler, I would really categorize him as a performing artist. In fact, his works have been recorded.

So, there is an important note to be made here that the chairman of the Appropriations Committee has a longstanding personal involvement in the arts, not just as a member of the audience so to speak, but as one who has performed and participated and who has a deep appreciation for the values that art provides this Nation.

I have often felt that the art of a generation is like the signature of a generation. Historians, when they look at times past, very frequently look to the art of a particular time as a way of trying to determine the personality of a generation. Very often the music, the painting, or the poetry of the period will tell you more about a people than a series of events.

So art is about more than just providing a contemporaneous sense of satisfaction and enjoyment to its audience but it also provides a valuable historical lesson for future generations—who we were as a people, what we believed in, what we felt, how we expressed our emotions, and what we enjoyed.

The distinguished Senator from West Virginia is someone who is certainly, in my view, considered probably the finest historian, certainly in this century, to ever serve in this body. I am proud to be a Member of the U.S. Senate at a time when Robert BYRD of West Virginia is also a Member. And I know he shares my recognition of the importance of the arts.

So my remarks about the NEA today merely reflect a general concern about the importance of art while simultaneously trying to put it into a context of what it means not just in a cultural sense but an economic sense as well.

Mr. President, I support the amendment of the Senator from Vermont, and I hope that at some later point some accommodation may be reached in all of this. But I want to share some thoughts on the importance of the National Endowment and the programs it sponsors in our country. Perhaps if we were all more aware of the tremendous depth and breath of the National Endowment, we might arrive at different conclusions about the Endowment's activities.

The Interior appropriations bill before us today would target three specific NEA programs for substantial reductions: The theater, visual arts, and presenting and commissioning programs. Each of these three programs would experience a de facto cut of something in the neighborhood of 40 percent. I would argue, Mr. President, that such a level of cuts would be devastating. It would decimate the NEA budget in these vital areas.

I ask my colleagues to look at these programs, and examine their complete record, and not just a few well-publicized—and rightfully so—controversies, before supporting cuts of this magnitude.

Let us look, if we could, at the record for a moment. The NEA theater, visual arts, and presenting and commissioning programs support cultural institutions across this great country, such as theaters, museums, dance companies, jazz ensembles and chamber music groups. With the support of the NEA, grantees run local children's arts education programs, neighborhood arts centers, at-risk youth programs and cultural festivals.

A few specific examples, if I can.

The Children's Theatre Company in Minneapolis, which tours to audiences of schoolchildren throughout the Midwest; the Arkansas Repertory Theatre, which tours the rural South; New York's Shakespeare Festival, which include Shakespeare in the Park, free Shakespeare for thousands of people in that city; Seattle's International Children's Festival; Sun City, Arizona's Chamber Music Society, which performs for the elderly and in schools; the Homer Council on the Arts in Homer, AK, which serves a community of 3,000 people; Detroit's Focus's Billboard Program, which has developed antidrug messages near schools.

In my home State of Connecticut, NEA grants from these programs support many high-quality artistic institutions, such as the Longwharf Theater, the Goodspeed Opera House, the National Theater for the Deaf, the Hartford Stage, the Eugene O'Neill Memorial Theater, and Real Art Ways.

In fact, Mr. President, we are deeply proud that in my small State of Connecticut there are more theaters than in any other State in the United States and that accomplishment is due in no small part to the support of the NEA.

Let me assure my colleagues that these Connecticut institutions are not hotbeds of controversy. Their work is profoundly impressive and popularly acclaimed.

For 30 years the Eugene O'Neill Theater has presented only the highest quality theater to audiences. I might point out that, just this past weekend, the Eugene O'Neill Theater celebrated 30 years of effort in Waterford, CT. We were pleased to have with us on Saturday Jane Alexander present for those ceremonies.

The National Theater for the Deaf, which I know many of my colleagues are familiar with, has delighted audiences, young and old, with its marvelous work in English and American sign language. They performed in every State in the United States and dozens and dozens of foreign countries all across the globe. Some of my colleagues enjoyed, by the way, a performance of the National Theater in the U.S. Senate only a few weeks ago. Some 17 Members came to watch the National Theater for the Deaf perform "The Giving Tree" while the group was here in Washington.

In addition to its professional performances, the Longwharf Theatre of New Haven has done special presentations for students from across my State and the country.

Real Art Ways, which received a $20,000 visual arts grant from the NEA, works with the Connecticut Redevelopment Authority on a cultural festival in a gang-scarred, inner-city Puerto Rican neighborhood in Hartford.

The Artists Collective of Hartford received $5,000 from the presenting and commissioning program to support events such as a "Jazz in the Foyer" series and a performance of the Jubilation Dance Co.

These are not controversial activities—and yet, more than any other examples you have heard about in this debate, they are representative of the work of these NEA programs.

If the proposed cuts remain, Mr. President, my concern is that these institutions and others like them could lose nearly half their Federal funding, all because of a controversy involving a single performance, and $150 in Federal dollars, in one theater in the Midwest.

I do not believe that is balance, Mr. President. I believe it is disproportionate to the incident that has created so much controversy.

I would point out, Mr. President, that, in addition to the funding of the artists and so forth, there are many people who are not directly involved in art who also benefit—the people in food services, the groundskeepers, the people that work around these theaters who are not artists and performers. It is estimated the NEA's budget of approximately $170 million generates billions in economic activity each year. So, in addition to the resources that go to these groups and audiences they reach, there are people's jobs involved, as well.

The record as a whole is what we have to consider here. That is what we have done when other Federal dollars have gone astray.

Certainly, Tailhook was an example of a misuse of funds in many ways, and yet we did not cut the defense budget because of that particular incident.

Have we cut the Energy Department because they have unearthed evidence of nuclear testing on American citizens in decades past? It is terrible, it never should have happened, but we were not disproportional, in my view, in dealing with the Energy budget.

Will we cut the Post Office budget, because of delays in mail delivery in the Washington area?

Will we cut further in the Defense budget because the military stores carry Playboy magazine, for instance? Again, something presumably many of my colleagues may not support, but nonetheless we have a sense of proportion about it.

This appropriations bill adopts a higher punitive approach we have not taken in the past and which we must carefully consider and, I believe, reconsider, today.

I think Jane Alexander is doing a spectacular job as the head of the NEA. I know she has made a significant effort to meet with many Members of this body and the other body as well, trying to come up with ideas and ways in which we avoid the kind controversy that is the subject of this debate. I believe she should be given the chance to do that. She has been on the job a little less than a year, trying to straighten out some problems areas and working with us and others across the country to reinvigorate the arts.

While today's is an important debate, I remain very interested in the larger questions of how we could best support arts in this country.

We know that arts contribute, as I said, to the overall economy of our country. Yet, funding for this most vibrant sector continues to decline, as my colleagues know. I believe we cannot allow this trend to continue.

I also know that Federal dollars are limited—we all understand that—and that a substantial new commitment to the arts in our current system is unlikely.

I, therefore, believe, Mr. President, we should identify some new resources to reinvigorate the arts and humanities all across this country. And while I will not go into any great length in this debate this afternoon, I intend shortly to introduce legislation to renew our commitment to the arts through a new revenue source.

My legislation would call for copyright protection to be extended, with the rights to the extension period to be auctioned off by the Federal Government. The revenue from the auction would flow into a trust fund for the National Endowment for the Arts and the National Endowment for the Humanities.

In this way, the arts of today would serve as a foundation for the arts of tomorrow, and depend less upon an appropriation process; although I certainly want us to continue that for the obvious reasons, including a debate such as we are having here today. However, my proposal is for a different day.

Today's debate is a question of whether or not, in our desire to deal with legitimate concerns that have been raised by those who are offended by specific arts programs or a particular production, we will disproportionately penalize a very fine and worthwhile program that reaches literally millions and millions of people every year in our country. I believe, instead, we should examine the overwhelming record of the NEA and of these programs and applaud this work.

I hope, as we look at this budget and consider the concerns we have, that we would not do a disservice to the literally millions of people who depend upon the NEA for these programs and for the enjoyment that comes to millions more and, as I said at the opening of these remarks, impair our ability to leave a clear signature of our generation and our time.

For those reasons, Mr. President, I support the amendment of my colleague from Vermont. I am hopeful that some accommodation would be reached here so that it will not be necessary to go as far as the language in the present bill would take us.

With that, I commend the Senator from Vermont, as well, for his leadership on this issue.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment offered by my distinguished colleague from Vermont. I compliment him, and others who are supportive of it, on the content of this amendment.

I compliment the sensitivity of our colleague from West Virginia for the way in which this issue is going to have to be dealt with, given the environment in which we are operating.

But I also intend to oppose any other amendments that may be offered, including the one from our colleague from North Carolina to further cut NEA appropriations, change funding formulas, or to have politicians, either elected or unelected, regulate the content of NEA-funded art.

Mr. President, I enter this debate as one who has been, for a long time before I came to this body, a strong supporter of private and public funding for the arts, of the National Endowment for the Arts, and of the arts community in my own home State of Minnesota.

Because of that long association, I am especially troubled that a single arts performance at one of my State's most highly respected arts institutions seems to have sparked this latest round of controversy.

But, for the sake of candor, let me say, Mr. President, also that I have enough experience on this issue and on this floor to know that this amendment and others like it that have less to do with the Walker Arts Center—or any single performance—than with fundamental differences over whether and how the Federal Government should be funding the arts.

In fact, I walked in the back door of the Chamber about a half hour ago and sat down in someone else's seat to hear my colleague from North Carolina sort of prejudge what I was going to say in my statement because of my past positions with regard to the National Endowment for the Arts.

At the time that happened, I did not even know he had offered an amendment. So, Mr. President, we have been here before, and if it were not the Walker, it would be something else.

I suspect that if this particular performance had not occurred or had not been widely reported, there would be some other NEA-sponsored performance or work of art that would be the subject that we would be using to generate these amendments in this debate.

Mr. President, I have read the press accounts of the controversial arts performance that was held earlier this year in Minneapolis. I talked to a lot of people on both sides of the controversy at the NEA, at the Walker, and among my constituents who both defend what took place and who may not have been there but who were deeply offended by what they heard about it and what took place.

I make that qualification, Mr. President, because this particular performance has received great attention, not so much by the event itself—which was attended by only 100 people—but by highly inflammatory reporting of the event in Minnesota's largest daily newspaper some 3 weeks after the performance.

My friend and colleague from Oklahoma has already put in the RECORD a typical defensive statement by a reporter. And I have seen hundreds of these. If I ever complained about anything in the Star and Tribune, which I have done on more than one occasion, it is my receiving three-page letters just like this condemning me for my remarks.

So I am not surprised that Chairman Jane Alexander got this kind of a letter from this reporter.

Let me acknowledge that I do not enter this debate to defend or to criticize the artistic value of any single performance, artist, or work of art. I am just not qualified to do that. That is one of the reasons I am supporting the amendment by my colleague from Vermont. I do not think it is part of my job. And therein lies the fundamental disagreement. Therein lies the underlying issue at the heart of this debate.

I support the NEA and public funding of the arts because of what it does to broaden access to the arts for millions of Americans.

And, I support the NEA because it helps recognize and reward quality, and helps to record and transmit to future generations the diverse culture of an increasingly diverse American society.

There is also no question, Mr. President, that I support the NEA because it is extremely important to Minnesota.

Its artists, arts performances and institutions have historically placed Minnesota among the top three State recipients of NEA grants.

So have the consumers in Minnesota, educators at all levels, employees and everyone by whom "community" is defined.

Minnesota has an outstanding State arts board that receives and distributes NEA grants. Minnesota has built a relationship between State public policy makers, public funding, and appropriate arts performers and performances and art works.

Minnesota is well known for some of the Nation's finest arts organizations—the Guthrie Theater, the Minnesota Orchestra, the St. Paul Chamber Orchestra, the Minneapolis Institute of Arts, and the Walker Art Center.

And, Minnesota is also home to hundreds of smaller theater groups, arts organizations and individual artists in communities all over our State.

In the past several years, for example, the Minnesota State Arts Board received an NEA grant for a folk arts apprenticeship program that has supported masters and apprentices in communities like Clearbrook, Atwater, and Redwood Falls. You probably have not heard of any of them.

The State Arts Board also received an arts in education grant to support artistic residency activities in 87 different communities all over the State.

And, again, with NEA funding, nationally known arts groups from Minnesota and other States have been able to perform in dozens of Minnesota communities from Biwabik and Aurora in the far north to Worthington and Blue Earth near the Iowa border in the far south.

So, I am troubled that once again the NEA as an institution is being questioned in a debate that is becoming increasingly polarized. Every year, it seems that several of us have to get up here to defend the 25-plus years of good work done by the NEA, simply because a handful of controversial grants have been called into question.

Once again, the focus of the controversy seems to be the role of the Federal Government in what essentially boils down to regulating the content of art.

I am sympathetic to the concerns of those who want to know how our scarce Federal funds are being spent and to those who find certain types of art offensive. But I will and I must continue to oppose any effort that would expand the Federal Government's role in regulating art content.

While the NEA grant making process is not perfect, it works. Compare the NEA's record with any other of those old Bill Proxmire Golden Fleece awards and the money gets spent pretty well. It is one of the best.

Without question, there will be times where certain artists, exhibits and performances will receive funding for art that some people do not like.

I want to remind my colleagues again, however, that this particular performance might not be the subject of national debate if Minnesota's largest daily newspaper had not decided to run a highly inflammatory article—written by a reporter who did not even attend the event—an article published 3 weeks after the event actually took place.

Let me make a careful distinction, Mr. President, between art that may not be universally appreciated and material that is pornographic or obscene.

Let me remind my colleagues that there is a legal process for defining what is and what is not pornographic or obscene—a process that is best left to the experience and the expertise of the courts.

And, there is also a policy I helped create several years ago that requires NEA supported artists who violate local or State obscenity or pornographic statues to return their NEA grants.

I might have less confidence in these legal safeguards, Mr. President, if I had not taken the time to learn more about how funding decisions are made at the Walker and other institutions in Minnesota.

Hindsight is always 20-20. And, it is easy to be critical of performances like the one in question that are, admittedly, aimed at a small part of the artistic marketplace.

But, I also want to assure my colleagues that the Walker Art Center does not employ a process to select programs under which anything goes. Criteria are used, market interests are weighed, and many proposals are turned down.

The Walker Arts Center is one of our Nation's most esteemed museums. The Walker presents over 400 events each year, including some 140 performances.

This year, the Walker will serve over 700,000 people who attend a wide variety of events ranging from performances attended by small audiences in a number of different locations in the community to very large and well attended performances or exhibitions at the Walker's main facility near downtown Minneapolis.

Just 2 weeks ago, 2,500 people filled the Minneapolis Sculpture Garden—adjacent to the Walker—to participate in a free performance of West African music and dance.

Let me repeat, the Walker does not make light of its responsibility as a major cultural center. Decisions about which artists to present are based on both artistic merit and the interests of the diverse community it serves. A community that I am not sure is represented here.

Performances are chosen after careful consideration by seasoned professionals in their respective fields. And, choices are made after long and careful examination of the disciplines involved.

Criteria that the Walker uses in making these choices include the quality of intention and execution, innovation, point of the artist in his or her career, the impact the artist is having on the particular field, added value the performance will bring to the community and other factors that will create a balanced program throughout the entire year.

One indicator of the Walker's reputation is the fact that it organizes presentations that travel all over the world. Its national partners include the Museum of the Contemporary Art in Los Angeles, Museum of Modern Art in New York, the Brooklyn Academy of Music, and the Houston Grand Opera.

I think it is important to remember, Mr. President, that the event that has become the focus of this debate was attended by an audience of about 100 people.

The Walker sought to responsibly inform that audience in advance about the nature of the performance so that they could make their own decisions about its appropriateness.

And, recognizing its own educational mission, the Walker organized a post-performance discussion for the audience, the artist and his company. About 80 percent of the audience stayed to join in what became a vigorous dialogue about the performance and its meaning to those who watched.

For some, parallels with African blood rituals were noted. And, one of the Walker's cosponsors for this event called parts of the performance "a metaphor for people suffering from AIDS."

I said just a moment ago, Mr. President, that I can understand that many individuals might be offended by what they read took place during this particular performance at the Walker. And, I can understand that they may now want to send a message that this type of performance has no business being funded by Federal taxpayers.

But, whatever our feelings might be about any individual work of art or performance, those feelings do not justify the kind of punitive action that would result from the Appropriations Committee recommendation now before us.

My personal preference is to fully restore the 5-percent cut that the committee has recommended.

And at the very least we should remove the targeting feature which result in the wholesale gutting of important parts of the NEA's mission.

Those cuts include a 42-percent reduction in the NEA's Theater Program—a 41.7-percent cut in visual arts.

Among the Minnesota arts organizations and institutions funded last year in these categories are the Cricket Theater, Children's Theater Company and School, Guthrie Theater, Intermedia Arts of Minnesota, Minnesota Opera Company, Illusion Theater and School, Red Eye Collaboration, Minnesota Center for Book Arts, Mixed Blood Theater Company, Playwrights' Center, Inc., Film in the Cities, Center for Arts Criticism, and many, many others, both large and small.

I cannot support a 40-percent cut in grants to these and other arts organizations—not just in Minnesota, but all over America.

That is a lot more than just sending a message. We should not be here trying to legislate or punish the content of art on the floor of the U.S. Senate. I strongly support the amendment offered by my colleague, Senator JEFFORDS, and I encourage my colleagues to do the same.

I yield the floor.

Mr. PELL addressed the chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in strong support of this amendment of the Senator from Vermont. As one who, together with Senator Javits, wrote the original legislation almost 30 years ago, I believe that the cuts in the budget to the National Endowment for the Arts reductions to the National Endowment for the Arts would be a real blow to mainstream arts organizations all around our Nation. In addition, targeting these cuts to the theater and performing-presenting programs would place the existence of many smaller organizations which serve rural and inner city communities in grave jeopardy.

The theater, visual arts and performing-presenting programs have already suffered reductions of between $1 and $2 million in recent years. Under this bill, these programs would each lose over 40 percent of their present Federal funding around our Nation.

For the Trinity Repertory Theater in my own State of Rhode Island, one of the most innovative and important theaters in the Nation, and one which has received significant funding from the Endowment's theater program, this cut would be very severe. A reduction in funding will require the theater to eliminate those programs which do not provide an immediate financial return. In the case of the Trinity Rep, this will mean elimination of the extraordinary Project Discovery Program which brings 18,000 Rhode Island high school students each year to see a theatrical production. Hence, the money cut from the NEA budget would result in a dramatic reduction in the theatrical programs available to lower income citizens that can presently be offered at a reduced price because of Federal aid.

These targeted budget reductions would also end the efforts of the Endowment's Presenting and Commissioning Program to extend grants to rural and underserved areas, would virtually eliminate all theater educational programming and theater-for-youth programs and would eliminate funding for the development of new plays.

Mr. President, the National Endowment has given over 100,000 grants throughout its existence, approximately 4,000 a year. Two or three of those a year have become controversial, including the grant to Walker Institute of Art under the previous Chairperson of the Endowment. While I do not agree with the controversial program that was, in turn, sponsored by the Walker Institute with the Federal funds it received, I am firmly of the mind that cutting nearly half of Federal funding for all our theaters and visual arts around the country is not the best solution and is not in our Nation's best interest. Using a colloquialism, it is throwing the baby out with the bathwater.

I hope that my colleagues will take these concerns into account, along with Ms. Alexander's efforts, to make the Endowment more accessible to applicants from communities around our Nation, and will support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, first of all, let me thank the Senator from Rhode Island who really represents, just as one person, a lifelong commitment to the arts and humanities. Let me thank my colleague from Vermont for the amendment. Let me join in with the remarks of my colleague from Connecticut about the President pro tempore. We had a chance to talk about this particular controversy in Minnesota and really about his love and appreciation of the arts. I have no question at all about the Senator from West Virginia and his commitment to the arts and, in fact, the way in which the arts have affected his own life.

Mr. President, I also want to thank my colleague from Minnesota, Senator DURENBERGER, for his fine remarks. We are justifiably proud of the Walker Art Center. We do not want in any way, shape or form see that work decontexturalized. A focus on one particular performance—agree or disagree—just does not give you a feel for the wonderful work this institution has done.

I read with great interest—and this is very much in the spirit of Senator JEFFORD's amendment—an article in today's Washington Post that described a new round of NEA grants as "showing strong support for arts education, rural and urban underserved populations, programming on public television, museum exhibitions, creative writing and not-for-profit theaters."

Clearly, Jane Alexander is just getting started and we should be supporting her. We are talking about an NEA that has seen its buying power shrink by some 46 percent since 1979. As my colleague from Illinois, my dear friend, Senator SIMON, would say, "We can do better."

This 5-percent cut was not even an across-the-board cut. Specific programs were cut in what I think really could end up being—though I hope some of this money will be restored—even if the authors did not intend it to be so, punitive. I think Senators should know what the potential of some of these cuts are, not in terms of statistics, but in terms of the faces and places of those citizens and organizations that would be affected.

Mr. President, I speak of organizations like Atlanta's Alliance Theater; the Denver Center for the Performing Arts; and the Goodman Theater in Chicago, the Children's Theater Co. in Minneapolis, which reaches tens of thousands of schoolchildren in the Midwest; the Arkansas Repertory Theater which tours the rural South where there is little access to professional theater; the Pittsburgh Children's Festival which serves 100,000 people annually, drawing citizens from throughout the region; the Homer Council on the Arts in Homer, AK, which serves a community of 3,000 by presenting up to 150 artists to 5,500 people annually; or the Wheeling Symphony in West Virginia which offers young people's concerts and a program that reaches 6,000 elementary school students annually.

The list could go on and on, Mr. President. My point is that all of these organizations are in jeopardy of losing all or some of their Federal funding if these cuts go through.

As we all know, the importance of the arts to society goes back to the drawings on the wall of a cave. The arts today can be papier-mache in Mrs. BROWN's third grade art class, or the Bay Area Philharmonic in San Francisco. It can be Native American, African-American, Chicano or Latino. The beautiful thing about the arts, Mr. President, is that its definition is so broad and so encompassing. It is, I believe, a statement of who we are as a society. Art has power. It has the power to heal, it has the power to educate.

I urge my colleagues to not forget the power. I urge my colleagues to not forget the beauty. I urge my colleagues to not forget the importance of the arts to our country, to our society, to our world, to our families, to our children, to our grandchildren, and to our civilization. I hope that one way or another that these cuts will be restored because I think the arts are so enriching, such a positive affirmation of who we are. Therefore, I thank the Senator from Vermont for his amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that Senator HATFIELD be considered as an original cosponsor of the firefighter amendment that the Senate will be voting on at 3:30 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators BAUCUS and BINGAMAN be added as cosponsors thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOPING FOR A SPEEDY RECOVERY

Mr. BYRD. Mr. President, I was advised a little while ago by the Sergeant at Arms that a young man collapsed in the visitors' gallery this morning and that his name was Carlos Worley. The Sergeant at Arms told me that he is a 19-year-old Senate security aide. He was taken to George Washington University Hospital for evaluation, and initial indications seem to be that he suffered from either a collapsed lung or a blood clot in his lung.

I know that Senators hope that the young man will enjoy a speedy recovery and that this matter is not life-threatening.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, the Senator from Vermont proposes an amendment that would reduce all of the accounts in the Interior appropriations bill to restore the NEA to the level requested in the President's budget.

In reviewing amendments proposed to this bill, it has been my policy that across-the-board reductions should not be used as a source of funding to offset desired increases in other programs, and such is the case with this amendment as well. As the Senator from Vermont knows, each appropriations bill is a series of choices, choices as to which programs should be increased and which programs should be decreased, choices involving decisions to increase program funding based on merit, based on need. No program in the bill is guaranteed funding at any particular level from one year to the next.

The Appropriations Committee took a 5-percent reduction in NEA funding over concern about some of the types of art that have been funded in recent years. It is difficult to conceive how some of the controversies that have consumed this appropriations bill can be argued to be examples of the best art that America has to offer or how they pass the test of artistic merit that is to be at the root of each grant decision made by the NEA.

I should say to the Senate that my own personal preference at the time was to reduce the NEA by more than the 5-percent reduction taken in the bill. But I recommended the course of action—after discussing it with other Senators, and particularly with the Senator from Oklahoma [Mr. NICKLES], I recommended the course of action in response to concerns about not affecting adversely some of the very excellent art that also benefits from this bill.

I met with Jane Alexander, the Chairman of the National Endowment for the Arts. I was very impressed with Ms. Alexander and her commitment toward undertaking the necessary reviews and reforms within the NEA grant process to ensure greater accountability of the expenditure of dollars appropriated in the bill.

When I met with Ms. Alexander, she indicated that she was in the process of initiating certain actions and steps and reforms that hopefully will prevent future incidents in which certain performances have created opposition and resistance to appropriations for the arts. I was impressed with her. I was impressed that she was committed to undertaking the necessary reviews and reforms within the process to ensure greater accountability of the expenditure of dollars appropriated in this bill. I expressed to her that I would oppose any amendment in the Chamber that would modify the committee's recommended funding level, whether upward or downward.

So, I must oppose this amendment and take this bill to conference with the House, which has imposed a lesser reduction of 2 percent on the NEA's budget. I also told Ms. Alexander that I would approach the conference with an open mind, both with respect to the ultimate funding level and the distribution of any cuts that might be taken.

Mr. President, I simply want to do what is best for the NEA and for the arts. It is difficult to understand why some of the performances that have attracted so much controversy were funded in whole or in part—mostly in part, I suppose I should say—by the NEA. We have had controversy time and time again, discussed here on the Senate floor. The overwhelming majority of the grants that have been made have been made for wholesome performances.

I do not know of anybody in this body who is a greater supporter of the arts than I am. When I was a boy, my foster father never bought a cap buster for me, or a cowboy suit. He did not have much money. He was a coal miner. He bought a drawing tablet or a water color set or a book. I suppose I am in a position to recall the words from the gardener in Shakespeare's "King Richard II,"

> I shall root away the noisome weeds which, without profit, suck the soil's fertility from wholesome flowers.

So it was not an attempt to destroy the wholesome flowers—and most of the NEA's budget consists of arts that might be categorized as wholesome flowers—but it was an attempt clearly to indicate that there has to be a painstaking effort, a more conscientious effort to root away the problems that "suck the soil's fertility from wholesome flowers," and have created the controversies and caused so much criticism. In the hopes that that message could be received and heard, which I believe it has been, the action was taken by the committee. I hope that we will give Jane Alexander a chance to promote a better image for the National Endowment for the Arts. I believe she will. I was impressed by her sincerity, by her conscientious attitude, by her demeanor, and by her words. I want her to make good, because if she makes good, the country makes good, and the NEA makes good. And perhaps the sooner she succeeds, the sooner we will not have to face amendments cutting funds for the NEA in the committee, in the Chamber, and in conference.

May I say to my friends who have proposed the amendment, fish and wildlife construction was cut 38.1 percent; fish and wildlife land acquisition has been cut 22.9 percent; Park Service construction has been cut 15.5 percent; Park Service land acquisition has been cut 13.6 percent; Geological Survey Service, 2.2 percent; Bureau of Mines Operations—which is no small matter to this Senator—cut 10.1 percent; Bureau of Indian Affairs construction, 26.2 percent; Forest Service construction—also very important to States like West Virginia—cut 13.3 percent; Fossil Energy Research and Development, cut 2.6 percent; strategic petroleum reserve, cut 25.9 percent; Indian Health construction, cut 14.6 percent.

The subcommittee is operating with $336 million less than budget authority in fiscal year 1994.

Taking into consideration the overall constraints that we have had placed on us, Mr. President, I believe that the NEA cut that we are talking about is reasonable. I close by saying that I want to be helpful to Ms. Alexander, and not hurt her, and not hurt legitimate and worthwhile grants for the arts' "wholesome flowers."

I yield the floor.

VOTE ON AMENDMENT NO. 2395

THE PRESIDING OFFICER. Under the previous order, the hour of 3:30 having arrived, the question occurs on amendment No. 2395, offered by the Senator from West Virginia [Mr. BYRD]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Utah [Mr. HATCH], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—92

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—0

NOT VOTING—8

Bennett
Boxer
D'Amato
Harkin
Hatch
Kennedy
Metzenbaum
Specter

So, the amendment (No. 2395) was agreed to.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator from Vermont, Mr. JEFFORDS, be recognized for not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont is recognized for 2 minutes.

AMENDMENT NO. 2397

Mr. JEFFORDS. Mr. President, I rise for the purposes of letting everyone who would vote on my amendment know what I attempt to do with it.

I have an amendment pending which would restore funding to the NEA, and apply that restoration—to achieve the offset—as an across-the-board percentage cut to all programs in the bill. This would happen rather than gutting certain NEA programs by 40 percent.

Also pending is the Helms amendment, which is a broad censoring amendment which would attempt to prevent the kind of event that occurred in the Minnesota theater. We heard assurances earlier from the Senator from West Virginia that he was working with Jane Alexander of the Endowment. He intended that the purpose of his cut was to fire a shot across the bow to warn that further things should not occur. The House has approved only a 2 percent across-the-board cut.

I am placing my confidence in the Senator from West Virginia that his method of working with the Endowment will be much more successful and certainly much more desirable than adopting a broad censoring amendment, and a vote on my amendment.

Therefore, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

So the amendment (No. 2397) was withdrawn.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

AMENDMENT NO. 2396

Mr. BUMPERS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Helms amendment.

Mr. BUMPERS. Mr. President, I move to table the Helms amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas to lay on the table the amendment of the Senator from North Carolina. On this question, the yeas and nays have been ordered, and the Clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts [Mr. KENNEDY] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], and the Senator from Pennsylvania [Mr. SPECTER] are necessary absent.

The PRESIDING OFFICER (Mr. CAMPBELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 42, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boren
Bradley

Bryan
Bumpers
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Glenn
Graham
Gregg
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NAYS—42

Bond
Breaux
Brown
Burns
Byrd
Coats
Cochran
Coverdell
Craig
Domenici
Exon
Faircloth
Ford
Gorton
Gramm
Grassley
Hatfield
Helms
Hutchison
Johnston
Kempthorne
Kohl
Lott
Lugar
Mack
Mathews
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Sasser
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop
Warner
Wofford

NOT VOTING—9

Bennett
Boxer
D'Amato
Dole
Harkin
Hatch
Kennedy
Metzenbaum
Specter

So the motion to lay on the table the amendment (No. 2396) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Mr. Byrd is recognized.

Mr. BYRD. Mr. President, in an effort to expedite matters, I have discussed the following request with the principals involved.

I ask unanimous consent that Mr. McCain be recognized to call up an amendment—I believe it is an amendment to establish land acquisition criteria—that there be 5 minutes thereon, after which a vote occur; and I ask unanimous consent that it be in order to order the yeas and nays at this time.

Mr. NICKLES. Reserving the right to object. I wonder if it might be possible if we go to Senator Baucus or give us about another 5 minutes on Senator McCain's amendment?

Mr. BYRD. I withdraw that request.

Mr. President, I ask unanimous consent that Mr. Baucus be recognized to call up an amendment on which there be no more than 5 minutes to be divided in accordance with the usual form, which means that Mr. Baucus gets 5 minutes and I get 10 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Then an amendment by Mr. McCain, having to do with establishment of land acquisition criteria on which he have 5 minutes, after which a vote will occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at this time on the amendment by Mr. McCain.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the amendment by Mr. McCain.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. McCain, Mr. Bumpers be recognized to call up an amendment, on which a time agreement was entered earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. President, I ask unanimous consent that no second-degree amendments be in order to either the Baucus amendment or the McCain amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that the appropriate amendments be set aside to accommodate the offering of these two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

AMENDMENT NO. 2398

(Purpose: To require a period of review of proposed regulations relating to law enforcement activities of the Forest Service)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. Baucus] proposes an amendment numbered 2398.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

None of the funds made available to the Forest Service under this Act may be used by the Secretary of Agriculture to prescribe and implement regulations relating to law enforcement activities of the Forest Service, unless, notwithstanding section 553 of title 5, United States Code, not later than 90 days before the date on which the Secretary prescribed final regulations relating to such activities, the Secretary provides a copy of proposed regulations relating to such activities to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives for review and comment by such committees.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I am proposing an amendment that allows the House and Senate Agriculture Committees 90 days to review and comment on any regulations the Forest Service issues relative to law enforcement before those rules become final. This amendment is about letting people enjoy the forest, something the Forest Service seemed bent on stifling when it issued draft enforcement regulations this past February. At 50 pages in length, these regulations read like a chapter from George Orwell's "1984."

On the surface, the new rules seem to prohibit swearing, making unreasonable loud noises, collecting rocks or fossils, or discharging or possessing a firearm on national forest land.

Surely our district forest rangers have better things to do than read a 50-page bureaucratic treatise on prohibited human behavior and then patrol the woods to make sure that no one is making unreasonably loud noises. This is Big Brother at its worst. Folks are sick and tired of Federal bureaucrats regulating every imaginable human activity. What are our national forests for, after all, if you cannot pick up a rock, use a firearm for target practice, or legally hunt, and even let off steam and yell a little bit in the woods?

To be honest, I felt like going to the Forest Service headquarters and yelling a little bit myself and try to knock some sense into them.

Forest Service Chief Jack Ward Thomas apparently agrees. This past April, several of my colleagues joined with me in writing Chief Thomas to protest these rules. He subsequently withdrew them and proposed to write a new set. For that I commend him.

This next time around, however, I believe we owe it to the public to make sure that the regulations are narrowly tailored and do not prohibit legitimate activities in our national forests.

This amendment will give Congress the opportunity to make sure that Big Brother is not elbowing the public off the public lands in the future.

Mr. President, I think it is a good amendment, and I urge my colleagues to support it.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am willing to accept the amendment on this side.

Mr. NICKLES. Mr. President, we reviewed the amendment. I compliment the Senator from Montana, and we have no objections to the amendment.

Mr. PRESSLER. Mr. President, I am pleased to join my colleague Senator Baucus in offering this amendment. The amendment calls for a 90-day comment period before the U.S. Forest Service promulgates final law enforcement regulations.

When the Forest Service first proposed new law enforcement regulations, many South Dakotans contacted me saying their rights would be violated by the restrictive new rules. After reading the proposed regulations, I agreed with my constituents.

In April of this year, Senator BAUCUS and I and other Senators wrote to the Chief of the U.S. Forest Service urging him to withdraw the proposed regulations. I ask unanimous consent that a copy of that letter be printed in the RECORD at this point.

Mr. President, the proposed regulations simply were too subjective to be enforceable. There was concern about the impact the proposed regulations would have on multiple-use practices. Another concern was the fact that the proposed regulations would prohibit the collection of all fossils.

This was considered an infringement on the rights of amateur collectors not only in South Dakota, but in all States where there are Forest Service lands. These amateur collectors long have made numerous contributions to science. Prohibiting their activities on Forest Service would mean a step backward in scientific advancement.

The Forest Service agreed to our request to withdraw the new regulations. They were withdrawn just this past May. The amendment currently before the Senate will assure ample time for public input on any final law enforcement regulations issued in the future by the U.S. Forest Service. It is a sensible amendment and I urge its adoption.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 21, 1994.

Mr. JACK WARD THOMAS,
Chief, U.S. Forest Service, Washington, DC.

DEAR CHIEF THOMAS: We are writing to ask you to withdraw the proposed rule of the U.S. Forest Service regarding Prohibitions; Law Enforcement Support Activities, 36 CFR Parts 261 and 262 (Federal Register, February 16, 1994).

We appreciate the need for the National Forest Service to revise regulations governing prohibited acts on Forest Service lands. Clearly there is a need to update existing Forest Service policy for a variety of reasons, including making policy consistent with current enforcement laws. However, the proposed rule as written broadens existing Forest Service policy well beyond what is necessary. This broad-brush approach may well result in increased enforcement costs to the Forest Service, despite the increased level of fines specified in the rule.

The proposed rule is simply too subjective to be enforceable. It is hard for us to justify to our constituents how Forest Service personnel can impose charges and fines for many of the prohibited acts listed in the proposed rule. Enforcement of some provisions would seem to rely on highly subjective judgments—for example, "unreasonably loud noises", or "interfering with any person." These and other prohibited acts are not defined with specificity.

There is considerable concern throughout the country of the impact the proposed rule would have on multiple-use practices. There also is a concern that the proposed rule would prohibit the collection of all fossils. We ask that this provision be withdrawn as a prohibited act.

Again, we wish to work with you in revising Forest Service enforcement policy. The proposed rule goes too far in many areas, and we ask that if be withdrawn so we can work together to develop a better approach.

Sincerely,
SENATOR MAX BAUCUS.
SENATOR THOMAS A. DASCHLE.
SENATOR LARRY PRESSLER.
SENATOR LARRY E. CRAIG.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2398) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

AMENDMENT NO. 2399

(Purpose: To require certain Federal agencies to prepare and submit to Congress rankings of the proposals of such agencies for land acquisition)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2399.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 89, between lines 13 and 14, insert the following:

SEC. 312. (a)(1) The head of each agency referred to in paragraph (2) shall submit to the President each year, through the head of the department having jurisdiction over the agency, a land acquisition ranking for the agency concerned for the fiscal year beginning after the date of the submittal of the report.

(2) The heads of agencies referred to in paragraph (1) are the following:

(A) The Director of the National Park Service in the case of the National Park Service.

(B) The Director of the Fish and Wildlife Service in the case of Fish and Wildlife Service.

(C) The Director of the Bureau of Land Management in the case of the Bureau of Land Management.

(D) The Chief of the Forest Service in the case of the Forest Service.

(3) In this section, the term "land acquisition ranking", in the case of a Federal agency, means a statement of the order of precedence of the land acquisition proposals of the agency, including a statement of the order of precedence of such proposals for each organizational unit of the agency.

(b) The President shall include the land acquisition rankings for a fiscal year that are submitted to the President under subsection (a)(1) in the supporting information submitted to Congress with the budget for the fiscal year under section 1105 of title 31, United States Code.

(c)(1) The head of the agency concerned shall determine the order of precedence of land acquisitions proposals under subsection (a)(1) in accordance with criteria that the Secretary of the Department having jurisdiction over the agency shall prescribe.

(2) The criteria prescribed under paragraph (1) shall provide for a determination of the order of precedence of land acquisition proposals through consideration of—

(A) the natural resources located on the land covered by the acquisition proposals;

(B) the degree to which such resources are threatened;

(C) the length of time required for the acquisition of the land;

(D) the extent, if any, to which an increase in the cost of the land covered by the proposals makes timely completion of the acquisition advisable;

(E) the extent of public support for the acquisition of the land;

(F) such other matters as the Secretary concerned shall prescribe; and

(G) the total estimated costs associated with each land acquisition.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. MCCAIN. I thank the Presiding Officer.

Mr. President, I rise to offer an amendment which would require land management agencies such as the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service and Forest Service to submit a prioritized list of land acquisitions with the President's budget each year.

This amendment will provide information to Members of Congress which will help them to evaluate the hundreds of millions of dollars in land acquisitions made each year. Please allow me to explain my reasons for offering this amendment.

Over the years Congress has wisely taken steps to preserve our natural heritage. In many instances this has been done through management efforts without the purchase of land. However, when appropriate Congress has directed the Federal Government to acquire land for preservation or recreation activities. We have protected many remarkable natural areas through the establishment of national parks, monuments, wilderness areas, wildlife refuges, national scenic areas and other conservation efforts.

While there is no shortage of areas in this beautiful country to be preserved, there is a limited amount of funding available to accomplish these goals. As a result, our Nation has a nearly $5 billion backlog in land acquisitions for both the Department of Interior and the Department of Agriculture. When compared to an annual acquisition budget of around $215 million, it is obvious that Congress faces a difficult and daunting challenge to match the preservation efforts established by law.

Because of this extreme backlog we must be prudent without limited funding and purchase land in a priority based upon the resources that are being protected.

Each year as the President's budget request is reviewed by Congress, it is often modified. Some projects recommended by the agencies are deleted, increased or decreased and others which are not requested are added to the list.

It is our constitutional duty to review the President's budget request and to make changes as we see fit. My amendment is intended to help members make those decisions by providing information on the resources and ecological values of the land being purchased.

Specifically, the bill requires each of the land management agencies funded by the Interior Appropriations bill to include a prioritized list of the land acquisitions with the President's budget request. The amendment sets forth some general criteria to be used by the agencies in developing the list but, it also directs the agencies to develop other appropriate criteria. Criteria established by the amendment include the natural resources on the land, the degree to which resources are threatened, the length of time required for acquisition, the extent to which an increase in the cost of land may make a timely acquisition more cost effective and the extent of public support.

What we would ask the agencies to do in this amendment is not new. Several of the agencies already produce these types of rankings when developing the President's budget request. The Bureau of Land Management, the Fish and Wildlife Service and the Forest Service all compose priority based lists. In the case of these agencies, we will be merely codifying actions they already take.

Unfortunately, the National Park Service does not provide their list in priority order. Because of this Members have no way of determining how acquisitions interrelate.

Mr. President, the purpose of the amendment is to try to make sense out of the myriad demands on the Federal budget for the acquisition of land, whether it be for national parks or wilderness areas or other areas. I think what this will do is bring order and allow the Congress to best determine how the process should proceed.

I feel that this is not a critical item, but it is one that I believe will be a very important source of information for Congress as we decide on how our natural resources can best be preserved, which is the goal of the entire Congress.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment our colleague, Senator McCAIN from Arizona, for his amendment because he is basically saying to these various agencies that are involved in land acquisition to put some priorities and also let us know what their goals are and how much it is going to cost.

Some of these land acquisition proposals, Mr. President, as you know being from a Western State, may come in kind of small initially, but there may be no end to how much they might cost. In other words, we might purchase 100 acres and find out this is the first 100 acres of a 3,000 acre project in very expensive land.

We should know from the beginning how much these land acquisition costs are estimated to be and we should prioritize so we should know, when we have scarce or limited resources, how best to use those resources. I think that is what the amendment of the Senator from Arizona is trying to accomplish. I think it is a big step in the right direction, and I compliment him on his amendment.

I urge its adoption.

Mr. BYRD. Mr. President, if I can have half a minute from the Senator's time.

Mr. McCAIN. Mr. President, I yield the Senator from West Virginia whatever time he may need.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Senator. I join with Mr. NICKLES in complimenting the Senator from Arizona on his amendment. On this side, I wish to express support for it. It is my understanding the vote has already been ordered on it, if or when it were done. I am ready to vote. I think it is a good amendment.

Mr. NICKLES. Will the chairman of the committee yield for one other observation?

Am I correct, Mr. President, that we are also soliciting all Senators, if they have additional amendments, if they will please notify us so we can, at least by the conclusion of the Bumpers amendment, have a finite list of amendments so we might have that ordered tonight?

Mr. BYRD. The Senator is correct. Mr. President, on this side, we have run the hot line some days ago, and we have a list of the amendments that remain. Most of them, I think, will go away. But I hope that we can at the close of the rollcall vote be in a position to perhaps take a look at the list and, hopefully, get consent to close the list. If we can do that, then we will not have any more rollcall votes tonight.

Mr. HELMS. Will the Senator yield?

Mr. BYRD. Mr. BUMPERS is to be recognized immediately after the vote on the McCain amendment.

Mr. HELMS. I will advise the managers of the bill that I have one final amendment, and I will accept a time limitation of 20 minutes equally divided, or whatever anybody proposes.

Mr. BYRD. Twenty minutes?

Mr. HELMS. That will be satisfactory with me.

Mr. BYRD. All right. While the vote is going on, I will discuss this with the Senator.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. All time on the amendment has expired. The question occurs on agreeing to amendment No. 2399 offered by the Senator from Arizona. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. BOXER], the Senator from Iowa [Mr. HARKIN], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Maryland [Ms. MIKULSKI], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], the Senator from Utah [Mr. HATCH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming, [Mr. WALLOP] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 0, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—89

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—11

Bennett
Boxer
D'Amato
Dole
Harkin
Hatch
Metzenbaum
Mikulski
Specter
Stevens
Wallop

So the amendment (No. 2399) was agreed to.

Mr. BYRD. Mr. President, I believe that under the order previously entered, Mr. BUMPERS is now to be recognized to offer an amendment.

I ask unanimous consent that the 1 hour on the amendment be equally divided between Mr. BUMPERS and Mr. REID.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. REID. Will the chairman yield?

Mr. BYRD. Yes.

Mr. REID. Mr. President, I would like to have——

Mr. NICKLES. Reserving the right to object—I would like to withhold a moment.

Mr. REID. What I would like to do is allot the time that has been set aside for myself and Senator BUMPERS.

Mr. BYRD. Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. REID. Mr. President, what I would like to do is——

Mr. BYRD. I am standing 10 yards from the Senator, and I cannot hear him. It is not because I need a hearing aid; I do not.

Mr. REID. I would like to divide up the 30 minutes set aside for those in opposition to the Bumpers amendment as follows: 9 minutes to Senator REID; 9 minutes to Senator CRAIG; 4 minutes to Senator BYRD; 4 minutes to Senator MURKOWSKI; 4 to Senator BRYAN.

I ask unanimous consent that the time be divided in that manner.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Will the chairman of the Appropriations Committee yield?

Mr. BYRD. Yes.

Mr. NICKLES. Mr. President, I just say to my friend and colleague, Senator BYRD, we have hotlined to all of our colleagues, requesting if they have amendments to please notify us. We have had a good response—maybe too good of a response. I urge my colleagues, again, as we are trying to finalize that list, to let us know of any amendments. It would be my expectation that shortly after the conclusion of the debate on the Bumpers amendment, we will try to come up with a finite list of amendments.

Mr. BYRD. That is very encouraging. I thank the distinguished Senator.

Does the Senator from New Jersey rise to inquire of me?

Mr. BRADLEY. I would state to the chairman that I am prepared to offer an amendment on advanced computational technology initiative. We have talked about this, and I am in a discussion with the Senator to try to see if we can do that first thing tomorrow morning.

Mr. BYRD. Does the Senator have any idea how much time he would need?

Mr. BRADLEY. About 45 minutes, equally divided, would be sufficient. I am prepared to enter into a time agreement of that dimension.

Mr. BYRD. Equally divided, 45 minutes?

Mr. BRADLEY. Yes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the amendment of 50 minutes, to be equally divided in the usual form.

Mr. BRADLEY. Reserving the right to object. Can we lock that in as the first amendment tomorrow morning?

Mr. BYRD. Very well. I ask further that there be no amendment in the second degree in order, and that the amendment be laid down tonight at the close of business, the time to start running in the morning.

Mr. BRADLEY. I do not know what time we are going to end. If I can say to the chairman, I prefer to lay it down at 9:15 tomorrow morning.

Mr. BYRD. Very well. I make that request—I withhold that request temporarily.

Mr. President, I ask unanimous consent that the amendment by Mr. BRADLEY be automatically placed before the Senate at 9:15 tomorrow morning and that there be 50 minutes of debate thereon, to be equally divided in accordance with the usual form, and that a vote occur thereon upon the reconvening of the Senate following the joint session and the luncheon tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that it be in order to order the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on or in relation to the amendment by Mr. BRADLEY.

The PRESIDING OFFICER. Is there a sufficient second.

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Senators.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Arkansas, Mr. BUMPERS, is recognized.

AMENDMENT NO. 2400

(Purpose: To restrict the use of appropriated funds for patenting pursuant to the general mining laws)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. JEFFORDS, proposes an amendment numbered 2400.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48 line 16, strike all after the words "SEC. 112." and insert the following:

"If the House-Senate Conference Committee on H.R. 322 fails to report legislation which is enacted prior to adjournment of the 103d Congress sine die, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

"SEC. 113. The provisions of section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 25, 26 and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date."

Mr. BUMPERS. Mr. President, we only have a total of 1 hour of debate to discuss what continues to be easily the greatest scandal in America. You read every day in the newspapers about a little scandal here and a little scandal there. They are all just peanuts compared to the 1872 mining law.

Mr. President, since 1872, the U.S. Government has deeded 3,244,000 acres of land for $2.50 or $5. Those are called patents.

Anybody who wanted to, for the last 122 years, could go out and stake a claim on 20 acres of public land and search for and mine minerals located on those claims. Occasionally, they would find something, and they would file an application with the Interior Department which essentially said: "I found gold under this land. Give me a deed to it." The Interior Department, after verifying the information in the application, granted those deeds.

Under the mining law, we have given away, for $2.50 or $5 per acre, more land than exists in the entire State of Connecticut. According to the Mineral Policy Center, more than $261 billion worth of gold and other hard-rock minerals, such as platinum, palladium, silver and copper, have been mined on land deeded for $2.50 or $5 an acre.

And, Mr. President, what do you think the taxpayers of this country received in return for their minerals? Do you know what they received in return? Absolutely nothing, not even a dime.

I have been fighting this battle on the floor since 1990. In 1990 I stood on the floor and said: "No more. Let us impose a moratorium to prevent the deeding of any more of our land pending passage of legislation which would comprehensively reform the 1872 mining law. I lost that amendment by two votes—48 to 50. Four days later the Stillwater Mining Co. filed applications with the Interior Department seeking patents on more than 2,000 acres of land in Montana. They have since received first-half-final-certificates on those applications, which may mean that the company is legally entitled to the patents for which they have applied.

Do you know what the Stillwater Mining Co. told the Department of the Interior was under that 2,000 acres of land which we will give them for $5 an acre? According to their own statistics, under today's prices the mine contains $38 billion worth of platinum and palladium. And what do the taxpayers of this country get, the taxpayers of this country who are laboring under a $4 trillion national debt, in return for this 38 billion dollar worth of platinum and palladium? Absolutely nothing.

Mr. President, since I lost that first patent moratorium amendment by 2 votes, 438 patent applications covering 151,680 acres have been filed, and 252 first-half-final-certificates have been issued. Sixty-four patents, covering 11,170 acres of public land, have actually been granted since 1990. In exchange for that 11,170 acres, under which lies more than $11 billion worth of gold and other hard-rock minerals, the taxpayers received $55,000 in return. This issue reads like a bizarre Russian novel.

According to the Mineral Policy Center, the 30 most valuable mines subject to pending patent applications, contain hardrock minerals worth in excess of $34 billion. This estimate includes the patents recently granted to Barrick Resources by the Secretary of the Interior, under court order.

While Barrick Resources, a Canadian company, allegedly can't afford to pay the Federal Government a royalty on its mineral production, they pay a 4 percent net smelter return and 5 percent net profit interest royalty to the Franco Nevada Gold Co. Barrick did not look for, and find, the gold themselves, they found someone else who had, and bought the claims from them presumably in exchange for cash and the promise of a handsome royalty.

But when poor old Uncle Sugar says: "How about me; after all, it is my land; it is my minerals; how about giving me a modest royalty", the mining companies say: "Sorry; we would have to shut down our mines and go out of business. All these people would lose their jobs if we had to pay the Federal Government a royalty." This is nothing more than pure hypocrisy.

Eighteen months ago, the price of gold in this country was $333 per ounce; today it is approximately $385, $52 more than it was 18 months ago, at the beginning of the 103d Congress.

If the mining companies had to pay an 8-percent royalty, an 8-percent royalty, they would still receive $22 an ounce more than they would have 18 months ago, in the absence of a royalty. And they still make the same arguments. They still say: "We will go broke. We are going to have to lay off all these people." Eighteen months ago platinum was selling for $356 an ounce; today it is nearly $417 per ounce. And Stillwater says: "if we have to pay a royalty, we are going to shut our doors and throw all these people out of work."

American Barrick Resources Corp. recently reported that, for the last 6 months, they had revenues in excess of $394 million. And what do you think their net profit was for that same time period? It was $122.8 million.

There is probably few, if any, other companies in America that reported that kind of return on those kinds of sales. And we gave them $11 billion worth of gold and said: "Please, do not shut your doors. Please, do not lay anybody off."

There has never been a more appropriate time to refer to Uncle Sam as Uncle Sucker than now.

Do you know what else is really interesting? Mining companies pay both royalties and severance taxes when they mine on State lands. One of my principal adversaries in this debate is from the State of Wyoming. If you mine gold, silver or trona on lands belonging to the State of Wyoming, you must pay a royalty of 5 percent of gross sales. But if Uncle Sugar said, "I would like to receive a little money for mining on my land," the mining companies argue: "No, I cannot do that. I would have to shut the doors and lay everybody off."

If you mine on State land in Utah you have to pay a royalty of 4 percent of the gross value on nonfissionable metalliferous minerals and you also will pay a 2.6 percent severance tax on top of that.

How about Uncle Sugar? It is our land. Why can't they pay us something like that? The mining companies say: "Can't do it. We would just have to shut the doors."

The Newmont Mining Co. pays an 18-percent royalty on private land in the State of Nevada, just several miles from where Newmont and Barrick are mining on Federal land. How is it that Newmont can pay a private owner 18 percent but cannot pay poor, old Uncle Sam a penny? "Can't do it; just have to shut our doors if we did that", they respond.

You know, the American people are upset about a lot of things. They are upset about a lot of the wrong things. They are not upset about this outrage because they do not even know it exists. That is a pity Mr. President.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes and 40 seconds.

Mr. BUMPERS. Mr. President, I yield myself 3 more minutes.

If you mine in Arizona, Montana, Utah, Wyoming, and almost any other Western State, on State-owned land, you are going to pay handsome royalties.

In Oregon, a family operating a sand-mining company purchased 780 acres of sand containing silica in the National Dunes Recreation Area under the 1872 mining law for $1,950. They are now negotiating to sell the land back to the Federal Government for $12 million. Let me repeat that. The United States deeded 780 acres worth $12 million to a family for $1,950.

Once we give people deeds to land under the mining law they can do whatever they want. They could sell it for $4,000 and $5,000 an acre for a ski resort. They can build summer homes on the land. They do not need to mine it.

Mr. President, as I said in my opening remarks, you cannot say what really needs to be said about this issue in such a short time, but I can tell you it is a scam of mammoth proportions. How much longer is this going to be permitted, Mr. President?

The PRESIDING OFFICER. The Senator has used his 3 minutes.

Mr. BUMPERS. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have been involved with the senior Senator from Arkansas on this matter for 4 or 5 years now. I do not think we have had more contentious debates on any issue since my time in the Senate, now 8 years, than on this issue.

But I think it is fair to say that the Senator from Arkansas has been tenacious, as he has on other things he has been involved in, like park concessions, the space station, and other things of that nature. I have told him personally, and I say here on the Senate floor, even though we disagree on issues, I have nothing but respect and admiration for his tenacity and his advocacy.

I do say, though, Mr. President, that we need to look at the facts. The facts indicate that we have been willing, those of us that oppose the amendment of Senator BUMPERS, on a number of issues, we have been willing to make changes.

In fact, last year, this body passed a patent reform measure. The amendment indicated that those obtaining patents would pay fair market value for the surface rights of the land because, of course, we do not know what is under the land. There would have been a reversionary clause that, if someone used the property for anything other than mining, it would revert back to the Federal Government. There was a bonding provision in that amendment that passed last year.

We have established a holding fee on unpatented land. Now people have to pay $100 per claim. There have been significant changes that we have agreed to in this body.

However, those that want to really whack the mining industry want all or nothing. The problem is they keep getting nothing because they are not willing to be reasonable because there is only so much the mining industry can do.

The reason I say that is, we need only look at the facts. In Australia and countries like South America, Mexico, and Canada, they have tried the same approach suggested by the senior Senator from Arkansas. As a result of that, they basically have no mining industry. It is gone.

Some of these countries have gone back and are now trying to change their laws which, in effect, prohibited mining from taking place. As a result of their looking at their laws and in some instances changing their laws, countries like Mexico now are a big draw for mining companies, and there are a lot of opportunities that are now taking place in Mexico.

People are now leaving the United States as a result of the uncertainty caused by my friend, the senior Senator from Arkansas, because mining companies do not know what is going to happen. As a result of that, they are leaving because the industry here is no longer stable.

The minerals industry is important to the United States. It is one of the few areas that we have had a positive balance of trade. We have had a positive balance of trade with gold exportation since 1989. We have jobs in the mining industry, almost 400,000 in the United States. The metals industry alone provides 45,000 jobs. The gold mining-related employment totals 79,000 jobs. In Nevada alone, there is about 14,000 jobs, and many other Western States have significant numbers of people employed in the mining industry.

The average mining employee's salary in Nevada, Mr. President, is almost $32,000 a year. The highest paid blue-collar workers in Nevada and in the West are in the mining industry.

Indirect revenue to the State of Nevada as a result of mining is over a half-billion dollars. At this time, the United States is the number two gold-producing nation in the world. But we are not going to maintain that as a result of the things I have indicated before.

The U.S. gold industry grew faster than Government employment in the 1980's and early 1990's. In the United States, the gold industry has seen a 186-percent increase in employment between 1980 and 1992. The mining industry in Nevada has created—I indicated 14,000 jobs directly—about 40,000 jobs indirectly. And they are the best jobs.

As a result of the unfavorable business climate that I have talked about, many prominent mining companies are simply leaving. That is a fact.

I spoke recently to a woman who came back here representing women in mining. She indicated to me this would be her last trip back. I said "Why?" She said, "I cannot find a job in the United States." She is a geologist, with specialties in mining. Her husband is a mining engineer. They are both going to China. They both have 3-year contracts in China. She could not find a job in the United States, someone who has been in the industry for over 10 years, certainly somebody that knows the business.

My friend from Arkansas talks about all this money being made by the minerals industry. He compares this to some of the facts he has on this chart.

The fact of the matter is that $11 billion and $10 billion on these charts behind me are really guesses that somebody made. And I do not know who that someone was. No one knows what is under the ground. That is why we have exploration.

I suggest that copper industry is really on shaky legs. The copper industry left the United States in the late 1970's. They have just been coming back. If we pass a royalty they cannot pay—it will not take much and it will put them flat out of business.

The palladium industry, the Stillwater Mine my friend from Arkansas talks about, that was established in the State of Montana as a result of Government insistence. We did not have palladium in the United States. We really had to look hard to find it. It is one of the essential minerals we have. It is needed in many things. It is needed most of all in the defense industry. We had to import our palladium from the Soviet Union and we were really concerned because that country was in a state of social crisis, as was South Africa where we imported most of it. As a result of that, the Stillwater Mine was opened. I am very happy that the Stillwater Mine is in operation. But if anyone thinks that mine is going to make money automatically, they are wrong. It is a very marginal production.

So the mining industry is important. All parts of it are important. And it is important we do not run the mining industry out of the United States. My friend, the senior Senator from Idaho, is going to speak at some length during his time allotted about what we have done to try to work something out with the responsible parties in this body. We are attempting to come to a good-faith compromise so the conference report between the House and the Senate will be meaningful.

We want certainty. The mining industry wants certainty. The State of Nevada wants certainty. The people who work in those mines want certainty. We can only get that if we get a bill out of this Congress. Therefore, it is important that everyone understand we are trying to work out a fair and reasonable compromise.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, Senator CRAIG has 9 minutes; Senator BURNS, 4 minutes; Senator MURKOWSKI, 4 minutes; Senator BRYAN, 4 minutes.

If we do not take it now we lose it. So whoever would like to speak should do that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I rise today to speak on the proposed patent moratorium amendment to the Interior appropriations bill as offered by my distinguished colleague from Arkansas. Although I admire his tenacity on this matter, I do not think he comprehends the tremendous consequences of his amendment on Montana and other Western States.

I believe that if my colleague were to visit Montana, he would discover that there is no need for his amendment. We already have a moratorium on mining patents. Through his war on the West, Secretary of the Interior Babbitt is singlehandedly holding up new mining operations in my State and in this country. With all due respect to the Secretary, we have not seen anything like him since Butch Cassidy and the Sundance Kid.

Uncertainty over mining law reform has already taken its toll in Montana. During the past 2 years, a number of mining companies have suspended or reduced operations in my State, resulting in the loss of hundreds of good-paying jobs. This month, I received a very disturbing letter from Pegasus Gold Corp. This important company will close its Butte, MT, and Reno, NV, offices and suspend all exploration activities in the United States, within the next year, moving them to South America. Pegasus cites the threats of mining law reform legislation and unfriendly treatment by our Government agencies as their main reasons for this unfortunate decision.

An economic analysis prepared by the Evans group shows that nationally, anywhere from 6,700 to 26,000 jobs could be lost if we are not careful about which reforms we enact. In addition, this same study shows that tax revenues will fall anywhere from $249 to $1.2 billion, having a major impact on mining dependent communities and local, State, and Federal Governments.

The exodus of the mining industry from Montana and elsewhere in the United States is a direct result of the fear within the industry as it contemplates severe mining reforms like this one which has been offered by my colleague from Arkansas. Will the Senate do to the mining industry what we have done to the domestic oil industry, the domestic private aircraft industry, and the boat industry? Are we happy to see our best paying jobs in America continue to go overseas? I hope not.

We have heard a lot lately from the Secretary of the Interior and some of my colleagues here in the Senate about scams, ripoffs, and so forth. Well there is no scam or ripoff taking place in Montana, Nevada, Idaho, Wyoming, or any other place in the Western United States where mining is conducted. I will tell you what there is though—a whole lot of hard-working folks supporting their families, their churches, their schools, their grocery stores, fire departments, and everything else that keeps hundreds of mining families and communities in the West alive.

Are there abandoned mines and Superfund sites that are old mining claims? Heck, yes, but there are Superfund sites across the country that have resulted from any number of commercial activities which took place before technology allowed us to operate in a manner that guarantees certain levels of environmental protection.

We hear all the time about the horror story mines—the ones that are left over from some former mining era. But you never hear about the good mining operations—and there are lots of them. Occasionally, someone will point out that there are one or two mines that are environmentally responsible. Well, these are not the exception. Today, they are the rule. Mines that are coming on line have to meet those kinds of rigorous standards and they do it.

Yes, there are lots of abandoned mines dotted across the West. And you know what? There are lots of abandoned farms and small businesses that have been abandoned too. And you know why? I can guarantee you that it has a lot of do with excessive regulations and mandates from Washington, DC, that were simply too much for them. And there will be more abandoned mines unless we stop passing or threatening to pass unreasonable mining reform laws that put people out of business.

There is a way to reform the mining law, generate some revenue, and guarantee environmental standards without putting the mining industry out of business, and I support those efforts wholeheartedly. But the best place to consider mining reform is not here. It should take place in the ongoing conference on mining reform where the effects of this legislation on Montanans and folks all across the country can best be considered.

Mr. President, we have been through this debate before with the Senator from Arkansas, who has probably been as tenacious about this issue as anybody I have seen, and stays on it and stays with his figures. I would have to say, "Yes, there have been 3 million acres, as a result of the National Mining Act, 3 million acres deeded into private hands."

Does anybody want to venture to say how many acres were delivered into private hands under the Homestead Act? The whole State of Arkansas was; at 50 cents an acre as a result of the Louisiana purchase—the whole State.

I do not know what it cost. It cost maybe about 50 cents an acre. Those are land-tenure laws. It was given and we can feed this country and many other countries as a result of it, because of two things. No. 1, this society is free. No. 2, we can own land. We can own it and make it produce.

But all at once in some way or other in this country, those people who produce wealth, produce jobs, have become bad people. Why? If there were not a land-tenure law there would be no mining there at all.

I will ask consent that an editorial that was written in the Denver Post by Ed Quillen, who is far from the right side of the spectrum, be printed in the RECORD. What he is saying basically is the elitists do not want us to make our land produce. They want to come west and they want to see everything pristine. But there have to be servants to clean their swimming pools and to work in their motels and their nice mountain getaways. There have to be servants.

A fellow who works in the mines making $30,000 to $45,000 a year does not make a very good servant. But in order to stay in this country he might work for $180 a week. That is what we are talking about here.

We are talking about the resource recovery, management, and conservation. Regarding the Stillwater Mine that my friend from Nevada talked about, in my State of Montana, we do have water problems on the Stillwater River. But if that palladium is not produced in this country, we go to South Africa or Russia for a major supply, and do you know what the major ingredient is of catalytic converters that cleaned up our air? Palladium. We would have to go somewhere else for it.

I just want to see some common sense in the approach. This is the wrong place to be talking about the change in policy. We have a conference committee now involved with Senator CRAIG of Idaho to change the policy and make some changes in that mining law. That has been changed 60 or 70 times, since it was written back in 1872, to reflect the changes of the times.

I am going to fight for my jobs in Montana. They are the highest paying jobs that I have in the State of Montana. I do not think changing sheets in the motels in Montana is going to match what these jobs pay. America will end up short because there will be no mining left in this country.

I ask unanimous consent the editorial by Ed Quillen be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, May 29, 1994]

BANNING MINING WILL ENSURE THERE WILL ALWAYS BE ENOUGH SERVANTS

Of late, Interior Secretary Bruce Babbit has complained mightily about having to sell some federal land in Nevada for about $10,000.

The land holds about $10 billion in gold, and critics of the Mining Law of 1872 say that the $10,000 is all that the U.S. treasury will ever see of the $10 billion, since the government collects no royalties on precious-metal discoveries on public lands.

The $10,000 argument isn't quite fair, because the mining company will presumably put money into the federal treasury, even without royalties: corporate income taxes, payroll taxes, etc.

Further, the gold in Nevada isn't exactly a bunch of nuggets waiting for someone to come along and scoop up a fortune. It's in microscopic particles that requires a considerable investment, about $1 billion in this case, to recover.

However, other exploiters of public land resources—oil companies, coal corporations, river outfitters, ski resorts—do pay royalties or the like, and so it seems only fair to treat the precious metal operations in the same way.

The Mining Law of 1872 is a relic of the day when federal policy toward the West was pretty simple: get the place settled and productive, and turn the public lands to private ownership as quickly as possible.

To that end, there were giveaways like the Homestead Act. Railroads received vast land grants. Discoverers of valuable mineral deposits got little—a "patent"—to their sites. To assist in the process of discovery, mineral surveys were made at public expense, so that anyone picking up the Hayden "Atlas of Colorado" in 1885 could glance at a map and learn the likely spots for good ore.

The idea was to make the West just like the rest of America—most land in private hands, and producing to its maximum economic potential.

Since then, the public mood has changed. Hardly anybody supports big transfers from the public domain to private hands; the idea now is that public lands should stay public. As long as that philosophy persists, the West will never be like the rest of America, because so much of the territory is controlled by the federal government.

Given that, changes in the Mining Law of 1872 are inevitable. It was designed for one national goal: to convert wastelands like Colorado and Nevada into pleasing replicas of Illinois. Now we've got a different national goal: to make the West an entertaining theme park for People of Money.

That's got to be the real agenda, even if it's usually stated in terms of finance and protecting the public treasury.

Look at last year's public-lands controversy, grazing fees. Some folks were hollering about "welfare ranchers," as if tripling the AUM fee would pay off the public debt. However, if you confiscated every cow and sheep that ever grazed on public land in 1990, the total sum would pay 22 minutes of interest on the national debt. If you were truly worried about the national debt, instead of shaping the West to your own ends, you'd focus on something bigger than that. If you were truly concerned about the environment, you'd work with ranchers on the ground to devise better management practices.

But if you were annoyed by rednecks or cow plops the last time you drove 150 miles so that you could experience 15 miles of scenic bliss on your $1,200 mountain bike, you don't complain about what really irks you. You complain instead about environmental abuses or grazing subsidies.

Come to mining, and the critics of the Mining Law of 1872 aren't really concerned about environmental abuses. If there's a market for gold and it's too expensive to mine it in the U.S., then the gold will be mined by $1-a-day laborers in Venezuela or Brazil, where there aren't many environmental regulations.

It's NIMBY on a global scale. People want the benefits of gold—jewelry, tooth fillings, computer edge-card connectors that don't oxidize—but don't want to put up with the mess of mining and milling the stuff. Cyanide seeping into the Amazon is just as toxic as cyanide seeping into the Alamosa River.

But what distresses Pamela and Courtney the most about the great public-land "give-aways to the mining industry" was that the mining industry pays relatively good wages.

In 1980, the average weekly miner's pay was $600, as opposed to $180 in the service portion of the tourist industry.

If the West is going to be a land of leisure, it needs a leisure class and a servant class. Those $600-a-week miners aren't about to volunteer to be servants. But get rid of their ugly worksites, and many will move on. Those who remain will take the $180 a week, and if there aren't enough of them, well, Vail already imports considerable help from Mexico, the Arkansas Valley and other Third World zones.

The argument over the Mining Law of 1872 isn't really about getting a fair return to the U.S. treasury. It's about making sure there are enough affordable servants.

Mr. REID. Mr. President, I yield 1 minute I have remaining to the Senator from Nevada [Mr. BRYAN]. He has a total of 5 now.

Mr. BRYAN. Mr. President, I thank my senior colleague. I think it is important for the American people who are listening to this debate this afternoon to understand what is at issue and what is not at issue.

My friend and colleague, the able and distinguished Senator from Arkansas, speaks with great passion and conviction. But he has framed the argument this afternoon as if the debate is between those who favor reform and those who favor the retention of the status quo. That is not the debate. Clearly, those of us who come from States which have enjoyed enormous benefit from this industry are concerned about the impact that a precipitous and unwise amendment would cause to an industry which, for us in Nevada, employs more than 12,000 people directly, and more than 49,000 people indirectly. Nevada is, as my senior colleague pointed out, the largest gold-producing State in America. If we were a separate country we would be the fourth largest producer in the world: Enormous mineral wealth.

I think we need to put into some perspective, however, what we are talking about. In a State the size of Nevada, in the history of the Mining Act, about one-tenth of 1 percent of the total land mass in more than a century has been impacted by mining. That is one-tenth of 1 percent.

Often the misperception is conveyed that the devastation is throughout the entire West. There are problems, to be sure. Indeed, my colleague may make the point and have some merit to his argument if, in fact, the industry had not responsibly been prepared to acknowledge that change needed to be made. We have agreed in principle that there needs to be a royalty, so the compensation issue, which my friend from Arkansas argues, is simply a question of how much.

Again, we implore that reason and balance be used in determining how much should be required by way of royalty. We do not disagree that there should be changes in the patenting process. And that has been addressed by those of us who have worked in this dialog for the past several years.

Finally, there is no disagreement that there should be reclamation.

So, on the three principal points my friend from Arkansas makes, the question of the patenting system, the question of royalties, and the question of reclamation, there is agreement that these are areas that changes need to be made. And the industry has come up with some responsible proposals to address those issues.

What we are fearful of is that there are those who have an agenda beyond that of reform and balance. There are some who, frankly, have an agenda which is to eliminate all mining from the public lands. In my view, that would not only be a disaster for the State of Nevada, it would be a national disaster as well, because there is clearly a broader public interest in making mineral exploration available on the public lands of America, and that means primarily in the West. The State of Nevada has historically enjoyed enormous benefits.

So with respect to those issues of royalties and patent reform, I think we can reach some agreement on that with respect to reclamation. A number of States, including my own State of Nevada, has adopted a reclamation law that currently is working. We are prepared to address the issue of reclamation responsibly. What we are not prepared to do is to provide such a massive delegation and grant to any Administrator of any Federal agency that would permit, under the guise of protecting a particular parcel of property, in effect, to give the right, absolutely on a de facto basis, to cease all mining on the public lands. That we are not prepared to do.

Mr. President, this amendment I know is not coming for a vote today, but philosophically I hope my colleagues would reject it if it were, on the basis that we are in a negotiating process, those of us who are responsibly trying to seek a compromise, and they would allow that to come forward. It is my hope we can reach such a compromise in this session of Congress.

I thank my colleagues and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 4 minutes.

Mr. MURKOWSKI. I thank the Chair and my colleague from the State of Nevada.

Mr. President, I rise today to oppose the amendment being offered by the Senator from Arkansas. I understand the Senator will be withdrawing the amendment, but I feel a need to speak on it regardless.

I do not understand why the Senator from Arkansas is attempting to do this on this bill. I can understand his intention, however. But he knows, as well as everyone else, that we are in the middle of a mining conference, trying to reach a compromise on the mining law. We are working in good faith to reach an acceptable solution.

I get the feeling, perhaps, that the Senator from Arkansas is not sure we can reach a compromise. I hope this is not the case. I stated several times that I want a bill in this Congress. As elected officials, we have a responsibility to produce a bill this year, if we possibly can, but it must be a comprehensive bill that provides certainty for the mining industry. I think we have to stop offering amendments to appropriations bills and try to resolve this issue if we go to conference on it. Personally, I am tired of listening to Secretary Babbitt bad-mouth the mining industry.

I know the feelings of the Senator from Arkansas with regard to the Barrick Goldstrike Mine Co. This is, of course, one of Secretary Babbitt's favorite topics.

I would like to make a few comments regarding debate over the patent concept. It is a myth that mining is a ripoff of the Federal Treasury. Mines make a profit, provide Federal, State and local tax revenues and, most importantly, a patent is really titled to the resource. And without the title, the ability to finance can often be constricted or eliminated entirely.

In Nevada, the company that the Senator from Arkansas spoke of did receive patented land, but let us look at what it required to receive that patent.

The mine is investing some $2 billion in capital investments. The Federal Government is going to receive about $720 million in corporate income tax. The mine is going to employ 3,000 to 4,000 employees a year for 10 years or longer. That is $2 billion in wages. These wages will generate $600 million in FICA and personal income taxes. Profit and employment from mining machine firms alone will generate another $300 million in taxes. Obviously, the multiplier is tremendous. And tax revenues to local and State Governments will pay an additional amount.

Mr. President, that is no ripoff. As a matter of fact, it sounds pretty good to me. Mines provide jobs in times when jobs are pretty difficult to identify. When we import our metals, we obviously export our jobs and dollars. So this debate is not about a 1-year moratorium on patents; it is a debate about the future of mining in our Nation. It is a debate about jobs for the working men and women of the United States.

I am ready to compromise on mining law, a responsible compromise. However, our efforts must be to stimulate and keep mining healthy, not to eliminate all future mining in this country. The question we must ask is do we want to create jobs and continue to contribute to a tax base, or do we want to force the mining industry to go outside the United States?

During the next several weeks of conference negotiations, I hope we will be able to choose to keep the mining jobs in the United States.

Thank you, Mr. President. I yield the floor.

Mr. BUMPERS. Mr. President how much time does the Senator from Vermont want? I yield the Senator from Vermont 6 minutes, and more if he needs it.

Mr. JEFFORDS. Mr. President, I would like to echo many of the comments made by my colleague from Arkansas. Public sentiment overwhelmingly supports changing this archaic 1872 law. After 122 years, it is time for Congress to reform how we mine on our public lands.

One of the most important pieces of reform is to end patenting. Any company, whether domestic or foreign, that discovers a valuable mineral deposit on a piece of public land, can patent—or gain title to—the land for merely $5 per acre. More than $34 billion worth of hardrock mineral reserves are currently at stake. If we do not act during the 103d Congress to end patenting, this land, owned by the American taxpayer, will be sold for less than $1 million.

Since the word is out, Mr. President, that Congress plans to change the mining law, mining companies have begun racing to privatize some of the most valuable public lands in the United States. 613 patent applications are currently being processed by the Bureau of Land Management. These patents represent billions of dollars in hardrock mineral reserves, but will sell for a small percentage of their value.

I repeat, if we do not put in place a patenting moratorium this year, the U.S. taxpayer will lose out on billions of dollars.

Let me just describe to you briefly how easy it is for land speculators to gain title to Federal land. The prospector, whether a mining company or real estate speculator, stakes a claim to an area which they believe contains minerals. To maintain the claim they simply pay an annual holding fee of $100. Once $500 of development work has been performed, the claim holder may file a patent application for title to surface and mineral rights.

When the patent is approved by the Department of the Interior, the claimant may purchase the land for $2.50 or $5 an acre, depending on the mineral deposit.

It is that simple. There is no limit on the number of claims a person or company can locate. And claims can be held indefinitely, with or without mineral production. In fact, there is no requirement that mineral production ever take place.

As was reported in every national newspaper this spring, a Canadian company gained title to $10 billion of mineral reserves for a mere $10,000. We are giving away a resource that is owned by all Americans, at a mere fraction of its true value.

Arguments will be made, and have been made, that without such a subsidy, mining would not occur on these lands, because the cost would be too high. Critics of this amendment will claim that ending free access and security of tenure on the land would curtail exploration efforts among mining firms and increase costs. But plenty of mining companies throughout the West operate successful, competitive operations on private lands. These companies employ thousands of people, provide valuable resources to our Nation, and pay a fair, market-based price for the land they operate on.

At one point in the history of our country, such subsidies had a rationale—when enacted, the West was sparsely populated and the infant industries of our growing country needed cheap sources of raw materials. Such subsidies encouraged settlement and development of an economic base. But these same subsidies today simply allow large corporations to make a high profit off of public land, without compensating the owner of the land—the American taxpayer.

But you need not take my word for it, the market has spoken loudly. A General Accounting Office review reported that a claim patented for $42,000 sold just a few weeks later for $37 million. Between 1970 and 1983, the GAO reports, the U.S. taxpayer received less than $4,500 for patents estimated to be worth upward of $47 million.

The land giveaway does not simply involve mining. Another GAO study reported that many of the claims are held for speculative purposes. Many real estate speculators take advantage of the patent loophole, purchasing land at rock bottom prices and selling for real estate development at a huge profit. Of 93 randomly selected patents studied, 74 had no evidence of mineral extraction, 6 went unused, and 20 were used for nonmineral purposes, such as hotels or resorts.

For example, in 1970, a company received patents on 61 acres of rocky hillside outside of Phoenix, AZ, for $153—or $2.50 per acre. A decade later, this company sold this land to a developer for $400,000. The land is now valued at over $40 million.

Since the 1930's we have been trying to end patenting. In the past the Federal Government allowed patenting to take place for many mineral extraction activities. But in 1920, the Mineral Leasing Act removed coal, oil, gas, phosphates, and certain other minerals from the claim patent system of the 1872 mining law. The 1920 law set up a system of leasing in which the Federal Government retains ownership of the leased lands. Now it's time for hard rock minerals to meet an equal standard.

A 1993 Roper Poll indicates that almost 70 percent of Americans want businesses to pay their fair share when extracting minerals from public lands. Why should hard rock mining be treated differently from any other mineral resource? Why subsidize hard rock mining, while other mineral extraction industries operate competitively, paying their fair share for use of Federal lands?

Mr. President, the time has come to change the way we mine on public lands. The mining conference between the House and Senate is underway. Hopefully our Senate colleagues will work for comprehensive reform when negotiating with the House. The reform measure should contain a royalty that would provide appropriate compensation for a taxpayer-owned resource. It should institute much needed Federal environmental protection standards for mining operations and ensure reclamation of land after mining, it should establish a program to clean up our Nation's abandoned and unreclaimed hardrock mines. And finally, the reform measure should end the practice of land patenting.

Mr. President, I urge my colleagues to do all they can to complete action on the mining reform measure pending in conference. We need to end the giveaway of public lands now, before the close of the 103d Congress.

Thank you. I yield the floor.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, may I ask how much time remains on our side?

The PRESIDING OFFICER. Nine minutes.

Mr. CRAIG. And how much time remains on the proponents' side?

The PRESIDING OFFICER. Six and one-half minutes on the other side.

At the request of Mr. CRAIG, the following statement of Mr. WALLOP was ordered to be printed in the RECORD as follows:

• Mr. WALLOP. Mr. President, I rise in opposition to the Bumpers amendment. Although I understand it is the Senator's intention to withdraw his amendment, this is, I believe, the fifth time the Arkansas Senator has offered an amendment to prohibit the expenditure of funds to accept and process patent applications at the Department of the Interior. But this year's debate is not simply a debate on the substance or merit of mineral patents. It is a debate which comes at a time when the House and Senate are engaged in a debate over reform of the mining law and it is unnecessary. Senator BUMPERS happens to be one of seven Senate conferees currently involved in negotiations over mining law reform, including the patent issue. Granted, we are miles apart in our approach to reforming the mining law. But we should move forward in that conference to complete that task and not segregate the issue here on the floor of the Senate.

Last year, in adopting S. 775, the Hardrock Mining Reform Act, Energy Committee members on both sides of the issue agreed that we would move forward in that manner and not divide the issues. But that is what we are doing here today. Why? Because the Senator from Arkansas believes we should put an end to the rush to file patent applications before we resolve our differences.

What will happen to those patent applications between now and the time we get to conference? In my opinion, absolutely nothing. Since March 2 of last year when Secretary Babbitt initiated new procedures on processing patent applications, only one patent has been approved. Only one.

How did that one get through this new system one might ask? A Federal judge ruled that Secretary Babbitt must comply with the law to reasonably process applications for mineral patents and that his disregard for the Mining Act's implicit mandate to do so was shameful.

When the Secretary of the Interior issued that patent, he said that he was forced to do so. Imagine that, a Secretary of the Interior, who deemed himself worthy of being a Supreme Court Justice, proclaims to the public that he has to be forced to comply with the law.

Frankly, I fail to see what justification there could be for congressional action to temporarily cease mineral patent processing. In point of fact, the patenting procedures put in place by Secretary Babbitt, requiring review by no less than six people in the solicitor's office before a thorough check by the Secretary, are equivalent to a de facto moratorium.

So, in reality, this amendment would provide the Secretary only a small amount of protection against what he himself knows could be an avalanche of litigation unless some measure of progress is made on the remaining 600 or so pending patent applications.

I might also note that many of those applicants have reached the first half certificate stage of the patent process. Once this certificate is issued, the BLM is required to conduct a mineral examination to confirm that the claimant has, in fact, made a discovery of valuable minerals within a claim. If so, the patent must be issued.

The normal timeframe between confirmation of the discovery and issuance of a patent is roughly 17 days. But because of the de facto moratorium currently in place at the Department of the Interior, I am told that some patent applicants at the first half final stage and with a confirmed discovery have now been sitting in the Secretary's office for some 4 or 5 months. That, Mr. President, is simply not fair. Yet what the court has already judged as shameful disregard for the law the Senator from Arkansas seeks to promote in this debate. I appreciate the fact that Senator BUMPERS has chosen not to ask for a rollcall vote on his amendment. The patent issue can and rightfully should be resolved by the conferees on mining law reform. But it must be addressed in a fair and reasonable fashion and avoid the potential for tremendous takings litigation. This is one member of the conference who will work very hard to achieve that goal.•

At the request of Mr. CRAIG, the following statement of Mr. HATCH was ordered to be printed in the RECORD as follows:

• Mr. HATCH. Mr. President, I rise in strong opposition to the amendment offered by my colleague from Arkansas, Senator BUMPERS, which would restore language prohibiting the processing of mining patent applications by the Department of the Interior. As my colleagues know, the amendment would restore language originally included in the House bill, but deleted by the Senate Appropriations Committee. I believe the Senate Appropriations Committee was right to delete this prohibition.

The right to patent is one of the most important aspects of a miner's security to tenure under the mining law of 1872. After a mineral discovery is made, and the Federal Government has determined that sufficient mineralization is present to justify development of a mine, a patent is issued that transfers ownership of the mineralized claims to the miner. The patent establishes fee ownership. This ownership is particularly critical for large-scale mining operations that may face a great variety of operating conditions over a period of as long as 100 years. Economic cycles, temporary closures, and changing land-use patterns all result in significant risks to a mine's existence unless real land ownership exists.

Without the ownership protection provided by a patent, miners throughout the West will have difficulty in bringing a mineral discovery into development. Banks will be reluctant to finance mines, and miners will hesitate to expend the large amounts of money needed for exploration. The major source of new mineral discoveries in today's world are small, independent miners, and the incentive to continue these discoveries is the knowledge that a patent will be issued in the end. If we eliminate the right to patent as proposed by this amendment, then we will eliminate this valuable resource that keeps our mining industry, and its associated industries, viable.

I have opposed past attempts to place a moratorium on the issuance of mining patents, and the reasons for my past votes are still relevant today.

First, the use of the appropriations process to make a substantive change in the mining law of 1872 is objectionable. This year, especially, the use of this process to amend the law is inappropriate since a comprehensive effort to reform the mining law has been undertaken in both the House and Senate. -Inclusion of language prohibiting the issuance of mining patents in this legislation will preempt the deliberations that are now proceeding between House and Senate negotiators where the issue of patents is an integral topic of discussion. Once again, the amendment would be an end-run around these ongoing negotiations.

Second, some have argued that our existing mining law enables companies to control vast amounts of land in the Western United States. However, the issuing of patents under current law has in no way created a land-grab situation that needs the drastic remedy of a moratorium. Since 1781, over 700 million acres of Federal public lands have been transferred to private ownership for various reasons, including agriculture, railroads, State grants, timber, and desert lands. Of that amount, approximately 3 million acres have been patented for mining since 1781.

Third, those who defend a patent moratorium do so by indicating the public is being ripped off by miners who can buy public lands for as little as $2.50 to $5.00 per acre. As my colleagues well know, this is a bogus argument. In order to demonstrate to Federal officials that an ore body is worthy of development, miners must complete extensive exploration work that often costs hundreds of thousands, or even millions, of dollars per claim. The $2.50 to $5.00 charge is a patenting fee, and is not at all associated with the cost of purchasing the land.

It becomes quite tiresome to hear these low fees being used against the mining industry—most recently involving Barrick Resources—when in reality miners and mining companies pay huge sums of money to develop a mine, to create jobs where there were none, to keep a mine operating in tough economic times, and to pay sufficient State and local taxes.

And, fourth, it appears there is already an informal patent moratorium in place. Officials at the Department of the Interior may disagree, but I have been closely following a case involving Utah's beryllium deposits in the Topaz Mountains of western Utah. The company developing these deposits applied for the patents beginning in June 1992, over 2 years ago, and still has yet to receive a first half final certificate [FHFC] for these claims. This company has expended millions of dollars as of today in pursuit of these patents and, like several other companies in a similar position, may have no choice but to pursue legal action to force the Department to take final action on these applications.

After the Interior Secretary revoked the delegation of authority to the Bureau of Land Management to issue FHFC and mineral patents last year and establish a patent review process that involves his personal review of each application, the processing of mining patents has slowed considerably, almost to a standstill. Even those applications currently in the pipeline are creeping along at a snail's pace, if indeed they are progressing at all.

I understand, respect, and even encourage, the meticulous review of these applications. But, at some point, these reviews can become dilatory. I hope the pace of processing these and other applications has not been deliberately slowed until Congress passes a mining law reform bill that addresses patents. The Interior Department is obligated to enforce the law as it now stands, not as they hope it will be.

Mr. President, I urge my colleagues to oppose this patent moratorium amendment for these and other reasons. A patent application represents many years of exploration and investment. It would be unjust for a patent moratorium to be enacted by Congress for applicants who have already expended resources in their endeavors to secure patents.

Furthermore, a patent moratorium enacted as part of this appropriations bill would stop a major part of the present mining law reform debate in its tracks. And, it would put at risk the many new mines this Nation must have to sustain its minerals production capabilities and the jobs this industry supports.

I urge Senators to reject this amendment.●

Mr. CRAIG. Mr. President, in 1872, the U.S. Congress said in a mining law that it was important that we develop the mining industries of our public lands across this country. Those lands were primarily west of the Mississippi at that time and continued so through to today. But not only did we say it with mining, we said it for a lot of other reasons. We had not yet created the U.S. Forest Service. That did not come until about 20 years later. But we had an organic act that said some of our forest reserves ought to be managed for the purpose of tree production and protection for that purpose.

We created a homestead law that gave away—gave away—over 287 million acres, across the public lands of the West primarily, and for that purpose it was designed to give it free of charge to a person who would go out on the land, stake out their acreage and live on that land and develop it. Why did we do that? Because our Federal Government at that time had no policy to own land beyond very limited amounts. We had not created parks at that time. We had some military reserves. But our Government and this Congress did not believe that the Federal Government should own the land.

Now, I say to the Senator, a good friend of mine, who proposes this amendment, when the Federal Government said to the State of Arkansas, "Here it is; take it; that within your borders is yours," that was called ceding the land at the time of statehood. Not one penny was paid by the citizens of Arkansas. Is it wrong that the citizens who gained patent or title to the land of Arkansas today might sell it for $1 million an acre? Not at all. They own the land. What is wrong with that?

Is it evil for the Federal Government to give away land? It was not evil in 1872. It was not evil in 1900. It was not evil 20 years ago because we believed it was the right thing to do for the purpose of developing our lands, for developing our economies and creating jobs, and only in the last 8 to 10 years has there been a progressive drumbeat that somehow the land could only be protected if it were owned and cared for and nurtured and stewarded by the Federal Government, and that somehow for private property to be held was evil.

I do not believe private property is evil. It is the basis of our country's wealth. But I do believe today that there is room for a legitimate debate on how the Federal Government ought to release the lands it owns into the private sector and how much the Government ought to get in return. And in that respect the Senator from Arkansas is absolutely right. This is a debate worth having. This is a policy worth reviewing. And this is a decision that I hope our Government will make this year as it relates to lands that might be turned over in the sense of ownership or patent to an individual who would choose to mine that land for the purpose of supporting our industrial base and developing our minerals and metals resources.

Now, you can call it the reform of the 1872 mining law, and I hope we will, and that we do not focus just on patenting but we focus on a whole parameter of issues like I did when I helped author, and this Senate passed last year, mining law reform known as S. 775.

Mr. President, we did not just dwell on patenting—it is an important part of the 1872 mining law—but we looked at a whole, broad spectrum of issues that are critically important to our Government, to the Senator from Arkansas, and to our country's economic and industrial base. That is, are we going to have a mining policy for our country, and how are we going to manage it, and should it be different from the policy that was established in 1872 and then amended down through the years over six different times and changed by the passage of the National Environmental Policy Act and changed by the Clean Water Act and changed by the Clean Air Act?

We are saying, yes, it should be changed today, that maybe royalties ought to be paid on hardrock minerals that have never been paid before. And the debate between the Senator from Arkansas and I is how much that royalty ought to be. He says one thing, I say another, and we get our accountants and all the statistics together. I hope this Congress will be given the option to decide whether he is right, the Senator from Arkansas, or whether I am right.

But the main thing is we have collectively decided that royalties ought to be paid today in some form to the taxpayers of this country for the resources they own that are underneath the public lands of our country.

Patenting is an issue. I think we ought to retain patenting, but I do not say give it away at $2.50 an acre. That is the law today. Barrick did not steal the land. They played by the law. And I said last year the law ought to be changed, and I was fought by this Secretary of the Interior who wanted something different. We fought, and guess what happened? While we were arguing about how we ought to determine patenting, Barrick patented.

I am sorry, Mr. Secretary of the Interior. If you had gotten off your political soapbox and you had come to the negotiation table where we are today, maybe—just maybe—Barrick would not have happened. But it gave them a great political issue. "Come on, Mr. Secretary. Get to the conference table today. Sit down with the Senator from Arkansas and the Senator from Idaho, and let us rewrite the 1872 mining law in a balanced and responsible way that all of us can live with that will assure a hardrock mining industry off the public lands of our Nation. We can deal with patenting. And we will deal with it."

Now, let us talk about operation standards and reclamation. What are we talking about? We are talking about how we deal with the land after we have mined it. Do we retain it; take it back to its natural topography; put the soil back on it; put the plants back on it the way it was before it was disturbed so that 100 years from now there will be no mark of man on the terrain of Western States? Yes. We ought to, and we are doing it. The question is, Who makes the decision and who develops the reclamation plan? I say the Federal Government ought to have a limited part in it. But the States on which this land resides ought to have a major role. That is an issue.

Unsuitability is another issue. In other words, is the land suited for mining, or is there another purpose for it? Who makes that decision? I do not think the Secretary of the Interior ought to have the discretionary right to say yes or no after millions of dollars have been spent determining or finding out if the mineral and the metal is there.

The question then ought to become how best can you safely mine it in an environmentally sensitive way, not whether you should mine it or should not mine it.

Those are the kinds of issues that are bound up in the whole of the debate. The Senate has passed a bill. The House has passed a bill. We heard the Senator from Nevada, who has been a major leader in this issue with me, saying now let us sit down at the table and negotiate. Senators in good faith for the last 2 months have been doing just that amongst ourselves, and the Senator from Arkansas has been at that table. I compliment him for working progressively with us to see if we cannot resolve the issue.

What is at stake: 100,000 jobs, a billion-dollar industry. And if the President and the Secretary have their way, 30,000 or 40,000 people are out of work. Even the law that I wrote and proposed would destroy some 2,500 jobs in the West, just to make those kinds of reforms.

Mr. President, that is the reality of the debate. I hope the Senator from Arkansas will continue to work with us as we strive to build a compromise and reform the 1872 mining law.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, this is the fifth year that I have sought compromise with my colleagues from the West on this matter. For 2 months, Senator JOHNSTON, who chairs the Energy Committee, and the conferees on the Republican side and the Democrat side, met every Wednesday morning in an attempt to craft something that would be acceptable to both sides, including the Senator from Idaho.

And every time some concession was offered—and believe me, many concessions were offered by Senator JOHNSTON that I did not agree with—the Senators representing the mining interests always responded that more was needed.

After 2 months of meeting every Wednesday morning, a letter was sent to Senator JOHNSTON from the ranking member on the committee, Senator WALLOP, which essentially said "we cannot agree to your proposed compromise. We are pulling out of this effort to reach an agreement." I will not put this letter in the RECORD without Senator WALLOP's consent. But it essentially says "we cannot agree to much of anything you have proposed." I want to tell you that I did not agree to much of Senator JOHNSTON's proposal either, because I thought it was giving away the store. But I did not threaten to filibuster the conference report.

Senator BURNS and Senator CRAIG have invoked the Homestead Act. I assume that because when this country was founded we gave people land for 50 cents an acre to settle and build a home and farm it, my colleagues believe that we ought to still be plowing with mules and plow points, and using horses and buggies for transportation.

Even so, if they will agree to pay the U.S. Government the equivalent of what 50 cents an acre was in the early 1800's, we could have a deal. But to suggest that because of the Homestead Act—admittedly a very benevolent act for all of the citizens, not just a few mining companies—that we should be giving away billions of dollars' worth of gold, is sheer lunacy.

I heard Billy Graham one time make a point that I think is appropriate for this debate. He said, "You know, when our first child was born and he said 'da-da,' I thought I was going to faint, I was so excited." But he said, "If that child was 50 years old and was saying 'da-da,' I would be calling every psychiatrist and counselor I could find." That is what these people are doing. We are still saying 'da-da' 122 years after the mining law was passed.

Mr. President, one of the worst problems with the mining law is that there are 592 million acres of Federal land open to mining, and the law assumes that the highest and best use for virtually every acre of it is hardrock mining.

I do not understand my Western colleagues' universal reaction in opposition to the imposition of a reasonable royalty. All the revenues to be received would be returned to the West in order to reclaim abandoned mines. There are roughly 557,000 abandoned hardrock mine sites in this country. The largest is located in the junior Senator from Montana's home State, in Butte, that is going to cost taxpayers $1.5 billion to clean up.

Mr. CRAIG. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I would like to be gracious and yield. But I want to finish my statement.

Mr. CRAIG. For one question?

Mr. BUMPERS. For one question.

Mr. CRAIG. In my proposed reform, we suggested that if the Senate and the Congress grant the right of patenting, that a fair market value be paid for the land. Is that not now reasonable today, that citizens who acquire that land for mining pay the estimated royalty?

Mr. BUMPERS. Mr. President, everyone who has been following this debate knows that the issue the Senator raises is a complete red-herring. The surface of the type of land we are discussing is probably not worth more than $100 an acre, in most instances. We are talking about the billions of dollars worth of gold underneath this land.

Mr. CRAIG. I am talking about royalty and fair market value. S. 775 has a royalty, plus the fair market value sales price of the land. Is that not reasonable?

I thank the Senator for yielding.

Mr. BUMPERS. I am happy to yield. I just want to make a few final points, and then yield the floor.

The Senator from Nevada [Mr. REID] made a point that we import palladium from Russia. I am not sure what the rationale is for his concern. I assume if we import anything from Russia, we should not impose a tax to try to curb that practice.

Russia is a big gold producer. If we wind up importing gold, under the rationale of the Senator from Nevada, there never would be a royalty on gold because we could get it from Russia. To invoke the cold war to try to keep doing what we have been doing for 122 years, which is the biggest scam in America, is an outrage.

In addition, approximately 75 to 80 percent of the gold mined in this country goes into jewelry? I have nothing against jewelry. I tell you, I have never worn a ring in my life. I have never worn a bracelet. I do not personally care anything about jewelry. But I do not criticize those who do. But here we are, giving away precious minerals, billions of dollars' worth of gold, to subsidize jewelry producers.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, the reason I brought this amendment up today was for two reasons. No. 1, this amendment is in the House bill. The House has this language in its bill. The second reason is to say and to put my colleagues on notice that if that conference committee, to which the Senator from Idaho alluded, and on which he and I both sit, come back with a decent compromise that is filibustered, I promise I will try to put this amendment on the first bill coming through the U.S. Senate, to stop patenting right dead in its tracks. And then there will not be much room for compromise.

I yield the floor.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRYAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 2400) was withdrawn.

Thr PRESIDING OFFICER. Under the previous order, the committee amendment on page 48 line 16 is agreed to.

So the excepted committee amendment on page 48 line 16 was agreed to.

AMENDMENT NO. 2397

Mr. KENNEDY. Mr. President, I strongly support the National Endowment for the Arts. This agency has had a remarkable record of achievement over the past 30 years, but has too often been the subject of unfair criticism in recent times.

I hope that every Member of the Senate, including the critics of the Endowment, are aware of the large volume of outstanding work that the Endowment has done. And, since Jane Alexander became chairman, the praise for the agency has been even greater. There is a new sense of respect and appreciation for the Endowment's work.

Ms. Alexander has visited 34 States already. She has demonstrated an unparalleled commitment to making sure that the American people understand the true record of the Endowment, and especially its support for the Nation's museums, symphonies, regional theaters, dance companies, arts education programs, and local arts activities.

These grants have benefited every State in the Union. Many of the grants are awarded on a 3-to-1 matching basis, with three State and local dollars matching the Federal dollars, so the impact of the grants is leveraged very effectively.

In the 5 years from 1987 through 1991, the combined Federal and State arts investment in Massachusetts totaled nearly $120 million. Those funds reached audiences of over 200 million people, provided 64,000 children and 15,000 teachers in our State with arts instruction and performances. They helped to generate $238 million in private funds to match the public moneys.

Without question, these funds have made a difference in our State and I am sure they have made a comparable difference in each of the other States across the Nation.

At the recent Tony Awards ceremony in New York, Jane Alexander spoke of the Endowment's support for plays and playwrights, and the indispensable support it has given for developing new work. Endowment support can be found at the heart of nearly every Pulitzer Prize-winning play, either through a grant to the playwright or to the company which produced it. These works contribute to our national cultural heritage and are enjoyed by countless Americans in regional and local theaters in all parts of the country.

All of these beneficial results are achieved through our modest Federal investment in the Endowment. It is a modest annual appropriation that has declined in real dollars in recent years.

Support for the arts is an important principle of federalism that I strongly support. It is part of our national responsibility to encourage a climate in the country that promotes the development of the arts and encourages understanding and participation in music, literature, painting, sculpture, dance, and other forms of creative expression.

Any fair accounting of the Endowment's record will conclude that it is ably fulfilling its mission. It is providing indispensable support to the Nation's cultural institutions and it is increasing the public's access to the arts.

The appropriation for the Endowment of this legislation is a reduction of 5 percent below last year. The companion House bill contained a 2-percent reduction. I hope that the conferees will consider the serious impact that the continued erosion of funding levels will have on the Endowment, and that any reduction in funds will be left to the chairman to distribute among its programs.

The conferees will have an important opportunity to express their confidence in Chairman Alexander for the impressive efforts she is making on behalf of this important agency.

I commend Jane Alexander for her achievement. She is bringing new vigor and leadership to this essential agency. She deserves our support, and so does the Endowment.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I thank the chairman and the floor managers. As the information comes in necessary to proceed on the appropriations bill, I will certainly defer to that. But my remarks are short in nature, and I want to comment on the situation with regard to the targeted funding reduction to the National Endowment for the Arts. I am fully aware that the chairman, Chairman BYRD, will assure that there will be fair treatment for that budget in conference, and I have no doubt that that will take place.

I just wish to state that the reductions that are apparent and that are coming will severely affect some of the programs of the Endowment in my State and in NEA institutions across the America. It will affect the touring programs and art education programs.

The Endowment's far-reaching support of projects in rural and historically underserved areas, such as my home State of Wyoming, would be affected by these targeted cuts. NEA touring programs of musicians, artists, and dancers increase the availability of the arts for all Americans, and that work should be commended and supported.

For the most part, those that make the grants at the NEA do an excellent job. We must not forget that they have awarded nearly 100,000 grants since the year 1965.

Yet, I do agree that sometimes ugly, tasteless, obscene and plain stupid and inane performances take place, and when they do it reflects on the entire activities of the NEA. We have seen the discussion today of the bloodletting at the Walker Arts Center, and that legitimately engendered spirited debate over the mission of NEA.

That is why I have from time to time supported amendments presented by my friend, Senator HELMS, not in all cases indeed, but when we are talking about certain depictions of certain mutilations and human bodily functions, there is a point that sometimes is missed that anything like that may go on, and I would certainly not hesitate to assure that it did go on under the first amendment. The only remarkable difference is it does not have to be paid for by the taxpayers. That is what is often forgotten in the rush.

I shall never forget the rush as we dealt with the Mapplethorpe and the Serrano activities many months ago now. It seems quite current, actually. But remembering that here was a $47,000 grant, the total out of a budget of $171 million, and you would have thought on both sides that the Earth was going to quit rotating on its axis. The extremists on both sides will drive the issues. We are not going to do anything with Shakespeare in the park or quilting or regional theater. And sometimes we lose ourselves in the emotion of the debate. I submit that funding such tasteless art is an exception to the generally very well demonstrated competency of the NEA grant process.

The House has reduced the Endowment funds by 2 percent. These are things that are troubling. I do think that all of the issues that become so apparent to us as tasteless and obscenity are exceptions to the generally very well demonstrated competency of the NEA grant process.

The Senate's bill includes an $8.5 million reduction from the President's budget request of $170.1 million. This would bring the NEA budget back to where it was prior to fiscal year 1984. The Senate Appropriations Committee has also targeted four specific Endowment programs: Theater, visual arts, presenting and commissioning, and challenge grants.

These targeted reductions would threaten important projects in the State of Wyoming. Without the availability of challenge grants—that require a 3-to-1 private industry to Government match—the Wyoming Art Museum and the Wyoming Art Council would not be able to provide the diversity of programs and services to Wyoming's artists and arts organizations.

Many of my colleagues who support the arts may be feeling the pressure to keep quiet on this issue. But it is my lifelong view that the arts are a very integral part of our society and serve as a unifying force of the American spirit. We are all concerned about the economy and the appropriate use of taxpayer dollars, none more than those who manage these bills on the floor. Our efforts to curb the Federal deficit should be balanced with a reasonable and sensible view of the value of arts in America.

I very much appreciate the fact that the distinguished Senator from West Virginia, Senator ROBERT C. BYRD, has agreed to consider the position of NEA Chairman Jane Alexander and many Members of this body concerning these targeted cuts when this matter goes to conference. My friend from Oklahoma, my fine colleague, DONALD NICKLES, has agreed to assure that in conference we will do the things that are required to be done.

We all know that when these two of our colleagues say they will do something, their credibility is never subjected to question.

The funding application review process has come under fire at the NEA in recent years. A lack of control over the awarding of subgrants and seasonal grants has been the primary cause of the problems which has led to much criticism of the NEA. Jane Alexander's goal of "Bringing the best art to the most people"; her basic common sense; her professional and personal good taste, and native civility is helping to change the public's negative perception of the NEA. She has taken sincere steps to increase the agency's accountability and strengthen the award process.

Chairman Alexander has made important changes in the NEA's administration of grants, grantee reporting requirements, and procedures for grantee requests for project changes. She has strongly emphasized the need for improvement in the selection of grant application review panels. Her travels over the past year to 35 States and her meetings with town and school officials, artists, and State arts organizations have resulted in enormous grassroots support.

On a local level, the NEA has been instrumental in strengthening arts organizations in Wyoming and has provided so many cultural opportunities for people throughout my State. Between 1987 and 1991, combined Federal and State arts investment in Wyoming totaled over $4 million, and that investment has yielded significant dividends. The NEA supported activities in Wyoming that drew audiences of over 3 million people in that time period. There have been thousands of grants awarded to Wyoming artists.

The Grand Teton Music Festival, the Buffalo Bill Historical Center, and Nicolaysen Museum and many other organizations and individuals have benefited from support from the Endowment. Overall, in the 27 years of Federal and State support for the arts in Wyoming, the NEA has helped to increase the number of performing arts companies, museums, arts centers, and other arts organizations from 15 to over 60.

Let us give a creative and articulate woman such as Jane Alexander this opportunity to truly lead the National Endowment for the Arts. We cannot legislate good management. Our job is to see that it works well. The Chairman should have direct authority to sensibly manage the budget cuts that Congress appropriates.

I would reiterate my strong support for Jane Alexander's leadership of the National Endowment for the Arts and I continue to wish her well.

I thank the chairman of the Appropriations Committee and the managers for this opportunity.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DURENBERGER. Mr. President, with the kind permission of the managers of this bill I ask unanimous consent of the Chair that I might be granted permission to speak as though in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator may proceed.

HONORING THE LATE GEN. LESLEY McNAIR

Mr. DURENBERGER. Mr. President, I rise to commemorate the 50th anniversary of the passing of one of the greatest Minnesotans in history.

I must tell my colleagues that a mere 6 weeks ago I did know that this man was a great Minnesotan. I was walking the incredible cemetery at Deauville above Omaha Beach after the 50th anniversary speeches had concluded, and I saw a simple stone that said Lesley J. McNair, Minnesota, July 25, 1944. I said could it be the Lesley J. McNair of Fort McNair?

I came home with a list of others as well, but in this particular case I came home to find out that 50 years ago today it is true that Gen. Lesley J. McNair, the son of a merchant in town of Verndale, MN, gave his life so that Europe and the rest of the world might be free.

Lesley McNair was the highest ranking, and I believe may still be the highest ranking U.S. Army officer ever to be killed on the front lines. The news reached Verndale on August 3, 1944: General McNair had been killed by a misdirected bomb in St. Lo, France. It was just shortly after the so-called breakout at St. Lo in which our colleague FRITZ HOLLINGS participated. He was observing action during Operation Cobra, the Army's push into mainland Europe. Flags went to half mast in Verndale that day, but pride intermingled with sadness.

All Minnesotans—all Americans—can take pride in the courage and leadership that he displayed in that campaign. Gen. George Marshall was right when he called General McNair a classic soldier, superior in every field.

General Marshall also pointed out that the astonishing successes of the Armies—McNair—organized and trained constitute the only praise that he desired. The aggressive spirit that General McNair instilled in our men was the driving force of his own character.

He was a warrior not of blood and iron, but of the heart. He knew that victory for democracy could come only from what was in the hearts of our people, not what was in the barrels of our guns.

Lesley McNair was born on May 25, 1883, in Verndale, what was then a farming and mercantile community of 1,500 in Wadena County, 150 miles northwest of Minneapolis/St. Paul.

He graduated from West Point at the age of 21, and saw service under Gen. John J. Pershing, first in Mexico and then in France in the First World War. For his outstanding service, he was awarded both the Distinguished Service Medal and the French Legion of Honor.

In 1940, he was made major general—and undertook the reorganization of general headquarters at the Army War College. In 1941, he became a lieutenant general and commanding general of the Army Ground Forces. Chris Gabel has written of McNair's training skills, in which he still has no peers, in a book entitled "Louisiana Maneuvers."

McNair, at the time of his death, had already received a Purple Heart for being wounded in the African campaign, when he met his destiny at the battle of St. Lo, 50 years ago today.

General McNair understood that courage and preparedness—together—are necessary building blocks of victory. It is for his organizational genius that he has been nicknamed "A Maker of Armies"—and for his courage that he is recognized as a national hero.

Mr. President, those who are stationed today at Fort McNair in Washington, DC, have a truly proud example to live up to. Indeed, all Americans can find in General McNair a model of the virtues that built and protected this country for the last two centuries. I ask my colleagues to join me in commemorating this important anniversary.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, the list of amendments that I see as possibilities, I shall read.

BAUCUS, BRADLEY, relevant amendments; BYRD, four relevant amendments; DECONCINI, DORGAN, FEINSTEIN, GRAHAM, relevant amendments, one each; LEAHY and LIEBERMAN, Atlantic salmon recovery; LEVIN, two relevant amendments; METZENBAUM, three relevant amendments; MITCHELL, three relevant amendments; NUNN, an amendment on emergency funding, Georgia flood; REID, two relevant amendments; ROBB, two relevant amendments; WELLSTONE, two relevant amendments; WOFFORD, an amendment on Forest Service timber sales; BOND, on Bureau of Mines; BROWN is shown with three relevant amendments; COCHRAN, on Forest Service timber; COVERDELL, on disasters; DANFORTH, on endangered species; DOLE, two relevant amendments; DOLE or designee, two relevant amendments; DOLE and MOSELEY-BRAUN, on historically black colleges; DOMENICI, an amendment on Southwest fishery research facilities; GRAMM, two relevant amendments; HATFIELD, a relevant amendment; HELMS, a relevant amendment; HUTCHISON, two amendments on endangered species; KEMPTHORNE, an amendment on endangered species; MACK, a relevant amendment; MCCAIN, four relevant amendments; MCCONNELL, a relevant amendment; MURKOWSKI, an amendment on park services.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Senator MURKOWSKI would also want to have a relevant amendment, in addition.

Mr. BYRD. MURKOWSKI, a relevant amendment; NICKLES, four relevant amendments; STEVENS, an amendment on Tongass National Forest; WALLOP, an amendment on reduction at the Interior Department; WALLOP, an amendment to reduce National Biological Survey; WALLOP, an amendment on National Park Service land acquisition; WALLOP, an amendment on National Park Service wildlife units; BINGAMAN, an amendment on Bureau of Indian Affairs.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Staff just asked me to try to keep the Helms amendment open, if you do not mind.

Mr. BYRD. Yes.

HELMS, an amendment on the NEA.

Mr. President, those are the amendments that we have before us. Staffs on both sides have prepared these lists. The distinguished ranking manager, Mr. NICKLES, has the same list.

I ask unanimous consent that the list of amendments that I have just read constitute the amendments in totality which would be eligible for call up on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, we have no objection to that request.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement propounded by the distinguished Senator from West Virginia is agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the aforementioned amendments be not only the only floor amendments remaining in order on H.R. 4602, but that they may be offered in the first or second degree, if offered to a committee amendment, and that second-degree floor amendments be in order, provided they are relevant to the first-degree amendment to which offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I send the list to the desk for the convenience of those at the desk.

Mr. NICKLES. Will the Chairman yield?

Mr. BYRD. Yes, indeed.

Mr. NICKLES. This also includes Senator BRADLEY's amendment, which will be pending in the morning?

Mr. BYRD. Yes. I thought I read an amendment by Mr. BRADLEY. It is shown as a relevant amendment. It has to do with advance computation of technology initiative. That amendment will be called up by Mr. BRADLEY in the morning. An order has already been entered, I believe, limiting the time on the amendment to 50 minutes, to be equally divided. Mr. BRADLEY will call up the amendment at 9:15 a.m. If a vote is ordered thereon, it will occur upon the reconvening of the Senate, following the joint session tomorrow and the luncheon.

Has that order been entered, Mr. President, to that effect?

The PRESIDING OFFICER. Yes it has.

Mr. BYRD. So that is the short and long of it, if I may say to my friend.

It is my understanding that Mr. BURNS wants an amendment added to the list.

Mr. President, I ask unanimous consent that a relevant amendment by Mr. BURNS be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank my friend, Mr. NICKLES, for his assistance today and his leadership in securing the list. I thank our staffs.

What is his feeling about the possibility of completing action on the bill tomorrow?

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just in response to my friend and colleague, the chairman of the Interior Appropriations Subcommittee, I hope our chances are pretty good. I think we did make good progress. This amendment list, which I was hoping was going to be 20 some has now turned into about 60. But it is my hope and expectation that many of these amendments will not be offered. Certainly because they are listed, we are not encouraging all Senators to offer these amendments. But if they do wish to offer these amendments, I urge them, tomorrow, after we reconvene after lunch, to have their amendments ready and we will be happy to work with them and their staffs to try to accommodate them if at all possible. If not, to have debate and dispose of those amendments one way or another.

Having this finite list of amendments, I think makes it possible for us to maybe be able to finish tomorrow if we do not get involved in protracted debate. Looking through the list, I do not see too many amendments that will be that time consuming.

Mr. BYRD. Mr. President, what the Senator has said is encouraging to me. He is "a man of my kidney."

I hope that his prognostications prove to be true, and I believe they may very well be. As he has indicated, many of the amendments are insurance amendments, in effect. They are just put on the list for self-protection. I thank him and I look forward to working with him again tomorrow.

As Cleopatra said to Iras, at this late hour:

> Give me my robe, put on my crown; I have
> Immortal longings in me * * *.

MORNING BUSINESS

BOSNIA AND HERZEGOVINA

Mr. BIDEN. Mr. President, I rise today to discuss the changed situation in the ongoing catastrophe in Bosnia and Herzegovina and to propose a resolute course of action for this Government and its allies.

In the latest chapter of the Balkan tragedy, the "contact group" in Geneva made up of the United States, France, the United Kingdom, Germany, and Russia has forced the embattled Bosnian Republic to accept a plan that calls for its demise as a multinational and multireligious society. Meanwhile, last week the Bosnian Serbs, hoping to split the contact group, formally accepted the plan but attached conditions that make their acceptance a sham.

Their divide-and-conquer strategy seems already to have borne fruit. The first reaction of Russian Foreign Minister Kozyrev was that the Bosnian Serbs had taken a positive attitude in Geneva and that, therefore, further negotiations are possible.

None of this is surprising. The contract group's plan is fundamentally flawed in concept and, moreover, if enacted, would threaten to drag American troops into a Balkan quagmire. We can, and must, do better. The best alternative is "lift and strike," the policy which I have consistently advocated since the genocidal dimensions of the Bosnian war became clear.

Mr. President, the map upon which the Geneva plan is based would carve Bosnia up, leaving the Moslem-Croat Federation barely 51 percent of its land and awarding the Serbian aggressors the remaining 49 percent.

Ever since the Bosnian horrors commenced, they have been clinically described as a "difficult diplomatic problem" by the foreign ministries of the great powers. I regret to say that our Government, in collusion with its traditional European allies and with its new-found friend in the Kremlin, has gone back on its pledge not to pressure the principal sufferers in this bloody conflict into accepting a suicidal diktat.

The Serbs want, of course, to hold onto the 72 percent of Bosnia that they have conquered and "ethnically cleansed" as a result of a near-monopoly on heavy weaponry, thanks to the one-sided arms embargo imposed by the United Nations. During the past 10 days, even as their negotiators were complaining about alleged wrongs being done them, the Bosnian Serbs were unleashing new waves of terror in several locations against defenseless Moslem and Croat civilians. Their ultimate aim is a state, purged of non-Serbs, which could then unite with Belgrade and fulfill the plan of Nationalist-Communist strongman Milošević for a greater Serbia.

In a sense, Mr. President, the Bosnian Serbs by their greed have done us a favor. No informed observer of the Balkans seriously believes that either party has the slightest intention of honoring an imposed peace any more than they have honored dozens of cease-fires solemnly agreed to in the past. Yet, a more convincing formal Bosnian Government and Bosnian Serb mutual acquiescence to the crude pressure tactics in Geneva might have served as a justification for our deploying ground troops to Bosnia to enforce this paper peace agreement. We might soon have had thousands of American ground troops at risk in the role of apartheid cops.

Now, the Bosnian Serbs' refusal to buy into the Geneva map—refusal to settle for huge, ill-gotten territorial gains, even if not the whole of their booty—has convinced, I trust, the Administration and our Western allies of the futility of imposing a diktat, calling it an agreement, and then sending in blue-helmet peace-keepers to enforce a bogus peace.

Mr. President, there is a more realistic and effective policy to move the warring parties in Bosnia toward a genuine settlement, without rewarding Serbian aggression.

For more than 2 years, I have put forward as this preferred option lift and strike—lifting the arms embargo on the Bosnians to allow them the elemental right to defend themselves, and concurrently using American-led NATO air power to strike at the Serbs whenever they attack U.N.-designated safe havens or humanitarian convoys. Under this policy, no U.S. ground troops, other than a small number of forward air controllers, would be needed.

Regarding the embargo, 3½ weeks ago an amendment unilaterally to lift the arms embargo against Bosnia unfortunately failed in this House by only one vote. Mr. President, I earnestly hope that it will pass the conference committee later this summer, particularly in view of the Bosnian Serbs' newest demonstration of sly obduracy. If the Congress does act, the Clinton administration would be well advised to reassert American leadership in NATO by inducing our allies to be on the right side of history and allow the Bosnians the wherewithal to fight for their own survival.

So much for the lift issue. Until now, the strike component of lift and strike has been stymied by two factors related to United Nations. First, the airstrikes have been repeatedly frustrated by the senior U.N. civilian official in the Balkans, who is more concerned that his organization maintain an impartial stance than in punishing brazen Serbian violations.

Second, the presence of U.N. peacekeeping troops on the ground has unwittingly provided cover for the Serbian aggressors.

The French, British, Dutch, Canadian, Spanish, and Belgian U.N. blue helmet soldiers, while protecting innocent civilians and facilitating the delivery of humanitarian goods, have nonetheless predictably been reduced to virtual hostages by the better armed Serbian bullyboys. Paris, London, and the other capitals, therefore, have been afraid to allow the lift and strike policy necessary to thwart Serbian aggression, and Washington has reluctantly gone along.

Now that the Bosnian Serbs have given up any pretense of willingness to make peace with honor, we should immediately persuade our allies:

First, that the economic sanctions against Serbia, the Bosnian Serbs' patron, must be tightened;

Second, that the unjust arms embargo against the Bosnian Government must be lifted in order to allow them to exercise their legitimate right of self-defense;

Third, that we must vigorously enforce the no-fly zones in Bosnia, which have heretofore largely been ignored;

Fourth, that U.N.-guaranteed safe havens must be extended to encompass more civilians and be backed up by more draconian use of air power; and

Fifth, that in the manifest absence of peace, the allied peace keepers may have to prepare for an orderly withdrawal.

Mr. President, if we undertake these measures to call the aggressor's bluff, we may yet be able to bring a genuine peace to Bosnia on the basis of equity.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3100. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting, a draft of proposed legislation to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a United States Government corporation, and for other purposes; to the Committee on Armed Services.

EC–3101. A communication for the Assistant Secretary of Defense, Economic Security, transmitting, pursuant to law, a report relative to the standardization of equipment with NATO members; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 2313. An original bill to authorize appropriations for Nuclear Regulatory Commission for fiscal years 1994 and 1995, and for other purposes (Rept. No. 103–319).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Stephen G. Breyer, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States, with the recommendation that he be confirmed (Ex. Rept. No. 103–31).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 2313. An original bill to authorize appropriations for Nuclear Regulatory Commission for fiscal years 1994 and 1995, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. HEFLIN:

S. 2314. A bill to make administrative and jurisdictional amendments pertaining to the United States Court of Federal Claims and the judges thereof in order to promote efficiency and fairness, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. Res. 244. A resolution honoring the three firefighters who died in a helicopter crash while on their way to fight a fire in the Gila National Forest; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 2314. A bill to make administrative and jurisdictional amendments pertaining to the U.S. Court of Federal Claims and the judges thereof in order to promote efficiency and fairness, and for other purposes; to the Committee on the Judiciary.

COURT OF FEDERAL CLAIMS ADMINISTRATION ACT

Mr. HEFLIN. Mr. President, I rise today to introduce legislation to amend title 28 of the U.S. Code to improve the Federal claims litigation process before the U.S. Court of Federal Claims and to assist the court in providing complete justice in cases that come before it. This legislation will also insure fair treatment for the regular and senior judges of the court by providing certain benefits equivalent to those available to other Federal trial judges. Enactment of this bill will provide the citizens of the United States with a more fair and complete remedy and the United States with a more effective forum for the resolution of claims against the Government.

The Court of Federal Claims is the Nation's primary forum for monetary claims against the Federal Government. The court has jurisdiction to entertain suits for money against the United States that are founded upon the Constitution, an act of Congress, an Executive order, a regulation of an executive department, or contract with the United States and that do not sound in tort. The court hears major patent cases, Government contract suits, tax refunded suits, fifth amendment contract suits, tax refund suits, fifth amendment takings cases and Indian claims, among other types of lawsuits. This national court and its judges hear cases in every State and territory of the United States for the convenience of the litigants, the witnesses, and the Government. This benefits our judicial system and Nation by making the promise of fair dealing a reality.

The legislation that I am introducing today will make administrative and jurisdictional changes with the result that the court's resources are preserved and utilized to the maximum extent and the jurisdiction of the court is clarified for the benefit of all. The ultimate result will be a more user-friendly forum which gets to the merits of controversies faster. In a moment, I will comment on all of the various sections of the bill, but first I would like to take this opportunity to comment on the need for the jurisdictional provisions of the bill.

A potential litigant should be able to examine chapter 91 of title 28, United States Code, which commences with the Tucker Act, section 1491, and to determine whether the court has jurisdiction of his claim and what relief is available. Of course, there are miscellaneous other provisions extending jurisdiction to the Court of Federal Claims, e.g., 28 U.S.C. Section 1346 (a)(1), tax refund suits; 42 U.S.C. Section 300aa–11, vaccine-injury compensation cases; and 50 U.S.C. app. Section 1989b–4(h), Japanese internment compensation appeals.

Chapter 91 of title 28 should be sufficiently clear so that even lawyers throughout the country, who rarely handle claims against the Government, could consult the Code and find reliable answers. Regrettably, this is not the current situation. Instead, a typical claimant is met with the barrage of assertions that the court lacks jurisdiction to address the claim and or lacks power to award relief requested even in those cases where jurisdiction is conceded.

The amendments proposed in section 8 of the bill, together with repeal of U.S.C. Section 1500, which I have introduced separately as S. 1355, will result in clarity that will make access to the courts less costly by permitting the court to get to the real merits of the cases, rather than waste resources dealing with preliminary and peripheral issues, and these changes will result in real civil justice reform.

Further, in cases which constitute review of administrative agency action, the potential litigant should be able to know with absolute certainty what standard of review will be applied. In the proposed bill, the standard of review in the Administrative Procedure Act of 1946 will be made explicitly applicable. Although one would naturally assume from the face of 5 U.S.C. Section 706 that these standards already apply in the Court of Federal Claims, there is some doubt and confusion over precisely which standards apply and the source of such standards. The proposed bill will end this confusion so that potential and actual litigants can know, with certainty, which standards will apply and where to find them.

No legitimate interests are served by having the parties guess and litigate about the extent of the court's jurisdiction and powers or over the standard of review applicable in agency-review cases. Enactment of this bill will end such waste and keep everyone's focus on the merits of a given case and effective steps toward resolution of controversy. It will instill confidence that in the Court of Federal Claims, and every litigant, including the Government, will receive prompt and efficient justice.

Let me provide a brief summary of my bill:

Section 1 states that this act shall be cited as the "Court of Federal Claims Administration Act."

Section 2 will provide that in the event a judge is not reappointed, the Judge will nonetheless remain in regular active status until his or her successor is appointed and takes office, thus insuring that the court will always have a full complement of regular active judges.

Section 3 will provide that judges of the Court of Federal Claims shall have authority to serve on the territorial courts when, and only when, their services are needed and are requested by, or on behalf, of such courts.

Section 4 will simply clarify what is already assumed by all concerning the official duty station of retired judges on senior status. It will provide that the place where a retired judge of the Court of Federal Claims maintains his or her actual residence shall be deemed to be his or her official duty station. This is consistent with current provision applicable to other Federal trial courts.

Section 5 will provide for Court of Federal Claims membership on the Judicial Conference of the United States. Currently, there is no Court of Federal Claims representation on the Judicial Conference, even though the court is within the jurisdiction of the conference and derives its funding and administrative support from the administrative office of the United States courts which in turn operates under the supervision and direction of the Judicial Conference.

Section 6 will provide that the chief judge of the Court of Federal Claims may call periodic judicial conferences, which will include active participation of the bar, to consider the business of the court and improvements in the administration of justice in the court. This will make explicit the authority which has traditionally been assumed and exercised by the court in conducting its business.

Section 7 will amend section 797 of title 28 to provide that the chief judge of the Court of Federal Claims is authorized to recall a formerly disabled judge who retires under the disability provisions of court's judicial retirement system if there is adequate demonstration of recovery from disability. This provision will match one currently applicable to formerly disabled judges of other Federal courts and will insure maximum use of all available resources to deal with the court's caseload.

Section 8 makes several modifications to statutory provisions pertaining to Court of Federal Claims jurisdiction in order to save recurring litigation regarding where claims should be filed, to define what judicial powers the court may exercise, and to specify what standards of review will apply in certain cases. Together, these changes will save untold resources of litigants and the court will make the court a more efficient forum for lawyers and parties to litigate their monetary claims against the Government.

In addition, this section would extend to the court ancillary jurisdiction under the Federal Tort Claim Act when such a claim is directly related to one otherwise plainly within the subject-matter jurisdiction of the court. This will avoid wasteful and duplicative litigation by authorizing the Federal Claims Court to address and dispose of the entire controversy in cases within its jurisdiction when a related claim, although sounding in tort, may firmly be deemed to arise from the same operative facts as the primary claim within the court's jurisdiction.

Section 9 will insure that Court of Federal Claims judges over age 65 who are on senior status will receive the same treatment as other Federal trial judges on senior status insofar as Social Security taxes and payments are concerned.

Section 10 amends title 28 to clarify that the judges of the Court of Federal Claims are judicial officers eligible for coverage under annuity, insurance, and other programs available under title 5 of the United States Code and will extend to those judges the opportunity to continue Federal life insurance coverage after retirement in the same manner as all other Federal trial judges in the judicial branch.

In summary, this bill will make the Court of Federal Claims more efficient and productive, resulting in benefits to the litigating public, the Government, and the country as a whole. The U.S. Court of Federal Claims is an important part of the Federal court system. The creation of this court by the Congress responds to a very basic democratic imperative—fair dealing by the Government in disputes between the Government and the private citizen. As Abraham Lincoln noted:

> It is as much the duty of the Government to render prompt justice against itself, in favor of citizens, as it is to administer the same, between private individuals.

These amendments will allow it to better comply with its mandate and assist it in providing improved service to litigants and to the entire country.

I urge my colleagues to support this legislation.

Mr. President, I request unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court of Federal Claims Administration Act of 1994".

SEC. 2. EXTENDED SERVICE.

Section 172(a) of title 28, United States Code, is amended by adding at the end thereof the following new sentence: "If a judge is not reappointed, such judge may continue in office until a successor is appointed and takes office.".

SEC. 3. SERVICE ON TERRITORIAL COURTS.

Section 174 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Upon request by or on behalf of a territorial court and with the concurrence of the chief judge of the Court of Federal Claims and the chief judge of the judicial circuit involved based upon a finding of need, judges of the Court of Federal Claims shall have authority to conduct proceedings in the district courts of territories to the same extent as duly appointed judges of those courts.".

SEC. 4. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.".

SEC. 5. JUDICIAL CONFERENCE PARTICIPATION.

Section 331 of title 28, United States Code, is amended—

(1) by inserting in the first sentence of the first undesignated paragraph "the chief judge of the United States Court of Federal Claims," after "Court of International Trade,";

(2) by inserting in the first sentence of the third undesignated paragraph "the chief judge of the United States Court of Federal Claims," after "the chief judge of the Court of International Trade,"; and

(3) by inserting in the first sentence of the third undesignated paragraph "or United States Court of Federal Claims," after "any other judge of the Court of International Trade,".

SEC. 6. COURT OF FEDERAL CLAIMS JUDICIAL CONFERENCE.

(a) IN GENERAL.—Chapter 15 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 336. Judicial Conference of the Court of Federal Claims

"(a) The chief judge of the Court of Federal Claims is authorized to summon annually the judges of such court to a judicial conference, at a time and place that such chief judge designates, for the purpose of considering the business of such court and improvements in the administration of justice in such court.

"(b) The Court of Federal Claims shall provide by its rules or by general order for representation and active participation at such conference by members of the bar.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections of chapter 15 is amended by adding the following new item:

"336. Judicial Conference of the Court of Federal Claims.".

SEC. 7. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) Any judge of the Court of Federal Claims receiving an annuity pursuant to section 178(c) of this title (relating to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section.".

SEC. 8. JURISDICTION.

Section 1491(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "for monetary relief" after "any claim against the United States"; and

(B) by striking out "or for liquidated or unliquidated damages";

(2) in paragraph (2)—

(A) by inserting "(A) In any case within its jurisdiction, the Court of Federal Claims shall have the power to grant injunctive and declaratory relief when appropriate." after "(2)";

(B) by striking out the last sentence; and

(C) by adding at the end thereof the following new subparagraph:

"(B) The Court of Federal Claims shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under section 10(a)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 609(a)(1)), including a dispute concerning termination of a contract, rights in tangible or intangible property, compliance with cost accounting standards, and other nonmonetary disputes on which a decision of the contracting officer has been issued under section 6 of that Act (41 U.S.C. 605)."; and

(3) by adding at the end thereof the following new paragraphs:

"(4) In cases otherwise within its jurisdiction, the Court of Federal Claims shall also have ancillary jurisdiction, concurrent with the courts designated in section 1346(b) of this title, to render judgment upon any related tort claim authorized by section 2674 of this title.

"(5) In cases within the jurisdiction of the Court of Federal Claims which constitute judicial review of agency action, the provisions of section 706 of title 5 shall apply.".

SEC. 9. SENIOR STATUS PROVISION.

Section 178 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(m) For the purposes of applying section 3121(i)(5) of the Internal Revenue Code of 1986 and section 209(h) of the Social Security Act (42 U.S.C. 409(h)), the annuity of a Court of Federal Claims judge on senior status after age 65 shall be deemed to be an amount paid under section 371(b) of this title for performing services under the provisions of section 294 of this title.".

SECTION 10. MISCELLANEOUS PROVISION.

(a) IN GENERAL.—Chapter 7 of title 28, United States Code, is amended by adding after section 178 the following new section:

"§ 179. Court of Federal Claims judges as officers of the United States

"(a) For the purpose of supplying the provisions of title 5, a judge of the United States Court of Federal Claims shall be deemed to be an "officer" as defined under section 2104(a) of title 5.

"(b) For the purpose of applying chapter 87 of title 5, a judge of the United States Court of Federal Claims who is retired under section 178 of this title shall be deemed to be a judge of the United States as defined under section 8701(a)(5)(ii) of title 5.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 7 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"179. Court of Federal Claims judges as officers of the United States.".

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 359, a bill to require the Secretary of Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 1915

At the request of Mr. SHELBY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1915, a bill to require certain Federal agencies to protect the rights of private property owners.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 2120

At the request of Mr. INOUYE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for public broadcasting, and for other purposes.

S. 2283

At the request of Mr. SHELBY, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 2283, a bill to amend title XVIII of the Social Security Act to provide for coverage of prostate cancer screening and certain drug treatment services under part B of the Medicare Program, to amend chapter 17 of title 38, United States Code, to provide for coverage of such screening and services under the programs of the Department of Veterans Affairs, and to expand research and education programs of the National Institutes of Health and the Public Health Service relating to prostate cancer.

S. 2301

At the request of Mr. ROTH, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2301, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Michigan [Mr. RIEGLE], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Ohio [Mr. GLENN], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating 1995 as the Year of the Grandparent."

SENATE JOINT RESOLUTION 209

At the request of Mr. COCHRAN, the names of the Senator from New York [Mr. D'AMATO], the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Alaska [Mr. STEVENS], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mr. DOLE], the Senator from Mississippi [Mr. LOTT], the Senator from Missouri [Mr. BOND], the Senator from Maine [Mr. COHEN], the Senator from Hawaii [Mr. AKAKA], the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. DORGAN], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. ROBB], and the Senator from Tennessee [Mr. MATHEWS], were added as cosponsors of Senate Joint Resolution 209, a joint resolution designating November 21, 1994, as "National Military Families Recognition Day."

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from Illinois [Mr. SIMON], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Tennessee [Mr. MATHEWS], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. JEFFORDS], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Connecticut [Mr. DODD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Alabama [Mr. HEFLIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Jersey [Mr. BRADLEY], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. SHELBY], the Senator from New York [Mr. MOYNIHAN], the Senator from Delaware [Mr. BIDEN], and the Senator from Minnesota [Mr. DURENBERGER], were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE RESOLUTION 244—RELATING TO THE DEATH OF THREE FEDERAL FIREFIGHTERS

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted the following resolution, which was considered and agreed to:

S. RES. 244

Whereas on July 12, 1994, three Federal firefighters from the United States Forest Service perished in a helicopter crash near Silver City, New Mexico while on their way to fight a fire in the Gila National Forest;

Whereas the three firefighters who gave their lives were Bob Boomer, pilot, from Spokane, Washington, Sean Gutierrez, Gila/Mimbres Helitack, from Silver City, New Mexico, and Sam Smith, Gila/Membres Helitack, from Las Cruces, New Mexico; and

Whereas these brave men gave their lives in an attempt to protect lives, property, and natural resources: Now, therefore, be it

Resolved, That the Senate honors, and will always remember, Bob Boomer, Sean Gutierrez, and Sam Smith, the three Federal firefighters who died on July 12, 1994, for their heroic efforts in attempting to fight a fire in the Gila National Forest, in order to protect lives, property, and natural resources.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

BYRD (AND OTHERS) AMENDMENT NO. 2382

Mr. BYRD (for himself and Mr. BAUCUS) proposed an amendment to the bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes, as follows:

On page 51, line 5, strike "$1,322,857,000" and insert in lieu thereof "$1,334,857,000".

BYRD AMENDMENTS NOS. 2383 THROUGH 2386

Mr. BYRD proposed four amendments to the bill, H.R. 4602, supra; as follows:

AMENDMENT NO. 2383

On page 28, line 18, change the roman number from "$199,000" to "$208,000".

AMENDMENT NO. 2384

On page 29, line 29, strike "on July 1" and insert in lieu thereof "not later than July 31".

AMENDMENT NO. 2385

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, in fiscal year 1995 and thereafter, appropriations made to the Department of the Interior in this Title may be used to fund incrementally research work orders for cooperative agreements with colleges and universities, state agencies, and non-profit organizations that overlap fiscal years: *Provided*, That such cooperative agreements shall contain a statement that "the obligation of funds for future incremental payments shall be subject to the availability of funds."

AMENDMENT NO. 2386

On page 47, line 7 linetype:

"by the General Services Administration".

BURNS (AND OTHERS) AMENDMENT NO. 2387

Mr. BYRD (for Mr. BURNS, Mr. INOUYE, and Mr. DORGAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 69, line 12 after the colon add the following: "*Provided further*, That within the funds provided, $250,000 shall be available for the recruitment and training of American Indians for graduate training in the field of psychology, as authorized in section 217 of the Indian Health Care Improvement Act of 1992, Public Law 102–573."

BYRD AMENDMENT NO. 2388

Mr. BYRD proposed an amendment to the bill, H.R. 4602, supra; as follows:

Linetype beginning on page 40, line 23 through page 41, line 11, and insert in lieu thereof the following:

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 495), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions, $19,838,000 to be available until expended, including $18,464,000 for operations of the Government of Palau: *Provided*, That all financial transactions of the Trust Territory including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1995, except for $692,000 for special programs, shall be credited as an off-set against fiscal year 1995 payments made pursuant to the Compact of Free Association (Public Law 99–658), if such Compact is implemented before October 1, 1995: *Provided further*, That not less than $300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

BYRD AMENDMENT NO. 2389

Mr. BYRD proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 41, line 18 before the semi-colon, insert the following: ": *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99–658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101–219".

And, on page 41, line 23 strike "$7,556,000" and insert "$1,490,000".

DECONCINI AMENDMENT NO. 2390

Mr. BYRD (for Mr. DECONCINI) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 74, line 13, before the period insert the following: ": *Provided, further*, That money collected for meals served at Indian Health Service facilities will be credited to the appropriations from which the services were furnished and shall be credited to the appropriation when received".

DORGAN AMENDMENT NO. 2391

Mr. BYRD (for Mr. DORGAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 28, line 18, add $2,000,000 to the italized number.

On page 62, line 21, reduce the amount by $2,550,000.

KASSEBAUM AMENDMENT NO. 2392

Mr. BYRD (for Mrs. KASSEBAUM) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 18, line 12, reduce the amount by $1,500,000.

On page 16, line 19, increase the amount by $900,000.

MURRAY (AND GORTON) AMENDMENT NO. 2393

Mr. BYRD (for Mrs. MURRAY for herself and Mr. GORTON) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 53, line 1, strike out "$68,893,000" and insert in lieu thereof "$70,367,000".

On page 53, line 3, strike out "$150,341,000" and insert in lieu thereof "$148,867,000".

STEVENS AMENDMENT NO. 2394

Mr. BYRD (for Mr. STEVENS) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 74, line 13, before the period, insert the following: ": *Provided further*, That notwithstanding any other provision of law, any locality qualified to select land as a Native village under the Alaska Native Claims Settlement Act (Public Law 92–203 as amended) shall be eligible to participate in the sanitation facilities program: *Provided further*, That such villages shall apply consistent with the sanitation facilities priorities process: *Provided further*, That any funds provided pursuant to such authority shall not exceed the prorata share of the cost of the project commensurate with the percentage of Alaska Natives in the population of the affected community".

BYRD (AND OTHERS) AMENDMENT NO. 2395

Mr. BYRD (for himself, Mr. BINGAMAN, Mr. HATFIELD, Mr. BURNS, Mr. BAUCUS, and Mr. DOMENICI) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the end of title III of the bill, insert the following new section:

SEC. . Notwithstanding any other provision of law in fiscal year 1995 and thereafter, appropriations made available to the Department of the Interior or Forest Service, Department of Agriculture shall be available to reimburse the representative (as that term is defined by applicable law) of employees who die in the line of duty in the last quarter of fiscal year 1994, and in subsequent fiscal years, for burial costs and related out-of-pocket expenses: *Provided*, That the amount of such reimbursement may exceed the $800 limitation in 5 U.S.C. 8134(a).

HELMS AMENDMENT NO. 2396

Mr. HELMS proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the end of the amendment, add the following:

SEC. . Notwithstanding any other provision of law, none of the funds made available under this Act to the National Endowment for the Arts may be used by the Endowment, or by any other recipient of such funds, to support, reward, or award financial assistance to any activity or work involving:

(a) human mutilation or invasive bodily procedures on human beings dead or alive; or

(b) the drawing or letting of blood.

JEFFORDS (AND OTHERS) AMENDMENT NO. 2397

Mr. JEFFORDS (for himself, Mr. PELL, Mr. DURENBERGER, Mr. METZENBAUM, and Mr. DODD) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 81, line 7, strike "133,903,000" and insert "140,950,000".

On page 81, line 16, strike "27,693,000" and insert "29,150,000".

On page 81, line 18, strike "12,113,000" and insert "12,750,000".

On page 89, between lines 13 and 14, insert the following new section:

SEC. 312. Each amount appropriated under this Act is reduced by the uniform percentage necessary to offset the total appropriations under this Act by $8,504,000.

BAUCUS (AND PRESSLER) AMENDMENT NO. 2398

Mr. BAUCUS (for himself and Mr. PRESSLER) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place, insert the following: "None of the funds made available to the Forest Service under this Act may be used by the Secretary of Agriculture to prescribe and implement regulations relating to law enforcement activities of the Forest Service, unless, notwithstanding section 553 of title 5, United States Code, not later than 90 days before the date on which the Secretary prescribes final regulations relating to such activities, the Secretary provides a copy of proposed regulations relating to such activities to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives for review and comment by such committees."

McCAIN (AND NICKLES) AMENDMENT NO. 2399

Mr. McCAIN (for himself and Mr. NICKLES) proposed an amendment to the bill, H.R. 4602, supra, as follows:

On page 89, between lines 13 and 14, insert the following:

SEC. 312. (a)(1) The head of each agency referred to in paragraph (2) shall submit to the President each year, through the head of the department having jurisdiction over the agency, a land acquisition ranking for the agency concerned for the fiscal year beginning after the date of the submittal of the report.

(2) The heads of agencies referred to in paragraph (1) are the following:

(A) The Director of the National Park Service in the case of the National Park Service.

(B) The Director of the Fish and Wildlife Service in the case of the Fish and Wildlife Service.

(C) The Director of the Bureau of Land Management in the case of the Bureau of Land Management.

(D) The Chief of the Forest Service in the case of the Forest Service.

(3) In this section, the term "land acquisition ranking", in the case of a Federal agency, means a statement of the order of precedence of the land acquisition proposals of the agency, including a statement of the order of precedence of such proposals for each organizational unit of the agency.

(b) The President shall include the land acquisition rankings for a fiscal year that are submitted to the President under subsection (a)(1) in the supporting information submitted to Congress with the budget for that fiscal year under section 1105 of title 31, United States Code.

(c)(1) The head of the agency concerned shall determine the order of precedence of land acquisition proposals under subsection (a)(1) in accordance with criteria that the Secretary of the Department having jurisdiction over the agency shall prescribe.

(2) The criteria prescribed under paragraph (1) shall provide for a determination of the order of precedence of land acquisition proposals through consideration of—

(A) the natural resources located on the land covered by the acquisition proposals;

(B) the degree to which such resources are threatened;

(C) the length of time required for the acquisition of the land;

(D) the extent, if any, to which an increase in the cost of the land covered by the proposals makes timely completion of the acquisition advisable;

(E) the extent of public support for the acquisition of the land; and

(F) such other matters as the Secretary concerned shall prescribe.

(G) the total estimated costs associated with each land acquisition.

BUMPERS (AND JEFFORDS) AMENDMENT NO. 2400

Mr. BUMPERS (for himself and Mr. JEFFORDS) proposed an amendment to the bill, H.R. 4602, supra, as follows:

On page 48 line 16, strike all after the words "SEC. 112." and insert the following:

If the House-Senate Conference Committee on H.R. 322 fails to report legislation which is enacted prior to adjournment of the 103rd Congress sine die, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any mining or mill site claim located under the general mining laws.

SEC. 113. The provisions of section 112 shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 25, 26 and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, the Committee on Small Business has scheduled a hearing for Wednesday, July 27, 1994. The purpose of the hearing is to assess the implementation of Public Law 100-656, the Business Opportunity Development Reform Act of 1988, and the recommendations of the Commission on Minority Business Development, created by section 505 of that act. The hearing will be conducted in the committee's hearing room. SR-428A, commencing at 2 p.m.

Further information concerning this hearing may be obtained from the committee's procurement policy counsel, William B. Montalto. Bill may be reached at 224-5175.

NOTICE OF CHANGE IN HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON WATER AND POWER AND COMMITTEE ON INDIAN AFFAIRS

Mr. BRADLEY. Mr. President, I would like to announce for my colleagues and the public a change in a hearing scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs.

In addition to receiving testimony on S. 2259, a bill to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of hydropower by the Grand Coulee Dam, and for other purposes, the subcommittee will also receive testimony on S. 2236, a bill to direct the Secretary of the Interior to enter into negotiations concerning the Nueces River project, Texas, and for other purposes.

The hearing will take place on Thursday, August 4, 1994, at 2 p.m. in room 366 of the Dirksen Senate Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement for the printed hearing record is welcome to do so. Please send your comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, 20510, Attention: Leslie Palmer.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224-4531 or Leslie Palmer at (202) 224-6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet in closed session on Monday, July 25, 1994, at 10:45 a.m. to receive a classified briefing from DOD officials on the situation in Rwanda.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Monday, July 25, at 2 p.m. to hold nomination hearings on Brady Anderson to be Ambassador to Tanzania; Dorothy Sampas to be Ambassador to Mauritania; E. Michael Southwick, to be Ambassador to Uganda; and Carl Stokes to be Ambassador to the Seychelles.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on

Indian Affairs be authorized to meet on Monday, July 25, 1994, beginning at 12:30 p.m., in 106 Dirksen Office Building on S. 2230, the Indian Gaming Regulatory Act Amendments of 1994.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. BYRD. Mr. President, I would like to request that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be granted authority to meet during the session of the Senate on Monday, July 25, 1994, at 1:30 p.m., to hold a hearing on oversight of EPA's implementation of the Non-Attainment Provision of the Clean Air Act in the Lake Michigan region.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

"ON THE MATTER OF RACE, LAW AND THE AMERICAN WAY"

• Mr. SIMON. Mr. President, I do not know if other Members of the Senate are like I am, but I frequently put magazines and books aside, hoping to get to them at a point when I have a little leisure time. Having focused the attention of my few leisure hours in the last few months on getting a couple of books finished, I am now catching up on things. I came across the April issue of Black Issues In Higher Education, a periodical that does a solid job in the field of higher education.

In the April issue is an interview with one of the most impressive public officials I have ever met, Judge Leon Higginbotham.

He has retired from active service in the judiciary and has been lecturing at various universities.

With a marvelous, incisive and sensitive mind, Judge Higginbotham through the years has put his finger on the problem that face our society over and over again.

I read what he wrote with great admiration long before I ever had the privilege of meeting him.

Black Issues In Higher Education has an interview with him titled "On the Matter of Race, Law and the American Way."

It is a fairly sweeping look at what is happening in our society, as well as our judiciary.

Like anything else Judge Higginbotham writes or says, it is worth reading and reflecting upon.

I ask to insert it into the RECORD at this point.

The article follows:

[From Black Issues in Higher Education]

ON THE MATTER OF RACE, LAW, AND THE AMERICAN WAY

(Judge A. Leon Higginbotham, Jr., interviewed by B. Denise Hawkins)

As a young man growing up in Trenton, NJ, former federal court Judge A. Leon Higginbotham, Jr. experienced first-hand the unequal application of the law and learned early that skin color can make the difference between acceptance and denial.

But it was not until he entered Purdue University at the age of 16 that he began trying the system by challenging the university's racially biased housing policy. He lost that case, but not his desire for justice.

The son of a domestic worker and a laborer who extolled virtues of education, Higginbotham has gone on to become one of the nation's leading legal scholars. In his award-winning book, *In the Matter of Color: Race and the American Legal Process*, he reveals the motivation for his scholarship: "I became intensely eager to acquaint myself with . . . the lessons of racial history, to ascertain to what extent the law itself had created the mores of racial repression."

The seemingly hopeless and tenuous issue of race has been a constant for Higginbotham, but it has not left him bitter or even hopeless. His sense of outrage has instead been controlled and in several instances channeled into legal writing. One has only to read his celebrated "An Open Letter to Clarence Thomas From a Federal Judicial Colleague," to get a glimpse of his style.

Last year, he stepped down from the bench as senior circuit court judge of the United States Court of Appeals for the Third Circuit after 29 years. He was the longest serving active federal judge.

He is currently of counsel to Paul, Weiss, Rifkind, Wharton & Garrison.

At a time when many people his age are enjoying their retirement, Higginbotham is returning to the classroom—Harvard—as a full professor, after having taught and lectured at some of the nation's most prestigious institutions—Yale, Stanford, New York University, the University of Michigan, the University of Hawaii, the University of Pennsylvania as well as Harvard University.

Q. While you were on the bench, you maintained a hectic schedule that included legal writing and teaching. Why, at this stage in your career, have you chosen to return to the classroom full-time?

A. I enjoy intellectual inquiries that reveal why certain complex problems exist, and their origin. The academic community gives one the rare luxury for intense inquiry and insightful reflection on serious problems. If done thoughtfully, one can pursue and articulate long-term solutions that will make a systematic difference. I left the bench and joined academia because I believe that, in the long run, I will be able to focus more on identifying and implementing viable solutions.

More important, all law students should understand the history of the American legal process for at least three centuries. Without historical insight, it becomes difficult to evaluate the alternatives that the legal process could have or should have. Secondly, I would want them to have a sense of caring and mission to aid the downtrodden and the powerless. They must seek to implement Martin Luther King, Jr's statement that we must "have the temerity to believe that people everywhere can have three meals a day for their body, education for the minds, and dignity for their spirits." Third, they should always pursue excellence and maintain ethical conduct.

Q. You have been contemplating teaching at Harvard, where your contemporary Derrick Bell left his tenured position to protest the absence of tenured Black women on the law faculty. Did you consider teaching at a historically Black law school?

A. I will not be teaching primarily at Harvard Law School. My full professorship will be at the John F. Kennedy School of Government, but every third semester, I will teach one course at the law school. I think there is a partial distortion of information about Harvard Law School. It does not have a bad record on student recruitment and retention. The student body is 25 percent minority and 11 percent African American. The presence of approximately 150 African-American students is significant. There are four tenured male professors at the law school. There should be tenured minority women on the faculty, and I shall do everything I can to make that occur.

But you recognize the irony of the fact that, although Derrick Bell left Harvard because there were no women in tenured positions on that faculty, he joined the New York University Law School, which has two women, but no Black men in tenured positions. This spring, while I am at the National Humanities Center in North Carolina, I had the option to teach at Duke Law School, the University of North Carolina Law School or North Carolina Central Law School. I chose North Carolina Central, which has a predominantly Black student body.

Q. You say that study and research of law are key to understanding issues of racism, discrimination and the unequal distribution of power. How can today's youth gain this knowledge and learn to use the law to their advantage?

A. You have to encourage young people to read and think for themselves. Too many young people want to say, 'I'm for brother Malcolm,' as if that is analytical. When I was at Yale, you went to the law library on Saturday night, and more often then not, all three Black students who were in my class were there. My generation looked at scholarship as a serious matter. In terms of young people, we must encourage them to go back into the fundamental disciplines. If we don't master those we are going to be in serious trouble. There is no easy ride in life. Success, more often than not, requires sweat.

What I see across the board, among Blacks and whites, is a lack of tenacity which we had in our generation. What astonishes me is young people in high school who don't even take their books home. When the teacher gives them a paper to do, they get angry if they have to make it more than two pages and critical. What scares me most is that the level of discipline that was endemic to my generation I do not see today.

My mother was a domestic and my father was a laborer, but they had high expectations for me in terms of grade performance. I remember that in the sixth grade I had all A's but one, and my father was so alarmed he withdrew my allowance. When I went to junior high school in Trenton, NJ, at an all-Black school, even art teachers were very demanding. David Dinkins [former New York mayor] went to the same school. In high school, out of 13 boys, 11 got postgraduate degrees. Some became doctors, dentists, school principals. When we grew up, hard work was viewed as a luxury, not a burden.

Q. Some critics have assailed your acts of protest as unbefitting a judge, others have described them as quiet, but significant. How do you view your activism? In some of your most notable acts of protest, you have written letters which were published. Why?

A. There are different styles. There is the opinion that judges should not be critical of the society in which we live. What that really means is that those who are in power don't have to be critical of society because they have all the benefits, and those who are not in power, but get in high office, are not aware of injustices. I think that the roles of a federal judge and a political official are different. I try never to cross that line.

There have been complaints from lawyers against Black judges sitting on cases involving civil rights because Black judges have been active in civil rights organizations. Well, I don't hear complaints about Catholic judges deciding First Amendment cases that could impact the Roman Catholic Church. I don't hear complaints about men deciding cases which involve the rights of women. If men can act and adjudicate these issues, then minorities should be able to do the same. I think scholarship in the long run has impact. There are lots of Black people today, who in their pursuit of intellectual excellence, don't know that they are repeating the ideas which Du Bois brought forth in brooks like *The Souls of Black Folk*.

Q. In an "An Open Letter to Justice Clarence Thomas From a Federal Judicial Colleague," you spoke for many regarding the selection of Thomas to the U.S. Supreme Court. It's been more than two years since Thomas was appointed. What have you observed?

A. While Justice Thurgood Marshall was concerned with moving the mantle of liberty and freedom so that it encompassed more Americans, Clarence Thomas is someone who has an 18th century concept of jurisprudence. He has been one of the two or three most conservative jurists of this century, and the best evidence of it can be seen in about three or four cases. One of them is Hudson v. McMillan which involved a prisoner who was taken out of his cell to a holding area, shackled at the feet, handcuffed and beaten by prison guards. They burst his lips, they broke his dental plate, they loosened his teeth, kicked him in the back. When the case came up before the U.S. Supreme Court, the issue was whether the prisoner's treatment was cruel and unusual punishment. Seven justices, with the opinion written by Justice O'Connor, held at that it was cruel and unusual punishment, and that in a civilized society you don't allow that type of conduct.

Shockingly, the dissent was written by Clarence Thomas. It just seemed almost incomprehensible that a Black person who has insights about how power has been so poorly misused, would sanction that kind of behavior. That was shocking enough.

The Hudson case came down on Feb. 25, 1992, and the next case came down in June 1993—McKenney. The case involved a prisoner who was forced to be in a cell with someone who smoked five packs of cigarettes a day. As a result, he sustained all of the adversity of the environmental tobacco impact. Again, several justices, with an opinion written by Justice White, held that it could be cruel and unusual punishment to force someone to live in a cell under those conditions provided you could establish that there was a risk. In a peculiar and incredible dissent, Justice Thomas said that was not encompassed under the Eighth Amendment. Thomas said you have to prove actual injury before you have a remedy. What that meant was that you have to get cancer and you'd have to be in a position of irrecoverability. That's contrary to what all thoughtful judges in the world consider cruel and unusual punishment.

Q. In that same letter, you said the real tragedy of Plessy v. Ferguson is that the Supreme Court associate justices who decided that case had the wrong values, values that continue to poison our society. What did you mean?

A. In Plessy v. Ferguson, the simple question was would the state be allowed to treat Black people differently than everyone else. In the argument of counsel, they said if you can discriminate on the basis of race, you can separate on trains, can separate Irish from Italians, Jews from Catholics. The argument the court faced was how to draw the line to say what is permissible discriminatory conduct. They said that the standard is reasonableness. Implicitly they were saying that it would not be reasonable to separate blonds from redheads or Irishmen from Italians or Methodists from Episcopalians, but it was reasonable to separate Blacks from whites. That was a value question.

The seven justices who were in the majority in the Plessy case looked upon Blacks as less than truly equal. Their perception of Black people as unequals led them to write an opinion which would allow discrimination against Black people. They would not have allowed that to occur against other major ethnic or religious groups. There have been many profound changes since Plessy v. Ferguson; just look at your state universities. You see a substantial number of Blacks enrolling. I think the major problem today is that we try to categorize problems in society on the basis of race, when the root of the problem is really poverty and the lack of income options.

Q. Can you comment on your aspirations for a Supreme Court appointment? How did you respond to claims that you and not Thomas should have been appointed to the nation's highest court?

A. I'm flattered by the comments, but I don't think anyone is entitled to a position on the Supreme Court. I think that the country is entitled to a pluralistic court with individuals who care deeply about the weak, the poor, the powerless. My name apparently was on the list during the Carter years. If someone had approached me in recent years about being on the Supreme Court I would recommend strongly that they not do that. I think that the person who gets on the Supreme Court should be approximately in their 50s so that the public can envision them functioning effectively and—in the probability—be in good health for about 20 years. I'm 66 now and think it would be unwise for any president to appoint anyone my age.

Q. The evolution of your legal scholarship on racial jurisprudence was grounded in personal experience and remains so, how have you managed to get your work accepted and published?

A. When I was a 16-year-old student at Purdue University, it was racial exclusion that triggered me to move from engineering to law. I think that the acceptance of my scholarship on the issue of race and the American legal process has been broadbased. My book, In the Matter of Color: Race and the American Legal Process, received the highest award one can get from the American Bar Association, the Silver Gavel Award.

What my book does is give the statutory references and references to cases which establish how the law was such a critical component in legitimize racism. It is significant because it shows that if the law can be used to sanction slavery, cause millions of Black people to work for centuries without pay . . . it certainly could be used in a positive fashion to eradicate the consequences of racial injustice.

The historical findings in the book have apparently been of great importance to a large number of judges. Justice Brennan cited my book three times in a case called McCleskey, considered to be one of the most important cases dealing with capital punishment under Georgia law.

Q. You described your legal scholarship as broadbased. Do you consider yourself a critical race theorist?

A. I try to avoid the debates on critical race theory because I'm not exactly certain what everyone is talking about when they use that term to the extent that critical race theory points out how the law has been an instrument of injustice. There is a line from The Mikado that says, "The law is a perfect embodiment of everything that's excellent, it has no kind of fault or flaw and I, my lords, embody the law." That's the way people have tried to describe the law, as though it was a perfect instrument. It has not been an almost perfect instrument for a significant number of people. The Constitution says "we the people," but what we really have is we the people and we the other people. The other people in the early years were women who couldn't vote, including white women, and Blacks who were enslaved or couldn't get first-class citizenship. What I do—and what Derrick Bell and many outstanding law professors do today—is establish that the law was not the perfect embodiment of everything that was excellent. That doesn't mean that you give up hope on the law. It means that you understand its pathology.

Q. More than 20 years ago, President Johnson appointed you vice-chairman of the National Commission on the Causes and Prevention of Violence. How would you compare the social and legal climate then for people of color to today?

A. I served on the commission in 1968. Our recommendations were very sound. We said we had to deal with problems of poverty, discrimination and that in the long run they would tear this country asunder. I think generally we did not deal with those problems with the enthusiasm and the capability that we had, and that's why we have the crisis that we have now to the significant extent that we do.

The point we made in the violence commission report is that most civilizations have been destroyed, not by external assault, but by internal decay. The nation will pay hundreds of billions of dollars to bail out the failed savings and loans. But if someone has an urban program and they unwisely spend the money, then they talk about destroying the whole project, and that's the tragedy of our present situation.

Q. Historian John Hope Franklin said that Associate Justice Thurgood Marshall spoke not only 'for Black Americans but for Americans of all times.' Do you agree?

A. The point which John Hope Franklin makes is extremely important. If the *Brown* decision had not been won in 1954, segregation would have been legitimate and you would not have had the basis to argue that segregation laws were unconstitutional. So the 1964 Civil Rights Act, which makes racial discrimination in employment and public accommodations and in so many other areas illegal, was predicated on the legal theme which is the core of the viability of the 14th Amendment.

In my opinion, the first Reagan administration did the most to dilute the dream of Thurgood Marshall. During the first 11 and a half years of the Reagan and Bush administrations, 115 persons were appointed to the U.S. Court of Appeals. And of the 115, only two were Black—of the two, Larry Pierce was sufficiently senior, and you knew that he would not be on the court but a few years, and the other one was Clarence Thomas. In contrast, the Carter administration appointed in four years several members to the court of appeals who were African Americans. What you had during the Reagan-Bush administration was a deliberate plot to preclude Blacks from positions of significant lifetime power. Since President Clinton came into office, he has appointed many more Blacks in one year than Reagan and Bush did in 11.•

THE 20TH ANNIVERSARY OF DISTRICT 1199P OF THE NATIONAL UNION OF HOSPITAL AND HEALTH CARE EMPLOYEES

• Mr. WOFFORD. Mr. President, I would like to take this opportunity to congratulate Pennsylvania's district 1199P of the National Union of Hospital and Health Care Employees on its 20th anniversary.

Unions for health care workers were not formed in Pennsylvania until 1969 when a group at the Riverview Center for Jewish Seniors—formerly Jewish Home and Hospital—in Pittsburgh united and asked for union recognition. At that time, it was still illegal for health care workers to choose unions freely. But in 1970, the Pennsylvania Legislature passed a bill guaranteeing health care workers the right to organize.

With the leadership of President Emeritus John Black and the support of the national union, district 1199P grew dramatically—successful campaigns in Lewistown, Wilkes-Barre, Harrisburg, Pottstown, and elsewhere led to the district's official inclusion in the national union in 1974.

Throughout the 1970's, the union expanded steadily and fought for its first contracts. By 1980, the union reached 5,000 members—truly extraordinary growth in just 10 short years.

Today, 1199P represents over 8,000 health care workers and continues to reach the new levels of membership and involvement in the health care industry. As frontline health care workers, the union's members have recognized the need for changes in our current health care system, and they have been fighting to guarantee affordable health care coverage to all Americans. I stand with them in this battle and will also work to ensure that changes in the health care marketplace do not unfairly affect the backbone of the health care industry, our frontline health care workers.

I salute district 1199P today as they celebrate and review their illustrious history. And I stand with them in solidarity as they look toward the future and assess today's and upcoming changes in the health care workplace.•

AUTHORITY TO APPOINT A COMMITTEE OF ESCORT

Mr. BYRD. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Majesty Hussein I, King of Jordan, and His Excellency, Yitzhak Rabin, Prime Minister of Israel, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—H.R. 4602 AND H.R. 4624

Mr. BYRD. Mr. President, on behalf of Senator JOHNSTON I ask unanimous consent that Dr. Robert Simon, Science Fellow to the Committee on Energy and Natural Resources, be granted floor privileges for the duration of H.R. 4602, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, and H.R. 4624, the fiscal year 1995 Department of Veterans Affairs-HUD-independent agencies appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

HELSINKI HUMAN RIGHTS DAY

Mr. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 195, designating "Helsinki Human Rights Day," and that the Senate then proceed to its immediate consideration, that the joint resolution be deemed read three times, passed and the motion to reconsider laid upon the table; that the preamble be agreed to and any statements appear in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 195) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 195

Whereas August 1, 1994, is the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe (CSCE) (hereafter referred to as the "Helsinki Accords");

Whereas the participating States have declared their determination to fully respect and apply the Helsinki Principles Guiding Relations among participating States, including respect for human rights, the territorial integrity of states, and the inviolability of frontiers;

Whereas the participating States have declared that "the protection and promotion of human rights and fundamental freedoms and the strengthening of democratic institutions continue to be a vital basis for our comprehensive security";

Whereas the participating States have declared that "respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility are our common aims";

Whereas the participating States have acknowledged that "there is still much work to be done in building democratic and pluralistic societies, where diversity is fully protected and respected in practice";

Whereas the war in Bosnia and Hercegovina has resulted in organized, systematic, and premediated war crimes and genocide and has threatened stability and security in Europe;

Whereas ethnic tensions, civil unrest, and egregious human rights abuses in several of the recently admitted CSCE States continue to result in significant violations of CSCE commitments; and

Whereas the CSCE has contributed to positive developments in Europe by promoting and furthering respect for the human rights and fundamental freedoms of all individuals and groups and provides an appropriate framework for the further development of such rights and freedoms and genuine security and cooperation among the participating States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HELSINKI HUMAN RIGHTS DAY.

(a) DESIGNATION.—August 1, 1994, the 19th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe, is designated as "Helsinki Human Rights Day".

(b) PROCLAMATION.—The President is authorized and requested to issue a proclamation reasserting America's commitment to full implementation of the human rights and humanitarian provisions of the Helsinki Accords, urging all signatory States to abide by their obligations under the Helsinki Accords, and encouraging the people of the United States to join the President and Congress in observance of Helsinki Human Rights Day with appropriate programs ceremonies, and activities.

(c) HUMAN RIGHTS.—The President is requested to convey to all signatories of the Helsinki Accords that respect for human rights and fundamental freedoms continues to be a vital element of further progress in the ongoing Helsinki process; and to develop new proposals to advance the human rights objectives of the Helsinki process, and in so doing to address the major problems that remain.

SEC. 2. TRANSMITTAL.

The Secretary of State is directed to transmit copies of this joint resolution to the Ambassadors or representatives to the United States of the other 52 Helsinki signatory States.

HONORING THREE FEDERAL FIREFIGHTERS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 244, a resolution submitted earlier today by Senators BINGAMAN and DOMENICI honoring the three Federal firefighters who died in a helicopter crash while on their way to fight a fire in the Gila National Forest; that the resolution and the preamble be agreed to; the motions to reconsider be laid on the table en bloc and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas on July 12, 1994, three Federal firefighters from the United States Forest Service perished in a helicopter crash near Silver City, New Mexico while on their way to fight a fire in the Gila National Forest;

Whereas the three firefighters who gave their lives were Bob Boomer, pilot, from Spokane, Washington, Sean Gutierrez, Gila/Mimbres Helitack, from Silver City, New Mexico, and Sam Smith, Gila/Mimbres Helitack, from Las Cruces, New Mexico; and

Whereas these brave men gave their lives in an attempt to protect lives, property, and natural resources: Now, therefore, be it

Resolved, That the Senate honors, and will always remember, Bob Boomer, Sean Gutierrez, and Sam Smith, the three Federal firefighters who died on July 12, 1994, for their heroic efforts in attempting to fight a fire in the Gila National Forest, in order to protect lives, property, and natural resources.

Mr. BINGAMAN. Mr. President, I rise today to pay tribute to three brave men who died in a helicopter crash in my hometown of Silver City, NM while on their way to fight a fire in the Gila National Forest. For as long as I can remember, Silver City has been the center of activity during the fire season. Ground crews, smokejumpers, and helitack crews have been part of our community life for years. This is not only because the fires came to the Gila, but because the firefighters themselves came from our town, our county, our State. Today, I introduce this resolution to honor those who died on July 12, 1994, and give thanks for the lives of the survivors—those who survived that awful accident, and the many others who came home safely from their efforts in the forest.

Sean Gutierrez and Sam Smith were sons of New Mexico. Robert Boomer, their pilot, was from Washington. Westerners all, they did the hard and heavy work of fighting forest fires. People who have not lived as we have lived with a forest in our backyard might not be able to appreciate or understand the courage it takes to do this work. Physical strength and mental toughness, stamina and self-control, support that courage and make it work. Firefighters know better than anyone what Kipling meant when he wrote about

* * * forcing your heart and nerve and sinew
To serve your turn long after they are gone
And so hold on when there is nothing in you
Except the Will which says to them: Hold on.

Such was the kind of challenge these men faced, and which many firefighters continue to face this hot, dry, dangerous summer out West. The land they seek to protect and the people they serve so faithfully could have no better allies. We are truly, and humbly, in their debt.

Mr. President, it grieves us all deeply to add these three men to the toll already taken by the Western fires this summer. Fourteen firefighters lost their lives in a firestorm in Colorado just 6 days before this crash. In this season of sadness and death, we know that the rain will come, the forest will grow back, and the land will heal. The broken hearts, however, will never fully recover from the loss of these lives. Faith and love will help ease the pain, but the memories of what was and the dreams of what might have been will be with these families, these friends, these colleagues forever.

Mr. DOMENICI. Mr. President, the Senate recently passed a resolution honoring the 14 firefighters who lost their lives on Storm King Mountain in Colorado. The awful reality of that event had barely been grasped when I learned of yet another tragedy, this time in my own State of New Mexico. On July 12, 1994, at approximately 3:30 p.m., a helicopter, on its way to the guide fire on the Gila National Forest, went down with four members of the Gila/Mimbres Helitak crew and the pilot. Two crew members survived. Tragically, the pilot and two of the helitak crew members were killed. In honor of these valiant civil servants, I am cosponsoring this tribute to them.

I would like to tell you a little about the three individuals who died. Perhaps this will help you understand the special qualities possessed by the men and women who routinely risk their lives to protect our natural resources. They were:

Robert Boomer, age 41, helicopter pilot—"Boomer", as he was known, was a native of Spokane, WA and a veteran helicopter pilot working under contract to the Forest Service out of Van Nuys, CA. He had received his rotor wing training in the Army and had over 4,000 hours of helicopter flying with 1,200 hours experience flying in mountainous terrain. He had formerly worked taking tourists on sightseeing excursions over the Grand Canyon. He received his Forest Service certification training at the Gila National Forest helibase. He is described as having been a very professional and conservative pilot, excited about working for the Forest Service and fighting fires. He is survived by his mother, four brothers and a sister, and four children from a previous marriage. He enjoyed fishing, hunting, and working with remote control airplanes.

Anthony Sean Gutierrez, age 20, Gila Helitak crewmember—Sean was a native of Silver City, NM. He was enrolled at New Mexico State University in Las Cruces majoring in wildlife biology. Upon graduation, Sean's desire was to follow in his father's footsteps and make a career with the Forest Service. He took great pride in working for the Forest Service fighting fire and following what had become a family tradition. Family members, friends and coworkers have described Sean as being a happy, enthusiastic young man who was very close to his parents and sister. He enjoyed life, making others laugh, and playing guitar and singing. Sean will be remembered for his enthusiasm for life, his love to joke with people, and for his fun-loving spirit.

Samuel Catarino Smith, age 34, Gila Helitak crewmember—Sam was a native of Las Cruces and had worked for the Forest Service for 7 years as a seasonal employee. He had graduated from New Mexico State University in 1992 with a degree in business administration. Sam enjoyed outdoor activities and was enthusiastic about helicopters and rapelling. He was married and his wife Tammy is expecting a baby this year. Sam's wife describes him as having a heart of gold and a willingness to bend over backwards to help others. It is said that he was on "cloud nine" with the anticipated arrival of their baby. He is remembered as a young man excited about life and willing to share thoughts on many subjects, especially Forest Service helicopters, the Gila National Forest, and firefighting.

Sunday, July 17, 1994 was a sad day in Silver City, NM. On that day memorial services were held at Western New Mexico State University's Old James Stadium, to honor these three individuals.

The circumstances that led to this tragedy are still being reviewed. In the meantime, other firefighters suppress their grief and continue to battle blazes in New Mexico and elsewhere in the west.

In hopes that we can minimize future losses of the magnitude we've experienced in Colorado and New Mexico, I have asked the Secretaries of Agriculture and Interior to report to me on the status of their respective firefighting organizations and any management strategies they will employ to reduce the risk of future catastrophic fires. I am certain that they are committed, as am I, to do whatever is possible to avoid further disasters of this nature.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 4602

Mr. BYRD. Mr. President, I ask unanimous consent that the list of amendments entered earlier be modified to delete the two amendments by Mr. LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8 o'clock a.m., Tuesday, July 26; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; provided further that there then be a period for morning business not to extend beyond 9:15 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the first hour of morning business under the control of Senator KERREY, or his designee, with Senator DORGAN recognized for up to 10 minutes; that at 9:15 a.m., the Senate resume consideration of H.R. 4602, the Department of the Interior appropriations bill, with Senator BRADLEY recognized to offer an amendment as provided for under a previous unanimous consent order; ordered further, that on Tuesday at 10:30 a.m., the Senate assemble as a body and then proceed to the House of Representatives to join with the House to receive a joint message by His Majesty King Hussein I, King of the Hashemite Kingdom of Jordan, and His Excellency Yitzhak Rabin, Prime Minister of the State of Israel; ordered further, that at 10:35 a.m., the Senate then stand in recess until the hour of 2 o'clock p.m., at which time the Senate vote on or in relation to the amendment by Mr. BRADLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 8 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 8 o'clock tomorrow morning.

The motion was agreed to, and the Senate, at 6:41 p.m., recessed until Tuesday, July 26, 1994, at 8 a.m.

HOUSE OF REPRESENTATIVES—*Monday, July 25, 1994*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of February 11, 1994, and June 10, 1994, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair announces that there are no Members listed for morning business.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 12 noon.

Accordingly (at 10 o'clock and 32 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As the momentum of life moves inexorably on and the days become years, teach us, O gracious God, to gain a heart of wisdom that as we deal with things temporal, we lose not the things eternal. Help us to realize that with Your blessing the ordinary things of daily existence—like food or work and all the material resources of living—become means of grace and great spiritual gifts to all who have need. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana [Mr. FIELDS] come forward and lead the House in the Pledge of Allegiance.

Mr. FIELDS of Louisiana led the Pledge of allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DISCHARGE PETITION 12—INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is a new twist in the case of O.J. Simpson. The defense team has gone on the offense. They are offering a $500,000 reward for evidence that can lead to the conviction of what they say is the killer or killers. I am not getting into the merits of this case, but the reason they have gone on the offensive is very simple. Most Americans think O.J. is guilty. That since he ran away with a gun pointed at his head, many people suspect that he perpetrated these crimes. What the defense team is trying to do is win back something very important before it goes to trial, the presumption of innocence, that you are innocent until proven guilty.

Ladies and gentlemen, I make this statement because Mom and Dad in a tax court, civil proceeding, accused of tax fraud, take their house, take everything they have, take their business, they are considered guilty and have to prove themselves innocent.

My discharge petition 12 supposedly has backed some Members off because it has personal liability and it would nail IRS agents who rip off Mom and Dad. I am letting Congress know that I would be willing to abandon all of that and just insist upon innocent until proven guilty.

If it is good enough for the Son of Sam, if it is good enough for the Boston Strangler, by God, it is good enough for Mom and Dad in the tax court.

Innocent until proven guilty. The presumption of innocence is good enough for our taxpayers as well.

NATIONAL GUARD AND RESERVE PARTICIPATING IN RWANDA

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I think it should be pointed out today that in Rwanda the National Guard and Reserve are participating. Some Air Guard aircraft C–141's, KC–135's and C–5's flown by National Guardsmen and reservists will be carrying supplies into that country where we have so many problems, so many people losing their lives by cholera and just not enough to eat.

I want to make this point today. It is the total force that is participating, and sometimes I am not sure that the Chairman of the Joint Chiefs and the other military personnel in the Pentagon are giving the National Guard and Reserve the credit they should have. They are out there every day when there are floods, when the people are in trouble at home, the Guard and Reserve is there, and now before we land, the Reserves are helping.

Mr. Speaker, I think the American people should know this. We have cut the military too much. I hope we quit doing it. We need the Active Forces as well as the Reserves.

SOLICIT INPUT OF EMPLOYEES TO IMPROVE POSTAL SERVICE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, a week ago this Monday, I delivered mail with a mail carrier in Denver, CO, and I also spent that weekend out watching how they sorted the mail in one of the big centers. Today we are going to be asking for every postal employee to try and help us figure out what we can do to make the mail service work.

The first thing every government must do is find a way that we can contact each person that lives in that country. If they do not have a good mail service, they have got real trouble, and we have had all sorts of problems of late. The unfortunate thing is so often we have asked people what to do about the mail service that had never been in any of the Postal Service before.

So I think the time has come to really tackle this. We are calling on every Member of Congress to get involved at the very local, grassroots area, and do something really unique: Ask the people who know something about it, ask the people who have been delivering the mail and let us see if we cannot get this solved once and for all.

NOTIFICATION OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. TRAFICANT. Mr. Speaker, I rise to serve notice that tomorrow, July 26, I will offer a motion to insist on the Traficant amendment to the crime bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

Mr. Speaker, I will move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to insist upon the provisions contained in the amendment offered by myself, Mr. TRAFICANT of Ohio, as agreed to by the House, relating to the requirements in the representation of domestic origin in labeling of products.

CREATION OF INTERNATIONAL CONSERVATORSHIP FOR FAILED NATION STATES

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, I take this opportunity to discuss a concept behind a resolution which I introduced on June 24.

On June 24, I proposed the creation of an international conservatorship. This conservatorship would be aimed primarily at Haiti, but it is a concept that I think deserves some discussion. Today unfortunately we have around the world failed nation states where the government has effectively lost all control over the civil organs of government, failing to provide reasonable security, both economic and physical security for their citizens. Somalia comes to mind as well as Haiti.

The problems of these failed nation states are not being well addressed by the international community. I think it is time to consider something akin to the trusteeships which was used to manage the affairs, the possessions of Germany after World War I and then those possessions having passed to Japan after World War II.

Mr. Speaker, this proposal would basically take the concept that the effective leadership, if there is any, of these countries would voluntarily give up elements of their sovereignty for specified periods of time. They would do that in exchange for a massive infusion of bilateral and multilateral assistance and some form of international administration and technical assistance which would accompany that assistance. It would not be unlimited. It would be for a specified period of time. I think this kind of approach really must be considered by international organizations, especially the United States, as a way to deal with the failed nation states that are all too apparent across the surface of the globe today.

I urge my colleagues to consider this concept and to consider cosponsoring the resolution I introduced on June 24.

□ 1210

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken at the end of legislative business today, but not before 5 p.m.

PROVIDING FOR CONCURRENCE, WITH AN AMENDMENT, IN SENATE AMENDMENT TO H.R. 868, TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 488), providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 868.

The Clerk read as follows:

H. RES. 488

Resolved, That, upon adoption of this resolution, the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes, with the Senate amendment thereto, shall be considered to have been taken from the Speaker's table, and the same are hereby agreed to with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Telemarketing and Consumer Fraud and Abuse Prevention Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact with the consumer. Telemarketers also can be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to ensure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose $40 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception and abuse.

SEC. 3. TELEMARKETING RULES.

(a) IN GENERAL.—

(1) The Commission shall prescribe rules prohibiting deceptive telemarketing acts or practices and other abusive telemarketing acts or practices.

(2) The Commission shall include in such rules respecting deceptive telemarketing acts or practices a definition of deceptive telemarketing acts or practices which may include acts or practices of entities or individuals that assist or facilitate deceptive telemarketing, including credit card laundering.

(3) The Commission shall include in such rules respecting other abusive telemarketing acts or practices—

(A) a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy,

(B) restrictions on the hours of the day and night when unsolicited telephone calls can be made to consumers, and

(C) a requirement that any person engaged in telemarketing for the sale of goods or services shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to sell goods or services and make such other disclosures as the Commission deems appropriate, including the nature and price of the goods and services.

In prescribing the rules described in this paragraph, the Commission shall also consider recordkeeping requirements.

(b) RULEMAKING.—The Commission shall prescribe the rules under subsection (a) within 365 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(c) ENFORCEMENT.—Any violation of any rule prescribed under subsection (a) shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(d) SECURITIES AND EXCHANGE COMMISSION RULES.—

(1) PROMULGATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under subsection (a), the Securities and Exchange Commission shall promulgate, or require any national securities exchange or registered securities association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing acts or practices by persons described in paragraph (2).

(B) EXCEPTION.—The Securities and Exchange Commission is not required to promulgate a rule under subparagraph (A) if it determines that—

(i) Federal securities laws or rules adopted by the Securities and Exchange Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in paragraph (2) substantially similar to that provided by rules promulgated by the Federal Trade Commission under subsection (a); or

(ii) such a rule promulgated by the Securities and Exchange Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets.

If the Securities and Exchange Commission determines that an exception described in clause (i) or (ii) applies, the Securities and Exchange Commission shall publish in the Federal Register its determination with the reasons for it.

(2) APPLICATION.—

(A) IN GENERAL.—The rules promulgated by the Securities and Exchange Commission under paragraph (1)(A) shall apply to a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company, or any individual associated with a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company. The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in the preceding sentence.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "broker", "dealer", "transfer agent", "municipal securities dealer", "municipal securities broker", "government securities broker", and "government securities dealer" have the meanings given such terms by paragraphs (4), (5), (25), (30), (31), (43), and (44) of section 3(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5), (25), (30), (31), (43), and (44));

(ii) the term "investment adviser" has the meaning given such term by section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)); and

(iii) the term "investment company" has the meaning given such term by section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a)).

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), not later than six months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Telemarketing and Consumer Fraud and Abuse Prevention Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing acts or practices by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Telemarketing and Consumer Fraud and Abuse Prevention Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.".

SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 3, the State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The State shall serve prior written notice of any civil action under subsection (a) or (f)(2) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under subsection (a) or (f)(2) against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(e) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(f) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State on behalf of its residents.

SEC. 5. ACTIONS BY PRIVATE PERSONS.

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3, or an authorized person acting on such person's behalf, may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of $50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTION BY THE COMMISSION.—Whenever a civil action has been instituted by or on behalf of the Commission for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action against any defendant named in the complaint in such action for violation of any rule as alleged in such complaint.

(d) COST AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

(f) VENUE; SERVICE OF PROCESS.—Any civil action brought under subsection (a) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

SEC. 6. ADMINISTRATION AND APPLICABILITY OF ACT.

(a) IN GENERAL.—Except as otherwise provided in sections 3(d), 3(e), 4, and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) EFFECT ON OTHER LAWS.—Nothing contained in this Act shall be construed to limit the authority of the Commission under any other provision of law.

SEC. 7. DEFINITIONS.

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description, or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

SEC. 8. FALSE ADVERTISEMENTS CONCERNING SERVICES.

Section 12(a) of the Federal Trade Commission Act (15 U.S.C. 52(a)) is amended by inserting "services," immediately after "devices," each place it appears.

SEC. 9. ENFORCEMENT OF ORDERS.

(a) GENERAL AUTHORITY.—Subject to subsections (b) and (c), the Federal Trade Commission may bring a criminal contempt action for violations of orders of the Commission obtained in cases brought under section 13(b) of the Federal Trade Commission Act (15 U.S.C. 53(b)).

(b) APPOINTMENT.—An action authorized by subsection (a) may be brought by the Federal Trade Commission only after, and pursuant to, the appointment by the Attorney General of an attorney employed by the Commission, as a special assistant United States Attorney.

(c) REQUEST FOR APPOINTMENT.—

(1) APPOINTMENT UPON REQUEST OR MOTION.—A special assistant United States Attorney may be appointed under subsection (b) upon the request of the Federal Trade Commission or the court which has entered the order for which contempt is sought or upon the Attorney General's own motion.

(2) TIMING.—The Attorney General shall act upon any request made under paragraph (1) within 45 days of the receipt of the request.

(d) TERMINATION OF AUTHORITY.—The authority of the Federal Trade Commission to bring a criminal contempt action under subsection (a) expires 2 years after the date of the first promulgation of rules under section 3. The expiration of such authority shall have no effect on an action brought before the expiration date.

SEC. 10. REVIEW.

Upon the expiration of 5 years following the date of the first promulgation of rules under section 3, the Commission shall review the implementation of this Act and its effect on deceptive telemarketing acts or practices and report the results of the review to the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring up this amendment which has been agreed to by the Senate, to H.R. 868, the Telemarketing and Consumer Fraud and Abuse Prevention Act.

This legislation is the product of many conferences with the Federal Trade Commission, the National Association of Attorneys General, with consumer organizations and with interested business groups. H.R. 868 was originally passed by the House on March 2, 1993, by a vote of 411 to 3.

The telemarketing bill does not impose further regulations on the legitimate telemarketing industry. It is targeted strictly to telemarketing fraud, deception and other patterns of clearly abusive telemarketing activities. But problems with interstate telemarketing fraud have become so pervasive that the resources of the Federal Trade Commission are not sufficient to ensure adequate consumer protection.

The bill directs the FTC to undertake a rulemaking to prohibit deceptive and abusive telemarketing activities. It will also allow the State attorneys general and certain other State legal officers to use the powers of this act to target fly-by-night telemarketers who make deceptive long distance telemarketing calls and then skip across State lines before the State authorities are able to stop them under State law. The bill also allows private rights of action in limited circumstances.

I want to commend the gentleman from Michigan, Chairman DINGELL, the gentleman from California [Mr. MOORHEAD], and the gentleman from Ohio [Mr. OXLEY], for their cooperation in constructing this necessary legislation. And I would be remiss if I did not also commend Senator BRYAN for his very diligent efforts in seeing this legislation through.

Telemarketing fraud is estimated to cost the American Public as much as $40 billion a year.

We need to offer our consumer protection agencies more tools to do the job, and this legislation—we are told by those groups—will be of significant help to them in accomplishing their job of protecting consumers from telemarketing fraud.

H.R. 868, the Telemarketing and Consumer Fraud and Abuse Act as passed by the House on March 2, 1993, included references in section 2(5) and section 3(a)(1) to "fraud" and "fraudulent" telemarketing. These terms and subsequent references in House Report 103–20 at page 10 to "fraudulent telemarketing activities" defined as a "subset" of deceptive telemarketing practices have been deleted in this bill. It was felt that use of the terms "fraud" and "fraudulent" in the act and in the House report could cause unnecessary and unintended confusion. The word "fraudulent" was intended to be synonymous with the term "deceptive" in section 5(a)(1) of the Federal Trade Commission Act [FTCA], as that term is interpreted by the Commission and the Federal courts. The word "fraudulent" has therefore been deleted as redundant and unnecessary from this legislation. No common-law fraud, criminal fraud, or intent to deceive is necessary to prove that an act or practice under this act is "deceptive". The elements of telemarketing fraud should not be any more difficult to establish in a court of law than the elements of any deceptive act or practice prohibited by the FTC Act.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 488. This amended version of the bill represents a House-Senate agreement on a final version of legislation that both bodies passed last year.

Fraud and deception using telemarketing techniques is a scourge upon the American consumer. Current estimates are that as much as $40 billion may be lost by consumers each year to telemarketing con artists.

This kind of nefarious activity hurts thousands of consumers. But it also damages the legitimate, honest telemarketers who rely upon telecommunications technology to make a variety of goods and services more readily available to the American public. Each time a consumer falls victim to a boiler room or other telemarketing scam, the credibility and trust which are essential to everyday retail transactions are irreparably damaged. It is therefore critically important to legitimate users of telemarketing that we reduce the fraud and deception that infect this area of retailing.

H.R. 868, the underlying bill, does this in two important ways. First, it directs the Federal Trade Commission to issue rules addressed specifically to combating and preventing deceptive telemarketing practices. Second, it empowers State attorneys general to enforce the FTC rules—along with the FTC itself. This not only targets Federal enforcement efforts on the bad apples of the telemarketing industry, but also maximizes the impact of available resources through close State-Federal cooperation. I know that many of our State attorneys general are strongly supportive of this legislation precisely because of the enhanced enforcement tools it will make available to them.

We in California are particularly conscious of the need for a multi-state enforcement effort in this area. All too often, California consumers are bilked by boiler room operators who call from adjacent States, so as to remain beyond the reach of our State and local consumer protection authorities. Given the sheer size of the California market, it is not surprising that this technique would be adopted by operators who wish to retain as much legal sanctuary as possible. The bill will help the FTC and the States mount a coordinated attack on fraud and deception of this type.

Mr. Speaker, this legislation represents a bipartisan effort of the House Energy and Commerce Committee and the Senate Commerce Committee. It also closely parallels legislation approved by the House in the 102D Congress. I strongly support the amended version of H.R. 868, and urge its prompt approval.

Mr. Speaker, I want to commend the gentleman from Michigan, Mr. JOHN DINGELL chairman of our Committee on Energy and Commerce, the gentleman from Washington, Mr. SWIFT, who is chairman of the subcommittee, and the gentleman from Ohio, Mr. OXLEY, our ranking republican member for the work that they have done in bringing the legislation to the floor.

GENERAL LEAVE

Mr. SWIFT. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this legislation and urge my colleagues to support it.

I commend the gentleman from the State of Washington, the distinguished chairman of the Subcommittee on Transportation and Hazardous Materials, for his strong and able leadership in bringing this legislation to the floor of the House today. As the author of the bill, Chairman SWIFT has taken an active interest in protecting the rights of consumers from unscrupulous telemarketing fraud artists. I also commend the ranking Republican of our full committee, Mr. MOORHEAD, and the ranking Republican of the Subcommittee on Transportation and Hazardous Materials, Mr. OXLEY, for their significant contributions to this needed legislation.

This bill is the product of many years of bipartisan efforts. Numerous hearings in our committee, a multitude of analyses and reports from Federal and State investigators, enforcement agencies, and consumer protection bureaus, as well as scores of media investigations and reports, have underscored the need for this overdue legislation.

The problem quite simply, is the greed of scam artists who use the telephone to peddle phony and deceptive schemes to unwary and vulnerable consumers. According to the 1991 report of the National Consumers League, 9 out of 10 Americans have been approached by telephone scam artists, and 3 out of 10 have responded at some time to these fraudulent and deceptive offers. These schemes range from phone calls that promise consumers they already have won a big prize to telephone calls that promise help for parents to recover child support payments from deadbeat ex-spouses to solicitations for dirt-cheap land where bogus deeds are provided to the unfortunate consumer. These fraudulent schemes prey on the vulnerable and the unsuspecting including the elderly, the poor, children, and those with a poor command of the English language, and provide direct access at all times of the day and night to anyone who has a telephone.

The costs of the problem are enormous. The Alliance Against Fraud in Telemarketing—a coalition of more than 80 industry associations and law enforcement agencies—reports that annual losses due to telemarketing fraud exceed $15 billion. The Federal Trade Commission [FTC] has estimated that actual consumer losses may run as high as $40 billion per year. Other estimates put the figure at 70 to 80 billion dollars per year. Because of the embarrassment of admitting that one has been bilked, it is likely that most estimates of telemarketing fraud are understated. It is also clear, from the committee's numerous investigations and hearings, that the problem continues to proliferate.

In general, there are three classes of victims of telemarketing fraud: first, actual consumers and purchasers; second, credit card companies, that often must absorb the credit charge when the purchaser discovers the fraud and refuses to pay the charge; and third, legitimate telemarketing companies, that not only lose sales to fraudulent firms but also suffer generally from the disrepute that such fraudulent firms bring to legitimate telemarketing practices. The legislation seeks to address unfair and deceptive telemarketing practices to help all three classes of victims.

The FTC has taken the lead in attempting to combat telemarketing fraud. It has successfully resolved numerous telemarketing fraud cases in Federal district court, halting fraud by companies with sales of well over $1 billion. These actions were brought under current FTC authority that prohibits unfair and deceptive commercial acts or practices. But these actions may involve expensive and time-consuming court battles as to whether a firm's telemarketing practices in fact should be deemed unfair or deceptive and require the Commission to only pursue such actions in Federal district court. H.R. 3203 will give the FTC additional authority it needs to protect the interests of consumers and others who are affected by telemarketing fraud, as well as creating a partnership of enforcement efforts with the States. The bill directs the Commission to promulgate rules prohibiting deceptive and other abusive telemarketing practices. In developing these rules, the Commission is directed to include requirements to prohibit unsolicited telephone calls that a reasonable consumer would consider to be coercive or abusive of privacy rights. The bill gives State attorneys general authority to enforce the Commission's rules and to obtain damages, restitution, and other appropriate relief, as well as allowing private parties to bring cases in Federal district court in certain situations.

I also wish to express my deep appreciation to Chairman DE LA GARZA and the members of the Committee on Agriculture for their cooperation in ensuring that persons involved in commodities and futures trading re covered by substantially similar requirements developed by the FTC under the terms of the legislation. The bill includes provisions developed by the Agriculture Committee that are the functional equivalent of provisions that cover the securities industry. The bill requires the Securities and Exchange Commission [SEC] to promulgate substantially similar rules to those promulgated by the FTC. This means that the SEC rules must offer investors and consumers a comparable level of protection to that provided by the FTC rules, taking into account the specific circumstances of the securities industry.

The bill also strengthens the ability of State attorneys general to bring actions to halt telemarketing scams. The FTC and attorneys general have worked closely with us in developing this legislation and we greatly appreciate their advice and expertise in crafting this consensus measure.

This bill represents the best of the House bill passed early in this Congress and its Senate counterpart. I commend our colleagues from the other body who have worked diligently with us in bringing this final consensus package to the floor and I look forward to seeing the other body adopt this legislation expeditiously so that the President can sign it into law in the very near future.

This bill is supported by a wide range of interests, including the National Association of Attorneys General, the National Consumers League and other consumer associations, the American Association of Retired Persons, and MasterCard and VISA.

In summary, Mr. Speaker, this legislation will ensure that the full range of enforcement and regulatory tools will be available to Federal, State, and private parties in fighting telemarketing fraud and abuse. I strongly urge my colleagues to support this needed legislation.

I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I rise today to support the enactment of legislation dealing with telemarketing fraud. I am pleased that a compromise version of this bill passed the House today and should shortly become law.

It fills the need to strengthen our Nation's ability to prohibit and prosecute fraudulent telemarketing practices.

The schemes used by those who engaged in telemarketing fraud are particularly virulent and dangerous. They prey on innocent victims—principally the elderly—to the tune of almost $1 billion each year. This is unacceptable.

An award-winning series of articles in the Buffalo News last year highlighted the scope of this problem. Reporters Michael Beebe and Dan Herbeck showed in graphic detail how telemarketing firms use sophisticated computer systems and mailing lists to target the most vulnerable among us.

According to the News series, Buffalo has become a haven for these fraudulent telemarketers. What an ignominious turn for a community rightly known as the City of Good Neighbors. Nearly 60 such firms operated in Buffalo last year, according to Beebe and Herbeck. They set up "boiler rooms," filled with phones and with sales personnel who average $600 in commission per sale. The scams, which operate across State lines to thwart law enforcement efforts, can generate up to $40,000 per week. Individual telemarketers can make as much as a quarter of a million dollars in annual income through such schemes.

Buffalo needs jobs and entrepreneurs as much as any other community, Mr. Speaker, but these are businesses and jobs that we can well do without.

Telemarketing fraud grows worse day by day. According to the News, Buffalo's Better Business Bureau received more than 110 complaints about telemarketing practices in 1992, but only 4 complaints the previous year. Further, and more insidious, there are strong indications that organized crime families are becoming heavily involved in these illicit operations.

The bill we passed earlier today will boost the efforts of law enforcement officials in their fight against telemarketing fraud in several ways. First, it requires that the Federal Trade Commission issue rules prohibiting deceptive and fraudulent telemarketing practices. Second, a national information clearinghouse on telemarketing fraud will be established. State attorneys general will be authorized to bring actions against fraudulent schemes in Federal courts—something that is very important for States, such as New York, which do not have their own telemarketing regulatory procedures. And finally, the bill gives citizens the right to institute private lawsuits against fraudulent telemarketers who prey upon them.

Mr. Speaker, the efforts of the Buffalo News in helping to expose the scope of this problem are to be commended. I am pleased that the House of Representatives has acted, and I look forward to completion of the legislative process and final enactment of the bill into law very soon.

Mr. OXLEY. Mr. Speaker, I rise in strong support of this amended version of H.R. 868, which reflects an agreement between the Energy and Commerce Committee and the Senate Commerce Committee. This legislation has been passed in essentially the same form by the House in this Congress and in the 102d Congress, when it narrowly missed enactment at the end of the session.

The key feature of this bill is a directive to the Federal Trade Commission to adopt rules specifically targeting deceptive telemarketing practices. Once those rules are in place, the bill authorizes State attorneys general to enforce the rules. This kind of constructive State-Federal partnership is a very effective technique for making limited enforcement resources go as far as possible. It will also vastly reduce the ability of fly-by-night telemarketing scam operators to use State lines as a basis for potential legal sanctuary.

I am particularly conscious of the need for a redoubled effort against deceptive telemarketing, because I know how important telemarketing is as a retail tool to bring many goods and services to consumers who reside in rural areas, including those who reside in my district. Unfortunately, a few bad actors can undermine the credibility of the thousands of legitimate businesses who use telemarketting as a key part of their retail strategy. It is therefore doubly important that we crack down on deception and fraud—not only to prevent injury to consumers, but also to avoid further harm to legitimate businesses. And by the way, in many cases, businesses themselves are the targets of fraudulent or deceptive techniques by fast-buck artists who employ the telephone as their preferred instrument of attack.

I also want to note that in fashioning this bill, the committee was especially careful to avoid interfering with the existing antifraud jurisdiction of the Securities and Exchange Commission and the Commodities Futures Trading Commission. Through the cooperative efforts of the affected industries, as well as the Agriculture Committee, this bill coordinates the efforts of the SEC and the CFTC with those of the Federal Trade Commission, and avoids any conflict or overlap in their authority to combat deceptive telemarketing.

The bill also makes it easier for credit card organizations and other business victims who are left with unreimbursed losses from fraudulent transactions to seek out and collect redress from the perpetrators of the deception.

I strongly support H.R. 868 as amended, and urge its prompt approval. Thank you, Mr. Speaker.

Ms. LAMBERT. Mr. Speaker, I rise today in strong support of H.R. 868 which will help us disconnect the lines of those committing telemarketing fraud. This legislation will help eliminate the pervasive abuse of phone lines by giving State attorneys general the tools necessary to shut down fraudulent midnight bandit telemarketers.

In Arkansas, our attorney general, Winston Bryant, has called this issue the biggest consumer protection issue. In 1992, through the Consumer Complaints Division in Arkansas, over 3,000 complaints and 25 lawsuits were filed. While impressive, these actions did not come close to solving the problem.

These crimes have touched most of our constituents. Most often though, older citizens are targeted. The scam usually involves a high-pressure sales technique where a salesman is pitching anything from pens to worthless medical devices. Often, even if the person refuses, they are repeatedly peppered with calls at all hours of the night until the person finally caves in.

Mr. Speaker, telemarketing, when done appropriately by the legitimate telemarketing industry, provides consumers with valuable services especially to such rural areas as the First District of Arkansas. These legitimate businesses have been very helpful in finding solutions to telemarketing fraud.

I believe this legislation is a necessary first step in the cooperative efforts between State and Federal officials to solve wide-spread problems. Hopefully, this will provide a model for future State and Federal coordination.

Mr. Speaker, it is my pleasure to assist my constituents and the legitimate telemarketing industry in providing relief for the current or potential victims of this endless crime. I look forward to voting in favor of this bill.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the resolution, House Resolution 488.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 2243, FEDERAL TRADE COMMISSION ACT AMENDMENTS OF 1994

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such act, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see Proceedings of the House of July 21, 1994, at page H6006).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the conference report to the bill, H.R. 2243.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House this conference report to reauthorize the Federal Trade Commission. The FTC was last authorized in

1980. Because of differences with the other body, attempts to date to reauthorize the FTC have not succeeded. This legislative impasse was an unfair burden not only on the Commission, but on consumers and those industries that are regulated by the FTC. I am pleased to state that those differences have been constructively and satisfactorily resolved in this conference report.

The report proposes modest increases in authorization levels, not to exceed $102 million in fiscal year 1996.

The report includes a clarification of the Commission's subpoena authority to allow the procurement of physical evidence, and expanded venue authority and limited intervention authority. These procedural reforms have been requested by the FTC and have been reflected in previous House and Senate authorization bills.

The bill also includes a provision restricting FTC authority over agricultural cooperatives. Under the Capper-Volstead Act, Congress has seen the Department of Agriculture to be the lead agency regarding the oversight of agricultural cooperatives. This provision reflects that understanding, and again, identical language has been included in previous reauthorization bills in both Houses.

Finally, the report includes a definition of unfair acts or practices that closely parallels the 1980 policy statement of the Commission on the scope of the FTC's consumer unfairness jurisdiction. What the report does not include is a prohibition on rulemakings based upon the FTC's unfairness authority. The resolution of this issue, which required constructive compromise from all sides, has allowed us to bring to the floor the first authorization of the Federal Trade Commission in 14 years.

I want to particularly commend the chairman of the Energy and Commerce Committee, Mr. DINGELL, for his tireless efforts to present to the FTC a reauthorization of its important mandate. Subcommittee chairmen have come and gone as attempts to reauthorize were tried and failed, but Chairman DINGELL has shown his usual leadership in taking on tough, controversial issues and seeing them through to a constructive resolution.

I also want to recognize the diligent and constructive work of Mr. MOOREHEAD and Mr. OXLEY, and for their willingness to continue the process of constructive engagement in the face of many impediments. And finally, I want to commend Chairman STEIGER for providing progressive and bipartisan leadership at the FTC.

In restoring the image of the FTC as a problem-solving, pragmatic and hard-working agency, she provided a needed incentive to work through outstanding problems and ratify through this authorization, the Commission's mandate for protecting consumers from both deceptive and unfair acts.

□ 1220

Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report on this legislation. Through the efforts of our committee leadership, including Chairman DINGELL, Subcommittee Chairman SWIFT, and Subcommittee Ranking Member OXLEY, and almost a year of serious negotiation with the other body, we have finally produced the first House-Senate agreement on reauthorizing the Federal Trade Commission since 1980.

It was that long ago, Mr. Speaker, that both bodies were able to see eye-to-eye on key issues, such as the FTC's authority over advertising practices. As a result of the lack of agreement, there has been a 12-year lapse since the last authorization expired. During that interim period, various stopgap measures to keep the FTC on the right track have been enacted on the annual appropriations bills.

Now that we have substantive agreement on permanent amendments to the FTC Act itself, these temporary measures are no longer necessary. The conference report includes provisions on all the key areas—including retaining existing restraints on the FTC's authority over agricultural marketing orders. Most importantly, this legislation includes the first-ever permanent statutory guidance for the FTC on how to apply the agency's authority over so-called unfair acts or practices.

In 1980, Congress tried to address the problem of an overly vague and elastic unfairness standard by simply prohibiting rulemakings aimed at advertising practices under this standard. There were, however, no substantive guideposts for the agency, and the FTC was free to proceed as it wished in individual cases. Certain criteria were adopted by the FTC as a matter of administrative practice, but these were not permanent, and could be altered as views or the membership of the FTC changed.

The legislation we are considering today changes all that: The FTC will now have permanent criteria in the statute governing all proceedings aimed at unfair acts or practices. These are derived from policy pronouncements by the FTC in this area, but they will now have the force of statute. Specifically, an act or practice can only be found to be unfair if the FTC finds first, that the act or practice causes substantial injury to consumers; second, that the injury is not reasonably avoidable; and third, that any injury is not outweighed by countervailing benefits to consumers or to competition. In addition, the FTC will be allowed to proceed with a rulemaking using the unfairness standard only if the agency has reason to believe that the act or practice is prevalent. Moreover, prevalence will now be a statutorily defined term, with specific criteria for the FTC to meet.

Taken as a whole, these new criteria defining the unfairness standard should provide a strong bulwark against potential abuses of the unfairness standard by an overzealous FTC—a phenomenon we last observed in the late 1970's. Setting up clear guideposts for the FTC in its policy toward advertising is also fully consistent with the approach taken by the Supreme Court in the last few years. The Court has clearly begun to emphasize the first amendment protections that attach to commercial speech. While these protections are clearly less stringent than those governing traditional political expression, they both inform and limit the degree to which Congress may restrain commercial speech. I am very pleased that the FTC authorization contained in this conference report is fully consonant with the Court's recent decisions in this field.

The major improvements to the FTC Act made in this legislation would not have been possible without much hard work and diligent cooperation between the House Energy and Commerce Committee and the Senate Commerce Committee. I commend the leadership and members of both committees. In addition, we benefited from the helpful advice and input of the FTC itself, from other State and Federal agencies, from consumer groups, and from the affected industries—particularly the advertising industry and the food and beverage industries.

This legislation represents a real breakthrough that resulted from true bipartisan cooperation. It is vitally important that an agency with important consumer protection responsibilities like the FTC be given a current charter by the Congress. We also need to remember that in addition to its consumer protection functions, the FTC also has important antitrust responsibilities, and administers other laws dealing with consumer credit. Against this background, I am exceptionally pleased to support the approval of this conference report.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield myself 1 minute simply to make the observation that the Congress is often at its best when no one is watching. In fact, there is no reason one would want to watch us when we are at our best, because it usually means things are moving very smoothly.

This bill and the one just passed came out of the Committee on Energy and Commerce not because there are no differences between the two parties on the committee, but because the Members seek in good faith to work those out. In my judgment, we get better public policy that way in any event, and I think it just needs to be noted on the record that this bill is not one without controversy. It is merely one in which we have worked out carefully and with due regard to the respective philosophical views presented on the committee this bill so that we have a good, balanced piece of public legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL] chairman of the full committee.

Mr. DINGELL. Mr. Speaker, I rise to commend the distinguished gentleman from Washington State for the outstanding leadership he has demonstrated in this matter. He has had an extraordinarily good year.

It is with some regret that I find that that year will end and he will be leaving us. Let me take this opportunity to acknowledge that he has done a fine job with regard to Superfund, with regard to this matter, and also he is now working with diligence on the interstate transportation of solid waste and a number of other matters of importance. The House, indeed, has a duty to respect and admire and congratulate the gentleman for the fine work which he has done.

Mr. Speaker, I am pleased to rise in strong support of the conference report.

The Federal Trade Commission is one of our oldest and most important independent agencies. Its basic statutory mission, under the FTC Act, is to guard against unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce. The Commission has additional responsibilities under approximately 30 other statutes, as well as under dozens of trade regulation and practice rules governing specific industries and practices. The duties of this important agency cover a broad range of consumer protection, antitrust, and other areas of vital concern to the public interest.

It is unfortunate that the FTC has operated without authorization legislation since 1982. At the heart of this stalemate has been a disagreement over the scope of the FTC's authority of unfair advertising practices. Today's action by the House breaks the stalemate and paves the way for the orderly and proper authorization of the FTC.

The conference report represents a compromise between competing views. I and many others believe that the Commission's unfairness authority as it applies to advertising is appropriate, necessary, and constitutional. Reasons supporting this position were set forth in the committee report we filed when the House passed its bill early last year, along with an historical and substantive presentation of the legal and policy considerations surrounding this issue. Others believe the FTC's authority in this area should be severely restricted or eliminated. The compromise agreed upon: First, preserves the FTC's authority to prohibit unfair advertising acts or practices, premised upon criteria developed and applied by the FTC since 1980, including consideration of public policies; and second, removes the appropriations ban on unfairness rulemakings. While this is not my preferred position, the compromise will not undercut the FTC's authority to take appropriate action in any significant fashion against unfair advertising.

Some State attorneys general argue that the action taken today will restrict their ability to address unfair advertising practices. While I certainly want to commend and express my appreciation to our friends who have vigorously and faithfully joined us in defending the FTC's unfairness authority, I must respectfully disagree with the notion that the compromise represents a significant departure from the manner in which the FTC—and States that base their laws on the FTC Act—may address unfair advertising problems. The compromise is premised on the 1980 policy statement of the FTC on unfairness, as applied and interpreted by the Commission since 1980. The compromise clearly allows the FTC to consider public policies in making a determination of unfairness. To the extent that State law is tied to the FTC Act or interpretations thereof, the State legislature is free to change such law. In short, the compromise does not really affect the manner in which unfairness cases have been decided since 1980. Additionally, the bill removes the ban that has existed since 1982 in appropriations bills on FTC unfair advertising rulemakings.

In this latter regard, it is unfortunate but true that normal and appropriate Congressional procedures have been bypassed and abused for many years by those who favor restricting the FTC's authority over unfair advertising practices. Putting legislative restrictions on the FTC's unfairness authority in appropriations bills has become an all too familiar annual practice, particularly in the other body. However one views the merits of the unfairness issue, we can all agree that legislating by appropriations bills is a dangerous and counterproductive practice. It fosters uncertainty about, if not disrespect for, the law. It impedes the appropriate and timely consideration of substantive issues. It takes agency policy review from the committee with subject matter expertise and places it in the hands of a committee that is concerned primarily with funding considerations. As well, the lack of an authorization bill takes its toll on the agency involved. Periodic authorizing legislation can help to give direction to an agency, to enhance institutional morale, to protect the agency from the uncertainty surrounding annual appropriations bills, and to encourage respect for the agency and the laws under which it operates.

I commend the distinguished chairman of our Subcommittee on Transportation and Hazardous Materials, Mr. SWIFT, for his leadership in this matter. As well, I deeply appreciate the cooperation and guidance we have received from Mr. MOORHEAD and Mr. OXLEY, the ranking Republicans on our committee and subcommittee. I also commend the conferees from the other body, Chairman HOLLINGS, Mr. BRYAN, Mr. FORD, Mr. DANFORTH, and Mr. GORTON, for their work in completing this matter.

Finally, I wish to express my particular appreciation to the gentleman from New York [Mr. MANTON] for his leadership on this legislation. As a conferee, Mr. MANTON played the critical role in achieving a final resolution of the unfairness issue. Mr. MANTON and his administrative assistant, Mr. Steve Vest, provided wise and honest counsel to me and other members of the conference and helped to bride the gap in communicating with interested parties concerning these issues. Mr. MANTON's key role in resolving an issue that has vexed many Congresses proves again to me his great value to our committee, to the Congress, and to his constituents.

I urge all Members to support this measure today.

□ 1230

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. MANTON], to whom the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] referred, and who was so able and so important in the passage of this legislation.

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the conference report on the Federal Trade Commission Act Amendments of 1994. In passing this conference report today, the House will pave the way for the enactment of an FTC authorization bill, an event that has not occurred in 14 years.

I want to take this opportunity to commend Chairman DINGELL, Chairman SWIFT, Mr. MOORHEAD, and Mr. OXLEY, and their excellent staffs, for working to resolve all of the issues before the conference.

Mr. Speaker, the Federal Trade Commission plays an invaluable role in promoting the efficient functioning of our free market economy. The Commission protects business and industry from unfair methods of competition, and it protects consumers from unfair or deceptive advertising and marketing practices. This conference report strengthens and clarifies the Commission's administrative and enforcement policies and authorizes sufficient funding to ensure the Commission has the tools it needs to fulfill its mission.

Mr. Speaker, much of the debate on this legislation has focused on the FTC's section 18 authority to issue industry-wide rulemaking relating to unfair advertising practices. The Commission has been banned from such rulemaking since 1980. The ban resulted from a number of controversial industry-wide rulemaking proceedings initiated by the Commission during the late 1970's. Industry argued the section 18 authority was vague and overly broad.

The conference report ends the unfairness rulemaking ban, but includes a precise and narrowly defined definition of unfairness.

The conference agreement establishes a three-pronged test to limit unfair acts that cause or are likely to cause substantial injury to consumers, which is not reasonably avoidable by consumers themselves, and is not outweighed by countervailing benefits to consumers or competition.

The definition is derived from the 1980 policy statement of the Commission and a 1982 letter from the Commission regarding unfairness.

The agreement also allows the Commission to consider public policies as evidence in determining whether an act is unfair.

There was some concern that allowing the use of public policy considerations was too vague and broad in scope. However, the use of public policy as evidence in determining unfairness is fully consistent with current FTC practices. Furthermore, the conference report carefully limits the use of public considerations. The conference agreement clearly states that such public policy considerations may not serve as an independent basis for a finding of unfairness.

Mr. Speaker, the willingness of all those concerned with this critical issue to develop a compromise made it possible for this conference report to move forward.

Mr. Speaker, again I want to praise my colleagues on the conference committee and the fine work of their staffs, particularly David Tittsworth of the majority staff and Glen Scammell on the minority side.

I urge my colleagues to vote in favor of the conference report.

Mr. OXLEY. Mr. Speaker, I strongly support the approval of this conference report. This House-Senate agreement on reauthorization of the Federal Trade Commission represents a breakthrough that can end a 12-year lapse in the agency's authorization. Since the last authorization expired in 1982, there have been several reauthorization bills, and some conferences, but never a successful agreement between the two bodies.

1994 is different. This time, through the diligence of our own committee leadership, including Mr. DINGELL, Mr. MOORHEAD, and Mr. SWIFT, as well as the Senate Commerce Committee, we have finally been able to reach a consensus. The conference version of H.R. 2243 reauthorizes the FTC, an agency with very important consumer protection and antitrust responsibilities. The bill also makes a number of technical improvements to the FTC Act as requested by the FTC on matters relating to enforcement of Commission orders.

The bill also carries forward and makes permanent various limitations on FTC authority that have had to be handled on a temporary basis through annual appropriations riders during the 12-year hiatus in authorizations. These include limits on the FTC's authority over agricultural marketing orders. The most important of these concerns the FTC's authority over unfair acts or practices, and that requires a little background.

During the Carter administration, the FTC went amok. By endeavoring to categorize huge expanses of American advertising as unfair, the agency produced a bipartisan backlash that culminated in the passage of the 1980 authorization. At that time, Congress prohibited rulemakings aimed at advertising, if the rulemakings were premised on the very elastic and vague unfairness standard. However, Congress did not attempt to clarify or define the standard itself, which remained open to varying interpretations.

In this bill, we are filling that gap. While the FTC will be permitted to conduct rulemakings based on the unfairness standard, it may do so only if specific tests concerning the prevalence of the allegedly unfair acts or practices are met first.

In all cases—whether individual adjudications or rulemakings—the FTC will have to comply with specific statutory guidelines regarding what constitutes an unfair act or practice. These guidelines are derived from various administrative pronouncements of the FTC, but for the first time, they will become part of the statute. This will lend permanence and predictability to a legal standard that in the past, has been subject to changing views and interpretations at the FTC.

When instituting any kind of unfairness-based proceeding, the FTC will be required to establish that the act or practice produces substantial consumer injury, that consumers cannot reasonably avoid the injury, and that the injury is not outweighed by other benefits to consumers or to competition. Thus, the agency will have clearer guidance from Congress in this field, and the private sector will have a better-defined standard that is far less prone to abuse than in the past.

The House-Senate agreement on these new standards could not have come about without a lot of hard work by both committees, by the FTC, other Federal and State agencies, and by industry. I want particularly to acknowledge the assistance of the advertising industry and the many companies that manufacture food products and beverages. This was truly a team effort, and the American consumer as well as American business will be better served in the future as a result of this legislation.

In fashioning the new standards for determining whether acts or practices are unfair, we were working against the background of recent Supreme Court decisions which illustrate a heightened awareness of the first amendment protections that apply to commercial speech, including advertising. Although it does not rise to the level of classic first amendment political expression, commercial speech performs an important role in our society, by informing and educating consumers about the choices available to them. We have been careful in this legislation to avoid unduly restraining the proper uses of truthful commercial speech, a vital element in our successful capitalist economy.

Finally, Mr. Speaker, I want to thank all of my colleagues on the committee who helped move this bill forward, when the outcome was very much in doubt. By their actions, they made a very strong statement on the willingness of this authorizing committee to discharge its responsibilities—even those that prove quite difficult.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and agree to the conference report on the bill, H.R. 2243.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

COMMEMORATING THE 50TH ANNIVERSARY OF THE WARSAW UPRISING

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 388) recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.

The Clerk read as follows:

H.J. RES. 388

Whereas August 1, 1994, marks the 50th anniversary of the Warsaw uprising, an event of major significance in the history of World War II;

Whereas on August 1, 1944, the Polish Home Army, under the command of General Tedeusz Bor-Komorowski, rose up against the Nazis who had begun evacuating Warsaw in the face of the Soviet advance through Eastern Europe, held major portions of the city for 63 days against insuperable odds, and suffered extreme hardship, retribution, and personal sacrifice throughout a heroic engagement in which approximately 250,000 Poles were killed, wounded, or missing;

Whereas in reprisal for this uprising, 70 percent of the city of Warsaw was systematically demolished under the direct orders of Adolf Hitler;

Whereas September 1, 1994, marks the 55th anniversary of the invasion of Poland by the Army and Air Force of the Third Reich, which was followed just 16 days later by the Soviet invasion from the east and the subsequent occupation of a zone populated by 13,000,000 Poles, these events having led to the development of a strong underground movement directed by the Polish Government in exile;

Whereas the 3 wartime leaders of the Polish Home Army—Lieutenant General Stefan Rowecki who was murdered by the Gestapo in 1944, Lieutenant General Bor-Komorowski who was imprisoned by the Nazis and died in London in 1966, and Major General Leopold Okulicki who was imprisoned by the Soviets and perished in a Soviet jail in 1945—symbolize the supreme personal sacrifice and commitment to the cause of freedom and self-determination;

Whereas Warsaw was and continues to be the center of national life, culture, and religion for Poland;

Whereas the spirit of Polish resistance to foreign oppression and domination is symbolized by these historic events and remains a vital element in the Polish national character; and

Whereas President Clinton during his July 7, 1994, visit to Warsaw paid special tribute to these important days in Polish history, including the crucial role of the Polish Home Army in the allied war effort, and to the leaders of the Polish Home Army: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States recognizes the anniversary of the Warsaw uprising, which stands as a poignant reminder to the world of the power of the human spirit over adversity, and the anniversary of the Polish resistance to the invasion of Poland during World War II and the leaders of that resistance, which symbolizes the currently continuing struggle of the Polish people and freedom loving people everywhere in the preservation of their liberties and in the fulfillment of their national aspirations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution recognizes the 50th anniversary of the Warsaw uprising.

On August 1, 1944, the Polish Home Army rebelled against the Nazis who were evacuating Warsaw as the Soviet Army advanced.

The Polish Home Army held major portions of the city of Warsaw against the Nazis for 63 days, with over 250,000 missing, wounded, or killed in the fighting. In reprisal for this uprising, the city was bombed, with over 70 percent of it demolished.

This year, when we are commemorating other momentous anniversaries connected with World War II, I believe it is important that we remember the sacrifice of the Polish people in Warsaw.

I support this resolution and I commend Ms. KAPTUR for working with us to bring this before the House.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises in support of House Joint Resolution 388, a resolution recognizing the 55th anniversary of the Polish resistance to the Nazi and Soviet invasion of Poland as well as the 50th anniversary of the Warsaw uprising against the Nazi occupation of Poland. This Member is pleased to cosponsor this important resolution, and commends the gentlewoman from Ohio [Ms. KAPTUR] for introducing the resolution.

This Member would also recognize the important support offered by the chairman of the Subcommittee on Europe and the Middle East, who also happens to serve as chairman of the full Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON]. The ranking member, the distinguished gentleman from New York [Mr. GILMAN], was similarly supportive and helpful in bringing House Joint Resolution 388 before this body in a timely manner.

Mr. Speaker, it is difficult to understate the magnitude of the suffering that the people of Poland endured during the Second World War. As the resolution correctly notes, when the Polish Home Army rose up in 1944 and fought to rid their homeland of Nazi invaders, it did so at the cost of almost a quarter of a million men, women, and children. Their heroism is all the more notable because they fought against impossible odds, having only the most rudimentary weapons to take on the highly trained Nazi forces. The eventual suppression of the Warsaw uprising does nothing to dim the luster of the Polish effort. As House Joint Resolution 388 correctly notes, the Polish resistance is a powerful and poignant reminder of the power of the human spirit over adversity.

The Polish people retained this rugged and fiercely independent spirit throughout the Second World War, and indeed throughout the years of Soviet domination. With a powerful labor union—Solidarity—and an unshakable faith in the Almighty, the Poles were never fertile ground for communism. It is no surprise, therefore, that they were among the first of the Central European nations to break free from the grip of Soviet control.

Now the people of Poland face new, and equally daunting security challenges. With restive neighbors to the east, Warsaw is understandably eager to become integrated into Western European institutions such as the European Union, the WEU, and NATO.

Our Polish friends are very serious about developing a security relationship with the West. An early signatory of the Partnership for Peace, Polish military units are already participating in NATO exercises, and Polish officers are training at headquarters. In addition, Polish civilian and military personnel are receiving important training at the recently inaugurated Marshall Center in Garmish, Germany.

These are all positive signs, and this Member anticipates that Poland will eventually become an ally of the United States within the NATO alliance.

Mr. Speaker, this Member urges support for House Joint Resolution 388.

Mr. ROTH. Mr. Speaker, 50 years ago the people of Warsaw rose up to fight the Nazi's forced evacuation of their city.

Led by a small group of Polish patriots, the ordinary people of Warsaw took up arms against the occupying army of the Third Reich. Young and old, men and women, all joined together in acts of incredible bravery to fight for their freedom.

The revolt lasted 2 months, but against the Nazi army, it was destined to fail. In truth, the uprising was suppressed with vicious brutality.

No one can go to memorials like Yad Vashem in Jerusalem and not come away deeply moved by the horrible evidence of how the Polish people suffered.

But with their bravery, with their courage and with their sacrifice the Polish people stirred the free world and inspired the other occupied nations to resist the Nazis.

Forty-five years later, the Polish people again inspired the world by throwing off the yoke of Communist domination and embracing freedom. Other nations in Eastern Europe followed Poland's example, and the Soviet empire was brought to an end.

So in a very real sense, the heroes of the cold war were the Polish people—they led the way to freedom.

I know the deep commitment of the Polish people to freedom for their native land, and to the ideal of freedom that is the bedrock of our own country.

My congressional district has many Americans of Polish ancestry.

In the town of Pulaski in particular, Polish-Americans carry the torch of freedom in their hearts—for their homeland and for our country where their forebears made their home.

That is why—today—we in Congress salute the brave and freedom-loving people of Poland with this resolution.

Let me commend the gentlelady from Ohio Ms. KAPTUR for her leadership in drafting this resolution.

And let me urge my colleagues to join me in voting for this tribute to a brave people.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 388.

The 55th anniversary of the invasion of Poland by Nazi Germany and the Soviet Union arrives this September 1.

Just as important, the 50th anniversary of the Polish uprising in Warsaw against the Nazi occupation is also to take place next Monday, August 1.

Both of these anniversaries provide us with an opportunity to recognize the courage of the Polish Home Army in resisting the occupation of Poland by Nazi Germany and the Communist Soviet Union.

These anniversaries also provide us the opportunity to recognize the vital contribution that the Polish resistance made to the Allied victory over Nazi Germany.

If only for those reasons alone, this resolution deserves our support.

At the same time, however, this resolution can serve another important purpose.

It reminds us of the strategic role that Poland has played and continues to play in eastern Europe and how the sovereignty of that country depends on its inclusion in an effective system of collective defense.

Today, a successful defensive military alliance exists in Europe—the North Atlantic Treaty Organization—and Poland should be admitted expeditiously into it.

In his recent visit to Poland, President Clinton stated before the Polish Parliament that, although there appears to be no threat to Polish sovereignty today, history shows us that we cannot take this moment for granted.

President Clinton also stated that it is no longer a question of whether countries such as Poland are to be brought into NATO, but when.

Mr. Speaker, I suggest that it is time to seriously consider the question of when Poland will joint NATO.

As you know, I have introduced the NATO Expansion Act of 1994 as a means of getting that important debate underway.

The resolution before this House today reminds us of what is at stake, not just for the Polish people, but for the peace and stability of Europe, and, possibly, the world.

Mr. Speaker, I ask my colleagues to join in passing this resolution, which honors the bravery of the Polish Home Army in fighting for a free Poland and victory over fascism.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in strong support of this resolution. The gallant uprising of the Armija Krajowa—the Polish Home Army—shall live forever as an example of a heroic struggle against impossible odds. A struggle that was made worse by the duplicity of the Soviets.

As July 1944 ended, the Red Army swept through eastern Poland to the banks of the Vistula River. As the Soviet offensive reached the outskirts of Warsaw, Russian broadcasts announced the impending liberation of the city and urged the workers of the resistance to rise against the retreating invader. This made it necessary for the Polish Government-in-exile in London to issue the order to Lieutenant General Bor-Komorowski, commander of the Home Army, to begin the uprising.

Not to act would have resulted in the Soviet puppet Lublin Government denouncing the Home Army and the legitimate Polish Government as ineffectual at best and virtual Nazi collaborators at worst. But had the Poles succeeded, the political effect of having forces loyal to the legitimate Polish Government liberate the capital themselves and greet the Soviet Army as allies rather than supplicants would have made the post war communization of the country more difficult, if not impossible. For if there had been an up-and-running Polish Government in Warsaw, with troops on the ground it, not the Red Army, would have handled the civil administration in postwar Poland.

On August 1, General Bor issued the proclamation for the Home Army to take up arms and begin the open fight against the German occupier. At 5 p.m. the Polish partisans began their attacks against the German forces. Forty thousand fighting men, only a quarter of them initially armed, stormed strongpoints and key installations. They had ammunition stocks for 7 days and planned to capture enough German equipment to supplement it, but were forced to fight fixed defenses without heavy weapons. They still came oh so close to victory. By the 6th they held almost the entire city, and were planning to fly in the first representatives of the Government from London within a few days. Then two developments occurred that sealed their fate—the Soviets stopped their advance and the Germans brought in reinforcements.

The Soviets had to deal with a German counterattack to the north and Stalin had no interest in letting rivals to his puppets assume control in Poland. German and Russian soldiers were seen bathing on opposite sides of the Vistula. The Soviet high command refused to allow the Western Allies refueling support for a proposed airlift of supplies.

The Nazis deployed two formations against the Home Army on August 8—both, under the command of SS Gruppenfuhrer von dem Bach-Zewlewski—Kaminski's Russian Legion and the Dirlewanger SS Brigade. Dirlewanger's Bridgade consisted of German convicts who specialized in horrific atrocities. Kaminski's unit was made up of turncoat Russians who has also participated in liquidating the Warsaw ghetto a year before and managed to outdo Direlwanger's troops in the use of terror. The Germans also committed heavy armor, artillery, and specialized weapons such as radio controlled "Goliath" robot tanks and the largest artillery piece in the world—an 80 centimeter railroad gun that required two parallel tracks, four special flatcars, and a crew of over 1,000. The SS troops were brutal beyond belief. Prisoners were burned alive, babies were impaled on bayonets, and the city was systematically destroyed on direct orders of Hitler. Heinrich Himmler told Joseph Goebbels that the sheer violence and terror of the repression would extinguish the revolt "in a very few days."

It took the Germans significantly longer than that. The Poles tenaciously held on, as August turned into September. As the Germans took back the city house-by-house and block-by-block, the Home Army maintained communications between the separated elements of their forces through the sewers.

The British and Americans attempted to airdrop arms and ammunition and consideration was given to dropping the Polish Parachute Brigade. But the Soviet refusal to do anything to provide logistical support doomed these operations. The Soviets finally allowed their puppet Polish Army to attempt to break into Warsaw in mid-September, but the Germans had prepared their defenses and repulsed this attach.

As the Home Army was running out of food, ammunition, and medicine—both to carry on the battle and to sustain the civilian population, General Bor was forced to try and negotiate terms with Bach. Here was when the incredible bravery and tenacity of the Poles made a difference. The Germans were so impressed that they agreed to treat the members of the Home Army and all members of the Polish resistance as combatants under the Geneva Convention. This meant the survivors went to POW camps rather than being executed as partisans. Finally on October 4, after over 250,000 Poles were killed or wounded, the remnants of the Home Army surrendered.

The crushing of the Home Army eliminated any significant non-Communist resistance to the puppet Lublin government, which would rule Poland until 1989. But the sacrifice of the Polish Home Army may have had another effect. The Red Army was not able to break through the German positions on the Vistula River, capture Warsaw, and proceed toward Berlin until January 1945. How much more of central Europe would Stalin have been able to swallow up had his advance not been delayed by that 4½ months? That is unknown, but what is known is that the heroic struggle to free Warsaw 50 years ago must be remembered and commemorated as long as people love freedom.

□ 1240

Mr. BEREUTER Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and pass the joint resolution, House Joint Resolution 388.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the joint resolution was passed.

A motion to reconsider was laid on the table.

CONGRATULATING THE CITIZENS OF BERLIN ON THE OCCASION OF THE WITHDRAWAL OF UNITED STATES TROOPS FROM BERLIN AND REAFFIRMING UNITED STATES-BERLIN FRIENDSHIP

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 476) congratulating the people of Germany and the citizens of Berlin on the occasion of the withdrawal of United States troops from Berlin, and reaffirming United States-Berlin friendship.

The Clerk read as follows:

H. RES. 476

Whereas the people of the United States and Germany have enjoyed warm and amicable relations for 5 decades;

Whereas throughout the Cold War the existence of a free and democratic West Berlin served as a symbol of Western resolve in the face of totalitarian aggression;

Whereas the armed forces of the United States have maintained a continuous presence in defense of the city of Berlin for 49 years;

Whereas, in 1948 and 1949, the United States came to the assistance of the people of Berlin during the 462 days of the Berlin airlift;

Whereas, following the construction of the Berlin wall, the armed forces of the United States stationed in Berlin demonstrated the American resolve to participate in the defense of Western Europe;

Whereas the United States takes pride in having admirably fulfilled its administrative responsibilities over its sector in the city of Berlin;

Whereas the citizens of Berlin have reciprocated the United States' commitment by demonstrating warm and genuine hospitality and a willingness to integrate the American community deeply into the life of the city;

Whereas the American people shared the joy of the German people at the collapse of the Berlin wall and German unification;

Whereas the termination of the Warsaw Pact and the subsequent unification of Germany reduced the strategic requirement for a continued United States military presence in Berlin;

Whereas the United States Berlin Brigade, together with French and British contingents stationed in Berlin, are now preparing for their departure from Berlin; and

Whereas the history of friendly relations and longstanding commercial and cultural bonds between the people of Berlin and the United States form a sound basis for continued warm and positive relations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Germany on the unification of the Nation and the city of Berlin as it prepares to resume its position as the seat of government of united Germany;

(2) congratulates the armed forces of the United States, civilian administrators, and the American people for 5 decades of sacrifice and steadfast support for the city of Berlin;

(3) recognizes and salutes the contribution of British and French allies in the defense of Berlin;

(4) reaffirms the North Atlantic Treaty Organization obligations of the United States and America's continued support for a free, democratic, and united Germany; and

(5) welcomes the further enrichment of the relationship between the United States and the city of Berlin based on an approach fostering new traditions in economic and cultural links.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. HAMILTON] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 476 congratulates the city of Berlin as it prepares to resume its position as the seat of government of a unified Germany.

The resolution also congratulates the Armed Forces of the United States for 50 years of sacrifice and support for Berlin; recognizes the contributions of the British and French in defense of Berlin; and reaffirms our NATO obligations in support of Germany.

I want to commend Mr. BEREUTER for introducing this resolution and would recognize him in support of his resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member would like to thank the chairman of the Committee on Foreign Affairs, the distinguished gentleman from Indiana [Mr. HAMILTON]. Chairman HAMILTON was extremely helpful in bringing this member's resolution (H. Res. 476) before this body in a timely manner. This Member is genuinely appreciative. Similarly, this Member would like to express his appreciation to his distinguished ranking member on the committee, the gentleman from New York [Mr. GILMAN], who is among the numerous cosponsors of House Resolution 476 and who was quite supportive in the committee.

Mr. Speaker, House Resolution 476 is a straightforward resolution that enjoys bipartisan support in the Congress as well as the strong support of the administration. Simply stated, the resolution recognizes the exceptional contribution to peace and security that has been provided by the U.S. Berlin Brigade. And, as the U.S. forces prepare the depart from Berlin, House Resolution 576 recognizes the special relationship between the United States and the people of Berlin.

For almost five decades, Berlin has been the eye of the cold war storm. The Berlin airlift was the first great demonstration of Western determination to halt Communist aggression. The airlift lasted a year-and-a-half. When it was over there was no question about U.S. resolve.

Nothing more vividly demonstrated the hollow nature of the Soviet promise of a workers' paradise more than the fact that they had to build a wall to prevent their population from fleeing. Nothing more vividly demonstrated the indominable human spirit that the countless thousands who would risk everything to escape over, under, or through the Berlin wall. And, when the Berlin wall came down, we knew the end of the Soviet empire was close at hand.

Throughout it all, the presence of the U.S. Armed Forces—most notably the U.S. Berlin Brigade—was an unmistakable demonstration of our commitment to freedom and liberty.

Over the years, more than 100,000 Americans have served in Berlin. And time and time again, American service men and women demonstrated extraordinary actions of heroism and humanity. Take for example, the case of Hans Puhl, who was standing sentry one day in 1964 when a young East Berliner was shot making a dash for freedom. Oblivious to the danger, private Puhl jumped the wall, and carried the wounded man to freedom.

Or take the example of Colonel Halvorsen, the Air Force pilot who made a point of dropping packages of candy to the children of Berlin during the 1948 airlift. Or Sidney Shachnow, a Holocaust survivor who eventually rose to become a general in the U.N. Army, and commander of the Berlin Brigade.

These Americans—and countless others—have become an integral part of Berlin's history and tradition.

Two weeks ago President Clinton traveled to Berlin and officially demobilized the Berlin Brigade. On September 6, the brigade, together with the British and French contingents, will march out of Berlin. In doing so, the nature of our relationship with the people of Berlin will observable change. The troops will be gone, but this Member believes that we can be confident that the friendly relationship between the United States and the people of Berlin will remain.

The State Department now talks of terms of "new traditions," with the implication being that links between the United States and the German people will emphasize shared values, a common culture, and greater economic links. And, as Berlin is about to once again become the capital city of a united Germany, the city is about to assume a much greater political and diplomatic importance.

House Resolution 476 congratulates the people of Germany on the unification of the Nation and the city of Berlin as it prepares to resume its position as the seat of government of a united Germany.

The resolution commends the U.S. Armed Forces and the American people for five decades of sacrifice and steadfast support of freedom, and recognizes the vital contributions may by our French and British allies.

It reaffirms the our NATO commitment, and expresses the intent to build upon the excellent relations with the people of Berlin.

Mr. Speaker, this Member urges adoption of House Resolution 476.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, let me join with the gentleman from Nebraska [Mr. BEREUTER], in supporting this resolution to commend the people of Berlin for their long struggle against Communist domination.

For five decades, Berliners symobilzed the fight against the Soviet occupation of Eastern Europe. Their courage during the 462 days of the Berlin airlift inspired the world.

For 50 years, American troops defended Berlin as an outpost of freedom in Soviet-occupied East Germany.

Now, with the cold war over, American forces are finally departing Berlin, their long term of duty completed.

Without question, the continued freedom of Berlin, guaranteed by American, British and French forces, was a key factor in eventually bringing down the Soviet empire.

The American people supported the goal of freedom for Berlin and East Germany.

We never gave up.

We never lost hope.

And today the German people are reunited in a free country.

This resolution commemorates that long struggle, and honors those people—American and German, as well as

British and French, who made this day possible.

The 58 million Americans of German descent have a special reason to be proud today—of their forebears' homeland and of America.

Mr. GILMAN. Mr. Speaker, I would like to commend the gentleman from Nebraska [Mr. BEREUTER] for his initiative in introducing House Resolution 476 which offers the congratulations of the House of Representatives to the United States Forces who will withdraw from Berlin next month, having successfully completed their mission safeguarding Berlin and West Germany through the many years of the cold war. The resolution also congratulates the courageous people of Berlin themselves, and our allies, Britain and France, who joined us in sustaining this effort.

I am confident all members will join in supporting this resolution as an expression of the pride that we as Americans share in the dedication of the brave men and women of our U.S. armed forces who served in Berlin during the cold war.

As they withdraw from a city now united, I hope the example they have set will remind us of our ability to defend freedom even in the face of the toughest adversaries. I ask all of my colleagues here to join in proudly saying aye to this measure as a tribute to the accomplishments of our departing Armed Forces in Berlin.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMILTON. Mr. Speaker, I, too, have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, H. Res. 476.

The question was taken.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1250

URGING THE GOVERNMENT OF BURMA TO RELEASE AUNG SAN SUU KYI

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 471) to urge the Government of Burma (Myanmar) to release Aung San Suu Kyi, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 471

Whereas in 1988, the Burmese regime brutally suppressed nationwide pro-democracy demonstrations, resulting in the deaths of several thousand people and the imprisonment of several thousand others;

Whereas in 1989, the Burmese regime placed under house arrest Aung San Suu Kyi, the daughter of Burma's founding father and the most prominent figure in the pro-democracy movement;

Whereas in May 1990, the Burmese people in free and fair elections awarded over 80 percent of the National Assembly seats to the National League for Democracy;

Whereas the military regime responded to this expression of the will of the Burmese people not only by refusing to relinquish power, but by further cracking down on opposition politicians and those who supported democracy and human rights in Burma;

Whereas the inhumane practices of the regime prompted a quarter million Rohingya refugees to flee into Bangladesh, where most remain today in refugee camps;

Whereas in 1991, Aung San Suu Kyi was awarded the Nobel Peace Prize for her efforts on behalf of a peaceful transition to democracy in Burma;

Whereas in 1993, several past winners of the Nobel Peace Prize, having been denied permission to visit Burma, traveled to Thailand to call for the release of Aung San Suu Kyi;

Whereas martial law remains in effect in Burma today, with hundreds of political prisoners in custody, human rights frequently violated, and national minorities driven into exile;

Whereas the Government of Burma has denied international humanitarian agencies free and confidential access to prisoners;

Whereas credible reports continue to link Burmese Government officials to the illegal trafficking into Thailand, for purposes of forced prostitution, of approximately 10,000 Burmese women and girls each year, many of whom are deported back to Burma infected with the virus that causes the acquired immune deficiency syndrome (commonly referred to as the "HIV virus");

Whereas the national convention convened by the Burmese Government in January 1993 to begin work on a new constitution does not have the mandate of the Burmese people, nor appear to be progressing toward putting political power in the hands of a freely elected civilian government;

Whereas the United Nations Commission on Human Rights and United Nations General Assembly have adopted consensus resolutions deploring the human rights situation in Burma and expressing grave concerns about the lack of progress toward democracy as well as abuses such as summary and arbitrary executions, torture, forced labor, and oppressive measures against women and ethnic and religious minorities;

Whereas Burma has for many years been the world's largest producer of opium and heroin;

Whereas the United States Government in each of the past 5 years has denied the Government of Burma certification under chapter 8 of part I of the Foreign Assistance Act of 1961 due to a lack of cooperation on narcotics control efforts;

Whereas the problem of drug production and trafficking in Burma cannot be adequately addressed until there is a restoration of democracy in that country;

Whereas credible reports continue to link Burmese Government officials and military officers to drug trafficking;

Whereas since 1988 the United States has been in the forefront of international efforts to promote democracy and human rights in Burma;

Whereas in 1992, the House of Representatives adopted House Resolution 473, which condemned human rights abuses in Burma and called upon the President to seek a mandatory international arms embargo against Burma;

Whereas in fiscal year 1993 the Congress earmarked $1,000,000 to support assistance for Burmese refugees and students on both sides of the Thai/Burma border;

Whereas United States corporations are under increasing pressure from stockholders to divest their holdings in Burma and otherwise to refuse to do business in Burma so long as the current military regime continues to abuse the political and human rights of its people;

Whereas the Government of Thailand has invited the Burmese regime to participate in some of the meetings of the Association of Southeast Asian Nations (ASEAN) in July 1994;

Whereas the Government of Thailand has prohibited senior officials of the National Coalition Government of the Union of Burma from entering Thailand;

Whereas July 19, 1994, will mark the 5th anniversary of Aung San Suu Kyi's imprisonment;

Whereas in March 1994 the United Nations Commission on Human Rights noted measures taken by the Government of Burma (including the reopening of universities, the release of over 2,000 political prisoners, the signing of a Memorandum of Understanding providing for a United Nations Commission on Human Rights presence in Arakan province to monitor the voluntary repatriation and reintegration of Rohingya refugees from Bangladesh, and the achievement of ceasefire agreements with several ethnic and religious minority groups in Burma), but at the same time deplored the continued seriousness of the human rights situation in Burma; and

Whereas the Government of Burma has for the first time permitted meetings between foreign visitors and political prisoners (including Aung San Suu Kyi), but continues to deny the United Nations special rapporteur access to Aung San Suu Kyi: Now, therefore, be it

Resolved,

SECTION 1. ACTIONS THAT SHOULD BE TAKEN BY THE GOVERNMENT OF BURMA.

It is the sense of the House of Representatives that the Government of Burma should—

(1) immediately and unconditionally release Burma's political prisoners, including Aung San Suu Kyi;

(2) permit the transfer of political power to an elected civilian government based upon the results of the 1990 election;

(3) fully respect the human rights and fundamental freedoms that are the birthright of all peoples;

(4) end the practice of forced labor, including portering for the military;

(5) allow free and confidential access to all prisoners, including prisoners of conscience, by international humanitarian agencies;

(6) permit international human rights organizations regular access to villages and detention centers to monitor the repatriation of Burmese victims of illegal trafficking into Thailand for purposes of forced prostitution;

(7) implement fully the Memorandum of Understanding with United Nations Commission on Human Rights and create the necessary conditions to ensure an end to the flows of refugees to neighboring countries and to facilitate the speedy repatriation and full reintegration, under conditions of safety and dignity, of those who have already fled Burma;

(8) respect fully the obligations set forth in the 1949 Geneva Conventions, in particular the obligations in common article III, and make use of such relief services as may be

offered by impartial humanitarian bodies; and

(9) take effective law enforcement actions against those individuals within the Burmese Government (including the Burmese military), as well as those outside the government, who are engaged in the production and trafficking of illicit narcotics.

SEC. 2. ACTIONS THAT SHOULD BE TAKEN BY THE GOVERNMENT OF THE UNITED STATES.

It is further the sense of the House of Representatives that the President, the Secretary of State, and other United States Government officials and representatives should—

(1) urge the Government of Burma to release, immediately and unconditionally, Aung San Suu Kyi and other political prisoners;

(2) maintain the current United States ban on all forms of nonhumanitarian assistance to Burma;

(3) disperse the funds previously appropriated to support assistance for Burmese refugees and students along the Thai/Burma border;

(4) maintain current limitations on the provision of bilateral narcotics control assistance to the Government of Burma until that government demonstrates a genuine commitment to combating the scourge of illicit narcotics production and trafficking while continuing, and if appropriate, strengthening international efforts through the United Nations Drug Control Program to reduce and eliminate the massive heroin production and trade from Burma that now threatens the world;

(5) continue to oppose loans to Burma in accordance with chapter 8 of part I of the Foreign Assistance Act of 1961;

(6) consider imposing further economic sanctions against Burma, and encourage other members of the international community to take similar steps;

(7) elevate the issues of democracy and human rights in Burma in the conduct of United States relations with other members of the international community, particularly in coordination with Japan, China, and the members of the Association of Southeast Asian Nations;

(8) maintain United States support for the appointment by the United Nations Secretary General of a special envoy to focus on conflict resolution as the basis of national reconciliation and the restoration of democracy in Burma;

(9) urge the Government of Thailand to work with the Government of Burma to investigate the involvement of border police in both countries in the illegal trafficking of women and girls into Thailand for purposes of forced prostitution;

(10) ensure that, during the July 1994 Post-Ministerial Conference of the Association of Southeast Asian Nations, the Secretary of State calls on the members of the Association of Southeast Asian Nations to support the international consensus on Burma by urging the Government of Burma to unconditionally release Aung San Suu Kyi and to indicate its willingness to cooperate with a special envoy appointed by the United Nations Secretary General;

(11) maintain the unilateral United States arms embargo against Burma, and encourage the other members of the international community, most particularly People's Republic of China, Thailand, and the other members of the Association of Southeast Asian Nations, to prohibit arms sales and transfers to Burma;

(12) encourage other members of the international community to halt all nonhumanitarian assistance to Burma or, at a minimum, to condition any new official assistance on significant progress by the Government of Burma toward respecting the human rights and fundamental freedoms of its people;

(13) encourage the legislatures of other nations to call for the restoration of a democratic government in Burma, including the release from prison of Aung San Suu Kyi and the other parliamentarians elected in 1990; and

(14) continue to encourage the United Nations and its specialized agencies operating in Burma—

(A) to use particular care to ensure that their activities meet basic human needs, do not benefit the present military regime in Rangoon, and promote the enjoyment of internationally recognized human rights, and

(B) to work through nongovernmental organizations to the greatest possible extent.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 471, originally offered by Representatives ACKERMAN and LEACH, seeks to support democracy and human rights in Burma.

This resolution expresses the sense of the House that the military authorities in Burma should hand over the reins of government to those who in 1990 were elected to govern.

It restates our admiration and support for the imprisoned pro-democracy activist and Nobel laureate Aung San Suu Kyi;

It calls on the U.S. Government to elevate democracy and human rights in Burma in our diplomatic dialog;

It urges greater international pressure on the military regime in Rangoon;

And, it sends a forceful message that we are not prepared to deal with the regime in Burma on the basis of "business as usual."

As many of my colleagues know, Burma has been governed since 1988 by one of the world's truly odious regimes, known as the SLORC.

In 1990, in a monumental miscalculation, the SLORC permitted the holding of free elections.

To the regime's surprise and consternation, the Burmese people gave their overwhelming support not to the junta, but to the National League for Democracy, whose leader Aung San Suu Kyi languished under house arrest.

The regime responded not by relinquishing power, but by simply ignoring the election results and stepping up its repression.

Last week marked the fifth anniversary of Aung San Suu Kyi's imprisonment.

I can think of no more fitting way to express our support for this courageous woman than by adopting this resolution.

House Resolution 471 is supported by the administration and has widespread backing, on both sides of the aisle, in this body.

So it is with great pleasure that I urge my colleagues to support adoption of this resolution.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of House Resolution 471, this Member rises in the strongest possible support for this clear and unequivocal denunciation of tyranny in Burma.

This Member would like to commend the chairman of the Committee on Foreign Affairs, the gentleman from Indiana [Mr. HAMILTON], and the ranking Republican on the committee, the gentleman from New York [Mr. GILMAN] for their support and assistance in moving this resolution in a timely manner. In addition, this Member would recognize the continuing efforts of the chairman and ranking minority member of the Asia and Pacific Subcommittee, the gentleman from New York [Mr. ACKERMAN] and the gentleman from Iowa [Mr. LEACH] for their unswerving efforts to restore democracy to Burma.

Five days ago marked the fifth anniversary of Aung San Suu Kyi's imprisonment. It is shocking that a Nobel Peace Prize winner can be jailed for 5 years in a Burmese jail while most of the world continues business as usual with those that imprison her.

According to the State Department's annual report on human rights, the junta known as the SLORC that rules Burma "routinely" uses forced labor "for its myriad building projects," especially large road and railroad construction.

On July 17, the New York Times documented another massive forced labor program where tens of thousands are being paid nothing to reconstruct tourist attractions so that the government can gain access to hard currency. The junta in Burma has decided that the solution to its economic crisis is to become a tourist mecca, exploiting its natural beaches. And to that end, many of the very students who protested on behalf of democracy have been thrown into the labor gangs that are building roads to these new "resorts."

Far worse than the building projects, human rights groups inform us, is the army's policy of abducting young men and women to serve as porters for the military. According to the State Department's annual human rights report, hundreds of porters are thought to have died just last year "from disease and overwork, though reports of mistreatment and rape were also common.'' Many of the porters are left unattended to die when they can go no further.

In addition to the massive human rights violations perpetrated upon the Burmese people our own citizens suffer tremendously from SLORC's rule.

The vast majority of heroin being sold in our Nation's school yards is refined from Burmese opium. Ever since the SLORC stole the election from the freely elected winners of the 1990 election, our law enforcement officials have never before seen such enormous amounts of the drug being sold in such purity so cheaply.

This Member sincerely hopes that next year there will be a democratic government in Burma—a democratic government that cuts the flow of the chip cheap and terrible poison that is pouring into our Nation. And one that respects the human rights of its own citizens.

Accordingly, this Member urges his colleagues to support the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. ROTH], a member of the Committee on Foreign Affairs.

Mr. ROTH. Mr. Speaker, let me join with the gentleman from New York [Mr. ACKERMAN] and the gentleman from Iowa [Mr. LEACH] in supporting this resolution. Aung San Suu Kyi remains under house arrest by the Burmese military regime, after 5 long years.

She is a prisoner of conscience.

Her crime is that she speaks out against repression and in favor of freedom. She is a symbol of the desire of Burmese people to be free.

Recent reports that Burma is using forced labor merely underscores the importance of this resolution. The American people have always made common cause with people who are fighting for their freedom.

In that spirit, this brave young woman deserves the support of the American people. The Government of Burma must be told in clear terms that their pattern of repression is unacceptable to the Congress, to the American people and to the world community.

Mr. LEACH. Mr. Speaker, let me thank Chairman ACKERMAN, our full committee ranking member, Mr. GILMAN, as well as Representative ROHRABACHER for their leadership in supporting this very timely and important resolution on Burma.

All Members are of course familiar with the tragic circumstance afflicting Burma today. The Burmese people continue to be ruled by a military dictatorship—appropriately known by the sinister acronym SLORC—that is one of the worst human rights abusers in the whole of East Asia, if not the world.

Particularly distressing is the continuing house arrest of Nobel Prize Laureate Aung San Suu Kyi, the negation of the results of the May, 1990, elections, and the ruling junta's efforts to manipulate a constitutional convention in order to ensconce and legitimize continuing military rule.

Meanwhile, very credible allegations of grave human rights abuses continue: including torture, forced labor, abuse of women, lack of fundamental freedoms, and oppressive measures against ethnic and religious minorities.

While limited measures have been taken by the SLORC since April, 1992, to address the grave human rights concerns of the Burmese people and the international community, they have been clearly insufficient to date to demonstrate that change is real and not merely cosmetic. At a minimum, the SLORC needs to immediately begin a genuine dialog with Aung San Suu Kyi.

From a congressional perspective, the challenge facing the United States in advancing our democratic, humanitarian, and counternarcotics objectives in Burma is to maximize our limited leverage to promote progressive change. Herein lies a vexing policy dilemma.

The instinct of many at home and abroad is for Washington to take the lead in heightening the economic and political isolation of the Burmese regime, multilaterally if possible but unilaterally if necessary.

But the strong instinct of the parties with the greatest influence on Buma—ASEAN, China, and Japan—has been to downplay public criticism of the regime while to some degree urging Rangoon to moderate its behavior and open up to the outside world.

And the stark political reality with which we must contend is that there is virtually no international support for imposing additional economic sanctions against Burma—certainly none in East Asia. Even our ally Australia, which itself has a strong record of promoting human rights, is rethinking the wisdom of a purely punitive policy for dealing with Rangoon.

In this regard, it would appear that the administration has had some difficulty in reconciling a unilateral policy of isolation with other and possibly more nuanced alternatives.

With great fanfare, President Clinton announced last May a comprehensive review of United States policy toward Burma. Some 10 months later, in March, 1994, the review was only nominally complete. Overarching and common-sensical U.S. policy goals, such as establishing priority to promoting democratic and humanitarian objectives, were boldly embraced. But most hard issues—such as designing a roadmap for future relations with the Burmese regime—were quietly deferred. Most unfortunately, we are now some 14 long months into the policy review with no date certain for its completion.

Meanwhile, the United States is bereft of ambassadorial leadership in Rangoon, experienced working level hands within the State Department—such as Deirdre Chetham and John Finney—will be moving on to other posts, and more senior policymakers within the East Asia Bureau appear preoccupied with more vital foreign policy issues. In fact, it has been difficult to consistently identify any senior official with the formulation of United States policy toward Burma.

Frankly, this awkward circumstance has become an increasing source of bipartisan exasperation in the Congress. While Burma is clearly not a pressing geopolitical concern, United States interests are far from trivial. Indeed, the administration recognized such when it purported to elevate Burma on the United States foreign policy agenda. Worse yet, a vacuum in U.S. policy could not materialize at a less propitious time.

Internally, the situation is still largely grim. Despite widespread antipathy to the SLORC's iron-fisted rule, there appears to be little prospect that their military regime will either collapse or cede power any time soon. As already mentioned, the National Convention to rewrite the Constitution is of course a stage-managed sham.

On the other hand, the SLORC has recently negotiated cease-fire agreements with Burma's ethnic insurgents, suggesting an end to—or at least hiatus in—the country's long-running civil war. Whether such agreements will prove politically durable, facilitate external humanitarian assistance and sustainable development, as well as end refugee flows remains to be seen.

Burma has also signed an MOU with the U.N. High Commissioner for Refugees to facilitate the safe return of hundreds of thousands of Rohingya refugees from Bangladesh. Whether or not Rangoon will fully implement the agreement, however, remains uncertain.

Over the past year the regime has also provided unprecedented access by official U.S. visitors to political prisoners, including Congressman BILL RICHARDSON's remarkable February visit with Aung San Suu Kyi. But similar access by U.N. officials continues to be denied. The SLORC has also given tantalizing hints that it may at last begin a genuine dialog with Aung San Suu Kyi. And in Bangkok at the annual ASEAN meeting the Burmese Foreign Minister reportedly suggested that Rangoon was amenable to beginning discussions with the U.N. Secretary General on human rights.

Needless to say, the executive branch as well as the Congress will be watching all these developments closely and expecting positive results.

Externally, Burma is casting aside its traditional policy of isolation and rapidly deepening diplomatic relations with Southeast Asia. For example, this week Burma is making its maiden appearance before the ASEAN post-Ministerial Conference in Bangkok, attending as a guest of Thailand. Significantly, its commercial relations with China and the ASEAN States, and potentially others outside Southeast Asia, also show signs of dramatic expansion.

In short, while United States policy may be frozen in place the situation in Burma is not. In this context, it is fair to ask whether U.S. policy—or at any rate the interminable policy review—is being outstripped by events.

Here I would only reiterate my long-held view that the United States should provide humanitarian assistance to displaced Burmese as well as refugees and students, work to expand the presence in Burma of various U.N. agencies and particularly nongovernmental organizations, while making much more concerted efforts to coordinate with our friends in ASEAN and Japan—and when possible with China—on a broad approach to promoting more humane governance in Rangoon.

In addition, the United States should continue to seek the appointment of a U.N. Special Envoy to Burma, as well as use other

U.N. fora to call attention to and seek redress of the ongoing serious human rights situation in Burma, such as the unconditional release of nonviolent political prisoners including Aung San Suu Kyi. While I am very sympathetic to any possible arms embargo, prospects for negotiating such appear quite dim.

While the resolution before us does not speak to the issue of U.S. representation in Rangoon, I continue to believe that U.S. interests would be better served if we sent an ambassador with a strong human rights record and extensive background in working with opposition democratic groups. The dispatch of an ambassador to Rangoon would in no way signal approval of the current regime, or lend it any legitimacy. After all, the United States routinely sends ambassadors to countries whose policies we find abhorrent.

Mr. Speaker, few Americans would believe today that Burma was once one of the most energetic and fastest growing countries in Southeast Asia. Today it is being left behind by its dynamic neighbors.

Why has it failed to live up to its rich potential? Some blame it on history and culture; that Burma is destined to be the world's "odd man out," that free markets and free ideas can't take root in this unique and isolated land.

My own view is that is the SLORC's egregious misrule—rather than any complex historical legacy—which is chiefly responsible for Burma's recent isolation and underdevelopment. Indeed, that was the verdict of the people of Burma in the May, 1990, elections, when they delivered such a devastating rebuke and vote of no-confidence in the military regime.

To quote the symbol and inspiration of Burma's prodemocracy movement, the indomitable Aung San Suu Kyi, "The quest for democracy in Burma is the struggle of a people to live whole, meaningful lives as free and equal members of the world community."

All Members can thoroughly identify with those universal, democratic ideals. And while there may be some tactical differences of approach to dealing with Burma, the Congress is certainly unanimous in its support for restoring democratic governance, in demanding respect for human rights and fundamental freedoms, and in ending the production and trafficking of illicit narcotics.

There could be no more appropriate time for this Congress to urge the military leaders in Rangoon to unconditionally release Aung San Suu Kyi and all other political prisoners, as well as to fully respect the human rights and fundamental freedoms of the people of Burma. I urge the adoption of the resolution.

Mr. ACKERMAN. Mr. Speaker, I rise in enthusiastic support of House Resolution 471, regarding democracy and human rights in Burma.

I wish it could be otherwise. I wish we did not have to take up this resolution, but the military despots in Burma leave us no alternative. Eighteen months ago, some Burma watchers thought they detected tantalizing hints of change in that country. A national convention had been called, ostensibly to draft a new constitution. The Rangoon Government had released some of its political prisoners, and had given family members and foreign visitors access to others still in detention. American businesses were being courted by a regime hungry for outside financing.

Alas, our hopes that these developments represented something more than mere cosmetic changes seem to have been illusory. Repression remains the lot of the Burmese people. The victors in 1990's election are still denied the opportunity to form a government based upon the freely expressed will of the Burmese people. Aung San Suu Kyi, the embodiment of Burma's desire for democracy—whose brave defiance of tyranny won her not only the Nobel Peace Prize, but also the admiration of literally millions of people around the world—continues to languish under house arrest, while the Rangoon regime's hold on power appears firmer than ever.

So it is with great pride that I voice my support for this resolution, which Representative JIM LEACH and I have drafted.

Mr. Speaker, few of our constituents will know of our actions today in adopting this resolution. but I can guarantee you one thing: The people of Burma will hear of it. And be cheered by it. Cheered in the knowledge that they are not alone—that the world has not forgotten them in their time of trial—that freedom-loving peoples around the globe salute their courage, laud their steadfastness, and admire their devotion to the ideas of liberty and self-determination.

And so, I urge my colleagues not simply to support this resolution, but to redouble their efforts on behalf of Aung San Suu Kyi and the ideals for which she and her people continue to struggle. The forces of evil cannot and will not prevail. The day of triumph for those who cherish freedom will soon be at hand.

Mr. PORTER. Mr. Speaker, I support passage of House Resolution 471, which supports human rights and democracy in Burma and urges the Government of Burma to release Aung San Suu Kyi, the leader of the democratic opposition party in Burma. Because Aung San Suu Kyi's dedication to freedom and commitment to human rights made her a threat to the State Law and Order Restoration Council, the military regime that rules in Burma, they placed her under house arrest in 1989. Despite her incarceration in May, 1990, the Burmese people elected her party, in a free and fair election, to represent them. In 1991, Suu Kyi was awarded the Nobel Peace Prize for her nonviolent efforts to bring democracy to Burma. This year, the SLORC extended Suu Kyi's sentence for 1 more year. Today, martial law remains in effect in Burma. Human Rights Watch/Asia states that hundreds of political prisoners remain behind bars. Torture, ill-treatment, forced labor, denial of freedom of speech and association, and other human rights violations continue unabated. As Members of the U.S. Congress we must condemn these violations. Last week 28 Members of the House and 26 Members of the Senate joined me in sending a clear and unambiguous message to the SLORC leadership that stated increased political and economic relations with Burma should only occur if there is concrete progress in terms of their human rights conditions.

House Resolution 471 calls for the release of Aung San Suu Kyi and other political prisoners in Burma, it considers imposing further economic sanctions against Burma, and it asks for the appointment of a U.N. Special Envoy to focus on the conflict in Burma. I urge my colleagues to support these recommendations by adopting House Resolution 471. I commend Mr. ACKERMAN and Mr. LEACH for their work in exerting pressure on the Burmese military to improve its dismal human rights performance and I call on my colleagues to join us in this effort.

Mr. GILMAN. Mr. Speaker, I want to commend Chairman HAMILTON and the chairman and ranking Republican member of the Asia and Pacific Subcommittee, Mr. ACKERMAN and Mr. LEACH, for bringing this resolution before us today, just days after the fifth anniversary of Aung San Suu Kyi's imprisonment. I especially want to commend Mr. ROHRABACHER for his leadership and personal interest in this issue.

It is a sad anniversary for all of us. Five years ago there was so much hope for Burma. Along with the promise of democracy and human rights for the Burmese, the international community won honest assurances from freely elected Burmese Government officials that they would actively pursue strong drug interdiction efforts.

Unfortunately, the military government refused to step down. And recently it made deals with drug growing minorities such as the Wa and Kokang that they can continue to grow opium as long as they set aside their armed rebellions.

The SLORC profits from a Burmese drug trade that supplies three-quarters of the heroin reaching America's streets. Burma is the world's largest source of illicit opium and heroin today. In New York, the drug's quantity and purity are higher than ever, and free samples are often provided our young children on the streets to hook them on this powerful narcotic.

Last week, in Bangkok, the SLORC for the first time, was seated as observers at the annual meeting of ASEAN. I hope that our Secretary of State who will be present at the ASEAN meeting registers his strong disapproval.

A recent alarming 44-percent increase in United States hospital related heroin admissions over a similar 6-month period not long ago, is stark and alarming evidence that the Burmese heroin problem cannot be ignored here at home. This is a tragic war that we cannot afford to lose and we need to focus our resources and attention on those that benefit from the destruction of our Nation's very fabric. Admittedly, the Burmese Government's involvement in the drug trade has made it difficult for us to find a way to apply our resources to adequately tackle the problem.

Fortunately, the U.N. International Drug Control Program [UNDPC] is on the ground doing good work.

The resolution before us calls on the U.S. Government to work with the UNDCP and continue those counternarcotics efforts, and where appropriate, we must seek to expand the efforts of the UNDCP. The entire world has a stake in the struggle and UNDCP is our best hope today for any progress in this critical area.

Accordingly, I urge my colleagues to support the resolution and I hope that next July Suu will be released and the world will have a government in Burma that will work with us against drug traffickers.

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and agree to the resolution, H. Res. 471, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1300

CONCERNING MOVEMENT TOWARD DEMOCRACY IN THE FEDERAL REPUBLIC OF NIGERIA

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 151) concerning the movement toward democracy in the Federal Republic of Nigeria, as amended.

The Clerk read as follows:

H. CON. RES. 151

Whereas the people of the Federal Republic of Nigeria and the international community had been led to believe that the presidential election held in Nigeria on June 12, 1993, would result in a return to full democratic civilian rule in Nigeria;

Whereas General Ibrahim Babangida, the head of Nigeria's military government at the time of the June 12, 1993, election, interrupted the release of the election results on June 23, 1993, and later annulled the election, thereby preventing a return to civilian rule;

Whereas the election process indicated that voters in Nigeria—a country with a population of approximately 90,000,000 individuals comprising 250 ethnic groups and spread across 357,000 square miles—were expressing a spirit of national unity that transcended ethnic, religious, and regional allegiances;

Whereas reported returns suggested that Moshood Abiola of the Social Democratic Party was receiving a substantial majority of the votes cast, leading the poll in 20 of the 30 states in Nigeria;

Whereas the annulment of the presidential elections resulted in various forms of civil unrest, which in turn led to the death of more than 100 individuals;

Whereas an interim government established by General Babangida on August 27, 1993, and headed by Ernest Shonekan, failed to win the support of the Nigerian people;

Whereas General Sani Abacha took power on November 17, 1993, appointing an unelected provisional ruling council to govern Nigeria;

Whereas General Abacha and the provisional ruling council, upon taking power, stated their commitment to an early return to civilian and democratic rule, and named several prominent democratic political figures to serve in the government;

Whereas the political and economic conditions in Nigeria have continued to deteriorate in the months since Abacha took control of the country;

Whereas the faith of the Nigerian people in the viability of the nation as a unified whole must be preserved, and the balkanization of Nigeria guarded against;

Whereas the people of Nigeria have not accepted the continuation of military rule and have courageously spoken out in favor of the rapid return of democratic and civilian rule;

Whereas on May 15, 1994, a broad coalition of Nigerian democrats formed the National Democratic Coalition calling upon the military government to step down in favor of the winner of the June 12, 1993, election;

Whereas the confidence of the Nigerian people and the international community in the provisional ruling council's commitment to the restoration of democracy can only be established by a sustained demonstration of a commitment to human rights, due process, and the return of civilian rule;

Whereas the United States would prefer to have a relationship with Nigeria based upon cooperation and mutual support but cannot, and will not, condone or overtook the denial of democratic civilian rule—against the clear wishes of the Nigerian people—by the provisional ruling council or any other body in Nigeria;

Whereas the lack of support from the Nigerian authorities on drug trafficking issues has recently forced the United States to place Nigeria on the list of countries penalized for failure to seriously address the narcotics proliferation issue;

Whereas continuing credible reports of widespread corruption and questionable business practices in the Nigerian Government, and the lack of cooperation in addressing these problems by the Nigerian Government, further undermines Nigeria's credibility in the international community;

Whereas the steps taken by the international community in response to the refusal of the Nigerian military to relinquish power serve both to encourage the people of Nigeria in their legitimate struggle for democracy and to limit the ability of the military to entrench its rule; and

Whereas Nigeria's leadership role on the African continent and its international influence will be severely compromised by its failure to rejoin the world community of democratic nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) continues to support the Nigerian people in their commitment to unity and democracy as evidenced by their participation in the June 12, 1993, presidential election in the Federal Republic of Nigeria, and in their subsequent insistence on the return to full civilian and democratic rule;

(2) endorses the steps taken by President Clinton and the Administration—specifically the restrictions on assistance to agencies of the Nigerian Government, the suspension of military cooperation between the United States and Nigeria, the restrictions on travel to the United States by officials of the Nigerian military regime, and the insistence that full normalization of United States—Nigeria relations depends upon the restoration of civilian democratic rule—to demonstrate United States opposition to the annulment of such election and to encourage the restoration of fully democratic and civilian rule in Nigeria;

(3) urges the Administration to continue all actions designed to encourage the restoration of civilian rule in Nigeria, especially the restriction on travel to the United States by officials of the military regime, until concrete and significant steps have been taken toward a genuine transition to a democratically elected civilian government in Nigeria;

(4) encourages the Administration to explore additional measures that might be taken, either unilaterally, in cooperation with other nations, or through multilateral institutions such as the International Monetary Fund and the International Bank for Reconstruction and Development, to constructively encourage the restoration of democratic and civilian rule in Nigeria;

(5) requests that United States officials, both in the United States and in Nigeria, consistently reiterate United States insistence upon the rapid return of civilian and democratic rule in Nigeria, and that United States Government agencies such as the United States Information Agency and the Agency for International Development, as well as publicly supported agencies such as the National Endowment for Democracy, should provide support for activities aimed at strengthening democratic forces and democratic institutions in Nigeria;

(6) condemns the recent arrests by the Nigerian military authorities of Chief Abiola and other political leaders and democracy advocates, as well as the new restrictions imposed on freedom of expression; and

(7) urges General Abacha and the provisional ruling council in Nigeria, in order to maintain the viability of Nigeria and restore political stability and to avert the further deterioration of relations between Nigeria and the United States, to—

(A) fully restore freedom of the press, with access to all contemporary political and electoral information, fully respect human rights, and fully restore the independence and authority of the judiciary in Nigeria;

(B) immediately release Chief Abiola and the other political leaders and human rights activists who have been arrested or detained;

(C) decisively move to resolve the political crisis in Nigeria by setting up a rapid timetable for the full restoration of civilian and democratic rule, unencumbered by the military; and

(D) positively respond to United States and other international efforts to constructively encourage the restoration of democracy in Nigeria.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Nebraska [Mr. BEREUTER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 151 is a timely bill to encourage a return to democracy and civilian rule in Nigeria. It is timely because in the last few weeks Africa's largest and most prosperous country is experiencing a major oil strike called to demand the release of Moshood Abiola, a Social Democrat, who has been imprisoned for announcing his claim to the Presidency. At least 20 people were killed during protests in different locations in Lagos on Monday of last week. Demonstrations were also reported in

Ibadan, Nigeria's second largest city. House Concurrent Resolution 151 was initiated following the June 12, 1993 annulled election for President in which Chief Abiola was reported leading in 20 of the 30 states in Nigeria. The election was significant because Nigeria's 90 million people comprising some 250 ethnic groups, were voting across ethnic lines and expressing a spirit of national unity that transcend religious and regional allegiances.

As we view daily the stream of hundreds of thousands of Rawandan refugees we should remind ourselves that as serious as this is, it may only be a prelude to a larger disaster that could happen in Nigeria if timely action is not taken. House Concurrent Resolution 151 traces the history of one promise after another by former military dictator Babangida and his successor General Abacha to reinstate civilian rule. These have yielded no positive results.

The resolution points out the lack of support from the Nigerian authorities on drug trafficking issues that forced the United States to place Nigeria on the list of countries penalized for failure to seriously address the narcotics issue. An issue that effects the youth of our land—not just Nigeria, but right here in the United States—in your community and mine.

The U.S business community is complaining about the widespread corruption that is destroying trade relations, and the lack of cooperation in addressing these problems by the Nigerian Government. For instance, last week the Northeast Indiana Better Business Bureau reported more than 120 of their firms have been subject to Nigerian scams.

We need to send a strong and clear message to the military dictatorship in Nigeria that: first, we support the Nigerian people in their quest for democracy and civilian rule.

Second, that we endorse the steps taken by President Clinton to restrict assistance to the various agencies of the Nigerian Government and especially the suspension of military cooperation between the United States and Nigeria. I congratulate President Clinton for enforcing the ban on travel to the United States by officials of the Nigerian military regime, including the recently held World Soccer Cup.

The bill further encourages the Clinton administration to explore additional measures that might be taken through the IMF and World Bank that will further encourage the restoration of democracy in Nigeria.

At the same time the bill encourages increased efforts by AID, USIA, and the National Endowment for Democracy to support activities aimed at strengthening democratic forces in Nigeria.

The bill condemns the arrests by Nigerian military authorities of Chief Abiola and other political leaders and democracy advocates, and urges their immediate release.

Finally, the bill calls upon General Abacha and the Provisional Ruling Council to resolve the current political crisis by setting up a rapid timetable for the full restoration of civilian and democratic rule, unencumbered by the military.

Since Nigeria received their independence in 1960, they have been under military rule for 24 out of 34 years. As the largest and potentially most prosperous nation in Africa, a major oil producer, a country that the United States depends upon for regional conflict resolution such as providing peace keeping troops in Liberia, we can hardly allow Nigeria to retreat from the trend toward democracy being embraced by South Africa and other African countries.

Mr. Speaker, this bill is the result of a very fruitful process of discussion and compromise with our colleagues on the other side.

What we have is a truly bipartisan effort that will both encourage the democratic forces in Nigeria and put the Nigerian military dictatorship on notice that the United States rejects their cynical efforts to manipulate international public opinion.

I look forward to the day when Nigeria can take its rightful place as a leader among progressive and democratic countries in Africa. With our action today, we can hasten the arrival of that day.

I urge all of my colleagues to join me in voting in favor of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 151 which expresses our strong support for democratization in Nigeria.

Nigeria is a very important African country, rich in human and natural resources. But it will continue to squander those resources in an outrageous fashion as long as the present military junta fails to respect the democratic expressions of the Nigerian people.

The United States must make it clear to the military regime in Nigeria that this Nation cannot countenance dictatorship, corruption, and abuse of human rights.

I commend the chairman of the Africa subcommittee, Mr. JOHNSTON, and the ranking Republican member, Mr. BURTON, and especially the distinguished principal sponsor, Mr. PAYNE, for bringing this resolution before us and forging a bipartisan consensus.

Mr. Speaker, I support their effort and urge adoption of House Concurrent Resolution 151.

Mr. GILMAN. Mr. Speaker, I strongly support the adoption of House Concurrent Resolution 151 which expresses our strong support for democratization in Nigeria.

Next to South Africa, Nigeria is the African country best situated to contribute to the successful stabilization of the African Continent. Unfortunately, the failure of the present military junta to respect the democratic expressions of the Nigerian people threatens to retard any hopes of progress.

This country cannot ignore the current political and economic crisis in Nigeria. The Nigerian people have been promised true democratic reform for too many years now, but have been continually frustrated. The recent strikes by the oil workers is only the latest expression of that frustration. We must make it clear to the military regime in Nigeria that the United States cannot countenance dictatorship, corruption, and abuse of human rights.

I commend the distinguished chairman of the Africa Subcommittee, Mr. JOHNSTON, and the able ranking Republican member, Mr. BURTON, and the principal sponsor, Mr. PAYNE, for bringing this resolution before us and forging a bipartisan consensus. I support their effort and urge adoption of House Concurrent Resolution 151.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the four resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 151, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUBURN INDIAN RESTORATION ACT

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House suspend the rules and pass the bill. (H.R. 4228) to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California, as amended.

The Clerk read as follows:

H.R. 4228

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auburn Indian Restoration Act".

SEC. 2. RESTORATION OF FEDERAL RECOGNITION, RIGHTS, AND PRIVILEGES.

(a) FEDERAL RECOGNITION.—Notwithstanding any other provision of law, Federal recognition is hereby extended to the Tribe. Except as otherwise provided in this Act, all laws and regulations of general application to Indians or nations, tribes, or bands of Indians that are not inconsistent with any specific provision of this Act shall be applicable to the Tribe and its members.

(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Except as provided in subsection (d), all rights and privileges of the Tribe and its members under any Federal treaty, Executive order, agreement, or statute, or under any other authority which were diminished or lost under the Act of August 18, 1958 (Public Law 85–671), are hereby restored and the provisions of such Act shall be inapplicable to the Tribe and its members after the date of enactment of this Act.

(c) FEDERAL SERVICES AND BENEFITS.—Notwithstanding any other provision of law and without regard to the existence of a reservation, the Tribe and its members shall be eligible, on and after the date of enactment of this Act, for all Federal services and benefits furnished to federally recognized Indian tribes or their members. In the case of Federal services available to members of federally recognized Indian tribes residing on a reservation, members of the Tribe residing in the Tribe's service area shall be deemed to be residing on a reservation.

(d) HUNTING, FISHING, TRAPPING, AND WATER RIGHTS.—Nothing in this Act shall expand, reduce, or affect in any manner any hunting, fishing, trapping, gathering, or water right of the Tribe and its members.

(e) INDIAN REORGANIZATION ACT APPLICABILITY.—The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be applicable to the Tribe and its members.

(f) CERTAIN RIGHTS NOT ALTERED.—Except as specifically provided in this Act, nothing in this Act shall alter any property right or obligation, any contractual right or obligation, or any obligation for taxes levied.

SEC. 3. ECONOMIC DEVELOPMENT.

(a) PLAN FOR ECONOMIC DEVELOPMENT.—The Secretary shall—

(1) enter into negotiations with the governing body of the Tribe with respect to establishing a plan for economic development for the Tribe;

(2) in accordance with this section and not later than 2 years after the adoption of a tribal constitution as provided in section 7, develop such a plan; and

(3) upon the approval of such plan by the governing body of the Tribe, submit such plan to the Congress.

(b) RESTRICTIONS.—Any proposed transfer of real property contained in the plan developed by the Secretary under subsection (a) shall be consistent with the requirements of section 4.

SEC. 4. TRANSFER OF LAND TO BE HELD IN TRUST.

(a) LANDS TO BE TAKEN IN TRUST.—The Secretary shall accept any real property located in Placer County, California, for the benefit of the Tribe if conveyed or otherwise transferred to the Secretary if, at the time of such conveyance or transfer, there are no adverse legal claims on such property, including outstanding liens, mortgages, or taxes owed. The Secretary may accept any additional acreage in the Tribe's service area pursuant to the authority of the Secretary under the Act of June 18, 1934 (25 U.S.C. 461 et seq.).

(b) FORMER TRUST LANDS OF THE AUBURN RANCHERIA.—Subject to the conditions specified in this section, real property eligible for trust status under this section shall include fee land held by the White Oak Ridge Association, Indian owned fee land held communally pursuant to the distribution plan prepared and approved by the Bureau of Indian Affairs on August 13, 1959, and Indian owned fee land held by persons listed as distributees or dependent members in such distribution plan or such distributees' or dependent members' Indian heirs or successors in interest.

(c) LANDS TO BE PART OF THE RESERVATION.—Subject to the conditions imposed by this section, any real property conveyed or transferred under this section shall be taken in the name of the United States in trust for the Tribe or, as applicable, an individual member of the Tribe, and shall be part of the Tribe's reservation.

SEC. 5. MEMBERSHIP ROLLS.

(a) COMPILATION OF TRIBAL MEMBERSHIP ROLL.—Within 1 year after the date of the enactment of this Act, the Secretary shall, after consultation with the Tribe, compile a membership roll of the Tribe.

(b) CRITERIA FOR ENROLLMENTS.—(1) Until a tribal constitution is adopted pursuant to section 7, an individual shall be placed on the membership roll if the individual is living, is not an enrolled member of another federally recognized Indian tribe, is of United Auburn Indian Community ancestry, possesses at least one-eighth or more of Indian blood quantum, and if—

(A) the individual's name was listed on the Auburn Indian Rancheria distribution roll compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85–671;

(B) the individual was not listed on, but met the requirements that had to be met to be listed on, the Auburn Indian Rancheria distribution list compiled and approved by the Bureau of Indian Affairs on August 13, 1959, pursuant to Public Law 85–671; or

(C) the individual is a lineal descendent of an individual, living or dead, identified in subparagraph (A) or (B).

(2) After adoption of a tribal constitution pursuant to section 7, such tribal constitution shall govern membership in the Tribe, except that in addition to meeting any other criteria imposed in such tribal constitution, any person added to the membership roll shall be of United Auburn Indian Community ancestry and shall not be an enrolled member of another federally recognized Indian tribe.

(c) CONCLUSIVE PROOF OF UNITED AUBURN INDIAN COMMUNITY ANCESTRY.—For the purpose of subsection (b), the Secretary shall accept any available evidence establishing United Auburn Indian Community ancestry. The Secretary shall accept as conclusive evidence of United Auburn Indian Community ancestry information contained in the Auburn Indian Rancheria distribution list compiled by the Bureau of Indian Affairs on August 13, 1959.

SEC. 6. INTERIM GOVERNMENT.

Until a new tribal constitution and bylaws are adopted and become effective under section 7, the Tribe's governing body shall be an Interim Council. The initial membership of the Interim Council shall consist of the members of the Executive Council of the Tribe on the date of the enactment of this Act, and the Interim Council shall continue to operate in the manner prescribed for the Executive Council under the tribal constitution adopted July 20, 1991, as long as such constitution is not contrary to Federal law. Any new members filling vacancies on the Interim council shall meet the enrollment criteria set forth in section 5(b) and be elected in the same manner as are Executive Council members under the tribal constitution adopted July 20, 1991.

SEC 7. TRIBAL CONSTITUTION.

(a) ELECTION; TIME AND PROCEDURE.—Upon the completion of the tribal membership roll under section 5(a) and upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election for the purpose of adopting a constitution and bylaws for the Tribe. The election shall be held according to section 16 of the Act of June 18, 1934 (25 U.S.C. 476), except that absentee balloting shall be permitted regardless of voter residence.

(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—Not later than 120 days after the Tribe adopts a constitution and bylaws under subsection (a), the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in such tribal constitution. Such election shall be conducted according to the procedures specified in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the United Auburn Indian Community of the Auburn Rancheria of California.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the governing body of the Tribe specified in section 6.

(4) The term "member" means those persons meeting the enrollment criteria under section 5(b).

(5) The term "State" means the State of California.

(6) The term "reservation" means those lands acquired and held in trust by the Secretary for the benefit of the Tribe pursuant to section 4.

(7) The term "service area" means the counties of Placer, Nevada, Yuba, Sutter, El Dorado, and Sacramento, in the State of California.

SEC. 9. REGULATIONS.

The Secretary may promulgate such regulations as may be necessary to carry out the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota [Mr. JOHNSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. JOHNSON].

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4228.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4228 is a bill sponsored by Chairman GEORGE MILLER to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California. This was a tribe which was terminated in 1958. The termination policy has been expressly repudiated by Congress. Most terminated tribes have been restored. The bill is similar to other restorations of terminated tribes Congress has passed over the last several years. It provides for the establishment of a membership roll, a constitution, and the election of officials. It provides that the United Auburn Indian Community is to have all rights and privileges of a federally recognized tribe.

The bill is supported by the administration and has bipartisan support.

I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

□ 1310

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support passage of H.R. 4228, a bill to restore Federal recognition to the Nisenan Southern Maidu people of the Auburn Rancheria.

At the outset, let me point out that although this bill is titled an act "to extend Federal recognition" to the United Auburn Indian Community, that is not entirely correct. This bill is actually restoration legislation. There is a significant legal difference between the two, and one that is key to my support. Recognition is extension of a government-to-government relationship between the United States and an Indian tribe for the first time. Restoration, however, means the reextension of that relationship to a group which once enjoyed it but for some reason had that status terminated. While I strongly oppose recognition legislation, I continue to support restoration legislation such as this.

Mr. Speaker, while the history of United States-Indian relations is a sorry one, the fate of the tribes in California is—if possible—more so. The flood of non-Indians into California as a result of the gold rush had devastating effects on the tribes. Thousands were hunted down and killed so that their lands could be taken from them. Thousands more died as a result of forced relocations and disease.

In 1851, the United States entered into a series of 18 treaties—the Barbour Treaties—with several California tribes providing for the relinquishment of all aboriginal land claims in California in exchange for 8.5 million acres of territory and other goods and supplies. But because of pressure from the California congressional delegation the treaties were never ratified—in fact, they were purposefully hidden for decades. No one informed the tribes of the failure of ratification; white settlers proceeded to occupy their lands anyway, and they never received their due.

Over the years a great many tribes ceased to exist, others were broken up and settled on less than desirable lands that no one else wanted. The Indians went from self-sufficiency to almost total poverty and dependence on the State for support.

After World War II, the Federal Government began to look at ridding itself of the Indian problem. In 1948, the BIA declared its intention to terminate or derecognize the tribes by ceasing all services to Indians and dividing their tribal assets—land and resources—among individual tribal members. This so-called new policy was little more than a warmed-over version of the allotment period of the late 1800's, which had been a dismal failure. Its implementation, like that of the Allotment Act, would detribalize native groups and put their property on tax rolls while repudiating the Federal Government's moral and legal commitments and responsibilities to aid the people whose poverty and powerlessness it had created.

California tribes were to be the first targets of termination. The Commissioner of Indian Affairs who inaugurated this policy, Dillon Meyer, was principally known as one of those responsible for administering the Japanese-American internment camps during World War II. In 1952, the BIA began to push energetically for termination. The Indian Service introduced to Congress several termination bills aimed specifically at California, and in anticipation of passage ended all Indian Service welfare payments to pauper Indians in the State. In addition, the Indian Service began an accounting and inventory of all Government property, while the BIA sold 129 allotments and closed the accounts of hundreds of Indians having money in trust accounts.

A further step in completely eradicating the tribes was taken in 1953, when Congress passed Public Law 280, which brought California Indian reservations under the criminal and civil jurisdiction of the State. That same year, Congress declared termination to be the official policy of the Federal Government, whether the Indians wanted it or not. House Congressional Resolution 108 expressed the aim of Congress as being,

> As rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, [and] to end their status as wards to the United States.

In California, Indians were coerced by the Government into selling their lands. The State illegally withheld pension and welfare payments, with a promise to restore payments to those individuals who caved in. In 1958, Congress accelerated its policies by passing the Rancheria Act—(27 Stat. 619 as amended) effectively extinguishing a great number of tribes in California.

The Auburn Indians were one of those terminated. Actually Nisenan Southern Maidus, part of the Penutian linguistic family, have occupied the drainages of the Yuba, Bear, and American Rivers for hundreds of years. At the beginning of the 19th century, there were over 100 Nisenan villages in this area. The people were hunter-gatherers, and the principal staples of their diet were acorns, roots, and deer or similar game.

The Nisenan were not at first affected by the influx of white settlers, but the discovery of gold on Nisenan lands in 1848 changed that. Their lands were overrun in a period of 2 or 3 years. Thousands of miners moved into Nisenan territory; widespread killing, destruction of villages, and persecution of the tribal members—who the miners pejoratively called diggers—followed.

Their numbers dwindled, and they were quickly destroyed as a viable culture. Those that remained lived at the margins of foothill towns, and found work in logging, ranching, and agriculture. In the 1870's there was a brief resurgence of native culture and modified ceremonialism under the influence of the Ghost Dance revival, but this faded by the 1890's. By the early 1930's there was not a tribal member alive who could remember times before white contact. By the time they were terminated in 1958, many had disappeared into the dominant culture. Those that remained lived in abject poverty.

Mr. Speaker, we have rightly repudiated the termination policy and restored Federal recognition to many of the tribes. It is high time that we added the United Auburn Indian Community to the list. I urge my colleagues to support H.R. 4228.

Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WATT). The question is on the motion offered by the gentleman from South Dakota [Mr. JOHNSON] that the House suspend the rules and pass the bill, H.R. 4228, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

INDIAN DAMS SAFETY ACT OF 1994

Mr. JOHNSON of South Dakota. Mr. Speaker, I move that the House suspend the rules and pass the bill (H.R. 1426) to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes, as amended.

The Clerk read as follows:

H.R. 1426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Dams Safety Act of 1994".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Secretary of the Interior has identified 53 dams on Indian lands that present a threat to human life in the event of a failure;

(2) because of inadequate attention in the past to problems stemming from structural

deficiencies and regular maintenance requirements for dams operated by the Bureau of Indian Affairs, unsafe Bureau dams continue to pose an imminent threat to people and property;

(3) many Bureau dams have maintenance deficiencies regardless of their current safety condition classification and the deficiencies must be corrected to avoid future threats to human life and property;

(4) safe working dams on Indian lands are necessary to supply irrigation water, to provide flood control, to provide water for municipal, industrial, domestic, livestock, and recreation uses, and for fish and wildlife habitats; and

(5) it is necessary to institute a regular dam maintenance and repair program, utilizing the expertise in the Bureau, Indian tribes, and other Federal agencies.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs.

(2) The term "dam" has the same meaning given such term by the first section of Public Law 92-367 (33 U.S.C. 467).

(3) The term "Secretary" means the Secretary of the Interior.

(4) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

SEC. 4. DAM SAFETY MAINTENANCE AND REPAIR PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a dam safety maintenance and repair program within the Bureau to ensure maintenance and monitoring of the condition of each dam identified pursuant to subsection (e) necessary to maintain the dam in a satisfactory condition on a long-term basis.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act pursuant to the Dam Safety Program established by the Secretary of the Interior by order dated February 28, 1980, and all Bureau of Indian Affairs personnel assigned to such program as of the date of enactment of this Act are hereby transferred to the Dam Safety Maintenance and Repair Program. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Dam Safety Program is deemed to be a reference to the Dam Safety Maintenance and Repair Program.

(c) REHABILITATION.—Under the Dam Safety Maintenance and Repair Program, the Secretary shall perform such rehabilitation work as is necessary to bring the dams identified pursuant to subsection (e) to a satisfactory condition. In addition, each dam located on Indian lands shall be regularly maintained pursuant to the Dam Safety Maintenance and Repair Program established pursuant to subsection (a).

(d) MAINTENANCE ACTION PLAN.—The Secretary shall develop a maintenance action plan, which shall include a prioritization of actions to be taken, for those dams with a risk hazard rating of high or significant as identified pursuant to subsection (e).

(e) IDENTIFICATION OF DAMS.—

(1) DEVELOPMENT OF LIST.—The Secretary shall develop a comprehensive list of dams located on Indian lands that describes the dam safety condition classification of each dam, as specified in paragraph (2), the risk hazard classification of each dam, as specified in paragraph (3), and the conditions resulting from maintenance deficiencies.

(2) DAM SAFETY CONDITION CLASSIFICATIONS.—The dam safety condition classification referred to in paragraph (1) is one of the following classifications:

(A) SATISFACTORY.—No existing or potential dam safety deficiencies are recognized. Safe performance is expected under all anticipated conditions.

(B) FAIR.—No existing dam safety deficiencies are recognized for normal loading conditions. Infrequent hydrologic or seismic events would probably result in a dam safety deficiency.

(C) CONDITIONALLY POOR.—A potential dam safety deficiency is recognized for unusual loading conditions that may realistically occur during the expected life of the structure.

(D) POOR.—A potential dam safety deficiency is clearly recognized for normal loading conditions. Immediate actions to resolve the deficiency are recommended; reservoir restrictions may be necessary until resolution of the problem.

(E) UNSATISFACTORY.—A dam safety deficiency exists for normal loading conditions. Immediate remedial action is required for resolution of the problem.

(3) RISK HAZARD CLASSIFICATION.—The risk hazard classification referred to in paragraph (1) is one of the following classifications:

(A) HIGH.—Six or more lives would be at risk or extensive property damage could occur if the dam failed.

(B) SIGNIFICANT.—Between one and six lives would be at risk or significant property damage could occur if the dam failed.

(C) LOW.—No lives would be at risk and limited property damage would occur if the dam failed.

(f) LIMITATION ON PROGRAM AUTHORIZATION.—Work authorized by this Act shall be for the purpose of dam safety maintenance and structural repair. The Secretary may authorize, upon request of an Indian tribe, up to 20 percent of the cost of repairs to be used to provide additional conservation storage capacity or developing benefits beyond those provided by the original dams and reservoirs. This Act is not intended to preclude development of increased storage or benefits under any other authority or to preclude measures to protect fish and wildlife.

(g) TECHNICAL ASSISTANCE.—To carry out the purposes of this Act, the Secretary may obtain technical assistance on a nonreimbursable basis from other departments and agencies. Notwithstanding any such technical assistance, the Dam Safety Maintenance and Repair Program established under subsection (a) shall be under the direction and control of the Bureau.

(h) CONTRACT AUTHORITY.—In addition to any other authority established by law, the Secretary is authorized to contract with Indian tribes (under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))), as amended, to carry out the Dam Safety Maintenance and Repair Program established under this Act.

(i) ANNUAL REPORT.—The Secretary shall submit an annual report on the implementation of this Act. The report shall include—

(1) the list of dams and their status on the maintenance action plan developed under this section; and

(2) the projected total cost and a schedule of the projected annual cost of rehabilitation or repair for each dam under this section. The report shall be submitted at the time the budget is required to be submitted under section 1105 of title 31, United States Code, to the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act. Funds provided under this Act are to be considered nonreimbursable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota [Mr. JOHNSON] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from South Dakota [Mr. JOHNSON].

GENERAL LEAVE

Mr. JOHNSON of South Dakota. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1426 establishes a dam safety maintenance and repair program within the Bureau of Indian Affairs at the Department of the Interior. It authorizes the Secretary to perform such rehabilitation work as is necessary to bring dams located on Indian lands up to satisfactory condition. The bill requires the Secretary of the Interior to develop a maintenance action plan for those dams with a high or significant risk hazard rating.

Finally, it requires the Secretary to submit to the Congress an annual report which includes a list of the dams located on Indian lands, a status report for each dam, the projected total cost of repairs for each dam, and a schedule of projected annual costs.

Mr. Speaker, of the 69 dams administered by the BIA, 53 are high hazards and 11 present significant hazards. The GAO reports that 38 Indian dams have a safety rating of poor or conditionally poor. Although, we have seen some progress made to improve the safety conditions of these dams, it is vitally important that the Secretary take the steps necessary to implement an ongoing safety maintenance and repair program for dams located on Indian lands.

Mr. Speaker, H.R. 1426 provides the necessary framework to ensure that dams located on Indian lands do not threaten the lives and property of the people living in their shadow. This legislation reflects the views of Indian country and enjoys bipartisan support. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Dakota has more than adequately set forth the provisions of this legislation, so I will be brief.

H.R. 1426 deals with an important issue in Indian country: Dam safety. Safe, working dams on Indian lands are necessary to supply irrigation, flood control, municipal and tribal water supplies, and fish and wildlife habitat. Some 54 dams administered by the BIA have structural problems which are classified as presenting high or significant hazards to human life and property in the event of failure.

Two of these dams are on the Wind River Reservation in my State of Wyoming: Ray Lake Dam and Washakie Dam. Problems at Ray Lake include cracks in the eastern structure, extensive erosion due to waive action, inadequate spillway capacity, and deteriorating concrete structures and supports.

While the problems at Ray Lake are serious, those at Washakie Dam are critical. They include seepage and high foundation pore pressures underneath the main embankment, the inability of the dam to safely accommodate floods greater than 47 percent of the probable maximum flood, the possibility of a failure in dike No. 2, and others. The gentleman from New Mexico and I saw the physical manifestations of these structural defects when we visited the dam last year. We also saw the probable outcome in case of failure. Maps on the wall of the joint business council chamber highlighted in yellow the path of destruction a wall of water speeding down the valley would cause, sweeping countless homes and businesses before it.

As we have learned, these types of problems are not unique to this reservation. I hope that by passing H.R. 1426 and investing in a solution now, we will avert a tragedy later. I urge my colleagues to support passage of this important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. JOHNSON of South Dakota. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], chairman of the Subcommittee on Native American Affairs.

Mr. RICHARDSON. Mr. Speaker, I thank my colleague from South Dakota for dealing with these bills.

I just came in from National Airport. I want to say that Indian issues are in good hands with the gentleman from South Dakota. I think there is no individual in our subcommittee that has worked more on native American issues.

What we have done with this Indian dams bill, as the gentleman from Wyoming, the very able minority member knows, is that we have problems with the safety of Indian dams. What we have done in this bill is transfer the authority to the Bureau of Indian Affairs where it should be. This is a trust responsibility.

There is also a trust responsibility to provide dam safety and proper operation and maintenance to dams on reservations. We visited some in the district of the gentleman from Wyoming. This legislation respects the sovereignty of tribes and delineates what is vital here and what the subcommittee's main thrust is, and that is to protect the native Americans and the Bureau of Indian Affairs and the Secretary of the Interior's trust responsibility.

So I am here to thank the gentleman from South Dakota, the very able nonpartisan member from Wyoming, a good friend who has done outstanding work on this subcommittee.

Mr. JOHNSON of South Dakota. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Dakota [Mr. JOHNSON] that the House suspend the rules and pass the bill, H.R. 1426, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 4:45 p.m.

Accordingly (at 1 o'clock and 18 minutes p.m.) the House stood in recess until 4:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCDERMOTT) at 4 o'clock and 45 minutes p.m.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess until 5:45 p.m.

Accordingly (at 4 o'clock and 46 minutes p.m.) the House stood in recess until 5:45 p.m.

☐ 1745

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 5 o'clock and 45 minutes p.m.

ANNOUNCEMENT OF APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

The SPEAKER pro tempore. The Chair, without objection, announces the appointment of the following additional conferees on the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes:

As additional conferees from the Committee on Energy and Commerce for consideration of sections 410 and 413 of the House bill, and sections 606–07, 701 of the Senate amendment; and for the following provisions of titles II and IV of the House bill and titles II and IV of the Senate amendment and modifications committed to conference to the extent to which they relate to the replication of proven technologies: that portion of section 202 of the House bill which adds section 301(d) to the Stevenson-Wydler Technology Innovation Act of 1980; section 203 of the House bill; section 401 of the House bill; those provisions of section 211 of the Senate amendment which amend the Stevenson-Wydler Act Technology Innovation Act of 1980 by adding subsection 102(b) and section 103; those provisions of section 212 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding new subsections 24(e)(2)(J), 24(f)(3), 24(f)(7), and 24(g)(1); those portions of section 214 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding a new subsection 25(a)(7) and 25(b)(3); section 216 of the Senate amendment; and section 401 of the Senate amendment: Mr. DINGELL, Mrs. COLLINS of Illinois, and Mr. MOORHEAD.

As an additional conferee for consideration of those portions of section 206 of the House bill which add sections 4(20), (21) and (22) to the Stevenson-Wydler Technology Innovation Act of 1980, and modifications committed to conference: Mr. MANTON.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DELLUMS moves to strike out all after the enacting clause of S. 2182 and to insert in lieu thereof the text of H.R. 4301 as passed by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. SPENCE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2182 be instructed to insist upon the provisions contained in section 1044 of the House amendment to the text.

□ 1750

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. DELLUMS. Mr. Speaker, will the distinguished gentleman yield?

Mr. SPENCE. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague for yielding. We have taken a look at the motion to instruct conferees referred to as the Kasich amendment. As my colleague is aware, this amendment began in the Subcommittee on Armed Services, moved to the full committee, was not perceived as controversial, and I think it is important. We have no objection to the motion to instruct conferees.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I appreciate the concurrence of the gentleman from California.

Mr. Speaker, this motion instructs House conferees to stick with the House position on the so-called Kasich amendment to the defense authorization bill dealing with the military readiness implications of deployment of United States peacekeeping forces in Bosnia.

The Clinton administration has made repeated commitments to deploy up to 25,000 American troops as part of a U.N. peacekeeping operation in Bosnia should the warring factions ever sign a peace accord.

At the same time the administration has proposed to cut the defense budget by $156 billion over a 6-year period, it has made similar commitments to deploy forces to Haiti and Rwanda and is waiting for the other shoe to drop in Korea.

With all this in mind, the Kasich amendment is a modest attempt to force the administration to focus on the very real military readiness implications associated with deploying over a division of our front line forces to peacekeeping duties in Bosnia.

The issues involved with this amendment are simple. At the same time we are drastically and rapidly cutting the size of our military, we are asking it to do more and more.

Yes, the cold war is over. But our forces have never been busier. Today our forces are operating in Iraq, the former Yugoslavia, Rwanda, off the coast of Haiti and Somalia as well as holding down the usual other routine commitments we have throughout the world. Simply put, we are burning our forces up and squandering the military readiness levels that shone through in our magnificent military victory in the Persian Gulf.

In its recently released report, the DOD task force on readiness acknowledged that the U.S. forces are "running too hard" and are suffering from too many simultaneous operations that are burning up supplies and the morale of the troops.

General Shy Meyer, chairman of the task force, has admitted that with the continuing operations in Somalia, Bosnia, Haiti, Iraq, and other hot spots, troops are getting too little rest between deployments, and they have expressed a desire to leave military service.

The most recent example of this was the incredible decision to redeploy the Marine Corps Amphibious Ready Group that steamed off Somalia for 6 months to Haiti after only 12 days of shore time in the United States, just 12 days. We cannot treat people that way without sooner or later paying a price. We have seen this before in the 1970's, and we seem to be making the same mistakes over again.

Another recent example comes from the report on the tragic accidental friendly fire shoot-down of our United States helicopters in Iraq. The subsequent investigation revealed that the AWACS crew on station for that day was operating in excess of the 120-day-per-year operating limit that the Air Force considers prudent for AWACS crews. Again, we are pushing our forces too hard and too long for reasons largely unrelated to our U.S. national security.

Mr. Speaker, I could go on and on for some time listing more and more examples where the indications are clear that we are about to enter into a deep slide in readiness levels. It is against this backdrop that the administration continues to contemplate deploying 25,000 of our troops to Bosnia to police a conflict we have no business policing in the first place.

As the Pentagon well knows, a decision to deploy 25,000 troops is only the tip of the iceberg. This level of forces ties up a rotation base of another 50,000 troops that are either preparing to deploy or returning from deployment at any given 6-month cycle. So the effects of such a decision are far from trivial and will impact overall military readiness and our ability to fulfill our national security strategy of being prepared to fight two regional conflicts.

The Kasich amendment highlights these very important questions and will hopefully force a rational and informed debate on the serious implications of such a decision.

Therefore, Mr. Speaker, I offer this motion to instruct to ensure that this important provision is retained by the defense authorization conference, and that the many questions surrounding the administration's plan for Bosnia get the proper level of attention and visibility.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise to strongly urge my colleagues to vote in favor of this motion to instruct, directing the House conferees to insist upon the retention of section 1044 of the Defense authorization bill, H.R. 4301. This provision, authored by the gentleman from Ohio [Mr. KASICH], requires a report on the impact upon the overall readiness of United States Armed Forces of the deployment of thousands of United States ground forces to implement a peace plan in Bosnia.

It is estimated that we would have to send approximately 25,000 troops into

Bosnia for an indefinite period of time, if the administration decides to have the United States military participate in the implementation of a peace plan along the lines of that agreed to by the so-called contact group of diplomats in Geneva.

The administration previously stated its intention in such a case to seek congressional authorization for the deployment. If called upon to grant such an authorization, I firmly believe the Members of this body would greatly benefit from the information contained in the report called for in section 1044. Indeed, such information would be essential for the Congress to make an informed judgment on such a deployment.

We need to bear in mind that as our armed forces are experiencing significant reductions in manpower and funding, the potential demands placed upon them by possible United Nations-led operations in places like Haiti, Rwanda, and other places may be significant.

Along with a majority of the Members of this body, I voted last month to direct the President to lift the illegal and immoral arms embargo against the Government and people of Bosnia. We believed then, and still remain convinced today, that providing the Bosnians with the means to defend themselves was preferable to having our military help implement a partition of the territory of Bosnia along ethnic lines. This administration wishes to deploy our military to participate in U.N. peacekeeping. Therefore we must exercise our responsibility to the American people to ensure that participation in operations like Bosnia, where threat to vital United States national security interests is marginal at best, does not erode our capability to respond to true threats to our interests.

In Bosnia, we may well face the greatest drain on our assets and manpower ever in a United Nations peacekeeping operation. Failure by the conference committee to agree to this provision would significantly degrade the ability of the Congress to make an informed judgement on the possible deployment of our armed forces in Bosnia. Accordingly, I urge my colleagues to join in supporting this motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TALENT].

□ 1800

Mr. TALENT. I thank the distinguished gentleman for yielding me this time. I doubt that I will use the 5 minutes.

But I wanted to make a couple of points where I think this amendment is important and why we ought to keep it it in the conference report.

It is a modest step, but a step in the right direction. I will mention a couple of trends I am deeply concerned about that I think the study this amendment directs may cast some light on.

The first is the effects on readiness and on the quality of the force of the fight which we are losing unfortunately to keep military pay up with inflation. It has been falling behind. I think the trend is similar to what happened in the late 1970's. If we continue throughout the rest of this decade as in the manner projected under the President's budget, then the men and women of America's military will be earning 10 to 12 percent less because of inflation by the end of this decade than they earned at the beginning of it.

At the same time, I think this study will bring this to light, they are being called upon to do more and more, and they are being deployed abroad sometimes for lengths of times longer than they have been used to in the past on behalf of these various peacekeeping missions. An example is what happened to the 24th Marine Expeditionary Unit recently which came back out from 6 months' deployment abroad in Somalia and Bosnia, and after only 5 days of leave had to go immediately back onto ship and is currently now near Haiti waiting for orders there.

You cannot continue to pay people less and less, have them lose money vis-a-vis inflation, and ask them to do more and more and expect that the force is going to maintain its quality. In fact, the trends, while certainly not disastrous at this point, are not in the right direction.

The number of recruits who do not have a high school diploma is going up, the number of recruits in the lowest level of trainability is going up, and again while those factors are still at a stage where we can control them, the trends are moving in the wrong direction.

The other point where I have major concern, and I think the study may throw some light, has to do with the Bottom-Up Review end-strength projections for the Army. As everybody here knows, the Bottom-Up Review projects 10 active divisions in the U.S. Army. When we had testimony in the Military Forces Subcommittee on the House Committee on Armed Services on the Bottom-up Review, indication was, well, we can make do with 10 active divisions and still meet the 2 MRC requirements on the assumption that we can move forces quickly out of peacekeeping into major regional contingencies if need be, into Korea or into the gulf. And yet other witnesses who testified, retired four-stars and retired general officers, indicated that is very, very difficult to do.

First, you have to find allies who will take over the peacekeeping mission. Then you have to pull the people out of peacekeeping and you have to retrain them, because the training for peacekeeping is very different than the training required for combat. In other words, it is a very, very difficult thing to do.

Their testimony was that, in fact, you should consider these peacekeeping troops unavailable for the purpose of determining whether the end strength in the Bottom-Up Review is adequate to meet the requirements that we be able to fight two MRC's at the same time.

A lot of concerns have been raised in the last year and a half, in my time on the Committee on Armed Services, and I think we are going to have to address them, if not this year, then certainly in next year's budget.

This study will help us in doing so, and I think it is a good amendment. I hope the conferees will fight hard to keep it. I support the motion to instruct.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH], the author of this amendment.

Mr. KASICH. Mr. Speaker, I thank the gentleman for yielding.

You know, the purpose of this amendment was essentially to say that we want to avoid some of the very difficult problems we encountered when we went to Somalia. We think it makes sense to ask the Secretary of Defense to define a number of problem areas including, of course, the readiness of forces both there and here, what we are expected to do, when we are expected to go, when we are expected to get out, a whole variety of things that are absolutely critical in terms of guaranteeing any kind of a mission that would involve U.S. forces.

I just think it is a very good probability that the United States could find itself literally being asked to go over and perform this peacekeeping mission, and there are so many questions involved in terms of an operation like that. The last thing, I know, this Congress wants to do is to move into that situation with any fuzziness or any uncertainty that would surround that issue, regardless of how we would feel about whether this mission is right or wrong; we certainly want to know exactly what all the cards are on the table so that we can make these kinds of decisions with full knowledge of the implications.

And so I just want to compliment the gentleman from South Carolina [Mr. SPENCE] and the chairman, the very fit chairman, from the State of California [Mr. DELLUMS], and would say that I think this is appropriate, because it does emphasize something that I believe we are going to have to deal with in a relatively short period of time.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I want to thank the ranking member and the chairman for this discussion, and I want to thank the gentleman from Ohio [Mr. KASICH] for bringing the issue up.

The issue clearly is the readiness of our military forces, and I think the danger that we are returning to the hollow military forces of the late 1970's. You know, as we look at the reports that have been emanating from DOD ever since the so-called McCain report, and that was the danger of going hollow report that Admiral Kelso spearheaded 6 or 7 months ago, we have seen a drop in ammunition reserve levels. We have seen a drop in training time. We have seen a drop in repair levels of our military equipment, and we have seen also a drop in a very important category, and that is the number of aircraft and other military equipment with respect to being fully mission capable.

If you remember back to the days of the 1970's, we had about 50 percent of our military aircraft that were fully mission capable. The rest of the aircraft were being taken apart for spare parts so that the few aircraft that we thought we could keep running had adequate spares to stay in the air.

So after rebuilding defense in the 1980's, bringing down the Berlin Wall with that strong America and emerging once again the only superpower in the world, we are seeing our military readiness being reduced, and I have to go back to a point that the ranking member, the gentleman from South Carolina [Mr. SPENCE], brought out that I think is very important.

The DOD task force on readiness has acknowledged recently that U.S. forces are running too hard. What does running too hard mean? It means you cannot take President Clinton's cuts in defense of $127 billion and continue to go to all of these trouble spots in Africa and Haiti and Bosnia and Korea and around the world and stretch these forces without the equipment or the reserves; that is, the personnel to free these people up so they can spend a little time at home after they come off a 6-month deployment. We are not doing that. We are stretching our people too thin.

What does that mean? That means we may go back to the hollow forces of the 1970's when we had 1,000 petty officers a month getting out of the military. Those are the people who knew how to make the Navy go, who knew how to repair the ships and keep them steaming and repair the aircraft.

I want to thank the gentleman from Ohio [Mr. KASICH] for ringing this alarm bell with this motion to instruct, and I want to thank the ranking member and all the members of the Committee on Armed Services, Republican and Democrat, who are concerned about the Clinton administration cutting too deep and stretching our forces too thin.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this motion to instruct conferees on the military readiness implications of the Bosnia peacekeeping deployments.

President Clinton has repeatedly reiterated the U.S. commitment to provide half of the expected 50,000 peacekeepers required to implement a peace settlement in the Balkans.

But 25,000 U.S. troops is not the whole story. Given these troops would be on the ground for a long haul, a year or more, a possible 6-month rotation of these forces would probably be implemented, but I do not know; with one unit on the ground, one unit preparing to deploy, and one unit having just returned, we quickly find this commitment to Bosnia ties up 75,000 of our quickly dwindling combat-ready force.

With one division on the ground in Korea and one in Europe, 75,000 troops tied up in the Bosnia rotation represents a significant portion of our fighting force, this at a time when the administration is facing a serious foreign policy challenge with nuclear implications in Korea as well as a commitment of unknown size and duration in Haiti.

Despite this rhetoric that we hear here in Washington, Washington, I think, is best known for a little secret right now in the military, and that is that the President's Bottom-Up Review force cannot meet the two major regional contingency requirements as set out in that Bottom-Up Review.

□ 1810

You certainly cannot do it with the 75,000 troops tied up in a rotation of peacekeeping in the former Yugoslavia, Bosnia. I say let us do what is reasonable and prudent, and that is Mr. KASICH's amendment on military readiness implications on the peacekeeping deployment to Bosnia, asking the Secretary of Defense to submit a report to the Congress to answer some really specific questions as extremely necessary.

Matters to be included in that report which are incredibly important are the total number of force in fact required, the estimate of the expected duration of such operation. It sure is nice to know if we are going to get into an operation when we are going to get out of that operation so we can set forward the necessary rotation.

The estimate of the cost. Now, that one makes a lot of sense in time of dwindling budgets; we sure would like to know what the cost is going to be and also the timeframe. The assessment of the effect of the operation on the ability of the U.S. Armed Forces to execute successfully two nearly simultaneous major regional conflicts is very important. Those of us on the Subcommittee on Military Forces Personnel have gone in great detail into that question and have discovered that even if we had a scenario of war in Korea and a regional conflict in the Middle East we may not be able to successfully participate in peacekeeping operations in Bosnia.

Looking into the readiness of our forces because of that example is extremely reasonable and prudent.

Mr. Speaker, I also must rise on the question about the assessment of the number of type of combat support, combat service support necessary to meet the 25,000 requirement in Bosnia. Not only from the active force, but you have to remember we are operating under the total force concept.

That concept talks about the total integration of the National Guard, Reserve, and active forces. Most of the combat service support comes out of the National Guard and the Reserve. So when we find ourselves in a total commitment of 25,000 combat troops in Bosnia, we are also talking about activating some National Guard and Reserves. I think it is important for us to know that. What is the assessment coming out of the Secretary of Defense?

So I ask my colleagues to vote in favor of the Kasich amendment for that which is prudent and reasonable as we try to assess our national security values.

Mr. SPENCE. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank the gentleman for yielding this time to me.

Mr. Speaker, I think when we look at the United Nations control of the peacekeeping forces, we need to take a look at the armed services itself, the military cuts, the foreign policy and how that relates to the man or woman in uniform of the United States. I would like to go through several ways in which many Members, some members of the committee, are attacking defense, trying to destroy everything they can which relates to defense.

First of all is the $177 billion cut in defense; $50 billion from the 102d Congress and $127 billion from this administration.

If you take a look at those individual cuts and take $177 billion out of the deficit, then you can claim that you have got a lower deficit. But if you do not fund BRAC, the military through 1994 is funded in a bare-bone minimum.

1995 and out largely depends on the dollars saved from base closings. If we do not close those bases, which we are not, and we are not funding BRAC fully, then those savings are not evident. So you are eating the military; right on top we are going to have the Base Realignment and Closure Commission in 1995 topped onto that.

What is going to happen if you do not fund BRAC? For example, you see in San Diego the commanding officer just took $30 million out of training money because BRAC did not have the money to give it to him. So what is he doing? He is taking out the training money's hide the dollars.

When you draw down F-14, F-15, F-16 and military equipment, including A-6's, then you push out the research and development new airplane, the joint airplane, beyond the year 2000. There is no way under a Republican President or a Democratic President beyond 1996 can you make up anywhere close to the lost inventory to meet the BRAC requirements.

BRAC was $50 billion shortfall, which is where we are supposed to be able to fight two conflicts. This administration is not risking just the United States, it is risking other countries of the world, which is evident in Bosnia, North Korea, Somalia, Haiti, and, yes, even Rwanda.

California itself has lost over a million jobs.

Another way they are trying to cut the military budget is take out of the budget the limited budget that they do give them and put it into socialized spending.

The Committee on Education and Labor tried to take $1 billion out of education for impact aid. Thanks to our chairman, we stopped that, but I believe he will have hearings on that.

But every committee is trying to take it out as well.

On the House floor it is still the thing to do, to cut defense.

When we take a look at a failed foreign policy with military cuts of $177 billion, in Somalia, 22 killed Rangers and 77 wounded, and we look at U.S. under U.N. control, it cannot be bright for the future. If we want to take a look at Bosnia, 50 divisions of Germans could not control Bosnia. It is only right to ask what the cost would be for peacekeeping units to go in there and to control it, because in this Member's opinion you cannot control it.

Mr. SPENCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief.

I would like to bring us back to the reality of what brings us to this moment. This is a motion to instruct conferees on a particular provision of the bill, H.R. 4301. It is referred to as House sections 1044, report on readiness implications of Bosnia peacekeeping deployment.

Mr. Speaker, let me tell you very briefly what the provision does. The provision would require a report from the Secretary of Defense within 90 days of enactment or 30 days of a peacekeeping deployment to Bosnia on the readiness implications of such a deployment.

The report would include estimates of size, duration and cost of the deployment as well as the impact on combat readiness, need for reserve forces and capability to meet the requirements of regional contingencies in the Bottom-Up-Review.

Mr. Speaker, how this provision came to be was a provision that was initiated by my colleagues, members of the committee on the other side of the aisle, sponsored by my distinguished colleague from Ohio [Mr. KASICH]. It was accepted in advance into the readiness subcommittee mark; it appeared in the full committee mark of the bill, H.R. 4310, as it was reported out of the House Armed Services Committee, and continued to be part of the provisions as the bill passed the House of Representatives.

Mr. Speaker, in this gentleman's opinion, the Department of Defense would indeed have some difficulty in providing some of the information required in the provision. For example, until they know the exact nature of the peace accord, if and when there is one that takes place.

So the number of troops that would be deployed, as this gentleman sees it, would have to do with the nature of the specifics and the particulars surrounding that particular peacekeeping peace accord as it existed.

Second, the question of what our role would be, whether it would be peacekeeping, peacemaking, or peace enforcement, both of these considerations have force and equipment implications.

But that notwithstanding, Mr. Speaker, in this gentleman's opinion, the request for the motion to instruct conferees is appropriate and on this side we have no objections, and I would urge my colleagues to support the motion to instruct.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. SPENCE].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

□ 1820

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference:

Mr. DELLUMS, Mr. MONTGOMERY, Mrs. SCHROEDER, Messrs. HUTTO, SKELTON, and MCCURDY, Mrs. LLOYD, and Messrs. SISISKY, SPRATT, MCCLOSKEY, ORTIZ, PICKETT, LANCASTER, EVANS, BILBRAY, TANNER, BROWDER, MEEHAN, SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON, KYL, DORNAN, HEFLEY, MACHTLEY, and SAXTON.

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of Rule XLVIII:

Messrs. GLICKMAN, RICHARDSON, and COMBEST.

As additional conferees from the Committee on Education and Labor, for consideration of sections 337, 346–47, 643, 924, 1051, and 1082 of the Senate bill and sections 351–54, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference:

Messrs. FORD of Michigan, CLAY, WILLIAMS, GOODLING, and GUNDERSON.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157–58, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference:

Messrs. DINGELL, SHARP, SWIFT, MOORHEAD, and BILIRAKIS.

Provided, Mr. WAXMAN is appointed in lieu of Mr. SWIFT and Mr. BLILEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of section 708 of the Senate bill.

Provided, Mr. OXLEY is appointed in lieu of Mr. BILIRAKIS solely for the consideration of sections 324, 2821(e)(3), 2849, and 3157 of the Senate bill and section 1055 of the House amendment.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221–22, 225, 241, 251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016–18, 1021(a), 1021(b), 1022–23, 1024(c), 1031–32, 1041, 1065, 1070, 1074, 1078–79, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022–25, 1038, 1041, 1043, 1046–49, 1052, 1054, 1058–60, 1201–14, and 1401–04 of the House amendment, and modifications committed to conference:

Messrs. HAMILTON, GEJDENSON, LANTOS, GILMAN, and GOODLING.

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference:

Messrs. CONYERS, TOWNS, SYNAR, CLINGER, and MCCANDLESS.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1052–53, 1089, and 3505 of the Senate bill and modifications committed to conference:

Messrs. BROOKS, HUGHES, MAZZOLI, SENSENBRENNER, and MCCOLLUM.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501–05 of the Senate bill and sections 522–23, 527, 531, 601–02, 1137, and 3134 of the House amendment, and modifications committed to conference:

Messrs. STUDDS, HUGHES, TAUZIN, FIELDS of Texas, and COBLE.

As additional conferees from the Committee on Natural Resources, for consideration of section 2853 of the House amendment and modifications committed to conference:

Messrs. MILLER of California, VENTO, ABERCROMBIE, YOUNG of Alaska, and DUNCAN.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331–334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendment, and modifications committed to conference:

Mr. CLAY, Mr. MCCLOSKEY, Ms. NORTON, Mr. MYERS of Indiana, and Mrs. MORELLA.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference:

Messrs. MINETA, APPLEGATE, TRAFICANT, SHUSTER, and CLINGER.

Provided that Mr. DUNCAN is appointed in lieu of Mr. CLINGER solely for the consideration of section 2827 of the Senate bill.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232–33, 243, 249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217–18, 223(a), 1112–15, and 3141 of the House amendment, and modifications committed to conference:

Messrs. BROWN of California, VALENTINE, SCOTT, WALKER, and ROHRABACHER.

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference:

Messrs. MONTGOMERY, SLATTERY, APPLEGATE, STUMP, and BILIRAKIS.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. GEKAS. Mr. Speaker, pursuant to clause 1(c), rule XXVIII, I hereby serve notice that on Tuesday, July 26, 1994, I will offer the following motion to instruct House conferees on the bill H.R. 3355 to insist on the language of two of my amendments contained in the House-passed version. The first guided the discretion of the jury in returning a death penalty finding and was adopted in a record vote by a clear majority of the House of Representatives. The second, easily adopted by the Judiciary Committee, dealt with the determination by the appeals court as to the existence of adequate aggravating factors to justify a jury's death penalty finding:

Mr. GEKAS of Pennsylvania moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3355, be instructed to insist upon the House passed language regarding "Return of a Finding Concerning a Sentence of Death" contained in section 3593(e) of title VII and "Review of a Sentence of Death" contained in Section 3595 of such title.

MOTION TO CLOSE PORTIONS OF CONFERENCE COMMITTEE MEETINGS ON S. 2182, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

Mr. DELLUMS. Mr. Speaker, pursuant to clause 6(a) of rule XXVIII, I offer a motion.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DELLUMS moves that conference committee meetings on the Senate bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, be closed to the public at such times as classified national security information is under consideration, provided, however, that any sitting Member of Congress shall have the right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS].

The motion was agreed to.

The SPEAKER pro tempore. On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 363, nays 1, not voting 70, as follows:

[Roll No. 350]

YEAS—363

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (OH)
Bryant
Bunning
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inslee
Istook
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lucas
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen

Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Williams
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—1

DeFazio

NOT VOTING—70

Ackerman
Applegate
Baker (LA)
Becerra
Blackwell
Brown (CA)
Brown (FL)
Burton
Carr
Clement
Conyers
Cooper
Dickey
Engel
Ford (MI)
Ford (TN)
Frank (MA)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Glickman
Gordon
Hansen
Hastings
Hoagland
Inglis
Inhofe
Jacobs
Johnston
Kingston
Kleczka
Lowey
Machtley
Mann
McCandless
Meehan
Mica
Miller (FL)
Minge
Murtha
Nadler
Orton
Owens
Porter
Ramstad
Rangel
Ridge
Rose
Rostenkowski
Santorum
Schaefer
Serrano
Shepherd
Slattery
Slaughter
Studds
Sundquist
Swett
Taylor (NC)
Torricelli
Tucker
Velázquez
Washington
Weldon
Wheat
Whitten
Wilson
Wise

☐ 1851

Mr. DIXON changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RAMSTAD. Mr. Speaker, I was unavoidably detained by airline flight delays and, therefore, was not able to be present for the vote on the motion to close portions of the conference on S. 2182, the fiscal year 1995 Defense Authorization bill.

Had I been present for this vote—rollcall No. 350—I would have voted "yea."

PERSONAL EXPLANATION

Ms. SHEPHERD. Madam Speaker, I was unavoidably detained in Utah, and, therefore, I missed one vote on a motion to close the defense authorization conference. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. HOAGLAND. Mr. Speaker, I would like to submit for the record that I missed one recorded vote due to an unexpected weather delay during air travel from Omaha, NE to Washington, DC.

Had I been present I would have voted in support of the motion to close portions of the conference on S. 2182, the Defense Authorization Act and the Military Construction Act for Fiscal Year 1995.

POSTPONING FURTHER PROCEEDINGS ON VOTE ON HOUSE RESOLUTION 476, CONGRATULATING THE CITIZENS OF BERLIN ON THE OCCASION OF THE WITHDRAWAL OF U.S. TROOPS FROM BERLIN AND REAFFIRMING U.S.-BERLIN FRIENDSHIP

The SPEAKER pro tempore (Mrs. THURMAN). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will postpone further proceedings on House Resolution 476 on which the yeas and nays were ordered until tomorrow, Tuesday, July 26, 1994.

CRIME PREVENTION MONTH

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 363) to designate October 1994 as "Crime Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Madam Speaker, reserving the right to object, and I do not object, I should simply like to inform the House that the minority has no objection to the legislation now being considered.

Madam Speaker, I rise in strong support of House Joint Resolution 363, designating October 1994 as "Crime Prevention Month."

I am pleased that the House of Representatives is discussing this important resolution. By incorporating organized community action with the efforts of local law enforcement officials, I believe that we will encourage and prevent crime within our local communities. Through continued community programs and neighborhood watches, local leaders, both young and old, can work together with law enforcement to make a difference in crime prevention.

By designating October 1994 as "Crime Prevention Month," we are demonstrating our true conviction and determination toward fighting violent crime. Symbolic gestures, such as Crime Prevention Month, serve a valuable purpose in promoting an awareness that will assist in the implementation of additional crime control initiatives. Furthermore, this measure will honor the brave efforts of individual citizens and law enforcement officers who have done so much to fight the violent crime that plagues our communities.

Madam Speaker, accordingly, I urge my colleagues to join in supporting this important resolution, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES 363

Whereas crime prevention improves the quality of life in every community;

Whereas crime prevention is a cost-effective answer to the problems caused by crime, drug abuse, and fear of crime;

Whereas crime prevention is central to a sound criminal justice system at National, State, and local levels;

Whereas millions of citizens have demonstrated that by working together, they can reduce crime, drug abuse, and fear of crime;

Whereas all people of the United States, from preschoolers to senior citizens, can help themselves, their families, and their neighborhoods prevent crime and build safer more caring communities;

Whereas all kinds of community organizations (including individuals, law enforcement, other State and local agencies, civic and community groups, religious institutions, schools, and businesses) have vital roles to play in reducing crime and building safer, move vibrant communities;

Whereas it is important to honor annually those throughout society who work to prevent crime and to build and sustain communities; and

Whereas the National Citizens' Crime Prevention Campaign (featuring McGruff the Crime Dog and sponsored by the Department of Justice, the Crime Prevention Coalition, and the National Crime Prevention Council) encourages effective partnerships to reduce crime and to improve life throughout the Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1994 is designated as "Crime Prevention Month" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe this month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. WYNN. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 374) designating August 2, 1994, as "National Neighborhood Crime Watch Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Madam Speaker, reserving the right to object, I yield for an explanation to the gentleman from Michigan [Mr. STUPAK], who is the chief sponsor of House Joint Resolution 374.

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding to me.

Madam Speaker, I rise today in support of House Joint Resolution 374, which designates August 2, 1994, as "National Neighborhood Crime Watch Day" to commemorate the National Night Out.

Madam Speaker, this resolution enjoys widespread support in this Chamber, as it took me less than 48 hours to obtain over 200 signatures from my colleagues.

Madam Speaker, National Night Out is designed so communities across our country can band together to show law enforcement officials that we stand ready to assist them in taking back our streets and neighborhoods from criminals, drugs and violence.

National Night Out involves citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local elected officials from 8,650 communities from all 50 States, United States territories, some Canadian cities, and United States military bases world wide. In all, it is estimated that 26.5 million people participated in National Night Out 1993.

To help make National Night Out more successful in 1994, I urge my colleagues to ask their constituents to turn their lights on between 9 p.m. and 10 p.m. on August 2 to show our Nation's law enforcement officials that we support them.

House Joint Resolution 374 takes National Night Out a step further. This resolution, with Presidential approval, would solidify into law the commemoration of the National Night Out program in 1994.

Madam Speaker, our Nation's law enforcement officials have accepted great responsibility, subjected themselves to great personal risk and often made the supreme sacrifice to keep America's streets and neighborhoods free from crime.

But, law enforcement cannot singlehandedly defeat these tragic elements in our society. It has been proven that when communities band together with law enforcement, be it Neighborhood Watch or other programs, they demonstrate the kind of moral resolve that sends a much stronger message to criminals than anything law enforcement can do by themselves.

Madam Speaker, next Tuesday outdoor lights will hang in cities, towns and neighborhoods throughout this country to celebrate National Night Out. A variety of events, like cookouts, visits with local police officers, and other youth programs will also take place. National Night Out has proven to be an effective and inexpensive way for communities to show that they want to help law enforcement reclaim their streets and neighborhoods.

Madam Speaker, I urge my colleagues to bring this message to cities, towns and neighborhoods in your congressional districts. Tell your local police officers that you stand with them in their fight against crime.

The SPEAKER pro tempore. I thank my colleagues who cosponsored and I thank the Chairman, the gentleman from Missouri [Mr. CLAY], for his prompt attention to this resolution.

Mr. GILMAN. Madam Speaker, further reserving the right to object, as a cosponsor, I rise in strong support of House Joint Resolution 374, which designates August 2, 1994, as "National Neighborhood Crime Watch Day."

Statistics on violent crime are alarming, indicative that something must be done. Crime affects virtually every neighborhood and every citizen in our great Nation. Violent crime is an evil that lowers our potential, robs us of our youth, and tears away at the very heart of America.

One tactic that has proven to be especially successful in our fight against crime is neighborhood crime prevention programs that confront violent crime on a block-by-block, neighborhood-by-neighborhood basis. Communities have joined together with law enforcement officials and refused to give in to the scourge of crime, showing that positive changes can be wrought at the most local level in our society.

Madam Speaker, it is in recognition of this success that we pay tribute to the National Neighborhood Crime Watch Program. Neighborhood watches and community policing have succeeded over the years in uniting citizens to protect their homes and their communities. Neighborhood crime watch programs across the country have provided a beacon of hope and a bastion of safety in areas formerly feared for their dangerous crime rates, making communities across the Nation better places in which to work, play, go to school, and raise a family. The Neighborhood Watch Programs have helped to weaken the foundations of this national problem, making it more difficult for violent crime to grow and flourish.

In recognizing National Neighborhood Crime Watch Day, we are paying tribute to a special group of brave and dedicated Americans who have taken a stand and are doing their part to fight crime and violence. Their involvement in neighborhood crime watches not only improves their quality of life, but also provides an invaluable service to our Nation. These community leaders deserve our praise, our recognition, and our heartfelt thanks.

Madam Speaker, I urge our colleagues to join in supporting this important resolution.

□ 1900

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mrs. THURMAN). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 374

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness about, and the participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers; and

Whereas citizens across America will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 9 o'clock postmeridian on August 2, 1994, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 2, 1994, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. WYNN

Mr. WYNN. Madam Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. WYNN: In the last whereas clause strike "8 to 9" and insert "9 to 10".

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Maryland [Mr. WYNN].

The amendment to the preamble was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMEMORATION OF 50TH ANNIVERSARY OF WARSAW UPRISING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I rise this evening in support of the resolution which passed this House earlier today that pays tribute to the courageous people of Poland on their upcoming 50th anniversary of the Warsaw uprising.

House Joint Resolution 388, sponsored by myself with the staunch support of the full Foreign Affairs Committee, its chair, LEE HAMILTON of Indiana, and its ranking member, BEN GILMAN of New York, commemorates the 50th anniversary of the Warsaw uprising of August 1, beginning August 1, 1944, through the middle of September of that year in which 250,000 Polish citizens lost their lives defending against Nazi and Communist aggression. I ask my colleagues to join me this evening and the American people in remembering the history of that period and memorializing those that withstood the cruelest annihilation because they stood in the path of two brutal aggressors. The Warsaw uprising lasted nearly 2 months. During the revolt, the Soviet Army stood on the east bank of the Vistula River and let the Nazi forces brutally destroy Polish resistance and reduce Warsaw, that nation's capital city, to rubble.

The Poles, caught between two terrible, destructive ideologies, put up a courageous effort for 63 days led by the Polish Home Army, the armed hand of the Polish Underground State, supported by elements of the Polish underground partisan groups, and the entire Warsaw population of ordinary people, men, women, and children. Although severely outnumbered and armed with only hand-held weapons and gasoline filled bottles, they fought valiantly against German Panzier Divisions. The resistance held major portions of the city against insuperable odds, and suffered extreme hardship, retribution and personal sacrifice.

The nations of the world stood by without giving effective help at a time when Polish Army units were helping to liberate France, Belgium, and Holland. Appeals for food, arms, ammunition, and antiarmor weapons answered by Allied air drops, were all too late and ineffective—none at the proper time nor anywhere near the size of the need. The air drops were made at great cost to the human lives of the members of the Polish Squadron of the Royal Air Force, the Canadian Air Force and daylight flight of 110 United States Flying Fortresses.

After the revolt was crushed, under direct orders from Hitler to annihilate the capital, the German Army systematically destroyed the city of Warsaw. At the war's end, Warsaw, the center of the national life, culture, and religion, had nearly 70 percent of her buildings in ruins.

The loss in Warsaw, which history must remember, was staggering. But due to the Communist takeover of that nation after the war, so much of their tragic history was suppressed. More people died in the Warsaw insurrection than in Hiroshima and Nagasaki combined, and the destruction of Warsaw was more complete than either of those cities. During the war, Warsaw lost more dead than the total number of American soldiers killed on all fronts.

President Clinton paid special tribute to these important days in Polish history during his recent visit to Warsaw. The Nations of the World and our Vice President will assemble in Warsaw on August 1 to commemorate the 50th anniversary of this tragic and unnecessary loss of human life and the heroism that it represents.

During this week in order to commemorate this poignant reminder of the triumph of human spirit over adversity, I would like to offer a chronology of events surrounding that massacre and insert into the RECORD and read into it during extension of remarks throughout this week excerpts from the book, "The Forgotten Holocaust: The Poles Under German Occupation, 1939 through 1944," by Richard Lucas.

This evening, I submit for the RECORD a chronology of those events, along with the beginning of that history, and just reading one passage from that book:

> The murdering reached so feverish an intensity by August 7 that one eyewitness had the impression everyone in Warsaw would be decimated: When we passed No. 9 Gorczewska Street (a house which belonged to nuns), we were called into the house and ordered to carry out the corpses which were there. The courtyard was a dreadful sight. It was an execution place. Heaps of corpses were lying there; I think they must have been collecting there for some days, for some were already swollen and others quite freshly killed. There were bodies of men, women and children, all shot through the backs of their heads. It is difficult to state exactly how many there were. There must have been several layers carelessly heaped up. The men were ordered to carry away the bodies—we women were to bury them. We put them in anti-tank trenches and then filled them up. In this way, we filled up a number of such trenches in Gorczewska Street, I had the impression that during the first days of the Rising everybody was killed.

This evening, let me say that on behalf of all those who believe in freedom, in the cause of freedom, and the people of Poland who built that city of Warsaw back brick by brick after the war, our hearts are with them during this most poignant memorial period of a most tragic part of their history.

Madam Speaker, I include the following documents referred to in my special order, as follows:

THE WARSAW UPRISING: CHRONOLOGY

(Prepared by the Congressional Research Service)

September 1, 1939.—Germany invades Poland.

September 16, 1939—Warsaw falls to German forces.

September 17, 1939—Soviet forces cross eastern Polish border.

October 5, 1939.—Poland surrenders to Germany.

October 1940.—Germany establishes and seals Warsaw Ghetto. Over 100,000 die of starvation or disease before Ghetto uprising in 1943.

June 22, 1941.—U.S. Government states that Polish borders are "immutable."

April 19, 1943.—Warsaw Ghetto uprising begins. German forces attack the ZOB (Jewish Fighting Organization). When uprising quelled on May 16, 56,000 in the Ghetto have been killed.

November-December 1943.—Teheran Conference. Stalin tells FDR, Churchill that he wants East Prussia and territory west to the Curzon Line. FDR apparently gives ambivalent responses, concentrating on efforts to keep Russia in the war, engage Russia in the Pacific War, then estimated to last at least another 2 years. Churchill later tells Poles' London government that in interests of security, Curzon Line should be west Russian border, but that Poland will be "compensated" with part of eastern Germany. The three leaders discuss the make-up of the UN and the Security Council, having in mind the postwar order and how they would manage it.

December 1943.—FDR tells Mikolajczyk, provisional Prime Minister of Polish government-in-exile in London, that US will not go to war with Russian to defend Poland interests. FDR apparently indicated that, in principle, he favored border alterations for Poland, with Russia moving frontier west to the Curzon Line.

June 7, 1944.—Russian forces invade German-held Poland. Over the next 6 weeks they push German forces back, despite some setbacks in northern Poland.

July 28, 1944.—German officials in Warsaw call 100,000 Warsaw youths to duty to build "fortifications" around Warsaw against Russian forces. The call-up raises tensions in the city, with families recalling earlier instances in which those called were sent to concentration and labor camps.

July 31, 1944.—Russian forces reach Warsaw suburb of Praga, on eastern banks of the Vistula.

August 1, 1944.—Warsaw uprising begins. The lightly armed "Home Army" of Gen. Komorowski succeeds in gaining of much of the city for a week. German forces counterattack, using the Luftwaffe to bomb sectors to the city beginning Aug. 4, then moving in the armored forces to level buildings and set neighborhoods on fire. Aug. 12–14 FDR and Amb. Harriman ask Stalin to allow U.S. bombers from Italy and France to bomb German positions, drop supplies to Home Army. Stalin refuses.

September 1944.—Rebels' resistance steadily weakens. By mid-month Stalin allows a few US, British, and Soviet supply flights; in smoke over city, air drops often fall into German-held sectors. Mikolajczyk, desperate for Soviet help, agrees to give 14 of 18 cabinet seats to representatives from Soviet-controlled Lublin Committee.

October 2, 1944.—Uprising collapses, and Germans regain control of the entire city. Home Army suffers 15,000 killed or missing in action; 250,000 civilians die. Germans lose 17,000 killed or missing in action.

January 1945.—Russian forces enter the city as German forces retreat.

February 1945.—Yalta Conference. US favors a "free and independent Poland", but recognizes Soviet control there. Churchill endorses western Polish border at the Oder-Neisse line. Big Three agree that Lublin Committee under Edward Osobka-Morawski, a Soviet puppet, should organize a government. But Stalin refuses US-British request to allow their observers into Poland. Final settlement or borders to be left to a peace conference and a resulting treaty.

July 1945.—US, Britain withdraw recognition from London-based Polish government and recognize Osobka-Morawski's provisional government.

January 17, 1947.—Elections take place in Poland. Supporters of Boleslaw Bierut, Osobka-Morawski's successor, gain 382 of 444 seats. US, Britain denounce the elections as neither free nor fair.

FORGOTTEN HOLOCAUST: THE POLES UNDER GERMAN OCCUPATION, 1939–1944

(By Richard Lucus)

The Poles had planned for years to launch an uprising when the Germans were at the point of collapse, and there was a possibility of securing assistance from the western Allies. After the battle of Stalingrad, it was apparent that Poland's liberation would come from the East, not the West, and thus there was a great deal of discussion concerning what the policy of the AK (Polish Home Army) should be toward the advancing Soviets.

* * * in eastern Poland during the early months of 1944, military cooperation by the AK with Soviet armed forces broke down, resulting in the dissolution of AK units by the Russians and the conscription of Polish soldiers into the Soviet army. There were also several instances of the Soviet killing Polish officers. In the face of these Soviet actions against the Poles, Bor asked for a western Allied Commission to be sent to Poland and witness what was going on there. Mikolajczak raised the matter with Churchill even arguing at one point that a British liaison officer dispatched to Wilno would at least help the AK in the region to function independently as the representative of the Polish government in London. Churchill demurred on the grounds that the Soviets would assume that any westerner there was a spy.

Warsaw, the last major city between the Soviet front and Berlin, was tenuously held by the Germans.

On July 22, the German commandant of the Warsaw garrison ordered the evacuation of women and auxiliary service help from the city. Large numbers of soldiers and police were stripped from the capital for service elsewhere, leaving for a time only SA units. The moment Varsovians had waited for for five years had finally arrived: the liberation of Warsaw.

German residents sold their possessions for almost nothing and clogged the roads leading westward to their own country.

As Germans streamed out of the city, Poles were told, unconvincingly not to believe the rumors that the Russians were at Warsaw's doorsteps and not to abandon their places of work.

Hitler was aware of the panic that gripped his people in Warsaw. Shaken and injured in the right arm by the attempt on his life at the Wolf's Lair at Rastenburg, the aging leader of the Germans had no intention of abandoning Warsaw, the loss of which would have been a major catastrophe in the continuing ability of the Wehrmact to keep the Russians from the German homeland. Within a week of the assassination attempt, Hitler appointed an ascetic Austrian intellectual, General Reiner Stahel, to take charge of the defense of Warsaw. A courageous man with steel-like nerves, Stahel's specialty was defending cities.

In the last days of July there was a considerable increase in the numbers of arms dumps liquidated by the Gestapo; and, by arrests of Poles responsible for organization, the Germans indicated preparations for an attack on Polish military formations. Machine-gun posts were simultaneously set up at various points in the streets, while at a few key points, like Zoliborz Viaduct, tanks were drawn into position. These preparations supported claims that German authorities were on the verge, any day, of putting into execution their long-completed but hitherto not implemented plan for the wholesale removal of the male population of the capital.

In an effort to crush Polish hopes that they would be able to assist the Russians from within the city, the Germans went on a spree of arrests, deportations and executions. And just a few days before the uprising actually occurred, the Germans found an AK cache of 40,000 grenades, which reduced by half the number available to units on the day of the upheaval.

Most Poles, in anticipation of liberation, continued to train themselves in the use of weapons and ammunition. People who never had military experience gathered in private homes, six or seven to a group, once a week. And once a month they had maneuvers; in order to not cast suspicion of what they were up to, they left Warsaw for their practice. One man used to stand in front of a mirror for hours to see how he was demonstrating the use of a rifle; he did this repeatedly, so he would be flawless in making a presentation to a group of neophytes.

For some time prior to the summer of 1944, Moscow Radio urged the Poles to rise up against the Germans. In May 1994, * * * the Communist Poles in the Soviet Union * * * criticized the AK for its alleged lack of action against the enemy.

* * * the Chairman of the Union of Polish Patriots, Wanda Wasilewska, chimed: "Do not believe those who call up to idleness and inactivity. Our slogan is merciless, a deadly fight with the enemy at every doorstep."

Although such pleas had been repeated with monotonous regularity for some time, those that came during the last days of July, when Soviet forces were at the Vistula, had special significance.

At 8:15 P.M., on July 28, the day the Russians formally announced the shelling of Praga, a Warsaw suburb, Moscow Radio broadcast:

Fight the Germans. * * * The Polish Army now entering Polish territory, trained in the USSR is now joined to the People's Army to form the corps of the Polish Armed forces, the armed arm of our nation in its struggle for independence. * * * They will all together with the Allied Army, pursue the enemy westward, wipe out the Hitlerite vermin from the Polish land, and strike a mortal blow at the beast of Prussian imperialism. * * *

Again the next day, another impassioned plea called the Poles to arms repeated several times on the Russian-sponsored broadcasting station, Kosciuszko.

The closeness of Soviet armies to Warsaw, the mood of the Poles in the capital, and the large political stakes involved convinced Bor and some of his key advisers that Warsaw was ripe for an uprising. Based on faulty intelligence information * * * Bor gave an order—authorized by Government Delegate Jankowski, who had been given plenipotentiary power in this matter—to launch an uprising in the capital on August 1, 1944.

UNIVERSAL HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from South Carolina [Mr. DERRICK] is recognized for 60 minutes as the majority leader's designee.

Mr. DERRICK. Madam Speaker, who is it we are trying to help in this effort to reform our health care system? The very poor have their health coverage through Medicaid. The very rich don't need our help since they can buy health coverage at any cost. The truth is middle-income Americans should be the focus of health care reform. Everyone agrees we must move cautiously to make sure these Americans are treated fairly.

Many policymakers and opinion shapers are saying we should take health reform a step at a time for this very reason. However, a new study shows this approach would hurt the very people we are trying to help.

The study shows health care reform promising anything less than universal coverage will increase the cost of health care for middle-income Americans. Once again, asking those struggling to support their families to foot the bill.

The study, commissioned by the Catholic Health Association, analyzed several of the most prominent health plans currently before Congress. The study looked at how each of the plans would affect the American family. Specifically, it analyzed which families would pay more for their health care and which would pay less based on household incomes.

Listen to the findings of the study:

> Our analysis shows that premiums are lower under universal coverage than under insurance market reform linked to subsidies. Further, we estimate that middle income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage. In addition, for currently insured households earning less than $100,000 annually, health spending will decline under universal coverage with an employer mandate and cost constraints.

The number that jumped out at me when I looked at the study was $344. That's how much more a year a family making $35,000 annually will pay for health coverage under incremental reform.

That same family would save $165 per year under a system offering universal coverage. And your next question is, "How can that be?" "How is it that more people can have health care for less cost." The answer is very simple.

The more people there are to spread the cost around, the lower the cost will be for any given family. That is why universal coverage is so important.

Without universal coverage, insurance reforms will only exacerbate the already critical situation for middle-income Americans. If we require insurance companies to offer insurance to anyone regardless of their medical background or other criteria but not require everyone to have insurance, the young and the healthy will opt out of health insurance altogether, and the risk pool will become less stable. The result will be higher premiums for everyone and only a small reduction in the number of uninsured.

But this is exactly what many would have us do. A managed competition approach to health care reform with insurance reforms and subsidies for the poor, but without universal coverage, would really sock it to middle income American families. And that is not right, and it's not what any of us want to do.

Some would-be reformers are saying: "Let's go slow on health care reform." They say: "Let's only go part way and see what happens." They say: "What's wrong with taking this one step at a time by passing the reforms we all can agree on?"

To go slow and enact nonuniversal health care reform is to do the very harm we are trying to avoid. We knew it would cost us in human terms if we failed to achieve universal coverage. Now we see it will also cost us financially.

The incremental approach to health care reform proposed in the Dole plan, the Cooper bill, the Senate Finance bill, the Rowland-Bilirakis bill, and others will benefit the poorest Americans through subsidies. The wealthiest Americans don't need our help. It is middle-income Americans who will suffer. The overwhelming majority of Americans will bear the weight of our timidity. These are real Americans and their families that are simply struggling to make ends meet. We must not make their job any harder.

Before we look at exactly what the study found, let me say a word about the study. This is an independent examination by Lewin-VHI, a nonpartisan, nonpolitical, well respected analysis firm that looks at numbers—not opinions.

As the firm looked at different likely scenarios for health care reform, they started with the simplest: insurance reforms alone. What they found was these reforms would only bring in 1.1 million more people to the health insurance system. These are people who previously couldn't get or maintain their coverage due to the high cost of an individual policy or because of a preexisting condition. These are people who currently lose their health coverage when they change or lose their jobs. It is a step in the right direction, but a small one since this amounts to only 3 percent of all the currently uninsured.

When they combined insurance reforms with subsidies for the poorest Americans, the number of the uninsured dropped by 40 percent. Again, this would be a welcomed change, yet the number of those without health insurance would remain high at 22 million.

"Fine," some say, "that's a good start, and we can do it without disrupting all those people who are happy with their health insurance coverage today. What's wrong with that?"

The study found, and the experience of New York State proves, that with insurance reforms and subsidies, more higher risk individuals will be brought into the system. Medical costs to the insurer will increase, and these increases will be passed onto the consumer in higher premiums.

With these higher premiums, many of the young and healthy will decide they can do without health insurance for the time being—gambling they can pick it up when they need it. The result of this nonuniversal reform is the elderly and sick will maintain their insurance, racking up higher and higher medical costs. The young and healthy won't be there to offset these costs, and the premiums for those who currently have insurance will increase tremendously.

Keep in mind, under these nonuniversal reforms, 22 million Americans will still be without health insurance. And as is the case today, none of them will be turned away from a hospital emergency room when they need care. The cost of this care—projected to be $25 billion annually by 1998—will continue to be passed on to paying consumers. Under nonuniversal reform, the cost shifting onto hard working, middle-income Americans continues.

While the study found such incremental reforms raised the annual premium for a middle-income family by $344, a program of universal coverage actually lowered that same family's costs by $165 a year.

Mr. Speaker, I have given a general overview of why it is so very important to pursue a universal approach to health care reform. Middle-income Americans should not have to foot the bill, once again, for the rest of the country. This study should be a giant wake up call to this Congress that unless we have the courage to confront this problem head on, we will be hurting the very people we profess to be trying to help.

□ 1920

But that is not the case. The reverse, the absolute opposite of that, is the case.

If we do anything less in this House on health care than universal coverage, it is going to be the middle income, those who have insurance now, that are going to end up picking up the tab, and the rates are going to go up more than they are now tremendously, because if we do not have a universal coverage and a mandate, what is going to happen is that those who need insurance like those who have preexisting illnesses, those who have an unhealthy situation or are getting to an age where they are more concerned about their health care, are going to keep their insurance, and it is going to mean that the healthy people in this country will tend to back away from it right now, and it will mean that the average family with an income between $30,000 and $39,000 a year will pay $344 more a year for insurance. If we have universal health care, they will pay $165 less a year, and under this plan, we still have 22 million Americans who are uninsured.

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, we have to ask ourselves tonight, and as we complete this debate on national health care, is it worthwhile to provide limited health care reform without guaranteeing affordable insurance for everyone. Well, put another way: Is doing something always better than doing nothing?

The gentleman from South Carolina, with his eloquent remarks, along with the presentation of the Catholic Health Association study, gives us that answer, and that answer is "no."

You know, Democrats and Republicans, and generally all Americans, agree on the need for health care reform and the need to eliminate preexisting-condition coverage exclusion, to bar lifetime limits which allow insurance companies to cut off coverage after certain dollar amounts are claimed, to prevent insurance companies from denying certain people coverage, and generally Americans agree that subsidizing health care coverage for the poor is a noble and important mission.

But these insurance reforms on their own will not result in real health care reform benefiting working-class Americans. The only way insurance will be affordable is to have everyone insured and to enact cost-containment measures to make health care affordable.

By involving all Americans in health care coverage and applying cost-control mechanisms, there will be several phenomena which will occur very immediately. Insurance companies will no longer be able to deny coverage to anyone including the elderly who are not yet eligible for Medicare. Insurance companies will not be able to deny coverage to everyone who has some type of disease, and insurance companies will no longer be able to deny coverage to everyone just because they have been sick at some time.

You know, if cost controls are not part of the health care reform, the new insured population will drive up premiums and will lead to healthy people dropping their coverage. Anyone will be able to obtain insurance when they get sick, since incremental health care will prevent insurance companies from refusing to cover people, but the fact is that the remaining insured pool will become older, less healthy, and the pool's insurance premiums will skyrocket. That is what occurred in New York last year, and it would spread nationwide.

Let me quote the Wall Street Journal from June 15, 1994:

> For the past year, New York State has tried community rating without a law requiring everyone to have health insurance. Now, insurance companies are raising prices again in order to cover the medical needs of those sicker people left in the pool. State Insurance Department figures show that as of January 1, 9 months after the new law took effect, 25,477 fewer people had health insurance individually or in smaller employer groups.

As the Catholic Health Association study reports and as the gentleman from South Carolina pointed out, families making from $20,000 to $30,000 will have to shell out an additional $200 a year for insurance premiums, and families making between $30,000 and $40,000 will have to pay $344 dollars more a year for the same coverage they have now.

Well, folks, the people in Oklahoma that I represent do not make over $40,000 a year, by and large, and I cannot and will not ask them to absorb the costs of health care reform. We need to make sure all Americans are insured, but that the costs are kept under control.

I have 120,000 people in my congressional district in Oklahoma who have no health care insurance, but what is extremely disturbing is that 105,000 of these people are in working families.

But what is Congress going to tell these people if we do half a loaf package of reform? It will be really great if you are elderly or if you have a preexisting condition, but if you are healthy and just starting a family, you will find you are out of luck, because the premiums will be too expensive to afford.

Is that what we want to take back and tell the citizens of our districts and our States? It is certainly not what I want to tell 701,000 Oklahomans who are without insurance.

We have come too far not to complete the whole job, which is affordable health care for all Americans. That is what Americans are demanding. That is what Americans are expecting. And that is what we should deliver and nothing less.

Mr. DERRICK. Madam Speaker, I yield to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman very much for yielding, and I thank the gentleman for his leadership in calling this special order this evening; thank you for your other work on this important issue, universal coverage for all Americans.

I was so pleased to see the recognition the gentleman received at the White House, not only from the President and the First Lady but also from small business people across America, joining our colleagues in saluting your work in this effort.

My colleagues, our colleague, the gentleman from South Carolina [Mr. DERRICK], has talked about the analysis of the Catholic Health Association of America which shows that premiums are lower under universal coverage than under insurance market reforms linked to subsidies.

I have a couple of charts I want to go into further detail on that, but first I did want to mention that the need for this universal coverage, we all know that the strength of our country should be defined in the health and well-being of our people. We also know that there are tens of millions of people in our country, because of having a precondition, diabetes, a heart condition, the list goes on, every person in America, everyone in a family with a precondition knows that list, cannot have access to universal coverage.

We also know that there are many people in America who in any given year may have run out of their lifetime limits for access to health care. For that and other reasons, there are 37½ million Americans who are uninsured.

It is important for us to have real health care reform also because of the fiscal health of our Nation. We all know that the largest single, largest rising increase in our deficit springs from rising costs of health care. And so for that reason, I think it is important that we have true health care reform which truly addresses the needs of our people.

First of all, I want to show a chart that demonstrates what the gentleman from South Carolina [Mr. DERRICK] was informing us on earlier: Partial reform does not help the middle class. Make no mistake, if we do partial reform, the middle class gets socked.

I call my colleagues' attention to this chart. On this chart, the red indicates the number of people who have health care, who would have health care coverage under partial reform. Those families with $15,000 and below income, the number of those uninsured is reduced drastically down to this, but as we get closer to $15,000 to $23,000, the number of uninsured is just a very small bit to those who are now insured. When we get to families with an income of $30,000 to $46,000 a year, the red indicates those who are uninsured now, and the yellow indicates those who will be uninsured under partial coverage. The middle class gets no improvement in its coverage, and in some cases, the premiums are increased for less coverage.

□ 1930

As income goes up, it does not change drastically, but as our colleague, the gentleman from South Carolina [Mr. DERRICK] mentioned, for those in the very high-income bracket we do not have as much concern as those in middle income who can be pauperized by someone in their family becoming ill.

On another chart I want to indicate in another way what happens under three different scenarios. The current system, of course, 37.2 million uninsured. That does not include the underinsured, which brings the number even higher, but talking about the uninsured for a moment, 37.2 million. Under insurance market reform only, 1.1 million Americans would be covered. We have a net increase of 1.1 million Americans covered, leaving 36.1 million Americans still uninsured.

That is a percentage reduction of the uninsured of 3 percent.

Insurance market reform with subsidies, some of it we have seen in managed competition, 14.9 million become insured. We still have 22 million people uninsured, a 40-percent reduction.

These charts I think indicate that middle-income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage, for a number of reasons that I will go into.

For currently insured households earning less than $100,000 annually, health spending will decline under universal coverage with employer mandate and cost constraints. I wanted to indicate that the insurance market reform, just this scenario, 1.1 million includes guaranteed renewability and portability, limits on preexisting condition exclusions and community rating for individuals in small group markets. That is markets under 100. With all of that reform, still only 1.1 million.

As specified in the Managed Competition Act, which is a partial change, 100 percent premium subsidy for persons with income below poverty, and sliding-scale subsidies for persons up to 200 percent of poverty. The act also includes changes in the tax deductibility of premium payments.

In any case, we estimate that the insurance reforms alone are not sufficient.

How does this translate into dollars? The uninsured would consume about $45.5 billion in health services in 1998. Persons who remain under the Managed Competition Act, if that were to become law, would continue to consume about 55 percent of this amount, or $24.8 billion. That amount of money would still have to be spent on the uninsured should the Managed Competition Act prevail. This amount includes out-or-pocket spending, free care provided by physicians, hospital uncompensated care, and care provided in public hospitals and clinics.

Much of the remaining care for the uninsured would continue to be financed through cost shifting to the privately insured. As markets become increasingly competitive, physicians and hospitals will be put under increasing pressure to either avoid the uninsured or lose financially. In this way partial reform could perpetuate the destabilizing effects of the cost shifts. That is the reason so many businesses who provide health insurance support reform, universal coverage. They are paying the price right now for those who are uninsured.

The charts give us a message. This analysis, the Catholic Health Association of America gives us a message, the information, but I want to put the message further into the words of one of my constituents who sent me a copy of a letter she sent to the President:

> DEAR MR. PRESIDENT: I'd like to applaud your efforts on behalf of health care reform. Just recently, I have quit my job and plan to move out of state. To continue my medical and dental benefits would have cost me $215.41 a month (for single coverage). I'm single with no dependents and in excellent health. Because I cannot afford this, I will opt to go without health insurance coverage until I'm employed again. If I get sick (I pray that I won't), I will simply go to a County Hospital or emergency room. This is an appalling state of affairs. I'm single with no dependents and in good health, but cannot afford to be covered until and unless I get a job.

She goes on to say, as Mr. DERRICK said earlier, "Health care reform is a middle-class issue, not simply an imperative for the poor, elderly, sickly or homeless. This legislation securing universal health care coverage must be passed this year". She also goes on to say, "Mr. President, get on with the job of health care reform. Pass legislation that will benefit everyone".

As Mr. DERRICK said earlier, some of these plans help those at the low end of the scale, and those at the high end of the scale we are not as worried about. It is the middle class.

Under a 95 percent coverage reform plan, Americans in the $30,000 to $46,000 income bracket see no decrease in the number of those uninsured. It was George Bernard Shaw who said, "The sign of a truly intelligent person is someone who is swayed by statistics." I think these statistics send a very eloquent message that the middle class has a problem with anything but universal coverage. I am pleased to join my colleague, the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. I thank the gentlewoman from California very much for her articulate presentation of why we need universal health care.

Madam Speaker, I am pleased to yield to the distinguished gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. I thank the gentleman for yielding to me.

Madam Speaker, in the ongoing health care debate, we hear discussions over and over again on the kind of health care our Nation's citizens will have, both with and without universal coverage.

We hear a lot about those who are satisfied with their coverage. We also hear much about the uninsured, but, Madam Speaker, I want to concentrate for a few minutes on the core of America—the working men and women who make up what we often call the middle class—and how their health insurance will be affected by what we may or may not do.

Allow me to paint two pictures for you. Two pictures of America after health care reform, one with universal coverage, and the other without universal coverage. And then you decide where you and your family would most like to live.

If you are a middle class, working taxpayer, making between $20,000 and $75,000 a year in the Sixth Congressional District of South Carolina—or any other congressional district in the country, for that matter; and if we were to pass a plan which covers only 91 percent of Americans, such as that under the Cooper, managed competition bill, you can expect to see an increase in your yearly premium.

Let us take a look at the figures on this chart. The first picture I want to paint.

The columns represent changes in health care premiums, if we only do incremental reform, as many opponents of universal coverage are advocating.

You can readily see that the biggest increase in premiums is the column which represents those who make over $30,000 but less than $40,000 a year. And if you make between $20,000 and $30,000 a year, you can expect an increase of over $200 per year in your annual premiums.

If you make over $40,000 a year, but less than $50,000, you will experience an increase of $137 per year. Under this plan, you will only experience a decrease if you make less than $20,000 or between $75,000 and $100,000 a year.

Now, I do not know about you, but to me and the people of my district, that could mean a car payment for those who make between $30,000 and $40,000 a year, or child care payments for those who make between $20,000 and $30,000 a year, and a college student's textbooks for those who make between $40,000 and $75,000 a year. And, my fellow colleagues, I wage my bet that you have many people who fit into this average American household category living in your districts as well.

This picture, as all can see, shows that the managed competition concept of health care reform delivers devastating body blows to middle-income Americans at almost every level.

If you are a middle-class, working taxpayer and we pass a health care reform bill with universal coverage, you can expect to pay less than you are currently paying for health insurance premiums each year.

Let us look at another chart, the other picture, if you please.

What you can readily see is that the same people who would see a dramatic increase in their premiums under the incremental reform plan would experience a large decrease in their annual premiums under universal coverage.

If you make between $30,000–$39,000 a year, your savings could be as much as $165 each year. Again, that's $165 hard-earned dollars that you could save with universal coverage.

Under universal coverage, everybody in America making less than $100,000 a year will experience dramatic savings.

And those making over $100,000 a year would experience only a $210 increase in their annual premiums.

Health care reform, without universal coverage, will mean significantly higher—not lower—health care costs for middle-class Americans who presently have health insurance.

By implementing universal coverage, the increase in average premiums is averted because, not only would the sick and medically needy be included in the insurance pool, but also the young and healthy people who do not require as much medical service.

By including everyone, the people who do not regularly use the insurance services drive down the premiums for everyone.

Just think of this concept in simple terms. If the only people in the pool are the elderly and medically needy who require excessive amounts of medical attention, the premiums will be high because these high-use patients will be supporting the costs of others just like themselves.

However, if universal coverage is implemented, many more young, healthy people will be in the insurance pool. When this diversity is reached in the pool, the picture is quite different.

The low-use people who rarely use medical services will cause the costs to drop dramatically because the total dollar amount of medical care required by all of those in the pool is much lower. When this happens, the premiums dramatically go down for all of those in the pool. That's the beauty of universal coverage.

Besides, without universal coverage young, healthy people will opt out of the insurance market when premiums are raised thus causing higher premiums for the medically needy who remain.

Also, without universal coverage, many employers who presently provide health insurance for their workers are likely to reduce coverage or stop coverage altogether.

With 9 out of 10 insured Americans currently receiving health care through their employers, we cannot afford to risk reducing their share of health care coverage. When dealing with the employer share of the costs, it is important to notice the significant savings, once again, by passing health reform legislation with universal coverage.

Now let me summarize for you the first picture I showed you earlier of the Nation's workers who make over $20,000 a year and less than $75,000 a year. For them alone, the total increase spending on premiums adds up to $7.8 billion.

That Madam Speaker, is money that could be saved if we pass health reform legislation with universal coverage.

Now to summarize the second picture.

These same people will experience a $5 billion reduction in spending for themselves and their employers, if universal coverage is enacted.

Again, I ask, what kind of health care legislation you and your family would be better off with? I believe the answer is universal coverage.

Finally, Madam Speaker, one of the things which has been often overlooked in this debate is the fact that the majority of uninsured persons fall between the ages of 30 and 44, which is the age category with a highest percentage of working persons. Of uninsured Americans, 84 percent are from working families. It is these people who will be forced to pick up the tab for health insurance if only partial, rather than universal, coverage is erected.

Madam Speaker, I continue to hear the talk show hosts and many of my friends on the other side ask, "Where is the promised middle class tax cut?" I maintain it is right here in health care reform with universal coverage, and those of us who fail to recognize or acknowledge it are either short sighted or a bit disingenuous.

The middle class of America is deserving of universal coverage and the men and women of this Congress, in my opinion, are duty-bound to grant it.

□ 1940

Mr. DERRICK. Madam Speaker, I thank the gentleman from South Carolina [Mr. CLYBURN] for his excellent and very articulate remarks on the need for universal coverage.

Madam Speaker, it is with a great deal of pleasure that I yield to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Madam Speaker, I want to thank the gentleman from South Carolina, both my friends from South Carolina, for their contributions this evening. The gentlewoman from California [Ms. PELOSI] and I from the other side of the country have come together with those two gentlemen, and certainly with others like the gentleman from Oklahoma [Mr. SYNAR] and have reached a very similar conclusion based on the work of the Catholic Health Association and its very important study. Results are evident. I think all of us have heard the message tonight; it is loud and clear. Plans for reform that do not provide universal coverage really will not add up to much at all.

In fact, Madam Speaker, I think I, for one, am unwilling to go back to my constituents in northern California and say, Yes, Congress has passed a health reform bill, but you will be paying more and getting less. You'll still be at risk of having your insurance taken away. You'll pay taxes for the health care costs of other people, many of whom don't work, and, despite all of that, we still cannot guarantee you that you will have coverage, and if you're fortunate enough to get it, you'll pay more for it, and or course if you're a small business, if you own a small business trying to compete in this environment, you'll continue to pay more for your own insurance and for your employees as well.

Partial reforms just do not get the job done. As tonight's discussion has clearly demonstrated, as the gentlewoman from California [Ms. PELOSI] outlined in her presentation, insurance market reforms alone will have little impact on the number of people who are covered.

□ 1950

We are only going to cover an additional 3 percent of all the uninsured, if we just do some tinkering with the insurance laws at the State level and so-called reform insurance. Even with subsidies, which will be hard to come up with, but even if we obtain subsidies in addition to those insurance reforms, we still cover only 40 percent of the people who today in our society are uninsured.

So after hearing all the evidence presented in this study, the Catholic Health Association study that we are referring to this evening, I think the middle class is being stuck with a pretty big bill for a plan that would only get 40 percent of the uninsured covered, and at the same time a plan that potentially leaves them out of the picture.

Now, some might say, well, covering 40 percent is at least a good start. But I think it is important that we remember the real live consequences of this debate and who it is we are going to stick with the bill for health care reform.

The poor are helped. You can see the benefit on the left side of this chart. You actually do eat into the people who make less than $15,000 a year. They do benefit.

The wealthy at the other end of the spectrum, off this chart, are doing quite well, thank you. We do not have to worry about their ability. They are left in good shape.

But the middle class, as usual, pays the freight. And you can see as a result of this chart almost no impact, moving from the red down to the yellow, in the middle income from $50 to $70 thousand a year, a very little gain is made at all in whittling away the uninsured in those particular income brackets.

We have to go further. We have to do more. My northern California district may be a good example. There are 105,000 people without health insurance. Over 85 percent or 90,000 of them, are uninsured, and still working every day, working hard at their jobs, juggling family responsibilities, trimming their family budgets in order to make things meet, still going to bed at night worrying about whether they will cover the bills if anyone got seriously ill. They live with a constant question mark. How will they afford to pay for their family's health care? Some 25,000 of those 105,000 people are children. As hard as their parents work to put a roof over their heads or assure they receive a good education or provide a healthy environment for them, they cannot afford health insurance for their family on modest incomes. No matter how hard they try to work to get ahead, they are priced out of the insurance market today.

But under these suggested partial reforms, and I think the Dole bill is perhaps the best example of them, it would take a tremendous amount of effort to cover even 60 percent of those people. So some 42,000 people in my district, mostly hard working middle class people, would be left with the following assumption: We reformed health care, but we are asking you, you folks in the middle class, to foot the bill, and at the same time we simply could not find a mechanism to come up with a plan that would guarantee coverage for you.

Incrementalism is not the solution. Plans that do not have the courage to go to the ultimate goal of universal coverage fail in so many ways that this report finally brings to light.

I find it particularly troubling that there are those in Congress that think an incremental insurance reform-only bill would be the safe political compromise for reform. Let there be no doubt about what this report is saying Congress would do if we passed a bill that enacts insurance reform that only offers universal access. That is the key word.

This is a quote from the Catholic Health Association study:

> Middle income families that currently have insurance will pay more in general for health care under partial reform than under reform that includes universal coverage.

Sometimes I think it is counterintuitive. We think if we cover everybody it will cost us more money. Yet what we found in this study is that in fact it will cost us less if we get everybody into a health care system, contributing in good times as well as bad, when you are healthy as well as when you are sick.

Incremental reform will force families making between $20,000 and $75,000 per year to spend more on health care, while giving them no added security in return.

For example, by 1998, a family premium would increase by $260 per year under a plan for reform, which would increase access to health care, but not guarantee universal coverage. If we passed a partial reform bill, we would be helping the poor with subsidies, the rich would be able to maintain their coverage, and the middle class would be left to fend for themselves. And we have a very good example of what happens in this sort of approach.

Look to New York State. It is pretty easy to see how partial reform would encourage more gaming of the insurance system, driving costs up for those that we want to stay in the system. Insurance reform alone creates the incentive to stay out of the health care system until a health problem develops. If you know you are going to be able to get coverage when you are sick, why buy it when you are healthy? What is the incentive to pay for coverage before that time?

Perhaps you are a young family and you decide to wait until you decide to plan to have children. But you fail to contribute up until that year when your health care costs in the insurance system are particularly high. The spiraling cost problem with partial health reform can be seen right now in New York as a result of legislation enacted a little over a year ago.

Last year New York put health insurance reforms in place which created community rating and open enrollment. In other words, insurers have to offer insurance to anyone seeking it, regardless of their health status. However, this State reform does not require that every one be in this system. It is the incremental plan we have been talking about here, the Dole plan.

The dynamic which this study describes is exactly what is happening in New York today. Insurance reforms extended coverage to the sick and older people who are traditionally higher users of health services. There were no more prior conditions. People could enter into the system that perhaps discriminated against them before. But without universal coverage to ensure that healthier, low-risk individuals and families are included in insurance pools, the level of costs increased for everyone left with insurance in the system. Higher risk insurance pools resulted in premium increases for those with insurance, causing many healthy young people and small businesses to drop out. They could not handle the additional costs. The risk pool shrunk further, increasing the level of risk for those that remained, and, as a result, we have premium increases all over again.

Additional premium increases drive out more young families, more healthy people, small businesses, and the spiral continues. We go round and round. Costs go up, more people drop out. Costs go up further, more people drop out again.

So the people that are left in the system are paying exorbitant rates, while other people are waiting for the day they think they will need insurance, the day they are sick.

In New York, as of January 1st, 9 months after the new law took effect, over 25,000 fewer people had health insurance individually or in small employer groups, plus these groups saw an average rate increase of 18 percent. Some insurers increased rates by as much as 35 percent. And this was the result of a law designed to increase access to affordable insurance.

This State's experience with partial health reform gives us some fair warning about the problems with this approach. Universal access is not universal coverage. Everyone needs to be in the system. Let us contrast New York with the reform experience with the State of Hawaii, a State that implemented health reform with universal coverage.

Under the Hawaiian system of universal coverage through an employer mandate, health insurance premiums are about 30 percent less expensive, even though as we all know, in Hawaii almost everything else costs more than it does on the mainland. Under Hawaii's reform, which included universal coverage, costs are lower and almost everyone is covered.

The plan for health reform that does not bring everyone into the system will just continue to shift costs around within the system, most often sticking the hard working middle class with the final bill. The vast majority of the millions left out under the partial reforms would be middle class working families, families who work hard every day, play by the rules, and, after this debate, they can end up worse off then before we started.

□ 2000

What a cruel hoax after 2 years of debate over health care reform.

So this study reinforces just what is at stake in a plan without universal coverage. Every American remains at risk of having their insurance taken away. Middle class families will pay taxes for the health care of millions of others who do not work. But they will not be able to get coverage or if they do, they will pay far more than they should.

Health premiums will continue to spiral upward. And business, particularly small business, will continue to pay even more.

So you can see health reform without universal coverage is no reform at all. So we have to move beyond the lowest common denominator, politics, that so many like to use in this institution. We have to be bold because if we fail, we will fall short. We will fall short of the goals we have set for ourselves and for our constituents.

People will continue to pay much more. We will have no cost-containment for people who desperately need it and will make only incremental improvement in the number of people in our society who are uninsured today.

I wanted to thank my colleague from South Carolina for his leadership in that this Catholic Health Association study really changes the dynamic of the political debate that we are just about to begin here in Congress. It brings clearly to the fore the stake the middle class has in bringing about universal coverage. It is not something we do with a bleeding heart concern for the poor. It is something that is in the economic interest of the people who work every day and earn from $15,000 to $75,000 a year.

I want to thank my colleague for giving us a chance to reiterate this study's important point to our colleagues and to our constituents.

Mr. DERRICK. Madam Speaker, I thank the gentleman from California for his very articulate statement. Once again, making us understand that to do just a little is not enough and that there are things worse than doing nothing. And that would be to come up with a plan that many advocate that would not be universal coverage.

What we would end up with would be we would have fooled the American people into thinking that everyone was going to be covered and that there was going to be a reduction in the cost to them. That is just not the case unless we have universal coverage.

I know as I looked at the figures in the beginning, it was hard to really understand this, because our traditional image of Government is that whatever we do, it is going to sock it to the middle income people in this country and they are going to end up paying for it. And they do end up paying for most of our taxes that support this Government. But in this particular case, if we do not go to universal coverage, the very people, not the very rich who can afford the best health care, not the very poor who are taken care of on Medicaid, but the very people that we are trying to help we will not help.

I think there is also another misconception in this country. That is, that poor people are running up our health care bills and do not have coverage. It is not them. It is men and women, four out of five people in this country who do not have insurance coverage are either working every day or a part of a family with a working member that just can no longer afford insurance coverage.

It is so very, very important that I would ask my colleagues, but also ask those folks back home who may be watching us here tonight, to urge their Members to support universal health care coverage.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the gentleman for calling this special order tonight. As he was speaking, he reminded me, as did our colleague from California, of the many more reasons that we do not have time to go into tonight but that our colleagues on other evenings will go into about why we cannot make incremental change.

There is a constituency for change out there now that understands in each person's personal life why it is important for us to have universal coverage for all Americans. It is about a person's health and well-being.

I mentioned earlier, and it has been mentioned many times, why it is important to our own national budget. But in terms of the economy of our country beyond individual personal good health and physical health of our national budget, it is important that we make real change, too, because working-class Americans, people who work, as the gentleman from California [Mr. FAZIO] said, work every day, trying to make ends meet and still do not have health insurance, they would be less likely, for example, to leave their jobs to go start a new business. Or less likely to change jobs and take a chance doing something else.

The dynamic and the vitality, the dynamism and the vitality of our own economy is hurt, is harmed by that job lock or that lack of bold necessary, which people have to, if they have family and the rest, they cannot take the same kinds of chances. So I think individuals are well-served in their personal well-being, certainly our national budget is well-served by our making this bold step. But our economy, also, and the dynamic of our whole country is well-served by people not being menaced by being sick, not being pigeonholed by not having mobility.

Mr. DERRICK. Madam Speaker, I yield to the gentleman from California.

Mr. FAZIO. Our colleague was very eloquent in describing the burdens of middle-class people. This chart shows exactly what will happen if we fail to have the courage to move to universal coverage, something that every other industrialized nation in the world has done long ago.

If we go the incremental route, people earning between $20,000 and $75,000 a year are going to pay an additional $7.8 million out of their pockets to pay for what, in some cases, will not be adequate health care. In other cases, it will be fine, but at greater cost.

On the other hand, if we can move to universal coverage, those very hard-pressed people that the gentleman from South Carolina [Mr. CLYBURN] was discussing and the costs that they are fighting to overcome, the costs of books and the cost of educating a family in general, for example, we will give them a $5 billion savings, a reduction in spending for health care that could translate into meeting all those other needs.

We talk about a tax cut for the middle class, as the gentleman from South Carolina [Mr. CLYBURN] said, this is something significant in the family budgets of people who have insurance today. They do not think this is all about them, because universal coverage is to bring other people into the system. But they will be the ones who benefit most, because when we get working in a health care system as a country together, we can see real reductions in the family budgets of many, many millions of middle-class families.

Mr. DERRICK. Madam Speaker, in closing, let me just say that this is a health care issue. If we do not have universal coverage, we do not, we miss about 22 million people who will still not have health care coverage in this country. The average middle-income person will see their insurance premiums go up. But not only that, we miss our opportunity to do something about the economic issue. It would truly be a celebration for the free enterprise system in this country, because we spend 30 to 40 percent more on health care in this country than any other of the major industrialized nations, which causes us to have to charge more for what we make.

For instance, the automobile manufacturers spend more for health care than they do for the steel that goes in their automobiles. It amounts to $1,100 or $1,200 a car, whereas many of our competitors only spend $500 or $600 a car. It is not only just automobiles. It goes on and on and on throughout our economy.

It will go a long way to creating more jobs, to bringing down our deficit, so let us pass universal health care.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. THURMAN). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Indiana [Mr. BUYER] is recognized for 60 minutes as the designee of the minority leader.

HEALTH CARE REFORM

Mr. BUYER. Madam Speaker, it was a real pleasure for me to be here and listen to my colleagues from the other side of the aisle try to convince America about universal access universal coverage for health care.

□ 2010

I think those who are listening and paying attention, they firmly believe in the sincerity of their heart that government is the solution to what ails you. I say they just do not understand that that is at times what ails the American people, is so much government intrusion into our daily lives and that of our family.

There are some who look out a window into a parking lot, and when they look out into that parking lot they think that every person in America ought to have the same kind of car. When I look out into the parking lot, I believe that everyone should have the same opportunity to get whatever car they want, to achieve whatever level they seek.

There are many of us here that will vote on a lot of different issues. Whether it is health care or welfare reform, somehow we have to have a real good set of principles when you move into this Congress. I analyze it like this. I say, Does it promote individual liberty and protect it? Does it enhance economic opportunity? Does it promote personal responsibility? Does it promote high standards? Does it protect American citizens at home and abroad?

Members can even apply that to health care. I salute my colleague, the gentleman from South Carolina [Mr. DERRICK], who just said a few moments ago, "Let us not fool the American people." I agree with that.

What I am prepared to do here tonight for you, the American people, is to talk about not only the politics of health care, the pragmatism of health care, and the plans of health care. The only way I can do that is that I have prepared a chart, a road map of my thoughts. I am going to explain this, because it helps explain the actual debate that is going on right now about health care.

Madam Speaker, right here along this section, this is where we presently are in America. This is the present hybrid health care system that we have in America. The reason I call it a hybrid system that we have is because we have Medicaid, Medicare, the VA, the Veterans' Administration hospitals and clinics, and we have the military health care delivery system. We really, technically, have a hybrid health care system.

In the hybrid system that we have, we have come along and said the present system that promotes the greatest quality health care system in the world, and the system that also preserves the greatest choice of an individual, of doctor or facility or alternative methods of treatment, is at 85 percent. Right now we are right here, right here at this square, at 85 percent.

So we, because of our compassion and sincerity for the uninsured and underinsured, we seek to do better. We also recognize that there are growing costs, and we try to seek cost containment.

How do we want to do that? Do we want to move forward this way, or do we want to take this direction? Let me explain.

Madam Speaker, here at the 95 percent, or actually I should write 94 percent, there is a system that is referred to in Washington here a lot called the Hawaiian health care system. It has 94 percent coverage. It is a universal coverage system. It has been in effect for 20 years and has only been able to achieve 94 percent.

Think about this for a moment. If we are presently at 85 percent and the A model universal coverage health care right now is the Hawaiian system, and it is exempt, it is exempt from whatever plan is going to be passed here, so they must like the 94 percent, now think about this. Utilize common sense.

When you were in school and you got a 85 or an 87 on a test, how did you feel? You probably felt pretty good. You did not say, "Oh, my gosh, my 87, 85, is a failure. I have to go out and get an all new method of learning." No, you did not say that.

If you want to get to 94, you work harder at what you are presently doing. You don't go out and say, "I need to get a brain transplant to move to 94 percent."

What we seek to do is increase the access, maintain the quality, and have cost containment. How do we do that? We do it by working on what is wrong with the present system and not moving to brain transplant.

Let us think about what is really happening out there. It is wonderful to get up and talk to America and say, "I'm going to be the protector of the middle class. I'm going to deliver to you less. It is not going to cost you." Incredible. The American people did not wake up yesterday. It almost reminds me of a knock-knock joke:

"Knock, knock."

"Who is there?"

"The Government."

"The Government who?"

"I am the Government and I am here to save you."

Come on. The American people are much smarter than that.

So if we are paused right here, this is where we are, at 85 percent, there are those of us that believe and support incremental reforms to the present system, to open up the access, to permit greater risk pooling out there.

We also recognize, when I say open up the access, I am referring to allow small businesses, whether it is local chambers or associations, to create greater risk pools so there is greater integration in the health care economy, both vertically and horizontally.

As we do that, Madam Speaker, we also, as we are paused right here, there are those here in the Congress that say, "You know what we need to do is, we should have incremental reforms to a single-payer system." They are not saying that, they are not going to say that, because they want to fool the American people. You see, the real goal is a single-payer plan, a Canadian-style universal coverage system for America, but they are not going to say it. They are not going to say it.

The ones that I respect in this body are those who come out and say, "I believe in a Canadian-style health care system for America." I respect them because they come right out and look you in the eye and say, "That is my sincere belief."

The ones in America that you should be scared of and frightened of are the ones that finesse it. They finesse it by saying, "Well, we are just going to have some triggers, we are going to help out the small business sector, we are going to help out the middle class, we are going to protect you, we are going to look out for you."

Let me explain what this is. We are right here. They are sophisticated. They, meaning the liberal side of the Democrat Party, is sophisticated enough that they cannot make a hard left turn and take America directly to a single-payer plan. They cannot move from here to a single-payer plan. America will say "no" and reject it.

What is their answer? Their answer is substantive incremental reforms to a single-payer system, so they want to move from here and take America this direction. That is the debate that is going on right now.

The President is going to say, "I might loosen up a little bit." Vice President GORE yesterday said, "We might relax. Maybe 10 years out may be acceptable, it may not be acceptable. We will have to look at it."

What are they really talking about? They are talking about how to move America to a single-payer plan without telling you, without telling you. So what they seek to do here, Madam Speaker, is move America from the 85 percent and go this direction. They want to turn left and take America this direction.

Now, this time period could last anywhere from 7 to 10 years, time enough to pull America into a malaise. Then when they get out here in the year 2000, 2002, they turn around and say, "Those of you who, like Congressman BUYER, back in 1994 said we need incremental reforms from the present system," they will say, "See, Steve, you were wrong. We tried but we could not make it."

Think about this. They tried? What they are going to do is, in the reforms they are going to rewrite up there in the back room, that we may or may not get a chance to see before we are voting on it—which is an incredible thought, they control the process. When they control the process, they can then control the substance and predetermine the outcome of legislation. Get it? I got it.

So what they are going to do is set unrealistic expectations in different sectors of the health care economy that cannot be achieved. That is why they are saying out here 95 percent.

We have Hawaii that has been doing it for 20 years, and which they are exempting, and they cannot even reach 95 percent. So the goal, the goal is, by the liberal side of this body, is to move America to a Canadian-style health care system, but they are not going to say it. They are not going to say it because they are scared to death. They are scared to death that you will not send them back to this body, and their job, to them, is so important.

□ 2020

What is it they are going to try to do? They are going to try and fool the American people.

I agree with my colleague, the gentleman from South Carolina, let us not fool the American people. There are those of us that firmly believe that we do not need a brain transplant when it comes to health care. What it is we support are incremental reforms to the present health care system that increases the access and permits greater risk pooling to occur. We seek tort reform, medical malpractice reform, 100-percent deductibility of insurance premiums, the list goes on and on.

There are many things that we can do to the present system without sacrificing the quality, without diluting the quality, without restricting the freedom of choice of doctors and facilities and alternative methods of treatment, let alone of its impact upon jobs and small businesses.

If we want to talk about the protector of the middle class, it will be the conservatives who are the protectors of the middle class.

Madam Speaker, I would like to yield to a gentleman from the Seventh District of Michigan. He represents eight counties just above Indiana. It is the southern tier, the farmland counties of Michigan, in Battle Creek, there with Kellogg's and Post.

I yield to the gentleman from Michigan, NICK SMITH.

Mr. SMITH of Michigan. Madam Speaker, I thank the gentleman from Indiana for yielding.

The gentleman sort of perked my interest when he mentioned jobs because I chaired a health care task force forum in Jackson, MI, at Foote Hospital a couple of weeks ago. Joining me were Representative DENNIS HASTERT of Illinois and Representative PETE HOEKSTRA, my colleague from Michigan. That is what we were doing.

We were asking: "How is this going to affect you as a small business and how is it going to affect those jobs in your business if you cannot pass on that health care reform?"

Madam Speaker, they gave us an earful. We had 16 witnesses that testified and they were unanimous in their testimony that if this liberal plan of Government takeover of health care passes, it is going to hurt business, but what it is going to do to the American people is hurt jobs. It is critical, it seems to me, that Congress listen to these businesses and that the American people start talking to their neighbors in their towns and villages and cities.

"What will this do if this is forced on your business? Is it going to make a difference in jobs?"

Madam Speaker, some of the things that people testified at this health care forum, businessmen and businesswomen, were very concerned whether they could absorb this additional cost. It seems to me that the lure of some people suggesting, "Look, let us lower the cost of health care, do it our way. Go to universal coverage, go to a single payer system," we need to be very careful that we do not get sucked into a new socialistic program of health care by the suggestion that we are going to save money. We already know how to reduce the cost of health care. The Democrats know how, the Republicans know how. In fact, we have joined together in many of these bills to deal with tax reform and pooling and tort reform and cutting down the overzealous regulations.

At this hearing a couple of weeks ago, Noelle Clark of Hasselbring-Clark, Inc. of Lansing said:

> My point is this: Many small businesses do not provide health insurance because they simply can't afford it. Just because it's forced on us doesn't mean the money will be there.

Sharon Roy, an accountant from Onsted, testified that many of the 40 to 50 small business accounts, that they were not going to be able to afford an additional Government mandate. She said that if you force on us this up to 7.9-percent payroll,

> It's going to mean jobs. They don't have the profits to cut and they cannot pass costs through to consumers. Who are they going to pass it on to? They're going to price many of these small businesses right out of the market because they cannot compete with the big chain outfits. So you're going to force some out of business and definitely a lot of layoffs.

Jim Ahearn, a pipeline oil salesman of Jackson said that of his business, the best he could calculate it, would be charged an additional $55,000 and he could not pass that on in his business with increased prices. So it meant several things.

He said, probably getting rid of people and not buying the additional trucks that they need.

Charlie Owens of Michigan's branch of the National Federation of Independent Businesses [NFIB] came up with the calculation that it was going to cost our State, Michigan, alone 32,604 jobs and it is going to affect another 817,000. We asked that witness what he meant by "affect," and he said that it is going to mean that we reduce their paychecks. If we are forced to provide health insurance, we cannot pass it on in increased costs. It is going to have to come out of their pay. So instead of them having the choice of what health care system they buy, we are going to mandate the health care system and will have to reduce their pay to comply with the Federal Government.

Richard Todoroff had a good statement, of Todoroff's Restaurant in Jackson. He said, "This is pure socialism. I see the United States of America getting what the U.S.S.R. got rid of."

He also stated:

> "I do not need government to tell me how to operate my business, and, damn it, that's what they're doing. Every time you turn around there is another mandate. If this health care plan passes, this will be the final nail in the coffin."

Virginia Atayan of a car dealership in Charlotte summed it up when she said that Government mandates of this magnitude would take away the incentives that entrepreneurs have to invest and work hard to be successful.

She said:

> I've already paid the OSHA prices, paid to get safety features in place. I've paid for Work Comp., I've paid for Unemployment Comp., I've paid all these high taxes. I've done all these things. It takes work time on my part to figure out how to keep this Government happy. Now to place these additional burdens is going to drive us out of business, or we're going to have to increase the price of our product, in this case automobiles, to the consumer.

Madam Speaker, I think we have got to be careful not to fool ourselves that there is some secret way to reduce the price of health care in this country. I think we have got to be careful not to fool ourselves that when liberals say, let us start a new expansive socialistic program in this country, a new entitlement, that somehow we are going to magically provide greater health care for a lower price.

I am excited about moving ahead. I am excited about the possibility of Democrats and Republicans joining together to do some of the things that we know can reduce the price of health care in this country.

Mr. BUYER. Madam Speaker, I would like to thank the gentleman from Michigan [Mr. SMITH] and ask him to stick around here for a little bit if he can.

I yield to the gentleman of the 22d District of Texas, a district that spreads in all directions, at Allen's Landing on Buffalo Bayou and home to Johnson Space Center in Houston, TX, Mr. TOM DELAY.

Mr. DELAY. I appreciate the gentleman yielding to me.

It is also the home of Albo Pest Control, a wonderful small business that I own. It is through the ownership of that small business that brings me to the understanding of what this administration is trying to do and what this Democrat-controlled House and Senate is also trying to do to small business people.

Let me say from the outset that Albo Pest Control provides a very good health care group plan for their employees. But I have got to say that is amazing to me, and I understand what President Clinton is trying to do. What he is trying to do is to bring universal coverage to every American and to in some way control the cost of health care. The problem is they have no clue about what free enterprise is, how it works, what the effect of Government mandates are on small businesses and how they affect jobs and our overall competitiveness in this world.

I could give a very real example. I built my company from scratch. I built the company up and had more and more employees come on board. They were great employees, and for many reasons, but not the least of which I wanted to be very generous to my employees because they were doing a great job for me, and for themselves, I bought a health care plan that was 100 percent coverage for my employees. None of my employees at that time, and there were some nine of them, none of my employees at that time were over the age of 35, so you can imagine. They were in very good health, their wives were in very good health, their children were in very good health. They really did not need a health care group policy that covered them 100 percent. But I bought it, anyway.

I immediately found out in just a little over a year, that was the dumbest thing that I could have done to me and to them. Because they would go to the emergency room to get a Band-Aid. If they had a cold, they would go to the doctor because they were not paying the bill.

□ 2030

Immediately, as it follows anywhere else when you do these kinds of things, immediately the cost of my health care started rising, and I could not understand why. As I checked into these costs, I found out that these 35-year-old and below families were using the doctor for things that most people do not use the doctor for. Why? Because they were not paying the bill.

What is the answer to the Clinton plan and this universal coverage plan and mandated plan, single payer plan? They want to take a failed system and expand it and make it even worse.

I think Medicare has a lot of problems that can be corrected if we bring consumer choice and market pressures to bear. Medicaid is a disaster. It is going to cost, if we do not do something to reform Medicaid, it is going to drive costs through the roof. Why? Because the people who are receiving the care are not paying the Medicaid cost, not paying the bill, and that drives up the cost, because you overuse the service.

The same thing happens to every small business person in this country if you take a single payer plan and expect it to hold down the costs and expect it to be reformed.

Mr. BUYER. Will the gentleman yield on that point?

Mr. DELAY. I yield to the gentleman from Indiana.

Mr. BUYER. The gentleman mentioned a couple of failed systems, Medicaid and Medicare. Does the gentleman realize that under the Great Society when it began back in the early 1960's, in 1965 Medicare Part A was predicted to cost $8.8 billion by the year 1990, but the actual cost today is $71 billion.

Mr. DELAY. The gentleman makes my case absolutely. The case history shows that if you do not provide into the mix making the choice of what kind of health care they want, and what kind of health care they need, and bring costs in the market system to bear on that and all of the pressure and intricacies of our system included in that, you are doomed to failure. That is what we are facing. This administration and the Democrat leadership of this House and Senate do not understand what this economy is all about and what the ultimate result is going to be, at least in Texas.

The American Legislative Exchange Council projected that job loss in Texas alone would be 68,300 jobs. Of course, this does not account for all of the wage reductions that the gentleman from Michigan was mentioning earlier. CONSAD Research Corp. estimates that almost 1½ million workers will face reduced wages, hours, and benefits.

It is really interesting that some people are trying to disguise employer mandates in the form of these hard and soft triggers. No matter what you call it, when you implement employer mandates, that means job loss and lower wages.

I would like to quote the ranking Republican member on the Small Business Committee, who may have already been quoted. JAN MEYERS from Kansas said it very well when she said:

> It defies logic to suggest that we would eliminate someone's job to provide them with health insurance coverage. The uninsured become the unemployed. What kind of tradeoff is that?

That is what the Republicans are all about in insisting on a market-based plan. We have a plan. It is market-based. It understands what the problems are and brings a market-based solution to them.

I appreciate the gentleman from Indiana taking this special order.

Mr. BUYER. I appreciate the gentleman's leadership here on the Republican side that he has shown on health care. I am really pleased to hear the gentleman talk about personal and individual responsibility here on the House floor. It is amazing when you use the words morality or personal responsibility in Washington, people look at you as if you are not supposed to say those kinds of things. It is incredible. So I salute you for sticking to traditional values which we are trying to instill in this country.

Another thing you mentioned was the effects in the small business sector. The gentleman could not be more correct or on point.

When the gentleman talked about family orientation, there is a strong district in Arkansas that has 16 counties in the northwest corner of that State, in the Ozarks, the great rounded green mountains that the sun shines in would seem like forever in those mountains with traditional-minded people, very family-oriented, and they are represented by a true statesman, TIM HUTCHINSON. And I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, I thank the gentleman for yielding. May I say it is the home of some of the great entrepreneurs in America and some of the great companies that are going to be hit very, very hard by the mandates that we have been discussing this evening.

I want to commend the gentleman from Indiana for organizing this special order. It was interesting to be able to hear Members from the other side of the aisle discuss health care prior to our special order, and I heard a familiar refrain over and over again during that hour. They said there is something worse than doing nothing. And I very much want to join in doing something. I think we can do something. I think we can accomplish meaningful and substantive health care reform that will help control costs, that will expand coverage to more people, that will maintain quality, maintain choice in our health care system.

But I agree with them, there is something worse than doing nothing. What would be worse than doing nothing would be to turn the best quality health care system in this world over to the Government to run, a Government to run, a government that has never demonstrated its capacity to run anything efficiently or compassionately.

I was in this Chamber January 25, 1994, this year, when the President said, "Hear me clearly. If the legislation you send me does not guarantee every American private health insurance that can never be taken away, I will take this pen," and he showed us the pen, "veto that legislation, and we'll come right back here and start over again." That is what he said January 25.

Last week he said, "You can't physically cover 100 percent. It's impossible. Nobody can do that." That's what he said to the National Governors Association.

So we see the weaving and the bobbing, the defining and the redefining. We hear of the triggers, the hard triggers, the soft triggers, the mandates, the global budgets, the price controls. I suggest that that is the language of a fatal cure for the health care system of the United States.

Last week supporters of a Clinton style health care bill embarked on a campaign-like bus tour designed to drum up support for Government-run health care. The buscapade, as it has been called is a public relations gimmick financed by special interests. Organizers are asking various special interests, labor unions, businesses, other groups to finance the venture by paying $20,000 for each bus, and requiring sponsors to promise that they are going to support, in advance, whatever bill comes out of the House and Senate from the Democrat leadership, bills that have not yet been drafted. So prospective sponsors do not even know the details of the legislation that they are endorsing and promising to support.

That is the tragedy that we may well face, a bill the first 2 weeks of August that the American people have never even had an opportunity to read or study and in fact that many Members of this institution of Congress will not have had an opportunity to study either because congressional committees that have been able to pass health care plans developed markedly different kinds of bills. The leadership will now meld those in, bring those into one bill, and at the last moment we will be presented with that legislation. The American people ought to have at least 30 days to read and study that legislation. Congress ought to have time to study that legislation. Hearings ought to be held on the specific bill that is brought before this body before it is endorsed.

We have heard a lot about employer mandates this evening. I would like in the few minutes that I have left to speak to two or three other issues that are very important when we talk about Government-run health care. I want to talk about rationing. I want to talk about the abortion coverage inclusion in the health care bill, and I want to mention its impact on families because the Members on the other side of the aisle kept talking about the middle class, what will Government-run health care really do to the middle class.

First of all, price controls, global budgets, Medicare reductions will inevitably, ultimately result in rationing of health care in our country. The administration is suggesting that we cut $124 billion out of the Medicare system. This is on top of a $56 billion cut in Medicare which occurred in 1993. Therefore, just for starters we are looking at a cut of $180 billion or 14 percent of total Medicare expenditures for the multiyear scoring window.

□ 2040

And then in the so-called Health Security Act, section 4114, it limits payments to physicians of high-cost hospital staffs. This provision would have the effect of withholding 50 percent of payments from physicians who treat severely ill elderly patients who need intensive treatments. This provision appears to be an explicit rationing provision for Medicare beneficiaries who are severely ill.

But regardless of what is done on Medicare, a global budget, and that is the concept that we are only going to spend a certain number of dollars on health care, will ultimately have to result in rationing of health care.

Price controls will have the same effect. Price controls will diminish the quality of care. One of the ways a producer responds to a price fixed below the true value of his product is to reduce the value of the product correspondingly until it equals the new lower price. That is what will happen in health care with price controls.

Doctors will spend less time seeing patients. Hospitals will either cut back on staff or cut back on expensive lifesaving technology. Either way, the result for consumers will be a diminished quality of care. In some instances, patients will die who otherwise would have lived.

This happens now in England where the newspapers are full of stories of people dying while waiting in line for rationed medical procedures readily available in the United States. In Canada, which has fewer high-tech imaging machines in the whole country than can be found in a typical large American city, pets can receive CAT scans after regular business hours but people cannot.

Given the British and Canadian examples, it seems plausible to think that deaths will occur as a consequence of medical price controls and global budgets if we adopt them.

I want to give a very personal example of how this could impact people in the United States. My mom about a year ago, over a year ago, had triple bypass surgery. She was over 80 years of age at the time. She was having severe angina attacks several times a day.

We took her and tests were run. The physicians said she had severe blockage, that a heart attack, perhaps a fatal heart attack, was imminent. He was concerned whether or not surgery could even be performed quickly enough to save her life.

My mom had always said she did not want extraordinary means to save her when she got older, and I was frankly concerned whether a person of that age could take a triple bypass surgery. I asked the doctor, I said, "At her age, can she handle a major surgery like that?" The doctor said, "Well, she is otherwise healthy, and because she is otherwise healthy, it may take a little bit longer because of her age to recuperate, but she should do fine." I was wondering how Mom would react.

They brought her in at that point, and they told her that she had to have surgery and had to have it quickly. I was amazed at her response. She said, "Do it."

Because I think God has put within the soul of every human being an instinctive desire to live, and she wanted to live, and she knew that was the only way she could live.

They had to rush her into surgery before the following Monday, because the angina attacks had become so frequent they were afraid they would never get her in before the heart attack hit. She went through the surgery, and to make a long story short, she made a remarkable recovery. It has been a new lease on life. I do not know how many years my Mom has, but I do not know how you put a price tag on those years. She went back and became president of her Sunday school class. She made a trip to Oklahoma City, and she went to Branson, MO. She started a new class in her home. She has had a new lease on life.

This is what the surgeon told me before we brought my mom in to talk about choices. He said, "Mr. HUTCHINSON," and they always want to lobby you when they know you are in Congress, but he said, "I want you to know if your Mom lived in Great Britain that she could not get this surgery because of her age. Because of her age, they simply would not allow the surgery to be performed if she lived in Great Britain." And then he said, "If she lived in Canada, she would be put on a waiting list, and in your Mom's case, she would die waiting."

Now, ladies and gentleman, my colleagues, I know that there are very difficult choices that must be made in how we expend health care dollars towards senior citizens, but I believe, and I think the American people believe, that those decisions ought to be made by the family, by the patient, and by the doctor and not by some bureaucrat in Washington, not by the Government, and that is what happens when you ration health care, and that is what will happen under a Government health care system.

Mr. BUYER. It is interesting you brought up Great Britain and the notion. There was a question asked of Virginia Bottomley, Great Britain's Secretary for Health. The question was:

Question. The notion that many Britons wait an excessively long time for treatment is often used by critics of national health care in the United States to illustrate the imperfections of a British-style national system. Are the long waiters a "fatal flaw" in Britain's system?

Answer. The number of people waiting is not important provided they are treated within a reasonable time. It is the time people wait that matters not the total number waiting. Half of all admissions to hospitals are immediate. Of those admitted from waiting lists, half are admitted within five weeks, nearly 75 percent within three months and 98 percent within a year.

Mr. HUTCHINSON. And that in defense of the British system? I think again the gentleman makes the case very well that in fact if you are among those who have to wait, it could mean your life.

Let me touch very quickly upon a couple of other points. One is the inclusion of abortion services, because every health care bill that has come out of the major committees with the exception of the Committee on Veterans' Affairs, has included abortion services, and the Committee on Armed Services, but the major committees of jurisdiction, Ways and Means, Education and Labor, Energy and Commerce did not produce a bill, but these brought forth health care bills that include abortion services.

I think it is very ironic that our President has endorsed this concept when, in the State of Arkansas and during his 12 years as Governor of the State of Arkansas, he so eloquently made the case that regardless of your position on abortion, you ought not be required to violate your conscience by subsidizing that practice for others through taxes or through health care premiums mandated by the Government.

That is the issue. Our country is very much divided on the abortion issue, but we are not much divided on the issue whether you have to be forced to pay for somebody else's abortion.

Mr. DELAY. If the gentleman will yield, I had an experience just Saturday. I was in Minnesota up in the northern parts of Minnesota, actually, yesterday, Sunday, and I ran into a farmer who was very upset. He called me aside and said, "You are a Congressman from Texas?" I said, "Yes." He says, "Well, I welcome you here, but I am very concerned that the President of the United States is going to require me to fund abortions in this country." He says, "I am pro-life, but for me to fund abortions in this country is against my religion, and it will force me to do something I do not want to do." He says, "I am a very devout Catholic, and in the Catholic Church," but I am not a Catholic, but this is the farmer talking, "In the Catholic Church, if you help someone procure an abortion, you are supposed to be immediately excommunicated," and he feels very deeply about this, and he says, "I will be forced to not pay my taxes if this is passed, and I could go to prison." He was very upset about this particular provision that the Clintons just seem to accept willy-nilly without even understanding the impact of their actions.

Mr. HUTCHINSON. I appreciate that very eloquent example, because inclusion of abortion services will require millions of Americans just like the one that you spoke of, conscientious Americans who have deep convictions in this area, and it will make them really participate in an act they find morally objectionable, and I think it is a tragedy that such a thing would be included.

Mr. BUYER. I noticed that the Senate Finance Committee had passed what they call a conscience clause, and to try to take the place of those out there in America who are uncomfortable with having to provide abortions, but really you have to play this out here even much further.

If you have a Catholic hospital out there that says, "We do not want abortions at our Catholic hospital, we do not believe in abortions," but they as a hospital and as an institution will be required to provide abortions in this minimum-benefit package for their employees, so the conscience can only go so far, because the Government will step in and say, "I do not care how you feel. We know what is best for you, America."

Mr. HUTCHINSON. I appreciate that example, and you are so right. I could give many examples.

For instance, a person who works in the VA health system, who has a moral, sincere objection to the practice of abortion, who may have spent a lifetime serving our veterans in the veterans' health care system, under the Clinton health care plan would be required to participate in the practice of abortion in that VA hospital, and I tell you that that would be replayed over and over again.

We could give many other examples. Let me just say this: This plan is not only going to ration health care, it is not only going to require Americans to violate their conscience, but it is going to hit middle-class families, and our colleagues spoke so much about the middle class, but according to the Lewin-V.H.I. study, almost 50 percent of American households are going to pay more under the Clinton health care, the Government-run health care system, and 61 percent of those families are going to pay over $500 a year more, and that is the middle class. They are going to be impacted negatively. They are going to pay more, and those who do not pay more may actually end up with less coverage than they have under their current plans.

□ 2050

I believe that Government health care is Government-assisted suicide for the best quality health care system in the world.

Mr. BUYER. I thank the gentleman for his contributions, a statement well-said.

I now yield to my good colleague, the gentleman from the State of Illinois, from the 15th District of Illinois. He and I share some contiguous counties along the border with Illinois in that good farmland called Brookston Home.

Mr. EWING. I thank the gentleman for yielding to me.

Madam Speaker, we certainly do share a common heritage along the Illinois-Indiana line.

Madam Speaker, I think we probably learn a lot from the people we represent. I was really moved by Congressman HUTCHINSON's comments about his mother. All of us who have older members in our families realize how important this is, very personal, how important it is to us as well as to all of our constituents.

I think you may know that I travel home almost every weekend, as other Members, as the gentleman from Indiana does, and I visit with our constituents. I would hope that every Member on the other side of the aisle would take a little time to go home and listen and visit on the very personal basis with members or people they represent about the health care issue.

I think it is great when I go home to go into the restaurants and sit around the round table and talk to the farmers and business people and just-retired individuals. They are asking me some questions.

They are saying to me, "Are you going to have a recess? I see in the paper here, on the television, they may cancel the recess and stay in Washington and do the health care bill." My response to them is, "The recess does not matter. When we come home, we are going to work anyway."

But we can stay in Washington and work. But the thing I do not want to do is stay in Washington until the leadership on the Democrat side of the House and the Democrat leadership in the Senate come together with a little plan and then drop it here on these tables maybe 24 hours, if that much, before they expect us to vote on it; and have it bulldozed through, using the recess as a reason to do that, to force a vote, because what we do here will last maybe for years. Its effects may go on and on.

So I think that question is easily answered. We should go home in the recess and listen to our constituents. If there is a plan from this side of the aisle, as vacant as it is tonight, we need to take that plan home and, as one of our colleagues said earlier, we should have hearings, we should have discussion. The American people should know what is in that plan.

Then I was asked the question: "Do you think that Congress can pass a plan before the election?" My response to that is: "We would be better not to pass a plan than to pass a bad plan."

Well, they said, "Are the Republicans, do they have any proposals?" Then I named a few. I named also some bipartisan proposals that many of us may be on. I named proposals that we on this side of the aisle have put forth. Yes, we have proposals.

Compromise comes, I believe, when both sides address the issues that you can agree upon.

Mr. SMITH of Michigan. I would like to mention the House Republican proposal now has 141 cosponsors. It is more than any other plan, including the President's plan. That is 80 percent of the House Republicans ready to move forward. Republicans are saying let us move ahead, let us do something. But the concentration is to improve accessibility, to improve portability, and to reduce cost of health care. We can do it. Both sides of the aisle know how to do it. I say let us not be blackmailed by a President that says either we go to socialized medicine or we do nothing.

Mr. EWING. I think the gentleman is absolutely right. There is the Rowland-Bilirakis bill, a Democrat-sponsored and a Republican-sponsored, bipartisan. There is much good in that plan that we should be debating and talking about.

If there is one thing I want to say, if I bring anything to this debate tonight, which I think is very well planned, it is that the American people deserve a chance to see what we are going to pass on their behalf, if we pass anything.

They have and should have an opportunity to visit with us, their elected Representatives, about it. Today there was one final thing that came down today from the courts. It is very important in this regard. Today in Federal court, Judge Royce Lamberth ordered that case against Hillary Rodham Clinton and the White House health care task force must go to trial. A great victory for the American people. This is a victory because this is going to allow the American people to know who are the donors, who are the people sponsoring the First Lady's health care plan.

Before, you know, that was all kept secret from the American people. "They don't have any right to know who the special interests are behind the First Lady's health care plan."

All health care bills will now be written by the Democratic leadership on Capitol Hill, and are based on the Clinton plan. We have a right to know who is sponsoring it, who is footing the bill, who are the main players.

I think it is a great victory for the American people.

With that I say let us all dedicate ourselves to working to be sure the American people do know what is in the health care plan. Again I congratulate you for this effort today.

Mr. BUYER. Reclaiming my time, I thank the gentleman for his contribution. I think we have had an excellent discussion tonight about what happens when the Government takes over health care. When we talk about a global budget, a global budget is a set amount spent on health care for America. That includes our advanced medical technologies, which means that when you dull the competitive edge of the advanced medical technologies, it has an impact upon the American family that will be detrimental.

The gentleman from Arkansas [Mr. HUTCHINSON] was very close when he started to talk about quality-of-life issues, when he was talking about the rationing of care, and the impact of a Government-run system has on the quality of health care.

Madam Speaker, I have 16 hospitals in my congressional district in Indiana. I have toured 15 of those hospitals. I have also toured Riley Hospital in Indianapolis, IN. Riley Hospital is a magnificent children's hospital. It is the only place in the world where I have ever been where I have seen more children who are ailing, who are dying, who are burned, who are crippled, who are diseased, who are very sick. But there is an incredible sense and feeling of hope inside that children's hospital, probably similar to other children's hospitals in America. Why is it these children have so much hope? Why is it the parents and the grandparents and the families and the friends also have that sensation and feeling of hope that you find in the children's hospital? It is because we understand the cutting edge of our advanced medical technologies and what they can do, the miracles and cures that we can deliver today. Why we would ever want to dull that is beyond me.

I found myself standing inside the neonatal ward with Dean Daly. He is the dean of the medical university. We were surrounded by 50 infant babies. That is what I call them, infant babies. The doctor calls them neonates. That is the first time in my life I have ever seen a human being whose weight was measured in grams.

The baby was a little more than 4 months old. There were many of them.

I turned to the dean and I said, "Dean, close your eyes. Now put yourself in Canada. Now open your eyes. Would we see this? Would we see it?" I looked down at the end and I saw a family, and I know that they could not have afforded the medical treatment. I asked the dean, I said, "Dean, what does this cost?" And he said, "It is costing approximately $1,500 a day on Medicaid."

Now let us be very raw here for a moment. This is not what is not being talked about in the health care debate, or the quality-of-life and value-of-life issues.

Now, think about this for a moment. Let us be raw. Here in America we say that a mother, if she chooses, she can either give life or take life.

□ 2100

If she chooses life, we, as a society, will expend up to $1,500 a day, or more, until that child reaches a viable state where that baby can be brought home with mom and dad.

Now let us go to the other end of life's spectrum, to senior citizens. We, as a society, again place such a value on life that, when we say that that senior citizen, if they choose, or it does not have to be a senior citizen, it can be anybody in our society above the age of 18, if they say, "I don't want to be hooked up on life support system," they can choose what we call death with dignity, execute a living will. But if they elect to be hooked up to a life support system, we, as a society, will pay for that. That is what we do today. Those decisions are made by our families.

I say, "America, if you want the Government to take those decisions from you and away from your family, and allow the Government and a system of accountants and lawyers to make those decisions for you, then just tell us. Just say to the United States Congress, 'We want the Government to take over the health care system. We want everybody in America to have the same type of health care.' Just tell us."

I do not think America is prepared for that.

I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Madam Speaker, I think it is a point that we need to say over and over again to the American people: "What sector of Government that you know does an outstanding and an excellent job of performing that particular duty?"

Mrs. Clinton and the President have suggested that, if we pass their plan, it is going to take 50,000 new Government employees to run this system, and Government really has not done that good a job on so many things we have been doing. As the rest of the world goes away from a strong centralized Government controlling the lives and taking away our freedoms, here we are going and telling, suggesting, that we take over 17 percent of the private sector economy, and we have Government take over health care when they really do not have a proven track record of doing many other things very well.

What it is is a transfer of wealth. It is a transfer of wealth like we talked about, from small business to big business. It is a transfer of wealth from the young to the old. As Government gets in trouble, if they take over this system, they will continue to tax the young people to pay for the people that need greater health care costs at their older age with some kind of an elusive promise such as we are now doing in Social Security that says, "Look, when you get old, we'll somehow tax those that are left working enough to pay for your Social Security and, in this case, your health care."

I plead with those people in America to not let this go by, to study the details, to consider the consequences, because the Government taking over health care in America is going to put middle class America dependent upon Government, and Government, as they go about trying to save money, they are going to pass all kinds of mandates and dictates on how we can run our personal lives.

Mr. BUYER. Madam Speaker, I thank the gentleman from Michigan [Mr. SMITH].

We can even take this to the personal level. It is easy to stand here and talk about what it is going to do to quality. Let me share with my colleagues and America that I was deeply moved at a visit of a young family farmer from my district. I think that all of us here that sit in this body seek to be responsible and responsive to the people that elected us to this body. I do not question the sincerity of those who believe that Government is the answer. I do not question their sincerity because they firmly believe that. I think they are wrong, but I do not question their sincerity.

I will never forget going to the home of a young farmer. This gentleman fell from the inside of a silo to the bottom, and I visited his house. He is now paralyzed from the neck down. He was there at the kitchen table in a wheel chair, and he can only now move forward or backward, right to left, by a straw that goes into his mouth by either sucking or blowing.

Now he is one of the most courageous individuals I have met. His young son was bouncing a balloon off the wall up in the ceiling and bouncing it toward his father with no understanding why dad this time does not bounce the balloon back to him.

My colleagues, this young farmer only had one message for this Congressman who sat at his table in his home. His request to me was: "Please do not let the Government take over health care because I understand that it will dull the advance of medical technologies," because he said his hope was that he might heal one day which rests in our advanced medical technologies. He understands that. He, of anyone, understands that.

Let me comment on some other people in Indiana.

On the issues that were discussed here tonight, whether it was abortion, or increasing taxes for health care, I recently had sent out a questionnaire back in Indiana. It was very interesting. I have now received over 5,000 responses in Indiana.

The first question was: "Do you favor increased taxes to pay for federally mandated universal health care?"

Overwhelmingly, of the 5,000, only 498 said yes; 4,479 said no to increased taxes.

The second question: "Should abortions be included as part of an overall health care coverage for all Americans?"

Of the 5,000 responses, Madam Speaker, 625 said yes; 4,370 said no to abortions in health care.

On the issues of the impact on the small business sector that the gentleman from Texas [Mr. DELAY] and the gentleman from Michigan [Mr. SMITH] spoke about here tonight, let me share with my colleagues some comments from a health care questionnaire from Indiana. One is an individual, a small business person, from Williamsport, IN. They say:

> We are a family owned business. It would be a financial hardship, and I would have to evaluate whether or not I can stay in business if the government would force me to pay for health care. A small company such as ours doesn't net very much, but we provide jobs which helps the local economy. Unexpected expenses could be major problems for us. If the government determines the cost of business such as ours, the amount is apt to be unrealistic. I don't believe they know what small really is.

Another small business in Demotte, IN. This small businessman writes:

> We are a family owned feed business employing 14 people that is celebrating 40 years of business this year. Our dad taught us to manage funds carefully and grow in the free enterprise system. Frankly it scares me to see the government getting involved in health care reform because the costs always exceed the benefits. Our government just cannot operate as sufficiently as the private sector. Having said that, we feel it would be best to let the market adjust to health care as it is already doing.

I partly agree with the gentleman. I think there are things we can do right now, but not let the Government take over the health care system.

Another gentleman writes from Kokomo, IN:

> Any employer mandate or mandate to force me into cover health insurance costs for my employees will result in nine unemployed people. If the government is so concerned about their needs, then they can take care of them. There are nine employees, seven wives and seven children.

I mean the list goes on, and on, and on. I think what is important though is in this health care debate, and what is real is that there are many different plans out there.

But what is pragmatic, my colleagues, is that I do not control the process here in the Congress. The process inside the Congress is not controlled by conservative Democrats either. It is controlled by the liberal side of the Democrat Party and their goal as a single payer plan for America, and they want it. They want it. It was Senator JAY ROCKEFELLER who said that we are going to pass health care reform whether the American people want it or not. That is his quote.

Now, Madam Speaker, when they say, "National health care reform," what they mean is government controls of health care. When conservatives say, "National health care reform," we are talking about incremental reforms to the present system to provide access. That is what we want to do, and the American people deserve no less than to have the opportunity to review a health care plan, not a plan that is drafted in the back rooms of this Congress. So, if a plan is drafted in the back rooms, demand an opportunity to see it, and that is what we will do.

□ 2110

GENERAL LEAVE

Mr. BUYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the special order just presented.

The SPEAKER pro tempore (Mrs. THURMAN). Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. LEHMAN (at the request of Mr. GEPHARDT), for today, on account of travel problems.

Mr. CLEMENT (at the request of Mr. GEPHARDT), after 5:45 p.m. today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BUYER) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on July 27, 28, and 29.

(The following Members (at the request of Mr. SYNAR) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BUYER) and to include extraneous matter:)

Mr. LUCAS.
Mr. EMERSON in two instances.
Mr. BEREUTER.
Mr. MCDADE.
Mr. CRANE.
Mr. HORN.
Mr. MCINNIS in four instances.

(The following Members (at the request of Mr. SYNAR) and to include extraneous matter:)

Mrs. MALONEY.
Mr. PICKETT.
Mr. LAFALCE.
Ms. SLAUGHTER.
Mr. ANDREWS of Texas.
Mr. SYNAR.
Mr. KOPETSKI.
Mr. HOAGLAND.
Ms. KAPTUR.

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles: On July 21, 1994:

H.R. 572. An act for the relief of Melissa Johnson;

H.R. 1346. An act to designate the Federal building located on St. Croix, Virgin Islands, as the "Almeric L. Christian Federal Building";

H.R. 1873. An act to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need;

H.R. 2532. An act to designate the Federal building and United States courthouse in Lubbock, Texas, as the "George H. Mahon Federal Building and United States Courthouse";

H.R. 3770. An act to designate the United States courthouse located at 940 Front Street in San Diego, California, and the Federal building attached to the courthouse as the "Edward J. Schwartz Courthouse and Federal Building";

H.R. 3840. An act to designate the Federal building and United States Courthouse located at 100 East Houston Street in Marshall, Texas, as the "Sam B. Hall, Jr. Federal Building and United States Courthouse."

On July 22, 1994:

H.R. 4322. An act to amend the Small Business act to increase the authorization for the development company program, and for other purposes.

ADJOURNMENT

Mr. BUYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Tuesday, July 26, 1994, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3568. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's sixth special impoundment message for fiscal year 1994, pursuant to 2 U.S.C. 685, (H. Doc. No. 103–284); to the Committee on Appropriations and ordered to be printed.

3569. A letter from the Director, Federal Housing Finance Board, transmitting its annual report for the 1993 calendar year, pursuant to 12 U.S.C. 1422a; to the Committee on Banking, Finance and Urban Affairs.

3570. A letter from the Director of Employee Benefits, Farm Credit Bank of Baltimore, transmitting the Farm Credit District of Baltimore retirement plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3571. A letter from the Vice President, Farm Credit Bank of Texas, transmitting the annual report for the Farm Credit Banks of Texas pension plan for 1993, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3572. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the 1993 U.S. Courts: selected reports, containing the proceedings of the judicial conference, a summary of the activities of the administrative office, and a summary of the business of the Federal courts for the fiscal year, pursuant to 28 U.S.C. 331; 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

3573. A letter from the Secretary of Agriculture, transmitting the fiscal year 1993 report on advisory and assistance services, pursuant to Public Law 101-161, section 641(a)(1) (103 Stat. 986); jointly to the Committees on Appropriations and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 4228. A bill to extend Federal recognition to the United Auburn Indian Community of the Auburn Rancheria of California; with an amendment (Rept. 103-619). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians (Rept. 103-620). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 1357. An act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes (Rept. 103-621). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SYNAR (for himself and Mr. Lucas):

H.R. 4821. A bill to establish the Honey Springs National Battlefield and Washita Battlefield National Historic Site in the State of Oklahoma, and for other purposes; to the Committee on Natural Resources.

By Mr. SHAYS (for himself, Mr. Swett, Mr. Dickey, Mr. Mann, Mrs. Fowler, Mr. McHale, Mr. Bartlett of Maryland, Mr. Torkildsen, Mr. McKeon, Ms. Shepherd, and Mr. Fingerhut):

H.R. 4822. A bill to make certain laws applicable to the legislative branch of the Federal Government; jointly, to the Committees on House Administration, Education and Labor, Government Operations, Rules, and the Judiciary.

By Mr. ANDREWS of Texas:

H.R. 4823. A bill to amend the Internal Revenue Code of 1986 to encourage the preservation of Civil War battlefields for public purposes; to the Committee on Ways and Means.

By Mr. DORNAN (for himself, Mr. Doolittle, Mr. Crane, Mr. Smith of New Jersey, Mr. Stearns, Mr. Solomon, Mr. Santorum, Mr. Livingston, Mr. McHugh, Mr. Lipinski, and Mr. Hyde):

H.R. 4824. A bill to amend title 18, United States Code, to prevent the misuse of certain antiracketeering laws; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 4825. A bill to amend title 5, United States Code, to establish procedures for the handling of claims for compensation for work injuries; to the Committee on Education and Labor.

By Mr. SCHIFF:

H.R. 4826. A bill to amend the Wilderness Act to permit the landing of aircraft within wilderness areas for purposes of search and rescue under certain circumstances; to the Committee on Natural Resources.

By Mr. SENSENBRENNER:

H.R. 4827. A bill to prohibit acquisitions of land or waters for the National Wildlife Refuge System if wildlife refuge revenue sharing payments have not been made for the preceding fiscal year; jointly, to the Committees on Merchant Marine and Fisheries and Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. McCollum, Mr. Ackerman, Ms. Eddie Bernice Johnson of Texas, and Mr. Nadler):

H.R. 4828. A bill to improve the regulation of explosives and explosive materials, and to prevent the use of explosives against persons and the unlawful use of explosives against property; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mr. Porter, Mr. Frost, Mr. Smith of New Jersey, Mr. Wolf, Mr. Johnson of South Dakota, Mr. Pastor, Mr. Waxman, Mr. Moran, Mr. Berman, Ms. Slaughter, Mr. Hochbrueckner, Mr. Orton, Mr. Richardson, Mr. Flake, Mr. Lantos, Mr. Bateman, Mr. Towns, Mr. Wilson, Mr. Torricelli, Mr. Serrano, Mr. Hastings, Mr. Lipinski, Mr. Gordon, Mr. Walsh, Mr. McNulty, Mr. Gilman, Ms. DeLauro, Mr. Cardin, Mr. Fish, Mr. Clement, Mr. Swett, Mrs. Meyers of Kansas, Mr. Lancaster, Mr. Dellums, Mr. Hughes, Mr. Ackerman, Mr. Lehman, Mr. McCloskey, Mr. Bilbray, Ms. Norton, Mr. Markey, Mr. Applegate, Mr. DeFazio, and Mr. Romero-Barcelo):

H.J. Res. 393. Joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day"; jointly, to the Committees on Post Office and Civil Service and Foreign Affairs.

By Mr. ANDREWS of New Jersey (for himself and Mr. Meehan):

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress regarding the termination of subsidies for the export of durum wheat from the United States; to the Committee on Agriculture.

By Mr. TOWNS (for himself, Mr. Nadler, and Mr. Gilman):

H. Con. Res. 272. Concurrent resolution calling upon the Secretary of State to instruct the American Embassy and Consular officials throughout the world to convey the concern of the American people over the desecration of the dead and to assist groups and individuals who seek to protect the integrity of cemeteries and the repose of the dead; to the Committee on Foreign Affairs.

By Mr. SWIFT:

H. Res. 488. Resolution providing for the concurrence by the House, with an amendment, in the amendment by the Senate to the bill H.R. 868; considered under suspension of the rules and agreed to.

By Mr. CONDIT (for himself, Mr. Clinger, Mr. Peterson of Minnesota, Mr. Roberts, Mr. Penny, Mr. Schiff, Mr. Pete Geren of Texas, Mr. Mica, Mr. Portman, Mr. Hayes, Mr. Castle, Mr. Stenholm, Mr. Pombo, and Mrs. Thurman):

H. Res. 489. Resolution providing for the consideration of the bill (H.R. 140) to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

454. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to suspension of the enhanced automobile inspection and maintenance program; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. Lazio.

H.R. 70: Mr. Coppersmith.

H.R. 193: Mr. Armey, Mr. Baker of Louisiana, Mr. Ballenger, Mr. Calvert, Mr. Canady, Mr. Crane, Mr. Doolittle, Mr. Ewing, and Mr. Hyde.

H.R. 643: Ms. Schenk.

H.R. 688: Mr. Bachus of Alabama, Mr. McDade, Mr. Livingston, and Mr. Kingston.

H.R. 790: Ms. Schenk.

H.R. 998: Ms. Schenk.

H.R. 1572: Mr. Talent.

H.R. 1621: Ms. Schenk.

H.R. 1673: Ms. Schenk.

H.R. 2036: Mr. Schaefer.

H.R. 2088: Mr. Deutsch, Mr. Hoagland, and Mr. Rahall.

H.R. 2132: Mr. Kennedy.

H.R. 2365: Mr. McHale.

H.R. 2420: Mr. Johnson of Georgia, Mr. Skelton, Mr. Gingrich, and Mr. Ackerman.

H.R. 2427: Mr. Ballenger.

H.R. 2467: Mr. Cunningham.

H.R. 2767: Ms. Slaughter.

H.R. 2873: Mr. Payne of Virginia.

H.R. 2959: Mr. Steans, Mr. Gilchrest, Mr. Hyde, Mr. Rahall, Mr. Frost, and Mr. Porter.

H.R. 3207: Mr. Hoagland.

H.R. 3263: Mr. Abercrombie, Mr. Rangel, Ms. Eddie Bernice Johnson of Texas, Mrs. Collins of Illinois, Mr. Klein, and Mr. Kreidler.

H.R. 3293: Mr. Gunderson.

H.R. 3305: Mr. DeFazio.

H.R. 3407: Mr. Coleman, Mr. Neal of North Carolina, Mr. Levy, and Mr. Gejdenson.

H.R. 3475: Mr. Filner, Mr. Zimmer, Mr. Towns, and Ms. Lowey.

H.R. 3642: Mr. Gejdenson, Mr. Doolittle, Mr. McClosky, and Mrs. Unsoeld.

H.R. 3673: Mr. McHugh.

H.R. 3687: Mr. Coppersmith.

H.R. 3705: Mr. Pete Geren of Texas.

H.R. 3769: Mr. Brown of Ohio.

H.R. 3873: Mr. Tucker.

H.R. 3928: Mr. Doolittle, Mr. Baker of California, Mr. Pombo, Mr. Crapo, Mr. Hunter, Mr. Saxton, Mr. Hall of Texas, Mr. Clement, Mr. Parker, Mr. Thomas of California, Mr. Gilman, Mr. Dooley, Mr. Moorhead, Mr. Dreier, Mr. Gilchrest, Mr. Kim, Mr. Horn, and Mr. Smith of Oregon.

H.R. 3990: Mr. Applegate, Ms. Brown of Florida, Mr. Lightfoot, Mr. Moran, and Mr. Williams.

H.R. 3994: Mr. Filner.

H.R. 4051: Mr. Jefferson and Mr. Oberstar.

H.R. 4056: Mr. Traficant and Ms. Schenk.

H.R. 4062: Mr. Torkildsen.

H.R. 4300: Mr. Kreidler.

H.R. 4474: Mr. Mann, Mr. Bachus of Alabama, and Mr. Weldon.

H.R. 4589: Mr. Packard, Mr. Gilman, and Mr. Weldon.

H.R. 4592: Mr. Hutchinson.

H.R. 4617: Mr. Washington.

H.R. 4645: Mrs. Clayton.

H.R. 4657: Mr. Klug and Mr. Paxon.

H.R. 4695: Mr. Sawyer and Mr. Frank of Massachusetts.

H.R. 4737: Mr. Vento.

H.R. 4790: Mr. Clay, Mr. Wheat, Mr. Skelton, Mr. Emerson, Mr. Volkmer, Ms. Danner, Mr. Talent, and Mr. Hancock.

H.R. 4799: Mr. Studds.

H.J. Res. 388: Mr. Hochbrueckner and Mr. King.

H. Res. 255: Mr. Bereuter and Mr. Stearns.

H. Res. 270: Mr. Livingston.

H. Res. 434: Mr. Zimmer.

PETITIONS, ETC.

Under clause 1 of rule XXII,

115. The SPEAKER presented a petition of the Legislature of Rockland County, NY, relative to the Health Research Act of 1994; which was referred to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

DR. ELDERS' CONTROVERSIAL TENURE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. CRANE. Mr. Speaker, as Congress debates the best ways for improving our Nation's health care system, Joycelyn Elders, the U.S. Surgeon General, is systematically working to destroy the moral and, by extension, physical health of our country. Dr. Elders has advocated giving condoms to school children, regardless of their age, with little or no regard for the consequences. These consequences have included children bearing children and children acquiring sexually transmitted diseases because they were not adequately informed about the risks involved with engaging in sexual intercourse.

Unfortunately, Dr. Elders does not see the need to inform children about the alternative to sex, abstinence. In fact, she sneers at the idea and would rather hand a condom to a teen. Considering that AIDS is a 100 percent fatal disease and condoms, due to improper use and defects, are not 100 percent effective, certainly she should inform teens that sex with condoms could be fatal. However, as we know, Dr. Elders refuses to inform anyone of the failure rate of condoms, lest they lose faith in that form of contraceptive.

I have included an article from the June 13, 1994, issue of the Washington Times by Suzanne Fields in which she discusses Dr. Elders' controversial tenure as the Nation's top doc. I commend this article to the attention of my colleagues.

JOYCELYN ELDERS, SEX GURU GENERAL

Joycelyn Elders is a surgeon general who turns satire into public policy. She wants to bring sex "out of the closet," tell all the little school children how much fun sex can be, and introduce lesbian love to the Girl Scouts.

How else, she asks, can we reduce sexually transmitted diseases or teen-age pregnancies?

She might get laughs if she was a stand-up comic (Gilda Radner could have done it better), but as the leading doctor in the country, it's time for Dr. Elders to recognize that she is bad for our mental and physical health.

In an extraordinary interview with USA Weekend, she suggests giving condoms to 9-year-olds. "We have junior high school girls having babies, 12-year-olds, 9-year-olds," she said. "We had a girl in Arkansas who at 8 gave birth to twins. We must teach them responsibility and make sure they have the availability of a condom."

Suddenly everything becomes clear. Joycelyn Elders wants to reduce policy to the behavior of that 8-year-old mother of twins. Not so long ago she defended giving away condoms in school because "poor children in the Delta have to go 13 miles to get to the drug store and they don't have the money."

Once upon a time in America it was an article of faith that the poor, no less than the rich and the middle class, could behave to decent standards of morality. Some would fall along the way. So would some of their more privileged sisters and brothers. But it was unthinkable to suggest that public schools sponsor sex education courses and condom giveaways for youngsters simply because no one at home taught them that humans are held to a higher standard than dogs and cats. What they didn't learn at home about the value of truth, courage, compassion, friendship, self-discipline, restraint and responsibility was meant to be absorbed from the general culture, and from appeals to the accepted absolutes of right and wrong.

Attitudes toward sex, like everything else, were clearly understood to be part of a comprehensive value system and children, like adults, were judged according to their adherence to the ideals of the Judeo-Christian tradition. In Dr. Elders' analysis, those who uphold such ideals today, those who crave the decent life that comes with restraint rather than indulgence, are the cultural outsiders.

A society whose Top Doc appeals to the lowest common denominator guarantees that those who listen to her continue on a moral decline. A dramatic increase in sexual activity among teen-agers under the age of 18 during the past three decades—accompanied by soaring rates of sexually transmitted diseases and out-of-wedlock births—reflects the vulnerability of the next generation to produce even more afflicted children.

Many young girls, under 15, according to a new study from the Alan Guttmacher Institute, are led, some say forced, by older males. Doesn't statutory rape apply to them? Donna Shalala, secretary of Health and Human Services, says the study is "further proof of how badly teen-agers need our help to avoid having sex while they are still just children themselves."

The problem goes even deeper than that. Dr. Elders once noted that she didn't intend to put condoms on the cafeteria tray, but she might as well. Her rhetoric reduces sex to the moral equivalent of hamburgers and fries. When she applauds abstinence, she does it as a sop to a speechwriter's work, without conviction. In fact, the Clinton administration seeks to zero fund the small abstinence-oriented school programs that encourage young men and women to bask in the self-esteem that inevitably accompanies self-discipline.

But here's a better idea for Dr. Elders: Why not push comprehensive character-building classes aiming at a better life? Not many parents would object to their 8-year-olds learning the Golden Rule and its implications for society. Teachers could have them read—or read to them—from "The Book of Virtues," Bill Bennett's best selling collection of moral wit and wisdom of the giants of the ages. These stories contribute to literacy as well as good habits (which include health).

"I dare say you can't teach reading, writing and 'rithmetic, to children who are not physically, emotionally and psychologically fit," says Dr. Elders. (But, by golly, you can teach them how to put on a condom.)

Over the past 30 years we have sexualized children so as to rob them of their innocence, interrupting their personal fantasies with technical information that only undercuts aspirations toward self-control and self-discipline. As long as we continue to "dumb down" sex, we make it more difficult for children to hear the better angels of nature.

TRIBUTE TO BEA VIDAKOVICH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. MCINNIS. Mr. Speaker, I rise today to honor Bea Vidakovich who was awarded Mother of the Year by the Glenwood Springs Chamber Resort Association. Bea, who is a 40-year resident of Glenwood Springs was nominated by her six children for the award.

Bea has dedicated her life to raising her children to be valuable and honorable people. She has always had an abundance of strength, individuality, and love. Her fine characteristics have made her a strong role model for her children.

Her children have followed her example and have accomplished much for themselves. Three of her children, Dick, Mike, and Tom are teachers in various schools in the Third Congressional District. Her daughter, Peggy, is a paramedic in Aspen, and her other daughter, Norma Jean Filson, is a secretary at Green Mountain High in Lakewood, CO. Her fourth son, Jim, lives in Los Angeles, and works for the Children's Television Workshop.

In addition to raising her family, Bea has been extremely active in her community. She has been involved in numerous Eagle events such as their Sunday pancake breakfast and rummage sales. She has worked for the Cancer Bowl-a-Thon and has acquired money for hospice, as well as charities benefiting patients of diabetes, heart disease, and cancer. She worked as a chief dispatcher for Garfield County, and for more than 20 years she served as an election clerk and judge for local and national elections.

When Bea has some spare time, she enjoys a diverse assortment of hobbies and activities—such as bowling, crocheting, and traveling.

I am very proud to have such a dedicated and devoted constituent as Bea Vidakovich. I commend her on receiving such a prestigious and important award.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNITION OF THE WORK DONE BY UNIT 389 OF THE AMERICAN LEGION AUXILIARY OF CHAFFEE, MO.

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. EMERSON. Mr. Speaker, I rise today to salute the outstanding contributions of Unit 389 of the American Legion Auxiliary of Chaffee, MO. This Auxiliary works with the hundreds of American Legion Auxiliarys across our Nation that proudly pay tribute to our veterans, ensuring that those who served and those who paid the ultimate sacrifice will always be remembered. The American Legion Auxiliary's efforts reflect not only their appreciation for Missouri's veterans, but also their interest in bettering the community as a whole.

In the interest of enhancing the appearance of their community, the Auxiliary has created an "Americanism Program" which provides flags to members of the community and replaces torn or faded flags being flown about the town. The Auxiliary has also developed a tree program which replaces trees lost to storms or disease. To date, 131 flowering and shade trees have been furnished to citizens and to the city park.

The Auxiliary supports the youth of their community by sponsoring Youth League Baseball, the Boy Scouts and Girl Scouts, and by developing drug education programs in the local schools. Further, the Auxiliary distributes pamphlets to help educate the youth of Chaffee on health and safety issues.

The retired citizens of Missouri also benefit from the work of the Auxiliary. The members spend time at the Missouri Veterans Home at Cape Girardeau, visit the Advance Nursing Care Center and sponsor bingo games at the Chaffee Nursing Center.

As Americans, our gratitude is not only directed to our veterans, but also to Auxiliaries, such as Unit 389 in Chaffee, which give support to military service people past and present, their families and communities. I commend the members of Unit 389 of the American Legion Auxiliary for their service to the community, the State, and country. These individuals exemplify the character and dedication that has continued to make the United States the greatest, freest nation in the world.

THE CIVIL WAR BATTLEFIELDS PRESERVATION TAX INCENTIVES ACT OF 1994

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. ANDREWS of Texas. Mr. Speaker, I rise today to introduce the Civil War Battlefields Preservation Tax Incentives Act of 1994. This legislation amends the Tax Code to provide incentives to private landholders to preserve significant battlefields. The bill would codify the recommendations of the Civil War Sites Advisory Commission, which was established in 1991 to assess the state of our Nation's Civil War battlefields, and it is the first step in what I believe should be a comprehensive effort to preserve this part of our Nation's rich history.

The Civil War is the single most important event in our Nation's history. America's social and economic foundations before the war were forever changed by the war, and its impact continues to affect our national debate. The Nation was infused, in President Abraham Lincoln's words, with a "new birth of freedom." It is not by coincidence that students in this country divide their study of American history by the Civil War. Civil rights, women's rights, economic and trade policy were issues driven into the 20th century by the Civil War. America was a different country before the war, and it was a different nation after the war.

And so, understanding the Civil War—its reasons, its battles, its politics, its costs, its significance—is important in understanding who we are as a nation and where we are going.

Often, however, grasping the significance of events more than 125 years ago is difficult, especially when they are explained in the context of abstract political theories. There is, however, one tangible legacy of the war—its battlefields. With names like Antietam, Chancellorsville, the Wilderness, and Glorietta Pass, many remain today, undisturbed as reminders and lessons, to see and to feel. Our generation's obligation to our history is to protect these important sites from destruction or permanent change.

The Civil War Battlefields Preservation Tax Incentives Act of 1994 is a first step in this effort. This legislation would allow a deduction from gross estate for tax purposes for heirs to make a post mortem easement donation of land within a Civil War Battlefield Site as designated by the Civil War Sites Advisory Commission; eliminate the $750,000 limitation under section 2032(a) for property which is within a Civil War Battlefield, allowing for a devaluation of estate land for tax purposes above and beyond the $750,000 limit for devaluation allowed under section 2032(a); and convert the current federal income tax deduction for charitable donation of historic land to a 50 percent tax credit for contribution of land within a Civil War battlefield. By providing such tax incentives for preservation purposes, we would promote voluntary, private preservation effort that might otherwise not occur.

Mr. Speaker, I believe that this issue is very important. If we are to the pass down our Nation's rich heritage to our children and their children after them, we must strive to improve our preservation efforts and evaluate the many alternatives before us that will aid us in this task. We must look forward and anticipate potential problems and conflicts and work to resolve them early on, not waiting until it is almost too late, much like what happened just a few years ago with the battlefield of Second Manassas. Certainly, appropriate economic development is meritorious, and I support it. But, we can always build shopping malls—we can never rebuild battlefields.

I hope that through legislative efforts like the Civil War Battlefields Preservation Tax Incentives Act we can ensure that we never face the possibility of rebuilding battlefields. I believe this can happen. Today marks a positive step in our efforts to preserve the history which the Civil War left us. I hope that it will spark a renewed interest in this cause in Congress, in the historic areas themselves, and among the American people as a whole.

INTRODUCTION OF LEGISLATION ESTABLISHING HONEY SPRINGS NATIONAL BATTLEFIELD AND WASHITA BATTLEFIELD NATIONAL HISTORIC SITE

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. LUCAS. Mr. Speaker, I rise today with my colleague, the senior House Member from Oklahoma, Mr. SYNAR, to introduce the Honey Springs National Battlefield and Washita Battlefield National Historic Site Act of 1994.

These two sites represent two of the most significant historical events that took place in the region that is now our State of Oklahoma. Prior to the great landruns of the late 1800's and statehood in 1907, Oklahoma was referred to on most maps by the name "Indian Territory". In the 1860's, Indian Territory truly represented our Nation's western frontier. It was a land populated by indigenous Indian tribes, Indian tribes who had been forcibly settled due to Anglo expansions in the East, Union Forces, Confederate Forces, and freed slaves.

The Battle of Honey Springs on July 17, 1863, and the Battle of Washita on November 27, 1868, helped map the course of history of both the Union dominance in the West following 1863, and the U.S. Army's treatment of the Indian population following the American Civil War.

While I am sure Mr. SYNAR will go into greater detail about Honey Springs, I must state this battle represented the highwater mark of the Confederacy's dominance in Indian country. Its significance cannot be understated. It was one of the few multiracial engagements of the Civil War, as it pitted Indians along side with Anglos and African-Americans fighting against similar forces on the other side. It is truly deserving of this designation.

The Battle of Washita, whose site is in my district, the sixth District of Oklahoma, was the largest engagement between plains tribes in Indian territory and the U.S. Army. It had significant impact to both the history of the Cheyenne Tribe and the U.S. Army's dealings with native-Americans.

In the early morning hours of November 27, 1868, Lt. Col. George A. Custer led his 7th Cavalry in a fatal attack on the sleeping village of Cheyenne Peace Chief Black Kettle. Over 150 inhabitants of this village were killed or wounded, many of whom were women and children. This Custer victory is seen as a precursor to his later defeat at Little Big Horn where he engaged many of the same tactics he used on this Cheyenne village.

For the plains tribes, the engagement represents a solemn reminder of their struggles against reservation confinement and their fight to maintain traditional lifestyles.

It also must be stated that this site retains much of the same character as it did in 1868 and that it is already a registered National Historic Landmark.

Both Representative SYNAR and I, along with the National Park Service, have had the opportunity to hold public hearings with the landowners of both of these impacted areas. These hearings have given the citizens of both sites the ability to raise questions, concerns, and listen to the Park Service's plans for each site. You can be assured that we will continue to have these kind of events throughout the process as we work to give these two historic battles the national recognition they deserve.

In closing, I would like to thank Mr. SYNAR for his efforts on this bill. I further would like to thank Bob Blackburn of the Oklahoma Historical Society who has spearheaded these actions and would commend the Park Service for their guidance in this process.

INTRODUCING A BILL TO DESIGNATE THE HONEY SPRINGS AND WASHITA BATTLEFIELDS AS NATIONAL PARKS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. SYNAR. Mr. Speaker, it is with great pleasure that I and my colleague from Oklahoma, the Honorable FRANK LUCAS, introduce this bill to designate the Honey Springs and Washita Battlefield Sites as national parks. Oklahoma is rich with history and natural beauty, and, if enacted, these battlefield sites would be the first national parks in our great State.

For many years, Oklahoma has recognized the historical importance of these sites and considered them to be of value to the Nation, as well. In 1993, the Oklahoma Legislature created the Oklahoma Battlefield Commission to identify and promote the preservation of notable battlefield sites in our State. The commission found that the battles of Honey Springs and Washita were particularly important and worthy of inclusion within the National Park System.

The Battle of Honey Springs, which is in my district, was fought on July 17, 1863. Honey Springs may have been the most racially diverse battle of the Civil War and led to Union control over Indian territory in our area of the country for the rest of the war. Indeed, the Civil War Sites Advisory Commission's recent Report on the Nation's Civil War Battlefields includes Honey Springs among the major campaigns not currently represented in the National Park System.

The Battle of the Washita, on November 27, 1868, was one of the largest engagements between plains tribes and the U.S. Army on the southern Great Plains. Lt. Col. George A. Custer, leading the 7th U.S. Cavalry, attacked the sleeping Cheyenne village of Chief Black Kettle and inflicted more than 150 Indian casualties, many of them women and children. The Battle of Washita symbolizes the struggle of the southern Great Plains tribes to maintain their traditional ways of life and not to submit to reservation confinement.

Before introducing this legislation, both Mr. LUCAS and I held public information meetings in our districts to seek input from representatives of local communities, Indian tribes, effected landowners, and concerned citizens on the proposal to include these battlefield sites within the National Park System. As we move forward with this legislation, we remain committed to a process that guarantees full public disclosure and public input. We want national parks that all Oklahomans and other citizens of this country can take justified pride in, and which enjoy the continued strong support of the local communities.

At this time, I would also like to recognize several people who have endeavored for years to designate Honey Springs Battlefield as a national park. In particular, I would like to thank Dr. Leroy Fisher, the historian on Honey Springs; Lee Stidham, president of the Friends of Honey Springs; Emmy Scott Stidham, and all the other members of the Friends; Dr. Bob Blackburn and Mr. J. Blake Wade of the Oklahoma Historical Society; Gov. David Walters; State Senator Frank Shurden; State Representative Chester "Dusty" Rhodes; State Representative John Bryant; Checotah Mayor Mike Earlywine; Cherokee Chief Wilma Mankiller and Deputy Chief John Ketcher; Creek Chief Bill Fife; and, the many, many others that have labored long and hard to make this dream a reality. In addition, I would like to thank officials of the National Park Service, including Director Roger Kennedy, Edwin Bearss, Chief Historian, and Doug Faris, Associate Regional Director, Southwest Region of the National Park Service, and members of their staffs for their valuable assistance and support in this endeavor.

Mr. Speaker, I urge all our colleagues to join Congressman LUCAS and me in support of this important legislation.

TRIBUTE TO DR. H. DALE THOMAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to speak of a most important citizen in the Third Congressional District, Dr. H. Dale Thomas. Dr. Thomas was recently honored for his 36 years of service to the San Luis Valley, when more than 100 people attended a surprise party and buffet dinner in his honor.

Dr. Thomas began his lifelong work in 1959 when he opened the La Jara Clinic. When the Conejos County Hospital opened in 1963, Dr. Thomas was its first physician. Although Dr. Thomas was offered jobs elsewhere, he chose to stay and work in the San Luis Valley, because he believed he could help bring quality health care to the valley. Dr. Thomas has been dedicated to his patients, as well as the residents of this beautiful area of Colorado.

In his work, Dr. Thomas has delivered nearly 3,000 children and has performed nearly 20,000 surgeries—clearly indicative of an outstanding career.

There are two aspects of his work he enjoys most. First, he still marvels every time he brings another human being into the world. Second, he loves working with older people who are so dependent upon the quality of care their physician can provide.

Through his dedicated work to medicine, Dr. Thomas has earned the respect of all his patients and peers. He has worked hard to research and study everything he can about his profession, so that he can help his patients in every way possible. Additionally he finds that through his devoted work with his patients, he is also serving God.

I am extremely proud to have a man like Dr. Thomas in the Third Congressional District. He epitomizes the dedication that doctors have for their patients and profession. I applaud him for all his accomplishments as a doctor and surgeon.

KENDALL SIKES: CIVIC ROLE MODEL

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. EMERSON. Mr. Speaker, communities all across America have outstanding sons and daughters who labor mightily, devotedly, unceasingly, often over a lifetime, to make those communities progressive, wholesome, desirable, safe and secure. These citizens are very often the largely unsung heroes and heroines that keep the fabric of our Nation knitted as tightly and as securely as it is; unfortunately we sometimes take them for granted or assume they will always be there, and fail to thank them for their labors or note their contributions until they have left us.

Fortunately, Kendall Sikes was recognized by his community for his leadership and service and contributions, and he was loved by his community just as he loved it. His passing last month left a void in Sikeston, and Scott County and southeast Missouri. His hometown newspaper, the Sikeston Daily Standard Democrat paid him a beautiful tribute at the time of his death, and I include it following my remarks. I hope it will be an inspiration to young people, and to people all across our great country, who wonder if they, as individuals, can make a difference. Of course they can. Kendall Sikes would be an outstanding role model for anyone aspiring to civic leadership and an example to emulate.

[From the Sikeston Daily Standard Democrat]

KENDALL SIKES DEVOTED TIME, TALENT TO SIKESTON

The term "civic leader" is often overused these days. We use the term to describe someone who has devoted their life to improving their community. Yet the term must be earned—and it should not be bestowed easily.

By any definition, Kendall Sikes was a civic leader. He realized early in life that you have an obligation and a responsibility to give back to the community. And he gave his time, his talent and his devotion to this community. Sikeston is clearly better because of his involvement. The same can be said for few people these days. Kendall Sikes lived his involvement each and every day of his life.

It does no good to list the accomplishments of this dedicated man. It's much easier to witness the progress that he brought to the activities he touched. Missouri Delta Community Hospital would most probably not enjoy the growth and progress were it not for the countless hours Kendall Sikes devoted. Few men, if any, served with the character and skill on the city council as did Kendall Sikes. The Jaycees would not have become a reality without the moving force that Kendall Sikes possessed.

Each day, Kendall Sikes was an example of what a small town should be. In both leadership roles and behind the scenes, Kendall Sikes worked tirelessly to improve his community. Can you imagine where we would be if there were a dozen Kendall Sikes in this community?

Among our community's highest honors is the title Man of the Year. Kendall Sikes received that title nearly 40 years ago! Can you imagine that his list of accomplishments and his love and devotion to this community spans that amount of time? Other lesser men would have taken the accolades and slipped into the background. Not Kendall Sikes. His was a labor of love for a community that bears his name. His family and friends can stand with understandable pride when Kendall Sikes' name is mentioned. His legacy is stamped on dozens of community projects that have brought pleasure and progress. No greater compliment can be paid.

Our community this week lost a leader. And a friend.

INTRODUCTION OF THE BOMBING PREVENTION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Ms. SLAUGHTER. Mr. Speaker, last week in a courtroom in my hometown of Rochester, NY, the prosecution of alleged bomber Michael Stevens continued. He and his friend, Earl Figley, stand accused of sending a coordinated string of package bombs all around western New York shortly before New Year's Day. Five people were killed by those bombs—murdered in cold blood by remote control.

According to authorities, the two New Yorkers obtained their explosives by showing phony Vermont identification to a vendor in Kentucky. My constituents and I were shocked by the ease with which these two disturbed individuals apparently bought deadly dynamite over the counter. And the longer I looked at current explosives laws, the more gaping loopholes I found.

As my colleagues may remember, in April this House passed my amendment to the crime bill, which will correct some of the most glaring problems. Now it is time to finish the job. Today I am introducing the Bombing Prevention Act, which will achieve comprehensive reform of explosives regulation.

I have drafted this bill in consultation with the Treasury Department, ATF, and the explosives manufacturing industry. All these parties agree that comprehensive reform is long overdue. Allow me to summarize the major points of this legislation in brief.

The Bombing Prevention Act would require those who purchase explosives to hold a Federal permit, and would mandate a background check to get such a permit. In some States, a purchaser is not even required to register a name, and can buy a stick of dynamite as easily as a loaf of bread. This legislation sets the standard nationwide, not State by State. The effective regulation of interstate commerce in explosives is no longer feasible without such a system in place.

The Bombing Prevention Act also redefines the exemptions currently in place for black powder and smokeless powder, currently set at 50 pounds for the former and a complete exemption for the latter. In recent years, about one-third of criminal bombing incidents have involved these two explosive materials. At the same time, many Americans enjoy sporting and cultural activities which employ black or smokeless powder. It is therefore very important to balance safety measures against the danger of imposing too many burdensome requirements. For that reason, the bill exempts five pounds of black or smokeless powder from the permit requirement.

Finally, the bill acts to protect innocent people from bombs made of plastic explosives. Just such a bomb was used in the terrorist attack on Pan Am flight 103, which exploded over Lockerbie, Scotland. That tragedy killed all 270 passengers. After the Pan Am disaster, the United States worked with other nations to negotiate a treaty, which was approved by the Senate. This treaty, the Montreal Convention, would require plastic explosives to include a special chemical that would make the material detectable at security checkpoints. Such a system could have prevented the explosives in the Pan Am case from getting on the plane at all. Unfortunately, despite our ratification of the Convention, Congress has not passed implementing legislation to bring our laws into compliance. The Bombing Prevention Act would make the necessary changes.

Mr. Speaker, the number of criminal bombing incidents in this country has doubled in the last 6 years. This unprecedented increase cannot continue unchecked. We need to act now against these particularly cold-blooded killers. We must not wait for another attention-grabbing attack. In addition to the incidents I've mentioned, we have seen mail bomb attacks on a judge and a civil rights activist in the South, a string of bombings at abortion clinics, and the terrorist attack on the World Trade Center in recent years. How much more evidence do we need of the pressing need for stronger laws?

I urge my colleagues to cosponsor the Bombing Prevention Act, and I hope this House will take swift action to enact comprehensive reform of our explosives laws.

TRIBUTE TO FORMER MINORITY LEADER SENATOR HUGH SCOTT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. MCDADE. Mr. Speaker, it is with great sadness that I inform my colleagues of the death late last week of one of the Nation's and Pennsylvania's finest public servants, former Senate minority leader Hugh Scott.

Senator Scott served with excellence and distinction for 18 years in the U.S. House of Representatives, beginning in 1940, and for three terms as Senator. He was elected Senate minority leader in 1969 after the death of Everett M. Dirksen.

Those of us who were fortunate enough to serve with Hugh warmly recall a principled man who fought with skill and determination for the best interests of the Commonwealth of Pennsylvania and the Nation. He was a goal-oriented practitioner who used his considerable talents as a most effective representative of the people of Pennsylvania and a forceful leader of Senate Republicans.

With his brand of moderate Republicanism and tenacious constituent service, Senator Scott set the stage for the success of many future Pennsylvania Federal officeholders.

I remember vividly how innovative and stalwart he could be in fighting for the jobs of his constituents. He helped to convince the Pentagon to shift the mission of the Tobyhanna Army Depot to electronics, thereby insuring that the depot, now the largest employer in northeastern Pennsylvania, would remain open.

Senator Scott served as minority leader during the difficult Watergate and Vietnam war years. He could be a tough partisan, but he was also able to forge alliances so that the interests of the Nation were served.

The current Senate minority leader, BOB DOLE, put it best when he said: "Few Americans gave more of themselves to public service than Hugh Scott."

The country, the Republican Party, and the Commonwealth of Pennsylvania are all better because of the contributions of Hugh Scott. I feel privileged to have known him and worked with him. He will be rightfully remembered as a giant of American public service.

A memorial service will be held on Thursday, and he will be buried with military honors in Arlington National Cemetery.

TRIBUTE TO M. SGT. MELISSA Y. TITTLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. MCINNIS. Mr. Speaker, I rise today to honor M. Sgt. Melissa Y. Tittle of Glenwood Springs, CO. Sergeant Tittle was recently awarded the 1993 U.S. Air Force in Europe Medical Resource Management Noncommissioned Officer of the Year.

Sergeant Tittle's award recognizes her outstanding management and leadership qualities and the individual excellence she has displayed as an Air Force officer.

Furthermore, the award praises her outstanding duty and performance as a noncommissioned officer, for providing needed medical resource management at a unit level.

Not only is Sergeant Tittle a member of the U.S. Air Force, but additionally, she is also a member of the prestigious U.S. Air Force stationed in Europe. Her current assignment is to the 48th Medical Group for the Royal Air Force in the United Kingdom.

I am always proud to recognize the talented members of the U.S. Air Force. However, I am particularly proud to have the opportunity to acknowledge and commend Sergeant Tittle on this high honor, and this commendable award she has received from the U.S. Air Force. She is truly an exemplary citizen, and an asset to the Third Congressional District.

TRIBUTE TO NELSON GRACE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Ms. KAPTUR. Mr. Speaker, I rise today to pay special homage to a man of great devotion in my community. Nelson Grace, born in Evergreen, AL, in June 1935, died in Toledo, OH, in June 1994. Throughout his 59 years, he gave so selflessly of himself in pursuit of the betterment of humankind. He was constant presence wherever the need was greatest.

Nelson Grace arrived in Toledo after his honorable discharge from the U.S. Army in 1967. He immediately became an active participant in the affairs of our city, remaining so even after he became ill. Said one friend and long-time community leader:

> He touched so many lives and left a real legacy * * *. He worked hard not just for African-American people, but to improve things for everyone in the community.

For years an active member of the NAACP, Nelson Grace served on the Toledo Chapter's executive board and as its youth adviser. He taught the young people how our Nation's systems of government work, as well as many practical elements of daily living, such as how to write a resume and seek employment. He also served for several years as the director of the Toledo Board of Community Relations.

Perhaps Nelson's most significant public achievement was the creation of the Community Academy, founded in 1987. The Community Academy assists Toledo area youth earn their high school diplomas and provides encouragement to continue their education in college. Seeing the need for the academy's involvement in economic development, Nelson Grace developed the Toledo Business Development Corp., a small business incubator, currently comprised of 18 local companies. The incubator provides space to new and growing businesses, resulting in greater job opportunities for people in the heart of our community.

The loss of Nelson Grace is deeply felt on both a personal and professional level by many. His passing leaves a void in our community and in our hearts. Not only was Nelson a sparkplug in our community, but he was a gracious and charming person who cared deeply for his family, his friends, and all people. There are not many times in one's life when one encounters a man like Nelson Grace. I and all who knew him feel great privilege to have shared in his life and we express our gratitude for his life of dedication and, yes, true Grace.

IN HONOR OF CAPT. BARRY JANOV, USN, SHIPYARD COMMANDER, LONG BEACH NAVAL SHIPYARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. HORN. Mr. Speaker, today I rise to salute a long and distinguished military career. Capt. Barry Janov, the shipyard commander at the Long Beach Naval Shipyard, will be completing 26 years of dedicated service to our Nation when he retires on July 28. He is a skilled administrator, impressive leader, and articulate spokesman. I recall with admiration his impressive briefing when Base Realignment and Closure Commissioner Harry MacPherson visited the shipyard for a day and Secretary of the Navy John Dalton toured the yard prior to the commissioning of the U.S.S. *Curtis Wilbur.*

I recognize Captain Janov for his work not only as the shipyard commander during a very difficult time for its work force, but also for his many contributions throughout his career to both the Navy and the communities in which he has served.

His 26-year career is an exemplary one in which he distinguished himself and served his country well, both on land and at sea. As an ensign freshly graduated from the Naval Reserve Officers Training Corps Program at his alma mater, Villanova University, he served aboard the U.S.S. *Zellars* (DD–777) from 1968 to 1971, and then went back to sea as executive officer of the U.S.S. *Observer.* Captain Janov also served aboard the U.S.S. *Pharris* (FF–1094), the U.S.S. *Portland* (LSD–37), and the U.S.S. *Yellowstone* (AD–41). He was ship superintendent and type desk officer at Norfolk Naval Shipyard, maintenance officer on the staff of the Commander of the Naval Surface Group Middle Pacific in Pearl Harbor, assistant repair officer for surface ships and submarines at Pearl Harbor Naval Shipyard, and Assistant Chief of Staff for Maintenance and Engineering for the Naval Surface Force, U.S. Pacific Fleet. In 1991, he assumed command of the Long Beach Naval Shipyard.

During his tour of duty as commander of the Long Beach Naval Shipyard, Captain Janov has provided impressive, innovative leadership in what has been a period of major change. The shipyard has been under consideration for closure through the base realignment and closure [BRAC] process, creating much uncertainty for employees and customers alike. But through Captain Janov's strong, competent guidance and expert management, the shipyard and its work force are moving ahead productively through this difficult time. In fact, the management initiatives implemented under Captain Janov's leadership were cited by one of the BRAC Commission members, retired Navy Capt. Peter Bowmen, as setting the example for all naval shipyards when he told me that other shipyards in the Nation recognized that Long Beach was 4 years ahead of them in both quality control and cost effectiveness.

The management style which Captain Janov has brought to the Long Beach Naval Shipyard assures its continuation as an active industrial facility and thus maintains it as a much-needed source of thousands of jobs and millions of dollars in income to the 38th Congressional District and surrounding communities.

Captain Janov's leadership and in-depth knowledge of all aspects of the shipyard's operations have been directly responsible for the major improvements and the shipyard's resultant success.

During Captain Janov's tour of command, the Long Beach Naval Shipyard has distinguished itself with exceptional performance in the execution of shipwork for the U.S. Pacific Fleet. Since 1991, it has completed 39 depot maintenance availabilities, of which 32 were completed early or on time. Under Captain Janov's command, the shipyard has executed successfully two ship deactivations—the ex-U.S.S. *Missouri* and the ex-U.S.S. *Ranger*—and three foreign military lease activation and repair availabilities. Three more are starting work now.

Captain Janov also recognized the importance of quality of life issues to the men and women of the fleet, as well as the shipyard's civilian workers. He initiated an innovative work schedule using 4-day work weeks. Worker response was highly enthusiastic since crew members were assured 3-day weekends on which they could take care of personal business and enjoy time with their families. This alternative work schedule has also been lauded by the South Coast Air Quality Management District as a vital ingredient of an effective air pollution reduction campaign.

The credit for these successes belongs to the dedicated work force at the Long Beach Naval Shipyard and particularly to the inspirational leadership of Captain Janov. Please join me in congratulating Capt. Barry Janov on the culmination of a successful and rewarding career. We hope that he and his wife Deborah will enjoy a prosperous and happy future and that the country will continue to benefit from his talent and expertise as he moves to retired status.

Captain Janov has made innumerable contributions to his community, his Nation, and the Navy throughout his distinguished career. As he returns to civilian life, I know he will continue to play an essential role on behalf of his fellow citizens.

OXFORD STYLE DEBATE

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. KOPETSKI. Mr. Speaker, last Wednesday, July 20, I was honored to join my colleagues Mr. HOYER, Mr. DREIER, Ms. PELOSI, Ms. JOHNSON of Texas, Mr. WOLF, Mr. KOLBE, and Mr. SOLOMON in the third Oxford-style debate on the House floor. The debate addressed the following statement, "Resolved that the United States should use trade policy to implement human rights policy."

Importantly, this was the first bipartisan debate. The true winner in last week's debate was the House of Representatives. For America was able to watch eight Members debate policy options in a bipartisan manner for a problem our Nation confronts on a daily basis. Too often, the congressional observer through C-SPAN or another media outlet only sees the partisan side of politics and the House of Representatives. Clearly, there are many differences between the Democratic and Republican Parties on a wide variety of issues. However, it is important to showcase the parties working together in the interests of our Nation. Last week's debate did just that.

I also want to take this opportunity to clarify a point discussed in the debate. Specifically, I want to correct a response of mine to a question from Congressman SOLOMON. Congressman SOLOMON asked, "At what point, though, does the economic interest outweigh human rights interest?" I responded to Congressman SOLOMON with the following, "The human rights interest never outweigh the economic interest. The issue is what is the most effective means to change the human rights policies of a nation."

In the heat of the debate, I misspoke and it was not until afterward that I recognized my mistake. What I meant to say, and fervently believe, is human rights interests always outweigh the economic interest. I believe my comments throughout the debate are consistent with this clarification. The issue, as I said in response to Congressman SOLOMON'S question, is what is the most effective policy for the United States to pursue to bring real change to the human rights practices of a given country, and importantly, to the citizens of the country who struggle to survive daily under repressive and violent government.

Our side of the debate, Mr. DREIER, Ms. JOHNSON of Texas, Mr. KOLBE, and myself, simply argued that the path of free trade and diplomatic engagement produce healthier and more just societies, with higher human rights standards. South Korea, Argentina, Taiwan, and Chile all stand out as bright examples of closed societies opened by commerce and the resulting cultural and political influences associated with free trade.

In my opinion, the debate focused on the means or policy objectives to achieve human rights improvements wherever violations occur. The debate was not about concern for human rights, as this objective was shared equally by all participants.

Again, Mr. Speaker, I want to thank the House leadership, both majority and minority, for scheduling last week's debate. I also want to add my admiration for the debate's participants. Truly, this exercise was in the interests of the American people and the House of Representatives.

HAITI: THE UNITED STATES SHOULD NOT INVADE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. BEREUTER. Mr. Speaker, it has become increasingly clear that the Clinton administration is prepared to use military force to return Jean Bertrand Aristide to power in Haiti. This Member, like many other Members of Congress on both sides of the aisle, believes that such an invasion is a wholly inappropriate use of U.S. military power.

It is important to note that the vast majority of Americans oppose military operations in Haiti. The American people recognize that restoration of ousted President Aristide is not required by our national interest. As the July 19, 1994, edition of the Lincoln Star correctly noted:

> A military operation appeals to some frustrated members of the administration who may feel pressured to do something simply to show Clinton is not afraid to use force or act decisively. Maybe they mistakenly think victory would be simple. However, now is not the time, nor is Haiti the place, to make up for Clinton's poor handling of foreign policy. In fact, a poorly defined, unpopular, unilateral invasion will go a long way toward turning Clinton's foreign policy headaches into a real migraine.

This Member would ask that the July 19, 1994, editorial from the Lincoln Star entitled "Many Reasons Why the United States Shouldn't Invade," be printed following these remarks.

The article follows:

MANY REASONS WHY THE UNITED STATES SHOULDN'T INVADE

Sending American troops to fight and die in Haiti because we do not know what to do with the exodus of Haitians is a poor reason to invade.

And premature.

New sanctions, for the first time aimed solely at the country's elite, have only recently gone into effect. We ought to give them time to work.

Meanwhile, we could put our diplomatic muscle behind building a united front to enforce sanctions, aid refugees and plan for economic and peacekeeping assistance once the military regime collapses.

We could also work on getting regional support for a military mission, with exit strategy and troops from other countries, should sanctions fail and the situation be deemed intolerable.

To date, however, Clinton has not won the approval of the United Nations, the Organization of American States, the U.S. Congress, the American public, nor, it would seem, most Haitians, for a military invasion.

We go this one alone at the risk of alienating obvious allies, including the Haitians in whose name we fight. Nor has the president identified a national security interest that would justify the involvement of U.S. troops and the loss of U.S. lives.

Except for the boat people. Invasion seemed imminent in the week in which 10,000 Haitians took to the sea in rickety, overcrowded boats.

Whether it's racism or simply the overwhelming numbers of immigrants, U.S. policy has always treated refugees from Haiti differently. For a time, both former President Bush and Clinton turned them back without even an asylum hearing.

Our humanity demands now that we take responsibility for worsening the situation in their country. The price of imposing sanctions is sanctuary.

The U.S. should be prepared to accept some refugees and to enlist other Caribbean and Latin countries into doing likewise.

The administration understandably wants a democracy in Haiti.

But military invasion is a crude diplomatic tool. Lives will be lost; animosities engendered. Even supporters of ousted President Jean-Bertrand Aristide do not want their leader brought back on the shoulders of U.S. Marines.

Only Haitians can bring democracy to their tortured island. With no democratic institutions to draw upon, this will not be an easy task for them. It's one the U.S. and others could help with, but it's not something we can readily establish as an occupying force.

A military operation appeals to some frustrated members of the administration who may feel pressured to do something simply to show Clinton is not afraid to use force or act decisively. Maybe they mistakenly think victory would be simple.

However, now is not the time, nor is Haiti the place, to make up for Clinton's poor handling of foreign policy. In fact, a poorly defined, unpopular, unilateral invasion will go a long way toward turning Clinton's foreign policy headaches into a real migraine.

TRIBUTE TO LESLIE CASANOVA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1994

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to an outstanding citizen, Leslie Casanova, who after attaining her U.S. citizenship, is now a constituent of Colorado's Third Congressional District.

Leslie accomplished this outstanding goal on May 20, 1994, during a very busy time of her life. In addition to her studies to become a citizen, Leslie, a wife and a mother, is also a kindergarten teacher in Basalt, CO. She is as dedicated to her young students, as she is to her own child.

In addition, Leslie has worked as a substitute teacher, and was secretary to the headmaster of the Country Day School in Aspen, CO, but her first love is teaching kindergarten.

Leslie was only 10 years old when she first came to the United States from Saskatoon, SK. In June 1971, she graduated from Hudson High School in Wisconsin and then attended Fort Lewis College in Durango, CO. I am especially proud that Leslie graduated from Fort Lewis College, which is also in the 3d Congressional District, because it is my alma mater. Leslie graduated from Fort Lewis in 1975 with a bachelors degree in elementary education, and it was during those years in college that she married and had her first child.

Leslie is very athletic, as well as musical, and she is excellent at playing the recorder, piano, and cello. Additionally, she enjoys rock climbing, running and skiing.

I am proud to say that on May 20, 1994, Leslie officially became a U.S. citizen. I am pleased to have her as a constituent, and I congratulate her on this major accomplishment in her life. I know she will embrace her new found freedom, and that she is proud to be an American.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 26, 1994, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine the pricing of prescription drugs.
SD–342

10:00 a.m.
Finance
Business meeting, to resume mark up of proposed legislation to implement the Uruguay Round of Multilateral Trade Negotiations.
SD–215

Foreign Relations
To hold hearings on the nomination of Ralph Earle II, of the District of Columbia, to be Deputy Director of the U.S. Arms Control and Disarmament Agency.
SD–419

Judiciary
To hold hearings on the nomination of Lois Jane Schiffer, of the District of Columbia, to be an Assistant Attorney General, Department of Justice.
SD–226

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2253, to modify the Mountain Park Project in Oklahoma, S. 2262, to amend the Elwha River Ecosystem and Fisheries Restoration Act, and S. 2266, to amend the Recreation Management Act of 1992.
SD–366

Small Business
To hold hearings on the Small Business Administration's minority business development program, focusing on the implementation of the Business Opportunity Development Reform Act of 1988 (P.L. 100-656) and the recommendations of the Commission on Minority Business Development.
SR–428A

4:00 p.m.
Foreign Relations
To hold a closed briefing on the status of negotiations on Bosnia.
S–116, Capitol

JULY 28

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2121, to promote entrepreneurial management of the National Park Service.
SD–366

Governmental Affairs
To hold hearings to examine financial problems at Federal agencies, focusing on recent audits.
SD–342

Rules and Administration
To hold hearings on S. Res. 230, to designate and assign two permanent Senate offices to each State.
SR–301

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Judiciary
To hold oversight hearings on the activities and programs of the Department of Justice.
SD–226

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on S. 985, S. 1478, and S. 2050, bills to improve existing legislative authority regulating the use of pesticides and to insure public health and environmental benefits.
SR–332

Labor and Human Resources
To hold hearings to examine recent research on sickle cell disease.
SD–430

JULY 29

9:00 a.m.
Governmental Affairs
Regulation and Government Information Subcommittee
To hold joint hearings with the Committee on the Judiciary's Subcommittee on Juvenile Justice to examine the video rating system, focusing on violent video games.
SH–216

Judiciary
Juvenile Justice Subcommittee
To hold joint hearings with the Committee on Governmental Affairs' Subcommittee on Regulation and Government Information to examine the video rating system, focusing on violent video games.
SH–216

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Federal Communications Commission (FCC).
SR–253

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine issues relating to Whitewater.
SD–106

Labor and Human Resources
To hold hearings on S. 2238, to prohibit employment discrimination on the basis of sexual orientation.
SD–430

AUGUST 1

2:00 p.m.
Indian Affairs
Business meeting, to mark up S. 2269, to protect the Native American cultures and to guarantee the free exercise of religion by Native Americans, S. 2075, to authorize funds for and to strengthen programs of the Indian Child Protection and Family Violence Prevention Act, S. 2036, to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and S. 2150, to establish a Native Hawaiian housing program.
SR–485

AUGUST 2

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 1222, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, S. 1342, to establish in the Department of the Interior the Essex Heritage District Commission, S. 1726, to provide for a competition to select the architectural plans for a museum to be built on the East St. Louis portion of the Jefferson National Expansion Memorial, S. 1818, to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio as an affiliated area of the National Park System, S. 1871, to establish a Whaling National Historical park in New Bedford, MA, S. 2064, to expand the boundary of the Weir Farm National Historical Site in Connecticut, S. 2234, to amend the Mississippi River Corridor Study Commission Act of 1989 to extend the term of the commission established under that Act, and S. 2303, to provide for the exchange of lands within the Gates of the Arctic National Park and Preserve.
SD–366

AUGUST 4

9:30 a.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 399 and H.R. 457, bills to provide for the conveyance of lands to certain individuals in Butte County, CA, H.R.2620, to acquire certain lands in the State of California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, S. 1998, to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, S. 2001, to improve the administration of the Women's Rights National Historical Park in the State of New York, S. 2033, to provide for the exchange of certain lands within the State of Montana, S. 2078, to designate the Old Spanish Trail for potential inclusion into the National Trails System, and H.R. 1716, to amend the Act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek.
SD–366

2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold joint hearings with the Committee on Indian Affairs on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.
SD-366

Veterans' Affairs
To hold hearings on the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and pending legislation.
SR-418

Indian Affairs
To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Water and Power on provisions of S. 2259, to provide for the settlement of the claims of the Confederated Tribes of the Colville Reservation concerning their contribution to the production of the hydropower by the Grand Coulee Dam.
SD-366

AUGUST 10

2:00 p.m.
Veterans' Affairs
Business meeting, to consider the nomination of Linda Marie Hooks, of Georgia, to be an Assistant Secretary of Veterans Affairs (Acquisition and Facilities), and to mark up pending legislation.
SR-418

AUGUST 11

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1991, to provide for the safety of journeyman boxers.
SR-253

AUGUST 12

2:00 p.m.
Indian Affairs
To hold hearings on the nomination of Harold A. Monteau, of Montana, to be Chairman of the National Indian Gaming Commission, Department of the Interior.
SD-628

POSTPONEMENTS

JULY 26

2:30 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on the Administration's proposed legislation relating to meat and poultry inspection.
SR-332

HOUSE OF REPRESENTATIVES—*Tuesday, July 26, 1994*

The House met at 10 a.m.

The Reverend Dr. John Steinbruck, senior pastor, Luther Place Memorial Church, Washington, DC, offered the following prayer:

O God of Abraham—of Isaac and Ishmael.

We are mindful in this hour of the unspeakable suffering and dying of our sisters, brothers, and the children of Rwanda. Yet, we give praise to You that on this morning the dawn of peace is rising over Your sacred lands.

We give thanks for the leadership of Israel and Jordan that have reached out to one another with wisdom and reason—if not love—to bring Your blessing upon Your peoples—the vision of Shalam, Salaam, Pax, Peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Idaho [Mr. CRAPO] come forward and lead the House in the Pledge of Allegiance.

Mr. CRAPO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

> H.R. 4554. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1995, and for other purposes;
>
> H.R. 4556. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes; and
>
> H.R. 4649. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4554) "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BUMPERS, Mr. HARKIN, Mr. KERREY, Mr. JOHNSTON, Mr. KOHL, Mrs. FEINSTEIN, Mr. BYRD, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GRAMM, Mr. GORTON, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4556) "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LAUTENBERG, Mr. BYRD, Mr. HARKIN, Mr. SASSER, Ms. MIKULSKI, Mr. D'AMATO, Mr. DOMENICI, Mr. HATFIELD, and Mr. SPECTER, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4649) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. BYRD, Mr. BURNS, Mr. MACK, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

> S.J. Res. 195. Joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day."

The message also announced that pursuant to Public Law 101-549, the Chair, on behalf of the majority leader, appoints Dr. Patricia A. Buffler of California, Dr. Joseph H. Graziano of New York, and Mr. Philip J. Landrigan of New York, to the Board of Directors of the Mickey Leland National Urban Toxics Research Center.

The message also announced that pursuant to Public Law 102-375, as amended by Public Law 103-171, the Chair, on behalf of the majority leader of the Senate and the Speaker of the House, after consultation with the Senate Republican leader and the House minority leader, appoints Madeleine Freeman of Maine, Bea Gwin Bacon of Kansas, Thomas H. D. Mahoney of Massachusetts, and Maralee I. Lindley of Illinois, as members of the Policy Committee to the White House Conference on Aging.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Majesty Hussein I and His Excellency Yitzhak Rabin, only the doors immediately opposite the Speaker and those on his right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

RECESS

The SPEAKER. Pursuant to the order of the House on Friday, July 22, 1994, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR ADDRESSES BY HIS MAJESTY KING HUSSEIN I OF THE HASHEMITE KINGDOM OF JORDAN AND HIS EXCELLENCY YITZHAK RABIN, PRIME MINISTER OF ISRAEL

The SPEAKER of the House presided.

The Doorkeeper, Hon. James P. Molloy, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Yitzhak Rabin, Prime Minister of Israel, into the Chamber: the gentleman from Missouri, Mr. GEPHARDT; the gentleman from Michigan, Mr. BONIOR; the gentleman from Maryland, Mr. HOYER; the gentleman from California, Mr. FAZIO; the gentleman from Indiana, Mr. HAMILTON; the gentleman from Illinois, Mr. YATES; the gentleman from West Virginia, Mr. RAHALL; the gentleman from Illinois, Mr. MICHEL; the gentleman from Georgia, Mr. GINGRICH; the gentleman from Texas, Mr. ARMEY; the gentleman from Illinois, Mr. HYDE; the gentleman from New York, Mr. GILMAN; the gentlewoman from Maine, Ms. SNOWE; and the gentleman from New York, Mr. LEVY.

The VICE PRESIDENT. The President of the Senate as the direction of that body appoints the following Senators as members of the committee on the part of the Senate to escort His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency Yitzhak Rabin, Prime Minister of Israel, into the Chamber: the Senator from Maine, Mr. MITCHELL; the Senator from Kentucky, Mr. FORD; the Senator from Rhode Island, Mr. PELL; the Senator from Hawaii, Mr. INOUYE; the Senator from Georgia, Mr. NUNN; the Senator from Vermont, Mr. LEAHY; the Senator from New York, Mr. MOYNIHAN; the Senator from New Jersey, Mr. LAUTENBERG; the Senator from Wisconsin, Mr. KOHL; the Senator from California, Mrs. FEINSTEIN; the Senator from Kansas, Mr. DOLE; the Senator from Wyoming, Mr. SIMPSON; the Senator from Mississippi, Mr. COCHRAN; the Senator from Mississippi, Mr. LOTT; the Senator from Oklahoma, Mr. NICKLES; the Senator from South Carolina, Mr. THURMOND; the Senator from Oregon, Mr. HATFIELD; the Senator from Indiana, Mr. LUGAR; the Senator from Kentucky, Mr. MCCONNELL; and the Senator from Pennsylvania, Mr. SPECTER.

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Honorable Ruth Bader Ginsburg, an Associate Justice of the Supreme Court of the United States.

The Associate Justice of the United States Supreme Court entered the Hall of the House of Representatives and took the seat reserved for her in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 8 minutes a.m. the Doorkeeper announced his Majesty King Hussein I of the Hashemite Kingdom of Jordan; and his Excellency Yitzhak Rabin, Prime Minister of Israel.

His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency Yitzhak Rabin, Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members arising.]

The SPEAKER. Members of the Congress, it is my great privilege, and I deem it a high honor and a personal pleasure, to present to you His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency, Yitzhak Rabin, Prime Minister of Israel.

[Applause, the Members arising.]

The SPEAKER. His Majesty, Hussein I.

ADDRESS BY HIS MAJESTY KING HUSSEIN I OF THE HASHEMITE KINGDOM OF JORDAN BEFORE THE JOINT MEETING OF THE UNITED STATES CONGRESS

KING HUSSEIN I. Mr. Speaker, Mr. President, honored guests, Members of Congress, ladies and gentlemen, it is an honor for me to stand before you, the Representatives of the Great American Nation, on this historic occasion.

We have now become partners in shaping the future of all our peoples. We seek for them a future of peace, stability, and security, the prospects for which are growing before our eyes. It is a heart-warming sight for those of us who have continuously pursued this goal throughout our lives.

We in Jordan have always sought a bold peace. We have been conscious of our responsibilities toward the coming generations—to ensure that they will have the certainty of leading a dignified and fulfilled life. We have sought a peace that can harness their creative energies, to allow them to realize their true potential, and build their future with confidence, devoid of fear and uncertainty.

None of this can be achieved without establishing a direct dialog at the highest level of leadership.

This meeting in Washington at the invitation of President Clinton represents the beginning of a new phase in our common journey toward peace between Jordan and Israel. It is a milestone on the road toward comprehensive peace in our region.

This meeting was preceded by a trilateral Jordanian-American-Israeli meeting at which my brother, Crown Prince Hassan, represented myself and the Hashemite Kingdom of Jordan and Foreign Minister Shimon Peres represented Israel. The trilateral working group was established under an agreement completed at the meeting hosted by President Clinton at the White House in October 1993.

Following my recent visit to the United States, in light of the status of negotiations, I decided to share with my people the realities affecting our search for peace. In a meeting with Members of our Parliament, I addressed the entire Jordanian nation. I have been rewarded by their approval and support.

Their expression of confidence has always been the foremost consideration in my life. All of Jordan is here with me today.

We also remember today the three generations of gallant Jordanians and so many others who sacrificed themselves for the cause of Palestine. Every household in Jordan has sent a son to answer the Arab call. Many have not returned. Their sacrifice has made it possible for me to be here today.

My family has also paid a heavy price. My great grandfather, the leader of the Great Arab Revolt for Freedom, Independence and Unity, lies buried next to the blessed Al Aqsa Mosque in Jerusalem. I was by the side of my grandfather, King Abdullah, at the doors of Al Aqsa Mosque when he was martyred. He was a man of peace who gave his life for this ideal. I have pledged my life to fulfilling his dream. He too is here today.

Mr. Speaker, in our meeting today I hope you will find a clear message to the American Nation and to the world. We are together committed to work tirelessly to banish forever the abnormal conditions which have dominated our people's lives.

We want normality and humanity to become the prevailing order.

Although we have labored for so long under conditions of hostility, I am certain that we can see these conditions for what they are: emblems of an unnatural and sinister state. We have all known the portents of the state: the fear of death, the silence of isolation. And we have all felt the fear that has mesmerized us, preventing us from moving forward to create together a bright future for the coming generations.

What we are witnessing today, God willing, is a progression from a state of war to a state of peace. These unique circumstances allow us to take bold steps.

Our meeting now represents a revolt against all that is unnatural. It is unnatural not to have direct and open meetings between our respective officials and their leaders, in order to grapple with all aspects of the conflict and, God willing, to resolve them. It is unnatural not to wish to bridge this gulf, across which we have all paid a shattering toll in blood and tears, the waste of our youth and the grief of our forefathers. We have suffered this loss together and it will leave its impact on all of us far into the future.

The two Semitic peoples, the Arabs and the Jews, have endured bitter trials and tribulations during the journey of history. Let us resolve to end this suffering forever and to fulfill our responsibilities as leaders of our peoples, and our duty as human beings toward mankind.

I come before you today fully conscious of the need to secure a peace for all the children of Abraham. Our land is the birthplace of the divine faiths and the cradle of the heavenly messages to all humanity.

I also come before you today as a soldier who seeks to bear arms solely in the defense of his homeland, a man who understands the fears of his neighbors, and who wishes only to live in peace with them, a man who wishes to secure democracy, political pluralism, and human rights for his nation.

I come before you today encouraged in the knowledge that the Prime Minister of Israel and his Government have responded to the call for peace. They have recognized the Palestinian people and their rights, and are negotiating with their chosen leadership in accordance with U.N. Security Council Resolutions 242 and 338.

For our part we will never forget Palestine: not for a moment. We in Jordan were the first to shoulder our responsibility, and we were the most adversely affected by the legacy of the Palestinian tragedy.

And still our people in Jordan remain one united family, irrespective of their origins, sharing equally, free to choose their political future and destiny.

My religious faith demands that sovereignty over the holy places in Jerusalem reside with God and God alone. Dialog between the faiths should be strengthened; religious sovereignty should be accorded to all believers of the three Abrahamic faiths, in accordance with their religions. In this way, Jerusalem will become the symbol of peace and its embodiment, as it must be for both Palestinians and Israelis when their negotiations determine the final status of Arab East Jerusalem.

I come before you today fully confident that progress will be made on the Syrian-Israeli and Lebanese-Israeli tracks of the peace process, and towards the achievement of comprehensive peace.

Mr. Speaker, the state of war between Israel and Jordan is over. We have accepted U.N. Security Council Resolution 338, which calls for negotiations between the parties concerned, under appropriate auspices, to establish a just and durable peace in the Middle East.

We have accepted U.N. Security Council Resolution 242, which sought acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area and their right to live in peace within secure and recognized boundaries, free from threats or acts of force.

I want to reaffirm, without any reservation, that we, together with the other parties concerned, have exercised our sovereign right to make peace. We are moving forward and tackling, one by one, all the problems listed in our common agenda. We have great faith in our joint progress toward the ultimate goal, the culmination of all our efforts, a Jordanian-Israeli peace treaty.

In this, we take courage from the words of God, in his holy book, the Koran: "Then if they should be inclined to make peace, do thou incline towards it also, and put thy trust in Allah. Surely, it is He who is all-hearing, all-knowing."

Mr. Speaker, I value the long friendship between Jordan and the United States, inherited from the era of my grandfather. I have sought over 34 years, since the Presidency of Dwight Eisenhower, to ensure that it be honest and true.

It has been a friendship built on mutual respect and common interests. I am proud to remind you how we stood shoulder to shoulder during the long years of the cold war.

And now, together, we share a great hope: to establish a lasting peace in the Middle East.

We believe that an enduring partnership for cooperation and development between Jordan and the United States is essential to the realization of this dream.

We aim to build a better future under peace, to change the pattern of life for our people from despair and hopelessness to honor and dignity. We want to fashion a new commonwealth of hope on our ancient soil; we want all voices to be heard in sharing a new regional order.

If we are to achieve our aims, all of us must be given the opportunity and the tools to play our part in this historic endeavor. The creative drive of our region has been crippled by the conflict; the healing hand of the international community is now essential.

It should never be forgotten that peace resides ultimately not in the hands of government but in the hands of the people. For unless peace can be made real to the men, women, and children of the Middle East, the best efforts of negotiators will come to nought.

Mr. Speaker, Mr. President, I have come before you today to demonstrate that we are ready to open a new era in our relations with Israel. With the help and cooperation of this august body the peace we all want can be achieved.

With your help, I am certain that the imbalances between our societies can be remedied, and that the sources of frustration and enmity can be eradicated.

It is in this spirit and with these hopes that I share this platform with Prime Minister Yitzhak Rabin.

To all of you, and to the American people, I offer my thanks for your kindness, hospitality, and for all your support.

May God bless you all.

Wa Assalamu Alaykum Wa Rahmatullahi Wa Barakatuhu.

(Applause, the Members rising.)

The SPEAKER. His Excellency Yitzhak Rabin.

ADDRESS BY HIS EXCELLENCY YITZHAK RABIN, PRIME MINISTER OF ISRAEL

PRIME MINISTER RABIN. Mr. Speaker, Mr. President, distinguished Members of the Congress, His Majesty, the King of Jordan, I start with the Jewish word "Shalom."

Each year, on Memorial Day for the Fallen of Israel's Wars, I go to the cemetery of Mount Herzl in Jerusalem. Facing me are the graves, headstones, the colorful flowers blooming on them, and thousands of pairs of weeping eyes. I stand there, in front of that large silent crowd, and read in their eyes the words of, "The Young Dead Soldiers," as the famous American poet, Archibald MacLeish, entitled the poem from which I take these lines:

They say:
Whether our lives and our deaths
were for peace and a new hope,
or for nothing,
we cannot say;
it is you who must say this.

Mr. Speaker, we have come from Jerusalem to Washington because it is we who must say, and we are here to say:

Peace is our goal. It is peace we desire.

With me here in this House today are my partners in this great dream, and allow me to refer to some Israelis that are with me, here with you: Amiram Kaplan, whose first brother was killed in an accident, whose second brother was killed in pursuit of terrorists, whose third brother was killed in war, and whose parents died of heartbreak. And today he is a seeker of peace.

Moshe Sasson, who, together with his father, was an emissary to the talks with King Abdallah and to other missions of peace. Today he is also an emissary of peace.

With me, a classmate of mine from the elementary school Chana Rivlin of Kibbutz Gesher which faces Jordan, who endured bitter fighting and lost a son in war. Today she looks out her window onto Jordan and wants the dream of peace to come true.

Avraham Daskal, almost 90 years old, who worked for the electric company in Trans-Jordan, and was privileged to attend the celebrations marking King Hussein's birth. He is hoping for peace in his lifetime.

And Dani Matt, who fought against Jordan in the war of independence, was taken a prisoner-of-war and devoted his life to the security of the State of Israel. He hopes that his grandchildren will never know war.

Mrs. Penina Herzog, whose husband wove the first threads of political ties with Jordan.

With us here in this hall are:

The mayor of Eilat, Mr. Gabi Kadosh, which touches on the frontier with Jordan and will be a focus of common tourism.

And Mr. Shimon Cahaner, who fought against the Jordanians, memorializes his fallen comrades and hopes that they will have been the last to fall.

And Mr. Talal al-Krienawi, the mayor of a Bedouin town in Israel who looks forward to renewing the friendship with their brothers in Jordan.

And Mr. David Coren, a member of a kibbutz which was captured by the Jordanians in 1948, who awaits the day when the borders will be open.

And Dr. Asher Susser, a scholar who has done research on Jordan throughout his adult life.

And Dr. Sharon Regev, whose father was killed while pursuing terrorists in the Jordan Valley and who yearns for peace with all his heart.

Here they are before you, people who never rejoiced in the victories of war, but whose hearts are now filled with joy in peace.

I have come here today from Jerusalem on the behalf of those thousands of bereaved families—though I have not asked their permission. I stand here on behalf of the parents who have buried their children; and of the children who have no fathers; and of the sons and daughters who are gone, but return to us in our dreams. I stand here today on the behalf of those youngsters who wanted to live, to love, to build a home. I have come from Jerusalem in the name of our children, who began their lives with great hope and are now names on graves and memorial stones, old pictures in albums, fading clothes in the closets. Each year as I stand before the parents whose lips are chanting "Kaddish," the Jewish Memorial Prayer, ringing in my ears the words of the same famous Archibald MacLeish who echoes the plea of the young dead soldiers, and I quote:

> They say: We leave you our deaths.
> Give them their meaning.

Let us give them meaning;

Let us make an end to the bloodshed.

Let us make true peace.

Let us today be victorious in ending war.

Mr. Speaker, the debate goes on: Who shapes the face of history? Leaders or circumstances?

My answer to you is: We all shape the face of history. We, the People. We, the farmers behind our plows, the teachers in our classrooms, the doctors saving lives, the scientists at our computers, the workers on the assembly lines, the builders on our scaffolds.

We, the mothers blinking back tears as our sons are drafted into the army, we, the fathers who stay awake at night worried and anxious for our children's safety. We, Jews and Arabs. We, Israelis land Jordanians. We, the people, we shape the face of history.

And we, the leaders, hear the voices, and sense the deepest emotions and feelings of thousands and millions, and translate them into reality.

If my people did not desire peace so strongly, I would not be standing here today, and I am sure that if the children of Amman and the soldiers of Irbid, the women of Saltt, and the citizens of Aqaba did not seek peace, our partner in this great quest, the King of Jordan, would not be here now, shaking hands, calling for peace.

We bear the responsibility. We have the power to decide. And we dare not miss this great opportunity. For it is the duty of the leaders to bring peace and well-being to their peoples. We are graced with the privilege of fulfilling this duty for our peoples. This is our responsibility.

The complex relations between Israel and Jordan have continued for a generation. Today, so many years later, we carry with us good memories of the special ties between your country, your Majesty, and mine, and we carry with us the grim reminders of the times we found ourselves at war.

We remember the days of your grandfather, King Abdullah, who sought avenues of peace with the heads of the Jewish people and the leaders of the young State of Israel.

There is much work before us. We face psychological barriers. We face genuine practical problems. Walls of hostility have been built on the River Jordan which runs between us. You in Amman, and we in Jerusalem, must tear down those barriers and walls, must solve those concrete problems, and I am sure that we will do it.

Yesterday we took a giant step toward a peace which will embrace it all: borders and water, security and economics, trade without boycotts, tourism, the environment and diplomatic relations. We want a peace between countries, but, above all, between human beings.

Beyond the ceremonies, after the festivities, we will move on to the negotiations. They will not be easy. But when they are completed, a wonderful, common future awaits us. The Middle East, the cradle of the great monotheistic civilizations: Judaism, Christianity, and Islam; the Middle East, which was a valley of the shadow of death, will be a place where it is a pleasure to live.

We live on the same stretch of land. The same rain nourishes our soil; the same hot wind parches our fields. We find shade under the same fig tree and savor the fruit of the same green vine. We drink from the same well. Only a 70-minute journey separates these cities, Jerusalem and Amman, and 46 years, and, just as we have been enemies, so can we be good and friendly neighbors.

Since it is unprecedented that in this joint meeting two speakers will be invited, allow me to turn to His Majesty. Your Majesty, we have both seen a lot in our lifetime. We have both seen too much suffering. What will you leave to your children? What will I leave to my grandchildren? I have only dreams: to build a better world, a world of understanding and harmony, a world in which it is a joy to live. This is not asking for too much.

The State of Israel thanks you, thanks you for accepting our hand in peace, for your political wisdom and courage, for planting new hope in the hearts of your subjects, and the hearts of all peace-loving people, and I know that you enjoy the highest esteem of the United States, this great America, which is helping the bold to make a peace of the brave.

From this Hall that represents freedom, liberty and democracy, I would like to say, "Thank you," to President Clinton, to the former Presidents of the United States, to the Secretary of State, Secretary Christopher, to former Secretaries of State and former administrations; to you, Mr. Speaker, the Vice President; and we are more than thankful to you, the distinguished Members of the Congress, Representatives of the American people, and to you, to the wonderful people of America. I do so because no words can express our gratitude to you and to the American people for years of your generous support, understanding and cooperation which are all but beyond compare in modern history. Thank you, America. God bless America.

Tomorrow I shall return to Jerusalem, the capital of the State of Israel and the heart of the Jewish people. Lining the road to Jerusalem are rusting bulks of metal—burnt-out, silent, cold. They are the remains of convoys which brought food and medicine to the war-torn and besieged city of Jerusalem 46 years ago.

For many of Israel's citizens, their story is one of heroism, part of our national legend. For me and comrades-in-arms, every scrap of cold metal lying there by the wayside is a bitter memory. I remember, I remember it as though it were just yesterday. I remember them. I was their commander in war. For them this ceremony has come too late. What endures are their children, their comrades. It is their legacy.

Allow me to make a personal note:

I, military I.D. No. 30743, retired general in the Israel Defence Forces in the past, consider myself to be a soldier in the army of peace today. I, who served my country for 27 years as a soldier, I say to you, to Your Majesty, the King of Jordan; I say to you, our American friends:

Today we are embarking on a battle which has no dead and no wounded, no blood and no anguish. This is the only battle which is a pleasure to wage: the battle for peace.

Tomorrow, on the way up to Jerusalem, thousands of flowers will cover the remains of those rusting armored vehicles, the ones that never made it to the city. Tomorrow, from those silent metal heaps, thousands of flowers will smile to us with the word "peace," shalom.

In the Bible, our Book of the Books, peace is mentioned in its various idioms 237 times. In the Bible, from which we draw our values and our strength, in the Book of Jeremiah, we find a lamentation for Rachel the Matriarch; it reads:

> Refrain your voice from weeping, and your eyes from tears: for their work shall be rewarded, says the Lord.

I will not refrain from weeping for those who are gone. But on this summer day in Washington, far, far from home, we sense that our work will be rewarded, as the Prophet foretold.

The Jewish tradition calls for a blessing on every new tree, every new fruit, on every new season.

Let me conclude with the ancient Jewish blessing that has been with us, in exile and in Israel, for thousands of years, and allow me to do it in Hebrew: Baruch Ataw Adonoi Eloheynu Shehecky Yonu Vekeymonu Veheegionu Lazman Hazeh.

> Blessed are You, O Lord, who has preserved us, and sustained us, and enabled us to reach this time.

God, bless the peace.

[Applause, the Members rising.]

At 12 noon His Majesty King Hussein I of the Hashemite Kingdom of Jordan and His Excellency Yitzhak Rabin, Prime Minister of Israel, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justice of the Supreme Court of the United States.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses dissolved, and the House will meet in session at about 1:30 p.m.

Accordingly, at 12 o'clock and 9 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

☐ 1330

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MONTGOMERY) at 1:30 p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISCHARGE PETITION 12—INNOCENT UNTIL PROVEN GUILTY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, an unusual thing here:

Mrs. Allen is leaving her house, going to pick up her husband, and she found her way blocked by a black Volvo. She went and asked the restaurant if they would have this car removed. The valet started cursing at her and shouting obscenities.

Finally, when no one would help her, Mrs. Allen called the police. The police came out, they found the owner, he was a John Richardson. John Richardson, giving his identification, she noticed that the car was registered in the name of a Margaret Richardson.

He said, "That's right, woman, that's my wife. She's also the IRS Commissioner, and I hope that you paid your taxes," very arrogantly.

Mrs. Allen said, "Wait a minute, what did you say?"

He said, "That's right. The car is registered in my wife's name, Margaret Richardson. She's the IRS Commissioner, and I hope you paid your taxes, lady."

She says, "I couldn't believe this."

The police came out and said, "Don't make a big fuss, Mrs. Allen. You shouldn't have made such a big fuss. His wife is the IRS Commissioner."

Members of Congress, I understand that the IRS can threaten our taxpayers, intimidate them, scare the hell out of them. But here is a woman whose car was blocked in, was told by the husband of the IRS Commissioner, "I hope you paid your taxes."

Is that what it has come to? Discharge Petition 12, ladies and gentleman, says the taxpayer is innocent until proven guilty.

Mr. GINGRICH, I want you to give me a hand with this. I am willing to throw out the other personal liability matters.

Innocent until proven guilty. Sign Discharge Petition 12.

INVOLVE AMERICAN PEOPLE IN HEALTH CARE DEBATE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, it is 24 days since I watched on C-SPAN as the Senate Finance Committee supposedly reported out a health bill. We just called a few minutes ago and there is no legislative language. That is right. Over 3 weeks after they supposedly passed a bill, there is no bill.

The reason I raised this for the House to pay attention to is that there are reports in the press that the Democratic leadership in the House and Senate intend to write bills, bring them to the floor without hearings, bring them to the floor without the country seeing them, bring them to the floor without people knowing what is in them. I simply want to repeat what I said on Friday: We would be better off, the country would be better off, the House would be better off if we would agree to report out in writing both the bipartisan bill that we are working on and the Clinton bill the Democratic leadership is working on, go to the country for the August recess, let people read what is in them, let the experts critique them, let the news media report on them, and then vote the first week of September.

Mr. Speaker, we are not afraid to let the American people see what is in our bill. Why is the Democratic leadership afraid to let the American people see what is in their health bill?

INTRODUCTION OF THE LAW ENFORCEMENT SUPPORT ACT OF 1994

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, many Americans have been glued to their television sets the past several weeks, watching every development in the O.J. Simpson case. The case has reminded us of the extremely influential role lawyers play in the criminal process.

Under current law, slick defense lawyers are able to free their clients based on a number of legal technicalities. The so-called exclusionary rule allows courts to keep evidence seized from crime scenes away from juries, if the police or prosecutors have not jumped through all the legal hoops required by current law.

We are, all of us, outraged about crime. We have to plug the legal loopholes that let criminals go free. We have to allow the police to do their jobs. That's why I have introduced the Law Enforcement Support Act of 1994. This bill would require courts to admit evidence obtained in a search or seizure which was undertaken in good faith. If a police officer reasonably believes he is acting properly under the fourth amendment, such evidence would not be excluded.

This bill is not revolutionary—it passed the 102d Congress handily, by a bipartisan vote of 247 to 165, only to be deleted in conference. Now is the right time for the Congress to pass this measure again. We should not handcuff the police as they fight crime. I urge my colleagues to cosponsor and support the Law Enforcement Support Act of 1994.

THE TRUTH

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, today the Congress will finally get a chance to do its job on Whitewater. It is not much of a chance considered the restrictions placed on the hearings by the chairman of the Committee on Banking, Finance and Urban Affairs, but at least it is some chance.

The American people have many questions about Whitewater, but one sticks out in significance: Does the President's handling of Whitewater tell us anything about his ability to lead in an effective and trustworthy manner? The only way to know the answer is to get full disclosure: Full disclosure from the President's assistants, full disclosure from the President's wife, full disclosure from the President himself.

That does not mean artfully dancing around the questions, it does not mean giving half-truths. It does not mean obstructing justice, and it does not mean having a committee chairman restrict the hearings to prevent the truth from coming out.

I remember the glee with which that same chairman looked into the savings and loan debacle when Neil Bush was involved. We could use a little of that same enthusiasm in getting at the truth in this case.

Mr. Speaker, it is hard to say what exactly we will discover when these hearings are completed. But we deserve the truth, the whole truth, and nothing but the truth.

NOTHING NEW UNDER THE SUN

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the Clinton health care reform bus caravan is underway, and under the heading of nothing new under the Sun, they are attacking Congress in an effort to gain support. Hillary led off a rally last weekend stating that all Americans deserved health care as good as that received by Congressmen.

Again, under the heading of nothing new under the Sun, Hillary and the Clinton administration are wrong in implying that we receive special health care as Members of Congress. But it is perceived that we do. Like other Members, I have the same health insurance I did before I was elected, but mail I receive from my constituents shows that there is a misperception that we receive special treatment.

My reform bill, H.R. 4444, remedies this. Under my bill, Congress comes under any health care reform immediately, no waiting period, no impression of special treatment.

Support total congressional reform that will raise Congress in the eyes of the voters, support H.R. 4444.

□ 1340

FINDING ANSWERS TO VINCE FOSTER'S DEATH

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the Whitewater hearing started today on a very limited basis. And I think it was designed that way so that we could not get all of the questions answered that are so important to this investigation.

One of the very important aspects of the investigation is the first report by Mr. Fiske, the special counsel. In that report he says that there is no connection between the death of Vince Foster, former assistant White House counsel, and the Whitewater affair.

Tonight in a special order I am going to talk about that in more detail. This past Friday or Thursday I talked to the confidential witness that found Mr. Foster's body, and there are glaring differences between the Fiske report and what actually happened out there. There are differences big enough to drive a truck through, and I intend to try to ask questions tonight and prove to my colleagues' satisfaction that there is a connection between Foster's death and the Whitewater affair. In addition, that the body was moved. That is, Mr. Foster was not killed in the manner that the report says he was.

I hope everybody will pay attention tonight. It is very important.

FAIR STANDARDS IN TRADE ACT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, U.S. trade policy can no longer be made with the sole aim of garnering profits at the expense of people. As much as trade is portrayed as a straightforward, even sterile economic relationship between nations, trade, in fact, is political by nature. U.S. trade policy, up to this point, has worked to institutionalize exploitation of people and environmental degradation in the developing world. U.S. trade policy has served to legitimize corrupt and undemocratic regimes. And current policy costs us jobs here at home and high prices for our consumers.

Nowhere is this more evident than the administration's recent decision to extend most-favored-nation status to China. And for whose benefit? As indicted by its horrendous record on human rights, worker's rights and nonexistent environmental standards, China MFN has done little for the average Chinese. For the United States, China MFN has resulted in a projected $30 billion trade deficit this year. Over the last decade, the trade deficit with China has increased by 335 percent and is the fastest growing segment of the U.S. trade deficit. Trade deficits cost U.S. jobs.

Today, I am introducing the Fair Standards In Trade Act which would make China MFN status conditional not only on human rights but China's labor environmental and practices. The tariff revenue generated by this legislation would be used to promote United States exports to China and thus work to reduce our trade deficit. U.S. trade policy, being political, should be a statement of our founding principles. I hope you join me in supporting this legislation.

THE RUSH TO PASS HEALTH CARE LEGISLATION

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, yesterday Federal District Court Judge Royce Lamberth said he would hold a trial to determine whether the First Lady's health care reform task force broke the law when they met secretly from the public.

Just like the President's health plan was written behind closed doors, now the majority leaders in Congress are meeting in secret rooms to write a health care bill they will bring to the floor to vote on.

In their rush to pass a health care bill before the fall elections, the majority appears willing to take a bill to the House floor without any significant time for Members or the American people to review the details.

Just like the American people should have a right to know what special interests worked on Mrs. Clinton's health care plan, so they also deserve to know what is in any bill we pass before we take a vote.

CELEBRATING THE LIFE OF JAMES H. TAYLOR II

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, just over 3 years ago, as young James H. Taylor II drove his car on a dark and curvy

Kentucky road to, as usual, help someone else with a chore, the very bright future of this talented young man lay before him. He was to graduate the next night from high school after a stellar performance.

His father, Dr. James Taylor, president of Cumberland College, and his mother, Dinah, were rightfully so very proud of this dynamic, well behaved and talented son. In the larger sense, young James was considered everyone's favorite son because he was so well liked and respected.

And then, the awful, unbelievable news came: A tragic one-car accident, a young life, so full of promise, on the eve of maturity came to an end.

The reason I speak today, Mr. Speaker, is that James H. Taylor II would have celebrated his 22d birthday today. Instead we remember him. We remember his love of live, his love of his parents and his friends and they for him. We remember the promise of that life and the tragedy that ended it so very prematurely. We remember the sweetness of the soul of this young person, and know that that soul resides in heaven waiting reunion with those left here who loved him so.

Dinah's grief so moved her that she has now built a nationwide circle of hundreds of parents and others who have also lost youngsters. This organization grows and grows, holding each others' hands as it were, through the worst of all possible tragedies.

Today, Mr. Speaker, we celebrate the life of James H. Taylor II, a comet bright and shooting, but likewise also brief and fleeting.

FUNERAL RALLY AT FIDEL CASTRO'S MISSION

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr MENENDEZ. Mr. Speaker, today the Cuban American community of the Nation will hold a funeral rally at Fidel Castro's mission in Washington. The event will take place in memory of more than 40 Cuban men, women, and nearly 20 children who were murdered by the Cuban regime last July 13 when their attempt to escape the island was thwarted by government forces.

The Cuban Catholic bishops in a message to all Catholics and all Cubans have called for an investigation, and His Holiness, Pope John Paul II, sent a message to the families of the victims expressing his condolences.

The Cuban Government has tried to prevent memorial services for the victims, fearing a public demonstration in Havana. They have refused to recover the bodies of those who remain inside the sunken tugboat. The Cuban Government's response to the bishops' statement and to international outrage over the incident has been to increase the repression against the dissidents who protested this massacre and the friends and relatives of the victims.

Mr. Speaker, what more will it take for the international community to speak up? Today we join with those Cuban-Americans and all freedom-loving people at that mission and we call on the Organization of American States, the United Nations, and the world press, including our own, to call Castro to account for his crime.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

Mr. TRAFICANT. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will report the motion.

The Clerk read as follows:

> Mr. TRAFICANT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to the bill H.R. 3355 be instructed to insist upon the provisions contained in the amendment offered by Mr. TRAFICANT, as agreed to by the House, relating to the requirements in the representation of domestic origin in labeling of products.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. TRAFICANT] is recognized for 30 minutes.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I did not want to come over and take the time of the Congress with a motion to instruct, and I realize that it is not binding, but there is a problem that we have. I want to make it explicit and spread across the RECORD of the Congress that this is an important issue and one I do not want overlooked in conference.

My amendment that was offered on the crime bill basically set up provisions, criminal penalties on someone who would affix a fraudulent "Made in America" label to some imported item.

□ 1350

At the time that amendment was opposed by the committee chair, the gentleman from Texas [Mr. BROOKS], and there were some reservations, but nevertheless, this Congress in an overwhelming fashion approved that legislation, and it is the only legislation on a crime bill that deals with American jobs, and these fraudulent labels that are being placed on some imports that are helping to wreck American jobs.

Now, I said at the time that I would provide any leeway for whatever compromise could be made on this amendment, and that I urged the conference to in fact do that, but to keep in place the general intent of what that amendment stood for to, in fact, at least develop a process of challenging these fraudulent "Made in America" labels.

Now, it is bad enough that some of these imports coming in here actually are made by slave laborers in prison camps in places like China and other spots around the world, but then they come in here and they get a fake "Made in America" label put on them, and the American consumer believes, "My God, these products are actually made by our neighbors and the citizens in our country," and they are even sold many times under the guise of being American-made. That is absolutely unbelievable to me, intolerable. Something has to be done.

This is the place to do it.

With all of this fighting and infighting on germaneness on many of these other bills, what brought this matter to light recently is a matter that occurred down in Florence, KY, right south of Cincinnati, OH, a company called Mazak, Inc. One of us would think that is just some little welding outfit, a couple of Americans that put together a nice plan, but that is really not the case. Mazak, Inc., is a wholly owned Japanese subsidiary of Yamizaki, Inc., one of the biggest machine-tool industry companies in the entire world. Here is what it boiled down to, and it did not take the Commerce Department or the Congress to do something about it.

"60 Minutes," CBS's "60 Minutes," was responsible finally for bringing this to the attention of the American people.

Now, I want you to listen to this, because I want this in the bill. I want Congress to stand with me in this, on this matter, in the bill, and I want some negotiated settlement at least to make this happen.

Here is what occurred: Mazak, Inc., had a contract, a defense contract, and because the items were sophisticated, under our "Buy American" provisions and our national security law, to keep in place some industrial infrastructure that could make these items, there is a Buy American provision on them.

Now, a young marine finally got tired of turning his back, and he reported and found the documentation to prove that Mazak, Inc., was importing these products and these machines made in Japan, bringing them into Houston and New Orleans, putting a fake "Made in America" label on them, and shipping them into our defense source, procurement agent. Unbelievable to me.

"60 Minutes" brought it to the attention of the American people. The

American people were rightfully so incensed by this behavior, and something has got to be done.

So I did pass an amendment, and an amendment that was voted on, an amendment that was overwhelmingly approved by the House. Now, I have heard there are some powerful Senators who have a couple of companies that called them and said, "We do not want that Traficant amendment. Kill it."

Ladies and gentlemen of the Congress, who other than a person that might violate this law would oppose this law?

I have never come to the floor in 10 years, but I am asking the Congress of the United States, the House of Representatives, to tell the other body, "By God, we are willing to accept some compromise language, but we will not be shut out, and we are tired of fraudulent labels."

Now, we are either going to do this, Congress, or we might as well just send out the band and play a few tunes and let the jobs keep going overseas, because we are screwing American workers. That is the bottom line.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I think the gentleman from Ohio makes some very valid points and arguments.

That amendment to which he referred which he sponsored passed the House of Representatives overwhelmingly, and I think that it should be left in the conference committee report.

There are cases that we know about where slave-labor-made items from China and elsewhere came into this country and have been relabeled "Made in America." That is something that should not be tolerated. I conjure with him that there should be criminal penalties imposed for that kind of activity.

For that reason, as a Republican, in order to show there is bipartisan support for this, I urge my colleagues on a voice vote to accept his resolution here today that we instruct our conferees to accept a Buy American provision and impose criminal penalties for anybody who tampers with items made overseas that would lead one to believe that they were made in America when they are not.

I congratulate my colleague and urge all of my colleagues to support it.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

I have a brief closing statement I would like to read into the RECORD.

This is by no stretch of the imagination questioning the decision of the chairman, the gentleman from Texas [Mr. BROOKS] in the conference. The gentleman from Texas [Mr. BROOKS], the chairman, and his staff have worked out a reasonable compromise, and the gentleman from Texas [Mr. BROOKS] is supporting that compromise, and this is not in fact questioning the handling by the chairman, the gentleman from Texas [Mr. BROOKS] of this matter. He supports this.

But there has been language that is worked out, and I would like to share that briefly upon the record before I close. The proposed substitute would read, and I quote:

PROPOSED SUBSTITUTE FOR SUBTITLE R—LABELS ON PRODUCTS—CRIME BILL

SEC. 3086.

To the extent any person introduces, delivers for introduction, sells, advertises, or offers for sale in commerce a product with a "Made in the U.S.A." or "Made in America" label, or the equivalent thereof, in order to represent that such product was in whole or substantial part of domestic origin, such label shall be consistent with decisions and orders of the Federal Trade Commission issued pursuant to section 5 of the Federal Trade Commission Act. This section only applies to such labels. Nothing in this section shall preclude the application of other provisions of law relating to labeling. The Commission may periodically consider an appropriate percentage of imported components which may be included, in the product and still be reasonably consistent with such decisions and orders. Nothing in this section shall preclude use of such labels for products that contain imported components under the label when the label also discloses such information in a clear and conspicuous manner. The Commission shall administer this section pursuant to section 5 of the Federal Trade Commission Act and may from time to time issue rules pursuant to section 553 of Title 5, United States Code for such purpose. If a rule is issued, such violation shall be treated by the Commission as a violation of a rule under section 18 of the Federal Trade Commissions Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices. This section shall be effective upon publication in the FEDERAL REGISTER of a Notice of the provisions of this section. The Commission shall publish such notice within six months after the enactment of this section.

Mr. Speaker, that compromise language is fine. Nobody in the House has a problem with it. I would like to say this in closing to the House, if you let a Senator, one or two Senators, who have a company in their district who more than likely is violating this provision is the only reason why they would oppose it, get over and strike for the American workplace the protection of our American workers, this simple, objective, fair, and prudent language, then God almighty, who governs anymore?

And what do we do around here? I insist on the provision passed in the House dealing with fraudulent labels as it relates to Mazak, Inc., and many other such cases, that the Congress stand firm and in fact insist that that be kept in the bill in at least some form.

Mr. Speaker, with that, if there are no other Members to speak on the issue, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. TRAFICANT].

The motion was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4453, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1995

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. HEFNER, Mr. FOGLIETTA, Mrs. MEEK, Messrs. DICKS, DIXON, FAZIO, HOYER, COLEMAN, and OBEY, Mrs. VUCANOVICH, Mr. CALLAHAN, Mrs. BENTLEY, Mr. HOBSON, and Mr. MCDADE.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 3355, VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1993

Mr. GEKAS. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 3355) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to increase police presence, to expand and improve cooperative efforts between law enforcement agencies and members of the community to address crime and disorder problems, and otherwise to enhance public safety.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GEKAS moves that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 3355, be instructed to insist upon the House passed language regarding "Return of a Finding Concerning a Sentence of Death" contained in section 3593(e) of title VII and "Review of a Sentence of Death" contained in section 3595 of such title.

□ 1400

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 30 minutes in support of his motion.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 14 of this year the House overwhelmingly passed two amendments, considered a bill in which two of my amendments were present. We felt good right after that vote because what it meant was that the death penalty portions of the crime bill were tightened up and that there was a better chance that they would be found to be constitutionally sound after those votes.

What has taken place since—and every Member should know this, and I so inform the Members right here and now—the House conferees are prepared to offer at the crime bill conference a set of provisions that vitiates, erases what the House did on the floor on the Gekas amendments.

Let me tell you what has happened: The Gekas amendment, which was approved on April 14, stated that in the bifurcated hearing, in the second hearing, that a jury must undertake after finding an individual guilty of murder in the first degree, let us say a rape/murder, the jury now deliberates, finds the defendant guilty of murder in the first degree because the individual not only killed the victim but raped the victim right before killing her.

So, all right, we now have a murder conviction, murder in the first degree. Now the jury, under the law, has to retire to decide on the penalty.

On the second hearing, that which has to do with sentencing, the prosecutor has a burden of showing A, B, C, D, E, F, or as many items as he can of aggravating factors. In the case that I just said hypothetically, rape/murder, he can show it was a vicious rape, aggravating circumstance. Two, he used a weapon, a knife at the throat of the victim in the beginning and aggravated her circumstance.

Then the defense can show mitigating circumstances to the jury to show that the defendant was of tender years, shall we say, or did not have a good education when rising from youth to maturity, or X, Y, Z, and mitigating circumstances.

Well, under the law as we proposed it, if the mitigating factors were outweighed by the aggravating factors—let me put it differently: If the aggravating factors outweighed the mitigating factors, then the jury should impose the death penalty. Vice versa: If the mitigating circumstances outweighed the aggravating circumstances, then the defendant could be found by the jury to serve life imprisonment without parole or life imprisonment, as the judge or jury might determine.

Here is what the House conferees have done: Here we are, the House spoke on that, they reconfirmed what I just said about the aggravating must overweigh the mitigating, and, if so, they should find the death penalty. What the House conferees now are proposing to go to conference on, they twisted that around and said, in effect, that the jury can ignore the aggravating circumstances, no matter how vicious that rape/murder was that we are discussing, no matter how many aggravating circumstances there are, the jury can ignore them and find life imprisonment for the defendant.

Well, this makes the whole thing unconstitutional if left untouched. We must force, if we can, the House conferees to revert to the language of the Gekas amendment in order to keep it constitutionally sound.

Why? Now, this requires a brief explanation, and I must burden the House with it, a brief explanation of how this arose and why it is unconstitutional.

In 1972 the Supreme Court struck down the death penalty across the Nation in every State, in every jurisdiction, because if found that when a jury deliberated on life or death, like in the case that I just told you about, the rape/murder, they could on their own discretion, without guidelines, without any weighing of any factors, simply decide death or life. If they did not like the color of the skin of the defendant, they could find the death penalty. If they liked the individual because he smiled beautifully, they could find him for life imprisonment rather than the death penalty.

Remember now, we are talking about a vicious killer who is in front of the jury. Before 1972 the jury could decide on whim or fancy or on freakishly conceived notions—and I use that word freakishly advisedly because that is the word used in the decision—so the Supreme Court said, "We can't allow a jury without guidelines to bring in a death penalty or life imprisonment on their own whims; we have to strike it down."

Then they resurrected the death penalty when they approved a set of guidelines, like the aggravating and mitigating circumstances. If we allow the House conferees to go to the table with language that says that the defendant could be found to have life imprisonment rather than death on any rationale, for any reason, we are going back to the stone ages, before 1972. It would constitute legicide on the part of the conferees; that is, killing of a death penalty bill, an offense of its own, in my mind, legicide if we did not instruct them to resurrect the Gekas amendment which tightens up the constitutional requirements for the death penalty.

That is No. 1 point.

Now, No. 2, in a previous Gekas amendment, which was approved by the Committee on the Judiciary and found its place in the bill as it passed the House, that goes to the appeals process. If there is anything that sickens the American people, Mr. Speaker, it is the endless appeals that seem to be brought by people who have already been convicted of murder in the first degree, who have been sentenced to death and are awaiting execution in prison cells all over the country because we do not have the guts as a Congress and the Judiciary lacks the guts to go to the inexorable conclusion of these sentences and execute these vicious criminals.

At any rate, we learned of a case, Clemons versus Mississippi, which found a certain procedure to be constitutional, which we inserted in the crime bill. This is important for the American people to understand. In that case, the defendant appealed his death sentence, saying that one of the aggravating factors that the jury found to impose death was invalid and, therefore, the whole thing should be struck down. The Supreme Court, in reviewing that case, said even if one of those aggravating factors should be erased or was considered by the jury improperly, if there remain enough other aggravating circumstances to outweigh the mitigating circumstances, then the death sentence shall stand.

Well, we felt that should be incorporated in the bill and, luckily we were able to get that into the bill through the Judiciary Committee process.

Now, the conferees again prepared to go to the conference table, taking language with them that would vitiate that and return us to a point where the prosecutor would have to prove that this aggravating circumstance should or should not be ignored, an additional burden on the prosecutor, further exacerbating the appeals process which we are striving mightily to contract here in the Congress.

□ 1410

We are trying to tighten up the appeals process so that the sentence of death can have some meaning, as approved by the American people, and it can act as a deterrent only if executions are held inexorably in due course. At any rate, these are the two parts of the instruction we have moved now to make certain that the conferees take to the conference table those provisions.

Mr. Speaker, we ask for the approval of the House.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT] on the subject of my motion to instruct.

Mr. TRAFICANT. Mr. Speaker, I support the gentleman's motion to instruct.

We have 25,000 murders or we are approaching 25,000 murders in America. To tell the truth, Congress has tolerated murders, and we have had an awful lot of them.

I am certainly not unlike any other Member here, because none of us want to go out and just instill the death penalty. The bottom line is that I think we have fumbled round with the issue for a long time and it is time to get on with it.

I rise not only to support the motion but to speak about the process of what is happening around here. We seem to vote on specific important pieces of legislation in the House that clearly exemplify the intent of the House of Representatives. Then these bills go over to the other body and the conferees start writing a whole new bill that does not necessarily carry on with it the intent of the majority of those voting in the House. This happens time and time again, and there is only one way we are going to stop it. The House is going to have to begin to insist on its important legislative initiatives that we place in these bills and not take them as bargaining chips for the conferees when they get to the other body and then draft a bill that we cannot amend.

I did not ask for a vote on my motion to instruct because I do not want to belabor the House, but so help me God, if I have to be a renegade around here, I am going to watch carefully what they do with my motion to instruct.

Even though it is a controversial issue, I want to compliment and commend the gentleman from Pennsylvania [Mr. GEKAS]. He is doing what has to be done, and it is time for us to clarify it. Let the American people know what the law is. If we are going to tolerate murders, we are going to keep having more of them. It is time to get on with this important business and support the gentleman's motion.

Mr. Speaker, I do support the motion, I commend the gentleman from Pennsylvania, and I want to associate myself with his remarks.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] and I now yield myself just 1 minute and then I will close.

Mr. Speaker, I will ask the gentleman from Ohio [Mr. TRAFICANT] to join with me in a "Dear Colleague" that I intend to send following the approval of this motion so that we can make sure that the conferees know the intent of the House. With that, I yield back the balance of my time, and I ask for a vote on the motion.

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GEKAS].

The motion was agreed to.

A motion to reconsider was laid on the table.

ENVIRONMENTAL TECHNOLOGIES ACT OF 1994

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 483 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 483

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4799. The amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York [Ms. SLAUGHTER] is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 483 is an open rule providing for the consideration of H.R. 3870, the Environmental Technologies Act of 1994.

The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology.

The rule makes in order as an original bill for the purposes of amendment a substitute consisting of the text of H.R. 4799. The substitute shall be considered by title and each title shall be considered as read.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 3870, the bill for which the Rules Committee has recommended this rule, moves past the polarizing rhetoric we have heard so often on environmental issues. Many people seem to believe that government policy cannot be environmentally sound and economically sound—that these goals are mutually exclusive. The Environmental Technologies Act, before us here today, demonstrates what a fallacy that is.

To be sure, preserving the environment presents challenges to industry. But meeting these challenges provides a wealth of new opportunities—if we encourage creative entrepreneurship and technological development. These have always been the greatest strengths of American industry. The Environmental Technologies Act will allow us to harness these powers to help the environment and create high-technology jobs. It is especially important that the Government form partnerships with smaller firms, which may have innovative ideas but lack the resources to apply them so they are ready for the marketplace.

H.R. 3870 represents more than just a marriage of environmental and economic policy. It is also a fusion of the best ideas from separate environmental technology bills, introduced by a host of representatives, which have been skillfully synthesized into a sensible and comprehensive bill by the members of the Committee on Science, Space, and Technology, under the able leadership of their chairman, Mr. BROWN of California.

I am especially pleased that I had the opportunity to join in this collaborative drafting process. Last year, I introduced H.R. 1135, the Recycling Initiatives Grant Act. My legislation would provide grants for research and development to find new methods to separate, collect, reuse, market, or produce goods with recycled materials. I brought my bill to the committee's attention, and it was also incorporated into the Environmental Technologies Act.

Mr. Speaker, Americans produce 135 million tons of garbage every year—that's more than 1,000 pounds for each man, woman, and child. At the same time, landfills are closing at an alarming rate. In many areas of the country, citizens are doing their part by conscientiously participating in curbside recycling programs. In my home county, Monroe of New York, we have a marvelous recycling program that is approaching the EPA's target goal of recycling 25 percent of our waste stream.

Unfortunately, not all of the products we collect can be recycled cost-effectively. We need better technology to sort these items, to process them quickly and cheaply, and to find new uses for them. The lack of markets for post-consumer recycled materials often means that the bottles and newspapers collected by America's families sit in storage somewhere, waiting for someone to dream up a use for them.

The Environmental Technologies Act will support the search for solutions to these problems. Once the technology is ready, the incentives of the marketplace will take over to encourage reducing, reusing, and recycling.

□ 1420

All it takes is a small investment to start the ball rolling. Recycling is just one example of an area where technological advances can yield enormous benefits to our environment and economy. H.R. 3870 will spur such advantages in a broad range of fields, and it deserves our enthusiastic support. The administration endorses it strongly and the other Chamber has passed a companion bill by a vote of 85 to 14.

Mr. Speaker, I urge my colleagues to support this open rule and this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, this is an open rule, and I had to fight hard to find something to say about it, but I have been successful. It is an open rule that does not waive points of order, and I wanted to commend my very good friend standing down there near the well, Chairman BROWN, chairman of the Committee on Science, Space, and Technology, and the ranking Republican Member, the gentleman from Pennsylvania [Mr. WALKER], sitting right next to me here, for making that request to the Committee on Rules.

More important than this open rule, Mr. Speaker, is the fact that no proxy votes were used during the markup on H.R. 3870. In fact, rumor has it that Chairman BROWN has used tremendous restraint in the use of proxy votes in his committee, and I commend him for that as well.

Despite that, Mr. Speaker, opposition to the bill remains well-deserved. It duplicates existing technology programs, it may be inconsistent with U.S. obligations under the General Agreement on Tariffs and Trade, and it moves our private sector environmental technology programs another step toward the failed industrial policy programs of Japan and Europe. A number of amendments may be offered to address these issues, and I hope very much they will be adopted.

Again, I commend Chairman BROWN for working in a bipartisan manner on this and other measures before his committee. His actions will ensure that H.R. 3870 will receive adequate deliberation, and that is a refreshing departure from the norm of this institution.

I also again commend the gentleman from Pennsylvania [Mr. WALKER] for his efforts to ensure that we are able to work together in a bipartisan way.

Mr. Speaker, I yield such time as he may consume to the ranking minority member of the Committee on Science, Space, and Technology, the gentleman from East Petersburg, PA [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I want to congratulate the committee on this open rule. I think it is a tribute to my friend, GEORGE BROWN, that he does bring requests to the Committee on Rules asking for open rules. We have come to this floor with a number of very important pieces of legislation during this Congress under open rules, and we thank the Committee on Rules for complying with that request.

This is a particularly important bill I think to have an open rule on. There are a number of aspects of this bill that are troubling to me, because I do believe they move the country in the direction of industrial policy which I think would be a tragic way of trying to address the economic and environmental needs of this country for the future.

On the other hand, there is some chance we can improve this bill with amendments on the House floor, and I look forward to the opportunity to improve the bill in a way that it might be supportable by a broad base of the Congress, rather than opposed by many of us who fear the consequences of the bill in its present form.

So I thank the committee again for the open rule, and I hope that this open rule will be used as a way of improving this bill to make it far more acceptable to a broader base of the membership of the House.

Mr. DREIER. Mr. Speaker, we are very proud to have an open rule come forward. I again commend my friends, the gentleman from California [Mr. BROWN] and the gentleman from Pennsylvania [Mr. WALKER] for their efforts here. I urge a "yes" vote. I am yielding back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 483 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3870.

□ 1445

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3870) to promote the research and development of environmental technologies, with Mr. MONTGOMERY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. BROWN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am pleased to bring before the full House, H.R. 3870, the Environmental Technologies Act of 1994. H.R. 3870 emphasizes a new approach to addressing two highly important goals of this Nation: maintaining a healthy environment and fostering a growing economy. The bill does this by having government partner with industry to develop new, environmentally beneficial processes and technologies that anticipate and avoid pollution problems. This bill seeks to help industry put a light green touch on its operations so that pollution is prevented and cleaned up in the course of daily commerce.

Traditionally, the Government has turned to regulatory policies to fulfill its role in ensuring the health of the environment. Although these regulations are necessary, they often overlook the value of new innovations, and at times can inadvertently inhibit their development. H.R. 3870 recognizes that innovation is key to providing the Nation with more cost-effective and improved environmental protection.

This bill calls for better coordination of Federal R&D aimed at developing environmental technologies. Using the newly formed National Science and Technology Council, H.R. 3870 calls for a meaningful interagency strategy to assure that we coordinate individual agency investments in environmental technologies. All agencies have something to contribute to the development of more environmentally sound technologies, and we should ensure that these agencies share information, coordinate their work, and avoid unnecessary duplication.

The bill calls for R&D risk-sharing with the private sector. There are many industries, especially those composed of small and medium-sized manufacturers, that have common environmental challenges but do not have sufficient resources to do the required research and development on their own. Here the Government can act as a catalyst and bring about benefit to industries as a whole.

The National Metal Finishers Association and the National Tooling and Machining Association are among the many organizations that have noted this need to the committee. These associations each represent 2,000 to 3,000 small and medium-sized manufacturers across the country. I would like to submit letters from these organizations for the RECORD.

The emphasis here is on improving the processes and the use of materials before they become a pollution concern. When we think of environmental technologies, we often think of end-of-the-pipe technologies or clean-up technologies. Although these are valuable, we have neglected the part of the process with the greatest potential for improvement. Rather than spend a lot of money trying to control pollution, H.R. 3870 emphasizes a strategy that designs the pollution out at the beginning.

Examples of what we are talking about include alternative cleaning solvents and technologies to reduce exposure to perchloroethylene in dry cleaners; alternative coatings to reduce exposure to volatile organic compounds in coating shops; alternative lubricants to reduce environmental concerns in tooling and machining operations; and alternative systems to reduce chemical exposure in metal finishing. There are just a few examples to illustrate the potential—and the potential is widespread.

H.R. 3870 calls for increasing the availability of information about opportunities for more cost-effective environmental technology options. The Administrator of EPA is directed to use existing information data networks and existing manufacturing outreach programs to make information about new technologies readily accessible. The bill also establishes an award, modeled on the Malcolm Baldrige National Quality Award, to raise awareness about how firms have successfully managed their operations in an environmentally sound and cost-effective manner.

Finally, the bill calls for the faster verification of promising environmental technologies. Because firms are operating in a regulated arena, there is a bias among users against experimenting with the use of new technologies: buyers fear that new innovations may not "meet regulation." If a company tries a new technology and it does not operate perfectly the first time out, they might be fined by regulatory agencies. Unfortunately, there are few avenues for demonstrating and verifying the performance of these technologies. This is bad for the U.S. economy, bad for the environment, and bad for our ability to export these technologies. Uncertainties about new technologies and delays in bringing new technologies to the marketplace are bad for both the environment and competitiveness.

Currently there is no system available to speed the performance verification to new environmental technologies. Thus H.R. 3870 calls for the development of a faster verification system and for the use of Federal laboratories to facilitate the testing of new environmental technologies.

Mr. Chairman, the Science, Space, and Technology Committee has toiled long and hard on this legislation. We have been working for over a year and have received formal and informal comment and advice from industry, State governments, Federal agencies, and environmental groups. The Senate has also been working hard. The Senate passed a companion bill, S. 978, in May with strong bipartisan support. It is time to move ahead with this needed legislation.

We are attempting to eliminate the false issue of having to choose between environmental protection or economic growth. By promoting innovation, this legislation encourages the Government to work with, not against, the private sector to better achieve both goals. Through innovation, we can have both a better environment and a better economy.

I urge my colleagues' support for this legislation.

NATIONAL TOOLING & MACHINING ASSOCIATION,
Ft. Washington, MD, July 7, 1994.

Hon. GEORGE E. BROWN, JR.,
Chairman, House Committee on Science, Space, and Technology,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to commend you, and the members of your committee and staff, on your efforts in producing H.R. 3870, the Environmental Technologies Act of 1994. The tooling and machining industry and all small manufacturers in this country will be beneficiaries of this important legislation when it is passed.

The "Green Technologies" bill places appropriate and proper focus on manufacturing and the environment and complements those Federal technology transfer programs already in place. This bill will ensure the interagency coordination of R&D integration, the deployment of environmental technologies, and the development of necessary priorities for implementation.

We are very pleased that under this legislation, small U.S. manufacturers will be eligible for financial assistance for various projects. Additionally, the fact that this bill directs the use of existing information network capabilities to provide access to data on environmental technologies developed and tested by various organizations is a real plus.

As Mr. Ray Kennedy, former Chairman of the Board of the National Tooling and Machining Association, said when he testified a year ago on this bill, ". . . a consolidated federal effort set up to systematically review and share information on practices and technologies used around the world for environmentally sustainable manufacturing would be very helpful to U.S. manufacturers."

With every best wish for continued success, I am

Sincerely yours,
MATTHEW B. COFFEY,
President.

NATIONAL ASSOCIATION OF METAL FINISHERS,
WASHINGTON OFFICE,
Washington, DC, June 3, 1994.

Hon. GEORGE BROWN,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BROWN: The National Association of Metal Finishers is writing to you in order to express this industry's support for H.R. 3870, the "Environmental Technologies Act of 1994". NAMF represents a variety of small to medium sized industrial facilities, both environmental technology users and developers. We urge you to vote for this legislation which is scheduled for consideration on the floor of the House of Representatives in the near future.

This industry supports the market oriented principles embodied in the provisions of this act, provisions that will encourage and support diversity and competitive choice in the vast environmental technologies market place. We seek your assistance in ensuring that the provisions of this legislation are implemented in a fashion that augments the successful commercial relationships in our industrial sector that have provided an unmatched record of technical and industrial innovations over the years.

The Association has participated extensively with the United States Senate on its approval of companion legislation, S. 978. We have worked to insure that the interests of smaller firms in this field are recognized and fostered. In addition, we support other provisions of H.R. 3870 and S. 978 that seek to bring coordination to the many disparate efforts of the federal government in the environmental technologies field. Our industry has been a leader in efforts to coordinate the federal government environmental research and technologies agenda related to our industry.

As a highly regulated industry which provides services to the majority of significant domestic manufacturing sectors, we have taken and intend to continue our involvement in environmental technology development and deployment. This industry sees utilization of these technologies as both the environmental answer and as a part of our competitive strategy for our increasingly global marketplace.

Please contact the Association at the number above for any additional information that we can provide.

Sincerely,
WILLIAM A. SONNTAG, JR.,
Director, Government Relations.

☐ 1430

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today to consider the Environmental Technologies Act of 1994, which is a bill that offers another solution looking for a problem. It is not as though we do not have a lot of problems in the country, but we have come up with this solution. And we decided that in order to have this solution, we better figure out the problem that it addresses. So we will be talking a lot about a problem here that really does not exist. But nevertheless, the House today will consider the solution.

This bill purports to establish the government's role in supporting the development and deployment of environmental technologies. The proponents of this bill claim that the international market for environmental technologies is expected to grow very quickly between now and the year 2000 and that other governments have recognized this and are actively promoting the development of these technologies in their own countries through research support and subsidized loans.

In response to that crisis that this country has to address, I offer the figures that were published in the 1994

U.S. Industrial Outlook, which states, and I quote:

> The United States is the world's largest producer and consumer of environmental goods and services, accounting for about 40 percent or $80 billion of the world market. The U.S. environmental industry, one of the most competitive in the world, has an excellent potential for expanding exports despite strong competition from Germany and Japan. The United States currently exports an estimated 10 percent of its output in environmental technologies, equipment and services.
>
> Contrary to views that Germany leads this market, EPA data shows that in 1990, the U.S. surpassed Germany in export of air pollution control equipment by about $63 million. This lead grew to $362 million by 1991, when the United States supplanted Germany as the country with the largest trade surplus in environmental protection equipment.

That is our own analysis in our own U.S. industrial outlook policy, and I think goes very clearly to the question of whether or not we are competitive. Clearly, the market failure intimated by this bill does not exist, at least when it comes to the United States environmental industry.

I do agree with the bill's finding that current government regulations do not allow for optimal development of this industry or for any other for that matter. But H.R. 3870 does nothing to address that particular issue.

In March, during a speech at the Asia Pacific Economic Cooperation Forum, Treasury Secretary Bentsen said in part, and I quote:

> We need the private sector, not the government, to be the engine for growth. And this needs to be a competitive private sector where we cut government subsidies and trim unnecessary regulations.

□ 1440

As Finance Minister Aspe of Mexico put it so well, "The first thing we have to do is privatize the private sector."

Despite arguments to the contrary, there is no getting around the fact that this bill duplicates not only the Department of Commerce's Advanced Technology Program but also the Technology Reinvestment Program in the Department of Defense and the Technology Transfer Initiative in the Department of Energy. Environmental projects are not excluded from any of those existing programs. In fact, the President's Science Adviser testified that 10 percent to 20 percent of the ATP awards have gone to environmental programs. The stated goal of this bill is the development of advanced, precommercial environmental R&D. Although the evaluation of environmental criteria may need special attention, there is no reason that the administrators of the ATP program should not be able to call on experts in the field to assess environmentally related proposals.

Section 216 of H.R. 3870 calls for a comprehensive study of the factors affecting innovation in government technologies, including taxes, regulatory influences and other barriers. Consideration of this bill should at the very least be deferred until that study is completed. This study is meant to be a comprehensive investigation of the overall environment in which the development of environmental technologies occurs with particular attention to the effect of taxes and regulations. H.R. 3870 attempts to cure a perceived problem by throwing government money at it instead of taking a comprehensive look at needed tax and regulatory reforms and then, after we have taken that comprehensive look, developing a workable solution.

I have concerns about the ability of the Environmental Protection Agency to select projects for funding and still maintain its independence and integrity as a regulatory agency. Unlike NIST, which has no regulatory authority, the EPA is entrusted with the enforcement of this Nation's environmental laws. It seems to me that there is an inherent conflict of interest in, first, giving the EPA the authority to dispense tens of millions of dollars for precommercial technology whose selection will naturally be based on EPA's biases. Then, second, requiring the agency to evaluate the pollution prevention or remediation effectiveness of the technologies that have been selected. What happens if the technology not funded by this program is found to be more useful than the projects receiving EPA money? It seems to me that that is a question that involves an inherent conflict of interest and undercuts EPA's ability to be an effective environmental agency and instead makes it into an agency with internal conflicts of interest that could come back to haunt us in the future.

I believe that the bill before us today still poses problems with regard to the General Agreement on Tariffs and Trade which I will address later. But even if this legislation is legal, we cannot win a subsidy war without international competitors nor should we want to engage in such a tactic.

Above all, H.R. 3870 is another example of Congress' love affair with government-driven industrial policy. I am beginning to think that its proponents will not be happy until every government department and every government agency and every sector of the economy has its own giveaway program of government subsidies. Is it not time to stop and think about whether that is what the taxpayers of this Nation need and want? I think the taxpayers of this Nation are making it very clear that they are tired of all these subsidy programs that end up being huge bureaucracies but do not produce very much for the economy. Middle class America wants jobs. They want to be working for the good of the country. They do not want government out there providing subsidies for everything in sight. That is what this bill does. It is one more area in which we have a solution looking for a problem and we decide to solve it with big new government spending that adds on to big new government debt.

Mr. BROWN of California. Mr. Chairman, I yield 4 minutes to the gentlewoman from Tennessee [Mrs. LLOYD], the subcommittee chairman for the energy programs and one who is deeply involved and interested in this particular legislation.

Mrs. LLOYD. Mr. Chairman, I rise in support of H.R. 3870, the Environmental Technologies Act of 1994. I want to commend Chairman BROWN for bringing this important legislation before the House. The Environmental Technologies Act is designed to promote the development of new environmental technologies which will make remediation more efficient and more economical. Unfortunately, as regulators, the Environmental Protection Agency has been hesitant to embrace new technologies; this hinders private sector companies and Federal agencies alike in their cleanup efforts.

This bill goes even further in that it promotes pollution prevention and closed cycle manufacturing, and it encourages technology development in those areas. The more we can prevent pollution, the less there will be to remediate.

Included in this bill are provisions relating to the Department of Energy's Environmental Management Program. Title IV calls for the establishment of a civilian technology development program and directs the Department to provide education and training for environmental technicians, engineers, and scientists.

Title IV also calls for a demonstration program to test the economical and technical feasibility of recycling and reusing scrap metals, equipment, and materials owned by the Department of Energy. Some of these inventoried metals, equipment, and materials are radioactively contaminated and the program is designed to decontaminate suitable items. We believe that the Department can make good use of these materials by using them to make waste storage containers which will aid in reducing the volume of materials to be disposed.

The bill directs DOE to increase its technology development budget to 10 percent of the total Environmental Management budget. The Committee on Science, Space, and Technology has repeatedly received testimony from DOE stating that this is its goal, but somewhere between the goal and the budget request submission, it does not happen. Even the recent Congressional Budget Office report on the program criticizes DOE for shortchanging technology development. We desperately need technologies to address some of our most serious problems. This bill attempts to do that.

And finally, these provisions require DOE to include the private sector in the Technology Development Program. We believe new businesses and new jobs will be created through this effort. We have already seen some examples of this, and these jobs are highly skilled, good paying jobs.

I urge my colleagues to support H.R. 3870.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Environmental Technologies Act of 1994. These technologies combine protecting the environment and making a profit. The international market for environmental technologies is expected to grow to $500 billion by the year 2000. Governments of other countries, particularly Germany and Japan, are actively promoting the development of environmental technologies. The European Community has placed a high priority on both environmental technologies and environmentally-sound manufacturing. There is cross-national support of research and development, and many European nations are developing strong recycling policies. The Japanese Government has established a research center for advanced environmental technology development. It is time for the United States to support the precommercial development and deployment of environmental technologies.

One of the sections of H.R. 3870 deals with life-cycle assessment. This section coordinates the life-cycle assessment activities and resources of the Federal Government, relating to environmental technologies. This section encourages a shift in thinking for both policymakers and business leaders. Environmental policies previously have focused on cleanup and now we are turning to waste prevention and minimization, which will lead to greater environmental protection and long-term economic growth.

At a field hearing in Rockville, MD, on Green Technology, Dr. Indira Nair from Carnegie Mellon University, chair of the Advisory Panel for the Office of Technology Assessment Report, "Green Products By Design: Choices for a Cleaner Environment," commented on the report and recommended ways the Federal Government can encourage efforts to promote the concept of Green Design.

This provision encourages the development and use of life-cycle assessment by directing the President, through OSTP or other appropriate entity, to coordinate Federal activities in LCA and to disseminate life-cycle data through existing electronic networks.

Mr. Chairman, I urge my colleagues to support H.R. 3870. It brings creative approaches to protecting the environment and promoting long-term economic growth.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Hampshire [Mr. SWETT].

□ 1450

Mr. SWETT. Mr. Chairman, I thank the gentleman from California for the opportunity to speak out on H.R. 3870, the Environmental Technologies Act. I want to start by saying that the chairman has done a magnificent job in bringing forward legislation that I think is going to have a tremendous impact on the creation of, the fostering of, and ultimately the seeing through of the technology in the green technology arena that is going to be not only good for the environment, but ultimately very good for business in America too.

The Environmental Technologies Act is about looking into the future and grasping its potential. The environmental technology business is big, and it's getting bigger. The global market is currently estimated to be $200 billion annually, and it is growing rapidly—with the potential to create hundreds of thousands of new jobs in the coming decade. The Environmental Technologies Act will help ensure that those new jobs will be created here in the United States, not overseas.

The environmental technology industry presents us with a tremendous opportunity. If we are smart, environmental technology will help us clean up our environment, save money, improve our balance of trade and create new jobs—all at the same time. The alternative is to let this opportunity slip by, and 10 years from now we'll be talking about how, yet again, we've been beaten by our competitors.

In Germany, Japan, and many other industrial nations, environmental protection has evolved into a strategy for enhancing competitiveness. This is the direction we need to move in this country.

Fortunately, we now have an administration that understands the importance of environmental technology, and that understands that environmental protection and competitiveness must go hand in hand. The Environmental Technologies Act, which has been drafted in cooperation with the administration, will help improve cooperation between Government and the private sector in the development and deployment of environmental technologies.

The Environmental Technologies Act is also part of a desperately needed long-term vision for the future that combines environmental quality with economic strength. If we are going to become a sustainable society, we must start to address the problem of maintaining economic growth while also preserving the global environment.

The Earth systems which we all depend upon are fragile and complex, and our capacity to damage these systems, permanently and irreversibly, has become all too apparent. We need to reverse the forces of environmental degradation, and integrate environmental and industrial strategies.

The Environmental Technologies Act helps to do exactly that. It helps move us toward the new technological era of the future, where every technology will be driven by its relationship to the environment, where every product—from design to construction to use to disposal—will need to be frugal in its use of energy and resources.

I urge my colleagues to join me in supporting the Environmental Technologies Act.

Mr. WALKER. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I want to thank my colleague, the distinguished ranking member, for yielding me this time.

Mr. Chairman, I am proud of my record on protecting the planet, and I take seriously the responsibility that all of us in Congress share for ensuring the health of the environment for the sake of future generations—our children and grandchildren and their children and grandchildren.

At the same time, I fully understand the importance of structuring policies that sustain economic growth, create jobs, and keep the United States at the forefront of a highly competitive global marketplace.

For both reasons, I rise in support of H.R. 3870.

The Environmental Technologies Act of 1994 is a bill that can pay dividends by maintaining and enhancing the quality of the environment and in triggering a new kind of clean, high technology economic growth through innovative and intelligent use of limited resources.

Over time, it has become clear that execution of our current environmental policies with their emphasis on strict regulatory compliance has not always produced the most cost-effective solutions for accomplishing our goals. Today's approach to environmental protection has, unfortunately, had the inadvertent consequence of erecting barriers in the way of innovations that would benefit the economy as well as the environment.

Our policies must move away from an overreliance on restrictive, end-of-the-pipe regulations and toward encouragement of inventive and more environmentally compatible products and processes. This evolution can create new opportunities for existing industries as well as lead to the development of new industries. In fact, it already has.

Let me give you a few examples from the agricultural industry, which is particularly important in my district:

Advanced soil management tools that exploit telecommunications technologies can improve harvest yields in a cost effective manner, better preserve the soil and minimize the waste of water and soil treatments.

New biotechnology processes can enable industry to convert basic commodities into a wide variety of environmentally compatible products. For instance, biodegradable plastics made from corn can be used to produce cups, utensils, packaging and, significantly, trashbags that would otherwise continue to amplify our landfill problems because of their indestructibility when made of other materials.

Bordering my own district in central New York is a company—Lions Falls Pulp and Paper—that deserves special notice. The firm utilizes a creative manufacturing process that avoids commonly used chlorinated compounds that could otherwise do significant damage to the soil and water.

But we can—and must—do more. Japan and nations in the European Community have recognized the promise of environmental technologies and are working with their industries to develop the dual benefits associated with this new approach. We have been slower to act. Now, H.R. 3870 presents us with the opportunity to combine the goals of environmental protection and economic growth by encouraging innovation and cooperation with industry.

I urge you to join me in supporting this important initiative.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, I rise in support of the Environmental Technologies Act. I would like to thank the chairman of the Science, Space, and Technology Committee, Mr. BROWN, for bringing us this important legislation.

I would also like to thank Mr. VALENTINE, chairman of the Subcommittee on Technology, Environment and Aviation who along with the committee staff has worked so hard to give this House an opportunity to act on meaningful legislation that has the support of a wide range of industries, professional associations, academics, and nonprofit organizations.

I would also thank the committee for its work with me on amendments. I will join Mr. MANZULLO in offering to the legislation which concern the challenges Wisconsin and many other States face in meeting the goals of the Clean Air Act.

The Environmental Technologies Act of 1994, takes a step toward addressing the challenges facing our economy today—protecting the environment in a manner that builds the economy rather than restraining it. It adopts an innovative approach toward reaching the dual goals of maintaining a healthy environment and promoting economic growth. It does so through innovation rather than regulation.

The purpose of the Environmental Technologies Act is to facilitate the development and use of environmental technologies that will bring about more cost-effective environmental protection as well as long-term economic growth. The legislation provides a framework for government to work with industry to develop and deploy environmental technologies.

H.R. 3870 identifies five key areas in which Government and industry can work together to sustain a healthy environment and promote continued economic growth. This new policy approach calls for:

Better coordination of Federal environmental research and development programs and the integration of private sector views;

Enhanced risk and cost sharing for pre-commercial environmental technology R&D that can benefit a wide range of industries rather than single firms;

Improving the ability of firms to verify the performance of new environmental technologies in a timely manner;

Better measurements of technical performance for the environmental characteristics of products and processes; and

Increased awareness of the benefits of new environmental technologies through information dissemination and awards.

This legislation is important to maintaining a healthy environment. Protecting this public good through public policies is a role of governments of all nations.

Mr. Chairman, this legislation represents a new sense of partnership between Government and business. I think all of us would agree that this type of arrangement is much more preferable than an adversarial one. This is a small investment in a policy that stands a good chance of advancing environmental protection and creating jobs. That is why I hope this bill receives strong bipartisan support.

□ 1500

Mr. BROWN of California. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE], chairman of our Subcommittee on Technology, Environment, and Aviation, who has labored more than anyone else to bring this bill to the floor, and who then, in the type of response that I like in subcommittee chairmen, has allowed me to take the credit for it.

Mr. VALENTINE. Mr. Chairman, I thank the committee chairman for his very, very kind, very generous, and, in some respects, very false remarks.

In what we do here we, indeed, stand on the shoulders of giants. Most of what we accomplish in this committee comes now or has in the past from the fertile imagination of our chairman.

Mr. Chairman, I rise in support of H.R. 3870, the Environment Technologies Act of 1994.

H.R. 3870 takes an important step toward more cost-effective environmental protection. Too often in the past, our environmental policies have focused on regulation, fees, taxes, and costly end-of-the-pipe solutions to our environmental problems. Past policies have often pitted environmentalists against industrialists to the detriment of both of their views and against the ultimate interests of the general public.

H.R. 3870 takes a different approach by placing the government in a proactive relationship with industry. H.R. 3870 focuses on innovation rather than regulation. It has the government bear some of the responsibility for solutions. H.R. 3870 encourages government and industry to work together to develop new, and more cost-effective means of achieving both environmental goals and industrial competitiveness.

Let me give you an example from North Carolina. North Carolina is home to many of the Nation's furniture manufacturers. They have provided many of America's homes with some of the finest furnishings made. However, the process of producing this fine product is not without its environmental problems. The coatings used to produce high quality furniture often involve the emission of volatile organic compounds, or VOC's, which is a health hazard. This situation was, in fact, recently the subject of an EPA rulemaking. However, each individual furniture maker has little incentive to solve an industrywide problem alone by investing in the research and development needed to look for less hazardous coating alternatives. This is where the Government can act as a partner. By sharing the cost of developing these alternatives with industry, the Government can catalyze the development of technologies that are cost-effective, more environmentally sound, and which will benefit the industry as a whole.

I have a letter here from the American Furniture Manufacturers Association that supports this approach and this legislation. Mr. Chairman, I would like to enter this letter into the RECORD.

On the other side of the Hill, Senator CHAFEE mentioned a similar role for the Government in the case of jewelry manufacturers in the Northeast when he spoke in favor of the Senate counterpart to this bill. I am confident that if we took the time to look, we would find comparable situations in every one of our districts.

Let me note that this does not need to be a partisan issue. Our colleagues on the other side of the Hill recognized this when a majority of Republicans joined a majority of Democrats in passing the Senate counterpart to this bill, S. 978, by a vote of 85 yeas to 14 nays.

Let me close with a quote form one of the witnesses who testified before the Science Committee on this legislation. Mr. D. Ray Kennedy is president of the Bowden Machine Co. in Nashville, TN, a small tooling and machining firm, and he is chairman of the board of the National Tooling and Machining Association. Mr. Kennedy noted that the proactive approach taken in this bill will strengthen his industry's "overall strategic position in world manufacturing," and will bring important societal benefits that include "improvements to the environment, health benefits for the people and other living things, and a better world for our children."

I urge a "yes" vote.

AMERICAN FURNITURE
MANUFACTURERS ASSOCIATION,
Washington, DC, July 25, 1994.

Hon. TIM VALENTINE,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN VALENTINE: The American Furniture Manufacturers Association (AFMA) is writing in support of the goals of H.R. 3870, the Environmental Technologies Act of 1994. AFMA is the largest furniture industry trade association in the United States. Over 18 billion dollars in sales are produced annually by the domestic furniture manufacturing industry and production by AFMA member companies exceeds 75% of that figure. AFMA members have home offices or facilities in most of the 50 states and employ more than 500,000 people.

The wood furniture industry is highly competitive, faces stiff foreign competition from imports and operates on narrow profit margins. Additionally, it is very diverse and complex and lacks the industry concentration to conduct large and sophisticated research and development. In this environment, burdensome governmental regulations, such as those required under the Clean Air Act have a major impact on U.S. furniture manufacturing and its employees. The industry is currently working with the U.S. Environmental Protection Agency in the promulgation of regulations to determine how volatile organic compounds (VOC) and hazardous air pollutants (HAP) from the finishing rooms of furniture manufacturing facilities will be controlled.

H.R. 3870 recognizes that the two goals of promoting a sound economy and maintaining a healthy environment are equally important public policy concerns for the United States. It also acknowledges that the research, development and demonstration of environmental technologies will enhance the economic standing of the United States and global environmental security. Coordinating and integrating governmental research and development of solvents that would release less VOCs and HAPs into the environment and help industry comply with the Clean Air Act would serve the two goals of promoting both environmental and economic public policy concerns.

Sincerely,

JOSEPH G. GERARD,
Vice President of Government Affairs.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of H.R. 3870, the Environmental Technologies Act of 1994. This important piece of legislation promotes job creation and furthers the preservation and protection of our environment. Nowhere will these companion goals be more strongly felt than in California's 36th District.

The South Bay area of Los Angeles County is the center of our Nation's aerospace and defense industry—perhaps the hardest hit of any area in the country by defense downsizing. The Environmental Technologies Act of 1994 will help defense and other high-technology companies explore new commercial markets for green technology products, which the President's Science Advisor estimates could represent a $200 billion worldwide market, and will lead to the creation of thousands of high-skill, high-wage jobs.

Last August, the Science, Space, and Technology Committee held a green technology field hearing in Torrance—the largest city in my district, and home to many aerospace firms. Over a dozen witnesses testified on the progress already being made by defense and other high-technology businesses in the area of green technology development.

Hughes Aircraft Co. told the committee about its efforts to reduce automobile emissions through electric vehicle development and through the use of an innovative remote sensing technology. Allied Signal discussed its ambitious fuel cell development program. Southern California Edison, Southern California Gas Co. and Aerovironment discussed their work in advanced transportation fields.

Maxwell Laboratories spoke of its new, environmentally sensitive airplane painting procedure. Simple Green detailed its environmentally friendly industrial cleaner. Gridcore Systems discussed its exciting work in the transformation of trash into building materials. Omnithruster, another company present at the hearing, gave an overview of its environmentally sensitive ship propulsion device.

While some argue that jobs and the environment always have to be at odds—the opposite is true with green technology development and manufacturing. Just as my district will feel the bill's job creation thrust, the development and use of green technologies will help improve our environment in southern California.

One need only visit Los Angeles on a summer day to literally see our region's notorious smog problem. The development and use of green transportation technologies such as electric and natural gas vehicles and fuel cells will reduce the emission of harmful chemicals into our air, and will help southern California comply with Federal, State, and regional clean air mandates.

In addition to making the air we breathe cleaner, green technology development will further other key environmental goals including cleaning up our Nation's waterways. The Santa Monica Bay stretches the length of my district from Venice to the Palos Verdes Peninsula. While the bay's pollution level has decreased in recent years, many users of our popular beaches still do not believe that it is safe to swim in the water.

The Environmental Technologies Act of 1994 will stimulate the development of technologies which will help clean up Santa Monica Bay and other waterways around the country. The development of cleaner manufacturing technologies will allow industry to discharge fewer pollutants into our already overloaded sewer systems. Innovative sewage treatment and water recycling technologies will further reduce the amount of pollution which ultimately reaches our oceans and rivers.

The Environmental Technologies Act of 1994 will allow the Federal Government to serve as a constructive partner with industry in the development of green technologies. Make no mistake—aerospace and high-technology companies are already exploring green technology commercial markets. This legislation helps generate momentum in this important area.

Mr. GRAMS. Mr. Chairman, I would like to note with pleasure the inclusion of the field of commercial agriculture in the revised version of the environmental technologies bill, accomplished by adding the U.S. Secretary of Agriculture among the named Government officials who will participate in the administration of this bill.

Agriculture is one of the Nation's largest and most successful industries. Total farm and farm-related employment in the United States accounts for over 21 million jobs—more than 15 percent of total U.S. employment and 5 million more jobs than exist in non-agricultural manufacturing. Most of these jobs are not on farms, but are located in urban areas. Agricultural exports are vital to our Nation's economy and have exceeded $42 billion the last few years. In fact, U.S. ag exports surpass imports by an $18 billion margin.

But even more importantly, the success of agriculture is directly tied to the land, its productivity, and care for and preservation of it. A total of 990 million acres in the United States are devoted to farming, either as cropland, grazing land, or to raise timber or fish. Agricultural producers share common goals for the protection of the land with the public at large. With farmers and ranchers providing food and habitat for 75 percent of the Nation's wildlife, they make management decisions that have far reaching impacts on environmental quality, wildlife habitat, and recreation sites.

Therefore, it makes sense to include agriculture in the list of activities that can benefit from the demonstration and awards programs promoted by this bill.

Farmers and ranchers have shown their strong willingness to use sound environmental practices in their work. The information that can be provided by the projects authorized by this bill will help them do even better what they know should be done. And by their inclusion in eligibility for the awards program, they can be commended for their efforts in land stewardship.

There has been much talk recently of further regulation of agricultural processes from an environmental point of view. Farmers and ranchers have argued that they will respond better to voluntary programs. They have demonstrated over several decades that when new ideas grounded in sound science are presented, they will accept these practices.

Therefore, there is strong reason to include farmers in the opportunities presented by this bill, and I commend the authors of the revised version for recognizing this.

Mr. WALKER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MURPHY). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in H.R. 4799 shall be considered by titles as an original bill for the purpose of amendment and each title is considered as read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 4799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Environmental Technologies Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—GENERAL PROVISIONS
Sec. 101. Short title; table of contents.
Sec. 102. Findings.
Sec. 103. Purposes.
Sec. 104. Definitions.
TITLE II—POLICY COORDINATION AND TECHNOLOGY PROGRAMS
Subtitle A—Policy Coordination and Program Planning
Sec. 201. Coordination of environmental technology research and development.
Sec. 202. Life-cycle assessments.
Sec. 203. Environmental technologies in ongoing programs.
Subtitle B—Environmental Technology Innovation Initiative
Sec. 211. Establishment and administration of initiative.
Sec. 212. Innovative environmental technology program.
Sec. 213. President's total environmental quality award and the national environmentally sound technology award.
Sec. 214. Incorporation of information on environmental technologies into existing networks.
Sec. 215. Use of Federal facilities for environmental technology demonstration.
Sec. 216. Study of factors affecting innovation in environmental technologies.
Sec. 217. Disclaimer.
Subtitle C—Other Research Activities
Sec. 221. Environmentally advanced engineering research.
TITLE III—PERFORMANCE MEASUREMENTS
Sec. 301. Performance measurements.
Sec. 302. Verification of environmental technologies.
Sec. 303. Use of certain environmental technologies by the Federal government.
TITLE IV—DEPARTMENT OF ENERGY ENVIRONMENTAL TECHNOLOGY DEVELOPMENT
Sec. 401. Environmental restoration and waste management technology development.
Sec. 402. Metals recycling demonstration program.
Sec. 403. Funding and authorization.
Sec. 404. Coordination.
TITLE V—AUTHORIZATION OF APPROPRIATIONS
Sec. 501. Authorization of appropriations.
Sec. 502. Limitation on appropriations.
Sec. 503. Competition requirement for awards of financial assistance.

SEC. 102. FINDINGS.

The Congress finds the following:

(1) Promoting a sound economy and maintaining a healthy environment are among the urgent public policy challenges of the United States.

(2) The research, development, and demonstration of environmental technologies will enhance the economic standing of the United States and global environmental security.

(3) Although better designs for products and processes offer new opportunities for substantially improved environmental performance in growing domestic and international markets, current government regulations and market barriers do not allow these opportunities to be fully exploited.

(4) Although the Federal Government, research institutes, universities, and industries are conducting substantial basic environmental research and development, environmental concerns must become a more pervasive and central dimension of technology research and development.

(5) The coordination of Federal, State, and local activities for the research, development, and demonstration of environmental technologies will greatly enhance the effectiveness of environmental policies of the United States.

SEC. 103. PURPOSES.

It is the purpose of this Act—

(1) to improve, consistent with applicable provisions of law, coordination and integration of environmental technology research and development performed by and across Federal agencies;

(2) to assist and catalyze efforts of private industry, universities, nonprofit research centers, and Federal laboratories in the research, development, and demonstration of cost-effective, energy-efficient, and safe environmental technologies and, in the process, to promote the competitiveness of United States companies;

(3) to facilitate the dissemination of information regarding innovations in environmental technologies;

(4) to promote the development of technical performance measurements of environmentally sound products; and

(5) to direct the study of policy changes that will provide for the more efficient research, development, and demonstration of environmental technologies.

SEC. 104. DEFINITIONS.

For the purposes of this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "design-for-environment" means the process of synthesis in which waste prevention and the efficient management of materials during a product's life cycle are treated as design objectives, in addition to conventional attributes such as cost, performance, manufacturability, and safety.

(3) The term "environmental technology" means a cost-efficient technology that is primarily intended to improve the quality of the environment through pollution prevention, pollution monitoring, pollution control, pollution remediation, reuse, recycling, or disposal, or that is capable of cost-effectively offering significant environmental benefits when compared with a technology it replaces.

(4) The term "Federal laboratory" has the meaning given the term "laboratory" in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

(5) The term "life-cycle assessment" means an inventory of the resource use and waste generation involved in developing a technology, including materials extraction, materials conversion, transportation, energy use, end use, recycling, and disposal, and their associated costs and environmental impacts.

(6) The term "small business concern" means a United States company that is a small business concern within the meaning given such term in the Small Business Act (15 U.S.C. 631 et seq.).

(7) The term "sustainable economic development" means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials.

(8) The term "technology" means a product, a manufacturing process, a system, a service, or any other method by which individual or societal needs are met through technical activities.

The CHAIRMAN pro tempore. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 5, after line 12, insert the following new paragraph 4:

(4) The term "advanced precommercial environmental technologies" means any environmental technology that enables the commercial potential of a new product or process but requires a further investment in addition to, and comparable to, the assistance provided under this Act to develop and market application-specific commercial prototypes, products, and processes.

Page 5, line 13, strike "4" and insert "5".
Page 5, line 17, strike "5" and insert "6".
Page 5, line 23, strike "6" and insert "7".
Page 6, line 3, strike "7" and insert "8".
Page 6, line 9, strike "8" and insert "9".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, the bill itself states its intent is to develop and demonstrate advanced precommercial environmental technologies, but the bill does not define the item or explicitly limit the federally funded R&D moneys to this purpose. In fact, the proposed selection criteria sound very much like direct commercial product development, that is, contributions to new markets, reduced production costs, and so on.

We should avoid marketing and commercialization grants which start subsidy wars that we cannot win with other more controlled economies.

It also replaces the wisdom of consumer preference in the market for bureaucratic fiat if we proceed in this direction. Soon regulations will mandate the use of these politically correct products to the exclusion and destruction of other U.S. industries, companies, products, and jobs.

What this amendment does is simply puts some teeth into the subsidy limitation by clarifying that when generic precompetitive R&D ends and commercialization begins; when you make that kind of delineation, it seems to me that it fits with the overall definitions within the bill. We assure that we are not going to end up in some kind of a subsidy war in the future in commercially viable technologies.

I would hope that the amendment which is at the desk would be one that would be acceptable to the committee as a way of strengthening the bill.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, the Chair has looked at the gentleman's amendment, and as always, he seeks to accommodate the gentleman as much as it is possible to do, always recognizing that the gentleman may take advantage of him on occasion. But in this situation, the Chair is willing to accept this amendment and commends the gentleman for a constructive addition to the bill.

Mr. WALKER. I thank the gentleman, and with that kind of an agreement, I think I should yield back the balance of my time, which I do, Mr. Chairman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to urge my colleagues to support H.R. 3870, the Environmental Technologies Act of 1994.

H.R. 3870 authorizes $80 million in fiscal year 1995 and $120 million in fiscal year 1996 for joint industry-government partnerships to develop technologies which will clean up our environment.

The development of green technologies: Increases the competitiveness of U.S. businesses who compete in this $300 billion per year market; and, improves our ability to clean up hazardous waste and provide new alternatives to poisonous chemicals and toxic materials.

In addition to the technology development funds, H.R. 3870 authorizes the use of Federal facilities for testing environmental technologies, establishes verification centers, and develops standards for measuring the performance of these technologies.

Finally, for the first time, the bill coordinates a 30-agency effort to develop environmental technologies and provides a strategic plan directing these agencies to anticipate changes to current environmental law and invest our Federal technology dollars to expedite the transition to sustainable environmental practices.

Mr. Chairman, I join with the President, the Vice President, environmental groups, industry representatives, and others who assert green technology makes sense for our environment—and dollars and cents for our business community.

I urge Members to support the Environmental Technologies Act of 1994.

□ 1510

The CHAIRMAN pro tempore. (Mr. MURPHY). Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—POLICY COORDINATION AND TECHNOLOGY PROGRAMS

Subtitle A—Policy Coordination and Program Planning

SEC. 201. COORDINATION OF ENVIRONMENTAL TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) INTERAGENCY COORDINATION.—The President, acting through the Director of the Office of Science and Technology Policy or other entity designated by the President and in coordination with the heads of other Federal agencies that have substantial capabilities in the research, development, and demonstration of environmental technologies, shall develop an interagency strategy that is in accordance with the policies, requirements, and objectives of the applicable Federal statutes administered by those agencies and that—

(1) ensures, to the maximum extent practicable, the coordinated, interagency promotion of the research, development, and demonstration of environmental technologies; and

(2) develops priorities for Federal environmental technology research, development, and demonstration efforts, by using scientifically objective information, data, and assessments of risk.

(b) IMPLEMENTATION.—In carrying out this section, the President, acting through the Director of the Office of Science and Technology Policy or other entity designated by the President, shall—

(1) review current Federally funded programs, including Federal budget outlays for these programs, to determine their role in the research, development, and demonstration of environmental technologies;

(2) recommend the specific responsibilities of each appropriate Federal agency to achieve the priorities developed under this section;

(3) describe the recommended levels of Federal funding required for each Federal agency to carry out the specific responsibilities recommended in paragraph (2);

(4) develop a means for ensuring, to the maximum extent practicable, that the principles of sustainable economic development are integrated into the research, development, and technology programs of all Federal agencies;

(5) ensure that programs and activities established under this Act are fully coordinated with existing Federal capabilities and an overall Federal strategy for the research, development, and demonstration of environmental technologies;

(6) ensure that the efforts of the Federal Government are coordinated with the efforts of State and local governments and private and nonprofit organizations promoting the research, development, and demonstration of environmental technologies;

(7) ensure that programs and activities established under this Act develop technologies that could assist States and regional associations of States to comply with existing environmental regulations, including air pollution regulations; and

(8) submit to the Congress any recommendations regarding legislative or administrative action, including recommendations on the roles of Federal agencies, which may be required to carry out this section.

(c) BUDGET COORDINATION.—The Director of the Office of Science and Technology Policy shall annually assess, in conjunction with other entities designated by the President and before the President submits to the Congress the budget for a fiscal year, the budget estimate of each relevant Federal agency for consistency with the plans, reviews, and priorities developed under this section. The Director shall make the results of the annual assessment available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget, for use in the preparation of such budget.

(d) STRATEGIC PLAN AND ANNUAL REVIEW.—The Director of the Office of Science and Technology Policy or other entity designated by the President shall submit to the Congress—

(1) within one year after the date of the enactment of this Act and periodically thereafter, a report on the strategy referred to in subsection (a) and any revisions to the strategy for executing interagency coordination of programs and activities conducted under this section, including the timely research, development, and demonstration of innovative environmental control and remediation technologies; and

(2) annually a report that describes the progress made in implementing the strategy, including the programs and activities conducted under this Act, and the amendments made by this Act, in achieving the purposes of this Act.

(e) NON-FEDERAL PARTICIPATION.—The Director of the Office of Science and Technology Policy shall establish mechanisms to ensure the participation of non-Federal entities, including State and local governments, United States companies, United States industrial associations and consortia, United States institutions of higher education, United States worker organizations, United States professional associations, and United States nonprofit organizations, in carrying out this section, including the development of the plans, reviews, and recommendations developed under this section.

SEC. 202. LIFE-CYCLE ASSESSMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Consideration of life-cycle consequences of the development of a technology can greatly assist in the achievement of more environmentally sound products, processes,

and services and enhanced industrial efficiency. Life-cycle assessments and other design-for-environment resources can facilitate this achievement by clarifying materials flows and energy flows and by enhancing capabilities to assess these flows in the design of such products, processes, and services.

(2) Methods of life-cycle assessment and other design-for-environment resources are underused in both the public and private sectors, particularly as applied to sustainable economic development.

(3) The data necessary for meaningful life-cycle assessment and other design-for-environment resources are often difficult to acquire, and no system exists to make such data readily available to public and private groups.

(b) Life-Cycle Assessment Coordination.—

(1) In general.—As part of, and consistent with, the overall Federal environmental technology strategy established in section 201, the Director of the Office of Science and Technology Policy or other entity designated by the President shall, in collaboration with the heads of other appropriate Federal agencies (including the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense), coordinate Federal activities and resources that are applied to life-cycle assessment and other design-for-environment resources in order to maximize the contribution of life-cycle assessments and other design-for-environment resources to the efficient design, development, and use of technologies, and to sustainable economic development.

(2) Implementation.—In carrying out this subsection, the Director of the Office of Science and Technology Policy or other entity designated by the President shall—

(A) ensure that the life-cycle assessment and other design-for-environment resources of each Federal agency are developed and disseminated in a coordinated fashion, partitioning agency responsibilities where appropriate;

(B) coordinate with State and local governments developing life-cycle assessment and other design-for-environment resources; and

(C) consult with industry, professional, nonprofit, and other appropriate private-sector organizations to take into account the life-cycle assessment and other design-for-environment capabilities of the private sector in carrying out this section.

(3) Other activities.—In carrying out this subsection, the Director of the Office of Science and Technology Policy or other entity designated by the President shall also encourage appropriate Federal agencies—

(A) to collect and disseminate information regarding analytic methods (and, as required, to develop such methods) that will significantly enhance the ability of United States companies and other organizations to evaluate materials extraction, materials conversion, transportation, energy use, end use, recycling, and disposal, and their associated costs and environmental impacts;

(B) to utilize, to the fullest extent practicable, existing networks and supporting databases which provide access to publicly available information that will facilitate the use of life-cycle assessments and other design-for-environment resources;

(C) to sponsor demonstrations for public policy and business decisionmakers of the effective use of life-cycle assessment and other design-for-environment data and methods described in this section; and

(D) to ensure that private-sector life-cycle assessment and other design-for-environment capabilities are, and continue to be, fully integrated into activities under this section.

(4) Limitation.—Nothing in this section shall be considered to require the use of life-cycle assessment or other design-for-environment data or methods by any Federal agency.

(c) Annual Review.—The Director of the Office of Science and Technology Policy or other entity designated by the President shall annually submit to the Congress a report containing an evaluation of the life-cycle assessment or other design-for-environment activities of the Federal Government.

SEC. 203. ENVIRONMENTAL TECHNOLOGIES IN ONGOING PROGRAMS.

(a) Stevenson-Wydler Amendments.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701) is amended—

(1) in section 2(2), by inserting "greater environmental sustainability," after "employment opportunities,";

(2) in section 3(1), by inserting "for sustainable economic development" after "stimulate technology";

(3) in section 4, by adding at the end the following new paragraph:

"(14) 'Sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials.";

(4) in section 6(a), by inserting "and sustainable economic development in their regions" after "enhance the competitiveness of American business";

(5) in section 6(d), by inserting "and sustainable economic development in their regions" after "enhance the competitiveness of American businesses";

(6) in section 7(a), by inserting "and sustainable economic development" after "enhance technological innovation";

(7) in section 7(c)(1), by inserting "sustainable economic development," after "employment,";

(8) in section 9(a), by inserting "and sustainable economic development" after "enhance technological innovation"; and

(9) in section 11(c)(1), by inserting "and would enhance sustainable economic development" after "commercial applications".

(b) NIST Amendments.—The National Institute of Standards and Technology Act (15 U.S.C. 271) is amended—

(1) in section 1(b)(1), by inserting "sustainable economic development," after "improved product reliability and manufacturing processes,";

(2) in section 1, by adding after subsection (b) the following new subsection:

"(c) For purposes of this section, the term 'sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials."; and

(3) in section 2(b)(1), by inserting "to enhance sustainable economic development (as that term is defined in section 1(c))," after "to improve quality,".

(c) Technical Amendment.—Section 214 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2451 note) is amended—

(1) by striking "102(c)" and inserting "102(d)"; and

(2) by striking "2451(c)" and inserting "2451(d)".

(d) NASA Amendments.—The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 note) is amended—

(1) in section 102(d)—

(A) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10), respectively; and

(B) by inserting after paragraph (5) the following new paragraph:

"(6) The making available to Federal and non-Federal entities of the United States, technologies that will enhance the sustainable economic development of the Nation."; and

(2) in section 103—

(A) by striking "; and" in paragraph (1) and inserting a semicolon;

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) the term 'sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials.".

(e) NSF Amendments.—

(1) Functions.—Section 3(a) of the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(A) in paragraph (6), by striking "; and" and inserting a semicolon;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(8) to foster education and research that would promote sustainable economic development nationally and internationally.".

(2) Definition.—Subsection (g) of section 14 of such Act is amended as follows:

(A) By striking "(g) For purposes of this Act, the term" and inserting the following:

"(g) For purposes of this Act:

"(1) The term".

(B) By adding after paragraph (1), as designated by subparagraph (A) of this paragraph, the following new paragraph:

"(2) The term 'sustainable economic development' means the integration of environmental and economic development concerns leading to continuous and long-term economic development with reduced pollution and the more efficient use of energy and materials.".

Subtitle B—Environmental Technology Innovation Initiative

SEC. 211. ESTABLISHMENT AND ADMINISTRATION OF INITIATIVE.

(a) Establishment.—There is established an interagency Environmental Technologies Innovation Initiative, to be implemented as part of, and consistent with, the overall Federal environmental technology strategy established in section 201, to promote the research, development, and demonstration of technologies that will contribute significantly to sustainable economic development. The Administrator shall administer the initiative in collaboration with the heads of other Federal agencies, including the Secretary of Commerce, the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Secretary of Agriculture, and the Secretary of Interior, that have substantial capabilities in advanced technology research and development.

(b) Conduct of Initiative Programs and Activities.—The initiative referred to in subsection (a) shall include—

(1) the administration and award of the President's Total Environmental Quality

Award established under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), as added by section 213, and of the National Environmentally Sound Technology Award established under section 25 of such Act, as added by section 213;

(2) the conduct of the Innovative Environmental Technology Program described in section 212, the information activities described in section 214, and the environmental technology demonstration program described in section 215; and

(3) the study provided for in section 216.

(c) AGREEMENTS WITH OTHER AGENCIES; ASSISTANCE.—

(1) IN GENERAL.—To carry out a section referred to in subsection (b)(2), the Administrator may enter into an agreement with the head of another Federal agency, and enter into contracts and cooperative agreements with, and award grants to, entities eligible for financial assistance under that section.

(2) COMPETITIVE PROCESS.—The Administrator (or the head of a Federal agency under an agreement under paragraph (1)) shall select proposals for financial assistance under a section referred to in subsection (b)(2) solely through a competitive, merit-based evaluation process.

(3) INTEGRATION OF INDUSTRY AND OTHER VIEWS.—The Administrator (or the head of a Federal agency under an agreement under paragraph (1)) shall develop mechanisms for integrating the views of representatives of industry and nonprofit and other appropriate organizations into the process by which proposals for financial assistance under a section referred to in subsection (b)(2) are evaluated and selected.

(d) OTHER ASSISTANCE AUTHORIZED.—The Administrator, in collaboration with the heads of other appropriate Federal agencies that have substantial capabilities in advanced technology research and development and as appropriate, may provide an entity receiving financial assistance under a section referred to in subsection (b)(2) with any technical and other assistance, including any equipment and facilities of Federal laboratories (including the scientists and engineers at those laboratories), necessary to carry out such section.

(e) ANNUAL INTERAGENCY PLAN AND REVIEW.—The Administrator, in collaboration with the heads of other appropriate Federal agencies (including the Secretary of Commerce and the Secretary of Energy) and in consultation with representatives of industry, nonprofit, and other appropriate organizations, shall develop a strategic plan for the programs and activities referred to in subsection (b)(2) as part of, and consistent with, the overall Federal environmental technology strategy established in section 201 and shall report to the Congress on the performance of such programs and activities as part of the annual report described in section 201(d). Such report shall include an evaluation of—

(1) the success of innovations resulting from such programs and activities; and

(2) the nature and extent of participation of socially disadvantaged individuals and economically disadvantaged individuals, as such terms are defined in paragraphs (6)(A) and (5) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)(6)(A),(5)), respectively, including women, including an evaluation of any steps taken to encourage the participation of such individuals.

(f) ADMINISTRATION.—

(1) IN GENERAL.—In administering the programs and activities referred to in subsection (b)(2), the Administrator shall—

(A) monitor the manner in which any technologies developed as a result of the programs and activities are used, and report periodically to the Congress on the extent of any international transfer of these technologies;

(B) provide for appropriate dissemination of the results of any research conducted under such program and activities; and

(C) take any other action the Administrator considers necessary to carry out the programs and activities and to avoid unnecessary duplication of effort by Federal agencies.

(2) APPLICABILITY OF OTHER LAW.—Paragraphs (5), (6), (7), (8), and (11) of section 28(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278n(d)) shall apply to the administration of the programs and activities referred to in subsection (b)(2).

(3) PARTICIPATION OF SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In carrying out the sections referred to in subsection (b)(2), the Administrator shall encourage the participation of socially disadvantaged individuals and economically disadvantaged individuals, as such terms are defined in paragraphs (6)(A) and (5) of section 8(a) of the Small Business Act (15 U.S.C. 637(a)(6)(A),(5)), respectively, including women.

(g) ECONOMICALLY DEPRESSED AREAS.—The Administrator, in collaboration with the heads of other appropriate Federal agencies, shall seek to ensure that entities eligible for assistance under a section referred to in subsection (b)(2) and located in areas determined by the Administrator to have a depressed economy, or a significant concentration of defense-related industries, or chronically high unemployment, are notified of the assistance made available under that section and, to the extent practicable, to encourage and facilitate the participation of such entities in activities for which assistance is provided under that section.

(h) LIMITATION ON CONSTRUCTION OF FACILITIES.—The Administrator may not provide financial assistance to an entity under this section for the construction of facilities.

(i) MANAGEMENT.—The Administrator shall prescribe any regulations necessary to carry out each section referred to in subsection (b)(2), including regulations—

(1) prescribing the form, time, and manner in which proposals for financial assistance under such section shall be submitted; and

(2) providing consideration of in-kind contributions by a non-Federal Government entity participating in a program or activity conducted under such section for the purpose of determining the share of the costs of participating in the program or activity that have been or are being undertaken by that entity.

SEC. 212. INNOVATIVE ENVIRONMENTAL TECHNOLOGY PROGRAM.

(a) ESTABLISHMENT.—The Administrator, in collaboration with the heads of other appropriate Federal agencies (including the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense), shall conduct an interagency innovative environmental technology program to develop or demonstrate advanced precommercial environmental technologies and which, to avoid redundancy and ensure efficiency, will be a part of, and consistent with, the overall Federal environmental strategy established in section 201.

(b) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—An entity shall be eligible for financial assistance to conduct a demonstration or development project under the program established under subsection (a) only if the entity is either a single United States company or a partnership which—

(1) includes two or more United States companies; and

(2) may include, as determined appropriate by the Administrator, a Federal laboratory or laboratories, United States nonprofit organizations, United States institutions of higher education, agencies of States governments, and other entities that participate in the partnership by supporting the activities conducted by such companies or corporations under this section.

(c) CRITERIA FOR SELECTION OF PROPOSALS.—The Administrator shall give priority consideration to the following criteria in evaluating proposals for financial assistance under this section:

(1) Contribution to the priorities established pursuant to section 201(a)(2).

(2) Significant improvement in environmental soundness of the production process.

(3) Contribution to industrial competitiveness, including new markets, reduced production costs, and enhanced global competitiveness.

(4) Improvement in the environment of the workplace.

(5) Applicability to other industrial processes.

(6) Improvement in technological capability to recycle complex combinations of materials.

(7) Innovative application of post-consumer materials.

(8) Direct application to environmental technologies needed for United States business and industry.

(9) Other criteria established by the Administrator.

(d) AWARD CONDITIONS.—Financial assistance provided under this section shall be subject to the following conditions:

(1) Such assistance may be made for not more than three years for single United States companies and not more than five years for partnerships.

(2) Except as provided in paragraph (3), the Federal Government may provide financial assistance to a partnership under this section in an amount that is not more than a minority share of the cost of the project conducted by the partnership.

(3) The Federal share of the cost of a project conducted by a partnership under this section may exceed the limitation described in paragraph (2) if—

(A) the partnership is composed entirely of small business concerns; or

(B) the Administrator determines that it would be appropriate under the circumstances and would serve the purpose of the program to provide more than a minority cost-share of the project conducted by the partnership.

(4) The Administrator has determined that—

(A) an applicant for any such assistance has made reasonable efforts to obtain non-Federal funding for the Federal cost share sought to be received under this section; and

(B) such non-Federal funding could not be reasonably obtained.

(5) Each project under this section shall be carried out under such terms and conditions as the Administrator shall require to ensure the protection of human health and the environment.

(e) EVALUATION.—As part of the annual evaluation referred to in section 211(e), the Administrator shall conduct an evaluation of—

(1) the extent to which technologies developed pursuant to the program established under subsection (a) are used;

(2) the contribution of such technologies to reduced pollution and the more efficient use of energy and materials; and

(3) the contribution of such technologies to economic development.

(f) RECOUPMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish procedures and criteria for recoupment in connection with any project, for which financial assistance is provided under this section, which has led to the development of a product or process which is marketed or used.

(2) REQUIREMENT AS CONDITION FOR AWARD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), such recoupment shall be required as a condition for the provision of financial assistance under this section, shall be proportional to the Federal share of the cost of the project, and shall be derived from the proceeds of royalties or licensing fees received in connection with such product or process.

(B) EXCEPTION.—In the case of a product or process which is used by the recipient of financial assistance under this section for the production and sale of its own products or processes, the recoupment shall consist of a payment equivalent to the payment which would be made under subparagraph (A).

(3) WAIVER.—The Administrator may at any time waive or defer all or some of the recoupment requirements of this subsection as necessary, depending on—

(A) the commercial competitiveness of the entity or entities developing or using the product or process;

(B) the profitability of the project; and

(C) the commercial viability of the product or process used.

SEC. 213. PRESIDENT'S TOTAL ENVIRONMENTAL QUALITY AWARD AND THE NATIONAL ENVIRONMENTALLY SOUND TECHNOLOGY AWARD.

(a) FINDINGS.—The Congress finds the following:

(1) Award programs such as the Malcolm Baldrige National Quality Award Program have made substantial contributions to private enterprise by providing a framework upon which organizations can improve their operations and by focusing on issues important to their competitiveness.

(2) A President's Total Environmental Quality Award Program modeled on the Malcolm Baldrige National Quality Award Program would contribute to environmental quality and sustainable economic development by—

(A) helping to stimulate United States companies to research, develop, and demonstrate environmental technologies;

(B) recognizing the achievements of such companies which successfully research, develop, and demonstrate environmental technologies; and

(C) establishing guidelines and criteria that can be used by business, industrial, governmental, and other organizations in evaluating their own research, development, and demonstration of environmental technologies.

(b) PURPOSE.—It is the purpose of this section to provide for the establishment and conduct of a President's Total Environmental Quality Award Program and a National Environmentally Sound Technology Award Program under which awards are given to recognize the successful research, development, and demonstration of environmental technologies, and information is disseminated about such success.

(c) ESTABLISHMENT OF AWARDS.—The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by inserting after section 23 the following new sections:

"SEC. 24. PRESIDENT'S TOTAL ENVIRONMENTAL QUALITY AWARD.

"(a) ESTABLISHMENT.—There is hereby established the President's Total Environmental Quality Award (in this section referred to as the 'Award').

"(b) DESIGN.—The Award shall be evidenced by a medal bearing the inscription 'President's Total Environmental Quality Award'.

"(c) AWARD SELECTION PROCESS.—The Secretary, in collaboration with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Defense, shall establish a process for the acceptance and evaluation of Award applicants. The Secretary shall, to the extent practicable, refer to the procedures used in the administration of the Malcolm Baldrige National Quality Award, including the definition of award categories, the delegation of responsibilities, and provisions for publicity, evaluation feed-back, and information transfer, as a model for the President's Total Environmental Quality Award.

"(d) PRESENTATION OF AWARD.—

"(1) RECOMMENDATIONS BY SECRETARY.—The Secretary shall submit to the President, and make available to the public, the recommendations of the Secretary for the selection of Award applicants.

"(2) SELECTION BY THE PRESIDENT.—On the basis of recommendations received under paragraph (1), the President shall periodically select for receipt of the Award United States companies and other organizations which in the judgment of the President have substantially benefited the environmental, economic, and social well-being of the United States through the research, development, and demonstration of environmental technologies and the effective integration of environmental concerns into its operations and management, and which as a consequence are deserving of special recognition.

"(3) PRESENTATION CEREMONY.—The President or the Vice President shall present the Award to recipients selected under paragraph (2) with such ceremony as the President or the Vice President considers to be appropriate.

"(e) LIMITATION.—The information gathered in evaluating Award applications may be used only for the evaluation of such applications and for publicity by winners of the Award. Such information may not be used for regulatory or compliance purposes.

"(f) EVALUATION CRITERIA.—Criteria for evaluating Award applications shall include the following:

"(1) The effectiveness of the organization's development and demonstration of environmental technologies, as well as the organization's provision for environmental technologies in its future plans.

"(2) The effectiveness of the integration of environmental concerns into the operations and management of the organization.

"(3) The effectiveness of energy and materials use from the perspective of the lifecycle of the production, use, recycle, and disposal of a product.

"(4) The effective use of an integrated approach to pollution prevention and control that considers all environmental media (liquid, solid, gaseous).

"(5) The overall environmental performance of the organization, including environmental compliance.

"(g) FUNDING.—The Secretary may seek and accept gifts from public and private sources (and may, subject to annual appropriations, use such gifts) to carry out this section. The Secretary shall annually make available to the public a list of any such gifts and the sources of the gifts. The Secretary may provide for the imposition of a fee upon the organizations applying for the Award.

"(h) REPORT.—Not later than 3 years after the date of the enactment of the Environmental Technologies Act of 1994 and biennially thereafter, the Secretary shall submit to the President and the Congress a report on the progress made in carrying out this section, including a report on any indications that the Award has influenced the practices of United States companies and other organizations. The report shall include any recommendations of the Secretary for any modifications of the Award the Secretary considers necessary.

"SEC. 25. NATIONAL ENVIRONMENTALLY SOUND TECHNOLOGY AWARD.

"(a) ESTABLISHMENT.—There is established a National Environmentally Sound Technology Award for the purpose of awarding individuals who have pioneered the development and use of highly innovative environmental technologies within the meaning of section 104(3) of the Environmental Technologies Act of 1994.

"(b) ADMINISTRATION.—Using the authority and procedures established in section 24 and subject to the conditions described in this section, the Secretary, in collaboration with the Administrator of the Environmental Protection Agency and the Secretary of Energy, shall receive and evaluate applications for the National Environmentally Sound Technology Award and provide for presentation of such Award.

"(c) QUALIFIED TECHNOLOGIES.—Technologies that qualify for such Award may include the following:

"(1) Manufacturing technologies.

"(2) Industrial or consumer products.

"(3) Consumer services.

"(4) Recycling technologies.

"(5) Pollution monitoring and control technologies.

"(6) Pollution remediation technologies.

"(7) Other technologies as appropriate.

"(d) QUALIFIED APPLICANTS.—Any citizen or permanent resident of the United States may qualify for such Award. Any such individual who is employed by or otherwise works for a business, Federal laboratory, or other organization may qualify for such Award only if the individual was substantially involved in the invention or innovation for which such Award is presented.

"(e) LIMITATION.—Not more than five such Awards may be presented annually.

"(f) REPORT.—Not later than 2 years after the date of the enactment of the Environmental Technologies Act of 1994 and biennially thereafter, the Secretary shall submit to the Congress a report on the progress made in carrying out this section. The report shall contain an evaluation of the performance of such Award, including an assessment of the extent to which the public recognizes such Award and such Award encourages innovation of environmental technologies.".

SEC. 214. INCORPORATION OF INFORMATION ON ENVIRONMENTAL TECHNOLOGIES INTO EXISTING NETWORKS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Administrator, through the Office of Research and Development of the Environmental Protection Agency and in collaboration with the Under Secretary for Technology of the Department of Commerce and the heads of any other appropriate Federal agencies, shall, to the maximum extent practicable, use existing information network capabilities of the Federal Government as part of, and consistent with, the overall Federal environmental technology strategy established in section 201 to provide coordinated access to data on environmental technologies or protocols developed, tested, verified, or certified under programs established by this Act, and by other appropriate Federal and non-Federal sources. Such data shall include—

(1) information on—

(A) activities carried out under this Act and the amendments made by this Act;

(B) performance standards regarding environmental technologies;

(C) significant international developments in environmental technologies, fully coordinating with other international technology information programs of the Federal Government; and

(D) cost-effectiveness and performance of environmental technologies; and

(2) other information determined by the Administrator to be of substantial value in promoting the research, development, and demonstration of environmental technologies.

(b) Use of Existing Resources.—In carrying out this section, the Administrator shall, to the maximum extent practicable—

(1) use existing public and private sector information providers and carriers; and

(2) coordinate with the heads of other appropriate Federal agencies to make data described in subsection (a) accessible through appropriate database systems of those Federal agencies.

(c) Outreach.—The Administrator, through the Office of Research and Development of the Environmental Protection Agency and in collaboration with the Under Secretary for Technology of the Department of Commerce and the heads of any other appropriate Federal agencies, shall conduct outreach efforts to advertise, deliver, and disseminate the information made available pursuant to subsection (a). As part of such efforts, the Administrator shall consult with United States industrial associations and take appropriate action to ensure access to such information by industrial assistance organizations and programs supported by a State or local government, a non-profit organization in which a State or local government is a member, an institution of higher education designated by a State or local government, a manufacturing extension and outreach service or regional technical assistance service approved by the Federal Government, or a Federal laboratory.

(d) Evaluation and Report.—As part of the annual evaluation referred to in section 211(e), the Administrator shall conduct an evaluation of the extent to which the data provided pursuant to this section are used.

SEC. 215. USE OF FEDERAL FACILITIES FOR ENVIRONMENTAL TECHNOLOGY DEMONSTRATION.

(a) Establishment.—The Administrator shall establish a program, in collaboration with the heads of appropriate Federal agencies (including the Secretary of Energy, the Secretary of Commerce, and the Secretary of Defense) as part of, and consistent with, the overall Federal environmental technology strategy established in section 201, to demonstrate the performance of environmental technologies at Federal laboratories and other Federal facilities.

(b) Qualifying Technology Demonstration Projects.—Technologies that qualify for demonstration under such program include—

(1) environmental technologies that can be applied to a major pollution control or remediation need at a Federal laboratory or other Federal facility;

(2) environmental technologies the development of which would be significantly advanced by unique facilities or capabilities of a Federal laboratory or other Federal facility; and

(3) other environmental technologies that have significant potential as an environmental technology that will contribute to sustainable economic development or that will make a significant contribution to the cleanup of communities significantly affected by pollution.

(c) Administration.—As part of the program established under this section, the Administrator—

(1) may enter into a cooperative agreement with any other Federal agency to make available, as appropriate, any expertise, site, or facility under the jurisdiction of such agency to an eligible entity under subsection (d) for the purpose of demonstrating the performance of an environmental technology;

(2) shall establish application procedures for an eligible entity under subsection (d) to apply to demonstrate an environmental technology at an available site or facility, including—

(A) provisions for sharing the cost of demonstrating the technology with an applicant that limit the Federal share of the cost to not more than 50 percent of the total cost of demonstrating the technology; and

(B) provisions that provide special consideration of the needs of small business concerns;

(3) shall establish criteria for verification of the efficacy of demonstrated environmental technologies;

(4) shall establish specific procedures for the management and oversight of demonstration activities conducted under this section;

(5) shall, pursuant to section 214, in consultation and collaboration with other Federal agencies, and consistent with the Federal environmental technology strategy established in section 201, make available for entities eligible under subsection (d) information regarding—

(A) the facilities and expertise available at Federal laboratories that would be valuable to the demonstration of environmental technologies; and

(B) sites at Federal laboratories or other Federal facilities potentially available for demonstrating environmental technologies, characterized by specific site characteristics, including site geology and site contaminants where appropriate;

(6) shall document the performance and cost characteristics of each environmental technology demonstrated pursuant to this section; and

(7) shall list and disseminate, pursuant to section 214, nonproprietary information regarding the performance and cost characteristics of the environmental technologies demonstrated pursuant to this section.

(d) Entities Eligible for Participation.—Entities eligible to carry out a demonstration project as part of the program established under subsection (a) are United States companies (including small business concerns), United States nonprofit organizations, United States institutions of higher education, and other entities that the Administrator considers appropriate.

(e) Program Evaluation and Reporting.—In the report required by section 211(e), the Administrator shall evaluate the performance of the program established under this section, including an evaluation and statement of—

(1) the number of environmental technologies demonstrated and the type of problems addressed;

(2) the Federal and non-Federal financial resources committed to the program; and

(3) the extent to which technologies demonstrated pursuant to this section are used.

(f) Savings Provision.—Nothing in this section shall be construed to supersede any other provision of law that provides authority to a Federal agency to demonstrate environmental technologies. Technologies eligible for demonstration under this section that are also eligible for demonstration at sites under section 311(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(b)) shall be subject to the limitations and requirements of that section. Demonstration projects and activities under this section shall not alter or interfere with the conduct or expeditious completion of response actions at facilities proposed for or listed on the National Priorities List.

SEC. 216. STUDY OF FACTORS AFFECTING INNOVATION IN ENVIRONMENTAL TECHNOLOGIES.

(a) Study.—The Administrator shall enter into an agreement with the National Research Council to conduct a study of the influences on technological innovation in environmental technologies of economic, governmental, competitive, financial, and other incentives and barriers.

(b) Report.—The Administrator shall include in the agreement referred to in subsection (a) a requirement that the National Research Council complete a report describing the results of the study referred to in such subsection not later than two years after the date of the enactment of this Act. The report shall identify specific incentives for and barriers to technological innovation and describe the reasons for the positive or negative influences identified. The Administrator shall submit the report to the Congress within 30 days after receiving the report from the National Research Council. Nothing in this section may be construed as authorizing the reprogramming of funds for such an agreement.

SEC. 217. DISCLAIMER.

Nothing in this Act, or the amendments made by this Act, shall be construed by the Administrator or the Secretary of Energy, or any officer or employee of the Environmental Protection Agency or the Department of Energy, or by any court as altering, affecting, supplanting, modifying, or changing, directly or indirectly, any law which on the day before the date of the enactment of this Act referred to, and provided authorities or responsibilities for, or was administered by, the Environmental Protection Agency or the Department of Energy or the Administrator of the Environmental Protection Agency or the Secretary of Energy.

Subtitle C—Other Research Activities

SEC. 221. ENVIRONMENTALLY ADVANCED ENGINEERING RESEARCH.

(a) In General.—The Director of the National Science Foundation shall take appropriate actions to support research activities that will advance the integration of engineering practices and environmental protection in the development of advanced technologies.

(b) Interagency Collaboration.—The Director of the National Science Foundation shall collaborate with the heads of other appropriate Federal agencies, including the Administrator, in carrying out this section.

(c) Integration of Information.—The Director of the National Science Foundation shall, to the maximum extent practicable, provide for the dissemination of information developed as a result of the research activities referred to in subsection (a) through education activities of the Foundation and through the information dissemination activities developed pursuant to section 214.

The CHAIRMAN pro tempore. Are these amendments to title II?

AMENDMENTS OFFERED BY MR. BARCA OF WISCONSIN

Mr. BARCA of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Barca of Wisconsin: In section 201(b) of title II of the bill, (page 8, after line 17), insert the following new paragraph (7):

(7) ensure that in developing the interagency strategy for the research, development, and demonstration of environmental technologies pursuant to this section, priority is given to geographic areas of significant environmental need, including geographic areas that have been designated as nonattainment areas under section 107(d)(1)(A)(i) of the Clean Air Act (42 U.S.C. 7407(d)(1)(A)(i));

Page 8, line 18, redesignate paragraph (7) as paragraph (8).

Page 8, line 23, redesignate paragraph (8) as paragraph (9).

Mr. BARCA of Wisconsin. Mr. Chairman, I also have an amendment to title III that complements this amendment. I offer that amendment and ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN pro tempore. The Clerk will report the amendment to title III.

The Clerk read as follows:

Amendment offered by Mr. Barca of Wisconsin: in section 302(e) of title III of the bill, (page 52, after line 18, insert the following new paragraph (5):

(5) The capability of the applicant to conduct evaluations of technologies that address priority environmental concerns consistent with the priorities established in section 201 of this Act, including geographic areas that have been designated as non-attainment areas under section 107(d)(1)(A)(i) of the Clean Air Act (42 U.S.C. 7407(d)(1)(A)(i)).

Page 52, line 19, redesignate paragraph (5) as paragraph (6).

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin [Mr. Barca] for consideration of the two amendments en bloc?

There was no objection.

Mr. BARCA of Wisconsin. Mr. Chairman and fellow Members, these amendments, I believe, are very necessary in order to ensure that the various communities across the country which need the help the most in meeting environmental goals, such as the Clean Air Act, receive priority for consideration in the development of new technologies. This is a problem that affects my home State of Wisconsin, but it also affects the State of Illinois and many Midwestern States. It affects much of California and much of the Northeast.

Mr. Chairman, I have been working in collaboration with some of my colleagues from these parts of the country on the problem and also on this amendments.

Basically, some nonattainment areas of the country are faced with compliance measures such as car poolings, vehicle emissions testing, in order to help improve air quality. However, a number of these regions receive a significant portion of their air pollution from other areas of the country. Recently, in a study of four different States—Wisconsin, Illinois, Michigan, and Indiana—which shows that air transport coming from other regions of the country can exacerbate an area's efforts in order to come into compliance with the Clean Air Act. Transport occurs in other regions of the country as well. What we find is that even if areas such as mine are in full compliance with all the provisions of the Clean Air Act, for many there is an unfortunate probability that ozone levels will still exceed Federal limits.

So, while the Environmental Protection Agency works with Members of Congress like myself and the gentleman from Illinois [Mr. Manzullo] to try to address this problem, we believe that we should give nonattainment areas priority consideration for environmental technology that makes sense to help us solve these problems.

New technologies should be geared toward those areas which need help the most—that is, nonattainment regions—so that businesses and municipalities have the best tools available to reduce pollution locally in a cost-effective manner.

In order to insure we can meet the goals of the Clean Air Act, I urge my colleagues to support these very reasonable amendments.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word. I would like to indicate that we have reviewed these amendments, which require the administration, the Environmental Protection Agency, to give priority to technologies that would address certain nonattainment areas that suffer from ozone problems. Coming from Los Angeles, I think this is a very good amendment.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, I would say I too have had a chance to review the amendment, and I see no problem with the amendments. In the spirit of cooperation which we have developed on these amendments, I would be happy to accept them.

Mr. BROWN of California. Mr. Chairman, I very much appreciate the gentleman's attitude on this.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Wisconsin [Mr. Barca].

The amendments were agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. FINGERHUT

Mr. FINGERHUT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Fingerhut: in section 211(b)(2) (page 20, line 16), insert ", and the demonstration program established pursuant to section 218" before the semicolon.

At the end of subtitle B of title II of the bill (page 45, after line 19), add the following new section:

SEC. 218. ENVIRONMENTALLY EFFICIENT BUILDING MATERIALS.

(a) Demonstration of Environmentally Efficient Materials.—Not later than 90 days after the date of the enactment of this Act, the Administrator, in cooperation with the Administrator of General Services and the heads of other appropriate agencies, may establish a 3-year demonstration program to promote research on, and development of, environmentally efficient building materials, including the use of such materials in the construction of new Federal facilities and buildings and in existing Federal facilities and buildings.

(b) Characteristics of Materials.—In selecting environmentally efficient building materials under the demonstration program, the Administrator shall give priority to those materials that most cost-effectively maximize the conservation and preservation of natural resources.

(c) Performance Verification.—Before using environmentally efficient building materials under this section, the Administrator, in cooperation with the Administrator of General Services and the heads of other appropriate agencies (including the Director of the National Institute of Standards and Technology), shall verify, through support of appropriate tests and using, to the maximum extent practicable, existing Federal capabilities, that such materials—

(1) are cost-competitive with comparable, more conventional materials on a life-cycle cost basis; and

(2) meet applicable Federal environmental, public health, safety, and energy efficiency standards.

(d) Research and Development.—The Administrator may support the research and development of environmentally efficient materials that show substantial promise for use in buildings. Paragraphs (2) and (3) of section 212(d) shall apply to support provided under this subsection.

(e) Guidelines.—The Administrator shall cooperate with the Administrator of General Services and the heads of other agencies to ensure that, where applicable, the results of the activities conducted pursuant to subsection (a) are incorporated into guidelines developed by appropriate Federal agencies for the use of environmentally efficient building materials.

(f) REPORT.—Not later than 60 days after completion of the demonstration program, the Administrator shall submit to the Congress a report on the implementation of the demonstration program. The report shall include the following:

(1) A listing of the type and quantities of environmentally efficient building materials tested, developed, and used.

(2) A statement of the cost and performance of such materials compared to comparable, more conventional materials.

(3) An assessment of the extent to which the use of such materials can be expanded beyond the scope of the demonstration program.

(4) An assessment of the extent to which research on, and development of, such materials occurred as a result of the demonstration program and the extent to which further support is needed to stimulate such research and development.

(g) INTEGRATION OF OTHER VIEWS.—In carrying out this section, the Administrator, in cooperation with the Administrator of General Services, shall develop mechanisms for integrating the views of other agencies that carry out major construction programs, including the Army Corps of Engineers and the Veterans Administration, and representatives of the environmental community, the construction industry (including small business), manufacturing companies (including small businesses) that produce environmentally efficient materials, and the scientific and technical community.

(h) PREEMPTION.—Nothing in this section is intended to preempt any provision of law of a State or a political subdivision of a State that is more restrictive than a provision of this Act.

(i) WAIVER.—Section 211(h) shall not apply to the demonstration program established pursuant to this section.

(j) DEFINITIONS.—For purposes of this section:

(1) The term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and any agency of the judicial or legislative branch of the Federal Government.

(2) The term "environmentally efficient materials" means any recycled, recovered, reclaimed, or reused material whose production, manufacture, fabrication, and use conserves and preserves natural resources when compared to the production, manufacture, fabrication, and use of comparable, more conventional materials.

(3) The term "environmentally efficient building materials" means any environmentally efficient material which may be used in the construction of a building or facility.

(4) The term "construction" with respect to any project of construction under this section, means the erection or building of new structures or the replacement, expansion, remodeling, alteration, or modernization of existing structures.

Mr. FINGERHUT (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FINGERHUT. Mr. Chairman, first let me express my support for this bill. It is an important measure. It does many significant things in the cause of advancing environmental technologies. I want to express my congratulations to the chairman and the ranking minority member, who have worked so hard on this legislation, and I also want to indicate to the ranking member that in consultation with our staff we are currently making one change to the draft of the language that the ranking member has requested. I hope that will be acceptable and we will have that for his review in a moment.

Mr. Chairman, I rise today to offer an amendment to create the Federal Resource-Efficient Building Materials Pilot Program—to encourage the purchase and use by the Federal Government of building products made from recycled, reclaimed, or reused materials and which are energy efficient to use.

As a society, we have begun to recognize the limits of our natural resources and the need to conserve these resources.

As a nation, we are faced with a tremendous solid waste disposal problem. But we are not simply running out of places to bury our garbage. When we landfill, we throw away the resources contained in that waste and the land on which we bury our garbage.

The building industry is an effective place to target efforts to be environmentally responsible because it is an industry that is resource intensive and generates much waste. According to the American Institute of Architects, 54 percent of all energy generated in the United States is consumed by the manufacturing of materials for, construction of, and operation of buildings and roads. In the building industry, there is great potential for:

First, reducing the need for raw materials;

Second, developing markets for recycled materials; and thus

Third, significant reduction in the generation of solid waste; and

Fourth, greater energy efficiency in the operation of buildings construction with the environmentally conscious material production and building operation.

The bottom line is we conserve resources; we save money.

In the past decade, we have made dramatic strides in the amount of garbage we recycle.

However, our efforts to recycle are stymied by the lack of markets for recycled materials. Without markets, recycled materials become waste.

This amendment addresses the need to reduce the generation of waste, to create markets for recycled materials and to be energy efficient in our production and use of buildings and the materials with which they are constructed.

This amendment will encourage the Federal Government to take the lead in market development of environmentally responsible building materials.

This amendment works to conserve natural resources, reduce waste, and save money. It is truly a win-win situation for everyone concerned.

Specifically, the amendment would create a 3-year pilot program for the research, testing, and demonstration of environmentally efficient building materials. The program would be executed as part of the Environmental Technology Innovation Initiative established in H.R. 3870.

The amendment requires the testing and evaluation of candidate materials for their cost effectiveness and their satisfaction of environmental, public health, safety, and energy efficiency standards. Materials that passed the evaluation could be used in a demonstration program involving Federal buildings and facilities.

The amendment requires the indepth participation of business, industry, and environmental interests, in the planning and execution of the program.

The amendment authorizes cost-shared support for research and development of environmentally efficient building materials as part of the Innovative Environmental Technology Program of H.R. 3870.

The amendment requires an evaluation of the program and the extent to which the materials tested or developed were used in the marketplace.

At the conclusion of the 3 years, the results of the pilot program should be incorporated into guidelines developed by appropriate Federal agencies to maximize the use of environmentally efficient building materials.

This amendment builds upon the current efforts of the private industry to recycle.

Construction materials, primarily made up of wood and paper products have great potential for being cost-effectively recycled for use in building materials. Markets are currently emerging in the use of these materials for the manufacture of room partitions and exhibition boards. However, the major market for these products is in the construction and renovation of buildings.

Paper and related products account for one-third of the municipal solid waste in this country by weight, over 60 million tons per year. This waste can be converted into construction materials. However, insufficient data exists regarding the performance and durability of these materials, as well as their conformance with safety and other regulations.

This amendment moves the Federal Government—with all of its purchasing power—to lead the charge in the use of recycled and energy efficient building materials. This creates a potentially huge market for recycled materials.

This new market will encourage recycling and further research and development on the use of these materials.

Current examples of products made from these materials include: a concrete foundation system using recycled polystyrene and polypropoylene; roof shingles made from recycled computer hardware systems; floor tiles made from recycled glass; carpeting made from recycled plastic bottles; and steel beams, framing and doors made from recycled scrap metal.

The Center for Resourceful Building Technology reports that there are at least 23 companies in Ohio that manufacture and/or distribute environmentally efficient building materials.

We are only just starting to realize the business potential in the environmental marketplace. By encouraging the development of environmentally efficient building materials, we are only scratching the surface of resource efficient business opportunities.

As a society, we must begin to look at the lifecycle cost of our actions. Failure to do so is wasteful and costly. The long-term implications of our irresponsibility for generations to come will be severe. We must act now on the recognition that what is good for the environment is good for the economy.

Mr. Chairman I offer the following letters in support of my amendment to create the Environmentally Efficient Building Materials Program to be included in the RECORD.

NATIONAL ASSOCIATION
OF HOME BUILDERS,
Washington, DC, July 20, 1994.

Hon. ERIC D. FINGERHUT,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FINGERHUT: On behalf of the 170,000 members of the National Association of Home Builders (NAHB), I would like to offer our support for the Fingerhut Amendment to H.R. 3870, the Environmental Technologies Act of 1994. This amendment will be offered during consideration of H.R. 3870 by the full House next week.

This important amendment would require the Environmental Protection Agency (EPA), to establish a demonstration program for promoting research on, and the development of, environmentally efficient building materials. In selecting such materials under the program, EPA must give priority to those materials that most cost-effectively maximize the conservation and preservation of natural resources.

NAHB has long been in support of research into the area of construction. The NAHB Research Center, a not-for profit subsidiary of NAHB located in Upper Marlboro, Maryland, was founded in 1964 for that purpose. The NAHB Research Center studies all aspects of home building to identify better and more affordable ways to build homes. The areas of research conducted there include energy and resource conservation, product development and introduction, the ways homes are built and the materials used in home construction. In fact, the NAHB Research Center has built the "Resource Conservation Research House" to demonstrate construction materials and methods that conserve our nation's resources. This house is constructed entirely of recycled materials and energy-saving and low-maintenance products. We invite you to tour the NAHB Research Center and research homes at your convenience.

NAHB strongly urges your support for the Fingerhut Amendment to H.R. 3879 when it is considered on the House floor during the week of July 25th. Today conservation and construction must join together as a team and this amendment will promote such an effort.

Sincerely,

THOMAS N. THOMPSON.

NATIONAL AUDUBON SOCIETY,
New York, NY, July 25, 1994.

Hon. ERIC FINGERHUT,
U.S. House of Representatives
Washington, DC.

TO THE HONORABLE ERIC FINGERHUT: I am writing to express the National Audubon Society's support of your proposed amendment to the Environmental Technology Act (H.R. 3870), scheduled to be introduced in Congress on Tuesday, July 26.

The amendment, to be included in section 211(b)(2) of the Environmental Technology Act, addresses environmentally efficient building materials, and calls on the Administration to establish a 3-year demonstration program to promote research and development of environmentally efficient building materials, especially those used in the construction and renovation of federal facilities.

As you are aware, the National Audubon Society took up residence in an environmentally responsible, energy efficient headquarters in November 1992. Audubon's project has provided a major impetus to the burgeoning sustainable architecture movement. Our "Building for an Environmental Future" program was launched in 1992 in an effort to inform and educate architects, engineers, builders, developers, corporate leaders and policy makers about the importance of building, renovating and designing structures that conserve energy, reduce air pollution, maximize recycling and minimize use of the toxic materials that contribute to sick building syndrome. This educational program includes Audubon's sponsorship of weekly tours of its headquarters, the publication of a comprehensive book, Audubon House: Building the Environmentally Responsible, Energy-Efficient Office and the production of a documentary "Building Green," for broadcast on public television.

As president of the National Audubon Society, a 600,000 strong grassroots environmental organization, and as an individual who has made a commitment to creating a model of environmentally responsible architecture, I wholeheartedly endorse the Fingerhut amendment.

It is my hope that Audubon's environmentally responsible headquarters will provide a replicable example for federal, state and local government, as well as commercial and private builders and designers. Using Audubon's renovation project as a model, we have been urging policy makers to embrace the concept of environmentally responsible building design, replicate it where possible, and make its design philosophy the standard for all future building and renovation projects, whether governmental, commercial or residential structures. In order to conserve energy and our precious natural resources, we need to replicate Audubon's success on a national scale—and the Fingerhut amendment is a step in the right direction.

Passage of the Fingerhut amendment makes sense for many reasons. The demonstration structures it calls for will advance environmentally responsible building construction and design. Implementation of innovative techniques, technologies and design philosophy have been proven critical not only for conserving energy, reducing air pollution, maximizing recycling and reducing sick building syndrome; their application makes sound financial sense as well. The Fingerhut amendment represents the beginning of crucial government initiatives to 'green' America's energy squandering, unhealthy buildings. This amendment advances sound public policy aimed at achieving real and lasting results.

Audubon urges the inclusion of the Fingerhut amendment in the Environmental Technology Act and its prompt passage.

Congressman Fingerhut, we applaud your efforts to include energy efficient, environmentally responsible demonstration in future federal construction and renovation projects. Please let me know how I can assist in moving this effort forward.

Sincerely,

PETER A.A. BERLE,
President & C.E.O.

☐ 1520

The CHAIRMAN pro tempore (Mr. MURPHY). The time of the gentleman from Ohio [Mr. FINGERHUT] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. FINGERHUT was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. FINGERHUT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I had understood the gentleman from Ohio was going to ask unanimous consent to make a couple of changes in the amendment that had been worked out. If the gentleman can do that, this side has absolutely no problem accepting his amendment. But I did not hear that request made.

Mr. FINGERHUT. Mr. Chairman, I saw the drafting work going on even as I was speaking, and I understand it has now been delivered to the desk.

MODIFICATION OFFERED BY MR. FINGERHUT TO THE AMENDMENT OFFERED BY MR. FINGERHUT

Mr. FINGERHUT. Mr. Chairman, I ask unanimous consent that the amendment be modified in accordance with the revisions that have been submitted to the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. FINGERHUT to the amendment offered by Mr. FINGERHUT: On page 2, line 17 of the amendment strike out "research and development" and insert "research, development and demonstration".

On page 2, line 19 strike out "Paragraphs (2) and (3)" and insert "Paragraphs (2), (3), and (5)".

On page 4 strike out lines 13 through 15.

One page 4, line 16, strike out "(j)" and insert "(i)".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio that the amendment be modified?

Mr. WALKER. Mr. Chairman reserving the right to object, with those revisions I would be happy to accept the amendment offered by the gentleman from Ohio [Mr. FINGERHUT].

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Without objection, the amendment is modified.

There was no objection.

The CHAIRMAN pro tempore. Is there further debate on the amendment offered by the gentleman from Ohio?

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, of course, will accede to the request, and I accept the amendment, and I am pleased that the gentleman from Pennsylvania [Mr. WALKER] finds it acceptable. I would just comment here that this amendment illustrates the wide range of opportunities that are going to be open to us through the enactment of this legislation. The demonstration of programs proposed in the amendment offered by the gentleman from Ohio applies just to one industry, the building industry, and yet it has ramifications that are extremely extensive. It also illustrates the fact that what we address in this bill is not only the development of new technologies, new products, or new processes, but the ways of better utilizing existing resource materials in our society and recycling those materials which are obviously very beneficial to the environment.

Mr. Chairman, I am more than happy to accept the amendment offered by the gentleman from Ohio, and I do not want to hope for more amendments to spell out additional programs, but I hope that this will illustrate the scope of the kinds of activities that can be conducted under this legislation that would benefit the environment.

Mr. DEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief, but I would come today to support the amendment offered by my freshman colleague from Ohio and to give tangible evidence of the importance of products such as this.

Mr. Chairman, one of the areas of my district is Dalton, GA, which is the carpet capital of the world. Associated with the manufacture of carpet obviously are many remnants of that carpet that have to be disposed of, in many instances in the landfill. Recently one of the largest; in fact, the largest, manufacturer of carpeting in the United States, Shaw Industries, has had a project for the use of carpet fibers that are discarded to be mixed with concrete and used as a strengthening source for that concrete. I have in my hand a sample of that concrete material which is extremely satisfactory and, in fact, is now being used in the manufacture of a multistory building in Dalton, GA, as a part of Shaw Carpet Industries activities.

Mr. Chairman, I would support the amendment and say this is a tangible type of evidence of what we can do, not only to utilize and recycle materials, but also to give us a step forward in the industry throughout the world.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. FINGERHUT].

The amendment, as modified, was agreed to.

The text of the amendment, as modified, offered by Mr. FINGERHUT, is as follows:

In section 211(b)(2) (page 20, line 16), insert ", and the demonstration program established pursuant to section 218" before the semicolon.

At the end of subtitle B of title II of the bill (page 45, after line 19), add the following new section:

SEC. 218. ENVIRONMENTALLY EFFICIENT BUILDING MATERIALS.

(a) DEMONSTRATION OF ENVIRONMENTALLY EFFICIENT MATERIALS.—Not later than 90 days after the date of the enactment of this Act, the Administrator, in cooperation with the Administrator of General Services and the heads of other appropriate agencies, may establish a 3-year demonstration program to promote research on, and development of, environmentally efficient building materials, including the use of such materials in the construction of new Federal facilities and buildings and in existing Federal facilities and buildings.

(b) CHARACTERISTICS OF MATERIALS.—In selecting environmentally efficient building materials under the demonstration program, the Administrator shall give priority to those materials that most cost-effectively maximize the conservation and preservation of natural resources.

(c) PERFORMANCE VERIFICATION.—Before using environmentally efficient building materials under this section, the Administrator, in cooperation with the Administrator of General Services and the heads of other appropriate agencies (including the Director of the National Institute of Standards and Technology), shall verify, through support of appropriate tests and using, to the maximum extent practicable, existing Federal capabilities, that such materials—

(1) are cost-competitive with comparable, more conventional materials on a life-cycle cost basis; and

(2) meet applicable Federal environmental, public health, safety, and energy efficiency standards.

(d) RESEARCH AND DEVELOPMENT.—The Administrator may support the research, development and demonstration of environmentally efficient materials that show substantial promise for use in buildings. Paragraphs (2), (3), and (5) of section 212(d) shall apply to support provided under this subsection.

(e) GUIDELINES.—The administrator shall cooperate with the Administrator of General Services and the heads of other agencies to ensure that, where applicable, the results of the activities conducted pursuant to subsection (a) are incorporated into guidelines developed by appropriate Federal agencies for the use of environmentally efficient building materials.

(f) REPORT.—Not later than 60 days after completion of the demonstration program, the Administrator shall submit to the Congress a report on the implementation of the demonstration program. The report shall include the following:

(1) A listing of the type and quantities of environmentally efficient building materials tested, developed, and used.

(2) A statement of the cost and performance of such materials compared to comparable, more conventional materials.

(3) An assessment of the extent to which the use of such materials can be expanded beyond the scope of the demonstration program.

(4) An assessment of the extent to which research on, and development of, such materials occurred as a result of the demonstration program and the extent to which further support is needed to stimulate such research and development.

(g) INTEGRATION OF OTHER VIEWS.—In carrying out this section, the Administrator, in cooperation with the Administrator of General Services, shall develop mechanisms for integrating the views of other agencies that carry out major construction programs, including the Army Corps of Engineers and the Veterans Administration, and representatives of the environmental community, the construction industry (including small business), manufacturing companies (including small businesses) that produce environmentally efficient materials, and the scientific and technical community.

(h) PREEMPTION.—Nothing in this section is intended to preempt any provision of law of a State or a political subdivision of a State that is more restrictive than a provision of this Act.

(i) DEFINITIONS.—For purposes of this secion:

(1) The term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and any agency of the judicial or legislative branch of the Federal Government.

(2) The term "environmentally efficient materials" means any recycled, recovered, reclaimed, or reused material whose production, manufacture, fabrication, and use conserves and preserves natural resources when compared to the production, manufacture, fabrication, and use of comparable, more conventional materials.

(3) The term "environmentally efficient building materials" means any environmentally efficient material which may be used in the construction of a building or facility.

(4) The term "construction" with respect to any project of construction under this section, means the erection or building of new structures or the replacement, expansion, remodeling, alteration, or modernization of existing structures.

AMENDMENTS OFFERED BY MR. BAKER OF CALIFORNIA

Mr. BAKER of California. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. BAKER of California:

On page 27, lines 17 and 18, strike "for single United States companies and not more than five years for partnerships".

On page 27, line 21, strike "a partnership" and insert in lieu thereof "an entity".

On page 28, strike lines 6 through 10.

Mr. BAKER of California. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BAKER of California. Mr. Chairman, the award conditions for the Green Tech grants are open-ended and seemingly discriminatory between various types of firms. First, it says, "If you're a single U.S. company, such as a small business, you get less consideration than a big conglomerate of businesses."

□ 1530

In other words, the big boys can get 2 or more years of funding than the little guys. They get 5 years, and the little guys get 3 years. This amendment gives both the same treatment, 3 years of funding, and after all, the bill is only a 2-year commitment with a sunset, so it really does not matter whether it is 3 years or 5 years, but they all ought to be the same.

The other provision this amendment seeks to change is to make the cost-sharing provision in the bill real. Right now the cost-sharing only applies to partnerships but to no one else. This means the Federal Government would fund everything for everyone else except partnerships, which must fund half of their jobs. The cost-sharing should apply equally to anyone getting taxpayer funding under this new subsidy program.

Finally, the amendment preserves the matching requirement exemption for small business but drops the EPA's discretionary authority to waive any time it wants for all the others. This is a gigantic loophole to never get matching private funds. Our amendment drops the open-ended exemption and allows the rules to occur in both large and small businesses.

Mr. Chairman, I ask for adoption of the amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am, unfortunately, going to have to oppose the amendment, first because I do not understand it all that well, and obviously anything I do not understand I tend to think is nefarious, if not evil. I hope that that is not the situation here.

Actually, as I understand the proposal, its main effect is to reduce the time for which awards can be made to certain types of entities from 5 years to 3 years. Am I correct in this?

Mr. BAKER of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. BAKER of California. Yes; the law, as it is written, says you may have 3 years if you are a single entity, but 5 years if you are a partnership. Since we only fund for 2 years, it would seem rational to move them both to 3 or move them both to 5, but since we are only funding in 2-year cycles, it seemed better to make them both 3. But they should be equal, whatever they are. It does not matter whether they are partnerships or whether they are single entities, they should be the same.

Mr. BROWN of California. Of course, Mr. Chairman, the gentleman sees this as being very plausible and reasonable, but I would point out that the reason we have 5 years in there is because we have already set a 5-year standard for the advanced technology program. The gentleman from Pennsylvania [Mr. WALKER] had suggested earlier as the one possibility for this whole program, which is to turn it over to the advanced technology program. If we had, there would be a 5-year authority.

While I do not agree with turning it over to the advanced technology program, I think that the standard that we have already set that we can contract for 5-year periods ought to be adhered to here since, in effect, we are trying to develop parallel programs. That would be my argument.

Mr. BAKER of California. Mr. Chairman, if the gentleman will yield further, would the gentleman object to making them both 5 years? As long as they are both the same, we do not care whether they are 4 or 3 or 2, which is what we are funding.

Mr. BROWN of California. Mr. Chairman, the staff advises me that there would be no particular problem with that. If the gentleman would like to modify his amendment, we would be glad to accept it on that basis.

Mr. BAKER of California. Would the gentleman accept the rest of the amendment with that change? The rest of the amendment is a cost-sharing issue to make sure the administrator does not wipe out cost-sharing for one group and not the other.

Mr. BROWN of California. The gentleman, admittedly with limited consideration, is willing to accept the remainder of the amendment also.

Mr. BAKER of California. Mr. Chairman, I would like to ask unanimous consent to change my amendment to make it 5 years for both categories of participants and have the rest of the amendment stay the same regarding cost-sharing. And, Mr. Chairman, I thank the gentleman from California, the esteemed chairman of my committee, for his cooperation.

Mr. BROWN of California. Mr. Chairman, let me suggest that we may continue speaking for just a few minutes while the staff prepares the language.

The CHAIRMAN pro tempore. Will the staff please put that modification in the proper form so we can have the Clerk read it?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore. The gentleman from California [Mr. BROWN] has 1 minute remaining.

Mr. BROWN of California. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, while the staff is preparing the language, I would first off all like to thank the gentleman from California [Mr. BROWN] for accepting the amendment, because what the gentleman from California [Mr. BAKER] is addressing is the fact that the bill had been discriminatory between various kinds of businesses. This solves that problem by making everybody equal in terms of the number of years to which the whole thing could be committed.

So it seems to me we get down to a simple matter of equity here, and in accepting the amendment we have made the situation equitable among single entities, corporations, partnerships, and whatever. The element here was one of fundamental fairness, and I think, with the adoption of the Baker amendment, that what we have done for small entrepreneurial kinds of businesses is assured that those kinds of single proprietorships will be treated on the same basis as partnerships will be treated on the same basis as partnerships or large conglomerates that enter into partnership with small businesses.

So I think we get a balance out of this that will improve the nature of the bill. I personally want to thank the gentleman from California [Mr. BAKER] for bringing this issue to the floor because I think it does improve the bill by showing us that everybody is going to be treated similarly under the provisions of the bill.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. BROWN], has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, I yield further to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, with that filibuster, since the modification is now being discussed at the desk, I would be happy to turn back to the gentleman from California [Mr. BROWN] in case he wants to filibuster for a little while.

Mr. BROWN of California. Mr. Chairman, I would just like to offer this comment: I do appreciate the contribution of the gentleman from California [Mr. BAKER]. Legislation is rarely perfect as it emerges, and the more scrutiny we can give it to avoid problems that might reflect the lack of equity or something of that sort, the better the legislation is going to be.

I would also like to suggest, however, that to the extent possible we would like to do this in committee instead of using the House floor as an opportunity to write legislation. But I understand the situation in this case, and I am not going to belabor the point.

Mr. BAKER of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from California.

Mr. BAKER of California. Mr. Chairman, I apologize. In committee I did not get to page 28.

Mr. BROWN of California. That is unfortunate.

The CHAIRMAN pro tempore. The Clerk will now report the modification to the amendments.

The clerk read as follows:

Modification offered by Mr. BAKER of California to the amendments offered by Mr. BAKER of California: In lieu of the portion of the amendment on page 27, lines 17 and 18 strike out "three" on line 17 and insert "five".

Mr. BAKER of California (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification to the amendments offered by the gentleman from California [Mr. BAKER] is agreed to.

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from California, as modified.

The amendments, as modified, were agreed to.

The text of the amendments offered by Mr. BAKER of California, as modified, is as follows:

On page 27, line 17, strike "three" and insert in lieu thereof "five".

On page 27, line 21, strike "a partnership" and insert in lieu thereof "an entity".

On page 28, strike lines 6 through 10.

AMENDMENT OFFERED BY MR. KLEIN

Mr. KLEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLEIN:

In section 211(b)(2), (page 20, line 16), insert ", and the international environmental technology demonstration assistance provided under section 218" before the semicolon.

At the end of subtitle B of title II (page 45, after line 19), add the following new section:

SEC. 218. INTERNATIONAL ENVIRONMENTAL TECHNOLOGY DEMONSTRATION ASSISTANCE.

The Administrator may enter into agreements with the heads of other appropriate agencies that support the export of technologies to provide support for demonstrating the technical and economic feasibility of innovative environmental technologies substantially manufactured in the United States and used in other nations.

Mr. KLEIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. KLEIN. Mr. Chairman, today I am offering an amendment to authorize through the environmental technology innovation initiative, support for the demonstration of the feasibility of the use of environmental technologies substantially manufactured in the United States in overseas markets.

Before I discuss the amendment, I do want to first of all commend the chairman of the committee for his leadership in connection with this act on this bill with the green technologies bill, and I point out that green technologies represents one of the greatest, if not the greatest, opportunity for America to move ahead and create new jobs, the new jobs that I for one have urged be part of the congressional agenda.

□ 1540

I believe that that action is a necessary step in our broader export promotion efforts. The international market for environmental technologies is expected to reach from $400 to $500 billion by the year 2000. These are goods and jobs that will provide American workers with the opportunity to have good, high paying jobs. Other advanced nations, including Japan and Germany, have targeted this green technology market, and have adopted strong policies to encourage the export of these technologies. We must make sure that the United States has a comprehensive policy so that our companies can compete fairly in the global market, and that our workers can have the job opportunities.

While there have been several efforts dealing with the export of environmental technologies, the Congress has yet to address technology demonstration. There exist programs supported by the Federal Government that have the capability to provide financial support, including loans and loan guarantees, for the purpose of environmental technology demonstration. However, these programs do not currently provide support for this activity.

I believe that it is vital that Congress provide leadership in this area.

In commenting on my amendment, John Mizroch, executive director of the U.S. Environmental Technology Export Council, stated that their member companies "have found that in-country demonstrations as a market entry strategy are extremely useful. A number of our foreign trade competitors in the environmental industry offer such assistance to their companies as a means of increasing competitive advantage. By increasing the resources available to fund the overseas demonstration of U.S. environmental technologies, our Government would provide American companies with an even playing field upon which to compete with foreign environmental companies."

I came to Congress with a commitment to support policies that would lead to the creation of quality, high paying jobs. Environmental technologies clearly hold the promise to create a large number of these jobs. We are looking at a global market that will be near half a trillion dollars in the next 5 years. We must do all we can to make sure we can compete fairly for our share of the global environmental technologies marketed. Technology demonstration is an area which has been neglected, and I thus urge adoption of this amendment.

AMENDMENT OFFERED BY MR. WALKER TO THE AMENDMENT OFFERED BY MR. KLEIN

Mr. WALKER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER to the amendment offered by Mr. KLEIN: After line 8, add the following: "Nothing in this section shall be applicable if the President determines that any provision of the section is actionable under the General Agreements on Tariffs and Trade, or any other international agreement to which the United States is a party.".

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, the amendment to the amendment essentially goes at an issue that I think arises here because of what I regard as some vagueness in the language.

I just want to make certain that nothing that we do here would end up being actionable under our General Agreement on Tariffs and Trade obligations. Under article 9 of this proposed subsidies code of the GATT agreement on subsidies and countervailing measures, Member nations of GATT can challenge a subsidy if, "A member has reason to believe that this program has resulted in serious adverse effects to the domestic industry of the member."

One could envision a scenario where a member nation would challenge the support this amendment offers if it is in the form of a subsidy because they are interested in manufacturing the same technology we are demonstrating in their country, possibly having a serious adverse effect to their industry.

My amendment is thus aimed at clarifying that nothing that would happen here would be in violation of the GATT agreement.

Mr. KLEIN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from New Jersey.

Mr. KLEIN. Mr. Chairman, while I do not share the concern of the gentleman from Pennsylvania [Mr. WALKER], I certainly have no objection to the caution that the gentleman demonstrates in his amendment. Therefore, I have no objection to the amendment to the amendment.

Mr. WALKER. Mr. Chairman, with that agreement, if the gentleman is agreeable to this particular amendment, I have no problems with his amendment, and would accept it, with this amendment attached.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] to the amendment offered by the gentleman from New Jersey [Mr. KLEIN].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. KLEIN], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—PERFORMANCE MEASUREMENTS

SEC. 301. PERFORMANCE MEASUREMENTS.

(a) AUTHORIZATION.—The Secretary of Commerce, through the Director of the national Institute of Standards and Technology, in collaboration with the Administrator and the heads of other appropriate Federal agencies, in consultation with non-Federal standards organizations, and as part of, and consistent with, the overall Federal environmental technology strategy established in section 201, shall establish a program to support the clarification of measurements of performance—

(1) for environmental technologies (not including technologies primarily intended to improve the quality of the environment through pollution control, pollution remediation, pollution monitoring, and disposal), to clarify performance and substitutability for conventional technologies and for the fair evaluation of performance claims regarding such environmental technologies; and

(2) to develop appropriate standard reference materials required to implement paragraph (1).

(b) EXISTING NON-FEDERAL PROGRAMS.—In developing the program establish in subsection (a), the Director of the National Institute of Standards and Technology shall, to the maximum extent practicable, coordinate efforts under such program with existing non-Federal standards activities that affect the environmental technologies covered by subsection (a)(1).

(c) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary of Commerce, through the Director of the National Institute of Standards and Technology, shall coordinate with the heads of other appropriate Federal agencies to ensure, to the maximum extent practicable, the use of the best available scientific and technical information in the evaluation of environmental performance claims by such agencies.

(d) GLOSSARY OF TERMS.—The Secretary of Commerce, through the Director of the National Institute of Standards and Technology, shall work with the heads of appropriate Federal agencies and private-sector standards organizations to facilitate the development and maintenance of a glossary of standard definitions of terms used in the evaluation of environmental performance claims.

(e) INTERNATIONAL HARMONIZATION.—The Secretary of Commerce, through the Director of the National Institute of Standards and Technology, shall work with domestic and international standards organizations to ensure harmonization of domestic performance measurements with international performance measurements consistent with applicable Federal and State laws.

SEC. 302. VERFICIATION OF ENVIRONMENTAL TECHNOLOGIES.

(a) DESIGNATION OF ENTITIES TO PERFORM ENVIRONMENTAL TECHNOLOGY VERIFICATION.—The Administrator may, in accordance with this section and as part of, and consistent with, the overall Federal environmental technology strategy developed in section 210, designate entities to perform the functions described in paragraphs (1) through (3) of subsection (b). The Administrator may enter into joint agreements with Federal agencies, State and local governments, and nonprofit, private-sector representatives to support entities designated by the Administrator under this section.

(b) FUNCTIONS.—Each entity designated under subsection (a)—

(1) shall verify, evaluate, and, to the maximum extent practicable, certify the performance, cost-effectiveness, and ecological benefits of environmental technologies;

(2) shall disseminate information on the characteristics referred to in paragraph (1), including information that describes whether each environmental technology evaluated and verified—

(A) meets the performance criteria of applicable law (including regulations issued by the Administrator) under tested conditions at comparable or lower costs than other existing environmental technologies; and

(B) constitutes a significant advance in the development of environmental technologies with broad applicability;

(3) shall submit to the Administrator data and other information compiled by the entity with respect to each environmental technology verified and evaluated by the entity under this section; and

(4) may use support provided under this section to develop technologies necessary for effective verification and evaluation under paragraph (1) and may charge appropriate fees for such verification and evaluation.

(c) REVIEW BY ADMINISTRATOR.—After receiving data and other information from an entity designated under subsection (a) with respect to an environmental technology under subsection (b)(1), the Administrator shall conduct appropriate review of the data, other information, and protocols developed by such entity with respect to such technology.

(d) ADMINISTRATOR.—In carrying out this section, the Administrator shall—

(1) by rule establish competitive procedures for soliciting applications for and selecting, pursuant to criteria referred to in subsection (e), entities to perform functions described in subsection (b) and, as appropriate, designate model entities;

(2) by rule establish eligibility criteria for entities to be designated under this section;

(3) in collaboration with the heads of other appropriate Federal agencies, including the Director of the National Institute of Standards and Technology, certify, and as appropriate, develop common protocols to evaluate the cost and performance of environmental technologies;

(4) make generally available through guidance manuals or other appropriate methods information regarding testing protocols for environmental technologies and establish a regular process for approving and updating such protocols;

(5) ensure that information regarding environmental technologies verified and evaluated under this program is disseminated pursuant to section 214;

(6) develop mechanisms to facilitate the verification of—

(A) environmental technologies developed or demonstrated by small business concerns, nonprofit organizations, and United States institutions of higher education; and

(B) environmental technologies that provide source reduction; and

(7) consult with the heads of other Federal agencies to make available, through cooperative agreements with the entities designated under this section, sources and expertise of Federal laboratories for use by such entities in performing the functions described in subsection (b).

(e) SELECTION CRITERIA.—The Administrator, in consultation with the heads of other Federal agencies, State and local governments, and private sector organizations, shall select entities under this section based on the following criteria:

(1) The capabilities of the applicant to provide a thorough and credible technical and financial evaluation of environmental technologies.

(2) The clarity and efficiency of the proposed procedures for the receipt and review of applications for technology verification.

(3) The likelihood of the continued viability of the entity.

(4) The existence of a plan for disseminating nonproprietary information regarding technologies verified by the entity.

(5) Other criteria that the Administrator considers appropriate.

(f) MERIT-BASED SELECTION PROCESS.—Entities supported under this section shall be selected only through a merit-based selection process, established by the Administrator, pursuant to the criteria described in subsection (e).

(g) AUTHORITY OF ADMINISTRATOR.—The Administrator may, consistent with applicable provisions of law and this section, enter into cooperative agreements and contracts to carry out this section.

(h) DIRECT VERIFICATION.—If the Administrator determines that entities designated under this section cannot adequately verify the performance of environmental technologies because of scale or complexity, the Administrator may, consistent with applicable provisions of law and this section, enter into direct agreements to verify the performance of such technologies.

(i) REVIEW.—

(1) IN GENERAL.—Any action by the Administrator to verify or evaluate a technology (or to review a verification or evaluation) under this section shall not constitute a final action by the Administrator and shall not be subject to judicial review.

(2) FAILURE TO COMPLY.—If a technology verified, evaluated, or reviewed pursuant to this section fails to comply with any applicable law (including regulations issued by the Administrator), the verification, evaluation, or confirmation shall not constitute a defense in an enforcement action or suit and shall not create a cause of action against the Environmental Protection Agency.

(3) DISCLAIMER.—Nothing in this section may be construed to authorize the Administrator to grant a seal of approval of any kind for any entity or technology, to create any competitive advantage or disadvantage for any entity, to authorize the Administrator to require any person to install or use any technology pursuant to any program administered by the Environmental Protection Agency, or to designate any technology as meeting a regulatory requirement.

(j) REPORT.—The Administrator, in consultation with the heads of other appropriate

Federal agencies, and industry, nonprofit, and other appropriate organizations, shall annually submit to the Congress a report that evaluates the implementation of this section. The report shall include a description of the technologies verified pursuant to this section, the number of the technologies verified, and the extent of their use.

SEC. 303. USE OF CERTAIN ENVIRONMENTAL TECHNOLOGIES BY THE FEDERAL GOVERNMENT.

(a) ESTABLISHMENT.—In any program of the President for evaluating, prioritizing, and approving the purchase by the Federal Government of environmental technologies, the President shall, consistent with applicable procurement laws, consider for such program any performance measurements for environmental technologies as may have been developed by the Secretary of Commerce pursuant to section 301(a).

(b) REPORT.—Within one year after the date of the enactment of this Act and annually thereafter, the President shall submit to the Congress a report describing the progress made in carrying out this section and plans for carrying out this section for the three years immediately following the year in which the report is submitted.

The CHAIRMAN pro tempore. Are there any amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—DEPARTMENT OF ENERGY ENVIRONMENTAL TECHNOLOGY DEVELOPMENT

SEC. 401. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT TECHNOLOGY DEVELOPMENT.

(a) PROGRAM.—The Secretary of Energy (in this title referred to as the "Secretary") shall conduct programs of research, development, and demonstration on—

(1) new and improved technologies for environmental restoration and waste management (including waste minimization);

(2) training for environmental technicians, engineers, and scientists; and

(3) technologies for reducing worker exposure to radioactivity in association with site remediation. In carrying out this section, the Secretary shall appropriately consider the strategic plan submitted under section 201.

(b) IMPLEMENTATION AUTHORITY.—In implementing this section, the Secretary may award grants to, and enter into contracts, cooperative agreements, and other appropriate arrangements with institutions of higher education, industry, the National Laboratories, and other Federal agencies.

(c) COORDINATION WITH INITIATIVE.—The Secretary shall ensure that the activities conducted pursuant to this section are appropriately coordinated with the activities conducted pursuant to the Environmental Technologies Innovation Initiative established under section 211.

(d) COORDINATION WITH CERTAIN OTHER ACTIVITIES.—The Secretary shall coordinate activities under this section with activities conducted by the Secretary of Labor under the new technology program referred to in section 126(b)(9) of the Superfund Amendment and Reauthorization Act of 1986 and by the hazardous substance research development and demonstration centers established pursuant to subsections (l) and (o) of section 118 of such Act. Nothing in this section may be construed to affect the obligation of the Secretary of Energy to comply with section 126 of such Act.

SEC. 402. METALS RECYCLING DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program to demonstrate the technological and economic feasibility of recycling and reusing radioactively uncontaminated and decontaminated metals and equipment, and of other waste minimization techniques. Under the program, the Secretary shall analyze the extent to which sufficient private sector commitment to provide decontamination services and to purchase uncontaminated and decontaminated metals and equipment either exists or can be generated to support such a program of recycling and reuse.

(b) SCOPE.—The demonstration program established under subsection (a) shall provide for the recycling and reuse of the metals and equipment at a minimum of 3 National Laboratories or former nuclear weapons production facilities, and shall be of sufficient scope, and shall include an appropriate variety of materials, to demonstrate the feasibility of recycling and reusing radioactively uncontaminated and decontaminated metals and equipment at all National Laboratories and former nuclear weapons production facilities. Such demonstration program shall be carried out for a period of 3 years.

(c) DECONTAMINATION TECHNOLOGIES.—In the course of carrying out the demonstration program, the Secretary shall seek to promote the development of decontamination technologies.

(d) IMPLEMENTATION AUTHORITY.—In implementing this section, the Secretary may award grants to, and enter into contracts, cooperative agreements, and other appropriate arrangements with institutions of higher education, industry, the National Laboratories, and other Federal agencies.

(e) WASTE STORAGE CONTAINERS.—As part of the demonstration program, the Secretary shall seek to demonstrate the technological and economic feasibility of using only materials owned by the Department of Energy on the date of enactment of this Act for containers to store or dispose of radioactively contaminated metals and equipment.

(f) REPORTS TO CONGRESS.—

(A) annually during the course of the demonstration program established under this section, report to the Congress on the progress made in the previous year under such program; and

(B) within 6 months after the completion of such demonstration program, transmit a final report to the Congress on the results of the program.

(2) CONTENTS OF FINAL REPORT.—The report required under paragraph (1)(B) shall include—

(A) the findings of the Secretary on the success of the demonstration program at achieving its purposes under this section;

(B) a comparison of recycling and reusing radioactively contaminated metals and equipment with the alternative of containing and disposing of such metals and equipment;

(C) the quantitative assessment described in paragraph (3) of this subsection; and

(D) a proposal, including any recommendations for necessary legislation, for expanding the demonstration program to cover radioactively uncontaminated and decontaminated metals and equipment at all National Laboratories and former nuclear weapons production facilities.

(3) QUANTITATIVE ASSESSMENT.—To enable the Secretary to carry out paragraph (2)(D), the Secretary shall develop a quantitative estimate of—

(A) all metals and equipment owned by the Department at the National Laboratories and former nuclear weapons production facilities that are not radioactively contaminated and that are suitable for resale or recycling;

(B) all metals and equipment owned by the Department at the National Laboratories and former nuclear weapons production facilities that have been radioactively contaminated but can be recycled or reused by the Department; and

(C) all metals and equipment owned by the Department at the National Laboratories and former nuclear weapons production facilities that have been radioactively contaminated but can be decontaminated and may be appropriate for sale to the public.

(4) FACTORS IN COMPARISON.—In making the comparison required under paragraph (2)(B), the Secretary shall consider the full life cycle costs of each alternative, including revenues or savings realized and the costs of treatment, containment, storage, disposal, monitoring, and replacement. Disposal costs shall be calculated on the basis of the costs of such disposal to commercial disposal companies.

SEC. 403. FUNDING AND AUTHORIZATION.

(a) RESEARCH AND DEVELOPMENT FUNDING.—The Secretary shall incrementally increase the proportion of the annual budget request for the Environmental Restoration and Waste Management program that is attributable to research and development until such proportion is at least 10 percent, except that the Secretary shall ensure that an increase under this subsection does not affect other programs and activities of the Department of Energy. This subsection shall apply to budget requests beginning with the budget request for the 2nd fiscal year that begins after the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of those funds requested under subsection (a) and made available for the Environmental Restoration and Waste Management program that are attributable to research and development, there are authorized to be appropriated—

(1) $10,000,000 for fiscal year 1995; and

(2) $11,500,000 for fiscal year 1996,

for nondefense research and development activities of the Office of Technology Development, including the advanced robotics program, for the development of safer, less expensive, and more efficient environmental restoration and waste management technologies.

SEC. 404. COORDINATION.

The Secretary shall, where appropriate, coordinate the implementation of this title with the implementation of sections 212 and 215 of this Act.

The CHAIRMAN pro tempore. Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. TANNER

Mr. TANNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TANNER: Page 61, lines 13 through 17, strike "those funds requested" and all that follows through "research and development" and insert in lieu thereof "the funds made available for the nondefense Environmental Restoration and Waste Management program".

Mr. TANNER. Mr. Chairman, during deliberations by the Committee on Science, Space, and Technology on H.R. 3870, an amendment was offered in the committee which potentially, and I think unintentionally, attempts to use or possibly use defense dollars for use in nondefense research and development activities.

The committee accepted this amendment with brief explanation, and following the markup, it was realized the actual language of the amendment went further than was understood, and it is for that reason that I offer this amendment.

As I said, it potentially, and I think unintentionally, would allow for the above. What it does, this amendment directs that the environmental management funds that are authorized in title IV of the bill will be funded out of the nondefense funds appropriated to the environmental management program.

As amended in committee, the language in the bill provides for the funds to come from any research and development funds in the environmental management budget, including defense funds which are authorized by the House Committee on Armed Services, not the Committee on Science, Space, and Technology.

I would like to add we have talked with the Committee on Armed Services, who have been cooperative and supportive in the development of the original language.

So the provisions in title IV, in summary, in fact reinstate funds to a civilian research and development program in the environmental management area to address those remediations at the DOE, civilian laboratories among other things.

The action taken in this amendment to amend what was done in committee I think is in full letter and spirit of the gentleman's amendment. What this does is direct that nondefense research and development funds will be taken from nondefense environmental management programs, all within existing funds as the gentleman wanted to establish in the committee.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman is absolutely right. I think that the consequences here were unintentional. The gentleman does correct it to where I think the original intent was. As far as this side goes, we would be very happy to accept the amendment.

Mrs. LLOYD. Mr. Chairman, I rise in support of the Tanner amendment. During the Committee on Science, Space, and Technology markup, I agreed with my colleague's amendment based on his explanation of its intent. However, upon further reflection after the committee's deliberations, I found two points of the language highly objectionable.

First, this language would give legislative stature to the administration's budget request. This precedence is unheard of, and I believe most Members will find this objectionable, as well. It also implies that the administration budget request for research and development in the Environmental Management Program would be granted in order to accommodate the authorizations in the bill. Again, such a precedent should not be made. This particular part of the language was never discussed or brought to light in the explanation in markup.

Second, as I am also a member of the Armed Services Committee, I share Mr. TANNER's concern regarding the use of defense funds to pay for civilian programs. In the Armed Services Committee authorization, I was very disappointed that we could not accommodate the Environmental Management Program with the full budget request, but in today's budgetary climate, sacrifices must be made. But I certainly cannot condone taking more of that money to use on the civilian side when the civilian portion of the program was already fully funded. This too is a precedent. As a member of both committees, I have always been careful not to cross over the line between civilian and defense funding.

Mr. TANNER has offered us a thoughtful solution to this problem by emphatically stating that civilian programs will be funded from civilian funds, and I urge Members to support it. Vote "yes" on the Tanner amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. TANNER].

The amendment was agreed to.

□ 1550

The CHAIRMAN pro tempore (Mr. MURPHY). Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), there is hereby authorized to be appropriated for fiscal years 1995 and 1996 such sums as may be necessary to carry out this Act and the amendments made by this Act.

(b) ENVIRONMENTAL TECHNOLOGIES INNOVATION INITIATIVE.—There is hereby authorized to be appropriated to carry out the Environmental Technologies Innovation Initiative established in subtitle B of title II the following:

(1) For fiscal year 1995, $80,000,000, of which $500,000 is authorized to be appropriated for the President's Total Environmental Quality Award established in section 213 for fiscal year 1995 and $700,000 is authorized to be appropriated for the study referred to in section 216.

(2) For fiscal year 1996, $120,000,000, of which $1,500,000 is authorized to be appropriated for the President's Total Environmental Quality Award established in section 213.

SEC. 502. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for any fiscal year after fiscal year 1996 for carrying out the programs and activities for which funds are authorized by this Act, or the amendments made by this Act.

SEC. 503. COMPETITION REQUIREMENT FOR AWARDS OF FINANCIAL ASSISTANCE.

(a) COMPETITION REQUIREMENT.—No financial assistance (including a grant, a contract, or any other award of financial assistance) may be provided under a section of this Act for research, development, or demonstration activities, or for the construction of research, development, or precommercial demonstration facilities, unless a competitive, merit-based evaluation process consistent with such section is used to award the financial assistance.

(b) REQUIREMENT OF SPECIFIC MODIFICATION OF COMPETITION PROVISION.—

(1) IN GENERAL.—A provision of law may not be construed as modifying or superseding subsection (a), or as requiring that financial assistance (including a grant, a contract, or any other type of financial assistance) be awarded under a section of this Act in a manner inconsistent with subsection (a), unless such provision of law—

(A) specifically refers to this section;

(B) specifically states that such provision of law modifies or supersedes subsection (a); and

(C) specifically identifies the person to be awarded the financial assistance and states that the financial assistance to be awarded pursuant to such provision of law is being awarded in a manner inconsistent with subsection (a).

(2) NOTICE AND WAIT REQUIREMENT.—No financial assistance (including a grant, a contract, or any other type of financial assistance) may be awarded pursuant to a provision of law that requires or authorizes the award of the financial assistance under this Act in a manner inconsistent with subsection (a) until—

(A) the head of the Federal agency intending to award the financial assistance submits to the Congress a written notice of the intent to award the financial assistance; and

(B) 180 days has elapsed after the date on which the notice is received by the Congress.

The CHAIRMAN pro tempore. Are there amendments to title V?

AMENDMENT OFFERED BY MR. LINDER

Mr. LINDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDER: Page 62, strike lines 8 through 16 and insert the following:

There is hereby authorized to be appropriated for fiscal years 1995 and 1996 to carry out this Act the following:

Page 62, line 17, strike "$80,000,000" and insert "$65,000,000".

Page 62, line 23, strike "$120,000,000" and insert "$65,000,000".

Mr. LINDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LINDER. Mr. Chairman, I rise to offer an amendment to H.R. 3870, the Environmental Technologies Act. I offer this amendment today in the interest of fiscal responsibility and commonsense budgeting. In this body, we often speak of the need to tighten our belts, reduce spending, and set priorities. We now have the opportunity to make our actions match our words.

The amendment I am offering would reduce the authorization from the administration requested and committee-approved level of $80 million for fiscal 1995 and $120 million for fiscal year 1996 to $65 million for both fiscal year 1995 and fiscal year 1996.

This reduction in the authorization of H.R. 3870 is not an effort to make an arbitrary spending cut. The $65 million figure is a very significant figure because it is the amount that was provided for the environmental technology initiative in the House-passed fiscal year 1995 Environmental Protection Agency appropriation. My amendment would simply bring the authorization down to the level of the fiscal year 1995 appropriation and maintain that same level through fiscal year 1996. Frankly, I find it absurd that we are considering the authorization after the appropriation has already been approved, but I believe the least we can do at this point is conform the authorization with the appropriation.

This reduction in authorization would not endanger the goal of advancement of environmental technologies provided for by Environmental Technologies Act [ETA]. In fact, the programs established in the ETA largely duplicate programs already extant, including the Advanced Technology Program at the Department of Commerce, the Technology Reinvestment Program at the Department of Defense, and the technology transfer initiative at the Department of Energy. These three competing programs already total $1.35 billion in the President's fiscal year 1995 budget.

If we truly believe that the Government's advanced technologies programs should have an environmental component, that is a policy decision to be made by the administration, but Congress should be the final judge of the cost. In my view an authorization of $130 million through fiscal year 1996 for the programs in the ETA is enough new spending for this purpose.

I would also add that the respected National Taxpayers Union has expressed its unqualified support for this amendment and urges its passage.

I ask for your vote in favor of the Linder amendment to H.R. 3870 and demonstrate your support for responsible spending and for budget integrity.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LINDER

Mr. BROWN of California. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California as a substitute for the amendment offered by Mr. LINDER: Page 62, line 17, strike "$80,000,000" and insert in lieu thereof "$70,000,000."

Mr. BROWN of California. Mr. Chairman, as the gentleman from Georgia has already indicated, this bill authorizes $80 million for fiscal year 1995 and $120 million for fiscal year 1996. The gentleman proposes to reduce that amount to $55 million for both years.

This is obviously a rather drastic cut. The argument that the gentleman uses is that the House appropriation is currently at the $55 million level.

What he neglects to say is that the Senate appropriation is at a slightly higher level of $70 million. That is the figure which I have inserted.

I would, frankly, prefer that we keep the $80 million figure, because there is no expectation that the appropriators will appropriate up to the last dollar of what is authorized. I think it is a waste of our time, as authorizers, normally, to try and guess what the Senate and the House will come up to in conference. But in the spirit of comity here, I am willing to go to the level that the Senate has already agreed on in their appropriation bill in the hopes that this will encourage the House to come up a little closer.

They may not, but the difference is not all that large. It is only $5 million.

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Chairman, if the gentleman would allow me to offer an amendment to his amendment to my amendment to include the second year, fiscal year 1996, at $70 million, I will not object to his amendment.

Mr. BROWN of California. Mr. Chairman, the gentleman dislikes to write legislation on the floor. But if he has a good proposition, by all means, suggest it.

AMENDMENT OFFERED BY MR. LINDER TO THE AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. LINDER

Mr. LINDER. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDER to the amendment offered as a substitute by Mr. BROWN of California to the amendment offered by Mr. LINDER: At the end of said substitute add:

On page 62, line 23, strike "120,000,000" and insert in lieu thereof "70,000,000".

Mr. BROWN of California. Mr. Chairman, let us do a little bargaining here.

The gentleman is not even going to allow for inflation, to say nothing of the fact that this is a new program which normally would be expected to have a little growth in it.

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Chairman, frankly, this program is competing with environmental technologies in three other agencies of the Federal Government that are being funded this year at $1.35 billion. The question of a few million dollars against $1.35 billion is inconsequential. But I do think that we should put some limits on the growth next year.

The present proposal is to move from the $65 or $70 million that is appropriated this year to as much as $120 million next year. I think that is too much.

Mr. BROWN of California. Mr. Chairman, I think the gentleman has a philosophical disagreement with the legislation and is trying to emasculate it. Frankly, I do not think that I would want to accept that kind of a figure.

If the gentleman would be a little more realistic and, say, offer $100 million instead of $70 million, I would be willing to accept that amendment. And we could go ahead and go beyond that.

I would point out to the gentleman that we have already one program in the development of nonpolluting technology; namely, the National Battery Program, on which we spend $60 million, one program.

We are trying to expand that to cover all the industrial base of this country.

Mr. LINDER. Mr. Chairman, if the gentleman will continue to yield, I would suggest then we put instead of 100, put the number 80, giving us a number of more than 10 percent growth in the next year.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 5 additional minutes.)

Mr. BROWN of California. Mr. Chairman, I really, in all good faith, I am splitting the difference with the gentleman essentially here. It is a good-faith offer. I am deserting my own administration. I am doing it because I value the cooperation that we have had so far. I would like to continue it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the $80 million figure that the gentleman from Georgia proposes, it seems to me, is in line with at least a couple of the things that are on the board. The President, in his original budget for this, suggested $80 million. The Senate has taken that down to $70 million. The House has taken it down to $65 million.

It seems to me that to have a figure of $80 million for fiscal year 1996, that would approximate the Presidential request for this year and would make a very good compromise.

We would then have $70 million the first year, and we would have $80 million in the second year, which amounts to more than a 10-percent increase and does follow the figure that was sent to the Hill by the administration earlier this year. That is the reason why it seems to us that that particular figure has some saliency at this juncture in the debate.

Mr. BROWN of California. Mr. Chairman, reclaiming my time, I really do not wish to get involved in a rather nitpicking discussion of this. My information is the President is projecting to request $120 million. As I said, in offering to compromise at $100 million, I am deserting my own administration. But I hope I will be forgiven when I get to Heaven for doing that.

If the gentleman is not willing to accept that very generous compromise offer on my part, we might as well go ahead and have a vote.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, part of our concern on that is that the gentleman did suggest earlier in the debate that we ought to have an inflationary increase. I think what we are suggesting is that there is an inflationary increase then involved.

The gentleman's inflationary increase would get us something like a 30-percent inflationary increase, which would be a fairly substantial inflation.

□ 1600

Unless the gentleman knows something about the economy that is about to come that we do not know.

Mr. BROWN of California. Mr. Chairman, I respect the gentleman's debating power so much that I am reluctant to get involved in it. But the gentleman will recall that I said inflation plus a startup program which is scheduled for a little bit of growth.

I am suggesting a very little bit of growth, as well as a little inflation, and I think that is reasonable.

I do not want to belabor the point.

The CHAIRMAN pro tempore (Mr. MURPHY). Does the gentleman withdraw his amendment to the substitute?

PARLIAMENTARY INQUIRY

Mr. LINDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Chairman, if I withdraw may amendment to the substitute do we go to a vote on the substitute or on my amendment?

The CHAIRMAN pro tempore. The vote will be on the substitute unless the gentleman from California [Mr. BROWN] withdraws his substitute. The vote would then revert to the original amendment.

Mr. LINDER. Mr. Chairman, I will then not withdraw my amendment. I insist on my position.

Mr. BROWN of California. Mr. Chairman, my position is that I will have to oppose the gentleman's substitute with the figures of $70 million for fiscal year 1995 and, what did the gentleman say, $80 million for fiscal year 1996?

Is the gentleman withdrawing that?

Mr. LINDER. Mr. Chairman, I said $80 million for 1996 and the number of the gentleman from California, $70 million for 1995.

The CHAIRMAN pro tempore. Does the gentleman from Georgia [Mr. LINDER] ask to withdraw his amendment, and does the gentleman from California [Mr. BROWN] ask to withdraw his substitute, so that we are on the original amendment of the gentleman from Georgia [Mr. LINDER], and that is what the gentleman has proposed.

Is that what the gentleman would like?

Mr. BROWN of California. Mr. Chairman, I offered my substitute in an effort to compromise with the gentleman. When you offer a compromise and it is not accepted, the best thing you can do is just have a vote.

Mr. Chairman, I will not belabor the point any further. I will just ask for an "aye" vote on my substitute to the gentleman's amendment.

The CHAIRMAN pro tempore. However, the gentleman from Georgia has not withdrawn his amendment to the substitute.

Mr. LINDER. Mr. Chairman, I will withdraw my amendment. My original amendment is $65 million. The gentleman has proposed a $70 million.

Mr. Chairman, I insist on my position, the substitute, which is $70 million in each of the 2 years.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me try and clarify where I think we are so we can have an understanding of what we are just about to vote on.

The gentleman from Georgia has an amendment at the desk that proposes that the funding for the program be at $70 million in the upcoming year and then $70 million in the second year. That would be a cut from $120 million in the bill for the second year.

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Chairman, the amendment I put forth at the desk has $65 million.

Mr. WALKER. The gentleman is talking about his substitute now.

Mr. LINDER. The substitute has $70 million, the gentleman is right.

Mr. WALKER. And the gentleman's amendment to the substitute maintains that $70 million for the 2-year period.

Mr. LINDER. The gentleman is right.

The CHAIRMAN pro tempore. Does the gentleman ask to withdraw the amendment?

Mr. WALKER. No, the gentleman insisted on his position.

Mr. LINDER. Mr. Chairman, I said I insist on my position.

The CHAIRMAN pro tempore. The gentleman did not withdraw?

Mr. LINDER. No, I insisted on my position. So it is an amendment to the substitute.

The CHAIRMAN pro tempore. The debate is on the amendment of the gentleman from Georgia [Mr. LINDER] to the substitute of the gentleman from California [Mr. BROWN].

Mr. WALKER. Again, to try to clarify, Mr. Chairman, the gentleman's amendment to the substitute is to spend $70 million in this program in each of the next 2 years. That is a position which is different from that in the bill and is different from that which the gentleman from California [Mr. BROWN] offered in his original amendment.

His substitute amendment to the amendment of the gentleman from Georgia [Mr. LINDER] proposed $70 million for the first year but then left in place $120 million in spending for the second year. The gentleman from Georgia [Mr. LINDER] seeks to instead save the money by having a flat funding profile for the next 2 years.

Understand, that flat funding profile is greater than the House-passed appropriation for this year and it is equal to what the Senate has allocated for this year. So we are not by any means starving the program. We are simply suggesting that under this program that we ought not have massive spending increases into the out year.

So the choice before the membership on the first vote here is whether or not in the second year of this program, whether Members want to have about 60-percent increase in the program in just 1 year. We will go from $70 million to $120 million on a 1-year period of time which would be about a 60-percent increase. That is not only a programmatic growth and an inflationary growth, that is a growth beyond all proportion. I think the gentleman from Georgia has corrected that with his amendment.

Mr. Chairman, the Members should know that if they want to vote to hold the line on spending, their vote on the amendment of the gentleman from Georgia should be a "yes" because what he is attempting to do is keep us at the appropriated level. Understand, it is the highest of the two appropriated levels. The appropriated level in the House is at $65 million. That is where the gentleman's original amendment was. The gentleman from California has suggested that he wants to at least be at the Senate-passed level. The gentleman from Georgia has accepted that and in his substitute amendment accepts the Senate-passed figure of $70 million but holds that then into the second year, thereby achieving some savings in the bill.

Mr. Chairman, I would also point out to the membership that we specifically made a decision not to offer an amendment that includes the funding for this program under the ATP program. One of the suggestions we had on this side was to force all of the money to come out of the Advanced Technology Program. We have decided not to offer that amendment but instead to do what the gentleman from Georgia is suggesting, and that is, hold the spending line on this particular program.

So the gentleman from Georgia has a twofold purpose: To hold the spending line and also to provide us with a vote on the question of whether or not this is a program that ought to have some spending constraints in it as we move ahead.

I want to thank the gentleman from Georgia for both his original amendment and for the substitute, and urge the membership to vote for this substitute as a way of making certain that we restrain spending in this brandnew program.

Mr. BROWN of California. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BROWN of California. Mr. Chairman, the gentleman from Pennsylvania [Mr. WALKER] has correctly presented the parliamentary situation. The underlying bill has in it the amount of $80 million for 1995 and $120 million which is a 50-percent increase for 1996. The amendment of the gentleman from Georgia cut that $65 million for both years. My substitute raised that to $70 million and left the out year at $120 million. His amendment to my substitute leaves it at $70 million for both years. I hope the audience watching intently on television fully understands exactly where we are.

I am asking for a "no" vote on the amendment of the gentleman from Georgia [Mr. LINDER]. The reasons for this is this is more than a simple cost-cutting measure, this is an effort to emasculate a very important initiative which the President has suggested and which has the most widespread support of almost any legislation that I have seen brought to the floor. A suggestion that we in fiscal year 1996 cut this to $70 million when the President is intending to ask in his budget for $120 million should be considered ludicrous, to say the least. I point out that this legislation that we are considering passed the Senate by a vote of 85–14 and if all of the 14 were Republicans, and I happen to know they were not, more than 2 to 1 the Republicans supported this bill in the Senate, and this is the bill that the gentleman is trying to emasculate by cutting it.

Mr. LINDER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Georgia.

Mr. LINDER. I think it is fair to say that an effort to stop the program from doubling in size virtually in 1 year is hardly an effort to emasculate it. I support the program. I just do not think it should have a credit card for tomorrow.

Mr. BROWN of California. I offered what I thought was a generous compromise to cut in half the increase. I am willing to do that but the gentleman was not willing to accede to that. So in view of the importance of this program, and I do not expect it will be funded at $120 million, I think it probably will be funded at somewhere around $80 million to $100 million by the Congress for fiscal year 1996 when that time comes up. But we do not have the luxury of engaging in these fine points. We do not know what 1996 will bring, and I think it is extremely important that we not put such stringent caps on this program as to prevent it from proceeding in the way that it can provide immeasurable benefits to the industrial and small business community of this country.

I ask for a "no" vote on the gentleman's amendment.

□ 1610

The CHAIRMAN pro tempore (Mr. MURPHY). The question is on the amendment offered by the gentleman from Georgia [Mr. LINDER] to the amendment offered by the gentleman from California [Mr. BROWN] as a substitute for the amendment offered by the gentleman from Georgia [Mr. LINDER].

The question was taken; and on a division (demanded by Mr. LINDER) there were—ayes 8, noes 11.

So the amendment to the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. BROWN] as a substitute for the amendment offered by the gentleman from Georgia [Mr. LINDER].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia [Mr. LINDER], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title V?

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: Page 64, after line 21, insert the following new title VI:

TITLE VI—RISK ASSESSMENT IMPROVEMENT

SECTION 601. CRITERIA FOR RISK ASSESSMENT.

Any risk assessment under section 201(a)(2) shall contain the following:

(1) Criteria for accepting and evaluating data.

(2) A complete description of any mathematical models or other assumptions likely to be used in the risk assessment, including a discussion of their plausibility.

(3) A description of the default options, the justification and validation for the default options, and an explicit statement of the rationale for selecting a particular default option, in the absence of adequate data, based on explicitly stated science policy choices and consideration of relevant scientific information.

(4) The technical justification for, and a description of the degree of, conservatism each default option imposes upon the risk assessment.

(5) Criteria for using iterative or tiered approaches to risk assessment, with varying levels of effort and data requirements in the conduct of risk assessment based on the need for accuracy of the risk estimate.

(6) Criteria for conducting uncertainty analysis during the course of the risk assessment, and an explanation of the data needs for such analysis.

(7) Effective methods for reporting risk assessment, to ensure that the results are reasonably understandable by interested persons, including formats which clearly identify and distinguish sources of uncertainty and variability in the risk assessment.

(8) Criteria for identification and use of the most plausible and unbiased methodologies and assumptions, given the scientific information available.

(9) Relevant information on data and assessment methods that significantly influence the risk estimate.

(10) A statement of the limitations, assumptions, and default options included in the assessment and a statement of the rationale and extent of scientific consensus with respect to their use.

(11) A statement that identifies major uncertainties and their influence upon the assessment. The statement shall characterize uncertainties associated with experimental measurement errors and uncertainties associated with the choice of specific models and default options.

(12) The range and distribution of exposures derived from exposure scenarios used in a risk assessment, including, for example, upper-bound and central estimate(s) and their qualitative, or where possible quantitative, likelihood, and, when available and appropriate, the identification of highly susceptible groups, species, individuals, and subpopulations whose exposure exceeds that of the general population.

(13) The use of both quantitative and qualitative descriptors, when available and appropriate, to present a comprehensive range of risks which are or may be encountered by the various populations and individuals in a human health risk assessment, or by the various species and ecological communities in an ecological risk assessment, exposed to the environmental hazard being evaluated in the risk assessment.

(14) A description of appropriate statistical expressions of the range and variability of the risk estimate, including the population or populations addressed by any risk estimate(s), central estimates of the risk for the specific population, any appropriate upper-bound and lower-bound estimates, and the reasonable range or other description of uncertainties in the assessment process.

(15) Comparisons of risk to public health, including appropriate comparisons with estimates of other risks to health, including those that are familiar to and routinely encountered by the general public, and relevant substitution risks, where information on such risks is made available. Comparisons shall identify relevant distinctions among categories or risks and limitations to comparisons.

SEC. 602. SAVINGS PROVISION.

Nothing in this title shall be construed to modify any requirement or standard provided for in another provision of law that provides for risk assessment or is designed to protect health, safety, or the environment. Nothing in this title shall be construed to require the conduct of a risk assessment or a risk characterization that is not required by law.

SEC. 603. DEFINITIONS.

For purposes of this title:

(1) The term "comparison of risk" means a process to systematically estimate, compare, and rank the size and severity of environmental risks or health risks in order to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) The term "default option" means a condition, assumption, or fact that is presumed on the basis of available data and prevailing theory.

(3) The term "risk assessment" means the process or procedure by which the potential adverse health or ecological effects of exposure of human or nonhuman species to environmental hazards is characterized.

(4) The term "uncertainty analysis" means the systematic process of identifying that which is not known or is unclear, including measurement errors, the lack of fundamental knowledge needed to choose among alternative hypotheses, and assumptions, or experimental models.

(5) The term "central estimates" means estimates of central tendencies or expected risk based, to the extent feasible, on the most plausible and unbiased assumptions, given the scientific information available.

(6) The term "substitution risk" means a potential increase in certain types of risk from a strategy designed to decrease other risks.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, the bill before us, H.R. 3870, the Environmental Technologies Act of 1994, states that the Director of OSTP shall develop priorities for Federal environmental technology, research, development, and demonstration efforts by using scientifically objective information, data, and assessments of risk.

Last Wednesday, the House Science Committee reported out a bill, H.R. 4306, which elaborated on what should be contained in such risk assessments.

The amendment I am now offering would merely take the basic elements of that bill, the Risk Assessment Improvement Act of 1994, and add them to the bill before us to guide the OSTP Director as to what the necessary criteria are for conducting the assessments that are required under H.R. 3870.

Why is this necessary?

Such legislation is necessary because risk assessments are currently conducted under agency discretion, not by congressional mandate.

The amendment would establish legislative guidelines as to what constitutes the necessary elements of a sound risk assessment and the way in which such assessments should be communicated.

During the past several years, the public at large has been told that certain substances which are used in daily commerce are a threat to their very survival only to be told later that the offending substance was either benign or much less of a threat to our well-being than was originally pronounced. These alarmist assessments have been mischaracterized by the media causing great economic harm to the manufacturers of these products. Whole industries and the people who are employed by them have been placed in jeopardy.

What we should seek to do today is to bring some rationality to this process. There are certain elements that I think should be contained in a sensible risk assessment and communication policy.

First, the risk assessment should be conducted to ensure that they are formulated using the most plausible and unbiased assumptions. This is requiring just plain, good science.

Second, risk assessment should then be communicated so as to be understood by the general public. Assessments need to be comprehensible to the average person so that no one will know what the nature of the risk would be if one were to undertake a certain course of behavior. New risks should be compared to familiar, everyday risks to make them relevant and real, not a mysterious fear of the unknown.

To me, this is the key element of the bill, because the average man or women should be able to determine what is in his or her best interests. We in Washington should not make the decision with regard to those peoples' concerns. They ought to make them.

I think this is best summed up in the sentiments expressed by Stephen Coonts in his book, "Cannibal Queen." He says:

> Ultimately the question boils down to a judgement about how much risk makes life worth living. Success as a risk-free endeavor is impossible. Without some level of risk, life has no meaning. Americans have traditionally believed that each person should be allowed to make the risk judgement for himself. Perhaps they sensed that such judgements were intimately related to that "pursuit of happiness" clause in the Declaration of Independence.

That is what we are doing here. We are simply saying that since that risk assessment is required by the bill itself that there ought to be a criteria for making those kinds of judgments. This amendment establishes some criteria. It is criteria already agreed to by our committee in a bill and then transferred into this particular bill which is moving forward for future consideration.

So I would hope that this is an amendment that can be rapidly agreed to, Mr. Chairman, because it does seem to make sense in the context of the bill that we are considering.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA AS A SUBSTITUTE TO THE AMENDMENT OFFERED BY MR. WALKER

Mr. BROWN of California. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of California as a substitute for the amendment offered by Mr. WALKER: Page 62, after line 4, insert the following new title:

TITLE VI—RISK ASSESSMENT

SEC. 601. RISK ASSESSMENT.

(a) IN GENERAL.—In conducting the assessment of risk called for in this Act, the Director shall—

(1) Identify and define a set of environmental problems for which risks will be considered;

(2) use both available quantitative data and independent and well-qualified expert advice; and

(3) develop and use a common set of analytical methods for ranking environmental problems based on the relative risks they pose and the potential for addressing these environmental problems through the development of environmental technologies.

(b) DEFINITION.—For purposes of this section, the term "assessment of risk" means an identification of environmental problems that pose the greatest opportunity for being addressed by environmental technologies.

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Chairman, first of all I want to acknowledge a point that the gentleman from Pennsylvania [Mr. WALKER] made that is accurate. This issue that he brings up is an important issue. I would point out that there are efforts to address it in a number of different committees. And as he pointed out, we addressed it in our committee and marked up a separate piece of legislation on this just a week or so ago. And I think, although I have not perused it in detail, I think the essence of what he is offering is what we passed out of the committee.

I would ask the gentleman, is that correct?

Mr. WALKER. That is exactly right.

Mr. BROWN of California. The problem that I have with this is despite the importance of this subject, it is an extremely controversial subject. There are a number of different concepts involved in the subject matter here.

First of all, there is the concept of risk assessment which we consider to be a scientific process essentially which is in considerable need of improvement and of adopting on a uniform basis throughout the Government, and the bill that our committee reported out attempts to address that.

In addition to the question of risk assessment, there is the question of risk management which is not necessarily a scientific question. It generally boils down to a polticial question in which we weigh the interests of various parties and way the cost versus the benefits and do a number of other things that are related to risk management.

There is a third aspect of this which probably is getting the most attention, and that is the general question of the reduction of regulatory impact on small business and other business throughout the country.

It so happens that extensive regulations impacts more on small business relatively speaking than it does on large business because large industries have a greater capability to do the analysis necessary to either conform to or fight regulations than small business does.

□ 1620

Small business is frequently completely swamped by the mandates of extensive environmental regulation, so the goal of reducing regulatory impact on small business, a goal which I thoroughly share and which, as I have indicated in previous debate, is shared by every President for the last generation; they have issued Executive orders on it, and in the debate last week, the gentleman from Missouri [Mr. SKELTON], who is the author of the Regulatory Flexibility Act of 1980, was pointing out that that act had not worked as well as he would like, so he was supporting certain amendments to it.

I can assure you that the Executive orders which were issued by Nixon, Ford, Carter, Reagan, Bush, and now President Clinton, who has offered his own regulatory impact Executive order, none of these are working perfectly either.

What this legislation before us, this environmental technology bill, does is an effort to reduce the need for regulation by developing and encouraging the development of inherently less polluting, less environmentally harmful kinds of regulations, of technologies thus requiring less regulation.

Now, what the amendment offered by the gentleman from Pennsylvania [Mr. WALKER] does very simply is to take some language which admittedly our committee reported out, although it was not exactly the way I want it, which is very controversial, and attempt to attach it to this bill which deals not with risk assessment, not with regulatory impact, only with the process of developing new environmental technologies. In other words, he wants to put the agenda of a large number of people, I will not disagree with that, he wants to do us the favor of attaching it to a bill which otherwise would be relatively noncontroversial, if I sense the situation correctly.

Now let me tell you what we are doing following the reporting out of the bill from my committee.

The CHAIRMAN pro tempore (Mr. MONTGOMERY). The time of the gentleman from California [Mr. BROWN] has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 5 additional minutes.)

Mr. BROWN of California. I want you to pay careful attention to this, because after the passage of our bill out of committee, I was approached by a number of other committee chairmen who said that this is a situation which requires a coordinated effort. It cannot be structured by just one committee. Agriculture cannot structure it. Public Works cannot structure it. Energy and Commerce cannot structure it. They all have bills of a similar nature before them.

So I took the liberty of contacting the President's science adviser and suggested that this needed a coordinated approach and invited him to start a process of bringing together representatives of all of these committees to see if we could reach some common agreement on language, and he has agreed to do that. At the staff level, we expect such a meeting to begin this process this week, and I certainly want our colleagues on the Republican side to be included as this thing goes forward.

I will agree with the gentleman from Pennsylvania that there is overwhelming support for efforts to reduce regulatory impact, to improve risk management, and at the same time improve risk assessment.

All of these, their time has come. They need to be done. We are not going to do it on the bill we have before us today. If we try to do it on this bill that we have today, it will just sink the bill.

Frankly I know the gentleman thinks more of this legislation than to want to do that.

My substitute incorporates the goals the gentleman has incorporated in his bill, but it eliminates the controversial directives to engage in all of the other kinds of risk-assessment activities that were contained in it, and I think it will assist the process which is ongoing to reach a consensus position within the House and Senate. There are strong feelings in the Senate about doing this.

Senator BENNETT JOHNSTON has offered two different variations of language dealings with the whole problem of reducing regulatory impact and received overwhelming support in the Senate for this.

I am convinced that we need to address the problem, but not on this bill. So I am asking the gentleman if he would take a long look at my substitute which recognizes the importance of the goals that he has set forth and leave us a little bit of time to develop a consensus position that can be accepted by all of the committees that are involved in this process and give us an opportunity to do something really landmark this year in the area of reducing regulatory impact and improving risk management by the Federal Government.

I ask for a "yes" vote on my substitute.

Mr. WALKER. Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, the amendment that I offered would apply to the bill that we have before us. It is not this overreaching, grandiose kind of situation that the gentleman from California describes.

It is true that we took language from legislation that was prepared that does have sweeping consequences to adapt to this particular bill. I will tell you why we did it.

This is a bill which purports to do something worthwhile for the environment by developing technologies related to the environment. All we are trying to do is assure that those technologies, as they are developed, meet certain environmental tests.

Now, what we are also doing here is to assure that as we develop those technologies that the risks inherent in them is also properly understood. That was the purpose behind my amendment, and in order to get to that point, what I did was take the language that the committee had already adopted in order to get there.

Now we have before us a substitute to my language that, in my view, takes us backward, not forward, on the whole issue of risk assessment. It does so because, first of all, it has a definition for risk assessment that is just absolutely untenable. It suggests that the only purpose of risk assessment is to identify environmental problems that pose the greatest opportunity for being addressed by environmental technology. That is the definition in the gentleman's substitute.

That is not a definition of risk assessment. That is a definition that simply decides not to do anything about risk assessment.

I mean, if anything, this is an attempt to absolutely weaken the entire concept of what constitutes risk assessment. So anyone who thinks that they have said to constituents we ought to do something about the regulatory problems inherent in the lack of risk assessment in the present situation cannot in any good conscience vote for this amendment, because it guts the very nature of the argument that we are having in the Congress regarding risk assessment.

Let me also lay to rest the concerns that the gentleman expressed about cost-benefit analysis that was passed in the Johnson amendment in the Senate and also the whole business of risk management.

Risk management is not included in any way, shape, or form in my amendment. It says nothing about risk management. It deals only with the criteria for assessment.

Second, there is absolutely nothing with regard to cost-benefit analysis contained in my amendment. That is totally excluded.

The only thing in here is on the question of assessment.

Now, let us look at the question of assessment and figure out whether or not you are in favor of the substitute or whether you are in favor of my amendment.

In my assessment criteria, what I am seeking to do is to make certain that only the most unbiased science is used for those assessments. The gentlemann's substitute does not even get to the question of unbiased science. It leaves in place the present regulatory situation which virtually everybody agrees is broke. The system, the present system, simply does not work. It has no congressional mandate. It is broke. Everybody wants to fix it. We are trying to figure out, within the process around here, how to fix it.

All I am suggesting is, as we develop new environmental policies, we ought not leave them with the same old problems that presently exist in the present system. I am trying to set up new criteria.

One of those criteria ought to be the use of unbiased science. If you adopt the substitute rather than my bill, or rather than my amendment, you are saying you are in favor of biased science; you are in favor of what we are now doing and using biased science as a way of doing risk assessment. Because there is absolutely nothing in the substitute that gets us away from biased science.

It also is a substitute which is entirely inconsistent with where the Science, Space, and Technology Committee went just a few days ago. I thought we were beginning the process of setting parameters for some conscious and conscionable risk assessment in the governmental regulatory process. Instead, what we are doing here is totally backtracking and saying anything the Administrator decides to do is fine, that it will simply allow the process to go forward and everything that has been going on, we are perfectly happy with it, we will keep it.

I do not think that is an acceptable standard, and since this is a new program that involves the environment, it seems to me perfectly logical that we take what we have already accomplished and adapt it to this new environmental area. That is all I am doing is suggesting the assessment criteria for the environmental technologies that are contained in this bill ought to be in line with the direction in which we have moved as a committee to assure that appropriate science is used for doing the assessment.

I would hope that anybody who has said that they are for doing something positive about changing the risk-assessment regulatory climate in this country will vote against the substitute and then will vote for my amendment. It is the only way we have of addressing and assuring that the regulatory climate that grows up around environmental technologies does in fact use unbiased science as a means of establishing appropriate risk assessment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

□ 1630

Mr. BROWN of California. Mr. Chairman, I do not want to take up too much of the time of the gentleman from Pennsylvania. I do not want to interrupt his statement.

Mr. WALKER. I am happy to yield to the gentleman so that we can have a dialog, and then I will get additional time.

Mr. BROWN of California. I thank the gentleman for his generosity.

Mr. Chairman, I indicated earlier my agreement with the gentleman that we have a situation here which needs to be fixed. Basically, the process of risk assessment is flawed. We need to develop a better process and we need to continue to take steps to reduce the impact of regulation. But I have in my hand a letter just delivered from the Director of the Environmental Protection Agency, and I would just like to cite a couple of words to illustrate the problem we have here. I think the gentleman would appreciate this.

> DEAR MR. CHAIRMAN: Although we supported the July 13th amendment in the nature of a substitute to the Risk Assessment Improvement Act, we object to several of the amendments made to the July 13th bill. Therefore, we wish to inform you that we must now withdraw our support.

So this bill is not going to go anywhere because the administration is not going to support it. I doubt if we could do much about it.

Mr. WALKER. If the gentleman will yield, they are referring to the risk assessment bill?

Mr. BROWN of California. Yes, the risk assessment bill.

Now let me read further, and this is just one of several paragraphs:

> Finally, the bill requires, as amended, inclusion of information on substitution risk and comparison that would incur extraordinary expense.
>
> For example, the bill now includes in section 418, risk characterization, a new paragraph that would require all risk assessment to contain comparisons with everyday risks. A very commonsense kind of thing, but this is a risk management issue, not a risk assessment issue.
>
> Further, the new paragraph would require the risk characterization to address substitution risk being presented to the administrator by any person. The current language is far too broad and vague to provide useful guidance to the agency.

Now, the gentleman and I may both disagree with her characterization, but I read the language to indicate that that bill that we worked so hard to get out of committee and to which I thought the gentleman made some constructive additions, is no longer satisfactory to the administration. I have already been approached by several other committee chairmen who say they do not like that language and would have to oppose the bill if it comes to the floor. I just think that we are flying in the face of reality to take essentially that same language and attach it to another bill to which it is related but still only peripherally to the main purse and seek to, by having redundant vehicles, get it adopted in some way.

I just do not think it is going to happen.

I would like to offer to the gentleman this opportunity.

The CHAIRMAN pro tempore (Mr. TAYLOR of Mississippi). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 5 additional minutes.)

Mr. WALKER. I continue to yield to the gentleman.

Mr. BROWN of California. I would not ordinarily engage in this type of circuitous process of avoiding the time limitations, which already restrict me, if I did not think this was important to clarify.

I want to invite in good faith the gentleman's full participation in an intracommittee activity, and this will be in cooperation with Mr. HAYES, Senator BENNETT JOHNSTON, and others who are interested in this process, to see if we cannot get some language which would be acceptable to a large majority.

In the case of the language that was on the agriculture bill, it was the view of the chairman that that should have gone on the Suspension Calendar. I think language that we can agree on can go on the Suspension Calendar, and I will work to achieve that.

But I beg the gentleman not to seek to burden this bill with language which is in the process of being negotiated and which has already been repudiated by the pertinent administration official.

Mr. WALKER. I thank the gentleman for his explanation. I assure the gentleman I do want to work with him in trying to come up with an environmental risk assessment bill, an overall risk assessment bill, that in fact meets the criteria and, hopefully, could become law.

But I would say to the gentleman that somehow it does not surprise me that the administration that has helped create the regulatory nightmare that we now face is not in favor of doing anything to really correct it. It also does not surprise me that several committee chairmen in this body who have served for many, many years, creating the regulatory nightmare that we now face, are also not in favor of doing tough things to correct it.

So, those things do not really particularly surprise me. The question is whether or not we are going to proceed forward to do some of the things which rationally ought to be done if you are going to engage in real development of a risk assessment process. I come back to say to the gentleman, and I do not agree in any way, shape, or form that anything we are doing there does in fact involve risk management, I would agree that there is comparative risk involved in what I am doing here. The administration evidently objects to doing comparative risk assessment. I understand that because then every day Americans can understand what it is they are saying and they do not want that to happen. EPA would like to have everybody act in ignorance throughout the country and react only to horror stories that appear on the front page of USA Today.

I understand that that is where they are. But the bottomline is I do not think that is where Congress is anymore. I believe that Congress had decided it is high time we begin to do some of these kinds of things.

Now, there are all kinds of forces acting against that because we even had amendments proposed to a certain bill—for instance, the new bill to create the new Department of the Environment—the fact that the gentleman from Florida worked to put together, they are willing to kill the whole department, they are willing to have the whole department sit and go nowhere because somebody has raised the risk assessment and risk management issue in that regard and Congress might actually be for it. In this case, I think also Congress may be for doing something in the environmental area when we are developing new environmental programs. It is a fairly simple kind of thing we are doing.

I realize it has broad ramifications, but we are only very narrowly going after the environmental technologies in this bill and simply suggesting that if Congress is going to move in that area, at the very least what we ought to do is to begin to develop criteria during the process of development of this bill that would in fact deal with risk assessments.

Mr. BROWN of California. Will the gentleman yield further?

Mr. WALKER. I would be happy to yield to the gentleman further.

Mr. BROWN of California. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's comments. I did not personally characterize the language here as risk management, but I did point out that this is the view of the cognizant official in the Federal Government that what the gentleman considers to be legitimate comparative risk assessment they consider to be risk management.

Again, I say to the gentleman that I am not opposed to moving forward in the direction he wants to go. But I think the gentleman has gotten into his rhetorical mode instead of his problem-solving mode. We are not going to solve this problem unless we can reach a larger area of agreement.

My amendment, frankly, is just to buy a little time in order to get this process of reaching some agreement which has to involve a larger number of people than we are able to do at the present time.

Mr. WALKER. That is where the gentleman and I disagree in this case. We have had a relative agreement on a number of things. I mean we just disagree that the gentleman's amendment accomplishes that. It does not buy time. In fact, it takes us backward. His definition of risk assessment in this amendment is in fact a tremendous backward step over where the debate has been. I personally think that anybody who favors risk assessment in this Congress cannot in any way buy an amendment that accepts this definition of risk assessment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further?

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(On request of Mr. BROWN of California and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. I continue to yield to the gentleman from California.

Mr. BROWN of California. I thank the gentleman for further yielding.

Mr. Chairman, I have a question, looking around here, that the gentleman from Pennsylvania and I may be the only ones who even come close to understanding the intricacies of this situation. We may be boring a much larger audience.

I am going to ask support for my substitute, and I hope that I get a favorable vote on it. If not, we will let the cards fall where they may.

Mr. WALKER. I thank the gentleman for his comments.

Mr. Chairman, I would hope that we would not vote for the gentleman's amendment. I again say to the people who have lined up saying they are for doing something positive in the area of risk assessment, that the substitute for my amendment is a major step backwards, that my amendment represents the real reform and we have to defeat the substitute to get to the real reform.

□ 1640

Mr. MICA. Mr. Chairman, I rise in opposition to the substitute amendment.

Mr. Chairman, my colleagues, really as we plow new ground here today with this Office of Science and Technology, we really have to caution ourselves about making the same mistake that we have made in the past. For example, EPA is currently specifically directed by law, or limited by law in various legislation and laws that we have enacted, in how it conducts risk assessment, and even with the current provisions and directions in law, agencies, including EPA, do not conduct risk assessment in an appropriate or an effective manner.

For example, EPA is a very well intended agency, but its history of using just this one area, risk assessment, even when mandated in general terms as in this bill, its history has been a disaster: We must spell out for EPA and other Government agencies specifically that they must prioritize their projects under this program. And the gentleman from California [Mr. BROWN], the chairman, has pointed out exactly the problem that we are talking about here, the need to have a clear definition of what we mean when we say risk assessment. His definition is a one-page, quickly-thrown-together definition.

We have a very clear definition of what we mean by risk assessment, a clear evaluation, a clear direction, to the bureaucrats, to the agencies, the other Governmental bureaucrats, that will be interpreting this new legislative turf that we are plowing today. We must spell out for these agencies, unfortunately because they do not get the message; even in this missal today to us from EPA, they do not understand the difference between risk assessment and risk management. That is why this definition is so important. And what does the definition that we provide here today mean?

First, it says that each project in fact shall address a real environmental risk or conduct a risk assessment and use a common basis for the definition of risk assessment. Second, that under this program or any program a prioritization of projects will allow us to address the development of technologies in a risk assessment fashion, addressing the greatest risk challenges in an orderly fashion, and that is one of the problems that you have today:

Congress enacts laws, and the agencies get hold of those laws, and they misinterpret them. They create huge bureaucracies, rules, regulations, and the law may be well-intended, but the end result, the regulation, the expense, becomes the problem.

I personally became involved in this issue after serving on the Committee on House Administration. There I heard testimony for months on end of how one agency, and that is just EPA, ignored, subverted, abused and misinterpreted even a common sense definition of risk assessment which they now work under. I became convinced then, and I am more convinced now, that we must provide risk assessment guide posts and exactly that language contained in the Walker amendment to Federal agencies at every juncture. Otherwise they go off on well meaning, but very expensive, costly, and nonfunctioning junctures.

Remember, if my colleagues will, that on February 2, this year, 227 of my colleagues joined me in defeating a rule that excluded consideration of risk assessment language on the EPA cabinet level elevation bill. This Congress understands risk assessment, as we have seen both in the action of February 2 and other cases. Let me cite them:

The clean water bill will only pass this Congress with risk assessment language. The Superfund reauthorization will only pass this Congress with risk assessment language. Even the agriculture reorganization act, which just recently passed subcommittee, had similar risk assessment language.

I commend the chairman and the ranking member for including risk assessment in this bill. The term risk assessment in title II, section 2, must be defined, and it must be a good definition, but I strongly support the Walker amendment. I strongly oppose the Brown amendment which does not provide a clear definition again to the bureaucrats, to the agencies. It is important for this bill, and it is important for the future.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MICA] has expired.

(On request of Mr. BROWN of California and by unanimous consent, Mr. MICA was allowed to proceed for 3 additional minutes.)

Mr. MICA. In summary I think it is so important we do not make the same mistake we have made in the past, and I might suggest to the chairman and to the ranking member that we accept our language, that we defeat the language offered by the gentleman from California [Mr. BROWN], and then we address this, but let us not start out in a weaker position, and obviously this is very weak language. The gentleman from Pennsylvania [Mr. WALKER] has stood in the well of the House and defined the problems. The chairman has stood there and defined the problems of interpretation of risk assessment. This is good language. This is definitive language. This will serve as a guide post and a directive to the bureaucrats and the others. It is a starting point.

EPA, I submit to this House, will oppose anything. They opposed any language from the beginning. They will oppose language now, and they will oppose it in the future. They do not understand risk assessment, and, if they did, we would not be here having this debate in the House of Representatives today.

So I urge the defeat of the Brown amendment and urge my colleagues to support the Walker amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I just want to reiterate that I support his goals. He has correctly identified the strength of the movement here. I recognize it, and I am not going to butt my head against reality forever. I would just like to reassure him that now, as of this date, we have senior staff in both the White House and OMB working on the development of language which will not be the EPA's language but which we hope would be even better than that, and I am just asking for an opportunity to work this process out.

Mr. MICA. In a quick response, again I appreciate the chairman's position, but I came here with the intent of reforming the way the Congress and the bureaucrats conduct business. The House has made a statement here; it made one February 2. We have an opportunity to make one again here today. I would rather we adopt the Walker language and similar Mica language that is so important for setting a guideline and position for you and for this Congress rather than adopt the weak, indecisive position which will only weaken our position again with the bureaucrats and the other folks that we have to deal with dealing with the interpretation of risk assessment.

With that, again I urge the defeat of the Brown amendment and the consideration and passage of the Walker amendment.

Mr. ZIMMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, I will not take the full 5 minutes, but I do want to speak against the substitute and in favor of the Walker amendment. I am the cosponsor of the Risk Assessment Improvement Act from which this language was taken. I am also the cosponsor of the amendment to that bill that added some of the language that we are voting on today.

There has been a lot of rhetoric going back and forth. There has been some politics going back and forth. I would advise the Members who have some question about the advisability of the Walker amendment to read the amendment. Some of the language is pretty technical, but at base it is only designed to assure that assessment done by the EPA be based on sound science, that we do not multiply very conservative assumptions one against the other so that we get truly unrealistic results that are not plausible and that are biased.

□ 1650

That is the objective of this amendment. I think the amendment does a very good job of laying it out. It reflects weeks and weeks of negotiation among all the interested parties. And, of course, the EPA opposes it.

The EPA is an agency that wants to have free rein in the way it conducts its business, as every Executive Branch agency does. But it is our responsibility constitutionally as a coequal branch of government to express the will of our constituents as their Representatives, and our constituents want our policy to be based on sound science. Our constituents want risk assessments to be clear and understandable and clearly communicated to them. Our constituents want to make sure that our environmental policy, upon which tens of billions of Government dollars are spent and hundreds of billions of local and private dollars are spent, is rational and is accountable. That is what this is all about.

So I think that if we get past the rhetoric and get past the politics and get past the turfsmanship involved on the part of the EPA, we will be voting for a commonsense piece of legislation if we adopt the Walker amendment.

I do concede that the gentleman from California [Mr. BROWN], the chairman of the committee, has been very seriously engaged in this debate. He understands risk assessment and what is at stake, and I believe he is acting in good faith to try to resolve the issue. But so long as we try to resolve the issue by deferring unquestioningly to the EPA, we are never going to get anywhere. We are going to simply stay with the status quo, which everyone, including the gentleman from California, agrees is unsatisfactory. That is why I urge my colleagues to vote for the Walker amendment and oppose the Brown substitute.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BROWN] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 13, noes 13.

Mr. BROWN of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore (Mr. TAYLOR of Mississippi). Evidently, a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 351]

ANSWERED "PRESENT"—424

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

□ 1715

The CHAIRMAN pro tempore. Four hundred twenty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from California [Mr. BROWN] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will announce that this vote may be followed by another 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 225, not voting 12, as follows:

[Roll No. 352]

AYES—202

Abercrombie
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cantwell
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coppersmith
Costello
Coyne
Cramer
Darden
de la Garza
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dixon
Durbin
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Murphy
Nadler
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickle
Price (NC)
Rahall
Reed
Reynolds
Richardson
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Tejeda
Thompson
Torres
Torricelli
Towns
Traficant
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—225

Ackerman
Allard
Andrews (TX)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Cox
Crane
Crapo
Cunningham
Danner
Deal
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Machtley
Manton
Manzullo
McCandless
McCollum
McCrery
McCurdy

McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—12

Barcia
Carr
DeLay
Faleomavaega (AS)
Rangel
Romero-Barcelo (PR)
Rostenkowski
Slattery
Tucker
Washington
Wheat
Young (FL)

□ 1724

The Clerk announced the following pairs:

On this vote:

Mr. Rangel for, with Mr. DeLay against.

Mr. Tucker for, with Mr. Young of Florida against.

Mr. TAYLOR of Mississippi and Mr. INSLEE changed their vote from "aye" to "no."

Mr. LEVIN changed his vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. TAYLOR of Mississippi). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to the previous announcement, this rollcall vote is reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 286, noes 139, not voting 14, as follows:

[Roll No. 353]

AYES—286

Ackerman
Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bachus (AL)
Baesler
Baker (LA)
Ballenger
Barca
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Brown (OH)
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
Derrick
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (TX)
Ehlers
Emerson
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kaptur
Kasich
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Long
Lucas
Machtley
Manton
Manzullo
Martinez
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Neal (NC)
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Royce
Santorum
Sarpalius
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Sharp
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wise
Wolf
Young (AK)
Zeliff
Zimmer

NOES—139

Abercrombie
Andrews (ME)
Bacchus (FL)
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Borski
Brooks
Brown (CA)
Brown (FL)
Bryant
Cantwell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Edwards (CA)
Engel
English
Eshoo
Evans
Farr
Fields (LA)
Filner
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hamburg
Hastings
Hilliard
Hinchey
Hughes
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lantos
Lewis (GA)
Lloyd
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Matsui
McCloskey
McDermott
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Nadler
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Reed
Reynolds
Richardson
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sawyer
Schroeder
Schumer
Scott
Serrano
Shepherd
Skaggs
Slaughter
Stark
Stokes
Studds
Swift
Synar
Thompson
Torres
Torricelli
Towns
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Waters
Watt
Waxman
Whitten
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Baker (CA)
Carr
DeLay
Faleomavaega (AS)
Meek
Rangel
Romero-Barcelo (PR)
Rostenkowski
Shuster
Slattery
Tucker
Washington
Wheat
Young (FL)

□ 1733

The Clerk announced the following pairs:

On this vote:

Mr. Baker of California for, with Mr. Rangel against.

Mr. DeLay for, with Mr. Tucker against.

Messrs. GIBBONS, MENENDEZ, and COLEMAN changed their vote from "aye" to "no."

Messrs. HOLDEN, SWETT, and BROWN of Ohio changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 64, after line 21, add the following new title VII.

TITLE VII—PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENTS.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. TAYLOR of Mississippi). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I appreciate the gentleman's amendment. It is one that has withstood the test of time and it is excellent in every respect. I am more than willing to support it and ask for an "aye" vote on it.

Mr. TRAFICANT. Mr. Chairman, I yield to the distinguished gentleman from Pennsylvania.

Mr. WALKER. Mr. chairman, We accept the amendment.

Mr. TRAFICANT. Mr. Chairman, I ask that the committee approve the Buy American amendment and urge an "aye" vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to the bill?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the chair, Mr. TAYLOR of Mississippi, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3870) to promote the research and development of environmental technologies, pursuant to House Resolution 483, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONGRATULATING THE CITIZENS OF BERLIN ON THE OCCASION OF THE WITHDRAWAL OF U.S. TROOPS FROM BERLIN AND REAFFIRMING U.S.-BERLIN FRIENDSHIP

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 476.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. HAMILTON] that the House suspend the rules and agree to the resolution, House Resolution 476, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 354]

YEAS—425

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Lucas
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Zeliff
Zimmer

NOT VOTING—9

Carr
DeLay
Rangel
Rostenkowski
Slattery
Tucker
Washington
Wheat
Young (FL)

□ 1757

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROWN of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the legislation, H.R. 3870, passed earlier.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2739, AVIATION INFRASTRUCTURE INVESTMENT ACT OF 1993

Mr. MINETA. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2739) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1994, 1995, and 1996, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the request of the Senate for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and, without objection, appoints the following conferees:

From the Committee on Public Works and Transportation, for consideration of titles I and II of the House bill, and the Senate amendment (except sections 121, 206, 304, 415, 418 and title VI), and modifications committed to conference:

Messrs. MINETA, RAHALL, OBERSTAR, BORSKI, CLEMENT, SHUSTER, CLINGER, and PETRI.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title VI of the Senate amendment, and modifications committed to conference:

Messrs. GONZALEZ, NEAL of North Carolina, and LEACH.

From the Committee on Education and Labor, for consideration of section 418 of the Senate amendment, and modifications committed to conference:

Messrs. FORD of Michigan, OWENS, and GOODLING.

From the Committee on Education and Labor, for consideration of section 208 of the House bill, and modifications committed to conference:

Messrs. FORD of Michigan, CLAY, WILLIAMS, and GOODLING, and Mrs. ROUKEMA.

From the Committee on Foreign Affairs, for consideration of section 415 of the Senate amendment, and modifications committed to conference:

Messrs. HAMILTON, LANTOS, ACKERMAN, BERMAN, FALEOMAVAEGA, GILMAN, GOODLING, and LEACH.

From the Committee on Science, Space and Technology, for consideration of title III of the House bill, and sections 206 and 304 of the Senate amendment, and modifications committed to conference:

Messrs. BROWN of California, VALENTINE, GLICKMAN, and GEREN, Ms. HARMAN, Mr. WALKER, Mr. Lewis of Florida, and Mrs. MORELLA.

From the Committee on Ways and Means, for consideration of title IV of the House bill, and sections 121 and 122 of the Senate amendment, and modifications committed to conference:

Messrs. GIBBONS, ROSTENKOWSKI, PICKLE, RANGEL, STARK, ARCHER, CRANE, and THOMAS of California.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. COPPERSMITH] is recognized for 5 minutes.

Mr. COPPERSMITH. Madam Speaker, today in this House we saw and heard two historic speeches, by King Hussein of Jordan and by Prime Minister Rabin of Israel. Yesterday, these two countries ended decades of hostilities and took a major step on the road to a lasting peace.

The Jordanian-Israeli accord, and the accompanying ceremonies, are significant steps toward a peaceful and secure Middle East. Yesterday's and today's events show how implacable enemies—or even placable enemies, for that matter—can decide that working together can build a better future; that free trade and communications, and diplomatic and political cooperation will make a better life for millions of Israelis and Jordanians, and make a safer world for all of us.

I think we Americans understand the significance of these events almost instinctively. We know how much our country has benefited from our commitment to free and open commerce and communication. We see also in these historic events confirmation that even enemies of long standing can put aside generations of conflict and dedicate themselves to working for peace.

We Americans have long known that hatred and enmity should have no place in our civic life. These events provide yet another example. Therefore, Madam Speaker, it saddens me greatly to report to my colleagues that the Phoenix area has seen a series of apparent hate crimes, the most recent one occurring early last Friday morning with a cross burning at Temple Beth Joshua in Scottsdale, AZ.

These cross burnings show why hate crimes are different, and why they demand a response not only from Congress and from law enforcement, but also from the entire community.

Hate crimes are wanton, seemingly mindless acts of violence and destruction. Yet at the same time, they are mindful, through the deliberate use of symbols or attitudes that have the historic power to create a most chilling fear. Whether a cross burning or a lynching, any crime specifically motivated by hate threatens our country's most cherished ideals: freedom, safety, diversity, and community.

The cross burnings in Arizona must stop. That is why I have asked Attorney General Janet Reno, FBI Director Louis Freeh, and the U.S. Attorney for Arizona, Janet Napolitano, for a complete and thorough investigation. I want to make sure that law enforcement agencies devote the resources needed to investigate and prosecute these crimes.

I also will continue to work to pass the pending crime bill. I will insist that the conference committee retain and harmonize the tough hate crime provisions in the two versions of the bill, from this House and from the other body.

Even more importantly, however, we as citizens must oppose hate crimes, with shared beliefs and ideas. Friday night, I talked with Rabbi David Mayer and some members of the Beth Joshua congregation following Friday night services at the temple. It was awful to see the physical destruction that the fire caused to this small congregation. But I also was heartened when Rabbi Mayer told me that those services were the largest ecumenical service ever in Scottsdale. Clergy from many different faiths and creeds, as leaders of our community, came together on a hot summer evening to stand together against hate.

Our fight against hate crimes, of course, demands tougher laws and prosecutions. However we should not ignore the power of faith, of moral example, and of our shared values to fight and to triumph against hate. Early Friday morning, someone in Arizona succumbed to evil and hatred. But later that same day, the community stood together to say that hate has no place in America, and that a vicious attack against some of us is a clear threat to us all.

Madam Speaker, hate crimes are different. The fight against them requires appropriate laws and enforcement. But the fight requires more, much more. I am heartened that in Arizona, we have realized that we must stand together against hate, and by doing so, we stand forthright for our country and our values.

REINVENTING HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Madam Speaker, there are a number of myths that we hear repeatedly in American politics. One of them was repeated last weekend on Meet the Press by the Vice President of the United States. The Vice President noted in a Meet the Press broadcast on July 24, quote, "You remember, back in the thirties when Social Security passed, not a single Republican voted for Social Security—at least that is my reading of the history, and they have been trying to get over that for a couple of generations now," unquote.

Well, Madam Speaker, according to the Congressional Research Service, the objective research agency of the Congress, on April 19, 1935, the vote in the House of Representatives was 372 in favor of Social Security and 33 opposed. Republicans voted 77 for Social Security and 18 against. Thus, 81 percent of the Republicans in the House supported Social Security.

On June 19, 1935, the vote in the United States Senate was 77 in favor of Social Security and 6 opposed.

□ 1810

Republicans voted 15 for Social Security, and 5 against. Thus, 75 percent of the Republicans in the Senate supported Social Security.

As a highly respected Member of the other body, Senator John Stennis, used to say, "These are true facts."

I hope that while the Vice President is reinventing our government, he will no longer reinvent our history.

MORE ON ATROCITIES IN CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 60 minutes as the designee of the minority leader.

Mr. DIAZ-BALART. Madam Speaker, Members, first, it is my understanding that 12 Cuban-Americans were arrested earlier today during a protest in front of the Cuban Mission here in Washington, DC. The names of those arrested that I have at this time for apparently an accusation of civil disobedience are former U.S. Ambassador to the United Nations Human Rights Commission Armando Valladares and his wife Marta; Mr. Jay Fernandez, distinguished member of this community; Mr. Luis Haza of the National Symphony Orchestra; and Mr. Jesus Permuy, a distinguished member of the community that I am honored to represent in this Congress.

There are others. I do not have their names as of yet. I also do not know yet the details of what occurred today, but I certainly share the deep anger at the brutality of the Cuban dictatorship that motivated the Cuban-Americans who were today arrested here in Washington, DC.

Madam Speaker, I spoke on this floor twice last week on a brutal massacre perpetrated by the Cuban dictatorship less than 2 weeks ago, and spoke about the details as I knew them then concerning that massacre. I have more details today.

I also spoke last week about the fact that I really do not understand the reasons for the lack of attention given by much of the national and international media to the massacre of July 13 and really to similar incidents which occur all too often in that country only 90 miles away from the shores of the United States.

We read often about horrendous, unacceptable conduct taking place elsewhere in our hemisphere. For example, just few days ago I was reading the New York Times and Washington Post and some of the wire services, also the Miami Herald, which I read, and I was told that the Today Show, one of the morning network news programs, mentioned a massacre that had taken place at a similar time frame to the massacre of July 13, and the massacre of those 12 people in Haiti was, as I said, covered by the media that I have just referred to.

I say recently in the New York Times and in other newspapers coverage of some deaths that occurred by accident in Panama, unfortunately. I also saw coverage of the horrendous tragedy in much media, both written and television and radio, of the unacceptable and brutal tragedy that occurred in Argentina. I was told that again the morning news program on television, the Today Show on NBC News, had substantial coverage of that tragedy, and other media.

But with regard to Cuba, I must say, and I would assume that the American people who are watching on C–SPAN would agree, that you do not hear much about what happens in Cuba. It is as though massacres can occur and unarmed citizens can be shot down, can be cut down with bullets, and yet you do not hear about it in much of our national media.

For example, not just the July 13 massacre, but last summer, a year ago, our State Department issued a statement denouncing and condemning the practice of the Cuban dictatorship of throwing hand grenades and firing upon swimmers who try to reach the Guantanamo base, the U.S. naval base in Guantanamo, in the eastern part of Cuba. And the fact that there were eyewitnesses to numerous instances of hand grenades having been thrown at swimmers, and the swimmers' lifeless bodies being subsequently picked up and put on the boats, the Cuban vessels, government vessels, with fishhooks.

Yet I ask the American people watching on C–SPAN, where was the national and international coverage of that event? Could you imagine if the Haitian dictatorship would throw hand grenades at citizens trying to flee Haiti and who were actually swimming, and then would pick them up with fishhooks, would we not be seeing that in the national media?

Also last summer, in two towns in Cuba, there were armed attacks by the thugs of the dictatorship upon the unarmed people of Cuba that we found out about, and yet I did not see, and I ask, who saw covered on our national media, those attacks by the Cuban dictatorship?

In recent months, within the last 6 weeks, two vessels full of refugees, despite having been shot at by the thugs of the Cuban dictatorship, managed to arrive on the shores of Florida. I ask what coverage did those incidents receive?

And had those incidents been not from Cuba, but from, again, Haiti or other dictatorships outside of this hemisphere, would we not have heard about them? That is the question that I ask tonight.

This spring, more than 100 people burst into the Belgium Embassy in Havana. As I recall, there were more than 30 children among them. And, again, the lack of coverage of that incident and of the fact that in the German Embassy and in the Chilean Consulate similar incidents occurred just weeks ago, I ask, again, why is it that those events are not given the proper coverage?

If they were simply isolated events, if they were insignificant events, I would perhaps try to understand why there is no coverage. I do not think it would be acceptable, but I think I would try to understand why there is no coverage.

If the events were from 10,000 miles away, it would be unacceptable not to cover them. Yet, perhaps one could say, well, they are 10,000 miles away, they are so far from our shores, there might be a rationale to not covering the tragedies such as the ones I have mentioned. it would be unacceptable not to cover them if they were 10,000 miles away. But they are not 10,000 miles away. They are 90 miles from the shores of the United States of America.

If they were isolated in that they occurred just in these instances that I mentioned and never before nor after, well, perhaps it could be said that they were so isolated that that is why they did not receive coverage. It would be unacceptable not to cover those incidents, even if they were extraordinarily isolated. But that could be perhaps some sort of rationale. But those incidents are typical ones that commonly occur.

I remember on this floor seeing a young boy, speaking to a young boy, who was here as a guest of my colleague, the gentlewoman from Florida

[Ms. ROS-LEHTINEN], and the boy was 10 years old and told me that he had come in a little boat from Cuba, and for hours in the night while the boat was seeking to reach the shores of freedom, a helicopter of the Cuban armed forces was looking out for the boat to sink it, this little boy would tell me, with large bags full of sand that this helicopter would throw at the boat in order to sink it. The little boy said that since it was nighttime, they did not see us, they did not sink us.

"They saw our wake," I remember he told me. But they did not see us, and we managed to make it. So it happens all the time. The genocidal conduct of this brutal dictatorship just 90 miles from our shores occurs all the time. And the lack of coverage of that genocidal conduct by our national press and media occurs all the time. And yet it seems as though the only time that Cuba is mentioned by much of our national media is to say: TV Marti is jammed.

I am sure many of the folks listening, watching tonight on C-SPAN have seen those reports. I have read editorials in many newspapers and have seen many stories in the networks on the fact that Castro jams Television Marti and thus editorializing much of that media and newspapers say: We should get rid of that effort to inform with news and information, to send news and information to the Cuban people, because Castro seems to be able to jam much of the time Television Marti. That I have seen covered.

Oh, yes, we hear about Television Marti in editorialized versions of the story. We hear that TV Marti should not continue because Castro seems to jam TV Marti, instead of, if we are going to hear editorializing on that story, TV Marti seems to be jammed so we have even more of a reason to make it better and to get through the jamming. TV Marti seems to be jammed often so we have an obligation to listen to the report of that independent panel that this Congress set up just 1 year ago, in a totally unbiased and detached manner, which went through in a detailed fashion, studied this issue, studied what Radio and TV Marti do and came out with a report saying that not only should they be continued but to improve the technological ability. And we can improve within the existing budget the technological ability of Television Marti to get through Castro's jamming and to reach the Cuban people, because a substantial amount of the population of Cuba is extremely desirous to receive Television Marti, like over 70 or even 80 percent of the Cuban people listen on a daily basis to Radio Marti.

But that is not the editorializing that we hear about in the coverage on TV Marti. Inevitably the editorializing on Television Marti is because a foreign dictator seems to be jamming our broadcasts of Television Marti, that thus we should end those broadcasts.

Imagine during the cold war, when the Russians sought to jam Radio Free Europe and sought to jam Radio Liberty, if the media, if much of the media in a systematic fashion would tell the American people, we should end our broadcasts because the Russians seem to be jamming or want to jam our broadcasts. That is not what would have been proper, as it is not proper now to try to editorialize with regard to that program which is so important for the our mission of getting news and information to the people of Cuba and for facilitating a transition to democracy in Cuba.

And there are other things that we read about Cuba, because Cuba is reported. For example, efforts to try to incite and encourage illegal tourism to Cuba by the American people.

There is a ban on tourist travel to Cuba as there is a ban on tourist travel to Libya, and there is a ban on tourist travel to Iraq, and there is ban on tourist travel to North Korea. Those are terrorist states. And for a very good reason, we have established a policy that we do not want to see our tourists and our tourists dollars go to help those terrorist regimes. But it is not uncommon to see, for example, look at this, I read this in the Washington Post, July 20, 1 week after the massacre, by the way, of July 13, this article on food, food in Cuba, entitled "Cuba, a Slow Reawakening."

When I first saw this, I thought, good, there is coverage now. I saw a story on Cuba a week after the massacre, and, I thought, it has taken them a week but finally they will have a story on the massacre, finally. I see, no, a slow reawakening of tastes. If you ever want to see a "let them eat cake" story, the ultimate "let them eat cake" story, look at this food section in the Washington local newspaper, Washington Post of the 20th of July.

This writer who wrote this story on the food in Cuba states, "the crumbling edges of pastel buildings were softened by the night. I felt like Sara Brown in 'Guys and Dolls,' down for a lark with Sky Masterson."

And then this writer goes on talking about the food that only the tourists and the Communist hierarchy can go and have, by the way, describing these wonderful restaurants in Havana. "But in old Havana there are hopes that things will get better as tourists are attracted to the city as they were in the past. The government is betting its money on it."

Listen to this:

> The amount of fat in the Cuban diet has been reduced in recent years, and there is greater emphasis on fruits and vegetables, by necessity as well as by choice.
>
> The Floridita restaurant a few blocks away was a favorite Hemingway hangout. While you sip, strolling musicians serenade with songs from the 1950s and before. The Floridita's grilled tarragon chicken with French fries was delicious. The lobster bisque was fine.

This writer continues to go on describing the food in the restaurants of Havana. "There was something about Errol Flynn and Ava Gardner in the restaurant. I mopped up every drop of the juice of my meat," this writer continues.

> Later, in the well-appointed grill room of the Hotel Sevilla, I sipped a Cuba Libre and snacked on fried plantains. The student waiter served my camarones al ajillo, soft music played.

Now, in here, in this wonderful review of Havana restaurants, there is absolutely no mention of the fact that the Cuba people cannot enter these restaurants, that only tourists and Communist hierarchy, with dollars, can enter these restaurants. The ultimate example of lack of sensitivity, as I called it before, the ultimate "let them eat cake" example of journalism about a country that due to the destruction brought upon it by a regime that does not permit its people to enter those restaurants, that imposes a tourism apartheid, wants to attract American tourism, and articles like this, articles like this are seeking simply to evade, to encourage American citizens to break our law and to go to these restaurants that the Cuban people are not able to to go to.

That we read about Cuba, but we do not hear about those things that I mentioned before, the tragedy after tragedy, after tragedy.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I raced over here the other night to join you last week at the back-to-back 5 minutes and just missed joining you on the floor, because I am amazed that not through conspiracy but through like-minded thinking, journalists who would otherwise claim that their credo is fairness and openness, seeing to the self-censoring of themselves from talking about the ongoing history of atrocities in Cuba. The date that you were the first one to bring to my attention, because I could not find it anywhere in the printed media, July 13, this old tugboat that was escaping, followed by Castro's navy so to speak.

They waited until it was outside the 7-mile limit, and then they circled it, creating a maelstrom and use high-powered fire hoses to blow women and children off the decks, 40 dead. And you got up and updated it all, coming from south Florida, on the death toll. And what has happened to the 30 or so survivors and is that an accurate figure?

Mr. DIAZ-BALART. I have gotten updates on facts with regard to what occurred. Nothing of what you referred to last week is untrue. It is all true. There are more facts coming out.

And what is really shocking, not only, of course, is the brutal conduct that you just referred to, but, for example, after, in Miami, before boarding Air Force One, after having been asked about the massacre that had occurred just a few days before, the President of the United States, and I will read, condemns the massacre as an example of Cuban brutality and he states, "I deplore it as an example of Cuban brutality, another example of the brutal nature of the Cuban regime."

The President of the United States says this, and it is still not covered. It is still not covered. And then the Pope issues his condolences, expresses his condolences to the survivors of the massacre, for, obviously, the loss of their family and friends, and I have not seen that in the major networks or media.

Then last Friday, after, by the way, another attempt to kill TV Marti, something that is covered, that we do hear, to kill TV Marti, because of jamming, not because the program is not good, not because it is biased; no, no, independent report after independent report says that it is good programming, that it is fair programming, that it is programming that cannot be condemned. Yet, time after time, we hear it should be killed.

However, based on an amendment in the Senate to do just that, there was such an uproar among the Senators with regard to this massacre and the lack of sensitivity of the timing, just 1 week after the massacre, trying to do something that in effect would help Castro, because if Castro spends tons of oil to jam Television Marti, obviously it is not in his interest. TV Marti is not in his interest. He does not like TV Marti.

The Senate, pursuant to that total lack of sensitivity, especially of timing, 1 week after the massacre, passes overwhelmingly an amendment by Senators MAC, DOLE, GRAHAM, and others condemning the tragedy of July 13, requesting that the President instruct our permanent representative to the United Nations to seek a condemnation of the massacre by the Security Council of the United Nations, and also to seek an international investigation of the massacre. This is by the Senate of the United States. I also did not see a report anywhere.

Mr. DORNAN. Madam Speaker, if the gentleman will continue to yield, I would ask him if he will see if he concurs with me in making a suggestion to the media. They know this lesson well, but maybe if somebody brings it up on the floor of this distinguished legislative Chamber they will see a way to get back into the story.

A few days before the at-sea massacre by Castro's people there was a massacre of 12 males in Haiti. We sent people from the Embassy out to photograph the bodies. They were all dumped together. Twelve certainly constitutes a massacre. There were seven people massacred on St. Valentine's Day in 1929, and that was called, properly, a massacre. It was headlines for months, the St. Valentine's Day massacre. Twelve is a massacre.

Forty, involving women and children being blown into the sea to drown, that is a massacre. Here is what the media can do, the title of a reprise story: "The Story of Two Massacres: What Happens When the Visual Media Does Not Have Film," and then show that when film is available, as it was in Haiti, of the 12 bodies of the young men who were brutally killed, but there is no film of this atrocity at sea, you do a comparison of "Is a story a story unless someone photographs it?"

We do not have photographs of the mass starvation in Sudan, where Moslems and Christians were killing one another in south Sudan, but now that the refugees flee from Rwanda into Zaire, and we have horrible film from Goma, suddenly it is a massive story. We were told over and over that until the BBC filmed the starvation in Ethiopia 9 years ago, that that was not a story.

Here is my suggestion to the sight, sound, and motion television networks and CNN. They could easily do what they do when they set their mind to it: show a map of Cuba, put a little dotted line going out to a 7-mile limit, then show a picture, "This is the type of boat that was escaping, and on this boat there were about 75 people," and these facts will all start to come out more and more over the next few months as some of the women get out clandestine word to people in your district and in your community in southern Florida, say "And here is what took place."

You do it with animation. You show a larger boat and say, "Here is a satellite photograph of one of the Cuban-type fire boats, and here is what these fire hoses can do," and if they wanted to they can set up a simulation.

Mr. DIAZ-BALART. They do not need to do that. Let me tell you why: We have photographs of the two dozen children.

Mr. DORNAN. Oh, my gosh, their bodies?

Mr. DIAZ-BALART. We have family pictures. No, not after they died. They are at the bottom of the water. They have refused to go get the bodies and they have refused to get those bodies so their family can give them a burial.

No, they refused that, but the families, those ladies whose taped voices I heard, and who have willingly spoken on video to foreign journalists in Cuba, they have the family pictures of the two dozen children that died. So we can show, if we want, the family pictures.

Mr. DORNAN. Let us write a letter to Rick Caplan, charter FOB, Friend of Bill's. Let us write a letter to him. He does the evening news at ABC, used to be a producer of Prime Time. Let us write a letter to Peter Jennings. Let us write a letter to Sam Donaldson. More than anything, let us write a letter to Ted Koppel. They brag they reach more people than any other news outlet in American history.

Madam Speaker, the gentleman and I and our colleague, the gentleman from New Jersey [Mr. MENENDEZ], on the other side of the aisle, let us pick this as a massacre that we will not let die, because of the children and women involved.

Mr. DIAZ-BALART. We will not, we will not let it die.

Mr. DORNAN. How horrible it is to drown at sea, and for all we know they suffered shark attack; these are shark-infested waters, let us keep this alive. Let us each week one of us at least do a 5-minute, and one of those who have interests in Florida, and let us contact one of the networks, and I will personally call Ted Koppel, ask him, let us do an analysis of two massacres, and ask if there is a Rwanda factor here now: That unless people die in the tens of thousands, it is no longer a story. Thank you again for bringing the truth out.

Mr. DIAZ-BALART. Madam Speaker, I thank the gentleman from California for his concern, and for the fact that he has already spoken, and I have seen him speak on this floor, with regard to this massacre.

I reiterate, as I have in the past, that this I will not let die, because they have gone too far. They started the first of January of 1959, they started killing people that same day, to terrorize the population, but this massacre of over two dozen small children in the dead of night at 3 a.m. in the morning, and by the way, more facts, as I stated before, have come out.

Mr. DORNAN. May I put in one footnote, if the gentleman will yield further?

Mr. DIAZ-BALART. Yes.

Mr. DORNAN. The media is obsessed with following the line of those doves in this House who finally have found a conflict that they are looking forward to: Military force in Haiti. I want to reiterate what I have said on this House floor before: That there are thugs in Haiti who have serial killer first-degree murder backgrounds, from Tons-Tons Macoutes, former types who are now sergeants, all the way up to the Prime Minister; good evidence of drug running and killing, but not general Cedras. I am not making a case for him, but all of our intelligence agencies are on record as saying there is no circumstantial, let alone hard-core, evidence tying him to any murders, any torture murders, or any people who survived torture. There is nothing tying him to drug running.

Now maybe he should go. He is obviously an obstinate man, and he has people like the chief of police, Francois Michel, who do have ugly backgrounds, but not Cedras. But Castro, and I think I told you this once, he is now gone to the great embassy in the sky, but the U.S. Ambassador to Cuba who was there when Castro was a senior in law school, running for the student body president, told me that he personally executed his opponent who was running ahead of him for, like some American colleges, it was not for student body president, it was for presidency of the student union, that he executed him when he was brought out a side exit of a movie theater, gunned him down between two automobiles.

I went over to the State Department after I heard that, I learned that at John Fisher's American Security Council seminar, the summer of 1974. I went to the State Department and said, "Is this true," once I became a Congressman 2 years later. "Oh, everybody in the State Department believes that is probably a true story."

Here is the story that I have gone over with you, you have confirmed it to me because I said it on the House floor before you and Ileana came here to give us your own personal experience.

That Castro, in the 1960's, in the 1970's and the 1980's would say, to pick a name of someone who made it out, "How is Armando Valladares doing?" This is a man whose name had not passed his lips in maybe 5 years. The man is now in, say, his 20th year of imprisonment.

"Oh, not too well, we don't expect him to survive the year. He's stark naked, in a blackened-out cell, his own fecal material is still in the cell most of the time. Yeah, he's really doing poorly."

And Castro would say, "Good. Keep it up." And maybe bring up this man's name, not just men, women, 5 years later. The man is diabolical. To see Diane Sawyer, it is too harsh to say she was fawning over him, and plenty of male journalists have done this, too, just to get some exclusive interview with him. To see journalists acting like this man is anything but a first-degree murderer, a serial killer and a thug who personally gave orders to torture people and kept them in prison for a quarter of a century, revisiting their cases occasionally, so he could feel their pain, it reminds me of Adolf Hitler killing 5,000 people after the plot 50 years ago on July 20, then having film taken, still and motion picture film, of them hanging, some of them, naked from piano wire on meat hooks, then for some sadistic reason that normal people cannot understand, laughing while he watches them hung over and over again.

Where is the line between Adolph Hitler, except by degree of numbers murdered, and Castro who would let people be tortured for years, live in total darkness naked like animals and revisit their cases occasionally? That is why thugs under him would feel that they have some right of power to blow women and children off the deck of a ship in the dead of night to drown in the ocean. So keep it up, LINCOLN.

Mr. DIAZ-BALART. It was a direct order.

Mr. DORNAN. A direct order. Let me get beyond the 7-mile, kill and bring back a few survivors to make an example?

Mr. DIAZ-BALART. It was a direct order, and we have the names.

There was a tip to the Minister of the Interior, General Colome Ibarra, that 70-plus refugees were planning to leave that morning, within a few days, the morning of the 13th of July. Castro personally ordered to his Interior Ministry that an example be made of this group because things were getting out of hand.

"So don't use the Navy" was the order. "Use those three new Dutch firefighting vessels that we have with those very potent hoses. Blow them off the deck, then ram the boat and sink it. But after they're out of the bay," where there are no witnesses.

Colome Ibarra, the Minister of the Interior now states that Castro personally gave the order, which is very interesting, as though Colome Ibarra is thinking of a potential trial in the future because there cannot be a statute of limitations for this. Colome Ibarra perhaps thinking about that trial in the future says that the order was personally given by the commander in chief.

The three Dutch fire-fighting vessels were named Polargo, the *Polargo 2*, which had a Ministry of the Interior official on it giving orders, named David. The *Polargo 3*, whose Ministry of the Interior official was Aristides, we do not have a last name. And the *Polargo 5*.

Mr. DORNAN. Does Polargo mean anything in English?

Mr. DIAZ-BALART. Just names. Vessels 2, 3, and 5. The *Polargo 5* was under instructions of the man in charge of the mission. Jesus Martinez, known as Jesusito. Jesus Martinez was very frustrated, because just a few weeks before when a vessel full of refugees reached Florida, they had tied up an Interior Ministry official who was on board, and that was Jesusito. So imagine how full of vengeance this man was and how happy he was to have an opportunity to comply with the order to make an example given by his commander in chief.

This man Jesus Martinez was on the *Polargo 5*, that Dutch vessel, the largest and most potent of the fire-fighting vessels that rammed the old tugboat until it managed to break it in half, crack its hull, and it sank to the depths.

This information in a very, very well-researched article was brought to our attention by a Cuban writer and journalist who has been described time and time again by the media as a moderate. Very interesting. This is a "moderate" Cuban exile leader who lives in Spain, Carlos Alberto Montaner, who with his many contacts within Cuba has been able to confirm the facts as I relayed them.

I want to commend at this point a county commissioner from my county, from Dade County, Mr. Pedro Reboredo, who published in yesterday's Washington Post an ad, because obviously he found out that there is no other way of getting this news. "Let me tell you about an ongoing tragedy." That is in the Washington Post of yesterday, with the facts of the massacre. This was paid for by county commissioner Pedro Reboredo.

Mr. DORNAN. Put that in the record, LINCOLN.

Mr. DIAZ-BALART. I will.

Mr. DORNAN. Did you also have, because I heard you mention restaurants when I came in the Chamber.

Did you put in this article on Castro's entrepreneurial blockade about closing down successful restaurants?

Mr. DIAZ-BALART. I will put that in, certainly.

I want to state just a few days before Commissioner Reboredo's article, advertisement that was paid for in the Washington Post, the Washington Post on page A22 ran under the headline, and this is the size that it ran it in, page A22, "For the Record," reprinting, and this is the size of the headline "Murder at Sea," a July 19 editorial from the Miami Herald. Interestingly enough, for the record, for some reason the Washington Post wanted to be on the record that it has published something with regard to this massacre.

To my knowledge, all that has been published in the Washington Post is this "For the Record," July 22, a reprinting of an editorial of the Miami Herald with regard to the barbarism of the crime of July 13.

As I stated, facts are coming out continuously about the massacre. But there are many other stories that need to be talked about, many other facts that need to be reported about Castro's Cuba that we do not hear about.

There is a fugitive from justice who is the de facto minister of finance in Cuba, Mr. Robert Vesco. Ever since 1972, Robert Vesco has been a fugitive from American justice under indictment. He is, as I have stated, a de facto minister of finance and crime for Castro. But we do not see that often reported, even though I think it should be.

How about the fact that those restaurants which we saw critiqued in that food section, what I call the let-them-eat-cake section, we do not hear about the fact that those restaurants are dollar-only restaurants that the Cuban people do not have access to. I read, for example, a recent cable, that the President-elect of Panama has stated that it is a shame that Castro has not been invited by President Clinton to the hemispheric summit in December in the United States of democratically elected Presidents. I think it is, by the way, commendable of President Clinton that he has not asked either Cedras nor Castro to his summit that he has convened of democratically elected leaders here in the United States in December.

The President-elect of Panama, who was just here a few days ago, said, however, that that was incorrect, that he should have been invited, that Castro should have been invited. But we do not hear perhaps why the President-elect of Panama is saying that. We do not hear about Gerardo Gonzalez, for example, a top official in the President-elect's party. His son is another fugitive. This Gerardo Gonzalez' son killed an American GI in Panama. And where is he today? In Cuba, as another, like Robert Vesco, fugitive from American law.

Castro's Cuba is not only a haven for fugitives from American law, it is a money-laundering haven, a tax-evasion haven, a drug-trafficking haven, and perhaps that is why corrupt leaders in Mexico and Spain and Colombia and other places seem to go out of their way, bend over backwards to please Castro. Just a few days after the massacre of July 13, he was invited once again to Colombia to a meeting of Caribbean nations.

The reality of the matter is that not even a massacre like July 13, perhaps because of the fact that it is such a convenient haven for the kinds of things we were talking about, not even a massacre like that prevents Castro from being reinvited to forums like that that took place in Colombia.

But the gentleman from California talked about, for example, drug trafficking. It has been reported widely that the Haitian regime, members of the Haitian dictatorship have engaged in drug trafficking. A draft indictment of the U.S. Attorney for the southern district of Florida was leaked to the press some months ago implicating Raul Castro and other members of the dictatorship directly in drug trafficking. What happened to that draft indictment? Why is the press not asking about what the status is of the draft indictment? Why has this draft indictment simply evaporated into space?

What is amazing to me is that despite this undeclared censorship with regard to the tragedy of Cuba and the horrors of Castro's Cuba and the anti-American dedication of Castro's dictatorship, despite that, despite the fact that we do not hear about that in the press, we only seem to hear about TV Marti being jammed, that is the only time Cuba seems to be covered by the national media, the American people in poll after poll after poll by a more than 2 to 1 margin continue to support sanctions against Castro. They perceive, they feel that he is an anti-American thug, murderer, drug trafficker. The American people know. The American people have an extraordinary sense of perception and an extraordinarily sense of justice, and they know who our enemies are, and they know that the United States, the people of the United States and freedom loving people everywhere in the world have no more dedicated enemy than the tyrant who is only 90 miles away from our shares.

But that support for sanctions against Castro, as I say, is due to extraordinary perception and an innate sense of justice of the American people. How much more could be done and would be demanded by the American people if they were informed of what is going on continuously in Castro's Cuba?

Just recently, for example, and there are constant examples of lack of sensitivity with regard to the tragedy of Cuba, the Canadian Government, for example, just announced recently a resumption of aid to the Castro dictatorship. I wrote a letter to the Prime Minister. It was a strong letter. I did not mean it to be insulting. I do not think it was, but I said what I thought. The Ambassador to the United States from Canada answered my letter, and he answered it very respectfully, and I will answer his letter.

I thank the distinguished Ambassador for his letter. But let me give an example of why it is so important and I am going to continue speaking about what I consider the lack of responsibility of much of the national press and media with regard to what is happening just 90 miles from our shores. The Canadian Ambassador answers me on behalf of the Prime Minister and he tells me, explains to me from his vantage point about what the Canadian Government is doing with regard to Cuba, and then he states in this letter from the Canadian Ambassador to the United States, "The Cuban government does not have a record of such practices as forced disappearances, and extrajudicial killings." This is a letter from the distinguished Canadian Ambassador to the United States.

The extrajudicial killings and forced disappearances began on January 1, 1959. In that month of January 1959, three third cousins of mine, and their names are Torcuato, Domingo, and Miguel Olea Gros, those are their last names, were shot without trial by Raul Castro. Like the Olea Gros brothers there have been thousands and thousands and thousands of victims of this dictatorship 90 miles from our shores. Those refugees seeking freedom on July 13, I would ask the distinguished Ambassador from Canada, what trial did they receive before they were brought to their deaths at 7 miles from the coast of Havana, including two dozen or so children? How were those deaths judicial?

I am certain that the Ambassador from Canada, as I have stated, is a distinguished gentleman who means well, and that is why I make so much emphasis on the need for information, because even the Ambassador to the United States from Canada, after 35 years of daily crimes by the regime, states in writing, in justifying his government's resumption of aid to the Cuban dictatorship, that there are no extrajudicial killings in Cuba. So there is a grave responsibility on the shoulders of those whose mission it is to inform the international community about what is happening, and they are failing in that responsibility.

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I would just like to point out that one of my heroes, and a good friend of yours, and a good friend of mine, Armando Valladares, who spent 25 years-plus in a Cuban prison, and who was tortured, and I think Representative DORNAN alluded to it a few minutes ago, was arrested today because he was protesting before the Cuban mission about the horrible atrocity that took place, to which you have been alluding. I think it is really unforgivable that this country would put a man of that caliber, who was our U.N. Ambassador to the Human Rights Commission in Geneva, put him in jail for showing his outrage at what Castro's Cuba has been doing.

In addition, I would like to make one brief comment, and I do not want to interrupt your train of thought because you are doing such a fine job, but that is we hear a lot about Haiti, and there are a lot of problems with Haiti. There is even talk of invasion. Yet we have had problems, as you said, for 35 years that have been going on in Cuba, and we have let them go on and on, the atrocities go on year in and year out, and a real animal and a tyrant is down there. And many times we look the other way.

So I would just like to say to my colleague, as long as he is and I am in the Congress, I think the vast majority of our constituents will be made aware of these horrible things, and we will try to do everything we can to stop this from going on.

Mr. DIAZ-BALART. I thank the gentleman from Indiana, who is one of the great leaders in this Congress in favor of human rights everywhere in the world, and who has made his voice be heard often with regard to the tragedy 90 miles away from our shores. I thank the gentleman once again.

I think it is important to focus in on what needs to be done with regard to the tragedy of July 13. The U.S. Senate spoke very clearly last Friday and requested formally and officially that President Clinton instruct our permanent representative to the United Nations to seek a condemnation of the massacre of July 13, of those over 40 innocent refugees and two dozen children, and to seek an international investigation exactly of the details of that massacre, and also to request of the Cuban dictatorship to cease its harassment of the survivors of the massacre, the men which are in detention or in prison in Cuba for the crime of trying to leave their country.

Madam Speaker, today is one of the darkest days in the history of Cuba. It is July 26. This was the day that Castro sought to make a name for himself in 1953 by attacking the second largest military barracks in the country.

There is an extraordinarily good article today in the Spanish-language version of the Miami Herald from a Cuban, perhaps, certainly one of the best known, if not the most brilliant of the Cuban poets, Gaston Baquero, who is a black man, has suffered racial discrimination and written about it, and who I admire extraordinarily, not only for his talent, but for above all else his humanity. Baquero published an article today sizing up this date, July 26. He says, "Forty-one years gives one a perspective that is sufficient to judge a historical event." He says, "It's very dangerous when a society at some point applauds an attack on a military barracks. When a society applauds an attack on a military barracks it becomes a suicidal society," he says, "because that military barracks is part of the guarantee of private property, and order and all of the other things that are required for liberty."

One of the so-called heroes he talks about, perhaps the most famous of the women who accompanied Castro in his so-called revolutionary feat, was Haydee Santamaria. He identifies, Baquero identifies Haydee Santamaria as the image, mother, sister, matriarch of the so-called revolution of Castro.

Back on a similar date such as this 26 July, in 1980, after having seen what Castro was doing to those who were seeking to leave by the well-known Mariel port, that so-called acts of repudiation which he had already managed to perfect by then, get mobs to go to people's homes and spit on the people who are leaving or they have signed a document or dissented in some way, get the children, classmates of many of the children at that home, to spit on their classmates, insult the family and classmates.

When Haydee Santamaria, again, the mother, sister, matriarch image of the Castro revolution saw what he was already doing in 1980, on this date, that year, she by the way had described the following: She had said, she had declared, when all other alternatives fail, Haydee Santamaria had declared the only solution, political solution, that remains is suicide, and so she, in a dignified fashion, committed suicide on a day like today, 26 July, 1980, and Baquero ends his historical analysis of 26 July, after referring to that incident of Haydee Santamaria, in the following fashion: If Fidel Castro were loyal to the memory of his first idol, Eduardo Chibas, who by the way had committed suicide. He was a very well-known political figure, and he committed suicide in Cuba in 1951; Fidel Castro would offer this 26th of July to his tortured people, would offer on this 26th of July to his tortured people the only serious, adequate, and just action that he has at his grasp, to blow his brains out. Why not imitate his idol Hitler when all is lost for him, his idol who Castro stole that phrase from "History will absolve me," when Castro was arrested in 1953; he stole Hitler's phrase at the end of Mein Kampf, "History will absolve me." Why not imitate his idol Hitler who he stole that joke from, "History will absolve me"?

It would be the perfect closing to the door that was opened by Castro when he attacked that military barracks on July 26, 1953; that suicide would be the final period on the bloody page, in his bloody page.

Never again another 26th of July. Never again.

[The articles follow:]

[From the Miami Herald, July 19, 1994]

MURDER AT SEA

Has our hemisphere grown so used to the Cuban regime's savagery that it cannot summon a cry of outrage for the nearly 40 Cuban refugees sent to their watery deaths by Fidel Castro's government? The "prudent" silence over Cuba's murderous sinking of a tugboat loaded with escapees is without justification.

Would this complicitous silence greet the murder of innocent men, women and children fleeing other places? The murdered refugees' only crime was to make a desperate attempt to flee Cuba. Soon after the group of 72 began their escape aboard a decrepit tug, Cuban fire-fighting boats attacked them. According to eyewitnesses, the refugees signaled their readiness to surrender and to return to port. The escapees even held up some of the small children for the attackers to see, screaming that more than 20 children were on board.

Such pleas did not deter Castro's men, who turned potent fire hoses on the refugee vessel, sweeping passengers overboard. The pursuit craft then rammed the tugboat repeatedly, capsizing it. Tragically, all of the children hiding in the tug's hold apparently died. The adult survivors are in jail. Where on earth is a mute world's conscience.

Countries with substantial investments in Cuba—Spain, Mexico and a few others—have a special obligation to denounce this crime perpetrated by Cuba's government against the unarmed refugees. Like investors in the South Africa of apartheid, Cuba's foreign business partners ought to feel particularly ashamed of the actions of the regime that their capital is helping to sustain.

Amendment adopted on 7/22/94 to H.R. 4603, the Commerce, State, Justice Appropriations bill—by Senators Mack, Dole, Graham, and others—sense of the Senate condemning the sinking of the *13th of March* by the Government of Cuba.

(A) Findings—

(1) There are credible reports that on July 15, 1994 Cuban government vessels fired high-pressure water hoses, repeatedly rammed and deliberately sunk the "13th of March", a tugboat carrying 72 unarmed Cuban citizens.

(2) About forty of the men, women, and children passengers on the *13th of March* drowned as a result of Cuban government actions, including most or all of the twenty children aboard.

(3) The President of the United States "deplored" the sinking of the *13th of March* as "another example of the brutal nature of the Cuban regime."

(4) All of the men who survived the sinking of the *13th of March* have been imprisoned by the Cuban government.

(5) The freedom to emigrate is an internationally recognized human right and freedom's fundamental guarantor of last resort.

(6) The Cuban government, by jamming TV and Radio Marti, denies the Cuban people the right to free access to information, including information about this tragedy.

(B) It is the Sense of the Senate to—

(1) condemn the Cuban government for deliberately sinking the *13th of March*, causing the deaths of about 40 Cuban citizens, including about twenty children;

(2) urge the President to direct the U.S. Permanent Representative to the United Nations to seek a resolution in the United Nations Security Council that

(a) condemns the sinking of the *13th of March*;

(b) provides for a full internationally supervised investigation of the incident and;

(c) urges the Cuban government to release from prison and cease intimidation measures against all survivors of the sinking of the *13th of March*.

[From the Washington Post, July 25, 1994]

LET ME TELL YOU ABOUT AN ONGOING TRAGEDY

(Paid political advertisement submitted by Pedro Reboredo, Commissioner, District No. 6, Dade County, FL)

It is a disturbing sight to see in the network news—almost every night at dinner time—images of Haitians fleeing their country, in some cases being rescued by the U.S. Coast Guard, and in others drowning in the high seas. You feel sorry for them. I know I do, but there is another tragedy that you have not seen reported in the news or newspapers. It happened in the early hours of July 13, when boats belonging to the Cuban government attacked and sank a tug boat carrying more than 70 women, men and children who were trying to escape the island and reach the Florida coast. Only 30 survived; the remaining 41 human beings, most women and children, went down with the boat * * *.

We learned of this major tragedy when the Cuban government issued a short statement saying that a group of irresponsible individuals stole a boat in the port of Havana and it accidentally sank 7 miles off the coast. Then, we heard the truth. A young mother, Maria Victoria Garcia, survived, but she does not want to live anymore. She lost her husband, two brothers and a ten year old son, who was holding on to her leg, but was washed out by the whirlpool created by the boat as it was sinking.

Maria Victoria is in Havana. She speaks in detail about how they were chased by Cuban military boats that used high pressure hoses to stop the tug boat; how the water pressure made children and women fly off the boat; and how the wooden ship was rammed several times while the Cuban officials were cursing in response to the women's pleas who cried trying to save the children.

You may ask why am I spending thousands to tell a story that should have been front page news. I am doing it because I believe that you should be aware of what is happening only ninety miles away from our shores; also because the United States has been good to me. The people of this country gave me shelter when I too came as a refugee. You, gave me the opportunity to work, to raise my daughters in a free land. You granted me the honor of becoming an American citizen and be elected to several positions in South Florida.

Even though it is important to be aware of what is happening half a world away from this country, I also believe that the American people should learn about what is going on close to your own borders. I know that this is a country that responds to human suffering, and I want you to realize the tragedy of the Cuban people—of those remaining in the land where I was born.

My people do not expect you to invade Cuba. They just want to feel that they are not alone, that the cries of those Cuban children, and many others, will not go unanswered or unheard by the world, and especially by the United States: The beacon of hope for those who seek life, liberty and the pursuit of happiness.

CLINTON SAYS CUBAN REFUGEE BOAT SINKING "BRUTAL"

MIAMI, July 18.—President Clinton on Monday condemned as "an example of Cuban brutality" the sinking of a tugboat off the island after it was stolen by a group of Cubans trying to leave the island.

"I deplore it as an example of Cuban brutality, another example of the brutal nature of the Cuban regime," Clinton told reporters during a visit to Miami.

Cuban authorities said Saturday that some people were missing after the tugboat sank after a collision with a government vessel that was trying to intercept it before dawn Wednesday seven miles (12 km) north of Havana.

A Cuban Interior Ministry statement said 31 people had been rescued.

A survivor of the incident, Maria Victoria Garcia Suarez, told foreign reporters in Cuba she believed some 70 to 73 people were originally on board when the vessel left Havana port. This would mean about 40 people had probably drowned.

Garcia said the stolen boat was pursued and surrounded by other tugboats, which used hoses to spray it with water. It began taking on water after being struck in the right side and began to sink, she said.

THE ECONOMY AND WHERE OUR COUNTRY IS HEADED

The SPEAKER pro tempore (Mr. LONG). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the gentleman from Oregon [Mr. WYDEN] is recognized for 60 minutes as the designee of the majority leader.

Mr. WYDEN. Madam Speaker, thank you very much for this opportunity to address the economy and where our country is headed.

I have had the good fortune of being able to serve on the Joint Economic Committee in the Congress. As a member of this committee, I have a chance to listen to a wide variety of economists. Many of them come to the committee and talk about the virtues of Keynesian economics. They may talk about supply-side economics. They talk about a wide variety of economic theories.

But as I listen to many of these specialists who come before our committee, the longer I listen, the more convinced I am that what really matters is the sense of economics of the person on the street. If folks on Main Street in America believe things are getting better, they make a wide variety of investment decisions, and then things do get better.

On the contrary, if they think that things are not headed in the right direction, they might sit on their hands. They may hold off on making an investment, and things do deteriorate.

So what I would like to do tonight for just a few minutes is to talk about economics as it is seen from the person on the street, as it is seen from Americans on Main Street in America and across our country, and the economy that they are facing.

I am going to start with a number of charts, in particular focusing on the last 18 months, because in the last 18 months the economy has gained 208,000 private-sector jobs each month, compared to a mere 27,000 per month during the period of 1988 to 1992. That breaks down to nearly 7,000 new jobs every single day of the Clinton administration.

And Americans eager about new economic opportunities have gone out and invested in new equipment at a very dramatic rate. The next chart that I will show illustrates the rate of growth in business investment and equipment, which is 18.4 percent per year, almost nine times the rate of growth during the period between 1988 and 1992, and this additional investment means higher productivity, more jobs, and more growth in our economy.

Now, the millions of new jobs and billions of dollars of new investment are also helping to encourage consumers to be more active in the marketplace. As the third chart shows, consumer confidence is at its highest level in 5 years, nearly 15.5 points higher than in the last year of the Bush administration.

So what we have is more jobs, faster investment, and increased consumer confidence, the unassailable signs of an economy that is healthier, unassailable signs to Americans who are practicing the economics of Main Street America that our economy is getting better.

How did the President and the Congress working together accomplish this? In short, it was not accomplished by pumping trillions of dollars of borrowed money into the economy as was done during the early 1980's. It was not accomplished by smoke and mirrors. The President and the Congress working together helped make our economy healthier by focusing on basic economic fundamentals, economic policies that have made it possible for the private sector, not the Government, to create jobs and economic growth.

The Government does not create jobs. The private sector creates jobs. But what the Government has done in the last 18 months is created a healthier climate for the private sector to grow and to create jobs for our citizens.

I would like to turn now for a moment to the matter of the deficit. The deficit in our country is going down as opposed to the 1980's when it increased so dramatically. Next year will be the third straight year of reductions in the Federal deficit, for the first time since the Truman administration over 40 years ago.

More important, the deficit as a percentage of gross domestic product will be cut in half in just 3 years from 4.9 percent in 1992 to 2.4 percent in 1995.

Moreover, deficit reduction will go down almost $700 billion from the national debt by 1998.

Let me turn briefly to the matter of Federal spending. As this chart shows, by 1999, Federal employment will be cut by over 270,000 workers, reaching the lowest level since the days of the Kennedy administration. These are reductions that are tough. They are reductions that are hard politically for Members on both sides of the aisle, but making those reductions in the Federal work force is going to make a difference for our country in the years ahead by making Government leaner and by saving the taxpayers money.

□ 1910

Now, the next chart shows that Federal spending will be lower during this administration than during either the Bush or Reagan administrations. I think it is important for the country to put this into context because we heard a lot of rhetoric during the 1980's about cutting spending. But the fact is that Federal spending is going to be lower during this administration than during either the Bush or the Reagan administrations. These are real cuts in the Federal deficit, real cuts in Federal workers, real cuts in Federal spending that I come to the House to discuss tonight; not sleight of hand but the real thing.

The cuts in the deficit are important because they go right to the heart of creating the kind of healthy private sector business climate that I have mentioned is critical to encouraging investment in growth and job creation.

The next chart that I will discuss focuses on inflation. At 2.7 percent, inflation is now near a 30-year low. This low inflation helps our businesses plan for the future and encourages them to invest.

Nothing is more damaging to economic health than high inflation and nothing is more conducive to growth than low inflation.

The next chart that I would like to bring before the body, Madam Speaker, deals with interest rates as a factor in our historical economic performance.

The low interest rates we have now make it cheaper for business to invest, grow, and create jobs. They make it easier for consumers to buy homes and cars, they make it cheaper for students to be able to pay for college. And certainly, by historical standards, inflation rates are down and the economy is better for it.

Inflation is down and interest rates are down because the deficit is down and Federal spending is down.

Now that the President and the Congress have helped get the economy back on its feet, as we have been able to see through the progress illustrated on these charts, it seems to me that we have an opportunity to break yet additional new ground by focusing on the small business sector.

The small business sector is historically the engine of job creation and the backbone of our economy. But smaller companies still face special challenges as they attempt to prosper.

Although U.S. exports have grown rapidly and are a key ingredient to our economic recovery, smaller companies especially have difficulty making their way into the lucrative foreign markets.

In fact, just 50 very large companies account for about 43 percent of all U.S. exports, and just 15 percent of all exporting firms account for about 85 percent of all of U.S. exports.

Smaller companies, particularly those in the high-technology field, are cash strapped in many instances as they try to get off the ground and have a hard time competing for top-notch workers and others they need to grow their business.

Smaller companies, particularly those that are not located near financial centers, have an especially hard time attracting the investment capital they need to grow. Too many small companies die on the vine after they get too big to be financed internally but not yet big enough to qualify for bank lending.

Madam Speaker, as chairman of the Subcommittee on Regulation, Business Opportunities, and Technology of the Committee on Small Business, I plan to introduce a package of legislation that can help our small businesses expand. It will make it easier for small companies to export, make it easier for these companies to attract high-quality workers, and make more investment capital available to the small business sector. I hope that Congress will be able to move forward on this package early because it is solid, common sense legislation that Members on both sides of the aisle can support because it will provide a real shot in the arm in the small business sector.

Madam Speaker, I am going to spend just a few minutes describing some of the details, beginning with the effort to develop a more entrepreneurial trade policy.

Now, our Federal Government at present spends a lot of money promoting exports, but the record shows the services have not had particularly promising results in the small business sector. The main reason for this is that Federal programs are not especially accessible and useful to smaller companies. In fact, the average small business seeking export assistance will probably end up frustrated after trying to find the way through a maze of about 100 different offices providing export services. Many of these services are overlapping, some in fact directly contradictory.

Now, in contrast, many of the trade offices located in our States and business trade associations are far better positioned to give good export assistance to the small business sector. These State trade offices and local trade groups are closer, they are easier to access, they have better knowledge of local companies and their particular exporting needs, they are better positioned to do crucial outreach, which is needed for small business to grow.

What these offices lack is initial resources. While the Federal Government spends $3.7 billion on export assistance and still only 10 percent of all U.S. firms export, the offices at the State and local levels that can best help small companies get into the export market are sorely lacking in funds.

Madam Speaker, it seems to me that the role of the State trade offices and trade associations can be enhanced significantly without adding 1 penny to the Federal deficit. The smaller companies are given an opportunity to increase their sales through exports and create new jobs by securing help at the local level rather than having to traipse their way through the maze in Washington, DC.

The package I will introduce this fall will turn the export assistance program on its head so that the smaller companies can get the vital practical, hands-on assistance they need to break into foreign markets at the local level without having to make those companies journey to Washington, DC, and endeavor to find their way through the Federal maze of exporting agencies.

The second area that I will be promoting, Madam Speaker, is the concept of partnership pay. Now, we know that the structure of our economy is changing rapidly, and obviously the Tax Code needs to change with it.

Depite today's healthier economy, many believe we must take steps now to boost our productivity, pump up long-term growth, enhance our standard of living. One way of improving the quality of firms is to give employees a stake in the success of their firms, in effect to make the employees partners in both the risks and the rewards of the company they work for.

Now, many companies are already eliminating layers of management, flattening hierarchies, opening up information, and giving employees more independence and discretion. In fact, the line between managers and workers is blurring, and increasingly all employees of successful companies are becoming partners in the firm's enterprise.

In that kind of business environment it makes sense for the financial incentives to reflect the growing reality of partnership. In fact, many people believe that instituting a system of partnership pay under which a portion of a worker's total compensation would be tied to the performance of the company would be a strong boost to overall corporate productivity.

□ 1920

In addition, by increasing companies' flexibility partnership pay should encourage firms to hire more workers. Unfortunately, in many companies, the prevalent culture among both management and labor weighs against this innovative concept of partnership pay. Management is frequently concerned that shareholders will look unfavorably on systems that empower employees. Workers frequently do not trust management to give them a fair shake and a partnership pay program and would prefer to rely on the certainty of a fixed pay check even if that meant that their total compensation would be less than it would be under partnership pay. My sense is that the emphasis on simply fixing a pay check may be limiting our productivity and putting cash-strapped small companies at a disadvantage in attracting workers.

Partnership pay can be a new way for small companies to offer workers a deal, share in the bounty when all succeed. Small companies can be put on firmer ground relative to their large competitors in attracting the high-quality workers that they need to survive. It is entirely possible that cultural problems that make it difficult for small business could be overcome in time. But unfortunately the Federal Government is worsening the problem by discouraging firms from instituting partnership pay that boosts productivity and hire more workers.

Now the Government is discouraging the partnership pay effort in two ways. First, $2 billion each year goes to tax incentives to encourage companies to buy equipment, but it does nothing to encourage firms to hire workers. In effect the Government through our tax policy is encouraging companies to replace workers with machines.

Second, the Government spends billions of dollars more on tax incentives for company contributions to employee deferred compensation plans, essentially pension contributions. These contributions are certainly valuable. No one should in any way try to eliminate them. But they do little to boost productivity and really nothing to encourage firms to hire additional workers.

So, what we ought to be trying to do is look at new incentives for approaches like partnership pay that will make it possible for companies to want to bring on additional workers and create incentives for productivity.

My legislation will not mandate companies to do anything. It certainly will not affect current profit-sharing programs. But what my legislation will do will make it possible so that companies that wish to adopt partnership pay will be able to do so without being steered away from this approach by the current Federal policies now on the books.

Finally, Madam Speaker, I will be proposing a new approach to encourage investment in small companies that is modeled after what our country has used successfully to encourage home ownership. Most Americans are familiar with what is done when you sell a home. In effect, if you take the proceeds from the sale of that home and invest them in another home, the Government has made the judgement that because we wish to encourage home ownership there will be no tax bite when an individual takes the proceeds from the sale of their first home and invests them in a new home. I will be proposing that essentially the same thing be done in the small business sector as a way to recycle the successful small businesses of our country and the entrepreneurs that run them.

So, for example, if one is operating a small business in Portland, OR, my home town, and they have been successful, and make a decision that they want to sell that small business, under what I will propose, if they are willing to take a significant portion of the proceeds from that small business and go out and invest in another small business, thereby keeping dollars in the small business sector of our economy, my bill will ensure that they are treated favorably from a tax standpoint.

In effect, we can increase the flow of capital to small, growing companies this way, and we can do it through a model that we know works, which is the model used for home ownership in our country.

Madam Speaker, I intend to push these proposals, proposals for an export policy that focuses more on the small exporter, for new policies that reward partnership pay so that all workers and not just those at the top of upper management have incentives to be productive, and, finally, the idea of the small business rollover to make it easier for small businesses to have the capital they need to grow. These proposals I will introduce in the fall, and I am introducing them because I think they give us an opportunity to build on the progress that the President and the Congress have made together. The very time to push for new policies to encourage the growth of small- and medium-sized businesses is a time like now when inflation is down and interest rates are down.

So, I would ask, as I wrap up this special order on where our country is headed economically and particularly what all this means to the person on the street, an American on Main Street America who is thinking about making investment decisions, looking at growing a small business, that those who are listening in have the opportunity to look at the final chart that I bring before the body. This final chart shows that between 1988 and 1992, economic growth averaged about 1.5 percent. During the last 18 months, economic growth has averaged 3.2 percent, more than twice as high. So what we ought to do is build on the progress that has been made in the last 18 months. What we ought to do is take the progress that we have seen over this last 18 months, progress achieved by the President and the Congress working together, and look to build on it through approaches that will take new steps to make it possible for small business to export, new steps that will reward workers for productivity, new steps that can pump more capital into the small business sector.

I hope the House on both sides of the aisle will support this effort and allow us to build on the very substantial economic progress that our country has made in the last 18 months.

MORE QUESTIONS ABOUT VINCENT FOSTER'S DEATH

The SPEAKER pro tempore (Ms. LONG). Under the Speaker's announced policy of February 11, 1994, and June 10, 1994, the Chair recognizes the gentleman from Indiana [Mr. BURTON] for 60 minutes.

Mr. BURTON of Indiana. Today the Whitewater hearings started, and everybody in the country is very interested in what is going to come out of those investigations.

□ 1930

The first vote that was taken in the committee was a vote on the investigation into the former assistant White House counsel Vincent Foster's death, and whether or not that should be discussed at these hearings.

The vote went along party lines, exactly, and the Democrat majority on the committee voted not to include any of the events surrounding Mr. Foster's death in the hearings.

The reason they did that was because the report that was put out by Mr. Fiske, the special counsel, indicated that Mr. Foster's death was a suicide, there was no doubt about that, and that it was totally unrelated to the Whitewater investigation.

Tonight what I want to do, Madam Speaker, is to ask some questions and go into some of the information that I have found over the past few weeks regarding Vince Foster's death and some of the questions that are not answered by the Fiske report.

In my opinion, the Fiske report leaves glaring holes in the investigation, and I think it is totally inaccurate in many ways.

First of all, on July 20, 1993, Vincent Foster left his White House office at 1 o'clock p.m. He was later found dead by a confidential witness, a gentleman driving a white van who stopped at the park and wandered through and came upon his body near a cannon. He discovered the body of Vince Foster at 5:45 p.m.

Emergency medical service personnel discovered the body shortly after they were informed there was a body in the park by park personnel, that had been informed of Mr. Foster's body being there and his death by the gentleman called the confidential witness driving the white van.

Now, the confidential witness on March 27 of this year, because he read some misinformation in the newspapers and heard it on television and the radio, called G. Gordon Liddy, because he thought Mr. Liddy was a person that he could trust, and he called Mr. Liddy and he met with Mr. Liddy at his home, and they talked over the kitchen table and went into the entire story of how he found Mr. Foster's body and what happened out there that day and what he saw.

After I read Mr. Liddy's report and heard about it on the radio, we started checking into the death of Vince Foster, and we found a lot of inconsistencies, as I said, in Mr. Fiske's report and what actually we believe happened.

Mr. Liddy, I talked to him several times, and he finally agreed to try to set up an appointment with me with the confidential witness. The only people that had talked to this person who found the body was Mr. Liddy and later the FBI, between March 27, when he was interviewed by Mr. Liddy, and July 21, when I interviewed him at his home.

The FBI met with him and went into a discussion with him for about 2 to 3 days. The confidential witness told me and Mr. Liddy that he came to within 30 inches, 2½ feet, of the body. He said he leaned right over and looked right down into Mr. Foster's face. He was not on a berm some feet away, he was directly over Mr. Foster's body.

He stated very specifically that when he looked at Mr. Foster's body, his head was looking straight up, facing straight up, and that the hands were at his side with the palms up, and there was no gun visible in either hand.

Now, the Fiske report, this report, quotes the confidential witness as saying that he may have been mistaken. That there may have been a gun in Mr. Foster's hand that he did not see because of the dense foliage and the position of the hand.

Now, when I went out to his home and talked to him about this, this is what the confidential witness told me. He said the FBI agents pressed him on the issue of the gun, asking him as many as 20 or 25 times if he was sure there was no gun in the hand. According to the confidential witness, the FBI said, what if the trigger guard was around the thumb and the thumb was obscured by foliage and the rest of the gun was obscured by the foliage and Mr. Foster's hand. The confidential witness responded, he told me, he said well, I suppose that if the only thing was the trigger guard around his hand, and I suppose if it was lying like that with a leaf over it, I might not have seen that, and the gun might have been underneath the back of his hand and some foliage on part of it, there is a possibility that I wouldn't have seen it, because I didn't count the fingers.

But the palms were up and the head was straight up.

Now, when I talked to him about this, he restated that. And he had not seen a copy of the picture of the crime scene or the picture of Mr. Foster's hand. So there was a picture that we took from ABC news that I showed to this gentleman, and when he saw it, he became visibly angry and he told me that that was not what he saw at the crime scene, because the picture shows the gun in the hand underneath the hand with the palm down, and the gun partially obscured by Mr. Foster's body.

He said time and time again to me, that couldn't be that way, that was not the way it was, because both of the palms were up, there is no question about that. I saw no gun, and the head was straight up.

He also told me that at the bottom of the body, the vegetation had been trampled down like somebody had been walking or messing around that area for some time. He also told me that there was a wine cooler bottle near Mr. Foster's body, and that was never mentioned in the Fiske report.

Now, why was there no mention of this in the report, and why did the FBI and Mr. Fiske go to such lengths to say maybe the gun was obscured by some leaves or something? The gentleman that saw the body said very, very clearly, there was no gun in the hand, the palms were up and the head was up. And in that situation, the body had to have been moved by somebody.

Now, regarding the head, Mr. Fiske said that when the emergency personnel got there to investigate the crime scene, they must have moved the head. The fact of the matter is, the head was moved before they even got there, because the confidential witness said that he saw the head facing straight up.

Now, there was a blood stain on the victim's cheek and a blood stain on his shoulder, and the report of the forensic expert said that the head had to be against the shoulder. It could not have been straight up. So how did his head get straight up? Because dead people do not move their heads. Somebody had to move that body. Somebody had to move the hands and somebody had to move the head.

In addition, in the report Mr. Fiske said that maybe one of the emergency personnel moved the body, but he did not ask any of the emergency personnel if they touched the body. Nobody admitted to touching it. Everybody said they didn't. So how does Mr. Fiske in the report say that somebody moved the head, come to that conclusion, when the confidential witness, the first person on the scene, said it was straight up?

Now, the FBI did not find the bullet or skull fragments at the park. On July 20th, 1993, the Park Police conducted a search for the bullet that killed Vince Foster using one metal detector and walking around that area of the park. They didn't find anything. They didn't find one bullet, they didn't find one mini ball, they didn't find one belt buckle.

One year later, 9 months later, the FBI went out there with 16 experts and they used modern day technology, and they found not one, not two, but 12 bullets, none of which were Mr. Foster's, the bullet that killed Mr. Foster, and they found all kinds of other things, including civil war mini balls. Why is it that for 9 months nobody found any of this evidence? The Park Police said they looked for it with metal detectors, but they didn't find anything.

In addition, the FBI 9 months later searched around the body, dug to a depth of 18 inches, and found no bullet or bone fragments.

Now, why wasn't the bullet that killed Vince Foster found in that park? I talked to some forensic experts and ballistic experts in California. They told me that the maximum distance that bullet could have traveled after it left his skull was no more than 12 to 1,600 feet. With all the technology that they had and all the time they spent out there, they should have been able to find that bullet.

Here is an interesting thing. He had the gun in his hand, but there were no fingerprints on the gun. How in the world can a person commit suicide using a gun and there be no fingerprints on the gun?

Now, the argument is used by the special counsel that the heat of the day caused the fingerprints to melt off of the gun, that the sun and the heat caused extreme heat and that caused the fingerprints to be melted off.

I went out there. I walked all over that site. That site is completely covered by trees. There is all kinds of foliage above where the body was found.

□ 1940

It was found in a fairly cool area of the park. Those fingerprints could melt off that gun. I also talked to other forensic experts that said, even if that were the case, there still would have been some residue that could have been picked up, some fingerprints that could have been picked up by good forensic technology and experts.

Even if you went along with there not being any fingerprints on the gun, they found an alleged suicide note in his briefcase torn into 27 pieces. There were no fingerprints on any of the 27 pieces. It was not out in the sun, this suicide note or alleged suicide note. How did the fingerprints get off of that?

They said there was no dirt on the shoes, yet he walked over 200 yards from the parking lot into the park. When Foster's clothing was examined by the FBI lab, it said it did not contain any coherent soil but they did find some particles of mica, like off of leaves on his clothing and his shoes, which is consistent with the mica in the park at Fort Marcy Park.

The Fiske report states that it was a dry day on which he died and that the foliage leading up to and around Foster's body was dense. It concludes that it was unlikely there was a great deal of exposed moist soil in the park that soiled his shoes. He would have had to walk a long way from his car to that second cannon, it is the furtherest cannon in the park. On a dry day his shoes would have been stained either by grass or dirt. So why was there no dirt or grass found on either one of his shoes?

There was a blond or light brown hair, blond and light brown hairs on his chest, on his T-shirt. They did not match Mr. Foster's hair.

In response to a question from Robert Novak, a noted columnist, Mr. Fiske said that "while we have not concluded where the blond hair came from, there is no evidence to suggest that it provides any evidence of circumstances connected to the death." How does he know that? How does he know that? Because of these conclusions that they jumped to in this report. There were also carpet fibers all over the body on all parts of his clothing; there was carpet fibers on his jacket, his tie, his shirt, his shorts, his pants, his belt, socks and shoes. The FBI made no effort to trace the origin of the hair or the red wool fibers found on Mr. Foster's clothes. Why did not Mr. Fiske attempt to find out who the hair belonged to and where these carpet fibers came from and why would Mr. Fiske assume that this evidence was not relevant to the investigation without first investigating it?

Almost every homicide detective or department in the country will tell you, when you go to a crime scene like this, you assume it is a murder, a homicide until you prove otherwise. You do not assume it is a suicide and then try to prove it is a homicide. You assume it is a homicide or a murder and you try to prove otherwise.

Let me talk to you about the forensic experts. This is a very important part of Mr. Fiske's report. He devotes 730 pages to the credentials of the forensic experts. He does not devote any appreciable space to the coroner, the only person that saw the body.

The forensic experts, the four of them that signed this report, they based their conclusions almost entirely on the coroner's report 9 months earlier. They never saw the body, never visited the crime scene. All they did was read the information provided by the coroner to come to their conclusions, and they looked at some of the blood samples and other things.

Now, the coroner was a man named Dr. James Beyer. And on two previous occasions, one in 1989 and one in 1991, he declared two deaths suicides. I want to tell you about those two deaths.

According to the Washington Times, Dr. Beyer overlooked critical evidence in the 1989 Timothy Easley stabbing and supported a police finding that the death was suicide. The death was later changed to a murder, homicide, after an outside expert, another forensic expert, Dr. Harry Bonnell, noted that Dr. Beyer's original report contained glaring errors, including a missing stab wound. He missed a stab wound in the victim's hand and getting the color of his hair wrong. This gentleman that did the report on Mr. Foster said, when he did this autopsy on this Tim Easley, he said that, Tim had gray hair, when his hair was dark brown.

Regarding the stab wound in the hand, Dr. Bonnell, the second forensic expert said, "I cannot understand how any competent forensic pathologist could miss it." Dr. Beyer, the man that did the autopsy on this fellow, and did it on Vince Foster, later said the cut on Easley's right hand was consistent with a needle mark, though in his report he did not even make mention of the cut or a needle mark.

Forensic pathologists are supposed to make notes of everything that they see on the body. Dr. Bonnell also said it was doubtful that the Easley stab wound into the chest had been self-inflicted because of the angle. A good coroner would have caught that.

Eventually, it was later found that Easley's girlfriend, Candy Wharton, was the killer and she admitted stabbing Easley. But he had declared this a suicide and the autopsy report was completely wrong. And it took a second expert to go in there and point out the glaring mistakes made by Mr. Beyer, Dr. Beyer.

Now, in December 1991, another autopsy, Dr. Beyer ruled the death of Thomas Burkett, Jr., as consistent with a self-inflicted wound. It was a gunshot wound just like Vince Foster's into the mouth. He said this was a suicide.

According to the New York Post, this second autopsy conducted, there was a second autopsy on this body conducted by a Dr. Erik Mitchell that detailed serious omissions in Dr. Beyer's autopsy.

This second autopsy came after the family complained about things they saw at the funeral, and the body was taken out of the ground. They exhumed it. It noted trauma and discoloration to this gentleman's right ear, which could indicate he was beaten before a shot was fired into his mouth.

Burkett's family noted that the ear was so disfigured and bloody, they thought he had been shot there. Dr. Beyer never noted there was any problem with the ear. Dr. Beyer also failed to identify a fractured jaw which could also indicate that the man was beaten before he was shot.

The second autopsy also noted that Burkett's lungs had not been dissected during the autopsy. But Dr. Beyer said he had opened up the man's chest cavity and looked at the chest. He lied. He did not do that.

This is the man that did Vince Foster's autopsy. The second autopsy also found no trace of gunpowder in the mouth. Dr. Beyer left blank the section for powder burns on gunshot wound chart. So why did Mr. Fiske's pathologists in the Vince Foster case base so much, if not all, of their findings in their report on the conclusions of a medical examiner who has been challenged, not once but twice in the last 3 years for flawed autopsies and flawed reports? Why did Mr. Fiske's pathologists base so much of their report on an autopsy of a medical examiner who has a history of omitting important evidence from his autopsy reports?

The fact of the matter is, this report has so many holes in it you could drive a truck through it and it is not worth much of the paper that it is written on.

Yet the media of this country has said, this is a very thorough report. It eliminates any doubt that Mr. Foster was killed someplace else, and it proves that it was a suicide. Let us go back over this real quick.

There were no fingerprints on the gun. Nobody explained whose hair was on his body. They never found the bullet. The man who found the body said that the head was straight up, the hands were palms up and no gun was visible. When he saw the picture that was on ABC News, he said, "that couldn't be that way. They have misrepresented what I saw. They misrepresented what I saw."

The Fiske report states that Dr. Beyer was unable to take x-rays of Mr. Foster's head because his x-ray machine was broken. Yet in the park police report, he says, that determining if there are bullet fragments in the skull, he said in the park report, he says, that x-rays of Mr. Foster indicated there was no evidence of bullet fragments in the head. So he says that he took an x-ray in the park police report, but in Mr. Fiske's report it says there was no x-ray. Now, who is right? I do not know. But we ought to find out.

Determining if there are bullet fragments in the skull is very important to determining how far the bullet would travel. Did Dr. Beyer take x-rays of Vince Foster's head or did he not? If Mr. Fiske's report is wrong, is that the case, or is it the park police report that is wrong?

□ 1950

Regarding the sound, there was a couple in that park probably 100 or 200 yards away. Across the street from the site where the crime was committed is the Saudi Embassy residence. He has five security guards in the yard at all times for security purposes; five, not one, two, three, four, but five. One is in a little guard house, one is in a mobile van, and the other three roam around. They watch that park all the time. In fact, on occasion they go into the park when they think there is something suspicious going on.

That residence is about 300 feet or 100 yards from the crime scene. They did not hear a bullet sound that day. Nobody reported hearing a bullet sound. The couple that was there reported not hearing any sound. They said the reason for that is because when he put the gun in his mouth and pulled the trigger, it probably muffled it, but I talked to some experts in homicide who deal with this on a regular basis and they say there would definitely have been a report or a sound from that kind of a gunshot wound because of the revolver's cylinders that are outside of the barrel of the gun.

We did an experiment yesterday morning. I had a homicide expert come out to my home. We built up something that was similar to a head and we put a 4-inch barrel of a gun, a 38, the same kind of weapon we are talking about, into the mouth of this head-like thing we created. We had people stand 100 yards away, the same distance as it is from the Saudi Arabian Ambassador's home. You could hear the bullet very clearly. You could hear the gunshot very clearly.

Why did none of the five people that were on duty that day guarding the Ambassador's residence not hear a bullet sound, the shot? Why did the two people in the park not hear the shot? It could very well be because it did not happen there.

The gentleman that found the body said that he believes the body was moved, because it was lying so straight. The people who came out, the emergency unit that came out to investigate the body, said that it did not look like anything they had ever seen before, because the body was so straight and laid so perfectly. There was very little blood around the head. Usually when there is a gunshot wound to the head, there is blood and bone fragments all over the place. There was none of that.

The Fiske report writes this off as a result of noise from traffic and construction machinery operating around the residence. I might add that when we did this experiment yesterday morning there was earth-moving equipment all around the place making all kinds of racket, and you still could hear the gunshot very clearly. If Vince Foster shot himself at Fort Marcy Park, why didn't any of these guards hear the shot?

In addition to that, he took a pager with him when he left the White House. If you are going to commit suicide, why would you take a pager with you? Why were there no fingerprints on the gun? Why did they not find the bullet?

If the hand was in the position that the FBI said it was in, we put a gun on our finger, on a thumb just like that, and the butt of the gun would have been sticking up. There is no way the confidential witness could not have seen it. We did that at this house. He said "I would have seen it. There is a question." There was no gun on that hand. The hand was not in that position, and he was visibly angry.

The question is, why did Mr. Fiske say there is no connection between Vince Foster's death and the Whitewater investigation? There are a lot of questions about that. Vince Foster died at 6 p.m. on July 20. He was found in that Fort Marcy Park. Shortly after 9 p.m. that night White House Chief of Staff Mack McLarty was told about his death. McLarty ordered Vince Foster's office sealed. He said, "We don't want anybody going in or out of there." He ordered the office sealed right after he found out about it. However, the office remained unlocked until 11 a.m. The next morning. Why?

During that time, less than 3 hours after Vince Foster's body was found, three people went into that office: Bernie Nussbaum, President Clinton's Chief Counsel; President Clinton's Special Assistant, Patsy Thomasson; and Mrs. Clinton's Chief of Staff, Margaret Williams. They went in there, and for 2 hours they took files out pertaining to Whitewater, the income tax returns, and only the good Lord knows what else.

Bernie Nussbaum said they were in the office for 10 minutes. The Park Police said they were in there for over 2 hours taking files out. We do not know what happened to those files, at least not all of them.

During his first search when they went in there, Whitewater files and President Clinton's tax returns were removed, as I said before, and we know many were turned over to David Kendall, President Clinton's attorney. Incidentally, those should not have been in the office. That is personal stuff and it should not have been in there under official auspices, because Vince Foster was not his official attorney, he was Assistant Counsel to the President.

White House officials did not confirm or even admit that this July 20 search took place in Vince Foster's office for almost 6 months. It was not until people found out about it that they said anything about it. Two days later evidently they did not get everything out of there that they wanted, because on July 22, 1993, Mr. Nussbaum and other White House officials went into Mr. Foster's office a second time, but by now it had been closed. They collected more documents. Some were sent to President Clinton's attorney, and others were sent to Vincent Foster's attorney, James Hamilton. During the second search Mr. Nussbaum, citing executive privilege, would not allow the Park Police or the FBI to come in there with him. He said, "We don't want you guys in here because this is executive privilege." They do not know what he was taking out of there.

However, Dee Dee Myers, the White House Press Secretary, said, "Bernie," Mr. Nussbaum, "went through and sort of described the contents of each of his files, of what was in the drawers, while representatives of the Justice Department, the Secret Service, the FBI, and other members of the counsel's office were present." According to another source over there, however, the FBI agents and the Park Police were ordered to sit on chairs out in the hall while the White House staff went through these documents. Mr. Nussbaum gave the FBI and the Park Police no indication of what he was taking. One FBI agent stood up to look in the room, and he was reprimanded and told to sit down, citing executive privilege. The Park Police later discovered that Whitewater records had been removed from Vince Foster's office during the second search after they visited James Hamilton, Foster's lawyer, a week after the death to review a personal diary that was also taken. What was in that personal diary? Perhaps he could have told us whose blond hair was on his chest and where he might have been, where those carpet samples came from. We will probably never know.

Hamilton allowed Park Police to briefly inspect Vince Foster's diary and other documents. However, he did not allow them to make copies, citing privacy concerns, and he refused a request for access to the diary and documents by the Justice Department. Mr. Fiske does not even mention the diary in the report. He does not say anything about it. I wonder why Mr. Fiske didn't mention that. Why did he not go into some of the details there which might have shed light on the hair and carpet samples, other things, where Mr. Foster was before he died?

On July 27, 1993, White House officials revealed that on July 26 they found a note, supposedly written by Vince Foster, in the bottom of his briefcase. It had no fingerprints. They said they had missed the note in the first two searches. They went through all this stuff two times. The third time they found 27 pieces of paper in the bottom of his briefcase. It bore no fingerprints. It was unsigned and undated. I wonder why it took so long to find that and why there were no fingerprints.

Here are some questions we still need to have answered. I have been accused of being a McCarthyite and compared to Joe McCarthy because we are asking these questions. I would think any sound investigation would want these questions answered.

When did White House Chief of Staff Mack McLarty give the order to seal Vince Foster's office? How was the White House staff informed that the office was to be sealed, and why was the office not sealed until 11 a.m. the next morning?

Did Bernie Nussbaum, Patsy Thomasson, and Maggie Williams know about the order not to go in there because it was supposed to be sealed? How did they learn in the first place about Vince Foster's death? Did somebody order Nussbaum, Thomasson, and Williams to search Vince Foster's office, or did one of them make the decision to search the office?

If someone ordered them to search the office, what were they told to look for? If it was Nussbaum, Thomasson, or Williams' idea to search the office, what were they looking for?

What would Hillary Clinton's Chief of Staff be involved in the search of Vince Foster's office? I do not know what that has to do with the First Lady and her Chief of Staff.

Why did they remove the Whitewater files, and what happened to all of them? Were other documents taken?

Were other documents destroyed? How can we be sure, because they went in there, even though the office was supposed to be sealed?

Where were the documents when they entered the office? Were they in locked files or a safe? If so, how did they get those open?

Shouldn't they have left everything there for the police to examine first? That is a clearcut question that should have been answered clearly. They should not have been in there taking stuff out, not after the mysterious death of one of the most important people in the White House.

Instead of keeping the FBI from doing its job, shouldn't the White House staff have been giving law enforcement their full cooperation after their friend and colleague was found dead?

If Vince Foster was President Clinton's friend, and he was, why didn't the President immediately order the FBI to take charge of the entire investigation, instead of allowing the Park Police to take charge? The Park Police has little experience in investigating suspicious deaths.

Clothes of Mr. Foster were put in dirty paper, they were contaminated, and the crime scene was not investigated properly. It was a real mess, and anybody who reads this report would see there should have been some more professional help out there.

Why were there no fingerprints on that note? What documents were given to Vince Foster's attorney, James Hamilton, and what was given to Clinton's attorney, David Kendall? Were any destroyed?

Who were all the White House officials involved in the second search of Vince Foster's office? Did the White House staff have the legal right to keep the FBI and the Park Police from searching Vince Foster's office as part of an investigation into his death, as they did?

□ 2000

Has the Committee on Banking, Finance and Urban Affairs requested the telephone logs of Bernie Nussbaum, Patsy Thomasson, and Margaret Williams for the period immediately following the Foster death until the actual search of his office? If not, why did not the special investigation which started today ask those questions? They did not ask any questions. They just said we are not even going to talk about it, we are not going to go into Foster's death because it is not related to Whitewater. That is just baloney. We should know from these three officials who they talked to and why right after his death.

Let us go down to the Rose law firm in Little Rock. Jeremy Hedges, a part-time courier at the Rose law firm, told a grand jury that he was told to shred documents from the files of Vince Foster after special prosecutor Robert Fiske had announced he would look into Foster's death. Fiske was appointed on January 20 and down at the Rose law firm they start shredding these documents. Even before a subpoena is issued, the law prohibits people from intentionally impeding an investigation by destroying evidence they know investigators want. Yet they were shredding these documents down there. In February, after Fiske served subpoenas on the law firm's employees, Hedges and other couriers employed by the firm were called to a meeting with Ron Clark and Jerry Jones, two of the firm's partners. This is the Rose law firm now. Jones, one of the partners, challenged Hedges, the courier, challenged his recollection that he had shredded documents belonging to Foster and cautioned him against relating assumptions to any investigators from the FBI or anyone else. Hedges said, "I shredded some documents of Vince Foster's 3 weeks ago."

Jones replied, "How do you know they were Foster's? Don't assume something that you do not know." And Hedges said he was certain they were Foster's files because of the initials on the files. They were Vince Foster's initials.

Jones then said, "Well, don't assume they had anything to do with Whitewater." They were trying to tell him not to say anything about the shredding of the documents or that they had anything to do with Whitewater. The box Hedges was told to shred had all its file folders that were marked with VWF, Vince Foster's initials. None of the documents he said he saw related to the Whitewater Development Corp. but he was destroying hundreds of them very rapidly in a shredding machine. However, another Rose employee told the Washington Times that documents showing the Clintons' involvement in the Whitewater project had also been ordered destroyed. The shredding reportedly occurred on February 3, 1994. During the 1992 presidential campaign, three current or former Rose law firm employees said that couriers from the Rose law firm were summoned to the Arkansas Governor's mansion by Hillary Clinton who personally handed over records to be shredded back downtown at the Rose law firm. The shredding began after the New York Times reported on March 8, 1992, the involvement of Governor Bill Clinton and his wife in the Whitewater Development. Couriers made at least six other trips to the Governor's mansion during the campaign and in each trip they were given sealed, unmarked envelopes with instructions that they were to be shredded at the firm. The shredding continued through the November 3 general election. Records belonging to Webster Hubbell, Vince Foster and William Kennedy III were also shredded. A current employee said, a conservative estimate would be that more than a dozen boxes of documents were ultimately destroyed.

I hope my colleagues will get this: James McDougal and his wife Susan, who are now divorced, have said that they personally delivered all of the Whitewater records to the Governor's mansion in 1987 at Hillary Clinton's request. She had all the Whitewater documents taken over to the Governor's mansion in 1987 and when this story broke in 1992 in the New York Times during the presidential campaign, she sent them back to the Rose law firm for shredding. Then finally during the presidential campaign the Clintons said that the records had disappeared. And people, Mr. Fiske and others are saying, there is no connection between Vince Foster's death and the Whitewater Development project when he had all those records in his office and they were being shredded down at the Rose law firm along with documents that had already been shredded that were in the Governor's mansion pertaining to the Whitewater Development Corp.

Why would the Clintons order that the records from the Governor's mansion be shredded during the 1992 presidential election? Could it be just a coincidence that the shredding began just after a March 1991 New York Times article detailing Bill and Hillary Clinton's involvement in Whitewater? Why would officials at the Rose law firm order a courier to shred documents bearing Vince Foster's initials after Robert Fiske announced that he would investigate Foster's death? That is impeding justice.

Would not Vince Foster's former colleagues at the firm want to cooperate in every way with an investigation into their friend's death? Wouldn't Bill and Hillary want to? Who gave the initial order that Rose law firm documents belonging to Vince Foster, Webster Hubbell and William Kennedy be destroyed during the 1992 presidential election? Who gave the initial order that Vince Foster's records be destroyed this year after Robert Fiske was appointed special counsel? Who gave the order that Bernie Nussbaum and Patsy Thomasson search Vince Foster's office and remove files right after his death last July along with Hillary Clinton's chief of staff? But the most damning thing that I have talked about tonight is the confidential witness, because if Vince Foster's body was moved, this report is not worth the paper it is written on.

I believe that his body was moved. The head was straight up. Yet the forensic expert said that was not possible because the cheek had to be lying on the shoulder because of the bloodstains. But the confidential witness who found the body said it was straight up before anybody got there. Who moved the head? He said the hands were palm up and there was no gun visible. He said he did not count the fingers and that is why he told the FBI that if there was a ring around this thumb that might have been obscured by a leaf and the gun was underneath the back of the hand obscured by leaves, he might not have seen them.

He said, "I saw the fingers, I didn't count all the fingers, and I saw that the palms were up." When I showed him the picture of the gun in Vince Foster's hand, he said, "Oh, my gosh, that's wrong, it was not like that at all." And he visibly got angry, because he said that the hands had to have been moved after he saw the body and reported it to the park employees who contracted the police.

How did that happen? If somebody took that body there and they saw this guy coming up there, they probably hid because he was not expected. And when he left, they knew there would be police all over that place before too long. And he probably went back there and rammed the gun on the hand and tried to get out of there as quickly as possible. There was a wine bottle that was lost, that was never found. If it was there, why wasn't it reported? It was probably taken away because there might have been fingerprints on it. There were no fingerprints on the gun. There were no fingerprints on the suicide note. They did not find any brain or skull fragments at the site. They did not find the bullet. The people around that area that were security guards less than 100 yards away did not hear any shot. All of these questions need to be answered. And the Fiske report does not answer them. Now we have got this very narrowly defined Whitewater hearing over there with the Committee on Banking, Finance and Urban Affairs and they will not allow anybody to talk about this. They do not want this brought up. In fact, they voted on party lines today to not allow this to happen. My question is, why? Why are not these questions being asked? And why are not they being answered. If there is nothing to hide, there should be no reason why these questions are not answered. Yet they do not even want to talk about it, folks. They say there is no connection between Vince Foster's death and yet he was the personal attorney for Hillary and Bill Clinton and he had the Whitewater files in his office when he mysteriously died that day.

Documents were shredded after he died down at the Rose law firm with his initials on them. During the 1992 presidential campaign they were shredding documents that were related to Whitewater that were in the Governor's mansion at Little Rock. Then they said they could not find those documents relating to Whitewater. You have to be almost blind not to see the connection.

I would just like to say to my colleagues, who I hope are paying attention to this special order, and anybody else that is listening, please check into the questions I have asked tonight. Do not take my word for these things. Do not draw any conclusions like I may have drawn. But at least ask the questions. I would like to say to any media that might be paying attention, why are not you asking these questions instead of just taking this thing at face value? Everybody says, oh, my gosh, this thing is absolutely correct because of the credentials of the forensic experts. But the four forensic experts that they talked about, to which they devote 70 pages in this document, base their report almost entirely on a coroner's report who has been guilty of malfeasance in office twice in the last 4 years. They never saw the body. They were not at the crime scene. They took the report right off of the coroner's desk and took it at face value. And this guy has been proven wrong on two murders that he called suicides in the last 3 years. It does not make any sense to me. I hope it does not make any sense to my colleagues.

Lincoln said, "Let the people know the facts and the country will be safe." How about a few facts on this?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DELAY (at the request of Mr. MICHEL), for today, on account of personal business.

Mr. YOUNG of Florida (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. FALEOMAVAEGA (at the request of Mr. GEPHARDT), for today, after 4:50 p.m., on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DIAZ-BALART) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today and July 27, 28, and 29.

Mr. HORN, for 5 minutes, today and July 27, 28, and 29.

Ms. ROS-LEHTINEN, for 5 minutes, on July 27.

(The following Member (at the request of Mr. COPPERSMITH) to revise and extend his remarks and include extraneous material:)

Mr. COPPERSMITH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DIAZ-BALART) and to include extraneous material:)

Mr. McCRERY.
Mr. BAKER of California.
Ms. DUNN.
Mr. GALLEGLY.
Mr. BATEMAN.
Ms. ROS-LEHTINEN.
Mr. BOEHLERT.
Mr. McDADE.
Mr. HEFLEY.
Mr. BUNNING.
Mr. BALLENGER.
Mr. RAMSTAD.
Mr. HASTERT.

(The following Members (at the request of Mr. COPPERSMITH) and to include extraneous matter:)

Mr. SANDERS.
Mr. TORRICELLI.
Mr. FAZIO.
Mr. TRAFICANT.
Mr. BARRETT of Wisconsin.
Mr. STARK.
Mr. ANDREWS of New Jersey.
Ms. SHEPHERD.
Mr. COOPER.
Mr. COSTELLO.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. DUNCAN.
Mr. REED.
Ms. KAPTUR.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 195. Joint resolution to designate August 1, 1994, as "Helsinki Human Rights Day"; to the Committees on Foreign Affairs and Post Office and Civil Service.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 10 minutes p.m.), the House adjourned until Wednesday, July 27, 1994, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first and second quarters of 1994, in connection with official foreign travel, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Caryn Wagner, staff	1/9	1/13	Asia		1,016.00						1,016.00
Commercial airfare							2,956.15				2,956.15
John Mills, staff	1/11	1/17	Asia/Africa		1,196.47						1,196.47
	1/17	1/25	Europe		2,016.00		218.31				2,234.31
Commercial airfare							2,302.75				2,302.75
Hon. Dan Glickman	1/15	1/12	Asia/Africa		1,780.00						1,780.00
Coded expenses									159.08		159.08
Commercial airfare							4,015.65				4,015.65
Hon. James H. Bilbray	1/15	1/12	Asia/Africa		1,780.00						1,780.00
Commercial airfare							4,826.65				4,826.65
Richard H. Giza, staff	1/15	1/22	Asia/Africa		1,780.00						1,780.00
Commercial airfare							4,015.65				4,015.65
Gregory Frazier, staff	1/15	1/12	Asia/Africa		1,780.00						1,780.00
Commercial airfare							4,015.65				4,015.65
Hon. Doug Bereuter	1/16	1/22	Europe		1,131.00						1,131.00
Commercial airfare							1,007.70				1,007.70
Catherine Eberwein	1/15	1/22	Europe		1,333.00						1,333.00
	1/22	1/23	Africa		219.00						219.00
Commercial airfare							1,957.70				1,957.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN GLICKMAN, Chairman, April 29, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gerald Solomon	5/29	5/31	Finland		352.00						352.00
	5/31	6/4	Russia		1,250.00						1,250.00
	6/4	6/8	Greece		639.00						639.00
Committee total					2,241.00						2,241.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOE MOAKLEY, Chairman, June 30, 1994.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1994

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Sam Gibbons	5/28	6/7	France		1,661		[3] 2,181.82				3,842.82
Franklin C. Phifer	5/28	6/7	France		2,382		[3] 2,181.82				4,563.82
Committee total					4,043		4,363.64				8,406.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

SAM GIBBONS, Chairman, July 11, 1994.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER of California:

H.R. 4829. A bill to require equal coverage under a health plan for all children under the age of 27 of an individual who enrolls in the plan under a family class of enrollment; jointly, to the Committees on Energy and Commerce, Education and Labor, and the Judiciary.

By Mr. COOPER (for himself, Mr. GORDON, Mr. BREWSTER, Mrs. LLOYD, Mr. TANNER, Mr. CLEMENT, Mr. SANTORUM, Mr. ANDREWS of New Jersey, Mr. TAUZIN, Mr. MCCURDY, Mrs. JOHNSON of Connecticut, Mr. PENNY, Mr. GUNDERSON, Mr. MORAN, and Mr. MAZZOLI):

H.R. 4830. A bill to amend title 18 of the United States Code with respect to the admissibility of certain evidence; to the Committee on the Judiciary.

By Mr. GALLEGLY (for himself, Mr. KYL, Mr. SPENCE, and Mr. STUMP):

H.R. 4831. A bill to establish a national commission to review the regular military compensation of members of the Armed Forces and develop recommendations to end the dependence of some members and their families on Federal and local assistance programs; to the Committee on Armed Services.

By Ms. KAPTUR (for herself, Ms. PELOSI, Mr. SOLOMON, and Mrs. BENTLEY):

H.R. 4832. A bill to apply the column 2 duty rate to the products of the People's Republic of China, with certain provisions relating to worker rights and the environment; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. RICHARDSON:

H.R. 4833. A bill to reform the management of Indian Trust Funds, and for other purposes; to the Committee on Natural Resources.

By Mr. UPTON:

H.R. 4834. A bill to amend the Internal Revenue Code of 1986 to eliminate the requirement that States pay unemployment compensation on the basis of services performed by election workers; to the Committee on Ways and Means.

By Mr. BARCA of Wisconsin:

H. Con. Res. 273. Concurrent resolution expressing the sense of the Congress that any comprehensive health care reform measure should ensure that extemporaneous compounding is made available to provide allergen-free medications for persons who suffer from severe food allergies or other medical conditions; to the Committee on Energy and Commerce.

By Mr. ACKERMAN:

H. Res. 490. Resolution condemning the terrorist attacks on the Delegation of Argentine Israeli Associations on July 18, 1994, and a Panamanian commuter plane on July 20, 1994; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS:

H.R. 4835. A bill to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in coastwise trade for each of 2 vessels named *Gallant Lady*, subject to the condition that the owner of the vessels submit to the Secretary a letter of intent to enter into a contract for construction of a passenger vessel in the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. KENNEDY:

H.R. 4836. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Maranatha;* to the Committee on Merchant Marine and Fisheries.

By Mr. LANCASTER:

H.R. 4837. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Attitude;* to the Committee on Merchant Marine and Fisheries.

By Mr. MANTON:

H.R. 4838. A bill to authorize the issuance of a certificate of documentation with appropriate endorsement for the vessel *Firebird*, and for other purposes; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. SPRATT.

H.R. 214: Mr. STEARNS and Ms. SCHENK.

H.R. 417: Mrs. MORELLA and Mr. BARTLETT of Maryland.

H.R. 799: Mr. MCINNIS.

H.R. 961: Mrs. BYRNE and Mr. COPPERSMITH.

H.R. 963: Mr. GILLMOR.

H.R. 1110: Mr. MOORHEAD.

H.R. 1276: Mr. BOUCHER.

H.R. 1277: Mr. ALLARD and Mr. STEARNS.

H.R. 1391: Mr. DELLUMS and Mr. NEAL of Massachusetts.

H.R. 1417: Mrs. MEEK of Florida and Mr. HINCHEY.

H.R. 2132: Mr. YATES and Mr. JEFFERSON.

H.R. 2360: Mr. FAZIO.

H.R. 2418: Mr. BOEHLERT.

H.R. 2623: Mr. LAROCCO.

H.R. 2720: Mr. MCCLOSKEY and Mr. PACKARD.

H.R. 2790: Mr. ABERCROMBIE.

H.R. 2898: Mr. LANTOS.

H.R. 3128: Ms. SCHENK.

H.R. 3227: Mr. KLINK, Mr. HALL of Texas, Mr. TALENT, Mr. PICKETT, Mrs. FOWLER, Ms. LOWEY, Mr. THOMPSON, and Mr. LEVY.

H.R. 3250: Mr. KINGSTON, Mr. KYL, and Mr. STEARNS.

H.R. 3270: Mr. SWETT, Mr. BOUCHER, Mr. PETE GEREN of Texas, Mrs. COLLINS of Illinois, Mr. STARK, and Mr. SMITH of Iowa.

H.R. 3288: Mr. MORAN and Mrs. LLOYD.

H.R. 3322: Mr. LEVIN.

H.R. 3392: Mr. CLINGER and Mr. GEKAS.

H.R. 3421: Mr. WELDON.

H.R. 3546: Mrs. LLOYD.

H.R. 3596: Mr. CANADY and Mr. LEWIS of Florida.

H.R. 3633: Mr. ROYCE and Mr. MCHALE.

H.R. 3716: Mr. SCHAEFER.

H.R. 3722: Mrs. LLOYD.

H.R. 3725: Mr. STEARNS and Mr. KNOLLENBERG.

H.R. 3791: Mr. CRANE, Ms. LAMBERT, Mr. TALENT, and Mr. DICKEY.

H.R. 3820: Mr. TUCKER.

H.R. 3860: Mrs. FOWLER.

H.R. 3866: Mr. BONIOR.

H.R. 3875: Mr. CAMP, Mr. ROSE, and Mr. GEKAS.

H.R. 3903: Mr. FISH and Mr. MCCRERY.

H.R. 3904: Mr. FRANK of Massachusetts.

H.R. 3913: Mr. PORTMAN.

H.R. 3967: Mr. COOPERSMITH.

H.R. 3971: Mr. CUNNINGHAM, Mr. YOUNG of Florida, Mr. HOBSON, Mr. QUINN, and Mr. GENE GREEN of Texas.

H.R. 4024: Mr. HAMBURG.

H.R. 4036: Mr. STEARNS and Ms. SCHENK.

H.R. 4051: Mr. JOHNSON of South Dakota and Mr. JACOBS.

H.R. 4068: Mr. DOOLITTLE and Mr. FAZIO.

H.R. 4086: Mr. BROWN of Ohio, Mr. FISH, Mr. DURBIN, Mr. RUSH, Mr. EDWARDS of California.

H.R. 4088: Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 4106: Mr. FISH.

H.R. 4178: Mr. ROHRABACHER.

H.R. 4198: Mr. ZIMMER.

H.R. 4269: Mr. FISH, Mr. ROHRABACHER, and Mr. HYDE.

H.R. 4345: Mr. HYDE.

H.R. 4347: Mr. HAYES.

H.R. 4386: Ms. ENGLISH of Arizona, Mr. JEFFERSON, Mr. STRICKLAND, Mr. STENHOLM, and Mr. PAYNE of Virginia.

H.R. 4412: Mr. KNOLLENBERG.

H.R. 4413: Mr. OWENS, Mr. FALEOMAVAEGA, and Mr. LANCASTER.

H.R. 4433: Mr. ISTOOK and Mr. HYDE.

H.R. 4434: Mr. BOEHNER, Mr. COOPER, and Mr. JOHNSON of Georgia.

H.R. 4491: Mr. STEARNS and Mr. NEAL of North Carolina.

H.R. 4555: Mr. LUCAS and Mr. CALVERT.

H.R. 4565: Mr. STRICKLAND, Mr. PACKARD, and Mr. INSLEE.

H.R. 4589: Mr. KNOLLENBERG.

H.R. 4618: Mr. HOCHBRUECKNER, Mr. EVANS, and Mrs. MORELLA.

H.R. 4666: Mr. OBERSTAR.

H.R. 4669: Mr. HOCHBRUECKNER, Mr. EVANS, and Mrs. MORELLA.

H.R. 4695: Mr. JEFFERSON and Mr. WATT.

H.R. 4710: Mr. LIPINSKI.

H.R. 4724: Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 4737: Mr. BROWN of California.

H.R. 4739: Mr. JOHNSON of South Dakota and Ms. DANNER.

H.R. 4768: Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 4776: Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 4805: Mr. MCINNIS.

H.R. 4814: Mr. LIPINSKI.

H.R. 4822: Mrs. CLAYTON.

H.J. Res. 44: Mr. MCHUGH.

H.J. Res. 369: Mr. SAWYER, Mr. HINCHEY, Ms. KAPTUR, Mr. STUPAK, Ms. SCHENK, Ms. FURSE, Mr. SHARP, Mr. STUDDS, Mr. HOCHBRUECKNER, Mr. BILIRAKIS, Mr. EWING, Mr. SMITH of Texas, Mr. BURTON of Indiana, Mr. HUGHES, Mr. YATES, and Mr. LANTOS.

H.J. Res. 385: Mr. PRICE of North Carolina.

H.J. Res. 390: Mr. OBEY, Mr. MINETA, and Mr. FRANKS of New Jersey.

H. Con. Res. 98: Mr. GILCHREST and Mr. LEHMAN.

H. Con. Res. 148: Mr. BUNNING and Mr. PAXON.

H. Con. Res. 210: Mr. ZIMMER.

H. Con. Res. 229: Mr. HAMBURG.

H. Con. Res. 243: Mr. WATT, Mr. SHAW, and Mr. MILLER of California.

H. Con. Res. 256: Mrs. ROUKEMA and Ms. KAPTUR.

H. Con. Res. 269: Mr. EMERSON, Mr. COOPER, Mr. CALVERT, and Mrs. FOWLER.

H. Res. 255: Mr. GUNDERSON.

H. Res. 451: Ms. WOOLSEY, Mr. BARTLETT of Maryland, Mr. PACKARD, Mr. INSLEE, Mr. BROWDER, Mr. BARCIA of Michigan, and Mr. STUPAK.

H. Res. 472: Mr. KOLBE, Mr. SHAYS, Mr. DICKEY, Mr. HYDE, Mr. GRAMS, Mr. CALVERT, Mr. BILIRAKIS, Mr. INGLIS of South Carolina, Mr. MICA, Mr. BARTLETT of Maryland, Mr. HUTCHINSON, Mr. CRAPO, Mr. GREENWOOD, and Mr. BUYER.

H. Res. 473: Mrs. MORELLA.

SENATE—*Tuesday, July 26, 1994*

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 8 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

* * * *he that is greatest among you shall be your servant.*—Matthew 23:11.

* * * *by love serve one another.*—Galatians 5:11.

Almighty God, in this place of great power, we thank You for the many among the powerless who serve the Senate faithfully day in, day out. Thank You for those who maintain buildings and grounds, who prepare food and serve it, who clean our offices, who provide security and order as tourists crowd the building.

Gracious God, let Thy blessing abide upon each of these, Your servants, and their families. Help them to understand that their daily tasks are indispensable to the work of the Senate. Help all of us to appreciate the importance of each other.

We pray in the name of Him who is the servant of servants. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:15 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. The first hour shall be under the control of the Senator from Nebraska [Mr. KERREY] or his designee. The Senator from North Dakota [Mr. DORGAN] is to be recognized to speak for up to 10 minutes.

Who seeks recognition?

Mr. DURENBERGER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Minnesota [Mr. DURENBERGER].

HEALTH CARE REFORM

Mr. DURENBERGER. Mr. President, I know the hour is early and the Chamber itself is not full of our colleagues, but that is far from unusual at this time of the morning. I appreciate particularly your being here, Mr. President. And I appreciate also the special prayer of the Chaplain this morning for all of the people who bring the real sense of service to the tasks that they perform. They enjoy their work because they recognize that being a public servant is a very special vocation.

That vocation is what brings me to the floor this morning. I want to talk about a commitment I made to my constituents in Minnesota quite a number of years ago. In fact, it was probably a commitment I made in action before I ever thought about running for the Senate. That was to do something about the high cost of health care in this country, the medicalization of the health care system which was driving the costs up, and the problems we were creating through a value system oriented toward high technology, medical exotica, and away from public health and community health.

The kind of health care that is expressed more in real human relationships at the personal and community level—in a concern for the behavior of people, the raising of children, intelligent lifestyles, and proper health habits—is being destroyed by the medicalization of the system.

We, in Minnesota and the upper Midwest, have a traditional ethic, a culture that leads us to be servants to others and to try to change systems when we see something going wrong, or something that could be done better. We are constantly trying to do that. And I offer my comments this morning in that spirit.

As you listen to the health care reform debate, you are going to hear words like "health insurance," "purchasing cooperatives," or "health plan purchasing cooperatives." And for the Presiding Officer from North Dakota, for the Chaplain, who also has his roots both in North Dakota and in Minnesota, you will understand those are words with which you grew up. It is a way in which people, together, seek to resolve problems that are commonly experienced, where one alone cannot do it. It is a way in which people cooperate to solve their problems.

Some of the rich traditions in health care in our part of the country go back to the cooperative movement in which people banded together to bring teachers to their community, to bring doctors to their community, to support a nurse who would travel around the community. So I am affected with a sense of deja vu when I hear us talk about health care reform in concepts like bringing back the cooperatives as a more appropriate way to buy health care than the way we do it now.

That is our approach, and maybe it is a sign of the times. Maybe it is a sign that all the speeches about values and getting back to basics are finally beginning to pay off.

One of the difficulties experienced by those of us who have been involved for any length of time in the health care reform debate is definition. My colleague from Rhode Island—who has now spent, I think, as of next month, 4 straight years on Thursday morning breakfast meetings trying to help us define the problem and to wrestle with some solutions—and I are blessed by having served for 16 years, in my case, and I think 18 years for Senator CHAFEE on the Senate Finance Committee. Currently that committee is chaired by our colleague, Senator MOYNIHAN from New York. And during a whole series of hearings on health care reform in the last year or so, he has made almost a fetish of defining our terms: What do you mean by this word? What do you mean by that word?

So again it is sort of surprising that we come to the floor today and we cannot even define "health care reform." We cannot define "universal coverage." We have difficulty defining "cost shifts." These terms which have been used in this debate continually as sort of a cause for which we are all fighting lack definition that can help bring us together on a solution.

Yesterday's headline, for example, in the Washington Post, which everybody

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

came back from a weekend and picked up, says "White House Open to Delay of Reform." "White House Open to Delay of Reform." And I thought, well, we are going to get August off. We do not have to do anything because we are not going to do reform.

Well, if you read the article, it says that the deadline for universal coverage, that is, 100 percent of Americans enrolled in health plans with health security cards, has been delayed. I do not know delayed to what, but it used to be 1998 and now it is delayed to sometime in the future.

But, Mr. President, that is not health care reform. That is not health care reform. That is expanding access to the system through a health plan or through health insurance to all Americans, but that is not reform. That is part of our equity job, as people in politics, to guarantee access to health care, but it has nothing to do with reforming health care.

The dictionary definition of reform is, "To make better by removing faults and defects." And during the course of our discussions today, tomorrow, or however long we are going to be permitted to do this in the morning, we are going to take on some of the faults and the defects in the current system. There are faults and defects in the coverage system in this country today, which we will talk about. For example, running a Canadian system in the middle of America for the elderly, the disabled, and low-income people while everybody else has the benefit of an American system. I think that is a fault in our current system. But that is not what they are talking about here when they talk about delaying health care reform. They are just talking about extending that system to all Americans. Reform of the health care system is going on right now. It is going on intensely in the State which the Presiding Officer represents. It is going on intensely in my State of Minnesota, his next-door neighbor. It is going on wherever you look.

You cannot pick up a newspaper or listen to a radio or go into a doctor's office without hearing a lecture on either the benefits of or the evils of health care reform, because things are changing. It is going on all over America. It is going on in communities all over America. It is changing the way that we buy into the system. It is changing the way doctors, hospitals, nurses, and all kinds of people are providing health care. It is motivated by the fact that each of these people is trying to raise quality and lower costs.

The ACTING PRESIDENT pro tempore. The Chair advises the Senator that he has consumed 5 minutes.

Mr. DURENBERGER. Mr. President, I ask unanimous consent to continue for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, the reform that is taking place right now is real reform. But it lacks the benefits of guidance from the rules in the health care system. What is happening at the White House right now, as far as I can tell, is I think most of us get the doctors who just have been to see Ira Magaziner, now come up to talk and to suggest, or somebody else goes down there and gets a pitch, and then comes up to talk to us about health care reform.

The problem seems to be that all of these people are confusing real reform with expanding coverage. And expanding coverage is a fine goal, but it does not change the system itself. It simply provides the dollars through revenues and savings to help buy health plans for more people.

One of the shocking things that we do not hear much about was the CBO estimate on the Clinton health plan. In February, when Bob Reischauer came to the Finance Committee to report on the cost estimates for the Clinton health plan, which tries to combine system reform and coverage, he said that if everything goes perfectly well, by the year 2004, the medical costs and health care costs in this country will be 19 percent of our GDP; $2.7 trillion just in 1 year—19 percent of the GDP.

So if you take the present system and you define health care reform as expanding coverage to everybody, what do you get? You may get coverage for everybody, but the cost is 19 percent of our GDP. Today, we cannot afford 14 percent of our GDP. It is 19 percent under a system that equates reform with coverage.

System reform and coverage expansion, therefore, are two different goals. We can accelerate reform in the system now. We have to phase in coverage.

I think that is what the administration meant by "delay." Frankly, I think reform is the only way to get the coverage. Reform is how we get cost containment, and without cost containment we cannot afford coverage.

One of the fallacious arguments made currently is that there is no cost containment in the moderate bill such as the mainstream proposal which was adopted by the Finance Committee.

That is absolutely wrong.

This kind of proposal is all about reform, and it is all about cost containment. All of the reforms which accelerate the role of the buyer in the system, insurance reform for small groups and individuals, group purchasing for everyone in these groups under 100, insurance products that can actually be compared for price and quality and value—all of that enhances the role of the buyer in the system.

But for the producers of health care, there are provisions for integrated and efficient plans, information on quality and outcomes, preemption of anticompetitive rule, national rules by which local markets can operate, medical liability reform, and antitrust reform. How many of us in our communities have struggled with the doctors and hospitals trying to integrate their services to bring down costs? They cannot, because of the current state of antitrust law. That changes. How many people have read the stories about the costs of paperwork in the current system? Anything from $50 to $100 billion a year can be saved by administrative simplification. All of that is in here.

You just walk through your own real life experiences with people in your communities, and you will find cost containment in this bill; changing the way people buy, the way they get in the system, what they buy, what that product looks like, the fact that they will have choices. Most people who work even for the largest companies do not have a choice of health plan. We offer them a choice of three health plans, and we require the employer not to unduly influence the choice of those plans by giving a larger contribution to one plan than to another. We require that every employer in America has to provide access to health plans, at least three, either through a co-op or through their own purchase for all of their employees. No one has that today. You are lucky, if you go to work, to see an insurance plan.

In the future, people will be able to buy a health plan either on their own through an insurance agent or when they go to work, and even if their employer is not contributing 80, 70, or 60 percent of the premium, there will be a choice of three health plans there. The cost of getting those health plans is covered.

So the bill itself, the system reform that is built into this, will make major contributions to cost containment.

There is a third argument that I intend to deal with at greater length at another time. That is the fact that we have lost sight of the President's promise on January 25 in his State of the Union message—when he said that every American ought to have the guarantee of a private health plan that cannot be taken away.

Let me repeat what the President promised: A private health plan that cannot be taken away.

If we could continue down that track, we would have real reform. But because this is Washington, we concentrate on guaranteeing, and we forget the word "private" as in private health plans. And we forget the fact that every older person in America, when he or she reaches 65, is forced to get out of an American health care system and get into a Canadian system, run by the Government. The same is true with the disabled and low-income people.

The President said "private health plan." Where is the endorsement that everybody in America can have the right to a private health plan that cannot be taken away? That would be real reform. So let us get on with that.

Related to that is the argument about cost sharing.

The ACTING PRESIDENT pro tempore. The Senator has consumed an additional 5 minutes.

Mr. DURENBERGER. Mr. President, I ask unanimous consent to continue for 2 minutes, and then I will yield the floor to my colleague.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURENBERGER. Mr. President, I appreciate the tolerance of my colleagues from Nebraska and Rhode Island, in particular.

But on the issue of cost shifting—and perhaps others will take this issue up, and I will discuss it myself later in the week. But one of the arguments that has been made for over a year as to why we have to have universal coverage is to stop cost shifting. The reality is that the real cost shift in this system is not from the uninsured.

The real cost shifting occurs right here.

It happens every year when we cut back on payments to doctors and hospitals under Medicare and Medicaid. And the difference between what we will pay in the Government system and what the doctors and hospitals actually need in Bismarck, ND, or Omaha, NE, is shifted onto private payers in the American system, which paralyzes.

Today, we are paying 59 cents on the dollar of charges to doctors who serve Medicare patients, and about 70 cents on the dollar to hospitals. What happens to the difference? The difference is either made up by the doctor's office, if he can, by seeing a patient twice instead of once. That is why the costs continue to climb at 10 or 11 percent a year, or the difference gets shifted onto a private-paying patient. That is where the cost shift is.

It is happening right here.

Universal coverage is not going to solve that problem. Only a series of decisions will solve that problem, decisions to adequately fund Medicare and Medicaid—better yet, to allow people who are the beneficiaries of Medicare and Medicaid to buy private health plans and have us compensate those plans for their premiums.

That would be real reform.

Mr. President, I appreciate the opportunity that we are having this morning to discuss some of these issues, and I promise to be back at a future time before the debate begins in earnest in August to try to explain the commitment that many of us have made to doing real health care reform this year on our way to universal coverage.

I yield the floor.

Mr. KERREY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, I ask unanimous consent to speak for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. KERREY. Mr. President, my colleagues and I this morning have come to the floor to talk about health care reform. We are the group, or at least part of the group, that has been described as the mainstream coalition.

We come today with great respect for the work that is being done this week by Majority Leader MITCHELL who is writing and intends to introduce shortly a health care reform bill which he hopes to enact this year. To be clear, we do not come to the floor to oppose Senator MITCHELL. Rather, we come constructively hoping that our work will help him achieve the majority he seeks.

From the beginning of this debate, we have held to the belief that health care reform must transcend party politics. Thus, the mainstream coalition is a combination of two bipartisan bills. The first, Senators BREAUX, DURENBERGER, and LIEBERMAN introduced a bill called the Managed Competition Act of 1993. The second, Senators CHAFEE, DANFORTH, BOND, and later, KERREY and BOREN, among others, sponsored a bill called the HEART bill.

The mainstream coalition bill is a combination of these two pieces of legislation, with additional input and suggestions and changes made by Senator BRADLEY of New Jersey and Senator CONRAD of North Dakota. While there are differences, the Senate Finance Committee bill derives most of its operative mechanisms from this mainstream effort.

Mr. President, the coming together of this group of Republicans and Democrats is not accidental. We did not unite because of a desire to position ourselves in the center or to appear more moderate. Instead, we are united by the following set of common assumptions:

First, Americans spend too much on health care. Sheltered by a third party reimbursement system which now socializes the cost of 80 percent of all health care bills, Americans have been on a spending binge. The problem is not—and I repeat is "not"—that we do not spend enough; the problem is that we spend too much.

Second, the market can control costs, reduce inefficiencies, eliminate waste, and minimize fraud. Just 3 years ago, there was considerable doubt about this fact. Today, after unprecedented change in the market, the good news is that we can count on the market to be our best ally for controlling costs.

Third, the Government will be needed to help tens of millions of our citizens who will not be able to pay the bills without our collective effort. At some point, the market breaks down and our conscience will not allow any American to be denied access or coverage. One way or the other, we are going to pay. Our moral character will not permit us to turn anyone away. Either we pay with direct, clear, and fully disclosed subsidies, or we pay indirectly with cost shifts. The mainstream coalition prefers to go direct.

Fourth, we politicians—representatives of the people—cannot be trusted to say "no" to increased demands for public spending. The definition of health is constantly broadening, technology is coming on line at break-neck speed, our life spans and expectations continue to grow and, given the chance, we would rather have someone else pay the bills. Thus, the mainstream coalition believes we need a failsafe mechanism to guarantee and enforce a balanced Federal health care budget.

Fifth, if we politicians suffer the malady of not being able to say "no," in the private sector the comparable problem is greed. Across the board, the current system is ripe for gaming at considerable cost in public and private dollars. Not only do we spend a lot of money, we waste a lot of money. What we need is a system where accountability and consumer access to information is our No. 1 virtue. The market will not work unless we get engaged in the job of evaluating price and quality. To do the work of making these evaluations, we need to know whether a procedure is worth the price. We need to know if a less expensive alternative exists and whether the outcomes would be comparable.

Sixth, most Americans will need to change their behavior to make this work. If we expect something for nothing, we will not make it work. If we expect to live forever, we cannot make it work. And if we continue to finance sickness instead of health, we will wonder why it does not seem to work. Doctors are going to have to change; hospitals will have to change; pharmaceutical companies and equipment manufacturers are going to have to change; and most important of all, Americans—as patients, payers, and citizens—are going to have to change to make this work better.

Seventh, we need health care reform which rises above party politics. The only way the American people will support reform is if it has the support of the majority of both parties in this Congress. A 51-vote strategy just will not work. High costs and lack of coverage in our health care system are neither a Republican problem; nor a Democratic problem; they are an American problem.

Eighth, we must pass a health care reform bill this year. We are dedicated to working toward this end. If we do not, costs will continue to rise and fewer and fewer people will be able to afford health care coverage. The President and the First Lady have done this country a great service. Even though we will not be passing their legislation, we will be passing a bill thanks to their leadership and effort.

As I said earlier, Mr. President, the foundation of the mainstream coalition is the Senate Finance Committee bill. This is not a perfect product and needs some change. However, it is a good beginning, and we believe it has the best chance of passing Congress this year.

The mainstream bill is similar to other approaches on the left and on the right. It contains insurance market reform; subsidies for low-income families; extended tax deductibility for self-employed and individual taxpayers; cost containment; expanded choice; administrative simplification; malpractice reform; antifraud and abuse provisions; and a set of mechanisms which move us rapidly toward universal coverage.

The mainstream coalition bill is a national market-based solution to health care reform. It sets up a framework of national rules that allow local markets to operate more efficiently to deliver high-quality health care at affordable prices to all Americans.

The highlights of market based reform are:

First, establishing national standard benefits packages and national standards so that consumers can choose among health plans based on quality and cost effectiveness.

Second, market-based cost containment, including incentives to encourage cost-conscious consumer purchasing.

Third, small market reforms, such as eliminating preexisting conditions as a reason to deny coverage, adjusted community rating, and voluntary purchasing cooperatives.

Fourth, allowing large employers to continue to play a central role in keeping health care costs down through active negotiation with health plans.

Fifth, administration simplification.

Sixth, provisions to combat fraud and abuse.

Seventh, malpractice reform.

Eighth, a failsafe mechanism which does not allow deficit financing of Federal health care spending.

Mr. President, we do not believe we can or should reform everything in this first year. In essence, we are not only fixing those things we are certain are broken, we are preserving those things which are working well. Future reform will be made easier by mechanisms which require full disclosure of how much is being spent at the Federal level, which taxes are being used to make those expenditures, and who is paying and who is being subsidized.

Mr. President, I would like to issue this warning for those who are uninitiated in the ways of health care reform: Sometimes it seems like God has put this issue on Earth to torment us and amuse Him. It is an issue guaranteed to make you humble. Humility comes when you discover that many actions designed to help create as many problems as they solve.

Fifty years ago, Americans were given special tax breaks designed to make it easier to buy health care.

While it has become a sacred fringe benefit, tax deductibility has also encouraged us to buy, buy, buy with little regard for price.

Thirty years ago, Americans passed national health insurance for our citizens over 65 and a Federal-State payment system for citizens who could prove they were poor or disabled. While these programs have reduced the suffering and fear of old and young alike, they have also driven tremendous new demand into a market that responded with more expensive technology and solutions driving costs higher for everyone.

Today, our efforts to hold down costs by focusing on prevention and the financing of health instead of sickness can save money in the short run but cost us money in the long run. Death, the symptom we all seek to avoid at all costs, is not only low cost but it is in the end unavoidable. If we expect our hospitals and doctors to give us eternal and pain-free life, we are knocking on the wrong door.

Mr. President, the majority leader says that he is days away from laying down a bill before this Senate which will set the stage for as good a debate and discussion of the economics and morality of health care as Americans have ever seen. I believe that the Senators in this body are ready to do the work. The mainstream coalition hopes that most of the Senate Finance Committee bill is include in this proposal. If it is, we will begin with bipartisan agreement and proceed to honest and easier to understand nonpartisan differences of opinion. With this as our beginning, I do not doubt we will end by enacting reform which satisfies the American people.

Mr. President, I close by thanking the distinguished Senator from Rhode Island, who has been working a long time on health care reform. It does seem to an awful lot of people who are outside of this process that all we are doing with the mainstream coalition is trying to cobble together a bill but, as I have tried to indicate, there are significant unifying agreements that have held this group together and that give, I believe, the American people a clear sense of how it is that we want to reform health care to not only give the American people a sense, but the majority leader a sense as well of what it is that needs to be done if we expect to enact health care reform in 1994.

Mr. President, I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair will advise the Senator from Nebraska, under the previous order, controls the hour until 9 a.m.

Does the Senator yield time?

Mr. KERREY. I yield such time as is necessary for the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I thank the Chair and the distinguished Senator from Nebraska for his comments. He has been a really key player in the coalition that he described, which goes under the name of the mainstream coalition. He has been working on this since certainly last November and really prior to that. I thank him not only for his work there but for his remarks this morning.

PRIVILEGE OF THE FLOOR

Mr. CHAFEE. Mr. President, I ask unanimous consent that privileges of floor be granted to Doug Guerdat of my staff.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, following up on what the distinguished Senator from Nebraska said, in November of last year a bipartisan group of Senators, and I think it is very, very important to note the term "bipartisan" because we have Democrats and Republicans involved in this group, began to work on a compromise for health care reform. We were drawn together by a common goal of believing that this issue was important enough that it should not be destroyed by party politics. We really had two objectives.

The first objective was to assure that every American had access to affordable health care coverage. That was the first thing. Every American.

Second, we wanted to do something to slow the rate of growth of the cost of health care.

In this group of Senators were Senator KERREY from Nebraska, Senator DURENBERGER, who just spoke so well here, Senator BREAUX, Senator DANFORTH, Senator BOREN, Senator BOND, Senator LIEBERMAN, Senator BRADLEY, Senator GORTON, Senator CONRAD, and myself. And we became known as the mainstream coalition.

Earlier this month, as has been pointed out, the Senate Finance Committee reported a health care reform bill, and that Senate Finance Committee bill embodied the principles of the mainstream coalition.

What were some of those principles? They have been ticked off here both by the Senator from Minnesota and the Senator from Nebraska.

We wanted to eliminate, and we did, job lock so that insurers would not be able to refuse coverage to anyone, either he or she, who came in and who were sick. In other words, you could not be kept from getting insured because of a preexisting condition.

We provided subsidies to the low- and middle-income families to help them in the purchase of insurance. The way we did this, Mr. President, was we started covering those who were 90 percent of the poverty level or below.

Who are we talking about? These are the working poor. As the Chair knows, if someone is on an assistance program, that individual will receive Medicaid. It is when the people go to work, leave the assisted program, AFDC, or whatever it might be, take a job where the job does not provide health care coverage, that individual is really giving up a lot. He or she is giving up the insurance that comes with Medicaid if one is on an assistance program.

So what we do is we start providing a voucher to purchase health insurance to those at 90 percent of the poverty level or less. Then we move upward and extend that to those who are 100 percent of the poverty level, and indeed we go up as high as 200 percent of the poverty level. At 200 percent of the poverty level, we do not pay the entire premium. It is on a declining scale, as you move up from 100 percent of the poverty level to 200 percent. These are the subsidies I am referring to.

Next we eliminate the onerous paperwork that doctors and hospitals have to fill out in order to have a bill paid. We reduce the cost of medical malpractice insurance both for doctors and hospitals by reforming the medical liability laws.

This is a very, very important part of our plan, that we go into considerable detail. We do not just say reform medical liability. We have a whole series of specifics. We put a cap on pain and suffering of $250,000. We have limitations. First, we require that if someone wants to sue a doctor or sue a hospital, he or she must start off with an alternative dispute resolution approach. In other words, go through an arbitrator. You cannot just go directly to the courts. One has a right to appeal from the decision of the arbitrator to the courts, but first one must start through the alternative dispute resolution route.

We provide workers with the choice of health insurance plans. If you work for a large company, you must have a choice of at least three plans. And we give them comparative information so that these individuals can choose the plans based on quality and based on price. This is all involving the uniform benefit package, as the Senator from Nebraska previously outlined.

We increase the number of doctors and nurses in rural and urban areas where there are shortages of health care providers. We allow those who are self-employed or individuals to deduct 100 percent of the health insurance cost. It is clearly an anachronism existing in our health insurance deductibility privileges now. As the Presiding Officer knows, if you work for a large company you can receive the most grandiose of health care programs, and that is not taxable to you as an individual. That is what is known in the trade as a tax-free fringe benefit. If you leave that company and you go out on your own, as an entrepreneur, as a farmer, as any individual, individual practitioner of the law, for example, first, if you so seek to buy health insurance, clearly it is more expensive than if you are part of a big company. The plan you get will cost you much more than it cost General Motors for that same plan. But when you pay for that plan, you can only deduct 25 percent of the cost. It is an outrage.

Why should you get it all free when you work for a company, but when you go out and do what we think is right in America, go out and have your own business, when you start out it costs you more to get the program to start with, and then you can only deduct 25 percent of it?

We provide under our plan you can deduct 100 percent of that. We increase the availability of primary care and preventive services.

We believe that at a minimum these reforms, and they are reforms, will provide comprehensive health insurance coverage to more than half of the uninsured population that is out there now.

As the Chair knows, the statistic that is commonly used is 37 million Americans at any one time are without health insurance coverage, for a variety of reasons. First, they cannot deduct it or can only deduct 25 percent of it. Second, it is very, very expensive. Third, they cannot afford it. So for a variety of reasons, they are not covered. Fourth, they have a preexisting condition.

We believe that these reforms that I have delineated here will cover more than half of those 37 million Americans. In other words, 20 million Americans who are out there now uninsured, a very substantial percentage of them children, will be able to get health insurance coverage with these reforms that I have mentioned.

This objective can be met without imposing any mandates on small business. This does not rely upon the so-called employer mandate or an individual mandate.

Why are we objecting to the employer mandate? We believe that many small businesses would be forced to lay off their employees or shut their doors if they were required to provide insurance under the so-called employer mandate which currently provides, under the plans that have been presented, that the employer pay 80 percent of the health insurance premium of every single one of his or her employees.

In addition, we believe that this can be done without adding to the Federal deficit. We are hopeful that, with additional financing, we will be well within striking distance of universal coverage by the year 2002.

Now, you will note that I used the term "universal coverage." It is a little fuzzy what universal coverage means. Does universal coverage mean 100 percent, everybody in the United States of America covered, every citizen or every legal alien? I do not know. I suspect that universal coverage does not mean 100 percent. I suspect that universal coverage means probably something in the neighborhood of perhaps 97, 98 percent.

But we believe that under our program we can reach 95 percent of everybody in the United States and with some additional financing we think we can get up close to the 97, 98 percent by the year 2002.

Many have criticized our approach by saying that, "OK, you reached 95 percent, but what about the other 5 percent of the population?"

That is a misrepresentation of our program. We say that at least 95 percent of Americans must be insured by the year 2002. That is what we say in the mainstream approach, and, indeed, that is what is in the Finance Committee bill. If that goal is not met, if we do not reach 95 percent coverage, then Congress must act on a series of recommendations to increase insurance coverage.

Opponents of our approach paint a picture of 12.5 million Americans uninsured who are either too poor to buy insurance or so sick that insurance companies will not sell policies to them. In reality, we provide subsidies to help low-income and middle-income Americans purchase coverage, and we prohibit insurers from denying coverage to those who are sick.

On the other side of the political spectrum are those who try to paint our proposal as Government intervention at its worst. They label our subsidies as a great big new entitlement program and accuse us of eliminating consumer choice.

Mr. President, within the next few weeks, the Senate will begin consideration of health care reform. We do not yet know the details of the proposal that will be brought to the floor by the majority leader, Senator MITCHELL. But I am absolutely convinced that no health care reform bill will pass this year without strong bipartisan support. I believe just as strongly, as does the Senator from Nebraska, who has been such an important member of our group, that it is essential that any health care reform measure pass by a very, very strong majority in this body. It will be unfortunate if some kind of a program sneaks through 52–48 or 51–49 or 53–47. That does not lay the stage for a good future for health care reform.

I seek a program that is going to pass here 80–20 or 70–30, a healthy, strong, bipartisan support for that measure on the floor of the Senate.

I believe Congress has the unique opportunity to enact legislation this year. We, as members of the mainstream coalition, have been forced to make certain compromises. In this bill that we are supporting, not every one of us are for every feature of it, but we submerged our own beliefs in order to get strong bipartisan support for the whole.

Some support employer mandates; others individual mandates. Some support limiting the tax deductibility of health insurance plans. That is the so-called tax cap. If you poll the members of the mainstream coalition, nearly half of them are for the tax cap; the other half are against it. So those who are for it said, "All right, we will back off, because it is something that is disapproved by half of our group," and, also, the belief that many on the Democratic side feel very strongly against the so-called tax cap.

Some advocate a single benefit, standard package, while others wanted no standards. So we had to make some compromises. Each of us had to give up something in order to reach an agreement.

Despite our willingness to find a workable middle ground on this issue, certainly passage of a health reform bill this year is not assured.

Last week, the President stated at the National Governors' Association meeting in Boston that the general approach we had was something he could support. Immediately, he was attacked by some members of his own party as selling out on the proposition of universal coverage.

If we do not succeed in enacting health care reform this year, certainly the blame will not lie with members of the mainstream coalition who are so anxious to get something done.

I might say we are under attack from both ends of the political spectrum and sometimes we are accused of being traitors to our respective parties. We are also being attacked by special interests who feel threatened by the approach that we have taken.

If we do not succeed—this mainstream coalition and others who are dedicated to getting a bill that will pass—it will be because, Mr. President, extremists on both sides of the aisle refused to compromise. There are those who seek perfection and there are those who do not want to do anything. And if they can get together and defeat what the others want to achieve, it seems to me it would be very, very unfortunate.

As the Chair well knows, in political life there is a saying that the perfect is sometimes the enemy of the good. What does that mean? That means that those who seek everything, those who want the employer mandate and everything that goes with it, who are not going to budge an inch, may well end up with nothing. And so it is best to settle for something that can be passed.

This is not the last time we are going to be dealing with this subject. This subject is not to be heard of never in the future once it is passed in 1994. We will have a chance to revisit it in 1995, 1996 and in future years.

So, Mr. President, it is my fervent hope that we do not let this great opportunity that we have here to do something significant in connection with those points that I ticked off and the Senator from Nebraska previously ticked off—doing something about persons in cooperatives, doing something about preexisting conditions, reform of the insurance market, doing something about medical liability reform, and making certain that those who are individually self-employed have full deductibility of their health insurance premiums.

These and a whole series of other reforms should be enacted this year. I certainly hope we do not let this opportunity slip between our fingers.

I thank the Chair.

I yield the floor.

Mr. KERREY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nebraska [Mr. KERREY].

Mr. KERREY. Mr. President, am I correct we have until 9:05? Is that the order?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska controls the time until 9 a.m.

Mr. KERREY. Mr. President, in the 10 minutes left, unless some other Members come, I would like to talk about a couple of things that I think are going to be very actively debated after the majority leader lays down his bill.

The first is the idea of cost control. One of the arguments that is gaining a lot of favor is you cannot get cost control until you get universal coverage, and you cannot get universal coverage until you get cost control. It is a very nice little phrase. It seems to be persuasive just because it has a certain balance to it. And, though I believe we need mechanisms to get us as quickly as possible to universal coverage both for moral and for economic reasons, I believe the evidence is rather startling that we are getting cost controls now.

Indeed, one of the most important things for us to do as we begin this debate is to open up our windows and look out and see what is going on in the market. To ask people to bring us information about what the market has been doing for the last 3 years will produce, I believe, some rather startling and good news for colleagues who are trying to figure out how it is that we should control costs of health care. The market is working. We hear some objections to it. That is where the "any willing provider" issue comes from. It comes from people who are saying, "Gee, the market is working too well." We hear complaints from people who are saying, "Gee, all of a sudden people are actually competing for my services and they are not guaranteeing me the job and income I had before."

The market does that, as we all know. It is working. It creates some insecurities. It creates some difficulties. It creates some uncertainty. But the stunning change, the unprecedented change that is going on right now in the market I believe should give us a considerable amount of confidence and provide us with a clue about how to reform the other programs that we operate—particularly Medicare and Medicaid—how to get the Government programs under control, and how to produce the revenue that we need, the money that we need to extend coverage to every single American.

The second thing I would say that is sort of connected, is why I, for one individual, one Senator, do not like the proposal to mandate that businesses purchase insurance. To be clear, not only do I not object to asking people to pay who are free riding the system; not only do I not object to that, indeed I am an advocate of making sure that every single American pays something—has some contribution. That contribution ought to be based upon their capacity to pay. My objection to the mandate has to do with a number of considerations.

First, it is a regulatory device. It is indirect and thus it is far less efficient than going direct. If we see an individual or a business whom we believe ought to be paying, we ought to go direct. We have a tax system in place and we ought to have the courage to go direct, if we see somebody free riding the system, and get the money from them. That would be, in my judgment, a far simpler, a far more efficient way to approach it.

The second problem I have with the mandate of insurance is that it embeds additional costs in employment. We already have businesses that are making decisions about technology, making decisions about hiring, that are adverse to employment as a consequence of saying, "I have $10,000, $12,000, $15,000, sometimes $20,000 a year in cost of hiring before I ever get to a salary, before I ever decide what the wage is going to be." Thus, we are saying here is another $3 or $4 an hour, in some cases, we are going to impose as an embedded cost of employment that employers will factor in before they make hiring decisions.

There are far more progressive ways for us to generate the revenue—particularly if we go direct, it seems to me. I think the mandate—in my judgment—must be seen as a way for us to generate revenue to pay for the bills.

But I think it is a very inefficient way to do it and is also something which will embed cost in employees and I believe create a disincentive, the very kinds of disincentives we do not want to have.

The distinguished occupant of the chair has spoken eloquently on the floor about crime and has alerted an awful lot of people who had sort of fallen asleep at the switch about the problem of crime. All of us, when we go home and wrestle with the problem of crime, typically come to the conclusion, at least I do, that one of the unifying things that solves this problem is a job. If somebody has a job and is working, particularly a job that produces some sense of dignity, some sense of self-worth and value, it is far less likely that individual is going to turn to crime.

Thus, if we pass legislation that discourages people from hiring at the very time we are saying we want them to hire more, I think we will create the kind of environment that will make it difficult for us to solve other problems.

The next thing I would talk about—as much as I believe the market can work, I will make it clear that there are times when I am prepared to say let us pay the bills. There are many Americans out there who are simply not going to be able to pay the bills. They are disabled, they have lost the capacity to earn—for whatever the reason, they simply cannot pay the bills. I am prepared to pass the collective hat.

I have had the opportunity, as a consequence of my own disability, to visit many, many people in hospitals. When I meet the person about whom I have said, "My gosh, I do not think they are going to be able to pay for the prosthesis; I am not sure they are going to be able to pay for the rehabilitation," I have yet to find myself in a situation where I did not think I could persuade 99 percent of the citizens of Nebraska to pass the collective hat to help those individuals pay the bills.

There will be times when it is necessary for us to pass the hat. And we are not going to be able to do it with premiums. We are going to pass the collective hat through our tax system and we are going to make expenditures through our tax system. In other words, Government is going to finance this thing. Either directly or indirectly, Government is going to be involved in financing it.

The question for us must be, first, in what circumstances do we finance it? And, second, once we have decided to finance it, what is our source of revenue? One of the things I will argue that we need in this legislation is a much more honest budget and much more strict accountability on our part required when we finance. Let me give an example.

It would surprise most Americans to hear the numbers of what the Federal Government currently spends. I go home and I hear people say, get the Federal Government out of health care, who, very often, are getting Federal money. At a townhall meeting I heard a woman get the entire audience to give her a standing ovation when she said, "Whatever you do, get the Federal Government out of health care."

I am always interested in standing ovations and so I was kind of curious about her own circumstance, and discovered that she is on Medicare. Furthermore, she is on the Frail Elderly Program, which means that Medicaid is paying her part B. In her mind, Medicare is not a Government program. She is a good person, an intelligent person, but in her mind Medicare is not a government program.

I have heard so-called private sector business people who are involved in hospitals that are 501(c)(3) tax exempt operations, that think of themselves as private sector businesses, that are getting at least 40 percent of their revenue from the Federal Government. Many rural governments get over 70 percent of their tax dollars from the Federal Government.

We need to disclose this, otherwise it is going to be very difficult for us to decide where do we want to help pay bills; and, once we have made that decision, how do we want to pay for them?

This year, in 1994 fiscal year starting October 1: $318 billion of direct spending and $70 billion of tax spending. That is the decision we have all made. Very few people have stood on the floor and objected to those expenditures; a $38 billion increase in spending at the Federal level from last year to this year. But the only dedicated source of revenue that we have is a payroll tax and a premium.

The payroll tax generates about $90 billion; the premium generates about $15 billion. Mr. President, we are about a couple of hundred billion dollars short. I say to my colleagues and the citizens who wonder where we get the money, we get the money from other taxes. A full 28 percent, by my accounting, of income tax dollars, and 28 percent of corporate income tax dollars, are collected and used to pay for Federal health care spending today. Without people knowing about it, without our having informed them that that is what we are doing, it is impossible, in my judgment, for us to have an informed and rational and constructive debate—not only, as I said, about where are we going to pass the collective hat.

I want to make it clear to you, Mr. President, I have seen far too much tragedy and far too much suffering out there to say otherwise. I am willing to pass the collective hat. I prefer to subsidize other people. I do not want to be subsidized. To be clear, if I am being subsidized a couple of hundred thousand dollars a year, that means I am sick, and I would rather not be sick.

Much more important, we need a rational debate. Once we have decided that we are going to provide assistance, whether it is Medicare or Medicaid or the VA or the Army or Air Force or Navy or Marine Corps or CHAMPUS or Federal Employee Health Benefit Program or an NIH or the tax deductibility and the FICA offset—once we have made the decision to provide the subsidy, then we need to have a debate about which taxes are we going to use to pay the bills.

I hope that my colleagues understand that we have come to the floor—and there is a large group, a mainstream group—we have come to the floor to engage in a constructive debate. We want to help Senator MITCHELL pass a bill this year. He has committed to getting that done in 1994, and I can think of no greater piece of good news than to have Senator MITCHELL, as the majority leader, now in the homestretch, working to get that done.

I see Senator BOND on the floor. Mr. President, does the Senator from Missouri wish to speak? I yield the floor to the Senator from Missouri.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Missouri is recognized.

EFFECTIVE HEALTH CARE REFORM THIS YEAR

Mr. BOND. Mr. President, I thank my distinguished colleague from Nebraska. I want to join with him in expressing our commitment and our interest and our optimism that we can have effective health care reform this year. A lot of us have worked a long time to identify what is wrong in the health care system and what can be done about it. I believe that a consensus has emerged in this body. I have talked with colleagues on both sides of the aisle, and I think we understand what is wrong.

We know that we have some of the finest health care in the world available in the United States today, and we do not want to destroy that. But we have too many people who do not have health care. We have people who lose their health care insurance or other coverage because they get sick. Companies—"cherry pickers" they are sometimes called—quote very low prices for healthy groups, and then when you get sick, they cancel the policy. That is unacceptable.

We also have cost shifting. Hospitals and other health care providers have to provide care to those who cannot afford it or who do not pay and, as a result, they charge those who do pay for private insurance or for their own health care. They charge on the average something like 130 percent of the cost to cover up the charges for the cost-shifted, uncompensated care.

We have health care costs that have gone up too high because of medical malpractice judgments, liabilities, and lawsuits that reward the lawyers rather than those injured by malpractice. And that causes doctors and hospitals to go through needless procedures, not for the health benefits that they provide, but as defenses against lawsuits.

We have an outmoded administrative system where we have, going into the 21st century, a 19th century quill-and-scroll type of accounting for health care. You file your health care claims and they are handled by hand, by paperwork. The burden costs billions of dollars.

We can deal with all of those. There are a number of bills that have been proposed in this body. I happen to join the distinguished Senator from Rhode Island [Mr. CHAFEE], on the HEART proposal. There is a Durenberger-Breaux bill. There are measures that are supported by my distinguished colleague from Nebraska, and others, that solve the problems of health care but do not try to fix what is not broken.

I join in congratulating the President and the First Lady for having made health care a priority. It is time that we get on with the job of dealing with fixing what is wrong in health care. But it is clear, as I have talked to people in my State and I suspect as my colleagues have talked to people in their States, that the American public is not ready and a majority in this body is not ready to turn health care over to Government, to have Government bureaucracies setting prices, establishing budgets, telling people that they must get health care, imposing a payroll tax. It is known as an employer mandate. It is a payroll tax.

That is not the way to get universal coverage. It is a payroll tax on employers that would cost jobs. We need real malpractice reform. We need electronic filing for health care administration. And, most of all, we need to bring the forces of competition to work in the marketplace so that under a reformed health care insurance system, people will shop for health care. They can utilize cooperatives. They are not going to be forced to purchase through a Government-run monopoly, an HPC, a regional health care alliance. They can make their choices. They can buy health care coverage that is the best deal for them.

We have seen where competition exists in the small market—experiments in California, in my State, and other States, where cooperatives have worked—and yes, you can bring down health care costs. You can do it through competition. You can stop cost shifting if the Federal Government will reimburse hospitals and health care providers under Medicare and Medicaid the full cost of the service. The Federal Government is the culprit.

Mr. President, I join with my colleagues in saying a mainstream effort can succeed, and we urge the majority leader to work with us to fix what is wrong with health care.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN], is recognized for 10 minutes.

Mr. DORGAN. Mr. President, under the previous order, I understand I was allowed 10 minutes this morning.

The PRESIDING OFFICER. The Senator is correct.

HEALTH CARE REFORM AND PHARMACEUTICAL DRUGS

Mr. DORGAN. Mr. President, this has been a very interesting discussion, and I certainly share the goals of those who have spoken. I am most interested in the question of competition.

I might say that in at least one area of health care, competition does not seem to be a regulator in which price competition produces reasonable prices for consumers. That is in the area of pharmaceutical drugs.

Tomorrow morning, Senator PRYOR and I are cochairing a hearing in the Governmental Affairs Committee on the question of drug prices. There has been a lot of discussion about different aspects of health care, but very little about the pricing of prescription drugs in this country.

A while ago, I recall meeting a woman in her mid-eighties at a senior center. This woman had very little money and had significant heart problems—heart disease and diabetes. She told me she could not afford the medicine her doctor prescribed for her heart disease and diabetes. She said, "I only take half the dose the doctor tells me to so my medicine will last twice as long." That is how this woman in her mid-eighties affords her medicine. It is a shame that happens in this country. Part of the reason for that is the high cost of prescription drugs.

Let me begin by saying that my colleague, Senator PRYOR, has done an enormous amount of work in this area, important work and excellent work. When I was in the House of Representatives, I introduced the central piece of prescription drug legislation that Senator PRYOR had been the principal author of in the Senate. I was pleased to do that. He has done a great amount of important work on this subject, and I am pleased tomorrow to cochair the hearing with him.

The hearing tomorrow is going to focus on one aspect of drug pricing, and an interesting one. The question will be: Why do pharmaceutical manufacturers charge more for the same drug in almost every case in the United States than they charge in other countries? Why, for the same pill, put in the same bottle, made by the same manufacturer, do they charge more to the American consumer than they do the consumer in Mexico, in Canada, in England, in Sweden, in Germany, in France, or in almost any other Western nation?

I do not know the answer to that. But I have some charts that I want to share this morning. Let me just run through a couple of them. I do not have the blowups with me, but let me tell you what about the international pricing of prescription drugs.

Before I do that, remember that prescription drugs prescribed by a doctor are not a luxury. It is not like ordering cable television or like deciding to eat the next Twinkie. It is a necessity. A doctor prescribing a prescription drug is saying to a patient: You need to do this for your health.

Let me go through some examples of drugs and their prices in different nations. The General Accounting Office [GAO] has done a lot of work to put together this sample of drugs that are sold in different nations. Each drug in the sample is of the same strength, the same dosage, and made by the same manufacturer. But let's look at the price charged in the United States versus other countries for a sample of leading drugs. GAO has given me data on 20 of the 100 best selling drugs in the United States.

Here are some examples of what the GAO will tell us tomorrow.

Premarin is a drug used for estrogen replacement. If you buy it in the United States, the manufacturers' wholesale price is 162 percent more for that same drug than if it were purchased in Canada. Buy it here, it will cost 197 percent more than if you buy it in England. Buy it here, it will cost 219 percent more than if you buy it in Sweden.

Zantac which is used to treat ulcers—buy it here, you pay 30 percent more than if you buy it in Canada; buy it here, 58 percent more than if you buy it in England; buy it here, 109 percent higher price than in Sweden.

Xanax, which is used to treat anxiety—buy it here, pay 183 percent more than in Canada; buy it here, pay 279 percent higher price than in England; buy it here, pay 488 percent higher price than in Sweden.

Valium—also used to treat anxiety—buy it here, the price is 432 percent higher than in Canada; 1,044 percent higher than in England, and nearly 1,100 percent higher than in Sweden.

Why? By what measure do the pharmaceutical manufacturers, using the same pill, put in the same bottle, produced in the same way, and shipped to comparable markets charge a much higher wholesale price, which is passed on to the consumer, in the United States than virtually any other country in the world.

I do not know the answer to that. They will say, well, research and development, we need to get the money for research and development. I certainly support research and development. We give very generous tax credits, in fact, for research and development to the pharmaceutical manufacturing firms. The fact is they spend more on advertising and promotion than they do on research and development, but research and development is very important. We ought to plug money into research and development. We do a lot of that in the public sector through Government spending at NIH, which, incidentally, then breeds a great deal of profit for the private companies that end up manufacturing drugs developed by NIH scientists. But private companies also invest in research and development.

I do not want to stop that, and I do not want to impede that. But, when you look at the pharmaceutical manufacturers and find that in 1992 they had triple the average rate of profit of all the companies in the Fortune 500, you wonder whether this price is for profit, maybe excess profit, or for research and development.

You look at the head of one company, one pharmaceutical manufacturer, and he was paid a salary equivalent to all 100 U.S. Senators. The head of one pharmaceutical company is paid nearly $13 million, and you ask, is that research and development? Does that justify charging an American consumer double or triple or 10 times the price for the same drug, in the same bottle, manufactured by the same company as is charged in Germany or France or Sweden or Denmark? I do not think so.

You talk about market forces. I hear it all the time in the Chamber. Market forces in this country do not produce drug prices that in my judgment are competitive or fair, and the question is, what do we do about that? The price of drugs for American consumers has gone up. Outpatient drug spending has increased from $12 to $36 billion between 1981 to 1991; $12 to $36 billion over a period of about 10 years. The point of this is that this free market does not work for prescription drugs. You can buy the same pill, or the same drug, in the same container, in different countries and pay a vastly different price.

For some reason, we are systematically being overcharged. If my consumers in North Dakota, wanting the same prescription drugs on which we now spend over $80 million, had just driven over the line north into Canada, they would have bought the same drugs for $20 million less. Why? If North Dakotans had bought all their drugs in England, instead of spending just over $80 million, they would have spent just over $50 million. They would have saved about $30 million. Why? You can ask the same question about Germany, France, Italy, and others.

I asked drug companies: Will you market for lower prices at a loss? If you sell in this country for a dollar and charge 20 cents in Mexico, does that mean you are marketing at a loss in Mexico? Of course, not. They could not sell in Mexico at 20 cents if it were a loss. So we have a lot of interesting questions to ask tomorrow at the hearing. What is this scheme of pricing drugs that charges the U. S. consumer so much more than other consumers in the world?

I hope we get some answers, and I hope that we can use those answers in the construct of a discussion about health care reform and prices charged to American consumers.

Mr. CHAFEE. I wonder if the distinguished Senator will yield for a question.

Mr. DORGAN. If I have time, yes, of course, I will.

The PRESIDING OFFICER. The Chair would inform the Senator that morning business is just about to close.

Mr. CHAFEE. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I would ask that the distinguished Senator in his inquiries tomorrow bear in mind the biotech industry, and I particularly think of a small biotech company in my home city in my State, Providence, RI. That company is a venture capital company. It is called Psychotherapeutics. That company is seeking a cure for two major diseases affecting the elderly, Alzheimer's and Hodgkin's. I have been informed by that company, which so far has not produced a dollar of revenue, that they anticipate their total expenditures before they get any return will be $200 million. Now, $200 million for somebody in the Federal Government is not much, but $200 million for a Providence, RI, company is a lot of money. They are raising that money through venture capital, selling stock.

So I hope that when the inquiries are devoted to a company making too much money, charging what they think is a lot, they bear in mind this little company, which I hope succeeds. I hope they get a cure for Alzheimer's; I hope they do something for Hodgkin's; I hope whoever invests in that company will make a lot of money; I hope that company will be a splashing success; and I hope that the head of that company, Dr. Seth Rudnick, will be paid a handsome salary. I want them to succeed.

So my question is I hope that when the inquiries are made it is borne in mind that this company will not have a penny of return to anybody who invests in it until their total expenditures reach, in their judgment, $200 million. So I appreciate what the Senator is doing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, in order that I might respond, may I ask unanimous consent to extend morning business for 1 additional minute?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I share all of the hopes of my friend. He has talked about many hopes. I hope he would share my hope that when and if they find this miracle cure they are looking for with generous tax provisions on venture capital, generous tax provisions on research and development, they will not decide to price it by asking Americans to pay double, triple, quadruple, or 10 times the price at which they will market that same drug in England, Sweden, Germany, Italy, Canada, and other countries around the world.

I am all for miracle cures, and I want to encourage these companies looking for them. I want them to price those miracle cures fairly in the American marketplace when they find them.

Mr. President, I yield the floor.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE ABOUT THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but nobody does anything about it. Many Senators talk a good game when they are back home about bringing Federal deficits and the Federal debt under control, but look how they vote on spending bills passing the Senate.

As of yesterday, Monday, July 25, at the close of business, the Federal debt—down to the penny—stood at exactly $4,631,353,530,795.77. The debt, do not forget, was run up by the Congress of the United States. The big-spending bureaucrats in the executive branch of the U.S. Government cannot spend a dime unless and until it has been authorized and appropriated by the U.S. Congress. The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by one President or another, depending on party affiliation. Sometimes they say Ronald Reagan ran it up; sometimes they say George Bush. These buck-passing declarations are false because the Congress of the United States is the culprit.

Most people cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was going on. A billion minutes ago, not many years had elapsed since the crucifixion of Jesus Christ.

That sort of puts it in perspective, does it not, that Congress—repeat: Congress—has run up a Federal debt of 4,631 of those billions of dollars. In other words, the Federal debt, as I said earlier, stands today at 4 trillion, 631 billion, 353 million, 530 thousand, 795 dollars, and 77 cents.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the Budget Scorekeeping Report prepared by the Congressional Budget Offices under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 22, 1994. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution of the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $4.9 billion in budget authority and $1.1 billion in outlays. Current level is $0.1 billion above the revenue floor in 1994 and below by $30.3 billion over the 5 years, 1994–98. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $311.7 billion, $1.1 billion below the maximum deficit amount for 1994 of $312.8 billion.

Since the last report, dated July 20, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 25, 1994.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the 1994 budget and is current through July 22, 1994. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 64). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 18, 1994, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES L. BLUM,
(For Robert D. Reischauer, *Director*).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1994, 103D CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS JULY 22, 1994

[In billions of dollars]

	Budget resolution (H. Con. Res. 64)[1]	Current level[2]	Current level over/under resolution
On-budget:			
Budget authority	1,223.2	1,218.4	−4.9
Outlays	1,218.1	1,217.1	−1.1
Revenues:			
1994	905.3	905.4	0.1
1994–1998	5,153.1	5,122.8	−30.3
Maximum deficit amount	312.8	311.7	−1.1
Debt subject to limit	4,731.9	4,542.2	−189.7
Off-budget:			
Social Security outlays:			
1994	274.8	274.8	(3)
1994–1998	1,486.5	1,486.5	(3)
Social Security revenues:			
1994	336.3	335.2	−1.1
1994–1998	1,872.0	1,871.4	−0.6

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1994, AS OF CLOSE OF BUSINESS JULY 22, 1994

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			905,429
Permanents and other spending legislation[1]	721,182	694,713	
Appropriation legislation	742,749	758,885	
Offsetting receipts	(237,226)	(237,226)	
Total previously enacted	1,226,704	1,216,372	905,429
ENACTED THIS SESSION			
Emergency Supplemental Appropriations, FY 1994 (P.L. 103–211)	(2,286)	(248)	
Federal Workforce Restructuring Act (P.L. 103–226)	48	48	
Offsetting receipts	(38)	(38)	
Housing and Community Development Act (P.L. 103–233)	(410)	(410)	
Extending Loan Ineligibility Exemption for Colleges (P.L. 103–235)	5	3	
Foreign Relations Authorization Act (P.L. 103–236)	(2)	(2)	
Marine Mammal Protection Act Amendments (P.L. 103–238)		4	
Airport Improvement Program Temporary Assistance Act (P.L. 103–260)	(65)		
Federal Housing Administration Supplemental (P.L. 103–275)	(5)	(2)	
Total enacted this session	(2,748)	(645)	
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[2]	(5,562)	1,326	
Total Current Level[3, 4]	1,218,395	1,217,054	905,429
Total Budget Resolution	1,223,249	1,218,149	905,349
Amount remaining:			
Under Budget Resolution	4,854	1,095	
Over Budget Resolution			80

[1] Includes Budget Committee estimate of $2.4 billion in outlay savings for FCC spectrum license fees.

[2] Includes changes to baseline estimates of appropriated mandatories due to enactment of P.L. 103–66.

[3] In accordance with the Budget Enforcement Act, the total does not include $14,203 million in budget authority and $9,079 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $757 million in budget authority and $291 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[4] At the request of Budget Committee staff, current level does not include scoring the section 601 of P.L. 102–391.

[5] Less than $500,000.

Note.—Numbers in parentheses are negative. Detail may not add due to rounding.

"A LEGACY OF TRADITION AND LEADERSHIP: THE McCAIN FAMILY"—A TRIBUTE TO SENATOR JOHN McCAIN AND THE McCAIN FAMILY AT MARINE BARRACKS, WASHINGTON, DC

Mr. NUNN. Mr. President, in June when the Senate was debating the defense bill, I made a short statement about the commissioning ceremony for the U.S. *John McCain*—named after Senator JOHN MCCAIN's father and his grandfather. I pointed out the extensive legacy of outstanding service in uniform of the McCain family for many, many generations.

This legacy of tradition and leadership was honored again last Friday night at Marine Barracks, Washington, DC—the oldest post in the Marine Corps. At what many consider the Nation's premier military parade, the guest of honor and reviewing official was Senator JOHN S. MCCAIN.

Senator MCCAIN was joined by many members of his immediate and extended family and many friends for what was a most impressive gathering and event. The Assistant Commandant of the Marine Corps, Gen. Richard D. Hearney—himself a highly decorated combat pilot as is Senator MCCAIN—was the host of this tribute of military precision and pageantry to one of our Nation's real heroes and his family—JOHN S. MCCAIN, our colleague.

I ask unanimous consent that the narration that accompanied the ceremony be placed in the RECORD at this point.

There being no objection, the narration was ordered to be printed in the RECORD, as follows:

A LEGACY OF TRADITION AND LEADERSHIP: THE MCCAIN FAMILY

Military service is a special calling and, to many Americans, a proud family tradition as much as it is a profession. Names such as Lee, Roosevelt, Pershing, Eisenhower, and MacArthur have emerged generation after generation. In the annals of military history, another name—McCain—can be traced back over two hundred years and represents a lineage and legacy of honorable military service—a family tradition of honor, courage, and commitment. In fact, there has been a McCain in the service of his country since the Revolutionary War, when a McCain served on General George Washington's staff. Tonight we pay tribute to three generations of McCains, beginning with Admiral John S. McCain, and concluding with his grandson, the honorable John S. McCain, the third, Senator from the State of Arizona.

John Sidney McCain graduated from the United States Naval Academy in nineteen oh-six. At age 52, Captain McCain became a naval aviator after having served thirty-two years of sea and shore duty. At the end of World War Two, as a Vice Admiral, he witnessed the Japanese surrender aboard the U.S.S. Missouri. His uncle, Henry P. McCain and brother, William, both retired from the United States Army as General officers.

Admiral McCain's son, John Sidney McCain Junior, was a nineteen thirty-one graduate of the United States Naval Academy. During World War Two, he distinguished himself in battle as a submarine commander by sinking three Japanese combatants and several patrol craft. He rose to the rank of admiral and served as commander in chief, U.S. Naval Forces Europe. Shortly thereafter, he became commander in chief, Pacific, in which capacity he directed the American forces' gradual disengagement from Vietnam between nineteen sixty-eight and nineteen seventy-two. It was during those years that his son, Lieutenant Commander John S. McCain, the third, lay seriously wounded in a North Vietnamese prison after having been captured on October twenty-sixth, nineteen sixty-seven.

A nineteen fifty-eight graduate of the Naval Academy, John McCain had earned his wings as a naval aviator at Pensacola, Florida and had flown his first mission in the Caribbean during the nineteen sixty-two Cuban missile crisis. In Vietnam, on his twenty-third combat mission, he was shot down by a Soviet missile over Hanoi at forty-five hundred feet. After ejecting, he landed in a lake, his right leg and left arm broken, his right arm shattered. Lieutenant Commander McCain remained a prisoner of war for five and one-half years until March fifteenth, nineteen seventy-three. Today, John S. McCain continues to serve his country—now in his second term as a United States Senator from Arizona.

Ladies and gentleman, we are pleased to honor the distinguished McCain family and privileged to have Senator John S. McCain, the third, as our reviewing official for this evening's parade. Accompanying Senator McCain in the reviewing area are General Richard D. Hearney, Assistant Commandant of the Marine Corps * * * and Colonel John Sollis, commanding officer, marine barracks.

ESTONIA

Mr. GORTON. Mr. President, 3 weeks ago Russian President Boris Yeltsin delivered a blow to Estonia's efforts to remove Russian troops from its borders. He publicly rescinded his promise to withdraw the 2,000 remaining troops from Estonia by August 31.

The complete removal of Russian troops from the Baltics remains one of the most important post-cold war issues for defining Russia's new role in Eastern Europe. If we are to convince that nation that it cannot interfere in the "near abroad," we must ensure that it abides its promises of complete withdrawal.

Since the collapse of the Soviet Union, Russia has moved slowly on this issue. In 1992, a full year after the Soviet Union disintegrated, Russia was still stationing 130,000 troops in the Baltics. Until this year, all three Baltic countries still housed Russian troops. And, now it appears that there is no schedule for the removal of all troops from Estonia.

The United States should play an important role in resolving this issue. The success we have experienced to date is a direct result of international pressure. This body has voted on numerous occasions, beginning with the 1992 Freedom Support Act, to condition some portion of our Russian aid on troop withdrawals. Even with that pressure, Russian compliance has sputtered. The remaining troops in Estonia should be seen as a defeat as much as the victory for our efforts.

Nearly 3 years after this debate began, we should demand complete withdrawal for Estonia. That country, and the Baltics as a whole, have done as much as any other former Soviet Republic to earn our promise of protection from Russia. It has embraced political and economic reform with a vengeance, and developed an unmatched post-Soviet record of economic growth. Over the past 2 years it has achieved roughly 3.5 percent unemployment, 1.7 percent inflation, and a stronger and more stable currency than any other either in the former Soviet Union. It has also made strides to eradicate the difficult problem of discrimination against ethnic Russians.

Mr. President, the Baltics are former Soviet Republics that should be removed from the Russian sphere of influence. We should make them a part of the West. We should admit them into NATO, and reward their brave economic reforms, their democratic institutions, and their civilian control of military with aid. And we should follow through on our efforts to remove all Russian troops from their borders.

On Thursday, the House and Senate conferees of the foreign operations appropriations bill will determine whether to retain language the Senate approved by a vote of 89-8 less than 2 weeks ago. That language would move up from December 31, 1994, to August 31, 1994, the date by which Russia must withdraw all troops from the Baltics in order to receive any Russian aid. The Senate conferees should do all they can to see that the Senate version is retained. That language appropriately responds to Mr. Yeltsin's comments, and has the overwhelming support of this body.

Mr. President, this is an issue that is important not only to a newly democratic country that recently emerged from 45 years of subjugation. It is a question of how the United States will control a Russian tendency to concern itself in its neighbors affairs. Our interests are clear: we should demand the complete withdrawal of Russian troops and demonstrate to both our friends and potential enemies that democracies will be rewarded with efforts to protect their sovereignty.

THE PAN AMERICAN DEVELOPMENT FOUNDATION'S HUMANITARIAN AWARD TO MARIA JULIA POU DE LACALLE, FIRST LADY OF URUGUAY

Mr. DODD. Mr. President, I rise today to bring to the attention of my Senate colleagues a remarkable woman, Maria Julia Pou de Lacalle, the First Lady of Uruguay.

Mrs. Lacalle has worked tirelessly over the years as an advocate for the needy. She has been widely recognized in Latin America as a leader in promoting assistance to families in need, not only in Uruguay, but throughout the hemisphere.

She was recently given the Pan American Development Foundation's distinguished Humanitarian Award, in recognition of her efforts with Accion Solidaria, a social welfare organization. This award is one of the most prestigious citations given to any citizen in the Western Hemisphere.

I would ask unanimous consent that a translation of Mrs. Lacalle's acceptance speech on the occasion of receiving this prestigious award be printed in the RECORD at the end of my remarks. I urge my colleagues to take the time to review her very thoughtful comments.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF FIRST LADY LACALLE

Mr. President, Mr. Joao Baena Soares, Secretary General of the Organization of American States, Mr. George Kroloff, President of the Panamerican Development Fund, Ministers of State, Amb. Luis Macchiavello, Director of the OAS Office in Uruguay, National Authorities, Ladies and Gentlemen:

My very first words, which express my feelings, are words of gratitude to the Organization of American States and to the Panamerican Development Fund, for having considered our nomination for this award which every year honors a person for his or her dedication and work for the benefit of the less fortunate sectors in our American societies.

And I say "our" thanks because I consider that, although I am formally receiving this award personally, because it has been so established, it is our institution, ACCION SOLIDARIA, with which we celebrate this recognition.

Today's event makes us recall with pride the origin, growth and consolidation of our work, which in recent years reflects the effort of so many people all across the country.

Inspired by our needs but with understanding, we felt the necessity to work in what we have called "the country of now", in order to provide answers to present needs such as health and education. This could not wait until later when the country might provide some relief for those people for whom "very soon" is too late in life.

We felt this future was now, and in order to quicken the pace we shared our work with many people who gave their time, generated ideas, granted financial support. All of us together, in "solidarity", fulfilled some of the goals for which we rejoice today, with pride, not arrogance. And along the paths we walked searching for solutions to major health and education issues, we encountered The Panamerican Development Fund, from which we sought answers and from which we found not merely solutions to many of our problems, but also a generous spirit. They helped us beyond our goals, they impelled us forward and encouraged us to break patterns in order to increase the scope of our endeavor.

We rejoice in "solidarity" because this sentiment is the source of our endeavor, the way we work and its final goal. We intend to be present wherever our help is required. We are able to answer, making no distinctions whatsoever. Our motto has been "make what is necessary possible", and almost always, when it was necessary, it was possible.

It has been said, and we want to share this thought with you, that humanity took too long to absorb the demands of the French Revolution. Thus, the 19th century was undoubtedly the century of liberty, and pursuing that goal many went to fight and paid with their lives for having faith in this idea. Slowly we built. The 20th century has been the century of the fight for equality in its broadest sense: for equal rights, for equal opportunities, for the still imperfect practice of tolerance as an essential ingredient of coexistence.

We hope—and from our position we are striving for it—that the 21st century may be—must be—the century of fraternity, without which, we think, the efforts to achieve the other two aspects of this revolutionary trilogy would be senseless. Since 1789 we have intellectually agreed on all three. However, it has been very hard to realize these goals.

When even today we hear—and aided by technology we see—that in so many places on earth, religious intolerance runs rampant, ideological fanaticism often dominates, or terrorism reigns, we realize that the road ahead is still long and painful. But we have learned something in our lives, we know that when there is a will there are ways. But the will must exist, and if not, we must strive for it to emerge as a compelling impulse so as to find the way towards fraternity. France proclaimed it and the world accepted it as essential to the human being.

Progress on paper is meaningless; virtues should not be declared but exercised and lived. We Uruguayans are privileged to live in a country where "solidarity"—a privileged way to exercise fraternity—is part of our national character. So much so that it did not take long to explain our projects to a society in which we live and the aims proposed to meet our dreams. We wanted to show the openness of our endeavor, assume responsibility for the confidence placed in us. Thus the growth of activities and expectations guided our work, which day by day was motivated by this confidence and supported by different sectors of society.

All this was achieved with the help of many people, and for this reason I can speak so freely about it; but above all it was done with much dedication and much love.

This is the key word, the magic term that opens doors as well as hearts, that feeling which is vital to every human being, so much so that when it is scarce or absent it takes away the sense of life itself. I want to share with you a thought that has flowed like a torrent of irrepressible truth. It has also been a lesson that we have learned from our people at this time: if there is one thing that makes us all equal it is our need for affection, our need for love. Beyond social position, economic status, diversity of ideologies, all of us, absolutely every one of us has a need to love and to be loved.

This is a good starting point to begin work: we live in liberty and in an egalitarian society. Let us then make this society live in fraternity with these values for which it has so ardently strived.

Now, in the International Year of the Family, it is undoubtedly more than appropriate for each of us, from within our families where we are loved without question, just for being part of it, to set an example and live positively in this fraternity which we hope may be the essential characteristic of the new century. Let us remember the children and the young people. They often watch us, confused, telling us how our attitudes prevent them from hearing our thought and advice. When we think about them let us make an effort to build a world where they can grow with faith, hope and love.

A wise oriental proverb urges us not to move our lips if we are not sure that what we are about to say is more beautiful than silence. Finally, I dare confide to you two feelings that exist in my heart at this moment: a feeling of enormous gratitude towards my father, from whom I received the example of a lifetime dedicated to others by easing their pain, giving all of himself to his profession as a medical doctor with total selflessness, and making us appreciate that there are some circumstances in life for which there are no timetables. He also demonstrated that one can act on a strict professional basis, as he did and taught, while embracing every aspect of the human soil.

We are both root and branch. We have a past and we have a future. Today I wish to tell these three young persons here with us today, my children, that our life in itself is just a blue-print, and we are not always the only architect in its formation. Everyone needs others. Because of this, if I were sure that they will always have an open heart towards all those who may be wanting, and that they are willing to knock on the doors of those who may need advice and affection, if I had the certitude that they already have within them the strength of character which can and should be accompanied by sensitivity, by compassion, by a feeling of sympathy for others, then I think I entitled to receive this award with the peace of mind of having done my duty. Because the absolute priority in our lives and in our families should be to live those values to which we have dedicated so much time and so much work within our community.

So be it, I pray.

JORDAN AND ISRAEL: A HISTORIC MOMENT ON THE ROAD TO PEACE

Mr. LIEBERMAN. Mr. President, I rise today in celebration of the historic events which have occurred in Washington this week. King Hussein of Jordan and Prime Minister Yitzhak Rabin of Israel—the first pair of foreign leaders to address the U.S. Congress together—have ended 46 years of war between their two countries. What striking words in their "Washington Declaration:"

> After generations of hostility, blood and tears and in the wake of years of pain and wars, His Majesty King Hussein and Prime Minister Yitzhak Rabin are determined to bring an end to bloodshed and sorrow.

Americans deserve to celebrate these historic events and feel pride in the vigorous and productive efforts of President Clinton and Secretary of State Christopher in creating an environment conducive to the signing of this peace declaration. Americans should feel greatly encouraged that lasting peace in the Middle East may, at last, not just be a dream but could actually come to be before much longer.

As I watched the ceremony in the Rose Garden at the White House, I was struck by how much these two countries have in common. Perhaps now their relationship can flourish in the open in all areas in interaction—politics, economics, security, culture, and religion. The United States must continue the strong leadership role it has played for so many years, through so many different administrations, to ensure this happens—for there are many tasks which lie ahead. Secretary Christopher made the point earlier this week that "This is a situation where the economics of it may be driving the politics of it * * *." Economic security is vital to Jordan and this is an area where the United States can provide encouragement. As Prime Minister Rabin said in his address to Congress, "* * * the United States is helping the bold make a peace of the brave." Neither we nor the parties in the region can afford to falter in our journey on this road to peace.

The events of the past days are only a beginning, not the end of this journey. As King Hussein so poignantly highlighted in the Rose Garden:

> This is the moment of a commitment and of a vision. Not all of what is possible is within the document we have just ratified, but a modest, determined beginning to bring to our region and our peoples the security from fear, which I must admit has prevailed over all the years of our lives, the uncertainty of every day as to how it might end, the suspicion, the bitterness, and the lack of human contact.

We have seen in the past months—and it was further reinforced in these past few days—what men of vision and courage can do. King Hussein and Prime Minister Rabin will take their rightful place in history as peacemakers alongside the likes of Anwar Sadat and Menachem Begin. But, we should not forget the role the United States has played in creating an environment which promotes and permits the peace process to go forward. President Clinton and Secretary Christopher have earned the thanks of all people of peace—in Israel, in Jordan, and here in the United States—for their untiring efforts in bringing about the event of this week. Americans can be proud of the role they have played in awakening the prospects of peace. Much hard work lies ahead for all of the parties involved. We must persist, however, and not lose faith in the rightness of the cause in which we all labor. Failure to do so would doom the children of the Middle East to more of the "blood and tears" and "pain and wars" which these two courageous leaders are working to stop.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 4602, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4602) making appropriations for the Department of the Interior and related agencies, for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. It is my understanding that there are 50 minutes——

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Equally divided between the proponents and the opponents.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. BRADLEY] for an amendment, has 50 minutes which will be equally divided.

Mr. BYRD. Mr. President, I thank the Chair.

Yesterday, we had a good day. We disposed of several amendments. I believe there were three rollcalls on amendments and one procedural vote. I had hoped we might be able to dispose of more amendments on yesterday. But "life is a shuttle," and we are busy just as everybody else is busy. There does not seem to be time enough in the day.

I hope that we will be able to complete the work on this bill today. It is unfortunate, in a way, that we have to be interrupted from 10:30 a.m. until 2 o'clock p.m. On the other hand, there is much rejoicing in the progress that is being made in connection with Middle East peace, and that, of course, is related to the interruption of what will occur here, so we will not get very much done until 2 o'clock p.m. But "what cannot be eschewed must be embraced," and we are here ready to do business. I see other Senators are on the floor.

I can keep honest counsel, ride, run, mar a curious tale in telling it, and deliver a plain message bluntly: that which ordinary men are fit for, I am qualified in, and the best of me is diligence.

So I am here. I see that my distinguished colleague, Mr. BRADLEY, is also here and ready to expound his views on his inimitable amendment—in my view, something else. But for now I shall take my seat and listen with great interest to his efforts to persuade Senators, who, I hope, will not be persuaded.

The distinguished Senator from New Mexico [Mr. BINGAMAN] is here to plead my cause and to unsheathe his sure sword in an effort to dismantle the amendment and dismount the author of the amendment.

So let us go about our business.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized to offer an amendment.

Mr. BRADLEY. Mr. President, let me say parenthetically before I offer the amendment that I do not think that an amendment has had such an introduction, or anything like such an introduction, since Governor Cuomo introduced President Clinton at the convention in 1992.

Let me say that I appreciate the chairman's highlighting of the amendment, and I appreciate his courtesy in arranging for it to come at this time.

Mr. BYRD. Mr. President, if the Senator will yield, the Senator is always very courteous. He has always been very courteous to me. I appreciate that fine quality in him.

I will say no more except as Wolsey said to Henry VIII, "Be just and fear not."

AMENDMENT NO. 2401

(Purpose: To reduce the amount appropriated for the Department of Energy for fossil energy research and development)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 2401.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 62, line 1, strike out "$436,451,000," and insert in lieu thereof "$426,451,000,".

Mr. BRADLEY. Mr. President, I rise today to offer an amendment to cut $10 million from the Interior appropriations bill. The Department of Energy has proposed funding a new program. The Advanced Computational Technology Initiative is its title. This effort is an attempt to put the supercomputer programmers at the national laboratories at the service of oil and gas producers to develop new technology and reduce the costs of production.

Last year, the program was funded at $7 million for fiscal year 1995. The Department recommended $50 million in funding. Already in the Senate-passed energy and water bill $30 million has been included for this program. Within the Interior appropriations bill another $10 million has been added.

My amendment would simply strike this additional $10 million. In other words, $40 million has been provided. This would cut back $10 million.

The ACTI Program has been an evolving concept. Originally, it was designed to use national lab supercomputers to enhance 3-D seismic capabilities. This proposal was attacked by the major oil field service industries, who feared that these public funds would take away their business. In fact, they have so stated in no uncertain terms.

DOE responded to the criticism, I think, by simply blurring the program's goals. It has now been redesigned and broadened to include any possible application of new computer and supercomputer capability to the oil and gas industry. So, instead of being very precise—this is about 3-D seismic capabilities—they have made the program vague, so that they do not have quite as strong opposition from the major oil field service industries.

I would like to make several points in defense of this spending cut. First, it is important to note that my amendment will not eliminate this program. Instead, the amount will only limit the increase in the size of the program to roughly 350 percent. So this amendment is modest. It limits the increase of the program to 350 percent.

When the House considered this program within the Interior bill, only $3 million was included for ACTI. My amendment would simply move us closer to the House position. Then the difference between the House and the Senate would be narrower in conference.

Second, Mr. President, in cutting discretionary spending, we have to look closely at any funding for what obviously could be commercial application. There is the clear risk that this funding will merely offset private sector R&D money that would be spent otherwise. One of DOE's principal measures of program success is "level of customer satisfaction." Indeed, the whole project is described as part of "the administration's development of a consumer-oriented industrial policy."

Mr. President, while the oil and gas industry has been struggling domestically, it is hard to see that this initiative will do much to lift these firms that are struggling economically. What they need, and what they seek, is a higher price for their product. Without a clear demonstration of the purpose and targets of this program, this Government effort, it is one more unnecessary subsidy, one more Federal intrusion into the marketplace, and one more attempt to use the political process to steer public funding to benefit a narrow part of the economy.

Last, although there is nominally a 50-50 cost sharing requirement in the ACTI program, in reality, the Government can pick up the whole tab. DOE documents state the following:

The overall average cost participation is targeted at 50 percent. * * * However, most projects have had in-kind cost participation. This is where DOE funds the national laboratory or university for its efforts on a project, and industry covers its costs of staff, data, facilities, and wells.

In other words, just about anything an oil and gas company does as part of its day-to-day operations could qualify against this cost share requirement. So where is the 50-50 cost share?

The oil and gas industry is not the only domestic industry in trouble. This program, especially in view of its sudden increase in size and scope, will invite imitators; we will have every industry that wants to be at the public trough in here trying to get their version of this program. Those imitators will cost us millions and millions more that we do not have to spend.

Mr. President, I have spoken on the Senate floor numerous times about the need for principles to guide our attempts to cut spending. Without a set of principles to guide our actions, we will continue to argue in circles about the merits of every program on the chopping block, yet, eliminate none of it. This is exactly the kind of business-as-usual spending that has caused the American people to become cynical about Congress and, frankly, I do not blame them.

That is why I ask myself two simple questions each time I set out to cut spending. The first question is: Does it provide something that is in the general interest and is essential to American public life? The second is: Is taxpayer funding the only and most cost-effective way that this specific important public purpose will be met?

Mr. President, I believe these two principles reflect basic American values and take into account the obvious limitations we have on Federal spending. And clearly, on the second question—are taxpayers' funds the only and best way to support this program? I think the answer is unambiguous. The answer is, no, this is not the best way to support this program.

The oil and gas industry should not be a "customer" to the national labs, as DOE states—a customer for which taxpayers foot the bill. It is as if this industry is not already getting significant taxpayer support. The tax subsidies to the oil and gas industry are $2 billion annually, in that neighborhood. So industry has been at the trough before, and often, and remains.

Commercial research, which is by its nature enriching a particular private sponsor, is almost always best left to the private sector. If the profits are there, the work will be done.

I never will forget the debate we had about the R&D tax credit of a few years back. Some major research-based companies came to see me and said, "We need the R&D tax credit." Others came in and said, "No matter whether you give us the tax credit or not—and we would like to have it—we are going to continue to do our research, because we see that our long-term interests are to be served if we are on the cutting edge of research. We have always devoted x percent of our sales budget to research, and we will continue to. If you want to give us this credit, we are going to make more money." It was a direct subsidy to the bottom line of firms already engaged in research.

If the profits are there, the research will be done. It is not advisable for us to add to the $2 billion that the taxpayers already provide the oil and gas industry, with an increase of over 350 percent for this particular program that has a rather ambiguous definition of what is supposed to be accomplished.

So, Mr. President, as I stated earlier, my amendment will not eliminate the program; it will merely reduce its expansion. This is not a bold step, but I think it is an appropriate one. I urge my colleagues to support this amendment. I reserve the remainder of my time.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. MATHEWS). The Senator has 14 minutes 15 seconds remaining.

Mr. BINGAMAN addressed the Chair.

Mr. BYRD. How much time does the distinguished Senator need?

Mr. BINGAMAN. I will use about 9 minutes at this point.

Mr. BYRD. I yield 9 minutes to the Senator from New Mexico.

Mr. BINGAMAN. I thank the Senator. I appreciate the time from the Senator from West Virginia.

Let me make a few points in response to the amendment. I obviously oppose the amendment. People need to understand what this program is a little better, I believe, before they vote. Let me describe what it is. This advanced computational program is intended to assist the oil and gas industry and the domestic energy industry by use of the technology we have developed in our national laboratories to allow us to put off the abandonment of domestic oil and gas wells, to increase production from those wells, since it is generally recognized that under present practices about one-third of the oil in those wells is actually produced, absent some change in our practice. And, of course, the other purpose is to increase the recovery of known resources and expand our knowledge about the oil and gas resources available to us domestically. The larger purpose is to create jobs and tax revenue for the country.

Clearly, in my view, this is a funding item in the bill before the Senate today which helps to accomplish that objective. The Senator from New Jersey has proposed in his amendment to delete the money involved here, the $10 million, on a variety of grounds.

Before I get to those, let me clarify what the facts are as I understand them. The bill which is before us—the Interior appropriations bill—contains $10 million for this program. It does not contain $30 million, it contains $10 million. And the proposal by the Senator from New Jersey would eliminate that $10 million. There is funding also in other parts of the Department of Energy for pursuit of the same initiative. But the only funding in this bill that is supportive of the initiative would be stricken by this Senator's amendment.

The Senator from New Jersey claims one of his bases is that the oil and gas industry is not the only domestic industry in trouble. He says that in his "Dear Colleague" letter. Clearly, that is true. There are other domestic industries in trouble, and I, for one, think we should look for ways to assist some of those other industries as well. But there is a serious problem in the domestic oil and gas industry, particularly as it relates to independent producers, who are the ones that go out and find the additional oil and gas that is needed.

Assisting this industry is not inappropriate at this time. We have lost tremendous employment in the oil and gas industry. The Senator from Oklahoma, who is here on the floor, can expound better than I can on the devastation which that industry has seen in recent years because of the low price of energy, because of the competition of the foreign sources.

A second of the objections or bases that the Senator from New Jersey has raised: He says in his "Dear Colleague" letter that the proposal has been attacked by the oil field service industries.

Mr. President, we had a hearing on this exact initiative in my home State at Roswell, a hearing of the Energy Committee. Senator DOMENICI and I were both present at that hearing. We took testimony on the initiative, and we talked to members of the industry. Particularly, we had testimony from a Mr. Robert Lowe, who is a vice president of Western Geophysical, which is the largest seismic exploration company in the United States. It is one of the so-called oil field service industries which supposedly objects to this funding. It is his testimony, and I will quote here, that:

> The Department of Energy initiative is an exciting opportunity. It offers the opportunity for developing technology that may enable the American seismic exploration business to be more competitive vis-a-vis foreign competitiveness, and it could lead to increased domestic reserves and production which we all desire.

Another example is from Clinton County, KY. Oil in that part of the Appalachian is found in fractured seams, and the scientists in my home State, in Los Alamos at the national laboratory there, are working with independent producers in Clinton County, KY, to map those fractures so that when a well is drilled instead of a one-in-five chance that they will strike the fracture, they are able to pinpoint exactly where to drill.

This is a county that has, I would point out, a per capita income of $6,800 per person. Only 16 counties in the country are poorer.

So this is something which the industry supports. It is something which will help us create jobs and help us to deal with the growing dependence on foreign oil.

Another of the arguments made by the Senator from New Jersey is that there is a risk that this is merely paying for work that the industry can and will do anyway.

Mr. President, the argument that this is work that the industry would do anyway is just not accurate and does not reflect the significant technological capabilities that reside in our national laboratories. This is not work that the private sector has been able to do on its own. This is work which is only now becoming possible because of the great computational capability that we have developed in our national laboratories, primarily for our defense needs. But we are finding that this same computational capability has great application and can be used with those same engineers and scientists to pursue much better development and production of our oil and gas resources.

So, this is not something which the industry was doing on its own. This is something which the laboratories can make a very real contribution in and have been making a very real contribution in.

I think there is a strong case to be made for going ahead with this requested funding. This, I would point out, is the level of funding that was requested by the administration. The Appropriations Committee here has not requested any increase from the administration request. They are merely trying to maintain the level of funding that was requested in the administration's bill.

This is one of the most cost-effective programs that we have. Instead of trying to prop up the price of oil, this is an opportunity to lower costs through increased productivity. In my view, it is a win-win for the country. Consumers benefit because it will generate additional domestic resources at lower cost; taxpayers benefit because additional taxpaying economic activity will be generated for each dollar invested in the oil and gas industry; and industry itself benefits through lower cost of production.

Obviously, the environment also benefits because the better job you can do at pinpointing where to drill, the fewer wells you have to drill. It reduces the so-called footprint of oil and gas production.

In my view, this is a major benefit to the domestic energy security of our country, and I hope that the amendment of the Senator from New Jersey will be defeated by the Senate.

I appreciate very much the time that the Senator from West Virginia has yielded.

I yield the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Oklahoma [Mr. NICKLES]—how much time would he need?

Mr. NICKLES. Will the Senator yield me 7 minutes?

Mr. BYRD. I yield 7 minutes to the distinguished Senator in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate Senator BYRD, the chairman of this committee, for his leadership in opposition to this amendment.

One, I wish to give different information to my colleague from New Mexico. I appreciate his statement. But he said that the committee is just following the administration's budget request of $10 million. That is not actually accurate. I believe the facts are the administration in the Interior bill has requested $20 million, and the committee has only funded $10 million. I will say again it is because this committee has been faced with some very difficult budget choices.

We are actually spending $336 million in BA less this year than we did the previous year. The administration had requested a total for this initiative of $50 million, $30 million of which is in the energy bill, and $20 million of which is in the Interior bill; and the Interior bill was only able to fund $10 million.

Let me just touch on the issue. My colleague from New Mexico is exactly right when he says that this industry, the oil and gas industry, is going through some very difficult times. That is not the sole reason why this amendment is here. It is not the sole reason why the administration is trying to move forward to try to do some things to enhance domestic production. But it is a fact that the oil and gas industry has lost about 450,000 jobs over the last decade.

But even more importantly is what can we do to help protect our national interests. We have some problems of national interest, not so much to bail out small producers. I think this technology may enhance domestic production. That is the key, not to assist or subsidize particular producers but what we do on it from a national perspective to help our country.

We are now spending over half of our trade imbalance on oil—over half. It is not just with Japan. People talk about trade imbalance and they talk about, look how large it is with Japan. Over half of our entire negative trade balance is because we import a lot of oil. We are spending a lot of dollars overseas to import oil. Oil imports today are right at 50 percent of our domestic consumption, and that makes us very vulnerable for all kinds of problems.

Most of us remember the shortages we had in 1973 and also in 1979 because our imports were fairly large at that time, and we were curtailed because of political reasons. Countries were upset with us because of our policies in the Middle East or toward Israel, or for whatever other reason. So they curtailed their production, and their production caused shortages in this country. We had hundreds of thousands of jobs that were lost, and we had tremendous inflation as a result.

I might mention that in 1973, if my memory serves me correct, we were importing about 34 percent of our oil. With the shortage in 1979, we were importing about 43 percent of our oil. Today we are importing 50 percent.

So it is a national issue that says: Wait a minute. What can we do to arrest that increase in demand on oil, or what can we do to slow down the increase in import percentages?

One of the things that this administration said is, let us do what we can to enhance domestic production.

Most of our colleagues who are not that familiar with the oil and gas industry are not aware of the fact that when you produce oil out of a reservoir you usually leave the majority of the oil in the ground. You do not produce that reservoir totally dry. You take your rig and move elsewhere. In most cases you quit producing when it is no longer economic. We have thousands and thousands of wells that are no longer economic, so we end up leaving a lot of oil in the ground which we will never produce.

The purpose of the advanced computational technology initiative is twofold. The national laboratories are a national asset, a strategic asset, primarily designed for defense purposes. But they also have enormous capability, computer technology and capability to enhance our strategic interests. And one of our strategic interests is production of oil and gas so we do not end up becoming so dependent on imports.

The Advanced Computational Technology Initiative Program would include reservoir and geologic modeling, and that is reservoir characterization, geophysical images 2-D and 3-D, seismic interpretation, and information science that deals with networking data storage, high-speed input and output.

This information will be available for all persons to enhance domestic production. Is it a subsidy for Exxon? No. Exxon has the technology. Is this a subsidy to Mobil or big companies? No, not really. They are not really interested in developing—I am going to say domestic resources beyond a certain point. When they are no longer economic most of the big companies get out.

There are some small producers, and I will just mention in my State, because I am more familiar with the figures. In our State we have something like 100,000 wells, 70,000-some of hole wells, marginal wells, that average about 2.2 barrels per day. At today's prices they are hardly economically viable. They are barely viable.

Well, one of the things that we hoped to be able to do with this enhanced technology to get this out into the hands and into the field is to be able to make some of those fields, or at least make some of the information, available to producers in the areas to where, one, they can do a better job, be better for the environment, so we can enhance our production and not have to spend so many dollars overseas on imported oil and make our country more vulnerable; and, two, the case of curtailment of production overseas.

So I urge my colleagues to oppose the amendment of the Senator from New Jersey.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I appreciate the comments of my distinguished colleagues from New Mexico and from Oklahoma. I would like to address the points that they raised.

First, on the issue of the oil and gas service industry, I ask unanimous consent to have printed in the RECORD an article from Inside Energy, August 1993, that describes the opposition of the oil and gas service industry.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Inside Energy, August 1993]

DOE MULLS ALTERNATIVE OIL/GAS OPTIONS

(By Bill Loveless)

A non-profit research organization in Houston is offering itself to DOE as an intermediary that would match the department and its national laboratories with industrial partners in oil and gas research projects. The Houston Advance Research Center maintains that under its plan DOE would be assured of investing in the best possible collaborations and of seeing the results disseminated quickly to industry.

But HARC's proposition is competing for DOE's attention with a different approach being taken by a group of major oil companies, which contend that no such middle man is necessary to forge projects between the department and industry.

In a proposal submitted to DOE in July and discussed during a meeting convened by the department in Houston last week, HARC depicted a program that would receive $4 million in federal funds in FY-94, $50 million in FY-95 and $100 million in FY-96.

Under a contract with DOE, HARC would organize and manage the so-called "Partners for Energy Research Leadership" (PERL) as an "arm's length mechanism" for directing DOE funding to industry-picked research projects. PERL would function through an advisory board whose members would include representatives of DOE, HARC and industry.

"No coordinating body linking the nation's research talent to the research needs identified by industry currently exists," HARC said in its written proposal to DOE. "* * * PERL will substantially reduce the time it takes research to get into the hands of users and will make better collaborate use of the research talent available for the task of keeping America at the forefront of energy research and technology."

HARC submitted the proposal to DOE in response to the department's ongoing Domestic Energy Initiative, an exercise launched by Energy Secretary Hazel O'Leary earlier this year to search for ways of promoting domestic oil and gas production without endangering the environment. While DOE does not intend to submit its findings to President Clinton until September, officials there have already said one of their goals is to provide more support for new exploration and production technologies.

Deputy Secretary William White, who is spearheading the initiatives for O'Leary, reiterated that interest in a letter inviting about 25 individuals to a meeting in Houston Tuesday to discuss the oil and gas industry's needs in two-and three-dimensional seismic technology DOE's Los Alamos and Sandia national laboratories already are using their unparalleled expertise in super computing built to support their nuclear weapons say those labs and others in the department's complex could do even more of the industry.

"The laboratories possess tremendous capabilities in geophysical modeling, atmospheric modeling, high performance computing, and related activities that can be used to enhance seismic technology development and application," White said in an Aug. 10 letter inviting representatives from major and independent companies to the Houston meeting.

White and other officials involved in the DOE initiative could not be reached last week for their views on the HARC proposal. An official with the Independent Petroleum Assn. of America said that group had not yet taken a position on the plan.

But one major player among the independents, Mitchell Energy Corp., the Woodlands, Texas, has endorsed HARC's plan. "Organizations such as the Houston Advanced Center can serve as a model for a partnership between the private and public sector and academia to engage in realistic, cost-shared, market-oriented, research and technology transfer." John Watson, Mitchell's senior vice president for governmental and regulatory affairs, wrote Elena Subia Melchert, an official in DOE's Fossil Energy division, Aug. 13.

Vying for DOE's attention is the so-called "Committee of Majors," a group of 10 major oil companies attempting to develop a plan to expand the DOE labs' involvement in r&d partnerships with industry. While led by majors, the group has involved independent producers and service companies, as well as DOE labs, in discussions, according to Frank Kovarik, director of the Institute for Improved Oil Recovery at the University of Houston, who is serving as the group's staff director.

The committee arose from a meeting of majors, independents and about six DOE labs in Santa Fe, N.M., in June, which Kovarik said he organized at the request of Los Alamos and Sandia, as well as Lawrence Livermore National Laboratory, DOE's third nuclear weapons research center. Another meeting was to be held today (Aug. 23) in Houston, with Chevron Technology Co., one of the participants, as the host, he said. White was expected to attend the meeting.

"I think the consensus of the group is they don't want any third party or technology broker wedged between the producers and DOE," Kovarik said, "* * * In the past, the producers feel, that's been one of the problems—there's been too may brokers between the producers and the key people at DOE."

The majors' committee has not yet arrived at a specific recommendation for DOE. But Kovarik said, "My bet is that we'll look for the cleanest and most direct way to deal with DOE, without any third parties."

Others are not so eager to see the national labs broaden their involvement in 3-D and other seismic technology. The International Assn. of Geophysical Contractors recently notified of its "strong opposition" to any such plan. In an Aug. 6 letter to DOE, IAGC Chairman Louis Schneider Jr. described 3-D as a "mature technological" that is already used widely by industry and does not require federal support in order to be improved.

Moreover, Schneider maintained, the more work the national labs do in seismic technology for the oil and gas industry, the less there will be for geophysical businesses and other members of the Houston-based organization.

Mr. BRADLEY. I would like to quote from that article. It says: "The International Association of Geophysical Contractors recently notified its 'strong opposition' to any such plan." That was referring to the plan under consideration. Quoting further:

> In an August 6 letter to DOE, IAGC Chairman Louis Schneider described 3-D as a "mature technology" that is already used widely by industry and does not require Federal support in order to be improved.
>
> Moreover, Schneider maintained, the more work the national labs do in seismic technology for the oil and gas industry, the less there will be for geophysical businesses and other members of the Houston-based organization.

So, Mr. President, there was strong and clear opposition to the kind of research in 3-D seismic technologies that was proposed initially.

Mr. President, I have here a Christian Science Monitor article of June 20, 1994, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LOOKING FOR OIL

(By Scott Pendleton)

SAN ANTONIO.—Pink blobs surrounded by blue swirls—the rendition might appear to be nothing more than abstract art. But it's actually an image of the earth beneath 13,500 acres of South Texas ranch land, as mapped using three-dimensional seismic technology.

To Steve Gose, it's a treasure map of unprecedented precision, showing previously undetectable natural-gas fields waiting to be drilled.

"I've never seen anything that good [from geophysical data]," he cheers. Mr. Gose is chairman of The Exploration Company, a small San Antonio natural-gas concern that holds an exploration lease on that and other nearby land totaling 50,000 acres.

That acreage is typical of the United States: It has been picked over by oil companies for six decades or longer. In the US, the most heavily drilled country in the world, most remaining undiscovered fields are small and costly to find.

Hundreds of thousands of jobs were lost in the oil industry when the price of oil collapsed in the 1980s from more than $30 a barrel to less than $10. Companies could no longer expect to recover their high exploration costs, and domestic exploration slowed dramatically. Gose lost his own $500 million fortune in the crash.

Now, by giving oil companies a way to lower their costs, 3-D seismic imaging and other relatively new technologies, such as horizontal drilling, are making it economically feasible for oil companies to explore the US again.

"Obviously, I'd like oil to be $35 a barrel," says William Wilbert, an independent oilman in San Antonio. "But I'm not an idiot. I know that was a way-inflated price. To make a long story short, I can make money at $15 a barrel." Spot market prices rose last week to more than $19 a barrel, the highest price in more than a year.

Seismic data are acquired by sending vibrations into the ground and then recording them as they bounce back from the tops of different rock layers. A geophysicist can interpret the processed data and produce a contour map of the subsurface, showing rock formations that might contain oil and gas. He can also map seismic attributes that may indicate the presence of hydrocarbons.

In 3-D seismic studies, the data are collected on a much finer grid than ordinary 2-D seismic surveys and yield an image with far better resolution. Three-dimensional seismic imaging has been used for more than 15 years by large oil companies hunting for big discoveries in coastal waters and onshore.

The results are impressive. When Exxon Corporation examined its exploration efforts for the Gulf of Mexico between 1987 and 1992, it found that 43 percent of the wells drilled based on two-dimensional data had encountered hydrocarbons, while wells that were based on 3-D data had a 70 percent success rate.

Sharp declines in the cost of computers to compile the data from 3-D seismic surveys and the improvement in 3-D software have allowed small firms like The Exploration Company to take advantage of 3-D technology to pinpoint reserves that previously only larger companies would have had the resources to extract. Three-dimensional surveys collect far more data than 2-D surveys; the effective spacing of seismic lines may be very small—only 110 feet, rather than more than ¼ mile in 2-D seismic studies.

Since 87 percent of oil and gas discovery wells in the US are drilled by small companies, the growing use of 3-D seismic technology means more domestic oil and gas will be found even as the number of costly, unproductive wells, or "dry holes" will decline, trends that industry date show are already under way.

"In the last year, there has been an absolute explosion" of interest in 3-D seismic imaging by independent companies, says Linda Ewing, a San Antonio geophysicist who owns Frontera Exploration Consultants. Mrs. Ewing interprets 3-D seismic data, turning out finely detailed maps of the subsurface.

"Three-D is expensive, but a dry hole is much more expensive," she adds. "If you save yourself from one bad [drilling] location, you've paid for four [3-D] surveys."

Barry Brooner, president of the South Texas Geological Society in San Antonio, recalls a demonstration of 3-D seismic imaging to his members last year. The technique revealed a buried stream channel filled with sand far below the surface of the land, the kind of geologic structure that can contain natural gas.

Normal seismic studies can spot subsurface details as small as 25 feet thick, Mr. Brooner says. But this channel was only 10 feet thick.

"The audience was pretty stunned," he says. "Everybody became believers at that point."

Adds Mr. Wilbert: "Just about everybody who's drilled a well in the last year has used 3-D."

As valuable as 3-D seismic technology can be, it isn't always cost effective. "If my target is never going to pay off a $500,000 3-D survey, there's no application." Brooner says. Adds Ewing: "On a shallow well [costing] $60,000, you might as well just go drill the well."

One additional advantage of 3-D seismic data is that investors like it, notes David Coover, an independent oilman in Corpus Christi, Texas. If two companies are trying to raise money for drilling, investors will buy into the deal that is based on 3-D, he has found.

The results obtained for The Exploration Company illustrate the technology's benefits. Five years ago, the company acquired exploration leases on the 33,000-acre Paloma Ranch and the 17,000-acre Kincaid Ranch in Maverick County, which borders Mexico.

Gose was interested in the Pearsall rock formation, which contains high-pressure gas underneath and entire lease. But the geological formation is broken into compartments by fractures in the rock. Poor permeability between compartments prevents a vertical well from recovering a profitable amount of gas.

His plan was to try to link multiple compartments with a horizontal well, greatly boosting the production potential relative to the cost of the well. However, the drilling fluid used in the initial well was too heavy and choked the rock pores, preventing production. The company will try again later.

Meanwhile, a geophysicist had drawn the company's attention to a seismic phenomenon related to the shallower Glen Rose rock layer. Since the 1930s, oil companies drilling into it had occasionally found gas when they penetrated ancient coral reefs. Since both the reef and the surrounding rock are limestone, it is difficult for seismic data to indicate where the reefs are. But the geophysicist pointed out what appeared to be a signature in the seismic data that correlates with the high-porosity characteristic of reefs. A test confirmed his hunch.

Suddenly, the company could see the ancient reefs, structures which on adjacent acreage had produced 45 billion cubic feet of natural gas. However, it was still necessary to spot the highest point of the reef. Otherwise a well might penetrate at a lower point and find water, which usually lies below the gas.

In the lease acreage, the rock layers tend to tilt to the south, making the north end the likely high point of a hydrocarbon reservoir, says Robert Scott, the geologist who works with The Exploration Company on the Maverick County leases. That made it important to know the shape and extent of a potential field.

Last December and January, The Exploration Company commissioned a 3-D survey for $500,000. Ewing at Frontera Exploration Consultants interpreted the data and produced the color map, with pink representing dozens of areas of high porosity—the reefs. "It looks like the Bahamas," Gose says.

When Scott saw the map, he raised his arms in triumph. "You can see why the early people out here randomly drilling had such poor success," Scott says.

Nothwithstanding the rattlesnakes just emerging from their winter nests, last spring The Exploration Company and a partner paid $400,000 to drill a well based on the 3-D map. They were rewarded with a potential 44 million cubic feet per day, confirming the 3-D seismic map.

"If you believe what that seismic [map] shows, we've got dozens of locations [to drill]," Gose says. The company has already picked 35 drill sites. Now it must raise drilling money from outside investors. [See story, right.]

The income from the recent discovery well, Gose explains, will not be enough to finance additional wells as fast as he'd like to drill. To prevent reservoir damage and maximize production, the company plans to limit the well to 2 million cubic feet per day. But production so far has been limited to half that because of the small size of another company's pipeline that gathers the gas from the well. That means it will take up to 300 days of production just to recover the money spend drilling the well.

Meanwhile, Ewing has pointed out to Gose that the 3-D survey indicates another potentially gas-bearing zone that was previously unknown, lying below the Pearsall. And a shallow zone, the Georgetown, is proving productive over the entire lease.

"It's not spectacular, but it's good bread and butter. We'll probably drill several hundred of those before we're through," Gose say.

Mr. BRADLEY. It says clearly: "Just about everybody who's drilled a well in the last year has used 3-D."

So you have opposition from the oil and gas service industry. You have an investment in research in a technology that is already mature and that is widely used by the oil and gas industry. And so some red lights went off for the proponents of investing heavily in 3-D seismic technologies. They recognized they could not successfully push a proposal that was confined only to 3-D seismic.

And so, what did they do? They broadened the proposal at that point, and they broadened the proposal by making it more ambiguous.

For example, there was a public hearing in Ohio at the end of this past June. There, it was clear that the initiative will be used to address any type of oil and gas production problems, computational or engineering; in other words, the kitchen sink.

Many of the problems identified at the workshop are problems currently being addressed in the DOE and the GRI programs, the Gas Research Institute programs. Such things as nationally fractured reservoirs, reservoir characterization, directional drilling, some of the things the distinguished Senator from Oklahoma enumerated. They are already being pursued not only in the private sector but in existing Federal research.

So, Mr. President, what is clear is that the original proposal, which was initially criticized by the oil and gas services industry and supported what was acknowledged to already be a mature technology and widely used by the industry as a whole, was set aside and a much more ambiguous, wide-ranging set of goals and possible ways to spend the money were put in the language of the bill.

I can appreciate those who are strong supporters of the national labs wanting an additional $40 million to come into the labs for producing programs that will yield customer satisfaction on the part of the oil and gas industry. But it is a very ambiguous concept.

It would be better, however, if we had a very clear idea of what the money was going to be spent on. I think the national labs are a national resource. I think it is important that they do research. I think it is even important that we give them some money to do research in this field—there already is $30 million in the Energy and Water appropriations bill—just not another $10 million in this Interior appropriation.

And that then brings us to the point of the majors versus the small independents. As the distinguished Senator from Oklahoma has said, the majors have been doing this kind of drilling for a long time to mature technology. They have also been using computers in a very sophisticated way.

But then they get to the point of cost share. I would argue that the majors might be able to cost share, but the only way the small independent would be able to cost share is if we blurred the definition of what cost sharing means. And indeed that is what has happened in this amendment.

The DOE document states:

> The overall average cost is targeted at 50 percent. However, most projects have had in-kind cost participation. That is where DOE funds a national laboratory university for its efforts on a project, and industry covers its cost of staff, data, facilities, and wells.

In other words, for a small producer to qualify for a cost sharing, all he has to do is to continue to do what he would do anyway.

I think the ambiguity of the program generally, combined with the extreme ambiguity and generosity on what consists as a cost share, basically says that this program is simply meant to, on the one hand, enhance the efforts of the national lab and, on the other hand, act as a direct gift to the oil and gas industry.

Mr. President, in times where we have tight budgets, in times where people stand on this floor and make arguments about cutting spending to education and cutting spending to children and cutting spending on the environment, to come to the floor and say that we need to have more spending on top of the $2 billion that we already give the oil and gas industry through tax subsidies for some vaguely worded research program at the national labs where there is no strong cost share portion, I think is a big mistake.

I hope that we would just pare it back a little. I was respectful enough of the Senators involved and also the national labs not to seek to eliminate the program, but to just pare back $10 million.

I hope that we could find it within the Senate's reach to understand that reducing something by a marginal amount sends a powerful signal that we are willing to cut some spending. Refusing to do so simply means that we are in the old game of putting some money in this appropriations bill, some money in that appropriations bill, like roads converging on a city from many different directions. And in this case, the city is the national labs getting money from this road and then that road and another road.

I believe that it is very important that we cut spending, cut the oil and gas spending in this bill, with this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I rise in opposition to the amendment offered by the Senator from New Jersey. Senator BRADLEY's amendment would eliminate funding recommended by the committee in this bill for the Administration's Advanced Computational Technology Initiative [ACTI].

The Department of Energy included a total of $50 million for the Advanced Computational Technology Initiative in its fiscal year 1995 budget request to the Congress, $30 million of which is included in the Senate version of H.R. 4506, the fiscal year 1995 Energy and Water Development appropriations bill, which passed the Senate on June 30 and is now in conference with the House. Because of budget constraints and significant increases requested in other program areas within the Interior bill, the committee was able to include only $9,670,000 of the $20 million proposed by the Department in fiscal year 1995 for the Advanced Computational Initiative. The committee has, therefore, already reduced the Department's request for this initiative by approximately one-half.

Mr. President, the Advanced Computational Technology Initiative is designed to develop, enhance, and apply advanced exploration and production technologies available through the National Laboratories to help natural gas and oil producers lower exploration, development, and processing costs. Specifically, this initiative would utilize the supercomputing capabilities and advanced mathematics applications developed by the National Labs for weapons research to perform three-dimensional seismic processing and reservoir modeling and simulation needed to lower the costs and improve the efficiency of oil and gas reservoir management.

Mr. President, I believe this is an important initiative. After suffering through two major oil embargoes and a war in the Persian Gulf, this Nation continues to depend on foreign sources to meet 44 percent of our daily energy requirements. The Energy Information Administration [EIA] estimates that the United States currently produces 8.6 million barrels of oil a day and the EIA projects that U.S. production will decrease to 7 million barrels a day by the end of this decade. The Energy Information Administration also predicts that imports of oil to the United States will rise to 56 percent of our daily energy requirements by the year 2000 and continue increasing to 60 percent of our daily requirements by the year 2010.

Mr. President, this Nation is losing its ability to produce oil and natural gas. Historically, the United States has relied on major oil companies to explore for and produce our domestic supplies of oil and natural gas. During the past decade, however, we have witnessed a massive exodus of these companies to offshore sources for energy production. Independent oil and gas producers now drill 85 percent of the wells in the United States and account for 64 percent of gas production and 49 percent of oil production. But, the number of domestic oil and gas producers is declining. Rig counts have gone from 3,970 structures in 1981 to 768 rigs operating today. In 1981, there were 681 geophysical crews working in the United States. Today, there are 87 geophysical crews working in the United States.

In a mature producing region like the United States, advanced technologies are critical for the continued development of our energy resources. As we become increasingly dependent on the smaller independent oil and gas producers, we must recognize that the ability of these producers to invest in the necessary research and development of advanced technologies that will enable independents to find and produce oil and gas reserves is limited.

The Department's proposed Advanced Computational Initiative will allow the National Laboratories to enter into partnerships with independent oil and gas producers—on a 50-50 cost-shared basis—so that the small producer can gain access to the data and technologies that will enable the small producer to manage more effectively existing reservoirs and find new reserves.

Mr. President, I indicated earlier that budget constraints limited the committee's recommendation for this initiative. But, let me be clear: I support this initiative. As a result, I oppose the amendment offered by the Senator from New Jersey. At the appropriate time, I will move to table this amendment.

I know that there are other Senators who perhaps would like to speak in opposition to this amendment.

I thank Senator BINGAMAN and the distinguished Senator from Oklahoma for their remarks and I will, therefore, yield the floor at this time so any other Senators may be heard on this amendment.

Mr. BRADLEY. Mr. President, I just make a few concluding comments. Then if the distinguished chairman would like, I am prepared to yield back the remainder of my time until the vote.

Let me just make two final points. One is that the ACTI Program has been referred to primarily as a technology transfer activity—transferring technology from the national labs to the oil and gas industry. I think the fact is that the initiative goes far beyond the idea of technology transfer.

It is one thing to make generally available to an industry, analysis that stems from either Federal science or from defense initiative research. That is a technology transfer. You are going to do this work anyway and as a by-product of the work, certain things are learned and you agree to share them with the American industry affected that could benefit from this technology that you have stumbled onto in the course of your defense research. You have found out the nondefense uses. It is another thing entirely to do customized, essentially commercial collaborative research with a single firm or group of firms—the customer in this case—especially where the firm or firms can retain proprietary rights over the joint product. The latter, not the former, is the more accurate description of ACTI.

So this is not technology transfer. This is a direct effort to subsidize a particular industry, giving $10 million of taxpayer money to this industry which is already heavily invested in research.

One last thought. The proponents will assert that there is an extraordinary industry interest and excitement about the program. I do not think there is anything extraordinary about it. You can gin up very strong indications of industry support for just about any or all programs in which a particular industry is going to get money. Of course, everybody is for it if they are going to give money. That is what this program is all about. But I think the chairman of the committee made a very interesting point when he commented about the Interior appropriations bill. He has run a very tight ship. Virtually every program in this Interior appropriations bill—I will not say all, but virtually all; many, many of them—have been cut in this appropriations bill.

He has demonstrated great fiscal restraint and said we have to spend less. He has told petitioner after petitioner, "Sorry, you're going to have to use less money, not more money."

But that is not the case with this program. Last year, this program was $7 million. In this bill, combined with the energy and water bill, it goes to $40 million, nearly a 500-percent increase in 1 year in this program. This runs contrary to the whole effort of the bill to cut back on spending.

Program after program has been told, "Sorry, you're going to have to take less this year." "Sorry, you want 10, you get 7"—cutting back, cutting back, cutting back. And along comes this program, and it gets nearly a 500-percent increase in 1 year.

All I am saying, Mr. President, is let us only increase it 350 percent, not 500 percent. I think that that is a modest suggestion, a modest effort to say let us actually cut some spending; let us not just give speeches about cutting spending, but let us cut spending; let us treat this program as we have treated other programs that have sustained cuts in times of budgetary stringency.

So, Mr. President, it is a very simple argument. And it is asking the American taxpayers: Where do you want to have this $10 million spent? Do you want to save it and reduce the deficit? Or do you want the $10 million to go into the coffers of the national labs for customized research for an oil and gas industry that is already spending millions and millions on research, with only a very vague definition of what research it could be spent on? It is a waste of money.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Jersey, and I thank Senator NICKLES and all Senators who have participated. I am prepared to yield back my time. But before I do, I ask unanimous consent that I may make the motion to table but that the vote thereon occur at 2 o'clock p.m. today.

The PRESIDING OFFICER. Is there objection?

Mr. BRADLEY. Reserving the right to object, is there any chance the distinguished chairman of the committee can make the motion to table either earlier or later than 2 o'clock?

Mr. BYRD. The Senate reconvenes at 2 o'clock p.m., and I was hoping we would have a vote at 2 o'clock p.m. on the motion to table.

Mr. BRADLEY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. All time has been yielded back, Mr. President?

The PRESIDING OFFICER. The Senator is correct; all time has expired.

Mr. BYRD. Mr. President, it is my hope that during the interval, when the House and Senate meet in a joint meeting, our staffs on both sides may be able to work through some of the amendments. It may be possible that we could find ourselves agreeing on some of the amendments, and that upon our return this afternoon to session and following the vote that has been ordered on the motion to table the Bradley amendment, we could move through some of those amendments quickly.

Would the distinguished Senator from Oklahoma care to respond?

Mr. NICKLES. Mr. President, I concur with the chairman of the committee. We have about 60 amendments that are on the list, but many of them I do not expect to be called up. Senator HELMS has notified us he will not be calling up his amendment. We can strike that amendment. There may be other amendments reserved in case he was successful with his amendment.

I also urge our colleagues that if they intend to offer their amendments to notify us so we can work with them and possibly accept them, if possible, and if not, schedule them for debate and votes and, hopefully, be able to bring this longer list down into something we can get a handle on and possibly finish the bill later today.

Mr. BYRD. Mr. President, I thank my friend.

Mr. President, then, in accordance with the indications that have been made by my colleague on the other side of the aisle, I ask unanimous consent that the amendments that are shown on the list as being authored by Senator HELMS be stricken from the list.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I hope that we will go late in the effort to complete action on this bill. Other than this bill, there are still waiting in the wings the VA–HUD appropriations bill, the Labor, Health and Human Services appropriations bill. The Defense appropriations bill will be marked up in full committee tomorrow. I believe that will complete the list.

I am also advised that the amendment on the list, which was expected to be offered by Senator FEINSTEIN, will not be offered. I ask unanimous consent that that amendment be stricken from the list.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside and I may offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2402

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2402.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert: ": *Provided further*, That funds provided pursuant to this authority may not exceed $10,000 per employee."

Mr. BYRD. Mr. President, the purpose of this amendment is to provide a cap on the amount of funds which may be provided for the payment of burial costs and related out-of-pocket expenses. Authority for the use of funds for such purposes was approved by the Senate yesterday. This amendment would modify that language to provide a cap of $10,000 for employee.

Mr. DOMENICI. Mr. President, I would like to take a few moments to express my thanks to the chairman for his amendment providing for the burial expenses for those brave firefighters who lost their lives protecting this Nation's natural resources. It is indeed a tragedy that such people should be taken from us in this manner, and we will always remember them for their service to our country. Although we cannot possibly repay the families for the loss of a loved one, I think that it is fitting that we provide for expenses incurred during this difficult time.

The Senate recently passed a resolution in the memory of those who lost their lives in nearby Glenwood Springs, CO. I joined Senator BINGAMAN in cosponsoring a similar resolution in memory of the three men who died in a helicopter crash near Silver City, NM, and the Senate agreed to this resolution just last night. It is my hope that we can draw from these tragedies the resolve to ensure that we have done all that we can do, to maintain our Federal lands in such a manner that the risks of future catastrophic fires are minimized.

I am certain that my Senate colleagues will join me to do whatever is possible to avoid further disasters of this nature.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment offered by the Senator from West Virginia.

So the amendment (No. 2402) was agreed to.

MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT

Mrs. MURRAY. Mr. President, yesterday I offered an amendment to shift resources within the bill to ensure that an ongoing project in my State is completed as intended. I am pleased it has been adopted.

The committee bill provides roughly $4.2 million for completion of the Johnston Ridge Observatory and associated roads at Mount St. Helens National Volcanic Monument. The problem we have is technical; of the funds provided for this project, there is too much money in the roads account and not enough in the facilities account.

All my amendment does is shift some funds into the facilities account from the roads account to ensure the observatory itself is completed. Otherwise, come next spring, tourists visiting the monument will have a very nice road to drive on, but no observatory from which to view the volcano.

I would like to emphasize that my amendment does not add any funds to this project. Nor does it cut any funds from any other project in the bill. It simply reallocates between two accounts resources already in the bill for this project.

Mr. President, I have a letter from the Forest Service which affirms the need for this change. I ask unanimous consent that it appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. MURRAY. During the July 4 recess, I had an opportunity to visit the monument with my husband, my daughter, and her friend from northern Virginia. Believe me, she was as impressed by the volcano as I was by the amount of work the Forest Service, the State, and the county have done in turning this area into a world class recreational destination and geological research facility.

The funds in this bill, if properly allocated, will allow the Johnston Ridge Observatory—named for the geologist who perished in the eruption—to be completed.

EXHIBIT 1

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Vancouver, WA, July 12, 1994.

Hon. PATTY MURRAY,
Dirksen Building, Washington, DC.
Attn: Rick Ilgenfritz

DEAR SENATOR MURRAY: I am responding to a phone call from Mr. Rick Ilgenfritz, of your office, to Mr. Larry Seekins, our Public Services Staff Officer. Mr. Ilgenfritz's question was, "If a total of $4.2 million was made available in 1995 for the Mount St. Helens Coldwater/Johnston Project, how would you split the funds between Recreation Facilities and Roads?"

Here is our recommendation:

Recreation Facilities Construction (CNRF)	$2,400,000
Recreation Roads Construction (CNRF)	1,800,000
Total	4,200,000

This would complete the Johnston Ridge Observatory. However, there would still be a need of $1 million to complete the planned viewpoints along SR 504 between Coldwater Ridge Visitor Center and Johnston Ridge Observatory. Also, $3.8 million would still be needed to complete the Administrative Facilities at Chelatchie Prairie and Pine Creek. And an additional $900,000 would be needed in 1996 for contract administration.

We will be glad to answer any other questions you may have.

Sincerely,

TED C. STUBBLEFIELD,
Forest Supervisor.

Mr. BYRD. Mr. President, that seems to be about all we can do as of now.

I ask unanimous consent that an amendment by Mr. BOND be removed from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I hoped we might do more, but this seems to be about all we can do at this time.

Mr. DOMENICI. Mr. President, I wonder if I might take a minute to make a comment on the Bradley amendment.

Mr. BYRD. Yes, indeed, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Advanced Computational Technology Initiative is the Clinton administration's $50 million proposal to assist the domestic oil and gas industry. The program is an expansion of the Enhanced Oil Recovery Technology Partnership I helped start.

The ACTI Program will consist of collaborative computational projects undertaken by the national laboratories and industry participants. Universities and other research institutes can also participate.

Topical areas initially identified by the ACTI Program include reservoir and geologic modeling reservoir characterization; geophysical imaging—2-D and 3-D seismic data acquisition and interpretation; and information science networking, data storage, high speed input and output.

Projects will be funded by DOE and leveraged by industry cost-sharing—average 50 percent. Cost participation includes both cash and in-kind contribution to assist smaller businesses.

The United States consumes approximately 17.2 million barrels of oil per day. Of that, 8.6 million is produced domestically and 8.5 million is imported. That is a higher percentage than at any time since the early 1970's when the United States was subject to the Arab oil embargo.

The majors are no longer exploring extensively for oil and gas in the continental United States. Where U.S. oil and gas reserves exist in large enough quantities to interest the majors; in places like the outer continental shelf and off the coast of Alaska, Federal regulations, or the threat of drilling bans, has forced the majors out.

As the majors move their research and exploration activities overseas, they leave behind independents to squeeze what remains out of mature U.S. fields. Independents now drill 85 percent of the wells in the United States.

Unfortunately, the independents are the least able to afford enhanced recovery technology needed to exploit what remains. As a result, the Energy Information Agency estimates that by the year 2000 imports will rise to 56 percent and to 60 percent by the year 2010.

There were 3,970 rigs in place in the United States in 1981. That number has fallen to 768 today. However, more threatening for the long term is that, with the reduction in drilling rigs, has come a significant drop in the number of geophysical crews seeking new finds.

ACTI is an effort to provide resources that otherwise simply would not be available to a small independent—maybe not even to the majors.

Our national laboratories such as Sandia and Los Alamos have significant resources with applications to the oil and gas industry.

As an example, the Enhanced Oil Recovery Partnership which serves as the basis for ACTI has pioneered the use of horizontal radar to provide down-hole imaging for drillers. The geophysical expertise at the labs developed from years of conducting underground tests at the Nevada test site is directly applicable to advanced reservoir management. Finally, the computer capabilities at the labs can process seismic data in ways never before available to the oil and gas industry.

For example, supercomputers can provide 3-dimensional models of reservoirs so that drillers know precisely where to drill wells and in which direction to direct horizontal bore holes.

Using these capabilities, independents will be able to drill fewer wells but increase production and continue production from existing marginal wells. That results in benefits for the environment and reduce our dependence on imported oil.

Mr. President, I was not here during the debate on the Bradley amendment, which amendment would strike $10 million that the Appropriations Committee put in this bill to use advanced computer technology to help energy companies, in particular small and medium-sized petroleum producers in this country, to use the computational skills and other techniques that are available through our national laboratories.

Frankly, I think this is one of the most exciting programs we have. It is a real partnership in the exchange of technology to the betterment of many of our small and medium-sized companies that are trying desperately to compete in the world market in the production of oil and gas.

Obviously, this program started a few years ago as a very small seed. The reason I know that is because during the Bush administration, the Secretary of Energy actually set aside a very small amount of money to start a technology transfer activity between energy-producing companies, those that drill wells and try to keep the oil and gas coming out of the ground. It was eminently successful. And from it, this President recommended $20 million for the program, for which our Appropriations Committee gave the Energy Department $10 million.

I have discussed the effectiveness of this program and how much more effective it will be if the $10 million appropriated by this committee is put to work through the national laboratories with independent and medium-sized petroleum production companies. Obviously, they must put up a big share of money. It is not a gift. It is a matching program using our technology, our expertise in the laboratories, especially computer availability, to enhance our competitiveness in the production of oil and gas. It is a good thing. If we have an Energy Department, we ought to use it for this kind of thing. If we have big laboratories with big computer capacity that is devoted to energy and nuclear activities, they ought to be used for this kind of thing. I hope the Bradley amendment is defeated.

I thank the Senator for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Mexico for his statement. I join with him in hoping the Bradley amendment will be tabled.

Meanwhile, Mr. President:

We cannot but obey
The powers above us. Could I rage and roar
As doth the sea . . . yet the end
Must be as 'tis.

Therefore,

until our stars that frown lend us a smile.

I will desist and await future events.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2403

(Purpose: To provide for costs associated with certain timber sales)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of Mr. WOFFORD and Mr. COCHRAN, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. WOFFORD (for himself and Mr. COCHRAN), proposes an amendment numbered 2403.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 61, line 3, insert the following new paragraph:

The Secretary of Agriculture is authorized to utilize $10,600,000 taken from the fiscal year 1995 appropriated National Forest System account to provide for all costs necessary to prepare, offer and administer completely timber sales other than those funded by the regular fiscal year 1995 timber sales program in regions 2, 3, 8, and 9 with a contract term not to exceed 1 year: *Provided:* That the Secretary of Agriculture shall execute the contracts funded with this authority so that these funds are offset fully in the same fiscal year by increased receipts net of payments to States, and that an amount not to exceed $10,600,000 is returned by the Secretary to the account from which the funds were drawn: *Provided further*, That any such sales shall comply with all applicable laws and regulations: *Provided further*, That transfer of purchaser credits shall not be used in payment for timber sold under this initiative: *Provided further*, That no timber sales authorized under this section shall substitute for timber sales that would otherwise generate receipts contributing to the Congressional Budget Office February 1994 Timber Receipt Baseline for fiscal year 1995: *Provided further*, That funds shall be returned to the account and available for spending as offsetting collections only if and to the extent that total National Forest Fund timber receipts of the Forest Service (excluding amounts for deposit funds) in fiscal year 1995 exceed $420 million: *Provided further*, That funds provided under this authority remain available to the Secretary until expended.

Mr. BYRD. Mr. President, I ask unanimous consent that the amendment be agreed to, that the motion to reconsider be laid on the table, and that any statements in explanation thereof be included in the RECORD as if read.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, we have reviewed the amendment. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WOFFORD. Mr. President, on behalf of Senator COCHRAN and myself, I offer this amendment which will help protect the jobs of thousands of people who depend on the national forests for their livelihoods.

In northwestern Pennsylvania, these families and the communities they live in depend on the Allegheny National Forest for work and revenue. According to a study by the University of Pittsburgh at Bradford, almost 42 percent of the jobs in the area are linked to timber. A nearly 50-percent decrease in the Forest Service timber sales program for 1995 compared to 1994, will affect every citizen in Warren, Elk, Forest, and McKean Counties. The Allegheny National Forest is the economic foundation of the region. And we all know what happens to a house when it has a weak foundation.

The amendment Senator COCHRAN and I are offering will allow the timber sale program of the Allegheny National Forest to operate at 1994 projected levels. The amendment gives the Forest Service $10,600,000 to make timber sales in regions 2, 3, 8, and 9 of the Forest Service, with a contract term not to exceed 1 year. Region 8 includes Pennsylvania.

The $10.6 million will not add to the deficit. It will be offset fully in the same fiscal year through increasing timber sales.

The Allegheny National Forest is the most profitable hardwood forest in the

United States. Among its wealth of different tree species, the most valuable is black cherry, a wood prized by manufacturers of solid lumber and veneer, and by their customers in the furniture, plywood, and architectural woodworking industries worldwide.

This amendment will help keep hardwood lumber, veneer, particleboard, and papermills running throughout the Northeast, Appalachia, and the Midwest, where they are the economic backbone of many rural communities. And it will keep thousands of hardworking men and women on the job.

Revenue from timber sales is critical for local communities in northwestern Pennsylvania. Under the Twenty-Five Percent Fund Act of 1908, 25 percent of gross receipts from Forest Service timber sales are returned to local governments to be used primarily for roads and schools. Last year nearly $4.5 million was returned to these rural communities to help educate our young people and maintain roads. I have heard the concerns of school superintendents, teachers, and parents who worry that a huge loss of funds would mean that children's education will suffer.

Entire communities have been moved to action because of this proposed cutback in timber sales. School superintendents, business people, workers, and county commissioners all have been meeting with my staff, calling and writing to show their concern and frustration over the proposed cutbacks.

Mr. President, the real issue of the Allegheny National Forest isn't about numbers or percentages, it's about people's lives. It is about their jobs, their children's education, and their future. So I urge my colleagues to support this important amendment.

Mr. SPECTER. Mr. President, I would like to add my name as a cosponsor to legislation offered today by my colleague, the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Mississippi [Mr. COCHRAN]. This legislation would authorize the Secretary of Agriculture to transfer up to $10,600,000 in funds from the National Forest System account to provide for timber sales costs not funded by the fiscal year 1995 timber sales program in regions 2,3,8, and 9, which includes Pennsylvania.

The administration's proposed 50 percent reduction in the Allegheny National Forest [ANF] timber sale budget would reduce the available timber from last year's level of 62 million board feet to 35 million board feet in fiscal year 1995. I find such a reduction in the allowable timber harvest of one of the most fiscally and environmentally well-managed national forests in the country disturbing. Lower ANF timber sales will reduce revenues to the U.S. Government and potentially lead to the overforestation of private lands. In addition to the impact that the proposed reduction would have on 5,540 regional jobs directly related to the industry, local jurisdictions would experience substantial budget shortfalls. Twenty-five percent of gross timber sale revenue is currently used for education and road maintenance. Last year, ANF regional governments located in Elk, Forest, McKean, and Warren Counties received approximately $4.6 in revenue from timber sales.

The most important aspect of the ANF, however, is the fact that it is an above-cost forest. In other words, the revenues received from forest timber sales exceed the cost of conducting the timber program. After deducting timber program expenses and returning $4.5 million in payments to local governments, the ANF returned $9 million in net receipts to the U.S. Treasury last year. A reduction in the ANF timber sale budget would actually result in an increased loss of revenue for the Federal Government.

I believe that in allocating resources to national forests for timber sales management, there is a need for regional forest service personnel to give preference to those national forests whose revenues from timber sales outweigh the costs of their timber programs. Future proposals concerning reductions in appropriations for timber sales management should be allocated on the basis of a below costs determination as opposed to reducing the budgets of forests such as the Allegheny that are classified as above-costs forests.

Accordingly, I urge my colleagues to support this amendment to ensure sound environmental management practices that benefit both northwestern Pennsylvania and the Federal Government are maintained.

The amendment (No. 2403) was agreed to.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. EXON. Mr. President, I ask unanimous consent that I been allowed to proceed as if in morning business for no more than 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska [Mr. EXON] is recognized.

Mr. EXON. I thank the Chair.

(The remarks of Mr. EXON pertaining to the submission of amendment No. 2404 are located in today's RECORD under "Amendments Submitted.")

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE KING OF THE HASHEMITE KINGDOM OF JORDAN, KING HUSSEIN I; AND, BY THE PRIME MINISTER OF THE STATE OF ISRAEL, PRIME MINISTER YITZHAK RABIN

RECESS

The PRESIDING OFFICER. The Senate will now stand in recess until the hour of 2 p.m.

Thereupon, the Senate, at 10:33 a.m., recessed until 1:58 p.m., and the Senate, preceded by the Secretary of the Senate, Ms. Martha Pope; the Deputy Sergeant at Arms, Robert A. Bean, and the Vice President of the United States, proceeded to the Hall of the House of Representatives to hear the addresses by King Hussein I of the Hashemite Kingdom of Jordan, and by Prime Minister Yitzhak Rabin of Israel.

(The addresses, delivered by the King of Jordan and the Prime Minister of Israel, are printed in the Proceedings of the House of Representatives in today's RECORD.)

At 1:58 p.m., the Senate having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. KERREY).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1995

The Senate resumed consideration of the bill.

AMENDMENT NO. 2401

Mr. BYRD. Mr. President, I move to table the pending amendment.

The PRESIDING OFFICER. The question occurs on a motion to table amendment No. 2401 offered by the Senator from New Jersey.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. MATHEWS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 37, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—63

Akaka
Bennett
Bingaman
Bond
Boren
Boxer
Breaux
Bumpers
Burns
Byrd
Cochran
Conrad
Craig
D'Amato
DeConcini
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Levin
Lott
Lugar
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid

Riegle
Rockefeller
Sarbanes
Shelby
Simon
Simpson
Stevens
Thurmond
Wofford

NAYS—37

Baucus
Biden
Bradley
Brown
Bryan
Campbell
Chafee
Coats
Cohen
Coverdell
Danforth
Daschle
Durenberger
Feingold
Glenn
Gregg
Helms
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Mack
Mathews
McCain
Metzenbaum
Mitchell
Packwood
Robb
Roth
Sasser
Smith
Specter
Wallop
Warner
Wellstone

So the motion to lay on the table the amendment (No. 2401) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. If I may have the attention of my colleagues.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I ask unanimous consent to remove Mr. DORGAN's amendment from the list and also Mr. KEMPTHORNE's amendment from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, we have 59 amendments remaining on the list. It is our intention to try to finish this bill tonight. The managers on both sides would appreciate it very much if Senators who do not intend to call up an amendment will get in touch with us so we can remove their names from the list. We can then more adequately determine how many amendments really remain to be called up.

The distinguished Senator from Texas [Mrs. HUTCHISON] has an amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 2405

(Purpose: To express the sense of the Senate that the health, safety, and welfare of the people of the Edwards Aquifer region of South Central Texas depend on water from the Edwards Aquifer and that this water supply should not be interrupted)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair would inform the Senator from Texas that the pending question is the committee amendment on page 49, line 12.

Mrs. HUTCHISON. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. The Senator's amendment seems to be drafted to this amendment.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] for herself, Mr. LOTT, Mr. SHELBY, Mr. HELMS, and Mr. BURNS, proposes an amendment numbered 2405.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following new section:

SEC. . EDWARDS AQUIFER.

(a) FINDINGS.—The Senate finds that—

(1) in order to avoid a water emergency in South Central Texas, the withdrawal of water from the Edwards Aquifer (designated as a sole source aquifer under title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.)) should not be limited without appropriate consideration of the impacts on municipal, agricultural, industrial, and domestic water users;

(2) section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) authorizes the Secretary of the Interior to permit the taking of a threatened or endangered species incidental to an otherwise lawful activity, which may include the withdrawal of water from a sole source aquifer; and

(3) the State of Texas is working, in cooperation with the Department of the Interior and the Department of Justice, to implement the water management plan for the Edwards Aquifer region enacted by the State in 1993.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Interior should take whatever steps are necessary and allowable under law to minimize adverse impacts on users of the Edwards Aquifer while conserving threatened and endangered species, including issuing a permit pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)); and

(2) nothing in this section should relieve any person from any State or local requirement for—

(A) water conservation or the development of alternative water resources; or

(B) strategies necessary to reduce demand on the Edwards Aquifer.

Mrs. HUTCHISON. Mr. President, not since the Alamo has the city of San Antonio and the surrounding countryside been besieged by so many attackers from a faraway government. A Federal court may soon impose limits on pumping from the sole-source aquifer of the city of San Antonio—our country's tenth largest city—which also affects farmers and ranchers outside of the city, and all through south central Texas, in order to enforce spring flow requirements set by the U.S. Fish and Wildlife Service.

This past week, the Environmental Protection Agency announced new wastewater discharge flow restrictions that would prevent San Antonio from using its water system when spring flows out of the aquifer do not meet the Fish and Wildlife requirements.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mrs. HUTCHISON. Yes, of course.

Mr. BYRD. Mr. President, the amendment offered by the Senator from Texas is a sense-of-the-Senate resolution regarding the water management situation at Edwards Aquifer in Texas. The amendment has been worked out with the Environment and Public Works Committee, which has jurisdiction over the Endangered Species Act. There appears to be no objection to the amendment on this side, and I recommend its approval on this side.

Mrs. HUTCHISON. I thank you, Senator.

Mr. President, if I could ask unanimous consent for about 3 minutes to just state for the record what the problem is.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. HUTCHISON. I thank the gracious Senator from West Virginia.

Mr. President, the State of Texas regional solution to managing water resources, the Edwards Aquifer Authority, remains unable to begin operations to alleviate the crisis because the Department of Justice will not grant it pre-clearance under the Voting Rights Act.

This is a very difficult problem. The city, the 10th largest city in the United States, has a number of very important military bases, that must not be stopped or hampered in any way.

Divine intervention, the last hope of Colonel Travis, has also failed. South central Texas had only1/26th of its usual summer rainfall this year. Instead of setting new standards of intrusion into local government's affairs, the Federal Government should be sending help. And that is what I am hoping that we will be able to do today.

What we must do, through this sense-of-the-Senate resolution, is say that this is a local and State problem. In fact, Governor Richards has sent a letter to Members of the Senate saying that she does want to be able to handle this at the State level. The mayor of San Antonio is asking for forbearance from the Federal Government, so that they can work with the State to alleviate this problem.

So the time has come for us to step aside. The solution, Mr. President, is at the local level. That is why I ask my colleagues to send the message that we want the State and local Government to be able to handle this. We want the statutory requirements to be met to the fullest extent possible, but, Mr. President, it is also important that people, the economic benefits, and the welfare of all of San Antonio and the surrounding region be considered as part of this equation.

I have worked for the last 2 weeks on this amendment and I could not have come to the floor today without the help of the chairman of the Appropriations Committee, the Senior Senator from West Virginia, and the ranking minority member of this subcommittee, Mr. NICKLES. The chairman and the ranking member of the Environment and Public Works Committee, Chairman BAUCUS and Senator CHAFEE, have also worked with me to resolve this issue for the relief and benefit of the people of San Antonio and the farmers and ranchers of south Texas, and to maintain environmental standards as best we possibly can without forcing people to go without water.

But this is a crisis in my State. Sometimes we may think that a crisis in our States does not get consideration, but in this instance the chairman and the ranking member did give us that opportunity. I appreciate it very much.

This amendment says that the Senate wants this to be a State and local issue, that we certainly want the city of San Antonio and the farmers and ranchers of that area to have access to the water they need, and most important, that they need to have the time for them to work out a local solution. That is the purpose of this amendment.

For the help of the two Senators of the Appropriations Committee and the two Senators of the Environment and Public Works Committee, the people of San Antonio and south Texas are very grateful.

Thank you, Mr. President.

I ask for the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NICKLES. Mr. President, first, I wish to congratulate Senator HUTCHISON for her leadership in this amendment and also her willingness to work with us in trying to take care of a very serious problem in the city of San Antonio and south central Texas. There is no question that water is a very vital resource. And when the water supply was put in jeopardy because of an over-stringent application of or interpretation of law, she has called for some remedies, she called for some relief, which I might mention is already in the law.

So I would encourage the Secretary of the Interior to listen to the elected officials and also to local officials, as Senator HUTCHISON has called for. We strongly support this amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 2405) was agreed to.

Mr. NICKLES. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I wonder if I might inquire of the distinguished Senator from Texas as to whether or not she intends to call up a second amendment which is listed under her name.

Mrs. HUTCHISON. Mr. President, I am working on something right now and I will be able to have an answer for you very shortly.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 49, LINE 12

The PRESIDING OFFICER. The pending question is the committee amendment on page 49, line 12.

Mr. MCCAIN. I thank you, Mr. President.

Mr. President, I intend to make a motion to table the committee amendment concerning Ellis Island Bridge. I will be making that tabling motion at the convenience of the managers of the bill and the others who wish to speak on this issue.

As I want to give every Member who is interested in this issue a chance to speak, I will speak on it and by that time I hope to have agreement from the distinguished managers of the bill as to when it would be convenient to make the tabling motion.

Mr. President, I will be making a tabling motion in opposition to the committee amendment which would allow the Park Service to authorize construction of a bridge from New Jersey to Ellis Island National Landmark. The House bill contains language prohibiting the Park Service from studying and permitting this project.

I am concerned about the committee's action to strike this language for two reasons. Park and local officials have expressed their concerns that a permanent bridge to Ellis Island would damage the historical nature of the island and that the construction of such a bridge would be a waste of taxpayer dollars.

The construction of a bridge from New Jersey to Ellis Island is not a new proposal. A temporary bridge was constructed in 1985 to aid in the delivery of construction materials and personnel to the island for rehabilitation work on the landmark. The intent was for the bridge to be removed after the improvements had been completed.

In 1991, Congress directed the Park Service to conduct a study of options for improving visitor access to Ellis Island including the feasibility and costs of making permanent the existing temporary bridge. Specifically, the Park Service looked at four options: upgrade the existing bridge; build a new bridge; lower the fares for the visitor using the ferry; and no action.

The Park Service recommended no action. The report pointed out that the bridge alternatives would result in significant adverse impacts to the island. The Park Service wrote:

> The permanent establishment of a bridge to the island represents an adverse effect to the cultural resources of the park, a National Register and World Heritage resource.

Mr. President, according to the experts at the Park Service, Ellis Island has a unique place in the history of our Nation—one that we must pass on to future generations so that they can appreciate the diversity that created this country. The bridge would diminish that historical spirit of the island, where over 90 million Americans can trace their roots.

In addition to the Park Service, many conservation groups and political leaders have spoken out against this project. Twenty three members of the congressional delegation from the State of New York wrote to the Park Service in opposition to the bridge. The list of opposition to this project also includes: the National Trust for Historic Preservation; the National Parks and Conservation Association; Preservation Action; the New York State Office of Parks; Recreation and Historic Preservation; the Preservation League of New York State; Preservation New Jersey; the Municipal Arts Society of New York City, and the New York Parks and Conservation Association.

Mr. President, with the Park Service recommendation against this proposal and this impressive array of groups opposing it, you may ask why the House language is necessary. The issue of building this bridge should be over. Unfortunately, it is not.

Notwithstanding the 1991 Park Service report objecting to the bridge, in September of that year, the fiscal year 1992 Transportation Appropriation Committee Report earmarked $15 million for the construction project. Because of Congress imposing this project on the Department, the Park Service was forced to conduct an EIS on the construction of the bridge—an environmental impact statement.

I want to repeat that, Congress directed the Park Service to do a study on increasing visitor access to Ellis Island focusing on the construction of a permanent bridge. The Park Service spent considerable time and resources on the study. The study recommended not building a permanent bridge and, goes even further by saying that the temporary bridge should be removed once the rehabilitation work on the island is complete. What does Congress do? We fund the bridge anyway—to the tune of $15 million.

Mr. President, this makes no sense. We have entrusted the Park Service to protect our Nation's historical treasures. Yet when they believe a project is inappropriate, we push their expert judgment aside and demand construction of an unwanted bridge anyway.

I believe the other body acted properly when it restricted further funding of this project. In this instance, we should praise the House and follow their lead.

The House language will ensure that the Park Service does not have to expend its limited resources further on a project which is so vehemently opposed. A full environmental impact statement on the construction of a bridge could cost as much as $2.6 million. Money which I am sure could be put to better use by the already overburdened Park Service.

In addition to the cost of the EIS, there is also the $15 million already appropriated for the construction of the bridge. We should act to rescind this money in order to prevent further pressure from being applied on the Park Service to complete a project it does not want, and we do not need.

As I said earlier, the House language enjoys wide support. I ask unanimous consent that letters of support from Citizens Against Government Waste, the National Trust for Historic Preservation, Preservation Action and the New York Parks and Conservation Association appear at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. I will not read all of the letters to the Senate, but they contain two cogent points these letters make I must share with my colleagues. Thomas Schatz, the president of Citizens Against Government Waste wrote:

> Congress cannot afford to keep funding unnecessary and irresponsible projects when America's fiscal future remains in doubt.

The National Trust for Historic Preservation and Preservation Action went even further when they wrote:

> The National Trust for Historic Preservation and Preservation Action oppose a permanent bridge between the mainland and Ellis Island. We believe that visitor access, interpretation of the Ellis island experience, and preservation of the historic and cultural resources can best be provided by through transportation by boat.

Mr. President, I understand the concerns about increasing visitor access to Ellis Island. I agree that we should make every effort to ensure that people can visit our Nation's historic treasures in an affordable manner. However, the construction of a bridge to Ellis Island is not the appropriate way to resolve this matter.

The Park Service has already studied this issue and determined that a bridge would damage the historic nature of the island. The completion of such a project would not only damage the resources of the island, but would be a waste of taxpayers' money. We should reject the committee amendment.

Mr. President, I also would like to quote from a letter that was sent by 23 members of the delegation from the State of New York and I ask this letter be made a part of the RECORD as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McCAIN.

> This bridge would be an irresponsible use of taxpayers' dollars. The $15 million for construction of the bridge, and some estimates put the final cost closer to $25 million, would be better spent on other restoration projects on the Island or even used to reduce the deficit. As you know, more than half of the Island's historic buildings continue to rot behind barbed wire and weeds.
>
> Another worthy project that continues to languish is the Island's Family History Center, a place where people could learn about their family's arrival in America through original ship manifests and photos. The Park Service is valiantly attempting to address both of these critical issues but lack of funding has hindered their efforts on both fronts.

Mr. President, I suggest the recommendations of the 23 members of the New York delegation be paid attention to as we address this issue.

Finally, I do not expect to win this vote. I did not win the one on Pennsylvania Station, and I will lose many others in the future. But at some point we will stop doing these things because the American people are demanding it.

I often remind my colleagues of the 26- to 28-percent approval rating that the Congress has because of doing things like this, which are not sought by the Park Service, nor sought by Government agencies, are opposed by the very organizations who are dedicated to the preservation of our Nation's history and historical preservation. Yet they seem to go on.

EXHIBIT 1

COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, July 25, 1994.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR JOHN: On behalf of 600,000 members of the Council for Citizens Against Government Waste (CCAGW), we support your amendment to the FY95 Interior Appropriations bill, H.R. 4602, to oppose a proposed "footbridge" to Ellis Island from New Jersey.

There is no indication that a bridge to the Island would enhance or expand visitor access, because New York and New Jersey already provide ferry service to the Island and Statue of Liberty. Moreover, a footbridge violates the authenticity of experience to Ellis Island visitors, who are provided the same experience as the millions of immigrants who floated past the Statue of Liberty when they first arrived in America. Indeed, the National Park Service concluded in its April 12, 1991 Ellis Island Access Report that a bridge would damage the historic nature of the Island and that it should not be constructed.

The initial $15 million in construction costs is nothing but a waste of taxpayer dollars. Some cost estimates have put the final cost closer to $25 million, funds that could be better spent by reducing the deficit or restoring some of the Island's historic buildings, which are rotting behind barbed wire and weeds. Congress cannot afford to keep funding unnecessary and irresponsible projects when America's fiscal future remains in doubt.

Thank you for this cost-saving amendment.

Sincerely,

THOMAS A. SCHATZ,
President.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, July 25, 1994.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of the Board of Trustees and the more than 250,000 members of the National Trust for Historic Preservation and the Board of Directors and members of Preservation Action, we are writing to support your efforts to stop funding for a proposed permanent bridge between the mainland and Ellis Island. We urge that the language in the House Bill, which provides that the National Park Service cannot issue permits for the proposed bridge, be retained in the legislation.

The National Trust for Historic Preservation and Preservation Action oppose a permanent bridge between the mainland and Ellis Island. We believe that visitor access, interpretation of the Ellis Island experience, and preservation of the historic and cultural resources can best be provided through transportation by boat.

Thank you for your consideration.

Sincerely,

RICHARD MOE,
President, National Trust for Historic Preservation.

NELLIE L. LONGSWORTH,
President, Preservation Action.

NEW YORK
PARKS & CONSERVATION ASSOCIATION,
Albany, NY, July 25, 1994.

Hon. JOHN MCCAIN,
U.S. Senator, Senator Russell Office Building, Washington, DC.

DEAR SENATOR MCCAIN: New York Parks and Conservation Association is an affiliate of National Parks and Conservation Association. Both organizations have long been concerned about the impact of the bridge project on the integrity of Ellis Island and understand that the method by which this project was authorized in Congress precluded a public discussion of its merits.

We believe the amendment being offered by you to prohibit the National Park Service from spending funds on permits for this project sets forth a reasonable alternative. It provides a twelve month moratorium which will slow this process down to enable all interested parties to more fully participate in a dialogue about this very complex issue with long term implications for this national treasure.

Please contact us if you would like any additional information.

Sincerely,

RICHARD WHITE-SMITH,
Executive Director.

EXHIBIT 2

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 16, 1994.

Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: We understand the National Park Service is currently preparing an Environmental Impact Statement in connection with a proposed "footbridge" to Ellis Island from New Jersey. Aside from urging you to ensure the Park Service gives full consideration to the "no build" option which is before them, we hope you will oppose this waste of the taxpayer money and defacing of a national landmark.

A bridge would violate the historic spirit of Ellis Island and negatively alter the visitor experience to one of this country's most emotionally-charged landmarks. Ellis Island has always been approached by boat. Millions of immigrants first touched American soil at the front of Ellis Island, with the Great Hall before them, and did so straight from the ship that brought them from the "old country." They did not walk to or from Ellis Island. The bridge, by contrast, would bring visitors to the back of the Island, perhaps near the incinerator—an inauspicious welcome to one of America's greatest historic treasures.

In addition, there is no indication that the bridge would increase access to the Island, ostensibly the reason for the bridge, because Ellis already has ferry service from both New Jersey and New York. As many visitors to Ellis Island are schoolchildren and the elderly, it seems very unlikely that they would be making the mile long roundtrip walk over the bridge, often battling high winds and bad weather. Pedestrians to Ellis Island would still have to catch a ferry to visit the Statue of Liberty, and that would require the construction of new visitor-handling and ticketing facilities so tourists could go from the Island to the Statue. Furthermore, the proposed "footbridge" would be large enough to transport a tour bus, which would inevitably put pressure on the Park Service to construct parking facilities and turnaround facilities on the Island.

This bridge would be an irresponsible use of taxpayers' dollars. The $15 million for construction of the bridge, and some estimates put the final cost closer to $25 million, would be better spent on other restoration projects on the Island or even used to reduce the deficit. As you know, more than half of the Island's historic buildings continue to rot behind barbed wire and weeds. Another worthy project that continues to languish is the Island's Family History Center, a place where people could learn about their family's arrival in America through original ship manifests and photos. The Park Service is valiantly attempting to address both of these critical issues but lack of funding has hindered their efforts on both fronts.

Anyone who has taken the ferry to Ellis Island knows that a poignant part of the experience is found in its isolation. After voyages that had taken weeks or months, hopeful immigrants had to wait for immigration clearance, a doctor's OK, and finally the ferry to take them to New York . . . all while they looked across the water to America where they hoped to start a new life. This experience will change forever if we build a bridge to the Island. All Americans will regret this tragic modernization of our shared history.

Our national treasures will disappear unless we respect and cherish them. We urge you to oppose this defacing of Ellis Island and consider other alternatives to increasing access to the Island from New Jersey.

Sincerely,

Charles E. Schumer, Hamilton Fish, Jr., Thomas J. Manton, George J. Hochbrueckner, Jack Quinn, Charles B. Rangel, Susan Molinari, Peter T. King, Jerrold Nadler, Rick Lazio, Carolyn B. Maloney, Maurice Hinchey, E. Towns, Major R. Owens, Nydia M. Velázquez, Nita Lowey, Eliot L. Engel, Sherry Boehlert, John J. LaFalce, Gary L. Ackerman, José E. Serrano, Daniel Moynihan, Al D'Amato.

Mr. McCAIN. So, Mr. President, I ask the managers of the bill when they would prefer I propose a tabling motion so all who wish to speak on this issue would have the opportunity to do so?

Mr. BYRD. Mr. President, on our side of the aisle the two Senators from New Jersey will speak in relation to the amendment. Other than those two Senators, I know of no other Senators.

Mr. McCAIN. Mr. President, I thank the distinguished chairman. If there are no other speakers besides the two Senators from New Jersey, I will propose a motion tabling the amendment at that time, if it is agreeable to the managers.

I yield the floor.

(Mr. KERREY assumed the chair.)

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is quite a surprise for me. I am sorry that the Senator from Arizona chose to leave the floor before we could respond to this request from, as they say in baseball, from out of left field, because what we are discussing is a very important historical monument.

I have particular contact with this monument because embossed in the list of those who came through are my parents—my mother, father, four grandparents—who came into Ellis Island via boat, deep in the hold, days and days on the ocean. They came because they wanted to be in this country.

Frankly, I am in a state of shock by this presentation, because suddenly this now becomes an issue discussed from the distant State of Arizona, in which the Park Service has a significant measure of responsibility. But, Mr. President, I do not know when in the process of our negotiations we decided to turn over decisions to the Park Service about which we in the U.S. Senate think differently.

There is one reason why that bridge is going to be constructed—and that is so people can see the history of their ancestors who came in the early 20th century. Millions came responding to the call: "Send me your tired, your poor, your huddled masses." They came to Ellis Island, and we ought to be proud of it. We ought to say that every American should see it, every schoolchild ought to visit there. They ought to study the names and see what their descendants did to contribute to the well-being and the development of this country.

Right now, an average family will have to spend $18 to take a ferry ride to Ellis Island. They have to stand in long lines where maybe they can buy some food on the line, because they are going to be there for long periods of time, instead of being able to park their car and walk across a footbridge.

We are not talking about a giant toll bridge for automobiles. We are talking about a pedestrian bridge. We are talking about something that is aesthetically in keeping with the structures on Ellis Island which was built, incidentally, rehabilitated by the contributions of volunteers who felt that this sacred place ought to be visited by as many visitors—Americans or otherwise—who want to see it.

We conceived of the idea of the bridge only after the temporary bridge was put in place so that it could be serviced by the trucks and equipment that had to get to Ellis Island.

It appeared, for the first time, that there was an alternative to waiting for ferry service and spending $18 for a family, plus parking, plus the inconvenience of getting downtown. We say now, "Sure, you are welcome to see this national historical place, but you may have to spend $25, $30, $40 parking downtown in the area around the Battery, around the financial district and then get on the ferry and wait until the ferry is ready to take you back," instead of saying, "Let's make it just as convenient as we do the Grand Canyon, with places for parking, with places for visitors where we have access routes included."

So instead of doing that, suddenly now there is an emergence of concern about what we are spending on this bridge. I am concerned about it, too, Mr. President, but there are things on which we make decisions about spending money. I know, I am chairman of the Transportation Subcommittee on Appropriations. We make decisions. We do not always like spending the money, but we like the results. We like the roads and we like the airports, we like the bridges, we like the Coast Guard—we like all those things because they are necessary to service the needs and to provide a quality of life for our citizens. And so this bridge was proposed.

It mistakenly, in my view, was eliminated in the House. I had many discussions with the House Members who, after hearing the case, may have a different view of that action. I submit that if the Senator from Arizona will permit us, let the Senate bill stand as it is, and we will go to a conference. The Senate will have its position, and the House will have its position, and we will make a decision.

Mr. President, we hear that this facility presents an adverse effect on the natural resources of the parks, that it diminishes the historical nature. But, Mr. President, nothing diminishes the historical nature of this park more than the costs for getting a family there to see it.

As a matter of fact, the Park Service had another proposal, other than the decision that was made by the Senate and by the Congress. They proposed as an alternative a disguise. They have suggested maybe we ought to build a tunnel. I think the whole bridge is about 1,200 feet, a quarter of a mile or less. And the Park Service, in its brilliance, suggests that we ought to construct a tunnel.

Does that tell you something about where their thinking is? They are a good arm of the Federal Government. We often disagree with branches of Government. But this is a proposal submitted by a thoughtful group of people who have negotiated long and hard. But Congress decided that we would try to put this bridge in place, to perhaps replace the one that is now being used to service Ellis Island.

So, Mr. President, the mission of this amendment is, in my view, designed to restrict access in some way—I am sure that is not the intent, but that is the result—as opposed to making it available to people of modest income, who cannot afford the $25, $30, whatever it is they need, to get to Ellis Island. Those who cannot afford it are left out.

We are not satisfied with that approach. We think that those who want to see the people who came to this country searching for refuge, for opportunity, for freedom from persecution, ought to be able to visit Ellis Island. It might give them a better idea about the different cultures, the different religions, the different people, the different parts of the world from where they came, and to see the names of those descendants who helped to build this country.

There is a mission that, frankly, mystifies me. I would have thought that our friend and colleague from Arizona would have given us an opportunity to discuss this matter. One can offer amendments, one can make suggestions, but I always thought it was an ordinary process here that when amendments are considered that affect one person's State or one person's interests, that some discussion takes place before suddenly we are faced with an amendment on the floor.

We are faced now with a decision about whether or not we are going to continue to have this national treasure available to all who want to see it at a time when it is harder and harder for families to make ends meet. Not to be able to reduce the cost for access to this great monument, to experience the roots of our society, I think, is unfair to lots of people.

The Park Service has estimated that more than 7,000 people a day would use the pedestrian bridge.

That translates to about 25 million Americans using the bridge to visit Ellis Island over the next decade.

The objection is, Mr. President, that it would alter the historic landscape. As I heard the tales from my grandparents and my parents when they arrived, they did not see much of a landscape. They came out of the holds of ships, were huddled in masses, sent to this place and processed through by people who often could not pronounce their names and changed their names as they came into this country.

But there was a moment when they set foot in America. That was the precious part of the trip. Mr. President, not to have that fully accessible is something that I just do not understand. We are going to fight hard to maintain this committee amendment. I hope that our colleagues will understand that this is an important opportunity to preserve access and availability of visits by Americans and others from all over who want to see this historical site.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I had not intended to speak again on this issue, but I feel compelled to respond to the Senator from New Jersey who mentioned my name on several occasions.

First, I would like to address the issue of what the Senator from Arizona is doing on this issue. I would like to quote from a New York Times editorial which says:

> Actually, the island belongs to the National Park Service, and spiritually to tens of millions of Americans from coast to coast whose kin streamed through the Great Hall in the late 1800's and early 1900's. The Supreme Court will not change that. But it would be a sad mistake to give New Jersey the civic jurisdiction it seeks.

This is part of an article arguing that Ellis Island is part of the State of New York. I do not intend to get into that discussion, but I believe that the New York Times is correct when they say that this island spiritually belongs to tens of millions of Americans from coast to coast whose kin streamed through the Great Hall in the late 1800's and early 1900's, including many citizens of my own State.

Mr. President, I do not come before you claiming expertise on the issue. First of all, I remind the Senator from New Jersey this is not authorized. I am surprised that the Senator from New Jersey is surprised because the fact is I have consistently opposed unauthorized appropriations, and I have done it as strongly and ferociously as I can.

Mr. President, as I say, I do not have a lot of knowledge about this issue, but I do believe the National Trust for Historic Preservation does. The National Trust for Historic Preservation says:

> The National Trust for Historic Preservation and Preservation Action oppose a permanent bridge between the mainland and Ellis Island. We believe that visitor access, interpretation of the Ellis Island experience, and preservation of the historic and cultural resources can best be provided through transportation by boat.

The New York Parks Conservation Association, which I am sure does have some knowledge of this issue, says:

> New York Parks and Conservation Association is an affiliate of National Parks and Conservation Association.
>
> We believe the amendment being offered by you to prohibit the National Park Service from expending funds on permits for this project sets forth a reasonable alternative. It provides a twelve month moratorium which will slow this process down to enable all interested parties to more fully participate in a dialogue about this very complex issue with long-term implications for this national treasure.

I agree with the Senator from New Jersey that we should not do everything that the National Park Service tells us. But I also think it is wrong to ignore studies that are conducted by the National Park Service. In this study, they said:

> The bridge alternatives would result in significant impacts. The permanent establishment of a bridge to the island represents an adverse effect to the cultural resources of the park, a National Register and World Heritage resource. Were Ellis Island located in Manhattan or Jersey City, it is unlikely that this immigrant processing station would have become such a resonant symbol of the American experience. Reached and departed only by water, it became the Isle of Hope/Isle of Tears, and occupies a singular place in our history and consciousness. To alter Ellis Island's relationship to the mainland with a bridge would drastically alter its historic character, and change forever the experience of the park visitor.

Finally, at the end of their executive summary they said:

> Alternative "D", the No Action Alternative, proposes to remove the existing, temporary bridge at the conclusion of its use as the construction access for the rehabilitation of Ellis Island. Visitors will continue to pay the present competitive fare for access by ferry from New York and New Jersey, and the National Park Service would continue to closely monitor the ferry rate structure to ensure that the cost to the visitor is fair and competitive.

I believe that the Senator from New Jersey mentioned the costs of such a trip for a family of four, I think he said $18 for a ferry trip. It costs $35 to get into Disney World per person. So I do not think that $18 for an entire family, at least in the view of some, is an outrageous sum. Perhaps it is.

But the fact is the amendment is not authorized. It is not supported by the Park Service. It is opposed by the National Trust for Historic Preservation, opposed by 23 members of the delegation from the State of New York, and I think that at least this measure should be up for further study before we decide to devote $15 million—in the view of the delegation from New York, as much as $25 million—to an unauthorized project.

Mr. President, I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. I think many of the things that the distinguished Senator from Arizona does are in the interest of the country. I think he is well-meaning in many of the things he proposes to do. But I rise in strong opposition to this effort to strike money for a bridge between the New Jersey shore and Ellis Island. I strongly stand with my colleague in his fight to maintain the money for this bridge.

My colleague, Senator LAUTENBERG's, effort here is one that comes not only from his position on the Appropriations Committee but because, as he said in his moving speech, of his own family's history of finding the names of his own family members on the walls of the building at Ellis Island, and therefore his determination to make sure that Americans have access to this historic monument.

Mr. President, the National Park Service preserves natural wonders in this country, such as the Grand Canyon, for all Americans to have access because of their natural beauty and wonder. The Park Service also preserves monuments of human creativity and human achievement such as Ellis Island. The Park Service has a dual mission to protect and make accessible areas of natural interest and areas of human interest. Ellis Island falls into the category of human interest.

Millions of Americans feel a strong attachment, as my distinguished colleague has said with his own family, because their families have fled tyranny, repression, and come through Ellis Island with the hope that a new day has begun. Ellis Island should be open to the maximum number of Americans. It should not be restricted by income. It should not be reserved for only those who can afford to visit this national monument.

The distinguished Senator from Arizona mentioned that it was opposed by 23 members of the New York delegation. That is not surprising. I mean, the New York delegation claims that they control access. They derive all the parking revenues. My distinguished colleague can correct me if I am wrong, but I have not heard anybody from the New York delegation proposing that a bridge be built from the New York side all the way to Ellis Island. For anyone who knows the geography, the reason is quite clear. It is a long way from the New York side to Ellis Island, while it is 1,300 feet from the New Jersey side to Ellis Island. So I am not surprised by that objection. But let us look at this issue of making this national resource accessible to people.

Under the amendment that is in the bill, the bridge would be constructed for about $7.5 million; 25 million people would visit in a year. Last year, 4.5 million people visited. Why is it that so few people visited this renovated Ellis Island? Might it relate to the cost? Indeed, I think it does. If you want to go to Ellis Island to show your children their ancestors' names on the wall, what you do is you drive into Manhattan. You pay a toll to get into Manhattan if you are coming from Kansas or if you are coming from New Jersey; you pay a significant toll. Then you drive through the crowded streets of Manhattan down to the lower end of Manhattan, where you park your car in an expensive parking lot. And you pay as much as $20 to park. You pay $3 or $4 to get through the tolls, and about $20 to park. You have a family with a lot of children. You do not want to discourage those children. You do not want to leave two or three of the kids in lower Manhattan. You want to take your whole family to see Ellis Island, and hope that the names of your ancestors are on the wall of Ellis Island. You are a family with five children.

So you are now going to pay $6 per person to get on the boat to go to Ellis Island. That is $42 for the family for the boat ride. Then there is $20 for parking. There is $4 for the tolls. Pretty soon, if you are going to buy any food, it is another $10 or $15, and you are up to about $80 or $90 in order to visit Ellis Island.

The distinguished Senator from New Jersey is proposing, instead of doing that, to make it accessible to anybody who can drive into Liberty State Park on the New Jersey side, park, and walk 1,300 feet across a bridge to Ellis Island? It makes eminent sense to me. It seems not to make sense to the distinguished Senator from Arizona.

The distinguished Senator from Arizona says the reason he is opposed to this is it is not authorized. Well, Mr. President, I looked through the Interior appropriations bill. I looked through again, remembering there are monuments of natural interest, monuments of human interest, and monuments of national interest. The Grand Canyon, no one can dispute, is one of the Seven Wonders of the World. But as I look through the money being spent on the Grand Canyon, I find $3 million for visitors center rehabilitation. It was not asked for by the Park Service; it was not asked for. The administration did not request it. It is not in the House bill.

So, Mr. President, I am curious why something that was not requested by the administration when it comes to the Grand Canyon is OK, but something that is not requested by the administration when it applies to New Jersey is not OK.

I find that to be slightly out of whack, but I have a suggestion. I have a suggestion as to how we could solve all of this. That is to look at this great natural resource in Arizona, the Grand Canyon, and there we see that, in order to obtain admittance to the Grand Canyon, it costs $10 per car to get access to see this great natural wonder. We have already tabulated that for a family of five to get access to Ellis Island, it costs over $80.

What if we just said that access to the Grand Canyon should be on a per person basis, not the $4 per person that exists now, but say $6 per person? Well, Mr. President, if we simply said it costs $6 per person to visit this great natural resource, the Grand Canyon, that would raise about $13 to $14 million more for the U.S. Government, which is precisely the amount that this bridge would cost.

So I say to my friend from Arizona that I am with him on cutting spending. But there are important resources that are both natural and human that we need to preserve access to. I do not know whether he wants to deal with the issue of raising the fee for access to the Grand Canyon or not. I guess we could do it on this bill if we wanted to so propose.

But I hope that, at a minimum, we will reject the attempt to strike this bridge, with 25 million people having access to this enormous resource that covers the pageant of America's journey to this country from all over the world. And it should be available to as many Americans as possible, not for only those who can afford to pay for the toll, for the parking, for the boat ride, and for a small snack once on Ellis Island.

A few years ago, I made a big fight to knock out the $1 fee for the Statue of Liberty. I did that because I did not think that the great lady standing in the harbor saying, "Give me your tired and huddled masses" should have a price tag on it. I kind of feel the same way about Ellis Island. But there is a fee there.

Let us at least treat it fairly and make access available to the maximum number of Americans. That is what a bridge from the New Jersey side extending 1,300 feet would do; provide that access.

So I strongly back the efforts of my colleague from New Jersey, and I salute him for his desire to open up this national monument to the maximum number of Americans.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, in response to the Senator from New Jersey concerning the Grand Canyon, first of all, I did not support the section of the committee report concerning the rehabilitation of the Grand Canyon Visitors Center. I did not propose it.

If the Senator from New Jersey would want to strike that provision in the bill, I would vote in favor of that. Second, I am sorry the Senator from New Jersey is not aware that we have attempted to raise the fees into the Grand Canyon in the form of a proposal that we think is very important, and in the future it may apply to Ellis Island. That is, in return for a $2 increase in the entrance fee to the Grand Canyon, private individuals and companies and corporations throughout America would match those funds, and we would basically double the amount of revenue we receive. We would hope that the Senator from New Jersey, who has taken an interest the Grand Canyon, would support its passage. We think it is a unique proposal and one that deserves serious consideration. So that is my response to the comments of the Senator from New Jersey about the Grand Canyon. I appreciate his interest in the Grand Canyon.

Mr. LAUTENBERG. Mr. President, I am sorry that we are taking the Senate's time now to debate this issue, which has a national implication but is very much regionalized in the New York-New Jersey area. My distinguished colleague and friend, Senator BRADLEY, outlined some of the things we should not be concerned about. We ought not to be concerned about 23 Members of the New York delegation who want to take jurisdiction, more than just access, from the National Park Service which owns this property.

But, Mr. President, if we wanted to duplicate the immigrant experience, I suggest that we do something like the following: Put guards or rangers on the island who do not speak English, who cannot communicate in the tongue of those who are coming to visit; that when they arrive, they ought to be chilled to the bone sitting in the wet hold of a ship for a while; let them spend a few hours out there in the harbor. We will not send them out to sea—just rock them back and forth until they maybe get seasick and hit the land. Then on the land, they ought to get somebody with a button hook that you use for your shoes to pull down eyelids to see if the people had pink eye or other diseases, or look at the shapes of their hands to see whether or not they are going to send them back to the point of embarkation from where they came.

We ought not to be able to provide them with casual snacks or things of that nature, as we do now. In those days, people came practically stripped of possessions, reduced to fear and anxiety, because they were going to this strange place that attracted them, and they knew they could not speak the language and could not communicate with those who were going to receive them.

Mr. President, in order to duplicate that immigrant experience, there would have to be a terrible tragedy in this country of ours. We would have to reduce our facilities to accept and welcome people to bare bones.

Mr. President, we are discussing for a moment the treasure known as the Grand Canyon. Perhaps we ought to reduce that to its earlier status and not have bus traffic, automobile traffic, lodges, restaurants, facilities, helicopter flights through the Grand Canyon. Maybe we should not have white water trips, but return the Grand Canyon to its natural state so that people understand what it was like to see the Grand Canyon in its early days, and have the full natural experience. Bring your tent, your blanket, your mess kit and your canteen, and go into the Grand Canyon.

Mr. President, we are not going to duplicate the original experience at Ellis Island and go back to the early 1900's, when my grandmother carried my mother in her arms, who was a year old, and frightened to death because they did not know what they were getting into; but they knew what they wanted to leave. Or my father's family. My grandmother brought my father and his two brothers. Not one spoke a word of English. They went on to college—not my father, but his brothers—and to make a contribution to this country of ours. That is what it was about. We ought to let people get there who want to see it, who want to feel it, who want to understand what it was like and not have to pay for a ferry ride so you can hear the music, get the hot dogs and maybe a beer on the way. That is not the way Ellis Island was introduced to people. You cannot duplicate the experience, but we can provide access.

Mr. President, I hope that this attempt to delete the committee amendment on the bridge fails. Thank you very much.

Mr. MCCAIN. Mr. President, before the Senator leaves the floor, I want to make a very important point here. The Senator from New Jersey alleges that the Grand Canyon funding is in the bill. I point out to the Senator from New Jersey that it is in the committee report. In the bill is the language regarding appropriations for Ellis Island. The Senator from New Jersey well knows the dramatic and significant difference between report language and bill language. The courts have ruled time after time that report language is not binding. In fact, as I have read through the list in the report which includes funding for Harper's Ferry National Historic Park, WV; Edison National Historic Site in New Jersey, and all these others, I do not like them, because they are earmarked. But they are not binding in law. What is binding in law, I say to the Senator from New Jersey, is the bill language which the courts would uphold as necessary.

Also, in my remarks I did not pretend to, nor do I claim to know about Ellis Island. I left that to the Senators from New Jersey and the Senators from New York and the 23 Members of the New York congressional delegation, who oppose the Senate's actions to strike this bill language which would in effect require the expenditure of this $15 million. Since the senior Senator from New Jersey brought it up, we have done a lot in the Grand Canyon, and I do not expect the Senator to know about it. But I expect him to be informed before he comments on it.

There is a bill I had passed in 1987 concerning air tours over the Grand Canyon that says restore natural quiet—a bill that, thanks to the help of the Senator from New Jersey, stops the flows through the Grand Canyon dam, the dramatic shifts and flows—do I have it reversed as to who is senior and junior here? I will do it by name. Senator BRADLEY was very helpful in getting the legislation through which stopped the fluctuating flows through the Grand Canyon, destroying the riparian areas, archeological sites, the fish spawning areas. We passed that into law, and it has now been enforced. We stopped that degradation, and we stopped construction on the north rim of the Grand Canyon of a new facility that was proposed to be built. We are now talking about a reservation system to visit the Grand Canyon.

So I also say to the Senator from New Jersey [Mr. LAUTENBERG] for his edification, that we do have Native Americans living in the Grand Canyon. I encourage him to visit them. They are called the Havasupai Tribe, and they have been there several hundred years. We have done a lot to restore the Grand Canyon to its original state. But the fact is that there is a difference between what is in a report of a bill and what is in actual bill language. We know that the courts have ruled on that.

I yield the floor.

Mr. BYRD. The distinguished Senator from Arizona will shortly move to table the amendment. I believe there has been a good discussion over here. I will vote against the motion to table.

Inasmuch as we have had that discussion and we have several other amendments on the list, it is my hope that we could move on quickly. I would simply suggest that.

Mr. LAUTENBERG. Mr. President, if the manager of the bill would just permit me 1 minute to make sure the RECORD reflects there is no money in this bill. That money was appropriated in fiscal year 1992. The committee amendment simply confirms that funds can be expended and that right now there is nothing in our bill that prohibits the use of those funds.

What I believe the distinguished Senator from Arizona wants to do is to remove that language so the expenditure of those funds is prohibited.

I have nothing more.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I agree with the—

Mr. BYRD. Mr. President, I have the floor.

Mr. MCCAIN. I apologize.

Mr. BYRD. No. I yield to the distinguished Senator.

I would like to retain the right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia retains the right for the floor.

Mr. MCCAIN. Mr. President, I ask the Senator to yield 1 minute.

Mr. BYRD. Yes.

Mr. MCCAIN. I thank the Senator from West Virginia.

The Senator from New Jersey is correct. I stand corrected.

The fact is by striking the language which says "None of the funds available to the National Park Service in this act may be used to process permits necessary for construction of a bridge at Ellis Island," and then allows by law the expenditure of the funds, I still maintain that is very different from report language which does not have the force of actual law.

But I think we have probably discussed this issue enough, and I would say to my colleagues unless they have further comments I will ask the Senator from West Virginia when he is prepared for my tabling motion.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I may say to the distinguished Senator I will only take a minute.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that from the list one amendment under the name of Mr. WELLSTONE be deleted and I ask unanimous consent that two amendments under the name of Mr. ROBB be stricken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I believe everyone has been heard on this. I hope we can move forward quickly. As I say, I will vote against the motion to table. I hope other Senators will do so.

I also trust that during the vote we might be able to ascertain what Senators, who have names on the list, really intend to call up amendments and those who do not.

So, Mr. President,

> If it were done when 'tis done, then 'twere well
> It were done quickly. . .

I yield the floor.

Mr. McCAIN. Mr. President, I make the motion to table.

The PRESIDING OFFICER. The question occurs on the motion to table.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs now on the motion to table the excepted committee amendment on page 49, lines 12 through 14 of the bill. On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. I announce that the Senator from Oklahoma [Mr. BOREN] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—43

Bennett
Bond
Brown
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Simpson
Smith
Specter
Thurmond
Wallop
Warner

NAYS—56

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Stevens
Wellstone
Wofford

NOT VOTING—1

Boren

So the motion to lay on the table the committee amendment on page 49, lines 12 through 14, was rejected.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. DOLE. Mr. President, if we may have order? I think the Senator from Illinois will offer the amendment, and then I will speak.

The PRESIDING OFFICER. The question before the Senate is the first excepted committee amendment.

The Senator from West Virginia, the manager of the bill.

Mr. BYRD. Mr. President, has the Senator from Illinois or the Republican leader been recognized? If not, I seek the floor.

The PRESIDING OFFICER. The Senate Republican leader has been recognized but in the Chair's opinion has yielded the floor.

Mr. BYRD. Mr. President, I would like to get a vote on the pending committee amendment first.

The PRESIDING OFFICER. Is there further debate on the pending committee amendment?

If there be no further debate, the question is on agreeing to the amendment.

The committee amendment was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the committee amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate is not in order.

Will Senators please take their conversations from the Chamber. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, there are several amendments still on the list. I have a feeling that most of those amendments are only place holders. I would like to see if we can get some understanding as to what Senators really intend to call up those amendments. We have been on the floor a long time today:

> . . . careful hours with time's deformed hand
> Have written strange defeatures in my
> face. . . .

I would like to get on with this bill. I understand that the Republican leader and the distinguished Senator from Illinois have an amendment they want to call up. We could do that in 2 or 3 minutes, if it is agreeable.

Mr. DOLE. Two or three minutes.

Mr. BYRD. Then I believe Mr. WALLOP has an amendment. We could probably dispose of that within 3 or 4 minutes?

Mr. WALLOP. Mr. President, it will not take long to dispose of it, but I will require slightly longer than that for the remarks I wish to make.

Mr. BYRD. Are there any other Senators that have amendments they intend to call up?

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Mr. President, it is my belief on this side of the aisle we do not have that many more amendments. I know Senator MURKOWSKI is still working on an amendment. Senator NUNN and Senator COVERDELL are working on an amendment. Senator DOMENICI has an amendment, and once we finish Senator WALLOP's amendment, I think we are pretty close to being finished on this side.

Mr. BYRD. Would it be a fair proposition to ask unanimous consent that of those Senators who have names on the list, if they do not report to the desk by 4:30 p.m. today that they really intend to call up their amendments, that all remaining amendments will be stricken from the list?

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object. Will the distinguished chairman accept an alternative? I share the view with the managers of wanting to complete this bill. Will the Senator give us until, say, 4:30 to check with all Members on this side? We will personally contact them by telephone, and maybe somebody can do it on the other side, and we will report back by 4:30; would that be agreeable?

Mr. BYRD. Yes, that is a fine proposal. Understand, this does not mean we are opening up——

Mr. DOLE. I understand.

Mr. BYRD. We are not opening up the list for additional amendments. We want to get the amendments off the list. That is fine.

I yield the floor.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2406

(Purpose: To provide funds for a grant program to restore and preserve historic buildings at historically black colleges and universities)

Ms. MOSELEY-BRAUN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Does the Senator seek unanimous consent to set the pending amendment aside?

Ms. MOSELEY-BRAUN. Yes. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Ms. MOSELEY-BRAUN], for herself, Mr. DOLE, Mr. COCHRAN, Mr. COVERDELL, Mr. GRASSLEY, Mr. MACK, Mr. MATHEWS, Mr. PELL, Mr. ROBB, Mr. ROTH and Mr. SIMON, proposes an amendment numbered 2406.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 23, strike "$40,000,000" and insert "$42,000,000".

On page 16, line 26, following "1996" and before the period, insert the following: ": *Provided*, That $2,000,000 shall be for a grant program to restore and preserve historic buildings at historically black colleges and universities: *Provided further*, That none of these funds shall be made available until authorized".

Beginning on page 41, line 18, strike all starting with the semicolon through "99-658" on page 41, line 24.

Ms. MOSELEY-BRAUN. Mr. President, at the outset, I want to thank the Senator from West Virginia for his gracious acceptance in allowing Senator DOLE and me to move forward with this amendment. This amendment really is the Dole/Moseley-Braun or the Moseley-Braun/Dole amendment, and I have been delighted at the support and assistance of the minority leader in working through the issues that this amendment covers.

Specifically, this amendment will provide funding for the historically black colleges and universities as requested in the President's budget. Frankly, the Nation's historically black colleges and universities have provided academic excellence for over 130 years.

As so eloquently stated in Fisk University's original charter, historically black colleges and universities have measured themselves "by the highest standards, not of Negro education, but of American education at its best."

Throughout their history, historically black colleges and universities have produced some of our Nation's most distinguished leaders, including the late Dr. Martin Luther King, Jr., several current U.S Representatives and, of course, our colleague, Senator HARRIS WOFFORD.

Yet, these institutions have distinguished themselves in the field of higher education over the years by maintaining the highest academic standards while increasing educational opportunities for economically and socially disadvantaged Americans, including tens of thousands of African-Americans.

Although they represent only 3 percent of all U.S. institutions of higher learning, historically black colleges and universities graduate fully 33 percent of all African-Americans with bachelor's degrees and 43 percent of all African-Americans who go on to earn their Ph.D.'s.

Nonetheless, in order to meet the educational needs of these promising individuals, these schools have had to keep their tuition and fees well below those of comparable universities.

In 1990–1991, the average tuition and fees charged by private historically black colleges and universities was $4,657—less than half the $9,351 average charged by private colleges nationwide.

Moreover, historically black colleges and universities have also had to keep their costs low in order to increase financial aid for their students, who are disproportionately more dependent on financial aid than students at other U.S. colleges.

A study conducted by the United Negro College Fund found that 90 percent of students at private historically black colleges and universities require financial aid compared with 65 percent of private college students nationally.

The study also found that nearly one-half of these students come from families earning under $25,000 a year.

Mr. President, given that historically black colleges and universities have found it increasingly difficult to support student aid, it should not be surprising that they are unable to restore and preserve the historic landmarks which sit on their campuses.

The Dole/Moseley-Braun amendment allocates $2 million, the same amount requested by President Clinton, for the Department of Interior's historically black colleges and universities historic preservation initiative.

In 1992, the Department of the Interior, along with the National Park Service and the American Gas Association, began a campaign to identify the most significant and physically threatened historic landmarks at historically black colleges and universities.

After a comprehensive review, the Interior Department selected 11 architecturally and culturally significant historic landmarks for its historic preservation initiative. These historic landmarks include: Gaines Hall at Morris Brown College, which is associated with many persons of national significance, including W.E.B. Du Bois; Leonard Hall at Shaw University, which was the first 4-year medical school in the Nation; and Walter B. Hill Hall at Savannah State College, which served as a library for blacks when they were denied access to public libraries.

Mr. President, the United Negro College Fund has agreed to match these Federal funds in order to protect these historic landmarks that symbolize the hope of the civil rights struggle and the contributions that historically black colleges and universities have made in the education of our Nation's citizens.

I would like to conclude my remarks by urging my colleagues to support the Dole/Moseley-Braun amendment and by reminding them when Thurgood Marshall was refused admittance to the University of Maryland Law School because of the color of his skin, he received his education at a historically black university and that, of course, has made all the difference in the history of our Nation.

I would like to now yield the floor to my colleague, the minority leader, the Senator from Kansas, who has been so gracious in working through this issue and who has a real concern in this area.

Thank you very much, Mr. President.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, first, I thank the managers, the distinguished chairman of the committee, Senator BYRD, and the ranking Republican, Senator NICKLES, for their consideration of this amendment. I also thank CAROL MOSELEY-BRAUN, the distinguished Senator from Illinois.

Mr. President, recently I was criticized in the Washington Post for "delaying a black college bill." Well, I am happy to report that Senator MOSELEY-BRAUN and I are in agreement on the historically black colleges preservation bill and that this bill should be moving through the Senate very soon. I very much appreciate the efforts of the distinguished Senator from Illinois to resolve this matter. She understands that trying to help a small, impoverished college in my own State restore a historic building does not mean I am anti-historically black colleges. To the contrary, I am well aware of the special challenges historically black colleges face and I certainly appreciate what is being done here today. I have for many years contributed a portion of my speaking fees to the United Negro College Fund.

The State of Kansas does not have a historically black college because the University of Kansas and other schools in my State have for many years provided educational opportunities to students of all races. The educational options for African-Americans in the South and border States before 1964 were much more limited. In many cases, historically black colleges were the only option available to African-American students who were interested in pursuing higher education.

As the Senator from Illinois pointed out, if it was not for the opportunities provided by historically black colleges—astronaut Ronald McNair, Rev. Dr. Martin Luther King, Secretary Hazel O'Leary, U.N. Ambassador Andrew Young, opera singer Leontyne Price—would have never reached their fullest potential. No wonder historically black colleges hold such a special place of pride and affection in the African-American community.

Despite the past and present achievements of historically black colleges, many of these schools have continued to struggle financially. One of the saddest results of the hardships faced by historically black schools is that they have been unable to preserve and maintain historic buildings on their campuses. These buildings represented the hopes and dreams of some of our country's best and brightest African-Americans. Their deterioration is nothing less than a crisis for our Nation.

In 1991, as response to this critical situation, Secretary of the Interior Manuel Lujan selected 11 buildings on black college and university campuses for restoration. Secretary Lujan pledged $10 million for the project from the Department of the Interior's historic preservation fund to be matched by funds from the United Negro College Fund. The funds for the initiative were never obligated because it was determined that a separate authorization was needed.

Now that Congress is close to passing a bill to authorize the historically black colleges preservation fund, I am joining with Senator CAROL MOSELEY-BRAUN to ask the Senate to provide $2 million toward the effort started by the Bush administration. It is my understanding that this funding would go to restore Gaines Hall, the oldest building in the Atlanta University complex, and St. Agnes Hall at St. Augustine's College in Raleigh, N.C. St. Augustine college is one of the earliest historically black colleges.

I urge my colleagues in the Senate to join us in supporting this initiative to restore historic buildings on the campuses of historically black colleges. As Congresswoman CORRINE BROWN has testified,

> These historic buildings have been too important to the higher education of African-Americans to lose—not just for the role they have played in the past, but for valuable lessons they can teach future generations of African-American students.

I thank my colleagues, and I urge my colleagues to support the amendment. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment proposed by Senators DOLE and MOSELEY-BRAUN, and others, restores the funding proposed in the President's budget for an initiative for building rehabilitation on historically black colleges and universities. The amendment also makes these funds subject to authorization. The amendment is offset fully by funds no longer necessary for the Palau Compact because implementation has been delayed.

I not only have no objection to the amendment, I support the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further debate?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to congratulate the Senator from Illinois and the Senator from Kansas. We have no objection to this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2406) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, Senators should stand when they address the Chair.

I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2407

(Purpose: To require a study of units of the National Park System and National Wildlife Refuge System for deauthorization)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator from Wyoming seek unanimous consent to set the pending committee amendments aside so that he may offer this amendment?

Mr. WALLOP. The Senator does. I did not realize the parliamentary situation. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 2407.

Mr. WALLOP. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

The amendment is as follows:

> On Page 17, line 20 insert the following before the period: ": *Provided further*, That not to exceed $200,000 shall be used for a joint study with the Fish and Wildlife Service of which not to exceed $100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Park System to the overall mission of the National Park Service, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State of local level (including within the private sector) and prepare and submit to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deauthorized with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interests in lands within such units, and of which $100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Wildlife Refuge System to the overall objectives of the System, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations, Environment and Public Works, and Energy and Natural Resources of the United States Senate and the Committees on Appropriations, Merchant Marine and Fisheries, and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deleted from the System with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interest in lands within such units".

Mr. WALLOP. Madam President, I will try to abbreviate my remarks at the request of the managers of the bill. I believe they will find this amendment acceptable.

Madam President, I happen to be from the State with the first national park and happen to have an abiding passion for the national parks of America. Those who may have heard me speak to the issue during the consideration of the California desert bill and the establishment of yet another park will understand that what we have been doing in this Congress for the last several decades, and in particular the last decade, is to add numerous new parks and no new resources for the Park Service to deal with them and no new personnel. In fact, if you look, personnel will be reduced by some 1,300 over the next 5 years.

My amendment would direct the Secretary to study the 367 units of the National Park System and the 730 units of the National Wildlife Refuge System and report to the appropriate committees the identification of not fewer than 5 areas in each system which should be deauthorized or deleted.

I ask my colleagues to consider that of all of the Federal agencies, there are two that administer programs that are loved by both the public and by Members of Congress. The programs that I am referring to are the parks and refuges administered by the Department of the Interior through the National Park Service and the Fish and Wildlife Service.

While most citizens and legislators welcome a park or a refuge in their district, few have considered what has happened to the overall Federal pattern of ownership in these areas. The Department of the Interior, whose appropriations we are considering today, is facing a huge shortfall in funding to take care of existing obligations.

This Congress, like every Congress before it, will continue to authorize new park and refuge areas, and the administration will continue to establish refuges administratively. Let us take a moment to look at the National Park Service, Madam President.

Over the years, the mission of the National Park Service has evolved in many directions. Beginning with Yellowstone National Park in 1872, parks were established almost exclusively for their natural values. Then in 1933, the first historical park was added to the Park System. In the 1960's the first recreation areas were added. In the 1970's came urban park areas and cultural parks.

In recent years, the National Park Service mission has expanded to include efforts which are most appropriately described as urban renewal, economic development, and local open space preservation projects.

The National Park Service was not created for the purposes of managing urban renewal projects. There are other Federal agencies that would be and, in fact are, better administrators of those programs.

However, Congress continues to place the Park Service in the position of overseeing every conceivable type of project that pops into the head of some Senator or Congressman seeking reelection.

In the last 6 years alone, Congress has established over 30 new units of the park system. Because there exists no comprehensive vision for the agency, these areas have been added on a piecemeal, case-by-case basis. This does not include hundreds of park boundary expansion proposals that have been authorized, nor does it include the additional National Trails and National Wild and Scenic Rivers Systems units that have been added.

In this Congress alone the committee has already recommended to the full Senate 10 new park areas, 9 expansion areas, and we will consider a whole host of other new parks and expanded parks prior to sine die.

Throughout this Nation, there are billions of dollars worth of private land that have been taken into Federal control through acts of Congress that have created new national parks or expanded existing units of the system.

How many acres are so affected? No one knows. That it is worth billions is not debated.

So far, the National Park Service has refused to comply with the law which required the Secretary of the Interior to provide Congress with a list of these properties in priority order.

What they have provided is a partial list giving out-of-date property values that shows that there are at least 364,000 acres worth $1.2 billion.

We have been using this figure for the past four administrations. At the very least the figures need to be brought up to date.

But the Senate should know that this is the same National Park Service that estimated the Redwoods National Park would only cost $320 million. In fact, the final cost was $1.4 billion.

I hope everyone remembers the last battle of Manassas. Surely, we were told, the few acres would not cost more than $13 million. Madam President, $130 million later the Federal Government is the proud owner of the property at Manassas.

Madam President, this situation would be bad enough as it is, but it is made worse by the Secretary of the Interior's attitude toward reimbursing the owners of private property who happen to find themselves within the boundaries of a national park because Congress and the administration thought it was a good idea. Secretary Babbitt has made it clear that he does not care one whit about these citizens and their property.

When Secretary of the Interior Bruce Babbitt testified on the California desert bill before the Senate Energy and Natural Resources Committee on April 27, 1993, he made a statement that makes his position very clear.

When referring to land trades for the Catellus Corp. which owns several hundred thousand acres of land in the desert, he said:

> One way to do trades on a predictably equal value basis is to look at the rest of the BLM base outside of these areas and say to Catellus: We would like to block you up; the lands are roughly of equal value, and if you do not want to do it we would be happy to let these inholdings just sit in this area as inholdings forever.

That, Madam President, is exactly what we are doing to several thousand other landowners throughout this Nation whose property has become part of National Park Service units. We are allowing the Secretary of the Interior to "* * * let these inholdings just sit * * * as inholdings forever" unless they cave in to Federal pressure.

I for one do not wish to treat our fellow citizens so shabbily. If we decide that we have to take their land for the greater good, we should promptly reimburse them for the land we have taken.

Many of these new areas have been extremely costly to date, they have added significantly to the already huge backlog in funding facing the agency. And all of these areas take away from existing parks.

Madam President, I ask unanimous consent to submit for the RECORD a State-by-State list of the National Park Service shortfall in annual operations, construction, and land acquisition program budgets.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE BY STATE NPS SHORTFALL

[In thousands]

State	Number of NPS areas	Annual operations	Construction/land acquisition
Alabama	5	4,757	53,024
Alaska	15	6,659	165,352
American Samoa	1	753	0
Arizona	20	12,627	391,615
Arkansas	5	1,861	46,619
California	20	31,840	936,427
Colorado	11	4,102	100,156
Connecticut	2	250	25,481
District of Columbia	8	12,082	358,426
Florida	11	7,807	126,618
Georgia	11	2,538	108,786
Guam	1	971	8,140
Hawaii	7	5,476	51,120
Idaho	5	5,998	366,129
Illinois	2	1,252	5,870
Indiana	3	2,824	13,012
Iowa	2	306	3,900
Kansas	3	201	10,956
Kentucky	4	2,952	8,101
Louisiana	2	875	6,284
Maine	3	1,257	94,869
Maryland	15	10,860	337,646
Massachusetts	11	3,821	133,924
Michigan	4	1,090	25,056
Minnesota	6	2,286	18,067
Mississippi	4	6,158	58,097
Missouri	6	2,973	36,106
Montana	7	8,412	391,684
Nebraska	4	334	2,929
Nevada	3	8,529	254,696
New Hampshire	2	44	20,340
New Jersey	7	11,549	480,800
New Mexico	13	2,000	87,517
New York	23	13,764	456,052
North Carolina	10	15,198	116,367
North Dakota	3	536	11,823
Ohio	5	751	64,998
Oklahoma	1	388	19,700
Oregon	4	1,640	134,165
Pennsylvania	15	11,566	397,188
Puerto Rico	1	1,158	0
Rhode Island	1	99	0
South Carolina	6	646	1,186
South Dakota	4	1,089	27,030
Tennessee	11	11,051	155,390
Texas	13	2,993	141,163
Utah	11	9,553	78,606
Vermont	2	0	12,655
Virginia	18	22,294	514,549
Virgin Islands	4	1,103	64,180
Washington	11	4,923	184,379
West Virginia	6	3,089	295,975
Wisconsin	3	1,121	4,422
Wyoming	7	10,099	425,673

Mr. WALLOP. Madam President, between 1970 and 1992, 90 units and over 50 million acres have been added to the National System. Quite a few of these 50 million acres do not qualify as National Park Service quality. In the process we have been destroying the integrity of one of America's great traditions—our national parks.

New park legislation over the last 5 years has reduced the effectiveness of every dollar in the Park Service's budget to the point where the system is ready for the ambulance to take it to the emergency room. If we continue to authorize the way we have been, we can skip the emergency room and go directly to the morgue. We already have units, and portions of units that have been effectively closed to the public because the Park Service does not have the personnel or funds to keep them open.

According to information supplied to Congress by the National Park Service, the agency currently faces a 37-year backlog in construction funding, a 25-year backlog for land acquisition, and a shortfall of over $400 million for existing park operation and maintenance. As the National Park Service faces a cut of 1,300 positions in the next 5 years, the expansion of the Park System becomes an even more critical issue.

Systemwide, the Park Service has been deferring maintenance for so long that now entire road, sewage, and water systems in many of our parks need to be entirely replaced. Continued maintenance deferral only adds to the increase of project costs.

The Government Accounting Office has adequately documented the state of the park employee housing in more than one report. In short, we have become slum landlords.

Turning to the Vail agenda, the report of the Park Service to its management, we find that the steering committee reported that the greatest strength of the Park Service was its employees.

The report states that the typical employee is there because they are challenged by the opportunity to preserve and protect some of the Nation's most meaningful and enriching natural resources. This is despite a pay scale that is commonly one or two steps below that of employees with comparable responsibility and experience in other agencies.

This is also despite employee housing which is commonly not up to code, run down, or nonexistent. We simply cannot do any better by the Service's employees, the Service's single greatest asset, if we continue to dilute every appropriated dollar by constantly authorizing new and marginally qualified units to the System.

Prior to this summer, we all had the opportunity to read newspaper reports and editorials and to view television programs which explained that visitors centers in our parks would be opening later and closing earlier. Certain campgrounds, trails, and other facilities would be closed to park visitors. Interpretive programs would be curtailed and several vital and needed maintenance projects would be deferred to save money.

Madam President, what about the National Wildlife Refuge System? I am talking about the 499 refuges, 180 waterfowl production areas, and 51 coordination areas when I refer to the System. I am not talking here about the fish hatcheries or other properties under the jurisdiction of the Fish and Wildlife Service.

Congress has just as great an appetite for refuges as it has for parks. For example, look what has happened at the Archie Carr National Wildlife Refuge. When the refuge was designated 4 years ago, Congress announced it would spend $9 million to acquire more than 9 miles of undeveloped beach and more than 800 acres within the boundaries. Since then Congress has spent $6.9 million. The race for the best remaining parcels is being lost to land speculators. At risk is a sea turtle nesting beach of global importance.

So far, the State and two coastal counties have earmarked or spent more money, and acquired more land, than the Federal Government for the Federal refuge.

Two private groups, the Nature Conservancy and the Mellon Foundation, also have contributed property. Still, only about 30 percent of the refuge is now in public hands.

For fiscal year 1994, Congress initially planned to give nothing from its $82.7 million national refuge budget to buy land for the Archie Carr National Wildlife Refuge. After strong lobbying Congress provided a $1.39 million appropriation.

For 1995, we have even less money to spread among 37 different national wildlife refuge projects, $62.3 million. Still, the Clinton administration asked that the turtle refuge receive one of the largest appropriations, $7 million.

We are currently considering only $3 million. A refuge in Texas and one in San Francisco are supposed to get the largest allotments, $5 million each.

Simply put, the Department of the Interior is out of money for land acquisition in the National Park Service and the Fish and Wildlife Service. There is no new source of revenue to pay for the cost of managing, maintaining, or developing what Congress has created in its last five sessions.

We know we have recently created units of the National Park System that are not meritorious, nor nationally significant; they only drain scarce personnel and fiscal resources away from other areas. In fact, recently, we have had a Park Service official testify before our committee that there are park units that should be eliminated from the system.

The same appears to be true of the National Wildlife Refuge System. The Fish and Wildlife Service's Final EIS on the refuge system, Refuges 2000, is a litany of attempts to put fewer and fewer dollars to more and more places—all without benefit of an overall master plan.

The point I want to make here is that these two Department of Interior agencies have great needs for land acquisition, but have almost no chance of meeting those needs.

It is time to cull these two systems of excess units that represent a budget burden while no longer meeting their original purpose. I am suggesting that we begin with only five units of each system. It is only a start but a worthwhile endeavor. It is something that needs to be done.

Congress would still be required to make the final determination as to whether a park or refuge unit established by an act of Congress should be deauthorized or terminated.

I realize this will be a hard choice for the Congress and the administration but the choice must be made. It is our duty to occasionally review what we have done in Congress.

The studies called for by this amendment would help us achieve better oversight of the park and refuge systems.

If we have park or refuge units that do not merit national status it is only good business to remove them to a more appropriate jurisdiction.

I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent that an article that appeared in this morning's Washington Times which says that visitors are down in the National Park System by something like 2 percent for the simple reason that they are visiting the degraded and substandard facilities that are overcrowded, unhealthy, and unworthy of a system that has been to date the envy of the world.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Times, July 26, 1994]

Attendance at National Parks Seen Falling Off

Arches National Park, UT.—Is America's love affair with its overcrowded national parks falling?

For the first time since the end of World War II, the number of people visiting national parks is heading down in a decline that started two years ago.

And that spells trouble for businesses that cater to park visitors.

Even in this desert park of 2,000 natural stone arches, where visitor numbers had jumped 51 percent since 1990, attendance may be down this year, says Park Superintendent Noel Poe.

"We didn't believe it could continue forever. Maybe we're at that point," Mr. Poe said.

Neighboring Canyonlands, where growth had been even higher than Arches, also is in a decline.

But not every park is down.

Attendance at some parks that draw from major population centers is climbing, including Yosemite, up 9 percent, and Rocky Mountains near Denver, up 17 percent for the first five months of this year.

But nationally, visits to the park system's 332 reporting units, ranging from parks to battlefields, were down 2.2 percent through May, and initial reports for June and July suggest further drops.

Last year, visits totaled 273.1 million, down from the previous year's 274.7 million. In 1947, the number was 25.5 million.

Many reasons are given why park system numbers are down, ranging from am uncertain world economy to the international attraction of all the World Cup soccer matches to overcrowding of the parks themselves.

"People are tired of going to overcrowded parks,"said Rod Greenough of Salt Lake City office of the National Parks and Conservation Association.

However, some businesses believe measures imposed to control crowds, such as reservation systems, have also discouraged visitors.

"It appears that in preparing for the overcrowding of past years, the park service may have actually done its job a little too well," said Brenda Tormo, president of the Grand Canyon Chamber of Commerce.

Suzanne Cook, an economist with the U.S. Travel Data Center in Washington, said domestic travel business data would suggest park visits should be up.

"The indicators that I have, like lodging data, are up 4.2 percent this year," she said.

Ms. Cook said the parks' decline also may be a sign of the changing tastes of baby boomers.

But don't expect this slight attendance decline to eliminate long waits for parking places and camping spots.

If it's a reprieve, it's not much of one, said Mr. Greenough and officials at several parks.

"I'd compare it to a prisoner of war getting a glass of water thrown in his face," said Ken Hornbeck, who assembles and analyzes visit numbers for the park service.

And it doesn't mean outdoor recreation is down on all the nation's public land.

Recration consumers just have more choices, including travel to millions of acres of less-crowded public lands administered by the Bureau of Land Management or U.S. Forest Service. Neither agency keeps close tabs on visitor numbers.

Mr. WALLOP. Madam President, I hope that I am correct in understanding the committee's attitude toward this. Not every single piece of property that the Park Service holds, and every single piece of property that the Department of Fish and Wildlife Service holds is important to Fish and Wildlife or to the Park System. But one thing is certain. If we do not begin to find the means by which we restore integrity to these great services, the great blessing that Americans think will be their inheritance will be damaged beyond repair. This is just a tiny start.

Madam President, I yield the floor.

Mr. BYRD. Madam President, I am prepared to accept the amendment on this side. I hope that the Senate will agree to it.

Mr. WALLOP. Madam President, I am informed that Senator NICKLES asked that for the moment I manage the floor in his behalf. With leader's acceptance of that, I am prepared as well to accept the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2407) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WALLOP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Madam President, just last month Bob Armstrong, Assistant Secretary for Land and Minerals at the Department of the Interior, testified before the House Natural Resources Committee on the general health of the domestic petroleum industry.

In his testimony, Mr. Armstrong cited numerous reasons why U.S. companies are spending more than half of their exploration dollars overseas, not the least of which are the collapse of oil prices and various regulatory barriers. Yet he failed to mention perhaps the most significant reason: The Outer Continental Shelf moratorium provisions that are included in the Interior appropriations bill year after year.

These moratoriums cover areas where there is the highest undiscovered resource potential for oil and gas. Domestic crude oil production is at its lowest level in more than 30 years, and imports are on the rise. Yet, once again we have foreclosed the opportunity to reverse these trends by adding these moratoriums on the OCS development. Why? Because the administration claims these areas need further study. Madam President, there is an old saying. "The way to do nothing is to have a study."

They want to make sure that any drilling is done in an environmentally sound manner. The problem with their approach is that it is nothing more than an extravagant political gesture which destroys honest dialog about real dangers, and real problems. And real prospects fall short. The administration claims on the one hand to have a domestic natural gas policy. They want to increase production of natural gas. But, Madam President, there can be no natural gas or oil if there is no drilling.

So while the Interior Department studies the abundant resources of the areas of the Outer Continental Shelf, and the attempt to shape the policy to produce energy there, it has become clear to me that their effort amounts to nothing more than political posturing for the benefit of an environmental constituency.

Clearly, less rhetoric is the key to reducing our reliance on imported energy. We have the technological prowess to develop oil and gas resources in an environmentally responsible manner. There are far fewer accidents in the ocean, which are caused by the drilling and production of oil and gas, than are caused by transportation into this country.

Great progress is being made in better determining the location of offshore energy resources through the use of 3–D seismic invasion. But these innovative techniques will sit idle or be used to develop the wealth and resources of the rest of the world unless we lift the moratorium and get on with the business of the exploration and development on the OCS. America's energy industry is a valuable asset to America's economy. Fifty billion dollars, half of our overseas balance of payments deficits, went just solely to the purchase of petroleum.

So we cannot expect to maintain a strong and viable country, let alone the strength and viability of national interest, through a policy which encourages consumption at home and production abroad.

Madam President, I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Madam President, this is a request that is joined in by my colleague on the other side, Mr. NICKLES.

I ask unanimous consent that, of the three amendments listed under Mr. BROWN, two amendments be eliminated from the list; that the four on the list under Mr. DOLE's name be deleted; that the amendment listed under the name of Mr. DECONCINI be eliminated; provided, further, that the amendment by Mr. GRAHAM of Florida be stricken from the list; that the amendment by Mr. HATFIELD be stricken from the list, that the remaining amendment by Senator HUTCHISON be stricken from the list; that two of the three remaining amendments by Mr. MCCAIN be stricken from the list; that the amendment by Mr. MCCONNELL be stricken; that the three amendments listed under Mr. METZENBAUM's name be stricken from the list; that the three remaining amendments under Mr. WALLOP's name be stricken from the list; that one of the two amendments by Mr. WELLSTONE be deleted.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank my colleague, Senator NICKLES, and his staff and I thank my staff and the other staff persons and the Senators for their cooperation in helping us to reduce the list. I hope that other Senators who may be within hearing distance, or who may be watching the proceedings, will get in touch with us and see if we can eliminate their names as well, so we can move on to third reading and final passage.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Madam President, I ask unanimous consent that the remaining committee amendments on page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6, be agreed to, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the excepted committee amendments at page 81, line 7; page 81, line 16; page 81, line 18; and page 82, lines 3 through 6, were agreed to.

Mr. NICKLES. Will the chairman yield?

Mr. BYRD. Yes.

Mr. NICKLES. In looking at our side, we just have a few amendments left. Senator BROWN and Senator BURNS wanted to keep an amendment. I am not sure whether they will require votes. Senator COVERDELL and Senator NUNN were working on language dealing with the disaster and, hopefully, that will be coming soon. Senator DANFORTH has an amendment dealing with endangered species. I am not sure if that is a colloquy or amendment. Senator DOMENICI is working on an amendment, and I have requested that he come to the floor soon. It deals with southwestern fishery. Senator MURKOWSKI has two, one of which is a sense-of-the-Senate, which I hope we will agree to. The other I am not sure; it may require a vote. And Senator GRAMM wanted to keep two spots. I am not sure what they pertain to. We are narrowing the list fairly quickly.

I urge any colleagues that still have their names on the list, if they have an amendment, we are receptive to trying to dispose of them.

I ask unanimous consent that Senator SPECTER's name be added as a cosponsor to Senator WOFFORD's and Senator COCHRAN's amendment which was adopted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I thank the very able Senator from Oklahoma [Mr. NICKLES]. Does he have any response from Mr. MACK as to whether or not his amendment is going to be called up?

Mr. NICKLES. I think we need to keep that open for the time being.

Mr. BYRD. Very well. I thank the Senator. I believe, under the proposal that Mr. DOLE made earlier, Senators should let both managers know, or their respective manager know by 4:30 p.m. if they indeed are going to call up their amendment. If we do not hear by then, I think we will attempt to get unanimous consent to strike the remaining amendments from the list. Perhaps we will set a time for a motion to proceed to third reading and a final vote.

Madam President, I yield the floor.

Mr. NICKLES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I am informed by Senator NICKLES that Senator MACK has indicated he does not intend to call up his amendment on the list. I, therefore, ask unanimous consent that the amendment be deleted from the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2408

Mr. BYRD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. LEAHY (for himself and Mr. LIEBERMAN), proposes an amendment numbered 2408.

Mr. BYRD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert: Within the funds provided in the Endangered Species Prelisting and Recovery Program for the Fish and Wildlife Service, there is up to $500,000 available to purchase the Greenland highseas fisheries quota of Atlantic salmon for the third and final year of the National Fish and Wildlife Foundation's Atlantic Salmon Demonstration Program for the Northeast.

Mr. BYRD. Madam President, I ask unanimous consent that the amendment be agreed to and that a motion to reconsider be laid upon the table, and that any appropriate statements in explanation thereof appear in the RECORD as though read.

Mr. LIEBERMAN. Reserving the right to object, and I will not object. I thank the chairman and the ranking member for their support of this amendment which will approve this magnificent project to return the salmon to the rivers of New England. I thank the Senators.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

So the amendment (No. 2408) was agreed to.

Mrs. MURRAY. Madam President, I rise in strong support of H.R. 4602. Many speakers have preceded me, so I know all my colleagues understand what this bill represents. It is a prime example of a major shift in congressional decisionmaking priorities. In years past, politicians were elected to bring home the bacon. More recently, however, they have been elected to cut the fat.

This may be the first year in a long, long time that nearly every appropriations bill has included major spending reductions. I serve on both the Budget and Appropriations committees, so I have had a hands on opportunity to see this shift take place over the past year and a half.

We have already considered several appropriations bills this summer. They each carry a similar profile. They try to hold the line on important programs; they reduce FTE's; they phase down programs at, or close to, the end of their usefulness.

The Interior appropriations bill is no different. In this bill, the committee has provided funds for only the most important programs, to achieve only the most critical goals. Critical conservation goals. Critical resource management goals. Critical investment goals. As you can imagine, Madam President, this has required a lot of tough decisions.

Coming from a Western State, I can appreciate the difficulty in making these choices. I know the maintenance backlog at our national parks. I know the demand for tourist services and public education. I know the pressing need to repair culverts and restore habitat in the national forests.

The agencies under the jurisdiction of this bill are a big part of communities all over Washington. When they lose employees, the communities lose neighbors. When they lack funds to implement laws or regulations, they create controversy. Each time the Senate considers even the obscure little provision in a bill like this, we send a ripple effect through States like mine.

Against this backdrop, H.R. 4602 is an attempt to balance competing demands under difficult circumstances. While there are many worthy projects and important issues which the committee could not address, I feel this bill reflects an effort to be fair. Now that the committee has made these choices, now that we have identified our priorities, it is terribly important—to my State and many others—that we move quickly to pass this bill.

Briefly, I would like to highlight some of the reasons H.R. 4602 is important to Washington State. First and foremost, it provides critical funding necessary to implement the Clinton forest plan.

Funds are provided for this purpose to the Forest Service, the Fish and Wildlife Service, the Bureau of Land Management, the National Biological Survey, and the Bureau of Indian Affairs. Although the committee was only able to provide about 75 percent of the needs identified by the agencies, H.R. 4602 contains enough for these agencies to legally implement the plan. These funds are sufficient to allow planning, watershed assessment, and section 7 consultations to proceed. In other words, to get things moving and keep them moving.

In addition, funds are provided for watershed restoration. This work provides much needed jobs throughout the national forests in my State. It is also a solid investment to make sure the forests of the future remains healthy and productive.

Many people have criticized the President's plan. Believe me, it is easy to criticize, because multiple-use forest management is very complicated. But it is also easy to oversimplify the problem when things are not going well.

Those of us elected in 1992 inherited a train wreck. This administration was asked to correct for a decade of overcutting, followed by 5 years of mismanagement, inaction, litigation, and division. Who in their right mind would believe this problem could be repaired overnight?

To use President Clinton's words, his plan will bring the 25 million acres of national forest into a "scientifically credible, legally responsible, and economically sustainable" management plan. There is a lot at stake; I think we in Congress need to support the effort.

Posed with the choice between jobs and the environment, the President said, "both." The goal is to keep the forest healthy and the harvest rate sustainable. That way, we will know how much timber can be cut while maintaining biological diversity. It will take some time yet to know if the plan will work. If it does, the Pacific Northwest forest plan will be a national model for multispecies ecosystem management. I certainly hope all my colleagues will recognize the significance; this administration is willing to take the heat to demonstrate that the choice between jobs and the environment is false.

There are several other issues addressed in this bill that are important to Washington State. It contains $3.5 million for the Park Service to conduct an environmental impact statement on the acquisition and removal of two hydroelectric dams on the Elwha River. In May 1994, the Park Service completed a feasibility study on restoring salmon runs to the Elwha River pursuant to Public Law 102–495, the Elwha River Ecosystem and Fisheries Restoration Act. This study concludes it would be feasible to restore the salmon runs by removing the dams. Such course of action would enable the Federal Government, the Lower Elwha S'Klallam Tribe, and certain private interests to avoid lengthy, contentious, and expensive litigation.

I recognize that proceeding with dam removal in future years would force the Federal Government to incur significant costs. However, I believe that costs of such action would be less than exposing the Government to a costly, court-imposed settlement. I hope to introduce legislation to authorize involvement on the part of the Bureau of Reclamation in the future. For now, I hope the Federal Government will continue to proceed with implementation of Public Law 102–495.

H.R. 4602 also provides funds for several important local Federal Government obligations. For example, it includes $2.5 million under State and private forestry special projects to complete the Federal obligation to Skamania County, WA related to construction of the Skamania Lodge. This is an extremely important item given the historic relationship of Skamania County to the Federal Government under the Columbia Gorge National Scenic Area Act. Non-Federal funds were raised and expended on this project with the understanding the Forest Service would contribute to community efforts. It is doubly important considering the reduction in timber production on the Gifford Pinchot National Forest, which comprises over 85 percent of the county landbase.

In addition, H.R. 4602 includes $4.2 million to complete work at the Johnston Ridge Observatory at Mount St. Helens National Volcanic Monument. In the first 7 months it was open, 800,000 people visited the Coldwater Visitor Center. Overall, 3.3 million visitors saw the monument during 1993. During this time, a shuttle bus service has been operated enabling people to reach Johnston Ridge. However, full road and parking facilities have not been completed. Such facilities will be necessary to accommodate anticipated visitation to Johnston Ridge.

Finally, there are funds in the bill to address several land acquisition projects that will ensure important conservation goals are met, including the Alpine Lakes region, the Nisqually National Wildlife Refuge, the Skagit Wild and Scenic River, and Cape Horn in the Columbia Gorge.

The Land and Water Conservation Fund has been hit particularly hard by spending reductions. This is truly unfortunate, as it offers the best opportunity for nuts and bolts conservation activities. For example, the I–90 corridor in the Cascade Mountains is comprised of checkerboard ownership in some of the most biologically diverse old growth forests of the region. LWCF funds could be used to consolidate Federal ownership to ensure wildlife conservation and recreational opportunities are maintained.

In fact, the bill includes $3.7 million to acquire the Silver Creek drainage, the last remaining undisturbed migration corridor from the North Cascades to the South Cascades. However, funds are scarce, and this project only represents the tip of the iceberg. I encourage the Forest Service to work with the principal landowner in the corridor to determine whether a comprehensive land exchange is possible. This would be the best way to protect the corridor and relieve pressure on scarce LWCF resources.

Madam President, there are many more important provisions in this bill. Every State with significant public lands, every State with an interest in energy conservation, every State with a national park needs this bill to pass. It is a good, tough bill. It reflects our need for tight purse strings, but it also supports so many worthy programs. I urge all of my colleagues to support H.R. 4602, so we can move quickly to conference with the House and complete work on this bill.

THE NATIONAL ENDOWMENT FOR THE ARTS

Mrs. MURRAY. Madam President, I rise today in support of the National Endowment for the Arts.

Since its inception in 1965, the NEA has expanded opportunities for all Americans. It has broadened our cultural experience and allowed an entire nation to participate in the arts.

Madam President, we have heard all the horror stories and gruesome tales of NEA funding. It is easy to focus on the sensational. It is easy to score debating points. It is easy to use the NEA for an agenda that has nothing at all to do with funding for the arts.

In the midst of these election year politics, let us keep our eye on the facts. Fewer than 50 of the 100,000 grants made by the Endowment in its 29-year history have created controversy. That is five-thousandths of 1 percent of its activity. That is a pretty impressive record.

You see, Madam President, no one has ever accused me of being a member of the cultural elite. I am just an ordinary citizen and a mom. So, when I review the NEA budget, I do it from that perspective. I focus on the ordinary aspects of NEA funding. On the ways our kids benefit from NEA-backed programs. And, on the impact of budget cuts to the NEA on our young people's education.

The fact remains that few Government agencies have a record of cost effectiveness that can match that of the NEA. For less than one dollar per citizen, the NEA has supported this Nation's cultural life. You should not reward fiscal responsibility with budget cuts.

Madam President, the National Endowment for the Arts invests in artistic programs which directly benefit citizens throughout the Pacific Northwest.

In my home State of Washington, the State Arts Commission receives grants that allow it to fund arts organizations and arts activities in the K–12 schools. And, it undertakes special projects for isolated rural communities.

Thanks to the NEA, the children of my State do not have to be rich to learn about the arts. They do not have to live in cities. The treasures of our National Gallery are available for schools in central and eastern Washington. And, NEA-funded programs continue to benefit my friends and neighbors across the State. And, I will bet most of our colleagues have had similar experiences in their States.

That is why I am so concerned about these cuts. Many Washington State organizations receive direct funding from the Endowment through the programs targeted by the cuts. Let me take a minute to tell you about some of these programs which could be cut by this bill.

The NEA funds a Contemporary Theatre which delights audiences annually with its production of "A Christmas Carol" and its season of plays by contemporary playwrights.

NEA funding allows the University of Washington's Meany Hall to present the finest mix of modern dance and classical and world music that you will find on the west coast. It reaches more than 50,000 people annually by making performances possible in Seattle—and in Bellingham, Olympia, and Tacoma as well.

In addition, Meany Hall conducts community outreach activities that make a real difference in young people's lives. The hall enables visiting artists to serve at-risk youth in our community through public school workshops, student matinees, and lecture demonstrations.

The Carter Family Puppets receives a grant from the NEA that helps them entertain and educate young audiences with original stories and folk tales from all cultures from their studios in the Phinney Ridge area.

Young people marvel at the work of Dale Chihuly. I have a poster in my front office of his nationally recognized Pilchuk Glass School. Thanks in part to NEA grants, he has resurrected the fine art of blown glass, and given our young people a direct link with this beautiful art form.

The NEA helps young people in Washington State. Seattle's Children's Theatre is one of only four Equity children's theatres in the country. It is valued for its efforts to address issues surrounding ethnic diversity and families.

And, last but not least, the Southeast Effective Development is a community arts organization that serves Seattle's central area with arts programs for at-risk youth.

The Endowment helps nurture the arts in Washington in numerous other ways as well.

Centrum, a nonprofit arts organization located in the small coastal town of Port Townsend, was founded 21 years ago because the National Endowment for the Arts made a key $35,000 start-up grant. That grant enabled the organization to begin developing arts programs in an abandoned military facility called Fort Worden.

In the ensuing years, Centrum has established a national reputation for programs ranging from elementary and secondary school arts workshops to senior citizens Elderhostels.

Centrum makes a major difference to the quality of life in our State. It also pumps over $4 million annually into the Port Townsend economy, which is reeling from the depressed timber industry across the Olympic Peninsula.

Madam President, it is the best of all possible scenarios. NEA dollars improve the quality of life in Washington and provide a multiplier effect for business as well.

The Seattle Opera is one of Washington State's many NEA beneficiaries. Some believe this funding only goes to their staged productions which played to more than 100,000 people last season. But, the Seattle Opera reaches an additional 150,000 people of all ages through its educational programs.

Tacoma and Pierce County have benefited greatly from the endowment.

The NEA has assisted the construction of the new Theatre on the Square and helped restore the historic Rialto Theatre. These spaces stage more than 250 performances per year for families through Pierce County.

And, the NEA has provided funding through the Western States Arts Federation. The Federation has enabled citizens to see dances, music, and theatre representing many cultures and art forms.

You see, Madam President, these are just a few of the ways the NEA has been contributing to the cultural life and economic health of my small corner of the country. We have heard all about the controversial grants, but let us keep focused on the entire picture. Let us recognize the enormous good done by the NEA.

Before I conclude these brief remarks, I must recognize the leadership of NEA's new Chair. I have a great deal of confidence in Jane Alexander. In meetings with her, I am all the more excited about her goal of improving the agency's image, and her vision to bring the best art to the most people.

Madam President, I strongly urge my colleagues to support this great institution and to appropriate as much of the President's $171.1 million request as possible.

NATIONAL ENDOWMENT FOR THE ARTS

Mr. WOFFORD. Madam President, Pennsylvania's cultural life is as rich and diverse as its people. The National Endowment for the Arts has played an invaluable role in strengthening our cultural life. Through its grants to organizations and individuals, the NEA has enabled the arts to thrive in Pennsylvania and across the Nation. From our large cities to the smallest rural areas, the National Endowment for the Arts makes opera, folk arts, drama, dance—our cultural heritage—accessible to all Americans.

I recently met Adia Dobbins-Hickman, a high school student from Johnstown, PA. Adia participates in the Summer Music Institute that is run by the Johnstown Symphony Orchestra. She told me that this program is training the next generation of musicians. This music program enables children to spend part of the summer learning music from members of the Johnstown Symphony Orchestra. In Johnstown, the arts are a community effort. Businesses, schools and parents all help support the Summer Institute—and the NEA is a full partner in this program.

The NEA also helps support the Pittsburgh Dance Council. The artists who are associated with the Pittsburgh Dance Council bring the joy of dance into the Pittsburgh public schools. This year they presented "Frick on Stage" at a middle school, the Frick International Studies Academy. Students were involved in every stage of the performance. They performed, made the sets and the costumes, and did the choreography.

These are just two examples. Since the NEA was founded in 1966, the number of community-based local arts agencies in Pennsylvania grew from 0 to 75, and the number of performing arts companies, museums, arts centers and other arts organizations grew from 300 to 3,000. And each year, public funding has brought arts education to thousands of Pennsylvania school children.

In the past few years, Congress has taken a careful look at the process for making Federal grants for the arts—and many improvements were made. Yet some continue to try to use the NEA to make a political point. The NEA has made over 100,000 grants. Yet only a handful get national attention. I do not agree with every grant that the NEA has made over the past 26 years. Some are not my taste, and some are personally distasteful. But I was not elected to the Senate to be an arts critic.

Funds invested in the arts yield a substantial and direct financial return. Almost all grants made by the NEA require some match of funds by the grantee—so NEA funds leverage significant additional private and public support for the arts. In addition, the arts generate both direct and secondary benefits in employment and revenue, contributing substantially to the economic health of communities throughout the Nation.

But the greatest contribution of the NEA is that it enriches the lives of millions of Americans and enables us to enjoy and appreciate our cultural heritage.

Mr. NICKLES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I regret that it is necessary once again this year to take the Senate's time to discuss issues pertaining to the Tongass National Forest in the southeastern part of my State.

Unfortunately, it seems to take increasing amounts of time of all of us to try to work through the issues with this area of Alaska. It is a great portion of my State. I should have a map here to point out to the Members of the Senate exactly what I am talking about. The southeastern panhandle is essentially the Tongass Forest, as it is a very vital part of the economy of our State. It has been a substantial producer of jobs, income, and recreation. It is a diversified area.

I raised in committee the subject of an amendment, and I passed an amendment around. At that time the distinguished Senator from Louisiana [Mr. JOHNSTON] asked that I not offer that amendment because he wanted a chance to consider it.

I thank Senator JOHNSTON and his staff on the Energy Committee for taking the time to work with me on that amendment, and I thank Senator BYRD and his staff, particularly Sue Masica, for the time they worked on that amendment.

On reflection, and after having discussed the matter with the industry people in my State, I am not going to offer that amendment, and I want to explain to the Senate why not. I hope that there will be a chance in other instances here this year to raise the question of the activities of the Forest Service that go beyond the scope of existing law, but I have decided, as I said, that this is not the time to proceed with the amendment that I circulated.

That amendment, Madam President, was in effect to tell the Forest Service to abide by existing law. The amendment would have prohibited the expenditure of funds to implement brand new management practices that are not authorized under the Tongass Timber Reform Act. Those management prescriptions are "goshawk perimeters" and "habitat conservation areas." For the memory of the Senate, that is an act that was passed after a series of years of deliberations. It set forth a new concept for management of the Tongass Forest, and it specifically revalidated the whole concept of land-use planning in the Tongass Forest.

In order to have any activity by the Forest Service in the Tongass, it must be pursuant to the procedures laid out by Congress in authorizing the Tongass land management plan. We call that TLMP. Those management prescriptions are not part of that Tongass land management plan and have not received the National Environmental Protection Act approval as is required by law. They have already reduced the harvest volumes in the Tongass for commercial timber operations by 40 to 50 to 60 percent.

Those prescriptions, Madam President, have withdrawn 300 square miles of the Tongass Forest. They violate the spirit of the bill we call ANILCA, the Alaska National Interest Lands Conservation Act.

In that act, which passed the Congress and has set the pattern for development of and use of Federal lands, and particularly has established the policy for future use of Federal lands, section 1326, and I read it and quote from it, states:

> No further executive branch action which withdraws more than 5,000 acres in aggregate of public lands within the State of Alaska shall be effective except by compliance with this section. To the extent authorized by existing law, the President or the Secretary may withdraw public lands in the State of Alaska exceeding 5,000 acres in the aggregate which withdrawal shall not become effective until notice provided in the Federal Register and both Houses of Congress. Such withdrawal shall terminate 1 year after notice of such withdrawal has been submitted to Congress.

That clause was intended—we call it the no-more clause—that there will be no more Federal withdrawal of lands in Alaska unless specifically approved by Congress if they exceed 5,000 acres in the aggregate.

That law prohibits executive branch action that unilaterally withdraws land.

What has happened in the southeastern area in the Tongass Forest is that the Forest Service has now drawn circles around goshawk trees, and they have established habitat conservation areas within the Tongass that have withdrawn more than 5,000 acres. No notice has been published in the Federal Register, and the Congress has not been notified as required by section 1326.

Madam President, the goshawk is not an endangered species. Similar action has been taken with regard to the wolf in southeastern Alaska. The wolf is not an endangered species in my State.

The withdrawals violate the Tongass Timber Reform Act itself. Set asides in the Tongass total 6.99 million acres, including 1.32 million added, as a matter of fact, in the TTRA. That means that of the whole Tongass Forest approximately one-tenth of the forest is still available for forest activity.

The whole area was set aside as an area to be developed by the Forest Service under management practices to set a standard for the private timber industry.

It was the great Gifford Pinchot theory that we should have national forests and keep them in public ownership, develop management plans for timber utilization, and use those plans and implementation of them as a yardstick to measure the performance of the private timber industry.

The withdrawals that have been made in my State by law have been made for preservation purposes. They are primarily wilderness areas. They are roadless, and they are not capable of being harvested in any way or utilized in any way by the timber industry.

These additional withdrawals now come after the enactment of the Tongass Timber Reform Act in which Congress itself promised that the amount set aside for wilderness would not disturb the timber economy of southeastern Alaska.

What has happened is every year since the Tongass Timber Reform Act has been passed I have been forced to come here to the floor to confer with my friend from West Virginia to try to make the Forest Service abide by that law. And I was prepared to do that again.

Of the promises made in the Tongass Timber Reform Act, one of them was that the Forest Service would meet market demand. Prior to that time we had a commitment that there would be 4.5 billion board feet of timber made available every 10 years. The environmental community objected to that because they said it mandated cutting timber without regard to demand. So we negotiated. We said: All right. The Forest Service will prepare timber for market based upon its own projection of market demand. Section 705 of the Tongass Timber Reform Act specifically said:

> Subject to appropriations, other applicable law, and requirements of the National Forest Management Act, the Secretary shall seek to provide a supply of timber from the Tongass timber forest which (1) meets the annual market demand for timber from such forest and (2) meets the market demand from such forest for each planning cycle.

That, to us, was a promise. We gave up the commitment. This was an absolute commitment. The law mandated availability of 4.5 billion board feet with a 10-year cycle. In its place was the concept of market demand estimation by the Forest Service and a commitment by the Forest Service to prepare timber for marketing to meet that demand.

Alaskans always view the word "promise" in connection with the words of Robert Service—and my friend, I am sure, from West Virginia will mention that—"A promise made is a debt unpaid."

I personally was criticized when I went back to Alaska for having agreed to the Tongass Timber Reform Act. It was a settlement of a long-standing dispute with the environmental community. But for the working people of the Tongass National Forest the debt remains unpaid.

Madam President, in no year has the Forest Service made timber available to meet market demand, not once. And every year I have come to my friend from West Virginia and the Senator from Oklahoma, as a member of the Appropriations Committee, and said, "I have to have another amendment. We have to have some way to try to jack up the Forest Service to meet the requirements of this law, the Tongass Timber Reform Act."

The Forest Service has estimated that the market demand will be in the range of 400 million board feet throughout the 1990's. I think this estimate is very interesting. I ask unanimous consent that the estimate, along with other items I have attached here from existing law, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

16 U.S.C. §1604 [NATIONAL FOREST MANAGEMENT ACT]

(g) Promulgation of regulations for development and revision of plans; environmental considerations; resource management guidelines; guidelines for land management plans.

* * * [T]he Secretary shall * * * promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C.A. §§528–531], that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

* * * * *

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

* * * * *

(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and * * * provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;

* * * * *

(d) Public participation in management plans; availability of plans; public meetings—

The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

MARKET DEMAND

TABLE 3–119.—SUMMARY OF HISTORICAL AND PROJECTED PERIODIC ALASKA TIMBER HARVEST BY OWNER, HARVEST BY PRODUCT, AND PRODUCTION OF FOREST PRODUCTS, 1970–2010[1]

[Timber harvest by owner and timber imports (in million board feet)]

Period	All owners	National forest	Private	Other public	Timber imports
1975	554.7	489.4	17.7	54.6	0.0
1980	537.4	411.0	133.8	46.1	25.5
1985	572.7	280.7	266.2	25.8	34.5
1990	787.5	381.5	376.0	30.0	13.7
1995	595.5	403.5	162.0	30.0	15.0
2000	538.2	403.2	105.0	30.0	15.0
2005	527.1	397.1	100.0	30.0	15.0
2010	530.8	400.8	100.0	30.0	15.0

[1] Data are averages centered on the year they are reported for, except 2010 reports the average for 2008–2010. Annual data are reported in Brooks and Haynes (in press).

Source: Haynes and Brooks, 1990.

TABLE 3–60.—ESTIMATED CHANGES IN PRODUCTIVE OLD-GROWTH FOREST ACRES COMPARED TO 1954, (INCLUDES DESIGNATED WILDERNESS

	Percent of 1954 productive old growth remaining under current revised draft TLMP	
	Preferred	Alternative
Total old growth—1954: 5,438,547 acres		
Percent remaining in year:		
1990	93	
2000	91	
2010	88	
2040	78	
2150	70	

In addition, by the year 2150, much of the second growth will be 160–200 years old. Thus it will have old growth characteristics and can be used as habitat.

U.S. FOREST SERVICE,
Juneau, AK, May 27, 1994.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I appreciate the time we had in your office to discuss Alaska issues. The visit will be most helpful to me as I assume my duties as Regional Forester.

Duane Gibson asked that I provide clarifications regarding how the Forest Service in Alaska intends to address the proposed "PACFISH" watershed/habitat strategy that is currently being considered for application in the lower 48 as interim direction.

As stated in the Environmental Assessment for the proposed strategy in the lower 48, (Reference: Alternatives Considered But Eliminated From Detailed Study, page 24), Alaska was eliminated from consideration of interim direction because "Generally anadromous fish stocks and habitat conditions in Alaska are not as degraded as those in the contiguous United States. Agency biologists and others have determined that these stocks generally are not in need of interim direction to ensure options are maintained." The other reason was because of the specific instructions in the FY 1994 Interior and Related Agencies Appropriations Act to prohibit application of the PACFISH standards and guidelines to the Tongass National Forest.

The Forest Service in Alaska is currently responding to the Conference Committee direction to determine if any additional protection is needed on the Tongass National Forest. The study is due to be completed by the end of this fiscal year. The results of the study and other available information will be used to determine whether any change to management direction may be needed. That determination will be made through our land management planning process, with public involvement and NEPA compliance.

We in the Alaska Region of the Forest Service look forward to working with the States of Alaska and all interested parties as we proceed with the study and follow-up analyses.

Sincerely,

PHIL JANIK,
Regional Forester.

[Excerpt from PACFISH Environmental Assessment for Lower 48]

Alternative B.: The option of applying interim direction to Agency-administered lands in Alaska was eliminated for the following reasons:

1. Generally, anadromous fish stocks and habitat conditions in Alaska are not as degraded as those in the contiguous United States. Agency biologists and others have determined that these stocks generally are not in need of interim protection to ensure that options are maintained.

2. The FY 1994 Interior and Related Agencies Appropriations Act contains language that prohibits the application of PACFISH standards and guidelines to the Tongass National Forest during fiscal year 1994.

3. During FY 1994, the Agencies will conduct stream analyses and studies and will review procedures regarding land management to evaluate the effectiveness of current stream protection and determine the need for additional protection of lands and resources they administer in Alaska.

Alternative C: The option of applying interim direction to watersheds beyond the range of anadromous fish, but where there is habitat important to at-risk resident fish species—such as the bull trout, was eliminated because it is beyond the scope of this environmental assessment, and because independent initiatives to address resident fish habitat management already have begun. This option will be further examined in the geographically specific EISs, which will consider local conditions and the status of various resident fish stocks.

Public involvement during the scoping process for the geographically specific EISs will examine options for management after the interim period and may produce alternatives that include some of the geographic options considered but eliminated from detailed study.

MANAGEMENT DIRECTION OPTIONS ELIMINATED

A number of management direction options for standards, guidelines, and procedures were considered, ranging from current direction to alternatives specifying riparian goals, interim riparian management objectives, standards and guidelines, a new definition of riparian area, Key Watershed identification, and increasing levels of road and/or watershed analysis.

Six management direction alternatives were eliminated from detailed study:

Alternative A: This alternative generally assumed that forest plan and LUP goals, objectives, standards, guidelines, riparian areas, and procedures are sufficient for interim protection. However, it would have modified current direction by (I) applying draft Forest Service California Region (R5) minerals management standards and guidelines within riparian areas;

SALE SCHEDULE SUMMARY—FISCAL YEAR 1992 AND 1993 TONGASS TIMBER SALE SCHEDULE ACCOMPLISHMENTS; 4TH QUARTER FISCAL YEAR 1994 AND TENTATIVE FISCAL YEAR 1995 TONGASS TIMBER SALE SCHEDULE

Fiscal year	KPC offer	APC offer	Independent offer			Grand total
			SBA/ SSTS	Open	Total	
1992	225	224	33	7	40	489
1993	46	211	61	0	61	318
1994:						
1st–3d Qtr	111	0	5	23		
4th Qtr	70	0	31	40		
1994 total	181	0	36	63	99	[1] 280
1995	220	0	74 [3](75)	26	100	[2] 320
Volume under contract as of June 1, 1994	193	41	48	5	53	287

[1] Includes 138 MMBF (sawlog + utility volume) of reoffer sales.

[2] Includes 26 MMBF (sawlog + utility volume) of reoffer sales.

[3] Three sales listed in the Tentative FY95 Sale Schedule but NOT included in the volume totals are:

(1) 1995—Saginaw (31.2 MMBF) (within goshawk home range).

(2) 1995—King George (22.5 MMBF); (within radius of known goshawk activity).

(3) 1995—Rowan (21.0 MMBF) (within goshawk home range).

Note.—All numbers are sawlog + utility volume.

Mr. STEVENS. Madam President, the third document is a chart that was prepared by the Forest Service to show the estimate of total old growth in the forest. This is a forest where many people want to protect the old growth, and we have joined with that idea. I joined in the Tongass Timber Reform Act to make certain that the specific areas that required protection in the Tongass were permanently protected. They are wilderness or LUD II. They are no longer subject to harvesting at all.

Now the claim is being made that the areas that were left open for timber harvesting, somehow or other, if they are harvested, will cause the old growth to disappear.

Madam President, when we talked about the concept of the availability of old growth in connection with the problems in the Pacific Northwest, specifically when we were talking about the area of the spotted owl, there was a problem there of disappearance, they thought, of the old growth. And there was even some debate over whether the owl habitat would be sufficient to preserve the spotted owl under the President's plan. That plan reduced old growth in the Pacific Northwest from 15 percent to 12 percent in this decade.

Madam President, the plan for the Tongass Timber Reform Act for the whole Tongass is such that the percentage of old growth remaining in this decade is 93 percent. Man has disturbed 7 percent of the old growth of the Tongass. By the year 2000, it is estimated to be 91 percent; by the year 2010, 88 percent. I could go down the list.

By the year 2150, the old growth—mind you, the year 2150—the old growth remaining in the Tongass under the plan that was submitted as the preferred alternative, by the way, in 1991, under that plan, 70 percent of the old growth will remain in southeastern Alaska, as compared to 12 percent of the old growth in all of the Pacific Northwest forest.

So I think anyone that wants to bring in a red herring around here is going to talk about old growth in the Tongass. The Tongass is practically all old growth. The question is whether the percentage of the Tongass that was left open for commercial harvest and to sustain the timber industry in Alaska will be allowed to be prepared for marketing and will in fact be marketed.

Incidentally, let me hasten to point out, Madam President, the cutting cycle in the Tongass forest is over 100 years. Less than one-tenth of the forest is available for harvest, and yet the sustained-yield cycle is over 100 years.

It does not take a rocket scientist to understand that we are not cutting this forest at a very rapid rate. The Tongass Timber Reform Act was to provide timber to sustain the then existing industry. We agreed the industry would never expand; that we would preserve a timber operation base there at the level it was at the beginning of the 1990's and no further. Everyone knew that the combination of the cutting cycle, plus the amount that was left open for commercial harvest would mean the timber industry could not grow anymore.

But what has the Forest Service done? It set up a policy to shrink it. Each year it has shrunk this industry that had made a promise to prepare timber to meet the demand to that industry in 1990.

I cannot believe that the Forest Service should be allowed to ignore the law, so I was prepared to offer an amendment saying, "Why don't you obey the law?"

The more I thought about that, I thought, "Why doesn't the industry take this Forest Service to court?" And that is what I am here today to say.

I have advised the southeastern Alaska forest industry to take this Forest Service to court; teach it to read the law, and get the courts to mandate it to abide by the law.

Each year, we appropriated funds. Every year for the last 3 years, the Senator from West Virginia and the Senator from Oklahoma have worked with me to make available money to be sure that the Forest Service could prepare timber for sale in the Tongass to meet that market demand.

We have a concept of a pipeline. So much money has been appropriated to allow them to have funds sufficient to meet market demand. But some of those, practically all of the sales, were challenged in some way by the environmental community. There were some contract disputes within the industry itself, but there was enough money to meet market demand, as it has been estimated.

The money provided by the Congress was for an environmental review of each timber sale under the National Environmental Policy Act. And those were to be completed prior to the timber sale being announced by the Forest Service.

This year, it announced timber sales, conducted timber sales. It let the contract or offered timber. And after the contract was let, they said, "Wait a minute. We are going to go out and we are going to draw 5- and 10-mile no harvest circles"—each one of those, by the way, is 70 to 300 square miles—"around every tree that has a goshawk nested in it."

Mind you, the goshawk is not endangered; it is not threatened in our State. It is in no way jeopardized by the timber harvest. Over two-thirds of the timber forest of the Tongass is there for perfect goshawk production. But this service now is installing a new concept without compliance with the Tongass Timber Reform Act, without compliance with the Tongass Land Management Plan, and without NEPA review.

The land use management concept is unique, by the way. It was applauded by the environmental circles. But now they say, "Forget about it. Forget about it."

And what do they do beyond that? Now they have not announced or decided how large they are, but they are installing habitat conservation areas to protect the wolves in this area. They do not need them, obviously, in the wilderness area. Why are they putting up wolf protection areas in places that were set aside for timber production?

We all knew what areas for timber meant. It meant timber production. It meant trees were going to be cut. They were going to be cut in a 100-year cutting cycle, using standard land use management concepts. It was not a rapid clear-out of the whole area. There were to be scheduled timber contract sales and there were set-asides for small business. There were only two major large mills in the area. One is already closed now by the action of this Forest Service.

Madam President, I just do not understand how the administration thinks it can pass a law by edict. It has not even published it in the Federal Register. It just told the Forest Service employees to go out and mark a circle around every one of those trees that has a goshawk nest in it, and no one can cut a tree within that circle.

Those circles are often being made in the area that was designated to be a timber cutting area. They are, in fact, withdrawing land. Every one of those circles exceeds 5,000 acres. Every time they do it, they violate the law; not only the Tongass Timber Reform Act, but the Alaska Land Act, in the "no more withdrawal" section that I pointed out.

I cannot understand why any administration believes they have the authority just by edict to change the law. Our people made investments based upon the concessions that were made, the compromises that were made, in the Tongass Timber Reform Act. They opened up small mills. We attracted some very small operators. They were waiting for these sales. They are probably hit harder than anyone by these new circles that are being drawn by the Forest Service.

Now, I believe that there is no way that the Forest Service should be permitted to now adopt an option of protecting old growth habitat in an area that was set aside for timber production by promulgating an administrative policy to declare that within such a circle around every one of the goshawk nests and in the wolf habitat area that they have designated, there shall be no harvesting of timber.

As I said, in the spotted owl area, we know what happened. There, the old growth had been used. As I said, in the Pacific Northwest, as I am told, under the President's plan, the percentage of reduction in old growth in the Pacific Northwest, from 15 to 12 percent that is contemplated under the President's plan, is the amount of old growth that will disappear in Alaska between now and 2010.

In over 150 years, we will not have used more than 30 percent of the old growth in the operation of our timber industry, but the Pacific Northwest will have used 88 percent under the President's plan, which many criticize, in the next decade.

I believe we have to find some way to deal with this. I have come to the floor today to say I am extremely disturbed. I cannot believe that I stood here on this floor and went through the debates we had on the Tongass Timber Reform Act, entered into the solemn compromises that we did, and the commitments that were made by the Congress to carry it out, and the Congress has in fact carried out our side, that this administration now says it will not allow the cutting within these circles and within these habitat areas in areas that were designated for commercial harvest.

The promises made under the Tongass Timber Reform Act have not been kept by this administration. This administration is now in the process of eliminating the remaining jobs in southeastern Alaska in the timber industry. The Forest Service and the extreme environmental community have really just driven a stake right in the heart of the Tongass forest economy. There are literally hundreds of timber workers and their families who are appealing to us to take some action. Unfortunately, I have to tell them I know of no law we could pass here now that would tell the Forest Service not to do things in violation of existing law that would have any more effect on them than the two we have already passed.

We thought there was peace in this area. I thought we had reached a conclusion that would yield an understanding between the various factions which exist in southeastern Alaska.

There is no reason for doomsday about the survival of old growth timber in the Tongass forest; six-sevenths of it will never be cut. The one-seventh that will be harvested will take a 100-year cycle to complete.

Let me say one other thing that bothers me, and the reason I am here today is that the extreme environmental community has contacted every Member of the Senate and urged them to vote against my amendment because, they say, I plan to disturb the Pacfish policy of the Pacific Northwest. Nothing could be further than the truth. And I am tired of these lying, deceitful people who come to Members of Congress and give out information like this.

The interim strategy provided for the Pacific Northwest did not apply to Alaska at the time when it was devised. I asked to be present and meet with the President and his advisers in the Pacific Northwest when they conceived that policy, and I was told categorically you do not have to be there because we are not discussing Alaska situations. After the Pacfish policy was announced, some within the Forest Service said let us apply the Pacfish policy to Alaska.

Again I went back and talked to the President's assistant. I have a letter from Mr. McLarty saying: "Rest assured, we told you that policy does not apply to Alaska. It does not apply to Alaska."

Subsequently, the new regional forest manager, Mr. Phil Janik, assured me by letter dated May 27 of this year that "Alaska was eliminated from consideration of interim direction" associated with Pacfish. That was because—and I am quoting from his letter—"fish stocks and habitat conditions in Alaska are not as degraded as those in the contiguous United States."

Any determination that the Pacfish strategy ought to apply to Alaska, he told me, would be made through our land management planning process. That is what I am talking about now. He told me determination to apply Pacfish strategy to Alaska would be made through our land management planning process, with public involvement and NEPA compliance.

That promise he made me with regard to Pacfish is exactly what has not been done with regard to these new policies that have been announced with regard to the goshawk and the wolf.

I took the Forest Service assurance that they would comply with NEPA and with the TLMP planning process on Pacfish at face value. The amendment I presented to the committee was not an amendment that dealt with Pacfish, as the extreme environmental community has told Members of the Senate. The Pacfish policy was moot for Alaska, except through the land planning process. My amendment did deal with the land management actions that have been taken by the Forest Service concerning goshawks and wolves.

I believe those portions of the economy of our State that rely upon commitments from the Federal Government as to the areas that will be made available for our utilization for economic development have a right to expect that executive agencies will follow the law. They deserve much more than they have received at the hands of the extreme environmentalists, and the time is going to come when I am going to start making some of these people tell the truth. We could have some laws passed that would put some teeth into what they can and cannot do in the Halls of Congress.

But clearly the peace we thought we would get through the Tongass Timber Reform Act does not exist. I cannot believe that this Forest Service will continue this policy. As I have said, they have drawn, now, 5- and 10-mile no harvest circles around birds nests and around areas they have designated as wolf habitat conservation areas, in areas they themselves have already let contracts for and planned sales in, to permit small businesses to harvest the timber.

I do believe the studies that are underway. If these tell me we have an endangered species in Alaska and we ought to take some action to preserve habitat to protect them, I will consider helping them. I do not disagree with the concept of protection of environment and species, but there is substantial protection in the Tongass already—nearly 7 million acres. I do believe the people who just decide for some whim they are going to protect a different bird, this goshawk, differently than they do in the Southeast—the Southeastern part and the Southwestern part of the United States, that they are going to do it differently in Alaska—that it needs to be considered by Congress itself.

I hope we find a way to convey to these people that it is time they read the law. It is time they understand that Alaskans made substantial compromises to finally get an agreement in the Tongass Timber Reform Act. That act was basically passed in order to assure that the southeastern portion of my State would have a constant timber economy.

Let me state the conditions again. There would have been no increase in that economy at all. We did not contemplate increasing production. There is no contemplated use of any of the lands that were set aside, some of the most important, productive timber areas were set aside for wilderness values. But the area that was designated to be available for timber harvesting has now been set aside by Executive action under a new process that is not authorized by law, was not contemplated by the Tongass Timber Reform Act, is not within the concepts that were announced by Congress in the Alaska National Interest Land Claims Act, and I believe there is no reason for us, as Alaskan Members of the Senate, here on the floor today to ask the Senate to go on record to, in effect, tell the Forest Service to abide by existing law.

So it is with great frustration I come to the Senate today. The projections have already been made by the Forest Service as to what is the demand. They are not subject to challenge, to my knowledge. We have specific legislation that requires the Secretary:

> To provide for public participation in the development, review and revision of land management plans, including but not limited to the making of plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least 3 months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans and revisions. And there are public processes for amendments to plans.

These management prescriptions that I am talking about were not announced, not published in the Federal Register. No public notice was given. All we know is that people who are permitted by contract to harvest timber were told: "Wait. You cannot go in this area. They have now been designated by the executive branch as being areas of no timber harvest now."

That is the executive branch usurping the power of Congress. I think it is dictatorial to the nth degree and I cannot really express my total—just disgust, to see this kind of development take place in an agency I have tried to help for so many years.

Madam President, again, as I say, I am not going to offer that amendment. I challenge any one of those people who put out those bulletins to Members of the Senate that Members have told me about to come forward and publicly meet me in front of the press and defend the lies they have passed out among the Members of the Senate. It is an atrocious practice that is going on around here, that people are passing out material and trying to convince Members of the Senate that another Member of the Senate, in particular this Member of the Senate, is going to do something that is unethical and unwarranted in terms of the conditions of his State.

Madam President, I thank the Senate and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Alaska.

AMENDMENT NO. 2409

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2409.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 89, between lines 13 and 14, insert the following new section:
>
> **SEC. . WITHDRAWAL OF LANDS FROM TIMBER MANAGEMENT IN ALASKA.**
>
> (a) FINDINGS.—The Senate finds that—
>
> (1) The United States Forest Service has begun to implement ad hoc prescriptive wildlife management measures in the Tongass National Forest that reduce land areas available for multiple use under the Tongass Land Management Plan (TLMP), thereby reducing timber harvest volumes in already prepared harvest units below the level needed to protect timber dependent communities;
>
> (2) The prescriptive measures termed "habitat conservation areas" and "goshawk protective perimeters" are being used to withdraw lands from timber management which have been evaluated and approved for timber harvest pursuant to the TLMP, National Environmental Policy Act, the Tongass Timber Reform Act, and the National Forest Management Act;
>
> (3) Prescriptive management measures intended to protect wildlife population viability should be accomplished through amendments or revisions to the TLMP adopted in accordance with the process described in the National Forest Management Act at 16 U.S.C. 1604 (d) and (g);
>
> (b) SENSE OF THE SENATE.—It is the sense of the Senate that—
>
> (1) funds made available under this act should not be used to implement management actions (including, but not limited to, prescriptions such as habitat conservation areas and goshawk protective perimeters) which withdraw lands from timber management or planned timber harvest in the Tongass National Forest, unless such management actions are imposed pursuant to a duly revised or amended Tongass Land Management Plan, such revision or amendment having been made in accordance with and subsequent to the public participation provisions of Section 6(d) of the National Forest Management Act (16 U.S.C. 1604(d)); and
>
> (2) withdrawals of land areas of more than 5,000 acres from timber management or planned timber harvest in the Tongass National Forest for habitat conservation areas, goshawk perimeters or for other special management prescriptions, other than withdrawals provided for by the Tongass Land Management Plan or revisions or amendments thereto, should only be made in compliance with Section 1326(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3213(a)).

Mr. MURKOWSKI. Mr. President, as winter approaches, the people in southeastern Alaska, dependent on the timber industry—areas like Ketchikan, Craig, Klawock, Thorne Bay, Wrangell, Sitka, Rowan Bay, Coffman Cove, and Hoonah are going to suffer a severe hardship as a direct result of the actions of the U.S. Forest Service taken outside the law—outside the law, Mr. President—without regard for the public process, actions not supported by an administrative record and not supported by sound science.

A little earlier this afternoon, this body accepted a sense-of-the-Senate resolution by the junior Senator from Texas, Senator HUTCHISON, calling on the Secretary of the Interior to allow San Antonio and surrounding areas to continue use of historic levels of water from the Edwards aquifer.

My sense of the Senate asks the Forest Service to simply operate within the law of the land. Nothing more, nothing less. The amendment attempts to make clear that the Forest Service should not implement unilateral and unauthorized changes in land classifications, and that when it makes such far-reaching changes, it has to comply with Congress' previously provided land planning directives, including requirements for public comment. In other words, follow the law of the land.

The issue of timber harvesting in the Tongass National Forest has been contentious, as my senior colleague outlined, for a number of sessions in Congress, but throughout the years, we have agreed on tradeoffs that carefully and delicately balance the protection of more than 6 million acres of wilderness in our timber block. While we must protect these wilderness areas, we also need to preserve the economic livelihood of southeastern Alaska and the people thereof by ensuring the continuation of reasonable timber harvesting.

That balance, crafted by Senator BYRD, Senator STEVENS, and others on the Appropriations Committee, has been threatened and is now at great risk by improper and unsanctioned Forest Service actions.

Congressional action in the Alaska National Interest Lands Act [ANILCA] and later in the Tongass Timber Reform Act, made clear both the intent of Congress and the specific application of the law. As the conference report on the Tongass Timber Reform Act stated, the Secretary was directed to provide "a supply of timber which meets the market demands subject to the appropriations process, the requirements of the National Forest Management Act and all other applicable laws"—all other applicable laws.

The Forest Service is clearly ignoring these instructions. It has not identified, as Senator STEVENS said, nor sought to meet the market demand for timber and is now actively violating its own instructions by making new and unsupportable reductions in timber harvest outside the public process of forest planning.

The Forest Service has recently announced that despite the years of careful planning and efforts that have gone into crafting applicable and acceptable timber sales in southeastern Alaska, it is now going to overlay new no-harvest restrictions over areas previously approved for sales. These new restrictions were recently triggered by something that is new to this body. It is a petition list, a petition to list the Queen Charlotte goshawk and the Alexander Archipelago wolf under the Endangered Species Act. However, it is important to note that this is really a first in that these were only petitions, unsupported by any scientific evidence, not approved by the U.S. Fish and Wildlife Service and filed, and admittedly—admittedly-supported by organizations that were simply attempting to stop timber harvesting on forest lands.

So far, 16 nesting pairs of goshawks have been discovered. We do not know how many they previously had because they do not have that information. Around each tree, despite the lack of evidence that protection is warranted, the Forest Service is now proposing a 143,000-acre no cutting circle. The circles mapped so far would remove a total of 210 square miles from previously approved timber sales. The Forest Service would remove this area from previously imposed timber sales and would do so without any evidence that the goshawk is in danger or even in the process of declining. In fact, there is no evidence that such protection is even helpful.

Mr. President, the Forest Service finds a goshawk's nest and they put a circle around the area.

In fact, there is no such evidence that such protection is even helpful with regard to the goshawk. Goshawks are highly mobile and frequently change their nesting location. One pair being studied earlier this year changed its nest from an unlogged area to one heavily logged area. It makes no sense spending this summer drawing circles around trees that the goshawks may not even use next year.

One might think this is trivial. But this is affecting people's jobs, their lives, their ability to educate their children, and their ability to pay their mortgages.

In addition to the goshawk, the Forest Service has come up with another one, the Archipelago wolf. Mr. President, there are thousands of wolves in Alaska. We have been in dispute in certain areas around my home of Fairbanks as to a reduction in the number of wolves so the caribou could prosper.

But as far as the Forest Service is concerned, they are proposing a new habitat conservation area on top of timber harvest zones previously approved until full scrutiny under provisions of the National Environmental Policy Act has taken place. Yet, the fact is that the wolf numbers, including those in heavily harvested areas, are on the increase. As a matter of fact, most of the wolves are on Prince of Wales Island where most of the timber is being cut, and the reason the wolves are on Prince of Wales Island is because their main feed is there, the Sitka black tailed deer. There are no wolves on other major islands in southeastern Alaska—Admiralty Island, Baranof and Chichagof. No wolves, just lots of deer.

So we have this inconsistency, and the Forest Service fails to recognize it. The fact is, wolf numbers, including those in the heavily harvested areas, as I said, are on the increase. The best 1989 figures showed a southeastern Alaska wolf population of 600–700. Today, the southeast Alaska wolf population is thought to be over 1,000.

The only legal justification for the Forest Service actions, the only legal authority is found in the National Forest Management Act which provides that "land management plans are to contain guidelines for the diversity of plant and animal communities."

It is very clear in the National Forest Management Act that provisions for wildlife are to be implemented or altered only through the full land management planning process including, Mr. President, provisions for public comment. That simply has not occurred.

In summary, the Forest Service action is premature. These species are not listed as endangered, and there is no evidence that they are declining.

Further, Mr. President, the Forest Service action is not supported by the law and does not comply with requirements for public comment.

We only want the Forest Service to follow the law.

Mr. President, I have another amendment, but the floor leaders have left the floor and the status of this amendment with regard to the majority is unknown to the Senator from Alaska at this time. It is my understanding that the minority, the Senator from Oklahoma, is willing to accept the amendment. But in view of the circumstances, unless the Chair objects, I will use this time to go into my second amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2410

(Purpose: To provide design and construction drawings for the replacement of buildings accidentally destroyed by the National Park Service, and for other purposes)

Mr. MURKOWSKI. Mr. President, without losing my right to call for a vote, and in order to expedite the time in the Chamber, and within the appropriate procedure as dictated by the Parliamentarian, I would send my second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2410.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following: "*Provided*, that consistent with existing law and policy, the National Park Service shall, at the request of the University of Alaska Fairbanks, enter into negotiations regarding a memorandum of understanding for the continued use of the Stampede Creek Mine property consistent with the length and terms of prior memoranda of understanding between the National Park Service and the University of Alaska Fairbanks: *Provided*, that within the funds provided, the National Park Service shall undertake an assessment of damage and provide the appropriate committees of the Senate and House of Representatives, no later than May 1, 1995, cost estimates for the reconstruction of those facilities and equipment which were damaged or destroyed as a result of the incident that occurred on April 30, 1987 at Stampede Creek within the boundaries of Denali National Park and Preserve; provided further, the National Park Service shall work with the University of Alaska Fairbanks to winterize equipment and materials, located on the Stampede Creek mine property in Denali National Park, exposed to the environment as a result of the April 30, 1987 incident."

Mr. MURKOWSKI. Mr. President, I am not sure of the status of the amendment which we are attempting to clear on both sides, but in any event, while we wait for the disposition by the floor leaders, I would like to proceed.

Let me call your attention, Mr. President, to a situation that occurred in the spring in 1987. An explosion rocked a mine in a remote region of the Denali Park.

I am going to call on my staff to locate the specific area. It is about 140 miles from Fairbanks.

To give you some idea of location, this is Anchorage down here, and this is Fairbanks, and it is in the Denali National Park area, but it is not in the park itself. It is in the area that was designated park preserves, which was an addition to the park.

It was an explosion of great magnitude, as these pictures will show you. This is a before picture, Mr. President, that shows the Stampede Creek coming in, and it shows the mill where the ore is ground up. This is an antimony mine. It was the second largest antimony mine in North America up until the mid 1980's.

It should be pointed out that this is an isolated area, Mr. President. There is no road into the mine. The small road you see goes to an airfield about 4 miles away.

Here you have the creek coming through, and the mineral deposits are underground. This is the living area for the camp.

After the explosion, things looked a little different. This is the same picture of the mill after the explosion. This is another picture of the mill after the explosion.

One can clearly see that there was great damage done.

Mr. President, newspaper reports were sketchy. Few individuals really could have read between the lines to realize that one man's life's work was involved, and that the U.S. Army, the University of Alaska, and the National Park Service were interested parties but no one was willing to accept the blame as to who blew up the mine.

Let me give you a very short version of this story. The fact is the National Park Service illegally took private property and blew it up, Mr. President, and in the process most likely violated a number of environmental laws as well as the provisions of the Historic Preservation Act.

They did not have a permit, Mr. President. They simply blew it up.

This is in the area, as I indicated, in the Denali National Park reserve, in the Kantishna Hills region. The mine was first opened in 1959. Antimony is a high-priced metal used for alloys, medical purposes, and others. In 1942, a fellow by the name of Earl Pilgrim purchased the claims, and under his hand and direction the mine continued to operate and ship antimony until 1972. As I have said before, it was once the second largest antimony producer in North America.

The Stampede mine was found to be eligible for listing on the National Register on June 20, 1989. The area contains some old historic structures with the exception of the structures that were blown up. The site is rich in equipment, machinery, tools, and other objects that made up the things of a mining camp. Many of these items are unique to the Pilgrim operation that reflect his own inventiveness and mechanical skills.

In 1979, Stampede Mines, Ltd., entered into negotiations with the National Park Service and the University of Alaska, and as a result of those negotiations the mining company made a donation to the National Park Service of the surface rights, including a road access from the airstrip to buildings, water rights, stream banks, and so forth. It was thought at that time that the National Park Service possessed the wherewithal to better maintain and protect the historic structures.

However, at the same time, the University of Alaska, Fairbanks School of Mineral Engineering, was donated all the mineral rights, the mining equipment, and the fixtures with mineral development restrictions for the education of the students, with the provision that it would be noncommercial; that it would be used for educational purposes. No commercial mining would be allowed, only small-scale educational mining. The buildings, roads, trails, and airstrip were owned by the Park Service, however the university would be responsible for maintaining the buildings.

The School of Mineral Engineering was pleased with this arrangement, and they looked forward to utilizing the mine as a unique opportunity to learn firsthand about early mining procedures, the operations and equipment. Given the chance, they would like the opportunity to offer classes in the future.

I submit a letter from the dean of the School of Mineral Engineering which addresses the mineral school's interest in the Stampede mine. I ask that be entered in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY OF ALASKA FAIRBANKS,
SCHOOL OF MINERAL ENGINEERING,
Fairbanks, AK, July 25, 1994.

Re university's Stampede Mine.

Hon. Senator FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: This letter is in response to concerns about the Stampede Mine being too remote for academic programs. The University is developing programs that will be cost effective to operate remotely. It is anticipated that the classes will be small, between 6 and 12 students, all transported by Cessna Caravan to the airstrip. Students will be housed overnight, with fieldwork being conducted over a period of several days to a few weeks. We feel such a program will be an attractive offering to our summer sessions and that its success will depend on cooperation with the National Park Service.

Should you have any questions, please call me. Thank you.

Sincerely,

ROBERT H. TRENT,
Dean.

Mr. MURKOWSKI. Mr. President, the educational program is consistent with the intent of the university's receipt of the property. The School of Mineral Engineering has developed a meaningful program that provides instruction and investigation about the environment by sound mineral exploration, mining techniques in a manner sensitive to the environment, as well as studying the geology, biology, and ecology of the area and studying the historical aspects of Mr. Pilgrim's mine.

The program has already helped the mineral industry develop methods to explore and find and develop minerals on land located in sensitive areas throughout Alaska, even on land controlled by the Department of the Interior.

Mr. President, it was to be an absolute win for the National Park Service, and a win in the field of education for the university. During 1986 and 1987, National Park Service personnel conducted field inspections of old mining sites located on their lands for the purpose of identifying potential contaminated sites and hazardous conditions.

At the end of July 1986, the Stampede Creek Mine was examined, and the inspectors recommended immediate action to examine the safety of old blasting caps and chemicals at the site. Before taking action, the inspectors recommended that the ownership issue be resolved. While the matter was treated as serious, but certainly not as an emergency, absolutely nothing occurred for the next 8 months.

Subsequently, National Park Service personnel and members of the U.S. Army explosive ordnance detonation team arrived at the Stampede Mine site and, on April 30, 1987, added a new dimension to the words "fire in the hole." The University of Alaska had no knowledge nor did the in-holders downstream that would be affected by the explosion. What did they do? They moved 4,000 pounds of ammonium nitrate that was private property of the university and placed it on top of the frozen Stampede Creek.

Mr. President, for those of you who are not familiar, ammonium nitrate may sound dangerous. But in a packaged state it is common fertilizer. The Park Service piled 4,000 pounds of this fertilizer on the top of the creek bed and added several half gallon bottles of acid. The Park Service then retrieved dynamite caps from the assay lab. Then finally they added 45 pounds of high explosives, set the charge, left by helicopter, and sat on a mountain waiting for the charge to go off.

Mr. President, the explosion left a crater 28 feet wide and 8 feet deep. Where does the creek go? The creek goes down to the river, and the river goes into the Tanana, and the Tanana goes into the Yukon and affects the fishery.

Did they have an environmental impact statement? Certainly not. Was the EPA asked to look into it? Certainly. Did the EPA look into it? No.

Mr. President, this is what it looked like prior to the explosion. Again, Mr. President, that is what it looks like after the explosion.

The action also blew up a 5,000-ton tailings pile, which has a current value of $600,000. Unfortunately, the heavy metals of the tailings farm were blown about the surrounding environment.

The U.S. Army incident report 176–23–87 stated that the National Park Service personnel were aware that the detonation would result in damage to the surrounding buildings and, according to Sergeant Seutter, "At no time was it relayed to me that damage was unacceptable."

Mr. President, violations of law are very clear here. There are violations of the Clean Water Act, the Historic Preservation Act, section 404 of the Clean Water Act involving wetlands, not to mention the taking and destruction of private property.

What we have here clearly is a double standard. The Government and its agencies did not have to comply with the law.

Further, since the explosion, some $2 million worth of mining equipment—some historic—has been damaged or destroyed due to exposure, inclement weather, and the normal Alaska freeze.

Mr. President, my amendment does not attempt to rectify all the wrong that has been done. My amendment would simply direct the Park Service to work with the University of Alaska Fairbanks to negotiate a memorandum of understanding so that the university may continue their worthwhile educational program with some assurance of a program continuity, and to ensure that the $20,000 which the university invested and other moneys that they continue to invest will not be lost or spent in vain.

Mr. President, my amendment also directs the Park Service, with appropriated park funds, to provide the appropriate committees with cost estimates for the repair and/or restoration of buildings and equipment damaged or destroyed by the National Park Service in this unfortunate incident, and to winterize equipment and materials now exposed to weather; in other words, winterize the equipment that is in this mill so we do not lose it.

Mr. President, this amendment is not without precedent. This Senate took similar action on the Interior appropriations bill in the 102d Congress. The circumstances were almost identical, except for the fact that the superintendent of the Olympic National Park did not blow up the Kiwana's Club Lodge, which was a Government-leased building. But she did burn it down to the ground. In the Olympic National Park case, the Senate responded appropriately and directed that the lodge be rebuilt and that the rescinded permit be extended.

I only ask my colleagues for equal treatment. The university's use of these buildings is based upon the transfer deed to the Park Service, which required that the buildings be available for educational uses.

I therefore urge my colleagues to support the amendment.

Mr. President, that concludes my remarks in support of the amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the comments that were made by our friend and colleague, Senator MURKOWSKI, as well as those that were made by Senator STEVENS. Both spoke with great conviction concerning various lands in Alaska and some inequities that have happened through the Department of the Interior. I compliment them for their earnestness, and also their willingness to work together.

I might inquire of my friend from Alaska, he has both an amendment dealing with the mine and also a sense-of-the-Senate?

Mr. MURKOWSKI. I have both.

Mr. NICKLES. I thank my friend and colleague.

Mr. President, I have reviewed both amendments. I personally do not have a problem with either of those, one of which the Senator from Alaska dealt with, and talked about the mine and said we should review what the cost would be for an equitable solution with the Forest Service. I hope that we can concur with that one.

The second one is a sense-of-the-Senate amendment dealing with the same problem that the Senator from Alaska, Senator STEVENS, alluded to, and again, since it is a sense-of-the-Senate, I hope we can concur as well.

Mr. MURKOWSKI. Mr. President, I simply remind my colleague that earlier in the day we accepted a sense-of-the-Senate on the San Antonio aquifer which involves even a more significant analysis of the Endangered Species Act than my amendment. In our case, neither the wolf nor the goshawk have been designated endangered. But the Forest Service has seen fit to withdraw land far in excess of that allowed under the law.

So all we are asking for is that the Forest Service abide by the law. I certainly welcome any of my colleagues who care to debate what the law says.

I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the list of names of Senators who have possible amendments be reduced as follows: that Mr. WELLSTONE's name be cut from the amendment list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not think any Senators on this side of the aisle whose names appear on the list intend to call up their amendments. I think all of the amendments shown on the list from this side of the aisle can be reduced to colloquies, and those are being developed at the present time. Therefore, there would only be those amendments that are still on the list by Senators from the other side of the aisle. They might be called up and might not. I wonder if my colleague has any suggestions as to how to proceed.

Mr. NICKLES. If the chairman will yield, we show Senator BROWN has an amendment and Senator BURNS has and amendment. I am not sure what Senator BROWN's is. I think Senator BURNS is trying to remedy his with a colloquy. Senators COVERDELL and NUNN, I think, can be done with a colloquy. Senator DANFORTH has an amendment, and he will be to the floor soon. Senator DOMENICI has an amendment trying to find sources of funding. I think he is just about to make that happen. Senator GRAMM is listed for two amendments. I am not sure they will be offered. Senator MURKOWSKI has both amendments now pending before the Senate and, hopefully, will be disposed of quickly. That will conclude the amendments outstanding on this side.

Mr. BYRD. Mr. President, I thank my colleague for his response. Which amendment by Mr. MURKOWSKI is pending?

Mr. MURKOWSKI. I believe my sense-of-the-Senate is the pending amendment. I offered my other amendment on Tongass as well.

Mr. BYRD. Which amendment is pending?

Mr. MURKOWSKI. I believe it is my-sense-of-the-Senate resolution but would direct that question to the Chair.

Mr. NICKLES. If the chairman will yield, I neglected to mention that Senator McCAIN is still listed as having one amendment as well.

The PRESIDING OFFICER. The sense-of-the-Senate resolution is not pending. Amendment No. 2410 is the pending amendment.

Mr. MURKOWSKI. Mr. President, to expedite this, I proposed the sense-of-the-Senate first and proposed my Park Service amendment second. I would be willing to proceed to whichever amendment the managers prefer.

Mr. BYRD. Mr. President, the amendment which the Senator identified——

Mr. MURKOWSKI. The sense-of-the-Senate amendment simply requires the Forest Service to live by the law of the land with regard to setting aside and withdrawing specific areas that are not associated with any identification of any endangered species of any kind.

Mr. BYRD. The other amendment?

Mr. MURKOWSKI. My second amendment has to do with the University of Alaska and, reimbursement for the Park Service blowing up a mine. It is the Stampede Creek amendment.

Mr. BYRD. On this side, Mr. President, I am ready to accept and recommend that the Senate adopt the amendment dealing with the Stampede Creek. Is that the amendment pending?

The PRESIDING OFFICER. That is the pending amendment.

Mr. NICKLES. Mr. President, I concur with the Senator from West Virginia. We have no objections to this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2410) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMPACT OF GRAZING FEE INCREASE

Mr. HATCH. Mr. President, last May, the Economic Research Service [ERS] of the U.S. Department of Agriculture released a report analyzing beef cow/calf operations with permits to graze on lands managed by the Forest Service and the Bureau of Land Management in 10 western States—"Cow/Calf Ranching in 10 Western States"—AER-682. The report states that ranchers with permits to graze cattle on Federal land-permittees—enjoyed higher net earnings than ranchers without such permits—nonpermittees—even though certain required costs—fencing, breeding stock, hired labor, et cetera—cost permittees more. The report concludes that these permittees paid "sufficiently less" than nonpermittees to graze their cattle on Federal land that more than offset these higher costs.

The current debate on reform of our Nation's grazing policies involves the issue of fees charged to graze on Federal lands. Secretary Babbitt proposes increasing the current Federal grazing fee of $1.96 per animal unit month [AUM] to $3.96 per AUM by 1997, while I have joined several of my colleagues in supporting S. 1326 to increase the fee to $2.35 next year. This wide disparity about where the fee should be set is symbolic of a wider disparity in our views about the overall reform of rangeland policies. This debate, rather than being conducted and resolved in Congress, is being pursued through regulations put forward by the Secretary.

Since the report from the ERS indicates that a higher Federal grazing fee "will be relatively small for the average permittee," and thus justified, I asked two professors from Utah State University [USU] to review the ERS report. I believe it is imperative that my colleagues and others who are interested in this debate have a complete understanding and thorough knowledge of what is occurring on our western rangelands.

Drs. Darwin B. Nielsen and E. Bruce Godfrey, acknowledged experts in the area of agriculture and agricultural financing, recently provided specific comments and questions regarding this report. I believe these comments are worthy of my colleague's consideration during the ongoing debate about grazing fee increases. Today, I am making these comments available so that, as my colleagues read the ERS report, they can have a second opinion on the report's contents. I ask unanimous consent that USU's analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the ERS Report No. 682, May 1994]

COMMENTS ON THE USDA PUBLICATION: COW/CALF RANCHING 10 WESTERN STATES

(By Darwin B. Nielsen and E. Bruce Godfrey)

The following comments are responses to the portions (Summary, etc.) of the original publication.

SUMMARY

A big deal is made of the supposed fact that fees on public lands are below the market value for forage. A single grazing fee for all public land users cannot collect full market value from each rancher. Regardless of the distribution of individual rancher values of grazing, there will be some with high total costs where the current fee is too high. There will be others where they have a low total cost and/or high returns associated with the use of public lands and the fee is less than they would be willing to pay at the margin. Low-cost ranchers are in a position to pay for permits if they choose. However, in recent years, new players have entered the permit value game and have distorted the logic of the original model of public land grazing. The new players are environmental organizations who buy permits with the sole purpose of retiring them from grazing. The Nature Conservancy is one such organization. In addition, one of the main thrusts of "Rangeland Reform 94" is to make it easier for these groups to buy and retire permits via "conservation use."

The authors argue that permittees "cannot own grazing permits," but this is not a valid argument. The government recognizes permit values for inheritance taxes. When the government deems it practical, they purchase permits to put land to other uses. BLM and FS officials have been party to transferring permits and aiding the parties in determining sale prices for permits. Thus, grazing permits are bought and sold in the market like other types of property.

The authors argue that current fees do not cover the cost of administration, and that fees should be increased to cover these costs. This, however, is looking at the problem from only one side. Has anyone investigated to see if administration costs are too high? In the short run, at least, the cost of production has never been the driving force to set market prices. If market prices do not cover the costs of production in the long run, the producer of the goods goes out of business since he/she is too inefficient to produce and sell at competitive prices. Nonfee costs, which are major costs and much more than the fee, are never mentioned, even though they should be accounted for in the budgets if they are accurate!

The statement is made that rancher net income would decline as the fees increase, but more funds for federal, state, and local governments would offset ranchers losses in local spending. This may not be the case. One important detail has been overlooked. It has been assumed that ranchers will be able to remain in business as the fee and nonfee costs increase over time, which also implicitly assumes an inelastic demand curve for federal grazing. If there is any empirical data to support this, it should be listed. It also assumes that all of the grazing fees collected would be returned to the local area.

TEXT

The statement is made that "the cow/calf version of the 1990 FCRS represents just over 98 percent of the U.S. beef cow inventory." If that is the case, why didn't they include the states of Nevada and Washington in the analysis? North and South Dakota are included but have been treated differently in the fee issue for the past several years. The argument has been that the Dakotas were different than the 11 western states. They make a statement that the grazing fee formula or amount can be changed in two ways. "Congress can pass grazing fee legislation, the fee can be altered by executive order or agency regulations." Isn't this three ways fees can be changed?

"Most published research results indicate grazing fees charged were below market value at the time of the studies." Could a list of these publications be provided? If a reasonable return on the permit value was counted as a cost of grazing public land, I doubt that statement would be valid. The argument—grazing fees do not cover the cost of administration, thus, they should be increased—is an invalid argument as mentioned above. If grazing fees were forced to cover administrative costs, there would be even less incentive for the agencies to be cost conscious. In fact, increasing grazing costs could be an incentive to raise fees and eliminate grazing. For example Nelson (1979) showed that the difference between administrative costs and revenues for most uses of Interior lands was much greater for other uses (e.g., recreation) than it was for grazing. In addition, the total cost of an activity is not a defendable basis for fees. One has to consider the costs that would be incurred "with" versus "without" an activity. In the 1986 Grazing Fee Review and Evaluation, BLM personnel found that fees, based on the "with" versus "without" principle, were nearly equal to the fees being charged livestock operators to graze federal lands. If the government insists that the cost of administration is a valid argument for fees and fee levels, why don't they apply this principle to all users of public lands? Under this system we would not have to worry about determining values to the users of public lands, we would just have all of them pay the costs of administration of their particular use. The authors discuss "arguments for higher fees": (1) to cover costs of administration, (2) to be reasonable, and (3) to reflect the value of public forage. Which argument do the authors prefer?

The authors talk about the size differences between permittee and nonpermittee ranchers. The conclusion they make is that there is "some advantage accruing to permittees that allowed them to become larger in the first place." What is the empirical basis for this statement?

A $106 cost differential between permittee and nonpermittee is suggested. Is this difference statistically significant?

"Forage from other public sources was often more costly per forage unit than FS/BLM. * * *" Was this statement based on fees collected by an agency or total cost of grazing to the rancher or were the goods and services comparable? If it was not based on total cost to the permittee or leasee, then the comparison is erroneous.

Permittees had more capital for fences, horses, and breeding stock while nonpermittees had greater costs for machines, equipment, buildings, and trucks. How were the costs of these capital items allocated by enterprise and over time? Is the allocation of these costs just to the livestock enterprise, or where these costs allocated to other enterprises? If so, what criteria was used?

There are a few questions about Table 1 that need to be explained, since they are not discussed in the text. The key point made in the USDA publication is that permittee ranchers are economically better off than nonpermittees. There are several points to be made that question this conclusion.

Permittee ranchers had more stocker cattle than the nonpermittee ranchers and purchased fewer stockers than nonpermittee. Permittee ranchers kept a significant number of calves over as yearlings, so they gave up any profit on calves. Looked at another way, permittee ranchers get stockers at a lower cost than those purchased by nonpermittees, thus they make more on them. Since nonpermittee ranchers brought more stockers than permittee ranchers, they have lower returns on their stockers by the difference in the cost of stocker cattle going into the operation. This difference is equal to the profit given up on selling calves.

It is very difficult to allocate costs between sheep and cattle enterprises on the same ranch. Permittee ranches have more sheep than nonpermittee ranches. If the costs allocated to sheep production are overestimated, it will make permittee ranches appear more profitable than nonpermittee ranches.

Cost of bulls is not included in the budget (Table 1), and it is not clear if the value of cull bulls is included in receipts from other cattle. Permittee ranches would normally require more bulls per 100 cows than nonpermittee ranches. It is conceivable that a permittee ranch would require one bull per 25 cows, while a nonpermittee ranch-pasture operation might require one bull per 50 cows. Permittee ranchers would have significantly higher costs per cow for bull service.

The year 1990 appears to have been a relative good year for running stocker cattle. Price data for Utah shows 1990 as the highest price stocker cattle year from 1988–92.

The materials presented by USDA are confusing as to what year they are reporting. The budget in Table 1 is for 1991, the material in Tables 2 and 3 is for 1990 and is used in Table 1. On page one, it is reported that the data used was collected in the 1990 Farm Costs and Returns Survey.

It is mentioned that permittees use more pickup trucks and three times as many horses than nonpermittees. Given all of the harvested feed used by nonpermittees, how can permittees use more fuel and lube than nonpermittees? Is all the difference in gas for the pickup? Where is the cost of horses in any of these budgets? Horses are not free and they eat year-round so they should have a cost to the cattle enterprise. The fact that permittee ranchers have more horses than nonpermittee ranchers is probably related to the type of grazing land permittees are using (public land), which is usually more difficult to manage for grazing.

If stocker enterprises were relatively unprofitable and if the purchase and sale of stockers were a larger part of nonpermittee costs and receipts, this would bias the results downward for nonpermittees. While one is not able to determine the profitability of stocker enterprises for either permittees or nonpermittees from the data provided in this publication, data from Cattle Fax suggest that stocker operations were not profitable in the 1990–91 period.

The authors indicate (page 6) that the average costs for permittees were significantly less than they were for nonpermittees. Was this purported difference statistically significant? If so, how was this determined? The authors also indicate that regression was used to determine if differences in size could be used to account for the difference(s) in costs. However, these results are not given. The only indication of the "goodness" of these regressions is suggested in footnote #10, where the R-squared values "ranged from .32 to 0.006." If this is the R^2 for the regression equations, it is likely that the equations could not be used to test the significance of any variable. As a result, the suggestion that there was no difference according to size could not be tested.

The statement (page 7) that there should be no difference between permittee and nonpermittee costs and returns is only true, theoretically, in the long run—after inefficient producers have been forced out of business. If small operators are willing to subsidize cattle operations as a "way of life," one would expect their costs to be greater than (larger?) operators who are not able to subsidize their cattle operation.

The statement in paragraph 2 (page 8) suggests that the cost of operating on rough terrain with inadequate water would be higher than it would be on lands where water is in ample supply and where the land was level. This difference is not reflected in the budgets (Table 1)—unless one assumes that permittees operate on "better" land than do nonpermittees.

Given the size differences in the number of cattle and sheep for permittees and nonpermittees, there would be many more full-time livestock ranchers in the permittee category. The residual returns part of Table 1 is misleading. If you are a full-time rancher with a permit, you are much more dependent on these residual returns than a small part-time or hobby livestock man in the nonpermittee category. Even though neither group is doing very well, a full-time rancher with negative returns is shown to be better off than a nonpermittee "rancher" with negative returns. These negative returns only amount to a small portion of his/her business and/or time for the small nonpermittee rancher.

The fees paid to the BLM/FS for grazing should give some strong evidence of dependency on public lands. The grazing fee in 1991 was $1.92/AUM. Since calves go on the cows and are not counted, the cows would be the major grazing animal on the allotment. There should be a few bulls in the summer, and some yearlings might be grazed on a permit. But, these exceptions do not explain all of the problems of reported dependency on public lands. Let us look at data from Table 1.

Cow-calf.—$11.13 paid in fees ÷ $1.92/AUM = 5.8 AUMs/cow unit.

Cow-calf yearling.—$13.80 paid in fees ÷ $1.92/AUM = 7.2 AUMs/cow unit.

Average.—$12.50 paid in fees ÷ $1.92/AUM = 6.5 AUMs/cow unit.

This would indicate that, on average, 6.5 months of grazing are provided by the BLM/FS. This appears to be significantly different than the 25 percent dependency reported in the text of the report footnote 6 on page 3.

An examination of the materials in Table 2 raises a few questions. The peak number of cattle per operation for permittees is reported to be 471 head. In footnote 9, this number is broken down as follows: 471 hd. cattle – 221 hd. cows – 250 hd. cattle – 206 hd. calves – 44 (assumed by report to be yearlings) – 10 (what about bulls—assume 10 hd. needed) – 34 (what about replacement heifers?) – 34 (assuming 15 percent replacement rate) = 0.

There does not appear to be any room for yearlings except for replacement heifers. This raises questions about the assumed number of yearlings for sale in Table 1.

If grazing fees (page 9) should be increased to account for inflation, one would also expect permit values to increase as a result of inflation. The data available suggest, however, that they have not increased in either monetary or real terms. This suggests that permits have declined in value (rate terms) even when fees have not increased (monetary).

The report seems to put a lot of importance on permit values until it comes time to use them. Let us assume the value of permits per ranch of $56,168 is correct. The permittees should be entitled to a return or an opportunity cost on the money invested in permits. If this amount is added to the full ownership costs for permittee ranches, it will erase more of the reported difference between permittee and nonpermittee ranchers.

There are problems with the cost of production approach to value that have been discussed earlier in these comments.

In the conclusion section, they say: "One reason permittee's costs average lower is their lower costs for forage and pasture to which the relatively low FS/BLM grazing fees contribute." Since fees were the only item listed, they must think they are the only cost of grazing public lands. On the same page, they say: "the effect of increasing FS/BLM fees is relatively small for the average permittee because FS/BLM fees are only 3.7 percent of total cash costs per cow." Again, they fail to recognize nonfee costs, which would raise the percentage significantly.

The fee collected by the government is not the total cost to the rancher of obtaining an AUM of federal forage. The nonfee portion of total costs is not handled well in this report, and realistic comparisons of public and private costs of grazing can only be made on a total cost basis.

This statement is made in the conclusions: "Permittees adjust to lower land charges by increasing expenditures per cow for some other production items, such as hired labor, horses, fences, protein feeds, fuel, and lubricants." These items comprise many of the nonfee costs of grazing. Yet, it is difficult to see where they are considered in the budget. Horse costs are not considered, fence costs are hidden in labor, and miscellaneous, if they are included. Much of the time of the owner-manager is spent on public land grazing tasks that are required by the agencies. This time was "lumped off" in a negative return to management.

In the discussion of permit values, these economists slip over into the policy arena and forget their economics. They list the economic institutions that recognize permit values as assets to be taxed or held as security but cling to the policy that they have no value.

INTERIOR APPROPRIATIONS BILL FOR FISCAL YEAR 1995

Mr. DURENBERGER. Mr. President, I would like to thank my distinguished colleagues on the Interior Appropriations Subcommittee for the efforts they have made over my 16 years in the Senate—efforts that have significantly improved the quality of life of the people of Minnesota.

Of all the issues that Senate appropriations considers each year, I think those addressed in the Interior appropriations bill are among the most important to Minnesotans.

It is this bill that provides the funds for protecting our natural resources—our rivers and streams, our forests and prairies, our endangered species and game animals. This bill funds the National Park Service, the U.S. Forest Service, and the U.S. Fish and Wildlife Service, just to name a few.

During this, the last Interior appropriations bill of my Senate career, I cannot help but recollect all the wonderful things that the Subcommittee on Interior Appropriations has helped me bring to Minnesota.

Minnesota's nickname, the Land of 10,000 Lakes, does not come close to depicting my State's natural resources. The name suggests only water—of which we have plenty—but forests actually make up nearly one-third of Minnesota's land area. In fact, Minnesota also boasts two of the most beautiful national forests in the country—the Superior and Chippewa National Forests.

The 13.6 million acres of commercial forest land generate over $4.4 billion for the State, making forest products the second largest manufacturing industry in Minnesota. And yet, forests are also an integral part of the State's outdoor recreation and tourism industry.

Approximately 1.2 million acres have been set aside for parks, refuges, wilderness, and other recreational uses that are so much a part of a Minnesotan's way of life. My State has developed a unique balance between timber harvesting and the protection of wildlife and their habitat. In fact, forest industry professionals—like Jack Rajala of Deer River—are among the most environmentally conscious people I know.

In 1992 and 1993, I was instrumental in providing Federal funding for eagle nesting ground land acquisition within the Chippewa. As a result, the Chippewa today is blessed with a revived and expanded bald eagle community. In fact, the Chippewa National Forest is now the home of more bald eagles than anywhere else in the 48 contiguous United States.

Within the Superior lies the Boundary Waters Canoe Area Wilderness—hundreds of acres of pristine wilderness that are home to hundreds of species of wildlife. Over the past 14 years, I have secured both recreational and interpretive funding for the BWCA Wilderness. I know that people like Dick Flint, Chuck Dayton, and Kevin Proesholdt have expended a lot of time and effort on fine-tuning the balance between recreation and preservation within the BWCAW.

The BWCAW is home to the only thriving population of wolves in the lower 48 States. Thus, it is no coincidence that the Wolf Center was built in Ely, MN—in the heart of the Superior National Forest—so that world renowned experts like Dave Mech of the Fish and Wildlife Service can study wolves, and so all Americans can learn the beauty of this much misunderstood creature.

On the western edge of Superior National Forest is one of the Crown Jewels of the National Park Service: Voyageurs National Park. Voyageurs is a relatively new park—established in 1971—and as a result, much money has been needed to bring the park's treasured recreational opportunities to the forefront. Superintendent Ben Clary has proven to be very committed to the protection and expansion of Voyageurs, and I am honored to have had the opportunity to work with him in an effort to provide Minnesotans with a first-class park experience.

Over the years, the committee has provided over $43 million to acquire almost 72,000 acres of land for Voyageurs. The Rainy Lake visitor center was built using appropriations in the mid-1980's. Plus, the committee allocated over $4.5 million for restoration of the Kettle Falls Hotel, a historic inn within Voyageurs that still operates as a place of rest for thousands of visitors to the park.

Minnesota is also home to several National Wildlife Refuges. The Minnesota Valley National Wildlife Refuge is the largest urban wildlife refuge in the United States. The creation of this refuge was begun by my predecessor, former Vice President Mondale. I must also applaud Elaine Mellot and Mike Bosanko, with Friends of the Minnesota Valley—together, we were able to make this refuge a reality. Minnesota Valley now has a new interpretive center, and over 7,800 acres of land have been added to the refuge's protection.

Thus—in the heart of a major urban area—schoolchildren can see bald eagles, endangered plant life, and can otherwise escape from the city. It is a true refuge, for humans and animals alike.

The Wild and Scenic Rivers Act is a marvelous piece of legislation which the Senate approved almost 10 years before my election. Over the years, I have been strongly committed to ensuring that wild and scenic rivers receive adequate funding to protect the scenic views and other recreational opportunities associated with the river landscape. Sections of both the Mississippi and the St. Croix Rivers have since been designated as wild and scenic.

As the State blessed with the headwaters of one of the world's greatest waterways, it is imperative that we protect the Mississippi River for future generations. In Minnesota, we do this in several ways. First, there is the Mississippi Headwaters Board, which is a Federal-State-local conservation organization. The Headwaters Board ensures that the waters from the river's origin to the Twin Cities of Minneapolis-St. Paul are preserved in their near-pristine quality.

Through the large urban areas of Minneapolis and St. Paul, the Mississippi River is guarded by a new addition to the National Park Service—the Mississippi River National Recreation Area. The idea for MNRRA rose from the Metropolitan Parks and Open Space Commission, a group of citizens who assisted in the development of long-range plans and funding for park and open space facilities in the Twin Cities metropolitan area. Shirley Hunt, who staffed our early efforts on this has been, with Chair Peter Gaul, so instrumental in its success.

The next step was the Metropolitan River Corridors Study Committee, created by Congress in 1980, to bring together Federal, State, regional, and local governments in an effort to enhance recreational opportunities in various river corridors across the country. This Appropriations Committee recognized the merit behind this sort of cooperative effort—and provided funds totalling $214,000 for initial studies.

In 1983, I introduced legislation to authorize Federal-State-local matching grants for use in additional river conservation activities. This was yet another effort to develop a cooperative system for managing not only the Mississippi River, but other rivers throughout the country. While this legislation was never approved by Congress, it has been implemented on a smaller scale through MNRRA.

Finally, I sponsored title VII of the Arizona-Idaho Conservation Act in 1988 which created the MNRRA. Encompassing 72 miles of the river corridor through the Twin Cities metropolitan area, MNRRA was established to preserve, protect, and enhance the significant resources of the Mississippi for future generations. MNRRA fulfills the goals I had in mind in the Metropolitan Rivers Corridors Study, by uniting all levels of involvement—from the Federal Government to private industry—

in an effort to manage the many resources provided by the Mississippi River.

The legislation also created the Mississippi River Coordinating Commission, a 22-member body appointed to represent local and Federal interests in preparing a management plan for the MNRRA. One of the most significant aspects of the corridor is its importance to the economy of the Twin Cities, of Minnesota, and of the entire Nation. Joanne Kyral, superintendent of MNRRA, worked tirelessly to ensure that the final plan addressed all river uses—agriculture, navigation, riverside property rights, environmental protection, and recreation.

Thanks to the funding approved by my colleagues, the Park Service and the Coordinating Commission recently were able to submit the final proposed management plan to Governor Carlson for approval. The final plan outlines a management framework that ensures a balanced protection of the corridor's economic resources in addition to its natural, cultural and recreational resources.

Downstream of the cities, the river is protected by the Upper Mississippi National Wildlife Refuge. This refuge runs from La Crescent, MN, to St. Louis, MO. And, like the river itself, the refuge's unique and spectacular resources have been enhanced through a new visitor and interpretive center, as well as many acres of land acquired over the past 16 years.

As the chairman and ranking member know so well, the river and the refuge are threatened by nonpoint source pollution. Accordingly, the committee has wisely provided much needed funding for new land management protection activities on lands that border the river and the refuge.

In 1992, the Crane Meadows National Wildlife Refuge was added to the National Refuge System, becoming Minnesota's ninth refuge. Located in Morrison County, MN, this wetland/prairie complex is home to sand prairie and oak savanna—a rare sight in Minnesota.

And this year, for the first time, both the House and the Senate have granted funding for land acquisition in the Crane Meadows. I hope that we will be able to provide Crane Meadows with the full $1 million, as approved by the Senate.

Although the mighty Mississippi is the major attraction for outdoor enthusiasts, the St. Croix River still stands out as one of the premier canoe rivers in the country. In 1965, the Minnesota-Wisconsin Boundary Area Commission was created to protect this river, as well as the Mississippi. Now, the St. Croix's unparalleled beauty and tranquility are preserved for all time through its designation as a Wild and Scenic River. More and more people can now appreciate this hidden treasure due to the recently completed visitors center. And—thanks to the foresight of my colleagues on this committee—land acquisition for this 220-mile protected corridor is now complete.

Of course, despite all of these often overlooked refuges, forests and wilderness areas, Minnesota continues to be proud of its historical, cultural, and environmental heritage embodied in the Grand Portage National Monument, in Grand Portage, MN. It has been said, Mr. President, that if a true and accurate history of the United States were to be written, it should start at Grand Portage—a bustling crossroads of Native American and European cultures in the 17th century. Recognizing the monument's importance, in recent years the committee has funded studies for a new visitors center. For this, I have Curt Roy to thank. His dedication and commitment have ensured that Grand Portage receives the recognition it deserves.

The administrative/interpretive center would provide orientation facilities to help visitors understand the historical significance of the Grand Portage. This center will be an integral part of the park experience, and should continue to be a funding priority in the future.

Mr. President, Minnesota has been blessed with wonderful natural resources and I have been lucky to serve as its Senator for 16 years. However, I cannot help but think of how fortunate this Nation is to have such dedicated people managing these resources. I know how hard the park ranger works to educate visitors to Voyageurs National Park; I know how hard it is for a forest ranger on the "chip" to protect the forest in the face of budget cuts; I know how hard it is for these resource professionals to balance the competing interests; and, Mr. President, I know how hard it is for the members of the Interior Appropriations Subcommittee to handle the unenviable task of allocating scarce dollars among innumerable worthy projects.

Thus, as I conclude this statement, I want to thank those who have helped me over the years to effectively protect and enhance the natural resources of Minnesota.

I thank both Mr. BYRD and Mr. JOHNSTON, as current and former chairmen of this important subcommittee, for their commitment to the protection of Minnesota's wildlife and habitat.

I also thank Senator HATFIELD, and our former colleague, Senator McClure, for all the work they have done to ensure that Minnesota received adequate funding to continue its proud heritage of protecting its natural resource.

The next chapter in the history of Minnesota's environment will be written by others—and I can tell you that I am immensely proud of the small part I played in this proud history.

Mr. President, I yield the floor.

STATEMENT ON AMENDMENTS

Mrs. BOXER. Mr. President, last week, the Senate debated and ultimately gave its approval to the Agriculture Appropriations Act of 1995. The subject of that bill was one that is critically important to many farmers and ranchers in my State of California. Unfortunately, during this very important debate, the Senate was forced to spend hours considering and voting on two amendments offered by the senior Senator from North Carolina that were both irrelevant to the bill and, in my view, unnecessarily provocative and inherently divisive. In my view, there is no place in any Senate debate—indeed, in public discourse of any kind—for propositions that appeal to fear and prejudice, as I believe the Helms amendments did. I deeply regret that they were offered, and that is why I voted against them.

THE NEA

Mr. LEAHY. Mr. President, coming down to the Senate floor to defend the NEA has become a yearly ritual. This is the second time this year that I have spoken about the importance of the NEA to my home State of Vermont. The last time I spoke was almost a month ago, the day after the bill was reported out of committee.

I talk about my concern over the 5-percent targeted cut to the NEA budget in this bill. I talked about the important arts program in Vermont that would be hurt if these targeted cuts go through.

Since that time I have heard from many more Vermonters who are very concerned about what the targeted cuts in this bill will do to their community arts program. Particularly detrimental to these programs would be the 40.5-percent cut to the presenting and commissioning program.

Vermont programs that have received this funding include the Flynn Theater in Burlington, the Onion River Arts Council in Montpelier, the Catamount Film and Arts Co. in St. Johnsbury, Pentangle in Woodstock, and the Crossroads Arts Council in Rutland. Also important to Vermont is the Challenge Grant Program which is being cut by 5 percent. The Flynn Theater this year received a $250,000 challenge grant. Last year, the Vermont Folklife Center in Middlebury received a $280,000 challenge grant.

These programs do so much for their communities. The Catamount Film and Arts Co. has earned a national reputation for excellence in arts programming and community service. The $5,000 that they receive from the NEA enables them to present over 25 live performing arts events each year. The Flynn Theater supports ongoing programs with low-income school children that help these children develop reading and language skills through playwriting and performances. It also supports workshops and study guides for teachers that integrate arts into their curriculum. These are just a few examples NEA funds at work in my State.

Yesterday, the Senate voted down an amendment that would, in my opinion, have had extremely broad implications for the arts in this country. I echo the words of my friend from Connecticut, Senator DODD, who so eloquently brought to light what a seemingly innocuous amendment regarding restrictions would do to the kinds of arts that the NEA can fund.

The amendment would have disallowed any NEA funds to support any activity or work involving human mutilation or invasive bodily procedures on human beings or the drawing or letting of blood. As Senator DODD pointed out, the most casual observer of art can recall some of the great paintings in religious art over the centuries. Representations of the stoning of Mary Magdalene, the decapitation of John the Baptist, or the crucifixion of Christ could be interpreted to fall under this amendment.

I understand what this amendment was trying to do. I do not argue that some of the artist's work funded by the NEA have been personally offensive to me and some of my fellow Vermonters. But I believe that this amendment would have done irreparable harm to the NEA and the good programs that it supports.

I strongly support the good work on the NEA and its chairman, Jane Alexander. As a member of the Interior Appropriations Subcommittee, I assure you that when this bill reaches conference, I will work to fund the NEA at the highest level possible.

Mr. BYRD. Mr. President, the pending amendment is the Tongass amendment.

Mr. MURKOWSKI. The Tongass amendment.

Mr. BYRD. Would the good Senator be willing, in view what has been demonstrated on this side and the other side—would the Senator have it within the depths of his heart to withdraw his Tongass amendment?

Mr. MURKOWSKI. I would like to accommodate the managers of the bill. However, what we are asking for, in view of the action already taken by this body—they accepted an amendment by the Senator from Texas that dealt with many of the same issues raised in this amendment. What we are asking for is simply to say that it is the sense of the Senate that the existing law surrounding the designation of areas withdrawn from harvesting be followed. Knowing the Senator's friendship and long association with the senior Senator from Alaska who has just presented the case for what is happening in Alaska, the harm to our people in these huge withdrawals is very significant. We are finding more goshawk nests each day—and with every new nest the Forest Service draws a big circle around it and withdraws further areas. You would think the goshawk would be less in danger of extinction because more keep being found. We are simply losing productive land through withdrawals that are not authorized. There are no Federal mandates for these withdrawals, and it is against the law. All we are asking is the sense of the Senate that the Forest Service follow the law. I cannot understand why anybody would not find that acceptable since these species are not endangered.

Mr. BYRD. So this is the short and the long of it. I take it that the Senator has indicated that he does not want to withdraw his amendment.

Mr. MURKOWSKI. Mr. President, it is my understanding that there is an attempt being made now by the staffs to reach an agreement on the amendment.

Mr. BYRD. Very well.

Mr. BAUCUS. Will the chairman yield?

Mr. BYRD. Yes.

Mr. BAUCUS. If the amendment is offered in its present form, I would have to strenuously object to the amendment. I very much respect the characterization of the amendment by my good friend from Alaska. I must say that I have a different characterization of this sense of the Senate resolution. If it is offered in its present form, I would have to object and would argue that the Senate not agree to it. I understand that the staffs are trying to work out an accommodation. I hope it is worked out or that it is withdrawn. If an accommodation is not worked out, I would have to object.

Mr. MURKOWSKI. Mr. President, I encourage my colleague from Montana to identify his objection. Maybe I can address it adequately to give him some degree of comfort.

Mr. BAUCUS. If the Senator from West Virginia will yield.

Mr. President, essentially, this is a sense-of-the-Senate which directs the Forest Service to disregard evidence that has become available since the forest plan was adopted in 1993, evidence that two species are in fact so threatened that they could very well be endangered. That is a very different proposition than the sense-of-the-Senate resolution that was adopted, which was earlier offered by the Senator from Texas.

In that case, in the sense of the Senate offered by the Senator from Texas, I read the language.

> It is the sense of the Senate that the Secretary shall take whatever steps are necessary and allowable under law to minimize adverse impacts while conserving threatened endangered species.

And so forth.

If we adopt, on the other hand, the sense of the Senate offered by the Senator from Alaska, we would be directing the Forest Service to not follow the law; that is, by going ahead with the forest plans even though there is now very solid evidence that to do so would violate the Endangered Species Act, would violate the National Environmental Policy Act, and violate other acts, too.

Frankly, I think if the sense of the Senate were adopted it would greatly increase the probability of lawsuits because of the complexity. It pits timber workers against salmon commercial fishermen, and it just would be improper for the Forest Service to disregard new evidence that if the Forest Service had this present evidence in drawing up the plan it would not draw the plan in the way it has. So, basically, it is for those reasons.

Mr. MURKOWSKI. Mr. President, my colleague uses the terminology "evidence." Evidence, as we both know, by a dictionary definition has certain implications.

Considering the fact that there is no listing of either of these species by the appropriate agencies, it would certainly seem to be a premature action by the Forest Service to withdraw these land areas.

We are both from the West. I do not pretend to know an awful lot about the game species in Montana. But in Alaska we clearly allow the taking of wolf throughout the State of Alaska under certain restrictions by the Alaska Department of Fish and Game.

This is a fact. And it is based on good biology. If there were a shortage of wolf, obviously the State Department of Fish and Game, with advice from the U.S. Fish and Wildlife Service, would encourage the Forest Service's actions. The U.S. Fish and Wildlife Service has not taken any action or recommendations in this matter because they, too, agree that these species are not designated endangered. There is no reason to think they are.

I encourage my colleagues to recognize the objective behind what the senior Senator has said and what I am absolutely convinced of. There is a tremendous movement to simply stop timber harvesting on the national forest to the detriment of people's lifestyles and jobs. That is the bottom issue here.

These two species, based on the information we have, do not support listing. And it is premature to suggest that there should be any restriction on timber harvest as a consequence of wolf or goshawk.

We allow wolf hunting. The wolves are simply not on the larger islands because they do not swim from the small islands to the larger islands. As a matter of fact there are more wolves where there is timber harvest.

So as my good friend from the Committee on Environment and Public Works—and I know how that committee looks at resource development, particularly renewable resource development—should consider the fact that these are not endangered species, nor is the Forest Service complying with the law in these withdrawals. As a consequence I fail to understand the basis for his argument.

Mr. BAUCUS. Mr. President, if the Senator will yield for another question.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we can have a long involved debate on this issue. I will be very short about it.

I held a hearing in the Environment and Public Works Committee just Saturday. We had a hearing on the Endangered Species Act. It was a long and involved hearing. It was 8 hours, with 27 or 28 witnesses, open mike, and probably anybody under the Sun asked a question and made a statement. It was very long and involved.

It was revolving around reauthorization of the Endangered Species Act, which I introduced and I hope this Congress will pass, and I think will pass not this year but next year. One of the central tenets of it is to prevent listing in the first place.

One way to prevent listing in the first place is to spend a little more time and attention on candidate species or threatened species so there is no listing, so we do not then have the problems that occur when a species is listed.

I hope that both Senators from Alaska and all Senators in this body will take a long, hard look at that proposed reauthorization, because I think it does go a long, long way.

Let me just cut to the quick here. I ask the Senator. Perhaps he will get a chance to look at the proposed modification that his staff and my staff worked out. If he were to offer that modification, I would have no opposition, no qualms whatsoever, with the amendment and urge him to so modify it.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAUCUS. I am glad to yield.

Mr. STEVENS. Mr. President, I ask the Senator from Montana, which has timber harvest in this area, what he would do if one of his constituents came to him and said: We had a valid contract to cut timber or the Forest Service had scheduled a sale, were notified that it could not be used until the Forest Service drew a 3- to 10-mile circle around every goshawk tree, when the goshawk was not endangered, was not threatened, was not listed in any way in an environment impact statement that had been prepared. What would the Senator say to his constituent who said, "What can I do with this administrative agency? They tell me to forget it. We do not have any way to deal with them." They then have the rings, the circles. You cannot go inside that ring. What does the Senator do?

Mr. BAUCUS. Mr. President, my first answer to the Senator from Alaska is I have now learned more about the situation, so I know more about it.

I tell the Senator this: In my State of Montana I asked timber workers, miners, sawmill workers, do they want the grizzly bear to become extinct? No. They want to preserve the grizzly bear. I asked if they want the salmon to become extinct? No, they do not. They want to find a way to save salmon from extinction. Do they want the wolf to become extinct? No. They want to find a way to save the wolf.

What we are trying with the reauthorization of the Endangered Species Act, to come up with a much better process where people buy in more quickly, communities are consulted much more, States are consulted much more, so that States themselves have a much, much larger role in first deciding whether a species shall be listed.

By the way, we are proposing independent peer review so that the Fish and Wildlife Service and the agencies themselves do not make these decisions only. It is peer review.

Second, by involving the States, for example, the State of Alaska, Alaska has a lot more to say in developing recovery plans and what habitat should be protected, and what not.

I cannot speak to the issue that the Senator just raised. I do not know enough about it. I know my State.

Mr. STEVENS. Mr. President, will the Senator yield one more time?

Mr. BAUCUS. I am going to do that when the Endangered Species Act comes up.

Mr. STEVENS. Mr. President, will the Senator yield one more time?

Mr. BAUCUS. I yield.

Mr. STEVENS. Mr. President, I will not make a long statement.

I ask the Senator this. Why does the Senator take his time having hearings, trying to suggest laws, trying to get his colleagues to understand those laws, and get the Congress and then the President to go through the process of making laws if the agency says it does not need a law? It can make up its own independent mind. It has control over the forests in my State. It can make up its own mind. And it has closed off access to an area around the tree which has a bird nest that it admits is not endangered, admits it is not threatened. But it just has that power.

Why does the Senator bother coming to the Senate? Why do we bother being Members of the legislature if through the audacity of administrators they can just say "We have the basic authority"?

Did the Senator give anyone in the administrative branch, in the executive branch of the United States, the authority to enact a regulation which closes part of the lands of the United States without complying with some law, a forest planning law, of the United States?

That is what we are talking about here today. We reached the point of boiling in regard to the laws that come out of the Senator's committee already, but we do not need them anymore.

The Forest Service says it does not need the law. Why do we worry about passing laws if we have an executive branch that just makes laws, and it did not publish them? The current law says you must publish intention to have a regulation. You must put it in the Federal Register. If I have the people of the Senate conduct the hearing, and the ANILCA law, which I read to the Senate this afternoon, says no land in excess of 5,000 acres from the State of Alaska shall be withdrawn without complying with specific conditions. They say that did not apply to them.

Why does the Senator bother passing laws? Why are we here? That is what we are saying. We just want a simple sense-of-the-Senate saying for God's sake follow the law.

I was going to offer an amendment to tell them once more this is the law, and put it in the law.

My colleague at least has a sense-of-the-Senate resolution. I am hopeful the Senate is sensible enough to tell the executive branch to follow the law.

Does the Senator from Montana object to that?

Mr. BAUCUS. Mr. President, the Senator from Alaska makes a fairly strong point, and I must say a very good point, with respect to the problem we now have with the Endangered Species Act. That problem now is that there are not sufficient criteria. There are not sufficient guidelines. There are not sufficient standards in the Endangered Species Act today. As a consequence, the Fish and Wildlife Service, and sometimes other Federal agencies, make decisions which are a bit arbitrary, which in many cases are not as soundly based on science as they should be, decisions which are based more on bureaucratic edict and fiat; decisions which do not include States; decisions which do not include local communities; decisions which do not include the views of the property owners, because, after all, the Endangered Species Act can, and in many cases does, have an effect on property rights.

It is the central point that the Senator makes, the reason why I have suggested we reauthorize the Endangered Species Act, which I think will dramatically improve the act and which, as a consequence, there will be much more confidence in the operation of the act, both in the environmental community and from the development community.

I do not want to give any long argument here. Other Senators have other business they want to conduct.

But the Senator from Alaska says he does not see anything wrong with following the law. I must say that is part of the problem here. There is the National Environment Policy Act. There is the Endangered Species Act. There are other laws, albeit environmental laws, which this sense of the Senate says should not be adhered to, should not be paid attention to.

And, basically, the sense-of-the-Senate resolution says the Tongass plan in 1993 is it, period; irrespective of the other environmental statutes which also have to be followed.

And I say, therefore, we should follow the law. Unfortunately, there is a little confusion as to which laws we are talking about.

Mr. MURKOWSKI. Mr. President, let me pick up on one point made by the Senator from Montana that suggests we are asking for something that would obfuscate, if you will, vitiate the existing law that we live under and that is ANILCA.

As Senator STEVENS indicated, these species have not been endangered. There is no identification of endangering. The Forest Service simply made the withdrawal.

The inconsistency is, the more we find of the species, the larger the withdrawals, which clearly does not make sense, because they are becoming less threatened the more you find. But nobody has found that they are even threatened. The U.S. Fish and Wildlife Service has not indicated that they are threatened.

You know, I could not help but notice the sensitivity to something I feel very sensitive about, and that is the issue of dividing Alaskans.

Mr. President, the Senator from Montana mentioned the loggers and the fishermen. I would advise the Senator from Montana that we know something about fish. That is why everybody wants our fish. We had record runs the last 7 of the last 11 years—193 million fish last year, in spite of the Prince William Sound disaster.

If the rest of the country would follow some of the applications of renewable resource management like we have in the State of Alaska, you would not have the endangered species on the Snake River. What are you doing about that? Virtually nothing, because you want to have it both ways. You want to have cheap power, you want to have an agricultural industry, and you want to have fish. But you have hydroelectric dams that are taking care of your fish. We are increasing our fishery resources through good biology. Our anadromous fish are recurring more and more every year.

But what you want to do is use arguments on fisheries to suggest that we cannot manage our renewable timber resources, and it just simply does not fly. There is no evidence to suggest that any endangered species exists currently in southeastern Alaska.

If you want to get into a debate here, it would be very interesting to go back to the spotted owl, which they now acknowledge exists in abundance in northern California and you can raise them in captivity and they will simply go to whatever growth timber is available. That was a hoax that was pulled by this administration on the American people and the people of the Pacific Northwest at the detriment of about 60,000 jobs, I hope they do not forget it.

Mr. President, if there is no further discussion, I am pleased to say that staffs have reached——

Mr. STEVENS. Mr. President, I have a little further discussion.

Mr. MURKOWSKI. Excuse me.

I was going to send a modification to the desk.

Mr. BYRD. Go ahead.

Mr. STEVENS. I do not want to interrupt that. I do have one comment to make.

Mr. BYRD. Then when the senior Senator gets the floor, if he would yield to me briefly.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to send a modified amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The amendment (No. 2409), as modified, reads as follows:

On page 89, between lines 13 and 14, insert the following new section:

SEC. . WITHDRAWAL OF LANDS FROM TIMBER MANAGEMENT IN ALASKA.

(a) FINDINGS.—The Senate finds that—

(1) The United States Forest Service has begun to implement prescriptive wildlife management measures in the Tongass National Forest that reduce land areas available for multiple use under the Tongass Land Management Plan (TLMP), thereby reducing timber harvest volumes in already prepared harvest units;

(2) The prescriptive measures termed "habitat conservation areas" and "goshawk protective perimeters" are being used to withdraw lands from timber management which have been evaluated and approved for timber harvest pursuant to the TLMP, National Environmental Policy Act, the Tongass Timber Reform Act, and the National Forest Management Act;

(3) Prescriptive management measures intended to protect wildlife population viability should be accomplished through amendments or revisions to the TLMP adopted in accordance with the process described in the National Forest Management Act at 16 U.S.C. 1604(d) and (g);

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) funds made available under this act should not be used to implement management actions (including, but not limited to, prescriptions such as habitat conservation areas and goshawk protective perimeters) which withdraw lands from timber management or planned timber harvest in the Tongass National Forest, unless such management actions are imposed pursuant to the public participation provisions of Section 6(d) and other sections of the National Forest Management Act (16 U.S.C. 1604(d)).

Mr. MURKOWSKI. I believe that the amendment has been accepted.

I yield the floor.

Mr. BYRD. The amendment has been modified.

Mr. MURKOWSKI. Has been modified; and I believe it has been accepted.

Mr. BYRD. No, it has not been accepted.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BYRD. Will the distinguished Senator from Alaska yield to me briefly?

Mr. STEVENS. Yes, I yield to my friend.

Mr. BYRD. Mr. President, with the concurrence of Mr. NICKLES, I ask unanimous consent that the amendments listed under the names of Senators BURNS, BROWN, and DANFORTH be stricken from the list.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I told my good friend from Montana that I would not ask him to yield again, but I do want to make a statement about the policies that he was commenting on.

I was one of the original cosponsors of the National Environmental Policy Act, along with the distinguished Senator from Washington, Senator Jackson. That act specifically says, if there is a significant official act, its environmental consequences must be examined first. That, I would assume, would cover an action taken by a member of the executive branch in dereliction of two specific statutes of the United States, an act which is not specifically authorized by any other law, including the environmental laws the Senator from Montana has mentioned, the Endangered Species Act or NEPA. No NEPA study was made of the announcement of the goshawk circles or the wolf habitat zone. They were arbitrary executive actions without any NEPA review at all. Even PacFish got a NEPA review.

We support NEPA review. As a matter of fact, our law specifically requires NEPA review before a contact can be let to cut timber in Alaska. That applies in the rest of the United States and under the Tongass Land Management plan. That plan was not complied with, the ANILCA law was not complied with, the Tongass Timber Reform Act was not complied with. And yet we have spokesmen coming in for the extreme environmental organizations saying, "Look what those Alaskans are trying to do again."

All we are trying to do is say, "Live up to the law."

I do not understand the position of the Senator from Montana that somehow or other the actions taken by these administrative officials were taken in compliance with the law.

And again, I would not ask him, but I would assert to him that he has no law he can cite that would authorize a member of the Forest Service to issue an edict closing lands in my State to harvest timber under valid contract and scheduled timber sales unless it is done in compliance with the law. I do not know of any law that authorizes that. I know of two specific laws that prohibit it. And NEPA does not authorize this until NEPA has been complied with.

Now I believe it is time for us, particularly those of us from the West, to listen, to listen to what is going on. This administration has within it groups of people who want to stop development on public lands. This is a prime example of what is going on in the West today. Those actions were announced in the Tongass forest, just announced. They were not published, as required by law. They were not studied, as required by law. The other side of the debate was never aired to the public. They were not submitted to Congress, as required by law. And no NEPA action was taken before those actions were announced.

Now, I say to the Senate and the Congress as a whole, particularly those of us from the West, you better wake up, because you are going to be coming in with these problems too. Those policies, if they are pursued in Alaska and succeed, they will be followed in the national forests of the rest of the United States.

I believe we are here to pass laws that will be observed by the executive branch. As a matter of fact, if we were in the majority and I was the chairman of a committee, those people would be before this committee and be under oath and be asked to explain why they were taking actions that were not permitted by law in any State of the Union.

Until we find some way in the Senate to enforce these laws, to tell people they must abide by them—they do not believe in them; by definition they do not believe in them—but they are the laws. If they want to change the practices of the Forest Service, they should comply with the law.

I will tell this to the Senator from Montana, Mr. President: The National Environmental Policy Act will not be amended, but the Endangered Species Act will be amended to assure that this will not happen, or it will not pass while I am here.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I think we are prepared to accept the modification by the Senator from Alaska, Senator MURKOWSKI. I urge the Senate to agree to this amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am prepared to recommend the adoption of the amendment by Mr. MURKOWSKI, as modified.

Mr. LEAHY. Mr. President, I want to commend the Senator from Montana, the chairman of the Environment and Public Works Committee, for addressing the Tongass National Forest issue. In the past 5 years, this forest has received more congressional attention than any other forest in the National Forest System.

It is important to ensure that the National Environmental Policy Act, the National Forest Management Act, and the Endangered Species Act are applied fairly to all public lands. The modified sense of the Senate amendment reemphasizes the public participation components of these laws and guarantees that these important statutes still guide public land management.

The Senator from Montana is a true leader on environmental issues. The Senate, the people of Montana, and the country are lucky to have such a vigilant public servant.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2409), as modified, was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2411

(Purpose: To require the Assistant Secretary for Indian Affairs to submit a report to Congress concerning the Shiprock Campus of Navajo Community College)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 2411.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following new section:

SEC. 3. (a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Assistant Secretary for Indian Affairs of the Department of the Interior shall prepare and submit to Congress a report on measures necessary to address problems concerning the physical structure of Navajo Community College in Shiprock, New Mexico consistent with the responsibilities for the facility.

Nothing in this amendment is intended to require a change in priority for funding projects by the Department.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall include a detailed list of the resources that are required to alleviate the health and safety hazards that have resulted from the poor condition of the structure described in such subsection.

Mr. BINGAMAN. Mr. President, a couple of days ago I learned that the Bureau of Indian Affairs Safety Management Office had just issued a building maintenance report recommending the immediate closure of the Navajo Community College Shiprock campus building. The college's Shiprock campus consists of this one building. Therefore, the closure of this building is the closure of the school.

I have known for a long time about the deplorable conditions at NCC's Shiprock facility because on several occasions I have been visited by the president and faculty of that school seeking help in repairing and renovating their facilities. I have responded to those requests for help by seeking funding for construction under the Tribal College Act. The Bureau of Indian Affairs has failed for several years to seek funding for construction under that act and the money has never been appropriated.

Unfortunately we have now come to this: a school enrolling over 400 young native Americans—many of whom have no other alternative for post-secondary education—will lose their school. This will leave the Shiprock area without a community college, will deprive at least 87 people of their livelihoods and will devastate the educational plans of many deserving students.

The safety problems and building deficiencies which the BIA has catalogued are not trivial—the college has been talking about them for a long time and trying to get help for a long time. However, I understand from the college that the work which the BIA has indicated must be done contains many duplicative listings and accordingly the cost to bring this school up to minimum standards may be considerably less than stated in the report.

Furthermore, I am advised that the cost of repair may well be less than the cost of demolition. It just does not seem to make sense to demolish a school when it could be kept open for the same sum.

My amendment requires the Bureau of Indian Affairs to report to the Congress within 30 days the measures which the Assistant Secretary intends to take concerning the physical structure of the building and a list of the resources that are required to alleviate the health and safety hazards that have resulted from the poor condition of that structure.

I understand that the college has many questions about the inspection report and the estimate of repair which the BIA has produced. I myself have many questions about the situation which I hope can be answered through this report.

I am hopeful that some way can be found to keep this school open. This report will be an important first step in that process. The school year is near commencing and I think it is very important that we go ahead with this amendment at this time.

I, also, of course, commend my colleague, Senator DOMENICI, who is a cosponsor of this amendment with me. I know both of us urge the adoption of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I do urge my colleagues to support this amendment that Senator BINGAMAN has just called up. I am a cosponsor. It is really an unbelievable situation. We just have to get some answers. We cannot close this campus, which is the principal place to educate many, many Navajo Indians. We just cannot let this happen.

The Bureau of Indian Affairs Shiprock Agency Safety Management Office has notified the Shiprock campus of Navajo Community College that it must immediately vacate building 1228 which houses the entire Shiprock campus program. This decision calls for at least 50 percent of repairs being complete before the building will be allowed to be reopened. Estimated repair costs are $8.4 million.

This decision can be appealed to the BIA area office in Window Rock and the central office here in Washington, DC. The fall program might not be available to some 400 students unless we are able to find a way to ensure that the doors will be open.

Our amendment calls for a report to pinpoint what is needed to keep the Navajo Community College Shiprock campus open and serving its students. The fact that the facility has been able to reach this state of deterioration is a shame that should be rectified.

I am a bit puzzled by the lack of coordination within the Administration. It strikes me as very strange that the BIA can mandate the spending of money to repair a building while no requests for funds to address the problem have been made. I hope the report clarifies the internal budget process that allows this kind of emergency to happen. The President's budget had no request of any kind to address the problems at the Shiprock campus.

I urge my colleagues to support our effort to clarify this matter at the earliest possible date.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we have reviewed the amendment offered by Senator BINGAMAN and Senator DOMENICI. We have no objection to that amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from West Virginia.

Mr. BYRD. Mr. President, the amendment has been reviewed on this side of the aisle. We have no objection and are prepared to recommend its adoption by the Senate.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2411) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INDIAN HEALTH

Mr. DOMENICI. Mr. President, Indians supported a President in the last election based on the false perception that he would respond generously to their needs. Instead, American Indians are seeing a President who holds out the promise of a better health care system, while dismantling the substandard one they already have in place. This is hardly what the Indian people had in mind when they voted in overwhelming numbers for this President.

By treaty, law, court decisions, and policy declarations, the U.S. Government has forged a special relationship with America's poorest minority group. While supporting and encouraging self-determination, the U.S. Government remains directly responsible for providing health care and education for American Indians.

While there are many other areas of responsibility like housing, economic development, law enforcement, and natural resource protection, I would like to focus my colleagues' attention on the two key Federal responsibilities of health care and education for American Indians.

Few Members of the Congress seem to be aware of the fact that the President's budget for fiscal year 1995 proposed a reduction of $247 million or 12.7 percent from the 1994 Indian Health Service [IHS] budget. Fortunately, Chairman BYRD, Chairman INOUYE of the Indian Committee, and other Senators and Representatives have worked diligently to successfully overturn this disastrous recommendation.

The Senate Interior Appropriations Subcommittee, facing the same tight budget situation as the President faces, did more than replenish these vital funds. The subcommittee has recommended a total IHS Fiscal Year 1995 budget of $1.969 billion, which is $26 million more than last year's budget.

The original proposed budget effectively barred the hiring of new doctors, nurses, and other key hospital staff even though new hospitals and clinics are planned to open this fall. Other staff reductions were threatening to reduce critical medical services nationwide. The administration, in an unusual amendment to its original budget submission, restored half of the reduction, or about $125 million. This was done after many objections were heard about the truly negative impact on Indian people of the original IHS budget for 1995.

In my own home State of New Mexico, a national priority 75-bed hospital in Shiprock will be competed this fall at a cost of about $55 million. Under the President's plan, fully half of the new facility would have been left idle despite the well-documented need for immediate increases in medical service delivery. The Shiprock area is one of the fastest growing Indian areas in America.

Thanks to the House and Senate Appropriations Committees, $9.4 million will be set aside for medical and supportive staff at the Shiprock hospital, known as the Northern Navajo Medical Center. The Tohatchi Clinic is also included in congressional restoration action at a level of $3.4 million. This facility faced similar problems of idle capital investments in an area of high medical needs.

The IHS is the Federal agency directly responsible for providing health care to Indians through a system of hospitals, clinics, and centers. The IHS delivers babies, fixes broken limbs, provides surgery, treats cancer, gives dental care, and tackles mental illnesses.

In addition, the IHS provides necessary sanitation facilities for Indian housing and community needs. Unfortunately the sanitation facilities construction budget is sadly inadequate. The President originally requested no funds for poor and failing systems. Often, there is no system at all.

In New Mexico alone, every pueblo and tribe has at least one request in to the IHS for solid waste improvements, lagoon expansion, well construction or repair, pumps, meters, housing support, sewer system improvements, or facility replacements. This list is four pages long in single line summaries. To raise all Indian tribes and communities to a level I sanitation deficiency classification would cost $1.7 billion in the Albuquerque area alone.

After reconsidering his initial mistake, the President increased his original budget for sanitation facilities from zero to $42.5 million. Fortunately, the Senate subcommittee has increased this amount to $85.1 million. Even with this increase, I remain disheartened that we will be unable to help New Mexico Pueblos like Zuni and Acoma tap new sources of water. At Zuni Pueblo, the water has a rotten egg smell, ruins water heaters, and cannot be used in many hospital applications. This Pueblo's request for $13 million has gone unanswered for 5 years. I am still seeking a multiyear approach with possible cost sharing as a funding device.

On the education side of the ledger, it is a sad fact that Indian children have more impediments to completing a good education than all other Americans. Their dropout rate is the highest in the nation at 36 percent, compared to 28 percent for Hispanics and 22 percent for blacks.

According to "Indian Nations At Risk" (1991), prepared by the U.S. Department of Education, poor academic achievement is the norm for 60 percent of native American students. Among all ethnic groups, Indian children have the highest percentage—32.3 percent—of those students performing below basic skill levels in mathematics. Indian students have the smallest percentage of those performing at the advanced level—4.8 percent. In short, there is a greater percentage of Indians performing at the poorest levels than any other group and a smaller portion at the advanced levels than any other student group in mathematics.

By way of comparison, 15.5 percent of White students perform at the below basic skill level in mathematics, half the Indian level, and 22.4 percent of white students are in the advanced category—more than four times the Indian achievers. Asian students perform better, Hispanics and blacks are below whites but above Indians in achievement in mathematics. Indians remain at the bottom in this particular category and others as well.

The education problem for American Indians is well analyzed in "Indian Nations At Risk" and was addressed by the White House Conference on Indian Education in 1992.

The administration appears to be dabbling around the edges of the current and clearly inadequate educational system for Indians. I must give the administration credit for the proposed increases in the Indian School Equalization Program [ISEP]—$12.4 million was added by the President. This is a needed and helpful, but slight increase in a total ISEP effort of $261.8 million. At this level, the Bureau of Indian Affairs [BIA] estimates that payments to schools with Indian students will increase to $2,992 per weighted student unit from the current level of $2,874. With such factors as boarding schools and special education needs factored in, actual per-Indian student expenditures average over $4,000 under this account.

A major weakness of the BIA education program for Indian students is the program for facilities management and construction. I have just received the sad word that the Shiprock Campus of Navajo Community College is being closed because the buildings have been condemned.

Some 450 students will be without classrooms this fall unless we are able to resolve this problem in the very near future. This condemnation highlights the type of problem generally pervading BIA school facilities.

I am also very familiar with a BIA elementary school on the Mescalero Apache reservation in New Mexico that was burned to the ground almost 5 years ago. This school remains a temporary school in a community center as very little is done to build the needed new school. There are about 600 elementary school students on the Mescalero Apache reservation.

Estimates are that hundreds of millions of dollars are necessary to build every needed school and bring every existing Indian school up to standard. In the face of this $550 million problem, the President requested $43 million, primarily for repair and improvement of existing facilities. There are no funds requested by the administration for new school construction or for the planning and design of any new BIA schools. Last year, only $13 million was requested for planning and design of new school construction.

Mr. President, I do not pretend to have the answers for every problem in Indian health care or education. As a Senator from New Mexico, I am very familiar with the wonderful Indian people who live in pueblos and on reservations. I know their joys and their problems. There are 19 pueblos, 2 Apache tribes, and about a third of the Navajo Nation in New Mexico.

Self determination and economic independence are certainly goals to be admired and pursued for the Indian people of New Mexico and this Nation. In the meantime, we cannot shirk our Government's treaties, laws, court cases, and policy declarations in favor of the Indian people of America. The Interior appropriations bill before us makes important improvements in this area, but much remains to be done. We should not be dealing in a new round of false promises where specific and clear commitments are most necessary.

I look forward to a better record on the part of the administration when the 1996 budget is submitted. In the interim, I will work for better budget decisions to help Indian people reach the quality of health care enjoyed by most Americans. I will also be involved to see that Indian education programs are more responsive to the realities of life on the reservation. We certainly need more innovation to help Indian students up the educational ladder.

If we need change in America, we need it in Indian health and education programs. It is particularly important that we do not deliver politics as usual to the first Americans.

AMENDMENT NO. 2412

(Purpose: To provide funding for the Southwestern Fisheries Technology Center)

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 2412.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, line 20, strike "$45,525,000" and insert "$49,848,000".

On page 2, line 11, strike "$599,230,000" and insert "$598,480,000".

On page 2, line 25, strike "$599,230,000" and insert "$598,480,000".

Mr. DOMENICI. Mr. President, I rise to offer an amendment to the fiscal year 1995 Interior and related agencies appropriations bill. The amendment I am proposing will provide funding for the continued construction of the Southwestern Fisheries Technology Center through the Fish and Wildlife Service. My distinguished colleague from New Mexico, Senator BINGAMAN, joins me as a cosponsor of this amendment.

The Southwestern Fisheries Technology Center consists of the Dexter National Fish Hatchery and the Mora Fish Hatchery in New Mexico.

The Fish and Wildlife Service will have obligated all available appropriations for the center by the end of this fiscal year, 1994. Further construction on the project will not proceed in fiscal year 1995 without the funds included in this amendment.

The amendment provides $4,323,000 to fund phase 2 of the Southwestern Fisheries Technology Center. This funding is needed to construct a combined administration and dry laboratory facility and a new storage and maintenance building at Dexter.

The Dexter National Fish Hatchery is over 60 years old. It was established in 1931 to meet the demands for warmwater game fish in the Southwest.

Since 1978, the Dexter Fish Hatchery has focused its work on endangered species of fish. Today, Dexter is the only facility in the Nation dedicated exclusively to holding, studying, culturing, and distributing endangered fish for restocking in waters where they occurred naturally. Dexter currently is working on 13 endangered and 3 threatened fish species.

In fiscal year 1992, Congress began the task of rehabilitating the 60-year-old Dexter facilities. With phase 1 funding, a new production facility is being constructed.

To build the production facility, the current administration, wet laboratory, and storage buildings at Dexter had to be demolished. A 54-year-old residence is currently being used as temporary space while the new production facility is being constructed.

Phase 2 of the Dexter project to build a new administration building, wet laboratory, and storage buildings is now critical, and these funds are needed, and can be expended, in fiscal year 1995.

Additional funding is needed for the Mora Hatchery to equip and outfit the new production building, which is to be constructed with Phase 1 funding.

Without the Mora funds, the Mora Technology Center cannot initiate operations to begin native, threatened, and endangered fish production and technology development.

Mr. President, the Southwestern Fisheries Technology Center is a unique part of the Fish and Wildlife Service. It will be the only center exclusively dedicated to the breeding and stocking of endangered fish, as the Dexter Center is now. The Dexter hatchery currently holds 13 endangered and 3 threatened species of fish, which are being propagated for reintroduction into native habitat as part of endangered species recovery plans.

Adding $4,323,000 to the bill will significantly advance phase 2 of this center, and will complete the most significant parts of these facilities. The adoption of the amendment will allow both the Dexter and Mora facilities to be up and operating to support the requirements of the Fish and Wildlife Service, especially those related to endangered and threatened species of fish.

The full amount of the budget authority associated with this amendment—$4,323,000—can be accommodated within the subcommittee's existing 602(b) allocation.

The fiscal year 1995 outlays associated with this amendment are $648,525 under the Fish and Wildlife Service construction account in fiscal year 1995. These outlays are fully offset in the amendment.

I sincerely appreciate the assistance of the distinguished chairman of the Appropriations Committee in the consideration of this amendment. I thank my distinguished colleague from Oklahoma for his review of this amendment.

I urge the adoption of the amendment.

Mr. President, this amendment is offset by reducing funding in the bill for two New Mexico items funded in the bill through the Bureau of Land Management.

The reduction in BLM will achieve the $648,525 in outlays needed to fund the Southwestern Fisheries Technology Center.

Mr. President, I understand both Senator BYRD for the majority and Senator NICKLES for the minority have no objection to this amendment.

I am pleased Senator BINGAMAN is my cosponsor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. If I could briefly comment, I compliment my colleague for the amendment. I cosponsor it and urge its adoption. I do believe we have found acceptable offsets which will allow this funding to be included in the bill. These are very important projects for our State, both for Mora County and north Chavez County.

We very much believe we need to go forward with the completion of these projects. This is important language, important funding to keep in the bill so that completion can occur.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my friends and colleagues, Senator DOMENICI and Senator BINGAMAN, particularly Senator DOMENICI, because he has been working for several days now trying to find some offsets that were suitable and acceptable. He has done both and is funding a project I know he believes is very, very important to his State and to our country. I compliment him as well for finding some offsets within his State.

We have no objection to this amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I congratulate the two Senators from New Mexico on the amendment. They have worked long and worked hard on it.

I am prepared to accept the amendment and recommend that the Senate adopt it.

Mr. DOMENICI. Mr. President, might I just extend my appreciation to Senator BINGAMAN for his work on this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2412) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might inquire from the distinguished chairman and the distinguished comanager from Oklahoma as to what advice they might give the Senate with respect to what is anticipated for the remainder of the evening on this important piece of legislation.

Mr. BYRD. Mr. President, I am happy to state to the distinguished Senator that it is my belief that within 30 minutes, we will be voting on final passage of the bill.

That is the outlook at this point. I may be mistaken. There is one other possible amendment——

Mr. WARNER. I interpret that the time could be short.

Mr. BYRD. We have several colloquies. I might just say, I think it is a pretty good bet at an outside we would be voting within 30 minutes.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

Mr. NICKLES. Mr. President, I will just notify the chairman of the committee, we have been working this side of the aisle, because we had a lot of amendments that were pending. I think we have had great cooperation from our Members. To my knowledge, we only have one amendment that is outstanding that may require a vote. I think the remainder of the amendments have either been withdrawn or we have been able to work out colloquies to the Member's satisfaction.

That one amendment that is outstanding that may require a vote is Senator MCCAIN's amendment. I understand that the chairman of the committee is not willing to accept that, and so I will inform Senator MCCAIN and see if we cannot get that amendment withdrawn or voted on very shortly. So we should notify all Members that final passage may well occur pretty quickly.

I appreciate the chairman's leadership and cooperation.

Mr. BYRD. Mr. President, I thank the Senator for his kind words. Before the Senator from Virginia leaves, I understand now that, based on some words that I just received, it probably will be 7 o'clock on final passage.

Mr. WARNER. I thank the chairman.

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it appears, from checking the list on both sides of the aisle, that action has now been reduced to various and sundry colloquies, and if my colleague, Mr. NICKLES, agrees with me, I will ask unanimous consent that these several colloquies be entered into the RECORD. I very shortly will enumerate them.

Mr. NICKLES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. NICKLES. Mr. President, we have contacted all the Members who had amendments that were on the list. Several have withdrawn those amendments. Others we have been able to satisfy with a colloquy. And some of the amendments we have accepted. So I am not aware of any additional amendments from our side on the bill, and so I think we are done.

I also might mention to the chairman there is no request on this side for a rollcall vote on final passage. It would be my hope that we could pass the bill by voice vote.

Mr. BYRD. Mr. President, I am advised on this side of the aisle that there are no further amendments. I would share the desire of the Senator that there be no rollcall vote on final passage. There will be a rollcall vote on the conference report, however, when it is brought back to the Senate.

Now, the list of colloquies, Mr. President: BINGAMAN and BYRD; BOND and

BYRD; BUMPERS and BYRD; CAMPBELL and BYRD; five colloquies by CRAIG, BYRD, and NICKLES; a colloquy by DANFORTH, BYRD, and NICKLES; one by DASCHLE and BYRD; DOLE and BYRD; DORGAN and BYRD; FAIRCLOTH, BYRD, and NICKLES; HATFIELD and BYRD; INOUYE and BYRD; JOHNSTON, AKAKA, BYRD, and NICKLES; two colloquies by JOHNSTON and BYRD; one colloquy between KENNEDY and BYRD; one colloquy among LEAHY, LUGAR, BYRD, and NICKLES; one involving LEAHY, LIEBERMAN, BYRD, and NICKLES; one involving MATHEWS, BYRD, and NICKLES; one involving METZENBAUM, BYRD, and NICKLES; one involving MOYNIHAN, D'AMATO, and BYRD; one between MURRAY and BYRD; another one between MURRAY and BYRD; one involving SIMPSON, BYRD, and NICKLES; one involving WALLOP, BYRD, and NICKLES; one involving WALLOP and BYRD; one involving WELLSTONE and BYRD; one involving COVERDELL, NUNN, BYRD, and NICKLES.

Mr. President, I ask unanimous consent that the aforementioned colloquies, with the exception of the last one, be included in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

FUNDING PROVIDED BY THE U.S. GEOLOGICAL SURVEY THROUGH THE FEDERAL/STATE COOPERATIVE WATER PROGRAM

Mr. BINGAMAN. Mr. President, if I may, I would like to engage the chairman of the Appropriations Committee in a colloquy.

Mr. BYRD. I am agreeable to engaging in a colloquy with the Senator from New Mexico.

Mr. BINGAMAN. Water is the lifeblood of the West, as you know, and we are largely dependent on underground bodies of water to serve domestic, commercial, and industrial uses. As the West urbanizes and industrializes, the demands placed on our aquifers grow ever greater. The citizens of Albuquerque and the surrounding communities north of the city are growing increasingly concerned that the aquifer is being depleted at a faster rate than it is recharging. The long term implications of a net negative drawdown of the aquifer could spell disaster for these communities.

The U.S. Geological Survey, in conjunction with appropriate non-Federal entities, could undertake activities such as drilling monitoring wells that would provide much needed information on aquifer levels. I understand that the Federal/State Cooperative Water Program is a highly competitive program for which proposals much be submitted. I ask the Chairman whether we can expect that scientific and technical assistance for hydrologic studies could be provided by the USGS, through the Federal/State Cooperative Water Program, if a proposal is submitted by the State or local government(s) as a priority need?

Mr. BYRD. That is correct. Costs associated with this study could be shared equally by the USGS and a non-Federal cooperating agency, if a proposal is submitted by a local or State government as a priority need.

Mr. BINGAMAN. I thank the Chairman.

Mr. BYRD. I thank the Senator.

ROLLA RESEARCH CENTER

Mr. BOND. Mr. President, I wish to engage in a colloquy with the distinguished chairman of the Committee on Appropriations with regard to the terms and conditions of the Bureau of Mines' consolidation and closure plans as they relate to the Rolla Research Center in Rolla, MO.

As the chairman knows, I am deeply troubled about the impact the administration's plan will have on Missouri's mining industry, the ongoing environmental cleanup effort, as well as the impact on the University of Missouri-Rolla, the Missouri Department of Natural Resources, and others. I remain strongly opposed to the administration's plan and the process by which the decisions were reached.

Be that as it may, I wish to express my appreciation to the chairman who has worked under very difficult budgetary constraints to supply an additional $3 million to provide partial funding to continue reduced operations of the Rolla, MO, and Tuscaloosa, AL, research centers and the Alaska field operations, all of which were scheduled for immediate closure under the Bureau's consolidation plan.

As we move into fiscal year 1995, I ask the distinguished chairman, what is the intent of the committee regarding transition of the Rolla Research Center?

Mr. BYRD. Yes, in fiscal year 1995, it is the intent of the committee that the Bureau provide adequate funding to maintain a necessary staff approximating 25 FTE's at the Rolla Center which should allow a successful collocation with the University of Missouri-Rolla to preserve their capacity to conduct environmental remediation research.

Mr. BOND. Mr. President, do I correctly understand that until such time that the property is transferred to the University of Missouri-Rolla, the Bureau of Mines should preserve the personnel necessary to operate the core equipment base and that all facilities needed to accomplish the continuing research will be kept at the Rolla Center and that these facilities will include all installed equipment such as benches, hoods, phones, and computer systems as well as all analytical instrumentation and metal processing equipment needed for planned environmental research, especially those devices deemed to be the core equipment base?

Mr. BYRD. Yes, that is the understanding of the committee.

Mr. BOND. Is it correct the committee has made this recommendation in part, because of the Rolla Centers' demonstrated skill and strategic location for major metal processing and remediation operations, in part, to assist the Twin Cities Center in its efforts toward remediation, in part, to prevent the local expertise from being lost, and in part, to avoid the added costs and local economic trauma of a total shutdown?

Mr. BYRD. The Senator from Missouri is correct.

Mr. BOND. Finally, as this transition proceeds, I will continue to work with the chairman to monitor, evaluate, and, if necessary, to consider appropriate modifications should the Bureau's implementation prove unworkable or unwise. Will the chairman assist me in this effort?

Mr. BYRD. As always, I will be happy to work with the Senator from Missouri.

Mr. BOND. I thank the chairman for his assistance.

ENERGY EFFICIENCY PROGRAMS

Mr. BUMPERS. Mr. President, I rise to enter into a colloquy with my distinguished colleague from West Virginia, the chairman of the Senate Appropriations Committee, Senator BYRD. As my colleague knows, I have long supported State programs which promote the use of energy efficient and renewable energy technologies. In fact, I cosponsored the legislation which authorized many of these programs, including the State Energy Conservation Program, the Institutional Conservation Program—also known as schools and hospitals—and, the Low Income Weatherization Program. While I serve on the subcommittee and understand the funding limitations we operate under, I am very concerned by the committee's proposed reductions from the President's requests for energy efficiency programs in the Interior bill. The President proposed an increase of $288 million in fiscal year 1995 to implement the Energy Policy Act of 1992, to fund various new initiatives and expand others, and to implement the voluntary programs contained in the climate change action plan, many of which are based on the Energy Policy Act. The House provided an increase of $134 million for these accounts, but the Senate committee was only able to provide an increase of $53 million for this important area.

I was a Member of this body in the 1970's when the State programs were originally authorized. In the fiscal year 1979 appropriations bill, total funding for the State Energy Conservation Program, the Institutional Conservation Program and the Low Income Weatherization Program was $558 million. Accounting for inflation, to maintain these programs at the fiscal year 1979 level, we would need to provide them with over $1 billion. This bill will provide only $264.4 million.

These programs help create good jobs in our economy and leverage large amounts of non-Federal dollars. For example, a recent survey showed that Federal funds flowing through the State Energy Conservation Program leverage $17 to $25 in non-Federal funds for every Federal dollar invested.

The Schools and Hospitals Program cost-shares the installation of energy efficiency measures in qualified buildings, reducing medical costs and permitting more money to go directly to education of our children. The State Energy Conservation Program delivers energy services to every sector of our economy, including the small business community in which I have a special interest, not to mention our homeowners.

In light of the important national goals these programs promote, especially the State grant programs, I believe the House-passed funding levels are preferable to what we have been able to do.

I wish to ask my distinguished colleague whether, in light of the importance of these programs, he could work toward restoring the funding in these programs to the House-passed levels during the conference which will follow today's floor action?

Mr. BYRD. I appreciate my colleague's strong support for these programs, and I will consider the concerns of the Senior Senator from Arkansas for the energy conservation programs.

U.S. BUREAU OF MINES

Mr. CAMPBELL. Mr. President, I would like to ask the Senator from West Virginia, and the chairman of the Appropriations Committee, to yield to me for the purposes of engaging in a colloquy on the issue of downsizing at the U.S. Bureau of Mines.

Mr. BYRD. Yes, I will be happy to yield to the Senator from Colorado.

Mr. CAMPBELL. I know the chairman has worked diligently to enact the principles of the National Performance Review by downsizing our Federal Government, and I commend him for his work thus far. I am sure he can understand my concern about the Bureau of Mines downsizing plan, as it greatly affects the mining industry, which is very important to my State of Colorado.

As I understand it, the focus of the reinventing government proposal is to cut unnecessary programs and employees from the Federal Government. Understandably, the Bureau of Mines does much of its research in the States, and I agree that the Bureau's plans to downsize must include some cuts in the field. Still, I believe that the Washington, DC office of the Bureau should share an equal burden of cuts in employees, particularly because there will be a need for less oversight if there are fewer employees in the field.

According to the information provided to me by the Bureau of Mines, the field offices will be sharing a greater burden of cuts than the Washington, DC office in fiscal year 1995. My office has been in continual contact with the Bureau of Mines and we have been told that most, if not all of those 145 positions listed as "unallocated" will be designated to the field. Assigning these 145 positions to the field would equal the burden of cuts. Would the distinguished chairman agree with me that with respect to the Bureau of Mines, that the Washington DC, staff should be reduced in sync with the field? And further, is it also the Senator's understanding that most, if not all of the 145 unallocated positions will be designated to the field?

Mr. BYRD. Yes, I believe the Senator from Colorado makes a valid point. This administration has stressed the need for each agency to examine thoroughly its functions and cut wasteful spending. While the Bureau of Mines has done this, I agree with you that the Washington office of the Bureau should not grow as employees in the field are cut, and as the Senator says, the Washington office should share an "equal burden" of the affects from downsizing. The Washington office should bear its fair share of cuts consistent with the programmatic realignment which is to shift the center of focus of Bureau operations away from Washington, DC and to the field. To answer his second question, yes, the Bureau has assured me that most if not all of those 145 employees listed in the Bureau's numbers as unallocated will be assigned to the field.

Mr. CAMPBELL. I thank the chairman. I would now like to discuss the issue of reimbursable employees. The Bureau of Mines has informed me that of the 90 full time employees [FTEs] that are scheduled to be cut in the Denver field offices in fiscal year 1995, the Bureau expects approximately 40 to 45 employees will be funded by reimbursable agreements. Is that the distinguished chairman's understanding?

Mr. BYRD. Yes, the Bureau of Mines informs me that of the 90 FTEs slated for cuts this fiscal year from the Denver field offices, they expect 40 to 45 FTEs will be funded under reimbursable agreements.

Mr. CAMPBELL. According to the budget numbers provided to me by the Bureau of Mines, the Washington, DC office will get an increase in funds of more than $1 million in fiscal year 1995 to a total of more than $64 million. This increase in funds occurs at the same time that the Bureau is cutting and even closing several field offices. The Bureau has assured me, however, that of the $64 million allocated to the Washington, DC office, nearly $8 million will be allocated to the field, including; $3 million for health and safety, $3.8 million to environmental technology and $450,000 to Denver for the personnel division. Reducing the Washington, DC budget by $8 million would bring the Washington, DC budget to close to $56 million. I continue to believe that it is important for the Bureau to ensure that an equal burden of cuts be shared by the Washington, DC office. Is it the chairman's understanding that of the $64 million in the budget account for the Washington, DC office of the Bureau of Mines in fiscal year 1995, about $8 million is intended to be distributed to the field?

Mr. BYRD. Yes, that is my understanding.

Mr. CAMPBELL. Finally, I would like to ask the chairman if he would be willing to try to include language in the statement of managers that will accompany the fiscal year 1995 Interior appropriations conference report pertaining to this discussion.

Mr. BYRD. It is my intention to work with the Senator and take to conference the language pertaining to the clarifications we have just discussed.

Mr. CAMPBELL. I would like to thank the Senator for his time and attention to this matter.

Mr. BYRD. It has been my pleasure working with the Senator from Colorado and I assure him that I will continue to monitor the downsizing at the Bureau of Mines to ensure that their efforts are consistent with the spirit of the Reinventing Government initiative. I commend the Senator for his commitment to this issue.

FOREST SERVICE ROADLESS AREA ENTRY

Mr. CRAIG. Mr. President, I note that the Committee on Appropriations retained in this bill the full level of road funding sought by the Clinton administration in order to accomplish the full timber sale program requested by the administration. Accomplishing this administration's timber objective certainly would be more difficult, and perhaps impossible, if entry into roadless areas is restricted as suggested in the report language of the other body. I am troubled that roadless area entry continues to arise as an issue notwithstanding the provisions of completed forest plans.

In a letter dated June 9, Forest Service Chief Jack Ward Thomas described the adverse impacts of a prohibition on roadless area entry. He particularly noted the importance of access to released roadless areas for the purpose of remedying forest disease, and fuels buildup that threatens massive forest fires. Did the committee consider that letter?

Mr. BYRD. In response to the Chief's letter, the committee has attempted to provide as much flexibility as possible to the Forest Service to manage the forests, consistent with current law and the forest plans.

Mr. NICKLES. I concur with the chairman's view. Let me further add that the Chief of the Forest Service, Jack Ward Thomas, has expressed strong concerns about road funding needs for fiscal year 1995, including strong opposition to substantial cuts imposed in the bill approved by the other body. The Chief has indicated that new road construction—a very small amount of which would enter released roadless areas in fiscal year 1995, is critical toward addressing wildfire, insect infestation, and forest disease problems.

Mr. CRAIG. The Senate has regularly used authorizing legislation to designate wilderness or wilderness study areas within roadless lands. Does the subcommittee agree that authorizing legislation may be used to address the roadless area issue?

Mr. BYRD. As indicated, we have sought to provide flexibility. Restrictions should be addressed either through authorizing legislation or through amendments or revisions to forest plans.

Mr. CRAIG. I thank the chairman and ranking member for their clarification on this matter.

TREE MEASUREMENT CRUISING

Mr. CRAIG. I would appreciate the chairman's clarification on another issue of concern, regarding tree measurement sale preparation requirements, conducted by the Forest Service. My understanding is that the committee intends that current year language, concerning implementation of timber sale tree measurement sales, is to be carried forward to apply in the same way for fiscal year 1995.

Mr. BYRD. The Senator's understanding is correct. The committee intends that policy directed by language included for the current year fiscal year—1994—would remain in effect for fiscal year 1995, requiring use of tree measurement to assess timber sale volume, with certain specific exceptions for salvage and thinning.

Mr. CRAIG. I thank the chairman. Further, as the chairman knows, the fiscal year 1994 Interior Appropriations act directed full implementation of tree measurement, except in selected areas for salvage or thinnings. In addition, the scaling method could be used where needed to support the Agency's efforts to evaluate and monitor its cruising techniques and help assure accurate timber sale volume measurements.

Mr. BYRD. It is the intention of the committee to make sure that the Forest Service continue to take the necessary steps to assure sale volume accuracy, as tree measurement techniques go into full effect. To the Senator's last point, the committee expects that any sales prepared during fiscal year 1995 which involve the use of scaling, for allowed exceptions, would involve Forest Service personnel, or will be accomplished by contract issued by the Forest Service and paid for using deposits by the timber purchaser, as was provided for in fiscal year 1994.

Mr. NICKLES. The minority side also agrees. The committee recognized, in the 1994 Interior Appropriation Act, that in moving to tree measurement, further monitoring must be done to assure accuracy.

FOREST SERVICE RESEARCH

Mr. CRAIG. Mr. President, I note that the Committee on Appropriations has adopted a level of funding which is supportive of Forest Service research activities. I'm certain you will agree that research is critical in order to provide the foundation for management decisions which have become increasingly complex. For that reason, I am concerned that an important research project at the Intermountain Research Station will not be funded in fiscal year 1995. Since this research project is in danger of being discontinued 2 years before it is complete, may I ask the distinguished chairman and ranking member of the subcommittee if I could engage them in a colloquy?

Mr. BYRD. I understand the concern that the Senator from Idaho has regarding this research. I am happy to respond to his inquiries.

Mr. CRAIG. I thank the chairman. Because of the decline in anadromous salmon populations in Idaho, it has become important to understand the interactions of management activities such as grazing and riparian protection along streams. One study designed to learn specifically of these relationships is Riparian-Streams Ecosystems Research No. 4202.

This study has been underway for 3 years and has involved considerable commitment from livestock grazers and other parties working with the Forest Service. Fence exclosures have been built at some expense and other on-site experiments have begun to yield information. If this research is dropped, it would appear that appropriated research funds from past years have not been used to the best advantage. Data gathered thus far might not be statistically reliable if the study period is cut short. I ask the ranking member if he would concur?

Mr. NICKLES. I understand the Senator's concern about cutting off this research in midstream. The committee has provided appropriations to fully fund this research project in fiscal years 1992–94.

Mr. CRAIG. Then is it the committee's view that the Forest Service should take every opportunity within its fiscal year 1995 research appropriations to continue this research project in order to gain its full benefit?

Mr. BYRD. The committee understands the need for research to establish the best management practices for riparian areas. The budget proposed funding for the Intermountain Research Unit No. 4202 at a level of $447,000, which is less than has been provided in prior years. As the Senator knows, today's budget environment requires that restrictions be made. This bill is funded $336 million below last year's level. So, while the work on this project may be important, the level of funding must be balanced against the many other needs in this bill. Within the funds provided for this unit, the Forest Service should seek to continue this research effort.

Mr. NICKLES. I concur with the chairman's view.

Mr. CRAIG. I thank the chairman and ranking member for their clarification on this matter.

MATERIALS, METALS, AND MINERALS RESEARCH AT INEL

Mr. CRAIG. I would like to call attention to some most valuable research that is funded in this appropriations bill. The Bureau of Mines utilizes the Idaho National Engineering Laboratory's Research Center for advanced research projects related to Bureau of Mines' missions that can be conducted more efficiently at the INEL. This relationship exists because INEL has facilities and staff that can conduct this research at a lower cost to the Federal Government.

There are two primary areas of focus for this research: First, development of advanced technologies for recovery of metals from low-grade resources and wastes, and second, development of advanced materials and processes to produce superior materials and facilitate use of substitute materials. Included are projects on solvent extraction of metals, biologically assisting minerals processing, production of titanium from a plasma reactor, ferrous alloy research, neural network modeling of cupola furnaces, noncontracting nondestructive evaluation for materials characterization, nanostructure materials and fracture mechanics of interfaces.

These are very important areas of research and offer some fantastic future possibilities for metal use. The areas being addressed reduce waste and open new and innovative methods of metal production, uses, and evaluation. The research is unique and is taking us to the threshold of metal research and development in the next century and I encourage the continuation of this arrangement between the Bureau of Mines and the INEL.

Mr. BYRD. I thank the Senator from Idaho for calling this research to the attention of the Senate.

Mr. NICKLES. I recognize the importance of this most crucial research and thank the Senator for his statement.

HAGERMAN FISH CULTURE EXPERIMENTAL STATION

Mr. CRAIG. Mr. President, as the chairman is aware, we have a situation in Idaho which deserves our attention. The Hagerman Fish Culture Experimental Station, formerly the Hagerman Field Station, in the U.S. Fish and Wildlife Service, is a facility in which essential, basic research in fish nutrition and hatchery products is being conducted.

This station was proposed for closure in the fiscal year 1994 budget. A colloquy among the Senators from West Virginia [Mr. BYRD], Oklahoma [Mr. NICKLES], and this Senator on the fiscal year 1994 Interior Appropriations bill suggested, if funds became available, that the facility remain open and equipment be held in place and made available to the University of Idaho and the aquaculture industry on a cooperative basis until a long-term plan could be worked out for operation of the station primarily by non-Federal entities. This arrangement has not yet been completed, although all parties have made substantial progress in this direction. The Fish and Wildlife Service has kept the station open. The University of Idaho and the Western Regional Aquaculture Consortium, among others, have contributed significant support and are conducting substantial research there. Additional time is needed to finalize a research agenda and plan of operation, but the danger remains that the station may be closed precipitously due to a lack of appropriations.

Mr. BYRD. Yes, I am aware of that possibility, since no funds were proposed in the budget for the station for fiscal year 1995.

Mr. CRAIG. Loss of this facility would be very unfortunate. Hagerman undertakes research that is key to the large aquaculture industry in Idaho and of great usefulness nationwide. This is an excellent example of State, Federal, and private sector cooperation. Research results from Hagerman have been put to work at other hatcheries outside Idaho, such as Bozeman in Montana and Stuttgart in Arkansas.

Mr. NICKLES. I understand that Hagerman provides valuable information to the aquaculture industry. What are the opportunities within the U.S. Fish and Wildlife Service for continuing the research underway?

Mr. CRAIG. I have had continuing discussions with the agency and other parties. They believe that an arrangement can be finalized whereby the University of Idaho would continue to shoulder greater responsibility in the research under some form of cooperative agreement or lease. The University is supportive of this proposal, but needs time to plan and arrange funding for the venture. In fact, the University has been following through in this regard and plans an increasing involvement.

However, this will not be possible if Hagerman is closed and its equipment removed. Until the details of a long-term agreement can be finalized, I am urging the Fish and Wildlife Service to hold the equipment in place and maintain the facility so as not to foreclose their management options. Ideally, the assignment of adequate non-Federal personnel for the actual station operation and cooperative research would facilitate a long-term definition of mission and transfer of responsibilities.

Mr. NICKLES. I agree that the Senator from Idaho has outlined a reasonable, workable solution. The agency should continue to try and work out an agreement with the university and any other appropriate parties and I would lend my support to the Senator's proposal.

Mr. CRAIG. I thank the Senator from Oklahoma. I believe the agency would be able to handle this matter internally and would like us to see what it will do. However, I believe we should maintain some oversight. Last year, I asked the chairman and ranking member if we could revisit this matter again this year if necessary. I believe much progress has been made and would want the current arrangement to be continued.

Mr. BYRD. While I am willing to encourage the Fish and Wildlife Service to continue working with the University to produce a cooperative agreement for the use of the equipment and the facility, I do not wish for us to direct the continued operation of a station proposed for closure in the budget and for which operational dollars are not included in fiscal year 1995. The Service should do everything possible to help ensure that good use can be made of the equipment and the facility. If the University or other non-Federal partners wish to take over the facility, the Service should work toward the development of whatever agreements might be necessary to facilitate such a transfer.

PALLID STURGEON RECOVERY PLAN

Mr. DANFORTH. Mr. President, on November 7, 1993, the Fish and Wildlife Service released the pallid sturgeon recovery plan. According to the Governor of Missouri, the plan differs substantially from the draft that was offered for comment and review to the State of Missouri. Five technical studies which were critical for the plan's conclusions only became available after the close of the comment period on the draft report. Our State feels very strongly that it should at least have had the opportunity to consider and comment on all of the important information which Fish and Wildlife used to reach its conclusions. On June 17, 1994, the Governor of Missouri wrote the Secretary of the Interior, asking that the comment period be reopened for a period of at least 60 days. The Secretary has not responded to that letter. Does the distinguished chairman of the Senate Appropriations Committee agree that the Department of the interior should re-open the comment period in order to permit Missouri and other States the chance to comment on the plan and all important information which went into preparing the plan?

Mr. BYRD. Mr. President, I appreciate the concerns voiced by the Senator from Missouri about time for adequate review of information used in the development of recovery plans. I would urge the Secretary to use any authorities available to re-open the comment period.

Mr. NICKLES. I share the concerns of the Senator from Missouri and agree with the distinguished chairman.

TREE THINNING

Mr. DASCHLE. Mr. President, as Senator BYRD knows, it appears that the Forest Service will no longer be allowed to use salvage trust funds for thinning trees in the future. Unfortunately the budgeting process for the Forest Service is based on a 3-year cycle and the Forest Service is not able to adjust its budget for fiscal year 1995 to accommodate this clarification in policy. As a result, the Black Hills National Forest will not fully achieve the objectives of the Forest plan in fiscal year 1995.

According to the Black Hills National Forest land management plan, stands of trees need to be thinned to prevent insect and disease from attacking the trees. It is my understanding that salvage trust funds can be expended in fiscal year 1995 to prepare and administer timber sales on the Black Hills National Forest for the purpose of thinning commercial stands of trees, where those stands of trees are in jeopardy of being infected with insects and disease.

Mr. BYRD. The committee has continued salvage sales, pursuant to the authorities found in the National Forest Management Act. To the extent these authorities can be exercised on the Black Hills National Forest, the Forest Service should seek to do so, consistent with the forest plan. In addition to the salvage authority, the committee has provided additional funding in the regular timber sales program to help with situations such as on the Black Hills National Forest

Mr. DASCHLE. I thank the Chairman. I want to emphasize that in the long-run, I agree with the policy that salvage funds should not be used for thinning operations and support the imposition of this restriction for the fiscal year 1996 budget, after the Black Hills National Forest has had an opportunity to adjust.

ELECTRIC VEHICLES

Mr. DOLE. Mr. President, I wish to thank the distinguished chairman, Senator BYRD, and the ranking Republican member, Senator NICKLES, for funding electric vehicle field operations at $1,980,000. Kansas State University has spearheaded a team effort as one of 12 sites across the country to test and evaluate electric and hybrid vehicle technology. It is my understanding that the Department of Energy will allocate this $1,980,000 to these 12 sites, known as the Site Operator Users Task Force.

The funds provided by the committee will be matched by the site operators on at least 50-50 basis. Kansas State University will join with its local partners—Kansas and Missouri utilities—to purchase five state-of-the-art electric or hybrid vehicles, study multi-phase electric and hybrid vehicles chargers, purchase advanced technology hybrid vehicle components, and work with Underwriters Laboratory to improve the safety of charge stations.

Mr. BYRD. The Senator from Kansas is correct. This bill does provide $1,980,000 for electric vehicle field operations. It is also my understanding that the $1,980,000 is to be allocated by the Department of Energy to the site operator program participants. The site operators' program is to be commended, along with the Department of Energy, for trying to move this promising technology forward.

Mr. DOLE. I would like to conclude my remarks by commending Kansas State University, Arizona Public Service, Los Angeles Department of Water & Power, Orcas Power & Light Company in Eastsound, WA, Pacific Gas & Electric in San Ramon, CA, Potomac Electric Power Company, Platte River Power Authority in Fort Collins, CO, Southern California Edison, Texas A&M University, University of South Florida, York Technical College in Rock Hill, SC, and the United States Navy in Port Hueneme, CA, for their leadership in developing this exciting and promising transportation alternative for the 21st century.

FUNDING TO FIGHT CHILD ABUSE AND NEGLECT ON INDIAN RESERVATIONS

Mr. DORGAN. Mr. President, I rise in praise of the distinguished Chairman of the subcommittee and the committee, Senator BYRD. In this bill, he has included a measure that I am convinced will save the lives of countless native American children.

Since my early days as a Member of the other body, I have worked to reduce the heartbreaking levels and effects of child abuse and neglect throughout the country. This national problem has reached truly tragic proportions on Indian reservations, largely due to the staggering levels of poverty, joblessness, and alcoholism that come from a lack of economic opportunity for our country's native people.

As a father who has raised four wonderful children, I cannot ignore the plight of these children. As a legislator, I cannot ignore the Federal Government's solemn trust obligation to these children. They are our responsibility. When they suffer the pain of beatings, broken bones, neglect, and even death, we have failed them.

Mr. President, more than 4 years ago, I held a hearing in Bismarck, ND, to investigate the causes of child abuse and neglect on the four Indian reservations in my State. Even I was shocked at some things I heard. I was especially touched by a little girl named Tamara. Her foster parents had broken her arm and her leg and torn out her hair. The social worker who should have been keeping an eye on Tamara had a caseload of over 200 children.

Following that hearing, I worked very hard to increase the number of staff social workers on Tamara's Standing Rock Sioux reservation from 1 to 12, which brought enormous relief to their efforts to save the hundreds of abused and neglected children on that reservation.

Just last month, I chaired a hearing of the Indian Affairs Committee in my State. I found that the other three reservations in my State, Ft. Berthold, Devils Lake, and Turtle Mountain, have serious problems with child abuse and neglect that still are at least as bad as the situation at Standing Rock was 4 years ago.

The Devils Lake Sioux reservation social services agency, which has had 13 different people in its three staff social worker positions in the last 2 years, has literally piles of abuse and neglect reports that they have never had the staff to review. On the Ft. Berthold reservation, 8 abused or neglected children attempted suicide in a 2-week period. I heard testimony about a 3-year-old child on the Turtle Mountain reservation whose foster parents had locked him in a closet and starved him. We heard about very young children molested by parents or step parents. One girl testified that abuse by her father drove her to start drinking at age 8, until she became an alcoholic at age 14.

In 1990, largely through the efforts of Congress' leader on Indian Affairs, Chairman DANIEL INOUYE, and that committee's vice chair, Senator JOHN MCCAIN, Congress enacted the Indian Child Protection and Family Violence Prevention Act. But we have not funded it at all.

The 1990 Act is a good first step toward fixing this national tragedy. I am painfully aware of the realities of our Federal budget. I know we will not be able to fully fund the Act this year.

But I have worked with the distinguished chairman and his very able staff director, Sue Masica, and counsel Kathleen Wheeler, to provide $2 million in this bill to establish a model program to fight child abuse and neglect on Indian reservations.

The Assistant Secretary of the Interior for Indian Affairs, Ada Deer, who participated in my recent hearing in North Dakota and is a former social worker herself, is very eager to show that we can make a big difference in native American children's lives with a very modest investment. She has pledged to work closely with us to provide the staff and resources in the Aberdeen area to treat and prevent child abuse on Indian reservations—using the additional funds provided in this measure.

Secretary Deer plans to use these funds to establish a model program, in the Bureau of Indian Affairs Aberdeen area and on the North Dakota reservations, to help reservations comply with the 1990 law and reduce the appalling levels of child abuse and neglect that they must deal with every day. As I said at our hearing, Secretary Deer's lifelong interest in preventing and treating child abuse is a breath of fresh air at BIA. She has brought a new commitment, on behalf of the Clinton Administration, to addressing a problem that has been ignored far too long.

Thanks to the funds we are providing in this measure, we finally will get the chance to give some abused and neglected native American children a way out. I am confident the model program will succeed and inspire us to provide the small additional investment we need to address child abuse and neglect on Indian reservations nationwide.

Mr. President, I thank the managers for accepting this amendment.

FWS FUNDING

Mr. DORGAN. Mr. President, I wish to engage the chairman of the Interior Appropriations Subcommittee, and of the Senate Appropriations Committee, in a discussion of a problem of critical importance to North Dakota.

Mr. President, the U.S. Fish and Wildlife Service has pulled nearly all of its Ecological Services Division staff from North Dakota, and that action is going to have a severe impact of the ability of farmers to responsibly use the pesticides they need to farm successfully.

In North Dakota, the ecological services program has focused, in close cooperation with the North Dakota Department of Agriculture, on the Pesticides Contamination Program. This program tries to ensure that endangered and threatened species are not harmed by use of agricultural pesticides. The program allows for reasonable monitoring of the effects of certain pesticides on animals and plants in specific, sensitive areas, and such monitoring is required by the Endangered Species Act.

This program is absolutely necessary if we are going to protect endangered and threatened species in North Dakota, as Federal law demands, and, at the same time, allow farmers to use pesticides that are harmless to people, animals, and the natural environment.

A year ago, the Fish and Wildlife Service was appropriated about $21 million in new funding to expand its work related to endangered species. After expending the additional $21 million, the FWS then transferred most of the staff and funding for its ecological services out of the Denver region, including North Dakota, to coastal areas. This is unacceptable.

It is unacceptable from administrative standpoint because, in order to meet court-ordered implementation of the Endangered Species Act in other regions, the FWS is killing a much needed cooperative pesticides program which allows rational implementation of the Endangered Species Act in North Dakota.

The FWS action is also unacceptable because Congress provided specifically in its fiscal year 1994 appropriations for additional funding to meet the court-ordered requirements I just mentioned. However, the FWS went outside our specific funding provisions and made a wholesale transfer of funding out of the Denver region.

I ask the distinguished chairman of the Appropriations Committee: Did he envision that such a withdrawal of funding from Region Eight and the North Dakota Pesticides Contamination Program would occur under his committee's 1994 appropriations bill?

Mr. BYRD. I thank the Senator from North Dakota for calling the committee's attention to this problem, and for his question.

Congress provided additional funding in fiscal year 1994 so the FWS could meet its endangered species responsibilities without terminating necessary programs in other regions. However, as the Senator knows, with the administrative and FTE reductions proposed in the fiscal year 1994 and fiscal year 1995 budgets, some reductions and realignments may be necessary. But within the resources provided, the Service should continue to take the steps necessary to assist with the North Dakota Pesticides Contamination Program.

VISITORS CENTER AT HEMPHILL KNOB

Mr. FAIRCLOTH. Mr. President, I would like to speak about a project that has come to my attention in the Senate Interior Appropriations bill. This project concerns the building of the Parkway Headquarters and Visitor's Center at Hemphill Knob in the Great Smoky Mountains National Park's Blue Ridge Parkway.

The Blue Ridge Parkway was established as a unit of the National Park System by an act of Congress on June 30, 1936. The act's purpose was to create a 470-mile motor road between Shenandoah National Park in Virginia and Great Smoky Mountains National Park in North Carolina and Tennessee that would provide a means for leisurely travel and recreation in a variety of significant southern Appalachian environments.

Since this first selected region opened to traffic, parkway visitation has increased dramatically from 101,324 in 1939 to 17,889,335 in 1993—highest visited among all of the 359 parks of the National Park System—even higher than the Grand Canyon National Park, the Statue of Liberty National Monument, and Yellowstone National Park.

Despite the complexities of design, construction, development, and operation, plus its ever-increasing popularity, the parkway has not had a permanent headquarters in more than a half-century as a unit of the National Park System. Ironically, although it is almost exclusively rural in nature, the parkway's "temporary" headquarters have always been located in the heart of urban areas.

After almost four decades in rented office space in Roanoke, VA, headquarters were moved to Asheville, NC in 1972. The reasons for the move were twofold: No. 1, a realignment of the National Park Service excluded Virginia from the Southeast Region, and No. 2, Asheville was a more central location in a now-dormant proposal to extend the parkway to near Marietta, GA.

Since its move in 1972, the Parkway Headquarters have been located in what now is the BB&T Building in downtown Asheville. Some 8,100 square feet of office space is leased at an annual cost of approximately $85,000. The present lease expires in 1994.

Development of a permanent facility in the Asheville area would eliminate the expense of this lease arrangement, and, more importantly, would accomplish one of the parkway's major objectives. This objective is to:

> Construct a permanent headquarters/interpretive/archival complex on Parkway lands in order for management to be more accessible and responsive to Parkway visitors and employees.

The Federal Government has already purchased a tract of land, totaling 90 acres, in Asheville and has invested money for planning as well. It would make common sense financially to go ahead and fulfill the investment obligations and build the center in Asheville.

Representative CHARLES TAYLOR confirmed to me that the House had passed the House Interior Appropriations bill which included $910,000 to start construction of the Parkway Headquarters and Visitor's Center at Hemphill Knob, near Asheville. However, in the Senate bill, this funding was not provided.

It is my intention to request that during conference, my distinguished colleagues on this committee consider this request of $910,000 to begin construction of these headquarters.

Mr. NICKLES. Mr. President, I would like to thank my colleague from North Carolina for alerting me of this situation. In response to my colleague's request, I will try to take this matter into consideration during conference.

Mr. BYRD. Mr. President, as the Senator indicated, this project is in the House bill and will have to be discussed during our conference. While no commitment can be made, I will keep the interest of the junior Senator from North Carolina in mind.

LAND EXCHANGE PILOT PROJECT

Mr. HATFIELD. As the chairman knows, the land ownership in the Western States is fragmented. Because Federal, State, county, and private lands are intermingled across watersheds and ecosystems, extensive cooperation is required to manage these lands under an ecosystem approach.

A pilot project proposal has been brought to my attention which would address the cross-ownership ecosystem management problem by cooperatively identifying environmentally sensitive private lands which would be exchanged for less critical Federal lands on a voluntary basis. The project would test an alternative approach and would involve citizens, landowners, local governments, environmental groups, and Federal agencies in Douglas County, OR. Is it the chairman's understanding that a pilot land exchange project might qualify for a National Fish and Wildlife Foundation grant?

Mr. BYRD. The National Fish and Wildlife Foundation funds, which are provided in this bill, are available for grants through a competitive application process. The grants are used for fish and wildlife and research demonstration projects and require matching funds. The committee has no say in the projects ultimately selected for funding by the Foundation. Project grant decisions are to be based on merit. If this project is submitted by its supporters to the Foundation, it should be considered on the same basis as any other projects proposed for grant funding. The same criteria should be used for all applicants.

Mr. HATFIELD. It is my understanding that the matching funds requirement can be met. If a proposal of the kind just described is made to the Foundation, I would urge the foundation to seriously consider the project for funding.

INDIAN SCHOOL EQUALIZATION PROGRAM

Mr. INOUYE. Mr. President, despite severe spending constraints, the distinguished chairman of the Appropriations Committee has once again led the committee in providing funding for programs that take into account the real needs of American Indians and Alaska Natives. I commend Chairman BYRD for his leadership once again.

However, the committee included bill language relating to the counts of students attending Bureau of Indian Affairs schools that I would hope would be deleted at such a time as this bill goes to conference. The Committee on Appropriations sought to accommodate the recommendation of the Committee on Indian Affairs on this matter, but the bill language that is included will, I fear, result in underfunding of Bureau of Indian Affairs schools in the coming year.

To clarify, I need to begin with existing law. Appropriations for the operation of Bureau schools are currently distributed on the basis of the number of students attending each school and the special characteristics of each student. The count of students is taken the last week of September, and on that basis, an upward or downward adjustment is made to the allocation of funds made earlier to each school.

In its proposed budget for fiscal year 1995, the Bureau proposed that it be authorized to use the prior year's count of students, with adjustments made only for enrollment increases over the prior year that exceed 10 percent. The Bureau made the proposal despite the act that when it consulted with Indian educators, 70 percent said they opposed the proposed change.

The language included in the bill permits, but does not require, the Bureau to use prior year counts. The concern of the Committee on Indian Affairs is that since the Bureau itself proposed the change, it will—if granted permission to do so—use the prior year's student count.

Mr. BYRD. I share the concerns of the chairman of the Committee on Indian Affairs about how funds for BIA-funded education are distributed. As the chairman has noted, the language which has been included in the bill does not require the Bureau to use prior year counts. Because of the concerns of the Committee on Indian Affairs and the concerns raised during the consultation process, language has been included in the Senate report which clearly requires the Secretary of Interior to consult with the tribes to develop a methodology for distributing funds. Language has also been included in the report which would require the Department to submit a workplan on how the Secretary will conduct the consultation. This language was included to assure that the consultation is conducted in a manner that will ensure that tribes and schools have an opportunity to propose alternatives to the current methodology.

Mr. INOUYE. Mr. President, the Bureau estimates an overall increase of about 4 percent in its student count in September 1995. If the increase were evenly distributed, and the Bureau implemented its proposal, none of the schools would be allowed added funding appropriated by the Congress. Even those schools experiencing 5, 6, 7, 8, or 9 percent increases in their enrollments would have to get by with a budget based on the preceding year's enrollment. In the small schools of the Bureau's system, such a shortfall could be especially harmful to educational programs.

Mr. BYRD. When the bill language was included in the Senate report, the Committee assumed no particular methodology, as indicated in the report. In other words, the committee did not endorse the methodology proposed by BIA. The Secretary of Interior should consult with the tribes on how to implement the use of prior year enrollment in distributing the funds. However, if no consensus occurs on what methodology should be used or if the tribes do not want to use prior year enrollment, it is assumed that the current count week would continue to be the methodology used by the Bureau. Given the widespread reports of problems associated with the current count week, it is my hope that an improved and fairer methodology would emerge from the consultation process.

Mr. INOUYE. The Committee on Indian Affairs shares the concern you have described. It is for that reason that the committee has approved and will soon be recommending to the Senate an amendment to the Improving America's Schools Act that will require the Secretary of Interior to contract with an organization or institution having expertise in school finance to conduct a two-part study of the issues. The first part of the study will be analysis of what level of funding will be required to conduct a school program that meets academic standards of the Bureau; the second part of the study will be an evaluation of the Indian School Equalization Program and a consideration of alternative approaches to providing basic funding for the Bureau schools. Under the amendment, the Secretary will choose a contractor only after the Department has conducted a wide solicitation among organizations and institutions having expertise in school finance.

Mr. President, given that the study is to be completed in 6 months, the Committee on Indian Affairs is of the view that any change such as contemplated in the Senate bill should await the completion of the studies and analysis I have described.

Mr. BYRD. I appreciate the efforts of the Committee on Indian Affairs to examine the Indian School Equalization Program and support examining alternative approaches to providing basic funding for the Bureau schools. However, I am concerned about the portion of the study that will analyze the level of funding required to conduct a school program which meets academic standards of the Bureau. I share the concerns of the Chairman of the Committee on Indian Affairs that Bureau of Indian Affairs schools be adequately funded, and as a result, the committee has provided significant increases in appropriations for Bureau schools over the past few years. Given the caps in discretionary spending that the committee faces over the next few years, it is unlikely that the committee will be able to provide significant increases in the future, regardless of the conclusions reached by the study. Any study on the level of funding required for BIA schools should address ways to utilize better existing funding and ensure that funds are distributed in the most effective manner in light of the very real constraints faced by every program funded through the Interior bill.

Mr. INOUYE. I agree with the chairman of the Appropriations Committee that the constraints on spending compel the Bureau and other agencies, of course, to seek to ensure that appropriations are efficiently and effectively employed to accomplish their missions. But we cannot expect accomplishment if the Congress appropriates less than independent school experts determine will be required for the conduct of programs.

I thank the chairman of the Appropriations Committee for his consideration of the issues we have discussed and for his consideration of my views on the student count language at such time as the appropriations conferees meet to consider H.R. 4602.

Mr. BYRD. I appreciate the concerns and efforts of the distinguished chairman of the Committee on Indian Affairs and will take them into consideration when the conferees meet.

OFFICE OF TERRITORIES AND INTERNATIONAL AFFAIRS

Mr. JOHNSTON. I draw the attention of the distinguished floor managers to the third paragraph on page 65 of the committee's report, Rpt. 103–294, which recommends $27,720,000 for construction grants for the Commonwealth of the Northern Mariana Islands [CNMI]. As the report points out, this is consistent with the amount required by section 702 of the existing authorization (P.L. 94–241; 90 Stat. 263). The report language also states "The Committee has no objection to the use of $2,500,000 within the funds provided to address the costs associated with immigration to the Northern Mariana Islands as a result of implementation of the Compact of Free Association."

For the reasons I will enumerate below, it is my hope that through this colloquy the Senate, with the support of the floor managers, will also take the position that within the funds provided, the Secretary of the Interior shall take appropriate actions to allocate $7 million for providing technical and other assistance to the CNMI to help track and identify alien workers entering the CNMI, to enforce applicable immigration laws in the CNMI, and to provide technical assistance to the CNMI in developing related labor rules and regulations for alien workers. Specifically, these funds shall be used, with the assistance of the U.S. Immigration and Naturalization Service, to develop a computer data base and identification system for aliens present in and entering the CNMI, including a permanent record of country of origin of these aliens. The funds should also be used for necessary planning, including architectural and engineering work, for the construction of detention facilities which meet applicable Federal standards and requirements for aliens who enter illegally or whose presence is otherwise not in conformance with appropriate immigration laws and policy in consultation with the U.S. Justice Department and other agencies deemed appropriate by the Secretary.

This allocation leaves $18 million available for capital improvement projects to be undertaken by the CNMI Government, subject to the CNMI Government providing appropriate matching funds as determined by the Secretary. This amount is consistent with the budget request, and leaves in place the committee's directive that all capital improvement funding be subject to applicable Federal grant regulations.

I am not proposing that foreign workers who have entered the CNMI legally and who remain legally employed be expelled from the CNMI. Nor am I proposing that the United States Government take over immigration duties, or that all future immigration to the CNMI be stopped. I do believe however that the CNMI needs to be given the necessary resources, including technical assistance from the INS, the Justice Department, and the Department of Labor to assure that applicable laws are followed and enforced, and that those foreign workers who enter and are present in the CNMI can be properly identified and accounted for and that those present illegally or who are in violation of other applicable Federal laws and policies can be deported.

The CNMI has experienced a population explosion since 1980, registering growth of some 250 percent in full-time residents. Much of this growth is attributable to the increase of nonresident aliens, most of whom are believed to have immigrated from areas in the Pacific and Asia other than the former Trust Territory. In 1980, CNMI natives and indigenous peoples constituted 66.6 percent of the population of the CNMI, with full-time aliens, excluding immigrants from areas of the former Trust Territory, constituting just over 12 percent of the population. Immigrants from other Pacific Islands, primarily other parts of the former Trust Territory, constituted about 8.9 percent of the population of the CNMI. By 1993, CNMI natives and indigenous peoples constituted 36.5 percent of the CNMI population, and nonresident aliens, including immigrants from areas of the former Trust Territory, constituted 43 percent of the total population of the CNMI. Pacific Islanders, while increased in raw numbers, constituted just under 7.5 percent of the population of the CNMI. In numbers, estimates are that full-time nonresident aliens, primarily contract workers, immigrating from areas other than the former Trust Territory increased from about 2,100 in 1980 to over 24,800 by 1993, averaging an increase of over 20 percent each year. Registered births to these aliens totalled over 3,000 in 1993, compared to 50 in 1986, and exceeded the number of registered birth to indigenous residents.

The United States has a strong Federal interest in seeing that an identification and tracking system is in place and that appropriate laws are followed. Most important, for the purposes of citizenship, the territory of the CNMI is considered U.S. territory. Thus, children born to foreign workers in the CNMI receive U.S. citizenship just as they could if they were born in Los Angeles or New Orleans or New York. These children are entitled to the same benefits and programs that other children having U.S. citizenship in the CNMI receive. Many of these programs and benefits are funded by the Federal Government.

Second, part of the stress on infrastructure in the CNMI, which is in part supported by the federally funded capital improvement program, is attributable to the huge increase in the number of full-time alien residents in the CNMI.

Finally, to assure the safety and welfare of all U.S. citizens in the CNMI, the Federal Government has a strong interest in knowing who these foreign workers are and making sure that applicable U.S. policies with respect to the entry of these foreign workers are enforced.

The purpose of section 702 of the Covenant, enacted in 1976, was to help the CNMI develop needed infrastructure and economic resources to become self reliant. This section authorized the appropriation of $192 million over a 7-year period, 1978 to 1985, for this purpose. At the end of this period, an agreement was reached to provide an additional grant totaling $228 million over a second 7-year period, 1986 to 1992. This second 7-year agreement provided that the CNMI would continue to receive $27.7 million in the eighth year and beyond for capital improvement projects until Congress otherwise provided. In 1992, a third agreement was reached to provide $120 million over a third 7-year period, 1993 to 1999, subject to a phased matching requirement.

For a number of reasons, this agreement was never approved by the Congress, leaving in place the mandatory provision of $27.7 million annually for capital improvement construction grants for the CNMI. Accordingly in fiscal year 1993, $27.7 million was provided for this purpose. In fiscal year 1994, an additional $27.7 million was provided, with the understanding that $3 million would be used for construction of a memorial in the American Memorial Park on Saipan, consistent with commitments the U.S. Government made to construct this memorial in the Covenant.

In 1993 and 1994, in response to the controversy surrounding the third extension of the 702 grant program, the current administration proposed that in addition to the amounts already received in fiscal years 1993 and 1994, the Federal Government provide the CNMI $18 million in fiscal year 1995, and $9 million in fiscal year 1996, which would make available over $80 million for the third round of capital construction projects.

There is no question that needs for improvement in the physical infrastructure of the CNMI remain, particularly in the areas of clean water, adequate sewer treatment, and adequate schools. Rapid economic development coupled with rapid population growth have increased pressures on the existing systems. As set forth in the most recent State of the Territories report, for example, school enrollment in grades K through 7 in the early 1980's was approximately 5,500; that has almost doubled today. Just since 1988, elementary and secondary school enrollment has mushroomed from under 7,400 to over 10,500 in 1993.

The economy has also grown at a rapid pace. Tourism has continued to grow. In 1980, there were about 110,300 visitors to the CNMI and altogether 802 hotels rooms, 710 of which were on Saipan. In 1993, over 535,000 visitors entered the CNMI, which now has over 3,300 hotel rooms. Projections are that tourist entries may reach 800,000 annually by the year 2000 if an additional 2,000 hotel rooms can be provided to accommodate the increase.

Both of these factors, economic growth centered on tourism and population growth, have placed strains on existing infrastructure. It is my opinion that there is a need for some additional Federal assistance to help meet these needs; however, I also believe that the local government can make more of a contribution than it has in the past. Local revenues have increased dramatically—from about $10 million in 1980 to over $150 million in 1992. I recognize that the pace of economic development has created jobs outnumbering the available local labor pool, necessitating the use of foreign workers to sustain growth, particularly in certain sectors such as tourism, construction, and the garment manufacturing industry. The presence of foreign workers however is not totally beneficial to the economy. Most of these workers receive below minimum wage salaries and pay little into the system to balance the cost they have imposed on infrastructure and social services. Indeed, one preliminary study indicates that nonresident aliens impose a net cost to the economy starting at about $570 per capita annually and could be higher in some cases.

Thus, if we are to provide additional Federal assistance to help improve the infrastructure of the CNMI, then I believe we must also take steps to mitigate the negative impact of nonresident aliens in the CNMI. I am told that one of the most serious problems encountered in attempting to assure compliance with immigration laws is that, once a foreign worker enters the CNMI, he or she loses or destroys papers indicating country of origin. Without proof of country of origin, it is impossible for officials to repatriate these foreign workers to their home countries when their visas expire. Even if officials are able to identify a person picked up as a foreign worker, few detentions occur for the reason that no facility is currently on the island which meets Federal standards.

The purpose of this additional understanding I am proposing is to tackle these problems head-on, by providing the necessary resources for the Immigration and Naturalization Service as well as the U.S. Department of Justice to assist the CNMI in keeping track of foreign workers who enter the CNMI so that those workers who overstay their visas or otherwise violate the terms of their visas can be returned to their countries of origin, and to provide for adequate facilities to detain foreign workers who violate the system until they can receive the required hearing.

I remain willing to ask the Federal taxpayer to help the CNMI provide infrastructure and services for those who are U.S. citizens and otherwise legally are in the CNMI. However, I do not believe the Federal taxpayer should be asked to help improve the infrastructure or provide services for those who are there illegally. This problem will only compound itself in the future if we do not take steps now to correct this situation. I believe this understanding will help accomplish this goal, and I hope that the administration will take steps to include resources to continue this effort in the fiscal year 1996 and future budgets.

Mr. AKAKA. I concur with the remarks of the senior Senator from Louisiana with whom I have worked on this particular issue for many years. I share his concern about developing a positive and reasoned response to continuing problems with respect to foreign workers in the CNMI and believe the first step is to develop a tracking and information system. I urge the managers to support this additional understanding.

Mr. BYRD. I believe the suggestions offered by the Senator from Louisiana and the Senator from Hawaii, chairman of the authorizing committee and subcommittee, respectively, are constructive. The Senators have outlined a very serious problem which needs to be addressed, and I believe the approach outlined is a measured response to the problem. Therefore, on the basis of the information the Senators have provided, I support the additional understanding they have proposed. These modifications would still provide for an estimated $18 million for infrastructure, while also addressing issues that contribute to the additional infrastructure requirements.

Mr. NICKLES. I join my colleague from West Virginia in endorsing this modification to the report language, and I concur with his remarks.

ENERGY PERFORMANCE CONTRACTING

Mr. JOHNSTON. Mr. President, might I address a question to the senior Senator from West Virginia, the distinguished floor manager of this bill?

First, I observe that the Committee recognizes the importance of Federal leadership on energy conservation by recommending $21 million for Federal energy management. The Federal Government is faced with annual expenditures of $4 billion for building energy use

What is now needed is for the Federal Government to give priority to the upgrading of Federal buildings as required by the 1992 Energy Policy Act. By targeting Federal efforts within each region, the Federal Government can showcase in selected cities what can be accomplished in Federal buildings. By coordinating this Federal effort with State and local government and the private sector, the Federal Government can foster the development of local infrastructures that can support the sustained installation and maintenance of building energy conservation measures.

As the Committee expects, available Federal appropriations for this effort can be significantly supplmented with private investment funds through the use of energy service companies, utilities, and third-party financing or secondary market financing; for example, through the utilization of energy service companies and performance contracts measured in accordance with a State recognized measurement protocol equivalent to those in use in my State or New Jersey or California.

The 5-year, energy saving performance program that was authorized by the Energy Policy Act needs to begin. However, proposed rules governing this program were not published by the Department of Energy until April 11, 1994. Two years have already passed since enactment of this program and we are faced with the possibility of another year passing before these regulations are finalized. Another year before the Federal Government can realize the resultant budget savings.

The question I like to address to the chairman of the subcommittee is: Would the Senator agree, since this is a test program, that Federal energy managers should, until the final rules are promulgated, be allowed to proceed under DOE's proposed energy savings performance contract rules?

Mr. BYRD. I agree with the Senator from Louisiana that Federal building managers should be permitted to proceed with this test program under the April 11 proposed regulation until the current rule making is finalized.

INDOOR AIR QUALITY PROGRAM

Mr. JOHNSTON. I would like to seek to clarify a point with the distinguished chairman of the Appropriations Committee. It has come to my attention that a small but important program within the U.S. Department of Energy, related to indoor air quality, was not funded in this bill, perhaps due to a concern that it duplicated other Federal programs. The DOE program on indoor air quality, though, is unique in both its objectives and the activities which it supports. For example, while other Federal programs focus on disseminating best available technology for indoor air quality, the DOE program is focused on achieving a more fundamental understanding of indoor air quality issues that would lead to new and perhaps revolutionary technological approaches. I believe that it should be retained at the modest level requested by the administration—$1.875 million—for three reasons. First, as I have already mentioned, it is distinct from, yet complementary to other existing programs on indoor air quality. Second, the fundamental insights into indoor air quality obtained by this program have, in the past, provided an effective technical sanity check on various proposals that have been advanced to improve air quality in buildings. Finally, maintaining acceptable indoor air quality will be the major challenge to achieving greater building energy efficiency. It is worth remembering that 38 percent of the energy consumed in this country is used in buildings. Some 5.5 quads of energy are consumed each year in air handling and conditioning. Continued fundamental exploration of indoor air quality issues by this program is likely to continue to provide new solutions to this important energy efficiency challenge.

Mr. BYRD. I thank the distinguished Senator from Louisiana for his views on this matter. Since the House bill provides funding for this program within the Department of Energy, I would like to give the distinguished Senator my assurance that I will address his concern in conference discussions with our counterparts in the House.

ARTS ENDOWMENT

Mr. KENNEDY. Mr. President, I would like to make an inquiry of the Senator from West Virginia, the distinguished chairman of the Senate Appropriations Committee and the distinguished chairman of the Interior Subcommittee. I understand that the chairman of the Arts Endowment, Jane Alexander, has informed him of the efforts she has undertaken to improve the processes and procedures at the endowment.

I believe that Chairman Alexander is doing an outstanding job and that we should give her the opportunity to establish guidelines that strike an appropriate balance between free expression and accountability.

I hope that these efforts by Chairman Alexander are persuasive for the Senator from West Virginia and that he will keep them in mind during the House-Senate conference on this bill.

I would also hope that, whatever the ultimate funding level for the arts endowment, Chairman Alexander will be given the discretion to allocate the reductions herself.

As the Senator from West Virginia may know, the Committee on Labor and Human Resources will be reauthorizing the arts endowment next year, and we look forward to examining all of these issues.

I have received a letter from Chairman Alexander and I respect the plans she has outlined for the endowment. I commend these efforts and will keep an open mind in conference with respect to the ultimate funding level for the endowment and the allocation of reductions.

Mr. BYRD. I thank the Senator from Massachusetts for his comments. I acknowledge his leadership in our national cultural policy and very much appreciate his comments.

I have met with Jane Alexander and believe she is interested in ensuring that the endowments funds art which is excellent and with merit. I understand the issues that the Senator raises regarding the need to permit Chairman Alexander an opportunity to establish appropriate guidelines at her agency, particularly in light of the upcoming reauthorization process.

FOREST SERVICE REORGANIZATION

Mr. LEAHY. Mr. President, I rise to bring the Senate's attention to an opportunity to save money, ease bureaucratic burdens, and improve service in the Forest Service. For several years now my ranking colleague on the Committee on Agriculture, Nutrition and Forestry and I have been considering the role of regional offices in the Forest Service.

Since 1974, the Interior appropriations bill has included language that prohibits the Secretary from closing regional offices or changing regional boundaries without congressional consent. This language was inserted at a time when President Nixon proposed 10 standardized regions for all agencies. Senators Mansfield and Bible thought that the Forest Service was best served by keeping the regional offices in the railroad towns where they were. Their language has persisted to this day—it is 20 years old.

We had an opportunity to delete this language in S. 1970, the USDA Reorganization Act of 1994, but the Senate deferred at the request of the administration. Instead, the Senate adopted language that required nonbinding proposals from the Secretary to address a number of administrative issues, including office structure.

I understand that the Forest Service's reinvention process is taking its course, and an interim report has laid out academic models that give some indication of the Forest Service's progress to date. It is still unclear what form the final proposals will take, how the Forest Service intends to implement the proposals, and what role the Forest Service foresees for Congress.

The current language in this appropriations bill guarantees that Congress will have a role. Furthermore, judging from committee action on Bureau of Mines closures and Agricultural Research Facility closures, Congress will play an active role.

The Forest Service must be ready for the 21st century—an era when more people will demand more from an agency limited by finite resources. With this in mind, I would like the Forest Service to consider cost saving opportunities at the forest level, the district level and the Washington office level as well. The organization must pursue the most efficient organizational structure it can identify.

In order to make office closure recommendations politically viable, we could consider an approach similar to the Commission on Agricultural Research Facilities authorized in the 1990 farm bill. This process was set up to take no more than 240 days from the date of authorization. Alternatively, we could consider a more comprehensive strategy similar to the military base closing scheme. I am most interested in something that is responsible and realistic.

In this respect, I wish to highlight my interest in receiving from the Forest Service for fiscal year 1996 a politically viable and administratively sound plan for downsizing, restructuring, or reorganizing the organization. The March 31, 1995 deadline included in S. 1970 should provide sufficient time for the Forest Service.

I will not offer an amendment providing specific direction at this time, but I urge the administration to consider alternatives and present them to Congress for fiscal year 1996.

Mr. BYRD. I thank the Senator for Vermont for bringing this to our attention. I share the Senator's interest in reorganizing the administrative structure of the Forest Service. The subcommittee's allocation continues to erode and yet the demand for services increases. We must eliminate inefficiencies and streamline operations in order to get the most from Federal agencies during tight budget times.

As we have seen in the Department of Interior's effort to close some Bureau of Mines offices, and in the Department of Agriculture's effort to close some agricultural research facilities, office closures can not be done in a piecemeal fashion. A politically viable plan must be a comprehensive plan that justifies to Senators the decisions made. It must also take into consideration the changing roles of some of the other players in the Federal family when it comes to natural resource issues.

Mr. NICKLES. I concur with the chairman on this point, and I would like to offer two other suggestions. I hope that the Forest Service looks beyond the National Forest System, and considers the field structure of research and other facilities. The roles of other branches of the Forest Service are also changing.

Second, I ask that the Forest Service work cooperatively with the Department of the Interior to identify possibilities where the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service and other Federal agencies can collocate to share resources and save money. The administration has made a concerted effort to coordinate Federal agencies in the Pacific Northwest, and I believe similar efforts could result in cost-savings throughout the country.

The chairman and Senator from Vermont raise a good issue about pursuing these changes comprehensively. The subcommittee currently has four members who have regional Forest Service offices in their States. The full committee has six members with regional offices in their State. Several other Senators share a strong interest in this issue, particularly because the regional offices are an important source of jobs and revenue for their constituents. A strategy must account for political realities of the task before us.

We will not be able to achieve the savings that this subcommittee needs to find if we continue with the existing Forest Service structure. Furthermore, we may not serve the Forest Service well if office closures are based on politics alone. I share the other concerns mentioned by the chairman of the Agriculture, Nutrition and Forestry Committee and the chairman of Appropriations and look forward to working with them.

Mr. LUGAR. I requested that the Forest Service examine this issue three years ago. A report was produced describing a variety of different proposals which have not been implemented to date. The Agriculture Committee spared mandatory direction for the Forest Service in S. 1970 because of the President had designated the Forest Service to be a laboratory for reinvention. It is critical that this effort produce concrete results that the administration and Congress can implement collectively and effectively.

Mr. LEAHY. I thank the chairman of Appropriations and the ranking members from both Appropriations and Agriculture for raising these issues with me. The ranking member of Interior Appropriations raises a good point with other field structures. The State and Private Forestry Programs will have increasingly important roles, and I am firmly committed to making sure the Forest Service supports these programs effectively where they are needed most. I look forward to working with my colleagues to find solutions.

WEST GREENLAND SALMON FISHERY BUY-OUT

Mr. LEAHY. Mr. President, the United States has spent millions of dollars on efforts to restore salmon populations in the Northeast. I have worked hard to build the White River National Fish Hatcher in Bethel, to protect the upland spawning grounds, to improve fish passage facilities, and to enhance the water quality in the Connecticut River.

Unfortunately, there is still a petition to list the Atlantic salmon as an endangered species. There has been a missing link in our investment, and now we have a chance to fix it. The project initiated by the Fish and Wildlife Foundation and supported by the State Department, the North Atlantic Salmon Fund, the Atlantic Salmon Federation, and other sources, is one of the best investments we can make to bring back New England's wild salmon fishery.

I sincerely appreciate the chairman and ranking members' flexibility and receptiveness in considering the amendment that Senator LIEBERMAN and I have proposed. I know that this is a good investment, and I am confident that all of the current and past partners will remain active and supportive in this effort.

Mr. BYRD. I want to emphasize this point that my colleague makes. It is critical that this project pursue outside funding sources to the extent possible to support the buy-out.

I also want to make sure that the Department of State maintains its responsibility to the success of this program. In addition, the Department of Commerce's National Oceanic and Atmospheric Administration has jurisdiction in this issue and a clear responsibility to get actively involved. Finally, the Department of State has a responsibility to evaluate the success of this program and plan for the long-term vitality of the Northeast salmon fishery.

Mr. LIEBERMAN. I share the concerns raised by the distinguished chairman of Appropriations, and I appreciate the opportunity to discuss this project with him.

The Secretary of the Interior has made a pledge to "get in front of the curve" and act proactively through the Endangered Species Act to avoid trainwrecks. The West Greenland salmon buy-out does exactly this—and in the ominous shadow of a petition to list this species in New England.

I want to mention, however, that there is clearly a limit to what Congress, and therefore the Secretary of Interior, can do within budgetary constraints. We must be careful in what we promise from the Federal treasury, and creative in the ways that we go about the business of species protection. The amendment assures that the buy-out will happen and provides some flexibility for how it is carried out.

Mr. NICKLES. The Senators from Vermont and Connecticut have worked hard to protect and revive the salmon fishery, and I appreciate their dedication. In accepting this amendment, I want to mention the initial direction provided by the subcommittee in the committee report regarding outside sources. The chairman of the subcommittee has spoken well to the need to seek non-federal funding.

While the amendment authorizes the Fish and Wildlife Service to support the Greenland salmon fishery buy-out, it is my understanding that the arrangement worked out here is a one-time fix.

TRANSPORTATION FEASIBILITY STUDY

Mr. MATHEWS. Mr. President, I rise to engage in a colloquy with the Senator from West Virginia and the Senator from Oklahoma. I understand that the Appropriations Committee has provided $21,050,000 for construction planning as stated on page 39 of the committee report. Do the Senators from West Virginia and Oklahoma concur that the National Park Service shall fund a transportation feasibility study at $50,000 and a development concept plan at $25,000 for the Oneida & Western Railroad Corridor in the Big South Fork National River and Recreation Area to be funded by the fiscal year 1995 appropriations bill?

Mr. BYRD. Mr. President, I have no objection to the use of $75,000 within the funds appropriated for Park Service planning for the aforementioned studies. It is my understanding that the Park Service has indicated it will defer action on a decision about the use of this railroad corridor while these studies are being conducted and until some recommendations can be made.

Mr. NICKLES. I concur with the chairman's comments.

Mr. MATHEWS. I thank the chairman and ranking member. This funding will allow the National Park Service to keep the current Oneida & Western Railroad Corridor open while studies are completed on access alternatives for the mobility impaired thereby providing a solution to a problem in the Big South Fork NRRA without proposing the more restrictive burden of a legislative solution. Ensuring that this road is not closed until alternate means of access are established is of great importance to the elderly and mobility impaired. This road is their only means of getting into the gorge area which is one of the most beautiful spots in the State of Tennessee and a popular tourist attraction. By engaging in this colloquy my colleagues have provided a great service for the people of Tennessee.

LIGHTING OF THE DAVID BERGER NATIONAL MEMORIAL

Mr. METZENBAUM. I would like to ask the chairman of the Appropriations Committee if he would yield for the purpose of a brief colloquy.

Mr. BYRD. I would be glad to yield to the Senator from Ohio.

Mr. METZENBAUM. Almost 22 years ago, 11 Israeli athletes lost their lives at the Olympics in Munich during an attack by PLO terrorists. One of those athletes was a young weightlifter named David Berger who maintained dual American-Israeli citizenship.

A memorial in honor of David and the fallen athletes was erected in front of the Mayfield Jewish Community Center in Cleveland Heights, OH. It is a powerful tribute to their memory and the sacrifice they made in the spirit of international sportsmanship. In 1980, Congress designated the memorial a national memorial and placed it under the jurisdiction of the National Park Service.

The memorial needs construction funds to complete plans to light the memorial at night. Would the chairman agree that the National Park Service should provide obligated funds for construction for this purpose.

Mr. BYRD. Does the Senator from Ohio know how much is needed to complete the project?

Mr. METZENBAUM. It is my understanding that the cost of completing the project would not exceed $10,000.

Mr. NICKLES. Mr. President, would the Senator from West Virginia yield so that I may ask the Senator from Ohio a question?

Mr. BYRD. Yes.

Mr. NICKLES. Would this project create recurring obligations?

Mr. METZENBAUM. No. The costs to complete the lighting project are limited to a one-time allocation.

Mr. BYRD. I would agree with the Senator from Ohio that the National Park Service should provide a one time allocation from unobligated construction funds for the purpose of lighting the David Berger National Memorial in Ohio.

Mr. NICKLES. I agree with the comments of the chairman of the Appropriations Committee, the Senator from West Virginia.

HUDSON-MOHAWK URBAN CULTURAL PARK

Mr. MOYNIHAN. Mr. President, I rise to ask if I might engage in a colloquy with my friend from West Virginia and the manager of this bill on a wonderful area we have in New York just north of Albany. It is the Hudson-Mohawk Urban Cultural Park, or RiverSpark as it is known.

Mr. BYRD. I would be happy to do so with the distinguished Senator from New York.

Mr. MOYNIHAN. I thank my friend. RiverSpark is a collection of historically and culturally significant areas in six communities: Cohoes, Troy, Watervliet, Green Island, and the town and village of Waterford. They are located on the Hudson River, and formed one of the earliest centers of the Industrial Revolution. Iron and textiles were the major industries in this area blessed with resources, hydropower, and transportation access. Today visitors can see the restored Harmony Mills building with its two massive turbines, worker housing, Waterford Lock 2 on the Erie Canal, the Watervliet Arsenal, in operation since 1813, and other attractions and museums.

In 1991, Congressman McNULTY from the Albany district and I introduced legislation that authorized a study by the Department of the Interior of nationally significant places in American labor history. It became Public Law 102–101. When complete, the study will show us which sites deserve designation as national historic or heritage landmarks.

As a result of the study two sites in RiverSpark are to be nominated as national heritage landmarks: Harmony Mills and the home of Kate Mullaney, who founded the first women's union in the country—of collar and laundry workers.

The next step in RiverSpark is the development of these and other sites, the development of educational programs and materials, and planning how to spread the word about this wonderful urban park and attract visitors. I am asked to help provide $75,000 for this purpose.

Mr. President, I understand that there is no room left in the Senate bill to provide funds for RiverSpark, but I wonder if when the chairman goes to conference he might consider funds from the statutory aid account or another source that might become available in the course of his deliberations. The area is truly a national resource for those who want to learn about the Industrial Revolution and the rise of the labor movement.

Mr. D'AMATO. Would the Senator yield?

Mr. MOYNIHAN. I would be happy to yield to my friend and colleague.

Mr. D'AMATO. I thank my friend, the senior Senator, for yielding and I join in his praise of this unique area. As usual, he has succinctly stated the need for this small amount of funding for RiverSpark—a cultural gem on the banks of the Hudson and Mohawk Rivers. Unfortunately, as you know, there is not enough money in this funding cycle to promote the important activities of this park. However, we remain hopeful that the distinguished chairman will put in a good word for RiverSpark when this bill goes to conference.

Mr. BYRD. I say to my colleagues from New York that in conference I will keep this effort in mind.

Mr. D'AMATO. I thank the chairman.

Mr. MOYNIHAN. I thank my friend from West Virginia.

GIFFORD PINCHOT NF LAND ACQUISITION

Mrs. MURRAY. I commend the chairman once again for the excellent work he has done in leading the committee, and the Senate, through a challenging process. He and his staff have done an outstanding job providing resources to key programs while balancing severe budgetary constraints. I am particularly appreciative that some very important land acquisition projects have been funded in the bill.

There is one project, however, that came up very recently; in fact, too late to be considered by the committee. The Mount St. Helens National Volcanic Monument is located in the Gifford Pinchot National Forest. This monument was established as a living laboratory for people to monitor the recovery of nature following a catastrophic volcanic eruption. There is but one inholding remaining within the monument. The owners of this land, located near the Toutle River on the monument's west side, have secured logging permits to harvest its timber. At the last minute, the Forest Service and some local conservationists have approached the owners about the possibility of selling the land.

The owners have expressed interest. In fact, a tentative purchase agreement is in place. It is possible this acquisition could be undertaken for a relatively modest sum. While it has not been addressed in either the House or Senate bills, I am interested in working with the chairman and the other conferees to see if we can include language in the statement of managers encouraging the Forest Service to use its emergencies and inholdings account to address this issue. Would the chairman be willing to work with me to consider whether such an accommodation can be worked out in conference?

Mr. BYRD. The financial constraints we face this year are very real indeed, as I have endeavored to point out to my colleagues. If the situation is truly urgent, and if an agreement is reached with the property owners, I believe the emergencies/in-holdings account would be the appropriate manner in which to address this issue. With this in mind, I will be happy to work with the Senator from Washington to accommodate her interests in the Statement of Managers.

Mrs. MURRAY. I thank the distinguished chairman for his consideration, and look forward to working with him.

MOUNT ST. HELENS NATIONAL VOLCANIC MONUMENT

Mrs. MURRAY. I would like to thank the chairman again for his assistance in creating this amendment to help ensure completion of the Johnston Ridge Observatory. This is very important to people in Cowlitz County, WA, and will help make Mount St. Helens the world-class ecological exhibit we have always envisioned.

At this time, I would like to clarify with the chairman the actual effect of my amendment. Essentially, it shifts $1,474,000 out the recreation roads construction account into the recreation facilities construction account. In so doing, it provides $2,403,000 to complete construction of the Johnston Ridge Observatory, and $1,773,000 to construct road and parking facilities necessary for public access and use of the observatory.

Does the chairman concur in this interpretation?

Mr. BYRD. The Senator for Washington is correct. Her amendment provides funds for completion of Johnston Ridge Observatory and associated roads at Mount St. Helens National Volcanic Monument as she has described.

Mrs. MURRAY. I thank the chairman.

LAND ACQUISITION IN WYOMING

Mr. SIMPSON. Will the distinguished chairman of the Appropriations Committee yield for the purpose of a brief colloquy?

Mr. BYRD. I would be happy to yield to the Senator.

Mr. SIMPSON. I thank the chairman. I wish to engage the distinguished chairman and the ranking member of the subcommittee in discussion regarding appropriations for land acquisitions in Wyoming.

For many years now, the U.S. Forest Service regional offices responsible for managing the Federal forest of Wyoming have presented the administration with a priority request for land acquisition funding. Until the fiscal year 1995 request was made, the regional priority—and we have two regions in Wyoming—has been to acquire scenic easements in a most unique area of Wyoming, known as Buffalo Valley.

Mr. President, Buffalo Valley lies at the entrance to both Grand Teton National Park and Yellowstone National Park, which, as the chairman knows, is our country's very first national park. The area is a unique treasure and, because of the recognized beauty and the visual resources of the area, there is tremendous pressure to develop vacation homes, condominiums, and the like.

These national parks are located in Teton County, WY. Only 3 percent of that county is private land. There is little left to develop other than the few private ranches that remain.

Buffalo Valley is bordered by wilderness areas, national forest, and national park land. One of the few remaining large inholdings in that area is the Fuez Ranch, and it lies in the middle of Buffalo Valley. It is not only splendid ranching property, but has a unique view of the Grand Tetons, and is a focal point of development pressure. This ranch has been approved for subdivision development. The owner, however, is willing to forgo development if the Federal Government will provide funding to acquire scenic easements.

The Federal Government now has a rare opportunity to acquire an interest in this property—a scenic easement—which will forever protect the aesthetic quality of that national treasure. Time has run out; unfortunately, there were always too many other conflicting needs to allow full funding for this proposal in past years to delay development growth. Now, it is my understanding there is still a great likelihood we will lose a valuable opportunity to protect this resource if the Government does not act in the coming fiscal year.

Mr. President, I am informed that there is a fund available to the Forest Service, the Emergency Inholdings Account, which—although limited—would provide the administration with funds to acquire inholdings and property interests on an "opportunity" basis.

I would ask the chairman whether such a fund might be an appropriate source to obtain some funds to protect Buffalo Valley before development pressures take control of events?

Mr. BYRD. That account may very well be an appropriate source for funding.

Mr. NICKLES. I would inform the Senator from Wyoming that I, too, believe that may be an appropriate source of funding for the acquisition described by the Senator.

Mr. SIMPSON. I thank the chairman. And I thank our distinguished ranking member of the subcommittee, Senator NICKLES.

I would respectfully ask both our distinguished chairman and our ranking member if they would be willing to work with me, this administration, and the U.S. Forest Service in order to see if we can properly acquire funding for this very important Wyoming resource.

Mr. BYRD. I will be happy to work with the Senator from Wyoming.

Mr. NICKLES. The Senator from Wyoming can be assured of my assistance as well.

Mr. SIMPSON. I thank the chairman, Senator BYRD, and our distinguished subcommittee ranking member, Senator NICKLES, for their courtesy. Their support is most welcome and I do thank them.

I yield the floor.

FOREST SERVICE

Mr. WALLOP. Page 7 of the committee report includes some limitations on the Forest Service. It specifically prohibits the Forest Service from changing the boundaries of any region, moving or closing any regional office for research, State and private forestry, or National Forest System administration without the consent of the House and Senate Committees on Appropriations and the Senate and House Committees on Agriculture. I assume the committee inadvertently forgot to include the Senate Committee on Energy and Natural Resources. Under the Senate rules, the Committee on Agriculture has jurisdiction over forest reserves and wilderness areas other than those created from the public domain. The Committee on Energy and Natural Resources has jurisdiction over public lands and forests. Any such proposal from the Forest Service should be referred to both authorizing committees. Again, I assume that this was an inadvertent oversight and I would ask whether the chairman and ranking member could assure me that the statement of managers on the conference report will correct this oversight.

Mr. BYRD. I appreciate the Senator bringing this matter to our attention. There was no intention to affect any committee jurisdiction and we will see that all appropriate authorizing committees are notified of any such proposal and we will attempt to see that the statement of managers correctly reflects this.

Mr. NICKLES. I agree. The Committee on Energy and Natural Resources should have been mentioned.

ACID MINE DRAINAGE

Mr. WALLOP. Mr. President, I would like to commend the chairman and other members of the Senate Appropriations Committee for including language in the report on Interior and Related Agencies which states that while the committee continues to provide funding for research and development of acid mine drainage treatment and abatement techniques, the committee expects that the Department will build upon this existing body of research and seek to marshal and focus the significant existing resources available within OSM, the Interior Department, and other Federal and State agencies in this effort.

In this regard, the committee's point is well-placed, that is pursuit of any new AMD initiatives, the Department will continue to recognize the provisions of the Surface Mining Control and Reclamation Act [SMCRA], which provide coal producers a wide range of alternatives for minimizing acid mine drainage, including treatment to reduce pollutants that may be present before discharge off the mine permit area.

As ranking member of the Energy and Natural Resources Committee, I believe it is imperative that the Office of Surface Mining conduct this important effort within the statutory framework established by SMCRA and would urge the chairman and ranking member of the Interior Appropriations Subcommittee to consider affirming the language in the Statement of Managers of the conference report.

Mr. BYRD. Mr. President, I appreciate the insightful comments of the Senator from Wyoming [Mr. WALLOP]. His observations are absolutely correct as to the importance of the Office of Surface Mining adhering to the legislative directives of SMCRA in addressing acid mine drainage. This is an issue which is very important to West Virginia and the Appalachian region as a whole and could have implications for Western States such as Wyoming as well. I will carry his thoughts and observations into the conference with the House.

ENERGY EFFICIENCY PROGRAMS

Mr. WELLSTONE. Mr. President, I appreciate the opportunity to enter into this colloquy with my distinguished colleague from West Virginia, the chairman of the Senate Appropriations Committee, Senator BYRD. As my colleague knows, I am deeply concerned by the committee's proposed reductions from the President's requests for energy efficiency programs. The President proposed an increase of $288 million in fiscal year 1995 to implement the Energy Policy Act of 1992, various important energy initiatives, a variety of successful programs, and the voluntary measures under the climate change action plan. The House provided an increase of $134 million for these accounts, but the Senate committee was only able to provide an increase of $53 million in this important area. In the area of the State energy programs alone, including the State Energy Conservation Program, the Institutional Conservation Program, and the Low Income Weatherization Program, the Senate bill would provide $264.4 million. In fiscal year 1979 these same programs received $558 million, so that if inflation were taken into account, the funding level would be over $1 billion today.

In light of the important national goals these programs promote, especially the State Energy Conservation Program, the Institutional Conservation Program, the Rebuild American Program, the Home Energy Ratings and Energy Efficient Mortgage Program, the alternative fuels promotion activity, section 409 of the Energy Policy Act, the Weatherization Program and the so-called nice three program; these programs are worthy of support and the House-passed levels are preferable.

I wish to ask my distinguished colleague whether, in light of our mutual desire to achieve a balanced national energy policy, including energy efficiency programs, he could work toward restoring the funding in these programs to the House-passed levels in conference with the House.

Mr. BYRD. I appreciate my colleague's strong support for these programs, and while I cannot make a specific commitment to fund fully the House-passed levels for these programs which will be determined in a House-Senate conference on this bill, I am sympathetic to this approach and will take the Senator's concerns into consideration.

Mr. LEAHY. Mr. President, the United States of America uses more energy than any other country in the world. We are the sixth most intensive energy user on a per capita basis. This means that the United States has to deal with serious environmental problems, national security problems, social problems, and economic competitiveness problems associated with energy costs. The amendment in committee that cuts $11 million from the Department of Energy cuts into a chance to turn some of these problems around.

One promising opportunity is the integrated resource planning [IRP] program which helps States implement cost-effective conservation measures to reduce demand and enhance energy supply. According to the World Resources Institute's Environmental Almanac, Vermont earned an IRP grade of "A" in a national ranking. However, Vermont still spends $800 million a year for imported energy despite these good efforts. I have to assume that there are many other States that lose much more than $800 million annually from their local economies, and could put this problem to excellent use.

The weatherization program in the DOE budget helps low-income families stay warm in the winter—not just by paying fuel bills, but by helping them to save energy. Rebuild America, another example of a promising conservation program, is an umbrella program in the buildings program area that enhances commercial and community-level energy efficiency through local partnerships. The State Energy Conservation Program helps businesses and industry become more competitive by reducing energy consumption and associated costs.

The Energy Efficient Mortgage Program in this bill helps Americans qualify for larger home mortgages if they buy an energy efficient home. Vermont has been using this program since the early 1980's, and it is time to get more States involved. By way of example, a family in Burlington, VT was able to get a larger mortgage, decrease their monthly energy costs, and save almost $100 a month. This makes economic, social, and environmental sense.

I could list many other programs affected by the $11 million cut in committee. I could also mention some of the 938 organizations nationwide who have written to the President in support of these programs. At this point, however, I simply urge my colleagues to find out how these programs help their States and then support an increase in conference. I hope that in conference we can restore the energy conservation money, and hopefully settle close to the House mark.

FLOOD RELIEF

Mr. NUNN. Mr. President, I initially came to the floor to offer an amendment to provide emergency supplemental appropriations for the National Park Service's Historic Preservation Fund for relief to buildings damaged in Georgia, Alabama, and Florida, by the recent floods cased by tropical storm Alberto. I, and my colleague from Georgia, Senator COVERDELL, modeled the amendment along the lines of relief included in last year's Midwest floods supplemental appropriations.

However, after discussion of this amendment with my distinguished colleagues, the chairman and ranking member of the Interior Appropriations Subcommittee, as well as the distinguished junior Senator from Georgia [Mr. COVERDELL], I request unanimous consent that we be allowed to enter into a colloquy to discuss this problem and a possible solution which could provide expedited relief for historic preservation sites damaged by the floods resulting from tropical storm Alberto.

I would like to direct a question to the distinguished chairman and ranking member of the subcommittee, Senators BYRD and NICKLES. It is my understanding that in February 1994, Congress made available $550 million as part of Public Law 103-211 to the President to meet unanticipated needs resulting from the January 1994 California earthquake, the Midwest floods, and other disasters, over $27.85 million of these funds remain available and unused at this time. Is that the chairman's understanding?

Mr. BYRD. The Senator is correct.

Mr. NUNN. I thank the Senator. Am I further correct in my understanding that these funds, because they are to be spent at the President's discretion, could be used to remedy some of the terrible destruction to historic properties that has occurred in my home State, as well as Alabama and Florida, from tropical storm Alberto?

Mr. BYRD. Yes, the Senator is correct. And I would like to add that given the availability of these funds relief could be provided on an expeditious basis for the communities impacted in Georgia, Alabama, and Florida.

Mr. NUNN. Is it the understanding of the distinguished ranking member that these funds will remain available to the President until they are expended?

Mr. NICKLES. The Senator is correct.

Mr. NUNN. I thank the Senator and would like to yield to my colleague, the distinguished junior Senator from Georgia.

Mr. COVERDELL. I would like to state for the benefit of my colleagues the great need for such disaster assistance in the southwestern part of Georgia, as well as eastern Alabama and northern Florida. In the last 3 weeks, Senator NUNN and I have witnessed countless examples of the devastation caused by one of the worst floods in the history of the region. Among the casualties of these floods are many of the historic buildings in towns along the Ocmulgee and Flint Rivers. I wonder if the Senator from Georgia would care to comment on the destruction to several of the historic communities in our State caused by the rising flood waters that he and I have witnessed in the past 3 weeks.

Mr. NUNN. I am pleased to comment on the Senator's remarks. He and I have both spent time in our State visiting areas completely washed out by the flood waters. For example, in the historic business district of Montezuma, GA, the flood waters have caused extensive water and mud damage to virtually the entire historic central business district. Additionally, three dozen brick buildings which were under consideration for the National Register of Historic Places suffered severe damage to brick foundations and walls, interior walls, and floors. All of Montezuma's flood problems are being compounded by septic complications arising from the flooding of the local sewer.

I would inform my colleagues that similar problems exist in several other towns in the area. The city of Albany, GA, a city of 50,000, for example, has had extensive damage to its many historic buildings, as well. The Georgia Department of Natural Resources reports that the historic African-American neighborhood of South Albany was severely flooded, with waters in several blocks reaching the roofs of historic houses. Also, the flood waters have seriously damaged several historic buildings at Albany State College on the banks of the Flint River. As in Montezuma, the cleanup efforts will be made more difficult by the flooding of the local sewer.

In the town of Juliette, GA, on the Ocmulgee River, approximately 10 buildings in the downtown area made famous by the movie "Fried Green Tomatoes" have sustained water damage to floors, lower interior and exterior walls, and foundations.

The town of Newton, GA, which will have to be almost completely relocated as a result of the floods, has suffered extensive damage to a block of historic buildings adjacent to its courthouse. This entire block was virtually submerged by the flood waters. Approximately two dozen historic residences in the town were flooded in varying degrees.

I appreciate the assistance of the chairman and the ranking member of the Interior Appropriations Subcommittee, Senator NICKLES. I am hopeful this colloquy will highlight the needs of many of my constituents to preserve Georgia's historic buildings and the heritage of these communities.

AMENDMENT NO. 2387—FUNDING FOR INDIANS INTO PSYCHOLOGY PROGRAM

Mr. DORGAN. Mr. President, several days ago, I shared with my colleagues the horrifying experiences of several young native American children who had been subjected to abuse or neglect by their parents and others. While it is too late to prevent the abuse these children have suffered, there is some hope that the damage can be mitigated if they receive professional counseling and care. It would have been far better, of course, if there had been professional preventive intervention prior to the abuse.

The Indians Into Psychology program that Senator BURNS' amendment proposes to fund in fiscal year 1995 would be an important step toward helping the abused native American children in my State and throughout the Nation. The goal of the program is to improve the quality and relevance of mental health services available to native Americans by increasing the number of American Indian psychologists.

According to the Indian Health Service, child abuse is just one symptom of deep psychological problems that exist on our reservations. Native Americans are almost twice as likely to die before age 25 as individuals from all other races. They are 50 percent more likely to commit suicide, 90 percent more likely to be murdered, and almost six times more likely to die from alcoholism. It is hard to believe, but these statistics become even more shocking when we look at the younger native American population. Native American children are almost four times more likely to commit suicide, more than three times more likely to be murdered, and more than 10 times more likely to die of alcoholism. Depressive disorders are four to eight times as likely to affect native Americans than the rest of the U.S. population.

My personal observations about the need for additional mental health resources are underscored by a recent North Dakota survey that indicated that only one of our four reservations had daily or even weekly access to a psychologist. The American Psychological Association estimates that there are fewer than 30 clinical native American psychologists in the entire country, which means there is only one for every 60,000 native Americans residing in the United States. In the general population, there are 16.7 clinical psychologists for each 100,000 people.

Mr. President, the need for mental health providers on our reservations is obvious, and the Indians Into Psychology program would begin to address the problem by training and educating native Americans as psychologists to serve this special population. I urge my colleagues to support the Burns amendment and join with us to begin to address the mental health needs of native Americans.

Mr. BYRD. Mr. President, I thank my friend, Mr. NICKLES, for his excellent work. I thank his staff.

So with the understanding that this is everything that I know about, Mr. President, I am ready to vote. I am ready for third reading and the vote.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first let me say I wish to congratulate Senator BYRD for his chairmanship of the full committee, but certainly this subcommittee because it certainly has been a pleasure to work with him in passage of this. He worked very diligently in expediting passage of this bill, and worked through 60-some amendments today as well as noted countless colloquies.

So it is a pleasure to work with him. I urge adoption of this bill.

Mr. BYRD. It is far different from last year, is it not?

Mr. NICKLES. That is correct.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 4602), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I say to my friend, as we leave for the evening,

> Give me my robe, put on my crown. I have immortal longings in me.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

COMMENDATION OF STAFF

Mr. NICKLES. Mr. President, I also in addition to congratulating Senator BYRD, I would like to compliment the professional staff, Sue Masica, as well as Cherie Cooper who have done outstanding work with bipartisan cooperation which I very much appreciate.

In addition, I wish to compliment the work of Rusty Mathews and Kathleen Wheeler, Ginny James, Dan Salisbury and Ellen Donaldson.

I think they have performed very vital functions, and they are very professional, very competent. I appreciate their efforts and cooperation.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. FEINGOLD) appointed Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. DECONCINI, Mr. BUMPERS, Mr. HOLLINGS, Mr. REID, Mrs. MURRAY, Mr. NICKLES, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. GORTON, Mr. HATFIELD, and Mr. BURNS conferees on the part of the Senate.

Mr. BYRD. Mr. President, I thank both the majority leader and the Republican leader for their excellent cooperation and support in helping to bring this bill to the floor, and in clearing it for action and passage.

COMMENDATION OF STAFF

Mr. BYRD. Mr. President, I also thank the following staff members: Barbara Videnieks of my staff, Chief of Staff; of the full committee, and majority staff, Mr. Jim English, Mary Dewald, Marsha Berry; of the full committee, the minority staff, in particular Keith Kennedy; of the Interior Subcommittee, majority staff, Rusty Mathews, Kathleen Wheeler, Ellen Donaldson, Dan Salisbury, on assignment from the National Park Service, Sue Masica; and of the Interior Subcommittee, minority staff, Cherie Cooper, and Virginia James; of the Appropriations Committee support staff, Nancy Brandel, Jack Conway, Bob Putnam, Richard Larson, Bernie Babik, Bob Swartz, and Joe Thomas.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is conducting morning business.

TRIBUTE TO BASIL JEWELL

Mr. DOLE. Mr. President, I was saddened to learn of the untimely passing of Basil Jewell. Many of my colleagues will remember Basil for the outstanding service he provided the Senate as a staff photographer until his retirement in 1989.

No doubt about it, serving as a Senate staff photographer is not an easy job. You answer to 100 bosses, who always need you 5 minutes ago. And some of the photographs you take are of great historical importance.

Basil handled all requests with great professionalism and a winning personality. I especially recall his work during a Senate delegation trip to the Far East in 1985.

Basil retired from Senate employment to join his wife in her ministry at Chevy Chase United Methodist Church. Not surprisingly, one of Basil's many duties was taking photographs for the church newsletter.

I know all Members of the Senate join me in extending our condolences to Basil's wife, the Reverend Alta Jewell, and to his entire family.

BOSNIA

Mr. DOLE. Mr. President, here we go again: Another international peace proposal is signed by the Bosnian Government, a new wave of violence is initiated by the Bosnian Serb militants, and the international community begins to retreat from its promises of decisive action.

Last week, as Radovan Karadzic was discussing the contents of his pink envelope with the so-called contact group in Geneva, his forces were shooting at planes participating in the U.N. humanitarian airlift into Sarajevo. Last weekend, Serb forces fired heavy weapons into Gorazde—a so-called safe area—in direct violation of the NATO ultimatum.

This afternoon, we hear that Karadzic has informed the United Nations that his forces would be closing the routes in and out of Sarajevo to civilian traffic as of tomorrow. This is very significant because it is the civilian traffic which is responsible for bringing a large quantity of food and other goods into Sarajevo—goods that are needed by the population, but are not part of the U.N. airlift. These routes have been a lifeline into Sarajevo over the past few months, especially since the United Nations has reduced the number of airlifts into Sarajevo.

And so, Mr. President, what has the international community's response been to these provocations and acts of defiance? What has the U.S. response been?

Upon hearing of the Serb rejection of the contact group proposals, U.S. officials and other contact group officials said they were disappointed, and would meet on July 30 to discuss next steps. In response to the firing upon American and U.N. aircraft, the Sarajevo airport was closed and Secretary Perry was forced to cancel his trip to the Bosnian capital. In response to the violation of the NATO exclusion zone around Gorazde, the United Nations sent a letter to Karadzic. And, in response to the threat to cut the routes into Sarajevo—according to a U.N. spokesperson—the United Nations has pledged to, "try to convince the Serbs that this is not the best course of action."

Mr. President, doesn't anybody see the absurdity of this situation? Isn't anyone outraged? The Serb militants reject the latest proposal; they threaten, bully, and attack. Yet the international community still responds the same way—with worthless words and limp letters. This has been the pattern for around 2½ years now.

When we debated the Dole-Lieberman amendment to lift the arms embargo on Bosnia a few weeks ago, we were told that this time would be different. This time, the international community was united. This time, if the Serbs rejected the contact group's proposed settlement there would be serious consequences.

So far, this time is no different. There is no resolve for strong action. In fact, there is not even enough resolve to implement the resolutions and the ultimatums already agreed to. Maybe there are those who still believe that this time is different. I am very skeptical. But, we will know soon enough. If after the contact group's meeting on the 30th, there is still no action to rigorously enforce the exclusion zones and to multilaterally lift the arms embargo on Bosnia, we will know that nothing has changed—that the international community is unwilling to prevent the creation of a greater Serbia and unwilling to allow the Bosnians to prevent the creation of a greater Serbia.

I hope that all of the Senate and House conferees on the Defense authorization bill are watching this situation closely. Should this time prove to be no different, the Congress has the opportunity to assume the leadership that is lacking, and to do what is right, what is just, and what is long overdue—to lift the arms embargo on the Bosnians.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

MORNING BUSINESS

YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to consideration of calendar No. 392, S. 1146, a bill to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian tribe in Arizona; that the committee substitute be agreed to; that the bill be read a third time and passed; that the motion to reconsider laid on the table; and that any statements thereon appear at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1146) was deemed read the third time and passed, as follows:

S. 1146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATIONS.

(a) FINDINGS.—The Congress finds that—

(1) it is the policy of the United States, in fulfillment of its trust responsibility to the Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle, wherever possible, the water rights claims of Indian tribes without lengthy and costly litigation;

(2) meaningful Indian self-determination and economic self-sufficiency depend on the development of viable Indian reservation economies;

(3) quantification of rights to water and development of facilities needed to utilize tribal water supplies effectively is essential to the development of viable Indian reservation economies, particularly in arid western States;

(4) on June 7, 1935, and by actions subsequent thereto, the United States established a reservation for the Yavapai-Prescott Indian Tribe in Arizona adjacent to the city of Prescott;

(5) proceedings to determine the full extent of Yavapai-Prescott Tribe's water rights are currently pending before the Superior Court of the State of Arizona in and for Maricopa County, as part of the general adjudication of the Gila River system and source;

(6) recognizing that final resolution of the general adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the full extent of the Yavapai-Prescott Tribe's entitlement to water and the availability of water supplies to fulfill that entitlement, and impair orderly planning and development by the Tribe and the city of Prescott; the Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States have sought to settle all claims to water between and among them;

(7) representatives of the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States have negotiated a Settlement Agreement to resolve all water rights claims between and among them, and to provide the Tribe with long term, reliable water supplies for the orderly development and maintenance of the Tribe's reservation;

(8) pursuant to the Settlement Agreement and the Water Service Agreement, the quantity of water made available to the Yavapai-Prescott Tribe by the city of Prescott and the Chino Valley Irrigation District will be secured, such Agreements will be continued in perpetuity, and the Tribe's continued on-reservation use of water for municipal and industrial, recreational and agricultural purposes will be provided for;

(9) to advance the goals of Federal Indian policy and to fulfill the trust responsibility of the United States to the Tribe, it is appropriate that the United States participate in the implementation of the Settlement Agreement and assist in firming up the long-term water supplies of the city of Prescott and the Yavapai-Prescott Tribe so as to enable the Tribe to utilize fully its water entitlements in developing a diverse, efficient reservation economy; and

(10) the assignment of the CAP contract of the Yavapai-Prescott Tribe and the CAP subcontract of the city of Prescott is a cost-effective means to ensure reliable, long-term water supplies for the Yavapai-Prescott Tribe and to promote efficient, environmentally sound use of available water supplies in the Verde River basin.

(b) DECLARATION OF PURPOSES.—The Congress declares that the purposes of this Act are—

(1) to approve, ratify and confirm the Settlement Agreement among the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, the State of Arizona and the United States;

(2) to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement;

(3) to authorize the actions and appropriations necessary for the United States to fulfill its legal and trust obligations to the Yavapai-Prescott Tribe as provided in the Settlement Agreement and this Act;

(4) to require that expenditures of funds obtained through the assignment of CAP contract entitlements by the Yavapai-Prescott Tribe and Prescott for the acquisition or development of replacement water supplies in the Verde River basin shall not be inconsistent with the goals of the Prescott Active Management Area, preservation of riparian habitat, flows and biota of the Verde River and its tributaries; and

(5) to repeal section 406(k) of Public Law 101-628 which authorizes $30,000,000 in appropriations for the acquisition of land and water resources in the Verde River basin and for the development thereof as an alternative source of water for the Fort McDowell Indian Community.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "CAP" means the Central Arizona Project, a reclamation project authorized under title III of the Colorado River Basin Project Act of 1968 (43 U.S.C. 1521 et seq.).

(2) The term "CAWCD" means the Central Arizona Water Conservation District, organized under the laws of the State of Arizona, which is the contractor under a contract with the United States, dated December 1, 1988, for the delivery of water and repayment of costs of the Central Arizona Project.

(3) The term "CVID" means the Chino Valley Irrigation District, an irrigation district organized under the laws of the State of Arizona.

(4) The term "Prescott AMA" means the Active Management Area, established pursuant to Arizona law and encompassing the Prescott ground water basin, wherein the primary goal is to achieve balance between annual ground water withdrawals and natural and artificial recharge by the year 2025.

(5) The term "Prescott" means the city of Prescott, an Arizona municipal corporation.

(6) The term "Reservation" means the reservation established by the Act of June 7, 1935 (49 Stat. 332) and the Act of May 18, 1956 (70 Stat. 157) for the Yavapai-Prescott Tribe of Indians.

(7) The term "Secretary" means the Secretary of the United States Department of the Interior.

(8) The term "Settlement Agreement" means that agreement entered into by the city of Prescott, the Chino Valley Irrigation District, the Yavapai-Prescott Indian Tribe, the State of Arizona, and the United States, providing for the settlement of all water claims between and among them.

(9) The term "Tribe" means the Yavapai-Prescott Indian Tribe, a tribe of Yavapai Indians duly recognized by the Secretary.

(10) The term "Water Service Agreement" means that agreement between the Yavapai-Prescott Indian Tribe and the city of Prescott, as approved by the Secretary, providing for water, sewer, and effluent service from the city of Prescott to the Yavapai-Prescott Tribe.

SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.

(a) APPROVAL OF SETTLEMENT AGREEMENT.—To the extent the Settlement Agreement does not conflict with the provisions of this Act, such Agreement is approved, ratified and confirmed. The Secretary shall execute and perform such Agreement, and shall execute any amendments to the Agreement and perform any action required by any amendments to the Agreement which may be mutually agreed upon by the parties.

(b) PERPETUITY.—The Settlement Agreement and Water Service Agreement shall include provisions which will ensure that the benefits to the Tribe thereunder shall be secure in perpetuity. Notwithstanding the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81) relating to the term of the Agreement, the Secretary is authorized and directed to approve the Water Service Agreement with a perpetual term.

SEC. 5. ASSIGNMENT OF CAP WATER.

The Secretary is authorized and directed to arrange for the assignment of, or to purchase, the CAP contract of the Tribe and the CAP subcontract of the city of Prescott to provide funds for deposit into the Verde River Basin Water Fund established pursuant to section 6.

SEC. 6. REPLACEMENT WATER FUND; CONTRACTS.

(a) FUND.—The Secretary shall establish a fund to be known as the "Verde River Basin Water Fund" (hereinafter called the "Fund") to provide replacement water for the CAP water relinquished by the Tribe and by Prescott. Moneys in the Fund shall be available without fiscal year limitations.

(b) CONTENT OF FUND.—The Fund shall consist of moneys obtained through the assignment or purchase of the contract and subcontract referenced in section 5, appropriations as authorized in section 9, and any moneys returned to the Fund pursuant to subsection (d) of this section.

(c) PAYMENTS FROM FUND.—The Secretary shall, subsequent to the publication of a statement of findings as provided in section 12(a), promptly cause to be paid from the Fund to the Tribe the amounts deposited to the Fund from the assignment or purchase of the Tribe's CAP contract, and, to the city of Prescott, the amounts deposited to the Fund from the assignment or purchase of the city's CAP subcontract.

(d) CONTRACTS.—The Secretary shall require, as a condition precedent to the payment of any moneys pursuant to subsection (c), that the Tribe and Prescott agree, by contract with the Secretary, to establish trust accounts into which the payments would be deposited and administered, to use such moneys consistent with the purpose and intent of section 7, to provide for audits of such accounts, and for the repayment to the Fund, with interest, any amount determined by the Secretary not to have been used within the purpose and intent of section 7.

SEC. 7. EXPENDITURES OF FUNDS.

(a) BY THE CITY.—All moneys paid to Prescott for relinquishing its CAP subcontract and deposited into a trust account pursuant to section 6(d), shall be used for the purposes of defraying expenses associated with the investigation, acquisition or development of alternative sources of water to replace the CAP water relinquished under this Act. Alternative sources shall be understood to include, but not be limited to, retirement of agricultural land and acquisition of associated water rights, development of ground water resources outside the Prescott Active Management Area established pursuant to the laws of the State of Arizona, and artificial recharge; except that none of the moneys paid to Prescott may be used for construction or renovation of the city's existing waterworks or water delivery system.

(b) BY THE TRIBE.—All funds paid to the Tribe for relinquishing its CAP contract and deposited into a trust account pursuant to section 6(d), shall be used to defray its water service costs under the Water Service Agreement or to develop and maintain facilities for on-reservation water or effluent use.

(c) NO PER CAPITA PAYMENTS.—No amount of the Tribe's portion of the Fund may be used to make per capita payments to any member of the Tribe, nor may any amount of any payment made pursuant to section 6(c) be distributed as a dividend or per capita payment to any constituent, member, shareholder, director or employee of Prescott.

(d) DISCLAIMER.—Effective with the payment of funds pursuant to section 6(c), the United States shall not be liable for any claim or cause of action arising from the use of such funds by the Tribe or by Prescott.

SEC. 8. ENVIRONMENTAL COMPLIANCE.

The Secretary, the Tribe and Prescott shall comply with all applicable Federal environmental and State environmental and water laws in developing alternative water sources pursuant to section 7(a). Development of such alternative water sources shall not be inconsistent with the goals of the Prescott Active Management Area, preservation of the riparian habitat, flows and biota of the Verde River and its tributaries.

SEC. 9. APPROPRIATIONS AUTHORIZATION AND REPEAL.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Fund established pursuant to section 6(a):

(1) Such sums as may be necessary, but not to exceed $200,000, to the Secretary for the Tribe's costs associated with judicial confirmation of the settlement.

(2) Such sums as may be necessary to establish, maintain and operate the gauging station required under section 11(e).

(b) STATE CONTRIBUTION.—The State of Arizona shall contribute $200,000 to the trust account established by the Tribe pursuant to the Settlement Agreement and section 6(d) for uses consistent with section 7(b).

(c) REPEAL.—Subsection 406(k) of the Act of November 28, 1990 (Public Law 101-628; 104 Stat. 4487) is repealed.

SEC. 10. SATISFACTION OF CLAIMS.

(a) WAIVER.—The benefits realized by the Tribe or any of its members under the Settlement Agreement and this Act shall constitute full and complete satisfaction of all claims by the Tribe and all members' claims for water rights or injuries to water rights under Federal and State laws (including claims for water rights in ground water, surface water and effluent) from time immemorial to the effective date of this Act, and for any and all future claims of water rights (including claims for water rights in ground water, surface water, and effluent) from and after the effective date of this Act. Nothing in this Act shall be deemed to recognize or establish any right of a member of the Tribe to water on the Tribe's reservation.

(b) WAIVER AND RELEASE.—The Tribe, on behalf of itself and its members, and the Secretary on behalf of the United States, are authorized and required, as a condition to the implementation of this Act, to execute a waiver and release, except as provided in subsection (d) and the Settlement Agreement, of all claims of water rights or injuries to water rights (including water rights in ground water, surface water and effluent), from and after the effective date of this Act, which the Tribe and its members may have, against the United States, the State of Arizona or any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona.

(c) WAIVER BY UNITED STATES.—Except as provided in subsection (d) and the Settlement Agreement, the United States, in its own right or on behalf of the Tribe, shall not assert any claim against the State of Arizona or any political subdivision thereof, or against any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona based upon water rights or injuries to water rights of the Tribe and its members or based upon water rights or injuries to water rights held by the United States on behalf of the Tribe and its members.

(d) RIGHTS RETAINED.—In the event the waivers of claims authorized in subsection (b) of this section do not become effective pursuant to section 12(a), the Tribe, and the United States on behalf of the Tribe, shall retain the right to assert past and future water rights claims as to all reservation lands.

(e) JURISDICTION.—The United States District Court for the District of Arizona shall have original jurisdiction of all actions arising under this Act, the Settlement Agreement and the Water Service Agreement, including review pursuant to title 9, United States Code, of any arbitration and award under the Water Service Agreement.

(f) CLAIMS.—Nothing in this Act shall be deemed to prohibit the Tribe, or the United States on behalf of the Tribe, from asserting or maintaining any claims for the breach or enforcement of the Settlement Agreement or the Water Service Agreement.

(g) DISCLAIMER.—Nothing in this Act shall affect the water rights or claims related to any trust allotment located outside the exterior boundaries of the reservation of any member of the Tribe.

(h) FULL SATISFACTION OF CLAIMS.—Payments made to Prescott under this Act shall be in full satisfaction for any claim that Prescott might have against the Secretary or the United States related to the allocation, reallocation, relinquishment or delivery of CAP water.

SEC. 11. MISCELLANEOUS PROVISIONS.

(a) JOINING OF PARTIES.—In the event any party to the Settlement Agreement should file a lawsuit in any United States district court relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, naming the United States of America or the Tribe as parties, authorization is hereby granted to join the United States of America or the Tribe, or both, in any such litigation, and any claim by the United States of America or the Tribe to sovereign immunity from such suit is hereby waived. In the event Prescott submits a dispute under the Water Service Agreement to arbitration or seeks review by the United States District Court for the District of Arizona of an arbitration award under the Water Service Agreement, any claim by the Tribe to sovereign immunity from such arbitration or review is hereby waived.

(b) NO REIMBURSEMENT.—The United States of America shall make no claims for reimbursement of costs arising out of the implementation of the Settlement Agreement or this Act against any lands within the Yavapai-Prescott Indian Reservation, and no assessment shall be made with regard to such costs against such lands.

(c) WATER MANAGEMENT.—The Tribe shall establish a ground water management plan for the Reservation which, except to be consistent with the Water Service Agreement, the Settlement Agreement and this Act, will be compatible with the ground water management plan in effect for the Prescott Active Management Area and will include an annual information exchange with the Arizona Department of Water Resources. In establishing a ground water management plan pursuant to this section, the Tribe may enter into a Memorandum of Understanding with the Arizona Department of Water Resources for consultation. Notwithstanding any other law, the Tribe may establish a tribal water code, consistent with the above-described water management plan, under which the Tribe will manage, regulate, and control the water resources granted it in the Settlement Act, the Settlement Agreement, and the Water Service Agreement, except that such management, regulation and control shall not authorize any action inconsistent with the trust ownership of the Tribe's water resources.

(d) GAUGING STATION.—The Secretary, acting through the Geological Survey, shall establish, maintain and operate a gauging station at the State Highway 89 bridge across Granite Creek adjacent to the reservation to assist the Tribe and the CVID in allocating the surface flows from Granite Creek as provided in the Settlement Agreement.

SEC. 12. EFFECTIVE DATE.

(a) WAIVERS AND RELEASES.—The waivers and releases required by section 10(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1)(A) the Secretary has determined that an acceptable party, or parties, have executed contracts for the assignments of the Tribe's CAP contract and the city of Prescott's CAP subcontract, and the proceeds from the assignments have been deposited into the Fund as provided in section 6(d); or,

(B) the Secretary has executed contracts for the acquisition of the Tribe's CAP contract and the city of Prescott's CAP subcontract as provided in section 6(d);

(2) the stipulation which is attached to the Settlement Agreement as exhibit 9.5, has been approved in substantially the form of such exhibit no later than December 31, 1994;

(3) the Settlement Agreement has been modified to the extent it is in conflict with this Act and has been executed by the Secretary; and

(4) the State of Arizona has appropriated and deposited into the Tribe's trust account $200,000 as required by the Settlement Agreement.

(b) DEADLINE.—If the actions described in paragraphs (1), (2), (3), and (4) of subsection (a) have not occurred by December 31, 1995, any contract between Prescott and the United States entered into pursuant to section 6(d) shall not thereafter be effective, and any funds appropriated by the State of Arizona pursuant to the Settlement Agreement shall be returned by the Tribe to the State of Arizona.

SEC. 13. OTHER CLAIMS.

(a) OTHER TRIBES.—Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims or entitlements to water of any Arizona Indian tribe, band or community, other than the Tribe.

(b) FEDERAL AGENCIES.—Nothing in this Act shall be construed to affect the water rights or the water rights claims of any Federal agency, other than the Bureau of Indian Affairs on behalf of the Tribe.

Mr. MCCAIN. Mr. President, I am pleased and proud to rise in support of S. 1146, a bill that provides for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, AZ. This legislation is a modest but significant step towards achieving the goals of the United States, in fulfillment of its trust responsibility to Indian tribes, to settle tribal water rights claims fairly and honorably, without lengthy and costly litigation, and to secure for tribes reliable, long term supplies of water.

The Senate passed a Yavapai-Prescott settlement bill late in the 102d Congress. S. 1146, while very similar to that earlier legislation, includes changes that address several specific concerns raised by the administration. All of the non-Federal settlement parties, including the Yavapai-Prescott Tribe, the city of Prescott, the Chino Valley Irrigation District, and the State of Arizona, support the bill with these changes. In anticipation of enactment of S. 1146, the administration requested $300,000 in the fiscal year 1995 budget to cover the full Federal share of the settlement costs. I am pleased to note that the House and Senate have included this money in the fiscal year 1995 appropriations bill for the Department of the Interior. For the settlement to become final, the State of Arizona must appropriate $200,000 to a settlement fund and a State court must accept the terms of the agreement as part of an ongoing general stream adjudication.

The Committee on Indian Affairs reported S. 1146 in February; however, I did not want to bring it to the floor until the Arizona parties had resolved several issues related to the settlement, and all settlement documents had been essentially completed. This work now having been done, I urge the Senate to pass S. 1146 and send it to the House. It is meritorious, noncontroversial legislation which can and should be enacted during this session of Congress.

Mr. President, the history of the Yavapai-Apache Tribe in Arizona is a story of a tenacious struggle to remain and survive on a small portion of the large land area that was once considered theirs. The members of the tribe are descendants of Indians who hunted, gathered and farmed in the Verde River Valley and other areas of central and middle-western Arizona hundreds of years ago.

The Yavapai first encountered Spanish explorers in 1538, but subsequently had little contact with non-Indians until the 19th century. In 1848, the Treaty of Guadalupe Hidalgo ended the War with Mexico, and by its terms the lands on which the Yavapai lived became a part of the public domain of the United States.

Prior to the 1860's, American exploring and trapping parties visited Yavapai territory, but made no effort to establish settlements. However, in 1862, miners in search of gold and other minerals began to establish camps in the Verde Valley. The following year, U.S. troops established Camp Whipple near the town of Prescott. In 1864, Prescott became the capital of the Arizona Territory and Camp Whipple the U.S. Army headquarters for Arizona.

Arrival of the miners led to hostilities with the Yavapai that continued almost without interruption for more than 10 years. In 1875, the U.S. Army under Gen. George Crook rounded up the surviving Yavapai and forced their relocation onto the San Carlos Apache Reservation, far to the south. The Yavapai struggled to survive at San Carlos under harsh conditions.

In the 1890's, small groups of Yavapai, some with permission from Federal authorities and some without, left San Carlos and returned to their aboriginal homelands. In the Verde Valley, where the best agricultural lands had been occupied by non-Indians, a group of Yavapai settled on a remote corner of the Whipple Barracks Military Reserve. In 1935, with strong support from citizens of Prescott, Congress established a 71-acre reservation for the Yavapai Indians from lands formerly part of the Whipple Barracks. Contiguous lands were added to the reservation in 1956 and 1965, bringing its total area to its present-day 1,400 acres.

The Yavapai-Prescott Tribe's need to determine the extent of its rights to water, and to identify and secure long term water sources, is critical to its future economic development and self-determination. Since the 1970's the tribe has pursued a plan to transform their reservation into a model of economic development, while preserving open space and scenic areas. In the past decade, a tribally owned Sheraton Hotel and conference center and a new shopping center have been built on the reservation. A small bingo operation was established, and the tribe negotiated Arizona's first gaming compact with the State. These developments, and planned future developments, all require reliable, long term water supplies.

The city of Prescott, like the tribe, has a need to secure future water supplies that is reinforced by the requirements of Arizona's Groundwater Management Act. That 1980 act designated as active management areas [AMA's] certain areas in the State where withdrawals from ground water aquifers exceed replenishment, and set strict guidelines for water use and requirements of municipalities to insure a 100-year future water supply. To meet the goals of the Prescott AMA, to achieve a safe yield balance between ground water withdrawal and replenishment by the year 2025, and to provide sufficient water to sustain anticipated future growth in the Prescott area, the city must look to sources outside its AMA to meet future demands for water.

To assist Prescott in complying with the mandates of the 1980 act and to meet the city's future water needs, Arizona's Department of Water Resources recommended, and in 1983 the Secretary of the Interior made, an allocation to Prescott of 7,167 acre-feet of Colorado River water from the Central Arizona Project. The Secretary also allocated 500 acre-feet of Central Arizona Project water to the Yavapai-Prescott Tribe. Because neither the tribe nor the city can take direct delivery of Colorado River water from project facilities, it was assumed that they would be able to exchange their allocations for rights to receive equivalent amounts of water from the Verde River.

It is now clear that the plan to exchange rights to Colorado River water for Verde River water has serious drawbacks. For Prescott, a city of 28,000 people, and the tribe, with an enrollment of less than 200 members, the costs of pumping exchange water are prohibitive. In addition, diverting significant amounts of water from the Verde River, whose seasonable flows vary greatly, would likely have adverse impacts on threatened or endangered species in and along the river. The costs and potential adverse environmental impacts of the proposed water exchanges underscore the need for the city and tribe to secure alternative water supplies to meet future needs while complying with the requirements of Federal and State law.

Pending water rights litigation has produced considerable uncertainty regarding rights to water in the Verde River basin. The Yavapai-Prescott Tribe's legal claims to water, like those of Prescott and other water users in the basin, are currently before Arizona Superior Court as part of the General Adjudication of the Gila River System and Source. Initiated by the State of Arizona in 1978, this litigation is intended to determine the respective rights of more than 20,000 claimants who have brought more than 66,000 claims to the waters of the Gila system. As trustee for the Yavapai-Prescott Tribe, the United States has filed claims in the Gila adjudication for 2,670 acre-feet of water annually for domestic, municipal, commercial, industrial, and irrigation purposes.

The Gila adjudication, which is expected to take decades to complete, would eventually quantify and confirm the tribe's reserved water rights. In all likelihood, the water source for this reserved right would be one or more sources already used for the city of Prescott's water supply, and the tribe's water would be taken away from the city's supply. If so, the tribe and the United States might have to build separate water treatment and distribution systems which would needlessly duplicate the city's existing system, at considerable cost. With the outcome of litigation unknown, neither the tribe nor the city can plan for long term development with any certainty as to water supplies.

The tribe's relationship with its non-Indian neighbors has been one of cooperation and peaceful coexistence ever since the people of Prescott helped the Tribe secure its reservation in 1935. This cooperation has increasingly extended to matters of water. As a result of a series of agreements first entered into in 1972, the city continues to provide all residential and commercial water users on the reservation with water and sewer service. In view of this history, a common interest in securing additional long term water supplies, and a desire to avoid a protracted struggle over the region's water rights, the city and the tribe sought an out-of-court settlement of their respective claims to water.

Beginning in 1992, representatives of the tribe, Prescott, the Chino Valley Irrigation District, which has claims to the waters of Granite Creek, the State of Arizona, and the United States negotiated a settlement agreement to resolve all water rights claims between and among them, and to provide the tribe with the long term, reliable water supplies needed to develop and sustain the tribe and its reservation.

The cornerstone of the settlement agreement provides for the tribe's existing water service agreement with Prescott to be continued in perpetuity, with the tribe having priority access to 550 acre-feet of water annually during times of severe water shortage. Prescott also will execute a trust agreement whereby it shall hold 3,169 acre-feet per year of grandfathered groundwater rights it holds under Arizona law as security for its performance of the water service agreement.

The settlement agreement directs the Secretary of the Interior to assist the tribe and Prescott in arranging for the assignment of the tribe's contract and the city's subcontract for Central Arizona Project water to a third party—or parties—in Arizona. Prescott will use the funds it receives from the assignment to acquire replacement water supplies, thus ensuring its ability to meet its commitment to serve the tribe in perpetuity and to supply its own future development. The tribe can use its funds to defray its water service costs or to develop or maintain on-reservation water facilities.

The settlement agreement also provides for the tribe's on-reservation use of ground water for municipal, industrial, recreational, and agricultural purposes to continue under a water use plan to be developed by the tribe. The tribe already has entered into a memorandum of understanding with the Arizona Department of Water Resources providing for consultation in establishing a plan which will be compatible with Arizona's Groundwater Management Act.

The settlement requires the Yavapai-Prescott Tribe to waive its claims to water in exchange for the water rights secured under the settlement agreement and the water service agreement, for the funds that will be realized from the assignment of its Central Arizona Project water contract, and for an appropriation of $200,000 by the State of Arizona to its settlement fund. S. 1146, and a companion House bill, H.R. 2514, introduced by Representative BOB STUMP, will ratify the settlement agreement and authorize the necessary actions by the Secretary of the Interior to implement it.

The Federal cost of the Yavapai-Prescott settlement is small by any standard. S. 1146 specifically authorizes $200,000 to the Secretary for costs associated with judicial confirmation of the settlement, and such sums necessary to establish, maintain, and operate a small water guaging station on Granite Creek. As noted previously, the administration, in anticipation of enactment of S. 1146 or similar legislation, requested $300,000 for the Yavapai-Prescott settlement in its fiscal year 1995 budget. I am very pleased to note that both the House and Senate have included these funds in the fiscal year 1995 Interior appropriations bill.

Mr. President, there can be no more fundamental duty and responsibility of a trustee for people in an arid land than to secure for them reliable, long-term water supplies. Enactment of S. 1146 and implementation of the Yavapai-Prescott settlement agreement will enable the United States to fulfill its responsibility to this small tribe in a creative and cost-effective manner.

This settlement is tailored to the unique history and circumstances of the tribe and its neighbors. It is the only one wherein a municipality will assume the United States' obligation to provide water to a tribe for all purposes under the terms of a perpetual water service contract. It resolves issues that, if otherwise left to litigation, would threaten the substantial good will developed between the tribe and its neighbors.

Mr. President, I wish to commend all of the people who have been involved in the long and arduous process that has produced the many agreements that comprise this settlement. I deeply regret that one of these people, Patricia McGee, will not see it completed. From 1972 until her death in April of this year, Pat McGee served as president of the Yavapai Tribe for all but 2 years. She was tireless in her efforts to improve education, health, and economic conditions of the tribe, and to preserve its culture. She strongly believed that a negotiated settlement of the tribe's water rights was in everyone's best interest. The settlement that S. 1146 would ratify and implement is a tribute to Pat McGee's vision and leadership.

Mr. President, I ask unanimous consent to print in the RECORD copies of resolutions recently passed by the mayor and council of the city of Prescott and by the governing body of the Yavapai-Prescott Tribe.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 94-05 OF THE GOVERNING BODY OF THE YAVAPAI-PRESCOTT INDIAN TRIBE

Whereas, the Tribe's Water Rights Settlement Act is going through the legislative process in the U.S. Congress, as S. 1146 in the U.S. Senate and H.R. 2514 in the U.S. House of Representatives, and

Whereas, the major purpose of the legislation is to ratify several intergovernmental agreements called for in the legislation, and

Whereas, the Water Service Agreement and the Water Rights Settlement Agreement have been successfully negotiated by the Tribe's representatives and the other parties involved, and

Whereas, the Tribe's negotiators have reported that the above-named agreements have reached a point, after several years of negotiations, whereby the language of the documents is now in an acceptable form which serves the Tribe's best interests without alienating the other parties to a point where they will not enter into the agreements, and

Whereas, the Board of Directors concurs with the findings of the Tribe's negotiators.

Now, therefore, be it resolved that: The Board of Directors approves the aforesaid Water Service Agreement and Water Settlement Agreement and hereby authorizes the Board President or Vice President to execute the two agreements at an appropriate time, to be set by the various parties involved.

CERTIFICATION

I, the undersigned, as Vice President of the Board of Directors for the Yavapai-Prescott Indian Tribe, hereby certify that the Board is composed of five (5) members, of whom 4 members, constituting a quorum, were present at a regular meeting on February 11, 1994, and that the foregoing resolution was adopted by a vote of 3 for, 0 against, under the authority of the Articles of Association, Article VI, Section 1(g).

ROBERT G. OGO,
Vice President, Board of Directors,
Yavapai-Prescott Indian tribe.

RESOLUTION NO. 2691

Whereas, the Yavapai-Prescott Indian Reservation is located adjacent to the City of Prescott; and

Whereas, the City of Prescott operates and maintains a municipal water and sewer system within the limits of the City of Prescott and adjoining areas; and

Whereas, there is presently litigation pending wherein the City of Prescott and the Yavapai-Prescott Tribe are disputing the rights of water within the watershed which provides water for Prescott's municipal water system; and

Whereas, it would be to the benefit of the citizens of Prescott and the members of the Yavapai-Prescott Indian Tribe for the parties to provide for the continuation of water and sewer service to the Yavapai-Prescott Indian Reservation, and to resolve the foregoing litigation.

Now, therefore, be it resolved by the mayor and council of the city of Prescott as follows:

Section 1. That, the City of Prescott hereby approves the Intergovernmental Agreement with the Yavapai-Prescott Indian Tribe entitled Water Rights Settlement Agreement, attached hereto as Exhibit "A".

Section 2. That, the City of Prescott hereby approves the Intergovernmental Agreement with the Yavapai-Prescott Indian Tribe entitled Water Service Agreement, attached hereto as Exhibit "B".

Section 3. That, the Mayor and Staff are hereby authorized to execute the attached Intergovernmental Agreement and to take any and all steps deemed necessary to accomplish the above.

BILL REFERRED—S. 2259

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Committee on Indian Affairs reports S. 2259, a bill to provide for the settlement of claims by the Confederate Tribes of the Colville Reservation, that it then be referred to the Committee on Energy and Natural Resources for a period not to exceed 10 days, not counting any recesses or adjournments of the Senate of more than 3 days, as provided for under the provisions of the concurrent resolution passed by the House and Senate; provided further, that if the Committee on Energy and Natural Resources has not reported the measure within that time, that the bill be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1030, the Veterans Health Programs Improvement Act of 1994, which was returned to the Senate by the House; that third reading and a vote on passage by vitiated; that the amendment, which I now send to the desk on behalf of Senator ROCKEFELLER, be agreed to; that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1030) was deemed read the third time and passed, as follows:

S. 1030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Improvement Act of 1994".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—WOMEN VETERANS

Sec. 101. Department of Veterans Affairs sexual trauma services program.
Sec. 102. Reports relating to determinations of service connection for sexual trauma.
Sec. 103. Coordinators of women's services.
Sec. 104. Women's health services.
Sec. 105. Expansion of research relating to women veterans.
Sec. 106. Mammography quality standards.

TITLE II—GENERAL HEALTH CARE SERVICES

Sec. 201. Extension of period of eligibility for medical care for exposure to dioxin or ionizing radiation.
Sec. 202. Extension of period of eligibility for priority health care for veterans of the Persian Gulf War.
Sec. 203. Programs for furnishing hospice care to veterans.
Sec. 204. Rural health-care clinic program.
Sec. 205. Payment to States of per diem for veterans receiving adult day health care.
Sec. 206. Revision of authority on use of tobacco products in department facilities.

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

Sec. 301. Short title.
Sec. 302. Program of assistance in the payment of education debts incurred by certain Veterans Health Administration employees.

Subtitle B—Other Provisions

Sec. 311. Extension of authority of Advisory Committee on Education.
Sec. 312. Extension of authority to maintain regional office in the Philippines.

TITLE I—WOMEN VETERANS

SEC. 101. DEPARTMENT OF VETERANS AFFAIRS SEXUAL TRAUMA SERVICES PROGRAM.

(a) AUTHORITY TO PROVIDE SERVICES FOR SEXUAL TRAUMA.—(1) Subsection (a)(1) of section 1720D of title 38, United States Code is amended—

(A) by inserting "(A)" before "During the period"; and

(B) by adding at the end the following:

"(B) During the period referred to in subparagraph (A), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition which the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that subparagraph.".

(2) Subsection (c)(1) of such section is amended to read as follows:

"(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such care and services under this chapter.".

(3) Subsection (d) of such section is amended by inserting "and care and services" after "counseling" each place it appears.

(b) AUTHORITY TO PROVIDE SERVICES BY CONTRACT.—Subsection (a)(3) of such section is amended—

(1) by inserting "(A)" before "In furnishing";

(2) in subparagraph (A), as so designated—

(i) by striking out "(A)" and inserting in lieu thereof "(i)"; and

(ii) by striking out "(B)" and inserting in lieu thereof "(ii)"; and

(3) by adding at the end the following:

"(B) The Secretary may provide care and services to a veteran under paragraph (1)(B) pursuant to a contract with a qualified non-Department health professional or facility if Department facilities are not capable of furnishing such care and services to that veteran economically because of geographic inaccessibility.".

(c) EXTENSION OF AUTHORITY TO PROVIDE SEXUAL TRAUMA SERVICES.—Subsection (a) of such section, as amended by subsections (a) and (b) of this section, is further amended—

(1) by striking out "December 31, 1995," in paragraph (1)(A) and inserting in lieu thereof "December 31, 1998,"; and

(2) by striking out "December 31, 1994," in paragraph (3) and inserting in lieu thereof "December 31, 1998,".

(d) PERIOD OF ELIGIBILITY TO SEEK SERVICES.—(1) Such subsection, as amended by subsections (a), (b), and (c) of this section, is further amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) Section 102(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4946; 38 U.S.C. 1720D note) is repealed.

(e) REPEAL OF LIMITATION ON PERIOD OF RECEIPT OF SERVICES.—Section 1720D of title 38, United States Code (as amended by subsections (a) through (d) of this section), is further amended—

(1) by striking out subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(f) INCREASED PRIORITY OF CARE.—Section 1712(i) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "To a veteran"; and

(B) by inserting ", or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services" before the period at the end; and

(2) in paragraph (2)—

(A) by striking out ", (B)" and inserting in lieu thereof "or (B)"; and

(B) by striking out ", or (C)" and all that follows through "such counseling".

(g) PROGRAM REVISION.—(1) Section 1720D of title 38, United States Code (as amended by subsections (a) through (e) of this section), is further amended—

(A) by striking out "woman" in subsection (a)(1)(A);

(B) by striking out "women" in subsection (b)(2)(C) and in the first sentence of subsection (c); and

(C) by striking out "women" in subsection (c)(2) and inserting in lieu thereof "individuals".

(2)(A) The heading of such section is amended to read as follows:

"§ 1720D. Counseling, care, and services for sexual trauma".

(B) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

"1720D. Counseling, care, and services for sexual trauma.".

(h) INFORMATION ON COUNSELING BY TELEPHONE.—(1) Paragraph (1) of section 1720D(c) of title 38, United States Code, as redesignated by subsection (d) of this section, is amended by striking out "may" and inserting in lieu thereof "shall".

(2) In providing information on counseling available to veterans through the information system required under section 1720D(c)(1) of title 38, United States Code, as amended by this section, the Secretary of Veterans Affairs shall ensure—

(A) that the telephone system described in such section is operated by Department of Veterans Affairs personnel who are trained in the provision to persons who have experienced sexual trauma of information about the counseling and care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including counseling and care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations;

(B) that such personnel are provided with information on the counseling and care and services relating to sexual trauma that are available to veterans and the locations in which such care and services are available;

(C) that such personnel refer veterans seeking such counseling and care and services to appropriate providers of such counseling and care and services (including counseling and care and services that are available in the communities in which such veterans reside);

(D) that the telephone system is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(E) that the telephone system operates at all times.

(3) The Secretary shall ensure that information about the availability of the telephone system is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

(4) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended). The report shall set forth the following:

(A) The number of telephone calls placed to the system during the period covered by the report, with a separate display of (i) the number of calls placed to the system from each State (as such term is defined in section 101(20) of title 38, United States Code) during that period, and (ii) the number of persons who placed more than one call to the system during that period.

(B) The types of sexual trauma described to personnel operating the system by persons placing calls to the system.

(C) A description of the difficulties, if any, experienced by persons placing calls to the system in obtaining counseling and care and services for sexual trauma in the communities in which such persons live, including counseling and care and services available from the Department and from non-Department agencies and organizations.

(D) A description of the training provided to the personnel operating the system.

(E) The recommendations and plans of the Secretary for the improvement of the system.

(5) The Secretary shall commence operation of the telephone system required under section 1720D(c)(1) of title 38, United States Code (as so amended), not later than 180 days after the date of the enactment of this Act.

SEC. 102. REPORTS RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) REPORT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the Secretary's assessment of—

(A) the difficulties that veterans encounter in obtaining from the Department of Veterans' Affairs determinations that disabilities relating to sexual trauma resulting from events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities.

(2) The Secretary shall include in the report the Secretary's recommendations for actions to be taken to respond in a fair manner to the difficulties described in the report and to eliminate failures to make determinations that such disabilities are service-connected disabilities.

(3) The report required by this subsection shall be submitted not later than June 30, 1994.

(b) FOLLOW-UP REPORTS.—Not later than June 30 of each of 1995 and 1996, the Secretary shall submit to the committees referred to in paragraph (1) of subsection (a) a report on the actions taken by the Secretary to implement the recommendations referred to in paragraph (2) of that subsection.

(c) DEFINITION.—In this section, the term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, aggravated sexual abuse (as such term is described in section 2241 of title 18, United States Code), sexual harassment, or other act of sexual violence.

SEC. 103. COORDINATORS OF WOMEN'S SERVICES.

(a) REQUIREMENT OF FULL-TIME SERVICE.—Section 108 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4948; 38 U.S.C. 1710 note) is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) Each official who serves in the position of coordinator of women's services under subsection (a) shall so serve on a full-time basis.".

(b) ADDITIONAL RESPONSIBILITIES.—Subsection (a) of such section (as designated by subsection (a) of this section) is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Facilitating communication between women veterans coordinators under the jurisdiction of such regional coordinator and the Under Secretary for Health and the Secretary.".

(c) SUPPORT FOR WOMEN'S SERVICES COORDINATORS.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department of Veterans Affairs facility in order to permit the coordinator of women's services to carry out the responsibilities of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 104. WOMEN'S HEALTH SERVICES.

(a) WOMEN'S HEALTH SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "women's health services," after "preventive health services,"; and

(2) by adding at the end the following:

"(10) The term 'women's health services' means health care services provided to women, including counseling and services relating to the following:

"(A) Papanicolaou tests (pap smears).

"(B) Breast examinations and mammography.

"(C) Maternity care, including pre-natal care, delivery, and post-natal care.

"(D) Menopause.".

(b) CONTRACTS FOR WOMEN'S HEALTH SERVICES.—Section 1703(a) of such title is amended by adding at the end the following:

"(9) Women's health services for veterans on an ambulatory or outpatient basis.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 106 of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 1710 note) is amended—

(1) by striking out subsection (a); and

(2) by striking out "(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—" before "The Secretary".

(d) REPORT ON HEALTH CARE AND RESEARCH.—Section 107(b) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by inserting "and women's health services (as such term is defined in section 1701(10) of title 38, United States Code)" after "section 106 of this Act";

(2) in paragraph (2), by striking out "and (B)" and inserting in lieu thereof "(B) the type and amount of services provided by such personnel, including information on the numbers of inpatient stays and the number of outpatient visits through which such services were provided, and (C)";

(3) by redesignating paragraph (4) as paragraph (7);

(4) by adding after paragraph (3) the following new paragraphs:

"(4) A description of the personnel of the Department who provided such services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

"(5) A description of any actions taken by the Secretary to ensure the retention of the personnel described in paragraph (4), and any actions undertaken to recruit additional such personnel or personnel to replace such personnel.

"(6) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties."; and

(5) by adding after paragraph (7), as redesignated by paragraph (3) of this subsection, the following:

"(8) A description of the actions taken by the Secretary to foster and encourage the expansion of such research.".

SEC. 105. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) HEALTH RESEARCH.—Section 109(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is amended—

(1) by inserting "(1)" before "The Secretary";

(2) in paragraph (1), as so designated, by striking out "veterans who are women" and inserting in lieu thereof "women veterans"; and

(3) by adding at the end the following:

"(2) In carrying out this section, the Secretary shall consult with the following:

"(A) The Director of the Nursing Service.

"(B) Officials of the Central Office assigned responsibility for women's health programs and sexual trauma services.

"(C) The members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code.

"(D) Members of appropriate task forces and working groups within the Department of Veterans Affairs (including the Women Veterans Working Group and the Task Force on Treatment of Women Who Suffer Sexual Abuse).

"(3) The Secretary shall foster and encourage research under this section on the following matters as they relate to women:

"(A) Breast cancer.

"(B) Gynecological and reproductive health, including gynecological cancer, infertility, sexually-transmitted diseases, and pregnancy.

"(C) Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

"(D) Mental health, including post-traumatic stress disorder and depression.

"(E) Diseases related to aging, including menopause, osteoporosis, and Alzheimer's Disease.

"(F) Substance abuse.

"(G) Sexual violence and related trauma.

"(H) Exposure to toxic chemicals and other environmental hazards.

"(4) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department of Veterans Affairs engaged in the research referred to in paragraph (1) include the following:

"(A) Personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code.

"(B) Personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692).

"(5) The Secretary shall, to the maximum extent practicable, ensure that personnel of the Department engaged in research relating to the health of women veterans are advised and informed of such research engaged in by other personnel of the Department.".

(b) POPULATION STUDY.—Section 110(a) of such Act (38 U.S.C. 1710 note) is amended—

(1) in paragraph (1), by striking out the second sentence; and

(2) by amending paragraph (3) to read as follows:

"(3)(A) Subject to subparagraph (B), the study shall be based on—

"(i) an appropriate sample of veterans who are women and of women who are serving on active military, naval, or air service; and

"(ii) an examination of the medical and demographic histories of the women comprising such sample.

"(B) The sample referred to in subparagraph (A) shall, to the maximum extent practicable, constitute a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women and women who are serving on such duty.

"(C) In carrying out the examination referred to in subparagraph (A)(ii), the Secretary shall determine the number of women of the sample who have used medical facilities of the Department, nursing home facilities of or under the jurisdiction of the Department, and outpatient care facilities of or under the jurisdiction of the Department.".

SEC. 106. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1)(A) The Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(B) In prescribing such standards, the Secretary of Veterans Affairs shall consult with the Secretary of Health and Human Services.

(2) The Secretary of Veterans Affairs shall prescribe such standards not later than 120 days after the Secretary of Health and Human Services prescribes quality standards under such section 354(f).

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).

TITLE II—GENERAL HEALTH CARE SERVICES

SEC. 201. EXTENSION OF PERIOD OF ELIGIBILITY FOR MEDICAL CARE FOR EXPOSURE TO DIOXIN OR IONIZING RADIATION.

Section 1710(e)(3) of title 38, United States Code, is amended by striking out "June 30, 1994" and inserting in lieu thereof "December 31, 2003".

SEC. 202. EXTENSION OF PERIOD OF ELIGIBILITY FOR PRIORITY HEALTH CARE FOR VETERANS OF THE PERSIAN GULF WAR.

(a) INPATIENT CARE.—Section 1710(e)(3) of title 38, United States Code, is amended by striking out "after December 31, 1994" and inserting in lieu thereof "after September 30, 2003".

(b) OUTPATIENT CARE.—Section 1712(a)(1)(D) of such title is amended by striking out "before December 31, 1994" and inserting in lieu thereof "before October 1, 2003".

SEC. 203. PROGRAMS FOR FURNISHING HOSPICE CARE TO VETERANS.

(a) ESTABLISHMENT OF PROGRAMS.—Chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"§ 1761. Definitions

"For the purposes of this subchapter—

"(1) The term 'terminally ill veteran' means any veteran—

"(A) who is (i) entitled to receive hospital care in a medical facility of the Department under section 1710(a)(1) of this title, (ii) eligible for hospital or nursing home care in such a facility and receiving such care, (iii) receiving care in a State home facility for which care the Secretary is paying per diem under section 1741 of this title, or (iv) transferred to a non-Department nursing home for nursing home care under section 1720 of this title and receiving such care; and

"(B) who has a medical prognosis (as certified by a Department physician) of a life expectancy of six months or less.

"(2) The term 'hospice care services' means (A) the care, items, and services referred to in subparagraphs (A) through (H) of section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1)), and (B) personal care services.

"(3) The term 'hospice program' means any program that satisfies the requirements of section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2)).

"(4) The term 'medical facility of the Department' means a facility referred to in section 1701(4)(A) of this title.

"(5) The term 'non-Department facility' means a facility (other than a medical facility of the Department) at which care to terminally ill veterans is furnished, regardless of whether such care is furnished pursuant to a contract, agreement, or other arrangement referred to in section 1762(b)(1)(D) of this title.

"(6) The term 'personal care services' means any care or service furnished to a person that is necessary to maintain a person's health and safety within the home or nursing home of the person, including care or services related to dressing and personal hygiene, feeding and nutrition, and environmental support.

"§ 1762. Hospice care: pilot program requirements

"(a)(1) During the period beginning on October 1, 1993, and ending on December 31, 1998, the Secretary shall conduct a pilot program in order—

"(A) to assess the feasibility and desirability of furnishing hospice care services to terminally ill veterans; and

"(B) to determine the most efficient and effective means of furnishing such services to such veterans.

"(2) The Secretary shall conduct the pilot program in accordance with this section.

"(b)(1) Under the pilot program, the Secretary shall—

"(A) designate not less than 15 nor more than 30 medical facilities of the Department at or through which to conduct hospice care services demonstration projects;

"(B) designate the means by which hospice care services shall be provided to terminally ill veterans under each demonstration project pursuant to subsection (c);

"(C) allocate such personnel and other resources of the Department as the Secretary considers necessary to ensure that services are provided to terminally ill veterans by the designated means under each demonstration project; and

"(D) enter into any contract, agreement, or other arrangement that the Secretary considers necessary to ensure the provision of such services by the designated means under each such project.

"(2) In carrying out the responsibilities referred to in paragraph (1) the Secretary shall take into account the need to provide for and conduct the demonstration projects so as to provide the Secretary with such information as is necessary for the Secretary to evaluate and assess the furnishing of hospice care services to terminally ill veterans by a variety of means and in a variety of circumstances.

"(3) In carrying out the requirement described in paragraph (2), the Secretary shall ensure, to the maximum extent feasible, that—

"(A) the medical facilities of the Department selected to conduct demonstration projects under the pilot program include facilities located in urban areas of the United States and rural areas of the United States;

"(B) the full range of affiliations between medical facilities of the Department and medical schools is represented by the facilities selected to conduct demonstration projects under the pilot program, including no affiliation, minimal affiliation, and extensive affiliation;

"(C) such facilities vary in the number of beds that they operate and maintain; and

"(D) the demonstration projects are located or conducted in accordance with any other criteria or standards that the Secretary considers relevant or necessary to furnish and to evaluate and assess fully the furnishing of hospice care services to terminally ill veterans.

"(c)(1) Subject to paragraph (2), hospice care to terminally ill veterans shall be furnished under a demonstration project by one or more of the following means designated by the Secretary:

"(A) By the personnel of a medical facility of the Department providing hospice care services pursuant to a hospice program established by the Secretary at that facility.

"(B) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a medical facility of the Department.

"(C) By a hospice program providing hospice care services under a contract with that program and pursuant to which contract any necessary inpatient services are provided at a non-Department medical facility.

"(2)(A) The Secretary shall provide that—

"(i) care is furnished by the means described in paragraph (1)(A) at not less than five medical facilities of the Department; and

"(ii) care is furnished by the means described in subparagraphs (B) and (C) of paragraph (1) in connection with not less than five such facilities for each such means.

"(B) The Secretary shall provide in any contract under subparagraph (B) or (C) of paragraph (1) that inpatient care may be provided to terminally ill veterans at a medical facility other than that designated in the contract if the provision of such care at such other facility is necessary under the circumstances.

"(d)(1) Except as provided in paragraph (2), the amount paid to a hospice program for care furnished pursuant to subparagraph (B) or (C) of subsection (c)(1) may not exceed the amount that would be paid to that program for such care under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) if such care were hospice care for which payment would be made under part A of title XVIII of such Act.

"(2) The Secretary may pay an amount in excess of the amount referred to in paragraph (1) (or furnish services whose value, together with any payment by the Secretary, exceeds such amount) to a hospice program for furnishing care to a terminally ill veteran pursuant to subparagraph (B) or (C) of subsection (c)(1) if the Secretary determines, on a case-by-case basis, that—

"(A) the furnishing of such care to the veteran is necessary and appropriate; and

"(B) the amount that would be paid to that program under section 1814(i) of the Social Security Act would not compensate the program for the cost of furnishing such care.

"§ 1763. Care for terminally ill veterans

"(a) During the period referred to in section 1762(a)(1) of this title, the Secretary shall designate not less than 10 medical facilities of the Department at which hospital care is being furnished to terminally ill veterans to furnish the care referred to in subsection (b)(1).

"(b)(1) Palliative care to terminally ill veterans shall be furnished at the facilities referred to in subsection (a) by one of the following means designated by the Secretary:

"(A) By personnel of the Department providing one or more hospice care services to such veterans at or through medical facilities of the Department.

"(B) By personnel of the Department monitoring the furnishing of one or more of such services to such veterans at or through non-Department facilities.

"(2) The Secretary shall furnish care by the means referred to in each of subparagraphs (A) and (B) of paragraph (1) at not less than five medical facilities designated under subsection (a).

"§ 1764. Information relating to hospice care services

"The Secretary shall ensure to the extent practicable that terminally ill veterans who have been informed of their medical prognosis receive information relating to the eligibility, if any, of such veterans for hospice care and services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"§ 1765. Evaluation and reports

"(a) Not later than September 30, 1994, and on an annual basis thereafter until October 1, 1999, the Secretary shall submit a written report to the Committees on Veterans' Affairs of the Senate and House of Representatives relating to the conduct of the pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. Each report shall include the following information:

"(1) The location of the sites of the demonstration projects provided for under the pilot program.

"(2) The location of the medical facilities of the Department at or through which hospice care services are being furnished under section 1763 of this title.

"(3) The means by which care to terminally ill veterans is being furnished under each such project and at or through each such facility.

"(4) The number of veterans being furnished such care under each such project and at or through each such facility.

"(5) An assessment by the Secretary of any difficulties in furnishing such care and the actions taken to resolve such difficulties.

"(b) Not later than August 1, 1997, the Secretary shall submit to the committees referred to in subsection (a) a report containing an evaluation and assessment by the Director of the Health Services Research and Development Service of the hospice care pilot program under section 1762 of this title and the furnishing of hospice care services under section 1763 of this title. The report shall contain such information (and shall be presented in such form) as will enable the committees to evaluate fully the feasibility and desirability of furnishing hospice care services to terminally ill veterans.

"(c) The report shall include the following:

"(1) A description and summary of the pilot program.

"(2) With respect to each demonstration project conducted under the pilot program—

"(A) a description and summary of the project;

"(B) a description of the facility conducting the demonstration project and a discussion of how such facility was selected in accordance with the criteria set out in, or prescribed by the Secretary pursuant to, subparagraphs (A) through (D) of section 1762(b)(3) of this title;

"(C) the means by which hospice care services care are being furnished to terminally ill veterans under the demonstration project;

"(D) the personnel used to furnish such services under the demonstration project;

"(E) a detailed factual analysis with respect to the furnishing of such services, including (i) the number of veterans being furnished such services, (ii) the number, if any, of inpatient admissions for each veteran being furnished such services and the length of stay for each such admission, (iii) the number, if any, of outpatient visits for each such veteran, and (iv) the number, if any, of home-care visits provided to each such veteran;

"(F) the direct costs, if any, incurred by terminally ill veterans, the members of the families of such veterans, and other individuals in close relationships with such veterans in connection with the participation of veterans in the demonstration project;

"(G) the costs incurred by the Department in conducting the demonstration project, including an analysis of the costs, if any, of the demonstration project that are attributable to (i) furnishing such services in facilities of the Department, (ii) furnishing such services in non-Department facilities, and (iii) administering the furnishing of such services; and

"(H) the unreimbursed costs, if any, incurred by any other entity in furnishing services to terminally ill veterans under the project pursuant to section 1762(c)(1)(C) of this title.

"(3) An analysis of the level of the following persons' satisfaction with the services furnished to terminally ill veterans under each demonstration project:

"(A) Terminally ill veterans who receive such services, members of the families of such veterans, and other individuals in close relationships with such veterans.

"(B) Personnel of the Department responsible for furnishing such services under the project.

"(C) Personnel of non-Department facilities responsible for furnishing such services under the project.

"(4) A description and summary of the means of furnishing hospice care services at or through each medical facility of the Department designated under section 1763(a)(1) of this title.

"(5) With respect to each such means, the information referred to in paragraphs (2) and (3).

"(6) A comparative analysis by the Director of the services furnished to terminally ill veterans under the various demonstration projects referred to in section 1762 of this title and at or through the designated facilities referred to in section 1763 of this title, with an emphasis in such analysis on a comparison relating to—

"(A) the management of pain and health symptoms of terminally ill veterans by such projects and facilities;

"(B) the number of inpatient admissions of such veterans and the length of inpatient stays for such admissions under such projects and facilities;

"(C) the number and type of medical procedures employed with respect to such veterans by such projects and facilities; and

"(D) the effectiveness of such projects and facilities in providing care to such veterans at the homes of such veterans or in nursing homes.

"(7) An assessment by the Director of the feasibility and desirability of furnishing hospice care services by various means to terminally ill veterans, including an assessment by the Director of the optimal means of furnishing such services to such veterans.

"(8) Any recommendations for additional legislation regarding the furnishing of care to terminally ill veterans that the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—HOSPICE CARE PILOT PROGRAM; HOSPICE CARE SERVICES

"1761. Definitions.
"1762. Hospice care: pilot program requirements.
"1763. Care for terminally ill veterans.
"1764. Information relating to hospice care services.
"1765. Evaluation and reports.".

(c) AUTHORITY TO CARRY OUT OTHER HOSPICE CARE PROGRAMS.—The amendments made by subsection (a) may not be construed as terminating the authority of the Secretary of Veterans Affairs to provide hospice care services to terminally ill veterans under any program in addition to the programs required under the provisions added by such amendments.

(d) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of Veterans Affairs for the purposes of carrying out the evaluation of the hospice care pilot programs under section 1765 of title 38, United States Code (as added by subsection (a)), as follows:

(1) For fiscal year 1994, $1,200,000.

(2) For fiscal year 1995, $2,500,000.

(3) For fiscal year 1996, $2,200,000.

(4) For fiscal year 1997, $100,000.

SEC. 204. RURAL HEALTH-CARE CLINIC PROGRAM.

(a) PROGRAM.—(1) Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following:

"§ 1720E. Rural health-care clinics: pilot program

"(a) During the three-year period beginning on October 1, 1993, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Secretary's plans for the implementation of the pilot program required under this section.

"(f) Not later than December 31, 1997, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(g) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Rural health-care clinics: pilot program.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720E of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1994, $3,000,000.

(B) For fiscal year 1995, $6,000,000.

(C) For fiscal year 1996, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720E unless expressly provided for in an appropriations Act.

SEC. 205. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

(a) PAYMENT OF PER DIEM FOR VETERANS RECEIVING ADULT DAY CARE.—Section 1741 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

(b) ASSISTANCE TO STATES FOR CONSTRUCTION OF ADULT DAY CARE FACILITIES.—(1) Section 8131(3) of title 38, United States Code, is amended by inserting "adult day health," before "or hospital care".

(2) Section 8132 of such title is amended by inserting "adult day health," before "or hospital care".

(3) Section 8135(b) of such title is amended—

(A) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(B) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

SEC. 206. REVISION OF AUTHORITY ON USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

Section 526(a) of the Veterans Health Care Act of 1992 (Public Law 102–585; 38 U.S.C. 1715 note) is amended—

(1) in paragraph (1), by striking out "establishes and maintains—" and inserting in lieu thereof "may establish and maintain—"; and

(2) in paragraph (2), by striking out "provides access" and all that follows through "paragraph (1)" and inserting in lieu thereof "if such an area is established, provides access to the area".

TITLE III—MISCELLANEOUS

Subtitle A—Education Debt Reduction Program

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Department of Veterans Affairs Health Professionals Education Debt Reduction Act".

SEC. 302. PROGRAM OF ASSISTANCE IN THE PAYMENT OF EDUCATION DEBTS INCURRED BY CERTAIN VETERANS HEALTH ADMINISTRATION EMPLOYEES.

(a) PROGRAM.—(1) Chapter 76 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"§ 7661. Authority for program

"(a) The Secretary shall carry out an education debt reduction program under this subchapter. The program shall be known as the Department of Veterans Affairs Education Debt Reduction Program (hereafter in this chapter referred to as the 'Education Debt Reduction Program'). The purpose of the program is to assist personnel serving in health-care positions in the Veterans Health Administration in reducing the amount of debt incurred by such personnel in completing educational programs that qualify such personnel for such service.

"(b)(1) Subject to paragraph (2), assistance under the Education Debt Reduction Program shall be in addition to the assistance available to individuals under the Educational Assistance Program established under this chapter.

"(2) An individual may not receive assistance under both the Education Debt Reduction Program and the Educational Assistance Program for the same period of service in the Department.

"§ 7662. Eligibility; application

"(a) An individual eligible to participate in the Education Debt Reduction Program is any individual (other than a physician or dentist) who—

"(1) serves in a position in the Veterans Health Administration under an appointment under section 7402(b) of this title;

"(2) serves in an occupation, specialty, or geographic area for which the recruitment or retention of an adequate supply of qualified health-care personnel is especially difficult (as determined by the Secretary);

"(3) has pursued or is pursuing, as the case may be—

"(A) a two-year or four-year course of education or training at a qualifying undergraduate institution which course qualified or will qualify, as the case may be, the individual for appointment in a position referred to in paragraph (1); or

"(B) a course of education at a qualifying graduate institution which course qualified or will qualify, as the case may be, the individual for appointment in such a position; and

"(4) owes any amount of principal or interest under a loan or other obligation the proceeds of which were used or are being used, as the case may be, by or on behalf of the individual to pay tuition or other costs incurred by the individual in the pursuit of a course of education or training referred to in paragraph (3).

"(b) Any eligible individual seeking to participate in the Education Debt Reduction Program shall submit an application to the Secretary relating to such participation.

"§ 7663. Agreement

"(a) The Secretary shall enter into an agreement with each individual selected to participate in the Education Debt Reduction Program. The Secretary and the individual shall enter into such an agreement at the beginning of each year for which the individual is selected to so participate.

"(b) An agreement between the Secretary and an individual selected to participate in the Education Debt Reduction Program shall be in writing, shall be signed by the individual, and shall include the following provisions:

"(1) The Secretary's agreement to provide assistance on behalf of the individual under the program upon the completion by the individual of a one-year period of service in a position referred to in section 7662(a) of this title which period begins on the date of the signing of the agreement (or such later date as is jointly agreed upon by the Secretary and the individual).

"(2) The individual's agreement that the Secretary shall pay any assistance provided under the program to the holder (as designated by the individual) of any loan or other obligation of the individual referred to in section 7662(a)(4) of this title in order to reduce or satisfy the unpaid balance (including principal and interest) due on such loan or other obligation.

"(3) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless and until the individual completes the one-year period of service referred to in paragraph (1).

"(4) The individual's agreement that assistance shall not be paid on behalf of the individual under the program for a year unless the individual maintains (as determined by the Secretary) an acceptable level of performance during the service referred to in paragraph (3).

"§ 7664. Amount of assistance

"(a) Subject to subsection (b), the amount of assistance provided to an individual under the Education Debt Reduction Program for a year may not exceed $4,000 (adjusted in accordance with section 7631 of this title).

"(b) The total amount of assistance received by an individual under the Education Debt Reduction Program may not exceed $12,000 (as so adjusted).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VI—EDUCATION DEBT REDUCTION PROGRAM

"7661. Authority for program.
"7662. Eligibility; application.
"7663. Agreement.
"7664. Amount of assistance.".

(b) CONFORMING AMENDMENTS.—Section 7631 of title 38, United States Code, is amended—

(1) in subsection (a), by striking out "and the maximum Selected Reserve member stipend amount" and inserting in lieu thereof "the maximum Selected Reserve stipend amount, and the education debt reduction amount and limitation"; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) The term 'education debt reduction amount and limitation' means the maximum amount of assistance, and the limitation applicable to such assistance, for a person receiving assistance under subchapter VI of this chapter, as specified in section 7663 of this title and as previously adjusted (if at all) in accordance with this subsection.".

(c) REGULATIONS.—The Secretary of Veterans Affairs shall prescribe regulations necessary to carry out the Education Debt Reduction Program established under subchapter VI of chapter 76 of title 38, United States Code (as added by subsection (a)). The Secretary shall prescribe such regulations not later than 90 days after the date of the enactment of this Act.

(d) REPORT.—Section 7632 of title 38, United States Code, is amended—

(1) in the matter above paragraph (1), by inserting "and the Education Debt Reduction Program" before the period at the end;

(2) in paragraph (1)—

(A) by inserting "and the Education Debt Reduction Program" after "Educational Assistance Program";

(B) by striking out "Program and" and inserting in lieu thereof "Program,"; and

(C) by inserting ", and the Education Debt Reduction Program" before "separately";

(3) in paragraph (3), by striking out "the Educational Assistance Program (or predecessor program) has" and inserting in lieu thereof "each of the Educational Assistance Program (or predecessor program) and the Education Debt Reduction Program have";

(4) in paragraph (4)—

(A) by striking out "and per" and inserting in lieu thereof ", per"; and

(B) by inserting ", and per participant in the Education Debt Reduction Program" before the period at the end.

(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Veterans Affairs $10,000,000 for each of fiscal years 1994 through 1998 to carry out the Education Debt Reduction Program.

(2) No funds may be used to provide assistance under the program unless expressly provided for in an appropriations Act.

(f) EXEMPTION FROM LIMITATION.—Section 523(b) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7601 note) shall not apply to the Education Debt Reduction Program.

Subtitle B—Other Provisions

SEC. 311. EXTENSION OF AUTHORITY OF ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1997".

SEC. 312. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking out "December 31, 1994" and inserting in lieu thereof "September 30, 1995".

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees, and a treaty.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:36 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2243) to amend the Federal Trade Commission Act to extend the authorization of appropriations in such Act, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HEFNER, Mr. FOGLIETTA, Mrs. MEEK, Mr. DICKS, Mr. DIXON, Mr. FAZIO, Mr. HOYER, Mr. COLEMAN, Mr. OBEY, Mrs. VUCANOVICH, Mr. CALLAHAN, Mrs. BENTLEY, Mr. HOBSON, and Mr. MCDADE, as managers of the conference on the part of the House.

The message further announced that the Speaker appoints the following Members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 820) entitled "An Act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes":

As additional conferees from the Committee on Energy and Commerce for consideration of sections 410 and 413 of the House bill, and sections 606–607, and 701 of the Senate amendment; and for the following provisions of titles II and IV of the House bill and titles II and IV of the Senate amendment, and modifications committed to conference to the extent to which they relate to the replication of proven technologies: That portion of section 202 of the House bill which adds section 301(d) to the Stevenson-Wydler Technology Innovation Act of 1980; section 203 of the House bill; section 401 of the House bill; those provisions of section 211 of the Senate amendment which amend the Stevenson-Wydler Technology Innovation Act of 1980 by adding subsection 102(b) and section 103; those provisions of section 212 of the Senate amendment which amend the National Institute of

Standards and Technology Act by adding new subsections 24(e)(2)(J), 24(f)(3), 24(f)(7), and 24(g)(1); those portions of section 214 of the Senate amendment which amend the National Institute of Standards and Technology Act by adding a new subsection 25(a)(7) and 25(b)(3); section 216 of the Senate amendment; and section 401 of the Senate amendment: Mr. DINGELL, Mrs. COLLINS of Illinois, and Mr. MOORHEAD.

As an additional conferee for consideration of those portions of section 206 of the House bill which add sections 4 (20), (21), and (22) to the Stevenson-Wydler Technology Innovation Act of 1980, and modifications committed to conference: Mr. MANTON.

At 7:11, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 868) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes; with an amendment.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1426. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes;

H.R. 4228. An act to extend Federal recognition to the United Auburn Rancheria Indian Community of the Auburn Rancheria of California;

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month";

H.J. Res. 374. Joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day"; and

H.J. Res. 388. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II;

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 151. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1426. An act to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes; to the Committee on Indian Affairs.

H.R. 4228. An act to extend Federal recognition to the United Auburn Rancheria Indian Community of the Auburn Rancheria of California; to the Committee on Indian Affairs.

H.J. Res. 363. Joint resolution to designate October 1994 as "Crime Prevention Month"; to the Committee on the Judiciary.

H.J. Res. 374. Joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

H.J. Res. 388. Joint resolution recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 151. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3102. A communication from the Acting Associate Attorney General, transmitting, pursuant to law, the Department of Justice's 1993 annual report on Freedom of Information Act activities; to the Committee on the Judiciary.

EC-3103. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "1993 United States Courts: Selected Reports"; to the Committee on the Judiciary.

EC-3104. A communication from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation to amend Chapter 30 of title 35 to afford third parties an opportunity for greater participation in reexamination proceedings before the U.S. Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

EC-3105. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to 1993 wildfire rehabilitation needs for lands administered by the U.S. Department of Agriculture, Forest Service; to the Committee on Agriculture, Nutrition and Forestry.

EC-3106. A communication from the Director of the Federal Housing Finance Board, transmitting, pursuant to law, the Board's annual report for calendar year 1993; to the Committee on Banking, Housing and Urban Affairs.

EC-3107. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report entitled "Monetary Policy Report to the Congress"; to the Committee on Banking, Housing and Urban Affairs.

EC-3108. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, a report relative to the Corporation's compliance with the Government in the Sunshine Act for calendar year 1993; to the Committee on Governmental Affairs.

EC-3109. A communication from the Assistant Secretary of Education, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, a notice of final priority relative to the Knowledge Dissemination and Utilization Program; to the Committee on Labor and Human Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 2315. A bill to require the Attorney General to develop model legislation for the States to assure confidentiality of communications between victims of sexual assault or domestic violence victims and their counselors, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 2316. A bill to suspend temporarily the duty on C.I. Pigment Yellow 139; to the Committee on Finance.

S. 2317. A bill to suspend temporarily the duty on nickle isoindoline pigment; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 2318. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour* to the Committee on Commerce, Science, and Transportation.

By Mr. BENNETT (for himself, Mr. CAMPBELL, and Mr. HATCH):

S. 2319. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER (by request):

S. 2320. A bill to amend title 38, United States Code, to eliminate the requirement that veterans of the Philippine Commonwealth Army and the dependents and survivors of such veterans be paid certain benefits in Philippine pesos; to the Committee on Veterans' Affairs.

S. 2321. A bill to amend title 38, United States Code, to make eligible for burial in the national cemeteries the spouses of veterans who predecease the veterans; to the Committee on Veterans Affairs.

S. 2322. A bill to amend title 38, United States Code, to increase the cost that the Secretary of Veterans Affairs may incur to pay for a contract burial of a nonservice-connected disabled veteran who dies in a Department of Veterans Affairs facility, and for other purposes; to the Committee on Veterans' Affairs.

S. 2323. A bill to amend title 38, United States Code, to clarify the coverage and protection provided to medical quality assurance records by section 5705 of that title; to the Committee on Veterans Affairs.

S. 2324. A bill to amend title 38, United States Code, to provide that employees appointed under chapters 73 and 74 of that title have protection against certain prohibited personnel practices; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 2325. A bill to amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 245. A resolution expressing the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 2315. A bill to require the Attorney General to develop model legislation for the States to assure confidentiality of communications between victims of sexual assault or domestic violence victims and their counselors, and for other purposes; to the Committee on the Judiciary.

RAPE AND ASSAULT VICTIMS COUNSELING PROTECTION ACT

Mr. HATCH. Mr. President, I rise today along with Senator KENNEDY to introduce legislation that seeks to remedy an unacceptable and outrageous development for women across this country. This bill represents a revised version of S. 2240, a bill I introduced a month ago titled the Rape Victims' Protection Act.

On June 24, 1994, the Washington Post reported that earlier that week the YWCA chapter in Springfield, MA, was ordered by a Massachusetts court to turn its rape counseling files over to the defense attorney of an accused rapist.

The rape counseling center had previously refused to turn over the files.

Mr. President, as a result of this decision, women now seeking rape counseling will do so knowing that everything they say to their counselor is, in effect, available to their alleged attacker.

The impact on women is obvious. Rape counseling services offered by the YWCA or other organizations offer an invaluable service to women victimized by sexual assaults. But there can be no question that the removal of any confidentiality between the rape victim and her counselor will discourage women from seeking desperately needed help in a time of real need and distress.

Mr. President, the bill I introduced last month and the revised version I am introducing today with Senator KENNEDY represents our joint effort to best deal with this situation. This bill consists of three parts.

First, it expresses the sense of the Senate that no court should order the disclosure of confidential communications between victims of sexual assault or domestic violence and their therapists and trained counselors unless, at a minimum, the defendant has made an adequate showing of the need for the disclosure, and the court has established adequate procedural safeguards against unnecessary or damaging disclosures.

Second, it requires that the Attorney General develop model legislation to adequately protect the confidentiality of sexual assault victims. Our goal is to provide guidance to States in developing effective and constitutional State laws in this regard.

Finally, the bill directs the Judicial Conference to review the Federal evidentiary rules with respect to the confidentiality of communications between assault victims and their counselors in Federal court proceedings.

Mr. President, it is imperative that we act swiftly in this area. The bill I introduced last month was a much more direct way of immediately dealing with this issue. I appreciate and understand some of the concerns that have been raised regarding that approach.

I would like to thank and compliment Senator KENNEDY for his efforts. He and I share the same concerns about this recent State court ruling as well as a commitment to finding the best means to ensure that the confidentiality of communications between sexual assault victims and trained counselors will be adequately protected in judicial proceedings.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator HATCH today in introducing the Rape and Assault Victims Counseling Protection Act.

This legislation will guarantee that when victims of sexual assault or domestic violence turn to counseling programs to help them cope with the trauma of these brutal crimes, their counseling sessions will remain private and confidential.

I was shocked to learn recently that such confidentiality is not always assured. In Massachusetts, rape crisis centers have been ordered by the courts to divulge confidential counseling records to counsel for the defendant in criminal cases. Notwithstanding the State legislature's enactment of a law creating an absolute privilege for communications between sexual assault victims and their trained counselors, the State's high court has ruled that criminal defendants have a constitutional right to obtain such records in certain circumstances.

Most recently, the YWCA in Springfield, MA, which conducts a rape crisis counseling program, was ordered to produce confidential files to defense counsel in a rape case. The YWCA, seeking to protect the victim's privacy, initially defied the court's order. But as the penalties mounted for contempt of court, they were forced to comply.

The consequences of violating the confidentiality of these counseling programs are potentially disastrous. Such programs help victims recover from the severe effects of sexual assault and domestic violence. By promoting the physical and emotional well-being of the victims, the programs frequently enable the victim to report the crime and cooperate in the prosecution of the perpetrator.

Yet counseling programs can achieve these benefits only if the victims know that the counseling sessions will remain confidential. Otherwise, they will be unable to develop the relationship of trust with their counselors that is essential to effective treatment. Many will decline to participate in counseling programs altogether.

In fact, the Springfield YWCA reports that immediately after the court order, several clients of its rape crisis program called to say they were dropping out.

It is easy to see that if confidential communications between victims and counselors are accessible to defendants charged with the crime, the victims are faced with an impossible choice—forego the counseling that can help them recover, or do not report the crime. Often, victims who go to counseling and report the crime would be violated a second time, when their most private thoughts and feelings about the crime are revealed to the perpetrator, and perhaps even to the public in open court.

These women deserve better, and the States have adopted a variety of different approaches to the problem. Some have created an absolute privilege protecting the confidentiality of these records—though some courts, including the court in Massachusetts, have struck down an absolute privilege as a violation of the defendant's constitutional rights.

Other States have adopted a qualified privilege that gives defendants access to the records in certain narrow circumstances and subject to certain strict procedures. Still other States have adopted balancing tests that weigh the evidentiary value of the communications against the effects of disclosure on the victim and her treatment.

As State legislatures continue to struggle with this issue, they should be encouraged to adopt standards to guarantee the maximum possible protection for the victim's privacy, without violating a criminal defendant's rights.

The legislation we are introducing today will help to ensure that result. First, it states the sense of the Senate that no court should order the disclosure of confidential communications between victims of sexual assault or domestic violence and their therapists or trained counselors unless, at a minimum, the defendant has made an adequate showing of the need for the disclosure, and the court has established adequate procedural safeguards against unnecessary or damaging disclosures.

Second, it directs the Justice Department to study and evaluate the manner in which the States have addressed this issue, and to develop model legislation for use by the States. In the last Congress, we directed the Justice Department to study and develop model legislation on the crime of stalking. There, as here, the goal was to guide the States toward enactment of laws that would be both effective and constitutional. I understand that a number of States have found the Justice Department's stalking report and model legislation useful, and I am hopeful that the legislation we are introducing today will prove equally valuable.

Finally, the bill directs the Judicial Conference to evaluate whether the Federal Rules of Evidence should be amended to guarantee the confidentiality of communications between assault victims and their counselors in Federal court proceedings.

Clearly, we need to do more to protect the rights of the victims of sexual assault and domestic violence, and to preserve the confidentiality of their treatment for the trauma they have suffered. This bill is a major step toward achieving these goals, and I look forward to working with Senator HATCH for its early enactment.

By Mr. BENNETT (for himself, Mr. CAMPBELL, and Mr. HATCH):

S. 2319. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

COLORADO RIVER BASIN SALINITY CONTROL ACT

Mr. BENNETT. Mr. President, I rise to introduce legislation which will amend the Colorado River Basin Salinity Control Act and authorize additional measures to carry out the salinity program.

The Colorado River Basin Salinity Control Program has been authorized by Congress and implemented by Federal and State entities for the last 20 years. There is now a need to update and revise the authorizations provided for in the Colorado River Basin Salinity Control Act so that the Bureau of Reclamation [Reclamation] can move ahead in a more responsive and cost-effective way with the portion of the program which Reclamation is responsible for administering. The following statement provides general background as to the purposes and legislative history of the Salinity Control Act and the identified reforms necessary to the act.

BACKGROUND

In the 1960's and early 1970's, rising salinity levels in the Lower Colorado River caused great concern because of damages inflicted by salt dissolved in the water. This damage was occurring in the United States and Mexico. In 1972, with the passage of the Clean Water Act, it was apparent that water quality standards needed to be adopted in the United States, and a plan of implementation to meet those water quality standards needed to be identified. The U.S. Environmental Protection Agency [EPA] published water quality standards for the Colorado River. The United States modified the treaty with Mexico to add to the United States' commitments a water quality parameter.

The Colorado River Basin States were involved in many of the discussions with respect to both the Mexico commitment and the water quality standards. Through the formation of a Colorado River Basin Salinity Control Forum, the States became collectively and formally involved in discussions with Federal representatives concerning the quality of the Colorado River.

At the urging, and with the cooperations of the basin States and the State Department, in 1974, the Colorado River Basin Salinity Control Act was enacted by Congress. That authority became formally known as Public Law 93-320 (88 Stat. 266), the Colorado River Basin Salinity Control Act. That act consisted of two titles. Title I addressed the United States commitment to Mexico, and title II addressed the authorization for programs above Imperial Dam to help control the water quality in the river for the benefit of users in the United States.

The amendments now being proposed in this legislation are exclusively related to title II authorizations. Title I has not been amended since the original enactment in 1974. Title II has received minor modifications as authorities were given to Reclamation to consider salinity control implementation strategies in some additional areas of the Colorado River Basin. More importantly, title II was amended in 1984 by Public Law 98-569 (98 Stat. 2933). The 1984 amendments provided for a formally constituted U.S. Department of Agriculture [USDA] program within the Salinity Control Act. The amendments gave additional responsibilities to the U.S. Bureau of Land Management [BLM] to seek for the cost-effective salinity control strategies. The amendments further described the basin States' cost-sharing responsibilities with respect to the USDA program, and further increased the cost-sharing requirements of the basin States with respect to newly authorized and implemented Reclamation programs.

NEEDED REFORMS

The Colorado River Basin Salinity Control Forum [Forum] has perceived for some period of time and need for amendments to the authorization relating to Reclamation's program. It has been felt by the States that the program has, at times, been encumbered by formalities imposed by Reclamation and the authorizing legislation which related to procedures Reclamation used in implementing major water development projects in decades past. It is felt that authorization which would allow Reclamation to avoid some of these encumbrances and move more expediently and cost effectively to the best salinity control opportunities would ensure compliance with the water quality standards of the Colorado River, and this compliance could be accomplished at less cost.

There is a need to allow Reclamation to consider salinity control strategy implementation in three geographic areas where planning documents have been prepared and cost-effective salinity control strategies have been identified. In the past, for Reclamation to implement salinity strategies in new areas, formal approval by Congress has been required. It is viewed that this is encumbering.

Further, it is felt that Reclamation needs flexibility so that it might move to opportunities with the private sector to cost-share, offer grants, and/or allow the private sector, rather than the Federal Government to contract for the expenditure of appropriated funds. In this manner the limited dollars would not be partially lost through expenses which have been directly identified with the use of Federal procurement procedures.

Last, Reclamation was authorized a ceiling expenditure in 1974 by Congress. After two decades, the funds expended are approaching the authorized ceiling. It is believed that it would be more appropriate for a $75 million authorization provision be placed on the program. This will allow the salinity program to move forward for approximately 3 to 5 years at proposed spending levels.

The Salinity Forum believes that legislative reform for the Reclamations program should be tailored after authorities given to the USDA by the Congress in 1984. The inspector general for the Department of the Interior released findings in 1993. Those findings are incorporated in a document entitled, "Audit Report, Implementation of the Colorado River Basin Salinity Control Program, Bureau of Reclamation" (March 1993). The above legislative proposals are in keeping with the recommendations of the inspector general.

Earlier this year, Reclamation sent out a broad-based mailing to affected parties and interest groups asking for recommendations concerning the need for potential future efforts by Reclamation with respect to salinity control. Further, Reclamation asked for input as to how the program might possibly be reformulated. The responses received by Reclamation are in keeping with this legislation and it is my understanding that the Bureau of Reclamation is expected to support this bill.

To that end, I appreciate the excellent working relationship that has existed between the Commissioner's Office of the Bureau of Reclamation, the Colorado River Basin Salinity Control

Forum, Senator CAMPBELL'S office and my office as we have worked out the details of this legislation.

By Mr. ROCKEFELLER (by request):

S. 2320. A bill to amend title 38, United States Code, to eliminate the requirement that veterans of the Philippine Commonwealth Army and the dependents and survivors of such veterans be paid certain benefits in Philippine pesos; to the Committee on Veterans' Affairs.

PHILLIPINES VETERANS CURRENCY ACT

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2320, a bill to eliminate the requirement that veterans of the Philippine Commonwealth Army including members of recognized guerrilla units, and the new Philippine Scouts and their dependents and survivors be paid certain veterans benefits in pesos. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated March 15, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Philippine Veterans Currency Act of 1994".

SEC 2. ELIMINATION OF REQUIREMENTS OF PAYMENT OF CERTAIN BENEFITS IN PHILIPPINE PESOS.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in the flush matter in subsection (a) below paragraph (3)—

(A) by striking out "in pesos"; and

(B) by striking out "in Philippine pesos"; and

(2) in the flush matter in subsection (b) below paragraph (3)—

(A) by striking out "in pesos"; and

(B) by striking out "in Philippine pesos".

(b) SURVIVORS AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—(1) Section 3532(d) of such title is amended by striking out "in Philippine pesos".

(2) Section 3565(b)(1) of such title is amended by striking out "in Philippine pesos".

THE SECRETARY OF VETERANS AFFAIRS,
Washington, DC, June 21, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: There is transmitted herewith a draft bill entitled the "Philippine Veterans Currency Act of 1993." I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

This draft bill would eliminate the requirement that veterans of the Philippine Commonwealth Army, including members of recognized guerrilla units, and the New Philippine Scouts, and their dependents and survivors, be paid certain Department of Veterans Affairs (VA) benefits in pesos. This draft bill would not affect the rate at which payment is made to these beneficiaries; it would only eliminate the restriction on the currency in which payment is made.

Section 107(a) and (b) of title 38, United States Code, provides that the payment to Philippine Commonwealth Army veterans, including members of recognized guerrilla units, and veterans of the so-called New Philippine Scouts of certain VA benefits "shall be made at a rate in pesos as is equivalent to $0.50 for each dollar authorized." Similarly, section 3565(b)(1) of title 38, United States Code, states that educational assistance allowances authorized by 38 U.S.C. §3532 and the special training allowance authorized by 38 U.S.C. §3542 for children of Commonwealth Army veterans and veterans of the New Philippine Scouts "shall be paid at a rate in Philippine pesos equivalent to $0.50 for each dollar." This reference to the peso in regard to the payment of certain benefits to Philippine veterans and their dependents and survivors originated in the First Supplemental Surplus Appropriation Rescission Act of 1946, ch. 30, 60 Stat. 6, 14, and the Second Supplemental Surplus Appropriation Rescission Act of 1946, ch. 271, 60 Stat. 221, 224.

The legislative history of these acts contains little reference to payment in pesos and does not explain the rationale for imposing this restriction on the currency for payment. However, we understand that, at the time the Congress enacted the First and Second Supplemental Surplus Appropriation Rescission Acts in 1946, the Philippine government was concerned with maintaining the stability of the Philippine currency in the face of widespread inflation and black-marketing. Shortly thereafter, the Second Congress of the Philippines enacted Republic Act No. 529, approved on June 16, 1950, which made it illegal to require payment of any obligation in gold or in any particular kind of currency other than Philippine currency. Payment of certain veterans' benefits to veterans of the Philippine Commonwealth Army and the New Philippine Scouts and their dependents and survivors in pesos rather than in United States dollars was in keeping with the policy of the Philippine government to maintain the stability of the Philippine currency.

For approximately the past 20 years, these statutory provisions requiring payment to be made in pesos have been implemented by the use of a procedure called "lipsticking" of checks. U.S. Treasury Dep't Circular No. 1081, 1st Rev. (Nov. 8, 1972) and 2d Rev. (Dec. 28, 1976), copies enclosed, provided that, to assist the Philippine government in implementing its foreign exchange regulations, checks drawn on the United States Treasury in dollars for delivery to certain Philippine citizens in the Philippines were to be "lipsticked," i.e., overprinted in red ink with a restrictive legend by the Treasury regional disbursing office in Manila. Under the revised circular, this legend reads: "Payable only in pesos through authorized agent banks of the Central Bank of the Philippines and Postal Offices." General use of the lipsticking procedure apparently began as a result of Note No. 68-533, issued November 27, 1968, by the Department of Foreign Affairs of the Republic of the Philippines, which contained proposals for channeling United States expenditures into the Philippine government banking system. The United States Embassy responded in Note No. 297 dated April 23, 1969, in which it agreed to overprint all United States Treasury dollar checks issued and delivered in the Philippines to Philippine citizens in order to assist in the implementation of Philippine foreign exchange regulations.

Last year the Department of State (DoS) requested that the Department of the Treasury no longer "lipstick" checks issued to Philippine citizens. According to the enclosed February 5, 1992, letter from the First Secretary, Economic Section, American Embassy, Manila, Philippines, the DoS believes that lipsticking is no longer necessary on dollar checks issued to Philippine citizens in the Philippines because of Central Bank Circular 1318, which liberalizes Philippine foreign exchange control measures. VA, however, was unable to agree to elimination of lipsticking of veterans-benefit checks. The VA General Counsel concluded, in O.G.C. Advis. 36-92, that 38 U.S.C. §§107(a) and (b) and 3565(b) do not permit elimination of the restrictive endorsement on checks issued in United States dollars to beneficiaries who are veterans of the Commonwealth Army or the New Philippine Scouts, and their dependents and survivors, who reside in the Philippines. We understand that lipsticking of other Treasury checks issued to Filipinos has been discontinued and that the only checks which are currently lipsticked by the Department of the Treasury are those issued to veterans of the Commonwealth Army and the New Philippine Scouts and their dependents and survivors who are entitled to certain veterans' benefits and who reside in the Philippines.

It appears that the rationale for requiring payment of veterans' benefits in pesos to certain Philippine veterans no longer exists. Congress apparently imposed this restriction in 1946 because it was in keeping with the policy of the Philippine government to maintain the stability of the Philippine currency. However, a February 26, 1992, letter from the Deputy Governor, Central Bank of the Philippines, and a June 1992 cable from the American Embassy, Manila, Philippines, copies enclosed, stated that the Philippine Central Bank and the Department of Foreign Affairs of the Philippine government have indicated no objection to the discontinuation of lipsticking. Rather, the effect of the restrictive endorsement on Treasury checks has seemingly been nullified by a September 8, 1992, circular letter issued by the Central Bank of the Philippines, copy enclosed, which provides that effective October 1, 1992, United States Treasury checks, whether or not they are lipsticked, may be cashed in foreign exchange or converted into pesos at the option of the payee. The circular states that this policy is consistent with Central Bank Circular No. 1353, dated August 24, 1992, copy enclosed, which liberalized Philippine foreign exchange regulations.

In light of the foregoing, we see no reason to continue the requirement that payments to certain Philippine veterans be made in pesos and recommend that it be eliminated. This proposal would result in no additional benefit costs and would result in insignificant administrative cost savings. We urge that the House promptly consider and pass this legislative item.

Sincerely yours,

JESSE BROWN,
Secretary.●

By Mr. ROCKEFELLER (by request):

S. 2321. A bill to amend title 38, United States Code, to make eligible for burial in the national cemeteries the spouses of veterans who predecease the veterans; to the Committee on Veterans Affairs.

ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES

● Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2321, a bill to restore the statutory eligibility for burial in national cemeteries of spouses who predecease individuals eligible for such burial. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated July 26, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY FOR BURIAL IN NATIONAL CEMETERIES OF SPOUSES WHO PREDECEASE VETERANS.

Section 2402(5) of title 38, United States Code, is amended by striking out "The surviving spouse," and inserting in lieu thereof "The spouse, surviving spouse,".

THE SECRETARY
OF VETERANS AFFAIRS
Washington, DC, July 26, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am forwarding draft legislation to clarify the eligibility of veterans' spouses for burial in national cemeteries. I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

As originally enacted in the National Cemeteries Act of 1973, section 1002(5) (now section 2402(5)) of title 38, United States Code, governing eligibility for national cemetery burial, authorized interment of the husbands, wives, surviving spouses, and minor children of individuals eligible for national-cemetery burial based on their military service. The Veterans' Benefits Improvement and Health Care Authorization Act of 1986, Pub. L. No. 99-576, §701(54)(B), 100 Stat. 3248, 3295 (1986), made a technical amendment to 38 U.S.C. §1002(5) (now §2402(5)) making that provision gender neutral by deleting reference to the "wife" or "husband" of the eligible individual. As a result, section 2402(5) now refers only to the "surviving spouse," not the spouse, of the eligible person. By providing eligibility for only the "surviving" spouse, this change had the unintended effect of deleting statutory provision for National Cemetery burial of a veteran's spouse who predeceases the veteran.

Department of Veterans Affairs (VA) regulations at 38 C.F.R. §1.620(f) continue to provide eligibility for a spouse who predeceases an eligible individual. The draft bill would restore the reference in the statute to eligibility for the spouse who predeceases the eligible individual.

Because enactment of our proposal would effect only a technical clarification of the law as currently being applied, VA estimates there would be no associated administrative or benefit costs.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this draft bill to the Congress.

Sincerely yours,

JESSE BROWN.●

By Mr. ROCKEFELLER (by request):

S. 2322. A bill to amend title 38, United States Code, to increase the cost that the Secretary of Veterans Affairs may incur to pay for a contract burial of a nonservice-connected disabled veteran who dies in a Department of Veterans Affairs facility, and for other purposes; to the Committee on Veterans' Affairs.

INCREASE IN DEPARTMENT OF VETERANS AFFAIRS CONTRACT BURIAL AUTHORITY

● Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2322, a bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay the actual cost of a contract burial, not to exceed $600, to bury a nonservice-connected veteran who dies in a Department of Veteran Affairs [VA] facility and for other purposes. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 21, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMOUNT OF CONTRACT BURIAL COSTS OF NONSERVICE-CONNECTED DISABLED VETERANS WHO DIE IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) AUTHORITY.—Paragraph (1) of section 2303(a) of title 38, United States Code, is amended by striking out "within such limits," and inserting in lieu thereof "within such limits (in the case of a service-connected veteran) or at a cost not to exceed $600 (in the case of a nonservice-connected veteran),"

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking out "section 1701(4)" in the matter above paragraph (1) and inserting in lieu thereof "section 1701(3)".

SEC. 2. REVISED SUBMITTAL DATE FOR REPORT ON ANNUAL ANALYSIS OF DEPARTMENTWIDE ADMISSIONS POLICIES.

Section 8110(a)(3)(B) of title 38, United States Code, is amended by striking out "December 1" and inserting in lieu thereof "April 1".

THE SECRETARY OF VETERANS
AFFAIRS,
Washington, DC, June 21, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed is a draft bill "To amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to pay the actual cost of a contract burial, not to exceed $600, to bury a nonservice-connnected veteran who dies in a Department of Veterans Affairs (VA) facility and for other purposes." Included in the draft bill is a technical correction to amend section 2303(a) by substituting 1701(3) for 1701(4). Also included in the draft bill is an amendment to extend the bed level report deadline from December 1 to April 1 of the following year. We ask that it be referred to the appropriate committee for prompt consideration and favorable action.

Currently, subsection (a)(1) of section 2303 of title 38, United States Code, grants VA authority to pay the actual cost, not to exceed $300, to bury a nonservice connected veteran who dies in a VA facility.

We have found that since 1978 when this authority was last increased from $250 to $300, funeral expenses have increased significantly. As a result, the $300 statutory limitation has made it increasingly difficult, in most areas of the country, for the VA to find a mortuary willing to provide traditional funeral and burial services (i.e., preparation of the body, clothing, casket and transportation of the body) for an amount they claim fails to cover their expenses.

The draft bill would buttress and purchasing power of this authority which, since 1978, has been increasingly eroded by inflation. Specifically, it would amend subsection 2303(a)(1) of title 38, United States Code, to authorize the Secretary to pay the actual cost, not to exceed $600, for a contract burial.

This increase in VA's authority applies to contracts for burial services of unclaimed nonservice-connected veterans. The allowance in the case of a veteran whose remains are claimed by family or friends who assume responsibility for the veteran's burial will remain $300. A veteran who dies as a result of a service-connected disability will continue to be eligible to receive the higher amount specified in section 2307, title 38, United States Code, for his/her burial.

The change in the statutory limitation from $300 to $600 for each contract burial reflects the increased rates charged for such services and would provide the VA with the necessary monetary means to meet those demands.

The technical correction would amend section 2303(a) of title 38, United States Code, by substituting the intended references to section 1701(3), pertaining to "facilities of the Department" for section 1701(4), "non-Department facilities."

Under existing law, VA's Under Secretary for Health must, at the end of each fiscal year, analyze department wide admission policies and available data on the numbers of eligible veterans VA rejects for care or does not provide with timely care. The law further requires the Under Secretary for Health to report on and make recommendations to the Secretary concerning the adequacy of VA operating bed levels, the appropriate distribution of those beds, and the demographic characteristics of the veteran population seeking VA care. The Secretary must then, by December 1 of each year, report that information to the Congress together with recommendations regarding the number of operating beds VA requires to meet the demand, and staffing and funding levels required for such operating bed levels.

Experience has demonstrated that VA cannot gather meaningful data in time to provide the Congress with useful information by December 1 of each year. To meet the report deadline, VA must use incomplete preliminary fiscal year data. Final fiscal year data is generally not available until mid-December. The time required for analysis of that data and development of a report to Congress can also be lengthy.

Consequently, changing the due date for this report to April 1 of the following year would permit VA to furnish the Congress with useful and valid information based on data that has undergone the sort of thorough scrutiny necessary for the Secretary to make meaningful recommendations to the congressional committees needing the report.

VA estimates the costs from enactment of the proposed contract burial of unclaimed nonservice-connected veterans' provision to be $545,794 in 1994; $570,355 in FY 1995; $596,021 in FY 1996; $622,842 in FY 1997; and $650,870 in FY 1998.

Enactment of extending the bed level report deadline proposal would entail no new costs.

The Office of Management and Budget advises that there is no objection to the submission of this legislative proposal and that its enactment would be in accord with the program of the President.

Sincerely yours,

JESSE BROWN.●

By Mr. ROCKEFELLER (by request):

S. 2323. A bill to amend title 38, United States Code, to clarify the coverage and protection provided to medical quality assurance records by section 5705 of that title; to the Committee on Veterans' Affairs.

DEPARTMENT OF VETERANS AFFAIRS QUALITY ASSURANCE PROGRAM AMENDMENTS

● Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2323, a bill to amend title 38, United States Code, to clarify the coverage and protection provided to medical quality assurance records by section 5705 of that title. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated March 15, 1994.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BAN ON DISCLOSURE OF MEDICAL QUALITY ASSURANCE INFORMATION.

Subsection (a) of section 5705 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2)(A) Except as provided in subsection (b), no part of any medical quality assurance record or document described in subsection (a)(1) may be subject to discovery or admitted into evidence in any judicial or administrative proceeding.

"(B) An individual who reviews or creates medical quality assurance records or documents for the Department or who participates in any proceeding that reviews or creates such records or documents may not be permitted or required to testify in any judicial or administrative proceeding with respect to such records or documents or with respect to any finding, recommendation, evaluation, opinion, or action taken by such person in connection with such records or documents except as provided in this section.".

SEC. 2. DISCLOSURE AUTHORITY.

(a) CLARIFICATION OF COVERAGE.—Subsection (b)(1) of section 5705 of title 38, United States Code, is amended by striking out "or document" in the matter above subparagraph (A) and inserting in lieu thereof ", document, or testimony".

(b) DISCLOSURE FOR PROFESSIONAL USE.—Such subsection is further amended by adding at the end the following:

"(E) In an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality referred to in subparagraph (C), but only concerning the subject of such proceeding.

"(F) To a governmental board or agency or to a professional health care society or organization, if such record or document is needed by the board, agency, society, or organization to issue a professional license or credential to or to monitor the compliance with professional standards of any health care provider who is or was an employee of the Department.

"(G) To a hospital, medical center, or other institution that provides health care services, if such record or document is needed by the institution to assess the professional qualifications of any health care provider who is or was an employee of the Department and who has applied for or been granted authority or employment to provide health care services in or on behalf of such institution.

"(H) To an administrative or judicial proceeding commenced by a present or former Department health care provider concerning the termination, suspension or limitation of the clinical privileges of such health care provider, or concerning any adverse action involving such health care provider, but only to the extent that such records or documents relate to the clinical conduct or performance of the individual who has commenced the action.".

(c) REMOVAL OF IDENTITIES.—Subsection (b)(2) of such section is amended by striking out "if disclosure" and all that follows through "personal privacy" and inserting in lieu thereof "subparagraphs (1)(A) and (1)(B) of this subsection".

SEC. 3. LIMITATION ON DISCLOSURE.

Paragraph (3) of section 5705(b) of title 38, United States Code, is amended to read as follows:

"(3) A person or entity having possession of, or access to, information, records, or documents, or testimony relating thereto, that is subject to the provisions of this section may not disclose such information, records, or documents, or any testimony relating thereto, in any manner or for any purpose except for a purpose as provided in this subsection. No person or entity to whom a record or document has been disclosed under this subsection shall make further disclosure of such record or document except for a purpose provided in this subsection.".

SEC. 4. ACCESS TO RECORDS.

Subsection (b) of section 5705 of title 38, United States Code, is amended by adding at the end the following:

"(7) Medical quality assurance records and documents described in subsection (a) which are subject to section 552a of title 5 may not be disclosed in accordance with that section except to the extent that such disclosure is also authorized under this section.

"(8) Medical quality assurance records or documents described in subsection (a) which are also subject to section 552a of title 5—

"(A) shall not be subject to the access provisions of such section 552a to the extent that such access would reveal the identities of participants in the quality assurance process which generated the records or documents; and

"(B) are not subject to the amendment provisions of such section 552a.

"(9) Medical quality assurance records and documents described in subsection (a) may not be made available to any person under section 552 of title 5.".

SEC. 5. REGULATIONS.

Subsection (d)(2) of section 5705 of title 38, United States Code, is amended by striking out "specified in" and inserting in lieu thereof "accomplished in accordance with".

SECRETARY OF VETERANS AFFAIRS,
Washington, DC, March, 15, 1994.
Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: There is transmitted herewith a draft bill to amend the statute which provides for the confidentiality of specified medical quality assurance program records of the Department of Veterans Affairs (VA). This statute, section 5705 of title 38, United States Code, was originally enacted in 1980 to ensure the continued participation of VA health care practitioners in the peer review process essential to any successful medical quality assurance program at VA medical facilities. (This process is often also called quality management.) Protection of the discussions, deliberations and other peer review activities of health care practitioners is widely accepted in the medical community as necessary to obtain the full and frank evaluation of health care practitioners by their peers. As far as we can determine, almost every state has a similar statute, and in 1986 Congress enacted a statute, 10 U.S.C. §1102, which is based on section 5705, to provide for the confidentiality of Department of Defense Medical Quality Assurance Peer Review Program records.

Since the enactment of section 5705 in 1980, the nature of quality assurance activities conducted by all types of health care facilities, including VA medical centers, has evolved and grown more sophisticated, as have the uses of data and information generated by those activities. Many of these changes have come as a result of the Joint Commission on Health Care Organizations' (JCAHO) directives. The JCAHO actions have been directed at VA medical facilities as well as non-VA institutions, and are integral to continued JCAHO accreditation of VA health care facilities.

In other words, many factors compel the Department to seek to amend section 5705 at this time. These factors include: the continued need to ensure the confidentiality of peer review activities and documents reflecting those activities in order to obtain full and frank evaluations of the medical care provided the Nation's veterans so that VA may improve that care; the continuing evolution in what constitutes quality assurance activities; the changing uses to be made of that data; the directives of the JCAHO which must be met concerning activities and uses of data generated in those activities in order to ensure continued accreditation of VA medical facilities by JCAHO; the Department's experiences after approximately 12 years with the current statute; discussions with DoD personnel concerning implementation of 10 U.S.C. §1102; and discussions with the Department of Justice personnel concerning issues relating to defending the confidentiality of VA quality assurance records in litigation.

The purpose of these proposed amendments to section 5705 is to ensure the viability of the quality assurance process while continuing to provide for the confidentiality of the records and activities essential to the success of that process, and hence, to the improvement of medical care for VA beneficiaries.

Several of the amendments are derived from language in the DoD statute. Section 5705 now plainly states that records protected by the statute are privileged and confidential and cannot be disclosed outside VA except as expressly authorized by the statute. Despite this clear bar against disclosure, VA repeatedly is involved in litigation in which parties seek access to medical quality assurance records protected by section 5705 or to the testimony of the individuals who participated in the activity which created the records. (Such litigation has been unsuccessful in the past, but the need to continually relitigate the issue is burdensome.)

The DoD statute, section 1102, goes into more detail than section 5705, expressly barring release of records in judicial or administrative proceedings and barring testimony about the activities reflected in, or contents of, the records. Incorporation of this more detailed explanatory section 1102 language into section 5705 would make clear that the general bar of section 5705 applies to the most commonly occurring situations which are specifically addressed in section 1102. Accordingly, the proposed legislation incorporates the language of subsection 1102(b) as subsection (a)(2) of section 5705.

Similarly, section 5705-protected records are protected from disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. §552, as are records protected by section 1102. However, section 1102 specifically bars release of medical quality assurance records under FOIA. The proposed amendment would incorporate this language from subsection 1102(f) into subsection 5705(b)(9).

Further, the adoption of language similar to the language in subsection 1102(e) as part of subsection 5705(b)(3) would ensure that prohibition against disclosure or redisclosure of section 5705-protected records applies to any individual who has access to the records.

Section 1102(c)(1) authorizes the disclosure of medical quality assurance records in certain situations in which the VA currently may not release its similar section 5705-protected medical quality assurance records. These section 1102 disclosure authorities are more consistent with the uses now made of quality assurance data by medical facilities generally. For example, JCAHO now requires medical facilities to use quality assurance information in deciding whether to grant, renew, limit or revoke the clinical privileges of health care practitioners in those facilities. Similarly, a protected quality assurance investigation may reveal that disciplinary or other adverse personnel action is necessary against a health care professional for his or her activities or conduct in the matter investigated in the quality assurance process. Use of this type of information for these purposes necessarily requires disclosure of that information in certain circumstances, including disclosures in administrative and judicial proceedings.

Currently, in both situations, VA must recreate the information first created as part of a protected quality assurance activity in order to be able to use it and release it as required in the course of either making or defending a privileging decision, and in the course of either making or defending a disciplinary or other adverse personnel action, particularly when defending VA's actions in court because section 5705 currently bars disclosure of confidential and privileged records in court. It is unnecessarily burdensome for the VA to be required to re-create the information contained in section 5705 records in a nonsection 5705 process and to maintain these duplicate records in order to be able to use the data as JCAHO now requires, or as commonly used elsewhere in the medical community.

Section 5705 requires the deletion of personally identifying information before disclosure of the medical quality assurance records outside VA if the disclosure would constitute a clearly unwarranted invasion of the personal privacy of VA patients and employees as well as participants in the quality assurance activity. Section 1102 simply requires deletion of the identifying information. The proposed amendment adopts the section 1102 redaction procedure in those situations where it appears that the recipient would have no need for the identifying data.

Currently, the Department does not file or retrieve section 5705 medical quality assurance records by the name of any individual. The rationale is that the disclosure authorities of the two statutes are not identical; the Privacy Act permits, and in some instances, section 5705 requires, disclosure of records in situations not authorized by the other. Thus, if section 5705 records were to be retrieved by an individual identifier, disclosure of the record might require VA to violate one of the two statutes. Yet, VA is facing an increasing need to file these records by the name or other individual identifier in order to be able to effectively use them in the privileging process because JCAHO requires health care facilities to use the data for that purpose. The proposed amendment resolves this conflict between the two statutes' disclosure provisions by providing that section 5705 records retrieved by an individual's name may be disclosed only when both statutes authorize the disclosure.

Further, the legislation addresses the related problem of the individual health care provider's Privacy Act rights of access to, and amendment of, individually identified and retrieved section 5705 records about that individual by treating the records as records are treated under subsection (k) of the Privacy Act, particularly paragraphs (k) (2) and (5). Specifically, the individual normally would have a right to access to the records without information identifying quality assurance review activity participants, particularly identifying information concerning those health care professionals who had reviewed the clinical actions of the individual.

Additionally, in these situations, the individual would not be able to amend section 5705-protected records. This result is also similar to case law concerning Privacy Act records generally that where individuals have a comprehensive remedial scheme, such as in the Civil Service Reform Act, that scheme constitutes a jurisdictional bar to challenging Federal employment decisions by means of the amendment provision of the Privacy Act. See, e.g., *Kleiman* v. *Department of Energy*, 956 F. 2d 335 (D.C. Cir. 1992); *Houlihan* v. *Office of Personnel Management*, 909 F. 2d 383 (9th Cir. 1990) (per curiam). VA health care professionals either are subject to the Civil Service Reform Act or have a similar remedial scheme in title 38.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this report and legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN. ●

By Mr. ROCKEFELLER (by request):

S. 2324. A bill to amend title 38, United States Code, to provide that employees appointed under chapters 73 and 74 of that title have protection against certain prohibited personnel practices; to the Committee on Veterans' Affairs.

PROTECTION AGAINST PROHIBITED PERSONNEL PRACTICES FOR CERTAIN VA EMPLOYEES

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 2324, a bill to amend title 38, United States Code, to provide to employees appointed under that title, protection from prohibited personnel practices. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 21, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD with Secretary Brown's transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION AGAINST CERTAIN PROHIBITED PERSONNEL PRACTICES.

(a) IN GENERAL.—Subchapter II of chapter 74 of title 38, United States Code, is amended by adding at the end the following:

"§ 7427. Protection from prohibited personnel practices

"(a)(1) The provisions of law referred to in paragraph (2) apply to any individual appointed as an employee of the Veterans Health Administration under chapter 73 of this title or under this chapter.

"(2) The provisions of law referred to in paragraph (1) are sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, and 2302 of title 5.

"(b) The authority of the Merit Systems Protection Board and of the Office of Special Counsel to review any personnel action under the authority provided for under a provision of law referred to in subsection (a) shall apply only to the extent specified in the provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7426 the following new item:

"7427. Protection from prohibited personnel practices.".

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We are transmitting a draft bill, "To amend title 38, United States Code, to provide to employees appointed under that title, protection from prohibited personnel practices." We request that it be referred to the appropriate committee for prompt consideration and enactment.

This proposal would amend title 38 U.S.C. to provide to title 38 employees (VA medical professionals such as physicians, dentists and nurses) the same protections against prohibited personnel practices, including protection against reprisal for whistleblowing, that apply to other Federal employees. Thus, the bill would establish that the protections apply to title 38 employees; the independent Office of Special Counsel's investigatory and enforcement authorities apply to title 38 employees; title 38 employees could seek Merit Systems Protection Board review of whistleblowing claims; and the WPA's reduced burden of proving whistleblowing claims applies to title 38 employees. The proposal would emphasize that the Office of Special Counsel and the Merit Systems Protection Board are limited to reviewing title 38 employees claims solely on title 5 grounds.

Congress originally enacted the protections against prohibited personnel practices as part of the Civil Service Reform Act. VA has always viewed these protections as applying to title 38 under VA's separate and exclusive personnel system for medical professionals. Congress strengthened these protections when it enacted the Whistleblower Protection Act (WPA). The WPA authorized Federal employees to seek review of whistleblower claims by the Merit Systems Protection Board (MSPB). The MSPB, however, ruled in *Alvarez* v. *VA*, 49 M.S.P.R. 682 (1991), that title 38 medical professionals could not seek MSPB review of their whistleblowing claims because they were limited to the review mechanisms of the title 38 personnel system.

In strengthening whistleblower protections, the WPA changed the burden of proof to make it easier for whistleblowers to establish their claims. Moreover, even though title 38 whistleblowers may raise their claims under the title 38 personnel system, the revised easier burden of proof under the WPA would not apply. In this regard, the House Committee on Government Operations found that protections for title 38 whistleblowers to be inadequate in the absence of WPA protections, and recommended remedial legislation. *Continuing Deficiencies in the Department of Veterans Affairs Medical Quality Assurance Program*, H. Rep. No. 1062, 102d Cong., 2d Sess. 20 (1991).

This proposal would confirm that prohibited personnel practices protections, including protection against whistleblower reprisal, apply to title 38 employees to the same extent as they apply to other Federal employees. The proposal additionally would confirm that the expanded protections of WPA apply to VA medical professionals, including independent investigation by the Office of Special Counsel and review by MSPB.

There are no costs associated with this proposal.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the submission of this legislative proposal to the Congress.

Sincerely yours,
JESSE BROWN.

ANALYSIS OF DRAFT BILL

The bill would add a new section, 7427 to title 38, United States Code, to provide to title 38 employees the same protections against prohibited personnel practices, including protection against reprisal for whistleblowing, that apply to other Federal employees.

Proposed section 7427(a) would confirm that title 5 provisions protecting Federal employees against prohibited personnel practices apply to title 38 employees. In addition, it would confirm that the Office of Special Counsel's investigative, corrective action and disciplinary authorities apply to title 38 employees. This subsection also would provide title 38 employees with the right to seek review of whistleblowing claims by the Merit Systems Protection Board.

Proposed section 7427(b) would emphasize that the Office of Special Counsel and the Merit Systems Protection Board review of allegations of prohibited personnel practices involving title 38 employees is limited to title 5 grounds.•

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 2325. A bill to amend certain laws under the jurisdiction of the Secretary of Veterans Affairs to reauthorize programs relating to substance abuse and homeless assistance for veterans, to authorize a demonstration program to provide assistance to homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

PROGRAMS TO ASSIST HOMELESS VETERANS

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee of Veterans' Affairs, I am pleased to introduce, with the cosponsorship of Senators AKAKA, DASCHLE and CAMPBELL, a bill that would reauthorize several important programs to assist veterans who suffer from homelessness and substance abuse problems, and establish a demonstration project in which VA would form partnerships with community-based organizations to provide assistance to homeless veterans.

Mr. President, studies reveal that between 30 and 40 percent of those who are homeless are veterans. More than half of all homeless veterans suffer from substance abuse problems, one-third from mental illnesses, and many from both disorders. This situation is tragic and, unfortunately, very difficult to address. Homeless veterans with substance abuse problems or mental illnesses are often the most difficult to reach and to rehabilitate. Short-term detoxification and shelter beds provide only the first steps in homeless veterans' recovery and reintegration into society.

In some cases, the reasons veterans become homeless are closely linked to their military service—war-related trauma like post-traumatic stress disorder, service-connected disabilities, economic hardship, missed opportunities from being in the service, and lack of job skills. Such a wide array of problems demands a wide array of services.

Mr. President, in an attempt to address this problem, Congress and the Department of Veterans Affairs have developed several highly innovative and successful programs for homeless veterans which provide outreach and contracting services, domiciliary care, work therapy, job training, and grants to community-based organizations that serve homeless veterans. The Administration's recently published "Federal Plan to Break the Cycle of Homelessness," cites VA on several occasions as a model homeless assistance provider. While commenting on the needs of the homeless generally, the Federal plan states:

> [a]ccommodating the diversity and range of assistance needs among homeless persons will require the development of comprehensive, yet flexible, community-based continuums of care, much like those VA is working to develop through its Comprehensive Homeless Centers.

Mr. President, community-based organizations also provide an essential component in the array of services to homeless veterans. Organizations around the country provide food, shelter, clothing, education, training, job opportunities, and many other services. One of the most visible signs of communities reaching out to assist homeless veterans has been the increasing number of stand-downs. A stand-down is typically a 2- or 3-day event in which community volunteers give homeless veterans a safe haven from the streets and shelters, and provide them with a myriad of medical, economic, and personal assistance. There have been nearly 60 stand-downs held or planned for this year—nearly twice the number as in 1993.

Mr. President, the bill that I introduce today would, among other things, reauthorize several innovative VA programs to help veterans who suffer from homelessness and substance abuse. It also would authorize a demonstration project that would authorize a cooperative partnership between VA and community-based organizations to assist homeless veterans.

SUMMARY OF PROVISIONS

Mr. President, the bill I am introducing contains a stand-alone provision and amendments to title 38, the Stewart B. McKinney Homeless Assistance Act, and various public laws that would:

First, reauthorize until September 30, 1996, the Compensated Work Therapy/Transitional Residence Program for veterans who suffer from severe substance abuse problems and homelessness;

Second, make permanent VA's authority to contract with non-VA halfway houses for rehabilitation services for veterans with substance abuse problems;

Third, authorize appropriations, through fiscal year 1997, for the Homeless Veterans' Reintegration Project, a program administered by the Department of Labor to assist homeless veterans to receive job training and employment opportunities;

Fourth, reauthorize until September 30, 1998, the Homeless Chronically Mentally Ill Program, which provides outreach and contract care in non-VA facilities for homeless veterans with severe mental illnesses, and codify the program in title 38;

Fifth, require VA to submit an annual report on its activities to assist homeless veterans, including information on the number of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities;

Sixth, require that VA complete an assessment of the needs of homeless veterans, as required by Public Law 102-405, report its finding to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually for 3 years;

Seventh, establish up to five homeless veterans demonstration projects in various locations that would combine VA case management services and community-based organization housing and employment programs.

Eighth, raise the limit on the number of comprehensive homeless centers that VA may establish from 4 to 12; and,

Ninth, remove the requirement in the Homeless Veterans Comprehensive Service Programs Act of 1992 that funds for various initiatives in that law be specifically provided for in an appropriations law.

DISCUSSION

REAUTHORIZATION OF DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING

Mr. President, section 1 of the bill would reauthorize for 2 years a demonstration program that provides veterans with compensated work therapy and therapeutic transitional housing [CWT/TR]. The current authority for this program expires at the end of this fiscal year.

The CWT/TR program, enacted in 1991, authorizes VA to purchase and renovate 50 residences as therapeutic transitional houses for chronic substance abusers, many of whom are also homeless, jobless, and have mental illnesses. Veterans must pay rent from money earned by working from private businesses or Federal agencies which have contracts with VA to employ the veterans. Once the residence is fully renovated and operational, the rent collected from the veterans participating in the program generally has exceeded the operating costs of the residence.

Mr. President, 36 therapeutic residences are fully operational, with the remaining 14 to be completed by the end of the year. While the long-term benefits of this demonstration program may be difficult to determine at this point, it appears to have had initial success. Well over half of participating veterans complete the program and have enjoyed substantially better sobriety, employment, and housing status than before entering the program. Also, the concept of VA case management services linked with therapeutic employment and training remains attractive and worthy of more study. The demonstration project that would be authorized by section 7 of this bill, and which I will discuss later, is based on the CWT/TR model.

PERMANENT AUTHORITY TO PROVIDE TREATMENT AND REHABILITATION FOR ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES

Mr. President, my bill would make permanent VA's authority to contract with non-VA halfway houses for rehabilitation services for veterans with substance abuse problems. The programs' current authority expires on December 31, 1994.

This contract program was first authorized in 1979 and has become one of VA's most important substance abuse treatment programs. It operates at 110 medical centers and treated 6,300 veterans in fiscal year 1993. The administration's fiscal year 1995 budget request assumes that Congress will reauthorize this program. The program would continue to be funded within VA's medical care budget. Granting VA the permanent authority to contract with non-VA halfway houses gives solidity and continuity to a program that has proved its worth over time and will remain an integral part of VA's treatment of veterans with substance abuse.

REAUTHORIZATION OF HOMELESS VETERANS' REINTEGRATION PROJECTS

Mr. President, section 3 would reauthorize the homeless veterans' reintegration projects [HVRP] through fiscal year 1997. Under the HVRP, established under the Stewart B. McKinney Homeless Assistance Act of 1987, the Department of Labor Veterans Employment and Training Service is authorized to provide grants on a competitive basis to community-based organizations to provide employment training and placement to homeless veterans.

This grant program has been appropriated only $5 million per year in recent years, and has assisted 32 community groups with programs to help homeless veterans reintegrate back into the labor force. Although small, HVRP offers a crucial element in the continuum of services that homeless veterans need.

AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS

Mr. President, section 4 of my bill would reauthorize for 4 years the Homeless Chronically Mentally Ill [HCMI] Program, and codify the program in title 38, United States Code. The HCMI Program, one of the two major VA homeless programs, authorizes VA outreach workers to contact homeless veterans in the community, assess and refer veterans to community services, and place eligible veterans in contracted community-based residential treatment facilities.

Mr. President, the HCMI Program was enacted in 1987 as a pilot program with a budget of only $5 million. It has been reauthorized several times but remains a pilot program, despite the fact that it operates out of 57 medical centers and has a $29 million budget. Reauthorizing and codifying this program in chapter 17, title 38, would clarify its current authority, heighten its status, and demonstrate the persistence of homelessness. Similar to the contract program for veterans with chronic substance abuse programs, which I propose to make permanent in section 1, the HCMI program has proven its worth long ago and should be among the title 38 programs to assist homeless veterans.

REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS

Mr. President, my bill would require VA to submit an annual report on its activities to assist homeless veterans, including information on the numbers of homeless veterans served and the costs to the Department of its activities, and to report biannually on the effectiveness of these activities.

Mr. President, the Department is, to a large degree, already fulfilling the reporting requirements under this provision. The Northeast Program Evaluation Center, in West Haven, CT, conducts in-depth analyses of many VA specialized programs, including programs for veterans who suffer from PTSD and severe mental illness, substance abuse, and homelessness.

Section 5 of my bill would ensure that the Department continues to share these important studies with Congress to assist policymaking and oversight of VA programs for homeless veterans. An annual report that describes VA's previous year activities to assist homeless veterans and information on the number of veterans served and cost of homeless programs would be submitted to assist Congress with yearly funding decisions. Also, on a biannual basis, VA would be required to submit, in conjunction with the above information, an analysis of the effectiveness of its homeless programs.

REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS

Mr. President, section 6 of my bill would require VA to complete an assessment of the needs of homeless veterans, as required by Public Law 102-405, report its findings to the Senate and House Committees on Veterans' Affairs by December 31, 1994, and update this report annually for 3 years.

Public Law 102-405 required the Secretary to assess programs developed by facilities of the Department which have been designed to assist homeless veterans. In carrying out this assessment, the Secretary is directed to require the director of each VA medical center and regional office to assess the needs of homeless veterans within the area served by the facility, including veterans' needs for health care, education and training, employment, shelter, counseling, and outreach services. Also, the directors are required, along with other local officials and homeless service providers, to develop a list of all public and private programs to assist homeless persons in the areas served by the VA facilities.

Mr. President, Public Law 102-405 was enacted nearly 2 years ago. Although an interim report was submitted to the committee in June 1993, the Department has progressed slowly in fulfilling the requirements of the law. The Department pointed out at a February 23, 1994, hearing on homeless veterans that Congress did not place a submission deadline for the survey required in Public Law 102-405. Section 6 of this bill would do just that. The Secretary would be required to submit this report to the committee by December 31, 1994. At the hearing, I was pleased to learn that work had begun to complete this survey; therefore, I feel December 31, 1994, is a reasonable deadline.

DEMONSTRATION PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS AND COMMUNITY-BASED ORGANIZATION PARTNERSHIPS TO ASSIST HOMELESS VETERANS

Mr. President, section 7 of the bill would establish up to five homeless veterans demonstration projects in various locations that would combine VA case management services and community-based organization [CBO] housing and employment programs.

We are constantly challenged to find new and better ideas to assist the variety of needs of the homeless, despite fewer and fewer resources to dedicate to these needs. There are many programs run by Federal, State, and local governments, community and church organizations, and private citizens, to assist the homeless. Unfortunately, these programs frequently compete with one another for funds and, as a result, do not work together or share good ideas.

Mr. President, the demonstration project that I am proposing seeks to forge partnerships among homeless veterans service providers, capitalizing on the strengths of both VA and community organizations. VA would provide clinical staff and case managers from a local medical center, and the CBO's would provide housing and employment services to homeless veterans. These partnerships should be cost effective and provide the continuum of care that homeless veterans need.

Specifically, the Secretary would be required to enter into agreements with up to five CBO's that encourage veterans to assume homelessness, provide transitional housing and employment training or placement assistance, collect rent from the employment-related income of the veterans, and use the rent to offset program expenses. The Secretary would make available to the CBO clinicians from the local VA medical center to provide veterans with case management, substance abuse counseling, basic medical care, and referrals to other VA health and benefits programs.

Mr. President, this program would be similar to VA's successful Compensated Work Therapy/Transitional Residence Program that I described earlier. The important difference is that, under this program, veterans would receive housing and employment services from community-based organizations, instead of VA.

REVISIONS TO HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992

Mr. President, section 8 of my bill would make some revisions to the Homeless Veterans Comprehensive Service Programs Act of 1992, Public Law 102-590.

First, this provision would raise the limit on the number of comprehensive homeless centers [CHC] that VA may establish from 4 to 12. A CHC is a system of VA homeless veteran programs located in close proximity to each other which provide a comprehensive continuum of care for veterans. The CHC may include programs that provide outreach and contracting, work therapy, health care, domiciliary care, a day-time drop-in center, and other services.

Mr. President, Public Law 102-590 limited the number of CHCs that could be established to four because the cost estimate for that act assumed all of the components of the CHC would have to be established from scratch. However, VA established the CHCs in areas that had a number of the components already in place, adding only the components necessary to complete the system of services needed. VA has established the four CHCs authorized by law, and indicated that it would like to expand the number of CHC's. This provision would raise the limit on the number of CHCs with the understanding that VA would establish additional CHCs without additional resources specifically targeted for such expansion.

Second, this provision would remove the requirement in Public Law 102-590 that funds for various initiatives in that law be specifically provided for in an appropriations law. Removal of this requirement is consistent with the 1994 appropriations conference agreement.

CONCLUSION

Mr. President, we owe a tremendous debt of gratitude to the men and women who served in the armed services and kept our country safe and secure. What we owe in return for their sacrifices, at the minimum, is safety and security from homelessness. I strongly urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of the bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING.

Section 7(a) of Public Law 102–54 (38 U.S.C. 1718 note) is amended by striking out "fiscal years 1991 through 1994" and inserting in lieu thereof "fiscal years 1991 through 1996".

SEC. 2. PERMANENT AUTHORITY TO PROVIDE TREATMENT AND REHABILITATION FOR ALCOHOL OR DRUG DEPENDENCE OR ABUSE DISABILITIES.

Section 1720A of title 38, United States Code, is amended by striking out subsection (e).

SEC. 3. REAUTHORIZATION OF HOMELESS VETERANS' REINTEGRATION PROJECTS.

Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following new subparagraphs:

"(A) $14,000,000 for fiscal year 1995.

"(B) $16,000,000 for fiscal year 1996.

"(C) $18,000,000 for fiscal year 1997.".

SEC. 4. AUTHORITY FOR COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS.

(a) In General.—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"§ 1720E. Community-based residential care for homeless chronically mentally ill and other veterans

"(a)(1) The Secretary may provide care and treatment and rehabilitative services (directly or by contract) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental illness disabilities who are eligible for care under section 1710(a)(1) of this title.

"(2) In providing care and treatment and rehabilitative services under paragraph (1), the Secretary may also provide such care and treatment and rehabilitative services—

"(A) to veterans being furnished hospital or nursing home care by the Secretary for a chronic mental illness disability; and

"(B) to veterans with service-connected chronic mental illness disabilities.

"(b) Before furnishing care and treatment and rehabilitative services by contract under subsection (a) to a veteran through a facility described in subsection (a), the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(c)(1) The Secretary may provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility described in subsection (a) under this section. The Secretary shall provide such assistance to a facility under a contract between the Secretary and the facility.

"(2) The Secretary may provide assistance under paragraph (1)—

"(A) only for use solely in the furnishing of appropriate care and services under this section; and

"(B) only if, under such contract, the Secretary receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment.

"(3) Reimbursement under paragraph (2)(B) may be made by reduction in the charges to the United States or by payment to the United States.

"(4) Any funds received through reimbursement under paragraph (3) shall be credited to funds allotted to the Department facility that provided the assistance.

"(d) The Secretary may not provide care and treatment and rehabilitative services under this section after September 30, 1998.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720D the following new item:

"1720E. Community-based residential care for homeless mentally ill and other veterans.".

(c) Repeal of Superseded Authority.—Section 115 of the Veterans' Benefits and Services Act of 1988 (38 U.S.C. 1712 note) is repealed.

SEC. 5. REPORTS ON ACTIVITIES OF THE DEPARTMENT OF VETERANS AFFAIRS TO ASSIST HOMELESS VETERANS.

(a) Annual Report.—(1) Not later than February 1 of each year, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the activities of the Department of Veterans Affairs during the year preceding the report under programs of the Department for the provision of assistance to homeless veterans.

(2) The report shall—

(A) set forth the number of homeless veterans provided assistance under such programs;

(B) describe the cost to the Department of providing such assistance under such programs; and

(C) provide any other information on such programs and on the provision of such assistance that the Secretary considers appropriate.

(b) Bi-Annual Requirement.—The Secretary shall include in the report submitted under subsection (a)(1) in 1995, and every 2 years thereafter, an evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans.

SEC. 6. REPORT ON ASSESSMENT AND PLANS FOR RESPONSE TO NEEDS OF HOMELESS VETERANS.

(a) Update on Assessment.—Subsection (b) of section 107 of the Veterans' Medical Programs Amendments of 1992 (Public Law 102–405; 106 Stat. 1977; 38 U.S.C. 527 note) is amended by adding at the end the following:

"(6) The Secretary shall require that the directors referred to in paragraph (1) update the assessment required under that paragraph in each of 1995, 1996, and 1997.".

(b) Reports on Assessments and Plan.—Subsection (i) of such section 107 (106 Stat. 1978) is amended—

(1) by striking out "Report.—" and inserting in lieu thereof "Reports.—(1)"; and

(2) by adding at the end the following:

"(2) Not later than December 31, 1994, the Secretary shall submit to such committees a report that—

"(A) describes the results of the assessment carried out under subsection (b);

"(B) sets forth the lists developed under paragraph (1) of subsection (c); and

"(C) describes the progress, if any, made by the directors of the medical centers and the directors of the benefits offices referred to in such subsection (c) in developing the plan referred to in paragraph (2) of such subsection (c).

"(3) Not later than December 31 of each of 1995, 1996, and 1997, the Secretary shall submit to such committees a report that describes the update to the assessment that is carried out under subsection (b)(6) in the year preceding the report.".

SEC. 7. DEMONSTRATION PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS AND COMMUNITY-BASED ORGANIZATION PARTNERSHIPS TO ASSIST HOMELESS VETERANS.

(a) In General.—The Secretary of Veterans Affairs shall carry out a demonstration program under which the Secretary shall enter into partnerships with community-based homeless service organizations described in subsection (b) in order to provide services and assistance to homeless veterans in conjunction with such organizations. The Secretary shall carry out the program in accordance with this section.

(b) Community-Based Organizations.—The organizations with which the Secretary enters into partnerships under subsection (a) shall be organizations that—

(1) encourage the assumption of personal responsibility by homeless veterans who receive services and assistance from the organization;

(2) provide transitional housing to such veterans;

(3) provide employment training or employment placement assistance to such veterans;

(4) may collect from such veterans rent derived from employment-related income of such veterans; and

(5) in the case of organizations that collect rent from such veterans, utilize rent amounts collected to cover the expenses of the organizations in providing services and assistance to such veterans.

(c) Provision of Services and Assistance.—(1) The Secretary shall carry out the demonstration program authorized under subsection (a) at not more than five locations designated for that purpose by the Secretary. The Secretary shall designate such locations in various geographic areas.

(2) With respect to each location designated under paragraph (1), the Secretary shall enter into an agreement with a community-based service organization referred to in subsection (b) in order to provide services and assistance to homeless veterans.

(3) The Secretary shall ensure under an agreement entered into under paragraph (1) that appropriate personnel of the Department of Veterans Affairs provide individual and group counseling, substance abuse counseling, employment counseling, basic medical care, and referrals to other Department health care and benefits programs to homeless veterans at the location covered by the agreement.

(d) Review of Program.—The Secretary shall enter into an agreement with an appropriate non-Federal entity under which agreement the entity shall carry out a study of program carried out under this section. The Secretary shall ensure that, in carrying out the study, the entity shall—

(1) determine whether assistance and services are provided to homeless veterans under the program in a cost-effective manner;

(2) compare the assistance and services available under the program with the assistance and services provided to homeless individuals under other programs that are similar to the program; and

(3) make any recommendations that the entity considers appropriate for the improvement and expansion of the program or any agreement entered into under subsection (c).

(e) REPORT.—Not later than September 30, 1996, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the results of the study carried out under subsection (d).

SEC. 8. REVISIONS TO HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS ACT OF 1992.

(a) INCREASE IN NUMBER OF DEMONSTRATION PROGRAMS.—Section 2(b) of the Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended in the first sentence by striking out "four" and inserting in lieu thereof "12".

(b) REMOVAL OF FUNDING LIMITATION.—Section 12 of such Act (38 U.S.C. 7721 note) is amended by striking out the second sentence.●

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. SIMON, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 277, a bill to authorize the establishment of the National African-American Museum within the Smithsonian Institution.

S. 359

At the request of Mr. DECONCINI, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 764

At the request of Mr. WOFFORD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 764, a bill to exclude service of election officials and election workers from the Social Security payroll tax.

S. 1004

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1004, a bill to limit amounts expended by certain government entities for overhead expenses.

S. 1090

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1090, a bill to rescind unauthorized appropriations for fiscal year 1993.

S. 1345

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1345, a bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes.

S. 1573

At the request of Mr. SIMON, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 1573, a bill to provide equal leave benefits for adoptive parents.

S. 1843

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1843, a bill to downsize and improve the performance and accountability of the Federal Government.

S. 1887

At the request of Mr. BAUCUS, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1887, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 1983

At the request of Mr. HEFLIN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1983, a bill to provide that the provisions of chapters 83 and 84 of title 5, United States Code, relating to reemployed annuitants shall not apply with respect to postal retirees who are reemployed, on a temporary basis, to serve as rural letter carriers or rural postmaster.

S. 2027

At the request of Mr. DODD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 2027, a bill to provide for the reinstatement of democracy in Haiti, the restoration to office of the duly elected President of Haiti, Jean-Bertrand Aristide, the end of human rights abuses against the Haitian people, support for the implementation of the Governors Island Agreement, and for other purposes.

S. 2246

At the request of Mr. DORGAN, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 2246, a bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments.

S. 2258

At the request of Mr. DECONCINI, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Nevada [Mr. BRYAN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 2258, a bill to create a Commission on the Roles and Capabilities of the U.S. Intelligence Community, and for other purposes.

SENATE JOINT RESOLUTION 165

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Michigan [Mr. RIEGLE], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 165, a joint resolution to designate the month of September 1994 as "National Sewing Month."

SENATE JOINT RESOLUTION 181

At the request of Mr. SIMON, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of Senate Joint Resolution 181, a joint resolution to designate the week of May 8, 1994, through May 14, 1994, as "United Negro College Fund Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 184, a joint resolution designating September 18, 1994, through September 24, 1994, as "Iron Overload Diseases Awareness Week."

SENATE JOINT RESOLUTION 212

At the request of Mr. RIEGLE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Mississippi [Mr. LOTT], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 212, a joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

AMENDMENT NO. 2394

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of Amendment No. 2394 proposed to H.R. 4602, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes.

SENATE RESOLUTION 245—RELATING TO LINE ITEM VETO

Mr. SPECTER submitted the following amendment; which was referred to the Committee on the Judiciary:

S. RES. 245

Whereas Federal spending and the Federal budget deficit have reached unreasonable and insupportable levels;

Whereas a line-item veto would enable the President to eliminate wasteful pork-barrel spending from the Federal budget and curb the deficit before considering cuts in important programs;

Whereas evidence may suggest that the Framers of the Constitution intended that the President have the authority to exercise the line-item veto;

Whereas scholars who have studied the matter are not unanimous on the question of whether the President currently has the authority to exercise the line-item veto;

Whereas there has never been a definitive judicial ruling that the President does not have the authority to exercise the line-item veto;

Whereas some scholars who have studied the question agree that a definitive judicial determination on the issue of whether the

President currently has the authority to exercise the line-item veto may be warranted: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should exercise the line-item veto without awaiting the enactment of additional authorization for the purpose of obtaining a judicial determination of its constitutionality.

AMENDMENTS SUBMITTED

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

BRADLEY AMENDMENT NO. 2401

Mr. BRADLEY proposed an amendment to the bill (H.R. 4602) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes, as follows:

On page 62, line 1, strike out "$436,451,000," and insert in lieu thereof "$426,451,000,".

BYRD AMENDMENT NO. 2402

Mr. BYRD proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place in the bill, insert: ": *Provided further*, That funds provided pursuant to this authority may not exceed $10,000 per employee".

WOFFORD (AND OTHERS) AMENDMENT NO. 2403

Mr. BYRD (for Mr. WOFFORD for himself, Mr. COCHRAN, and Mr. SPECTER) proposed an amendment to the bill H.R. 4602, supra; as follows:

On page 6, line 3, insert the following new paragraph:

The Secretary of Agriculture is authorized to utilize $10,600,000 taken from the fiscal year 1995 appropriated National Forest System account to provide for all costs necessary to prepare, offer and administer completely timber sales other than those funded by the regular fiscal year 1995 timber sales program in regions 2, 3, 8 and 9 with a contract term not to exceed one year: *Provided*, That the Secretary of Agriculture shall execute the contracts funded with this authority so that these funds are offset fully in the same fiscal year by increased receipts net of payments to states, and that an amount not to exceed $10,600,000 is returned by the Secretary to the account from which the funds were drawn: *Provided further*, That any such sales shall comply with all applicable laws and regulations: *Provided further*, That any such sales shall comply with all applicable laws and regulations: *Provided further*, That transfer of purchaser credits shall not be used in payment for timber sold under this initiative: *Provided further*, That no timber sales authorized under this section shall substitute for timber sales that would otherwise generate receipts contributing to the Congressional Budget Office February 1994 Timber Receipt Baseline for fiscal year 1995: *Provided further*, That funds shall be returned to the account and available for spending as offsetting collections only if and to the extent that total National Forest Fund timber receipts of the Forest Service (excluding amounts for deposit funds) in fiscal year 1995 exceed $420 million: *Provided further*, That funds provided under this authority remain available to the Secretary until expended.

COMMUNICATIONS ACT OF 1994

EXON AMENDMENT NO. 2404

(Ordered referred to the Committee on Commerce.)

Mr. EXON submitted an amendment intended to be proposed by him to the bill (S. 1822) to foster the further development of the Nation's telecommunications infrastructure and protection of the public interest, and for other purposes; as follows:

On page 104, below line 12, add the following:

TITLE VIII—OBSCENE, HARASSING, AND WRONGFUL UTILIZATION OF TELECOMMUNICATIONS FACILITIES

SEC. 801. OBSCENE OR HARASSING USE OF TELECOMMUNICATIONS FACILITIES UNDER THE COMMUNICATIONS ACT OF 1934.

(a) EXPANSION OF OFFENSES.—Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended—

(1) in subsection (a)(1)—

(A) by striking out "telephone" in the matter above subparagraph (A) and inserting in lieu thereof "telecommunications device";

(B) by striking out "makes any comment, request, suggestion or proposal" in subparagraph (A) and inserting in lieu thereof "makes, transmits, or otherwise makes available any comment, request, suggestion, proposal, image, or other communication;

(C) by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph (B):

"(B) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number or who receives the communication;" and

(D) by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph (D):

"(D) makes repeated telephone calls or repeatedly initiates communication with a telecommunications device, during which conversation or communication ensues, solely to harass any person at the called number or who receives the communication,";

(2) in subsection (a)(2), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility";

(3) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking out "telephone," and inserting in lieu thereof "telecommunications device,"; and

(ii) by inserting "or initiated the communication" after "placed the call"; and

(B) in subparagraph (B), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility"; and

(4) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking out "by means of telephone, makes" and inserting in lieu thereof "by means of telephone or telecommunications device, makes, transmits, or makes available"; and

(ii) by inserting "or initiated the communication" after "placed the call"; and

(B) in subparagraph (B), by striking out "telephone facility" and inserting in lieu thereof "telecommunications facility".

(b) EXPANSION OF PENALTIES.—Such section, as amended by subsection (a) of this section, is further amended—

(1) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000" and

(2) by striking out "six months" each place it appears and inserting in lieu thereof "2 years".

(c) PROHIBITION ON PROVISION OF ACCESS.—Subsection (c)(1) of such action is amended by striking out "telephone" and inserting in lieu thereof "telecommunications device".

(d) CONFORMING AMENDMENT.—The section head of such section is amended to read as follows:

"OBSCENE OR HARASSING UTILIZATION OF TELECOMMUNICATIONS DEVICES AND FACILITIES IN THE DISTRICT OF COLUMBIA OR IN INTERSTATE OR FOREIGN COMMUNICATIONS".

SEC. 802. OBSCENE PROGRAMMING ON CABLE TELEVISION.

Section 639 of the Communications Act of 1943 (47 U.S.C. 559) is amended by striking out "$10,000" and inserting in lieu thereof "$100,000".

SEC. 803. BROADCASTING OBSCENE OF LANGUAGE ON RADIO.

Section 1464 of title 18, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$100,000".

SEC. 804. INTERCEPTION AND DISCLOSURE OF ELECTRONIC COMMUNICATIONS.

Section 2511 of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out "wire, oral, or electronic communication" each place it appears and inserting in lieu thereof "wire, oral, electronic, or digital communication"; and

(B) in the matter designated as item (b), by striking out "oral communication" in the matter above clause (i) and inserting in lieu thereof "communication"; and

(2) in paragraph (2)(a), by striking out "wire or electronic communication service" each place it appears (other than in the second sentence) and inserting in lieu thereof "wire, electronic, or digital communication service".

SEC. 805. ADDITIONAL PROHIBITION ON BILLING FOR TOLL-FREE TELEPHONE CALLS.

Section 228(c)(6) of the Communications Act of 1934 (47 U.S.C. 228(c)(6)) is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following:

"(E) the calling party being assessed, by virtue of being asked to connect or otherwise transfer to a pay-per-call service, a charge for the call.".

SEC. 806. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

Part IV of title VI of the Communications Act of 1934 (47 U.S.C. 551 et seq.,) is amended by adding at the end the following:

"SEC. 640. SCRAMBLING OF CABLE CHANNELS FOR NONSUBSCRIBERS.

"(a) REQUIREMENT.—In providing video programming unsuitable for children to any subscriber through a cable system, a cable operator shall fully scramble the video and audio portion of each channel such programming that the subscriber does not subscribe it.

"(b) DEFINITION.—In this section the term 'to scramble', in the case of any video programming, means to rearrange the content of the signal of the programming so that the programming cannot be apprehended by persons unauthorized to apprehend the programming.''.

Mr. EXON. Mr. President, I rise to file an amendment to S. 1822, the Communications Act of 1994. I expect the Senate Commerce Committee to take this legislation up next week. I intend to offer this amendment at that time.

Simply put, this communications decency amendment modernizes the antiharassment, decency, and antiobscenity provisions of the Communications Act of 1934. When these provisions were originally drafted, they were couched in the context of telephone technology. These critical public protections must be updated for the digital world of the future.

Before too long a host of new telecommunications devices will be used by citizens to communicate with each other. Telephones may one day be relegated to museums next to telegraphs. Conversation is being replaced with communication and electrical transmissions are being replaced with digital transmissions. As the Congress rewrites the Communications Act, it is necessary and appropriate to update these important public protections.

Anticipating this exciting future of communications, the communications decency amendment I introduce today will keep pace with the coming change.

References to telephones in the current law are replaced with references to telecommunications device. The amendment also increases the maximum penalties connected with the decency provisions of the Communications Act to $100,000 and 2 years imprisonment. The provision requires cable providers of adult pay-per-view programming to fully scramble the audio and video portions of the programming to homes which do not subscribe to the particular program. Unsuspecting families should not be assaulted with audio of indecent programming or partially scrambled video. The amendment also prevents individuals and companies engaged in the pay-per-call services from by-passing number blocking by connecting individuals to pay-per-call services via a toll-free number.

These measures will help assure that the information superhighway does not turn into a redlight district. It will help protect children from being exposed to obscene, lewd, or indecent messages.

This legislation also protects against harassment. Recent reports of electronic stalking by individuals who use computer communications to leave threatening and harassing messages sent chills through the users of new technologies. Recent stories about the misuse of the internet and 800 numbers also demand action. I ask that two stories related to the misuse of the information technologies be included at the end of my remarks as illustrations of the type of activities this amendment attempts to address.

Mr. President, I ask unanimous consent that an article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 12, 1994]

INFO SUPERHIGHWAY VEERS INTO PORNOGRAPHIC DITCH

Dramatically illustrating the security problems posed by the rapid growth of the Internet computer network, one of the nation's three nuclear-weapons labs has confirmed that computer hackers were using its computers to store and distribute hard-core pornography.

Officials at Lawrence Livermore National Laboratory in Livermore, Calif., which has highly sophisticated security procedures, said Monday that the incident was among the most serious breaches of computer security ever at the lab, which lies east of San Francisco.

The offending computer was shut down after lab officials were alerted by a reporter who was investigating Internet hacking.

The computer contained more than 1,000 pornographic images. It was believed to be the largest cache of illegal hard-core pornography ever found on a computer network.

While hackers once devoted their efforts to disrupting computer systems at large organizations or stealing electronic information, they have now developed ways of seizing control of Internet-linked computers and using them to store and distribute pornography, stolen computer software and other illicit information.

The Internet, a ''network of networks'' originally designed to connect computers at universities and government research labs, has grown dramatically in size and technical sophistication in recent years.

It is now used by many businesses and individual computer users and is often viewed as the prototype for the ''information superhighway'' of the future.

But the Internet has an underside, where so-called pirates with code names such as ''Mr. Smut,'' ''Acidflux'' and ''The Cowboy'' traffic in illegal or illegally-obtained electronic information. The structure of the Internet means that such pirates can carry out their crimes from almost anywhere in the world. Tracing them is nearly impossible.

The FBI late last week confirmed that it was investigating software piracy on the Internet. A reporter discovered a number of sites at prominent institutions that were being used to distribute stolen software, including one in the office of the president of the University of California, Berkeley, and another at Lawrence Berkeley National laboratory.

Pirates also have their own ''chat'' lines, a series of channels within a service called the Internet Relay Chat. An elaborate pecking order determines who will be allowed to take part in these conversations—newcomers can often wangle their way in if they have a particularly hot piece of software to offer.

Sandy Merola, deputy director of information and computing at the Berkeley lab, said the pirate site was shut down last week after the Times investigation revealed its existence. Merola said the Department of Energy, which oversees lab operations, as well as the FBI, had been notified of the incident.

At Lawrence Livermore, officials said Monday that they believed at least one lab employee was involved in the pornography ring, along with an undetermined number of outside collaborators.

Chuck Cole, deputy associate director of computing at the lab, said that unauthorized graphical images had been found on a Livermore computer. He confirmed that they were pornographic.

The employee has been placed on ''investigatory leave'' and his security badge confiscated while an investigation is undertaken, the lab said.

It was unclear whether the pornographic images were being sold or how many people had gained access to them. The pictures were sufficiently graphic that they would probably be considered obscene by the courts, and therefore transmitting them over the Internet would be illegal.

The massive amount of storage capacity used in the Livermore scheme shows how Internet hacking could be quite profitable. Seizing control of large and sophisticated computer systems at universities or government laboratories can save unscrupulous entrepreneurs large sums of money.

One computer expert said there might be more to the incident than met the eye. The expert suggested that the hardcore pornography may be a cover for an ultra-sophisticated espionage program, in which a ''sniffer'' program combs through other Livermore computers, encodes the passwords and accounts it finds, and then hides them within the pornographic images, perhaps to be down-loaded later by foreign agents.

But Cole said there was no possibility of a computer intruder gaining access to classified data at Livermore Labs.

800-NUMBER MANEUVER EVADES PHONE-SEX RULES

(By Henry J. Cordes)

LINCOLN.—Scanning his Ralston church's phone bill recently, the Rev. Michael Thomas found $160 in calls to a phone-sex service.

Thomas said he was appalled that someone would make such calls from Messiah Lutheran Church. None were authorized.

He said he was more appalled that the calls were possible. Calls to a phone-sex service had troubled Messiah Lutheran before, prompting the church to block all calls to 900 toll numbers—the once typical avenue to phone-sex services.

Now it appeared someone had skirted the block, Thomas said, by calling a toll-free 800 number and then asking to be transferred to a phone-sex line with a big per-minute charge.

''I'm outraged that there is this loophole in the system.'' Thomas said.

Thomas isn't the only one. The Nebraska Public Service Commission has received dozens of similar complaints in recent months.

Dwight Wininger, the commission's executive secretary, said many ''purveyors of adult entertainment'' that provide phone sex, psychic predictions and conversation have started using 800 numbers with reversible charges to peddle their services.

Wininger said the companies may see 800 numbers as a way to get around phone blocks and the regulations that the federal government and some states have put on 900 toll calling.

''We beat back the first wave, and now they're coming back with 800 numbers.'' Wininger said.

''Here's how the Public Service Commission says the new tactic works:

A caller dials a toll-free 800 number and reaches an operator, who gives the caller an ''identification number.'' The caller may be asked to punch in the number then, or to hang up and dial the 800 number again. Either way, the phone-sex service uses the identification number as permission to reverse charges.

If people want to dial 800 numbers on their phones and use the services, that's their business, Wininger said. The problem is that many who call are using phones they're not authorized to use.

Boys town has been billed for $92 worth of calls and the Omaha School District for $68, even though both block 900 calls. One Omaha woman reported to the commission that her son had rung up calls to 800 numbers costing $1,384.

Hotels are especially vulnerable, PSC officials said. Guests can gain access to phone-sex lines by calling 800 numbers from their rooms and be gone long before the bill arrives.

A guest at the American Family Inn in Bellevue recently rang up three calls to an 800 phone-sex service. The bills totaled $156.

"It's very, very scary," said John Hobbs, the hotel's manager. "It makes you think of not allowing 800 calls to leave the hotel."

The Ben Franklin Motel near Papillion also has complained to the commission about 800 calls.

Gene Hand, head of the commission's telecommunications division, said many people may be surprised that they can be charged for a call to an 800 number.

Federal regulations allow for charges on 800 calls if the caller has a "presubscription or other arrangement." Hand said adult entertainment companies apparently believe that the identification number they provide constitutes subscribing to the service.

To talk to the "sexy hot dream girls" provided by one 800 service, a reporter received a four-digit number from an operator. After calling the 800 number back and repeating the four-digit number, the caller was connected to the service.

On another service, a recorded voice said that to "talk to one of our hot babes," the caller needed to dial the last four numbers of the phone from which the call was placed.

Hand said public utility regulators across the country are considering pushing the Federal Communications Commission to change rules to bar all billing on 800 calls.

For people who find unauthorized 800 calls on their phone bills, local phone companies have been good about waiving charges, Hand said.

Hand said the Public Service Commission will not permit phone service to be disconnected for failing to pay for unauthorized calls to the services. He said Nebraskans who need help can call the commission at 800–526–0017.

"And that is toll-free," he said.

CLOSING LOOPHOLE ON TELEPHONE DIRTY TALK

More power to the Nebraska Public Service Commission if it asks the Federal Communications Commission to bar companies from billings customers who dial 800 numbers. Phone-sex services have been moving to 800 numbers to get around blocks on 900 toll calls.

Concerned parents and others who don't want their phones used to dial Phone-a-Bimbo and the like can have their phones fixed so calls to the 900 prefix are blocked.

Now the people who run the talk-sex lines have found a loophole in the federal regulations governing 800 numbers, which people assume are toll-free. If callers give an operator an identification number that shows they are "subscribers" to the service in question, they can be billed for an 800 call. The process is quick and easy. And it allows the "subscriber" to call the phone-sex line from any telephone.

So even though parents and business people might have 900 numbers blocked, their phones can still be used for expensive dirty talk.

That shouldn't be. Phone-sex and similar "services" ought to be restricted to the 900 prefix, where people know what they are getting and can block if they don't want access. The integrity of the 800 system is especially important in Omaha, where a thriving telemarketing industry relies on public trust in 800 service.

Gene Hand, head of the Nebraska Public Service Commission's telecommunications division, said that public utility regulators may ask the FCC to plug the loophole in the 800 service regulations. That can't happen soon enough.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT

HUTCHISON (AND OTHERS) AMENDMENT NO. 2405

Mrs. HUTCHISON (for herself, and Mr. GRAMM, Mr. LOTT, Mr. SHELBY, Mr. HELMS, and Mr. BURNS) proposed an amendment to the bill, H.R. 4602 making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 49, between lines 14 and 15, insert the following new section:

SEC. . EDWARDS AQUIFER.

(a) FINDINGS.—The Senate finds that—

(1) in order to avoid a water emergency in South Central Texas, the withdrawal of water from the Edwards Aquifer (designated as a sole source aquifer under title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.)) should not be limited without appropriate consideration of the impacts on municipal, agricultural, industrial, and domestic water users;

(2) section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)) authorizes the Secretary of the Interior to permit the taking of a threatened or endangered species incidental to an otherwise lawful activity, which may include the withdrawal of water from a sole source aquifer; and

(3) the State of Texas is working, in cooperation with the Department of the Interior and the Department of Justice, to implement the water management plan for Edwards Aquifer region enacted by the State in 1993.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Interior should take whatever steps are necessary and allowable under law to minimize adverse impacts on users of the Edwards Aquifer while conserving threatened and endangered species, including issuing a permit pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)); and

(2) nothing in this section should relieve any person from any State or local requirement for—

(A) water conservation or the development of alternative water resources; or

(B) strategies necessary to reduce demand on the Edwards Aquifer.

MOSELEY-BRAUN (AND OTHERS) AMENDMENT NO. 2406

Ms. MOSELEY-BRAUN (for herself, and Mr. DOLE, Mr. COCHRAN, Mr. COVERDELL, Mr. GRASSLEY, Mr. MACK, Mr. MATHEWS, Mr. PELL, Mr. ROBB, Mr. ROTH, and Mr. SIMON) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 16, line 23, strike "$40,000,000" and insert "$42,000,000".

On page 16, line 26, following "1996" and before the period, insert the following: ": *Provided*, That $2,000,000 shall be for a grant program to restore and preserve historic buildings at historically black colleges and universities: *Provided further*, That none of these funds shall be made available until authorized".

Beginning on page 41, line 18, strike all starting with the semi-colon through "99-658" on page 41, line 24.

WALLOP AMENDMENT NO. 2407

Mr. WALLOP proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 17, line 20 insert the following before the period: ": *Provided further*, That not to exceed $200,000 shall be used for a joint study with the Fish and Wildlife Service of which not to exceed $100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Park System to the overall mission of the National Park Service, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deauthorized with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interests in lands within such units, and of which $100,000 shall be used to undertake a comprehensive review of the relative importance of each unit of the National Wildlife Refuge System to the overall objectives of the System, including, but not limited to, consideration of land acquisition, annual operation and maintenance expenses, personnel requirements, alternatives to retention of such unit that may be available at the State or local level (including within the private sector) and prepare and submit to the Committees on Appropriations, Environment and Public Works, and Energy and Natural Resources of the United States Senate and the Committees on Appropriations, Merchant Marine and Fisheries, and Natural Resources of the United States House of Representatives by December 31, 1995 a report that shall include a list of not fewer than five units to be deleted from the System with whatever recommendations the Secretary deems appropriate for the disposal of any lands or interest in lands within such units".

LEAHY (AND LIEBERMAN) AMENDMENT NO. 2408

Mr. BYRD (for Mr. LEAHY for himself and Mr. LIEBERMAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place in the bill, insert: Within the funds provided in the Endangered Species Prelisting and Recovery Program for the Fish and Wildlife Service, there is up to $500,000 available to purchase the Greenland highseas fisheries quota of Atlantic salmon for the third and final year of the National Fish and Wildlife Foundation's Atlantic Salmon Demonstration Program for the Northeast.

MURKOWSKI AMENDMENT NO. 2409

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 4602, supra; as follows:

(a) FINDINGS.—The Senate finds that—

(1) The United States Forest Service has begun to implement ad hoc prescriptive wildlife management measures in the Tongass National Forest that reduce land areas available for multiple use under the Tongass Land Management Plan (TLMP), thereby reducing timber harvest volumes in already prepared harvest units below the level needed to protect timber dependent communities;

(2) The prescriptive measures termed "habitat conservation areas" and "goshawk protective perimeters" are being used to withdraw lands from timber management which have been evaluated and approved for timber harvest pursuant to the TLMP, National Environmental Policy Act, the Tongass Timber Reform Act, and the National Forest Management Act;

(3) Prescriptive management measures intended to protect wildlife population viability should be accomplished through amendments or revisions to the TLMP adopted in accordance with the process described in the National Forest Management Act at 16 U.S.C. 1604 (d) and (g);

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) funds made available under this act should not be used to implement management actions (including, but not limited to, prescriptions such as habitat conservation areas and goshawk protective perimeters) which withdraw lands from timber management or planned timber harvest in the Tongass National Forest, unless such management actions are imposed pursuant to a duly revised or amended Tongass Land Management Plan, such revision or amendment having been made in accordance with and subsequent to the public participation provisions of Section 6(d) of the National Forest Management Act (16 U.S.C. 1604(d)); and

(2) withdrawals of land areas of more than 5,000 acres from timber management or planned timber harvest in the Tongass National Forest for habitat conservation areas, goshawk perimeters or for other special management prescriptions, other than withdrawals provided for by the Tongass Land Management Plan or revisions or amendments thereto, should only be made in compliance with Section 1326(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3213(a)).

MURKOWSKI AMENDMENT NO. 2410

Mr. MURKOWSKI proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the appropriate place in the bill insert the following: "*Provided*, That consistent with existing law and policy, the National Park Service shall, at the request of the University of Alaska Fairbanks, enter into negotiations regarding a memorandum of understanding for the continued use of the Stampede Creek Mine property consistent with the length and terms of prior memoranda of understanding between the National Park Service and the University of Alaska Fairbanks: *Provided*, That within the funds provided, the National Park Service shall undertake an assessment of damage and provide the appropriate committees of the Senate and House of Representatives, no later than May 1, 1995, cost estimates for the reconstruction of those facilities and equipment which were damaged or destroyed as a result of the incident that occurred on April 30, 1987 at Stampede Creek within the boundaries of Denali National Park and Preserve; provided further, the National Park Service shall work with the University of Alaska Fairbanks to winterize equipment and materials, located on the Stampede Creek mine property in Denali National Park, exposed to the environment as a result of the April 30, 1987 incident."

BINGAMAN (AND DOMENICI) AMENDMENT NO. 2411

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill, H.R. 4602, supra; as follows:

At the end of title III, insert the following new section:

SEC. 3. (a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Assistant Secretary for Indian Affairs of the Department of the Interior shall prepare and submit to Congress a report on measures necessary to address problems concerning the physical structure of Navajo Community College in Shiprock, New Mexico, consistent with the responsibilities for the facility.

Nothing in this amendment is intended to require a change in priority for funding projects by the department.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall include a detailed list of the resources that are required to alleviate the health and safety hazards that have resulted from the poor condition of the structure described in such subsection.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2412

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill, H.R. 4602, supra; as follows:

On page 10, line 20, strike "$45,525,000" and insert "$49,848,000".

On page 2, line 11, strike "$599,230,000" and insert "$598,480,000".

On page 2, line 25, strike "$599,230,000" and insert "$598,480,000".

VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1994

ROCKEFELLER AMENDMENT NO. 2413

Mr. MITCHELL (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 1030, to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans:

On page 49, strike lines 4 through 13.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 26, 1994, to receive testimony from Elizabeth Ann Moler, nominee to be reappointed as a member of the Federal Energy Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Labor Subcommittee be authorized to meet for a hearing on the Reemployment Act & WARN: Helping Workers Make Successful Transitions, during the session of the Senate on July 26, 1994, at 9:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 26, 1994 at 4:00 p.m. to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Tuesday, July 26, at 2:00 p.m. to hold a hearing on the crisis in central Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN COMMERCE AND TOURISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Commerce and Tourism of the Senate Committee on Commerce, Science and Transportation be authorized to meet on Tuesday, July 26, 1994, at 2:00 p.m. on Pacific rim trade policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE F-22 DEBATE

• Mr. D'AMATO. Mr. President, at the heart of the F-22 debate is one simple question: Are the threats we are facing, or may face in the foreseeable future, capable of achieving air superiority over U.S. ground and sea forces, or even denying air superiority to our own air forces over an adversary's territory? Based on the billions of dollars being poured into the F-22 program, one would assume that we are on the verge of being outclassed by the air forces of foreign powers. But is that really the case?

In endorsing the F-22 over the so-called F-15XX, the Major Aircraft Review [MAR] predicated its choice on a year 2000 scenario in which the Air Force would have to gain and hold air superiority over Warsaw Pact territory against a Soviet Union boasting: Overwhelming numerical superiority; highly sophisticated integrated air defenses; stealthy air superiority and counter air fighters [ASF/CAF] armed with improved AA-10 Alamo air-to-air missiles; and, next-generation SA-15 and SA-X-17 surface-to-air missiles.

Back then, with the cold war still uppermost in planners' minds, a global conventional war against the Soviet Union was a prudent scenario against which to plan. Since then, the dissolution of the Warsaw Pact and the Soviet Union has wrought havoc on what remains of Russia's integrated air defenses and Russian advanced weapons development has been slowed to a crawl or halted outright due to the same funding constraints we face. That being so, what relevance does the MAR threat projection have today?

Isn't a Desert Storm-like scenario of total U.S./allied air superiority more reflective of today's reality? Against most future opponents, won't the United States, with or without allies, enjoy numerical superiority? And what country is likely to be better equipped, trained, or led?

And that raises an inevitable question: In this new world order, isn't an improved F-15 good enough? Something to ponder when considering the $2.5 billion request for F-22.•

THE U.S. COMMISSION ON CIVIL RIGHTS' REPORT ON WHITE SUPREMACIST ACTIVITY IN MONTANA

• Mr. SIMON. Mr. President, the Montana Advisory Committee to the U.S. Commission on Civil Rights has released a report documenting hate activity in that State. This troubling report highlights in chilling detail that the problem of hate crimes in our Nation is still very much alive. White supremacists, primarily in western Montana, are spreading prejudice and hate ranging from racism, anti-Semitism and homophobia to anti-Indian rhetoric. The rise in hate crime activity in Montana reflects an overall national rise in recent years.

This report serves as a reminder that we have a long way to go toward reducing the incidence of hate crimes. The Hate Crimes Statistics Act, which I authored in 1990, has been an important first step in this process. The reporting system established by this law sends a message to both the victims and the perpetrators of hate crimes that law enforcement officials are committed to solving the problem of hate crimes.

Unfortunately, since States are not required to provide statistics on hate crimes to the FBI, many States have not yet complied with this important effort. Montana has made progress since May 1992, when no Montana law enforcement agency had reported a single crime under the 1990 Hate Crimes Statistics Act. The recently released 1993 preliminary report on hate crimes statistics from the FBI shows that of 18 participating agencies from Montana, 4 submitted incident reports to the FBI. I hope Montana continues this progress.

The Montana Advisory Committee report describes the extensive human-rights network in Montana which has contributed greatly to public awareness of the hate crimes problem in that State. The good people of Montana are speaking out and taking action against these hate groups, and they also serve as an example to the Nation. I hope that this network will also help to improve Montana law enforcement's participation in the national data-gathering effort.

Finally, the report prescribes policy changes in Montana that would help the State address its hate crimes problems. I hope that Montana lawmakers and law enforcement officials take these suggestions seriously, and that similar reports about other States are taken seriously by lawmakers in all States.

The foundation laid by the 1990 Hate Crime Statistics Act is an important step in solving the problem of hate crimes. But clearly this problem is not going away. We need to look for ways to assist States and cities interested in training their law enforcement officials to report hate crimes, and for ways to encourage all States to participate.•

THE 65TH ANNIVERSARY OF FALLON CLINIC

• Mr. KERRY. Mr. President, today I want to pay tribute to the Fallon Clinic of my home State of Massachusetts which celebrates its 65th anniversary this year.

The Fallon Clinic was founded as a small group practice by Dr. Michael Fallon in 1929. Since its inception, it has been a pioneer in the health care field, striving to meet the needs of its community through innovative practices. When the Fallon Clinic first opened, group practices were rare. Nevertheless, its founders understood that this efficient coordination of resources allowed them to provide patients with greater choice while lowering costs. In 1951, Fallon expanded into a multispecialty group practice, providing patients with the benefit of having a specialist available to deal with each of their ailments. As time passed, word of Fallon's excellent service spread and patients, in increasing numbers, turned to the Fallon Clinic for their health care needs. With the original office bursting at the seams, the clinic was forced to open a new facility in 1966 and subsequently expanded to 29 sites.

Never content to rest on its laurels, the Fallon Clinic has continued to innovate and to improve the quality of its services. In 1977, it established a health maintenance organization or HMO called the Fallon Community Health Plan. Today, Fallon is one of the most successful HMO's in the country. It has been praised as a "model HMO" and named as one of the 10 best HMO's in the Nation. A large part of the HMO's success is the fact that it is the most efficient and lowest cost HMO in the area. But cost is only half the story. Fallon continues to grow because of the quality of its work and the care with which it treats its patients.

At a time when Americans are finding it increasingly difficult to afford high-quality health care, Fallon stands out as a bright example of what can be accomplished by bold thinking. On its 65th anniversary, I praise Fallon for its innovative heritage and exhort it to continue moving forward at this critical stage of health care reform in America.•

ROBERT MYERS AND THE SOCIAL SECURITY ADMINISTRATION

• Mr. SIMON. Mr. President, I have spoken in the past about the enormous contributions Robert Myers has made on behalf of the Social Security Program. As Chief Actuary and Deputy Commissioner of the Social Security Administration for nearly 30 years, he is acknowledged to be a leading expert on the Nation's most successful entitlement program.

In a recent article for the Seniors Coalition, Mr. Myers examines whether Social Security should be "means-tested" in order to help balance the Federal budget. Mr. Myers rejects that solution, noting that the Social Security Program "has been fully financed over the 57 years of its operation, and * * * has not contributed at all to the horrendous budget deficits and increasing national debt."

Mr. Myers' article deserves study by all those who care about the Nation's budget deficits. I ask that the entire text of Mr. Myers' paper be printed after my remarks.

The article follows:

Should Social Security Benefits Be Means-Tested?

In our modern society, words frequently have diverse meanings among different people, and even over time. Before considering the subject of whether benefits under entitlement programs should be means-tested—as some people are currently advocating—let us first define certain words that are often used in such debate.

Years ago, "entitlement" had a legalistic connotation which was usually considered to be on the "good" side. Now, it is often considered as an opprobrium involving public assistance or relief. Actually, it merely means that a legal right to a payment exists, regardless of whether the funds are there to finance it. I would distinguish between two types of entitlement programs. First are those which are self-funded, like Social Security and the Hospital Insurance portion of Medicare. Second are those which are funded from general revenues, like Supplemental Security Income, Medicaid, and Supplementary Medical Insurance (Part B of Medicare)—which is about 75-percent funded from general revenues. Quite obviously, the self-funded entitlement programs do not affect the general budget situation of the federal government—even though many persons, including those who have important responsibilities in this area assert that such is the case (to be discussed in detail later).

Strictly speaking, "means testing" connates the restrictions on benefit payments which are established on the basis of the beneficiary's income and assets (usually, with certain exemptions). Those who use this term currently in connection with cutting back entitlement programs really mean "income testing," because they do not recommend considering the situation as to the individual's assets. (Note that Social Security benefits for those under age 70 are subject to "earned-income testing now—on the grounds that retirement benefits should not be paid to persons who are not retired from employment.)

In recent years, persons who are concerned about the federal government's mammoth budget deficits and ever-increasing National Debt have pointed the blame, at least in large part, at what they call the ever-growing even out-of-control, disbursements under the entitlement programs, especially the full-funded one, Social Security. They insist that, to solve the budget problem, the growth of the Social Security benefit disbursements must be curtailed at once. This has nothing to do with the long-range financial situation of Social Security—some two decades or more hence—about which apparently something should now be done (and can, not to painfully, be done by changes enacted now, although not going into effect until many years off in the future). Action of this sort in the near future is desirable in order to give people affected adequate advance notice and to more fully restore confidence in the program.

Such immediate curtailment of the growth of Social Security benefit outgo is not at all justified. The Social Security program has had a more-than-balanced budget over the 57 years of its operation, and this has not contributed at all to the horrendous budget deficits and increasing National Debt. It is the remainder of the federal government's operations that has caused this deplorable situation, and it is in this area that changes should be made to rectify the situation.

Moreover, and equally important, reducing Social Security expenditures (either absolutely or the growth thereof) does not really reduce the general budget deficit or the growth in the National Debt. What happens if Social Security outgo in a year is reduced by $x billion is merely that its trust funds purchase $x billion more of government bonds, and the general public purchases $x billion less of such bonds. The bottom line then is that the size of the National Debt is completely unaffected, and the real general-budget deficit remains the same.

Those who would unwisely and unthinkingly reduce Social Security benefits for reasons other than those affecting the program and its purposes and goals have several proposed ways to do so. One of these is to reduce (or even eliminate) the annual cost-of-living adjustments; this undesirable because, assuming that the financing is available within the Social Security program (as it now is) such maintenance of the purchasing power of the beneficiaries is only humane and proper.

Another proposal to reduce Social Security benefits is to income test them over and above the current income taxation of benefits for higher-income persons, which is somewhat along the lines that other retirement benefits are taxed. Under this type of proposal, all (or the vast majority) of the benefits would be withheld from high-income persons. This would be done on the grounds that they did not "need" such benefits because they had sufficient other income.

There are several weaknesses and fallacies with this approach. First, it would create divisiveness of the population and cast some "blame" on those who receive full benefits and thus did not seem to be properly "self-reliant." We must recognize that high-income people receive Social Security benefits which, in relation to past earnings, are notably smaller than are the benefits for lower-income persons.

On the whole, as I analyze the matter, over the long run, high-income persons will receive Social Security benefit protection that is about equal in value to the employee taxes which they paid, while their employers' taxes are pooled (or redistributed) for the benefit of lower-income persons. If all persons received exactly only their "money's worth," the low-paid persons would have inadequate retirement income, and then much more public assistance payments would be required. And who would pay for such payments? Obviously, the higher-income persons would do so, and thus the bottom line of who pays and who receives would be about the same.

Another, and equally serious, problem with income testing of the Social Security benefits is that it would discourage many persons from saving, either personally or through employer-sponsored plans. The reason, quite simply, is that they would see little reason to save if the net result were only that thereby their Social Security benefits would be reduced. And what this country needs is more savings not less! Under Social Security as it now is, people are encouraged to save by adding the results thereof on top of the economic floor of protection that Social Security is.

To summarize the matter, those who are rightly concerned with our horrendous budget deficits and National Debt should seek action where the causes thereof really are. The Social Security program is, and has always been, fully self-supporting financially, and it should not be used to solve a problem that is not of its own creation. Further, some proposals to have this Social Security program used for this purpose would not really accomplish this result, even though seeming to do so. Make changes in the Social Security program only for its own self-supporting programmatic reasons, not for extraneous and unrelated reasons!•

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise, as has been my practice each week in this session of the 103d Congress, to announce to the Senate that during the last week, 20 people were killed in New York City by gunshot, bringing this year's total to 567.•

ELIMINATE NUCLEAR ARSENAL? NOT A BAD IDEA

• Mr. SIMON. Mr. President, I was startled to read an interview the other day in the Chicago Tribune with Gen. Charles Horner, commander of both the U.S. Space Command and NORAD, the North American Aerospace Defense Command. General Horner, a veteran and leader of the gulf war campaign, said that nuclear weapons are "obsolete," and that he wants "to get rid of them all."

You don't hear these kinds of remarks every day from the Pentagon, nor from a lot of other people involved in military affairs or foreign policy. And I am aware that General Horner's responsibilities include ballistic missile defense—what we used to call SDI, or star wars—whose program managers have long argued that missile defenses work much better in a world of very few nuclear weapons. But the instability caused along the way by erecting such defenses has always been the sticking point for those of us opposed to missile defense.

But I take General Horner's words seriously, and I urge my colleagues to do likewise. Nuclear weapons, he points out, are simply unusable in any meaningful military sense, and no President would order their use against cities in any event. And General Horner also talks about the "high moral ground," which too often goes unconsidered.

I commend General Horner for his uncommon frankness and candor, and I commend his words to my colleagues in the Senate. I ask that the article from the July 16 Chicago Tribune be printed in the RECORD in full.

The article follows:

[From the Chicago Tribune, July 16, 1994]

ELIMINATE ENTIRE NUCLEAR ARSENAL, SENIOR AIR FORCE GENERAL URGES

WASHINGTON.—The United States should eliminate all its nuclear weapons, a top Air Force general said Friday in a sharp break from Pentagon orthodoxy.

Gen. Charles Horner, head of the U.S. Space Command, said the nation would secure "the high moral ground" worldwide while losing little militarily by eliminating its nuclear arsenal.

"The nuclear weapon is obsolete," Horner said at a breakfast meeting with defense reporters. "I want to get rid of them all."

Horner made clear he was "talking long-term" and said nuclear disarmament should only take place if other nuclear powers, especially Russia, go along.

Still, the comments from one of the military's most senior officers run counter to the

Clinton administration view that the nuclear weapons arsenal can be reduced, but not eliminated entirely.

Horner, as head of one of the military's nine "unified commands," reports directly to the secretary of defense.

His command covers military satellite operations and ballistic missile defense efforts, among other things.

In addition to heading the U.S. Space Command, Horner also leads the North American Aerospace Defense Command, which is responsible for defending the United States and Canada from a nuclear attack.

Horner first raised the idea of eliminating the nuclear arsenal last year, but only as something the Pentagon should consider in "what if" studies.

His comments Friday marked a rare instance of an active-duty officer criticizing one of the fundamental pillars of U.S. defense throughout the Cold War.

"I want to go to zero and I'll tell you why: If we and the Russians can go to zero nuclear weapons, then think what that does for us in our efforts to counter the new war," Horner said.

The new military threat, unlike the superpower tensions of the past, comes from smaller, less stable countries that obtain weapons of mass destruction, Horner said.

"Think of the high moral ground we secure by having none," said Horner, who plans to retire soon.

"It's kind of hard for us to say to North Korea, 'You are terrible people, you're developing a nuclear weapon,'" when the United States has thousands of them.

The Clinton administration, in a review of its nuclear posture, is not endorsing total nuclear disarmament.

But with the annual cost of maintaining the U.S. nuclear arsenal estimated at about $20 billion, administration officials are looking at ways to reduce the stockpile sharply.

Current arms reduction treaties would bring the U.S. and Russian nuclear arsenals down to about 3,500 weapons apiece from an estimated 45,000 currently on hand.

Horner is far from a pacifist. He led coalition air forces during the Persian Gulf war, and he worries that the nation's conventional forces are being cut too deeply. His concern over nuclear weapons is a practical one.

"I just don't think nuclear weapons are usable," Horner said.

"I'm not saying that we militarily disarm, I'm saying that I have a nuclear weapon, and you're North Korea and you have a nuclear weapon. You can use yours. I can't use mine. What am I going to use it on? What are nuclear weapons good for? Busting cities. What president of the United States is going to take out Pyongyang?"•

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Wednesday, July 27; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that on Wednesday, the Senate stand in recess from 12:30 p.m. until 2:15 p.m., in order to accommodate the respective party conferences.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, I say to Members of the Senate, over the past several weeks, I have advised the Senate and individual Members, including my Republican colleagues, of the legislation which would be considered by the Senate during this legislative period. I have repeatedly stated publicly and privately, that it is my intention to complete action on a number of important measures, including S. 1513, a bill entitled "Improving America's Schools Act of 1993." This is legislation which deals with improving our system of elementary and secondary education.

Having so stated on many previous occasions, public and private, I wish now to advise the Senate that at 9:30 a.m. tomorrow, it is my intention to seek unanimous consent to proceed to that bill and, if unanimous consent is not obtained, to make a motion to proceed to that bill.

My hope is that it will not be necessary to make a motion; that we can get to that bill. We are going to do it, we must do it, and I hope very much that we can begin on it tomorrow morning at 9:30 a.m. That is my intention, Mr. President. I ask all those concerned and interested in the legislation to be present at that time, 9:30 a.m. tomorrow.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:26 p.m., recessed until Wednesday, July 27, 1994, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1994:

DEPARTMENT OF STATE

RICHARD HOLBROOKE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE, VICE STEPHEN A. OXMAN.

JAMES W. SWIHART, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

DEPARTMENT OF JUSTICE

HENRY L. YOUNG, OF TEXAS, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS, VICE W. BRUCE BEATY.

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be lieutenant colonel

ERIC R. ABRAHAM, [redacted]
JAMIE I. ALBORNOZ*, [redacted]
ALLAN J. ARNETTE [redacted]
CARLOS M. ARROYO, [redacted]
JAMES F. BARNARD, [redacted]
GRETA L. BAUMANN, [redacted]
DARRELL N. BERRY, [redacted]
LARRY S. BOLTON, [redacted]
LARRY D. BRINKLEY*, [redacted]
JOHN C. CHIN*, [redacted]
MAUREEN COLEMAN, [redacted]
BRIAN J. COMMONS, [redacted]
BRUCE E. CROW*, [redacted]
MICHAEL A. CUBELLIS, [redacted]
JOHN T. CURTIS, [redacted]
WILLIAM G. DAVIES, [redacted]
TERRY M. DAVIS, [redacted]
MICHAEL R. DEETS, [redacted]
THOMAS F. DEFAYETTE*, [redacted]
MARY R. DEUTSCH, [redacted]
STEVEN E. DICKSON, [redacted]
ROBIN J. DRESCHER, [redacted]
JOSEPH O. EVENSTAD [redacted]
RICKY A. FISHER, [redacted]
BRADLEY D. FREEMAN, [redacted]
MICHAEL E. FRISINA, [redacted]
DAVID A. GAULE, [redacted]
PATRICIA F. GOAD, [redacted]
JONATHAN GOLDSMITH, [redacted]
GREG A. GRIFFIN, [redacted]
VERNON L. GROEBER, [redacted]
GLADE R. HAMILTON, [redacted]
DAVID S. HEINTZ, [redacted]
DONALD E. HENDERSON, [redacted]
GERARD R. HEPLER [redacted]
RICHARD A. HOGAN, [redacted]
EUGENE V. HOLAHAN, [redacted]
RICHARD L. HOLMES, [redacted]
MARGARET A. HORRELL, [redacted]
GREGORY HOWARD, [redacted]
WILLIAM J. HULEATT [redacted]
DOREN HURT*, [redacted]
TONY W. JOHNSON, [redacted]
ROBERT G. JORDAN*, [redacted]
DANIEL C. KAEHLER*, [redacted]
WILLIAM J. KLENKE, [redacted]
ROSEMARY T. KYTE, [redacted]
ROGER W. LEBLANC, [redacted]
CHARLES R. LEWIS, [redacted]
GERARD F. LOSARDO, [redacted]
LARRY C. LYNCH, [redacted]
LEWIS R. MACKEY, [redacted]
MILTON MANDEVILLE, [redacted]
JULIE M. MARTIN, [redacted]
DANIEL F. MCFERRAN, [redacted]
FRANCIS L. MCVEIGH, [redacted]
CHERYL A. MERRITT, [redacted]
MICHAEL J. MOKRI, [redacted]
TERRY A. MORGAN, [redacted]
BRADLEY J. NYSTROM, [redacted]
ROGER W. OLSEN, [redacted]
DAVID A. PATTILLO, [redacted]
ARTHUR D. PICKERING, [redacted]
CATHERINE PICKETT, [redacted]
NELSON R. POWERS, [redacted]
JAMES D. RILEY, [redacted]
DOUGLAS S. RINEHART, [redacted]
MARGARET RIVERA, [redacted]
LUIS ROLON, [redacted]
RONALD L. SHIPPEE* [redacted]
CARL E. SMITH*, [redacted]
MICHAEL A. STANTON*, [redacted]
CHRISTO STEPHENSON, [redacted]
JAMES E. THOMAS*, [redacted]
ROBERT J. THOMPSON, [redacted]
DAVID J. TOMPKINS, [redacted]
TIMOTHY D. TOOMEY, [redacted]
YVONNE L. TUCKER, [redacted]
RICKY D. UPTON, [redacted]
PETER VANDERVOORT, [redacted]
WREN H. WALTERS, [redacted]
VINCENT O. WARDLAW, [redacted]
LISA WEATHERTON, [redacted]
NOEL R. WEBSTER, [redacted]
SUSAN R. WEST, [redacted]
MARK G. WHIPPLE, [redacted]
BETTY J. WILEY, [redacted]
KEVIN D. WILLIAMS, [redacted]
TIMOTHY WILLIAMSON,* [redacted]
BARBARA A. WILSON,* [redacted]
PAUL W. WINGO, [redacted]
MARK W. YOW, [redacted]

To be major

HAROLD L. ABNER, [redacted]
JEFFREY ADAMOVICZ,* [redacted]
DONALD F. ARCHIBALD, [redacted]
CHARLES A. ASOWATA,* [redacted]
FRANCIS BANNISTER, [redacted]
GREGORY G. BARISICH,* [redacted]
EARNESTINE BEATTY, [redacted]
HUBERT L. BECTON,* [redacted]
JOHN D. BERTHY,* [redacted]
BLANCO W., BEVERLEY,* [redacted]
STEVEN G. BOLINT, [redacted]
PATRICIA A. BRADLEY,* [redacted]
MICHAEL R. BROCK,* [redacted]
SPENCER J. CAMPBELL,* [redacted]
BRIAN T. CANFIELD,* [redacted]
CARL A. CASTRO,* [redacted]
SALLY A. CHESSANI,* [redacted]
DANIEL W. CLARK,* [redacted]
RUSSELL E. COLEMAN,* [redacted]
JOHN M. COLLINS,* [redacted]
JOHN P. COLLINS, [redacted]
MORGAN CORNSTUBBLE, [redacted]

RICHARD COURNOYER, [redacted]
STEVEN CZERWINSKI, [redacted]
PETER C. DANCY*, [redacted]
PHILIP C. DEDERER* [redacted]
DONALD W. DEGROFF*, [redacted]
ROBERT DETREVILLE* [redacted]
DANNY R. DEUTER*, [redacted]
ROBIN J. DOMM*, [redacted]
THOMAS B. DUNHAM*, [redacted]
MICHAEL F. DYER*, [redacted]
SAMUEL E. EDEN*, [redacted]
RICHARD T. EDWARDS, [redacted]
RICHARD J. ELLISTON* [redacted]
STEVEN D. EUHUS*, [redacted]
JAMES O. FARR [redacted]
ROBERT W. FAY*, [redacted]
DANIEL J. FISHER* [redacted]
DAVID G. FONTES [redacted]
MELINDA L. FUENTES*, [redacted]
ALEXANDER GARDNER, [redacted]
MARY E. GARR, [redacted]
ALBERT H. GASS*, [redacted]
LESLY GELIN*, [redacted]
DAVID G. GILBERTSON, [redacted]
MARK H. GLAD, [redacted]
RICARDO A. GLENN*, [redacted]
JOHN J. GONDOS*, [redacted]
CHRISTOPHER E. HALE* [redacted]
BRYANT E. HARP*, [redacted]
CLAUDE HINES, JR. [redacted]
ROBERT E. HOUSLEY* [redacted]
RANDOLPH G. HOWARD, [redacted]
THOMAS C. JACKSON*, [redacted]
PHILIP KAHUE [redacted]
EUGENE KELLEHER, JR.* [redacted]
KAREN M. KELLEY*, [redacted]
CHRIS M. KIEFFER [redacted]
JOSHUA P. KIMBALL*, [redacted]
MARSHA A. LANGLOIS*, [redacted]
TERRY J. LANTZ* [redacted]
FERNADO A. LASTRA*, [redacted]
WILLIAM J. LAYDEN*, [redacted]
JOHN R. LEE [redacted]
CATHY E. LEPPIAHO [redacted]
LANCE S. MALEY*, [redacted]
GREGORY A. MALVIN*, [redacted]
THIRSA MARTINEZ*, [redacted]
LEWIS M. MASHBURN, [redacted]
DONNA M. MCKAY, [redacted]
KEVIN M. MCNABB*, [redacted]
BRUCE W. MCVEIGH, [redacted]
JOHN R. MERCIER [redacted]
DESIREE MERRITT* [redacted]
TALFORD MINDINGALL, [redacted]
ULISES MIRANDA III [redacted]
RAFAEL C. MONTAGNO, [redacted]
OCTAVI MONTVAZQUEZ, [redacted]
SHONNA L. MULKEY*, [redacted]
MICHAEL C. MULLINS*, [redacted]
DAVETTE L. MURRAY*, [redacted]
BOBBY J. NEWTON, [redacted]
TODD S. NICOLSON*, [redacted]
CHARLOTTE NIELSEN*, [redacted]
BRENT R. OVERTON*, [redacted]
JESSIE J. PAYTON [redacted]
JOSEPH A. PECKO*, [redacted]
JEROME PENNER III [redacted]
DELAND R. PETERSON*, [redacted]
NELSON W. REBERT*, [redacted]
MARK A. REDICK*, [redacted]
DAVID T. REIBER*, [redacted]
KAROLYN RICE*, [redacted]
CHRISTI RICHARDSON*, [redacted]
ONOFRE A. RIVERA*, [redacted]
CHRISTOPHER V. ROAN*, [redacted]
GEORGE A. ROARK*, [redacted]
WALTER K. ROSS*, [redacted]
MICHAEL P. RYAN, [redacted]
RAFAEL A. SALAS*, [redacted]
HOWAR SCHELLENBERG*, [redacted]
ERIC A. SHEETZ, [redacted]
EARLE SMITH*, [redacted]
WADE L. SMITH*, [redacted]
EMERY SPAAR, [redacted]
NED STEPHENS, JR.* [redacted]
DEBRA M. STEWART*, [redacted]
JOHN R. STEWART [redacted]
CARLHEINZ W. STOKES* [redacted]
ROBERT D. TENHET*, [redacted]
JACK K. TROWBRIDGE, [redacted]
JOE M. TRUELOVE*, [redacted]
DE P. VAN*, [redacted]
KAREN J. WAGNER, [redacted]
ROBERT W. WALLACE, [redacted]
STEVEN WARRINGTON*, [redacted]
JASPER W. WATKINS* [redacted]
JAY M. WEBB, [redacted]
JAMES A. WILKES* [redacted]
SCOTT A. WILSON*, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

JOAN E. BEEBE*, [redacted]
JOHN L. BUONO*, [redacted]
JEANNINE B. DAVIES [redacted]
RICHARD B. HARSTON*, [redacted]
DALE E. HILL, [redacted]
ROBERT HYLINSKI*, [redacted]
MARY R. KOCH, [redacted]
BRENDA F. MOSLEY*, [redacted]
DONALD L. PARSONS*, [redacted]
RUSSELL E. UTTER* [redacted]
JACK E. WALKER*, [redacted]
JOHN P. WARBER, [redacted]

To be major

JUDY M. ADAMS*, [redacted]
ROBERT BURKENBINE*, [redacted]
JOHN C. CHEASTY*, [redacted]
JOSEPH F. CREEDON* [redacted]
BRENDA K. ELLISON*, [redacted]
DENNIS C. FISCHER*, [redacted]
GEORGE A. FISHER* [redacted]
RICHARD L. GEIGER*, [redacted]
PATRICK HEGENBART*, [redacted]
CAROL L. HOBBS, [redacted]
DONALD J. HUGGARD*, [redacted]
DAVID A. JERABEK, [redacted]
ALLEN R. JONES*, [redacted]
CLARENCE MILLIKIN*, [redacted]
JOSEF H. MOORE, [redacted]
ROBERT J. PAWLOSKI*, [redacted]
JOSEPH L. SOUSHA*, [redacted]
ROBINETTE STRUTTON*, [redacted]
RICHARD L. WYGANT*, [redacted]
GARY S. YON*, [redacted]

VETERINARY CORPS

To be lieutenant colonel

RONALD E. BANKS, [redacted]
LARRY G. CARPENTER [redacted]
MICHAEL B. CATES*, [redacted]
STEPHEN L. DENNY [redacted]
DENZIL F. FROST* [redacted]
WALTER D. GOOLSBY*, [redacted]
DAVI SCHUCKENBROCK*, [redacted]
SCOTT R. SEVERIN [redacted]
KERRY L. TAYLOR [redacted]
MARK E. WOLKEN, [redacted]

To be major

KEVIN J. ANDERSON* [redacted]
JAMES W. BOLES*, [redacted]
CRYSTAL M. BRISCOE [redacted]
JAMES T. COBB*, [redacted]
CHERYL D. DICARLO, [redacted]
WILLIAM D. FALL*, [redacted]
GORDON R. GATHRIGHT*, [redacted]
MICHAEL LAGUTCHIK, [redacted]
KAY D. LASSITER [redacted]
KATHLEEN MCCLELLEN*, [redacted]
BRIAN V. NOLAND*, [redacted]
FONZIE QUANCEFITCH*, [redacted]
GEORGE C. RENISON, [redacted]
JOHN R. TABER*, [redacted]
JIMMY C. VILLIARD [redacted]
RONALD S. WALTON*, [redacted]
CHARLES E. WATSON*, [redacted]
PAUL E. WHIPPO [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

JANICE B. AGAZIO, [redacted]
NANCY F. ALLMON, [redacted]
LINDA J. ANDERSEN [redacted]
ROBERT A. ARNDT*, [redacted]
KATHERINE A. BABB [redacted]
KENT K. BABCOCK, [redacted]
MARY B. BEDELL*, [redacted]
ROBIN R. BENCKART*, [redacted]
REGINA K. BENNETT [redacted]
JOHN M. BEUS, [redacted]
KATHLEEN A. BUDA*, [redacted]
MARY C. BURMAN*, [redacted]
LAUREN A. BURNEY, [redacted]
RITA CORCORAN, [redacted]
LOUISE CUTHBERTSON [redacted]
ERNEST DEGENHARDT [redacted]
DAVID E. DUELTGEN, [redacted]
KATHLEEN N. DUNEMN*, [redacted]
PAUL R. EHRLICH*, [redacted]
KEITH E. ESSEN*, [redacted]
DALE A. FLETCHER [redacted]
MARY FRANKEN*, [redacted]
DANIEL J. GENITON [redacted]
SANDRA L. GOINS*, [redacted]
JERRY P. GONZALES [redacted]
RICHARD W. HARPER*, [redacted]
WILLIAM J. HARTMAN*, [redacted]
KIM D. HAVAS, [redacted]
JENNIFER W. HENNES [redacted]
WILLIAM E. HERBERT*, [redacted]
JIM R. HERNANDEZ*, [redacted]
GUY L. HIGGINS, [redacted]
WILLIAM C. HIGGINS, [redacted]
NANCY S. HODGE, [redacted]
JOSEPH H. KELLY [redacted]
ANN S. KENNY, [redacted]
DEBORAH D. KESSLER*, [redacted]
DIANE J. KIFER*, [redacted]
WILLIAM S. KIRK*, [redacted]
JULIA A. MAGUIRE*, [redacted]
YOLIN MCCORQUODALE, [redacted]
WARREN D. MCDONALD, [redacted]
THERESA MESSEENGER [redacted]
MURIEL D. METCALF*, [redacted]
ELIZA MITTELSTAEDT [redacted]
LEEANN MOLINI, [redacted]
CAROL N. MORENO, [redacted]
JO A. MOYERS, [redacted]
SYNTHIA NABARRETE, [redacted]
MARIE B. NARCHET*, [redacted]
JACKIE L. NUSSBAUM, [redacted]
CATHERINE A. OBITS, [redacted]
ANNE M. OSULLIVAN, [redacted]
ROY A. PHILLIPS [redacted]
GERTDELL PHYALL*, [redacted]
ROBERT M. PONTIUS*, [redacted]
LEE A. PORISCH [redacted]
DEBORAH F. REICHERT, [redacted]
HELEN N. REYNA, [redacted]
ANN B. RICHARDSON*, [redacted]
LYNELE ROCKWELL, [redacted]
GEMRYL L. SAMUELS* [redacted]
MONICA A. SECULA*, [redacted]
KATHLEEN Y. SHACKLE, [redacted]
DEBRA L. SPITTLER [redacted]
JOAN L. STOMBRES*, [redacted]
SANDRA L. STUBAN, [redacted]
TIMOTHY J. TAYLOR*, [redacted]
JOHN B. WHITTEMORE*, [redacted]
MARIA D. ZAMARRIPA* [redacted]

To be major

ROXANNE AHRMAN*, [redacted]
DEBRA S. ALANIZ* [redacted]
SUSAN E. ANDERSON*, [redacted]
NATHANIEL M. APATOV* [redacted]
KIMBERLY ARMSTRONG* [redacted]
PORTER M. ARTHUR* [redacted]
NANCY G. BARD*, [redacted]
NELDA L. BARNHILL*, [redacted]
PAMELA BIRGENHEIER* [redacted]
BETTY J. BOHANNON*, [redacted]
LORI L. BOND*, [redacted]
ELIZABETH A. BOWIE*, [redacted]
HORTENSE R. BRITT* [redacted]
HENRIETTA W. BROWN*, [redacted]
JULIE CLARE [redacted]
CHERI R. COLEMAN, [redacted]
JANE L. COLLINS*, [redacted]
WILFREDO CORDERO*, [redacted]
SHERYL L. DARROW*, [redacted]
DANIEL K. DEVELDE*, [redacted]
JOSEPH C. DEWEESE* [redacted]
NANCY S., EILENFIELD* [redacted]
ANN M. EVERETT*, [redacted]
MICHAEL R. FLAKE*, [redacted]
ELAINE FLEMINGLEE* [redacted]
KATHRYN M. GAYLORD*, [redacted]
JANICE M. GENUA*, [redacted]
LINDA M. GEORGE, [redacted]
WILLIAM GLASSCOCK* [redacted]
LESLIE S. GOEKE* [redacted]
STEVEN W. GRIMES*, [redacted]
PAUL D. GUERRETTE*, [redacted]
LARRY L. GUYTON*, [redacted]
KAREN A. HAGEN*, [redacted]
HEATHER W. HANSEN*, [redacted]
BENNY F. HARRELL*, [redacted]
CRAIG A. HARTMAN*, [redacted]
LINDA S. HARTSOCK*, [redacted]
JOYCE HASTIE*, [redacted]
JOHN K. HAWKINS*, [redacted]
CHRISTINA M. HERIC*, [redacted]
LELAND N. HUDSON*, [redacted]
MICHAEL T. HUMPHREY*, [redacted]
MARCIA J. IMDIEKE*, [redacted]
JANE E. JACKNEWITZ* [redacted]
THEODOSIA JIMENEZ*, [redacted]
JACQUELYN JOHNSON*, [redacted]
MARY A. JONES*, [redacted]
SUSAN E. JONES* [redacted]
MICHAEL A. JORDEN*, [redacted]
CYNTHIA A. KANASZKA, [redacted]
ELIZABETH O. KELLY* [redacted]
KATHARINE M. KELLY*, [redacted]
MAUREEN A. KILZER*, [redacted]
PATRICIA J. KOPP* [redacted]
JEANNINE C. KOUZEL*, [redacted]
REBECCA K. LACHANCE*, [redacted]
JOAN T. LANCASTER, [redacted]
TERRY J. LASOME* [redacted]
LAJUAN R. LEE*, [redacted]
DOROTHY J. LEGG*, [redacted]
PATRICIA M. LEROUX*, [redacted]
ROSETTA L. LEWIS*, [redacted]
GERALD A. LOEFFLER* [redacted]
ANTONIO LORA*, [redacted]
KAREN L. LUTHER*, [redacted]
MYRNA H. LYONS*, [redacted]
MARY C. MAIN* [redacted]
BEVERLY MCCORMICK*, [redacted]
LINDA F. MCCRARY*, [redacted]
RICHARD R. MCGRORY*, [redacted]
CARL S. METZGER*, [redacted]
CONNIE J. MOORE*, [redacted]
MARIE C. MORENCY*, [redacted]
WANDA I. MUNOZ*, [redacted]
MARY R. MURRAY*, [redacted]
CARA NEALBAMBENEK*, [redacted]
JENNIFER A. NELSON* [redacted]
THERESA H. NEWLIN*, [redacted]
JANE E. NEWMAN*, [redacted]
DOUGLAS E. NEWSON*, [redacted]
VICKI J. NICHOLS*, [redacted]
PRISCILL PATTERSON* [redacted]
SALLY A. PEDROSA*, [redacted]
PHELPS F. POND* [redacted]
MELINDA L. POOLE*, [redacted]
PATRICIA O. POTTS* [redacted]
AMANDA A. PRATER*, [redacted]
MARIE H. PRICE*, [redacted]

PED RAMONHERNANDEZ, [redacted]
JOAN RAMOSALARILLA*, [redacted]
DORIS A. REEVES*, [redacted]
LUE D. REEVES*, [redacted]
VICKIE L. REIFF*, [redacted]
MICHAEL R. ROCHIN*, [redacted]
MARY S. ROEDER*, [redacted]
MIGUEL A. ROSADO*, [redacted]
BEVERLY S. ROSE*, [redacted]
YOLANDA RUIZISALES*, [redacted]
KRISTIN SAPUNTZOFF*, [redacted]
MARIE B. SCHECH*, [redacted]
JACQUELIN J. SCHULZ*, [redacted]
DANIEL SENGSTACKE*, [redacted]
MICHAEL SILKA*, [redacted]
DANIEL D. SMITH*, [redacted]
SUSAN M. SMOTHERS*, [redacted]
ADORACION G. SORIA*, [redacted]
DEBRA A. SPENCER*, [redacted]
SHIRLEY A. SPIRK*, [redacted]
STEVEN R. SPRINGER*, [redacted]
BARRY T. STEEVER*, [redacted]
LINDA L. SULTON*, [redacted]
COLLEEN TAKAHASHI*, [redacted]
BOBBIE J. TAYLOR*, [redacted]
ANTHONY V. THOMPSON*, [redacted]
BERNADETT THOMPSON*, [redacted]
DARIA D. THOMPSON*, [redacted]
WEELDEN L. VAN*, [redacted]
KALDON L. WALTJEN [redacted]
JOEL S. WALZ*, [redacted]
VIRGIL G. WIEMERS*, [redacted]
PATRICIA A. WILHELM*, [redacted]
DALE A. WILLENBERG*, [redacted]
PALACESTI WILLIAMS*, [redacted]
IRENE E. WILLIFORD*, [redacted]
KATHLEEN J. WILTSIE*, [redacted]
MICHAEL T. WOLF*, [redacted]
JOHN S. WONG*, [redacted]
MILDRED A. WOODARD*, [redacted]
THOMAS R. YARBER*, [redacted]
MARIAN E. YOWLER*, [redacted]

EXTENSIONS OF REMARKS

LEGISLATION REDUCING RELIANCE ON GOVERNMENT AID

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. GALLEGLY. Mr. Speaker, I rise today to introduce legislation that I hope will eventually end the increasing reliance of some of our Nation's military personnel on food stamps and other Government aid programs.

According to the Department of Defense, more than 17,000 members of the U.S. Armed Forces currently depend on food stamps to feed themselves and their families, and two to three times that qualify for the aid but do not accept it. Last year, $27.4 million in food stamps was redeemed at military commissaries nationwide, up from $24 million in 1992.

The time has come for Congress to take a serious look at how it compensates the defenders of this Nation and to make a serious commitment to keeping our service men and women above the poverty line and off welfare.

The simple fact is that when someone agrees to wear our country's uniform, lying awake at night wondering how they'll ever be able to provide for their families shouldn't be part of the deal.

We need to show the men and women of our Armed Forces that we care enough to provide them with a decent life, a dignified life. We need to do something to ensure that they no longer have to salute with their hands outstretched.

This bill would create a 16-member national commission to review the compensation of service members and suggest new strategies to end their increasing dependence on Federal and local assistance programs. Once empaneled, the broad-based group would have 180 days to complete its work and would submit to the Congress and the President a report from which substantive changes could be made.

I am hopeful that my colleagues will support this effort. We could certainly choose to do nothing and watch the statistics continue to roll in, each set of numbers only further confirming our failure to adequately compensate a group of people we expect to be ready at a moment's notice to take care of all of us.

UNIVERSITY OF MOBILE—LATIN AMERICAN CAMPUS SAN MARCOS, NICARAGUA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. TORRICELLI. Mr. Speaker, along with my distinguished colleague from North Carolina, CASS BALLENGER, I recently visited an American educational institution in Nicaragua and was very impressed with what the university has accomplished in just 3 years.

The University of Mobile in Nicaragua is the only 4-year accredited United States university of its kind in that region of the world and its programs have been very well received. Since the primary need of Nicaragua and the Latin American region at this time is economic development, the university has structured its curriculum to offer a variety of courses on business management, computer science, banking/finance, etc. While a number of other institutions from the United States have minor operations in Latin America, the University of Mobile has the only full campus with a wide variety of baccalaureate course offerings.

During the last several years, the University of Mobile has played a major role in the development of Nicaragua through campus-based research, training programs for management personnel, and consultation with the central and local governments on issues such as elementary and secondary education and health care. The University of Mobile in Nicaragua has also opened opportunities for cultural interchange between the United States and Central America.

Nicaragua and other countries in the region have long been in desperate need of a quality educational organization to sponsor a variety of educational programs. This year's freshman class at the Nicaraguan campus has grown to 150 students and next year's enrollment is projected to be even greater.

I strongly urge the Agency of International Development to support this program. The University of Mobile needs assistance in providing scholarships to indigent Nicaraguans and in the building of new facilities. The U.S. Government should use this project as a model for other higher education efforts in this region of the world.

THE ULTIMATE CALL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. TRAFICANT. Mr. Speaker, I rise today to honor a extraordinary war hero during WW II, James Call. On July 30, 1945, James died aboard the U.S.S. *Indianapolis* CA 25. This ship carried the atom bomb to Tinian Island. The *Indianapolis* was on her way for gunnery practice with the U.S.S. *Idaho* when she was sunk by a Japanese submarine. The U.S.S. *Indianapolis* was the last ship to be sunk during WW II. Eight hundred and eighty lives were lost. Jimmy Call was just 20 years old.

Mr. Speaker, the fate of the *Indianapolis* is a important part of our history. We must never forget our fallen soldiers. James was the only soldier from Unity, OH that did not return from World War II, and on this day we honor him. He gave the most prestigious gift he could possible give to his country, his life. His courage, integrity, and dedication have inspired all and the light of his memory, almost 50 years later, continues to burn.

THE SACRAMENTO DISTRICT DENTAL SOCIETY—A CENTURY OF SERVICE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. FAZIO. Mr. Speaker, I rise today in recognition of a century of service rendered by the Sacramento District Dental Society to the greater Sacramento community.

For the past 100 years, the Society has served Sacramento, Yolo, Amador, El Dorado, and Placer Counties—volunteering for county dental clinics, oral cancer screenings, school dental screenings, and health fairs. Its members have provided our residents with the most advanced educational, preventive, and restorative services.

Although the society has grown tremendously over the years, it has maintained its responsiveness and commitment to our community. Its foundation—the Sacramento District Dental Foundation—provides orthodontic and dental care for qualifying low-income children. Members have also been active in providing information and advice to legislators on dental health issues.

Mr. Speaker, I am honored to have the Sacramento District Dental Society in my district, and pleased to have this opportunity to publicly acknowledge its contributions to my community.

THE FAMILY HEALTH COVERAGE ACT

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. BAKER of California. Mr. Speaker, today I am introducing legislation to prohibit insurance companies from dropping young adults from their parents' family health plan until they reach age 27.

According to the National Center for Policy Analysis, only a small portion of the 15 percent of the population without insurance remains uninsured for a long time. Fifty percent regain insurance in 4 months. Another 25 percent is insured in 12 months. Only 2 percent of the population remains uninsured for 2 years. Furthermore, approximately 40 percent

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the uninsured are under 25 years old. The fact that young adults make up such a large percentage of the uninsured speaks to the need to fill in the gaps.

During young adulthood, many individuals either cannot afford health coverage or fail to spend their discretionary income for insurance since they feel immortal. Insurance companies typically drop coverage for children from the family plan once they reach age 18 or they graduate from college, leaving too many of these young adults without insurance.

For this reason, I have introduced legislation to ensure that insurance companies cannot drop individuals from their parents' family health plan until age 27. Providing the child has not married and has no dependents, he or she will be able to remain on the parents' family plan. My bill will give young people an incentive to retain affordable health insurance while helping to ease the unnecessary burden of higher health care costs for the rest of us.

The Family Health Coverage Act is a common sense proposal taking a step toward responsibly reforming our health care system. I sincerely hope that my colleagues will join me in support of this bill.

HAMPTON, VIRGINIA'S EFFORTS TO CURB DRUNK DRIVING

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. BATEMAN. Mr. Speaker, I rise today to congratulate the city of Hampton, VA for receiving the 1994 National City Challenge to Stop Drunk Driving Inspiration Award for cities over 100,000 in population.

After realizing that habitual offenders constituted a disproportionate share of the city's drinking and driving problem, Hampton developed the Habitual Offender project. By obtaining a list of repeat offenders from the Virginia Department of Motor Vehicles, city police officers selected and monitored 88 of the worst habitual offenders for sentence violations or additional DWI violations. Fifty-eight percent of the city's repeat offenders had been arrested within 2 years. With the help of the Habitual Offender project, Hampton's alcohol-related accidents have decreased 36 percent and alcohol-related fatalities have decreased 70 percent over the past 5 years.

We all are aware of the losses caused by drunk drivers, not only in Virginia but also across the Nation. I recognize the need to involve all citizens in efforts to reduce the frequency of drunk driving and support community programs such as Hampton's Habitual Offender Project. A program inexpensively transferred to other jurisdictions, this project sends the indispensable message that injuries as well as deaths resulting from drunk and drugged driving, specifically repeat offenses, are not to be tolerated.

I again congratulate Hampton for its efforts and hope the city continues to be an innovator in the fight against drinking and driving.

SENATE CAMPAIGN REFORM BILL VIOLATES BASIC FAIR PLAY

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. SANDERS. Mr. Speaker, as the House and Senate prepare for conference on their campaign finance reform bills (H.R. 3/S.3), I want to shed light on a provision in the Senate bill that discriminates against Independents and third-party candidates and encourage the House conferees to eliminate this provision.

As written, the Senate reform bill's best provision is a carrot that helps force candidates to stick to the spending limits. If eligible Senate candidates agree to abide by a spending limit and then one of them backs out, the candidate who plays by the rules receives public funds as compensation. This is a worthwhile provision that can serve to encourage all parties to play by the rules—fearing if they do not, their opponent will be rewarded.

Unfortunately, if you are an Independent or third-party candidate who has met the standard eligibility requirement to be a Senate candidate and has stuck, to the spending limit, you will only get half the carrot, at most, if your opponent breaks the spending limit.

The provision against Independents or third-party candidates in the Senate reform bill directly violates the Copenhagen Document, a politically binding agreement that states that participating nations not discriminate against individuals or political parties seeking political office. It also states that nations must provide parties and organizations with legal guarantees that enable them to compete with each other on a basis of equal treatment before the law. The Senate bill breaches both of these provisions of the Copenhagen Document.

How can the Senate honestly require all candidates to meet the same contribution threshold, and then deny some of them equal public funding simply because they are not part of the two-party system? Such discrimination in favor of Democratic or Republican candidates is contrary to our Nation's democratic principles and offend the basic sense of fair play. It has no place in a so-called reform bill.

With only half the compensation for playing by the rules, Independents will pose less of a threat to an established party candidate who casts off spending limits. If a Republican or Democrat running for the Senate against an Independent decides to abandon the spending limit or even conspire to break the limit, with half the compensation to the Independent provide ample ammunition to run a competitive race?

This provision against Independents shows the Senate's disregard for a public that is increasingly tired of politics as usual and often frustrated with the candidates served up by our entrenched two-party system. If democracy and fairness are to be served, the Senate must change its legislation to make certain that all candidates, including those outside the two-party system, can compete on a level playing field.

As the only Independent in Congress, and the first in 40 years, I am in the unique position to oppose rules that tilt the balance against Independents and third-party candidates. I am not a candidate for the Senate, but recently Ballot Access News sketched out a plausible scenario of what could have happened to me in Vermont had I run for the Senate. I have attached that scenario for the RECORD. This scenario reveals the completely discriminatory nature of the Senate campaign reform bill.

[From Ballot Access News, Jan. 11, 1994]

S. 3 VIOLATES COPENHAGEN ACCORD

S. 3, the "Congressional Spending Limit and Election Reform Act of 1993" as passed by the Senate, clearly violates the Copenhagen Document, which the United States signed in 1990. The document pledges nations not to discriminate for or against any political party or candidate. S. 3 mandates higher public campaign subsidies to Republicans and Democrats running for the U.S. Senate, even when another candidate has raised more money and otherwise shown more public support than the major party candidates.

Suppose Vermont's Independent member of Congress, Bernie Sanders, were to run for the U.S. Senate. Also suppose that Sanders had raised $800,000 in small contributions from individuals. Also suppose that his hypothetical Republican opponent, the incumbent, has raised $1,620,000, and that the hypothetical Democratic candidate has raised $60,000 (this is not an unrealistic scenario; in the U.S House race in Vermont in 1992, Sanders raised $575,791; his Republican opponent raised less; and the Democratic candidate raised less than $5,000 and only polled 8% of the vote).

The amount raised by the Republican Senator exceeds the $1,200,000 voluntary cap for Vermont in his particular year in our hypothetical example, so S. 3's public campaign subsidy program would go into operation.

Sec. 503(b)(2)(B) of the bill contains the formula for determining Sanders' subside. His amount would be the *least* of these three calculations: (1) small contributions to Sanders minus 5% of the legal spending cap, or $740,000; (2) 50% of the legal spending cap, or $600,000; (3) the excess over the spending cap spent by the candidate who didn't adhere to that cap, in this case $420,000. Sanders would receive the *least* of these three amounts, i.e., $420,000.

Sanders' Democratic opponent would receive an amount determined by Sec. 503(b)(2)(A) of the bill. In this example, since the excess spending by the non-capped Republican is more than 1.33% of the spending cap, but less than 1.67% of the cap, the Democrat would receive two-thirds of the spending cap or $800,000.

To summarize: the state's independent member of the U.S. House, who won with 58% of the vote in 1992, would receive $420,000 in public campaign subsidies, only half the amount of money he had raised. Yet his Democratic opponent would receive $800,000, an amount 13 times greater than the amount of money he or she had raised.

[From Roll Call, July 25, 1994]

SENATE'S CAMPAIGN REFORM BILL UNFAIR TO INDEPENDENTS

(By Rep. Bernard Sanders)

Movie buffs will recall the Cary Grant Classic, "Arsenic and Old Lace," where two spinsters thought some people would be better off dead, so they started politely poisoning them.

A similar real-life plot is embodied in the Senate campaign finance reform bill that's sure to cripple any anti-establishment candidates. Old-fashioned, two-party politicians are sitting on their patriarchal thrones drinking fruitful wine and sharing it with third-party and Independent challengers. And surprise, surprise, it's laced with arsenic.

As written, the Senate reform bill's best provision is a carrot that helps force candidates to stick to the spending limits. If eligible Senate candidates agree to abide by a spending limit and then one of them backs out, the candidate who plays by the rules receives public funds as compensation. This is a worthwhile provision that can serve to encourage all parties to play by the rules—fearing that if they don't, their opponent will be rewarded.

Unfortunately, if you are an Independent or third-party candidate who has met the standard eligibility requirements to be a Senate candidate and has stuck to the spending limits, you will only get half the carrot at most if your opponent breaks the spending limit.

The provision against Independents or third-party candidates in the Senate reform bill directly violates the Copenhagen Document, a politically binding agreement by participating nations of the Conference on Security and Cooperation in Europe. The Copenhagen Document commits participating nations to respecting the right of individuals and groups to establish political parties or other political organizations and to provide such parties and organizations the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law.

It further states that participating nations should respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discriminations. The Senate campaign finance reform bill clearly breaches both of these provisions.

As funding for Congressional campaigns gets more out of reach for the average American, Americans are getting more and more disgruntled with the current two-party system. It is very revealing that more Americans now consider themselves Independents than either Republicans or Democrats.

I feel like Gary Grant, the nephew in the movie, stumbling upon two kindly, sweet-natured political parties that know what is the best choice for American voters. I have joined the two-party Congress as a Member of the House. But I have a more distant relationship because I am not part of the two-party system.

It further states that participating nations should respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination. The Senate campaign finance reform bill clearly breaches both of these provisions.

As the only Independent in Congress (and the first in 40 years), I am in the unique position to oppose rules that tilt the balance against Independents and third-party candidates. I supported the House campaign finance bill last year. While the bill does not go far enough in addressing the cancerous role that big money plays in American politics, at least it does not discriminate against third-party and Independent candidates.

With limits on spending and PAC contributions, strict controls on what a candidate can give to his or her own campaign, and elimination of party "soft money," we can substantially reduce the cost of elections and the influence of big money. Only then can we finally begin to open up the process to challengers who are not millionaires, and yes, in some cases, candidates who consider themselves Independents. But the arsenic is in the wine for any Independent or third-party candidate who chooses to run for the Senate.

How can the Senate honestly require all candidates to meet the same threshold, and then deny some of them equal public financing simply because they are not part of the two established parties? Such discrimination in favor of Democratic and Republican candidates is contrary to our nation's democratic principles and offends the basic sense of fair play. It has no place in a so-called reform bill.

With only half the compensation for playing by the rules, Independents will pose less of a threat to an established party candidate who casts off spending limits. If a Republican or Democrat running for the Senate against an Independent decides to abandon the spending limit or even conspire to break the limit, will half the compensation to the Independent provide ample ammunition to run a competitive race?

This provision against Independents shows the Senate's disregard for a public that is increasingly tired of politics as usual and often frustrated with the candidates served up by our entrenched two-party system. If democracy and fairness are to be served, the Senate must change its legislation to make certain that all candidates, including those outside the two-party system, can compete on a level playing field.

"Bottoms up." But remember, in the movie it's the two old spinsters who get trundled off to the asylum for the rest of their lives.

HONORING A PHOTO-JOURNALISM PIONEER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. STARK. Mr. Speaker, today I offer congratulations to one of my constituents and a well-known bay area figure, Mr. Willie Kee. Mr. Kee has been selected as the recipient of the 1994 Asian-American Journalists Association [AAJA] Lifetime Achievement Award.

Mr. Kee is a true pioneer in the field of photo-journalism. During his tenure as a member of the National Academy of Television Arts and Sciences, Mr. Kee helped to expand the definition of a photographer. Due to his efforts, cameramen are now eligible to receive recognition in areas traditionally reserved for reporters and anchors, such as news and programming.

As one of the first Asian-American photographers in the field, Mr. Kee has helped pave the way for minorities in the newsroom. He was a founding member of the San Francisco Bay Area chapter of the AAJA and has worked hard to promote diversity in both broadcasting and journalism. He has also been heavily involved in educating young people about potential career opportunities. For the past 7 years he has been a mentor to Oakland High School's Visual Arts Academy Magnet Program. As a reward for his efforts, Mr. Kee received the Distinguished Alumnus award from the Oakland Public School District in 1984.

Willie Kee has been named Bay Area Television News Cameraman of the Year three times and has earned a dozen Emmys.

Mr. Speaker, Willie Kee has made many positive contributions to the bay area throughout his distinguished career. I have always respected his work and can think of no one more deserving of this honor.

COMMENDING CAREER YOUTH DEVELOPMENT, OF MILWAUKEE, ON THE OCCASION OF ITS 24TH ANNUAL IMAGE AWARDS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. BARRETT of Wisconsin. Mr. Speaker, on August 19, 1994, Milwaukee's Career Youth Development [CYD] will hold its 24th annual Image Awards. This year's Image Awards mark almost a quarter-century of service to Milwaukee's youth and families guided by its founding principle: "Love-in-Action."

CYD was founded in 1970 by Ms. Jeannetta Robinson and her mother, Claretta Simpson, as an after-school care project serving neighborhood children in Milwaukee's central city. During these early years, CYD operated out of Ms. Robinson's and Ms. Simpson's home and, though the agency experienced the financial hardships faced by many community-based organizations, it continued to expand its services. With Ms. Robinson's leadership and with the cooperation of other social service organizations and public and private benefactors, CYD has grown into a vigorous advocate and a strong ally for children and families in our community.

Currently, CYD offers a wide array of services to Milwaukee youth and families. In addition to health education, vocational and legal services, CYD offers adult basic education and accredited college courses presented by the Milwaukee Area Technical College and the University of Wisconsin-Milwaukee at CYD's central city location. CYD is also a licensed outpatient clinic for the treatment of alcohol and drug abuse and operates a 10-bed adolescent residential treatment center. Ms. Robinson also reaches an audience of approximately eighty thousand viewers through a weekly television program, "The Jeannetta Robinson Show," which showcases the positive accomplishments of young persons in our community.

The comprehensive range of services offered by CYD is a reflection of its founders' understanding of the need to offer multifaceted solutions to the many problems facing our children and their families. CYD also acknowledges the diversity of its clients by designing flexible education and treatment services which are culturally sensitive.

CYD's annual Image Awards are another example of its efforts to inspire young people in our community by highlighting the achievements of their peers. Regrettably, young residents of our central cities are frequently portrayed in an unfavorable light. The Image Awards are an important reminder to our youth that they have the potential to make a dramatic impact on their world and an encouragement to use that potential for the betterment of their community. I am proud to participate in the 1994 Image Awards ceremony. I ask that my colleagues join me in commending this year's winners on receiving this well-deserved honor and in commending CYD for its long history of service to Milwaukee.

HONORING LITERARY ARTIST EUNICE CASTRO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, today I wish to honor a woman from the Cuban-American literary community of south Florida, Ms. Eunice Castro. It was 14 years ago when Ms. Castro left her job, her house, and her country and traveled across dangerous waters in search of freedom.

Ms. Castro has made a home for herself in our community of south Florida, where she writes free of fear and oppression. Since her arrival, Ms. Castro has written a collection of biographies that include many great Hispanic community leaders such as Carlos Gardel, Libertad Lamarque, and her most recent Jose Marti.

On numerous occasions, Ms. Castro has been recognized for her dedication and cultural contributions to the Hispanic community. She has been honored by the Governments of Canada and Argentina and by the Governor of the State of Florida.

In 1989, Ms. Castro wrote the book, "Aventuras de Yun Yun y el Chicle Prodigioso," which through the use of symbolism tells the story of Cubans in exile. Although this book is written for children, Ms. Castro masterfully erases the limits between reality and fantasy and manages to captivate an audience of all ages.

In honor of her contributions to the artistic and cultural world, I pay tribute to Ms. Eunice Castro.

TRIBUTE TO JIM LASTON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. DUNCAN. Mr. Speaker, Jim Easton has worked on my Washington staff for a little over 2½ years and is now leaving to return to the private sector. This is a tremendous loss to me and my staff, but more importantly, to the Federal Government.

Jim has specialized in the work of the Public Buildings and Grounds Subcommittee of the Public Works and Transportation Committee. One man remarked to me a few days ago, about Jim, that "no one knows the Federal Building Program better." He went about his work with an enthusiasm and dedication that is rarely seen in Government today.

Jim and I became close friends more than 25 years ago. He worked two different times for my father. He and I served together for awhile in an Army Reserve unit at Fort Meade, MD. He has been a very big part of both mine and my father's lives, and I hope we have been a good part of his.

I am very sorry that he is leaving my staff but I am happy that he has other and better opportunities. I know he will do well in whatever he does, and I wish him the very best in his new job in the construction industry.

I was not the only one who admired and appreciated Jim's work here in Washington. Many others did as well, and as one example, I would like to call the attention of my colleagues and other readers of the RECORD to the following column by Richard Powelson, which ran in this past Sunday's Knoxville News-Sentinel.

[From the Knoxville News-Sentinel, July 24, 1994]

DUNCAN LOSING KEY MEMBER OF FISCAL TEAM

(By Richard Powelson)

There are many tireless workhorses who help their bosses in Congress accomplish worthwhile goals on legislation and make wiser use of the taxpayers' money.

But one of the most effective workhorses in the Tennessee congressional delegation, Jim Easton of Rep. John Duncan Jr.'s office, is returning to the construction industry in Florida after 2½ years in Washington.

The public usually only hears about staffers in Congress when they become rich lobbyists. Easton is joining a construction company with no federal contracts and no contacts with Congress. He just likes the construction industry, which he had to leave a couple of years ago when business was way down.

Despite what one thinks of his politics, Duncan is widely viewed as a very hard worker in Washington and throughout his East Tennessee district. In Easton, Duncan had what every member wants but often can't find: an employee seasoned by work in both the private and public sector, with good commonsense instincts, seemingly tireless, often working every day of the week; a staffer who is aggressive and tough—but polite—in getting information and action.

Easton has been something of an early warning radar unit for Duncan in looking for ways to save the government money, sort of a navigator in getting to actual savings, and then a copilot with Duncan in trying to land cargo planes of money in the U.S. Treasury's hangar before being shot down.

Easton, unlike the many young, inexperienced staffers here, came to Duncan's office well prepared. He formerly worked for the late Rep. John Duncan Sr., was a county government official in Florida, attended government management classes at Harvard University's Kennedy School of Government, worked for years winning commercial construction projects in Florida, and is an officer in the Army Reserve who served in Operation Desert Storm.

With Duncan he used his private construction experience, a frugal eye from past government work and a military tenacity that produced an impressive win-loss record on government projects.

Among his and Duncan's wins: getting the House to cut $13.5 million from NASA's budget for deep space monitoring for signs of alien life after decades of failed efforts; pressuring the Los Angeles County transit agency to cut its wasteful spending (the agency was building a federally subsidized subway system); blocking a $178 million Secret Service building plan until $75 million was shaved from its budget; pressuring federal building officials to change plans for an overly expensive, $708 million lease of new office space in Atlanta, which later saved $265 million and pressuring federal building officials to find space in a new courthouse for all judicial agencies in Knoxville to avoid nearly $300,000 a year in leasing costs.

Most recently Easton's construction background helped him find wasteful spending on plans for a $218 million federal courthouse in Boston. Several newspapers publicized the waste and the fact, learned by Easton, that Supreme Court nominee Stephen Breyer was a top planner of the courthouse. During his confirmation hearing, Breyer had to face embarrassing questions from some senators about the Boston courthouse's costs.

Breyer's courthouse problems didn't derail his nomination, but it served notice on other judges seeking promotions that they'd better keep a closer eye on how they suggest spending taxpayers' money.

Duncan's office and U.S. taxpayers will sorely miss Easton's work as a watchdog and a workhorse in Congress.

NATIONAL ESSAY CONTEST TO HONOR AMERICAN PATRIOTS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. BOEHLERT. Mr. Speaker, tradition and education are two of the most hallowed concepts in the American conscience. My bill, H.R. 488, seeks to unite these notions for the betterment of our country.

The measure would direct the Speaker of the House of Representatives to establish an annual essay contest for high school seniors, based on the question of how the people of the United States can best thank George Washington for his contributions to this great Nation of ours.

Recognition of past triumphs provides instruction and inspiration for the future. By focusing on the scope and depth of Washington's accomplishments, the virtues of hard work, persistence, and ingenuity may once again become part of the moral character and intellectual agenda of our next generation of leaders.

In February, the Whitesboro Central School sponsored an essay contest for its seniors. The question I propose to establish on a national level was asked at a single school, and the results were spectacular.

Whitesboro selected three winners, and their essays will be printed here. All are insightful and carefully constructed pieces of prose. I congratulate Jennifer Melvin, Bob Strasiak, and Paul Scata for their work.

JENNIFER MELVIN

The Americans of today have George Washington to thank for the country that we live in today. We show our thanks for the country he won for us over two-hundred years ago every time we place democracy in action. We pay tribute to him each time we practice the rights and responsibilities given to us in the United States Constitution. I'm sure that George Washington would look fondly on the government that he helped create each time the systems of checks and balances is put into use. We take the responsibility of our government by upholding and respecting every religion in existence. When we freely speak out in town meetings, through boycotts and demonstrations, and by lobbying to the law making body of the U.S., we practice the freedoms of the first amendment that George Washington fought so diligently to preserve. Every time we use our own voice to determine the results of an election, we thank Washington for the privilege that he won for us. We pay our biggest tribute to the father of our country each time we stand proudly and pledge our allegiance to the flag of the country that he shed his blood to create.

BOB STRASIAK

When you think back to the Revolutionary War and all the efforts our forefathers made to make this country a democracy, it becomes obvious that we have a lot to be thankful for. One person in particular was the leading force that defined for all time many of the freedoms and traditions that we have today. That person was George Washington, most often referred to as "The Father of Our Country". He was instrumental in establishing many traditions that are still followed today.

George Washington led an army of ordinary men who were willing to fight for personal freedom. He was very successful in this because of his dedication and his leadership. His success led to his unanimous election to the office of President of the United States and he became our first Commander-in-Chief of the Armed Forces. He fought long and hard to establish freedom for all citizens and their descendants. What better way can we show our appreciation than to fight, in our own way, to preserve those freedoms.

We must exercise the freedom to vote, to help government work for all the people. We must oppose all restrictions that are proposed to limit the freedoms of speech, press and religion. It would be wise to remember that our forefathers were men of strong religious conviction who wanted to create a country that would permit all men to worship in whatever manner they chose, free from government oppression. If they could see how our present day government sometimes tries to eliminate all religious references in the name of freedom they would be very disappointed. The best way that we could express our appreciation to George Washington is to keep in mind exactly what he fought for and what he stood for. A man of honor striving to make an honorable nation for all people.

PAUL SCATA

I think the best way to thank George Washington for the nation he won for us is by preserving his ideals. George Washington was an honest, hard working, wise, and patriotic man. He led and fought many long, hard battles to give us a vibrant and vigorous national government.

We, as citizens of the United States, should consider voting for our elected officials a privilege, not an obligation. If not for George Washington, our leader would be a king or worse, and not an elected president. If a war breaks out, or if our government needs us in any way, we should always be willing to do our part for the good of our country. Fighting in the military, holding office, or just being aware of our country's problem and needs makes us good Americans.

If we can live by George Washington's high standards, and instill them in our children, I can think of no better way of thanking our first President.

These essays are testimony to the potential wonders of this scholarship competition. Education begins with the right subjects of study, and no subject is more important than the tradition of public service, best exemplified by George Washington. Giving students an incentive to learn about civic leadership will produce a generation of leaders who will be the envy of the civilized world.

SALUTE TO THE SIMI VALLEY SENIOR CITIZENS CENTER

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. GALLEGLY. My Speaker, I rise today in recognition of the Simi Valley Senior Citizens Center, which for the past 10 years has offered seniors a wide variety of services under the same roof on Avenida Simi.

Opened on July 27, 1984, the center has been and continues to be a bastion of activity, service and friendship to the community's older residents. An average of 80 noontime meals are served at the center every weekday, with another 42 provided to the homebound through a successful Meals on Wheels Program.

Working with the Ventura County Public Health Department, the center immunized 402 seniors last year at its annual flu clinic and continues to provide Lifeline home emergency communicators to 84 low-income seniors without charge.

The center also represents a set of wheels and increased mobility to many seniors, providing an average of more than 950 "Dial-A-Ride" trips a year to appointments with the doctor and the hairdresser, to the grocery store, and to the center itself.

But perhaps most importantly, the center has truly become a place that area seniors can call their own, a place where they can always find something to do, a friendly face or even just some quiet time to themselves.

Mr. Speaker, I ask my colleagues to join me in this salute to the Simi Valley Senior Citizens Center, which turns 10 years old this week and will surely enjoy many more such anniversaries as it continues to serve the seniors in and around Simi Valley.

A COMMONSENSE APPROACH TO AGRICULTURAL SUBSIDY PROGRAMS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. ANDREWS of New Jersey. Mr. Speaker, today I am introducing legislation which will save American taxpayers hundreds of millions of dollars, protect American jobs and establish a sorely needed rational and commonsense approach to our agricultural subsidy programs.

As many of my colleagues are aware, we are in the midst of a controversy over the importation of Canadian Durum wheat. The reason we are buying Durum wheat from Canada is because we are paying our farmers Federal subsidies to export wheat that is needed by manufacturers here at home, forcing our United States manufacturers to purchase their supply of Durum wheat from Canada. This does not make sense, and its is costing our taxpayers hundreds of millions of dollars.

My legislation expresses a sense of Congress, asking the Secretary of Agriculture to refuse to subsidize with taxpayers' dollars the exportation of Durum wheat when the domestic supply of Durum wheat is insufficient to meet the domestic demand, and when access to foreign Durum wheat is not limited by any form of federally imposed trade restrictions.

As you may know, there are proposals being discussed to raise the tariffs on Durum wheat imported into this country from Canada. The policy these proposals would force upon us would have a devastating impact on the pasta industry, which provides thousands of jobs throughout our country, a fact which the proponents of wheat import restrictions apparently are asking us to disregard.

Durum wheat is the major ingredient in pasta, a product that is made in approximately 20 States throughout our country, including my own State of New Jersey—as well as other States such as New York, Michigan, Missouri, Pennsylvania, Massachusetts, California, Minnesota, Washington, and Nebraska. In order to survive in the marketplace and compete with foreign imports our domestic pasta industry requires a ready supply of Durum wheat. In recent years, the industry has not been able to obtain a sufficient supply of quality domestic Durum for two reasons: First, our farmers are not growing enough Durum to meet domestic production needs; and second, the Federal Government has been using the taxpayers' money to encourage and to subsidize the export of millions of bushels of Durum to foreign countries.

Now, in spite of this shortage and in spite of the fact that in this year alone taxpayers have subsidized the exportation of wheat to the tune of over $450 million, there is a sentiment in the wheat growing States that the Federal Government should impose trade restrictions on Canada. Imposing restrictions would either cut off the supply of Durum wheat to our American pasta manufacturers or make it so expensive that the same American consumers who are paying the export subsidies would have to pay more for their product here at home.

Mr. Speaker, if these restrictions are imposed they will inflict a permanent and devastating hardship on the domestic pasta industry, because the restrictions will severely hamper its ability to compete with foreign pasta, which is being imported into this country in record quantities. Any trade restriction on Durum wheat without corresponding restrictions on foreign pasta will ultimately result in lost jobs, closed plants, the possible eventual exportation of an entire industry, and ironically, the ultimate loss of the American Durum wheat farmers' largest domestic customers—the American pasta manufacturers.

In addition, if trade restrictions are imposed they will surely result in immediate retaliation by Canada on other American industries and commodities. It is no secret that Canada has prepared a list of products on which it may impose trade restrictions. This list reportedly includes rice, poultry, apples, baked goods, cereals, wine, fruit juice, and pasta.

Mr. Speaker, imposing trade restrictions on Canadian Durum wheat would be bad policy in and of itself, but if there is a need to do so then I would ask at the very last that our wheat farmers quit sending the United States taxpayers a bill for hundreds of million of dollars in export subsidies as well. This policy does not only make any sense whatsoever; it is unfair to the taxpayers.

Why, during these times of tight budgets and billion-dollar deficits, should our taxpayers be asked to pay export subsidies to Durum wheat farmers who could otherwise sell their crops to manufacturers right here in this country—when we cannot afford to build and maintain schools, put enough policemen on our streets, and provide many of our citizens with jobs and housing?

Mr. Speaker, I hope that efforts to impose restrictions on Durum wheat will be resisted by the President. This issue was recently considered and rejected by our Ways and Means Committee in connection with the GATT authorizing legislation. However, the other body is still considering the imposition of some type of restrictions on Canadian Durum in the near future. I intend vigorously to pursue this legislation and any other measures to eliminate subsidy payments for Durum wheat under the Export Enhancement Program.

At this point, I would like to insert for the RECORD data from a report published last month by the General Accounting Office entitled "Wheat Support—The Impact of Target Prices Versus Export Subsidies." These data show that during the past 10 years U.S. taxpayers have paid a total of more than $4.8 billion in wheat export subsidies. The choice is clear: We either stop subsidizing domestic wheat farmers or reject proposals to place import restriction on Durum wheat.

[From the United States Government Accounting Office, June 1994]

WHEAT SUPPORT—THE IMPACT OF TARGET PRICES VERSUS EXPORT SUBSIDIES

APPENDIX IV—EEP WHEAT BONUSES AND COUNTRY DESTINATIONS

[1985 Through March 17, 1994]

Country	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total
Soviet Union/FSU	$0	$0	$166,095,381	$281,798,920	$96,706.751	$75,822,425	$143,206,785	$349,596,280	$114,251,636	$32,918,316	$1,260,396,493
China	0	0	63,506,409	177,569,861	109,974,489	49,124,924	244,410,712	90,538,934	119,194,832	53,472,250	907,792,411
Egypt	10,920,275	23,881,846	52,566,539	51,612,030	25,079,721	18,891,877	82,696,974	180,091,945	78,751,866	84,148,095	608,641,168
Algeria	0	34,025,157	60,716,371	61,251,808	17,462,821	35,663,944	91,738,704	47,184,072	39,470,961	53,871,930	441,385,768
Morocco	0	22,938,732	68,106,688	41,047,134	9,698,911	5,934,169	18,542,543	17,732,285	77,930,238	19,971,328	281,902,027
The Phillippines	0	3,325,456	6,438,199	17,340,133	4,310,306	6,452,021	54,990,972	33,027,670	39,672,735	49,748,560	215,306,052
Poland	0	0	37,375,910	41,839,812	142,602	0	0	3,477,000	10,676,915	0	93,532,239
Tunisia	0	12,878,354	1,844,619	17,410,984	0	7,686,821	15,217,040	6,235,520	19,464,340	12,435,097	93,172,777
India	0	0	0	42,559,046	0	0	0	0	32,868,976	0	75,428,022
Sub-Saharan Africa	0	0	0	0	0	0	14,970,195	7,159,366	84,154,317	44,422,522	150,706,399
The Republic of Yemen	0	1,048,898	3,242,874	4,021,371	372,966	3,392,608	21,228,141	4,410,490	33,128,637	7,283,338	78,129,322
Sri Lanka	0	1,779,580	5,725,662	6,279,782	3,090,840	6,832,691	6,787,722	15,331,320	12,141,940	13,913,000	71,882,536
Jordan	0	4,016,732	8,558,924	758,417	2,237,979	7,378,819	18,635,183	1,284,048	14,520,603	13,872,882	71,263,587
Iraq	0	0	17,203,295	21,201,530	4,848,574	7,017,470	0	0	0	0	50,297,870
Pakistan	0	0	0	0	0	0	0	22,002,266	21,673,180	21,176,250	64,851,696
Bangladesh	0	0	8,825,420	3,638,882	5,471,262	0	1,422,900	13,892,344	4,715,250	3,581,200	41,547,259
Mexico	0	0	0	25,713,777	4,367,740	2,216,718	0	0	4,261,032	14,970,215	51,529,482
Colombia	0	0	0	8,630,019	2,049,879	2,242,558	15,689,692	0	0	0	28,612,148
Turkey	0	13,259,845	9,932,702	0	522,703	1,284,068	0	0	3,784,178	4,094,418	32,877,914
West & Central African countries	0	0	4,310,502	6,307,165	1,271,628	10,472,331	5,023,776	0	0	0	27,385,402
Brazil	0	0	1,601,490	0	0	0	20,135,852	873,250	3,667,607	0	26,278,199
Yugoslavia	0	7,278,721	17,486,052	0	119,070	314,437	0	0	0	0	25,198,280
South Africa	0	0	0	0	0	0	0	0	19,999,277	3,677,400	23,676,677
Venezuela	0	0	0	0	0	0	0	8,949,044	3,187,751	0	12,136,795
Zaire	0	2,042,126	3,025,190	1,802,251	737,899	1,123,901	2,198,564	0	0	0	10,929,931
Trinidad and Tobago	0	0	0	0	0	0	4,520,394	3,520,890	2,212,550	2,957,355	13,211,188
Norway	0	0	0	0	0	0	2,481,088	2,596,867	7,031,758	1,075,390	13,185,102
Romania	0	0	0	0	0	0	0	0	7,745,086	0	7,745,086
Bulgaria	0	0	0	5,652,590	0	0	0	0	0	0	5,652,590
Senegal	0	0	4,648,294	0	0	0	0	0	0	0	4,648,294
Lebanon	0	0	0	0	0	0	0	0	8,505,790	5,687,105	14,192,904
Finland	0	0	0	2,713,151	321,724	30,130	937,679	0	279,100	526,350	4,808,134
Slovenia	0	0	0	0	0	0	0	0	4,482,486	1,750,344	6,232,830
East European Countries	0	0	0	0	0	0	0	2,969,650	579,600	0	3,549,250
Malta	0	0	0	0	0	0	1,794,898	348,600	1,346,440	336,240	3,826,178
Kuwait	0	0	0	0	0	0	1,072,372	917,000	1,295,405	0	3,284,777
Cyprus	0	0	0	0	0	0	0	1,066,360	2,529,424	2,138,271	5,734,055
Benin	0	446,089	363,963	0	0	0	0	0	0	0	810,052
The Canary Islands	0	0	0	365,805	141,102	0	0	0	0	0	506,907
Bahrain and Kuwait	0	0	0	0	0	0	0	0	1,301,850	1,929,570	3,231,420
Nicaragua	0	0	0	0	0	0	0	0	0	1,634,979	1,634,979
Honduras	0	0	0	0	0	0	0	0	0	1,295,951	1,295,951
Wheat EEP total	10,920,275	126,921,536	541,601,483	819,534,468	288,928,967	241,881,914	767,702,185	813,205,199	774,825,767	452,888,356	4,838,410,152
EEP total	22,476,943	256,250,081	927,758,652	1,013,655,284	338,765,018	311,750,732	916,599,231	968,198,566	967,277,923	597,678,912	6,320,411,342
Percentage of EEP for wheat	48.6	49.5	58.4	80.8	85.3	77.6	83.8	84.0	80.1	75.8	76.6

Note: Years are in fiscal years.

HONORING "ADVOCATES FOR VICTIMS'" CARY DE LEON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to extend a well deserving recognition to Cary De Leon and the exceptional work she does with women who suffer domestic violence. Once again, Ms. De Leon was recognized by the HISPANAS Democratic Women's Club of Florida as the Woman of Excellence 1994. Ms. De Leon has dedicated the last 10 years of her life to the promotion and awareness of issues pertaining to the betterment of women.

As a volunteer with the Commission of the Status of Women and then as temporary chair of the very same commission, Ms. De Leon gained valuable insight into the deep rooted social problems well hidden in the Hispanic community. She was called to action by the staggering number of women who remain in the vicious cycle of physical and mental abuse who are unaware of the available resources.

As the coordinator of Advocates for Victims, Ms. De Leon is in charge of eight women's support groups in Dade County. She left her high paying public relations job 5 years ago and committed herself to educating the public of the crisis surrounding domestic violence.

Ms. De Leon also worked on a number of issues with the State attorney's office, where they challenged the judicial protection the State offered women in crisis. A year and a half ago, with the aid of several women's groups, the State attorney's office was able to open a court to deal specifically with domestic issues.

Ms. De Leon's work is not self serving nor does she stand to gain from it. Although underpaid, she is willing to forego this matter so that other women, including her daughter, will not have to endure some of the hardships women must suffer in today's society.

In honor of the hard work and dedication on behalf of all abused women, I pay tribute to Cary De Leon.

CONGRATULATING PRIME MINISTER RABIN AND KING HUSSEIN ON THE SIGNING OF THE WASHINGTON AGREEMENT

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Ms. SHEPHERD. Mr. Speaker, I rise today to congratulate Prime Minister Yitzhak Rabin of Israel and King Hussein of Jordan on their courageous moves toward peace. The agreement signed by these two men yesterday is a landmark in Israeli-Jordanian relations. In the months to come, as both sides undergo the difficult labor of negotiating the particulars of border crossings and water compacts, both sides will be able to lift their gaze from the thicket of details toward the central vision, as stated in the agreement: "the achievement of a just, lasting and comprehensive peace between Israel and its neighbors and * * * the conclusion of a Treaty of Peace between both countries."

The dream of peace has been long in coming, but it is now within our grasp. The forces of intolerance and hatred are strong, but the forces of reason and compassion are stronger. In this struggle, the leadership of men like Mr. Rabin and King Hussein is crucial. During our own Civil War, President Lincoln called upon us to listen to the "better angels of our nature" as we strove to bind up the wounds of war. Prime Minister Rabin and King Hussein have truly exhibited this spirit of reconciliation today. Let us pray that as the Jordanian and Israeli people move from the bitter adversity of war to the gentler labors of peace, they too will listen to their better angels. The face of peace in the Middle East, and in the world as a whole, depend on the ability to do so.

D-DAY JUMP

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. BUNNING. Mr. Speaker, last month just inland from the beaches of Normandy, at Ste-Mere-Eglise France, an historic event took place. Nothing like it has ever happened before and it is unlikely that anything like it will ever happen again. I'm speaking of the 19 U.S. paratroopers who parachuted from an aging C–47 to commemorate, in peace time, the D-day jump they made 50 years earlier in the heat of war.

I ask my colleagues to join me, just for a moment, to pay tribute to the spirit of these men who risked their lives 50 years ago to win a war and then made the same jump again this year to remind the Nation and the world of the contributions of their fallen and forgotten colleagues in World War II.

Like the vintage C–47 troop transport that they jumped from—the last of its kind—these men are true classics.

The 19 U.S. army paratroopers who participated in the Normandy invasion and parachuted again during the 1994 D-day commemoration are: Guy Whidden (MD), Carl Beck (GA), Richard Falvey (NY), George Yockum (CA), Troy Decker (NC), Gordon King (WI), Thomas Rice (CA), Rollie Duff (FL), Robert Dunning (GA), Ed Manley (FL), William Galbraith (CA), Robert Williams (KY), Warren Wilt (KS), William Coleman (NC), Richard Case (NV), Arnold Nagle (OH), William Priest (FL), Emmert Parmley (CA), Richard Tedeschi (NY).

TRIBUTE TO MAYOR ERWIN "RED" BECKER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. COSTELLO. Mr. Speaker, it is a great honor to pay tribute to a respected member of the 12th Congressional District of Illinois, Mayor Erwin "Red" Becker of Evansville, IL.

Mayor Becker was honored earlier this year by the Evansville Chamber of Commerce as Citizen of the Year for his outstanding leadership, during the Great Flood of 1993. Mayor Becker should be congratulated for his exceptional work to help his neighbors and local businesses coordinate the relief efforts of last year's flood. In addition, his contribution to the economic development of the Evansville riverfront has set in motion a plan to rebuild Evanville's historic downtown area.

Mr. Speaker, this gentleman has served the public with dedication and integrity, and I would like to offer my thanks to Mayor Becker for his contributions. I ask my colleagues to join me in recognizing Evansville Mayor Erwin "Red" Becker.

INTRODUCTION OF THE ENFORCEMENT SUPPORT ACT OF 1994

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. COOPER. Mr. Speaker, many Americans have been glued to their television sets over the past several weeks to witness the latest developments of the O.J. Simpson saga. The televised hearings stemmed from a tragic incident, but they have served a useful purpose in educating Americans about the judicial process.

The case has reminded us of the extremely influential role lawyers play in the criminal process. Under current law, crafty defense lawyers are able to avoid or overturn their clients convictions based on a variety of legal technicalities. Specifically, the exclusionary rule allows courts to keep highly relevant evidence seized from crime scenes away from juries if the police or prosecutors have not adequately jumped through all the legal hoops required by current law.

We are, all of us, outraged by the rising tide of crimes in this country. We have to plug the legal loopholes that let criminals go free. We have to allow the police to do their jobs.

That's why I am introducing today the "Law Enforcement Support Act of 1994." This bill reforms the exclusionary rule by requiring courts to admit evidence obtained in a search or seizure which was undertaken in good faith. If a police officer reasonably believes that he is acting in conformity with the fourth amendment, such evidence would not be excluded.

My bill is by no means revolutionary. Identical language was introduced on the House floor as an amendment to the Omnibus Crime Bill in the 102d Congress. It passed by a bipartisan vote of 247–165, only to be deleted in conference committee. This is a reasoned, deliberate approach to a difficult problem and has broad support in the law enforcement community.

A strong show of support for my measure could convince House leaders to bring this issue to the floor for consideration before the August recess.

We should not handcuff the police as they fight their continuing battle against crime. I urge my colleagues to cosponsor and support the Law Enforcement Support Act of 1994.

THE 50TH ANNIVERSARY OF FIRST WARD FIRE COMPANY

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. McDADE. Mr. Speaker, on August 6, the First Ward Fire Company will celebrate its 50th anniversary of service to the community of South Williamsport, PA.

This important anniversary recognizes the contributions of hundreds of firefighters who have donated their time and energy to the protection of the community. Their contribution to the safety and well-being of South Williamsport cannot be overstated.

The First Ward Fire Company was organized on October 5, 1944. Its first vehicle was a donated hearse and civil defense pump trailer. In 1945, the company purchased its first new truck, a John Bean high pressure fog truck. In its early years, the company supported itself with fish fries, wartime blood drives, carnivals and circuses.

New and improved equipment was purchased in the succeeding decades, and fund raising expanded to donations, direct business gifts, annual coin card drives, grants from the borough council and the levying of a fire tax, which was shared by all three borough fire companies. This cooperation brought about the formation of the South Williamsport Fire Department.

The company now resides at a fire station built in 1973 after flooding from Hurricane Agnes damaged the fire station beyond repair. The company has continued its growth with the purchase of modern new equipment and the development of a Water Rescue Team.

The Fire Company was instrumental in developing a modern fire service in the 1980s and was a founding member of the Central Area Fire Chiefs' Association which operates the largest weekend training experience on the east coast.

The best American traditions of neighbors caring for each other and commitment to community are represented during the first 50 years of the First Ward Fire Company. I am proud to represent the men and women of the South Williamsport area who have played a part through the years in the development of the Fire Company. I want to congratulate them for their contribution, and express my hope that the company experiences continued growth.

TRIBUTE TO BRUCE A. SCHURMAN

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. HASTERT. Mr. Speaker, it gives me great pleasure to rise today to honor an outstanding health administrator of Illinois' 14th Congressional District, Bruce A. Schurman.

Mr. Schurman is celebrating his 20th year of service to the Marianjoy Rehabilitation Hospital and Clinics, and his list of accomplishments are many. With a masters degree in psychology from Western Michigan University and a masters in hospital and health administration from the University of Iowa, Schurman held posts with the Illinois Department of Mental Health before joining Marianjoy in 1974. He has been CEO there since 1976.

"Rebuilding Lifestyles" is the motto at Marianjoy, and Schurman has worked to carry out that goal for the last 20 years. This year, Schurman was named to receive the 1994 March of Dimes Birth Defects Foundation's Achievement Award. March of Dimes chapter director Edward L. Stark was recently quoted as saying that Schurman's "vision and mission have always been to ensure that children and adults with disabilities receive every medical opportunity to return to their families, work, and independent living situations."

Under Schurman's leadership, the Joint Committee on the Accreditation of Healthcare Organizations in 1991 awarded Marianjoy "Accreditation with Commendation", its highest possible ranking. Marianjoy has also been named the Nation's outstanding large physical rehabilitation facility by the national Association of Rehabilitation Facilities.

Mr. Speaker, I ask you and my colleagues to join me in honoring this dedicated man, for his commitment to the disabled and to the community, and to join me in celebrating his 20 years of service to the Marianjoy Rehabilitation Hospital and Clinics of Wheaton, IL.

IN TRIBUTE TO COL. JAMES HAGERSTROM

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. McCRERY. Mr. Speaker, today, Air Force Col. James Hagerstrom will be laid to rest in Arlington National Cemetery. Colonel Hagerstrom died of stomach cancer at Overton Brooks VA Medical Center in Shreveport, LA, on June 24, 1994. He was 73. I rise today to pay tribute to this man who served his country valiantly in World War II, the Korean war, and Vietnam as well as to extend my deepest sympathy to his family for their loss.

The colonel was a remarkable man of great courage and skill. His ability as a pilot and warrior earned him a place among the greatest military men of his age. Colonel Hagerstrom was a double ace who downed six enemy planes in World War II and eight and one-half of our enemies in the Korean war. Only 13 airmen in our Nation's history have achieved this feat.

Overall, his abilities in the cockpit earned him the Nation's second-highest medal, the Distinguished Service Cross, the Silver Star and multiple awards of the Distinguished Flying Cross and the Air Medal. As if his efforts in World War II and Korea were not enough, he also saw service in Vietnam receiving the Republic of Vietnam Medal of Honor for his service there.

But his achievements in the Air Force were in no way the full measure of Colonel Hagerstrom. In addition to his military exploits, the colonel lived a rich family life. He and his wife Virginia shared a love for aviation as well as each other—Virginia having also been a pilot during World War II serving with the WASP's. This mutual understanding and appreciation for each other's work formed the foundation of a loving relationship that lasted throughout their marriage.

Avid sailors as well as pilots, the colonel and Virginia took their children on sailing trips to Mexico and beyond. On one occasion, Colonel Hagerstrom and Virginia sailed with four of their children to the South Pacific in a boat they had built themselves. Following his retirement from the Air Force in 1968, Colonel Hagerstrom and Virginia came to live first in the Marshall Islands and later in Guam. The colonel and Mrs. Hagerstrom lived the last few years of his life near their daughter in Mansfield, LA.

Great events summon great men. James Hagerstrom answered every call through some of the most momentous events of this century. His courage and skill in battle as well as his compassion for his family, his friends and his comrades were beyond question. His death takes from us all a man whose life stands as a shining tribute to man's greatest endeavor—a willingness, indeed an eagerness, to risk everything we have for the preservation of a stranger's freedom.

There is no way in this short memorial to pay adequate tribute to this man who dedicated his life to secure freedom for this Nation and for oppressed people throughout the world. The example of his life, as an airman, a husband and a father, speaks more clearly than anything I might say here.

THE 50TH ANNIVERSARY OF WARSAW UPRISING

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Ms. KAPTUR. Mr. Speaker, I rise tonight to again pay tribute to the courageous people of Poland on their upcoming 50th anniversary of the Warsaw uprising. Every night this week I will take out a special order to bring attention to this event. I will continue this evening by reading to the Membership, excerpts from the book, "Forgotten Holocaust: The Poles Under German Occupation, 1939–1944" by Richard Lucas.

> August 1, 1944, began cloudy and raining. It was unlike any other day in Warsaw. There was an electricity, a feeling of expectancy, that gripped the Poles. People streamed into the churches to hear mass. Irene Orsak, a nurse in the underground who suffered from heart trouble went to hear them think. A small bird fluttered into the church. It was not a good omen.
>
> There was a great deal of activity on the streets before the upheaval. Young boys crowded the trams and brashly occupied the front platforms reserved for Germans. On the sidewalks women with bundles hurried along, obviously carrying arms and ammunition to various assembly points.
>
> It was an enormous job to mobilize an army of approximately 25,000 to 28,000 men, to get personnel to their posts, to equip them with arms and ammunition, and still try to maintain secrecy. Bor had selected 5 p.m. as the precise time of the uprising, believing it was the best hours to surprise the Germans. At that time people would be returning from work, and heavy traffic would make it easier to conceal the units moving to their places.
>
> The AK looked like a motley bunch, dressed in all sorts of clothes, . . .
>
> The international flavor of the apparel reflected a plethora of nationalities and religions in the Home Army. In one battalion alone, after the uprising broke out, there were Catholics, Orthodox, Lutherans, Calvinists, and Hebrews of Polish Ukrainian, Byelorussian, Great Russian, Georgian, Armenian, Azerbaidjani, and Spanish origin. There was even a Frenchman with a tricolor in his cap. But they all wore the red and white Polish armband, the only item of dress common to all Home Army soldiers.
>
> The time had come.
>
> From all sides a hail of bullets struck passing Germans, riddling their buildings and their marching formations. In the twinkling of an eye, the remaining civilians disappeared from the streets. From the entrances of houses, our men streamed out and rushed to attack. In fifteen minutes an entire city of a million inhabitants was engulfed in the fight. Every kind of traffic ceased. As a big communications center where roads from north, south, east and west converged in the immediate rear of he German front, Warsaw ceased to exist. The battle for the city was on.
>
> The Home Army launching the uprising with three divisions, and to take over six municipal districts of the city . . .
>
> But only about 2,500 soldiers were properly armed on August 1.
>
> The Germans, on the other hand, had 15,000 to 16,000 well-armed troops who were supplemented and strengthened as the uprising progressed.
>
> The results of the first day's fighting revealed that the Poles had seized most of the city, but it proved a Pyrrhic and ephemeral victory. Not only did the Poles lose more than the Germans—2,000 against 500 casualties—but also they failed to take the kind of installations needed to prolong their ability to fight effectively . . . such as the four Vistula bridges, remained in German hands. The Poles, ignoring the principle of mass concentration, tried to take all of them at

once instead of concentrating on one or two . . .

The same problem of timing occurred in attacks against the airports . . .

The consequence was that the Luftwaffe could with ease attack the Polish capital by air, which they did at 2:00 PM on August 4—the first German air attack since 1939.

About 5,000 Home Army fighters, repulsed by the German defenders, followed their time-tested underground tactic of withdrawing into the adjoining forests—"do lasu"—not from cowardice but to regroup. Unfortunately, this was not a very wise tactic in trying to seize and hold a city since it further weakened the strength of an already seriously weak insurgent force in the citadel. Our authority estimated that these withdrawals, combined with losses by death and wounds, reduced the strength of the AK by half.

It would be easy to label the operations during these first days a tactical nightmare played out by military amateurs, but that would be misleading. Although the Poles failed to take the bridges, airports and key communication centers, they did acquire several important buildings, many of them housing military and police officers, that had a symbolic significance. This was not a small factor to a people oppressed for five years by Nazi occupation.

Moreover, by the second day, several vital installations—gas, electric and water works—were in Polish hands. The battle for the electric plant was especially fierce, but the building fell to the AK after a nineteen-hour fight, despite German shelling with 88mm guns, the plant operated until September 4, when air and artillery fire completely destroyed it.

This, plus Bor's faulty information (mentioned earlier) about the strength of Soviet forces near Warsaw, led him to underestimate the Germans' capabilities against both the Soviets and the Polish uprising.

. . . the Soviet government continued to claim . . . that it was unable to give any military aid to the Poles and even refused to allow the United States to use Soviet airfields to aid the beleaguered Poles.

The history of the Poles in the Warsaw Uprising is in a sense a collection of individual biographies of men and women, young and old, many of whom did some incredibly brave, humane and determined things.

One of the most impressive and determined evidences of Polish determination to wrest their capital from the enemy was the postal service which flourished during the uprising. It was operated by young boys and girls, none of whom was older than fifteen, who were members of the scouting movement. These Boy and Girl Scouts, wearing the red and white armbands the soldiers wore, executed their responsibilities with dedication and promptness. Since the Soviets had murdered many Polish physicians during the Chitin Massacre, there was a shortage of medical doctors.

Working in intolerable situations—frequently without water, toilet facilities and even adequate nourishment—these dedicated people did an outstanding job to bring succor to the wounded soldiers and civilians of the city.

"Warsaw will be wiped out," was Hitler's laconic reaction when he heard of the outbreak.

"After this uprising and its suppression Warsaw will meet its deserved fate; it will be completely destroyed." This kind of message was in character for the man who we will recall said in 1940, "If I were to have one poster hung up for every seven Poles who have been liquidated, all the forests in Poland could not supply enough paper."

"My Fuhrer," Himmler declared, "Warsaw . . . will be erased—this nation that has blocked our way to the East for the past 700 years and which has been a constant obstruction in our way since the first battle of Tarnnenberg . . . Then historically, the Polish problem will be no great problem at all, neither to our children nor to all those who will come after us and not even to us."

Then Himmler went to Posen, where he dispatched for Warsaw most of the police force of the city—some with artillery—together with the SS Brigade Dirlewanger and the SS Brigade Kaminski.

Himmler gave his units carte blanche—they were told to shoot everyone, including women and children, and they were permitted to loot.

The order was to set fire to every block of houses and blow them up.

The Germans discovered to their dismay that it was not going to be so easy to stop the upheaval.

The German troops, already suffering from low morale before August 1, frequently shot wildly and fought in isolated groups. No one knew always who was friend and who was foe. The reinforcements sent by Himmler contributed further to the chaos by their looting and indiscriminate killing. Warsaw had no battle lines during these days; the city was a shifting maze of people in a boiling cauldron.

German fighting strength in Warsaw doubled.

SUPPORT FOR THE U.S. LABOR ATTACHE CORPS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. SANDERS. Mr. Speaker, I am very pleased today to be an original cosponsor of a concurrent resolution to affirm strong congressional support for the retention and expansion of the U.S. Labor Attache Corps.

The time has come to recognize and applaud the tremendous contributions that the U.S. Labor Attache Corps has made since its establishment in 1943. Furthermore, I firmly believe that the Corps is needed now more than ever given the accelerating integration of the global economy.

Why?

First, they will provide better understanding of the domestic political processes in the host foreign country.

Probably the most compelling justification for the Labor Attache Corps is that the labor attache can provide the U.S. Embassy with a broader, more indepth understanding of the political processes of the host foreign country. At the founding of the Labor Attache Corps in 1943, the U.S. State Department specifically recognized that in a complex, interdependent, and often dangerous world, U.S. diplomacy needed to go beyond the traditional focus of the U.S. Foreign Service on senior Governmental and Foreign Ministry officials; it need to factor in broader understanding of the political processes, especially in friendly democratic societies.

This logic remains persuasive today. The labor attache can't replace U.S. Embassy contacts with senior Government officials and traditional elites, but the labor attache can supplement those contacts in very unique and important ways and, in so doing, enhance the development of the U.S. Embassy's collective understanding and analysis of the host country. He or she can provide a crucial "reality check" or "second opinion" for those U.S. Embassy officials who are either unaware or would otherwise choose to ignore political currents at the grassroots.

Second, the U.S. Labor Attache Corps is a vital instrument for democratic institution building. The United States has a stated national interest in promoting democratic institutions around the world. We believe we are safer in a world which shares our democratic values regarding the right of all peoples to physical security, a decent standard of living, and equal justice for all. Free, independent and democratic trade unions are clearly an essential part of free, independent, and democratic societies.

The United States spent trillions of dollars on the cold war. In the post-cold war era we must continue to work for the democratic world we prize. The U.S. Labor Attache Corps can play a critical role in supporting and complementing the efforts of the four AFL–CIO institutes and others who are committed to building international respect for the fundamental rights of working people everywhere, but especially in developing countries and the successor countries of the former Soviet Union and Eastern Europe. The stakes are high; the challenges are many; and the costs of failure unpredictable. The real question is: Do we have the vision and will to give it our best shot?

Third, the U.S. Labor Attache is invaluable in responding to the needs and interests of the U.S. community who are committed to promoting respect for internationally-recognized worker rights at home and abroad. Just as commercial attaches support and promote the interests of the business community and agricultural attaches do the same for the farm community, so, too, labor attaches serve the comparatively broader interests of all working people. This includes developing contacts and exchange activities with the host country's organized and unorganized workers, supporting the work of indigenous labor rights activists and local representatives of the AFL–CIO technical assistance institutes, and assisting the international activities of the U.S. Department of Labor.

This important work also includes political analysis of the disparate elements of the indigenous labor movement in the host country and their roles in the political processes in addition to an economic analysis of that particular labor market and its potential impact on American workers.

A revitalized U.S. Labor Attache Corps with a newly-revised mandate will provide great insights and practical guidance in the post-cold war era to government, business, and labor leaders everywhere on how to better manage global economic integration to the benefit of working people.

THE MARINE AQUACULTURE ENHANCEMENT ACT

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1994

Mr. REED. Mr. Speaker, I am pleased today to join my colleague, Mr. STUDDS, the distinguished chairman of the Committee on Merchant Marine and Fisheries, in introducing the Marine Aquaculture Enhancement Act.

This bill is intended to foster economic growth and create jobs by encouraging aquaculture development in our lakes and coastal areas.

Other nations around the world have already recognized the potential of aquaculture and the important role that government can play in developing this industry. The Governments of Japan, Norway, and Chile are supporting aquaculture development programs and giving their citizens the opportunity to reap the accompanying economic rewards. In fact, these countries are exporting their aquaculture harvests of fish and shellfish to America.

The Marine Aquaculture Enhancement Act authorizes the Secretary of Commerce, acting through the National Sea Grant College Program, to award aquaculture-related grants. These grants can be used for aquaculture research and development and to fund projects that accelerate the development, growth, and commercialization of the domestic marine aquaculture industry. This grant program will be authorized at $5 million in 1995 and 1996, and $7 million in 1997 and 1998.

I was pleased to have the opportunity to add language to this bill that will also make these grants available to States like Rhode Island that need to develop a comprehensive aquaculture strategy.

At the turn of the century, Rhode Island shellfishermen harvested so much shellfish from Narragansett Bay that this harvest would be worth almost $1 billion at today's prices. Today, Rhode Island's much smaller shellfish harvest isn't even worth one-tenth this price.

There are many reasons why the number of shellfish harvested in Rhode Island waters has declined in the last century. Pollution, development, disease, and overharvesting have all contributed to the decline in harvests. I also believe our State has suffered because there has been no clearly defined plan for aquaculture development in Rhode Island.

Under my language, States like Rhode Island that have no comprehensive plan for aquaculture development will, for the first time, have access to a Federal grant program that can be used to get started in the process of creating jobs and economic development through aquaculture.

The Marine Aquaculture Enhancement Act also creates a grant program modeled after a shellfish seeding program operating in Nantucket. This grant program is designed to enhance the profitability of existing aquaculture resources. Under this program, a total of $6 million will be available to States to expand ongoing projects related to aquaculture.

Working with Congressman STUDDS, I was successful in adding language to this bill that will make Rhode Island Quahog transplant operations eligible for these funds.

According to the Associated Press—

> There was a time when almost half the clams offered on this nation's restaurant menus came from Rhode Island. Today the claming industry in that tiny state is at low tide, another casualty of pollution.

By transplanting clams from high bacteria areas of Narragansett Bay to clean areas of the bay, the clams are given the opportunity to clean themselves and eventually be ready for harvest. This sounds like a simple proposition, but Rhode Island lacks a steady funding source to pay clam diggers to conduct transplant operations. Under this bill, Rhode Island's Quahog transplant operations will have a chance to thrive long into the future, providing jobs and income to families that depend on clam harvests.

In addition to the language I have added, the Marine Aquaculture Enhancement Act is a bill that holds the promise of a prosperous future for my home State of Rhode Island. The University of Rhode Island is the world's finest center for coastal resource research. The planned construction of the Coastal Resource Center at URI will add to this well-earned reputation for world class research. The Marine Aquaculture Enhancement Act, used in tandem with the knowledge of coastal resource experts at URI, will enable local business men and women to turn scientific research into jobs and economic prosperity for Rhode Island.

This is a modest bill, but it does not take a lot of money to marry marine aquaculture and economic development. An example of this principle can be seen in a recent column by Providence Journal-Bulletin business editor Peter Phipps. Phipps chronicles how a modest 1986 investment of $20,000 made by the State of Connecticut in aquaculture development has turned into a $33.3 million oyster business and created 500 jobs. With the help of the Federal Government, other States will now be able to follow Connecticut's lead. I request that Mr. Phipps' article be included in the RECORD at the conclusion of my statement.

Although differences remain over the best way to create a sustainable aquaculture industry in the United States, I believe that this legislation will serve as an important first step in helping coastal States like Rhode Island fully utilize their scientific expertise and entrepreneurial spirit in developing and sustaining our marine resources. As a member of the Merchant Marine and Fisheries Committee, I plan to work to see that this bill becomes the law of the land.

[From the Providence Journal-Bulletin, June 26, 1994]

CONNECTICUT PROVES A "DEVELOPMENT" POINT WITH ITS REVIVED OYSTER BEDS

(By Peter Phipps)

We tend to write a lot about government when it wastes money.

Recently staff writer Nora Lockwood Tooher went to Connecticut to find out why in the world the state was spending $200 million to prop up its defense industries.

It didn't seem to make any sense, especially when the grants, tax breaks, loan guarantees and other incentives failed to stop the layoffs.

In fact, the taxpayers got no guarantee the companies will stay in the state after their money runs out.

"There's a real question," says Fleet's chief economist Gary Ciminero, "whether it's wise to engage in an industrial policy that throws money into industries in an inevitable decline."

In Connecticut, its' defense jobs. In Rhode Island, it's the construction of a $350-million convention center when the country already had more convention capacity than it needed.

Rhode Island's pols built it anyway. They weren't alone. And that's part of the problem.

"The expansions suggest a booming industry," wrote Lawrence Tabak in the April Atlantic magazine, "yet demand for space has shown essentially no growth over the past two years."

Oh sure the Convention Center's backers can marshal evidence to show how the building will pay for itself. And maybe it will.

But, as Tabak pointed out, no one ever asked whether all that money might have been better spent invested in, say, education, the clean-up of the Bay or the establishment of a small-business loan fund.

Too often this kind of soft thinking is what the taxpayers get when government engages in "economic development." Few private companies would throw the dice on ventures as risky as defense conversion or a convention center. Their stockholders wouldn't allow it.

But government, for all its flaws, can also pick a winner. And there's no better example of that than Connecticut's investment in the revival of its oyster industry.

Once one of Connecticut's largest employers, oystering had dwindled, by the mid-1980s to a $5 million-a-year business.

The state-owned oyster beds off Bridgeport and Stratford, which once supported 1,000 workers, had lain fallow for maybe 50 years.

Water quality started improving in the '70s with the passage of the Clean Water Act. And the salinity and water temperature of the Bridgeport-Stratford beds were still perfect for the spawning and growth of baby oysters.

The problem was that, to develop, oyster larvae need to attach to a clean shell or rock. The bottom of that part of Long Island Sound was fouled with algae and silt.

Then in the spring of 1986, marine biologist John Volk managed to get his hands on $20,000 left over in the Agriculture Department's budget. It was enough for Volk's Aquaculture Division, working with private shellfishers, to clean 20 to 30 acres of Long Island Sound. They then spread 20,000 bushels of clean shell.

The experiment went well and that fall Volk went to the legislature for enough money to revitalize all 3,000 acres.

"It was a tough sell," Volk recalls. The politicians were skeptical. "There were a few legislators who looked at this as a subsidy."

But he said all the usual things about jobs and economic development and got $1.3 million at first and later another $4 million to buy about 5 million bushels of clean shell.

Starting in the spring of 1987, the state and the private companies cleaned the bottom of the Sound and put down 2,000 shells per acre. That summer, the temperatures were right—between 67 and 70 degrees—and the currents were right and the spawning went "very well," Volk says.

That fall the baby oysters, or "seed," were harvested and sold for transplanting to beds in deeper waters.

The growing oysters are picked up and moved around for another three or four years until they are large enough to harvest. And the prime, state-owned oysters grounds are then "replanted" with fresh shell for the next spawning.

The results have been almost too good to believe. The wholesale value of Connecticut's oysters harvest nearly doubled to $9 million in 1988. In 1991, the total hit $33.3 million and then $50 million in 1993.

The state now issued 150 to 200 licenses a year for the "seed" beds and leases another 40,000 acres in deeper water to 110 other oyster-men, all of which means that the taxpayers' $5.3 million has created some 500 jobs.

The oyster industry couldn't have done this on its own. For one thing, the public owned and controlled the prime seed beds. Beyond that, Volk says, "it was the state that came around and said, 'we've got to do this—it's an important natural resource.'"

It can happen. Not all government programs are a waste of money. "Economic development" doesn't have to be a hollow phrase.

Every once and a while it's good for everyone to be reminded of that.